

**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, SEPTEMBER 15, 2010 AND THURSDAY, SEPTEMBER 16, 2010, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **September 15, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Rodriguez.

1. STAFF PRESENTATION AND POSSIBLE CITY COUNCIL ACTION ON POTENTIAL FY 2011 BUDGET AMENDMENTS

Sheryl Sculley presented an overview of the Potential Amendments to the FY 2011 Proposed Budget and the funding resources. She reported that \$1.3 million had been provided through a Sales Tax Audit Adjustment although the taxpayer was appealing the decision. She also reported that the August CPS Energy Payment was above the re-estimate and in the amount of \$1,044,761. She stated that various fees would be increased but the proposed fees for Softball Gate Admission and the Adult Softball Player Fee had been eliminated. She reported that in response to concerns expressed by the Retirees Healthcare Committee, staff was proposing changes to the FY 2011 Retiree Health Pricing. She recommended that the increases be phased-in over two years and that the cost be shared 50/50 between the City and Retirees in FY 2011 at an additional cost of \$195,000 to the City. She spoke of the Six Year Capital Budget Resource and Expenditure Amendments and noted that there was a balance of \$1,500,000. She provided a list and map of Storm Water Projects included in the FY 2011-FY 2015 Capital Improvement Program. Lastly, she stated that she had revised her recommendation so that Executives would only be eligible for Performance Pay and would not receive a 2% cost of living adjustment. She also reported that civilian employees would receive a 2% cost of living adjustment net of their health care premium increases.

Mayor Castro confirmed that funding for the Retiree Issues was included in the FY 2011 Proposed Budget. Ms. Sculley confirmed same. Mayor Castro stated that he was pleased that Parks Community Center hours were being extended. Councilmember Cortez expressed his support for the amendments and the funding provided within Public Safety, Infrastructure, and Senior Services. He highlighted the improvements that would be made to the Library and confirmed that the increase to Executive Salaries would be based on performance. He stated that the Executive Team performed well but was concerned with fairness. He asked of the budget for Market Square and the security during Fiesta Week. Ms. Sculley replied that staff would track revenues and expenses separately to ensure that revenues are meeting expenditures. She stated that she would follow up with the City Council on the funding for security during Fiesta Week.

Councilmember Williams stated that he was pleased with the Budget Process and felt it was appropriate that Executives would be eligible for Performance Pay. He asked how other entities handled the issue of salary increases for Executives. Ms. Sculley responded that they were in the process of updating compensation data for FY 2010 and had reviewed a study conducted by the City of Austin. She stated that she did not have information on other entities but would be glad to provide it to the City Council. Councilmember Williams stated that the information would be helpful and recognized the Executive

Team for their work. Councilmember Lopez requested assurance that the outsourcing of the Pavement Marking Program would not hinder progress and spoke of the importance of restriping instead of adding speed bumps. Majed Al-Ghafry confirmed that they will accomplish what they have committed to and that some operation and maintenance to include sidewalk and bicycle striping would be performed by in-house staff.

Councilmember Ramos requested additional information on KROV Radio-FM that was being recommended for funding. Maria Villagomez replied that it was a start-up organization that would work with minority youth and partner with local universities. Councilmember Taylor added that a partnership was already established with Trinity University to utilize their resources and provide community radio programming. She noted that they had applied for CDBG Funding but was not the proper avenue. Ms. Villagomez mentioned that they had applied for a total of \$4-5 million through the Transformation Coalition. Councilmember Ramos asked of Project Assist that was also recommended for funding. Ms. Villagomez confirmed that they had also applied for CDBG Funding through the Transformation Coalition but had not been awarded funds. Councilmember Ramos stated that she was pleased that funding had been added for spay/neuter surgeries and asked of the Delegate Agencies. Ms. Sculley replied that there were 66 Delegate Agencies and that funding for the Youth Services Delegate Agencies was being restored at FY 2010 Budget Levels. She noted that she would provide the City Council with a comparison of Delegate Agency Funding for FY 2010 and FY 2011. Councilmember Ramos thanked staff for identifying funds for the exterior facility modifications for Fire Station #21 and Rocky Riojas Park Improvements.

Councilmember Chan thanked everyone for their work on the budget and stated that it was prudent to save for FY 2012. She confirmed that the Community Family Resource and Learning Centers were fully funded and also asked of the funding for Luminaria. Ms. Sculley replied that funding in the amount of \$250,000 for Luminaria was allocated in the Office of Cultural Affairs Budget. Councilmember Chan asked of the Adult Softball Fees. Ms. Sculley replied that the increase in fees had been eliminated and that the city would subsidize programs for seniors and youth. Councilmember Medina stated that he was pleased that the Community Family Resource and Learning Center hours had been maintained and asked of the increase in fees at the Natatorium for Seniors. Xavier Urrutia replied that there was not an increase to fees for Seniors and that the \$1 increase would be applied to youth under 18 years of age and adults ages 18-59. Councilmember Medina expressed his concern with the increase for youth 18 years of age and younger.

Councilmember Clamp requested clarification on the performance pay for Executives. Ms. Sculley stated that she was recommending that the pool of funding be increased with the funds set aside for initial COLAs. She added that Executives would not receive an across-the-board cost of living increase. She further explained that Executives would only receive increases based on their performance at a maximum of 5%. Councilmember Clamp asked of performance evaluations for city employees. Ms. Sculley stated that all employees receive performance reviews and spoke of the Pay Plan. Councilmember Clamp requested that the City Council provide goals to the City Manager to filter to the Executives on base performance pay and benchmarks. He also requested that a review of fees and cost recovery be discussed at a future B Session. Lastly, he asked that staff review the possibility of funding Literacy San Antonio in the future. Councilmember Cisneros stated that she was pleased with the funding identified for Retiree Benefits and that the softball fees would be maintained. She also stated that she was grateful for the additional \$250,000 identified for spay/neuter surgeries and asked of a spending plan. Ms. Sculley replied that they would target the areas with the most strays.

Councilmember Cisneros stated that she was pleased that the hours of operation at the Learning Centers and San Pedro Branch Library would be maintained. She spoke in support of a future Bond Program to support the many infrastructure needs. She asked of the security during Fiesta Week at Market Square. Ms. Villagomez replied that in the past, the amount was budgeted in the General Fund but was now budgeted in the Market Square Fund to be paid with revenues. Councilmember Cortez expressed concern with a line item for the Parking Operating and Maintenance Fund in the amount of \$210,000 being contributed from the Market Square Fund to the General Fund. Ms. Villagomez stated that there were some administrative expenditures that were being transferred from the Parking Fund to the General Fund. She noted that there were also debt service payments related to the Parking System. Discussion ensued on the Parking System and Debt Service related to Market Square. Councilmember Cortez spoke in support of the need for a strong commitment to Market Square and ensuring appropriate funding and marketing. He recognized Former Councilmember Walter Martinez and Yvette Ramirez for their advocacy of Market Square. Deputy City Manager Pat DiGiovanni stated that intention of creating the Market Square Fund was to give it the prominence it deserves and had been working with Mr. Martinez and Ms. Ramirez. Councilmember Cisneros stated that Market Square belongs to the entire city and that their Fiesta Event was one of the few free events of Fiesta.

Mayor Castro encouraged Councilmembers Cisneros and Cortez to work with staff on the best approach for Market Square and stated that a broader analysis of the asset was needed to maximize the value. Councilmember Williams confirmed that CPS Energy funding in the amount of \$1,044,671 for FY 2011 and \$2,485,145 for FY 2012 will be available. Ms. Sculley confirmed same. Councilmember Medina expressed his support for Market Square. Councilmember Ramos expressed concern with the parking increases included in the FY 2011 Budget. Councilmember Lopez also recognized the importance of Market Square and asked that staff keep local citizens in mind relative to Downtown Parking. Mayor Castro thanked everyone involved in the Budget Process and recognized the Retirees that were present.

EXECUTIVE SESSION

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

The Executive Session was not addressed.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 4:07 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **September 16, 2010** at 9:00 am in the City Council Chambers.

ROLL CALL

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

Item 1. The Invocation was delivered by Dr. Jim Dye, Chaplain Educator (Ret.), Baptist Healthcare System, guest of Councilmember Elisa Chan, District 9.

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

Item 3. MINUTES

Councilmember Cisneros moved to approve the Minutes for the August 24 and 25, 2010 City Council meetings. Councilmember Lopez seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Cisneros recognized the members of the US – South Texas Selected Basketball Teams that would be competing in the International Youth Basketball Tournament sponsored by the Dies y Seis Committee. She introduced Roberto Romo, Committee Member and noted that the players had been selected from various youth basketball organizations including the Boys and Girls Club and Catholic Youth Organization. Mayor Castro congratulated the teams for their successes and wished them luck on their tournament.

Mayor Castro stated that National Prisoners of War (POW)/Missing In Action (MIA) Recognition Day would be celebrated on September 17, 2010. He noted that it was authorized by Congress in 1988 and has evolved into a day of recognizing all POWs and MIAs. He thanked Joseph Alexander for his advocacy of POWs and MIAs and asked everyone to join him in a moment of silence in honor of National POW/MIA Recognition Day.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-09-16-0788

Item 4. AN ORDINANCE ADOPTING THE ANNUAL CONSOLIDATED OPERATING AND CAPITAL BUDGETS FOR THE CITY OF SAN ANTONIO FOR THE FISCAL YEAR (FY) 2011; APPROVING THE PROJECTS INCLUDED IN THE FY 2011–FY 2015 5-YEAR INFRASTRUCTURE MANAGEMENT PLAN; APPROVING THE FY 2011–FY 2016 6-YEAR CAPITAL IMPROVEMENTS PROGRAM FOR THE CITY OF SAN ANTONIO; AUTHORIZING PERSONNEL COMPLEMENTS; AND APPROPRIATING FUNDS.

Mayor Castro thanked everyone for their work on the FY 2011 Budget and recognized the Budget Staff that were present.

Sheryl Sculley presented the potential amendments to the FY 2011 Proposed Budget and recommended options to fund the expenditures associated with the amendments. She stated that staff would evaluate options and provide a recommendation to identify an amount not to exceed \$200,000 to reimburse the Market Square Fund for security costs related to the Fiesta Event in 2011. She reported that 11 of the 67

Delegate Agencies were below their 2010 Funding Levels and the cost to bring them to their current funding levels was \$104,842. She noted the revenue adjustments that would be made to fund the \$7.9 million in General Fund Amendments and outlined the \$5.7 million Capital Budget Expenditure Amendments that would be funded by Certificates of Obligation, Technology Tax Notes, and the Street Endowment Fund Balance. Lastly, she provided a list and map of Storm Water Projects included in the FY 2011-2015 Capital Improvement Program.

Mayor Castro called upon the citizens that had registered to speak on Item 4.

Nazirite Ruben Flores Perez spoke in support of a higher cost of living increase for city employees and expressed concern with the proposed fee increases within the Fire, Parks and Recreation, and Aviation Departments.

Rosheila Motley addressed the City Council on behalf of the Ella Austin Community Center and thanked the City Council for including funding in the amount of \$50,000 for their Youth Program in the FY 2011 Budget.

Baron Herdelin-Doherty representing the YMCA of Greater San Antonio thanked the City Council for their support and the funding provided to their organization.

Yvette Ramirez stated that she was the newly-elected President of the Farmer's Market Tenants Association and her family had operated a business in Market Square for 23 years. She spoke of the economic success of Market Square and thanked the city for their marketing of same. She noted that they were in support of establishing a Market Square Reserve Fund that would include revenues and expenditures related to Market Square. She also expressed concern that the Fiesta Week security costs would be funded from the Market Square Budget instead of the General Fund.

Former Councilmember Walter Martinez spoke in support of Market Square and stated that he has advocated for Market Square for 25 years. He noted that Market Square was a proven success and greatly contributed to the city. He mentioned that a majority of the businesses were operated by women and that all of the Board of Directors were female. He thanked the City Council for their support of Market Square.

Robyn Locke of the San Antonio Board of Realtors (SABOR) expressed concern with the Vacant Structure Registration and Inspection Pilot Program and asked if it was being implemented to allow rental registration by the city. She indicated that the program would add more layers to government and would not bring clarity to the issues.

Ms. Sculley stated that they would work with SABOR and stakeholders to address issues prior to implementation. David Garza, Director of Housing and Neighborhood Services added that there were no fees involved with the Pilot Program and would evaluate the program at the end of the fiscal year.

John Crone also representing SABOR reiterated the comments of Ms. Locke, noting that he was concerned with the Pilot Program because there were regulations at the State Level that would become effective on January 1, 2011 to clean up properties that were not habitable. He stated that rental registration would add another level of bureaucracy and hoped it was not being implemented to generate fees for the city.

Betty Eckert stated that she was representing the Bexar County Senior Citizen Unity Council and they were pleased with the increased funding for senior citizens included in the FY 2011 Proposed Budget. She noted that she hoped that the funds would be utilized to provide more food for seniors and recognized city staff for their work.

Anna Maria Chavez, Chief Executive Officer of the Girl Scouts of Southwest Texas thanked the City Council for the funding recommended for their organization.

Faris Hodge, Jr. submitted written testimony in support of Items 4-6.

The City Council thanked city staff for their work on the Budget. Councilmember Cortez stated that he was pleased with the amount of funding dedicated to Council Priorities in the areas of Public Safety, Infrastructure, Senior Citizens, and Workforce Development. He recognized Project Quest for their job training and assistance in securing high paying jobs. He spoke of the Library Improvements that would be made, noting that the City Council was committed to providing education and resources for the community. He explained that he was in concurrence with the recommended Executive Performance Pay and expressed the importance to ensure that city employees were treated equally. Lastly, he stated that he was in support of funding Delegate Agencies at their current levels and that staff would work on identifying funding for Market Square for Fiesta Event Security.

Councilmember Cortez moved to adopt the Budget Ordinance for the City of San Antonio for FY 2011 with the amendments as presented by the City Manager to include funding for Human and Workforce Development Services Agencies at the FY 2010 Funding Levels and excluding Urban 15 and San Antonio Fighting Back. Councilmember Medina seconded the motion.

Councilmember Ramos stated that she was pleased with the budget process and would be supportive of the FY 2011 Budget with the amendments. She spoke of the importance of Public Safety and expressed support for the cost of living adjustment that would be provided for city employees. She noted that she was pleased that Community Center hours had been restored and expanded and that Delegate Agencies would receive the same amount of funding as provided in FY 2010. Councilmember Williams expressed his support for the budget but noted that he was concerned with the recommended Executive Performance Pay. He stated that compensation should be competitive and fair and that he looked forward to future discussions regarding same. Councilmember Medina stated that he was pleased that the hours of operation would be restored at the Community Learning Centers and that the fees would not be increased at the Natatorium. He spoke in support of the funding for Public Safety, Senior Citizens, and Youth Activities.

Councilmember Rodriguez also expressed support for the FY 2011 Budget noting that it was a fiscally sound and healthy budget. Councilmember Chan spoke in support of the FY 2011 Budget and stated that she was pleased that 9% would be maintained in the Reserve Fund. She noted that \$15 million would be allocated to address the shortfall identified for FY 2012 and that funding had been included for additional Police Officers, Firefighters, and Street Maintenance. Councilmember Lopez stated that he was pleased that the budget was a reflection of the priorities identified by the City Council. He spoke of the importance of Economic Development and for the city. He requested assurance that the services being outsourced would be monitored for efficiency and effectiveness. Councilmember Taylor spoke in support of the FY 2011 Budget and noted that it provided for basic services and supported non-profit Delegate Agencies. She noted that she was pleased with the funding identified for new agencies including the Girl Scouts of America and Big Brothers/Big Sisters, and that funding was restored for the

Youth Program at the Ella Austin Community Center. She recognized Mayor Castro for his leadership on education initiatives and spoke in support of the Land Bank that would be established to develop vacant properties.

Councilmember Clamp spoke in support of the FY 2011 Budget and recognized city staff for their responsiveness to the City Council and citizens. He asked that staff closely monitor the Multi-Tenant Registration and Inspection Pilot Program so that property rights are not impeded upon. He stated that he was encouraged by the support for the San Antonio Film Commission and spoke of the importance of tapping into economic development opportunities related to the Film Industry. He stated that the City Manager should set goals for the Executive Staff and that balance and accountability should be tied to Performance Pay. He asked of the projected deficit for FY 2012. Ms. Sculley replied that the revised estimate was \$37 million. Councilmember Clamp asked that the property tax rate not be increased in FY 2012. He also asked of the status of instituting a process for Council input on the Request for Qualifications (RFQ)/Request for Proposals (RFP) Process. Ms. Sculley replied that she would be providing information to the City Council and was in the process of compiling a list of high-profile RFPs for the next 90-120 days. Councilmember Clamp expressed support for Literacy San Antonio and the opportunity to help educate the citizens of San Antonio.

Councilmember Cisneros recognized all city employees for their work and stated that she was pleased that property taxes were being maintained at their current rate. She recognized Project Quest for their job training efforts and spoke in support of restoring hours at the Community Learning Centers. She expressed support for the leadership and mentoring that would be provided by the Girl Scouts of America and the partnership with Dress for Success. She thanked staff for working to address the issue related to Market Square and concurred with Councilmember Clamp regarding opportunities to grow the Film Industry in San Antonio. Councilmember Cortez asked of Community Center Employees. Xavier Urrutia, Parks and Recreation Director replied that there was no impact to personnel in the FY 2011 Budget and would work on continuity of employees.

Mayor Castro expressed his support for the FY 2011 Budget and stated that it reflected the tradition of responsible budgeting. He noted that San Antonio was in good fiscal health and that the budget included the priorities of the City Council within Public Safety, Infrastructure, Parks, and Education. He spoke of the input that had been received by the community and noted his support for restoring the funding for non-profits and Delegate Agencies to FY 2010 levels. He recognized city employees for their work in keeping the city running well and efficiently.

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

Councilmembers Cisneros and Ramos recused themselves from the items that had been excluded from Item 4 and exited the Council Chambers, noting that they had submitted their recusal forms to the City Clerk.

Councilmember Cortez moved to adopt the funding for Urban 15 and San Antonio Fighting Back. Councilmember Medina seconded the motion.

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

The City Clerk read Item 5:

ITEM 5. CONSIDERATION OF THE FOLLOWING ORDINANCES IN CONNECTION WITH THE ADOPTION OF THE TAX RATES FOR FISCAL YEAR 2011 ALSO BEING TAX YEAR 2010:

2010-09-16-0789

- A. AN ORDINANCE ADOPTING THE AD VALOREM CITY PROPERTY TAX RATE FOR MAINTENANCE AND OPERATION (M&O) FOR THE CITY OF SAN ANTONIO AT 35.419 CENTS PER \$100.00 OF TAXABLE VALUATION.

Councilmember Chan stated that she was pleased that the Property Tax Rate would not be increased due to the challenging economic conditions. Councilmember Ramos expressed her support and stated that she was pleased that the tax rate would be maintained.

Councilmember Chan moved to adopt the Ad Valorem City Property Tax Rate for Maintenance and Operation for the City of San Antonio at 35.419 cents per \$100.00 of taxable valuation. Councilmember Rodriguez seconded the motion.

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

2010-09-16-0790

- B. AN ORDINANCE ADOPTING THE AD VALOREM CITY PROPERTY TAX RATE TO PAY THE PRINCIPAL AND INTEREST ON THE FUNDED DEBT FOR THE CITY OF SAN ANTONIO AT 21.150 CENTS PER \$100.00 OF TAXABLE VALUATION.

Councilmember Chan moved to adopt the Ad Valorem City Property Tax Rate to pay the principal and interest on the funded debt for the City of San Antonio at 21.150 cents per \$100.00 of taxable valuation. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2010-09-16-0791

Item 6. CONSIDERATION OF ORDINANCE ESTABLISHING NEW FEES AND AMENDING FEES AS INCLUDED WITHIN THE FISCAL YEAR 2011 PROPOSED BUDGET WITHIN THE GENERAL FUND DEPARTMENTS OF FIRE, LIBRARY, AND PARKS AND RECREATION AND WITHIN THE RESTRICTED FUNDS OF AIRPORT OPERATING & MAINTENANCE, HOTEL OCCUPANCY TAX, MARKET SQUARE, PARKING, AND DEVELOPMENT SERVICES; AND AMENDING THE CITY CODE TO REFLECT SUCH CHANGES.

Councilmember Taylor moved to adopt the proposed Ordinance establishing new fees and amending fees as included within the FY 2011 Budget for various departments. Councilmember Lopez seconded the motion.

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

The City Clerk read the following Ordinance:

2010-09-16-0792

Item 7. AN ORDINANCE CARRYING FORWARD CERTAIN FUNDS; CLOSING ACCOUNTING RECORDS IN CERTAIN FUNDS; AMENDING PRIOR APPROPRIATIONS; APPROPRIATING FUNDS FOR REQUIREMENTS IN CITY PROJECTS AND DEPARTMENTS; AND APPROPRIATING CERTAIN CAPITAL PROJECT FUNDS.

Faris Hodge, Jr. submitted written testimony in opposition to Item 7.

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

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

The City Clerk read the following Ordinance:

2010-09-16-0793

Item 8. AN ORDINANCE REPROGRAMMING U.S. HOUSING AND URBAN DEVELOPMENT (HUD) SECTION 108 LOAN FUNDS IN THE AMOUNT OF \$6,968,731.00 TO ADDRESS SHORTFALLS IN EXISTING PROJECTS AND FUND NEW PROJECTS; AUTHORIZING AN AMENDMENT TO THE FY 2009-2010 ANNUAL ACTION PLAN TO REVISE THE HUD SECTION 108 LOAN PROGRAM ELEMENT TO DELETE THE NEIGHBORHOOD IMPROVEMENT DISTRICT PROGRAM; RATIFYING THE HUD SECTION 108 LOAN PROGRAM BUDGET ADJUSTMENTS; AND AMENDING THE FY 2011-2016 CAPITAL BUDGET.

Nina Nixon-Mendez stated that said item was consideration of the reprogramming of \$6,968,731 from project cost savings to cancel and close-out projects with balances and projects that were not implemented. Additionally, it would redirect the remaining loan funds to existing projects and/or to new projects which can be implemented by December 1, 2011. She reported that 67 projects were completed or would be completed prior to September 2010; 12 projects were in progress; and 9 projects were cancelled. She provided a list of the projects that would be implemented within each Council District and noted that action on said item would not affect the General Fund.

Councilmember Ramos asked how many new projects would be completed by the target date of December 1, 2011. Ms. Nixon-Mendez stated that there were 46 new projects and all of them would be completed on time.

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

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

CONSENT AGENDA ITEMS 9-23

Consent Agenda Items 14, 15, 18, and 22 were pulled for Individual Consideration.

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.

David Wooldridge stated that he was the owner of Standard Renewable Energy and they design, engineer, install and maintain solar photovoltaic systems and electric wind generating systems. He commended Mayor Castor for his leadership and the City Council for their support of the Solar Industry. He asked if the CPS Energy Rebates for commercial projects would be applied to the Fire Station 51 Project.

Written testimony was received from Faris Hodge, Jr. in support of Items 9-23.

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

2010-09-16-0794

Item 9. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR ANNUAL GOODS AND SERVICES: (A) TCL CONSTRUCTION ENTERPRISES, INC. FOR LABOR AND CONCRETE MATERIAL; (B) SOUTHWEST WHEEL FOR AUTOMOTIVE & INDUSTRIAL LIGHT ASSEMBLIES, LENS AND MIRRORS AND (C) RAUL'S LANDSCAPE SERVICES FOR DANGEROUS PREMISES ABATEMENT LOT CLEARING AND SECURING OF STRUCTURES.

2010-09-16-0795

Item 10. AN ORDINANCE ACCEPTING THE BID FROM HOYT BREATHING AIR PRODUCTS TO PROVIDE THE FIRE DEPARTMENT WITH SELF-CONTAINED BREATHING APPARATUSES AND ANCILLARY EQUIPMENT FOR A TOTAL COST OF \$135,227.87, FUNDED WITH FIRE DEPARTMENT FY 2010 BUDGET AND THE 2008 DEPARTMENT OF HOMELAND SECURITY URBAN AREA SECURITY INITIATIVE GRANT.

2010-09-16-0796

Item 11. AN ORDINANCE ACCEPTING THE BIDS WITH HOLT CAT, ALAMO AG-CON EQUIPMENT, INC. AND AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH JOHN DEERE COMPANY TO PROVIDE 30 PIECES OF TRACTOR AND MOWING EQUIPMENT USED FOR THE MOWING OF FLOOD CHANNELS AND MAINTENANCE OF FLOOD CONTROL FOR A TOTAL COST OF \$1,144,233.84, FUNDED BY THE DEPARTMENT OF PUBLIC WORKS FY 2010 BUDGET AND THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2010-09-16-0797

Item 12. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE COOPERATIVE CONTRACTS WITH CHASTANG ENTERPRISES INC., DBA CHASTANG'S BAYOU CITY AUTOCAR, AND HEIL OF TEXAS TO PROVIDE THE SOLID WASTE MANAGEMENT DEPARTMENT WITH 3 AUTOMATED REFUSE COLLECTION TRUCKS FOR A TOTAL COST OF \$835,797.00, FUNDED THROUGH THE SOLID WASTE MANAGEMENT DEPARTMENT FUNDS.

2010-09-16-0798

Item 13. AN ORDINANCE AWARDDING A CONSTRUCTION CONTRACT TO TROPICAL CONTRACTING, LLC IN THE AMOUNT OF \$256,250.00 FOR IMPROVEMENTS AT APACHE PARK, MONTERREY PARK AND ROOSEVELT PARK WHICH ARE AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND PROJECTS, LOCATED IN COUNCIL DISTRICT 5.

2010-09-16-0801

Item 16. AN ORDINANCE AUTHORIZING A NEW THREE-YEAR LEASE AGREEMENT WITH ZACHRY CONSTRUCTION AT STINSON MUNICIPAL AIRPORT LOCATED IN COUNCIL DISTRICT 3 FOR 3.02 ACRES AT AN ANNUAL RENTAL RATE OF \$0.15 PER SQUARE FOOT.

2010-09-16-0802

Item 17. AN ORDINANCE AUTHORIZING THE TRANSFER OF A LEASE FROM MARGARITO MORONES AND MIRTA MORONES D/B/A THE EMBROIDERERS TO MARIA ELENA CORNEJO D/B/A LONE STAR SOUVENIRS FOR USE OF RETAIL SPACE AT FARMERS MARKET.

2010-09-16-0804

Item 19. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH LANDRY CONSULTANTS LLC IN AN AMOUNT OF \$526,525.00 FOR THE SAFETY MANAGEMENT SYSTEM IMPLEMENTATION STUDY AT THE SAN ANTONIO INTERNATIONAL AIRPORT FUNDED THROUGH GRANT AND CAPITAL IMPROVEMENT FUNDS.

2010-09-16-0805

Item 20. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THC, INC. FOR THE ADMINISTRATION AND OVERSIGHT OF THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM AT SAN ANTONIO INTERNATIONAL AIRPORT; INCREASING THE CONTRACT SUM BY \$18,100,000.00 AND EXERCISING THE CITY'S OPTION FOR A TWO YEAR EXTENSION.

Item 21. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE NOVEMBER 2, 2010 SPECIAL ELECTION:

2010-09-16-0806

- A. AN ORDINANCE AMENDING ORDINANCE NO. 2010-06-10-0525 TO UPDATE EARLY VOTING AND ELECTION DAY POLLING SITES.

2010-09-16-0807

- B. AN ORDINANCE AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH BEXAR COUNTY ELECTIONS OFFICE AND OTHER GOVERNMENTAL ENTITIES PARTICIPATING IN THE NOVEMBER JOINT ELECTION.

2010-09-16-0808

- C. AN ORDINANCE AUTHORIZING A CONTRACT FOR ELECTION SERVICES WITH THE BEXAR COUNTY ELECTIONS OFFICE IN AN AMOUNT UP TO \$503,830.29.

2010-09-16-0810

Item 23. AN ORDINANCE AUTHORIZING AN AMENDMENT TO REDUCE THE CONTRACTED ADMINISTRATIVE FEES CONTAINED IN THE UNITED HEALTHCARE INSURANCE COMPANY AGREEMENT, WHICH PROVIDES MEDICAL THIRD PARTY ADMINISTRATION FOR THE CITY'S SELF-FUNDED MEDICAL PLANS, FLEXIBLE SPENDING ACCOUNT ADMINISTRATION, PREFERRED PROVIDER ORGANIZATION, TOTAL HEALTH MANAGEMENT AND PRESCRIPTION BENEFIT MANAGEMENT SERVICES.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-09-16-0799

Item 14. AN ORDINANCE ACCEPTING THE AMERICAN REINVESTMENT AND RECOVERY ACT (ARRA) FUNDS IN THE AMOUNT OF \$3,530,367.00 AND AWARDED A CONSTRUCTION CONTRACT TO SWINERTON, INC. DBA LYDA SWINERTON BUILDERS IN THE AMOUNT OF \$3,098,000.00 FOR THE NEW FIRE STATION 50 PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION AND AMERICAN REINVESTMENT AND RECOVERY ACT FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ramos asked of the CPS Energy rebate concerns that Mr. Wooldridge mentioned. Mike Frisbie, CIMS Director stated that he did not have an answer today and would follow up with the City Council. Councilmember Ramos stated that she was pleased that the facility would be LEED Certified and asked of the timeline. Mr. Frisbie stated that the project was scheduled for completion in October 2011.

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

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

The City Clerk read the following Ordinance:

2010-09-16-0800

Item 15. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO MJC & ASSOCIATES IN THE AMOUNT OF \$305,635.00 FOR THE PALM HEIGHTS BASKETBALL

COURTS IMPROVEMENTS PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 5.

Councilmember Medina requested additional information on the project. Mike Frisbie stated that the project included the construction of a new pavilion with metal roofing, court resurfacing, lighting, bleachers, and a new covered entry to the gymnasium. He noted that anti-bird design mechanisms were built into the project. Councilmember Medina stated that he was excited about the project and supporting a healthy lifestyle for families. Mayor Castro and Councilmember Cortez recognized Councilmember Medina for his efforts in the Palm Heights Area.

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

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

The City Clerk read the following Ordinance:

2010-09-16-0803

Item 18. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS UPON AWARD UP TO \$1,986,527.00 FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR A HIGH INTENSITY DRUG TRAFFICKING AREA GRANT FOR A TWO YEAR PERIOD BEGINNING JANUARY 1, 2011.

Councilmember Rodriguez stated that this was a significant amount and asked how the funds would be utilized. Chief McManus replied that the grant had been received for 18 years and funded the entire High Intensity Drug Trafficking Area (HIDTA) Program that includes 16 positions. He stated that they worked in partnership with the Texas Department of Public Safety, Drug Enforcement Agency, Office of the Attorney General, and Immigration and Customs Enforcement, and focused on mid to high-level money laundering operations. Councilmember Rodriguez requested outcomes of the HIDTA Program to ensure that the funds are being utilized effectively. Chief McManus reported that the most recent operation had resulted in the City of San Antonio receiving \$800,000 in asset seizure funds.

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

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

The City Clerk read the following Ordinance:

2010-09-16-0809

Item 22. AN ORDINANCE AUTHORIZING AN INTERAGENCY AGREEMENT WITH CPS ENERGY IN AN AMOUNT UP TO \$50,000.00 TO DEVELOP, IMPLEMENT AND ADMINISTER THE "RESIDENTIAL ELECTRIC VEHICLE CHARGER REBATE PROGRAM", FUNDED BY THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT.

Councilmember Cortez requested information on the rebate program. Laurence Doxsey replied that the rebate was designed to attract the purchasers of electric vehicles and provided funds to install a charging system in their home. He noted that the charging system required a 220-volt line and was not aware of any other Texas Cities that provided this rebate. Councilmember Cortez stated that he was pleased that San Antonio was leading the way on the rebate program. Mayor Castro also expressed support for the rebate program and promoting the use of electric vehicles.

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

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

POINT OF PERSONAL PRIVILEGE

Councilmember Cortez wished Mayor Castro a Happy 36th Birthday and everyone joined in singing Happy Birthday.

RECESSED

Mayor Castro recessed the meeting at 11:34 am to break for lunch and noted that the meeting would resume at 2:00 pm for Zoning.

RECONVENED

Mayor Castro reconvened the meeting at 2:04 pm and addressed the Consent Zoning Items.

CONSENT ZONING ITEMS

Mayor Castro announced that Item 24 had been pulled from the agenda by staff. Councilmember Ramos moved to approve the following rezoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no citizens had registered to speak against items: Z-2, and Z-3. Councilmember Cisneros seconded the motion.

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

2010-09-16-0812

Item Z-2. **ZONING CASE # Z2010133 CD (District 3):** An Ordinance amending the Zoning District Boundary from "I-1 RIO-5 AHOD" General Industrial River Improvement Overlay Airport Hazard Overlay District to "C-2 CD RIO-5 AHOD" Commercial River Improvement Overlay Airport Hazard Overlay District with a Conditional Use for a Welding Shop on Lots 18 and 19, Block 7, NCB 7609 located at 4922 South Presa Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS

18 AND 19, BLOCK 7, NCB 7609 TO WIT: FROM "I-1 RIO-5 AHOD" GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 CD RIO-5 AHOD" COMMERCIAL RIVER IMPROVEMENT OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A WELDING SHOP PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2010-09-16-0813

Item Z-3. **ZONING CASE # Z2010134 (District 5):** An Ordinance amending the Zoning District Boundary from "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District to "C-1 AHOD" Light Commercial Airport Hazard Overlay District on Lots 16 and 17, Block 7, NCB 3412 save and except the portion conveyed to the City of San Antonio recorded in Volume 3957 Page 1628, Official Public Record of Real Property of Bexar County, Texas located at 2203 Nogalitos Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 16 AND 17, BLOCK 7, NCB 3412 SAVE AND EXCEPT THE PORTION CONVEYED TO THE CITY OF SAN ANTONIO RECORDED IN VOLUME 3957 PAGE 1628, OFFICIAL PUBLIC RECORD OF REAL PROPERTY OF BEXAR COUNTY, TEXAS TO WIT: FROM "C-3R AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

[CONSENT ZONING CONCLUDED]

PULLED FROM THE AGENDA BY STAFF

Item 24. CONSIDERATION OF A REQUEST FOR A VARIANCE TO ALLOW THE RIGHT TO SELL ALCOHOLIC BEVERAGES AT 101 PEREIDA, THE LOCATION FOR A PROPOSED BUSINESS, LOCATED IN COUNCIL DISTRICT 1.

Mayor Castro addressed Item Z-1 at this time.

2010-09-16-0811

Item P-1. AN ORDINANCE ADOPTING THE HERITAGE SOUTH SECTOR PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, FOR AN AREA BOUND BY: LOOP 410 TO THE NORTH, INTERSTATE HIGHWAY 35 TO THE WEST, A MEANDERING LINE FOLLOWING THE CITY OF SAN ANTONIO EXTRATERRITORIAL JURISDICTION SOUTHERN BOUNDARY TO THE SOUTH, AND HIGHWAY 181 TO THE EAST. STAFF RECOMMENDS APPROVAL.

Patrick Howard presented the Heritage South Sector Plan and provided a map of the boundaries. He spoke of the public involvement process that included Nine meetings, Four Public Meetings, and a 57-Member Technical Committee. He noted that the new concept of Tiers and Centers would be applied to the Plan that looks at development patterns and allows residential and non-residential development within each of the land use designations. Lastly, he showed a Land Use Plan that provides great flexibility and greater opportunities for density along major corridors.

Mayor Pro Tem Cisneros called upon the individuals registered to speak.

David Earl stated that he was representing clients that were litigants in a Federal Lawsuit against the City of San Antonio, as well as the South Bexar County Balanced Growth Association. He expressed concerns with the Plan noting that although it had been developed with good intentions, it had severe unintended consequences. He spoke of the litigation and stated that there must be some breakdown in communication since the change in land use to "Country" would only allow rural uses. He stated that the Heritage South Sector Plan was twice as large as the City South Plan that was adopted in 2003 and extended into Atascosa County. He expressed concern that if approved, the Heritage South Sector Plan would supersede the 2003 City South Plan that created the planning elements for City South and attempted to meet requirements of the Starbright Agreement related to Toyota. He referenced Local Government Code Section 375.310 and expressed concern with the city creating a Tax Increment Reinvestment Zone (TIRZ) on the entire City South Sector Plan. He mentioned that a Finance and Project Plan were not being adopted with the Heritage South Sector Plan as was required by the Code. He asked the City Council to review the consequences prior to voting on said item.

John Ontiveros thanked Councilmember Cortez for his efforts to bring development to the Southside. He expressed concern that his property was located so close to Toyota and that many property owners had not been informed of the public meetings. He stated that he was speaking on behalf of those without a voice and asked that positive changes be made in the Southside.

South Bexar County Balanced Growth Association represented by Nick Pena, Jesse Chacon and Theresa Chacon addressed the City Council. Mr. Pena stated that he was concerned with the lack of development and growth in the City South Area. He spoke of his investment in 100 acres and the fact that his property values would be increased if the zoning was changed from "Agriculture" to "Country." He asked how the issue of the three-mile buffer zone that restricts land use would be addressed and noted that property owners had not been properly compensated.

Barbara Kyse stated that she was the President of the San Antonio Audubon Society and had been attending meetings on the Heritage South Sector Plan since June. She noted that there were concerns that a segment of Mitchell Lake was not included in the City South Plan due to the lack of protection of the habitat surrounding the Mitchell Lake Audubon Center. She noted that the Plan was a guide for future decisions and expressed her support.

Susan Albert stated that she was the Director of the Mitchell Lake Audubon Center and the National Audubon Society had received a multi-year \$20 million grant from Toyota through a competitive process. She mentioned that they had been very involved in the Heritage South Sector Planning Process and the Plan was a good starting point. She added that they were in full support of the Plan and that it provided a vision for the Southside.

Councilmember Ramos asked of the purpose of the Plan. Mr. Howard replied that it would provide a broad framework and vision for the area and did not expand the purview of the City South Management Authority. He stated that good planning took into account the things that were occurring outside the boundaries and that the concept of including extra territorial jurisdiction was being implemented in the North, East, and West Sector Plans. Councilmember Ramos asked of the Federal Case. Michael Bernard stated that he was confident about the representations that had been made to the court. Councilmember Ramos asked of the Heritage South Sector Plan superseding the City South Community Plan. Mr. Howard confirmed same and stated that the boundaries of the City South Community Plan are contained within the Heritage South Sector Plan. He noted that the Heritage South Sector Plan contains greater flexibility regarding land use and each of the land use designations have residential and non-

residential components. He added that the zoning remains in place and that the opportunity to rezone still exists.

Councilmember Cortez asked of the recommendation of the City South Management Authority. Mr. Howard replied that they had endorsed the Heritage South Sector Plan.

Councilmember Ramos moved to adopt the proposed Ordinance with the condition to change the Agribusiness/Research Tier name to: Agribusiness/RIMSE (Research, Industrial, Manufacturing, Sports and Entertainment). Councilmember Cortez seconded the motion with the friendly amendment to change the land use designation of: Country Tier to Rural Estate Tier. Councilmember Ramos accepted the Friendly Amendment.

Councilmember Lopez asked of the community outreach. Mr. Howard stated that they had extended the process to ensure public participation. Councilmember Lopez asked of the impact of delaying the approval of the Plan. Mr. Howard replied that the Plan had been thoroughly vetted and a consensus had been reached. Councilmember Ramos added that she had also conducted two meetings which had been greatly attended. She recommended that the City South Management Authority not attempt to incorporate the boundaries of the Heritage South Sector Plan into their jurisdiction and that staff dialogue with the Bexar County Commissioner's Court to initiate rezoning in the Extra Territorial Jurisdiction.

Councilmember Rodriguez asked of the conditions stated by Councilmembers Ramos and Cortez and the relation to the City South Management Authority. Mr. Howard replied that changing the name of the Agribusiness/Research Tier was a minor text change that did not change the substance of the designation. He noted that changing the Country Tier designation to the Rural Estate Tier was not within the purview of the City South Management Authority. Councilmember Rodriguez asked if the City South Management Authority had been made aware of the conditions. Mr. Howard replied that they had not been made aware prior to their vote of support. Councilmember Chan asked and confirmed that the Heritage South Sector Plan would provide more flexibility for property owners. Councilmember Ramos confirmed same and noted that some of the property owners had a historical discontent with the concept.

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

CONTINUED TO OCTOBER 2, 2010

Item Z-1. **ZONING CASE # Z2010009 (District 10):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Tract 1A and 0.937 Acres out of Tract 2, NCB 16587 located at 15602 and 15700 Nacogdoches Road. Staff and Zoning Commission recommend approval. (Continued from August 19, 2010)

Councilmember Clamp moved to continue Item Z-1 to October 2, 2010. Councilmember Chan seconded the motion.

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

Mayor Castro excused himself from the meeting after Item Z-1. Mayor Pro Tem Cisneros chaired the meeting and continued with Item P-1.

RECESSED

Mayor Pro Tem Cisneros recessed the meeting at 3:09 pm and announced that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

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

Nazirite Ruben Flores Perez stated that the end of time was near and referenced various Bible Verses. He also spoke of the resurrection and Satan.

Mark Kellman, Architect, provided photos of areas between buildings from different places in the world and spoke of their creative use of space. He noted that the American Institute of Architects had recommended that green space be incorporated into the areas by the San Antonio River.

Barbara Miller thanked the Councilmembers that were present and expressed concern with the lack of response to the questions that she had provided to the City Council last week. She stated that Animal Care Services (ACS) had not responded to her questions in over three weeks and requested a refund for the money she had spent to retrieve her cat that had been illegally trapped and accepted at ACS. She noted that a protest would occur at ACS in October and expressed concern with the pack of 20 dogs that were roaming the Southside.

Janet Johnson stated that she owned a tattoo shop on Blanco Road and expressed concern that minors and individuals without proper licenses were purchasing tattoo equipment and supplies from businesses located on Southwest Military Drive. She spoke of the health risks and dangers associated with same and expressed concern that those with current licenses would be in jeopardy of losing them. She requested that a City Ordinance be adopted that prohibits individuals without licenses to purchase tattoo equipment. She noted that she was working with the Health Department and the State Legislature to address the issue.

Mark Perez expressed concern with the hazardous chemicals throughout the community and the lack of response from the Fire Chief. He spoke of Age Refinery that was operating without a Certificate of Occupancy and referenced the recent fire that occurred at the facility. He asked why the City Attorney's Office had not closed down the facility and why the proper permits had not been filed with the Fire Department. He also expressed concern with Mission Petroleum located at 3410 E. Houston Street and the Kimberly Clark Facility at 4702 Goldfield.

Mayor Pro Tem Ramos noted that a response was being drafted for the public regarding the fire that occurred at Age Refinery.

Verna Blackwell and her son Mark Garcia addressed the City Council regarding a collection drive for coffee for 13 senior nutrition centers. Ms. Blackwell spoke of her volunteer work with senior citizens and stated that her son had implemented the coffee collection project in 2004. Mr. Garcia stated that he was a graduate of Texas Lutheran University and had implemented the project to do something nice for the seniors in his community. He noted that he would like for others to get involved to expand the program.

Damon Mason asked why the Neighborhood Improvement District Program had been deleted from the Housing and Urban Development Section 108 FY 2009-2010 Annual Action Plan (Item 8 on the Council Agenda). He expressed concern with the high cost of the contracts with Holt Cat, Alamo Ag-Con Equipment, Inc., and John Deere Company in Item 11 and the professional services agreement with Landry Consultants, LLC in Item 19. He also expressed concern with the VIA Bus Driver that questioned him about the tea bucket he had in his possession.

Faris Hodge, Jr. stated that he had contacted VIA to discuss the issue that Damon Mason had addressed. He requested that the Citizens to be Heard portion of the Council Meeting be broadcast on television and expressed opposition to the tax abatements provided to large businesses. He noted that he was opposed to toll roads and asked why CPS Energy does not reconnect electricity after 5:00 pm. He stated that vehicles were the main source of the city's polluted air and asked why the National Football League did not want to come to San Antonio. He expressed concern that non-uniform city employees did not receive longevity pay or early retirement and asked why individuals that worked were placed in jail for not paying child support. Lastly, he mentioned that there was not a need for a Crime District and sang a song to the City Council.

Julie Iris Oldham expressed concern with the illnesses she incurred due to the mold at the Bob Ross Senior Service Center. She spoke of Jack Kinter and stated that she hoped to receive her portion of the Pearl Brewery. She referenced a California newspaper article entitled, "State sues city high-paid officials." and stated that she had been invited to China as a People-to-People Ambassador.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Ramos adjourned the meeting at 6:32 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest: 
LETICIA M. VACEK, TRMC/CMC
City Clerk