

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

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO,
HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING,
WEDNESDAY, FEBRUARY 7, 2007 AND THURSDAY, FEBRUARY 8, 2007**

The City Council convened in an informal "B" Session at 3:00 pm, Wednesday, February 7, 2007, Municipal Plaza Building "B" Room for the purpose of:

1. Discussion, deliberation, and possible actions by the City Council regarding determination of projects to be included in the 2007-2012 General Obligation Bond Program.

The following Councilmembers present were: Flores, McNeil, Gutierrez, Herrera, Guajardo, Hall, Wolff, and Mayor Hardberger. ABSENT: Perez, Radle, and Haass.

The "B" Session adjourned at 3:30 pm.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, February 8, 2007 at 9:00 am.

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger.

The Invocation was led by Sister Jane Ann Slater, General Superior, Sisters of Divine Providence, Our Lady of the Lake University, guest of Councilmember Patti Radle.

Mayor Hardberger led the Pledge of Allegiance to the Flag of the United States.

MINUTES

Councilmember Perez made a motion to approve the minutes of the January 18, 2007 City Council Meeting. Councilmember Haass seconded the motion.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

CONSENT AGENDA: Items 5-21B

Consent Agenda Items 5, 10, 11, 12, 14, 15B, 17 and 20 were pulled for individual consideration. Councilmember Perez moved to approve the remaining Agenda Items. Councilmember Haass seconded the motion.

Mayor Hardberger recognized the following individuals to speak on the Consent Items.

Mr. Jack M. Finger spoke to Item 14. Mr. Finger stated that the City is giving away tax dollars to fund the Esperanza Center. Mr. Finger stated that the money should come from the Hotel-Motel Tax Fund rather than the General Fund. Mr. Finger noted that the 1999 Bond Funds that the citizens voted on eight years ago are finally being spent on Capital Improvements. Mr. Finger questioned how long it will take to spend (\$550 million) Bonds Funds if approved during the election.

Leticia M. Vacek, City Clerk read a written testimony from Faris Hodge, Jr. for Items 4 and 19 which are identical. She read the statement as follows: The city continues to annex more land and that is costing the taxpayers a lot of money. Mr. Hodge noted the city and the county are supposed to be helping one another in lowering taxes. Mr. Hodge noted that the City and County should combine their police force to save money. Mr. Hodge noted that there is a shortage on Code Compliance Officers, Police, Firemen, and Health Inspectors.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

2007-02-08-0136

Item 6. AN ORDINANCE ACCEPTING THE BID FROM AGILEMESH, INC. TO PROVIDE THE POLICE DEPARTMENT WITH A RAPIDLY DEPLOYABLE VIDEO SURVEILLANCE CAMERA SYSTEM FOR A COST OF \$154,099.00, FROM HOMELAND SECURITY DEFENSE GRANT FUNDS.

2007-02-08-0137

Item 7. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$244,700.00 TO INCLUDE AWARDED A \$221,100.00 CONTRACT WITH TROPICAL CONTRACTING, LLC, TO PERFORM NECESSARY REPAIRS AND IMPROVEMENTS TO VARIOUS SIDEWALKS AND WALKWAYS WITHIN THE RIVER-LOOP AS PART OF THE RIVER WALK REHABILITATION AND IMPROVEMENTS PROJECT – PHASE 3, LOCATED IN DISTRICT 1; AND APPROPRIATING FUNDS.

2007R-02-08-0138

Item 8. A RESOLUTION RECOMMENDING APPROVAL TO CPS ENERGY TO FUND A TOTAL OF \$1,300,000.00 FROM THE COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT FUNDS FOR CONSTRUCTION OF UNDERGROUND ELECTRICAL SUPPLY LINES IN CONNECTION WITH THE WESTOVER VALLEY UTILITY PROJECT, LOCATED IN DISTRICT 6.

2007-02-08-0139

Item 9. AN ORDINANCE APPROVING A TOTAL ESTIMATED CONSTRUCTION PROJECT AMOUNT OF \$2,303,489.96 AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,780,644.08 TO R.L. JONES, LP, OF WHICH \$514,546.60 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$50,595.00 WILL BE REIMBURSED BY CPS ENERGY, IN CONNECTION WITH THE

WOODLAWN ST. (SAN ANTONIO TO LAKE) AND W. CRAIG (ELMENDORF TO JOSEPHINE TOBIN) PROJECTS, TWO AUTHORIZED 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDED PROJECTS, LOCATED IN DISTRICT 7 AND APPROPRIATING FUNDS.

2007-02-08-0143

Item 13. AN ORDINANCE AUTHORIZING THE REALLOCATION OF \$22,150.00 TO BE PAID FROM DISTRICT 5 ONE-TIME PROJECT FUNDS TO THE ST. JAMES HOUSING TRUST, INC. TO OFFSET THE COST OF THE ENCLOSURE OF A PORCH AT THE EL JARDIN DE ST. JAMES NUTRITION CENTER, AS REQUESTED BY COUNCILWOMAN PATTI RADLE, DISTRICT 5.

2007-02-08-0145

Item 15A. AN ORDINANCE APPROVING THE CONTINUATION OF THE 2007 PROJECT WINTER ASSISTANCE RELIEF MOBILIZATION (WARM) PLAN FOR CALENDAR YEAR 2007; AUTHORIZING EXECUTION OF AN AGREEMENT WITH CPS ENERGY; APPROVING THE ISSUANCE OF ASSISTANCE CREDITS IN A PROJECTED AMOUNT UP TO \$434,168.00 FOR THE PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2007; AND AUTHORIZING THE EXECUTION OF SUBCONTRACTS WITH LOCAL NON-PROFIT AGENCIES FOR DISTRIBUTION OF WARM ASSISTANCE CREDITS TO CPS ENERGY RATEPAYERS.

2007R-02-08-0147

Item 16. A RESOLUTION ADOPTING A CITY PLATFORM, DEVELOPED BY THE NATIONAL LEAGUE OF CITIES (NLC) COUNCIL ON YOUTH, EDUCATION AND FAMILIES, FOR MUNICIPAL ACTION AND LEADERSHIP TOWARDS THE GOALS OF STRENGTHENING FAMILIES AND IMPROVING OUTCOMES FOR CHILDREN AND YOUTH.

2007-02-08-0149

Item 18. AN ORDINANCE APPROVING AND AUTHORIZING THE SAN ANTONIO WATER SYSTEM (SAWS) TO IMPLEMENT UPDATES TO CHAPTER 34 OF THE CITY CODE INCLUDING DROUGHT RESTRICTION AND SURCHARGE MODIFICATIONS CONCERNING DROUGHT MANAGEMENT.

2007-02-08-0150

Item 19. AN ORDINANCE DISANNEXING THE AREA KNOWN AS THE SOUTHSIDE STUDY AREA 5 PROPERTY WHICH CONSISTS OF APPROXIMATELY 3,104 ACRES FROM LIMITED PURPOSE ANNEXATION STATUS.

BOARDS, COMMISSIONS AND COMMITTEE APPOINTMENTS

2007-02-08-0151

Item 21A. AN ORDINANCE REAPPOINTING COUNCILMAN RICHARD PEREZ (DISTRICT 4) (CATEGORY: CITY COUNCIL MEMBER) AND CARROLL SCHUBERT (CATEGORY: SAN ANTONIO BUSINESS COMMUNITY REPRESENTATIVE) TO THE AUSTIN-SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT, AS REQUESTED BY MAYOR PHIL HARDBERGER.

Item 21B. APPOINTING BARBARA HAWKINS (DISTRICT 2) TO THE ZONING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JUNE 30, 2007.

[CONSENT ITEMS CONCLUDED]

ITEM FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following item:

Item 4. PUBLIC HEARING ON THE PROPOSED DISANNEXATION FROM LIMITED PURPOSE STATUS OF THE TIMBERWOOD PARK AREA.

Mayor Hardberger declared the Public Hearing open.

Mr. Emil Moncivais, Director of Planning and Community Development, made a presentation on the proposed disannexation from Limited Purpose Status of the Timberwood Park Area. Mr. Moncivais noted that on February 14, 2007 the Planning Commission will meet and discuss the disannexation and amendment to the Three Year Annexation Plan. Mr. Moncivais further noted on February 15, 2007, City Council will consider the disannexation and amendment to the Three Year Annexation Plan. A copy of which is on file with the Office of the City Clerk.

The following citizen(s) appeared to speak:

Jack M. Finger addressed the City Council relating to the annexation and stated that the City is required to hold two Public Hearings. Mr. Finger stated that the Timberwood Park area is being disannexed while the area surrounding the Toyota Plant is not.

Mayor Hardberger declared the Public Hearing closed and noted that no action was necessary on said item.

The City Clerk read the following item:

2007-02-08-0153

Item 5. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2006-2007 FOR A COMBINED ESTIMATED COST OF \$7,769,797.00, INCLUDING: A) VEHICLE REFUELING; B) CABLE PULLING,

MATERIALS & INSTALLATION; C) MAINTENANCE & SUPPORT FOR GLUE-FOLDER MACHINES; D) TREND MICRO ANTIVIRUS MAINTENANCE & SUPPORT; E) ~~COMPUTER NETWORKING EQUIPMENT AND RELATED SERVICES~~; F) MEETING PLANNING SOFTWARE & SUPPORT FOR THE CONVENTION, SPORTS, AND ENTERTAINMENT FACILITIES.

Councilmember Perez made a motion to consider said item. Councilmember McNeil seconded the motion. After due consideration, Councilmember Perez made a motion to table subsection B) Cable Pulling; of this contract and proceed with the rest. Councilmember McNeil seconded the motion.

The motion to table prevailed with the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass, and Mayor Hardberger. **NAY:** Hall. **ABSENT:** None.

The City Clerk read the following item:

2007-02-08-0140

Item 10. AN ORDINANCE AUTHORIZING PAYMENT OF \$140,230.00 TO BEATY AND PARTNERS ARCHITECTS, INC. AND APPROVING A \$72,230.00 AMENDMENT TO A STAND-BY PROFESSIONAL ARCHITECTURAL SERVICES AGREEMENT WITH BEATY AND PARTNERS ARCHITECTS, INC. FOR ADDITIONAL ARCHITECTURAL SERVICES, DESIGN OF ENHANCEMENTS TO THE ORIGINAL SECTION OF THE CONVENTION CENTER EXTERIOR, ARCHITECTURAL SERVICES AND DESIGN OF SCHEMATIC CONSTRUCTION DOCUMENTS, DRAWINGS, OUTLINE SPECIFICATIONS, AND CONSTRUCTION ADMINISTRATION SERVICES IN CONNECTION WITH THE CONVENTION CENTER EXTERIOR PROJECT, LOCATED IN DISTRICT 1, AND APPROPRIATING FUNDS.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Haass seconded the motion.

The motion prevailed with the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

The City Clerk read the following item:

2007-02-08-0141

Item 11. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$2,000.00 FROM THE NATIONAL DISABILITY INSTITUTE FOR THE 2007 REAL ECONOMIC IMPACT TOUR IN SAN ANTONIO TO PROMOTE AWARENESS OF FREE TAX PREPARATION SERVICES AND ASSET-BUILDING PROGRAMS FOR WORKING FAMILIES WITH DISABILITIES; AUTHORIZING THE EXECUTION OF RELATED CONTRACTS; APPROPRIATING FUNDS; AND APPROVING A BUDGET.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Hall seconded the motion.

The motion prevailed with the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

The City Clerk read the following item:

2007-02-08-0142

Item 12. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO ACCEPT A \$172,316.00 GRANT OF FEDERAL HIGHWAY ADMINISTRATION FUNDS FROM THE FY 2004 INTELLIGENT TRANSPORTATION SYSTEMS (ITS) DEPLOYMENT PROGRAM TO DEVELOP A PLAN FOR FUTURE DEPLOYMENTS OF THE SAN ANTONIO TRANSPORTATION MANAGEMENT SYSTEM, IN CONNECTION WITH THE CITY'S ITS INTEGRATION STUDY.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember McNeil seconded the motion.

The motion prevailed with the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

The City Clerk read the following item:

2007-02-08-0144

Item 14. AN ORDINANCE AUTHORIZING THE REALLOCATION OF \$25,000.00 TO BE PAID FROM DISTRICT 5 ONE-TIME PROJECT FUNDS TO THE ESPERANZA CENTER TO ASSIST WITH THE PURCHASE OF RUEBEN'S ICE HOUSE, LOCATED AT 820 S. COLORADO IN DISTRICT 5, TO BE USED AS A GATHERING PLACE FOR THE COMMUNITY IN EXCHANGE FOR THE PROVISION OF PUBLIC PROGRAMS AT THE LOCATION, AS REQUESTED BY COUNCILWOMAN PATTI RADLE, DISTRICT 5.

Ms. Gracelia Sanchez of the Esperanza Center displayed photos from the 1920's of citizens, Reubens Ice House, and the Casa Dequitos next door. Ms. Sanchez stated that once a month citizens gather at the Esperanza Center to share photos and stories of the past.

Councilmember Herrera made a motion to approve the proposed ordinance. Councilmember McNeil seconded the motion.

The motion prevailed with the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Haass, and Mayor Hardberger. **NAY:** Wolff. **ABSENT:** None.

The City Clerk read the following item:

2007-02-08-0146

Item 15B. AN ORDINANCE APPROVING THE IMPLEMENTATION OF THE RESIDENTIAL ENERGY ASSISTANCE PARTNERSHIP (REAP) UTILITY ASSISTANCE PROJECT FOR CALENDAR YEAR 2007; APPROVING THE ISSUANCE OF ASSISTANCE CREDITS UP TO \$1,045,848.00 FOR THE PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2007; AND AUTHORIZING THE EXECUTION OF SUBCONTRACTS WITH LOCAL NON-PROFIT AGENCIES FOR DISTRIBUTION OF REAP ASSISTANCE CREDITS TO CPS ENERGY RATE PAYERS.

Councilmember Perez made a motion to approve the proposed ordinance. Councilmember Gutierrez seconded the motion.

The motion prevailed with the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, and Haass. **ABSTAIN:** Mayor Hardberger. **ABSENT:** None.

The City Clerk read the following item:

2007-02-08-0148

Item 17. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CERTIFYING ACCEPTANCE AGENT AGREEMENT WITH THE INTERNAL REVENUE SERVICE IN ORDER TO ESTABLISH THE CITY OF SAN ANTONIO AS A CERTIFYING ACCEPTANCE AGENT FOR INDIVIDUAL TAX IDENTIFICATION NUMBER (ITIN) APPLICATIONS.

Councilmember Herrera made a motion to approve the proposed ordinance. Councilmember Perez seconded the motion.

The motion prevailed with the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

The City Clerk read the following item:

Item 20. AN ORDINANCE APPROVING A \$440,100.90 AMENDMENT TO A \$3,833,000.00 PROFESSIONAL SERVICES AGREEMENT, AS AMENDED, WITH CH2M HILL, INC. TO PROVIDE ADDITIONAL PROFESSIONAL PROGRAM MANAGEMENT SERVICES TO THE PUBLIC WORKS DEPARTMENT FOR SCOPING AND ESTIMATING SERVICES IN CONNECTION WITH THE PROPOSED BOND PROGRAM, AND THE DEVELOPMENT OF THE WEB-BASED PROJECT MANAGEMENT PORTAL; AND APPROPRIATING FUNDS.

Councilmember Perez made a motion to consider the proposed ordinance. Councilmember McNeil seconded the motion.

Mr. Tom Wendorf, Director of Public Works, presented the Program Management Portal Summary presentation. Mr. Wendorf noted that the Web Portal Services were an additional \$290,100.90 for training, early migration, PDA programming and Primavera Expedition upgrade from Sybase to SQL. Mr. Wendorf presented background information for the project and

recommended approval of said item. A copy of the power point presentation is on file with the Office of the City Clerk.

Mr. Tony Ramos, of CH2M Hill explained the migration of the system for the new portal. It was of concern to Councilmember Perez that the \$600,000 asked to be the total cost was now more. Mr. Ramos was asked if the scope had been changed and it was stated that the scope was changed. Mr. Ramos stated that the portal was not supposed to be migrated until February 2008, however, the migration took place due to the Bond Issue and there was a cost associated with the migration. Mr. Ramos stated that there was also costs associated with training city staff and training the partners in the program that was not in the original scope. Mr. Ramos stated that the training was not included in the original scope because it was difficult to determine what all was needed in 2005.

After due consideration, Councilmember Perez moved to table said item. Councilmember Wolff seconded the motion.

The motion to table prevailed with the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Wolff, Haass, and Mayor Hardberger. **NAY:** Guajardo and Hall. **ABSENT:** None.

CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

The City of San Antonio exceeded the 2006 Goal for this years' Charitable Campaign (United Way). The amount raised by City Employees for the United Way Charitable Campaign was \$640,000. Ms. Sculley noted that fifteen city departments within the organization had 100% total participation. Ms. Sculley thanked Mr. David Garza, Chair of the City's Charitable Campaign. Ms. Sculley noted that this is the third year in a row that city employees have exceeded the goal.

Ms. Sculley reported that the Crime Response Unit (CRU) was a pilot program of police officers created to reduce crime in the city. The pilot program was a success and as of January 2007 is now permanently named Tactical Response Unit (TRU). Since January 2007 the TRU has arrested nearly 1,000 felony and misdemeanor offenders and cleared more than 1500 warrants. In addition, 500 narcotics and weapons charges have been initiated as a result of the TRU. Ms Sculley noted that this is an example of redeploying within the department using city resources and reorganizing the police department to be effective to help fight crime within the community.

EXECUTIVE SESSION

Mayor Hardberger recessed the Regular Meeting at 11:00 am to convene in Executive Session for the purpose of:

- A. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 6:00 pm, at which time he stated the City Council had been briefed on the above-styled matter and gave staff direction, but had taken no official action.

Mayor Hardberger stated that the City Council will convene in an Emergency Meeting at 2:00 pm. Following the Emergency Meeting the Council would convene at 6:00 pm to address Citizens to be Heard.

CITIZENS TO BE HEARD

The following citizen(s) appeared to speak:

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave, addressed the Council regarding a March of Hate Groups in New Jersey and Chicago, noting that the City of San Antonio should be careful. He stated that the hate groups are headed to San Antonio. Mr. Flores Perez also spoke in opposition to Governor Perry's Executive Order, to provide shots to teenaged girls for the HPV Virus.

Mr. Mark Perez, 119 Hardman, addressed the Council regarding Mission Petroleum operating without a permit. Mr. Perez stated that he has contacted the Environmental Department and has not received a response.

Mr. Faris Hodge Jr. addressed the Council with regards to the Affirmative Action Board and the hiring practice in the different Council Districts. He noted the Council Offices that had not hired black employees. He also noted that this issue was a city-wide organizational issue.

Mr. Nick Calzoncit, 66 Brees #14, addressed the Council regarding a Geothermal Project at the Harlandale Independent School District (HISD) Administration Building. Mr. Calzoncit reported that the project failed and cost the taxpayers a lot of money.

ADJOURNMENT

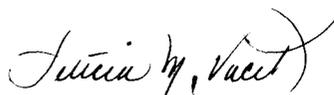
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:16 pm.

A P P R O V E D



PHIL HARDBERGER
M A Y O R

Attest:



LETICIA M. VACEK
City Clerk

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

A EMERGENCY MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, FEBRUARY 8, 2007

Mayor Hardberger called the Emergency Meeting of the City Council to order with all Councilmembers present except Councilmembers Gutierrez and Haass.

EMERGENCY MEETING OF THE CITY COUNCIL

1. CONSIDERATION AND ACTION CONCERNING THE HELOTES MULCH FIRE AND RELATED POSSIBLE ENVIRONMENTAL CONCERNS.

Mayor Hardberger called upon Mr. Alex Briseno, Chairman of San Antonio Water Systems (SAWS) to make a power point presentation. Mr. Briseno made a brief presentation and stated that SAWS' is in opposition to any water being placed on the fire due to the possible contamination to the Edwards Aquifer.

Mr. Greg Flores, Vice President of Communications and External Relations of SAWS' presented a PowerPoint which is attached and made part of the minutes as attachment I. Mr. Flores stated that it is the responsibility of the Texas Commission of Environmental Quality (TCEQ) to put the fire out and SAWS' responsibility to protect the Edwards Aquifer.

EXECUTIVE SESSION

Mayor Hardberger recessed the Emergency Meeting at 2:40 pm to convene in Executive Session for the purpose of:

1. Consideration and action concerning the Helotes mulch fire and related possible environmental concerns, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Emergency Meeting from Executive Session at 3:40 pm. He stated the City Council had been briefed on the above-styled matter and gave staff direction, but had taken no official action.

2007R-02-08-0152

AUTHORIZING THE CITY ATTORNEY AND THE SAN ANTONIO WATER SYSTEM (SAWS), AN AGENCY OF THE CITY OF SAN ANTONIO, TO EXERCISE ENFORCEMENT POWERS AUTHORIZED BY TEXAS WATER CODE SECTION 7.351 AND TAKE ANY ACTIONS NECESSARY TO OBTAIN INJUNCTIVE RELIEF AGAINST PERSONS WHO DISCHARGED, ARE DISCHARGING, OR ARE THREATENING TO DISCHARGE POLLUTANTS INTO THE EDWARDS AQUIFER OR ENGAGE IN ANY OTHER ACTIVITY WHICH MAY CAUSE IMPAIRMENT OF THE QUALITY OF THE

EDWARDS AQUIFER IN CONNECTION WITH THE SUPPRESSION OF THE DEBRIS PILE FIRE NEAR THE CITY OF HELOTES, TEXAS, AND FM 1560; AND FINDING THAT IMMEDIATE ACTION IS REQUIRED BECAUSE OF IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY

Councilmember Flores moved to approve the Resolution as noted above. Councilmember Radle seconded the motion.

The motion prevailed with the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez and Haass.

Councilmember Flores moved that the City Council officially contact the Environmental Protection Agency (EPA) of the United States to request assistance, guidance and counseling on how to proceed with this issue. Councilmember Herrera seconded the motion.

The motion prevailed with the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez and Haass.

ADJOURNMENT

There being no further business to discuss Mayor Hardberger adjourned the Emergency Meeting at 3:44 pm.

A P P R O V E D



PHIL HARDBERGER
M A Y O R

Attest:



LETICIA M. VACEK
City Clerk