

**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, MAY 16, 2012, AND THURSDAY, MAY 17, 2012, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **May 16, 2012**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** None.

Item 2 was addressed first.

2. A STAFF BRIEFING ON THE PROPOSED IMPLEMENTATION STRATEGY OF THE CITY'S PROPOSED 2012-2017 BOND PROGRAM SHOULD SOME OR ALL OF THE PROPOSITIONS BE APPROVED BY THE VOTERS ON MAY 12, 2012.

Mayor Castro stated that he was pleased that the voters had approved the 2012 Bond Program and thanked everyone involved with the 2012-2017 Bond Program. He recognized the 2012 Bond Program Tri-Chairs, Carri Baker Wells, Dr. Tessa Martinez-Pollack, and Mayor Emeritus Lila Cockrell and thanked them for their leadership. He spoke of the success of the 2007 Bond Program and hoped to continue that with the 2012 Bond Program.

City Manager Sculley provided an overview of the mass selection process utilized for the 2007 Bond Program. Mike Frisbie, CIMS Director stated that the 2012-2017 Bond Program totaled \$596 million and included 140 projects focused on the city's core infrastructure. He noted that the projects were high-impact projects that followed rough proportionality principles. He outlined the delivery of the 2012 Bond Program, noting that they would utilize lessons learned from the 2007 Bond Program. He mentioned that they would coordinate with the Utility Companies to ensure that work among entities occur at one time. He introduced the City of San Antonio Project Reporting Information Management Exchange Link (COSA PRIMELink) and indicated that it replaced the old portal system. He explained that COSA PRIMELink was a web-based comprehensive project management tool that would electronically route and store documents, as well as provide invoice, retainage and payment data uploads to SAP. He stated that they would be hosting a great number of partnering sessions with contractors, designers, and utility companies to ensure that project expectations are conveyed.

Mr. Frisbie stated that there were 15 Funding Agreements in place for the 2012 Bond Program. He noted that there were four construction ready projects: 1) Blanco Road Phase II; 2) Villaret Boulevard; 3) Westwood Village, Phase II; and 4) Hardberger Park. He outlined the list of projects that are already in the design phase and noted that there were 15 park projects that would utilize the city's current On-Call Design Contracts. He reported that staff would utilize a mass selection process for the 94 projects that were in need of a design consultant which would save 7,565 staff hours and \$244,483. He indicated that the Request for Qualifications (RFQ) would be released on May 30, 2012 for Engineering, Architects, Landscape Architects, and Artists. He stated that firms would have the opportunity to indicate their desired project size and rate their level of interest for each project. He noted that the

overall program would meet or exceed 2007 Bond Program Participation for Small, Minority, and Women-Owned Business Enterprises (SMWBE).

Mr. Frisbie provided an overview of the RFQ Scoring Criteria that includes: A. Experience 50 points; B. Local 10 points; C. Proposed Plan 30 points; and D. Overall Evaluation 10 points. He stated that firms would be selected based on their score and project interest. Additionally, their familiarity with a particular project and experience in the project area would be factored into the selection. He presented a timeline for the RFQ in which the Consultant Kick-Off will occur on June 8, 2012 and City Council will approve the contracts on October 11, 2012.

Mr. Frisbie spoke of the mass approval that would be utilized for 650 Right-of-Way Acquisitions noting that it would save 1,610 staff hours and \$59,892. He presented timelines by Proposition, as well as the Spending Plan by Fiscal Year through 2017. He stated that they would continue transparency to the public through the Citizen Bond Oversight Commission (CBOC) and the On-line Dashboard Program. He explained that a new Chairperson would be appointed to the CBOC and that three city vacancies and one Bexar County vacancy would be filled.

Mayor Castro thanked staff for their presentation and for all of their work on the 2012 Bond Program. He stated that he was pleased with the timeline and the initiative on compiling teams to begin work on projects. He spoke of the model set by SAWS related to local, small, minority, and women-owned businesses to understand if progress is being made.

Councilmember Bernal thanked everyone that worked on the 2012 Bond Program and asked of the outreach to bidders for the projects. Mr. Frisbie replied that the RFQ was clear to the industry that they should convene diverse teams and that staff would host a kick-off meeting on June 8, 2012. He added that they would continue working with companies throughout the negotiation and implementation process. Councilmember Bernal spoke of the importance of working with small, minority and women-owned businesses to include them in the process.

Councilmember Taylor thanked staff for their work on the Bond Program and referenced Items A and D on the scoring criteria on Slide 21. Mr. Frisbie replied that for Item D, the panel would rate the consultant team to include the prime and subcontractors to determine if they could handle the project. He noted that for the experience in Item A, they would be required to provide resumes of key personnel, as well as three projects that they have completed in the past to show diversity and performance. Councilmember Taylor asked how negative past experiences of a company would be addressed. Mr. Frisbie stated that it would be reflected through their scorecard and included in their scoring. Councilmember Taylor also spoke of the importance of including small, minority and women-owned businesses in the program.

Councilmember D. Medina thanked staff for their work on the Bond Program. He spoke of the importance of including small, minority and women-owned businesses in the 2012 Bond Program. He noted that all of the projects were important but requested that the District 5 Senior Center be completed as soon as possible.

Councilmember C. Medina also thanked staff for their work on the Bond Program. He concurred with the City Councilmembers regarding the importance of including small, minority and women-owned

businesses, as well as a Veteran Category, in the Bond Program. He mentioned the need to maintain continuity of projects and ensure that projects are on time and on schedule.

Councilmember Saldaña asked of the mass selection process for design firms. Mr. Frisbie noted that for the 2007 Bond Program, they had asked firms of their desired project size and level of interest and would continue that in the 2012 Bond Program. He noted that firms could be eligible as a Prime Contractor for various projects and a Subcontractor on others. Councilmember Saldaña asked of the use of the Race Conscious Tool. Ms. Sculley reported that they were still collecting data and that currently, Race Conscious was not a tool that could be utilized within the Architectural and Engineering Categories.

Councilmember Williams stated that there was still a lot of work to be done in identifying small firms that can move into Prime Contractor slots. He spoke of the projects that were not yet completed from the 2007 Bond Program. Mr. Frisbie provided an update on the outstanding projects and noted that there were a few that still had some significant work to be accomplished.

Councilmember Chan asked if the Small Business Economic Development Advocacy (SBEDA) Ordinance would play a role in the mass selection process. Mr. Frisbie replied that the current SBEDA Ordinance was designed for individual projects and that for mass selection; the best method is to design the RFQ to ensure small business participation. Councilmember Chan asked how "local" was defined. Debbie Sittre replied that to be considered local, a company would have a significant business presence in Bexar County. Councilmember Chan stated that it was important to include small, minority and women-owned businesses in the design process. She asked who would serve on the selection committee. Mr. Frisbie replied that staff was working on that and would include representatives from CIMS and partner with city departments, SAWS, and CPS Energy. Councilmember Chan spoke of being sensitive to small businesses competing for construction work to ensure that they have the capacity to perform. Rene Dominguez spoke of the Pilot Mentor-Protégé Project that was being implemented.

Councilmember Soules congratulated staff for the process on the Bond Program and stated that he looked forward to progress on the projects. He noted that it should be a priority to be good stewards of public money and select the best firms for the projects. He spoke of the construction selection process and asked of low-bid versus low-qualified bid. Ms. Sculley replied that a qualitative review would occur for each project and staff would determine the best delivery method.

Councilmember Ozuna spoke of the importance of transparency across all phases of the Bond Program. She asked of the management of the CBOC and Dashboard Program. Mr. Frisbie replied that the CBOC meets with staff every other month and staff presents a status of all of the projects. He stated that the Dashboard Program was very important and provided detailed project information to the public.

1. BRIEFING AND POSSIBLE ACTION ON THE FOLLOWING BUDGET AND FINANCIAL UPDATES:

A. FY 2012 SIX PLUS SIX BUDGET & FINANCE REPORT (2ND QUARTER ACTUALS WITH ANNUALIZED PROJECTIONS) AND MID YEAR BUDGET ADJUSTMENT RECOMMENDATIONS.

B. FIVE YEAR FINANCIAL FORECAST

Item 1 was not addressed. This item was addressed at the City Council Meeting on May 17, 2012 with Agenda Item 13.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 3:23 pm to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO REDISTRICTING, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- B. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.087 (ECONOMIC DEVELOPMENT) AND 551.071 (CONSULTATION WITH ATTORNEY).**
- C. DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.072 (REAL PROPERTY) AND 551.071 (CONSULTATION WITH ATTORNEY).**

CEREMONIALS

Mayor Pro Tem Ozuna reconvened the meeting at 5:25 pm and addressed the Ceremonial Items.

Mayor Pro Tem Ozuna presented a Citation to the South San High School Robotics Team for winning 1st Place at the Alamo Regional FIRST (For Inspiration and Recognition of Science and Technology) Robotics Competition. It was noted that the win qualified the "Grease Monkeys" to compete at the National Robotics Championship Competition held in St. Louis, Missouri, April 26-28, 2012.

Mayor Pro Tem Ozuna presented a Citation to the MacArthur JROTC Drill Team who won the Armed and Unarmed Divisions of the National JROTC Drill Championship. It was noted that MacArthur competed against 71 teams from 50 of the Army's best JROTC Drill Programs. MacArthur's Armed Squad won two of four competition categories - Inspection and Exhibition, and finished second and third, respectively, in Regulation and Color Guard. The Unarmed Group won the Color Guard and Exhibition Competitions, and placed fourth in Inspection and Regulation.

The Martin Luther King, Jr. Scholarship Committee, in conjunction with the MLK Commission, announced the 2012 Scholarship Recipients. It was noted that the scholarships are funded by local businesses and community groups, as well as contributions from the City Councilmembers. Recipients received a \$2,000 award and were presented with a certificate and commemorative medal from Mayor Pro Tem Ozuna.

CITIZENS TO BE HEARD

Mayor Pro Tem Ozuna called upon the individuals registered to speak.

Nazirite Ruben Flores Perez spoke of Rabbi Barry Block who would be taking a sabbatical and then resigning from Temple Beth-El. He referenced the five books of Moses and expressed concern with men lying with other men.

Antonio Cantu stated that he was concerned with the high rates of obesity and Diabetes in San Antonio. He spoke of the Food Truck Program, noting that a program should be launched to bring fruits and vegetables to areas of high need utilizing food trucks. He noted that he had started a Facebook Page regarding the program and had received support from Dr. Fernando Guerra.

Mark Perez stated that he had been addressing the City Council regarding public safety and expressed concern with AGE Refinery operating without the proper permits. He asked why the policies of the city were not being enforced and noted concerns with the lack of information received from various city departments. He added that DPT Laboratories was located in an I-1 Zoning and asked that they be shut down. He mentioned environmental concerns with NuStar Refining.

Heriberto Barrientes expressed concern that he has been working to receive a second electrical meter on his property since 1988. He played a voicemail left by a Development Services Employee and asked why the Director did not respond to him directly. He provided a document that he received from the city and noted that he was eligible for the second meter due to a Grandfather Clause. He showed proof that he had been recognized for having a second unit dated November 21, 1988.

Mayor Castro entered the meeting at this time.

Faris Hodge, Jr. submitted written testimony noting that the Obama Administration had blocked Texas from implementing its voter photo identification law. He wrote that CPS Energy could check homes for energy leaks and referenced the Solid Waste Management Department Household Hazardous Waste permanent site and mobile collections. He recognized the Bexar County Commissioners Court for honoring Americans Disability Month and requested that students consider providing community service during the summer. He provided an article stating that Justice of the Peace Candidates should be required to have a law license. He wrote of the 2012 Bond Program Projects and noted that eight individuals were seeking the position of Bexar County Sheriff.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:41 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **May 17, 2012**, 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: Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** None.

Item 1. The Invocation was delivered by Hazzan Jeremy Lipton, Congregation Agudas Achim, guest of Councilmember Elisa Chan, District 9.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Chan recognized guests from the Student Exchange Program between the University of the Incarnate Word (UIW) and Kumamoto, Japan. She stated that the program was implemented in 1989 after the City of San Antonio established a Sister City Agreement with Kumamoto, Japan. She introduced four students that would be heading to Japan on June 26, 2012 and the Japanese Students that had studied and lived in San Antonio. She thanked Dr. Lou Agnese for supporting the International Students Program at UIW. Mayor Castro stated that San Antonio has truly appreciated the warm friendship with Kumamoto.

Item 3. MINUTES

Councilmember Saldaña moved to approve the Minutes for the April 11-12, 2012 City Council Meetings. Councilmember Bernal seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

2012-05-17-0348

Item 4. AN ORDINANCE CANVASSING THE RESULTS OF THE SPECIAL BOND AND CHARTER AMENDMENT ELECTION HELD ON SATURDAY, MAY 12, 2012.

City Clerk Leticia M. Vacek presented the Council with the total votes cast for and against all 5 Propositions, and the Charter Amendment Proposition of the Special Election held on Saturday, May 12, 2012. She also reported the Under and Over Votes cast. She noted that next steps include providing a certified copy of the Charter Amendment Election Results to the Texas Secretary of State for filing and providing a certified copy of the Bond Proposition Election Results to Bond Counsel. She recommended adoption of the Ordinance canvassing the results as follows:

PROPOSITION NO. 1: STREETS, BRIDGES, AND SIDEWALK IMPROVEMENTS

“FOR”	29,330	72.30%
“AGAINST”	11,239	27.70%

PROPOSITION NO. 2: DRAINAGE AND FLOOD CONTROL IMPROVEMENTS

“FOR”	29,646	72.88%
“AGAINST”	11,031	27.12%

PROPOSITION NO. 3: PARKS, RECREATION, OPEN SPACE IMPROVEMENTS

“FOR”	26,249	64.43%
“AGAINST”	14,493	35.57%

PROPOSITION NO. 4: LIBRARY, MUSEUM, AND CULTURAL ARTS FACILITIES IMPROVEMENTS

“FOR”	25,416	62.39%
“AGAINST”	15,321	37.61%

PROPOSITION NO. 5: PUBLIC SAFETY FACILITIES IMPROVEMENTS

“FOR”	27,272	67.01%
“AGAINST”	13,424	32.99%

CHARTER AMENDMENT PROPOSITION: “Shall the City Charter be amended to allow filling City Council vacancies by special election rather than appointment when more than 270 days remain in the unexpired council term, and to allow the City Council to appoint a temporary council member until the special election is held?”

“FOR”	32,339	79.88%
“AGAINST”	8,147	20.12%

Mayor Castro called upon Nazirite Ruben Flores Perez to speak on Item 4.

Mr. Nazirite Ruben Flores Perez stated that he was in support of the Bond Program and Charter Amendment Proposition. He spoke of the positive relationship with China and asked the City Council to consider giving City Employees a raise next year.

Mayor Castro expressed his support for the five Bond Program Propositions and Charter Amendment Proposition. He recognized city staff for their work and commended the Bond Committee Tri-Chairs, Mayor Emeritus Lila Cockrell, Tessa Martinez-Pollack, and Carri Baker-Wells for their leadership. He thanked the many individuals that served on the Bond Committees, as well as the Bond Ambassadors. He stated that the improvements would enhance the quality of life for citizens and looked forward to the projects being on schedule and on budget.

Councilmember Bernal moved to adopt the proposed Ordinance canvassing the election results as presented. Councilmember C. Medina seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

Mayor Castro addressed Item 13 at this time.

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 13:

2012-05-17-0358

Item 13. AN ORDINANCE AMENDING THE FY 2012 ANNUAL OPERATING BUDGET AND THE SIX YEAR CAPITAL BUDGET TO ADJUST REVENUE AND APPROPRIATION LEVELS IN CERTAIN FUNDS BASED UPON THE RECENTLY COMPLETED MID-YEAR REVIEW OF REVENUES AND EXPENDITURES.

Maria Villagomez presented the Six Plus Six Report, noting that the financial condition for the first six months of FY 2012 is favorable by \$500,000. She reported that General Fund Revenues were down by \$1.2 million over the adopted budget but General Fund Expenditures were below budget by \$1.7 million. She indicated that the financial condition is expected to improve over the remaining six months by an additional \$13.7 million due to better sales tax revenues and more CPS Energy Revenue from the Rio Nogales Gas Plant. She added that the overall ending balance for FY 2012 is \$33.4 million better than the adopted budget.

Ms. Villagomez outlined the FY 2013-2017 Five-Year Financial Forecast and stated that the projected deficit for FY 2013 was between \$12.1-24.6 million. She noted that deficits were projected for the next five years ranging from \$24.6 to \$90 million. She provided an overview of the FY 2013 Policy Issues included in the Forecast: Civilian Cost of Living; Deferred Library Maintenance; Economic Development Incentives; VIA Street Car Payment – Debt Service; Animal Care Resources to maintain 70% Live Release; and Budgeted Financial Reserves to maintain 9%. She reported average annual increases of 2.2% for General Fund Revenues; 3% for Sales Tax Revenues; and 2.5% for Property Taxes. In regard to CPS Energy Revenues, she projected an average annual increase of 2% through 2017.

Ms. Villagomez stated that the expenditure assumptions in the forecast period reflect funding to provide today's levels of city services. She noted that they also provide for increases in the collective bargaining agreements for Police and Fire, as well as medical inflation in healthcare of 7%. She spoke of the mandated costs in the Forecast that include maintenance and support for the Animal Care Services Adoption Center and operating and maintenance costs for 2012 Bond Projects.

Ms. Villagomez highlighted the Organics Recycling Program which is a critical component of the city's 10-Year Plan to reach a single-family residential recycling rate of 60%. She indicated that implementing the Organics Recycling Program for all customers would increase the Solid Waste Customer Rate by \$1.25 per month for FY 2014, FY 2015, and FY 2016. It would increase by \$0.25 cents for FY 2017.

Ms. Villagomez outlined the FY 2012 Mid-Year Budget Adjustments based on actual activity over the first six months of the fiscal year and future projections. She stated that General Fund Revenues would be increased by \$12 million and Expenditures would be decreased by \$2.2 million. She noted that within the Development Services Fund, Revenues would be increased by \$2.9 million and Expenditures would be increased by \$200,000. Additionally, Revenues and Expenditures would each be increased within the Purchasing Fund by \$900,000. She added that an adjustment would be made to the Six-Year Capital Improvement Program to appropriate the recently approved \$596 million Bond Program over

five years. Lastly, she provided a list of the five Community Budget Input Hearings that would take place from May 21-24, 2012 and noted that the City Council Policy Goal Setting Session would be held on June 6, 2012 at the Central Library.

Mayor Castro called upon Jack M. Finger to speak on Item 13.

Mr. Jack M. Finger asked what would happen if the property tax valuations listed on Slide 24 did not increase as projected. He spoke of the appointment of Councilmember Soules to the Board of Directors for the Intermunicipal Commuter Rail District (Item 12). He referenced a meeting held with individuals regarding toll roads in which they felt they were treated arrogantly. He mentioned the revisions to the Convention and Visitors Commission By-Laws (Item 18) and asked why hotel consumers were not appointed to the Board.

Mayor Castro thanked Ms. Villagomez for the presentation and stated that he was pleased to see the increase in Sales Tax Revenues.

Councilmember Williams asked of the \$12 million projected increase in revenues for the remainder of FY 2012. Ben Gorzell replied that the increase was related to the acquisition of the Natural Gas Plant by CPS Energy that was effective in April. He explained that they are selling the power through a third party in the open market and would provide additional payment to the city. Councilmember Williams confirmed that they were not selling the power but the capacity of the plant. Mr. Gorzell replied that it was a combination of the two.

Councilmember Chan referenced Slide 20 and asked of the difference in costs for the Policy Issues included in the Forecast by year. Ms. Villagomez replied that the assumptions were the same each year but the amounts fluctuated throughout the years. Ms. Sculley added that the amounts were cumulative and explained that the salary increases were on top of the previous year increases. Councilmember Chan asked of the allocation of the \$7 million in Economic Development Incentives. Ms. Villagomez responded that \$4 million was directed toward citywide incentives, while \$3 million was specifically for the Inner City. Ms. Sculley stated that incentives for the Inner City were used for both housing and job creation. Councilmember Chan asked of the \$14.4 million mid-year budget adjustment on Slide 48. Ms. Villagomez replied that it would be carried over and included in the available resources for FY 2013. She noted that the increased expenditures within the Purchasing Fund were due to increases in fuel costs. Councilmember Chan requested a meeting with Budget Staff to discuss the budget adjustments related to fuel costs by department.

Councilmember Soules referenced the high projected shortfalls over the next five years and asked of the assumptions. Ms. Villagomez replied that they assumed utilizing the same service levels that are being provided today, as well as inflation and other contractual requirements. Councilmember Soules asked of the assumptions related to revenues. Ms. Villagomez stated that they utilized a 3% average increase for Sales Taxes; 2% average increase for CPS Energy Revenues; and 2.5% average for Property Taxes. Ms. Sculley noted that they had run different models based on assumptions and chose a moderate growth projection. She stated that she had not recommended a property tax rate increase in the six budgets she had presented to the City Council and staff is working for ways to do more with less. Councilmember Soules expressed concern with the potential \$200 million shortfall over three years. He asked of the Hotel Occupancy Tax (HOT) Revenues. Ms. Villagomez replied that HOT revenues were \$2.9 million higher than expected and expenses were at budget. Councilmember Soules asked why 11

slides in the presentation were dedicated to the Organic Recycling Program. Ms. Sculley stated that it was important to achieve 60% recycling rates by the year 2020. She added that staff would present on the Convention Center and Consolidated Car Rental Facility for the Airport at future B Sessions.

Councilmember D. Medina referenced Slide 6 and asked of the allocation for Human Services/Delegate Agencies. Ms. Villagomez replied that the allocations have increased over the past three years and includes funding for Haven for Hope. She stated that the city funded 70 agencies at an amount of \$21 million annually. Councilmember D. Medina asked of the revenues and expenditures for the Solid Waste Fund. Ms. Villagomez explained that revenues were down by \$300,000 due to the commodity pricing for recycling. She stated that savings were identified through vacancies and disposal costs.

Councilmember Ozuna asked if the savings due to avoiding landfill costs when the 60% recycling rate is met were included in the projections. Ms. Villagomez replied that it was included and that as recycling rates increase; savings for disposal costs are projected. Councilmember Ozuna asked of the variance in CPS Energy Revenues. Ms. Villagomez indicated that the primary factors that affected revenues were weather and natural gas prices.

Councilmember Chan confirmed that there was no financial impact related to the Organics Recycling Program in FY 2013. Ms. Villagomez confirmed that no increase was projected for FY 2013. She noted that results of the pilot program would be reviewed with the City Council during the budget process.

Councilmember Saldaña moved to adopt the proposed Ordinance. Councilmember Bernal seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez.

CONSENT AGENDA ITEMS 5-25B

Consent Agenda Items 7, 10, 11, 14, and 23 were pulled for Individual Consideration.

Councilmember Chan moved to approve the remaining Consent Agenda Items. Councilmember Taylor seconded the motion.

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

Nazirite Ruben Flores Perez spoke in support of the Economic Development Grant Agreements related to River North (Items 15 and 16). He referenced the agreement with Union Pacific Railroad for improvements related to the Frio City Quiet Zone and expressed concern that the Kelly Committee he served on was having disputes with the Air Force.

Written testimony was received from Ramiro Cavazos, President of the San Antonio Hispanic Chamber of Commerce in favor of the amendments to the Convention and Visitors Commission By-Laws (Item 18). He wrote that they support the inclusion of the six Chambers of Commerce and pledge to work with the Convention and Visitors Commission on a fair rotation.

Faris Hodge, Jr. submitted written testimony noting that citizens were confused with the two elections that were taking place within a few weeks of each other and requested that another election be held (Item 4). He wrote in favor of Items 5-10, 17, and 20-22. He wrote against Item 11 stating that the youth curfew does not work. He wrote that backup documents were not provided for the appointments to the Lone Star Rail District and San Antonio Youth Commission (Item 12). He expressed concern that backup documents were not available before 5:30 pm for the mid-year budget amendment (Item 13) and wrote in opposition to the SAWS Impact Fee Waiver (Item 14). He wrote against the Economic Development Grant Agreements (Items 15 and 16). He expressed concern that a copy of the bylaws of the Convention and Visitors Commission was not available (Item 18) and that he did not have access to backup documents for the Emergency Management Accreditation Program (Item 19).

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez.

2012-05-17-0349

Item 5. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT TO E-Z BEL CONSTRUCTION, LLC IN AN AMOUNT NOT TO EXCEED \$367,700.00, OF WHICH \$14,630.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FOR INTERSECTION IMPROVEMENTS AT THOUSAND OAKS DRIVE AND QUARRY PARK, AN AUTHORIZED 2007 GENERAL OBLIGATION BOND SAVINGS FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 10.

Item 6. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE BLANCO ROAD (HILDEBRAND TO JACKSON KELLER) PROJECT, A 2007-2012 GENERAL OBLIGATION BOND PROJECT LOCATED IN COUNCIL DISTRICT 1:

2012-05-17-0350

- A. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT TO E-Z BEL CONSTRUCTION, LLC IN AN AMOUNT NOT TO EXCEED \$12,721,494.40, OF WHICH \$1,687,680.31 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$1,058,586.70 WILL BE REIMBURSED BY CITY PUBLIC SERVICE ENERGY.

2012-05-17-0351

- B. AN ORDINANCE AWARDING A PUBLIC ART FABRICATION AND INSTALLATION SERVICES AGREEMENT WITH ANGEL RODRIGUEZ-DIAZ IN AN AMOUNT NOT TO EXCEED \$185,300.00 TO PROVIDE INTEGRATED STREETSCAPE ENHANCEMENTS.

Item 8. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO HABITAT FOR HUMANITY AFFORDABLE SINGLE FAMILY HOUSING DEVELOPMENT PROJECT LOCATED IN COUNCIL DISTRICT 5:

2012-05-17-0353

- A. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A 0.07 ACRE UNIMPROVED ALLEY IN NCB 6803 BETWEEN WEST HARRIMAN PLACE, GROTHUES PLACE, WEST KIRK PLACE AND GENERAL HUDNELL.

2012-05-17-0354

- B. AN ORDINANCE AUTHORIZING THE CITY'S COORDINATION AND MANAGEMENT OF ENVIRONMENTAL STUDY PURSUANT TO THE NATIONAL ENVIRONMENTAL PROTECTIVE ACT FOR THE HABITAT FOR HUMANITY MORNING STAR TERRACE HOME PROJECT; AND AUTHORIZING THE CITY TO COORDINATE AND MANAGE THE ASBESTOS ABATEMENT, AND DEMOLITION AND REMOVAL OF THE EXISTING ABANDONED BUILDINGS AND PARKING LOT FOR THE HABITAT FOR HUMANITY MORNING STAR TERRACE HOME PROJECT; AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH HABITAT FOR HUMANITY OF SAN ANTONIO FOR THE CITY TO PERFORM SAID SERVICES.

2012-05-17-0355

Item 9. AN ORDINANCE RELATED TO THE REGULATION OF FOOD ESTABLISHMENTS WITHIN THE CITY BY AMENDING CHAPTER 13, "FOOD AND FOOD HANDLERS" AND CHAPTER 35 "UNIFIED DEVELOPMENT CODE" OF THE CITY CODE OF SAN ANTONIO, TEXAS, TO ALLOW FOR THE OPERATION OF, AND ESTABLISH A PERMIT AND FEE FOR MOBILE FOOD COURTS, AND AMENDING CHAPTER 13 "FOOD AND FOOD HANDLERS" TO ESTABLISH A SPECIAL CLASSIFICATION, REGULATIONS AND A PERMIT AND FEE FOR INDIVIDUALS THAT SELL AT FARMERS MARKETS, FLEA MARKETS, AND/OR TRADE SHOWS; AND PROVIDING FOR CRIMINAL PENALTIES AND PUBLICATION.

Item 12. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2013, 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. APPOINTING COUNCILMEMBER CARLTON SOULES, (AT-LARGE, CATEGORY: ELECTED OFFICIAL) TO THE BOARD OF DIRECTORS FOR THE INTERMUNICIPAL COMMUTER RAIL DISTRICT (LONE STAR RAIL DISTRICT) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE FEBRUARY 1, 2014.

- B. APPOINTING SERGIO ARAMBULA (MAYORAL) TO THE SAN ANTONIO YOUTH COMMISSION.

2012-05-17-0360

Item 15. AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT GRANT AGREEMENT FOR UP TO \$997,743.00 WITH PARADIGM HOTEL SA RIVERWALK, L.P. AND

THE RIVER NORTH TIRZ BOARD FOR THE EMBARCADERO HOTEL PROJECT, LOCATED IN COUNCIL DISTRICT 1.

2012-05-17-0361

Item 16. AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT GRANT AGREEMENT FOR UP TO \$520,548.00 WITH THE EMIT L.L.C. AND THE RIVER NORTH TIRZ BOARD FOR THE PHIPPS LAW FIRM PROJECT, LOCATED IN COUNCIL DISTRICT 1.

2012-05-17-0362

Item 17. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND MICKEY SCHAEFER & ASSOCIATES, LLC, IN AN AMOUNT NOT TO EXCEED \$47,000.00, WITH AN ANNUAL \$10,000.00 LICENSING FEE, FOR THE DEVELOPMENT OF THE SAN ANTONIO TOURISM AMBASSADORS PROGRAM.

2012-05-17-0363

Item 18. AN ORDINANCE APPROVING REVISIONS TO THE CONVENTION AND VISITORS COMMISSION BYLAWS.

2012-05-17-0364

Item 19. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WITT GROUP HOLDINGS, LLC TO EXPAND THE SCOPE OF THE HAZARD, RISK AND VULNERABILITY ASSESSMENT TO ENSURE THE ALIGNMENT OF STANDARDS WITH THE EMERGENCY MANAGEMENT ACCREDITATION PROGRAM, INCREASING COMPENSATION BY AN ADDITIONAL \$20,000.00, FOR A TOTAL CONTRACT VALUE OF \$65,000.00.

2012-05-17-0365

Item 20. AN ORDINANCE APPROVING AN EMERGENCY NOTIFICATION SYSTEM MUTUAL AID AND USE AGREEMENT BETWEEN BEXAR METRO 911 NETWORK DISTRICT AND THE CITY OF SAN ANTONIO TO PROVIDE EMERGENCY NOTIFICATIONS TO THE PUBLIC, WITH THE TERM OF AGREEMENT FOR ONE YEAR WITH AN AUTOMATIC ONE-YEAR RENEWAL.

2012-05-17-0366

Item 21. AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY'S HOUSING POLICY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS.

2012-05-17-0367

Item 22. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO PROVIDE TECHNICAL ASSISTANCE FOR THE CITY'S COMMUNITY DEVELOPMENT PROGRAMS.

2012-05-17-0369

Item 24. AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$200,000.00 WITH NATIONWIDE MUTUAL INSURANCE COMPANY TO CONSTRUCT PUBLIC TRANSPORTATION AND INFRASTRUCTURE IMPROVEMENTS ON ROGERS ROAD LOCATED IN COUNCIL DISTRICT 6.

Item 25. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO CPS ENERGY:

2012-05-17-0370

A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$900,000,000 "CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS REVENUE REFUNDING BONDS, NEW SERIES 2012"; PROVIDING THE TERMS, CONDITIONS, AND SPECIFICATIONS FOR SUCH BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; MAKING PROVISIONS FOR THE PAYMENT AND SECURITY THEREOF ON A PARITY WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS; STIPULATING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS ON A PARITY THEREWITH; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN ESCROW AND TRUST AGREEMENT, AND A BOND PURCHASE AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY PUBLIC SERVICE BOARD STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

2012-05-17-0013R

B. A RESOLUTION AUTHORIZING THE CASH DEFEASANCE OF CERTAIN MATURITIES OF THE CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS REVENUE BONDS, NEW SERIES 2006A; AND PROVIDING AN EFFECTIVE DATE.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 7:

2012-05-17-0352

Item 7. AN ORDINANCE REVIVING AND EXTENDING THE DEADLINE OF ORDINANCE 2011-09-29-0786, RELATED TO THE ACQUISITION OF APPROXIMATELY 29.416 ACRES OF PRIVATELY-OWNED VACANT REAL PROPERTY NECESSARY FOR THE DRAINAGE PROJECT LOCATED ALONG LAVEN DRIVE ON THE WEST SIDE OF ZARZAMORA CREEK DRAINAGE RIGHT-OF-WAY SOUTH OF CULEBRA ROAD IN NCBS 12002, 12003, 12004, AND 12005; AND, CONVERSION OF A \$692,842.00 HOUSING DEVELOPMENT GRANT (HDG) LOAN INTO A GRANT, RELEASING THE LIEN AND AUTHORIZING THE EXECUTION OF A HDG GRANT AGREEMENT WITH LIFSHUTZ COMPANY.

Councilmember C. Medina requested additional information on the project and asked if there would be a delay. Mike Frisbie replied that the transaction was approved by the City Council last fall but was not executed within the timeframe. He stated that the project was already under construction and on schedule for completion in November, 2012.

Councilmember C. Medina moved to adopt the proposed Ordinance. Councilmember Williams seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez.

The City Clerk read the caption for Item 10:

2012-05-17-0356

Item 10. AN ORDINANCE REGULATING BOOTING PRACTICES IN PRIVATELY OWNED PARKING FACILITIES AND SURFACE LOTS IN THE CITY OF SAN ANTONIO; ESTABLISHING CERTAIN FEES AND FINES; AND AMENDING THE CITY CODE TO REFLECT SUCH CHANGES.

Councilmember D. Medina asked for additional information on the regulation of booting practices. Chief McManus explained that the issue had surfaced due to booting companies that were preying on individuals parking in lots for a certain amount of time and then coming back to find their vehicle booted. He explained that said Ordinance would limit the amount of time before a boot is placed on a vehicle. Additionally, it will regulate the signage to ensure that individuals are aware of the time they have to stay parked. He noted that two receipts will be issued to the customer, one of which will be placed on the dashboard. He mentioned that there are regulations that limit the fees for booting and regulations for licensing booting companies. Councilmember D. Medina asked if individuals would receive a boot after the first violation. Chief McManus reported that people would not be booted on the first offense. He stated that there would be a one-hour grace period after parking expired before an individual was booted on the second offense. He noted that the offenses by booting companies were punishable by a fine of not less than \$200 and not more than \$500.

Mayor Castro called upon the individuals registered to speak.

Pat Maloney, Jr. stated that he was an attorney who has practiced in Downtown San Antonio for 35 years. He noted that his office was located in the old Brackenridge Bank Building and they had

operated the parking lot immediately next to the building for 25 years. He indicated that they had since leased the parking lot and it has become a booting lot. He expressed concern with the low-income individuals, families and tourists that have their car booted and have to pay a large amount of money to remove the boot. He thanked the City Council for addressing the issue.

Mona Lowe stated that she was a Real Estate Professional that had been working in Downtown San Antonio for 25 years. She noted that her vehicle had recently been booted and expressed concern that she had to wait over 20 minutes to have someone remove the boot. She spoke of another individual that was also booted and could not afford to pay the \$125 fee to have the boot removed. She expressed concern with the negative effect this would have on tourists and locals visiting the Downtown Area.

Steve Lubbering stated that he worked for the Law Offices of Pat Maloney and his office was on the first floor adjacent to one of the parking lots where vehicles were being booted. He spoke of his experience in witnessing the many individuals whose vehicles were booted and could not afford to pay to have the boot removed. He urged the City Council to approve the ordinance.

Bobby Perez representing Premier Parking stated that they were in support of the ordinance but were opposed to the maximum \$35 booting fee that could be charged. He provided a comparison of the booting fee charged by other Texas Cities and asked that this be reviewed before approval of the ordinance. He spoke of Premier Parking's investment in electronic machines for printing receipts.

Mayor Castro asked of the fees of other cities. Michael Bernard stated that Mr. Bobby Perez was referring to the Municipal Delinquent Ticket Fees that were different than what was being discussed today. He noted that the City of Houston charges \$25 and believed that the City of Dallas was a little higher. Mayor Castro asked that the policy be reviewed and potentially adjusted in the future.

Councilmember Bernal expressed his support for the ordinance and spoke of the great efforts to get individuals to visit the Downtown Area. He noted that it was the Council's responsibility to intervene when predatory business practices were being followed and thanked the Public Safety Council Committee for addressing the issue.

Councilmember Soules commended Councilmember D. Medina for his leadership on the Public Safety Council Committee and stated that this was the right thing to do.

Mayor Castro added that he wanted everyone to know that they could come Downtown and park without unreasonably being booted.

Councilmember D. Medina moved to adopt the proposed Ordinance. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez.

The City Clerk read the caption for Item 11:

2012-05-17-0357

Item 11. SECOND PUBLIC HEARING ON THE CITY'S YOUTH CURFEW ORDINANCE AND CONSIDERATION OF AN ORDINANCE MODIFYING, READOPTING AND CONTINUING THE YOUTH CURFEW ORDINANCE IN EFFECT.

Councilmember D. Medina asked of the modifications being made to the Youth Curfew Ordinance. Chief McManus replied that the hours of the youth curfew were from 11:00 pm to 6:00 am everyday and that there were nine exceptions. The curfew was also in effect from 9:00 am to 2:30 pm during school hours. He indicated that the current ordinance does not allow Police Officers to issue a citation on the first offense. He noted that the ordinance provides for either a warning or citation to be issued on the first offense based on the Police Officer's discretion. Councilmember D. Medina asked if the offense would be removed from an individual's record when they turned 18 years of age. Chief McManus confirmed that it would be removed at that time. He added that fines would range from \$50 to \$500 and that they were still looking for ways to hold a youth whose parent or guardian could not be located.

Councilmember D. Medina moved to adopt the proposed Ordinance. Councilmember Bernal seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, C. Medina, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez and Soules.

The City Clerk read the caption for Item 14:

2012-05-17-0359

Item 14. AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT GRANT AGREEMENT FOR UP TO \$3,453,515.00 WITH A.A. SEELIGSON, JR. RIVER NORTH, LTD AND THE RIVER NORTH TIRZ BOARD, AND A SAWS IMPACT FEE WAIVER UP TO \$400,000.00 FOR THE RIVER NORTH MULTIFAMILY PROJECT.

Lori Houston, Center City Assistant Director stated that A.A. Seeligson, Jr. River North Ltd. was proposing a \$31,459,000 multi-family housing development that includes 256 market-rate rental housing unites and \$725,000 in public improvements. She noted that the project was located on approximately 3.23 acres at Avenue A and 13th Streets and was in the Inner City Reinvestment Infill Policy (ICRIP) Boundary. She reported that A.A. Seeligson, Jr. River North Ltd. had requested financial assistance for the project on January 31, 2012. She indicated that the project has a \$6.7 million market gap and city staff developed a draft incentive package after review of the pro forma. She outlined the incentive offer in which \$3,453,515 would be provided as an Economic Development Program Grant and Fee Waivers would be provided in the amount of \$611,000. She stated that the River North TIRZ Board, City of San Antonio and A.A. Seeligson, Jr. River North Ltd. would be parties to the grant agreement. She reported that the River North TIRZ Board had committed tax increment funds earned from the project for the Chapter 380 Economic Development Program Grant. She mentioned that funding fro the \$1,024,000 Economic Development Grant was included in the FY 2012 Budget from the Inner City Incentive Fund. She outlined the tax benefits totaling \$661,633.34.

Councilmember Chan stated that she had no questions but did not see the urgency in incentivizing another market-rate apartment housing unit in the Center City at this time. She noted that it would be

prudent for the city to understand the market a bit more and develop a comprehensive incentive policy for Downtown Housing. She commended Hixon Properties for their work but noted that she would not be able to support the item today with a \$1 million cash grant as part of the incentive.

Councilmember Bernal expressed his support for the project and stated that he believes that there should be a rush and urgency to develop in the Downtown Area. He noted that as the urban core deteriorates, so does the rest of the city. He added that the policy and funding are consistent with what has been done in the past and that revitalization costs money.

Councilmember Saldaña asked of the incentives and return on the project. Ms. Houston replied that the return without investments was 6.7% and with the investments would be 7%. She noted that developers are used to receiving 12-15% return on their project. Councilmember Saldaña spoke of the importance of investing in the Downtown Area and getting people to live closer to the core of the city.

Councilmember Soules stated that this was part of an ongoing and larger conversation about Downtown Housing and Revitalization but agreed with Councilmember Chan that there should be a more comprehensive review of incentive requests. He asked of the market rate rent. Ms. Houston replied that it was \$1.65 per square foot. Councilmember Soules asked of the target market. Ms. Houston replied that it was a diverse demographic of people including young professionals. Councilmember Soules stated that the target was individuals making \$60,000-100,000 annual income. He noted that he would like to review cash incentives and did not want to reach a point where taxpayers are subsidizing a lifestyle of someone who wants to live closer to Downtown that cannot afford market-rate rent.

Councilmember Williams stated that his general position is that he does not like incentives but the city provides them. He spoke of the importance of growth and noted that incentives help cover some of the risks for developers. He stated that it was also important to understand the amount of risk the city and developer are each taking on. He added that although he believed a more comprehensive review of the incentive policy should occur, he was concerned with making a change at this time.

Councilmember Taylor stated that local and federal governments have been subsidizing a suburban lifestyle for 50 years through the creation of freeways, mortgage interest reduction, and extension of infrastructure to areas that were previously farmland. She noted that she believed that it was fair to look to the Inner City Areas where infrastructure already exists and get people back to the area. She added that she would like to provide a balance of options for people and looks forward to continued policy discussion.

Councilmember Chan stated that she had expressed her concerns in December and that the request for incentives had not been received from the developer until January. She noted that she did not want to create false expectations for those seeking incentives.

Councilmember Soules added that it would be important to define the Center City.

Mayor Castro thanked staff for their work and stated that he was pleased to support the item today.

Councilmember Bernal moved to adopt the proposed Ordinance. Councilmember C. Medina seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, C. Medina, Williams, and Mayor Castro. **NAYS:** Chan and Soules. **ABSENT:** Lopez.

The City Clerk read the caption for Item 23:

2012-05-17-0368

Item 23. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONSTRUCTION AND MAINTENANCE AGREEMENT IN AN AMOUNT NOT TO EXCEED \$94,081.00 WITH UNION PACIFIC RAILROAD FOR IMPROVEMENTS AT THE CUMBERLAND CROSSING IN CONJUNCTION WITH THE DISTRICT 5 FRIO CITY QUIET ZONE.

Councilmember D. Medina spoke of the safety and infrastructure improvements that have been accomplished in District 5. He stated that the quiet zone would improve the safety at the intersection, as well as decrease the noise pollution. Additionally, it would provide greater opportunities for redevelopment and economic development. He asked for details on the project. Majed Al-Ghafry replied that said item would provide constant warning detection of the Cumberland Crossing. He noted that without constant warning, the quiet zone could not occur. He indicated that the system would be upgraded by Union Pacific Railroad within the next two to three months and the quiet zone would be established three to six months after that. Councilmember D. Medina stated that he was pleased with the infrastructure improvements along Frio City Road and that this particular project was vital to the quiet zone.

Councilmember D. Medina moved to adopt the proposed Ordinance. Councilmember Bernal seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, C. Medina, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez and Soules.

Item 26. CITY MANAGER'S REPORT

A. 2012 COMMUNITY SURVEY

Ms. Sculley reported that on Monday, May 14th, the city began conducting the community attitude survey of city services which was the third city-wide community attitude survey in the past six years. She stated that the first-ever city-wide community attitude survey was conducted in 2008 and that the purpose of the survey is to benchmark feedback from citizens regarding city services and identify areas that can be improved. She noted that the city has contracted with ETC Institute to conduct the 2012 Survey and that the 2012 Survey will be offered to a random sampling of residents within each of the city's ten city council districts by telephone. She indicated that the survey consultant will perform a detailed demographic and geographic analysis of the collected data. She stated that the overall community attitude survey results are expected to be finalized in the summer of 2012 and a final report will be provided to the City Council. She noted that in addition to the 2012 Survey Results, ETC Institute will also conduct a 2008-2010-2012 Benchmarking Analysis, providing comparisons to Cities of similar size. She added that the survey results would be available in both English and Spanish to the community.

B. COMMUNITY BUDGET INPUT MEETINGS

Ms. Sculley also reported that a new concept was being introduced by the city hosting area-wide hearings before the budget is proposed. She stated that the budget input hearings hosted prior to the development of the proposed budget would provide an opportunity for all attendees to actively participate in identifying service priority areas for the upcoming budget. She noted that residents were encouraged to attend any of the five area-wide community budget hearings taking place May 21-24, 2012 beginning at 6:00 pm. She indicated that a brief video highlighting the major services provided by the city will be shown at each of the meetings and that following the video; residents would be arranged into groups and will be asked to provide their service priorities for the upcoming fiscal year. She added that comments from all hearings would be compiled and provided to the City Council prior to the June 6, 2012 City Council Goal Setting Worksession. She stated that residents would also be able to respond to the Proposed Budget in additional area-wide hearings that would be held following the presentation of the Proposed Budget to the City Council on August 9, 2012. Additionally, residents can provide comments online at the City's Website and in the Budget Input Boxes located at City Hall or in City Libraries and Senior Centers throughout San Antonio.

Mayor Castro thanked Ms. Sculley for the updates and noted that he believed the community survey would provide good information and gauge the satisfaction of citizens.

POINT OF PERSONAL PRIVILEGE

Mayor Castro recognized Sheryl Sculley who would be celebrating her birthday on Sunday, May 20th. The City Council joined in singing Happy Birthday to Ms. Sculley.

RECESSED

Mayor Castro recessed the meeting at 12:00 noon to break for lunch and announced that the meeting would resume at 2:00 pm for Zoning.

RECONVENED

Mayor Castro reconvened the meeting at 2:11 pm and addressed the Zoning Items.

CONSENT ZONING ITEMS

Councilmember Lopez moved to approve the following Zoning Items: Z-1, Z-3, P-3, Z-4, Z-5, and Z-6 under Consent Zoning. Councilmember Soules seconded the motion.

Mayor Castro called upon Jack M. Finger to speak on the Zoning Items.

Mr. Jack M. Finger spoke in opposition to Item P-1, noting that the light industrial use was too intense for the area. He stated that he was against the used car lot proposed in Item Z-2 and mentioned that staff and the Zoning Commission had recommended denial.

Written testimony was received from the Provincia Villas Board of Directors, Plant Interscapes, Inc., Manuel H. Garza, Babcock North Association, Stream Realty Partners, and Richard and Sharlene Thum in support of Item Z-3.

Faris Hodge, Jr. submitted written testimony in favor of Items P-1, Z-1, P-2, Z-2, Z-3, P-3, Z-4, and Z-5.

The motion to approve the Consent Zoning Items prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

2012-05-17-0371

Item Z-1. **ZONING CASE # Z2012071 HL (District 5):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "HL MF-33 AHOD" Historic Landmark Multi-Family Airport Hazard Overlay District on Lots 1, 2, 3, 4, 5, 21, 22, 23, 24 and 25, Block 3, NCB 2459 and Lots 1, 2, 3, 4, 5, 21, 22, 23, 24 and 25, Block 4, NCB 2460 and a portion of San Patricio Street located at 1222 and 1214 Colima Street and 1014 South San Jacinto Street. Staff and Zoning Commission recommends approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 1, 2, 3, 4, 5, 21, 22, 23, 24 AND 25, BLOCK 3, NCB 2459 AND LOTS 1, 2, 3, 4, 5, 21, 22, 23, 24 AND 25, BLOCK 4, NCB 2460 AND A PORTION OF SAN PATRICIO STREET TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "HL MF-33 AHOD" HISTORIC LANDMARK MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

2012-05-17-0372

Item Z-3. **ZONING CASE # Z2012085 (District 8):** An Ordinance amending the Zoning District Boundary from "C-3NA" General Commercial Nonalcoholic Sales District to "PUD MF-18" Planned Unit Development Limited Density Multi-Family District on 1.334 acres out of NCB 15823 and NCB 17247 located on the west side of Babcock Road, north of Prue Road. 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: 1.334 ACRES OUT OF NCB 15823 AND NCB 17247 TO WIT: FROM "C-3NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "PUD MF-18" PLANNED UNIT DEVELOPMENT LIMITED DENSITY MULTI-FAMILY DISTRICT.

2012-05-17-0373

Item P-3. **PLAN AMENDMENT #12036 (District 9):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE SAN ANTONIO INTERNATIONAL AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE COMPREHENSIVE PLAN OF THE CITY,

BY CHANGING THE LAND USE OF A 0.738 ACRE TRACT OF LAND LOCATED AT 441 - 443 WEST NAKOMA STREET AND 12510 WEST AVENUE MORE SPECIFICALLY DESCRIBED AS LOT 18, BLOCK 4, NCB 15855 FROM COMMUNITY COMMERCIAL TO BUSINESS PARK. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012077)

2012-05-17-0374

Item Z-4. **ZONING CASE # Z2012077 (District 9):** 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 Lot 18, Block 4, NCB 15855 located at 441 and 443 West Nakoma Street and 12510 West Avenue. 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 18, BLOCK 4, NCB 15855 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2012-05-17-0375

Item Z-5. **ZONING CASE # Z2012089 S (District 10):** An Ordinance amending the Zoning District Boundary from "C-3NA IH-1 AHOD" General Commercial Nonalcoholic Sales Northeast Gateway Corridor Overlay Airport Hazard Overlay District to "C-3NA S IH-1 AHOD" General Commercial Nonalcoholic Sales Northeast Gateway Corridor Overlay Airport Hazard Overlay District with a Specific Use Authorization for Auto Paint and Body Repair on 1.165 acres out of Lots 1, 2 and 14, Block 36, NCB 17624 located on the south side of Randolph Boulevard, west of Weimer Way. 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: 1.165 ACRES OUT OF LOTS 1, 2 AND 14, BLOCK 36, NCB 17624 TO WIT: FROM "C-3NA IH-1 AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES NORTHEAST GATEWAY CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "C-3NA S IH-1 AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES NORTHEAST GATEWAY CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR AN AUTO PAINT & BODY FACILITY PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2012-05-17-0376

Item Z-6. **ZONING CASE # Z2012067 S (District 10):** An Ordinance amending the Zoning District Boundary from "I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Airport Hazard Overlay District to "I-1 S IH-1 AHOD" General Industrial Northeast Gateway Corridor Airport Hazard

Overlay District with a Specific Use Authorization for Rifle and Pistol Range - Indoor on 0.954 of an acre out of Lot 1, NCB 13807 located at 9710 IH-35 North. Staff and Zoning Commission recommends approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.954 OF AN ACRE OUT OF LOT 1, NCB 13807 TO WIT: FROM "I-1 IH-1 AHOD" GENERAL INDUSTRIAL NORTHEAST GATEWAY CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT TO "I-1 S IH-1 AHOD" GENERAL INDUSTRIAL NORTHEAST GATEWAY CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR RIFLE AND PISTOL RANGE – INDOOR PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

[CONSENT ZONING CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

CONTINUED TO JUNE 21, 2012

Item P-1. **PLAN AMENDMENT #12022 (DISTRICT 2):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE EASTERN TRIANGLE COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE LAND USE OF AN APPROXIMATELY 13.9 ACRE TRACT OF LAND LOCATED AT 2922, 2926, 2930, 2934, 2940, 2950, AND 2954 SOUTHEAST LOOP 410 AND P-17B AND P-17D OF NCB 10777 FROM COMMUNITY COMMERCIAL AND PARKS/OPEN SPACE TO LIGHT INDUSTRIAL. STAFF RECOMMENDS DENIAL. PLANNING COMMISSION RECOMMENDS APPROVAL. (NO ASSOCIATED ZONING CASE)

Chris Looney presented Item P-1 and stated that it would amend the future land use plan contained in the Eastern Triangle Community Plan. He reported that staff recommended denial and the Planning Commission recommended approval.

Councilmember Taylor moved to continue Item P-1 to June 21, 2012. Councilmember Bernal seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

Items P-2 and Z-2 were addressed jointly.

CONTINUED TO JUNE 7, 2012

Item P-2. **PLAN AMENDMENT #11060 (DISTRICT 5):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NOGALITOS/SOUTH ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF 1.1524 ACRES OF LAND OUT OF NCB 7895, LOCATED AT 718 AND 722 STONEWALL AVENUE, 1022 COMMERCIAL AVENUE, AND S IH 35 TX, FROM LOW

DENSITY RESIDENTIAL LAND USE AND NEIGHBORHOOD COMMERCIAL LAND USE TO REGIONAL COMMERCIAL LAND USE. (ASSOCIATED ZONING CASE: #Z2011193)

CONTINUED TO JUNE 7, 2012

Item Z-2. **ZONING CASE # Z2011193 (District 5):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-1 AHOD" Light Commercial Airport Hazard Overlay District to "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District on 1.132 acres out of Lots 54, 55, 56, 97 and Tract 55, NCB 7895 located at 1022 Commercial Avenue, 718 and 722 Stonewall. Staff and Zoning Commission recommend denial.

Chris Looney presented Item P-2 and stated that it would amend the land use plan contained in the Nogalitos/South Zarzamora Community Plan. He reported that staff recommended denial and the Planning Commission recommended an alternate of "Neighborhood Commercial" for the entire site. For Item Z-2, he reported that staff and the Zoning Commission recommended denial of the request. He stated that of 21 notices mailed; five were returned in opposition and none were returned in favor. He noted that due to more than 20% opposition from the property owners within 200 feet, it would require nine votes for approval.

Mayor Castro called upon the citizens registered to speak.

Gloria Alvarez Galvan addressed the Council in opposition to the zoning request. She expressed concern with increased traffic near a school and noted that it was already a dangerous area. She stated that she did not want business to encroach on citizens and added that nine of the 10 Zoning Commissioners had recommended denial.

Consuelo Perez stated that she lives at 726 Stonewall and is opposed to the zoning request. She spoke of the increase in traffic and its effect on the nearby school. She mentioned that there are already many used car lots in the area and would support other types of businesses on the Southside.

Diane Lang also spoke in opposition to the zoning request noting that it would encroach on a residential area. She expressed concern with the increased traffic around the elementary school and stated that the applicant had been denied the same request several years ago. She indicated that the zoning request would not adhere to the community plan and asked that the request be denied.

Councilmember D. Medina thanked everyone that spoke on the items and stated that he would like to continue discussions with the applicant and the Zarzamora Coalition.

Councilmember D. Medina moved to continue Items P-2 and Z-2 to June 7, 2012. Councilmember Lopez seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

ADJOURNMENT

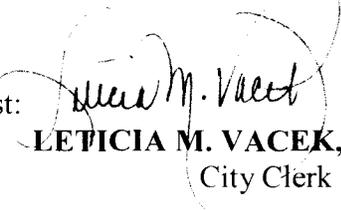
There being no further discussion, Mayor Castro adjourned the meeting at 2:32 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest:



LETICIA M. VACEK, TRMC/MMC
City Clerk