

**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, NOVEMBER 18, 2009 AND THURSDAY, NOVEMBER 19, 2009, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **November 18, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro.

1. BEXAR COUNTY PERFORMING ARTS CENTER UPDATE

Michael Sawaya, Convention, Sports and Entertainment Facilities Department Director presented said item and stated that a Cultural Facilities Committee had been established in May, 2007 to study the use of visitor taxes to finance construction of a cultural facility and recommend a preferred site. The City Council approved an ordinance in November, 2007 to support the Municipal Auditorium and adjacent Fire Department Headquarters as the preferred location for the facility. He noted that the Bexar County Commissioner's Court had approved \$100 million for the project and that the City Council had subsequently approved a Memorandum of Understanding (MOU) with Bexar County and the Bexar County Performing Arts Center Foundation.

Mr. Sawaya provided a summary of the MOU and noted that the City conveyed the Municipal Auditorium and adjacent Fire Department Headquarters Building to the Bexar County Performing Arts Center Foundation. Additionally, the City will contribute \$500,000 per year for five years to the Foundation that will be deposited in the Performing Arts Center's Reserve Fund. He stated that the City committed to assisting the Foundation in identifying available controlled parking for events and that two garage owners have agreed to assist the Foundation with parking. He reported that after conveyance, the Foundation will be solely responsible for cost overruns, operational costs, maintenance, and capital improvements. He noted that the City would have no control of daily operations during and following construction of the facility.

Mr. Sawaya recognized Bexar County Judge Nelson Wolff for his support and leadership of the project. He also recognized Michael J. Sculley, Director of the Bexar County Community Venues Program Office. He reported that Bexar County had spent \$1.5 million to date for a Forensic Study and Programming Study for the Performing Arts Center, and Architect/Design Team. He introduced Bruce Bugg, Jr., Chairman and President of the Bexar County Performing Arts Foundation.

Mr. Bugg stated that the Bexar County Performing Arts Center Foundation was a non-profit organization created to undertake the renovation of the San Antonio Municipal Auditorium and build a world-class performing arts center. He noted that the Foundation would own and operate the new Performing Arts Center that would offer state-of-the-art acoustical interior design. He provided a list of the Foundation's Board of Directors that include Mayor Phil Hardberger, Tommy Lee Jones and Eva Longoria-Parker, and Advisory Board Members Tom Frost, Jr., Jim Gorman, and Tracy Wolff.

Mr. Bugg reported that the total project cost was \$135 million and the Foundation has raised over \$5 million in private funding to date. He thanked the City for their great contributions as well as the Mayor and Council for their support. He stated that The Projects Group had been selected as the project management team, while LMN Architects and Marmon Mok were selected to design the new performing arts center. He noted that Akustiks; Fisher Dachs Associates, Inc.; and Venue had been chosen to provide acoustics, theatrical and cost consulting for the project. He mentioned that nine construction firms had submitted the necessary qualifications for construction of the facility and that they all had local partners. He stated that the Board was committed to maximizing the dollars spent on construction of the project by having as much local participation as possible and to exceed the 20% Small Business Economic Development Advocacy (SBEDA) requirement.

Mr. Bugg added that the conceptual design phase was completed and that schematic design would be completed in January, 2010. He noted that groundbreaking would occur in June, 2011 with an anticipated opening date of September, 2013. He added that they were on time and budget.

Mayor Castro asked of the façade of the Municipal Auditorium. Mr. Bugg confirmed that they were committed to the iconic look for the façade but the inside of the facility would be renovated. Mayor Castro asked of the incorporation of the Riverwalk into the design. Mr. Bugg replied that they had challenged the design team to invite the River into the performing arts plaza. Councilmember Cortez spoke of the importance of awarding contracts to local small businesses. Mr. Bugg confirmed their commitment to engaging local firms and exceeding SBEDA requirements. Councilmember Rodriguez expressed his support and asked of the rendering of the new facility. Mr. Bugg stated that it was a conceptual design that was a work in progress.

Councilmember Chan commended Mr. Bugg for his leadership on the project. She asked of the roof work that would be required. Mr. Bugg replied that they were in the process of acoustical and structural analysis to determine the roof needs of the facility. Councilmember Lopez asked of the energy efficiency measures that were being incorporated into the design. Mr. Bugg replied that LMN Architects was very environmentally sensitive and would strive to achieve LEED Status on the project. Councilmember Cisneros expressed her support and thanked everyone working on the project. She asked of the naming of the facility. Mr. Bugg stated that a financial contribution of 10% of the construction cost which would total \$13.5 million would be required to assume naming rights.

Mayor Castro and City Councilmembers thanked Mr. Bugg for his leadership on said project. Cindy Segovia, Government Relations Manager for Bexar County announced that Judge Wolff had been delayed in Austin and would not be in attendance. Mayor Castro expressed appreciation for the partnership with Bexar County on said project.

2. UPDATE FROM VIA METROPOLITAN TRANSIT

Henry Muñoz, Chair of the VIA Board of Trustees spoke of the great work of the Board to ensure that VIA services remained strong and were improved. He stated that SmartWaySA was a long-range, comprehensive transportation planning process that would provide a new vision for the San Antonio/Bexar County region. He noted that the process would incorporate input from the community to identify mobility options and prioritize high capacity corridors which was scheduled for completion in Spring, 2010. He mentioned that many meetings had already been held and that a Conceptual System Plan had been developed. He spoke of the Downtown Streetcar Feasibility Study that was in progress and

explained that it would integrate Streetcar with the Regional Transit System. He noted that a Commission on Intra-City Rail and Streetcar had been created and provided a list of the members. He added that a recommendation on the feasibility of the project would be provided in January, 2010.

Mr. Muñoz reported that VIA was committed to applying for grants to implement the identified projects. He spoke of the development of a Green System for VIA and noted that natural gas powered buses were scheduled for delivery in March, 2010. He stated that hybrid buses would be delivered in July, 2010 and Electric Buses would be available in Summer, 2010. He mentioned that the Electric Buses would be the first zero emission, non-impact transit vehicles in VIA's history. He added that VIA was the only transit system in Texas to receive a federal grant in the amount of \$5 million for Innovative Green Technology. He introduced Keith Parker, VIA President and CEO.

Mr. Parker outlined the 2010 Innovation Plan and stated that it would attract and keep riders, as well as shape VIA's future. He reported that VIA had more than 500 vehicles in service and made it the third largest all-bus system in the country. He noted that of the larger Texas Cities, only San Antonio had less than a penny of sales tax dedicated to the transit system. He spoke of the service enhancements to attract and keep riders that include the construction of the North Star Mall Transit Center and installation of a new farebox system. He stated that they were in the process of improving their buses to be cleaned using less water, and using a new paint scheme. He explained that bus stops would be improved so that they were appealing places to wait.

Mr. Parker stated that they were working toward improving the bus riding experience through a passenger code of conduct and secret shopper program. He spoke of the creation of a culture of safety that would be accomplished through accident and safety reviews and a disaster preparedness program. He spoke of the implementation of VIA Primo that would service the Fredericksburg Road Corridor and feature unique stations, stylized Diesel Hybrid Low Floor Buses, and enhanced stop amenities such as Wi-Fi. He stated that VIA Primo would be implemented in 2012.

Mr. Parker stated that they were reviewing a Fare Policy Study and seeking new funding sources. He noted that organizational reviews would be conducted and that VIA would partner in the Lone Star District Commuter Rail Initiative as part of their growth plan. Lastly, he outlined next steps that include refining the list of initiatives; evaluating costs and benefits; and creating an implementation plan.

Councilmember Cisneros spoke of a free bus zone and issues with non-attainment of air quality. She asked of the cost of a bus ride. It was noted that a trip was \$1.10 but could be less if the rider was a student or had purchased a discount pass. She asked of the availability of Wi-Fi service on buses. Mr. Parker replied that they were researching that option since the cost for Wi-Fi had significantly decreased. Councilmember Williams recognized Mr. Parker for his leadership and noted the importance of funding for new and enhanced projects. Councilmember Taylor thanked the VIA Board Members for their service and expressed support for the new initiatives presented. She spoke of the importance of revitalization of inner city neighborhoods and coordinating VIA efforts with the city's reinvestment plans.

Councilmember Lopez noted the importance of coordination with the Metropolitan Planning Organization (MPO) to identify long-range impacts of new infrastructure and possible funding for new VIA initiatives. Mr. Muñoz confirmed that they work closely with the MPO. Councilmember Lopez asked of incorporating the "bike friendly" concept among bus riders. Mr. Parker stated that all new vehicles were equipped with bike racks. Councilmember Clamp recognized the leadership of VIA and expressed

support for the innovative projects that have been identified. Councilmember Chan spoke of the great transition for future VIA projects. She requested that routes be planned to enhance economic development efforts. Councilmember Ramos recognized the leadership of VIA and noted the importance of coordinating future VIA initiatives with the city's redevelopment plans. Councilmember Rodriguez spoke of the federal funding available for transportation initiatives and the need for interagency collaboration. Mayor Castro thanked VIA for the presentation and spoke of the necessary collaboration among various entities throughout the community to address transportation needs.

Mayor Castro recessed the meeting at 4:08 pm to convene in Executive Session for the purpose of:

A. DISCUSS LEGAL ISSUES RELATED TO THE POLICE AND FIRE COLLECTIVE BARGAINING AGREEMENTS, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY)

Mayor Castro reconvened the meeting at 4:34 pm at which time it was noted that the City Council had been briefed on the above-styled matter but took no action. There being no further discussion, Mayor Castro adjourned the meeting at 4:34 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **November 19, 2009** at 9:00 am in the City Council Chambers.

Item 1. The Invocation was delivered by Reverend Kent Kinard, Pastor, Chapel Hill United Methodist Church, guest of Philip A. Cortez, District 4.

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 Clamp made a motion to approve the Minutes for the October 8, 2009 City Council meeting. Councilmember Cisneros seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

PULLED BY STAFF

Item 4. 2009 ANNUAL REPORT AND QUARTERLY UPDATE ON THE 2007-2012 BOND PROGRAM.

The City Clerk read Item 5:

2009-11-19-0901

Item 5. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF AN IMPROVED 15-FOOT WIDE ALLEY RIGHT-OF-WAY BOUNDED BY NOLAN STREET TO THE NORTH, DAWSON STREET TO THE SOUTH, EDA STREET TO THE WEST AND CHERRY STREET TO THE EAST ADJACENT TO NEW CITY BLOCK 559 IN COUNCIL DISTRICT 2, AS REQUESTED BY THE SAN ANTONIO FIRE DEPARTMENT.

George Rodriguez, CIMS Assistant Director presented said item and stated that the ordinance would approve the closure of 0.1358 acres of a 15-foot alley in Council District 2. He reported that the alley was located between Nolan and Dawson Streets and bounded by Eda Street to the west and Cherry Street to the east. He noted that the request was initiated by the San Antonio Fire Department and would utilize the area for construction of a new fire station that would replace Fire Station #1.

Mayor Castro declared the public hearing open and announced no citizens had registered to speak.

Councilmember Taylor expressed her support for the project and stated that it would be a great investment in the neighborhood.

Mayor Castro closed the Public Hearing.

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

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 9:16 am to convene in Executive Session for the purpose of:

- A. DELIBERATE COMPETITIVE MATTERS REGARDING CPS ENERGY AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.086 (COMPETITIVE MATTERS) AND 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Castro reconvened the meeting at 11:45 am at which time it was noted that the City Council had been briefed on the above-styled matter but took no action.

POINT OF PERSONAL PRIVILEGE

Councilmember Clamp introduced Coach Brooks Thompson, Coach Larry Coker, Athletic Director Lynn Hickey, and Athletic Department staff member Brad Parrott from the University of Texas San Antonio (UTSA). Coach Thompson spoke of the UTSA Basketball Program and invited all to attend a basketball game in support of the UTSA Roadrunners. Coach Coker spoke of the new Football Program at UTSA and reported that they were initiating a \$15 million fundraising campaign to build a football practice

facility. He asked everyone to support the basketball and football programs at UTSA and mentioned that the first football game would be held in the Alamodome on September 3, 2011.

The Mayor and Councilmembers recognized the UTSA Staff for their efforts and spoke in support of the athletic programs at UTSA.

RECESSED

Mayor Castro recessed meeting at 12:08 pm to break for lunch and noted that the meeting would resume at 1:00 pm.

RECONVENED

In the absence of Mayor Castro, Mayor Pro Tem Cortez reconvened the meeting at 1:10 pm.

POINT OF PERSONAL PRIVILEGE

Councilmember Ramos thanked staff for their work on the San Antonio River Improvements Project Mission Reach, Phase III and IV (Item 28). Councilmember Cisneros recognized Manuel Bernal, District 1 Resident, for celebrating his 105th Birthday.

CONSENT AGENDA – Items 6-34

Consent Agenda Items 11, 14, 16C, 17C, 18A, 18C, 19B, 19C and 19D were pulled for Individual Consideration. It was noted that Items 4 and 22 were pulled from the agenda by city staff. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Clamp seconded the motion.

Jack M. Finger expressed concern with the contracts in Items 12 and 16 due to the campaign contributions provided to the City Council. He also expressed concern with the Mayor's Physical Fitness Council Grant Program (Item 30) noting that there was no physical activity associated with the grant. He spoke in opposition to the "Communities Putting Prevention to Work Initiative" in Item 31.

Written testimony was submitted by Faris Hodge, Jr. in support of Items 5, 6, 8-18, and 21-32. He wrote that the contract costs in Item 7 should not be estimates.

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

2009-11-19-0902

Item 6. AN ORDINANCE AUTHORIZING THE PURCHASE AND INSTALLATION OF PALLET STORAGE AND MOBILE SYSTEMS EQUIPMENT FROM SOUTHWEST SOLUTIONS GROUP, INC. FOR THE SAN ANTONIO POLICE DEPARTMENT'S PROPERTY ROOM IN THE AMOUNT OF \$709,098.57 FUNDED WITH CONFISCATED PROPERTY FUNDS AND \$128,901.40 FROM THE PROPERTY ROOM/ ASSET SEIZURE FACILITIES CAPITAL PROJECT.

2009-11-19-0903

Item 7. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING CONTRACTS IN THE ESTIMATED ANNUAL AMOUNT OF \$1,822,000.00: (A) BIG MOE AUTOMOTIVE REBUILDERS, INC. FOR TRUCK ALTERNATOR PARTS AND SERVICE; (B) PETROLEUM SOLUTIONS, INC. FOR LUBRICATION EQUIPMENT PARTS AND SERVICE; (C) LIQUID ENVIRONMENTAL SOLUTIONS FOR MUD SUMP SERVICE AND DRAIN LINE CLEANING; (D) GRANDE TRUCK CENTER FOR ALLISON TRANSMISSION PARTS AND SERVICE; (E) SOUTHERN TIRE MART FOR POLICE PATROL VEHICLE TIRES; (F) AIR KON SERVICE, INC. FOR HVAC MAINTENANCE AND REPAIR OF POLICE AND COMMUNITY INITIATIVES FACILITIES; (G) KONICA MINOLTA BUSINESS SOLUTIONS FOR DIGITAL MULTI-FUNCTION DEVICES; (H) CONSOLIDATED TRAFFIC CONTROLS, INC., TEXAS HIGHWAY PRODUCTS, LTD AND TRAFFICPARTS, INC. FOR SOLAR SCHOOL FLASHER AND PARTS; (I) INNOVATIVE INTERFACES FOR MILLENNIUM SOFTWARE MAINTENANCE AND (J) UNGERBOECK SYSTEMS INTERNATIONAL, INC. FOR SOFTWARE MAINTENANCE FOR EVENT BOOKING MANAGEMENT.

2009-11-19-0904

Item 8. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) CONTRACTS TO PROVIDE THE CITY WITH THE FOLLOWING TECHNOLOGY SERVICES AND EQUIPMENT FOR AN AMOUNT UP TO \$27,000,000.00, FUNDED FROM THE FY 2010 BUDGET: (A) \$10,000,000.00 FOR COMPUTERS; (B) \$10,000,000.00 FOR NETWORKING EQUIPMENT AND SERVICES; (C) \$3,000,000.00 FOR STORAGE HARDWARE; (D) \$3,000,000.00 FOR SOFTWARE; AND (E) \$1,000,000.00 FOR PRINTERS/SERVICES/TELECOMMUNICATIONS.

2009-11-19-0905

Item 9. AN ORDINANCE ACCEPTING THE BIDS FROM WAUKESHA-PIERCE INDUSTRIES, INC., TRACTOR CITY, VOLVO CONSTRUCTION EQUIPMENT & SERVICES, ALAMO AG-CON EQUIPMENT, INC., EQUIPMENT DEPOT, STECO, A DIVISION OF BLUE TEE CO., TEREX UTILITY, RDO EQUIPMENT COMPANY, COOPER EQUIPMENT CO. AND CLOSNER EQUIPMENT CO., INC. FOR REPLACEMENT OF 18 HEAVY EQUIPMENT ITEMS FOR A COST OF \$937,855.14 FUNDED BY THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2009-11-19-0906

Item 10. AN ORDINANCE ACCEPTING THE OFFER FROM BIO-RAD LABORATORIES FOR THE PURCHASE OF HIV TESTING EQUIPMENT FOR THE METROPOLITAN HEALTH DISTRICT FOR A COST OF \$84,500.00, FUNDED BY THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES STD-HIV GRANT.

2009-11-19-0908

Item 12. AN ORDINANCE SELECTING RABA-KISTNER CONSULTANTS, INC., TERRACON CONSULTANTS, INC., FUGRO CONSULTANTS, INC., AND PROFESSIONAL SERVICE INDUSTRIES, INC. TO PROVIDE ON-CALL, INDEFINITE DELIVERY CONSTRUCTION MATERIALS-TESTING SERVICES TO THE AVIATION DEPARTMENT FOR AIRPORT CONSTRUCTION PROJECTS ON AN AS-NEEDED BASIS, AND AUTHORIZING FOUR PROFESSIONAL SERVICE AGREEMENTS EACH IN AN AMOUNT UP TO \$150,000.00.

2009-11-19-0909

Item 13. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$375,000.00 TO THE \$2,718,286.00 CONSTRUCTION MANAGER AT RISK CONTRACT WITH GUIDO BROTHERS CONSTRUCTION FOR ADDITIONAL IMPROVEMENTS TO THE RIVER WALK AS PART OF THE RIVER WALK IMPROVEMENTS PROJECT; FUNDED BY CERTIFICATES OF OBLIGATION, LOCATED IN COUNCIL DISTRICT 1.

2009-11-19-0911

Item 15. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$45,594.62 TO THE \$177,772.01 PROFESSIONAL SERVICES AGREEMENT WITH GKW ENGINEERING AND CONSTRUCTION FOR ADDITIONAL DESIGN WORK ON THE ST. CLOUD PEDESTRIAN IMPROVEMENTS PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND PROJECT LOCATED IN COUNCIL DISTRICT 7.

Item 16. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE EAGLELAND RIVERWALK LINK – PEDESTRIAN PHASE PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT (LAM) PROJECT LOCATED IN COUNCIL DISTRICT 5:

2009-11-19-0912

- A. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT TO JERDON ENTERPRISE, L.P. IN THE AMOUNT OF \$3,182,750.60, OF WHICH \$1,734,540.80 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND \$716,499.60 WILL BE REIMBURSED BY THE SAN ANTONIO RIVER AUTHORITY.

2009-11-19-0913

- B. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$87,242.08 TO THE \$2,910,980.29 PROFESSIONAL SERVICES CONTRACT WITH CIVIL ENGINEERING CONSULTANTS FOR CONSTRUCTION PHASE SERVICES.

2009-11-19-0915

- D. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE SAN ANTONIO RIVER AUTHORITY FOR JOINT-BID WORK IN THE PROJECT.

Item 17. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE JONES MALTSBERGER - US 281 TO EAST OF UNION PACIFIC RAILROAD PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT (LAM) PROJECT LOCATED IN COUNCIL DISTRICT 9 AND FUNDED BY FEDERAL FUNDS THROUGH THE METROPOLITAN PLANNING ORGANIZATION (MPO), THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA), 1999 GENERAL OBLIGATION BONDS, AND CERTIFICATES OF OBLIGATION:

2009-11-19-0916

- A. AN ORDINANCE ACCEPTING THE ARRA FUNDS, ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT TO CAPITAL EXCAVATION IN THE AMOUNT OF \$1,047,284.83, OF WHICH \$909,101.13 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND \$35,908.42 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS.

2009-11-19-0917

B. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$26,068.00 TO THE \$183,992.73 PROFESSIONAL SERVICES CONTRACT WITH BAIN MEDINA BAIN, INC. FOR CONSTRUCTION PHASE SERVICES.

2009-11-19-0919

D. AN ORDINANCE AUTHORIZING AGREEMENTS WITH THE SAN ANTONIO WATER SYSTEM (SAWS) FOR JOINT-BID WORK FOR THIS PROJECT.

Item 18. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO FY 2010 STREET MAINTENANCE PROGRAM CONTRACTS:

2009-11-19-0921

B. AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 TO A CONSTRUCTION CONTRACT WITH H. L. ZUMWALT CONSTRUCTION, INC. IN THE AMOUNT OF \$256,159.83 FOR THE ADDITION OF TWO PAVING PROJECTS LOCATED IN COUNCIL DISTRICT 8, AUTHORIZED FROM THE FY 2010 STREET MAINTENANCE PROGRAM.

Item 19. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE STREET MAINTENANCE PROGRAM:

2009-11-19-0923

A. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT AND ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$277,000.00 FROM SAN ANTONIO WATER SYSTEMS FOR MATERIALS RELATED TO STREET MAINTENANCE IN THE DONALDSON TERRACE NEIGHBORHOOD LOCATED IN COUNCIL DISTRICT 7.

Item 20. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO FOUR CHANGE ORDERS WITH CLARK CONSTRUCTION OF TEXAS, INC. FOR THE FY 2009 STREET MAINTENANCE PROGRAM, THE HUD 108 PROGRAM, AND THE \$30 MILLION TAX NOTE PROJECTS CONTRACTS:

2009-11-19-0927

A. AN ORDINANCE AUTHORIZING ASPHALT OVERLAY CONTRACT CHANGE ORDER NO. 3 TO A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$652,972.31 FOR THE ADDITION OF SIX ASPHALT OVERLAY PROJECTS, REPLACEMENT OF ONE ASPHALT OVERLAY PROJECT AND DELETION OF ONE ASPHALT OVERLAY PROJECT, AUTHORIZED FROM THE FY 2009 STREET MAINTENANCE PROGRAM LOCATED IN COUNCIL DISTRICTS 1, 5, AND 10.

2009-11-19-0928

B. AN ORDINANCE AUTHORIZING HOT PAVER-LAID MICRO-SURFACE CONTRACT CHANGE ORDER NO. 3 TO A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$169,405.00 FOR ADDITIONAL BASE AND PAVEMENT REPAIRS ON PROJECTS AUTHORIZED FROM THE FY 2009 STREET MAINTENANCE PROGRAM, LOCATED CITY WIDE.

2009-11-19-0929

- C. AN ORDINANCE AUTHORIZING ASPHALT OVERLAY CONTRACT CHANGE ORDER NO. 4 TO A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$271,089.60 FOR FLATWORK ASSOCIATED WITH THE SEELING BLVD. PROJECT, AN AUTHORIZED HUD 108 PROJECT LOCATED IN COUNCIL DISTRICT 7; AND AMENDING THE FY 2010-2015 CAPITAL IMPROVEMENT PLAN BUDGET.

2009-11-19-0930

- D. AN ORDINANCE AUTHORIZING ASPHALT OVERLAY CONTRACT CHANGE ORDER NO. 5 TO A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$709,529.27 FOR THE ADDITION OF SIX PROJECTS AUTHORIZED FROM \$30 MILLION IN TAX NOTES, LOCATED IN COUNCIL DISTRICTS 8 AND 10.

2009-11-19-0931

- Item 21. AN ORDINANCE AUTHORIZING A ONE-YEAR LEASE AGREEMENT WITH INTEGRATION INNOVATION, INC. FOR OFFICE SPACE LOCATED AT THE STINSON AIRPORT TERMINAL BUILDING IN COUNCIL DISTRICT 3, FOR TERM RENTALS OF \$23,147.55.

PULLED BY STAFF

- Item 22. AN ORDINANCE AUTHORIZING A TWO-YEAR LEASE AGREEMENT WITH ROGER SHARP FOR OFFICE SPACE LOCATED AT THE STINSON AIRPORT TERMINAL BUILDING, IN COUNCIL DISTRICT 3, FOR TERM RENTALS OF \$3,606.68.

2009-11-19-0932

- Item 23. AN ORDINANCE AUTHORIZING A TEN-YEAR LEASE AGREEMENT WITH ZACHRY INDUSTRIAL INC. FOR HANGAR AND GROUND SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT FOR ANNUAL RENTALS OF \$76,498.00.

2009-11-19-0933

- Item 24. AN ORDINANCE AUTHORIZING A TWO-YEAR LEASE AGREEMENT FROM PARK OAKS, LTD. FOR OFFICE SPACE AT 16500 SAN PEDRO, SUITE 290, IN COUNCIL DISTRICT 9, FOR USE AS A CONSTITUENT OFFICE, FOR A MONTHLY RENTAL RATE OF \$1,630.00.

2009-11-19-0934

- Item 25. AN ORDINANCE RENEWING A LEASE FOR A THREE-YEAR TERM WITH RIVERVIEW TOWER PARTNERS, LTD., FOR OFFICE SPACE USED BY THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT AT 111 SOLEDAD STREET IN COUNCIL DISTRICT 1 FOR A MONTHLY RENTAL RATE OF \$21,552.52.

2009-11-19-0935

- Item 26. AN ORDINANCE RENEWING A LEASE FOR A FOUR-YEAR TERM FROM SCHAFFER PROPERTIES FOR OFFICE SPACE AT 814 MCCULLOUGH AVENUE IN COUNCIL DISTRICT 1 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR A MONTHLY RENTAL RATE OF \$5,160.00 FOR THE FIRST YEAR AND INCREASING TO \$5,625.00 FOR THE FOURTH YEAR.

2009-11-19-0936

Item 27. AN ORDINANCE AUTHORIZING A TEN-YEAR LICENSE AGREEMENT WITH FIBERLIGHT LLC FOR USE OF CITY RIGHTS-OF-WAY FOR TELECOMMUNICATIONS CABLES ON HOUSTON STREET IN COUNCIL DISTRICT 2 AND ON PERRIN CREEK DR. AND CRESTWAY AVE. IN COUNCIL DISTRICT 10 FOR A FEE OF \$400,988.61.

2009-11-19-0937

Item 28. AN ORDINANCE AUTHORIZING CONVEYANCE OF 12 PARCELS OF LAND TO THE SAN ANTONIO RIVER AUTHORITY FOR THE DEVELOPMENT OF THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT (SARIP) MISSION REACH, PHASE III AND IV LOCATED IN COUNCIL DISTRICT 3.

2009-11-19-0938

Item 29. AN ORDINANCE AUTHORIZING A 52-MONTH LEASE AGREEMENT WITH RIO RIO CANTINA CORPORATION D/B/A RIO RIO CANTINA TO UTILIZE CITY-OWNED RIVER WALK PROPERTY ADJACENT TO THEIR RESTAURANT FOR OUTDOOR FOOD AND BEVERAGE SERVICE AT 421 RIVER WALK WITH PAYMENTS OF \$4,331.92 IN FY 2010.

2009-11-19-0939

Item 30. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS, UPON AWARD, FOR THE MAYOR'S PHYSICAL FITNESS COUNCIL GRANT PROGRAM FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN AN AMOUNT UP TO \$100,000.00.

2009-11-19-0940

Item 31. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR AN AMOUNT UP TO \$15,000,000.00 OVER 2 YEARS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT THROUGH THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S "COMMUNITIES PUTTING PREVENTION TO WORK INITIATIVE" TO ADDRESS ISSUES OF OBESITY, PHYSICAL INACTIVITY, AND POOR NUTRITION.

2009-11-19-0941

Item 32. AN ORDINANCE AMENDING CHAPTER 14 OF THE CITY CODE APPLICABLE TO THE CENTRAL BUSINESS DISTRICT, INCLUDING REVISIONS TO THE RECEPTACLE PLACEMENT, REMOVAL AND COLLECTION TIMES, MANDATORY RECEPTACLE IDENTIFICATION, AND ELIMINATING BAGS AS 'SEALED' RECEPTACLES.

Item 33. 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 LUCRECIA M. RODRIGUEZ (DISTRICT 5) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

- B. REAPPOINTING MICHAEL E. MARTINEZ (DISTRICT 5) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- C. APPOINTING ROY R. BOTELLO (DISTRICT 5) TO THE PARKS AND RECREATION BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- D. APPOINTING LINDA N. LIBBY (DISTRICT 5) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- E. REAPPOINTING JOHN NICHOLAS (DISTRICT 8) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2010.
- F. APPOINTING RON C. CAMPOS (DISTRICT 10) TO THE ETHICS REVIEW BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE APRIL 25, 2011.

Item 34. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO SAN ANTONIO SPORTS:

2009-11-19-0942

- A. AN ORDINANCE AUTHORIZING A ONE-YEAR PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT UP TO \$155,000.00 WITH SAN ANTONIO SPORTS TO SUPPORT THE SOLICITATION OF SELECT AMATEUR REGIONAL, NATIONAL AND INTERNATIONAL SPORTING EVENTS.

2009-11-19-0943

- B. AN ORDINANCE AUTHORIZING THE FIRST AMENDMENT TO THE REIMBURSEMENT AGREEMENT WITH SAN ANTONIO SPORTS FOR REIMBURSEMENT OF EXPENSES ASSOCIATED WITH THE 2008 NCAA MEN'S FINAL FOUR BASKETBALL TOURNAMENT; INCREASING THE NUMBER OF YEARS FOR REIMBURSEMENT; AND AUTHORIZING ANNUAL PAYMENTS OF \$309,375.00 FOR FY 2010-2013 RESULTING FROM FUNDS RECEIVED THROUGH THE OTHER EVENTS TRUST FUND.

[CONSENT AGENDA ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2009-11-19-0907

- Item 11. AN ORDINANCE AUTHORIZING AN ON-CALL PROFESSIONAL SERVICES AGREEMENT WITH PROVIDENCE COMMERCIAL REAL ESTATE FOR A THREE-YEAR TERM TO PROVIDE REAL ESTATE BROKERAGE SERVICES FOR THE CITY.

Councilmember Ramos asked of the hiring of a real estate company and the services provided by the City's Real Estate Division. Mike Frisbie replied that city staff conducts many of the real estate activities but hires an on-call company to assist with peak loads of business. He added that the contract was only for on-call, thus would only be billed for services utilized. Councilmember Ramos expressed concern that funds allocated for the bond program would be spent on outside real estate services. She asked if this practice was utilized in other cities and of the benefits. Mr. Frisbie stated that other cities also contracted with an on-call Real Estate Company. He added that it was beneficial to have experts available to assist when needed. Councilmember Ramos asked of the scoring of the company. Mr. Frisbie reported that Providence Commercial Real Estate scored well ahead of the second place firm and that they were a local firm. Councilmember Ramos requested an update in six months regarding the status of the contract.

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 Clamp. **NAY:** None. **ABSENT:** Mayor Castro.

The City Clerk read the following Ordinance:

2009-11-19-0910

Item 14. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT WITH GRECO CONSTRUCTION COMPANY IN THE AMOUNT OF \$653,100.00, FROM A TOTAL AUTHORIZED PROJECT AMOUNT OF \$798,050.17, FOR PARK RENOVATIONS AS PART OF THE HERITAGE PARK POOL PROJECT, LOCATED IN COUNCIL DISTRICT 4, FUNDED BY 2007-2012 GENERAL OBLIGATION BONDS AND UNIFIED DEVELOPMENT CODE (UDC) FEES, AND AMENDING THE FY 2010-2015 CAPITAL BUDGET.

Mayor Pro Tem Cortez noted that staff had been working on the project along with the Heritage Neighborhood for many years and asked of the project details. Mr. Frisbie stated that the project would begin in December and be completed in May, 2010. He added that the swimming pool would be renovated and that improvements would be made to the parking lot to include ADA requirements. Mayor Pro Tem Cortez asked of community input. Mr. Frisbie replied that a community input meeting would be held to ensure that residents of the area were aware of the construction. Councilmember Cortez expressed his support and recognized Former Councilmember Richard Perez, Nancy Inglebert, and the Heritage Neighborhood Association for their work on the project.

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, and Clamp. **NAY:** None. **ABSENT:** Mayor Castro.

The City Clerk read the following Ordinances for Items 16C and 17C:

2009-11-19-0914

Item 16C. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$255,000.00 TO THE \$5,109,413.00 PROFESSIONAL SERVICES CONTRACT WITH CH2M HILL FOR PROGRAM MANAGEMENT OF THE LAM PROGRAM.

2009-11-19-0918

Item 17C. AN ORDINANCE AUTHORIZING AN AMENDMENT IN INCREASED AMOUNT OF \$171,020.40 TO THE \$5,364,413.00 PROFESSIONAL SERVICES CONTRACT WITH CH2M HILL FOR PROGRAM MANAGEMENT OF THE LAM PROGRAM.

Councilmember Chan recused herself from Items 16C and 17C by excusing herself from the Council Chambers and noting that she had submitted the recusal forms for said items to the City Clerk.

Councilmember Clamp moved to adopt the proposed Ordinances for Items 16C and 17C. Councilmember Ramos seconded the motion.

The motion to approve Items 16C and 17C prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, and Clamp. **NAY:** None. **ABSTAIN:** Chan. **ABSENT:** Mayor Castro.

The City Clerk read the following Ordinances for Items 18A and 18C:

2009-11-19-0920

Item 18A. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO H. L. ZUMWALT CONSTRUCTION, INC. IN THE AMOUNT OF \$8,083,107.30 FOR AUTHORIZED FY 2010 STREET MAINTENANCE PROGRAM ASPHALT OVERLAY PROJECTS LOCATED CITY WIDE.

2009-11-19-0922

Item 18C. AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 4 TO A CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, INC. IN THE AMOUNT OF \$2,559,377.70 FOR THE ADDITION OF SEVEN STREET REHABILITATION PROJECTS, AUTHORIZED FY 2010 STREET MAINTENANCE PROGRAM PROJECTS LOCATED CITY WIDE.

Councilmember Clamp asked of the companies Zumwalt Construction Company and Clark Construction of Texas. Majed Al-Ghafry replied that Zumwalt Construction Company was a local firm that had performed good work for the city in the past. He noted that Clark Construction provided specialty work and had also performed well for the city on other projects.

Councilmember Clamp moved to adopt the proposed Ordinances for Items 18A and 18C. Councilmember Cisneros seconded the motion.

The motion to approve Items 18A and 18C prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, and Clamp. **NAY:** None. **ABSENT:** Mayor Castro.

The City Clerk read Item 19B:

2009-11-19-0924

Item 19B. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT AND ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$997,000.00 FROM SAWS FOR MATERIALS RELATED TO STREET MAINTENANCE IN THE LACKLAND TERRACE NEIGHBORHOOD LOCATED IN COUNCIL DISTRICTS 4 AND 6.

Mayor Pro Tem Cortez asked of the work that would be completed in the Lackland Terrace Neighborhood. Mr. Al-Ghafry replied that they were partnering with SAWS to perform full street rehabilitation in the area. Mayor Pro Tem Cortez expressed his support and recognized all involved in the project. Councilmember Rodriguez noted that Item 19A had been approved on consent for work in the Donaldson Terrace Neighborhood and expressed his support for the coordination with SAWS. He requested a map of the streets that would be rehabilitated. Councilmember Ramos expressed her support for said item and also thanked staff for their coordination with SAWS.

Councilmember Cisneros moved to adopt the proposed Ordinance for Item 19B. Councilmember Clamp seconded the motion.

The motion to approve Item 19B prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, and Chan. **NAY:** None. **ABSENT:** Mayor Castro and Clamp.

The City Clerk read Item 19C:

2009-11-19-0925

Item 19C. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT AND ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$58,000.00 FROM SAWS AND THE SAN ANTONIO HOUSING AUTHORITY (SAHA) FOR MATERIALS RELATED TO STREET MAINTENANCE IN THE VICTORIA COMMONS AREA LOCATED IN COUNCIL DISTRICT 1.

Councilmember Cisneros asked of the amounts provided by each of the entities and of the project timeline. Mr. Al-Ghafry reported that the city would provide \$58,000; San Antonio Housing Authority (SAHA) would provide \$38,000; and SAWS would provide \$20,000 toward the project. He noted that the project would begin within three months and completion was slated before September 30, 2010. Councilmember Cisneros recognized the Lavaca Neighborhood Association for their input and the SAHA staff that worked on the project.

Councilmember Cisneros moved to adopt the proposed Ordinance for Item 19C. Councilmember Rodriguez seconded the motion.

The motion to approve Item 19C prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, and Clamp. **NAY:** None. **ABSENT:** Mayor Castro.

The City Clerk read Item 19D:

2009-11-19-0926

Item 19D. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT AND ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$175,000 FROM BEXARMET FOR FLATWORK RELATED TO THE TEMPLE SQUARE PROJECT LOCATED IN DISTRICT 4.

Mayor Pro Tem Cortez asked of the work that would be completed. Mr. Al-Ghafry replied that staff was partnering with BexarMet to construct sidewalks, curbs and gutters that had been impacted by the underground facilities in the area. Mayor Pro Tem Cortez expressed his support and recognized the Board of Directors of the Heritage Neighborhood Association for the improvements in the neighborhood.

Councilmember Cisneros moved to adopt the proposed Ordinance for Item 19D. Councilmember Rodriguez seconded the motion.

The motion to approve Item 19D prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, and Clamp. **NAY:** None. **ABSENT:** Mayor Castro.

CITY MANAGER'S REPORT

A. AIRPORT CONSTRUCTION UPDATE

Ms. Sculley reported that the following Wednesday would be the busiest air travel day of the year. Thus, spoke of the improvements completed at the San Antonio International Airport. She stated that some roadways in Terminal B were open and that four lanes in Terminal 1 also opened to alleviate traffic congestion. She noted that there was a shorter walking distance from the parking area to Terminal B. She added that an Airport Master Planning Project had been implemented to identify future expansion needs and opportunities.

Councilmember Ramos thanked staff for their work on the National Leagues of Cities (NLC) Conference and the San Antonio Rock 'N Roll Marathon. She wished Councilmember Clamp a Happy Birthday. Councilmembers Cisneros and Medina thanked city staff for their work on the NLC Conference and the Rock 'N Roll Marathon. Councilmembers Cisneros, Chan and Mayor Castro were recognized for the awards they received during the NLC Conference.

Mayor Pro Tem Cortez recessed the meeting at 2:00 pm for a break.

CONSENT ZONING ITEMS

Mayor Pro Tem Cortez reconvened the meeting at 2:20 pm and addressed the Consent Zoning Items. He noted that Item Z-4 had been pulled from the agenda by city staff.

Councilmember Cisneros 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: P-1, Z-1, Z-2, Z-5, Z-8, and Z-9. Councilmember Clamp seconded the motion.

Jack M. Finger expressed concern with the disruption caused by street closures due to the San Antonio Rock 'N Roll Marathon. He expressed concern with the increase in height of the cell phone tower in Item

Z-2. He spoke against the auto and light truck repair designation in Item Z-6. Lastly, he spoke in favor of the historic designations for Items Z-7 and Z-8.

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

2009-11-19-0944

Item P-1. **PLAN AMENDMENT (District 4):** AN ORDINANCE AMENDING THE MAJOR THOROUGHFARE PLAN, A COMPONENT OF THE CITY OF SAN ANTONIO MASTER PLAN, TO DE-DESIGNATE A PROPOSED EXTENSION OF SOMERSET ROAD AND DESIGNATE AN EXISTING SEGMENT OF SOMERSET ROAD BOTH GENERALLY LOCATED IN SOUTHWEST SAN ANTONIO, SOUTH OF I-35, NORTH OF SW LOOP 410, AND WEST OF PALO ALTO ROAD.

2009-11-19-0945

Item Z-1. **ZONING CASE # Z2009140 (District 5):** AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT ON LOT 5, BLOCK 69, NCB 3667 LOCATED AT 323 NW 24TH STREET. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 5, BLOCK 69, NCB 3667 TO WIT: FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.

2009-11-19-0946

Item Z-2. **ZONING CASE # Z2009160 S (District 6):** AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6 S" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A SPECIFIC USE AUTHORIZATION TO ALLOW A WIRELESS COMMUNICATION SYSTEM ON 0.1879 OF AN ACRE OUT OF NCB 17640, SAVE AND EXCEPT 0.0266 OF AN ACRE OUT OF NCB 17640 LOCATED ON THE 5100 BLOCK OF ROGERS 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: 0.1879 OF AN ACRE OUT OF NCB 17640, SAVE AND EXCEPT 0.0266 OF AN ACRE OUT OF NCB 17640 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6 S" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A SPECIFIC USE AUTHORIZATION TO ALLOW A WIRELESS COMMUNICATION SYSTEM PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

PULLED BY STAFF

Item Z-4. **ZONING CASE # Z2009063 (District 8):** AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2"

COMMERCIAL DISTRICT ON 1.556 ACRES OUT OF NCB 14702 LOCATED AT 9545 HUEBNER ROAD. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

2009-11-19-0947

Item Z-5. **ZONING CASE # Z2009154 ERZD (Districts 8, 9 and 10):** AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM MULTIPLE ZONING DISTRICTS TO MULTIPLE ZONING DISTRICTS, WITH APPLICATION OF THE MILITARY LIGHTING OVERLAY DISTRICT (MLOD) ON ALL PROPERTIES BETWEEN THREE (3) AND FIVE (5) MILES OF THE EXTERIOR BORDER OF THE CAMP BULLIS TRAINING SITE AND WITHIN THE CITY OF SAN ANTONIO MUNICIPAL BOUNDARY. 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: ALL PROPERTIES BETWEEN THREE (3) TO FIVE (5) MILES OF THE EXTERIOR BORDER OF THE CAMP BULLIS TRAINING SITE AND WITHIN THE CITY OF SAN ANTONIO MUNICIPAL BOUNDARY TO WIT: FROM MULTIPLE ZONING DISTRICTS TO MULTIPLE ZONING DISTRICTS, TO ADD THE MILITARY LIGHTING OVERLAY DISTRICT (MLOD).

2009-11-19-0950

Item Z-8. **ZONING CASE # Z2009163 HS (District 1):** AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "C-3NA NCD-5" GENERAL COMMERCIAL NONALCOHOLIC SALES BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT AND "O-2 NCD-5" HIGH-RISE OFFICE BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT TO "HS C-3NA NCD-5" HISTORIC SIGNIFICANT GENERAL COMMERCIAL NONALCOHOLIC SALES BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT AND "HS O-2 NCD-5" HISTORIC SIGNIFICANT HIGH-RISE OFFICE BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT ON LOTS 24, 25 AND 26, BLOCK 2, NCB 3031 LOCATED ON THE 700 BLOCK OF FREDERICKBURG 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: LOTS 24, 25 AND 26, BLOCK 2, NCB 3031 TO WIT: FROM "C-3NA NCD-5" GENERAL COMMERCIAL NONALCOHOLIC SALES BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT AND "O-2 NCD-5" HIGH-RISE OFFICE BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT TO "HS C-3NA NCD-5" HISTORIC SIGNIFICANT GENERAL COMMERCIAL NONALCOHOLIC SALES BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT AND "HS O-2 NCD-5" HISTORIC SIGNIFICANT HIGH-RISE OFFICE BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT.

2009-11-19-0951

Item Z-9. **ZONING CASE # Z2009164 HS (District 2):** AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "RM-4" RESIDENTIAL MIXED DISTRICT TO "HS RM-4" HISTORIC SIGNIFICANT RESIDENTIAL MIXED DISTRICT ON LOT 9, BLOCK 115, NCB 1408

LOCATED ON 834 IOWA STREET. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 9, BLOCK 115, NCB 1408 TO WIT: FROM "RM-4" RESIDENTIAL MIXED DISTRICT TO "HS RM-4" HISTORIC SIGNIFICANT RESIDENTIAL MIXED DISTRICT.

[CONSENT ZONING ITEMS CONCLUDED]

INDIVIDUAL ZONING ITEMS

CONTINUED TO JANUARY 21, 2010

Item Z-3. **ZONING CASE # Z2009165 HS (District 7):** AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "C-2" COMMERCIAL DISTRICT TO "HS C-2" HISTORIC SIGNIFICANT COMMERCIAL DISTRICT ON THE NORTHEAST 522 FEET OF LOT 6, NCB 8349 LOCATED AT 3031 WEST WOODLAWN AVENUE. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

Chris Looney presented Item Z-3 and stated that it would amend the Zoning District Boundary from "C-2" Commercial District to "HS C-2" Historic Significant Commercial District. He noted that staff and the Zoning Commission recommended approval. He reported that since the property owner was in opposition, the item would require nine votes for approval.

Councilmember Ramos moved to continue said item to January 21, 2010. Councilmember Cisneros seconded the motion.

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

2009-11-19-0948

Item Z-6. **ZONING CASE # Z2009115 CD (District 10):** AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2NA CD" COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH A CONDITIONAL USE FOR AUTO AND LIGHT TRUCK REPAIR ON 1.64 ACRES OUT OF NCB 15680 AND 17365 (CB 5014) LOCATED ON A PORTION OF THE 13000 AND 14000 BLOCKS OF BULVERDE ROAD. STAFF RECOMMENDS APPROVAL OF "C-2NA" AND DENIAL OF THE CONDITIONAL USE. ZONING COMMISSION RECOMMENDS 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: 1.64 ACRES OUT OF NCB 15680 AND 17365 (CB 5014) TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2NA CD" COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH A CONDITIONAL USE FOR AUTO AND LIGHT TRUCK REPAIR PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented Item Z-6 and stated that it would amend the Zoning District Boundary from “R-6” Residential Single-Family District to “C-2NA CD” Commercial District, Nonalcoholic Sales with a conditional use for auto and light truck repair. He noted that staff recommended approval of “C-2NA” and denial of the conditional use. He added that the Zoning Commission recommended approval with the following conditions: 1) No vehicles can be kept on the premises for more than 45 days; 2) The repair work must take place indoors; 3) A type C landscape buffer including a six-foot tall solid screen fence be maintained along the side and rear property lines where the property abuts residential uses or zoning but no fence is required along the southern property line; 4) On-site lighting must be directed onto the site and point away from residential zoning or uses; 5) Hours of operation must be from 7:00 am to 7:00 pm; and 6) Service bay access and openings must be oriented toward Bulverde Road and away from abutting residential zoning or uses. He noted that the opposition represented more than 20% of the property owners within 200 feet and therefore; would require nine votes for approval.

James Griffin representing the applicant stated that they had met with the neighbors and agreed to the following conditions: 1) Business or office hours of operation shall not be permitted before 7:00 am or after 7:00 pm; 2) Vehicles waiting to be repaired shall not be kept on premise for more than 45 days; 3) A type C (15-foot) landscape buffer, including a six-foot tall solid screen fence shall be maintained along the side and rear property lines where the subject property abuts residential zoning or uses, with the exception that no fence will be required along the southern property line. Additionally, a minimum 5-foot tall hedge shall consist of the types of shrubs listed in the Unified Development Code (UDC) and shall run continuously along the eastern (rear) property line; 4) All on-site lighting shall be directed onto the site and point away from any residential zoning or uses using 90-degree or less cut-off fixtures; 5) All service bay access and openings shall be oriented toward Bulverde Road and away from abutting residential zoning or uses; 6) No sign nor part of any sign located on the subject property may flash, blink, or change its illumination; 7) Any dumpsters located on the property shall be screened from public view on all four sides to a height commensurate with the height of such dumpster; 8) In addition to the auto and light truck repair, the subject property may also be used for the display and sale of motor vehicles; and 9) The size of the structure shown on the site plan may be reduced by any amount but may not be enlarged beyond the square footage stated on the site plan. If the structure size is reduced, the number of parking spaces shown on the site plan may also be reduced accordingly.

Councilmember Clamp stated that the applicant would have to abide by the noise levels as outlined in the UDC. He added that he had received support from the Eaton Neighborhood Association.

Councilmember Clamp moved to adopt Zoning Case #Z2009115 CD from R-6 to C-2NA CD Commercial District Nonalcoholic Sales with a conditional use for an auto and light truck repair on 1.64 acres out of NCB 15680 and 17365 (CB 5014) located on a portion of the 13000 and 14000 blocks of Bulverde Road with the conditions as read and submitted to the City Clerk. Councilmember Cisneros seconded the motion.

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

2009-11-19-0949

Item Z-7. ZONING CASE # Z2009162 HS (District 1): AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "C-3NA NCD-5" GENERAL COMMERCIAL NONALCOHOLIC SALES BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT

TO "HS C-3NA NCD-5" HISTORIC SIGNIFICANT GENERAL COMMERCIAL NONALCOHOLIC SALES BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT ON THE EAST 24 FEET OF LOT 2 AND THE WEST 41.7 FEET OF LOT 3, BLOCK 1, NCB 3030 LOCATED AT 1241 WEST FRENCH 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: THE EAST 24 FEET OF LOT 2 AND THE WEST 41.7 FEET OF LOT 3, BLOCK 1, NCB 3030 TO WIT: FROM "C-3NA NCD-5" GENERAL COMMERCIAL NONALCOHOLIC SALES BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT TO "HS C-3NA NCD-5" HISTORIC SIGNIFICANT GENERAL COMMERCIAL NONALCOHOLIC SALES BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT.

Chris Looney presented Item Z-7 and stated that it would amend the Zoning District Boundary from "C-3NA NCD-5" General Commercial Nonalcoholic Sales Beacon Hill Area Neighborhood Conservation District to "HS C-3NA NCD-5" Historic Significant General Commercial Nonalcoholic Sales Beacon Hill Area Neighborhood Conservation District. He reported that staff and the Zoning Commission recommended approval and that the Beacon Hill Neighborhood Association was in favor.

Councilmember Cisneros expressed her support and read a letter from Debbie Huerta, President of the Beacon Hill Neighborhood Association in support of the re-zoning. Ms. Huerta wrote that they applauded the owner for complying with the guidelines of the Midtown Neighborhood Plan.

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

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

Mayor Pro Tem Cortez recessed the meeting at 2:34 pm and stated that the meeting would resume at 5:45 pm for Ceremonials.

CEREMONIALS

Mayor Pro Tem Cortez recognized the "*Be One in a Million*" School Challenge. The City Councilmembers challenged one another to sign up the most students for library cards in their respective districts. They engaged 170 schools to participate in the competition. Prizes will be awarded to the top school in each of the School Districts and one overall winner will be recognized. All winning schools will receive a selection of books to place in their libraries.

CITIZENS TO BE HEARD

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

Mark Perez stated that he had been attending City Council meetings for a long time and spoke of the hazardous materials being stored by Kimberly Clark and Tetco. He expressed concern that Planning and Development Services staff had not responded to his requests.

Theresa Berlanga spoke of the alleged incident in which Betty Eckert had asked senior citizens to only speak English at the city's nutrition center. Ms. Berlanga stated that she had begun the requirement that employees speak English in her store as a courtesy so that customers were aware of what was being said. She expressed concern with vehicles parking along narrow streets and the safety issues that they posed. She spoke of the traffic congestion at Huebner Road Exit off IH-10.

Julie Iris Oldham stated that Voelcker Park should not be named after an individual and that it should keep the Voelcker name. She expressed concern with the tax incentives requested by golf course owners and spoke of an incident in which Charles English had asked the Republican Party for assistance.

Guadalupe Rodriguez stated that she was the wife of Retired Sergeant Major Gilbert Rodriguez and that he was the Commander representing the San Antonio Armed Forces Parade Association. She noted that she had served as a volunteer for the Fiesta Flambeau Parade Association the last 22 years. She spoke of an incident that occurred on November 5, 2009 in which she and her husband had been removed as members of the Association by President Antonio Alvarado. She stated that she was verbally, physically and mentally abused and that her life had been threatened. She expressed concern that she was denied the right to speak and that a registered sex offender is a member of the association and is allowed to serve that organization.

Councilmember Cisneros asked Ms. Rodriguez if a police report had been filed. Ms. Rodriguez stated that she did not call.

George Alejos stated that he was representing LULAC Council #4383 and read a letter from Maria del Rosario Lopez. Ms. Lopez wrote that she was disappointed with the actions of Antonio Alvarado, President of the Fiesta Flambeau Parade Association that occurred November 5, 2009. She wrote that Guadalupe and Gilbert Rodriguez were unjustly removed from the Association and that their removal was based on retaliation. She expressed concern that a registered sex offender was allowed to participate on the Association due to the many children that attend the event. She asked that Mr. Alvarado be held accountable and removed from the Association. She asked that the bylaws be amended to include individuals that cannot serve on the Association such as sex offenders. Mr. Alejos stated that he understood that the Fiesta Flambeau Parade Association was autonomous but asked that the city help remove the registered sex offender from serving or contributing to the event.

Charles English stated that he was the Vice-Chair of the Community Action Advisory Board. He spoke of a strategic planning session that had taken place on May 3, 2009 in which various areas of the city were identified as needing the most assistance. He noted that those receiving assistance were required to be at 125% of the poverty level and had requested that it be adjusted to 200% of the poverty level. He stated that they looked at prioritizing services to the elderly, disabled, and the working poor. He expressed concern that only eight individuals had been helped out of poverty. He spoke of the mis-management and concern for his mother's account at CPS Energy in which she did not receive a cut-off notice of her utilities. He requested that an ad hoc committee be convened to investigate CPS Energy.

Jose A. Perez expressed concern that Mayor Castro was not in attendance for the Ceremonial portion of the agenda. He stated that he had addressed the City Council several years ago but there were no minutes reflecting his comments. He expressed concern that there were no city contracts for him to bid on and spoke of his freedom of speech and civil rights. He stated that he was a high school dropout but excelled in his industry.

Raymond Zavala expressed concern that a barricade located on the 200 block of Monclova Street had been removed by a contractor hired by the city and had not been properly replaced. He stated that the barricade was now leaning due to the rain and asked that the city follow up on the work of contractors. He recommended that the City Manager impose sensitivity training on Animal Control Officers and spoke of an individual that had received seven citations for a loose animal over a period of two days. He commended Councilmember Cortez for his responses during a television interview. He also expressed concern with the removal of trolley tracks in the city. He stated that the CPS Energy Board should be dissolved and asked the City Council to vote no to nuclear energy.

Deputy City Clerk Leticia Y. Saenz read written testimony from Faris Hodge, Jr. Mr. Hodge wrote in support of renewable energy grants. He congratulated KENS Television Anchor Chris Marrou for his many years of service and wrote of the mistreatment of Lucky the Elephant at the San Antonio Zoo.

ADJOURNMENT

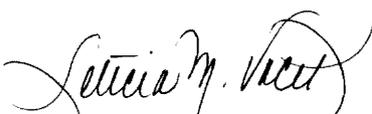
There being no further discussion, Mayor Pro Tem Cortez adjourned the meeting at 6:52 pm.

APPROVED



JULIÁN CASTRO
MAYOR

Attest:



LETICIA M. VACEK, TRMC/CMC
City Clerk