

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

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, APRIL 9, 2008 AND THURSDAY, APRIL 10, 2008.**

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **April 9, 2008**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** Galvan. Mrs. Vacek noted that Councilmember Galvan was absent due to travel outside the country.

**1. CPS ENERGY BRIEFING ON A PROPOSED ORDINANCE AUTHORIZING ADJUSTMENTS TO BASE ELECTRIC AND NATURAL GAS RATES.**

Mr. Steve Bartley, CPS Energy Deputy General Manager, provided background information on CPS Rates and examples of past increases. He noted that the City had purchased gas and electric systems from American Line and Traction in 1942 and that in 1974, virtually all power in Texas was generated from natural gas. Costs had increased due to the Arab oil embargo, so CPS embarked upon a substantial fuel diversification program to relieve expenses to citizens. He stated that those decisions continue to benefit San Antonio and CPS in the form of current affordable rates and high credit ratings. Mr. Bartley added that CPS planned to further diversify as newer and more efficient resources become available.

Ms. Paula Gold-Williams, CPS Energy Executive Vice President and CFO, addressed the financial portion of the proposal. She noted that in order to predict growth, they must look at more than just the economy; they must also consider customer usage, conservation, and extreme weather. She addressed CPS's Capital Program and broke down spending of Non-Generation and Generation Expenditures. She added that the rate increase would be utilized to pay off debt and keep a balance between debt and cash flow, and presented CPS's projected FY 2009 Budget without the proposed rate increase. Lastly, she spoke of several credit rating drivers and credit authorities, noted the importance of diversification, and stated that CPS Energy was the highest rated Municipal Electric System in the country.

Mr. Gary Cole, CPS Energy Director of Financial Management, presented that the base rate adjustment for both electric and gas was 5% for the system average. He also reviewed the rate adjustment drivers noting that CPS had \$500 million in environmental upgrades planned. He reported another \$96 million were planned over the next four years for conservation and energy efficiency efforts. It was noted that the two last base rate adjustments were in 1991 for electric and for gas, rate adjustments occurred in 1991 and 2006.

Ms. Norma Solis, CPS Energy Director, stated that the increase to the average residential monthly bill would equate to \$5.82 or 4.33%. She reported a discount for low-income customers totaling \$4.20 per month for electric and \$1.60 per month for gas, and that CPS would increase contributions to programs such as WARM, REAP, and LIHEAP. She referenced the bar graphs depicting CPS Energy rates compared to other Texas Cities as well as comparisons to the ten largest American Cities which showed that CPS had the lowest rates, even with the proposed increases. Mr. Bartley concluded by stating that

CPS understood that having low rates and performing well were not justification for a rate increase, but hoped they had provided enough information to substantiate their request.

Mayor Hardberger thanked CPS for their presentation and noted that it was beneficial to have this knowledge in order to make decisions and provide answers to citizens. Councilmember McNeil asked for additional information regarding the Efficient Conservation Program. It was noted that CPS promoted Windtricity and that the American Wind Energy Association had conducted a survey where CPS had the largest amount of wind energy of all municipalities in the country. Councilmember McNeil encouraged CPS staff to increase efforts and start a campaign on the things that could be done to conserve energy.

Councilmember Cibrian reiterated the importance of diversification, conservation, and efficiency. She requested an analysis of the \$94 million for energy efficiency in all new buildings and noted that citizens would have higher bills if their homes were not properly constructed.

Councilmember Clamp asked if there would be additional increases in the future and what the 5% increase totaled in terms of dollars. CPS Staff replied that rate increases every other year were possible and that the 5% increase totaled \$60 million for electric bills.

Councilmember Ramos noted that the homes in her district were not built with quality materials and therefore, were not very energy efficient. She expressed concern that resident's bills would significantly increase and asked if it was absolutely necessary to increase the rates. CPS Staff replied that without the increase, nuclear energy would not be a possibility.

Mayor Hardberger stated that he was in support of the proposed rate increase because it was the responsible thing to do. He noted that since 1991, CPS had not asked for a rate increase while maintaining low debt, low rates and the highest financial rating in the country for a utility company. He reiterated the need to look at renewable energy and the sustainability of alternative energy. Lastly, he asked for an evaluation of energy efficiency and to find areas for improvement.

Councilmember Herrera entered the meeting at this time.

Councilmember Rowe noted that the City of Dallas was looking at establishing LEEDS requirements and suggested that the City of San Antonio follow their example.

Councilmember Rodriguez requested that CPS provide for one-on-one meetings with the Council as it relates to the proposed rate increase. Councilmember Herrera added that the citizens that attended her Town Hall Meeting seemed supportive of the rate increase, but would like additional information.

There being no further discussion, Mayor Hardberger adjourned the meeting at 4:22 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **April 10, 2008** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Father Jim Barlow, Pastor, St. Luke's Catholic Church, guest of Councilmember Justin Rodriguez, District 7.

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

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

### **MINUTES**

Councilmember McNeil made a motion to approve the Minutes for the March 13, 2008 City Council Meeting. Councilmember Cibrian seconded the motion.

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

### **OATH OF OFFICE – MAYOR PRO TEM**

Mrs. Vacek administered the Oath of Office to Councilmember Sheila McNeil, District 2, whose term as Mayor Pro Tem becomes effective April 11, 2008 through June 21, 2008.

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2008-04-10-0287**

Item 5. AN ORDINANCE APPOINTING SAN ANTONIO MUNICIPAL COURT JUDGES FOR TWO-YEAR TERMS OF OFFICE BEGINNING MAY 1, 2008.

Former Councilmember Chip Haass spoke on behalf of the Municipal Court Advisory Committee, stating that the appointment process had been made more efficient since establishing and convening the Committee. He noted that 63 applications had been received and that 13 individuals had been selected for an interview. He added that the selected individuals would serve a judicial two-year term beginning May 1, 2008 and that all were strong candidates. Mr. Haass read the Committee's recommendations for the record. The following individuals were appointed to serve as Full-Time Judges:

John Bull-Presiding Judge  
Carla Obledo  
Daniel Guerrero  
Alfredo Tavera  
Monica Gonzalez  
James Daniel Kassahn  
Linda Conley  
Peter Andrew Zamora  
Christine Dauphin Lacy

The following individuals were appointed to serve as Part-Time Judges:

Antonia Arteaga  
Abe Ramirez  
Carmen Rojo  
Frank Sandoval  
Mary E. Valdez  
Louis Martinez  
Amber Liddell  
Gabe Quintanilla  
Aida Ann Zaragoza  
Robert F. Lipo, Jr.  
James Greenfield

The following resignations were submitted:

Lori Crockett  
Kimberly Kreider  
Rolando Ramos  
Pamela Craig  
Juventino ("Tino") Guerra  
Dianne Garcia.

Judge Irene Rios, Member of the Municipal Court Advisory Committee, stated that the Committee utilized a careful and deliberative process and that all members were supportive of the recommendations. Mr. Lamont Jefferson, Chair of the Municipal Court Advisory Committee, added that the selection process was fair and the Committee worked well together. Ms. Norma Gonzales, Member of the Municipal Court Advisory Committee, concurred with fellow Committee Members.

Presiding Judge John Bull thanked the Council for implementing the new process in appointing Municipal Court Judges. He noted that the new process had gone smoothly and the Committee worked extremely well together.

The Council thanked the Municipal Court Advisory Committee for their work and recommendations.

Councilmember Rodriguez moved to adopt the proposed Ordinance reappointing and appointing the Full-Time and Part-Time Judges. Councilmember Clamp seconded the motion.

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

**Item 6. A BRIEFING PRESENTED BY THE SAN ANTONIO RIVER AUTHORITY ON THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT.**

A presentation was made by Suzanne Scott of the San Antonio River Authority (SARA). She stated that construction on the Museum Reach was on time and within budget, and that Phase I of construction on

the Mission Reach would begin in May 2008. She noted that 39% of the Urban Segment of the Museum Reach had been completed and was on schedule for completion in May, 2009. Ms. Scott added that 80% of the channel excavation work had been completed and that had been very time consuming and challenging. She showed photos of the construction and progress throughout various points of the project and noted an enhanced Grotto Design.

Ms. Scott provided a map and budget of the Mission Reach Project. She presented photos of the SAWS Utility Relocation Work and noted that \$14.7 million of federal funding had been requested and explained how the Proposed \$125 Million Visitor Tax would be utilized.

The Council thanked SARA for their work on said project and expressed enthusiasm for the progress made. No action was required on said item.

Mr. Jack M. Finger spoke in opposition to the San Antonio River Improvements Project, stating that the voters had rejected the project several years ago. He added that taxpayers were funding the project but would have preferred a tax cut instead.

Mrs. Vacek read written testimony from Faris Hodge, Jr. on Items 6 and 21. On Item 6, he wrote that small businesses should be allowed to sell to big businesses and not allowing this was against the concept of Free Enterprise. He added that small businesses made the Riverwalk and they should be able to make decisions regarding their property. On Item 21, Mr. Hodge expressed concern with the widening of Main Plaza and street closures. He wrote that this caused traffic problems for citizens and for the VIA Buses. He added that he was concerned with safety in the following parks: Alamo, Travis and Main Plaza, and suggested additional security and lighting.

#### **POINT OF PERSONAL PRIVILEGE**

Councilmember Cortez recognized Frank Castro, Jr. on Item 24 regarding his appointment to the Commission for Children and Families.

#### **CONSENT AGENDA: Items 7 –25**

Consent Agenda Items 12, 15, 16, and 23 were pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Cibrian seconded the motion.

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

**2008-04-10-0288**

Item 7. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2007-2008 FOR A COMBINED ESTIMATED COST OF \$407,000.00, INCLUDING: (A) WATER TREATMENT SERVICES FOR THE MUNICIPAL SWIMMING POOLS; (B) MOVING SERVICES; (C) TYPE B COMMERCIAL LIME SLURRY; (D) DISPOSABLE STRETCHER SHEETS; AND (E) PIERCE FIRE TRUCK PARTS.

**2008-04-10-0289**

Item 8. AN ORDINANCE ACCEPTING THE OFFER FROM LUMENATE, TO PROVIDE THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH NEW SERVERS AND MAINTENANCE FOR A TOTAL COST OF \$971,897.24, FROM 2007A TAX NOTES.

**2008-04-10-0290**

Item 9. AN ORDINANCE APPROVING CHANGE ORDER NO. CIMS-03 IN THE AMOUNT OF \$28,200.00 TO THE CONSTRUCTION CONTRACT, AS CHANGED, WITH SAN ANTONIO CONSTRUCTORS, LTD. FOR ADDITIONAL WORK IN CONNECTION WITH THE SEMLINGER-RIGSBY TO LORD PROJECT, LOCATED IN DISTRICT 2.

**2008-04-10-0014R**

Item 10. A RESOLUTION RECOMMENDING TO THE CPS ENERGY BOARD OF TRUSTEES THAT AN EXPENDITURE OF \$1,667,760.00 FROM THE COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT (CIED) FUND BE ALLOCATED FOR THE UNDERGROUND RELOCATION OF OVERHEAD DISTRIBUTION LINES IN CONNECTION WITH THE BASILICA OF THE NATIONAL SHRINE OF THE LITTLE FLOWER OVERHEAD CONVERSION PROJECT IN DISTRICT 1.

**2008-04-10-0015R**

Item 11. A RESOLUTION RECOMMENDING TO THE CPS ENERGY BOARD OF TRUSTEES THAT AN EXPENDITURE OF \$1,000,000.00 FROM THE COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT (CIED) FUND BE ALLOCATED FOR THE UNDERGROUND RELOCATION OF OVERHEAD DISTRIBUTION LINES ALONG THE EASTERN BOUNDARY OF VOELCKER PARK, ALONG N.W. MILITARY DRIVE.

**2008-04-10-0292**

Item 13. AN ORDINANCE APPROVING THE ISSUANCE OF A \$203,238.51 JOB ORDER TO ALPHA BUILDING CORPORATION FOR THE INSTALLATION OF A CHAIN LINK FENCING SYSTEM ALONG THE PERIMETER OF THE WOODLAND HILLS NORTH SECTION OF FRIEDRICH PARK LOCATED IN DISTRICT 8, AN APPROVED PROPOSITION 3 EDWARDS AQUIFER RECHARGE ZONE CONSERVATION AND PROTECTION PROGRAM FUNDED PROJECT.

**2008-04-10-0293**

Item 14. AN ORDINANCE AUTHORIZING TERMINATION OF AN ENVIRONMENTAL CONSTRUCTION CONTRACT WITH SHANNON-MONK, INC.

**2008-04-10-0296**

Item 17. AN ORDINANCE AUTHORIZING ACCEPTANCE OF THE STAYING CONNECTED GRANT AWARD IN THE AMOUNT OF \$8,000.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION TO BE USED FOR THE PURCHASE OF SOFTWARE LICENSES FOR THE IMPROVED MANAGEMENT OF PUBLIC ACCESS COMPUTERS IN THE ALAMO AREA LIBRARY SYSTEM.

**2008-04-10-0297**

Item 18. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT PROPOSAL AND ACCEPTANCE OF GRANT FUNDS IN AN AMOUNT UP TO \$993,225.00 FROM THE TEXAS DEPARTMENT OF AGRICULTURE TO FUND THE 2008 SUMMER FOOD SERVICE PROGRAM OPERATED BY THE PARKS AND RECREATION DEPARTMENT (SAPAR) FOR THE PERIOD OF JUNE 16, 2008 THROUGH AUGUST 8, 2008.

**2008-04-10-0298**

Item 19. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING ACCEPTANCE OF FUNDS IN AN AMOUNT UP TO \$339,844.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE TOBACCO PREVENTION AND CONTROL COALITION PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD FEBRUARY 1, 2008 THROUGH AUGUST 31, 2008; AND AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICE CONTRACTS WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER SAN ANTONIO, AMERICAN CANCER SOCIETY, AMERICAN LUNG ASSOCIATION, SOUTH CENTRAL AREA HEALTH EDUCATION CENTER, TEXAS DIABETES INSTITUTE, SAN ANTONIO COUNCIL ON ALCOHOL AND DRUG ABUSE, AND FLANAGAN CONSULTATION FOR THE PROVISION OF GRANT REQUIRED SERVICES.

**2008-04-10-0299**

Item 20. AN ORDINANCE AUTHORIZING THE EXECUTION OF THE SECOND RENEWAL AND AMENDMENT OF THE PAYROLL SERVICES AGREEMENT WITH CORPORATE PAYROLL ADMINISTRATORS, INC., TO PROVIDE PAYROLL SERVICES TO THE CITY OF SAN ANTONIO FOR THE MAYOR AND CITY COUNCIL FOR THEIR INDIVIDUAL EMPLOYEES IN AN AMOUNT NOT TO EXCEED \$26,400.00.

**2008-04-10-0300**

Item 21. AN ORDINANCE APPROVING AN AMENDMENT TO THE MAIN PLAZA INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BEXAR COUNTY TO ALLOW FOR A THIRD PARTY MANAGEMENT ENTITY TO PROGRAM AND MANAGE MAIN PLAZA.

**2008-04-10-0301**

Item 22. AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH GOODWILL INDUSTRIES OF SAN ANTONIO WHICH WILL PROVIDE SEASONAL DATA ENTRY SERVICES OF IMMUNIZATION RECORDS FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT UNTIL MARCH 31, 2010.

Item 24. APPOINTING FRANK CASTRO, JR. (DISTRICT 4) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.

**2008-04-10-0303**

Item 25. AN ORDINANCE APPOINTING ANTONIO GONZALEZ, JR. (PLACE 12 - BUSINESS) TO AN UNEXPIRED TERM FROM JANUARY 1, 2008 TO DECEMBER 31, 2010 AND RACHEL

A. HERNANDEZ (PLACE 5 - LABOR) TO AN UNEXPIRED TERM FROM JANUARY 1, 2008 TO DECEMBER 31, 2009 ON THE ALAMO WORKSOURCE BOARD.

[CONSENT ITEMS CONCLUDED]

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2008-04-10-0291**

Item 12. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$1,473,086.00 TO INCLUDE AWARDING A \$1,238,493.11 CONTRACT TO ALAMO ENVIRONMENTAL INC. DBA ALAMO1 TO CONSTRUCT HIKE AND BIKE TRAIL IMPROVEMENTS AS PART OF THE MEDINA RIVER GREENWAY PHASE I (MEDINA RIVER PARK TO APPLEWHITE ROAD) PROJECT LOCATED IN DISTRICTS 3 AND 4, AN APPROVED 2005 PROPOSITION 2 PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT SALES TAX INITIATIVE FUNDED PROJECT.

Councilmember Cortez requested the project scope and timeline. Mr. Malcolm Matthews stated that said segments of the Medina River Project encompassed approximately 10 miles. He added that construction would begin in May 2008 with an estimated completion of November 2008.

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

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

The City Clerk read the following Ordinance:

**2008-04-10-0294**

Item 15. AN ORDINANCE AUTHORIZING ACQUISITION OF AN AQUIFER-PROTECTION CONSERVATION EASEMENT OVER APPROXIMATELY 4,299 ACRES IN UVALDE COUNTY OWNED BY BLANCO SPRINGS RANCH, LLC IN EXCHANGE FOR PAYING APPROXIMATELY \$3,766,057.00 AT CLOSING PLUS PAYING APPROXIMATELY \$81,057.00 TO THE NATURE CONSERVANCY.

Councilmember Rodriguez requested an update on all Proposition 1 Land that has been acquired to date and moved to adopt the proposed Ordinance. Councilmember Clamp seconded the motion.

Mr. Jack M. Finger was recognized to speak on the Consent Agenda at this time. Mr. Finger spoke in opposition to Item 21 regarding the Main Plaza Interlocal Agreement stating that there should have been more greenery in the area instead of concrete. He expressed concern with Item 18, the Summer Food Service Program, noting that funds from the previous year had not been spent. Lastly, he spoke against the Tobacco Prevention and Control Coalition Program referenced in Item 19.

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

The City Clerk read the following Ordinance:

**2008-04-10-0295**

Item 16. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF \$6,006,307.24 FROM THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT, FOR THE 2007 HOMELAND SECURITY GRANT PROGRAM (HSGP) TO PREVENT, RESPOND TO AND RECOVER FROM ACTS OF TERROR AND NATURAL DISASTERS.

Councilmember Cortez asked how grant funds would be utilized. Chief Nim Kidd stated that the grant was a continuation that had been funded since 2003. He noted that approximately \$25 million had been acquired for Homeland Security Equipment, Training and Exercises. Chief Kidd added that this money would be utilized by several departments for Training and Exercises, and for Airport Enhancements.

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, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Galvan.

The City Clerk read the following Ordinance:

**2008-04-10-0302**

Item 23. AN ORDINANCE EXERCISING A FINAL ONE-YEAR OPTION TO RENEW THE STAND-BY PROFESSIONAL SERVICES AGREEMENT FOR LANDFILL COMPLIANCE, ENVIRONMENTAL REMEDIATION AND CONSULTING WITH HARTNETT ENGINEERED SOLUTIONS, INC. (HES), FOR COMPENSATION NOT TO EXCEED \$350,000.00.

Councilmember Ramos asked for a briefing of said project. Mr. David Newman explained that staff maintained ten landfills and that the contract included groundwater monitoring, tank samples, and upkeep of the methane gas collection systems. He noted that they utilized the consultant contract year round to assist with maintenance, and that three large wells would be drilled in one of the landfills.

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

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

**CITY MANAGER'S REPORT**

Ms. Sheryl Sculley reported on the following:

- The NCAA Final Four was a huge success and all who worked on the event were recognized for their efforts. Ms. Sculley noted that a team of public and private sector individuals had been preparing bids for the next round of NCAA Events from 2012-2016 and reminded all that San Antonio would be hosting the Women's Final Four in 2010.

- The first monthly financial report on the Bond Program would be submitted to Council next week. The Capital Improvements Management Services Department is moving aggressively to execute all design contracts in an effort to keep the program on schedule and on budget.

### **EXECUTIVE SESSION**

At this time, Mayor Hardberger recessed the Regular Meeting at 10:40 am to convene in Executive Session for the purposes of:

- A. Discuss legal issues related to meet and confer and collective bargaining legislation pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Deliberate the appointment, employment, evaluation, and duties of public officers and discuss related legal issues pursuant to Texas Government Code Sections 551.074 (personnel matters) and 551.071 (attorney-client consultation).

Mayor Hardberger reconvened the Regular Meeting at 2:15 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

### **POINT OF PERSONAL PRIVILEGE**

Ms. Sheryl Sculley recognized Assistant Police Chief David Head on his retirement from the City of San Antonio with over 26 years of service.

### **ZONING ITEMS FOR INDIVIDUAL CONSIDERATION**

**2008-04-10-0304**

Item P-1. **PLAN AMENDMENT # 08019 (District 4): AN ORDINANCE AMENDING THE LAND USE PLAN IN THE CITY SOUTH COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 107.5 ACRE TRACT OF LAND OUT OF CB 4191 LOCATED AT JETT RD. AND LOOP 1604 FROM URBAN LIVING TO AGRICULTURE AND RESOURCE PROTECTION/OPEN SPACE LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.**

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

Mr. Jack M. Finger expressed concern with said item and noted that when a San Antonio citizen tried to get an item on the agenda, it takes months, but when a big corporation or the Chambers of Commerce were upset over a zoning issue, it took no time at all. He added that he could not understand how the item had passed when Planning Staff and the Zoning Commission had all recommended denial.

Mr. Orlando Salazar, Vice Chair of the City South Management Authority, stated that he was speaking on behalf of former Mayor Ed Garza. He simply asked that the designation be returned to its original state.

Ms. Margaret Sanchez thanked Mayor Hardberger for initiating the reversal of said zoning and also thanked Councilmember Cortez for visiting their neighborhood and admitting his error.

Mr. Librado Villarreal spoke in favor of the rezoning and stated that it was unfortunate that the Council had been deceived when the case originally was voted upon February 21, 2008.

Mr. Ernest Chacon thanked the Council for their previous compassion and stated that he owned a large lot in the neighborhood, while those protesting owned smaller lots. He noted that he was too old to be farming the land and would like to retire with the money he would receive by selling the property.

Mr. Mayo J. Galindo spoke on behalf of the current property owner. He stated that his client was the only person who would truly be affected by the property's zoning. He noted that the Starbright Agreement encouraged land around the Toyota Plant to be zoned Light Industrial or Offices and reversing the Residential Zoning and reinstating the Farm Land Zoning would not honor the agreement.

Ms. Laurie Charles spoke in favor of reversing said decision. She stated that Councilmember Cortez should not be held solely responsible for the error and that the entire Council needed to listen to their constituents and the various agencies and staff members who were in place to help their decision making.

Former Councilmember Richard Perez, President of The Greater San Antonio Chamber of Commerce, spoke in favor of the item. He said that as former Councilmember for District 4, he was aware of all the time and effort put into developing City South and the Management Authority. He added that the original designation was best for the area and the zoning should be reversed.

Councilmember Cortez thanked the residents who came to speak on behalf of said item and apologized for his mistake on the original zoning change. He noted that he had worked with various entities on possible solutions and that he had initiated policy changes so that this could not happen again.

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

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

**2008-04-10-0016R**

Item 27. **(District 4):** A RESOLUTION DIRECTING CITY STAFF TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY FROM "R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "RP" RESOURCE PROTECTION DISTRICT ON APPROXIMATELY 0.77 ACRES OF PROPERTY LOCATED AT 3012 WEST JETT ROAD.

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

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

## **PULLED**

Item 28. (**District 1**): A RESOLUTION DIRECTING CITY STAFF TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY OF PROPERTY LOCATED AT 157 MAGNOLIA DRIVE FOR HISTORIC DESIGNATION.

Mayor Hardberger recessed the meeting at 2:55 pm and stated that the Council would reconvene at 5:00 pm for the Ceremonial portion of the agenda.

### **CEREMONIAL ITEMS**

Mayor Hardberger presented a proclamation to the Texas Cavaliers, a patriotic and civic organization, who chose William H. Atwell II as their **2008 King Antonio**. King Antonio will reign over the Texas Cavaliers River Parade to be held on April 21<sup>st</sup>, and during his year-long reign, will visit schools, hospitals, nursing homes, and businesses and community groups.

Mayor Hardberger also presented a proclamation to the **Fiesta Commission and the San Antonio Conservation Society**. Fiesta San Antonio is a 10-day city-wide, fun-filled, multi-cultural, family-oriented celebration which takes place every April to honor the memory of the heroes of the Alamo and the Battle of San Jacinto and brings \$284 million to the local economy. The San Antonio Conservation Society hosts "**A Night in Old San Antonio**" (*NIOSA*), April 22-25, 2008.

Mayor Hardberger presented official congratulations to the Main Plaza Conservancy for the Grand Opening of the redeveloped **Main Plaza** which will be held on April 13, 2008. Main Plaza is located in the historical center of downtown and will be transformed into a gathering place to celebrate the city's historic past while incorporating modern elements to be enjoyed by locals and visitors alike. The plaza's monthly calendar of events will be managed by the newly created Main Plaza Conservancy, which was established to preserve this community gem.

### **CITIZENS TO BE HEARD**

Ms. Angela Garcia noted that the Farmer's Market issues had been resolved and thanked Ms. Sculley for leading the Cystic Fibrosis Life for the Strides Run.

Mr. Nazirite Ruben Flores Perez spoke on the Book of Revelations and presented Council with a picture of a lion with the devil's mark. He noted that last week he spoke of the lion with seven heads and a woman who represented false religion.

Mr. Ignacio Perez, Lavaca Neighborhood Association, provided Council with a petition of 200 signatures in support of repairs being made to Lay Street. He stated that it was the only street in the neighborhood that had not been repaired and it was a historic neighborhood with a lot of value.

Mr. Seahn Lobb, Lavaca Neighborhood Association, spoke in support of the Lay Street Residents and stated that Lavaca was the oldest residential neighborhood in San Antonio. He requested full reclamation for all streets damaged during the Victoria Commons Project and encouraged Council to hold the responsible entities accountable.

Mr. Mark Perez spoke of a facility owned by Tetco which operated without permits. He stated that no one would shut the business down and that City Staff were not qualified to perform their jobs. He added that the Kimberly Clark Facility located in District 2 did not have a Certificate of Occupancy and should be investigated.

Councilmember Cortez read a statement on behalf of Mr. Peter Bradford who had to leave before being called to speak. Mr. Bradford wrote that he would be happy to serve as a resource to San Antonio in the decision making process regarding nuclear plants.

Mr. Mark E. Kellmann provided blueprints of the River North Project for Council in which he had colored in green space. He stated that the San Antonio River Authority had not accepted the original proposition from the AIA and it had been an ongoing argument since 1996. He reiterated that there needed to be a considerable amount of green space in an area so densely populated.

Mr. Faris Hodge, Jr. recognized Councilmember Cibrian for attending the Comanche Park Seniors Dance. He requested the total amount received by two SAPD retirees who had been paid \$450 a day and the total amount spent on City Hall renovations. He spoke against Councilmember Rodriguez's cell phone proposal in school zones and turning Commerce Street into a two-way street. Mr. Hodge added that there had been too much pressure put on the City Auditor.

Mr. Paul Powell stated that he was an Artisan Park Resident and thanked Council for establishing the public/private partnership with SAHA and others to develop Artisan Park. He noted that Artisan Park had not existed when the Event Decal Program Boundary had been drawn and the neighborhood was very close to the Alamodome. He requested that the boundary be extended to include the neighborhood.

Mr. Seahn Lobb, Lavaca Neighborhood Association, stated that safety would be a problem in Artisan Park due to the fact that it was in sub-phase one in which plots had been leveled and live wires installed. He noted that the area had not been barricaded well enough to prevent people from coming in contact with the wiring.

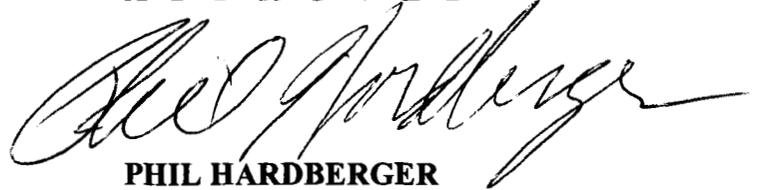
Mr. Boone Brinson spoke of his shop in the Farmer's Market Food Court and stated that he was not sure if all of the issues had been resolved. He noted that the food court was going to stay open until 11:00 pm like in previous years, but the bathrooms may have to close at 9:00 pm. He added that their Fiesta Contract would be up for renewal in a year and asked if they could keep last year's hours and renegotiate later.

Mr. Charles English, President of the Jefferson Heights Neighborhood Association, thanked the Council for their leadership.

**ADJOURNMENT**

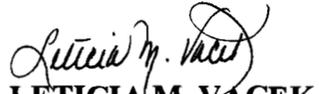
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:00 pm.

**A P P R O V E D**



**PHIL HARDBERGER  
MAYOR**

Attest:



**LETICIA M. VACEK**  
City Clerk