

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

A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WERE HELD IN THE MUNICIPAL PLAZA BUILDING, WEDNESDAY, MARCH 3, 2010 AND THURSDAY, MARCH 4, 2010, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **March 3, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro.

1. PRESENTATION BY VIA METROPOLITAN TRANSIT ON THE VIA STREETCAR INITIATIVE, FOLLOWED BY CITY STAFF RECOMMENDATIONS

Henry Muñoz, Chair of the VIA Metropolitan Transit Board of Trustees thanked the Mayor and Councilmembers for the opportunity to present the Inner City Rail Streetcar Project. He noted that VIA Metropolitan was transitioning to a multi-modal transit system that would serve the entire community. He recognized Ben Brewer of the Downtown Alliance and the members of the Commission On Intra-City Rail and Streetcar. He introduced Keith Parker, President of VIA Metropolitan Transit. Mr. Parker spoke of the Modern Streetcar, Light Rail Transit, and Commuter Rail methods of transportation and noted the scope and length of trips for each method. He mentioned that Streetcars had a capacity of 30-150 individuals and operated short trips with frequent stops. He provided a list of cities throughout the US that are pursuing modern streetcar systems that include Austin, Dallas, and Fort Worth.

Mr. Parker reported that transit projects generate jobs, noting that the Dallas Green Light Rail Transit Line will support a great amount of employment. He presented photos of the Pearl District and South Water Front in Portland, Oregon and noted that the streetcar system had transformed the communities and spurred a great amount of economic development. He referenced an article regarding the streetcar and light rail systems in Charlotte, North Carolina and the significant impact they had made to inner city neighborhoods and quality of life. He presented maps of the proposed North-South and East-West Streetcar Alignment options and stated that Phase I, the North-South Line, would cover 2.2 miles from Southtown to Josephine Street. He reported that the East-West Line, Phase II, would cover 2.8 miles and connect the Westside Multi-Modal Center with the Robert Thompson Transit Center.

Mr. Parker outlined the project investment for the North-South Starter Line totaling \$90 million and reported that VIA would fund \$45 million of the project through a federal grant and other committed resources. He added that the project would require funding in the amount of \$45 million from the City, Bexar County and private contributors. Lastly, he spoke of next steps that include submission of a grant application and completion of an economic impact analysis. He noted that a complete long range plan would be presented in Summer, 2010.

Mayor Castro stated that the Inner-City Rail Streetcar Project was part of the larger effort to enhance the visibility of the urban core of San Antonio. He spoke of the activity in the Downtown

Area including the Performing Arts Center, HemisFair Redevelopment, and new residential units. He stated that he was in support of a renaissance downtown that would provide individuals with choices regarding restaurants, venues, and housing. He noted there was still much work to be done and it was important for the Council to be involved. He asked of the rail streetcar cost of \$45 million per mile. Mr. Parker replied that the cost was attributed to the initial infrastructure that would last from 50-100 years. He added that the cost includes the track, overhead wire system, necessary engineering, and utility relocation.

Mayor Castro requested a cost breakdown. Mr. Parker replied that they would provide the information and would have a better idea of the actual costs after the preliminary engineering and design phase was completed. Mayor Castro asked of the rationale for selecting the North-South Line as Phase I. Mr. Parker replied that the Commission had selected it as they felt that it had the greatest potential for success. Mayor Castro asked of federal funding available. Mr. Parker stated that they hoped to receive notice of a federal award no later than June 30, 2010 and spoke of the positive meeting held with the Deputy Secretary of Transportation and the Federal Transit Administrator. Mayor Castro asked of the benefits of investing in rail transportation instead of traditional buses. Mr. Parker replied that rail transportation provided travel certainty on a fixed guideway and provided numerous opportunities for economic development.

Councilmember Williams expressed his support but noted his concern with the proposed East-West alignment. Mr. Parker stated that the East-West alignment was not final and could make revisions as necessary. Councilmember Williams spoke of the importance of making downtown more accessible to those outside the area and stated that it was a challenge for residents in outlying areas to travel downtown in their vehicles. He asked that free parking be made available near the transit stations so that the public could easily access the rail streetcar system. He asked of the companies that build streetcars. Mr. Parker replied that United Streetcar was based in Portland and noted that there were few companies that fully assembled streetcars in the United States. Councilmember Williams asked that opportunities be identified for local companies to participate in the streetcar building and maintenance process.

Councilmember Clamp asked of economic development that had occurred in areas near rail lines. Mr. Parker noted that in Charlotte, North Carolina, they had developed specific zoning around the stations that included open space, retail, and residential that encouraged development and investment. Councilmember Clamp asked if San Antonio had the density to sustain a rail streetcar system within the Downtown Area. Mr. Parker replied that the economic impact analysis would determine the return on investment and added that Charlotte was less dense than San Antonio and had implemented a successful railcar system. Councilmember Clamp asked of potential ridership of the rail streetcar. Mr. Parker stated that they were working with major employers including Fort Sam Houston.

Councilmember Clamp asked of the energy usage. Mr. Parker reported that they would utilize overhead electrical systems and work closely with CPS Energy. He added that he did not have the amount of megawatts utilized but would provide the information. Councilmember Clamp requested that input be gathered from residents throughout the city on whether they would utilize the rail streetcar system and other pertinent information. Mr. Parker stated that they had been meeting with various groups throughout the community to obtain feedback on what they would like to see in the rail streetcar system and would continue to seek public input.

Councilmember Cisneros recognized VIA for their efforts and noted that the Symphony would be operating at the Performing Arts Center by the time construction on the rail streetcar system began. She noted the benefits to the urban core and the associated economic development. She thanked the members that served on the Commission On Intra-City Rail and Streetcar and spoke of the great potential of the East-West Streetcar System. She asked of the projected streetcar rider fee. Mr. Parker stated that it would be priced similar to the current service. Councilmember Cisneros spoke of the free bus zone in downtown areas of other cities and asked that VIA be mindful of air quality and non-attainment issues.

Councilmember Rodriguez spoke of the meeting that was held with the Deputy Secretary of Transportation and noted that San Antonio was well-positioned to receive grant funding. He asked of inter-agency collaboration. Mr. Parker replied that collaboration was key to receiving federal funding and spoke of the commitment of the City and Bexar County. He stated that the San Antonio Housing Authority (SAHA) had been involved since inception of the project and would continue to partner with VIA in the future. He added that it was VIA's goal to enhance service to existing customers and attract new individuals through quality services. In response to Councilmember Rodriguez, Mr. Parker noted that the streetcars would include bike racks.

Councilmember Ramos thanked the Commission On Intra-City Rail and Streetcar for their service and asked of the North/South route. Mr. Parker noted that the first phase would encompass 2.2 miles but would amount to 10 miles once completed. Councilmember Ramos spoke in support of equitable lanes for the North and South sides of the proposed North-South alignment, noting that there was currently more lane allocated to the North side. She asked of parking for the North-South route. Mr. Parker stated that they had not yet identified parking and would continue to solicit new ridership. Councilmember Ramos asked of the East-West route. Mr. Parker stated that it would encompass 2.8 miles and a total eight miles upon completion.

Councilmember Ramos asked of the matching funds required for the grant. Mr. Parker confirmed that the local match requirement was 20% but \$65 million of the project would be funded by the City, Bexar County, VIA, and private contributions. Ms. Sculley noted that the City had not committed anything in writing and recommended that the City Council consider the project. Mr. Muñoz added that in order to apply for the grant, they were required to provide a level of committed funding. Councilmember Ramos asked of the commitment by Bexar County. Mr. Parker noted that they had not taken a formal vote in terms of dollars and would review the results of the economic impact analysis.

Councilmember Ramos asked of the backup plan if grant funding was not awarded. Mr. Parker responded that it would require further discussion and they would have to identify alternative funding. Mr. Muñoz stated that some of their conversations in Washington, DC were focused on funding beyond the grant application process. Councilmember Ramos spoke of the importance of prioritizing infrastructure projects and asked of Advanced Transportation District (ATD) Funding. Ms. Sculley reported that it totaled \$11 million and was utilized for ADA improvements and sidewalk construction.

Councilmember Taylor spoke of the need for serious investment in mass transit and recognized Councilmember Williams for his efforts and commitment to the project. She stated that she was in

concurrence that downtown should be more accessible to residents throughout the city. She noted that she would prefer for the East-West route to be implemented first but understood the rationale of beginning with the North-South route. She asked of the economic impact analysis. Mr. Parker replied that they would begin evaluating proposals the following week and would like to have the analysis completed within two months. Councilmember Taylor asked of the community input process. Mr. Parker responded that they had identified community stakeholders and would also be willing to address any group. Councilmember Taylor spoke of the importance of connecting the streetcar project to multi-family development.

Councilmember Medina thanked VIA for their proactive approach to transportation and asked of the grant award. Mr. Parker replied that a response was anticipated by June 30, 2010 but hoped to hear something sooner. Councilmember Medina asked of the remaining funding requirement. Mr. Parker replied that their intention was that the City and Bexar County would provide necessary funding for the project. Councilmember Medina stated that he was pleased that the East-West route encompassed Our Lady of the Lake University and the potential for economic development. Councilmember Lopez spoke of the leadership and collaboration throughout the city in regard to transportation initiatives. He asked of new start and small start grant funding. Mr. Parker replied that they were part of the Transportation Authorization Bill and larger in nature. He added that they could only be utilized for new transit projects. Councilmember Lopez spoke in support of making downtown more accessible to the community and thanked VIA for their work.

Pat DiGiovanni presented the city's funding options for the Streetcar Phase 1 Project estimated at \$90 million and noted that the City and Bexar County would be responsible for funding \$45 million. He mentioned that the project was pending award of \$25 million in federal grant funds and that VIA had committed \$20 million. He explained that Option 1 would utilize debt financing over 20 years through the River North Tax Increment Reinvestment Zone (TIRZ) in the amount of \$6 million and the General Fund in an amount ranging from \$11.5-27.5 million. He stated that Option 2 would provide cash funding over three years utilizing the General Fund. He added that Option 3 would provide cash funding over three years through the General Fund and the Houston Street TIRZ but there could be competing interests vying for the Houston Street TIRZ. He spoke of the possibility of utilizing funding options identified by the Metropolitan Planning Organization (MPO).

Mayor Castro noted that the project would require a multi-year funding commitment. Councilmember Cisneros asked of other projects identified for Houston Street TIRZ funds. Mr. DiGiovanni replied that the Kress Building was requesting \$2 million from the Houston Street TIRZ. Councilmember Cisneros stated that there were funding options to discuss with the MPO and spoke of the possibility of utilizing the Bond Program. She added that air quality was a serious matter and should be taken into consideration. Councilmember Clamp stated that he was interested in discussing funding options with the MPO and that the General Fund should be the last funding option. Councilmember Ramos noted her support in discussing funding options with the MPO and asked if it would include both the City and Bexar County requests. Mr. DiGiovanni replied that they would have to coordinate with Bexar County, as they had not identified a funding source.

2. STAFF BRIEFING AND POSSIBLE ACTION ON THE CITY MANAGER'S RECOMMENDED FY 2011 BUDGET CALENDAR

Maria Villagomez, Interim Budget Director presented the FY 2011 Recommended Budget Calendar and stated that Community and Employee Budget Input would be received from March-September. She noted that the Mid-Year Budget Adjustment Ordinance would be presented on April 29, 2010 and that the FY 2011 City Council Budget Goal Setting Worksession was scheduled for May 18, 2010. She mentioned that the FY 2011 Proposed Annual Operating and Capital Budget and Proposed Property Tax Rate would be presented on August 12, 2010. She noted that City Council District Community Budget Hearings would be held from August 16-27, 2010 with City Council Budget Worksessions held from August 17-September 15, 2010. She added that the FY 2011 Budget, Property Tax Rate, and Revenue Adjustment and Appropriations Ordinance would be adopted on September 16, 2010.

Ms. Villagomez stated that the Six Plus Six Budget, Mid-Year Adjustment, and Five Year Financial Forecast would be presented at the B Session on April 28, 2010. She added that the City Service Ballot for Council Policy Direction would be distributed on April 30, 2010 with a submission deadline of May 7, 2010. She mentioned that Employee Focus Groups would be conducted from April-May and Community Focus Groups from May-June. She reported that the Budget Input Box was available online and in various city facilities throughout the community. She noted that Ad Valorem Tax Rate Public Hearings were scheduled for Tuesday, September 2, 2010 and Thursday, September 9, 2010. She added that a Public Hearing on the FY 2011 Proposed Budget would be held on Tuesday, August 31, 2010. Lastly, she stated that no City Council Meetings, B Sessions, and Council Committee Meetings would be held during the month of July.

In response to Councilmember Cisneros, Ms. Sculley reported that all first quarter revenues were less than projected with the exception of CPS Energy revenues. She stated that she would provide an update during the City Manager's Report at the Council Meeting the next day.

EXECUTIVE SESSION

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

The Executive Session was not held, thus there being no further discussion, Mayor Castro adjourned the meeting at 4:20 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **March 4, 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 Theo Wolmarans, Pastor, Christian Family Church, guest of Councilmember Mary Alice P. Cisneros, District 1.

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 February 11, 2010. Councilmember Clamp seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Lopez spoke of the importance of the 2010 Census and recognized Jerome Garza, Area Manager of the Census Bureau. Mr. Garza noted that the Bureau would employ 500,000 nationally and spoke of the importance of the 2010 Census due to federal funding allocation. He recognized the San Antonio/Bexar County Complete Count Committee that is reaching out to community residents daily. He noted that a mass testing session would take place at the Alamodome from March 9-11, 2010 to offer over 4,000 census positions to the community. He thanked the Councilmembers and city staff for their work and partnership. Mayor Castro stated that it was important for San Antonio to be at the top of the list in terms of the percentage of residents counted and spoke of the impact to the city's federal funding allocation.

Councilmember Rodriguez also spoke of the importance of being counted and the funding impact. He recognized Mr. Garza and noted that he also served on the school board in Dallas. Councilmember Cisneros thanked all for their hard work and spoke of the importance of everyone being counted. She noted the toll free number that individuals could call regarding census information as 866-861-2010. She recognized Lupe Ochoa and highlighted the Census Jobs that would be available. Ms. Sculley thanked the Census Count Committee and noted that \$210 million annually is at stake for the community.

Mayor Castro welcomed the new City Archivist, Sarah Walch and noted that she had most recently worked with the Harlandale Independent School District. He referenced the new technology and digitization of records that are available to the public. Ms. Walch thanked the City Council and stated that she was a native Texas and looked forward to preserving the history of San Antonio. Councilmember Cisneros also welcomed Ms. Walch and thanked City Clerk Leticia Vacek for the archival initiative.

ITEMS FOR INDIVIDUAL CONSIDERATION

PULLED BY CITY STAFF

Item 4. STAFF BRIEFING ON RECOMMENDED IMPLEMENTATION OF A PUBLIC SAFETY HIGH SCHOOL BEGINNING IN THE 2010-2011 SCHOOL YEAR.

Mayor Castro announced that said item had been pulled from the agenda and recognized Former Councilmember Lourdes Galvan who was present regarding Item 4.

At this time, Mayor Castro announced that the City Council of San Antonio would recess and convene as the City of San Antonio, Texas Municipal Facilities Corporation Board of Directors to consider Items 5A and 5B:

The City Clerk read the Resolutions for Items 5A and 5B:

Item 5. CONSIDERATION OF THE FOLLOWING ITEMS RELATING TO THE SALE OF MUNICIPAL FACILITIES CORPORATION LEASE REVENUE REFUNDING BONDS, SERIES 2010 (DEVELOPMENT & BUSINESS SERVICES CENTER PROJECT) AND REIMBURSEMENT RESOLUTION RELATED TO NEW PUBLIC SAFETY DISPATCH AND COMMUNICATIONS CENTER:

MFC 2010-03-04-0003R

- A. A RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF APPROXIMATELY \$12,000,000.00 IN PRINCIPAL AMOUNT OF "CITY OF SAN ANTONIO, TEXAS MUNICIPAL FACILITIES CORPORATION LEASE REVENUE REFUNDING BONDS, SERIES 2010 (DEVELOPMENT & BUILDING SERVICES CENTER PROJECT)" FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE CORPORATION ISSUED IN 2001 TO FINANCE THE ACQUISITION AND CONSTRUCTION OF THE DEVELOPMENT & BUSINESS SERVICES CENTER FOR THE CITY OF SAN ANTONIO, TEXAS; APPROVING AN ESCROW AGREEMENT, AN AMENDED AND RESTATED TRUST AGREEMENT, AN AMENDED AND RESTATED LEASE AGREEMENT, AN AMENDED AND RESTATED MORTGAGE, AND AN AMENDED AND RESTATED SECURITY AGREEMENT IN CONNECTION THEREWITH, AND AUTHORIZING OTHER NECESSARY ACTIONS RELATED THERETO.

MFC 2010-03-04-0004R

- B. A RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS INCURRED TO CONSTRUCT AND EQUIP A NEW PUBLIC SAFETY DISPATCH AND COMMUNICATIONS CENTER FOR THE CITY OF SAN ANTONIO.

Ben Gorzell, Finance Director presented Items 5A and 5B and stated that on February 18, 2010, the City Council had approved the refinancing of outstanding bonds utilized to finance the Development Services One-Stop Center. He noted that they had made presentations to the Rating Agencies February 23-25, 2010 and were requesting authorization to approve the sale and delivery of bonds. He reported bond ratings of "AA" from Fitch; "Aa2" from Moody's; and "AA+" from Standard & Poor's. He provided a summary of the transaction, noting that it totaled \$9,090,000 and represented gross savings of \$616,847.01 and present value savings of \$542,355.88. He stated that local firm M.E. Allison & Company had served as the Senior Manager and RFB Capital Markets had served as the Co-Manager.

Mr. Gorzell stated that the City was considering the issuance of Municipal Facilities Corporation Lease Revenue Bonds to construct and equip a new Public Safety Dispatch and Communications

Center (9-1-1 Center) at Brooks Development Authority. He noted that it would allow the City to be reimbursed for expenses incurred prior to the issuance of the bonds.

Mr. Gorzell provided a summary of the General Improvement Refunding Bonds, Series 2010 transaction that was priced the previous week that had been authorized by the City Council in an amount up to \$175,000,000. He reported that they had received bond ratings of "AA+" from Fitch; "Aa1" from Moody's; and "AAA" from Standard & Poor's. He noted that the transaction totaled \$156,255,000 and represented gross savings of \$9,740,049.17 and present value savings of \$7,755,682.64. He mentioned that Siebert Brandford Shank & Company had served as the Senior Manager, while Morgan Keegan & Company, Southwest Securities, and Wells Fargo Securities had served as Co-Managers.

Mayor Castro expressed support for the bond savings and thanked Mr. Gorzell and city staff for their work. Councilmember Ramos stated that she was in support of the bond savings and asked of the cost of the 9-1-1 Center. Mr. Gorzell stated that the cost had not yet been determined and that the debt being refinanced was for the Development Services One-Stop Center. Councilmember Cisneros expressed support and stated that she was pleased with the savings that had been realized. She asked that staff utilize local underwriters when possible and asked of the local participation on said bond transactions. Mr. Gorzell replied that M.E. Allison & Company was a local firm headquartered in San Antonio and had performed well.

Councilmember Williams recognized the Finance Department Staff that were in attendance and thanked them for their great work. Councilmember Rodriguez thanked city staff and stated that he was pleased with the diversification of underwriter syndicates. He expressed his support for the savings realized and asked how the opportunities had been identified. Mr. Gorzell replied that they worked very closely with financial advisors and underwriters to monitor existing debt and lower the overall cost of borrowing.

Nazirite Ruben Flores Perez spoke in support of the bond issuances and noted the city's high bond ratings. He expressed concern with the CPS Energy rate increases due to the economic conditions.

Director Ramos moved to approve the Resolutions for Items 5A and 5B. Director Cisneros seconded the motion.

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

At this time, Mayor Castro adjourned the Municipal Facilities Corporation Board of Directors Meeting and reconvened the meeting of the San Antonio City Council.

The City Clerk read the caption for Item 5C.

2010-03-04-0016R

C. A RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS INCURRED TO CONSTRUCT AND EQUIP A NEW PUBLIC SAFETY DISPATCH AND COMMUNICATIONS CENTER.

Councilmember Ramos asked of the intent of the resolution. Mr. Gorzell replied that it would allow the city to reimburse itself for costs incurred on the Dispatch Center and was necessary for Internal Revenue Services purposes.

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

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

CONSENT AGENDA-ITEMS 6-19

Consent Agenda Items 8, 14L, 15, 16 and 17 were pulled for Individual Consideration. Councilmember Ramos moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

Councilmember Medina entered the meeting at this time.

Mayor Castro called upon the individuals registered to speak on the Consent Agenda.

Jack M. Finger spoke in opposition to the tax abatement for TX Solar I (Item 17) and noted that funds should be utilized to create a more educated work force. He expressed concern with the Advertising Concessions Agreement with Clear Channel Outdoor (Item 19) due to their campaign contributions to the Mayor and Councilmembers.

Nazirite Ruben Flores Perez spoke in support of the agreement with the American Association of Retired Persons in Item 15.

Faris Hodge, Jr. submitted written testimony in opposition to Items 6 and 7, noting that the costs should not be estimates. He wrote in favor of Items 8 and 9. He expressed concern that the El Mercado Building was not ADA compliant (Item 10) and wrote in support of the Showcase of Homes Project in Item 11. He wrote in favor of Items 12-16, 18, and 19. He expressed opposition to the Tax Abatement Agreement with Texas Solar I, LLC (Item 17), noting that businesses should have to pay taxes.

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.

2010-03-04-0159

Item 6. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING CONTRACTS IN THE ESTIMATED ANNUAL AMOUNT OF \$1,324,000.00: (A) SOUTHWEST WHEEL FOR MEDIUM AND HEAVY TRUCK, TRAILER DRUM AND BRAKE PARTS AND (B) COOPER EQUIPMENT CO. FOR WIRTGEN RECLAIMER AND MILLING MACHINE PARTS AND SERVICES; (C) DIVERSIFIED INSPECTIONS/INDEPENDENT TESTING LABORATORIES FOR INSPECTION OF AERIAL APPARATUS AND GROUND LADDERS; (D) T&W TIRE

FOR EMERGENCY TIRES AND (E) PROTECH ACCESS FOR MAINTENANCE OF AVIATION DEPARTMENT PARKING SYSTEM.

2010-03-04-0160

Item 7. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH GRAYBAR ELECTRIC COMPANY TO PROVIDE THE CITY WITH TELECOMMUNICATIONS SUPPLIES FOR AN ESTIMATED ANNUAL COST OF \$1,239,000.00 FUNDED WITH THE FY 2010 BUDGET.

2010-03-04-0162

Item 9. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$542,967.00 TO D. SHAFFER CONCRETE, INC. FOR CONSTRUCTION SERVICES AT LOCKWOOD PARK, PERSHING PARK AND NORTHAMPTON PARK; APPROVING A CHANGE ORDER IN THE DECREASED AMOUNT OF \$7,508.00 FOR THE PERSHING PARK PROJECT FOR A TOTAL CONTRACT AMOUNT OF \$535,459.00; AND ALLOCATING \$6,112.27 OF UDC FEES FOR PERSHING PARK PROJECT, ALL 2007 BOND PROJECTS LOCATED IN COUNCIL DISTRICT 2.

2010-03-04-0163

Item 10. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$49,270.00 TO THE \$90,594.00 PROFESSIONAL SERVICES AGREEMENT WITH ALAMO ARCHITECTS INC., FOR ADDITIONAL DESIGN SERVICES FOR THE MARKET SQUARE - EL MERCADO BUILDING PROJECT, AN AUTHORIZED 2007 GENERAL OBLIGATION BOND PROJECT.

2010-03-04-0164

Item 11. AN ORDINANCE AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH POZNECKI, CAMARILLO & ASSOCIATES IN THE AMOUNT OF \$34,649.00 TO PROVIDE ADDITIONAL ENGINEERING SERVICES; AND RATIFYING CHANGE ORDERS 1-5 IN THE AMOUNT OF \$85,464.72 TO THE CONSTRUCTION CONTRACT WITH SILVERADO BROTHERS CONSTRUCTION COMPANY, INC. FOR THE DISTRICT 7 TIERRA DEL SOL AFFORDABLE SHOWCASE OF HOMES PROJECT.

2010-03-04-0165

Item 12. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION OF PERMANENT EASEMENT INTERESTS IN FOUR PARCELS OF PRIVATELY OWNED PROPERTY OUT OF COUNTY BLOCK 4005, COUNTY BLOCK 4006 AND COUNTY BLOCK 4297, IN SOUTH BEXAR COUNTY FROM FM 1927 TO MONTGOMERY ROAD FOR THE SAN ANTONIO WATER SYSTEM MEDINA RIVER SEWER OUTFALL PROJECT, LOCATED IN COUNCIL DISTRICTS 3 AND 4; DECLARING IT TO BE A PUBLIC PROJECT; AND DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION.

2010-03-04-0166

Item 13. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION, OF A PERMANENT UTILITY EASEMENT ON PRIVATELY OWNED

REAL PROPERTY OUT OF LOT 19, BLOCK 11, NEW CITY BLOCK 19216 IN COUNCIL DISTRICT 9 FOR THE PARMAN LIBRARY AT STONE OAK PROJECT, A 2007-2012 BOND AND CERTIFICATES OF OBLIGATION PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING AN EXPENDITURE OF \$6,000.00 FROM PREVIOUSLY APPROVED CERTIFICATES OF OBLIGATION FOR THE ACQUISITION AND OTHER ASSOCIATED EXPENDITURES.

Item 14. 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:

2010-03-04-0167

- A. AN ORDINANCE APPOINTING MARSHA L. ELLIS (AT-LARGE COMMISSIONER) AND REAPPOINTING JOSEPH S. TARTELL (AT-LARGE COMMISSIONER) AND RONALD B. MARTIN (AT-LARGE COMMISSIONER) TO THE MUNICIPAL CIVIL SERVICE COMMISSION; SETTING ALL TERMS OF OFFICE TO COMMENCE ON MARCH 4, 2010 AND TO EXPIRE MARCH 3, 2012 AND APPOINTING JOSEPH S. TARTELL AS CHAIRMAN.
- B. APPOINTING CHRISTINA GOMEZ (DISTRICT 3) TO THE SAN ANTONIO COMMISSION ON LITERACY.
- C. APPOINTING JESSE ZUNIGA, JR. (DISTRICT 6) TO THE ZONING BOARD OF ADJUSTMENT.
- D. APPOINTING TIMOTHY D. KERLEY (DISTRICT 10, CATEGORY: MASTER ELECTRICIAN OPEN SHOP) AND MARK S. DAVILA (DISTRICT 7, CATEGORY: JOURNEYMAN ELECTRICIAN, UNION) TO THE ELECTRICAL BOARD.
- E. REAPPOINTING ALEXANDER SAUCEDO (DISTRICT 2) TO THE PARKS AND RECREATION BOARD.
- F. APPOINTING ALICE R. KENNEDY (DISTRICT 2) TO THE COMMISSION FOR CHILDREN AND FAMILIES.
- G. REAPPOINTING ARTHUR D. CLAY (DISTRICT 2, CATEGORY: LICENSED MECHANICAL TECH, UNION) TO THE MECHANICAL APPEALS AND ADVISORY BOARD.
- H. REAPPOINTING ROBERT B. HAHN (DISTRICT 7, CATEGORY: COMMUNITY REPRESENTATIVE) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE.

- I. REAPPOINTING ELIZA A. HERNANDEZ (DISTRICT 7) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 22, 2011.
- J. APPOINTING JUSTIN D. DOSS TO THE TAX INCREMENT REINVESTMENT ZONE NUMBER 31, KNOWN AS MIDTOWN.
- K. APPOINTING DAIZIA L. MCGHEE (DISTRICT 2) TO THE SAN ANTONIO YOUTH COMMISSION.

2010-03-04-0171

Item 18. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT AND ACCEPTING FUNDS FROM INCARNATE WORD HIGH SCHOOL FOR THE CONSTRUCTION AND INSTALLATION OF TWO OVERHEAD MAST ARM SOLAR POWERED FLASHING BEACONS WITHIN THE 700 BLOCK OF E. HILDEBRAND ADJACENT TO THE INCARNATE WORD HIGH SCHOOL CAMPUS LOCATED IN COUNCIL DISTRICT 9.

2010-03-04-0172

Item 19. AN ORDINANCE AUTHORIZING TWO AMENDMENTS TO THE ADVERTISING CONCESSIONS AGREEMENT WITH CLEAR CHANNEL OUTDOOR, INC. AND COINCIDING PURCHASE AGREEMENT FOR ADVERTISING SIGNAGE EQUIPMENT IN THE AMOUNT OF \$462,889.64; REIMBURSEMENT FOR \$398,085.09 WOULD BE REQUESTED THROUGH THE STATE SPORTING AND MAJOR EVENTS TRUST FUND.

[CONSENT AGENDA ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-03-04-0161

Item 8. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE CITY OF SEATTLE FOR COOPERATIVE PURCHASING, AND TO UTILIZE SEATTLE'S CONTRACT WITH PARKEON, INC. TO PROVIDE THE DOWNTOWN OPERATIONS DEPARTMENT WITH APPROXIMATELY 134 PARKING PAY STATIONS IN COUNCIL DISTRICT 1, FOR UP TO \$1,400,000.00, FUNDED BY THE PARKING REPAIR AND REPLACEMENT FUND, AND APPROPRIATING \$88,000.00 FOR RELATED PROJECT COSTS.

Councilmember Ramos asked of the interlocal agreement with the City of Seattle. Paula Stallcup, Downtown Operations Director stated that they had identified an opportunity in which the City of Seattle had an agreement with Parkeon, Inc. to purchase paystations. Councilmember Ramos noted that the paystations would help address the issues that had been identified with parking in the Downtown Area. Ms. Stallcup noted that the solar powered paystations were customer friendly and would help staff provide services more efficiently. She added that the paystations would replace the meters with high turnover and that there would be an educational campaign to ensure that the public was aware of the changes.

Councilmember Cisneros expressed her support for the paystations and highlighted the pay options that would be available. She asked of the tracking of revenues generated at each of the locations. Ms. Stallcup stated that the paystations had the ability to track revenues and would identify high-traffic areas. In response to Councilmember Cisneros, she reported that they would make revisions to the Traffic Code to address enforcement for paystations. Councilmember Cisneros asked of the timeframe for implementation. Ms. Stallcup replied that installation of the paystations would begin the first week of May, 2010.

Councilmember Williams thanked city staff for the collaboration with the City of Seattle and asked of the projected efficiencies to pay for the paystations. Ms. Stallcup stated that the cost for acquiring the paystations was included in the Capital Budget and Parking Fund Repair and Replacement Program. She noted that they would better manage the paystations within three to six months and anticipated a reduction in labor.

Councilmember Clamp expressed his support and asked of the balance of the Repair and Replacement Fund. Ms. Stallcup replied that she did not have the information but would provide it to the City Council. Mayor Castro noted that the paystations were solar powered and would be a good addition to downtown.

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

Item 14L. APPOINTING ARTHUR CAMPOS, JR. AND KENNETH E. MITTS AND REAPPOINTING STEVE TILLOTSON, JESSE F. JENKINS, EDWARD D. GARZA, AND ORLANDO SALAZAR TO THE CITY SOUTH MANAGEMENT AUTHORITY BOARD OF DIRECTORS FOR TERMS OF OFFICE BEGINNING JANUARY 1, 2010 AND EXPIRING DECEMBER 31, 2011.

Councilmember Ramos recognized the members of the City South Management Authority Board of Directors. She stated that she looked forward to economic development on the Southside and asked city staff to work with Senator Carlos Uresti and State Representative Joe Farias on same.

Councilmember Cortez expressed his commitment to City South and fostering a positive economic environment in the area. He recognized Former Mayor Ed Garza for his continued service on the City South Management Authority Board of Directors and thanked all of the Board Members for their service. Mayor Castro also thanked the Board Members for their service.

Councilmember Ramos moved to approve Item 14L. Councilmember Williams seconded the motion.

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

2010-03-04-0168

Item 15. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE AMERICAN ASSOCIATION OF RETIRED PERSONS WHICH PLACES SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM WORKERS IN ITS WORK TRAINING PROGRAM WITH HOST AGENCIES.

Councilmember Cortez requested additional information on said item. Gary Hendel, Animal Care Services Director stated that the American Association of Retired Persons (AARP) offered a program in which they paid the salaries of senior citizens to work 16 hours per week and would be assigned to work at Animal Care Services. He noted that the seniors would enhance customer service through their work with adoption counselors, as well as provide administrative support to the spay and neuter clinic. He added that the individuals interested in participating would have to enroll with AARP prior to being assigned to Animal Care Services. Councilmember Cortez expressed support and noted that he looked forward to the results of the program. Councilmember Williams thanked and commended staff for being creative in addressing the needs of Animal Care Services.

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.

2010-03-04-0169

Item 16. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE DECREASED AMOUNT OF \$69,211.00 TO THE \$344,280.00 PROFESSIONAL SERVICES AGREEMENT WITH CARTER & BURGESS, INC. FOR PARKING CONSULTANT SERVICES; AND ASSIGNING THE CONTRACT FROM CARTER & BURGESS, INC. TO JACOBS ENGINEERING GROUP, INC.

Councilmember Clamp requested an overview of the project. Paula Stallcup stated that Carter & Burgess, Inc. had been hired to write specifications for on-street and off-street technology. She noted that due to the utilization of the City of Seattle contract for on-street technology, the city no longer had the need for those services. She added that they were in the process of negotiating a contract for off-street services with a new revenue control system and working on a Parking Wayfinding Master Plan. Councilmember Williams thanked staff for identifying cost savings and reducing the cost to provide the service.

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

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

2010-03-04-0170

Item 17. AN ORDINANCE AUTHORIZING A TAX ABATEMENT AGREEMENT WITH TX SOLAR I, LLC ABATING 50% OF AD VALOREM TAXES FOR 10 YEARS ON THE PORTION OF PROPERTY IMPROVEMENTS LOCATED WITHIN THE CITY LIMITS.

Ed Davis, Assistant Director of Economic Development presented a video that showed the area that would be utilized by TX Solar I, LLC and the various solar projects that had been implemented. Councilmember Ramos expressed her support and spoke of the green technology. She reported that they would generate electricity for 1,110 households and asked of the amount of megawatts produced. Mr. Davis stated that it would produce 14 megawatts per year. Councilmember Ramos highlighted the fiscal benefit of \$895,000 through CPS Energy and recognized Duke Energy and Juwi Solar Inc. for their investment and added that renewable energy was very important to the city.

Councilmember Cisneros expressed her support and noted that the Economic and Community Development Council Committee had approved moving forward with the tax abatement. She spoke of the importance of maintaining the principles of the Mission Verde Plan and asked of implementation. Cris Eugster stated that they would break ground in April and the project would be operational by the end of the year. He noted that it would be the largest solar plant in Texas and one of the largest photovoltaic solar farms in the country. Councilmember Cisneros thanked Duke Energy for their investment and recognized city staff for their work. She asked staff to identify opportunities for renewable energy on the north side of the city.

Councilmember Ramos asked of the work with the school districts. Mr. Inott of Juwi Solar Inc. thanked the Mayor and City Council for their support and stated that they would donate a three-kilowatt system to the Southside and East Central Independent School Districts. He noted that it would provide them with free electricity and a hands-on learning opportunity regarding solar energy. Mayor Castro thanked everyone involved in the project and recognized CPS Energy for their investment in renewables.

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

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

CITY MANAGER'S REPORT

A. 1ST QUARTER BUDGET & FINANCE REPORT SUMMARY

Ms. Sculley provided a summary of the FY 2010 Three Plus Nine Report noting that first quarter revenues were flat but slightly favorable due to CPS Energy Revenues. She reported that sales taxes for the first quarter were below projections by \$900,000 but overall, General Fund Revenues were greater than projected by \$4.6 million. She noted the two year negative impact to the Hotel Occupancy Tax of \$12 million and a deficit reduction strategy would be implemented to address same. She added that the Planning and Development Services Fund continued to decline and would also implement a reduction strategy to address the deficit.

She provided a list of potential reductions totaling \$11 million for FY 2011 and noted that they projected potential declines in Property and Sales Tax ranging from \$12.5-22 million. She stated that additional revenues would be received from the recently approved CPS Energy rate increase. She outlined the potential additional expenditures identified but not included in the FY 2011 Budget totaling \$29-44.5 million. She added that employee compensation increases were not included in the budget plan. She stated that departments would begin developing budget alternatives through 10% budget reductions for Non-Public Safety Departments and 5% reductions to Police and Fire Budgets. She mentioned that a hiring chill for civilian positions remains in place. She reported that a City Council Goal Setting Session was scheduled for May 18, 2010 and that Community Focus Groups would be scheduled from May-June, 2010.

Councilmember Clamp requested a monthly breakdown of the sales tax revenues.

POINT OF PERSONAL PRIVILEGE

Councilmember Ramos recognized Harlandale ISD Board Members Anthony Alcoser, Zeke Mendoza, Josh Cerna, and Jesse Jay Alaniz that were in attendance. Councilmember Cortez thanked the Harlandale ISD Board Members for attending and for their service to the community. Mayor Castro also recognized the Harlandale ISD Board Members for their service and noted that many of the schools in the Harlandale School District are recognized as exemplary. Councilmember Rodriguez thanked the Harlandale ISD Board Members for their service. Councilmember Medina thanked the Harlandale ISD Board Members and noted that his Chief of Staff, Michael Tejada, had formerly served as the President of the Harlandale ISD Board.

RECESSED

Mayor Castro recessed the meeting at 11:17 am to break for lunch and noted that the meeting would resume at 2:00 pm for Zoning.

RECONVENED

Mayor Pro Tem Chan reconvened the meeting at 2:08 pm and addressed the Zoning Items. She called upon the individuals registered to speak.

Charlotte Kahl spoke in support of the historic designation for Cool Crest Golf Course in Item Z-5. She spoke of the history of the facility and recognized Harold Metzger for re-designing the course in the mid-1930's. She added that many events were held at Cool Crest including the fact that the site had been utilized as a voting location and was a landmark for residents and tourists.

Barbara Witte-Howell read a letter of support for Item Z-5 from Rollette Schreckenghost, President of the San Antonio Conservation Society. She noted that the Conservation Society was in support of the historic designation for Cool Crest Miniature Golf Course and that it was important for the City of San Antonio to recognize Historic 20th Century recreation related resources. She recognized Harold and Maria Metzger for their creation and management of the property.

Councilmember Clamp moved 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: Z-2, Z-3, and Z-4. Councilmember Williams seconded the motion.

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

2010-03-04-0174

Item Z-2. **ZONING CASE # Z2009063 (District 8):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on 1.556 acres out of NCB 14702 located at 9545 Huebner Road. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 1.556 ACRES OUT OF NCB 14702 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

2010-03-04-0175

Item Z-3. **ZONING CASE # Z2010037 (District 9):** An Ordinance amending the Zoning District Boundary from "C-1 PUD MLOD-1 AHOD CD" Light Commercial Planned Unit Development Military Lighting Overlay Airport Hazard Overlay District with a Conditional Use for a Bank to "C-2NA PUD MLOD-1 AHOD" Commercial Nonalcoholic Sales Planned Unit Development Military Lighting Overlay Airport Hazard Overlay District on Lot 1 and Lot 2, Block 3, NCB 17160 located at 1418 Walkers Way. 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 1 AND LOT 2, BLOCK 3, NCB 17160 TO WIT: FROM "C-1 PUD MLOD-1 AHOD CD" LIGHT COMMERCIAL PLANNED UNIT DEVELOPMENT MILITARY LIGHTING OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A BANK TO "C-2 NA PUD MLOD-1 AHOD" COMMERCIAL NONALCOHOLIC SALES PLANNED UNIT DEVELOPMENT MILITARY LIGHTING OVERLAY AIRPORT HAZARD OVERLAY DISTRICT.

2010-03-04-0176

Item Z-4. **ZONING CASE # Z2010047 (District 10):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-3 NA AHOD" General Commercial Non-alcoholic Sales Airport Hazard Overlay District on Lot 3, Block 1, NCB 16617 located at 4238, 4242, 4246, 4250, 4254 and 4276 Gate Crest Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY

CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 3, BLOCK 1, NCB 16617 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3NA AHOD" COMMERCIAL NON-ALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

[CONSENT ZONING ITEMS CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

2010-03-04-0173

Item Z-1. **ZONING CASE # Z2010039 CD (District 5):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 AHOD CD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for an Art Studio/Office on the north 83.55 feet of Lot 1A and the north 83.55 feet of Lot 1B, Block 8, NCB 2431 located at 2120 and 2122 El Paso Street. 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: THE NORTH 83.55 FEET OF LOT 1A AND THE NORTH 83.55 FEET OF LOT 1B, BLOCK 8, NCB 2431 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 AHOD CD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AN ART STUDIO/OFFICE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented Item Z-1 and noted that the Staff and Zoning Commission recommended approval with the following conditions: 1) There shall be no exterior display or sign with the exception that a nameplate, not exceeding three square feet in area, may be permitted when attached to the front of the main structure; 2) No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood; and 3) Business or office hours of operations shall not be permitted before 7:00 am or after 8:00 pm. He added that the Avenida Guadalupe Association was in support.

Councilmember Medina thanked all that were present representing San Anto Arts and highlighted the art studio in the community. He noted that the studio had received a grant from the Westside Development Corporation (WDC) and thanked WDC for their partnership.

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

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

2010-03-04-0177

Item Z-5. **ZONING CASE # Z2010040 HS (District 1):** An Ordinance amending the Zoning District Boundary from "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay

District to "HS C-2NA AHOD" Historic Significant Commercial Nonalcoholic Sales Airport Hazard Overlay District on Lots 4 through 10, Parcel 100, Block 48, NCB 2742 located on the 1400 Block of Fredericksburg Road. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 4 THROUGH 10, PARCEL 100, BLOCK 48, NCB 2742 TO WIT: FROM "C-2 NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT TO "HS C-2 NA AHOD" HISTORIC SIGNIFICANT COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

Chris Looney presented Item Z-5 and stated that staff and the Zoning Commission recommended approval.

Councilmember Cisneros thanked staff for their work and noted that the facility had been in existence since 1929. She recognized Harold Metzger and his wife Maria for their work on the golf course and noted that there were plans to re-open the site as a miniature golf course. She thanked Ms. Kahl and the Conservation Society for their support of the designation and read a letter of support from the Keystone Neighborhood Association. They wrote that they were in full support of the historic designation and asked that the Mayor and Council also support the designation. They also noted that Cool Crest Miniature Golf Course was one of the oldest miniature golf courses in the United States.

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

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

POINT OF PERSONAL PRIVILEGE

Councilmember Ramos wished Councilmember Cortez well on his military assignment and congratulated him for being accepted into the Doctoral Program at the University of Texas at Austin. Councilmember Chan also recognized Councilmember Cortez and stated that she looked forward to his speedy return. Councilmember Rodriguez recognized Councilmember Cortez for his military service and noted that he would be missed. Councilmember Williams wished Councilmember Cortez well during his military service and added that he would return as a Captain. Councilmember Cisneros expressed that Councilmember Cortez would be missed but would send him a care package to remind him of San Antonio. Councilmember Medina thanked Councilmember Cortez for his military service. Councilmember Cortez thanked the Council for their support. Mrs. Vacek stated that Councilmember Cortez would be missed and looked forward to his return.

Mayor Pro Chan recessed the meeting at 2:25 pm and noted that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Pro Tem Chan reconvened the meeting at 6:05 pm and called upon the individuals registered to speak.

Charles A. Cervantes stated that he was a resident of the Hills of Rivermist Subdivision and had previously sent a copy of the homeowners' original letter of request to Pulte/Centex to the City Council. He provided a copy of the response from Pulte/Centex Attorney, Annalyn G. Smith, and expressed concern that they were being forced into a warranty program. He noted that if they complained, there would be punitive results. He mentioned that Pulte/Centex was not interested in dealing fairly with the homeowners and asked the City Council for their assistance in holding Pulte/Centex accountable. He applauded the city's efforts to enforce regulations and spoke of the city's need to collect fines for the lack of meeting building standards. He asked that Pulte/Centex buy back the homes from the owners.

Rhett Smith expressed concern that the Citizens to be Heard portion of the Council Meeting was not broadcast on television. He stated that he was disappointed with the voter turnout at the Primary Election and results for Republican Party Governor. He spoke of poverty issues in the community and invited everyone to attend the International Women's Day March that would be held on Saturday, March 6, 2010.

Nazirite Ruben Flores Perez referenced an animal with two horns and a snake-like tongue, and the seven-headed lion. He stated that the seven-headed lion represented the United States.

Ken Pfeiffer, President of the Alamo Chapter of the Sons of the Republic read a proclamation in recognition of the Battle of the Alamo. He spoke in support of the efforts to recreate structures outside of the present grounds so that the area more accurately reflects the historic place where heroes fought and died. He encouraged the city to begin the process of creating the structures on city-owned land and asked that the City Council reconsider placing a railroad over the area where the heroes died.

Wanda Blakely expressed concerns with her homebuilder, Classic Century Homes. She stated that she had purchased her home in 2007 and within one year, had noticed interior and exterior cracks. She added that there were many construction problems and that Classic Century Homes had been unresponsive to her request for repairs. She asked Classic Century Homes to buy back their home.

LaMarlo Kwaja also spoke of concerns to her home built by Classic Century Homes. She stated that she began having problems with her home before she could make her first mortgage payment. She noted that she has a son with many disabilities and they could not sleep at night due to the walls shifting and electrical problems. She asked that Classic Century Homes also buy back her home.

Mark Perez expressed concern with the staff of the Planning and Development Services Department and spoke of facilities operating without Certificates of Occupancy (C of O). He referenced the facility at 4702 Goldfield that stored hazardous chemicals and operated without a C of O.

Mayor Pro Tem Chan referenced a memo from Rod Sanchez, Planning and Development Services Department Director that addressed Mr. Perez's concerns.

Nick Calzoncit expressed concern that he was not allowed to bring a sign into the Council Chambers due to its size and noted that it could be a violation of his civil rights. Councilmember Chan stated that they would look into his concerns. Mr. Calzoncit spoke of the recent death of a female employee at Sea World in Florida and the inhumane treatment of whales at various Sea World locations.

Leticia Vela spoke of noise issues with her next door neighbor who had installed an outdoor surround sound system with multiple speakers. She stated that she was in need of quiet time, as she was a student and also took care of her elderly grandmother. She referenced the noise ordinance and noted that she had voiced her concerns with the San Antonio Police Department and Code Compliance Officers but they had not provided enforcement. She mentioned that she had no other options and requested assistance from the City Council in addressing her concerns.

John Schneider stated that he was a resident of the Hills of Rivermist Subdivision and spoke of the recent slope and wall failure in the area. He noted that there was another wall directly behind his home that was showing signs of failure and was concerned due to safety. He recognized Councilmember Williams for looking into their concerns and Assistant City Manager Erik Walsh for addressing their security needs. He spoke of issues with the security company hired by Pulte/Centex, noting that he had witnessed them asleep in their vehicles and not requesting identification when accessing their homes.

Elsa Gonzales stated that she was also a resident of the Hills of Rivermist Subdivision and showed photos of development issues within the neighborhood. She spoke of cracks along the retaining wall within the subdivision and expressed concern with other homes in the area that could be jeopardized due to said issue. She requested assistance from the city in resolving the issues with Pulte/Centex.

Mrs. Vacek read written testimony from Jennifer Lawson, resident of Inwood Place Subdivision built by Classic Century Homes. Ms. Lawson wrote that she had noticed a large crack near the bedroom door in the hallway of her home and it had grown large enough that she could now see through it. She expressed concern that the brick walls outside her home would shift when applying a small amount of pressure. She noted that there was a crack in the garage measuring two feet long and a crack through her kitchen measuring over three feet in length. She mentioned that she had contacted the Home of Texas Warranty Company several times and had not received a reasonable response. She asked that the home be sufficiently repaired or bought back from Classic Century Homes.

Faris Hodge, Jr. stated that he had written a letter to the Mayor and City Manager regarding concerns with the gas furnace at City Hall and had not received a response from the security and staff at City Hall regarding same. He requested that the Swearing-In Ceremony for Board and Commission Members be placed as an item on the City Council Agenda and spoke in opposition to nuclear funding. He referenced an article in which a San Antonio Police Officer was accused of raping a man and asked of the status of Lucky the Elephant at the San Antonio Zoo. He spoke in opposition to the new security measures at City Hall, noting that only visitors were scanned and could only enter through one side of the building. He expressed concern with the lease agreement between the City of San Antonio and San Antonio Fighting Back in the amount of \$1.00 per year.

Clay Jackson stated that he was a subcontractor for Allied Towing and spoke of the great investment he had made in order to meet the city's contract requirements. He expressed concern that other wrecker companies were not abiding by the rules in regard to the age of their equipment and noted that he had not been allowed to assist Allied Towing during Assured Towing's suspension. He asked that the rules for hiring towing employees be reviewed, noting that several individuals that he employed were not allowed to work on the city contract due to Driving While Intoxicated (DWI) or Driving Under the Influence (DUI) convictions from many years ago.

Refugio Sanchez stated that he had worked with Texas Towing and operated heavy equipment for over 37 years. He noted that when he was 18 years old, he had made a mistake and been convicted of DUI. He expressed concern that he was not allowed to work on the city contract due to this conviction from many years ago and asked that the policies on the city towing contract be reviewed.

Janet Ahmad asked City Council to attend a bus tour of the Hills of Rivermist Subdivision. She spoke of an incident in which a representative of Channel 5 was deterred by Pulte/Centex Representatives from accessing the home of a resident of the Hills of Rivermist that had agreed to be interviewed. She spoke of the issues of neglect and abuse by Pulte/Centex and requested to meet with City Officials regarding same.

Pasha Kermani, Owner of Allied Towing requested a response regarding concerns that he had previously expressed regarding towing procedures. He spoke of the need for expertise in the industry and expressed concern that individuals with over 20 years of experience were not allowed to work on the city contract due to a DWI conviction from many years ago.

Michael Martinez expressed concern with the lack of bike lanes in the city and spoke of issues he had encountered with Police Officers in the Downtown Area when riding his bike. He noted that he was tired of being harassed and that writing tickets to bike riders was a waste of taxpayer dollars.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Chan adjourned the meeting at 7:02 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest:


LETICIA M. VACEK, TRMC/CMC
City Clerk