

**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, NOVEMBER 2, 2011 AND THURSDAY, NOVEMBER 3, 2011, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **November 2, 2011**, Municipal Plaza Building with the following Councilmembers present: Bernal, Taylor, Ramos, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** D. Medina.

1. RECOMMENDATIONS OF THE PROJECT QUEST TASK FORCE.

A.J. Rodriguez, Deputy City Manager, provided background information on Project QUEST. He stated that it was established in 1992 to address the disparity in skills that emerged as the economic base in San Antonio shifted from the Manufacturing Industry to those of Service and Technology. He explained that Project QUEST provides long-term occupations skills training, case management, support services, and job placement for 700 participants each year. He noted that the agency was funded at \$2 million in FY 2011 by the city. He spoke of the financial concerns identified through ongoing compliance monitoring that include: 1) An increasing negative fund balance; 2) Delays and errors in monthly monitoring reports; and 3) QUEST Vendors contacting the city for payments. He indicated that the city and Project QUEST agreed to have an audit conducted and convened a task force to further study the issues.

Mr. Rodriguez outlined the Project QUEST Task Force Members, noting that he served as Chair. He stated that they made short and long term recommendations regarding Governance; Financial Management; Case Management; and Service Delivery. He provided a copy of the Project QUEST Task Force Report and highlighted observations and recommendations. He indicated that two-thirds of the workforce funding administered by Workforce Solutions Alamo is allocated for child care and the remaining funds focus on short-term training programs. The Task Force recommended that the priority of long-term training be established to develop a highly qualified and educated workforce.

Mr. Rodriguez reported that the cost per Project QUEST participant totaled \$3,700 per year. He spoke of the return on investment in which there was a 250% wage increase after program completion, as well as 95% employment retention for 18 months after placement. He stated that the compliance review had found that certain contract terms were not being met including the need to maintain financial stability. He noted that misappropriation of funds or fraudulent activity was not identified. He mentioned that shortcomings in administrative financial management led to a weak financial position and that there was a need for stronger financial management and Board Oversight.

Mr. Rodriguez highlighted short-term recommendations that include a diversification of the Board of Directors and the establishment of a Finance and Audit Committee. He noted that they should identify and secure supplemental private funding to eliminate debt. He outlined long-term recommendations that include the hiring of a professional CEO and developing and implementing a strategic plan. He stated that funding sources should be diversified by increasing private sector and foundation funds. He added that Project QUEST should develop a plan leading to 50% city contribution and 50% non-city contribution of the Project QUEST Program Budget.

Mr. Rodriguez mentioned that Project QUEST should establish a closer working relationship with Workforce Solutions Alamo and the Alamo Colleges. He stated that they should monitor and align training with available labor market information with a focus on Aerospace; Biomedical Sciences; and Energy. He concluded by noting that Project QUEST would submit their implementation plan for short-term recommendations by November 10, 2011 and long-term recommendations by January, 2012.

Mayor Castro thanked staff for their work and asked of the replication of the Project QUEST Model. Mr. Rodriguez replied that Dr. Paul Ostermann of MIT had studied the program and presented his findings to the Task Force. He noted that many entities had emulated the Case Management Program and spoke of the great support services provided by Project QUEST. Mayor Castro recognized Sister Pearl Ceasar, the Interim Project QUEST Executive Director and thanked her for taking on the challenge. Sister Pearl stated that Project Quest was very important to San Antonio and has been evaluated nationwide. Mayor Castro stated that he was pleased that they would engage the business community and include citizens on the Board of Directors. He spoke of the improvements being implemented and asked of the potential of Project QUEST receiving a recruitment fee. Mr. Rodriguez replied that they had discussed the option and that the Project QUEST Board would look at incorporating it into their strategic plan.

Councilmember Saldaña asked of the \$250,000 that the city would provide to Project Quest. Mr. Rodriguez replied that the city would provide Project QUEST with two months advance funding upon acceptance of a plan to implement the short-term recommendations. He noted that they would submit an implementation for the long-term recommendations within 90 days.

Councilmember Bernal asked if there was a recommendation to hire a full-time staffer to perform fundraising duties. Mr. Rodriguez replied that the Task Force wanted to set up a framework and then consider the resources necessary to carry out the plan. He added that it would be up to Project QUEST to determine how to meet those needs. Councilmember Bernal asked of benchmarks and measurements. Mr. Rodriguez responded that measurements would be included in the contract, specifically within the short-term recommendations. He indicated that the majority of the current monitoring system is quantitative.

Councilmember Taylor stated that Project QUEST provides valuable services to the city and spoke of the importance of strengthening non-profit organizations throughout the city. She asked of the recommendation to have City and Bexar County Representatives on the board. Mr. Rodriguez replied that it would be up to the new board to implement same. Councilmember Taylor stated that it was important to get the right people to serve on the board.

2. BRIEFING ON THE HIGH PROFILE CONTRACT INITIATIVES FORECASTING REPORT FOR CONTRACT INITIATIVES BEING ISSUED DURING THE FIRST SIX MONTHS OF FISCAL YEAR 2012 AND PROVIDING AN UPDATE ON THE SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY (SBEDA) PROGRAM.

Ben Gorzell, Chief Financial Officer provided an overview of the City of San Antonio Solicitation Types and Product Categories. He reported that three major solicitation types comprise over 90% of all procurements: 1) Invitation for Bid (Low Bid); 2) Request for Qualification (RFQ); and 3) Request for Proposal (RFP). He presented a chart outlining the points awarded for Purchasing and CIMS Department Solicitations by type. He outlined the evaluation criteria utilized and noted that the Small Business Economic Development Advocacy (SBEDA) points were determined and evaluated by the

Goal Setting Committees. He stated that the Local Government Code was amended during the last Legislative Session to allow the city to consider a vendor's principal place of business in the award of certain contracts. He indicated that the Finance and Economic Development Departments were coordinating with the City Attorney's Office to develop local preference guidelines. He added that once the guidelines were developed, they would be presented to the City Council Governance Committee.

Rene Dominguez, Director of Economic Development outlined the procurement process which is initiated through solicitation. He reported that SBEDA Goals were applied on Invitations for Bid, while SBEDA Points or Goals could be applied to Discretionary Contracts. He spoke of the SBEDA Ordinance that utilizes a Central Vendor Registry (CVR); Contract Specific Goal Setting; and Aspirational Goals, noting that it was implemented utilizing best practices from throughout the country. He outlined the SBEDA Goal Setting Process and three Goal Setting Committees (GSC): 1) Construction, Architecture and Engineering; 2) Professional Services; and 3) Goods, Supplies and Other Services.

Mr. Dominguez stated that Affirmative Procurement Initiatives include a variety of race-neutral and race-conscious tools that encourage the greater use of Small, Minority, and Women-Owned Business Enterprises. He noted that the Subcontracting Program required that a predetermined percentage of a specific contract be contracted to certified Small, Minority, Women-Owned Business Enterprises. He indicated that the Prime Contract Program allocates up to 20% of selection criteria in favor of respondents that are certified Small, Minority, Women-Owned Business Enterprises. He reviewed sample projects and eligibility requirements, noting that certification was approved by the South Central Texas Regional Certification Agency. He added that businesses must be registered in the CVR.

Mr. Dominguez reported that staff was finalizing implementation plans for the Mentor Protégé and Bonding Assistance Programs. He mentioned that new certification had been created for Emerging Small Business Enterprises (ESBE). He added that new race-conscious tools were being considered to be applied in industries not experiencing success in meeting aspirational goals. Lastly, he provided a progress update on the SBEDA results over the last year by Industry based on Award Data.

Mr. Gorzell presented a forecast of High Profile Contract Initiatives for the first six months of FY 2012, noting that B Sessions would be scheduled for selected high profile items. He indicated that the forecast only included Discretionary Contracts. He defined High Profile Contract Initiatives as meeting one of the following conditions: 1) Estimated Value over \$1 million; 2) High level of community interest or other exceptional interest; or 3) Highly complex or technical in nature, contract terms or conditions that are non-standard or complex. He highlighted several initiatives that include the High Volume Pet Partner; Heavy Duty Towing; and Aviation Food and Beverage Concessions.

Mayor Castro thanked staff for the presentation and stated that he looked forward to future discussion on SBEDA.

Councilmember Ramos thanked staff for the update and asked of the GSCs referenced on Page 5. Mr. Dominguez replied that the SBEDA Determination was made by the GSCs and they evaluate and determine which tools are best applied to the contract prior to its release. Councilmember Ramos expressed concern that SBEDA points could not be applied to certain contracts. She asked of the number of local contracts awarded in the Bexar County Region. Mr. Gorzell replied that they would provide that information to the City Council.

Councilmember Williams asked of the contract for Airport Food and Beverage Concessions. Ms. Sculley replied that staff would be providing information to the City Council at a future B Session. Councilmember Williams requested that the Recycling Processing Services solicitation include a request for bidders to identify a method to extract plastic bags from the waste.

Councilmember Chan thanked staff for the presentation and asked of the definition of a Small Business. Mr. Dominguez replied that it was based on Small Business Administration Size Standards depending on annual revenues and number of employees, and that the Regional Certification Agency confirms same. Councilmember Chan thanked staff for their efforts to aggressively register businesses in the CVR and encouraged staff to continue outreach. She referenced Slide 24 and asked of the percentages for SBEDA Progress. Mr. Dominguez stated that the percentages were based on dollar amounts for contracts awarded in which SBEDA applied. Councilmember Chan asked of Aspirational Goals. Mr. Dominguez indicated that Aspirational Goals were identified through the Disparity Study and based on those firms available to perform work. Councilmember Chan requested additional discussion regarding SBEDA Progress. She asked why a Request for Proposals (RFP) is being utilized for the Independent Audit Contract in Slide 41. Mr. Gorzell replied that an RFP allowed staff to look at many factors in one solicitation and that staff utilizes a Request for Qualifications (RFQ) for underwriters. Councilmember Chan referenced the Request for Information on the High Volume Pet Partner Contract on Slide 31 and requested that a fair process be implemented.

Councilmember C. Medina asked what type of assistance was available for Veteran-Owned businesses. Mr. Dominguez replied that it was not available but would look into policies that address Veteran Business Owners.

Councilmember Lopez asked of performance scoring for contractors. Mr. Gorzell replied that there is a Scorecard in place for construction projects and can receive points on a solicitation based on previous work.

Councilmember Bernal referenced Slide 14 and asked if the same tools were available to Minority, Women-Owned, or Small Businesses. Mr. Dominguez replied that race-conscious and race-neutral tools would apply to all three categories. Councilmember Bernal asked of a race-conscious tool. Ms. Sculley stated that the city is not currently using race-conscious tools and will re-examine the policy in one year. Councilmember Bernal asked of the 40% requirement for the Subcontracting and 20% Prime Contract. Mr. Dominguez stated that the percentages were based on community input. Ms. Sculley added that staff would review the data and bring it back to the ECDC Council Committee and full City Council.

Mayor Castro thanked staff for the presentation and all recognized A.J. Rodriguez for his work.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 4:23 pm to convene in Executive Session for the purposes of:

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

C. DISCUSS LEGAL ISSUES RELATED TO *THE SAN ANTONIO CONSERVATION SOCIETY AND THE SAN ANTONIO CONSERVATION SOCIETY FOUNDATION V. CITY OF SAN ANTONIO*, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

Mayor Castro reconvened the meeting at 5:15 pm and announced that the City Council had been briefed on the above-styled matters but did not take any action.

CEREMONIALS

Mayor Castro presented a Proclamation in recognition of the Greater San Antonio Chamber of Commerce sponsoring the 41st Annual Celebrate America's Military (CAM) Event. It was noted that the observance is held to recognize the contributions and sacrifices of the men and women of the Armed Forces, and thank them for their dedication and service. The 11-day Celebration includes Air Shows, Wreath Laying Ceremony, Veterans Parade, Concerts and many activities for families to enjoy.

Mayor Castro presented a Proclamation to the American Diabetes Association who will hold their Annual *Step Out: Walk to Stop Diabetes* event on Saturday, November 5, 2011, at Brackenridge Park. Over 40 states and more than 130,000 people will be walking to help find a cure for diabetes, the disease that affects 25.8 million Americans. It was mentioned that many City of San Antonio Employees will be participating in the walk, and that Mayor Castro is serving as this year's Honorary Chairman.

Mayor Castro presented a Proclamation for the Alamo Area Home Care Council who will observe National Home Care Month during the month of November 2011. It was noted that the observance is held to honor the caregivers who make a difference in the lives of patients and families. Approximately 7.6 million Americans receive home health or hospice service for acute disorders, long-term health conditions, permanent disability, or terminal illness.

Mayor Castro presented a Proclamation to the Sembradores of San Antonio Educational Foundation for hosting their Annual Las Posadas Gala on December 3, 2011, at the Omni Colonnade Hotel. The event includes a re-enactment of the story of Mary and Joseph's journey to Bethlehem. Proceeds from the gala will provide financial assistance to students enrolled at San Antonio College, Palo Alto College, Our Lady of the Lake University, St. Mary's University, The University of the Incarnate Word, The University of Texas at San Antonio, and the UT Health Science Center.

Mayor Castro recessed the meeting at 5:47 pm and announced that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

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

Nazirite Ruben Flores Perez stated that he had been attending meetings related to the railroad crossing at Zarzamora and Frio City Road. He noted that the seven billionth child was born on November 1, 2011. He referenced the Virgin de Guadalupe and stated that she was not mentioned in The Bible.

Allen Ellebracht read a letter that John E. Foddrill had delivered to Susan Reed, District Attorney regarding a threatening phone call he received on October 12, 2011 being warned to leave

Councilmember Bernal alone. He expressed concerns that SAPD was not willing to investigate the case. He stated that he was prohibited from entering City Hall and the City Council Chambers, and that this was a violation of the Texas Open Meetings Act. He requested that the city provide him with a written explanation on the reason for Mr. Foddrill's criminal trespassing warning.

Guadalupe Espinosa expressed concern with the street project along Montezuma Street between San Jacinto and Zaramora Streets. She stated that they had received \$4.4 million in Bond Funds and asked why funding was not made available for the street in front of her property. She noted that there were two properties that needed to be purchased by the city and asked that funding be included in the 2012-2016 Bond Program.

Evan Bohl stated that he was opposed to the passage of the Chapter 5 Amendment concerning dangerous dogs. He noted his concerns with the definitions of Dangerous and Aggressive Dogs and mentioned that there was a severe lack of impartiality on the process. He added that it would provide a financial hardship on owners that would have to hire an attorney.

Faris Hodge, Jr. submitted written testimony noting that the Humane Society would be lightening the load of strays at the Animal Care Services Shelter. He wrote of the break-in at the Bexar County Courthouse and indicated that Bexar County has improved their digital accessibility. He expressed concern that workers were losing out due to the Spurs not playing basketball and referenced the State Ban on Texting While Driving. He wrote that vehicles were the main source of the city's polluted air and expressed concern with CPS Energy rate increases.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:18 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **November 3, 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. **ABSENT:** None.

Item 1. The Invocation was delivered by Rev. T. Don Guthrie, Pastor, First Baptist Church, guest of Mayor Julián Castro.

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

Item 3. MINUTES

Councilmember Ramos moved to approve the Minutes for the Special City Council Meeting of September 6, 2011 and the Regular City Council Meetings of September 7-8, 2011. Councilmember Lopez seconded the motion.

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

Item 4. OATH OF OFFICE – MAYOR PRO TEM

City Clerk Leticia M. Vacek administered the Oath of Office to Councilmember W. Reed Williams to serve as Mayor Pro-Tem for the period of November 6, 2011 through January 15, 2012.

Mrs. Vacek announced that Item 7A would be considered by the City Council in their capacity as the City of San Antonio, Texas Board of Directors for the San Antonio Municipal Finance Corporation.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 5:

Item 5. CONSIDERATION OF THE FOLLOWING ORDINANCES, CONSISTENT WITH THE GOALS OF THE RECENTLY COMPLETED WEST SIDE ECONOMIC DEVELOPMENT SUMMIT, PERTAINING TO PROPERTIES LOCATED AT BUENA VISTA STREET THAT WILL FACILITATE ECONOMIC DEVELOPMENT AND NEIGHBORHOOD REINVESTMENT AND REVITALIZATION:

2011-11-03-0888

- A. AN ORDINANCE DECLARING AS SURPLUS THE CITY’S FORMER FIRE STATION #8 WITHIN NCB 2319 AT 2323 BUENA VISTA STREET IN COUNCIL DISTRICT 5 AND AUTHORIZING ITS SALE TO 1921 DECO BUILDING, LLC FOR \$55,000.00 ALLOWING THE LLC TO RESTORE AND REDEVELOP THE PROPERTY FOR COMMERCIAL USE.

2011-11-03-0889

- B. AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OF FEE SIMPLE TITLE TO A VACANT PARCEL OF PRIVATELY OWNED REAL PROPERTY LOCATED IN NCB 2319 AT 2305 BUENA VISTA STREET NEEDED TO CONSTRUCT A PARKING LOT FOR USE BY THE WOMEN, INFANTS AND CHILDREN CLINIC LOCATED IN COUNCIL DISTRICT 5; DECLARING IT TO BE A PUBLIC PROJECT AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$20,000.00 PAYABLE TO THE TITLE COMPANY FOR THE PURCHASE OF THE LAND AND OTHER ASSOCIATED COSTS.

Peter Zanoni, Assistant City Manager stated that former Fire Station No. 8 located at 2323 Buena Vista Street would be sold for commercial use. He reported that the two-story building resided on 1/3 of an acre and was built in 1929. He noted that it was designated as a Historic Landmark by the City of San Antonio but had been vacant since 1999. He indicated that the city recently cleaned and prepared the property for sale and it was advertised to the public in the San Antonio Business Journal. He stated that the city received a bid from 1921 Deco Building, LLC (Komet Asset Management) and the city accepted a sales price of \$55,000. He added that Komet provided a business plan to rehabilitate the historic firehouse for commercial office use.

Mr. Zanoni reported that the Komet had agreed to implement \$150,000 in facility interior and exterior improvements. He stated that Komet would occupy 50% of the building and lease the remaining space. He noted that the contract includes provisions to ensure that the property is redeveloped and occupied within 18 months of permit approval. He outlined the list of supporters that include Councilmember David Medina, Westside Development Corporation (WDC), and Prospect Hills Neighborhood Association.

Mr. Zanoni spoke of the Buena Vista Women, Infants, and Children (WIC) Clinic located at 2315 Buena Vista Street, immediately east of former Fire Station No. 8. He reported that in the past, WIC Clients have utilized the vacant fire parking lot which will no longer be accessible. He stated that a portion of the sale of the fire station will be directed toward the purchase of the vacant lot next to the WIC Clinic to continue to provide parking. He mentioned that the WIC Clinic serves 4,100 clients per month and is the sixth largest in client volume.

Mr. Zanoni stated that city staff had negotiated a price of \$12,000 to purchase the vacant lot at 2305 Buena Vista Street. He reported that they would construct a new surface parking lot for clients on the vacant lot, as well as resurface the existing parking space at the WIC Clinic. He mentioned that they would invest funds on landscaping, façade improvements, and exterior lighting. He noted that construction and revitalization would begin January, 2012.

Mayor Castro called upon the individuals registered to speak.

Ruben Garcia representing the Prospect Hills Neighborhood Association addressed the City Council in support of Items 5A and 5B. He spoke of his experiences growing up in the area and stated that he did not want to see another vacant lot in the area. He added that the improvements would bring jobs and tax revenue to the neighborhood.

Jaime Macias stated that he was a lifelong resident of the Westside and in support of Items 5A and 5B. He noted that he was pleased with the investments and improvements that the city was making on the Westside and hoped that they would spark additional interest for development.

Jack M. Finger spoke in opposition to Items 5A and 5B, noting that the former Fire Station No. 8 Building was appraised at \$200,000. He expressed concern with the \$55,000 being utilized for the parking lot and improvements and asked why it was not being paid for by the private sector.

Frederica Kushner read a letter of support from Nancy H. Avellar, President of the San Antonio Conservation Society for the adaptive reuse of Old Fire Station No. 8. She stated that their organization has long advocated for the preservation of important neighborhood civic structures. She added that a project such as this proves that these types of facilities can once again be cornerstones of the neighborhoods they once served. She spoke of their work with the Office of Historic Preservation to survey the historic resources within the city's original 36 square-mile boundaries and the Westside Cultural Resources.

Mayor Castro thanked everyone that worked on said items and recognized David Komet that was present. He stated that this was an important investment for the West Side of the city. He added that in order to reach the goals of SA 2020, all areas of the city must prosper.

Councilmember D. Medina thanked the representatives from the neighborhood association that were present in support of said items. He stated that this project was extremely important to the Westside due to the great economic development, revitalization, and preservation of the historic building. He spoke of the many clients that were served at the WIC Clinic and the need for additional parking. He recognized the WDC for their efforts on the Westside and asked what the project would accomplish for the area. Ray Flores, Executive Director of the WDC replied that he hoped that it would create a ripple effect for future economic development. Councilmember D. Medina asked of the construction and enhancements that would be made to the building. David Komet stated that they hoped to maintain the look of the historic building while making energy efficiency enhancements. Councilmember D. Medina thanked Mr. Komet for their investment and stated that he looked forward to continued work on this effort. He recognized Mayor Castro and Councilmembers for their participation and support of the Westside Summits.

Councilmember D. Medina moved to adopt the proposed Ordinances for Items 5A and 5B. Councilmember Bernal seconded the motion.

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

CONSENT AGENDA ITEMS 6-33

Consent Agenda Items 9, 10, 13, 17, 18, 24, 30, and 32 were pulled for Individual Consideration. Councilmember Bernal 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.

Jack M. Finger addressed the City Council against the purchase of 100 ergonomic task chairs in Item 7, noting that they were too expensive. He noted that Councilmember Williams was being appointed to the San Antonio Mobility Coalition (Item 26E) and expressed concern that the Coalition supports toll roads. He spoke in opposition to the temporary street closures for the Rock ‘N’ Roll Marathon because they cause a great amount of traffic congestion. He expressed concern that a portion of the proceeds from the race benefit the Susan B. Komen Foundation which provides funding to Planned Parenthood.

Nancy Hunt, President of the Paseo del Rio Association addressed the City Council in support of a stronger Panhandling Ordinance (Item 24). She stated that the Association believes that panhandling has significantly increased over the last few years.

Marco Barros, CEO and Executive Director of the San Antonio Tourism Council addressed the City Council in support of the amendment to the Panhandling Ordinance (Item 24). He thanked the city staff that had worked with them on the Ordinance and had researched best practices throughout the country. He spoke of their efforts to help Haven for Hope.

Mayor Castro thanked Mr. Barros and the Downtown Residents for participating in the process.

Faris Hodge, Jr. submitted neutral written testimony for Items 5, 20, 21, and 23 and noted that Sea World should not be exempt from firework restrictions. He wrote in favor of Items 6-19, 22, 27A-D, 29,

30, 31, 33, and 35. He wrote in opposition to Items 33 and 34, noting that backup should be provided for the City Manager's Report.

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

2011-11-03-0890

Item 6. AN ORDINANCE RATIFYING A CONTRACT WITH AMERICAN CKRITICAL ENERGY SYSTEMS, INC., TO PROVIDE FOR THE REPLACEMENT OF BATTERIES FOR THE UNINTERRUPTIBLE POWER SUPPLY SYSTEM WHICH SUPPORTS THE CITY'S EMERGENCY OPERATIONS CENTER FOR A TOTAL COST OF \$57,963.30.

Item 7. CONSIDERATION OF THE FOLLOWING ITEMS RELATING TO THE CITY'S FIRE AND POLICE EMERGENCY DISPATCH CENTER FACILITY, A MUNICIPAL FACILITIES CORPORATION REVENUE BOND FUNDED PROJECT:

The City Council of San Antonio recessed and convened as the City of San Antonio, Texas Municipal Facilities Corporation Board of Directors to consider the following:

MFC 2011-11-03-0004R

- A. A RESOLUTION OF THE CITY OF SAN ANTONIO TEXAS MUNICIPAL FACILITIES CORPORATION AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH ERGOGENESIS, LLC TO PROVIDE AND INSTALL 100 ERGONOMIC TASK CHAIRS FOR THE NEWLY CONSTRUCTED CITY OF SAN ANTONIO EMERGENCY DISPATCH CENTER FOR A TOTAL COST OF \$72,098.31.

The Municipal Facilities Corporation Board of Directors adjourned and the City Council of San Antonio reconvened to continue the meeting and considered:

2011-11-03-0891

- B. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH ERGOGENESIS, LLC TO PROVIDE AND INSTALL 100 ERGONOMIC TASK CHAIRS FOR THE NEWLY CONSTRUCTED CITY OF SAN ANTONIO EMERGENCY DISPATCH CENTER FOR A TOTAL COST OF \$72,098.31.

2011-11-03-0892

Item 8. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT NOT TO EXCEED \$909,368.26 PAYABLE TO PLETZ CONSTRUCTION, LLC FOR THE COMPLETION OF THE NELSON ROAD BRUSH RECYCLING CENTER WATER SYSTEM, A SOLID WASTE FUNDED PROJECT APPROVED BY THE CITY COUNCIL IN APRIL 2011 TO SERVICE THE SOUTH SIDE OF THE CITY.

2011-11-03-0895

Item 11. AN ORDINANCE AUTHORIZING THE ISSUANCE OF A JOB ORDER OF UP TO \$285,000.00 TO JAMAIL & SMITH CONSTRUCTION FOR THE EASTSIDE INFRASTRUCTURE MARTIN LUTHER KING ROUTE IMPROVEMENTS PROJECT, A CERTIFICATES OF OBLIGATION FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 2.

2011-11-03-0896

Item 12. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO ANGEL BROTHERS ENTERPRISES, LTD. IN THE AMOUNT OF \$1,323,851.92 FOR THE NEW BRAUNFELS/NACOGDOCHES INTERSECTION PROJECT, AN AUTHORIZED GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICTS 9 AND 10; OF THIS AMOUNT, \$467,778.50 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM.

2011-11-03-0898

Item 14. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$32,891.29 TO THE \$8,785,301.41 CONSTRUCTION CONTRACT WITH JAMES CONSTRUCTION GROUP, LLC FOR THE CALLAGHAN ROAD PROJECT, AN AUTHORIZED GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICTS 6 AND 7.

2011-11-03-0899

Item 15. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO SAN ANTONIO CONSTRUCTORS IN THE AMOUNT OF \$645,328.54 FOR THE WESTWOOD VILLAGE DRAINAGE PROJECT, A GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 6; OF WHICH \$74,942.78 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM.

2011-11-03-0900

Item 16. AN ORDINANCE AUTHORIZING A TEMPORARY CLOSURE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ALLOWING THE TEMPORARY STREET CLOSURE OF VARIOUS STATE RIGHTS OF WAY ALONG THE SAN ANTONIO ROCK 'N' ROLL MARATHON & 1/2 MARATHON ROUTE.

2011-11-03-0903

Item 19. AN ORDINANCE AUTHORIZING A TWO-YEAR LEASE WITH THE UNIVERSITY OF TEXAS AT SAN ANTONIO, FOR USE OF 702 SQUARE FEET OF OFFICE SPACE FOR STAFF ASSIGNED TO THE CITY'S SA2020 INITIATIVE AT THE UTSA DOWNTOWN CAMPUS LOCATED IN COUNCIL DISTRICT 5 AT NO COST TO THE CITY.

2011-11-03-0904

Item 20. AN ORDINANCE AUTHORIZING THE EXTENSION OF CONCESSIONS EXPIRING ON NOVEMBER 30, 2011 ON A MONTH-TO-MONTH AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

2011-11-03-0905

Item 21. AN ORDINANCE CONSENTING TO THE ASSIGNMENT OF SBARRO'S IN TERMINAL B AT SAN ANTONIO INTERNATIONAL AIRPORT FROM SBARRO-SEVEN HILLS, LLC TO SEVEN HILLS, INC.

2011-11-03-0906

Item 22. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$150,000.00 FROM THE DEPARTMENT OF STATE HEALTH SERVICES BY ANIMAL CARE SERVICES FOR THE ANIMAL FRIENDLY PROGRAM FOR THE GRANT PERIOD AUGUST 1, 2011 TO JULY 31, 2012 AND AUTHORIZING THE PROPOSED PROGRAM BUDGET.

2011-11-03-0907

Item 23. AN ORDINANCE AMENDING CHAPTER 11, FIRE PREVENTION, OF THE CITY CODE OF SAN ANTONIO, TEXAS, RELATED TO FIREWORKS DISPLAYS FOR ANNUAL PERMIT HOLDERS AND PROVIDING FOR EXEMPTIONS FROM RESTRICTIONS IF ADDITIONAL SAFETY PROCEDURES ARE IMPLEMENTED.

Item 25. 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 STUART M. JOHNSON (AT-LARGE, CATEGORY: HISTORIC PRESERVATION), MICHAEL LOCKRIDGE (AT-LARGE, CATEGORY: MULTI-FAMILY RENTAL PROPERTY), RICHARD G. ACOSTA (DISTRICT 1), ARTHUR CAMPOS, JR. (DISTRICT 3), RICHARD W. ZAGROCKI (DISTRICT 4), MANUEL IBARRA (DISTRICT 7), AND SHAWN M. BABB (DISTRICT 10) TO THE BUILDING STANDARDS BOARD FOR TERMS OF OFFICE TO COMMENCE JANUARY 1, 2012 AND TO EXPIRE MAY 31, 2013.
- B. REAPPOINTING CHRISTOPHER M. LINDHORST (AT-LARGE) AND JODY R. SHERRILL (AT-LARGE) TO THE PLANNING COMMISSION FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE OCTOBER 6, 2013.
- C. REAPPOINTING SUE CALBERG (DISTRICT 2) TO THE LINEAR CREEKWAY PARKS ADVISORY BOARD.

- D. APPOINTING IDALIA ESPINO (DISTRICT 1) AND BRIAN A. MILLER (DISTRICT 2) AND REAPPOINTING CRISTINA D. CIBRIAN (DISTRICT 8) TO THE SAN ANTONIO YOUTH COMMISSION.
- E. REAPPOINTING GLORIA M. MALONE (DISTRICT 2) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2013.
- F. APPOINTING ANDREW M. ANGUIANO (DISTRICT 3) AND REAPPOINTING EDWARD J. MOORE (DISTRICT 2) CRESTON C. HUTCHISON (DISTRICT 8), AND MICHAEL ALEX NAVA (DISTRICT 10) TO THE PORT AUTHORITY OF SAN ANTONIO FOR A TERM OF OFFICE TO COMMENCE DECEMBER 1, 2011 AND TO EXPIRE NOVEMBER 30, 2013.
- G. APPOINTING LISA LEAL (DISTRICT 1 - CATEGORY: PROVIDER OF HANDICAPPED SERVICES) AND REAPPOINTING DONALD J. MALIK (DISTRICT 10, CATEGORY: CONSUMER OF HANDICAPPED SERVICES) TO THE DISABILITY ACCESS ADVISORY COMMITTEE.
- H. REAPPOINTING BRIDGETT BRUMBAUGH (DISTRICT 8) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE.
- I. REAPPOINTING DEBRA D. NICHOLAS (DISTRICT 8, CATEGORY: PATRON OF THE ARTS) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE.
- J. APPOINTING JOSE DE LA CRUZ (DISTRICT 4) TO ANIMAL CARE SERVICES ADVISORY BOARD.
- K. APPOINTING MATTHEW S. MYERS (SAN ANTONIO ECONOMIC DEVELOPMENT FOUNDATION) AND CHRIS HOLM (TEXAS PARKS AND WILDLIFE) AND REAPPOINTING JOHN P. DODSON (UVALDE COUNTY), CLAYTON S. BINFORD (MEDINA COUNTY), JOHN R. HOYT (EDWARDS AQUIFER AUTHORITY), SCOTT R. HALTY (SAN ANTONIO WATER SYSTEM), FRANCINE S. ROMERO (SAN ANTONIO PARKS AND RECREATION BOARD), AND JAMES L. BLAIR (SAN ANTONIO RIVER AUTHORITY) TO THE CONSERVATION ADVISORY BOARD.
- L. REAPPOINTING CLIFFORD WHITTINGSTALL (DISTRICT 10, CATEGORY: ARCHITECT) TO THE BUILDING AND FIRE CODE BOARD OF APPEALS.
- M. REAPPOINTING RUTH L. NANCARROW (DISTRICT 10) TO THE CITY/COUNTY JOINT COMMISSION ON ELDERLY AFFAIRS.
- N. REAPPOINTING TIMOTHY D. KERLEY (DISTRICT 10, CATEGORY: MASTER ELECTRICIAN, OPEN SHOP) TO THE ELECTRICAL BOARD.
- O. REAPPOINTING PAUL G. SILBER (DISTRICT 10, CATEGORY: PRACTICING PROFESSIONAL MECHANICAL ENGINEER) TO THE PLUMBING AND FUEL GAS APPEALS AND ADVISORY BOARD.

- P. REAPPOINTING MICHAEL R. GALLAGHER (DISTRICT 10) TO THE ZONING BOARD OF ADJUSTMENT.
- Q. REAPPOINTING MILTON R. MCFARLAND (DISTRICT 10) TO THE ZONING COMMISSION.
- R. REAPPOINTING DANIEL D. KOSSL (DISTRICT 10) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE.
- S. APPOINTING CHRISTOPHER C. HERRING (MAYORAL) TO THE SMALL BUSINESS ADVOCACY COMMITTEE.
- T. REAPPOINTING LARRY C. MURPHY (DISTRICT 10, CATEGORY: HOTEL /MOTEL ASSOCIATION) TO THE TRANSPORTATION ADVISORY COMMITTEE.

Item 26. CONSIDERATION OF THE FOLLOWING APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES, AS REQUESTED BY MAYOR JULIÁN CASTRO:

- A. APPOINTING COUNCILMEMBER RAY LOPEZ (DISTRICT 6), COUNCILMEMBER CRIS MEDINA (DISTRICT 7) AND COUNCILMEMBER CARLTON SOULES (DISTRICT 10) TO THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG).
- B. APPOINTING COUNCILMEMBER REY SALDAÑA (DISTRICT 4) AND COUNCILMEMBER W. REED WILLIAMS (DISTRICT 8) TO THE AIR IMPROVEMENT RESOURCES COMMITTEE (AIRCO) OF THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG).
- C. APPOINTING COUNCILMEMBER JENNIFER V. RAMOS (DISTRICT 3) AND COUNCILMEMBER CARLTON SOULES (DISTRICT 10) TO THE COMMITTEE OF SEVEN.
- D. APPOINTING COUNCILMEMBER DIEGO BERNAL (DISTRICT 1) AND COUNCILMEMBER IVY R. TAYLOR (DISTRICT 2) TO THE CONVENTION AND VISITORS COMMISSION.
- E. APPOINTING COUNCILMEMBER W. REED WILLIAMS (DISTRICT 8) TO THE SAN ANTONIO MOBILITY COALITION.
- F. APPOINTING COUNCILMEMBER ELISA CHAN (DISTRICT 9) TO THE MILITARY TRANSFORMATION TASK FORCE.
- G. APPOINTING COUNCILMEMBER IVY R. TAYLOR (DISTRICT 2) TO THE SAN ANTONIO COMMISSION ON LITERACY (EX-OFFICIO).
- H. APPOINTING COUNCILMEMBER REY SALDAÑA (DISTRICT 4) TO THE PLANNING COMMISSION (EX-OFFICIO).

- I. APPOINTING COUNCILMEMBER DIEGO BERNAL (DISTRICT 1), COUNCILMEMBER IVY R. TAYLOR (DISTRICT 2), COUNCILMEMBER REY SALDAÑA (DISTRICT 4), AND COUNCILMEMBER DAVID MEDINA, JR. (DISTRICT 5) TO THE COMMUNITY ACTION ADVISORY BOARD.
- J. APPOINTING COUNCILMEMBER REY SALDAÑA (DISTRICT 4) AND COUNCILMEMBER CRIS MEDINA (DISTRICT 7) TO THE FIRE AND POLICE PRE-FUNDED HEALTH CARE TRUST FUND.
- K. APPOINTING COUNCILMEMBER JENNIFER V. RAMOS (DISTRICT 3) AND COUNCILMEMBER RAY LOPEZ (DISTRICT 6) TO THE FIRE AND POLICE PENSION FUND.
- L. APPOINTING COUNCILMEMBER DIEGO BERNAL (DISTRICT 1) AND COUNCILMEMBER W. REED WILLIAMS (DISTRICT 8) TO THE CITY OF SAN ANTONIO INVESTMENT COMMITTEE.
- M. APPOINTING COUNCILMEMBER REY SALDAÑA (DISTRICT 4) TO THE SAN ANTONIO EDUCATION PARTNERSHIP BOARD OF DIRECTORS.
- N. APPOINTING COUNCILMEMBER DIEGO BERNAL (DISTRICT 1), COUNCILMEMBER JENNIFER V. RAMOS (DISTRICT 3), COUNCILMEMBER DAVID MEDINA, JR. (DISTRICT 5), COUNCILMEMBER RAY LOPEZ (DISTRICT 6), AND COUNCILMEMBER CARLTON SOULES (DISTRICT 10) TO THE SAN ANTONIO HOUSING TRUST PUBLIC FACILITIES CORPORATION AND THE SAN ANTONIO HOUSING TRUST FINANCE CORPORATION.

Item 27. CONSIDERATION OF THE FOLLOWING ORDINANCES FOR SERVICES RELATED TO THE WOLFSON BUILDING FIRE AND DAMAGE RESTORATION AT RIVERVIEW TOWERS, 111 SOLEDAD, LOCATED IN COUNCIL DISTRICT 1, THE EXPENDITURES FOR WHICH WILL BE SUBMITTED TO THE CITY'S INSURANCE CARRIER, SUBJECT TO A \$200,000.00 DEDUCTIBLE, AND TO THE PROPERTY OWNERS:

2011-11-03-0908

- A. AN ORDINANCE RATIFYING THE CONTRACT WITH BLACKMON MOORING/BMS CATASTROPHE FOR FIRE DAMAGE RESTORATION AT RIVERVIEW TOWERS IN AN AMOUNT NOT TO EXCEED \$675,000.00 UTILIZING A BUYBOARD COOPERATIVE CONTRACT.

2011-11-03-0909

- B. AN ORDINANCE RATIFYING A PROFESSIONAL SERVICES AGREEMENT WITH MARSH USA, INC. TO PROVIDE THE CITY WITH FORENSIC ACCOUNTING AND CLAIMS SERVICES FOR THE FIRE AT RIVERVIEW TOWERS.

2011-11-03-0910

- C. AN ORDINANCE RATIFYING AN AMENDMENT TO THE LEASE AGREEMENT WITH RIVERVIEW TOWER PARTNERS, LTD FOR 9,626 SQUARE FEET OF OFFICE SPACE.

2011-11-03-0911

- D. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$165,000.00 TO THE ANNUAL CONTRACT WITH J.R. RAMON & SONS, INC. FOR DEMOLITION SERVICES.

2011-11-03-0030R

Item 28. A RESOLUTION SUPPORTING THE LACKLAND AIR FORCE BASE JOINT LAND USE STUDY (JLUS) FINAL REPORT.

2011-11-03-0912

Item 29. AN ORDINANCE AUTHORIZING THE RENEWAL OF AN AGREEMENT WITH HUMANA HEALTH PLAN OF TEXAS, INC. TO PAY SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR SEASONAL INFLUENZA IMMUNIZATION SERVICES PROVIDED TO INSURANCE ENROLLEES COVERED BY HUMANA HEALTH PLAN OF TEXAS, INC. BEGINNING SEPTEMBER 29, 2011 THROUGH SEPTEMBER 28, 2013.

2011-11-03-0031R

Item 31. REQUEST FOR RESOLUTION TO PROCEED WITH LANDMARK DESIGNATION FOR 3510 N. MAIN.

2011-11-03-0032R

Item 32. REQUEST FOR RESOLUTION TO PROCEED WITH LANDMARK DESIGNATION OF 1124 PEREZ.

2011-11-03-0033R

Item 33. REQUEST FOR RESOLUTION TO PROCEED WITH LANDMARK DESIGNATION OF 435 W. HUTCHINS PLACE.

[CONSENT ITEMS CONCLUDED]

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2011-11-03-0893

Item 9. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT NOT TO EXCEED \$78,100.00 TO THE TASK ORDER CONTRACT FOR TRAFFIC SIGNAL EQUIPMENT MODIFICATIONS WITH THE LEVY COMPANY, L.P. AS-NEEDED

CONSTRUCTION SERVICES IN THE INSTALLATION OF TRAFFIC SIGNAL EQUIPMENT CITY-WIDE.

Councilmember C. Medina asked of the effect of the project on the current Traffic Signal Synchronization Modernization Program (TSSM). Majed Al-Ghafry, Public Works Director replied that said contract would update existing traffic signal equipment to include replacing LED lights that have exhausted their lifespan. He stated that the change order would increase their capacity to perform work until the 2012 Task Order Contract is executed. Councilmember C. Medina thanked staff for their work and requested information regarding the number of 3-1-1 requests for traffic signal issues along Bandera Road in District 7.

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

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

The City Clerk read the following Ordinance:

2011-11-03-0894

Item 10. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$253,144.03 PAYABLE TO TCL CONSTRUCTION ENTERPRISES, INC. FOR THE WOODLAWN LAKE ISLAND HOUSE PLAYGROUND PROJECT, AN AUTHORIZED 2007 PARKS BOND AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 7.

Councilmember C. Medina asked of the project details. Mike Frisbie, CIMS Director replied that the project would complement the existing Woodlawn Lake Park Island House Playground to include the construction of a concrete foundation and installation of a playground, additional lighting, and benches.

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

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

The City Clerk read the following Ordinance:

2011-11-03-0897

Item 13. AN ORDINANCE AUTHORIZING TWO CHANGE ORDERS IN THE INCREASED AMOUNT OF \$301,553.97 TO THE \$3,954,830.30 CONSTRUCTION CONTRACT WITH TEXAS STERLING CONSTRUCTION COMPANY FOR THE FREDERICKSBURG ROAD CONGESTION MITIGATION PROJECT, AN AUTHORIZED GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICTS 1, 7 AND 8.

Councilmember Williams asked for an explanation of both change orders. Mike Frisbie replied that there had been a design oversight on the fire preemption equipment for the traffic signals. He stated that the design included equipment for the signals on Fredericksburg Road but did not include equipment for the side streets. He noted that the second change order provided the opportunity to upgrade the traffic signal indications to yellow flashing lights and upgrade the video detection system. He added that the contractor was willing to hold the unit prices and the amount was within the project contingency budget. Councilmember Williams expressed concern with the yellow flashing lights and noted that there should be public education and outreach regarding same. He asked of the video detection system. Mr. Frisbie replied that the video cameras could detect that there were vehicles waiting at a traffic signal and change the light to green. He indicated that these items would help prepare for the Bus Rapid Transit Program.

Councilmember Williams 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, C. Medina, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez and Soules.

The City Clerk read the following Ordinance:

2011-11-03-0901

Item 17. AN ORDINANCE AUTHORIZING THE ACQUISITION BY SAN ANTONIO WATER SYSTEM, THROUGH NEGOTIATION OR CONDEMNATION, OF PERMANENT AND TEMPORARY EASEMENT INTEREST TO 2.454 ACRES OF PRIVATELY OWNED REAL PROPERTY LOCATED IN COUNTY BLOCK 4005 IN COUNCIL DISTRICT 3 NEEDED FOR THE SOUTHWEST BEXAR SEWER PIPELINE PROJECT; DECLARING IT TO BE A PUBLIC PROJECT AND A PUBLIC NECESSITY FOR THE ACQUISITION.

Councilmember Ramos asked of the property in question. Bruce Haby, SAWS Real Estate Manager stated that the property was located south of Merriman Road and East of the Mitchell Lake Property. He noted that it was needed for a brand new pipeline beginning at the Texas A&M Campus and ending at the Toyota Site. He added that they had been working with Cook Trust on the outstanding parcel but had been having some challenges. He confirmed that they made a good faith offer to acquire the property as required by law.

Councilmember Ramos moved that the City of San Antonio authorize the use of the power of eminent domain to acquire property for the public use of a permanent sewer easement, temporary construction easement and related rights of ingress and egress for SAWS by acquiring the following property which will now be described by the City Clerk and incorporated as part of this Motion.

City Clerk Vacek read the property description:

A 20 Foot Permanent Sanitary Sewer Easement:

Being a 0.974 acre (42,434 sq. ft.) tract of land out of a 1030.122 acre tract recorded in Volume 9724, Page 538 of the Official Public Records of Real Property of Bexar County, Texas; also being out of the Jose Antonio De La Garza Mexican Grant, Abstract No. 3, and the Fernando Rodriguez Mexican Grant, Bexar County, Texas; said 0.974 acre (42,434 sq. ft.) tract being more particularly described as follows:

BEGINNING at a point located on the common line between the said 1030.122 acre tract and a 185.326 acre tract recorded in Volume 13276, Page 156 of the Official Public Records of Real Property of Bexar County, Texas: said point being S 56°53'37" W, 2,429.42 feet along the said common line, passing a found iron rod with yellow cap being the most northeasterly corner of the said 185.326 acre tract at 500.25 feet from a found iron rod with yellow cap located on the southwest right-of-way line of the Union Pacific Railroad;

Thence S 56°53'37" W, 21.56 feet along the said common line to a point located on the northeast line of an existing 40 foot wide Recycled Water and Sludge Line Easement recorded in Volume 8901, Page 100 of the Official Public Records of Real Property of Bexar County, Texas; said point being the most southerly corner of the tract herein described;

Thence N 55°01'56" W, 2110.65 feet departing the said common line and continuing along the said northeast easement line to a point located on the common line between the said 1030.122 acre tract and a 104.5 acre tract recorded in Volume 13624, Page 512 of the Official Public Records of Real Property of Bexar County, Texas;

Thence N 00°02'51" W, 24.42 feet departing the said northeast easement line and continuing along the said common line to a point; said point being the most northerly corner of the tract herein described;

Thence S 55°01'56" E, 2132.71 feet departing the said common line to the **POINT OF BEGINNING** and containing 0.974 acre (42,434 sq. ft.) of land, more or less.

AND

A 30 Foot Temporary Construction Easement

Being a 1.480 acre (64,478 sq. ft.) tract of land out of a 1030.122 acre tract recorded in Volume 9724, Page 538 of the Official Public Records of Real Property of Bexar County, Texas; also being out of the Jose Antonio De La Garza Mexican Grant, Abstract No. 3, and the Fernando Rodriguez Mexican Grant, Bexar County, Texas; said 1.480 acre (64,478 sq. ft.) tract being more particularly described as follows:

BEGINNING at a point located on the common line between the said 1030.122 acre tract and a 185.326 acre tract recorded in Volume 13276, Page 156 of the Official Public Records of Real Property of Bexar County, Texas: said point being S 56°53'37" W, 2,429.42 feet along the said common line, passing a found iron rod with yellow cap being the most northeasterly corner of the said 185.326 acre tract at 500.25 feet from a found iron rod with yellow cap located on the southwest right-of-way line of the Union Pacific Railroad;

Thence N 55°01'56" W, 2132.71 feet departing the said common line to a point located on the common line between the said 1030.122 acre tract and a 104.5 acre tract recorded in Volume 13624, Page 512 of the Official Public Records of Real Property of Bexar County, Texas;

Thence N 00°02'51" W, 36.63 feet along the said common line to a point being the most northerly corner of the tract herein described;

Thence S 55°01'56" E, 2165.80 feet departing the said common line to a point located on the common line between the said 1030.122 acre and 185.326 acre tracts; said point being the most easterly corner of the tract herein described;

Thence S 56°53'37" W. 32.34 feet along the said common line to the **POINT OF BEGINNING** and containing 1.480 acre (64,478 sq. ft.) of land, more or less.

Councilmember D. Medina seconded the motion.

Mayor Castro asked of the reason for the change in the process for approval of such an item. Michael Bernard replied that if the city was going to utilize the power of eminent domain or condemnation; a new State Law requires that the motion be read in a very specific format and that the property description be read aloud in sufficient detail.

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

The City Clerk read the following Ordinance:

2011-11-03-0902

Item 18. AN ORDINANCE AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION, OF PERMANENT AND TEMPORARY EASEMENT INTEREST TO 25.629 ACRES OF PRIVATELY OWNED REAL PROPERTY LOCATED IN NCBS 18233, 15329, 11493, 15330 AND 15331 IN COUNCIL DISTRICT 6, NEEDED FOR THE CONSTRUCTION OF THE CPS ENERGY TEXAS CRYPTOLOGIC CENTER TO SOUTHWEST RESEARCH INSTITUTE ELECTRIC TRANSMISSION PROJECT; DECLARING IT TO BE A PUBLIC PROJECT AND A PUBLIC NECESSITY FOR THE ACQUISITION.

Councilmember Lopez moved that the City of San Antonio authorize the use of the power of eminent domain to acquire property for the public use of permanent easements and temporary construction easements for electric transmission and distribution lines, communication systems and related appurtenances for CPS Energy by acquiring the following properties described by the City Clerk and incorporated as part of this Motion.

City Clerk Vacek read the property description:

The property is out of Lot 5 and Lot 12, Block 3, NCB 18233, a 9.974 acre tract of land, New City Block 15329, Lot 1, Block 1, NCB 15329; Lots 31, 32, 33, 34, 35, 36, 37, and 41 and a portion of a 22.435 acre tract, a 208.287 acre tract, and a 9.429 acre tract of land, all out of NCB 11493; a portion of an 8.796 acre tract, a 21.64 acre tract, a 5.000 acre tract, a 2.835 acre tract, a 0.9876 acre tract, and a 10.37 acre tract of land, all out of NCB 15330; a portion of a 30.111 acre tract, a 48.377 acre tract, a 31.9480 acre tract, and a 12.500 acre tract of land, all out of NCB 15331, Bexar County, Texas.

Councilmember Ramos seconded the motion.

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

The City Clerk read the following Ordinance:

POSTPONED

Item 24. AN ORDINANCE AMENDING CHAPTER 21, SECTION 29 OF THE CITY CODE OF SAN ANTONIO, TEXAS TO PROHIBIT AGGRESSIVE SOLICITATION IN PUBLIC AREAS AND CERTAIN BUSINESSES.

Councilmember Bernal thanked the individuals that were present to speak on said item. He stated that it was important for the Panhandling Ordinance to strike a balance between residents and visitors and that it be fair. He noted that the policy should focus on behavior and not on individuals. He added that he believed that the spirit of the city is one of charity and compassion.

Councilmember Bernal moved to adopt the proposed Ordinance with the amendment that the following sentence be struck from the ordinance, "or another thing of value." Councilmember Ramos seconded the motion.

Councilmember D. Medina stated that the item had been vetted through the Public Safety Council Committee and that this was the first time that he had heard that there were concerns with the proposed ordinance.

After due consideration, Councilmember D. Medina moved to send said item back to the Public Safety Council Committee Meeting to be held November 15, 2011 for further review. Councilmember Chan seconded the motion.

Mayor Castro asked of the verbiage being struck from the ordinance. Michael Bernard replied that it was his understanding that the reason for removing the verbiage would address the solicitation of money only.

Councilmember Lopez asked of the impact of delaying said item for a few weeks. Chief McManus replied that there was not an impact to delaying the item but noted that the Downtown Community was anxious to have a more restrictive ordinance in place. Councilmember Lopez asked of the potential for a six-month review. Chief McManus stated that he believed that there would be sufficient data to identify unintended consequences within six months. He noted that said item was an expansion of an existing ordinance to add locations and distance to the locations. Councilmember Lopez recommended that staff review all of Chapter 21 of the City Code specifically to look at the provision regarding fundraising by non-profit organizations.

Councilmember Bernal stated that he was very comfortable with pushing the item back to the Public Safety Council Committee for further review and withdrew his motion to amend the proposed ordinance.

Councilmember Ramos withdrew her second and recognized the representatives of the Tourism Industry that were present. She spoke of the need to address the issue of solicitation in the roadways due to safety concerns.

Councilmember Williams stated that it was important to respect the Council Committee Process and that there could be some concern with removing the language since individuals could be aggressive when asking for items other than money.

Councilmember Chan stated that said item should be sent back to the Public Safety Committee for further vetting. She requested that the Council Committee Members be made aware of any concerns prior to the item being brought to the full City Council.

Councilmember Saldaña asked of the enforcement of the ordinance. Chief McManus replied that it would be enforced with the new locations and distance from locations.

Councilmember Taylor expressed support for sending the item back to the Public Safety Council Committee in an effort to endorse the strongest ordinance possible. She spoke of the need for a public education campaign on dealing with panhandlers.

Councilmember Soules added his support for sending the item back to the Public Safety Council Committee.

The motion to postpone and move said item back to the Public Safety Committee 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.

The City Clerk read the following Ordinance:

2011-11-03-0913

Item 30. AN ORDINANCE AUTHORIZING AN AGREEMENT FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S COMMUNITIES PUTTING PREVENTION TO WORK PROGRAM TO PROVIDE NEW FRONTIERS CHARTER SCHOOL WITH A SALAD BAR, RELATED EQUIPMENT AND EDUCATION MATERIALS AND AUTHORIZING AN INCREASE TO THE TOTAL CUMULATIVE VALUE OF SALAD BARS AND INCENTIVES PROVIDED TO ALL PARTICIPATING BEXAR COUNTY CHARTER SCHOOLS IN AN AMOUNT NOT TO EXCEED \$35,575.91.

Councilmember Ramos asked of the number of schools with a salad bar. Christine Rutherford-Stuart, Interim Health Assistant Director stated that 107 schools had implemented salad bars. She noted that funding was provided through the Federal Stimulus Grant and was made available to Independent School Districts and Charter Schools. Councilmember Ramos thanked staff for their work and requested a list of the 107 schools that received funding for salad bars.

Councilmember D. Medina thanked Mayor Castro for his leadership on health initiatives and spoke of the benefits of promoting healthy eating habits.

Mayor Castro stated that he was pleased with the efforts to invest in salad bars in schools.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember D. 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.

Item 34. CITY MANAGER'S REPORT

A. SOLID WASTE RECYCLING UPDATE

Item A was not addressed.

B. RECAP OF AVIATION EMERGENCY MANAGEMENT EXERCISE CONDUCTED ON OCTOBER 27

Ms. Sculley stated that an Aviation Emergency Management Exercise had been conducted at the San Antonio International Airport on October 27, 2011 that was required by the Federal Aviation Administration every three years. She stated that the exercise educates, trains, and prepares first responders and the community for major aviation disasters. She noted that 50 representatives from organizations including Southwest General Hospital, Lackland Air Force Base, and the American Red Cross were in attendance. She indicated that the event was a success and ideas are being developed on how to improve the emergency response.

Ms. Sculley recognized Deputy City Manager, A.J. Rodriguez and thanked him for his service to the city over that past three years. She spoke of the many projects that Mr. Rodriguez worked on and wished him well on his new career with Zachary.

The City Council thanked Mr. Rodriguez for his service to the City of San Antonio and also wished him well on his new endeavors.

RECESSED

Mayor Castro recessed the meeting at 11:26 am to break for lunch and announced that the meeting would resume at 2:00 pm for Zoning.

RECONVENED

Mayor Castro reconvened the meeting at 2:06 pm and addressed the Zoning Items.

CONSENT ZONING ITEMS

Councilmember Bernal moved to approve the following Zoning items: Z-1, P-1, Z-2, Z-3, Z-4, P-2, and Z-9 under Consent Zoning. Councilmember Saldaña seconded the motion.

Mayor Castro called upon Jack M. Finger to speak.

Mr. Finger addressed the Council and stated that he was opposed to Items P-3 and Z-7 due to the staff recommendation for denial. He noted that the intensive industrial use could have a negative impact on the nearby neighborhood and park. He indicated that he was opposed to Item Z-8 due to the 50% impervious cover and expressed concern that it was located over the recharge zone.

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

2011-11-03-0915

Item Z-1. **ZONING CASE # Z2011190 CD (District 1):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single Family Airport Hazard Overlay District with a Conditional Use for a Non-Commercial Parking Lot on Lots 22 and 23 and the south 65 feet of Lot 21, Block 2, NCB 2074 also known as Lot 27, Block 2, NCB 2074 located at 718 Kentucky Avenue. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 22 AND 23 AND THE SOUTH 65 FEET OF LOT 21, BLOCK 2, NCB 2074 ALSO KNOWN AS LOT 27, BLOCK 2, NCB 2074. TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 CD AHOD" RESIDENTIAL SINGLE FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A NON-COMMERCIAL PARKING LOT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2011-11-03-0916

Item P-1. **PLAN AMENDMENT #11053 (District 2):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE ARENA DISTRICT/EASTSIDE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 0.0864 ACRE TRACT OF LAND LOCATED AT 710 ARTHUR STREET FROM MEDIUM DENSITY RESIDENTIAL LAND USE TO PUBLIC/INSTITUTIONAL LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE NUMBER: #Z2011183)

2011-11-03-0917

Item Z-2. **ZONING CASE # Z2011183 (District 2):** An Ordinance amending the Zoning District Boundary from "MF-33 EP-1 AHOD" Multi-Family Facility Parking/Traffic Control Overlay Airport Hazard Overlay District to "O-1 IDZ EP-1 AHOD" Office Infill Development Zone Facility Parking/Traffic Control Overlay Airport Hazard Overlay District on Lot 18, Block 4, NCB 1326, except the south 5 feet located at 710 Arthur Street. Staff and Zoning Commission recommend approval

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 18, BLOCK 4, NCB 1326, EXCEPT THE SOUTH 5 FEET TO WIT: FROM "MF-33 EP-1 AHOD" MULTI-FAMILY FACILITY PARKING/TRAFFIC CONTROL OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "O-1 IDZ EP-1 AHOD" OFFICE INFILL DEVELOPMENT ZONE FACILITY PARKING/TRAFFIC CONTROL OVERLAY AIRPORT HAZARD OVERLAY DISTRICT.

2011-11-03-0918

Item Z-3. **ZONING CASE # Z2011191 (District 3):** An Ordinance amending the Zoning District Boundary from "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District to "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District on Lots 45, 46, and 47, Block 25, NCB 3819 located at 339 Channing. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 45, 46 AND 47, BLOCK 25, NCB 3819 TO WIT: FROM "NP-8 AHOD" NEIGHBORHOOD PRESERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

2011-11-03-0919

Item Z-4. **ZONING CASE # Z2011178 (District 3):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District and "I-1" General Industrial District to "C-3NA" General Commercial Nonalcoholic Sales District on Lots 31 and 33, NCB 10846 located at 4606 and 4614 East Southcross 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: LOTS 31 AND 33, NCB 10846 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT.

2011-11-03-0920

Item P-2. **PLAN AMENDMENT #11050 (Districts 1,3,4,5):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY ADDING THE MIXED RESIDENTIAL DISTRICTS AND RESIDENTIAL SINGLE FAMILY DISTRICTS (EXCEPT R-5, R-6, R-20, NP-8, NP-10, NP-15, AND RE), AS RECOMMENDED BASE ZONING DISTRICTS, TO THE MIXED USE AND TRANSIT ORIENTED DEVELOPMENT LAND USE CATEGORIES. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2011171) (CONTINUED FROM OCTOBER 20, 2011)

2011-11-03-0924

Item Z-9. **ZONING CASE # Z2011192 (District 10):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on 4,215 square feet (0.0967 of an acre) out of Lot 1, Block 1, NCB 12571 located at 8800 Broadway, #102. 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: 4,215 SQUARE FEET OUT OF LOT 1, BLOCK 1, NCB 12571 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

[CONSENT ZONING CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2011-11-03-0914

Item 35. AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF MILLER'S RECYCLING FACILITY TO BE LOCATED AT 7118 NE LOOP 410, CITY COUNCIL DISTRICT 2, IN ACCORDANCE WITH CITY CODE CHAPTER 16 ARTICLE VII.

Marc Castro stated that the Development Services Code Enforcement Division is responsible for monitoring, inspecting and licensing the operation of salvage yards and recycling facilities. He noted that Miller's Recycling Facility was requesting approval to open a new facility at 7118 NE Loop 410 in Council District 2. He reported that under City Code Chapter 16 Article VII, a City Council public hearing was required. He indicated that notice of the hearing was published and that all property owners within 200 feet of the property were notified. He outlined key requirements for approval that include I-1 Zoning Designation for recycling with no outside storage. He mentioned that San Antonio Water System and the Texas Center for Environmental Quality had approved the request and that Miller's Recycling met all of the requirements. He added that staff recommended approval.

It was noted that nobody had registered to speak on said item.

Councilmember Taylor stated that the item had been vetted through the Quality of Life Council Committee and the nearest neighborhood association with no opposition.

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

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

Items Z-5 and Z-6 were addressed jointly.

CONTINUED

Item Z-5. **ZONING CASE # Z2011171 (District 5):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-3 AHOD" Residential Single-Family Airport Hazard Overlay District on the south 75 feet of CIR 1 part of A8, NCB 2569 located at 301 Clay Street. Staff and Zoning Commission recommend approval, pending plan amendment. (Continued from October 20, 2011)

CONTINUED

Item Z-6. **ZONING CASE # Z2011187 (District 5):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 IDZ AHOD" Commercial Infill Development Zone Airport Hazard Overlay District on Lot 23, Block 10, NCB 2249 located at 407 North Zarzamora. Staff and Zoning Commission recommend approval. (Continued from October 20, 2011)

John Jacks stated that staff and the Zoning Commission recommended approval of Item Z-5 pending approval of the Plan Amendment in Item P-2. He noted that for Item Z-6, staff and the Zoning Commission recommended approval. He added that of 41 notices mailed; one was received in favor from the subject property owner and none were received in opposition.

Councilmember Ramos moved to continue Items Z-5 and Z-6 until December 1, 2011. Councilmember Bernal seconded the motion.

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

Items P-3 and Z-7 were addressed jointly.

2011-11-03-0921

Item P-3. **PLAN AMENDMENT #11052 (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 APPROXIMATELY 4.17 ACRES LOCATED AT 7386 GRISSOM ROAD FROM SUBURBAN TIER LAND USE TO SPECIALIZED CENTER LAND USE. STAFF RECOMMENDS DENIAL. PLANNING COMMISSION RECOMMENDS APPROVAL. (ASSOCIATED ZONING CASE: #Z2011189)

2011-11-03-0922

Item Z-7. **ZONING CASE # Z2011189 (District 6):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District and "I-1 AHOD" General Industrial Airport Hazard Overlay District to "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District on Parcel 209 (formerly Parcel 23), NCB 18049 and Lot 2, Block 10, NCB 18050, save and except those portions conveyed to the City of San Antonio in Volume 14256, Page 1795-1801 and Volume 14256, Page 1802-1807, located at 7386 Grissom Road. Staff recommends denial. Zoning Commission recommends 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: PARCEL 209 (FORMERLY PARCEL 23), NCB 18049 AND LOT 2, BLOCK 10, NCB 18050, SAVE AND EXCEPT THOSE PORTIONS CONVEYED TO THE CITY OF SAN ANTONIO IN VOLUME 14256, PAGE 1795-1801 AND VOLUME 14256, PAGE 1802-1807 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT AND "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

Chris Looney stated that Item P-3 would amend the land use plan contained in the West/Southwest Sector Plan. He reported that staff recommended denial while the Planning Commission recommended approval. For Item Z-7, he stated that staff recommended denial and the Zoning Commission recommended approval pending approval of the Plan Amendment. He reported that of 12 notices mailed: two were received in favor from the subject property owner and none were received in opposition.

Mayor Castro called upon Habib Erkan to speak.

Mr. Erkan stated that he was representing the property owner, LBT, Enterprises, Inc., and that the Great Northwest Recycling Center had been in operation since 1996. He noted that they had authorization for outside storage at that time but revisions in the Unified Development Code in 2001 required a zoning designation of I-2 for outside storage. He indicated that I-2 was the only zoning that works for this property and that the owner had agreed to deed restrictions which would restrict the use of alcohol, as requested by the Lindsay Place Homeowners Association.

Councilmember Lopez stated that he had met with representatives of the Lindsay Place Homeowners Association and they were in support of the zoning request. He thanked the applicants for their willingness to meet with the representatives of the Lindsay Place Homeowners Association on a regular basis.

Councilmember Lopez moved to adopt the proposed Ordinances for Items P-3 and Z-7. Councilmember Ramos seconded the motion.

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

2011-11-03-0923

Item Z-8. **ZONING CASE # Z2011148 ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "C-3 MLOD ERZD" General Commercial Military Lighting Overlay Edwards Recharge Zone District to "MF-25 MLOD ERZD" Low Density Multi-Family Military Lighting Overlay Edwards Recharge Zone District on 23.849 acres out of NCB 19218 located northwest of the intersection of U. S. Highway 281 North and Stone Oak Parkway. Staff and Zoning Commission recommend approval. (Continued from October 6, 2011)

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: 23.849 ACRES OUT OF NCB 19218 TO WIT: FROM "C-3 MLOD ERZD" GENERAL COMMERCIAL MILITARY LIGHTING OVERLAY EDWARDS RECHARGE ZONE DISTRICT TO "MF-25 MLOD ERZD" LOW DENSITY MULTI-FAMILY MILITARY LIGHTING OVERLAY EDWARDS RECHARGE ZONE DISTRICT.

Councilmember Chan thanked the applicant for addressing her concerns and stated that the Ordinance would downzone the property from C-3 to MF-25. She noted that the impervious cover was reduced to 50% and that the developer had agreed not to exceed 16 units per acre. She indicated that the

development would comply with the new Tree Ordinance and that traffic was at its highest peak in the morning when other retail development was not open. She referenced the Memorandum of Understanding with Casey Development, Ltd. and added that Northside ISD and Stone Oak Homeowners Association were not in opposition.

Councilmember Chan moved to adopt the proposed Ordinance with the Memorandum of Understanding outlining the commitments from Casey Development, Ltd. regarding the quality, density and traffic of the proposed multi-family development located within the Tacara Project Area:

- We are formally requesting a density of 25 units per acre for purposes of the rezoning request, however, we commit that the density of the units will not exceed about 16 units per acre.
- As part of the rezoning request, the San Antonio Water System made a recommendation of a maximum of 50% impervious cover. The multi-family development will comply with this impervious cover limitation.
- A report from a traffic engineer has shown that this multi-family development will generate less traffic trips than what the current “C-3” Commercial District zoning proposes.
- The following amenities and construction features will be included:
 - 100% masonry exteriors
 - Barrel tile and metal standing seam roofing
 - Water features at entry
 - Concrete driveways and parking areas
 - Carriage house style garage doors
 - Stained concrete and/or wood laminate floors
 - Gas stovetop units
 - Granite kitchen countertops
 - Crown molding
 - Stainless steel appliances
 - High-speed Internet wiring in all rooms
 - Large patios and balconies
 - Full-sized washer and dryer in each unit
 - Tanning salon
 - “Iron Chef” demonstration kitchen
 - Resort-style pool with swim-up bar
 - Outdoor lounge areas and fire pits
 - Game room
 - Media room
 - 24-hour business center
 - Fully equipped exercise room
 - Dog park
 - Valet trash service

Councilmember Bernal seconded the motion.

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

ADJOURNMENT

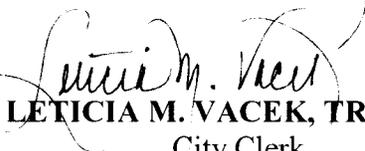
There being no further discussion, Mayor Castro adjourned the meeting at 2:35 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest:



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