

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

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE MUNICIPAL PLAZA BUILDING, THURSDAY, SEPTEMBER 1, 2011.

The San Antonio City Council convened in a Regular Meeting on Thursday, **September 1, 2011** 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: Bernal, Taylor, Ramos, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro.

Item 1. The Invocation was delivered by Major Albert Villafuerte, San Antonio Area Commander - Salvation Army, guest of Councilmember Ray Lopez, District 6.

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

Item 3. MINUTES

Councilmember Chan moved to approve the Minutes for the August 4, 2011 and August 10-11, 2011 City Council Meetings. Councilmember Lopez seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Ramos and D. Medina.

POINT OF PERSONAL PRIVILEGE

Mayor Castro stated that the first University of Texas at San Antonio Roadrunner Football Game would be held in the Alamodome this Saturday and recognized Dr. Ricardo Romo, UTSA President. Dr. Romo stated that he was very excited about the first Football Game and expected 50,000 individuals to attend the game. He thanked the City Council for their support and presented Mayor Castro with a personalized football jersey. Councilmember Williams stated that he was pleased that UTSA would be hosting their first Football Game and that the event would help promote UTSA and San Antonio.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

2011-09-01-0023R

Item 4. CONFIRMING THE APPOINTMENT OF HERIBERTO "BERTO" GUERRA, JR. (NORTH ZONE) TO THE SAN ANTONIO WATER SYSTEM (SAWS) BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2014, AND CONCURRING WITH THE MAYOR'S APPOINTMENT OF MR. GUERRA AS CHAIR FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2012.

Mayor Castro spoke of the drought conditions and the importance of addressing water issues for the community. He introduced Berto Guerra and thanked him for taking on the challenge of San Antonio Water Systems Board Chairman.

Mr. Guerra stated that he was honored to serve in this capacity and thanked the City Council for their support.

Councilmember Chan thanked Mr. Guerra for his willingness to serve and spoke of his many contributions to the city. She stated that water was vital for the growth and prosperity of the city and looked forward to working with Mr. Guerra. Councilmember Williams thanked Mr. Guerra taking the time from his active business career and family to serve. Councilmember Ramos also thanked Mr. Guerra for his willingness to serve and spoke of the importance of water for the city. Councilmember Lopez added his congratulations to Mr. Guerra and thanked him for his service.

Richard Perez, President of the Greater San Antonio Chamber of Commerce addressed the City Council in support of Mr. Guerra's appointment to the SAWS Board. He stated that the city was blessed to have good leadership and spoke of Mr. Guerra's background and experience.

Ramiro Cavazos, President of the Hispanic Chamber of Commerce addressed the City Council in support of Mr. Guerra's appointment to the SAWS Board. He stated that Mr. Guerra was an extremely qualified candidate and strong advocate of growing San Antonio's Economy. He noted that Mr. Guerra would be an asset to the community due to his desire, dedication, and skill set to help advancing the city's water needs.

Written testimony was received from Former Mayor Henry Cisneros in support of the appointment of Heriberto Guerra, Jr. to the SAWS Board of Trustees.

Councilmember Chan moved to approve the Resolution confirming the appointment of Heriberto "Berto" Guerra, Jr. to the SAWS Board of Trustees for the North Zone. Councilmember Lopez seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

Councilmember Chan moved to approve the Resolution to appoint Mr. Guerra as Chair of the SAWS Board. Councilmember Lopez seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

At this time, Mayor Castro addressed Item 22.

2011-09-01-0717

Item 22. AN ORDINANCE APPROVING A 6-YEAR, 100% TAX ABATEMENT AGREEMENT WITH SUN EDISON AND AN ORDINANCE CREATING THE SUN EDISON INDUSTRIAL DISTRICT AND APPROVING A 15-YEAR NON-ANNEXATION AGREEMENT WITH SUN EDISON.

Rene Dominguez introduced representatives from Sun Edison, SAWS, and CPS Energy. He stated that they had been working on the Sun Edison Project for over a year and was excited that they would build three solar farms in Bexar County. He noted that they would invest \$150 million in the three solar farms and contribute \$300,000 to UTSA for research and development in the Renewable Energy Sector. He added that staff recommended a 6-Year, 100% Tax Abatement valued at \$653,906 for the one site located in Council District 3. Staff also recommended the establishment of an Industrial District at the site in the Extraterritorial Jurisdiction (ETJ) and a related 15-Year Non-Annexation Agreement.

Councilmember Ramos expressed support for the three solar farms that would be built. She noted that it was a win-win situation for all involved and thanked everyone involved for their participation.

Mayor Castro thanked Sun Edison for their investment in San Antonio.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember C. Medina seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

At this time, Item 5 was addressed.

The City Clerk read the caption for Item 5:

Item 5. BRIEFING ON THE 2010 CENSUS AND IMPACT ON CITY COUNCIL DISTRICTS AND INTRODUCTION TO THE REDISTRICTING PROCESS.

Michael Bernard stated that David Mendez of Bickerstaff Heath Delgado Acosta LLP would provide a briefing on the Redistricting Process and that no action would be taken.

Mr. Mendez stated that the US Constitution requires that election districts for governmental officials that act in a representative capacity have approximately equal populations. He noted that if there were population changes indicated by the Federal Census, governmental entities must determine whether existing districts continue to satisfy the requirement. He added that if the population was not equal, the entity must re-draw district boundaries.

Mr. Mendez reported that for a legislative plan, deviation exceeding 10% is invalid and must be justified. He indicated that deviation is measured between the single member district with the greatest population and the district with the least population. He stated that the Department of Justice (DOJ) was responsible for reviewing and clearing changes to Council Districts made by the city. He noted that the DOJ would be applying provisions from Section 5 of the Voting Rights Act which pertains to not causing a retrogressive effect on minority districts and Section 2 of same pertaining to discrimination

against protected groups. He mentioned that the DOJ would be pre-clearing the redistricting plan based on the standard of retrogression, ensuring that minorities are not worse off under the new system. He added that the benchmark that would be used was 2010 Census Data superimposed on the last legally enforceable plan. He indicated that the burden was on the city to show that its plan is the least retrogressive plan.

Mr. Mendez outlined Section 2 of the Voting Rights Act, noting that it prohibits election practices that discriminate on the basis of race or language minority status. He stated that the Anglo Voting Community has rights under the 14th Amendment and referenced the case of *Shaw v. Reno*. He explained that the decision requires that redistricting be narrowly tailed to protect minorities but at the same time, not engage in racial gerrymandering. He presented a map adopted by North Carolina in 1992 which was outlawed by the Supreme Court as racial gerrymandering. He also presented a map of Harris County Congressional Districts during the same time period that was declared unlawful by the Courts. He added that it is acceptable to be aware of and consider race, but it cannot be the predominant factor in the redistricting process to the subordination of traditional districting principles.

Mr. Mendez recommended that the City Council adopt Redistricting Criteria that could include: 1) Adopting districts of relatively equal size; 2) Identifiable boundaries; 3) Maintaining communities of interest and neighborhoods; 4) Using whole voting precincts; and 5) Basing the plan on existing districts. He provided City of San Antonio 2001 Benchmark with 2010 Census Data and noted that the city's current deviation was 39.93%. He referenced City Council District Maps by Hispanic, Black, and Asian Population. Lastly, he provided an overview of the timetable for the 2011 Redistricting Process that concludes with a DOJ Preclearance Review Period from April-May 2012.

Mayor Castro thanked Mr. Mendez for the presentation. He called upon Nazirite Ruben Flores Perez to speak on Item 5.

Mr. Perez stated that he was in favor of having 12 City Council Districts in the city. He spoke of Jehovah and warned everyone of Governor Perry.

There was no action required for Item 5.

The City Clerk read the following Ordinance:

2011-09-01-0704

Item 6. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICE CONTRACT FOR THE ADVERTISING, MARKETING AND PUBLIC RELATIONS AGENCY SERVICES ESTIMATED ANNUALLY AT \$7.5 MILLION TO PROOF ADVERTISING TO ASSIST THE CONVENTION AND VISITORS BUREAU (CVB) IN CARRYING OUT THE CVB'S BRAND MARKETING STRATEGIES TARGETING THE LEISURE VISITOR AND CONVENTION/GROUP BUSINESS.

A.J. Rodriguez presented and stated that the City of San Antonio has an \$11 Billion Visitor Industry with 106,000 local jobs. He noted that the Convention and Visitors Bureau (CVB) utilizes an Advertising and Marketing Agency to assist in executing the CVB's brand marketing strategies targeting the leisure visitor and convention group business. He outlined key dates of the Evaluation Process, noting that the Request for Qualifications (RFQ) was issued on May 18, 2011 and Finalist Presentations

occurred on July 19, 2011. He provided an overview of the Scope of Work which includes Strategic Planning and Integrated Marketing Management; Marketing Research; Creative Concept; and Public Relations.

Mr. Rodriguez spoke of the Small Business Enterprise (SBE) Participation and reported that due to the large scope of the contract and significant subcontracting opportunities; the Goal Setting Committee had applied a 20% Small Business Enterprise Subcontracting Goal to the contract. He stated that prime respondents were required to provide a utilization plan documenting how they intend to achieve the goal with Certified Small Businesses within the San Antonio Metropolitan Statistical Area. He noted that the current contract resulted in an average 13% SBE Participation. He recognized the Evaluation Team Members, noting that it consisted of: 1) Three Convention & Visitor's Commission (CVC) Members; 2) One Private Sector Representative; 3) Eight City Staff; and 4) City Department Representatives to serve in Advisory Capacity.

Mr. Rodriguez provided an overview of the Evaluation Criteria that include Strategic Planning and Relevant Experience. He indicated that seven agencies had responded and the Evaluation Committee selected four agencies for formal presentations. He reported that the highest rated agency was Proof Advertising with a total of 88.08 points out of 100. He spoke of the basis for the recommendation within each of the categories and introduced Brian Christian of Proof Advertising.

Mr. Christian stated that they were excited to have been rated the highest and would approach the contract with vigor and enthusiasm. He noted that they had traveled the city and understood the significance of utilizing tourism as an economic development engine. He recognized Senior Team Members and spoke of their background and experience. He mentioned that they had been in the industry for 22 years and highlighted their in-house digital and social media efforts. He added that they would be partnering with the local small business Komet and would invest in Education in the city. He indicated that staff had taken over 300 trips to San Antonio in the past year and were greatly committed to the city.

Mayor Castro called upon the individuals registered to speak.

Marise McDermott, Incoming Chair of the CVC addressed the Council and stated that she said she was pleased to have participated in the selection process. She noted that through the process, Proof Advertising proved that they were suited for the task. She added that she is confident that Proof Advertising will take the city to the next level.

Dan Decker stated that he was President of SeaWorld San Antonio and expressed support for the staff recommendation. He noted that the process was very well put together and felt that it was fair and objective. He mentioned that Proof Advertising talked about uniting locals to attract others to our city which was not indicated by any other agency. He added that the city is at a tipping point from a tourism and growth standpoint and SA 2020 is key to same.

Leslie Komet Ausbourn stated that she is a partner with Proof Advertising and is a life long resident of San Antonio. She noted that Proof Advertising had reached out to her to ignite new ideas and helped her grow her small business. She indicated that she is now helping other small businesses grow in San Antonio and spoke of the importance of igniting locals for tourism and business.

Amy Cornwell of Creative Impressions stated that she is a small minority-owned business in San Antonio and is very excited about the opportunity to partner with Proof.

Jaime Allen of Texas Creative stated that they have been headquartered in San Antonio since 1985 and employs 22 individuals. She noted that she was one of the seven firms that responded to the RFQ and expressed concern that special consideration and credit was given to Proof Advertising for ideas and strategies that were not included in the RFQ. She requested that the RFQ be rescinded and that a Request for Proposal be re-issued to make it a more level playing field.

Robert Thraikill, General Manager of the Hilton Palacio del Rio, stated that he was privileged to participate on the Evaluation Committee and was confident in the process. He noted that it was a thorough and fair process and requested City Council approval of the contract.

Ernest Bromley stated that he had been pleased to serve as the city's Advertising and Marketing Agency for the past 10 years but expressed concern with the RFQ Process. He noted that the finalist round never occurred and spoke of the difference between a Request for Qualifications versus a Request for Proposals. He stated that they thought that bringing forth ideas on how to take the city's brand to the next level would be part of the final round. He added that there is a desire to grow local creative agencies since many were not surviving due to the decrease in advertising budgets. He stated that they have been able to get many national ads but are especially proud of what they do for the CVB. He noted that his concerns were that points were not awarded for Small Business Economic Development Advocacy (SBEDA) and respectfully requested that the final round of the RFQ take place.

Davis Phillips of the San Antonio Tourism Council stated that he was not on the selection team but was in support of the staff recommendation. He noted that experts had served on the Evaluation Committee and they were "blown-away" by the results. He added that he believed the process was fair and that it was important to do what is best for the city.

Frank Burney stated that he represents Proof Advertising and supports the staff recommendation. He commended Bromley Communications for their great work but expressed concern that issues with the process were again being raised as had been done in 2004. He noted that there had been a fair process and spoke of the energy and creativity that would be brought forth by Proof Advertising. He asked the City Council to welcome and support Proof Advertising.

Councilmember Williams asked if staff had stepped over the line in regard to the process. Mr. Rodriguez replied that they had not. Councilmember Williams asked of the difference between an RFQ and RFP. Mr. Rodriguez stated that they had decided that an RFQ Process was needed because they did not want a specific media pitch as it related to a new plan. He noted that they had discussed economic development and SA 2020 ideas with all of the four finalists in a consistent manner. He indicated that the majority of what they reviewed was related to the qualifications of each firm and that is how they were scored. Councilmember Williams expressed concern that staff did not follow the direction of the City Council to utilize a point system for SBEDA within the RFQ. Mr. Rodriguez reported that the Goal Setting Committee had decided that it was in the best interest of the city to establish a subcontracting goal of 20%. Councilmember Williams asked if this had been conveyed to the City Council. Mr. Rodriguez replied that they had provided a memo to the City Council indicating same on April 12, 2011 and that there had been no objections from the City Council.

Councilmember Williams commended Bromley Communications for their work and asked of the replacement of his employees. Mr. Rodriguez stated that the new SBEDA Ordinance requires that 20% of the work be subcontracted to small, minority, women-owned businesses and that Proof Advertising would maintain and grow the 106,000 industry jobs. Councilmember Williams asked of the length of the contract. Mr. Rodriguez replied that it was a three-year contract with a one-year extension. Councilmember Williams stated that he had recommended a shorter contract in an effort to try something new and longer contracts hurt the city. He noted that overall; he was comfortable with the process and would support the staff recommendation.

Councilmember Lopez stated that he believed that a good process was followed and asked of the Pre-Bid Conference. Mr. Rodriguez replied that the evaluation criteria and point system had not changed and that the bidders were made aware of the RFQ Process that would be utilized. He stated that after the Evaluation Committee reviewed the proposals, they requested ideas on integrating Economic Development and SA 2020 into a successful tourism campaign from the four finalists. He noted that letters were sent on July 8, 2011 and all four firms responded. Councilmember Lopez expressed concern that there could have been some confusion among the bidders and asked of the impact of delaying the contract. Mr. Rodriguez indicated that the contract with Bromley Communications ends on September 30, 2011. He stated that they would host a post-bid session with all of the firms to gather input and improve future processes.

Councilmember Ramos expressed concern that the process was changed and asked if information was received from the four bidders regarding implementation. Mr. Rodriguez replied that there was no discussion regarding implementation of a plan and that the bidders were informed that a final presentation would be made, if necessary. He reported that the Evaluation Committee did not believe that a final presentation was needed due the high scoring for Proof Advertising. Councilmember Ramos asked of the SBE/Minority Goal. Mr. Rodriguez stated that the Goal Setting Committee ensures that there is small, minority, women-owned business participation. Based on availability in the market and previous utilization of the contract; it was determined that a 20% SBE Goal was reasonable and achievable.

Councilmember Ramos expressed concern that city staff did not follow Council Direction and asked of SBEDA Compliance. Mr. Rodriguez replied that the scoring system on the previous contract did not comply with State Law and the SBEDA Ordinance had been revised to ensure compliance. Michael Bernard added that Federal Law had evolved over the past 15 years when the last utilization study was conducted and that the city was in compliance when the SBEDA Ordinance was implemented. Councilmember Ramos stated that she believed that the top firms were very qualified but expressed concern with the impact to the local community and the process followed. She noted that she would support a final presentation by the top four bidders.

Councilmember Bernal expressed concern with the disregard for City Council Direction and stated that the process was not as good as it could have been. He commended Bromley Communications for their work and asked the CEOs of the three top firms to approach the podium to answer a few questions. He asked if they understood that the RFQ Process was retrospective. Messrs. Bromley and Christian and Ms. Allen confirmed same. Councilmember Bernal asked if Proof Advertising had conducted business with the city in the past. Mr. Christian replied that they had not worked with the city but had worked on State and Federal Accounts. Councilmember Bernal asked if the term RFQ was universal throughout the US. Mr. Christian stated that there were shared qualities but were not necessarily uniform. Councilmember Bernal asked of the experiences of the three firms in regard to the request for ideas

referenced in the memo from staff dated July 8, 2011. Ms. Allen stated that she did not have the opportunity to address the questions since she was not one of the top four firms. She added that she did not think it was fair and should have been able to provide their ideas related to Economic Development and SA 2020. Mr. Bromley stated that they answered the two questions from a qualifications point of view. Mr. Christian stated that they approached it as part of a normal process to ensure that qualifications can be put into practice. Councilmember Bernal stated that a process should have been crafted to alleviate these concerns and requested that staff take an aggressive approach to keep this from occurring in the future.

Councilmember Taylor stated that there were challenges with the Airport Concessions Contract; thus, the process was improved. She asked that the memo addressing the issue be highlighted to ensure that feedback is provided accordingly. She asked of the process utilized by the Evaluation Committee. Mr. Rodriguez stated that all of the presentations were reviewed and scored independently and then submitted and tallied to establish a ranking. Due to the large point difference between the fourth and fifth firms, they requested additional information from the top four firms. Once information was received from the four firms, the information was again scored independently and tallied by Procurement Staff. Councilmember Taylor stated that it was important for the city to be known for being fair and was satisfied that the process had been fairly implemented. She asked if it was clear that there would only be an RFQ Process. Mr. Rodriguez replied that there was no mention of an RFP Process and that it had always been communicated as an RFQ Process. Councilmember Taylor stated that this is about selecting a firm that is most prepared and that will increase the number of people that visit the city. She noted that she was in support of the staff recommendation.

Councilmember Chan stated that this process has been thoroughly examined and hoped that the staff would listen to City Council Direction in the future. She noted that she did not recall receiving the memo and that the process should be tightened up. She added that the process needs to be adhered to in the future.

Mayor Castro stated that the process was fair and was in support of the staff recommendation. He noted that he had an issue with the policy making by the City Council for a point system and that was not adhered to by staff. He indicated that this would not impact the results but should not happen in the future. He added that decisions should be made on merit and thanked the Evaluation Committee for their work. He commended Bromley Communications for their great work over the years.

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

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** Ramos. **ABSENT:** D. Medina.

RECESSED

Mayor Castro recessed the meeting at 12:02 pm to break for lunch and announced that the meeting would resume at 2:00 pm.

RECONVENED

Mayor Castro reconvened the meeting at 2:12 pm and addressed the Consent Items.

CONSENT AGENDA ITEMS 7-26

Consent Agenda Item 13 was pulled for Individual Consideration. Mayor Castro announced that Items 16M and 17 had been pulled from the agenda by staff. Councilmember Ramos moved to approve the remaining Consent Agenda Items. Councilmember Lopez seconded the motion

Councilmember Lopez recognized the Mayor and City Administrator of Von Army that were present in support of the release of land from the City's ETJ in Item 23.

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

Angie Ruiz stated that she was a 45-Year resident of property located at 502 Evergreen that was one block from the Metropolitan Methodist Hospital. She spoke in opposition to the street closure requested by the Metropolitan Methodist Hospital in Item 13, noting that it would have serious impacts on the neighborhood. She expressed concern with safety, noting that there would be limited access for ambulance and fire service. She mentioned the challenging street patterns within the Tobin Hill Neighborhood and expressed concern with the neglected areas in the Southern Portion of the neighborhood. She provided a map of the Tobin Hill Properties currently owned or occupied by the Metropolitan Methodist Hospital and presented alternative locations for hospital expansion.

Betty Eckert stated that she concurred with Ms. Ruiz and requested that representatives of the Metropolitan Methodist Hospital review the alternatives proposed.

Mayor Martinez of the City of Von Army stated that since incorporating, they have been providing basic services to their residents. He noted that they had implemented Animal Control Services and installed street lighting on all streets, among other improvements. He expressed support for Item 23 and thanked the City Council for their consideration.

Faris Hodge, Jr. submitted written testimony in favor of Items 8, 12, 13, 15, 17-21, and 23-26. He submitted written testimony in opposition to Items 9, 14, and 22. For Item 14, he wrote that the restrooms in El Mercado were too small to accommodate wheelchairs and there was no automatic button to open the door. He wrote that he was opposed to the Tax Abatement Agreement with Sun Edison, noting that citizens are required to pay taxes and businesses should also pay taxes.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None.

2011-09-01-0705

Item 7. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR ANNUAL GOODS AND SERVICES: (A) HONEYWELL INTERNATIONAL INC. FOR MAINTENANCE AGREEMENT FOR THE CONVENTION SPORTS AND ENTERTAINMENT FACILITIES EBI SYSTEM AND (B) TCL CONSTRUCTION ENTERPRISES, INC. FOR LABOR AND CONCRETE MATERIAL FOR PARK OPERATIONS.

2011-09-01-0706

Item 8. AN ORDINANCE AUTHORIZES THE SUBMISSION OF A \$150,000,000.00 GRANT APPLICATION AND IF AWARDED, ACCEPTANCE OF FUNDS BY THE CITY MANAGER OR HER DESIGNEE FOR AN OFFICE OF ECONOMIC ADJUSTMENT AND DEPARTMENT OF DEFENSE GRANT FOR TRANSPORTATION RELATED IMPROVEMENTS NEAR FORT SAM HOUSTON LOCATED IN COUNCIL DISTRICTS 2 AND 10.

2011-09-01-0707

Item 9. AN ORDINANCE AUTHORIZES THE SUBMISSION OF A \$150,000,000.00 GRANT APPLICATION AND IF AWARDED, ACCEPTANCE OF FUNDS BY THE CITY MANAGER OR HER DESIGNEE FOR AN OFFICE OF ECONOMIC ADJUSTMENT AND DEPARTMENT OF DEFENSE GRANT FOR TRANSPORTATION RELATED IMPROVEMENTS NEAR FORT SAM HOUSTON LOCATED IN COUNCIL DISTRICTS 2 AND 10.

2011-09-01-0708

Item 10. AN ORDINANCE AUTHORIZING ASPHALT OVERLAY WITH RUBBER – PACKAGE III CONTRACT CHANGE ORDER NO. 5, TO THE \$4,696,567.17 CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, INC.. IN THE INCREASED AMOUNT OF \$389,534.05 FOR THE COMPLETION OF REPAIRS ALONG STONE OAK PARKWAY, LOCATED IN COUNCIL DISTRICT 9, AN AUTHORIZED 2009 TAX NOTES AND 2007 CERTIFICATES OF OBLIGATION PROJECT.

2011-09-01-0709

Item 11. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A 0.10 ACRE OF AN UNDEVELOPED ALLEY LOCATED AT PALO DURO DRIVE AND RIO SECO STREET, BETWEEN LOTS 94, 95 AND 96, NCB 14793 IN SHADY OAKS SUBDIVISION IN COUNCIL DISTRICT 9, AS REQUESTED BY MICHAEL LAHOOD, FOR A FEE OF \$12,000.00.

2011-09-01-0710

Item 12. AN ORDINANCE DECLARING AS SURPLUS TWO VACANT PARCELS OF CITY-OWNED PROPERTY LOCATED WITHIN THE SOUTHWEST BUSINESS AND TECHNOLOGY PARK IN COUNCIL DISTRICT 6 AND AUTHORIZING THE SALE TO GILBERT'S UTILITY & CONCRETE WORK INC. FOR A TOTAL OF \$42,808.40.

2011-09-01-0711

Item 14. AN ORDINANCE APPROVING THE ASSIGNMENT OF THE LEASE NEEDFUL THINGS & MORE IN FARMERS MARKET TO HASAN K. ZUBAIR AND APPROVING A LEASE AMENDMENT WITH LEATHER CREATIONS IN EL MERCADO TO PERMIT OUTDOOR DISPLAY OF MERCHANDISE AND CHANGE SQUARE FOOTAGE OF LEASED SPACE.

2011-09-01-0712

Item 15. AN ORDINANCE RATIFYING A GRANT APPLICATION SUBMITTED BY THE OFFICE OF ENVIRONMENTAL POLICY TO THE DEPARTMENT OF ENERGY'S "SUNSHOT INITIATIVE: ROOFTOP SOLAR CHALLENGE TO INDUCE MARKET TRANSFORMATION" FUNDED FOR A ONE-YEAR PROJECT PERIOD FOR AN AMOUNT UP TO \$335,500.00.

Item 16. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2013. TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT; OR FOR TERMS AND EFFECTIVENESS AS OTHERWISE INDICATED BELOW:

- A. APPOINTING RICHARD L. LAPAGLIA (DISTRICT 6, CATEGORY: PERFORMING ARTS/THEATER) AND REAPPOINTING TRACEY A. CURRAN-HERMAN (DISTRICT 9, CATEGORY: PATRON OF THE ARTS) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE.
- B. APPOINTING ANDREW J. SALAZAR (DISTRICT 6) TO THE SAN ANTONIO YOUTH COMMISSION.
- C. APPOINTING JESSE ZUNIGA (DISTRICT 6) TO THE BUILDING STANDARDS BOARD FOR A TERM OF OFFICE TO COMMENCE JANUARY 1, 2012 AND TO EXPIRE MAY 31, 2013.
- D. REAPPOINTING THEODORE N. RITCHIE (DISTRICT 6) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 22, 2012.
- E. REAPPOINTING ROBERTO C. TREVINO (DISTRICT 2, CATEGORY: ARCHITECT) TO THE BUILDING AND FIRE CODE BOARD OF APPEALS.
- F. REAPPOINTING JAMES A. DEVNO (DISTRICT 2) TO THE CITY COMMISSION ON VETERANS AFFAIRS.
- G. REAPPOINTING VICENTE GARCIA (DISTRICT 2) TO THE CITY/COUNTY JOINT COMMISSION ON ELDERLY AFFAIRS.
- H. APPOINTING CAROL A. MARLER (DISTRICT 9) AND REAPPOINTING ALICE ROSE KENNEDY (DISTRICT 2) TO THE COMMISSION FOR CHILDREN AND FAMILIES.
- I. REAPPOINTING JANE S. GONZALEZ (DISTRICT 2) TO THE DISABILITY ACCESS ADVISORY COMMITTEE.
- J. REAPPOINTING ALEXANDER SAUCEDO (DISTRICT 2) TO THE PARKS AND RECREATION BOARD.

- K. REAPPOINTING CATHERINE E. SCHNEIDER (DISTRICT 2) LINDA N. LIBBY (DISTRICT 5) TO THE SAN ANTONIO COMMISSION ON LITERACY.
- L. REAPPOINTING EDWARD H. HARDEMON (DISTRICT 2) TO THE ZONING BOARD OF ADJUSTMENT.

ITEM 16M – PULLED FROM THE AGENDA

- M. REAPPOINTING DANIEL C. MARTINEZ (DISTRICT 2) TO THE ZONING COMMISSION.
- N. REAPPOINTING STEVE LOPEZ (DISTRICT 9, CATEGORY: JOURNEYMAN ELECTRICIAN OPEN SHOP) TO THE ELECTRICAL BOARD.
- O. REAPPOINTING DANIEL ZIMMERMANN (DISTRICT 9, CATEGORY: PROFESSIONAL ENGINEER) TO THE MECHANICAL APPEALS AND ADVISORY BOARD.
- P. REAPPOINTING WILLIAM S. MERTEN (DISTRICT 9) TO THE SAN ANTONIO HOUSING TRUST.
- Q. REAPPOINTING LOYCE J. INCE (DISTRICT 9) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR A TERM OF OFFICE TO COMMENCE OCTOBER 1, 2011 AND TO EXPIRE SEPTEMBER 30, 2013.
- R. REAPPOINTING CHERYL SHAW (DISTRICT 9, CATEGORY: CONSUMER) TO THE TRANSPORTATION ADVISORY BOARD.

PULLED FROM THE AGENDA

Item 17. AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE ENTITLED "ANIMALS," SIMPLIFYING THE PROCESS FOR CITIZENS TO ADDRESS UNRESTRAINED CATS AND ALIGNING THE DANGEROUS DOG DETERMINATION PROCESS WITH MUNICIPAL COURT'S ANIMAL COURT; PROVIDING FOR CRIMINAL PENALTIES AND PUBLICATION.

2011-09-01-0713

Item 18. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND MEDINA COUNTY TO ESTABLISH A UNIFIED SET OF SUBDIVISION STANDARDS AND PROCEDURES IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY.

2011-09-01-0714

Item 19. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO AND THE ACCEPTANCE OF FUNDS IN AN AMOUNT UP TO \$91,145.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH

DISTRICT TO PROVIDE SUPPORT FOR THE CHILD HEALTH UNIFIED RESEARCH NETWORK CHILD HOOD OBESITY PREVENTION PROJECT FOR A PERIOD BEGINNING AUGUST 1, 2011 AND ENDING APRIL 30, 2012.

2011-09-01-0715

Item 20. AN ORDINANCE AUTHORIZING A CONTRACT RENEWAL WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO DENTAL SCHOOL TO PROVIDE COMPREHENSIVE DENTAL SERVICES IN AN AMOUNT UP TO \$160,000.00 FOR THE TERM SEPTEMBER 1, 2011 TO AUGUST 31, 2012.

2011-09-01-0716

Item 21. AN ORDINANCE AUTHORIZING THE RENEWAL OF AGREEMENTS WITH TEXANS STANDING TALL, COURTNEY DENTON AND THE SAN ANTONIO COUNCIL ON ALCOHOL AND DRUG ABUSE TO PROVIDE CONTINUING SERVICES TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S TOBACCO PREVENTION AND CONTROL PROGRAM AND COALITION FOR A CUMULATIVE AMOUNT NOT TO EXCEED \$320,000.00 FOR A TERM BEGINNING SEPTEMBER 1, 2011 AND ENDING AUGUST 31, 2012.

2011-09-01-0718

Item 23. AN ORDINANCE AUTHORIZING THE RELEASE OF APPROXIMATELY 2,717 ACRES OF LAND GENERALLY LOCATED IN SOUTHWEST BEXAR COUNTY, NEAR THE INTERSECTION OF IH 35 AND LOOP 1604, AND SOUTH OF THE MEDINA RIVER FROM THE CITY OF SAN ANTONIO'S EXTRATERRITORIAL JURISDICTION AS REQUESTED BY THE CITY OF VON ORMY.

2011-09-01-0719

Item 24. AN ORDINANCE AWARDED HIGH-SIERRA ELECTRONICS CONSTRUCTION CONTRACT IN THE AMOUNT OF \$492,465.00 TO IMPROVE LOW WATER CROSSINGS IN THE CITY OF SAN ANTONIO.

2011-09-01-0720

Item 25. AN ORDINANCE AUTHORIZING THE EXECUTION OF FOUR (4) AGREEMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE PURCHASE AND INSTALLATION OF TRAFFIC SIGNAL COMMUNICATIONS EQUIPMENT FOR TRAFFIC SIGNAL INTERSECTIONS LOCATED IN COUNCIL DISTRICTS 4, 6, 8 AND 9.

2011-09-01-0721

Item 26. AN ORDINANCE AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM GRANT AGREEMENT WITH HVHC, INC. ("HVHC") IN AN ESTIMATED AMOUNT OF \$3,973,200.00 OVER 10 YEARS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN ASSOCIATED PARKING AGREEMENT.

[CONSENT ITEMS CONCLUDED]

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

CONTINUED FOR TWO WEEKS

Item 13. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A 0.456 ACRE PORTION OF EAST LAUREL AVENUE, LOCATED AT MCCULLOUGH AVENUE AND PASCHAL STREET, BETWEEN NCB 393 AND NCB 842 IN COUNCIL DISTRICT 1. AS REQUESTED BY METROPOLITAN METHODIST HOSPITAL FOR A FEE OF \$27,694.00.

Councilmember Bernal moved to continue Item 13 for two weeks. Councilmember Williams seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** D. Medina.

CONSENT ZONING ITEMS

Councilmember Soules moved to approve the following Zoning items: Z-1, Z-2, P-1, Z-3, P-2, Z-4, Z-5, P-3, and Z-6 under Consent Zoning. Councilmember Williams seconded the motion.

Councilmember Lopez read an amendment to Items P-2 and Z-4, noting that the 9.423 acre tract of land referenced in the two Ordinances was reduced in size to an 8.958 acre tract of land.

There were no citizens registered to speak on the Consent Zoning Items.

The motion to approve the Consent Zoning Items with the amendment by Councilmember Lopez prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** D. Medina.

2011-09-01-0722

Item Z-1. **ZONING CASE # Z2011154 (District 1):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-3 IDZ AHOD" General Commercial Infill Development Zone Airport Hazard Overlay District on a 0.203 acres of land out of Lot 26, Block 4, NCB 2154 (formerly Lot 7) located at 524 Delgado 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: 0.203 ACRES OF LAND OUT OF LOT 26, BLOCK 4, NCB 2154 (FORMERLY LOT 7) TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 IDZ AHOD" GENERAL COMMERCIAL INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT.

2011-09-01-0723

Item Z-2. **ZONING CASE # Z2011163 (District 3):** An Ordinance amending the Zoning District Boundary from "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on the east 225 feet of Lot 250, Block 25, NCB 11124 located at 563 Moursund Boulevard. 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: THE EAST 225 FEET OF LOT 250, BLOCK 25, NCB 11124 TO WIT: FROM "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2011-09-01-0724

Item P-1. **PLAN AMENDMENT #11037 (District 5):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE DOWNTOWN NEIGHBORHOOD PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 0.195 ACRE TRACT OF LAND LOCATED AT 801 SOUTH FRIO STREET FROM RESIDENTIAL LAND USE TO MIXED USE LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE #Z2011140).

2011-09-01-0725

Item Z-3. **ZONING CASE # Z2011140 (District 5):** An Ordinance amending the Zoning District Boundary from "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in the "C-2" Commercial District with additional Funeral Home and Mortuary uses on Lot 17, Block 98, NCB 272 located at 801 South Frio Street. Staff and Zoning Commission recommend approval, pending plan amendment.

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 17, BLOCK 98, NCB 272 TO WIT: FROM "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN THE "C-2" COMMERCIAL DISTRICT WITH ADDITIONAL FUNERAL HOME AND MORTUARY USES.

2011-09-01-0726

Item P-2. **PLAN AMENDMENT #11046 (District 6):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE WEST/SOUTHWEST SECTOR PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 8.958 ACRE TRACT OF LAND LOCATED NORTHWEST OF THE INTERSECTION OF CULEBRA ROAD AND WESTWOOD LOOP, MORE SPECIFICALLY DESCRIBED AS LOT 24, BLOCK 17, NCB 17635 FROM SUBURBAN TIER LAND USE TO GENERAL URBAN TIER LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2011164).

2011-09-01-0727

Item Z-4. **ZONING CASE # Z2011164 (District 6):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District and "C-3R" General Commercial Restrictive Alcohol Sales District to "MF-25" Multi Family District on Lot 24, Block 17, NCB 17635 located on 11000 Block of Culebra Road. Staff and Zoning Commission recommend approval pending the plan amendment.

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: 8.958 ACRES OUT OF LOT 24, BLOCK 17, NCB 17635 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT AND "C-3R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES DISTRICT TO "MF-25" MULTI FAMILY DISTRICT.

2011-09-01-0728

Item Z-5. **ZONING CASE # Z2011131 S (District 8):** An Ordinance amending the Zoning District Boundary from "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District to "R-6 S MLOD-1" Residential Single-Family Military Lighting Overlay District with a Specific Use for a Wireless Communication System on 0.0574 of an acre out of Parcel 26, NCB 14861 located on a portion of the 6900 Block of West Hausman Road (also known as 7022 West Hausman 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: 0.0574 OF AN ACRE OUT OF PARCEL 26, NCB 14861 TO WIT: FROM "R-6 MLOD-1" RESIDENTIAL SINGLE-FAMILY MILITARY LIGHTING OVERLAY DISTRICT TO "R-6 S MLOD-1" RESIDENTIAL SINGLE-FAMILY MILITARY LIGHTING OVERLAY DISTRICT WITH A SPECIFIC USE FOR A WIRELESS COMMUNICATION SYSTEM PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2011-09-01-0729

Item P-3. **PLAN AMENDMENT#11044 (District 10):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NORTH SECTOR PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF AN 0.4566 ACRE TRACT OF LAND LOCATED AT 13107 LOOKOUT RUN ROAD FROM SUBURBAN TIER LAND USE TO SPECIALIZED CENTER LAND USE. STAFF RECOMMENDS DENIAL. PLANNING COMMISSION RECOMMENDS REGIONAL CENTER LAND USE. (ASSOCIATED ZONING CASE: #Z2011160).

2011-09-01-0730

Item Z-6. **ZONING CASE # Z2011160 (District 10):** An Ordinance amending the Zoning District Boundary from "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay

District to "L AHOD" Light Industrial Airport Hazard Overlay District on Lot 9, Block 3, NCB 17436 located at 13107 Lookout Run. Staff recommends denial. Zoning Commission recommends approval, pending the plan amendment.

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 9, BLOCK 3, NCB 17436 TO WIT: FROM "C-3NA AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT TO "L AHOD" LIGHT INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

[CONSENT ZONING CONCLUDED]

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 2:35 pm.

APPROVED



JULIÁN CASTRO
MAYOR

Attest:



LETICIA M. VACEK, TRMC/CMC
City Clerk