

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WERE HELD IN THE MUNICIPAL PLAZA BUILDING, WEDNESDAY, SEPTEMBER 28, 2011 AND THURSDAY, SEPTEMBER, 29, 2011, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **September 28, 2011**, Municipal Plaza Building with the following Councilmembers present: Bernal, Taylor, Ramos, Saldaña, D. Medina, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** Lopez.

1. BRIEFING AND UPDATE ON THE VIA METROPOLITAN TRANSIT MASTER PLAN INITIATIVES

A. VIA 2035 LONG RANGE COMPREHENSIVE TRANSPORTATION PLAN

B. VIA 5-YEAR STREETCAR & TRANSPORTATION PLAN

Mr. Henry Muñoz, Chairman of the VIA Board introduced members of the VIA Board. He spoke to the importance of offering fuel-efficient Mass Transit options to the public. Mr. Muñoz thanked the City for funding VIA's 5-year Transportation Plan. Mr. Keith Parker, VIA President, noted that VIA's 5-year Transportation Plan promoted economic development, increased mobility options, and addressed air quality and urban sprawl concerns. As a result, VIA's Transportation Plan called for the building of new Multi-Modal Transit Centers and Park and Ride Facilities while incorporating the use of Light Rail (LRT), Streetcars, and Bus Rapid Transit (BRT). Together, these modes of transportation allow VIA to reduce the amount of miles traveled daily by 310,000 and the amount of carbon dioxide emitted into the air daily by approximately 300,000 pounds.

Mr. Parker highlighted VIA's Long Range Vision which incorporated an investment totaling approximately \$3.4 billion. He noted that this investment allowed VIA to provide service to approximately 22 million new customers while meeting infrastructure demands associated with the implementation of its Transportation Plan. Mr. Parker stated that bus service would always be the main mode of transportation offered by VIA. He provided an overview of proposed bus improvements and noted that they would allow VIA to increase service hours, ridership, and productivity while reducing passenger travel time by 35 hours per year.

Mr. Parker highlighted service and infrastructure needs to be made as part of VIA's Short-Term Capital Plan. He noted that said improvements would cost approximately \$180 million and would take 5-years to complete. One component of the Short-Term Capital Plan is the implementation of an Urban Streetcar Program. Benefits include increased economic development and property valuation. Mr. Parker spoke on the Streetcar options available and Proposal to begin with routes that went East to West and North to South. He provided a timeline and Funding Plan associated with the implementation of said Proposal. It was noted that of the total cost associated with implementation of the Transportation Plan, VIA required a local investment of \$108 million. Mr. Parker spoke to how funding provided by local partners would be utilized. Lastly, Mr. Parker spoke on local funding allocations made to VIA in comparison to other major Texas Cities and Cities around the country.

C. CITY STAFF ANALYSIS ON VIA'S COMPREHENSIVE TRANSPORTATION PLAN

Mr. Pat DiGiovanni reported that the City had assembled a Task Force to review VIA's Long Range Plan and 5-year Capital Plan. He noted that the Long Range Plan was bold and aligned with SA 2020 while the 5-year Capital Plan was not completely financially sound. Mr. DiGiovanni highlighted benefits of the 5-year Capital Plan as well as the City's concerns. It was noted that the City's concerns related to the lack of funding available for contingencies and land acquisition as well as the lack of economic development resulting from the implementation of the East/West Streetcar Route. He noted that the City was requesting that no 2012 Bond or Advanced Transportation District (ATD) Funds be utilized for the Streetcar Program. Mr. DiGiovanni spoke to the benefits of the 5-year Capital Plan. Said benefits focused on Ridership, Quality of Life and Sustainability Efforts, and Economic Development.

It was noted that an outside firm had also reviewed VIA's 5-year Capital Plan. Mr. DiGiovanni stated that the firm concurred with the City's findings regarding the economic impact associated with implementation of VIA's Transportation Plan. He stated that the firm determined that the East/West Route was not as economically viable as the North/South Route.

Mr. DiGiovanni provided an overview of the City's funding allocation for VIA's 5-year Capital Plan. It was noted that \$8 million would be funded from 2007 Bond Program Savings with the balance of the \$55 million being paid from revenue generated from the City's General Fund and Special Assessment District. He spoke to how the debt would be paid out annually with a maximum being paid out in FY 2017. Mr. DiGiovanni stated that the City's contribution would be used for street work along the proposed route.

Lastly, Mr. DiGiovanni reviewed the presentation and noted that the City was in support of VIA's 5-year Transportation Plan. However, modifications were needed with regard to the Routes to be utilized. He noted that the City's funding of the Transportation Plan was contingent upon VIA establishing an Interlocal Agreement (ILA) with funding agencies. Mr. DiGiovanni spoke on the need for VIA to plan and coordinate development activities with all ILA funding partners.

D. CITY COUNCIL DISCUSSION

Mayor Castro began by thanking VIA Boardmembers and Staff for the presentation as well as Bexar County for assisting with funding. He spoke to the importance of investing in mass transit and noted how well managed VIA was economically.

As it relates to the implementation of a Street Car System, Mayor Castro spoke to the importance of merging transportation and economic development, starting the Project despite limited resources, and ensuring that the Project was a success. Based on these principles, Mayor Castro stated that the best Plan was for VIA to begin with Routes going East to North and East to West. He noted that said Routes were more convenient for individuals and would spur economic growth. Mayor Castro recommended that construction begin as soon as possible with VIA ensuring that federal funding requests did not prevent VIA from meeting other infrastructure obligations.

Councilmember Williams thanked all individuals for participating in development of the City's Transportation Plan. He spoke to the importance of VIA executing the Plan quickly and in a manner

that ensured success. Councilmember Williams stated that the Community was more likely to support the Street Car Plan if it was reflected in VIA's Downtown Transit Master Plan. He requested that the Master Plan be completed as soon as possible as it would also lead to increased ridership, improved service, and overall customer satisfaction.

Councilmember Bernal spoke to the collaboration between VIA and the City in achieving transportation goals outlined within SA 2020. He thanked VIA for implementing a Street Car Plan that would assist with revitalizing blighted Downtown areas while encouraging economic development.

Councilmember Taylor thanked Committee Members for their participation. She noted how the Street Car Plan would remedy ridership capacity concerns while alleviating traffic congestion.

At the request of Councilmember Taylor, Mr. Parker elaborated on VIA's strategy for applying for federal funds. He noted that VIA would be submitting a grant application in the amount of \$25 million by the end of October. If approved, said funding would be used for building the Westside Multi-Modal Transit Center. Mr. Parker stated that the second grant was a "Small Starts" Grant and would be used for building the North/South Street Car Route. He stated that VIA was anticipating 80% of the construction costs associated with implementing the North/South Street Car Route would be grant funded. Mr. Parker noted that the Federal Government was more likely to fund both Projects because the entity had secured funding partners.

As it relates to the timeline for implementing the Street Car Program in District 2, Mr. Parker reported that Phase 2 was expected to begin in 2020 and highlighted attractions that could be accessed utilizing a Street Car. Mr. Parker explained that VIA intended to rehabilitate the Thompson Transit Center in order to utilize it for a Street Car Stop in the Downtown Area.

Mr. Parker mentioned, at the request of Councilmember Taylor, that the Bus Circulator Model had not been assessed. He noted that the Route to be utilized was very similar to the Route to be utilized for the Bus Rapid Transit Program. He stated that VIA planned on implementing the Bus Rapid Transit Program by December 2012 with Routes to be modified upon implementation. Mr. Parker noted that VIA planned on completing a Study within the next several months regarding Downtown Circulation. He spoke to the importance of the Study in determining future Routes and Transit System improvements.

Councilmember Chan thanked VIA Boardmembers for participating in said process. She spoke to the importance of public transit and concurred with City's plan to make it a top priority. Councilmember Chan asked if VIA had examined the Plan offered by Mayor Castro as it differed from the one presented by VIA. Mr. Parker replied that the VIA Board had not reviewed the Mayor's Plan. He noted that VIA was appreciative for the suggestion and would be discussing same with the VIA Board.

Councilmember Chan asked Mr. Parker how VIA planned on budgeting for future Operations and Maintenance (O&M) costs associated with the Street Car System. He responded that VIA planned on allocating approximately \$5 million for O&M and noted that various financial groups had reviewed their financial plan to ensure that new infrastructure costs could be absorbed without service interruption. Mr. Parker highlighted Transit options available to citizens wishing to visit Downtown, the Medical Center, and UTSA from the Northside of town.

In regard to the City's financial contribution for the Street Car System, Mr. DiGiovanni explained that the City planned on funding approximately \$55 million of the costs associated with street maintenance along Street Car Routes. He delineated the funding allocations and stated that \$8 million would be funded immediately with \$15 million funded with money generated from the Special Assessment District. He stated that 50% of property owners along the Broadway Corridor needed to agree to the creation of the District. It was noted that debt from the Special Assessment District would be incurred over 20 years with the City being repaid annually from monies collected. Mr. DiGiovanni explained that \$32 million would be funded from Certificates of Obligation issued against the City's General Fund Revenue Growth. Over the course of the 20 years, funding allocations would taper off after 2017 in which the City was expecting to pay \$2.9 million. Mr. Ben Gorzell explained how the City was proposing to pay the debt service resulting from the issuance of Certificates of Obligations.

At the request of Councilmember D. Medina, Mr. Parker stated that the overall goal of VIA was to meet the transportation needs of the community. He noted that the Federal Government also assessed the overall economic development impact when funding Transportation Projects. As such, both components were integral to VIA's federal funding success. As it relates to ridership, Mr. Parker stated that the busiest Corridors were along Fredericksburg Road and the Westside of San Antonio with spikes coming from Suburban Routes. He noted that he would provide Council with a listing denoting ridership by Route.

Councilmember D. Medina asked which of the two busiest Corridors was more likely to receive federal funding. Mr. Jeff Booth, Attorney for VIA, explained the differences between the two grants that VIA was applying for and spoke on the scoring mechanisms used by the Federal Transportation Administration when reviewing Transportation Grant Applications. Mr. Parker noted that studies show that a Rail System was more of a private sector economic generator than other modes of Mass Transit.

Mr. Booth spoke on how the City should proceed if it wanted to invest in a Rail System and provided examples of how implementation of a Rail System proved to be an economic generator in other communities. Chairman Muñoz noted that the VIA Board had voted to approve the submission of a TIGER Grant and that said Grant would fund the building of the Westside Multi-Modal Transit Center. He spoke to how integral said Transit Center would be to the overall Transit System.

With regard to the Bus Rapid Transit Program, Councilmember D. Medina asked of the proposed implementation date. Mr. Parker explained that VIA was proposing to begin said Program in December 2012 and highlighted the Route to be utilized and associated infrastructure improvements to be made.

Councilmember Soules spoke to the differences in the Plans presented by VIA and the City. It was noted that the basic differences were in the Routes to be built first. Councilmember Soules requested to be provided with financial data denoting the costs associated with implementing each Plan. Mr. Parker clarified how VIA would be funding each of the Proposals and spoke to its chances of being awarded Federal Grants. Mayor Castro explained that his intent was for VIA to leverage local funding for the implementation of an East to North Route. He noted that said Route was the most viable in improving mass transit services while increasing economic development opportunities.

Councilmember Ramos spoke to the importance of having a consolidated Plan of Action so that the entire region could benefit. As it relates to the funding allocation made by Bexar County, it was noted that VIA would need to go back to the County to get approval for funding the City's Plan.

At the request of Councilmember Ramos, Mr. Parker highlighted the differences between the two Plans. Councilmember Ramos asked of the cost increase associated with City's Plan and how VIA would pay for the difference. Mr. Parker noted that VIA needed to review the City's Plan in order to determine costs associated with its implementation. Mr. Parker clarified that VIA was planning on submitting the TIGER Grant for the Westside Multi-Modal Transit Center regardless of the funding allocations. He noted that the City's share was not required to be denoted within the application.

As it relates to the economic impact associated with the Routes proposed by VIA, Mr. DiGiovanni stated that the Nueva segment of the East/West Route would generate the least amount of revenue upon creation of the Special Assessment District. At the request of Councilmember Ramos, he spoke to the process leading up to the creation of the District and viability of generating \$15 million over 20 years. Councilmember Ramos voiced her concern with the route to be utilized as it was not equitable. Mr. DiGiovanni stated that the City was expecting the same economic development patterns in the Southtown area as occurred along Broadway. Councilmember Ramos highlighted economic development improvements made in the Southern part of town and how mass transit services were needed for the area.

Councilmember Williams spoke to the importance of the City taking the lead in offering transportation improvements. He thanked VIA for being cautious in assessing the true cost associated with the implementation of the City's Plan.

Councilmember C. Medina expressed his appreciation to VIA staff and Boardmembers for their presentation. Councilmember C. Medina asked how the proposed Street Car Route would impact the residents of the housing developments located at 1800 Broadway and 1221 Broadway. Mr. DiGiovanni noted that the River North Plan addressed the possibility of a Street Car System along Broadway but businesses could not actively promote it without more assurances. At the request of Councilmember C. Medina, Mr. Parker explained that current practice requires most riders to transfer buses at a bus stop within the Downtown area. By allowing individuals to transfer at Transit Centers, Downtown bus activity would decrease by approximately 40%. Mr. Parker noted that VIA was taking into consideration that Downtown could be a final destination for some of its riders, thus was only decreasing the number of buses going to Downtown.

Councilmember Ramos clarified that due to the scope of the Project; any changes would have a negative economic impact and would need to be funded.

Councilmember D. Medina asked of the miles to be covered by each of the Routes. Mr. Parker noted that the East/West Route was approximately 2.2 miles, the North/South Route was about 2.1 miles, and the East/North Route was estimated at 2.6 miles. He explained that Routes were not approved within VIA's 5-year Plan and as such did not have to utilize the Nueva Route.

EXECUTIVE SESSION

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

B. DISCUSS LEGAL ISSUES RELATED TO CONVENTION SPORTS AND ENTERTAINMENT FACILITIES, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

Mayor Castro stated that Executive Session would not be heard this evening and recessed the Meeting at 4:53 pm. He announced that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

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

Mel Feldman addressed the Council and noted his concern with the lack of attendance by Councilmembers during the Citizens To Be Heard Portion of the Meeting. He highlighted several concerns with VIA to include VIA not having enough buses in service, not taking into consideration his suggestions for service improvements, bus advertisements for UTSA Football Games not reflecting their game schedule, and lastly, not interviewing him for the VIA Board.

Johnny Joe Perez addressed the Council and voiced his concern with bars located along McCullough, Lexington, and San Pedro Streets.

Mark Kellman addressed the Council and suggested a VIA Street Car Route along the Alamodome and St. Paul Square.

Stanley Mitchell addressed the Council and spoke on the Energy Policy being utilized by CPS Energy. He asked for a status update on the SA 2020 Renewable Energy Policy and costs associated with its implementation.

Nazirite Ruben Flores Perez addressed the Council and spoke on Bible passages.

Theresa Berlanga addressed the Council and spoke on a Construction Project along her street. She asked of her options should she not sign the Drive-way Plat. Ms. Berlanga noted the potential for flooding in her neighborhood.

Mark Perez addressed the Council and spoke on the City not adhering to rules and regulations outlined within the City's Master Plan. He stated that AGE Refinery did not have proper permits to operate. Lastly, Mr. Perez noted that the City erroneously conducted a Traffic Impact Study for property maintained by TXDOT.

Antonio Diaz addressed the Council and invited the City Council to attend the Indigenous Human Rights March scheduled for October 15, 2011. He requested a Resolution to recognize the Indigenous people of the city.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:34 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **September 29, 2011** at 9:00 am in the City Council Chambers.

ROLL CALL

City Clerk Leticia M. Vacek took the Roll Call and noted a quorum of the Council with the following present: Bernal, Taylor, Ramos, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** D. Medina.

Item 1. The Invocation was delivered by Don Wilkins, Executive Pastor, Parkhills Baptist Church, guest of Councilmember Elisa Chan, District 9.

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

Item 3. MINUTES

Councilmember Ramos moved to approve the Minutes for the August 23-24, 2011 City Council Meetings. Councilmember Bernal seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

Item 4. THE SAN ANTONIO WATER SYSTEM (SAWS) WILL PRESENT THE PROPOSED FY 2012 RATES AND CUSTOMER BILL IMPACTS.

Ben Gorzell stated that staff followed a three-step process for implementing a rate increase that began with a request from SAWS for the increase. He noted that the next steps were to determine how to apply the rate adjustments and then provide a staff recommendation. He recognized Robert Puente, President of SAWS.

Mr. Puente spoke of the needs for SAWS, noting that they were looking to reduce their reliance on the Edwards Aquifer. He stated that they would acquire diverse water supplies for essential residential and commercial needs in an effort to provide sustainable and affordable water services. He indicated that they were ahead of schedule on their 50-Year Water Management Plan and had acquired over 78,000 acre-feet of water since 2009. He spoke of the 2011 Drought in which San Antonio received only 9.51 inches of rainfall. He provided a chart comparing project costs and noted that Edwards Acquisitions were the least expensive. He stated that in regard to water management; it was important to identify the perfect mix of conservation and diversity. He added that they utilized the rate structure as a water conservation tool, ensuring that customers become more conscious of their usage and rewarding those that conserve water.

Doug Evanson outlined the core business processes of SAWS that include Water Delivery; Water Supply; and Wastewater. He presented usage data by customer class and noted that the rate structures were designed to meet the revenue requirements for core business. He reported that all rates were based

on cost of service and that SAWS Rates were regulated by the City Council. Mr. Evanson spoke of the Rate Design Study that is conducted every five years. He reported that it was last performed in 2009 and approved by the City Council in June 2010. He added that the study adopted a rate structure that promotes conservation and reduced the charges for the SAWS average residential customer.

Mr. Evanson outlined the Current Residential Water Rate Structure and stated that the Water Delivery Rates were proposed to increase by 3.4% and the Water Supply Fee was proposed to increase by 3%. He spoke of the Commercial Rate Structure and reported that it also had a combined impact of 6.4% increase. He provided a SAWS Residential Bill Projection through 2016, noting increases each year. He noted the impact of the proposed rate adjustments for residential and commercial/industrial classes.

Mr. Puente concluded by noting that they had followed an inclusive and transparent process through community involvement. He stated that the rates were based on Cost of Service Principles and the rate structure was consistent with the Water Management Plan. He noted that the monthly SAWS increase of 7.9% totaled \$3.41 and the estimated Edwards Aquifer Authority (EAA) Fee increase totaled \$3.13 for a combined impact of \$6.54. He added that they are working with the EAA to lower their proposed increase.

Mayor Castro stated that nobody welcomes a rate increase but the increase will allow SAWS to pay for diversification and address the aging infrastructure.

Councilmember Williams stated that this was a good opportunity to clean up the brackish water in Texas but must find a less expensive way to do it. He asked of the Request for Proposals (RFP) for water. Mr. Puente replied that the initial proposal requested 20,000 acre-feet of water by 2020 and an additional 1,500 acre-feet per year up to 80,000 acre-feet. Councilmember Williams referenced Slide 12 and asked if the figures were for a full year. Mr. Evanson stated that the numbers listed under "YTD 2011" encompassed data for eight months. Councilmember Williams also referenced Slides 18 and 19 and requested that comparison data be provided using pre and post rate structure. Mr. Evanson stated that they would provide same. Councilmember Williams asked of the Water Supply Fee on Slides 24 and 25. Mr. Evanson responded that the concept utilized the base load as opposed to the peaking load. Councilmember Williams addressed Slide 28 and clarified that the Wastewater Rate Structure was based on Winter Usage and had not changed. Mr. Evanson confirmed same. Councilmember Williams asked of the EAA Fee. Mr. Evanson replied that they were still working on having the fee apply to allocation and not usage. He added that SAWS pays 65-70% of the whole fee.

Councilmember Bernal stated that District 1 had the oldest aging infrastructure and asked what SAWS would do for those people on fixed incomes. Mr. Puente replied that they would expand the eligibility for individuals that qualify for assistance and also provide additional funds for assistance programs. Councilmember Bernal asked if the capacity of the programs would increase as the rate increases continue. Mr. Puente stated that it was their intent to increase capacity. Mr. Evanson stated that they would add funds to Project Agua for one-time assistance and would look at raising the affordability discount for this year.

Councilmember Lopez asked how the increased funds would be utilized. Mr. Puente replied that \$1.4 billion was budgeted for capital costs over the next five years and much of the work would be performed by contractors. He added that such a significant amount was also an investment in the community and that jobs would be created.

Councilmember Soules asked if they would be able to answer all of the Councilmembers' questions within the next 7 days; prior to the vote to adopt the rate increase. Mr. Puente stated that he was confident that they could accomplish same. Councilmember Soules asked of the Aquifer Storage and Recovery (ASR) on Slide 4. Mr. Puente replied that it was listed as a supply that could be utilized. Steve Clouse added that they had the ability to move 60 million gallons of water per day out of the ASR into San Antonio. Councilmember Soules asked how many acre-feet are equivalent to 40 million gallons of water. Kelley Neumann stated that it equaled 122 acre-feet.

Councilmember Ramos thanked Mr. Puente and staff for their presentation. She asked of the EAA Fee and when it would be effective. Mr. Puente stated that the proposed EAA Fee increase is 6.8% for a total rate increase of 14.7% and that it would be voted on by the EAA Board in February or March of next year. Mr. Evanson added that there were two components to the EAA Fee and they would take action on the existing budget in November. Mr. Puente reported that SAWS was their largest pumper and that the EAA received 65% of their revenue from SAWS. Councilmember Ramos asked if the EAA Fee would be brought to the City Council for approval. Mr. Puente replied that it was set up as a pass through fee but would bring it back before the increase is presented. Ben Gorzell added that the TCEQ Fee was the fee that had been previously discussed that would come back to the City Council. It was stated that ultimately; all fees would be brought to the City Council before taking effect. Councilmember Ramos asked that SAWS Staff effectively communicate the rate increases to the residents and that there be additional discussion on the total increase prior to a vote.

Mayor Castro stated that the city was in need of investing in its water future and that such investments cost money. He noted that the City Council would have the opportunity to gather additional information prior to making a final decision.

Mayor Castro called upon Nazirite Ruben Flores Perez.

Mr. Perez stated that he was disappointed with some of the things occurring with the habitat and environment. He noted that he appreciated the Council asking questions and had learned a lot. He spoke of concerns with fluoride in the water supply.

Faris Hodge, Jr. submitted written testimony in opposition to Item 4, noting that citizens did not have enough income to cover the SAWS Rate Increase.

There was no action required for Item 4.

CONSENT AGENDA ITEMS 5-41

Consent Agenda Items 14, 20A, 24, and 39 were pulled for Individual Consideration. Mayor Castro announced that Item 18 was pulled from the agenda by staff.

Councilmember Bernal moved to approve the remaining Consent Agenda Items. Councilmember Saldaña seconded the motion.

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

Hoss Boyd, representing Tierra Verde Solar addressed the City Council in opposition to Item 10 regarding the West End Solar Project. He stated that there were a number of things that could have been

improved regarding the Request for Proposal (RFP) process. He expressed concern that their proposal was deemed non-responsive and noted that they were the only contractor that met the requirement of being a CPS Approved Installer. He mentioned that they could not get a letter of bondability but had alternatives. Mr. Boyd asked why they had not been notified prior to the item being placed on the agenda and added that they were the lowest bidder.

Clifford Hickel addressed the City Council in support of the Bicycle Master Plan. He stated that he represented the San Antonio Wheelman Bicycle Club and thanked the City Council for their support.

Thomas McDonald provided an overview of their company, Business and Professional Service. He noted that they are a locally owned company located by the Alamo. He indicated that the contract for medical billing and collections (Item 32) was labor intensive and had limited subcontracting opportunities. He mentioned that they had met their Small Business Economic Development Advocacy (SBEDA) Requirements and looked forward to continuing their working relationship with the Fire Department.

Abigail Kinnison read two letters of support from VIA Metropolitan Transit for the San Antonio Bike Plan 2011 (Item 27) and the San Antonio Complete Streets Policy as a component of the City's Comprehensive Master Plan in Item 28.

Betty Eckert addressed the City Council in support of Item 24 related to additional funding for the Senior Nutrition Program. She stated that she was pleased that there were 74 locations where seniors could receive a meal and requested that the Elmendorf Site be re-opened.

Mayor Castro asked of the bond requirement relative to Item 10. Mike Frisbie replied that it was a State Law Requirement that the contractor be able to bond the project. He commended Tierra Verde Solar for their work but stated that they had been deemed non-responsive due to their inability to obtain bonding. He noted that there had been multiple opportunities throughout the process for them to get bonded but they had not been able to do so.

Faris Hodge, Jr. submitted written testimony in support of Items 6-8, 10-15, 17-19, 23, 32-35, and 38-41A. He wrote that the purchase of fitness equipment in Item 9 was a waste of money. He also wrote that the name of the Dangerous Structures Determination Board should not be changed (Item 22). He expressed concern that citizens were not aware of the Texas Public Funds Investment Act (Item 29). He wrote in opposition to the rescheduling of the City Council Meetings on October 12-13, 2011 (Item 30) and against the lease payment to the Museo Alameda in Item 36. He submitted neutral written testimony for Items 23, 21, 24, 31 and 37.

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

2011-09-29-0771

Item 5. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR ANNUAL GOODS AND SERVICES: (A) ZAMORANO ENTERPRISES, INC. FOR TRASH AND RECYCLING RECEPTACLES, (B) STANBIO LABORATORY FOR

HEMOPOINT H2 CUVETTES, (C) PHILLIPS HEALTHCARE FOR HEART START MRX SERVICE AGREEMENT AND (D) EBSCO PUBLISHING FOR EBSCO LICENSE DATABASE.

2011-09-29-0772

Item 6. AN ORDINANCE AUTHORIZING A THREE (3) YEAR ANNUAL CONTRACT WITH BOUND TREE MEDICAL, LLC TO PROVIDE THE SAN ANTONIO FIRE DEPARTMENT WITH NEW MEDICATIONS AND PRE-FILLED DISPOSABLE SYRINGES FOR AN ESTIMATED ANNUAL COST OF \$263,000.00, WITH THE OPTION TO RENEW FOR ONE (1) ADDITIONAL YEAR.

2011-09-29-0773

Item 7. AN ORDINANCE AUTHORIZING THE SECOND YEAR EXTENSION AND AMENDMENT FOR THE PERSONAL PROTECTIVE CLOTHING FOR FIREFIGHTERS CONTRACT WITH MORNING PRIDE MANUFACTURING, LLC BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012, FOR AN AMOUNT UP TO \$514,083.00 UTILIZING THE FY 2012 GENERAL FUND WITH THE OPTION FOR ONE MORE ONE-YEAR EXTENSION.

2011-09-29-0774

Item 8. AN ORDINANCE ACCEPTING THE BID FROM CP PRODUCTS TO PROVIDE LUGGAGE HANDLING CONTAINERS TO THE AVIATION DEPARTMENT FOR A TOTAL COST OF \$58,540.00, FROM THE AVIATION OPERATION AND MAINTENANCE FUND.

2011-09-29-0775

Item 9. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH FITNESS IN MOTION TO PROVIDE, DELIVER AND INSTALL FITNESS EQUIPMENT FOR VARIOUS FIRE STATIONS FOR A TOTAL COST OF \$113,512.20; FUNDED THROUGH THE SAN ANTONIO FIRE DEPARTMENT'S FY 2011 OPERATING GENERAL FUND.

2011-09-29-0776

Item 10. AN ORDINANCE AWARDDING A DESIGN-BUILD SERVICES AGREEMENT IN THE AMOUNT \$422,592.00 PAYABLE TO ALPHA BUILDING CORPORATION TO DESIGN, BUILD, AND OPERATION SOLAR ARRAY PANELS AT THE WEST END SENIOR CENTER, A DISTRIBUTED RENEWABLE ENERGY STIMULUS GRANT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

2011-09-29-0777

Item 11. AN ORDINANCE AUTHORIZING THE ISSUANCE OF A \$117,143.99 JOB ORDER TO HORIZON INTERNATIONAL GROUP, LLC FOR INTERIOR FINISHES AND EXTERIOR SITE REPAIRS TO THE CLAUDE BLACK COMMUNITY CENTER, A CERTIFICATES OF OBLIGATION AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2

2011-09-29-0778

Item 12. AN ORDINANCE AUTHORIZING THE ISSUANCE OF A \$114,278.83 JOB ORDER TO JAMAIL & SMITH CONSTRUCTION FOR MOISTURE INTRUSION REPAIRS TO THE JO LONG THEATER AT THE CARVER COMMUNITY CULTURAL CENTER, A CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2.

2011-09-29-0779

Item 13. AN ORDINANCE AUTHORIZING AN OWNER REQUESTED CHANGE ORDER IN THE ADDITIVE AMOUNT OF \$28,370.00 TO THE \$3,098,000.00 CONSTRUCTION CONTRACT WITH LYDA SWINERTON BUILDERS FOR THE FIRE STATION 50 PROJECT, A PREVIOUSLY AUTHORIZED CERTIFICATES OF OBLIGATION AND AMERICAN REINVESTMENT AND RECOVERY ACT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 3.

2011-09-29-0780

Item 15. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT UP TO \$181,365.00 TO THE \$216,390.00 PROFESSIONAL SERVICES AGREEMENT WITH JACKSON & RYAN ARCHITECTS TO PROVIDE ADDITIONAL ARCHITECTURAL SERVICES AND COMMUNITY OUTREACH FOR AN ANIMAL CARE ADOPTION FACILITY AND SPAY & NEUTER CLINIC PROJECT, A CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 9.

2011-09-29-0781

Item 16. AN ORDINANCE AUTHORIZING AN OWNER REQUESTED CHANGE ORDER IN THE ADDITIVE AMOUNT OF \$26,075.00 TO THE \$5,995,000.00 CONSTRUCTION CONTRACT WITH SPAWGLASS CONSTRUCTION CORPORATION FOR THE SAN ANTONIO INTERNATIONAL AIRPORT TERMINAL 2 RELOCATION/DEMOLITION PROJECT, AN AUTHORIZED AIRPORT REVENUE BOND AND TAX NOTE FUNDED PROJECT IN COUNCIL DISTRICT 9.

2011-09-29-0782

Item 17. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT WITH J3 EXCAVATION COMPANY, LLC IN THE AMOUNT OF \$6,209,950.00 TO CONSTRUCT STREET, DRAINAGE, TRAFFIC AND PEDESTRIAN ACCESS RELATED PROJECTS FOR THE 2011-2013 TASK ORDER CONTRACT FOR PUBLIC WORKS PROJECTS PACKAGE XI.

PULLED FROM THE AGENDA BY STAFF

Item 18. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO H.L. ZUMWALT CONSTRUCTION, INC., IN THE AMOUNT OF \$4,602,891.00 TO CONSTRUCT STREET, DRAINAGE, TRAFFIC AND PEDESTRIAN ACCESS RELATED PROJECTS FOR THE 2011-2013 TASK ORDER CONTRACT FOR PUBLIC WORKS INFRASTRUCTURE MAINTENANCE AND CONSTRUCTION PKG. X.

Item 19. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE FORT SAM HOUSTON TRANSPORTATION PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT PROJECT, A METROPOLITAN PLANNING ORGANIZATION, AND 2007 GENERAL OBLIGATION BONDS FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2.

2011-09-29-0783

- A. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO E-Z BEL CONSTRUCTION IN THE AMOUNT OF \$7,371,285.42, OF WHICH \$4,903,279.31 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION THROUGH THE LOCAL AGENCY MANAGEMENT PROGRAM IN ACCORDANCE WITH A PREVIOUSLY EXECUTED ADVANCED FUNDING AGREEMENT; \$715,327.26 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$526,859.36 WILL BE REIMBURSED BY CITY PUBLIC SERVICES.

2011-09-29-0784

- B. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SAN ANTONIO WATER SYSTEMS AND CITY PUBLIC SERVICES ENERGY AS REQUIRED FOR LOCAL AGENCY MANAGEMENT PROJECTS.

Item 20. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE CULEBRA 58F PHASE II (B) DRAINAGE PROJECT, A 2007-2012 GENERAL OBLIGATION BOND PROJECT LOCATED IN COUNCIL DISTRICT 7.

2011-09-29-0785

- B. AN ORDINANCE AWARDED A PUBLIC ART FABRICATION AND INSTALLATION SERVICES AGREEMENT TO BILL FITZGIBBONS IN THE AMOUNT NOT TO EXCEED \$90,840.00.

2011-09-29-0786

- C. AN ORDINANCE AUTHORIZING: (1) THE NEGOTIATION AND EXECUTION OF A REAL ESTATE PURCHASE AGREEMENT WITH PROPERTY OWNER LIFSHUTZ COMPANIES TO ACQUIRE FEE SIMPLE TITLE TO APPROXIMATELY 29.416 ACRES OF PRIVATELY-OWNED VACANT REAL PROPERTY NECESSARY FOR THE DRAINAGE PROJECT LOCATED ALONG LAVEN DRIVE ON THE WEST SIDE OF ZARZAMORA CREEK DRAINAGE RIGHT-OF-WAY SOUTH OF CULEBRA ROAD IN NCBS 12002, 12003, 12004 AND 12005; AND, (2) CONVERTING A \$692,842.00 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) LOAN INTO A GRANT, RELEASING THE LIEN AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CDBG GRANT AGREEMENT WITH RESTRICTIVE COVENANT WITH LIFSHUTZ COMPANY.

2011-09-29-0787

Item 21. AN ORDINANCE AUTHORIZING A TWO-YEAR RENEWAL OF A LEASE AGREEMENT WITH USAA REAL ESTATE COMPANY, FOR THE CONTINUED USE OF APPROXIMATELY 1,219 SQUARE FEET OF OFFICE SPACE, LOCATED AT 9830 COLONNADE

BOULEVARD, SUITE 165, IN COUNCIL DISTRICT 8, FOR A MONTHLY RENTAL RATE OF \$2,133.25 DURING THE FIRST YEAR INCREASING TO \$2,276.48 FOR THE SECOND YEAR.

2011-09-29-0788

Item 22. AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VIII, AND CHAPTER 14, ARTICLE V, OF THE CITY CODE TO REMOVE DEVELOPMENT SERVICES FROM MEMBERSHIP ON THE DANGEROUS STRUCTURE DETERMINATION BOARD (DSDB), AND TO PROVIDE AUTHORITY TO THE DIRECTOR OF DEVELOPMENT SERVICES TO SUMMARILY CLEAN AND SECURE UNOCCUPIED BUILDINGS, TO CLEAN VACANT LOTS, TO CLARIFY THE AUTHORITY TO EXECUTE EMERGENCY DEMOLITIONS, AND TO UPDATE THE NAMES OF CITY DEPARTMENTS, TO INCLUDE CHANGING THE NAME OF THE DEPARTMENT OF COMMUNITY INITIATIVES TO THE DEPARTMENT OF HUMAN SERVICES.

2011-09-29-0789

Item 23. AN ORDINANCE ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$45,038,245.00 AND AUTHORIZING AN AGREEMENT WITH WORKFORCE SOLUTIONS ALAMO FOR THE FY 2012 CHILD CARE SERVICES PROGRAM FOR A TOTAL CHILD CARE SERVICES PROGRAM BUDGET OF \$46,238,245.00 WHICH INCLUDES \$1,200,000.00 IN CITY MATCHING FUNDS; AUTHORIZING A PERSONNEL COMPLEMENT OF 54 POSITIONS; AUTHORIZING A DELEGATE AGENCY CONTRACT WITH ALAMO AREA DEVELOPMENT CORPORATION IN THE AMOUNT OF \$624,701.00 TO SERVE 11 RURAL COUNTIES IN THE ALAMO WORKFORCE DEVELOPMENT AREA; AND SUBMITTING A CONTINUATION GRANT APPLICATION FOR THE FY 2013 CHILD CARE SERVICES PROGRAM.

Item 25. APPOINTING COUNCILMEMBER REY SALDAÑA (DISTRICT 4), COUNCILMEMBER RAY LOPEZ (DISTRICT 6), COUNCILMEMBER CRIS MEDINA (DISTRICT 7) AND COUNCILMEMBER CARLTON SOULES (DISTRICT 10) TO THE METROPOLITAN PLANNING ORGANIZATION FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2013, AS REQUESTED BY MAYOR JULIÁN CASTRO.

Item 26. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2013, TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT; OR FOR TERMS AND EFFECTIVENESS AS OTHERWISE INDICATED BELOW:

- A. APPOINTING ERICA M. MONZON (DISTRICT 1, CATEGORY: PERFORMING ARTS) AND KAREN MAHAFFY (DISTRICT 4, CATEGORY: INSTITUTION) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE.
- B. APPOINTING GERARD P. CLANCY (DISTRICT 3) AND RACHEL FLORES (DISTRICT 5) TO THE ZONING COMMISSION.

- C. REAPPOINTING JUAN R. REYNA (DISTRICT 7) TO THE CITY COMMISSION ON VETERANS AFFAIRS.
- D. REAPPOINTING NORA L. MURDOCK (DISTRICT 7) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE.
- E. REAPPOINTING MARISA BONO (DISTRICT 7) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN.
- F. REAPPOINTING MARY E. ROGERS (DISTRICT 7) TO THE ZONING BOARD OF ADJUSTMENT.
- G. REAPPOINTING ROBERT DAVID CARPENTER (DISTRICT 10) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR A TERM OF OFFICE TO COMMENCE OCTOBER 1, 2011 AND TO EXPIRE SEPTEMBER 30, 2013.
- H. APPOINTING TENNA FLORIAN (DISTRICT 1) AND EDGAR R. FARRERA (MAYORAL) TO THE CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE.

2011-09-29-0791

- I. AN ORDINANCE APPOINTING DEAN J. DANOS (AT-LARGE, CATEGORY: AACOG REPRESENTATIVE) TO THE AIRPORT ADVISORY COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MARCH 18, 2013 AND WAIVING THE CITY CODE RESIDENCY REQUIREMENT IN CHAPTER 2, ARTICLE IX, SEC. 2-529(B) FOR THIS APPOINTMENT

2011-09-29-0792

- J. AN ORDINANCE APPOINTING PAUL A. FLYNN (AT-LARGE, CATEGORY: GOODS AND SUPPLIES/OTHER SERVICES), VALERIE GONZALEZ (AT-LARGE, CATEGORY: GOODS AND SUPPLIES/OTHER SERVICES), GLORIA A. MERRELL (AT-LARGE, CATEGORY: CONSTRUCTION/ARCHITECTURAL AND ENGINEERING), ROBERTO R. RODRIGUEZ (AT-LARGE, CATEGORY: CONSTRUCTION/ARCHITECTURAL AND ENGINEERING), GWENDOLYN P. ROBINSON (AT-LARGE, CATEGORY: PROFESSIONAL SERVICES) AND MANUEL VILLA (AT-LARGE, CATEGORY: PROFESSIONAL SERVICES) TO THE GOALS SETTING COMMITTEES FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2013, AND WAIVING THE CITY CODE RESIDENCY REQUIREMENT IN CHAPTER 2, ARTICLE IX, SEC. 2-529(B) FOR THE APPOINTMENT OF MS. ROBINSON.

Item 27. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE SAN ANTONIO BIKE PLAN 2011 + IMPLEMENTATION STRATEGY:

2011-09-29-0793

- A. AN ORDINANCE ADOPTING THE SAN ANTONIO BIKE PLAN 2011 + IMPLEMENTATION STRATEGY, A COMPONENT OF THE MASTER PLAN OF THE CITY.

2011-09-29-0794

- B. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT TO UPDATE THE EXISTING BICYCLE MASTER PLAN WITH HALFF ASSOCIATES, INC., IN AN INCREASED AMOUNT OF \$7,500.00, FOR A TOTAL CONTRACT VALUE OF \$222,260.00, FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ENERGY EFFICIENCY CONSERVATION BLOCK GRANT PROGRAM THROUGH THE DEPARTMENT OF ENERGY.

2011-09-29-0795

- Item 28. AN ORDINANCE ADOPTING THE SAN ANTONIO COMPLETE STREETS POLICY AS A COMPONENT OF THE CITY'S COMPREHENSIVE MASTER PLAN.

2011-09-29-0796

- Item 29. AN ORDINANCE APPROVING AN INVESTMENT POLICY FOR THE CITY OF SAN ANTONIO, TEXAS, IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS PUBLIC FUNDS INVESTMENT ACT (THE "ACT"), AS AMENDED, FOR CITY COUNCIL TO ANNUALLY REVIEW AND APPROVE THE CITY'S INVESTMENT POLICY; DESIGNATING CERTAIN EMPLOYEES AS INVESTMENT OFFICERS FOR THE CITY OF SAN ANTONIO; AND PROVIDING AN EFFECTIVE DATE.

2011-09-29-0797

- Item 30. RESCHEDULING OF OCTOBER 12-13, 2011 CITY COUNCIL MEETINGS.

2011-09-29-0798

- Item 31. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A PROFESSIONAL SERVICE AGREEMENT WITH THC, INC. IN THE AMOUNT OF \$8,996,784.00 FOR THE ADMINISTRATION AND MANAGEMENT OF THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM, A FEDERAL AVIATION ADMINISTRATION-FUNDED PROGRAM, PENDING RECEIPT OF GRANT, AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

2011-09-29-0799

- Item 32. AN ORDINANCE AUTHORIZING THE AMENDMENT OF A PROFESSIONAL SERVICES AGREEMENT FOR EMS BILLING AND COLLECTION SERVICES WITH THE MEDICAL-DENTAL-HOSPITAL BUREAU OF SAN ANTONIO, INC., D/B/A BUSINESS & PROFESSIONAL SERVICE (B&P), TO ALLOW FOR THE FIRST MONTH EXTENSION FROM OCTOBER 1, 2011, TO OCTOBER 31, 2011, AND FOR UP TO TWO ADDITIONAL TERMS OF ONE MONTH EACH.

2011-09-29-0800

Item 33. AN ORDINANCE AUTHORIZING PROFESSIONAL HEALTHCARE SERVICES CONTRACTS WITH KAREN SVETZ, RNC, MSN, WHNP, AND JIMMY L. CONNER, PA FOR CLINICAL NURSING SERVICES FOR A TERM BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012 FOR A TOTAL AMOUNT NOT TO EXCEED \$118,958.00.

2011-09-29-0801

Item 34. AN ORDINANCE AUTHORIZING A CONTRACT IN THE ANNUAL AMOUNT OF \$78,000.00 WITH KGBTEXAS.COMMUNICATIONS TO DEVELOP AND IMPLEMENT AN ADVERTISING CAMPAIGN INTENDED TO INCREASE THE NUMBER OF APPLICANTS TO THE SAN ANTONIO POLICE DEPARTMENT (SAPD).

2011-09-29-0802

Item 35. AN ORDINANCE AUTHORIZING THE RENEWAL OF THE INTERLOCAL AGREEMENT WITH BEXAR COUNTY TO PROVIDE FORENSIC SCIENCE SERVICES TO THE CITY OF SAN ANTONIO FOR THE PERIOD OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012.

2011-09-29-0803

Item 36. AN ORDINANCE APPROVING THE FIRST AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING AND MUSEO ALAMEDA LEASE WITH CENTRO ALAMEDA, INC. EXTENDING THE CITY'S OBLIGATION TO PAY GENERAL UTILITIES, MAINTENANCE AND SECURITY AT THE MUSEO ALAMEDA THROUGH SEPTEMBER 30, 2012.

2011-09-29-0804

Item 37. AN ORDINANCE APPROVING THE ANNUAL BUDGET FOR FY 2012 FOR THE SAN ANTONIO ECONOMIC DEVELOPMENT CORPORATION (SAEDC).

2011-09-29-0805

Item 38. AN ORDINANCE AUTHORIZING A TASK ORDER CONTRACT WITH QUALITY TRAFFIC DATA, LLC IN AN AMOUNT UP TO \$251,400.00, TO PERFORM TRAFFIC DATA COLLECTION SERVICES ON AN AS NEEDED BASIS.

2011-09-29-0807

Item 40. AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CLARION ASSOCIATES TO PROVIDE PRESERVATION AND DESIGN CONSULTING SERVICES THROUGH THE CREATION OF CITYWIDE HISTORIC DISTRICT DESIGN GUIDELINES.

Item 41. CONSIDERATION OF THE FOLLOWING ORDINANCES:

2011-09-29-0808

- A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$60,000,000 "CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS REVENUE REFUNDING BONDS, NEW SERIES 2011"; PROVIDING THE TERMS, CONDITIONS, AND SPECIFICATIONS FOR SUCH BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; MAKING PROVISIONS FOR THE PAYMENT AND SECURITY THEREOF ON A PARITY WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS; STIPULATING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS ON A PARITY THEREWITH; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN ESCROW AND TRUST AGREEMENT, AND A BOND PURCHASE AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY PUBLIC SERVICE BOARD STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

2011-09-29-0026R

- B. A RESOLUTION APPROVING THE UPDATE OF CERTAIN OFFERING DOCUMENTS RELATING TO OBLIGATIONS DESIGNATED AS CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS COMMERCIAL PAPER NOTES, SERIES A. CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS JUNIOR LIEN REVENUE BONDS, SERIES 2003, AND CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS JUNIOR LIEN REVENUE BONDS, SERIES 2004; AND ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS RESOLUTION.

2011-09-29-0027R

- C. A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CAPITAL INFRASTRUCTURE IMPROVEMENTS TO THE CITY'S ELECTRIC AND GAS SYSTEMS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS NOT TO EXCEED \$400,000,000 TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

CONTINUED

Item 14. AN ORDINANCE AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT \$5,814,000.00 PAYABLE TO SWINERTON BUILDERS FOR THE SAN ANTONIO FIRE DEPARTMENT FIRE SERVICES AND LOGISTICS FACILITY PROJECT, AN AUTHORIZED TAX NOTES AND CERTIFICATES OF OBLIGATION FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 6.

Councilmember Lopez noted that there were 15 bidders on said project. Mike Frisbie stated that it was a better than average turnout. Councilmember Lopez asked of the attendance at the pre-bid conference. Mr. Frisbie replied that 42 individuals had attended the pre-bid conference and that SBEDA Requirements had been discussed during the conference. He indicated the JW Mitchell had not attended the pre-bid conference and they had missed out on SBEDA points due to their goals. Councilmember Lopez spoke of the importance of the SBEDA Scoring and the need to establish best practices regarding same. Mr. Frisbie noted that contractors could contact staff for any questions they had regarding SBEDA.

Councilmember Lopez called up Mr. Mitchell. Mr. Mitchell stated that the previous ordinance was confusing and expressed concern with not knowing which ordinance to utilize. He indicated that they were the best qualified and lowest bidder and should be considered for the project. Councilmember Lopez asked of the timeline for said project. Mike Frisbie stated that the project had been delayed due to a funding gap but funds had been secured through the FY 2012 Budget and they were ready to begin.

Mayor Castro asked of Swinerton being considered a local firm. Mr. Frisbie replied that the previous ordinance allowed companies with a local office to be considered a local firm. He stated that they were not headquartered in San Antonio but had a substantial office in the city. Rene Dominguez added that under the new ordinance, they must have a physical location in San Antonio for a year and at least 20% of their workforce must be housed at said location. Mayor Castro requested a comparison of Houston, Dallas, and Austin SBEDA Policies by Monday.

Councilmember C. Medina asked of the disparity between the selected proposal and the remaining proposals. Mr. Frisbie replied that this was not unusual under the old SBEDA Ordinance, noting that it was very clear on how to receive points. He indicated that there were contractors that scored low because they had not teamed appropriately to maximize the points.

Councilmember Chan asked if it was clear to the bidders that they would be scored under the previous SBEDA Ordinance. Debbie Sittre stated that the solicitation included excerpts from the ordinance and explained the scoring method. Councilmember Chan expressed concern with the low SBEDA Scores from the majority of the contractors. Mr. Frisbie stated that those that scored high had likely attended the city's 101 Training Program to maximize their SBEDA Scores. Councilmember Chan asked of the price difference between the first and second proposals. Mr. Frisbie replied that the price difference was \$113,000. Councilmember Chan expressed concern with the confusion on the SBEDA Points and stated that she was not comfortable with the procurement process.

Ms. Sculley stated that the city was in a SBEDA transition period and understood the confusion regarding the policies. She indicated that staff would be presenting an update on SBEDA and the Goal Setting Committees to the City Council in November.

Chief Hood stated that this was a critical project for the San Antonio Fire Department and expressed concern that delaying the project would impact service delivery.

Councilmember Lopez moved to approve said item. The motion died due to lack of a second.

Mayor Castro noted that there was confusion on said item and entertained a motion to continue said item for one week.

Councilmember Lopez moved to continue said item for one week. Councilmember Soules seconded the motion.

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

At this time, Item 20A was addressed.

Mayor Castro excused himself from the meeting at 11:42 am and Council member Bernal presided over Item 20A.

The City Clerk read the following Ordinance:

CONTINUED

Item 20A. AN ORDINANCE AWARDDING A CONSTRUCTION CONTRACT TO BALLENGER CONSTRUCTION COMPANY IN THE AMOUNT OF \$6,529,437.74, OF WHICH \$735,470.50 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM.

Councilmember Bernal called upon the individuals registered to speak.

Lesá Koster stated that she owned a business along De Zavala Road and expressed concern with the negative impact that the construction has had on her business. She stated that the project had been mismanaged and noted the lack of coordination by Ballenger Construction Company. She asked why the City Council would approve another contract with Ballenger when they had not proven their ability on the De Zavala Road Project.

George Gaiser noted that he was a developer in the area and that the De Zavala Project thus far has not gone well. He stated that he has lost tenants due to the construction while several others are struggling to stay in business. He added that both Ballenger Construction Company and the City of San Antonio had contributed to the construction problems.

Councilmember Williams thanked the citizens that came to speak. He expressed concern with the work on the De Zavala Street Project and stated that he did not want to utilize Ballenger Construction Company for any further projects in San Antonio.

Councilmember C. Medina asked for background information on Ballenger Construction Company. Mike Frisbie stated that he considered Ballenger Construction Company to be in the top tier of contractors and that they had performed ten projects for the city. He noted that there were numerous issues with the De Zavala Street Project due to a 50-year-old water line that has broken several times. Councilmember C. Medina asked of the low bid process. Mr. Frisbie stated that the low bid process was utilized for street and drainage projects. He explained that if the contractor was bondable and insurable, the low price should win the bid. Councilmember C. Medina asked of the option to re-bid. Mr. Frisbie replied that it was a 2007 Bond Program Project and that re-bidding would cause a four-month delay.

Councilmember Chan asked why city staff had not responded to concerns expressed by business owners along De Zavala Street. Mr. Frisbie replied that he was not aware of staff not responding and noted that project meetings were held with business owners. Councilmember Chan asked of the scorecard for contractors. Mr. Frisbie stated that they kept a scorecard for each contractor and reviewed it with them to address issues and make improvements. He noted that there was no discretion on when a scorecard would be utilized for low-bid projects since they were based on price. Councilmember Chan requested that there be more accuracy when providing a timeline for re-bidding the project since she had been given different timelines.

Ms. Sculley reported that if a contractor did not perform well for the city, they would not be allowed to bid on a future project. She stated that there were many factors to consider and that was the reason that timelines could vary.

Councilmember Ramos referenced a previous contractor that was awarded a bid based on a low-bid process and completed the project a year late. She stated that their performance was taken into consideration when bidding on future projects. Mr. Frisbie confirmed same and noted that was not the case with Ballenger Construction Company. Councilmember Ramos asked that said item be vetted further before a decision is made.

Councilmember Soules stated that it appears that when contracts are let; the affected residents and business owners are not taken into consideration. He asked that such criteria be included when considering awarding future contracts. Mr. Frisbie noted that there were several mechanisms in place to keep contractors accountable and that a Capital Projects Officer was assigned to each project to manage issues and address concerns.

Councilmember Bernal stated that there should be a balance in terms of accountability in awarding a contract and taking contractors off the eligibility list to bid on city projects.

Councilmember C. Medina moved to continue said item for one week. Councilmember Ramos seconded the motion.

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

RECESSED

Councilmember Bernal recessed the meeting at 12:20 pm to break for lunch and announced that the meeting would resume at 2:00 pm.

RECONVENED

Mayor Castro reconvened the meeting at 2:00 pm and addressed Item 24.

The City Clerk read the following Ordinance:

2011-09-29-0790

Item 24. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF SUPPLEMENTAL FUNDS IN THE AMOUNT OF \$122,655.00 FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) AND APPROVAL OF A BUDGET REVISION FOR THE FY 2011 SENIOR NUTRITION PROGRAM FOR THE PROVISION OF CONGREGATE MEALS FOR SENIORS RESIDING IN THE BEXAR COUNTY AREA AGENCY ON AGING SERVICE AREA FOR THE PERIOD OCTOBER 1, 2010 TO SEPTEMBER 30, 2011.

Councilmember Saldaña stated that he wanted to highlight the importance of said item. He reported that the total budget for Senior Nutritional Programs was \$5.4 million and that the number of meals provided would greatly increase. He asked of the need for the additional meals. Gloria Hurtado stated that there was not a waiting list and that any senior that wanted a meal could receive one. She indicated that additional funds were received from the Alamo Area Council of Governments and that the city provided a 50% match.

Councilmember Saldaña moved to adopt the proposed Ordinance. Councilmember Bernal seconded the motion.

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

The City Clerk read the following Ordinance:

2011-09-29-0806

Item 39. AN ORDINANCE AUTHORIZING AGREEMENTS WITH M & I MEAT MARKET, AND FAMILY MARKET, TO PROVIDE REFRIGERATION UNITS, AND OTHER RESOURCES IN A CUMULATIVE AMOUNT UP TO \$8,500.00 AS PART OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S COMMUNITIES PUTTING PREVENTION TO WORK AND HEALTHY KIDS, HEALTHY COMMUNITIES GRANT PROGRAMS "HEALTHY SELECTIONS FOR CORNER STORES" INITIATIVE FOR A TERM BEGINNING SEPTEMBER 29, 2011 AND ENDING ON MARCH 18, 2012.

Councilmember Saldaña requested additional information on the program. Charles Pruski stated that staff was working to provide access to healthy foods and had reached out to two convenient stores located on the West Side. He noted that they would provide the stores with a freezer and cooler to place produce and healthy items to entice individuals to purchase same. He added that they would provide menus with suggestions on how to prepare the items. Councilmember Saldaña expressed his support and stated that he hoped that other areas of the city would be targeted in the future.

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

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

Item 42. CITY MANAGER'S REPORT

A. 2012 BOND COMMITTEE SCHEDULE AND PROCESS UPDATE

Ms. Sculley provided a 2012 Bond Committee Meeting Schedule, noting that meetings would begin the following week. She reported that the 2012 Bond Program totaled \$596 million and would be accomplished without a property tax increase. She stated that there would be 32 Committee Members on each of the four committees and they would develop recommendations for City Council approval. She added that all meetings were open to the public and that there would be an opportunity for community input at each meeting.

B. MULTI-FAMILY RECYCLING UPDATE

Ms. Sculley reported the Multi-Family Recycling Ordinance was adopted in December, 2010 and that most apartment complexes had located recycling bins adjacent to their trash bins. She stated that the program was implemented in four phases and was scheduled for completion in April, 2012. She noted that staff has conveyed that the program is working well and residents are frequently utilizing the containers located on the properties. She mentioned that city staff was taking the lead on the public awareness campaign. A short commercial on the recycling program was viewed.

C. LIBRARY UPDATE

Ms. Sculley stated that Hispanic Heritage Month would be celebrated throughout all public libraries from September 15th-October 15th. She highlighted the various events that would occur throughout the month including a "Meet the Author" event with Greg Barrios and invited the community to participate.

Mayor Castro stated that he looked forward to participating in the events and recognized David McCary for the work of the Solid Waste Department on the Multi-Family Recycling Program.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 2:25 pm to convene in Executive Session for the purposes of:

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

B. DISCUSS LEGAL ISSUES RELATED TO CONVENTION SPORTS AND ENTERTAINMENT FACILITIES, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

Mayor Castro reconvened the meeting at 3:22 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 3:22 pm.

APPROVED



**JULIAN CASTRO
MAYOR**

Attest:



LETICIA M. VACEK, TRMC/CMC
City Clerk