

**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, MAY 5, 2010 AND THURSDAY, MAY 6, 2010, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **May 5, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Rodriguez.

1. STAFF BRIEFING ON THE FIRST PHASE OF THE COMPREHENSIVE REVIEW OF SAN ANTONIO'S SENIOR CENTERS INITIATED TO IMPROVE THE QUALITY OF SERVICE FOR THE CITY'S SENIOR POPULATION.

City Manager Sculley provided an overview of the challenges in the Comprehensive Senior Center Review conducted by the Office of Innovation and Reform. Assistant City Manager Peter Zaroni stated that the purpose of the project was to improve the quality of service for senior citizens. He noted that in FY 2010, the City Council had approved funding for two additional multi-purpose Senior Centers and requested a comprehensive review of all Senior Centers. He spoke of the importance of improving services due to the 45% expected increase in the senior population over the next 10 years. He provided an overview of the Senior Center Services, noting that meals and activities are provided at 82 Senior Centers by 69 staff members. He reported that the FY 2010 Budget totaled \$8.9 million through funding from the General Fund, Community Development Block Grant (CDBG), Alamo Area Council of Governments (AACOG), and Senior Donations.

Mr. Zaroni outlined the Project Team that included City Staff and the City/County Joint Commission on Elderly Affairs. He spoke of the Project Workplan in which there will be two phases of the study. The first phase will provide an analysis of current service delivery models and business practices, while the second phase will determine the best methods to provide quality services to seniors. He noted that the Commission had endorsed city staff's comprehensive study efforts and provided a letter with recommended improvements. He added that they had conducted informal group discussions with various stakeholders and 266 senior citizens.

Mr. Zaroni reported that the city operated 34 volunteer nutrition sites; 27 city-paid vendor nutrition sites; 12 city staff-operated nutrition sites; six Comprehensive Senior Centers; and three Adult/Senior Centers. He provided an analysis of the Senior Centers operated by comparable cities. He spoke of the strength of San Antonio's programs, noting that there was an emphasis on having seniors eat in a congregate setting and that they were satisfied with their meals. He reported that 1,000 volunteers provide 160,000 hours of service annually and that 3,000 annual health assessments were provided to seniors. He mentioned that the study had identified two categories of findings: 1) Operational Process Improvements and 2) Structural Challenges. He noted that sign-in sheets, meal ordering, and reporting to AACOG was resource intensive and limits the capacity of staff to provide direct services. He added that there were issues with over-ordering and staff would revise meal ordering policies and procedures for cost savings. He reported that an automated sign-in system would be implemented in the near future with a Pilot Program beginning in July, 2010.

Mr. Zaroni stated that there were six different models operating simultaneously with a high overhead at vendor sites. He noted that most of the vendor sites were established in 1973 but have not been evaluated. He reported that the experience and amenities offered at the 82 sites vary and that there is insufficient oversight of the centers. He mentioned that the work plan for Phase II would be implemented from May-September 2010 and would identify service needs and preferences. It would also analyze site locations and demographics, as well as evaluate partnership opportunities. He noted that the city would continue collaboration with the City/County Joint Commission on Elderly Affairs and senior citizen participants. He added that there was an extensive communication plan to seek input and educate seniors.

Mayor Castro noted that investing in senior services was a top priority and spoke of the increase in the number of Senior Centers over the past 10 years. He noted that it was important to evaluate and enhance services for efficiency. He mentioned that the first Baby Boomer would turn 65 years old on January 1, 2011 and recognized the members of the Joint City/County Commission on Elderly Affairs. He asked of the number of individuals served at the comparable city sites on Slide 24. Mr. Zaroni replied that he did not have that information readily available but would provide it to the Council. He added that a large number of non-profits served meals in the cities of Houston and San Diego and did not have access to that information. Mayor Castro confirmed that \$5.8 million was provided through the General Fund and served 8,500 seniors. He expressed support for the new automated sign-in system and continuing to invest in senior citizens in an efficient and effective manner.

Councilmember Cisneros reiterated that the review was designed to improve the quality of services provided and not related to budget cuts. She asked of the transportation available to the Senior Centers. Mr. Zaroni stated that 73% of seniors drive themselves or carpool, and 17% are transported by the city. Councilmember Cisneros asked of an additional fee for the automated system and its affect to senior citizens. Mr. Zaroni responded that there was no increase in fees for seniors and that the system would be piloted in July. He noted that the savings due to more efficient ordering would pay for the automated system and no positions would be eliminated at this time. Councilmember Cisneros expressed support for the creation of a Task Force to address structural challenges and asked that it consist of only those seniors that attend the centers on a regular basis. She requested that the City Council be involved in selecting the Ad Hoc Committee Members and city staff take advantage of a third party facilitator. She thanked city staff and volunteers that dedicate their time and energy to seniors.

Councilmember Ramos thanked staff for the presentation and confirmed that funds would not be reduced for senior services. She confirmed that if any reductions were identified, the funds would be utilized for other services for seniors. She expressed support for the Comprehensive Senior Centers throughout the city and noted that the 82 Senior Centers were a vital component to their neighborhoods. She recognized Former Councilmember Toni Moorhouse, District 3 Representative on the Elderly Affairs Commission, as well as Mary Vela. She requested that individuals from the stakeholder list on slide 17 also be included on the Task Force. She asked of the number of individuals served and the funding source for the comparable cities listed on Slide 24. She expressed concern with the quick timeline for Phase II. She added that it was not unprecedented to spend funds on specific populations and that San Antonio Seniors are a top priority.

Temporary Acting Councilmember Cantu thanked the Department of Community Initiatives for their services to seniors and stated that the study was conducted to improve the current services. She recognized representatives from St. Vincent De Paul and George Britton, Chairman and District 4 Representative on the Elderly Affairs Commission. She requested a break-down of costs for the service delivery models listed on Slide 22 and asked that funding for senior citizens not be decreased.

Councilmember Lopez thanked staff for their work on the initiative and asked of the seniors that indicated that they were willing to move as a group. Mr. Zaroni replied that some seniors were willing to try another site if their friends attended and if transportation was provided. Councilmember Lopez asked of the number of homebound meals versus those served at the centers. Mr. Zaroni reported that out of 3,800 meals served daily, 500 are provided homebound by a vendor. Councilmember Lopez noted that socialization was a critical component to the Senior Centers and asked of case management. Mr. Zaroni replied that this would be studied as part of Phase II. Councilmember Lopez requested information regarding House Bill 216 authorizing cities to provide oversight to senior citizen group homes. He asked that the issue be reviewed through the Intergovernmental Relations Council Committee prior to the next Legislative Session.

Councilmember Medina thanked staff for identifying opportunities to provide quality services to seniors. He spoke of the many senior centers in District 5 and their importance to the community. He asked of the number of individuals 60 years of age and over in San Antonio. Mr. Zaroni responded that there were 253,000 senior citizens within Bexar County. Councilmember Medina asked of health conditions of the 8,500 seniors that attend the senior centers. Mr. Zaroni stated that they did not have that information. He did report that health screenings and assessments are provided at senior centers. Councilmember Medina expressed support for keeping senior services a top priority.

Councilmember Chan thanked everyone that was involved in the review process and stated that she was pleased that the community was included. She asked how the increased funding to the Senior Center Services Budget over the past four years had been utilized. Mr. Zaroni replied that it had been used to open new centers; provide food; and for agency contracts. She asked of the Vendor Contract for Nutrition Sites. Mr. Zaroni explained that the Vendor Contract provided space, transportation and administered the meal at an annual cost of \$835,473. Councilmember Chan asked of the amount spent on transportation for senior services. Mr. Zaroni reported that the annual cost was \$250,000. Councilmember Chan asked of coordination with VIA Metropolitan. Mr. Zaroni stated that staff has initiated discussions with VIA but they did not provide door-to-door service. Councilmember Chan requested that staff continue dialogue with VIA for efficiency. She asked of the qualification for senior services. Mr. Zaroni explained that meals and transportation were provided to individuals 60 years of age or older. Councilmember Chan stated that it was important to provide services to seniors but the program should be scalable.

Councilmember Taylor thanked all that were in attendance and acknowledged Vicente Garcia, District 2 Representative on the Elderly Affairs Commission. She noted that scalability was important since the budget could not continue to increase as quickly as the number of senior citizens. She encouraged staff to reach out to the faith-based communities for partnerships and asked that staff conduct a regular review of senior services. She asked of the use of ACOG Funds. Mr. Zaroni stated that they were funneled through the Federal Government and used for food and transportation. Councilmember Taylor stated that she looked forward to the opening of the District 2 Comprehensive Senior Center.

Councilmember Clamp confirmed that the overall goal of the Comprehensive Review is to enhance service and not reduce budget. He asked if transportation would be reviewed in Phase II. Mr. Zaroni responded that it would. Councilmember Clamp requested that the City Council have input regarding representatives on the Task Force. He asked if the Vendor Contract Nutrition Site Budget included in-kind donations. Mr. Zaroni replied that it did not but would provide that information to the City Council. Councilmember Ramos asked if Bexar County contributed to the Senior Nutrition Program. Mr. Zaroni stated that they did not contribute financially to the program.

At this time, Mayor Castro recognized George Britton. Mr. Britton introduced the Commission Members in attendance and stated that he was pleased that the City Council understood the needs of senior citizens. He stated that the meetings that they had attended with city staff regarding the review had been productive. He provided the following information on behalf of the Joint City/County Elderly Affairs Commission: 1) They support the city-wide assessment of current site locations, senior demographics, and population projections; 2) They support initiatives to improve meal ordering and eliminate paper sign-in sheets; 3) They believe that seniors can be encouraged to take ownership of individual sites by increasing opportunities to volunteer including a Senior Policy Council; and 4) They believe that seniors would be willing to contribute more than the current suggested meal donation of fifty cents and recommend an increase.

Councilmember Cisneros recognized Betty Eckert. Ms. Eckert stated that she was in support of an assessment of the Senior Centers. She expressed concern that only a small amount of the elderly population was utilizing the services provided at the Senior Centers. She spoke in support of a Task Force and the involvement of senior citizens. She asked that no additional sites be opened or closed until the assessment is completed. She noted that transportation was very important to seniors and thanked the City Council for their commitment to Senior Citizens.

Mayor Castro thanked the Joint City/County Elderly Affairs Commission and Betty Eckert for their interest and support.

2. STAFF BRIEFING ON THE FY 2011 AND FY 2012 BALLOT RESULTS FOR THE CONSOLIDATED FUNDING PROCESS FOR HUMAN AND WORKFORCE DEVELOPMENT SERVICES.

Cindy Schoenmakers stated that staff had requested that the City Council prioritize unrestricted investments in human and workforce services in four categories through a ballot process. She noted that the ballot process would be used to provide policy and funding guidance to develop funding recommendations for the FY 2011 Budget. She outlined the four human and workforce development goals: 1) Family Strengthening; 2) Youth Development; 3) Workforce Development and Training and Supportive Services; and 4) Community Safety Net. She highlighted ballot results that include the increase in funding to support the Very Early Child Education and College Opportunity and Access Center. She reported that there was support to decrease school readiness, parent education, financial security/Volunteer Income Tax Assistance (VITA), and long-term job training. She noted that there was also support to decrease funding within the homeless transformation category which supports Haven for Hope operations and campus service providers.

Ms. Schoenmakers outlined the ballot results within each of the four categories, noting an overall decrease to Family Strengthening; increase to Youth Development; decrease to Workforce Development Training and Supportive Services; and increase to Community Safety Net. She noted that staff would discuss and receive feedback from the City Council on results of the ballot at the May 18, 2010 Budget Goal Setting Session.

Mayor Castro stated that it was helpful to review the ballot results as the Council heads into the Budget Process. Councilmember Ramos highlighted the increase to the Senior Budget and the commitment to senior citizens by the Council. She recognized Mayor Castro for his support of the Early Childhood and College Education Access Center. She asked if the ballot was inclusive of the 10% Budget Reductions being identified by City Departments. Ms. Schoenmakers confirmed that staff was looking to decrease

delegate agency budgets by 10%. Ms. Sculley added that the delegate agencies had been given notice last year that there could be a 10% reduction in this year's budget.

Councilmember Ramos advocated for funding for the VITA Program and requested information on the return of dollars to San Antonio. She also expressed funding support for Project Worth in the At Risk Behavior Prevention Category and Workforce Development. She asked of the delegate agency process. Ms. Schoenmakers replied that staff conducted a fiscal and programmatic review of all programs and would provide information to the City Council. Councilmember Ramos recognized Pamela Taylor, Executive Director of Dress for Success who was in attendance.

Councilmember Clamp asked of the FY 2011 Proposed Budget for Workforce Development Agencies. Ms. Schoenmakers stated that there was not a set budget amount and that staff was in the process of reviewing Request for Proposals (RFPs). Ms. Sculley added that staff was requesting policy direction on the focus of the funding. She mentioned that a total of 70 agencies were funded and that based on the ballot results, a 19% reduction was proposed.

Councilmember Taylor stated that the exercise was helpful but expressed concern with the various overlay in services. She asked that the City Council look at the larger picture and help move in a good direction for the city. She spoke of the importance of At Risk Behavior prevention due to the city's challenging statistics and expressed support for Haven for Hope. Mayor Castro requested the amount of grant funding per category be provided. He noted the ballot results in support of the Early Childhood and College Access Center. He expressed concern regarding the cuts recommended for job training. He stated that Project Worth is a worthwhile program that deserves support. He added that this was a good starting point but there will be difficult decisions to make throughout the budget process.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 4:36 pm to convene in Executive Session for the purpose of:

A. DISCUSS LEGAL ISSUES RELATED TO THE CLAIM FILED BY DARRELL LAMPKIN, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

Mayor Castro reconvened the meeting at 4:50 pm at which time it was noted that the City Council had been briefed on the above-styled matter but took no action. There being no further discussion, Mayor Castro adjourned the meeting at 4:50 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **May 6, 2010** at 9:00 am in the City Council Chambers.

ROLL CALL

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

Item 1. The Invocation was delivered by Rev. Dan Allen, Senior Pastor, Leon Springs Baptist Church, guest of Councilmember W. Reed Williams, District 8.

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 April 15, 2010 City Council meeting. 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. **NAY:** None. **ABSENT:** None.

POINT OF PERSONAL PRIVILEGE

Councilmember Taylor recognized Loretta Carr and Andy Saucedo of Amtrak, and Bea L. Myers and Gary Rodriguez representing the San Antonio Heritage Railroad Museum, who were in attendance in recognition of National Train Day. She noted that it would be celebrated on Saturday, May 8th and invited all to attend a celebration at Sunset Depot.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-05-06-0375

Item 4. AN ORDINANCE ESTABLISHING PROCEDURES FOR APPOINTING REPLACEMENTS FOR CITY COUNCIL VACANCIES.

City Clerk Leticia M. Vacek presented a power point outlining the replacement process for City Council vacancies. She referenced Section 8 of the City Charter and noted that a vacancy could result from temporary absence due to Military Service or for any reason. She stated that the process would include City Council acknowledging the vacancy or accepting the resignation at the first scheduled City Council meeting following the notice. She added that upon the vacancy, the City Clerk would post the notice on the City's main web page and advertise in the local newspaper. She stated that an Application, Letter of Interest, Resume, and Disclosure Statements must be submitted to the City Clerk with a closing date of 10 business days after publication in the newspaper. Thereafter, the City Clerk will review and confirm the eligibility of each applicant.

Mrs. Vacek provided an overview of the selection process, noting that the City Council would review the Applications, Letters of Interest, Resumes, and Disclosure Statement at the following B Session. Selection of up to three applicants to interview would be made. She stated that interviews would be conducted at the following scheduled Council Meeting and the City Council would vote to appoint the replacement. She noted that the appointee would be immediately sworn-in to Office.

Councilmember Rodriguez thanked Mrs. Vacek for the presentation. He expressed support for the process, noting that he was pleased that applicants would have ten business days to respond. He recognized Mayor Castro for moving said item forward. Councilmember Cisneros recognized Mayor Castro for his leadership on identifying a process for Council Vacancies and stated that it should be an open and transparent process. Councilmember Ramos also expressed her support for the defined process for filling Council Vacancies and stated that it was important to ensure that Neighborhood Associations were involved in the process. She recognized Mayor Castro for his leadership on said

item. Mayor Castro stated that he was pleased to bring the item forward today to ensure that there was a singular process that would bring the best candidates forward and provide for public support.

Faris Hodge, Jr. submitted written testimony in opposition to Item 4. He expressed concern with the appointment process that was utilized to fill the recent temporary vacancy in District 4, noting that it should have been open to any resident of the district.

Councilmember Rodriguez 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 City Clerk read the following Ordinance:

2010-05-06-0376

Item 5. AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY OF SAN ANTONIO CODE, THE UNIFIED DEVELOPMENT CODE ("UDC"), RELATIVE TO TREE PRESERVATION REQUIREMENTS AND THE ATTAINMENT OF TREE CANOPY GOALS FOR SAN ANTONIO AND ITS EXTRATERRITORIAL JURISDICTION ("ETJ").

Rod Sanchez, Planning and Development Services Director presented the amendments to the UDC relative to the Tree Preservation Ordinance. The amendments are as follows: 1) Increase minimum preservation from 10% to 20%; 2) Double mitigation from \$100 per inch to \$200 per inch; 3) Final Tree Canopy Requirement-Single-Family Residential=38%, Multi-Family and Nonresidential=25%, Community Revitalization Action Group (CRAG) Area=15%; 4) Tree Credits may only be used for mitigation for preservation when utilizing the tree survey method; 5) Additional amendments to facilitate attainment of long-lasting tree canopy: a) Assign a discount value to newly planted trees at 75% shade value to account for survivability; b) Reduce minimum diameter size from 3" to 1 1/2" for improved survivability of new plantings; c) Exempt athletic fields from the final tree canopy requirements; d) Heritage Trees required to be counted under Tree Stand Delineation Method; e) Minimum requirement of 0.5 acre area for steep slopes under the Environmental Sensitive Areas; and f) Continue to exempt single family residential.

Mr. Sanchez reported that the Ordinance impacts would vary based on land use, development density, and preservation. He stated that for Commercial, approximately 10-20% of the canopy is met by current requirements with approximately \$1,800 per acre in mitigation costs. He noted that for Residential, there would be one additional tree per lot at \$300 per lot in mitigation costs. He added that for CRAG, assuming that 10% is met by landscape requirements, there would be \$900 per acre in mitigation costs.

Former Mayor Phil Hardberger thanked the City Council and thanked the City Council for bringing the amendments forward. He stated that the protection of trees was extremely important in that trees provide shade, produce oxygen, and promote soil conservation. He noted that trees were also important in attracting economic development and that developers gained by bringing new industries to the city. He added that he was in support of the amendments that were community-based and full of compromise.

Steven Hanan, Rob Killen and Martha Mangum representing the Real Estate Council spoke in opposition to the amendments. Mr. Hanan stated that the industry had been experiencing challenges over the past two years and were just witnessing signs of relief. He noted that the ordinance would have

a negative impact on developers through increased costs and would discourage redevelopment in the inner city. He mentioned that San Antonio's 38% tree canopy was the best among all major US Cities. He expressed concern that the ordinance was difficult to understand and asked that the entire community share the burden including existing single family homes.

Tony Tolic expressed concern that many trees have been stripped from around Master Planned Communities including the area off Stone Oak and Loop 1604. He stated that anything that the Council could do to save trees and canopy was appreciated.

Diane Lang, Chair of the Citizens Environmental Advisory Committee presented the following recommendations from the Committee: 1) Limit of significant tree removal be capped at 70%; 2) Heritage trees cannot be removed without a variance from the City Arborist or Land Use Commission; 3) Canopy percentages over the aquifer recharge zone be increased to reach a 55% goal; 4) Canopy requirements cannot be waived by payment of fees; 5) Easement and right-of-way be included in the determination of the size of the subdivision; and 6) The city should designate a specific entity to enforce ordinances and provide oversight. In regard to Item 6C, she expressed concern that there were 30 other sites identified throughout the city with Oak Wilt and that the Tree Mitigation Fund was designed to replace trees.

Allen Townsend addressed the Council and stated that everybody loves trees until they get in the way and become expensive. He noted that the ordinance was complicated and that the Technical Advisory Committee (TAC) had dealt with a number of issues. He commended staff on the process and asked the Council to approve the amendments.

Lissa Martinez, Ray Knox and Charles Bartlett of Friends of the Parks addressed the City Council. Ms. Martinez stated that she is a tree preserver and her position is that there are no spare trees in San Antonio. She spoke of her volunteer efforts, noting that she gives away trees and works with the school districts to plant trees and nourish them. She added that her personal experience is in Olmos Basin and had initiated clean-up efforts after the floods in 2002 and 2003. She noted that it was important for the roots of trees to infiltrate flood waters and that warranty proceedings should be established for developers to ensure that trees survive the first three years. Mr. Knox stated that he was pleased to support the ordinance since it would improve the quality of life for the citizens of San Antonio. He expressed concern with the many trees that have been cleared along Loop 1604 and the unmitigated urban sprawl. He added that trees were important to the goals of Mission Verde.

Carol Fisher noted that she is a resident of District 1 and expressed concern that the ash trees planted in the 1950's are now dying. She stated that the Homeowners Association is taking it upon themselves to replant trees. She provided a map of the Edwards Recharge Zone, noting the difference between 2001 and 2006 and the loss of 17% of the trees within that period. She added that she was in support of the proposed amendments with a 55% impervious cover over the Recharge Zone.

Nazirite Ruben Flores Perez addressed the Council and stated that he was in support of 10% or more trees. He noted that he was speaking as a San Antonio citizen and not an elected official. He added that even where he lives; the 10% is lacking and something needs to be done.

Mike Hogan, Teri Bilby and Rosemarie Selman addressed the Council and stated that they were representing the San Antonio Apartment Association. Mr. Hogan stated that high density housing development uses half of the water and electricity per living unit versus a single family unit and has a minimal impact on the city's operating costs. He noted that landscapers with multi-family experience

suggest that the proposed tree canopy ordinance will require more land. He added that this ordinance is an economic burden to the industry. He stated that the process was flawed and did not allow time to build consensus. He outlined many concerns with the ordinance, noting that it fails to address tree protection over 80% of the city's zoning classification and increases the cost of entry level homes by at least 1%. He added that it presents an economic barrier to urban redevelopment and does not follow the American Forest recommendation of a 20% tree canopy goal for multi-family development.

John Leifester stated that he was a Certified Arborist in favor of the proposed amendments. He noted that preserving natural areas and leaving them undisturbed was less costly for developers and that trees draw businesses to the city. He spoke of the importance of leaving trees for future generations.

State Representative Jose Menendez spoke in opposition to the ordinance noting that it would impose a barrier to entry of areas where it is already difficult to develop. He stated that San Antonio's tree canopy leads the nation and that the current ordinance did not need to be amended. He mentioned that businesses looking to locate in the city require a more skilled workforce and affordable housing for their employees. He requested that the item be postponed in an effort to understand the potential impacts especially due to the challenging economic conditions.

Cheryl Hamilton, Ph.D. addressed the Council in support of the proposed amendments. She stated that she had been following the process for the past nine months and believes that the city is at a turning point in the approach to preserve the environment in San Antonio. She noted that this was an opportunity to enhance the Mission Verde Plan and highlighted the land and easements over the aquifer that have been purchased by the city. She spoke of the devastated hillsides surrounding parks, noting that many of the properties were purchased by individuals that did not live in the city. She asked that a 55% tree canopy cover be required for development over the aquifer recharge and transition zones. She stated that all existing trees must be counted when calculating preservation and that all heritage trees must be protected.

Ruben Espronceda addressed the Council and spoke of Concepcion Park. He stated that many of the pecan trees in the park will be bulldozed down by the San Antonio River Authority to develop a road. He noted that the City of San Antonio has not had a public hearing on this matter and had not amended the ordinance relative to Concepcion Park since 1927 regarding same. He spoke of the importance of the tree ordinance and preserving green space on the South Side and inner city.

Wendy Baron stated that she is a nurse and would like for the Council to vote in favor of the ordinance. She noted that San Antonio needs a greater tree canopy than Seattle because it is much warmer in San Antonio. She reported that San Antonio was the largest city adhering to ozone standards and violations could have severe consequences including limiting the amount of new businesses to the area. She added that preserving mature trees that produce more oxygen will prevent ozone levels from getting too high and facilitate a better quality of life.

Jim Leonard, Kim Shrum and Becky Oliver addressed the Council on behalf of the San Antonio Builders Association. Mr. Shrum expressed concern with the misstatements that developers bulldoze trees and create moonscapes. He stated that they were in favor of common sense approach to trees in which the entire community participates. He noted that San Antonio far exceeded other cities in regard to tree canopy and that homebuilding and development have fared well over the past 75 years. He expressed concern that new regulations would equate to increased home prices and that many other costs had already increased. He added that San Antonio had not realized the full canopy potential of the many trees planted since the 2006 Tree Ordinance was adopted.

Audrey Dentith stated that she is a resident of District 8 in support of the ordinance. She shared a story of a friend from Denver and spoke of the perception of others about the beauty of San Antonio. She stated that San Antonio was unique and should not be compared to other cities. She noted that she moved to the city in 2008 and was pleased with the four heritage trees on her lot. She read a letter from an elementary school student who pleaded with the City Council in not allowing more trees to be cut down in San Antonio.

Jeanne Marie Donaldson spoke in favor of the proposed ordinance and stated that she was in support of the comments made by Former Mayor Hardberger to strengthen the tree ordinance. She expressed concern that the process had been skewed toward developers and that the Oversight Committee had not included members of the Tree Coalition or other environmental groups. She noted that she brought her daughter and a friend of the St. Paul Montessori School to speak in support of the tree ordinance.

Angeline Forshey, St. Paul Montessori School Student, spoke of the pine trees at the lake where they had picnics and watched birds and squirrels. She stated that her neighborhood had big trees that she loved and had attracted her mother to the neighborhood. She noted that she enjoyed watching nature and hated to see the trees go away.

Genevieve Donaldson, St. Paul Montessori School Student, stated that she has always loved trees and wanted to have a tree house. She noted that trees are important and affect everyone. She asked the City Council to please vote in favor of the tree ordinance.

Paul Johnson, Regional Texas Forester with the Texas Forest Service asked what the riverwalk would look like without trees. He stated that it would not be the destination that it currently is. He spoke of the benefits of trees including cleaning the air, controlling stormwater runoff, and saving money by keeping a cooler temperature. He noted that 3% of the tree canopy had been lost over a five-year period and more should be done to preserve, protect, and plant trees for the future.

Barbara Hall read a letter of support from San Antonio Conservation Society President Rollette Schreckenghost. She stated that they appreciated the opportunity to serve on the Tree Stakeholder Committee. She noted that they support the change to the existing process to include the promotion of a higher tree canopy goal. She added that it was important to maintain a tree canopy goal of 40 percent. It was stated that over 41% of tree canopy has been lost since 1985. She added that the ordinance was a step forward in tree preservation for San Antonio.

Michael D. Eyman addressed the Council and stated that he did not have a specific agenda. He noted that this was a battle for the soul of San Antonio. The city could be an expansionist city or choose to grow in a sustainable way with a core set of beliefs. He spoke in support of establishing procedures for mitigating damage to trees in order to maintain tree canopy.

Brenda Kelly Rowe stated that she was a Professional Civil Engineer and understood the Unified Development Code, Tree Ordinance, and Development Process. She noted that San Antonio had the highest tree canopy in the nation compared to other major metropolitan areas. She expressed concern that the American Forest Service had established goals for the city but had not analyzed the existing ordinance. She mentioned that the consequences of this ordinance were not known and that it was difficult to understand. She stated that the American Forest Service recommended a canopy goal of 20% for commercial properties and not 25% as being proposed by staff. She added that she was concerned that the tree warranty provision was being removed and with the 10% loss of developable

area. Lastly, she noted that additional regulations would deter new development and impact job creation.

Margaret Day, Chair of the Alamo Group of the Sierra Club stated that in general; they were in support of the proposed revisions to the Tree Ordinance. She expressed concern that the ordinance would not accomplish the goals that serve the best interest of the city. She mentioned that the canopy cover goals would not be achieved because there was no provision for 55% tree canopy cover over the Edwards Aquifer. She expressed concern that canopy cover requirements for single family and nonresidential development were offset by an incentive section that substantially reduces tree planting requirements. She stated that fees in lieu of preservation allowed as much as 85% of existing trees in diameter inches to be removed. She outlined their recommendations as follows: 1) All existing trees on a site should be counted for purposes of calculating preservation; 2) No more than 50% of heritage trees and 60% of significant trees should be allowed to be removed from a site; and 3) A 50% canopy cover requirement should be enforced in the Edwards Aquifer Recharge Zone.

Elena Serna representing the Greater Edwards Aquifer Alliance stated that existing trees provide far greater environmental services than planted saplings and require no aquifer water to establish. She noted that real measures for the preservation of existing large heritage trees should be a key component to the Tree Ordinance. She mentioned that the agricultural exemption loophole was being addressed by requiring a specified amount of canopy cover in a completed project but other communities use more direct approaches to prevent premature cutting. She stated that payment for the removal of trees should be used seldomly and only when all other alternatives are exhausted. She noted that proposed preservation standards are inadequate and promote the destruction of trees over the contributing zone. She added that the American Forest 2009 Report of recommendations be included in the ordinance.

Jim Cannizzo, Phil Reidinger and John Gaither addressed the Council. Mr. Cannizzo spoke of the impact of the Tree Ordinance to Camp Bullis Endangered Species Issues. He stated that tree canopy protections help bird species off-post, preventing Camp Bullis from becoming the lone island of refuge. He expressed concern with the intensive development that had occurred around Camp Bullis in less than two years. He noted that comparing San Antonio to other cities was not accurate and that the argument regarding impact to the South Side and the inner city was incorrect. He spoke of ozone non-attainment that will limit growth and reported that strengthening the Tree Ordinance was one way to address the issue. He stated that they were in support of the city staff recommendation to provide a 75% shade credit. He added that protecting heritage trees was vital because they protect the canopy that Golden-cheeked Warblers live in and produce shade to help keep San Antonio in ozone attainment.

RECESSED

Mayor Castro recessed the meeting at 11:50 am to break for lunch and noted that the meeting would resume at 1:45 pm.

RECONVENED

Mayor Castro reconvened the meeting at 1:45 pm and continued with the citizens registered to speak on Item 5.

Robert Hamilton thanked the Council for their support of trees and stated that he was dissatisfied with the ordinance as proposed. He noted that the entire city deserves tree canopy and would like to see a

broader education program. He expressed concern that individuals cut down trees in an effort not to maintain them. He asked that the item be postponed.

Anne Parrish stated that she was in favor of the ordinance despite its complications. She spoke of the importance of saving trees for citizens and the habitat. She expressed concern with the 150 acres that were cleared on Northwest Military, noting that wildlife had been displaced.

Richard Alles, Billie Murrell and John Butchkosky representing the Citizens Tree Coalition addressed the Council. Mr. Alles thanked the Council for their leadership on said item. He stated that San Antonio was not the leader in tree canopy in the nation, noting that the city had an 18% tree canopy due to incomparable data. He noted that one of the important issues that needed to be discussed was that of disincentivizing development on the South Side and inner city. He spoke of studies he conducted and the minimal impact of the proposed amendments to the Tree Ordinance. He stated that the tree warranty was a loophole that allows developers to avoid providing necessary root protection zones. He added that without the root protection zone, the stormwater absorption capability would be lost. He spoke in support of the funding for the Tree Planting Program in Item 6.

Ruth Stewart stated that she was proud of the preservation of three native trees in her lot and strongly supports the preservation of trees. She spoke of the environmental and health benefits of trees and asked the Council to vote in support of the ordinance.

Bob Wandrisco stated he was a developer opposed to the proposed ordinance. He expressed concern that the ordinance promotes urban sprawl rather than inner city development. He noted that it was important to identify redevelopment opportunities in the inner city, as the city could not afford to grow outward. He referenced a study that was conducted in Flower Mound by the American Forest Service, noting that the impervious cover was exaggerated.

John Roy stated that he was opposed to the ordinance and expressed concern with the contempt exhibited toward the development community. He provided the Council with a real commercial retail project on a 3.7-acre tract of land with no trees on it and the impact of the ordinance on the project. He noted that there was no liquidity in the commercial retail market and that the economy was driven by small businesses. Lastly, he asked that the item be postponed due to the economic conditions and stated that the current ordinance is not broken.

Rosa Arredondo stated that she was a student at Palo Alto College and a resident of District 4. She noted that she had made phone calls to various neighborhood associations and asked residents their thoughts about the tree preservation ordinance. She reported that they had expressed concern with the bulldozers that they witnessed cutting down trees and did not want to see more trees cleared. She added that it was important to listen to the voices of the community and stated that she was in favor of the ordinance.

Peter French addressed the Council about the shared desire to have a better city and stated that trees were a complex issue. He noted that the most effective way to increase tree preservation was through a good land use policy that would encourage infill development. He spoke of the need for additional review of the ordinance and about waiving the Tree Mitigation Fee within the CRAG area. He stated that the cooling of streets and sidewalks by trees was important and should not be inadvertently discouraged by providing only partial credit for same.

Mrs. Vacek read written testimony from Chuck Saxer of the Northside Neighborhoods for Organized Development (NNOD). Mr. Saxer wrote that NNOD was committed to tree preservation and growing the city's tree canopy. He stated that they were in support of the ordinance as proposed by staff. He mentioned that as a member of the City's Tree Stakeholders Committee, he was concerned that the proposed ordinance was not strong enough to protect Heritage and significant trees or increase the tree canopy but was better than the current ordinance. He asked that the proposed ordinance be approved and that there be no efforts to weaken it.

Lindsay G. Ratcliffe addressed the Council and stated that she was in support of the proposed ordinance. She asked that the Council consider 55% tree canopy protection over the Edwards Aquifer and to protect all Heritage Trees. She expressed concern with entire hillsides have been scraped of vegetation and showed photos of same.

Glenn Barton stated that he is a new resident to the City of San Antonio and noted that the tree canopy will not be realized for a long time. He expressed concern that the ordinance only affects the development community and noted that the city should be sensitive to impact fees due to the challenging economy. He spoke of the lack of financing for commercial development and stated that this was not the time to add any more fees. He stated that he would be willing to pay a tax for the tree fund.

Johanna Barton spoke about having lived in very lush and green areas throughout the country and was pleased to see the many trees in San Antonio. She stated that we have a beautiful city with a 38% tree canopy and asked why San Antonio would change what is working. She asked that we keep homes affordable for new residents and make this a community effort.

Christel Villarreal addressed the Council and stated that she was representing the Highland Hills Neighborhood Association from District 4. She read a resolution passed by the Association in support of the ordinance and urged the Council to vote in favor.

Bradley Carson stated that he was a member of the business community and considered himself a supporter of Mission Verde. He noted that the developer does not live out of town and that they are not anti-tree. He mentioned that he was in favor of protecting trees but expressed concerned with the unintended consequences of the ordinance. He added that this ordinance makes it more expensive to build in San Antonio and did not think that this was fair.

Brian Hanan expressed concern that developers would carry the burden of the ordinance and asked the Council not to approve the ordinance as written. He requested that staff incorporate measures supported by all members of the community to increase the tree canopy in San Antonio.

John Nikolata stated that the City Council is insightful and expressed concern with comments made that the ordinance would prevent homebuilding within the city. He noted that the economic conditions have kept individuals from purchasing homes. He mentioned that he had been raised in San Antonio and that the habitat has been displaced because the trees have been cleared. He referenced a quote by Lady Bird Johnson and paraphrased by saying, "San Antonio should look like San Antonio."

Former Councilmember Patti Radle stated that she was pleased that the Tree Ordinance was being strengthened and that it was necessary to take action to protect trees. She thanked the committee that had worked on the item for the last year and spoke of the work that had been done to protect trees over the years. She asked the city to be leaders in the effort to help institutions change their way of thinking. She read a quote from Albert Einstein, "Unless we substantially change our way of thinking; human-

mankind will not survive". She added that we are one small part of nature and efforts must be made to protect nature. Lastly, she expressed concern with the comments made that the ordinance would cause lack of development within the inner city.

Mary Fenster Maker representing the Hill Country Planning Association expressed concern with the hills in their neighborhood where there is no greenery. She stated that this was caused by developers and asked that the citizens of Bexar County protect the area that leads to the Hill Country. She expressed concern with the clearing of heritage trees and replacing them with smaller trees that are no comparison. She mentioned that trees do not cause sprawl; it is people who cause sprawl. She asked that the item be voted on today and not be postponed.

Coy Armstrong, President of the American Society of Civil Engineers, San Antonio Chapter spoke in opposition to the proposed amendments. He stated that San Antonio leads the nation in terms of tree canopy and that the tree preservation requirements are working. He asked the Council to vote against the ordinance.

Loretta Van Coppenolle of the Sierra Club stated that trees benefit us more than we benefit them and need to be saved. She spoke of the comments made by developers in opposition to the ordinance and noted that San Antonio does not have more trees than it did when it was smaller. She stated that there should be a cost to cut down a tree, especially if it is an irreplaceable significant or heritage tree. She noted that tree preservation does not significantly affect home affordability and that developers should limit their profit margins. She requested that enforcement of the Tree Ordinance be conducted by a department other than the Planning and Development Services Department, noting that the previous City Arborist had felt forced to leave the position. She asked the Council to vote in favor of the ordinance with no amendments that would weaken it.

Jack M. Finger stated that he had looked at both sides of the argument and that developers have gotten away with many things that they should have been punished for. He noted that he liked trees but asked how much tree canopy was sufficient. He added that he was in support of homeowners rights.

Mrs. Vacek reported that nine written testimonies had been received in favor of Item 5 from the following individuals: Mary W. Bradshaw; Arthur J. Downey; Albert Cisneros; Deborah M. Martin; Hector J. Cardenas; Mariana Ornelas; Dr. Donna F. Balin; Russell and Karen Seal; and Claudette Mullen.

Mayor Castro thanked everyone that spoke on said item and noted that tree preservation had been a contentious issue since the 1990's. He recognized the Committee that helped create the ordinance, as well as the TAC and Planning Commission for their input.

Councilmember Williams spoke of the tree credits and noted that the Survey Method had been morphed into the Tree Stand Delineation Method. He confirmed that heritage trees must be measured inside the tree stands even if they are being taken out. Mr. Sanchez stated the staff recommendation was that staff physically measure the heritage trees. He added that they also recommended that 20% be allowed to be removed and after that, must be mitigated at a ratio of 3:1. Councilmember Williams stated that tree credits are inches and not dollars. He asked if it was appropriate for inches to be used for mitigation of heritage trees using the Tree Stand Delineation Method. Mr. Sanchez replied that it was staff's concern that they be accurately measured and that trees would be measured inch-by-inch using the Tree Stand Delineation Method. Councilmember Williams noted that the Infrastructure and Growth Council

Committee recommended that the credit allowed for newly planted trees to establish the final canopy be increased from 75% to 90%. Mr. Sanchez stated that the difference equated to one tree.

Councilmember Williams asked of hazardous trees. Mr. Sanchez replied that they had removed several diseased trees throughout the years. Councilmember Williams stated that it was important to identify ways to work around trees and save them. City Arborist Mark Bird added that since 2006, there had been few tree warranties issued. Councilmember Williams noted that the three goals of the process had been: 1) Preserve trees; 2) Mitigate abuses; and 3) Protect heritage trees.

Main Motion - Councilmember Williams moved to adopt the proposed Ordinance as recommended by staff with the following three stipulations: 1) Accept the Infrastructure and Growth Council Committee Recommendation that the final canopy requirement allowed be 90% instead of 75%; 2) Staff should develop a plan for a Canopy Program; and 3) Maintain the tree warranty provision in Section j.(2) of Chapter 35 Section 35-523 of the City Code. Councilmember Chan seconded the motion.

Councilmember Cisneros thanked all that participated in the process and stated that she did not believe that anybody was opposed to trees. She recognized CPS Energy for their commitment to the Tree Rebate and Energy Savings Program. She asked how the 15% tree canopy requirement for the CRAG Area would impact inner city development. Mr. Sanchez responded that each project would be different and that in addition to landscape requirements, a property without trees would have to add somewhere between three to five trees. Councilmember Cisneros spoke of the importance of protecting heritage trees and the need to address air quality issues. She submitted a letter of support of the ordinance for Item 5 from Mariana Ornelas, President of the Dellview Area Neighborhood Association.

Mayor Castro commended Councilmember Williams for his work on the ordinance. He spoke of the environmental benefits of trees and the challenges to maintaining air quality. He stated that he believed that the ordinance was workable and reasonable, and that input and compromise had been included in the process. He noted that the business community's success was the success of the city. He mentioned that it was important to create an impetus for more involvement from the public and that the development community should not solely carry the burden of the tree canopy. He added that the city must be more proactive and establish partnerships to educate the community and plant more trees throughout the city. Lastly, he stated that it was important to close loopholes to protect and preserve the tree canopy.

Mayor Castro entertained a Friendly Amendment to be approved to preserve 100% of Heritage Trees under both the Tree Survey Method and the Tree Stand Delineation Method and not just 80% as it currently stands in the Tree Stand Delineation Method under Table 523-1b. Councilmembers Williams and Chan accepted the friendly amendment. Councilmember Williams read a correction to the proposed ordinance to section 35-523 (a) (1)-E. Last Sentence, stating that "Tree Credits may be used for mitigation of preservation when utilizing the tree survey method or to mitigate surveyed Heritage Trees utilizing the Tree Stand Delineation Method".

Councilmember Lopez stated that the issue was complicated but all wanted to have a better San Antonio. He noted that what had been moved and amended was a good approach and thanked staff for their work on the process.

Amendment One - Councilmember Lopez moved to make an amendment to change the effective date of the ordinance to January 1, 2011 as it applies to the public education districts participating in the

Interlocal Agreement relating to development procedures approved by Ordinance 2009-09-03-0690. Councilmember Ramos seconded the motion.

Councilmember Taylor asked if approval of the ordinance would have a negative impact to development on the East Side or inner city. Mr. Sanchez replied that the final tree canopy requirement for the CRAG Area was 15% and preserving streetscapes and landscapes would provide 10-14% of the requirement. He noted that the impact was minimal. Councilmember Taylor also stated that it was important to protect the missions of Camp Bullis and Fort Sam Houston.

Councilmember Ramos expressed her support for the ordinance and the amendment in reference to school districts. She asked of the Tree Mitigation Fund. Mr. Bird replied that the Tree Mitigation Fund was administered by the Parks and Recreation Department but the fees were collected by the Planning and Development Services Department. He stated that the fees were used for tree planting, maintenance, and education. Xavier Urrutia added that some of the funds had been used on reforestation efforts, tree challenge programs, and education. Councilmember Ramos thanked Mayor Castro for his leadership and recognized Former Mayor Hardberger for being present.

Councilmember Rodriguez thanked everyone that participated in the process and stated that it was a challenging issue. He noted that he did not agree with the comments that the ordinance would deter inner city development and asked of the proposed CRAG Area final tree canopy requirement. Mr. Sanchez responded that the concept of a final tree canopy was new to the ordinance and did not exist at this time. He added that the impact of the 15% CRAG Area requirement was minimal. Councilmember Medina also thanked everyone that participated in the process and spoke of the importance of protecting the environment and preserving trees. He noted that inner city development was critical and did not want the ordinance to have a negative impact on the area. Mr. Sanchez spoke of the infill policies that were recently adopted by the City Council that allowed for fee waivers that would encourage development within the inner city.

Temporary Acting Councilmember recognized the many individuals that had been involved in the process to amend the Tree Ordinance. She stated that it was important that the Planning and Development Services Staff provide information to the development community regarding the incentives available. Mr. Sanchez noted that they had dedicated staff that assisted small businesses throughout the process and give priority to the infill projects. Temporary Acting Councilmember Cantu requested that the information be provided to individuals in the zoning process and added to the website.

Amendment Two – Temporary Acting Councilmember Cantu moved to amend the effective date of the Ordinance to June 1, 2010. Councilmember Cisneros seconded the motion.

Councilmember Clamp thanked staff for their work with the community on the Tree Ordinance. He stated that the goals and costs would be realized in the future and will need to be monitored. He expressed concern with the many added costs to home ownership and asked of residential permits. Mr. Sanchez replied that they had decreased significantly since 2006 and did not know what the future would hold. Councilmember Clamp stated that was his concern in adding costs. He asked of the protection of heritage trees. Mr. Sanchez explained that currently, the standard method of measuring around the trunk protects heritage trees at 100%. Further, the Tree Stand Delineation Method allows for preservation of 30% of the overall tree canopy but the ordinance would require mitigation of all heritage trees at a ratio of 3:1. Councilmember Clamp asked of the American Forest final canopy requirement for Multi-family and Non residential. Mr. Sanchez noted that that they recommended it at 20% for commercial and 55% over the Recharge Zone but did not feel that was feasible. He added that staff had

increased the allocations and recommended that commercial adhere to a 25% requirement. Councilmember Clamp recognized Brenda Kelly Rowe and asked her of the impact of the 25% requirement. Ms. Rowe stated that it was significant, noting that it was six to seven additional trees per acre. She added that it was not realistic or practical for commercial application.

Councilmember Chan thanked everyone that participated in the process, noting that it had been long and difficult. She stated that she understood that the economic conditions were challenging but it was important to limit existing single family and agricultural loopholes. Councilmember Chan confirmed that the ordinance would only apply to new development. Mr. Sanchez stated that it would also apply to those adding 2,500 square feet to an existing project but the projects that had permits prior to the effective date of this ordinance would be vested. Councilmember Chan asked if there had been sufficient time to realize the effects of the previous tree ordinance. Mr. Sanchez replied that it was a difficult question to answer due to the projects that had been previously vested or were paying into the Tree Mitigation Fund. Councilmember Chan spoke of the importance of protecting heritage trees and added that the city should lead by example to improve the tree canopy.

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

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

Amendment Three – Councilmember Clamp moved to reduce the final canopy requirement for Multi-family and Non residential from 25% to 20% in accordance with the Urban Ecosystem Analysis conducted by American Forest. The motion failed due to lack of a second.

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

The City Clerk read the following Ordinances for Items 6A, 6B and 6C:

Item 6. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE OVERALL GOAL OF MAINTAINING AND PRESERVING THE TREE CANOPY IN SAN ANTONIO:

2010-05-06-0377

A. AN ORDINANCE ACCEPTING THE BIDS FROM AGH20 HOLDINGS, LLC, ALFARO TREE SALES, INC. AND CANTU CONTRACTING, INC. TO PROVIDE THE CITY WITH A VARIETY OF TREES TO BE PLANTED IN CITY PARKS AND RIGHTS OF WAYS FOR AN ESTIMATED ANNUAL COST OF \$711,000.00 AS PART OF THE PARKS & RECREATION DEPARTMENT INITIATIVE TO PLANT 9,000 NEW TREES OVER THE NEXT TWELVE MONTHS FOR AN ESTIMATED COST OF \$1.4 MILLION, PAID FROM THE TREE MITIGATION PROGRAM OPERATING BUDGET.

2010-05-06-0378

B. AN ORDINANCE AUTHORIZING AN INTERAGENCY AGREEMENT WITH CPS ENERGY IN AN AMOUNT UP TO \$442,699.00 TO DEVELOP, IMPLEMENT AND

ADMINISTER THE "TREE REBATE FOR ENERGY SAVINGS PROGRAM" FOR COMMERCIAL AND RESIDENTIAL SECTORS, THROUGH THE ENERGY EFFICIENCY CONSERVATION BLOCK GRANT AWARD.

ITEM 6C - CONTINUED

- C. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT WITH THE WHISPERING OAKS HOMEOWNERS ASSOCIATION FOR THE EXPENDITURE OF UP TO \$100,000.00 FROM THE TREE MITIGATION PROGRAM OPERATING BUDGET, ON THE BASIS OF A DOLLAR FOR DOLLAR MATCH FOR FUNDS SECURED BY THE ASSOCIATION, FOR CONTAINMENT OF OAK WILT DISEASE.

Xavier Urrutia, Parks and Recreation Director presented the power point relative to Items 6A, 6B and 6C. He stated that the Comprehensive Tree Planting and Preservation Initiative supports the City's goal of protecting and increasing the tree canopy. He noted that it engages residential and commercial properties in tree planting efforts and establishes up to 16,600 new trees across the city. He mentioned that over 10,000 trees were made available for planting over the last three years. He spoke of the Community Tree Planting Challenges for neighborhoods, schools and commercial groups in which up to 25 tree are provided. He outlined the tree transplanting projects in Main Plaza, Alamo Plaza, and city parks, and noted that they had collaborated with Morgan's Wonderland, Haven for Hope Campus, and the Alazan Creekway Beautification Project.

Mr. Urrutia reported that three strategies would be implemented over the next year: 1) Trees in City Parks-9,000 new trees planted in city parks; 2) "Tree-bate" Program-will provide up to 7,600 trees across the community; and 3) Oak Wilt Containment-address issues in Whispering Oaks Subdivision and beyond. He stated that tree contracts would be utilized to plant 9,000 new trees at an estimated cost of \$1.4 million. He explained that the "Tree-bate" Program was funded through Stimulus Funds and provided \$442,699 to develop a tree planting for energy savings program over two years. He noted that it would target residential and commercial customers and provide a rebate of up to \$50 for each tree purchase with a maximum of three trees. He mentioned that staff had collaborated with CPS Energy to administer the program. He spoke of the funding agreement with the Whispering Oaks Homeowners Association for containment of oak wilt disease, noting that it affected all species of oak trees. He reported that it has resulted in the death of thousands of trees across Central Texas. He added that the city would provide a dollar-for-dollar match up to \$100,000 for oak wilt containment funded through the Tree Mitigation Fund.

POINT OF PERSONAL PRIVILEGE

At this time, Mayor Castro recognized Temporary Acting Councilmember Cantu for her service during Councilmember Cortez's temporary absence. He stated that she had performed well and that the residents of District 4 would have new expectations of Councilmember Cortez. He presented Temporary Acting Councilmember Cantu with a Certificate of Official Appreciation and floral bouquet. Temporary Acting Councilmember Cantu thanked Mayor Castro and the City Council for the recognition and support. She stated that it had been an honor to serve and thanked the entire City Staff for their assistance. She also thanked the residents of District 4 for their support.

Temporary Acting Councilmember Cantu exited the meeting at this time.

Mayor Castro continued with Item 6.

Councilmember Williams presented photos of trees with Oak Wilt within the Whispering Oaks Area. He stated that the homeowners had been working to address said item for the past year-and-a-half and that trenching had been challenging due to the utilities in the right-of-way.

Councilmember Williams moved to continue Item 6C until May 20, 2010. Councilmember Chan seconded the motion.

Councilmember Ramos requested that a good faith effort be made to equally distribute trees throughout the city using Rough Proportionality. Mr. Urrutia confirmed that staff would make that effort. Councilmember Ramos asked of the tree fund. Mr. Urrutia stated that there was a Tree Preservation Fund and a Tree Mitigation Fund and that a total of \$655,000 had been collected last year.

Councilmember Ramos asked that a friendly amendment be considered that said item go through the Parks and Recreation Advisory Board to develop a process for addressing Oak Wilt issues followed by the appropriate Council Committee. Mayor Castro stated that he agreed that there should be a process but that time was of the essence. Councilmember Williams expressed concern that Oak Wilt was continuing to spread and asked for a timeline. Mr. Urrutia stated that they could take the item to the Parks and Recreation Advisory Board and bring the item to City Council on June 3, 2010. Ms. Sculley added that as far as a timeline; realistically, it would be toward the end of June. Councilmember Ramos stated that she would like to avoid a lengthy process and asked that the item be brought back to the full Council by the end of June.

Councilmembers Williams and Chan accepted the friendly amendment that the item be vetted through the Parks and Recreation Advisory Board and brought back to the full Council by the end of June.

Councilmember Medina requested a list of locations where the 9,000 trees would be planted as well as justification of the selections. He asked of the partnership with CPS Energy for the Tree-bate Program. Mr. Urrutia stated that it was funded through a Stimulus Grant received by the Office of Environmental Policy and allows residential and commercial customers to purchase up to three trees and rebate up to \$50 per tree. He noted that staff had developed parameters in which proof of purchase would be required and rebates would be received on the CPS Energy Bill. He added that CPS Energy was developing the outreach and promotional materials and would be marketed this summer. Councilmember Medina asked of the Oak Wilt issue and why it had not been reviewed by the Parks and Recreation Advisory Board. Mr. Urrutia stated that due to the technical nature of the situation, staff had consulted with the City Forester and State Forest Service to develop a recommendation. He added that the Parks and Recreation Advisory Board would assist in developing the process.

Councilmember Chan confirmed that the Tree Mitigation Fund was funded through the regulatory impact of development. She asked if the city budget for tree planting would be increased. Ms. Sculley responded that the funds had been accumulating and had not been spent. She noted that there needed to be a more comprehensive plan and that the increase would be a policy decision of the City Council. Councilmember Chan asked of the type of trees that would be planted. Mr. Urrutia stated that the trees were part of an approved list included in the ordinance and would have a variety to purchase from. Councilmember Taylor stated that there must be a city-wide collaborative effort in relation to the tree canopy and preserving and planting trees. She noted that there should be more opportunities for education and incentives to tree planting.

Mayor Castro stated that it was important to invest in planting trees through the Tree Mitigation Fund and become more proactive in enhancing the tree canopy. He recommended that Item 6A be approved

today but that it be brought back with a final action plan with recommendations from the Parks and Recreation Advisory Board. He asked that no action occur until input has been received. Councilmember Clamp stated that Item 6A should receive input from the Parks and Recreation Advisory Board, Open Space Committee, for recommendation on the action plan.

The motion to continue Item 6C with the friendly amendment prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cantu.

For Items 6A and 6B, Councilmember Clamp moved to approve the items with the condition that a final action plan with recommendations from the Parks and Recreation Board be brought back prior to project implementation. Councilmember Williams seconded the motion.

The motion to approve Items 6A and 6B with conditions prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cantu.

CONSENT ZONING ITEMS

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: Z-2, Z-3, Z-4, and Z-7. Councilmember Cisneros seconded the motion.

Jack M. Finger highlighted concerns with Items Z-1, Z-2, Z-3, and P-1. For Item Z-1, he noted that citizens were opposed to the zoning change as the retail store would limit access to the surrounding area. In reference to Item Z-2, he expressed concern with allowing the sale of alcohol in a residential area. He added that citizens of District 7 were concerned with having a manufactured housing development within their community. Lastly, Mr. Finger reiterated staff's recommendation for Item P-1 not to zone the area higher than medium density.

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

2010-05-06-0394

Item Z-2. **ZONING CASE # Z2010048 CD (District 4):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a convenience store on the north 113 feet of Lot 22 and the north 117.5 feet of Lot 23, Block 2, NCB 7892, save and except the part of said lots conveyed to the City of San Antonio in Volume 3301, Page 1436, Real Property Records, Bexar County, Texas located at 941 Stonewall Avenue. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE NORTH 113 FEET OF LOT 22 AND THE NORTH 117.5 FEET OF LOT 23, BLOCK 2, NCB 7892, SAVE AND EXCEPT THE PART OF SAID LOTS CONVEYED TO THE CITY OF SAN ANTONIO IN VOLUME 3301, PAGE 1436, REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS TO

WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A CONVENIENCE STORE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2010-05-06-0395

Item Z-3. **ZONING CASE # Z2009159 S (District 7):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District to "R-5 S AHOD" Residential Single-Family Airport Hazard Overlay District with a Specific Use Authorization for a Manufactured Home on Lot 18, Block 2, NCB 11991 located at 6557 West Commerce Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 18, BLOCK 2, NCB 11991 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "C-3R AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES AIRPORT HAZARD OVERLAY DISTRICT TO "R-5 S AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A MANUFACTURED HOME PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2010-05-06-0396

Item Z-4. **ZONING CASE # Z2010077 H (District 7):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District, "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Fourplex, and "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Duplex to "H R-6 AHOD" Residential Single-Family Monticello Park Historic Airport Hazard Overlay District, "H R-6 CD AHOD" Residential Single-Family Monticello Park Historic Airport Hazard Overlay District with a Conditional Use for a Fourplex, and "H R-6 CD AHOD" Residential Single-Family Monticello Park Historic Airport Hazard Overlay District with a Conditional Use for a Duplex on properties generally bound by Donaldson Avenue to the north, West Woodlawn to the south, San Antonio Avenue to the east and Lake Boulevard to the west. 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: PROPERTIES GENERALLY BOUND BY DONALDSON AVENUE TO THE NORTH, WEST WOODLAWN TO THE SOUTH, SAN ANTONIO AVENUE TO THE EAST AND LAKE BOULEVARD TO THE WEST. TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT, "R-6 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A FOURPLEX, AND "R-6 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A DUPLEX TO "H R-6 AHOD" RESIDENTIAL SINGLE-FAMILY MONTICELLO PARK HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H R-6 CD AHOD" RESIDENTIAL SINGLE-FAMILY MONTICELLO PARK HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A FOURPLEX, AND "H R-6

CD AHOD" RESIDENTIAL SINGLE-FAMILY MONTICELLO PARK HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A DUPLEX.

2010-05-06-0399

Item Z-7. **ZONING CASE # Z2010072 (District 1):** An Ordinance amending the Zoning District Boundary from "C-2 NCD-1 AHOD" Commercial South Presa/South St. Mary's Streets Neighborhood Conservation Airport Hazard Overlay District to "C-2 IDZ NCD-1 AHOD" Commercial Infill Development Zone South Presa/South St. Mary's Streets Neighborhood Conservation Airport Hazard Overlay District with uses permitted in "R-4" Residential Single-Family District on Lots 21 and 22, Block 1, NCB 3075 located at 1803 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 21 AND 22, BLOCK 1, NCB 3075 TO WIT: FROM "C-2 NCD-1 AHOD" COMMERCIAL SOUTH PRESA/SOUTH ST. MARY'S STREETS NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 IDZ NCD-1 AHOD" COMMERCIAL INFILL DEVELOPMENT ZONE SOUTH PRESA/SOUTH ST. MARY'S STREETS NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT.

[CONSENT ZONING ITEMS CONCLUDED]

INDIVIDUAL ZONING ITEMS

2010-05-06-0398

Item P-1. **PLAN AMENDMENT #10004 (District 1):** An Ordinance amending the land use plan contained in the North Central Neighborhoods Community Plan, a component of the Master Plan of the City, by changing the use of an 0.1641-acre tract of land located at 124 and 126 West Norwood Court from Low Density Residential land use to High Density Residential land use. Staff's recommendation is for denial of High Density Residential land use and approval of an alternate recommendation of Medium Density Residential land use. Planning Commission's recommendation is for approval of Medium Density Residential land use.

Andrea Gilles presented Item P-1 and stated that staff and the Planning Commission recommended approval for a Medium Density Residential land use.

Councilmember Cisneros spoke on how the code as currently written did not allow for the area to be zoned as High Density. She stated that the property owner was presented with options, one of which was to amend the Unified Development Code. Councilmember Cisneros thanked Ms. Gilles and the Planning and Development Staff for assisting the property owner in finding a solution.

Councilmember Cisneros 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. **NAY:** None. **ABSENT:** Cantu.

CONTINUED UNTIL JUNE 3, 2010

Item Z-6. **ZONING CASE # Z2010068 (District 10):** An Ordinance amending the Zoning District Boundary from "I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Overlay Airport Hazard Overlay District to "C-3 IH-1 AHOD" General Commercial Northeast Gateway Corridor Overlay Airport Hazard Overlay District on 0.7170 acres out of NCB 15724 located at 11723 IH 35 North. Staff and Zoning Commission recommend approval.

Chris Looney presented Item Z-6 and stated that staff and the Zoning Commission recommended approval.

Councilmember Clamp moved to continue said item until June 3, 2010. Councilmember Cisneros seconded the motion.

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

2010-05-06-0393

Item Z-1. **ZONING CASE # Z2010069 (District 3):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-3 NA AHOD" General Commercial Non-Alcoholic Sales Airport Hazard Overlay District on Lots 3, 4 and 5, NCB 9471 located at 722 Southwest Military Drive. 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 3, 4 AND 5, NCB 9471 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 NA AHOD" GENERAL COMMERCIAL NON-ALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

Chris Looney presented Item Z-1 and stated that the item required nine votes for passage as there was opposition to the zoning change. He explained that the property owner submitted an amended application to address the concerns but that the person originally in opposition did not submit a revised notice stating that they were now in favor of the zoning change.

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

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

2010-05-06-0397

Item Z-5. **ZONING CASE # Z2010064 CD (District 9):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2 NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for Auto Paint and Body - Repair with Outside Storage of Vehicles and Parts Permitted but Totally Screened from View of Adjacent Property Owners and Public Roadways on Lot 21, NCB 11875 located at 8418 Broadway. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 21, NCB 11875 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 NA CD AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AUTO PAINT AND BODY - REPAIR WITH OUTSIDE STORAGE OF VEHICLES AND PARTS PERMITTED BUT TOTALLY SCREENED FROM VIEW OF ADJACENT PROPERTY OWNERS AND PUBLIC ROADWAYS PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented Item Z-5 and stated that said item required nine votes for approval as more than 20% of the surrounding properties were in opposition to the zoning change. At the request of Councilmember Chan, Mr. Looney clarified that the zoning change would bring the property owners into compliance with the zoning classification. It was noted that the notices returned in opposition were from commercial property owners who did not provide a reason for their opposition while the notices returned from residents in favor of the change supported the down zoning.

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

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

CEREMONIALS

Mayor Castro presented a Proclamation for "**Police Week**" that will be celebrated May 9-15, 2010, in recognition of the service provided by the men and women who protect all through enforcement of laws. During the week-long recognition, the San Antonio Police Department (SAPD) will hold its annual "**Police Officer Memorial Day**" on Saturday, May 15, 2010, to honor the 49 members of the SAPD who have lost their lives in the line of duty.

Mayor Castro presented a Proclamation to the National Association of Letter Carriers Branch 421 for sponsoring the nationwide Food Drive, **Stamp Out Hunger**, on Saturday, May 8, 2010. Residents are asked to leave non-perishable food items at their mailboxes, which letter carriers will pick up and deliver to the San Antonio Food Bank May 8th. It was noted that this is the largest one-day food drive in San Antonio to benefit the Food Bank.

Mayor Castro presented a Proclamation to the San Antonio Water System (SAWS) who will celebrate national Drinking Water Week May 3-9, 2010, to create community awareness on the benefits of water. It was noted that a safe and reliable water supply creates jobs, attracts industry and investment, and provides for the health and welfare of citizens in ways ranging from disease prevention to fire suppression.

CITIZENS TO BE HEARD

Mayor Castro called upon the individuals registered to speak.

Priscilla Villarreal addressed the Council and stated that she was scheduled to begin selling items at Alamo Plaza on May 8, 2010 but was denied due to an unfavorable background check. She informed the Council that she has been selling items since 1997 even though the misdemeanor occurred in 1994. Ms. Villarreal requested that she be compensated for money expended for the permits and background checks or be allowed to sell in Main Plaza.

Nazirite Ruben Flores Perez addressed the Council and spoke on the personal information that he was required to submit to the Texas Ethics Commission for serving as a San Antonio River Authority Board Member. He noted that the information being requested was protected.

Mark Perez addressed the Council and spoke on the refinery fire that occurred the previous day. He expressed concern with Tetco and the company's storage of hazardous chemicals next to a residential area without adequate permits. He also spoke of concerns with the issuance of permits and certificates of occupancy by Planning and Development Services, and the lack of response by City Officials. Lastly, Mr. Perez noted that ethanol was being illegally disposed of near railroad tracks and that Kimberly Clark was illegally storing hazardous materials.

Nick Calzoncit addressed the Council and spoke on the need for women to have positions of power and the formation of a department focusing on peace initiatives. He asked if event organizers could remove demonstrators from public property.

Damon Mason addressed the Council and spoke on the political literature being mailed out by a candidate for Alamo Colleges. He highlighted the candidate's experience as a City Councilmember, political endorsements received, and the candidate's platform.

Jose Ramos, guest from Whittier, California, addressed the Council and requested that the City of San Antonio proclaim March 30th as Welcome Home Vietnam Veterans Day. He highlighted the courage and honor of those who currently serve and have served in the military.

Theresa Berlanga addressed the Council and stated that nearby construction has resulted in flooding of homes in the Skyline Estates Neighborhood. She noted that the neighborhood association had been meeting with city, county and state representatives since 2003 for assistance. Ms. Berlanga requested that the City identify funds to make the needed repairs.

Nathan Guzman addressed the Council and requested that the City assist homeowners near Port San Antonio with getting homes insulated. He spoke of the increase in the stray animal population and the associated health and safety concerns. He expressed concern with the costs associated with erecting bus benches and producing a video to showcase the City. Lastly, Mr. Guzman stated that as a crime victim, he would pay additional taxes to fund the hiring of additional police officers.

Marco Lopez addressed the Council and requested that the City stop issuing permits to allow Pulte-Centex to build more homes at the Hills of Rivermist. He stated that it was dangerous for current homeowners and requested that Pulte-Centex buy back their homes.

Faris Hodge, Jr. addressed the Council and noted his concern with the caption for an Item on the May 6th agenda being read into the record without a quorum being present. He also requested that during the absence of the Mayor, the name of the Councilmember serving as Mayor Pro Tem be read into the record. Mr. Hodge expressed support for the requirement for all City Employees involved in on-duty

accidents to be tested for drugs and alcohol. He noted his concern with the process for filling the Council vacancy in District 4 and spoke of the health implications of smoking.

Kelly Anderson, Carri Kern and Erin Vandenberg of the Zimbabwe Conservation Task Force addressed the Council and spoke on the elephant enclosures provided by the San Antonio Zoo for Boo and Lucky. Ms. Anderson stated that the Zoo was not equipped to care for the elephants. She noted that she had filed several complaints regarding the living conditions of the animals as well as safety issues. It was requested that the Zoo re-build the enclosure to address these concerns. Ms. Anderson provided photos of the elephant and rhino enclosures. Lastly, she noted that the San Antonio Zoo had not been sent elephants in over 2 years as a result of the zoo not being equipped to house the animals.

Sallie Scott, Friends of Animal Care Services, addressed the Council and spoke of the partnership between them and the City. She noted that the organization would be submitting a grant application on Monday and thanked the City for building a multifunctional animal care facility near Brackenridge Park. Lastly, Ms. Scott requested that the facility's design be compatible with that of Brackenridge Park.

Mayor Pro Tem Clamp recessed the meeting at 7:05 pm for 10 minutes.

Mayor Castro reconvened the meeting at 7:16 pm and addressed the Consent Agenda Items.

CONSENT AGENDA ITEMS 7-22

Consent Agenda Items 16 and 18 were pulled for Individual Consideration. Councilmember Ramos moved to approve the remaining Consent Agenda Items. Councilmember Taylor seconded the motion.

Faris Hodge, Jr. submitted written testimony in favor of Items 7-10 and 12-22. For Item 11, he wrote that each zoning case should be considered individually.

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

2010-05-06-0379

Item 7. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO SAN ANTONIO CONSTRUCTORS, LTD. IN THE AMOUNT OF \$668,062.91, OF WHICH \$131,444.25 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS AND \$41,606.00 WILL BE REIMBURSED BY CPS ENERGY, FOR THE WALTERS ST. - E. HOUSTON TO PASO HONDO PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 2.

2010-05-06-0380

Item 8. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$392,075.48 TO THE CONSTRUCTION CONTRACT WITH H. L. ZUMWALT CONSTRUCTION, INC. FOR COMPLETION OF STREET MAINTENANCE WORK RELATING TO THE DOWNTOWN BOND PROJECT.

2010-05-06-0381

Item 9. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$958,944.27 TO THE \$3,835,777.10 CONSTRUCTION CONTRACT WITH PARK

CONSTRUCTION COMPANY FOR THE COMPLETION OF THE FY 2009-2010 INDEFINITE DELIVERY CONTRACT (IDC).

2010-05-06-0382

Item 10. AN ORDINANCE SELECTING PAPE-DAWSON ENGINEERING FOR NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT UP TO \$260,000.00 FOR ENGINEERING SERVICES FOR THE WESTOVER VALLEY AREA DETENTION BASIN PROJECT, FUNDED BY THE REGIONAL FACILITIES FUND.

2010-05-06-0383

Item 11. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH DONATION, NEGOTIATION AND/OR CONDEMNATION OF APPROXIMATELY 167.2 ACRES OF LAND LOCATED IN COUNCIL DISTRICTS 3, 4, 6, 7, 8, 9, 10 ALONG LEON CREEK, SALADO CREEK AND THE MEDINA RIVER FOR THE LINEAR CREEKWAY DEVELOPMENT PROJECT, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS (CB 4005, CB 4006, NCB 15613, NCB, 13951, NCB 15332, NCB 13942, NCB 18917, NCB 16931, NCB 14868, NCB 13134, NCB 13156, NCB 14855, NCB 12059, NCB 8644, NCB 11790, NCB 12065 AND NCB 13500); DECLARING THE LINEAR CREEKWAY DEVELOPMENT PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PRIVATELY OWNED REAL PROPERTY AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS.

2010-05-06-0384

Item 12. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$796,837.00 FROM THE DEPARTMENT OF HOMELAND SECURITY'S FY 2009 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR THE PURCHASE OF INTEROPERABLE COMMUNICATION RADIOS AND RELATED EQUIPMENT; AND APPROPRIATING A CASH MATCH OF \$199,209.00.

2010-05-06-0385

Item 13. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE OF UP TO \$150,000.00 FROM THE U.S. CONFERENCE OF MAYORS, FOR A LEAD SAFE FOR KIDS SAKE GRANT TO CREATE A BILINGUAL VIDEO DESIGNED FOR CHILDREN AT THE PRE-K LEVEL THAT INTRODUCES THEM TO THE HAZARDS OF LEAD-BASED PAINT.

2010-05-06-0386

Item 14. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF UP TO \$200,000.00, FROM THE BUREAU OF JUSTICE ASSISTANCE FOR INTELLECTUAL PROPERTY ENFORCEMENT PROGRAM GRANT AND AN IN-KIND MATCH CONTRIBUTION OF \$206,263.00.

2010-05-06-0387

Item 15. AN ORDINANCE AMENDING CHAPTER 19 OF THE CITY CODE, RELATED TO THE INSTALLATION OF PARKING PAY STATIONS.

2010-05-06-0022R

Item 17. A RESOLUTION NOMINATING KELLY AVIATION CENTER, L.P. FOR DESIGNATION AS A TEXAS ENTERPRISE PROJECT.

2010-05-06-0389

Item 19. AN ORDINANCE AMENDING THE BANKING ARRANGEMENT CONTAINED IN THE SAFEGUARD HEALTH PLANS CONTRACT, WHICH PROVIDES PROFESSIONAL SERVICES RELATED TO THE ADMINISTRATION OF THE CITY'S DENTAL BENEFIT PLAN.

2010-05-06-0390

Item 20. AN ORDINANCE AUTHORIZING THE SAN ANTONIO POLICE DEPARTMENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF OBTAINING ACCESS TO TXDOT'S ELECTRONIC ACCIDENT REPORTING SYSTEM.

2010-05-06-0391

Item 21. AN ORDINANCE APPROVING THREE CONTRACTS WITH METHODIST SPECIALTY AND TRANSPLANT HOSPITAL, CHRISTUS SANTA ROSA HEALTH CARE, AND CHILD SAFE TO PROVIDE SPECIALIZED SEXUAL ASSAULT /ABUSE EXAMINATIONS FOR AN APPROXIMATE TOTAL AMOUNT OF \$550,000.00, FUNDED FROM THE POLICE DEPARTMENT OPERATING BUDGET.

2010-05-06-0392

Item 22. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$938,219.00 IN CLEAN CITIES-ALTERNATIVE FUEL & ADVANCED TECHNOLOGY VEHICLES – TEXAS RAILROAD COMMISSION GRANT FUNDS FROM THE DEPARTMENT OF ENERGY WHICH WILL FUND THE INCREMENTAL COST REQUIRED TO REPLACE GASOLINE LIGHT DUTY TRUCKS WITH NEW PROPANE POWERED LIGHT DUTY TRUCKS AND TO UPGRADE UP TO FOUR (4) EXISTING FUEL STATIONS.

[CONSENT AGENDA ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Resolution:

2010-05-06-0021R

Item 16. A RESOLUTION DESIGNATING THE EDWARDS AQUIFER PROTECTION VENUE PROJECT AND THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT UNDER LOCAL GOVERNMENT CODE CHAPTER 334 AND REAUTHORIZING THE CURRENT 1/8TH CENT SALES AND USE TAX TO FUND THESE VENUE PROJECTS.

Mayor Castro stated that this was the first step of a very important process to reauthorize Proposition One and would include the Westside Creeks. He asked if an amount would be set at this time. Mike Frisbie stated that an amount was not being set today and that the next step in the process would be to call the election. Councilmember Medina stated that he was also interested in the amount that would be set. Councilmember Ramos stated that staff was doing well in collecting and expending the funds on conservation easements and that an audit would be conducted.

Councilmember Medina moved to approve the Resolution. Councilmember Cisneros 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 City Clerk read the following Ordinance:

2010-05-06-0388

Item 18. AN ORDINANCE AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010" IN A MAXIMUM PRINCIPAL AMOUNT UP TO \$46,000,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Ben Gorzell, Finance Director stated that said item authorized publication of notice of intent to issue Certificates of Obligation in an amount not to exceed \$46,000,000. He noted that it would allow staff to move forward with the Capital Budget. Councilmember Clamp asked of the impact of the debt tax rate. Mr. Gorzell replied that the item was part of the plan previously approved by Council and within the existing debt service tax rate set through the budget. He mentioned that the debt management plan would be updated during the Budget Process.

Councilmember Clamp requested that there be a review of the Debt Service Fund to include intent and goals. He stated that a reserve fund was being built within the Debt Service Fund and was not sure if that was the right thing to do. He asked that the Debt Management Plan and Debt Service Fund be kept separate. Ms. Sculley stated that they were executing the previously adopted policy to build up the fund as part of the long-term financial strategy to accommodate the next bond program.

Councilmember Clamp moved to adopt the proposed Ordinance. Councilmember Cisneros 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.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 7:26 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest:



LETICIA M. VACEK, TRMC/CMC
City Clerk