

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

A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WERE HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, APRIL 1, 2009 AND THURSDAY, APRIL 2, 2009, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **April 1, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

1. STAFF PRESENTATION ON THE 2007-2012 BOND PROGRAM.

Mr. Mike Frisbie, Capital Improvements Management Services (CIMS) Director, reported on the status of the 2007 Bond Program. He stated that fourteen projects had been completed, nineteen were under construction, and three had approved funding agreements. He added that five required funding agreements, ninety-eight were in the design process, and twelve contracts were pending. He noted that six projects had been completed since December 2008 including: 1) CentroMed Clinic; 2) Collins Garden Library; 3) Guilbeau Drainage Phase II; 4) Magik Children's Theatre; 5) Pan American Library; and 6) Witte Museum. He presented various charts illustrating the approach taken for Project Management, and depicting peak construction activity for the overall Bond Program. Mr. Frisbie stated that Bond Program Project information and diagrams would be available on the City website this month. He provided data regarding planned and actual status by phase.

Mr. Frisbie explained that three important components for all projects were: 1) Utilities; 2) Environment; and 3) Right-of-Way Acquisition. He reported on the status of the five projects whose timelines extended beyond June 2012. The first project discussed was the Blanco Road from Hildebrand to Jackson Keller, a \$30 million project with \$22 million funded by the City and \$8 million from the Federal Government. He stated that the City's portion could be completed within the Bond Timeline. The second project was a drainage project for the Broadway Corridor. It was noted that the project was City-funded and located in a Texas Department of Transportation (TxDOT) Corridor.

The third project, the Bulverde Road from Loop 1604 to Evans Road Project, totaled \$30 million in City Funds. It was reported that the project had a series of caves on the northern end and would require environmental work and preparation. Mr. Frisbie stated that staff would utilize a Construction Manager At-Risk delivery method rather than a low-bid process for said project. He noted that this would move up the construction start date by one year.

Mr. Frisbie reported that the fourth project was the addition of a third lane to Arena Road next to the AT&T Center. In working with the Railroad and other agencies, staff realized that it would be impossible to fit the lane in the corridor. As a result, they were exploring an alternate project that would fit into the Bond Schedule and meet drainage and traffic needs. Mr. Frisbie also noted that since the project was federally funded, the Metropolitan Planning Organization (MPO) would need to be involved. The fifth project included improvements to the Westwood Village Drainage Channel. Due to the fifteen-month process to obtain the required Army Corps of Engineers Permit, staff decided to work on the drainage crossing at Old US Highway 90.

Mr. Frisbie addressed initiatives related to Small Businesses. The Owner Controlled Insurance Program (OCIP) encompassed the City taking over insurance responsibilities for contractors and subcontractors. He noted that a feasibility study had been performed and said action was not recommended because it did not achieve the City's objective to involve more Small Businesses in the 2007 Bond Program. Mr. Frisbie spoke in favor of creating a Technical Assistance Program through the South Texas Women's Business Center. He noted that by Law, contractors were required to have Bid Performance, and Payment Bonds. Lastly, Mr. Frisbie spoke about Public Art San Antonio (PASA) as it relates to the Bond Program. He noted the importance of taking public art in San Antonio to a world class level.

Councilmember Herrera commended Mr. Frisbie on his achievements and highlighted the fact that only a few projects were not within the Bond Schedule. She expressed concern that the Surety Bond Program would not provide enough assistance for Small Businesses and stated that she would like for OCIP to be included in future projects. She added that she was not advocating for businesses to operate without bonding, but for them to have more assistance in obtaining it. Councilmember Rowe requested additional information regarding the online data that would be available to the public.

Councilmember Cibrian asked if the Bond Program was on time and on budget. Mr. Frisbie confirmed that the programs were all on budget and on time save and except the projects he previously outlined. In response to Councilmember Cibrian, Ms. Sculley stated that the 2007 Bond Program was very different from previous Bond Programs in that it was on time and on budget. Councilmember Cibrian spoke of the bonding issue and noted that it was an impediment to small business success. She stressed the importance of a traffic flow plan for 2010 due to the large amount of construction that will be taking place during that time.

Councilmember Clamp complimented Mr. Frisbie on his efforts relating to Project Management. He noted the importance of accountability and stated that it would be imperative for the City Council and citizens to understand Project Management terminology. Councilmember Galvan stated that she was impressed by the Project Management Diagrams and asked when the City would begin planning the next Bond Program. Ms. Sculley stated that planning could begin in 2011 and the vote could take place in 2012.

Councilmember Ramos expressed concern that the "Makin' Hay" Art Exhibit had been subjected to graffiti. She asked of the remediation of the artwork. Mayor Hardberger stated that he was also disappointed that the exhibit had been graffitied. Mr. Frisbie responded that the removal of graffiti from this particular exhibit was the responsibility of the Alturas Foundation and they were addressing it. He noted that with an increase in public art, maintenance costs to the City would also increase.

At this time, Mayor Hardberger recessed the B Session at 4:23 pm to convene in Executive Session for the purpose of:

- A. Discuss legal issues related to the Texas Open Meetings Act and City Council policies and procedures pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the B Session at 5:35 pm at which time it was noted that the City Council had been briefed on the above-styled matter but took no action. There being no further discussion, Mayor Hardberger adjourned the meeting at 5:35 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **April 2, 2009** at 9:00 am in the City Council Chambers.

Item 1. The Invocation was delivered by Dr. Douglas Marks, Senior Pastor, Northwest Hills Christian Church, guest of Councilmember Philip Cortez, District 4.

Item 2. Mayor Hardberger led the Pledge of Allegiance to the Flag of the United States.

Deputy City Clerk, Leticia Saenz, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

Item 3. MINUTES

Councilmember Herrera made a motion to approve the Minutes for the March 12, 2009 Regular City Council Meeting. Councilmember Ramos seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember McNeil recognized the late Reverend Claude Black for his many efforts and requested a moment of silence in his honor.

Councilmember Cisneros recognized a delegation of 102 Teachers from Mexico who were in San Antonio for training on Best Practices for teaching English as a Second Language (ESL). She thanked Dr. Jose Antonio Vela, Director of the Universidad Nacional Autonoma de Mexico (UNAM) for making the trip possible.

ITEMS FOR INDIVIDUAL CONSIDERATION

The Deputy City Clerk read the following Item:

Item 4. BRIEFING AND POSSIBLE ACTION ON LEGISLATION FILED IN THE STATE AND FEDERAL LEGISLATIVE SESSIONS AND POTENTIAL AMENDMENTS TO THE CITY'S LEGISLATIVE PROGRAMS.

Carlos Contreras presented an update on the State Legislative Plan and noted that the Legislature has been in session for 84 days. He reported that all City of San Antonio bills had been referred to committee. In regard to Dangerous Dogs, he noted that House Bill 1982 filed by Representative Martinez Fischer had been referred to the House County Affairs Committee and the Animal Care Services Department was drafting testimony in support of same. He outlined Senate Bill 700 filed by Senator Patrick noting that it would: 1) Lower the property tax rollback rate from eight percent to five percent; and 2) Provide that a city must hold a ratification election to adopt a tax rate that exceeds the five-percent rollback rate.

In reference to the Military Installation Protection Act, Mr. Contreras reported that House Bill 143 filed by Representative McClendon was heard in the House Defense and Veteran Committee on March 25th and Senator Van De Putte's Senate Bills 2222 and 2223 were referred to the Senate Veterans Affairs and Military Installation Committee. He explained that Senate Bill 855 filed by Senator Carona was voted favorably as substituted from the Senate Transportation and Homeland Security on March 25th. He added that Senate Bill 942 filed by Senator Wentworth had been heard in the Senate Transportation and Homeland Security Committee and left pending.

Mr. Contreras outlined the various bills related to Graffiti and noted that House Bills 385 and 1753 had been heard and left pending in the House Sub-committee on Criminal Jurisprudence, and House Bills 1558, 1633, and 2126 had been left pending in the House Criminal Jurisprudence Committee. He reported that Senate Bill 1358 filed by Senator Seliger regarding the Texas Municipal Retirement System (TMRS) had been referred to the Senate State Affairs Committee. Additionally, House Bill 360 filed by Representative Kuempel was voted favorably out of the House Pensions, Investments, and Financial Services Committee and recommended for the Local and Consent Calendar.

Mr. Contreras stated that House Bill 3686 filed by Representative McClendon in reference to Meet and Confer for Civilian Employees was referred to the Committee on House Urban Affairs, and Senate Bill 2446 filed by Senator Uresti was referred to the Senate Intergovernmental Relations Committee. In regard to Texas A&M University, Senate Bill 607 filed by Senator Uresti was left pending in the Senate Finance Committee. House Bill 993 filed by Representative Farias and House Bill 1967 filed by Representative Aycock both remain pending in the House Higher Education Committee.

Lastly, Mr. Contreras reported that City Staff continues to collaborate with the City's Federal Consultants to review federal agency funding guidelines and project submission due dates to ensure that San Antonio secures federal funding for the various needs identified by the City Council.

Julie Iris Oldham spoke in support of Items 4 and 5. She expressed concern with the quality of the food at the Bob Ross Senior Center.

Jack M. Finger spoke in opposition to legislation regarding toll roads, Meet and Confer, and Haven for Hope. He expressed concern that there was little support for lowering the property tax rate.

City Manager Sheryl Sculley stated that if passed, Senate Bill 700 would have an impact on the City's Budget. She explained that for Fiscal Year 2008, the base assessed valuation was reduced to eight percent to follow State Law and eliminate the possibility of voters circulating petitions. She noted that staff recommended that the revenue cap level be maintained at eight percent.

Mayor Hardberger asked if other major Texas Cities and the Texas Municipal League (TML) were in opposition to Senate Bill 700. Mr. Contreras replied that TML had taken a position against said bill and it was his understanding that other large cities in the state had also taken that position.

Councilmember Herrera asked that the Council be kept abreast of action on Senate Bill 700 and stressed the importance of public education regarding Dangerous and Vicious Dogs.

Councilmember Rowe asked of House Bill 143 filed by Representative McClendon regarding the Military Installation Protection Act. Mr. Contreras reported that Representative McClendon had held a

meeting with interested parties to receive input and would be revising the original bill. Councilmember Rowe requested that the Council be updated as the bill progresses.

Councilmember Ramos requested that the Intergovernmental Relations (IGR) Council Committee review Senate Bill 700 and provide a recommendation. She also spoke in support of legislation as it relates to Dangerous and Vicious Dogs.

Councilmember McNeil asked of the hearing regarding Senate Bill 700. Mr. Peter Zanoni reported that it was scheduled at 11:00 am and Assistant Budget Director Maria Villagomez would testify regarding its impact to the City of San Antonio Budget. Councilmember McNeil expressed her opposition to Senate Bill 700. She also requested a list of the options included in Senate Bill 855. She further asked why it had been determined that the Advanced Transportation District (ATD) was selected to recommend projects to the Bexar County Commissioner's Court. Mr. Contreras stated that he was unsure why Senator Wentworth had made that decision. Mayor Hardberger stated that he had expressed his concern to Senator Wentworth and that the City should have an equal amount of representation.

Councilmember Clamp stated that he was in support of Senate Bill 700 because it was good for the taxpayers. He stressed the importance of accountability for elected officials and the citizen input process. Regarding House Bill 4335 on the consolidation of VIA Metropolitan Transit and the Regional Mobility Authority (RMA); Councilmember Clamp expressed concern that the City and Bexar County would have five appointees to the consolidated entity. He advocated for the City having six representatives and Bexar County having four representatives.

Councilmember Cibrian expressed support for the legislation related to Dangerous Dogs. She stated that she was in support of the IGR Committee reviewing Senate Bill 700 before making a recommendation. She noted that staff should review cutting government waste prior to seeking additional revenue from taxpayers.

Councilmember Rodriguez noted his support for legislation related to Graffiti and Dangerous Dogs. He asked of the impact of the property tax rate reduction if it had been in place in the previous budget. Mr. Zanoni reported that the Fiscal Year 2009 Budget would have been reduced by \$6 million. Councilmember Rodriguez stated he would be in support of not taking a position on Senate Bill 700 at this time.

Councilmember Herrera expressed concern with the ability to offer basic city services if the property tax rate was reduced. Councilmember Cortez expressed support for legislation regarding Graffiti. He expressed concern with Senate Bill 700 due to its impact on City Services. Councilmember Clamp stated that there was no tax decrease associated with Senate Bill 700 and that it would only reduce the property tax threshold from eight percent to five percent. Mr. Ben Gorzell outlined the current practice regarding the property tax rate and the impact of the passage of Senate Bill 700.

Councilmember Cisneros expressed support for legislation related to Graffiti and Dangerous Dogs. She stated that she was opposed to Senate Bill 700 but would support sending it to the IGR Committee for further review and recommendation. Councilmember Galvan expressed support for the Graffiti legislation and noted her opposition to Senate Bill 700. Councilmember Rodriguez noted that Senate Bill 700 provided other good measures and clarified that the opposition from the Council was regarding the reduction in the property tax rate from eight percent to five percent. Mayor Hardberger confirmed

that the vote being taken was only in regard to the property tax rate reduction and would not take a position on any other provisions of Senate Bill 700.

Mayor Hardberger spoke of Senate Bill 700 and noted that there were choices that had to be made regarding services and taxes. He stated that he was in support of maintaining the property tax rate at eight percent.

Councilmember Clamp moved to forward Senate Bill 700 to the Intergovernmental Relations Council Committee for further review and recommendation. Councilmember Cibrian seconded the motion.

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

Councilmember McNeil moved to maintain the threshold for the property tax rate at eight percent and forward Senate Bill 700 to the Intergovernmental Relations Council Committee for further review and recommendation. Councilmember Herrera seconded the motion.

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

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 12:00 noon for lunch and to convene in Executive Session at 1:30 pm for the purpose of:

- A. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Discuss legal issues related to tax abatements and economic development pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.087 (economic development). **ITEM PULLED BY STAFF**

Mayor Hardberger reconvened the Regular Meeting at 2:56 pm at which time it was noted that the City Council had been briefed on the above-styled matter but took no action.

The Deputy City Clerk read the following captions for Item 5:

Item 5. UPDATE AND POSSIBLE ACTION REGARDING CITY ACTIVITIES RELATED TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA):

2009-04-02-0232

- A. AN ORDINANCE APPROVING CITY COUNCIL-SELECTED PROJECTS TO BE SUBMITTED IN THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ARRA APPLICATION.

Mr. Peter Zanoni presented said item and stated that San Antonio had received an amount of \$3.9 million in CDBG Funding from the ARRA. He explained that the Mayor and Councilmembers had adopted a strategy to divide the funds by 11 and that projects were required to meet CDBG and HUD

Stimulus Funding Guidelines. He stated that the date for available funding had not been provided by HUD but funds must be expended by September 30, 2010. He noted that today's action would amend the FY 2008-2009 HUD Consolidated Action Plan amending the CDBG Budget to reflect stimulus allocation. Additionally, it would authorize the execution of amendments to existing funding agreements with Haven for Hope to include identified CDBG Stimulus Funding.

Councilmember Rowe asked of the number of Police Officers that would be funded through the COPS Hiring Grant. Mr. Zaroni explained that the number was uncertain but the City expected to receive approximately \$2.2 million in funding. Councilmember Rowe asked of funding for the River Improvements Project. Ms. Sculley stated that a determination had not yet been made by the Army Corps of Engineers.

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

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

B. STAFF UPDATE AND POSSIBLE ACTION REGARDING CITY ACTIVITIES RELATED TO THE ARRA.

Mr. Zaroni provided an update on agency guidelines and identified funding amounts for the City of San Antonio. He reported that the total amount of federal funding was \$86.4 million. He explained that \$42.9 million was allocated for Street Transportation Projects from the Federal Highway Administration and funds should be available by the end of April. He noted that the COPS Hiring Grant was a competitive process and applications were being accepted through April 14, 2009. He stated that the allocation for the Byrne Justice Assistance Grant was \$4.2 million and would allocate \$2.023 million each to the City and Bexar County and \$21,000 to four other municipalities.

Mr. Zaroni reported that \$12.9 million had been awarded to the City for the Energy Efficiency and Conservation Block Grant. He noted that the purpose of the program was to reduce emissions and energy use, as well as improve energy efficiency. He explained that the Federal Office of Management and Budget had directed the Army Corps of Engineers to resubmit a Stimulus Project List with more green or environmental projects that have previous funding. It was noted that the Mission Reach Project meets the criteria and selected projects would be determined within the next two weeks.

Mr. Zaroni reported that the "Making Work Pay" Tax Credit would impact City Employees and result in \$15-30 dollars more per paycheck for qualifying individuals. He stated that the Texas House Select Committee on Federal Stabilization had been established to monitor Stimulus Funding made available to the State. Lastly, he noted that staff would continue to bring action items to the City Council and provide weekly updates.

There was no action required for Item 5B.

CONSENT AGENDA: Items 6 – 25B

Consent Agenda Items 10, 11, 16, 18, 23 and 24 were pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

Jack M. Finger expressed concern with Item 6D regarding the contract with Alamo Iron Works for Gatorade. He also spoke against Item 6E in reference to the contract with PetFirst Healthcare for Pet Adoption Insurance. He spoke in opposition to the contract with the AECOM USA Group (Item 18) because of their campaign contributions to the City Council.

Ms. Saenz read a written testimony from Faris Hodge, Jr. in support of Item 21 regarding the Resolution of Respect honoring the late Reverend Claude Black. He wrote that people should be given flowers while they were alive so that they could smell them. He also wrote that the Alamodome should be renamed the Faris Hodge Jr. Dome and that people should be recognized for their community achievements before they passed on. Mr. Hodge also submitted various written testimonies for the record. He wrote in opposition to Item 6 because the contract costs were estimates. He wrote that the surveillance equipment being purchased in Item 8 was a waste of money. He wrote in support of Items 10, 12, and 13. Lastly, he wrote in favor of Item 24 noting that policy guidelines for City Monuments were necessary.

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

2009-04-02-0233

Item 6. AN ORDINANCE ACCEPTING THE FOLLOWING BIDS TO PROVIDE THE CITY WITH THE FOLLOWING COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2009 FOR A COMBINED ESTIMATED COST OF \$528,000.00, INCLUDING: (A) CRAFTCO TEXAS, INC. FOR CRACK SEALANT; (B) SAECO ELECTRIC & UTILITY, LTD FOR DRILLING WOOD & STEEL POLE FOUNDATIONS; (C) NEW ENGLAND FIRE EQUIPMENT APPARATUS (ITEM 1) AND SPARTAN CHASSIS, INC. (ITEMS 2-3) FOR FIRE TRUCK WATER PUMP & SERVICE; (D) ALAMO IRON WORKS FOR ELECTROLYTE REPLACEMENT DRINK MIX; AND (E) PETFIRST HEALTHCARE FOR PET ADOPTION INSURANCE.

2009-04-02-0234

Item 7. AN ORDINANCE ACCEPTING THE OFFERS FROM RUSH TRUCK CENTERS OF TEXAS L.P. AND HEIL OF TEXAS TO PROVIDE THE SOLID WASTE MANAGEMENT DEPARTMENT WITH FOUR DIESEL-POWERED 18 CUBIC YARD REAR LOAD SEMI-AUTOMATED HIGH COMPACTION REFUSE COLLECTION TRUCKS FOR A COST OF \$621,684.00.

2009-04-02-0235

Item 8. AN ORDINANCE AUTHORIZING A CONTRACT WITH FISK TECHNOLOGIES SECURITY INTEGRATION GROUP TO PROVIDE THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT, PUBLIC SAFETY DIVISION, WITH MAINTENANCE AND BREAK-FIX SERVICES ON THE CITY'S ACCESS CONTROL, VIDEO SURVEILLANCE, AND INTRUSION ALARM SECURITY SYSTEMS, AND INSTALLATION OF ANY NEW SECURITY SYSTEMS AND COMPONENTS FOR AN ESTIMATED ANNUAL COST OF \$1,509,000.00.

2009-04-02-0236

Item 9. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT WITH BALLENGER CONSTRUCTION COMPANY IN THE AMOUNT OF \$1,929,148.22 FOR THE TAXIWAY ROMEO CHARLIE PHASE II PROJECT AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

2009-04-02-0239

Item 12. AN ORDINANCE AUTHORIZING THE ACQUISITION OF AN AQUIFER-PROTECTION CONSERVATION EASEMENT OVER APPROXIMATELY 933.27 ACRES KNOWN AS THE "SOUTH HILLS RANCH" IN UVALDE COUNTY, FOR AN ESTIMATED COST OF \$915,965.40.

2009-04-02-0240

Item 13. AN ORDINANCE AUTHORIZING PAYMENT IN THE AMOUNT OF \$100,000.00 FOR ASSOCIATED LAND ACQUISITION EXPENSES FOR FEE SIMPLE TITLE TO ONE PRIVATELY OWNED PARCEL OF PROPERTY FOR THE BITTERS ROAD – WEST AVENUE TO HEIMER PROJECT, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

2009-04-02-0241

Item 14. AN ORDINANCE AUTHORIZING THE LICENSE OF THE FORMER MISSION DRIVE-IN PROPERTY, LOCATED IN COUNCIL DISTRICT 3, TO THE LINDA PACE FOUNDATION FOR AN EVENT ON APRIL 16, 2009.

2009-04-02-0242

Item 15. AN ORDINANCE APPROVING THE TEMPORARY CLOSURE OF CERTAIN STREETS FOR THE 2009 FIESTA SAN ANTONIO CELEBRATION; APPROVING THE LOCATIONS, DATES AND TIMES FOR THE FIESTA CARNIVAL AND OFFICIAL FIESTA EVENTS WITH RELATED REQUIREMENTS AND CONDITIONS AND APPROVING THE FIESTA PARADE ROUTES.

Item 17. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- A. APPOINTING GILBERT V. RODRIGUEZ (DISTRICT 5) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.

2009-04-02-0245

Item 19. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THC, INC. IN AN AMOUNT UP TO \$8,000,000.00 FOR IMPLEMENTATION OF THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM AT SAN ANTONIO INTERNATIONAL AIRPORT, OF WHICH 80% IS FEDERALLY FUNDED.

2009-04-02-0246

Item 20. AN ORDINANCE APPROVING AN \$81,950.00 FUNDING AGREEMENT WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER SAN ANTONIO AND THE HILL COUNTRY (YMCA) FOR GENERAL FACILITY REHABILITATION TO THE DAVIS-SCOTT YMCA, A CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2.

2009-04-02-0011R

Item 21. A RESOLUTION OF RESPECT HONORING THE LATE REVEREND CLAUDE BLACK.

2009-04-02-0012R

Item 22. A RESOLUTION APPROVING AMENDMENTS TO THE ARTICLES OF INCORPORATION AND BYLAWS OF THE WESTSIDE DEVELOPMENT CORPORATION.

Item 25. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT (SARIP):

2009-04-02-0248

- A. AN ORDINANCE ACKNOWLEDGING THE EWING HALSELL FOUNDATION FOR ITS \$1 MILLION CONTRIBUTION TO THE SARIP, BY PROVIDING SIGNAGE AT THE PEDESTRIAN BRIDGE LOCATED AT ROY SMITH STREET AND THE SAN ANTONIO RIVER.

2009-04-02-0249

- B. AN ORDINANCE ACKNOWLEDGING RIO PERLA PROPERTIES LP FOR ITS \$3 MILLION CONTRIBUTION TO THE SARIP, BY PROVIDING SIGNAGE AT THE TURNING BASIN LOCATED NEAR GRAYSON AND THE SAN ANTONIO RIVER.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The Deputy City Clerk read the following Ordinance:

2009-04-02-0237

Item 10. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT WITH CROWNHILL BUILDERS IN THE AMOUNT OF \$1,625,000.00 FOR THE WEST END SENIOR NUTRITION CENTER PROJECT LOCATED IN COUNCIL DISTRICT 1, A FY 2009-2014 CAPITAL IMPROVEMENT PROGRAM AND HUD 108 FUNDED PROJECT.

Councilmember Cisneros asked of the funding for said project. Mr. Mike Frisbie reported that the project was being funded through Certificates of Obligation and HUD 108 Funds. Councilmember Cisneros expressed her support and thanked everyone that worked on the project.

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

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

The Deputy City Clerk read the following Ordinance:

2009-04-02-0238

Item 11. AN ORDINANCE CLARIFYING AND REVISING CERTAIN ADDITIONAL INFRASTRUCTURE PROJECTS THAT WERE INCLUDED IN THE \$30 MILLION AMENDMENT TO THE SIX-YEAR CAPITAL IMPROVEMENTS PLAN AND 5-YEAR INFRASTRUCTURE

MANAGEMENT PROGRAM APPROVED BY CITY COUNCIL ON FEBRUARY 19, 2009 BY ORDINANCE NO. 2009-02-19-0120.

Councilmember Cortez asked of the timeline for the projects. Mr. Peter Zanoni stated that they were reviewing the possibility of grouping projects to receive the best value on Streets Contracts and that Public Works estimated the improvements to be implemented in mid to late April. He reported that the 2007 Bond Projects would maintain their original time lines. Councilmember Cortez asked of cost savings due to the decrease in the cost of materials. Mr. Mike Frisbie replied that concrete and steel had seen a small decrease in cost and that had already been factored into project costs. Councilmember Cortez recognized Councilmember Rodriguez for his contribution to the Haven for Hope Project. Councilmember Rodriguez stated that he was pleased to have been able to support Haven for Hope.

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

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

The Deputy City Clerk read the following Ordinance:

2009-04-02-0243

Item 16. AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 6, ARTICLE V ENTITLED "MECHANICAL CODE" BY MAKING THE SALE, TRANSFER, OR OFFER TO TRANSFER OF SPECIFIC HEATING, VENTILATING AND AIR-CONDITIONING (HVAC) AND REFRIGERATION EQUIPMENT TO UNLICENSED AND UNREGISTERED CONTRACTORS OR DEALERS A VIOLATION; REQUIRING SALES-RELATED RECORDS TO BE KEPT; PROVIDING FOR AGENCY REGISTRATION; PROVIDING FOR PENALTIES AND ESTABLISHING AN EFFECTIVE DATE.

Mr. Rod Sanchez reported that the purpose of said Ordinance was to prevent air conditioning suppliers and distributors from selling HVAC and Refrigeration Equipment to unlicensed and unregistered individuals. He stated that it would also protect citizens from illegal and unsafe practices, and develop uniformity and fairness among equipment suppliers and distributors. He explained that the Texas Department of Licensing and Regulation only regulated those who purchased HVAC and Refrigeration Equipment and not the sellers of the equipment. He outlined various organizations in support of said item including the San Antonio Association of Building Engineers and Goodman Distribution, Inc.

Councilmember Cortez noted the importance of residents being protected from unlicensed contractors and asked if homeowners could perform repairs to their home. Mr. Sanchez replied that they could perform repairs but said item addressed the installation of specific units. Mr. Cortez confirmed that no rights were being taken away from residents and expressed support. Councilmember Clamp noted that the State already regulated the installation of HVAC Systems and expressed his support. Councilmember Galvan expressed her support for said item and requested that there be public education on the new requirements.

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

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

The Deputy City Clerk read the following Ordinance:

2009-04-02-0244

Item 18. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH AECOM USA GROUP, INC. IN THE AMOUNT OF \$3,115,699.00 FOR DEVELOPMENT OF THE AIRPORT MASTER PLAN FOR SAN ANTONIO INTERNATIONAL AIRPORT.

Councilmember Rowe recused himself on Item 18 by excusing himself from the Council Chambers and noting that he had submitted the recusal forms for said item to the Deputy City Clerk.

Councilmember Cortez asked of any updates to said item since it had been continued two weeks prior. Mr. Mike Sawaya explained that there had been concerns with a subcontractor of the AECOM USA Group, Inc. due to the fact that Trish DeBerry-Mejia was a candidate for Mayor. He noted that Guerra DeBerry Coody had been replaced with another woman-owned minority firm and this action had not changed the point structure. Councilmember Ramos expressed support for said item but requested that staff address issues with the solicitation process and ensure transparency in the future.

Councilmember Galvan expressed concern that she had not received information she had requested regarding the number of city contracts held by Trish De-Berry Mejia. She stated that she was in support of said item but requested that staff be more cognizant of perception issues moving forward. Councilmember Cibrian expressed concern with the sudden change in the composition of the AECOM USA Group. She stressed the importance of transparency and accountability throughout the bid process. Lastly, she asked that staff do all they can to avoid potential conflicts of interest in the future.

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

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

The Deputy City Clerk read the following Ordinance:

2009-04-02-0247

Item 23. AN ORDINANCE CREATING THE SAN ANTONIO CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE, AS REQUESTED BY COUNCILMEMBER JUSTIN RODRIGUEZ.

Councilmember Rodriguez asked of the process of creating the Citizens' Environmental Advisory Committee and the appointment of members. Mr. Laurence Doxsey stated that Councilmember Rodriguez had issued a Council Consideration Request (CCR) in July, 2008 to create the Citizens' Environmental Advisory Committee (CEAC). Mr. Doxsey reported that the purpose of the CEAC was to provide recommendations on effective environmental projects, programs, and policies to City Council and staff. Mr. Doxsey noted that the Office of Environmental Policy would serve as the liaison between the CEAC, Elected Officials, and other City Departments. He stated that the membership would consist of 11 members appointed by the City Council and serve as open-membership participants.

Councilmember Rodriguez expressed support and recognized Mayor Hardberger for his sustainability efforts.

Councilmember Cibrian expressed her support and noted that citizen input was very important. Councilmember Ramos also expressed her support and noted that it was a great initiative that incorporated the initiatives of Mission Verde. Councilmember Clamp expressed support for said item but cautioned the Committee regarding funding and the possible financial impact to taxpayers. Councilmember Galvan expressed support for said item. She also expressed concern with the lack of recycling throughout the community. Councilmember Cortez recognized Councilmember Rodriguez for his leadership on environmental efforts.

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

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

The Deputy City Clerk read the following Resolution:

CONTINUED TO APRIL 9, 2009

Item 24. A RESOLUTION ADOPTING A POLICY AND GUIDELINES FOR THE DESIGN, ACCEPTANCE, PLACEMENT AND APPROPRIATENESS OF MONUMENTS, MARKERS AND PLAQUES ON PUBLIC PROPERTY.

Councilmember McNeil expressed concern with the different guidelines for naming facilities, streets, and monuments. She stated that she would like for the process to be streamlined.

Councilmember McNeil moved to continue said item for one week. Councilmember Ramos seconded the motion.

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

Item 26. CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

A. Historic Preservation Office Update

It was noted that the Historic Preservation Office had been created as a separate office through the Fiscal Year 2009 Budget. The Office reports directly to the City Manager's Office through Assistant City Manager T.C. Broadnax. Ms. Sculley stated that Historic Preservation Officer Shannon Wasielewski previously worked in the cities of Franklin, Tennessee and Fort Worth, Texas and that she possessed Master's Degrees in both Public Administration and Historic Preservation. Ms. Sculley reported that the Historic Preservation Office was undertaking a Strategic Plan Update for the community. She noted that the Historic Preservation Office Steering Committee had hosted the first of three community workshops

in March, 2009 with over 75 people in attendance. She added that two more community workshops would be held on April 29th and May 20th.

B. Luminaria - Arts Night in San Antonio

Item B was not addressed.

POINT OF PERSONAL PRIVILEGE

Councilmember Cibrian spoke of the Solar America Cities Conference held in San Antonio. She noted that San Antonio had been selected as a Solar America City and received federal funds to proceed with Solar Energy Projects for the future of the community. She recognized Mr. Bill Sinkin, Chairman of Solar San Antonio for his efforts on Solar Energy.

Councilmember McNeil welcomed Shannon Wasielewski as the Historic Preservation Officer and requested that opportunities for public/private partnerships and funding be explored for Historic Preservation.

Mayor Hardberger exited the meeting at this time. Mayor Pro-Tem Ramos presided over the Zoning Items.

CONSENT ZONING

Councilmember McNeil made a motion to approve the following re-zoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no Citizens had registered to speak: Z-2, P-1, Z-3, Z-4, Z-5, and Z-8. Councilmember Cisneros seconded the motion.

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

2009-04-02-0250

Item Z-2. **ZONING CASE # Z2009051 (District 2):** An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District to "HS MF-33" Historic Significant Multi-Family District on Lot 1, Block 2, NCB 992 located at 429 East Carson. 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 1, BLOCK 2, NCB 992 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT TO "HS MF-33" HISTORIC SIGNIFICANT MULTI-FAMILY DISTRICT.

2009-04-02-0251

Item P-1. **PLAN AMENDMENT # 09011 (District 3):** An Ordinance amending the land use plan contained in the Highlands Community Plan, a component of the Master Plan of the City, by changing the use of a 1.43 acre tract of land located at 644 Avondale from Low-Density Residential to

Community Commercial. Staff and Planning Commission recommend approval. **Associated Zoning Case # Z2009057.**

2009-04-02-0253

Item Z-3. **ZONING CASE # Z2009053 (District 3):** An Ordinance changing the Zoning District Boundary from "R-5" Residential Single Family District to "C-3 NA " General Commercial District, Nonalcoholic Sales on Lot 2, NCB 10837 located at 4451 East Southcross Boulevard. 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 2, NCB 10837 TO WIT: FROM "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3 NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES.

2009-04-02-0254

Item Z-4. **ZONING CASE #Z2009062 (District 4):** An Ordinance changing the Zoning District Boundary from "NP-10" Neighborhood Preservation District to "C-2" Commercial District on 28.97 acres out of CB 4301, CB 4303 and NCB 14493 located at 9300 and 9400 Block of Southwest Loop 410. 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: 28.97 ACRES OUT OF CB 4301, CB 4303 AND NCB 14493 TO WIT: FROM "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT TO "C-2" COMMERCIAL DISTRICT.

2009-04-02-0255

Item Z-5. **ZONING CASE # Z2009049 (District 5):** An Ordinance amending the Zoning District Boundary from "MH" Manufactured Housing District to "C-2" Commercial District on 1.309 acres out of Lot 28 and Lot 29, Block 7, NCB 8733 located at 334 Lyell Street. 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: A 1.309 OF AN ACRE OUT OF LOT 28 AND LOT 29, BLOCK 7, NCB 8733 TO WIT: FROM "MH" MANUFACTURED HOUSING DISTRICT TO "C-2" COMMERCIAL DISTRICT.

2009-04-02-0259

Item Z-8. **ZONING CASE # Z2009052 (District 9):** An Ordinance amending the Zoning District Boundary from "I-1" General Industrial District to "C-3 NA" General Commercial District, Nonalcoholic Sales on Lot 8, Lot 9, and the northwest 100 feet of Lot 10, Block 2, NCB 17261 located at 849 West Rhapsody Drive. 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

8, LOT 9, AND THE NORTHWEST 100 FEET OF LOT 10, BLOCK 2, NCB 17261 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3NA" GENERAL COMMERCIAL DISTRICT NONALCOHOLIC SALES.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

CONTINUED TO MAY 7, 2009

Item Z-1. **ZONING CASE # Z2009032 (District 1):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District to "HS C-3" Historic Significant General Commercial District on the east 114.6 feet of Lot 14, Block 3, NCB 1726 located at 2011 McCullough Avenue. Staff recommends approval. Zoning Commission failed to pass a motion for this case; therefore it moves forward to City Council as a recommendation for denial.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Jack M. Finger stated that the home on the property was not in the best condition but had features that were historically valuable. He noted that an individual that purchases property in a historical area had the responsibility to maintain it. He spoke in favor of historic designation and noted that ownership in the area was not diverse.

Mr. Richard Brownlee stated that the Zoning Commission had passed a motion for denial 6-4. He noted that before he bought the property, he had inquired if there were charges against it because he intended to demolish it. He added that his property was not historic but the property across from it was. He also stated that he could not afford to restore the home under the historic requirements.

Ms. Barbara Hall read a letter on behalf of Marcie Ince, President of the San Antonio Conservation Society. Ms. Ince wrote that despite decades of abandonment and neglect, the Society was in favor of historic designation. She wrote that the neighborhood was experiencing a positive transition and she was supportive of refurbishing the property.

Ms. Carolyn Kelley spoke on behalf of the Tobin Hill Community Association (THCA). She stated that she was the President of the THCA and their mission was to facilitate implementation of the Tobin Hill Neighborhood Plan and protect the historical district. She noted that Tobin Hill had been awarded the American Planning Association San Antonio Chapter 2008 Community of the Year for the creation of their Master Plan. She stated that THCA was not in favor of demolishing the building but they were unsure of how the rezoning would impact their revitalization efforts. She requested a continuance.

Councilmember Cisneros stated that there were strong advocates for historic designation and noted that members of the THCA had worked tirelessly for the designation in the neighborhood. She noted that Mr. Brownlee had been instrumental in the process and commended him for his historic restoration efforts in the Government Hill Area. She stated that the designation would have an impact on the Neighborhood Commercial Revitalization Zone (NCR) and advocated for time to allow all interested parties time to work on a solution.

Councilmember Cisneros moved to continue the Zoning Item for 30 days. Councilmember Cortez seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Mayor Pro-Tem Ramos recognized Councilmember Rodriguez on a Point of Personal Privilege.

Councilmember Rodriguez recognized Boy Scout Troop #809 and his son Aidan's Cub Scout Troop #105 that were present. He recognized his wife Victoria and daughter Olivia who were also in attendance. He thanked all of the parents for their involvement and support. Councilmember Cortez welcomed all of the Scouts and thanked them and their parents for being in attendance.

Councilmember Cisneros recognized the remainder of the group from Mexico in attendance to learn Best Practices for teaching ESL.

2009-04-02-0252

Item P-2. **PLAN AMENDMENT (District 3):** An Ordinance adopting the Stinson Airport Vicinity Land Use Plan as a component of the City's Comprehensive Master Plan a 10.2 square mile area bound by SE Military Hwy on the north, IH 37 on the east, Loop 410 on the south, and Pleasanton, Gladnell and Loleta on the west, reflecting land uses that are beneficial to airport operations and public safety and promoting future economic development and neighborhood sustainability. Staff and Planning Commission recommend approval.

Mr. Patrick Howard presented the proposed Plan Amendment.

Councilmember Ramos recognized Former Councilmember Toni Moorhouse for her efforts on said item.

Councilmember Clamp moved to adopt the proposed Plan Amendment. Councilmember Cibrian seconded the motion.

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

2009-04-02-0256

Item P-3. **PLAN AMENDMENT # 09005 (District 7):** An Ordinance amending the land use plan contained in the Northwest Community Plan, a component of the Master Plan of the City, by changing the use of 8.76 acres located northwest of the intersection of Bandera Road and Eckhert Road from Community Commercial to Regional Commercial. Staff and Planning Commission recommend approval. **(Associated Zoning Case # Z2009042)**

Ms. Nina Nixon-Mendez presented the proposed Plan Amendment.

Councilmember Rodriguez noted that there were issues with the Plan Amendment due to the incompatibility of locating residential property next to industrial. He stated that Mr. Ken Brown was representing the owner of the abutting property and asked Mr. Brown to speak on said item. Mr. Brown stated that they were supportive of the Plan Amendment. He asked the property owner to request that staff bring forward a new plan amendment for the remainder of their property as it was zoned industrial but shown as medium and high-density residential on the Plan.

Mr. Rod Sanchez noted that the Plan was scheduled for an update in a year. Councilmember Rodriguez noted that the issue was compatibility and suggested commercial use rather than residential.

Ms. Lucy Peveto stated that the property owner would like to be involved in the process to review the Plan.

Councilmember Cibrian asked of the difference between Community Commercial and Regional Commercial. Ms. Peveto stated that the property owner wanted a Business Warehouse Development which would not be considered a consistent use under the current zoning. Councilmember Cibrian expressed concern that the adjacent property owner was requesting staff's direction. Ms. Peveto stated that she believed they were present to ensure that residential development would not take place on the remainder of her client's property. Councilmember Rodriguez noted that there had been issues with consistency for many years.

Councilmember Cibrian expressed concern over the cost of the additional request. Councilmember Rodriguez stated that the compatibility issues had been addressed in meetings with the various property owners. He noted that because an update to the Plan was forthcoming, he was requesting that staff complete a comprehensive review of the tract of land to develop alternative uses. He added that he was asking for support of the plan amendment and was not related to the direction provided to staff. Mr. Sanchez stated that said item was a Plan Amendment and that a separate Zoning Case would have to be filed. He added that the Zoning could change since this was a plan amendment, and staff would be reviewing the entire plan within the year.

Councilmember Rodriguez moved to adopt the proposed Plan Amendment. Councilmember Cortez seconded the motion.

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

2009-04-02-0257

Item Z-6. **ZONING CASE # Z2009042 (District 7):** An Ordinance amending the Zoning District Boundary from "C-2" Commercial District to "C-3" General Commercial District on 8.76 acres out of out of NCB 18560 located on the 7000 Block of Bandera Road. 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: 8.76 ACRES OUT OF NCB 18560 TO WIT: FROM "C-2" COMMERCIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Rodriguez moved to adopt the proposed Zoning Item with the restrictive covenants as follows: **1) Usage-** Declarant agrees that the following uses shall not be allowed on the Property as defined by the City Code: Sexually Oriented Businesses, Single and/or Multifamily Residences, Bars and/or Taverns; **2) Support-**In consideration for the restrictions granted in this Declaration, Sirizzotti

shall agree to the following: **a.** Sirizzotti shall not oppose, but support Declarant's application(s) for rezoning and Master Plan amendment of the Property that are pending or may be held before the City of San Antonio's Zoning Commission, Planning Commission, and the City Council; **b.** Sirizzotti shall not oppose, but support and participate in an effort to request an amendment to the Major Thoroughfare Plan to the effect of eliminating portions of the public right-of-way, Eckhert Road from the Major Thoroughfare Plan's public right-of-way. Councilmember Cortez seconded the motion.

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

2009-04-02-0258

Item Z-7. ZONING CASE # Z2009029 ERZD (District 8, District 9): An Ordinance amending the Zoning District Boundary from multiple zoning districts to multiple zoning districts with application of the Military Lighting Overlay District (MLOD) on all properties within three (3) miles of the exterior border of the Camp Bullis training site and within the corporate limits of the City of San Antonio. 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: ALL PROPERTIES WITHIN THREE (3) MILES OF THE EXTERIOR BORDER OF THE CAMP BULLIS TRAINING SITE AND WITHIN THE CITY OF SAN ANTONIO MUNICIPAL BOUNDARY TO WIT: FROM MULTIPLE ZONING DISTRICTS TO MULTIPLE ZONING DISTRICTS, TO ADD THE MILITARY LIGHTING OVERLAY DISTRICT (MLOD).

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Kathleen Murray, Forest Crest Neighborhood Association, spoke in support of said item. She encouraged Council to remove the billboards in the area to further protect Camp Bullis.

Mr. Phil Reidinger, Army/Fort Sam Houston/Camp Bullis, spoke in support of said item.

Councilmember Cibrian stated that the Ordinance was historic for the City of San Antonio. She stated that the City had been equipped with recession-proof jobs due to the Base Realignment and Closure (BRAC). She noted that the military had stressed the importance of understanding encroachment as it relates to Camp Bullis. Mr. Rod Sanchez stated that the City Council had previously approved an enabling ordinance that established requirements for lighting in the Camp Bullis Area. He noted that staff was requesting the City Council to apply the enabling ordinance onto the ground of the property. He reported that 22,000 notices had been mailed with 618 returned in favor and 312 in opposition. Councilmember Cibrian thanked everyone involved for their efforts on said item.

Councilmember Rowe spoke of the importance of night training at Camp Bullis and noted that lighting was the first item that the Joint Land Use Study (JLUS) Team had reviewed. He stated that he had received much support from the neighborhoods in his district. He requested that citizens in the area also receive information on things that they could voluntarily participate in to protect Camp Bullis. Councilmember McNeil thanked Councilmember Cibrian for her leadership on said item. She noted that it was vital to the City's Economic future.

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

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

Mayor Hardberger re-entered the meeting at this time.

CEREMONIAL ITEMS

The 2009 City of San Antonio Fiesta Medal "*The Beacon*," inspired by Angel Rodriguez-Diaz, was presented to the City Council. This is the 5th in a series of limited edition Fiesta Medals created to feature public art projects from across San Antonio. A portion of the proceeds from the sale of the medals benefit maintenance projects for Public Art San Antonio (PASA), which supports incorporating artist services and artworks into the design of civic spaces and capital improvement projects.

Mayor Hardberger presented a proclamation to the Urban Management Assistants of South Texas (UMAST) who will celebrate their 30th Anniversary of providing quality professional development opportunities to local public sector professionals. UMAST was established in 1979 by a group of City of San Antonio Employees, under the guidance of Retired City Manager Alexander E. Briseño. The Texas City Managers Association (TCMA) served as the inspiration from which UMAST embodied its structural and programmatic composition.

Mayor Hardberger recessed the meeting at 5:45 pm and stated that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Hardberger explained that Mr. Dennis Campa would address the audience regarding PCI/Head Start and then those registered to speak on same would have a total of 30 minutes to address the Council.

Mr. Campa addressed the issues with PCI and outlined the process that had occurred in selecting a new provider for the Head Start Program. He spoke of the expectations for parents whose children were currently enrolled in PCI and PCI Employees

Mr. Nick Mireles stated that children were the future and needed to be provided for. He stated that PCI had been providing services for thirty years. He added that the children did not belong at other schools and should remain at their current schools. He thanked Councilmember Rodriguez for the work he has done on the Council.

An individual addressed the Council and noted that her mother had been employed by PCI for eight years. She stated that 1,600 people were going to be out of work after May 31st and promises of new positions were empty. She added that it did not speak well of Dr. Smalls being that she was not present at the Council Meeting. She stated that Dr. Smalls should not be allowed to keep her job if the others were not.

An individual stated that when her son started at PCI he could not talk but was now able to do so with the assistance of PCI. She spoke against requiring current employees to reapply for their jobs because they do a good job and care for the kids.

An individual spoke of the PCI Program and her son's positive experience.

An individual addressed the Council and stated that the PCI refunding application had been rejected due to cost effectiveness. She noted her disappointment with broken promises for employment.

An individual stated that she and her son were both in school. She stated that it would not be possible for her to continue her education without PCI.

A gentleman spoke in support of the services provided by PCI. He stated that his youngest son was not old enough to be enrolled in school, but his eldest was eager to attend class and learn.

A gentleman stated that of his four children, only one had not attended PCI. He stated that the three that had attended Head Start had developed much earlier due to the services provided by PCI. He added that educators did not need degrees to teach children the alphabet.

An individual expressed concern that the children would not be guaranteed spots in Head Start the following year because Region 20 would not be able to accommodate them all. She added that most daycares did not follow curriculum and those that do were too expensive.

An individual stated that that parents were told that they would receive a letter updating them on what would happen to PCI, but she had not received one. She added that as a single parent, it would be impossible for her to work full time without the help of the PCI Program.

Ms. Vicki Aguirre Cox stated that she was an independent educational consultant and had trained PCI Staff throughout the US. She noted that she had been a candidate for CEO of PCI when they were first being restructured and was disappointed with the way the restructuring was being handled. She stated that she would submit a Request for Proposals (RFP) for the remaining 50% available on behalf of the PCI Staff.

Ms. Myra Martinez noted that her son was in the PCI Head Start Program and needed PCI because of the structure of the curriculum compared to public school.

Ms. Melanie Moreno stated that her son had a speech impediment and was autistic and needed PCI to assist with his education.

An individual stated that PCI Head Start was an excellent program and asked that the Council help to keep PCI operational.

Ms. Recna Rodriguez noted that she had attended PCI Head Start. She stated that she was in the top 10% of her high school class and owed her success to PCI. She stated that PCI Employees worked hard at their jobs and deserved to keep them.

Ms. Jennifer Reyes stated that her daughter could not speak when she began attending Head Start in August, 2008. She noted that with speech therapy, her daughter could now speak in full sentences. She added that she was also a teacher with PCI.

Ms. Tanya Hernandez noted that she was a PCI Board Member and that two of her children attended Head Start. She stated that her son was diagnosed with ADHD and would not have received the attention he needed in public school. She added that the PCI Employees already knew how to handle the children in the Head Start Program and it was unfair for them not to keep their jobs.

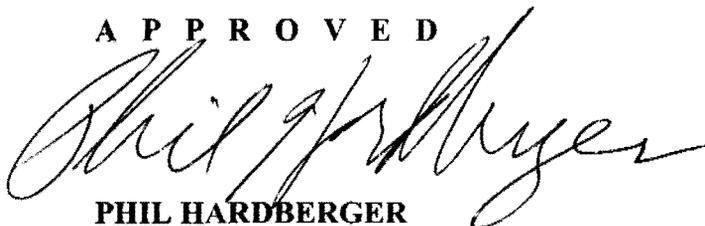
An individual stated that her two children attended PCI Mirasol. She stated that the teachers at PCI made a difference in the lives of San Antonio children. She added that her son had a speech impediment and public school did nothing to help him but PCI did.

An individual spoke in support of PCI and stated that two of her grandchildren attended PCI Head Start. She noted that she was also a student and without PCI she would not be able to raise her family.

ADJOURNMENT

There being no further business, Mayor Hardberger adjourned the meeting at 7:06 pm.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA Y. SAENZ
Deputy City Clerk