STATE OF TEXAS  
COUNTY OF BEXAR  
CITY OF SAN ANTONIO


The San Antonio City Council convened in a Budget Work Session at 2:00 pm Wednesday, September 16, 2009, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro.

1. STAFF PRESENTATION ON THE FY 2010 PROPOSED BUDGET, FOCUSING ON, BUT NOT LIMITED TO, POTENTIAL FY 2010 BUDGET AMENDMENTS.

Ms. Sculley stated that staff had met with several Councilmembers and the issues regarding the Economic Development Incentive Fund (EDIF) had been resolved. She noted that the Social and Health Research Center Bienestar Program was recommended for funding at $50,000 for FY 2010 which was the same level as FY 2009. She outlined potential amendments to the FY 2010 Proposed Budget. She reported that staff had provided options for addressing the Alarm Permit Fee and spoke of the $13.4 million of Certificates of Obligation reallocated in the FY 2010 Proposed Budget.

Councilmember Clamp stated that they had discussed the EDIF and agreed that it would be best to wait until the Economic Development Department was restructured to address same. He asked of the continuation of the Step Pay Plan. Ms. Sculley stated that staff would fully implement Phase III of the Step Pay Plan without a COLA. Councilmember Clamp asked of a COLA for City Employees. Ms. Sculley replied that a COLA would be considered in FY 2011 although not included in the projections. Councilmember Clamp asked of funding for Project Worth. Ms. Sculley stated that funding for Project Worth would be maintained at $235,531 and no positions or materials would be eliminated. Councilmember Clamp expressed support for a Strategic Plan for Senior Centers. Ms. Sculley stated that staff would conduct an assessment and provide recommendations to the City Council in October.

Councilmember Cortez asked of the Certificates of Obligation and if all had to be allocated through the budget adoption. Ms. Sculley stated that all were not required to be obligated and must be used for capital improvement projects with a life expectancy equal to the length of the debt. She noted that the full capacity was budgeted and that a capital budget was required to be adopted as part of the annual budget process. She added that the amount allocated each year was based on the debt capacity within the existing tax rate. Councilmember Cortez thanked his Council colleagues for their diligent work on the budget and recognized the Senior Center being funded in District 6. Councilmember Williams asked of Fire Stations #51 and #32. Ms. Sculley confirmed that Fire Station #51 was included in the proposed budget. Assistant City Manager Erik Walsh added that Fire Station #32 located at the corner of Wurzbach and Babcock Road was scheduled for replacement.

Councilmember Clamp asked of the Certificates of Obligation. Ms. Sculley stated that the City was at the maximum capacity based on the current tax rate. Ben Gorzell added that the debt plan was updated annually and that future bond programs were built into the projections. He reported that the balance of the Debt Service Fund was $80 million and that the targeted balance for FY 2017 was $25-30 million. Councilmember Clamp asked of the reserve funding for the 50 Police Officers funded by the Stimulus
Ms. Sculley stated that the funds were earmarked within the General Fund and could not be utilized for anything else. Councilmember Cisneros asked if the funds for the 50 Police Officers would be generating revenue. Ms. Sculley stated that all City fund balances would be invested for maximum returns. Councilmember Clamp expressed concern that no District 10 projects were included in the Capital Budget. Ms. Sculley stated that staff could meet with Councilmember Clamp to discuss same. Councilmember Chan asked of Fire Station #52 and where it would be located. Ms. Sculley stated that a location had not been identified.

Mr. Gorzell provided a summary of TMRS and noted that it was a state-wide pension plan available to cities within Texas. He reported that San Antonio’s portion of TMRS had an actuarial value of assets totaling $492.6 million as of December, 2008 and did not include uniformed employees. He stated that there were 6,311 San Antonio contributing members and 3,095 members receiving benefits. He mentioned that over 800 cities participated in TMRS and San Antonio was the largest city participating. He mentioned that the employee contribution rate was 6% of pay and the City had a matching ratio of 2 to 1. He stated that the City had adopted an annually repeating COLA at 70% of CPI. He added that updated service credits also repeated annually at 100% and that retirement eligibility was 20 years of service or age 60 with five years of service.

Mr. Gorzell spoke of the change in investment strategy that was authorized through the legislative session that allows the transitioning of the $14.5 Billion Fund from an all Bonds Strategy to a Diversified Portfolio. He reported that there was a change in actuarial methods that primarily impacts the calculations on COLAs and the updated service credits. He noted that there was a significant impact to San Antonio, as it would increase the City’s contribution rate from 12.54% to 17.54% of pay and resulted in an annual increase of $12.5 million with a full rate of 17.54% with no growth in payroll. He added that the Funded Ratio had declined from 72% to 60% and that TMRS allowed cities to phase into increased contribution rates over an eight-year period. He reported that 70-80% of the increase in contribution rates was attributable to COLAs and that San Antonio provided Retirees with an annual repeating COLA at 70% of CPI. He stated that all COLA options included a retroactive feature.

Mr. Gorzell stated that staff recommendation was to develop a plan to address challenges with the TMRS San Antonio Plan that would require legislative changes. He noted that they would work with Buck Consultants, the City’s Actuary, to study all options including the creation of the City’s own retirement plan and allowing COLAs without the retroactivity application. He mentioned that they would continue to gather input from the TMRS Task Force and provide a recommendation to the City Council on legislative options by Spring/Summer, 2010. He stated that staff recommended the elimination of the annual repeating COLA and that no COLA be provided for Retirees to be consistent with no COLAs for civilian and uniform employees. He also reported that FY 2010 health premiums for employees and retirees would not increase.

Gene Camargo spoke on behalf of the Retired City Employee Task Force and stated that they were in support of not receiving a COLA due to the budget constraints. He expressed concern with the impact of the retroactive feature to the City in the future and the lack of information disseminated to those affected by the changes. He thanked the City Council for allowing Retirees the opportunity to speak and to address their concerns.

Councilmember Rodriguez thanked the Retirees that were in attendance and asked of the legislative changes. Mr. Gorzell stated that some portions of TMRS had been included in the last legislative session and had been successful in transitioning from an all Bonds Strategy to a Diversified Portfolio. He noted that legislation to add options regarding the retroactive provision and adding a 13th check
annually had not passed. Councilmember Rodriguez expressed concern with revising the City’s Ordinance addressing same and the practice of relying on legislative change to avoid retroactivity in the next two years. Mr. Gorzell stated that the City could opt to provide an Ad Hoc (one-time) COLA in 2011 and that the legislative issues would address more than just the retroactivity feature.

Councilmember Cisneros expressed concern that the TMRS legislative items had not been passed and asked of the number of cities participating in TMRS. Mr. Gorzell reported that there were 800 participating cities. He spoke of the need to review numerous options due to their great impact to the City. Councilmember Cisneros expressed concern with eliminating the Annually Repeating COLA and the impact to Retirees. Ms. Sculley reiterated that the Retiree Pension was not being reduced or eliminated and that there would be an opportunity to provide COLAs in the future. Councilmember Clamp asked of the short and long term goals of the TRMS recommendations and of future COLAs. Ms. Sculley stated that the goal in presenting the budget as proposed was to keep as many individuals employed and to maintain health care costs. She reported that COLAs would be re-examined next year. Councilmember Williams asked of the Ad Hoc COLA. Mr. Gorzell stated that they would still receive their monthly annuity but would not receive a COLA.

Councilmember Chan thanked the Retirees that were in attendance and recognized them for their service to the City of San Antonio. She asked of the staff recommendation. Mr. Gorzell stated that the recommendation was that the Annually Repeating COLA be eliminated and that no COLA be provided to City Employees or Retirees in 2010. Councilmember Chan asked of the Ad Hoc COLA. Mr. Gorzell stated that the City could provide an Ad Hoc COLA in the future based on 70% of CPI; 50% of CPI; or 30% of CPI. Councilmember Lopez confirmed that health benefits would not be increased for City Employees or Retirees and asked for better communication of the plan in the future. Councilmember Williams confirmed that an Ad Hoc COLA could be provided in the future. Mayor Castro thanked all of the Retirees that were present and stated that the City Council wanted to do what was right for City Employees and Retirees. Councilmember Cisneros requested a briefing from staff regarding TMRS.

Mr. Zanoni outlined the options for addressing the Residential Alarm Permit Fee and noted that canceling the increase for all would result in a deficit of $563,729. Councilmember Cortez expressed support for Option 2 that would increase the deficit for the FY 2011 Budget. Councilmember Clamp spoke in support of canceling the proposed fee increase for Residential Alarm Permits and stated that it could be accomplished through a combination of Options 1 and 2. Mayor Castro stated that a reasonable fee increase would be acceptable and would support Option 2. Councilmember Williams noted the increase in burglaries and spoke in support of a smaller increase in the Residential Alarm Permit Fee and implementing Option 2. Councilmember Cisneros stated that she would support an increase of $5 for the Residential Alarm Permit Fee. The City Council expressed their support for freezing the Residential Alarm Permit Fee for Senior Citizens and to increase the fee by $5 for all others.

Mayor Castro recessed the meeting at 4:21 pm to convene in Executive Session for the purpose of:

A. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Castro reconvened the Work Session at 5:15 pm at which time it was noted that the City Council had been briefed on the above-styled matter but took no action. There being no further discussion, Mayor Castro adjourned the meeting at 5:15 pm.
The San Antonio City Council convened in a Regular Meeting on Thursday, September 17, 2009 at 9:00 am in the City Council Chambers.

**Item 1.** The Invocation was delivered by Rabbi Chaim Block, Executive Director, South Texas Chabad Lubavitch Branch, 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.

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

**POINT OF PERSONAL PRIVILEGE**

Councilmember Lopez recognized Professor Martinez, Former Councilmember Robert Marbut and students from Northwest Vista College that were in attendance.

**Item 3. MINUTES**

Councilmember Cisneros made a motion to approve the Minutes for the August 18, 2009 City Council Budget Work Session and August 20, 2009 City Council Meeting. Councilmember Ramos seconded the motion.

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

**ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2009-09-17-0727**


Ms. Sculley presented the Proposed Budget for FY 2010 with Amendments, as well as a plan to prepare for the budget shortfall for FY 2011. She reported that the amendments totaled $2.5 million and that residential alarm fees for Senior Citizens would remain at $35 while all others would be increased by $5 for a total of $40. She noted that the budget did not include a cost of living adjustment for city employees or retirees but the cost of health benefits would be maintained.

Mayor Castro called upon the individuals registered to speak.

Jean Brady, Chair of the San Antonio Public Library Board of Trustees thanked the City Council for recognizing the need for additional books and materials for the Library System.
Lora Devlon Eckler, San Antonio Public Library Board of Trustees also thanked the City Council for identifying funds for the Library System and recognized all for their work.

Rosalinda Arronge of the Friends of the Library and The Book Cellar spoke in support of the additional funding for books and materials for the Library System. She thanked the City Council for their continued support and wished Mayor Castro a Happy Birthday.

Christina Castro of COPS/Metro Alliance stated that they were in full support of the FY 2010 Proposed Budget and thanked the City for their support of Project Quest.

Former Councilmember Richard Perez, President of the Greater San Antonio Chamber of Commerce stated that they were in support of the FY 2010 Proposed Budget. He asked that the City continue its economic development efforts and thanked all for their work.

Nazirite Ruben Flores Perez spoke in support of the proposed budget but expressed concern that there was not a cost of living adjustment for employees.

Ramiro Cavazos, President of the San Antonio Chamber of Commerce commended the City Council and City Staff for their work on the budget. He spoke in support of the additional 50 Police Officers and 27 Fire and EMS Personnel. He noted the importance of economic development for the city and the decrease in property taxes for the third consecutive year.

Councilmember Clamp recognized city staff for their work on the budget and expressed his support. Councilmember Cortez thanked everyone for their work on the budget and noted that there had been some difficult reductions. He spoke of the importance of public safety and the many improvements to District 4 and recognized Mayor Castro for his leadership. Councilmember Cisneros thanked city staff for their work on the budget and noted the many operational efficiencies and reductions. She spoke in support of the additional Police Officers and Fire/EMS Personnel and the continuation of the 5-Year Rolling Infrastructure Maintenance Program. She asked of the reduction in hours and staff for the Texana/Genealogy Division within the Library. Ms. Sculley stated that the Genealogy area was open 70 hours a week and that would be reduced to 40 per week.

Councilmember Cisneros asked of the reduction in hours and staff within the Parks and Recreation Department community centers. Xavier Urrutia stated that staff had reviewed attendance levels, capacity of the centers, and location of other centers to come to the recommendation. Councilmember Cisneros asked of the staff reductions at Market Square. Paula Stallcup stated that they would be reorganizing existing special event staff in an effort to continue the programming at Market Square and would be meeting with the tenants to discuss same.

Councilmember Rodriguez thanked city staff for their work on the budget and the efficiencies identified. He spoke in support of additional resources and materials for the library. Councilmember Ramos expressed her support for the proposed budget and thanked city staff for their work. She stated that she was pleased with the additional Police Officers and Fire/EMS Personnel and would be looking for funding for cost of living adjustments for city employees in the coming year. Councilmember Williams recognized city staff for their work on the budget and noted their professionalism. Councilmember Taylor thanked all for their work on the budget and recognized Mayor Castro for his leadership. She expressed support for the 50 additional Police Officers and the kennels that would be
added to the Animal Care Services Facility. She stated that she was pleased with the initial funding that had been identified for a Senior Center and Sports Complex for District 2.

Councilmember Clamp noted the change in direction and improvements in the budget process. He stated that the community meetings had been successful and commended staff for utilizing the input received. Councilmember Lopez recognized city staff for their work and spoke of the need to continue addressing economic development and a plan for Senior One-Stop Centers. Councilmember Medina thanked all staff that worked on the budget and recognized Mayor Castro for his leadership. He spoke in support of the 50 additional Police Officers. Councilmember Chan expressed her support for the proposed budget and recognized city staff for identifying $19 million in recurring costs through efficiencies. Mayor Castro thanked city staff for their professionalism and expertise on the FY 2010 Proposed Budget. He noted the city’s investments in infrastructure and public safety and the commitment to providing basic city services. He thanked the City Council for their work and advocacy throughout the budget process.

Ms. Vacek noted that 31 written testimonies would be filed that had been submitted in support of funding for the Public Library System.

Faris Hodge, Jr. wrote in opposition to Items 4, 5, 6, 7, and 8 noting that fees should not be increased. He wrote that the purchases in Items 11, 12, 13, and 14 should be delayed due to the budget shortfall. He also wrote in support of Items 16-21, and 23.

Councilmember Clamp moved to adopt the Proposed Budget with the amendments as presented by the City Manager excluding Urban 15, WellMed, and San Antonio Fighting Back. Councilmember Cortez seconded the motion.

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

Councilmember Cisneros and Councilmember Ramos recused themselves on the items that had been excluded from Item 4 and exited the Council Chambers, noting that they had submitted their recusal forms to the City Clerk.

Councilmember Cortez moved to approve Urban 15, WellMed, and San Antonio Fighting Back within the FY 2010 Budget. Councilmember Clamp seconded the motion.

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

The City Clerk read the following Ordinance:

2009-09-17-0728

Item 5. AN ORDINANCE RATIFYING THE ADOPTION OF THE FY 2010 BUDGET THAT INCLUDES INCREASED PROPERTY TAX REVENUE FROM NEW IMPROVEMENTS AND REAPPRAISALS.

Ms. Sculley stated that said item was a ratification of the vote on Item 4 – FY 2010 Budget.
Jack M. Finger addressed the Council and expressed concern that reductions had not been made to the Human Development Fund. He spoke in opposition to funding for various agencies within the Office of Cultural Affairs and assistance services provided by the Department of Community Initiatives. He stated that the property tax rate should have been further reduced.

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

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

The City Clerk read the following Ordinance:

**Item 6. CONSIDERATION OF THE FOLLOWING ORDINANCES IN CONNECTION WITH THE ADOPTION OF THE TAX RATES FOR TAX YEAR 2009:**

**2009-09-17-0729**

A. AN ORDINANCE ADOPTING THE AD VALOREM PROPERTY TAX RATE FOR MAINTENANCE AND OPERATION (M&O) OF THE CITY GOVERNMENT OF THE CITY OF SAN ANTONIO AT 35.419 CENTS PER $100.00 OF TAXABLE VALUATION FOR THE TAX YEAR BEGINNING ON JANUARY 1, 2009 AND ENDING ON DECEMBER 31, 2009.

Ms. Sculley stated that staff recommended a reduction to the property tax rate and Items 6A and 6B would confirm the operating and debt tax rates. She noted that the health clinic services had been consolidated with Bexar County and that the City had agreed to lower the property tax rate due to the consolidation.

Councilmember Cisneros moved to adopt the proposed ordinance for Item 6A. Councilmember Clamp seconded the motion.

The motion to approve Item 6A prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

**2009-09-17-0730**

B. AN ORDINANCE ADOPTING THE AD VALOREM PROPERTY TAX RATE TO PAY THE PRINCIPAL AND INTEREST ON THE FUNDED DEBT OF THE CITY OF SAN ANTONIO AT 21.150 CENTS PER $100.00 OF TAXABLE VALUATION FOR THE TAX YEAR BEGINNING ON JANUARY 1, 2009 AND ENDING ON DECEMBER 31, 2009.

Councilmember Rodriguez moved to adopt the proposed ordinance for Item 6B. Councilmember Cisneros seconded the motion.

The motion to approve Item 6B prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.
The City Clerk read the following for Item 7:

2009-09-17-0731A-Q

Item 7. CONSIDERATION OF ORDINANCES ESTABLISHING NEW FEES AND AMENDING OR REPEALING EXISTING FEES WITHIN THE GENERAL FUND, SPECIFICALLY WITHIN THE ANIMAL CARE SERVICES, CITY CLERK, CUSTOMER SERVICE AND 311, DOWNTOWN OPERATIONS, FIRE, HEALTH, HOUSING AND NEIGHBORHOOD SERVICES, LIBRARY, MUNICIPAL COURT, PARKS AND RECREATION, POLICE, PUBLIC WORKS; AND WITHIN THE AIRPORT OPERATING & MAINTENANCE FUND, JUVENILE CASE MANAGER FUND, PARKING FUND, PLANNING & DEVELOPMENT SERVICES FUND, PURCHASING AND CONTRACT SERVICES FUND, AND THE SOLID WASTE FUND; AND AMENDING THE CITY CODE TO REFLECT SUCH CHANGES.

Ms. Sculley stated that Item 7 reflected the fee schedule and amendments presented during the previous day’s B Session. She reported that it included a $35 freeze for Senior Citizens of the Residential Alarm Permit Fee and a $5 increase in the fee for all others.

Councilmember Cortez moved to adopt the proposed ordinances (A-Q) under Item 7. Councilmember Clamp seconded the motion.

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

The City Clerk read the following Ordinance:

2009-09-17-0732

Item 8. AN ORDINANCE CARRYING FORWARD CERTAIN FUNDS; CLOSING ACCOUNTING RECORDS IN CERTAIN FUNDS; AMENDING PRIOR APPROPRIATIONS; APPROPRIATING FUNDS FOR REQUIREMENTS IN CITY PROJECTS AND DEPARTMENTS; AND APPROPRIATING CERTAIN CAPITAL PROJECT FUNDS.

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

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

CONSENT AGENDA: Items 9-32

Consent Agenda Items 13A, 13B, 18, 23, 24, 28, and 32 were pulled for Individual Consideration. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Chan seconded the motion.

Lora Devlon Eckler recognized Boza Becica for her generous donation of $513,858.61 for books and materials (Item 26) for the San Antonio Public Library.

Nazirite Ruben Flores Perez spoke in favor of the resolution supporting the Office of Environmental Policy’s participation in rate reviews of SAWS and CPS Energy’s proposed rates.
Jack M. Finger spoke in opposition to the agreements in Items 14 and 17, noting that the City Council had received contributions from Fugro Consultants, Inc. and USAA, respectively. He expressed concern with (Item 24) the Office of Environmental Policy participating in SAWS and CPS Energy rate reviews.

Ms. Vacek noted that a change to Item 14 would reflect an amount of $1,150,000 instead of $3,000,000.

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

**2009-09-17-0733**

Item 9. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING ANNUAL CONTRACTS IN THE ESTIMATED AMOUNT OF $2,243,000.00: (A) SELRICO SERVICES, INC, FOR CUSTODIAL SERVICES FOR SAN ANTONIO BRANCH LIBRARIES; (B) GARTNER, INC. FOR SUBSCRIPTION SERVICES; (C) THE ALAMO TRAVEL GROUP, LP AND CORPORATE TRAVEL PLANNERS FOR TRAVEL MANAGEMENT SERVICES; AND, (D) SIDDONS FIRE APPARATUS FOR PIERCE FIRE TRUCK PARTS.

**2009-09-17-0734**

Item 10. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A STATE COOPERATIVE CONTRACT FOR THE PURCHASE OF A VACUUM RIDER SWEEPER FROM NILFISK-ADVANCE, INC., FOR THE DOWNTOWN OPERATIONS DEPARTMENT, FOR A COST OF $56,354.00, FUNDED FROM THE FY 2009 BUDGET.

**2009-09-17-0735**

Item 11. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE COOPERATIVE CONTRACTS FOR THE PURCHASE OF FIVE (5) SPECIALTY RESPONSE VEHICLES FROM SIDDONS FIRE APPARATUS, INC., PHILPOT MOTORS, LTD. AND SOUTHWEST INTERNATIONAL TRUCKS, INC., FOR A COST OF $1,053,159.20, FUNDED THROUGH THE DEPARTMENT OF HOMELAND SECURITY, URBAN AREA SECURITY INITIATIVE AND METROPOLITAN MEDICAL RESPONSE SYSTEM GRANTS.

**2009-09-17-0736**

Item 12. AN ORDINANCE RATIFYING THE ISSUANCE OF A $153,900.00 JOB ORDER, FROM A TOTAL AUTHORIZED PROJECT AMOUNT OF $182,900.00, TO CON-COR/APM FOR THE REPAIR/REPLACEMENT OF THE ROOF SYSTEM AT THE INTERNATIONAL CENTER FACILITY, FUNDED FROM THE INTERNATIONAL CENTER CONTINGENCY FUND, LOCATED AT 203 S. ST. MARY'S IN COUNCIL DISTRICT 1, APPROPRIATING FUNDS AND AMENDING THE 2009-2014 CAPITAL BUDGET.

**2009-09-17-0739**

Item 14. AN ORDINANCE SELECTING FUGRO CONSULTANTS, INC. FOR NEGOTIATION AND EXECUTION OF AN INDEFINITE DELIVERY PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT UP TO $1,150,000.00 TO PROVIDE AN AUTOMATED ASSESSMENT OF PAVEMENT CONDITIONS FOR THE PROFESSIONAL PAVEMENT MANAGEMENT PROJECT, LOCATED CITY-WIDE AND ACCEPTING UP TO $50,000.00 FROM SAN ANTONIO WATER SYSTEM TO DEVELOP A MANHOLE AND WATER VALVE INVENTORY.
Item 15. AN ORDINANCE EXTENDING THE AIRLINE-AIRPORT USE AND LEASE AGREEMENTS AT SAN ANTONIO INTERNATIONAL AIRPORT FOR ONE YEAR.

Item 16. AN ORDINANCE AUTHORIZING AN INDEFINITE DURATION JOINT USE AGREEMENT WITH SAN ANTONIO WATER SYSTEM (SAWS) FOR USE OF CITY-OWNED PROPERTY AT 4531 SOUTH ZARZAMORA STREET LOCATED IN COUNCIL DISTRICT 5 FOR A FEE OF $7,500.00.

Item 17. AN ORDINANCE AUTHORIZING A TWO-YEAR LEASE FROM USAA REAL ESTATE COMPANY FOR THE COUNCIL DISTRICT 8 CONSTITUENT OFFICE, LOCATED AT 9830 COLONNADE BLVD., SUITE 460 FOR AN ANNUAL RENTAL FEE OF $24,053.40 FOR THE FIRST YEAR AND $25,682.16 DURING THE SECOND YEAR.

Item 19. AN ORDINANCE RATIFYING A CONTRACT WITH PARENT/CHILD INCORPORATED (PCI) IN AN AMOUNT UP TO $21,056.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT DENTAL DIVISION TO PROVIDE, ON A FEE FOR SERVICE BASIS, ORAL HEALTH EVALUATIONS, PREVENTIVE CARE AND CASE MANAGEMENT SERVICES TO CHILDREN BETWEEN THE AGES OF SIX WEEKS TO AGE THREE WHO ARE ENROLLED IN PCI EARLY HEAD START PROGRAMS.

Item 20. AN ORDINANCE AUTHORIZING A SUB-CONTRACT AMENDMENT WITH TEXAS A&M UNIVERSITY TO EXTEND THE CONTRACT TERM, ADJUST THE SCOPE OF SERVICES, AND PROVIDE COMPENSATION UP TO $66,000.00 WITH CARRY OVER FUNDS FROM THE STEPS TO A HEALTHIER SAN ANTONIO GRANT FUNDED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Item 21. AN ORDINANCE RATIFYING THE SUBMISSION OF TWO PUBLIC HEALTH EMERGENCY RESPONSE GRANT APPLICATIONS, AND AUTHORIZING THE ACCEPTANCE OF FUNDS UPON AWARD, FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR PREPARATION AND RESPONSE TO ONGOING AND EMERGING OUTBREAKS OF NOVEL INFLUENZA A (H1N1) AND ACCEPTANCE OF FUNDS UPON AWARD UP TO $1,624,694.00, AND AUTHORIZING CONTRACTS WITH RESPONSE SUPPORT AGENCIES AND THE PURCHASE OF SPECIALIZED EQUIPMENT AND SUPPLIES.

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

A. REAPPOINTING GLORIA M. MALONE (DISTRICT 2) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR A TERM OF OFFICE TO COMMENCE OCTOBER 1, 2009, AND EXPIRE SEPTEMBER 30, 2011.
B. APPOINTING CRUZ S. CHAVIRA (DISTRICT 2, CATEGORY: TAXI INDUSTRY, CO-OP) TO THE TRANSPORTATION ADVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.


D. APPOINTING CAROLYN KELLEY (DISTRICT 1) TO THE ZONING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

2009-09-17-0748
Item 25. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CITY-COUNTY INTERLOCAL SERVICES AND PLANNING AGREEMENT WITH UNIVERSITY HEALTH SYSTEM (UHS) WHICH WILL PROVIDE FOR $239,464.00 IN TOTAL COMPENSATION FROM UHS TO THE CITY FOR HEALTH SERVICES PROVIDED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT.

2009-09-17-0749
Item 26. AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF $513,858.61 FROM THE ESTATE OF BOZA BECICA, AS PRESCRIBED IN HER LAST WILL AND TESTAMENT, FOR THE PURCHASE OF LIBRARY BOOKS AND MATERIALS FOR THE SAN ANTONIO PUBLIC LIBRARY.

2009-09-17-0750
Item 27. AN ORDINANCE APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE NORTHEAST INDEPENDENT SCHOOL DISTRICT TO USE THE MOLLY PRUITT LIBRARY AT ROOSEVELT HIGH SCHOOL AS A PUBLIC LIBRARY FACILITY.

2009-09-17-0752
Item 29. AN ORDINANCE APPROVING AN AGREEMENT WITH THE DEPARTMENT OF HOMELAND SECURITY TRANSPORTATION SECURITY ADMINISTRATION PROVIDING NOT MORE THAN $14,385,466.00 IN AMERICAN RECOVERY & REINVESTMENT ACT OF 2009 FUNDS FOR REIMBURSEMENT OF UP TO 90% OF ALLOWABLE COSTS ASSOCIATED WITH DESIGN, ENGINEERING AND CONSTRUCTION SERVICES FOR THE TERMINAL 1/B CONSOLIDATED BAGGAGE HANDLING SYSTEM PROJECT AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

2009-09-17-0753
Item 31. AN ORDINANCE AUTHORIZING A CONTRACT WITH A & D TESTS, INC. TO PROVIDE RANDOM DRUG TESTING SERVICES IN AN AMOUNT OF UP TO $35,000.00, FUNDED BY THE GENERAL FUND.

[CONSENT AGENDA ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinances for Items 13A and 13B:

Item 13. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE MIDCREST DETENTION PROJECT, A 2007-2012 BOND AND STORM WATER FACILITIES FUND PROJECT LOCATED IN COUNCIL DISTRICT 7:

2009-09-17-0737
A. AN ORDINANCE AMENDING THE FY 2009 ADOPTED CAPITAL BUDGET AND THE FY 2010 PROPOSED CAPITAL BUDGET, CANCELING THE MIDCREST DETENTION PROJECT AND REALLOCATING EXCESS PROJECT FUNDS TO CREATE A NEW PROJECT, SEEILING CHANNEL IMPROVEMENTS - PHASE I, THAT MEETS THE INTENT OF THE ORIGINAL PROJECT TO ALLEVIATE FLOODING.

2009-09-17-0738
B. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH AECOM, FORMERLY KNOWN AS TCB INC., IN AN AMOUNT UP TO $1,540,000.00 FOR ENGINEERING SERVICES FOR THE SEEILING CHANNEL IMPROVEMENTS - PHASE I PROJECT.

Councilmember Rodriguez spoke of the drainage improvements to the Woodlawn Lake/Jefferson Area and asked of the project scope. Mike Frisbie stated that a drainage study had been conducted and a new site had been identified to best address drainage issues. He reported that there had been community input and that 125 homes would be removed from the floodplain through said project. Councilmember Rodriguez thanked staff for their work and asked that they continue to provide outreach to the community regarding changes, timeline, and long-term benefits. Mr. Frisbie added that they would meet with the Watershed Improvement Advisory Committee and VIA Metropolitan to ensure collaboration on the project.

Councilmember Rodriguez moved to adopt the proposed ordinances for Items 13A and 13B. Councilmember Clamp seconded the motion.

The motion to approve Items 13A and 13B prevailed by the following vote: AYES: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. NAY: None. ABSENT: None.

2009-09-17-0743
Item 18. AN ORDINANCE AUTHORIZING THE PURCHASE OF AN AQUIFER-PROTECTION CONSERVATION EASEMENT ON THE LEE RANCH, UVALDE COUNTY, TEXAS FOR $2,176,589.20; AMENDMENT OF THE GULLEY CONSERVATION EASEMENT TO INCLUDE THE LEE RANCH; AND, ACCEPTANCE OF A DONATION OF REMNANT TRACTS OF LAND
SURROUNDING THE LONG HOLLOW EASEMENT, ALL AS PART OF THE PROPOSITION ONE EDWARDS AQUIFER PROTECTION VENUE PROJECT.

Councilmember Cortez asked staff to highlight the purchase of the conservation easement. Kristyl Smith presented maps depicting the area being purchased along with other areas that have been acquired. She stated that the total acreage for the easement was 6,000 acres and that 200 acres were being added to the Long Hollow Easement. She noted that the Lee Easement would constitute the 30th tract of the program bringing a total of 82,816 acres in addition to the 6,539 acquired through Proposition Three. She added that through both programs, 17% of the recharge zone that directly affects the City of San Antonio has been protected. Councilmember Cortez expressed support and highlighted the 17% of the recharge zone that had been protected for the City of San Antonio. He stated that a discussion should be held regarding the extension of Proposition One and asked of the capacity for additional purchases. Ms. Smith stated that the Conservation Advisory Board had approved the purchase of four additional properties.

Councilmember Ramos asked of the percentage of the Edwards Aquifer protected through said program with the additional four properties. Ms. Smith stated that she did not have that information readily available but that 95,700 acres have been approved through both programs. She noted that the identification of the properties to acquire was based on a GIS spatial model and was designed by a Scientific Evaluation Team. She reported that the recharge zone acreage that directly impacts the City of San Antonio was more than 507,000 acres and staff had prioritized between the recharge and contributing zones. Councilmember Ramos expressed her support and noted that she looked forward to discussions regarding the extension of Proposition One.

Councilmember Williams recognized Councilmember Cortez for his leadership and also expressed his support for the extension of Proposition One. Mayor Castro stated that Proposition One had been successful in preserving the integrity of the long-term water supply and expressed support to extend the initiative.

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

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

**2009-09-17-0747**

Item 23. AN ORDINANCE APPROVING AN INVESTMENT POLICY FOR THE CITY OF SAN ANTONIO, TEXAS, IN ACCORDANCE WITH THE REQUIREMENT OF THE TEXAS PUBLIC FUNDS INVESTMENT ACT, AS AMENDED; DESIGNATING CERTAIN EMPLOYEES AS INVESTMENT OFFICERS FOR THE CITY OF SAN ANTONIO; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Rodriguez recused himself on Item 23 by excusing himself from the Council Chambers and noting that he had submitted the recusal forms to the City Clerk.

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. **ABSTAIN:** Rodriguez.

**2009-09-17-0030R**

Item 24. A RESOLUTION SUPPORTING THE OFFICE OF ENVIRONMENTAL POLICY TO PARTICIPATE IN RATE REVIEWS OF SAWS AND CPS ENERGY’S PROPOSED RATES CONDUCTED BY THE SUPERVISOR OF PUBLIC UTILITIES TO ENSURE THAT CONSERVATION AND SUSTAINABILITY GOALS ARE ADDRESSED IN THE REVIEW PROCESS.

Councilmember Rodriguez stated that said item had been discussed during a previous Governance Council Committee Meeting and had asked that the Office of Environmental Policy be included in rate reviews of SAWS and CPS Energy. He noted that due to the work on Mission Verde Initiatives and the creation of the Office of Environmental Policy, it was important to include the impact of conservation when conducting rate reviews. Councilmember Ramos requested that regular updates regarding rate reviews be provided through the Intergovernmental Relations Council Committee. Councilmember Rodriguez stated that rate increases were generally presented directly to the full Council due to timing but would review the Council Committee option. Councilmember Clamp stated that he was supportive of including the Office of Environmental Policy in rate discussions but requested additional dialogue regarding rate reviews and monitoring the debt and capital plans of SAWS and CPS Energy. Mr. Gorzell stated that they would continue discussions regarding better coordination of utility rate requests.

Councilmember Rodriguez moved to approve the Resolution. Councilmember Ramos seconded the motion.

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

**2009-09-17-0751**

Item 28. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH UNIQUE MANAGEMENT SERVICES FOR LIBRARY BOOK AND MATERIAL RECOVERY, REVENUE COLLECTION AND PATRON NOTIFICATION SERVICES AT A COST OF $8.95 FOR EACH ACCOUNT REFERRED; APPROPRIATED IN THE FY 2010 BUDGET.

Councilmember Cisneros asked staff to highlight the current email and telephone notification services provided to patrons. Mr. Salazar stated that the email and telephone notification services informed patrons of materials that were overdue and of items placed on hold that were ready for pick-up. He mentioned that a savings of $175,000 in postage has been realized through the services. He noted that some materials were still not returned to the library and therefore, would utilize the services for recovery and collection. He reported that Unique Management Services was the only responder to the Request for Proposals and managed over 1,200 accounts. Councilmember Cisneros requested that patrons be given a grace period to return library materials without incurring additional costs. Mr. Salazar stated that there would be a 60-day period for individuals to return the materials or pay their accounts. He added that staff would work with those in need of a payment plan. He confirmed that no account would be referred to a credit agency.

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

**2009-09-17-0755**

Item 32. AN ORDINANCE AUTHORIZING ONE-YEAR CONTRACTS, EACH IN AN AMOUNT UP TO $100,000.00, WITH THE HUMANE SOCIETY OF BEXAR COUNTY AND THE HUMANE SOCIETY/SPCA OF BEXAR COUNTY TO PROVIDE SUPPLEMENTAL SPAY AND NEUTER SURGERY SERVICES FOR THE ANIMAL CARE SERVICES DEPARTMENT.

Councilmember Cortez asked how said funds would be utilized. Gary Hendel stated that said item would approve a contract with the Humane Society and provide them compensation in the amount of $50 per spay/neuter surgery conducted. He noted that it would allow 2,000 surgeries to be performed at no cost to citizens. Additionally, the second contract was designed to encourage citizens to have their own veterinarian provide spay/neuter services and would offer a $25 rebate for same. He reported that a total of 6,000 spay/neuter services would be provided county-wide. Councilmember Cortez expressed his support and noted the importance of working toward becoming a No-Kill community by 2012. Mayor Castro stated that it was important to expand the number of animals spayed and neutered throughout the community.

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

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

**POINT OF PERSONAL PRIVILEGE**

Councilmember Cisneros recognized city staff for the awards received for Luminaria, River North, and Main Plaza. Councilmember Clamp requested an update on H1N1 and recognized Boza Becica for her generous donation to the Library. Councilmember Cortez also recognized Boza Becica for her donation to the Library. Councilmember Ramos stated that Dr. Fernando Guerra had been providing regular updates regarding H1N1 to the Quality of Life Council Committee and encouraged everyone to get their regular flu vaccine. Mayor Castro recognized Boza Becica for the donation to the Library and mentioned her love of the Library.

Mayor Castro recessed the meeting at 11:02 am to break for lunch and noted that the meeting would resume at 2:00 pm for Zoning. Mayor Castro reconvened the meeting at 2:13 pm and stated that Item 33 would be addressed.

**ZONING ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Resolution:

**2009-09-17-0031R**

Item 33. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A ZONING DISTRICT BOUNDARY CHANGE TO DESIGNATE 3031 W. WOODLAWN AS HISTORIC SIGNIFICANT (DISTRICT 7). STAFF AND HISTORIC AND DESIGN REVIEW COMMISSION RECOMMEND APPROVAL.
Shanon Wasielewski, Historic Preservation Officer, stated that the property located at 3031 W. Woodlawn had been recommended for a finding of historic significance by the Historic and Design Review Commission (HDRC). She noted that because the property owner was not in support of the historical designation, a resolution was necessary to initiate the designation process. She reported that the HDRC recommended that the entire property be designated but found only the main structure and one of the out buildings to be significant. She added that it met five of the criteria for landmark designation.

Councilmember Rodriguez asked if the property would be presented to the Zoning Commission. Ms. Wasielewski confirmed that it would. Councilmember Rodriguez expressed support for the Resolution and noted that it could be a catalyst for development in the area.

Ms. Barbara Witte-Howell, San Antonio Conservation Society, read a letter on behalf of Society President Rollette Schreckenghost in support of the historic designation. Ms. Schreckenghost wrote that the building was architecturally significant and an excellent example of the Spanish Colonial Revival Style. She also wrote that it was unfortunate that the building had not been secured by the owner and had suffered from vandalism. She encouraged the owner to work with a potential buyer to rehabilitate the building and put it back into service.

Councilmember Rodriguez moved to approve the Resolution. Councilmember Clamp seconded the motion.

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

CONTINUED FOR 30 DAYS

Item Z-1. ZONING CASE # Z2009078 S (District 2): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "I-1 S" GENERAL INDUSTRIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR MILLWORK AND WOOD PRODUCTS MANUFACTURING ON A PORTION OF LOT A-3, NCB A-27, LOT 1 THRU LOT 12, NCB 7057 (4.8341 ACRES) LOCATED AT 51 ESSEX STREET AND 1403 SOUTH CHERRY. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL WITH CONDITIONS.

Chris Looney presented Item Z-1 and stated that it was a change from “I-1” General Industrial District to “I-1 S” General Industrial District with a specific use authorization for Millwork and Wood Products Manufacturing. He noted that staff and the Zoning Commission recommended approval with the following conditions: 1) Hours of operation from 7:00 am to 7:00 pm Monday through Friday; 2) Ingress and egress to the site should be from Essex Street and no commercial access from South Cherry Street; access from South Cherry Street should only be for non-commercial and emergency vehicles; 3) An eight-foot tall solid screen fence must be maintained along South Cherry Street and Essex Street; and 4) Outside storage of materials will be limited to 10 feet.

Councilmember Taylor moved to continue said item for 30 days in order to meet with the applicant. Councilmember Cortez seconded the motion.

The motion prevailed by the following vote: AYES: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. NAY: None. ABSENT: None.
At this time, Item Z-3 was addressed.

2009-09-17-0758

Item Z-3. ZONING CASE # Z2009130 S (District 2): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "MF-33" MULTI-FAMILY DISTRICT TO "C-3 NAS" GENERAL COMMERCIAL DISTRICT NON-ALCOHOLIC SALES WITH A SPECIFIC USE AUTHORIZATION FOR A CORRECTIONAL FACILITY (TRANSITIONAL HOME) ON 4.914 ACRES OUT OF BLOCK 16, NCB 1546 AND BLOCK 20, NCB 1551 LOCATED ON THE NORTH SIDE OF YUCCA STREET, BETWEEN HALLIE AVENUE AND ROBESON. STAFF RECOMMENDS DENIAL. ZONING COMMISSION RECOMMENDS APPROVAL WITH ONE CONDITION.

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: 4.914 ACRES OUT OF BLOCK 16, NCB 1546 AND BLOCK 20, NCB 1551 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT TO "C-3NA S" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A CORRECTIONAL FACILITY (TRANSITIONAL HOME) PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Councilmember Taylor requested that Items P-1, Z-2 and Z-3 be considered as a group. Ken Brown, Representative for the applicant respectfully requested that Item Z-3 be considered individually, as the outcome would dictate their strategy on zoning cases P-1 and Z-2. Chris Looney of the Planning and Development Services Department stated that Item Z-3 could be considered first. Councilmember Taylor agreed.

Mr. Looney presented Item Z-3 and stated that it was a request for a change from “MF-33” Multi-Family District to “C-3 NAS” General Commercial District Non-Alcoholic Sales with a specific use authorization for a transitional home. He noted that staff recommended denial and the Zoning Commission recommended approval with the condition that the transitional home have no more than 100 beds.

Mayor Castro called upon the individuals registered to speak.

Byron Miller addressed the Council and expressed opposition to the zoning change. He stated that a correctional facility was not the best use of the property as it would not benefit the residents of the community nor encourage future economic development.

Ron Wright addressed the Council in opposition to the zoning case. He stated that the community would not benefit from having a halfway house in the area and requested that the developer withdraw the rezoning request.

Bexar County Commissioner Tommy Adkisson addressed the Council and spoke in support of the zoning case. He expressed support for Crosspoint and noted that they assisted individuals to reclaim their lives and become productive citizens of society. He spoke of their work in helping persons find jobs and support their families.
LeReta Gatlin-McDavid, Robert C. Dawson and T.C. Calvert of the Neighborhood First Alliance addressed the City Council in support of the zoning case. Ms. Gatlin-McDavid spoke of the difficulties that she encountered when transitioning back into the community after being incarcerated. She advocated for the services provided by Crosspoint. Mr. Dawson stated that the zoning request would authorize a mixed-use development and not only a transitional facility. He noted that criminals resided in all parts of the city. Mr. Calvert Sr. addressed the Council and spoke in support of the mixed-use development rezoning. He stated that there was no record denoting that a jail was being built at 301 Yucca Street and that a zoning of mixed-use development would increase economic growth in the area.

Michelle K. Daniels and Charles Daniels of the Coliseum Willow Park Neighborhood Association addressed the Council and spoke in favor of the zoning change. Mr. Daniels stated that the zoning change would allow for increased economic development as well provide a second chance to those previously incarcerated.

Jeff Stewart, Richard Sanchez, Kevin Durham, and Pastor Elliot Gould of Victory Outreach Church addressed the Council in support of the transitional facility. Mr. Durham spoke of the great work of the Sisters of the Holy Spirit and the need for the facility in the community. Mr. Sanchez highlighted the benefits that transitional facilities offer to individuals previously incarcerated and the great need in the community for such facilities. Mr. Stewart stated that the transitional facility would help deter individuals from future criminal activities.

Wray C. Hood addressed the Council on behalf of the Coliseum Willow Park Neighborhood Association in opposition to the zoning case. She stated that the Association was not against incarcerated individuals but opposed to the development of the facility in District 2.

Ken Brown, attorney for property owner, addressed the Council and provided a brief history of action taken by the property owner to inform the community of the zoning change as well as the negotiations with the Zoning Commission to allow for a mixed-use development. He reiterated that a jail was not being built on the property. Lastly, Mr. Brown provided a copy of the restrictive covenants executed that denoted prohibited uses and Crosspoint operational uses.

Dr. Kevin Downey representing Crosspoint addressed the Council and stated that they had beautiful facilities, a great Board of Directors, and many supporters. He spoke of the services provided by Crosspoint and noted that many individuals in the community had been misinformed. Joe Shaffer, Director of Operations spoke of the security measures in place and tracking mechanisms utilized by Crosspoint. He stated that transitional facilities allowed individuals to reunite and reconnect with their families.

Reverend Ilene Dunn of Madison Square Presbyterian Church addressed the Council and spoke in favor of the zoning change. She stated that the residents of Crosspoint were committed to working hard to change their lives and had never been a challenge. She added that Crosspoint transformed human lives.

Melvin Braziel addressed the Council in support of the zoning case. He stated that he served on the Crosspoint Board and had been a member since January, 2009. He noted that when he had worked with the Housing Authority; they had pleaded with the City Council to build housing units that people did not want. He asked the Council to take advantage of the opportunity to provide housing that is greatly needed.
Reverend Richard Tankerson addressed the Council and spoke in favor of the zoning change. He stated that he served on the Crosspoint Board and noted that its charge was to reach out and redirect the lives of individuals. He urged the Council to vote in favor of said item.

Lynn D. Brown addressed the Council and spoke in support of the zoning change. He stated that he had re-built his life and received his chemical dependency counselor license so he could now provide that service to others.

Dr. Michael Gilbert, Associate Professor of Criminal Justice at UTSA addressed the Council in support of the zoning case. He stated that re-entry housing programs like those offered by Crosspoint were successful in reducing victimization rates and that property values surrounding transitional facilities were not suppressed.

Charles Johnson stated that he was born and raised in San Antonio and had been a chemical dependency licensed counselor for over 21 years. He provided the Council with a first hand account of his need for services like those offered by Crosspoint and the subsequent changes in his life. He stated that he had been employed by Crosspoint for three years and that based on personal experience, treatment worked.

Jack M. Finger addressed the Council and spoke against the zoning change. He stated that consideration should be given to the residents that would be living next to the facility.

Charles E. Cheever, Jr., Crosspoint Capital Campaign Committee Chairperson, addressed the Council in favor of the zoning change, noting that it would increase economic development in the area. He spoke of similar challenges originally anticipated with another transitional facility in Castle Hills that never materialized. He requested that the City Council vote on the facts and not emotions.

Joan Cheever, Crosspoint Capital Campaign Committee Co-Chairperson, addressed the Council in support of the zoning change. She spoke on behalf of the individuals who would directly benefit from the services provided by Crosspoint. She noted that the individuals had paid their debt to society and deserved a second chance.

Jerelyne Williams of the Eastgate Neighborhood Association addressed the Council in opposition to the zoning change. She noted that the transitional facility was a noble venture but would not bring economic development to the community as promised.

Carlton E. Robinson, Jr. addressed the Council and spoke against the development of the transitional facility. He stated that property values would decrease and crime would increase. He added that Eastside residents deserved to feel safe in their homes.

Dr. Dolores Lott addressed the Council and spoke in opposition to the zoning case. She stated that the safety and security of the community could not be ensured. She provided an example of how inmate control outside of the facility could not be monitored and caused neighboring residents to live in a state of fear.

Orelious Washington addressed the Council and spoke against the zoning change. He stated that the Eastside was currently plagued by gang activity and that it would worsen if Crosspoint was allowed to be built.
Leon Thomas addressed the Council and spoke against the zoning change. He expressed concern with the proposed location and noted that City staff had recommended denial. He stated that Crosspoint had misinformed the community and asked how the will of the people could arbitrarily be suppressed and abused by affluent business executives. He noted that most of the individuals in the audience that were in support of the facility did not reside in District 2 and asked that the same services be provided in other areas of the City.

Lloyd L. Foster addressed the Council and spoke against the zoning change. He stated that security would be an issue, especially to students from St. Philip's College that leave the campus late at night. He noted that the local Eastside Police Substation was moving from the area and requested that a different location be chosen for the transitional facility.

Lionel Foster addressed the Council in opposition to the zoning change. He asked of the message that would be sent to the youth of the community with the closing of elementary schools in the area while allowing a correctional facility to be built. He noted that several of the individuals that had spoken in support of the correctional facility did not live in the area. Lastly, he stated that he was not against Crosspoint and its mission but opposed to the location.

Gabrielle Lohan, Marguerite Connors, Laura Melody, Mary Garrehy, Lucy Collins, Miriam Mitchell and Marian Murray of the Sisters of the Holy Spirit addressed the Council in support of the zoning change. Sister Gabrielle Lohan detailed the history of the organization in District 2 and the importance of ensuring that Crosspoint did not destroy the neighborhood. She stated that the facility's security would deter criminal activity and asked the Council for their support. Sister Laura Melody highlighted the benefits of Crosspoint and noted that the transitional facility would reform the lives of those previously incarcerated. Sister Miriam Mitchell noted that Crosspoint would be a beacon of hope, encouragement, and new beginnings.

Father Marty Elsner, Our Lady of Guadalupe Church, addressed the Council and noted that he was in favor of the zoning change. He spoke of the great work of Crosspoint in helping individuals get their lives back together.

Kim Sanders read a letter from AJ Garcia in favor of the zoning change. Mr. Garcia wrote that Crosspoint would minimize repeat crime from occurring throughout the City while improving the lives of individuals afflicted by social disease and addiction. He wrote that this was the right time to revitalize the neighborhood.

Barbara Hawkins addressed the Council in opposition to the zoning change. She stated that the Sisters of the Holy Spirit could not guarantee the safety of the community and that it was not appropriate to have a correctional facility in a residential area near a school. She noted that the community needed to help make a difference in the lives of others but having a correctional facility within the neighborhood would not achieve this goal. She requested that the Council deny the zoning change.

Lula Montgomery addressed the Council and spoke in favor of the zoning change. She stated that it would be good to have a correctional facility as a neighbor as it would deter criminal activity and provide jobs.

Tom Gaffney addressed the Council and spoke against the zoning change. He noted various safety concerns and suggested utilizing Lackland or Kelly Air Force Bases instead of the proposed property.
He expressed concern that individuals would be deterred from moving into the area due to the correctional facility.

Carol Lockett, Executive Director of Bexar County Detention Ministries, addressed the Council in support of the zoning change. She stated that Crosspoint was a well managed organization with a history of proven results. She highlighted the collaborative efforts undertaken by her organization and Crosspoint to transition individuals back into the community.

Artman Bland addressed the Council and spoke in opposition to the zoning change. He expressed concern with having a correctional facility located in a residential area.

Sharon Francis addressed the Council and spoke in opposition to the zoning change. She stated that the area was not a viable location as the area had a high concentration of correctional facilities and an intense commercial zoning designation.

Oscar Vicks addressed the Council and spoke against the zoning change. He stated that the community was in decline and already had a high concentration of correctional facilities. He noted that individuals needed rehabilitation but a community should not be hurt in trying to achieve this mission.

Former Councilmember Patti Radle, Crosspoint Board Member, addressed the Council in favor of the zoning change. She spoke of the excellent social services provided by Crosspoint. She stated that most individuals agreed that correctional facilities were needed but disagreed on their location. Ms. Radle noted that the residents of the transitional home were our brothers and sisters in need of opportunities like those provided by Crosspoint in order to be successful and productive citizens.

Reverend Kevin Fausz, Pastor of Holy Redeemer Catholic Church, read a letter written by Archbishop Gomez in support of the zoning change. Pastor Fausz highlighted the importance of the social services provided by Crosspoint and the need to transition individuals back into society.

Linda Zamora addressed the Council and stated that she and her husband had signed the petition that was circulating requesting denial of the rezoning change. She noted that she had subsequently visited the Crosspoint facility and had changed her mind. She requested that the Council vote in favor of the zoning change.

George Alejos, League of United Latin American Citizens Council 43, addressed the Council and noted that 100% of the notices returned were in support of the zoning change. He spoke in support of the services provided by Crosspoint and requested that the Council vote in favor of the zoning change.

Fannie Wright addressed the Council in support of the zoning change. She stated that she was not fearful of living next to the transitional facility and asked that the residents of the facility be given a second chance.

Tommy Calvert, Jr. addressed the Council and spoke in favor of the mixed use zoning change. He noted that it would allow for a $15 million apartment complex and a $5 million shopping center to be built in the area. He referenced a study conducted by the San Antonio Police Department which denoted that Crosspoint Facilities made the community safer.

Willie Mitchell addressed the Council and stated that he was against the zoning change as it would not be economically beneficial to the community. He noted that many projects had been proposed for
District 2. However, the only project that had been successful was an apartment complex that Mayor Henry Cisneros and Frank Wing were involved in. He stated that current infrastructure could not accommodate the projected growth and that the correctional facility would discourage potential residents to the area.

Walter Earl Perry, Sr. addressed the Council and spoke against the zoning change. He noted that it was the responsibility of individuals to stay out of trouble and become leaders. He reflected on the irony of individuals chanting “Let Freedom Ring” during the Martin Luther King March as they passed the site of the proposed correctional facility.

Joann Ramon addressed the Council in opposition to the zoning change. She noted that economic development could not be guaranteed and that it had not come to fruition with the development of the Alamodome and AT&T Center. She requested that an Advisory Board of Eastside Community Interests be created if the Council voted in favor of the zoning change.

Former Councilmember Sheila McNeil thanked the Sisters of the Holy Spirit for their work in the community. She stated that the zoning change was not favorable to District 2 and that the proposed transitional home would be the second largest correctional facility in Bexar County. She noted that District 2 contained a disproportionate number of correctional facilities compared to other parts of the city and requested that all Council Districts equally share the responsibility of housing transitional facilities.

Ida Brown addressed the Council and spoke against the zoning change. She presented a petition signed by residents opposed to the zoning change and highlighted safety concerns with having a halfway house in the neighborhood. She urged the Council to deny the request.

Henry Farias, Eastside Hispanic Coalition, addressed the Council and spoke in favor of the zoning change. He stated that it would allow Hispanics to open businesses in District 2 and that they wanted to improve the community. He referred to the improvements made by Mayor Henry Cisneros, noting that there were new homes and sidewalks in the area within six months.

Fred Davis addressed the Council and spoke in opposition to the zoning change. He expressed concern with the location of the facility and noted that his business has been vandalized. He stated that a halfway house would have an adverse effect on District 2.

Antonio Diaz, Texas Indigenous Council, addressed the Council and spoke in favor of the zoning change due to the increased need for rehabilitation facilities. He requested that residents of the rehabilitation facility be non-violent offenders.

A written testimony was received from Kathy Harris, President of the Skyline Park Neighborhood Association in opposition to the zoning case. Ms. Harris wrote that the transitional facility was not conducive to residential family living and would not enhance the quality of life for residents of the area. She expressed concern with its close proximity to a school and the associated safety issues.

Councilmember Taylor stated that the zoning case had been difficult and thanked all that came to speak. She noted that the process was very important and had included numerous community meetings and notification of nearby residents. She recognized the Sisters of the Holy Spirit for being good neighbors in the East Side community and noted that they had been attempting to sell the property for several years. She stated that Crosspoint was a reputable non-profit organization but expressed concern that
they had not operated a facility the size of the current proposal. She noted that staff had recommended denial because the requested zoning was too intense for the area and could bring inappropriate uses to the neighborhood. She mentioned that District 2 was in need of revitalization projects but a transitional facility was not an appropriate project for the area. She shared the concerns of Connie Minors, Susan Faris, and Tracy Clay, residents of District 2 in opposition to the zoning change, noting that it would have a negative impact on their quality of life. Councilmember Taylor requested that smaller transitional facilities be dispersed throughout the city and county. She noted that a petition had been circulated and signed by over 250 District 2 residents that were opposed to the zoning change. She added that the main concern was that the transitional facility would negatively impact housing and commercial development in the area. Councilmember Taylor requested that the Mayor and Council support her decision.

Councilmember Cortez recognized Councilmember Taylor for her leadership on said item and thanked all that came to speak. He asked of the reason that staff was recommending denial. Chris Looney stated that staff recommended denial of the zoning change because the proposed zoning designation of C-3S was too intense for neighborhoods and that the proposed zoning change was C-3S as the UDC required such a designation. He noted that due to deed restrictions submitted, the property owner would only be allowed the uses of a zoning designation of C-1. Councilmember Cortez expressed concern with the intense zoning required for the facility and recommended that zoning classifications be reviewed by the Infrastructure and Growth Council Committee for possible inclusion in future UDC updates. He asked of the deed restrictions. Rod Sanchez stated that they prohibited all C-3 uses from the UDC and would be limited to C-1 uses. He noted that if the applicant had requested a C-1 zoning designation, it might have been approved by staff as C-1 was more appropriate for the area. Additionally, if Crosspoint were to vacate the facility, the new owner would have to comply with the deed restrictions.

Councilmember Cortez asked of a previous zoning case that was approved in District 2 for the same type of facility. Mr. Looney stated that it was approved in June, 2006 for property located just south of Rittiman Road. He noted that it was previously a nursing home and was now a transitional facility. Councilmember Cortez asked if the case had been approved during Councilmember McNeil’s term. Mr. Looney confirmed same. Councilmember Cortez recognized the Sisters of the Holy Spirit for their work and Councilmember Taylor for her leadership. Councilmember Clamp stated that Councilmember Taylor was the leader for District 2 and he would be supporting her request.

At the request of Mayor Castro, Dr. Kevin Downey of Crosspoint spoke of the electronic security mechanisms utilized to track and monitor residents. He stated that the accountability system used at Crosspoint facilities was the same as those utilized by other correctional facilities throughout the United States. He also mentioned that the San Antonio Police Officers Association had written a letter endorsing Crosspoint for being a good neighbor. Mayor Castro asked of the methods of travel of individuals living in the facility. Dr. Downey stated that Crosspoint fostered self-sufficiency among their residents and that a bus stop was located directly in front of the facility. He noted that the bus system was their primary source of transportation and some relied on their relatives. Mayor Castro asked of other Crosspoint facilities. Dr. Downey stated that they operated four residential facilities and one out-patient facility.

Councilmember Taylor moved to deny the proposed ordinance. Councilmember Clamp seconded the motion.

The motion failed by the following vote: AYES: Taylor and Clamp. NAYS: Cisneros, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, and Mayor Castro. ABSENT: None.
Councilmember Cortez moved to approve the proposed ordinance. Councilmember Ramos seconded the motion.

Councilmember Taylor expressed concern that the Council had not supported her motion to deny said zoning case and asked of the reasons for deviating from protocol. She moved that the case be continued for four months to allow for all parties to continue dialogue. Councilmember Clamp seconded the motion. Mayor Castro stated that the first motion on the floor was to approve said item. He recognized Councilmember Taylor for her efforts on the zoning case and spoke of the merits of Crosspoint.

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

2009-09-17-0756
Item P-1. **PLAN AMENDMENT # PA09017 (District 2):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE ARENA DISTRICT/EASTSIDE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE ON 4.156 ACRES LOCATED AT 301 YUCCA STREET FROM INSTITUTIONAL LAND USE TO MIXED USE LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.

2009-09-17-0757
Item Z-2. **ZONING CASE # Z2009129 (District 2):** AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "MF-33" MULTI-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT ON 4.156 ACRES OUT OF BLOCK 1, NCB 7457 AND BLOCK 19, NCB 1550 LOCATED ON THE SOUTH SIDE OF MARTIN LUTHER KING DRIVE, BETWEEN LACEY AND ROBESON. 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: 4.156 ACRES OUT OF BLOCK 1, NCB 7457 AND BLOCK 19, NCB 1550 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Nina Nixon-Mendez presented the Plan Amendment and stated that the ordinance would amend the land use plan contained in the Arena District/Eastside Community Plan by changing the use on 4.156 acres located at 301 Yucca Street from Institutional Land Use to Mixed Use Land Use. She noted that staff and the Planning Commission recommended approval.

Mr. Looney presented Item Z-2 and stated that it would amend the zoning district boundary from “MF-33” to “C-2” located on the South Side of Martin Luther King Drive between Lacey and Robeson Streets. He noted that staff and the Zoning Commission recommended approval pending the Plan Amendment.

Councilmember Cortez moved to adopt the Plan Amendment (P-1) and Item Z-2 as proposed. Councilmember Ramos seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Ramos, Cortez, Medina, Lopez, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Taylor, Rodriguez and Clamp.
Mayor Castro recessed the meeting at 6:45 pm for a short break.

CITIZENS TO BE HEARD

Mayor Castro reconvened the meeting at 7:05 pm and called upon the individuals registered to speak.

Rose Araujo-Iracheta, stated that she was a city employee and member of SEIU and recognized other city employees that were also in attendance. She thanked the City Council and staff for their work on the budget and the continuation of the Pay Plan.

Nazirite Ruben Flores Perez expressed concern with the approval of the zoning case concerning Crosspoint and suggested that it locate within Bexar County. He spoke of the Book of Revelations and the seven-headed dragon.

Nick Calzoncit spoke in support of the promotion of peace and non-violence and asked that the City Council oppose efforts to bring nuclear energy to San Antonio. He spoke of the bombings of Hiroshima and Nagasaki and their effects of death and disfiguration. He requested that the City Council work closely with school districts; specifically, the Harlandale School District.

Antonio Diaz stated that he had spoken in support of the Crosspoint zoning case due to the overcrowding of prisons. He requested a meeting with Mayor Castro and Police Chief McManus to discuss violations of the Immigration Customs Enforcement Federal Legislation and abuse of Police authority. He spoke in high regard for Judge Albert Peña and noted his advocacy for rehabilitation rather than incarceration.

Faris Hodge, Jr. recognized Mayor Castro on his 35th Birthday and noted that City Manager Sculley had been roasted by the League of Women Voters at a fundraiser the previous week. He spoke of an article in which Pope Benedict XVI stated that he was deeply ashamed of the actions of pedophile priests. He recognized David Robinson for being inducted into the Naismith Memorial Basketball Hall of Fame and spoke of President Obama’s work on health care reform. He stated that another jail should be built and expressed concern with the enforcement of the new seat belt laws for children. He spoke in support of wind and solar energy.

Raymond Zavala spoke in support of a transition program for Veterans and recognized them for their service to our country. He stated that there should be an ordinance prohibiting the use of low cut pants and shorts. He expressed concern with nuclear energy and requested that a hand rail be installed on the ramp at Main Plaza.

Alice Canestaro-Garcia stated that she was a retired teacher living on a fixed income and expressed concern with the debt that would be incurred by CPS Energy for the nuclear power plant. She spoke in support of renewable energy and the Mission Verde Plan. She recognized Councilmembers Cisneros, Taylor and Clamp for speaking at the Neighborhood Resource Center Conference.

Leon Hernandez stated that he was a member of the American GI Forum and LULAC and expressed concern that the City had given the Municipal Auditorium to the Tobin Foundation Non-Profit Corporation. He noted that he was in support of the Arts but did not support giving city property away.
Michelle Jimenez Reyes stated that she was a member of the League for Public School Justice, a grassroots organization in the San Antonio Independent School District (SAISD) that advocated for equity and excellence. She expressed concern with comments made regarding low-income families within SAISD and with the students that were moved from their neighborhood schools to accommodate a dual system of public education.

**POINT OF PERSONAL PRIVILEGE**

Councilmember Cortez congratulated the Mayor and Councilmembers for their great work on the FY 2010 Budget.

**ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 7:35 pm.

APPROVED

JULIÁN CASTRO
MAYOR

Attest: LETICIA M. VACEK
City Clerk