

**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, FEBRUARY 2, 2011 AND THURSDAY, FEBRUARY 3, 2011, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **February 2, 2011**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** None.

**1. A BRIEFING ON DWI AND THE SAN ANTONIO POLICE DEPARTMENT DWI ENFORCEMENT STRATEGIES AND RECOMMENDATIONS.**

Chief McManus stated that Driving While Intoxicated (DWI) was a challenging issue in San Antonio and Bexar County. He introduced Mothers Against Drunk Driving (MADD) President Jennifer Northway, and Edward Jimenez, who lost his 7-year-old son due to a DWI accident. He spoke of the San Antonio Police Department's (SAPD) efforts on DWI Enforcement and provided statistics on Alcohol Related Crashes, Alcohol Related Fatal Crashes, and SAPD DWI Arrests for 2008, 2009, and 2010. He showed a map of DWI Arrests, noting that no area is immune to the issue.

Chief McManus reported that alcohol related fatal crashes cost \$71 million in 2010. He spoke of several Police Officers that had died or were injured due to DWI-related accidents. He stated that the SAPD had increased staffing and grant funding for prevention of DWI in 2008 and streamlined the DWI Arrest Process to allow for more time on patrol. He noted that the Breath Alcohol Test (BAT) Van was commissioned in Summer 2010. He reported that participation in Texas Department of Transportation (TxDOT) Selected Traffic Enforcement Program (STEP) Grants provides an average of 250 hours per week in DWI Overtime. He noted that FY 2011 STEP Grant Funds total \$1,200,000 with \$600,000 allocated toward DWI Enforcement. He reported that the DWI Unit was completely outfitted with digital video equipment which serves as an enhanced evidentiary tool for prosecution. He added that they implemented an enhanced Public Information and Education Campaign utilizing SAFFE Units to promote DWI Awareness.

Chief McManus outlined efficiencies related to the BAT Van, noting that the goal was to provide one-stop processing where Police Officers can complete DWI Processing in targeted areas in the field. He spoke of the department's partnership with MADD through public service announcements. He stated that the SAPD had acquired a DWI Driving Simulator that allows participants to experience the effects of alcohol on their driving ability. He indicated that they were developing a database to analyze DWI Data and would work with the Texas Alcoholic Beverage Commission (TABC) and the San Antonio Restaurant Association with the information received. He noted that 66 Stop Sticks had been purchased to deter drivers from entering exit ramps and that the DWI Shift was already trained on same.

Chief McManus reported that SAPD would work with Intergovernmental Relations Department Staff on legislative efforts related to DWI. He spoke of HB 439 filed by Representative Todd Smith related to DWI Checkpoints, noting that SAPD and the Texas Police Chiefs Association were supportive. He referenced HB 473 also filed by Representative Smith that would require that ignition interlocks be

installed on the first DWI Offense. He noted that Representative Martinez Fischer had filed HB 99 to enforce greater penalties for higher DWI/Blood Alcohol Content. He stated that staff recommendation was to place said on the city's legislative agenda.

Mayor Castro asked for detail of the DWI Checkpoints. Chief McManus replied that the checkpoints were an effective tool and sends a message that the city is serious about DWI Enforcement. Mayor Castro asked of the database and collaboration with TABC and the Restaurant Association. Chief McManus stated that their goal was to educate hospitality workers on when to stop serving an individual that has had too much to drink. Councilmember Cisneros expressed her appreciation to SAPD for their work and stated that she was supportive of legislative efforts related to DWI. She spoke of the importance of educational efforts such as the "Choose Your Ride Campaign" and asked of the purpose for DWI Checkpoints. Chief McManus replied that their purpose was to enforce DWI and that there was a specific method utilized to stop individuals. Councilmember Cisneros asked of the installation of ignition interlocks. Chief McManus stated that they required an individual to blow into a device prior to starting the ignition of a vehicle. He stated that he would provide the cost information to the City Council.

Councilmember Williams asked of the revision of SAPD Procedures due to recent accidents. Chief McManus replied that they were reviewing training procedures related to stopping on highways. Councilmember Williams asked of the process for DWI Checkpoints. Chief McManus stated that individuals that were stopped were asked a series of questions and a judgment call was made based on answers. He further stated that they looked for things such as slurred speech, smell of alcohol, or open container in the vehicle and utilized a set pattern to avoid profiling. Councilmember Cortez asked of SAPD processes after an individual has been arrested for DWI. Chief McManus explained the steps involved with processing an arrest and noted that they only get involved again once the case goes to trial. Councilmember Cortez asked that SAPD look at best practices regarding DWI Awareness.

Councilmember Rodriguez thanked SAPD for their DWI Efforts and asked of current procedures for Police Officers assisting individuals with stranded vehicles. Chief McManus responded that they were reviewing training procedures when stopping on freeways and would ensure the safety of Police Officers. Councilmember Rodriguez spoke of the importance of coordination with Bexar County and the need to prosecute DWI Cases as soon as possible. Councilmember Medina recognized SAPD for their efforts related to DWI and expressed condolences to those that have lost loved ones due to DWI-related accidents. He asked of the percentage of DWI Arrests of individuals ages 21-25. Chief McManus replied that he did not have that information but would provide it to the City Council. Councilmember Medina asked of communication with high school and college students about the dangers of drinking and driving. Chief McManus stated that he participated in the Shattered Dreams Program in high schools and provided public service announcements to local colleges and universities. Jennifer Northway with MADD spoke of the U-MADD Program that was focused on engaging college students and working with parents to educate them about the dangers of providing alcohol to minors.

Councilmember Ramos recognized Edward Jimenez who is a resident of District 3 and spoke of her experience with programs such as Students Against Drunk Driving (SADD) while in high school. She stated that it was important to collect data on where individuals had their last drink. Chief McManus confirmed that SAPD would collect this data on all cases in the future. Mayor Castro thanked SAPD for the presentation and efforts related to DWI Awareness.

## **EXECUTIVE SESSION**

Mayor Castro recessed the meeting at 3:35 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. Deliberations regarding economic development negotiations and related issues pursuant to Texas Government Code Section 551.087 (economic development).**
- C. Discuss legal issues related to solid waste management, pursuant to Texas Government Code Section 551.071 (consultation with attorney).**
- D. Discuss legal issues related to the Fire Collective Bargaining Agreement, pursuant to Texas Government Code Section 551.071 (consultation with attorney).**
- E. Deliberate the duties and organization of the Office of the City Auditor and discuss related legal issues pursuant to Texas Government Code Section 551.074 (personnel matters) and 551.071 (consultation with attorney).**
- F. Discuss legal issues related to *Yvonne Sanchez, et al v. the City of San Antonio*, pursuant to Texas Government Code Section 551.071 (consultation with attorney).**

Mayor Castro reconvened the meeting at 5:46 pm at which time it was noted that the City Council had been briefed on Item E above but took no action.

## **RECESSED**

Mayor Castro recessed the meeting at 5:46 pm and 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 called upon the individuals registered to speak.

Nazirite Ruben Flores Perez referenced the Bible and spoke of Yahweh.

Steven Sparks stated that he was a retired Air Force Police Officer and had his 16-year-old son who is Autistic. He expressed concern with an incident that occurred on January 1, 2011 at the Saxon Gun Show in which his son was asked to cease the sale of candy bars due to not having the required permit. He explained that his son was raising funds for his class to travel to Disneyland and was concerned with the way he was treated by city employee, Ms. Martinez of the Health Department. He stated that he was concerned with the interpretation of the City Code and asked that the Ordinance be amended or that a procedure be established for the waiving of permits.

Faris Hodge, Jr. submitted written testimony noting that the Pope called abuse shameful and that the Pope had talked and prayed with sex abuse victims. He expressed concern that the train in Brackenridge Park is too small for adults and asked of the discrimination of non-union employees' pay raises and benefits. He wrote of the importance of the need for a law related to open records and requested that the Alamodome be named after him. Lastly, he expressed concern with the City Manager's pay scale.

## **ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 6:12 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **February 3, 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: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** None.

**Item 1.** The Invocation was delivered by Rev. Robert Emmett, Pastor, Community Bible 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.

## **POINT OF PERSONAL PRIVILEGE**

Mayor Castro recognized Councilmember Cisneros who introduced Maria Elena Torralva-Alonso. Ms. Torralva-Alonso invited everyone to attend a fundraiser concert at the Municipal Auditorium on February 9, 2011 that would be performed by the Texas A&M Aggie Band and the Jim Cullum Jazz Band. She stated that the funds raised would benefit the St. Anthony Catholic Elementary School Capital Campaign Project and Texas A&M University-San Antonio. She noted that St. Anthony was the 2<sup>nd</sup> oldest Catholic School in the State and has been operating for 104 years. She thanked everyone for their support.

Councilmember Lopez recognized the Northwest Vista Government Class led by Former Councilmember Robert Marbut and Bobby Martinez and thanked them for being in attendance.

Mayor Castro reminded everyone that the Ceremonial and Citizens to be Heard portions of the City Council Meetings would be held on Wednesdays and encouraged citizens to attend.

## **Item 3. MINUTES**

Councilmember Clamp moved to approve the Minutes for the January 13, 2011 City Council Meeting. Councilmember Cisneros seconded the motion.

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

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the captions for Item 4 and 5:

**2011-02-03-0078**

Item 4. BRIEFING AND CONSIDERATION OF AN ORDINANCE APPROVING THE CITY OF SAN ANTONIO'S 2011-2012 FEDERAL LEGISLATIVE PROGRAM FOR THE 112TH CONGRESS.

**2011-02-03-0079**

Item 5. BRIEFING AND POSSIBLE ACTION ON LEGISLATION FILED IN THE 82ND REGULAR STATE LEGISLATIVE SESSION.

Carlos Contreras presented Items 4 and 5 jointly. He provided an overview of the 112<sup>th</sup> Federal Legislative Program. He reported that the Omnibus Bill of 2010 contained \$8 million for projects included in the City of San Antonio Federal Legislative Program. He added that Congress could pass a version of the FY 2011 Omnibus Appropriations Act by March 4, 2011. He noted that staff would collaborate with federal consultants to develop a comprehensive strategy on each of the City's funding initiatives.

Mr. Contreras outlined the funding requests totaling \$11,805,000 that include \$1,130,000 for Obesity Prevention, \$720,000 for Café College, and \$600,000 for the Railway Safety Training Facility. He provided an overview of the Joint Initiatives to include: Transportation, San Antonio Missions, and Federal Courthouse Relocation. He spoke of the Army Medical Programs, Brownfields Program, and Green Jobs&Energy Sector Programs included in the city's program as Policy Initiatives.

Mr. Contreras provided an update on the 2011 State Legislative Session, noting that 1,676 bills have been filed. He outlined the amendment to the City's Legislative Program to support Driving While Intoxicated (DWI) Legislation to minimize the negative impact on the citizens of San Antonio and noted that HB 99, HB 473 and HB 439 had been filed and would be included in the city's program. He outlined the City's Initiatives and Joint Community Initiatives that include Transportation. He referenced Bills of Interest as follows: Appropriations Bill (SB 1); Eminent Domain (SB 18); and Voter ID (SB 14). He stated that for SB 1, the Senate Finance Committee would conduct hearings through March 1, 2011. He noted that the Senate State Affairs Committee would hear testimony at 9:00 am today regarding SB 18. Lastly, he reported that SB 14 had been passed by the Senate on January 26, 2011 and required the posting of ID Option outside of polling sites. He further stated that voters would be required to present their Voter Registration Card and State ID.

Mayor Castro thanked staff for the presentation and stated that he looked forward to the city's efforts to receive federal funding. Mayor Castro spoke of the significant need for Transportation Funding to include mass transit and the importance of collaboration with VIA Metropolitan. He added that it would also be important to push back against unreasonable burdens on municipalities due to the financial impact to basic services. Councilmember Cisneros expressed support for the Federal Courthouse Relocation Initiative due to its impact on HemisFair Park. She requested a comprehensive endorsement plan related to transportation and noted her support for the designation of a Free Bus Zone in the Downtown Area. She noted her support for the extension of the Diabetes Mellitus Pilot Program and the implementation of a Historic Document Preservation Fee.

Councilmember Ramos recognized Tom Downs of the Federal Lobby Team and asked if the Metropolitan Planning Organization (MPO) had adopted support for legislation. Mr. Contreras replied that they had been working with the MPO on the selection of Federal Projects and the highway projects

already existed on the MPO's list. He noted that they were also working with MPO Staff on the initiatives at the State Level but was unsure if they would take official action. Councilmember Ramos expressed support for the San Antonio Missions and asked of the partners. Mr. Contreras stated that staff was working with partners to include the National Park Service to solicit funding. Councilmember Ramos asked of the Perimeter Rule. Mr. Contreras replied that it had been included in the city's Federal Legislative Program for many years and that the legislation would provide additional exceptions to the rule. He added that staff would continue to work diligently on same. Councilmember Ramos asked of the Constitutional Amendment to raise that gas tax. Mr. Contreras responded that Senator Wentworth had indicated that he would file the bill to allow voters to decide on increasing the gas tax.

Councilmember Rodriguez asked of the timeline for testifying at the State Legislature. Mr. Contreras replied that SB 1 Hearings would occur throughout the month of February and other hearings would likely begin within two weeks. Councilmember Rodriguez stated that he was pleased that the city was being more strategic with VIA Metropolitan on transportation issues and thanked the Federal Lobby Team for their work. Councilmember Williams spoke of the need to improve the H2A and H2B Temporary Worker Programs and expressed concern that the H2A Program was regulated by three different agencies and that workers were not being paid properly.

Councilmember Medina spoke in support of Transportation Funding for San Antonio, noting the great transportation needs throughout the city. He stated that he was in support of DWI Legislation and thanked staff for their work. Councilmember Lopez asked of Senator Wentworth's Bill related to Transportation Diversions. Mr. Contreras replied that 20% of the sales tax collected on gasoline was diverted and confirmed that 5% of the 20% was diverted to schools. Councilmember Lopez expressed concern with the impact that reduced diversions would have on the education system. Mr. Contreras stated that the diversions subject to reduction were related to Public Safety.

Mayor Castro called upon the individuals registered to speak.

Nazirite Ruben Flores Perez spoke of the DWI Issue in San Antonio and stated that it needed to be controlled. He noted that he was supportive of Transportation Initiatives.

Jack M. Finger stated that it was his understanding that 25% of diversions were dedicated toward education and expressed concern with the low test scores of local students. He spoke in opposition to the funding that would be utilized for toll roads and legislation authorizing Meet and Confer for Civilian Employees. He stated that he was opposed to funding for Project WORTH because they advocated abstinence but also offered promiscuity counseling and distributed contraceptives.

Faris Hodge, Jr. submitted written testimony in favor of Items 4 and 5.

Councilmember Ramos moved to adopt the proposed Ordinances for Items 4 and 5. Councilmember Rodriguez seconded the motion.

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

## **CONSENT AGENDA ITEMS 6-21**

Consent Agenda Items 10, 11, 16, and 18 were pulled for Individual Consideration. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Clamp seconded the motion.

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

Mr. Finger addressed the Council in opposition to Items 19 and 20. He expressed concern with the potential fraud related to the online food handler/food certification program. He spoke against the tax abatement and grant that would be provided to Nationwide in Items 20B and 20C.

Faris Hodge, Jr. submitted written testimony in opposition to Item 6, noting that the city should not establish unit prices. He submitted written testimony in favor of Items 7-20.

Councilmember Ramos recognized Irene G. Keller for her appointment to Keep San Antonio Beautiful, Inc. and thanked her for her service (Item 15C).

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

### **2011-02-03-0080**

Item 6. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR ANNUAL GOODS AND SERVICES: (A) 911 AUTO CENTERS, LLC. FOR COLLISION REPAIR SERVICES FOR DAIMLER/CHRYSLER AUTOMOBILES & LIGHT DUTY PICK UP TRUCKS; (B) MISSION CHRYSLER JEEP DODGE FOR DODGE PLYMOUTH PARTS & SERVICE (SPRINTER VANS); (C) 911 AUTO CENTERS, LLC. FOR COLLISION REPAIR ON GENERAL MOTORS AUTOMOBILES AND LIGHT DUTY PICK UP TRUCKS; (D) INTERNATIONAL NAME PLATE SUPPLIES FOR VEHICLE GRAPHIC KITS; (E) REPUBLIC ITS FOR TRAFFIC SIGNAL HEADS; (F) SAT RADIO COMMUNICATIONS LTD. FOR INSTALLS, REMOVALS & REPAIRS OF EQUIPMENT FOR FIRE AND OTHER CITY VEHICLES; (G) SAT RADIO COMMUNICATIONS LTD. FOR REPAIRS OF ENHANCED VEHICLE CHARGERS AND (H) US DIGITAL DESIGNS, INC. FOR FIRE STATION ALERTING SYSTEM UPGRADES INCLUDING INSTALLATION AND MAINTENANCE.

### **2011-02-03-0081**

Item 7. AN ORDINANCE ACCEPTING THE BID FROM DESIGNED TO FLY TO PROVIDE THIRTEEN (13) THEATRE CURTAINS FOR THE CONVENTION, SPORTS AND ENTERTAINMENT FACILITIES DEPARTMENT FOR A TOTAL COST OF \$70,528.90 WITHIN THE ALAMODOME SPORTING EVENTS IMPROVEMENT PROJECT IN ANTICIPATION OF REIMBURSEMENT FROM THE STATE UNDER THE EVENTS TRUST FUND LEGISLATION.

### **2011-02-03-0082**

Item 8. AN ORDINANCE ACCEPTING AN OFFER FROM ELSEVIER, INC., TO PROVIDE THE SAN ANTONIO POLICE DEPARTMENT WITH UP TO 900 DETECTIVE-INVESTIGATOR EXAM BOOKS FOR A TOTAL COST OF \$65,724.00, FUNDED BY THE FY 2010-2011 GENERAL FUND.

**2011-02-03-0083**

Item 9. AN ORDINANCE AUTHORIZING A ONE-TIME PAYMENT TO AT&T IN THE AMOUNT OF \$78,213.17 FOR UNDERGROUND CONVERSION IMPROVEMENTS ASSOCIATED WITH THE COMMERCE STREET PROJECT (RAILROAD TO SOUTH PALMETTO STREET), A 2003 GENERAL OBLIGATION BOND PROGRAM PROJECT, LOCATED IN COUNCIL DISTRICT 2, AND AMENDING THE FY 2011-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET BY \$78,213.17 FOR THIS PAYMENT.

**2011-02-03-0086**

Item 12. AN ORDINANCE AUTHORIZING A LEASE WITH ALEJANDRO SIFUENTES TO OPERATE A METALWORK STUDIO AND GALLERY IN THE LA VILLITA HISTORIC DISTRICT, BUILDING 4, FOR THE TERM OF MARCH 1, 2011 THROUGH JUNE 30, 2013, WITH ONE, 3-YEAR RENEWAL OPTION.

**2011-02-03-0087**

Item 13. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO DENTAL SCHOOL WHICH WILL PROVIDE UP TO \$285,000.00 TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE EXPANSION OF THE CITY'S SCHOOL-BASED ORAL HEALTH PREVENTION PROGRAM AND LOCAL ORAL HEALTH INITIATIVES FOR THE TERM SEPTEMBER 1, 2010 TO AUGUST 31, 2011 WITH THE OPTION OF TWO ADDITIONAL ONE-YEAR RENEWAL TERMS.

**PULLED FROM THE AGENDA**

Item 14. AN ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE RELATED TO PROCEDURES FOR NAMING CITY STREETS AND FACILITIES.

Item 15. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011, TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES. OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT; OR FOR TERMS AND EFFECTIVENESS AS OTHERWISE INDICATED BELOW:

- A. APPOINTING MICHAEL T. DWYER (AT-LARGE) TO THE SAN ANTONIO ECONOMIC DEVELOPMENT CORPORATION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2012.
- B. APPOINTING EARL JACKSON, JR. (AT-LARGE, CATEGORY: FEDERAL AVIATION ADMINISTRATION) TO THE AIRPORT ADVISORY COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MARCH 18, 2012.
- C. APPOINTING IRENE G. KELLER (DISTRICT 3) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 22, 2012.

- D. APPOINTING ROBERTO C. TREVINO (DISTRICT 2, CATEGORY: ARCHITECT) TO THE BUILDING AND FIRE CODE BOARD OF APPEALS.
- E. APPOINTING SYLVIE J. SHURGOT (DISTRICT 2) TO THE CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE.
- F. REAPPOINTING DOUGLAS B. VAIR (DISTRICT 5) TO THE PORT AUTHORITY OF SAN ANTONIO FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 30, 2012.

Item 17. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO AGREEMENTS FOR COLLABORATION WITHIN THE SAN ANTONIO URBAN AREA (SAUA) TO EFFECTIVELY PREPARE, PROTECT, RESPOND AND RECOVER FROM A TERRORIST ATTACK OR CATASTROPHIC EVENT:

**2011-02-03-0089**

- A. AN ORDINANCE AUTHORIZING A PROPERTY TRANSFER AGREEMENT WITH ANY LOCAL JURISDICTION OR AGENCY LOCATED IN THE SAN ANTONIO URBAN AREA (SAUA) NECESSARY TO PREPARE, PROTECT, RESPOND AND RECOVER FROM A TERRORIST ATTACK OR CATASTROPHIC EVENT.

**2011-02-03-0090**

- B. AN ORDINANCE AUTHORIZING PROPERTY TRANSFER AGREEMENT WITH THE CITY OF SCHERTZ FOR SEARCH AND RESCUE EQUIPMENT PURCHASED WITH HOMELAND SECURITY FUNDS.

**2011-02-03-0091**

- C. AN ORDINANCE AUTHORIZING A MUTUAL AID AGREEMENT AND PROPERTY TRANSFER AGREEMENT WITH 13 SUBURBAN CITIES IN THE SAN ANTONIO AREA AS PART OF THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) AWARD.

**2011-02-03-0093**

Item 19. AN ORDINANCE AUTHORIZING A CONTRACT WITH 360TRAINING.COM, INC. TO PROVIDE AN ONLINE FOOD HANDLER / FOOD MANAGER CERTIFICATION PROGRAM FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT.

Item 20. CONSIDERATION OF THE FOLLOWING INCENTIVES SUPPORTED IN A PREVIOUS COUNCIL RESOLUTION PASSED JANUARY 21, 2010 FOR PHASE II OF NATIONWIDE'S EXPANSION IN SAN ANTONIO:

**2011-02-03-0094**

- A. AN ORDINANCE ESTABLISHING THE NATIONWIDE PHASE II REINVESTMENT ZONE, LOCATED IN WESTOVER HILLS ON A 30-ACRE SITE BOUNDED BY HYATT RESORT DRIVE, STATE HIGHWAY 151 AND ROGERS ROAD, SAN ANTONIO, TEXAS, IN COUNCIL DISTRICT 6.

**2011-02-03-0095**

- B. AN ORDINANCE APPROVING A 10-YEAR, 100% TAX ABATEMENT AGREEMENT WITH NATIONWIDE MUTUAL INSURANCE COMPANY FOR A \$75 MILLION PHASE II EXPANSION: AMENDING THE PHASE I TAX ABATEMENT AGREEMENT TO ADJUST THE HIRING SCHEDULE TO COINCIDE WITH THE PHASE II EXPANSION.

**2011-02-03-0096**

- C. AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT PROGRAM GRANT AGREEMENT IN THE AMOUNT OF \$500,000.00 PAYABLE OVER FOUR YEARS FROM THE ECONOMIC DEVELOPMENT INCENTIVE FUND.

**2011-02-03-0002R**

- D. A RESOLUTION NOMINATING NATIONWIDE MUTUAL INSURANCE COMPANY TO THE STATE FOR DESIGNATION AS A TEXAS ENTERPRISE PROJECT.

**PULLED FROM THE AGENDA**

Item 21. AN ORDINANCE APPOINTING AN ACTING CITY INTERNAL AUDITOR FOR THE CITY OF SAN ANTONIO.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2011-02-03-0084**

Item 10. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF IMPROVED PORTIONS OF ATLANTA AVENUE AND DALLAS STREET PUBLIC RIGHTS OF WAY, LOCATED BETWEEN CAMDEN STREET AND WILMINGTON AVENUE ADJACENT TO NCBS 848, 849 AND 854 IN CITY COUNCIL DISTRICT 1, AS REQUESTED BY CENTRAL CATHOLIC HIGH SCHOOL AND THE SOCIETY OF MARY PROVINCE OF ST. LOUIS.

Councilmember Cisneros moved to adopt the proposed Ordinance. She read and requested the inclusion into the record of the letter of support from Br. Peter A. Pontolillo of Central Catholic High School. Councilmember Clamp seconded the motion.

Councilmember Cortez recognized representatives from Central Catholic High School that were present.

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

The City Clerk read the following Ordinance:

**2011-02-03-0085**

Item 11. AN ORDINANCE DECLARING AS SURPLUS AND AUTHORIZING THE SALE OF SIX TRACTS OF LAND SAN FERNANDO #1 TANK SITE LOCATED AT 449 AND 501 HARRIMAN IN NCBS 3487 AND 3488 IN COUNCIL DISTRICT 5; BASSE ROAD PUMP STATION LOCATED AT 1330 BASSE ROAD IN NCB 7238 IN COUNCIL DISTRICT 1; RAINBOW HILLS WELL SITE

#1 LOCATED AT 359 DEMYA DRIVE IN NCB 15432 IN COUNCIL DISTRICT 4; RAINBOW HILLS WELL SITE #2 LOCATED AT 347 STIMMEL STREET IN NCB 15449 IN COUNCIL DISTRICT 4; BANDERA ROAD PUMP STATION LOCATED AT 101 BLOOMFIELD IN NCB 11573 IN COUNCIL DISTRICT 7; AND SAN GERONIMO AIR PARK PUMP STATION LOCATED IN COUNTY BLOCK 4404B WITHIN THE EXTRATERRITORIAL JURISDICTION LINE AND TO DECLARE AS SURPLUS AND FOR THE CITY TO RETAIN THE ZOELLER TANK SITE LOCATED AT 101, 109, AND 113 LANDA IN NCB 8261 IN COUNCIL DISTRICT 5, AS REQUESTED BY THE SAN ANTONIO WATER SYSTEM.

Councilmember Medina asked of the three properties on Landa Street. Bruce Haby, SAWS Representative stated that they had purchased the properties to build a tank site but no longer needed the property to build the tank. He noted that the process had taken over a year. Councilmember Medina spoke of the linear tract being developed adjacent to the area between the creek and Landa Street. Xavier Urrutia stated that staff had evaluated the site and did not recommend utilizing it for trailheads or parking amenities. He noted that the area could be re-evaluated in the future for expansion or other uses. Councilmember Clamp asked of the impact to the community once the properties were sold. Mr. Haby replied that the properties were very small and not considered buildable sites.

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

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

The City Clerk read the following Ordinance:

**2011-02-03-0088**

Item 16. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE LUDWIG GROUP, LLC IN THE AMOUNT OF \$69,900.00 TO RESEARCH AND EVALUATE THE BEST PRACTICES IN EMS TRAINING SYSTEMS AND MEDICAL OVERSIGHT.

Councilmember Cortez asked of the goals of the study. Chief Hood stated that they are looking for best practices nationally to see how Emergency Management Technician (EMT) and Paramedic Services can be enhanced in San Antonio. He stated that the study would take several months to conduct and that a report would be presented to the Public Safety Committee in June.

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

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

The City Clerk read the following Ordinance:

**2011-02-03-0092**

Item 18. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BEXAR COUNTY WHICH AUTHORIZES THE SAN ANTONIO

METROPOLITAN HEALTH DISTRICT TO PROVIDE FOOD AND ENVIRONMENTAL HEALTH SERVICES IN UNINCORPORATED AREAS OF BEXAR COUNTY FOR AN ADDITIONAL ONE-YEAR AND EIGHT MONTH TERM THROUGH SEPTEMBER 30, 2012 AND AUTHORIZES ACCEPTANCE OF PAYMENTS FROM BEXAR COUNTY AND LICENSED FOOD ESTABLISHMENTS IN THE COUNTY TOTALING APPROXIMATELY \$294,820.00.

Councilmember Ramos asked of the contract term of 1 year and 8 months. Charles Pruski stated that the contract term was being adjusted to expire at the same time as other contracts with Bexar County and would allow the city to look at all of the contracts holistically. He noted that the contract was established in 1965. Councilmember Ramos asked of the number of city inspectors and if it is sufficient to cover the county. Mr. Pruski replied that there are 33 inspectors and felt that the number was sufficient.

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

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

## **Item 22. CITY MANAGER'S REPORT**

### **A. SAPD PERSONNEL UPDATE**

Ms. Sculley recognized Janae Florance on her promotion to Deputy Chief for the San Antonio Police Department (SAPD). Ms. Sculley noted that Chief Florance had worked in the SAPD for 23 years and had worked her way up the Department, serving as Chief Executive Officer prior to becoming the first female Commander of the SAPD Training Academy. She congratulated Chief Florance for her years of service and promotion.

### **B. DWI INITIATIVES UPDATE**

The DWI Legislation was provided during Items 4 and 5.

Mayor Castro congratulated Chief Florance on her promotion and recognized Nationwide for their expansion in San Antonio regarding Items 20A-20D.

## **RECESSED**

Mayor Castro recessed the meeting at 10:56 am to break for lunch and announced that the meeting would resume at 2:00 pm for Zoning.

## **RECONVENED**

Mayor Castro reconvened the meeting at 2:00 pm and addressed the Individual Zoning Items.

## **INDIVIDUAL ZONING ITEMS**

**2011-02-03-0099**

Item Z-3. **ZONING CASE # Z2011003 (District 3):** An Ordinance amending the Zoning District Boundary from "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District, "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District and "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District on Lots 27 through 44, Block 21, NCB 3815; Lots 1 through 18 and Lots 27 through 44, Block 25, NCB 3819 located along the north side of Channing and both the north and south sides of Cosgrove Street, between South Gevers Street and South Mittman 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 27 THROUGH 44, BLOCK 21, NCB 3815; LOTS 1 THROUGH 18 AND LOTS 27 THROUGH 44, BLOCK 25, NCB 3819 TO WIT: FROM "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT, "NP-8 AHOD" NEIGHBORHOOD PRESERVATION AIRPORT HAZARD OVERLAY DISTRICT AND "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

Chris Looney presented Item Z-3 and stated that staff and the Zoning Commission recommended approval. He noted that of 77 notices mailed, one had been returned in favor and six had been received in opposition. He added that no response had been received from the Southeast Citizens Committee or the Highland Park Neighborhood Association.

Councilmember Ramos recognized Bobby Perez representing the applicant. Mr. Perez stated that they had participated in 10 meetings with the Southeast Citizens Committee, specifically with the six individuals that had been opposed to the rezoning. He noted that they had agreed to a series of restrictive covenants and 24 lots. He added that they would utilize quality construction materials including masonry and brick.

Councilmember Ramos reported that she spoke with Former Councilmember Helen Dutmer and Mr. DiPasquale and they were now in support of the rezoning due to the restrictive covenants. She added that she was pleased that they would utilize masonry and brick.

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

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

**2011-02-03-0103**

Item Z-5. **ZONING CASE # Z2011031 (District 3):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 AHOD"

Commercial Airport Hazard Overlay District on Parcel 2, NCB 10848 (2.224 acres) located at 5810 Pecan Valley Drive. Staff and Zoning Commission recommend approval, pending the plan amendment.

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: PARCEL 2, NCB 10848 (2.224 ACRES) TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

Chris Looney presented Item Z-5 and stated that staff and the Zoning Commission recommended approval pending approval of the Plan Amendment. He noted that they had mailed 26 notices with two received in favor and none in opposition. He added that no response had been received from the Highland Hills Neighborhood Association.

Councilmember Ramos stated that residents of Highland Hills had expressed concern due to the drainage culvert behind the property in question. She asked of a potential buffer so that neighbors are not impacted by garbage issues. Mr. Looney replied that staff could not include any conditions but that there should be requirements for trash receptacles and screening them and residents could work directly with the developer.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember Clamp 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:** Cortez.

### **CONSENT ZONING ITEMS**

Councilmember Clamp moved to approve the following rezoning cases, noting that Staff and Zoning Commission recommendations were to approve and that no citizens had registered to speak against: 23, Z-1, Z-2, P-1, Z-4, P-2, Z-6, and Z-7. Councilmember Cisneros seconded the motion.

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

### **2011-02-03-0003R**

Item 23. A RESOLUTION DIRECTING THE DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY OF PROPERTIES LOCATED ALONG THE NORTHEAST SIDE OF THOUSAND OAKS BETWEEN COUNTRY MORNING AND WETMORE ROAD TO A ZONING DISTRICT THAT IS COMPATIBLE WITH THE AIRPORT VICINITY LAND USE PLAN, AS REQUESTED BY COUNCILMAN JOHN G. CLAMP, DISTRICT 10.

**2011-02-03-0097**

Item Z-1. **ZONING CASE # Z2011036 (District 1):** An Ordinance amending the Zoning District Boundary from "I-1 RIO-2 AHOD" General Industrial River Improvement Overlay Airport Hazard Overlay District to "C-2 RIO-2 AHOD" Commercial River Improvement Overlay Airport Hazard Overlay District on the east 98.93 feet of the north 66.7 feet of Lot 13, Block 18, NCB 964 located at 400 Pearl Parkway. 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 EAST 98.93 FEET OF THE NORTH 66.7 FEET OF LOT 13, BLOCK 18, NCB 964 TO WIT: FROM "I-1 RIO-2 AHOD" GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 RIO-2 AHOD" COMMERCIAL RIVER IMPROVEMENT OVERLAY AIRPORT HAZARD OVERLAY DISTRICT.

**2011-02-03-0098**

Item Z-2. **ZONING CASE # Z2011038 HL (District 2):** An Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "HL RM-4 AHOD" Historic Landmark Residential Mixed Airport Hazard Overlay District on Lots 8 through 20, Block 2, NCB 1404 located at 935 Iowa 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 8 THROUGH 20, BLOCK 2, NCB 1404 TO WIT: FROM "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT TO "HL RM-4 AHOD" HISTORIC LANDMARK RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

**2011-02-03-0100**

Item P-1. **PLAN AMENDMENT #11007 (District 3):** An Ordinance amending the land use plan contained in the South Central San Antonio Community Plan, a component of the Master Plan of the City, by changing the use of a 2.539 acre tract of land located at 4018 South Presa Street from Mixed Use land use to Public/ Institutional land use. Staff and Planning Commission recommend approval. (Associated Zoning Case: Z2011030)

**2011-02-03-0101**

Item Z-4. **ZONING CASE # Z2011030 (District 3):** An Ordinance amending the Zoning District Boundary from "'R-4 AHOD" Residential Single-Family Airport Hazard Overlay District and "I-1 AHOD" General Industrial Airport Hazard Overlay District to "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District on 2.539 acres out of NCB 3175 located at 4018 South Presa Street. Staff and Zoning Commission recommend approval, pending plan amendment.

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: 2.539 ACRES OUT OF NCB 3175 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

**2011-02-03-0102**

Item P-2. **PLAN AMENDMENT #11005 (District 3):** An Ordinance amending the land use plan contained in the Highlands Community Plan, a component of the Master Plan of the City, by changing the use of a tract of land located at 5810 Pecan Valley, and more specifically identified as Lot P-2, NCB 10848, from High Density Residential land use to Community Commercial land use. Staff and Planning Commission recommend approval. (Associated Zoning Case: Z2011031)

**2011-02-03-0104**

Item Z-6. **ZONING CASE # Z2011033 (District 7):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on 0.09 of an acre out of NCB 7447 located at 6353 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: 0.09 OF AN ACRE OUT OF NCB 7447 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2011-02-03-0105**

Item Z-7. **ZONING CASE # Z2011037 (District 5):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on Lot 30, NCB 7899 located at 737 Pleasanton Road. 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 30, NCB 7899 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

**[CONSENT ZONING CONCLUDED]**

**ADJOURNMENT**

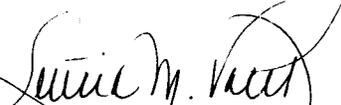
There being no further discussion, Mayor Castro adjourned the meeting at 2:16 pm.

**APPROVED**



**JULIÁN CASTRO  
MAYOR**

Attest:

  
**LÉTICIA M. VACEK, TRMC/CMC**  
City Clerk