

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WERE HELD IN THE MUNICIPAL PLAZA BUILDING, WEDNESDAY, DECEMBER 9, 2009 AND THURSDAY, DECEMBER 10, 2009, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **December 9, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro.

1. SAWS BRIEFING ON THE 2010 BUDGET AND A PROPOSED ORDINANCE TO ADD A STATE-IMPOSED TCEQ FEE AS A LINE ITEM ON SAWS BILLS

Bill Mattox, Assistant Finance Director provided an overview of the items that would be discussed by Robert Puente, SAWS President and CEO and Doug Evanson, SAWS Chief Financial Officer. Mr. Puente reported that they had managed the recent drought well and their plan would be a model for other entities throughout the nation. He added that they had done a great job in managing water demand and would not be requesting a rate increase in 2010. He provided a comparison of water demand from 1987 through 2007 and stated that they were providing water services to 50% more customers with 0% more water and had saved 121,000 acre-feet of water. He explained that up to \$3.3 billion in deferred alternative supplies could have been spent if that amount of water had not been conserved and that additional wastewater treatment could have cost up to \$1.1 billion.

Mr. Evanson provided information regarding the Texas Commission on Environmental Quality (TCEQ) and the impact of their fees on the SAWS Budget. He stated that TCEQ was the environmental regulatory body for the State of Texas and was responsible for water and air quality. He noted that historically, TCEQ's general revenue appropriations had been utilized to cover a significant portion of water program activities but their appropriations had declined from \$51 million in 2004-2005 to \$9.4 million for 2010-2011. He added that TCEQ was facing an \$18 million per year shortfall to fully fund their water program activities and had subsequently increased the following three fees to maintain the activities at current levels: Water Use Assessment Fee; Consolidated Water Quality Fee; and Public Health Service Fee. He explained that SAWS was proposing to create a pass through line-item on ratepayer bills to fund all fees assessed by TCEQ.

Mr. Evanson explained the formula for calculation of the TCEQ Fees and noted that it totaled 24 cents per customer. He mentioned that once approved by the City Council, SAWS would not have to receive authorization for future increases or decreases to the fee. He reported that the Edwards Aquifer Authority (EAA) Fee would increase to \$1.43 from \$0.95 and that the total impact of both fees would be \$1.67 per customer.

Mr. Evanson spoke of SAWS' Operating and Maintenance Management since 2005 noting that they had reduced authorized positions from 1,807 to 1,748 and reduced the budget for Contractual and Professional Services from \$94 million to \$89.4 million. He stated that they had worked diligently on Capital Cost Management through refinancing for debt service savings and reprioritization of the Capital Improvements Program. He noted that they continued to promote conservation and had

acquired additional Edwards Aquifer rights. He outlined the residential bill increases of major Texas Cities since 2006, noting that SAWS increases totaling 5.1% were the lowest in the State. He added that SAWS was second only to El Paso in regard to the average monthly residential water bill at \$44.92.

Mr. Evanson presented a summary of the 2010 SAWS Budget and stated that there was no rate increase proposed for 2010. He noted that there would be no wage increases for SAWS Employees and no funding for Lower Colorado River Authority study period costs. He reported that they would reassess the timing and priority of projects in the 2010 Capital Improvements Program and reduce capital outlay in the amount of \$5 million. He requested authorization for a line-item TCEQ pass through fee that would increase customer bills by 24 cents per month.

Mr. Puente outlined issues that would be brought to the City Council in 2010 including a Rate Structure, Grease Ordinance, and Bond Issuance. He stated that they would sustain efforts to maintain affordable rates and enhance the financial strength of the organization. Additionally, they would develop alternative water supplies including the Regional Carrizo and Brackish Desalination.

Councilmember Cisneros clarified that the TCEQ Fee was a pass through fee and not a rate increase. Mr. Puente stated that the fee could be adjusted next year if sufficient funds were not collected or if there was over collection. Councilmember Cisneros asked of impact fee waivers. Keith Martin of SAWS stated that since 2006, SAWS has provided \$2 million annually to the city to utilize for impact fee waivers. Councilmember Cisneros requested that SAWS work closely with the city to provide incentives for inner city development. Councilmember Lopez asked of other water jurisdictions and overlay territories. Mr. Puente replied that there were only two water purveyors in Bexar County and both were subject to the TCEQ Fee increase. He added that there was some confusion on the part of BexarMet regarding service area and issues would be addressed with their recently hired General Manager.

Councilmember Ramos asked of future rate increases. Mr. Evanson provided a summary of the projected rate increases through year 2014 and stated that they would work diligently to reduce the impact to ratepayers. Councilmember Clamp requested a financial update to include detailed information on the water supply fee. He expressed concern that SAWS would have full authority for future TCEQ increases. He requested that any increases continue to be brought before the City Council. Councilmember Chan requested a financial model of the impact if SAWS rate increases were implemented every other year. She asked how staff would communicate SAWS rate increases to the community. Greg Flores noted that SAWS would provide outreach to the community through their annual budget process and work closely with the City Council Offices; Neighborhood Associations; and provide information via SAWS Publications.

The Mayor and Councilmembers thanked SAWS Staff for the presentation and their work in the community.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 3:40 pm to convene in Executive Session for the purposes 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).

B. DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.072 (REAL PROPERTY) AND 551.071 (CONSULTATION WITH ATTORNEY).

Mayor Castro reconvened the meeting at 5:40 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 Castro adjourned the meeting at 5:40 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **December 10, 2009** at 9:00 am in the City Council Chambers.

ROLL CALL

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

Item 1. The Invocation was delivered by Rev. David Trawick, Pastor, Northwest Hills United Methodist Church, guest of Councilmember Ray Lopez, District 6.

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

Item 3. MINUTES

Councilmember Cisneros moved to approve the Minutes for the Regular City Council Meeting of October 29, 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.

POINT OF PERSONAL PRIVILEGE

Mayor Castro recognized Kirk Feldman, Director of Arts Center Enterprises and Frank Ruttenberg, Chairman of the Board of Las Casas Organization to address the Council regarding the musical production "The Lion King."

Mr. Ruttenberg stated that Las Casas was a non-profit organization formed in the mid-80's that joined the city in creating a public/private joint venture for renovating, maintaining, and operating the Majestic and Empire Theaters. He spoke of the many performances and great attendance of the venues and thanked the Council for their continued support. Mr. Feldman stated that they were a self-sustaining performance arts center and spoke of the great economic impact of "The Lion King." Cast members

were introduced and they presented Mayor Castro with a framed digital drawing of the Lion King musical. Mayor Castro thanked everyone for the gift and for their work in the city.

Councilmember Ramos recognized Bill Harrison, Executive Director of the Elf Louise Christmas Project. She stated that the project had been in existence for 40 years and recognized Louise Locker for implementing the project. Councilmember Ramos presented a check in the amount of \$5,500 to the Elf Louise organization and thanked the Mayor and Councilmembers for their financial contributions. She recognized City Clerk Leticia M. Vacek and staff for their assistance. Mr. Harrison thanked the City Council for their donation and spoke of the great work of Ms. Locker in providing Christmas presents to less fortunate children in the community. He noted that many volunteers helped with the project and asked for continued support from the citizens of San Antonio. Mayor Castro thanked Louise Locker and the Elf Louise Project for their many contributions over the past 40 years.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read Item 4:

2009-12-10-0995

Item 4. BRIEFING AND CONSIDERATION OF AN ORDINANCE ADOPTING THE RECOMMENDATIONS OF THE MAYOR'S SUBCOMMITTEE ON CORPORATE RETENTION AND RECRUITMENT REGARDING ECONOMIC DEVELOPMENT ACTIVITY IN THE CITY OF SAN ANTONIO; AND AUTHORIZING THE NEGOTIATION OF A CONTRACT IN THE AMOUNT OF \$500,000.00 WITH THE ECONOMIC DEVELOPMENT FOUNDATION.

Ms. Sculley spoke of the creation of the Mayor's Subcommittee on Corporate Retention and Recruitment and noted that Wayne Peacock of USAA and David Zachry of the Zachry Corporation had agreed to serve as co-chairs. She stated that their efforts were focused on expanding retention and recruitment for the City of San Antonio and strengthening economic development efforts and partnerships. Mr. Peacock stated that there was tremendous potential for greater economic development and that the Economic Development Foundation (EDF) had done a great job over the past 10 years in attracting businesses such as Toyota and Medtronic to San Antonio. He outlined three Committee Recommendations: 1) Create a Plan - Develop the long-range vision and strategic plan for the region; 2) Establish Process and Structure - Utilize the EDF to systematize economic development and coordination; and 3) Improve Resource Utilization - Invest in continual improvement of economic development resources.

Mr. Peacock spoke of the importance of regional vision and a long-range strategic plan through commitment from Mayor Castro and County Judge Wolff. He explained that Economic Development within the public and private sectors should be led by the EDF and coordinated with efforts led by the City and Bexar County. He stated that the EDF should align their strategy with the regional vision and plan and that their charter should be broadened to expand their governance. He noted that their funding must be increased in order to be more competitive and that there should be better accountability.

Mr. Peacock stated that during their analysis, it was determined that there was a lack of the core function for a formal program for retention of companies and expansion. He added that the EDF be the coordinating entity to work with other entities to develop a formal retention and expansion program. He outlined the proposed structure for the EDF in which an Advisory Council would be added and the

EDF Board of Directors and Executive Committee would be broadened. He recommended that a contract for services between the City and EDF be approved in the amount of \$500,000 per year. He stated that contracts with CPS Energy and SAWS could be continued and increased and that the EDF would solicit funding from private investors.

Mayor Castro thanked everyone that participated in the process and asked of the 90-day transition period. Mr. Peacock replied that during that time, they would work on amending the charter and bylaws, as well as negotiating contracts with the city and Bexar County. Councilmember Cisneros expressed her support and noted that more funding should be allocated toward economic development. She recognized the work of the subcommittee and spoke of the importance of finding a balance between retention and recruitment. She stated that she would like for incentive policies to be focused on the jobs and industries related to the regional vision and strategic plan. Councilmember Taylor thanked everyone that served on the subcommittee and noted that the development of a regional vision and strategic plan should be built on the work of the 1997 City of San Antonio Master Plan. She stated that it was important to focus investment on the inner city and should include economic development opportunities other than tourism.

Councilmember Lopez recognized Mayor Castro for his leadership on said issue and expressed his support. Councilmember Clamp also expressed his support and thanked the members of the subcommittee for their work. Councilmember Chan expressed her support and noted that she was pleased with the recommendations of the subcommittee. Councilmember Rodriguez also expressed his support and spoke of the importance of corporate retention. He noted that funding for organizations such as SAGE and the Westside Development Corporation should be continued. Councilmember Ramos expressed her support and thanked everyone that participated in the process. She noted that it would be critical to maintain collaborations and partnerships in order to be successful. Councilmember Cortez recognized Mayor Castro for his leadership on said issue and thanked the subcommittee for their work. He spoke of the strengths of the city including a high quality of life and a low cost of living.

Mayor Castro called upon the individuals registered to speak.

Nazirite Ruben Flores Perez spoke of the importance of setting boundaries with private industries.

Jack M. Finger spoke in opposition to the \$500,000 contract with the Economic Development Foundation and expressed concern with the use of tax abatements.

Councilmember Cisneros moved to adopt the proposed Ordinance with the condition that a contract with the Economic Development Foundation be brought forth within 90 days. Councilmember Chan seconded the motion.

The motion with the condition 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 Item 5:

2009-12-10-0996

Item 5. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AMENDING THE CITY OF SAN ANTONIO'S NEIGHBORHOOD STABILIZATION PROGRAM SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN AND ANNUAL ACTION PLAN TO INCORPORATE A FIRST MORTGAGE OPTION FOR MULTI-FAMILY PROJECTS; REVISE THE MAXIMUM ALLOWABLE COST OF SINGLE-FAMILY REHABILITATION; CLARIFY SINGLE-FAMILY FINANCIAL MECHANISMS; INCREASE THE PRODUCT DELIVERY COST; REVISE THE BUDGET; AND AMEND THE ACTION PLAN TO REFLECT THESE CHANGES.

Nina Nixon-Mendez presented said item and stated that in March, 2009, the City had signed a Neighborhood Stabilization Program (NSP) funding agreement with the Department of Housing and Urban Development in the amount of \$8,635,899. She noted that due to Federal Register updates and additional program needs, an amendment to the NSP is necessary. She reported that funds must be obligated by September 8, 2010 and must be utilized to make neighborhoods stable and sustainable. She stated that five target areas had been identified based on foreclosure densities from 2003 to 2008. She outlined the NSP eligible activities: 1) Establish financing mechanisms for purchase and redevelopment of foreclosed homes; 2) Purchase and rehabilitate properties that have been abandoned or foreclosed; 3) Establish land banks for homes; 4) Demolish blighted structures; and 5) Redevelop demolished or vacant properties.

Ms. Nixon-Mendez spoke of the proposed amendments to the program that include creation of the first Mortgage Program for Multi-Family Properties and increases to the Single Family Rehabilitation Limits. She stated that program income collected after July 30, 2013 may be used by the city as Community Development Block Grant (CDBG) program income. She outlined the budget adjustments being recommended and noted the goal of producing 20 Single-Family Units and 237 Multi-Family Units.

Carolyn Kelly, President of the Tobin Hill Neighborhood Association addressed the City Council in support of expanding opportunities for inner city neighborhoods to qualify for NSP funds. She spoke of the mission and goals of the Association and noted the economic growth and redevelopment in the area. She stated that many blighted and vacant historic homes in the neighborhood could be revitalized through use of NSP funds. She expressed concern that none of the historic district was included in the census tracts identified in the NSP and asked that two census tracts within Tobin Hill be reviewed for eligibility.

Councilmember Cisneros expressed concern that certain neighborhoods would not qualify for the program because only one type of data was utilized in the analysis of eligible census tracts. She requested that staff provide an analysis using the vacant, abandoned, and blighted area categories to determine participation by inner city neighborhoods. Ms. Nixon-Mendez replied that the Planning and Development Services Department was providing assistance in re-analyzing target areas submitted and would bring the data to the Quality of Life Council Committee in January, 2010. Councilmember Ramos noted the importance of targeting funds toward areas that would be most impacted. She spoke of the Gillette Apartments that would be receiving funds and the great impact it would have on the neighborhood. Councilmember Medina spoke in support of analyzing the areas eligible for funding and the importance of inner city revitalization.

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

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

The City Clerk read Item 6:

Item 6. PUBLIC HEARING AND CONSIDERATION OF ORDINANCES AMENDING THE BOUNDARIES OF THE FOLLOWING CITY-INITIATED TAX INCREMENT REINVESTMENT ZONES.

2009-12-10-0997

A. RIVER NORTH

2009-12-10-0998

B. WESTSIDE

2009-12-10-0999

C. MIDTOWN

2009-12-10-1000

D. MISSION DRIVE-IN

Adrian Lopez presented said item and stated that the ordinances would amend the boundaries of the Tax Increment Reinvestment Zones (TIRZ) for River North (TIRZ #27); Westside (TIRZ #30); MidTown (TIRZ #31); and Mission Drive-In (TIRZ #32). He reported that the River North TIRZ had been designated in December, 2006 and that the Board was appointed in November, 2008. He also reported that the City Council had approved the River North Master Plan in March, 2009 and that the Board and staff worked on potential boundary changes through September, 2009. He explained that the amendment would capitalize on improvements to the San Antonio River and Performing Arts Center, a catalytic project identified in the River North Master Plan. He outlined the boundaries and said that the amendment would add 24 acres bringing the total acreage to 218.

Regarding the Westside TIRZ, Mr. Lopez stated that it had been designated in December, 2008 with the Board appointments in May and June, 2009. He explained that the city had presented the Westside Reinvestment Plan to the public in September, 2009 and that the proposed amendment was approved by the Board in November, 2009. He spoke of the rationale for the amendment, noting that it would support reinvestment along South Flores Street and incorporate the Lone Star Studios and the proposed St. Henry's Senior Apartment Project. He mentioned that there was a statutory limitation associated with Tax Increment Financing (TIF) that only allows 10% residential within a city-initiated zone therefore; several residential parcels were being removed and other parcels were being added.

Mr. Lopez spoke to the Midtown TIRZ and noted that it had been designated in December, 2008 and that the Board was appointed in April, 2009. He stated that the amendment for said TIRZ would focus on commercial corridor development and support the North St. Mary's entertainment district. It would also add commercial parcels north of Hildebrand at Mulberry to support potential mass transit projects

and set the boundary for development of a master plan. He reported that the Midtown TIRZ would also have residential parcels removed to stay within the 10% statutory requirement and other parcels would be added. He stated that the Mission Drive-In TIRZ had been designated in December, 2008 and that the City Council had approved the Corridor Overlay District Zoning in October, 2009. He noted that the amendment would support the Roosevelt Corridor Reinvestment Plan and Mission Road which had been identified as an area asset in the reinvestment plan. He mentioned that 748 acres would be added and that half of those properties were publicly-owned.

Mr. Lopez reported that TIRZ funds would be used for public improvements in the zone with the intent of attracting reinvestment to increase the zone's tax value. He stated that the city's financial obligation would be determined upon Council approval of Final Project and Finance Plans.

Councilmember Ramos expressed her support regarding the amendment to the Mission Drive-In TIRZ and noted that the TIRZ would leverage additional dollars to be used for revitalization. Mr. Lopez confirmed that Mission County Park was included in the amendment and that the San Antonio River Authority has expressed interest in participating and contributing to TIRZ funds. Councilmember Medina expressed his support and noted that TIRZ were a great tool for revitalization. Councilmember Cisneros expressed her support and asked of the participation of other entities. Mr. Lopez stated that as master plan goals were refined and economic development opportunities were established, it would be easier to approach other taxing entities to encourage participation.

Councilmember Ramos moved to adopt the proposed Ordinances for Items 6A-6D. Councilmember Medina seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Cisneros congratulated Workforce Solutions Alamo for receiving three incentive grants totaling \$500,000 from the Texas Workforce Commission and recognized Chakib Chehadi, Workforce Solutions Alamo Executive Director. Mr. Chehadi thanked the City Council for their support and noted that it was the first time that they had received a large amount of funds. Mayor Castro thanked Workforce Solutions Alamo for their efforts to ensure a well-trained workforce for San Antonio.

CONSENT AGENDA – Items 7-49

Consent Agenda Items 8, 9, 13, 14, 15, 25, 31, 33, 34, 36, 37, 39, 42, 47, and 48A-D were pulled for Individual Consideration. It was noted that Items 22, 32 and 49 were pulled from consideration by staff. Councilmember Ramos moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

Mayor Castro called upon the individuals registered to speak.

Nazirite Ruben Flores Perez spoke in support of the acceptance of a bid from Structural Reclamation Contractors for maintenance of natural creekways (Item 7). He stated that the recent amount of rainfall had caused problems for the river.

Jack M. Finger expressed concern with the professional services agreement with Kell Muñoz Architects in Item 14 and the lease agreement with the San Antonio Bowl Association in Item 24 due to the campaign finance contributions provided to the Mayor and Councilmembers. He spoke against the state-imposed TCEQ Fee that would be added to each San Antonio Water System (SAWS) customer bill.

Written testimony was received by Faris Hodge, Jr. Mr. Hodge wrote in opposition to the \$500,000 contract with the Economic Development Foundation (Item 4). He expressed concern that the contract costs in Item 7 were estimates. He expressed concern that another library was being built but there was not available funding for materials. He wrote in opposition to the fees for Items 14-16 and the TCEQ Fee that would be assessed by SAWS (Item 37).

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

2009-12-10-1001

Item 7. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING CONTRACTS IN THE ESTIMATED ANNUAL AMOUNT OF \$1,412,000.00: (A) STRUCTURAL RECLAMATION CONTRACTORS FOR MAINTENANCE OF NATURAL CREEKWAYS; (B) NIGHT EYES PROTECTIVE SERVICES, INC. FOR ARMORED CAR SERVICE; (C) DUSTLESS AIR FILTER CO. FOR AIR CONDITIONING FILTERS; (D) CENTRO SAN ANTONIO MANAGEMENT CORP. FOR RIVERWALK SANITATION SERVICES AND (E) SERVICEWEAR APPAREL, INC. FOR UNIFORMS.

2009-12-10-1004

Item 10. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH FOSTER CM GROUP, INC. IN AN AMOUNT UP TO \$1,500,000.00 FOR DESIGN REVIEW, CONSTRUCTION INSPECTION, AND TESTING SERVICES RELATED TO THE SAN ANTONIO INTERNATIONAL AIRPORT'S RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM, FUNDED BY FAA AIRPORT IMPROVEMENT GRANT FUNDS AND THE FY 2010 BUDGET.

2009-12-10-1005

Item 11. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO MIKE LARSON, CO. IN THE AMOUNT OF \$233,908.39, OF WHICH \$28,320.00 WILL BE REIMBURSED BY SAWS, FOR THE AVE MARIA OUTFALL PROJECT, A 2007-2012 BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

2009-12-10-1006

Item 12. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO LYDA SWINERTON BUILDERS, INC. IN THE AMOUNT OF \$4,336,774.00 FOR THE PARMAN LIBRARY AT STONE OAK PROJECT, AN AUTHORIZED 2007-2012 BOND AND CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 9.

2009-12-10-1010

Item 16. AN ORDINANCE AUTHORIZING A SAN ANTONIO WATER SYSTEMS (SAWS) CHANGE ORDER IN THE AMOUNT OF \$27,655.00 TO THE \$4,195,324.60 CONSTRUCTION CONTRACT WITH TEXAS STERLING CONSTRUCTION, L.P., ALL OF WHICH WILL BE REIMBURSED BY SAWS, FOR THE NACOGDOCHES – LOOP 410 TO DANBURY PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT (LAM) FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 10.

2009-12-10-1011

Item 17. AN ORDINANCE AUTHORIZING A SUPPLEMENTAL CONTRACTUAL AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) IN AN AMOUNT UP TO \$8,123,164.00 FOR THE WURZBACH PARKWAY / ARTERIAL CONNECTOR PROJECT, A CERTIFICATES OF OBLIGATION AND GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT, PART OF THE \$12.57 MILLION 2007-2012 BOND PROJECT TO MATCH THE \$130 MILLION APPROVED BY THE TEXAS TRANSPORTATION COMMISSION IN NOVEMBER 2009.

2009-12-10-1012

Item 18. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO ALPHA BUILDING CORPORATION IN THE AMOUNT OF \$237,380.00 AND APPROVING A CHANGE ORDER OF \$35,875.00 FOR THE ALAMODOME RESTROOM REMODEL, FUNDED BY THE HOTEL OCCUPANCY TAX RENEWAL & IMPROVEMENT CONTINGENCY FUND, LOCATED IN COUNCIL DISTRICT 1.

2009-12-10-1013

Item 19. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT WITH V.K. KNOWLTON CONSTRUCTION & UTILITIES IN THE AMOUNT OF \$538,471.80 TO CONSTRUCT AUTHORIZED FY 2009 ALLEY MAINTENANCE PROGRAM PROJECTS LOCATED CITYWIDE.

Item 20. CONSIDERATION OF THE FOLLOWING ORDINANCES AUTHORIZING A CONCESSION AGREEMENT IN TERMINAL 2 AND A PILOT PROGRAM IN TERMINAL 1 AT THE SAN ANTONIO INTERNATIONAL AIRPORT LOCATED IN COUNCIL DISTRICT 9:

2009-12-10-1014

A. AN ORDINANCE AUTHORIZING A SHORT-TERM RETAIL CONCESSION AGREEMENT WITH LORNA J. SMITH DBA SHANNON SMITH'S ENTERPRISES FOR A CONCESSION IN TERMINAL 2.

2009-12-10-1015

B. AN ORDINANCE AUTHORIZING A PILOT PROGRAM WITH SEAN CARDEN DBA BAGGAGE SHIELD FOR A BAGGAGE WRAP SERVICE IN TERMINAL 1.

2009-12-10-1016

Item 21. AN ORDINANCE AUTHORIZING THE PURCHASE OF AN AQUIFER-PROTECTION CONSERVATION EASEMENT ON THE YOUNG RANCH, MEDINA COUNTY, TEXAS FOR

\$1,835,530.74 AS PART OF THE PROPOSITION ONE EDWARDS AQUIFER PROTECTION VENUE PROJECT.

PULLED BY STAFF

Item 22. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE RENEWAL TO SAN ANTONIO FIGHTING BACK FOR SPACE AT THE BARBARA JORDAN COMMUNITY CENTER, LOCATED IN COUNCIL DISTRICT 2 FOR AN ANNUAL RENTAL OF \$1.00.

2009-12-10-1017

Item 23. AN ORDINANCE AUTHORIZING A FOURTH AMENDMENT TO THE HENRY B. GONZALEZ CONVENTION CENTER (BUSINESS CENTER) LEASE AGREEMENT WITH THE UPS STORE, INC., AMENDING AND EXTENDING THE AGREEMENT FOR A 5-YEAR PERIOD BEGINNING JANUARY 1, 2010, AND PROVIDING FOR RENEWAL OPTIONS, FOR TOTAL MINIMUM REVENUE TO THE CITY OF \$169,056.00 OVER THE AMENDED TERM.

2009-12-10-1018

Item 24. AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH THE SAN ANTONIO BOWL ASSOCIATION, PROMOTER OF THE ANNUAL ALAMO BOWL, FOR OFFICE SPACE INSIDE THE ALAMODOME, FOR A 10-YEAR TERM BEGINNING JANUARY 1, 2010, WITH RENEWAL OPTIONS.

2009-12-10-1020

Item 26. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION FOR AN AMOUNT UP TO \$53,212.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF FUNDS UPON AWARD, INCLUDING SUPPLEMENTAL FUNDS AWARDED DURING THE GRANT PERIOD; AND AUTHORIZING A PROGRAM BUDGET AND PERSONNEL COMPLEMENT FOR TWO POSITIONS FOR THE HOUSING COUNSELING PROGRAM FOR A ONE-YEAR PERIOD BEGINNING OCTOBER 1, 2009.

2009-12-10-1021

Item 27. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A 2010 COMMUNITY SERVICES BLOCK GRANT (CSBG) APPLICATION, AND ACCEPTANCE OF FUNDS UP TO \$1,777,581.00 UPON AWARD, INCLUDING SUPPLEMENTAL FUNDS, IF AWARDED, FROM TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; APPROPRIATING FUNDS AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT OF 25 POSITIONS FOR THE OPERATION OF THE COMMUNITY ACTION PROGRAMS FUNDED THROUGH THE CSBG.

2009-12-10-1022

Item 28. AN ORDINANCE ACCEPTING UP TO \$100,000.00 FROM FORD MOTOR COMPANY AND UP TO \$13,000.00 FROM FAMILY VIOLENCE PREVENTION SERVICES, INC. FOR USE AS MATCH MONEY IN THE INDIVIDUAL DEVELOPMENT ACCOUNT (IDA) WORKING FAMILY VEHICLE PURCHASE PROGRAM; APPROPRIATING FUNDS; AUTHORIZING THE ALLOCATION OF CARRY FORWARD FUNDS AND APPROVING A PROGRAM BUDGET OF \$200,000.00.

2009-12-10-1023

Item 29. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS UPON AWARD UP TO \$100,000.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)-IMPAIRED DRIVING MOBILIZATION GRANT.

2009-12-10-1024

Item 30. AN ORDINANCE AUTHORIZING THE SUBMISSION OF GRANT APPLICATIONS FOR PROJECT FUNDING CONSIDERATION UNDER THE TRANSPORTATION ENHANCEMENT PROGRAM FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT).

PULLED BY STAFF

Item 32. AN ORDINANCE AMENDING CHAPTER 35 (UNIFIED DEVELOPMENT CODE) OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY LIMITING COMMERCIAL AND MULTI-FAMILY BUILDING HEIGHTS LOCATED WITHIN 100 FEET OF SINGLE FAMILY RESIDENTIAL PROPERTIES.

Item 35. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011, OR AS SPECIFIED BELOW; TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT:

- A. REAPPOINTING JOHN J. BEAUCHAMP (AT-LARGE, CATEGORY: DOWNTOWN BUSINESS OWNER/NOT A LESSEE), WILLIAM R. GRINNAN (AT-LARGE, CATEGORY: RIVER BEND LESSEE), AND JOAN M. KORTE (AT-LARGE, CATEGORY: DOWNTOWN RESIDENT/NOT A LESSEE) TO THE RIVERWALK CAPITAL IMPROVEMENTS ADVISORY BOARD FOR TERMS OF OFFICE TO COMMENCE DECEMBER 20, 2009 AND EXPIRE DECEMBER 19, 2011.
- B. APPOINTING MICHAEL C. CONNOR (DISTRICT 4, CATEGORY: GENERAL) TO THE HISTORIC DESIGN AND REVIEW COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 31, 2010.

2009-12-10-1028

Item 38. AN ORDINANCE CONSENTING TO (A) A SUBLEASE FROM HAVEN FOR HOPE OF BEXAR COUNTY TO HAVEN SUPPORT, INC.; (B) THE SALE OF SIX CAMPUS BUILDINGS FROM HAVEN FOR HOPE OF BEXAR COUNTY TO HAVEN SUPPORT, INC.; (C) THE LEASE FROM HAVEN SUPPORT, INC. BACK TO HAVEN FOR HOPE OF BEXAR COUNTY; AND (D) HAVEN SUPPORT, INC.'S PLEDGE OF SIX CAMPUS BUILDINGS AND ITS LEASEHOLD INTEREST AS COLLATERAL FOR A NMTC LOAN FROM COMMUNITY DEVELOPMENT ENTITIES AT THE HAVEN FOR HOPE CAMPUS IN ORDER TO FACILITATE A NEW MARKET TAX CREDIT TRANSACTION FOR THE BENEFIT OF CAMPUS DEVELOPMENT; AND AUTHORIZING AMENDMENTS TO EXISTING CONTRACTS WITH HAVEN FOR HOPE OF BEXAR COUNTY TO REFLECT AGREEMENTS RELATED TO CONSENT.

2009-12-10-1030

Item 40. AN ORDINANCE AUTHORIZING A CONTRACT WITH THE SAN ANTONIO EDUCATION PARTNERSHIP FOR AN AMOUNT UP TO \$1,852,952.00 FOR COLLEGE ACCESS AND SCHOLARSHIP SERVICES BENEFITING AREA HIGH SCHOOL GRADUATES FOR THE PERIOD ENDING SEPTEMBER 30, 2010.

2009-12-10-1031

Item 41. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE SAN ANTONIO WATER SYSTEM (SAWS) TO PROVIDE UP TO \$100,000.00 IN UTILITY ASSISTANCE CREDITS TO ELIGIBLE RATEPAYERS FOR THE PROJECT AGUA PLAN; AUTHORIZING THE ACCEPTANCE OF \$120,341.00 FROM SAWS TO ADMINISTER THE \$1.4 MILLION DOLLAR AFFORDABILITY DISCOUNT PROGRAM (ADP) FOR CALENDAR YEAR 2010; APPROPRIATING FUNDS; APPROVING THE BUDGET AND PERSONNEL COMPLEMENT OF TWO POSITIONS; AND AUTHORIZING CONTRACTS WITH AGENCIES TO IMPLEMENT THE AGUA PLAN AND THE ADP.

2009-12-10-1032

Item 43. AN ORDINANCE AUTHORIZING THE FY 2009-2010 ADMINISTRATIVE SERVICES BUDGET OF THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC. IN THE AMOUNT OF \$227,500.00; AUTHORIZING A 1-YEAR CONTRACT FOR SERVICES BEGINNING OCTOBER 1, 2009; AND AUTHORIZING A PERSONNEL COMPLEMENT.

2009-12-10-1033

Item 44. AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT WITH CPS-ENERGY TO PERMIT THE INSTALLATION, BY THE CITY, OF ANTENNA SYSTEMS FOR THE TRAFFIC SIGNAL SYSTEM MODERNIZATION PROJECT ON CPS-ENERGY TOWERS, FOR AN ESTIMATED ANNUAL COST OF \$47,032.32, FUNDED BY THE ITSD OPERATIONS BUDGET.

2009-12-10-1034

Item 45. AN ORDINANCE AUTHORIZING A CONTRACT FOR CONSULTING SERVICES IN AN AMOUNT OF \$200,000.00 WITH MATRIX DESIGN GROUP, INC. TO CREATE A COMPREHENSIVE LAND USE PLAN FOR CAMP BULLIS, FUNDED BY GRANT FUNDS FROM THE DEPARTMENT OF DEFENSE, OFFICE OF ECONOMIC ADJUSTMENT IN AN AMOUNT OF \$180,000.00 WITH A LOCAL MATCH FROM THE CITY IN THE AMOUNT OF \$20,000.00.

2009-12-10-1035

Item 46. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MATRIX CONSULTING GROUP IN AN AMOUNT UP TO \$164,790.00 FOR THE ORGANIZATIONAL AND OPERATIONAL REVIEW OF THE SAN ANTONIO POLICE DEPARTMENT.

PULLED BY STAFF

Item 49. A RESOLUTION CONSIDERING A VOTE OF NO CONFIDENCE FOR CPS ENERGY BOARD OF TRUSTEE CHAIR AURORA GEIS AND BOARDMEMBER STEPHEN S. HENNIGAN.

[CONSENT AGENDA ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

At this time, Item 37 was addressed.

The City Clerk read the following Ordinance:

2009-12-10-1027

Item 37. AN ORDINANCE AUTHORIZING THE SAN ANTONIO WATER SYSTEM (SAWS) TO ADD A "STATE-IMPOSED TCEQ FEE" LINE ITEM TO EACH CUSTOMER'S BILL, IN ORDER TO RECOVER ALL FEES AND CHARGES ASSESSED BY THE TCEQ ON SAWS FOR THE GENERAL SUPERVISION AND OVERSIGHT OF WASTEWATER SYSTEMS AND WATER UTILITIES.

Bill Mattox presented said item and stated that earlier in the year, the funding source for the Texas Commission on Environmental Quality (TCEQ) was altered. As a result, TCEQ began passing along the costs to the water and wastewater utilities that they regulate that amounts to a \$1.5 million charge to SAWS. He reported that SAWS will pass along the fee through a line item on the ratepayer bill rather than incorporate it into the base rate. He added that there was a specific formula that would be used to calculate the amount charged to the bill each month and would be reviewed through the Public Utilities Office.

Mayor Castro noted that there would be a 24-cent monthly impact per customer. Councilmember Clamp asked how the TCEQ was previously funded. Robert Puente, SAWS President and CEO stated that the fee had always been assessed and was paid through SAWS revenues. He noted that the fee had been drastically increased through the legislative session. Councilmember Clamp asked of future increases to the fee. Mr. Puente replied that the wastewater fee was indexed to the CPI and the water fee was projected to increase over the next five years. Councilmember Clamp requested that a public process be established for ratepayers to discuss the fee increase with SAWS or their elected representatives annually. He requested that the fee be reviewed as part of the city's legislative agenda since the fee could increase significantly in the future.

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

Councilmember Ramos asked if SAWS has always been charged this fee. Doug Evanson stated that the fee had always been assessed but had significantly increased this year. Councilmember Ramos expressed concern that the city's oversight would be removed and stated that the fee should be voted upon annually and that public hearings should be conducted regarding same. She asked of the overall rate increase to each ratepayer's bill. Mr. Evanson reported that it was equal to 0.5% on the average customer bill.

Councilmember Ramos moved to amend the motion to include that an annual public hearing be conducted with possible action. Councilmember Cisneros seconded the motion.

Councilmember Cortez confirmed that the fee was state-imposed and asked if it could be controlled by the city or SAWS. Mr. Puente replied that there was little that could be done other than citizen

lobbying of state legislators since they had control over the TCEQ Budget. Councilmember Cortez stated that he did not feel that an annual vote was necessary because it was a state-imposed fee but would support a public hearing.

Councilmember Cortez moved to amend the main motion to require an annual public hearing. After due consideration, Councilmember Cortez withdrew his motion.

Councilmember Ramos asked of the Edwards Aquifer Authority (EAA) pass through fee. Mr. Evanson stated that the EAA Fee increased or decreased annually based on rainfall. Councilmember Ramos expressed concern with conducting a public hearing but not having any control regarding the fee increase. She reiterated that the fee increase should be brought before the Council annually.

Michael Bernard, City Attorney confirmed that a public hearing could be held annually and that City Council would have the ability to revoke the authority of SAWS to keep the line-item TCEQ Fee in the future.

Councilmember Clamp stated that the City Council had the authority to vote on the TCEQ Fee annually and requested that a public hearing be held regardless of the outcome. Councilmember Rodriguez confirmed that the fee increase was an unfunded mandate. He stated that he was supportive of conducting a public hearing and that they were all in agreement that there should be some level of accountability. Councilmember Cisneros expressed her support for bringing the TCEQ Fee before the City Council annually and spoke of the importance of transparency and accountability. Councilmember Williams stated that he was in support of the TCEQ Fee being listed as a line-item and should be brought to the City Council for approval annually. Councilmembers Taylor and Medina expressed support for an annual public hearing being conducted regarding the TCEQ Fee.

Former Councilmember Richard Perez, President of the Greater San Antonio Chamber of Commerce addressed the Council in support of the TCEQ pass through fee. He noted that it was important to fund the TCEQ Programs to move the community forward and that SAWS was one of the best-run water utilities in the nation.

Councilmember Lopez asked of public hearings held by TCEQ. Mr. Puente stated that public notice was that a legislative bill was introduced and debated. Councilmember Lopez requested that the SAWS Board establish a position on how to handle legislative mandates in the future.

The motion on Amendment 1 made by Councilmember Ramos prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

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

Mayor Castro recessed the meeting at 12:15 pm and noted that the meeting would resume at 2:00 pm.

Mayor Castro reconvened the meeting at 2:08 pm and addressed Item 8.

The City Clerk read the following Ordinance:

2009-12-10-1002

Item 8. AN ORDINANCE ACCEPTING THE BID FROM MODULAR CONNECTIONS, LLC TO INSTALL A PRE-FABRICATED MODULAR CONCRETE RESTROOM AT THE SOUTHSIDE LIONS PARK FOR THE AMOUNT OF \$74,687.00, FROM THE FY 2009 BUDGET, AND AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE INTERLOCAL PURCHASING SYSTEM (TIPS) TO USE CONTRACTS COMPETITIVELY PROCURED THROUGH TIPS.

Councilmember Ramos expressed her support for the installation of the restroom facility at Southside Lions Park and asked of the timeline. Xavier Urrutia replied that the project would be completed in April, 2010 and that new utility and sewer lines would be installed. Councilmember Ramos thanked staff for their work and noted that it was important to continue improvements to Southside Lions Park.

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.

2009-12-10-1003

Item 9. AN ORDINANCE ACCEPTING THE BID FROM SIDDON'S FIRE APPARATUS, INC., UTILIZING A STATE CONTRACT, FOR THE PURCHASE OF 1 PIERCE MANUFACTURED FIRE TRUCK FOR A TOTAL COST OF \$760,726.00, FUNDED THROUGH THE EQUIPMENT RENEWAL & REPLACEMENT FUND AND THE FY 2010 BUDGET.

Assistant City Manager Erik Walsh stated that the new fire truck was for an older fire station that did fit in the bay. He added that it took 12 months to construct the vehicle, thus the Fire Department would conduct a feasibility study to determine whether to add a bay and renovate a portion of the station or build a new station.

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.

2009-12-10-1007

Item 13. AN ORDINANCE ACCEPTING THE GUARANTEED MAXIMUM PRICE FOR TOTAL CONSTRUCTION PHASE SERVICES CONTRACT WITH F.A. NUNNELLY COMPANY FOR UP TO \$11,631,446.29 FOR THE PROPERTY AND EVIDENCE MANAGEMENT FACILITY, A CERTIFICATE OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 5.

Councilmember Medina asked of the square footage and construction timeline. Mike Frisbie stated that it was 164,000 square feet and that construction was scheduled to begin in January, 2010 with completion in December, 2010. Councilmember Medina asked of the bid process. Mr. Frisbie replied that it was a competitive bid through the Construction Manager at Risk delivery method. Erik Walsh noted that it would be a very important facility for the Police Department and would house 230

employees. He stated that there would be significant Police presence and traffic in the area. Councilmember Medina expressed his support and noted that it was a great investment within District 5.

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.

2009-12-10-1008

Item 14. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE AMOUNT OF \$74,910.00 TO THE \$557,377.00 PROFESSIONAL SERVICES AGREEMENT WITH KELL MUNOZ ARCHITECTS FOR ADDITIONAL SERVICES FOR A MASTER GRADING PLAN AS PART OF THE MISSION DRIVE-IN SITE DEVELOPMENT PROJECT, A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ramos thanked staff for their work and asked of the funding for the project. Mike Frisbie stated that said item was budgeted through Community Development Block Grants Funds included in the project budget.

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.

2009-12-10-1009

Item 15. AN ORDINANCE AUTHORIZING TWO CHANGE ORDERS TOTALING \$161,306.20 ADDING TO THE \$12,333,213.10 CONSTRUCTION CONTRACT WITH TEXAS STERLING CONSTRUCTION, LP, OF WHICH \$103,908.96 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND \$31,420.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS (SAWS), FOR RECTIFYING THE TYPE OF MATERIAL USED AND REPLACEMENT OF A WATERLINE FOR THE CALLAGHAN - BANDERA TO INGRAM PROJECT, A HOUSING AND URBAN DEVELOPMENT 108 AND LOCAL AGENCY MANAGEMENT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 7.

Councilmember Rodriguez asked if the change orders would impact the project timeline. Mike Frisbie stated that the change orders would not impact the schedule and explained that one change order was being completed by San Antonio Water System to replace a water line at their expense. The second change order was being completed due to an error in the design plan in which a portion of the length of the box culvert was incorrectly identified as pipe. Councilmember Rodriguez expressed concern with change orders on low-bid contracts and asked that the companies that bid on contracts take all factors into consideration when submitting their good faith bid.

Councilmember Rodriguez 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.

2009-12-10-1019

Item 25. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION AND/OR CONDEMNATION OF APPROXIMATELY 57 ACRES OF LAND LOCATED IN NCB 16515, NCB 16931, AND NCB 18083, IN CITY COUNCIL DISTRICTS 6 AND 7 ALONG LEON CREEK FOR THE LINEAR CREEKWAY DEVELOPMENT PROJECT, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; DECLARING THE LINEAR CREEKWAY DEVELOPMENT PROJECT ON LEON CREEK TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PRIVATELY OWNED REAL PROPERTY AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS.

Councilmember Rodriguez requested an update of the Linear Creekway Development Project. Xavier Urrutia stated that 16 miles of trail had been completed and that said action would acquire additional land for the project. Councilmember Rodriguez expressed his support and highlighted the connectivity with O.P. Schnabel and Nani Falcone Parks. Councilmember Williams announced that a dedication would be held on Saturday, December 12, 2009 for Rohde Park which was part of the Linear Creekway Project. Councilmember Lopez asked how staff was addressing resident concerns. Mr. Urrutia replied that concerns were addressed during the public engagement process and that most were regarding access to the greenway.

Councilmember Rodriguez 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.

2009-12-10-1025

Item 31. AN ORDINANCE AMENDING CHAPTER 37 OF THE CITY CODE OF SAN ANTONIO, TEXAS, RELATING TO THE ACQUISITION, DISPOSITION, AND USE OF CITY PROPERTY, INCLUDING CHANGING FEES, UPDATING NUMEROUS SECTIONS, AND BETTER DEFINING THE PROCESSES APPLICABLE TO PRIVATE USES OF CITY PROPERTY.

Mike Frisbie stated that the CIMS Department had been working with the City Attorney's Office, Planning and Development Services, and the Office of Management and Budget to review the City Code pertaining to real estate activities. He explained that the code had been developed in the 1990's and needed a great amount of updating which the proposed ordinance addresses. He mentioned that some of the updates included a clarification referencing CIMS as opposed to the former Asset Management Department and changes to the fee structure to increase administrative fees and provide for enforcement. Councilmember Clamp asked of the future review of fees. Mr. Frisbie replied that they would review the fees as part of the annual budget process to ensure that they were adequate.

Councilmember Clamp 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.

2009-12-10-1026

Item 33. AN ORDINANCE AMENDING CHAPTER 35 (UNIFIED DEVELOPMENT CODE) OF THE CITY OF SAN ANTONIO, TEXAS RELATING TO NOTIFICATION PROCEDURES FOR BOARD OF ADJUSTMENT CASES INVOLVING THE REVOCATION OF A CERTIFICATE OF OCCUPANCY.

Councilmember Ramos asked for additional information regarding the amendment. Rod Sanchez stated that said item would authorize notification procedures for Board of Adjustment cases in which a Certificate of Occupancy was being revoked. He noted that surrounding property owners within 200 feet of the subject property would be notified and have the opportunity to provide input at the hearing.

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.

2009-12-10-0036R

Item 34. A RESOLUTION CASTING THE CITY'S 1,046 VOTES FOR ROBERT DAVID CARPENTER TO SERVE ON THE BEXAR APPRAISAL DISTRICT BOARD OF DIRECTORS FOR A TERM OF OFFICE TO BEGIN ON JANUARY 1, 2010, AND EXPIRE ON DECEMBER 31, 2011.

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

Councilmember Ramos requested a friendly amendment of allocating 246 votes to Tomas Uresti and the remaining 800 votes to David Carpenter. Councilmembers Clamp and Cisneros accepted the friendly amendment.

Councilmember Cortez expressed his support for the allocation of votes to Tomas Uresti and spoke of his leadership on the Southside. Councilmember Medina also expressed his support for the allocation of votes to Tomas Uresti. Mayor Castro spoke in support of the allocation of votes to Tomas Uresti and noted his commitment to public service.

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

2009-12-10-0037R

Item 36. A RESOLUTION AUTHORIZING VARIOUS AMENDMENTS TO THE HEMISFAIR PARK AREA REDEVELOPMENT CORPORATION ARTICLES OF INCORPORATION AND BYLAWS.

Pat DiGiovanni presented said item and stated that the HemisFair Park Area Redevelopment Corporation had been created in August and was designed to serve as the Land Development Corporation for HemisFair Park. He noted that the Board had reviewed the Articles of Incorporation and Bylaws and recommended amendments for clarification purposes. He reported that the first amendment is that land acquisition and issuance of debt will require City Council approval. The second amendment is that any net earnings would be utilized for redevelopment of the park. The third amendment is a clarification on the indemnity of Board Members against liability except for gross negligence. The fourth amendment authorizes the Board of Directors to hire an Executive Director.

Councilmember Clamp asked if there was an opportunity for the Corporation to sell property. Mr. DiGiovanni replied that the Local Government Act allows the Corporation the ability to sell and dispose of land but Park Land is governed by other State Laws and would require City Council consideration. Councilmember Clamp asked of the possibility of reimbursement to the General Fund. Mr. DiGiovanni stated that they would review that in the future but at this time, funds acquired would be utilized for the Park. Councilmember Cisneros recognized the Board Members that serve on the HemisFair Park Area Redevelopment Corporation and thanked them for their service. Councilmember Williams expressed his support and noted that he would like to be involved in future discussions regarding the Master Lease Agreement.

Councilmember Clamp moved to approve the Resolution. 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.

2009-12-10-1029

Item 39. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH CPS ENERGY AND ISSUANCE OF UTILITY ASSISTANCE CREDITS IN A PROJECTED AMOUNT OF \$170,750.00 FOR THE PROJECT WINTER ASSISTANCE RELIEF MOBILIZATION (WARM) PLAN AND ISSUANCE OF UTILITY ASSISTANCE CREDITS IN A PROJECTED AMOUNT OF \$1,160,000.00 FOR THE RESIDENTIAL ENERGY ASSISTANCE PARTNERSHIP (REAP) UTILITY ASSISTANCE PROJECT FOR CALENDAR YEAR (CY) 2010; AUTHORIZING CONTRACTS WITH LOCAL NON-PROFIT AGENCIES FOR DISTRIBUTION OF WARM AND REAP CREDITS TO CPS ENERGY RATEPAYERS AND APPROPRIATING FUNDS.

Councilmember Medina asked of funding for Project Warm. Dennis Campa stated that funds for the program are received from a trust fund managed by CPS Energy. He explained that CPS Energy had provided funding for the REAP Program and that ratepayers also donated funds for the program. Councilmember Cisneros spoke of the importance of funding for Project WARM and REAP due to the challenging economic conditions. She asked of the low income guidelines. Mr. Campa replied that the guidelines are based on 125% poverty level totaling \$27,000 for a family of four. Councilmember Cortez asked of the application process for receiving assistance. Mr. Campa stated that individuals needing assistance could call the United Way Hotline (2-1-1) or the Department of Community Initiatives. He noted that informational flyers are provided at the Senior Centers and on-line.

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.

2009-12-10-0038R

Item 42. A RESOLUTION AUTHORIZING THE CREATION OF THE SAN ANTONIO HOUSING TRUST PUBLIC FACILITY CORPORATION PURSUANT TO CHAPTER 303 OF THE LOCAL GOVERNMENT CODE TO ACT ON BEHALF OF THE CITY OF SAN ANTONIO; APPROVING THE ARTICLES OF INCORPORATION; APPOINTING INITIAL DIRECTORS; AND APPROVING THE RELATED CERTIFICATE OF FORMATION AND BYLAWS.

Nina Nixon-Mendez presented said item and stated that the creation of the San Antonio Housing Trust Public Facility Corporation (PFC) would expand the city's ability to provide additional incentives for public/private partnerships to facilitate and finance affordable housing developments. She noted that Chapter 303 of the Texas Local Government Code authorizes the city to create a non-profit PFC to own and finance public facilities and could act on the city's behalf. She spoke of the benefits of a PFC noting that they would own a general partnership interest in tax credit partnerships and own land to be leased to tax credit partnerships. She explained that as the sole member of the general partnership, the PFC could have liability but no assets other than the interest in the partnership. She mentioned that they would receive fees from housing transactions that would be used to fund affordable housing. She spoke of the risks involved, noting that they may not make projected profits but would have no investment in the project. She stated that the Board would consist of five City Council Members and that San Antonio Housing Trust Foundation staff would provide administrative support. She recognized John Kinney, Executive Director of the San Antonio Housing Trust and Jim Plummer, Financial Advisor to the Trust.

Councilmember Ramos expressed her support and noted that the opportunities outweigh the risks. She asked of the city's participation. Mr. Plummer explained that the structure was one in which the city would participate as the general partner but the risk would be on the developer. Councilmember Ramos confirmed that the city would receive funds from the PFC and stated that it would be important to evaluate the success of each project prior to initiating a new one. Councilmember Cisneros also expressed her support and noted that 90 tax credit projects had been approved by the Texas Department of Housing and Community Affairs since 1991.

Councilmember Lopez asked of the size of housing projects. Mr. Plummer replied that most apartment complexes consisted of 200-250 units and the amount that the projects brought forward would depend on the marketplace. Councilmember Lopez asked of single family units. Mr. Plummer stated that income generated from the multifamily units could be used to assist single family units. Mr. Kinney added that as a member of the San Antonio Housing Trust Finance Corporation, they had the ability to issue single family mortgage revenue bonds. He noted that due to the challenging economic conditions, the market had significantly slowed down. Councilmember Medina expressed his support and noted that it would be a great tool to encourage affordable housing through public/private partnerships. Councilmember Taylor expressed her support and noted that the city should be directing development in areas where there has been a lack of investment. She also spoke of the need for market-rate housing.

Councilmember Ramos moved to approve the Resolution. 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.

2009-12-10-1036

Item 47. AN ORDINANCE AUTHORIZING THE OFFICE OF ENVIRONMENTAL POLICY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND A RELATED INTERLOCAL AGREEMENT FOR THE ESTABLISHMENT AND OPERATION OF THE MISSION VERDE CENTER, A PROJECT SUPPORTED BY ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS THAT WILL HELP ENABLE THE OPERATIONAL COSTS OF A MULTI-PURPOSE SUSTAINABILITY CENTER TO COORDINATE LOCAL AND REGIONAL SUSTAINABILITY EFFORTS WITH PARTNER AGENCIES.

Councilmember Medina asked of the location of the Mission Verde Center and the other entities that would be housed there. Laurence Doxsey stated that it would be located at the former Cooper Middle School in District 5 and that the partnership would involve the following entities: Alamo Colleges; Texas Engineering Experiment Station; CPS Energy; San Antonio Water System; and the San Antonio Youth Center. Councilmember Medina expressed his support and noted that the constituents of District 5 were grateful that the school would be positively utilized. Councilmember Ramos expressed support for the establishment of the Mission Verde Center at the former Cooper Middle School and spoke of the revitalization of the area. Councilmember Cisneros noted the great partnerships and stated that San Antonio was a leader in regard to Green Jobs. Mayor Castro thanked everyone for their work on the project and noted the positive impact it would have in the community.

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.

Item 48. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE FEDERAL ECONOMIC STIMULUS PLAN OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA):

2009-12-10-1037

A. AN ORDINANCE RATIFYING ACCEPTANCE OF \$12,897,000.00 AND APPROPRIATING \$6,448,500.00 IN ENERGY EFFICIENCY CONSERVATION BLOCK GRANT FUNDS FROM THE DEPARTMENT OF ENERGY.

2009-12-10-1038

B. AN ORDINANCE AUTHORIZING SUBMISSION OF AN APPLICATION FOR AN ENERGY EFFICIENCY CONSERVATION BLOCK GRANT (EECBG) ENERGY EFFICIENCY RETROFIT GRANT FROM THE DEPARTMENT OF ENERGY OF UP TO \$20,000,000.00.

2009-12-10-1039

- C. AN ORDINANCE AUTHORIZING SUBMISSION OF AN APPLICATION FOR A BUILDING EFFICIENCY AND RETROFIT REVOLVING LOAN PROGRAM FOR UP TO \$10,000,000.00 AS PART OF THE STATE ENERGY CONSERVATION OFFICE RETROFIT REVOLVING LOAN PROGRAM FUNDED BY THE DEPARTMENT OF ENERGY.

2009-12-10-1040

- D. AN ORDINANCE ACCEPTING AND APPROPRIATING FUNDS FOR A \$256,050.00 COMPREHENSIVE NUTRITION PROJECT AWARD THROUGH THE ALAMO AREA COUNCIL OF GOVERNMENTS FUNDED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Councilmember Rodriguez asked of the Energy Efficiency Block Grant Funding. Peter Zanoni stated there were three actions related to energy efficiency: 1) Accept \$12.8 million and appropriate \$6.4 million in Energy Efficiency Conservation Block Grant Funds; 2) Authorize submission of an application for an Energy Efficiency Retrofit Grant in the amount of \$20 million; and 3) Authorize submission of an application for a Building Efficiency and Retrofit Revolving Loan Program for up to \$10 million. Laurence Doxsey explained that the \$12.8 million would be utilized on four basic areas: 1) City Facilities; 2) Community retrofitting and tree planting; 3) Mission Verde Center; and 4) Transportation enhancement planning and programs. Councilmember Rodriguez expressed his support and noted the importance of a sustainable community.

Councilmember Clamp asked how citizens would be made aware of the programs and of the qualifications. Mr. Doxsey replied that they would be providing information through the various media sources, postcards, and door-to-door outreach. He noted that the Weatherization Program was restricted to individuals that were at a 200% poverty level. He added that the other programs did not have income requirements and that one program was geared toward small businesses. Councilmember Cisneros expressed her support for the energy efficiency programs and the funds appropriated for the Comprehensive Nutrition Project. Councilmember Medina expressed support and noted that they would continue meeting with Christ the King Church regarding their Senior Nutrition Program to ensure that they were receiving the necessary services.

Councilmember Rodriguez moved to adopt the proposed Ordinances for Items 48A-48D. Councilmember Cisneros seconded the motion.

The motion to approve Items 48A-48D prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, and Clamp. **NAY:** None. **ABSENT:** Mayor Castro.

Item 50. CITY MANAGER'S REPORT

A. PRELIMINARY FY 2009 CLOSING REPORT

Ms. Sculley provided a preliminary FY 2009 Year-End Closing Financial Report and noted that Grant Thornton Auditing Firm would begin the year-end financial audit in January, 2010. She reported that General Fund Revenues were 1% above projections and General Fund Expenditures were 0.8% below

projections resulting in \$15 million added to the fund balance since budget adoption. She stated that the FY 2010 Budget of \$887 million was 5% less than the FY 2009 Budget and was attributed to recurring cuts, service enhancements and mandated service improvements. She added that the Solid Waste Management Fund was down 0.32% from projections and 0.29% in expenditures and ended in a positive financial position. The Storm Water Operating Fund revenues were up 0.4% from projections and down 0.4% in expenditures and also ended the year positively. She stated that the Planning and Development Services Fund revenues were down 0.41% from projections and 2.2% below projected expenditures and remained negative but should be positive by end of FY 2010. She mentioned that the Hotel Occupancy Tax Fund revenues were down 20% and staff was developing a deficit reduction strategy to offset declining revenues. Lastly, she noted that the Aviation Fund revenues were down 1.5% from projections and 3.5% below expenditures resulting in a better financial position than projected.

B. RETIREMENT OF DENNIS J. CAMPA

Ms. Sculley reported that Dennis J. Campa, Director of the Department of Community Initiatives would be retiring effective January 8, 2010 after 38 years of service in the public sector and 12 years with the City. She recognized Mr. Campa for his dedication and commitment to the City of San Antonio. She noted his many efforts to empower families and address homelessness. She highlighted the many successful programs through his leadership including the Volunteer Income Tax Assistance Program, Head Start, and the Haven for Hope Campus.

Mayor Pro Tem Cortez presented and thanked Mr. Campa with an Official Certificate of Appreciation. The Council thanked Mr. Campa for his many years of service and leadership and noted that he would be truly missed. Mr. Campa thanked everyone for their comments and support.

Mayor Pro Tem Cortez noted that a written testimony had been received from Nikki Khuns in opposition to Item #37 related to the TCEQ Fee that would be assessed by SAWS.

ZONING ITEMS

The City Clerk read Item P-1:

2009-12-10-1041

Item P-1. **COMPREHENSIVE PLANNING PROGRAM (City-wide):** AN ORDINANCE ADOPTING THE COMPREHENSIVE PLANNING PROGRAM AS A COMPONENT OF THE MASTER PLAN OF THE CITY, WHICH REPLACES THE COMMUNITY BUILDING AND NEIGHBORHOOD PLANNING PROGRAM. ALL PLANS, PLAN UPDATES, AND PLAN AMENDMENTS ADOPTED PRIOR TO THE POLICY REVISION WOULD REMAIN IN EFFECT. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.

Patrick Howard presented said item and stated that the ordinance would replace the Community Building and Neighborhood Planning Program (CBNP) that was established in 1998 with a new expanded Comprehensive Planning Program. He noted that the CBNP has developed 27 neighborhood and community plans covering 285 square miles within the city. He outlined the outcomes of the new program to include modification of the requirements for neighborhood association registration and development of a Plan Action Team to implement the neighborhood plans. He added that the intent was to be more user-friendly and to engage the community in the planning process.

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

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

CONTINUED TO FEBRUARY 18, 2010

Item Z-1. **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.**

Chris Looney presented Item Z-1 and stated that it would amend the Zoning District Boundary from "R-6" Residential Single-Family District to "C-2" Commercial District. He noted that staff and the Zoning Commission recommended approval and that no response had been received from the Elkin Neighborhood Association.

Andy Guerrero stated that he was representing the property owner and requested a 60-day continuance in order to finalize the development plans.

Councilmember Clamp moved to continue said item to February 18, 2010. Councilmember Chan seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Mayor Pro Tem Cortez recognized Dr. Ernesto Gomez of CentroMed and congratulated CentroMed for receiving an \$11 million grant award from Stimulus Funds. Councilmember Ramos wished Councilmembers Lopez and Medina a Happy Birthday and mentioned that Councilmember Lopez celebrated his birthday on December 5th and Councilmember Medina would celebrate his birthday on December 26th. Councilmember Taylor recognized students from The Studio 4 FM After School Program administered by the Martinez Street Women's Center that were in attendance.

Mayor Pro Tem Cortez recessed the meeting at 4:50 pm and announced that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

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

Nazirite Ruben Flores Perez spoke of the restoration program at Kelly Air Force Base. He expressed concern with the TCEQ Fee that would be charged to SAWS ratepayers and with the lack of information provided by CPS Energy regarding the cost of nuclear energy.

Dee Villarrubia thanked the Councilmembers that were present and stated that it was difficult for her to attend the Council Meetings as she had been very sick. She expressed concern with nuclear energy and stated that CPS Energy should get rid of the carbon footprint. She spoke of the great cost per kilowatt hour and the risk of human ills related to nuclear. She mentioned the high levels of carbon dioxide in the city and urged all to attend a meeting regarding same on December 12, 2009 at Milam Plaza from 6:00 pm-9:00 pm.

Dan Arellano, Santiago Escobedo, Freddy Valenzuela and Alfred Rodriguez representing the Bexareno Genealogy Society addressed the City Council. Mr. Arellano spoke of the battle that occurred on August 18, 1813, noting that the community had suffered a tremendous tragedy on Dolorosa Street. He asked that Dolorosa Street be rededicated in honor of the ancestors that suffered and expressed concern that there was no indication that a tragic event had occurred in the area. Mr. Escobedo spoke in support of the efforts of Mr. Arellano and the tragedy that occurred in 1813. He requested some form of recognition from the city. Freddy Valenzuela also spoke in support of the recognition project.

Mark Kellmann stated that he was an architect and a member of the American Institute of Architects (AIA) that had begun discussion on the San Antonio Museum Reach Project in 1996. He provided photos with examples of projects from various parts of the world that could be incorporated into the Museum Reach Area.

Alice Canestaro-Garcia thanked the Councilmembers that were present. She expressed concern with the information withheld by CPS Energy regarding cost overruns on the South Texas Nuclear Project and sang a song to the City Council in opposition to nuclear energy.

Eunise Sierra, Albert Gomez, and Yolanda Gomez representing the Coalition of Concerned Citizens of Consumer Welfare spoke of issues with the Food Stamp Program. Ms. Sierra stated that she was in support of Advocate Social Services of San Antonio and spoke of their efforts to address hunger issues in the community and issues with the Food Stamp Program. She noted that there were many hungry children in the community and asked the Council for assistance. Mr. Gomez said that he was a client of Advocate Social Services and thanked Councilmember Cisneros and her staff for referring citizens to delegate agencies for assistance. He expressed concern that he had become ill after eating food that he received from the Food Bank. He stated that he was diabetic and could not always eat the food that was provided to him. Yolanda Gomez spoke in support of Advocate Social Services and asked the Council for their assistance to address issues with hunger and the Food Stamp Program.

Laura Hernandez, Genevieve Rodriguez and Rosalynn Warren representing Youth Against Nuclear addressed the City Council in opposition to nuclear energy. Ms. Warren stated that she was opposed to the building of additional nuclear reactors and expressed concern that CPS Energy had not been more informative to the ratepayers. She also expressed concern that information had been withheld from the City Council in regard to cost overruns on the nuclear project. Ms. Rodriguez expressed concern with the lack of information provided by CPS Energy in regard to cost overruns on the nuclear project. She stated that the majority of the community was opposed to the nuclear project and was pleased that CPS Energy Employees were being held accountable for their actions. She stated that she was not confident in the City's leadership and spoke in favor of alternative energy sources such as geothermal and solar energy. She expressed concern that she had asked for Project WARM funds from the Department of Community Initiatives and was informed that she did not qualify.

Melissa Acosta stated that she was opposed to nuclear energy and expressed concern that the City of San Antonio did not accept the free assistance offered by a Doctor from India. She noted that nuclear expansion would wipe out our culture and negatively affect the quality of life. She urged the City Council to vote no to nuclear energy.

John Stanford spoke in opposition to nuclear energy and expressed concern with the lack of information provided by CPS Energy. He stated that he was an advocate for ending the war in Iraq. He spoke of issues with the security of nuclear power plants and referenced the dangers of global warming.

Mark Perez stated that he had been attending Citizens to be Heard for almost two years and had not received responses to his concerns. He expressed concern with the permits provided to Tetco and noted that he had contacted TCEQ and had not received assistance.

Marisol Cortez addressed the City Council in opposition to nuclear energy and provided the Council with an issue of "La Voz de Esperanza" that included an article titled "People's Power Plan: Clean Energy for Working Communities." She referenced an article that she had read regarding carbon fundalism that claims that the climate crisis can be solved through a technological solution. She noted that the solution was climate justice in which the solutions to climate crisis required a response to social justice issues and a more holistic approach. She asked the Council not to invest additional funds on nuclear energy.

Julie Iris Oldham spoke of the Americans with Disabilities Act and challenges with accessing the City Council Chambers. She expressed concern with parking at the Bob Ross Senior Center and the security assigned to City Hall. She stated that Hengameh Karimi could provide consultation services regarding environmental and nuclear waste topics and provided a copy of her resume.

Cindy Weehler stated that she had spent most of the day at a hearing in Austin regarding nuclear waste and that the plan for expanding nuclear energy was flawed. She spoke of the necessary skills of the new leader of CPS Energy and stated that they should be selected from outside the current structure. She noted that they should have general knowledge of various energy sources and consider the local workforce as an asset. She added that it was important to understand water issues as they relate to nuclear energy and should accept help and ideas from the community.

Chris Weehler thanked the Councilmembers that were in attendance and expressed concern with the culture at CPS Energy. He spoke of the lack of information provided regarding cost overruns on the nuclear project and the mistrust for CPS Energy among ratepayers. He requested more transparency and accountability from CPS Energy.

Jesus Figueroa stated that he was a student at Palo Alto College and had worked on a paper regarding the stealing of land from the East Coast to the West Coast. He spoke of the destruction of forests and green space and noted that nuclear waste was dangerous to the environment. He advocated for the use of alternative energy sources.

Faris Hodge, Jr. expressed concern that the restrooms in Market Square were not ADA compliant. He stated that the City Council had approved the Crosspoint Zoning case and spoke in opposition to building a Fire Station next to a railroad track. He stated that purchasing additional Police vehicles were a waste and requested that the Alamodome be named after him. He spoke in opposition to nuclear

energy and expressed concern with the \$500,000 approved for the Economic Development Foundation because they brought low-income jobs to the city. He spoke in opposition to the building of additional libraries and expressed concern with the TCEQ Fee increase for SAWS ratepayers.

Jack Elder stated that he was a math teacher and spoke in opposition to nuclear energy. He presented a photo of his grandson and stated that he didn't want him to live with the effects of nuclear waste. He asked that the Council keep future generations in mind when voting on nuclear energy and spoke in support of utilizing alternative energy sources.

Brenda Davis and Amanda Haas of the Esperanza Peace and Justice Center spoke in opposition to nuclear energy. Ms. Davis stated that she had attended numerous Council Meetings and listened to a great amount of groups and individuals speak against nuclear energy. She asked that the Council listen to the residents and vote no to nuclear energy. Ms. Haas spoke in opposition to nuclear energy and referenced the global environmental and climate issues.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 7:23 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest:


LETICIA M. VACEK, TRMC/CMC
City Clerk