STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, FEBRUARY 28, 2007 AND THURSDAY, MARCH 1, 2007

The City Council convened in an informal "B" Session at 3:00 pm, Wednesday, February 28, 2007, Municipal Plaza Building for the purpose of:

1. An update and overview of the Austin-San Antonio Intermunicipal Commuter Rail District.

2. Discuss legal issues related to proposed state legislation affecting San Antonio Fire and Police Retiree Healthcare and Pension Funds pursuant to Texas Government code Section 551.071 (consultation with attorney).

Mayor Hardberger recognized Interim Director of the Austin-San Antonio Intermunicipal Commuter Rail District Board, Ross Malloy. He also recognized former Mayor of Austin, Bruce Todd and former San Antonio Councilmember Carroll Shubert. Councilmember Perez, Chairman of the Metropolitan Planning Organization (MPO) Board provided a brief history on the Commuter Rail District and its activities with the MPO Board. Mr. Malloy and other members of the Commuter Rail Board then presented a PowerPoint presentation on the Commuter Rail District. Mr. Malloy stated the two main reasons for the project were enormous population growth and freight movement along the IH 35 corridor. He stated the IH-35 corridor by the year 2025 will need to be expanded to 18 lanes to meet the projected traffic volume and provide a safer method of transportation between all communities in the corridor.

The following Councilmembers present were: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger.

The "B" Session adjourned at 5:01 pm.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, March 1, 2007 at 9:00 am.

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger.

The Invocation was delivered by Dr. Arturo Chavez, Vice President, Mexican American Cultural Center, guest of Councilmember Elena Guajardo.

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

MINUTES

Councilmember Perez made a motion to approve the minutes of the February 8, 2007 Regular City Council Meeting and February 8, 2007 Emergency City Council Meeting. Councilmember Haass seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read Items 4A and 4B as follows:

Item 4. Consideration of the following Ordinances relating to the City of San Antonio's Legislative Plan for the 80th Regular Session of the Texas Legislature:

2007-03-01-0212

Item 4A. AN ORDINANCE APPROVING AN ADDENDUM TO THE CITY OF SAN ANTONIO'S LEGISLATIVE PLAN FOR THE 80TH REGULAR SESSION OF THE TEXAS LEGISLATURE RELATED TO INITIATIVES SUPPORTING PROPOSED SAN ANTONIO FIRE AND POLICE RETIREE HEALTHCARE FUND LEGISLATION (PREFUND).

2007-03-01-0213

Item 4B. AN ORDINANCE APPROVING AN ADDENDUM TO THE CITY OF SAN ANTONIO'S LEGISLATIVE PLAN FOR THE 80TH REGULAR SESSION OF THE TEXAS LEGISLATURE RELATED TO INITIATIVES SUPPORTING PROPOSED SAN ANTONIO FIRE AND POLICE PENSION FUND LEGISLATION.

Councilmember McNeil made a motion to approve the proposed Ordinances for Items 4A and 4B. Councilmember Herrera seconded the motion.

Mr. Eric Walsh, Assistant City Manager gave brief presentation on the proposed Ordinance. A copy of which is on file with the Office of the City Clerk.

The following citizen(s) appeared to speak:

Mr. Frank Burney, 300 Convent Suite 2500 addressed the Council in favor of the proposed ordinances related to Pension and Healthcare Fund. Mr. Burney congratulated the Firefighters, Police Officers, and the Retiree Association for reaching a compromise. Mr. Burney stated that the Legislative Proposals had the full support of both Unions and the Pensioners Association. In regard to the Retiree Healthcare matter, he noted that it represented a process of eight years with hundreds of meetings with retirees, police officers, firefighters, and members of the City.

Mr. Teddy Stewart of the San Antonio Police Officers Association addressed the Council in support of the Pension Fund Proposal. Mr. Stewart stated that this was a golden crown for the City. Mr. Stewart stated that the fund is doing better than 90% of the funds in the Country today.

Mr. Stewart stated that the market value is close to 100% today and the fund is up 9% for the year. Mr. Stewart noted that the Healthcare side of the proposal resolves issues that have been outstanding for many years.

Mr. Dan Young, Executive Director of USO Downtown thanked the City of San Antonio for their support for the Soldiers, Airmen, Marines, and everyone who serves our Country. Mr. Young noted that there are approximately 4,000 young men with the Air Force at the Downtown USO facility. Mr. Young asked the members of the USO to approach the podium and presented Mayor Hardberger with a plaque.

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

CONSENT AGENDA: Items 5-39C

Consent Agenda Items 6, 8, 9, 10, 12, 15, 16, 18, 19, 25, 26 and 37 were pulled for individual consideration. Councilmember Haass moved to approve the remaining Agenda Items. Councilmember Guajardo seconded the motion. It was noted that Items 30, 31, and 33 were pulled from the agenda.

Mayor Hardberger addressed item 28 at this time.

2007-03-01-0236

Item 28. AN ORDINANCE NAMING THE DEVELOPMENT AND BUSINESS SERVICES CENTER LOCATED AT 1901 SOUTH ALAMO STREET IN CITY COUNCIL DISTRICT 1, THE "CLIFF MORTON DEVELOPMENT AND BUSINESS SERVICES CENTER" AS REQUESTED BY MAYOR HARDBERGER.

Mr. A.J. Rodriguez, President of the San Antonio Hispanic Chamber of Commerce addressed the Council in support of naming the City's Development Services Center after Cliff Morton. Mr. Rodriguez stated that Mr. Morton was a true entrepreneur particularly with real estate and banking. Mr. Rodriguez expressed his support while recognizing the tremendous impact Mr. Morton made on San Antonio. Mr. Rodriguez stated that Hispanic Chamber has directly benefited from Cliff Morton's leadership in two of his protégé, Henry Cisneros and Councilmember Richard Perez Chairman elect of the Hispanic Chamber.

Mr. Bruce Bugg addressed the Council in favor of naming the Development Services Center, the Cliff Morton Business and Development Center. Mr. Bugg noted that he was a close friend of Mr. Morton who served as his mentor. Mr. Bugg stated that Mr. Morton was the bridge between the Business Community and the Community Leaders.

Mr. Sam Parnes addressed the council noting that he began employment with Mr. Morton in 1971 and for over 35 years is still employed at the Morton and Lee Company. Mr. Parnes asked the Council to vote in favor of the Ordinance naming the Development Services Center after Cliff Morton.

Honorable County Judge Nelson Wolff addressed the Council stating that Cliff Morton was an aggressive business leader who knew the City needed to grow and not become static. Mr. Morton became a City Councilmember and in 1977 the City changed to Single-Member Districts. Judge Wolff stated that Mr. Morton took the lead in electing Henry Cisneros as Mayor of San Antonio in 1981. Mr. Morton lead every Bond Campaign Mayor Cisneros offered to the voters making sure they all passed and making sure he raised the money for it. Judge Wolff stated that during the time when he was Mayor of San Antonio, who, consolidated three water systems and created the San Antonio Water System (SAWS). Mr. Morton became the first Chairman of that combined effort. Mr. Morton also led the effort in 1993 and 1995 with the Legislature to create the Edwards Aquifer Authority. Judge Wolff noted that Mr. Morton was the voice of reason in the PGA; always trying to reach the middle ground. Judge Wolff stated that Mr. Morton did so much for the City and received very little recognition. He thanked the Mayor and Council for stepping up and doing the right thing in his memory and for the City of San Antonio.

Ms. Brenda V. Johnson of the Greater Chamber of Commerce addressed the Council in support of naming the Development Services Center, the Cliff Morton Business and Development Center. Ms. Johnson noted that Mr. Morton was a longtime civic leader and accomplished home builder and a responsible real estate developer. With the passing of Mr. Morton the City lost an admired businessman and community leader. Ms. Johnson stated that Mr. Morton served our country in the United States Air Force and served San Antonio through a number of civic and professional contributions. Mr. Morton was also a founding member of the San Antonio Economic Development Foundation and a founding member of the UT Health Science Center of San Antonio. Mr. Morton served as Chairman of the Greater San Antonio Chamber of Commerce and built approximately 15,000 homes in San Antonio. The Greater San Antonio Builders Association named Mr. Morton as Builder of the Year in 1973. Lastly, Ms. Johnson noted that Mr. Morton was a very humble and gracious man and naming the Business Development Center in his honor is quite appropriate.

Mayor Lila Cockrell thanked the Council for naming this facility in honor of Cliff Morton. Mayor Cockrell stated that she is one of the surviving members of the 1973-75 City Council when Mr. Morton also served on the City Council. Mayor Cockrell stated the she was honored to have Mr. Morton's beloved wife, Judy in attendance. Mayor Cockrell noted that sometimes there are little tensions between the development community, the home builders and city officials because they do not always view things exactly the same way. Mayor Cockrell stated that she came to regard Mr. Morton in the highest admiration because he was always a person who put the City's interest in the forefront.

Mr. Frank Burney addressed the Council noting that this was a time for personal reflection about Cliff Morton. Mr. Burney stated that he met Mr. Morton in 1981. At this time, Mr. Morton urged him to get involved in Bond Campaigns and today he is working on the $550 Million Bond Campaign coming up for election. Mr. Burney stated that due to the role Mr. Morton played with previous Bond Issues, Mr. Morton would approve of what this Council and Mayor Hardberger has done for the Bond Issue. Mr. Burney stated that Mr. Morton was a behind the scenes person, noting that the true behind the scenes people were his wife Judy of 30 years and his sister Mary Etheridge who were present. He added that they are the ones Mr. Morton missed

dinners with, and they are the ones who were left alone when Mr. Morton was working on behalf of our City. Mr. Burney stated that Judy and Mary asked him to communicate to the Mayor and Council how much they appreciate the naming of the Development Services Building after their beloved Cliff.

Mayor Hardberger introduced Ms. Judy Morton and Ms. Mary Etheridge and asked them to stand and be recognized.

Leticia M. Vacek, City Clerk read written testimony from Mr. Faris Hodge for Consent Item 28 The written testimony was read as follows:

Mayor Hardberger, I think it is a good idea to rename the Development and Business Service Center the Cliff Morton Center, but I write you about renaming the Alamodome after myself, Farris Hodge Jr. Dome. It is normal for buildings to be named for someone after they are deceased, but I believe people should receive their due before hand. The City has named the Nelson Wolff Stadium after Nelson Wolff so why can't I have something named after me. It is important to recognize people for their achievements and efforts in helping the City.

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.

2007-03-01-0214

Item 5. 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 $387,000.00, INCLUDING: A) JANITORIAL SERVICES AT THE FERRARI CENTER; B) LAWN MAINTENANCE SERVICE FOR CITY-OWNED LOTS; C) ORNAMENTAL WATER FEATURE TREATMENT SERVICES; D) VEHICLE PARTITIONS, RIFLE AND SHOTGUN MOUNTED RACKS; E) AUTOMOBILE & LIGHT-DUTY TRUCK WINDOW TINTING; F) TETANUS, DIPHTHERIA, PERTUSSIS VACCINES; G) ON-LINE CATALOG ENRICHMENT SERVICES FOR THE LIBRARY; AND H) CHILDREN'S PRE-BOUND BOOKS.

2007-03-01-0216

Item 7. AN ORDINANCE RATIFYING A CONTRACT WITH SANOFI-PASTEUR, INC. TO PROVIDE THE HEALTH DEPARTMENT WITH INFLUENZA VACCINES FOR A COST OF $292,485.56.

2007-03-01-0220

Item 11. AN ORDINANCE APPROVING CHANGE ORDER NOS. 3 AND 4 IN THE RESPECTIVE AMOUNTS OF $64,593.62 AND $272,431.00 TO THE $3,811,795.08 CONSTRUCTION CONTRACT, AS CHANGED, WITH VALEMAS, INC FOR PROJECT DELAYS AND AT&T CONFLICTS WITH UNDERGROUND FACILITIES, AND ADDITIONAL WORK OF INSTALLING NEW RETAINING WALLS, ADDITIONAL BASE MATERIAL, QUANTITY OVERRUNS, AND MATERIAL TESTING, IN CONNECTION

WITH THE AVE MARIA DRAINAGE FROM JACKSON KELLER TO SAN PEDRO PROJECT, LOCATED IN DISTRICT 1.

2007-03-01-0222

Item 13. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PHASE AMOUNT OF $895,411.53 TO INCLUDE AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $880,000.00 TO 3TI, INC. AND AUTHORIZING CHANGE ORDER NO. 1 IN THE DEDUCTIVE AMOUNT OF $114,691.00, IN CONNECTION WITH THE DOWNTOWN RESTROOM PROJECT, AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN DISTRICT 1.

2007-03-01-0223

Item 14. AN ORDINANCE APPROVING CHANGE ORDER NO. CPS -1 IN THE AMOUNT OF $73,015.05 TO THE $2,668,582.25 CONSTRUCTION CONTRACT, AS CHANGED, WITH E-Z BEL CONSTRUCTION, LTD. FOR ADDITIONAL WORK OF PHASING RECONFIGURATION, REVISIONS TO THE EXISTING TRAFFIC CONTROL PLAN, AND ADDITIONAL WORK AFTER A UTILITY CONFLICT, IN CONNECTION WITH THE MEDICAL CENTER INTERSECTION IMPROVEMENTS, PHASE III PROJECT, LOCATED IN DISTRICT 8.

2007-03-01-0226

Item 17. AN ORDINANCE AUTHORIZING A 10-YEAR LICENSE AGREEMENT WITH PIRANHA PROPERTY PARTNERS, LTD. FOR USE OF A PORTION OF DWYER STREET RIGHT OF WAY FOR PARKING PURPOSES NEAR NCB 174 FOR A FEE OF $5,500.00.

2007-03-01-0229

Item 20. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH INCLUDES A CORRECTION TO THE STATEMENT OF WORK OF THE CURRENT CONTRACT FOR THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC) OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

2007-03-01-0230

Item 21. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TOTALING $154,900.00 WHICH WILL RENEW SUPPORT FOR THE ONGOING HIV PREVENTION PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2007 THROUGH AUGUST 31, 2007; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2007-03-01-0231

Item 22. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TOTALING $336,254.00

WHICH WILL RENEW SUPPORT FOR THE ONGOING SEXUALLY TRANSMITTED DISEASE (STD) STAFF SUPPORT PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2007; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2007-03-01-0232

Item 23. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR APPROXIMATELY $300,000.00 TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO SUPPORT THE ONGOING HIV PREVENTION PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT.

2007-03-01-0233

Item 24. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A SUPPLEMENTAL GRANT FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE 2006 SAN ANTONIO HIGH INTENSITY DRUG TRAFFICKING AREA IN THE AMOUNT OF $43,152.00.

2007-03-01-0235

Item 27. AN ORDINANCE AUTHORIZING THE ASSIGNMENT OF A SAN ANTONIO INTERNATIONAL AIRPORT CAR RENTAL AND CONCESSION AGREEMENT FROM CLEARWATER TRANSPORTATION, INC. TO DTG OPERATIONS, INC.

2007-03-01-0237

Item 29. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT IN THE AMOUNT OF $31,750.00 WITH THE UNITED WAY OF SAN ANTONIO AND BEXAR COUNTY, ON BEHALF OF THE ALAMO AREA COMMUNITY INFORMATION SYSTEM (AACIS), TO PROVIDE SPANISH COMPUTER LITERACY TRAINING AT COMPUTER TECHNOLOGY CENTERS THROUGH SEPTEMBER 30, 2007; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

Item 30. AN ORDINANCE AUTHORIZING THE EXECUTION OF FOUR (4) TEMPORARY UTILITY SERVICE AGREEMENTS TO PROVIDE UTILITY SERVICES FOR EVENTS AT THE CONVENTION, SPORTS AND ENTERTAINMENT FACILITIES. **PULLED FROM AGENDA**

Mr. Ralph Velasquez of the San Antonio Craftsman Association addressed the Council in reference to the process of inclusion versus the practice of exclusion. Mr. Velasquez cited the history of the San Antonio Craftsman Association. Mr. Velasquez stated that he has been addressing issues that affect the small business community for 18 years, in addition addressing housing, education, and job training and the biding process. Mr. Velasquez noted that he was not concerned with who gets the contract as long as the process was adhered to and as long as there was an inclusion process. Mr. Velasquez requested the Council reissued Item 30 to give everyone a chance to bid on the RFP.

Item 31. AN ORDINANCE AUTHORIZING THE EXECUTION OF A FOREIGN TRADE ZONE OPERATING AGREEMENT WITH OPERATIONAL TECHNOLOGIES

CORPORATION FOR ACTIVATION AT ZONE NO. 80, SITE NO. 10 AT PORT OF SAN ANTONIO. **PULLED FROM AGENDA**

2007-03-01-0238

Item 32. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT PROGRAM GRANT AGREEMENT WITH THE SAN ANTONIO TECHNOLOGY ACCELERATOR INITIATIVE NETWORK FOUNDATION ("SATAI") IN THE AMOUNT OF $500,000.00.

Item 33. AN ORDINANCE APPROPRIATING FUNDS AND AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT PROGRAM GRANT AGREEMENT IN THE AMOUNT OF $100,000.00 WITH THE TEXAS RESEARCH AND TECHNOLOGY FOUNDATION ("TRTF") FOR THE ESTABLISHMENT OF THE MCDERMOTT PRE-SEED FUND. **PULLED FROM AGENDA**

2007-03-01-0239

Item 34. AN ORDINANCE APPROVING THE FINAL PROJECT AND FINANCING PLANS FOR TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-TWO, CITY OF SAN ANTONIO, TEXAS, KNOWN AS THE RIDGE STONE TIRZ LOCATED SOUTH OF MEDINA BASE ROAD INSIDE SW LOOP 410; AND AUTHORIZING THE EXECUTION OF THE NECESSARY CONTRACTS WITH THE TIRZ BOARD, BEXAR COUNTY, AND BIGFISH ON FIVE, L.P., THE DEVELOPER.

2007-03-01-0240

Item 35. AN ORDINANCE APPROVING THE FINAL PROJECT AND FINANCING PLANS FOR TAX INCREMENT REINVESTMENT ZONE NUMBER NINETEEN, CITY OF SAN ANTONIO, TEXAS, KNOWN AS THE HALLIE HEIGHTS TIRZ LOCATED NEAR THE INTERSECTION OF RAY ELLISON BOULEVARD AND SW LOOP 410; AND AUTHORIZING THE EXECUTION OF THE NECESSARY CONTRACTS WITH THE TIRZ BOARD, BEXAR COUNTY, THE SAN ANTONIO RIVER AUTHORITY, AND HLH DEVELOPMENTS, L.P., THE DEVELOPER.

2007-03-01-0241

Item 36. AN ORDINANCE APPROVING A BROWNFIELDS REDEVELOPMENT PROGRAM PROJECT AND AUTHORIZING PAYMENT IN AN AMOUNT UP TO $27,144.12 FROM ENVIRONMENTAL PROTECTION AGENCY GRANT FUNDS TO ATC ASSOCIATES, INC., FOR ENVIRONMENTAL SITE ASSESSMENT SERVICES AT 1726 W. COMMERCE FOR THE BENEFIT OF OWNERS, PAUL MAURICIO AND THE ESTATE OF DELIA C. MAURICIO.

2007-03-01-0243

Item 38. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A FEDERAL LAWSUIT STYLED *MACARIO GARCIA, INDIVIDUALLY, AS LEGAL REPRESENTATIVE AND HEIR OF THE ESTATE OF JUAN JOSE GARCIA, ET AL V. CITY OF SAN ANTONIO, CHIEF OF SAPD, ALBERT ORTIZ, ET AL*, IN THE UNITED STATES DISTRICT COURT,

WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION, CAUSE NO. SA-06-CA-0315-FB, FOR THE AMOUNT OF $250,000.00.

BOARDS, COMMISSIONS AND COMMITTEE APPOINTMENTS

Item 39. Consideration of District Board, Commission and Committee Appointments:

A. Appointing Edward Hardemon (District 2) to the Board of Adjustment, for the remainder of an unexpired term of office commencing immediately upon appointment, to expire February 22, 2008.

B. Appointing Tim Talbert (District 9) to the Affirmative Action Advisory Committee for a term of office commencing immediately upon appointment, to expire May 31, 2007.

Leticia M. Vacek, City Clerk read written testimony from Mr. Faris Hodge on Consent Item 39B. The written testimony was read as follows:

I want to thank Kevin Wolff for appointing someone on the Affirmative Action Board. The City Council addressed the Affirmative Action Plan and Board for the City and it was not being followed. Many departments look into the fact that they could be integrated. Very few Councilmembers have black employees working for them. I believe that the City of San Antonio employees have subjected themselves to discrimination because they are not in Fire or Police Unions. City employees need longevity pay and early retirement. I believe that the pay scale is not administered in a fair manner.

C. Reappointing James L. Myers (District 4) to the Port Authority of San Antonio for the remainder of an unexpired term of office commencing immediately upon appointment, to expire November 30, 2008.

[CONSENT ITEMS CONCLUDED]

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following caption:

2007-03-01-0242

Item 37. AN ORDINANCE APPROVING A CONTRACT AMENDMENT WITH THE SAN ANTONIO PARKS FOUNDATION WHICH WILL TRANSFER FUNDS OF $266,916.47 FROM THE SUNKEN GARDEN THEATER PROJECT TO THE JAPANESE TEA GARDEN RESTORATION PROJECT AND APPROVING ADDITIONAL FUNDS OF $239,162.53 TO THE PARKS FOUNDATION JAPANESE TEA GARDEN RESTORATION FUNDING AGREEMENT, AN APPROVED 2003 PARKS BOND PROJECT, FOR A TOTAL ALLOCATION OF $1,106,079.00 FOR THE PARKS FOUNDATION JAPANESE TEA GARDEN RESTORATION PROJECT.

Mayor Hardberger stated that Item 37 was pulled from the Consent Agenda by Councilmember Flores for the matter of abstaining. Mayor Hardberger called upon former Mayor Lila Cockrell to speak on said item.

Mayor Lila Cockrell addressed the Council noting she was very excited for the San Antonio Parks Foundation is privileged to be involved in the public-private partnership for redevelopment and restoration of the Japanese Tea Garden. Mayor Cockrell thanked Councilmember Wolff for setting set up a special matching fund. The San Antonio Parks Foundation was required to donate at least a third or half of the City's contribution while the private sector donated $600,000 for the project. Mayor Cockrell stated that the project will fix ponds, put in a new circulation system for the water so that there will be a habitat for Coy Fish and Water Lilies. In addition, the waterfall will be restored and flow again.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember McNeil seconded the motion.

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

The City Clerk read the following caption:

2007-03-01-0215

Item 6. AN ORDINANCE ACCEPTING THE OFFER FROM IDENTISYS, INC., AS AN AUTHORIZED DEALER FOR SALAMANDER TECHNOLOGIES, INC. UNDER THE TEXAS MULTIPLE AWARD SCHEDULE CONTRACT, TO PROVIDE THE CITY WITH RAPID TAG IDENTIFICATION AND REGISTRATION UNITS FOR A COST OF $101,375.05, FROM PUBLIC HEALTH EMERGENCY PREPAREDNESS AND CITIES READINESS INITIATIVES PROGRAM FUNDS.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Haass 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.

The City Clerk read the following caption:

2007-03-01-0217

Item 8. AN ORDINANCE APPROPRIATING $2,064,000 FOR DEFERRED MAINTENANCE AND CAPITAL IMPROVEMENTS OF CITY OWNED BUILDINGS AS INCLUDED IN THE FY 2006-07 ADOPTED CAPITAL BUDGET.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember McNeil seconded the motion.

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

The City Clerk read the following caption:

2007-03-01-0218

Item 9. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT COST OF $3,825,295.47 TO INCLUDE AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $3,029,185.03 TO E-Z BEL CONSTRUCTION, LTD., $48,125.00 OF WHICH WILL BE FUNDED BY CPS ENERGY AND $521,182.48 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, IN CONNECTION WITH THE COMMERCE STREET: RAILROAD TO S. PALMETTO PROJECT, AN AUTHORIZED 2003 GENERAL OBLIGATION STREET AND PEDESTRIAN IMPROVEMENT BOND FUNDED PROJECT LOCATED IN DISTRICT 2, APPROPRIATING FUNDS, AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember McNeil seconded the motion.

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

2007-03-01-0219

Item 10. AN ORDINANCE APPROVING CHANGE ORDER NO. 2 IN THE AMOUNT OF $617,000.00 TO THE $9,234,000.00 CONSTRUCTION CONTRACT, AS CHANGED, WITH F.A. NUNNELLY CO. GENERAL CONTRACTORS TO INCLUDE THE CONSTRUCTION OF THE ANNEX BUILDING THAT WAS PREVIOUSLY DELETED BY CHANGE ORDER NO. 1 IN CONNECTION WITH THE ANIMAL CARE FACILITY PROJECT, LOCATED IN DISTRICT 6, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION PUBLIC HEALTH AND SAFETY IMPROVEMENT BOND FUNDED PROJECT.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember McNeil seconded the motion.

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

The City Clerk read the following caption:

2007-03-01-0221

Item 12. AN ORDINANCE APPROVING PHASE 1 PART 1 OF CONSTRUCTION FOR A TOTAL ESTIMATED PROJECT AMOUNT OF $10,326,325.42 TO INCLUDE AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $8,525,820.89 TO R.L. JONES CO., INC., $1,360,781.34 OF WHICH WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS AND $205,354.00 WILL BE FUNDED BY CPS ENERGY, IN CONNECTION WITH THE W.W. WHITE AREA OUTFALL PHASE 1 PART 1 PROJECT, AN

AUTHORIZED 2005 STORM WATER REVENUE BOND FUNDED PROJECT LOCATED IN DISTRICT 2.

Councilmember McNeil made a motion to approve the proposed Ordinance. Councilmember Wolff 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.

The City Clerk read the following caption:

2007-03-01-0224

Item 15. AN ORDINANCE APPROPRIATING $1,000,000 IN THE AIRPORT CAPITAL IMPROVEMENT FUND, FOR CAPITAL CONSTRUCTION FOR AIR SERVICE, BUILDING IMPROVEMENTS AND SECURITY AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember McNeil 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.

The City Clerk read the following caption:

2007-03-01-0225

Item 16. AN ORDINANCE AUTHORIZING A PURCHASE IN THE AMOUNT OF $1,700,000.00 FOR APPROXIMATELY 2.271 ACRES OF VACANT LAND ADJACENT TO OR NEAR SAN ANTONIO INTERNATIONAL AIRPORT.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember McNeil 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.

The City Clerk read the following caption:

2007-03-01-0227

Item 18. AN ORDINANCE APPROVING A FOURTH AMENDMENT TO A LICENSE AGREEMENT WITH THE SAN ANTONIO EMPLOYEES FEDERAL CREDIT UNION PROVIDING FOR AN ADDITIONAL ATM AT THE FRANK D. WING MUNICIPAL COURT BUILDING.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember McNeil 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.

The City Clerk read the following caption:

2007-03-01-0228

Item 19. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH PIEDMONT HAWTHORNE AVIATION, LLC FOR GROUND AND BUILDING SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A TERM OF TEN (10) YEARS.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember McNeil 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.

The City Clerk read the following caption:

2007-03-01-0234

Item 25. AN ORDINANCE AMENDING SECTION 33-929 OF THE SAN ANTONIO CITY CODE TO PROVIDE FOR THE CREATION OF A TAXICAB PERMIT ALLOCATION COMMITTEE (TPAC) THAT WILL ALLOCATE ADDITIONAL TAXICAB PERMITS AND TO PROVIDE FOR AN APPEAL OF THE TPAC'S DECISIONS.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Haass 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.

The City Clerk read the following caption:

Item 26. AN ORDINANCE REPEALING ARTICLE XII (PARADES) AND ARTICLE XIII (RUN, WALK AND CYCLING EVENTS) OF CHAPTER 19 OF THE CITY CODE; CREATING ARTICLE XVII (PARADES, RUNS, WALKS, AND RELATED EVENTS) IN CHAPTER 19 OF THE CITY CODE; PROVIDING FOR CERTAIN EXEMPTIONS TO ARTICLE XVII; AND PROVIDING FOR CRIMINAL PENALTIES FOR VIOLATIONS OF ARTICLE XVII.

Councilmember Guajardo made a motion to table said item for one week. Councilmember Radle seconded the motion.

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

EXECUTIVE SESSION

Mayor Hardberger recessed the Regular Meeting at 11:55 am to attend a Press Conference and have lunch followed by convening in Executive Session at 2:00 pm for the purposes of:

A. Deliberate the management, purchase, exchange, lease, or value of certain real properties pursuant to Texas Government Code Sec. 551.072 (real property). **Said item was pulled from the agenda.**

B. Discuss legal issues related to *Macario Garcia, Individually, As Legal Representative and Heir of the Estate of Juan Jose Garcia, et al v. City of San Antonio, Chief of SAPD, Albert Ortiz, et al*, in the United States District Court, Western District of Texas, San Antonio Division, Cause No. SA-06-CA-0315-FB pursuant to Texas Government Code Section 551.071 (consultation with attorney).

C. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements pursuant to Texas Government Code Section 551.071 (consultation with attorney).

D. Deliberate the appointment, employment, and duties of the position of City Internal Auditor pursuant to Texas Government Code Section 551.074 (personnel matters).

Mayor Hardberger reconvened the Regular Meeting at 3:00 pm, at which time he stated the City Council had been briefed on the above-styled matters and gave staff direction, but that no official action would be taken.

CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

The Tactical Response Unit (TRU) is in its seventh week of operation and to date they have arrested more than 1,600 persons, 600 of those were felony arrest, 800 narcotic charges, and 185 arrests were gang members. Ms. Sculley thanked the Police Department and the Officers in working to rid the community of crime.

The Police Department announced additional efforts in a proactive way regarding domestic violence, noting that the attempt is to apprehend and arrest abusers. Ms. Sculley stated that there were 14,000 calls for service related to domestic violence in 2006. The city is working in partnership with community based organizations to fight family violence issues in the community.

Dr. Melissa Triple will serve as the Chief Veterinarian for Animal Care Services. Dr. Triple will directly supervise the Veterinary Staff and will play a significant role in assisting the Director with the long-range plan of the new facility scheduled to open later this year. Ms. Sculley announced the Valero Energy Group has provided additional money ($2,500) to Animal Care Services through a corporation they created. Valero employees raised over $1,300 to create the Valero Angel Fund to care for animals that otherwise would not be treated or adopted. The Valero Group is soliciting donations off-site to match their donations. The Valero Corporation also collected food, equipment and supplies with an estimated value of $8,000.

With regards to Graffiti Abatement for the First Quarter of the fiscal year; the City is averaging 78,000 square feet of graffiti that is being painted out on a monthly basis.

Bandit Signs in the community are being taken down and the City is using TVSA Channel 21 an effort to increase community awareness.

Dennis Campa has been working with the Fire Department to create a program where smoke detectors will be available for senior citizens; the announcement will be made next week.

Lastly, an article appeared in the Washington Journal about the weather and what the City of San Antonio has done to help people when they are stranded in U.S. Cities. San Antonio was an example of how best to treat visitors when stranded for whatever reason. San Antonio has been able to accommodate people stranded in thousands of hotel rooms. When the hotel rooms are full the Emergency Management Staff led by Nim Kidd created a Red Cross Shelter to accommodate those who were stranded over the holidays at our Airports.

CONSENT ZONING

Councilmember Perez made a motion to approve the following rezoning cases noting that staff and Zoning Commission recommendation were for approval. Additionally, he added that no citizens had signed up to speak on said cases: P-1, Z-2, P-2, Z-3, Z-8, Z-11, Z-12 and Z-13. Councilmember Gutierrez seconded the motion.

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

2007-03-01-0244

P-1. PLAN AMENDMENT #07005: AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE UNITED SOUTHWEST COMMUNITIES PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 6.338 ACRES OF LAND LOCATED AT NORTHEAST CORNER OF THE INTERSECTION OF SW LOOP 410 AND RAY ELLISON BOULEVARD FROM LOW DENSITY RESIDENTIAL LAND USE TO COMMUNITY COMMERCIAL LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.

2007-03-01-0246

Z-2. ZONING CASE # Z2007107 (District 10): An Ordinance changing the zoning district boundary from "I-1" IH-1 General Industrial Northeast Gateway Corridor Overlay District-1 to "C-3" IH-1 General Commercial Northeast Gateway Corridor Overlay District-1 on Tract 7, Tract 8, Tract 19B, Tract 20, Tract 23, Tract 23A, and Lot P-100, out of NCB 14952, 11442 Wayland Way as requested by City of San Antonio, Applicant for Wayland Baptist University, Owner. Staff and Zoning Commission recommend Approval.

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: TRACT 7, 8, 19B, 20, 23, 23A AND PARCEL 100, NCB 14952

TO WIT: FROM "I-1" IH-1 GENERAL INDUSTRIAL NORTHEAST GATEWAY CORRIDOR OVERLAY DISTRICT-1 TO "C-3" IH-1 GENERAL COMMERCIAL NORTHEAST GATEWAY CORRIDOR OVERLAY DISTRICT-1. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED $1,000.00".

2007-03-01-0247

P-2. PLAN AMENDMENT #07004 (District 1): AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 1.269 ACRES OF LAND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF W. PEDEN ALLEY AND S. FLORES STREET, FROM LIGHT INDUSTRIAL TO MIXED USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. ASSOCIATED ZONING CASE: Z2007086

2007-03-01-0248

Z-3. ZONING CASE # Z2007086 CD (District 1): An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "IDZ" Infill Development Zone District with uses permitted in "C-2" and "MF-50" (CD-Multi-Family Dwellings) Multi-Family District with a Conditional Use for Multi-Family Dwellings not exceeding 55 units per acre on 0.782 acres out of NCB 63; and from "I-2HS" Heavy Industrial Historic Significant District and "I-1HS" General Industrial Historic Significant District to "IDZHS" Infill Development Zone Historic Significant District with uses permitted in "C-2" and "MF-50" (CD-Multi-Family Dwellings) Multi-Family District with a Conditional Use for Multi-Family Dwellings not exceeding 55 units per acre on 1.369 acres out of NCB A-63, 1401 S. Flores and 319 West Peden Alley as requested by Dennis R. McDaniel, Applicant for Iron & Steel Lofts, LLC, Owner. Staff and Zoning Commission recommend Approval.

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: 0.782 ACRES OUT OF NCB 63 AND 1.369 ACRES OUT OF NCB A-63 TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "IDZ" INFILL DEVELOPMENT ZONE DISTRICT WITH USES PERMITTED IN "C-2" AND "MF-50" (CD-MULTI-FAMILY DWELLINGS) MULTI-FAMILY DISTRICT WITH A CONDITIONAL USE FOR MULTI-FAMILY DWELLINGS NOT EXCEEDING 55 UNITS PER ACRE ON 0.782 ACRES OUT OF NCB 63; AND, FROM "I-2HS" HEAVY INDUSTRIAL HISTORIC SIGNIFICANT DISTRICT AND "I-1HS" GENERAL INDUSTRIAL HISTORIC SIGNIFICANT DISTRICT TO "IDZHS" INFILL DEVELOPMENT ZONE HISTORIC SIGNIFICANT DISTRICT WITH USES PERMITTED IN "C-2" AND "MF-50" (CD-MULTI-FAMILY DWELLINGS) MULTI-FAMILY DISTRICT WITH A CONDITIONAL USE FOR MULTI-FAMILY DWELLINGS NOT EXCEEDING 55 UNITS PER ACRE ON 1.369 ACRES OUT OF NCB Z-63 PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED $1,000.00".

2007-03-01-0253

Z-8. ZONING CASE # Z2007087 (District 4): An Ordinance changing the zoning district boundary from "NP-10" Neighborhood Preservation District to "C-3" General Commercial District. on 19.67 acres out of NCB 14492, 10699 S. IH 35 as requested by Brown P.C., Applicant for Kahlig Enterprises, Ltd., Owner. Staff and Zoning Commission recommend Approval.

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: 19.67 ACRES OUT OF NCB 14492 TO WIT: FROM "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED $1,000.00".

2007-03-01-0256

Z-11. ZONING CASE # Z2007104 (District 6): An Ordinance changing the zoning district boundary from PUD "RM-4" Planned Unit Development Residential Mixed District to "C-2" Commercial District on 7.431 acres out of NCB 17673, 9000 Block of Westover Hills Boulevard as requested by Pulman, Bresnahan, Pullen and Cappuccio, LLP, Applicant for Serenity at Westover Hills, LP, Owner. Staff and Zoning Commission recommend Approval.

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: 7.431 ACRES OUT OF NCB 17673 TO WIT: FROM PUD "RM-4" PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED DISTRICT TO "C-2" COMMERCIAL DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED $1,000.00".

2007-03-01-0257

Z-12. ZONING CASE #Z2006273 (District 7): An Ordinance changing the zoning district boundary from "BP" Business Park District to "R-4" (CD- Townhomes) Residential Single Family District with a Conditional Use for townhomes with density not exceeding 18 units per gross acre on 16.44 acres out of NCB 18096, 18097, and 18102, 6300 Block of Crystal Bow, as requested by Earl and Associates, Applicant, for Ithaca Investments, L.P., Owner. Staff and Zoning Commission recommend Approval.

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: 16.44 ACRES OUT OF NCB 18096, NCB 18097 AND NCB 18102 TO WIT: FROM "BP" BUSINESS PARK DISTRICT TO "R-4" (CD- TOWNHOMES) RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR TOWNHOMES WITH A DENSITY NOT EXCEEDING 18 UNITS PER GROSS ACRE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED $1,000.00".

2007-03-01-0258

Z-13. ZONING CASE # Z2007110 (District 8): An Ordinance changing the zoning district boundary from PUD "MF-25" Planned Unit Development Multi Family District to "MF-25" Multi Family District on Lot P-30, NCB 13665, 7886 Huebner Road as requested by Brown, P.C., Applicant for Apple Development, L.P., Owner. Staff and Zoning Commission recommend Approval.

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: LOT P-30, NCB 13665 TO WIT: FROM PUD "MF-25" PLANNED UNIT DEVELOPMENT MULTI-FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED $1,000.00".

[END OF CONSENT ZONING]

2007-03-01-0245

Z-1. ZONING CASE # Z2007025 (District 9): An Ordinance changing the zoning district boundary from "C-3 R ERZD" General Commercial, Restrictive Alcohol Sales, Edwards Recharge Zone District to "C-3 ERZD" General Commercial Edwards Recharge Zone District on 1.592 acres out of NCB 16331, 195 North Loop 1604 West as requested by Kauffman & Associates, Inc., Applicant for LL&R Cornerstone, Ltd., Owner. Staff recommends Approval. Zoning Commission recommendation pending February 20, 2007.

Mr. John Jacks explained the proposed rezoning case.

Councilmember Wolff made a motion to approve the proposed rezoning case with SAWS' recommendation. Councilmember Haass seconded the motion.

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

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: 1.592 ACRES OUT OF NCB 1633 TO WIT: FROM "C-3 R ERZD" GENERAL COMMERCIAL, RESTRICTIVE ALCOHOL SALES, EDWARDS RECHARGE ZONE DISTRICT TO "C-3 ERZD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED $1,000.00".

2007-03-01-0249

Z-4. ZONING CASE # Z2007094 CD (District 1): An Ordinance changing the zoning district boundary from H "R-4" Historic Residential Single Family District to H "R-4" (CD - Bed and Breakfast with a Maximum of five guest rooms) Historic Residential Single Family District with a Conditional Use for a Bed and Breakfast with a Maximum of five guest rooms on Lot 3 and Lot 4, Block 1, NCB 1860, 124 West Woodlawn Avenue as requested by Michael Eifler,

Applicant for Michael Eifler, Owner. Staff and Zoning Commission recommend Approval with Conditions.

Mr. John Jacks explained the proposed rezoning case.

Mr. Mike Efler, 124 West Woodlawn addressed the Council and expressed the historic nature of the property stating that he will reside in the home. Mr. Elper stated that he would like to preserve the nature of the property and keep it intact.

Councilmember Flores made a motion to approve the proposed rezoning case. Councilmember McNeil seconded the motion.

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

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 3 AND 4, BLOCK 1, NCB 1860 TO WIT: FROM H "R-4" HISTORIC RESIDENTIAL SINGLE FAMILY DISTRICT TO H "R-4" (CD – BED AND BREAKFAST WITH A MAXIMUM OF FIVE GUEST ROOMS) HISTORIC RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR A BED AND BREAKFAST WITH A MAXIMUM OF FIVE GUEST ROOMS PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED $1,000.00".

2007-03-01-0250

P-3. PLAN AMENDMENT #05009 (District 2): AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE ARENA DISTRICT/EASTSIDE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 16.43 ACRES OF LAND LOCATED AT 3841 COMMERCE STREET EAST FROM HIGH DENSITY MULTIFAMILY RESIDENTIAL TO LIGHT INDUSTRIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. ASSOCIATED ZONING CASE: Z2005145

Mr. John Jacks explained the proposed rezoning case.

Councilmember McNeil made a motion to approve the proposed rezoning case. Councilmember Hall seconded the motion.

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

2007-03-01-0251

Z-5. ZONING CASE # Z2005145 CD (District 2): An Ordinance changing the zoning district boundary from "R-5 EP-1" Residential Single-Family Event Parking District and "C-2 EP-1"

Commercial Event Parking District to "L EP-1" Light Industrial Event Parking District on 16.432 acres out of NCB 10578, 3841 East Commerce Street as requested by Drenner & Golden Stuart Wolff, LLP, Applicant for Rockhill Partners, Ltd., Owner. Staff and Zoning Commission recommend approval pending Plan Amendment.

Mr. John Jacks explained the proposed rezoning case.

Councilmember McNeil made a motion to approve the proposed rezoning case with the condition there will be no tractor-trailer truck service parking or repair on this property. Councilmember Hall seconded the motion.

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

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: 16.432 ACRES OUT OF NCB 10578 TO WIT: FROM "R-5 EP-1" RESIDENTIAL SINGLE-FAMILY EVENT PARKING DISTRICT-1 AND "C-2 EP-1" COMMERCIAL EVENT PARKING DISTRICT-1 TO "L EP-1" LIGHT INDUSTRIAL EVENT PARKING DISTRICT-1. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED $1,000.00".

Z-6. ZONING CASE # Z2007043 (District 2): An Ordinance changing the zoning district boundary from "RM-4" Residential Mixed District to "RM-4" HS Residential Mixed Historic Significance District on a portion of Lot 25, Lot 26, Lot 27, and Lot 28, all in Block 54, NCB 1629, save and except a portion of Lot 26, as more particularly described in Volume 5205 Page 0469 Official Public Records of Real Property of Bexar County, Texas, 321 Essex Street as requested by City of San Antonio, Planning Department Historic Preservation Officer, Applicant for San Antonio Housing Authority. Staff and Zoning Commission recommend Approval.

Mr. John Jacks explained the proposed rezoning case.

Councilmember McNeil made a motion to deny the proposed rezoning case. Councilmember Hall seconded the motion.

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

2007-03-01-0252

Z-7. ZONING CASE # Z2007073 (District 2): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on 7.219 acres out of NCB 12191, 6358 Barrel Creek as requested by New Global, Inc., Applicant for Rittiman Central Industrial Partners, Ltd., Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks explained the proposed rezoning case.

Ms. Christy Johnston addressed the Council noting that she represents Global Inc. and is here to answer any questions of the Council.

Councilmember McNeil made a motion to approve the proposed rezoning case. Councilmember Hall seconded the motion.

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

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: 7.219 ACRES OUT OF NCB 1219 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED $1,000.00".

The City Clerk read Items P-4 and Z-9 as follows:

P-4. PLAN AMENDMENT #07006 (District 5): An Ordinance amending the Land Use Plan contained in the South Central San Antonio Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.404 acres of land located at 536 Division Avenue from Low Density Residential to Neighborhood Commercial. Staff recommends Approval. Planning Commission recommends Denial. Associated Zoning Case: Z2006271 CD

Z-9. ZONING CASE # Z2006271 CD (District 5): An Ordinance changing the zoning district boundary from "O-2" Office District and "C-1" Light Commercial District to "O-2" (CD-Transmission Shop) Office District with a Conditional Use for a Transmission Shop and "C-1" (CD-Transmission Shop) Light Commercial District with a Conditional Use for a Transmission Shop on the East 101 feet of Lot 7 and the West 10 feet of Lot 6, NCB 7902, 536 Division Avenue as requested by Samuel Ramos, Applicant for Samuel Ramos, Owner. Staff recommends Approval. Zoning Commission recommends Denial.

Mr. John Jacks explained the proposed rezoning cases.

Leticia M. Vacek, City Clerk read written testimony from Lilly Tejeda. The written testimony was read as follows:

I am in opposition of the rezoning. The rezoning for a conditional use of a transmission shop directly across the street from a park named after the late Senator Frank Tejeda, my son. This would be an eyesore and not consistent with the South Side Master Plan of Low Density Residential. I am in favor of having a rezoning on all three lots to change from C-1 and C-102 to Single Family Residence, which is in the South Side Master Plan for this area. Since this would take some time to implement I suggest the City use Eminent Domain to purchase all three lots and create a park with an abatement wall with shrubs to prevent tagging. Then add a tennis court and few parking spaces with benches and tables (no restrooms to keep the cost down). As far as

funding for this project, the bond issue for streets, sidewalks, and parks can be used for this purpose.

Mr. John Gonzales addressed the Council, submitting packets with petitions for each Councilmember. The petitions reference a comprehensive rezoning for all three properties, 520, 536, and 542 Division Avenue. Mr. Gonzales stated that these lots dictate the South Side Master Plan for this area. Mr. Gonzales added that Mr. Samuel Ramos started building the transmission shop without permits and did not speak with any of the neighbors on how this shop would impact lifestyles.

Mr. Manuel Lemas addressed the Council stating that he owns the lot next door which is West of 536 Division. Mr. Lemas spoke in opposition to the rezoning and requested the Council uphold the Zoning Commission recommendation.

Councilmember Radle made a motion to continue Items P-4 and Z-9 proposed rezoning cases for two weeks. Councilmember Hall seconded the motion.

The motion prevailed with 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 items P-5 and Z-10 as follows:

2007-03-01-0254

P-5. PLAN AMENDMENT CASE # 07002 (District 5): AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF AN 11.13 ACRE TRACT OF LAND BOUND BY S. FLORES ST., E. CEVALLOS ST., AND PROBANDT ST., MORE SPECIFICALLY NCB A-14 FROM LIGHT INDUSTRIAL LAND USE TO MIXED USE LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. ASSOCIATED ZONING CASE #Z2007024

2007-03-01-0255

Z-10. ZONING CASE # Z2007024 (District 5): An Ordinance changing the zoning district boundary from "I-2" HS Heavy Industrial Historic Significant District and "I-1" HS General Industrial Historic Significant District to IDZ HS Infill Development Historic Significant Zone with uses permitted within "C-2" Commercial District and "MF-33" Multi-Family District on 11.13 acres out of NCB A-14, 1334 South Flores Street as requested by NRP Group, L.L.C., Applicant for Charlie Acuna, Owner. Staff and Zoning Commission recommend Approval pending Plan Amendment.

Mr. John Jacks explained the proposed rezoning cases.

Councilmember Radle made a motion to approve the proposed rezoning ordinances for items P-5 and Z-10. Councilmember Gutierrez seconded the motion.

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

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: 11.13 ACRES OUT OF NCB A-14 TO WIT: FROM "I-2" HS HEAVY INDUSTRIAL HISTORIC SIGNIFICANT DISTRICT AND "I-1" HS GENERAL INDUSTRIAL HISTORIC SIGNIFICANT DISTRICT TO IDZ HS INFILL DEVELOPMENT HISTORIC SIGNIFICANT ZONE WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED $1,000.00".

CEREMONIAL ITEMS

Mayor Hardberger presented a Proclamation recognizing Arbor Day on March 3, 2007. Alamo Area Council of Government (AACOG) and CPS Energy, co-chairs of the Alamo Forest Partnership, will host an Arbor Day celebration event at Pittman-Sullivan Park for a tree awareness event that includes educational information and free trees.

Mayor Hardberger presented a Proclamation recognizing The National Association of Social Workers and the Association of Mexican American Social Workers. In the month of March they will promote the growth and development of social work as a profession, and highlight the importance of health institutions.

Mayor Hardberger presented a Proclamation recognizing Ambassador Marta Lara; Consul General of Mexico in San Antonio. It was announced that she will participate in a panel discussion at St. Mary's University Law School dealing with Immigration. The purpose of the event is to try and create a Bi-National Forum on Mexican Immigration.

CITIZENS TO BE HEARD

The following citizen(s) appeared to speak:

Mr. Robert P. Ritterbach 5851 Burkley Springs addressed the Council and stated that he had not been treated with fairness by City employees. He also expressed disappointment with Councilmembers for not meeting with him or returning his telephone calls.

Ms. Rosa Rosales, Executive Director of the National Association of Public Employees (NAPE) addressed the Council regarding CPS Energy. Ms. Rosales stated that CPS Energy is contracting out job functions of CPS Energy employees. Ms. Rosales spoke against Mr. Milton Lee Executive Director of CPS Energy and demanded his resignation. Ms. Rosales stated that the workers of CPS Energy are dedicated employees who should be treated with dignity and respect. Ms. Rosales stated that CPS Energy has cut crews from 6 employees per crew down to 2 employees per crew. Ms. Rosales stated that the downsizing of crews is a safety issue for CPS Energy employees. She stated that CPS Energy also have Citizens to be Heard. Ms. Rosales also requested the CPS Energy Board Members be elected into office so that they are

accountable to the public. Ms. Rosales asked for a review of the salaries of Mr. Milton Lee and the top executives of CPS.

Mr. Gabriel Rosales, 915 Guadalupe addressed the Council stating that they would like to be heard and thanked the Council for listening. Mr. Rosales stated that CPS workers deserve to the heard. Mr. Rosales also stated that CPS workers are being told that after 30 years of employment they must take a pay cut or be laid off. Mr. Rosales stated that the workers are who make CPS and because of the workers CPS is where it is today.

Mr. Adrian Falcon a 9-year employee of CPS Energy stated that he was informed that he has 3 months to find a job. He stated that it is not fair. He also stated that he planted roots with CPS Energy and expects to retire with CPS Energy.

Mr. Nazirite Ruben Flores Perez addressed the Council relating to an article that was published on February 20, 2007. The article is entitled "Civil Union Label Bestowed on N.J. Gay Couples". He also distributed and spoke on another articled entitled "Mistaken identity".

Mr. Paul Brock, Jr. of International Brotherhood of Electrical Workers Local 500 (IBEW) regarding CPS Executives and the plan that will eliminate about 130 hourly employees. Mr. Brock stated that CPS Energy Board of Trustees approved a new contract for the General Manager and CEO Mr. Milton Lee with an incentive bonus up to 110% of his salary. Mr. Brock stated that the other Executive of CPS Energy are also getting a very generous salary increase as well. He said that some of the less senior employees will include pay cuts of up to 37% of their current salary. He stated that the implementation date of the plan is March 23, 2007. He stated that the senior employees do not deserve this even though they will be offered severance pay.

Mr. Jose Perez thanked Mayor Hardberger noting that since he has been in office; he can feel comfortable coming to the meetings and not being ridiculed. He also thanked Mayor Hardberger for his support and noted that he now has a job in which he is very happy.

Mr. Nick Calzoncit 66 Brees #14 addressed the Council regarding peace and noted that the NAPE Group who spoke today did so with peace and they deserve to be commended for the peaceful protest against CPS Energy. Mr. Calzoncit requested the Council promote peace by renaming Stonewall Elementary in the Harlendale School District to Cesar Lee Chavez Elementary. Mr. Calzoncit also requested that the City join resources with the Harlendale School District.

Mr. Antonio Diaz addressed the Council relating to campaign promises. Mr. Diaz noted that free speech and freedom of assembly are rights of the public. He stated that a campaign promise was made that the Citizens to be Heard section would be televised. Mr. Diaz noted that 2 years later; Citizens to be Heard is not televised.

Mr. Ed Ocampo 402 Precious Drive addressed the Council relating to the citizens on Precious Street. He stated that the people behind him were people that lived in the neighborhood. He noted that someone needs to go by the area and check out the dirt/gravel to see if the subdivision was built on a landfill. He stated that his home has shifted due to cracks in the foundation and there are now cracks on all the walls. He stated that they would like public forum with the City and Mr. Alvarez. Mr. Ocampo stated that the Federal Law under the American Disability Act

(ADA) requires that all doorways must be 4 feet wide. His home is a handicap home and all the doorways are 34 inches wide. Mr. Ocampo yielded his remaining time Mr. George Alejos.

Mr. George Alejos addressed the Council regarding the San Antonio Housing Authority. Mr. Alejos noted that the warranties for the KB Homes on Precious Drive are about to expire on the foundation.

Ms. Bridgett Butler addressed the Council in reference to the North Hampton Subdivision. Ms. Butler stated that the subdivision is the worst place to purchase a home in the entire state of Texas. The homes on North Hampton have ceilings that leak, cracked walls, and doors that will not close. Ms. Butler stated that KB Homes should not have built homes in the North Hampton area because the soil is unstable. Ms. Butler requested help from the City to settle the North Hampton issues with SAHA.

Ms. Abigail Rodriguez addressed the Council, stating that she resides in the Meadow Brook Subdivision which is across the street from the North Hampton Subdivision. Ms. Rodriguez stated that her doors and windows do not close which are safety issues. Ms. Rodriguez stated that she is looking forward to seeing results with this KB Home issue.

Mr. Art Calderon addressed the Council stating that he moved from California and that he and his wife have been stressed ever since they purchased the home in the North Hampton area. He stated that the house is full of cracks and that nobody will want to purchase his home.

Ms. Sheryl Sculley reported that Mr. T.C. Broadnax, Assistant City Manager and Andrew Cameron have met with Mr. Henry Alvarez of SAHA regarding the housing issues being raised. Mr. Alvarez will submit a detailed action plan regarding the housing project on Tuesday, March 6th which will be shared with the citizens and City Councilmembers.

Ms. Mary Rojas addressed the Council stating that she resides in the Blue Ridge Subdivision. Ms. Rojas stated that she also has the same problems as the individuals that spoke. Ms. Rojas stated that she cannot get any grass to grow. She stated that dirt and grass was brought in but it was not for their homes but rather for the new homes that are for sale by SAHA.

Ms. Janet Ahmad stated that the problems with all the homes discussed today stem from soil that is not suitable for a sewage treatment plant. Ms. Ahmad stated that the soil that is there is ineligible for HUD standards for funding. She stated that the only hope for these homeowners is to have an open discussion.

Mr. Faris Hodge, Jr. 140 Dora addressed the Council relating to the CPS Energy Board not having a Citizens to be Heard Item on the CPS Agenda. Mr. Hodge stated that Citizens to be Heard portion of this Agenda should be televised. Mr. Hodge stated that Councilmember Gutierrez has not appointed anyone to the Affirmative Action Board. Mr. Hodge noted that he was offered a slot on the Affirmative Action Board but declined the offer. Mr. Hodge noted that Councilmember Herrera also had not appointed anyone to the Affirmative Action Board. Mr. Hodge stated that the fee to get married on the Riverwalk increased from $100 to $200. Mr. Hodge asked if you have to be in love to get married on the River. Mr. Hodge noted that Public Hearings are not scheduled at a convenient time for citizens. Mr. Hodge stated that filters have not been put on the computers at the Library. Lastly, Mr. Hodge stated that Councilmembers Radle, Perez, Gutierrez, Flores, Haass, and Herrera had not hired any black employees.

Mr. Mark Perez addressed the Council relating to the Environmental Department not responding to his concerns of a business located at 4728 Goldfield. Mr. Perez stated that businesses are storing hazardous chemicals and operating without permits.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:05 pm.

A P P R O V E D

PHIL HARDBERGER
MAYOR

Attest:

LETICIA M. VACEK
CityClerk