

**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 COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, OCTOBER 14, 2009 AND THURSDAY, OCTOBER 15, 2009, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **October 14, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro.

1. DISCUSSION OF LOW-INCOME UTILITY ASSISTANCE PROGRAMS OF THE CITY AND CPS ENERGY, AND RELATED UTILITY ISSUES.

Steve Bartley, CPS Energy Interim General Manager stated that they would be discussing the issue of affordability and options for enhancing the low-income programs. He noted that he would like to clarify the issue of the rate plan and provided a copy of the resolution approved by the CPS Energy Board approving the selection of South Texas Project Units 3 and 4 as CPS Energy's next baseload generation resource. He explained that the resolution included the 2009 Ten-Year Electric Rate Plan that distinguished base rates and bill impact. He mentioned that the rate plan was not centered solely on nuclear energy and would finance upgrades to various energy sources.

Jelynn LeBlanc-Burley, CPS Energy Senior VP and Chief Administrative Officer provided an overview of the utility assistance program and stated that CPS Energy's Customer Service Focus offered the following: 1) A 24-hour, seven day a week hotline to make payment arrangements; 2) Four neighborhood customer service centers; and 3) Over 100 pay locations in grocery stores and other retail outlets throughout Greater San Antonio. She outlined the various low-income assistance programs that include: 1) Residential Energy Assistance Partnership (REAP); 2) Budget Payment Plan; 3) Critical Care Program; 4) Residential Disabled Citizens Billing Program; 5) Senior Citizens' Billing Program; and 6) Temporary Hardships Program.

Ms. Burley presented a summary of financial assistance provided through REAP and Project WARM. She reported that 8,262 customers had received REAP Funds totaling \$1.233 million and 738 customers had received Project WARM funds totaling \$109,000 through September 2009. She stated that they had implemented an Affordability Discount Program over a year ago and had assisted 30,000 ratepayers at a cost of \$1.5 million. She noted that the Weatherization Program had assisted 500 customers with \$300,000 and estimated that \$5.3 million would be provided to customers through the LIHEAP Program offered through Bexar County for 2009.

Ms. Burley stated that an additional \$3 million would be allocated to the Affordability Discount Program that would offer a total discount of \$8 per month and that enrollment would be capped at 40,000 customers. Within the REAP Program, Ms. Burley noted that they would draw an additional \$1 million per year for the next two years from the Trust Fund for utility assistance and increase the amount received per heating and cooling season. She reported that the STEP Weatherization Program would be implemented on December 1, 2009 and that funding for the program would be increased by \$50 million bringing the total to \$900 million.

Ms. Burley reported that they were listening and responding to the comments that they had received from the community during the public input process. She requested City Council support for the proposed enhancements to the Affordability Discount Program; REAP; Project WARM; and STEP Program. Lastly, she noted that CPS Energy was currently providing utility assistance to over 50,000 customers.

Councilmember Rodriguez asked of the \$3 million enhancement to the Affordability Discount Program. Ms. Burley replied that it was additional funding that would bring the total amount of assistance to \$8 per month per customer and would require rate support. Councilmember Rodriguez requested historical data on the amount of assistance that families have received in the past. Ms. Burley reported that through the Affordability Discount Program, the number of households assisted would increase from 30,000 to 40,000. Ms. Sculley explained that the additional \$3 million was part of the 9.5% base rate increase and would increase the monthly amount of assistance from \$3 to \$8 per month. Councilmember Rodriguez expressed support for weatherization programs that would provide long-term solutions.

Councilmember Cisneros reported that in District 1, there were 12,000 households that needed utility assistance and 20% were headed by Senior Citizens. Ms. Burley stated that funding for the REAP Program would increase to \$2 million per year over the next two years. Councilmember Cisneros requested that the eligibility criteria be reviewed so that a larger population can receive assistance and noted that 125% of poverty level was too low. Ms. Burley mentioned that the Stimulus Weatherization Program and the STEP Program allowed eligibility at 200% of the poverty level. Councilmember Cisneros highlighted the STEP Program goal of saving 771 megawatts by 2020 and thanked CPS Energy for their proposed enhancements to low-income programs.

Councilmember Ramos asked of the additional funding for the Affordability Discount Program. Ms. Burley replied that it was included in the 9.5% base rate increase. Councilmember Ramos asked of the 5% total bill increase every other year for the next 10 years. Mr. Bartley responded that CPS Energy had been reviewing the nuclear option for over three years and had determined that they would need that amount to pursue a 40% ownership in the project. He noted that although the amount of ownership had decreased to 20-25% equity interest, the 5% bill increase every other year was still needed to move forward with their Capital Plan.

Councilmember Clamp asked of the eligibility for the weatherization programs. Ms. Burley stated that it was based on various factors including income at 200% of the poverty level and inspection of the home to confirm the need for program assistance. Councilmember Clamp expressed concern that individuals might not meet the income criteria but had a great need for weatherization of their home. He asked of the acceleration in spending the \$850 million allocated for the STEP Program instead of adding \$50 million. Ms. Burley stated that energy savings for the STEP Program were achieved through various initiatives and the schedule was established through 2020. Cris Eugster stated that the STEP Program was comprehensive and included various energy efficiency measures. He noted that each measure had a different energy savings to investment ratio and that the goal of saving 771 megawatts might not be met if the allocation was shifted. Councilmember Clamp requested alternatives for reallocating a portion of the \$850 million authorized for the STEP Program toward more weatherization.

Councilmember Clamp asked of the 5% bill increase every other year at both the 40% and 20% ownership levels. Mr. Bartley stated that there were many elements within the Capital Plan that were

more expensive than originally budgeted and that the 5% increase was needed at either ownership level. Councilmember Clamp expressed concern that ratepayers were paying more and getting less in return. Councilmember Williams asked of the resolution and the allocation of CPS Energy's equity position. Mr. Bartley confirmed that their strategy was to sell a portion of the equity position and that the CPS Energy Board had authorized negotiation with outside experts to help accomplish the sale. Councilmember Williams asked of the status of NRG's sale of 10% of CPS Energy's interest. Mr. Bartley replied that there were high expectations that the buyer would be brought in before the end of the calendar year. He noted that with the sale, they would receive their development cost for that allocated amount of investment and were guaranteed an additional amount above that. Councilmember Williams asked that CPS Energy look at increasing the demand portion of the rate increase as opposed to the energy portion.

Councilmember Cortez asked of the STEP Program and a timeframe for realizing the associated benefits. Mr. Eugster stated that CPS Energy made the initial investment through rebates and incentives to the community and was reimbursed by the city one-year later through the fuel adjustment charge. He noted that some were already realizing benefits and would see greater savings in the next 10-15 years. Mr. Bartley added that various school districts had received rebates and were realizing decreases in their electric bills. He noted that the benefits were difficult to see on a total system basis but the programs were working. Councilmember Cortez stated that he would like to see additional savings through the STEP Program and continue to evaluate its effectiveness.

Councilmember Cortez asked of the outreach for low-income assistance programs. Ms. Burley stated that for the weatherization programs, they were targeting neighborhoods that needed assistance. She mentioned that outreach would include staff walking door-to-door and providing informational materials, as well as a kick-off event for the particular neighborhood being targeted. She added that they would also provide information through community centers and the CPS Energy Neighborhood Customer Service Centers. Ms. Sculley stated that city staff would work closely with CPS Energy to develop an outreach action plan. Councilmember Medina asked of the increase to the REAP Program. Ms. Burley stated that they would transfer \$1 million per year to the REAP Program for the next two years from the Trust Fund. Councilmember Medina asked of the Stimulus Funds received. Ms. Burley replied that they would be utilized for weatherization and totaled \$6 million over a two-year period.

Councilmember Medina expressed concern that many homes within District 5 were in very poor condition and may not qualify for weatherization assistance. He also expressed concern with the impact of the rate increases for those on fixed incomes including Senior Citizens. He spoke of the importance of outreach to the community regarding the assistance programs available. Councilmember Chan asked of the Trust Fund. Mr. Bartley reported that when the REAP Program was implemented; the intent was that \$500,000 would be utilized for assistance and \$500,000 would be placed in a Trust Fund. The plan was that over time, the Trust Fund would earn enough money to make the program self-sufficient. It was determined that more funds were needed for assistance, so the entire \$1 million budget was utilized for same. Councilmember Chan asked of the rate plan referenced in the resolution and what the City Council would vote on. Mr. Bartley stated that the City Council would vote on increases and tariffs that would have an impact to the bill of no more than five percent. Ms. Sculley added that the City Council would vote on the base rate increase of 9.5%.

Councilmember Chan asked of the required notice to the public regarding the base rate increase. Ben Gorzell stated that there was not a specific notice required and that a Public Hearing was usually held when considering a rate increase. Councilmember Chan spoke of the 40% equity interest in the nuclear

project, noting that CPS Energy currently owns 50% of STP 1 and 2 with a 40% equity interest and 10% sell down by NRG. She mentioned that the financial goal of STP 3 and 4 was to own 20% and sell down 20% and that the risk difference was between now and 2012, since a purchase agreement could not be achieved without knowing the cost of the project. She stated that in order to reduce the cost exposure, it would be necessary to bring in a buyer at the right time. She noted that at a 40% ownership level with a 20% sell down; CPS Energy would only be responsible for half of the construction cost. She mentioned that the risk of a 40% ownership would be that CPS Energy would be responsible for 40% of the pre-construction cost. She noted that the risk period between now and 95% engineering design was minimal depending on when the buyer was brought in and individual risk tolerance.

Councilmember Taylor thanked CPS Energy for their efforts to enhance the low-income assistance programs. She asked of the potential buyers. Mr. Bartley stated that there had been extensive preliminary conversations with entities interested in purchasing power through sell down and were confident that they would be even more interested in an equity ownership. Councilmember Taylor asked of the possibility of a lesser rate increase based on reviewing an increase to the demand portion. Mr. Bartley explained that regardless of the rate design that was considered, the basis was to accomplish recovery of the same amount of dollars. Mr. Gorzell added that in order to support the capital plan, a certain amount of revenue would have to be generated.

Councilmember Williams spoke of the STEP Program and the amount of time needed to realize savings. He expressed support for bringing buyers in sooner than later to reduce risk exposure. Councilmember Clamp spoke of the importance of seeing the benefits and cost break down of the STEP Program in the long-term capital plan. He asked of the back-up plans if the rate increase goals were not achieved. He expressed concern that he had not received financial information to justify the difference between buying or leasing and asked of the city's 14% allocation. Mr. Bartley stated that for every asset that had been sold in the past, the city had received their 14% payment. Councilmember Clamp expressed support for redirecting the city's 14% payment from capital for nuclear to an operational reserve account. Councilmember Ramos stated that her risk tolerance was at the lower end and requested a copy of the pie charts of the diversification of energy sources today compared to those in 2020.

Mayor Castro asked of the timeline for the weatherization program. Ms. Burley stated that STEP Weatherization Program applications would be accepted beginning December 1, 2009 and CPS Energy would begin providing services by mid-December, 2009. She noted that they would work with city staff to identify target areas and had identified three targeted neighborhoods for Stimulus Funds – Dignowitty; Roosevelt Corridor; and Westside Corridor. Mayor Castro asked of collaboration with SAWS and other entities. Ms. Burley replied that they would partner with SAWS and city staff on the STEP and Stimulus weatherization programs. Mayor Castro stated that the current investment in STP 1 and 2 is 50% but not expected to stay at that level for STP 3 and 4. He asked of the contract that would be executed with Merrill Lynch. Mr. Bartley stated that they would be executing contracts with various firms including Merrill Lynch, Public Financial Management, and Fullbright and Jaworski, to bring their expertise with respect to a potential sale. He noted that most of the entities already had a working relationship with CPS Energy but due to the nature of the project, warranted separate contracts. He asked if there was a low-income rate that was distinct from others. Mr. Bartley confirmed that there were 32,000 households utilizing a discounted rate and would increase to 40,000 households. Mayor Castro stated that the weatherization and low-income discount programs were essential components of the package to be considered.

Mayor Castro recessed the meeting at 4:14 pm to convene in Executive Session for the purposes of:

- A. DELIBERATIONS REGARDING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AND DISCUSSION OF RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.072 (REAL PROPERTY) AND 551.071 (CONSULTATION WITH ATTORNEY).
- B. DISCUSS LEGAL ISSUES RELATED TO CITY OF SAN ANTONIO, TEXAS, ETAL., V. HOTELS.COM, L.P., ET AL. IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION, CASE NO SA06CA0381 OG, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).
- C. DELIBERATE COMPETITIVE MATTERS REGARDING THE SOUTH TEXAS NUCLEAR PROJECT AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.086 (COMPETITIVE MATTERS) AND 551.071 (CONSULTATION WITH ATTORNEY). IT WAS ANNOUNCED THAT SAID ITEM WOULD NOT BE ADDRESSED IN EXECUTIVE SESSION.

Mayor Pro Tem Medina reconvened the meeting at 5:29 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action. There being no further discussion, Mayor Pro Tem Medina adjourned the meeting at 5:29 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **October 15, 2009** at 9:00 am in the City Council Chambers.

Item 1. The Invocation was delivered by Rev. Jon D. Lowry, Pastor, Laurel Heights United Methodist Church, guest of Councilmember Mary Alice Cisneros, District 1.

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.

Item 3. MINUTES

Councilmember Cisneros made a motion to approve the Minutes for the City Council Budget Work Session of September 8, 2009 and the Regular City Council Meeting of September 10, 2009. 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 Item 4:

Item 4. STAFF BRIEFING ON THE CITY'S AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) INITIATIVES TO INCLUDE A SUMMARY OF THE CITY'S SPENDING PLANS, PROJECT AND PROGRAM DELIVERY TIMELINES, AND ACHIEVED RESULTS TO DATE.

Sheryl Sculley stated that the American Recovery and Reinvestment Act (ARRA) Program was comprised of three phases and Phase I had been implemented in November, 2008. She explained that staff began gathering information and organizing projects at that time. She noted that Phase II began after the Stimulus Bill was approved in February, 2009 and Phase III was occurring through the implementation of work plans and delivery of services. She mentioned that the City would receive grants through various programs and was responsible for adhering to audit procedures.

Peter Zanoni reported that \$166 million in Stimulus Funds had been identified for the City through various agencies and would be funded over multiple years. He stated that \$61 million had been awarded and was ready to spend, while \$51 million would be managed by the Texas Department of Transportation (TxDOT) and the US Army Corps of Engineers. He noted that \$54 million was pending official notice and/or agency guidelines. He outlined the \$61 million projects that included the following: 1) TxDOT/MPO Local Streets – \$17.2 million; 2) CDBG Council-Selected Projects - \$3.9 million; 3) Public Safety - \$12.4 million; and 4) Health and Human Services - \$27.6 million. He added that the projects would be managed and funds would be spent according to Federal Guidelines and Schedules.

Mr. Zanoni provided detailed information on each of the projects by category. He spoke of the San Antonio Mission Reach Project noting that \$25 million had been identified in ARRA Funding for Phase 2A. This would improve a one-mile section from the convergence of San Pedro Creek and San Antonio River to Mission Road and include additional trees and habitat. He mentioned that construction would begin in December, 2009 and was scheduled for completion in April, 2011. He stated that the City had been awarded up to \$14.39 million from the Department of Homeland Security Transportation Security Administration for the Checked Baggage Inspection System and included security components. He noted that the Fire Department had been awarded \$7.3 million through the Assistance to Firefighters Grant for fire station construction and staff was evaluating the impact to project timelines. He reported that \$12.3 million had been identified for a Weatherization Assistance Program that would weatherize a minimum of 700 low-income homes per year over a two-year period. He added that \$12.9 million had been identified through Energy Efficiency Block Grant Funds and that project scopes and implementation plans were contingent upon release of final Federal authorization.

Councilmember Williams asked if there would be a delay in hiring and training individuals or purchasing equipment for the \$7.3 million Fire Station Grant. Mr. Zanoni replied that there would not be a delay. Erik Walsh, Assistant City Manager added that the City had budgeted the resources for the personnel and equipment and it was scheduled to come on-line in October, 2010. Councilmember Lopez commended the Department of Community Initiatives regarding the Head Start transition and noted that they were serving children at a better level than before. He asked of the considerations given when installing curbs and sidewalks along narrow streets and the potential safety issue. Majed Al-Ghafry stated that they reviewed the option of placing sidewalks along one side of the street and also engaged neighborhoods in the process. He noted that there were challenges with selecting the side of the street that would have sidewalks and looked at obstructions with utilities and conflicts with driveways. He added that the minimum width of a street was 24 feet and provided for two lanes of traffic.

Councilmember Lopez expressed concern that \$75,000 in funding for the Westside Development Corporation almost expired without having been utilized and asked if there were other grants in a similar situation. It was noted that the funds in question were not related to Stimulus Funds. Frances Gonzalez explained that in regard to CDBG Funds, the community was informed of the next year of programming and available funds. She noted that a Request for Proposals is released shortly thereafter and non-profit organizations are eligible to apply for funding. Councilmember Clamp asked if the funding for Mobile Data Terminals would help in the progression for Police Officers being able to complete a police report from their vehicle. Richard Varn stated that said item was primarily for replacement and would assist with that project. He noted that the older computers needed memory upgrades in order to run the newer graphical CAD and mobile data information. He reported that the automated field reporting system would be completed in March, 2010. Councilmember Clamp asked of the automated reporting project that began over a decade ago. Ms. Sculley stated that they had evaluated a number of operations within the Police Department that included the Direct Report Entry (DRE). An audit of the DRE showed it was not being productively implemented so it was discontinued.

Councilmember Clamp asked of the estimated productivity that will be gained by the implementation of the new reporting system. Mr. Varn stated that the project would compare processes before and after and would provide the opportunity to see and share additional data with others in the system. Councilmember Cisneros asked of the Airport Baggage Handling Grant. Mr. Zanoni reported that the funds would be utilized for 90% of the capital cost of the Baggage Handling System. He noted that construction of the project had begun and the City would be reimbursed for expenses. Councilmember Cisneros asked of the Police Officers that had been hired through the Community Oriented Policing Grant. Mr. Zanoni stated that they had begun the Training Academy and would graduate in May, 2010. He noted that the Police Chief would determine where they would be assigned. Mr. Walsh added that they were required to be part of the department's community policing philosophy and would enhance neighborhood patrols.

Councilmember Cisneros recognized the Department of Community Initiatives regarding the smooth Head Start transition and asked of the additional funding. Mr. Campa stated that equipment purchases and upgrades would be made beginning in November and that additional training and education would be provided to teachers and workers beginning in January. Councilmember Rodriguez asked of the funding for Gilbert Garza Community Center. Mr. Zanoni stated that the funds were flexible and could be utilized for general park improvements as requested. Councilmember Rodriguez noted the importance of streamlining processes for the Police Department to ensure efficiency and expressed support for the Energy Efficiency Block Grant. Mayor Castro recognized city staff for their work on securing ARRA Funds and noted that they would have a great impact on the community.

Nazirite Ruben Flores Perez expressed support for the collaboration on the San Antonio River Project. He noted that there were two street lights near Our Lady of the Lake University that needed to be fixed.

No action was required on Item 4.

CONSENT AGENDA – Items 5-24

Consent Agenda Items 8, 10, 11, 13, 14, 17, 22, 23, and 24 were pulled for Individual Consideration. Councilmember Clamp moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

Cruz Chavira stated that he was in favor of the ordinance on the agenda to extend the Airport Shuttle Contract (Item 14) and served on the Transportation Advisory Board. He noted that the contract was more favorable to the City due to the minimum guarantees. He spoke of the effects of the 9-11 Tragedy and the economic conditions on the hospitality industry and noted that said factors also affected SATRANS.

Robert Gonzalez representing National Cab stated that he too served on the Transportation Advisory Board and was in support of the extension of the SATRANS contract. He noted that they wanted fair play for the cab drivers and would like to work with Aviation Director Frank Miller regarding same.

Nazirite Ruben Flores Perez stated that San Antonio Water System had not worked very well with the San Antonio River Authority. He thanked management for addressing his concern regarding City Employees that had been assessed points for not attending a luncheon.

POINT OF PERSONAL PRIVILEGE

Councilmember Cortez recognized Marcia Meredith, Jose Daniel Moreno-Lozano, Mary Anguiano, Carole Abitz, James Myers, Mary Luna, Vanessa Chavez, and Frank Castro, Jr. for agreeing to serve as District 4 Representatives to various boards and commissions.

Written testimony was received from Faris Hodge, Jr. Mr. Hodge wrote in favor of Item 4 related to Stimulus Funding and asked of the City's projected FY 2010 spending plan. He expressed concern that the contract costs in Item 5 were estimates. He wrote in favor of Items 7-24.

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. **NAY:** None. **ABSENT:** None.

2009-10-15-0818

Item 5. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING ANNUAL CONTRACTS IN THE ESTIMATED ANNUAL AMOUNT OF \$1,594,000.00: (A) FREIGHTLINER OF SAN ANTONIO, LTD. FOR MANUAL TRANSMISSION PARTS AND SERVICE; (B) J.R. RAMON & SONS, INC. FOR DEMOLITION SERVICES; (C) BUCKEYE CLEANING CENTER, GULF COAST PAPER, HILLYARD, INC., K-STONE SUPPLIES & REPAIRS, MATERA PAPER COMPANY AND POLLOCK PAPER DISTRIBUTORS FOR JANITORIAL SUPPLIES AND PERSONAL CARE ITEMS; (D) HERTZ EQUIPMENT RENTAL CORPORATION FOR RENTAL OF CONSTRUCTION EQUIPMENT; (E) ORACLE FOR SOFTWARE MAINTENANCE AND SUPPORT; AND (F) VION CORPORATION FOR BROCADE HITACHI MAINTENANCE AND SUPPORT.

2009-10-15-0819

Item 6. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$154,950.00 TO THE \$619,850.00 CONTRACT WITH DATALINK CORPORATION TO PROVIDE THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH FOUR (4) ADDITIONAL DISK STORAGE EXPANSION TRAYS FOR THE DATA DOMAIN DISK-BASED DATA BACKUP AND RECOVERY SYSTEM, FUNDED BY FY 2009-2014 CAPITAL PROJECT FUNDS.

2009-10-15-0820

Item 7. AN ORDINANCE ACCEPTING THE OFFERS FROM APPLIED BIOSYSTEMS AND ROCHE DIAGNOSTICS CORP. FOR THE PURCHASE OF LABORATORY EQUIPMENT FOR THE METROPOLITAN HEALTH DISTRICT FOR A COST OF \$204,956.00, FUNDED BY THE PUBLIC HEALTH EMERGENCY RESPONSE GRANT FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES.

2009-10-15-0822

Item 9. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$292,376.70, FROM A TOTAL AUTHORIZED PROJECT AMOUNT OF \$357,775.80, TO HERSHAP BACKHOE & DITCHING INC. FOR THE HEMISFAIR GROUNDWATER FORCE MAIN PROJECT (PHASE 1), FUNDED FROM THE FY 2010 BUDGET, LOCATED IN COUNCIL DISTRICT 1.

2009-10-15-0825

Item 12. AN ORDINANCE AUTHORIZING A FINAL CHANGE ORDER IN THE DECREASED AMOUNT OF \$292,793.51 TO THE \$1,243,479.86 CONSTRUCTION CONTRACT WITH KL&J PARTNERSHIP, AND UTILIZING AN EXISTING PUBLIC WORKS INDEFINITE DELIVERY CONTRACT FOR COMPLETION OF THE DISTRICT 5 HOUSING AND URBAN DEVELOPMENT (HUD 108) PROJECTS.

2009-10-15-0828

Item 15. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE WITH WENDELL L. MILLER FOR OFFICE SPACE AT 4458 E. HOUSTON STREET IN COUNCIL DISTRICT 2, FOR USE AS A CONSTITUENT OFFICE, FOR AN ANNUAL RENTAL OF \$14,400.00.

2009-10-15-0829

Item 16. AN ORDINANCE APPROVING THE PRICE, TERMS AND CONDITIONS OF SALE BY THE SAN ANTONIO DEVELOPMENT AGENCY (SADA), ALSO KNOWN AS THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO, OF APPROXIMATELY 0.1078-ACRES OF PROPERTY, AND THE STRUCTURE THEREUPON, LEGALLY DESCRIBED AS NCB 616 BLK 2 LOT 41 HISTORIC GARDENS PHASE III BSL REPLAT, TO MR. MARCO CARMONA, FOR A TOTAL SUM OF \$114,000.00.

2009-10-15-0831

Item 18. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS UPON AWARD FOR A GRANT FROM THE ASSOCIATION FOR LIBRARY SERVICE TO CHILDREN IN THE AMOUNT OF \$3,000.00 TO PROVIDE LITERACY WORKSHOPS FOR INCARCERATED PARENTS AS WELL AS THE CAREGIVERS OF THEIR CHILDREN.

2009-10-15-0832

Item 19. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF A \$220,000.00 GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR "CLICK IT OR TICKET" SELECTIVE ENFORCEMENT PROGRAM'S SEAT BELT AND CHILD SAFETY SEAT ENFORCEMENT PROGRAM FOR THE GRANT PERIOD OCTOBER 19, 2009 TO JUNE 6, 2010.

Item 20. 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. APPOINTING PATRICK T. ABSHER (DISTRICT 6, CATEGORY: TOUR/CHARTER/SHUTTLE REPRESENTATIVE) TO THE TRANSPORTATION ADVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- B. APPOINTING MARCIA MEREDITH (DISTRICT 4) TO THE CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- C. APPOINTING JOSE DANIEL MORENO-LOZANO (DISTRICT 4) TO THE SAN ANTONIO YOUTH COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- D. APPOINTING MARY ANGUIANO (DISTRICT 4) TO THE SAN ANTONIO HOUSING TRUST FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- E. REAPPOINTING CAROLE A. ABITZ (DISTRICT 4, CATEGORY: LAYPERSON) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- F. REAPPOINTING JAMES L. MYERS (DISTRICT 4) TO THE ZONING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- G. REAPPOINTING MARY K. LUNA (DISTRICT 4) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- H. REAPPOINTING VANESSA B. CHAVEZ (DISTRICT 4) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- I. REAPPOINTING FRANK CASTRO, JR. (DISTRICT 4) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

2009-10-15-0833

- J. AN ORDINANCE DESIGNATING THE COUNCILMEMBERS FROM DISTRICT 1, DISTRICT 2, AND DISTRICT 5 AS EX-OFFICIO MEMBERS TO THE BOARD OF DIRECTORS FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS, KNOWN AS THE "INNER CITY" TIRZ; PROVIDING THAT CHAPTER 2, ARTICLE IX, BOARDS AND COMMISSIONS, SECTIONS 2-256 TO 2-528 OF THE CITY CODE ARE NOT APPLICABLE TO EX OFFICIO MEMBERS; AND APPOINTING COUNCILMEMBER IVY R. TAYLOR AS

CHAIR OF THE INNER CITY TIRZ BOARD FOR A ONE-YEAR TERM EFFECTIVE
JANUARY 1, 2010.

2009-10-15-0834

Item 21. AN ORDINANCE TERMINATING INACTIVE CAMPAIGN TREASURER APPOINTMENTS.

[CONSENT AGENDA ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2009-10-15-0821

Item 8. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A STATE COOPERATIVE CONTRACT WITH THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) TO PROVIDE THE CITY OF SAN ANTONIO WITH INFORMATION TECHNOLOGY STAFFING SERVICES FOR A COST OF \$2,000,000.00 FUNDED WITH FY 2010 CAPITAL BUDGET AND OPERATING FUNDS.

Councilmember Clamp asked of the advantages to hiring individuals rather than contracting for the services. Richard Varn stated that they tried to utilize contractors for short-term projects and that they paired up contractor staff with city staff to learn the skills needed for particular projects. He added that if there were no restrictive covenants in their contract, contract staff sometimes applied for permanent city positions.

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

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

The City Clerk read the following Ordinance:

2009-10-15-0823

Item 10. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT WITH SILVERADO BROTHERS IN THE AMOUNT OF \$439,980.97, OF WHICH \$202,277.58 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS (SAWS), FOR THE GREEN – NOGALITOS TO IH 35 STREET PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATIONS BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 5, FROM A TOTAL AUTHORIZED PROJECT AMOUNT OF \$562,535.76.

Councilmember Medina asked for additional information regarding the project. Mike Frisbie responded that they would be reconstructing the street to include curbs, sidewalks, and address drainage issues. He stated that construction would begin in December and would take a year to complete. He noted that SAWS would be jointly working on the project. Councilmember Medina asked if Silverado Brothers was a small business. Mr. Frisbie replied that they were a local, small, minority-owned business and had performed work for the city in the past. Councilmember Medina expressed his support for the project.

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

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

The City Clerk read the following Ordinance:

2009-10-15-0824

Item 11. AN ORDINANCE AUTHORIZING A SAN ANTONIO WATER SYSTEM (SAWS) REQUESTED CHANGE ORDER IN THE INCREASED AMOUNT OF \$92,392.00 TO THE \$3,756,883.72 CONSTRUCTION CONTRACT WITH JAY REESE CONTRACTORS, INC., ALL OF WHICH WILL BE REIMBURSED BY SAWS, FOR REPLACEMENT OF TWO SECTIONS OF A SEWER MAIN FOR THE HAYS STREET BRIDGE REHABILITATION PROJECT, A LOCAL AGENCY MANAGEMENT PROJECT, FUNDED WITH CERTIFICATES OF OBLIGATION AND 2007-2012 GENERAL OBLIGATION BONDS, LOCATED IN COUNCIL DISTRICT 2.

Councilmember Taylor highlighted the project and stated that the bridge had been an eye sore and would provide a safe pedestrian and bike route.

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

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

The City Clerk read the following Ordinance:

2009-10-15-0826

Item 13. AN ORDINANCE AUTHORIZING AN INDEFINITE DELIVERY CONTRACT WITH PARK CONSTRUCTION COMPANY FOR AN AMOUNT UP TO \$3,835,777.10 FOR FEDERAL ECONOMIC STIMULUS AND CAPITAL BUDGET PROJECTS LOCATED CITY-WIDE INCLUDED IN THE 2009-2010 INDEFINITE DELIVERY CONTRACT PACKAGE III.

Councilmember Ramos asked of the indefinite delivery method. Majed Al-Ghafry stated that it was a method for completing several construction projects at the same time and established unit prices. Councilmember Ramos asked if the funds would be utilized for Infrastructure Management Program (IMP) projects. Mr. Al-Ghafry stated that these funds would be used to expedite IMP projects and that they could utilize the indefinite delivery contracts for other work as well. Councilmember Ramos asked of the bid process and if the company selected was local. Mr. Al-Ghafry replied that there were 11 companies that bid on the project and that Park Construction Company had been deemed the lowest and most responsive bidder. He noted that Park Construction was not a local company but had committed that 50% of the work would be performed by local businesses. Councilmember Ramos expressed concern with the limited amount of local small business participation in the contracting process. Mr. Al-Ghafry reported that the company had performed work for the city under a different name in the past and had performed to the city's satisfaction.

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

The City Clerk read the following Ordinance:

2009-10-15-0827

Item 14. AN ORDINANCE AUTHORIZING THE LEASE ASSIGNMENT FOR THE AIRPORT SHUTTLE CONCESSION CONTRACT FROM SATRANS JOINT VENTURE TO CITY TOURS, INC., AND EXERCISING THE FIRST ONE-YEAR EXTENSION.

Frank Miller gave a brief summary of the contract explaining that they were assigning the contract from SATRANS from the majority partner to the minority partner, City Tours. He stated that they would be given a one-year extension and that they would be required to pay the amounts owed to the city. He noted that the majority partner would have 60 days to make their payment to the Airport and that SATRANS would be responsible for \$81,000 and would make payments over the term of their assignment.

Councilmember Cortez asked how long SATRANS had the contract and of their performance. Mr. Miller reported that they had been awarded the contract in 2001 and that since May, 2005, they had only received five complaints. He noted that there had been numerous refunds reported. Councilmember Cortez asked of the minimum annual guarantee on the contract. Mr. Miller replied that it was \$175,000 or 15% of their gross revenue, whichever is greater. He mentioned that the contract would be up for review in one year and the City Council would decide whether or not to extend the contract.

Councilmember Chan expressed concern with the money owed to the city and asked why the concerns with non-payment had taken so long to address. Mr. Miller stated that Airport staff had allowed the amount owed to exceed the performance bond but had implemented measures to ensure that it did not happen in the future. Councilmember Chan asked of the rationale for extending the contact based on poor financial performance. Mr. Miller replied that there was now a timetable in place to recover all of the monies owed. Councilmember Chan expressed concern that other small businesses would not be provided the opportunity to bid on the contract. She asked why they could not pay off the amount owed all at once. Mr. Miller stated that he did not know the financial ability of the company to pay off the entire debt but would look into it. He noted that this was the best way to recover the payments owed and if they failed; staff could call on the bonding company for their performance bond.

Councilmember Williams asked if the equipment had been inspected. Mr. Miller stated that 50% of the fleet was in good condition and that the company had committed to supplement the poor equipment with vehicles from their other business. Councilmember Williams asked where the contract was being managed. Mr. Miller stated that they were reviewing the division and would be making changes in an effort to better administer contracts. Councilmember Williams asked of opening the contract out for bid. Mr. Miller replied that their intent was that after the one-year extension, they would review the performance of City Tours. He stated that if they made their payment and performed well, staff would bring the contract to the City Council for possible further extension.

Councilmember Medina asked of the length of time that the SATRANS service area had been in existence and the percentage of passengers utilizing cabs. Mr. Miller stated that he was unsure of the service area but would follow up with the information. He noted that approximately 90% of passengers arriving at the airport utilized taxi cab service. Councilmember Rodriguez asked of the \$81,000 in arrears and the checks in place to ensure that the city receives payment. Mr. Miller stated that they were required to make a monthly payment on the arrears and also 1/12 of their annual guarantee. Additionally, they would be required to pay for their space in the terminal building and if the annual guarantee was exceeded; they would pay 15% of that as well. Councilmember Rodriguez stated that under the circumstances, he was supportive of the compromise to afford them the opportunity to make payments and be good stewards of the community. Mayor Castro stated that said item had impacted the organizational behavior of the city and spoke of the importance of maintaining contracts.

Ms. Vacek read a written testimony from Sylvia Neira of South San Antonio Independent School District in support of Edward Torres and the employees at City Tours. She wrote that South San had a relationship with Mr. Torres and the companies he operated for over ten years and had provided excellent service and performance. She wrote that Mr. Torres and his companies were reliable and trustworthy and had selected him to perform work on numerous occasions. She recommended SATRANS for the Airport Shuttle Contract.

Councilmember Cortez moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion. Councilmember Clamp offered a friendly amendment to reflect an automatic Request for Proposals in one year. Councilmembers Cortez and Cisneros accepted the friendly amendment. Sheryl Sculley stated that the current contract would expire in May of 2010 and said item would be extended for one year from that time. She recommended that the re-bid be initiated after 20 months.

The motion with the friendly amendment by Councilmember Clamp and the City Manager's recommendation to re-bid in 20 months 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:

2009-10-15-0830

Item 17. AN ORDINANCE (A) RATIFYING THE PRIOR SUBMISSION OF A REVISED GRANT APPLICATION FOR FEBRUARY 1, 2009 THROUGH JANUARY 31, 2010 TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS); (B) AUTHORIZING CONTRACT AMENDMENTS FOR THE PERIOD OF APRIL 1, 2009 THROUGH JANUARY 31, 2010 WITH HEAD START CONTRACTORS TOTALING \$4,332,385.00, WHICH INCLUDES \$2,805,901.00 IN AMERICAN REINVESTMENT AND RECOVERY ACT (ARRA) STIMULUS FUNDING; AND (C) AUTHORIZING THE SUBMISSION OF AN GRANT APPLICATION, AND THE ACCEPTANCE, UPON AWARD, OF A HEAD START PROGRAM CONTINUATION GRANT IN AN AMOUNT UP TO \$47,953,082.00 FROM HHS FOR THE CONTINUING OPERATION OF THE 2010-2011 HEAD START PROGRAM AND ACCEPTANCE OF ADDITIONAL FUNDING AS IT MAY BECOME AVAILABLE; AN IN-KIND MATCHING BUDGET OF UP TO \$11,988,270.00 (CITY GENERAL FUND IN-KIND MATCH OF \$703,133.00 AND PARTNER IN-KIND \$11,285,138.00); AND A BUDGET AND PERSONNEL COMPLEMENT OF 31 POSITIONS FOR THE DEPARTMENT OF COMMUNITY INITIATIVES FOR THE FY 2010 - 2011 GRANT.

Councilmember Ramos recognized the Department of Community Initiatives for the great Head Start transition. She asked of the cost of living adjustments that would be provided by the grant. Dennis Campa stated that \$847,000 had been received through Stimulus Funding for cost of living adjustments for the City and its partners. He noted that an additional \$1.4 million had been awarded for permanent cost of living adjustments. Councilmember Ramos asked of the grant funded positions. Mr. Campa reported that grant funds were awarded annually and many of the employees had been with the department for five years or longer. Councilmember Ramos asked of the number of children enrolled in Head Start. Mr. Campa stated that there were 6,789 enrolled and more than 600 children were on the waiting list. He confirmed that city employees working in the Head Start Program would not receive a cost of living adjustment. Mr. Campa recognized representatives from Edgewood and Region XX that were in attendance.

Councilmember Ramos asked of the 2013 Goal that had already been exceeded. Mr. Campa reported that the 2013 Guidelines for Head Start require that 50% of all teachers have at least a bachelor's degree and that currently, 100% of teachers have bachelor's degrees. Councilmember Cisneros recognized Dr. Sylvia Reyna of Edgewood and asked of their transition. Dr. Reyna stated that their transition had been smooth and 755 children were enrolled. She spoke of the great collaboration with the city and the quality of the early childhood education program. She noted that parents were working diligently in the classroom and hoped to expand the program in the future. Councilmember Cisneros asked of a dual language program for Head Start. Dr. Reyna stated that they had a model for it and would like to provide it in the early childhood centers.

Councilmember Medina thanked staff for the great Head Start transition and asked of the dual language program. Mr. Campa explained that the dual language program taught all children to be fluent in both English and Spanish. Councilmember Lopez asked of the Head Start Policy Council. Mr. Campa stated that they were recruiting individuals to serve on the Head Start Policy Council and had extended the deadline for applications. Councilmember Lopez recognized Region XX for their great partnership.

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

The City Clerk read the following Ordinance:

2009-10-15-0835

Item 22. AN ORDINANCE AUTHORIZING A ONE-YEAR EXTENSION OF THE CITY'S PROFESSIONAL SERVICES CONTRACT WITH SEDGWICK CMS, INC., FOR THIRD-PARTY ADMINISTRATOR SERVICES FOR OPERATION OF THE CITY'S LIABILITY AND WORKERS' COMPENSATION SELF-INSURANCE PROGRAMS AT A COST OF \$1,588,931.50, FOR A ONE-YEAR TERM BEGINNING JANUARY 1, 2010, FUNDED FROM THE FY 2010 BUDGET, ALLOCATED TO THE LIABILITY SELF-INSURANCE FUND AND THE WORKERS' COMPENSATION FUND.

Councilmember Clamp asked of the decreased number in worker's compensation claims due to the automated garbage collection service and its correlation to said contract. Assistant City Manager Sharon De La Garza stated that the overall claims in terms of number of claims processed may remain the same

but that the dollar amount may decrease. She noted that the contract revolved around processing so there may not be a direct correlation between an administrative fee and total claims dollars. She mentioned that the recommended firm was proactive and had brought many good programs to the city.

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

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

The City Clerk read the following Ordinance:

2009-10-15-0836

Item 23. AN ORDINANCE APPOINTING A SAN ANTONIO MUNICIPAL COURT JUDGE FOR THE REMAINDER OF AN UNEXPIRED TERM, TO EXPIRE APRIL 30, 2010.

Chip Haass, Chair of the Municipal Court Advisory Committee and Former City Councilmember explained the selection process of the full-time Municipal Court Judge. He stated that the process had been initiated to fill the vacancy left by Judge Monica Gonzalez. He noted that 23 applications had been received and nine had been selected for an interview. He reported that the Municipal Court Advisory Committee had unanimously selected Mr. Robert Lipo. Mr. Robert Lipo addressed the City Council and stated that he graduated from St. Mary's Law School. He received a Master's Degree in Federal Tax Law from the University of San Diego. He spoke of his work experiences that led him to private practice since 1999, concentrating on Criminal Law. Councilmember Clamp expressed support for the selection of Robert Lipo, Jr. as full-time Municipal Court Judge.

Councilmember Rodriguez thanked everyone involved in the selection process and expressed support for the recommendation of Robert Lipo, Jr. He asked if the part-time vacancy would have to be filled. Municipal Court Clerk Fred Garcia stated that he had discussed the issue with Judge Bull and it would be done at the discretion of the City Council. He noted that with the addition of Robert Lipo, there would be nine full-time Judge positions filled and that the part-time judges were called in when necessary. Councilmember Cortez congratulated Mr. Lipo on his appointment and asked of the selection process. Mr. Haass stated that the process had been thorough and transparent and mentioned going through the Governance City Council Committee. Mayor Castro thanked everyone involved in the appointment process and thanked Mr. Lipo for this service to the City of San Antonio.

Councilmember Clamp moved to adopt an Ordinance appointing Robert Lipo, Jr. as full-time San Antonio Municipal Court Judge by Ordinance. Councilmember Rodriguez 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:

2009-10-15-0837

Item 24. AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 14, ENTITLED SOLID WASTE, REGARDING THE CITY'S CURRENT ILLEGAL DUMPING REGULATIONS, AUTHORIZING CRIMINAL PROSECUTION OF AN INDIVIDUAL CAUGHT ILLEGALLY

DUMPING INCLUDING PROVISIONS TO PROSECUTE AN ENTITY AND/OR ENTITY'S AGENT OR EMPLOYEE THAT ILLEGALLY DUMPS.

Councilmember Ramos noted that she had been working on the issue of illegal dumping for some time and expressed her support for the amendment to the City Code to address same. David Garza provided an overview of the amendment, noting that they would enforce stricter penalties on individuals that violate the Illegal Dumping Ordinance. He noted that the current ordinance only allowed a fine of up to \$500 but the revised ordinance would authorize the assessment of fines in an amount up to \$2,000. Councilmember Ramos asked of the cost to the City to address illegal dumping. Mr. Garza reported that they spent almost \$1 million addressing illegal dumping. Councilmember Ramos spoke of the surveillance cameras that would be utilized in nuisance areas within District 3 and recognized individuals from a southeast neighborhood crime watch group that were in attendance.

Councilmember Medina asked of the number of illegal dumping surveillance cameras throughout the city. Mr. Garza replied that a pilot project had been implemented with three cameras located within District 3. Councilmember Medina spoke of the many issues with illegal dumping and requested that surveillance cameras also be installed in District 5. Councilmember Cisneros noted that there were many illegal dumping issues throughout the community and asked staff to identify funding for additional cameras. She mentioned the possibility of utilizing the money collected from fines. Councilmember Lopez asked of the monitoring of the cameras. Mr. Garza stated that they were collaborating with the Police Department on same. He noted that the graffiti surveillance cameras were monitored by 33 volunteers in the monitoring room at Police Headquarters. He mentioned that they dispatched immediately if they witnessed a violation occurring. Councilmember Lopez noted that illegal dumping was a city-wide issue and commended the individuals that volunteered. Mayor Castro recognized Councilmember Ramos for her initiative and city staff for their efforts.

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

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

CITY MANAGER'S REPORT

A. 2009 City Employee Survey

Ms. Sculley shared the results of the City Employee Survey and noted that the first survey had been conducted in 2007. She reported that the response rate had significantly increased in 2009 due in part to the improvements that had been made subsequent to the 2007 survey. She stated that it was a continuous improvement process and provided benchmarks for areas needing improvement. She thanked all involved in the process including the employees that participated in the survey.

B. Animal Care Services National Media Campaign

Ms. Sculley spoke of a National Media Campaign involving Cesar Milan, the Dog Whisperer, that would be centered in San Antonio. She stated that Mr. Milan had visited San Antonio during Dog Awareness Week in July and had decided to target pet ownership education efforts specifically within the Hispanic community. She noted that he would be participating in commercials and public service announcements for use in San Antonio and throughout the country.

Councilmember Clamp asked if an additional meeting to discuss CPS Energy-related issues had been scheduled. Ms. Sculley stated that there was not a meeting scheduled but would do so at the will of the City Council. Councilmembers Chan and Rodriguez expressed her support for scheduling a meeting to discuss CPS Energy-related issues.

Mayor Castro recessed the meeting at 12:05 pm to break for lunch and noted that the meeting would resume at 2:00 pm for Zoning.

INDIVIDUAL ZONING ITEMS

Mayor Castro reconvened the meeting at 2:05 pm and addressed the Individual Zoning Items. Councilmember Cortez requested that Items 26 and 27 be deferred until Councilmember Ramos arrived.

2009-10-15-0838

Item Z-1. (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.

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: PORTION OF LOT A-3, NCB A-27, LOT 1 THRU LOT 12, NCB 7057 (4.8341 ACRES) TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "I-1 S" GENERAL INDUSTRIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR MILLWORK AND WOOD PRODUCTS MANUFACTURING PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented Item Z-1 and stated that it would amend 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. He noted that staff and the Zoning Commission recommended approval with the following conditions: 1) That the hours of operation be limited to 7:00 am and 7:00 pm Monday through Friday; 2) That primary ingress and egress be from Essex Street, that there be no commercial access from South Cherry Street, and access from South Cherry Street be only for non-commercial and emergency vehicles; 3) That an eight-foot tall solid screen fence be maintained along South Cherry and Essex Streets; and 4) That outside storage of materials be limited to 10 feet in height.

Councilmember Taylor stated that she had met with staff and the applicant on the matter. She noted that she did not want to impose all of the recommended conditions on the applicant because it would affect their ability to efficiently conduct business.

Councilmember Taylor moved to adopt the proposed zoning with the condition that the applicant build an eight-foot privacy fence along Cherry Street and that the fence be constructed of materials that would make it difficult to place graffiti on. Councilmember Williams seconded the motion.

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

DENIED

Item P-1. (District 5): AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NOGALITOS/ S. ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF AN 0.0717 ACRE TRACT OF LAND LOCATED AT 110 PENDLETON FROM MEDIUM DENSITY RESIDENTIAL LAND USE TO NEIGHBORHOOD COMMERCIAL LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE #Z2009119)

Nina Nixon-Mendez presented said item and stated that it would amend the land use plan contained in the Nogalitos/S. Zarzamora Community Plan. She noted that staff and the Zoning Commission recommended approval.

Mayor Castro called on the individuals registered to speak.

Diane Lang addressed the Council and stated that the Nogalitos Zarzamora Coalition was opposed to the Plan Amendment. She noted that the owner of the property was not interested in developing it and lived in Ohio. She mentioned that there was no space for parking and expressed concern with the heavy traffic on both sides of the property. She added that the zoning change would allow for alcohol sales and would compound the issues with loitering and drinking under the nearby bridge.

Allen Townsend of the Nogalitos Zarzamora Coalition also spoke in opposition to said item. He stated that the issue should have been settled prior to coming before the City Council and expressed concern with the vagueness of the plans.

Fidel Castillo stated that he was new to the area and spoke of his plans to establish a small neighborhood carry-out store. He stated that his plan was to service the neighborhood and had chosen the area because his partner's family grew up on Pendleton Street.

Councilmember Medina stated that he had received an e-mail from the Collins Garden Neighborhood Association in opposition to the Plan Amendment and Zoning Change due to traffic and parking concerns. He thanked Diane Lang and Allen Townsend of the Nogalitos Zarzamora Coalition for coming to the meeting to speak. He noted that there were safety issues for the neighborhood and community and could not support the amendment at this time.

Councilmember Medina moved to deny the Plan Amendment. Councilmember Cortez seconded the motion.

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

2009-10-15-0840

Item Z-3. (District 4): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "C-2" COMMERCIAL DISTRICT AND "C-3 R" GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOL SALES TO "C-2" COMMERCIAL DISTRICT ON 2.737 ACRES OUT

OF NCB 15910 LOCATED AT 9902 POTRANCO 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: 2.737 ACRES OUT OF NCB 15910 TO WIT: FROM "C-2" COMMERCIAL DISTRICT AND "C-3R" GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOL SALES TO "C-2" COMMERCIAL DISTRICT.

Chris Looney presented Item Z-3 and stated that it would amend the Zoning District Boundary from "C-2" Commercial District and "C-3 R" General Commercial District Restrictive Alcohol Sales to "C-2" Commercial District. He noted that staff and the Zoning Commission recommended approval and that the Heritage Neighborhood Association was in support of the rezoning.

Mickey Meyer-Sturgis addressed the Council and stated that her family currently owned over 500,000 square feet of commercial property in the San Antonio area. She noted that 75% of the building in question was zoned "C-2" and left the end cap of the building at "C-3 R". She mentioned that the "C-2" zoning had received approval from the Homeowner's Association and the Zoning Commission.

Councilmember Cortez thanked Pastor Gracy and Assistant Pastor Green for being in attendance and noted that they were in support of the zoning change. He thanked Robbie Robbinette, President of the Heritage Neighborhood Association for her work on the zoning case.

Councilmember Cortez moved to adopt the proposed zoning. 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.

2009-10-15-0841

Item Z-4. (District 4): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY - FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT ON 4.990 ACRES OUT OF LOT 21, BLOCK 8, NCB 15417 LOCATED ON THE 200 BLOCK OF BERTETTI DRIVE. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 4.990 ACRES OUT OF LOT 21, BLOCK 8, NCB 15417 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-25" MULTI FAMILY DISTRICT.

Chris Looney presented Item Z-4 and stated that it would amend the Zoning District Boundary from "R-6" Residential Single-Family District to "MF-25" Multi-Family District. He noted that staff and the Zoning Commission recommended approval and that no response had been received from the Rainbow Hills Neighborhood Association.

Councilmember Cortez stated that the Rainbow Hills Neighborhood Association had expressed their support for the zoning change with a deed restriction that no apartment or multi-family complexes may be developed or constructed on the property.

Councilmember Cortez moved to adopt the proposed zoning with a deed restriction that no apartment or multi-family complexes may be developed or constructed on the property. 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.

DENIED

Item Z-5. (District 5): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "MF-33" MULTI-FAMILY DISTRICT TO "NC IDZ" NEIGHBORHOOD COMMERCIAL INFILL DEVELOPMENT ZONE OVERLAY ON LOT 281, NCB 6185 LOCATED AT 110 PENDLETON. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

Chris Looney presented Item Z-5 and noted that it was the associated zoning change with the Plan Amendment in Item P-1 that had just been denied. He stated that staff and the Zoning Commission had recommended approval pending the Plan Amendment.

Councilmember Medina reiterated that the Collins Garden Neighborhood Association and Nogalitos Zarzamora Coalition were in opposition to Item Z-5.

Councilmember Medina moved to deny the proposed rezoning. Councilmember Clamp seconded the motion.

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

2009-10-15-0843

Item Z-8. (District 9): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "NP-10 ERZD MLOD-1" NEIGHBORHOOD PRESERVATION EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 AND "QD S ERZD MLOD-1" QUARRY EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 WITH A SPECIFIC USE AUTHORIZATION FOR BLASTING TO "MPCD ERZD MLOD-1" MASTER PLANNED COMMUNITY EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 ON 385.39 ACRES OUT OF NCB 19221 LOCATED AT 19101 NORTH US HIGHWAY 281 AND 19300 CLASSEN CREST. 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: 385.39 ACRES OUT OF NCB 19221 TO WIT: FROM "NP-10 ERZD MLOD-1" NEIGHBORHOOD PRESERVATION EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 AND "QD S ERZD MLOD-1" QUARRY EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 WITH A SPECIFIC USE

AUTHORIZATION FOR BLASTING TO "MPCD ERZD MLOD-1" MASTER PLANNED COMMUNITY EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1.

Chris Looney presented Item Z-8 and stated that it would amend the Zoning District Boundary from "NP-10 ERZD MLOD-1" Neighborhood Preservation Edwards Recharge Zone Camp Bullis Military Lighting Overlay District-1 and "QD S ERZD MLOD-1" Quarry Edwards Recharge Zone Camp Bullis Military Lighting Overlay District-1 with a Specific Use Authorization for Blasting to "MPCD ERZD MLOD-1" Master Planned Community Edwards Recharge Zone Camp Bullis Military Lighting Overlay District-1". He noted that the staff and Zoning Commission recommended approval and that the Stone Oak Property Owners Association was in favor of the request. He reported that the property was located within five miles of Camp Bullis and staff had provided the military with a copy of the rezoning request for review and comment. He mentioned that the military had indicated that their concerns would be addressed if the following occurred: 1) The developer provided appropriate documentation of recent endangered species surveys conducted by a professional biological consultant showing that no endangered species occupied the subject property; 2) That the developer send those surveys to the US Fish and Wildlife Ecological Services Office in Austin; and 3) That the developer commit to comply with the Dark Sky Lighting Requirements of the MLOD regardless of whether or not they are grandfathered.

Carol Fisher spoke on behalf of the Greater Edwards Aquifer Alliance (GEAA). She stated that she had discussed the case with TCEQ, US Fish and Wildlife Service, and City Staff and recommended that the case be postponed until the US Fish and Wildlife Service provided their conclusions. She noted that it would be ideal if there were no development on the site but would like to protect the endangered species as much as possible. She expressed concern that the San Antonio Water System (SAWS) had approved the case without a Water Pollution Abatement Plan approved by TCEQ. She spoke of the cave closure letters that were on file at TCEQ noting that the ideal outcome was to put a gate over it to allow species to utilize it as habitat. She expressed concern that SAWS had not offered a solution in regard to hydrocarbon contamination. She referenced a USGS Survey that showed that contaminants settle in the sedimentation at the bottom of surface water. She spoke of a previous zoning case in which GEAA had worked with the owners, partners and attorneys and had ultimately been a win-win situation for all parties involved. She provided a map of the area and highlighted the critical habitat areas that had been destroyed. She noted that staff had previously recommended denial of the rezoning.

Councilmember Chan stated that she appreciated the passion of the GEAA to help protect the Edwards Aquifer. She noted that staff and the Zoning Commission recommended approval and that the City could not enforce the Endangered Species Act. She mentioned that they had been working on the zoning case for over four months and had given all parties involved ample time to provide input.

Daniel Ortiz, representing the property owner stated that the property in question was over 400 acres and completely surrounded by existing development including six neighborhood organizations. He noted that one land use principle that had been emphasized in the case was that it would be better for everyone involved to have a well-thought out master plan in place with one owner controlling the property. He spoke of the numerous meetings that had been held regarding the property and noted that the process had begun in August, 2008. He mentioned that the impervious cover recommended by SAWS was 43.2% and 166 acres would be set aside as open space. He stated that they had eliminated C-3, MF-50, O-2, and R-5 Land Uses and highlighted the mixed-use ratios. He presented three sets of restrictive

covenants that had been executed and noted that staff, Zoning Commission and the military were all in support.

Sian Harari, Board Member of Iron Mountain Ranch stated that she was in support of the development. She stated that the process had been extremely difficult but thanked the staff that had assisted along the way. She noted that many concessions had been made and was pleased that Hardy Oak and Huebner Road would be connected.

Richard Alles representing AGUA spoke on said item and made a Power Point presentation. He stated that there was a 650-acre Master Development Plan that said rezoning was a part of. He spoke of the impervious cover and noted that there was no habitat value to the quarry area of the property. He stated that 30% impervious cover was better than what was being proposed because there would be less development in the natural area and more development in the quarry area. He expressed concern that the up zoning would send a message that the developers were more important than the taxpayers.

Councilmember Chan reported that the case had been discussed on many occasions and information had been disseminated through the media and the monthly District 9 Newsletter. Councilmember Chan asked if the City would consider purchasing the property with Proposition 1 funds or if AGUA or GEAA had funds to purchase property to protect the Edwards Aquifer.

Mr. Alles stated that they did not have the resources available to purchase the property. He stated that he had met with District 9 Staff and had expressed his concerns and that the city could impose a 30% impervious cover.

Councilmember Chan noted that there were two major thoroughfares within the property and the land alongside those thoroughfares was not appropriate for residential use. She clarified that she had received several letters from Annalisa Peace of GEAA requesting a continuance of the zoning case but had not offered suggestions or solutions. She thanked the San Antonio Express News, WOAI and KTSA News for their objective reporting on the zoning case. She stated that they had addressed many of the neighboring community concerns and that there were deed restrictions on the property. She recognized the Steubing Family and city staff for their hard work. She read a letter of support for the zoning case from Mary Garr, US Army Colonel, Fort Sam Houston.

Councilmember Chan noted that the open space that had been agreed to was not located in the quarry area and that buffers and vegetation between the development had been increased. She spoke of the traffic plan in which Hardy Oak and Huebner Road would be connected to provide an alternate route to Stone Oak Parkway. She read a letter into the record from J. Mike Yantis, Jr. of Kestrel Development LLC in which they commit to completing infrastructure improvements to Hardy Oak Boulevard and Huebner Road in connection with the Steubing Ranch Project. She reported that she had convinced the North East Independent School District to invest \$1.5 million in developing Hardy Oak Boulevard from Knight's Cross to Steubing Ranch. She stated that the plan was not perfect but was an acceptable solution for all parties involved.

Councilmember Ramos recognized Councilmember Chan for her work on the zoning case. She stated that she had great concerns related to the traffic problems in the area and asked if the City had an interlocal agreement with the School District for the infrastructure improvements. Rod Sanchez replied that the School District had committed to \$2.5 million and the City would be responsible for \$1 million and presented a map depicting the street that would be constructed. Councilmember Ramos asked of the

original denial of the zoning request. Mr. Sanchez stated that city staff had initially recommended denial due to the concerns with too much C-3, O-2 and MF-50 zoning and had met with the applicant who agreed to revise their plans. Councilmember Ramos asked of the impervious cover. Scott Halty of SAWS addressed the Council regarding the subdivision and stated that it was a Category 2 Property that allowed 65% commercial and 50% multi-family impervious covers under the ordinance. He stated that the creekway needed to be protected and preserved.

Mayor Castro commended Councilmember Chan for her work on said item and stated that he too had received many emails regarding the zoning case. He asked of the ability of the developers to go above 30% impervious cover and the argument that the developer was shifting impervious cover restrictions within the property to allow for greater development. Daniel Ortiz replied that the statement was not correct and that of the 166 acres of open space, 100 acres were developable. Mayor Castro asked of the level of impervious cover of the 100 acres. Mr. Ortiz responded that it depended on the use and that the impervious cover was set by ordinance. Mayor Castro asked when the roads would be completed and if the money had been allocated. Mr. Ortiz stated that the money had been allocated between the City and the School District. He noted that the property owner's intent was to build the roads before the businesses opened and was worth \$15 million in today's construction dollars.

Mayor Castro expressed his support for the zoning case noting that it was a good compromise. He noted that in the future, he would like to see impervious cover limits in the 30% range.

Councilmember Chan moved to adopt the proposed Ordinance and entered the three Protective Covenants with Iron Mountain Ranch Homeowners Association, Quarry at Iron Mountain (San Antonio) Homeowners Association, Inc., and Stone Oak Communities of Mutual Amenities Homeowners Association, Inc. (SOCOMA), as well as the Memorandum of Understanding with Kestrel Development LLC into the record. 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.

CONTINUED

Item Z-9. (District 9): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "C-2 NA ERZD" COMMERCIAL NONALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT TO "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT ON LOT 1, BLOCK 23, NCB 17600 LOCATED AT 2770 EAST EVANS ROAD. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

Chris Looney presented Item Z-9 and stated that it would amend the Zoning District Boundary from "C-2 NA ERZD" Commercial Alcohol Sales Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone. He noted that the opposition represented more than 20% of the property within 200 feet and therefore; would require nine votes for approval.

Ken Brown representing the applicant addressed the Council and stated that it was an existing shopping center that was platted as a convenience corner. He noted that they had executed a set of covenants to restrict on-site consumption and liquor stores but understood that there were still some concerns. He mentioned that they would be amenable to a continuance of the case to address the issues.

Ann Quigley addressed the Council against the zoning request and expressed concern with the consequences and long-term impact to her community. She noted that the property was not located in or near a commercial area and was within one block of various schools. She stated that it was a highly-traveled pedestrian area and was not an appropriate location for a convenience store selling alcoholic beverages. She spoke of the great amount of traffic already in the area and noted that the parking structure could not handle the increased volume of traffic.

William Darby addressed the Council in opposition of the zoning request and expressed concern with the sale of alcohol on the premises. He spoke of the many children that were in the area due to the many nearby schools and stated that a convenience store would not add value to the area.

Valerie Cantu stated that she lived directly across the street from the property and was opposed to the sale of alcohol. She noted that the Encino Park Neighborhood Association had provided a letter in opposition to the zoning case to Councilmember Chan. She mentioned that they sent a petition to the adjacent homeowners to the property and that all of the homeowners contacted were also opposed to the rezoning.

Sue Hernandez stated that she was a member of the adjacent community and opposed to the rezoning. She noted that she had helped with the petition and that all those contacted were against the rezoning. She expressed concern that she had spoken with a District 9 staff member and was informed that the case would likely pass if it was recommended for approval by the Zoning Commission.

Councilmember Chan thanked everyone that came to speak on said item. She clarified that although the City Council relied on the staff and Zoning Commission recommendations, each case was reviewed individually based on their merit. She stated that she was very familiar with the area and would follow up on the information provided by her staff. She asked the applicant if the rezoning would allow alcohol consumption on site. Mr. Brown replied that the current zoning was C-2 and would not allow a bar in any circumstance but would allow a restaurant that sells alcohol. He stated that they had agreed to covenants that did not allow for on-site consumption of alcohol. Councilmember Chan asked if they had discussed the zoning case with the neighborhood. Mr. Brown stated that his staff had contacted the people along the property line and the two neighborhood associations.

Councilmember Chan moved to continue said item to November 5, 2009. Councilmember Clamp seconded the motion.

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

CONTINUED

Item Z-7. (District 7): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT ON LOT 27, BLOCK 2, NCB 8416 LOCATED AT 2907 FREDERICKSBURG ROAD. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

Councilmember Rodriguez moved to continue said item to November 5, 2009. Councilmember Clamp seconded the motion.

The motion to continue 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 Items 26 and 27:

2009-10-15-0033R

Item 26. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY OF APPROXIMATELY 0.7322 OF AN ACRE LOCATED AT 3127 MISSION ROAD TO A USE COMPATIBLE WITH THE EXISTING SURROUNDING LAND AS REQUESTED BY COUNCILMEMBER JENNIFER RAMOS, DISTRICT 3.

2009-10-15-0034R

Item 27. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY OF APPROXIMATELY 17.9 ACRES LOCATED ALONG MISSION ROAD FROM EAST SOUTHCROSS TO THE NORTH TO EAST HUFF TO THE SOUTH TO USES COMPATIBLE WITH THE EXISTING SURROUNDING LAND AS REQUESTED BY COUNCILMEMBER JENNIFER RAMOS, DISTRICT 3.

Councilmember Ramos requested a timeline for Items 26 and 27. Chris Looney replied that Item 26 was a request to rezone an individual property and should take approximately 60 days. He noted that Item 27 occupied more properties along Mission Road and would be classified in the comprehensive rezoning category. He reported that the zoning change would take from 4-5 months.

Councilmember Ramos moved to approve the Resolutions for Items 26 and 27. Councilmember Cisneros seconded the motion.

The motion to approve Items 26 and 27 prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

CONSENT ZONING

Councilmember Cortez made a motion to approve the following re-zoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no citizens had registered to speak against: Z-2, Z-6, Z-10, and Z-11. Councilmember Ramos seconded the motion.

Councilmember Cisneros recognized Liz Victor representing the Beacon Hill Neighborhood Association. Ms. Victor addressed the City Council and noted that the Beacon Hill Neighborhood Association had unanimously voted in support of Item Z-10. She thanked Councilmember Cisneros, the applicant, architect and city staff for working with the Neighborhood Association on the project.

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

2009-10-15-0839

Item Z-2. (District 4): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY - FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT ON LOT 3, BLOCK 1, NCB 17380 LOCATED AT 2003 WEST HUTCHINS PLACE. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 3, BLOCK 1, NCB 17380 TO WIT: FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT.

2009-10-15-0842

Item Z-6. (District 6): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY - FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT ON 5.797 ACRES OUT OF NCB 17635 AND 18295 LOCATED AT CULEBRA ROAD AND FM 1560 NORTH. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 5.797 ACRES OUT OF NCB 17635 AND 18295 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

2009-10-15-0844

Item Z-10. (District 1): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "R-6 NCD-5" RESIDENTIAL SINGLE-FAMILY BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT TO "C-2NA IDZ NCD-5" COMMERCIAL NONALCOHOLIC SALES INFILL DEVELOPMENT ZONE OVERLAY BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT ON 0.273 OF AN ACRE OUT OF LOT 9, LOT 10 AND LOT 11, BLOCK 7, NCB 1995 LOCATED AT 731 FREDERICKSBURG 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: 0.273 OF AN ACRE OUT OF LOT 9, LOT 10 AND LOT 11, BLOCK 7, NCB 1995 TO WIT: FROM "R-6 NCD-5" RESIDENTIAL SINGLE FAMILY BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT TO "C-2NA IDZ NCD-5" COMMERCIAL NONALCOHOLIC SALES INFILL DEVELOPMENT ZONE OVERLAY BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT.

2009-10-15-0845

Item Z-11. (District 1): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY - FROM "DR" DEVELOPMENT RESERVE TO "O-1" OFFICE DISTRICT ON 0.280 OF AN ACRE OUT OF BLOCK 6, NCB 10378 LOCATED ON THE 2000 BLOCK OF EL MONTE BOULEVARD. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.280 OF AN ACRE OUT OF BLOCK 6, NCB 10378 TO WIT: FROM "DR" DEVELOPMENT RESERVE TO "O-1" OFFICE DISTRICT.

Mayor Castro recessed the meeting at 4:00 pm and noted that the meeting would resume at 5:30 pm for Ceremonials.

CEREMONIALS

Mayor Castro reconvened the meeting at 5:30 pm and addressed the Ceremonial Items.

Mayor Castro presented a proclamation to the San Antonio Founders Day Alliance who will celebrate the founding of San Antonio on Saturday, October 24, 2009, on the grounds of the Alamo. This observance serves to encourage widespread reading and learning about the City of San Antonio and its remarkable history and heritage. Founders Day will pay tribute to more than 20 cultural groups who have shaped the unique character and identity of this city.

Mayor Castro presented a citation to Dress for Success San Antonio (DFS) for being designated as the Professional Women's Group Affiliate of the Year, by the Dress for Success Worldwide Organization. The award honors one affiliate among more than 90 chapters located in eight countries, which excelled in strengthening employment retention programs offered to its members. DFS San Antonio addresses the needs of low-income women by promoting economic security and self-sufficiency.

CITIZENS TO BE HEARD

Mayor Castro called on the individuals registered to speak.

Faris Hodge, Jr. congratulated Ms. Vacek for receiving the 2009 Texas Municipal Clerk of the Year Award and for inviting him to the Awards Banquet. He stated that Ms. Vacek had always been kind, courteous, and respectful and provided excellent customer service. He expressed concern with the City Council approval of the Crosspoint zoning case and noted that the location of the Halfway House was too close to two schools. He expressed support for the review that would be conducted of the San Antonio Police Department. He requested that all Fire Departments have signage regarding the Baby Moses Law and that fire extinguishers be inspected at all schools. He spoke in opposition to nuclear energy and expressed concern that CPS Energy Board Meetings did not have Citizens to be Heard.

Gerardo Renteria spoke of Fred Robert Casarez, a 72 year-old veteran of the Korean War who had received the Purple Heart. He expressed concern that Mr. Casarez did not have a place to live or proper medical care. He referenced an incident that occurred on September 4, 2009 in front of the SAMM Shelter in which Mr. Casarez asked for food. Mr. Renteria attempted to assist Mr. Casarez by registering him with Adult Protective Services and contacting the American GI Forum.

Nazirite Ruben Flores Perez referenced the seven-headed dragon and various Bible verses. He expressed concern with the celebration of Halloween, noting that it was a satanic celebration.

Mark Perez expressed concern with the waiver of UDC code regulations provided by Planning and Development Services staff. He spoke against the permits approved for I-1 zoning for Tetco and Kimberly Clark and the storage of hazardous materials.

Frank Valdez, Judith Guevara, Maria del Carmen Dominguez and Myra Arriaga representing Hope for Housekeepers addressed the City Council regarding the poor working conditions at the Grand Hyatt Hotel. Mr. Valdez stated that he was in support of the housekeepers of the Grand Hyatt and stated that their workload was too heavy. He noted that Hope for Housekeepers was organized to bring justice to the housekeepers. He expressed concern that the City had not responded to their requests for assistance. Judith Guevara stated that she worked at the Grand Hyatt and spoke of the hope quilt that represented the movement of housekeepers to stop their abuse. She stated that each color on the quilt represented their many hardships and urged the Grand Hyatt to stop their abuse of housekeepers. Maria del Carmen Dominguez stated that she also worked at the Grand Hyatt and spoke of the injuries she suffered to her arm due the heavy workload. She noted that many other workers were also injured but did not want to complain for fear of losing their job. She asked the City Council to help the housekeepers and thanked them for allowing her to speak. Myra Arriaga stated that she worked at the Hyatt Hotel in Boston and was here to support the housekeepers of the Grand Hyatt in San Antonio. She expressed concern with the employment practices of the hotel and asked the City Council for their assistance.

Nick Calzoncit expressed concern that the Harlandale Independent School District continued to function unethically. He stated that he had inquired about the recruitment of individuals hired at the Central Administration Office but had not received a response. He asked that a study be conducted to compare student achievement and other issues between Edgewood and Harlandale ISDs. He recognized the San Antonio Express News for becoming more inclusive in the people served and positive reporting on the poor population.

Cindy Weehler of Energia Mia spoke in opposition to nuclear energy and the radioactive fuel and waste that lasted forever. She expressed concern with the assumption that the fuel could be reprocessed and reused in the future.

Mariana Ornelas requested that the City Council change the time of the vote on nuclear energy at the October 29, 2009 City Council Meeting so that individuals that work can attend. She expressed concern with the effect of rate increases on low-income ratepayers and the lower credit rating that could affect the city and CPS. She asked the City Council to vote no to nuclear energy.

Stephanie Albert of Planet K Gifts invited everyone to attend a Día de los Muertos Fireworks Display that would take place on November 2, 2009 at Woodlawn Lake at 8:00 pm. She stated that the event would kick off their holiday food and money drive for charity. She introduced individuals that were in attendance from the various charities that would be assisted.

Karen Hadden asked that City Staff be assigned to work with the Grand Hyatt Hotel housekeepers and spoke in opposition to nuclear energy. She stated that there were many nuclear reactors being built that had to quit before completion and spoke of the increased fees and associated risks. She expressed concern that there would be no buyers for nuclear energy and that ratepayers would be most affected. She asked that the City Council defer the vote until more financial information is received from Toshiba.

Karen Weehler also spoke in opposition to nuclear energy and expressed concern with the increased fees to ratepayers. She asked the City Council to consider all of the facts prior to voting on said item.

Elizabeth Tesson spoke against nuclear energy and the importance of protecting resources. She stated that nuclear energy could be detrimental to the environment and referenced research provided by Lauren Ross, PhD. She noted the current drought conditions and expressed concern with the harmful effects on our water sources.

Raphael De La Garza stated that he was a resident of District 5 in opposition to nuclear energy. He noted that there were many risks associated with nuclear energy and expressed concern that the voices of citizens were not being heard. He added that the costs far outweighed the benefits and asked that other energy sources be identified.

Marisa Gonzalez, Jessica Guerrero, Graciela Sanchez and Rosalynn Warren of the Esperanza Center addressed the City Council regarding the Grand Hyatt Hotel workers and nuclear energy. Ms. Guerrero expressed concern that tax incentives and lower energy rates were provided to big businesses such as the Grand Hyatt. She spoke of the poor working conditions for housekeepers of the Grand Hyatt. She noted the many risks and increased fees due to nuclear energy that would impact the community. Ms. Warren expressed concern that all City Councilmembers were not in attendance and spoke in opposition to nuclear energy. Ms. Gonzalez spoke in opposition to nuclear energy and also expressed concern that more Councilmembers were not in attendance. She asked that the City Council hear the community and vote no to nuclear energy. Ms. Sanchez asked that the Citizens to be Heard portion of Council Meetings be broadcast on television.

Joleen Garcia and Rosa Rosales of the San Antonio Riverwatch Group addressed the City Council in support of the workers of the Grand Hyatt Hotel. Ms. Garcia recognized high schools students that were in attendance to learn about government and spoke of the importance of recognizing the needs of women and families. Ms. Rosales stated that she was the National President of LULAC that had been founded 80 years ago. She spoke in support of the housekeepers of the Grand Hyatt and thanked the Mayor and Councilmembers present. She requested that the City Council pass a resolution in support of the housekeepers.

John Stanford and Larry Skwarczynski of the VFP Group addressed the Council in support of the Grand Hyatt Hotel workers. Mr. Stanford stated that his wife had passed away on May 15th and he was speaking on her behalf. He asked the Grand Hyatt to stop the abuse of housekeepers and expressed concern that all of the Councilmembers were not present. He spoke of the injustices to the housekeepers and the heavy workload that they were subjected to. He expressed concern with nuclear energy and noted that it would set a bad example for the country. Mr. Skwarczynski stated that he was from Detroit, Michigan but had lived in San Antonio for 20 months. He spoke in support of the Grand Hyatt workers and expressed concern with their treatment. He noted the many issues associated with nuclear energy and thanked the Mayor for being present.

Jaime Martinez thanked the City Councilmembers that were present and expressed concern with the treatment of the Grand Hyatt housekeepers. He spoke of the poor working conditions at the Grand Hyatt and the importance of fighting for workers' rights. He referenced Emma Tenayuca and Cesar Chavez and their struggle for justice. He stated that he was in support of collective bargaining.

Steven Huerta stated that he was the President of All of Us in Texas, a civil rights group that was in support of the housekeepers of the Grand Hyatt Hotel. He expressed concern with the poor working

conditions and heavy workloads at the Grand Hyatt. He requested better pay and benefits for the hotel workers and thanked the Mayor and Councilmembers present.

Laura Hernandez, Genevieve Rodriguez and Stacie Velez representing Youth against Nuclear addressed the Council in opposition to nuclear energy. Ms. Hernandez stated that she had participated in the rally the previous day against nuclear energy and that they were also in support of the housekeepers of the Grand Hyatt. She expressed concern with the treatment of the hotel workers and asked the City Council to assist. She noted that nuclear energy could attract large companies to the City such as the Grand Hyatt that treated workers poorly. She asked the City Council to vote with the community against nuclear energy.

ADJOURNMENT

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

A P P R O V E D



JULIÁN CASTRO
MAYOR

Attest: 
LETICIA M. VACEK
City Clerk