

**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, JUNE 2, 2010 AND THURSDAY, JUNE 3, 2010, RESPECTIVELY.**

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

**1. BRIEFING ON THE 10-YEAR RESIDENTIAL AND COMMERCIAL RECYCLING AND RESOURCE RECOVERY PLAN LEADING TOWARD A PATHWAY TO ZERO WASTE.**

Peter Zanoni provided information on the City's Recycling Plan and introduced Solid Waste Director, David McCary. Mr. McCary reported that the residential recycling rate had increased from 5% to 18% from FY 2006 to FY 2010. He stated that recycling was the environmentally preferred method of solid waste management. He spoke of the Zero Waste Concept in which there was a 90% Recycling Rate and all discarded materials become resources for use. He noted that toxic waste and non-renewable waste needed to be reduced. He highlighted the fact that 389 tons of waste had been sent to the landfill this year which was a big decrease from prior years. He mentioned that this was due to the increase in recycling.

Mr. McCary reported that the city estimated the collection of \$2.8 million in revenue from the sale of recyclable commodities in FY 2010. He spoke of the Plan Development process in which a Residential Focus Group was created that reviewed proposed policies and programs from December 2009 to March 2010. He stated that the Multi-Family Recycling Work Group consists of private waste and recycling haulers, property owners, and tenants. Their goal is to provide feedback on design and collection factors for a multi-family recycling policy. He spoke to the goals in which all single-family and multi-family residents would have access to convenient recycling programs and improve recycling opportunities for businesses. He noted that they would aim to recycle 40% of all residential material collected by the Solid Waste Management Department. He mentioned the three components of an effective recycling program: 1) Make recycling convenient and easy-to-use; 2) Provide financial incentives to encourage recycling; and 3) Develop an effective education and campaign outreach.

Mr. McCary reported that the city would provide onsite training and design services for Multi-Family Recycling and assist with the development of a property recycling plan. He stated that a multi-family recycling recommendation would be presented to the City Council in September, 2010. He noted that staff would explore opportunities in commercial recycling. He added that staff would improve outreach to residents for residential recycling and encourage recycling through financial incentives. He spoke of the possibility of implementing Pay-As-You-Throw Pricing and an Organics Recycling Program. Lastly, he reported that the 10-Year Plan would be updated and evaluated every three years and would drive the development of individual business plans for each program. Ms. Sculley added that the city

had tripled their recycling and had modified the program as automation was implemented. She noted that staff recommends a recycling goal of 40% by 2020.

Mayor Castro thanked staff for their presentation and stated that he was pleased with the increase in recycling. Councilmember Cortez asked of the 40% Goal by 2020. Mr. McCary replied that they had reviewed other cities and it had taken 8-10 years to reach their goals. He referenced the Organic Program and noted that it could be 40% or better. Councilmember Cortez recommended that the goal be increased to greater than 40%. He asked if a door-to-door recycling campaign had been implemented. Mr. McCary stated that staff had provided material in regard to separating brush from bulky materials but did not have a dedicated effort toward recycling. He noted that a brochure had been created and a video was being created on the proper way to recycle. He mentioned that they would ensure that the flyers and video were provided to the community. Mr. Zanoni added that a flyer was included on the inside of the recycling container lid when it was delivered. Councilmember Cortez asked of the smaller recycling bins. Mr. McCary replied that initially, there was a great demand for smaller bins and they were working well.

Councilmember Rodriguez recognized the individuals that served on the Residential Focus Group. He concurred that the recycling goal of 40% could be increased, noting that there had been a great education campaign. He asked of the progress on Austin's Zero Waste Plan. Mr. McCary responded that the City of Austin would like to reach their recycling goal by 2040. He noted that their current recycling rate was 37% and that they had a higher organics recycling program. Councilmember Rodriguez requested that updates be provided on a more regular basis than every three years. He asked of the Pay-As-You-Throw Pricing Program. Mr. McCary replied that San Antonio's cost was less compared to Austin and that generally, the more waste you generate, the more you pay. Councilmember Rodriguez spoke in support of incentives and the need to implement recycling within multi-family residences. Mr. McCary stated that they had been successful with the three pilot programs at apartment complexes. Ms. Sculley added that the San Antonio Housing Authority had solicited a Request for Proposals (RFP) for both garbage and recycling services for their residents.

Councilmember Cisneros recognized Joan Corte, District 1 Representative on the Residential Task Force and also expressed support for increasing the 40% recycling goal by 2020. She requested a video that could be provided to the community and would like to see the door brochure distributed. She asked of the cost for additional recycling carts. Mr. McCary stated that the second recycling cart was provided at no charge. Ms. Sculley noted that a third cart system for brush would be at a cost to the customer. Councilmember Cisneros requested that staff consider providing a brush collection cart at a reduced cost. She asked of the Recycle Bank Program. Mr. McCary stated that the program took a snapshot of the status of a neighborhood's recycling program and provided coupons or incentives for any increases in recycling. Councilmember Cisneros asked of the multi-family residences that had been piloted for recycling. Mr. McCary replied that the pilot program had been implemented at O.P. Schnabel; La Cascada; and Blue Star. Councilmember Cisneros requested a meeting with Mr. McCary relative to ordinances that would be proposed for implementation. She confirmed that the Residential Focus Group was in support of the proposed ordinances. She asked of recycling outreach to schools. Mr. McCary stated that they had a division dedicated toward education and outreach to schools and utilized mascots and other creative efforts. Councilmember Cisneros asked of the Alamo Area Council of Governments (AACOG) Grant. Mr. McCary replied that the grant funds were used for education and outreach.

Councilmember Taylor thanked the individuals that served on the Residential Focus Group. She noted that it was important to focus on education and outreach and to develop partnerships related to outreach

to school districts. Mr. McCary confirmed that staff conducted over 200 school presentations each year. Councilmember Taylor spoke of the possibility of a media partnership and noted that neighborhood associations could help with outreach. She asked of Bexar County and other entities that would help the city achieve the 40% Goal. Mr. McCary confirmed that they would request their participation. Councilmember Lopez asked if Greenstar recycled items that are illegally-dumped such as mattresses. Mr. McCary replied that he was unaware of any vendors that had taken on that challenge.

Mayor Castro stated that there was a double financial benefit with recycling due to enhanced revenue and reduced landfill costs. He spoke of the surplus in the Solid Waste Fund and was pleased that the rate would not have to be increased. He noted that the plan was well thought out and that the goal could be more ambitious. He asked that staff explore opportunities for implementation related to commercial recycling. He spoke of the need to partner with the schools and have them commit to recycling through a formal agreement. He stated that all city facilities should recycle, as well as Bexar County, CPS Energy, SAWS, VIA and other governmental entities. He referenced the high recycling rate (72%) in San Francisco. Ms. Sculley mentioned that several cities that were reviewed have utilized automated collection for many years and also have ordinances regarding multi-family and commercial recycling. Mayor Castro expressed support for a goal of 50% or greater for San Antonio and asked of the potential to include recycling in the Request for Proposal (RFP) process. He spoke of changing policy to incentivize vendor recycling. Lastly, he asked of organics recycling. Mr. McCary stated that there were parameters regarding food waste and would need to conduct additional research.

Councilmember Cisneros spoke of the possibility of presenting the recycling video at movie theaters and collaborating with CPS Energy, SAWS and HEB for a coupon for a free recycling bag. Mayor Castro added that it was clear that other communities are providing commercial recycling in a robust way and it will take San Antonio a great investment of resources but would have a long-term benefit.

## **2. SAN ANTONIO INTERNATIONAL AIRPORT UPDATE AND FINANCIAL OVERVIEW.**

Frank Miller, Aviation Director stated that a B Session had been conducted in January 2010 in which staff had expressed the need for funding to continue the Airport Capital Improvement Program (CIP). He noted that Interim Financing in the amount of \$34 million had been approved through the end of the calendar year. He reported that the Aviation CIP for FY 2010-2015 totaled \$487.2 million and included the Expansion Program; Stinson Runway 9/27 Overlay and Extension; and Runway 21 Extension. He outlined the increased costs for additional debt service, new operating costs for the Baggage Handling System, and New Airlines Agreement. He noted that economic conditions had caused reduced airline seat capacity and travel. He referenced the increasing Cost Per Enplanement (CPE) and compared San Antonio to other cities across the US. He explained that the cost for Dallas Love Field was low due to the fact that it was a very old terminal building and did not have existing debt service.

Mr. Miller stated that staff was exploring a number of options to reduce costs and minimize increases to the Airline CPE. He reported that they were studying the creation of an Airline Consortium to manage certain custodial and maintenance functions, as well as operate the new in-line Baggage Handling System. He mentioned that they were also exploring other Airport Parking Management options. He stated that they were looking at restructuring existing debt to more closely align with updated financial projects and continue the Airport CIP. He indicated that the Airline Lease Agreement will expire September 30, 2010 and would continue negotiations for a new agreement. He noted that a Rates and

Charges Ordinance would be brought before the City Council on June 17, 2010 to define the City's policy for Airline Rates and Charges. He added that upon execution of a new lease, the ordinance will be amended to reflect rates and charges calculations in the lease. Lastly, he mentioned that bond issuance and possible debt restructuring was scheduled for Fall 2010.

Mayor Castro stated that he was pleased with Delta's service to JFK and restoring service that had been lost. He noted that he understood the challenges facing the Airport and looked forward to additional information regarding privatization of certain functions. Councilmember Williams expressed support for the possibility of outsourcing certain services for efficiency purposes. He asked of the impact to the CPE. Mr. Miller replied that if various recommendations were implemented, they could reduce the CPE by \$1.25 in the first year. Councilmember Williams asked of the two-step process regarding the Rates and Charges. Mr. Miller confirmed that the Rates and Charges Ordinance would define the City's policy for airline rates and charges for those airlines without a lease.

Councilmember Cisneros asked for additional information on the two-step process. Mr. Miller stated that this was a common practice to identify rates and charges for those carriers without a lease or for periods between leases. Ms. Sculley added that the goal was to have an agreement in place prior to the new terminal opening in November. Councilmember Cisneros spoke of the expectations of a functioning Baggage Handling System. She reported that the restrooms at the Airport were in need of attention as she flew into San Antonio just recently. She expressed concern with outsourcing the maintenance and baggage handling system and requested other options. Mayor Castro added that he believed that the outsourcing option should be explored but expressed concern with a shift toward privatization. Mr. Miller noted that quality control mechanisms would be in place. Ms. Sculley added that the recommendation was being made due to cost control.

Councilmember Rodriguez asked if there were plans to widen the terminals, noting that they were very narrow compared to other airports. Mr. Miller stated that they had not reviewed that option but would determine the cost and feasibility of doing so. Ms. Sculley added that they were in the process of reviewing the Airport Master Plan and would take that recommendation into consideration. Mayor Castro spoke of the long lines encountered for the security check and asked of expanding the number of aisles. Mr. Miller replied that staff had recognized the need for additional aisles and were working through constraints regarding expansion.

There being no further discussion, Mayor Castro adjourned the meeting at 4:10 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **June 3, 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, Clamp, and Mayor Castro. **ABSENT:** Chan. Mrs. Vacek noted that Councilmember Chan was out of the country.

**Item 1.** The Invocation was delivered by Rev. John Cannon, Senior Pastor, Harvest Fellowship Community Church, guest of Mayor Julián Castro.

**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 May 13, 2010 City Council Meeting. Councilmember Taylor seconded the motion.

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

**Item 4. OATH OF OFFICE – MAYOR PRO TEM**

City Clerk Leticia M. Vacek administered the Oath of Office to Councilmember Justin Rodriguez, District 7, whose term as Mayor Pro-Tem becomes effective June 9, 2010 through August 18, 2010.

**POINT OF PERSONAL PRIVILEGE**

Councilmember Williams recognized the gift of the Pavilion located in Denman Park from the Sister City of Kwangju, South Korea. He reported that construction was complete. He added that he was honored that the Korean Artisans were present and thanked them for their work. Mayor Castro also thanked the Korean Artisans for their wonderful work.

**CONSENT AGENDA ITEMS 5-33**

Consent Agenda Items 9, 10, 16, 17, 18B, 22A, 23A, 28A, 28D, and 30 were pulled for Individual Consideration. Councilmember Clamp moved to approve the remaining Consent Agenda Items. Councilmember Williams seconded the motion.

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

Nazirite Ruben Flores Perez spoke in support of Item 15, payment to the San Antonio River Authority for an environmental assessment. He also spoke in support of Item 17, the purchase of an aquifer-protection conservation easement.

Jack M. Finger recognized Former Councilmembers Al Rhode and Glen Hartman for their great service to the City of San Antonio. He expressed concern with the contract for consulting services in Item 12, noting that the City Councilmembers had received campaign contributions from the consultant. He referenced the Recycling Plan item under the City Manager's Report and noted that recycling had become too cumbersome.

Faris Hodge, Jr. submitted written testimony in opposition to Items 5 and 11, and in support of Items 6-10, and 12-33.

Written testimony was received from John A. Bachman in support of the contract amendments for spay/neuter services in Item 24.

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

**2010-06-03-0465**

Item 5. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING CONTRACTS IN THE ESTIMATED ANNUAL AMOUNT OF \$727,000.00: (A) A TO Z TIRE & BATTERY, INC. FOR PASSENGER TIRES, (B) RUSH TRUCK CENTERS OF TEXAS, LP DBA RUSH TRUCK CENTER SAN ANTONIO FOR MEDIUM-DUTY GMC PETERBILT TRUCK PARTS AND SERVICE, (C) GRANDE TRUCK CENTER FOR AUTOCAR TRUCK PARTS AND SERVICE, (D) FREIGHTLINER OF SAN ANTONIO L.T.D. FOR CONDOR TRUCK PARTS AND SERVICE, AND (E) COOPER EQUIPMENT CO. FOR VOGELE, PRO PAV, CHAMPION AND PUCKETT ASPHALT STREET PAVERS PARTS AND SERVICE.

**2010-06-03-0466**

Item 6. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT FOR THE PURCHASE AND INSTALLATION OF A TRAINING SIMULATOR SYSTEM AND RELATED ACCESSORIES FROM ADVANCED INTERACTIVE SYSTEMS FOR THE POLICE DEPARTMENT FOR A TOTAL COST OF \$80,737.00, FUNDED BY THE POLICE ASSET SEIZURE ACCOUNT FUND.

**2010-06-03-0467**

Item 7. AN ORDINANCE ACCEPTING THE BID FROM TYLER TRUSS SYSTEMS, INC. FOR THE PURCHASE OF THEATRE TRUSS EQUIPMENT FOR THE CONVENTION, SPORTS AND ENTERTAINMENT FACILITIES DEPARTMENT FOR A TOTAL COST OF \$457,380.17 AVAILABLE WITHIN THE HOTEL OCCUPANCY TAX IMPROVEMENT AND CONTINGENCY FUND.

**2010-06-03-0468**

Item 8. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO D&D CONTRACTORS, INC. IN THE AMOUNT OF \$1,421,949.37, OF WHICH \$330,904.33 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FOR THE ORCHARD - W. W. WHITE TO W. HEIN PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 2.

**2010-06-03-0471**

Item 11. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$110,439.72 TO THE \$3,906,734.58 CONSTRUCTION CONTRACT WITH JAY REESE CONTRACTORS, INC., OF WHICH \$88,351.78 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE HAYS STREET BRIDGE REHABILITATION PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT (LAM) FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2.

**2010-06-03-0472**

Item 12. AN ORDINANCE AUTHORIZING A ONE-YEAR EXTENSION OF THREE ON-CALL CONTRACTS WITH ADAMS ENVIRONMENTAL, INC., POST, BUCKLEY, SCHUH, & JERNIGAN, INC., AND POZNECKI-CAMARILLO, INC., EACH IN AN AMOUNT UP TO

\$650,000.00 PER YEAR FOR NATIONAL ENVIRONMENTAL POLICY ACT ENVIRONMENTAL CONSULTING SERVICES FOR METROPOLITAN PLANNING ORGANIZATION, 2007-2012 BOND PROJECTS AND OTHER CAPITAL IMPROVEMENT PROJECTS.

**2010-06-03-0473**

Item 13. AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH DHL EXPRESS (USA), INC. FOR APRON AND CARGO SPACE AT THE SAN ANTONIO INTERNATIONAL AIRPORT, LOCATED IN COUNCIL DISTRICT 9, FOR A TERM OF THREE YEARS, COMMENCING ON JULY 1, 2010 AT A MONTHLY RENT OF \$14,934.86.

**2010-06-03-0474**

Item 14. AN ORDINANCE AUTHORIZING A 10-YEAR STANDARD SPECIALTY RETAIL CONCESSION AGREEMENT WITH PROJECT HORIZON, INC. DBA INMOTION ENTERTAINMENT, TO OPERATE AN INMOTION CONCEPT AT THE SAN ANTONIO INTERNATIONAL AIRPORT LOCATED IN COUNCIL DISTRICT 9 FOR THE GREATER OF 12% OF ALL SALES OR MINIMUM ANNUAL GUARANTEES TOTALING \$240,000.00 IN YEARS 1 THROUGH 5 AND WHOSE TERM WILL COMMENCE UPON DATE OF BENEFICIAL OCCUPANCY, WHICH IS SCHEDULED FOR NOVEMBER 2010.

**2010-06-03-0475**

Item 15. AN ORDINANCE AUTHORIZING PAYMENT TO THE SAN ANTONIO RIVER AUTHORITY IN THE AMOUNT OF \$4,565.00 FOR THE LAND, PHASE I ENVIRONMENTAL SITE ASSESSMENT, DUE DILIGENCE AND CLOSING COSTS ON A 0.201 ACRE TRACT IN NCB 11170 ON ESPADA ROAD NEAR STINSON MUNICIPAL AIRPORT, LOCATED IN COUNCIL DISTRICT 3.

Item 18. CONSIDERATION OF THE FOLLOWING ORDINANCES AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION, OF FEE SIMPLE TITLE AND/OR EASEMENT INTEREST FOR TWO 2007-2012 GENERAL OBLIGATION BOND PROJECTS:

**2010-06-03-0478**

- A. AN ORDINANCE AUTHORIZING THE ACQUISITION OF ALL, OR A PORTION OF, PRIVATELY OWNED REAL PROPERTY, LOCATED IN N.C.B. 14449, 16463, 15029, 16461, 13941 AND 11379, IN COUNCIL DISTRICT 6 FOR CALLAGHAN-CULEBRA TO COMMERCE, A 2007-2012 BOND PROJECT, DECLARING IT TO BE PUBLIC PROJECT; AND DECLARING A PUBLIC NECESSITY FOR THE ACQUISITIONS.

**2010-06-03-0480**

Item 19. AN ORDINANCE APPROVING THE ASSIGNMENT OF A SAN ANTONIO RIVER WALK LEASE AGREEMENT FROM SIAM REAL ESTATE, LLC TO B&G, LLC DBA GREAT FINDS ENTERPRISES, FOR THE USE OF INTERIOR SPACE LOCATED ON RIVER WALK LEVEL, UNDER THE NORTHEAST CORNER OF THE EAST COMMERCE STREET BRIDGE.

**2010-06-03-0481**

Item 20. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING A CONTRACT AND ACCEPTANCE OF \$283,308.00 FROM THE TEXAS

DEPARTMENT OF STATE HEALTH SERVICES, FOR THE TERM OF APRIL 1, 2010 THROUGH SEPTEMBER 30, 2010; AND ACCEPTING THE OFFER SUBMITTED BY PHILPOT MOTORS UTILIZING TEXAS BUYBOARD CONTRACT 281-07 TO PROVIDE EIGHT (8) 2009 TOYOTA PRIUS GASOLINE/ELECTRIC POWERED HYBRIDS FOR \$163,008.00 IN SUPPORT OF METRO HEALTH STD/HIV AND TB OPERATIONS.

**2010-06-03-0482**

Item 21. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF \$225,533.00, UPON AWARD, FROM THE U.S. DEPARTMENT OF JUSTICE, BALLISTIC VEST PARTNERSHIP PROGRAM FOR THE PURCHASE OF ADDITIONAL BALLISTIC VESTS.

Item 22. 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:

- B. APPOINTING RODNEY C. OLIVIER (DISTRICT 1, CATEGORY: PROFESSIONAL ENGINEER) TO THE ELECTRICAL BOARD.
- C. REAPPOINTING PAMELA A. CRAVETS (DISTRICT 5) TO THE ANIMAL CARE SERVICES ADVISORY BOARD.
- D. APPOINTING RALPH A. MEDINA (DISTRICT 1) TO THE ZONING COMMISSION.

Item 23. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA):

**2010-06-03-0484**

- B. AN ORDINANCE APPROVING AN AMENDMENT TO THE LEASE AGREEMENT WITH RIVERVIEW TOWER PARTNERS, LTD. TO INCREASE THE LEASED SPACE BY 2,474 SQUARE FEET FOR THE OFFICE OF ENVIRONMENTAL POLICY'S OFFICE SPACE IN RIVERVIEW TOWERS TO SUPPORT TEMPORARY STAFF POSITIONS ADDED AND FUNDED WITH FEDERAL ECONOMIC STIMULUS FUNDS.

**2010-06-03-0485**

Item 24. AN ORDINANCE AUTHORIZING TWO CONTRACT AMENDMENTS WITH ANIMAL RESOURCE CENTER, INC. DBA SPAYSA AND SPAY NEUTER ASSISTANCE PROGRAM, INC. DBA SNAP TO PROVIDE SPAY/NEUTER SERVICES FOR THE CITY'S ANIMAL POPULATION FOR AN AMOUNT UP TO \$250,000.00 AND \$75,000.00, RESPECTIVELY, WITH A TERMINATION DATE OF SEPTEMBER 30, 2010.

**2010-06-03-0486**

Item 25. AN ORDINANCE AUTHORIZING A ONE YEAR AGREEMENT FOR A MUNICIPAL MARKETING PARTNERSHIP PROGRAM WITH HILL'S PET NUTRITION, INC. (HILL'S SCIENCE DIET) FOR THE PROVISION OF FREE HIGH QUALITY PET FOOD FOR THE

SHELTERED ANIMALS IN THE CARE OF THE CITY OF SAN ANTONIO ANIMAL CARE SERVICES DEPARTMENT.

**2010-06-03-0487**

Item 26. AN ORDINANCE AMENDING THE FY 2010 CAPITAL BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$514,167.00 FROM THE CONVENTION CENTER HOTEL INVESTMENT FUND IN ANTICIPATION OF REIMBURSEMENT FROM THE TEXAS COMPTROLLER TO COMPLETE ELIGIBLE CONVENTION, SPORTS, AND ENTERTAINMENT FACILITIES IMPROVEMENTS.

Item 27. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO DEPOSITORY BANKING, LOCKBOX, AND MERCHANT BANKING SERVICES TO THE CITY OF SAN ANTONIO:

**2010-06-03-0488**

- A. AN ORDINANCE APPROVING THE FIRST AMENDMENT AND RENEWAL AND EXTENSION OF DEPOSITORY BANKING SERVICES AND LOCKBOX SERVICES CONTRACT WITH FROST NATIONAL BANK TO PROVIDE FOR ONE RENEWAL TERM OF TWO (2) YEARS, AND FOR RENEWAL OF SUCH CONTRACT FOR THE PERIOD COMMENCING JULY 1, 2010, AND ENDING JUNE 30, 2012.

**2010-06-03-0489**

- B. AN ORDINANCE APPROVING THE THIRD AMENDMENT AND RENEWAL AND EXTENSION OF MERCHANT BANKING SERVICES CONTRACT WITH BANK OF AMERICA, N.A. FOR ONE RENEWAL TERM OF TWO (2) YEARS, AND RENEWING SUCH CONTRACT FOR THE PERIOD COMMENCING JULY 1, 2010, AND ENDING JUNE 30, 2012; AND AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.

Item 28. CONSIDERATION OF THE FOLLOWING RELATING TO THE FORM, CONTENT AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENTS AND REIMBURSEMENT RESOLUTIONS:

**2010-06-03-0024R**

- B. A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FROM THE PROCEEDS OF ONE OR MORE SERIES OF TAX EXEMPT OR TAXABLE OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES AND DESIGNATED AS "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS", AS FURTHER DESIGNATED BY SERIES AND FEDERAL TAX TREATMENT; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

**2010-06-03-0025R**

- C. A RESOLUTION ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FROM THE PROCEEDS OF ONE OR MORE SERIES OF TAX EXEMPT OR TAXABLE OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES AND DESIGNATED AS "CITY

OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATIONS”, AS FURTHER DESIGNATED BY SERIES AND FEDERAL TAX TREATMENT; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

**2010-06-03-0026R**

- E. A RESOLUTION ESTABLISHING THE CITY’S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR EXPENDITURE OF FUNDS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES DESIGNATED AS “CITY OF SAN ANTONIO, TEXAS TAX NOTES, SERIES 2011”; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

**2010-06-03-0492**

Item 29. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICE RENEWAL AGREEMENT FOR HEAD START DENTAL SERVICES WITH MICHELLE LANDRUM, R.D.H. FOR THE TERM JUNE 1, 2010 THROUGH MARCH 31, 2013, AT THE HOURLY COMPENSATION AND CONTRACT CEILING OF \$38.00 PER HOUR, UP TO \$108,832.00 OVER THE TERM OF THE CONTRACT.

**2010-06-03-0494**

Item 31. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE YOUNG MEN’S CHRISTIAN ASSOCIATION OF GREATER SAN ANTONIO AND THE HILL COUNTRY (YMCA) FOR A FEASIBILITY STUDY FOR A MULTI-PURPOSE RECREATIONAL FACILITY TO SERVE CITIZENS OF COUNCIL DISTRICTS 3 AND 4 IN AN AMOUNT UP TO \$35,000.00 FROM THE PARKS AND RECREATION DEPARTMENT FY 2010 GENERAL FUND BUDGET.

**2010-06-03-0495**

Item 32. AN ORDINANCE AUTHORIZING AN EXTRATERRITORIAL JURISDICTION AGREEMENT WITH THE CITY OF CIBOLO FOR THE RELEASE OF APPROXIMATELY 3,760 ACRES FROM THE CITY OF SAN ANTONIO TO CIBOLO WITH CERTAIN CONDITIONS.

**2010-06-03-0496**

Item 33. AN ORDINANCE AUTHORIZING AN AMENDMENT TO INTERLOCAL AGREEMENTS BETWEEN THE CITY OF SAN ANTONIO AND TWELVE PUBLIC EDUCATION DISTRICTS WITHIN ITS BOUNDARIES RELATING TO THE CITY ADOPTED 2009 INTERNATIONAL PLUMBING CODE (IPC).

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2010-06-03-0469**

Item 9. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO FINSER CONSTRUCTION & REMODELING, INC. IN THE AMOUNT OF \$472,900.00 FOR THE

PEARSALL PARK PROJECT, AN AUTHORIZED 2007-2012 BOND PROJECT, LOCATED IN COUNCIL DISTRICT 4.

Councilmember Cortez requested an update on the project. Mike Frisbie, CIMS Director stated that the project was part of the 2007 Bond Program and would provide trails, playground, parking lot, solar lighting, kiosks, and landscaping. He noted that they would begin construction in July and be completed by Spring 2011. He added that a meeting would be held with the community to inform them of the project timeline prior to commencing construction. Councilmember Cortez asked of additional funding for Pearsall Park. Mr. Frisbie responded that the total budget was \$1 million and would be coordinating with Parks and Recreation Staff on the best use of the remaining funds.

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

The City Clerk read the following Ordinance:

**2010-06-03-0470**

Item 10. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO E-Z BEL CONSTRUCTION, LLC. IN THE AMOUNT OF \$3,969,695.33, OF WHICH \$1,022,457.36 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FOR THE BABCOCK RD – PRUE TO HOLLYHOCK PROJECT, AN AUTHORIZED 2007-2012 BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICTS 7 AND 8.

Councilmember Williams asked if bike lanes were included in the project. Mike Frisbie stated that the project was scoped without bike lanes as the street could not accommodate them. He explained that there would be connectivity issues if bike lanes were added on this stretch of Babcock Road. Councilmember Williams spoke of the importance of communication and coordination by the city with the public regarding construction in the area. Councilmember Rodriguez asked of drainage issues. Mr. Frisbie confirmed that drainage issues would be addressed. Councilmember Rodriguez asked of the timeline. Mr. Frisbie stated that the project would take approximately one year and that rain delays are factored into the schedule. Mayor Castro expressed concern that bike lanes had not been included in the original scope and asked how the surplus of funds would be utilized. Mr. Frisbie replied that it was difficult to assume full savings based on project bids due to the length of the projects and unforeseen issues. He noted that staff was developing a policy on the utilization of surplus funds. Sheryl Sculley stated that during the summer, staff would provide information regarding available bond funds. She added that they would present policy guidelines to the Council for the expenditures.

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

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

The City Clerk read the following Ordinance:

**2010-06-03-0476**

Item 16. AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION, IF NECESSARY, OF FEE SIMPLE TITLE AND/OR TEMPORARY CONSTRUCTION OR PERMANENT EASEMENTS FOR PORTIONS OF PRIVATELY OWNED REAL PROPERTY LOCATED IN NCB'S 10234, 12174, 15911 AND 898 FOR THE CITY WIDE BRIDGE REPLACEMENT PROJECT, A 2007-2012 BOND PROGRAM PROJECT, LOCATED IN COUNCIL DISTRICTS 2, 5 AND 10; DECLARING IT TO BE A PUBLIC PROJECT; AND DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING EXPENDITURES UP TO \$300,000.00, AVAILABLE FROM 2007-2012 GENERAL OBLIGATION BONDS.

Councilmember Medina asked of the project timeline and the alternative route. Mike Frisbie replied that staff would work with the community to minimize disruption and to determine the timeline and alternative route. Councilmember Medina stated that he was pleased that the bridge would be rebuilt for the safety of the community.

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

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

The City Clerk read the following Ordinance:

**2010-06-03-0477**

Item 17. AN ORDINANCE AUTHORIZING THE PURCHASE OF AN AQUIFER-PROTECTION CONSERVATION EASEMENT ON THE TMR RANCH, MEDINA COUNTY, TEXAS FOR \$2,250,874.04, AUTHORIZED PAYABLE TO TEXAS HERITAGE TITLE COMPANY, AS ESCROW AGENT AS PART OF THE PROPOSITION ONE EDWARDS AQUIFER PROTECTION VENUE PROJECT.

Councilmember Williams expressed support of said item and spoke of the importance of the purchase of aquifer-protection conservation easements. Kristyl Smith, CIMS Department stated that the TMR Ranch encompassed 1,979.97 acres and cost \$2,250,874.04. She stated that this was the 34<sup>th</sup> tract of land purchased under the current program for a total of 89,216 acres protected. She added that the Conservation Advisory Board had approved the acquisition of the conservation easement over the TMR Ranch and staff recommended approval. Mayor Castro expressed support and stated that the acquisitions were a victory for the voters. He noted that it was important to preserve sensitive land over the Recharge Zone and looked forward to further approval by the voters in the November Election.

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

The City Clerk read the following Ordinance:

**2010-06-03-0479**

Item 18B. AN ORDINANCE AUTHORIZING THE ACQUISITION OF ALL, OR A PORTION OF, PRIVATELY OWNED REAL PROPERTY LOCATED IN N.C.B. 11090, IN COUNCIL DISTRICT 3 FOR COMMERCIAL TRIBUTARY, PHASE II (PETALUMA TO IH-35), A 2007-2012 BOND PROJECT, DECLARING IT TO BE PUBLIC PROJECT; AND DECLARING A PUBLIC NECESSITY FOR THE ACQUISITIONS.

Councilmember Ramos stated that she was in support of the item but had received concerns regarding the property at 2902 Commercial. She asked that CIMS follow up and noted that the drainage improvements were much needed. She asked when the project would be completed. Mike Frisbie stated that it would be completed in June 2012.

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

The City Clerk read Item 22A:

Item 22A. EMPOWERMENT ZONE GOVERNANCE BOARD. APPOINTING TO AT-LARGE POSITIONS: TERRI WILLIAMS (CATEGORY: BROOKS CITY BASE), TERESA HERNANDEZ (CATEGORY: COMMUNITY BASED ORGANIZATION), DENNIS MORONEY (CATEGORY: FINANCIAL), FEDERICO ZARAGOZA (CATEGORY: EDUCATION), BENJAMIN KRAFT, DARNELL MCLAURIN, BETTY MYRVANG, AND RENEE NANK (CATEGORY: KEY STAKEHOLDER), DONNA C. NORMANDIN (CATEGORY: LARGE BUSINESS), JAMES HETHERINGTON, TAJ MATTHEWS, AND BYRON POLK (CATEGORY: ZONE RESIDENT); AND REAPPOINTING TO AT-LARGE POSITIONS JANIE M. GONZALEZ (CATEGORY: OWNER/MANAGER OF A SMALL BUSINESS), JULIE SALMON – HINOJOSA (CATEGORY: PORT OF SAN ANTONIO/TOYOTA DEVELOPABLE SITE), JOHN PARK (CATEGORY: SMALL BUSINESS LENDER) AND CHARLIE MOKE (CATEGORY: WORKFORCE DEVELOPMENT REP).

Councilmember Cisneros moved to approve Item 22A with the exception of Byron Polk (Category: Zone Resident) as the name was incorrect. Councilmember Clamp seconded the motion.

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

The City Clerk read Item 23A:

**2010-06-03-0483**

Item 23A. AN ORDINANCE AUTHORIZING UP TO NINE (9) ADDITIONAL POSITIONS FUNDED FROM THREE ENERGY EFFICIENCY STIMULUS FUND GRANTS INCLUDING

WEATHERIZATION AND ASSISTANCE PROGRAM (WAP), ENERGY EFFICIENCY CONSERVATION BLOCK GRANT (EECBG), AND RETROFIT RAMP-UP (RRU).

Councilmember Medina asked of the new positions. Assistant City Manager Peter Zanoni replied that they would fill the positions as quickly as possible and that they were temporary full-time positions. He stated that the individuals would only be employed as long as Stimulus Funding was available. He noted that the employees would be responsible for management and oversight. He explained that the Office of Environmental Policy currently had six staff members that provide community outreach and that partners such as CPS Energy would also assist with outreach efforts.

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

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

The City Clerk read Items 28A and 28D:

**2010-06-03-0490**

Item 28A. AN ORDINANCE COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12, INCLUDING THE APPROVAL AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE ISSUANCE OF A COMBINED AMOUNT OF UP TO \$225,000,000.00 "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS, SERIES 2010A" AND "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS, TAXABLE SERIES 2010B (DIRECT SUBSIDY – BUILD AMERICA BONDS)" AND UP TO \$46,000,000.00 "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010"; AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS, AND CO-BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH OBLIGATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**2010-06-03-0491**

Item 28D. AN ORDINANCE AUTHORIZING AND APPROVING DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE SALE OF OBLIGATIONS DESIGNATED AS "CITY OF SAN ANTONIO, TEXAS TAX NOTES, SERIES 2010A" IN THE APPROXIMATE AMOUNT OF \$10,000,000.00; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; AND AUTHORIZING OTHER MATTERS RELATED THERETO.

Councilmember Cisneros recused herself from Items 28A and 28D by exiting the Council Chambers and noted that she submitted the recusal forms to the City Clerk.

Councilmember Cortez moved to adopt the proposed Ordinances for Items 28A and 28D. Councilmember Ramos seconded the motion.

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

The City Clerk read the following Ordinance:

**2010-06-03-0493**

Item 30. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH TRINITY UNIVERSITY FOR \$35,000.00 FROM THE CITY'S FY 2010 GENERAL FUND BUDGET RESOURCES TOWARD A COMMUNITY NEEDS ASSESSMENT OF APPROXIMATELY \$200,000.00 TO DEVELOP SCHOOL CENTER COMMUNITIES IN SAN ANTONIO NEIGHBORHOODS.

Councilmember Taylor expressed her support and asked for additional information on the community needs assessment. Peter Zanoni stated that the project was being implemented to revitalize inner city neighborhoods and would focus on one neighborhood on the East Side and one on the West Side. He noted that the consortium of entities would be led by Trinity University and would include the City of San Antonio, San Antonio Independent School District, San Antonio Housing Authority, and the Urban Land Institute. He explained that the funds would be used to identify assets in the Wheatley Community and a West Side location that had not yet been determined. Councilmember Taylor spoke of the importance of the project and the direction of focusing investment on the inner city. She recognized Dr. Christine Drennon of Trinity University for her efforts.

Councilmember Cisneros recognized Mayor Castro and Councilmember Taylor for their efforts related to said item. She thanked Dr. Christine Drennon and the investment and commitment of Trinity University. Mayor Castro thanked Councilmembers Taylor and Cisneros for their support of the project and recognized Dr. Christine Drennon for her leadership and collaboration to ensure educational and neighborhood advancement.

Councilmember Taylor moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion. Mayor Castro entertained a friendly amendment that if the San Antonio Housing Authority needed a fiscal agent, that the city act as same. Councilmembers Taylor and Cisneros accepted the friendly amendment.

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

**Item 34. CITY MANAGER'S REPORT**

**A. PATHWAY TO ZERO WASTE - 10-YEAR RECYCLING PLAN FOR COMMERCIAL BUSINESSES AND MULTI-FAMILY RESIDENTIAL COMPLEXES**

Ms. Sculley reported that the city was operating at an 18% recycling rate and would be moving toward a more aggressive goal. She stated that recycling helped reduce landfill costs and generate revenue. She noted that based on the comments from the City Council, staff would update the plan to further improve recycling efforts throughout the community. She added that they would work with the Multi-Family Association to implement recycling at apartment complexes and also work with commercial businesses on same. Lastly, she reported that staff would continue to work with the school districts to educate youth on recycling opportunities.

## B. HAVEN FOR HOPE UPDATE

Ms. Sculley stated that residents continued to relocate to the Haven for Hope Campus and that the Women and Family Residence would open on June 6, 2010. She reported that Prospects Courtyard opened on May 22, 2010 and approximately 125 individuals were vacating the outdoor sleeping area. She noted that they would be marketing the SAMM and Dwyer properties and that proceeds from their sale would be utilized at Haven for Hope. She added that Haven for Hope Staff had developed a volunteer process for ministry and feeding opportunities and city staff had created a checklist for volunteers. She mentioned that George Block had been appointed as Interim President and CEO of Haven for Hope and that the selection of a permanent candidate would take place over the summer.

Mayor Castro stated that he was pleased with the development of Haven for Hope. Councilmember Medina thanked staff for their recycling efforts and their work with Haven for Hope. Mayor Castro acknowledged the loss of Former Councilmembers Al Rhode and Glen Hartman and thanked their families for the service and contributions each of them made to the city. He expressed deep condolences for their loss. He stated that they helped build bridges between divided communities in San Antonio.

## EXECUTIVE SESSION

Mayor Castro recessed the meeting at 10:15 am to convene in Executive Session for the purpose of:

### **A. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND RELATED ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.087 (ECONOMIC DEVELOPMENT).**

## RECONVENED

Mayor Castro reconvened the meeting at 2:04 pm at which time it was noted that the City Council had been briefed on the above-styled matter but took no action.

## POINT OF PERSONAL PRIVILEGE

Councilmember Cortez announced the completion of his "Day in the Life of a Fire Cadet" at the Fire Training Academy and a short video was shown of his experience. He thanked the Fire Department for allowing him the opportunity to participate. He was bestowed with a Fireman's Helmet and as "Honorary Firefighter" for the City of San Antonio.

## CONSENT ZONING ITEMS

Mrs. Vacek noted that Items Z-1 and Z-4 had been pulled from the agenda. Councilmember Cortez moved to approve the following consent rezoning cases, noting that Staff and Zoning Commission recommendation were to approve and no citizens were in opposition: 35 and Z-3. Councilmember Ramos seconded the motion.

Nazirite Ruben Flores Perez addressed the Council and stated that the specifications on Item 35 should be requested from the Environmental Protection Agency.

Jack M. Finger addressed the Council in opposition to Item Z-2 and stated that staff and the Zoning Commission had recommended denial. He expressed concern that the C-3 designation was too intense. He spoke of Item Z-3 and noted that resident Jason Rodriguez had expressed concern that the residential neighborhood has gradually converted to commercial use. He also spoke against Items P-1 and Z-6 and noted that staff and the Zoning Commission had recommended denial.

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

**2010-06-03-0027R**

Item 35. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A ZONING DISTRICT BOUNDARY CHANGE OF APPROXIMATELY 92 ACRES LOCATED ALONG SOMERSET ROAD BETWEEN ZARZAMORA AND SW MILITARY AND NEW LAREDO HIGHWAY BETWEEN ZARZAMORA AND SW MILITARY TO ZONING DISTRICTS THAT ARE COMPATIBLE WITH THE FUTURE LAND USE PLAN OF THE KELLY/SOUTH SAN PUEBLO COMMUNITY PLAN, AS REQUESTED BY COUNCILMEMBER PHILIP CORTEZ, DISTRICT 4.

**2010-06-03-0498**

Item Z-3. **ZONING CASE # Z2010050 S (District 8):** An Ordinance amending the Zoning District Boundary from "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District and "R-20 MLOD-1" Residential Single-Family Military Lighting Overlay District to "I-1 MLOD-1" General Industrial Military Lighting Overlay District (Lots 18, 19, 20, 21, 22, 23, 24, the north irregular 110.6 feet of 17 and the east 16 feet of 25, NCB 35733) and "L MLOD-1 S" Light Industrial Military Lighting Overlay District with a Specific Use Authorization for a Contractor's Facility (Lots 50 and 51, NCB 35733) located at 21120, 21105 Milsa Drive and 7193 Heuermann Road. 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: LOTS 18, 19, 20, 21, 22, 23, 24, 50, 51, THE NORTH IRREGULAR 110.6 FEET OF 17 AND THE EAST 16 FEET OF 25, NCB 35733 TO WIT: FROM "R-6 MLOD-1" RESIDENTIAL SINGLE-FAMILY MILITARY LIGHTING OVERLAY DISTRICT AND "R-20 MLOD-1" RESIDENTIAL SINGLE-FAMILY MILITARY LIGHTING OVERLAY DISTRICT TO "I-1 MLOD-1" INDUSTRIAL MILITARY LIGHTING OVERLAY DISTRICT (LOTS 18, 19, 20, 21, 22, 23, 24, THE NORTH IRREGULAR 110.6 FEET OF 17 AND THE EAST 16 FEET OF 25, NCB 35733) AND "L MLOD-1 S" LIGHT INDUSTRIAL MILITARY LIGHTING OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A CONTRACTOR'S FACILITY (LOTS 50 AND 51, NCB 35733) PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**[CONSENT ZONING CONCLUDED]**

**PULLED FROM THE AGENDA**

Item Z-1. **ZONING CASE # Z2010059 S (District 5):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-3 S AHOD" General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Pay Day

Loan Agency on 2,103 square feet out of Lot 2, Block 6, NCB 9039 located at 3606 South Zarzamora Street. Staff and Zoning Commission recommend denial. (Continued from May 20, 2010)

#### **PULLED FROM THE AGENDA**

Item Z-4. **ZONING CASE # Z2010088 (District 8):** An Ordinance amending the Zoning District Boundary from "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District to "MF-18 MLOD-1" Multi-Family Military Lighting Overlay District on 12.80 acres out of NCB 14890 located on the 5600 and 5800 Block of UTSA Boulevard. Staff and Zoning Commission recommend approval.

#### **INDIVIDUAL ZONING ITEMS**

**2010-06-03-0497**

Item Z-2. **ZONING CASE # Z2009088 (District 8):** An Ordinance amending the Zoning District Boundary From "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District-1 and "R-6 GC-1 MLOD-1" Residential Single-Family Hill Country Gateway Corridor Overlay Military Lighting Overlay District-1 to "C-3 MLOD-1" General Commercial Military Lighting Overlay District-1 and "C-3 GC-1 MLOD-1" General Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District-1 on 3.584 acres out of NCB 34761 also known as CB 4761 and 0.29 of an acre out of NCB 34780 also known as CB 4780, and 0.104 of an acre out of CB 4761 all located at 6194 Old Camp Bullis Road. Staff recommends denial, with an alternate recommendation of "C-2 S" Commercial District with a Specific Use Authorization for a Hotel. Zoning Commission recommends denial.

Chris Looney presented Item Z-2 and stated that staff recommended denial of the request for "C-3" and recommended alternate approval of "C-2". He noted that the applicant had indicated the possibility of developing a hotel on the site and staff would support "C-2 S" with a specific use authorization for a hotel if the applicant provides all of the necessary documentation for a specific use authorization. He reported that the Zoning Commission recommended denial and that the Forest Crest Neighborhood Association was in opposition.

Councilmember Williams asked when the case had previously been heard by the Council. Mr. Looney replied that it had been postponed on August 6, 2009 and that another round of notices had been sent when the case was brought forward again.

Mayor Castro called upon the individuals registered to speak.

Rob Killen representing the applicant thanked city staff and the stakeholders that had been working on the case. He stated that they had drafted and agreed upon a number of restrictions and that they were also requesting approval of "C-3." He reported that they would limit the use to a hotel and that the only other uses permitted would be "C-2." He added that they would restrict sexually oriented businesses, auto dealerships, and other such businesses as referenced in the deed restrictions and would limit building height to 1,180 feet above sea level. He noted that signage on the property would be subject to the Hill Country Gateway Corridor Overlay District and access to Camp Bullis would be limited to emergency use only. He stated that they had entered into deed restrictions with the Forest Crest Neighborhood Association and NuStar.

Councilmember Williams confirmed that the deed restrictions only provided for a C-3 use of the property specifically for a hotel. Mr. Killen replied that there were even restrictions regarding the

quality of the hotel. Councilmember Williams asked of the need for a C-3 designation. Mr. Killen stated that the site plan requirement of the specific use authorization only allows for minor changes in the building footprint.

Sandra Ortiz representing the Forest Crest Neighborhood Association addressed the Council and stated that they were in the process of finalizing the restrictive covenants and would not be opposed to the zoning change with the restrictive covenants mentioned by Mr. Killen.

Jim Cannizzo representing Fort Sam Houston stated that their compatibility concern with the mission of Camp Bullis and the use of Old Camp Bullis Road had been addressed through restrictive the covenants.

A letter of support was received from Joanna Weidman of NuStar. Ms. Weidman wrote that their support was contingent upon their compliance of certain uses and building height restrictions, as described in the Declaration of Restrictions.

Councilmember Williams mentioned that they had worked on the process for almost a year and thanked everyone involved. He spoke of the importance of maintaining compatibility for the land use around Camp Bullis.

Councilmember Williams moved to adopt the proposed Ordinance with conditions of the Declaration of Restrictions with NuStar and Forest Crest Neighborhood Association as attached to the Ordinance. Councilmember Rodriguez seconded the motion.

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

#### **CONTINUED**

Item P-1. **PLAN AMENDMENT #10010 (District 2):** An Ordinance amending the land use plan contained in the Eastern Triangle Community Plan, a component of the Master Plan of the City, by changing the use of 1.2053 acres of land located at 1815 and 1835 Hammond Avenue from Medium Density Residential land use to Community Commercial land use. Staff and Planning Commission recommend denial. (Associated Zoning Case: #Z2010051)

#### **CONTINUED**

Item Z-6. **ZONING CASE # Z2010051 (District 2):** An Ordinance amending the Zoning District Boundary from "R-4" Residential Single-Family District to "C-2" Commercial District on Lots 13, 14, 15, 23, 24, 25, 26, 28, Block 28, NCB 10329 located at 1815 and 1835 Hammond Avenue. Staff and Zoning Commission recommend denial.

Andrea Gilles presented Item P-1 and stated that staff and the Zoning Commission recommended denial.

Mayor Castro called upon the individuals registered to speak.

Dan Martinez, Chairman of the Eastern Triangle Implementation and Management Group stated that they had approved the Plan Amendment and rezoning.

Carlos Rivera stated that he was the applicant and was in attendance to determine the reason that the case was being denied.

Councilmember Taylor thanked Messrs. Martinez and Rivera for being in attendance and noted that she would like the opportunity for a site visit.

Councilmember Taylor moved to continue Items P-1 and Z-6 until August 5, 2010. Councilmember Clamp seconded the motion.

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

#### **CONTINUED**

Item Z-5. **ZONING CASE # Z2010068 (District 10):** An Ordinance amending the Zoning District Boundary from "I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Overlay Airport Hazard Overlay District to "C-3 IH-1 AHOD" General Commercial Northeast Gateway Corridor Overlay Airport Hazard Overlay District on 0.7170 acres out of NCB 15724 located at 11723 IH 35 North. Staff and Zoning Commission recommend approval. (Continued from May 6, 2010)

Chris Looney presented Item Z-5 and noted that Staff and the Zoning Commission recommended approval.

Councilmember Clamp moved to continue said item until June 17, 2010. Councilmember Ramos seconded the motion.

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

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

Councilmember Rodriguez recognized Assistant Police Chief Harry Griffin on his retirement from the City after 33 years of service.

Mayor Castro recessed the meeting at 2:36 pm and noted that the meeting would resume at 6:00 pm for Citizens to be Heard.

#### **CITIZENS TO BE HEARD**

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

Robert Ritterbach addressed the City Council and stated that he was disappointed that the City Council had approved a 4.5% rate increase for CPS Energy. He noted that it was the second increase that they had implemented in four years for a total of 8%. He spoke of the high unemployment rate in San Antonio and mentioned that the unemployed could not afford to pay higher utility rates. He stated that he was going to vote against his current City Councilmember because they were not representing the public. He noted that he had visited Peter Zaroni's Office and spoken with his secretary to thank two Solid Waste Employees. He stated that he had requested a copy of the letter thanking the employees and

had never received one. He added that it was rude and impolite for city employees to direct him to 3-1-1 rather than assist him.

Karl Hammersmidt spoke of the cameras at Travis Park and expressed concern that there was no signage of their existence. He stated that crime would not be deterred if people were unaware that cameras were in place. He requested that the Jazz Festival be moved to San Pedro Park and held in June. He requested that there be checkpoints along the border whereby immigrants could instantly receive work.

Nazirite Ruben Flores Perez spoke of the great earthquake and referenced Revelations 16:18. He noted that the time was coming and spoke of Jaweh.

Artman Bland spoke of abuse and misuse of power from city employees that he had encountered. He referenced his properties located at 934 Dawson and 140 Canton which have been listed as dangerous premises. He stated that he had been working on his properties and expressed concern that he had not attended the public hearing due to lack of proper notice. He requested additional time to complete the work on his properties.

Lisa Ellis expressed concern with the San Antonio Police Department and stated that she was falsely arrested for a crime that she did not commit. She stated that she did not have any money and could not pay her fine. She noted that her civil rights had been violated as she did not have a fair trial.

Mark Perez expressed concern with the businesses storing hazardous chemicals and the lack of response to his requests for information from city staff. He noted that Age Refining, Inc. was placed on a corrective action list and required clean up. He stated that he had lost stillborn twins when he worked for Tetco. He expressed concern that the staff at the Health Department was not qualified to address issues with hazardous chemicals.

Nick Calzoncit spoke in opposition to the anti-immigration law passed in Arizona and asked that the City Council pass a resolution denouncing SB 1070. He mentioned that 30 other cities had done so thus far and that the majority of San Antonio citizens were Hispanic. He asked of the contract with an Arizona Company for Solid Waste Services and stated that he was concerned that he had not received a response to his request in almost two weeks. He noted that there had been a great amount of violence in Arizona and that San Antonio would also experience violence. He provided information regarding an individual that was killed when attacked by 20 US Border Patrol Agents.

Marco Antonio Lopez stated that he was a resident of the Hills of Rivermist and that the homeowners were still incurring problems with the failed retaining wall. He referenced articles from the City's website regarding stabilization of the retaining wall. He stated that rebuilding the wall was not the final solution and expressed concern that the real problem was not being addressed. He added that the homeowners deserved respect and expressed concern that the homes could not be re-sold.

Rhett Smith thanked the Councilmembers that were present and asked that everyone take a moment to reflect on the legacy that will be left for others. He spoke of the importance of human and civil rights and mentioned that he had been in Austin for the Texas State Board of Education Hearing. He expressed concern with the inclusion of Jefferson Davis, Stonewall Jackson, and others in Texas History Books and asked that prejudice and discrimination be denounced.

Damon Mason stated that he was frustrated and disappointed with the Draft Environmental Assessment provided by VIA. He spoke of issues with the transit system and noted that storm runoff had seeped into his sneakers.

Faris Hodge, Jr. expressed his condolences to Councilmember Taylor on the loss of her grandmother. He stated that the Express News could not rate Councilmember Clamp and that the Pope called on Catholics not to cast stones. He expressed concern that the City Council Chambers was unsafe as it did not have a sprinkler system. He stated that individuals should be able to decide what to purchase from vending machines and requested that the Alamodome be renamed after him. He expressed support for Hardberger Park. He asked how CPS Energy bills would decrease. He also asked why the bicycle helmet law was not being enforced by the Police Department. He added that he was pleased that all city employees will be tested for drugs and alcohol if they are involved in an accident on city time.

Maribel Herмосillo stated that she was a student at UTSA and spoke of the move for the city toward sustainable energy. She urged the Council not to invest in dangerous energy such as that of Age Refinery. She spoke of the many accidents that have occurred at the refinery and noted that the side effects due to spillage are detrimental to the air and environment. She reported that the Texas Commission on Environmental Quality had filed violations against the refinery but nothing has been done to ensure the safety of those that live nearby.

James Dominique stated that he was from Louisiana and asked that the City Council help address the problems they are facing due to the oil spill in the Gulf. He noted that San Antonio would be indirectly impacted by the spill and thanked the City Council for the opportunity to speak.

Marisol Cortez stated that she had conducted outreach for the Casa Verde Weatherization Program and that there had been a great amount of interest in the program. She asked that the City Council identify additional funding for the program. She noted that the City Council had asked CPS Energy to make assistance programs more accessible and should be held accountable to follow through. She expressed concern with an individual that had not been able to receive the program assistance and asked that the Council ensure that the programs be made accessible to those that need them.

Raymond Zavala stated that he was disappointed that he had not been notified of the brush pickup that was occurring in his neighborhood. He expressed concern with Code Compliance because they had not addressed issues with campaign signage which has not been removed. He stated that he was still waiting for an itemized CPS Energy Budget and expressed concern with the increases to electric and gas services. He also mentioned the street sweeping that had occurred in his neighborhood on a Sunday night. He spoke of the residents of the Hills of Rivermist and asked that the City Council assist the homeowners. He stated that he had sent proposed ordinances to the City Council and only Councilmember Lopez had responded. He asked why Councilmembers had not attended the Mario Farias Memorial Day Basketball Tournament. Lastly, he wished all fathers a Happy Father's Day.

Jesus Figueroa stated that he was a student at Palo Alto College and spoke of two critical issues. He expressed concern with the anti immigration law passed in Arizona and asked that the City Council take action against the law. He noted that he was a native of the area and that it was important to protect the land. He referenced the refinery fire, gulf oil spill, and many dangers throughout the state and added that the area near Kelly Air Force Base was contaminated.

**ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 6:57 pm.

**APPROVED**



**JULIÁN CASTRO  
MAYOR**

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