

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, APRIL 2, 2008 AND THURSDAY, APRIL 3, 2008.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **April 2, 2008**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. Absent: Ramos.

1. **STAFF BRIEFING ON THE FIVE-YEAR INFRASTRUCTURE MANAGEMENT PROGRAM THAT INCLUDES STREET MAINTENANCE, DRAINAGE MAINTENANCE, SIDEWALKS, TRAFFIC SIGNALS, AND ALLEY MAINTENANCE.**

Mr. Majed Al-Ghafry, Director of Public Works, presented the 2008-2012 Infrastructure Management Program (IMP) and noted that Alley Maintenance had been added to the list of incorporated programs. He spoke of the benefits of the IMP, including savings in soft-costs with multi-year contracts and, improved coordination in scheduling.

Mr. Al-Ghafry addressed the Street Maintenance Program, noting that 99% of the 2006/2007 projects had been completed and 51% of the 2008/2009 in-house projects were complete. He noted that the factors used to select streets for this program were Pavement Condition Rating (PCR), Street Classification, Multi-Modal Component, and Service Requests. Mr. Al-Ghafry reported that 65% of the Drainage Maintenance projects had been completed, as well as 36% of the 2008 Sidewalk projects. He stated that of the eleven Traffic Signals in various stages of the design process, six had been designed, and all signals would be completed and operational by September 30, 2008. He spoke of the Alley Maintenance Program and the criteria for selection. Lastly, he reviewed the various ways that the department would notify the community of their selection, location, and progress and concluded with an overview of the redesigned Public Works Website and its features.

Councilmember Cisneros asked if sidewalks near schools would be given priority and who would be contributing to the Traffic signals. Mr. Al-Ghafry stated that, yes, schools would be given priority. He noted that Texas Department of Transportation would have three signals, the City would have three signals, and five signals would be contracted out. Councilmember Galvan asked of issues that come up in these types of projects that impacted the budget and emphasized the need to verify the work completed by contractors. Mr. Al-Ghafry stated that issues would always appear in these types of projects, but that they would not impact the budget. He confirmed that quality control was a priority for the City.

Councilmember McNeil asked about increasing the liability insurance amount that contractors carry. Mr. Al-Ghafry stated that an increase may deter contractors from bidding. Ms. Sculley suggested researching the average warranty period of other cities and their consequences.

Councilmember Rodriguez asked if there was a regional aspect to the selection of streets repaired and how difficult it would be to get a project moved up or included. Mr. Al-Ghafry stated that the current year was locked in, but there was some flexibility to the following years of the program.

Councilmember Cibrian noted the need for a meeting regarding pavement conditions and sidewalks. She stated that she understood that poor conditions were partly a result of deferred maintenance and that the City needed to be proactive rather than reactive.

There being no further discussion, Mayor Hardberger adjourned the meeting at 4:30 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **April 3, 2008** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Chaplain Ronald Adams, San Antonio Fire Department, guest of Councilmember Delicia Herrera, District 6.

Mayor Hardberger led the Pledge of Allegiance to the Flag of the United States.

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** Galvan. Mrs. Vacek reported that Councilmember Galvan was absent due to travel outside the country.

MINUTES

Councilmember Herrera made a motion to approve the Minutes for the March 6, 2008 City Council Meeting. Councilmember Cibrian seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Galvan.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2008-04-03-0240

Item 4. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF \$2,857,292.69 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND \$845,390.47 IN HOME INVESTMENT PARTNERSHIP GRANT (HOME) FUNDS AVAILABLE FROM FY 2005-2006 AND FY 2006-2007 COUNCIL DISTRICTS 1, 3, 5, 6, 7, AND CITY-WIDE PROJECT COMPLETIONS, PROGRAM INCOME FUNDS AND CANCELED PROJECTS TO ADDRESS EXISTING PROJECT SHORTFALLS AND NEW PROJECTS; AUTHORIZING THE CLOSE-OUT AND CANCELLATION OF AFFECTED PROJECTS AND THE CREATION OF APPROPRIATE PROJECTS AND PROJECT BUDGETS; AUTHORIZING THE CONSOLIDATION OF THE REMNANT FUNDS FROM PREVIOUS FUND YEARS FOR THE HOUSING AND NEIGHBORHOOD SERVICES DEPARTMENT'S OWNER-OCCUPIED HOUSING REHABILITATION AND RECONSTRUCTION INTO ONE FUND NOT TO EXCEED \$615,807.00 IN CDBG FUNDS AND \$677,300.00 IN HOME FUNDS; REVISING THE APPROPRIATE PROJECT BUDGETS; ESTABLISHING ACCOUNTS; AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH; AND PROVIDING FOR PAYMENT.

Mr. Andrew Cameron, Director of Grants Monitoring and Administration, presented said item. He summarized the proposed reprogramming of Community Development Block Grant (CDBG) and HOME Funds, and explained that the reprogramming was due to the following: projects funded but not implemented, completed with a fund balance, contracted with excess funds, or determined to be ineligible. Mr. Cameron outlined all Funding Requests and CDBG and HOME Revenues. Lastly, he provided a list of the various projects being recommended for funding per Council District.

There being no citizens to speak on this matter, Councilmember Cortez moved to adopt the proposed Ordinance with the condition that \$100,000 be reprogrammed and allocated to the Cortez Branch Library. Councilmember Ramos seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Galvan.

2008-04-03-0241

Item 5. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE TERMINATING TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY, CITY OF SAN ANTONIO, TEXAS (ROSILLO CREEK) AND DISSOLVING ITS BOARD OF DIRECTORS AND TAX INCREMENT FUND.

Mr. David Garza, Director of Housing and Neighborhood Services, presented said item. He stated that staff recommended that Tax Increment Reinvestment Zone (TIRZ) #20 be terminated and that the Board of Directors and TIRZ Fund for the zone be dissolved. He noted that the project was required to complete 50% of the commercial construction for years 1, 2 and 3 from the date of creation but there had been no construction to date. He added that the Developer sold the tracts to the City of Windcrest Economic Development Corporation and had agreed in writing to dissolve the zone.

Councilmember McNeil asked how long the TIRZ had been in place and if there had been any increment accrued. Mr. Garza stated that it was designated in December 2004 and there had been no construction and no increment accrued.

There being no citizens to speak on this matter, Councilmember McNeil moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, and Mayor Hardberger. **NAY:** None. **ABSENT:** Galvan and Clamp.

POINT OF PERSONAL PRIVILEGE

Councilmember McNeil recognized City Staff on Item 37. She thanked them for bringing the YMCA Project forward and stated that it was very important to her community.

CONSENT AGENDA: Items 6 -38C

Consent Agenda Items 7, 8, 9, 11, 12, 15, 16, 19, 21, 25 and 34 were pulled for Individual Consideration. Councilmember Rowe moved to approve the remaining Consent Agenda Items. Councilmember Ramos seconded the motion.

Mr. Nick Dunn, owner of The Money Box, spoke in reference to Item 29. He stated his opposition to payday lending and noted that The Money Box was a service center. He added that their fee for cashing checks was only 1% and had stayed the same since it opened over 37 years ago. He requested that The Money Box not be included in the ordinance.

Mrs. Vacek read written testimony from Mr. Faris Hodge, Jr. on items 26 and 36. For Item 26, Mr. Hodge wrote that he would like for the Alamodome to be named after him. He stated that people should receive flowers while they were still alive so that they could smell them and should be recognized for their achievements before they passed on. On Item 36, Mr. Hodge wrote that City Libraries should place filters on computers and expressed concern of access to pornography while young children wait in line to use the computers.

The motion to approve the remaining items on the Consent Agenda prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Galvan.

2008-04-03-0242

Item 6. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2007-2008 FOR A COMBINED ESTIMATED COST OF \$373,000.00, INCLUDING: (A) BICYCLE PATH PAVEMENT MARKINGS; (B) HERBICIDES; AND (C) LED TRAFFIC SIGNAL LIGHTS.

2008-04-03-0246

Item 10. AN ORDINANCE AUTHORIZING ISSUANCE OF A \$415,094.48 JOB ORDER TO CONCOR/APM JV AND APPROPRIATING FUNDS FROM 2008 CERTIFICATES OF OBLIGATION, IN CONNECTION WITH THE ROOF REPLACEMENT OF FOUR POLICE SUBSTATIONS LOCATED AT 13030 JONES MALTSBERGER, 7010 CULEBRA, 711 MAYFIELD AND 5020 PRUE, DISTRICTS 3, 6, 8, AND 9.

2008-04-03-0249

Item 13. AN ORDINANCE AUTHORIZING AN AMENDMENT TO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HDR ENGINEERING, INC. IN THE AMOUNT OF \$11,454.80 FOR ADDITIONAL CONSTRUCTION PHASE ENGINEERING SERVICES, AND APPROVING CHANGE ORDER NO. CIMS-01 IN THE NET INCREASED AMOUNT OF \$143,536.12 TO THE CONSTRUCTION CONTRACT WITH JERDON ENTERPRISES, IN CONNECTION WITH THE CITY-WIDE BICYCLE PROJECT GROUPS II AND III, LOCATED CITY WIDE, AND APPROPRIATING \$238,583.78, OF WHICH \$166,763.50 WILL BE REIMBURSED BY TEXAS DEPARTMENT OF TRANSPORTATION.

2008-04-03-0250

Item 14. AN ORDINANCE APPROVING A TOTAL OF \$133,333.49, TO INCLUDE A \$109,559.15 PAYMENT UNDER AN EXISTING INDEFINITE DELIVERY CONTRACT WITH RAM BUILDING SERVICES LLC., FOR MATERIAL TESTING IN CONNECTION WITH THE SIMS STREET: CHARLOTTE STREET TO WESTWAY DRIVE HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM PROJECT LOCATED IN COUNCIL DISTRICT 5; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

2008-04-03-0253

Item 17. AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH SPIRIT AIRLINES AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A TERM COMMENCING ON OR ABOUT APRIL 14, 2008 WITH ESTIMATED RENTALS OF \$13,921.97 PER MONTH.

2008-04-03-0254

Item 18. AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS, AND RELATED RIGHTS OF INGRESS AND EGRESS FOR THE EXPANSION AND OPERATION OF THE CITY OF SAN ANTONIO'S WATER AND WASTEWATER UTILITY SYSTEM, IN CERTAIN PRIVATELY OWNED REAL PROPERTY LOCATED IN SOUTHEAST QUADRANT OF BEXAR COUNTY, TEXAS (THE "PROPERTY") BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, THE PROPERTY TO BE ACQUIRED CONSISTS OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AS DESCRIBED BELOW:

LEGAL DESCRIPTION

1. 0.058 acre tract out of NCB 10577
2. 0.335 acre tract out of NCB 10677
3. 0.053 acre tract out of NCB 10626
4. 0.267 acre tract out of NCB 10578
5. 0.323 acre tract out of NCB 10578
6. 0.038 acre tract out of NCB 10578
7. 0.206 acre tract out of NCB 10571
8. 0.234 acre tract out of NCB 10747
9. 0.084 acre tract out of NCB 10583
10. 0.642 acre tract out of NCB 10583
11. 0.587 acre tract out of NCB 10748

FOR THE PUBLIC PURPOSE OF THE EXPANSION AND OPERATION OF THE WATER AND WASTEWATER SYSTEM, INCLUDING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SANITARY SEWER LINES AND RELATED APPURTENANCES COMMONLY REFERRED TO AS THE EASTERN WATERSHED SEWER RELIEF LINE E-03 PROJECT (COLLECTIVELY, THE "PROJECT"); AUTHORIZING ALL APPROPRIATE ACTION OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE ANY SUCH NEEDED PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND RELATED RIGHTS OF INGRESS AND EGRESS THAT CANNOT BE ACQUIRED THROUGH NEGOTIATION; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES TO ACQUIRE SUCH PERMANENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS, AND RIGHTS OF INGRESS AND EGRESS.

2008-04-03-0256

Item 20. AN ORDINANCE DECLARING 214 THELKA STREET, DISTRICT 3, SURPLUS TO THE CITY'S NEEDS AND AUTHORIZING ITS SALE TO YOLANDA GUERRA DELGADO IN HER

CAPACITY AS INDEPENDENT EXECUTRIX OF THE ESTATE OF ALICE GUERRA, FOR A TOTAL PRICE OF \$2,800.00, THE CITY'S SHARE BEING \$1,316.00 AND THE BALANCE GOING TO OTHER TAXING AUTHORITIES.

2008-04-03-0258

Item 22. AN ORDINANCE AUTHORIZING THE CITY TO GRANT TO ROGERS PLACE, LLC A 16-FOOT WIDE PERMANENT SANITARY SEWER EASEMENT AND A 25-FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT TO SERVICE THE FUTURE DEVELOPMENT OF CULEBRA POINTE SUBDIVISION, DISTRICT 6, FOR A \$9,207.00 FEE.

2008-04-03-0259

Item 23. AN ORDINANCE LICENSING NORTHEAST INDEPENDENT SCHOOL DISTRICT TO INSTALL FIBER CABLE OVER W. RAMPART STREET, BETWEEN MCCULLOUGH AND AHERN AVENUES, DISTRICT 1, AND IMPOSING A \$5,000.00 LICENSE FEE.

2008-04-03-0260

Item 24. AN ORDINANCE GRANTING AN EASEMENT FOR A NEW SEWER LINE LOCATED WITHIN NCB 14945, DISTRICT 10, AS REQUESTED BY ALAMO GARDEN, INC. FOR A \$7,500.00 FEE.

2008-04-03-0262

Item 26. AN ORDINANCE APPROVING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN CONNECTION WITH THE 2008 FIESTA SAN ANTONIO CELEBRATION; APPROVING THE LOCATIONS, DATES AND TIMES FOR THE FIESTA CARNIVAL AND OFFICIAL FIESTA EVENTS, AND RELATED REQUIREMENTS AND CONDITIONS; AND APPROVING THE FIESTA PARADE ROUTES.

2008-04-03-0263

Item 27. AN ORDINANCE APPROVING A \$100,000.00 GRANT AGREEMENT WITH BIOMED SA FOR PROMOTING AND ASSISTING WITH THE DEVELOPMENT OF THE TARGETED BIOTECHNOLOGY AND HEALTHCARE INDUSTRY IN SAN ANTONIO.

2008-04-03-0264

Item 28. AN ORDINANCE APPROVING TWO CONTRACTS WITH GLAXOSMITHKLINE CORPORATION, ONE FOR AN AMOUNT UP TO \$126,480.00 FOR THE MEASLES, MUMPS, RUBELLA AND VARICELLA STUDY WHICH WILL RUN UNTIL JANUARY 30, 2011, AND ONE FOR UP TO \$48,169.00 FOR THE HUMAN PAPILLOMAVIRUS STUDY WHICH WILL RUN UNTIL DECEMBER 31, 2010 TO BE CONDUCTED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; AND AUTHORIZING PAYMENTS.

2008-04-03-0265

Item 29. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING PROCEDURES TO DEFINE AND SPECIFY LOCATIONAL CRITERIA FOR PAYDAY LOAN AGENCIES AND CHECK CASHING FACILITIES AS REQUESTED BY COUNCILMEMBER MCNEIL, DISTRICT 2.

2008-04-03-0266

Item 30. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY AMENDING HEIGHT LIMITATIONS AND THE MINIMUM ACREAGE REQUIREMENTS TO ZONE AND DEVELOP A MASTER PLANNED COMMUNITY DISTRICT (MPCD) AS REQUESTED BY COUNCILMEMBER CIBRIAN, DISTRICT 8.

2008-04-03-0267

Item 31. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING VARIOUS PROVISIONS FOR CLARIFICATION AND ADMINISTRATION; AND PROVIDING FOR PENALTIES AND PUBLICATION.

2008-04-03-0268

Item 32. AN ORDINANCE DISSOLVING THE SOUTH FORT SAM HOUSTON GATEWAY COMMERCIAL DISTRICT ADVISORY BOARD AND CREATING A FORT SAM HOUSTON COMMUNITY ADVISORY BOARD TO ADVISE THE CITY COUNCIL AND THE MILITARY TRANSFORMATION TASK FORCE ON CHANGES THAT WILL TRANSFORM FORT SAM HOUSTON AND THE SURROUNDING AREA, AS REQUESTED BY COUNCILWOMAN SHEILA D. MCNEIL.

2008-04-03-0269

Item 33. AN ORDINANCE REALLOCATING \$39,646.00 IN CONTRACT FUNDS FROM THE GIRLS AND BOYS TOWN OF SAN ANTONIO; APPROVING A \$7,646.00 CONTRACT AMENDMENT WITH ROY MAAS YOUTH ALTERNATIVES, INC. TO SUPPORT ADDITIONAL SHELTER NIGHTS AND ALLOCATION OF THE \$32,000.00 BALANCE TO A CONTRACT WITH GOODWILL INDUSTRIES OF SAN ANTONIO FOR SUMMER YOUTH EMPLOYMENT OPPORTUNITIES; AND APPROVING CONTRACTS WITH FAMILY SERVICE ASSOCIATION OF SAN ANTONIO, INC., GOODWILL INDUSTRIES OF SAN ANTONIO AND JOVEN FOR \$83,600.00, \$123,400.00 AND \$75,000.00, RESPECTIVELY, FOR SUMMER YOUTH EMPLOYMENT OPPORTUNITIES.

2008-04-03-0271

Item 35. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AGREEMENT FOR SURPLUS ELECTRONIC AND COMPUTER EQUIPMENT RECYCLING AND DISPOSAL SERVICES WITH IMAGE MICROSYSTEMS TO INCREASE THE ESTIMATED EXPENDITURE BY \$100,000.00, FOR A TOTAL ESTIMATED EXPENDITURE OF \$125,000.00.

2008-04-03-0272

Item 36. AN ORDINANCE APPROVING A CONCESSION CONTRACT WITH JAVANOOK, LLC FOR THE PROVISION OF COFFEE SERVICE AT THE CENTRAL LIBRARY FOR AN ANNUAL CONCESSION FEE OF \$9,450.00.

2008-04-03-0273

Item 37. AN ORDINANCE APPROVING A FUNDING AGREEMENT WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER SAN ANTONIO (YMCA), FOR THE EXPENDITURE OF UP TO \$4,000,000.00 FOR THE DEVELOPMENT OF A NORTHEAST AREA RECREATIONAL FACILITY LOCATED IN CITY COUNCIL DISTRICT 2.

Item 38. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, FOR TERMS OF OFFICE COMMENCING IMMEDIATELY UPON APPOINTMENT:

- A. Reappointing Theresa R. Leal (District 7) to the City of San Antonio, Texas Education Facilities Corporation for the remainder of an unexpired term of office to expire December 15, 2009.
- B. Reappointing to the San Antonio Development Agency Board of Directors: Ralph (Troy) Elliott, Lori L. Hall, and Oscar Serrano, and appointing Carol Rodriguez for the remainder of unexpired terms of office to expire December 18, 2009; and appointing Ronald Anderson and Yonnie Blanchette for the remainder of unexpired terms of office to expire December 18, 2008.
- C. Reappointing William R. Grinnan (Riverbend Lessee), Ray Halani (Business Owner/ Not a Lessee), and Joan M. Korte (Downtown Resident/ Not a Lessee), to the RiverWalk Capital Improvements Advisory Board for the remainder of unexpired terms of office to expire December 19, 2009.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinances:

2008-04-03-0243

Item 7. AN ORDINANCE RATIFYING CHANGE ORDER 21 IN THE AMOUNT OF \$156,381.20 TO THE \$43,631,219.61 CONSTRUCTION CONTRACT WITH BARTLETT COCKE/WALBRIDGE, J.V. FOR ASPHALT REMOVAL AND DISPOSAL IN CONNECTION WITH PROJECT 10 – VOLUME 7 – GARAGE FOUNDATIONS, STRUCTURE AND SYSTEMS AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A REVISED CONTRACT VALUE OF \$43,787,600.81.

2008-04-03-0244

Item 8. AN ORDINANCE AUTHORIZING A \$312,274.97 AMENDMENT TO THE \$20,397,872.22 PROFESSIONAL SERVICES AGREEMENT WITH 3D/INTERNATIONAL FOR DESIGN SERVICES ASSOCIATED WITH THE REGRADING OF THE APRON, FIELD INSPECTIONS AND INVENTORIES OF THE COMMUNICATION INFRASTRUCTURE AT SAN ANTONIO INTERNATIONAL AIRPORT.

Councilmember Rowe recused himself on said items by exiting the Council Chambers and noted that he had submitted a recusal form for Items 7 and 8 to the City Clerk.

Councilmember Clamp moved to adopt the proposed Ordinances for Items 7 and 8. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** McNeil and Galvan. **ABSTAIN:** Rowe.

The City Clerk read the following Ordinance:

2008-04-03-0245

Item 9. AN ORDINANCE APPROVING CHANGE ORDER NO. CIMS-03 IN THE AMOUNT OF \$87,976.83, OF WHICH \$70,381.46 WILL BE REIMBURSED BY TEXAS DEPARTMENT OF TRANSPORTATION, TO THE CONSTRUCTION CONTRACT, AS CHANGED, WITH E-Z BEL CONSTRUCTION, LTD FOR ADDITIONAL WORK IN CONNECTION WITH THE BLANCO/CLARK/HOT WELLS MPO SIDEWALK PROJECT, LOCATED IN DISTRICTS 3 AND 9.

Councilmember Ramos asked if the change order affected the timeline of the project. Mr. Mike Frisbie stated that the change order related to the number of driveways and ADA Ramps and the timeline would not be affected. The estimated completion is scheduled for January, 2009.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Galvan.

The City Clerk read the following Ordinance:

2008-04-03-0247

Item 11. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$21,719,648.83, TO INCLUDE AWARDDING A \$17,983,430.62 CONTRACT TO TEXAS STERLING CONSTRUCTION CO., OF WHICH \$1,546,637.00 WILL BE REIMBURSED BY SAWS, \$1,266,509.00 BY CPS, AND \$2,741,484.00 BY BEXAR METROPOLITAN WATER DISTRICT (BEXARMET) FOR STREET AND DRAINAGE IMPROVEMENTS; AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH LOCKWOOD, ANDREWS AND NEWNAM, INC. IN THE AMOUNT OF \$198,090.00 TO PROVIDE DOCUMENT PREPARATION AND CONSTRUCTION PHASE SERVICES IN CONNECTION WITH THE ZARZAMORA DRAINAGE PROJECT #83A PHASE I AND PHASE II HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM AND 2007 GENERAL OBLIGATION (GO) BOND PROGRAM FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 4; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

Councilmember Cortez asked about the length and timeline of said project. Mr. Mike Frisbie stated that the project was over 9,200 feet long and would include widening of the street and utility relocation work. He noted that utility coordination would occur and that construction would take two years to complete.

Councilmember Cortez moved to adopt the proposed Ordinance. Councilmember Ramos seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Galvan.

The City Clerk read the following Ordinance:

2008-04-03-0248

Item 12. AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPER PARTICIPATION CONTRACT IN AN AMOUNT NOT TO EXCEED \$83,516.00, WITH LACKLAND HEIGHTS JOINT VENTURE TO OVERSIZE CONSTRUCTION OF A DRAINAGE FACILITY AND GRANTING A TEMPORARY CONSTRUCTION EASEMENT, IN CONNECTION WITH THE MEDINA BASE ROAD DEVELOPMENT PROJECT, LOCATED IN DISTRICT 4.

Councilmember Cortez highlighted said project due to the negative impact of previous flooding. He noted that it was a Developer Participation Contract and would address major flooding and drainage concerns in the area. Mr. Mike Frisbie added that said work would assist in preparation for the Medina Base Road Project and would result in cost savings to the City.

Councilmember Cortez moved to adopt the proposed Ordinance. Councilmember Cibrian seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, and Mayor Hardberger. **NAY:** None. **ABSENT:** Galvan and Clamp.

The City Clerk read the following Ordinance:

2008-04-03-0251

Item 15. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$2,391,222.70 TO RL JONES CO., INC., FOR A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$2,621,865.14, OF WHICH \$1,146,212.50 WILL BE REIMBURSED BY SAWS AND \$171,285.00 WILL BE REIMBURSED BY CPS IN CONNECTION WITH THE COUNCIL DISTRICT 6 ACCESS AND MOBILITY PACKAGE #1, AN AUTHORIZED HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDED PROJECT AND APPROPRIATING FUNDS; AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT WITH PBS&J, INC. IN THE AMOUNT OF \$62,218.00 FOR ADDITIONAL STORM DRAINAGE DESIGN AND PROJECT MANAGEMENT PROFESSIONAL SERVICES FOR A REVISED CONTRACT VALUE OF \$5,514,767.00.

Councilmember Herrera stated that the amount of the contract was posted incorrectly on the agenda and moved to adopt the Ordinance with the correct revised contract value of \$5,514,767.00. Councilmember McNeil seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Herrera, Rodriguez, Cibrian, Rowe, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez, Galvan and Clamp.

The City Clerk read the following Ordinance:

2008-04-03-0252

Item 16. AN ORDINANCE APPROVING CHANGE ORDER NO. PW-02 IN THE AMOUNT OF \$950,265.00 TO THE CONSTRUCTION CONTRACT, AS CHANGED, WITH KNISH CORPORATION FOR ADDITIONAL WORK, IN CONNECTION WITH THE FY 07 – FY 08 IMP SIDEWALK PROGRAM PROJECTS, LOCATED CITY-WIDE.

Councilmember Ramos asked if said projects would be completed on schedule and if there were any penalties for delays. Mr. Majed Al-Ghafry stated that the projects were on schedule for completion by September 30, 2008 and that delays were addressed in the contract.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez and Galvan.

The City Clerk read the following Ordinance:

2008-04-03-0255

Item 19. AN ORDINANCE AUTHORIZING THE ACQUISITION OF EASEMENT INTERESTS THROUGH NEGOTIATION OR CONDEMNATION OF THREE (3) PARCELS OF REAL PROPERTY NORTH OF HIGHWAY 151, LOCATED IN DISTRICT 6, AS FURTHER DESCRIBED BELOW FOR THE WESTOVER VALLEY DRAINAGE PROJECT (PROJECT); DECLARING THIS TO BE A PUBLIC PROJECT; DETERMINING THE PUBLIC NECESSITY FOR THIS ACQUISITION OF LAND; AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND APPROPRIATING FUNDS IN THE TOTAL AMOUNT OF \$286,000.00 FOR THE PROJECT:

DESCRIPTION:

A 1.499 acre easement out of a 31.6223 acre tract described as being Lots 5, 6, 7, 8, 9, 10, 11, 12, and P-213, NCB 17639, San Antonio, Bexar County, Texas.

A 1.240 acre easement out of a 5.857 acre tract described as being lots 5, 6, 7, 8, 9, 10, 11, 12 and P-213, NCB 17639, San Antonio, Bexar County, Texas.

A 3.267 acre easement out of a 11.899 acre tract described as being lots 5, 6, 7, 8, 9, 10, 11, 12, and P-213, NCB 17639, San Antonio, Bexar County, Texas.

Councilmember Herrera noted an error in the caption posting of the agenda and moved to adopt the proposed Ordinance with the correction that the property was "North" of Highway 151. Councilmember McNeil seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez and Galvan.

The City Clerk read the following Ordinance:

2008-04-03-0257

Item 21. AN ORDINANCE AUTHORIZING THE CITY'S ACQUISITION OF THREE PARCELS OF REAL ESTATE FROM THE UNIVERSITY OF TEXAS SYSTEM IN CONNECTION WITH THE MEDICAL CENTER INTERSECTION IMPROVEMENTS PROJECT, PHASE IV, DISTRICT 8.

Councilmember Cibrian highlighted the Medical Center Alliance's work on said project and moved to adopt the proposed Ordinance. Councilmember McNeil seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Galvan.

The City Clerk read the following Ordinance:

2008-04-03-0261

Item 25. AN ORDINANCE APPROVING THE ASSIGNMENT OF AN EL MERCADO LEASE AGREEMENT FROM MR. RAUL VALDEZ D/B/A "YBARRA IMPORTS" TO MR. VICTOR DOMINGUEZ, D/B/A "LA MORENITA IMPORTS", FOR THE USE OF APPROXIMATELY 410 SQUARE FEET IN EL MERCADO AREA NUMBER E-1.

Councilmember Cisneros recused herself on said item by exiting the Council Chambers and noting that she had submitted the recusal forms to the City Clerk.

Councilmember Cibrian moved to adopt the proposed Ordinance. Councilmember McNeil seconded the motion.

The motion prevailed by the following vote: **AYES:** McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Galvan. **ABSTAIN:** Cisneros.

The City Clerk read the following Ordinance:

2008-04-03-0270

Item 34. AN ORDINANCE AUTHORIZING SCHEDULE H TO THE 2005 MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP, IN THE AMOUNT OF \$629,740.00 FOR THE ACQUISITION OF 30 HYBRID VEHICLES FOR THE PUBLIC HEALTH DEPARTMENT.

Councilmember Rodriguez asked for a status of the City's move to a complete fleet of hybrid vehicles. Assistant City Manager Sharon DeLaGarza stated that the project was being combined with the Office of Environmental Policy initiatives and would forward the percentage of the City's current fleet of hybrids and a comparison of other cities to the City Council as requested.

Councilmember Rodriguez moved to adopt the proposed Ordinance. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Galvan.

CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

- The Volunteer Income Tax Assistance (VITA) Program has processed over 30,000 tax returns year-to-date with approximately \$55 million being refunded to citizens in our community. Ms. Sculley thanked City Staff and Community Partners for their work on said project.
- Mr. Edward Benavides, Executive Assistant to the City Manager, has been elected to serve on the International Hispanic Network (IHN) Board of Directors. The IHN works closely with the International City/County Management Association (ICMA) and works to help and advance the development of young, Hispanic administrators throughout the country.
- Ms. Susan Blackwood of the San Antonio Sports Foundation and Mr. Pat Frost of the San Antonio Local Organizing Committee, were recognized for their work on the upcoming NCAA Final Four. Ms. Sculley also thanked the City Staff who have been working to ensure a successful event.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 11:00 am to convene in Executive Session for the purposes of:

- A. Deliberate the appointment, employment, evaluation, and duties of public officers and discuss related legal issues pursuant to Texas Government Code Sections 551.074 (personnel matters) and 551.071 (attorney-client consultation).
- B. Deliberate competitive matters regarding CPS Energy and discuss related legal issues pursuant to Texas Government Code Sections 551.086 (competitive matters) and 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 3:57 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

CONSENT ZONING

Councilmember McNeil made a motion to approve the following re-zoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no Citizens had signed up to speak: P-2, Z-3, Z-4, Z-5, Z-6, Z-8, Z-10, and Z-13. Councilmember Ramos seconded the motion.

Councilmember Cortez read a statement on behalf of Councilmember Galvan regarding zoning case Z-10. She commended Mr. Weaver for being a successful small business owner and for his work on the property.

Councilmember McNeil recognized the Buffalo Soldier's Association on zoning case Z-6. She expressed her support for the project and thanked them for restoring and maintaining history for the Buffalo Soldiers.

The motion to approve the consent zoning items noted above prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, and Clamp. **NAY:** None. **ABSENT:** Galvan and Mayor Hardberger.

2008-04-03-0274

Item P-2. **PLAN AMENDMENT # 08001 (District 2):** An Ordinance amending the land use plan in the Arena District/Eastside Community Plan, a component of the Master Plan of the City, by changing the use of a .61 acre tract of land located at 2403 East Commerce St. from Medium Density Residential to Neighborhood Commercial land use. Staff and Planning Commission recommend Approval. **(Associated Zoning Case Z2007290 CD)**

2008-04-03-0277

Item Z-3. **ZONING CASE # Z2008080 (District 2):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on Lots 20 and 21, NCB 16095, 4815 and 4803 Rittiman Road as requested by Chandravadan D. Bhakta, Applicant for Chandravadan D. Bhakta, Owner. Staff and Zoning Commission recommend Approval.

2008-04-03-0278

Item Z-4. **ZONING CASE # Z2008081 (District 2):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on Lot 3, NCB 12174, 6210 Fairdale Drive as requested by Sok Sun Yang, Applicant for Sok Sun Yang, Owner. Staff and Zoning Commission recommend Approval.

2008-04-03-0279

Item Z-5. **ZONING CASE # Z2008091 (District 1):** An Ordinance changing the zoning district boundary from "RM-4" Residential Mixed District to "O-1" Office District on Lot 4, NCB 753, 723 Jackson as requested by Miguel A. Gallegos, Applicant for Miguel A. Gallegos, Owner. Staff and Zoning Commission recommend Approval.

2008-04-03-0280

Item Z-6. **ZONING CASE # Z2008094 S (District 2):** An Ordinance changing the zoning district boundary from "RM-4" Residential Mixed District to "R-4 S" Residential Single-Family District with a Specific Use Authorization for a Museum on Lots 1, 2, 3 and 4, Block 3, NCB 2796, 1602 Wyoming Street as requested by Bexar County Buffalo Soldier's Association, Applicant for Bexar County Buffalo Soldier's Association, Owner. Staff and Zoning Commission recommend Approval with conditions.

2008-04-03-0282

Item Z-8. **ZONING CASE #Z2008095 (District 4):** An Ordinance changing the zoning district boundary from "RM-4" Residential Mixed District to "C-2" Commercial District on Lots 30 and 31, Block 6, NCB 11192, 601 Palo Alto Road as requested Ricardo Ramos, Applicant for Ricardo Ramos, Owner. Staff and Zoning Commission recommend Approval.

2008-04-03-0283

Item Z-10. **ZONING CASE # Z2008093 CD (District 5):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-1 CD" (CD-Tattoo Parlor/Studio) Light Commercial District with a Conditional Use for a Tattoo Parlor/Studio on Lot 1, NCB 6860, 923 Probandt as requested by Matthew P. Weaver, Applicant for Matthew P. Weaver, Owner. Staff and Zoning Commission recommend Approval.

2008-04-03-0286

Item Z-13. **ZONING CASE # Z2008079 CD (District 1):** An Ordinance changing the zoning district boundary from "R-6" S Residential Single-Family District with a Specific Use Authorization for a Daycare to "R-6" (CD-Professional Office) Residential Single-Family District with a Conditional Use

for a Professional Office on Lot 29, Block 12, NCB 9215, 866 Lee Hall as requested by Jesus Chavira, Applicant for Jesus Chavira C/S Maria H Oviedo, Owner. Staff and Zoning Commission recommend Approval.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

PULLED

Item P-1. **PLAN AMENDMENT (District 2):** An Ordinance amending the land use plan in the IH 10 East Perimeter Plan, a component of the Master Plan of the City, by updating the land use element in an area generally bounded by Gibbs Sprawl and the San Antonio ETJ to the north, Cibolo Creek to the east, the San Antonio ETJ and FM 1346 to the south, and Loop 410 to the west. Staff and Planning Commission recommend Approval.

2008-04-03-0275

Item Z-1. **ZONING CASE #Z2007290 CD (District 2):** An Ordinance changing the zoning district boundary from "I-1" EP-1 General Industrial Event Parking Overlay District and "C-2" EP-1 Commercial Event Parking Overlay District to "C-1" EP-1 (CD-Convenience Store with Gasoline and Carwash) Light Commercial Event Parking Overlay District with a Conditional Use for a Convenience Store with Gasoline and Carwash on Lots 14, 15, 16, and 17, Block 9, NCB 1436, 2403 East Commerce Street, 2405 East Commerce Street, 2411 East Commerce Street, and 2415 East Commerce Street as requested by Abdel-Hakim Taha, Applicant for SparHawk, Inc., Owner. Staff and Zoning Commission recommend Approval, pending plan amendment.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Naj Ismail spoke in favor of the item. She stated that she and her son-in-law would like to renovate the property and thanked the community for their support.

Councilmember McNeil moved to adopt the proposed Zoning Item. Councilmember Rowe seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, and Clamp. **NAY:** None. **ABSENT:** Galvan and Mayor Hardberger.

2008-04-03-0276

Item Z-2. **ZONING CASE # Z2008076 (District 2):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-2" Commercial District on Lots 1A, 1B, 2A, 2B, 3A, 3B, 13A, 13B, 14A, 14B, 15A 15B, 16A, 16B, Block 4, NCB 6338 and the North 75 Feet of Lots 13A, 14A, 15A, and 16A and the North 75 Feet of Lots 13B, 14B, 15B and 16B, Block 3, NCB 6337, 316 and 410 North New Braunfels Avenue as requested by Pulman, Cappuccio & Pullen, LLP, Applicant for Texas EZ Pawn, L. P., Owner. Staff and Zoning Commission recommend approval.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember McNeil moved to adopt the proposed Zoning Item with the condition that .021 acres out of NCB 6338 be zoned C-3. Councilmember Ramos seconded the motion. The motion prevailed by the

following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, and Clamp. **NAY:** None. **ABSENT:** Galvan and Mayor Hardberger.

2008-04-03-0281

Item Z-7. **ZONING CASE # Z2008096 CD (District 2):** An Ordinance changing the zoning district boundary from "RM-4 EP-1" Residential Mixed District, Facility Parking/Traffic Control Overlay District-1 to "RM-4 CD EP-1" (CD-Dwelling - Four Family) Residential Mixed, Facility Parking/Traffic Control Overlay District-1 with a Conditional Use for a Dwelling - Four Family on Lot 14, Block 31, NCB 1482, 340 Maryland Street as requested by Malcolm Thomas, J & N Land Development, LLC, Applicant for Malcolm Thomas, J & N Land Development, LLC, Owner. Staff recommends denial. Zoning Commission recommends Approval.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember McNeil moved to adopt the proposed Zoning Item. Councilmember Rowe seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, and Clamp. **NAY:** None. **ABSENT:** Galvan and Mayor Hardberger.

CONTINUED

Item Z-9. **ZONING CASE # Z2008089 CD (District 5):** An Ordinance changing the zoning district boundary from "IDZ" Infill Development Zone with uses permitted in "R-4" Single-Family Residential District and "NC" Neighborhood Commercial District to "IDZ" Infill Development Zone with uses permitted in "C-2" (CD-Theater-Outdoor including Drive-In and Amphitheaters) Commercial District with a Conditional Use for a Theater-Outdoor including Drive-In and Amphitheaters on Lot A4, NCB 2569, 132 East Cevallos as requested by Rick and Angela Martinez, Applicant for Patrick S. Shearer, Owner. Staff recommends Denial. Zoning Commission recommends Approval.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Cortez moved to continue the proposed Zoning Item. Councilmember Ramos seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, and Clamp. **NAY:** None. **ABSENT:** Galvan and Mayor Hardberger.

2008-04-03-0284

Item Z-11. **ZONING CASE # Z2008070 CD ERZD (District 8):** An Ordinance changing the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "R-6 ERZD" (CD- Professional Offices) Residential Single-Family Edwards Recharge Zone District with a Conditional Use for Professional Offices on Lot 4 and Lot 5, Block 20, NCB 14730, 12422 Petite Lane as requested by Cedar Joiner, Applicant for Kirk K. Colyer, Owner. Staff and Zoning Commission recommend Approval with conditions.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Elyzabeth Earnley, an AGUA Representative, spoke in favor of the item and praised the owner for the 10% impervious cover request.

Ms. Cedar Joiner thanked Councilmember Cibrian and SAWS for their involvement on said item. She noted that the only work that had been done to the property was the renovation of an existing building.

Councilmember Cibrian moved to adopt the proposed Zoning Item. Councilmember Rodriguez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, and Clamp. **NAY:** None. **ABSENT:** Galvan and Mayor Hardberger.

2008-04-03-0285

Item Z-12. **ZONING CASE # Z2008047 S ERZD (District 9):** An Ordinance changing the zoning district boundary from "PUD R-6 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District to "O-1 S ERZD" Office Edwards Recharge Zone District with a Specific Use Authorization for an Office Building that exceeds 10,000 square feet, on Lot 1, Block 3, NCB 19214, 601 West Sonterra Boulevard as requested by Brown, P.C., Applicant for 601 Sonterra, LP, Owner. Staff and Zoning Commission recommend Approval.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Elyzabeth Earnley stated that she was in opposition because she did not believe there was any compromise and offered suggestions for developing in the recharge zone.

Councilmember Rowe moved to adopt the proposed Zoning Item with the condition that there be 50% impervious cover as recommended by San Antonio Water System. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, and Clamp. **NAY:** None. **ABSENT:** Galvan and Mayor Hardberger.

CEREMONIAL ITEMS

Mayor Hardberger recognized Mr. Pat Frost, Chair of the San Antonio Local Organizing Committee, for the NCAA Division I Men's Final Four Basketball Championship which will be held in San Antonio, Texas from April 4-7, 2008. He noted that San Antonio would become Hoop City and offer many events and activities for the entire family to enjoy.

Mayor Hardberger presented a proclamation to Mr. Ben Cantu for Records and Information Management Month (RIMM) which is celebrated during the month of April. It was noted that in an effort to increase the awareness of identity theft protection and promote the value of shredding and recycling, the RIMM Committee sponsored their Annual Shred Day on April 19, 2008, at all San Antonio Credit Unions.

Mayor Hardberger presented a proclamation in recognition of The Miss San Antonio Queen of Soul Pageant which will be held on April 5, 2008, at the Carver Community Cultural Center. This year marks the pageant's 40th Anniversary and will be dedicated to the memory of Libby Barksdale who was the first Miss Queen of Soul.

CITIZENS TO BE HEARD

Mr. Nazirite Ruben Flores Perez spoke on the book of Revelations in the Bible. He stated that Chapter 17 paralleled with things happening in Washington DC and San Antonio. He noted that he had scheduled meetings with religious groups in Washington for his next trip because there should only be one religion.

Mr. Mark Perez stated that Tetco operated several facilities in District 2 without Certificates of Occupancy. He noted that he had reported a chemical spill to the City, but staff did not have the proper training to be able to identify violations at the facility while investigating the spill. He asked how the facilities were able to obtain permits when they had underground storage tanks that were not inspected.

Mr. Faris Hodge, Jr. addressed the Council on issues regarding the Jett Road Zoning Case. He spoke against cell phone regulation in school zones. He also spoke of CPS and SAWS proposed rate increases, and the proposed nuclear power plant. He also noted the possibility of Commerce becoming a two-way street. He noted that the Race for the Cure was a success and added that some Police Officers used too much force and the FBI was conducting an investigation on them.

Mr. George Alejos referenced cost totals from the SAHA website. He reported that \$7,751,242 was set aside for the Mirasol project and only \$1,431,026 had been spent. He provided a break down of the expenses and noted that \$209,859 went to services for operations director and staff for a three month period of time. He stated that 25% for project oversight was too much.

Ms. Janet Ahmad stated that it cost KB Homes \$22,000 to build a Mirasol Home but the Express-News reported that SAHA purchased the homes for \$112,000 each. She noted that SAHA had spent millions fixing problems with the homes and referenced seventeen homes which had been repaired at a cost of \$48,100 per home. She stated that the new SAHA Board was doing a good job, but the residents needed to move out of their homes immediately.

Ms. Alicia Lazaro addressed the Council in Spanish. Mr. Alejos translated that Ms. Lazaro was to purchase a home in California valued at \$500,000 but chose to move to San Antonio instead. She told her broker that she did not want a KB Home.

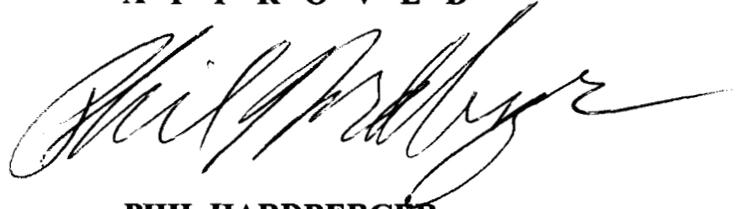
Ms. Sandra Ybarra stated that her son became ill from living in a KB Home and had to spend time on a breathing machine everyday. She noted that Mr. Alejos was given a list of apartments that she could move to, but none of them were vacant. She added that she had a deadline of February 2009 to spend her cash accumulation; otherwise, she would lose it and be placed on Section 8. She did not believe this deadline was fair because she lost her job due to her son's illness. Mr. Alejos noted that that the new SAHA Board was doing good things because they had lowered Ms. Ybarra's payments.

Mr. Guadalupe Lopez noted his appreciation for the new SAHA Board, specifically Mr. Ramiro Cavazos. He stated that the Task Force needed to be dismantled and that those who were elected to represent the residents had done nothing. Lastly, he asked why the Mirasol Residents were not allowed to move into the new homes that SAHA was selling.

ADJOURNMENT

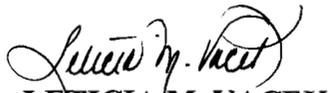
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:33 pm.

A P P R O V E D



**PHIL HARDBERGER
MAYOR**

Attest:



**LETICIA M. VACEK
City Clerk**