

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

A WORK SESSION OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD AT THE SAN ANTONIO INTERNATIONAL AIRPORT, TERMINAL ONE, WEDNESDAY, JANUARY 20, 2010 AND A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE MUNICIPAL PLAZA BUILDING, THURSDAY, JANUARY 21, 2010.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **January 20, 2010**, San Antonio International Airport, Terminal One with the following Councilmembers present: Cisneros, Taylor, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Ramos.

1. SAN ANTONIO INTERNATIONAL AIRPORT CONSTRUCTION UPDATE AND FINANCIAL OVERVIEW

Frank Miller, Aviation Director welcomed everyone to the San Antonio International Airport and introduced Airport Staff. He introduced the Airport Improvements that include the Smart Cart and Golf Carts Programs. He explained that due to the construction in Terminal B; Smart Carts were being provided at no charge to customers to assist with carrying their baggage and that golf carts were providing transportation to customers from the long-term parking garage to the terminals. He stated that they had also implemented a Lane Markings Program to assist drivers in selecting the correct Terminal Lane. He introduced Jorge Perez, Assistant Director of the CIMS Department to provide an update on the Airport Expansion Program.

Mr. Perez reported that the Long-Term Parking Garage was completed last year and increased the number of parking spaces at the Airport to 9,000. He stated that the Airport Expansion Program included \$138 million for current construction projects and that the first flight was scheduled for November, 2010. He noted the major components of the program: Terminal B; Consolidated Baggage Handling; Central Utility Plant; Roadway Construction; and Roadway Wayfinding. He provided renderings of the new furniture and floors that would be utilized within Terminal B and spoke of the Central Utility Plant that is 91% complete and serves both terminals.

Mr. Perez stated that the Consolidated Baggage Handling Program construction began in 2009 and is 38% complete. He explained that Roadway Construction totaled \$44.4 million and was scheduled to open in March, 2010. He noted that the bi-level roadway system will provide vehicular access to the upper and lower levels of terminals. He added that the Roadway Wayfinding Program of \$4.5 million is under design and Phase I will be completed with the opening of Terminal B. He mentioned that the Airport Garage Landscaping Project would be brought before the City Council on February 4, 2010 and the Terminal B Furniture, Fixtures and Equipment on February 18, 2010. Lastly, he noted that the Roadway Wayfinding Contract would be brought to Council in Spring, 2010.

Mr. Miller recognized Milton Babbitt to speak of the artwork that would be displayed in Terminal B. Mr. Babbitt stated that there were three major art pieces in Terminal B by Artists Ann Gardner from

Seattle and Local Artist Rolando Briseño and included a halo-like structure; medallion; and “Portals of San Antonio” themed area.

Mr. Miller also spoke of the Airport Concessions Items for Specialty Retail; News and Gifts; and Food and Beverage that would be considered at the City Council Meeting tomorrow that would realize non-airline revenue in the amount of \$23 million over 10 years. He added that they were working on an Airline Rates and Charges Ordinance that would establish methodology for annually recalculating rents and fees for airlines without an Operating Agreement with the City and would be brought forth in March, 2010. He stated that they would be amending the Passenger Facility Charges (PFCs) to authorize and reallocate funding for the Airport Capital Improvement Program and anticipated FAA approval in May, 2010.

Ben Gorzell stated that Interim Airport Capital Improvements Project Financing would be brought forth in March, 2010 and would be a private placement in which banks would bid for financing in the amount of \$30-40 million. He noted that they would issue Airport System Revenue Improvement and Refunding Bonds and Passenger Facility Charge Bonds in the Summer, 2010. The refunding would include the restructuring of existing debt and new money issuance.

Mayor Castro asked of the reallocation of PFCs and additional capacity. Mr. Miller replied that the original plan was that a portion of the PFCs would be allocated toward the construction of Terminal C and would now be applied toward Terminal B. He stated that the Master Plan would help identify capacity over the next 20 years and was confident that the airfield could accommodate future growth. He added that they would review the number of gates and the ticketing area within Terminal 1. Councilmember Chan thanked Aviation Staff for their work and asked of the status of the Airport Master Plan. Mr. Miller stated that they were scheduled for completion by the end of 2010. He added that the next round of meetings were scheduled in February to provide input to the Ad Hoc Committee. Councilmember Chan asked of the Airport being landlocked. Mr. Miller stated that they would look to develop the land they had now and continue to review opportunities to acquire additional property.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 2:45 pm to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO COLLECTIVE BARGAINING AND MEET AND CONFER AGREEMENTS, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- B. DELIBERATE COMPETITIVE MATTERS REGARDING CPS ENERGY AND DISCUSS LEGAL ISSUES RELATED TO CPS ENERGY V. NRG ENERGY, ET AL PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.086 (COMPETITIVE MATTERS) AND 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Castro reconvened the meeting at 4:49 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action. Mayor Castro adjourned the meeting at

4:49 pm. At this time, the Mayor and Council participated in a tour of the San Antonio International Airport, Terminal B.

The San Antonio City Council convened in a Regular Meeting on Thursday, **January, 21, 2010** 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 Reverend Dr. C. Patrick Ormos, Rector, St. Francis Episcopal Church, guest of Councilmember Reed Williams, District 8.

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 December 10, 2009 and the Mayor's Job Summit of December 16, 2009. Councilmember Clamp seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Resolution:

2010-01-21-0003R

Item 4. A RESOLUTION SUPPORTING THE CREATION OF THE CENTRO PARTNERSHIP.

Pat DiGiovanni presented said item and noted that the resolution would support the creation of the Centro Partnership, a public/private partnership to oversee and facilitate development and revitalization in the center city guided by a unified vision. He stated that a Downtown Assessment had been conducted in July, 2007 and that an International Downtown Advisory (IDA) Panel had convened in May, 2008 to identify the best downtown management structure to oversee, coordinate and facilitate economic development and redevelopment plans in the Downtown Area. He reported that David Feehan, President of Civitas Consultants LLC, was contracted by the city in January, 2009 to expand the IDA Panel recommendations and propose the structure and management of a new organization. He presented his recommendation and that of the City Council Economic and Community Development Committee to create the Centro Partnership.

Mr. Feehan stated that he had conducted several dozen interviews with Downtown Stakeholders and that all agreed that Downtown was the heart of the community. He noted that the Centro Partnership would begin the visioning process for Downtown and that a strong core center would have a great impact to the surrounding neighborhoods. He provided an Organization and Function Chart in which the Centro Partnership Board of Directors would manage existing corporations and their respective Boards which would continue to exist as subsidiaries of the Centro Partnership. He explained that Centro San Antonio would provide oversight of operations and maintenance, and the Community Development Corporation would provide real estate acquisition.

Mr. Feehan outlined new program elements that would focus on downtown business recruitment and retention as well as marketing of the area as a residential attraction. He stated that the Centro Partnership would manage parking and transportation in the Downtown Area and would be funded through the Public Improvement District; Membership Dues, and a \$300,000 grant from the City of San Antonio. He mentioned that the agreements would be negotiated between the Centro Partnership and subsidiaries and that all contracts between the City of San Antonio and the Centro Partnership would require City Council approval.

Ben Brewer, President of the Downtown Alliance expressed his support for the creation of the Centro Partnership. He stated that there was a great need for a broad-based organization for the Downtown Area.

Mayor Castro called upon the individuals registered to speak.

John Beauchamp representing Hixon Properties Incorporated spoke in support of the creation of the Centro Partnership and stated that the success of Downtown was good for the entire city. He spoke of the challenges with Downtown Development and noted that the Centro Partnership would provide a cohesive vision for the area.

Jack M. Finger spoke in opposition to the creation of the Centro Partnership. He stated that a great amount of funding had previously been spent on other initiatives that had not been successful. He added that there were no tangible benchmarks. He also spoke against the tax abatement agreement with Nationwide Mutual Insurance Company (Item 6).

Marisol Robles representing the San Antonio Hispanic Chamber of Commerce spoke in support of the creation of the Centro Partnership. She stated that Downtown was the hub of the city and that there should be dedicated efforts to recruit and retain long-term investments in the area.

Dan Wigodsky, Treasurer of the Downtown Alliance expressed his support for the creation of the Centro Partnership and noted that his father had previously been involved with the Downtown Owners Association. He stated that the Centro Partnership would help solve issues related to the Downtown Area and find necessary solutions. He added that it would bring all interested parties together to make Downtown a better place.

Councilmember Cisneros thanked everyone that worked on said item and stated that the creation of the Centro Partnership had been approved by the Economic and Community Development City Council Committee (ECDC). She noted that there had been significant input from Downtown Stakeholders and

that the Centro Partnership would serve as a collaboration among all entities with a vested interest in Downtown. She added that they should work with the private sector regarding funding and seek to be a self-sufficient organization by 2011. Councilmember Taylor expressed her support and noted that the creation of the Centro Partnership would benefit the entire city. Councilmember Williams thanked everyone that worked on the project and spoke of the importance of making the area accessible to all visitors.

Councilmember Clamp stated that he was supportive of the Centro Partnership but expressed concern with the transfer of the management of Downtown Parking to the organization. Mr. DiGiovanni stated that the Parking Division functioned as an Enterprise Fund and that daily operations would be transferred to the Centro Partnership. He noted that the City would continue ownership rights of the parking system and that the City Council would have the authority to approve rate increases. He added that the Centro Partnership would be entitled to a management fee and that the City would have the ability to opt out of the contract at any time. Councilmember Clamp asked that other funding options be reviewed and brought to the ECDC for approval. He asked of the hiring responsibility for parking operations. Mr. DiGiovanni replied that the Centro Partnership would be responsible for hiring parking employees. Councilmember Clamp expressed concern with the loss of jobs by current City Employees. Mr. DiGiovanni noted that the affected City Employees would be placed in other city positions. He added that there would be accountability from the Centro Partnership through the management agreement.

Councilmember Lopez expressed support and stated that creating oversight of the Downtown Area would be a true asset for the community. He noted that cultural aesthetics of the area should be included in future plans. Councilmember Chan thanked everyone for their work and noted that she was supportive of the creation of the Centro Partnership. She asked of the relationship between the Economic Development Foundation (EDF) and the Centro Partnership. Mr. DiGiovanni replied that they would work collaboratively and that there would be no duplication of efforts. Councilmember Chan asked of the Centro Partnership Bylaws. Mr. DiGiovanni stated that they would provide the bylaws and agreement to City Council for approval. Councilmember Chan recommended expanding City Council representation on the Board of Directors and Coordinating Council. She also expressed concern with the loss of City Employees due to the Parking Operation transition to the Centro Partnership and asked for an analysis of the savings due to the transfer. Mr. DiGiovanni stated that the employees would be given the opportunity to fill vacant City positions.

Councilmember Ramos thanked everyone that worked on said item but expressed concern with the loss of City Employees due to the Parking Operation transition. She asked staff to provide data regarding the previous public/private partnerships implemented and recommended that performance measures be implemented for the Centro Partnership. Councilmember Rodriguez expressed concern with regard to the governance of the Centro Partnership and noted that he would recommend City Council oversight. He mentioned a memo had been sent to Parking Division Employees regarding the possible loss of their jobs. Mr. DiGiovanni stated that the memo had been sent the previous day informing employees of the possible action that would occur at today's City Council Meeting and that they would continue to work with staff regarding their employment. Councilmember Clamp reiterated the need to review other funding options for the Centro Partnership.

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

After discussion, Councilmember Chan made a friendly amendment to include the members of the ECDC as part of the Board of Directors for the Centro Partnership and that the Chair of the ECDC also serve as a member of the Coordinating Council. Councilmember Cisneros accepted the friendly amendment and asked that the contract details be brought to the ECDC.

Councilmember Cortez expressed concern with the many outstanding issues related to the creation of the Centro Partnership. Councilmember Ramos asked of the selection process for the contracting of the Parking System. Mr. DiGiovanni replied that it was a governance issue but that staff would ask that there be a fair and equitable selection process. Councilmember Ramos stated that she was in support of the friendly amendment by Councilmember Chan to include ECDC Members in the governance structure. Councilmember Clamp requested that the outstanding issues related to bylaws, board composition/governance, and parking be provided to the ECDC prior to the contract coming before the City Council for approval. Mayor Castro expressed his support but noted that there were still some outstanding issues that need to be addressed and should be brought to the City Council for approval. He spoke of the importance of the Downtown Area to the City of San Antonio.

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.

Mayor Castro excused himself from the meeting at this time and Mayor Pro Tem Chan presided over the meeting.

The City Clerk read Item 5:

2010-01-21-0028

Item 5. A 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 REVISE THE NEIGHBORHOOD STABILIZATION PROGRAM TARGET AREAS TO ACCURATELY REFLECT A COMBINATION OF FORECLOSED, BLIGHTED, AND VACANT PROPERTY DATA IN ACCORDANCE WITH THE ELIGIBLE USES OF THE PROGRAM.

Nina Nixon-Mendez presented said item and stated that the City had signed a funding agreement with the Department of Housing and Urban Development on March 9, 2009 for funding in the amount of \$8,635,899. She noted that an updated Bridge Notice to the Federal Register was implemented on June 19, 2009 and that the City Council had subsequently approved the new Neighborhood Stabilization Program (NSP) Guidelines on December 10, 2009. She outlined the NSP eligible activities that include establishment of land banks for homes; demolishing blighted structures; and establishing financing mechanisms for the purchase and redevelopment of foreclosed homes. She reported that the City Council had directed staff to revise the NSP Target Areas based on high densities of blight, vacancy, and foreclosure rates. Lastly, she noted that the City of San Antonio had submitted a grant request for NSP II funding and had not been awarded a grant allocation.

Mayor Pro Tem Chan opened the public hearing. She noted that no citizens had registered to speak and closed the public hearing.

Councilmember Ramos expressed support for the NSP revisions and asked how the projects identified for NSP II would be funded. Ms. Nixon-Mendez stated that they would contact Habitat for Humanity International to see if San Antonio could participate in the consortium. She added that there would also be an opportunity to fund projects through the HOME and CDBG funding process. Councilmember Lopez expressed his support and asked if all of the NSP funds had been allocated. Ms. Nixon-Mendez reported that 50% of the funds had been allocated on projects and that the remaining funds would have to be obligated by September 8, 2010. Councilmember Lopez asked staff to review the possibility of funding those vacant properties that were being aggressively addressed. Councilmember Medina thanked staff for their work on the revisions to the NSP target areas and expressed concern regarding the lack of funding for identified NSP II projects. He asked that staff work to identify additional funding opportunities for said projects with a focus on the inner city.

Councilmember Clamp asked if there was an opportunity for Councilmembers to select additional projects. Ms. Nixon-Mendez stated that all funding must be utilized within the target areas. Councilmember Clamp stated that there was a need for NSP Funds within District 10 and would bring forth recommendations to the Quality of Life Council Committee for possible funding. Councilmember Cisneros thanked everyone for their work on the revisions to the NSP target areas. Councilmember Chan requested a meeting with staff to review the target areas and identified projects.

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.

Mayor Castro re-entered the meeting at this time.

The City Clerk read Items 6A, 6B and 6C:

Item 6. A PUBLIC HEARING AND CONSIDERATION OF THE FOLLOWING ITEMS ESTABLISHING THE NATIONWIDE MUTUAL INSURANCE REINVESTMENT ZONE:

2010-01-21-0029

- A. AN ORDINANCE ESTABLISHING THE NATIONWIDE MUTUAL INSURANCE REINVESTMENT ZONE, LOCATED AT 5859 FARINON DRIVE, SAN ANTONIO, TEXAS IN COUNCIL DISTRICT 8.

2010-01-21-0030

- B. AN ORDINANCE AUTHORIZING A TAX ABATEMENT AGREEMENT WITH NATIONWIDE MUTUAL INSURANCE COMPANY FOR A PHASE I CONSOLIDATION AND EXPANSION OF EXISTING OPERATIONS.

2010-01-21-0004R

C. A RESOLUTION OF INTENT TO OFFER ADDITIONAL BUSINESS INCENTIVES FOR NATIONWIDE'S PLANNED PHASE II EXPANSION.

Ed Davis presented Items 6A-C and reported that Nationwide Mutual Insurance Company was headquartered in Columbus, Ohio and employed 932 individuals in San Antonio. He stated that Nationwide had selected San Antonio for consolidation and expansion involving two project phases. He noted that staff had offered Nationwide various financial incentives including a 10-year, 100% tax abatement for Phases I and II and a \$500,000 Economic Development Grant and State Enterprise Project Nomination in Phase II. He explained that in Phase I, Nationwide would consolidate its existing workforce and add 838 new sales and service jobs by the end of 2013. He mentioned that for Phase II, Nationwide intended to begin construction on an \$89 million corporate facility by the end of 2010.

Mr. Davis reported that the estimated value of the tax abatement over 10 years was \$157,841 and that Nationwide had agreed to various terms including the investment of \$3 million in new personal property and 838 new jobs by the end of 2013. He added that the project met the qualifications under the Tax Abatement Guidelines and that staff recommended approval.

Mayor Castro opened the public hearing and called upon Nazirite Ruben Flores Perez who had registered to speak in support of said item.

Mr. Perez expressed his support and stated that the Reinvestment Zone, Tax Abatement Agreement and Business Incentives for Nationwide Mutual Insurance were good for the city.

Mayor Castro closed the public hearing.

Councilmember Williams expressed his support and spoke of the importance of job retainment and creation. Councilmember Cisneros recognized Nationwide for their investment in San Antonio and thanked everyone involved in the project including the Economic Development Foundation and Bexar County Economic Development Department. Councilmember Ramos expressed her support for said item. Councilmember Lopez also expressed support and stated that he was proud of Nationwide's corporate citizenship in the community.

Councilmember Chan thanked Nationwide for their commitment to retain and add jobs in the community. She asked of the requirement to hire existing, local residents. Mr. Davis reported that the Tax Abatement Guidelines required that companies receiving a tax abatement hire residents of Bexar County for 25% of their new jobs. Mayor Castro recognized Nationwide for their expanded presence in San Antonio and stated that he looked forward to future growth.

Councilmember Williams moved to adopt the proposed Ordinances for Items 6A and 6B and to approve the Resolution for Item 6C. Councilmember Cisneros seconded the motion.

The motion to approve Items 6A-6C 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 Cortez recognized Dr. Gomez from Centro Med regarding their \$4 million Federal Grant Award that would be utilized for renovation to the Metro Health Southwest Branch Clinic (Item #27).

CONSENT AGENDA: Items 7-39

Consent Agenda Items 12, 14, 15A, 15B, 15C, 15D, 15E, 17A, 17B, 17C, 17D, 17E, 17F, 17G, 17H, 18, 19, 20, 21, 23, 28, 29, 32, 34, 37A, 37B and 39 were pulled for Individual Consideration. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Ramos seconded the motion.

Mayor Castro called upon Jack M. Finger to speak to the Consent Agenda Items.

Mr. Finger expressed concern with the traffic congestion caused by the San Antonio Rock N Roll Marathon. He spoke in opposition to the grant submission for Spanish Computer Literacy Classes (Item 29) and asked of Federal Initiatives related to tax cuts and health care reform (Item 36).

Faris Hodge, Jr. submitted written testimony in opposition to the Resolution for the Centro Partnership (Item 4) noting that there were sidewalks in the Downtown Area that needed to be cleaned and light bulbs that should be replaced. He wrote in favor of the Neighborhood Stabilization Program in Item 5. He expressed concern with the Tax Abatement Agreement with Nationwide in Item 6 and with the cost estimates in Item 7. He wrote in support of Items 8-11 and against the Mission Branch Library in Item 12 due to lack of funding for materials. He also wrote in favor of Items 13-22 and 27-32.

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.

2010-01-21-0031

Item 7. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING CONTRACTS IN THE ESTIMATED ANNUAL AMOUNT OF \$890,400.00: (A) RELIANCE TRUCK AND EQUIPMENT, LTD AND HEIL OF TEXAS FOR HEIL & PAK-MOR REFUSE BODY PARTS AND SERVICE; (B) E-CIVIS, INC. FOR E-CIVIS GRANTS LOCATOR AND SUBSCRIPTION AND TRAINING; AND (C) FASTER ASSET SOLUTIONS FOR FASTER FLEET CLIENT SITE LICENSE AND ANNUAL SUPPORT FOR THE FLEET MANAGEMENT SYSTEM.

2010-01-21-0032

Item 8. AN ORDINANCE ACCEPTING THE BID FROM PROGRESSIVE EMERGENCY PRODUCTS, LLC FOR THE PURCHASE OF ONE (1) MOBILE MEDICAL RESPONSE AND TREATMENT FACILITY TRAILER FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) FOR A COST OF \$402,495.95, FUNDED BY THE PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT AND THE PUBLIC HEALTH EMERGENCY RESPONSE GRANT.

2010-01-21-0033

Item 9. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE COOPERATIVE CONTRACTS WITH DALLAS DODGE AND GENERAL TRUCK MANUFACTURING COMPANY FOR THE PURCHASE AND CONVERSION OF A BREATH, ALCOHOL TESTING (B.A.T.) MOBILE FOR A TOTAL COST OF \$95,880.00, FUNDED BY THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE AND JUSTICE ASSISTANCE GRANT.

2010-01-21-0034

Item 10. AN ORDINANCE SELECTING FORD, POWELL & CARSON ARCHITECTS & PLANNERS, INC. AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT UP TO \$3,820,373.00 FOR THE DEVELOPMENT OF BRIDGING DOCUMENTS FOR THE PUBLIC SAFETY HEADQUARTERS PROJECT, A CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

2010-01-21-0035

Item 11. AN ORDINANCE AWARDDING A CONSTRUCTION CONTRACT TO SAN ANTONIO CONSTRUCTORS, LTD IN THE AMOUNT OF \$1,023,200.33 OF WHICH \$245,581.40 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM FOR THE ALAMO FARMSTEAD AREA DRAINAGE PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICTS 7 AND 8.

2010-01-21-0037

Item 13. AN ORDINANCE AWARDDING A CONSTRUCTION CONTRACT WITH TCL CONSTRUCTION ENTERPRISES, INC. IN THE AMOUNT OF \$155,557.88 FOR THE SUNRISE PARK PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED AT 6525 BINZ ENGLEMAN IN COUNCIL DISTRICT 2.

2010-01-21-0044

Item 16. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$68,878.08 TO THE \$20,371,174.35 HOT PAVER-LAID MICRO-SURFACE CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, INC. IN CONNECTION WITH THE MAINLAND PROJECT, A \$30 MILLION TAX NOTE PROJECT LOCATED IN COUNCIL DISTRICT 7.

2010-01-21-0057

Item 22. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE LEASE WITH CESSNA AIRCRAFT COMPANY TO ADD UNIMPROVED GROUND SPACE THAT WILL GENERATE NEW REVENUES OF \$19,369.50 PER YEAR OR \$329,281.50 OVER THE REMAINING 17 YEARS OF THE CURRENT LEASE AT SAN ANTONIO INTERNATIONAL AIRPORT.

2010-01-21-0059

Item 24. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE FROM WARFIELD AT 4343 RITTIMAN ROAD IN COUNCIL DISTRICT 2, FOR A WOMEN, INFANTS AND CHILDREN (WIC) CLINIC FOR A MONTHLY RENTAL RATE OF \$4,090.00 AND OFFICE SPACE FOR A COUNCIL DISTRICT 2 FIELD OFFICE FOR A MONTHLY RENTAL RATE OF \$500.00.

2010-01-21-0060

Item 25. AN ORDINANCE AUTHORIZING THE EXTENSION OF LEASE AGREEMENTS THROUGH JUNE 30, 2011 FOR 34 EL MERCADO TENANTS LOCATED AT MARKET SQUARE.

2010-01-21-0061

Item 26. AN ORDINANCE AUTHORIZING THE EXTENSION OF LEASE AGREEMENTS THROUGH JUNE 30, 2011 FOR 53 FARMERS MARKET TENANTS LOCATED AT THE MARKET SQUARE.

2010-01-21-0062

Item 27. AN ORDINANCE AUTHORIZING A NOTICE OF FEDERAL INTEREST TO THE HEALTH RESOURCES AND SERVICES ADMINISTRATION FOR METRO HEALTH'S SOUTHWEST BRANCH CLINIC PROPERTY LOCATED AT 9011 POTEET JOURDANTON HIGHWAY IN COUNCIL DISTRICT 4.

2010-01-21-0065

Item 30. AN ORDINANCE AMENDING CHAPTER 25 (POLICE) OF THE CITY CODE OF THE CITY OF SAN ANTONIO, TEXAS TO PERMIT THE SALE OR RECYCLING OF UNCLAIMED AND FORFEITED COPPER, ALUMINUM, AND OTHER SCRAP METALS, AND AUTHORIZING PAYMENT BY CREDIT CARD OF UNCLAIMED PROPERTY SOLD AT AUCTION.

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

- A. APPOINTING DARNELL J. MCLAURIN (AT-LARGE, CATEGORY: SCHOOL DISTRICT) TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE.
- B. APPOINTING RUBEN J. GALLEGOS (DISTRICT 5) TO THE SAN ANTONIO YOUTH COMMISSION.
- C. APPOINTING LAURA S. MARTINEZ (DISTRICT 5) TO THE SAN ANTONIO HOUSING TRUST.
- D. REAPPOINTING JANE A. THOMAS (DISTRICT 1, CATEGORY: PROVIDER OF HANDICAPPED SERVICES) TO THE DISABILITY ACCESS ADVISORY COMMITTEE.
- E. APPOINTING PAMELA M. HERRERA (DISTRICT 1, CATEGORY: PERFORMING ARTS) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE.

2010-01-21-0067

Item 33. AN ORDINANCE AUTHORIZING THE REDEMPTION OF ALL OF THE CITY'S OUTSTANDING COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION,

SERIES 2000C (HOUSTON STREET DEVELOPMENT PROJECT), AND AUTHORIZING THE USE OF FUNDS IN THE TAX INCREMENT FUND FOR TAX INCREMENT REINVESTMENT ZONE NUMBER NINE TO REDEEM SUCH CERTIFICATES OF OBLIGATION AND PAY RELATED COSTS.

2010-01-21-0069

Item 35. AN ORDINANCE AUTHORIZING A CONTRACT WITH PARENT/CHILD INCORPORATED (PCI) FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE ORAL HEALTH SERVICES FOR CHILDREN, FROM BIRTH TO THREE YEARS OF AGE, AND EXPECTANT MOTHERS ENROLLED IN THE PCI EARLY HEAD START PROGRAM.

2010-01-21-0070

Item 36. AN ORDINANCE APPROVING THE 2010 FEDERAL LEGISLATIVE PROGRAM FOR THE 111TH CONGRESS – SECOND SESSION.

2010-01-21-0071

Item 38. AN ORDINANCE AUTHORIZING A FIVE-YEAR UMPIRE AGREEMENT WITH THE SAN ANTONIO AMATEUR SOFTBALL ASSOCIATION BEGINNING JANUARY 1, 2010, FOR UMPIRE SERVICES AT CITY-SPONSORED SOFTBALL GAMES AND TOURNAMENTS AND ESTABLISHING NEW RATES.

[CONSENT AGENDA ITEMS CONCLUDED]

RECESSED

Mayor Castro recessed the meeting at 11:51 am to break for lunch and noted that the meeting would resume at 1:45 pm.

RECONVENED

Mayor Castro reconvened the meeting at 1:50 pm.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

Councilmember Cisneros recused herself on Items 17A-17H by excusing herself from the Council Chambers and noting that she submitted the recusal forms for said items to the City Clerk.

The City Clerk read Items 17A-17H:

Item 17. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO NEW TEN-YEAR TERM CONCESSION AGREEMENTS AT SAN ANTONIO INTERNATIONAL AIRPORT:

2010-01-21-0045

- A. AN ORDINANCE AUTHORIZING A STANDARD SPECIALTY RETAIL CONCESSION AGREEMENT WITH HDS & PARTNERS AT SAT LLC TO OPERATE A STARS OF SAN ANTONIO CONCEPT FOR THE GREATER OF 17% OF ALL SALES OR MINIMUM

ANNUAL GUARANTEES TOTALING \$670,000.00 IN YEARS 1 THROUGH 5 AND WHOSE TERM WILL COMMENCE UPON DELIVERY OF PREMISES WHICH IS SCHEDULED FOR JULY 1, 2010.

2010-01-21-0046

- B. AN ORDINANCE AUTHORIZING A STANDARD NEWS AND GIFTS CONCESSION AGREEMENT WITH HOST INTERNATIONAL INC. TO OPERATE SIX LOCATIONS UNDER EITHER SAN ANTONIO EXPRESS-NEWS OR TEXAS MONTHLY NEWS CONCEPTS FOR THE GREATER OF 18% OF NEWS/SUNDRIES SALES PLUS 24% OF GIFTS/SOUVENIRS SALES OR MINIMUM ANNUAL GUARANTEES TOTALING \$6,457,482.00 IN YEARS 1 THROUGH 5 AND WHOSE TERM WILL COMMENCE UPON DELIVERY OF PREMISES WHICH IS SCHEDULED FOR JULY 1, 2010.

2010-01-21-0047

- C. AN ORDINANCE AUTHORIZING A STANDARD FOOD AND BEVERAGE CONCESSION AGREEMENT WITH SBARRO-SEVEN HILLS, LLC TO OPERATE A SBARRO'S PIZZA CONCEPT FOR THE GREATER OF 12% OF ALL SALES OR MINIMUM ANNUAL GUARANTEES TOTALING \$350,403.00 IN YEARS 1 THROUGH 5 AND WHOSE TERM WILL COMMENCE UPON DELIVERY OF PREMISES WHICH IS SCHEDULED FOR JULY 1, 2010.

2010-01-21-0048

- D. AN ORDINANCE AUTHORIZING A STANDARD FOOD AND BEVERAGE CONCESSION AGREEMENT WITH EDWIN ENTERPRISES, INC., TO OPERATE A CHARLEY'S GRILLED SUBS CONCEPT FOR THE GREATER OF 12% OF ALL SALES OR MINIMUM ANNUAL GUARANTEES TOTALING \$442,050.00 IN YEARS 1 THROUGH 5 AND WHOSE TERM WILL COMMENCE UPON DELIVERY OF PREMISES WHICH IS SCHEDULED FOR JULY 1, 2010.

2010-01-21-0049

- E. AN ORDINANCE AUTHORIZING A STANDARD FOOD AND BEVERAGE CONCESSION AGREEMENT WITH JDDA CONCESSION MANAGEMENT, INC. TO OPERATE A BIG'Z BURGER JOINT CONCEPT FOR THE GREATER OF 12% OF ALL SALES OR MINIMUM ANNUAL GUARANTEES TOTALING \$657,083.00 IN YEARS 1 THROUGH 5 AND WHOSE TERM WILL COMMENCE UPON DELIVERY OF PREMISES WHICH IS SCHEDULED FOR JULY 1, 2010.

2010-01-21-0050

- F. AN ORDINANCE AUTHORIZING A STANDARD FOOD AND BEVERAGE CONCESSION AGREEMENT WITH JDDA CONCESSION MANAGEMENT, INC. TO OPERATE A SIP COFFEE & EXPRESSO BAR CONCEPT FOR THE GREATER OF 12% OF ALL SALES OR MINIMUM ANNUAL GUARANTEES TOTALING \$618,543.00 IN YEARS 1 THROUGH 5 AND WHOSE TERM WILL COMMENCE UPON DELIVERY OF PREMISES WHICH IS SCHEDULED FOR JULY 1, 2010.

2010-01-21-0051

G. AN ORDINANCE AUTHORIZING A STANDARD FOOD AND BEVERAGE CONCESSION AGREEMENT WITH HOST INTERNATIONAL, INC. TO OPERATE A ROSARIO'S MEXICAN CAFÉ Y CANTINA CONCEPT FOR THE GREATER OF 11% OF FOOD/NON-ALCOHOLIC BEVERAGE SALES PLUS 16% OF ALCOHOLIC BEVERAGE SALES OR MINIMUM ANNUAL GUARANTEES TOTALING \$1,140,000.00 IN YEARS 1 THROUGH 5 AND WHOSE TERM WILL COMMENCE UPON DELIVERY OF PREMISES WHICH IS SCHEDULED FOR JULY 1, 2010.

2010-01-21-0052

H. AN ORDINANCE AUTHORIZING A STANDARD FOOD AND BEVERAGE CONCESSION AGREEMENT WITH HOST INTERNATIONAL, INC. TO OPERATE AN R SALA BEBIDA BOTANA BAR/STARBUCK'S COFFEE CONCEPT FOR THE GREATER OF 13% OF ALL SALES OR MINIMUM ANNUAL GUARANTEES TOTALING \$1,040,000.00 IN YEARS 1 THROUGH 5 AND WHOSE TERM WILL COMMENCE UPON DELIVERY OF PREMISES WHICH IS SCHEDULED FOR JULY 1, 2010.

Frank Miller, Aviation Director presented said items and stated that the concession agreements would provide passengers with food, retail and gift options, as well as provide the Airport with a non-airline revenue stream. He reported that three Requests for Proposals (RFP) had been released on July 26, 2009 for Specialty Retail; News & Gifts; and Food & Beverage and were returned on October 13, 2009. He provided a list of members that had served on the Evaluation Committee and outlined the Evaluation Criteria. He explained that the News & Gifts Concession Agreement (Item 17B) encompassed six locations: three in Terminal B and three in Terminal 1. He noted that the RFP stated that it was the City's intent to award all six locations to one operator and that the three proposers had bid on the six locations. He provided a scoring matrix and noted that Host International had scored 84.2; HDS scored 80.2; and Pacific Gateway scored 70.5 of a possible 100 points.

Mr. Miller reported that Host International had been in business since 1952 and operated 180 News, Gifts and Specialty stores in 29 airports throughout the United States. He stated that Host's Minimum Annual Guarantee (MAG) of \$13,747,482 was \$5.6 million more than that of HDS (\$8,100,300) over the 10-year contract. He noted that the Terminal B locations would be delivered in Summer, 2010 and open in November, 2010, while improvements to Terminal 1 would begin in December, 2011. He added that staff recommended approval of awarding a News & Gift Concession Agreement to Host International for six locations at the San Antonio International Airport.

Mayor Castro called upon the individuals registered to speak.

Anthony Alessi, Vice President of Business Development for Host International, Cindy Clifford, and Catherine Ferguson of San Antonio Express News, addressed the City Council in support of the staff recommendation for Items 17A-17H. Mr. Alessi stated that they had been in operation for 112 years and were well known throughout the US and world. He reported that they generated \$2.5 million in revenue each year and were a sound, financial company. He added that they always paid their bills on time and kept their businesses open even when losing revenue. He asked that the City honor the fair and competitive RFP process. Ms. Ferguson stated that the Express News had provided great coverage for San Antonio since 1865 and was pleased to partner with Host.

Jeff Sailer of HDS/HGSI spoke in opposition to Item 17B and stated that they had operated at the Airport for 17 years. He spoke of the community support provided by HDS and their work with the George Gervin Foundation. He expressed concern that all six locations were being awarded to one company and with the MAG proposed by Host International. He stated that the HDS Warehouse was located in District 5 and he lived in District 9. He added that HDS was one of the largest retail companies in the world.

Marisol V. Robles representing the Hispanic Chamber addressed the Council in support of Pacific Gateway Concessions. She noted that the Hispanic Chamber was an advocate for small businesses and endorsed Johnny Hernandez and Dee Brown.

Lisa Wong spoke in support of Items 17G and 17H and noted that she was fortunate to operate many restaurants throughout the city and within the Airport. She stated that she was pleased to be recommended for two locations at the Airport and looked forward to continuing work with the city.

Johnny Hernandez, Rudy Rodriguez, and Roddy McCowan representing Pacific Gateway Concessions addressed the Council in opposition to Item 17B. Mr. Rodriguez stated that he was responsible for building a team to reflect San Antonio and spoke of the importance of including local, small, minority-owned businesses. He noted that he had met with Channel 5 and they would be one of the branding partners and had recruited local managing partners that would assist in the daily operations including Johnny Hernandez of True Flavors and Dee Brown, a current Airport Concessionaire. He thanked the Hispanic Chamber for their endorsement and added that they had also received endorsements from the Westside and Black Chambers of Commerce. Mr. Hernandez stated that True Flavors had operated in San Antonio for 15 years and spoke of their community involvement and that they would buy locally and engage local participation. Mr. McCowan thanked the City Council for the opportunity to speak and stated that there were subjective and objective elements of the proposal. He noted that they had proposed a greater MAG than the recommended bidder and would provide superior customer service and quality products. He added that their goals were reflective of the city's and provided the highest financial offer and local participation.

Councilmember Rodriguez thanked everyone that spoke and asked of Airport Contracts and associated revenue. Mr. Miller stated that contracts called for a MAG or a percentage of gross revenue sales; whichever was greater, to be paid to the Airport. He noted that Airport Revenue could only be utilized at the Airport and could not be transferred. Councilmember Rodriguez asked of the role of Unison. Mr. Miller replied that Unison was responsible for oversight of the concessionaires and worked with them on a daily basis. He noted that Unison was compensated by a percentage of the total concession revenue. Councilmember Rodriguez asked of the RFP Evaluation Committee. Mr. Miller stated that the Committee consisted of various City Employees as well as community members that could provide valuable input and that Unison had served as support staff to the Committee. Michael Bernard clarified that under Federal Regulations, awarding funds based on local geographic preference was prohibited. Councilmember Rodriguez asked of the concessions at Austin Bergstrom Airport. Griselda Sanchez of the City Attorney's Office stated that she had inquired of same and been assured by the Properties Manager in Austin that they abide by all federal requirements and that the concepts were a result of branding criteria and not location criteria.

Councilmember Rodriguez asked of the verbiage in the RFP that allows the City to award more than one or no contracts. Mr. Miller stated that it was standard verbiage and that HDS currently operates all of the News and Gift locations in Terminals 1 and 2. Ms. Sculley interjected that the three proposers had bid on all six sites and that a competitive process had been followed and would not recommend splitting the bid. Councilmember Rodriguez expressed concern with awarding six locations to one company.

For Item 17B, Councilmember Rodriguez moved to award the three current spaces in Terminal 1 to HDS & Partners and the three new locations in Terminal B to Host International, Inc. Councilmember Ramos seconded the motion.

Councilmember Williams asked if Aviation Staff had received complaints about the RFP Process. Mr. Miller replied that he had not heard any comments about whether or not the process was fair and equitable. Councilmember Williams asked everyone if there was anyone present that wanted to address the Council about the process not being fair and open. There were no comments at this time. Councilmember Williams stated that it was important to maintain the integrity of the process.

Councilmember Williams moved to approve staff's recommendation for Items 17A-17H. Councilmember Taylor seconded the motion.

Councilmember Ramos asked of the performance of HDS. Mr. Miller stated that they performed well at the Airport but no company received a top score for experience solely based on the fact that they currently operated at the Airport. Councilmember Ramos asked of the payment from HDS over the past five years. Mr. Miller stated that in Terminal 2 they paid the MAG and in a few locations in Terminal 1 they had exceeded the MAG. Councilmember Ramos expressed concern with the loss of HDS jobs and with the length of the contracts. Mr. Miller replied that the contract terms had been increased to 10 years in an effort to bring all contracts into a single cycle and that Host was being asked to make a significant investment in design and construction work and the longer term would help them recover their costs.

Councilmember Taylor stated that she supported Councilmember Williams' motion to approve the staff recommendation for all items because it was important to protect the integrity of the process. Councilmember Medina asked of the number of jobs provided at the warehouse located in District 5. Mr. Sailer stated that the jobs were seasonal and they employed eight to thirteen individuals. Councilmember Medina asked of the jobs that would be offered by Host. Mr. Alessi stated that they would offer the positions to current employees if they met the minimum qualifications. Councilmember Clamp stated that the three bidders were capable of providing the services at the Airport but expressed concern that bidding all six locations was not balanced or competitive. He also expressed concern that the City Council did not have input on the RFP itself or the process. He asked if there was an opportunity for the bidders to submit a revised bid for individual stores. Mr. Miller replied that it was an option but would not recommend it.

Councilmember Cortez asked of the commitment by HDS to provide the same MAG as Host International. Mr. Sailer stated that HDS would match the rent in Terminal 1 and the percentages in both Terminals. Councilmember Chan asked of the impact of breaking up the contract. Mr. Miller stated that it would be a challenge to do so, as some of the locations have a higher volume of traffic. Councilmember Chan expressed concern with the length of the contract and asked that there be an

opportunity for the Council to provide feedback in the future. She recognized Johnny Hernandez at this time. Mr. Hernandez stated that all three companies were capable of delivering the services and wanted the best for the City of San Antonio. He noted that there was a difference between local participation and local ownership and expressed concern that small businesses would always lose when competing with large businesses.

Councilmember Lopez asked of local branding. Mr. Miller explained that it was a marketing theme reflective of San Antonio and South Texas. Councilmember Lopez asked of the branding partnerships proposed by Host. Mr. Alessi stated that they had a letter of intent to display San Antonio Express News and Texas Monthly News on the façade of certain locations within the Airport.

Councilmember Clamp asked his colleagues to withdraw their motions and continue said item for 30 days to ask the vendors to re-bid on the individual locations. Councilmember Clamp expressed concern that when the original bid process was initiated, it was unfair because the smaller entity does not have the capital. He noted that the Council was not able to provide input to the RFP process. He asked if the three bidders could submit their new proposals within two weeks and all agreed.

Ms. Sculley stated that she would not recommend allowing the proposers to re-bid on an individual basis for the six locations. She expressed concern that it would delay the opening of the new terminal and noted that the process had been conducted fairly. She requested that the City Council move forward with the staff recommendation. Mayor Castro thanked all of the bidders for their proposals and noted that staff had conducted an open and fair process. He stated that the selected bidder would perform well and he would support the staff recommendation. He added that the process should be enhanced so that contracts over a certain value are presented during a B Session prior to City Council action. Additionally, Mayor Castro recommended that a Council Committee approve the individuals that will serve on the Evaluation Committee for high profile contracts.

The motion to approve Item 17B as amended by Councilmember Rodriguez failed by the following vote: **AYES:** Ramos, Cortez, Lopez, Rodriguez, and Clamp. **NAY:** Taylor, Medina, Williams, Chan, and Mayor Castro. **ABSTAIN:** Cisneros. **ABSENT:** None.

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

The City Clerk read the following Ordinance:

2010-01-21-0036

Item 12. AN ORDINANCE AWARDING A CONSTRUCTION CONTRACT TO O'HAVER CONTRACTORS IN THE AMOUNT OF \$4,696,085.00; AND AMENDING THE FY 2010-2015 CAPITAL BUDGET TO REALLOCATE FUNDS FOR THE MISSION BRANCH LIBRARY PROJECT AND THE MISSION DRIVE-IN SITE DEVELOPMENT PROJECT, AUTHORIZED 2007-2012 GENERAL OBLIGATION, COMMUNITY DEVELOPMENT BLOCK GRANT AND 2009 TAX NOTE FUNDED PROJECTS LOCATED IN COUNCIL DISTRICT 3.

Betty Feldman, City Architect presented an outline of the Mission Branch Library Construction Project. She stated that the construction contract had been awarded to O'Haver Contractors for a 16,500 square foot branch library. She noted that construction would begin in January, 2010 and was estimated for completion in March, 2011. Councilmember Ramos recognized staff for their work on the project and stated that she was pleased that the bids received were within budget. She invited all to the ground-breaking of the library site on January 26, 2010. Councilmember Cortez congratulated Councilmember Ramos' dedication for the library.

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

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

The City Clerk read Items 37A and 37B:

Item 37. CONSIDERATION OF TWO RESOLUTIONS NOMINATING TOYOTA MOTOR MANUFACTURING TEXAS, INC. (TMMTX) FOR STATE ENTERPRISE PROJECT DESIGNATION TO THE OFFICE OF THE GOVERNOR:

2010-01-21-0005R

- A. A RESOLUTION NOMINATING TMMTX FOR DESIGNATION AS A TEXAS ENTERPRISE PROJECT TO EXPAND MANUFACTURING CAPABILITIES AT ITS SAN ANTONIO PLANT WITH TRANSFER AND INSTALLATION OF \$20 MILLION IN MACHINERY AND EQUIPMENT FROM ITS FORMER MANUFACTURING PLANT IN FREMONT, CALIFORNIA (SITE TRANSFER PROJECT).

2010-01-21-0006R

- B. A RESOLUTION NOMINATING TMMTX FOR DESIGNATION AS A TEXAS ENTERPRISE PROJECT TO EXPAND ITS TRUCK PARTS MANUFACTURING CAPABILITY FOR THE TACOMA TRUCK BY INVESTING \$18 MILLION IN ITS TRUCK PARTS STAMPING AND PLASTICS OPERATIONS (TRUCK PARTS PROJECT).

Councilmember Cisneros recused herself on Items 37A and 37B by excusing herself from the Council Chambers and noting that she submitted the recusal forms for said items to the City Clerk.

Councilmember Ramos recognized staff for their work relating to TMMTX and thanked Toyota for bringing jobs to San Antonio. Councilmember Cortez also thanked staff for their work and recognized Toyota for bringing the Tacoma Plant to the Southside of San Antonio. Mayor Castro thanked Toyota for their investment and job creation in San Antonio.

Councilmember Ramos moved to approve the Resolutions for Items 37A and 37B. Councilmember Cortez seconded the motion.

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

The City Clerk read the following Ordinance:

2010-01-21-0038

Item 14. AN ORDINANCE AUTHORIZING THE ISSUANCE OF A \$216,267.79 JOB ORDER TO JAMAIL & SMITH CONSTRUCTION FOR THE GUADALUPE CULTURAL ARTS THEATER PROJECT, A 2007 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED AT 1300 GUADALUPE STREET IN COUNCIL DISTRICT 5.

Councilmember Medina asked of the exterior improvements. Betty Feldman stated that the exterior had tiles that had lost their elasticity and required replacements. She noted that several windows would also be replaced and that upgrades would be made to the theater. Councilmember Medina expressed support for the project and thanked Patty Ortiz, Guadalupe Cultural Arts Theater Director for being in attendance. Mayor Castro thanked city staff for their work and recognized Ms. Ortiz for her leadership of the Guadalupe Cultural Arts Theater.

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

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

The City Clerk read Items 15B and 15C:

Item 15. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE 36TH STREET - US 90 TO GROWDON PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT (LAM) PROJECT LOCATED IN COUNCIL DISTRICT 5 AND FUNDED BY FEDERAL FUNDS THROUGH THE METROPOLITAN PLANNING ORGANIZATION (MPO), THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) AND GENERAL OBLIGATION BONDS:

2010-01-21-0040

- B. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$27,352.76 TO THE \$621,489.75 PROFESSIONAL SERVICES CONTRACT WITH HDR ENGINEERING, INC. FOR ROADWAY DESIGN SERVICES.

2010-01-21-0041

- C. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$221,000.00 TO THE \$5,109,413.00 PROFESSIONAL SERVICES CONTRACT WITH CH2M HILL FOR PROGRAM MANAGEMENT.

Councilmember Chan recused herself on Items 15B and 15C by excusing herself from the Council Chambers and noting that she submitted the recusal forms for said items to the City Clerk.

Councilmember Medina expressed support for the items and asked of the project timeline and scope. Jorge Perez stated that they would extend a portion of 36th Street from Highway 90 to Growdon and would include four lanes with turning medians in the center. He noted that they would add curbs to improve drainage conditions. He added that they would begin construction in August, 2010 and completion was scheduled for September, 2011. He mentioned that Stimulus Funds in the amount of \$2,849,729 would be utilized for the project and that the city would receive reimbursement from San Antonio Water System for relocation of their utilities. Councilmember Cortez stated that he looked forward to the completion of the project as it would greatly benefit the Port Authority of San Antonio.

Councilmember Medina moved to adopt the proposed Ordinances for Items 15B and 15C. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinances for Items 15A, 15D and 15E:

2010-01-21-0039

- A. AN ORDINANCE ACCEPTING THE ARRA FUNDS, ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT TO YANTIS COMPANY IN THE AMOUNT OF \$3,297,539.60 OF WHICH \$2,849,729.36 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND \$447,810.24 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM.

2010-01-21-0042

- D. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SAWS FOR JOINT-BID WORK FOR THIS PROJECT.

2010-01-21-0043

- E. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION, DEDICATION OR CONDEMNATION OF A TURNAROUND EASEMENT TO A PORTION OF TRACT C, NCB 8669; DECLARING THIS PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING THE EXPENDITURE OF \$7,800.00 FOR THE ACQUISITION, AVAILABLE FROM AUTHORIZED GENERAL OBLIGATION STREET BOND FUNDS.

Councilmember Cortez moved to adopt the proposed Ordinances for Items 15A, 15D and 15E. 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.

Ms. Leticia Vacek stated that it was the desire of Councilmember Ramos to address Items 18, 19, 20, 21, and 34 together and read the captions:

2010-01-21-0053

Item 18. AN ORDINANCE AUTHORIZING THE ASSIGNMENT OF THE FIXED BASE OPERATIONS PREMISES OF SKY SAFETY TO SAN ANTONIO PIPER, INC AT STINSON MUNICIPAL AIRPORT.

2010-01-21-0054

Item 19. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CURRENT LEASE AGREEMENT WITH ALAMO HELICOPTER TOURS, SAN ANTONIO, LLC TO ADD SUITE #103 AND GENERATE AN ADDITIONAL \$1,803.34 ANNUALLY FOR OPERATIONS AT STINSON MUNICIPAL AIRPORT.

2010-01-21-0055

Item 20. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CURRENT LEASE AGREEMENT WITH OCOTILLO AVIATION FOR ADDITIONAL SPACE WHICH WILL GENERATE AN ADDITIONAL \$1,326.15 ANNUALLY AT STINSON MUNICIPAL AIRPORT.

2010-01-21-0056

Item 21. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CURRENT LEASE AGREEMENT WITH INTEGRATION INNOVATION, INC. (I3) WHICH WILL ADD SUITE 109 TO THE EXISTING LEASE COVERING SUITES 108 AND 208 AND GENERATE AN ADDITIONAL \$4,804.38 THROUGH THE REMAINDER OF LEASE TERM AT STINSON MUNICIPAL AIRPORT.

2010-01-21-0068

Item 34. AN ORDINANCE SETTING DATES, TIMES AND LOCATIONS FOR TWO (2) CITY COUNCIL PUBLIC HEARINGS REQUIRED FOR THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN/BUDGET PROCESS FOR THE FISCAL YEAR 2010-2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG – 36TH YEAR), HOME INVESTMENT PARTNERSHIP GRANT (HOME – 19TH YEAR), EMERGENCY SHELTER GRANT (ESG), AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAMS, AND ESTABLISHING FUNDING EMPHASIS FOR CDBG AND HOME ENTITLEMENT PROGRAMS.

Councilmember Ramos expressed support for the leases at Stinson Municipal Airport and thanked city staff for their work. She noted that Congressman Rodriguez had filed legislation for an earmark of \$1 million to expand runways at Stinson and acknowledged the entities that were leasing space at Stinson. Councilmember Williams expressed his support and noted that the runway had been expanded to 5,000 feet and qualified as an attractor for Corporate Aircraft. Councilmember Clamp asked of third party appraisals and the percentage of space that had been leased at Stinson. Frank Miller stated that they would be conducting third party appraisals in the future and would be developing a leasing policy for Stinson. He added that he would provide the percentage of leased space to the City Council. Mayor Castro stated that he was pleased with the improvements to Stinson.

Councilmember Ramos moved to adopt the proposed Ordinances for Items 18, 19, 20, 21 and 34. Councilmember Clamp seconded the motion.

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

The City Clerk read the following Ordinance:

2010-01-21-0058

Item 23. 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.

Councilmember Ramos recused herself on Item 23 by excusing herself from the Council Chambers and noting that she submitted the recusal forms to the City Clerk.

Councilmember Cortez 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. **ABSTAIN:** Ramos.

The City Clerk read the following Ordinance:

2010-01-21-0063

Item 28. AN ORDINANCE AUTHORIZING THE AMENDMENT OF HEAD START CONTRACTS TO REALLOCATE CURRENT FUNDING IN THE AMOUNT OF \$1,018,961.00 FROM THE FY 2009-2010 GRANT TO BE SPENT AND ENCUMBERED BY JANUARY 31, 2010 AND \$22,570,276.00 FROM FY 2010-2011 GRANT; AUTHORIZING THE EXTENSION OF CONTRACT TERMS THROUGH JULY 31, 2010; AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF 12-MONTH CONTRACTS FOR THE PERIOD OF AUGUST 1, 2010 THROUGH JULY 31, 2011.

Councilmember Ramos stated that the \$1 million being allocated was funding that had not been spent by the previous Head Start contractor, Parent Child Incorporated. She asked how the funds would be utilized. Cindy Schoenmakers stated that they would be utilized for one-time purchases to include computers, playground equipment and facility renovations. Councilmember Medina expressed support and thanked staff for their work on the Head Start transition.

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

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

The City Clerk read the following Ordinance:

2010-01-21-0064

Item 29. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF UP TO \$31,000.00, UPON AWARD, FROM THE UNITED WAY OF SAN ANTONIO AND BEXAR COUNTY ON BEHALF OF THE ALAMO AREA COMMUNITY INFORMATION SYSTEM (AACIS); AND AUTHORIZING A PROGRAM BUDGET FOR SPANISH COMPUTER LITERACY TRAINING CLASSES FROM JANUARY 31, 2010 THROUGH SEPTEMBER 30, 2010.

Councilmember Cortez asked of the classes that would be provided. Cindy Schoenmakers stated that the classes would be held at five Family Resource Learning Centers and were free to the public. She noted that a schedule would be available on February 1, 2010 through the Learning Centers and on the City's website. Councilmember Cortez expressed support and thanked United Way for the grant.

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

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

The City Clerk read the following Ordinance:

2010-01-21-0066

Item 32. AN ORDINANCE AUTHORIZING TWO PROFESSIONAL SERVICES AGREEMENTS WITH ATC GROUP SERVICES, INC., DBA ATC ASSOCIATES, INC. AND URS CORPORATION TO PROVIDE THE AVIATION DEPARTMENT WITH STAND-BY, INDEFINITE DELIVERY ENVIRONMENTAL CONSULTING SERVICES ON AN AS NEEDED BASIS UP TO \$350,000.00 EACH ANNUALLY FOR AN INITIAL TERM OF TWO YEARS WITH AN EXTENSION OPTION.

Councilmember Chan recused herself on Item 32 by excusing herself from the Council Chambers and noting that she submitted the recusal forms to the City Clerk.

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

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

The City Clerk read the following Ordinance:

2010-01-21-0072

Item 39. AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH GREENFIELD ENERGY, LLC (GREENFIELD) TO COLLECT AND UTILIZE LANDFILL GAS FROM THE NELSON GARDENS LANDFILL, LOCATED IN CITY COUNCIL DISTRICT 4, TO GENERATE AND SELL ENERGY AND PROVIDING FOR A MINIMUM OF \$12,000.00 IN ANNUAL REVENUE TO THE CITY.

Councilmember Cortez requested additional information on said item. David McCary stated that the Nelson Gardens Landfill was closed in 1993 and since that time, staff flared off the methane gas that was generated there. He noted that the agreement with Greenfield Energy would authorize staff to review the feasibility of generating electricity from the methane gas and would provide 240 days of testing opportunities on existing wells and infrastructure. Councilmember Cortez expressed support and noted that it was a step in the right direction. In response to Councilmember Lopez, Mr. McCary stated that Nelson Gardens Landfill encompassed 200 acres and staff would provide results of the testing so that the process could be implemented at other landfills in the future.

Councilmember Cortez 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.

CITY MANAGER'S REPORT

A. VOLUNTEER INCOME TAX ASSISTANCE (VITA) PROGRAM UPDATE

B. ECONOMIC IMPACT OF ROCK & ROLL MARATHON AND VALERO ALAMO BOWL

Due to time constraints, said items were deferred.

CONSENT ZONING ITEMS

Councilmember Cortez made a motion to approve the following rezoning 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-4, P-3, Z-5, Z-6, Z-9, and Z-10. Councilmember Ramos seconded the motion.

Written testimony was received from Bertha Terrazas in favor of Item Z-10.

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

2010-01-21-0073

Item P-1. **PLAN AMENDMENT:** An Ordinance amending the Major Thoroughfare Plan, a component of the City of San Antonio Master Plan, to re-align a segment of proposed Galm Road generally located west of Loop 1604, south of FM 471/Culebra Road and east of proposed Highway 211.

2010-01-21-0074

Item Z-1. **ZONING CASE # Z2010004 H (District 1):** An Ordinance amending the Zoning District Boundary from "O-2 AHOD" Office High-Rise Airport Hazard Overlay District and "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "H O-2 AHOD" Office High-Rise Olmos Park Terrace Historic Airport Hazard Overlay District and "H R-4 AHOD" Residential Single-Family

Olmos Park Terrace Historic Airport Hazard Overlay District on multiple legal descriptions located along West Mandalay Drive, between San Pedro Avenue and Howard 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: MULTIPLE PROPERTIES WITHIN THE 200 BLOCK OF WEST MANDALAY DRIVE (INCLUDING 5118 AND 5230 SAN PEDRO AVENUE) TO WIT: FROM "O-2 AHOD" OFFICE AIRPORT HAZARD OVERLAY DISTRICT AND "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "H O-2 AHOD" OFFICE OLMOS PARK TERRACE HISTORIC AIRPORT HAZARD OVERLAY DISTRICT AND "H R-4 AHOD" RESIDENTIAL SINGLE-FAMILY OLMOS PARK TERRACE HISTORIC AIRPORT HAZARD OVERLAY DISTRICT.

2010-01-21-0075

Item Z-2. **ZONING CASE # Z2010011 (District 2):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District and "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on 3.00 acres out of Lot 27, Block 1, NCB 16817 and Lot 192-D (aka Lot 192-B), ARB 4, Block 4, NCB 16060 located on the 6500 Block of IH 35 North. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 3.00 ACRES OUT OF LOT 27 AND LOT 192-B, BLOCK 001, NCB 16817 AND LOT 192 - D (AKA LOT 192-B) ARB 4 BLOCK 004 NCB 16060. TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT AND "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2010-01-21-0078

Item Z-4. **ZONING CASE # Z2010015 (District 2):** An Ordinance amending the Zoning District Boundary from "C-3NA" General Commercial District, Nonalcoholic Sales to "C-3" General Commercial District on 0.677 acres out of NCB 12887 located at 2100 Southeast Loop 410. 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: 0.677 ACRES OUT OF NCB 12887 TO WIT: FROM "C-3 NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES TO "C-3" GENERAL COMMERCIAL DISTRICT.

2010-01-21-0079

Item P-3. **PLAN AMENDMENT #10002 (District 3):** An Ordinance amending the land use plan contained in the South Central San Antonio Community Plan, a component of the Master Plan of the City, by changing the use of an 0.1871 acre tract of land located at 3127 Mission Road, more specifically NCB 7689 BLK 15 Lot 19, from Low Density Residential to Neighborhood Commercial land use. Staff and Planning Commission recommended approval. (Associated Zoning Case: #Z2010010)

2010-01-21-0080

Item Z-5. **ZONING CASE # Z2010010 CD (District 3):** An Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District and "H C-3 NA AHOD" General Commercial Nonalcoholic Sales Mission Historic Airport Hazard Overlay District to "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District on Lot 20, "H R-6 CD AHOD" Residential Single-Family Mission Historic Airport Hazard Overlay District with a Conditional Use for a Non-Commercial Parking Lot on Lot 18 and "H NC AHOD" Neighborhood Commercial Mission Historic Airport Hazard Overlay District on Lot 19 on Lots 18, 19 and 20, Block 15, NCB 7689 located at 3127 Mission Road. Staff and Zoning Commission recommend approval pending the plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 18, 19 AND 20, BLOCK 15, NCB 7689 TO WIT: FROM "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT AND "H C-3 NA AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT TO "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT ON LOT 20, "H R-6 CD AHOD" RESIDENTIAL SINGLE-FAMILY MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A NON-COMMERCIAL PARKING LOT ON LOT 18 AND "H NC AHOD" NEIGHBORHOOD COMMERCIAL MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT ON LOT 19.

2010-01-21-0081

Item Z-6. **ZONING CASE # Z2010007 (District 4):** An Ordinance amending the Zoning District Boundary from "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "C-1 AHOD" Light Commercial Airport Hazard Overlay District on Lots 1 and 2, Block 15, NCB 8511 located at 1002 Somerset 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 1 AND 2, BLOCK 15, NCB 8511 TO WIT: FROM "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2010-01-21-0082

Item Z-9. **ZONING CASE # Z2010008 S (District 7):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Pay-Day Loan Agency on Lot 200H, Block H, NCB 8501, save and except the southeast 10.66 feet located at 972 Bandera 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: LOT 200H, BLOCK H, NCB 8501, SAVE AND EXCEPT THE SOUTHEAST 10.66 FEET TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD S" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A PAY-DAY LOAN AGENCY.

2010-01-21-0083

Item Z-10. **ZONING CASE # Z2010014 (District 7):** An Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lot 89, Block B, NCB 11513 located at 1303 Bandera 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: LOT 89, BLOCK B, NCB 11513 TO WIT: FROM "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT AND "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

WITHDRAWN BY APPLICANT

Item Z-11. **ZONING CASE # Z2010003 (District 8):** An Ordinance amending the Zoning District Boundary from "R-6 MLOD" Residential Single-Family Military Lighting Overlay District to "MF-33 MLOD" Multi-Family Military Lighting Overlay District on 12.8 acres out of NCB 14890 located on the 5600 Block of UTSA Boulevard. Staff and Zoning Commission recommend approval.

Item Z-11 was withdrawn by the applicant. There was no action required.

[CONSENT ZONING ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read Item 41:

Item 41. CONSIDERATION OF A REQUEST FOR A VARIANCE TO ALLOW THE RIGHT TO SELL ALCOHOLIC BEVERAGES AT A-Z FOOD MART, AN ESTABLISHED BUSINESS, LOCATED AT 4003 EAST SOUTH CROSS, LOCATED IN COUNCIL DISTRICT 3.

Rod Sanchez presented said item and stated that A-Z Food Mart was requesting a variance to sell alcoholic beverages within 90 feet of a school. He reported that in April, 2009, the business had been issued a Certificate of Occupancy (C of O) in error and Mr. Sanchez had subsequently revoked the C of O in August, 2009. He noted that the Board of Adjustment had disapproved the C of O Revocation in October, 2009. He stated that per the City Code and the Texas Alcoholic Beverage Commission, the sale of alcoholic beverages is not permitted within 300 feet of a school. He mentioned that the property was currently in violation and that denial would result in the permanent revocation of A-Z Food Mart's C of O and to discontinue the selling alcoholic beverages.

Councilmember Ramos recognized Mayo Galindo, representative for the property owner, to address the City Council. Mr. Galindo stated that the business was owned by two individuals and that they had fully disclosed the fact that the building was located within 300 feet of a school and were provided the proper permits. He added that they had operated their business without incident and would be forced to file for bankruptcy if not allowed to sell alcoholic beverages. He expressed concern with other businesses that were allowed to sell alcoholic beverages within 300 feet of a school or church.

One of the property owners addressed the Council and expressed that if his request for a variance was denied, he would not be able to support his family. He noted that he was a small business owner and that he had complied with all conditions of the contract prior to purchasing the property. He added that he had followed the City's requirements and urged the Council to support his request to grant the variance.

Councilmember Ramos stated that it was a difficult issue that they had been working on for almost a year and expressed concern with the sale of alcoholic beverages within 90 feet of the elementary school. She noted that the property was operating in violation and that a lawsuit had been filed in District Court. She stated that she had received numerous letters from the community in opposition to the variance and read the letters received from Gary Patterson, East Central ISD Superintendent, and Former Councilmember and President of the Pecan Valley Neighborhood Association, Toni Moorhouse.

Mr. Patterson wrote that they had been working to address the issue for months along with the Pecan Valley Neighborhood Association. He expressed concern that the Board of Adjustment had voted against the recommendation of the Director of Planning and Development Services. He wrote that East Central ISD Representatives had contacted the owners of A-Z Food Mart to negotiate a settlement but they had not responded. Ms. Moorhouse wrote in opposition to the request for a variance and noted that many residents of the neighborhood had signed a petition regarding same. She wrote that there were safety issues related to the elementary school being in close proximity to the business due to the fact that they sold alcoholic beverages.

Councilmember Ramos moved to deny the request for a variance. Councilmember Cortez seconded the motion.

Councilmember Chan asked of the sequence of events. Mr. Sanchez stated that the erroneous granting of a C of O to A-Z Food Mart prompted the neighborhood to question the issuance of a liquor license and an investigation by City Staff occurred. It was determined that the C of O was approved in error and A-Z Food Mart's C of O was revoked in August, 2009. Mr. Sanchez added that the Board of Adjustment had disapproved the C of O Revocation in October, 2009 and that the City was seeking to rectify the situation through District Court. Councilmember Chan stated that she was opposed to the sale of alcohol within 300 feet of a school but noted that in this particular case, the property owner was not at fault. She asked if there were any other options that could be considered. Mr. Sanchez replied that they could reapply for a C of O but would not be authorized to sell alcohol.

Councilmember Ramos stated that approval of the variance would have a negative impact to the surrounding community and asked the City Council to support her request for denial of the variance.

Mr. Sanchez clarified that for schools, the distance requirement was measured from property line to property line and for churches; the measurement was done from door to door of the building. Mayor Castro expressed concern with the facts surrounding the case and noted the safety issues with the elementary school being in such close proximity to the convenient store. He acknowledged that the applicant had submitted the necessary applications in good faith to the City and State and stated that the case was in litigation.

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

2010-01-21-0076

Item P-2. **PLAN AMENDMENT #10003 (District 2):** An Ordinance amending the land use plan contained in the IH 10 East Perimeter Plan, a component of the Master Plan of the City, by changing the use of an 8.013 acre tract of land located southeast of the intersection of Corner Parkway and Springfield Road from Light Industrial land use to Industrial land use. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2010012 S)

Item P-2 presented jointly with Item Z-3.

2010-01-21-0077

Item Z-3. **ZONING CASE # Z2010012 S (District 2):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "I-2 S AHOD" Heavy Industrial Airport Hazard Overlay District with a Specific Use Authorization for a Bulk Plant or Terminal on Lot 2, Block 2, NCB 10597 located on a portion of the 4700 and 4800 block of Corner Parkway. Staff and Zoning Commission recommend approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 2, BLOCK 2, NCB 10597 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "I-2 S AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD

OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A BULK PLANT OR TERMINAL.

Items P-2 and Z-3 were presented jointly by Andrea Gilles and Chris Looney, respectively. Ms. Gilles stated that the Ordinance for Item P-2 would amend the land use plan contained in the IH 10 East Perimeter Plan by changing the use of an 8.013 acre tract of land from Light Industrial Land Use to Industrial Land Use. She noted that staff and the Zoning Commission recommended approval. Mr. Looney stated that the Ordinance for Item Z-3 would amend the Zoning District Boundary from "I-1 AHOD" to "I-2 S AHOD" Heavy Industrial Airport Hazard Overlay District with a specific use authorization for a bulk plant or terminal. He noted that the staff and the Zoning Commission recommended approval pending approval of the Plan Amendment with the following conditions: 1) A Type B landscape buffer shall be maintained along all property lines where the property abuts a road, undeveloped land, or non-industrial development. Additionally, said landscape buffers shall be increased to a depth of 30 feet along Corner Parkway and in any location where the subject property abuts residential uses; 2) Building setbacks shall be maintained as follows: 30-feet along Corner Parkway, and 50 feet along all other property lines; 3) An 8-foot tall, predominately open fence shall be maintained along all property lines; and 4) Above ground fuel tanks shall be no taller than 40 feet. He added that they had not received a response from the Skyline Neighborhood Association.

Mayor Castro called upon the individuals registered to speak.

Ken Brown stated that he was representing the applicant and noted that the existing RediFuel facility had outgrown its current location. He stated that the new location was surrounded by pipe lines and on a Hazmat Route. He reported that if the proposed rezoning was approved, they would downzone the property they were currently at from Industrial to Commercial and had agreed to all of the conditions. He added that they had conducted over 30 meetings with individuals and neighborhood associations and had received support from the Skyline Neighborhood Association and the Eastern Triangle Planning Team.

Dan Martinez spoke in support of the Plan Amendment and rezoning case and recognized Councilmember Taylor for her work on said items. He noted that the IH10 Perimeter Group and the East Gate Neighborhood Association were in favor of the Plan Amendment and rezoning.

Leon Thomas spoke in opposition to the rezoning case and stated that the I-1 zoning designation was appropriate. He provided photos of the affected area. He noted that inclement weather could cause safety issues to surrounding homes and requested that an impact study be conducted prior to approval of the rezoning.

Kathy Harris of the Skyline Park Neighborhood Association addressed the Council and stated that she was in support of the rezoning. She noted that the Association had met with John Sheesley and had been assured that there were no safety concerns. She added that emergency guidelines were in place and that the property had been vacant for 25 years.

Genevieve Rodriguez stated that she was in opposition to the rezoning case due to the environmental impact. She noted that the community was disproportionately affected by waste and pollution and

expressed concern that RediFuel would be located near a school. She stated that although the building was considered a "Green Building," it would produce fossil fuel that was not good for the environment.

John Sheesley, RediFuel Owner, addressed the Council and stated that they were not currently located near a school and that the proposed location was also not near a school. He noted that they were building the new facility with solar panels and reclaimed water. He reported that their processes were regulated and safe and that they would like to begin utilizing biodiesel. He asked the Council for their support.

Bob Harris, Planning Team for RediFuel and with Lake Flato Architects stated that they were in support of the rezoning and that RediFuel was going the extra mile to ensure that the development was environmentally sound. He spoke of their efforts regarding renewable energy generation, onsite rain water collection storage and reuse, and noted that they operated a safe and healthy work environment. He added that RediFuel would become an important model for good environmental stewardship in the city.

Sylvia Elsuezabal, President of the East Gate Neighborhood Association stated that she was in support of the Plan Amendment and rezoning and served on the IH10 Perimeter Group Planning Team. She noted that she was learning and the group was trying to keep all Industrial Zoning within the same area. She added that RediFuel had not received any complaints in the community and that it was important to work with the business owners in the community.

Phil Reidinger of Fort Sam Houston stated that they were in support of the rezoning.

Oscar L. Vicks stated that he had lived in the city for 34 years and that although he was in support of development efforts, he was concerned with the amount of tanks stored on the Eastside. He recognized Councilmembers Chan and Clamp for their support of small business owners. Lastly, he expressed concern that certain weather conditions could affect safety in the area.

Roslynn Warren and Jessica O. Guerrero representing the Esperanza Peace and Justice Center spoke in opposition to the rezoning case. Ms. Warren expressed concern that RediFuel had not addressed contamination issues at their current location. She spoke of the pollution caused by diesel fuel and the high sulfur content that contributes to ozone formation. Ms. Guerrero stated that the Eastside Community had voiced concerns regarding the RediFuel relocation. She expressed concern that many property owners in the area had not been informed of RediFuel's intention to relocate in their vicinity.

Mrs. Vacek read written testimony from Marisol Cortez representing the Southwest Workers' Union. Ms. Cortez wrote that she worked in District 2 and was opposed to the RediFuel rezoning request due to the pollution issues that the diesel would cause. She expressed concern that leaking volatile organic components would contribute to ozone formation and wrote of the related respiratory illnesses. She wrote that the majority of fuel tanks were located on the Eastside and it was the responsibility of industry and government to prove that there would not be any negative impact to the residents or environment.

Councilmember Taylor thanked everyone that spoke on said items and noted that RediFuel had engaged the community regarding their rezoning request. She stated that the reason that the meeting hosted by

her office had been rescheduled was due to a scheduling conflict with Alamo Colleges and apologized to all that had not received information on the revised meeting time. She added that she was in support of the proposal and that several community groups were also in favor. She spoke of RediFuel's plan for LEED Platinum Status that would make them a leader in that type of development. She mentioned that the area was surrounded by other similar businesses and it was unlikely that retail, restaurants, or other businesses would develop in the vicinity. She added that RediFuel was an existing small business that was moving forward with significant redevelopment on the Eastside.

Councilmember Williams recognized Councilmember Taylor for her leadership and expressed support for the Plan Amendment and rezoning. He noted that he had toured the current and proposed RediFuel locations and was pleased that the owner had agreed to downzone the current property. He reported that the new site had the proper ingress and egress and spoke of the materials that would be stored for emergency generators.

Councilmember Taylor moved to adopt the proposed Ordinance with the conditions as follows: 1) A Type B landscape buffer shall be maintained along all property lines where the property abuts a road, undeveloped land, or non-industrial development. Additionally, said landscape buffers shall be increased to a depth of 30 feet along Corner Parkway and in any location where the subject property abuts residential uses; 2) Building setbacks shall be maintained as follows: 30-feet along Corner Parkway, and 50 feet along all other property lines; 3) An 8-foot tall, predominately open fence shall be maintained along all property lines; and 4) Above ground fuel tanks shall be no taller than 40 feet. Councilmember Williams seconded the motion.

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

CONTINUED

Item Z-7. **ZONING CASE # Z2010013 S (District 5):** An Ordinance amending the Zoning District Boundary from "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "R-4" Residential Single-Family District and "C-2" Commercial District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2 NA S" Commercial District, Nonalcoholic Sales with a Specific Use Authorization for a Bail Bond Agency on 0.2201 of an acre out of NCB 2267 located at 213, 215, 219 North San Marcos Street. Staff and Zoning Commission recommend approval.

Chris Looney presented Item Z-7 and stated that it would amend the Zoning District Boundary from "IDZ AHOD" with uses permitted in "R-4" and "C-2" to "IDZ AHOD" with uses permitted in "C-2 NA S" Commercial District, Nonalcoholic Sales with a Specific Use Authorization for a Bail Bond Agency. He noted that staff and the Zoning Commission recommended approval and that the Prospect Hill Neighborhood Association was in favor.

Councilmember Medina moved to continue said item until February 4, 2010. Councilmember Clamp seconded the motion.

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

CONTINUED

Item Z-8. **ZONING CASE # Z2009165 HS (District 7):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "HS C-2 AHOD" Historic Significant Commercial Airport Hazard Overlay 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-8 and stated that it would amend the Zoning District Boundary from "C-2 AHOD" to "HS C-2 AHOD" Historic Significant Commercial Airport Hazard Overlay District. He noted that staff and the Zoning Commission recommended approval. He added that the property owner was in opposition and therefore; would require nine votes for approval. He reported that the Woodlawn Lake Community Association was in favor.

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

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

CEREMONIALS

Mayor Castro and the City Council expressed their appreciation for all of the board and commission members serving the City of San Antonio. Leticia M. Vacek, City Clerk administered the Oath of Office to the Board and Commission members and the Council presented their certificates of appointment and city pin. Approximately 60 board members were in attendance having recently been appointed.

CITIZENS TO BE HEARD

Mark Perez spoke in opposition to the RediFuel rezoning case and expressed concern that he had not received responses to his requests from Planning and Development Services Staff. He noted that Kimberly Clark was operating without a Certificate of Occupancy and expressed concern with their storage tanks located at 4702 Goldfield Road.

Faris Hodge, Jr. expressed concern that City Hall and the Public Libraries were closed for the Martin Luther King, Jr. Holiday on Monday, January 18, 2010 and he was unable to receive a copy of the City Council Agenda. He spoke of the construction contracts that were awarded for Fort Sam Houston and stated that the helmet law repeal was to blame for the increase in motorcycle deaths. He expressed concern with the revisions to the Peddler's Ordinance and the cost overruns of nuclear energy. He spoke in support of Lucky the Elephant and asked that the Alamodome be named after him.

Kelli Anderson and Karri Kern expressed concern with the living conditions of Lucky the Elephant at the San Antonio Zoo. Ms. Anderson asked the City Council to assist in the transfer of Lucky to a sanctuary in Tennessee that has offered to pay for her relocation. A video was presented that showed the poor living conditions of Lucky.

Kyra Dalton, 8-year-old daughter of Ms. Kelli Anderson stated that she did not want Lucky to stay at the San Antonio Zoo because she did not have enough room to roam around. She asked that Lucky be transferred to the sanctuary in Tennessee and noted that Lucky was in need of clean water, grass, and companionship with other elephants.

Beverly Blackburn stated that the San Antonio Zoo had been rated one of the top 10 worst zoos in the US and asked the City Council to help address Lucky the Elephant's poor living conditions. She requested that Lucky be transferred to the sanctuary in Tennessee that has offered to pay for her relocation.

John Hackett representing Voice for Animals stated that he was in support of the initiative to send Lucky the Elephant to the sanctuary in Tennessee and that neither the Zoo nor City would incur a cost for the transfer.

Councilmember Chan noted that a series of meetings had been scheduled to discuss Lucky the Elephant and she was hopeful for a satisfactory outcome.

Raymond Zavala requested that several ordinances be implemented for safety and decency purposes. He stated that the current panhandling ordinance should be revised from "Aggressive Panhandling" to "No Panhandling." He asked that ordinances be created to ban extremely loud vehicle stereos and to ban individuals from wearing their clothes too low.

Lucy Eller requested that the City Council donate to a barbecue fundraiser for Mary Ann Villarreal, a former coach at Edison High School that has been hospitalized due to cancer. She thanked all for their support and noted that all donations would go directly toward Ms. Villarreal's medical expenses.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 8:01 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest:



LETICIA M. VACEK, TRMC/CMC
City Clerk