

**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, OCTOBER 13, 2010 AND THURSDAY, OCTOBER 14, 2010, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **October 13, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Medina, Lopez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Cortez and Rodriguez.

Mayor Castro addressed Item 2 first.

2. BRIEFING ON THE HEMISFAIR AREA MASTER PLAN BY THE HEMISFAIR PARK AREA REDEVELOPMENT CORPORATION AND CONSULTANT, JOHNSON FAIN, INC.

Pat DiGiovanni provided information on the creation of the HemisFair Park Area Redevelopment Corporation (HPARC) and their effort to engage in a Master Plan process for HemisFair Park. He introduced Bill Shown, Vice President of the HPARC. Mr. Shown stated that the HPARC was focusing its efforts on the creation and implementation of a Master Plan for the HemisFair Area. He reported that in May 2010, a Request for Qualifications was issued for a Master Plan Consultant and 21 proposals were received. He noted that seven teams were identified to proceed with Request for Proposals and that a subgroup of the Evaluation Team had interviewed the shortlisted teams. He indicated that the HPARC had selected Johnson Fain, Inc. due to their team composition and ability to engage the community. He mentioned that the Consulting Fee was divided into two phases with Phase I totaling \$925,540 and Phase II totaling \$226,530.

Mr. Shown stated that the HPARC Planning and Development Committee would provide oversight of the Master Plan and that a Master Plan Oversight Committee would be created to provide input to the consultant on the process. He introduced Bill Fain of Johnson Fain, Lead Consultant on the project. Mr. Fain outlined the Project Team for the Master Plan and recognized David Alpaugh, Associate Principal of Johnson Fain. He spoke of other Master Plans they had worked on and stated that they understood the importance of maintaining the culture and environmental quality of San Antonio. Mr. Alpaugh stated that workshops, focus groups, interviews and work sessions would be conducted to engage stakeholders and solicit input. He noted that they would also utilize technology and that initial focus groups would occur at the end of November.

Mayor Castro and the City Council thanked the HPARC Board Members for their service. He added that HemisFair was very important to the City of San Antonio and looked forward to the Master Plan process. Councilmember Cisneros spoke of the significance of HemisFair Park and asked of the timeline for Phase I. Mr. Alpaugh replied that Phase I consisted of the recommended conceptual Master Plan and would be delivered by March 31, 2011. He noted that the first workshop would be held in mid-December. Councilmember Cisneros spoke of the importance of gathering input from the surrounding neighborhoods. Councilmember Chan stated that she was pleased that San Antonio was attracting world-renowned firms to work on the Master Plan and spoke of the importance of HemisFair Park. She

asked how interviews would be conducted. Mr. Fain replied that they had already begun interviewing individuals and planned to continue the interview process over the next few weeks.

Councilmember Chan asked of Phase II. Mr. Fain stated that they would only implement Phase II after the evaluation of Phase I and would assess the needs at that time. Councilmember Taylor stated that she was impressed with the team assembled and excited of the opportunities of the Master Plan process. She spoke of the need to solicit input from individuals that do not visit the Downtown Area on a regular basis and asked of the members that would serve on the Master Plan Oversight Committee. Lori Houston replied that it would consist of the Planning and Development Committee, Keith Parker of VIA Metropolitan, Shanon Wasielewski of the Historic Preservation Office, Patrick Howard of the Planning and Community Development Department, Mike Frisbie of the CIMS Department, Christopher Looney of the Development Services Department, and a Bexar County Representative.

1. CONSULTANT REPORT BY POPULOUS, INC. ON RESULTS OF CONVENTION FACILITIES DEVELOPMENT STUDY AND RECOMMENDATIONS FOR SHORT AND LONG-TERM CAPITAL IMPROVEMENTS

Mike Sawaya provided history of the Henry B. Gonzalez Convention Center, noting that it had been built in 1968. He stated that an Expansion Feasibility Study was conducted by Convention, Sports and Leisure (CS&L) in 2007 in which a two-phase expansion was recommended at a cost of \$175-200 million. He stated that they were limited in financial capacity and opted to conduct a Facilities Development Study. He provided a comparison of prime exhibit space at comparable facilities, noting that San Antonio ranked 21st in terms of Contiguous Exhibit Space.

Mr. Sawaya stated that based on CS&L's Market Demand Analysis, 62% of current and past users of the Henry B. Gonzalez Convention Center did not express a need for additional space. Only 38% expressed a need for additional space, with several groups indicating the need for more meeting and general session space. He reported that 46% of respondents were not satisfied with the current offerings noting concerns with the columns in Halls A and B, and issues with traffic flow during large conventions. Recommendations for improvement include the creation of an outdoor venue for social events at a reasonable rental rate, addressing parking issues, and more airline options and direct flights. He provided an overview of the Market Demand Analysis for National Conventions and Tradeshows, noting that there had been a significant decline from 2007 to 2010.

At this time, Mr. Sawaya introduced Sandy Eaves from Populous, Inc. Mr. Eaves stated that in coordination with their local partner, Marmon Mok, they had conducted a multi-discipline on-site assessment of the Convention Center and solicited input from customers and stakeholders. He noted that their goal was to create stronger connections to the Riverwalk, Alamo, HemisFair Park, La Villita, Alamodome, and St. Paul's Square. He mentioned that they would like to develop well-defined entrances to the Convention Center.

Mr. Eaves provided a list of short-term capital improvements totaling \$21,833,000 that include interior renovations to Exhibit Halls A and B, the kitchen, concession enhancements, and Phase II Exterior Renovation to Alamo Street. He spoke of the opportunities for Revenue Enhancements including the repurposing of the Executive Assembly as a specialized food and beverage location and creating serviced outdoor event spaces. It was reported that the SAWS Building across the street should be developed as a visitor center/retail/conference center, with structured parking. Mr. Eaves outlined critical issues within the West Building such as the renovation of public areas and the need to improve lighting and the

exterior. Within the entire facility, he noted that there should be an efficient registration area, technology upgrades, and additional meeting room capacity.

Mr. Eaves presented two options for Future Expansion in which Concept 1 would demolish the West Building and have it rebuilt on the same site. Concept 2 would demolish the 42-year-old West Building and replace it with new development to the East. He stated that major benefits to Concept 2 would include the creation of a new 12-acre development parcel at the corner of Market and Alamo Streets and limited business disruption, as the West Building would remain fully operational until the East Expansion was completed.

Councilmember Cisneros stated that she was pleased with the possibilities at the Convention Center and asked if the exhibit space would be expanded. Mr. Sawaya replied that there was a greater need for additional meeting space but if Concept 2 was selected, there would be a net increase in exhibit space. Councilmember Cisneros spoke in support of Concept 2, noting that it would connect the Center with the River. She asked of the collaboration with the HemisFair Master Plan. Mr. Eaves stated that they would work together on the Master Plan and that there were many opportunities to develop the area. Councilmember Cisneros asked of the connection to the Alamodome. Mr. Eaves replied that the East Expansion would place the center closer to the Alamodome but noted that there were issues related to the roadways. Councilmember Cisneros requested that staff work with VIA Metropolitan to address transit issues and asked how short-term capital improvements would be funded.

Councilmember Chan asked of the square footage of the Convention Center. Mr. Sawaya stated that the rentable space in the facility was 629,000 square feet with 440,000 square feet utilized as Exhibit Space and 189,000 square feet used as meeting space. He noted that the goal was to improve the current facility. Councilmember Chan asked of the difference in Options 1 and 2 in terms of size. Mr. Sawaya replied that Option 1 would net 30,000 additional square feet, while Option 2 would net 96,000 square feet. Councilmember Chan asked of the next steps. Ms. Sculley stated that the information was for informational purposes and would provide more analysis and recommendations based on the HemisFair Park Master Planning effort.

Councilmember Ramos confirmed that the West Building would be demolished in both Options 1 and 2 and asked of the historic significance. Mr. Sawaya confirmed that the West Building would be demolished and that there was no historic significance. Councilmember Ramos asked of the current demand for conventions. Mr. Sawaya replied that there were 12 events per year that utilized the entire Convention Center and averaged a 70% occupancy rate on exhibit space. Ms. Sculley added that San Antonio was in great demand and would like the ability to handle multiple conventions. Councilmember Ramos asked of discussions with the Institute of Texan Cultures (ITC) regarding the potential East Expansion. Ms. Sculley replied that additional discussions would occur with the ITC during the HemisFair Master Plan process.

EXECUTIVE SESSION

Mayor Pro Tem Ramos recessed the meeting at 4:02 pm to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO *SULEMAN SAYANI AND SEMLINGER INVESTMENTS, LLC V. CITY OF SAN ANTONIO, ET AL* PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

B. DISCUSS LEGAL ISSUES RELATED TO THE FIRE COLLECTIVE BARGAINING AGREEMENT, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

Mayor Pro Tem Ramos reconvened the meeting at 4:46 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Ramos adjourned the meeting at 4:46 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **October 14, 2010** at 9:00 am in the City Council Chambers.

ROLL CALL

City Clerk, Leticia M. Vacek, took the Roll and noted a quorum of the Council with the following present: Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Cortez. Mrs. Vacek noted that Councilmember Cortez was in Washington, DC on city business.

Item 1. The Invocation was delivered by Rev. Nils Smith, Social Media Pastor, Community Bible Church, guest of Councilmember Mary Alice P. Cisneros, District 1.

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

Item 3. MINUTES

Councilmember Cisneros moved to approve the Minutes for the September 16, 2010 City Council Meeting. Councilmember Clamp seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read Item 4:

Item 4. UTILITY BRIEFING BY CPS ENERGY.

Doyle Beneby, President and CEO of CPS Energy presented Item 4 and spoke of the importance of the Save for Tomorrow Energy Plan (STEP) Program, noting that it reduces the need for additional capacity to the year 2023. He noted that STEP was designed to encourage customers to improve the energy used in homes and buildings. He stated that \$849 million had been allocated to support rebates and low-income weatherization goals. He mentioned that rebates were provided to customers for implementing qualified energy efficiency measures and Third Party Consultant Nexant verified the results. He

reported that the Nexant Report had certified that in 2009, CPS Energy spent \$20.4 million and achieved 125 Megawatts (MW). He added that they were ahead of schedule and noted that CPS Energy began recovering the prior year's STEP expenditures beginning with the August 1, 2010 billing cycle.

Mr. Beneby spoke of the Sun Edison Partnership noting that they had entered into a 25-Year Purchase Power Agreement (PPA) for three 10-MW installations in San Antonio that were currently being negotiated. He added that their plans included having a Regional Sun Edison presence in San Antonio and incorporating an educational center at one of the installations. He indicated that Sun Edison would collaborate with CPS Energy and institutions of higher learning on research. He reported that they had met more than half of their 100-MW non-wind goal. He added that the Commercial Operation Date was scheduled for September 2012.

Mr. Beneby outlined the Advanced Meter Infrastructure (AMI) Pilot Project and noted that they were implementing the project at a slow pace to receive input from customers. He reported that they would implement an AMI network and controlled pilot of 40,000 AMI meters for integration testing and that their goal was full system implementation by 2017. He mentioned that the AMI Pilot was demographically representative of the community and that a minimum of 4,000 meters would be maintained per Council District. He spoke of the Fall 2010 Financing Plan that is consistent with the previously approved March 2010 Rate Plan and noted that \$1 billion was needed to fund the Capital Program through Spring 2012. He reported that fixed long-term interest rates were at historic lows and long-term savings were achievable by issuing taxable Build America Bonds.

Mayor Castro spoke of the positive changes occurring at CPS Energy and asked of solar energy projects. Mr. Beneby replied that they were excited with the Sun Edison Project and would be receiving the best prices in the country. He noted that there would be many economic development opportunities and that the project would help meet CPS Energy's non-wind goal. He added that they were looking at options to build solar in San Antonio. Mayor Castro also stated that he was pleased with the increased transparency of CPS Energy.

Councilmember Ramos asked of the number of CPS Energy substations. Mr. Beneby replied that he would provide the number to the City Council and that they would spend \$29 million on substations for the period of the capital debt request. Councilmember Ramos asked if CPS Energy had an agreement to purchase solar power from the Blue Wing Project. Mr. Beneby confirmed that CPS Energy had entered into an agreement with the Blue Wing Project that would provide 15 MW of solar power. Councilmember Ramos requested a cost comparison of solar energy from last year to future projections.

Councilmember Williams stated that he was pleased with the Sun Edison Project and hoped to support these types of projects on a long-term basis through the base rate as opposed to the fuel adjustment charge. He noted that he was encouraged by the early progress of the STEP Program but expressed concern with the future costs. He spoke of the importance of addressing the air conditioning issues within the STEP Program and stated that the capital program was key to future rate increases.

Councilmember Clamp asked of the operational impact of the STEP Program. Mr. Beneby replied that there had not been enough savings to realize an impact. Councilmember Clamp stated that it was important to track the impact of the program on usage patterns and operational costs. Mr. Beneby noted that an independent third party confirmed the megawatt reductions. Councilmember Clamp requested that CPS Energy provide a slide with information on current financial status of revenues and expenses, as well as future projections and required equity for the Capital Plan. He asked of the plan to meet the

megawatt needs beginning in 2020. Mr. Beneby indicated that it had not been determined and that the current projections did not account for the impact of STP 3 and 4.

Councilmember Chan asked of the AMI Pilot Program and the goal of system-wide implementation by 2017. Mr. Beneby stated that they would test 40,000 AMI meters in which 20,000 meters would be installed in the first quarter of 2011 and 20,000 in the last quarter of 2011. He noted that they gather customer usage patterns to determine the value to customers. He mentioned that they would take a measured approach to ensure that the program was successful enough to implement with every meter by 2017. Councilmember Chan asked of the educational component. Mr. Beneby replied that they were in negotiation with Sun Edison to build an education center at one of the sites and would work to educate the community on solar energy.

Councilmember Rodriguez asked of the capital needs. Mr. Beneby replied that the capital costs through 2012 totaled \$1 billion. Councilmember Rodriguez spoke of the number of outages that occurred over the summer and asked of the emergency response. Mr. Beneby stated that two ten-year storms had occurred during the summer that were unusual but understood the need to improve emergency response times.

Councilmember Medina asked of the Affordability Program and communication to Senior Citizens. Mr. Beneby replied that they were currently serving a total of 37,000 customers through said program and would provide the number of Senior Citizens served to the City Council. Councilmember Medina asked of the Casa Verde Program. Mr. Beneby stated that their target was to serve 45,000 customers and were ahead of pace. He noted that their challenge was that many of the households were in need of carbon monoxide remediation prior to installation of weatherization items.

No action was required for Item 4.

The City Clerk read Item 5:

Item 5. CONSIDERATION OF THE FOLLOWING RELATING TO THE CITY'S 2011 STATE LEGISLATIVE PROGRAM FOR THE 82ND STATE LEGISLATIVE SESSION:

2010-10-14-0879

A. AN ORDINANCE APPROVING THE 2011 STATE LEGISLATIVE PROGRAM FOR THE 82ND STATE LEGISLATIVE SESSION.

Carlos Contreras provided an overview of the proposed issues to be included in the City of San Antonio's (COSA) 82nd State Legislative Program with the following categories: 1) COSA Initiatives; 2) Protection of Municipal Interests; 3) Joint Community Initiatives; and 4) Endorsements. He stated that the Intergovernmental Relations (IGR) Council Committee had considered the program on three occasions and that a B Session had been held on September 29, 2010. He noted that based on comments received from the City Council staff was proposing several modifications. He reported that under the Initiatives Category, they had withdrawn the item that would have extended the city's Sound Attenuation Ordinance into the Department of Defense designated Military Influence Area to further study the impact. Additionally, staff eliminated the item of extending the city's zoning authority into the Extra Territorial Jurisdiction within a Military Influence District within the Endorsements Category for further study. He explained that they had relocated the issue related to Immigration Law from the Protection of Municipal Interests to a new category entitled Previously Adopted City Council

Resolutions. He clarified that the purpose for protecting Eminent Domain was to be consistent with State Law and could be used for public purpose only. He added that within Sales Price Disclosure of Real Property they would include verbiage to support mandatory sales price disclosure legislation or legislation requiring a study to be conducted on the issue.

Mayor Castro thanked the IGR Council Committee and staff for their work. He stated that it was important to prepare early and was confident that it was a strong legislative agenda for San Antonio. Councilmember Rodriguez thanked everyone for their work on the Legislative Agenda and spoke of the great amount of outreach that had occurred. He asked of Meet and Confer for Civilian Employees and if it was the same language that had been supported two years ago by the city. Mr. Contreras confirmed that it would support the exact language of the bill that was filed in 2009. Ms. Sculley added that staff had worked with the Employee Management Committee to develop the bill and that it formalizes the discussion process with the Committee. Councilmember Rodriguez stated that it was important to note that Meet and Confer for Civilian Employees had been supported in the past and read a statement of support from Councilmember Cortez. Councilmember Cortez's statement read that he supports giving frontline civilian employees a voice to improve city services and is in support of the inclusion of Meet and Confer in the City's Legislative Package. Councilmember Rodriguez added that it was in the city's best interest that contrary issues that Councilmembers are asked to testify in support of be discussed at the IGR Council Committee.

At this time, Mayor Castro called upon the individuals registered to speak on Items 5A and 5B.

Nazirite Ruben Flores Perez referenced a meeting that had been held regarding the restoration of Kelly Air Force Base that included the Texas Commission on Environmental Quality and the Environmental Protection Agency. He expressed concern that San Antonio Water System would take over Bexar Met and was pleased that Bexar Met had removed fluoride from their drinking water.

Jack M. Finger expressed concern with Meet and Confer for Civilian Employees noting that it was a pro-union initiative. He spoke in opposition to the Immigration Resolution approved by the City Council and the initiative for Property Tax Appraisals and Revenue Caps. Lastly, he stated that he was against the endorsement for the pro-promiscuity approach to reduce teen and unplanned pregnancy.

Estella Tyson stated that she was a member of the City/County Joint Commission on Elderly Affairs and thanked the City Council for listening to their concerns regarding property tax issues. She spoke in support of the Sales Price Disclosure of Real Property and noted that transparency of the appraisal of property was appropriate for everyone.

Janet Ahmad referenced an agency that regulated homebuilders that was abolished during the last Legislative Session and asked if there was anything that could be included in the city's Legislative Program to regulate homebuilders.

A letter of support was received from Rollette Schreckenghost, President of the Conservation Society, in support of the initiative by the City Clerk to require a Historic Document Preservation Fee that would be used to preserve San Antonio's Historic Documents.

Councilmember Ramos spoke of the challenges related to redistricting and budget deficits and asked of the timeline for consultants. Mr. Contreras replied that there was flexibility in the budget to hire additional consultants if necessary and could have recommendations by December. He added that they

would select from consultants that had responded to the Request for Proposals as well as others with the necessary expertise. Councilmember Ramos expressed her support for the State Legislative Program as proposed. Councilmember Lopez asked of the process utilized to compile the State Legislative Program. Mr. Contreras replied that they had requested information from city departments and Committee Chairs, as well as solicited input from stakeholders and partners in the community. Councilmember Lopez asked of the next steps. Mr. Contreras replied that they will continue to meet with delegation members to receive feedback and the Chambers of Commerce and members of the business community to receive support and commitment.

Councilmember Rodriguez moved to adopt the proposed Legislative Ordinance as recommended by staff. Councilmember Ramos seconded the motion. Mayor Castro asked the City Council for items to be excluded from the package.

Councilmember Clamp asked that the following items be excluded: 1) Meet & Confer; 2) Property Tax Appraisals and Revenue Caps; and 3) Sales Price Disclosure of Real Estate Sales.

The motion excluding the above noted 3 items prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Cortez.

Councilmember Rodriguez moved to approve the Meet and Confer Legislation. Councilmember Ramos seconded the motion.

Councilmember Chan stated that Meet and Confer was unnecessary at this time and that employees were the most important asset of the organization. She referenced the Employee Management Committee and noted that a process for employees was already in place. She added that Meet and Confer was a binding process and would add a new expense with a Bargaining Agent. Councilmember Clamp asked of the history of Meet and Confer. Mr. Contreras replied that in 2009, there had been two sponsors of the bill and the bills had been filed and heard in the House and Senate Committees. He noted that no action had been taken on the bill in the House or the Senate. Mr. Contreras stated that all of the issues would be challenging to pass and that it was important to pre-file bills. Councilmember Clamp stated that he felt that the Employee Management Committee process worked well and was not sure what the new legislation would accomplish. Ms. Sculley replied that currently, State Law prohibits Meet and Confer for Civilian Employees and, therefore; she could not enter into an agreement with civilian employees. Councilmember Clamp asked what major issues do employees have that necessitate the change. Mr. Contreras replied that current law did not allow the City Manager to enter into a formal agreement with Civilian Employees. Councilmember Clamp stated that he was in support of good benefits and working conditions for employees but could not support the initiative.

Councilmember Williams concurred that he did not believe that Meet and Confer for Civilian Employees was necessary. He stated that he was in support of revenue caps and that the initiative would lower the cap. He noted that a study should be conducted related to the Sales Price Disclosure of Real Property and should be focused on better appraisals.

The motion to approve the initiative of Meet and Confer for Civilian Employees prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, and Mayor Castro. **NAY:** Williams, Chan, and Clamp. **ABSENT:** Cortez.

Councilmember Ramos moved to approve the Property Tax Appraisals and Revenue Caps Legislation. Councilmember Rodriguez seconded the motion.

Councilmember Clamp asked what would be accomplished by said initiative. Mr. Contreras replied that this could be an area where the State Legislature could restrict the city's ability to raise revenue or fill the gap of the State Budget. He noted that this was being recommended in an effort to maintain the status quo. Councilmember Clamp stated that regardless of the appraisal cap, the City Council had the ability to raise the same amount, a greater, or lesser amount. He noted that this was an accountability issue and could not support the initiative.

The motion to approve the Property Tax Appraisals and Revenue Caps Legislation prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Chan, and Mayor Castro. **NAY:** Clamp. **ABSENT:** Cortez.

Councilmember Ramos moved to approve the Sales Price Disclosure of Real Estate Legislation. Councilmember Rodriguez seconded the motion.

Councilmember Clamp asked for additional information on said initiative. Mr. Contreras stated that it was presented to the Legislature the previous year and would help ensure accurate appraisals. He noted that State Representative Mike Villarreal would seek authority to conduct a study on mandatory sales price disclosure. He added that between 30 and 35 states had mandatory sales price disclosure and a significant number of those had a Transfer Tax. Councilmember Clamp stated that he was in support of fair taxation for everyone but did not think this initiative would accomplish that. He expressed concern that this could lead to a transfer tax on real estate and added that it was the City Council's prerogative to change the tax rate to compensate for value differences. Councilmember Chan stated that there should be a uniform and fair appraisal system and asked that the City Council wait until the Appraisal Reform is conducted before making a decision. Councilmember Clamp added that he could support the item today if it was revised so that a study was conducted first. Mayor Castro confirmed that it was the intent of the IGR Committee to submit the initiative as recommended.

The motion to approve the Sales Price Disclosure of Real Estate Legislation prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, and Mayor Castro. **NAY:** Williams, Chan, and Clamp. **ABSENT:** Cortez.

2010-10-14-0046R

B. RESOLUTIONS CONCERNING LEGISLATION TO BE SUBMITTED TO THE TEXAS MUNICIPAL LEAGUE (TML) RESOLUTIONS COMMITTEE FOR INCLUSION IN TML'S 2011 STATE LEGISLATIVE PLAN.

Councilmember Rodriguez moved to approve the Resolutions for passage of legislation to remove the requirement that cities offer Graffiti Abatement free of charge to the owners; to provide cities participating in TMRS additional options regarding retiree benefits; supporting the passage amending the Public Information Act to allow governmental bodies to charge for personnel time needed to compile email records for "inspection-only" requests and to toll the deadline to submit a request for ruling until the time for the cost estimate process has elapsed, allowing the city to know the final scope of a request before staff begins compiling records for release to the requestor or review by the Attorney General; and passage of legislation that would result in the reduction of compensation for the use of municipal rights-

of-way by providers of voice communications and/or that would erode the authority of the city to manage and control its rights-of-way. Councilmember Ramos seconded the motion.

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

CONSENT AGENDA ITEMS 6-26

Consent Agenda Items 10, 15, 21, and 25 were pulled for Individual Consideration. Mayor Castro noted that Item 18 had been pulled from the agenda by staff.

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.

Nikki Kuhns spoke against the extension of the loan with the Alamo Regional Mobility Authority (RMA) in Item 25 and showed a video tape of a Council Meeting that occurred in 2003 that approved the creation of the RMA. She expressed concern that the RMA was a tolling authority that did not generate revenue and asked the city not to bail them out. Lastly, she provided the City Council with a copy of Section 52-b of Article 3 of the Texas Constitution entitled "Loan of State's Credit or Grant of Public Money for Toll Road Purposes."

Jack M. Finger spoke in opposition to the loan extension with the RMA in Item 25 and presented a map of proposed toll roads. He stated that people would use non-toll roads which would significantly increase traffic.

Janet Ahmad asked the City Council not to approve the extension of the loan for the RMA in Item 25. She expressed concern that the salaries for the RMA totaled \$1.2 million dollars but they could not pay the \$500,000 loan. She asked that the RMA be audited and asked the City Council not to bail them out.

Faris Hodge, Jr. submitted written testimony in favor of Items 6-12, and 14-26. Regarding Item 13, he expressed concern with the \$1.5 million recently spent on Hardberger Park and wrote that there were other parks that need repairs and trees.

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

2010-10-14-0880

Item 6. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR ANNUAL GOODS AND SERVICES: (A) SAN ANTONIO EXPRESS NEWS, SAN ANTONIO EXPRESS NEWS DAILY COMMERCIAL RECORDER, BIDSIMPLE, LA PRENSA DE SAN ANTONIO, OBSERVER NEWSPAPER GROUP, SAN ANTONIO BUSINESS JOURNAL, SAN ANTONIO EXPRESS NEWS PRIME TIME NEWSPAPERS AND SA LEGAL NEWS, LLC DBA THE HART BEAT FOR OFFICIAL & OTHER NEWSPAPER ADVERTISEMENT, (B) FIRE PANEL LLC FOR VEHICULAR FIRE PROTECTION PANELS AND

(C) LEXIS NEXIS RISK SOLUTIONS FL., INC. FOR LEXIS NEXIS SUBSCRIPTION FOR SAN ANTONIO POLICE DEPARTMENT.

2010-10-14-0881

Item 7. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH VIA METROPOLITAN TRANSIT AND AN INTEGRATION AGREEMENT WITH FERRELL NORTH AMERICA, TO PROVIDE THE CITY WITH HD-5 PROPANE MOTOR FUEL FOR USE BY APPROXIMATELY 138 PROPANE-FILLED VEHICLES AND EQUIPMENT FOR AN ESTIMATED ANNUAL COST OF \$112,000.00, FUNDED BY THE FLEET MAINTENANCE FUND.

2010-10-14-0882

Item 8. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE COOPERATIVE CONTRACTS WITH HEIL OF TEXAS AND FREIGHTLINER OF SAN ANTONIO, LTD. TO PROVIDE THE SOLID WASTE MANAGEMENT DEPARTMENT WITH 23 TRACTORS AND 23 TRAILERS FOR A TOTAL COST OF \$3,844,766.69, FUNDED WITH THE FY 2011 SOLID WASTE MANAGEMENT DEPARTMENT FUND AND THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2010-10-14-0883

Item 9. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT WITH THE LEVY COMPANY IN THE AMOUNT OF \$697,980.00, FUNDED FROM AIRPORT REVENUE BONDS, FOR THE TERMINAL 2 CABLE REROUTING PROJECT AT THE SAN ANTONIO INTERNATIONAL AIRPORT IN COUNCIL DISTRICT 9.

2010-10-14-0885

Item 11. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO E-Z BEL CONSTRUCTION, LTD IN THE AMOUNT OF \$3,591,368.15, OF WHICH \$406,049.89 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$206,618.25 WILL BE REIMBURSED BY CPS ENERGY, FOR THE MEDICAL CENTER INTERSECTION IMPROVEMENTS PROJECT (PHASE VII: MEDICAL DRIVE AND BABCOCK ROAD INTERSECTION), A 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 8.

2010-10-14-0886

Item 12. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL DESIGN SERVICES WITH MARMON MOK IN THE AMOUNT OF \$753,900.00 FOR THE CONVENTION CENTER IMPROVEMENTS PROJECT, A HOTEL OCCUPANCY TAX FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 1.

Item 13. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE HARDBERGER PARK PHASE 1B IMPROVEMENTS PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICTS 8 AND 9.

2010-10-14-0887

- A. AN ORDINANCE AUTHORIZING A CITY REQUESTED CHANGE ORDER IN THE INCREASED AMOUNT OF \$65,448.00 TO THE \$1,739,000.00 CONSTRUCTION CONTRACT WITH THE SABINAL GROUP, L.L.C. FOR A PARK ENTRY MONUMENT SIGN.

2010-10-14-0888

- B. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$71,550.00 TO THE \$1,405,016.00 PROFESSIONAL SERVICES AGREEMENT WITH STEPHEN STIMSON ASSOCIATES LANDSCAPE ARCHITECTS.

Item 14. CONSIDERATION OF THE FOLLOWING ORDINANCES FOR THE PRUE ROAD PROJECT (COUNTRY DAWN TO AUTUMN BLUFF), A 2007-2012 GENERAL OBLIGATION BOND PROJECT LOCATED IN COUNCIL DISTRICT 8.

2010-10-14-0889

- A. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO BALLENGER CONSTRUCTION COMPANY IN THE AMOUNT OF \$5,308,463.63, OF WHICH \$261,650.77 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$102,678.14 WILL BE REIMBURSED BY CPS ENERGY.

2010-10-14-0890

- B. AN ORDINANCE AWARDED A PUBLIC ART SERVICES AGREEMENT TO JACK ROBBINS IN AN AMOUNT NOT TO EXCEED \$81,742.00 TO BUILD AND INSTALL A PUBLIC ART FEATURE ALONG PRUE ROAD.

2010-10-14-0892

Item 16. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS UPON AWARD FOR A TRAFFIC EDUCATION GRANT FROM THE U.S. DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$100,000.00 FOR THE IMPLEMENTATION OF THE TARGETING AGGRESSIVE CARS AND TRUCKS (TACT) PUBLIC INFORMATION AND EDUCATION PROGRAM.

2010-10-14-0893

Item 17. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS UPON AWARD FOR A TRAFFIC ENFORCEMENT GRANT FROM THE U.S. DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$680,427.00 FOR THE IMPLEMENTATION OF THE TARGETING AGGRESSIVE CARS AND TRUCKS (TACT) ENFORCEMENT PROGRAM; AND AUTHORIZING A \$170,110.00 IN- KIND MATCH.

PULLED FROM THE AGENDA BY STAFF

Item 18. AN ORDINANCE AMENDING CHAPTER 10 (ELECTRICAL) OF THE CITY CODE OF SAN ANTONIO, TEXAS BY MODIFYING AND ADDING TO THE EXISTING "ELECTRIFIED FENCES" SECTION. PROVIDING FOR VIOLATIONS, PUBLICATION, AND AN EFFECTIVE DATE.

2010-10-14-0894

Item 19. AN ORDINANCE AMENDING APPENDIX F FLOODPLAINS - AREAS OF SPECIAL FLOOD OF THE CITY OF SAN ANTONIO UNIFIED DEVELOPMENT CODE TO COMPLY WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOODPLAIN ORDINANCE.

Item 20. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE, 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. APPOINTING NORMAN C. BARRERA (DISTRICT 8, CATEGORY: PLANNING) TO THE HISTORIC DESIGN AND REVIEW COMMISSION FOR A TERM OF OFFICE TO COMMENCE NOVEMBER 1, 2010 AND TO EXPIRE OCTOBER 31, 2012.
- B. REAPPOINTING JOHN A. NICHOLAS (DISTRICT 8) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2012.

2010-10-14-0896

Item 22. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE BEXAR COUNTY HOSPITAL DISTRICT, D/B/A UNIVERSITY HEALTH SYSTEM (UHS), FOR THE PERIOD OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011; AUTHORIZING THE ACCEPTANCE OF \$190,767.00 FROM UHS, AND AUTHORIZING PAYMENTS TO UHS OF APPROXIMATELY \$1,000.00 FOR PHARMACY SUPPORT SERVICES AND APPROXIMATELY \$6,000.00 FOR RADIOLOGY SERVICES FOR THE TUBERCULOSIS CONTROL PROGRAM.

2010-10-14-0897

Item 23. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HUMANA, INC., TO PROVIDE OR ARRANGE HEALTH SERVICES FOR MEDICARE-ELIGIBLE RETIREES AND ELIGIBLE DEPENDENTS IN AN ESTIMATED ANNUAL AMOUNT OF \$3,428,052.00, FUNDED BY THE EMPLOYEE BENEFITS FUND.

2010-10-14-0898

Item 24. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH UNITEDHEALTHCARE INSURANCE COMPANY, FOR THE ADMINISTRATION AND MANAGEMENT OF THE CITY'S VISION INSURANCE PLAN FOR CITY EMPLOYEES AND ELIGIBLE DEPENDENTS IN AN ESTIMATED ANNUAL AMOUNT OF \$776,800.00 FUNDED BY THE EMPLOYEE BENEFITS FUND.

2010-10-14-0900

Item 26. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *ISAAC VASQUEZ V. CITY OF SAN ANTONIO*, IN THE 57TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY TEXAS, FOR THE AMOUNT OF \$125,000.00 FROM THE SELF-INSURED LIABILITY FUND.

[CONSENT ITEMS CONCLUDED]

At this time, Mayor Castro addressed Item 25.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-10-14-0899

Item 25. AN ORDINANCE AUTHORIZING AN AMENDMENT TO AN INTERLOCAL AGREEMENT WITH THE ALAMO REGIONAL MOBILITY AUTHORITY ALLOWING THE CITY OF SAN ANTONIO TO EXTEND THE TERM OF LOAN REPAYMENT FOR A ONE-YEAR TERM TO SEPTEMBER 1, 2011.

Councilmember Williams stated that he was opposed to tolls but this was a larger transportation issue that needed to be worked out through the Legislature with Transportation Sector Leaders. Majed Al-Ghafry replied that the loan had been approved in 2005 and the purpose of the loan was to assist with organizational efforts such as staffing and office space. He stated that the loan was not intended for toll projects and the amount of \$582,000 (including interest) was due on September 1, 2010. Councilmember Ramos asked of the projects that the RMA has accelerated. Mr. Al-Ghafry replied that a good example was the Super Street that was recently constructed on Highway 281 and noted that they were also responsible for identifying funding sources. Councilmember Ramos asked how the RMA was funded. Terry Brechtel, Executive Director of the RMA stated that they were funded through grants and loans from the Texas Department of Transportation. She noted that they were working on environmental clearance for the Highway 281 Project and the Loop 1604 Environmental Impact Study. She added that they were working in partnership with Bexar County on the Super Street Project, as well as the Interchange Project at Highway 281 and Loop 1604. In response to Councilmember Ramos, Ms. Brechtel confirmed that the RMA had received a loan in the amount of \$750,000 from Bexar County and there was no due date for same.

Written testimony was received from Terri Hall in opposition to Item 25. Ms. Hall wrote that the RMA was officially in default and expressed concern that their only revenue stream was from toll roads. She requested that the City Council vote against the extension of the loan.

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

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

The City Clerk read the following Ordinance:

2010-10-14-0884

Item 10. AN ORDINANCE AUTHORIZING CITY REQUESTED AND CPS UTILITY DRIVEN CHANGE ORDERS IN THE INCREASED AMOUNT OF \$104,368.80 TO THE \$12,511,841.19 CONSTRUCTION CONTRACT WITH TEXAS STERLING CONSTRUCTION, LP, OF WHICH \$33,487.30 WILL BE REIMBURSED BY CPS ENERGY, FOR THE CALLAGHAN ROAD RECONSTRUCTION PROJECT (BANDERA ROAD TO INGRAM ROAD), AN AUTHORIZED HOUSING AND URBAN DEVELOPMENT (HUD) 108, STORMWATER REVENUE BONDS AND LOCAL AGENCY MANAGEMENT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 7.

Mike Frisbie reported that the change order would allow CPS Energy to reconcile their quantities based on what was placed in the field and would also provide stabilization of Zarzamora Creek. Councilmember Rodriguez requested that he be updated of any potential delays for said project.

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

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

The City Clerk read the following Ordinance:

2010-10-14-0891

Item 15. AN ORDINANCE AUTHORIZING A REAL ESTATE EXCHANGE CONTRACT WITH THE GENERAL SERVICES ADMINISTRATION (GSA) EXCHANGING THE EXISTING CITY-OWNED SAN ANTONIO POLICE DEPARTMENT (SAPD) HEADQUARTERS PROPERTY FOR THE GSA-OWNED PROPERTY AT HEMISFAIR PARK TO ALLOW FOR THE CONSTRUCTION OF A NEW FEDERAL COURTHOUSE AT THE SAPD SITE.

Councilmember Cisneros requested a project timeline. Pat DiGiovanni replied that the transfer of the property would occur in December 2012 and the General Services Administration could begin construction of the Federal Courthouse in January 2013. Councilmember Cisneros thanked Ben Brewer of the Downtown Alliance and Judge Xavier Rodriguez who was facilitating the project on behalf of the US District Court.

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

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

The City Clerk read the following Ordinance:

2010-10-14-0895

Item 21. AN ORDINANCE AUTHORIZING A CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND WELLMED CHARITABLE FOUNDATION TO CO-LOCATE AND JOINTLY PROVIDE SERVICES IN A MULTI-PURPOSE SENIOR CENTER IN COUNCIL DISTRICT 6.

Councilmember Ramos recused herself from Item 21 by exiting the Council Chambers and noting she had submitted the recusal forms to the City Clerk.

Councilmember Lopez thanked everyone working on the Multi-Purpose Senior Center and recognized Wellmed for their partnership.

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

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

Item 27. CITY MANAGER'S REPORT

A. AIRPORT TERMINAL B UPDATE

Ms. Sculley reported that the Airport Terminal B Dedication would be held on Friday, October 22, 2010 and the Grand Opening would take place on Saturday, October 23, 2010. She stated that the \$108 million project included 251,000 square feet and eight gates for the airlines. She noted that the new Baggage Handling System would service Terminals A and B and improve customer service.

B. SAN ANTONIO INTERNATIONAL AIRPORT MASTER PLAN

Ms. Sculley stated that the Policy Board for the Airport Master Plan included Mayor Castro and Councilmembers Ramos, Clamp, and Chan and that an update on the process would be provided during a B Session in November.

RECESSED

Mayor Castro recessed the meeting at 11:43 am to break for lunch and noted that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Councilmember Rodriguez reconvened the meeting at 6:02 pm and called upon the individuals registered to speak.

Nazirite Ruben Flores Perez spoke of the Abyss and referenced seventh heaven. He also spoke of demons and Tortora.

Mark Perez spoke of pollution in the environment and expressed concern with various facilities in the community that did not have permits to store hazardous chemicals. He stated that the Fire Department was not enforcing ordinances and asked why the Age Refinery Company had never been inspected. He stated that he was concerned with the lack of response from the Fire Chief, Development Services Department Director, and City Attorney's Office. He referenced a meeting that would be held with the Texas Commission on Environmental Quality to discuss violations.

Antonio Diaz requested that October 12th be proclaimed as Indigenous Human Rights Day and stated that the word indigenous applied to the continent. He thanked the Councilmembers that were present and noted that it was important to show respect for indigenous human rights.

Faris Hodge, Jr. asked why CPS Energy Board Meetings did not provide for citizens to be heard. He expressed concern with the quiet zone proposed in his neighborhood. He stated that many restaurants in the city were not being inspected and requested that the Citizens to be Heard portion of the City Council Meeting be broadcast on television. He asked when a sprinkler system would be installed in the

Municipal Plaza Building and expressed concern that libraries charged 25 cents per copy. Lastly, he sang a song to the City Council.

Nick Calzoncit requested that schools be named in honor of people of peace and also asked that a department of peace and nonviolence be created. He stated that the City Council should take official action in regard to the recent near tragedy in Chile. He also asked that the current status of Arizona SB 1070 be evaluated. He spoke of the importance of meeting responsibilities to children and females, as well as the Mexican American and Latino Cultures. He asked of the manual and related documents for the City Public Access Television Shows that are produced. Lastly, he spoke in support of proclaiming October 12th as Indigenous Human Rights Day and expressed concern that only four Councilmembers were present.

ADJOURNMENT

There being no further discussion, Councilmember Rodriguez adjourned the meeting at 6:22 pm.

APPROVED



JULIÁN CASTRO
MAYOR

Attest:



LENCIA M. VACEK, TRMC/CMC
City Clerk