

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

A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WERE HELD IN THE MUNICIPAL PLAZA BUILDING, WEDNESDAY, JUNE 9, 2010 AND THURSDAY, JUNE 10, 2010, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **June 9, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Clamp, and Mayor Castro. **ABSENT:** Cortez and Chan. Mrs. Vacek noted that Councilmember Chan was out of the country.

1. PRESENTATION ON THE PROPOSED NEW SBEDA ORDINANCE, WHICH ADDRESSES DISPARITIES IN CONTRACTING WITH SMALL, MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES (SMWBEs) AS EVIDENCED BY THE CITY'S 2009 DISPARITY STUDY, ITS 2010 UPDATE, AS WELL AS RELATED PUBLIC COMMENT.

Rene Dominguez, Assistant Director of the International and Economic Development Department presented the proposed Small Business Economic Development Advocacy (SBEDA) Ordinance. He stated that the purpose of the ordinance was to empower Small, Minority, and Women-Owned Business Enterprises (SMWBE) by providing more contracting opportunities and making the process less administrative and onerous. He noted that it would establish an enhanced and more focused program, while promoting economic inclusion. He outlined the Central Vendor Registration (CVR), a mandatory, annual on-line registration system for prospective vendors that would be implemented within 12 months. He reported that it would be used as a tool to communicate with prospective vendors on procurement opportunities integrated with current systems.

Mr. Dominguez spoke of the Goal Setting Committees that would be established for each Business Industry that would consist of the City Manager or Designee, Small Business Office Staff, Purchasing and CIMS Department Staff, Representative from the managing department issuing the solicitation, and Two Small Business Advocacy Committee (SBAC) Members. The Committees' purpose will be to establish goals and help identify subcontracting category opportunities. Additionally, the Committees will review solicitations to determine application of Affirmative Procurement Initiatives (APIs) and monitor policy effectiveness.

Mr. Dominguez provided a handout outlining the APIs and stated that they were race-neutral and race-conscious tools to promote the participation of small businesses in the contracting process. He noted that all APIs would be considered by the Goal Setting Committees and that various criteria would be evaluated as part of the decision making process. He spoke of the Project Summary Worksheets that would be utilized by the Goal Setting Committees and provided examples. He reported that they would implement an Emerging Small Business Enterprise (ESBE) Certification for very small businesses (25% or below the SBE size standard). He stated that work groups would research and recommend best strategies for the creation and implementation of a Mentor-Protégé and Bonding Assistance Programs.

Mr. Dominguez concluded the presentation by noting that new SBEDA Program Initiatives were only applicable to San Antonio Metropolitan Statistical Area (SAMSA) Contractors consisting of the counties of Bexar, Atascosa, Bandera, Comal, Guadalupe, Kendall, Medina, and Wilson. He stated that to qualify for the program, an SMWBE must be headquartered or have a significant business presence for at least one year within the Relevant Marketplace.

Mayor Castro asked of the information that the City Council had requested regarding Minority, Women-Owned firms. Mr. Dominguez replied that a memo had been provided to the City Council and that the Minority, Women-Owned firms made up less than one percent of their ethnic categories. He mentioned that the data was taken from 2004-2007 and that the new ordinance could only use information from the Disparity Study that had recently been completed. He added that through the CVR, they would track Minority and Non-Minority, Women-Owned firms as separate groups in the future.

Councilmember Rodriguez thanked everyone that participated in the process and expressed support for the new SBEDA Ordinance. He stated that although there had been progress made with respect to SMWBEs, he believed that within the Professional Services category, points should be awarded to Minority-Owned Businesses that may not meet the definition of a Small Business. Councilmember Lopez asked of the implementation of the CVR. Mr. Dominguez reported that various trade organizations had indicated that their priority would be to promote registration in the CVR. He noted that currently, businesses register with the city in a Master Database and that information will be transferred to the CVR. He stated that the department budget included funding to perform outreach to the community and that the new ordinance would be effective in January, 2011. Mr. Dominguez also noted that they will track aspirational goals and that a Disparity Study will be conducted every four years from today forward.

Councilmember Lopez asked of outreach for proper coding of small businesses. Mr. Dominguez replied that when businesses register, they are able to select the abilities and scope of work that they are capable of performing. He added that a review would be conducted by the Goal Setting Committee to determine availability. Councilmember Lopez asked of the Mentor-Protégé Program. Mr. Dominguez stated that the program had not been finalized but a Work Group would be convened to determine goals. Additionally, there will be incentives for participating businesses. Councilmember Taylor asked of the timeline for the Mentor-Protégé Program. Mr. Dominguez replied that their priority would be the CVR and that the Mentor-Protégé Program would likely be implemented in Fall, 2011. Councilmember Taylor requested that the Work Groups for the Mentor-Protégé Program be convened concurrently with the implementation of the CVR. She asked of the Goal Setting Committees. Mr. Dominguez replied that the Goal Setting Committees would assist with the planning process and noted that the SBAC Members serving on the Committees could provide input but would not have the ability to vote.

Councilmember Williams recognized Doug McMurray of the Associated General Contractors. Mr. McMurray stated that the Mentor-Protégé Program was a two-year intensive program based on a national model. He added that they partnered with Bexar County and were extending the offer to the City of San Antonio. Councilmember Williams thanked the Associated General Contractors for their work. Councilmember Ramos asked of the data collection for the Disparity Study. Mr. Dominguez reported that the data indicated that disparity still exists and that there is more work to be done. Councilmember Ramos asked of outreach for the CVR. Mr. Dominguez stated that they would work

with the Regional Certification Agency and trade organizations to get the message to the community. Councilmember Ramos encouraged businesses that pull permits and Certificates of Occupancy to register in the CVR. She asked of the ex-officio status of SBAC Members on the Goal Setting Committees. Mr. Dominguez replied that their role was to ensure that the city was being aggressive in meeting the specified goals. He added that allowing the SBAC Members to vote could be a conflict of interest.

Councilmember Cisneros thanked staff for their work on the Study and the proposed SBEDA Ordinance. She expressed concern with the composition of the Goal Setting Committees, noting that the SBAC Members should have the ability to vote. Franklin Lee of Tydings and Rosenberg, LLP stated that one of the concerns was that many of the SBAC Members are from the business community and would have early access to information. Ms. Sculley stated that they were reviewing the staffing requirements of the program and possible redirections. Councilmember Cisneros spoke of the importance of outreach to businesses regarding the CVR and requested that only one certification agency be utilized.

Councilmember Cisneros asked of the review timeline of the proposed SBEDA Ordinance. Mr. Dominguez reported that it would be reviewed twice per year for the first two years and annually thereafter. Councilmember Medina thanked everyone for their work and spoke of his concern regarding non-voting SBAC Members. Mr. Dominguez responded that the issue was that they would review all of the solicitations prior to their release and may be familiar with the contractors. Deputy City Manager AJ Rodriguez added that in their research, they had not found that any community members served on Goal Setting Committees. Councilmember Medina stated that the CVR would be a great tool to track utilization and asked of using it at Community Link Centers. Mr. Dominguez replied that they would definitely consider that as a resource.

Councilmember Clamp asked of the make-up of the Goal Setting Committees. Mr. Dominguez replied that up to five Goal Setting Committees would be formed to review over 600 solicitations and that their commitment was to attend monthly meetings. Councilmember Clamp stated that he was not convinced that it was the right approach to take and would like to discuss further. Mayor Castro congratulated staff for reaching the end of a long process and stated that the process has never been perfect and the data could always be improved. He noted that as a community, we must acknowledge successes and deficiencies. He spoke of the importance of the CVR and asked that implementation be accelerated. He confirmed that an annual report on the composition and utilization of vendors would be provided to the City Council. He asked staff to continue to work on the composition of the Goal Setting Committees. He also asked of the information provided on the chart of Minority, Women-Owned businesses from 2004-2007. Mr. Dominguez replied that the numbers provided were based on availability and not utilization. Mayor Castro expressed concern that the original data was buried and spoke of the importance of understanding the deficiencies. Mr. Dominguez stated that the CVR will now capture Minority, Women-Owned businesses as a subset.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 3:36 pm to convene in Executive Session for the purposes of:

A. DISCUSS LEGAL ISSUES RELATED TO THE FIRE COLLECTIVE BARGAINING AGREEMENT, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

B. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND RELATED ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.087 (ECONOMIC DEVELOPMENT).

Mayor Castro reconvened the meeting at 4:11 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action. There being no further discussion, Mayor Castro adjourned the meeting at 4:11 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **June 10, 2010** at 9:00 am in the City Council Chambers.

ROLL CALL

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, Clamp, and Mayor Castro. **ABSENT:** Chan. Mrs. Vacek noted that Councilmember Chan was out of the country.

Item 1. The Invocation was delivered by Rev. Dr. Dale Tremper, Executive Director, Corazon Ministries, Travis Park United Methodist Church, guest of Councilmember Mary Alice P. Cisneros, District 1.

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

POINT OF PERSONAL PRIVILEGE

Mayor Castro presented a Proclamation in recognition of the Texas Folklife Festival. Lupita Barrera thanked Mayor Castro and the City Council for their support and noted that they were celebrating the 39th Year of the Texas Folklife Festival. Councilmember Cisneros encouraged all to attend the event and thanked Ms. Barrera for the t-shirts that were provided.

Councilmember Rodriguez recognized James Martinez of the American Lung Association. Mr. Martinez invited all to participate in the Inaugural Climb of the American Lung Association on Saturday, June 12, 2010 at the Weston Center. He reported that more than 250,000 individuals suffer from Lung Disease and their organization provides awareness courses, tobacco cessation, and support groups. He thanked the City of San Antonio for serving as a sponsor of the event and recognized Councilmember Rodriguez for his participation.

Councilmember Cortez recognized Dr. Norman Kalmin, President and CEO of the South Texas Blood and Tissue Center who was retiring after 27 years of service. Councilmember Cortez thanked Dr. Kalmin for his service to the community and highlighted his extensive work experience. He noted that Dr. Kalmin had published numerous articles and conducted presentations throughout the country. Councilmember Cortez also thanked Dr. Kalmin's wife, Jenny Kalmin, for her support. Mayor Castro

presented Dr. Kalmin with a Certificate of Official Congratulations. He thanked Dr. Kalmin for his 27 years of dedicated service to the community and spoke of Dr. Kalmin's great work for the South Texas Blood and Tissue Center. He noted Dr. Kalmin's exemplary leadership in the field of blood banking, pathology, and laboratory medicine. Dr. Kalmin thanked the Mayor and Council for their support and recognized Former Mayor Henry Cisneros for his assistance. He also thanked Dr. Fernando Guerra for his service to their Board of Directors. Dr. Guerra recognized Dr. Kalmin for his efforts to ensure safety and availability of blood supply for the South Texas Region.

Item 3. MINUTES

Councilmember Cisneros moved to approve the Minutes for the May 17 and May 18, 2010 Special City Council Meetings. Councilmember Clamp seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read Items 4A, B and C:

Item 4. CONSIDERATION OF THE FOLLOWING RELATED TO KOHL'S DEPARTMENT STORES:

2010-06-10-0499

- A. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE DESIGNATING THE KOHL'S REINVESTMENT ZONE, LOCATED AT 10000 ROGERS RUN, SAN ANTONIO, TEXAS, IN COUNCIL DISTRICT 6.

2010-06-10-0500

- B. AN ORDINANCE APPROVING A TAX ABATEMENT AGREEMENT WITH KOHL'S DEPARTMENT STORES, ABATING 50% OF AD VALOREM TAXES FOR 6 YEARS ON NEW REAL AND PERSONAL PROPERTY IMPROVEMENTS OF APPROXIMATELY \$18 MILLION IN THE KOHL'S REINVESTMENT ZONE.

2010-06-10-0028R

- C. A RESOLUTION NOMINATING KOHL'S DEPARTMENT STORES FOR DESIGNATION AS A TEXAS ENTERPRISE PROJECT.

Ed Davis, Economic Development Assistant Director presented Items 4A, 4B and 4C and stated that Kohl's would create 1,065 new jobs over the next three years and begin operations at its new facilities in San Antonio by October 2010. He reported that Kohl's planned to invest \$18 million and would have a net fiscal impact of \$1,969,603 to the city. He stated that the city had offered Kohl's a 6-Year, 50% Tax Abatement, and nomination as a Texas Enterprise Project. He noted that Bexar County was providing a 6-Year, 60% Tax Abatement, while the State was providing \$825,000 from the Texas Enterprise Fund. He added that the 6-Year term of the Agreement would commence on January 1, 2011.

Mayor Castro opened the public hearing and called upon Nazirite Ruben Flores Perez to speak. Mr. Perez stated that he was in support of Kohl's plan.

Councilmember Lopez expressed his support and stated that he was pleased with the investment by Kohl's. He spoke of the many businesses that were locating in San Antonio due to the great infrastructure. Councilmember Cisneros also thanked Kohl's for their investment in San Antonio and spoke of the great impact to the community. She stated that the incentives would exceed their value and thanked everyone involved in the process. Mayor Castro thanked Kohl's for their investment in San Antonio and for the many jobs that would be created.

Mayor Castro closed the public hearing.

Councilmember Lopez moved to adopt the proposed Ordinances for Items 4A and 4B and approve the Resolution for Item 4C. Councilmember Cisneros seconded the motion.

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

CONSENT AGENDA ITEMS 5-25

Consent Agenda Items 8, 12A, 12B, 13, 15A, 15B, 21, and 25 were pulled for Individual Consideration. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Clamp seconded the motion.

Faris Hodge, Jr. submitted written testimony in opposition to Item 6, acceptance of the offer from GT Distributors, Inc. to provide 100 taser devices and accessories to the San Antonio Police Department. He wrote in support of Items 7-11, 15-16, and 19-22.

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

2010-06-10-0501

Item 5. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING CONTRACTS IN THE ESTIMATED ANNUAL AMOUNT OF \$1,120,000.00: (A) BIKEWORLD FOR BICYCLE REPAIR PARTS AND ACCESSORIES, (B) SAN ANTONIO BELTING & PULLEY CO. FOR INDUSTRIAL HOSE & FITTINGS: HYDRAULIC, AIR, WATER AND FUEL, (C) HESSELBEIN TIRE SOUTHWEST, A TO Z TIRE AND BATTERY, INC., SOUTHERN TIRE MART, SOUTHERN TIRE MART (ALTERNATE), GCR TIRE CENTERS AND T & W TIRE, LLC FOR TRUCK AND INDUSTRIAL TIRES, (D) SOUTHWEST WHEEL FOR MUD FLAPS AND (E) TUTOR.COM, INC. FOR INTERNET TUTORING SERVICES.

2010-06-10-0502

Item 6. AN ORDINANCE ACCEPTING THE OFFER FROM GT DISTRIBUTORS, INC. TO PROVIDE 100 CONDUCTIVE ENERGY DEVICES (TASER®) AND ACCESSORIES TO THE SAN ANTONIO POLICE DEPARTMENT FOR A TOTAL COST OF \$101,545.83, FUNDED BY THE CONFISCATED PROPERTY FEDERAL ACCOUNT FUND.

2010-06-10-0503

Item 7. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$59,032.69 TO THE \$470,602.91 CONSTRUCTION CONTRACT WITH M.J. BOYLE GENERAL CONTRACTOR, INC. FOR THE SPANISH GOVERNOR'S PALACE IMPROVEMENTS PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 1, USING PRIOR APPROVED PROJECT CONTINGENCY FUNDS.

2010-06-10-0505

Item 9. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO E-Z BEL CONSTRUCTION LLC IN THE AMOUNT OF \$1,191,979.72, OF WHICH \$45,711.26 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS AND \$21,749.00 WILL BE REIMBURSED BY CPS ENERGY, FOR THE OAK GLEN/HASKIN LOW WATER CROSSING, PHASE I PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 10.

2010-06-10-0506

Item 10. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$150,053.00 TO THE \$1,560,952.72 PROFESSIONAL SERVICES AGREEMENT WITH BAIN MEDINA BAIN, INC., ALL OF WHICH WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM (SAWS), FOR ADDITIONAL SAWS DESIGN SERVICES WITHIN THE PROJECT AREA FOR THE MARBACH DRAINAGE, PHASE II A (MILITARY TO WEST OF RAWHIDE) PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND PROJECT LOCATED IN COUNCIL DISTRICT 6.

Item 11. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE PHIL HARDBERGER PARK PROJECT, LOCATED IN COUNCIL DISTRICTS 8 AND 9:

2010-06-10-0507

- A. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO THE SABINAL GROUP, LLC IN THE AMOUNT OF \$1,739,000.00 FOR THE PHIL HARDBERGER PARK PHASE 1B PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT WITH ADDITIONAL FUNDING FROM A PRIOR AUTHORIZED TEXAS PARKS AND WILDLIFE DEPARTMENT GRANT.

2010-06-10-0508

- B. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE DECREASED AMOUNT OF \$25,988.88 TO THE \$1,665,669.83 CONSTRUCTION CONTRACT WITH SHORTY, INC. DBA CHARLIE & COMPANY FOR THE PHIL HARDBERGER PARK PHASE II PROJECT, AN AUTHORIZED 2009 TAX NOTES FUNDED PROJECT.

2010-06-10-0509

- C. AN ORDINANCE AUTHORIZING AN EASEMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND SOUTHWESTERN BELL TELEPHONE COMPANY TO RELOCATE EXISTING ABOVE GROUND TELEPHONE LINES BELOW GROUND IN THE PHIL HARDBERGER PARK PARCEL OFF NW MILITARY HWY.

2010-06-10-0513

Item 14. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF A PORTION OF EDENBRIDGE BOULEVARD RIGHT OF WAY INTERSECTING NORTHERLY FROM RICHLAND HILLS DRIVE ADJACENT TO NCB 15329, IN COUNCIL DISTRICT 6, AS REQUESTED BY COPT WESTPOINTE 3A, L.P. AND COPT WESTPOINTE 4, L.P. FOR A FEE OF \$68,300.00.

Item 16. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO REAL ESTATE TRANSACTIONS WITH BROOKS DEVELOPMENT AUTHORITY AT BROOKS CITY-BASE LOCATED IN COUNCIL DISTRICT 3.

2010-06-10-0516

- A. AN ORDINANCE AUTHORIZING A PURCHASE AND SALE AGREEMENT AND ACCEPTANCE OF A DEED TO ACQUIRE UP TO SEVEN ACRES OF LAND ON THE 8000 BLOCK OF CHALLENGER DRIVE AT CITY-BASE FOR THE SUM OF \$1.00 PLUS ECONOMIC CONCESSIONS RELATED TO OTHER CITY LEASEHOLD INTERESTS AT CITY-BASE VALUED AT \$1,940,734.00.

2010-06-10-0517

- B. AN ORDINANCE AUTHORIZING A LEASE AMENDMENT FOR SPACE LOCATED AT 8220 LINDBERGH LANDING FOR USE BY THE FLEET MAINTENANCE AND OPERATIONS AND CAPITAL IMPROVEMENTS MANAGEMENT SERVICES DEPARTMENTS THAT WILL EXTEND THE EXISTING LEASE THROUGH JUNE 30, 2015 AT THE RATE OF \$9,313.00 PER MONTH PLUS COMMON AREA MAINTENANCE EXPENSES OF \$2,739.00 PER MONTH INCREASING TO \$3,268.54 PER MONTH EFFECTIVE OCTOBER 1, 2010.

2010-06-10-0518

- C. AN ORDINANCE AUTHORIZING A LEASE AMENDMENT FOR SPACE LOCATED AT 8700 CHALLENGER DRIVE FOR USE BY PUBLIC WORKS' STORM WATER DIVISION THAT WILL EXTEND THE EXISTING LEASE THROUGH MARCH 30, 2013 AT THE MONTHLY RATE OF \$13,750.00 THROUGHOUT THE TERM AND AMENDING THE LEASE TO MAKE THE CITY RESPONSIBLE FOR UTILITY SERVICES TO THE BUILDING.

2010-06-10-0519

- D. AN ORDINANCE AUTHORIZING A SUPERSEDING LEASE FOR THE OFFICE SPACE LOCATED AT 3319 SIDNEY BROOKS WHICH WILL CONTINUE TO BE USED AS THE COUNCIL DISTRICT 3 FIELD OFFICE AT THE MONTHLY RATE OF \$468.00 FOR A TERM THAT WILL EXPIRE APRIL 30, 2014.

2010-06-10-0520

- E. AN ORDINANCE AUTHORIZING A LEASE FOR WAREHOUSE SPACE LOCATED AT 8350 LASER DRIVE FOR USE BY THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT AT THE MONTHLY RATE OF \$210.00 FOR A TERM THAT WILL EXPIRE SEPTEMBER 30, 2011.

2010-06-10-0521

- F. AN ORDINANCE AUTHORIZING A GROUND LEASE AMENDMENT WITH BROOKS DEVELOPMENT AUTHORITY FOR AN 8.23 ACRE PARCEL LOCATED AT 8130 INNER CIRCLE WHICH HAS BEEN DEVELOPED FOR USE AS THE CITY'S EMERGENCY OPERATIONS CENTER TO ALLOW MODIFICATION OF THE RESTRICTED USE LANGUAGE PROHIBITING CERTAIN DEVELOPMENT WITHIN 500 FEET OF THE FACILITY.

2010-06-10-0522

Item 17. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A SPECIAL INITIATIVE GRANT IN THE AMOUNT OF \$437,342.00 FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE PURCHASE AND IMPLEMENTATION OF SOFTWARE AND DATA SOURCE INTEGRATION SERVICES FOR LAW ENFORCEMENT INTELLIGENCE SHARING, TO SUPPORT THE REGIONAL FUSION CENTER, FOR THE GRANT PERIOD OF MAY 1, 2010 THROUGH SEPTEMBER 30, 2010.

Item 18. 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:

- A. WESTSIDE DEVELOPMENT CORPORATION. APPOINTING TO AT-LARGE POSITIONS: JOSEPH A. CARREON (CATEGORY: RESIDENT) AND CURTIS A. RODRIGUEZ (CATEGORY: SMALL BUSINESS), AND REAPPOINTING TO AT-LARGE POSITIONS: JANIE BARRERA (CATEGORY: FINANCIAL INSTITUTION), MOSES M. HERNANDEZ (CATEGORY: SMALL BUSINESS), CHRISTOPHER R. MARTINEZ (CATEGORY: SMALL BUSINESS) AND STEPHEN J. O'DONNELL (CATEGORY: LARGE BUSINESS), FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE NOVEMBER 28, 2011; AND REAPPOINTING TO AN AT-LARGE POSITION HENRY FLORES (CATEGORY: UNIVERSITY REPRESENTATIVE - ST. MARY'S UNIVERSITY), FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 28, 2010.
- B. REAPPOINTING ELIZABETH B. MELSON (DISTRICT 7) TO THE ETHICS REVIEW BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE APRIL 25, 2012.
- C. REAPPOINTING SHANNON R. ESPY (DISTRICT 2, CATEGORY: VETERINARIAN) AND JOHN E. BELLETT (DISTRICT 9) TO THE ANIMAL CARE SERVICES ADVISORY BOARD.
- D. APPOINTING RICHARD BURTON (AT-LARGE, CATEGORY: ZONE RESIDENT) TO THE EMPOWERMENT ZONE GOVERNANCE BOARD.
- E. REAPPOINTING ALEXANDER E. BRISEÑO (NORTH QUADRANT) TO THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES FOR THE REMAINDER OF AN

UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2014, AND CONCURRING WITH THE MAYOR'S APPOINTMENT OF MR. BRISEÑO AS CHAIR FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

2010-06-10-0523

Item 19. AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN SAN ANTONIO WATER SYSTEM (SAWS) AND THE CITY OF SAN ANTONIO WHICH WILL ALLOW SAWS TO USE 1.818 ACRES OF CITY PROPERTY FOR SEWER PIPELINE CONSTRUCTION AS PART OF THE SAWS MEDINA RIVER SEWER OUTFALL PROJECT WITH THE CITY RECEIVING A ONE TIME PAYMENT OF \$9,350.00 FOR USE OF PROPERTY AND ASSOCIATED TITLE FEES.

2010-06-10-0524

Item 20. AN ORDINANCE AUTHORIZING CHANGES TO THE FINAL PROJECT PLAN AND FINANCE PLAN FOR THE BROOKS-CITY BASE TIRZ AND AMENDING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, THE BROOKS DEVELOPMENT AUTHORITY AND THE BOARD OF DIRECTORS OF TIRZ #16.

Item 22. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE ISSUANCE OF GENERAL IMPROVEMENT BONDS, CERTIFICATES OF OBLIGATION AND TAX NOTES:

2010-06-10-0526

A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$225,000,000.00 CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS, SERIES 2010A"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; DELEGATING THE AUTHORITY TO CERTAIN CITY OFFICIALS AND MEMBERS OF THE CITY 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 EFFECTIVE DATE.

2010-06-10-0527

B. AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$225,000,000.00 CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS, TAXABLE SERIES 2010B (DIRECT SUBSIDY - BUILD AMERICA BONDS)"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY

OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; DELEGATING THE AUTHORITY TO CERTAIN CITY OFFICIALS AND MEMBERS OF THE CITY 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 EFFECTIVE DATE.

2010-06-10-0528

- C. AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$46,000,000.00 "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010"; PROVIDING FOR THE PAYMENT OF THE CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING THE CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES; PROVIDING THE TERMS AND CONDITIONS OF THE CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF THE CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; DELEGATING THE AUTHORITY TO CERTAIN CITY OFFICIALS AND MEMBERS OF THE CITY 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 EFFECTIVE DATE.

Item 23. REVISED RESOLUTIONS OF SUPPORT FOR MONTABELLA SENIOR APARTMENTS AND SAN JUAN SQUARE PHASE III FOR LOW INCOME HOUSING TAX CREDIT APPLICATION PROCESS AS REQUIRED BY TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.

2010-06-10-0029R

- A. RESOLUTION REVISING AND REPLACING RESOLUTION NO. 2010-02-18-0013R FOR THE MONTABELLA SENIOR APARTMENTS.

2010-06-10-0030R

- B. RESOLUTION REVISING AND REPLACING RESOLUTION NO. 2010-02-18-0014R FOR THE SAN JUAN SQUARE PHASE III PROJECT.

2010-06-10-0529

Item 24. AN ORDINANCE AUTHORIZING SIX (6) AS-NEEDED PROFESSIONAL SERVICES CONTRACTS, EACH FOR AN AMOUNT UP TO \$350,000.00, WITH WATSON CONSOLIDATED, HADAR CONSTRUCTION SERVICES, L.L.C., TLI & ENVIRONMENTAL SERVICES, INC., BOLADO ENVIRONMENTAL AND CONSTRUCTION SERVICES, L.L.C., JGG INTEGRATED CONSTRUCTION, L.L.C., AND SOUTH WEST TEXAS ENVIRONMENTAL

CONTRACTORS, INC., TO PROVIDE LEAD HAZARD CONTROL WORK FOR VARIOUS HOUSING AND NEIGHBORHOOD SERVICES DEPARTMENT HOUSING PROGRAMS FOR A ONE YEAR TERM, WITH RENEWAL OPTIONS, FUNDED BY CDBG AND HOME GRANTS, OR ANY OTHER FUNDS RECEIVED DURING THE TERM.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

At this time, Mayor Castro addressed Item 21.

The City Clerk read the following Ordinance:

2010-06-10-0525

Item 21. AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 2, 2010 WHICH WOULD EXTEND THE CURRENT 1/8TH SALES TAX FOR THE EDWARDS AQUIFER PROTECTION AND CREEKWAYS PROGRAMS.

Mrs. Vacek stated that the ordinance would officially call a Special Election to be held on Tuesday, November 2, 2010 reauthorizing Sales Tax venues for the Edwards Aquifer Protection Project and Parks Development and Expansion (Linear Creekways) Projects. She noted that the ordinance would also establish Early Voting Sites (28 total) and Election Day Sites (294 total) and set procedures for Early Voting. She reported that the Election would be held jointly with Bexar County, Water Districts, Schools, and other Cities. She added that due to the Special Election, the City of San Antonio Sales Tax Item would be near the bottom of the ballot.

Mrs. Vacek provided a calendar of events, noting that Early Voting by Personal Appearance would be conducted from Monday, October 18, 2010, through Friday, October 29, 2010. She stated that Election Day would be held on Tuesday, November 2, 2010 from 7:00 am to 7:00 pm. She mentioned that the Election Results would be canvassed on Wednesday, November 10, 2010. She reported that the estimated cost of the Election was \$450,000 and was dependent upon the total number of entities participating in the Election. Lastly, she mentioned that the contract for Election Services would be presented to the City Council in September.

Mayor Castro stated that the Edwards Aquifer Protection and Linear Creekway Projects were some of the most successful initiatives of the City of San Antonio over the last two decades. He noted that the projects were integral to protecting the water supply and building linear creekways to enhance the city's quality of life. He recognized Former Mayor Howard Peak and Former Councilmember Bonnie Conner for their efforts in the projects. He called upon the individuals registered to speak.

Former Councilmember Bonnie Conner spoke in favor of the reauthorization of sales tax venues for Edwards Aquifer Protection and Linear Creekway Projects. She stated that she was passionate about water and parks issues and spoke of the great need for water throughout the city. She noted that the Edwards Aquifer was the sole source of water for millions of individuals and businesses and highlighted the many acres of land that have been protected.

Former Mayor Howard Peak spoke on the linear parks and creekways and stated that there were many acres of land that were part of the trail system. He asked the City Council to approve the calling of the

Special Election to continue their efforts and spoke of the need to educate and engage the community for their support.

Frank Burney stated that he was also in support of the reauthorization of sales tax venues for Edwards Aquifer Protection and Linear Creekway Projects. He spoke of the need to implement a campaign at this time to educate voters and garner support. He added that he was unable to return to speak at the 6:00 pm Public Hearing but was in support of revisions to the Smoking Ordinance.

Councilmember Williams thanked Former Mayor Howard Peak and Former Councilmember Bonnie Conner for being present and stated that it was important to ensure a successful election in November. Councilmember Rodriguez thanked community leaders for safeguarding the city's drinking water and spoke of the importance of a coordinated effort to educate the community of protecting the aquifer. Councilmember Ramos asked of the previous election and if the creekway projects had been identified. Xavier Urrutia, Parks and Recreation Director stated that on the Linear Creekway Program, staff evaluates land acquisition possibilities and prioritizes them for the Linear Creekway Advisory Board. The Board then provides their recommendation for acquisition and design of the projects. Councilmember Ramos expressed concern with not having projects identified and preferred not to piecemeal projects. Mr. Urrutia noted that current segments are prioritized for continuity of the program. Councilmember Ramos asked of the amount of acres available that have an impact to the aquifer. Mr. Frisbie stated that there are 507,000 acres of land that impact the aquifer.

Councilmember Cortez expressed support for the extension of the sales tax and noted that funds generated would be put to good use. Councilmember Medina noted the importance of the sales tax and thanked Boardmembers from the San Antonio River Authority and Edwards Aquifer Authority for their support. Councilmember Lopez expressed his support for the election and stated that the core of a thriving community was its ability to identify future investment projects. He noted that these projects could possibly be included in future Bond Programs. Mayor Castro added that this was a great opportunity to protect the integrity of the water supply and enhance the quality of life for San Antonio residents.

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

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

The City Clerk read the following Ordinance:

2010-06-10-0504

Item 8. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$161,666.52 TO THE CONTRACT WITH 3TI, INC FOR THE CD 7 SWIMMING FACILITIES IMPROVEMENTS AND JOE WARD BATH HOUSE PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 7, USING PRIOR APPROVED PROJECT CONTINGENCY FUNDS.

Councilmember Rodriguez asked of the timeline for the swimming pool and bathhouse projects in District 7. Mike Frisbie, CIMS Director replied that Woodlawn would be open this weekend, while

Sunset Hills was scheduled for completion within a week. He noted that the scope had been added to Gilbert Garza and would take 2-3 weeks to complete while the Joe Ward Bathhouse would take 3-4 weeks to complete. Councilmember Rodriguez expressed concern that the facilities would not be open in time for swim season and asked of the accountability. Mr. Frisbie stated that things come up during the construction process and that the city builds rain delays into the projects. He noted that there were consequences built into the contracts and liquidated damages if the contractors did not complete the projects on time.

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

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

The City Clerk read the following Ordinances:

Item 12. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE WURZBACH PARKWAY/ARTERIAL CONNECTOR PROJECT, LOCATED IN COUNCIL DISTRICTS 9 AND 10, FUNDED THROUGH THE 2007-2012 BOND PROGRAM:

2010-06-10-0510

- A. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION OF FEE SIMPLE TITLE OR RIGHT OF WAY EASEMENT INTEREST TO ALL OR PART OF VARIOUS PARCELS OF PROPERTY ALONG THE PROPOSED WURZBACH PARKWAY EXTENSION IN NCBS 17055, 11790, 12057, 8644, 13733, 12064 AND 13734 FOR THE WURZBACH PARKWAY/ARTERIAL CONNECTOR PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING THE EXPENDITURE OF \$8,169,814.19 FROM THE 2007-2012 BOND PROGRAM FUNDS FOR THE ACQUISITION, OF WHICH 50% OF ALLOWABLE COSTS WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION.

2010-06-10-0511

- B. AN ORDINANCE SELECTING GGI ENGINEERS FOR THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF THE AIRPORT ACCESS ROADWAY PORTION OF THE WURZBACH PARKWAY/ARTERIAL CONNECTOR PROJECT.

Councilmember Clamp requested an update of the project. Mike Frisbie stated that Wurzbach Parkway would help relieve traffic congestion and that \$12.5 million had been allocated in the 2007 Bond Program. He noted that they had leveraged \$130 million in State Funds and were seeking authorization to acquire the necessary properties. He added that there was a two-year construction timeframe.

Councilmember Clamp moved to adopt the proposed Ordinances for Items 12A and 12B. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2010-06-10-0512

Item 13. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$152,788.04 TO ASD CONSULTANTS, INC. TO PERFORM CONSTRUCTION WORK FOR THE DISTRICT 7 AFFORDABLE SHOWCASE OF HOMES PROJECT, A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED PROJECT.

Councilmember Rodriguez requested an update on the Affordable Showcase of Homes Project. David Garza, Housing and Neighborhood Services Director reported that seven builders had agreed to participate in the project and recognized Former Councilmember Chip Haass, Director of Neighborhood Housing Services (NHS) for their participation. He stated that they had informed the community of the opportunity for home ownership and that one of the builders would begin construction the following week. He noted that NHS had pre-sold four homes and that the grand opening of all 31 homes would be held in September. Councilmember Rodriguez expressed support and stated that he was pleased that a park would be built for the community. He thanked Councilmember Cortez for loaning the funds needed for the project and recognized Former Councilmember Chip Haass and NHS for their participation.

Councilmember Rodriguez 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, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Chan.

The City Clerk read the following Ordinances:

Item 15. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE CLOSURE, VACATION AND ABANDONMENT OF THE FOLLOWING RIGHTS OF WAY TO ALLOW FOR THE EXPANSION OF THE UNIVERSITY HEALTH SYSTEM CENTER DOWNTOWN, LOCATED IN COUNCIL DISTRICT 5:

2010-06-10-0514

- A. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF LEONA ST. RIGHT OF WAY LOCATED BETWEEN MARTIN AND PEREZ STREETS ADJACENT TO NCB 295, AS REQUESTED BY BEXAR COUNTY HOSPITAL DISTRICT (UNIVERSITY HEALTH SYSTEM) FOR A FEE OF \$118,774.25.

2010-06-10-0515

- B. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A TRIANGULAR PORTION OF RIGHT OF WAY LOCATED AT PEREZ AND PECOS-LA TRINIDAD STREETS ADJACENT TO NCB 258, AS

REQUESTED BY BEXAR COUNTY HOSPITAL DISTRICT (UNIVERSITY HEALTH SYSTEM) FOR A FEE OF \$22,274.25.

Marcia Shelf Orlandi of CIMS presented Items 15A and 15B and stated that University Health System (UHS) had requested the closure of 1.125 acres of public right of way in Council District 5. She reported that the rights of way were adjacent to the UHS Downtown Center and they owned all of the abutting property. She noted that they planned to develop and improve the Health Center Complex including a new Clinical Services Building and additional parking. She added that the city would collect \$141,048.50 for the closures.

Councilmember Medina asked if the community had been notified of the closures. Mike Frisbie confirmed that there had been a public notification process in which affected parties had been canvassed. Councilmember Medina stated that he had met with community members that were excited with the future investments that would be made by UHS and recognized Mark Webb.

Mr. Webb thanked the Mayor and Council for their support and showed a simulated Power Point of what the area and building will look like. He noted that construction would begin in December and that the investment totaled \$121 million.

Councilmember Williams expressed his support and noted that the movement of an MRI Unit from District 8 had helped streamline processes.

Councilmember Medina moved to adopt the proposed Ordinances for Items 15A and 15B. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2010-06-10-0530

Item 25. AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH HOLT CAT IN THE AMOUNT OF \$50,000.00 FOR FACILITY IMPROVEMENTS IN ORDER TO RELOCATE 50 JOBS FROM BROOKS CITY-BASE TO AN ABANDON PROPERTY IN COUNCIL DISTRICT 2.

Ed Davis presented Item 25 and noted that HOLT CAT is headquartered in San Antonio and employs 450 individuals locally. He reported that HOLT CAT plans to acquire an abandoned facility in District 2 and make \$1.45 million in improvements. They will also retain 50 jobs at the facility for five years. Mr. Davis stated that HOLT CAT had received an economic development grant of \$50,000 for facility improvements from the city's Economic Development Incentive Fund to support the Eastside Initiative. He added that the project was estimated to have a single-event economic impact of \$2,425,565.

Councilmember Taylor thanked HOLT CAT for their investment on the Eastside and noted that they would utilize green technologies in refurbishing the building. She mentioned that they were a well-established employer and welcomed them to the area.

Councilmember Taylor 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, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Chan.

Item 26. CITY MANAGER'S REPORT

A. EDWARDS AQUIFER PROGRAM UPDATE

There was no City Manager's Report.

RECESSED

Mayor Castro recessed the meeting at 10:46 am and noted that the meeting would resume at 2:00 pm for the San Antonio Water System (SAWS) Rate Structure Presentation and Public Hearing.

SAWS RATE STRUCTURE PRESENTATION AND PUBLIC HEARING

Mayor Castro reconvened the meeting at 2:00 pm and opened the Public Hearing. He noted that Councilmember Elisa Chan was participating in this portion of the meeting via videoconference from Shanghai, China.

Robert Puente, SAWS CEO spoke of the importance of water conservation and reported that 30% of potable water was used for landscape irrigation. He stated that Water Supply capital costs over the next five years would exceed \$514 million and would be funded by the Water Supply Fee. He noted that the proposed rate structure would help customers become more conscious of their lawn and landscape water use, and more accurately reflect the cost of service. He outlined the proposed Water Supply Fee Rate Structure and noted that all Water Delivery Rates would decrease. He added that under the Residential Class, 93% of bills would decrease. He introduced Keith Kindle, Chair of the Rates Advisory Committee (RAC).

Mr. Kindle outlined the Rate Structure Review Process and stated that they were supportive of the 2009 Water Management Plan including water conservation and water supply goals. Doug Evanson, SAWS Chief Financial Officer continued the presentation by reporting that the Water Supply Fee had been a flat charge per gallon since its inception in 2001. He spoke of the Proposed Residential Rate Structure and noted the impact to large lot owners. He outlined the Proposed Commercial Rate Structure in which there would be minimal impact on General Class Commercial bills. He mentioned that the Proposed Irrigation Rate Structure was designed to mirror the Residential Water Rate Structure.

Mr. Evanson summarized by stating that through the Proposed Rate Structure, high discretionary water use was discouraged and water conservation efforts would be rewarded. He noted that 100% of residential customers would be charged less for non-discretionary use and 93% of bills would be reduced as a result of rate structure changes. Mr. Puente concluded the presentation by reporting that 136 presentations had been made over the past six months. He stated that SAWS Staff and the RAC

recommended the Rate Structure as proposed. He provided other potential options that would require additional rate increases; reduction in capital spending; and reduction in personnel-related costs. Lastly, he mentioned that even after implementing the Proposed Rate Structure and 6.5% Rate Increase, the average SAWS bills would be among the lowest in the State.

Mayor Castro called upon the individuals registered to speak.

Former Councilmember Richard Perez and Carri Baker Wells of the Greater San Antonio Chamber of Commerce addressed the City Council. Ms. Baker Wells stated that they had provided historical support to SAWS and were the only business organization to support the TCEQ Ratepayer Fee. She applauded SAWS for being a leader in water conservation and encouraged the assessment of fines for those that waste water. She noted that all commercial irrigation was not discretionary and that the impact to 4,500 businesses was too high during the challenging economic times. She asked that SAWS incentivize the recycling of water. She requested that SAWS increase the floor on commercial irrigation and that a phase-in process be implemented so that businesses can work with SAWS to decrease their water usage. Mr. Perez added that they would like to see more fairness in the Commercial Irrigation Tier and looked forward to working with SAWS on same.

Nazirite Ruben Flores Perez expressed concern with the TCEQ Fee charged by SAWS.

Margaret Day of the Sierra Club addressed the Council in support of the Proposed SAWS Rate Structure and Rate Increase. She stated that they were long overdue and would serve as important water conservation tools. She added that they would generate economic activity for the landscape industry.

Jerry Morrissey stated that he had been an advocate of water conservation for many years and was in support of the proposal as recommended by SAWS. He spoke of the need to address wastewater infrastructure now rather than later. He noted that businesses and residences should reduce landscape watering and that there should be an incentive to do so. He recognized SAWS and the RAC for their work.

Christel Villarreal spoke of the importance of water conservation and noted that the rate structure had been discussed for many years. She stated that businesses should not use drinking water for landscaping purposes and asked the City Council to support the Proposed SAWS Rate Structure and Rate Increase as recommended.

Allen Townsend stated that he was a member of the RAC and spoke of the many meetings they had conducted. He recognized SAWS Staff for their assistance and expertise. He noted that the vast majority of the RAC was in support of the Proposed SAWS Rate Structure and Rate Increase. He spoke of the importance of water conservation and stated that he was proud of everyone that had helped cutting their water usage per capita in half.

Diane Lang stated that she had lived in San Antonio for 21 years and spoke of SAWS' efforts to balance the water supply during times of drought. She noted that a tiered rate structure encourages water conservation and that SAWS was willing to educate commercial users on good landscaping practices. She asked the City Council to approve the Rate Structure and Rate Increase as proposed by SAWS.

Dawn Green of the San Antonio Council Engineering Company addressed the City Council in support of the Proposed SAWS Rate Structure and Rate Increase. She stated that they were aware of the capital needs to provide water and wastewater services to the growing community.

Elena Serna of the Greater Edwards Aquifer Alliance (GEAA) read a letter from Executive Director, Annalisa Peace in support of the water rate structure proposed by SAWS. She stated that local member groups have long advocated for changes to the rate structure and were pleased that the new method would encourage additional water conservation. She noted that it was important to preserve water provided from the Edwards Aquifer.

Mike Phillips and Sister Mary representing COPS/Metro Alliance addressed the City Council in support of the Rate Structure and Rate Increase proposed by SAWS. Mr. Phillips stated that they had worked with SAWS to design a tiered rate structure that appropriately charged more to those that benefited most from the rapid growth and increased water demand. He noted that they were aware of the challenging economic conditions but felt that the additional revenue was needed to address aging infrastructure.

Doug Vair, Chairman, and Former Councilmember Lourdes Galvan representing the West San Antonio Chamber of Commerce addressed the City Council in support of the Proposed SAWS Rate Structure and Rate Increase. Mr. Vair spoke of the much needed infrastructure improvements and stated that SAWS had taken a prudent and measurable approach to benefit the community. He commended SAWS for their conservation efforts. Mrs. Galvan stated that they were very proud of the progress that SAWS had made and recognized them for their conservation efforts. She noted that they were in support of the Rate Structure and Rate Increase as proposed.

Jackie Gorman-Johnson of the Alamo City Black Chamber of Commerce noted that water conservation was an important component of the Water Management Plan. She spoke of the importance of small businesses and stated that those that used the most water should pay the most. She reported that the Alamo City Black Chamber of Commerce wholeheartedly supported the Proposed SAWS Rate Increase and Rate Structure.

Melissa Rushefski of the San Antonio Women's Chamber stated that they were in support of the Proposed SAWS Rate Structure and Rate Increase because it encourages conservation and protects natural resources. She noted that the majority of residential bills would decrease while an increase was needed to address aging infrastructure and encourage economic development.

Craig Matson stated that he appreciated SAWS' leadership in lowering the cost of water but he disagreed with the pricing of water during peak demand periods. He noted that he would benefit from the proposed policy but was opposed due to principle. He mentioned that the tiered structure was not equitable and that a flat pricing method should be utilized. He added that water use was not discretionary and that all should pay the same rate.

Loretta Van Coppenolle, Chair of the Alamo Group Sierra Club submitted written testimony in support of the SAWS Rate Increase and Rate Structure proposals. She wrote that the water source was finite and must be protected, and that conservation was the best means to assure that future water needs are met.

Mayor Castro spoke of the importance of water and noted that it was key to the city's economic growth. He recognized SAWS for garnering community support for the Rate Structure and Rate Increase. He outlined the three goals he would like to achieve. He stated that he would like SAWS to meet infrastructure needs for the delivery of water and wastewater. He added that he agreed with the goal of incentivizing water conservation by sending a price signal and highlighted conservation efforts throughout the community. Lastly, he asked that a proposal be kept intact to fundamentally achieve cost savings for the average customer.

At this time, he recognized Kathie Estrada. Ms. Estrada stated that she was the Executive Director of Air Force Village I, a continuing care retirement community that was 40 years old. She noted that she had served on the RAC and had learned a great deal regarding conservation that she was able to implement at Air Force Village I. She thanked SAWS for their assistance and leadership on water conservation.

Councilmember Williams thanked SAWS Staff and the RAC for their work on said items. He stated that all SAWS classes and customers should be treated fairly and that conservation efforts had been extremely successful. He asked of the deviation from the consultant recommendation between Blocks 3 and 4 within the Proposed Residential Rate Structure. Mr. Smith, Consultant, replied that the Rate Structure design was based on the recommendations of the RAC and had tried to accommodate as many of their requests. He added that the RAC's concern was that individuals in the fourth Block could see a decrease in their bill as a result of the rate restructuring and therefore; kept the previous cut-off. Discussion ensued regarding the impact of moving the amount among various blocks. Councilmember Williams confirmed that the seasonal differential period of four months would be revised to six months and asked why May and October were listed as a high-use months. Mr. Evanson replied that they had determined the mean for the gallon difference. In May and October, there was an increase compared to the Winter Months.

Councilmember Williams asked of the single-family housing units that are on two or three meters instead of individual meters. Mr. Evanson stated that they had not resolved the issue but would follow up with the City Council. Councilmember Williams asked and confirmed that SAWS' work on cost of service class of trades were Residential, General Irrigation, and Wholesale. Additional discussion ensued on the Irrigation Class Rates. Councilmember Williams requested that staff look at a more equitable way to send a price signal to irrigation customers. He asked of the use of recycled water. Mr. Evanson responded that they encourage the use of recycled water but were challenged during the summer months when supply does not always meet the demand. Councilmember Williams stated that it was important for ratepayers to understand that future rate increases would be necessary.

Councilmember Chan asked of the impact on large lot owners on Slide 26. Mr. Evanson explained that the information was based on 2007 and 2008 data. Councilmember Chan asked of the average lot sizes. Mr. Evanson stated that they averaged one acre and that the rate design was based on individual behavior. Karen Guz, SAWS Director of Conservation added that not all landscape required supplemental irrigation. She spoke of the small water use of live oaks and other native trees, as well as xeriscape plants. She noted that they provided education and assistance to large property lot owners and high water users. Councilmember Chan asked of the fees charged to apartment complexes. Mr. Evanson replied that there were three components to water bills: 1) Meter Charge; 2) Water Delivery; and 3) Water Supply. He stated that apartments were only charged one fixed meter fee of \$53 and

were proposing to increase it to \$66. Councilmember Chan asked of conservation versus efficiency. Mr. Puente replied that efficiency was necessary for water conservation and that water conservation measures were meant to change behavior. He noted that all utilities with more than 3,000 connections were required to have a Water Conservation Plan and that has resulted in more efficiency. Councilmember Chan asked of supplemental irrigation. Mr. Puente stated that supplemental irrigation was water use over and above the rainfall.

Councilmember Clamp asked what SAWS would like to accomplish with the Proposed Rate Structure and Rate Increase. Mr. Puente replied that they would like to reward the customers that are conserving water. He stated that many individuals were already conserving water indoors and would like to increase that to the outdoors. Councilmember Clamp asked of the financial impact to SAWS if higher tier users begin conserving more water. Mr. Puente replied that it was calculated in their figures and anticipated not having to deliver or buy additional water due to conservation efforts. He added that it was revenue neutral. Councilmember Clamp stated that he did not believe it was revenue neutral and expressed concern with the management of the Water Supply Fee. He requested that SAWS Staff provide a slide on efficiencies and cost structure over the past five to ten years. He also asked of the projected reasonable rates. Mr. Evanson confirmed that they had budgeted six months of reasonable rates for the next year.

Councilmember Ramos expressed support for the Proposed SAWS Rate Structure and Rate Increase and asked of the Request for Proposals (RFP) for the Brackish Desalination Project. Mr. Puente stated that the RFP would be released in mid to late July and that the water would be online in 2015 or 2016. Councilmember Ramos asked of the breakdown of increases for Wastewater, Water Delivery, and Water Supply. Mr. Evanson reported that there would be an 11.9% increase in Wastewater, 2.2% increase in Water Delivery, and 2.9% increase in Water Supply. He added that only 1% of Business Irrigation customers would see a 60% increase in their bill. Councilmember Lopez asked of a plan for infrastructure investment for recycled water. Mr. Puente reported that there was a plan in place and that they had the capacity to deliver up to 35,000 acre-feet of recycled water. Kelley Neumann added that they encouraged the use of recycled water for customers that utilized it on a consistent basis as opposed to irrigation with water. She noted that they did not have plans to extend it to residences or non-commercial uses because they did not want the two pipes to get cross-connected.

There being no further discussion, Mayor Castro closed the Public Hearing. He recessed the meeting at 5:09 pm and announced that the meeting would resume at 6:00 pm for Citizens to be Heard and the Public Hearing on the Proposed Smoking Ordinance Revisions.

CITIZENS TO BE HEARD AND PUBLIC HEARING ON THE PROPOSED SMOKING ORDINANCE REVISIONS

Mayor Castro reconvened the meeting at 6:00 pm and opened the Public Hearing.

Dr. Bryan Alsip stated that smoking was the single greatest avoidable cause of disease and death. He reported that involuntary secondhand smoke exposure causes disease and premature death in persons who do not smoke and causes heart disease and lung cancer in adults. He stated that there was no risk-free level of exposure to second hand smoke. He noted that conventional air cleaning systems could not remove smaller particles or gases found in secondhand smoke. He added that smoke free workplaces reduce health care costs, absenteeism, and insurance liability risks. Scott White, Director

of the Convention and Visitors Bureau reported that the city had recently lost a national convention opportunity to host the American Public Health Association because the city was not smoke free. He noted that over 30 other organizations will not hold conventions in San Antonio including the American Medical Association, American Lung Association, and the American Heart Association.

Economist Steve Nivin stated that being smoke free was good for businesses. He noted that there were various studies that showed negative, positive, and neutral impacts of smoke free businesses and that more methodologically sound, peer-reviewed studies showed a positive or neutral impact and 16% increase in value/profits of restaurants. He added that there was a positive or neutral impact on hotel revenues and rate of tourism. Dr. Alsip recommended amendments to prohibit smoking in restaurants, bars, billiard halls, bingo facilities, comedy clubs, and gaming facilities.

Mayor Castro called upon the individuals registered to speak.

Cindy Mallette with Americans for Prosperity stated that the smoking ban violated the rights of businesses in that private property owners should be able to set their own policies. She noted that the proposed ban was a needless encroachment of government and expressed concern with the lack of choices consumers would have if the smoking ban were approved.

Dr. Lesli Biediger-Friedman requested that the Council amend the current smoking ordinance since it would promote the health and fitness initiatives that the City of San Antonio was implementing. She stated that it would provide individuals with more viable employment options in smoke-free environments.

Kristen Haag spoke in opposition to the smoking ban, noting that businesses would suffer and jobs would be lost. She stated that bar owners should be allowed to determine what is best for their business. She added that there were plenty of other establishments that non-smokers could frequent.

Ivan Friedman, a former smoker, stated that he was in support of a full smoking ban throughout the city. He noted that it would allow him to take his children to sports bars to watch the Spurs Basketball games.

Former Councilmember Jimmy Hasslocher spoke in opposition to the smoking ban noting that businesses had already invested in retrofitting HVAC equipment as required of the current ordinance. He asked that the City Council look at the proposed smoking ban very carefully as individuals depended on the jobs provided by restaurants.

Allen Hoxie thanked the Council for listening and noted that he owned several bars throughout the city. He spoke of a customer that considered the neighborhood bar as his home living room. He expressed concern that the smoking ban would result in him losing business and having to lay off workers.

James Rodarte stated that would like to see a city-wide smoking ban, especially at VIA bus stops and on VIA property. He spoke of the health risks associated with smoking.

Marsha Mason thanked the City Council for the opportunity to speak. She highlighted the negative impact that smoking bans have had in other communities and noted she could lose her job if the

smoking ban were approved. She stated that she has chosen to work in the hospitality industry since she was 17 years old and wanted to keep her job.

Louis Barrios representing the San Antonio Restaurant Association thanked the City Council for the opportunity to speak. He clarified some of the misunderstandings regarding the views of the San Antonio Restaurant Association and noted that the organization had partnered with Metro Health to promote healthy living and food safety initiatives. It was noted that the results of a study commissioned by the San Antonio Restaurant Association determined that a full smoking ban had no economic correlation to the decline of businesses. He stated that small bars and businesses should have the ability to develop and expand their business without governmental oversight.

Ruben Cortez, Vice President of Mi Tierra Café Incorporated, stated that he was against the proposed smoking ban as it infringed on his personal freedom and would negatively impact his business. Mr. Cortez read a letter from Lionel Sosa which stated that individual choices like smoking should not be regulated by local government and that a full smoking ban was economically discriminatory to minority businesses.

Hans Nadler from Nadler's Bakery addressed the Council and noted that he emigrated from Switzerland due to the opportunities that America offered. He noted that the government was encroaching on individual freedoms and personal choices.

Lita Salazar, President of San Antonio Restaurant Association, stated that a smoking ban would adversely impact bar and restaurant owners as well as result in the City losing tax revenue. She highlighted the negative financial impact similar smoking bans had on the economies of Dallas and New York.

Al Perkins stated that he was a Military Veteran against the smoking ban because it infringed on his personal freedom. He noted that Council should focus on more important topics. He stated that it was ironic that a smoking ban was being proposed despite the revenues generated from the sale of tobacco products.

Bill Johnson, small business owner, stated that a smoking ban would result in the loss of business and possible closure. He noted that the studies conducted on second-hand smoke were unsubstantiated.

Christi Sullivan stated that she was the Manager of several bars throughout the city and that the bar owner had tried operating smoke-free bars. However, the decline of business resulted in him having to change his stance on smoking. She noted that adults should be able to make choices for themselves.

Brenda Barry, owner of a local tavern and burger joint, spoke in opposition to the smoking ban. She stated that business owners should have the choice to be smoke-free.

George Todt, small business owner, thanked the Mayor and City Council for the opportunity to speak. He stated that he was currently experiencing a decline in business due to the economy and that the smoking ban would put him out of business.

Jennifer Pollock noted her opposition to the smoking ban in bars and pool halls as it infringed on personal freedoms. She stated that the smoking ban would result in lost jobs.

Mark Sullivan, researcher and inventor, spoke on the creation of the Sustainable Energy Research Institute and sustainable energy initiatives. He highlighted several of his inventions that could assist the City with achieving its goal of becoming sustainable.

Angie McClure, Vice-Chair of Smoke-Free San Antonio, highlighted the plight of her daughter who was asthmatic. She stated that the family was limited in the number of places they could attend since smoking was allowed. Ms. McClure referenced various sections of the Americans with Disabilities Act and the requirement of businesses to make reasonable accommodations for disabled individuals. She stated that the only way businesses would be able to comply with these requirements was to be smoke-free. Lastly, she requested that the City Council put a citizen's right to breathe clean air above the right to smoke.

Richard Perez, President of the Greater San Antonio Chamber of Commerce, and Dr. Brian Herman, Chair of Healthcare and BioSciences Committee of the Chamber, spoke in favor of the smoking ban. Dr. Herman highlighted the health risks of smoking and the cost associated with smoking related health issues. He provided statistics showing the amount of money spent in health care costs. Lastly, Dr. Herman stated that the Greater San Antonio Chamber of Commerce was in support of a state-wide ban on smoking. Mr. Perez spoke in favor of strengthening the current ordinance.

Pilar Oates, Methodist Healthcare Ministries of South Texas, spoke in favor of the smoking ban. She highlighted the cost associated with caring for tobacco users and noted that taxpayers would be paying for these costs.

Cam Messina, VOICES for Children of San Antonio, stated that he was in support of smoke-free environments as smoking negatively impacted the health of children. He requested that the City Council promote policies that regulate smoking in public places.

Andreas Laven stated that he was in favor of the smoking ban and would like to see San Antonio establish a smoke-free live music venue similar to those in Austin. He noted that as a musician, he preferred smoke-free venues.

Suzanne Lozano of the Smoke Free San Antonio Coalition provided the City Council with 900 petition signatures of individuals in favor of strengthening the current smoking ordinance. She addressed the serious health issues associated with second-hand smoke and referenced other cities and states that were smoke-free.

Summer Bowen expressed her concern with the possibility of losing her job at Fast Eddie's Billiards if the smoking ban were approved. She noted that it was her choice to work in a smoking environment.

Mark Louis, Owner of Fast Eddie's Billiards, stated that he had experienced smoking bans across the state and highlighted the impact of smoking bans to the profitability of his businesses. He noted that he could not afford to pay his rent and had to lay off employees. He mentioned that he did not have the funds to build a patio and even if he did, the lease agreements on his businesses prohibit said action. He added that a total smoking ban would result in him losing approximately \$2 million in revenue and result in having to close San Antonio billiard halls.

Drew Nitsche stated that he was a full-time college student who was fortunate to work in a smoke-free restaurant. He noted that many of his friends worked at bars and restaurants that allowed smoking and were not in attendance this evening due to fear of losing their job. He spoke of the rights of the hospitality workers and encouraged that there be a state-wide ban on smoking in public places.

Nazirite Ruben Flores Perez asked that the smoking ordinance be modified rather than be made stricter. He referenced smoking experiments made on monkeys at Southwest Research and stated that individuals need to be protected from second-hand smoke.

Dr. Carlos Jaen stated that he was in favor of the proposed smoking ordinance revisions and highlighted health related implications associated with working in the hospitality industry.

Dr. Vincent Fonseca spoke in favor of the smoking ban since it would positively impact the hospitality industry. He provided statistical data which illustrated that there was no adverse financial impact in the Texas Cities that had banned smoking.

Tracy Holmes-Brazil from the March of Dimes spoke in support of a stronger smoking ordinance. She stated that second-hand smoke caused birth defects which resulted in increased hospitalization and health related costs.

Jaime Martinez spoke in support of the proposed resolution by the City regarding immigration policies. He requested that the resolution include enforcement mechanisms and encourage peace. Lastly, Mr. Martinez requested that the City of San Antonio not patronize Arizona businesses.

Dr. Juan Flores, Executive Director of La Fea Policy Research and Education Center, stated that he was in favor of a stricter smoking ordinance as it would promote the health initiatives that the City was proposing. He spoke of the limited employment opportunities for Latinos and stated that hospitality workers needed the same protection from work place hazards as white collar workers.

Amy Jasperson spoke in support of a stronger smoking ban for San Antonio and referenced an article which highlighted the number of bartenders and waiters that worked in smoke-free environments. She stated that more individuals would frequent restaurants and bars if they were smoke-free. Lastly, she noted that San Antonio was the only large Texas City without a comprehensive smoking ordinance.

Kaye Lucas representing the Harlandale Council of PTAs spoke of the health implications associated with second-hand smoke. She asked that the City Council vote in favor of a stricter smoking ordinance as it would deter youth from smoking while protecting them from second-hand smoke.

Brenda Perez, Americans for Non-Smoker Rights, spoke of the health issues associated with smoking and second-hand smoke. She expressed concern with the stronghold that the tobacco industry has on bars and restaurants.

Esteban Cruz expressed his concern with a meeting held with the San Antonio Restaurant Association, noting that the meeting had gotten out of order.

Tiffany Rumbo, Owner of Club Humidor, expressed opposition to the proposed smoking ordinance revisions and requested that the smoking ordinance remain as currently written. She stated that her

business would suffer economically since it provided tobacco supplies to many restaurants, bars, and golf courses.

Jacque Petterson of the American Heart Association provided the City Council with a handout that noted the health implications associated with smoking. She stated that a smoking ban would result in fewer heart attacks.

Pat Semmes, Olmos Park City Councilmember, spoke in support of the smoking ban and noted that Olmos Park did not allow smoking in restaurants. She stated that if it became necessary, she would initiate an ordinance outlawing smoking in all public places.

Courtney Denton read a statement prepared by Sharon Cooper, Dean of the Regional Campus of the UT School of Public Health. Ms. Denton referenced studies that show the health risks associated with second-hand smoke and show a decline in heart attacks in cities with smoking bans.

Tuesdae Knight, YMCA Greater San Antonio, spoke in support of the smoking ban. She noted that the YMCA did not allow smoking at its facilities or events.

Dr. Robert Luedecke provided the Council with a first hand account of the ill effects of second-hand smoke on the body. He stated that his patients did not have a choice to work in the bars and restaurants.

Russell Hargraves, Store Manager of Club Humidor, expressed concern with statements made by the Health Department regarding the smoking ban being good for business. He also expressed dismay with the smoking ban being extended to cigar bars.

Ed Petrie, Store Manager of Club Humidor, stated that he was opposed to any new regulations to the current smoking ordinance due to their negative impact to business. He noted that cigar smoking was a personal preference and requested that this preference be protected.

Tom Masterson stated that he watched his grandmother die of Lung Cancer, however; believed that the City was encroaching on the rights of citizens. He stated that the current regulations were reasonable and offered adequate protection to non-smokers.

Artman Bland requested assistance with keeping his home and spoke of the abuse that he was encountering at the hands of the Dangerous Structures Determination Board. He asked that City Inspectors visit his home to see that he was making the needed repairs.

Lisa Ellis stated that she had been falsely arrested and had been assigned to a public defender that misrepresented her. She spoke of her incarceration and asked that the City Council assist her in anyway possible.

James Martinez, Regional Vice President of the American Lung Association, read an excerpt from the acceptance speech of National VFW Commander Gary Kurpius. The Commander stated that older generations needed to adapt to the changing world so that the entire military community and their families could benefit from VFW Membership. He noted that more families would visit and participate in VFW events if facilities were smoke-free.

Elizabeth Rosenblum spoke in favor of a stricter smoking ordinance as it would coincide with the City's goal of becoming a healthier city. She stated that she had organized a running group with residents of the SAMM Shelter with the goal of promoting health and wellness.

Rick Rosenblum stated that smoking was not a freedom and that businesses did not have the freedom to do whatever they wanted. He provided statistics which illustrated that cities and countries have thrived despite having smoking bans. He noted that individuals had adapted when drinking laws and speed limits changed.

Rene Trevino, Property Manager, stated that properties have made the required modifications in order to adhere to the current smoking ordinance. He asked that the current smoking ordinance remain unchanged and expressed concern with the negative financial impact of a smoking ban.

Jesse Medina, Owner of Cadillac Bar, stated that they had already lost employees and revenue due to the challenging economic conditions. He expressed concern that his business would close if the smoking ban were approved and asked that the ordinance remain unchanged.

Mark Perez expressed concern with the health hazards associated with industrial pollution. He noted that City Departments were not familiar with detecting said hazards and therefore; did not issue the correct permits or enforce city regulations.

Fidel Castillo, Rudolfo Macias, and Rhett Smith representing Veterans for Immigration Reform addressed the City Council and spoke of the importance of immigration reform. Mr. Smith stated that it was important to learn other cultures and respecting human rights. He thanked the City Council for bringing forward a Resolution regarding immigration. Mr. Castillo thanked the City Council for the opportunity to speak and asked that the City Council address the immigration issue as soon as possible. Mr. Macias stated that he had submitted a letter to the City Council along with a book regarding immigration. Lastly, he requested that the City Council view a website that documented what had occurred in Virginia and San Antonio.

Richard Bunkley representing Blanco Bingo and their property management companies stated that the ordinance would devastate the charitable bingo industry like it did in other Texas Cities that had banned smoking. He noted that many of the 2,000 Bingo Employees would lose their jobs if the smoking ban were approved. He requested that the current ordinance remain in effect as it pertained to charitable bingo, especially since the bingo halls had already made the required HVAC modifications.

Nick Calzoncit read excerpts from a statement released by Dr. Paul Royce and noted that Dr. Royce had coordinated an event in opposition to the Arizona Immigration Law. Mr. Calzoncit highlighted the increase in crime along the border and anticipated an increase in local crime against immigrants.

Joel Romo representing the American Heart Association presented the Council with data showing no negative financial impact to communities that had implemented smoking bans. He noted that everyone has the right to breathe clean air.

JoAnn Ramon stated that the City Council was not elected to limit individual rights.

Richard Ramon stated that it should be left to the business owner to determine establishment policies.

Shirley Thompson spoke in opposition to the smoking ban as it would result in the prohibition of other things. She noted that individuals should be able to make decisions for themselves.

David Denton spoke in support of the smoking ban as he would no longer be exposed to the health risks associated with second-hand smoke. He stated that businesses should make reasonable accommodations for patrons and workers who prefer a smoke-free environment.

Claudia Rosas with the American Cancer Society spoke in support of a full smoking ban. She noted that the City Council was responsible for promoting public health.

Dr. Philip Huang spoke in support of the smoking ban. He highlighted short-term and long-term health risks associated with second-hand smoke and provided statistics showing that individuals preferred a smoking ban. Dr. Huang noted that other communities that have smoking bans have not seen a decline in the tourism industry and in fact, had fared better economically.

Melinda Little with Tobacco Free Kids stated that communities with smoking bans had not experienced a negative financial impact. It was noted that some communities saw an increase in business as a result of the smoking ban.

Dr. Jeffrey Rosenbloom stated that he was very proud that the City Council was taking a stance against smoking in public. He noted that it would be hard to eliminate cancer, especially in children, if smoking was allowed in public places.

Faris Hodge, Jr. stated that he supported the smoking ban as several of his family members have died from cancer. He expressed concern that the Council Chambers did not have water sprinklers and noted that he would be contacting the State to close the facility.

Former Councilmember Patti Radle presented the City Council with an overview of the ideals presented in support and opposition to the smoking ban. She noted that it was irresponsible of individuals to believe that they had the right to cause harm to others by their smoke. She stated that the smoking ban would result in individuals and businesses becoming more creative.

Linda Alvarez, bar owner, presented the Council with petitions signed by 156 people in opposition to the smoking ban.

Kris Keller, representing bingo operators, spoke in opposition to the smoking ban. He highlighted efforts taken by bingo operators to comply with the current smoking ordinance. He stated that local charitable organizations would experience a drop in charitable giving because they are subsidized by income generated at bingo halls. He added that they would be forced to lay off employees.

Gary Johnson representing the San Antonio Restaurant Association asked that the City Council take into consideration all of the information presented to them, as they would be accountable to the voters.

Bonnie Davis presented the City Council with petition signatures of individuals against the smoking ban and noted that she would lose her business if the smoking ban were approved. Lastly, she asked to be given the same consideration given to non-smokers.

Ruben Espronceda, Publisher of the San Antonio Post, stated that said meeting was illegal as the Citizens to be Heard portion of the meeting was combined with the Proposed Smoking Ordinance Revisions Public Hearing. He expressed concern that his constitutional right to be heard was being violated. He noted that the City had not conducted any Public Hearings to address the change in the Master Plan for Concepcion Park.

Byron Delane expressed his concern with the lack of summer employment opportunities for youth.

Tashala Delane stated that many families depend on their children to earn money during the summer. She noted that summer jobs help youth develop skills and become self-sufficient.

Traci Hunter stated that she understood both sides of the smoking argument; however, she was opposed to the smoking ban as individuals make the choice to work in bars.

Marie Walker, small business owner, stated that she supports a smoking ban and would continue not to allow smoking in her establishment.

Raymond Zavala expressed concern that the City was attempting to regulate smoking but could not control other issues like obesity and crime. He stated that the data presented regarding the health concerns of smoking were out dated.

Barbara Hawkins, George Gervin Youth Center, spoke of the importance of the Summer Youth Program. She requested assistance from the City due to the cuts in Federal and State Funding, and presented a plan to create an effective summer youth program.

Lloyd Foster expressed concern with youth not having summer jobs and requested assistance from the city.

Reverend Adam Zarb-Cousin, Sr., noted that the community would not immediately see the effects of youth not having summer jobs. He asked that the City assist with making jobs available to the youth of the community so that crime and violence would not increase.

Bob Mahan, Executive Director of Smoking and Tobacco Education Campaign, stated that the Environmental Protection Agency had declared second-hand smoke a carcinogen. He spoke of the health effects associated with second-hand smoke.

Aileen Matos, President of the San Antonio Association of Occupational Health Nurses, spoke in support of the smoking ban. She highlighted health concerns associated with smoking and second-hand smoke.

Rodney Mills, Pastor, spoke in support of the smoking ban. He stated that individual freedoms should not harm others, especially children.

Sharon Francis requested that the City find funding for the Summer Youth Employment Program.

William Tut of the Urban Leadership Council requested that the City fund the Summer Youth Employment Program. He provided statistics that showed an increase in crime by youth during the summer months.

Brian Pryor requested that the City redirect funds in order to assist the Summer Youth Employment Program. He highlighted the challenges faced by the youth of the East Side.

John Curtis spoke of the importance of the Summer Youth Employment Programs, noting that jobs would deter youth from committing crime and violence. He stated that individuals were being set-up for failure due to the lack of viable job opportunities.

Jena Anaya, small business owner, noted that her business would close and she would be homeless if the smoking ban were approved. She stated that she could not afford to add a patio to her bar.

Eric Bowman requested that the current smoking ordinance remain intact. He noted that smoking was a de-stressor for many and that the City Council should not regulate it.

Tina Baublis spoke against the smoking ban as it would prohibit personal freedoms. She noted that it was not the responsibility of the City Council to regulate health.

Kendall Burleson requested that the City fund the Summer Youth Employment Program.

Dave Evans spoke on the health issues associated with second-hand smoke. He stated that many of the top 10 healthiest cities have smoking bans in bars and restaurants.

Kenneth Birkner spoke in favor of a smoke-free environment due to the health implications of smoking. He noted that his brother had died from smoking complications and mentioned the great amount of money that his brother had spent on cigarettes over the course of his life.

Keith Hensen spoke against the smoking ban and expressed concern with never-ending rules and regulations.

Dr. Charles LeMaistre, President Emeritus of MD Anderson, noted that the tobacco industry has never refuted the data showing a link between smoking and health problems. He presented the City Council with data illustrating the number of deaths attributed to smoking and second-hand smoke, and health issues facing smokers and non-smokers.

Mrs. Vacek noted that Aracely Torres, Lisa Ayres, Stacy Kemp, Kay Haverlah, Abbey Parker, and Annamarie Falvo had submitted written testimonies in favor of the revisions to the Smoking Ordinance/Ban.

Mayor Castro closed the Public Hearing.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 9:28 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest: 
LETICIA M. VACEK, TRMC/CMC
City Clerk