

**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 16, 2010 AND THURSDAY, JUNE 17, 2010, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **June 16, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Clamp, and Mayor Castro. **ABSENT:** Cortez and Chan. Mrs. Vacek noted that Councilmember Chan was out of the country.

**1. PRESENTATION OF PROPOSED ADJUSTMENTS TO SAWS RATES AND THE RATE STRUCTURE.**

Robert Puente, San Antonio Water System (SAWS) CEO spoke of the public process that had been utilized regarding the proposed rate structure and increase and noted that 143 meetings had been held throughout the community. He stated that the rate structure would send a price signal to customers to encourage water conservation and most residential bills would realize a cost savings. He reported that with the rate increase, SAWS would be able to meet their infrastructure needs for water and sewer services in 2011. Doug Evanson, SAWS CFO outlined the proposal adjustments and stated that the rate structure remains revenue neutral. He spoke of Adjustment 1 for the Irrigation Class in which Block 3 would begin at 17,205 gallons and Block 3 rates would slightly increase. He reported that Adjustment 2 to the Seasonal Period would incorporate five months (May through September) instead of the proposed six months and that seasonal rates were slightly higher than proposed in the top two blocks. He added that in regard to the rate increase, there would be no increase in recycled water rates.

Mr. Evanson stated that through the rate structure and increase, high water use would be discouraged and water conservation efforts would be rewarded. He noted that the Water Supply Fee would be tiered for Residential and Irrigation customers. He added that during the next rate structure review, SAWS would study the feasibility of a multi-family rate. Lastly, he mentioned that the rate structure and increase would be implemented on November 1, 2010. Mr. Puente referenced the impact of the rate increase to very low end water users of 2,200 gallons or less per month and noted that the SAWS Affordability Discount Program would be increased and available to those that need assistance. Mr. Puente continued by stating that even after implementing both proposals, the average bill would be among the lowest in the State. As requested by Councilmember Clamp, he provided the cost per acre-foot for current and future water supply projects and a budget comparison for FY 2005 and FY 2011.

Ben Gorzell, Finance Director presented city staff recommendations regarding the proposed rate structure and increase. He stated that the Public Utilities Office had conducted a comprehensive review of SAWS that included revenue requirements, proposed Capital Plan, and the Operating and Maintenance Budget (O&M). He outlined the 2011-2015 SAWS Capital Budget totaling \$1.5 billion. He explained that the increase in the O&M Budget from 2010 to 2011 was due to increases in dependent and retiree medical coverage, performance pay of 2.5% effective April 1, 2011, and street repair fees and permits. He spoke of the rate plan and provided 5-Year Projected Rates.

Mr. Gorzell reported that the SAWS Board of Trustees had adopted a policy in which rate studies are performed every five years. He explained that the Rates Advisory Committee had been implemented to assist in the selection of a Rate Study Consultant and had reviewed, discussed, and analyzed the SAWS proposals. He stated that through the rate increase effective November 1, 2010, the city would realize a net positive fiscal impact of \$305,100 with an annual net impact for 12 months of \$332,800. Lastly, he recommended that periodic updates be provided to the City Council and could be accomplished through the monthly utility briefings.

Councilmember Williams spoke of the various classes relative to the proposed Irrigation Rate Structure and stated that there are some irrigation requirements to keep businesses looking attractive. He asked if residential customers were subsidizing commercial customers. Mr. Evanson confirmed that residential customers would not subsidize commercial customers. He asked and confirmed that the seasonal rates would not affect the very low end user. He asked that city staff keep the City Council informed of the progress. Councilmember Ramos asked of the commercial customers that would be most affected by the Irrigation Rate Structure. Mr. Puente stated that 57 customers would be most impacted but had reached a compromise with the customers in the middle that would not be greatly impacted. Councilmember Ramos asked of the effective date of the proposed rate increase. Mr. Puente replied that it would be effective on November 1, 2010. Councilmember Ramos noted that the city receives 2.7% of gross revenues from SAWS and would like to receive the full 5% of gross revenues. Mr. Gorzell stated that staff would review that option.

Councilmember Medina asked of the very low end water users. Mr. Puente responded that the rate structure would help them lower their bill but they would be impacted due to the sewer increase. He explained that if they used 5,000 gallons or more per month, their rate would decrease. He added that they have programs in place to provide assistance to those in need. Mr. Evanson added that the sewer service availability charge was increasing by \$0.92 cents for all customers. Mr. Puente added that the SAWS Budget included a 6% increase in their affordability program. Councilmember Medina spoke of the importance of outreach to the individuals that are eligible for assistance programs. Councilmember Rodriguez recognized SAWS for their great work on the proposed rate increase. Mr. Puente in turn thanked SAWS Staff for their work. Councilmember Rodriguez asked of the customers that utilize recycled water. Mr. Puente noted that there are 53 customers that use recycled water and have the capacity for more. Councilmember Rodriguez spoke of the importance of a plan for capital project spending due to the great investment of ratepayers. He asked of coordination in terms of drought policy relative to other counties in the area. Mr. Puente noted that there is coordination with other entities and that the drought measure was implemented by the Legislature and directed by the Edwards Aquifer Authority. He added that they will have a year to plan and coordinate, as he did not believe they would have to enforce drought restrictions this year.

Councilmember Clamp referenced the water supply projects on Slide 12 and asked of the number of acre-feet received to date. Mr. Evanson replied that they have purchased a total of 60,000 acre-feet of water. Councilmember Clamp confirmed that \$550,000,000 had been spent on 60,000 acre-feet of water. He asked of the minimum water requirements for lots. Mr. Evanson stated that SAWS did not have minimum water requirements. Karen Guz of SAWS stated that they provide landscape irrigation recommendations to ratepayers with a ¼-acre lot and larger. Mr. Evanson affirmed that the average residential customer (2/3<sup>rd</sup> of bills) will realize a decrease in their water bills that equates to \$800,000 in savings per year. Councilmember Clamp stated that it was important for SAWS Staff to work closely with the City Council on future rate increases.

Councilmember Cisneros thanked SAWS for the affordable programs available to residents and spoke of the importance of power and water. She stated that this was a good plan to encourage water conservation and looked forward to discussing it further at tomorrow's City Council Meeting. Councilmember Taylor thanked SAWS Staff for their work on the rate structure and increase. She stated that she was comfortable with the rate structure and asked that SAWS continue to educate the community regarding the assistance programs available. She asked that all be mindful of their water usage in an effort to reduce the need for future rate increases. Councilmember Lopez stated that there was a great amount of interest regarding the capital investment and asked that SAWS continue to educate the community on same.

## **2. PRESENTATION OF PROPOSED AMENDMENTS TO CHAPTER 28 OF THE CITY CODE TO ESTABLISH STANDARDS FOR DIGITAL ON-PREMISES SIGNS.**

Rod Sanchez, Planning and Development Services Director stated that the current on-premise sign ordinance adopted in 1994 adheres to performance-based standards dependent on zoning and street classification. He noted that it was applicable in the city and extra-territorial jurisdiction (ETJ) and did not address the use of digital or light-emitting diode (LED) technology. He explained that there are special districts in which digital signage is restricted or prohibited. He outlined the members that participated in the Sign Stakeholder Committee and stated that they had agreed to address: brightness; use of full motion video; use flashing, strobing or scrolling text; spacing; and use of sound.

Mr. Sanchez reported that the Committee recommendations had been presented in a public meeting and posted online. He stated that the Committee, Zoning Commission, and Staff recommended approval of the proposed digital display standards: 1) Limit brightness to 0.3 foot-candle over ambient and 0.2 foot-candle from residential property lines; 2) Prohibit full motion video for signs over 32 square feet; 3) Prohibit use of sound and scrolling line-travel text; 4) Limit sign placement to one digital sign per frontage per tenant; 5) Require shut off in case of failure; and 6) Require digital displays lawfully in existence to conform to the provisions within one year of adoption with the exemption of those signs in which the new technology would not work.

Mayor Castro thanked staff for their work on digital signage and recognized Councilmember Clamp on said issue. Councilmember Clamp also thanked staff for their work and stated that he was pleased with the recommendations. Councilmember Lopez spoke of the digital signs on the side of large businesses that he had seen in China and asked if those were addressed by the ordinance. Mr. Sanchez responded that they were covered by the ordinance.

It was noted that said recommendations would be presented to the City Council on June 24, 2010.

### **EXECUTIVE SESSION**

Mayor Castro recessed the meeting at 3:59 pm to convene in Executive Session for the purposes of:

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

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

Mayor Castro reconvened the meeting at 4:51 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 4:51 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **June 17, 2010** at 9:00 am in the City Council Chambers.

**ROLL CALL**

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** None.

**Item 1.** The Invocation was delivered by Rev. Dr. Robert L. Jemerson, Pastor, Second Baptist Church, guest of Councilmember Ivy R. Taylor, District 2.

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

**POINT OF PERSONAL PRIVILEGE**

Mayor Castro wished Councilmember Taylor a Happy Birthday.

**Item 3. MINUTES**

Councilmember Cisneros moved to approve the Minutes for the May 20, 2010 City Council Meeting. Councilmember Rodriguez seconded the motion.

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

**ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2010-06-17-0531**

Item 4. A PUBLIC HEARING AND CONSIDERATION OF THE PROPOSED NEW SBEDA ORDINANCE, WHICH ADDRESSES DISPARITIES IN CONTRACTING WITH SMALL, MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES (SMWBES) AS EVIDENCED BY THE CITY'S 2009 DISPARITY STUDY, ITS 2010 UPDATE, AS WELL AS RELATED PUBLIC COMMENT; AND REPEALING CERTAIN PROVISIONS OF THE CITY CODE.

Rene Dominguez, Director of the International and Economic Development Department stated that the new Small Business Economic Development Advocacy (SBEDA) Ordinance would be enhanced through implementation of the Central Vendor Registration (CVR), a mandatory, annual on-line registration system for perspective vendors. He noted that it would be functional within three months of the effective date of the Ordinance and would provide an up-to-date availability pool. He spoke of the Goal Setting Committees that would establish aspirational benchmark and contract specific goals, as well as review solicitations to determine application of Affirmative Procurement Initiatives (APIs). He mentioned that for the first year following the effective date of the Ordinance, the Goal Setting Committees' ex-officio members would provide a quarterly report on the goal-setting process to the Small Business Advocacy Committee (SBAC). The SBAC will in turn report to the City Council.

Mr. Dominguez added that APIs were a variety of race-neutral and race-conscious tools and programs to promote the participation of small businesses. He noted that Capacity Building Initiatives include Emerging Small Business Enterprise (ESBE) Certification and implementation of the mentor-protégé and bonding assistance programs. He reported that to qualify for incentives of the new program, Small Minority Women Business Enterprises (SMWBE) must be headquartered or have a significant business presence for at least one year within the Relevant Marketplace. He stated that staff recommended approval of the Ordinance amending the current SBEDA Program and establishing a comprehensive economic inclusion program to encourage the full and equitable use and development of SMWBEs in the marketplace.

Mayor Castro opened the Public Hearing and called upon those registered to speak.

Nazirite Ruben Flores Perez spoke in support of small businesses and stated that it was important to monitor the businesses receiving contracts. He noted that he would like to continue discussion regarding the Texas Commission on Environmental Quality fees assessed by the San Antonio Water System (SAWS).

Ramiro A. Cavazos, representing the Hispanic Chamber of Commerce stated that they were in support of the ordinance and pleased to steer the aspirational goals of 30% of contracts being awarded to SMWBEs. He noted that they had three recommendations to enhance the ordinance which included the ability for SBAC Members serving on the Goal Setting Committees to vote. Additionally, they would like for categories to be tracked where there has been utilization to meet availability. Lastly, they recommend that the city establish an office of Small Business Advocacy.

Gloria Andrade Merrell, Chair of the SBAC addressed the City Council and introduced SBAC Members in attendance: Alvaro Rodriguez, Alejandro Calderon, and Alvaro Saenz. She stated that the SBAC had conducted a public hearing in regard to the proposed ordinance and that the SBAC was in favor. She added that on a personal note, she was in support of the new reporting process and of the recommendation that SBAC Members serving on the Goal Setting Committees be considered ex-officio, non-voting members.

Fernando Camarillo, Chair of the Professional Engineers in Private Practice in Bexar County stated that they continue to support the city's ongoing program to identify disparities in the selection of architects and engineering firms. He noted that they are in favor of the ordinance in the areas of tracking compliance with the program and the emphasis on significant business presence and commercially useful function qualifications for SMWBE consultants. He expressed concern that the new ordinance

would eliminate a section of the current selection process that gives advantage to local headquartered firms or firms that have significant local presence. He suggested that the City Council adopt additional guidelines to be utilized in the selection process of engineering and architectural services.

Ralph Velasquez with San Antonio Craftsmen stated that he was in support of the ordinance but expressed concern with the Disparity Study. He noted that the facts were flawed and that the methodology was incorrect because only those businesses that perform work for the city were included.

Former Councilmember Walter Martinez spoke in support of the ordinance and stated that he had served on the City Council when a proposal was brought forth to set goals for small, minority, women-owned businesses contracting with the city. He commended the individuals that worked on the ordinance and stated that many small businesses would benefit from the ordinance.

Former Councilmember Richard Perez, President of the Greater San Antonio Chamber of Commerce stated that they were in support of the ordinance but had several recommendations. He expressed concern that the subcontractors in the engineering and architectural fields were not being counted and should be reviewed in the future. He mentioned that the process for certifying a SMWBE was cumbersome and should be as seamless as possible. Lastly, he asked that there be due diligence in verifying local businesses.

Maria Monita with the Minority Association of Contractors stated that there was a need for a SBEDA Ordinance but expressed concern with the construction industry. She noted that the data in the study was flawed in that it found that Hispanic-owned construction subcontractors were being over utilized. She requested that the ordinance be revisited in one year utilizing better data with first, second and third tier subcontractors.

Iris Luna with Proficient Constructors stated that she was not in support of the ordinance because the data being utilized was flawed.

Salvadore Diaz with Summertime Construction requested that an ordinance be adopted that helps small businesses and does not hinder them. He spoke of the tax breaks that are provided to large corporations that locate in San Antonio and the construction work that minorities perform for these businesses. He expressed concern that many small, minority-owned businesses have not been paid for services they provided on large developments throughout the city.

Councilmember Cortez asked about the CVR System. Mr. Dominguez replied that it will allow the city to build the availability pool and notify registrants of contracting opportunities. He noted that it would help staff build aspirational goals and was a benchmark area that could be adjusted on an annual basis. Councilmember Cortez asked about the review process. Mr. Dominguez stated that the goal review would be conducted annually and that the ordinance would be modified in the next four years when the next Disparity Study was conducted. He added that quarterly updates would be provided to the City Council. Councilmember Cortez asked of the SBAC Members serving on the Goal Setting Committees. Mr. Dominguez stated that the members would serve as ex-officio, non-voting members. Councilmember Cortez asked of the impact of allowing SBAC Members to vote. City Attorney Michael Bernard stated that as a voting member, the board member would be considered more than advisory in nature and would be prohibited in contracting with the city.

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

Councilmember Ramos asked when the Ordinance was first adopted. Mr. Dominguez stated that it was adopted in 1989. Councilmember Ramos noted that the ordinance is being revised 13 years later and asked of the effective date of said ordinance. Mr. Dominguez stated that the effective date is January 1, 2011. Councilmember Ramos asked of the number of members that serve on the SBAC and the number of contracts they review. Mr. Dominguez responded that there are 11 members on the SBAC and 600 formal contracts are reviewed.

Councilmember Ramos made a friendly amendment to take the Goal Setting Committee portion of the item to the Economic and Community and Development Council Committee (ECDC) in August for further review. Councilmember Cortez asked that Council discussion continue before accepting the friendly amendment.

Mayor Castro stated that the voting and non-voting issue needs to be set right from the beginning and asked staff to analyze it further. He recommended that the Goal Setting Committee portion of the ordinance be brought back to the City Council in mid-August. Councilmember Lopez asked of the possibility of revising policies. Mr. Dominguez stated that at the procedural level, the process is ongoing and changes could be made immediately. He noted that after the next Disparity Study is completed in four years, tools could be added or deleted based on their effectiveness. He added that aspirational goals could be revised on an annual basis. Councilmember Lopez asked of the Mentor/Protégé Program. Mr. Dominguez stated that they have already applied a mentor/protégé tool to those that have expressed an interest. He added that they would be establishing workgroups and further framework for the program by early next year.

Councilmember Taylor stated that the ordinance revisions were long overdue and was pleased with the implementation of the CVR. She asked of other cities' practices regarding the Goal Setting Committees. Mr. Dominguez replied that they had conducted extensive research and had not found any community members serving on Goal Setting Committees. Councilmember Taylor stated that she looked forward to providing access and support to small businesses. She also mentioned the African American goal and volunteered to help in order to achieve the goal. Councilmember Chan congratulated Rene Dominguez for his recent promotion to the position of Director and asked of the contracts that would be reviewed by the Goal Setting Committees. Mr. Dominguez confirmed that they would review all formal contracts with a value of \$50,000 or greater. Councilmember Cisneros thanked staff for their work on said program and agreed with the friendly amendment to send the Goal Setting Committee portion to the ECDC. She requested that there be adequate staff to ensure appropriate oversight of the program. Ms. Sculley stated that three staff would be dedicated to said effort.

Councilmember Clamp asked for additional information regarding the Goal Setting Committees and quarterly reporting process. Mr. Dominguez stated that the Committees can recommend changes to the policies and procedures and aspirational goals during the year but adjustments to the program would take place every four years. Councilmember Clamp asked if the four-year timeline was flexible. Mr. Dominguez replied that they needed four years to compile data but could be flexible if the Council desired. Ms. Sculley added that there will be opportunity during the year to review and revise the aspirational goals and that quarterly progress reports would be provided to the Council. Councilmember Clamp asked if the quarterly reports would include information on prime contractors and sub-

contractors. Mr. Dominguez stated that it would depend on the tool and that there would opportunities to encourage the use of SMWBEs at the prime and subcontracting levels. He added that the CVR would allow staff to track subcontracting data and ensure that there is sufficient outreach. Staffing was discussed and Mr. Dominguez reported that two staff members will be re-directed to said program while one new position would be hired. Councilmember Clamp noted that the Goal Setting Committees were very important and is in favor of sending that portion of the ordinance to the ECDC.

Councilmember Rodriguez stated that the city should continue to have aspirational goals to ensure the most diverse contracting process possible. He asked of the businesses that no longer qualified as small businesses. Mr. Dominguez replied that they intended to utilize the Regional Certification Agency to certify small businesses and that the intent of the ordinance was to help SMWBEs. He stated that those businesses that exceeded the Small Business Administration (SBA) size standards would indicate that there are no longer barriers to their success. Councilmember Rodriguez confirmed that in the professional services category, small businesses were defined based on revenues. Mr. Dominguez noted that businesses that fall below the SBA threshold had a one-time opportunity to re-enter the program and be recertified as a small business. Councilmember Rodriguez asked of the impact to agencies that receive City Funds. Mr. Dominguez stated that it would depend on the Goal Setting Committee and the scope of the project. Councilmember Medina stated that he is truly excited about the ordinance and thanked everyone involved in the process. He asked of the segmented minority, women business enterprise goal. Mr. Dominguez responded that based on race neutral goals, about 80% of small, minority women-owned businesses are captured within the SBE Category which refers to race neutral. He noted that if they were not achieving the desired success, race conscious goals could be applied that would include all races and genders.

Mayor Castro mentioned Former Councilmember Martinez's comment that San Antonio has made progress since the first ordinance was passed in 1989 but there is still work to be done. He spoke of the importance of the CVR that would enhance the city's ability to reach out in a positive way and allow small businesses to grow into prime contractors. He added that the Council should take time to look at the composition of the Goal Setting Committee until August after it goes through the ECDC. He noted that the methodology was not specific with respect to minority, female-owned businesses and should be tracked in the future. He mentioned that instead of waiting four years; the Council should review the program after two years. He thanked the small business owners that addressed the Council today and stated that the purpose of this ordinance is to extend opportunities to small businesses.

Councilmember Cortez stated that he did support the friendly amendment to revisit the composition of the Goal Setting Committee which will be referred to the ECDC in August.

Mayor Castro closed the Public Hearing.

Councilmember Cortez moved to adopt the proposed Ordinance with a friendly amendment by Councilmember Ramos to look into the composition of the Goal Setting Committee which will be referred to the Economic and Community Development Council Committee for review in August. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

**2010-06-17-0532**

Item 5. AN ORDINANCE AUTHORIZING THE SAN ANTONIO WATER SYSTEM TO INCREASE OVERALL RATES BY 6.5 PERCENT AFFECTING ALL WATER DELIVERY, WATER SUPPLY, WASTEWATER, AND RECYCLED WATER RATE CLASSES; IMPLEMENTATION OF RATE DESIGN ADJUSTMENTS TO THE STRUCTURE OF THE RESIDENTIAL, GENERAL, WHOLESALE AND IRRIGATION WATER DELIVERY AND WATER SUPPLY RATES; AND TARIFF AMENDMENTS TO CHAPTER 34 OF THE SAN ANTONIO CITY CODE TO IMPLEMENT THE RATE INCREASE AND RATE DESIGN ADJUSTMENTS.

Ben Gorzell, Finance Director stated that staff recommended approval of the base rate adjustments that equate to a system increase of 6.5% and the rate design adjustments as presented by San Antonio Water System (SAWS).

Robert Puente, SAWS CEO stated that SAWS' Mission was to provide sustainable and affordable water service. He noted that they had worked with the business community to develop a new proposed irrigation rate structure that was supported by the Greater San Antonio Chamber of Commerce. He stated that SAWS was requesting a 6.5% rate increase and average bills would realize a decrease.

Nazirite Ruben Flores Perez spoke in opposition to the SAWS rate increase.

Ramiro A. Cavazos, representing the Hispanic Chamber of Commerce stated that they were in support of the SAWS revised rate structure as it would incentivize lower water usage, establish a tiered water rate structure, and extend summer seasonal rates by two months.

Jack M. Finger spoke in opposition to the SAWS rate increase and noted that SAWS had previously requested a rate increase to address the same issues. He expressed concern with the projected future rate increases.

Mike Harris with the San Antonio Manufacturing Association (SAMA) stated that he had served as a member of the Rate Advisory Committee and understood the complexity and magnitude of providing water to the community. He noted that while rate increases were difficult to support, they were necessary to maintain infrastructure and acquire new water supplies. He mentioned that those that utilize a high amount of water for irrigation purposes will have time to develop conservation plans that will reduce water consumption. He added that SAMA was in support of the SAWS rate increase and revised rate structure.

Leon Thomas addressed the City Council in opposition to the SAWS rate increase, noting the challenging economic conditions. He expressed concern with the funds invested in the Lower Colorado River Authority Project and the fact that SAWS had not received any water from the project. He stated that there should be more accountability from SAWS.

Vincent Rydzak expressed concern that SAWS ratepayers that save water would be penalized under the current proposals. He stated that the problem is the availability charge (fixed costs) as opposed to the variable costs. He noted that individuals should be encouraged to conserve and that ratepayers should pay maintenance costs commensurate with their use.

Former Councilmember Richard Perez with the Greater San Antonio Chamber of Commerce stated that they had reached a good compromise with SAWS as it related to commercial irrigation customers.

Cecilia Castellano addressed the City Council and spoke in opposition to the SAWS rate increase. She stated that they had spent \$45,000 fixing up her mother-in-law's home and just recently, the house flooded again with sewage. She noted that her plumbing was not up to date and asked that SAWS look into a program to help others with the same issue. She requested Councilmember Cortez's support.

Jerry Morrissey representing the Alamo Group of the Sierra Club stated that they were in support of the SAWS revised rate structure and rate increase. He noted that he had been following water issues in San Antonio for over 20 years and spoke of the importance of water conservation. He expressed concern that the water supply fee was too high for low end users.

Mrs. Vacek read written testimony from Loretta Van Coppenolle, Chair of the Alamo Group of the Sierra Club. Ms. Coppenolle wrote that they endorse the SAWS rate increase and rate structure as an effective means of conserving water. She stated that the intent of the proposals was to deter overuse of the region's most precious natural resource that does not grow as the population grows. She wrote that proposals for purchase of water rights in other areas and desalination methods are costly and involve the loss of water for other entities. She urged the City Council to vote in support of the SAWS rate increase and rate structure in the best interest of the community.

Written Testimony was also received from E. Duane Wilson, President and CEO of the North Chamber that stated that they unanimously endorse the plan proposed by SAWS as an additional conservation effort. They support a 6.5% increase for 2011 to maintain aging infrastructure and acquire new water supplies and the assistance that will be provided to small and medium size businesses during the hottest summer months.

Mayor Castro thanked SAWS Representatives for vetting their proposal throughout the community and working with the City Council. He stated that the rate structure sends the right price signals to encourage water conservation. He noted that the rate increase was required to meet the infrastructure needs of the community and ensure adequate water supply for the future. Councilmember Williams stated that the proposals had been discussed at length with the community and thanked SAWS for their efforts. He noted that the implemented structures would be reviewed on a monthly basis to ensure that they are meeting objectives. Councilmember Cortez also thanked SAWS Representatives for their efforts. He asked of the impact of the rate increases to senior citizens. Mr. Puente replied that it was not an impact to senior citizens. He noted that there were affordability programs in place to assist individuals in paying their water bills. Councilmember Cortez asked of the status of the issue raised by Ms. Castellano. Greg Flores of SAWS stated that they had been responsive to her initial requests by providing financial assistance, home cleaning, and mold remediation. He added that they had not been made aware of her most recent concern and that she had since hired an attorney. Councilmember Cortez thanked SAWS for their responsiveness and working with the community.

Councilmember Ramos thanked SAWS Representatives for their efforts and bringing forward the rate increase and rate structure concurrently. She noted that she made mention during B Session that SAWS should increase their contribution to the city to 5% from the current 2.7% and possibly minimize the need for additional rate increases. She thanked SAWS for their support and due diligence.

Councilmember Cisneros thanked SAWS for implementing a rate structure consistent with the principles of the Mission Verde Plan. She referenced Slide 7 to show that the average residential bill would decrease. Councilmember Medina asked of the number of customers utilizing the Affordability Program. Doug Evans of SAWS stated that 20,000 customers participate in the Affordability Program. Councilmember Medina requested that SAWS continue to provide information regarding the assistance programs to the Senior Nutrition Centers.

Councilmember Clamp expressed concern with the growing debt structure and projected future rate increases. He stated that SAWS should look at a different model because the rate increases of 7% every year are too high for customers. He expressed the need for discussion regarding the water supply fee and noted that his vote would be a vote of caution. Councilmember Chan thanked SAWS Staff for keeping her involved while she was out of the country and spoke of the importance of water conservation. She expressed support for the SAWS proposals. Councilmember Taylor also thanked SAWS Staff for being available to answer questions during the District 2 Hearings. She noted that there are programs available for those that are struggling to pay their water bills and expressed support for the rate increase and rate structure.

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

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

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

Mayor Castro recognized Ms. Sculley as she announced that Assistant Finance Director Bill Mattox had accepted the position of General Manager of the New Albany Light, Gas and Water Utility in Mississippi. She thanked him for his five years of service to the City of San Antonio.

At this time, Item 31 was addressed.

The City Clerk read the following Ordinance:

#### **2010-06-17-0560**

Item 31. AN ORDINANCE APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM GRANT AGREEMENT WITH THE SAN ANTONIO ECONOMIC DEVELOPMENT CORPORATION (SAEDC), APPROPRIATING \$2.5 MILLION IN FUNDING TO THE SAEDC AND AUTHORIZING THE SAEDC TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT WITH INCUBE LABS, LLC.

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

Mr. Finger spoke in opposition to the six-year lease agreement with The Hertz Corporation in Item 13, noting that there was a conflict of interest due to campaign finance contributions. He stated that he was opposed to the grant award for the English Literacy and Civics Education Project in Item 19 because the funds were provided by taxpayers. He also spoke against the grant that would be provided to Incube Labs, LLC in Item 31.

Councilmember Cisneros thanked Mayor Castro and Ms. Sculley for putting the package together for Incube Labs, LLC.

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

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

### **RECESSED**

Mayor Castro recessed the meeting at 12:21 pm to break for lunch and noted that the meeting would resume at 2:00 pm.

### **RECONVENED**

Mayor Castro reconvened the meeting at 2:05 pm and addressed the Consent Agenda.

### **CONSENT AGENDA ITEMS 6-42**

Consent Agenda Items 9, 10, 12A, 12B, 12C, 12D, 15, 28, 31, 32C, 34, and 38 were pulled for Individual Consideration. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Ramos seconded the motion.

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

Gilbert Piette, Executive Director of Housing and Community Services spoke in favor of the Montebella Pointe Apartments Project in Item 37. He stated that it was an affordable housing project being developed specifically for Disabled Veterans and their families. He recognized Councilmember Taylor for her support.

John Bachman stated that he was the Co-Executive Director of Voices for Animals and had served on the Focus Group that had reviewed the City Code Amendments in Item 25. He mentioned that the review process was too rushed and asked that a vote be delayed until the Fall. He asked that three recommendations be considered if a vote was taken today: 1) Animal shelters and sanctuaries must be defined and regulated with a permit required; 2) Section 5.5 must be revised to read, "It shall be unlawful for any person to wound or kill any animal whether wild or domestic, in any public place within the city"; and 3) Section 5-159 should read: "The Director may sell unclaimed livestock, domestic fowl, or exotic animals found running free of restraint or impounded by public auction to the highest bidder for cash after notice of the auction is posted on a public bulletin board where other public notices are posted for the city, only after attempts have been made to place the animals within non-profit sanctuaries or adopted to qualified individuals and failed."

Mrs. Vacek read written testimony from Diane Lang, Chair of the Citizens' Environmental Advisory Committee on Item 40. Ms. Lang wrote that the Tree Mitigation Fund was instituted to replace trees removed during development with fees collected in the process and the fund is now repurposed for other

uses in that same Tree Ordinance. She wrote that City Council had dedicated up to \$1.4 million to plant 9,000 trees in the next 12 months and authorized more than \$300,000 for digital imaging of the tree canopy. She expressed concern that there were 35 identified oak wilt sites in San Antonio yet the funds were only being allocated to one subdivision. Lastly, she wrote that the Citizens' Environmental Advisory Committee recommends that the Tree Mitigation Fund focus on planting trees and not be diverted to another operation such as oak wilt remediation since that is not the purpose of the fund.

Rollette Schrekenghost, President of the San Antonio Conservation Society addressed the City Council and expressed concern with the Bike Share Program in Item 32C. She stated that some of the proposed locations for the program included important historic landmarks and they were concerned with the potential visual clutter and commercial exploitation. She noted that the city's support of the bicycle program was a noble cause but should be directed to non-historic areas.

Mona Thaxton stated that she serves on the Animal Care Advisory Board and spoke in support of the amendments to Chapter 5 of the City Code in Item 25. She noted that the emphasis was on enforcement and that the city must deal with the issue of stray animals and move toward a No-Kill Initiative.

Written testimony was submitted by Aeriana Bozarth-Weston in opposition to Item 25, the amendment of Chapter 5 of the City Code entitled "Animals." She wrote that she was discouraged that the Animal Care Services (ACS) Department was addressing dogs within yards, noting that dogs instinctively bark at anyone outside their fence to announce their presence. She wrote that if the ordinance was approved, 98% of dogs would be classified as Level 1 Aggressive. She expressed concern that ACS allows dogs to roam the streets and does not enforce the leash laws. She requested that the vote on said item be postponed in an effort to address outstanding issues.

Written testimony was received from Mary Beth Duerler, Volunteer Executive Director of Responsible Pet Owners Alliance, Inc. She wrote that they appreciate the positive changes that have been made in the Chapter 5 Animal Ordinance Revisions; specifically, the removal of the Intact Dog Permit that mandated that all dogs be sterilized by six months of age. She expressed concern that ACS is not addressing public health and safety issues including Rabies, or enforcing the Leash Law. She wrote that many individuals in opposition to the ordinance were not in attendance due to fear of retaliation. Lastly, she added that the city should rethink the goal of becoming a No Kill Community by 2012 if it continues to place pressure on ACS Directors to meet the quota of not accepting animals at the ACS Facility or picking them up off the streets.

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

Councilmember Cortez recognized District 4 Board Appointees Dr. Anthony Rogers, Affirmative Action Advisory Committee, and August Stephen Johnson, Ethics Review Board and thanked them for their service.

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

**2010-06-17-0533**

Item 6. AN ORDINANCE ACCEPTING THE BID FROM CTR SYSTEMS, INC. FOR THE PURCHASE OF A PARKING REVENUE CONTROL SYSTEM TO INCLUDE DESIGN, INSTALLATION, IMPLEMENTATION, SPARE PARTS, TRAINING AND MAINTENANCE FOR THE DOWNTOWN OPERATIONS DEPARTMENT LOCATED IN COUNCIL DISTRICT 1 FOR UP TO \$2,950,000.00, FUNDED BY THE PARKING REPAIR AND REPLACEMENT FUND.

**2010-06-17-0534**

Item 7. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A STATE COOPERATIVE CONTRACT WITH STARLIMS-INTEGRATED LABORATORY INFORMATION MANAGEMENT SYSTEM FOR THE PURCHASE OF SOFTWARE, INSTALLATION, TRAINING, MAINTENANCE AND SUPPORT FOR THE METRO HEALTH DISTRICT FOR UP TO \$208,000.00, FUNDED BY THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES CONTRACT PREVIOUSLY APPROVED BY CITY COUNCIL.

**2010-06-17-0535**

Item 8. AN ORDINANCE AUTHORIZING THE PURCHASE OF ADDITIONAL FUNCTIONALITY FROM TYLER TECHNOLOGIES, INC., FOR THE SAN ANTONIO MUNICIPAL COURT CASE MANAGEMENT SYSTEM FOR A COST UP TO \$304,000.00, AVAILABLE FROM THE MUNICIPAL COURT TECHNOLOGY FUND.

**2010-06-17-0538**

Item 11. AN ORDINANCE SELECTING LYDA SWINERTON BUILDERS, INC. AND AUTHORIZING A DESIGN-BUILD AGREEMENT UP TO \$1,503,523.56 FOR PROFESSIONAL SERVICES AND CONSTRUCTION FOR SOLAR ARRAY SYSTEM INSTALLATION AND ELECTRIC CAR CHARGING STATIONS PROJECTS AT THE SAN ANTONIO INTERNATIONAL AIRPORT, AN AMERICAN RECOVERY AND REINVESTMENT ACT PROJECT INCLUDED WITHIN THE CITY'S APPROVED ENERGY EFFICIENCY BLOCK GRANT FUNDED THROUGH THE U.S. DEPARTMENT OF ENERGY.

**2010-06-17-0543**

Item 13. AN ORDINANCE AUTHORIZING A SIX-YEAR LEASE AGREEMENT BEGINNING JANUARY 1, 2007, WITH THE HERTZ CORPORATION FOR BUILDING AND GROUND SPACE AT THE SAN ANTONIO INTERNATIONAL AIRPORT LOCATED IN COUNCIL DISTRICT 9.

**2010-06-17-0544**

Item 14. AN ORDINANCE AUTHORIZING A 10-YEAR LICENSE AGREEMENT TO SAT HOUSTON STREET LLC TO USE SIDEWALK SPACE IN THE PUBLIC RIGHT OF WAY ON EAST HOUSTON FOR A GUEST AND VALET DROP OFF AREA TO COMPLEMENT A PLANNED NEW HOTEL, LOCATED IN COUNCIL DISTRICT 1.

**2010-06-17-0546**

Item 16. AN ORDINANCE AMENDING THE RIO SAN ANTONIO CRUISES RIVER BARGE CONCESSION CONTRACT, TO PERMIT RIO SAN ANTONIO CRUISES, LTD TO LEASE OFFICE SPACE AT THE NUEVA STREET MARINA, LOCATED AT 202 E. NUEVA, FOR \$323.36 PER MONTH FOR THE REMAINDER OF THE CURRENT CONTRACT YEAR WITH A 10% INCREASE EACH SUBSEQUENT CONTRACT YEAR.

**2010-06-17-0547**

Item 17. AN ORDINANCE AUTHORIZING THE APPROVAL OF NEW LEASE AGREEMENTS WITH TWENTY-TWO (22) TENANTS AT LA VILLITA FOR A TERM OF THREE YEARS, WITH ONE (1), THREE-YEAR RENEWAL.

**2010-06-17-0548**

Item 18. AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH DALE CHUMBLEY AT PHIL HARDBERGER PARK LOCATED IN COUNCIL DISTRICTS 8 AND 9 FOR A THREE-YEAR TERM BEGINNING ON SEPTEMBER 1, 2010 AND ENDING ON AUGUST 31, 2013, FOR A MONTHLY RENTAL FEE OF \$100.00.

**2010-06-17-0549**

Item 19. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE OF A GRANT UPON AWARD IN THE AMOUNT UP TO \$102,000.00 FROM THE TEXAS EDUCATION AGENCY (TEA) FOR THE CONTINUATION OF THE ENGLISH LITERACY & CIVICS EDUCATION PROJECT FOR THE PERIOD JULY 1, 2010 THROUGH JUNE 30, 2011; APPROVING A PROGRAM BUDGET AND AUTHORIZING A PERSONNEL COMPLEMENT OF ONE (1) POSITION FUNDED BY THE GRANT.

**2010-06-17-0550**

Item 20. AN ORDINANCE AUTHORIZING THE SUBMISSION AND ACCEPTANCE UPON AWARD OF A CONTINUATION GRANT APPLICATION FOR THE JUVENILE ACCOUNTABILITY BLOCK GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, STATE OF TEXAS, IN AN AMOUNT UP TO \$43,882.00 TO SUPPORT THE YOUTH AGAINST GANG ACTIVITY PROGRAM, FOR THE PERIOD SEPTEMBER 1, 2010 TO AUGUST 31, 2011; AND AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY INITIATIVES TO EXECUTE ALL SUB-CONTRACTS AND DOCUMENTS IN CONNECTION WITH THE GRANT AWARD.

**2010-06-17-0551**

Item 21. AN ORDINANCE AUTHORIZING BUDGET AND CONTRACT AMENDMENTS TO THE CHILD CARE DELIVERY SERVICES GRANT BY ACCEPTING ADDITIONAL FUNDING OF \$1,408,075.00 FROM WORKFORCE SOLUTIONS ALAMO (WSA) AND \$1,866,201.00 IN AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS IN LIEU OF PREVIOUSLY AWARDED ANNUAL TRADITIONAL FUNDING FROM WSA FOR CHILD CARE SERVICES.

**2010-06-17-0552**

Item 22. AN ORDINANCE AUTHORIZING AGREEMENTS AND AUTHORIZES PAYMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON SCHOOL OF PUBLIC HEALTH IN THE AMOUNT OF \$325,000.00; INTERLEX COMMUNICATIONS INC. IN THE AMOUNT OF \$964,174.00; MACRO INTERNATIONAL, INC. IN THE AMOUNT OF \$100,000.00; AND THE SAN ANTONIO/BEXAR COUNTY METROPOLITAN PLANNING ORGANIZATION IN THE AMOUNT OF \$175,000.00, FOR SERVICES SUPPORTING THE COMMUNITIES PUTTING PREVENTION TO WORK-OBESITY PREVENTION PROGRAM

FUNDED THROUGH AMERICAN RECOVERY AND REINVESTMENT ACT GRANT FUNDS FROM THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

**2010-06-17-0553**

Item 23. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF \$50,000.00 FROM THE SEWELL FUND TO SUPPORT A LEARNING PARTNERSHIP WITH THE SAN ANTONIO PUBLIC LIBRARY AND THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO LIBRARY, HOSTED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (METRO HEALTH).

**2010-06-17-0554**

Item 24. AN ORDINANCE AUTHORIZING AN AMENDED FUNDING AGREEMENT WITH THE SOUTHWEST TEXAS REGIONAL ADVISORY COUNCIL FOR UP TO \$462,211.00 TO SUPPORT AND AUGMENT LOCAL EMERGENCY RESPONSE EFFORTS.

**2010-06-17-0555**

Item 25. AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE ENTITLED "ANIMALS"; PROVIDING FOR CRIMINAL PENALTIES; ADOPTING A REVISED FEE SCHEDULE WHICH AMENDS OR ESTABLISHES RELATED FEES; AND PROVIDING FOR PUBLICATION.

Item 26. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT:

- A. REAPPOINTING PAUL C. STAHL (DISTRICT 7) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2010.
- B. REAPPOINTING MILTON R. MCFARLAND (DISTRICT 10) TO THE ZONING COMMISSION.
- C. APPOINTING ANTHONY ROGERS (DISTRICT 4) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE.
- D. APPOINTING SHERRY M. CHAUDHRY (DISTRICT 8, CATEGORY: MEMBER OF CONVENTION AND VISITORS COMMISSION) TO THE TRANSPORTATION ADVISORY BOARD.
- E. REAPPOINTING AUGUST STEPHEN JOHNSON (DISTRICT 4) TO THE ETHICS REVIEW BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE APRIL 25, 2012.

**2010-06-17-0556**

Item 27. AN ORDINANCE ADOPTING A RATES AND CHARGES POLICY FOR USE OF FACILITIES AND SERVICES AT THE SAN ANTONIO INTERNATIONAL AIRPORT LOCATED IN COUNCIL DISTRICT 9.

**2010-06-17-0558**

Item 29. AN ORDINANCE AUTHORIZING AMENDMENTS TO MEMORANDUM OF AGREEMENTS BETWEEN THE CITY OF SAN ANTONIO AND AGENCIES, TO INCLUDE REGION 20, NEISD, AND SAISD THAT OFFER EDUCATION SERVICES AT THE CITY'S COMMUNITY FAMILY RESOURCE AND LEARNING CENTERS TO MODIFY THE SCOPE OF SERVICE SO THAT PARTNER EDUCATION AGENCIES NOW PROVIDE EDUCATIONAL ASSESSMENT AND ENROLLMENT SERVICES RATHER THAN THE CITY CONDUCTING THIS PROCESS.

**2010-06-17-0559**

Item 30. AN ORDINANCE APPROVING A LOCAL CONTRIBUTION OF \$212,681.00 TO THE EVENTS TRUST FUND IN ANTICIPATION OF REIMBURSEMENT FOR ELIGIBLE EXPENSES UP TO \$1,541,933.00 RELATED TO THE 2010 ASSOCIATION FOR BEHAVIOR ANALYSIS 36TH ANNUAL CONVENTION AND THE ASSOCIATED PROFESSIONAL SLEEP SOCIETIES 2010 ANNUAL MEETING.

Item 32. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA):

**2010-06-17-0561**

- A. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE TEXAS CENTER FOR APPLIED TECHNOLOGY, TEXAS ENGINEERING EXPERIMENT STATION, AND THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT TO PROVIDE PROJECT MANAGEMENT SERVICES RELATED TO THE DESIGN AND INSTALLATION OF A SOLAR ARRAY AT THE MISSION VERDE CENTER IN AN AMOUNT NOT TO EXCEED \$533,000.00, FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA).

**2010-06-17-0562**

- B. AN ORDINANCE SELECTING ECONOMIC & PLANNING SYSTEMS, INC AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT, IN AN AMOUNT NOT TO EXCEED \$99,980.00, FOR DEVELOPMENT OF A SUSTAINABLE URBAN ECONOMICS TOOL, FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA).

**2010-06-17-0564**

- D. AN ORDINANCE AUTHORIZING AN AMENDMENT TO A CONTRACT WITH KGB TEXAS MARKETING/PUBLIC RELATIONS, INC., IN AN INCREASED AMOUNT OF \$90,800.00, FOR A TOTAL CONTRACT VALUE NOT TO EXCEED \$170,800.00, TO PROCURE ADDITIONAL MEDIA OPTIONS AND EXPAND THE REACH OF THE BICYCLE AWARENESS AND SAFETY EDUCATION MEDIA CAMPAIGN, FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA).

**2010-06-17-0565**

- E. AN ORDINANCE AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF \$10,000,000.00 IN AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS FROM THE U.S DEPARTMENT OF ENERGY AS A "GREEN RETROFIT" GRANT TO DEVELOP AN EFFICIENT DELIVERY MECHANISM TARGETING RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, INDUSTRIAL AND PUBLIC BUILDINGS, AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN TO SHARE EXPERTISE AND RESOURCES TO EFFICIENTLY ADDRESS COMMON CHALLENGES IN THE IMPLEMENTATION OF THIS PROGRAM.

**2010-06-17-0566**

- Item 33. AN ORDINANCE AUTHORIZING A FIRST AMENDMENT TO THE SECOND AMENDED AND RESTATED REVOLVING CREDIT AGREEMENT FOR THE SAN ANTONIO WATER SYSTEM (SAWS).

**2010-06-17-0568**

- Item 35. AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF SAN ANTONIO, TEXAS TAX NOTES, SERIES 2010A"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX WITHIN THE LIMITS PRESCRIBED BY LAW FOR THE PAYMENT OF THE NOTES; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE NOTES; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**2010-06-17-0031R**

- Item 36. A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD ("TWDB") REQUESTING FINANCIAL ASSISTANCE THROUGH THE WATER INFRASTRUCTURE FUND LOAN PROGRAM FOR THE BENEFIT OF THE SAN ANTONIO WATER SYSTEM ("SAWS").

**2010-06-17-0569**

- Item 37. AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF FY 2009-2010 HOME INVESTMENT PARTNERSHIP GRANT (HOME) FUNDS IN THE AMOUNT OF \$729,436.00 AVAILABLE FROM THE CITY'S DEPARTMENT OF HOUSING AND NEIGHBORHOOD SERVICES OWNER OCCUPIED REHABILITATION AND RECONSTRUCTION PROGRAM AND \$467,231.00 AVAILABLE FROM PROGRAM INCOME, AND AUTHORIZING THE REPROGRAMMING OF FY 2003 HOME FUNDS IN THE AMOUNT OF \$250,000.00 AVAILABLE FROM OUR CASAS RESIDENT COUNCIL COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) RESERVES AND \$53,333.00 AVAILABLE FROM AVENIDA GUADALUPE ASSOCIATION CHDO RESERVES FOR A TOTAL AMOUNT OF \$1,500,000.00 TO THE MONTABELLA POINTE APARTMENTS PROJECT.

**2010-06-17-0571**

Item 39. AN ORDINANCE AMENDING THE CITY OF SAN ANTONIO'S NEIGHBORHOOD STABILIZATION PROGRAM SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN AND ANNUAL ACTION PLAN TO REVISE THE CITY'S NEIGHBORHOOD STABILIZATION PROGRAM GUIDELINES TO INCORPORATE THE APRIL 9, 2010 FEDERAL REGISTER NOTICE OF CHANGE IN DEFINITIONS AND MODIFICATION TO THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) AND TO REPLACE THE 10% PRODUCT DELIVERY COST WITH A 10% DELIVERY FEE.

**2010-06-17-0572**

Item 40. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT WITH THE WHISPERING OAKS HOMEOWNERS ASSOCIATION FOR UP TO \$100,000.00 FROM THE TREE MITIGATION PROGRAM OPERATING BUDGET FOR CONTAINMENT OF OAK WILT DISEASE IN THE WHISPERING OAKS SUBDIVISION LOCATED IN COUNCIL DISTRICT 8.

**2010-06-17-0573**

Item 41. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT CONTRACT WITH FUGRO CONSULTANTS, INC., FOR ADDITIONAL SIDEWALK AND RELATED INVENTORY SERVICES FOR UP TO \$1,592,000, FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

**2010-06-17-0574**

Item 42. AN ORDINANCE AUTHORIZING THE CONTINUING PHASE AGREEMENT GOVERNING THE OPERATIONS AND ORGANIZATION OF THE SAN ANTONIO-BEXAR COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO) AS RECOMMENDED BY THE MPO TRANSPORTATION POLICY BOARD.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2010-06-17-0536**

Item 9. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO FINSER CONSTRUCTION & REMODELING, INC. IN THE AMOUNT OF \$318,900.00 FOR THE ARNOLD PARK PROJECT, AN AUTHORIZED 2007-2012 BOND PROJECT, LOCATED IN COUNCIL DISTRICT 4.

Councilmember Cortez requested additional information on the project. Mike Frisbie, CIMS Director stated that the contract amount was \$318,000 and would include trail rehabilitation, benches, playground resurfacing, and lighting. He noted that construction would begin in July and was scheduled for completion in December. He added that they had worked closely with the community on said project.

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

The City Clerk read the following Ordinance:

**2010-06-17-0537**

Item 10. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO R.L. JONES CONSTRUCTION IN THE AMOUNT OF \$1,305,948.25, OF WHICH \$550,248.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FOR THE TESLA ROAD – CULEBRA TO MAYBERRY PROJECT, AN AUTHORIZED 2007-2012 BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 5.

Councilmember Medina requested information on the project. Mike Frisbie indicated that the project included a full reconstruction of Tesla Road with new curbs and sidewalks. He noted that the project would begin in August and was scheduled for completion in July 2011.

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

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

The City Clerk read Items 12A-D:

Item 12. CONSIDERATION OF THE FOLLOWING ORDINANCES AWARDED FOUR (4) CONTRACTS FOR THE CONSTRUCTION OF ADA CURB RAMPS RELATED TO INFRASTRUCTURE MANAGEMENT PROGRAM PROJECTS LOCATED CITY-WIDE, FUNDED BY THE STREET MAINTENANCE PROGRAM, FY 2010 ADVANCED TRANSPORTATION DISTRICT'S SIDEWALK FUNDS, AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009, AND FY 2009 RE-PROGRAMMING FUNDS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT:

**2010-06-17-0539**

- A. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT FOR PACKAGE I WITH F.D. CONCRETE, LLC, FOR AN AMOUNT UP TO \$388,175.00 FOR THE CONSTRUCTION OF CURB RAMPS.

**2010-06-17-0540**

- B. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT FOR PACKAGE II WITH JCD CONSTRUCTION, LLC, FOR AN AMOUNT UP TO \$601,780.00 FOR THE CONSTRUCTION OF CURB RAMPS.

**2010-06-17-0541**

- C. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT FOR PACKAGE III WITH F.D. CONCRETE, LLC, FOR AN AMOUNT UP TO \$575,375.00 FOR THE CONSTRUCTION OF CURB RAMPS.

**2010-06-17-0542**

D. AN ORDINANCE AWARDING A CONSTRUCTION CONTRACT FOR PACKAGE IV WITH J. SANCHEZ CONTRACTING, INC., FOR AN AMOUNT UP TO \$800,099.90 FOR THE CONSTRUCTION OF CURB RAMPS.

Councilmember Rodriguez asked of the process for identifying projects. Majed Al-Ghafry, Public Works Director stated that the projects would be implemented in conjunction with the Street Maintenance Program (SMP). He noted that staff would include curb ramps and sidewalks if the opportunity was available on street rehabilitation projects. Councilmember Rodriguez requested that contractors keep the community informed of construction activity in their neighborhood.

Councilmember Rodriguez moved to adopt the proposed Ordinances for Items 12A-12D. Councilmember Clamp seconded the motion.

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

The City Clerk read the following Ordinance:

**2010-06-17-0545**

Item 15. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE FROM BAR PASO PARTNERS, L.P. FOR SPACE AT 1751 SOUTH W.W. WHITE ROAD IN COUNCIL DISTRICT 2 FOR A MULTI-SERVICE SENIOR CENTER, FOR A MONTHLY RENTAL RATE OF \$18,883.56 FOR YEAR ONE, DECREASING TO \$12,216.89 IN YEAR TWO AND TO \$10,958.91 IN YEARS THREE THROUGH FIVE.

Councilmember Taylor highlighted said item and noted that she was excited to have this space to provide quality senior services. Councilmember Ramos recognized Councilmember Taylor for her efforts in bringing said item forward.

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

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

The City Clerk read the following Ordinance:

**2010-06-17-0557**

Item 28. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CH2M HILL, INC. FOR UP TO \$375,000.00 TO PROVIDE THE AVIATION DEPARTMENT WITH STAND-BY, INDEFINITE DELIVERY STORM WATER CONSULTING SERVICES ON AN AS-NEEDED BASIS FOR AN INITIAL TERM OF THREE YEARS WITH AN OPTION FOR ONE, TWO-YEAR EXTENSION.

Councilmember Chan recused herself on Item 28 by exiting the Council Chambers and noting that she submitted the recusal forms to the City Clerk.

Councilmember Ramos asked of the services that would be provided. Frank Miller, Aviation Director replied that the on-call professional services contract would assist Aviation Staff comply with project requirements to include the Stormwater Preventive Pollution Plan required by the Environmental Protection Agency (EPA). Councilmember Ramos asked of utilizing the Public Works Stormwater Operations Staff. Mr. Miller responded that this type of work was specific to the Airport and required the assistance of firms with experience working in airports. Councilmember Ramos expressed concern with the duplication of services and asked for information on how these services were provided in the past.

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:** None. **ABSTAIN:** Chan.

The City Clerk read the following Ordinance:

**2010-06-17-0563**

Item 32C. AN ORDINANCE SELECTING SAN ANTONIO BIKESHARE AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT IN AN AMOUNT NOT TO EXCEED \$841,579.00 FOR A BIKE SHARE/RENTAL AND BIKE TOURS PROGRAM, AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A THREE YEAR LEASE AGREEMENT FOR THE "OK BAR" BUILDING IN HEMISFAIR PARK WITH SAN ANTONIO BIKESHARE FOR A CENTRAL CYCLING HUB TO SUPPORT THE PROGRAM, FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA).

Councilmember Cisneros asked that staff work with San Antonio Bikeshare and the San Antonio Conservation Society to identify the 14 sites for the Bike Share/Rental and Bike Tours Program. She noted that most of the sites are in the Downtown Area and located within historic areas. Lawrence Doxsey, Office of Environmental Policy Director stated that they would be willing to work with the Conservation Society on same. Councilmember Clamp asked how the program would be funded after three years. Mr. Doxsey replied that operation and maintenance costs of the program would be supported by the memberships of those utilizing the system and charges for those using the bikes on a short-term basis. He confirmed that there would be no City Funds allocated to the program and outlined the proposed locations. Councilmember Clamp recognized Frank Burney. Mr. Burney stated that the program was structured as a non-profit organization to solicit funds and contributions to continue operating after the three-year term.

Mayor Castro thanked staff for bringing the program forward and noted that it was long overdue in San Antonio. He stated that it would enhance the quality of life and provide a convenient means of transportation for individuals. He added that he felt that it was possible to locate the bikeshare sites within historic areas as long as they were consistent with the character of the site.

Councilmember Cisneros moved to adopt the proposed Ordinance for Item 32C. Councilmember Cortez seconded the motion.

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

The City Clerk read the following Ordinance:

**2010-06-17-0567**

Item 34. AN ORDINANCE APPROVING A FINANCIAL UNDERWRITER SYNDICATE SELECTED FROM THE FINANCIAL UNDERWRITING POOL FOR FINANCINGS OF (1) AIRPORT SYSTEM REVENUE IMPROVEMENT BONDS, SERIES 2010 AND (2) PASSENGER FACILITY CHARGE AND SUBORDINATE LIEN AIRPORT SYSTEM REVENUE IMPROVEMENT BONDS, SERIES 2010.

Councilmember Cisneros recused herself on Item 34 by exiting the Council Chambers and noting that she submitted the recusal forms to the City Clerk.

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

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

The City Clerk read the following Ordinance:

**2010-06-17-0570**

Item 38. AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) PROGRAM FUNDS IN THE AMOUNT OF \$243,118.00 TO THE CAMPFIRE ST. SIDEWALKS PROJECT AVAILABLE FROM THE TACOMA ST. RECONSTRUCTION PROJECT.

Councilmember Cortez requested clarification of the reprogramming. Nina Nixon-Mendez, Grants Administrator stated that they were removing the Tacoma Street Project and replacing it with the Campfire Street Sidewalks Project. Majed Al-Ghafry explained that there was utility work associated with the Tacoma Street Project that was going to be completed in conjunction with a CIMS/Public Works Project. Due to delays in installing a wastewater pipe and in an effort to stay within the ARRA Grant timelines, staff decided to replace the Tacoma Street Project with the Campfire Street Sidewalks Project. He added that the Tacoma Street Project could be completed in coordination with the CIMS Project in 2011.

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

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

### **Item 43. CITY MANAGER'S REPORT**

#### **A. CITY OF SAN ANTONIO AAA GENERAL OBLIGATION BOND RATINGS AND PRICING UPDATE**

Ms. Sculley reported that on June 15, 2010, the City issued a total of \$248 million in bonds that included \$191 million in Build America Bonds (BABs); \$9 million in tax-exempt General Obligation Bonds; \$38 million in tax-exempt Certificates of Obligation; and \$10 million in tax-exempt Tax Notes. The bond sale represents the first time that the city issues BABs and was very successful. She noted that the true interest cost for the combined issuance was 3.68%. She provided the City Council with a memo that further describes the BABs, as well as a copy of the Financial Management Highlights that was presented to the Bond Rating Agencies in New York.

Mayor Castro commended city staff for their work.

#### **CONSENT ZONING ITEMS**

Councilmember Cisneros moved to approve the following rezoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no citizens had registered to speak against: Z-6, Z-7 and Z-9. Councilmember Clamp seconded the motion.

Mayor Castro called upon Jack M. Finger.

Mr. Finger spoke in opposition to Item Z-1 because it would authorize the sale of alcohol at a restaurant. He stated that he was against Item Z-4 due to increased traffic and opposed to Item Z-5 because it would authorize the operation of a used car lot. He noted that a resident had expressed concern with the rental units that would lower property values in the area in Item Z-6. He spoke of the commercial encroachment due to the law office that would be approved in Item Z-7. He added that residents were concerned with the encroachment that would occur due to the drug store in Item Z-8.

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

**2010-06-17-0577**

Item Z-6. **ZONING CASE # Z2010092 (District 1):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "MF-18 AHOD" Multi-Family Airport Hazard Overlay District on Lot 7, Block 2, NCB 2571 located at 211 and 213 Rehmann Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 7, BLOCK 2, NCB 2571 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "MF-18 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

**2010-06-17-0578**

Item Z-7. **ZONING CASE # Z2010099 CD (District 1):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Professional Office on Lot 13, Block 7, NCB 9120 located at 303 West Mandalay Drive. Staff and Zoning Commission recommend approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 13, BLOCK 7, NCB 9120 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD AIRPORT DISTRICT TO "R-4 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD AIRPORT DISTRICT WITH A CONDITIONAL USE FOR A PROFESSIONAL OFFICE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2010-06-17-0580**

Item Z-9. **ZONING CASE # Z2010102 (District 5):** An Ordinance amending the Zoning District Boundary from "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "O-2 IDZ AHOD" High-Rise Office Infill Development Zone Airport Hazard Overlay District on Lots 1 through 20, Block 82, NCB 192 located at 127 North Comal Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 1 THROUGH 20, BLOCK 82, NCB 192 TO WIT: FROM "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "O-2 IDZ AHOD" OFFICE INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT.

**[CONSENT ZONING CONCLUDED]**

**INDIVIDUAL ZONING ITEMS**

**CONTINUED**

Item Z-1. **ZONING CASE # Z2010097 (District 6):** An Ordinance amending the Zoning District Boundary from "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lot 24, Block 1, NCB 18285 located at 7507 Potranco Road. Staff and Zoning Commission recommend approval.

Chris Looney presented Item Z-1 and stated that staff and the Zoning Commission recommended approval. He noted that they had not received any responses in favor or opposition and that there had been no response from the Pipers Meadow Neighborhood Association.

Councilmember Lopez moved to continue Item Z-1 to June 24, 2010. Councilmember Rodriguez seconded the motion.

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

**CONTINUED**

Item Z-2. **ZONING CASE #Z2009165 HS (District 7):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "HS C-2 AHOD" Historic Significant Commercial Airport Hazard Overlay District on the northeast 522 feet of Lot 6, NCB 8349 located at 3031 West Woodlawn Avenue. Staff and Zoning Commission recommend approval. (Continued from April 15, 2010)

Chris Looney presented Item Z-2 and stated that staff and the Zoning Commission recommended approval. He noted that they had mailed ten notices and received one response in opposition from the property owner. He explained that due to opposition from the property owner, the ordinance would require nine votes for approval.

Councilmember Rodriguez moved to continue Item Z-2 to September 2, 2010. Councilmember Clamp seconded the motion.

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

**2010-06-17-0575**

Item Z-3. **ZONING CASE # Z2010075 (District 8):** An Ordinance amending the Zoning District Boundary from "R-5 MLOD-1 " Residential Single-Family Military Lighting Overlay District, "MF-25 MLOD-1" Multi-Family Military Lighting Overlay District and "MF-25" Multi-Family District to "PUD RM-4 MLOD-1" Planned Unit Development Residential Mixed Military Lighting Overlay District and "PUD RM-4" Planned Unit Development Residential Mixed District (43.74 acres), "C-2 MLOD-1" Commercial Military Lighting Overlay District and "C-2" Commercial District (22.24 acres) on 65.98 acres out of NCB 14861 located on the 6600 & 6700 Block of Babcock Road and the 6400 Block of De Zavala Road. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 65.98 ACRES OUT OF NCB 14861 TO WIT: FROM "R-5 MLOD-1 " RESIDENTIAL SINGLE-FAMILY MILITARY LIGHTING OVERLAY DISTRICT, "MF-25 MLOD-1" MULTI-FAMILY MILITARY LIGHTING OVERLAY DISTRICT AND "MF-25" MULTI-FAMILY DISTRICT TO "PUD RM-4 MLOD-1" PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED MILITARY LIGHTING OVERLAY DISTRICT AND "PUD RM-4" PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED DISTRICT (43.74 ACRES), "C-2 MLOD-1" COMMERCIAL MILITARY LIGHTING OVERLAY DISTRICT AND "C-2" COMMERCIAL DISTRICT (22.24 ACRES).

Chris Looney presented Item Z-3 and stated that staff and the Zoning Commission recommended approval. He reported that 14 notices had been mailed with one response returned in opposition and five notices in favor.

Kevin Bryant spoke in opposition to the rezoning and expressed concern with traffic and infrastructure. He stated that Hausman Road is not able to handle additional traffic. He noted that the safety of those that live in the area would be affected by this change due to their yard backing up to a road that had

originally been a green belt. He mentioned that many homeowners in the area had not been notified of the zoning change and, therefore; were not present to voice their objection.

Patrick Christensen stated that they were asking for two zoning changes to down zone one property and change one property from R-5 to PUD RM-4. He noted that he had met with numerous neighborhood associations and had entered into deed restrictions to regulate the development of the property. He mentioned that the road that Mr. Bryant had expressed concern with was a part of the Major Thoroughfare Plan and part of the traffic challenges were due to roads in the Major Thoroughfare Plan that had not yet been constructed.

Councilmember Williams asked of the development. Mr. Christensen stated that student housing single family structures and duplexes would be developed with a very low intensity. He noted that they were working with city staff to move the road as far away from Mr. Bryant's fence as possible. Councilmember Williams stated that the project included enough mitigating factors and thanked the applicant for working with the many homeowner associations.

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

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

#### **2010-06-17-0576**

Item Z-4. **ZONING CASE # Z2010085 ERZD (Districts 9 & 10):** An Ordinance amending the Zoning District Boundary from multiple zoning districts to multiple zoning districts with the adoption and application of the Bulverde Road Preservation Corridor District (PC-1) on multiple lots located within the municipal boundary of the City of San Antonio and located within 300 feet of the outer right-of-way boundary line of Bulverde Road between Evans Road to the north and North Loop 1604 East to the south. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: MULTIPLE LOTS LOCATED WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF SAN ANTONIO AND LOCATED WITHIN 300 FEET OF THE OUTER RIGHT-OF-WAY BOUNDARY LINE OF BULVERDE ROAD BETWEEN EVANS ROAD TO THE NORTH AND NORTH LOOP 1604 EAST TO THE SOUTH TO WIT: FROM MULTIPLE ZONING DISTRICTS TO MULTIPLE ZONING DISTRICTS WITH THE ADOPTION AND APPLICATION THE BULVERDE ROAD PRESERVATION CORRIDOR DISTRICT (PC-1).

Patrick Howard presented Item Z-4 and stated that it would establish a corridor overlay district for Bulverde Road. He noted that the zoning had been initiated by City Council Resolution in September, 2009.

Mayor Castro called upon the individuals registered to speak.

James Griffin stated that he represented one of the property owners along Bulverde Road and they were in support of the overlay district. He recognized Mike Taylor and Mario Hune for their work on the project.

Roger Huff stated that he owned a property in the subdivision and was in support of said item.

Robert Bird stated that he was a member of the planning team and mentioned that San Antonio has been able to maintain a rural atmosphere by putting guidelines in place for development. He stated that he was in support and thanked Mario Hune and Mike Taylor for their work.

Richard Barrett stated that he was representing the Rose Heart Homeowners Association in support of said item. He thanked Councilmember Clamp and city staff for their work and communication with the community.

Klaus Winkler stated that he was a member of the planning team and was in full support of Item Z-4.

In response to Councilmember Clamp, Mr. Howard stated that this would be the first designation of its kind. He noted that the purpose of corridor overlay districts was to provide guidance relative to design. He spoke of the collaborative efforts that included nine planning team meetings and input from stakeholders in the area.

Councilmember Clamp stated that Bulverde Road was being expanded and residents were concerned with the growth and development. He noted that the corridor overlay district would allow for consistent development standards that have been supported and approved by commercial property owners and residents. He recognized the many individuals that assisted with the process. Councilmember Taylor expressed support and applauded the proactive approach to preserve the unique characteristics of the environment.

Councilmember Clamp moved to adopt the proposed Ordinance with the following conditions as entered into the record: 1) Under the General Purpose Statements, add number 4 to read "Provisions shall only apply to 300 feet of the Bulverde Road right-of-way; and 2) Under Number 4 – Fences and Walls – add "except that multi-family residential uses may include within the front yard a predominantly open fence constructed of ornamental metal and limited to a maximum height of six feet." Councilmember Cisneros seconded the motion.

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

#### **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 June 3, 2010)

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

Councilmember Clamp moved to continue Item Z-5 to August 4, 2010. Councilmember Cisneros seconded the motion.

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

**2010-06-17-0579**

Item Z-8. **ZONING CASE # Z2010098 (District 5):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District, "C-2 AHOD" Commercial Airport Hazard Overlay District, and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lots 15, 10, 9, the south 26.65 feet of Lot 8, the south 26.6 feet of the east 97.51 feet Lot 2, and Lot 1, Block 3, NCB 6586 save and except the portions of Lots 1 and 2 conveyed to the City of San Antonio in Volume 7183, Page 598, Deed Records, Bexar County, Texas and in Volume 7757, Page 455, Deed Records, Bexar County, Texas located at 1601, 1607 and 1611 NW 23rd Street and 1602, 1606, 1614, 1616, 1618 and 1620 NW 24th Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 15, 10, 9, THE SOUTH 26.65 FEET OF LOT 8, THE SOUTH 26.6 FEET OF THE EAST 97.51 FEET LOT 2, AND LOT 1, BLOCK 3, NCB 6586 SAVE AND EXCEPT THE PORTIONS OF LOTS 1 AND 2 CONVEYED TO THE CITY OF SAN ANTONIO IN VOLUME 7183, PAGE 598, DEED RECORDS, BEXAR COUNTY, TEXAS AND IN VOLUME 7757, PAGE 455, DEED RECORDS, TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT, "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT, AND "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

Chris Looney presented Item Z-8 and stated that staff and the Zoning Commission recommended approval. He noted that 12 responses had been received in favor and one response in opposition. He added that no response had been received from the Prospect Hill Neighborhood Association or the Woodlawn Lake Community Association.

Councilmember Medina stated that the Prospect Hill Neighborhood Association was in support of Item Z-8.

Councilmember Medina moved to adopt the proposed Ordinance with allowance of a six-foot tall fence along Laurel Street. Councilmember Clamp seconded the motion.

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

**RECESSED**

Mayor Castro recessed the meeting at 3:35 pm and noted that the meeting would resume at 6:00 pm for Citizens to be Heard and the Public Hearing on the Proposed FY 2010-2011 Annual Budget and 5-Year Consolidated Plan for Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

**PUBLIC HEARING ON THE PROPOSED FY 2010-2011 ANNUAL BUDGET AND 5-YEAR CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP (HOME), EMERGENCY SHELTER GRANT (ESG), AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) AND CITIZENS TO BE HEARD**

Mayor Pro-Tem Rodriguez reconvened the meeting at 6:05 pm and opened the Public Hearing. He called upon the individuals registered to speak.

Nazirite Ruben Flores Perez referenced the books of Matthew, Luke and Mark in the Bible and stated that the New World Order was coming.

Nina Nixon-Mendez, Grants Administrator presented a PowerPoint regarding the Five-Year Consolidated Plan and the Annual Action Plan Budget related to Community Development Programs. She noted that the Five-Year Consolidated Plan and Budget were required by the Housing and Urban Development (HUD) Department and would be submitted by August 15, 2010. She reported that the funding amounts for the Annual Action Plan Budget totaled \$25,770,186 with the following breakdown: 1) CDBG - \$16,191,906; 2) HOME - \$7,785,631; 3) ESG - \$641,524; and 4) HOPWA - \$1,151,125.

Councilmember Cisneros requested a list of CDBG Funds that have been allocated for District 1 for the last three years.

Dwayne Bohuslav, Amy Kastely and Graciela Sanchez representing the Esperanza Peace and Justice Center addressed the City Council. Ms. Sanchez stated that they had submitted an application for funding and were pleased that City Staff had recommended funding in the amount requested. Mr. Bohuslav spoke of the Rinconcito de Esperanza Project and noted that he had served as an architectural consultant for the past 10 years. He stated that he was pleased with the community vision on the Rinconcito de Esperanza Project and the rich heritage that would be preserved.

At this time, Mayor Castro entered the meeting and presided over the Public Hearing.

Antonia Castaneda spoke in support of CDBG Funding for the Esperanza Peace and Justice Center for the renovation of current buildings and a new building for the Rinconcito de Esperanza Project. She stated that it was important to recover the historical memory of the Westside, San Antonio, and the State of Texas, and provided history of the area.

Barbara Hawkins, Sharon Francis, Tamara Glenn and Sonny Kelley addressed the City Council in support of the Summer Youth Employment Program. Ms. Hawkins reported that the George Gervin Youth Center was sponsoring 85 youth at Our Lady of the Lake University. She stated that it was

critical to engage youth ages 14-18 in productive activities over the summer. Mr. Kelley also spoke in support of the Summer Youth Employment Program and noted that there were many youth throughout the community that were in need of employment. He added that the youth were interested in finding employment to build their resume, help support their households, and save for college. Ms. Francis outlined several options that could be implemented for the 2010 Summer Youth Employment Program.

Veronica Castillo stated that she was in favor of funding for the Esperanza Peace and Justice Center to support the Rinconcito de Esperanza and Arte es Vida Projects. She spoke of her experiences with Arte es Vida, noting the importance of art in daily neighborhood life.

Elpidia Lopez, Tiffany Ross, Ines Valdez, Fabiola Torralva, and Ana Uviedo addressed the City Council in support of funding for the Esperanza Peace and Justice Center. Ms. Lopez invited the City Council to attend their art exhibit in August. Ms. Ross spoke of her positive experiences with the Esperanza Peace and Justice Center. Ms. Valdez spoke in support of CDBG Funding for the Esperanza Peace and Justice Center. She noted the importance of preserving art and history in the community. Ms. Torralva also expressed support for funding and noted that the Center had taught her to be culturally grounded and honor her ancestors.

Cynthia Spielman spoke on behalf of her daughter who was out of town and could not be present. She stated that her daughter had learned of Mexican-American History through the Casa de Cuentos at the Esperanza Peace and Justice Center. Ms. Spielman spoke of her own experiences growing up on the Westside and the importance of preserving memories through the Casa de Cuentos. She also spoke on behalf of her mother, Josefina Merla Martin. She stated that the Casa de Cuentos was very important to her and spoke of their great work. She requested that the city provide funding to continue their work.

Catherine Cisneros, George Cisneros and Steve Garcia representing the Urban 15 Group addressed the City Council in support of their request for CDBG Funding. Mr. Cisneros stated that their program would target low and moderate income families and individuals. He noted that their facility was located in District 5 and once renovated, would include rehearsal and classroom space. Ms. Cisneros spoke of the organization's many accomplishments including Operation Facelift and Americans with Disabilities Act (ADA) Improvements. Mr. Cisneros stated that their facility was in need of asbestos abatement, as well as additional ADA enhancements. Lastly, he outlined the many programs offered by their organization.

Mark Kellmann, Architect provided a photo of an area in India showcasing the spiritual relationship with water. He also presented other images of water features within various facilities.

Rhett Smith spoke of children that struggle with human rights and referenced the student from San Antonio attending Harvard University that could be deported. He expressed concern with the Anti-Immigration Law passed in the State of Arizona and requested that a National Board of Education be created.

Jim Cisneros stated that on May 18, 2010, Pedro Cano was awarded the Texas Legislative Medal of Honor. Mr. Cisneros' brother Roy Cisneros was first runner up for the award and an elementary school in the Edgewood School District has since been named after him. He requested a letter of support from the City Council for the Medal of Honor being awarded to Roy Cisneros. He noted that State

Representative Trey Martinez Fisher will present a Resolution regarding same to the State Legislature in January 2011.

Artman Bland spoke of issues with his two properties and expressed concern with the lack of Council Meetings during the month of July. He stated that he is in need of time and financial assistance to repair his homes. He spoke in support of the youth seeking summer employment.

Rodolfo Macias thanked the Mayor and Council for being present and spoke of the great need for immigration reform. He asked if any of the City Council had read the introduction to the book he wrote that he had provided. He requested an apology from the City Council for Genaro Solis and recognition for Ricardo Maldonado and Gaudencio Fernandez. He expressed concern with the treatment he and others had received from SAPD when visiting City Hall to deliver a letter to Mayor Castro.

Genaro Solis stated that he was a controversial man of God and expressed concern with the oil spill in the Gulf. He spoke of the minerals and gold found in Afghanistan.

Mark Perez stated that there was a lack of respect by large companies for human beings and the environment. He expressed concern with businesses operating without Certificates of Occupancy and the lack of response to his concerns by the Planning and Development Services Department. He spoke of hazardous chemicals being stored in the community and the loss of his stillborn twins due to same.

Nick Calzoncit requested that the city develop a department of peace and expressed concern with the length of time taken by the City of San Antonio to respond to the Anti-Immigration Law passed in Arizona. He spoke of the violence that exists in Arizona and stated that he did not want to encounter same in San Antonio.

Grace Hernandez requested a letter of support from the City Council for the student from Highlands High School that received a full scholarship that is facing deportation. She stated that the student graduated at the top of his class and is a sophomore at Harvard University. She explained that he is being detained and is at risk of being deported because he lacks citizenship. She spoke of the student's desire to become a medical professional and needs the city's assistance.

Damon Mason expressed concern with the SAWS rate increase and requested that SAWS review all residential decorative vegetation. He stated that he would be in support of higher water rates if the funds were used for desalination. He expressed concern with the oil spill in the Gulf.

Faris Hodge, Jr. referenced an article in which the photograph of Nazirite Ruben Flores Perez appeared and requested that the Citizens to be Heard portion of the City Council Meeting be televised. He expressed concern that the SAWS Public Hearing was held at 9:00 am and asked why there were no water sprinklers in the Council Chambers. He mentioned that there were not enough Fire Inspectors to inspect the sprinklers in schools. He noted that Rosa Parks had refused to give up her seat on a bus to a white man in the 1960's. He stated that smoking should be allowed outdoors and expressed concern that the Public Hearing on the Consolidated Plan was not posted.

Raymond Zavala spoke of the Stimulus Funds that the city had received for playgrounds and improvements but noted the need for overhead covers or canopies to protect children from the hot equipment. He stated that he had requested a copy of the SAWS Financial Statement and had never

received it. He expressed concern with the revisions to the Smoking Ordinance, noting that smoking should be allowed in certain places. He asked that staff address issues with overweight Police Officers and spoke of issues with the fire that occurred on the Southside.

Antonio Diaz requested information on the resolution that would be approved by the City Council for the Anti-Immigration Law in Arizona. He stated that the legislation was very damaging and had caused a great amount of violence. He thanked Mayor Castro and Chief McManus for attending the Immigration March on May 1, 2010 in support of Human Rights.

Mayor Castro closed the Public Hearing.

**ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 7:50 pm.

**APPROVED**



**JULIÁN CASTRO  
MAYOR**

Attest:



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