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, MAY 30, 2007 AND THURSDAY, MAY 31, 2007

The Invocation was delivered by Faith and Sara Radle, Guests of Councilmember Patti Radle, District 5.

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 with the following present: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger.

MINUTES

Councilmember Perez made a motion to approve the Minutes of the May 10, 2007 Regular City Council Meeting. Councilmember Guajardo seconded the motion.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read Ordinances 4A and 4B:

2007-05-30-0591

Item 4A. AN ORDINANCE ESTABLISHING A SEVEN-MEMBER RIVER COMMISSION TO ADVISE CITY COUNCIL ON ALL ASPECTS OF THE DEVELOPMENT AND OPERATIONS OF THE RIVER WALK AND THE SAN ANTONIO RIVER.

2007-05-30-0592

Item 4B. AN ORDINANCE AMENDING CHAPTER 35 OF THE UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY AMENDING PROVISIONS RELATING TO REVIEW OF APPLICATIONS WITHIN THE RIO OVERLAYS.

Ms. Penny Postoak Ferguson, Assistant City Manager, presented the recommendations of the River Commission Advisory Panel. She noted that the recommendations include establishing a 7-member River Commission amending the Unified Development Code (UDC) regarding the review of an application within the RIO Overlays. Ms. Postoak Ferguson outlined the primary purpose of the River Commission, and the Board appointment process, terms of office, and the nomination process.

The following citizens appeared to speak:

Ms. Graciela Sanchez spokesperson for the Esperanza Peace and Justice Center addressed the Council and stated that she was concerned with the Council supporting special interests with the passage of Items 5, 6, and 7. As it relates to Item 5, she stated that the City would be taking a major step backwards by decreasing the board membership of the Historic Design and Review Commission (HDRC) from 15 to 7 and changing the appointment process for said Board. Ms. Sanchez stated that the at-large nomination process was a lightly veiled code for control by North side Representatives. Regarding Item 4, she stated that the at-large nomination process for the River Commission would benefit the tourist industry. Lastly, relative to Item 6 Ms. Sanchez requested the City protect the City's natural resources and stiffen the penalties against developers that violate the tree ordinance.

Ms. Virginia Nicolas, President of the San Antonio Conservation Society, addressed the Council and stated that the Riverwalk needed to be preserved and protected for future generations. She thanked the advisory panel for allowing the Conservation Society to participate in the nomination process of future Board Members.

Mr. Joe Krier, President of the Greater Chamber of Commerce, addressed the Council and stated that the Greater Chamber and the San Antonio Hispanic Chamber of Commerce were in support of the creation of the River Commission. He requested that a senior management staff member be assigned to the River Commission and stated that Board Members should take an interest in the development of the entire city.

Mr. Greg Gallaspy, Executive Director of the Paseo Del Rio Association, addressed the Council and stated that the Association was in support of the creation of a River Commission. He stated that the creation of the River Commission would help preserve and protect the tradition and history of the Riverwalk. Lastly, Mr. Gallaspy recommended that future Board Members be knowledgeable as well as passionate about the River Walk.

Mr. Parker Scott of Casa Rio Restaurant addressed the Council and stated that he was in support of the creation of the 7-member River Commission. He stated that there was a need to have a board that focused on the Riverwalk. Mr. Scott also recommended that future Board Members be passionate about Downtown, the Riverwalk, and in preserving the heritage of the City.

Mr. Justin Arecchi addressed the Council and stated that as a Riverwalk business owner and former Historic Review Board Commissioner he has seen the over development of the River Walk. He stated that he was in support of a 7-member Board; however, he noted that he was concerned with future Board Members being appointed via the at-large process.

Mr. Milton Guess of the Tourism Council addressed the Council in support of the creation of the 7-member River Commission. He stated that said Board would help protect the Riverwalk. Mr. Guest recommended that the Board be composed of qualified and diverse individuals.

Mr. Bob Wise, President of the San Antonio Chapter of American Institute of Architects (AIA), addressed the Council and outlined the AIA's concerns that the creation of the River

Commission would have on the Historic Design Review Commission (HDRC). Mr. Wise recommended that the HDRC continue to provide River Oversight, and that a process be developed before HDRC duties are transferred to the River Commission, a 9-member River Commission be created, and that Board members be trained.

Mr. Jim Cullum, owner of Riverwalk Jazz, addressed the Council and stated that there was a need for the River Commission. He recommended that Board Members be knowledgeable and passionate about the River Walk.

Mr. Jack Finger noted that today's Council Meeting was illegal due to not enough notice. On Item 4, he stated that the City was creating more bureaucracy by creating the River Commission. Relative to Item 6, Mr. Finger speculated that amendments would be made to allow developers to remove more trees. Lastly, on Item 7, he stated that he supported the idea of allowing for competitive bidding on Human Development Funds. However, he was against the methodology used by the City.

Councilmember Herrera moved to adopt and amend the proposed Ordinances as follows: Establish a 7-member River Commission with Board Members to be appointed via the at-large appointment process and that Chapter 35 provisions relating to the review of applications within the River Overlays be amended. The motion was seconded by Councilmember Gutierrez.

Councilmember Haass made a friendly amendment to Councilmember Herrera's motion that the items be separated into 3 different votes as follows: The creation of a River Commission; That the 7 Board Members be appointed via the At-Large Appointment Process; and that Chapter 35 provisions relating to the review of applications within the River Overlays be amended. The friendly amendment was accepted by Councilmember Herrera.

The motion made by Councilmember Herrera to create the River Commission prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass, and Mayor Hardberger. **NAY:** Hall. **ABSENT:** None.

Councilmember McNeil made a friendly amendment to Councilmember Herrera's motion that the 7-member at-large Board have the following composition: 2 individuals from the Tourism Industry, 2 individuals from the Business Community, 1 Conservationist, 1 Historian, and 1 Community Leader. The friendly amendment was accepted by Councilmember Herrera.

Councilmember Radle made a friendly amendment that one position from the Tourism Category be utilized to create a one-member Environmental Category. The friendly amendment was not accepted by Councilmember McNeil.

Councilmember Radle moved to amend the number of individuals from the Tourism Category from two to one and create a one-member Environmental Category. The amendment was seconded by Councilmember Flores.

The motion made by Councilmember Radle to amend the number of positions within the Tourism Category and create a one-member Environmental Category failed by the following

vote: **AYES:** Flores, Gutierrez, Radle, Guajardo, and Hall. **NAYS:** McNeil, Perez, Herrera, Wolff, Haass, and Mayor Hardberger. **ABSENT:** None.

The motion made by Councilmember Herrera that the 7 Member Board be created by specified categories as mentioned by Councilmember McNeil prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** Radle. **ABSENT:** None.

The motion made by Councilmember Herrera to amend Chapter 35 provisions relating to the review of applications within the River Overlays prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2007-05-30-0593

Item 5. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY AMENDING PROVISIONS RELATING TO COMPOSITION AND QUORUM REQUIREMENTS FOR THE HISTORIC DESIGN AND REVIEW COMMISSION AND DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR THE REVIEW OF APPLICATIONS BY THE COMMISSION.

Mr. T.C. Broadnax, Assistant City Manager, outlined the duties and history of the Historic Design Review Commission (HDRC). He stated that due to the increased workload, staff is recommending that the composition and duties of the HDRC Board be streamlined. Recommendations include decreasing the number of Board Members from 15 to 9, relying on city staff to process applications for categorical exclusions, limiting the number of times an item can be sent for review, and having work sessions prior to formal hearings.

<u>The following citizens appeared to speak:</u>

Ms. Virginia Nicholas, President of the San Antonio Conservation Society, addressed the Council and stated that the Conservation Society was in support of the City's recommendation to improve the HDRC.

Mr. Banks Smith, Attorney for the San Antonio Conservation Society, addressed the Council and stated that the Conservation Society was in support of decreasing the Board Membership from 15 to 9. He noted that State Law mandates that 5 members of the HDRC Board must come from the disciplines of architecture, history, planning, archaeology or other fields related to historic preservation.

Ms. Joan Carabin, President of the Lavaca Neighborhood Association, addressed the Council and stated that the HDRC was integral in preserving the Lavaca Neighborhood. She recommended that the City hire more Historic Preservations Officers and that the application process be streamlined in order to allow communication between the department and applicants.

Mr. Xavier Gonzalez, HDRC Chairperson, addressed the Council and spoke on concerns leading to the proposed recommendations. He stated that the HDRC had not delayed or obstructed development. Mr. Gonzales stated that by ordinance the HDRC had 60 days from the date of receipt of an application to issue a recommendation. If the deadline was not met by the board, the application would automatically be approved. Mr. Gonzales stated that the HDRC was successful in its mission of preserving historic landmarks.

Councilmember Perez moved to adopt the proposed Ordinance with staff's recommendations. Councilmember McNeil seconded the motion.

Councilmember McNeil made a friendly amendment to decrease the number of Board members from 15 to 11. She noted that the decrease should not affect the State mandated composition of the Board. The friendly amendment was accepted by Councilmember Perez.

Councilmember Hall noted that the 11 Board Members would be nominated by each Council District and requested that the streamlined HDRC Process be reviewed in 6 months.

Councilmember Flores sought clarification on which positions would be eliminated once the Board goes from 15 members to 11. The staff recommendation was to use the attrition process to get to the required 11 members. It was noted that the terms of several board members would be expiring soon.

The motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** Flores. **ABSENT:** None.

Mayor Hardberger recessed the Regular Meeting at 12:20 pm to break for lunch and noted that the meeting would reconvene at 1:30 pm.

The City Clerk read the following Ordinance:

TABLED INDEFINITELY

Item 6. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS BY AMENDING VARIOUS SECTIONS RELATING TO TREE PRESERVATION, ESTABLISHING PENALTIES AND PROVIDING FOR PUBLICATION.

Councilmember Perez moved to table Item 6 indefinitely. Councilmember Radle seconded the motion.

Councilmember Gutierrez directed staff to undertake studies to determine if the City should create two rules according to landscape. One rule would be applicable to the Northside landscape while the other would be applicable for the Southside landscape to address the different landscape.

The following citizens appeared to speak:

Ms. Mariana Ornelas of the Citizens Tree Coalition addressed the Council and spoke in support of the proposed recommendation to increase penalties for tree removal. In addition, she recommended that the Council close the loop hole on agricultural exemptions.

Mr. Larry De Martino addressed the Council and stated that next April the City of San Antonio would be declared a non-attainment City. He requested the Council enforce the tree ordinance so that developers would move out of San Antonio once and for all.

Mr. Richard Alles, spokesperson of the Tree Coalition, addressed the Council and spoke in support of the proposed amendments to the tree ordinance since said ordinance would close several loopholes that developers are utilizing. He noted that developers get land owners to claim homestead and agriculture exemptions on property so that the trees can be cleared. Mr. Alles stated that once the trees are cleared, the property is sold for development.

Mr. Larry Hammer, President of the Real Estate Council, addressed the Council and stated that he would reserve his time to speak until additional studies were conducted.

Ms. Becky Oliver, Executive Officer of the Greater San Antonio Builders Association, addressed the Council and stated that she would prefer to comment on said item once additional studies were conducted.

Ms. Vacek noted that 4 written testimonies had been submitted in favor of strengthening the current tree ordinance. The written testimonies were submitted by Mr. Andrew Oxford, Ms. Christine B. Saalbach, Ms. Erin Zayko, and Ms. Marianne Keternbaum. Ms. Vacek read the written testimony submitted by Mr. Oxford.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2007-05-30-0594

Item 7. POLICY DISCUSSION AND POSSIBLE ACTION RELATED TO WORKFORCE DEVELOPMENT AND TRAINING TO BE PROCURED THROUGH A COMPETITIVE PROCESS BEGINNING FISCAL YEAR 2007-2008, AS REQUESTED BY COUNCILMAN KEVIN A. WOLFF, DISTRICT 9.

Mr. Dennis Campa, Director of Community Initiatives, provided a history of said item and the proposed recommendations. He stated that said recommendations include having the City utilize a competitive bidding process beginning with the FY 2008 budget for all Workforce Education dollars, including one-time funding. Alternate recommendations include issuing a new RFP immediately for workforce funds; apply additional funding at the same percentages for the FY 2008 Budget as those issued in the FY 2007 Budget, Council to allocate one-time funding

without a competitive process, and defer Council action until FY 2008 Budget deliberations (August 2007) take place.

The following citizens appeared to speak:

Ms. Laura Dupree of the San Antonio Lighthouse addressed the Council in favor of the competitive bidding process. She stated that a competitive bidding process would mandate organizations to be more accountable which would lead to better productivity.

Mr. Bob Dugas, President and CEO of Goodwill Industries, addressed the Council in favor of the competitive bidding process for the best interest of the community. Mr. Dugas introduced several individuals of Goodwill Industries stated that they provide workforce training and assist with employment opportunities. The three individuals stated that without the opportunities provided to them by Goodwill they would not have the jobs they have today. Mr. Dugas noted that these individuals are a small representation of the many success stories resulting from workforce funding.

Mr. Scott McAninch, General Manager of the San Antonio Non-Profit Council, addressed the Council and spoke in support of the recommendation for a competitive bidding process. He stated that such a process for all funding allows the best services to be examined and awarded while ensuring organizations produce results.

Mr. Marcel Johnson, Vice President of the Economic Council for the Greater Chamber of Commerce, addressed the Council and spoke in support of a competitive bidding process. He circulated a position statement to the Council which note their support of agencies that provide job training and workforce development. Mr. Johnson requested that the bidding process take into account the challenges job training organizations face.

Ms. Mary Pena, Executive Director for Project Quest, addressed the Council and recommended that the Council take more time to review the details of said item before voting.

Councilmember Wolff reiterated that he was advocating for the existing rules to be applied to all agencies fairly and consistently.

Councilmember Wolff moved that the competitive bid process be applied when allocating all workforce dollars. The motion was seconded by Councilmember Perez.

Councilmember Gutierrez moved to amend the main motion by postponing the item until next Budget Cycle (FY 2008-2009) since money has been allocated through September 30, 2007. The amendment was seconded by Councilmember Radle.

Councilmember Flores made a friendly amendment to the main motion to exclude HDSF Funds from the competitive bidding process. The friendly amendment was accepted by Councilmember Wolff.

The motion to postpone made by Councilmember Gutierrez failed by the following vote: **AYES:** Gutierrez, Radle, Guajardo, Hall and Mayor Hardberger. **NAYS:** Flores, McNeil, Perez, Herrera, Wolff, and Haass. **ABSENT:** None.

Councilmember Gutierrez moved to keep the current RFP process in place and to allocate additional funding based on FY 2007 percentages to those organizations that were awarded contracts in FY 2007-2008. The amendment was seconded by Councilmember Radle.

Councilmember Wolff clarified that he wanted to ensure that funding for next year went through a competitive bidding process. He did not want to re-bid money that has already been allocated for this budget year.

The second motion made by Councilmember Gutierrez failed by the following vote: **AYES:** Gutierrez, Radle, Guajardo, Hall and Mayor Hardberger. **NAYS:** Flores, McNeil, Perez, Herrera, Wolff, and Haass. **ABSENT:** None.

The main motion made by Councilmember Wolff prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Herrera, Wolff, and Haass. **NAYS:** Gutierrez, Radle, Guajardo, Hall and Mayor Hardberger. **ABSENT:** None.

Mayor Hardberger recessed the Council Meeting at 3:27 pm. He stated that the Council Meeting would resume at 9:00 am on Thursday, May 31, 2007 beginning with Item 8.

Mayor Hardberger reconvened the Regular Council Meeting at 9:00 am, on Thursday May 31, 2007. The City Clerk noted a quorum present.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2007-05-31-0595

Item 8. AN ORDINANCE CREATING THE MUNICIPAL COURT ADVISORY COMMITTEE.

Councilmember Perez moved to adopt the proposed Ordinance. Councilmember Gutierrez seconded the motion.

Presiding Judge Bull gave a power point presentation on the Municipal Courts Advisory Board (MCAB). Judge Bull stated that the proposed MCAB would consist of legal, judicial, and citizen representatives appointed by the City Council. He referenced the proposed MCAB's Mission Statement and Structure, stating that there was no fiscal impact to the General Fund since the board members shall serve without compensation.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

At this time, Item 10 was addressed and the City Clerk read the following Ordinance:

2007-05-31-0598

Item 10. AN ORDINANCE APPROVING THE TERMS AND CONDITIONS OF THE WALZEM ROAD REDEVELOPMENT PROJECT MASTER ECONOMIC INCENTIVES AGREEMENT BETWEEN THE CITY OF WINDCREST, THE WINDCREST ECONOMIC DEVELOPMENT CORPORATION, THE WINDCREST ECONOMIC DEVELOPMENT COMPANY L.L.C, BEXAR COUNTY, THE CITY OF SAN ANTONIO AND MACRO HOLDINGS, INC. D/B/A RACKSPACE MANAGED HOSTING.

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

Mr. Robert Peche, Economic Development Director, presented the power point presentation on the Walzem Road Redevelopment Project Master Economic Incentives Agreement. He stated that the City of Windcrest has proposed a package of economic incentives through its Windcrest Economic Development Corporation (WEDC), in partnership with the City of San Antonio, Bexar County, and the State of Texas. Mr. Peche stated that the City of Windcrest had acquired the former Windsor Park Mall Property and would lease it to Rackspace for 30 years. Mr. Peche stated that Rackspace would relocate its headquarters and expand the number of employees from 1,200 to 5,150 employees within 54 months.

The following citizens appeared to speak:

Mr. Graham Weston, CEO of Rackspace, addressed the Council and stated that the City of San Antonio is the home of Rackspace. He stated that other cities have tried to recruit Rackspace; however, Mr. Weston stated that relocation was never an option. He stated that teamwork has been crucial to the success of the proposed plan. Mr. Weston stated that it had been difficult to find an existing building with the capacity to hold 5,000 employees. He stated that building a new campus was not an option due to time constraints. Mr. Weston stated that the former Windsor Park Mall location would accommodate their needs.

Mayor Jack Leonhardt of Windcrest addressed the Council and thanked the staff of the City of San Antonio. He stated that this was a combined effort with the City of San Antonio, Bexar County and the State. Mayor Leonhardt stated that his desire was to take positive action that would literally impact thousands of lives.

Mr. Jack M. Finger addressed the Council and stated that he was thankful that the vacant Windsor Park Mall will soon have a tenant. He noted that crime in the area was what drove out the vendors of Windsor Park Mall. Mr. Finger stated that Rackspace was awarded a sweetheart deal for the next 30 years and stated that the "Rackers" would soon pay for Toll Roads.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinances for Items 9A and 9B:

2007-05-31-0596

Item 9A. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A $100,000.00 CONTRIBUTION FROM THE SAN ANTONIO HOUSING AUTHORITY FOR THE PURPOSE OF SUMMER YOUTH PROGRAMMING, THROUGH SEPTEMBER 30, 2007.

2007-05-31-0597

Item 9B. AN ORDINANCE AUTHORIZING THE DE-OBLIGATION OF $71,604.58 IN FUNDING FROM THE UNIVERSITY OF TEXAS AT SAN ANTONIO DUE TO ITS DISCONTINUATION OF THE YOUTH SOLUTION PROGRAM AND AUTHORIZING REALLOCATION OF THE FUNDS IN SUPPORT OF SUMMER YOUTH PROGRAMMING; AND AUTHORIZING CONTRACT AMENDMENTS WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER SAN ANTONIO, FAMILY SERVICE ASSOCIATION OF SAN ANTONIO, INC., AND THE BOYS AND GIRLS CLUB OF SAN ANTONIO, IN THE AMOUNTS OF $104,988.00, $24,690.00, AND $37,000.00, RESPECTIVELY, AND NEW CONTRACTS WITH JOVEN AND THE NORTH EAST INDEPENDENT SCHOOL DISTRICT, IN THE AMOUNTS OF $62,500.00 AND $60,000.00, RESPECTIVELY, FOR SUMMER YOUTH PROGRAMMING FOR THE PERIOD FROM JUNE 1, 2007 THROUGH SEPTEMBER 30, 2007.

Councilmember Perez moved to adopt the proposed Ordinances for Items 9A and 9B. Councilmember Hall seconded the motion.

Mr. Mike Gonzaba, Assistant Director of Parks & Recreation, presented a power point on the Expansion of the Youth Recreation Program for Summer 2007. Mr. Gonzaba stated that the City of San Antonio supports a variety of youth programs each summer. He stated that the purpose was to provide active, educational and recreational activities in a safe environment. Examples of the youth programs are sports leagues, sports camps, swim programs, arts, music, dance, reading programs, intervention services, nature camps, and day long structured programs.

Ms. Cindy Shoemaker, Assistant Director of Community Initiatives, stated that Items 9A and 9B were joint efforts between Parks & Recreation and Community Initiatives. Ms. Shoemaker added that Community Initiatives (Delegate Agencies) increased capacity at 11 sites for a total increase of approximately 1,000 participants. She stated that Parks & Recreation (Kid Quest and Play Zone) added five new sites: Furey Apartments, Rutledge Apartments, Beldon Apartments, Northern Hills Elementary, and Northwood Elementary. Ms. Shoemaker noted that Community Initiatives (Delegate Agencies) added six new sites: Candlewood Elementary, St. Francis Church, Losoya, Southside, Harmony Hills, and Woodstone.

Councilmember McNeil asked that a friendly amendment for an additional $50,000 from the contingency funds to provide additional slots for the Summer Camp to be included in the motion. Mayor Hardberger announced that said addition would be included in the main motion as there was no opposition to the friendly amendment.

Mayor Hardberger announced Councilmember Guajardo voted in the affirmative on Items 9A and 9B.

The motion for Items 9A and 9B prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez.

The City Clerk read the following Ordinance:

Item 11. CONSIDERATION OF THE APPLICANT'S APPEAL OF THE DECISION BY THE PLANNING COMMISSION ON APRIL 11, 2007 TO GRANT VESTED RIGHTS EFFECTIVE JANUARY 20, 2004 TO A 185 ACRE TRACT OF LAND LOCATED GENERALLY IN THE VICINITY OF U.S. HIGHWAY 90 AND GROSENBACHER ROAD.

Councilmember Perez moved to uphold the decision of the Planning Commission and deny the appeal of vested rights. Councilmember Hall seconded the motion.

The motion prevailed by the following vote: **AYES:** Flores, McNeil Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez.

PUBLIC HEARING

The City Clerk read the following Ordinance:

2007-05-31-0599

Item 12. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE CLOSING, VACATING, AND ABANDONING PART OF WEST PARK AVENUE, PART OF LEWIS STREET, AND A SMALL REMAINING PORTION OF AN ALLEY LOCATED NEAR SAN ANTONIO COLLEGE, ADJACENT TO NCBS 375 & 1898, IN COUNCIL DISTRICT 1, AS REQUESTED BY ALAMO COMMUNITY COLLEGE DISTRICT (ACCD) FOR A FEE OF $243,490.00.

Councilmember Guajardo moved to adopt the proposed Ordinance. Councilmember Hall seconded the motion.

Mr. Shawn Eddy, Asset Management Director gave a brief presentation on the proposed street closure requested by the (ACCD) allowing San Antonio College to expand its campus.

The motion prevailed by the following vote: **AYES:** Flores, Perez, Radle, Herrera, Guajardo, Hall, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** McNeil, Gutierrez, and Wolff.

There being no citizens signed up to speak, Mayor Hardberger declared the Public Hearing closed.

Item 13. STAFF BRIEFING AND POSSIBLE ACTION ON BILLS PENDING IN THE 80TH STATE LEGISLATIVE SESSION.

Mr. Andrew Smith, Director of Intergovernmental Relations, gave a presentation on the Bills pending as they relate to the City of San Antonio. No action was necessary on said item.

CONSENT AGENDA: Items 14-65M

Consent Agenda Items 26, 33, 52, 56, 58, 61, 62, and 65M were pulled for Individual Consideration. Councilmember Perez moved to approve the remaining Consent Agenda Items. Councilmember Herrera seconded the motion.

Mr. Jack M. Finger stated that he was shocked that Item 65M was pulled by staff and will not be considered. He gave kudos to Ms. Terry Hall and the San Antonio Toll Party for expressing their opinions on Toll Roads. Mr. Finger stated that Items 35 and 39 deal indirectly with helping illegal aliens. He stated that Item 45 assists with after-school babysitting during the summer when most children are out of school. Mr. Finger added that $2.5 million was too much to spend on babysitting children. Mr. Finger stated that the Police and Fire contract wage increases are over and above the inflation rate and that the contract added a new benefit for In-Vitro Fertilization. He stated that taxpayers should not have to pay for said benefit. Lastly, Mr. Finger stated that Items 21, 26, and 28 deal with awarding contracts where no bidding had taken place.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

2007-05-31-0600

Item 14. 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 2006-2007 FOR A COMBINED ESTIMATED COST OF $802,700.00, INCLUDING: (A) INTERNATIONAL CODE COUNCIL BOOKS; (B) HYDRO MULCH OVER-SEEDING; (C) LAWN MOWING SERVICE AT CITY PARKS; AND (D) TYPE 170E CONTROLLER AND CABINET FOR TRAFFIC SIGNALS.

2007-05-31-0601

Item 15A. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AN OFFER FROM FREIGHTLINER OF SAN ANTONIO, LTD., TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH FORTY FIVE (45) AUTOMATED REFUSE COLLECTION TRUCKS POWERED BY DIESEL FUEL FOR A COST OF $9,912,735.00.

2007-05-31-0602

Item 15B. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AN OFFER FROM FREIGHTLINER OF SAN ANTONIO, LTD., TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH FIFTEEN (15) AUTOMATED REFUSE COLLECTION TRUCKS POWERED BY COMPRESSED NATURAL GAS FOR A COST OF $3,782,505.00.

The following citizens appeared to speak:

Mr. David Schoener, Equipment Southwest, addressed the Council in opposition to the purchase of 60 automated solid waste trucks. He stated that Equipment Southwest was a distributor of refuse bodies that mount onto truck chassis. Mr. Schoener stated that Equipment Southwest submitted a competitive bid that was not selected. He stated that the entire bid process was flawed.

Mr. Jesse Castillo, Rush Refuse Systems, addressed the Council in opposition to the bid being awarded to Freightliner. He stated that Rush Refuse System submitted a bid for $952,000 for 45 diesel trucks and $257,000 for 15 compressed natural gas trucks which was $1.2 million less than the bid submitted by Freightliners. He stated that the second issue to consider is reputation noting that Rush Refuse Systems is a local company that was founded in 1965.

Mr. Reagan Noll, Clean Energy, addressed the Council and thanked the Council. He stated that Clean Energy would like to assist the City in diversifying its fleet of heavy duty trucks that use alternative fuel. Mr. Noll stated that the emission reductions are substantial.

Mr. Frank Burney addressed the Council on behalf of Clean Energy. He stated that during a "B" Session the Council advocated the use of CNG trucks and requested the Council to support said item.

Mr. Jim Harger, Senior Vice President of Clean Energy addressed the Council. He stated that purchasing natural gas trucks will help cut down on emissions. Lastly, Mr. Harger stated that Clean Energy would like to partner with the City. He stated that the country was short on oil and gas and that utilizing natural gas was a better option.

Mr. David Lynch, Cummins Westport, addressed the Council in support of natural gas. He stated that the City will be recognized for its civic leadership in promoting alternate fuel. Mr. Lynch noted that natural gas will lower emissions and save money.

Mr. Tommy McGhee, National Sales Manager for Rush Trucks, addressed the Council stating that Rush Trucks bid on said item. He noted that during the evaluation process, the Bridgeport and Howell Bodies were evaluated. However at the pre-bid conference it was noted that the Heil Body or approved equal would be considered. Mr. McGhee stated that Rush Trucks bid on the Bridgeport Body and was $1.2 million less that Freightliner.

Leticia M. Vacek, City Clerk read the following written testimony from Heather DeGrella representing the Local Chapter of US Green Building Council (USGBC). Ms. DeGrella thanked the Council for unanimously passing the City's Green Building Resolution to protect the community environment. Ms. DeGrella stated that an affirmative vote would serve as a shining example for the region. She stated that on behalf of the USGBC, she urged the Council to vote in favor of the 15 natural gas refuse collection trucks.

2007-05-31-0603

Item 16. AN ORDINANCE ACCEPTING THE BID FROM JAKE CO. CONSTRUCTION TO PROVIDE THE PARKS AND RECREATION DEPARTMENT WITH SEVEN STREET LIGHTS AT THE ARROYO VISTA PARK FOR A COST OF $29,990.00, FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

2007-05-31-0604

Item 17. AN ORDINANCE ACCEPTING THE BID FROM ADH MARKETING, TO PROVIDE THE FIRE DEPARTMENT TRAINING DIVISION WITH 50 THERMAL IMAGING CAMERAS, ACCESSORIES, AND TRAINING FOR A COST OF $344,750.00, UTILIZING THE 2006 ASSISTANCE TO FIREFIGHTERS GRANT.

2007-05-31-0605

Item 18. AN ORDINANCE AUTHORIZING ISSUANCE OF A $132,279.21 JOB ORDER TO JAMAIL & SMITH CONSTRUCTION FOR 7TH FLOOR IMPROVEMENTS AT THE MUNICIPAL PLAZA BUILDING, LOCATED AT 114 W. COMMERCE STREET IN COUNCIL DISTRICT 1.

2007-05-31-0606

Item 19. AN ORDINANCE AUTHORIZING THE FOLLOWING THREE ACTIONS IN CONNECTION WITH THE RELOCATION OF THE TRANSPORTATION SECURITY ADMINISTRATION (TSA) OWNED AND OPERATED SECURITY SCREENING EQUIPMENT AT SAN ANTONIO INTERNATIONAL AIRPORT: A) EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE TSA, AND THE CITY OF SAN ANTONIO, ESTABLISHING THE RESPECTIVE OBLIGATIONS AND RESPONSIBILITIES OF THE PARTIES; B) EXECUTION OF A SERVICE AGREEMENT WITH GENERAL ELECTRIC HOMELAND PROTECTION (GE) TO PROVIDE PROJECT MANAGEMENT AND FIELD SERVICES ENGINEERING IN AN AMOUNT NOT TO EXCEED $16,365.00; C) EXECUTION OF A SERVICE AGREEMENT WITH DFW MOVERS & ERECTORS, INC. FOR THE RELOCATION OF TWO SECURITY SCREENING UNITS IN AN AMOUNT NOT TO EXCEED $4,200.00.

2007-05-31-0607

Item 20. AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 FOR INSTALLATION OF A DOOR, RAMP AND COVERED WALKWAY AND CHANGE ORDER 6 FOR PURCHASE AND INSTALLATION OF EIGHT WATERPROOF SUN SHADES FOR THE NEW GROUND TRANSPORTATION CENTER IN THE TOTAL AMOUNT OF $90,546.60, BOTH IN CONNECTION WITH THE CONSTRUCTION CONTRACT WITH CONSTRUCTORS & ASSOCIATES FOR TERMINAL 2 TENANT RELOCATION AND SELECTIVE DEMOLITION PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT.

2007-05-31-0608

Item 21. AN ORDINANCE AMENDING THE $14,942,409.00 PROFESSIONAL SERVICES AGREEMENT WITH 3D/INTERNATIONAL, INC. IN THE AMOUNT OF $4,519,724.10, IN

CONNECTION WITH DESIGN AND OTHER CHANGES IN THE NEW TERMINAL EXPANSION PROJECT AT THE SAN ANTONIO INTERNATIONAL AIRPORT, INCREASING THE DESIGN CONTINGENCY IN THE NET AMOUNT OF $366,003.90, AND APPROVING PAYMENT OF ADDITIONAL SERVICE REQUESTS FROM PREVIOUSLY APPROPRIATED FUNDS.

2007-05-31-0609

Item 22. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF $499,079.64 FOR THE IN-HOUSE CONSTRUCTION OF UPGRADES TO EISENHOWER PARK'S EXISTING WATER WELL AND SEWER SYSTEM AS PART OF THE FRIEDRICH PARK AND EISENHOWER PARK WATER SERVICE PROJECT AND GENERAL PARK IMPROVEMENTS TO HAUSMAN ROAD PARK AS PART OF THE HAUSMAN ROAD PARK DEVELOPMENT PROJECT, APPROVED 2003 PARK BOND FUNDED PROJECTS LOCATED IN DISTRICT 8.

2007-05-31-0610

Item 23. AN ORDINANCE APPROVING CHANGE ORDER NO. 1 IN THE AMOUNT OF $95,423.99 TO THE CONSTRUCTION CONTRACT, WITH JERDON ENTERPRISE, L.P. TO ADDRESS CONTRACT ADJUSTMENTS SUCH AS, RENTING CONSTRUCTION MESSAGE BOARDS, PROJECT DISPLAY SIGNS, REALIGNMENT OF NEW SEWER LINE, ADDITIONAL ROAD DEMOLITION AND ARCHEOLOGY, RELOCATION OF TELEPHONE CABLE, AND FIELD WORK RELATED TO AN ABANDONED WATER LINE, IN CONNECTION WITH THE MAIN PLAZA REDEVELOPMENT PROJECT, LOCATED IN DISTRICT 1, AND APPROPRIATING FUNDS.

2007-05-31-0611

Item 24. AN ORDINANCE APPROVING CHANGE ORDER SAWS NO. 07 IN THE AMOUNT OF $44,927.00 TO THE CONSTRUCTION CONTRACT, WITH VALEMAS, INC. FOR ADDITIONAL WORK OF REALIGNMENT, REPLACEMENT, AND INCREASING THE SLOPE OF THE LATERAL TO THE MAIN SEWER IN CONNECTION WITH THE AVE MARIA DRIVE – SAN PEDRO TO JACKSON KELLER PROJECT, LOCATED IN DISTRICT 1.

2007-05-31-0612

Item 25. AN ORDINANCE AUTHORIZING PAYMENTS OF $12,125.00 TO GRANDE COMMUNICATIONS NETWORKS, INC. AND $43,010.12 TO TELWEST NETWORK SERVICES FOR THE UNDERGROUND UTILITY CONVERSION OF THE COMMERCE STREET: RAILROAD TO S. PALMETTO PROJECT, LOCATED IN DISTRICT 2, AN AUTHORIZED 2003 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDED PROJECT, AND APPROPRIATING FUNDS.

2007-05-31-0614

Item 27. AN ORDINANCE AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $1,303,399.00 TO YANTIS COMPANY, OF WHICH $6,895.00 WILL BE REIMBURSED BY CPS ENERGY AND $138,979.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS AND APPROVING CHANGE ORDER NO.1 IN THE

AMOUNT OF $243,394.81, IN CONNECTION WITH THE PRUE ROAD LOW WATER CROSSING PROJECT, LOCATED IN DISTRICT 8 AND APPROPRIATING FUNDS.

2007-05-31-0615

Item 28. AN ORDINANCE APPROVING A $1,814,420.00 AMENDMENT TO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH TURNER COLLIE & BRADEN FOR ADDITIONAL ENGINEERING SERVICES, INCLUDING, BUT NOT LIMITED TO, FATAL FLAW ANALYSIS, PHASE I ENVIRONMENTAL SITE ASSESSMENTS, SOIL BORINGS, ENGINEERING REPORTS, AND SURVEYS, IN CONNECTION WITH UPPER LEON CREEK REGIONAL WATERSHED STORAGE FACILITY PROJECT, LOCATED IN DISTRICT 8, AND APPROPRIATING FUNDS.

2007-05-31-0616

Item 29. AN ORDINANCE APPROVING CHANGE ORDER NO. SAWS-01 IN THE AMOUNT OF $66,905.06 TO THE CONSTRUCTION CONTRACT WITH TEXAS STERLING CONSTRUCTION, L.P. FOR ADDITIONAL WORK TO ADD SERVICE RELAYS, A PIPE, AND A TAPPING SLEEVE AND VALVE, AND REMOVING A GATE VALVE AND PLUG TEE, IN CONNECTION WITH THE STAHL ROAD – O'CONNOR TO JUDSON PROJECT, LOCATED IN DISTRICT 10.

2007-05-31-0617

Item 30. AN ORDINANCE AUTHORIZING REMOVAL OF RESTRICTIONS AND THE REVERTER FROM A 1989 TRANSFER OF JURISDICTION OVER THE PROPERTY AT 311 ROOSEVELT TO THE FIREMEN AND POLICEMEN'S PENSION FUND FOR THE AMOUNT OF $168,000.00.

2007-05-31-0618

Item 31. AN ORDINANCE AUTHORIZING SALE OF APPROXIMATELY 0.86 ACRES OF CITY-OWNED PROPERTY AT THE SOUTHWEST BUSINESS & TECHNOLOGY PARK IN COUNCIL DISTRICT 6, TO JULIO RODRIGUEZ FOR $37,500.00 AND AUTHORIZING PAYMENT OF ANCILLARY EXPENSES.

2007-05-31-0619

Item 32. AN ORDINANCE AUTHORIZING THE EXECUTION OF A FIVE-YEAR LEASE AGREEMENT WITH EL CENTRO DEL BARRIO D/B/A CENTROMED FOR APPROXIMATELY 9,522 SQUARE FEET OF CLINIC AND OFFICE SPACE IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S SOUTHWEST BRANCH CLINIC, LOCATED AT 9011 POTEET JOURDANTON HIGHWAY AT A RATE OF $100.00 PER MONTH.

2007-05-31-0621

Item 34. AN ORDINANCE AUTHORIZING THE ACCEPTANCE UPON AWARD OF A GRANT FROM GOODWILL INDUSTRIES OF SAN ANTONIO, INC. IN AN AMOUNT UP TO $40,000.00 TO FUND A PERSONNEL COMPLEMENT AND SOFTWARE LICENSING FEES IN SUPPORT OF BENEFIT ENROLLMENT OUTREACH AND SERVICES TO

ELIGIBLE CITY EMPLOYEES FOR THE PERIOD MAY 1, 2007 TO JULY 31, 2008; AND AUTHORIZING THE EXECUTION OF ANY AND ALL RELATED DOCUMENTS.

2007-05-31-0622

Item 35. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U. S. DEPARTMENT OF JUSTICE OFFICE OF SPECIAL COUNSEL (OSC), AND ACCEPTANCE UPON AWARD OF A GRANT IN AN AMOUNT UP TO $100,000.00 TO PROVIDE OUTREACH AND EMPLOYMENT DISCRIMINATION EDUCATION TO IMMIGRANTS AUTHORIZED TO WORK FOR THE PERIOD SEPTEMBER 1, 2007 TO AUGUST 31, 2008; AND AUTHORIZING THE EXECUTION OF ANY AND ALL RELATED DOCUMENTS.

2007-05-31-0623

Item 36. AN ORDINANCE AUTHORIZING SUBMISSION OF TWO APPLICATIONS TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ), EMISSIONS REDUCTION INCENTIVE GRANT PROGRAM, AND ACCEPTANCE OF GRANT FUNDS UP TO $840,475.00 OR MORE.

2007-05-31-0624

Item 37. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF $35,798.40 FROM THE UNITED STATES FIRE ADMINISTRATION FOR THE 2006 FIRE PREVENTION AND SAFETY GRANT FOR THE PERIOD OF ONE YEAR FROM THE DATE OF THE AWARD; AUTHORIZING AN IN-KIND MATCH OF $8,949.60.

2007-05-31-0625

Item 38. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF CARRY FORWARD FUNDS UNDER A COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE AMOUNT OF $200,000.00 TO INCREASE YEAR 3 SUPPORT FOR THE STEPS TO A HEALTHIER SAN ANTONIO PROGRAM FROM $1,493,115.00 TO $1,693,115.00 FOR THE CONTRACT PERIOD SEPTEMBER 22, 2006 THROUGH SEPTEMBER 21, 2007; AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE TEXAS A&M UNIVERSITY SCHOOL OF RURAL PUBLIC HEALTH FOR EVALUATION SERVICES FOR THE PERIOD OF APRIL 1, 2007 THROUGH OCTOBER 1, 2007; AND AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH THE YMCA OF GREATER SAN ANTONIO WHICH WILL INCREASE FUNDING UNDER THE CURRENT CONTRACT.

2007-05-31-0626

Item 39. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH WILL AMEND THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S TITLE V POPULATION-BASED SERVICES CONTRACT'S TIMELINE OF DELIVERABLES FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007.

2007-05-31-0627

Item 40. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TEXAS OFFICE FOR THE PREVENTION OF DEVELOPMENTAL DISABILITIES FOR $17,500.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT IN THE FETAL ALCOHOL SPECTRUM DISORDERS PREVENTION PROJECT TO PROVIDE SERVICES DURING THE PERIOD MAY 15, 2007 THROUGH DECEMBER 15, 2007.

2007-05-31-0628

Item 41. AN ORDINANCE AUTHORIZING THE EXECUTION OF A GRANT CONTRACT WITH GOODWILL INDUSTRIES OF SAN ANTONIO IN THE AMOUNT OF $23,685.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE MAMMOGRAMS, LAB SCREENINGS, AND PREVENTIVE HEALTH CARE AT VARIOUS GOODWILL LOCATIONS AS PART OF THE GOOD HEALTH AT GOODWILL PROGRAM FOR THE PERIOD FEBRUARY 2, 2007 THROUGH OCTOBER 31, 2007.

2007-05-31-0629

Item 42. AN ORDINANCE REDUCING THE DISTRICT 7 ONE TIME PROJECT FUNDS BY $52,000.00 AND REALLOCATING $15,000.00 TO THE SPAY AND NEUTER ASSISTANCE PROGRAM, $20,000.00 TO THE CITY OF SAN ANTONIO ANIMAL CARE SERVICES DEPARTMENT, $5,000.00 TO OUR LADY OF THE LAKE UNIVERSITY, $3,000.00 TO ST. MARY'S UNIVERSITY, $1,000.00 TO KEEP SAN ANTONIO BEAUTIFUL, AND $8,000.00 TO CENTRO CULTURAL AZTLAN, AS REQUESTED BY COUNCILWOMAN ELENA GUAJARDO, DISTRICT 7.

2007-05-31-0630

Item 43. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A STATE LAWSUIT STYLED UNIVERSITY OF KANSAS V. CITY OF SAN ANTONIO, IN THE 150TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, CAUSE NO. 2002-CI-12852, FOR THE AMOUNT OF $99,000.00.

2007-05-31-0631

Item 44. AN ORDINANCE AUTHORIZING EXECUTION OF A CONTRACT AMENDMENT EXTENDING THE TERM FOR AN ADDITIONAL YEAR WITH THE SAN ANTONIO HOUSING AUTHORITY (SAHA) TO PROVIDE SIXTEEN (16) TRANSITIONAL HOUSING UNITS IN CONNECTION WITH THE TRANSITIONAL HOUSING PROJECT FUNDED BY THE SUPPORTIVE HOUSING PROGRAM; AND AUTHORIZING PAYMENT FOR HOUSING TO SAHA IN AN AMOUNT NOT TO EXCEED $102,528.00.

2007-05-31-0632

Item 45. AN ORDINANCE AUTHORIZING CONTRACT AMENDMENTS WITH THE EDGEWOOD, EAST CENTRAL, NORTHSIDE, NORTHEAST, SAN ANTONIO, SOUTH SAN, AND SOUTHWEST INDEPENDENT SCHOOL DISTRICTS (ISD), AND WITH THE DELEGATE AGENCIES, BOYS AND GIRLS CLUBS OF SAN ANTONIO, INC. AND POSITIVE BEGINNINGS, INC. TO EXTEND THE TERM FROM JUNE 15, 2007 TO

SEPTEMBER 30, 2007 FOR THE AFTER SCHOOL CHALLENGE PROGRAM (ASCP); AUTHORIZING CONTRACT AMENDMENTS IN THE AMOUNT OF (A) $41,738.00 TO A $83,043.00 CONTRACT WITH THE EAST CENTRAL ISD, (B) $24,500.00 TO A $177,949.00 CONTRACT WITH NORTHSIDE ISD, (C) $24,500.00 TO A $182,892.00 CONTRACT WITH THE NORTHEAST ISD, (D) $1,144.00 REDUCTION TO A $1,276,720.00 CONTRACT WITH SAN ANTONIO ISD, (E) $22,253.00 TO A $241,344.00 CONTRACT WITH SOUTH SAN ISD, (F) $24,500.00 TO A $22,244.00 CONTRACT WITH SOUTHWEST ISD, (G) $44,461.00 TO A $124,564.00 CONTRACT WITH POSITIVE BEGINNINGS, INC. FOR ASCP SERVICES IN EDGEWOOD ISD, AND (H) $136,962.00 REDUCTION TO A $253,948.00 CONTRACT WITH POSITIVE BEGINNINGS, INC. FOR ASCP SERVICES IN HARLANDALE ISD; AUTHORIZING AMENDMENTS TO ASCP CONTRACTS FOR DEVELOPMENT AND IMPLEMENTATION OF A QUALITY INITIATIVE PROGRAM FOCUSING ON MATH AND SCIENCE; AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH HARLANDALE ISD IN THE AMOUNT OF $161,462.00 FOR A TERM ENDING SEPTEMBER 30, 2007 FOR THE ASCP; AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF THE 2007-2008 ASCP INTERLOCAL AGREEMENTS WITH ISDS AND CONTRACTS WITH DELEGATE AGENCIES IN A COMBINED TOTAL NOT TO EXCEED THE AMOUNT BUDGETED FOR THE AFTER SCHOOL CHALLENGE PROGRAM.

2007-05-31-0633

Item 46. AN ORDINANCE WAIVING CERTAIN PROCEDURES ESTABLISHED BY CHAPTER 2, ARTICLE VI, CITY CODE OF SAN ANTONIO FOR THE RENAMING OF STREETS AND AUTHORIZING THE RENAMING OF THE FOLLOWING: 11700 BLOCK OF "MOZLEY RISE" TO 6500 BLOCK OF "QUEENS CROWN WEST;" THE 11600 BLOCK OF "COOKE CHASE" TO "BRICKEN CIRCLE;" AND THE 6500 BLOCK OF "PUTNAM PASS" TO "GILDER STREET" AS REQUESTED BY CITY COUNCILMAN HAASS, DISTRICT 10.

2007-05-31-0634

Item 47. AN ORDINANCE AUTHORIZING THE PAYMENT OF ANNUAL MEMBERSHIP DUES IN THE AMOUNT OF $50,000.00 TO THE AUSTIN-SAN ANTONIO CORRIDOR COUNCIL FOR THE PERIOD OF OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

2007-05-31-0635

Item 48. AN ORDINANCE AUTHORIZING PAYMENT IN THE AMOUNT OF $3,384,000 TO TOYOTA MOTOR MANUFACTURING TEXAS, INC. AS APPROVED UNDER THE PROJECT STARBRIGHT AGREEMENT AND ESTABLISHING A PAYMENT SCHEDULE FOR THE REMAINING BALANCE.

2007-05-31-0636

Item 49. AN ORDINANCE APPROVING CPS ENERGY STREETLIGHT RATES FOR THE BROOKS FLEX, ACORN, AND COOPER PENDANT DECORATIVE STREETLIGHTS; AND APPROVING THE INSTALLATION OF DECORATIVE STREETLIGHTS AT THE RIM AT LA CANTERA DEVELOPMENT AND AT THE BROOKS DEVELOPMENT AUTHORITY.

2007-05-31-0637

Item 50. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF $140,366.00 FROM THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT TO OFFSET ADMINISTRATIVE COSTS OF THE SAN ANTONIO FIRE DEPARTMENT EMERGENCY MANAGEMENT OFFICE FOR THE GRANT PERIOD OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

2007-05-31-0638

Item 51. AN ORDINANCE APPROVING A FUNDING AGREEMENT WITH MUNICIPAL GOLF ASSOCIATION-SAN ANTONIO (MGA-SA), A TEXAS NON-PROFIT CORPORATION FOR CAPITAL IMPROVEMENTS TO THE CITY'S GOLF FACILITIES OVER A FIVE (5) YEAR TERM WITH TOTAL PAYMENTS BY THE CITY OF $9,400,000.00 TO BE MATCHED WITH A $3,300,000.00 CONTRIBUTION BY MGA-SA.

2007-05-31-0640

Item 53. AN ORDINANCE AUTHORIZING THE EXECUTION OF TWO CONTRACTS WITH PARENT/CHILD INCORPORATED (PCI) FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) TO PROVIDE PHYSICAL EXAMINATIONS AND DENTAL EVALUATIONS TO CHILDREN ENROLLED IN PCI PROGRAMS FOR THE PERIOD FEBRUARY 1, 2007 THROUGH JANUARY 31, 2008; AND AUTHORIZING THE EXECUTION OF TWO PROFESSIONAL SERVICES AGREEMENTS WITH TWO HEALTH CARE PROFESSIONALS WHO WILL BE WORKING IN THESE PROGRAMS AND IN OTHER SAMHD CLINICAL ACTIVITIES.

2007-05-31-0641

Item 54. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT FOR UP TO $300,000.00 WITH UT MEDICINE SAN ANTONIO WHICH WILL PROVIDE PROFESSIONAL MEDICAL SERVICES TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2005 THROUGH SEPTEMBER 30, 2009.

2007-05-31-0642

Item 55. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE UNIVERSITY OF TEXAS AT HOUSTON, SCHOOL OF PUBLIC HEALTH TOTALING $53,000.00 TO PROVIDE GRANT EVALUATION AND CONSULTATION SERVICES FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD MARCH 1, 2007 THROUGH JANUARY 31, 2009.

2007-05-31-0644

Item 57. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION CONTRACT WITH THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE (TDCJ) FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO RECEIVE UP TO $2,100.00 FOR PROVIDING DEATH CERTIFICATES OF DECEASED

PAROLEES TO THE TDCJ DURING THE PERIOD OF SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008.

2007-05-31-0646

Item 59. AN ORDINANCE ACCEPTING THE PETITION OF RED BIRD RANCH LIMITED PARTNERSHIP AND CONTINENTAL HOMES OF TEXAS, LIMITED PARTNERSHIP, TO BRING INTO THE CITY'S EXTRATERRITORIAL JURISDICTION APPROXIMATELY 435.04 ACRES OF LAND WEST OF THE INTERSECTION OF POTRANCO ROAD AND HIGHWAY 211.

2007-05-31-0647

Item 60. A RESOLUTION SUPPORTING BEXAR COUNTY WITH ITS PASS-THROUGH FINANCING PROPOSAL FOR SH 211 (HILL COUNTRY PARKWAY) AND FM 1957 (POTRANCO ROAD - REGIONAL CONNECTOR).

2007-05-31-0650

Item 63. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO REIMBURSE THE CITY OF SAN ANTONIO AN AMOUNT NOT TO EXCEED $22,550.00 FOR THE COST OF FURNISHING AND INSTALLING TRAFFIC SIGNAL EQUIPMENT AT THE INTERSECTION OF COMMERCIAL AVE. AND LOOP 13 (S.W. MILITARY DRIVE).

2007-05-31-0651

Item 64. AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY AND ACCEPTING PAYMENT IN THE AMOUNT OF $3,000,000.00, FOR MAINTENANCE AND IMPROVEMENTS OF CERTAIN STREETS LOCATED IN BEXAR COUNTY PRECINCTS 1 AND 4, AND DISTRICTS 2, 3, 4, 5, AND 6.

Item 65. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS:

A. REAPPOINTING MARY M. DENNIS (DISTRICT 2) AND WAIVING THE RESIDENCY REQUIREMENT AS REQUESTED BY COUNCILMEMBER MCNEIL, AND APPOINTING GLORIA M. ALMARAZ (DISTRICT 6) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE FOR TERMS OF OFFICE TO COMMENCE JUNE 1, 2007 AND EXPIRE MAY 31, 2009.

B. REAPPOINTING ANTONIETTE FRANKLIN (DISTRICT 2) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE (CATEGORY: PERFORMING ARTS/DANCE) FOR A TERM OF OFFICE TO COMMENCE JUNE 1, 2007 AND EXPIRE MAY 31, 2009.

C. REAPPOINTING ROY E. LEE (DISTRICT 2) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR A TERM OF OFFICE TO COMMENCE JUNE 1, 2007 AND EXPIRE MAY 31, 2009.

D. REAPPOINTING ELYSE DUBROFF (DISTRICT 2) TO THE DISABILITY ACCESS ADVISORY COMMITTEE (CATEGORY: CONSUMER OF HANDICAPPED SERVICES) FOR A TERM OF OFFICE TO COMMENCE JUNE 1, 2007 AND EXPIRE MAY 31, 2009.

E. REAPPOINTING ERNEST GARCIA (DISTRICT 2) TO THE LINEAR CREEKWAY PARKS ADVISORY BOARD FOR A TERM OF OFFICE TO COMMENCE JUNE 1, 2007 AND EXPIRE MAY 31, 2009.

F. REAPPOINTING MICHELLE M. HERRERA (DISTRICT 2) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO COMMENCE JUNE 1, 2007 AND EXPIRE MAY 31, 2009.

G. REAPPOINTING JOHN S. BRAXTON (DISTRICT 2) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO COMMENCE JUNE 1, 2007 AND EXPIRE MAY 31, 2009.

H. REAPPOINTING A'RIELLE K. GATLIN (DISTRICT 2) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO COMMENCE JUNE 1, 2007 AND EXPIRE MAY 31, 2009.

I. REAPPOINTING DARRELL H. LEWIS (DISTRICT 2) AND APPOINTING ALVARO RODRIGUEZ (DISTRICT 6) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR TERMS OF OFFICE TO COMMENCE JUNE 1, 2007 AND EXPIRE MAY 31, 2009.

J. APPOINTING LAWRENCE ROMO (DISTRICT 6) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR A TERM OF OFFICE TO COMMENCE JUNE 1, 2007 AND EXPIRE MAY 31, 2009.

K. APPOINTING BEVERLY SAMERI (DISTRICT 2) TO THE TRANSPORTATION ADVISORY BOARD FOR A TERM OF OFFICE TO COMMENCE JUNE 1, 2007 AND EXPIRE MAY 31, 2009, AND WAIVING THE CATEGORICAL REQUIREMENT OF HOTEL/MOTEL ASSOCIATION, AS REQUESTED BY COUNCILWOMAN DELICIA HERRERA.

L. APPOINTING GREGORY ODEL BURKETT (DISTRICT 8) TO THE ELECTRICAL SUPERVISORY BOARD (CATEGORY: MASTER SIGN ELECTRICIAN) AND WAIVING THE RESIDENCY REQUIREMENT AS REQUESTED BY COUNCILMEMBER HALL, FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE COMMENCING IMMEDIATELY AND EXPIRING JULY 31, 2007.

[CONSENT ITEMS CONCLUDED]

The City Clerk read the following Ordinance:

2007-05-31-0620

Item 33. AN ORDINANCE APPROVING AMENDMENT NO. 2 TO THE LEASE BETWEEN THE CITY AND THE SAN ANTONIO MUSEUM ASSOCIATION, D/B/A THE WITTE MUSEUM, PROVIDING FOR TWO TWENTY-FIVE (25) YEAR RENEWAL OPTIONS ADDED TO THE EXISTING TERM, AND EXPANDING THE LEASED PREMISES TO INCLUDE ADDITIONAL GROUND SPACE NECESSARY FOR THE WITTE'S PLANNED EXPANSION.

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

Mr. Ron Smudy, Assistant Director of Parks and Recreation, reported that currently the Witte Museum has a lease until 2022 with the City of San Antonio. Mr. Smudy stated that this item would add two twenty-five (25) year renewal options and expand the leased premises to include additional ground space for the Witte's planned expansion. Mr. Smudy stated that the Witte Museum currently resides on 4.3 acres; the expansion would add an additional 4.2 acres of land. He stated that the proposed lease would help facilitate the Witte's ability to implement their Master Plan which includes $40 million in improvements.

<u>The following citizens appeared to speak:</u>

Mr. Larry De Martino addressed the Council and stated that the trees within the confines of Brackenridge should not be cut down to accommodate the Witte Museum Parking Garage. He stated that the lease amendment would give up valuable parkland. Mr. De Martino stated that the public process has been thwarted and that the needs of the people are not being heard. He urged the Council to delay this item to allow the new Council and newly-formed River Commission to oversee a public process where all alternatives can be explored.

Ms. Barbara Witte-Howell addressed the Council and stated that she was a forth generation River Road Resident. She stated that the duties of the River Road Neighborhood Association were to protect Brackenridge Park. Ms. Witte Howell stated that she represents District 1 on the Parks and Recreation Advisory Board. She noted that an item the Board kept hearing was the City's lack of public parkland. The Parks Board held a Public Hearing recently regarding the Witte Museum Project however; the focus was on the three-story parking garage and its impact on the park. Ms. Witte-Howell urged the Council to postpone said item to give the River Commission time to address the issues.

Mr. Milton Guess addressed the Council and stated that the San Antonio Tourism Council Board of Directors supports staff's recommendation for the Witte Museum. He stated that the Witte Museum is the start of the San Antonio River and that the City could not ask for a better plan for the environment.

Ms. Marilyn Lanfear addressed the Council and stated that the Witte Museum plans to use the 4 acre wooded tract of land to build a parking garage which includes tearing down the trees. She

stated that the mature healthy trees can not be moved and should not be cut down. Ms. Lanfear stated that she was not against expansion and suggested a better place to build a parking garage. She asked the Council to delay said item to give the River Commission an opportunity to hold a public hearing.

Leticia M. Vacek, City Clerk, read the following written testimony from Richard Alles: First and foremost the proposed parking garage requires destruction of over 100 trees, including 54 Cedar Elms as large as 19 inches in diameter, 11 Oak Trees, up to 33 inches in diameter and over 80 other significant trees. The loss of urban parkland and thousands of feet of widely used San Antonio Riverbank works against the park expansion program the City is undertaking. Viable alternatives are available, such as shared parking with AT&T, purchase of nearby underutilized property, and redevelopment from museum use. He asked that the Council vote against the amendments to the Witte Museum lease.

Mr. Sam Dawson, Chairman of the Witte Museum Board addressed the Council and stated that the Witte Museum is a City Facility, not a private facility. He stated that last year the Witte served 210,000 visitors, 89,000 of those were schoolchildren, and 40,000 of those visitors did not pay admission. Mr. Dawson noted that the Witte is old and ready to expand to make it relevant and vibrant for the next 80 years. Mr. Dawson stated that the subject of the parking garage brought about is completely different subject on a different piece of land and is not part of the lease expansion. He stated that the Witte Museum held three (3) Parks Board Public Meetings, three (3) River Road Public Meetings, and various Rotary Meetings. He stated that the Board has been working on the Master Plan for several years.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Hall.

At this time, Mayor Hardberger recessed the Regular Meeting at 12:50 pm to break for lunch. Mayor Hardberger reconvened the Regular Meeting at 2:43 pm.

POINT OF PERSONAL PRIVILEGE

Councilmember Flores paid tribute to Charles F. Codd who served as a District 1 appointee to the Ethics Review Board whom passed away Sunday, May 27, 2007. Councilmember Flores read a certificate on behalf of the Members of the City Council. The Members of the City Council join the family in their sorrow over his death and extend sincere sympathy of prayers and comfort to those who were near him.

The City Clerk read the following Ordinance:

2007-05-31-0639

Item 52. AN ORDINANCE AUTHORIZING THE ASSIGNMENT OF 100% OF OUR CASAS RESIDENCE COUNCIL'S PARTNERSHIP INTEREST IN THE PRIMROSE AT MONTICELLO PARK SENIOR HOUSING DEVELOPMENT, A HOME INVESTMENT PARTNERSHIPS GRANT (HOME) FUNDED PROJECT TO LAS VARAS, A NON-PROFIT AFFILIATE OF THE SAN ANTONIO HOUSING AUTHORITY, IN ORDER TO YIELD A 100% AD VALOREM TAX EXEMPTION AS REQUIRED BY THE LOAN AGREEMENT

BETWEEN THE SENIOR LENDER, BANK OF AMERICA, N.A. AND PRIMROSE SA IV HOUSING, L.P.

Councilmember Guajardo moved to adopt the proposed Ordinance. Councilmember Haass seconded the motion.

Councilmember Guajardo stated that she pulled said item for individual consideration to give Ms. Bianca Maldonado, President of the Monticello Neighborhood Association, an opportunity to speak.

Ms. Bianca Maldonado thanked Councilmember Guajardo and the Council for urging the developers to listen to the community's concerns. She stated that the compromise was a win-win for the City of San Antonio and the residents around the Fredericksburg and Hildebrand area.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez and Perez.

The City Clerk read the following Ordinance:

2007-05-31-0643

Item 56. AN ORDINANCE RATIFYING THE EXECUTION OF A LETTER OF AGREEMENT WITH THE SAN ANTONIO HOUSING AUTHORITY FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE COMPREHENSIVE HEALTH ASSESSMENTS FOR RESIDENTS OF THE VILLAS DE FORTUNA, BLUE RIDGE, SUNFLOWER, PALM LAKE AND MIRASOL SUBDIVISIONS FOR THE PERIOD OF MAY 1, 2007 THROUGH JULY 31, 2007.

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

Councilmember Herrera sought clarification from Dr. Alsip and asked what the scope of work entails by the Health Department. Dr. Alsip replied that the Letter of Agreement was between the Metro Health Department and the San Antonio Housing Authority to provide clinical assessments for the residents who are in four (4) different subdivisions managed by SAHA.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez.

The City Clerk read the following Ordinance:

2007-05-31-0613

Item 26. AN ORDINANCE APPROVING A $173,456.00 AMENDMENT TO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT, WITH VICKERY & ASSOCIATES, INC. FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES, INCLUDING A REVISED PHASE B, BID AND CONSTRUCTION PHASE SERVICES,

AND FINAL DESIGN SERVICES, IN CONNECTION WITH THE MILITARY DITCH #65 PROJECT, LOCATED IN DISTRICT 4 AND APPROPRIATING FUNDS.

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

Councilmember Perez asked Mr. Wendorf for a status on the project concerning construction timelines. Mr. Wendorf replied that the City made some design changes, noting that if the changes are approved the bid will go out within a month. He stated that the award of the bid would be early August with construction starting in September and project completion in November of 2008.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez.

The City Clerk read the following Ordinance:

2007-05-31-0645

Item 58. AN ORDINANCE AUTHORIZING A THREE-YEAR CONTRACT WITH E.B. JACOBS L.L.C. TO DEVELOP VALIDATED ENTRANCE EXAMINATIONS FOR THE POSITIONS OF FIRE TRAINEE AND POLICE CADET AT A COST NOT TO EXCEED $180,500.00.

Councilmember McNeil moved to adopt the proposed Ordinance to execute a one (1) year contract that includes two (2) optional one-year extensions with E.B. Jacobs, L.L.C. to develop validated entrance examinations for the positions of fire trainee and police cadet at a cost not to exceed $66,500.00. Councilmember Perez seconded the motion.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez.

The City Clerk read the following Ordinance numbers 61 and 62:

2007-05-31-0648

Item 61. AN ORDINANCE AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT WITH THE SAN ANTONIO PROFESSIONAL FIRE FIGHTER'S ASSOCIATION FOR A PERIOD THROUGH SEPTEMBER 30, 2009.

2007-05-31-0649

Item 62. AN ORDINANCE AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT WITH THE SAN ANTONIO POLICE OFFICERS' ASSOCIATION FOR A PERIOD THROUGH SEPTEMBER 30, 2009.

Leticia M. Vacek, City Clerk read the following written testimony from Faris Hodge Jr: The Police Contract is the worst contract in San Antonio history. The City is not treating all its employees the same. For example; the Police Department gets a 3% pay increase across the

board no matter the rank. The City of San Antonio Police Department is the 5th or 6th highest paid department in the United States.

Councilmember Perez moved to adopt proposed Ordinance numbers 61 and 62. Councilmember McNeil seconded the motion.

Mr. Eric Walsh presented highlights on the Fire and Police Contract negotiations stating that all parties involved have reached an agreement.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez.

PULLED FROM THE AGENDA BY STAFF

Item 65M. AN ORDINANCE APPOINTING MEMBERS OF THE CITY COUNCIL TO THE METROPOLITAN PLANNING ORGANIZATION TRANSPORTATION POLICY BOARD AND APPROVING THE APPOINTMENT OF AN ALTERNATE FOR ONE MEMBER IN ACCORDANCE WITH THE POLICIES OF THE MPO.

CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

J.D. Powers and Associates recently released results of the 2007 Airport Satisfaction Study. Despite being in the middle of the largest Capital Improvement Project, the San Antonio International Airport ranked second among other Airports of the same size in its category nationally. The San Antonio International Airport competes in the small category which is fewer than 10 million passengers per year. A variety of factors are evaluated such as customer satisfaction, accessibility, baggage check-in, baggage claim, and security. The study was conducted on over 10,000 passengers who took flights between May 2006 and April 2007. The passengers evaluated up to two different Airports, their departing and arriving Airports for more than 17,000 evaluations.

ZONING ITEMS

2007-05-31-0652

Z-1. ZONING CASE # Z2007182 (District 5): An Ordinance amending the zoning district boundary from "I-2" Heavy Industrial District to "IDZ" Infill Development Zone with uses permitted in "MF-33" Multi-Family Development and "C-2" Commercial Development on Lot 11, Lot 12, Lot 13, Lot 24, Lot 25, and Lot 26, Block 3, NCB 2567 and Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 15, Lot 16, Lot 17, Lot 18, Lot 19 and Lot 20, Block 4, NCB 2568, 243 E. Cevallos Street, 249 E. Cevallos Street, 301 E. Cevallos Street, 305 E. Cevallos Street, 311 E. Cevallos Street, 315 E. Cevallos Street and 319 E. Cevallos Street, as requested by Bobby Perez, Applicant for C A N Industries, Inc., Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed rezoning case.

Councilmember Radle moved to adopt the proposed rezoning case. Councilmember McNeil seconded the motion.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 11 THROUGH 13 AND LOTS 24 THROUGH 26, BLOCK 3, NCB 2567 AND LOTS 1 THROUGH 6 AND LOTS 15 THROUGH 20, BLOCK 4, NCB 2568 TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "IDZ" INFILL DEVELOPMENT ZONE DISTRICT WITH USES PERMITTED IN "MF-33" MULTI-FAMILY DISTRICT AND "C-2" COMMERCIAL DISTRICT.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez.

CONTINUED TO JUNE 21, 2007

Z-2. ZONING CASE Z2007045 (District 8): An Ordinance changing the zoning district boundary from "DR" ERZD Development Reserve Edwards Recharge Zone District to "C-2" ERZD Commercial Edwards Recharge Zone District on 73.18 acres out of CB 4533, CB 4540, CB 4543 and CB 4547 (NCB 14866), "C-1" ERZD Light Commercial Edwards Recharge Zone District on 7.2581 acres out of CB 4533 and CB 4543 (NCB 14866) and "R-6" ERZD Residential Single Family Edwards Recharge Zone District on 5.441 acres out of CB 4533 and CB 4543 (NCB 14866) as requested by Brown, P. C., Applicant for H. Kyle Seale, Daniel Kyle Seale, H. Kyle Seale Family Properties, Ltd., Owners. Staff recommends Approval the Zoning Commission pending May 15th meeting.

Mr. John Jacks presented the proposed rezoning case noting that the rezoning case requires 9 affirmative votes to be approved.

<u>The following citizens appeared to speak:</u>

Ms. Charlotte Kahl, Co-chair of the Spanish Trail Centennial Celebration Association, addressed the Council. She stated that a small strip of Kyle Seale was going to be added to the City of San Antonio giving total control to the City. Ms. Kahl stated that the surrounding ETJ properties are addressed by the City of San Antonio Zoning and Planning Commissions but require the County Commissioner's final approval. She invited the Mayor and City Councilmembers to take a tour of the area before voting on said item.

Mr. Ronald Parks addressed the Council and stated that he opposed the rezoning case because the City of San Antonio cannot provide adequate emergency services to the area. He stated that the Fire Chief informed him that the area was located in an extended response zone, meaning the City cannot provide emergency services within four (4) minutes, which is the national standard. Mr. Parks urged the Council to vote against said rezoning case.

Ms. Elyzabeth Earnley of AGUA addressed the Council on the issue of grandfathering as it pertains to this case. She stated that the overall area development plan from 1988 is what the

land owner has based the vested rights request. Ms. Earnley stated that an old map of the location lists proposed land use; and does not list C-3, C-2 or MS-33 on the map. She stated that the land uses listed on the map are what was grandfathered. Ms. Earnley stated that the Edwards Aquifer Recharge Zone is located under the land. She urged the Council to vote against said rezoning case.

Mr. Chris Beal, Hills & Dales Homeowners Association addressed the Council. He stated that the Hills & Dales residents held meetings on what was acceptable to them. Mr. Beal stated that all the requirements of the Association were met by the Kyle Seale Family. He stated that the Hills & Dales Homeowners Association supports the rezoning case.

Ms. Camille Pancraiz addressed the Council and stated that she supports the rezoning case and asked the City to address the issue of emergency response time in the area.

Ms. Gloria Morales addressed the Council in support of the rezoning case. She stated that lengthy negotiations were held between the residents and the applicant and that a compromise was reached.

Mr. John Morales addressed the Council in support of the rezoning case.

Mr. Mike Pilcher addressed the Council and stated that although negotiations were held with the Seale Family the issue of emergency services remains unresolved with the City of San Antonio. He stated that the area lacks infrastructure to provide quality services to the residents.

Mr. Mark Brooks addressed the Council in opposition to the rezoning case because of a lack of City Services. He urged the Council to vote against the rezoning case.

Ms. Karen Smith addressed the Council in support of the rezoning case. She stated that some of the individuals who are speaking in opposition to the rezoning have not attended any of the public meetings nor had any input in the process. Ms. Smith noted that a compromise was reached and urged the Council to vote in favor of the rezoning case.

Ms. Kim Barnfield addressed the Council is support of the rezoning case. She stated that she has been involved with the project since its inception. Ms. Barnfield stated that she has educated herself with the entire zoning process and a compromise with the Seale Family has been reached.

Ms. Gerceda Guinn addressed the Council in support of the rezoning case.

Mr. Nate Guinn addressed the Council in support of the rezoning case.

Mr. George Rice addressed the Council in opposition to the rezoning case. He stated that the Edwards Aquifer is the only source of drinking water and will be degraded if development is allowed. Mr. Rice stated that commercial development creates traffic, noise, and air pollution. Mr. Rice urged the Council to vote against the rezoning case.

Ms. Ana Lisa Peace, Aquifer Alliance, addressed the Council in opposition to the rezoning request. She stated that the Edwards Aquifer is a world class resource and should be protected. Ms. Peace stated that the Aquifer provides spring quality water which is a rarity in the world. Ms. Peace urged the Council to deny the rezoning request and protect the Aquifer.

Mr. Jack M. Finger addressed the Council in opposition to the rezoning case. He stated that Councilmember Hall campaigned on being sensitive to the environment. He stated that the recommended request is for 65% impervious cover which means 65% of the land can be concreted over. Mr. Finger stated that the property is over the Edwards Aquifer Recharge Zone and should be protected. Mr. Finger urged the Council to vote against the rezoning request.

Ms. Sara Schmidt addressed the Council in support of the rezoning request. She stated that the reasons she supports the rezoning case is due to the deed restrictions that will be imposed. Ms. Schmidt stated that the 114 questionnaires Mr. Finger referred to were when the recommendation was C-3. She stated that a compromise was reached that recommends C-2 and C-1. Lastly, Ms. Schmidt stated that emergency services are an issue in the area, she urged the Council not to forget about those services.

Ms. Jill Paredez addressed the Council in support of the rezoning case.

Mr. Felix Paredez addressed the Council in support of the rezoning case. He stated that several meetings were held and a compromise was reached. He urged the Council to support the rezoning case.

Mr. Ross Langhead addressed the Council in support of the rezoning case. He urged the Council not to forget about the infrastructure, specifically emergency services. Mr. Langhead stated that a compromise was reached with restrictive covenants and stated some examples.

Mr. Ken Brown addressed the Council on behalf of the applicant. He stated that a compromise was reached and urged the Council to support the rezoning case.

Councilmember Hall made a motion to continue the rezoning case until June 21, 2007. Councilmember Perez seconded the motion.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Herrera, Guajardo, Hall, Wolff, and Haass. **NAY:** Radle and Mayor Hardberger. **ABSENT:** Gutierrez.

Mayor Hardberger recessed the Regular Meeting at 4:25 pm and noted he would reconvene the Regular Meeting at 5:30 pm for the ceremonial presentations.

CEREMONIAL ITEMS

Mayor Hardberger presented a Proclamation in recognition of the 36th Annual Texas Folklife Festival which will be held from June 7-10, 2007 on the grounds of the Institute of Texan Cultures. The festival celebrates the rich and colorful heritage of more than 40 diverse cultures of the Lone Star State.

Mayor Hardberger recognized the 2005-2007 outgoing Councilmembers Flores, Perez, Radle, Guajardo, Hall and Haass. Mayor Hardberger presented each Councilmember with a plaque that acknowledged each of their valuable service, commitment and contributions to the City of San Antonio.

CITIZENS TO BE HEARD

The following citizens appeared to speak:

Mr. Nazirite Ruben Flores Perez addressed the Council and stated that his wife passed away on May 22, 2007. Mayor Hardberger expressed his condolences to Mr. Flores Perez. Mr. Flores Perez stated that on May 30th they would have celebrated 44 years of marriage. Mr. Flores Perez spoke of resurrection and stated his religious beliefs.

Mr. Faris Hodge Jr. addressed the Council and stated that Councilmember McNeil was giving him competition by singing to the Council. He thanked Councilmember Radle for inviting him to her party. Mr. Hodge spoke of former Mayor Thornton and stated that he knew how to run City Hall. Mr. Hodge stated that the Councilmembers are his playmates and they will be greatly missed. Mr. Hodge stated that he was taught to debate at Edison High School and asked the Council not to take his comments personally. Mr. Hodge stated that he had several Open Records Requests to submit to the City Clerk.

Ms. Dee Villarruba addressed the Council and acknowledged Councilmember Radle for her commitment to the City. She stated that she met with several City staff members and is convinced that the City is in good hands. Ms. Villarruba stated that she is involved in several community organizations and has a renewed outlook in City Government.

Mr. Glen Alan Graham addressed the Council. As Mr. Graham approached the podium, Mayor Hardberger apologized for not recognizing him to speak. Mayor Hardberger stated that Mr. Graham signed up on the incorrect sign-up sheet and therefore did not see his name until after the vote took place. Mr. Graham accepted the Mayor's apology and stated that he felt much better. He stated that he wanted to speak on an Agenda Item 33. Mr. Graham stated that he was concerned that over 100 trees were going to be destroyed at Brackenridge Park to build a parking garage. He stated that the Conservation Society and the Express News were reporting this and stated that this information was not accurate.

Ms. Julie Iris Oldham addressed the Council and stated that her mother was instrumental in getting her involved in local politics. She stated that her mother was very ill and stated that she had a duty to attend the Council Meeting because that is what her mother would want. Ms. Oldham made reference to the City's Ethics Code and stated that City Officials must follow the Ethics Code.

Mr. Pedro De Los Santos addressed the Council and stated that he was frustrated with the SAHA Task Force. He stated that the Task Force was created to investigate, identify, and find the cause of illness among SAHA residents.

Ms. Patricia Cabrera addressed the Council concerning her SAHA home. She requested that SAHA return her escrow or replace her home. Ms. Cabrera stated that she wants a safe environment for her children in a home that would not cause illness from mold.

Ms. Janet Ahmad addressed the Council and stated that the Task Force has not been effective. She stated that the Task Force consisted of three (3) attorneys, three (3) home builders, and three (3) residents who were not the chosen residents. Ms. Ahmad stated that promises were made and have not come to fruition.

Ms. Cynthia Inman addressed the Council and asked the Council to listen to her concerns and help her resolve her SAHA issues.

Mr. Mark Perez addressed the Council on businesses operating without permits and certificate of occupancy. Mr. Perez spoke on environmental concerns and businesses using hazardous chemicals without a hazardous permit. Mr. Perez noted that he has contacted the EPA with his concerns.

Mr. Bill Martinez addressed the Council and congratulated the Mayor on being re-elected. Mr. Martinez stated that he supports the homeowners of SAHA and asked the Council to hire an outside independent agency to investigate the mold issues that plague the SAHA homeowners.

Ms. Estafana Adame-Battle addressed the Council and stated that she was a member of the Task Force assigned to resolve the SAHA issues. Ms. Battle stated that there have been several unproductive Task Force meetings and that nothing was being accomplished. She stated that information was being hidden and withheld from the Task Force. Ms Battle showed pictures of homes in her area with cracked walls and mold.

Mr. Luis Cintron addressed the Council and stated that he will continue to return until his SAHA issues are resolved. He stated that he is waiting for SAHA to repair his door, cracked walls and broken sewer lines in his foundation. Mr. Cintron stated that he wants SAHA to buy back his home and to stop building new homes until all the issues are resolved.

Mr. Antonio Romo addressed the Council and stated that he got a loan from SAHA and stated that SAHA committed fraud concerning his loan paperwork. He asked the Council to conduct a federal investigation into the loan of his home.

Mr. George Alejos addressed the Council and thanked the outgoing Council for bringing back the respect and dignity that was sorely missed prior to their election to the Council. Mr. Alejos thanked Councilmembers Radle and Herrera for having the foresight to set up a Task Force to iron out the SAHA issues; but noted that the task force is not effective. Mr. Alejos stated that the Task Force has no authority or power to enforce any agreements or implement any suggestions. He stated that the Council has the authority to make changes and asked the Council to do so.

Mr. Buz Vuqu addressed the Council and thanked the Council for closing the street in front of the San Fernando Cathedral. He stated that Flores Street in front of City Hall should also be closed.

ADJOURNMENT

There being no further discussion, Mayor Hardberger adjourned the meeting at 8:08 pm.

A P P R O V E D

PHIL HARDBERGER
MAYOR

Attest:

LETICIA M. VACEK
CityClerk