

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 4, 2007 AND THURSDAY, APRIL 5, 2007

The City Council convened in a Work Session at 3:00 pm, Wednesday, April 4, 2007, Municipal Plaza Building "B" Room.

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

1. STAFF BRIEFING RELATED TO THE PROPOSED AMENDMENTS TO CHAPTER 21 OF THE CITY CODE DELETING SECTION 21-6(c) IN ITS ENTIRETY AND CREATING A NEW ARTICLE X ENTITLED GRAFFITI, ESTABLISHING DEFINITIONS, VIOLATIONS, PENALTIES, ABATEMENT AND EXCEPTIONS.

Mr. David Garza, Director Housing and Neighborhood Services gave a brief presentation of the proposed Ordinance amending Chapter 21 by deleting Section 21-6 and creating Article X-Graffiti. The proposed Amendment would declare graffiti a public nuisance; establish a violation for any property owner who fails to abate graffiti after receiving notice; provide for hardship exceptions; and provide graffiti abatement (by the City) on private property and for the collection of costs of the abatement. A lengthy discussion by the Council ensued whereby their concerns were raised regarding the abatement of graffiti by property owners and the violation and penalty associated with same.

The "B" Session was adjourned at 5:00 pm.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, April 5, 2007 at 9:00 am.

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

The Invocation was delivered by Councilmember Patti Radle.

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

MINUTES

Councilmember Perez made a motion to approve the minutes of the March 15, 2007 Regular City Council Meeting. Councilmember Haass seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following caption:

Item 4. STAFF BRIEFING AND POSSIBLE ACTION ON BILLS PENDING IN THE 80TH STATE LEGISLATIVE SESSION.

Mr. Andrew Smith, Director of Intergovernmental Relations gave an update on the State Legislative Plan. Ms. Sharon DeLaGarza presented a copy of the substitute Bill drafted by Mr. Bernard, City Attorney. Ms DeLaGarza noted five general concerns; 1) City Manger versus strong Mayor Form of Government; 2) City Charter Authority; 3) Definition of Covered Employees; 4) Meet and Confer Process; and 5) Employee Representation and Membership.

The following citizens appeared to speak:

Mr. Donze Lopez representing the Hispanic Chamber of Commerce addressed the Council and stated their position as it relates to HB 2099. He stated that the Hispanic Chamber urged the Council to postpone any action on the "Meet and Confer" Legislation until the community has had the opportunity to assess the potential consequences of binding agreements.

Sister Gabriella Logan, Holy Spirit Sister and Leader of COPS Metro Alliance Group along with Pastor McKenna of St. Leo the Great Parrish addressed the Council relating to HB 2099. Pastor McKenna urged the Council to support the "Meet and Confer" Legislation and to include SAWS and CPS Energy Employees.

Mr. Jeff Webster representing the Greater San Antonio Chamber of Commerce addressed the Council relating to HB 2099 and stated that this legislation is crafted out of Washington, D.C., and union driven by a Legislator out of Houston. Mr. Webster asked the Council to take their time and think about the long term effects of the proposed legislation.

Mr. Buddy Viejo a representative of Local SEIU 5 referenced an article in the newspaper outlining the events and 12-hour shifts worked during the ice storm. Mr. Viejo asked the Council to support HB 2099.

Ms. Rosa Rosales, Executive Director of the National Association of Public Employee (NAPE) and President of League United Latin American Citizens (LULAC) addressed the Council in support of "Meet and Confer". Ms. Rosales stated that she did not support the exclusion of CPS Energy and SAWS employees. Lastly, Ms. Rosales stated that she has dedicated her life to representing public employees and asked the Council to look at the legislation specifically the portion that excludes other unions.

Mr. Jack M. Finger addressed the Council and stated that HB 2099 takes authority and power away from the Council and the City Administration and noted that arbitrators will be making decisions for the City.

Councilmember Wolff made a motion that if HB 2099 passes or any substitute Bill passes in the legislature, then before the City Council can enact Meet and Confer; a referendum will be called and the citizens of San Antonio will vote Meet and Confer up or down at the next regularly scheduled Election. Councilmember McNeil seconded the motion. Councilmember McNeil also made a friendly

amendment that if a Bill gets passed that is not a good bill for the City of San Antonio; the citizens of San Antonio will vote on same.

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

Councilmember Perez made a motion to oppose HB 2099 and take no action on the Substitute Bill drafted by Mr. Bernard. Councilmember Wolff seconded the motion.

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

Councilmember Flores made a motion to table said item for one week. Councilmember Gutierrez seconded the motion.

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

EXECUTIVE SESSION

Mayor Hardberger recessed the Regular Meeting at 12:35 pm to break for lunch and convene in Executive Session at 1:30 pm for the purposes of:

- A. Discuss legal issues related to *Summerglen Property Owners Association, et al v. City of San Antonio*, filed in the 131st Judicial District Court, Bexar County, Texas, Cause No. 2005-CI-02005, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Deliberate the management, purchase, exchange, lease, or value of certain real properties and discuss related legal issues pursuant to Texas Government Code Sec. 551.072 (real property) and Texas Government Code Sec. 551.071 (consultation with attorney).
- C. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 3:08 pm, at which time he stated the City Council had been briefed on the above-styled matters and gave staff direction, but that no official action would be taken.

The City Clerk read the following caption:

2007-04-05-0359

Item 5. AN ORDINANCE AUTHORIZING ACQUISITION OF CONSERVATION EASEMENTS OVER MORE THAN 15,000 ACRES OF EDWARDS RECHARGE ZONE PROPERTY IN UVALDE COUNTY FOR UP TO \$10,318,337.25 AND AUTHORIZING PAYMENT OF \$50,000.00 TO THE NATURE CONSERVANCY AS COST REIMBURSEMENT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON 3/4 CITY COUNCIL APPROVAL.

Councilmember McNeil made a motion to adopt the proposed Ordinance. Councilmember Hall seconded the motion.

Mr. Shawn Eddy, Director of Asset Management presented a Powerpoint presentation on the Acquisition of a Conservation Easement on the Long Hollow Tract. Mr. Eddy stated that the request is for the approval for the Proposition One acquisition of one conservation easement on 13,192 acres of land for a cost of \$8,184,450.00 for the land and closing costs. Mr. Eddy noted that the voters approved Proposition One in May of 2005 which was 1/8 of 1 cent sales tax up to \$90 million.

Mr. Michael Luigs addressed the Council in support of said item and stated that he is available if the Council has any questions.

Ms. Bonnie Conner addressed the Council and stated how excited she was for the purchase of said property. She showed photos of the Crownridge Park that was the first natural area to be acquired. She thanked the Council for their support in the acquisition of same.

Mr. Robert Potts addressed the Council in support of said item.

Ms. Deidre Hassler also addressed the Council and thanked them for their support in this endeavor. She invited the Council to fly over the area with her so that they could see the entire acreage from an aerial view.

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

The City Clerk read the following caption:

2007-04-05-0360

Item 6. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 11, FIRE PREVENTION, ARTICLE II FIRE DEPARTMENT, AND ARTICLE III, FIRE PREVENTION CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE AND APPENDICES B, C, D AND F; PROVIDING FOR LOCAL AMENDMENTS, PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.

Councilmember Wolff made a motion to adopt the proposed Ordinance. Councilmember Haass seconded the motion.

Fire Chief Robert Ojeda gave a brief presentation on the proposed Fire Code changes. Chief Ojeda noted that there is no fiscal impact associated with said item and recommended approval of same.

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

Item 7. AN ORDINANCE REVISING THE JOINT TAX PHASE-IN GUIDELINES FOR THE CITY OF SAN ANTONIO AND BEXAR COUNTY TO MODIFY THE APPLICATION AND AMENDMENT FEE STRUCTURE, REMOVE RESTRICTIONS REGARDING CALL CENTERS AND AUTHORIZE ADMINISTRATIVE CHANGES AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON 3/4 CITY COUNCIL APPROVAL. **ITEM PULLED FROM AGENDA BY STAFF.**

CONSENT AGENDA: Items 8-30B

Consent Agenda Items 8, 11, 13, 18, 20, 22, 23, 26, and 29 were pulled for Individual Consideration. Councilmember Perez moved to approve the remaining Consent Agenda Items. Councilmember Haass seconded the motion.

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

2007-04-05-0362

Item 9. AN ORDINANCE ACCEPTING THE BID FROM WITH ONE SOURCE BUILDING TECHNOLOGIES TO PROVIDE THE HENRY B. GONZALEZ CONVENTION CENTER WITH NEW AUDIO EQUIPMENT FOR A COST OF \$71,910.00.

2007-04-05-0363

Item 10. AN ORDINANCE ACCEPTING THE BID FROM SOUTHERN DOCK PRODUCTS TO PROVIDE A COMPACTOR CONVEYOR BELT SYSTEM FOR THE MUNICIPAL RECORDS FACILITY FOR A COST OF \$48,100.00, FROM ALAMO AREA COUNCIL OF GOVERNMENTS GRANT FUNDS.

2007-04-05-0365

Item 12 AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$485,007.30 TO INCLUDE AWARDED A \$384,490.00 CONTRACT WITH CHARLIE AND COMPANY FOR WORK INCLUDING SITE GRADING TO FORM PRACTICE PLAYING FIELDS, PLACEMENT OF TOPSOIL OVER THE ROUGH GRADES, INSTALLATION OF A PUMP STATION AND FIELD IRRIGATION, AND ESTABLISHMENT OF PLAYING FIELD TURF AS PART OF THE MCALLISTER PARK YOUTH SPORTS PRACTICE FIELDS PROJECT, AN APPROVED 2003 PARK BOND FUND PROJECT LOCATED IN DISTRICT 9.

2007-04-05-0367

Item 14. AN ORDINANCE APPROVING A TOTAL OF \$111,394.85, INCLUDING AN \$85,425.50 PAYMENT UNDER AN INDEFINITE DELIVERY CONTRACT FOR INFRASTRUCTURE MAINTENANCE AND CONSTRUCTION WITH SAN ANTONIO CONSTRUCTORS, LTD. FOR STREET RECLAMATION IN CONNECTION WITH THE KEATS STREET – NOGALITOS STREET TO PACKARD STREET PROJECT IN DISTRICT 5; AND APPROPRIATING U.S. HUD 108 LOAN PROGRAM FUNDS.

2007-04-05-0368

Item 15. AN ORDINANCE APPROVING A TOTAL PROJECT AMOUNT OF \$7,517,153.17 AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$6,289,381.90 TO TEXAS STERLING CONSTRUCTION, L.P., OF WHICH \$454,207.00 WILL BE REIMBURSED BY CPS ENERGY AND \$680,713.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, IN CONNECTION WITH THE CALLAHAN ROAD: INGRAM TO HEMPHILL PROJECT, AN AUTHORIZED 2005 STORM WATER REVENUE BOND FUNDED PROJECT LOCATED IN DISTRICT 6.

2007-04-05-0369

Item 16. AN ORDINANCE APPROVING A LEASE WITH US AIRWAYS, INC. AT SAN ANTONIO INTERNATIONAL AIRPORT WITH ESTIMATED ANNUAL RENTALS AND FEES IN THE AMOUNT OF \$1,002,631.32.

2007-04-05-0370

Item 17. AN ORDINANCE APPROVING A LEASE WITH EXPRESSJET AIRLINES, INC. AT SAN ANTONIO INTERNATIONAL AIRPORT WITH ESTIMATED ANNUAL RENTALS AND FEES IN THE AMOUNT OF \$1,613,794.68.

2007-04-05-0372

Item 19. AN ORDINANCE AUTHORIZING PAYMENT OF \$59,790.00 TO AIRPORTS COUNCIL INTERNATIONAL, NORTH AMERICA FOR 2007 ANNUAL DUES, SERVICES AND MEMBERSHIP FEES.

2007-04-05-0374

Item 21. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH POST, BUCKLEY, SCHUH & JERNIGAN, INC. FOR THE RUNWAY SAFETY ASSESSMENT AIRFIELD IMPROVEMENTS AT SAN ANTONIO INTERNATIONAL AIRPORT IN AN AMOUNT NOT TO EXCEED \$228,721.00.

Item 24. CONSIDERATION OF THE FOLLOWING MATTERS IN CONNECTION WITH THE CITY OF SAN ANTONIO SALES TAX REVENUE COMMERCIAL PAPER PROGRAM RELATED TO PROPOSITION 1:

2007-04-05-0377

Item 24A. AN ORDINANCE SELECTING UBS INVESTMENT BANK AS THE COMMERCIAL PAPER DEALER FOR THE IMPLEMENTATION OF THE CITY'S SALES TAX REVENUE COMMERCIAL PAPER PROGRAM.

2007-04-05-0378

Item 24B. AN ORDINANCE SELECTING BANK OF AMERICA, N.A. AS THE LETTER OF CREDIT PROVIDER FOR THE IMPLEMENTATION OF THE CITY'S SALES TAX REVENUE COMMERCIAL PAPER PROGRAM.

2007-04-05-0379

Item 25. AN ORDINANCE APPROVING A PERMIT FOR FIREWORKS DISPLAYS ON APRIL 14, APRIL 28, AND MAY 19, 2007, AT ABOUT 9:00 P.M. AT A FIELD ACROSS FROM NELSON WOLFF STADIUM, 5757 NEW HIGHWAY 90 W., AS REQUESTED BY THE SAN ANTONIO MISSIONS BASEBALL TEAM AND ALPHA-LEE ENTERPRISES, INC.

2007-04-05-0380

Item 27. AN ORDINANCE APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE BEXAR METRO 9-1-1 NETWORK FOR HIGH RESOLUTION AERIAL PHOTOGRAPHY TO SUPPORT THE CITY'S ENTERPRISE GEOGRAPHIC INFORMATION SYSTEMS.

Leticia M. Vacek, City Clerk read written testimony from Mr. Faris Hodge Jr. The written testimony was read as follows: 911 employees need a pay raise and additional training. Mr. Hodge also noted that people should not call 911 for non-emergency issues.

2007-04-05-0381

Item 28. AN ORDINANCE ACCEPTING THE RESIGNATION OF JUDGE CATHERINE TORRES-STAHLE, INCREASING JUDICIAL SALARIES FOR MUNICIPAL COURT JUDGES WITH THE SAVINGS OF SAID POSITION, AND ADOPTING A LEAVE POLICY FOR JUDGES TO BE IMPLEMENTED BY THE PRESIDING JUDGE.

Item 30. CONSIDERATION OF DISTRICT AND AT-LARGE BOARD, COMMISSION AND COMMITTEE APPOINTMENTS:

Item 30A. APPOINTING DOUG VAIR (DISTRICT 5) TO THE PORT AUTHORITY OF SAN ANTONIO FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE COMMENCING IMMEDIATELY, TO EXPIRE NOVEMBER 30, 2008.

Item 30B. REAPPOINTING ARTHUR DOWNEY (DISTRICT 9) TO THE ETHICS REVIEW BOARD FOR A TERM OF OFFICE TO COMMENCE APRIL 26, 2007 AND EXPIRE ON APRIL 25, 2009.

[CONSENT ITEMS CONCLUDED]

The City Clerk read the following caption:

2007-04-05-0361

Item 8. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2006-2007 FOR A COMBINED ESTIMATED COST OF \$885,985.00, INCLUDING: (A) RENTAL OF HYDRO-AXE TREE MULCHER; (B) AMMUNITION; (C) WORK UNIFORMS; (D) PHILIPS MRX DEFIBRILLATOR AND ALS MONITOR ACCESSORIES; AND (E) SHELTER SOFTWARE CASE MANAGEMENT SYSTEM FOR ANIMAL CARE SERVICES.

Councilmember McNeil made a motion to adopt the proposed Ordinance. Councilmember Gutierrez seconded the motion.

Mr. Leon Thomas representing the United Homeowners Improvement Association addressed the Council in reference to flood prevention with the Salado Creek, Leon Creek and Medina Watersheds.

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

Mayor Hardberger excused himself from the meeting and Mayor Pro Tem Herrera presided over the meeting at this time.

The City Clerk read the following caption:

2007-04-05-0366

Item 13. AN ORDINANCE APPROVING CHANGE ORDER NO. 5 IN THE AMOUNT OF \$279,798.17 TO THE \$1,573,614.84 CONSTRUCTION CONTRACT, AS CHANGED, WITH JERDON ENTERPRISES, L.L.C. FOR DEMOBILIZATION, REMOBILIZATION, DOWNTIME, AND CONSTRUCTION OF A REDESIGNED BRIDGE, IN CONNECTION WITH THE EAGLELAND RIVER WALK LINK PROJECT – HIKE AND BIKE PHASE, LOCATED IN DISTRICT 1.

Councilmember Radle made a motion to adopt the proposed Ordinance. Councilmember Guajardo seconded the motion.

Councilmember Radle asked staff what was being done to restrict motorcycles in the bike lane. Mr. Wendorf responded that the bridge is intended for pedestrians and bicycle traffic and noted that the Park Police will patrol the area and enforce any violations that may occur.

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

The City Clerk read the following caption:

2007-04-05-0371

Item 18. AN ORDINANCE AMENDING CHAPTER 21, ARTICLE III OF THE CITY CODE TO CREATE A NEW DIVISION, ENTITLED "PARTY, GATHERING, EVENT" WHICH ASSESSES A FEE FOR THE CITY'S COSTS OF REPEATED RESPONSES TO THE SAME LOCATION FOR NOISE VIOLATIONS WITHIN A 60 DAY PERIOD.

Councilmember Flores made a motion to adopt the proposed Ordinance. Councilmember Gutierrez seconded the motion.

Councilmember Flores asked staff to explain said item for public consumption. Mr. David Garza presented the proposed amendment will authorize the city to charge violators a cost recovery charge of up to \$1,000.00 for repeat offenders of noise violations.

The following citizens appeared to speak:

Mr. Jack M. Finger addressed the Council in support of said item. Mr. Finger offered a compliment to the Council for implementing a fine. Mr. Finger spoke of Item 29 relating to CH2M Hill and the 2007 Bond Program. Mr. Finger noted that the city is jumping the gun since the voters have not approved the Bond Program.

Leticia M. Vacek, City Clerk read written testimony from Mr. Faris Hodge Jr. The written testimony was read as follows: People should be told three times not to play loud music and then a fine should be assessed.

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

The City Clerk read the Ordinances for Items 22A and 22B:

Item 22. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO HOMELESS INITIATIVES:

2007-04-05-0375

Item 22A. AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT IN THE AMOUNT OF \$128,884.00 TO A \$122,715.00 CONTRACT WITH THE SALVATION ARMY TO INCLUDE REALLOCATION OF \$65,000.00 IN FUNDING FROM THE SAN ANTONIO METROPOLITAN MINISTRY FOR THE SAFE SLEEP ZONES FOR THE PERIOD FROM OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

Item 22B. AN ORDINANCE AUTHORIZING A CONTRACT IN THE AMOUNT OF \$160,000.00 WITH THE AMERICAN GI FORUM TO PROVIDE OUTREACH AND SUPPORT SERVICES TO UNSHELTERED HOMELESS MEN AND WOMEN FOR THE PERIOD FROM FEBRUARY 26, 2007 THROUGH SEPTEMBER 30, 2007.

Councilmember Radle made a motion to adopt the proposed Ordinances for Item 22A and 22B. Councilmember McNeil seconded the motion.

Councilmember Radle asked staff about the financing for safe sleeping and the remaining budget. Mr. Dennis Campa responded that the SAMS Shelter will cease operating safe sleeping effective December 31, 2007; the city will reallocate those funds to the Salvation Army.

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

The City Clerk read the following caption:

Item 26. AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO AND CPS ENERGY TO JOINTLY DEVELOP A SHARED HIGH-SPEED COMMUNICATIONS WIDE AREA NETWORK.

Councilmember Hall made a motion to postpone said item for one week. Councilmember Wolff seconded the motion.

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

The City Clerk read the following caption:

Item 23. AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND AT&T TEXAS FOR TESTING THE COMPATIBILITY OF THE CITY'S PUBLIC, EDUCATION AND GOVERNMENT (PEG) PROGRAMMING SIGNAL ON AT&T'S U-VERSE TELEVISION SERVE.

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

Ms. Gracelia Sanchez, Esperanza Peace and Justice Center addressed the Council in support of a delay of said item. Ms. Sanchez noted that the U-Verse technology is outdated and noted that the City should look at all technology that is available.

Mr. Nick Calzoncit addressed the Council in support of Public Access. Mr. Calzoncit noted that the City should promote peace by naming Stonewall Elementary in the Harlendale School District after Cesar Chavez.

Ms. Deanne Cuellar of Texas Media Empowerment Project addressed the Council in opposition to U-Verse. Ms. Cuellar gave her remaining time to Mr. Chuck Robinson. Mr. Robinson addressed the Council and noted the importance of the Council to represent the community. Mr. Robinson noted that

broadband is a public service, and noted other cities that provide municipal wireless services to the community.

Mr. Antonio Diaz addressed the Council and stated that he was disappointed with AT&T and the Council. Mr. Diaz asked if AT&T equipment fails; what happens at that time in providing public access to the citizens.

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

The City Clerk read the following caption:

2007-04-05-0382

Item 29. AN ORDINANCE APPROVING A \$510,100.90 AMENDMENT, OF WHICH \$215,985.41 IS RATIFIED, TO A \$3,833,000 PROGRAM MANAGEMENT PROFESSIONAL SERVICES AGREEMENT, AS AMENDED, WITH CH2M HILL, INC. FOR ADDITIONAL BOND SCOPING AND ESTIMATING SERVICES IN CONNECTION WITH THE 2007 BOND PROGRAM, AND THE DEVELOPMENT AND IMPLEMENTATION OF A WEB-BASED PROJECT MANAGEMENT PORTAL, AND APPROPRIATING FUNDS.

Councilmember McNeil made a motion to adopt the proposed Ordinance. Councilmember Wolff seconded the motion.

Councilmember McNeil asked staff to clarify said item and educate the community. Mr. Tom Wendorf explained that this is a one time expense of which \$150,000.00 is for bond scoping and estimating services. The \$150,000.00 will be recovered if the May 2007 Bond is approved by the voters. If the Bond election does not pass the City will review reimbursement funding option during the 2008 budget process. The remaining \$290,000.00 are available from the 2005 Storm Water Revenue Bond Program.

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

The City Clerk read the Ordinances for Items 11 and 20:

2007-04-05-0364

Item 11. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$674,300.00 TO INCLUDE AWARDING A \$613,000.00 CONTRACT WITH G G & G GENERAL CONSTRUCTION, INC. FOR THE CONSTRUCTION OF YOUTH SPORTS PRACTICE FIELDS, A DISC GOLF COURSE WITH AMENITIES, AND DESIGN ENHANCEMENT ELEMENTS AS PART OF THE PEARSALL PARK PHASE II YOUTH SPORTS PRACTICE FIELDS AND DISC GOLF COURSE PROJECT, AN APPROVED 2003 PARK BOND FUND PROJECT LOCATED IN DISTRICT 4.

2007-04-05-0373

Item 20. AN ORDINANCE AUTHORIZING REIMBURSEMENTS, UP TO \$800,000.00, TO EXPRESSJET AIRLINES, INC. FOR ADVERTISING AND PROMOTIONAL EXPENSES RELATED TO THE SAN ANTONIO AIR SERVICE INCENTIVE PROGRAM.

Councilmember Gutierrez made a motion to adopt the proposed Ordinances for Item 11 and Item 20. Councilmember Wolff seconded the motion.

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

CITY MANAGER'S REPORT

No report was given by the City Manager.

Leticia M. Vacek, City Clerk provided a list of the Board and Commission Members who have not submitted their Financial Disclosure Report (FDR) as required by the City's Ethics Code. Ms. Vacek noted that the Board Members have an additional fifteen days to complete their FDR extending their deadline to April 17, 2007. Lastly, Ms. Vacek noted that those who do not submit the FDR will be removed from the respective board without further action of the Council.

CONSENT ZONING

Councilmember Gutierrez made a motion to approve the following rezoning cases noting that the staff and Zoning Commission recommendation were to approve: P-1, Z-1, Z-2, Z-7, Z-8, and Z-12. Councilmember Hall seconded the motion.

Mr. Jack M. Finger addressed the Council relating to Item Z-1, he stated that Bobby Perez is lobbying Councilmember Flores for a Candle Manufacturing Company in the downtown area. Mr. Finger noted that industrial districts are not recommended in the downtown area. Mr. Finger addressed Item P-2 noting that the applicant is requesting a rezoning for a transmission shop, which is inconsistent with the City's Planning regulations. On Item Z-4 he noted that several citizens spoke in opposition and stated that the rezoning was a bad idea. Lastly, he stated that Item Z-6 in District 7 was a case of commercial encroachment in a neighborhood of high residential integrity as stated by Zoning Staff in the backup documentation.

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

2007-04-05-0383

Item P-1. PLAN AMENDMENT #07007 (District 7): AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE HUEBNER/LEON CREEKS COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 4.04 ACRES OF LAND LOCATED AT 7719 ECKHERT ROAD FROM HIGH DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.

2007-04-05-0384

Item Z-1. ZONING CASE # Z2007066 S (District 1): An Ordinance changing the zoning district boundary from "C-3 NA" General Commercial Non-Alcoholic Sales District to "I-1" S General Industrial District with a Specific Use Permit for Candle Manufacturing on 1.4655 acres out of NCB 921, 918 and 920 South Laredo Street as requested by Bobby Perez, Applicant, for WSK Holdings, L.P., Owners. Staff recommends Denial. Zoning Commission recommends 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: 1.4655

ACRES OUT OF NCB 921 TO WIT: FROM "C-3 NA" GENERAL COMMERCIAL NON-ALCOHOLIC SALES DISTRICT TO "I-1" S GENERAL INDUSTRIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR CANDLE MANUFACTURING.

2007-04-05-0385

Item Z-2. **ZONING CASE # Z2007095 CD (District 1):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "R-4" (CD - Non-Commercial Parking Lot) Residential Single Family District with a Conditional Use for a Non-Commercial Parking Lot on Lot 19, Block 22, NCB 10487 as requested by Daniel Martinez, Applicant for Daniel Martinez, Owner. Staff and Zoning Commission recommend Approval with Conditions.

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 19, BLOCK 22, NCB 10487 TO WIT: FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-4" (CD - NON-COMMERCIAL PARKING LOT) RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR A NON-COMMERCIAL PARKING LOT PROVIDED BY THE CITY COUNCIL ARE ADHERED TO.

2007-04-05-0388

Item Z-7. **ZONING CASE # Z2007011 (District 7):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "O-1" Office District on Lot P-26, Lot P-27, and Lot P-27A, NCB 17971, 7719 Eckhart Road as requested by RMR Capital Inc., Applicant for RMR Capital Inc., Owner. Staff and Zoning commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS P-26, P-27 AND P-27A, NCB 17971 TO WIT: FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.

2007-04-05-0389

Item Z-8. **ZONING CASE # Z2007067 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on 3.12 acres (P-16 & P-16A) out of NCB 15656, 9012 Huebner Road as requested by Connie Marrs, Applicant for Connie Marrs, Dorothy Marrs, Wayne Arlen Marrs, Clara Jo Marrs Bailey, John Edward Marrs, Katherine Marrs Woodruff, and Donna Sue Colstons, Owners. 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: 2.9803 ACRES OUT OF NCB 15656 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

2007-04-05-0391

Item Z-12. **ZONING CASE # Z2007130 (District 9):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District and "C-3" General Commercial District to "L" Light Industrial District on Lot 4, Block 1, NCB 17622; 11942 and 12102 IH 35 North (This property is located within the IH-1 National Highway System High Priority Corridor One District; however, the applicant is not requesting to alter or remove this overlay) as requested by Bob Pompa-McCombs

Family, Ltd., Applicant, for McCombs Family, Ltd., Owner. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 4, BLOCK 1, NCB 17622 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "C-3" GENERAL COMMERCIAL DISTRICT TO "L" LIGHT INDUSTRIAL DISTRICT. THIS PROPERTY IS LOCATED WITHIN THE IH-1 NATIONAL HIGHWAY SYSTEM HIGH PRIORITY CORRIDOR ONE DISTRICT; HOWEVER, THE APPLICANT IS NOT REQUESTING TO ALTER OR REMOVE THIS OVERLAY.

[ZONING CONSENT ITEMS CONCLUDED]

Item P-2. **PLAN AMENDMENT #07006 (District 5):** An Ordinance amending the Land Use Plan contained in the South Central San Antonio Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.404 acres of land located at 536 Division Avenue from Low Density Residential to Neighborhood Commercial. Staff recommends Approval. Planning Commission recommends Denial. Associated Zoning Case: Z2006271 CD.

Mr. John Jacks noted that the proposed rezoning case was withdrawn by the Applicant. No action was required.

Mr. John Gonzales addressed the Council on Item P-2 and Z-4. Mr. Gonzales spoke in opposition to said rezoning cases.

Item Z-4. **ZONING CASE # Z2006271 CD (District 5):** An Ordinance changing the zoning district boundary from "C-1" Light Commercial District to "C-1" (CD-Transmission Shop) Light Commercial District with a Conditional use for a Transmission Shop on the East 75.3 Feet of the West 126.6 Feet of Lot 7, NCB 7902; and from "O-2" Office District to "O-2" (CD-Transmission Shop) Office District with a Conditional Use for a Transmission Shop on the East 29.5 Feet of Lot 7, NCB 7902 and the West 5.2 Feet of Lot 6, NCB 7902, 536 Division Avenue as requested by Samuel Ramos, Applicant for Samuel Ramos, Owner. Staff recommends Approval. Zoning Commission recommends Denial.

Mr. John Jacks noted that the proposed rezoning case was also withdrawn by the Applicant. No action was required.

Leticia M. Vacek, City Clerk read written testimony from Ms. Lillie Tejeda. The written testimony read as follows: Ms. Lillie Tejeda is in opposition of the transmission shop to be located across the street from the Frank Tejeda Park on Division Avenue. Ms. Tejeda wrote that the park was named after her son. Lastly, Ms. Tejeda wrote that a transmission shop is not consistent with the surrounding area.

Item Z-3. **ZONING CASE # Z2007126 CD (District 3):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "R-4" (CD-Beauty Shop) Residential Single Family District with a Conditional Use for a Beauty Shop on Lot 41, Block 3, NCB 11159, 806 E. Ashley Road as requested by Cristina Arredondo and Norma Ruano, Applicant, for Juan M. Perez and Mary E. Perez, Owners. Staff and Zoning Commission recommend Approval with Conditions.

Mr. John Jacks presented the proposed rezoning case.

Councilmember Gutierrez made a motion to postpone the rezoning case until April 19, 2007. Councilmember Hall seconded the motion.

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

2007-04-05-0386

Item Z-5. **ZONING CASE # Z2007127 CD (District 6):** An Ordinance changing the zoning district boundary from "C-3 R" Commercial District, Restrictive Alcoholic Sales to "C-2" (CD-Nightclub) Commercial District with a Conditional Use for a Nightclub on Lot 82, NCB 8238, 445 Old Highway 90 West as requested by Pedro P. Guerrero, Jr. Applicant and Owner. Staff and Zoning commission recommend Approval with Conditions.

Mr. John Jacks presented the proposed rezoning case.

Councilmember Flores made a motion to adopt the proposed rezoning case. Councilmember Hall seconded the motion.

The following citizens appeared to speak:

Ms. Ethelyn addressed the Council in opposition to said zoning case. Ms. Ethelyn noted that the neighborhood is against another nightclub in the area and provided two pages of signatures from residents.

Mr. Albert Van Cleave, the attorney representing the residents in the area who are in opposition to the rezoning addressed the Council. Mr. Van Cleave noted that there are three bars in the area and urged the Council to vote against the rezoning.

Ms. Melissa Castro Killen representative of the applicant, Mr. Guerrero, addressed the Council. Ms. Killen noted that she researched the Texas Alcohol Beverage Commission (TABC) website. This establishment has a clean record and received a letter of accommodation by TABC which was submitted into the record. Ms. Killen noted that this is not a new bar rather the bar is moving next door.

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

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 82, NCB 8238 TO WIT: FROM "C-3 R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOLIC SALES DISTRICT TO "C-2" (CD-NIGHTCLUB) COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR A NIGHTCLUB PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Item Z-6. **ZONING CASE # Z2007093 CD (District 7):** An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "R-4" (CD-Real Estate Office) Residential Single-Family District with a Conditional Use for a Real Estate Office on the East 45 feet of Lot 33 and the West 10 feet of Lot 1, Block 12, NCB 9212, 260 Westminster Avenue as requested by Cynthia S. Ortiz, Applicant for Frankie L. Rodriguez, Owner. Staff recommends Denial. Zoning Commission recommends Approval.

Mr. John Jacks presented the proposed rezoning case.

Councilmember Guajardo made a motion to continue the proposed rezoning case until April 19, 2007. Councilmember Hall seconded the motion.

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

Item Z-9. **ZONING CASE # Z2007074 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on 2.124 Acres out of NCB 18009, and "C-1" Light Commercial District on 0.276 Acres out of NCB 18009, 10920 East Bandera Road as requested by Brown, P. C., Applicant for Michael R. Wilson, Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed rezoning case.

Councilmember Hall made a motion to continue the proposed rezoning case until April 19, 2007. Councilmember Haass seconded the motion.

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

Item Z-10. **ZONING CASE # Z2007101 S (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "C-2" S Commercial District with a Special Use Permit for a Car Wash on Lot 7, NCB 18009, 10951 Biering Lane as requested by Brown, P.C., Applicant for Martha H. Machts, Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed rezoning case.

Councilmember Hall made a motion to continue the proposed rezoning case until April 19, 2007. Councilmember Haass seconded the motion.

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

2007-04-05-0390

Item Z-11. **ZONING CASE # Z2007034 (District 9):** An Ordinance changing the zoning district boundary from "R-6" ERZD Residential Single Family Edwards Recharge Zone District to "C-2" ERZD Commercial Edwards Recharge Zone District, on Lot P-5A, Lot P-8A, Lot P-10, and Lot P-11, NCB 15671, 2865 North Loop 1604 East as requested by Mildred B. Nauschutz, Paul R. Nauschutz, and Mark C. Nauschutz, Applicants for Mildred B. Nauschutz, Paul R. Nauschutz, and Mark C. Nauschutz, Owners. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed rezoning case noting that staff and Zoning Commission recommend approval with SAWS' recommendation that the impervious cover not exceed 50%.

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

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

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT P-5 A, LOT P-8 A, LOT P-10 AND LOT P-11, NCB 15671 TO WIT: FROM "R-6" ERZD RESIDENTIAL SINGLE FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-2" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT.

2007-04-05-0392

Item Z-13. **ZONING CASE # Z2007103 (District 10):** An Ordinance changing the zoning district boundary from "QD" S ERZD Quarry Edwards Recharge Zone District with Specific Use Permit for blasting and asphaltic concrete to "C-3" ERZD General Commercial Edwards Recharge Zone District on P-5A and P-1K, NCB 17728, 4285 East Loop 1604 as requested by Brown P.C., Applicant, for Alamo Concrete Products, Ltd., Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed rezoning case noting that staff and Zoning Commission recommend approval with SAWS' recommendation that the impervious cover shall not exceed 65%.

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

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

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS P-5A AND P-1K, NCB 17728 TO WIT: FROM "QD" S ERZD QUARRY EDWARDS RECHARGE ZONE DISTRICT WITH SPECIFIC USE PERMIT FOR BLASTING AND ASPHALTIC CONCRETE TO "C-3" ERZD GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT.

CEREMONIAL ITEMS

Mayor Pro Tem Herrera recognized the Winners of the 2007 Fiesta Student Art Contest. The contest was sponsored by the San Antonio Parks and Recreation Department, the Fiesta Commission, and the Express-News. The winning design from the contest will produce the Official Poster for Fiesta 2007.

Mayor Pro Tem Herrera acknowledged Fiesta which is a 10-day city-wide, fun-filled, multi-cultural, family-oriented celebration from April 20-29, 2007. The Fiesta Commission presented their 2007 Medals.

Mayor Pro Tem Herrera recognized the 4th year of the City of San Antonio Medals project. A portion of the proceeds from the sale of the medals benefit the maintenance projects of the City's Public Art & Design Enhancement Program. Each year the medals represent artwork owned by the City of San Antonio.

CITIZENS TO BE HEARD

Mr. Nazirite Ruben Flores Perez, 627 Hearne, addressed the Council and cited Biblical Scriptures from Kings 10:13-29 and spoke of his religious beliefs.

Mr. Mark Perez, 119 Hardeman, addressed the Council relating to the Environmental Services Department not responding to his concerns of a business located at 4728 Goldfield. Mr. Perez stated that businesses are storing hazardous chemicals and operating without permits.

Mr. Faris Hodge Jr., 140 Dora, addressed the Council noting that the City was in violation of State Law for not responding to Mark Perez within 30 days. Mr. Hodge noted that the City should pass a Resolution in reference to Councilmember Flores' alleged parking issues. Mr. Hodge asked the Council to rename the Alamodome after him. He also requested that SAHA be investigated for shoddy construction issues. Lastly, Mr. Hodge asked if you need to be in love to get married on the River. Mr. Hodge concluded with singing "You are My Sunshine".

Ms. Cristal De Los Santos, 506 Precious Drive, addressed the Council stating that her son is ill and is having seizures due to the health hazards in her SAHA home. Ms. De Los Sanchez requested that SAHA buyback her home.

Mr. Ed O' Campo, 402 Precious Drive, addressed the Council and presented a slide show of mold and construction issues. Mr. O' Campo noted that mold is a silent killer and stated that he has been ordered out of his home. Mr. O' Campo stated that his home is full of dust and insulation particles in the air.

Ms. Henrietta De Hoyas of the Sunflower Subdivision addressed the Council requesting that the City hold KB Homes accountable for taking advantage of the disabled, elderly and low income families. Ms. De Hoyas noted that her water bill was \$500; the problem was that water was leaking under her foundation underneath her home. Ms. De Hoyas noted that she was evicted. She noted that for the past year she has requested copies of her lease agreement and any other documents she has signed. Ms. De Hoyas noted that SAHA can not produce the signed paperwork.

Ms. Sara Olivares, 458 Precious Drive, addressed the Council and provided pictures and bills she is disputing. Ms. Olivares stated that she is ill and says her home is toxic. She stated that she wants KB to give her back her money, health, pride, dignity, and most of all, her dream of owning a home.

Mr. Randy Zaragoza, 1607 NW 26th addressed the Council stating that his son has a cyst on his throat due to insulation coming through the walls of his KB Home. Mr. Zaragoza stated that he does not know what to do and asked the Council for help.

Mr. George Alejos, 9811 Ramblin River, addressed the Council noting that Mr. Alvarez inherited the housing issues and has worked hard to correct the problems. Mr. Alejos noted that the SAHA administration prior to Mr. Alvarez should be held accountable for the shoddy construction issues. Mr. Alejos stated that the contractor Magi and KB should be held accountable for the products they delivered.

Ms. Irma Bowler, 111 Villa Grande, addressed the Council noting that she is also having problems with her home. Ms. Bowler noted that the walls in her home are cracked, her plumbing leaks and she has ants in her home.

Ms. Estefana Adame-Battle, 448 Precious Drive addressed the Council stating that she attended a SAHA Board Meeting. Ms. Battle stated that the SAHA Board approved the buyback of several homes and \$200,000.00 is being allocated to repair homes. Ms. Battle stated that she disagrees with using taxpayer's money to purchase the homes back.

Mr. Luis Cintron, 432 Precious Drive, addressed the Council noting that he also lives in the nightmare of Precious Drive.

Ms. Cynthia Inman, 463 Precious Drive, addressed the Council noting that her home is full of ants and flies. Ms. Inman asked the Council to help her resolve her issues with SAHA.

Ms. Maria Flores, 436 Precious Drive, addressed the Council and asked the Council to help her. Ms. Flores noted that she was upset because she went to a SAHA meeting that was posted for 1:00 pm. Ms. Flores noted that SAHA was behind closed doors meeting for two hours and she had to leave to pick up her child.

Ms. Mary Ann Rojas, 126 Villa Grande, addressed the Council and thanked Mr. Henry Alvarez, CEO of SAHA for listening to their housing concerns. Ms. Rojas requested that the President of KB Homes meet with the people affected by the housing problems and work with SAHA to correct the issues.

Ms. Carol Zaragoza, 1627 NW 26th Street, addressed the Council and stated that after she spoke up during Citizens to be Heard, the next day SAHA delivered truck loads of dirt and sod to the entire neighborhood. Ms. Zaragoza described it as an army mobilizing before City Hall comes out to inspect the subdivision.

Ms. Janet Ahmad addressed the Council and requested a public hearing on the construction issues. Ms. Ahmad yielded her time to Myrna Calderon. Ms. Calderon addressed the Council noting that she is also having problems with her home. Ms. Calderon noted that she has lived in her home for ten months and that it has been a nightmare. She requested that her home be bought back by SAHA.

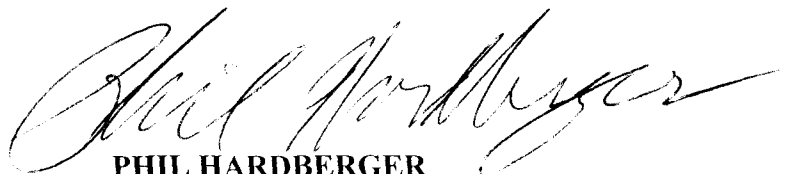
Mr. Henry Alvarez, CEO of SAHA, addressed the Council and stated that he has meet with several of the affected homeowners. Mr. Alvarez noted that he is troubled by the stories he has heard and is working to resolve the issues. He reported that he spoke to the national HUD Office requesting assistance. Mr. Alvarez noted that the SAHA Board agreed to buyback homes and allocated monies to repair some of the homes. Lastly, Mr. Alvarez noted that SAHA is paying attention and is working as quickly as possible to resolve the issues.

Mr. Carlos Contreras representative of KB Homes addressed the Council reporting that he is conducting an orientation with homeowners to discuss the warranty process. Mr. Contreras noted that he is conducting inspections and is meeting with homeowners concerning their health issues.

ADJOURNMENT

There being no further business to discuss, Mayor Pro Tem Herrera adjourned the meeting at 7:23 pm.

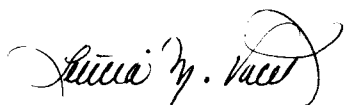
A P P R O V E D



PHIL HARDBERGER

M A Y O R

Attest:



LETICIA M. VACEK
City Clerk