

**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, APRIL 7, 2010 AND THURSDAY, APRIL 8, 2010, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **April 7, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Rodriguez. Mrs. Vacek stated that Councilmember Rodriguez was absent due to personal business.

Item 2 was addressed first.

2. BRIEFING FROM THE MUNICIPAL GOLF ASSOCIATION – SAN ANTONIO

Deputy City Manager Pat DiGiovanni recognized Former Councilmembers Art Hall and Chip Haass for their work to improve the city's golf facilities. He introduced Reid Meyers, Chair of the Municipal Golf Association-SA (MGA-SA) who reported that the City's eight municipal golf facilities were in poor condition and losing money. Based on consultant findings, a working group was formed in January 2007 comprised of three business professionals and the consultant. He added that a non-profit corporation was formed with Articles of Formation filed with the Secretary of State. The Operating Agreement was approved by the City Council in May 2007 and Jim Roschek was hired as the CEO in July 2007.

Mr. Meyers outlined the Operating Agreement, noting that it provided for a 10-year term with two, 10-year extensions. He reported that MGA-SA controls the green fees and is responsible for all employees. He stated that they were required to pay the city 50% of excess net revenues and had already made several significant contributions. He reported that the Bylaws provide for 15 voting directors with four Committees: 1) Finance; 2) Construction and Maintenance; 3) Marketing/PR; and 4) Ad Hoc. He provided a list of the Board of Directors and introduced Jim Roschek, President and CEO of MGA-SA.

Mr. Roschek stated that their goal was to transition seven golf facilities to MGA-SA over a three-year period and had accomplished it within 18 months. He noted that they had improved and renovated the golf facilities at Brackenridge Park, Olmos Basin Irrigation, and Riverside Irrigation. He added that they had transitioned 100 City Employees and developed their own food and beverage concessions at all courses. They also secured financing for over \$2 million in maintenance equipment and developed a Marketing Plan. He added that they provide a benefit and health package to their employees.

Mr. Roschek provided a timeline of events noting that the transition began with Cedar Creek Golf Course in 2007. He spoke of the success stories that include the implementation of a "Players Club" for a membership fee of \$49.95 that allows for a value to individuals that play golf at municipal courses. He reported that they provide junior golf support through work with high school students, youth golf camps, and Golf San Antonio-City Tournaments. He noted that the Brack Restoration had received the Texas Turfgrass Foundation "Remodel of the Year" and been named one of the Top Five Remodels in the Nation by Golf Inc. Magazine. He presented estimates of \$500,000 that would be paid to the city for revenue through September 30, 2010. He outlined the pricing structure at the

various golf courses and noted that prices were fair and better than the competition. He spoke of the challenges ahead including the need to balance prices and city obligations while improving the facilities.

Mr. Meyers referenced their branding "Alamo City Golf Trail" and spoke of the Texas Golf Hall of Fame and Museum. He explained that the Texas Golf Hall of Fame had been formed in the late 1970's in Houston and moved to the Woodlands. He noted that it was operated by the Houston Golf Association (HGA) and that 77 individuals had been inducted from 1978-1996. He mentioned that it was closed and dissolved in 2001 and that the MGA-SA and HGA have agreed to move the Hall of Fame to Old Brack. He explained that a new Hall of Fame entity would be created as a 501c-3 with a 15-member statewide Board. He reported that the Operating Agreement will run concurrent with the MGA-SA/City of San Antonio Operating Agreement and that MGA-SA will keep all revenues and employ Hall of Fame employees. He noted that the Hall of Fame will raise \$1 million for Old Brack building improvements and the museum.

Mayor Castro commended the MGA-SA for their work in renovating the golf courses and asked of the attendance at municipal golf courses due to the economy. Mr. Roschek confirmed that they had a lot more customers and that the economy had impacted private golf clubs. Mayor Castro asked of the revenue for concessions. Mr. Meyers stated that generated annual revenue of \$50,000 is estimated but could be higher this year. Mayor Castro asked of outreach to the community. Mr. Roschek stated that they worked with High School Golf and Golf San Antonio to host city tournaments. Mayor Castro asked of the promotion of golf for the City of San Antonio. Mr. Roschek replied that they had been in discussions with the Convention and Visitors Bureau for a marketing campaign to promote golf. He spoke of the concept in which individuals would be transported to the Brackenridge Golf Course via the San Antonio River. He acknowledged that they had been working with staff regarding Willow Springs and the Eastside Investment Initiatives.

Councilmember Cisneros thanked the MGA-SA for their work and asked of the golf carts that were replaced. Mr. Roschek stated that the new carts were more efficient. Councilmember Cisneros requested that staff work on procuring solar powered carts in the future and encouraged support for scholarships for female golfers in the community. She recognized the members of the Board for their service and spoke of the possibility of utilizing bond funds for golf course improvements. She asked of the Texas Golf Hall of Fame induction. Mr. Roschek stated that the first induction would take place on October 25, 2010 and that the Golf Hall of Fame Board Members would determine the inductees.

Councilmember Ramos thanked everyone for their work on the golf courses and stated that she was pleased with the improvements to the courses. She asked of the new golf carts and the old ones. Mr. Roschek reported that they had traded in 415 golf carts and financed the purchase of 384 new carts. He mentioned that the rate did not include cart rental of \$10 (add on to the green fee). Councilmember Ramos requested a comparison of the prices charged prior to MGA-SA operating the courses and current prices. She expressed support for the Texas Golf Hall of Fame and recognized Thomas Aguillon for serving. Mr. Roschek spoke of the Pan American Golf Association, noting that it was founded in San Antonio and was the largest Hispanic Golf Organization in North America with 40 chapters throughout the country.

Councilmember Lopez asked of residential development and restrictions surrounding golf courses. Mr. DiGiovanni stated that he was not sure but that the area surrounding Mission Del Lago was designated as a Tax Increment Reinvestment Zone. Councilmember Lopez spoke of the importance of the aesthetics surrounding golf courses and developing partnerships regarding same. Councilmember

Clamp expressed support for the enhancements to the golf courses and stated that they have been transformed. Councilmember Medina thanked everyone for their efforts to improve golf in San Antonio and recognized Former Councilmember Haass for his work. He spoke of the possibility of opening a golf course or driving range on the West Side of the city. Mr. Roschek stated that there had been discussions regarding implementation of a satellite First Tee Program on the West Side. He noted that it was a nationally acclaimed program with over 5,000 students participating. Mayor Castro thanked the Board Members for their service.

1. STAFF BRIEFING ON PROPOSED FLEET ENVIRONMENTAL ACQUISITION POLICY

Peter Zaroni, Assistant City Manager stated that during the FY 2010 Budget Process, staff had identified the need to conduct a comprehensive Fleet Study. He outlined the three components of the study: 1) Fleet Environmental Acquisition Policy; 2) Vehicle Utilization and Rightsizing Review; and 3) Fleet Replacement Funding Review. He noted that the City's motorized fleet has 5,000 units in service and spends \$20-25 million in acquisitions. He reported that a sedan replacement would be considered by the City Council in April/May and includes the replacement of up to 100 six-cylinder sedans.

Mr. Zaroni spoke of the City of San Antonio Mission Verde Resolution and the effort to improve air quality. He stated that it was important to reduce greenhouse gas emissions and dependency on oil. He reported that they would establish a target to reduce greenhouse gas levels to 17% below the 2005 levels by 2020. He noted that they would establish bid specifications using "Total Cost of Ownership" analysis and would add alternative fuel options to the city's fleet. He added that the Fleet Environmental Acquisition Policy would be placed on the April 15, 2010 City Council Agenda for approval.

Laurence Doxsey, Office of Environmental Policy stated that emissions analyses had been performed by the Alamo Area Council of Governments (AACOG) in 2005 and 2010. He reported that the City of San Antonio Fleet represents a small percentage of vehicles in Bexar County with 0.34% of registered vehicles. He spoke of the FY 2009 Vehicle Composition and stated that the majority of vehicles and machinery were gas-powered.

Mr. Doxsey outlined implementation options and stated that upgrading eligible six-cylinder sedans to hybrids at time of replacement would result in \$3,000 net savings over seven years. Additionally, there would be a 58% reduction of fuel and emissions per unit and no operational impact. He noted that upgrading eligible gasoline and diesel pickups to propane would result in a \$9,000 additional cost per unit with no operational savings. He added that there would be 18% emissions reduction in greenhouse gas per unit and that there were some performance limitations. He spoke of the option to accelerate the replacement of 30 pre-2004 diesel engines with 2010 clean diesel technology at a cost of \$1.8 million with up to 57% air quality improvement per unit.

Mr. Doxsey stated that the purchase of Ethanol "E10" Fuel Blend for up to 2,878 gasoline fueled vehicles and machines would have an additional recurring fuel cost of \$261,000. He noted that there would be an emissions reduction of up to 10% and no operational impact. In regard to Ethanol "E85" Flex-Fuel Blend, he stated that the conversion of six fuel tanks and purchase of fuel for 795 existing flex fuel vehicles would result in \$528,000 for infrastructure. Additionally, \$265,000 in recurring fuel costs for the Ethanol "E85" would be required. He reported that there would be an 85% reduction in gasoline and emissions but that reduced fuel economy would require additional fueling visits. He

spoke of the Bio-Diesel "B5" Fuel Blend, noting that purchasing it for up to 1,306 existing diesel fueled vehicles and machines would result in \$310,000 in recurring fuel costs. He added that there would be up to 5% reduction in diesel fuel, as well as 5% emissions reduction per unit.

Mr. Doxsey stated that they would review available technologies to identify the greatest economic and environmental benefits, as well as balance short-term premiums with long-term savings. He reported that staff recommended an Environmental Acquisition Policy that would establish a greenhouse gas reduction target of 17% below 2005 levels by 2020, and 30% reduction in air quality emissions below 2009 levels. He stated that they would add alternative fuel options to the city's fleet and leverage grant opportunities.

Mr. Doxsey spoke of the recommended option to purchase all Hybrids in the FY 2010 Sedan purchases at an investment of \$364,000 in which \$120,000 would be redirected from eliminating vehicles and \$244,000 redirected from the Replacement Fund. He stated that they would purchase 33 propane trucks in the amount of \$300,000 through grant funds. He noted that they would pilot the utilization of the Ethanol "E85" Flex Fuel Blend at a cost of \$88,000 supported by Stimulus Funds.

Mayor Castro stated that he was pleased with the "greening" of the city's fleet and that it was important for the city to be a leader in sustainability. He challenged SAWS, CPS Energy, Bexar County, San Antonio Housing Authority and school districts to make similar investments. Councilmember Williams asked of the price of E85 from BTU to BTU. Florencio Peña, Fleet Operations Director stated that they had not priced the E85. Councilmember Williams requested that staff price the E85 and asked of propane versus compressed natural gas (CNG). Mr. Doxsey replied that the Railroad Commission had provided funding for the utilization of propane and that there was a capacity issue regarding CNG fuel and locations. He noted that they were looking at utilizing CNG at the Airport. Councilmember Williams confirmed that no battery change would be required for seven years for Hybrid Vehicles.

Councilmember Cisneros spoke of the Mission Verde Resolution which states that the city will lead by example and recommended that the VIA Easy Pass Program also be implemented by other governmental entities. She asked of the measurements utilized for the total life of a vehicle referenced on Slide 24. Mr. Doxsey replied that for fuel performance, the Environmental Protection Agency (EPA) Standards were utilized. In regard to maintenance, the industry source "Vincentric" is used for measurement. Councilmember Cisneros thanked staff for their work and recognized AACOG for their participation. Councilmember Ramos asked if Bexar County was participating in said initiatives and if they had adopted a plan similar to Mission Verde. Mr. Doxsey responded that he works with Bexar County but is not aware of them formalizing a policy. Councilmember Ramos requested that city staff meet with Bexar County, SAWS and CPS Energy to encourage them to convert their fleets to be more environmentally friendly.

Councilmember Chan asked of the replacement of sedans. Mr. Doxsey replied that they are replaced every seven years but there are some vehicles that are older. Ms. Sculley noted that the replacement of Police Sedans was completed at 70,000 miles and required by contract. Mr. Zanoni stated that the seven-year life cycle varies and is also based on maintenance costs outweighing the value. Councilmember Chan asked of the determination of policy goals. Mr. Doxsey reported that they were based on the information provided by the Federal Government at the Greenhouse Conference held in Copenhagen. He noted that President Obama committed to reducing greenhouse gas in the United States by 17% by 2020. Councilmember Clamp asked when other fleet-related policies would be brought to the City Council. Mr. Doxsey stated that they would provide a vehicle utilization and

rightsizing review during the budget process. Mr. Zaroni added that they would also discuss the funding of fleet replacement.

Councilmember Clamp asked of the Vehicle Acquisition Methodology on Slide 25. Mr. Doxsey replied that it was the methodology of the city to calculate the Total Cost of Ownership. Councilmember Clamp asked of the monitoring of the methodology. Mr. Zaroni replied that it would be monitored by Fleet, Budget, Finance, and Office of Environmental Policy. Councilmember Williams stated that the city should solicit bids for Ethanol E85. He noted that propane was better than diesel but would prefer to utilize natural gas that is sold by CPS Energy.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 4:20 pm to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO WASTEWATER PERMIT COMPLIANCE PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- B. DISCUSS LEGAL ISSUES RELATED TO THE POLICE AND FIRE COLLECTIVE BARGAINING AGREEMENTS, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- C. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.087 (ECONOMIC DEVELOPMENT) AND 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Castro reconvened the meeting at 5:45 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action. There being no further discussion, Mayor Castro adjourned the meeting at 5:45 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **April 8, 2010** at 9:00 am in the City Council Chambers.

ROLL CALL

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

Item 1. The Invocation was delivered by Father Ruben Garcia, Pastor, St. Cecilia Catholic Church, guest of Councilmember David Medina, Jr., District 5.

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

Item 3. MINUTES

Councilmember Clamp moved to approve the Minutes for the Regular City Council Meeting of March 18, 2010. Councilmember Cisneros seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The Deputy City Clerk read Item 4:

Item 4. STAFF BRIEFING ON RECOMMENDED IMPLEMENTATION OF A PUBLIC SAFETY HIGH SCHOOL BEGINNING IN THE 2010-2011 SCHOOL YEAR.

Assistant City Manager Erik Walsh presented said item and stated that the program goals were to attract San Antonio Independent School District (SAISD) students that were interested in careers with the San Antonio Fire and Police Departments and to mentor the students. He reported that the concept of the Public Safety High School had been discussed during the FY 2010 Budget process and that staff had reviewed similar programs. He highlighted program partners from SAISD and the Alamo Colleges.

Mr. Walsh stated that the Public Safety High School was scheduled to begin in the Fall of 2010 and that the SAISD Board had selected Edison High School as the initial site of the program. He reported that Alamo Colleges would provide specialized training and offer dual credit courses. Mr. Walsh noted that the Fire Program would accept high school juniors while the Law Enforcement Program would accept high school juniors and seniors. It was noted that the Public Safety High School would accept 15 students for the Fire Program and 15 students for the Law Enforcement Program.

Dr. Robert Duron, Superintendent of SAISD, thanked Mayor Castro and the Council as well as Chiefs Hood and McManus for their commitment to this project. He noted that the program would make the City stronger and safer each day, while changing the lives of many individuals. Dr. Duron introduced Board Member Olga Hernandez.

Ms. Hernandez stated that the District welcomed the opportunity to work with the City. She introduced Mr. Charlie Munoz, Principal of Edison High School, and stated that he was the most experienced principal in the District.

Mr. Munoz thanked the Council for the great partnership opportunity.

Mayor Castro stated that he was excited about the partnership and recognized city staff and Councilmembers Medina and Cisneros for their work; and called upon the individuals registered to speak.

Former Councilmember Lourdes Galvan expressed her support for the Public Safety High School and highlighted her meetings with the Firefighters Union regarding the program. She spoke of her visit to the Public Safety High School in Phoenix, and stated that the future goal of SAISD was to have a stand-alone academy. She recommended the City and SAISD advertise the program eligibility criteria to encourage middle and elementary school children in either career. Also, to make them aware of the requirements and to maintain good grades, be disciplined, and stay away from drugs. Lastly, Ms. Galvan thanked all involved in the project and wished all success.

Gary Fox, Director of the Protective Services Department at San Antonio College, noted that the program would be successful for the entire community.

Vernell Walker, Dean of Professional Technical Education at San Antonio College, stated that they were very excited about the partnership and program success.

Deborah Martin stated that the program was a great opportunity for Alamo Colleges.

Mayor Castro spoke of the importance of having high quality Police Officers and Firefighters, especially homegrown individuals, as they would better understand the community. He noted that the project would be a good opportunity for students to achieve their dream of being a firefighter or police officer.

Councilmember Medina thanked SAISD Board Members and city staff for their work and spoke of the importance of the partnership. He highlighted the benefits of the program for the community and students. He added that the program was a great opportunity as it encouraged students to pursue higher education and a career in public safety.

Councilmember Williams asked of the collaboration between the Public Safety High School Program and other safety programs. Mr. Walsh stated that participants would be required to be Explorers but not members of Cellular on Patrol (COP) or Volunteers In Policing (VIP). Chief McManus noted that two recent Police Officer graduates had participated in the Explorers Program.

Councilmember Williams requested that the City explore the possibility of collaborating with the military to recruit graduates, as well as require participants to work as dispatchers. Mr. Walsh stated that dispatching was one of many jobs identified as possible jobs for programs graduates and that additional training was necessary for dispatchers. Councilmember Williams stated that his concern was losing participants between high school and entrance into the training academy.

Councilmember Rodriguez thanked SAISD Representatives, Former Councilmember Galvan, and City Staff for their work on the project. He asked if local individuals would be given extra points in the selection process as entrance into the academies was very competitive. Chief Hood stated that 3,000 to 4,000 individuals applied annually while the department hired 120 to 140 individuals. He noted that individuals with military service received five extra points. Councilmember Rodriguez requested that a deferment program be initiated in order to allow program participants to finish college before entering the academy. It was noted by Mr. Walsh that the program was designed to be flexible in order to meet the needs of participants, as well as attract academy recruits. In addition, staff was reviewing the possibility of giving extra points to local recruits.

Councilmember Clamp expressed support for the program and asked how the City could work with other school districts to create a stand-alone campus with students from all local school districts participating. Mr. Walsh stated that there were many factors involved with creating stand-alone campuses but that it was a program goal. Councilmember Clamp requested that City staff coordinate same with the various school districts. Councilmember Lopez spoke in support of said item and thanked City staff for their work. He noted that the program would inform participants of the required commitment, especially of first responders. Councilmember Cisneros thanked everyone for their work towards the program. She stated that the program would provide career and educational opportunities to inner city youth and mentioned that the school was open to all students.

Councilmember Ramos recognized city staff and SAISD Board Members for their work on the project. She spoke of the great partnerships between Alamo Colleges, the City, and the County in educating individuals. She asked of the selection of Edison High School to host the program. It was noted that Edison was chosen due to the school offering an emergency technician program and its proximity to San Antonio College. Councilmember Ramos recognized Councilmember Medina for continuing the effort to make the program a reality. Lastly, she requested that Council be provided periodic updates on the program and that city staff begin collaborating with other school districts. Temporary Acting Councilmember Cantu thanked everyone for their hard work on the program. She spoke of the importance of the program, as well as the opportunities it offered inner city youth.

CONSENT AGENDA-ITEMS 5-31

Consent Agenda Items 6B, 8, 9, 13B, 15, 17, 18, 19, 21, 26, 27, 30, and 31 were pulled for Individual Consideration. It was noted that Items 20C and 20E were pulled from the agenda by staff. Councilmember Ramos moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

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

Rudy Meras, St. James Catholic Church, noted that the correct address to the building referenced in Item 27 was 845 W. Theo. He read a letter by the Archdiocese which stated that that building had been condemned by the Director of the Archdiocese - Office of Risk Management and therefore could not be used. He noted that St. James Catholic Church could not afford to renovate the building if it were considered a historical structure. The Archdiocese addressed the financial liability implications associated with the deteriorating structure and asked who would be financially responsible if an accident were to happen. Lastly, the Archdiocese requested that the building be approved for demolition.

Randy Bear, Chairman of Fiesta Verde, spoke in support of the Green Events Ordinance. He stated that he hoped that San Antonio would become a more environmentally-friendly city.

Angie McClure, Vice-Chair of the Smoke Free San Antonio Coalition, spoke in support of the Tobacco and Alcohol Free Zone referenced in Item 17 and thanked the City for showing its commitment to protecting the health of citizens. She thanked the Quality of Life Committee and UMAST for supporting this program.

Bruce Werstak spoke against the Historic Designation of Item 26. He noted that the intent was to revitalize the area through a commercial development project. Mr. Werstak continued by highlighting the individuals and organizations that he and his wife are working with, as well as the project's design features. He also addressed the many challenges encountered with abating the property.

Faris Hodge, Jr. submitted written testimony in support of Items 4-9, 11-13, 15-25, and 28-31. He wrote in opposition to Items 10, 14, 26, and 27 noting that the restrooms in Market Square were not ADA compliant (Item 14).

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

2010-04-08-0284

Item 5. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING CONTRACTS IN THE ESTIMATED ANNUAL AMOUNT OF \$239,000.00: (A) PETROLEUM SOLUTIONS, INC. FOR TANK LEVEL SENSING AND LEAK DETECTION PARTS AND SERVICE; (B) KONICA MINOLTA BUSINESS SOLUTIONS FOR COLOR DIGITAL MULTI-FUNCTION DEVICES AND (C) INFOUSA MARKETING, INC. FOR REFERENCEUSA DATABASE.

Item 6. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE LILA COCKRELL THEATER RENOVATION PROJECT, AN AUTHORIZED HOTEL OCCUPANCY TAX REVENUE BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

2010-04-08-0285

A. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE AMOUNT OF \$86,810.00 TO THE \$2,007,682.00 PROFESSIONAL SERVICES AGREEMENT WITH MARMON MOK FOR ADDITIONAL DESIGN WORK.

2010-04-08-0287

Item 7. AN ORDINANCE AUTHORIZING THE ISSUANCE OF A \$435,314.08 JOB ORDER CONTRACT TO JAMAIL & SMITH CONSTRUCTION FOR THE ELLA AUSTIN COMMUNITY CENTER IMPROVEMENTS PROJECT, A 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2.

2010-04-08-0290

Item 10. AN ORDINANCE EXTENDING THREE JOB ORDER CONTRACTS WITH ALPHA BUILDING CORPORATION; CON-COR/APM, JV AND JAMAIL & SMITH CONSTRUCTION TO DECEMBER 31, 2010 FOR CONSTRUCTION, RENOVATION, REHABILITATION AND MAINTENANCE PROJECTS IN CITY FACILITIES.

2010-04-08-0291

Item 11. AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION, IF NECESSARY, OF FEE SIMPLE TITLE AND /OR TEMPORARY OR PERMANENT EASEMENTS FOR PORTIONS OF PRIVATELY OWNED REAL PROPERTY LOCATED IN NCB 18154 IN COUNCIL DISTRICT 8 FOR THE PRUE ROAD (COUNTRY DAWN TO AUTUMN BLUFF) PROJECT, A 2007-2012 GENERAL OBLIGATION BOND PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; AND DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION.

2010-04-08-0292

Item 12. AN ORDINANCE AUTHORIZING THE ACQUISITION OF PORTIONS OF LAND AND AN APPROXIMATE FIVE FOOT STRIP OF PRIVATELY OWNED REAL PROPERTY ON BOTH SIDES OF OLD CAMP BULLIS ROAD FROM TALAVERA RIDGE ROAD TO IH 10 AND AN EASEMENT AT THE INTERSECTION OF THE TWO ROADS, LOCATED IN NCBS 34760, 34761 AND 34780 IN COUNCIL DISTRICT 8, FOR THE PURPOSE OF A FUTURE ROAD WIDENING PROJECT.

Item 13. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO LEASE AMENDMENTS AT THE INTERNATIONAL CENTER BUILDING LOCATED AT 203 SOUTH SAINT MARY'S STREET LOCATED IN COUNCIL DISTRICT 1.

2010-04-08-0293

- A. AN ORDINANCE ACCEPTING A LEASE TERMINATION EFFECTIVE MARCH 30, 2009 FROM THE MEXICAN STATE OF COAHUILA AND SETTLE THE PAST DUE BALANCE.

2010-04-08-0295

- C. AN ORDINANCE ACCEPTING A LEASE TERMINATION EFFECTIVE DECEMBER 31, 2009 FROM THE SPANISH GOVERNMENT SPONSORED UNIVERSITY OF LAS PALMAS DE GRAN CANARIA.

2010-04-08-0296

- D. AN ORDINANCE RENEWING THE LEASE AGREEMENT WITH THE FREE TRADE ALLIANCE AT AN INITIAL MONTHLY RATE OF \$3,361.00 AND AUTHORIZING THE LEASE OF ADDITIONAL SPACE AT AN INITIAL MONTHLY RATE OF \$1,119.00.

2010-04-08-0297

- E. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE LEASE WITH BIGA TO WAIVE ROOM RENTAL FEES FOR ANY EVENING BOOKINGS FOR THE BALLROOM FACILITY MONDAY THROUGH FRIDAY.

2010-04-08-0298

- Item 14. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE WITH FIVE MARKET SQUARE PATIO TENANTS FOR OUTDOOR PATIO DISPLAY IN MARKET SQUARE.

2010-04-08-0300

- Item 16. AN ORDINANCE AUTHORIZING THE SUBMISSION OF THE FISCAL YEAR 2011 GRANT APPLICATION BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS), WOMEN, INFANT AND CHILDREN (WIC) PROGRAM IN AN AMOUNT UP TO \$7,028,320.00 AND AN AMENDMENT TO THE CURRENT FISCAL YEAR 2010 CONTRACT ACCEPTING ADDITIONAL FUNDS IN THE AMOUNT OF \$196,600.00 TO SUPPORT ENHANCED PEER COUNSELOR SERVICES.

- Item 20. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011, 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 ISA FERNANDEZ (DISTRICT 7, CATEGORY: CONSUMER) TO THE TRANSPORTATION ADVISORY BOARD.
- B. APPOINTING DARNELL A. HANDLEY (DISTRICT 2, CATEGORY: REAL ESTATE) TO THE BROOKS DEVELOPMENT AUTHORITY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 4, 2011.

ITEM 20C - PULLED FROM THE AGENDA BY STAFF

- C. APPOINTING THOMAS C. LOPEZ (DISTRICT 5) TO THE ZONING COMMISSION.
- D. APPOINTING MARISA BONO (DISTRICT 7) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN.

ITEM-20E - PULLED FROM THE AGENDA BY STAFF

- E. APPOINTING JOE VALADEZ (DISTRICT 5) TO THE ZONING BOARD OF ADJUSTMENT.

2010-04-08-0305

Item 22. AN ORDINANCE APPROVING THE FISCAL YEAR 2010 ANNUAL AUDIT PLAN.

2010-04-08-0306

Item 23. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH POPULOUS, INC. IN AN AMOUNT UP TO \$625,000.00 TO CONDUCT A FACILITIES DEVELOPMENT STUDY OF THE HENRY B. GONZALEZ CONVENTION CENTER; AND APPROPRIATING FUNDS FROM THE HOT TAX CAPITAL FACILITIES FUND.

2010-04-08-0307

Item 24. AN ORDINANCE AMENDING THE PASEO DEL RIO ASSOCIATION LICENSE AGREEMENT TO PERMIT EVENTS IN THE MUSEUM REACH AND CONDUCT NEW CLASS A EVENTS IN YEARS 2, 3, AND 5 OF THE LICENSE AGREEMENT.

2010-04-08-0308

Item 25. AN ORDINANCE APPROVING THE LEASE ASSIGNMENT FROM JAIME HERREJON AND CONNIE HERREJON D/B/A SANDPIPER'S GIFT SHOP TO ROBERTO CLEMENTE DELGADO GARNICA D/B/A MEXICO LINDO IMPORTS LOCATED AT EL MERCADO E-3 IN MARKET SQUARE.

2010-04-08-0309

Item 28. AN ORDINANCE AUTHORIZING A FEDERAL REPRESENTATION SERVICES AGREEMENT WITH PATTON BOGGS, LLP IN AN AMOUNT UP TO \$16,666.00 PER MONTH FOR ONE YEAR BEGINNING MAY 1, 2010.

2010-04-08-0019R

Item 29. A RESOLUTION SUPPORTING THE RANDOLPH JOINT LAND USE STUDY COORDINATED BY BEXAR COUNTY.

[CONSENT AGENDA ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The Deputy City Clerk read the following Ordinance:

2010-04-08-0286

Item 6B. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE AMOUNT OF \$117,000.00 TO THE \$29,250.00 PROFESSIONAL SERVICES AGREEMENT WITH ANSEN SEALE FOR PUBLIC ART/DESIGN ENHANCEMENTS.

Councilmember Williams spoke of the importance of public art. He asked how public art was being integrated into bond projects and of the selection of local artists.

Mike Frisbie, CIMS Director highlighted the artist selection process used and stated that pieces from local artists was incorporated into the design and construction phases of bond projects.

Councilmember Cisneros clarified that Item B was the public art and design enhancement for the Lila Cockrell Theatre. She noted that the project would be completed as scheduled in November 2010. Councilmember Chan requested information regarding the funding of bond projects, contingencies, and use of certificates of obligation. Mr. Frisbie stated that each project was considered a separate project and therefore; had its own contract, budget, and contingency fund. He noted that most projects stayed within the allocated budget but the department could seek additional funding, if needed, from the City Council. Mr. Frisbie clarified that the amount allocated for contingencies was ten percent. He added that projects could be funded utilizing CBDG funds, NAMP funds, and Certificates of Obligation.

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

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

The Deputy City Clerk read the following Ordinance:

2010-04-08-0288

Item 8. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO MJC INDUSTRIES, INC. DBA MJC & ASSOCIATES IN THE AMOUNT OF \$660,614.91 FOR THE RAINBOW HILLS PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 4, AND AMENDING THE 2010-2015 CAPITAL BUDGET BY REALLOCATING \$400,000.00 FROM THE PARKS GENERAL FUND TO THE PROJECT.

Temporary Acting Councilmember Cantu asked how the scheduled construction would affect the use of the park and its facilities. Mr. Frisbie noted that the goal of the construction project was to maximize the use of the park while improvements were being made and ensure safety of patrons. Xavier Urrutia, Director of Parks and Recreation, noted that the Community Center would remain open and recreational activities would be transferred to other facilities. Temporary Acting Councilmember Cantu requested that staff inform Kathy Luna, Rainbow Hills Neighborhood Association, and local schools of the location of recreational activities.

Temporary Acting Councilmember Cantu moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

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

The Deputy City Clerk read the following Ordinance:

2010-04-08-0289

Item 9. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$107,366.00 TO THE \$421,500.00 PROFESSIONAL SERVICES AGREEMENT WITH O'NEILL CONRAD OPPELT ARCHITECTS, INC., FOR ADDITIONAL DESIGN SERVICES FOR THE FIRE DEPARTMENT FLEET FACILITY PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 6.

Councilmember Williams expressed his concern with increased costs and delays in opening fire stations. Mr. Frisbie stated that each construction project had its own construction challenges. He noted that several fire stations had encountered delays due to environmental issues that required remediation. It was noted that the delays for the fire stations in Districts 3 and 8 were specifically due to the use of Federal Stimulus Funds. Mr. Frisbie reported that the federal government required specific environmental and design elements and anticipated that construction would be completed as scheduled in October/November 2011.

In response to Councilmember Ramos, Mr. Frisbie explained in more detail that the construction delays for the District 3 and 8 Fire Stations were due to the City having to go back to the design phase in order to ensure that federal design elements were incorporated into the project's design. He further clarified that these projects were not required to be "shovel ready" projects like other Federal Stimulus Fund Projects. It was noted that even though the delays were significant, the projects would be completed as scheduled. Councilmember Ramos requested information regarding the design and amenities of the fires stations. Erik Walsh, stated that he would provide Councilmember Ramos with the information.

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

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

The Deputy City Clerk read the following Ordinance for Item 13B:

2010-04-08-0294

Item 13B. AN ORDINANCE ACCEPTING A LEASE TERMINATION EFFECTIVE NOVEMBER 30, 2009 FROM THE MEXICAN STATE OF NUEVO LEON.

Councilmember Williams asked of the lease terminations and the future plans for the use of the International Building.

AJ Rodriguez, Deputy City Manager, stated that due to economic challenges, four tenants were vacating the International Building. He noted that the Free Trade Alliance would be expanding as a result of the vacancies. Mr. Rodriguez informed the Council that the City was creating an International Business Strategy and several departments would be moving out of Frost Bank and into the International Building. He stated that all leases end in two years and all City departments would move to the International Building. Overall, the City would realize a net financial gain of \$500,000 over a 5-year period in the Hotel Occupancy Tax (HOT) and General Fund.

In response to Councilmember Clamp, Mr. Rodriguez provided the annual incremental financial gain over the 5-year period. It was noted that there would be a cost savings to the General Fund in the

amount of \$356,000 and the HOT Fund in the amount of \$173,000. Mr. Rodriguez clarified that the Free Trade Alliance would be charged under market rate rentals during the 2-year lease period. Chris Kurzon, Real Estate Division of Capital Improvement Management Services, provided a list of private sector tenants at the International Building and noted that they were being charged market rates. Councilmember Chan thanked staff for consolidating City services while achieving cost savings. She highlighted the importance of using the International Building for international activities and how said activities would promote future international and economic development.

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

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

The Deputy City Clerk read the following Ordinance:

2010-04-08-0299

Item 15. AN ORDINANCE AUTHORIZING THE ACQUISITION OF 4.595 ACRES OF LAND FROM THE SAN ANTONIO HOUSING TRUST FOUNDATION FOR THE PURCHASE PRICE OF \$114,000.00 LOCATED ON THE NORTHEAST INTERSECTION OF HILLJE STREET AND BETTY JEAN, EAST OF IH 37 SOUTH IN COUNCIL DISTRICT 3 TO BE DESIGNATED FOR PARK LAND; AND THE ALLOCATION OF \$8,265.90 FOR CLOSING COSTS, SURVEY, AND ENVIRONMENTAL ASSESSMENT FEES FROM CERTIFICATES OF OBLIGATION FUNDS.

Councilmember Ramos asked of the relationship between the City and the San Antonio Housing Trust and if the funds would be used by the Housing Trust to acquire additional park space. Mr. Urrutia stated that he would need to confer with Housing and Neighborhood Services to obtain the information requested, but the funds would be used by the agency to acquire property for development. Councilmember Ramos stated that \$200,000 was earmarked to purchase this property. She requested that the remaining \$75,000 be utilized to upgrade the park and asked that Park staff seek input from the community to determine their needs. Lastly, she directed Park staff to coordinate with the Office of the City Clerk in naming the park after Rocky Riojas; a Police Officer killed in the line of duty approximately 10 years ago.

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

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

The Deputy City Clerk read the following Ordinance:

2010-04-08-0301

Item 17. AN ORDINANCE APPROVING THE TEMPORARY CLOSURE OF CERTAIN STREETS FOR THE 2010 FIESTA SAN ANTONIO CELEBRATION; APPROVING THE LOCATIONS, DATES AND TIMES FOR THE FIESTA CARNIVAL AND OFFICIAL FIESTA EVENTS WITH RELATED REQUIREMENTS AND CONDITIONS AND APPROVING THE FIESTA PARADE ROUTES.

Councilmember Medina highlighted the Tobacco and Alcohol Free Zone that would be available during Fiesta 2010. He thanked Councilmember Ramos for her leadership and assistance with the project. Councilmember Cisneros asked how the success of the pilot program would be measured and outreach efforts to inform the community of the program. Paula Stallcup, Director of Downtown Operations stated that SAPD would assist with compliance via patrolling of the designated area which was located directly in front of the Council Chambers. She noted that citizens would be informed of the Smoke and Alcohol Free Zone by signs placed on their chairs and that UMAST had assisted with outreach efforts via parade ticket sales. Councilmember Cisneros asked that Downtown Operations staff look into expanding the program to other areas of the parade route for future Fiesta Parades.

Councilmember Rodriguez highlighted a young boy who had expressed his concern with his family encountering second-hand smoke while at Fiesta events. Councilmember Rodriguez thanked Councilmember Medina and city staff for bringing awareness to the public health issue of smoking. Councilmember Ramos requested that the Quality of Life Committee be briefed within 6 months and be provided with future planning, expansion, and patrolling plans.

In response to Councilmember Medina, Ms. Stallcup clarified that Police Officers patrolling the area would be paid for by Smoke Free America, sponsor of the Smoke and Alcohol Free Zone. Councilmember Medina noted that Smoke Free America would only be assisting with funding for this year. Mayor Castro expressed his support for the program and noted that it was a good first step.

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

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

The Deputy City Clerk read the following Ordinance:

2010-04-08-0302

Item 18. AN ORDINANCE AMENDING CHAPTER 19 OF THE CITY CODE OF SAN ANTONIO, TEXAS RELATING TO MOTOR VEHICLES AND TRAFFIC, TO REQUIRE THE USE OF ADEQUATE FRONT AND REAR LIGHTS WHEN OPERATING A BICYCLE AT NIGHTTIME, PROVIDING FOR A PENALTY, PUBLICATION AND AN EFFECTIVE DATE.

Councilmember Chan stated that said ordinance would enhance the safety of cyclists. She requested how said ordinance will impact the safety of cyclists, as well as community outreach efforts.

Richard Varn, Chief Information Officer stated that the regulations outlined in the ordinance echo State Law which mandates the use of a front white light and either a red rear reflector or rear light. He noted that cyclists would be required to use lights 30 minutes before sunrise and 30 minutes after sunset. It was also noted that the Office of Environmental Policy was launching a city-wide educational campaign that was funded by Energy Efficiency Block Grants. In total, \$80,000 of the grant was being set aside for a public safety awareness program. In addition, a Health Grant in the amount of \$15 million would be used to purchase and disseminate lights and reflectors to the public. Mr. Varn added that he anticipated that the City would be awarded a \$300,000 three-year grant from the Texas Department of Transportation to promote bike safety. Lastly, he stated that the city would focus on providing lights free of charge while addressing bicycle safety.

Councilmember Chan thanked city staff for bringing forth an ordinance that allowed for cyclists and motorists to share the same road. Councilmember Cisneros suggested that information be disseminated at various Earth Day events and that staff provide a video to promote bicycle safety. Mr. Varn noted that a video had already been produced and was being displayed on TVSA. Councilmember Cisneros requested that her office be provided with a copy of the video. Mayor Castro thanked Councilmember Chan for her leadership and for making roads safer for both motorists and cyclists.

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

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

The Deputy City Clerk read the following Ordinance:

2010-04-08-0303

Item 19. AN ORDINANCE AMENDING CHAPTER 26 OF THE CITY CODE OF THE CITY OF SAN ANTONIO, TEXAS RELATING TO POLLUTION CONTROL TO PROVIDE FOR GREEN EVENTS CERTIFICATION, PROVIDING FOR A PENALTY, PUBLICATION AND AN EFFECTIVE DATE.

Richard Varn noted that the ordinance assisted the City to be Green while achieving the goals outlined in the Mission Verde Plan. It was noted that the Green Events Score Card would be used to determine if an event qualified as a Certified Green Event and the fee associated with the purchase of a certification. Mr. Varn noted that the City had identified approximately eighteen venues that could be considered Green Events and two have already committed to being a Green Event. He noted that City sponsored events would automatically qualify as a Green Event and no paperwork was required to be completed.

Councilmember Clamp requested information regarding the placement of said item on the agenda. Mr. Varn stated that said item was placed on the agenda at the request of Mayor Castro and the City Manager. He noted that the mission for the City to be Green was a goal being practiced throughout the City Organization. Lastly, he noted that said item had been presented to the Governance Committee. Councilmember Clamp noted that he had been inundated with phone calls from the business community who voiced their concern with ordinances not being sponsored by Council prior to adoption. He requested that a process be initiated that detailed proposed ordinances, status, sponsor, and committee point of contact. It was noted that such a list would assist in answering questions posed.

Mayor Castro stated that he had requested that a Green Events Ordinance be presented to the City Council. He added that as Mayor, he was authorized to place items on the agenda and that about ninety percent of the items placed on the agenda were administrative. Mayor Castro concurred that the process for submitting Council Consideration Requests could be refined.

Councilmember Cisneros commended city staff for supporting the initiative. She highlighted various events in which recyclables were collected and the amount collected at each event. She stated that the City continue to promote recycling efforts and requested a video on separating recyclables.

City Manager Sculley stated that the City Council had been provided with a list of proposed ordinances which had been identified more than a year ago that would affect the business community. She noted that city staff had been working with the Real Estate Council on establishing a time frame in which the ordinances would be presented to the City Council.

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

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

The Deputy City Clerk read the following Ordinance:

2010-04-08-0304

Item 21. AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT GRANT IN THE AMOUNT OF \$109,000.00, TIRZ FUNDING IN THE AMOUNT OF \$719,962.00 AND A SAWS IMPACT FEE WAIVER OF \$117,000.00 FOR STEEL HOUSE LOFTS.

Councilmember Medina provided an overview of the project, proposed infrastructure improvements, and amenities. He noted that the development would bring additional housing to the downtown area. He recognized Dennis McDaniel, owner and developer of the property.

Mr. McDaniel thanked the Council for their support and city staff for their assistance. He highlighted the history of the building and the proposed design plans. He stated that it was a privilege for him to preserve the facility.

Councilmember Medina noted that staff would be making a recommendation to solicit an RFP regarding other TIRZ projects in the near future. Councilmember Cisneros also expressed her support for the project and noted how said project would be a catalyst for redevelopment of the South Flores area. She thanked Councilmember Medina and city staff for assisting with the restoration of a historic structure. Mayor Castro stated that he looked forward to the project coming to fruition and believed that this was going to be the decade of Downtown.

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

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

The Deputy City Clerk read the following Resolution:

DENIED

Item 26. A RESOLUTION TO PROCEED WITH THE LANDMARK DESIGNATION OF 300 SAN PEDRO, LOCATED IN COUNCIL DISTRICT 1.

Councilmember Cisneros noted the importance of preserving the City's uniqueness and historical structures. She highlighted the many health and safety issues that the vacant building had posed to the community. She stated that the proposed development would contribute to the revitalization of

downtown while addressing public health and safety issues. She provided petition signatures of individuals and businesses opposed to the historical designation of the structure.

Written testimony was received from Rollette Schreckenghost, President of the San Antonio Conservation Society in support of the historic designation of the O'Krent Building. She wrote that the 1949 building had many features that made it an outstanding example of mid-century commercial architecture. She wrote that the O'Krents believed the entrance tower feature was so important to their corporate image that a similar entrance was the focal point of their new building on Loop 1604. She added that later additions to the rear of the building were not part of its architectural significance and could be removed.

Councilmember Cisneros moved to deny the Resolution. Councilmember Chan seconded the motion.

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

The Deputy City Clerk read the following Resolution:

CONTINUED 30 DAYS

Item 27. A RESOLUTION TO PROCEED WITH THE LANDMARK DESIGNATION OF 907 W. THEO AVENUE, LOCATED IN COUNCIL DISTRICT 5.

Written testimony was also received from Rollette Schreckenghost in support of the historic designation of 907 West Theo. She wrote that the early 20th Century commercial building and residence behind it are reminders of the time when neighborhood grocery stores were integral parts of San Antonio's residential fabric. She added that the former Deluxe Grocery Building was an excellent example of a corner grocery store that has been replaced by supermarkets and convenience stores.

Councilmember Medina moved to continue the Resolution for 30 days. Councilmember Cisneros seconded the motion.

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

The Deputy City Clerk read the following Ordinance:

2010-04-08-0310

Item 30. AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT WITH SAN ANTONIO FARMERS MARKET ASSOCIATION TO SET UP A FARMER'S MARKET PROGRAM AT OLMOS BASIN PARK IN COUNCIL DISTRICT 1 AND SAN ANTONIO BOTANICAL GARDEN IN COUNCIL DISTRICT 9, AND A SEPARATE LICENSE AGREEMENT WITH SOUTH TEXAS FARMERS MARKET ASSOCIATION AT HENDRICH ARNOLD PARK IN COUNCIL DISTRICT 4.

Councilmember Cisneros spoke of the various parts of town that operated Farmer's Markets and types of produce available.

Xavier Urrutia highlighted the partnership between the Parks and Recreation Department and the Farmer's Market Association, and provided a schedule of events. He stated that staff would follow up on the comments being made about the Olmos Basin Farmer's Market and other events.

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

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

2010-04-08-0311

Item 31. AN ORDINANCE AUTHORIZING AN AMENDMENT IN AN INCREASED AMOUNT UP TO \$25,000.00 TO THE \$135,500.00 PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ADDITIONAL PROFESSIONAL SERVICES FOR THE DEVELOPMENT OF METHODOLOGY FOR DEVELOPER COSTS.

Majed Al-Ghafry, Public Works Director stated that the additional funding would be used for support staff that was needed to implement the provisions of Texas House Bill 1835. He noted that said bill changed the regulations regarding rough proportionality.

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

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

Item 32. CITY MANAGER'S REPORT

A. UPDATE ON SENIOR CENTERS

Ms. Sculley reported that staff was working with the Elderly Affairs Commission and City Council Staff in regard to the City's Senior Centers. She stated that staff would provide a recommendation during the FY 2011 Budget Process to ensure that there were adequate resources for the services provided throughout the city and for efficiency purposes. She mentioned that a new Senior Center would be opening in District 5 the next day.

B. FIESTA GREEN EVENTS UPDATE

Ms. Sculley stated that she was pleased that the Green Events Ordinance had been passed this morning and did not have anything further to report.

C. NATIONAL PUBLIC HEALTH WEEK OF APRIL 5-11, 2010

Ms. Sculley noted that it was Public Health Week and a number of events had been scheduled by the Health Department. She mentioned that event information was available online and on TVSA. She added that many of the events were consistent with the Mayor's Health Initiatives in terms of the City's Obesity Grant and educational programs for the community to combat Diabetes.

RECESSED

Mayor Castro recessed the meeting at 11:52 am to break for lunch and noted that the meeting would resume at 2:00 pm for a briefing by the San Antonio Water System (SAWS).

RECONVENED

Mayor Castro reconvened the meeting at 2:10 pm and addressed Item 33.

Item 33. UTILITY BRIEFING BY THE SAN ANTONIO WATER SYSTEM REGARDING THE PENDING RATE REQUEST AND WATER SUPPLY PROJECTS.

Ben Gorzell stated that based on discussion at the B Session on March 17, 2010, the San Antonio Water System (SAWS) rate re-design and proposed rate request increase would be combined. He noted that the SAWS Budget Process would be accelerated and rely more on projections than actual data. He reported that they would review revenue requirements, Capital Budget, and Operating and Maintenance Budget over the next five years. He added that they anticipated providing a staff recommendation by May 19, 2010.

Robert Puente, SAWS CEO outlined the services they provide and noted the SAWS Water and Sewer Service Areas. He spoke of the great amount of growth experienced since 2001, noting that they have been able to keep their rates low and increased water supply. He reported that the 2011 Rate Adjustment will fund water and wastewater infrastructure, as well as water supply. He spoke of future challenges including the acquisition of new water supply, maintaining infrastructure, and the weather. Lastly, he provided a timeline for the rate request and rate structure with recommended Council Action on June 10, 2010.

Steve Clouse, SAWS Senior Vice President and Chief Operating Officer reported that they had cleaned 1,100 miles of sewer pipe in 2009 and will clean every sewer pipe in the SAWS System over the next year. He stated that minor facilities had been eliminated and that the Salado and Dos Rios sewersheds had been consolidated. He outlined future service areas including the area that would be added by the Medina River Outfall. He mentioned that it would provide service for the South Side Area including the Toyota Facility and Texas A&M University-San Antonio. He spoke of biosolids composting, noting that the public/private partnership was one of the largest in the nation. He explained that it converts waste product into valuable resources and saves landfill space.

Mr. Clouse stated that in July, SAWS would implement the country's first methane gas sales system at a waste water treatment plant. He noted that the gas would be provided directly to an enterprise gas distribution line to be used by anyone that uses natural gas. He added that SAWS would receive a royalty from a contractor for every cubic foot of gas that they are able to sell. He mentioned that by selling the gas, they maximize the use of a renewable resource and improve air quality for the community. He stated that SAWS had been recognized by the EPA for having the best performing wastewater plant and spoke of their efforts in recycled water distribution including Microsoft and CPS Energy. He reported that the plants provide water to improve and protect the San Antonio River, noting that the Index of Biotic Integrity ratings were over 50 which are considered the "Exceptional" range.

Chuck Ahrens, SAWS VP of Water Resources and Conservation stated that SAWS optimized local resources and minimized distance to new diversified resources. He spoke of the Water Management Plan (WMP) and presented a graph of the permitted supply gaps identified in the 2009 WMP. He provided a 50-year plan update, noting the four major short and mid-range programs: 1) Edwards Aquifer water rights acquisitions; 2) Brackish Groundwater Desalination; 3) Regional Carrizo Aquifer permitted supply; and 4) Demand and Drought Management. He outlined successful Edwards Acquisitions since 2006 with \$118 million invested.

Mr. Ahrens spoke of the Brackish Desalination Project, noting that they had developed 11,800 acre-foot in Southern Bexar County that would be delivered in 2015. He stated that they would continue to pursue expansion beyond Phase I and that a plant would be located on the existing Aquifer Storage Recovery (ASR) property. He reported recent progress of the Brackish Desalination Project, including \$35 million in Texas Water Development Board deferred low interest loans and the selection of a Design Engineer for the eight initial production wells. He noted that public outreach would be conducted and presented a timeline with the plant scheduled to open in 2015 at a cost of \$1,924 per acre-foot.

Mr. Ahrens provided an update on the Regional Carrizo Project, noting that it was an 11,688 acre-foot project that had been included in the WMP. He stated that they anticipated a decision on the contested case hearing regarding the Gonzales Underground Water Conservation District by May/June 2010. He noted that through regional partnerships, SAWS would be able to utilize existing pipelines and infrastructure that would reduce project costs by \$120 million with a total cost of \$1,550 per acre-foot. He provided a list of Groundwater Conservation Districts and spoke of their efforts regarding drought management. He stated that the HemisFair Fountains were a partnership with the City of San Antonio and were working on other innovative water saving projects.

Doug Evanson provided historical information regarding the water supply fee, noting that it had been created in October 2000 to fund water supply development costs. He reported that funding could be utilized for land acquisition, construction, and water quality protection. He noted that the Water Supply Fee had generated \$554 million from 2001-2009 and that \$16 million had been transferred to the City of San Antonio. He presented an overview of the capital spending of \$644 million, noting that \$247.3 million was utilized for the Aquifer Storage and Recovery (ASR) Project.

Mr. Puente concluded by stating that since May 2009, SAWS had managed through the driest and wettest periods in San Antonio's history and that SAWS continues to have some of the lowest rates in the state.

Mayor Castro called upon Jack M. Finger to speak on Item 33.

Mr. Finger expressed concern with the proposed rate increase and rate design. He stated that due to increased costs, customers would be forced to use less water.

Councilmember Williams confirmed that \$91 million from the Water Supply Fee Revenue had been utilized for Capital Projects and stated that it was critical for the ratepayers to be more informed on how the funds are spent. He asked of the \$85 million utilized for Administrative and Billing Costs. Mr. Evanson replied that they were allocated to each of the three business units: Water Delivery, Water Supply and Wastewater. Councilmember Williams asked of the Brackish Desalination Project. Mr. Ahrens replied that they were fully engaged in the process and that it was a viable project that they hoped to expand in the future.

Councilmember Cisneros asked of the Regional Carrizo Project. Mr. Puente stated that they had found common ground with the Schertz-Seguin Development Corporation and SAWS will utilize their existing pipeline that will amount to great amount of savings. Councilmember Cisneros expressed support for the collaboration. Councilmember Clamp referenced an attachment that he received from SAWS in which \$125 million had been allocated for indirect costs. He expressed concern with the high amount of expenses, noting that this was not the intent of the Water Supply Fee.

Councilmember Chan asked of the key assumption utilized for rate increase projections. Mr. Evanson stated that most of the rate increase would be utilized for needed infrastructure to include \$100 million for water supply projects; \$150 million for wastewater infrastructure; and \$50 million for water delivery. Councilmember Chan asked if legal fees were included. Mr. Evanson stated that legal fees were budgeted on an on-going basis and was not aware of any extraordinary legal fees that would need to be included. Councilmember Chan confirmed that \$150 million for wastewater would address EPA issues. She asked of the possibility of implementing rate increases every other year. Mr. Evanson responded that they would consider the possibility but the increases were driven by capital programs that would have to be scaled down.

There was no action required for Item 33.

CEREMONIALS

Mayor Castro presented a Proclamation to the Texas Cavaliers and recognized Nicholas Paul Campbell as King Antonio LXXXVIII. This member of royalty will reign over the Texas Cavaliers River Parade to be held on Monday, April 19, 2010. It was noted that during his year-long reign, King Antonio will visit schools, hospitals, nursing homes, local businesses and community groups. Through the Texas Cavaliers Charitable Foundation, funds are disbursed to support children's charities in the community.

Mayor Castro presented a Proclamation in recognition of Fiesta San Antonio, an 11-day, city-wide celebration that will be held April 15-25, 2010. Fiesta takes place every April to honor the memory of the heroes of the Alamo and the Battle of San Jacinto. The success of Fiesta is dependent on the hard work and dedication of the Commission, which organizes the Texas-sized festival of over 100 events, with more than 75,000 volunteers, to accommodate 3.5 million party-goers.

Mayor Castro recognized the Grand Opening Celebration of Morgan's Wonderland that will be held on Saturday, April 10, 2010. The new theme park is designed especially for children with physical and intellectual disabilities, as well as the family, caregivers and friends who accompany them. Humanitarian Gordon Hartman inspired the 25-acre amusement park that sits on the site of an old quarry in northeast San Antonio.

CITIZENS TO BE HEARD

Mayor Castro called upon the individuals registered to speak.

Daniel Day addressed the Council and spoke of the ordinance requiring bicycle lights at night and the subsequent fines for non-compliance. He stated that bicycle safety could be better achieved by installing bicycle racks rather than bicycle lanes. He highlighted some of the safety myths perceived by bicyclists and the need for the City to initiate an educational outreach program to dispel the myths.

Mark Perez expressed concern with the process for issuing permits and the lack of oversight and enforcement by the Planning and Development Services Department. He spoke of the illegal storage of tanks at 4702 Goldfield and asked why he had not received timely responses to his health and safety concerns.

Ruben Espronceda expressed concern with the proposal by the San Antonio River Authority to erect a road through Concepcion Park as part of the expansion of the San Antonio River to the Missions. He

stated that it was disrespectful and insulting to build a road in the middle of a Historic Texas battlefield. He requested that the community be involved in the development process so that a better solution can be devised.

Boone Brunson and Bruno Ortiz of the Farmers Market Plaza Merchants Association addressed the Council. Mr. Brunson expressed concern with Fiesta events changing daily merchant operations that result in increased duties and expenses. He noted that a contract with the Parks Foundation denoted that several of the added duties and expenses are the responsibility of the Parks Foundation. However, he had been informed by City staff that these duties are the responsibility of the merchants. Mr. Brunson requested that the contract be clarified.

Councilwoman Cisneros directed Michael Bernard, City Attorney, to provide a written legal interpretation on the section in question in the license agreement between the City and the Park Foundation. Additionally, she requested for meetings to be scheduled with all involved parties.

Damon Mason addressed the Council and highlighted examples in which common sense was not utilized by local businesses and foreign leaders.

Faris Hodge, Jr., addressed the Council and expressed concern with the San Antonio Police Department and the Police Union. He stated that there was a double standard, as the Police Department did not require Police Officers involved in accidents to undergo alcohol and drug testing. Additionally, Mr. Hodge expressed concern with the process for appointing Councilmembers, noting that a public process should be followed.

Raymond Zavala addressed the Council and expressed concern with Code Compliance enforcing peddling ordinances during Holy Week but not at other times of the year. He spoke of the lack of economic development and job opportunities on the Westside of San Antonio and expressed concern that the community had not been informed of a road being erected through Concepcion Park. He spoke of the overgrown grass at Elmendorf Park and asked why the new ordinance requiring bicyclists to use adequate lights did not also require the use of safety vests.

Nathan Guzman addressed the Council and stated that his home was in the flight pattern of the Port Authority. He asked if there was funding available to insulate his home and those of his neighbors from the noise generated by the airplanes. Lastly, Mr. Guzman requested that the panhandling ordinance be strengthened.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:44 pm.

APPROVED


JULIÁN CASTRO
MAYOR

Attest:


LETICIA M. VACEK, TRMC/CMC
City Clerk