

**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, OCTOBER 31, 2007 AND THURSDAY, NOVEMBER 1, 2007.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **October 31, 2007**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **ABSENT:** McNeil and Gutierrez.

1. A BRIEFING ON THE STATUS OF A PERFORMING ARTS CENTER AND RECOMMENDATIONS BY CITY STAFF FOR ITS LOCATION.

Mr. Mike Sawaya, Convention, Sports, and Entertainment Facilities Director, presented information on three possible locations for the Bexar County Performing Arts Center. The Lila Cockrell Theatre opened in 1968 and was designed as a high-quality venue for ballet, symphony, and drama. In 2006, the theatre was used for fifty events, most of which were related to convention activity. Because the theatre plays an integral role in the Convention Center's success, another facility would have to be built as a replacement. Mr. Sawaya noted that renovation of the Lila Cockrell Theatre would cost approximately \$55 million. Other concerns with the theatre were the lack of nearby parking, busy location, and the time it would take to build a replacement venue.

The second location Mr. Sawaya discussed was HemisFair Park. The plat of 3.8 acres and is located at the corner of Durango and Alamo Streets. Mr. Sawaya spoke of four historic homes at the location which would have to be relocated at an approximate cost of \$624,000. It was noted that this was staff's last recommendation due to cost and relocation.

Mr. Sawaya then presented an overview of staff's first choice, the Municipal Auditorium. The auditorium was built in 1926 as a memorial to World War I Veterans. In 1979, a fire completely gutted the interior and in 1985, the auditorium was renovated, modernized, and rededicated. He noted that the auditorium hosts eighty events per year, a few of which are convention related, and approximated the net operating cost at \$500,000 per year. Along with Municipal Auditorium, the City offered the Fire Department Headquarters Building to be used as either office space or rehearsal space. Mr. Sawaya made comparisons to the Oklahoma City Civic Center Music Hall, also a "retrofitted" facility. He explained that while there were no restrictions on renaming Municipal Auditorium from a historic standpoint, the Oklahoma City Civic Center sold naming rights for performance spaces rather than the building. Mr. Sawaya concluded with terms and conditions for City Council to consider when drafting an agreement with the Bexar County Performing Arts Center Foundation and the Visitor Tax Committee Timeline.

Councilmember Galvan proposed the use of the Lone Star Brewery for the new Performing Arts Center. She noted that it was a vacant, attractive facility, with good elevation.

Councilmember Cisneros moved to adopt the recommendation of Municipal Auditorium as the preferred location for a Performing Arts Center with the option to look at the site proposed by Councilmember Galvan. Councilmember Clamp seconded the motion.

Councilmember Cibrian thanked Judge Nelson Wolff and the committee for their work. She voiced her support for Municipal Auditorium as the location for the Performing Arts Center and offered Councilmember Galvan assistance with developing District 5 and finding a use for the Brewery. Councilmember Clamp asked if it would be possible to reserve some dates at Municipal Auditorium for the City and to set a definite due date for the \$500,000 subsidy. Councilmember Wolff noted that Memorial Park is in front of Municipal Auditorium. He stated his support for this location because the area was deteriorating and the project could reverse that trend.

Councilmember Rodriguez voiced his concern on voting without allowing citizen input. Councilmember Cortez seconded those concerns and raised issues with parking at Municipal Auditorium. Councilmember Herrera also addressed the importance of Memorial Park and questioned the City's ability to sustain a performing arts facility, noting that she had season tickets to the Symphony and the facility was sometimes only half full.

After due consideration, Councilmember Cisneros withdrew her motion. Councilmember Clamp withdrew his second. A Special Meeting to conclude discussion and vote on said item will be held Monday, November 5, 2007 at 1:30 pm.

There being no further discussion, Mayor Hardberger adjourned the meeting at 4:11 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **November 1, 2007** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Pastor Ronald Littlefield, Highland Hills Baptist Church, Guest of Councilmember Roland Gutierrez, District 3.

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, Gutierrez, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger.

MINUTES

Councilmember Rodriguez made a motion to approve the Minutes for the October 4, 2007 City Council Meeting. Councilmember Cisneros seconded the motion.

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

OATH OF OFFICE – MAYOR PRO TEM

City Clerk Leticia Vacek administered the Oath of Office to Councilmember Lourdes Galvan, District 5, whose term as Mayor Pro Tem becomes effective November 19, 2007 throughout January 28, 2008.

POINT OF PERSONAL PRIVILEGE

Councilmember McNeil recognized students from Shekinah Radiance Academy and instructors Mrs. Duncan and Mr. Burns.

Councilmember Herrera recognized Angela Orozco from Memorial High School who was participating in the "Shadow Day" Program.

ITEMS FOR INDIVIDUAL CONSIDERATION

Item 5. PUBLIC HEARING REGARDING THE VOLUNTARY ANNEXATION OF U.S. HIGHWAY 281 NORTH AND MARSHALL ROAD TRACT.

Jesus Garza presented said and referred to a map of the site, noting the area encompassed 20 acres. He stated that annexation of the site would allow San Antonio to zone the property and that the area could be served with existing resources. Mr. Garza also noted that if the property reached its anticipated development value of \$4 million, it would generate approximately \$23,000 in annual property tax revenue. Lastly, Mr. Garza stated that the Planning Commission had endorsed annexation of the site.

Mayor Hardberger opened the public hearing regarding the voluntary annexation of US Highway 281 North and Marshall Road tract.

Jack M. Finger expressed concern that both public hearings on said item were being held on the same day. He noted that toll roads were being placed in this area of Highway 281 and that would be a concern for employees of VIA who travel that route to work. He also noted his concern with Items 7 and 8 regarding the Drury Hotel and the PERF Contract, respectively.

City Clerk Leticia Vacek read a written testimony from Faris Hodge, Jr. in opposition to Item 6. Mr. Hodge stated that everyone should pay taxes equally and that San Antonio businesses should not be exempt from paying taxes.

There being no other citizens signed up to speak, Mayor Hardberger declared the public hearing closed.

At this time, Mayor Hardberger recessed the Regular Council Meeting at 9:48 am to convene in a meeting of the Board of Directors for the San Antonio, Texas Empowerment Zone Development Corporation.

Item 6A. A PUBLIC HEARING RELATING TO THE ISSUANCE IN COMPLIANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE.

Robert Peche presented said item noting that staff recommended approval of a Resolution for the Issuance of Empowerment Zone Bonds for the Drury Plaza Hotel Project. He provided an overview of the Empowerment Zone, noting that San Antonio had been given this designation in January 2002 and that the area consisted of 26 inner-city census tracts and three developable sites.

Mr. Peche added that the City's EZ Bond Capacity totaled \$230 million and that the Grand Hyatt Convention Center Hotel Project had received \$130 million of this amount, while \$25 million had been provided to the Piazza San Lorenzo Project. He stated that the Drury Plaza Hotel Project budget was

\$77 million dollars and included numerous Riverwalk Improvements. Mr. Peche noted that staff recommended approval.

Mayor Hardberger opened the public hearing regarding the issuance of the bonds related to item 6B.

Mr. Rick Drury thanked the Council for their support of the project. He expressed his appreciation for the financial support, adding that he hoped all would agree that this was good use of Empowerment Zone Funds.

Mayor Hardberger declared the public hearing closed.

2007-11-01-0015R

Item 6B. A RESOLUTION AUTHORIZING THE ISSUANCE OF THE BONDS AND THE EXECUTION OF A LOAN AGREEMENT, AN INDENTURE OF TRUST, A TAX AGREEMENT, AND AN UNDERWRITING AGREEMENT; APPROVING THE FORM OF AN OFFICIAL STATEMENT; AND APPROVING OTHER RELATED MATTERS.

Director Cisneros moved to adopt the proposed Ordinance. Director Gutierrez seconded the motion.

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

Mayor Hardberger recessed the meeting of the Board of Directors of San Antonio, Texas Empowerment Zone Development Corporation and reconvened the Regular Council Meeting at 9:57 am.

2007-11-01-0016R

Item 7. A RESOLUTION APPROVING THE ISSUANCE BY THE CITY OF SAN ANTONIO, TEXAS EMPOWERMENT ZONE DEVELOPMENT CORPORATION OF \$18,000,000 IN PRINCIPAL AMOUNT OF ITS CONTRACT REVENUE EMPOWERMENT ZONE BONDS (DRURY SOUTHWEST HOTEL PROJECT), SERIES 2007, THE PROCEEDS OF WHICH WILL BE LOANED TO ALAMO NATIONAL BUILDING DEVELOPMENT, LP, A MISSOURI LIMITED PARTNERSHIP, TO FINANCE THE REDEVELOPMENT OF THE ALAMO NATIONAL BANK BUILDING INTO A HOTEL, AND APPROVING OTHER RELATED MATTERS.

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

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

2007-11-01-1135

Item 8. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE POLICE EXECUTIVE RESEARCH FORUM, IN THE AMOUNT OF \$79,748.00, FOR AN EVALUATION OF POLICIES, PRACTICES AND TRAINING FOR THE SAN ANTONIO POLICE DEPARTMENT(SAPD).

Police Chief William McManus presented said item. Chief McManus stated that SAPD staff was recommending a professional services agreement with Police Executive Research Forum (PERF) to examine current SAPD policies and procedures, noting that several recent incidents had brought attention to the use of force by the San Antonio Police Department (SAPD). He explained that PERF would review the following areas: 1) Current Use of Force policies, curriculum and training, 2) Officer Involved Shooting Investigations, 3) Use of Force reporting, and 4) Citizen Complaint process. He noted that PERF had completed reviews on Use of Force in several other major cities and that they would solicit input from the community to address their concerns.

Amanda Haas addressed the Council noting her opposition to said item. She stated that a coalition of local community organizations had been formed around human and civil rights issues relating to the SAPD and that they had received numerous complaints. She added that many of these complaints had not gone through Internal Affairs.

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

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

CONSENT AGENDA: Items 10 – 55J

Consent Agenda Items 10, 15, 19, 28, 39, 46, 51, 52, 53, 54, and 55J were pulled for Individual Consideration.

Greg Tamez addressed the Council relating to item 10b-training of elevator mechanics. He asked that that Council not select the lowest bid, but the most qualified firm.

Marcie Ince of the San Antonio Conservation Society urged the Council to accept and approve Item 28, the Hays Street Bridge Project. She noted that the Conservation Society had allocated \$50,000 in 2001 toward a grant match to restore the bridge.

Kathleen Trenchard of the Hays Street Bridge Restoration Group spoke in support of Item 28. She noted that many had worked together on this project for over ten years.

Douglas Steadman spoke in support of the Hays Street Bridge Project.

Jack M. Finger spoke against Item 50 in regard to membership dues to the Texas Municipal League. He spoke against Item 54 referencing the process to fill a council vacancy by appointment and stated the process should take longer than 30 days. He asked the Mayor to abstain from voting on Item 34, as he had received \$19,000 in campaign contributions from HEB Grocery Company.

City Clerk Leticia Vacek read a written testimony from Hope Evans, President of EMR Elevators in support of the staff recommendation to award the elevator bid to EMR Elevator, Inc.

Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Wolff seconded the motion.

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

2007-11-01-1137

Item 11. AN ORDINANCE ACCEPTING THE BID FROM FREIGHTLINER OF AUSTIN TO PROVIDE THE SAN ANTONIO PUBLIC LIBRARY WITH THE PURCHASE OF A BOOKMOBILE FOR A COST OF \$154,860.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2007-11-10-1138

Item 12. AN ORDINANCE ACCEPTING THE BID FROM PLANET FORD 6 TO PROVIDE THE POLICE AND PARKS & RECREATION DEPARTMENTS WITH THE PURCHASE OF 262 POLICE PATROL SEDANS, OF WHICH 22 ARE NEW AND 240 ARE REPLACEMENT VEHICLES, FOR A TOTAL COST OF \$5,489,948.00, FUNDED BY THE EQUIPMENT RENEWAL AND REPLACEMENT FUND AND THE GENERAL FUND.

2007-11-01-1139

Item 13. AN ORDINANCE AUTHORIZING A \$586,598.70 JOB ORDER TO JAMAIL & SMITH CONSTRUCTION FOR CITY HALL EXTERIOR LIGHTING IMPROVEMENTS AND MAIN ELECTRICAL SERVICE ENTRANCE REPLACEMENT, DISTRICT 1.

2007-11-01-1140

Item 14. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONSTRUCTION CONTRACT WITH BARTLETT COCKE/WALBRIDGE, BY APPROVING CHANGE ORDER NO. 6, IN THE AMOUNT OF \$35,464.63, FOR A REVISED CONTRACT SUM OF \$42,728,465.84 FOR THE CONSTRUCTION OF PROJECT 10 – VOLUME 7 – GARAGE FOUNDATIONS, STRUCTURE AND SYSTEMS AT SAN ANTONIO INTERNATIONAL AIRPORT; ALLOCATING CONTINGENCY FUNDS AND REVISING THE BUDGET.

2007-11-01-1142

Item 16. AN ORDINANCE APPROVING CHANGE ORDER NO. 22, IN THE AMOUNT OF \$79,912.00 TO THE CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONTRACTORS, LTD., FOR A REVISED CONTRACT SUM OF \$38,035,779.14 FOR THE CONSTRUCTION OF PROJECT 6 – ROADWAYS & UTILITIES AND PROJECT 10 – VOLUME 2 – HYDRONIC LINES RELOCATION AT SAN ANTONIO INTERNATIONAL AIRPORT; APPROPRIATING FUNDS AND REVISING THE BUDGET.

2007-11-01-1143

Item 17. AN ORDINANCE AUTHORIZING A \$244,870.00 CONTRACT WITH CRITICAL PATH, INC. TO DEVELOP A SAFETY MANAGEMENT SYSTEM MANUAL AND PROGRAM FOR THE SAN ANTONIO INTERNATIONAL AIRPORT; FUNDING THE CONTRACT WITH \$200,000.00 FROM A PREVIOUSLY RECEIVED AND APPROPRIATED FAA GRANT; APPROPRIATING \$66,667 IN THE AIRPORT CAPITAL IMPROVEMENT FUND AS THE CITY'S MATCHING SHARE FOR A TOTAL PROJECT AUTHORIZATION OF \$266,667 OF WHICH \$21,797 IS APPROVED FOR CONTINGENCY COSTS.

2007-11-01-1144

Item 18. AN ORDINANCE APPROVING A \$35,450.00 AMENDMENT TO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED WITH PAPE-DAWSON ENGINEERS, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH SALADO CREEK HIKE AND BIKE PHASE I PROJECT, LOCATED IN DISTRICTS 2 AND 3, AND APPROPRIATING FUNDS.

2007-11-01-1146

Item 20. AN ORDINANCE APPROVING CHANGE ORDER NO. PW-07 IN THE AMOUNT OF \$68,308.85 TO A \$2,182,390.10 CONTRACT WITH SALINAS CONSTRUCTION TECHNOLOGIES, LTD., FOR WORK IN CONNECTION WITH THE AVONDALE – NEW BRAUNFELS TO IH-37 AND HILLJE - AVONDALE TO HOT WELLS PROJECT, AN AUTHORIZED CDBG FUNDED PROJECT IN DISTRICT 3; AND APPROPRIATING FUNDS.

2007-11-01-1147

Item 21. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,037,102.15 TO JERDON ENTERPRISE, L.P.; AUTHORIZING A \$127,563.56 AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH CIVIL ENGINEERING CONSULTANTS, INC. IN CONNECTION WITH THE MISSION TRAILS FACILITY IMPROVEMENTS PROJECT LOCATED IN COUNCIL DISTRICT 5, AND APPROPRIATING FUNDS.

2007-11-01-1148

Item 22. AN ORDINANCE APPROVING A \$18,643.50 AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT, WITH THE SAN ANTONIO RIVER AUTHORITY FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT EAGLELAND/RIVERWALK LINK PROJECT, LOCATED IN DISTRICT 5, AND APPROPRIATING FUNDS.

2007-11-01-1149

Item 23. AN ORDINANCE APPROVING A \$285,085.00 AMENDMENT TO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT, WITH G.G.I. ENGINEERS FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE OCTAVIA-PHASE II-PART C PROJECT, LOCATED IN DISTRICT 5 AND APPROPRIATING FUNDS.

2007-11-01-1150

Item 24. AN ORDINANCE APPROVING CHANGE ORDER NO. PW-03 IN THE NET DEDUCTIVE AMOUNT OF \$53,982.19 TO THE CONSTRUCTION CONTRACT, AS CHANGED, WITH SAN ANTONIO CONSTRUCTORS, LTD TO RECONCILE ACTUAL QUANTITIES USED IN CONNECTION WITH THE DUKE AREA STREETS, PHASE I PROJECT, LOCATED IN DISTRICT 7.

2007-11-01-1151

Item 25. AN ORDINANCE AUTHORIZING CHANGE ORDER NO. AM-03 TO THE CONSTRUCTION CONTRACT WITH C.A. LANDRY PARTNERS, LTD. FOR THE PHASE II HENRY B. GONZALEZ INTERIOR ADMINISTRATIVE OFFICE RENOVATIONS AND CODE IMPROVEMENTS PROJECT IN THE AMOUNT OF \$312,520; AMENDING SAID CONTRACT BY ADDING 165 DAYS TO COMPLETE THE PROJECT; AUTHORIZING THE EXPENDITURE OF \$312,520 FROM THE ALAMODOME CAPITAL IMPROVEMENTS PROJECT BUDGET;

AUTHORIZES THE EXECUTION OF AN AMENDMENT TO THE MULTIPLE USE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION.

2007-11-01-1152

Item 26. AN ORDINANCE ACCEPTING THE PROPOSAL OF AMERICAN ROOFING FOR THE ALAMODOME ROOF REPAIR PROJECT IN THE AMOUNT OF \$1,525,096.00; AND AUTHORIZING TOTAL PROJECT EXPENDITURES OF \$1,633,853.00, INCLUDING \$106,757.00 FOR CAPITAL ADMINISTRATIVE COSTS AND \$2,000.00 FOR ADVERTISING COSTS.

2007-11-01-1153

Item 27. AN ORDINANCE APPROVING A \$201,639.00 AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH & JERNIGAN, INC. (PBS&J) FOR ADDITIONAL PROFESSIONAL PROGRAM MANAGEMENT AND DESIGN SERVICES IN CONNECTION WITH VARIOUS CAPITAL IMPROVEMENT PROJECTS, AUTHORIZED HUD 108 LOAN PROGRAM FUNDED PROJECTS IN DISTRICTS 4, 5, 6, AND 9; AND APPROPRIATING FUNDS.

2007-11-01-1155

Item 29. AN ORDINANCE APPROVING AN AMENDMENT OF THE LEASE FROM BROOKS DEVELOPMENT AUTHORITY FOR THE DISTRICT 3 CONSTITUENT OFFICE, SUBSTITUTING PREMISES FOR MORE SQUARE FEET FOR THE SAME MONTHLY RENT AND EXTENDING THE EXPIRATION DATE.

2007-11-01-1156

Item 30. AN ORDINANCE AUTHORIZING A TWENTY-FIVE-YEAR LEASE AGREEMENT WITH TESORO COMPANIES, INC. FOR APPROXIMATELY 170,494 SQUARE FEET OF GROUND SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT EFFECTIVE JANUARY 1, 2008 FOR THE DEVELOPMENT OF NEW CORPORATE HANGAR FACILITIES, WITH ASSOCIATED TERM RENTALS OF APPROXIMATELY \$2,721,624.60.

2007-11-01-1157

Item 31. AN ORDINANCE AUTHORIZING A TWENTY-FIVE YEAR LEASE WITH TEXAS SUPERMOTO, L. L. C. FOR APPROXIMATELY 333,495 SQUARE FEET OF GROUND SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT EFFECTIVE DECEMBER 1, 2007 FOR THE DEVELOPMENT OF NEW HANGAR FACILITIES WITH ASSOCIATED ANNUAL RENTALS OF \$133,398.

2007-11-01-1158

Item 32. AN ORDINANCE AUTHORIZING A LEASE AGREEMENT & CATERING PERMIT WITH GATE GOURMET, INC. FOR 94,037 SQUARE FEET OF GROUND SPACE AND A 30,692 SQUARE-FOOT BUILDING AT SAN ANTONIO INTERNATIONAL AIRPORT EFFECTIVE AUGUST 1, 2007, WITH ASSOCIATED RENTALS OF \$105,455.85 THROUGH DECEMBER 1, 2007, 7% OF ALL GROSS RECEIPTS FOR AUGUST AND SEPTEMBER 2007, AND 10.5% OF ALL GROSS RECEIPTS FROM OCTOBER 2007 THROUGH DECEMBER 2007; AND A CATERING PERMIT FEE OF 10.5% FOR CALENDAR YEAR 2008.

2007-11-01-1159

Item 33. AN ORDINANCE ACCEPTING THE PROPOSAL OF FRESQUEZ CONCESSIONS TEXAS, INC. TO OPERATE A FOOD & BEVERAGE CONCESSION IN TERMINAL 2 OF SAN ANTONIO INTERNATIONAL AIRPORT; AND AUTHORIZING A STANDARD CONCESSION AGREEMENT FOR A TERM COMMENCING NOVEMBER 19, 2007 AND ENDING ON DECEMBER 31, 2009 AND CONTINUING MONTH-TO-MONTH THEREAFTER, PROVIDING MINIMUM ANNUAL GUARANTEED RENTALS OF \$13,000 FOR YEAR 1 AND \$30,000 FOR YEAR 2 PLUS A PERCENTAGE OF COMMISSIONS ON GROSS SALES.

2007-11-01-1160

Item 34. AN ORDINANCE AUTHORIZING A TWENTY-FIVE-YEAR LEASE WITH HEB GROCERY COMPANY, LP FOR APPROXIMATELY 164,656 SQUARE FEET OF GROUND SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT EFFECTIVE DECEMBER 1, 2007 WITH ASSOCIATED ANNUAL RENTALS OF \$74,095.20, FOR THE DEVELOPMENT OF NEW CORPORATE FACILITIES.

2007-11-01-1161

Item 35. AN ORDINANCE AUTHORIZING THE CITY TO LEASE TO EAST COMMERCE REALTY, LLC A PARKING LOT AT 243 N. CENTER STREET FOR \$1,375 A MONTH FOR A ONE YEAR TERM.

2007-11-01-1162

Item 36. AN ORDINANCE RENEWING AN EXISTING LEASE TO VIA METROPOLITAN TRANSIT OF APPROXIMATELY 725 SQUARE FEET AT THE HOUSTON STREET GARAGE FOR A MAXIMUM OF FIVE ADDITIONAL MONTHS WITH NO CHANGE IN RENT.

2007-11-01-1163

Item 37. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE TEXAS COMMISSION ON THE ARTS IN THE AMOUNT OF \$39,331.00 TO SUPPORT THE PROJECTS OF FOUR LOCAL ARTS AGENCIES; AND AUTHORIZING THE EXECUTION OF CONTRACTS WITH THESE AGENCIES.

2007-11-01-1164

Item 38. AN ORDINANCE APPROVING A GRANT CONTRACT AMENDMENT WITH THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES WHICH PROVIDES \$124,000.00 OF ADDITIONAL FUNDS FOR THE IMMUNIZATION PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2007.

2007-11-01-1165

Item 40. AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH INTERVISTAS-GA2 CONSULTING, INC. IN AN AMOUNT UP TO \$600,000 FOR A REVISED CONTRACT VALUE OF \$900,000 TO SECURE CONTINUED AIR SERVICE DEVELOPMENT ASSISTANCE; AND APPROPRIATING \$300,000 AS INITIAL FUNDING WITH THE REMAINING \$300,000 CONTINGENT UPON THE FY 2009 BUDGET APPROVAL.

2007-11-01-1166

Item 41. AN ORDINANCE AUTHORIZING THE SECOND CHANGE ORDER TO THE CONTRACT WITH AUDIO FIDELITY COMMUNICATIONS D/B/A THE WHITLOCK GROUP FOR THE ALAMODOME AUDIO RENOVATIONS PROJECT IN THE AMOUNT OF \$270,257.37 FOR LABOR, MATERIALS AND EQUIPMENT TO REPLACE 332 26" LCD HD TELEVISION MONITORS.

2007-11-01-1167

Item 42. AN ORDINANCE APPROVING A CONTRACT IN THE AMOUNT OF \$96,000 WITH RAMON FLORES OF FLORES HOLDINGS, LLC., TO SERVE AS THE EXECUTIVE DIRECTOR OF THE WESTSIDE DEVELOPMENT CORPORATION FOR THE PERIOD OF NOVEMBER 1, 2007 TO OCTOBER 31, 2008.

2007-11-01-0018R

Item 43. A RESOLUTION CONSENTING TO THE ISSUANCE OF A TAX EXEMPT LOAN IN AN AMOUNT NOT TO EXCEED \$6,900,000 FROM FROST NATIONAL BANK, SAN ANTONIO TO THE CITY OF BALCONES HEIGHTS, TEXAS CULTURAL EDUCATION FACILITIES FINANCE CORPORATION TO FINANCE AND REFINANCE HEALTH FACILITIES FOR THE BENEFIT OF THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER SAN ANTONIO.

2007-11-01-1168

Item 44. AN ORDINANCE APPROVING A CONTRACT WITH MRS. NAKO SHIRANE IN THE AMOUNT OF \$175,000, PLUS EXPENSES UP TO \$25,000, FOR THE PERIOD OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008, WITH A ONE YEAR RENEWAL OPTION SUBJECT TO APPROPRIATION, FOR TRADE AND FOREIGN INVESTMENT REPRESENTATION SERVICES TO DEVELOP AND FOSTER BUSINESS WITH JAPAN.

2007-11-01-1169

Item 45. AN ORDINANCE RATIFYING ADDITIONAL INDEPENDENT AUDIT SERVICES BY KPMG, L.L.P., LEAL AND CARTER, P.C., AND ROBERT J. WILLIAMS, CPA, IN CONNECTION WITH THE FY 2006 INDEPENDENT AUDIT; AUTHORIZING PAYMENT OF NOT TO EXCEED \$140,000 FOR SUCH SERVICES; AND APPROVING AND AUTHORIZING EXECUTION OF AMENDMENTS TO THE AUDIT SERVICES CONTRACTS WITH SUCH FIRMS TO PROVIDE FOR SUCH SERVICES.

2007-11-01-1171

Item 47. AN ORDINANCE AUTHORIZING THE PURCHASE OF MEDICAL PROFESSIONAL LIABILITY INSURANCE FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FROM NATIONAL FIRE & MARINE INSURANCE COMPANY THROUGH MCGRUFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A ONE-YEAR PERIOD BEGINNING NOVEMBER 22, 2007, AT A PREMIUM OF \$104,903.71, FROM THE LIABILITY SELF-INSURANCE FUND.

2007-11-01-1172

Item 48. AN ORDINANCE APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BEXAR COUNTY WHICH ESTABLISHES CERTAIN TERMS BY WHICH THE CITY OF SAN ANTONIO WILL CONSENT TO THE CREATION OF BEXAR COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 12 WITHIN

THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ) FOR THE PROVISION BY THE DISTRICT OF FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICES FOR INDIVIDUALS RESIDING WITHIN ITS BOUNDARIES.

2007-11-01-1173

Item 49. AN ORDINANCE AUTHORIZING PAYMENT OF THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES TO THE NATIONAL LEAGUE OF CITIES IN THE AMOUNT OF \$31,996.00 FOR THE PERIOD BEGINNING OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008.

2007-11-01-1174

Item 50. AN ORDINANCE AUTHORIZING PAYMENT OF THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES TO THE TEXAS MUNICIPAL LEAGUE IN THE AMOUNT OF \$48,016.00 FOR THE PERIOD AUGUST 1, 2007 THROUGH JULY 31, 2008.

Item 55. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE NOMINEES, FOR TERMS TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- A. APPOINTING BARBARA SCHEIB (DISTRICT 10) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- B. APPOINTING MICHELLE DIONNE-VAHALIK (DISTRICT 10) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.

2007-11-01-0019R

- C. A RESOLUTION APPOINTING COUNCILMEMBER JOHN CLAMP (DISTRICT 10) TO THE AUSTIN-SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT (ASAICRD) (CATEGORY: CITY COUNCIL MEMBER) FOR A TERM OF OFFICE TO BE DETERMINED BY ASAICRD, AS REQUESTED BY MAYOR PHIL HARDBERGER.
- D. APPOINTING COUNCILMEMBER DIANE CIBRIAN (DISTRICT 8) TO THE COMMITTEE OF SIX – SAN ANTONIO RIVER IMPROVEMENTS PROJECT (SARIP) FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2009, AS REQUESTED BY MAYOR PHIL HARDBERGER.
- E. APPOINTING JOHN GRACIANO (DISTRICT 5) TO THE DISABILITY ACCESS ADVISORY COMMITTEE (CATEGORY: PROVIDER OF HANDICAPPED SERVICES) FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- F. APPOINTING ENEDINA C. VASQUEZ (DISTRICT 5) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2008.
- G. APPOINTING ROSA MARIA RODRIGUEZ (DISTRICT 5) TO THE ETHICS REVIEW BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE APRIL 25, 2009.

- H. APPOINTING VERNER EGLIT, BARBARA LOOMIS AND C.J. HAGER (COMMUNITY REPRESENTATIVE), AND ELEANOR SPROWL (BUSINESS REPRESENTATIVE), AND REAPPOINTING LESLIE HOBGOOD AND ALFRED STURCHIO (COMMUNITY REPRESENTATIVE), MARSHA HENDLER (BUSINESS REPRESENTATIVE), EDWARD BENSON, LOREN WOOD, AND RICHARD KELLEY (AVIATION INDUSTRY), MARK TAFOLLA (BUSINESS/AIRPORT LESSEE), MARCO BARROS AND SIEGFRIED RICHTER (TRAVEL/TOURISM INDUSTRY), AND SANDRA TAYLOR (MILITARY - NON-VOTING MEMBER), TO THE AIR TRANSPORTATION ADVISORY COMMISSION FOR TERMS OF OFFICE TO EXPIRE MAY 31, 2009.
- I. APPOINTING JEAN JAMES, SIEGFRIED RICHTER, HENRY FELDMAN, RON STINSON, AND THOMAS SMITH (S.A. HOTEL/LODGING ASSOCIATION), LOUIS BARRIOS (S.A. RESTAURANT ASSOCIATION), KATHY HORNSBY (ARTS AND CULTURAL COMMUNITY), DAVIS PHILLIPS (NORTHEAST SECTOR), RUBY PEREZ (NORTHWEST SECTOR) AND GEORGE ALVA (TAXICAB INDUSTRY), AND REAPPOINTING WILLIAM (BILL) LYONS (PASEO DEL RIO ASSOCIATION), BOB RAYMOND (S.A. SPORTS FOUNDATION), DON MCDANIEL (S.A. TOURISM COUNCIL), MARTIN BOZER AND DANIEL DECKER (THEME PARK REPRESENTATIVES), ARTHUR COULOMBE (S.A. HOTEL/LODGING ASSOCIATION), CHRISTINE ORTEGA (AIRLINE REPRESENTATIVE), MICHAEL CORTEZ (MARKET SQUARE), PAULA OWEN (CULTURAL ALLIANCE), JOHNNY HERNANDEZ (SOUTHWEST SECTOR), MARTIN KUSHNER (CENTRAL SECTOR), AND TERRI TOENNIES (SOUTHEAST SECTOR) TO THE CONVENTION AND VISITORS COMMISSION FOR TERMS OF OFFICE TO EXPIRE MAY 31, 2009.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2007-11-01-1170

Item 46. AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS AUTHORIZING THE REDEMPTION AND REMARKETING OF OUTSTANDING OBLIGATIONS DESIGNATED AS CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS JUNIOR LIEN REVENUE BONDS, SERIES 2004; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE REDEMPTION AND REMARKETING OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF A REMARKETING MEMORANDUM PERTAINING THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Clamp inquired whether staff could quantify cost savings for the reissuance of debt. Ben Gorzell stated that these bonds were issued in 2004 and noted that CPS normally targets 25% of their bonds at a variable term. These bonds are set for a 3-year term and the variable terms are currently lower than the fixed rates which constitute a cost savings for the City. Councilmember Clamp asked that cost savings for reissuance of debt be quantified in the future.

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

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

2007-11-01-1136

Item 10. 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 \$9,395,680.00, INCLUDING: (A) BLACK SOIL; (B) ELEVATOR MAINTENANCE FOR PARKING GARAGES; (C) EMERGENCY VEHICLE TRUCK PARTS & SERVICE; (D) ARTS & CRAFTS SUPPLIES; (E) LAWN MAINTENANCE FOR SERVICE CENTERS; (F) RECREATIONAL BOARD & TABLE GAMES; (G) COMMUNICATIONS & DATA INFRASTRUCTURE; (H) ETHERNET TO SERIAL CARDS FOR THE TRAFFIC CONTROLLERS; (I) WORK UNIFORM RENTAL & LAUNDRY SERVICE; AND (J) JANITORIAL, SUPPLEMENTAL CONVERSION/LABOR, AND RIGGING SERVICES AT THE ALAMODOME.

Councilmember McNeil expressed her concern with the \$8 million communications and data infrastructure cost. She asked if this was an additional \$8 million from what had previously come before the Council. Richard Varn stated that these were the same funds, noting that the action today was the appropriation of funds. Councilmember Galvan asked the City Manager to utilize local companies, preferably Union companies with a proven record and who were easily accessible, for future elevator contracts.

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

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

2007-11-01-1141

Item 15. AN ORDINANCE RATIFYING CHANGE ORDER NOS. 16-24 IN THE AGGREGATE AMOUNT OF \$80,253.79 TO THE CONSTRUCTION CONTRACT WITH CONSTRUCTORS & ASSOCIATES FOR A REVISED CONTRACT SUM OF \$2,689,551.63 FOR THE CONSTRUCTION OF PROJECT 3 – VOLUME 1 – TERMINAL 2 TENANT RELOCATION AND SELECTIVE DEMOLITION AT SAN ANTONIO INTERNATIONAL AIRPORT; ALLOCATING FUNDS FROM CONTINGENCY AND REVISING THE BUDGET.

Councilmember Galvan asked of the contract language and the reason for the ratification of change orders. Sheryl Sculley explained that project budgets included contingency funds to accommodate change orders. Mark Webb added that the contracts for Items 14-17 were for unforeseen conditions but that the funds had been budgeted.

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

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

2007-11-01-1145

Item 19. AN ORDINANCE APPROVING CHANGE ORDERS NO. PW-05-FINAL AND SAWS-02-FINAL IN THE DEDUCTIVE AMOUNTS OF \$228,285.34 AND \$50,397.57 TO THE CONSTRUCTION CONTRACT, AS CHANGED, WITH KGME INC. TO RECONCILE ACTUAL QUANTITIES USED, IN CONNECTION WITH THE LANARK DRAINAGE #92, PHASE I PROJECT, LOCATED IN DISTRICT 2.

Councilmember McNeil expressed her concern with change orders, noting that this particular one was a good change order. She asked that staff take a closer look when designing and planning projects so that there are less change orders. She also requested a list of 1999 Bond Projects.

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

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

2007-11-01-1154

Item 28. AN ORDINANCE AUTHORIZING EXECUTION AND DELIVERY OF A BRIDGE DONATION AGREEMENT WHEREBY THE UNION PACIFIC RAILROAD DONATES TO THE CITY THE HAYES STREET BRIDGE, WHICH BRIDGE SPANS CHERRY STREET AND THE UP RAIL CORRIDOR ALONG HAYES STREET, DISTRICT 2, THE AGREEMENT TO DELINEATE THE RIGHTS AND OBLIGATIONS OF THE CITY AND THE UNION PACIFIC REGARDING THE INTERSECTION OF THE BRIDGE AND THE RAIL CORRIDOR.

Councilmember McNeil highlighted said project and thanked all that were involved. She invited everyone to the Hays Street Bridge on December 5, 2007 for the signing over of the documents from Union Pacific to the City of San Antonio.

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

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

2007-11-01-0017R

Item 39. A RESOLUTION APPROVING THE FISCAL YEAR 2008 PROPOSED ANNUAL AUDIT PLAN.

Councilmember Galvan made a motion to include CPS Energy and SAWS in the Audit Plan. The motion died due to lack of a second. Councilmember Wolff reported that the Audit Committee had set out a process for adding and deleting items from the proposed Audit Plan.

Councilmember Galvan moved to adopt the proposed Resolution as submitted. Councilmember Cortez seconded the motion.

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

2007-11-01-1175

Item 51. AN ORDINANCE APPROVING \$58,182.00 FOR CLOSING COSTS AND FOR PARK MATERIALS FOR IN-HOUSE CONSTRUCTION BY PARKS AND RECREATION STAFF OF PARK AMENITIES AND IMPROVEMENTS AS PART OF THE FRENCH CREEK PARK PROJECT LOCATED IN DISTRICT 7.

Councilmember Rodriguez requested an update and status on the City's acquisition of a piece of property between this parcel of land and the Nani Falcone Park in an effort to connect the two. Malcolm Matthews stated that Parks and Recreation staff was working with the property owners who were supportive of the idea. He estimated there would be a schedule in the first quarter of 2008.

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

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

2007-11-01-1176

Item 52. AN ORDINANCE APPROVING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$214,292.00 WITH HVJ ASSOCIATES, INC. FOR ADDITIONAL SERVICES RELATED TO THE ALLEY SURVEY THAT WILL INCLUDE SOFTWARE-RELATED MODIFICATIONS AND ADDITIONAL DATA COLLECTION IN CONNECTION WITH THE PAVEMENT MANAGEMENT SYSTEM PROJECT, AND APPROPRIATING FUNDS.

Councilmember Rodriguez asked how staff was prioritizing the alley survey. Jelynn Burley stated that service alleys received top priority followed by those required for drainage purposes. She added that an objective assessment was being conducted by HVJ Associates, Inc. Councilmember McNeil requested support be solicited from CPS and SAWS and that the responsibility for the alley survey be shared. Councilmember Galvan added that Time Warner Cable be included as well.

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

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

2007-11-01-1177

Item 53. AN ORDINANCE EXERCISING THE FIRST OPTION TO RENEW A FULL SERVICE HOUSEHOLD HAZARDOUS WASTE SERVICES CONTRACT WITH CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., AT A COST NOT TO EXCEED \$544,865.00 ANNUALLY.

Councilmember Clamp inquired about providing an environmental services and hazardous material pickup along with brush pickup. David McCary stated there were too many technical requirements

associated with hazardous material pickup and noted the substantial cost increase. He added that pick-up for hazardous material would have to be outsourced.

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

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

2007-11-01-1178

Item 54. AN ORDINANCE ESTABLISHING A PROCESS TO FILL A COUNCIL VACANCY BY APPOINTMENT WITHIN 30 DAYS OF THE DATE THAT A VACANCY OCCURS, AS REQUESTED BY COUNCILWOMAN MARY ALICE P. CISNEROS.

Councilmember Cisneros asked for support from her colleagues on said item. She expressed concern with having a vacancy open for longer than 30 days.

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

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

Item 55J. APPOINTING STEPHANIE JAMES AND REAPPOINTING CECILIA GARCIA, AMELIA (AMY) HARTMAN, AND JOHN FRISENHAHN TO THE PLANNING COMMISSION FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE OCTOBER 6, 2009 [OTHER APPLICANTS INCLUDED: ROBERT HANLEY, LINCOLN STRAWHUN, DIANE GREEN AND (ROLANDO BRIONES - WITHDREW APPLICATION)].

Councilmember Rodriguez stated that he had brought forth a CCR regarding the at-large board appointment process. He suggested having the Council review applicants as a whole rather than through the Council Committees.

Councilmember Rodriguez made a motion to postpone said item until January 2008. Councilmember Cortez seconded the motion.

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

Councilmember Cortez made a motion to include Robert Hanley in the slate of recommended applicants for the Planning Commission. Councilmember Gutierrez seconded the motion.

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

A roll call vote was taken to appoint either Stephanie James or Robert Hanley to the Planning Commission. The following Councilmembers voted for Stephanie James: McNeil, Herrera, Cibrian,

Wolff, Clamp, and Mayor Hardberger. The following Councilmembers voted for Robert Hanley: Cisneros, Gutierrez, Cortez, Galvan, and Rodriguez.

Councilmember McNeil moved to adopt the Ordinance appointing Stephanie James, Cecilia Garcia, Amelia (Amy) Hartman, and John Friesenhahn. Councilmember Clamp seconded the motion.

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

CITY MANAGER'S REPORT

Sheryl Sculley recognized Mr. Emil Moncivais, Director of Planning and Community Development, on his retirement from the City effective October 31, 2007. Mr. Moncivais began his career with the City in May of 1997.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 12:43 pm to break for lunch and convene in Executive Session for the purposes of:

- A. Deliberations and discussion relating to the purchase, exchange, lease or value of real property and related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 551.071 (consultation with attorney).
- B. Deliberate competitive matters regarding CPS Energy and discuss related legal issues pursuant to Texas Government Code Section 551.086 (competitive matters) and Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 3:06 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 Gutierrez 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: Z-3, Z-5, and Z-7. Councilmember Wolff seconded the motion.

Mr. Jack M. Finger addressed the Council and stated that Z-1 was very controversial because over one third of the notices had been returned in opposition. He also noted that one tenth of the notices returned for Z-2 were in opposition. In regard to Z-3, Mr. Finger asked if the taxpayers were going to be responsible for maintenance of private streets. He spoke against Z-4 stating that the residents did not want modular housing in the area. Lastly, Mr. Finger spoke against Z-9 noting that 20% of the notices were returned in opposition and that the surrounding area consisted of single family dwellings.

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

2007-11-01-1181

Item Z-3. **ZONING CASE # Z2007294 (District 9):** An Ordinance changing the zoning district boundary from "MF-33" Multi-Family District to PUD "MF-33" Planned Unit Development Multi-Family District on The East 72.6 Feet of Lot 74, and Lot 77, Lot 78, Lot 82, NCB 11888, 1607, 1615 and 1619 Terra Alta as requested by Sherfey Engineering SA, LLC, Applicant for Mike Jermiz, Owner. Staff and Zoning Commission recommend Approval.

2007-11-01-1182

Item Z-5. **ZONING CASE # Z2007283 CD (District 6):** An Ordinance changing the zoning district boundary from "C-2" Commercial District to "C-2 NA" (CD-Small Animal Clinic) Commercial Non-Alcoholic Sales District with a Conditional Use for a Small Animal Clinic (No Outside Runs, Pens or Paddocks Permitted) on 0.5 acres out of NCB 34393, 9900 Block of Westover Bluff as requested by Stephen J. Kramer, Applicant for Bryan Sharp, DVM, Owner. Staff and Zoning Commission recommend Approval.

2007-11-01-1184

Item Z-7. **ZONING CASE # Z2007298 (District 6):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on 2.491 acres out of NCB 16115, 6000 Block of Culebra Road as requested by Southwest Winners Foundation, Inc., Applicant for State of Texas, Owner. Staff and Zoning Commission recommend Approval.

[ZONING CONSENT ITEMS CONCLUDED]

CITY MANAGER'S REPORT

Ms. Sculley reported that UTSA had conducted a survey of 75,000 households on the City's automated cart collection for garbage and recyclables. She gave preliminary results from 725 households, of which 85% stated that they were satisfied with their service. Ms. Sculley added that even though those results were very positive, there was room for improvement.

Ms. Sculley reported that all fourteen of the new positions in Code Enforcement and Graffiti Abatement had been hired and were receiving training. The positions were approved in the FY08 Budget which began on October 1, 2007.

Ms. Sculley announced that Ms. Liz Garcia, Housing and Neighborhood Services Assistant Director, had been sworn in as President of the American Association of Code Enforcement Officials on October 4, 2007 and was the first Code Official from San Antonio to hold this office. The organization was established in 1988 and currently has 1300 members from 44 states and Canada.

Lastly, Ms. Sculley asked Mr. David McCary, Director of Solid Waste Management, and Mr. Dennis Campa, Director of Community Initiatives, to present the Solid Waste Services Fee Assistance Proposal. Mr. McCary reported that the budget had provided \$1.59 million to assist low-income households with the \$2 monthly garbage rate increase. He stated that this payment would be reflected in the form of a \$24 credit. He also gave an overview of the public information campaign. Mr. Campa reviewed eligibility requirements for the program. Those eligible were households at or below 125% of the Federal Poverty Level with priority going to families with school age children, seniors, and the disabled. Mr. Campa also spoke of a pilot program that will assist in transitioning 2000 households to self-sufficiency.

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

2007-11-01-1179

Item Z-1. **ZONING CASE # Z2007246 ERZD (District 8):** An Ordinance changing the zoning district boundary from "R-6" ERZD Residential Single Family Edwards Recharge Zone District and "RM-4" ERZD Residential Mixed Edwards Recharge Zone District to "O-1" ERZD Office Edwards Recharge Zone District on Lot 1, Lot 2, Lot 3, and Lot 6, Block 1, NCB 14756 as requested by Kaufman and Associates, Inc., Applicant for Madison Realty Development Corporation, Owner. Staff and Zoning Commission recommend Approval.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Cynthia Nerrick, 15522 Oak Grove, addressed the Council and stated that she supported the zoning change as long as there was a restriction for drainage. She expressed concern about damage due to run-off from the property which flows toward her property.

Ms. Lucy Pevato of Kaufman and Associates addressed the Council and reported of the meetings with the developer and property owners to come up with a number of concessions. Such concessions include buffers, additional landscaping, a retention pond, down lighting, and restrictions on usage. She thanked Councilmember Cibrian and her staff for their help.

Mr. Chris Beal, 7306 Green Glen, addressed the Council and stated that his neighborhood was concerned about commercial zoning because of their past experiences. He noted that the neighborhood and developer had met many times to work out their issues and concerns. He stated that the main concerns were preservation of trees and proper drainage. He noted that the neighborhood does not have curbs or a storm sewer. Mr. Beal stated that as long as the neighborhood got the deed restrictions to address those issues in place, he would support the zoning change.

Mr. Ross Laughead, 5975 Lockhill Road, stated that he was speaking on behalf of the Hilton Dale Neighborhood Association. He reiterated the association's satisfaction with the deed covenants and thanked Councilmember Cibrian for her work.

Ms. Elyzabeth Earnley of AGUA, 1809 Blanco, addressed the Council and noted that the case was in the recharge zone. She stated her belief that the change from residential to commercial with 50% impervious cover would increase run off. She recognized the efforts of the developer and asked the Council to support the neighborhood.

Councilmember Cibrian moved to adopt the proposed Zoning Item with the restrictive covenants as submitted. Councilmember Clamp seconded the motion.

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

2007-11-01-1180

Item Z-2. **ZONING CASE # Z2007292 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 "R-6" S ERZD Residential Single Family Edwards Recharge Zone District with a Specific Use Permit for a Wireless Communications System on Lot 36, Lot 37 and Lot

38, Block 1, NCB 16330 and from "C-1" ERZD Light Commercial Edwards Recharge Zone District to "C-1" S ERZD Light Commercial Edwards Recharge Zone District with a Specific Use Permit for a Wireless Communications System on Lot 1, Block 16, NCB 19214, on 18610 Blanco Road and 18730 Calle Cierra as requested by Brown, P.C., Applicant for San Antonio SMSA, LP, Owner. Staff and Zoning Commission recommend Approval.

Mr. Chris Looney presented the proposed Zoning Case.

City Clerk Leticia Vacek read a written testimony from Faris Hodge, Jr. Mr. Hodge asked why businesses were exempt from paying taxes, but people were not. He also wrote that he was opposed to the case because it was over the Edwards Aquifer.

Councilmember Wolff moved to adopt the proposed Zoning Item with conditions on impervious cover. Councilmember Clamp seconded the motion.

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

CONTINUED

Item Z-4. **ZONING CASE # Z2007270 CD (District 2):** An Ordinance changing the zoning district boundary from "R-5" Residential Single Family District to "C-2NA" (CD-Modular Housing Sales) Commercial, Nonalcoholic Sales District with a Conditional Use for Modular Housing Sales on 2.227 acres out of NCB 12886, 1722 Semlinger Road as requested by United Built Homes, Inc., Applicant for United Built Homes, Owners. Staff and Zoning Commission recommend Approval with conditions.

Councilmember McNeil moved to continue the proposed Zoning Item until November 29, 2007. Councilmember Clamp seconded the motion.

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

2007-11-01-1183

Item Z-6. **ZONING CASE # Z2007295 (District 6):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "MF-25" Multi-Family District on Lot 8, Block 30, NCB 18080, 7750 and 7770 Pipers Lane as requested by Huntington Apartments, LLC & 14339 Eastwood Apartments L. P., D. B. A. Pipers Square Apartments, Applicant for Huntington Apartments, LLC & 14339 Eastwood Apartments L. P., D. B. A. Pipers Square Apartments, Owners. Staff and Zoning Commission recommend Approval. Zoning Commission recommendation pending the October 16, 2007 public hearing.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Jim Linehan of Linehan Engineering, 7310 Blanco Road, stated that he represented the owner. He mentioned that he had coordinated with Chris Rodriguez, Zoning Commissioner from District 6, and the local neighborhood association, when drafting the zoning application and that is why it was successful.

Mr. Elliot Joelson of Southbrook Equities, 9420 Wilshire Boulevard, Beverly Hills CA, addressed the Council and stated that he also represented the owner. He added that he supported the zoning and looked forward to being in San Antonio.

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

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

CONTINUED

Item Z-8. **ZONING CASE #Z2007063 (District 7):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "R-4" Residential Single-Family District on 40.538 acres out of NCB 18560 and to "C-2" Commercial District on 8.760 acres out of NCB 18560 at 7000 Block of Bandera Road, as requested by Kaufman and Associates, Inc., Applicant for Charles and Peggy Blank, Owners. Staff recommends Approval. Zoning Commission failed to make a recommendation.

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

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

CONTINUED

Item P-1. **PLAN AMENDMENT # 07016 (District 7):** An Ordinance amending the land use plan in the Northwest Community Plan, a component of the Master Plan of the City, by changing the use of a 2.20 acre tract of land located at 8900 Guilbeau Road from Low Density Residential to Medium Density Residential land use. Staff and Planning Commission recommend Approval. (**Associated Zoning Case # Z2007198**)

Councilmember Rodriguez moved to continue the proposed Plan Amendment. Councilmember Cibrian seconded the motion.

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

CONTINUED

Item Z-9. **ZONING CASE # Z2007198 (District 7):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to PUD "MF-25" Planned Unit Development Multi-Family District with a density limit of 14 units per acre on P-123 A, NCB 18553, 8900 Guilbeau Road as requested by Brown, P.C., Applicant for Bernardo and Rocia Artola, Owners. Staff and Zoning Commission recommend Denial.

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

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

[ZONING ITEMS CONCLUDED]

Item 9. SECOND PUBLIC HEARING REGARDING THE VOLUNTARY ANNEXATION OF U.S. HIGHWAY 281 NORTH AND MARSHALL ROAD TRACT. – TIME CERTAIN FOR 2:30 PM.

Mayor Hardberger declared the public hearing open and noted no citizens signed up to speak. Mayor Hardberger declared the public hearing closed.

CEREMONIAL ITEMS

Mayor Hardberger presented a proclamation for Employer Support of the Guard and Reserve Week, which will be observed November 11-17, 2007. As Reservists and National Guard personnel serve the nation, they have to balance the demands of family, career and military commitment. While on duty, their civilian employers sacrifice to provide leave absence, job security and health benefits to these soldiers, sailors, coastguardsmen and airmen.

Mayor Hardberger also presented a proclamation to the winners of the 32nd Annual Christmas Card Art Contest. The contest is open to all students in grade 4-12, enrolled in a public, parochial, private or home school that has a San Antonio physical address. The contest is sponsored by the San Antonio Parks and Recreation Department, San Antonio Express-News, Alameda Theater and Benavides Framing. The winning artwork will be used as the Official 2007 Christmas Card for the City of San Antonio.

CITIZENS TO BE HEARD

Mr. Nick Calzoncit, 66 Brees, addressed the Council and spoke of the dropout rate in the Harlandale School District. He noted a study by John Hopkins University which named fifteen San Antonio High Schools as dropout factories. Mr. Calzoncit noted that the list included McCollum and Harlandale High Schools and that Harlandale had the highest dropout rate in the state of Texas.

Mr. Faris Hodge Jr., 140 Dora, addressed the Council and showed a picture of Councilmember Cibrian, former Councilmember Bonnie Conner, and Linear Creekway Parks Advisory Board member Julia Diana. He then praised Councilmember Cibrian for her work and sang a song. Lastly, Mr. Hodge stated that the streets downtown smell bad. He thanked Councilmember Cortez for his military service.

Mr. Rudolph J. R. Wratten addressed the Council and spoke of David Anthony Richelieu, a newspaper reporter who passed away on September 7, 2007. He spoke of the Pope's Visit to San Antonio and how bad weather knocked down several towers including a communications tower that day.

Mr. Mark Perez spoke about businesses that work with hazardous chemicals and mentioned that one of the businesses only had a permit for the sale of office furniture. He stated that he had approached numerous elected officials and staff for assistance but to no avail.

Ms. Henrietta De Hoyos addressed the Council and stated that Mr. George Alejos would be speaking for her in regard to the Mirasol Project and SAHA.

Mr. George Alejos spoke of the San Antonio Housing Authority (SAHA) meeting he had just attended. He stated that the individuals who had signed up for "Residents to be Heard" portion of the meeting had to wait three hours to be heard. He stated that Ms. De Hoyos had been trying to get her file from SAHA for three months to see why she had been terminated from the Mirasol Program and not given a voucher. He expressed his disappointment with SAHA.

ADJOURNMENT

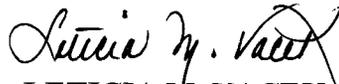
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:25 pm.

A P P R O V E D



**PHIL HARDBERGER
MAYOR**

Attest:



LETICIA M. VACEK
City Clerk