

**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, THURSDAY, OCTOBER 29, 2009.**

The B Session scheduled for October 28, 2009 to address the following item was cancelled.

- 1. DISCUSSION OF CPS ENERGY'S STRATEGIC ENERGY PLAN TO INCLUDE PLANNED PARTICIPATION IN THE SOUTH TEXAS NUCLEAR PROJECT EXPANSION, CPS ENERGY'S CAPITAL PLAN, PROPOSED UTILITY RATES, AND RELATED ISSUES. (SAID ITEM WAS NOT ADDRESSED)**

The San Antonio City Council convened in a Regular Meeting on Thursday, **October 29, 2009** at 9:00 am in the City Council Chambers.

**Item 1.** The Invocation was delivered by Dr. Carl Johnson, Pastor, Greater Corinth Baptist Church, guest of Councilmember Ivy Taylor, District 2.

**Item 2.** Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro.

**Item 3. MINUTES**

Councilmember Cisneros made a motion to approve the Minutes for the City Council Budget Work Session of September 15, 2009 and the City Council Regular Meeting of September 17, 2009. Councilmember Ramos seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** None.

**POINT OF PERSONAL PRIVILEGE**

Councilmember Lopez recognized home-schooled student Taylor Moellendorf, who was in attendance to learn about city government.

**ITEMS FOR INDIVIDUAL CONSIDERATION**

**ITEMS 4A-4D PULLED BY STAFF**

Item 4. CONSIDERATION AND APPROVAL OF CERTAIN BOND ORDINANCES AND RELATED ISSUES REGARDING CPS ENERGY:

- A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS JUNIOR LIEN REVENUE BONDS, SERIES 2009A" AND "CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS JUNIOR LIEN REVENUE BONDS, TAXABLE SERIES 2009B" IN A PRINCIPAL AMOUNT NOT TO EXCEED \$400,000,000.00; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS, TOGETHER WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS, BY A JUNIOR LIEN ON AND PLEDGE OF THE NET REVENUES OF THE CITY'S ELECTRIC AND GAS SYSTEMS; PROVIDING THE TERMS AND CONDITIONS OF SUCH BONDS AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF ONE OR MORE PAYING AGENT/REGISTRAR AGREEMENTS, A REMARKETING AGREEMENT, AND A PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY PUBLIC SERVICE BOARD STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT AFFIRMATIVE VOTES.
- B. A RESOLUTION ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CAPITAL INFRASTRUCTURE IMPROVEMENTS TO THE CITY'S ELECTRIC AND GAS SYSTEMS OTHER THAN SOUTH TEXAS PROJECT UNITS 3 AND 4 FROM THE PROCEEDS OF TAX-EXEMPT OR TAXABLE OBLIGATIONS NOT TO EXCEED \$450,000,000.00 TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.
- C. A RESOLUTION ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO THE DEVELOPMENT OF CPS ENERGY'S INTEREST IN SOUTH TEXAS PROJECT UNITS 3 AND 4 OF THE CITY'S ELECTRIC AND GAS SYSTEMS FROM THE PROCEEDS OF TAX-EXEMPT OR TAXABLE OBLIGATIONS NOT TO EXCEED \$450,000,000.00 TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.
- D. AN ORDINANCE AUTHORIZING CERTAIN ACTIONS CONCERNING THE AMENDMENT OF THE CITY'S CURRENT CONTRACTUAL ARRANGEMENT WITH THE REMARKETING AGENT FOR OUTSTANDING OBLIGATIONS DESIGNATED AS CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS JUNIOR LIEN REVENUE BONDS, SERIES 2003, INCLUDING THE POSSIBLE REPLACEMENT OF THE EXISTING REMARKETING AGENT AND EXECUTION OF A REPLACEMENT REMARKETING AGREEMENT; ENACTING OTHER PROVISIONS INCIDENT AND

RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Two written testimonies were received in favor and three written testimonies were received in opposition to Item 4 which are on file with the Office of the City Clerk.

**CONSENT AGENDA – Items 5-27**

Consent Agenda Items 10, 12, 14, 18, 20, 21, 26, and 27 were pulled for Individual Consideration. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Cortez seconded the motion.

Mayor Castro called on the individuals registered to speak.

Cecilia Garcia, spoke regarding Item 22B stated that she was the Chair of the Planning Commission stated that she was honored to serve on the Commission for the past six years. She requested that the appointment process for boards and commissions be re-examined and expressed concern that only the Infrastructure and Growth Council Committee interviewed candidates and made recommendations of applicants for the Planning Commission. She expressed concern that an application for appointment to the Commission had been received after the deadline and was considered during the selection process. She asked the City Council to consider only the applications received by the deadline.

Jennifer Nottingham representing the City of Grey Forest spoke in support of the purchase of an aquifer-protection conservation easement on a tract of land (Item 14) known as the Senator Frank L. Madla, Jr. Natural Area in Bexar County. She recognized the individuals that helped with the project and noted that it had been completed in six months.

Nazirite Ruben Flores Perez spoke in support of Item 11 regarding repairs and renovations to the La Villita complex. He expressed concern that the Downtown YMCA had relocated and did not have a swimming pool in the complex. He spoke in favor of Item 12, being the construction contract with High Sierra Electronics for High Water Detection Systems.

Jack M. Finger spoke in opposition to the on-call professional services agreement with Raba-Kistner in Item 8, noting that several members of the City Council had received campaign contributions from the firm. He expressed concern with the removal of sector requirements for the General Community category of the Convention and Visitors Commission (Item 22D). He spoke against the professional services agreement with Alamo Events, Inc. in Item 24.

Faris Hodge, Jr. submitted written testimony in support of Items 5, 7-16, and 18-27. For Item 6, he wrote that the contract costs should not be estimates. He wrote in opposition to the CPS Weatherization Program (Item 17) noting that it did not benefit the working poor.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

**2009-10-29-0846**

Item 5. AN ORDINANCE ACCEPTING THE BIDS FROM ERGON ASPHALT & EMULSIONS, INC. AND MARTIN ASPHALT COMPANY TO PROVIDE THE PUBLIC WORKS DEPARTMENT WITH ASPHALT, OIL AND EMULSIONS FOR THE CONSTRUCTION AND REPAIR OF CITY STREETS FOR AN ESTIMATED ANNUAL COST OF \$1,431,000.00.

**2009-10-29-0847**

Item 6. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING CONTRACTS IN THE ESTIMATED ANNUAL AMOUNT OF \$771,000.00: (A) RIDER WASH SYSTEMS AND AMERICAN SALES & SERVICE, INC. FOR VEHICLE CAR WASH AND VACUUM CLEANER PARTS AND SERVICE; (B) RIDER WASH SYSTEMS FOR CAR WASH RECOVERY PARTS AND SERVICE; (C) 3M COMPANY; PATHMARK TRAFFIC PRODUCTS; TRAFFIC SUPPLY FOR RETROFLECTIVE AND CERAMIC ASPHALT PAVEMENT MARKERS; (D) HI-LITE MARKINGS, INC. FOR RUBBER AND PAINT BUILD-UP REMOVAL SERVICES OF AIRPORT RUNWAYS; (E) TEXAS CHILLER SYSTEMS, LLC FOR MAINTENANCE OF ICE SHEET CHILLERS AT THE ALAMODOME; (F) BOOKS ON TAPE, A DIVISION OF RANDOM HOUSE, INC. FOR AUDIO BOOKS AND (G) OAK HILL TECHNOLOGY, INC. AND GOODWILL INDUSTRIES OF SAN ANTONIO FOR DATA ENTRY SERVICES FOR METRO HEALTH.

**2009-10-29-0848**

Item 7. AN ORDINANCE SELECTING CIVIL DESIGN SERVICES, INC., DBA CDS/MUERY SERVICES; FOSTER CM GROUP, INC.; AND SUNLAND GROUP, INC. TO PROVIDE ON-CALL, INDEFINITE DELIVERY RESIDENT INSPECTION SERVICES TO THE AVIATION DEPARTMENT FOR AIRPORT CONSTRUCTION PROJECTS ON AN AS-NEEDED BASIS AND AUTHORIZING THREE PROFESSIONAL SERVICE AGREEMENTS EACH IN AN AMOUNT UP TO \$250,000.00.

**2009-10-29-0849**

Item 8. AN ORDINANCE SELECTING RABA-KISTNER, INC., ARIAS & ASSOCIATES, INTEGRATED TESTING AND ENGINEERING COMPANY (INTEC), PROFESSIONAL SERVICE INDUSTRIES (PSI), FUGRO CONSULTANTS, INC., AND TERRACON CONSULTANTS, INC. FOR NEGOTIATION AND EXECUTION OF SIX ON-CALL PROFESSIONAL SERVICES AGREEMENTS, EACH IN AN ANNUAL AMOUNT UP TO \$300,000.00, TO PROVIDE INDEFINITE DELIVERY CONSTRUCTION MATERIALS TESTING AND PROFESSIONAL GEOTECHNICAL CONSULTING SERVICES FOR CAPITAL IMPROVEMENT PROJECTS.

**2009-10-29-0850**

Item 9. AN ORDINANCE AUTHORIZING A FABRICATION CONTRACT WITH ANN GARDNER IN THE AMOUNT OF \$163,000.00 FOR FABRICATION AND INSTALLATION OF A PUBLIC ARTWORK PROJECT AS PART OF THE NEW TERMINAL EXPANSION - PROJECT 4 - TERMINAL B PROJECT AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FUNDED BY AIRPORT REVENUE BONDS.

**2009-10-29-0852**

Item 11. AN ORDINANCE AWARDING A CONSTRUCTION CONTRACT TO M.J. BOYLE GENERAL CONTRACTOR, INC. IN THE AMOUNT OF \$1,310,583.00, FROM A TOTAL AUTHORIZED PROJECT AMOUNT OF \$1,537,583.00, FOR REPAIRS AND RENOVATIONS TO

THE LA VILLITA COMPLEX FOR THE LA VILLITA RESTORATION PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT LOCATED IN COUNCIL DISTRICT I.

Item 13. CONSIDERATION OF THE FOLLOWING ORDINANCES AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION, OF FEE SIMPLE TITLE AND/OR PERMANENT DRAINAGE EASEMENT FOR TWO 2007-2012 GENERAL OBLIGATION BOND PROJECTS; DECLARING THEM TO BE PUBLIC PROJECTS; AND DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION.

**2009-10-29-0854**

A. AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PORTION OF TWO PARCELS OF PRIVATELY OWNED REAL PROPERTY LOCATED IN N.C.B. 8636, IN COUNCIL DISTRICT 5 FOR THE TESLA (CULEBRA TO MAYBERRY) PROJECT.

**2009-10-29-0855**

B. AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PORTION OF ONE PARCEL OF PRIVATELY OWNED REAL PROPERTY LOCATED IN BLOCK 1, LOT 7, N.C.B. 16686, IN COUNCIL DISTRICT 10 FOR THE JONES MALTSBERGER ROAD - REDLAND ROAD TO THOUSAND OAKS PROJECT.

**2009-10-29-0857**

Item 15. AN ORDINANCE AUTHORIZING THE SECOND RENEWAL OF THE CITY'S LEASE OF PARKING SPACES AT 243 N. CENTER STREET TO EAST COMMERCE REALTY FOR ONE-YEAR AT AN ANNUAL RENT OF \$18,192.00.

**2009-10-29-0858**

Item 16. AN ORDINANCE AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS IN THE AMOUNT OF \$40,000.00 FROM THE STATE ENERGY CONSERVATION OFFICE STATE ENERGY PROGRAM FOR THE 2010 BUILD SAN ANTONIO GREEN™ MARKETING PROGRAM TO EDUCATE RESIDENTS AND THE BUILDING COMMUNITY ON THE POSITIVE EFFECTS OF RESIDENTIAL GREEN BUILDING IN SAN ANTONIO.

**PULLED BY STAFF**

Item 17. AN ORDINANCE AUTHORIZING A GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR ACCEPTANCE OF UP TO \$12,308,804.00 IN GRANT FUNDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT, AND AUTHORIZING THE OFFICE OF ENVIRONMENTAL POLICY TO IMPLEMENT THE SAN ANTONIO WEATHERIZATION ASSISTANCE PROGRAM IN COOPERATION WITH CPS ENERGY; AND APPROPRIATING FUNDS.

**2009-10-29-0860**

Item 19. AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 16, LICENSES AND BUSINESS REGULATIONS, TO REGULATE AND PERMIT DONATION CONTAINERS THAT ARE PLACED IN OPEN SPACES AND ON PRIVATE PROPERTY TO INCLUDE A NEW ANNUAL PERMIT FEE OF \$48.00, PERMIT REQUIREMENTS, AND A PENALTY UP TO \$500.00 FOR VIOLATIONS.

Item 22. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT:

**2009-10-29-0863**

- A. AN ORDINANCE APPOINTING RICHARD (DICK) B. ROWE (CATEGORY: REAL ESTATE/DEVELOPMENT) AND REBECCA D. BRUNE (CATEGORY: SCHOOL DISTRICT CATEGORY), WAIVING THE CATEGORY REQUIREMENT FOR MS. BRUNE, AND REAPPOINTING ALBERT A. CARRISALEZ (CATEGORY: COLLEGE & UNIVERSITY), CHRISTINA M. CASTANO-PEREZ (CATEGORY: PUBLIC TRANSIT), CHRISTINE M. DRENNON (CATEGORY: NON-PROFIT DEVELOPER/SERVICE PROVIDER), JENNIFER M. GONZALEZ (CATEGORY: NON-PROFIT HOUSING PROVIDER), DOMINIQUE HALABY (CATEGORY: WORKFORCE DEVELOPMENT AND CAPACITY BUILDING), IGNACIO A. PEREZ (CATEGORY: NEIGHBORHOOD ASSOCIATION), J. OSCAR RAMIREZ (CATEGORY: SMALL BUSINESS ASSISTANCE), NANCY ROCHA (CATEGORY: FINANCIAL SERVICES), STEVEN SANO (CATEGORY: ENVIRONMENT) TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC) FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011.
- B. APPOINTING ROLANDO H. BRIONES, JR. AND JODY R. SHERRILL AND REAPPOINTING AMELIA E. HARTMAN, AND CHRISTOPHER M. LINDHORST TO THE PLANNING COMMISSION FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE OCTOBER 6, 2011.
- C. APPOINTING HAROLD O. ATKINSON, PAUL E. KLEIN, AND STEVE G. WALKUP AND REAPPOINTING MARIA D. CRUZ, MARIAN M. MOFFAT, AND HENRY RODRIGUEZ AS ALTERNATE MEMBERS TO THE ZONING BOARD OF ADJUSTMENT FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011.

**2009-10-29-0864**

- D. AN ORDINANCE APPROVING THE REMOVAL OF SECTOR REQUIREMENTS FOR THE GENERAL COMMUNITY CATEGORY, AND RESIDENCY REQUIREMENTS FOR ALL MEMBERS OF THE CONVENTION AND VISITORS COMMISSION, AND APPOINTING HENRY BRUN AND MARISE MCDERMOTT (CATEGORY: ARTS AND CULTURAL COMMUNITY), SHERRY M. CHAUDHRY AND FRANK J. MICELI (CATEGORY: GENERAL COMMUNITY) AND REAPPOINTING DIANE J. AREVALO, MARTIN F. KUSHNER, AND DAVIS PHILLIPS (CATEGORY: GENERAL COMMUNITY) TO THE CONVENTION AND VISITORS COMMISSION (CVC) FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011.
- E. REAPPOINTING MICHAEL W. ARCHER (DISTRICT 9) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

- F. APPOINTING JULIO S. LOPEZ (DISTRICT 9, CATEGORY: JOURNEYMAN ELECTRICIAN, OPEN SHOP) TO THE ELECTRICAL BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- G. APPOINTING ROBERT DAVID CARPENTER (DISTRICT 10) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2011.
- H. REAPPOINTING LIZ VICTOR (DISTRICT 1) TO THE ZONING BOARD OF ADJUSTMENT FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- I. APPOINTING RICK CUELLAR (DISTRICT 5, CATEGORY: VISUAL ARTIST) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- J. REAPPOINTING GREG K. HAMMER (DISTRICT 7) TO THE LINEAR CREEKWAY PARKS ADVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- K. APPOINTING BENNIE COLE (DISTRICT 2) TO THE ZONING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

**2009-10-29-0865**

Item 23. AN ORDINANCE APPROVING AN ANNUAL CONTRACT WITH FLORES HOLDINGS, LLC IN THE AMOUNT OF \$96,000.00 FOR MR. RAMON FLORES TO SERVE AS EXECUTIVE DIRECTOR TO THE WESTSIDE DEVELOPMENT CORPORATION (WDC).

**2009-10-29-0866**

Item 24. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ALAMO EVENTS, INC. IN AN AMOUNT UP TO \$125,000.00 AVAILABLE FROM THE FY 2010 COMMUNITY AND VISITOR FACILITIES FUND FOR HOSTING OBLIGATIONS ASSOCIATED WITH THE SAN ANTONIO SHOWDOWN: NOTRE DAME VS. WASHINGTON ST. TO BE HELD AT THE ALAMODOME ON OCTOBER 31, 2009.

**2009-10-29-0867**

Item 25. AN ORDINANCE AUTHORIZING CONTRACTS WITH FOUR VENDORS TO PROVIDE FOOD HANDLER CERTIFICATION SERVICES FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT.

**[CONSENT AGENDA ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2009-10-29-0851**

Item 10. AN ORDINANCE AWARDING A CONSTRUCTION CONTRACT TO 3TI, INC. IN THE AMOUNT OF \$1,184,500.00, FROM A TOTAL AUTHORIZED PROJECT AMOUNT OF \$1,460,192.00, FOR IMPROVEMENTS TO FOUR PUBLIC SWIMMING POOL FACILITIES AS

WELL AS IMPROVEMENTS TO JOE WARD PARK, ALL AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND PROJECTS LOCATED IN COUNCIL DISTRICT 7.

Councilmember Rodriguez asked of the timeline for said project. Mr. Frisbie replied that construction on the project would begin in November and should be completed by the summer of 2010. Councilmember Rodriguez expressed support and asked that he be kept abreast of developments on the project.

Councilmember Rodriguez moved to adopt the proposed ordinance. Councilmember Cortez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

**2009-10-29-0853**

Item 12. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$150,278.00 TO THE \$888,995.00 CONSTRUCTION CONTRACT WITH HIGH SIERRA ELECTRONICS, ADDING THREE SITES TO THE CONTRACT FOR THE SAN ANTONIO HIGH WATER DETECTION SYSTEM (HWDS)/EARLY FLOOD WARNING SYSTEM (EFWS) EXPANSION PROJECT FUNDED BY THE STORM WATER OPERATING FUND BALANCE; AND INCREASING THE FY 2010 STORM WATER OPERATING BUDGET.

Councilmember Cortez asked of the placement of the monitors and a timeline for completion. Majed Al-Ghafry replied that the monitors would be placed at the following locations: 1) San Pedro and Agarita; 2) Judson and Lookout Road; and 3) McCullough and Barbara. He noted that they began working on the project for all locations in mid-August and should be on-line by February, 2011.

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

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

**2009-10-29-0856**

Item 14. AN ORDINANCE AUTHORIZING THE PURCHASE OF AN AQUIFER-PROTECTION CONSERVATION EASEMENT ON A TRACT OF LAND TO BE KNOWN AS THE SENATOR FRANK L. MADLA, JR. NATURAL AREA IN BEXAR COUNTY, TEXAS FOR \$502,002.00 AS PART OF THE PROPOSITION THREE EDWARDS AQUIFER PROTECTION VENUE PROJECT.

Councilmember Cortez highlighted said item regarding the additional purchases to protect the aquifer. He stated that the Council was very committed to "Green Initiatives" through approval of said item and the amendment of the Unified Development Code in Item 21 relating to tree preservation and adequate canopy coverage. He asked staff of the naming of the conservation easement.

Kristyl Smith stated that in 2007, Representative Leibowitz had sponsored a \$1.125 million matching grant to create a memorial park in memory of Senator Frank L. Madla, Jr. She noted that Senator Madla served in public service for 30 years and supported the Toyota Plant and Texas A&M University San Antonio Campus. She explained that the initial grant deadline had been missed but had been reinitiated and pulled together within six months. She mentioned that the project was restricted to Bexar County and required a park component. She stated that this was an excellent partnership among the State, City of Grey Forest and City of San Antonio providing 42 acres of historic landmark.

Councilmember Cortez thanked everyone involved in the project and stated that he was pleased that the late Senator Frank Madla was being honored in this way. He noted that Senator Madla had greatly contributed to the South Side and spoke of his leadership in the community. Councilmember Ramos expressed her support and stated that she was pleased to honor the late Senator Madla. She noted that the area being purchased was located close to his family ranch and thanked staff for their continued work in protecting the Edwards Aquifer. Councilmember Williams thanked everyone for their work on the project and expressed support for renewing funding for Proposition One. Mayor Castro expressed his support and thanked everyone for their work on the project.

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

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

**2009-10-29-0859**

Item 18. AN ORDINANCE AUTHORIZING AN AMENDMENT TO A PUBLIC HEALTH EMERGENCY RESPONSE GRANT CONTRACT FOR ADDITIONAL FUNDS IN THE AMOUNT OF \$3,083,831.00 TO AUGMENT SUPPORT FOR LOCAL RESPONSE EFFORTS AGAINST NOVEL INFLUENZA A (H1N1); AND APPROVING CONTRACTS FOR RELATED SERVICES AND EQUIPMENT.

Councilmember Rodriguez asked of the estimated number of individuals that would receive the H1N1 vaccination. Charles Pruski reported that said item would provide the resources needed to support the schools, city-wide vaccination clinics, and providers throughout the community. Councilmember Rodriguez asked how staff would ensure that those that are high-risk receive the vaccine first. Mr. Pruski replied that the State of Texas was distributing the vaccinations directly to providers serving high-risk populations and that the Health Department was working closely with school districts regarding same. Councilmember Rodriguez thanked the Health Department for their work.

Councilmember Rodriguez moved to adopt the proposed ordinance. Councilmember Lopez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

**2009-10-29-0861**

Item 20. AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 16, LICENSES AND BUSINESS REGULATIONS, BY CREATING ARTICLE XVIII TO REGULATE THE TRANSPORTATION, STORAGE, RECORD KEEPING, AND PROPER DISPOSAL OF USED AND SCRAP TIRES.

David Garza presented said item and stated that it would address issues with abandoned and unregulated stockpiles of used and scrap tires that pose a serious fire hazard and threat to public safety. He explained that the ordinance would establish regulations and procedures for the safe transportation, appropriate storage, accurate recordkeeping, and proper disposal of used and scrap tires. He reported that an estimated 22,000 tires were removed by the city in FY 2008 at a cost of \$150,000-200,000. He outlined the general requirements of the ordinance that include: 1) Storage; 2) Permits; 3) Recordkeeping; 4) Transportation Requirements; 5) Disposal; and 6) Permit Revocation and Appeal.

Mr. Garza explained that used tires must be stored separately from scrap tires and that all tires stored outside must be screened from public view. He stated that a permit would be required with a one-time processing fee of \$25.00 and an annual fee thereafter of \$250.00. He noted that a log book must be maintained by all licensed facilities to provide information including the date the tires were received, whom they were received from, and the number of tires received. He outlined the transport vehicle requirements, noting that a \$50.00 fee per truck would be assessed for each permit issued. He mentioned that transporters could only dispose of scrap tires at an authorized site and must document the disposal in a manifest. He spoke of the Permit Revocation Process and stated that a permit could be revoked for violating provisions of the ordinance as well as other violations. He added that next steps included an outreach and education program for scrap tire facilities and transporters and that the registration process would begin on January 1, 2010 with enforcement beginning March 1, 2010.

Councilmember Medina thanked Mr. Garza for the presentation and noted that illegal dumping of tires was a serious issue. He stated that he was very passionate about the issue and had brought it to the attention of the City Council prior to being elected. Councilmember Ramos recognized Councilmember Medina for his efforts on said issue and spoke of the many properties throughout the city that needed to be cleaned up. She thanked staff for their proactive efforts and highlighted the recordkeeping requirements included in the ordinance.

Councilmember Taylor recognized Councilmember Medina for his leadership on said issue and thanked staff for their work. She asked that staff develop ways to incentivize recycling of the tires. Councilmember Lopez asked of the amount of time that tires could stay in storage before being disposed. Mr. Garza replied that there were storage requirements that must be adhered to and that staff would work with TCEQ to enforce the state regulation of 30-day storage. Councilmember Clamp thanked Councilmember Medina and staff for their work on said issue. He asked that staff monitor the monetary impact to the budget to ensure efficiency and effectiveness. He asked of tire recycling programs. Mr. Garza confirmed that tire recycling programs existed and would follow up with David McCary to provide information to the City Council.

Councilmember Medina moved to adopt the proposed ordinance. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

**2009-10-29-0862**

Item 21. AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 35, UNIFIED DEVELOPMENT CODE, RELATING TO TREE PRESERVATION AND ADEQUATE CANOPY COVERAGE WITHIN ENVIRONMENTALLY SENSITIVE AREAS.

Sheryl Sculley stated that she was pleased to present the amendment to Chapter 35 of the City Code, the Unified Development Code (UDC) and that approval of the amendment would improve the percentage of tree canopy within the community. She added that said item was Phase I and staff would be bringing Phase II in the future.

Rod Sanchez reported that the American Forests Urban Ecosystem Analysis had identified the loss of 7,600 acres of trees from 2001 to 2006. He added that the most significant loss was in the Edwards Recharge Zone with 3,200 acres of tree canopy lost. He noted that the current tree canopy was 38% and American Forests recommends a tree canopy of 40%. He stated that staff had been working with a Tree Stakeholder Committee and recommended the amendment of the Tree Preservation Ordinance in two phases to address the significant loss of tree canopy. He explained that Phase I would establish environmentally sensitive areas and Phase II would establish a tree canopy based preservation ordinance.

Mr. Sanchez reported the current preservation standards, noting that the survey method for significant trees six inches or greater required the protection of 35% of trees for residential and 40% of trees for commercial development. He stated that a protected tree could be removed through mitigation at a 1:1 ratio up to 90%; with 80% preservation required in the floodplain. He reported that heritage trees 24" or greater must be preserved at 100% and that mitigation was allowed at a 3:1 ratio up to 90%. He explained that the amendment would identify environmentally sensitive areas to include those with a 20% slope or greater. Additionally, it would establish a buffer around a floodplain; 60-foot wide if over the Edwards Recharge and Contributing Zone and 30-foot wide elsewhere in the City and Extraterritorial Jurisdiction (ETJ). He noted that the amendment would also provide for the following: 1) Preservation of 80% of significant trees; 2) Remove the exclusion of rights of ways and easements; and 3) Allow preservation of environmentally sensitive areas to count toward requirements on the remainder of the site.

Mr. Sanchez stated that they had coordinated the amendments with Texas Parks and Wildlife, SAWS, US Army/Fort Sam Houston, City Attorney's Office, and the Tree Stakeholder Committee. They also received a positive recommendation from the Planning Commission and the Infrastructure and Growth Council Committee. He added that Phase II amendments would be brought forth in February and would address the agricultural exemption; residential homestead exemption; significant loss of tree canopy; and the American Forests' recommendations.

Mayor Castro called on the individuals registered to speak.

Richard Alles representing the Citizens Tree Coalition stated that he was pleased to be in attendance and was in support of the ordinance to protect environmentally sensitive areas. He noted that the ordinance was greatly needed due to the fact that a significant amount of the habitat in Bexar County had been destroyed. He requested that staff evaluate the impact of grandfathering and spoke in support of the 55% canopy cover over the recharge zone that was recommended by American Forests.

Lindsay Ratcliffe spoke in support of the amendments to the tree preservation ordinance and UDC. She noted that protecting the buffers near creeks and floodplains would ensure water quality in the San Antonio River and local watersheds. She mentioned that the revised ordinance would enhance visitor's experience throughout the city.

Bruce McDougall provided a letter of support for said item from Rollette Schreckenghost, President of the San Antonio Conservation Society. Ms. Schreckenghost wrote that the amendments would provide positive changes to the development rules that would result in the saving of more trees. She wrote that they appreciated the leadership of staff and the input from the Tree Stakeholder Committee. Lastly, she highlighted the benefits to water quality, the ecosystem, and the overall environment.

Wendy Baron asked the Council to support the ordinance and stated that the city was in need of additional trees.

Jeanne Marie Donaldson stated that she was in support of the tree preservation ordinance and thankful for the opportunity to speak. She noted that she valued the shade provided by trees and asked the Council to vote in favor of the ordinance.

George Rice spoke in support of the tree preservation ordinance and stated that it would protect the trees, wildlife, and water quality. He added that it would help protect Camp Bullis and asked the City Council to vote in support.

Loretta Van Coppenolle stated that she was speaking as the Conservation Chair of the Alamo Group of the Sierra Club in support of the tree preservation ordinance. She asked that all of the City of San Antonio be considered as environmentally sensitive due to the climate. She spoke of the extreme drought and the high rainfall and noted that the two extremes could be mitigated with a better distribution of trees. She expressed concern that the majority of the Tree Stakeholder Committee was comprised of developers and asked that there be a more even distribution of membership. She stated that the environment should be preserved and spoke of the importance of trees to the quality of life.

Ms. Vacek reported that 14 written testimonies were received in favor of Item 21 and were on file with the Office of the City Clerk.

Councilmember Ramos recognized staff for their work to protect the environment and asked of the percentage of tree canopy recommended by American Forests. Mr. Sanchez replied that the study had an overall 40% tree canopy recommendation but that percentage requirements differed for the ETJ and CDBG areas and were still a work in progress. He stated that they would utilize the study as a guide to work toward future amendments. Councilmember Ramos asked of the representation on the Tree Stakeholder Committee. Mr. Sanchez stated that it consisted of ten individuals representing the Real Estate Council, Greater San Antonio Builders Association, and Neighborhood Associations, among others. He noted that it was balanced with five individuals representing business interests and five

representing environmental interests. He mentioned that no new members would be added to the Committee but that the meetings were open to the public and the Committee welcomed input from the community.

Councilmember Ramos spoke of the importance of protecting Camp Bullis and recognized Mayor Castro for implementing the recommendations of the Joint Land Use Study. Councilmember Cisneros also recognized Mayor Castro for his leadership on said issue and mentioned that she had received many letters of support from the community regarding the tree amendment. She asked of the percentage of tree preservation required by the proposed ordinance. Mr. Sanchez stated that developers would be required to preserve 100% of heritage trees and 80% of significant trees and that there would be no mitigation allowed for environmentally sensitive areas. He noted that environmentally sensitive areas included those with steep slopes of 20% or greater and that the floodplain buffer was 60-foot wide in the Edwards Recharge and Contributing Zone and 30-foot wide elsewhere in the city and ETJ. Councilmember Cisneros asked when the city would devise their tree canopy goal. Mr. Sanchez replied that the action being taken today would address the areas around Camp Bullis and that other recommendations of the American Forests Report would be addressed in Phase II.

Councilmember Cisneros asked of the impact of grandfathering. Mr. Sanchez stated that it was difficult to assess and could not be identified until evidence of vesting was provided by a developer. He noted that 26,000 acres had been identified in the city and ETJ with steep slopes that would be protected. Councilmember Cisneros read a letter of support from Mariana Ornelas of the Dellview Area Neighborhood Association. Ms. Ornelas wrote that the city was in desperate need to save more trees due to the increasingly diminishing tree canopy. She expressed concern with the lack of protection for areas with no significant trees and the use of grandfathering to circumvent the rules. Councilmember Williams recognized Mayor Castro for his leadership on said issue and thanked city staff for addressing tree preservation. He stated that working under the forestry service was the right framework but cautioned moving to a new system instead of working on problems with the existing system. He encouraged staff to solve problems with the current system to achieve the canopy levels indicated by the studies. Mr. Sanchez stated that they would work with the Tree Stakeholder Committee to develop the best recommendations for the city.

Councilmember Lopez expressed support for said item and asked if consistency across corridors would be addressed in Phase II. Mr. Sanchez stated that the American Forests Report identified different canopy percentages for different areas. He noted that some gaps could exist due to vesting rights but would address the issue with the Tree Stakeholder Committee in Phase II. Councilmember Rodriguez spoke of the American Forests Report and the significant loss of tree canopy. He stated that he was thankful to staff and the Tree Stakeholder Committee for working to rectify some of the losses and preserving the quality of life. He asked that staff monitor the impact on the Edwards Aquifer and Federal air quality attainment levels. He expressed his support for said item and thanked Mayor Castro for his leadership.

Councilmember Clamp asked of the agricultural and homestead exemptions that would be addressed in Phase II. Mr. Sanchez stated that they were looking at requiring that a certain percentage of canopy or amount of inches be left or planted on a site after development is completed. Councilmember Clamp asked of a requirement to plant trees in areas that naturally did not have trees. Mr. Sanchez replied that they were reviewing that option. Councilmember Clamp spoke of the city's Tree Mitigation Fund and the importance of identifying areas to plant trees. Mr. Sanchez stated that the Tree Mitigation Fund was

administered by the Parks and Recreation Department and would have them follow up. Mayor Castro thanked city staff and the Tree Stakeholder Committee for their work on said item and stated that this was an important addition to the tree preservation ordinance. He noted that the Council was committed to protecting the mission of Camp Bullis and enhancing environmentally sensitive areas.

Councilmember Ramos moved to adopt the proposed ordinance. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

**2009-10-29-0868**

Item 26. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CAROLYN ARNOLD COMMUNICATIONS CONSULTANT, INC. TO PROVIDE CONSULTING SERVICES FOR AUDITING TELECOMMUNICATIONS BILLINGS TO FIND INSTANCES OF OVERPAYMENT AND ERRONEOUS BILLING AND RECOVERING THOSE AMOUNTS FOR THE CITY.

Councilmember Clamp asked for information on how the funds would be spent. Richard Varn stated that a performance audit would be conducted and that 60% of the amount of funds recovered through the audit would be kept by the city. He noted that the audit would look for errors or misbillings in the city's telecommunications contracts. He reported that four bids had been received and that the bid was being awarded to a local, woman-owned business. He spoke of her experience and stated that it would be her responsibility to advocate and seek recovery of misbillings on the city's behalf.

Councilmember Clamp expressed support and stated that the savings would be significant. He asked staff of creating a full-time position in the future to provide this work. Mr. Varn stated that they would pursue those opportunities but it would be challenging due to the specialization of the task. Councilmember Clamp spoke of the opportunity to partner with CPS and SAWS for such an agreement for a permanent, long-term solution.

Councilmember Clamp moved to adopt the proposed ordinance. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

**2009-10-29-0869**

Item 27. AN ORDINANCE AUTHORIZING THE CITY TO NEGOTIATE AND EXECUTE A TAX ABATEMENT AGREEMENT WITH TOYOTA MOTOR MANUFACTURING TEXAS, INC. (TMMTX) FOR A TERM OF TEN YEARS.

Councilmember Cisneros recused herself from Item 27 by exiting the Council Chambers and noting that she had submitted the recusal forms to the City Clerk.

Councilmember Ramos highlighted said item and stated that it was a great investment for the City of San Antonio. AJ Rodriguez stated that the Tax Abatement Agreement with Toyota required a living wage of \$10.60 per hour and expected that it would be higher than that. He noted that the agreement called for the creation of 1,000 jobs and the retention of 1,800 jobs. Councilmember Ramos stated that she was proud of Toyota's investment in the South Side of San Antonio and for the impact to the city's workforce.

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

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSTAIN:** Cisneros. **ABSENT:** None.

### **Item 28. CITY MANAGER'S REPORT**

#### **A. CHIEF FINANCIAL OFFICER OF THE YEAR AWARD FOR BEN GORZELL BY THE SAN ANTONIO BUSINESS JOURNAL**

Ms. Sculley reported that Ben Gorzell had been selected as the Chief Financial Officer of the Year in the Government Category by the San Antonio Business Journal. She recognized Mr. Gorzell for his work and leadership in the Finance Department.

The Mayor and Councilmembers congratulated Mr. Gorzell on his award. Mr. Gorzell thanked the Mayor and Councilmembers for their leadership and support. He thanked Ms. Sculley for nominating him for the award and recognized the Finance staff for their work.

#### **B. UPDATED CITY OF SAN ANTONIO WEBSITE**

Ms. Sculley stated that the City of San Antonio had launched a new website that was more user-friendly and incorporated the City's branding. She thanked the staff that worked on the project and noted that it would be continuously improved.

Councilmember Ramos stated that the website looked great and was user-friendly. At this time, she invited everyone to attend a Fall Festival that would be held this weekend at Blessed Sacrament Academy and added that there would be free flu shots available. Councilmember Cisneros requested an update on the National League of Cities Conference that would be held in San Antonio in November at the next meeting.

Mayor Castro recessed the meeting at 11:15 am and noted that the meeting would resume at 6:00 pm for Citizens to be Heard.

## CITIZENS TO BE HEARD

Councilmember Clamp reconvened the meeting at 6:04 pm and called on the individuals registered to speak.

Dee Villarubia addressed the Council and spoke in opposition to nuclear energy. She expressed concern with the \$4 billion cost overrun for the South Texas Nuclear Project. She alluded to the information that had been withheld from the City Council. She stated that the citizens would have to pay for cost overruns through rate increases and spoke of the lack of trust for CPS Energy. She noted that Moody's Investor Service had lowered CPS Energy's outlook to negative and expressed concern with the disposal of nuclear waste. She spoke in support of solar and wind energy.

Former Councilmember Maria A. Berriozabal expressed concern that there was not a quorum of the City Council present. She stated that it was the responsibility of the City Council to listen to the concerns of citizens and spoke of the importance of the Citizens to be Heard portion of the meeting. She reported that she had served on the City Council for 10 years and never missed Citizens to be Heard. She mentioned that it was important to have city staff present to address citizen concerns. She spoke of the lack of trust in CPS Energy and thanked the Mayor and Council for postponing the vote on nuclear energy. She mentioned that she was shocked that CPS Energy had not informed the City Council of the cost overrun. She provided a paper prepared by Energia Mia, the Lone Star Chapter of the Sierra Club, Seed Coalition, Esperanza Peace and Justice Center, and Public Citizen regarding utilizing renewable energy.

Mariana Ornelas spoke in opposition to nuclear energy and thanked the City Council for postponing the vote on the expansion of the South Texas Nuclear Project. She expressed concern that CPS Energy withheld critical information regarding cost overruns on the project and asked that the project be abandoned. She spoke of the complaint filed with the Atomic Safety Energy Licensing Board and asked that the City Council listen to the community's opposition to nuclear energy.

Tom Keene thanked the Councilmembers that were present and spoke in opposition to nuclear energy. He expressed concern with nuclear waste and asked the City Council to keep the well-being of citizens in mind when making a decision.

Mayor Castro entered the meeting at this time.

Christine Breit stated that she was a student at Trinity University and spoke in opposition to nuclear energy. She noted that there were many health and safety risks associated with nuclear energy and referenced the great investment in projects such as the Riverwalk and Convention Center that could be negatively impacted by nuclear energy. She stated that the reliance on nuclear energy would severely deter jobs and individuals from moving to San Antonio. She expressed support for renewable energy.

Imelda Morales stated that she represented many individuals in the community in opposition to nuclear energy. She noted that she had five grandchildren and did not want them to live in a world that was unsafe. She spoke in support of solar energy and green jobs. She expressed concern with nuclear accidents that could occur and asked the City Council to listen to the community and vote no to nuclear energy.

Ray McDonald thanked the Councilmembers that were present and spoke in opposition to nuclear energy. He expressed concern with the costs and risks associated with nuclear energy. He stated that more green jobs and other good paying jobs should be brought to San Antonio.

Jessica Guerrero, Amanda Haas, and Graciela Sanchez representing the Esperanza Peace and Justice Center spoke in opposition to nuclear energy. Ms. Sanchez stated that she was disappointed that there was not a quorum of the City Council present and expressed concern that the Citizens to be Heard portion of the meeting was not broadcast on television. She spoke of the cost overruns and health and safety issues associated with nuclear waste. Amanda Haas expressed concern with the common belief that a solution to nuclear waste would come in the next 50 years. She spoke of the risks and health issues associated with the mining process and noted that many individuals had become ill due to same. She asked the Council to vote against nuclear energy.

Alice Canestaro-Garcia thanked the Councilmembers that were present and spoke in opposition to nuclear energy. She expressed concern that CPS Energy withheld important information regarding cost overruns on the South Texas Nuclear Project from the City Council. She commended State Representative Mike Villarreal for supporting legislation to help individuals become effective renewable energy consumers.

Nick Calzoncit stated that he supported the comments made by Former Councilmember Maria Berriozabal and Graciela Sanchez in regard to nuclear energy. He expressed concern with the School of the Americas noting that the school was located in Georgia and trained Latin American soldiers. He spoke of the killings and other crimes committed by the soldiers when they returned to their countries. He stated that the 10<sup>th</sup> Annual Peace Gathering would be held from November 20-22, 2009 at the school in Georgia. He spoke of cities that have taken over the administration of school districts asked the City Council to assist the Harlandale School District. He expressed concern with the 57% dropout rate in the school district and the bribes allegedly accepted by Harlandale School Board Members.

Raymond Zavala spoke in opposition to nuclear energy and expressed concern with the actions of CPS Energy and the City Council. He asked that the ratepayers not be burdened with rate increases and expressed concern that the voice of the citizens had not been heard. He asked that the election signage that was still posted be removed by the past candidates. He expressed concern that the city had not received the Lockheed Martin contract.

Kelly Andersen, Karrie Kern, and Erin Vandenberghe representing the Zimbabwe Conservation Task Force presented a video of Lucky the Elephant that demonstrated the animal's deplorable living conditions at the San Antonio Zoo. Ms. Anderson stated that she understood that there were many issues that the City Council were faced with but requested their assistance in ensuring that the San Antonio Zoo take responsibility for Lucky. She expressed concern that Lucky was forced to live alone in a small living area. She stated that animal cruelty should not be tolerated and that Lucky was running out of time. She requested that another elephant not be brought in to live with Lucky due to the lack of care it would receive.

Cynthia Weehler expressed concern that CPS Energy did not divulge important information regarding cost overruns on the South Texas Nuclear Project and asked that the CPS Energy Staff responsible be dismissed. She asked that the City Council make good energy decisions for the community and that the community commit to working with city leaders. She noted that the energy plan should protect water,

bring jobs, and positively affect the economy. She spoke in support of smaller and more diverse energy projects and referenced an article in "Scientific American" written by a civil engineer and scientist that discussed same. She asked of the 1.5% rate increase that was not approved last year and spoke of the health and safety risks associated with nuclear waste.

Jack Elder thanked the City Council for postponing the vote on nuclear energy and expressed concern with the management at CPS Energy. He stated that he would like for his grandchildren to have a bright future and asked that other viable energy options be explored.

Karen Weehler stated that she was not surprised with the information regarding cost overruns withheld from CPS Energy. She noted that Express News reporters had done a good job of providing information to the community and the City Council should have been aware of the low estimate. She spoke of the green energy opportunities available to the City of San Antonio.

Faris Hodge, Jr. expressed concern with the financial information withheld by CPS Energy. He expressed concern that the fire extinguishers in schools were not being inspected by the Fire Department. He spoke in support of solar and wind energy and asked that more information be provided to the community regarding the Baby Moses Law. He expressed concern with the approval of the Crosspoint zoning case. He stated that he was in favor of the review being conducted of the Police Department.

Barbara Murray and Larry Skwarczynski representing Veterans for Peace addressed the Council in opposition to nuclear energy. Ms. Murray spoke of refurbished and new homes in Austin that utilized solar energy and windtricity and were able to sell electricity back to the Austin utility company. She expressed concern with the School of Americas and the serious crimes committed by the soldiers trained at the school. She stated that she was horrified by the elephant exhibit at the San Antonio Zoo and spoke of the inadequate environment and surroundings of Lucky, the Elephant. She noted that the sanctuary in Tennessee was willing to pay all expenses related to transferring Lucky to their facility and asked that the San Antonio Zoo allow the transfer. Mr. Skwarczynski stated that he was a representative of Veterans for Peace in support of all that had been stated in opposition to nuclear energy. He requested a Resolution to close the School of Americas in Fort Benning, Georgia that he considered to be a terrorist training camp. He mentioned that information could be found at soaw.org and that the school had been renamed as the Western Hemispheric Institute for Social Cooperation.

David Klar thanked the Councilmembers for being present and for approving Item 21 relating to tree preservation. He spoke in opposition to nuclear energy and expressed concern with the withholding of critical information from the City Council by CPS Energy. He stated that he was aware that the costs of the nuclear project would be higher than anticipated and spoke of the decrease in the CPS Energy bond rating. He requested that new leadership be implemented at CPS Energy.

George Darty introduced his daughter Rachel that had cerebral palsy and stated that there should be more community support for non-smokers. He expressed concern that smoking was allowed in public places including bowling alleys, bus stops and the area in front of grocery stores. He spoke of the health risks associated with smoking and the negative effects of second-hand smoke.

**ADJOURNMENT**

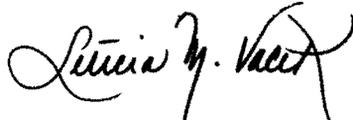
There being no further discussion, Mayor Castro adjourned the meeting at 7:18 pm.

**APPROVED**



**JULIÁN CASTRO  
MAYOR**

Attest:



**LETICIA M. VACEK**  
City Clerk