

**State of Texas
County of Bexar
City of San Antonio**



**DRAFT
Meeting Minutes
City Council A Session**

City Hall Complex
114 W. Commerce
San Antonio, Texas 78205

Thursday, February 6, 2014

9:00 AM

Municipal Plaza Building

The B Session scheduled for February 5, 2014 was rescheduled for February 12, 2014.

The City Council convened in a Regular Meeting. The City Clerk took the Roll Call as follows:

Present: 10 - Mayor Castro, Bernal, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Taylor

Mrs. Vacek announced that Councilmember Taylor was in Washington, DC on City Business.

1. Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.
2. The Invocation was delivered by Reverend David Brockhouse, Mt. Olive Lutheran Church, guest of Councilmember Rey Saldaña, District 4.
3. Approval of Minutes for the November 20 - 21, 2013 City Council Meetings

Councilmember Saldaña moved to approve the minutes of the November 20-21, 2013 City Council Meetings. Councilmember Bernal seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Taylor

POINT OF PERSONAL PRIVILEGE

Councilmember Viagran recognized Former Councilmember Bob Marbut who was present with his Government Student Class from Northwest Vista College.

ACTION ITEMS FOR STAFF BRIEFING

The City Clerk read the caption for Item 4:

2014-02-06-0067

4. An Ordinance ordering a special City election to be held on Saturday, May 10, 2014, and a run-off election to be held on Saturday, June 14, 2014, if necessary; and also setting forth election procedures. [Leticia M. Vacek, City Clerk]

City Clerk Leticia M. Vacek presented a Power Point that recommended the ordering of the Special City Election to be held on Saturday, May 10, 2014 and Run-Off Election, if necessary, on June 14, 2014. She noted the following key dates leading up to Election Day: The period for filing an application for a place on the Ballot beginning February 10, 2014 through March 10, 2014. Also, the drawing to be conducted on March 10, 2014 for placement on the Ballot at 5:30 pm in the Office of the City Clerk. She noted that April 10, 2014 was the last day to register to vote in said election while the period for early voting by personal appearance would be April 28, 2014 through May 6, 2014. Lastly, she noted that on May 21, 2014, the Council would call a Special Meeting to canvass the results of said election. She added that the estimated cost of the election was \$120,000.

Mayor Castro thanked Mrs. Vacek and the staff for working on said election. He called upon Mr. Nazirite Ruben Flores Perez to speak.

Nazirite Ruben Flores Perez stated that he was supportive of education for children and of the Special Election.

Councilmember Viagran moved to adopt the proposed ordinance. Councilmember Bernal seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Taylor

CONSENT AGENDA ITEMS

No items were initially pulled for Individual Consideration; however, after discussion, Item 13 was pulled for Individual Consideration (see below).

Mayor Castro called upon the individuals registered to speak:

Jack M. Finger spoke in opposition to providing contraception to teenagers through an agreement with the University Health System (Item 13). He noted that Former Councilmember Jennifer V. Ramos was being appointed to the Mayor's Commission for the Status of Women (Item 12B) and she had voted in favor of Domestic Partner Benefits.

Sylvia F. Villarreal addressed the City Council in opposition to providing contraception to teenagers through an agreement with the University Health System (Item 13). She expressed concern with the potential side effects of the Depo Provera Shot which include Breast Cancer and Osteoporosis.

Nazirite Ruben Flores Perez spoke in support of the construction contract with San Antonio Constructors, Ltd. (Item 8) noting that the city would be reimbursed by SAWS and CPS Energy. He stated that he was concerned with the impact of plastic bags to the habitat and water in the San Antonio River.

Cynthia Serna stated that she had three daughters and was opposed to the providing of contraception to teenagers through an agreement with the University Health System (Item 13). She expressed concern that the services were being provided to minority females that received Medicaid and noted that more Counseling Services should be provided.

Mike Sosso stated that although he lives in Helotes, he was very disturbed by the contraception being provided to teenagers through the agreement with the University Health System (Item 13). He expressed concern that the drugs were killing unborn babies.

Allan Parker addressed the City Council in opposition to providing contraception to teenagers through an agreement with the University Health System (Item 13). He asked why providing contraceptives to adolescent females was a Government Function and requested that the item be

heard under Individual Consideration.

Mike Knuffke addressed the City Council in opposition to providing contraception to teenagers through an agreement with the University Health System (Item 13). He expressed concern that taxpayer funds were being used for chemical abortion to poor and underprivileged households. He spoke of the negative effects of Depo Provera and noted the many organizations that oppose its use.

Patrick Von Dohlen addressed the City Council in opposition to providing contraception to teenagers through an agreement with the University Health System (Item 13). He stated that using chemical abortive contraception was not the best way to reduce teen pregnancy and that Depo Provera had negative side effects on young women and their families.

Danny Petri addressed the City Council in opposition to providing contraception to teenagers through an agreement with the University Health System (Item 13). He expressed concern with the negative side effects of Depo Provera and with the high cost for same.

Gerald Ripley addressed the City Council in opposition to providing contraception to teenagers through an agreement with the University Health System (Item 13). He stated that a vote in favor of providing birth control was a vote in support of chemically induced abortions as a solution for teen pregnancy. He spoke of the alternatives to abortion and asked that the promotion of abstinence and adoption be funded.

Brad Wheeler addressed the City Council in opposition to providing contraception to teenagers through an agreement with the University Health System (Item 13). He expressed concern with the long-term health effects of Depo Provera.

Phil Sevilla addressed the City Council in opposition to providing contraception to teenagers through an agreement with the University Health System (Item 13). He expressed concern that birth control was a device to kill new life and encouraged promiscuity and risky sexual practices.

Faris Hodge, Jr. submitted written testimony in favor of Items 4-11, and 13. He wrote that Board and Commission Applicants should be interviewed on television (Item 12). He wrote in opposition to Items 14 and 15.

Mayor Castro asked of the funding for the Adolescent Health Services (Item 13). Dr. Thomas Schlenker confirmed that they were using Federal Funding provided through the Medicaid 1115 Waiver Program. Mayor Castor asked if the program was provided to teenagers. Dr. Schlenker stated that the program was directed to teenage girls through Age 19. He added that it required parental consent for those females under Age 18. He added that the program was voluntary and services were performed under the direction of a Physician. Mayor Castro stated that he was pleased with the reduction in the Teen Pregnancy Rate over the past decade.

Councilmember Medina asked of the number of Depo Provera Shots provided. Dr. Schlenker replied that the amount of shots was determined by the amount of Medicaid Funding received. He noted that this was one of several strategies utilized to reduce teen pregnancy.

Councilmember Gonzales asked of the potential health risks of the Depo Provera Shot. Dr. Schlenker stated that the program was targeted to At-Risk Females that would be adversely affected by having a child. He noted that the City Council had been misinformed by the citizens and that long-acting, reversible contraception had been identified as the most effective and appropriate for teenage girls by the Centers for Disease Control. He added that there were some side effects that sometimes occurred and could be dealt with between patient and doctor. Councilmember Gonzales asked how individuals were made aware of the program. Dr. Schlenker stated that they targeted High-Risk Populations and worked with the University Health System to identify those in need of the program. He added that various options were discussed to include abstinence.

Councilmember Krier asked of the parental consent that was required. Dr. Schlenker replied that a signed, written consent form from the parent would have to be provided at the clinic in order to receive the service. Councilmember Krier asked of Project Worth. Dr. Schlenker responded that most of the activity of Project Worth was directed toward educating Middle School Youth on the aspects of not getting pregnant and making good decisions.

Councilmember Gallagher expressed concern with the great amount of information provided today regarding the negative effects of the chemical contraception.

Councilmember Viagran reiterated that parental consent was required in order to receive services.

Councilmember Lopez stated that virtually every drug has a number of side effects and that the City's Health Professionals were recommending that the contraception be administered.

Mayor Castro added that the program was driven by the State and their agreement with the Federal Government.

Councilmember Gallagher moved to pull Item 13 from the Consent Agenda. Councilmember Krier seconded the motion. The motion prevailed by the following vote:

Aye: 9 - Mayor Castro, Bernal, Viagran, Saldaña, Gonzales, Lopez, Medina, Krier and Gallagher

Nay: 1 - Nirenberg

Absent: 1 - Taylor

Item 13 was addressed at this time.

The City Clerk read the caption for Item 13:

2014-02-06-0075

- 13.** An Ordinance authorizing an agreement with the Bexar County Hospital District d/b/a University Health System for adolescent health services related to the Medicaid 1115 Waiver Program for an amount up to \$851,928.00 commencing February 1, 2014 and terminating on September 30, 2016. [Gloria Hurtado, Assistant City Manager; Dr. Thomas Schlenker, Director, Public Health]

Councilmember Saldaña stated that there were certain areas of the city that had higher rates of teen pregnancy and spoke of the great progress being made to reduce teen pregnancy. He noted that the program was a tool to help continue the efforts and that the Medicaid 1115 Waiver Program was much broader than this particular issue.

Councilmember Gallagher stated that he understood that teen pregnancy was a serious problem but was concerned with the evidence provided by citizens.

Councilmember Saldaña moved to adopt the proposed ordinance. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

Aye: 9 - Mayor Castro, Bernal, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg and Krier

Nay: 1 - Gallagher

Absent: 1 - Taylor

CONSENT AGENDA ITEMS

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

The motion to approve the remaining Consent Agenda Items prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Taylor

2014-02-06-0068

5. An Ordinance accepting three proposals from A-Ram Plumbing, Alterman, Inc., and Zachman Enterprises, Inc. d/b/a Fred Clark Electrical Contractor to provide the San Antonio Airport System with contracts to provide maintenance and repairs for plumbing and electrical systems for a combined total estimated annual amount of \$112,500.00; funded with the Aviation Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2014-02-06-0069

6. An Ordinance accepting the offer from Millennium Lock, Inc. for the purchase of a manhole cover locking system for an estimated annual cost of \$359,000.00. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2014-02-06-0070

7. An Ordinance executing a funding agreement between the City of San Antonio and King William Association for the construction of sidewalk improvements on Eagleland Drive between Guenther Street and St. Mary's Street in City Council District 1 and accepting funds and appropriating funds in the amount of \$25,000.00 from King William Association for their commitment toward the \$85,000.00 improvement project. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

2014-02-06-0071

8. An Ordinance accepting the lowest responsive bid and awarding a construction contract to San Antonio Constructors, Ltd. in the amount of \$3,922,290.39, of which \$831,586.50 will be reimbursed by San Antonio Water Systems and \$240,634.00 will be reimbursed by City Public Services Energy for their work, for the construction of the Marbach Road Phase IIB, a 2012 General Obligation Bond funded Project, located in Council District 4 and 6. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

2014-02-06-0072

9. An Ordinance authorizing a lease agreement with Alamo Colleges for suite in the terminal of Stinson Municipal Airport for a term of three years with the option to extend for two, one-year periods with associated annual rental rate of \$23,006.64. [Ed Belmares, Assistant City Manager; Frank Miller, Director, Aviation]

2014-02-06-0073

10. An Ordinance authorizing a lease agreement with DHL Express (USA), Inc. for 7,381 square feet of ground space, 23,700 square feet of building space and 11,378 square feet of ramp space at the San Antonio International Airport for a three year term, generating \$162,647.68 in revenue annually. [Ed Belmares, Assistant City Manager; Frank Miller, Director, Aviation]

2014-02-06-0074

11. An Ordinance authorizing the agreed termination of a lease agreement with Alpha Tango Flying Services, Inc. for 57,360 square feet of ground space at Stinson Municipal Airport. [Ed Belmares, Assistant City Manager; Frank Miller, Director, Aviation]

12. Consideration of the following Board, Commission and Committee appointments for the remainder of unexpired terms of office to expire May 31, 2015, 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: [Leticia M. Vacek, City Clerk]

A) Appointing Clem D. Perez (District 1) to the Affirmative Action Advisory Committee.

B) Appointing Jennifer V. Ramos (District 3) to the Mayor's Commission on the Status of Women.

C) Appointing George N. Mery (District 7) to the Transportation Advisory Board.

D) Reappointing Cris Vieyra (District 1) to the City Commission on Veterans Affairs.

E) Reappointing Richard G. Acosta (District 1) to the Building Standards Board.

F) Reappointing Arlene B. Fisher (District 1) to the Capital Improvements Advisory Committee.

2014-02-06-0076

14. An Ordinance approving the WSA Annual Operating Budget and appointments to the WSA Board of Directors as recommended by the Committee of Six. [Carlos Contreras, Assistant City Manager; Rene Dominguez, Director, Economic Development]

2014-02-06-0077

15. An Ordinance authorizing an agreement with MGT of America, Inc. to provide preparation of cost allocation plans for the City of San Antonio Finance Department, for a total amount not to exceed \$211,500.00 for a 3 year term with an option to renew for 2 additional 1 year terms. [Ben Gorzell, Jr., Chief Financial Officer; Troy Elliott, Director of Finance]

16. City Manager's Report

- A. Police Resource Allocation Model
- B. Volunteer Income Tax Assistance Program
- C. 7th Annual City Manager's Step Up To Wellness 5K Run/Walk

A. Mrs. Sculley reported that on January 3, 2014, the San Antonio Police Department implemented the Police Allocation Resource Model (PRAM) within the Department. She stated that the prior personnel deployment model was developed in the late 1980's and had changed little over time despite cities' population growth. She noted that the model was developed in partnership with the Department's Command Staff, Strategic Intelligence and Analytics Office, Development Services Department, Dr. Corey Sparks with the Demography Department of UTSA, Representatives from each of the Six Service Areas, and the San Antonio Police Officers Association. She indicated that the new deployment model would better balance the demands of the service areas with the existing personnel, as well as lower response times and improve officer safety by "right sizing" service areas and having more officers available during peak call periods. She mentioned that the service areas were adjusted to meet current demands and that the staffing for the T-Shift which operates 5 pm to 3 am was increased from 226 officers to 299 officers to meet service demands. She thanked everyone involved in the planning and implementation of the new model and stated that she looked forward to continued success.

B. Mrs. Sculley reported that the 2014 VITA Program Season kicked off on January 22, 2014 and would run through April 15, 2014. She stated that the VITA Program was an Internal Revenue Service (IRS) Sponsored Program that provided free Income Tax Return Preparation Assistance to taxpayers earning up to \$60,000. She mentioned that VITA San Antonio consisted of a coalition of more than 30 organizations including the Department of Human Services, IRS, United Way, Catholic Charities, Financial Institutions, and Local Businesses. She indicated that the goal of the VITA Program was to increase awareness of Federal Tax Credits to low and moderate income taxpayers, such as the Earned Income Tax Credit, Child Tax Credit, and Child Care Tax Credit. She stated that the Department of Human Services operates 16 of the 20 VITA sites across the community. In addition, two mobile teams travel to assist taxpayers. She added that this year, the program would offer SaveUSA for eligible taxpayers to enroll in a matched savings account during the tax preparation process. She explained that through SaveUSA, participants received a 50 percent match, up to \$500, if they deposited at least \$200 of their Tax

Refund into a SaveUSA Account and maintained the initial deposit for one year.

C. Mrs. Sculley reported that the City Manager's 5K would again take place at SeaWorld on Saturday, March 1, 2014. She stated that the event was introduced seven years ago as a way for City of San Antonio Employees to join together for a family-oriented fitness event. She noted that as a result of the City's focus on wellness, the City Manager's 5K was expanded to the entire community last year. She mentioned that the race had grown from 561 participants in its first year to more than 2,000 last year and was excited about the great amount of participation. She stated that there was no fee for City Employees and encouraged everyone to attend.

RECESSED

Mayor Castro recessed the meeting at 10:45 am to convene in Executive Session to discuss the following Items A through C and noted that the Council would reconvene at 2:00 pm for Zoning:

- 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 discuss related legal issues pursuant to Texas Government Code Sections 551.087 (economic development) and 551.071 (consultation with attorney).
- C. Discuss legal issues related to the automobile auction procurement and contract pursuant to Texas Government Code Section 551.071 (consultation with attorney).

ZONING ITEMS

Mayor Castro reconvened the meeting at 2:00 pm and addressed the Zoning Items. He called upon Jack M. Finger to speak on both zoning cases.

Mr. Jack M. Finger spoke of the various reasons that a Councilmember should vote for denial of a zoning case. He expressed concern that Item Z-1 was located over the Edwards Aquifer and allowed more than 30% impervious cover. He added his concerns with mixing paint fumes and food in Item Z-2.

Faris Hodge, Jr. submitted written testimony in favor of Item Z-2.

2014-02-06-0078

Z-1. ZONING CASE # Z2011118 ERZD (District 9 and 10): An Ordinance amending the Zoning District Boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District and "R-6 PC-1 ERZD" Residential Single-Family Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District to "MPCD ERZD" Master Planned Community Edwards Recharge Zone District and "MPCD PC-1 ERZD" Master Planned Community Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District on 800.344 acres out of NCB 34910, NCB 34920, NCB 34921, NCB 34922 and NCB 34923 located on a portion of 19289 Bulverde 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: 800.344 ACRES OUT OF NCB 34910, NCB 34920, NCB 34921, NCB 34922 AND NCB 34923 TO WIT: FROM "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT AND "R-6 PC-1 ERZD" RESIDENTIAL SINGLE-FAMILY BULVERDE ROAD PRESERVATION CORRIDOR EDWARDS RECHARGE ZONE DISTRICT TO "MPCD ERZD" MASTER PLANNED COMMUNITY EDWARDS RECHARGE ZONE DISTRICT AND "MPCD PC-1 ERZD" MASTER PLANNED COMMUNITY BULVERDE ROAD PRESERVATION CORRIDOR EDWARDS RECHARGE ZONE DISTRICT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-1 and stated that staff and the Zoning Commission recommended approval with the following conditions: 1) Those identified in the SAWS Report including a maximum impervious cover of 30%; and 2) That future development permits conform to the conditions required by the reviewing departments including Stormwater Engineering, SAWS, Parks and Recreation, Traffic Engineering and Historic Preservation. He reported that of 152 notices mailed; five were returned in favor and nine were received in opposition.

Mayor Castro announced that there were no citizens registered to speak.

Councilmember Gallagher moved to adopt the proposed ordinance with the conditions as recommended by staff. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Taylor

2014-02-06-0079

Z-2. ZONING CASE # Z2014048 S (District 10): An Ordinance amending the Zoning District Boundary from "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for Auto Paint and Body - Repair with Outside Storage of Vehicles and Parts Permitted but Totally Screened From View of Adjacent Property Owners and Public Roadways to "C-3R S AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District with a Specific Use Authorization for Auto Paint and Body - Repair with Outside Storage of Vehicles and Parts Permitted but Totally Screened From View of Adjacent Property Owners and Public Roadways on Lot 21, NCB 11875 located at 8418 Broadway. Staff and Zoning Commission recommend approval. (Continued from January 16, 2014)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 21, NCB 11875 TO WIT: FROM "C-2NA CD AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AUTO PAINT AND BODY - REPAIR WITH OUTSIDE STORAGE OF VEHICLES AND PARTS PERMITTED BUT TOTALLY SCREENED FROM VIEW OF ADJACENT PROPERTY OWNERS AND PUBLIC ROADWAYS TO "C-3R S AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR AUTO PAINT AND BODY - REPAIR WITH OUTSIDE STORAGE OF VEHICLES AND PARTS PERMITTED BUT TOTALLY SCREENED FROM VIEW OF ADJACENT PROPERTY OWNERS AND PUBLIC ROADWAYS PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-2 and stated that staff and the Zoning Commission recommended approval. He reported that of 18 notices mailed; one was received in favor and three were received in opposition. He noted that due to the amount of opposition, the case would require nine votes for approval.

Mayor Castro called upon the individuals registered to speak.

Raymond Lopez addressed the City Council in support of the zoning. He stated that they had addressed issues raised by providing 10 additional parking spaces and eliminating the

permanent parking in the rear of the building. He noted that there would not be an impact to traffic as Service Trucks would be used to take care of the catering business and not 18-Wheelers.

Theresa Khodr stated that she was representing North Crown Venture who owned three parcels to the North and South of the Auto Body Shop. She noted that they were opposed to the zoning request and that the Auto Body Shop was not being properly screened as required. She added that the lot was not in compliance with its permitted use and that the land was not sufficient for its current use.

Councilmember Gallagher stated that he would be supporting the request since the property would be completely screened and the Applicant had worked with staff to make it amenable to the neighborhood.

Councilmember Gallagher moved to adopt the proposed ordinance. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Taylor

ADJOURNMENT

Mayor Castro announced that no action was taken in Executive Session. There being no further discussion, he adjourned the meeting at 2:23 pm.

APPROVED

JULIÁN CASTRO
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC
CITY CLERK