

**State of Texas  
County of Bexar  
City of San Antonio**



**FINAL  
Meeting Minutes  
City Council A Session**

City Hall Complex  
114 W. Commerce  
San Antonio, Texas 78205

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Thursday, October 10, 2013

9:00 AM

Municipal Plaza Building

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The City Council convened in a Regular Meeting. The City Clerk conducted the Roll Call as follows:

**Present:** 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Chan and Soules

1. The Invocation was delivered by Pastor Jay Brown, St. Mark's United Methodist Church, guest of Councilmember Diego Bernal, District 1.
2. Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the City Council Budget Work Session of August 27, 2013.

Councilmember Saldaña moved to approve the Minutes for the City Council Budget Work Session of August 27, 2013. Councilmember Lopez seconded the motion.

The motion prevailed by the following vote:

**Aye:** 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Chan and Soules

**ACTION ITEMS FOR STAFF BRIEFING**

**2013-10-10-0702**

4. An Ordinance authorizing the negotiation and execution of a Funding Agreement in an amount not to exceed \$7.7 million with the University of the Incarnate Word for the construction of a School of Osteopathic Medicine to be located at the Fox Tech High School Campus in City Council District 1; authorizing \$138,000.00 from the FY 2014 Capital Budget to the Capital Improvements Management Services Department for capital administrative fees; and amending the FY 2014 to FY 2019 Capital Budget. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development]

Carlos Contreras presented information regarding the Multi-Year Funding Agreement with the University of the Incarnate Word (UIW). He reported that UIW had identified the Fox Tech Campus as the preferred site for the School of Osteopathic Medicine. He stated that on September 10, 2013, UIW and the San Antonio Independent School District (SAISD) executed a Letter of Intent for a long term ground lease of approximately three acres of land on the Fox Tech Campus and the formation of an Educational Partnership. He noted that UIW would invest \$50 million in construction and start-up operations. He indicated that the School of Osteopathic Medicine would create 80 full time faculty and staff positions with salaries averaging \$130,000. He mentioned that UIW requested financial assistance to support the \$6.9 million in infrastructure improvements that are necessary for the site's development and incentives totaling \$800,000 to assist with job creation and recruitment.

Mr. Contreras stated that SAISD would receive \$1.5 million over two years dedicated to the Health Careers Program, as well as an Undergraduate Grant Award of \$3,000 per incoming freshman. They will receive a Graduate Student Endowment Program totaling \$100,000 annually funded by UIW for students wanting to pursue a Graduate Degree from UIW's Health Related Professional Schools. He added that UIW would provide \$50,000 annually in grants for SAISD Faculty pursuing a Master's Degree.

Mr. Contreras highlighted the Infrastructure Improvements that would be made in three Phases. He reported that funds for the first year of the Agreement were available from the Council District 1 Infrastructure Management Program and from the FY 2014 Capital Budget Reserve for Future Projects.

He stated that the \$800,000 in incentives would be paid over a two-year period and funding for future years would be identified as part of the budget process subject to City Council Appropriation. He added that staff recommended approval of the authorization of a Multi-Year Funding Agreement with UIW for an amount not to exceed \$7,700,000.

Mayor Castro called upon the individuals registered to speak.

Dr. Lou Agnese addressed the City Council and thanked them for their support of the project. He stated that it would be a great investment of the Downtown Area and that they would work very closely with SAISD. He noted that they would look to Bexar County and the Private Sector to assist with the additional funding needed.

Jack M. Finger stated that he was not opposed to the School but asked why the city was involved. He asked the City Council to support school vouchers for the students that want to study Osteopathic Medicine at Fox Tech.

Mayor Castro commended UIW for their growth over the last 30 years and stated that it was a great asset for San Antonio. He noted that the School of Osteopathic Medicine fit into the vision of providing more opportunities at the Graduate Level. He added that this was a victory for Downtown and for the entire city.

Councilmember Bernal stated that he was pleased with the great investment for the Downtown Area and spoke of the need for revitalization of older neighborhoods. He noted that the investment would make people want to move to the area and thanked everyone involved in the project.

Councilmember Lopez added his congratulations on the project and stated that he believed it would be a catalyst for the Downtown Area.

Councilmember Gonzales expressed her support for the project and stated that she was excited about the coordination with SAISD. She asked of alternative modes of transportation. Mr. Contreras replied that the project would provide for complete streets and hoped that those that move into the Downtown Area will ride their bike or bus to work and school.

Councilmember Taylor expressed her support for the project and spoke of the great potential for revitalization of the area. She stated that it was important for Inner City Students to have access to various options and thanked UIW for their great partnership.

Councilmember Bernal moved to adopt the proposed ordinance. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Chan and Soules

### **CONSENT AGENDA ITEMS**

Items 5, 10, 11, and 13 were pulled for individual consideration.

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

Mr. Jack M. Finger expressed concern with the appointments to SAWS (Item 10) and stated that there should be time for additional vetting of the applicants. He stated that he was opposed to the proposed increase in SAWS Rates and Salaries.

Faris Hodge, Jr. submitted written testimony in favor of Items 4-9, and 13.

Councilmember Saldaña moved to approve the remaining Consent Agenda Items. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Chan and Soules

#### **2013-10-10-0704**

6. An Ordinance authorizing a change order in an increased amount not to exceed \$1,200,000.00 to the existing Task Order Contract Package 8 contract with Clark Construction of Texas, Inc., for additional street projects to be completed as part of the FY 2014 Street Maintenance Program. [Peter Zanoni, Deputy City Manager; Anthony Chukwudolue, Interim Director, Public Works]

#### **2013-10-10-0705**

7. An Ordinance closing, vacating, and abandoning a 0.148-acre, improved portion of Spitzer Avenue located generally south of Loop 410 and Southton Road in Council District 3, as requested by Abasto Properties, LLC for a fee of \$10,872.00, conditioned on the petitioner dedicating by plat a cul-de-sac at the end of Spitzer Avenue. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

#### **2013-10-10-0706**

8. An Ordinance approving a standard lease agreement and rental rates effective through October 31, 2018 for the West Air Cargo Facility at the San Antonio

International Airport. [Ed Belmares, Assistant City Manager; Frank Miller, Director, Aviation]

**2013-10-10-0707**

9. An Ordinance authorizing the acceptance of grant funds in an amount up to \$45,986,271.00 for the period beginning October 1, 2013 and extending up to September 30, 2014, consistent with the award; a full year budget, which includes \$4,812,202.00 in federal matching grant funds; execution of an agreement with Workforce Solutions Alamo for the FY 2014 Child Care Services Program, extending up to September 30, 2014; a personnel complement of 58 positions; and a delegate agency contract with Alamo Area Development Corporation for rural child care services in an amount of up to \$574,452.00 to serve 11 rural counties in the Alamo Workforce Development Area, with renewal options. [Gloria Hurtado, Assistant City Manager; Melody Woosley, Interim Director, Human Services]
  
12. Consideration of the following Board, Commission and Committee appointments for the remainder of unexpired terms of office to expire May 31, 2015, 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: [Leticia M. Vacek, City Clerk]
  - A) Reappointing Valeria Hernandez (District 5) to the Arts and Cultural Advisory Committee.
  
  - B) Reappointing Norman T. Dugas (District 3) to the Capital Improvements Advisory Committee.
  
  - C) Reappointing Charles M. Bartlett (District 3) to the Linear Creekway Parks Advisory Board.
  
  - D) Appointing Travis Cox (District 8) to the Parks and Recreation Board.
  
  - E) Reappointing John A. Rodriguez (District 3) to the City Commission on Veterans Affairs.
  
  - F) Appointing Cerina Medina (District 7) and reappointing Mark A. Vargas (District 3) to the San Antonio Youth Commission.
  
  - G) Reappointing Chris D. Alderete (District 7) to the Port Authority of San Antonio.

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- H) Reappointing Celina Moreno (District 7) to the Mayor's Commission on the Status of Women.
  - I) Appointing John J. Middleton, II (District 9) to the Zoning Commission.
  - J) Appointing Mrs. Loyce J. Ince (District 9) to the San Antonio Public Library Board of Trustees for the remainder of an unexpired term of office to expire September 30, 2015.
  - K) Reappointing William E. Merten (District 9) to the San Antonio Housing Trust.
  - L) Reappointing Mona K. Meikle (District 9) to the City Commission on Veteran Affairs.
  - M) Reappointing Rita C. Braeutigam (District 9) to the Animal Care Services Advisory Board.
  - N) Reappointing Richard Berry (District 9) to the Disability Access Advisory Committee.

**2013-10-10-0709**

14. An Ordinance consenting to the assumption and assignment of the concession agreements for two InMotion Entertainment locations in the San Antonio International Airport from Project Horizon, Inc. to InMotion Entertainment Group, LLC. [Ed Belmares, Assistant City Manager; Frank Miller, Director, Aviation]

**2013-10-10-0710**

15. An Ordinance authorizing the second one year renewal of the Compressed Natural Gas Fueling Facility Operation and Maintenance Contract with Transtar Energy Company LP, a subsidiary of Clean Energy Fuels Corp, for an estimated annual amount up to \$166,000.00, funded by the Solid Waste Operating and Maintenance Fund. [Ben Gorzell, Chief Financial Officer; Jorge Perez, Director, Building and Equipment Services]

**CONSENT ITEMS CONCLUDED**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

**2013-10-10-0703**

5. An Ordinance accepting the lowest responsive bid and awarding a construction contract, including two additive alternates, in the amount of \$6,634,566.50 to E-Z

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Bel Construction, LLC; of this total contract amount, funds up to \$149,718.00 will be reimbursed by CPS Energy; and funds up to \$485,510.77 will be reimbursed by the San Antonio Water Systems for the construction of Medical Center Intersection Improvement Phase IX, a 2012-2017 General Obligation Bond funded project, located in Council Districts 7 and 8. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

Councilmember Nirenberg stated that he pulled the item to highlight the project. Razi Hosseini presented an overview of the design and right-of-way acquisition that staff had been working on in the Medical Center for over 10 years. He spoke of the traffic flow and drainage improvements that had been made. Councilmember Nirenberg asked of the amount of sidewalks that would be added. Mr. Hosseini indicated that over 5,000 linear feet of sidewalk would be provided and that they would also add some pedestrian safety signals. He mentioned that the South Texas Medical Foundation and Medical Center Alliance were very excited about the project and had committed to update the Master Plan for the area. Councilmember Nirenberg stated that the project was part of the 2012-2017 Bond Program which recognizes the great regional asset of the Medical Center. He thanked everyone involved in the project and stated that he was pleased with the great improvements that would be made.

Councilmember Medina expressed his support for the project and thanked everyone that was involved. Councilmember Viagran also expressed her support and recognized Councilmember Williams who was present.

Councilmember Nirenberg moved to adopt the proposed ordinance. Councilmember Medina seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Chan and Soules

**2013-10-10-0035R**

**10.** Appointing individuals to each of the following positions on the San Antonio Water System Board of Trustees: [Leticia M. Vacek, City Clerk]

A) South Sector for the remainder of an unexpired term of office to expire May 31, 2016.

B) Southwest Sector for the remainder of an unexpired term of office to expire May 31, 2017.

C) Southeast Sector for the remainder of an unexpired term of office to expire May

31, 2014.

D) Northwest Sector for the remainder of an unexpired term of office to expire May 31, 2017.

E) Northeast Sector for the remainder of an unexpired term of office to expire May 31, 2017.

F) Reappointing Heriberto Guerra, Jr. as Chairman of the Board for a term to expire May 31, 2014.

Councilmember Nirenberg stated that they had interviewed applicants at the Governance Council Committee Meeting and made a motion to appoint Patricia Jasso to the South Sector; Ernesto Arrellano Jr. to the Southwest Sector; Patricia Merritt to the Southeast Sector; Reed Williams to the Northwest Sector, Louis Rowe to the Northeast Sector, and reappoint Heriberto Guerra Jr. as Chairman of the Board. Councilmember Bernal seconded the motion.

Councilmember Soules expressed concern that his and Councilmember Chan's recommendation of Kirk Francis for the Northeast Sector was not forwarded for approval by the Governance Committee. He spoke of Mr. Francis' experience and noted that he would be independently engaged and inquisitive. He mentioned that Mr. Francis had made himself available to meet with the City Council and was disappointed with the process.

Councilmember Soules moved to appoint Kirk Francis to the Northeast Sector. Councilmember Chan seconded the motion.

Councilmember Lopez stated that it would be important to have a good strategy moving forward with SAWS Rate Increases and the long-term water supply. He noted that he was supportive of the individuals recommended by the Governance Council Committee as stated by Councilmember Nirenberg to serve on the SAWS Board.

Councilmember Chan thanked everyone that applied for the SAWS Board but also noted her disappointment that Kirk Francis was not recommended for appointment to the Northeast Sector.

Councilmember Taylor stated that several months ago, she had been approached by Councilmember Soules to support the nomination of Kirk Francis and she had committed to same. She noted that since the Governance Committee had not recommended Mr. Francis and she had not had the opportunity to meet with either applicant; she would abstain from voting for the Northeast Sector.

Mayor Castro recognized Councilmember Williams for agreeing to serve on the SAWS Board representing the Northwest Sector and commended everyone that had applied to serve on the SAWS Board. He stated that although he had met with Mr. Francis and believes he is a good man; he would be supporting Louis Rowe for appointment to the Northeast Sector. He asked that the Northeast Sector vote be taken separately.

A vote was taken by the City Council on the first motion by Councilmember Nirenberg to appoint Patricia Jasso to the South Sector; Ernesto Arrellano Jr. to the Southwest Sector; Patricia Merritt to the Southeast Sector; Reed Williams to the Northwest Sector and reappoint Heriberto Guerra Jr. as Chairman of the Board. The motion prevailed by the following vote:

**Aye:** 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Chan and Soules

At this time, a vote was taken on the Northeast Sector to appoint Louis E. Rowe. The motion prevailed by the following vote:

**Aye:** 8 - Mayor Castro, Bernal, Viagran, Saldaña, Gonzales, Lopez, Medina and Nirenberg

**Nay:** 2 - Chan and Soules

**Abstain:** 1 - Taylor

Due to passage to appoint Louis E. Rowe to the Northeast Sector; the motion by Councilmember Soules to appoint Kirk Francis to the Northeast Sector was not necessary.

#### **2013-10-10-0036R**

- 11.** A Resolution nominating candidate(s) to serve on the Bexar Appraisal District Board of Directors for a term of office to expire December 31, 2015. [Leticia M. Vacek, City Clerk]

Councilmember Bernal stated that the Governance Council Committee had opted to hold the nomination for the Bexar Appraisal District Board of Directors before the full City Council. He noted that there was one candidate, Roberto C. Trevino and spoke of Mr. Trevino's experience and education. He noted that Mr. Trevino had received a Bachelor of Architecture Degree and Master of Business Administration from Texas Tech University and was a member of the Leadership San Antonio Class 38. He asked Mr. Trevino to address the City Council.

Mr. Trevino stated that he was a Local Architect and had a diverse portfolio of project types. He noted that he was also a Private Pilot and believed he would bring a unique perspective to the Board. He thanked the City Council for their support and stated that he looked forward to serving the community.

Councilmember Bernal moved to nominate Roberto C. Trevino to serve on the Bexar Appraisal District Board of Directors. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

**Aye:** 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg and Chan

**Absent:** 1 - Soules

#### 2013-10-10-0708

13. An Ordinance authorizing the execution of a two-year extension to the professional services agreement for state representation with Marc A. Rodriguez for a total monthly amount of \$5,555.00, beginning October 1, 2013 and ending September 30, 2015. [Carlos Contreras, Assistant City Manager; Jeff Coyle, Director, Intergovernmental Relations]

Councilmember Saldaña asked of the structure of the Professional Services Agreement for State Representation. Mr. Jeff Coyle replied that they surveyed all of the major cities in Texas and all of them have Consultants on retainer year-round. He stated that the City of San Antonio had a full team of Consultants on retainer year-round at the State Level but had reduced that to one full-time Consultant in 2009. He noted that even though the Legislative Session was only held every other year, it was a full-time operation.

Councilmember Saldaña asked if the city was at a disadvantage in moving from five Consultants to one. Mr. Coyle replied that he believed the city was operating in a more efficient and effective manner as there was a great cost savings. He stated that they hire other Consultants as needed during the session. He added that once the State Contract expired; they would be issuing a Request for Proposals (RFP).

Councilmember Viagran asked if the RFP would be issued for both the State and Federal Consultants. Mr. Coyle responded that they were on different timelines but they used a competitive RFP for both the State and Federal Contracts.

Councilmember Saldaña moved to adopt the proposed ordinance. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

**Aye:** 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg and Chan

**Absent:** 1 - Soules

## 16. City Manager's Report

### A. Public Works Update

Mrs. Sculley reported that in Fiscal Year 2007, the City Council approved the initial five-year rolling Infrastructure Management Program (IMP) for targeted neighborhood street, sidewalk and drainage improvements. The FY 2014 IMP that was recently adopted as part of the budget totals \$54 million and includes over 1,160 infrastructure projects. She spoke of the benefits of the IMP that include certainty in the city's work schedule and coordination with other utilities in planned infrastructure investments. She noted that the Public Works Department would be launching a new community outreach initiative this month to better educate the community on the details and scope of work included in the recently adopted IMP. She indicated that 10 information sessions were scheduled in each of the Council Districts with respective Neighborhood Association Presidents and Board Members. She stated that the intent of the sessions was to inform residents on the core services that Public Works provides to streets, traffic signals, sidewalks, traffic signs, drainage infrastructure, alley maintenance and other maintenance items. She added that Public Works would also be providing new and timely program information on the Department Website and create signs to be posted at all IMP and Capital Project Sites.

### B. Animal Care Services Update

Mrs. Sculley also reported that Animal Care Services staff was launching a new program that will allow employees within ACS to experience and assess the duties of a Veterinary Technician. She explained that employees would work in the clinic 1 day per week as a Vet Tech for a 10-week period. She added that during this time, they will experience first-hand the job duties and responsibilities of a Vet Tech in a Shelter Clinic Environment. She stated that staff would learn to vaccinate pets, administer medications, assist in treatments, and prep for surgeries. She mentioned that it was a voluntary program for those wishing to participate. She noted that ACS Employees that participate will also learn how to recognize symptoms of disease or improve their existing knowledge of disease symptoms, which will aid in maintaining a healthier shelter population. She reported that on October 25, 2013, ACS will formally open the new multi-use pet center at Brackenridge with a press conference and open house. She added that Petsmart Charities had awarded a \$50,000 Grant to ACS to provide additional surgeries, community outreach expenses and other services, including medical supplies and veterinary services.

**ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 10:30 am.

APPROVED



JULIÁN CASTRO  
MAYOR

ATTEST:



LENCIA M. VACEK, TRMC/MMC  
CITY CLERK