

**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, DECEMBER 8, 2010 AND THURSDAY, DECEMBER 9, 2010, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **December 8, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cortez, Rodriguez, Williams, Clamp, and Mayor Castro. **ABSENT:** Medina, Lopez, and Chan.

1. BRIEFING AND UPDATE ON THE PROPOSED ORDINANCE REQUIRING RESIDENTIAL MULTI-FAMILY PROPERTIES TO PROVIDE OR CONTRACT FOR ON-SITE RECYCLING COLLECTION SERVICES FOR RESIDENTS WITHIN MULTI-FAMILY PROPERTIES.

David McCary presented the Multi-Family Recycling Proposed Ordinance noting that the City Council had approved the 10-Year Recycling and Resource Recovery Plan in June 2010. He outlined the goals of the Program and stated that there were currently very few recycling options for residents living in multi-family units. He reported that city staff had been coordinating the development of the Multi-Family Recycling Ordinance since June 2009 and that a Stakeholder Group had been formed to assist with same. He mentioned that eight community meetings had been held with property owners and managers from August through November.

Mr. McCary outlined the provisions of the Ordinance that would require multi-family complexes to provide recycling services to residents. He stated that a phased-in approach would be utilized based on complex size and that city staff would offer technical assistance to owners and managers to develop an implementation plan. He noted that failure to comply could result in fines and that funds were identified to assist with outreach materials. He indicated the following service requirements: 1) Recycling collection must be as convenient and accessible as garbage collection services; 2) Property must have an adequate number of containers and of adequate size; 3) Recyclable materials include newspaper, mixed paper, cardboard, and containers made of plastic, glass or metal; and 4) Service from a certified recycling collector or self-haul.

Mr. McCary spoke of the implementation steps that would begin with a recycling plan submitted to the city by the multi-family owner or manager. He indicated that all recycling plans were due to the city three months prior to the start of service. He provided an implementation timeline in which complexes of 300 units or more would begin recycling by July 1, 2011 and those with 3 to 99 units would begin recycling by April 1, 2012. He stated that city staff would provide materials to property owners and managers to inform tenants of the new policy and also develop a comprehensive communication campaign. Lastly, he noted that collectors would register with the city and the city would approve plans, monitor the program, and provide assistance.

Mayor Castro thanked city staff for their work and soliciting input from stakeholders. He stated that this was an important Ordinance for San Antonio and that the recycling program had been successful for the city. He noted that this was a step in the right direction and would help the city in achieving a Pathway to Zero Waste. He asked of the implementation timeline. Mr. McCary replied that there were four sizes

of complexes and would utilize a phased-in approach for each beginning with large complexes in January 2011 and smallest complexes in April 2012.

Councilmember Cisneros expressed her support for the phased-in approach for implementation and asked of the recycling video that she had requested. Mr. McCary replied that the video was ready and being translated into Spanish. Ms. Sculley stated that staff would provide a copy to the City Council. Councilmember Clamp asked of the challenges for smaller complexes. Mr. McCary stated that smaller complexes utilized valet service in which garbage was placed outside their front door or curb and would have to contract same for recycling services. Councilmember Clamp asked if all complexes had been notified. Mr. McCary confirmed that staff had done so through mass mail out to property owners. Councilmember Clamp asked of the recycling cost per unit. Mr. McCary responded that the average garbage dumpster ranged from \$100-\$135 per dumpster while the same dumpster for recycling ranged from \$65-\$95. He added that any increased costs would likely be due to contamination.

Councilmember Clamp asked of non-compliance by large complexes. Mr. McCary replied that a recycling plan was due three months prior to implementation in an effort to identify challenges. He stated that penalties would be based upon the infraction and processed through Municipal Court. He added that the city would look to achieve compliance and not enforce penalties. Councilmember Clamp asked of issues raised by the San Antonio Apartment Association regarding the enforcement timeline. Mr. McCary replied that they had included the Association in focus groups held and had incorporated many of their suggestions in the proposed Ordinance. A representative of the San Antonio Apartment Association stated that they were excited to participate in the Multi-Family Recycling Program but expressed concern with the enforcement date. She requested that enforcement for complexes of 200 units or more be delayed until January, 2012.

Mayor Castro stated that he was inclined to support the enforcement dates recommended by staff. Councilmember Cortez asked if there were any other outstanding issues. Mr. McCary replied that the only issue he was aware of was the enforcement timeline. Councilmember Ramos stated that she was pleased that stakeholders had been involved in the process and that many District 3 Residents were in support of the Multi-Family Recycling Program. She spoke of the importance of recycling and noted that she was supportive of the enforcement timeline recommended by staff.

2. UTILITY BRIEFING BY THE SAN ANTONIO WATER SYSTEM (SAWS).

Robert Puente provided a San Antonio Water System (SAWS) 2010 Financial Update, noting that revenues were forecasted to be \$18.5 million less than budget. He reported that SAWS also forecasted a \$47 million accounting net loss due to future post-retirement benefits, closure and removal of the Salado Treatment Plan, and Regional Carrizo pipeline design cost due to re-routing through Schertz. He stated that operating cash flows were projected to exceed 2009 levels despite increased rainfall and that strong credit ratings had been affirmed in November. He noted that the 2011 Rate Increase and Structure were effective November 1, 2010 and projected to generate \$20 million in additional revenue. He spoke of the State-Imposed Texas Commission on Environmental Quality (TCEQ) Fee in the increased amount of two cents per month in the Wastewater Fee.

Mr. Puente presented maps depicting the 2011 Capital Improvements Programs that include the Twin Oaks Aquifer Storage and Recovery Facility, Anderson Tank and Pump Station, and \$1 million in investments for Verano. He reported that the 50-Year Water Management Plan was ahead of schedule and that water supply had been increased by 73,700 acre-feet since January 2009. He stated that 11,800

acre-feet would be online by 2016 through the Brackish Groundwater Desalination Project, and that a Request for Proposals for 20,000 acre-feet would be awarded in January 2011. He reported that the BexarMet Legislative Oversight Committee recommended allowing the customers of the District to vote on whether to dissolve the District. He stated that if the District was dissolved, SAWS could assume service with 98% of BexarMet customers residing in Bexar County. He added that SAWS would update their plan for a potential merger and that BexarMet could be operated as a separate entity for an interim period of time.

Mr. Puente referenced issues addressed by the Environmental Protection Agency (EPA) and noted that SAWS had increased funding for maintenance and capital improvements. He mentioned that overflow issues were decreasing and that they would continue dialogue with the EPA. He provided a timeline of items that would be brought to the City Council that include a Grease Ordinance Update, Impact Fees, and Water Management Plan Briefing.

Mayor Castro thanked SAWS for the update and keeping the City Council informed. Councilmember Williams asked of the status of the rerouting of the Regional Carrizo. Mr. Puente replied that it was 90% complete and that the process had been delayed due to finalizing contract details. Councilmember Williams asked of the TCEQ Fee and approval by the City Council. Mr. Evanson stated that it was his understanding that the fee was approved administratively. Councilmember Williams expressed concern with the large amount of unfunded liability. He asked of the interim period that BexarMet could be operated as a separate entity. Mr. Puente stated that the time could range from 3-5 years. Councilmember Williams asked of the 75% of overflows caused by grease and debris. A SAWS Representative replied that approximately 40% of that amount was due to grease and 36% due to debris. Councilmember Williams asked if a risk-based program had been developed. A SAWS Representative stated that they were developing a risk-based program but were required to proactively clean the lines over the recharge zone on a five-year schedule. He confirmed that there were areas over the aquifer that were cleaned on a more aggressive schedule.

Councilmember Cisneros commended SAWS on their strong credit ratings and nationally ranked accomplishments. She stated that various sewer lines in District 1 were in need of repair. Mr. Puente noted that they would provide information on the Capital Improvements Program to the City Council by District. Councilmember Cisneros requested a meeting with SAWS to further discuss the TCEQ Fee and Grease Ordinance. Mr. Evanson noted that they estimated that the EAA Fee would decrease by thirty cents per bill. Councilmember Clamp confirmed that the decrease in revenues was due to the high amount of rainfall and asked how it would affect projections. Mr. Puente confirmed same. Mr. Evanson stated that operationally on a cash basis, SAWS was faring better than projected. Councilmember Clamp noted the savings on the rerouting of the Regional Carrizo and asked of the capital costs included in the rate increase. Mr. Evanson replied that the savings were projected in the rate increase. Councilmember Clamp requested to meet with SAWS to discuss financial statements.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 3:35 pm to convene in Executive Session for the purposes of:

- A. DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.072 (REAL PROPERTY) AND 551.071 (CONSULTATION WITH ATTORNEY).**

- B. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND RELATED ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.087 (ECONOMIC DEVELOPMENT).**
- C. DISCUSS LEGAL ISSUES RELATED TO *ANDREW RAMIREZ V. CITY OF SAN ANTONIO*, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- D. DISCUSS LEGAL ISSUES RELATED TO THE BEXAR METROPOLITAN WATER DISTRICT, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Castro reconvened the meeting at 4:32 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 4:32 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **December 9, 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, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Lopez.

Item 1. The Invocation was delivered by Rev. Ruben Torrez, Pastor, Templo Amor Y Gracia, guest of Councilmember David Medina, Jr., District 5.

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

POINT OF PERSONAL PRIVILEGE

On behalf of Councilmember Lopez, Councilmember Rodriguez recognized Reg Holden, Jim Brigham and Jim Goodall of PETCO Animal Supplies, Inc. and thanked them for PETCO's investment in San Antonio (Item 38). The PETCO Representatives thanked the City Council for their support and stated that they were excited to come to San Antonio. Mayor Castro thanked PETCO for their confidence and investment in San Antonio and stated that he looked forward to a great partnership for many years.

Item 3. MINUTES

Councilmember Cisneros moved to approve the Minutes for the November 4, 2010 and November 10, 2010 City Council Meetings. Councilmember Clamp seconded the motion.

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

CONSENT AGENDA ITEMS 5-42

Consent Agenda Items 5, 9, 11, 22, 24, 26, 28, 32, and 33A&33B were pulled for Individual Consideration.

Councilmember Clamp moved to approve the remaining Consent Agenda Items. Councilmember Williams seconded the motion.

Mayor Castro called upon the individuals registered to speak on the Consent Agenda.

Cynthia Langston representing the Carver Development Board spoke in support of the Memorandum of Understanding (MOU) with San Antonio Independent School District regarding potential property exchange to include the Friedrich Property. She stated that she was pleased with the positive things occurring on the Eastside and the great activity that redevelopment of the Friedrich Property would bring to the area.

Ellen Kaskie stated that she was the Business Development Manager for Selrico Services and was opposed to the contract with Jani-King of San Antonio for janitorial services for various city facilities (Item 5H). She mentioned that Selrico Services was a local, minority business that had been providing services since 1989. She stated that the Jani-King proposal did not comply with the specifications since they submitted monthly pricing instead of annual pricing.

Beth Keel stated that she worked for the San Antonio Housing Authority (SAHA) and was in full support of the Multi-Family Recycling Program (Item 22). She noted that they had been working closely with the city on same and were in the process of procuring a vendor to work with their multi-family housing facilities.

Charles W. Richards, Director of Commercial Transaction of Public Land of the General Land Office spoke in support of the land that would be conveyed between Alamo and Bonham Streets as requested by the Daughters of the Republic of Texas (Item 13). He noted that Commissioner Jerry Patterson would accept the property on behalf of the State of Texas and thanked the City Council for their support.

Sam Maropis stated that he owned a small apartment complex on the Eastside across from St. Phillip's College and was in support of the Multi-Family Recycling Program (Item 22). He requested that consideration be given to the smaller complexes as there would be a large learning curve for the residents. He expressed concern that one of the two dumpsters on his property would have to be removed and could cause difficulty for elderly residents. He requested that monetary enforcement be delayed until issues were addressed.

Xavier Gonzalez spoke in support of the land that would be conveyed between Alamo and Bonham Streets (Item 13) and the excellent work of the Daughters of the Republic of Texas. He stated that it was important to tell the history of the city and the aspects of the city's economy and culture.

Michelle Hobson spoke in support of the Multi-Family Recycling Program (Item 22) and stated that recycling was very important to her. She noted that she lives in an apartment complex and has always found ways to recycle. She added that although her complex charges a fee for recycling services, she considers it a perk and does not significantly affect her monthly rent.

Tom Whizin stated that as a landlord, he was opposed to the Multi-Family Recycling Program (Item 22) since he was unable to monitor what individuals placed in the containers. He did not want to be held responsible for violations and asked that there be more education prior to monetary enforcement.

Joan Korte stated that she was a resident of Downtown and in support of the Multi-Family Recycling Program (Item 22). She recognized city staff for the focus group meetings they conducted and was pleased that recycling would be made available in her condominium complex.

Mary Carmack stated that she was speaking on behalf of the Daughters of the Republic of Texas in support of the land conveyance between Alamo and Bonham Streets (Item 13). She noted that the Alamo was the number one visited historical site in the State and that the Alamo's goal was to provide the best possible experience for their visitors. She spoke of the Electronic Learning Center that would be created through the project and asked that the City Council approve the land conveyance to the State of Texas for the benefit of the Alamo.

Loretta Van Coppenolle stated that she had been an advocate for the San Antonio environment for decades and asked the City Council to vote in favor of the Multi-Family Recycling Program (Item 22). She further requested that owners of apartment buildings support the program since it will ultimately help the environment. She spoke of the benefits of recycling including a decrease in pollution and increased jobs.

Ryan Beard representing Texas Disposal Systems stated that they were in support of the Multi-Family Recycling Program (Item 22). He reported that they had implemented a Pilot Program in San Marcos and it had been extremely successful.

Jackie Gorman-Johnson, Executive Director of San Antonio for Growth on the Eastside (SAGE) spoke in support of the MOU with the San Antonio Independent School District for potential property exchange to include the Friedrich Property (Item 26). She recognized Mayor Castro for his visionary leadership and noted that the project would serve as a catalyst for revitalization of the Eastside.

Steve Dunn of Greenstar Recycling spoke in support of the Multi-Family Recycling Program (Item 22) noting that the city should be commended for their waste reduction efforts. He stated that the city's approach was well-conceived and measured and was pleased that the program would be phased-in. He noted that recycling was a benefit for the entire community and that Greenstar had the capacity to meet the needs of the city.

Donna Schmidt, President of the San Antonio Apartment Association stated that they were committed to helping the city be a great, sustainable place to live. She noted that they had worked with the Solid Waste Department for over a year to develop the Multi-Family Recycling Program (Item 22) but expressed concerns regarding the uniqueness of each apartment community site and their obstacles. She added that they were concerned with the aggressive implementation timeline and requested that they be given additional time to comply.

Jack M. Finger expressed concern with the sanitation issues that would be caused by allowing dogs to eat in restaurants (Item 21) and with the high amount of fines that apartment complexes will have to pay if they are not compliant with the Multi-Family Recycling Program (Item 22). He also spoke in opposition to the MOU with the San Antonio Independent School District regarding potential property

exchange, noting the challenges they had in managing their properties (Item 26). Lastly, he spoke against the tax abatement for PETCO (Item 38B).

Margaret Day representing the Alamo Group of the Sierra Club stated that she had gathered over 2,000 signatures in support of the Multi-Family Recycling Program (Item 22). She expressed concern that the Ordinance included weak provisions and asked that the City Council not be influenced by the opposition from apartment owners.

Diane Lang, Chair of the Citizens Environmental Advisory Committee stated that they were in full support of the Multi-Family Recycling Program (Item 22) and future efforts for commercial recycling that will include schools.

Amelia Mahon stated that as the owner and operator of two apartment communities in San Antonio, she was in support of delaying the enforcement of the Multi-Family Recycling Program until January 1, 2012.

Steve Ross stated that the San Antonio Apartment Association was in support of recycling and had been pleased to work with the Solid Waste Department on the Multi-Family Recycling Program (Item 22). He expressed concern that an apartment owner and operator, he would incur additional costs to comply with recycling requirements and may have to increase rental rates. He requested that monetary enforcement be delayed until January 1, 2012.

Sallie Scott spoke in support of the variance for food establishments that permit dogs in outdoor eating areas (Item 21) and the PETCO Reinvestment Zone and tax abatement with PETCO Animal Supplies, Inc. (Item 38). She welcomed PETCO to San Antonio.

Harry Drought stated that he was in support of recycling efforts but opposed to the Multi-Family Recycling Program (Item 22). He noted his concerns with the limitations on size and placement of containers and the challenging economic conditions. He spoke of the need to educate the community regarding appropriate methods of recycling.

Charles Williams stated that he was in support of the MOU with San Antonio Independent School District in an effort to potentially redevelop the Friedrich Building (Item 26). He stated that the project would be a catalyst for revitalization of the Eastside and referenced the Barber College in the area that had provided training to over 400 barbers.

Mark Outing stated that he was the owner of Fatty's Burgers and in support of the MOU with San Antonio Independent School District for potential property exchange (Item 26). He spoke of the great efforts that had already been achieved through the Eastside Initiatives and noted that additional economic improvements were necessary. He added that the Friedrich Building had been sitting vacant for too many years and was an eyesore for the community.

Faris Hodge, Jr. submitted written testimony in support of Items 6, 8, 13-21, 23-31, 33-35, and 42. He wrote against Items 5, 7, 9-12, 22, 32, and 33. For Item 36 he wrote that the city should only hire full-time employees. He also wrote that the contract with Morris & McDaniel Inc., for items related to promotional examinations for the San Antonio Police Department was a waste of money (Item 37) and expressed concern that SAPD did not hire enough black Police Officers.

Carol Ann Aguero, Member of the San Antonio Nature Hounds submitted written testimony in support of Item 21. She thanked the City Council for continuing to allow dog owners more opportunities to visit local restaurants with their dogs.

POINT OF PERSONAL PRIVILEGE

Councilmember Cortez recognized Gerald W. Lee, Lou Miller, and Gavino Ramos on their reappointment to the VIA Metropolitan Transit Authority (Item 23A) and thanked them for their service.

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

2010-12-09-1010

Item 6. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH SCHOOL SPECIALTY, INC. TO PROVIDE PARTICIPATING LOCAL ELEMENTARY, MIDDLE AND HIGH SCHOOLS WITH PHYSICAL EDUCATION EQUIPMENT AND TRAINING WORKSHOPS IN CONNECTION WITH THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S COMMUNITIES PUTTING PREVENTION TO WORK (CPPW) PROGRAM FOR A TOTAL COST OF \$722,000.00, FUNDED THROUGH THE AMERICAN RECOVERY & REINVESTMENT ACT THROUGH THE CPPW PROGRAM.

2010-12-09-1011

Item 7. AN ORDINANCE ACCEPTING AN OFFER WITH REMOTEC, INC. TO PROVIDE THE SAN ANTONIO POLICE DEPARTMENT, BOMB SQUAD UNIT WITH 1 ROBOT UTILIZED FOR HAZARDOUS DUTIES FOR A TOTAL COST OF \$112,002.00, FUNDED BY THE 2008 STATE HOMELAND SECURITY PROGRAM GRANT.

2010-12-09-1012

Item 8. AN ORDINANCE AUTHORIZING A CONTRACT WITH COMPRISE TECHNOLOGIES, INC., TO PROVIDE THE LIBRARY DEPARTMENT WITH A PERSONAL COMPUTER (PC) RESERVATION AND PRINT MANAGEMENT SYSTEM FOR \$94,000.00 FUNDED FROM A 2009 IMLS CONGRESSIONALLY DIRECTED GRANT AND A 2011 TEXAS STATE LIBRARY AND ARCHIVES COMMISSION LOAN STAR GRANT.

2010-12-09-1014

Item 10. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO HEALTHY RESOURCES ENTERPRISE, INC. IN THE AMOUNT OF \$275,089.78 FOR THE CULEBRA CREEK PARK IMPROVEMENTS PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND PROJECT LOCATED IN COUNCIL DISTRICT 6 AND AUTHORIZING THE CITY OF SAN ANTONIO TO ACCEPT A CASH DONATION IN THE AMOUNT OF \$37,993.50 FROM MR. WAYNE HARWELL TO FUND THE DEVELOPMENT OF A TRAIL HEAD FROM THE ADJACENT HARWELL PROPERTY TO THE CULEBRA CREEK PARK.

2010-12-09-1016

Item 12. AN ORDINANCE AUTHORIZING THE CHANGE OF THE USE OF PARK PROPERTY AND AUTHORIZING AN INTRAJURISDICTIONAL AGREEMENT FOR THE TRANSFER OF

USE, BENEFIT AND CONTROL OF APPROXIMATELY 1.3 ACRES OF PARK PROPERTY TO CPS ENERGY.

2010-12-09-1017

Item 13. AN ORDINANCE AUTHORIZING THE CONDITIONAL CLOSURE, VACATION, AND ABANDONMENT OF IMPROVED PORTIONS ALONG EAST HOUSTON AT 3RD STREETS PUBLIC RIGHTS OF WAY LOCATED BETWEEN ALAMO PLAZA AND BONHAM STREET ADJACENT TO N.C.B 115 IN CITY COUNCIL DISTRICT 1, AS REQUESTED BY THE DAUGHTERS OF THE REPUBLIC OF TEXAS.

2010-12-09-1018

Item 14. AN ORDINANCE AUTHORIZING THE SAN ANTONIO WATER SYSTEM (SAWS) TO DECLARE AS SURPLUS AND SELL 85.516 ACRES LOCATED AT 8400 OLD PEARSALL ROAD, LOCATED IN THE CITY OF SAN ANTONIO'S EXTRA TERRITORIAL JURISDICTION.

2010-12-09-1019

Item 15. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE FROM PRODUCTS LUMBER AND SUPPLY COMPANY FOR OFFICE SPACE LOCATED AT 5055 POPPING DRIVE IN COUNCIL DISTRICT 7, FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AS A WOMEN, INFANTS AND CHILDREN CLINIC, FOR AN INITIAL MONTHLY RENTAL RATE \$9,500.00 INCREASING TO \$10,474.00 FOR THE FIFTH YEAR.

2010-12-09-1020

Item 16. AN ORDINANCE AUTHORIZING THE RENEWAL OF THE VALLEY VIEW CUSTOMER SERVICE/311 SERVICE CENTER FIVE-YEAR LEASE AGREEMENT WITH WEINGARTEN REALTY INVESTORS FOR THE CONTINUED USE OF OFFICE SPACE LOCATED AT 8523 BLANCO ROAD FOR AN INITIAL MONTHLY RENTAL RATE OF \$4,556.30 INCREASING TO \$5,545.13 PER MONTH AT THE FIFTH YEAR OF THE RENEWAL TERM.

2010-12-09-1021

Item 17. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE EXTENSION WITH RAINFOREST CAFE FOR RIVER WALK PATIO SPACE FOR FIRST YEAR RENTAL PAYMENT OF \$4,704.00.

2010-12-09-1022

Item 18. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS UPON AWARD FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION IN THE AMOUNT OF \$241,652.00 FOR THE FY 2011 LOAN STAR LIBRARIES GRANT TO SUPPORT THE SERVICES AND OPERATIONS OF THE LIBRARY DEPARTMENT.

2010-12-09-1023

Item 19. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE DEPARTMENT OF STATE HEALTH SERVICES AND ACCEPTANCE OF FUNDS UP TO \$200,000.00 FOR DENTAL SERVICES AND AUTHORIZING AN AGREEMENT WITH THE UT HEALTH SCIENCE CENTER DENTAL SCHOOL TO PROVIDE SPECIALTY DENTAL SERVICES IN AN AMOUNT UP TO \$120,000.00 FOR THE TERM SEPTEMBER 1, 2010 TO AUGUST 31, 2011.

2010-12-09-1024

Item 20. AN ORDINANCE AUTHORIZING A CONTRACT WITH NOVARTIS VACCINES AND DIAGNOSTICS, INC. IN AN AMOUNT UP TO \$87,830.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO CONDUCT A VACCINE STUDY FOR THE PREVENTION OF MENINGOCOCCAL DISEASE IN INFANTS AND CHILDREN; AND AUTHORIZING PAYMENTS FOR THE PARTICIPANTS.

2010-12-09-1025

Item 21. AN ORDINANCE AMENDING CHAPTER 13 OF THE CITY CODE ENTITLED "FOOD AND FOOD HANDLERS" TO PROVIDE FOR A VARIANCE FOR FOOD ESTABLISHMENTS SEEKING TO PERMIT DOGS IN OUTDOOR EATING AREAS; ESTABLISHING RELATED FEES; AND PROVIDING FOR A PENALTY AND PUBLICATION.

Item 23. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011, 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; OR FOR TERMS AND EFFECTIVENESS AS OTHERWISE INDICATED BELOW:

- A. REAPPOINTING GERALD W. LEE, LOU MILLER, AND GAVINO RAMOS (AT-LARGE) TO THE VIA METROPOLITAN TRANSIT AUTHORITY FOR TERMS OF OFFICE TO COMMENCE JANUARY 1, 2011 AND EXPIRE DECEMBER 31, 2012.
- B. REAPPOINTING MARIA ELENA TORRALVA-ALONSO (DISTRICT 1) TO THE PORT AUTHORITY OF SAN ANTONIO FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 30, 2012.

2010-12-09-1028

Item 25. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH IRON & STEEL LOFTS, L.L.C TO PROVIDE FOR A SIX MONTH EXTENSION TO COMMENCE CONSTRUCTION ON THE \$10.9 MILLION MIXED-USED PROJECT WITH THE POSSIBILITY OF AN ADDITIONAL SIX MONTH EXTENSION.

Item 27. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE BUTTERKRUST BAKERY REDEVELOPMENT PROJECT LOCATED AT 2201 BROADWAY IN COUNCIL DISTRICT 2:

2010-12-09-1030

- A. AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ENTER INTO AN ECONOMIC DEVELOPMENT GRANT AGREEMENT IN THE AMOUNT OF \$2,468,150.00 WITH R.L. WORTH AND ASSOCIATES AND APPROVING A SAWS FEE WAIVER IN AN AMOUNT UP TO \$232,000.00 FOR THE REDEVELOPMENT OF THE BUTTERKRUST BAKERY.

2010-12-09-1031

- B. AN ORDINANCE CLOSING, VACATING AND ABANDONING A 30-FOOT WIDE PORTION OF THE MILL RACE PUBLIC RIGHT OF WAY, LOCATED IN COUNCIL DISTRICT 2, AND WAIVING THE ASSOCIATED FEES AT THE REQUEST OF GUENTHER DEVELOPMENT, LLC.

2010-12-09-1033

Item 29. AN ORDINANCE AUTHORIZING A THIRD AMENDMENT AND RENEWAL TO THE AGREEMENT FOR AUDIO/VISUAL SERVICES WITH AUDIO VISUAL SERVICES GROUP, INC. DBA PSAV EVENT SERVICES DIVISION BY EXTENDING THE TERM OF THE AGREEMENT FOR FOUR (4) MONTHS.

2010-12-09-1034

Item 30. AN ORDINANCE ADOPTING THE ARTS FUNDING PROGRAM GUIDELINE REVISIONS, EFFECTIVE FOR THE FY 2012-2013 FUNDING CYCLE, APPLICATIONS FOR WHICH WILL BE ACCEPTED BEGINNING JANUARY 2011.

2010-12-09-1035

Item 31. AN ORDINANCE AUTHORIZING A FIVE-YEAR AGREEMENT WITH EL CONSEJO REAL DE REYES FEOS ANTERIORES DBA REY FEO CONSEJO EDUCATIONAL FOUNDATION TO CONDUCT THE FIESTA EVENT AT MARKET SQUARE.

2010-12-09-1039

Item 34. AN ORDINANCE AUTHORIZING THE FOURTH AMENDMENT OF THE AUDIT SERVICES CONTRACT WITH GRANT THORNTON L.L.P., TO PROVIDE UP TO \$150,000.00 ADDITIONAL COMPENSATION DUE TO THE REQUIREMENT FOR INCREASED SINGLE AUDIT TESTING OF MAJOR STATE AND FEDERAL GRANT PROGRAMS, WITH THE TOTAL FEE FOR INDEPENDENT AUDIT SERVICES TO THE CITY FOR FISCAL YEAR 2010 NOT TO EXCEED \$975,000.00 AND AUTHORIZING PAYMENT UPON COMPLETION OF SERVICES.

2010-12-09-1040

Item 35. AN ORDINANCE AUTHORIZING AGREEMENTS WITH BEXAR COUNTY INDEPENDENT SCHOOL DISTRICTS FOR INCENTIVES IN A CUMULATIVE AMOUNT UP TO \$1,208,008.00 IN CONNECTION WITH THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S COMMUNITIES PUTTING PREVENTION TO WORK (CPPW) PROGRAM, FUNDED THROUGH THE AMERICAN RECOVERY & REINVESTMENT ACT, WITH TERMS BEGINNING ON DECEMBER 9, 2010 AND ENDING ON MARCH 18, 2012.

2010-12-09-1041

Item 36. AN ORDINANCE AUTHORIZING THREE PROFESSIONAL SERVICES AGREEMENTS WITH KENMARK BULLOCK PERSONNEL LLC, LABOR ON DEMAND, INC., AND KEYSTAFF, INC., TO PROVIDE TEMPORARY STAFFING SERVICES ON A "PAY PER USE" BASIS TO CITY DEPARTMENTS IN AN ESTIMATED ANNUAL AMOUNT OF \$2 MILLION, FUNDED BY DEPARTMENT BUDGET APPROPRIATIONS.

2010-12-09-1042

Item 37. AN ORDINANCE AUTHORIZING A TWO-YEAR EXTENSION TO THE CURRENT CONTRACT WITH MORRIS & MCDANIEL INC., FOR THE PREPARATION OF VALIDATED,

WRITTEN EXAMINATIONS AND VIDEO-BASED ASSESSMENTS FOR POLICE PROMOTIONAL EXAMINATIONS FOR THE SAN ANTONIO POLICE DEPARTMENT, FOR AN ESTIMATED ANNUAL COMPENSATION IN THE AMOUNT OF \$186,840.00 FOR THE FIRST YEAR AND \$156,240.00 FOR THE SECOND YEAR, WITH AN ADDITIONAL \$2,500.00 PER TEST FOR APPEAL HEARINGS, IF NECESSARY, FUNDED BY THE GENERAL FUND.

Item 38. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO PETCO ANIMAL SUPPLIES, INC.:

2010-12-09-1043

- A. AN ORDINANCE DESIGNATING THE PETCO REINVESTMENT ZONE LOCATED AT 654 RICHLAND HILLS DRIVE IN DISTRICT 6.

2010-12-09-1044

- B. AN ORDINANCE APPROVING A 10-YEAR, 100% TAX ABATEMENT AND \$650,000.00 GRANT AGREEMENT WITH PETCO ANIMAL SUPPLIES, INC.; APPROVING \$100,000.00 IN TRAINING CREDITS WITH ALAMO COLLEGES OVER TWO YEARS FOR PETCO; AND ACCEPTING A DONATION FROM PETCO FOR THE BENEFIT OF THE CITY'S SPAY AND NEUTER PROGRAM.

Item 39. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO INDUSTRIAL DISTRICT NON-ANNEXATION AND BASIC FIRE SERVICES AGREEMENTS:

2010-12-09-1045

- A. AN ORDINANCE APPROVING A FIVE-YEAR INDUSTRIAL DISTRICT NON-ANNEXATION AND BASIC FIRE SERVICES AGREEMENT WITH LANCER CORPORATION.

2010-12-09-1046

- B. AN ORDINANCE APPROVING A FIVE-YEAR INDUSTRIAL DISTRICT NON-ANNEXATION AND BASIC FIRE SERVICES AGREEMENT WITH THE TEXAS RESEARCH AND TECHNOLOGY FOUNDATION.

2010-12-09-1047

- C. AN ORDINANCE APPROVING A FIVE-YEAR INDUSTRIAL DISTRICT NON-ANNEXATION AND BASIC FIRE SERVICES AGREEMENT WITH CITICORP DATA SYSTEMS INCORPORATED.

Item 40. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE SOLAR AMERICA CITIES PROGRAM:

2010-12-09-1048

- A. AN ORDINANCE AUTHORIZING AN INTERAGENCY PARTICIPATION AGREEMENT WITH CPS ENERGY IN AN AMOUNT UP TO \$50,000.00 TO MANAGE A MEDIA MARKETING CAMPAIGN FOR THE "SOLAR AMERICA CITIES PROGRAM" TO RAISE PUBLIC AWARENESS OF BUILD SAN ANTONIO GREEN'S SOLAR HOME CERTIFICATION PROGRAM, FUNDED BY THE DEPARTMENT OF ENERGY'S "SOLAR AMERICA CITIES" GRANT.

2010-12-09-1049

- B. AN ORDINANCE AUTHORIZING THE EXTENSION OF AN AGREEMENT WITH BUILD SAN ANTONIO GREEN, FUNDED BY THE DEPARTMENT OF ENERGY'S "SOLAR AMERICA CITIES" GRANT.

2010-12-09-1050

Item 41. AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) HOME INVESTMENT PARTNERSHIP GRANT FUNDS IN THE AMOUNT OF \$2,425,000.00 AVAILABLE FROM CANCELLED AND CLOSED-OUT PROJECTS; AMENDING THE FY 2011 CONSOLIDATED ANNUAL ACTION PLAN; AUTHORIZING THE CLOSE-OUT AND CANCELLATION OF AFFECTED PROJECTS AND THE CREATION OF NEW PROJECTS AND PROJECT BUDGETS; AND AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY.

2010-12-09-1051

Item 42. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE FY 2010-2011 CONSOLIDATED ANNUAL ACTION PLAN TO AMEND THE PUBLIC SERVICE ALLOCATIONS OF \$1,866,793.00 TO REFLECT THE HUMAN & WORKFORCE DEVELOPMENT DELEGATE AGENCY ALLOCATIONS APPROVED AS PART OF THE CITY'S FY 2011 ADOPTED BUDGET; AND AUTHORIZING THE AMENDMENT OF ORDINANCE NO. 2010-08-05-0645 TO AUTHORIZE THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO EXECUTE ANY AND ALL DOCUMENTS IN CONNECTION WITH THE OWNER-OCCUPIED RECONSTRUCTION, RENTAL REHABILITATION AND HOUSING REVITALIZATION PROGRAMS.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-12-09-1026

Item 22. AN ORDINANCE AMENDING CHAPTER 14 OF THE CITY CODE OF SAN ANTONIO, TEXAS, TO ADD A NEW SECTION REQUIRING RESIDENTIAL MULTI-FAMILY PROPERTIES TO PROVIDE OR CONTRACT FOR ON-SITE RECYCLING COLLECTION SERVICES FOR RESIDENTS WITHIN MULTI-FAMILY PROPERTIES.

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

Councilmember Clamp requested highlights of the Ordinance. Mr. McCary stated that the proposed Multi-Family Recycling Ordinance was a reflection of the City's Ten-Year Recycling and Resource Recovery Plan and would provide residents in Multi-Family Complexes the opportunity to recycle. He noted that they had been working with stakeholders on the program for over a year and would be implemented through a phased-in approach. He mentioned that they would work on a recycling plan with each of the complexes and help them address challenges.

Councilmember Clamp stated that he was pleased that staff had worked closely with the community to solicit input and complimented Mayor Castro for his leadership on sustainability initiatives. He asked how staff would address issues brought forth by multi-family complexes. Mr. McCary replied that they would walk them through the process and provide information in person and electronically. He indicated that if a complex was given a notice of violation, they would have two weeks to become compliant and inform staff of their challenges. Councilmember Ramos stated that she understood the financial challenges that had been addressed by various apartment owners and operators but noted that she was pleased that stakeholders had been included in the process. Councilmember Cortez expressed concern with the enforcement timeline. Mr. McCary stated that complexes would have an opportunity to begin working on their plans with staff and felt that the July 1, 2011 timeline was adequate.

Councilmember Cortez made a friendly amendment that the enforcement date for complexes of 200 units or more be implemented in January, 2012. Councilmember Clamp accepted the friendly amendment.

Councilmember Rodriguez stated that he was in support of said item and had been working on the program for over two years. He thanked staff for working with stakeholders in the community and noted that the quality of life of residents would improve through additional recycling. Councilmember Taylor thanked city staff and the many stakeholders that had been involved throughout the process. She stated that she felt that sufficient time had been given to prepare for implementation and would be supportive of the Ordinance with the timelines presented by staff.

Councilmember Taylor moved to adopt the proposed Ordinance as recommended by staff. Councilmember Ramos seconded the motion.

Councilmember Chan stated that she was supportive of recycling efforts but expressed concern with the challenging economic conditions. She noted that business owners should not incur additional financial burden and would be supportive of delaying enforcement until January 2012.

After due discussion, Councilmembers Clamp and Taylor withdrew their motions.

Mayor Castro thanked staff for their work and collaboration with the community and stated that he was pleased that San Antonio would join other US Cities in recycling efforts and protecting the environment. Councilmember Williams stated that Municipal Court would have the opportunity to work with individual situations regarding enforcement and that adequate time had been spent on the process.

Councilmember Taylor moved to adopt the proposed Ordinance as presented by staff. Councilmember Ramos seconded the motion.

Councilmember Clamp moved to adopt the proposed Ordinance with the condition that the enforcement date for complexes of 200 units or more be implemented in January, 2012. Councilmember Cortez seconded the motion.

The motion failed by the following vote: **AYES:** Cortez, Rodriguez, Chan, and Clamp. **NAY:** Cisneros, Taylor, Ramos, Medina, Williams, and Mayor Castro. **ABSENT:** Lopez.

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

Mayor Castro addressed Item 32 at this time.

The City Clerk read the following Ordinance:

2010-12-09-1036

Item 32. AN ORDINANCE AUTHORIZING A FIVE-YEAR FUNDING AGREEMENT WITH THE SAN ANTONIO PARKS FOUNDATION FOR \$100,000.00 WITH AN ANNUAL INCREASE OF 3%.

Mayor Castro recognized Former Mayor Lila Cockrell and thanked her for being present. Councilmember Cisneros thanked Mayor Cockrell and the San Antonio Parks Foundation for their work. She also recognized the Rey Feo Consejo Educational Foundation who will conduct the Fiesta Event at Market Square and noted that they would be implementing a Scholarship Program. She referenced a memo from Pat DiGiovanni to the Market Square Coalition in which he noted the city's obligation to ensure that the Market Square Fund was balanced and if necessary, subsidized by the General Fund. Councilmember Ramos thanked Mayor Cockrell and the San Antonio Parks Foundation for their work on the Fiestas Fantasias Event at Market Square. She recognized Councilmember Cisneros for her leadership on said item and thanked the Downtown Operations Department for their efforts in the Downtown Area. She added that the new agreement would be a win-win situation for all parties involved.

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

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

Mayor Castro addressed Item 26 at this time.

The City Clerk read the following Ordinance:

2010-12-09-1029

Item 26. AN ORDINANCE AUTHORIZING A NON-BINDING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND SAN ANTONIO INDEPENDENT SCHOOL DISTRICT FOR DUE DILIGENCE RELATED ITEMS ASSOCIATED WITH A POTENTIAL PROPERTY EXCHANGE BETWEEN THE PARTIES, TO INCLUDE THE FRIEDRICH PROPERTY.

Pat DiGiovanni outlined the Memorandum of Understanding (MOU) between the City of San Antonio and the San Antonio Independent School District (SAISD). He stated that the purpose of the MOU was to establish a due diligence period to explore the adaptive reuse of the Friedrich Building for potential use by SAISD as a Central Administrative Office Complex. He noted that the Friedrich Building was located on East Commerce Street and had operated for over 50 years as the Friedrich Refrigeration Company. He reported that consolidating SAISD functions would add value for the District and spur

economic development on the Eastside. He mentioned that in exchange for the renovated Friedrich Building, the city would receive SAISD Real Estate Assets that would allow for additional redevelopment in the Inner City. He stated that the MOU was a nonbinding agreement that committed each party to \$100,000 but was not a contract for acquisition or exchange of properties. He added that the recommended funding for the city's portion was through the Inner City TIRZ #11 and that preliminary project costs totaled \$45-50 million.

Mayor Castro excused himself from the meeting at this time.

In response to Councilmember Williams, Mr. DiGiovanni stated that the option agreement would be brought to the City Council in January. Councilmember Williams recognized Councilmember Taylor for her leadership on said item but stated that the city should not be in the development business and could not support the item. Councilmember Ramos also recognized Councilmember Taylor for her efforts on the Eastside. She stated that although she concurred with Councilmember Williams, she would support the item since it would not affect the General Fund. Councilmember Clamp asked of the financial history and risks associated with the Friedrich Building. Mr. DiGiovanni replied that the building was an abandoned industrial manufacturing facility designed for a refrigeration company. He noted that this type of facility was difficult for reuse projects in the community and had associated environmental issues. He stated that the environmental reports for the facility showed PCB contamination on the site due to transformers and that remediation was estimated at \$2 million. He added that \$150,000 would also be needed for asbestos remediation.

Councilmember Clamp asked of the financial commitment by SAISD. Mr. DiGiovanni replied that SAISD did not have any cash to provide for renovation of the Friedrich Building and that the city would identify potential revenue sources. He confirmed that in return for the city's investment of \$45-50 million, the city would receive a series of surplus properties from SAISD. He added that a number of resources would be utilized to fund same including the Inner City TIRZ #11, HUD 108, CDBG, and New Market Tax Credits. Councilmember Taylor thanked the SAISD Board of Directors for their support and city staff for their work on the project. She noted that the project had been identified as a catalyst for redevelopment on the Eastside and that the MOU would provide for further study of the project. Councilmember Cortez thanked Councilmember Taylor for her leadership on the project and noted that the project would help revitalize the area.

Ms. Vacek stated that a letter of support for Item 26 had been received from the Carver Academy.

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

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Rodriguez, and Chan. **NAY:** Williams and Clamp. **ABSENT:** Lopez and Mayor Castro.

At this time, Mayor Pro Tem Taylor addressed Item 28.

The City Clerk read the following Ordinance:

2010-12-09-1032

Item 28. AN ORDINANCE AUTHORIZING THE NAMING OF THE PARK LOCATED AT 5206 HILLJE STREET TO THE SGT. MATTHEW E. MENDOZA, USMC PARK.

Xavier Urrutia spoke of the process of the park naming that included a public hearing. He noted that they had sent notices to the property owners within 400 feet and had received overwhelming support for naming the park after Sergeant Matthew E. Mendoza, United States Marine Corps. Councilmember Ramos stated that Sgt. Mendoza was 24 years of age and a lifelong resident of District 3. She noted that he died on June 20, 2008 while conducting combat operations in Afghanistan. She mentioned that he played Pop Warner and High School Football and graduated from Highlands High School. She thanked his parents and recognized his family members and friends present.

Albert Mireles, Chairman of the Marine Corps Veterans Committee at VFW Post 76 stated that this was a great honor being bestowed upon the Mendoza Family on behalf of Sgt. Mendoza. He mentioned that he knew Sgt. Mendoza personally and that the Marine Corps Veterans Committee had named a scholarship in his honor. He thanked the City Council for their support.

Councilmember Cisneros spoke in support of the park naming and thanked Councilmember Ramos for her leadership on same. She recognized Sgt. Mendoza's family and friends that were present. Councilmember Cortez also recognized Sgt. Mendoza's family and friends present, as well as Councilmember Ramos for leading said effort. He offered his condolences to the family for their loss and stated that this was an appropriate way to honor Sgt. Mendoza. Councilmember Medina also offered his condolences to the Mendoza Family for their loss and stated that it was unfortunate that a young life was lost. He spoke of Sgt. Mendoza's service to the country and noted that he was inspired to continue serving the community. Councilmember Taylor echoed the comments of the Councilmembers and thanked Sgt. Mendoza's parents for raising an extraordinary young American.

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

Mayor Pro Tem Taylor addressed Item 24 followed by Item 5.

The City Clerk read the following Ordinance:

2010-12-09-1027

Item 24. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT WITH THE UNIVERSITY OF TEXAS AT SAN ANTONIO IN THE AMOUNT OF \$5,250,000.00 FOR USE IN THE CONSTRUCTION OF THE UNIVERSITY OF TEXAS SAN ANTONIO ATHLETICS FIELDS AND FACILITIES PROJECT, A 2007-2012 GENERAL OBLIGATION FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 8.

Councilmember Williams recognized University of Texas at San Antonio (UTSA) Representatives present and stated that the funding agreement was important to the entire city. He spoke of UTSA's great athletic program and the development of world class athletic fields that could be utilized by all. He thanked everyone that worked on the project.

Lynn Hickey of UTSA thanked the City Council for their support and stated that the project would benefit all of South Texas.

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

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

The City Clerk read the following Ordinance:

2010-12-09-1009

Item 5. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR ANNUAL GOODS AND SERVICES: (A) GENUINE PARTS COMPANY FOR AUTOMOTIVE & TRUCK AIR CONDITIONING PARTS, (B) POPPE AUTOMOTIVE WHSE., INC. FOR AUTOMOTIVE BEARINGS, OIL AND GREASE SEALS, HUB CAPS, GASKETS AND VENT PLUGS, (C) CASARES SAND PIT & TRUCKING FOR SAND PRODUCTS, (D) CASARES SAND PIT & TRUCKING FOR SOIL, (E) GENUINE PARTS COMPANY FOR AUTOMOTIVE TYPE PAINT AND SUPPLIES, (F) TRACTOR CITY FOR RAYCO BRUSH GRINDER PARTS AND SERVICE, (G) D & A TECHNOLOGY AND DEVELOPMENT FOR TIRE RUBBER MODIFIED SURFACE SEAL, (H) CBT PARTNERS DBA JANI-KING OF SAN ANTONIO FOR JANITORIAL SERVICES FOR VARIOUS CITY FACILITIES (**ITEM 5H CONTINUED TO JANUARY 13, 2011**), (I) FIRE SUPPLY, INC. FOR FIREFIGHTING GLOVES, (J) OVERDRIVE INC. FOR SUBSCRIPTION AND LICENSE FOR DOWNLOADABLE BOOKS AND DIGITAL MEDIA, (K) PROQUEST LLC FOR NEWSPAPER PUBLICATIONS IN MICROFILM, (L) STANDARD & POOR'S FINANCIAL SERVICES, LLC FOR NETADVANTAGE LICENSE AGREEMENT, (M) MID-AMERICA RECYCLING LLC DBA GREENSTAR, (FKA VISTA FIBERS) FOR RECYCLING OF COMMERCIAL GARBAGE DISPOSAL SERVICES FOR THE CITY OF SAN ANTONIO AND (N) STAPLES CONTRACT & COMMERCIAL INC., OPERATING AS STAPLES ADVANTAGE FOR OFFICE SUPPLIES AND PRODUCTS.

Councilmember Cortez asked of the bid process for Item 5H. Ben Gorzell replied that the contract was awarded through a low-bid process and was not based on the services provided by Selrico Services. Councilmember Cortez asked of the local presence of Jani-King. Mr. Gorzell stated that the franchise qualified as a local business enterprise and confirmed that no Small Business Economic Development Advocacy (SBEDA) points were awarded as part of the bid process. He further noted that the Committee that reviewed the bids had found no issues of noncompliance with bid specifications or requirements and that pricing was based on square footage. Councilmember Cortez called upon Ellen Kaskie of Selrico Services.

Ms. Kaskie stated that they did not feel that Jani-King was fully compliant with the specifications and did not bid based on annual pricing. She expressed concern that the city had miscalculated when converting Jani-King's monthly pricing to annual pricing. In response to Councilmember Cortez, she stated that Selrico Services was founded in 1989 and was a minority and Veteran-owned company. She noted that they had contracts with City, State, and Federal Entities and operated two janitorial contracts for the City of San Antonio.

Councilmember Rodriguez asked why multiple contracts for goods and services were presented within one agenda item. Mr. Gorzell replied that the contracts being awarded were annual contracts and based on estimated amounts allocated by departments. Councilmember Rodriguez requested that staff work on

a process to clarify the backup documentation on these types of items in the future. Councilmember Ramos asked if Selrico Services would continue to provide janitorial services until a new contract was awarded. Mr. Gorzell replied that Selrico Services and other vendors would continue to provide the services.

Councilmember Cortez moved to adopt the proposed Ordinance for Items 5A through 5N and to continue Item 5H until January 13, 2011. Councilmember Medina seconded the motion.

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

The City Clerk read the following Ordinance:

2010-12-09-1015

Item 11. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$68,773.30 TO THE \$533,536.70 CONSTRUCTION CONTRACT WITH TROPICAL CONTRACTING, LLC FOR ADDITIONAL SIDEWALK WORK AS PART OF THE ST. CLOUD PEDESTRIAN IMPROVEMENTS PROJECT, A 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 7.

Councilmember Rodriguez requested an update on the project. Mike Frisbie replied that construction began last Summer and was scheduled for completion in February 2011. He stated that savings had been identified and would be utilized to provide sidewalks in various areas. Councilmember Rodriguez thanked staff for their work and stated that he was pleased that the area around St. Paul's School would be receiving sidewalks.

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

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

The City Clerk read the following Ordinance:

2010-12-09-1013

Item 9. AN ORDINANCE AUTHORIZING AN INCREASE OF \$20,690.00 TO THE PRIOR APPROVED FUNDING AGREEMENT WITH NORTHSIDE INDEPENDENT SCHOOL DISTRICT FOR DRAINAGE AND OTHER IMPROVEMENTS ASSOCIATED WITH THE HUNT LANE PROJECT. A 2007-2012 GENERAL OBLIGATION BOND PROGRAM PROJECT, LOCATED IN COUNCIL DISTRICTS 4 AND 6.

Councilmember Cortez asked of the cost savings that had been identified. Mike Frisbie stated that the Northside Independent School District (NISD) was working on a project in the area and had completed the city's portion of the work ahead of schedule. He noted that there would be cost savings due to the work being completed early and thanked NISD for their partnership. Councilmember Cortez recognized Dr. Folks of NISD and George Lynn Britton, NISD Board Trustee for their partnership and support. He stated that he was pleased with the infrastructure improvements that would be completed in the area.

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

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

The City Clerk read the following Ordinances:

Item 33. CONSIDERATION OF THE FOLLOWING MATTERS IN CONNECTION WITH THE ISSUANCE, SALE, AND DELIVERY OF THE 2010A TAX-EXEMPT AIRPORT BONDS, 2010B TAXABLE AIRPORT BONDS, AND 2010 PFC BONDS:

2010-12-09-1037

- A. AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF APPROXIMATELY \$41,155,000.00 IN PRINCIPAL AMOUNT OF "CITY OF SAN ANTONIO, TEXAS AIRPORT SYSTEM REVENUE IMPROVEMENT AND REFUNDING BONDS, SERIES 2010A", AND APPROXIMATELY \$22,535,000.00 IN PRINCIPAL AMOUNT OF "CITY OF SAN ANTONIO, TEXAS AIRPORT SYSTEM REVENUE REFUNDING BONDS, TAXABLE SERIES 2010B"; APPROVES AND AUTHORIZES INSTRUMENTS AND PROCEDURES RELATING THERETO, INCLUDING A PURCHASE CONTRACT, AN ESCROW AGREEMENT, AND A PAYING AGENT/REGISTRAR AGREEMENT; AND PROVIDES FOR AN IMMEDIATE EFFECTIVE DATE.

2010-12-09-1038

- B. AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF APPROXIMATELY \$38,145,000.00 IN PRINCIPAL AMOUNT OF "CITY OF SAN ANTONIO, TEXAS PASSENGER FACILITY CHARGE AND SUBORDINATE LIEN AIRPORT SYSTEM REVENUE IMPROVEMENT AND REFUNDING BONDS, SERIES 2010"; GRANTING A FIRST LIEN ON PASSENGER FACILITY CHARGES UNDER THE MASTER PFC ORDINANCE AND A LIEN ON SUBORDINATE NET REVENUES OF THE AIRPORT SYSTEM UNDER THE MASTER AIRPORT SYSTEM ORDINANCE; APPROVES AND AUTHORIZES INSTRUMENTS AND PROCEDURES RELATING THERETO INCLUDING A PURCHASE CONTRACT AND A PAYING AGENT/REGISTRAR AGREEMENT; AND PROVIDES FOR AN IMMEDIATE EFFECTIVE DATE.

Councilmember Cisneros recused herself on Items 33A & 33B by exiting the Council Chambers and noting she submitted the recusal forms to the City Clerk.

Councilmember Cortez moved to adopt the proposed Ordinances for Items 33A and 33B. Councilmember Chan seconded the motion.

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

At this time, Mayor Pro Tem Taylor addressed Item 4.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

Item 4. BRIEFING ON THE CITY'S BUDGET AND FINANCIAL PERFORMANCE TO INCLUDE: I) A PRELIMINARY UNAUDITED YEAR END FINANCIAL STATUS REPORT FOR FY 2010; II) A FINANCIAL AND PROGRESS UPDATE FOR THE FY 2011 BUDGET; AND III) A STATUS UPDATE ON THE \$30 MILLION CAPITAL IMPROVEMENTS PROGRAM.

Sheryl Sculley reported the preliminary FY 2010 Financial Status, noting that favorable revenue and expenditure variances had resulted in \$12.9 million in the ending fund balance since budget adoption. She stated that the additional \$8.7 million in revenue was attributed to \$4 million from CPS Energy; \$400,000 from Sales Tax; and \$4.3 million from the EMS Transport Fees, Business and Franchise Tax, Licenses/Permits, and Recreation/Culture. She outlined the \$4.3 million savings in expenditures noting that \$1.7 million was due to savings in utility bills and vacancy savings; \$1.6 million from closing out prior year encumbrances; and \$1 million associated with savings in professional contractors, binding/printing, travel, and other line items. She stated that the FY 2012 Budget Plan projects a \$37 million budget challenge and that proposals to address same include additional revenue by increasing the City Property Tax Rate to the Effective Tax Rate and lower contribution requirements with proposed restructuring of the Texas Municipal Retirement Services (TMRS) Fund.

Ms. Sculley provided an overview of the FY 2011 Budget, noting that it included additional Police and Fire Uniform Positions, Street Repair Funding, and Improved Code Enforcement. She spoke of the 22 new Police Officers and In-Car Video Systems for all front-line Police Vehicles. She mentioned that 30 Firefighter Positions were fully funded at Fire Station 51 and that Hazmat Training would be added to allow for a second Hazardous Material Response Team. She noted that the Street Maintenance Budget totaled \$53.5 million and \$6.5 million was allocated for sidewalks. She spoke of the \$500,000 included for low-cost spay and neuter surgeries and the \$632,000 for re-engineering of the Extreme Sweeps Program. She outlined economic development initiatives that include \$1.5 million for the Land Bank Program and \$2 million for the Inner City Incentive Fund. She reported that the Brush Collection Program was re-engineered to allow for 100% recycling and that \$3.7 million was allocated for the new Brush Recycling Facility.

Ms. Sculley stated that the Solid Waste Fund ended FY 2010 in a positive financial position with preliminary revenues up \$500,000 from projections. She noted that the Aviation Fund also ended FY 2010 in a positive financial position with increased revenue in the amount of \$829,000 and decreased expenditures totaling \$1.3 million. She reported that the Hotel Occupancy Tax and Development Services Funds ended FY 2010 in a positive financial position but noted that FY 2010 New Residential Permits were 10% below FY 2009 and New Commercial Permits were 13% below FY 2009. Lastly, Ms. Sculley stated that the \$30 million Bond Balance Program would be substantially complete by December 31, 2010 with 88 of the 97 projects completed.

Councilmember Cisneros thanked staff for their work and stated that she was pleased that the city had received a AAA Bond Rating for two consecutive years and had added 305 Police Officers and 163 Firefighters over the past five years. Councilmember Chan also recognized staff for their work and stated that it was important to maintain a certain level of basic services. She also noted the importance of communicating to the public that the city was spending responsibly. She confirmed that \$18 million had been saved from the FY 2010 to offset the FY 2011 Budget.

Jack M. Finger addressed the City Council and expressed opposition to the additional revenue proposal to increase the City's Property Tax Rate to the Effective Tax Rate. He stated that funds could be saved through the elimination of the Department of Community Initiatives and the funding provided to delegate agencies. He spoke in opposition to the Cultural Arts Funding provided to organizations that promote homosexuality.

There was no action required for Item 4.

RECESSED

Mayor Pro Tem Taylor recessed the meeting at 12:28 pm to break for lunch and announced that the meeting would resume at 2:00 pm for Zoning.

RECONVENED

Mayor Pro Tem Taylor reconvened the meeting at 2:20 pm and addressed the Individual Zoning Item.

INDIVIDUAL ZONING ITEM

CONTINUED TO JANUARY 20, 2011

Z-1. **ZONING CASE #Z2009165 HL (District 7):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "HL C-2 AHOD" Historic Landmark Commercial Airport Hazard Overlay District (previously known as Historic Significant) on the northeast 522 feet of Lot 6, NCB 8349 located at 3031 West Woodlawn Avenue. Staff and Zoning Commission recommend approval. (Continued from November 19, 2010)

Chris Looney stated that staff and the Zoning Commission recommended approval of Item Z-1. He noted that of ten responses mailed, one had been received in opposition from the property owner and that due to said opposition; the zoning would require nine votes for approval. He added that no response had been received from the Donaldson Terrace Neighborhood Association.

Councilmember Rodriguez asked of the Historic Designation process. Shanon Wasielewski stated that the process was implemented in 2009 and that several portions of the building were recommended for Historic Designation by the Historic Design and Review Commission.

A letter of support for Item Z-1 was received from Rollette Schreckenghost, President of the Conservation Society.

Councilmember Rodriguez stated that he was awaiting confirmation that the property was being sold and moved to continue Item Z-1 to January 20, 2011. Councilmember Cisneros seconded the motion.

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

RECESSED

Mayor Pro Tem Taylor recessed the meeting at 2:25 pm and announced that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Pro Tem Taylor reconvened the meeting at 6:07 pm and called upon the individuals registered to speak.

Mark Kellman provided photos of Shoreline Promenade along Corpus Christi Beach and noted that they had recently approved a Master Plan that included a good amount of green space. He spoke of the importance of urban planning projects in San Antonio.

Leticia Vela stated that she had previously addressed the City Council regarding issues with a neighbor that routinely played amplified music outdoors. She expressed concern that the issue has not been resolved and that SAPD has been unwilling to help address the matter. She showed a calendar depicting the days and times that the loud music was played and requested that her neighborhood's quality of life be protected.

Nazirite Ruben Flores Perez spoke of the Book of Jeremiah in the Bible.

Ronald Rocha stated that the Alamo has fallen into the hands of the Daughters of the Republic of Texas (DRT) and expressed concern that the Alamo was a sacred burial site. He stated that a criminal investigation and audit should be conducted of the DRT and that custodial rights for the Alamo should be removed from the DRT. He stated that it would be a great travesty not to take action against the DRT.

Nick Calzoncit stated that he was in support of the comments made by Ronald Rocha. He requested that the City Council pass a Resolution in support of the Dream Act, noting that there were various colleges and universities in support of same. He spoke in opposition to the names of various schools in San Antonio including Stonewall Jackson Elementary School.

Fidel Castillo spoke of juveniles that have been detained and asked that they not be medicated. He provided several documents created by the Annie E. Casey Foundation regarding the Juvenile Detention Alternatives Initiative.

Faris Hodge, Jr. asked why the city would be closed on December 24 and 27, 31, as well as January 1st. He sang "Feliz Navidad" to the Mayor and Council. He spoke in support of the privatization of the County Jail and requested that the Alamodome be named after him. He expressed concern with the quality and amount of food provided to Seniors by the San Antonio Food Bank. He stated that the seat belt campaign was still in effect and that the train in Brackenridge Park was too small for adults. He noted that city staff should not serve on the Citizen Advisory Action Board and expressed concern that CPS Energy did not reconnect electricity after 5:00 pm.

Raymond Zavala commended Councilmembers Taylor, Reed, and Chan for being in attendance. He expressed concern with a Code Compliance Officer that had damaged his property and stated that he would seek payment for damages from the city. He spoke of his concerns with panhandling throughout

the city and asked that SAMMinistries be investigated due to an altercation that had occurred with his friend. He noted that the alleyway on Monclova Street was overgrown and considered it a nuisance.

John McCann stated that he was pleased to see a few Councilmembers present and asked that others send representatives when they cannot attend. He expressed concern that the current Smoking Ordinance does not have any teeth in it since smoking is still allowed in the entrances to public facilities. He requested that all of Alamo Plaza and the Riverwalk be declared "No Smoking."

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Taylor adjourned the meeting at 6:40 pm.

APPROVED



JULIÁN CASTRO
MAYOR

Attest:



LETICIA M. VACEK, TRMC/CMC
City Clerk