

**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 15, 2010 AND THURSDAY, DECEMBER 16, 2010, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **December 15, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Rodriguez. Ms. Vacek announced that Councilmember Rodriguez was out of town.

1. BRIEFING AND UPDATE ON THE POLICE AND FIRE PUBLIC SAFETY HEADQUARTERS PROJECT.

Erik Walsh, Assistant City Manager, reported that the new Federal Courthouse would be located at the current Police Department Headquarters Site on Nueva Street. He added that the city had entered into an agreement with the Bexar County Performing Arts Center to provide them with the current Fire Department Headquarters Site located next to the Municipal Auditorium. He reported that the FY 2008 Adopted Budget included \$100 million for the construction of a new Public Safety Headquarters Building. He outlined that the project would provide a centralized location for the Police and Fire Departments. He indicated that the administration and support services for both Departments would be located in the new building, as well as various other units. Lastly, it was noted that the timeline of October 20, 2010 had been utilized for the Requests for Proposal (RFP) for Design/Build Public Safety Headquarters Project.

Mike Frisbie, CIMS Director, noted that a two-step selection process had been utilized and that five teams had been shortlisted based on the Evaluation Criteria utilized. Of the five teams, the Evaluation Committee recommended Hensel Phelps Construction Co. for the Design/Build Contract. He presented a matrix of the RFP Scoring, noting that Hensel Phelps had received 55 points for their price proposal, as it was \$7 million lower than the next closest bidder. He stated that they had a Guaranteed Maximum Price and felt that good bridging documents had allowed for accurate pricing. Within the Small Business Economic Development Advocacy (SBEDA) scoring, he mentioned that scores were carried over from Phase I but could submit addendums to increase their scores. He indicated that all companies had committed to meeting or exceeding SBEDA goals for construction.

Mr. Frisbie spoke of the work of Hensel Phelps, noting that in 2010, Engineering News Record ranked Hensel Phelps as the #1 Firm nationally for Government Work. He stated that they had 200 employees in Texas with 66 employees in two San Antonio offices. He reported that Hensel Phelps had worked on four projects in San Antonio over the last three years with a value of \$346 million. He indicated that Hensel Phelps was committed to meeting the city's timeline and exceeding SBEDA Design Goals. He added that 235 local subcontractors and suppliers had already been contacted and provided the names of seven Hensel Phelps Subcontractors. He mentioned that the contract with Hensel Phelps included safeguards to ensure that a quality project was completed at the proposed price.

Mr. Frisbie presented the project schedule in which construction was scheduled to begin in February 2011. He provided an updated Headquarters Project Budget totaling \$62,029,970 and noted that the contract with Hensel Phelps included \$3,500,000 for allowances. He stated that the allowances were for elements that had not yet been designed or priced.

Mayor Castro spoke of the importance of the project to the community and commended everyone that participated in the process. He stated that it was important to have a fair and thorough process as well as sufficient evaluation and oversight by the City Council. Councilmember Cortez asked of the \$7 million difference between Hensel Phelps and the next closest bidder. Mr. Frisbie replied that their prices were low across the board and had contacted 235 local subcontractors and suppliers to ensure a Guaranteed Maximum Price. He noted that Hensel Phelps was currently working on several large projects at Fort Sam Houston and had expressed interest in staying in San Antonio. Councilmember Cortez asked if future City Councils would have to approve change orders to fill the \$7 million gap. Mr. Frisbie replied that should not be the case since Hensel Phelps had agreed to a Guaranteed Maximum Price. Councilmember Cortez asked of Hensel Phelps' low score in the SBEDA Category. Mr. Frisbie stated that their initial proposal did not link percentages to actual companies.

Councilmember Cortez spoke of the importance of local, minority participation and asked of Hensel Phelps' commitment to local small businesses. Mr. Frisbie referenced Slide 17 and noted that Hensel Phelps had committed to exceeding the SBEDA subconsultant goals for design services within all three categories. Councilmember Cortez asked of City Council input for high profile contracts earlier in the selection process. Sheryl Sculley replied that the 20 points assigned for SBEDA was a policy of the City Council and that having a higher number of SBEDA points would not have changed the outcome. She stated that a dialogue regarding key upcoming projects would occur with the City Council in January 2011. Councilmember Cortez stated that he looked forward to that discussion and thanked staff for their work.

Councilmember Cortez asked of the selection of the Evaluation Committee. Ms. Sculley stated that there was an administrative policy in place regarding the individuals that serve on Evaluation Committees. She noted that \$3.5 million had already spent on the design through a contract with local firm Ford, Powell & Carson. Councilmember Cortez asked of the affiliation of committee members to bidders. Mr. Frisbie stated that each committee member was required to sign a "No Conflict" form and Confidentiality Statements prior to serving. Councilmember Ramos stated that she had the opportunity to meet with Hensel Phelps and understands that they pulled from a large amount of subcontractors which resulted in lower costs. She asked of the city's use of the Design-Build Method. Mr. Frisbie replied that they had utilized the same method on the Emergency Operations Center and Development Services One-Stop Center. He stated that the Construction/Manager At-Risk is a similar method and has been used on many occasions. Ms. Sculley noted that the Design-Build Method was new for the public sector and was more cost effective for the city. Councilmember Ramos requested a list of city projects that utilized the Design-Build Method and asked of their final budget including change orders. She also spoke of the importance of local participation and asked of citizen involvement on the Evaluation Committee. Ms. Sculley replied that citizens did not participate in the review of the proposals but would help with setting project goals. Councilmember Ramos asked of the two demolition costs listed on Slides 23 and 24. Mr. Frisbie replied that \$6.2 million was allocated toward the demolition of the Police Headquarters Building and \$170,000 would be utilized for demolition of the Kmart Building. Councilmember Ramos asked how the \$3.5 million in allowances was determined. Mr. Frisbie replied that they had discussed potential items with Hensel Phelps and would have done so with any contractor selected.

Councilmember Clamp requested a breakdown of major categories that comprise the \$7 million difference between Hensel Phelps and the next lowest bidder. He asked of the required bonding. Mr. Frisbie replied that performance and payment bonds were in place throughout the life of the project. Councilmember Clamp asked why the contract allowances were not built into the design. Mr. Frisbie stated that the items in the allowances were not ready during the initial design. Ms. Sculley added that initially staff did not feel that there would be sufficient funds to incorporate some of the items. Councilmember Clamp recommended that staff look at keeping the contract and allowances separate in the future and that the pricing methodology also be reviewed. Councilmember Clamp asked of the state-of-the-art features included in the project. Mr. Walsh responded that from an efficiency standpoint, administrative, technology, and media space would be shared among the Police and Fire Departments and that the Fire Arson Investigative Unit would be located with the other investigative units. He stated that Records Management was currently located at Police Headquarters and once in the new facility, they will be located on the first floor.

Councilmember Williams spoke of the allowances and expressed concern that the city may not get the best deal if the items are not bid out. He recommended that the City Council consider the bid for building without the allowances. He stated that the allowances be reviewed at a later date. Mr. Frisbie explained that the allowances did not have to be included as part of the contract. Councilmember Williams asked how Hensel Phelps was engaging small business participation in the community. Jim Pappas, Operations Manager for Hensel Phelps stated that they were committed to small business participation and were the first contractor to receive the Dwight D. Eisenhower Award for Small Business Participation. He reported that they had \$355 million under contract at Fort Sam Houston and under Federal Guidelines, contracted \$125 million to local, certified, small businesses in San Antonio. He stated that as part of their SBEDA submittal, they had provided statistics of five projects that did not require SBEDA Goals and that average small business participation was 25%. He added that Hensel Phelps had exceeded every federal minority goal over the past four years. Jeff Balthrop, Project Manager for Hensel Phelps stated that they were involved in a great amount of outreach in the local community and worked closely with the Hispanic Contractors Association. He noted that they would present information at the Association's January 2011 Meeting and would also work with the San Antonio Hispanic Chamber and others throughout the city.

Councilmember Williams asked if Hensel Phelps had a Mentoring Program in place. Mr. Pappas confirmed that they did. Councilmember Williams encouraged staff not to spend the \$7 million in savings. Councilmember Lopez asked if 50% of the contract would stay in San Antonio. Mr. Frisbie replied that it would likely be more than 50% and that Hensel Phelps would utilize local suppliers and local contracting force. He added that the Guaranteed Maximum Price was based on 100% specifications.

Councilmember Lopez requested that a Best Practices approach be incorporated into the bid process for future bidders and spoke of the importance of Mentor/Protégé Programs.

Mayor Castro spoke of the importance of the project to the city and the accuracy of the Guaranteed Maximum Price. He requested a copy of the legal language that locks in a Guaranteed Maximum Price and asked under what conditions the terms could shift. He also asked if a service existed in the construction industry to evaluate a firm's track record of change orders. Mr. Frisbie replied that the service does not currently exist across jurisdictions but noted that the city had implemented a Scorecard Program to track a firm's performance. He stated that they do not allow change orders that

are not substantiated. Mayor Castro stated that due to a Guaranteed Maximum Price Contract, the 10% contingency should be reduced. He referenced Slide 17 regarding SBEDA subconsultant percentages for design services and stated that it would be helpful to see the entire SBEDA Goals that include construction. He also asked of the \$8,200 per day penalties that would be assessed to the contractor for not meeting the project due date. A Hensel Phelps representative stated that there must be a basis for assessing liquidated damages. Mayor Castro requested the statutory language confirming same.

Mayor Castro confirmed that a scoring criteria was utilized to short-list the 14 firms that submitted RFQs. He stated that he concurred with Councilmember Williams that allowances be kept separate from the contract and addressed at a later date. He further stated that everyone that serves on the Evaluation Committee should be subject to the City's Ethics Code to ensure that there are no conflicts of interest. It was noted that in regard to the scoring for Overall Economic Impact, all of the firms received five points. Rene Dominguez added that the scoring was based on the 2007 SBEDA Ordinance and that all of the firms had proven that they had a significant local business presence. Mayor Castro spoke of the need to address the overall process to allow City Council input and the importance of local, small minority business participation.

Councilmember Cisneros recognized Heidi Cisneros of Saenz+Bury and stated that they were not related. She thanked Hensel Phelps for their work at Fort Sam Houston and the taxpayer savings of \$7 million on the Public Safety Headquarters Project. She concurred that the \$3.5 million allowance be kept separate from the construction contract and thanked staff for their work.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 5:25 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **December 16, 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, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Rodriguez. Ms. Vacek announced that Councilmember Rodriguez was out of town.

Item 1. The Invocation was delivered by Rev. Jim Rion, Pastor, Westover Hills Assembly of God Church, guest of Councilmember Ray Lopez, District 6.

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

Item 3. MINUTES

Councilmember Clamp moved to approve the Minutes for the November 18, 2010 City Council Meeting. Councilmember Chan seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Mayor Castro recognized Major Albert Villafuerte, Salvation Army Commander, regarding the Parade of Kettles. Major Villafuerte expressed appreciation for the City Council's support of the Salvation Army's efforts to raise funds. He presented a kettle to Mayor Castro decorated by the Henry Ford Academy. He spoke of the work of the Salvation Army to help those in need within the community.

Item 4. OATH OF OFFICE – MAYOR PRO TEM

City Clerk Leticia M. Vacek administered the Oath of Office to Councilmember W. Reed Williams as Mayor Pro-Tem, to serve the period of January 8, 2011 through March 19, 2011.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-12-16-1052

Item 5. AN ORDINANCE APPROVING AN ADDENDUM TO THE CITY'S ADOPTED 2011 STATE LEGISLATIVE PROGRAM FOR THE 82ND LEGISLATURE.

Carlos Contreras outlined the proposed amendments to the 2011 State Legislative Program. He stated that in the City of San Antonio (COSA) Initiatives Category, they would include an allowance for testing instruments, in addition to the written examination, to be used to establish an eligibility list for the beginning positions in Fire and Police Departments. He noted that a series of meetings had been held among transportation partners and stakeholders and under the Joint Community Initiatives Category, provided five amendments: 1) State Funding for Transportation; 2) Local Option Mobility Fee; 3) Transit Initiatives; 4) Freight Rail, Regional Passenger Rail, and Rail Relocation; and 5) Regional Mobility Authorities.

Mr. Contreras reported that within the Endorsements Category, they recommended to support legislation proposed by the Texas Municipal Retirement System (TMRS) that would combine the three funds that currently exist within TMRS into a single fund, thereby reducing the city's contribution rates. Additionally, they would support the endorsement of legislation consistent with the Texting While Driving Ban that was approved by the City Council on October 7, 2010. He stated that Representative Joe Farias had requested that the City Council adopt a Resolution in support of his legislative efforts to regulate Pay Day Loans and Auto Title Lending. Lastly, he mentioned that 671 bills had been pre-filed and staff was in the process of reviewing and analyzing the bills.

Mayor Castro spoke of the importance of Transportation Initiatives and the infrastructure improvements that were necessary. He commended Representative Farias on his proposed legislation to regulate Pay Day Lending. He called upon the individuals registered to speak on Item 5.

Representative Joe Farias thanked the City Council for their support of the proposed legislation to regulate Pay Day Loans and Auto Title Lending. He stated that many organizations were also in support of the legislation and that it would close existing loopholes and create a fair business playing field. He noted that he was not trying to close such businesses but regulate the industry.

Nazirite Ruben Flores Perez spoke in support of the legislative initiatives. He expressed concern with businesses that dump water into creeks and the San Antonio River.

Julia Castellano-Hoyt representing the Executive Council of AARP Texas stated that she and other representatives were in support of Representative Farias' legislation to regulate the Pay Day and Auto Title Loan Industry. She noted that 59% of the individuals that use the services are single, head-of-household females. She thanked the City Council for their support.

Cam Messina representing Voices for Children spoke in support of the legislation to regulate predatory loan practices, noting that the agencies prey on vulnerable individuals. He stated that the financial stress leads to other issues such as domestic violence and child neglect. He recognized Representative Farias for his leadership on said item.

Jack M. Finger expressed concern with the loan extension provided to the Alamo Regional Mobility Authority, noting that they promoted toll roads. He also expressed concern with raising gas taxes due to the many taxes that individuals are already required to pay. Lastly, he spoke against the concept of light rail and mentioned that the voters had rejected the idea several years ago.

Ann Baddour of Texas Appleseed expressed support for legislation proposed by Representative Farias to regulate the Pay Day and Auto Title Loan Industry. She stated that the legislation would create a fair playing field for consumers by ensuring adequate protection and loan products.

Henrietta LaGrange recognized Mayor Castro for his efforts on SA 2020 and stated that she had been pleased to participate in the process. She spoke in support of the legislation proposed by Representative Farias to regulate the Pay Day and Auto Title Loan Industry.

Jim Reed of the San Antonio Mobility Coalition thanked the City Council for their efforts on Transportation Initiatives, noting that San Antonio was the only major city in Texas working on a Transportation Agenda. He stated that it was important to develop a framework for discussion and that it was critical for San Antonio to stay involved and help make decisions.

Councilmember Cortez recognized Representative Farias for his efforts and asked of the bills filed regarding the Statewide Texting While Driving Ban. Mr. Contreras replied that ten bills had been pre-filed such as Senate Bill (SB) 119 by Senator Uresti; SB 46 by Senator Zaffirini; House Bill (HB) 123 by Representative Fischer; and HB 37 by Representative Menendez. Councilmember Cortez asked of the timeline for hearings. Mr. Contreras stated that they would begin in February and would provide that information to the City Council. Councilmember Cortez stated that he was very interested in this bill and looked forward to testifying on same. He expressed support for the legislation proposed by Representative Farias to regulate Pay Day and Auto Title Loan Agencies. Councilmember Williams expressed support for the Transportation Initiatives and spoke of the additional funding needed to address issues related to transportation.

Councilmember Ramos recognized the Intergovernmental Relations (IGR) Council Committee for their work and expressed support for the proposed amendments. She thanked Representative Farias for his efforts and spoke of the importance of funding to address transportation issues. Councilmember Taylor also expressed her support for the proposed amendments to the Legislative Program and stated that she was hopeful that the issue related to allowing testing instruments to establish an eligibility list

for the Fire and Police Department was successful. Councilmember Clamp thanked everyone for their efforts related to Transportation Initiatives and asked of the Phase Out Fund 6 legislative diversions. Mr. Contreras explained that the gas tax was dedicated to maintain and improve the highway system but also includes language allowing for the funding of public safety. He further stated that there had been years of efforts to phase out the diversions and reduce the dependency on the gas tax to fund public safety. Councilmember Clamp stated that transportation funds should be used for transportation and could assist that effort.

Councilmember Cortez moved to adopt the Addendum to the 2011 State Legislative Program: 1) San Antonio Fire Department Recruitment-Allow for testing instruments in addition to written examinations; 2) Support Transportation Policy Initiatives: State Funding for Transportation; Local Option Mobility Fee; Transit Initiatives; Freight Rail, Regional Passenger Rail, and Rail Relocation; and Regional Mobility Authorities; 3) Endorse Texas Municipal Retirement System Fund Restructuring; 4) Endorse Statewide Ban on Texting While Driving; and 5) Support proposed resolution related to Pay Day/Auto Title Lending. Councilmember Lopez seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Mayor Castro thanked the individuals being appointed to the Citizen Advisory Action Board (Item 34) and asked those present to stand and be recognized. He also recognized Francine Prosser-Johnson on her appointment to the Firefighters' and Police Officers' Civil Service Commission (Item 35).

CONSENT AGENDA ITEMS 6-50

Consent Agenda Items 13, 14, 15, 19, 21, 22C, 23, 28, 29, 32, 33C, and 38 were pulled for Individual Consideration. Councilmember Cortez moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

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

Paul Jimenez representing the San Antonio Hispanic Chamber of Commerce stated that the Public Safety Headquarters Project was very important to the city and that the Hispanic Chamber was optimistic that the selected contractor would honor their commitments to local small businesses on the project. He noted that it was imperative to ensure that local, small, minority and women-owned businesses were given equal consideration when evaluating primary contractor qualifications. He requested that future selections, RFPs or RFQs for high-profile projects be vetted through the Council Committee Process prior to being released for bid.

Jack M. Finger expressed concern with the appointments to the Citizen Advisory Action Board (CAAB) in Item 34. He spoke of the importance of the CAAB, noting that they make recommendations to the Police Chief regarding Police Officers. He stated that he was against the appointment of two individuals that were homosexuals and asked that the item be pulled for discussion.

Faris Hodge Jr. submitted written testimony in support of Items 6-32, 37-39, 43, and 44. For Item 34, he wrote that city staff should not serve on the Citizen Advisory Action Board and that the Collective Bargaining Agreement should not govern the makeup of the Board. He expressed concern that backup

information was not provided until November 17, 2010. He wrote that the city should pay Allied Barton Security Services three dollars more per hour (Item 45) and against the approval of Tax Abatement Guidelines (Item 46).

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

2010-12-16-1053

Item 6. AN ORDINANCE ACCEPTING AN OFFER WITH J. POWELL ENTERPRISES, L.L.C. TO PROVIDE THE FIRE AND POLICE DEPARTMENTS WITH THE PURCHASE OF 3,500 ANTIDOTE POUCHES FOR A TOTAL COST OF \$104,825.00, FUNDED FROM THE 2008 METROPOLITAN MEDICAL RESPONSE SYSTEM GRANT.

2010-12-16-1054

Item 7. AN ORDINANCE ACCEPTING THE BID FROM METRO FIRE APPARATUS SPECIALISTS TO PROVIDE THE OFFICE OF EMERGENCY MANAGEMENT IN CONJUNCTION WITH THE SAN ANTONIO FIRE DEPARTMENT WITH 1 URBAN SEARCH & RESCUE SPECIAL MISSION TRAILER FOR A TOTAL COST OF \$192,260.00, FUNDED BY THE 2008 STATE HOMELAND SECURITY PROGRAM GRANT.

2010-12-16-1055

Item 8. AN ORDINANCE ACCEPTING THE BID FROM TOTAL ENERGY SOLUTIONS CO., LLC TO PROVIDE THE SAN ANTONIO POLICE DEPARTMENT WITH THE PURCHASE OF A TRAILER MOUNTED GENERATOR FOR A TOTAL COST OF \$50,965.00, FUNDED FROM THE 2008 URBAN AREA SECURITY INITIATIVE GRANT.

2010-12-16-1056

Item 9. AN ORDINANCE ACCEPTING THE BID FROM ARMET ARMORED VEHICLES, INC. FOR THE PURCHASE OF 1 ARMORED TACTICAL INTERVENTION VEHICLE FOR A TOTAL COST OF \$116,000.00, FUNDED FROM THE 2008 URBAN AREA SECURITY INITIATIVE GRANT.

2010-12-16-1057

Item 10. AN ORDINANCE ACCEPTING AN OFFER WITH NEC CORPORATION OF AMERICA TO PROVIDE THE SAN ANTONIO POLICE DEPARTMENT WITH AN AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FOR AN INITIAL COST OF \$875,722.00 AND AN ESTIMATED AMOUNT UP TO \$119,000.00 ANNUALLY THEREAFTER FOR MAINTENANCE AND SUPPORT, FUNDED BY THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT'S CAPITAL PROJECT BUDGET.

2010-12-16-1058

Item 11. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH GTSI CORPORATION TO PROVIDE THE COMMUNICATIONS AND PUBLIC AFFAIRS DEPARTMENT WITH LABOR, MATERIALS AND EQUIPMENT TO UPGRADE THE PRODUCTION BROADCAST EQUIPMENT AND PRODUCTION WORKFLOW IN THE AUDIO/VISUAL PRODUCTION CONTROL ROOM FOR A TOTAL COST OF

\$777,557.35, AVAILABLE FROM THE PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (PEG) CHANNELS FUND, AND APPROPRIATING ADDITIONAL FUNDS FOR RELATED PROJECT EXPENSES IN THE AMOUNT OF \$229,254.30.

2010-12-16-1059

Item 12. AN ORDINANCE ACCEPTING THE FOLLOWING BIDS TO PROVIDE THE CITY WITH GOODS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2011: (A) DENTAL HEALTH PRODUCTS, INC. FOR DENTAL SUPPLIES AND EQUIPMENT - \$100,000.00, (B) UNDER CONSTRUCTION, INC. FOR LANDSCAPE MAINTENANCE FOR COMMUNITY LEARNING CENTERS - \$30,000.00, (C) TEXAS CRANE SERVICES FOR CRANE SERVICE - \$239,000.00, (D) NARDIS FOR CONCEALABLE BODY ARMOR - \$815,000.00, (E) L.E.A.D.S. ONLINE, LLC FOR L.E.A.D.S ONLINE DATABASE AGREEMENT FOR SAPD - \$55,000.00, (F) GT DISTRIBUTORS, INC. FOR CONDUCTIVE ENERGY DEVICES - \$775,000.00 AND (G) ZONAR SYSTEMS, INC. FOR GLOBAL POSITIONING SYSTEM (GPS) FOR SOLID WASTE MANAGEMENT VEHICLES - \$232,000.00 INITIALLY, \$104,000.00 ANNUALLY.

2010-12-16-1063

Item 16. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO YANTIS COMPANY IN THE AMOUNT OF \$1,307,756.75, OF WHICH \$168,886.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FOR THE CITY-WIDE BRIDGE REPLACEMENT PROGRAM: LOOKOUT ROAD AT DRAW CREEK AND WEIDNER ROAD AT BEITEL CREEK, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 10.

2010-12-16-1064

Item 17. AN ORDINANCE SELECTING GUIDO BROTHERS CONSTRUCTION COMPANY AS THE CONSTRUCTION MANAGER AT RISK AND AWARDED A CONTRACT IN THE AMOUNT UP TO \$3,018,000.00 FOR THE RIVER WALK IMPROVEMENTS PHASE II PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

2010-12-16-1065

Item 18. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$51,660.00 TO THE \$1,305,948.25 CONSTRUCTION CONTRACT WITH R.L. JONES, L.L.P. FOR THE TESLA DRIVE: CULEBRA ROAD TO MAYBERRY AVENUE PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 5.

Item 20. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO ADVANCED FUNDING AGREEMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR TWO LOCAL AREA MANAGED (LAM) HIGHWAY IMPROVEMENT PROJECTS:

2010-12-16-1067

- A. AN ORDINANCE AUTHORIZING ADVANCED FUNDING AGREEMENTS WITH TXDOT AND AUTHORIZING PAYMENT UP TO \$728,000.00 TO TXDOT FOR

DIRECT OVERSIGHT COSTS AND ACCEPTING FUNDS FROM TXDOT RELATED TO CONSTRUCTION COSTS FOR THE FORT SAM HOUSTON-TRANSPORTATION PROJECT: HARRY WURZBACH AT WINANS, BURR, AND RITTIMAN INTERSECTIONS, A 2007-2012 BOND PROGRAM PROJECT, LOCATED IN COUNCIL DISTRICT 2.

2010-12-16-1068

- B. AN ORDINANCE AUTHORIZING AN ADVANCED FUNDING AGREEMENT WITH TXDOT AND AUTHORIZING PAYMENT UP TO \$441,000.00 TO TXDOT FOR DIRECT OVERSIGHT COSTS AND ACCEPTING FUNDS FROM TXDOT RELATED TO CONSTRUCTION COSTS FOR THE HOUSTON STREET: AT&T PARKWAY TO IH 10 SERVICE ROAD PROJECT, A 2007-2012 BOND PROGRAM PROJECT, LOCATED IN COUNCIL DISTRICT 2.

Item 22. CONSIDERATION OF THE FOLLOWING ORDINANCES FOR THE JONES MALTSBERGER ROAD: REDLAND ROAD TO THOUSAND OAKS PROJECT, A 2007-2012 GENERAL OBLIGATION BOND PROJECT LOCATED IN COUNCIL DISTRICT 10:

2010-12-16-1071

- A. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO YANTIS COMPANY IN THE AMOUNT UP TO \$7,189,900.76, OF WHICH \$618,875.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$114,879.50 WILL BE REIMBURSED BY CPS ENERGY.

2010-12-16-1072

- B. AN ORDINANCE AWARDED A PUBLIC ART FABRICATION AND INSTALLATION SERVICES AGREEMENT TO MARK SCHLESINGER IN AN AMOUNT UP TO \$147,577.00 TO PROVIDE INTEGRATED STREETScape ENHANCEMENTS.

2010-12-16-1078

Item 24. AN ORDINANCE AUTHORIZING A NEW THREE-YEAR LEASE AGREEMENT WITH U.S. HELICOPTERS, INC. FOR GROUND AND PARKING LOT SPACE AT STINSON MUNICIPAL AIRPORT FOR \$50,354.91 ANNUALLY.

Item 25. CONSIDERATION OF THE FOLLOWING CONCESSION AGREEMENTS AT THE SAN ANTONIO INTERNATIONAL AIRPORT:

2010-12-16-1079

- A. AN ORDINANCE AUTHORIZING A TEN-YEAR STANDARD FOOD AND BEVERAGE CONCESSION AGREEMENT WITH FIRKINS PUBS INTERNATIONAL WORLDWIDE, INC. DBA FIRKIN ALAMO ALEHOUSE & GOURMET BURGERS TO OPERATE AN ALAMO ALEHOUSE & GOURMET BURGERS CONCEPT FOR THE GREATER OF 14% OF ALL FOOD AND NON-ALCOHOLIC BEVERAGE SALES AND 17% OF ALL ALCOHOL SALES OR MINIMUM ANNUAL GUARANTEES TOTALING \$552,563.13 IN YEARS 1 THROUGH 5.

2010-12-16-1080

- B. AN ORDINANCE AUTHORIZING A TEN-YEAR STANDARD FOOD AND BEVERAGE CONCESSION AGREEMENT WITH GREEN BEANS COFFEE INC. TO OPERATE GREEN BEANS COFFEE CONCEPT FOR THE GREATER OF 15% OF ALL SALES OR MINIMUM ANNUAL GUARANTEES TOTALING \$469,678.66 IN YEAR 1 THROUGH 5.

2010-12-16-1081

- C. AN ORDINANCE AUTHORIZING THE AMENDMENT OF A CONCESSION AGREEMENT IN TERMINAL A WITH LORNA J. SMITH DBA SHANNON SMITH ENTERPRISES TO PROVIDE SHOE SHINE SERVICES IN TERMINAL B FOR A PERIOD ENDING NO LATER THAN NOVEMBER 30, 2011, FOR THE GREATER OF MINIMUM ANNUAL GUARANTEE TOTALING OF \$3,850.00 PER LEASE YEAR OR 12% OF ALL SALES.

2010-12-16-1082

Item 26. AN ORDINANCE AUTHORIZING A LEASE TERMINATION AGREEMENT TO BE EFFECTIVE SEPTEMBER 26, 2010 WITH FRANK SEPULVEDA FOR THE RETAIL SPACE CURRENTLY LEASED FOR USE AS PANCHITOS RESTAURANT, 111 PLAZA DE ARMAS, LOCATED IN DOWNTOWN SAN ANTONIO.

2010-12-16-1083

Item 27. AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT FROM THE PORT OF SAN ANTONIO FOR STORAGE OF EQUIPMENT AND SUPPLIES ASSOCIATED WITH EMERGENCY RESPONSE AND PREPAREDNESS FOR A TERM THAT RETROACTIVELY COMMENCED SEPTEMBER 15, 2009 THROUGH JULY 31, 2011 IN THE TOTAL AMOUNT OF \$5,629.03.

2010-12-16-1087

Item 30. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A 2011 COMMUNITY SERVICES BLOCK GRANT (CSBG) APPLICATION, AND ACCEPTANCE OF FUNDS UP TO \$1,919,536.00 UPON AWARD, FROM TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE PERIOD FROM JANUARY 1, 2011 TO DECEMBER 31, 2011; APPROPRIATING FUNDS AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT OF 25 POSITIONS FOR THE OPERATION OF THE COMMUNITY ACTION PROGRAMS FUNDED THROUGH THE CSBG.

2010-12-16-1088

Item 31. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION IN AN AMOUNT UP TO \$1,186,760.00 IN BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM II FUNDING THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND APPROVES A \$300,000.00 MATCH TO THE GRANT FROM LIBRARY SPECIAL REVENUE FUNDS.

Item 33. 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 BIANCA MALDONADO (DISTRICT 7, CATEGORY: GENERAL) TO THE HISTORIC DESIGN AND REVIEW COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 31, 2012.
- B. REAPPOINTING VICTOR A. LANDA (DISTRICT 6), VICTORIA M. GARCIA (DISTRICT 7), AND DAN F. WEINGART (MAYORAL) TO THE PORT AUTHORITY OF SAN ANTONIO FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE NOVEMBER 30, 2012.
- D. REAPPOINTING REBA N. MALONE (DISTRICT 3, CATEGORY: COMMUNITY) TO THE BROOKS DEVELOPMENT AUTHORITY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 4, 2012.
- E. REAPPOINTING CELINA PEÑA (DISTRICT 7) TO THE SAN ANTONIO COMMISSION ON LITERACY.

2010-12-16-1090

Item 34. AN ORDINANCE APPOINTING 14 MEMBERS TO THE CITIZEN ADVISORY ACTION BOARD (CAAB).

2010-12-16-1091

Item 35. AN ORDINANCE APPOINTING FRANCINE PROSSER-JOHNSON TO THE FIREFIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION.

2010-12-16-1092

Item 36. AN ORDINANCE AUTHORIZING A DONATION AGREEMENT WITH USAA AND STEPHEN KNAPP FOR THREE (3) MURALS FOR THE LILA COCKRELL THEATRE.

2010-12-16-1093

Item 37. AN ORDINANCE APPROVING A LOCAL CONTRIBUTION IN THE AMOUNT OF \$515,195.00 TO THE EVENTS TRUST FUND TO QUALIFY FOR REIMBURSEMENT OF ELIGIBLE EXPENSES IN AN AMOUNT UP TO \$3,735,159.00 RELATED TO SEVERAL MAJOR REIMBURSABLE EVENTS HELD AT THE HENRY B. GONZALEZ CONVENTION CENTER DURING THE MONTHS OF OCTOBER, NOVEMBER AND DECEMBER.

Item 39. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO HOSTING OBLIGATIONS FOR TWO UPCOMING ALAMODOME EVENTS:

2010-12-16-1095

- A. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE SAN ANTONIO BOWL ASSOCIATION IN AN AMOUNT UP TO \$204,066.00 FOR HOSTING OBLIGATIONS ASSOCIATED WITH THE 2010 VALERO ALAMO BOWL TO BE HELD AT THE ALAMODOME ON DECEMBER 29, 2010, AND AUTHORIZING

THE EXPENDITURE FROM THE CSEF STATE REIMBURSEMENT FUND IN ANTICIPATION OF REIMBURSEMENT FROM THE STATE UNDER THE EVENTS TRUST FUND LEGISLATION.

2010-12-16-1096

- B. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH OVERTIME SPORTS SOUTHEAST, LLC IN AN AMOUNT UP TO \$188,835.00 FOR HOSTING OBLIGATIONS ASSOCIATED WITH THE 2011 NFL PLAYERS ASSOCIATION "TEXAS VERSUS THE NATION" COLLEGE ALL STAR CHALLENGE" PRESENTED BY THE PRO FOOTBALL HALL OF FAME TO BE HELD AT THE ALAMODOME ON FEBRUARY 5, 2011; AND AUTHORIZING THE EXPENDITURE FROM THE CSEF STATE REIMBURSEMENT FUND IN ANTICIPATION OF REIMBURSEMENT FROM THE STATE UNDER THE EVENTS TRUST FUND LEGISLATION.

2010-12-16-1097

Item 40. AN ORDINANCE AUTHORIZING THE RENAMING OF BULVERDE ROAD TO "AUTRY POND ROAD" BETWEEN THE INTERSECTION OF BULVERDE ROAD, JONES MALTSBERGER AT CLASSEN ROAD AND THE EXISTING BULVERDE ROAD NORTH OF REDLAND ROAD AT THE POINT OF THE SOUTHERN END OF THE BULVERDE REALIGNMENT.

2010-12-16-1098

Item 41. AN ORDINANCE AUTHORIZING THE ADDITION OF THE HONORARY STREET SIGN "ST. PADRE PIO PARKWAY" TO EXISTING BULVERDE PARKWAY STREET SIGNS BETWEEN THE CROSS STREETS OF BULVERDE ROAD AND BLUE TRINITY.

Item 42. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO FINANCIAL ADVISOR SERVICES CONTRACTS:

2010-12-16-1099

- A. AN ORDINANCE AUTHORIZING A FINANCIAL ADVISOR SERVICES CONTRACT WITH COASTAL SECURITIES, INC. TO PROVIDE FINANCIAL ADVISOR SERVICES TO THE CITY FOR A TERM BEGINNING DECEMBER 20, 2010 AND ENDING DECEMBER 31, 2013, WITH AN EXTENSION OPTION.

2010-12-16-1100

- B. AN ORDINANCE AUTHORIZING A FINANCIAL ADVISOR SERVICES CONTRACT WITH ESTRADA HINOJOSA & CO., INC. TO PROVIDE FINANCIAL ADVISOR SERVICES FOR THE CITY FOR A TERM BEGINNING DECEMBER 20, 2010 AND ENDING DECEMBER 31, 2013, WITH AN EXTENSION OPTION.

Item 43. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO MEDICAL SERVICES FOR UNIFORMED EMPLOYEES OF THE SAN ANTONIO FIRE DEPARTMENT AS PART OF THE WELLNESS PROGRAM:

2010-12-16-1101

- A. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH VHS SAN ANTONIO IMAGING PARTNERS L.P. DBA BAPTIST M&S IMAGING IN AN AMOUNT UP TO \$60,000.00 ANNUALLY TO PROVIDE CHEST X-RAYS FOR ALL UNIFORMED EMPLOYEES OF THE SAN ANTONIO FIRE DEPARTMENT AS PART OF THE WELLNESS PROGRAM.

2010-12-16-1102

- B. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LABORATORY CORPORATION OF AMERICA (LABCORP) IN AN AMOUNT UP TO \$60,000.00 ANNUALLY TO PROVIDE MEDICAL LABORATORY TESTING FOR ALL UNIFORMED EMPLOYEES OF THE SAN ANTONIO FIRE DEPARTMENT AS PART OF THE WELLNESS PROGRAM.

2010-12-16-1103

Item 44. AN ORDINANCE AUTHORIZING AMENDMENTS TO FOUR PROFESSIONAL SERVICES AGREEMENTS WITH THE AMERICAN CANCER SOCIETY, BEXAR COUNTY HOSPITAL DISTRICT, THE SAN ANTONIO COUNCIL ON ALCOHOL AND DRUG ABUSE, AND THE SOUTH CENTRAL AREA HEALTH EDUCATION CENTER WHICH WILL INCREASE AUDIT AND REPORTING REQUIREMENTS AND AMEND THE SCOPE OF SERVICES AND COMPENSATION BY \$40,000.00 TO THE SAN ANTONIO COUNCIL ON ALCOHOL AND DRUG ABUSE AGREEMENT.

2010-12-16-1104

Item 45. AN ORDINANCE AUTHORIZING A THREE-YEAR CONTRACT WITH ALLIED BARTON SECURITY SERVICES FOR SECURITY GUARD SERVICES FOR AN ESTIMATED AMOUNT OF \$2,560,000.00 PER YEAR.

2010-12-16-1105

Item 46. AN ORDINANCE ADOPTING TAX ABATEMENT GUIDELINES EFFECTIVE JANUARY 1, 2011 THROUGH DECEMBER 31, 2012.

2010-12-16-1106

Item 47. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC. (SAHTF) IN THE AMOUNT OF \$207,777.00 FOR STAFFING AND ADMINISTRATION; APPROVING THE BUDGET; AND PROVIDING FOR PAYMENT.

2010-12-16-1107

Item 48. AN ORDINANCE AMENDING THE PROJECT AND FINANCE PLAN OF TAX INCREMENT REINVESTMENT ZONE (TIRZ) NUMBER 11 AND AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN THE MEXICAN AMERICAN UNITY COUNCIL AND AFFORDABLE HOUSING CONSULTANTS INC., THE CITY OF SAN ANTONIO AND THE BOARD OF DIRECTORS OF THE INNER CITY TIRZ.

2010-12-16-1108

Item 49. AN ORDINANCE AMENDING THE FY 2011 ADOPTED BUDGET TO INCREASE THE AUTHORIZED PERSONNEL COUNT WITHIN THE CAPITAL IMPROVEMENTS MANAGEMENT SERVICES DEPARTMENT BY ONE POSITION PROVIDING NECESSARY AND ADDITIONAL STAFF SUPPORT FOR THE EDWARDS AQUIFER PROTECTION PROGRAM AND INCREASING APPROPRIATIONS BY \$78,422.00 FOR THE POSITION.

2010-12-16-1109

Item 50. AN ORDINANCE AUTHORIZING A SETTLEMENT IN *ANDREW RAMIREZ V. CITY OF SAN ANTONIO* IN THE COUNTY COURT AT LAW NUMBER THREE OF BEXAR COUNTY TEXAS, FOR A PAYMENT IN THE AMOUNT OF \$75,000.00.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-12-16-1060

Item 13. AN ORDINANCE AWARDED A DESIGN/BUILD SERVICES AGREEMENT TO HENSEL PHELPS CONSTRUCTION COMPANY FOR A GUARANTEED MAXIMUM PRICE OF \$47,175,000.00 AND A \$3,500,000.00 ALLOWANCE FOR ADDITIONAL WORK FOR A TOTAL AMOUNT NOT TO EXCEED \$50,675,000.00 FOR THE DESIGN AND CONSTRUCTION OF THE PUBLIC SAFETY HEADQUARTERS PROJECT, A CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN DOWNTOWN SAN ANTONIO.

Erik Walsh presented said item and stated that the new Federal Courthouse would be located at the current Police Department Headquarters Site on Nueva Street. He noted that the city had entered into an agreement with the Bexar County Performing Arts Center to provide them with the current Fire Department Headquarters Site located next to the Municipal Auditorium. He reported that the FY 2008 Adopted Budget included \$100 million for the construction of a new Public Safety Headquarters Building. He outlined the goals of the project that include providing a centralized location for the Police and Fire Departments, as well as creating a new public front/community image for both Departments. He indicated that the administration and support services for both Departments would be located in the building, as well as various other units identified.

Mike Frisbie provided an overview of the timeline that had been utilized for the Public Safety Headquarters Project that included Requests for Proposal (RFP) for Design/Build due October 20, 2010. He noted that a two-step selection process had been utilized and presented a list of individuals that served on the Evaluation Committee. He reported that five teams had been shortlisted based on their Request for Qualifications (RFQ) and outlined the Evaluation Criteria utilized. The five teams submitted an RFP and based on their evaluation, the Evaluation Committee recommended Hensel Phelps Construction Co. for the Design/Build Contract.

Mr. Frisbie presented a matrix of the RFP Scoring, noting that Hensel Phelps had received 55 points for their price proposal, as it was \$7 million lower than the next closest bidder. He stated that they had a Guaranteed Maximum Price and felt that good bridging documents had allowed for accurate pricing. He noted that staff had proactively reviewed Hensel Phelps' pricing to ensure that everything was

include and that their good pricing was based on several factors including the amount of local subcontractors involved in the pricing. Within the SBEDA scoring, he mentioned that scores were carried over from Phase I but could submit addendums to increase their scores. He indicated that all companies had committed to meeting or exceeding SBEDA goals for construction.

Mr. Frisbie spoke of the work of Hensel Phelps, noting that in 2010, Engineering News Record ranked Hensel Phelps as the #1 firm nationally for Government Work. He stated that they had 200 employees in Texas with 66 employees in two San Antonio offices. He reported that Hensel Phelps had worked on four projects in San Antonio over the last three years with a value of \$346 million. He indicated that Hensel Phelps was committed to meeting the city's timeline and exceeding SBEDA Design Goals. He added that 235 local subcontractors and suppliers had already been contacted and provided the names of seven Hensel Phelps Subcontractors. He mentioned that the contract with Hensel Phelps included safeguards to ensure that a quality project was completed at the proposed price.

Mr. Frisbie presented the project schedule in which construction was scheduled to begin in February 2011. He provided an updated Headquarters Project Budget totaling \$62,029,970 and noted that the contract with Hensel Phelps included \$3,500,000 for allowances. He stated that the allowances were for elements that had not yet been designed or priced such as a solar panel array. He added that the process had been well-planned and that staff recommended the selection of Hensel Phelps Construction Co.

Councilmember Chan stated that she was pleased that the bid had come in lower than projected but asked of the large price gap with the next lowest bidder. Mr. Frisbie replied that Hensel Phelps' prices were fairly low across the board in the 20 divisions of work that were priced and provided a matrix of same. Councilmember Chan expressed concern that the Council was receiving this information so late and requested that this it be provided earlier in the future. She asked of the scope. Mr. Frisbie replied that he was confident in the scope due to the \$5 million investment in programming and design. Councilmember Chan asked of the composition of subcontractors. Mr. Frisbie referenced Slide 20 that outlined the seven subcontractors and recognized Jim Pappas of Hensel Phelps. Mr. Pappas stated that local firm Lopez Salas Architects had merged with national firm Fentress Architects through a Mentor-Protégé relationship, and that Saenz+Bury had also merged through the same type of relationship. He introduced Heidi Cisneros of Saenz+Bury Engineering. Ms. Cisneros provided information regarding Saenz Engineering, noting that they were an 11-person firm that had teamed up with Bury Engineering through a Mentor-Protégé partnership to help the firm grow.

Councilmember Chan stated that it was the city's goal to promote competition and thanked the 14 teams that responded to the RFQ. She asked that staff review the methodology when the pricing is very close as it makes the SBEDA Points irrelevant and stated that she looked forward to more discussion in the spring. Councilmember Cortez asked of change orders. Mr. Frisbie replied that if the allowances are removed and should the Council decide that they would like solar panels; those would come back as a change order to the project. Councilmember Cortez asked that Hensel Phelps reach out to the local community to solicit small business participation. Jim Pappas of Hensel Phelps stated that they would do so. Councilmember Cortez confirmed that members of the Evaluation Committee would be required to adhere to the City's Ethics Code. Mr. Frisbie confirmed that the provision was in place today and looked forward to future discussion of the process.

Councilmember Cortez moved to adopt the staff recommendation. Councilmember Cisneros seconded the motion. Councilmember Williams requested that the \$3.5 million of allowances be removed from the motion. Councilmember Cortez accepted the friendly amendment.

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

POINT OF PERSONAL PRIVILEGE

Mayor Castro and Councilmember Cortez introduced and welcomed Colonel Kenneth D. Lewis, Air Force Reserve Commander at Lackland Air Force Base (AFB) to San Antonio. Councilmember Cortez also recognized Command Chief Master Sergeant Emil Garza of the 433rd Air Lift Reserve Command at Lackland AFB. He stated that Colonel Lewis was responsible for the operations and activities of approximately 3,000 individuals representing the Wing Headquarters and 28 subordinate units. He added that Colonel Lewis had expressed interest in reaching out to the community and invited the City Council to tour Lackland AFB. Mayor Castro presented an Official Welcome Certificate to Colonel Lewis.

Colonel Lewis thanked the City Council for the recognition and stated that he appreciated everything that San Antonio does for the military. Councilmember Cortez recognized Councilmembers Lopez and Williams for their prior military service. The Councilmembers welcomed Colonel Lewis to San Antonio and thanked him for his service.

Item 51. CITY MANAGER'S REPORT

A. DR. FERNANDO GUERRA RETIREMENT

Mayor Castro mentioned that a special luncheon was scheduled for Dr. Fernando Guerra in honor of his retirement from the City of San Antonio. He also mentioned that Councilmember Medina would be celebrating his 25th Birthday on December 26, 2010 and wished him a Happy Birthday.

RECESSED

Mayor Castro recessed the meeting at 11:34 am to break for lunch and announced that the meeting would resume at 2:00 pm for Zoning.

RECONVENED

Mayor Castro reconvened the meeting at 2:05 pm and addressed Item 14.

The City Clerk read the following Ordinance:

2010-12-16-1061

Item 14. AN ORDINANCE AUTHORIZING THE ISSUANCE OF A \$241,076.00 JOB ORDER TO ALPHA BUILDING CORPORATION FOR THE REHABILITATION OF THE MISSION DRIVE-IN MARQUEE, A 2009 TAX NOTES AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ramos asked of the scope of work and timeline. Mr. Frisbie replied that the marquee would be restored and that the timeline would be completed in coordination with the Mission Branch Library Project in early April 2011. He stated that the work includes demolition and removal of the oversight screen; restoration of Screen 1 and its side walls; and a new compacted gravel walkway. Councilmember Ramos asked of the funding allocated for Capital Administration. Mr. Frisbie stated that nine percent of the total project budget was allocated toward Capital Administration that consisted of staff time for management of the project. Councilmember Ramos spoke to the need of protecting the marquee from vandalism or possibly restoring the mural, adding that there would be \$159,000 in savings from the project.

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

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

The City Clerk read the following Ordinance:

2010-12-16-1062

Item 15. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO ALL PRO GENERAL CONSTRUCTION, INC. IN THE AMOUNT OF \$120,160.00 FOR THE FRANK TEJEDA PARK WALKING TRAIL, AN AUTHORIZED 2009 TAX NOTES PROJECT, LOCATED IN COUNCIL DISTRICT 5.

Councilmember Medina asked of the project scope and timeline. Mr. Frisbie replied that they would begin construction on the walking trail in January and was scheduled for completion in July, 2011. He stated that ADA improvements would be made to the trail at a cost of \$120,000. Councilmember Medina requested the length of the walking trail. Mr. Frisbie stated that he did not have that information but would provide it to the City Council.

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

At this time, Mayor Castro addressed the Zoning Agenda.

CONSENT ZONING ITEMS

Councilmember Cisneros moved to approve the following rezoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no citizens had registered to speak against: Z-4, P-1, Z-5, Z-6, Z-7, Z-8, P-3, and Z-12. Councilmember Clamp seconded the motion.

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

Jack M. Finger expressed concern with the Cabinet Shop proposed in Item Z-1, noting that there were residences in the surrounding area and would cause an increase in traffic. He spoke in opposition to

the Licensed Childcare Facility in Item Z-2 that would also increase traffic, and the Antique Store proposed in Item Z-4. He expressed opposition to the Payday Loan Agency in Item Z-7, noting that the South Central Alliance Neighborhood Association was also in opposition. He requested that the City Council vote against the Live Entertainment District in Item Z-9. Lastly, he recognized Helen Valkavich of the City Attorney's Office for her work and integrity and wished her well in her future endeavors.

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

2010-12-16-1112

Item Z-4. **ZONING CASE # Z2010161 CD (District 1):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for an Antique Store on the south 132.5 feet of Lot 9, Block 59, NCB 7193 located at 1106 and 1108 Fresno Drive. Staff and Zoning Commission recommend approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE SOUTH 132.5 FEET OF LOT 9, BLOCK 59, NCB 7193 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 AHOD CD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AN ANTIQUE STORE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2010-12-16-1113

Item P-1. **PLAN AMENDMENT #10024 (District 1):** An Ordinance amending the land use plan contained in the Five Points Neighborhood Plan, a component of the Master Plan of the City, by changing the use of approximately 0.150 acres located at 619 Marshall Street from Low Density Residential land use to Medium Density Residential land use. Staff and Planning Commission recommend approval. (Associated Zoning Case: Z2010164)

2010-12-16-1114

Item Z-5. **ZONING CASE # Z2010164 (District 1):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "MF-18 AHOD " Multi-Family Airport Hazard Overlay District on Lot 2, NCB 194 located at 619 Marshall Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 2, NCB 194 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "MF-18 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

2010-12-16-1115

Item Z-6. **ZONING CASE # Z2010159 (District 2):** An Ordinance amending the Zoning District Boundary from "IDZ RIO-2 AHOD" Infill Development Zone River Improvement Overlay Airport Hazard Overlay District with uses permitted in "C-3" General Commercial District and "MF-50" Multi-Family District to "IDZ RIO-2 AHOD" Infill Development Zone River Improvement Overlay Airport Hazard Overlay District with uses permitted in "C-3" General Commercial District and Multi-Family units not to exceed 70 per acre on Lots 1 through 8; Lots 23 and 24; the east 36.05 feet of Lot 9 and the east 36.05 feet of Lot 22, Block 19, NCB 976 located at 1915 and 1921 Broadway. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 1 THROUGH 8; LOTS 23 AND 24; THE EAST 36.05 FEET OF LOT 9 AND THE EAST 36.05 FEET OF LOT 22, BLOCK 19, NCB 976 TO WIT: FROM "IDZ RIO-2 AHOD" INFILL DEVELOPMENT ZONE RIVER IMPROVEMENT OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-3" GENERAL COMMERCIAL DISTRICT AND "MF-50" MULTI-FAMILY DISTRICT TO "IDZ RIO-2 AHOD" INFILL DEVELOPMENT ZONE RIVER IMPROVEMENT OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-3" GENERAL COMMERCIAL DISTRICT AND MULTI-FAMILY UNITS NOT TO EXCEED 70 PER ACRE.

2010-12-16-1116

Item Z-7. **ZONING CASE # Z2011002 S (District 2):** An Ordinance amending the Zoning District Boundary from "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "I-2 S AHOD" Heavy Industrial Airport Hazard Overlay District with a Specific Use Authorization for a Bulk Plant or Terminal on {6.849 acres out of Lot 7, NCB 12201 located on a portion of 4312 IH 35 North. Staff and Zoning Commission recommend approval

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 6.849 ACRES OUT OF LOT 7, NCB 12201 TO WIT: FROM "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "I-2 S AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A BULK PLANT OR TERMINAL PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2010-12-16-1117

Item Z-8. **ZONING CASE # Z2010142 (District 3):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on 0.291 of an acre out of NCB 8666 located at 835 Southeast Military Drive. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS:

0.291 OF AN ACRE OUT OF NCB 8666 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2010-12-16-1120

Item P-3. **PLAN AMENDMENT #11001 (District 3):** An Ordinance amending the land use plan contained in the Stinson Airport Vicinity Land Use Plan, a component of the Master Plan of the City, by changing the use of **1)** approximately 1,169-acres from Public Institutional land use to Regional Commercial land use, and **2)** approximately 26-acres from Public Institutional land use to High Density Residential land use within the Brooks City Base, generally bound by SE Military Dr to the North; Goliad Rd to the East; Lemay Rd and Dave Erwin Dr to the South; and Old Corpus Christi Hwy to the West. Staff and Planning Commission recommend approval. (Associated Zoning Case: Z2011006)

2010-12-16-1122

Item Z-12. **ZONING CASE # Z2011018 CD (District 5):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for a Veterinary Hospital - Small animals (No outside runs, pens and paddocks permitted) on Lot 11, Block 4, NCB 8323, save and except the part of said lot conveyed to the City of San Antonio in Volume 7395, Page 361, Real Property Records, Bexar County, Texas located at 5357 West Commerce Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 11, BLOCK 4, NCB 8323, SAVE AND EXCEPT THE PART OF SAID LOT CONVEYED TO THE CITY OF SAN ANTONIO IN VOLUME 7395, PAGE 361, REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A VETERINARY HOSPITAL - SMALL ANIMALS (NO OUTSIDE RUNS, PENS AND PADDOCKS PERMITTED) PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

[CONSENT ZONING CONCLUDED]

INDIVIDUAL ZONING ITEMS

2010-12-16-1110

Item Z-1. **ZONING CASE # Z2010157 CD ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "C-3 NA CD ERZD" General Commercial Nonalcoholic Sales Edwards Recharge Zone District with a Conditional Use for Outside Storage with Screening to "C-2 NA CD ERZD" Commercial Nonalcoholic Sales Edwards Recharge Zone District with a Conditional Use for a Cabinet/Carpenter Shop on Lot 19, Block 2, NCB 17616 located at 13338 Western Oak Drive. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING

THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 19, BLOCK 2, NCB 17616 TO WIT: FROM "C-3NA CD ERZD" GENERAL COMMERCIAL NONALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT WITH A CONDITIONAL USE FOR OUTSIDE STORAGE WITH SCREENING TO "C-2NA CD ERZD" COMMERCIAL NONALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT WITH A CONDITIONAL USE FOR A CABINET/CARPENTER SHOP PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney stated that staff and the Zoning Commission recommended approval of Item Z-1. He noted that of 26 notices mailed, one was received in favor and none in opposition.

Leah Flores addressed the Council and stated that she was opposed to the Cabinet Shop. She noted that she lives behind the business in question and had performed research on nearby zoning prior to purchasing her home. She spoke of the special-use permit that was provided to another business in the area and expressed concern with the use of bulldozers and continuous beeping sounds that affected her quality of life. She noted that the building did not have air conditioning or ventilation and would operate with open garage doors.

Councilmember Williams stated that he had visited the area and that outside storage was an issue for the neighborhood. He asked of the downzoning. Mr. Looney replied that the C-2 downzoning was less intense and did not allow outside storage. He added that it would limit future zoning uses. Councilmember Williams stated that although this would not address existing issues, it was a step in the right direction with the North Sector Plan.

Councilmember Williams moved to adopt the proposed Ordinance as recommended by staff. Councilmember Chan seconded the motion.

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

2010-12-16-1111

Item Z-2. **ZONING CASE # Z2011007 S (District 8):** An Ordinance amending the Zoning District Boundary from "R-6 MLOD" Residential Single-Family Military Lighting Overlay District to "R-6 S MLOD" Residential Single-Family Military Lighting Overlay District with a Specific Use Authorization for a Licensed Child Care Facility on Lot 60, Block 25, NCB 16770 located at 12322 Mapletree. Staff and Zoning Commission recommend approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 60, BLOCK 25, NCB 16770 TO WIT: FROM "R-6 MLOD" RESIDENTIAL SINGLE-FAMILY MILITARY LIGHTING OVERLAY DISTRICT TO "R-6 S MLOD" RESIDENTIAL SINGLE-FAMILY MILITARY LIGHTING OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A LICENSED CHILD CARE FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney stated that staff and the Zoning Commission recommended approval with the following conditions: 1) There can be no exterior display or sign with the exception that a name plate that does not exceed one square foot in area may be permitted when attached to the front of the main structure; 2) No construction features are permitted that would place the structure out of character with the surrounding neighborhood; and 3) Hours of operation cannot be before 7:00 am or after 6:00 pm Monday through Friday and closed on Saturday and Sunday. He reported that 34 notices were mailed with five received in opposition, thus; would require nine votes for approval.

The Applicant addressed the Council and stated that she had received a letter of support from the Tanglewood Homeowners Association. She noted that she had advised parents not to park in the driveway and would adhere to the hours of operation.

David Curtis, President of the Tanglewood Homeowners Association also addressed the Council in support of the zoning. He stated that the applicant had approached him four years ago regarding the childcare facility and had received the necessary city permits. He requested that her zoning request be approved.

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

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

CONTINUED

Item Z-3. **ZONING CASE # Z2010009 (District 10):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Tract 1A and 0.937 Acres out of Tract 2, NCB 16587 located at 15602 and 15700 Nacogdoches Road. Staff and Zoning Commission recommend approval. (Continued from November 18, 2010)

Chris Looney stated that staff and the Zoning Commission recommended approval. He noted that of 11 notices mailed, one was received in favor and none were received in opposition.

Councilmember Clamp moved to continue Item Z-3 to January 20, 2011. Councilmember Cisneros seconded the motion.

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

Items P-2 and Z-9 were addressed together.

2010-12-16-1118

Item P-2. **PLAN AMENDMENT #10022 (District 3):** An Ordinance amending the land use plan contained in the Stinson Airport Vicinity Land Use Plan, a component of the Master Plan of the City, by changing the use of an approximately 9.59 acre tract of land located at 910 SE Military Drive from Community Commercial land use to Regional Commercial land use. Staff recommends denial; Planning Commission recommends approval. (Associated Zoning Case: Z2010163 S).

2010-12-16-1119

Item Z-9. **ZONING CASE # Z2010163 S (District 3):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District and "C-3 R AHOD" Commercial Restrictive Alcohol Sales Airport Hazard Overlay District to "C-3 AHOD S" General Commercial Airport Hazard Overlay District with a Specific Use Authorization for Live Entertainment (Without cover charge 3 or more days per week) on Lot 4, Block 6, NCB 9486 located at 910 S. E. Military Drive. Staff and Zoning Commission recommend approval pending the plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 4, BLOCK 6, NCB 9486 TO WIT: FROM "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "C-3 R AHOD" COMMERCIAL RESTRICTIVE ALCOHOL SALES AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD S" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR LIVE ENTERTAINMENT (WITHOUT COVER CHARGE 3 OR MORE DAYS PER WEEK) PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Andrea Gilles presented Item P-2 and stated that staff recommended denial while the Planning Commission recommended approval. It was noted that for Item Z-9, staff and the Zoning Commission recommended approval pending the Plan Amendment.

Councilmember Ramos asked of staff denial of Item P-2. Ms. Gilles replied that Planning Staff had concerns about a future land use being changed for the area to an intense, commercial use. Councilmember Ramos stated that she had received letters of support for the Plan Amendment and Zoning from the Harlandale Park Neighborhood Association and South Central Alliance Neighborhood Association. She mentioned that the building had been vacant for many years and was pleased that the facility would become operational. Mayor Castro confirmed that the Plan Amendment would only pertain to the piece of property mentioned. Ms. Gilles confirmed same.

Councilmember Ramos moved to adopt the proposed Ordinances for Items P-2 and Z-9. Councilmember Cisneros seconded the motion.

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

CONTINUED

Item Z-10. **ZONING CASE # Z2011001 (District 3):** An Ordinance amending the Zoning District Boundary from "MR AHOD" Military Reserve Airport Hazard Overlay District to "C-2 NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on Lots 1 and 2, Block 6, NCB 10879 located at 3803 and 3839 Lyster Road. Staff and Zoning Commission recommend approval.

Chris Looney stated that staff and the Zoning Commission recommended approval. He reported that of four notices mailed, one had been received in favor and none in opposition. He added that no response had been received from the Highland Forest or Highland Hills Neighborhood Associations.

Councilmember Ramos expressed concern with traffic issues in the area and moved to continue Item Z-10 to January 20, 2011. Councilmember Cortez seconded the motion.

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

2010-12-16-1121

Item Z-11. **ZONING CASE # Z2011006 (District 3):** An Ordinance amending the Zoning District Boundary from "MR AHOD" Military Reservation Airport Hazard Overlay District to "MF-33 IDZ AHOD" Multi-Family Infill Development Zone Airport Hazard Overlay District on 16.728 acres and "C-3 AHOD" General Commercial Airport Hazard Overlay District on 6.411 acres and 4.524 acres, all on 27.663 acres out of Parcel 111, NCB 10879 located on the south side of Southeast Military Road, west of South New Braunfels Avenue. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 27.663 ACRES OUT OF PARCEL 111, NCB 10879 TO WIT: FROM "MR AHOD" MILITARY RESERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "MF-33 IDZ AHOD" MULTI-FAMILY INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT ON 16.728 ACRES AND "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT ON 6.411 ACRES AND 4.524 ACRES.

Chris Looney stated that staff and the Zoning Commission recommended approval. He noted that two notices were mailed with one received in favor and none in opposition. He added that there was no response from the Hot Wells Neighborhood Association.

Councilmember Ramos stated that she had received concerns regarding the zoning but most of the issues had been addressed. She noted that there would be no impact to the park and that the property would be used for a multi-family development.

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

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

At this time, the Council addressed the remainder of the pulled items.

The City Clerk read the following Ordinance:

2010-12-16-1066

Item 19. AN ORDINANCE AUTHORIZING AN ADDITIONAL AMENDMENT IN THE AMOUNT OF \$172,842.00 TO THE \$1,747,135.72 PROFESSIONAL SERVICES AGREEMENT WITH POZNECKI CAMARILLO, INC. FOR ADDITIONAL ENGINEERING SERVICES FOR THE DEZAVALA ROAD PHASE I (BABCOCK ROAD TO COGBURN AVENUE) PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 8.

Councilmember Williams asked for an update on the project. Mr. Frisbie responded that it was a large, complex project currently under construction and that said ordinance would authorize the extension of design services through the construction process. He stated that Poznecki Camarillo, Inc. would conduct traffic impact analyses for various phases of construction, utility conflict resolution, and ensure compliance with the construction plan submitted by the contractor. Councilmember Williams asked why the amount was not included in the original project. Mr. Frisbie stated they were not aware of the complex utility activity and construction phasing at the beginning of the project. He noted that funds were available within the project budget.

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

The City Clerk read the following Ordinances:

Item 21. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE 36TH STREET EXTENSION - GROWDON ROAD TO BILLY MITCHELL PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT PROJECT LOCATED IN COUNCIL DISTRICT 4 AND FUNDED BY FEDERAL FUNDS THROUGH THE METROPOLITAN PLANNING ORGANIZATION, THE AMERICAN RECOVERY AND REINVESTMENT ACT AND 2007-2012 GENERAL OBLIGATION BONDS:

2010-12-16-1069

- A. AN ORDINANCE AUTHORIZING A CITY REQUESTED CHANGE ORDER IN THE REDUCED AMOUNT OF \$1,813,580.83 TO THE \$18,951,777.00 CONSTRUCTION CONTRACT WITH BALLENGER CONSTRUCTION COMPANY.

2010-12-16-1070

- B. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH PORT SAN ANTONIO AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,000,000.00 TO PORT SAN ANTONIO.

Councilmember Cortez asked for an overview of said items. Mr. Frisbie stated that the change order reduction was due to the fact that materials from the drainage channel were kept at Port San Antonio rather than hauled off. He added that the Interlocal Agreement with Port San Antonio would allow the city to reimburse the Port for design services. He stated that the contractor was ahead of schedule on the project and estimated completion in March, 2012. Councilmember Medina commended Councilmember Cortez for his leadership on the project and stated that the project was extremely important to the West and South Sides of the city.

Councilmember Cortez moved to adopt the proposed Ordinances for Items 21A and 21B. Councilmember Medina seconded the motion.

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

The City Clerk read the following Ordinance:

2010-12-16-1073

Item 22C. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$75,000.00 TO THE \$1,936,169.28 PROFESSIONAL SERVICES AGREEMENT WITH HNTB CORPORATION FOR ADDITIONAL ENGINEERING SERVICES.

Councilmember Chan recused herself on Item 22C by exiting the Council Chambers and noting that she submitted the recusal forms to the City Clerk.

Councilmember Ramos moved to adopt the proposed Ordinance for Item 22C. Councilmember Clamp seconded the motion.

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

The City Clerk read the following Ordinances:

Item 23. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO FY 2011 STREET MAINTENANCE PROGRAM:

2010-12-16-1074

- A. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO CLARK CONSTRUCTION OF TEXAS, INC. IN THE AMOUNT OF \$2,886,256.84, \$92,250.00 OF WHICH TO BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, FOR AUTHORIZED FY 2011 STREET MAINTENANCE PROGRAM ASPHALT OVERLAY PROJECTS LOCATED CITY-WIDE.

2010-12-16-1075

- B. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO CLARK CONSTRUCTION OF TEXAS, INC. IN THE AMOUNT OF \$3,950,277.73, \$83,600.00 OF WHICH TO BE REIMBURSED BY SAWS, FOR AUTHORIZED FY 2011 STREET MAINTENANCE PROGRAM ASPHALT OVERLAY WITH RUBBER PROJECTS LOCATED CITY-WIDE.

2010-12-16-1076

- C. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO CLARK CONSTRUCTION OF TEXAS, INC. IN THE AMOUNT OF \$4,177,633.02, \$93,000.00 OF THIS AMOUNT WILL BE REIMBURSED BY SAWS, FOR AUTHORIZED FY 2011 STREET MAINTENANCE PROGRAM ASPHALT OVERLAY WITH RUBBER PROJECTS LOCATED CITY-WIDE.

2010-12-16-1077

- D. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO CLARK CONSTRUCTION OF TEXAS, INC. IN THE AMOUNT OF \$2,515,567.90, \$67,800.00 OF WHICH TO BE REIMBURSED BY SAWS, FOR AUTHORIZED FY 2011 STREET MAINTENANCE PROGRAM HOT PAVER-LAID MICRO-SURFACE WITH RUBBER PROJECTS LOCATED CITY-WIDE.

Councilmember Ramos stated that her questions had been answered during the break and moved to adopt the proposed Ordinances for Items 23A-D. Councilmember Cortez seconded the motion.

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

The City Clerk read the following Ordinances:

Item 28. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE REQUESTED CLOSURE AND ACCEPTANCE OF DEDICATED PROPERTY FOR THE REALIGNMENT OF EAST THEO AVENUE:

2010-12-16-1084

- A. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF AN IMPROVED PORTION OF EAST THEO AVENUE PUBLIC RIGHT OF WAY, LOCATED EAST OF THE SAN ANTONIO RIVER IN CONCEPCION PARK ADJACENT TO NCB 20A IN COUNCIL DISTRICT 3, AS REQUESTED BY THE PARKS AND RECREATION DEPARTMENT.

2010-12-16-1085

- B. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF 2.463 ACRES TO BE DONATED BY CHANDOHA, LTD. TO THE CITY OF SAN ANTONIO TO BE USED AS THE RIGHT-OF-WAY FOR THE REALIGNMENT OF EAST THEO AVENUE, AS REQUESTED BY THE PARKS AND RECREATION DEPARTMENT.

Mike Etienne, CIMS Assistant Director stated that the Parks and Recreation Department had requested to close a portion of East Theo Avenue located next to Concepcion Park and to accept donated land to be used for the realignment of East Theo Avenue. He reported that CIMS Staff had canvassed the project and there was no opposition to the street closure. He added that the Planning Commission had approved the case on December 8, 2010.

Councilmember Ramos highlighted said item and requested the project timeline. Xavier Urrutia, Parks and Recreation Director replied that construction of the road would begin in February or March 2011 and start at Mission Drive and move south. He stated that the street closure would not occur until the new Theo Realignment was complete and estimated completion in the summer of 2011. He added that Park Improvements would not occur until the fall of 2011 and that the entire project was scheduled for completion by the end of 2011.

Councilmember Ramos moved to adopt the proposed Ordinances for Items 28A and 28B. Councilmember Cortez seconded the motion.

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

The City Clerk read the following Ordinance:

2010-12-16-1086

Item 29. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF \$75,000.00 UPON AWARD FOR A GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)-FAIR HOUSING INITIATIVES PROGRAM FROM MARCH 1, 2011 TO FEBRUARY 29, 2012; AND AUTHORIZING A PROGRAM BUDGET.

Councilmember Ramos stated that her questions had been answered and moved to adopt the proposed Ordinance. Councilmember Cortez seconded the motion.

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

The City Clerk read the following Ordinance:

2010-12-16-1089

Item 32. AN ORDINANCE AMENDING CHAPTER 21-3 OF THE CITY CODE OF THE CITY OF SAN ANTONIO ENTITLED "ADVERTISING ON PUBLIC OR PRIVATE PROPERTY" IN ORDER TO GIVE A CITIZEN AN AVENUE TO RESTRICT THE DISTRIBUTION OF ADVERTISEMENTS ON THEIR PROPERTY WHERE "NO SOLICITATION" OR SIMILAR NOTICES ARE DISPLAYED.

Councilmember Chan asked how the ordinance would be implemented. David Garza, Director of Code Enforcement Services stated that the code amendment would allow residents at private homes or businesses to display signage to restrict the distribution of advertisements on their property. He explained that general prohibition on door-to-door solicitation was unconstitutional and that the ordinance must be narrowly tailored to serve significant governmental interests. He stated that "No Solicitation" type signs were required to be posted and could not be smaller than 3x4 inches. He noted that the Police Department would provide enforcement and would require a complaint by a homeowner. He added that cases would be filed with the City Attorney's Office and violations subject to fines up to \$500. He reported that the Police Department and Code Enforcement Services would complete a public education campaign prior to implementation and recommended a 60-day education period. Lastly, he mentioned that the ordinance would not apply to federal, state or local governments; or religious, political or charitable handbills or advertisements.

Councilmember Chan confirmed that individuals living in apartment complexes would be authorized to place signage in their apartment units and was pleased with the staff recommendation. Councilmember Clamp expressed his support for the code amendment and stated that the issue had been brought forth due to neighborhood concerns. He noted that individuals that wanted to receive solicitations could continue to do so. Councilmember Lopez stated that this was a positive step forward and asked that verbiage be included in the ordinance to clarify that signage should be placed near the main entrance of the residence. Councilmember Cisneros asked of the 60-day education period. Mr. Garza replied that they would provide information to neighborhood associations and publicize through TVSA Channel 21. He stated that the information would also be posted on the department website and provided person-to-person.

Councilmember Cortez asked of the assessment of fines. Mr. Garza replied that the business owner would likely receive the fine as they were responsible for the handbill and were focusing on commercial solicitation such as pizzerias and lawn services. Michael Bernard stated that solicitation for commercial activity was not allowed. Councilmember Cortez expressed concern that Police Resources would be utilized to address complaints. Mr. Bernard stated that this was designed as a property rights ordinance. Councilmember Medina stated that the amendment had been discussed at great length during several Public Safety Council Committee Meetings and felt that the ordinance would not significantly impact small business. Mr. Garza stated that staff would review the ordinance over the next year and provide an update to the Public Safety Council Committee.

Councilmember Chan referenced Slide 7 and recommended that the verbiage be revised to indicate that the ordinance would not apply to religious, political or charitable handbills and advertisements. She requested that commercial businesses be given a warning after the 60-day education period. Councilmember Ramos asked who would receive the fine. Mr. Bernard replied that it would depend on the facts but would be given to the individual delivering the handbill. Councilmember Ramos asked how this was different from what was currently in place. Mr. Bernard stated that the only recourse that homeowners currently have is to ask individuals to leave the premises or file criminal trespassing charges that require many steps. Councilmember Medina requested that the educational campaign stress the importance of placing the sign in a visible location. Councilmember Williams stated that hotels and apartments in District 8 had encountered issues with theft in which handbills and advertisements were being distributed as a distraction. He noted that this was a valuable tool that they could utilize to deter and prevent theft.

Mayor Castro stated that he believed that homeowners throughout the city could benefit from the ordinance. He asked if there was an intentionality requirement for those handbills left without witness of the act. Mr. Bernard stated that it was unlawful for any person to distribute or cause to be distributed so there was a knowingly, intentional standard. Mayor Castro stated that it was important to determine who would be fined and how that issue would be handled by Municipal Court. He noted that he could support the ordinance today on the premise that there was a working period and flexibility, as well as revisiting the issues that have been discussed regarding enforcement. Councilmember Clamp requested that a progress report be provided to the Public Safety Council Committee before June 1, 2011.

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

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

At this time, Mayor Castro addressed Item 38 followed by Item 33C.

The City Clerk read the following Ordinance:

2010-12-16-1094

Item 38. AN ORDINANCE AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT WITH BEXAR COUNTY IN AN AMOUNT UP TO \$25,000.00 TO PARTIALLY FUND A FEASIBILITY STUDY OF ATTRACTING AND/OR REALISTIC OPPORTUNITIES OF

RETAINING ANOTHER PROFESSIONAL MAJOR LEAGUE SPORTS TEAM FRANCHISE TO SAN ANTONIO AND BEXAR COUNTY.

Councilmember Ramos asked who was being hired to conduct the study. Mike Sawaya replied that Bexar County would be responsible for the Request for Proposal (RFP) Process and anticipated making a selection in January with a report completed in June. Councilmember Ramos asked why Bexar County was taking the lead when both entities were committing the same amount of monies. Mr. Sawaya stated that Bexar County had taken the lead in recommending that the study be conducted and had asked the city to participate with them in the process. Councilmember Ramos requested that the City at least have a representative on the evaluation team that would review the RFPs. Mr. Sawaya stated that due to the quick turnaround and relatively low amount of the contract, there would not be a scoring process. Councilmember Ramos expressed concern with the process utilized, noting that the city was providing \$25,000 and not participating in the selection of the firm. Mayor Castro stated that the city would have input and added that he was confident that the analysis would help San Antonio and Bexar County when pursuing professional sports in the future.

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

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

The City Clerk read the caption for Item 33C:

Item 33C. APPOINTING ONE MEMBER TO THE PLANNING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 12, 2012. THE APPLICANTS FOR THE PLANNING COMMISSION ARE: PAUL KINNISON, JAMES MCNAMARA, RICK MCNEALY, AND ROBERT RODRIGUEZ.

Councilmember Chan moved to appoint Robert Rodriguez to the Planning Commission. Councilmember Clamp seconded the motion.

Councilmember Cortez thanked the individuals that applied to the Planning Commission and stated that he looked forward to working with Mr. Rodriguez.

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

RECESSED

Mayor Pro Tem Taylor recessed the meeting at 3:55 pm and announced that the meeting would resume at 5:15 pm for Ceremonials.

RECONVENED

Mayor Castro reconvened the meeting at 5:15 pm and addressed the Ceremonials.

CEREMONIALS

Mayor Castro presented a Citation to Mr. Hans Nadler for being named the 2011 Baker of the Year by the International Union of Bakers and Bakers Confectioners. It was noted that the award is the most important prize that the Bakery Sector can offer to a baker at the World Level. It was further noted that Mr. Nadler moved to San Antonio from Switzerland in 1953 and opened Nadler's Bakery and Delicatessen in 1963.

Mayor Castro presented a Citation to Mr. Daniel Leija for being named the Texas Teacher of the Year by the Texas Education Agency. It was mentioned that the award recognizes educators who have demonstrated outstanding leadership and excellence in teaching, and is the highest honor that the State of Texas can bestow upon a teacher. He noted that Mr. Leija is a fifth-grade math and science teacher at Esparza Elementary School.

Mayor Castro presented a Proclamation to Kappa Alpha Psi Fraternity, Inc. in recognition of the Centennial Year of its founding. The organization is known for its rich tradition of encouraging personal excellence and public service, and is dedicated to the principle of achievement. It was noted that the San Antonio Alumni Chapter, located in City Council District 2, has been serving the community since 1931.

RECESSED

Mayor Castro recessed the meeting at 5:45 pm until 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Castro reconvened the meeting at 6:00 pm and called upon the individuals registered to speak.

Faris Hodge, Jr. sang "Silent Night" to the City Council. He requested that CPS Energy Administrative Offices remain open until 8:00 pm. He stated that he spoke with Judge Nelson Wolff to express concern with the items provided by the San Antonio Food Bank to seniors. He requested that Park Police receive the same pay as San Antonio Police Officers and referenced the Heel Law regarding the public's right to access information. He presented a photo of a building with solar panels on the roof and spoke of the high dropout rate in San Antonio. He mentioned that the train in Brackenridge Park was too small for adults and expressed concern that many seniors did not have access to Channels 20 and 21.

Mayor Castro stated that Time Warner would provide free cable boxes to seniors if they called to request one.

Nazirite Ruben Flores Perez referenced Jeremiah Chapter 10 in the Bible and expressed concern with Christmas Trees. He spoke of the Book of Matthew and astrologers that traveled from the East. He referenced Herod and the Newborn King.

Mark Perez stated that he had lost twin daughters in 2005 and expressed concern that he had not received information that he requested from city staff. He noted that Tetco had been operating without a Certificate of Occupancy and spoke of the hazardous chemicals illegally stored throughout the community. He referenced the Age Refinery Building that was operating without proper permits. He mentioned Kimberly Clark stored tanks in an I-1 Zoning.

Kelly Anderson, Karrie Kern and Erin Vandenberg representing the One World Conservation spoke of Elephants Lucky and Boo at the San Antonio Zoo. Ms. Anderson expressed concern that the two elephants were not bonding as had been communicated and were avoiding each other. She spoke of various instances of aggressive behavior that had been videotaped. She stated that Lucky had been very strong-minded and independent but no longer exhibited this behavior. She showed video footage of the two elephants interacting. She added that an elephant expert had reviewed the footage and felt that the elephants were confined in too small of a space.

Antonio Diaz thanked Mayor Castro for the Proclamation recognizing Indigenous Human Rights Day. He expressed concern with the death of Derek Lopez, a student in the Northside Independent School District. He also expressed concern that San Antonio Police Officers were performing strip searches on individuals returning from Mexico via Greyhound Buses.

Rhett Smith asked why the Citizens to be Heard portion of the City Council meeting was not broadcast on television and stated that the information was important to the general public. He referenced First Amendment Rights and noted that this portion of the meeting was a valuable tool for citizens. He added that he was pleased that Mr. Assange was released from prison regarding the Wikileaks Scandal.

Nick Calzoncit expressed support for the Proclamation recognizing Indigenous Human Rights Day. He spoke of Carlos Guerra and the importance of the Dream Act. He stated that America was formed on principles of equality and justice and invited the City Council to appear on his television show to discuss Immigration Issues.

Javier Hernandez stated that Mark Perez had spoken of issues that should be addressed by the City Council. He spoke of the San Antonio Parks Foundation and noted that the Foundation collects funds from the vendors at the New Year's Celebration Downtown. He expressed concern that Steve Klein had received vending rights for the New Year's Celebration for too many consecutive years.

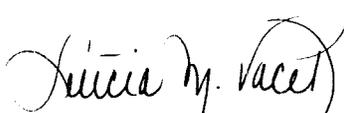
ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:31 pm.

APPROVED


JULIAN CASTRO
MAYOR

Attest:


LETICIA M. VACEK, TRMC/CMC
City Clerk