

**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, MAY 12, 2010 AND THURSDAY, MAY 13, 2010, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **May 12, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Williams, Clamp, and Mayor Castro. **ABSENT:** Rodriguez and Chan. Mrs. Vacek noted that Councilmember Rodriguez was out of the city on personal business.

**1. BRIEFING AND POSSIBLE ACTION REGARDING EACH OF THE FOLLOWING MATTERS:**

**A. FY 2010 "SIX PLUS SIX" BUDGET, FINANCE, AND PERFORMANCE REPORT, THE CITY'S FY 2010 BUDGET AND FINANCE STATUS FOR THE FIRST SIX MONTHS AND UPDATED ESTIMATES ON REVENUES AND EXPENDITURES FOR THE REMAINING SIX MONTHS AND PERFORMANCE MEASURES THROUGH THE SECOND QUARTER OF FY 2010.**

**B. FY 2011 THROUGH FY 2015 FIVE YEAR FINANCIAL FORECAST**

**C. FY 2010 PROPOSED MID-YEAR BUDGET ADJUSTMENTS**

Maria Villagomez, Budget Director reported that 2<sup>nd</sup> Quarter Revenues were lower than projected but overall favorable due to CPS Energy Revenue. She stated that the FY 2011 Budget Forecast had challenges due to lower than initially projected revenues and newly identified spending. She noted that the FY 2010 Mid-Year Budget Adjustment would be presented at tomorrow's City Council Meeting and recommendations were based on the first six months of activity along with future projections.

Ms. Villagomez spoke of the economic outlook, noting that local consumer spending remains weak and the Unemployment Rate is 7.5%. She outlined General Fund Revenues, noting an estimated FY 2010 positive variance of \$13.3 million. She reported that the Sales Tax Revenue was less than projected and estimated an overall FY 2010 negative variance of \$4.2 million. She added that compared to the same month of the previous year, actual sales tax collections have decreased for 16 consecutive months. She mentioned that the estimated Property Tax Revenue for FY 2010 would be \$1.1 million better than projected. She outlined the historical growth in property values since 2001, noting negative 2.22% growth for FY 2011.

Ms. Villagomez stated that CPS Energy Revenues would have a favorable variance of \$19.3 million for FY 2010 due to the better than projected natural gas fuel cost budget for generation and resale. Additionally, electric and gas sales were higher due to the colder than expected winter. She spoke of the volatility of CPS Energy Revenue and provided a forecast through FY 2015. She reported that for FY

2010, expenditures would be decreased by \$2.5 million through reductions and efficiencies. She stated that a four-day, ten-hour per day work week was being evaluated for pilot implementation.

Ms. Villagomez presented the General Fund Five-Year Forecast, noting that with a beginning balance of \$72.5 million, FY 2011 was projected to have a favorable ending balance of \$12.4 million. She stated that the forecast period reflects funding to provide today's level of recurring City Service and includes funding for an FY 2011 Municipal Election. She reported that the forecast maintains a Financial Reserve Policy of 9% of total appropriations for FY 2010 and beyond and funds medical inflation for healthcare and worker's compensation costs. She noted the \$1.8 million impact of Health Care Reform Legislation for FY 2011 and that dependents can be covered on employee's health plan up to age 26. She mentioned that mandates for the maintenance and support of the Police and Fire Computer-Aided Dispatch System, operating costs for Mission and Parman Libraries, and City's grant match for 50 Police Officers added with Stimulus Funds were also included in the forecast.

Ms. Villagomez provided Employee Compensation Scenarios noting that the increases for the Police and Fire Collective Bargaining Agreements, Civilian Cost of Living Adjustment of 2%, and Step Pay Plan Implementation totaled \$13.7 million for FY 2011. She outlined the additional spending amounts that had been requested for various programs that could potentially total \$35.7-\$60.2 million. She stated that the Solid Waste Operating Fund was fee based and that the Automated Conversion Program had been completed in FY 2010. She provided a Five Year Solid Waste Fund Forecast, noting positive variances through FY 2013 and noted that no rate increases were included in the forecast period. She explained that the Planning and Development Services Enterprise Fund had experienced residential permitting activity slightly better than FY 2009. She noted that commercial permitting activity was 23% less than projected through the 2<sup>nd</sup> Quarter in FY 2010. She outlined the Five Year Planning and Development Services Fund Forecast noting a positive variance through FY 2014 and added that 36 vacant positions would continue to be frozen or eliminated during the forecast period.

Ms. Villagomez reported that a Deficit Reduction Strategy had been implemented for the departments funded by the Hotel Occupancy Tax (HOT) Fund. She noted that there were negative variances in the projected budgets from FY 2012-2015. She stated that the Aviation Fund was estimated to have a positive variance of \$1.1 million for FY 2010. She mentioned that FY 2010 estimated enplanements project a 0.9% decline from FY 2009. She noted that the FY 2010 General Fund Mid Year Budget Adjustment would increase Revenues to \$857.47 million and decrease Expenditures to \$884.57. She outlined the budget adjustments for the restricted funds and provided a sampling of 2<sup>nd</sup> Quarter Performance Measures.

Mayor Castro thanked staff for the presentation and asked of the FY 2011 Budget. Ms. Villagomez stated that the beginning balance was projected at \$12.4 million and did not include any additional projects or services. Mayor Castro asked of the projected 1.71% new property growth for FY 2011. Ms. Villagomez replied that they had worked with Bexar Appraisal District on the projections. Ms. Sculley stated that in terms of permitting, commercial activity continues to decline. Mayor Castro asked of the increase in the Solid Waste Fund. Ms. Villagomez stated that there had been a 33% increase in the amount of recycling and that the city was saving money through the sale of recyclables and avoiding landfill costs. Mayor Castro stated that this was a good mandate to enhance recycling efforts and to target apartment complexes and office buildings. Mayor Castro asked of the HOT expenditures. Ms. Villagomez replied that a deficit reduction strategy had been implemented and realized \$2 million in

savings for the current fiscal year. She noted that staff had also reduced the transfer of HOT to the General Fund for Historic Preservation.

Mayor Castro asked of the difference in the HOT Revenue amounts listed on Slides 76 and 85. Ms. Villagomez stated that the \$46.99 million on Slide 76 was the total HOT Revenue collection and the \$51.6 million on Slide 85 was the entire HOT Fund that included other sources of revenue such as the State Reimbursement Program. Mayor Castro asked of the Arts Funding. Ms. Sculley stated that it was funded through the HOT Tax and fewer funds were available. Mayor Castro requested that an analysis be conducted regarding the high non-payment of ambulance fees and the impact of Health Care Reform Legislation. He asked of the Bond Projects that have surplus funds. Ms. Sculley replied that the use of the funds would be decided by the Council and that the funds could only be used within their specified category. She added that they would receive bids within the next 18 months and did not recommend making any decisions at this time.

Councilmember Williams stated that he believed that the staff survey for the 4-10 workweek would be favorable but expressed concern that it will create resentment among the workforce due to the many hours already worked by the salaried employees. He confirmed that the forecasted CPS Energy Revenues included loan guarantees from the settlement. Mr. Gorzell noted that staff recognized that this was the city's 14% payment from the settlement and one-time in nature. Councilmember Williams stated that the low bids for bond projects did not necessarily mean less project costs and asked that staff be cautious of allocating surplus to anything else at this time.

Councilmember Ramos asked of the projected CPS Energy Revenues. Ms. Villagomez replied that they were based on the current rate structures in place and did not take rate increases into account. She noted that the projected SAWS Revenues were also consistent with the current rate structures. Mr. Gorzell added that there was a much smaller return from SAWS and did not anticipate a large increase in revenues. Councilmember Ramos stated that she understood the hesitation with the 4-10 workweek but was in support of the pilot due to cost savings. She asked of the \$500,000 that had been allocated to kennels in the FY 2010 Budget. Ms. Villagomez stated that they had been identified as capital funds and would be utilized to build an educational spay/neuter facility. She noted that the funds included in the forecast would be used for staff to operate the kennel space at Brooks. Councilmember Ramos spoke of the extension of the recycling pilot program at Woodlawn Lake and mentioned the possibility of implementing the pilot in other areas of the city.

Mayor Castro asked of the Atlanta Recycling Program that he had previously inquired about. Solid Waste Director David McCary stated that Atlanta processed garbage and recyclables together and due to this practice, there was a high rate of contamination. He added that there was not an increase in recycling due to the use of one receptacle. Councilmember Ramos requested a forecast that includes the proposed rate increases for CPS Energy and spoke in support of funding for basic services to include the Library System. She stated that she was in favor of some type of employee compensation.

Councilmember Clamp confirmed that the FY 2011 Proposed Budget did not include any additional programs or services. Ms. Villagomez responded that any additions would pose a challenge unless there were reductions or redirections identified. Ms. Sculley noted that there were no salary increases included in the FY 2011 Budget projections. Councilmember Lopez asked of the 2010 Housing Market. Ms. Villagomez replied that according to Economist Steve Nivin, the housing market has reached bottom and the median price of homes was lower than projected. She noted that based on information

received from the Bexar Appraisal District, staff anticipated property values to be lower than last year. Councilmember Lopez confirmed that city employees had not received a cost of living adjustment this year and that the Step Pay Plan was implemented over a multi-year period.

Councilmember Williams noted that churches and apartment complexes had requested recycling opportunities and could be a revenue source. Councilmember Cisneros asked of the Fire and Police Collective Bargaining Agreements. Ms. Sculley stated that the Police Officers had a proposed contract and the Fire Agreement had not been completed. Councilmember Cisneros asked of the proposed furlough. Ms. Sculley stated that it was not included and would equate to \$2 million in savings. Councilmember Cisneros asked of the mandated costs. Ms. Villagomez responded that they were for used for operating support for added capital projects. Ms. Sculley noted that contingency was used for capital costs and mandates are for staffing costs. Councilmember Cisneros requested a list of mandates and associated costs. She expressed support for increasing recycling efforts.

### **EXECUTIVE SESSION**

Mayor Castro recessed the meeting at 3:54 pm to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO *CDC-BROAD L.P. V. CITY OF SAN ANTONIO*, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- B. DISCUSS LEGAL ISSUES RELATED TO THE POLICE AND FIRE COLLECTIVE BARGAINING AGREEMENTS, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- C. DELIBERATIONS REGARDING INFORMATION RELATING TO ECONOMIC DEVELOPMENT NEGOTIATIONS PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.087 (ECONOMIC DEVELOPMENT).**
- D. DELIBERATE THE MANAGEMENT, PURCHASE, EXCHANGE, LEASE, OR VALUE OF CERTAIN REAL PROPERTIES AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.072 (REAL PROPERTY) AND 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Castro reconvened the meeting at 4:53 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action. There being no further discussion, Mayor Castro adjourned the meeting at 4:53 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **May 13, 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, Chan, Clamp, and Mayor Castro. **ABSENT:** Rodriguez and Williams. Mrs. Vacek noted that Councilmembers Rodriguez and Williams were out of the city on personal business.

**Item 1.** The Invocation was delivered by Rev. Bill Tucker, Senior Pastor, Concordia Lutheran Church, guest of Councilmember Elisa Chan, District 9.

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

### **POINTS OF PERSONAL PRIVILEGE**

Mayor Castro presented a Proclamation to former Mayor Phil Hardberger in recognition of the opening of Hardberger Park. Mayor Hardberger thanked the City Council for their support and recognized the individuals that worked on the park. The Councilmembers congratulated Mayor Hardberger and thanked him for his commitment and dedication.

Mayor Castro recognized Councilmember Cortez on his return from Military Training.

Councilmember Cisneros recognized Dr. Esther Miranda who is the new principal at St. Anthony Elementary Catholic School. Councilmember Cisneros stated that the school would have a formal groundbreaking ceremony of the new educational facility on the campus and welcome for Dr. Miranda on June 12, 2010. Councilmember Cisneros mentioned that her daughter, Mercedes graduated from St. Anthony Catholic School and subsequently graduated from Stanford University. She noted that her son, John Paul also graduated from St. Anthony and is graduating tomorrow from the University of Southern California; thus, she will leave the Council Meeting early today to fly out to Los Angeles.

### **Item 3. MINUTES**

Councilmember Cisneros moved to approve the Minutes for the April 29, 2010 City Council Meeting. Councilmember Ramos seconded the motion.

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

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

#### **2010-05-13-0400**

**Item 4. AN ORDINANCE AMENDING THE FY 2010 ANNUAL OPERATING BUDGET TO ADJUST APPROPRIATION LEVELS IN CERTAIN FUNDS BASED UPON MID-YEAR REVENUE AND EXPENDITURE ESTIMATES.**

Maria Villagomez, Budget Director stated that FY 2010 was the third year that a Mid-Year Budget Adjustment Ordinance was being recommended to align and update revenue and expenditure budgets with updated financial information and trends. She noted that the FY 2010 Adopted Budget for the General Fund and Five Restricted Funds would be amended. She reported that 2<sup>nd</sup> Quarter Revenues were less than projected but overall favorable due to CPS Energy Revenues. She stated that the General Fund Budget would be amended to reflect Revenues of \$857.47 million and Expenditures would be revised to \$884.57 million. She outlined the amendments to the Restricted Funds, noting decreases to the Planning and Development Services Fund and Hotel Occupancy Tax (HOT) Fund. She noted that

the increase in revenues to the Solid Waste Fund was attributed to better than anticipated recycling revenue. She mentioned that the \$2.8 million increase to the Employee Benefits Fund was due to the higher than anticipated cost of employee health care claims. She added that the increase in the Equipment Replacement and Renewal Fund would fund the additional cost associated with the purchase of 91 Hybrid Vehicles.

Mayor Castro thanked staff for the presentation. He stated that his questions had been answered at the previous day's B Session and was pleased that the budget was better than projected. Councilmember Lopez recognized city staff for their work on the budget and noted he was pleased with the increase in recycling and the purchase of hybrid vehicles. Councilmember Cisneros asked of the reductions to the departments funded by the HOT Fund. Ms. Villagomez explained that the Convention, Sports and Entertainment Facilities (CSEF) Department had identified \$1 million in savings through line item reductions in building maintenance, materials, and utilities. Additionally, the Convention and Visitor's Bureau (CVB) identified \$1 million in reduction of marketing programs and travel expenditures. She added that the Office of Cultural Affairs had reduced \$250,000 from the Cultural Collaborative Initiatives. Councilmember Cisneros stated that she was pleased that the reductions would not have a negative effect on tourism and was not proposing a property tax increase.

Councilmember Ramos asked of the previous year's deficit. Ms. Villagomez stated that the city was facing a \$39 million decrease in revenue but has been able to decrease that figure through budget cuts. Councilmember Ramos expressed concern with the Enterprise Funds and requested the list of 36 vacancies within the Planning and Development Services Department. She asked of health care claims. Ms. Villagomez replied that the number of claims was consistent with those in prior years but the cost of claims has increased. She added that she would provide a breakdown of claims by department. Councilmember Ramos asked of the investment in hybrid vehicles. Ms. Villagomez stated that staff was recommending an amendment of \$244,000 to the Replacement Fund to purchase hybrid vehicles. Councilmember Ramos expressed her support and requested information comparing upfront costs and future budget savings due to the purchase of hybrid vehicles.

Councilmember Clamp asked of the \$13 million in FY 2010 savings. Ms. Villagomez replied that it would be placed in the General Fund and recommended utilizing it as the beginning balance for FY 2011. Mayor Castro asked if the city was in a hiring freeze. Ms. Villagomez responded that they had implemented a hiring chill and that a committee met bi-weekly to discuss filling critical positions. Ms. Sculley added that Police Officers and Fire Fighters were not part of the hiring chill. Mayor Castro asked if grant funded positions were being filled aggressively. Ms. Sculley confirmed that they were and that staff was informing employees hired that the positions were temporary. Councilmember Chan asked of the revised FY 2010 Budget, noting that expenditures were higher than revenues. Ms. Villagomez stated that the beginning balance for FY 2010 was \$35 million and was not included in the revenues. She noted that after expenditures, the city would realize savings of \$13.32 million.

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

The City Clerk read the following Ordinance:

2010-05-13-0401

Item 5. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE ACCEPTING AND ADOPTING THE UPDATE TO THE 2009 REGIONAL BUSINESS DISPARITY CAUSATION ANALYSIS STUDY.

Rene Dominguez, Assistant Director of Economic Development provided background information on the Disparity Study Update. He stated that MGT of America had conducted the Regional Business Disparity Causation Analysis Study. He reported that inconsistencies within utilization data analysis had been identified, noting that purchase orders that fell outside the range of normal activity had been utilized. He further noted that the City of San Antonio (COSA) had provided both purchase order and payment data while MGT only utilized the purchase order data. He confirmed that a technical review team with 36 city department representatives reviewed the returned data to ensure that business category ethnicities and genders were correct. He mentioned that MGT had been directed to analyze utilization based on payment data and that new analysis had resulted in changes to disparity findings. He noted that only chapters referencing payment data were included in the update and other chapters remain unaffected.

Mr. Dominguez explained that an independent expert had been engaged to conduct a third party review of the update. He reported that Dr. Thomas D. Boston, CEO of EuQuant, concluded that MGT's facts and methodologies were sound and findings of the update were valid and reliable for purposes of policy development. He presented a summary of the Disparity Study Update revisions, noting that the shaded boxes had been revised from the original study. He stated that although there had been significant successes, disparity still exists in various categories. He noted that the city had awarded 30% of construction funds to minority, women-owned firms, compared to 2% in 1987 and 5% in 1992.

Mr. Dominguez stated that they had vetted the update to various stakeholders throughout the community and had received positive comments. He noted that two concerns had been brought forth: 1) The possibility that MGT's methods to measure availability was too restrictive by only including bidders and vendors on city contracts; and 2) Lack of subcontracting analysis data due to the city only paying prime contractors. He mentioned that these two concerns would be addressed in the new Small Business Economic Development Advocacy (SBEDA) Ordinance. He reported that the Small Business Advocacy Committee had unanimously approved the recommendation of the update to the City Council. He noted that staff recommended that the City Council approve the Update to the Original Study and direct staff to proceed with development of a new SBEDA Program.

Mayor Castro called upon those registered to speak on said item.

Ramiro Cavazos of the Hispanic Chamber of Commerce stated that the city was a huge economic generator and accepting the study meant recognizing that disparity still exists. He spoke of the importance of small businesses to the community. He noted that the city had served as a catalyst in using public funds and recirculating them back into the community through the SBEDA Ordinance. He mentioned that the study was strong and was pleased with the third-party review. He thanked city staff for their work and noted that the Hispanic Chamber would be a willing partner in resolving economic disparities moving forward.

Doug McMurry with the Associated General Contractors thanked city staff for their work on the Disparity Study and noted that it had been a long and difficult process. He stated that the Central Vendor Registration Database would be critical to future success.

Gloria Andrade Merrell, Chair of the Small Business Advocacy Committee thanked all that worked on the Disparity Study. She stated that the Committee had been actively involved in the project for almost three years and referenced a public hearing that had been held on April 16, 2010 regarding the Disparity Study Update. She noted that the study indicated that the city had done a great deal in providing contracting opportunities for minority and women-owned businesses but there was a need for improved data collection. She asked the City Council to approve the Disparity Study Update.

Tomas Larralde stated that although he was associated with the Hispanic Contractors Association, he was not speaking on their behalf but as a private citizen. He noted that he had done a great amount of work on disparity studies and had spent a lot of time studying the State's Disparity Study. He expressed concern with the limited definition of availability and only utilizing bid data. He noted that the need for disparity studies had stemmed from lawsuits and referenced a lawsuit entitled Concrete Works II. He stated that he had conducted his own research and firms indicated that they would not perform work on city contracts due to the payment process and lack of comfort level.

Nazirite Ruben Flores Perez expressed support for the Disparity Study Update and noted that there was an audit being conducted at Kelly due to the lack of small businesses being utilized. He asked that cost of living adjustments for city employees be included in the FY 2011 Budget.

Jack M. Finger spoke in opposition to the Disparity Study Update and expressed concern that it would increase quotas. He asked of the statute of limitation on prejudice and stated that the companies not bidding for city projects may not be qualified.

Councilmember Taylor stated that she was pleased that the Disparity Study had been updated and that staff had been given the opportunity to provide accurate data. She asked if other organizations would be utilizing the study data. Mr. Dominguez confirmed that it would only be used by COSA. He noted that members of the consortium had conducted independent studies. In response to Councilmember Taylor, he stated that the Small Business Advocacy Committee recommends that SBEDA Goals be reviewed every four years. Councilmember Taylor noted that some successes had been achieved through the SBEDA Ordinance but there were still areas that needed to be addressed including all categories for African American and Asian Americans. She stated that she looked forward to the completion of the new SBEDA Program and would like as much participation as possible.

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

Councilmember Cisneros stated that hard work and determination was rewarded regardless of ethnic background or gender and she was pleased with the outreach that had been conducted thus far. She asked of the Hispanic American Construction and Construction Subcontracting categories. Mr. Dominguez replied that \$71 million of a total of \$256 million was awarded to Hispanic Firms which equates to 28%. He further explained that when you divide that by the number of firms available, any number less than 100 indicates disparity. In this category, the number was 143 and indicates that disparity does not exist. Councilmember Cisneros stated that she looked forward to additional input

from the community. Councilmember Chan thanked the staff and stakeholders that participated in the process and asked of community participation. Mr. Dominguez responded that since the Original Disparity Study was accepted last June, staff had reached out to 28 stakeholder groups and had worked with internal partners in the Purchasing Department.

Councilmember Chan stated that the intent of the revised SBEDA Ordinance was to level the playing field and that all businesses would have to qualify to participate. She asked of the improvement of data collection and availability methodology. Mr. Dominguez stated that availability could be defined utilizing various methods and that the city had utilized bidder and vendor data. He noted that the central vendor registration system would require all subcontractors and prime contractors to register with the city. Councilmember Ramos asked of next steps. Mr. Dominguez replied that they would continue to red-line the current SBEDA Ordinance and provide it to the public for input. Councilmember Ramos asked of the difference in payment and purchase order data. Mr. Dominguez reported that there were inconsistencies in the original purchase order data and had determined that payment data was readily available and more reliable. Councilmember Ramos asked of the limited definition of availability. Mr. Dominguez stated that they had to provide the number of firms willing and able to perform the work and had determined that through bidder and vendor registration.

Councilmember Cortez thanked the individuals that were present to speak on said item. He asked of the lack of a category for minority women-owned businesses. Mr. Dominguez replied that they were captured within their ethnicity category and that ethnicity was utilized before gender. Franklin Lee of MGT stated that historically, disparity studies have broken down classifications as done in this study and the courts have validated that approach. He noted that if the categories were sliced too thinly, there will not be enough observations to make statistically significant findings. Councilmember Cortez stated that he would like to see the minority, women-owned business category analyzed for the new SBEDA Ordinance. Mayor Castro stated that the best approach was to accept the data and refine it in the future by considering the issue of minority, women-owned businesses. Ms. Sculley recommended that the Council accept the update to the Disparity Study and noted that staff would continue to refine the process and future ordinance.

Councilmember Chan asked if gender data was available. Mr. Dominguez confirmed that it was available but was unsure of the extent of the breakdown. He added that the data that was readily available was for non-minority women-owned businesses.

Councilmember Chan asked if a friendly amendment would be accepted to direct staff to provide additional information relative to Minority Women prior to the vote on the SBEDA Ordinance on June 17, 2010. City Attorney Michael Bernard stated that gathering the data was possible but there could be an issue in imposing it on the ordinance. The friendly amendment was accepted by Councilmembers Taylor and Cisneros.

Mayor Castro stated that he was in support of accepting the data as presented but understood the need to gather additional data. He noted that the city had made great progress on the issues and should celebrate the successes. Councilmember Medina stated that it was important to analyze the minority, women-owned businesses and needed additional attention.

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

**PULLED BY STAFF**

Item 6. AN ORDINANCE AMENDING THE TAX ABATEMENT GUIDELINES TO IMPLEMENT THE INNER CITY REINVESTMENT/INFILL POLICY ADOPTED BY CITY COUNCIL ON FEBRUARY 4, 2010.

Mayor Castro announced that Item 6 had been pulled by staff. He called upon Mario Hernandez of the Economic Development Foundation to speak on said item.

Mr. Hernandez stated that the Tax Abatement Guidelines were the primary incentives available to the community and play a critical role in economic development for San Antonio. He noted that he was pleased that additional time would be given to define the guidelines to ensure that they are correct. He thanked the City Council and city staff for all they do to support economic development.

Councilmember Clamp stated that said item needed additional review due to changes that would impact the entire city. He asked that it be discussed with the Council Committee prior to Council consideration.

The City Clerk read the following Ordinances for Items 7, 8 and 9:

**2010-05-13-0402**

Item 7. AN ORDINANCE APPROVING THE CERTIFICATE OF FORMATION, BYLAWS AND BOARD APPOINTMENTS TO CREATE THE SAN ANTONIO ECONOMIC DEVELOPMENT CORPORATION.

**2010-05-13-0403**

Item 8. AN ORDINANCE APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE ECONOMIC DEVELOPMENT FOUNDATION FOR ECONOMIC DEVELOPMENT SERVICES.

**2010-05-13-0404**

Item 9. AN ORDINANCE APPROVING THE RELEASE AND TRANSFER OF SOUTH TEXAS BUSINESS FUND (STBF) ASSETS, GRANT/LOAN FUNDS AND OBLIGATIONS TO ACCION, TEXAS; TERMINATING STBF AGREEMENTS; TRANSFERRING ASSETS, GRANT FUNDS AND PROGRAM INCOME TO THE CITY FROM STBF; TRANSFERRING ASSETS TO SAGE; AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF DOCUMENTS NECESSARY TO EFFECTUATE A MERGER BETWEEN STBF AND ACCION, TEXAS.

Deputy City Manager AJ Rodriguez presented Items 7, 8 and 9. For Item 7, he stated that staff recommended the creation of the San Antonio Economic Development Corporation (SAEDC) to provide an additional tool to invest in economic development projects, achieve a return on investment, and provide funds for future opportunities. He noted that the SAEDC would have the same powers as any nonprofit corporation with a purpose to create, expand, or retain jobs. This would include financing projects through bonds, grants, and loans, as well as acquiring land, equipment and buildings. He reported that the SAEDC would be governed by a 7-Member Board appointed by Council and

recommended the following: 1) Mayor; 2) City Manager; 3) Chair of the Economic and Community Development Council Committee; 4) Chair of the Infrastructure and Growth Council Committee; 5) Three Citizens At-Large – Darryl Bird, Marianne Watson, and Juan A. Landa. He explained that the City Council would approve the Bylaws, Appointment of Board Members, and Issuance of any SAEDC bonds, notes, or other debt instruments. He added that at any time, the City Council could terminate the SAEDC or alter its structure, program, or activities.

Mr. Rodriguez stated that Item 8 would approve an agreement with the Economic Development Foundation (EDF) to create a public-private partnership and expand EDF's scope of work to include business retention and marketing along with their current recruitment charter. He noted that in 2008, the city had created a Corporate Retention and Recruitment Committee to develop a plan for the strategic development of San Antonio's economy. He reported that recommendations were presented to the City Council on December 10, 2009 and authorized staff to negotiate an agreement with EDF to broaden their scope of activities and partner with the city. He outlined the EDF New Scope of Services that include recruitment of jobs and investment in key business clusters, as well as provide research/site selection assistance in targeted industries. He explained the agreement terms in which an Action Plan must be completed within 60 days following execution of the agreement and August 1<sup>st</sup> of each year thereafter. The city will provide EDF payment of \$500,000 annually over the next five years and EDF must provide monthly and quarterly status reports. He stated that the proposed EDF Governance would include an Advisory Council consisting of the Mayor, County Judge, Chair of the Economic and Community Development Council Committee, and one community appointee by the County Judge. Additionally, the EDF Executive Committee will consist of: 1) Seven Investor elected members; 2) Three Chamber of Commerce Delegates; 3) One County Judge Delegate; 4) City Manager; and 5) General Manager of CPS Energy.

Mr. Rodriguez noted that for Item 9, staff was recommending approval to release the assets and liabilities of the South Texas Business Fund (STBF) to ACCION Texas as part of a merger to potentially include the Community Development Loan Fund (CDLF). He stated that the STBF Board had realized that efficiencies and enhancements could be accomplished by partnering with ACCION Texas. He outlined the terms of the merger, noting that a One-Stop Resource Center would be created and that ACCION Texas would revolve STBF's current portfolio balance and available loan capital. He reported that ACCION Texas would offer employment to STBF Employees and would continue to provide support to the Women's Business Center. He added that STBF had approximately \$5.5 million in loans and capital to lend and that \$1.3 million would be utilized over time to service long-term debt. The remaining \$4.4 million will be used to provide loans for small businesses.

Mayor Castro called upon the citizens registered to speak.

Jack M. Finger stated that he was against tax abatements because he considered them giveaways to large corporations. He noted that if the Council wanted to help small businesses, tax cuts should be provided across the board. He expressed concern with the \$500,000 that would be provided to the EDF noting that their focus was on large corporations and not small businesses.

Kenny Wilson, Chair of the San Antonio EDF stated that was in support of the agreement with the EDF (Item 8) and that new jobs and growth of jobs are key to the success of a city. He noted that the strong partnership between the City and EDF had resulted in the attraction of many companies that have changed the face of San Antonio. He indicated that the agreement would strengthen the economic

delivery system and ensure future economic success. He thanked the Corporate Recruitment and Retention Committee and looks forward to the enhanced partnership.

Marianne Watson, Chair of the STBF spoke in support of the merger with ACCION Texas (Item 9). She stated that the merger would provide more effective services to small businesses and access to loan capital from additional resources.

Janie Barrera of ACCION Texas also spoke in support of the merger (Item 9) and stated that it would enhance the work and economic development for the city. She noted that the One-Stop Center would provide loans ranging from \$500 to \$250,000.

Mayor Castro stated that the ordinances adopted today would go a long way in assisting economic development in the area. He stated that it was a lengthy process that involved many key players and recognized them for their work. He also noted that regarding Item 7, establishing the 4B Corporation would give the city dexterity in terms of economic development that had not been there before.

Councilmember Cisneros moved to adopt the proposed Ordinances for Items 7, 8, and 9. Councilmember Clamp seconded the motion.

Councilmember Cisneros stated that as Chair of the Economic and Community Development Council Committee (ECDC), she was pleased to support the items. She asked that staff work with the Westside Development Corporation and SATAI to engage them as partners on economic development projects. She thanked the individuals that agreed to serve on the SAEDC and the staff that worked on said items. She spoke of the work of the EDF and noted that Former Mayor Henry Cisneros had been one of the founders of the organization. She asked staff not to duplicate efforts already established in the retention and expansion of existing businesses and to work with the Chambers of Commerce. She added that she looked forward to the One-Stop Center that would provide loans to small businesses.

Councilmember Taylor expressed her support and asked of the process for replacing the citizens on the SAEDC. Mr. Rodriguez replied that interested individuals must live in the city limits and have a financial background in order to help evaluate economic development projects. Councilmember Taylor asked of the status of hiring an Economic Development Director. Mr. Rodriguez stated that they had conducted interviews and should have a selection within 2-3 weeks. Councilmember Chan thanked staff for their economic development efforts and asked of the selection of the three individuals that would serve on the SAEDC. Mr. Rodriguez replied that they were recommended by staff due to their experience and financial background. Councilmember Chan stated that she was in support of the individuals recommended but expressed her concern with the process. She noted her support for the merger with ACCION Texas and asked of the fee structure. Mr. Rodriguez responded that the STBF Subcommittee that worked on the merger had ensured that ACCION Texas would adopt the same fee structure and interest rates for their loans.

Councilmember Lopez spoke in support of Items 7, 8, and 9 and noted that they were additional tools to help the city's economic development position. He stated that he looked forward to the positive impact of the merger with ACCION Texas. Councilmember Ramos asked of the funding for the EDF. Mr. Rodriguez stated that the EDF had an existing budget of \$1.3 million and that the city would provide \$500,000 annually over the next five years. He noted that Bexar County, CPS Energy, SAWS, and the private sector would increase their funding to the EDF.

Councilmember Ramos asked of the impact to the General Fund. Sheryl Sculley clarified that the FY 2010 Economic Development Department Budget had been reduced to accommodate this expenditure of funds. She noted that the agreement with EDF was for five years and subject to annual appropriation. Mr. Rodriguez mentioned that staff recommended additional funding for the Economic Development Incentive Fund and that \$4 million had been budgeted each year for the past two years. Ms. Sculley further clarified that the merger between the STBF and ACCION Texas did not have an impact to the General Fund. Councilmember Ramos asked of the role of the Advisory Council for the EDF. Mr. Rodriguez stated that they would provide strategic community vision and direction on economic and community development. Councilmember Ramos stated that there should be a balance of representation of Elected Officials on the EDF Executive Committee.

Councilmember Clamp spoke in support of Council Representation on the EDF Executive Committee. He noted the importance of economic development and the great investment by the city. He asked of the citizens that would serve on the SAEDC. Mr. Rodriguez stated that they were recommended by staff and had a financial background. Councilmember Clamp stated that there should be a public process in regard to future appointments.

The motion to approve Items 7, 8, and 9 prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Rodriguez and Williams.

#### **POINT OF PERSONAL PRIVILEGE**

Mayor Castro recognized Graduate Students from the LBJ School at the University of Texas-Austin. Ms. Sculley expressed her appreciation for their being in attendance and stated that they would be joining the City Council for lunch.

#### **RECESSED**

Mayor Castro recessed the meeting at 12:19 pm and announced that the City Council would reconvene at 2:00 pm.

#### **RECONVENED**

Mayor Castro reconvened the meeting at 2:19 pm and addressed the Consent Agenda.

#### **CONSENT AGENDA ITEMS 10-37**

Consent Agenda Items 12, 13, 15, 18, 19, 27, 28 and 30 were pulled for Individual Consideration. It was noted that Items 26F and 36 were pulled from the agenda by city staff. Mrs. Vacek noted that Item 19D was not being acquired from a turnaround easement as stated in the caption.

Councilmember Ramos moved to approve the remaining Consent Agenda Items. Councilmember Cortez seconded the motion.

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

Randy Murdock stated that he was speaking on behalf of the Animal Care Services (ACS) Advisory Board in support of Items 27, 28A, and 28B related to the kennel space at Brooks Development Authority. He stated that he was pleased that a new facility would not have to be built and that the renovation of the current building would improve the ACS timeline for removing strays from the streets. He noted that all citizens deserved public safety and that it was important to achieve a No-Kill Goal by 2012. He mentioned that the facility at Brackenridge Park was well-known and that a state-of-the-art spay/neuter clinic would be incorporated. He reported that the animals that would be housed at the new facility would not be subject to the lethal timeline of 72 hours and would be a No-Kill Facility. He urged the Council to support the items in an effort to address the stray animal population.

Sallie Scott of the ACS Advisory Board noted that since the 1970's when her daughters were born, there had been a complete paradigm shift in which Animal Control had become Animal Care. She spoke of the partnership and collaboration with Friends of Animal Care Services to assist in public relations and fundraising efforts associated with the proposed facility at 210 Tuleta. She stated that they were committed to working with all stakeholders to design and build a facility that will maintain the integrity of historic Brackenridge Park. She expressed support for the No-Kill Facility and the opening of kennels at Brooks City Base.

William White of the ACS Advisory Board stated that he had read a resolution of support for Items 27, 28A and 28B at the Quality of Life City Council Committee. He noted that the catch and kill style of animal control did not work and that solutions should be identified to save as many animals as possible. He also spoke in support of the kennel space at Brooks City Base.

Jack M. Finger expressed opposition to the funding for the construction of the College Access Center (Item 23), noting that it should be handled by the State of Texas. He spoke in opposition to the settlement in Item 32, noting that a Police Officer had run a red light and asked of the status of the Police Officer. Michael Bernard confirmed that the Police Officer had been terminated. He also spoke against the MOU in Item 33 due to the city's contribution of \$41,781 for the construction of a Korean Monument.

Jim Bachman stated that he was in favor of the No-Kill Facility at Brackenridge Park but spoke in opposition to the kennel space identified at Brooks Development Center. He noted that the 12,000 animals taken in would increase the euthanasia rate by 50% and that 70-80% of the animals would die. He added that the funds would be better spent on spay/neuter services and off-site adoption centers. He suggested that pets remain confined and that education be provided to the community regarding responsible pet ownership.

Mrs. Vacek read written testimony from Kelly S. Walls, in opposition to Item 28. Ms. Walls wrote that the City Council should not support leasing kennel space for Animal Care Services (ACS) at Brooks City-Base. She expressed concern that there was no public access to the facility and would serve as a road block in reuniting lost pets with their owners. This directly contradicts the No-Kill Goal for 2012. She expressed concern with the statement that the shelter is full every day noting that rescue groups routinely walk the kennels and have found this to be false. She added that the ACS staff consistently mislead taxpayers with false statements and requested that an ethics investigation be conducted regarding Gary Hendel's behavior.

Faris Hodge, Jr. submitted written testimony in opposition to Items 4-8, 10, 12, 14, 15, and 31. He expressed concern that citizens did not have a copy of the Disparity Study (Item 5) or Tax Abatement Guidelines (Item 6). He also expressed concern that he did not have access to a copy of the Bylaws for the SAEDC (Item 7) and asked of the funding that would be provided to the EDF (Item 8). He wrote in opposition to the purchase of vehicles in Items 14 and 15 due to the budget shortfall.

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

**2010-05-13-0405**

Item 10. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING CONTRACTS IN THE ESTIMATED ANNUAL AMOUNT OF \$339,000.00: (A) HENRY SCHEIN MATRIX MEDICAL AND PRESCRIPTION SUPPLY, INC. FOR PRE-FILLED DISPOSABLE SYRINGES, (B) ADVANCED FIRE PROTECTION, INC. FOR INSPECTION, MAINTENANCE AND REPAIR OF FIRE SPRINKLER SYSTEMS, (C) CREATIVE COMPONENTS FOR WOOD FIBER PLAYGROUND CHIPS, (D) HENRY SCHEIN MATRIX MEDICAL FOR DISPOSABLE STRETCHER SHEETS, (E) MCKESSON MEDICAL-SURGICAL MINNESOTA AND SANOFI PASTEUR, INC. FOR INFLUENZA VACCINE AND (F) WEST GOVERNMENT SERVICES FOR CLEAR REPORTS SUBSCRIPTION.

**2010-05-13-0406**

Item 11. AN ORDINANCE ACCEPTING AN OFFER FROM SELRICO SERVICES, INC. TO PROVIDE THE PARKS AND RECREATION DEPARTMENT WITH SUMMER FOOD SERVICES FOR AN ANNUAL ESTIMATED COST OF \$1,017,100.00, FUNDED BY THE TEXAS DEPARTMENT OF AGRICULTURE/FOOD SERVICES NUTRITION GRANT.

**2010-05-13-0409**

Item 14. AN ORDINANCE ACCEPTING THE BIDS FROM PHILPOTT MOTORS AND WESTWAY FORD TO PROVIDE THE CITY WITH 47 PROPANE-POWERED LIGHT DUTY TRUCKS FOR A TOTAL COST OF \$1,434,233.21, FUNDED WITH THE EQUIPMENT RENEWAL & REPLACEMENT FUND AND THE FY 2010 BUDGET.

**2010-05-13-0411**

Item 16. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO CROWNHILL BUILDERS, INC. IN THE AMOUNT OF \$346,300.00 FOR THE RIVER WALK IMPROVEMENTS-AREAS 5, 6, & 7 PROJECT, AN AUTHORIZED CERTIFICATE OF OBLIGATION AND RIVER WALK CAPITAL IMPROVEMENTS FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

**2010-05-13-0412**

Item 17. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO FREYSSINET, INC. IN THE AMOUNT OF \$150,829.00 FOR THE REPAIRS TO STAY CABLES AT THE ALAMODOME PROJECT, A HOTEL OCCUPANCY TAX CAPITAL FACILITIES FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2.

**2010-05-13-0418**

Item 20. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO PARK CONSTRUCTION COMPANY IN THE AMOUNT OF \$429,187.75, OF WHICH \$1,701.00 WILL BE REIMBURSED BY THE SAN ANTONIO WATER SYSTEM FOR THE WEST MILITARY – MARBACH TO WESTFIELD PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 6.

**2010-05-13-0419**

Item 21. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO ARCHITECTURAL SIGNING, INC. IN THE AMOUNT OF \$1,362,398.52 FOR THE AIRPORT ROADWAY WAYFINDING PROJECT AT THE SAN ANTONIO INTERNATIONAL AIRPORT, AN AVIATION TAX NOTES, SERIES 2010 FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 9.

**2010-05-13-0420**

Item 22. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO STRUCTURE TONE SOUTHWEST, INC. IN THE AMOUNT OF \$915,000.00, OF WHICH \$200,000.00 IS SCHEDULED TO BE REIMBURSED BY THE GENERAL SERVICES ADMINISTRATION FOR THE TERMINAL B AIRLINE TENANT FINISH OUT PROJECT AT THE SAN ANTONIO INTERNATIONAL AIRPORT, AN AIRPORT REVENUE BOND PROJECT LOCATED IN COUNCIL DISTRICT 9.

**2010-05-13-0421**

Item 23. AN ORDINANCE SELECTING SABINAL GROUP AS CONSTRUCTION MANAGER AT RISK, ACCEPTING THE GUARANTEED MAXIMUM PRICE, AUTHORIZING A CONTRACT FOR PRECONSTRUCTION AND CONSTRUCTION PHASE SERVICES IN AN AMOUNT UP TO \$790,000.00 AND AMENDING THE FY 2010-2015 CAPITAL BUDGET TO REALLOCATE \$250,663.00 FROM THE GENERAL FUND FOR THE COLLEGE ACCESS CENTER PROJECT, AN AUTHORIZED CERTIFICATE OF OBLIGATIONS FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

**2010-05-13-0422**

Item 24. AN ORDINANCE AUTHORIZING THE SECOND AMENDMENT TO A LEASE FROM B&B SOUTH PARK MALL, LLC, FOR A 10-YEAR TERM, FOR SPACE AT 2310 S.W. MILITARY DRIVE, LOCATED IN COUNCIL DISTRICT 4, FOR USE AS A COMMUNITY LINK SERVICE CENTER FOR A MONTHLY RENTAL RATE OF \$3,796.58 IN THE FIRST YEAR AND INCREASING TO \$5,068.25 IN YEAR 10.

**2010-05-13-0423**

Item 25. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$29,167.20 FROM THE SOUTHWEST TEXAS REGIONAL ADVISORY COUNCIL FOR TRAUMA (STRAC) TO BE USED BY THE SAN ANTONIO FIRE DEPARTMENT FOR EMS EQUIPMENT.

Item 26. 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 HOMER J. RODRIGUEZ (DISTRICT 6, CATEGORY: CONSUMER OF HANDICAPPED SERVICES) TO THE DISABILITY ACCESS ADVISORY COMMITTEE.
- B. REAPPOINTING JAVIER A. FLORES (DISTRICT 6, CATEGORY: PERFORMING ARTS/ THEATER) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE.
- C. APPOINTING ANTONIO J. ZAVALA (DISTRICT 6) TO THE PARKS AND RECREATION BOARD.
- D. APPOINTING KRISTIN SRAMEK (DISTRICT 6) TO THE CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE.
- E. APPOINTING NEIL H. STONE (MAYORAL, CATEGORY: MEMBER AIRPORT ADVISORY COMMISSION) TO THE TRANSPORTATION ADVISORY BOARD.

**ITEM 26F – PULLED FROM THE AGENDA**

- F. APPOINTING DR. ANTHONY ROGERS (DISTRICT 4) TO THE ETHICS REVIEW BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE APRIL 25, 2012.

**2010-05-13-0424**

- G. AN ORDINANCE REAPPOINTING ANDRE GARABEDIAN (DISTRICT 4, CATEGORY: STRUCTURAL ENGINEER) TO THE BUILDING AND FIRE CODE BOARD OF APPEALS AND WAIVING THE RESIDENCY REQUIREMENT IN SECTION 2-529 (B) OF THE CITY CODE.

**2010-05-13-0428**

Item 29. AN ORDINANCE AMENDING THE FEBRUARY 2009 COOPERATIVE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, SARA, AND BEXAR COUNTY FOR THE COMPLETION OF THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT (SARIP).

**2010-05-13-0430**

Item 31. AN ORDINANCE RATIFYING SERVICES AND EXPENDITURES FOR A PROFESSIONAL SERVICES AGREEMENT WITH CIVITAS CONSULTANTS, LLC IN THE AMOUNT OF \$49,554.03.

**2010-05-13-0431**

Item 32. AN ORDINANCE AUTHORIZING A SETTLEMENT IN THE CLAIM FILED BY DARRELL LAMPKIN FOR THE AMOUNT OF \$250,000.00.

**2010-05-13-0432**

Item 33. AN ORDINANCE APPROPRIATING \$41,781.02 TO CONSTRUCT A KOREAN MONUMENT TO BE BUILT AT DENMAN ESTATES PARK; AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE UNIVERSITY OF THE INCARNATE WORD (UIW), THE CITY OF GWANGJU, KOREA AND THE CONSTRUCTION DEVELOPMENT COMMITTEE, FUNDED BY UNIFIED DEVELOPMENT CODE (UDC) FEES IN

LIEU OF PARKLAND DEDICATION AND THE INTERNATIONAL AFFAIRS' HOTEL OCCUPANCY TAX FUND.

**2010-05-13-0433**

Item 34. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH ARAMARK SPORTS AND ENTERTAINMENT SERVICES OF TEXAS, L.L.C., TO PROVIDE FOR UP TO \$500,000.00 IN CONCESSION STAND IMPROVEMENTS AT THE ALAMODOME TO BE PAID THROUGH THE STATE EVENTS TRUST FUND REIMBURSEMENT PROGRAM; AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$500,000.00 TO ARAMARK.

**2010-05-13-0434**

Item 35. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT FOR THE PURCHASE OF 1,100 CONTOUR CHAIRS AND 22 CHAIR STORAGE CARTS FROM CLARIN SEATING, FOR THE CONVENTION, SPORTS AND ENTERTAINMENT FACILITIES DEPARTMENT FOR A TOTAL COST OF \$145,630.00, AVAILABLE WITHIN THE HOTEL OCCUPANCY TAX CAPITAL IMPROVEMENT FACILITIES FUND.

**ITEM 36-PULLED FROM THE AGENDA**

Item 36. A RESOLUTION TO PROCEED WITH THE LANDMARK DESIGNATION OF 907 W. THEO AVENUE, LOCATED IN COUNCIL DISTRICT 5.

**2010-05-13-0435**

Item 37. AN ORDINANCE AUTHORIZING A THREE-YEAR CONTRACT WITH INDUSTRIAL/ORGANIZATIONAL SOLUTIONS INC., FOR THE PREPARATION OF VALIDATED, WRITTEN, ENTRANCE EXAMINATIONS FOR THE POSITIONS OF FIREFIGHTER TRAINEE AND POLICE CADET, FOR ANNUAL COMPENSATION IN THE AMOUNT OF \$60,715.00 FOR THE FIRST YEAR AND \$41,625.00 FOR EACH OF THE FOLLOWING TWO YEARS, FUNDED BY THE GENERAL FUND.

**[CONSENT ITEMS CONCLUDED]**

At this time, Mayor Castro addressed the CPS Energy Briefing.

**Item 39. UTILITY BRIEFING BY CPS ENERGY**

Jelynn Burley, Interim CPS Energy General Manager reported that CPS Energy had maintained their favorable credit ratings and Spruce 2 was nearing completion. She stated that the city had experienced a cooler than average winter which resulted in higher than projected revenues. She noted that they had been providing outreach regarding the Casa Verde Weatherization Program and Affordability Discount Program. At this time, a video was shown highlighting the activities undertaken by CPS Energy since February.

Ms. Burley presented the FY 2011 Projected Revenue Requirements, noting that \$2 billion was estimated. She provided financial results as of March 2010 and stated that gross revenues were \$63 million above budget. She reported that an audit had been completed with no material findings and that Build America Bonds had been issued in April 2010 at a favorable interest rate of 3.85%. She mentioned that the Board had participated in a Strategic Planning Session on May 10-11, 2010 and discussed Vision 2020, Wholesale Market Strategy, and Financial Metrics.

Ms. Burley noted that FY 2011 Year-to-Date Capital Expenditures totaled \$63 million out of a total budget of \$523 million. She outlined the major capital projects that include Spruce 2 and the Braunig Peak. She spoke of the Operating and Maintenance projects for FY 2011 for energy development and delivery. She provided major accomplishments for FY 2011, noting that they continued to rank #1 in Customer Satisfaction by JD Power and Associates. She added that 27,000 customers were utilizing the Affordability Discount Program and were working to reach a goal of 40,000 customers. Lastly, she mentioned that they were working on an agency portal in which partner agencies could access the CPS Energy website to enroll eligible customers.

Mayor Castro stated that he was pleased to have participated in the Strategic Planning Session and that CPS Energy was moving in an important direction to ensure low-cost and reliable energy. He commended Ms. Burley for her efforts to embrace sustainability and transparency and recognized the Board Members for their service. Councilmember Clamp suggested that a yearly history be added to the key financial ratios and that an end-of-year forecast be provided. He also recommended that a project management report for capital projects be provided to the City Council. He noted that he looked forward to discussions regarding the Strategic Plan due to the mix of energy sources. Councilmember Chan asked of the capital budget. Ms. Burley stated that the year-to-date budget was \$47 million below projections due to timing and that it was early on in the fiscal year.

Councilmember Chan stated that she was pleased with the results of the STEP Program and asked of the energy requirements for 2020 and beyond. Ms. Burley noted that the next generation need had been identified as 2023 but could change if certain projects were not implemented. She added that they would continue to review the need on an annual basis. Councilmember Taylor asked of the agency portal. Ms. Burley reported that CPS Energy was reviewing the possibility of creating a portal on their website that would allow agencies to enroll participants in the Affordability Discount Program. Councilmember Taylor asked that outreach also be provided to faith-based organizations in the community. Councilmember Ramos stated that she was pleased that many of the residents of District 3 were utilizing the Weatherization Program and invited everyone to the summer festival that would be held on May 22, 2010.

No action was required on Item 39.

### **ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

#### **2010-05-13-0407**

Item 12. AN ORDINANCE ACCEPTING THE BID FROM PHILPOTT MOTORS FOR THE PURCHASE OF 91 ADMINISTRATIVE SEDANS FOR A TOTAL COST OF \$1,931,748.00, FUNDED THROUGH THE EQUIPMENT RENEWAL & REPLACEMENT FUND.

Councilmember Ramos stated that her question had been answered during the lunch hour and moved to adopt the proposed Ordinance. Councilmember Clamp seconded the motion.

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

The City Clerk read the following Ordinance:

**2010-05-13-0408**

Item 13. AN ORDINANCE ACCEPTING THE BID FROM RUSH BUS CENTERS TO PROVIDE THE DEPARTMENT OF COMMUNITY INITIATIVES WITH 2 PROPANE POWERED SHUTTLE BUSES FOR DAILY ROUNDTRIP TRANSPORTATION SERVICES TO THE SENIORS THAT WILL FREQUENT COUNCIL DISTRICTS 4 AND 5 FOR A TOTAL COST OF \$112,282.00, FUNDED WITH THE FY 2010 BUDGET AND THE DEPARTMENT OF ENERGY GRANT WITH THE RAILROAD COMMISSION OF TEXAS.

Councilmember Cortez requested information regarding the transportation provided to seniors. Mr. Zaroni stated that the city provides transportation to seniors within a five-mile radius of the recently opened Comprehensive Seniors Centers in Districts 4 and 5. He noted that the buses were ADA accessible and environmentally friendly through the use of propane gas. Councilmember Medina thanked staff for their work and asked of the size of the shuttle buses. Mr. Zaroni replied that they were equipped for nine passengers; six individuals and three wheelchairs. He noted that the vehicles would be replaced based on mileage but would also review maintenance costs and useful life. Councilmember Ramos asked where the vehicles would be stored. Mr. Zaroni replied that they would be stored at one of the city's four service centers and secured.

Councilmember Ramos asked that the second phase of the Comprehensive Senior Center Review include transportation. Councilmember Clamp asked of utilizing retired vans for Municipal Court graffiti projects. Mr. Zaroni noted that they were reviewing the request from Municipal Court and would need to analyze the mileage and maintenance costs.

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

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

The City Clerk read the following Ordinance:

**2010-05-13-0410**

Item 15. AN ORDINANCE ACCEPTING THE BIDS WITH MAC HAIK FLM, GRANDE TRUCK CENTER, PHILPOTT FORD BRASADA FORD DBA NORTHSIDE FORD AND PLANET FORD TO PROVIDE THE CITY WITH 102 GASOLINE AND DIESEL-POWERED LIGHT DUTY TRUCKS FOR A TOTAL COST OF \$2,214,669.63 FUNDED WITH THE EQUIPMENT RENEWAL & REPLACEMENT FUND AND THE FY 2010 BUDGET.

Councilmember Clamp asked of the lowest and second to the lowest bidders. Janie Cantu stated that the two bidders were disqualified because they could not hold their prices due to production winding down. She noted that the bids were issued in February and would work with bidders in the future to ensure that they understood the timeframe for these types of bids.

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

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

The City Clerk read the following Ordinance:

**2010-05-13-0413**

Item 18. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO BRED A CONSTRUCTION, INC. IN THE AMOUNT OF \$238,975.00 FOR THE MCCRELESS BRANCH LIBRARY IMPROVEMENTS PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ramos asked of the parking spaces that would be gained. Ramiro Salazar stated that there would be 18 parking spaces added. In response to Councilmember Ramos, Mike Frisbie noted that the parking improvements would address flooding issues and ensure that there would be no standing water in the parking lot. He added that any street drainage issues would need to be addressed separately. Councilmember Ramos asked of Breda Construction, Inc. Mr. Frisbie replied that they were a local small business and had performed work for the city in the past. He added that the project was scheduled for completion in November, 2010. Mr. Salazar mentioned that they would minimize public disruption and that the library would be closed for four weeks. Councilmember Ramos requested the dates of the closure.

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

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

Item 19B was addressed at this time.

**2010-05-13-0415**

Item 19B. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$420,000.00 TO THE \$5,763,413.00 PROFESSIONAL SERVICES CONTRACT WITH CH2M HILL FOR CONSTRUCTION PROGRAM MANAGEMENT SERVICES.

Councilmember Chan recused herself from Item 19B by exiting the Council Chambers and noting she submitted the recusal forms to the City Clerk.

Councilmember Cortez requested additional information. Mike Frisbie stated that this was a major roadway reconstruction drainage project funded by Stimulus Funds that would provide a thoroughfare through Port San Antonio. Councilmember Cortez asked of the project timeline. Mr. Frisbie replied that full completion was estimated in May, 2012. He added that they were working with Bruce Miller of the Port Authority as well as the neighborhood communities. He mentioned that they had also coordinated with SAWS and CPS Energy. Councilmember Cortez asked of Ballenger Construction. Mr. Frisbie stated that they had provided work for the city in the past and were well-qualified to perform the work.

Councilmember Cortez moved to adopt the proposed Ordinance for Item 19B. Councilmember Medina seconded the motion.

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

Item 19. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE 36TH STREET EXTENSION - GROWDON TO BILLY MITCHELL PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT PROJECT FUNDED BY FEDERAL FUNDS THROUGH THE METROPOLITAN PLANNING ORGANIZATION, THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) AND 2007-2012 GENERAL OBLIGATION BONDS, LOCATED IN COUNCIL DISTRICT 4.

**2010-05-13-0414**

- A. AN ORDINANCE ACCEPTING THE ARRA FUNDS AND AWARDING A CONSTRUCTION CONTRACT TO BALLENGER CONSTRUCTION COMPANY IN THE AMOUNT OF \$18,951,777.00, OF WHICH \$16,933,214.15 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION AND \$1,105,368.31 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS. THE REMAINING \$913,194.54 WILL BE FUNDED BY 2007-2012 GENERAL OBLIGATION BONDS.

**2010-05-13-0416**

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

**2010-05-13-0417**

- D. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION, DEDICATION OR CONDEMNATION OF A PORTION OF LOT 1, BLOCK 2, NCB 12608 THROUGH THE PORT AUTHORITY OF SAN ANTONIO; AND DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION.

Councilmember Cortez moved to adopt the proposed Ordinances for Items 19A, 19C and 19D. Councilmember Ramos seconded the motion.

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

The City Clerk read the following Ordinances for Items 27, 28A and 28B:

**2010-05-13-0425**

Item 27. AN ORDINANCE AUTHORIZING AN AMENDMENT TO AN EXISTING LEASE FROM BROOKS DEVELOPMENT AUTHORITY FOR KENNEL SPACE TO SHELTER ANIMALS FOR ANIMAL CARE SERVICES AT 2614 ENOS STREET WITHIN THE BROOKS CITY-BASE DEVELOPMENT IN COUNCIL DISTRICT 3, AND AUTHORIZING FUNDING IN AN AMOUNT OF \$125,000.00 TO REPAIR KENNEL FACILITIES.

Item 28. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO KENNEL SPACE LOCATED AT BROOKS CITY BASE FOR USE BY ACS AND THE ANIMAL CARE ADOPTION/SPAY AND NEUTER FACILITY PROJECT:

**2010-05-13-0426**

- A. AN ORDINANCE AMENDING THE FY 2010 GENERAL FUND BUDGET AND AUTHORIZING NINE (9) ADDITIONAL AUTHORIZED POSITIONS TO THE ANIMAL CARE SERVICES DEPARTMENT.

**2010-05-13-0427**

- B. AN ORDINANCE AMENDING THE FY 2010-2015 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY REALLOCATING PROJECT FUNDS TO THE ANIMAL CARE ADOPTION/SPAY AND NEUTER FACILITY PROJECT.

Councilmember Ramos asked of the accessibility of the facility at Brooks City Base. Assistant City Manager T.C. Broadnax stated that it was staff's intent to limit public access from the site at Brooks City Base in order to minimize traffic. He noted that they were looking to create a website that would identify every animal at Brooks, as well as at the current Animal Care Services (ACS) Facility. He explained that if individuals recognized their animal at Brooks, the animal would be transported to the ACS Facility located off Hwy 151. In response to Councilmember Ramos, Mr. Broadnax reported that the City's Ordinance requires animals to be held for 72 hours. He mentioned that the Brooks Development Authority had unanimously voted in support of the city's utilization of space at Brooks City Base.

Councilmember Ramos asked of the \$500,000 that had been allocated for additional kennels. Mr. Broadnax responded that the funds would have provided for only 50-55 kennels and the partnership with Brooks would allow for 150 kennels. He noted that the funds would be reallocated to the off-site adoption and spay/neuter facility at Brackenridge Park. Councilmember Chan asked of the capital improvement funds needed for the facility at Brackenridge Park. Mr. Broadnax noted that Phase I of the project totaled \$1.8 million and that additional space would be accommodated in the future through fundraising by the private sector. He added that Phase I included the adoption facility and spay/neuter clinic for a total of 23,000 square feet. Councilmember Chan asked how the property was currently being utilized. Mr. Broadnax reported that the property was not being used and that the old facility had been demolished. He mentioned that there had been discussions with the San Antonio Zoo in regard to utilizing any space not used by the city. Councilmember Chan requested that she be kept abreast of developments and usage of the site.

Councilmember Taylor expressed her support for the projects and thanked staff and stakeholders for their partnership. She noted that it was a creative solution to address a public safety issue. Councilmember Clamp stated that he was very supportive and asked of discussions with the San Antonio Zoo. Mr. Broadnax replied that discussions had occurred with the San Antonio Zoo over the past three years in regard to sharing opportunities for site utilization. He noted that staff would not relinquish any portion of the property and would only consider a leasing option. He added that the Council would be required to approve the lease or sale of any portion of the property. Councilmember Medina also expressed his support and thanked everyone involved in the project. He noted the importance of addressing the stray animal population throughout the city. Councilmember Taylor recommended that staff refer to the Master Plan for Brackenridge Park in regard to the adoption and spay/neuter facility. She added that she would be hosting a spay/neuter event at the Ella Austin

Community Center on June 12, 2010. Mayor Castro commended the ACS Department for their work and noted that this measure would make the way we care for animals more humane.

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

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

**2010-05-13-0429**

**Item 30. AN ORDINANCE AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO, SAN ANTONIO RIVER AUTHORITY AND THE MIDTOWN TAX INCREMENT REINVESTMENT ZONE NUMBER 31 BOARD OF DIRECTORS.**

Councilmember Chan asked of the Memorandum of Understanding (MOU) and Request for Qualifications (RFQ). Adrian Lopez of the Center City Development Office stated that the Board had discussed the creation of a Master Plan to coordinate and prioritize the use of TIRZ Funds to leverage development. He explained that funds had not been identified for a Master Plan and the San Antonio River Authority (SARA) had agreed to fund the plan in lieu of participating as a taxing entity in the TIRZ. He noted that the MOU outlines the roles and responsibilities of all parties involved with SARA funding up to \$310,000. He mentioned that SARA had solicited an RFQ in February with a submission deadline of March. He stated that 19 firms had submitted qualifications and the selected contractor was pending approval of the MOU.

Councilmember Chan expressed concern that SARA was the lead entity in regard to the selection of the contractor and asked if they would be authorized to move forward without Council approval. Mr. Lopez replied that an Oversight Committee consisting of five TIRZ Board Members, two City Representatives, and two SARA Representatives, had reviewed, scored and interviewed the firms that submitted qualifications. He noted that the MOU was necessary in order to proceed with the Master Plan process and contingent upon Council approval. Pat DiGiovanni added that a Master Plan was very important for the Midtown TIRZ and that the issue was financing. Councilmember Chan expressed her support for the Master Plan but noted that her concern was the process that had been utilized. She requested that staff keep her informed of development of the Master Plan.

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

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

**Item 38. CITY MANAGER'S REPORT**

**A. VOLUNTEER INCOME TAX ASSISTANCE (VITA) UPDATE**

Ms. Sculley reported that the VITA Program was celebrating its 40<sup>th</sup> year in existence and outlined the many ACCESS partners that provided the free services. She noted that in 2010, more than 37,000 tax returns with refunds totaling more than \$73.5 million were provided in San Antonio by the ACCESS

Coalition. She added that the city operated 22 of 26 coalition sites with 13 sites offering Refund Express Loans. She thanked the many volunteers that dedicated their time to provide the services.

## **B. WALK & ROLL RALLY**

Ms. Sculley stated that the 14<sup>th</sup> Annual Walk and Roll Rally would be held on Saturday, May 15<sup>th</sup> at HemisFair Park at 8:00 am and invited all to attend.

Mayor Castro recognized everyone for their work on the VITA Program and encouraged everyone to attend the Walk and Roll Rally.

Mayor Castro recessed the meeting at 4:30 pm and noted that the meeting would resume at 5:15 pm for Ceremonials.

## **CEREMONIALS**

Mayor Castro reconvened the meeting at 5:15 pm and addressed the Ceremonials.

The Martin Luther King Jr. Scholarship Committee, in conjunction with the MLK Commission, announced the 2010 Scholarship Recipients. It was noted that the scholarships are funded through local businesses and community groups, as well as contributions from the City Councilmembers. Recipients received a \$1,000 award, along with a certificate and commemorative medal from Mayor Castro.

Mayor Castro presented a Proclamation in recognition of the Karate Kids of San Antonio – Just Say No! Program and the 2010 first place winners were presented. It was noted that the program was founded by Eli Guerra, following the example of the national program created by Former First Lady Nancy Reagan. This is a city-wide contest open to children in 1<sup>st</sup>-5<sup>th</sup> Grade in which students write a letter encouraging their friends to “Just Say No” to drugs, alcohol and gangs.

## **CITIZENS TO BE HEARD**

Mayor Castro called upon the individuals registered to speak.

Mark Kellmann stated that he was an Architect and spoke of the meeting that was held at the American Institute of Architects. He noted that a group of students had attended and spoke of the projects they had been tasked to design next to the San Antonio River. He provided photos of the open space along the Museum Reach of the San Antonio River and a proposed entry to the Municipal Auditorium. He mentioned that the students were addressing the issue of entry to the facility on the back side through the river. He added that the City Architect recommended that the project be identified in the 2012 Bond Program. Mr. Kellmann stated that the Visitor Tax could help pay for the project.

Nazirite Ruben Flores Perez spoke of Chapter 90 of Psalms in the Bible and referenced Jaweh.

Mark Perez spoke of the fire that occurred last week and expressed concern that the Fire Department did not have the proper equipment to put out the fire. He expressed concern with the lack of information provided by the Development Services Department, City Attorney’s Office, and Health Department. He stated that he had provided the names of seven businesses without Certificates of Occupancy that stored toxic chemicals. He spoke of the individuals that had been arrested and were being deported in San

Antonio. He noted that the Health Department needed assistance to track the storing of hazardous chemicals. He mentioned that there was a facility in District 2 that was storing Ethanol and had not provided notice of same to the public. He asked of the Storage Tank Permit Applications that were not being submitted.

Chuck Cervantes spoke of Pulte/Centex and noted that they had attempted to make a donation to a church in Detroit, Michigan and they had refused to accept the contribution. He stated that 63% of the homes built by Pulte/Centex showed construction defects. He expressed concern with the poorly built retaining wall that had failed at the Hills of Rivermist Subdivision and that the soil issue was not being addressed. He also expressed concern that it was being stated that 15 homes had been sold at prices prior to the wall failure but the figure was only two homes. He stated that his ancestors had been in San Antonio since the 1700's and he has a vested interest in the city. He urged the City Council to assist the homeowners in any way possible.

Nick Calzoncit expressed concern with the Anti-Immigration Law passed in Arizona and asked why San Antonio had not taken official action in opposition to the legislation. He referenced the City of Tucson, Arizona and stated that a letter would be mailed to all school districts in San Antonio asking that they duplicate the 11-year-old Alamo Heights Spanish Immersion Program.

Jose A. Perez stated that he had access to the Internet and expressed concern that he could not get certified for his construction business. He noted that he has always conducted himself professionally and should have been a General Contractor. He added that he was not sure if San Antonio was building on mistakes or mud.

Marco Antonio Lopez stated that he was a resident of the Hills of Rivermist and asked the city to delay the issuance of a new permit to rebuild the failed retaining wall. He spoke of the loose soil underneath the homes and noted that a new wall would not address the problem. He mentioned that the homeowners would continue to suffer and asked the City Council for their assistance.

Faris Hodge, Jr. referenced Martin Luther King, Jr.'s "I Have a Dream" Speech and mentioned that Rosa Parks had not given up her seat on a bus in 1955. He stated that he was in support of the recommended smoking ban. He expressed concern that there was not a sufficient support system when individuals called 9-1-1. He requested that the Alamodome be named after him. He noted that Haven for Hope was open but there were still concerns with the SAMM Shelter. He added that he was in support of all city employees being tested for drugs and alcohol when involved in an accident on official duty.

Drew Schaffer stated that he was 14 years old and attends Keystone School. He thanked the City Council for approving the Safe Passage Ordinance in support of bicyclists. He spoke of the benefits of bicycling, noting that it was a fun and relaxing way to get active. He stated that bikes are economically-friendly and do not burn gasoline. He added that there was still much work to be done to make San Antonio a large bicycling community including more bike lanes, bike trails, and bike boxes. He proposed that San Antonio increase the annual vehicle registration fee by three dollars to be dedicated to a Bicycle Infrastructure Fund.

**ADJOURNMENT**

There being no further discussion, Mayor Pro Tem Clamp adjourned the meeting at 6:43 pm.

**APPROVED**



**JULIÁN CASTRO  
MAYOR**

Attest:



**LETICIA M. VACEK, TRMC/CMC  
City Clerk**

