

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

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, MARCH 12, 2008 AND THURSDAY, MARCH 13, 2008.**

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **March 12, 2008**, Municipal Plaza Building with the following Councilmembers present: McNeil, Ramos, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **Absent:** Cisneros and Cortez.

1. STAFF PRESENTATION OF ITS RECOMMENDED SCHEDULE FOR ADOPTION OF THE FY 2009 ANNUAL OPERATING AND CAPITAL BUDGETS AND TAX RATES.

Mr. Peter Zanoni presented the recommended FY 2009 Budget Calendar. He stated that a B Session would be held on April 30<sup>th</sup> to review the Six Plus Six Financial Report, Five Year Financial Forecast and the Distribution of the City Services Ballot for Ranking of Services for Policy Direction. He noted that the City Council Budget Goal Setting Worksession for the FY 2009 Budget and FY 2010 Budget Plan would be held on May 13<sup>th</sup> and that the Preliminary FY 2009 Budget Proposals would be presented on June 18<sup>th</sup>. The FY 2009 Proposed Operating and Capital Budget Presentation and Proposed Property Tax Rate Adoption is scheduled for August 14<sup>th</sup>, while City Council District Community Budget Hearings will be held from August 18<sup>th</sup>-29<sup>th</sup>. Mr. Zanoni added that approximately eight Budget Worksessions would be held from August 19<sup>th</sup>-September 10<sup>th</sup>, and that the FY 2009 Budget, Property Tax Rate, and Revenue Adjustments Adoption and Appropriations Ordinance would be presented on September 11, 2008 for Council action.

Mr. Zanoni mentioned that the Frontline Employee Focus Groups would be held from April 1<sup>st</sup> – 15<sup>th</sup> with employees from the Aviation, Library and Housing and Neighborhood Services Departments. He added that a Budget Input Box Initiative would be implemented on March 17<sup>th</sup> in English and Spanish to allow for community input. He stated that a Budget Educational Video Program would be released and televised beginning April 1, 2008.

Councilmember Clamp requested an agenda for the May 13<sup>th</sup> Budget Worksession. Councilmember Cibrian noted her four Budget Priorities in no particular order: 1) A Two-Year Balanced Budget, 2) Cut Waste, 3) Increase Reserves, and 4) Property Tax Cut.

Mayor Hardberger thanked Mr. Zanoni and his staff for the information.

2. STAFF BRIEFING ON THE COURT SYSTEM UTILIZED BY BOTH THE CITY OF SAN ANTONIO AND BEXAR COUNTY AND RECOMMENDED STRATEGIES FOR IMPROVEMENTS.

Judge John Bull presented a briefing on the proposed Municipal Court Integration and Automation. He provided an overview of the current system along with its challenges and issues, and noted the need to interface City and County Systems. He offered three solutions: 1) Modify current mainframe systems, 2) Implement a new standalone system, or 3) Receive shared service from Bexar County Criminal Justice System. He stated that staff recommended approach number three, as the current mainframe

would be costly to update and a new standalone system would also be costly and there would not be a benefit from it continuing to be separate.

Mr. Richard Varn presented an overview of the Shared Service-Interlocal Agreement between the City of San Antonio and Bexar County. He stated that a mirror image of the CAD/RMS 911 Agreement would be drafted except that in this instance, the County would be the provider. He noted that the governance structure would be the same with different appointees representing court, legal and justice expertise of users. He added that the cost would be reduced through economies of scale and that existing infrastructure investments such as facilities, networks, storage, disaster recovery, and business continuity capability would be re-used.

Mr. Varn provided benefits to the Interlocal Agreement including the elimination of redundancies, improvement of quality of service, and balanced workloads among staff and infrastructure. He noted that the City and County were partnering on other projects in an effort to identify and eliminate redundant and antiquated systems and processes to ensure coordination and integration.

Councilmembers thanked Merrs. Bull and Varn for their work on said project and noted their support. There being no further discussion, Mayor Hardberger adjourned the meeting at 4:10 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **March 13, 2008** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Father Juan Alfaro, Pastor, St. Rose of Lima Catholic Church, guest of Councilmember Philip Cortez, District 4.

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

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, McNeil, Ramos, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. Mrs. Vacek reported that Councilmember Cortez was absent due to US Air Force Active Military Training.

## **MINUTES**

Councilmember Herrera made a motion to approve the Minutes for the February 14, 2008 City Council Meeting. Councilmember Cibrian seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2008-03-13-0189**

Item 4. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT IN THE AMOUNT OF \$50,000.00 WITH BARBARA GRYGUTIS SCULPTURE, LLC FOR THE DEVELOPMENT AND DESIGN OF A MEDAL OF HONOR MEMORIAL.

Mr. Robert Peche presented said item relating to the Medal of Honor (MOH) Memorial. He stated that the City Council had appropriated \$50,000 for a conceptual design proposal for the MOH Memorial and that the Veterans Affairs Commission (VAC) recommended placing the memorial in the Veterans Memorial Plaza Historic District. The VAC established criteria to commemorate local MOH recipients.

On May 31, 2007, a Request for Qualifications (RFQ) was reissued as a "Call for Artists" and 31 proposals were received. The MOH Memorial Design Panel evaluated each proposal and four were selected. The four were presented to the VAC and subsequently, the panel recommended awarding the design contract to Barbara Grygutis Sculpture, LLC.

Mr. Peche noted that the estimated cost for construction of the MOH Memorial in the four proposals ranged from \$600,000 to \$1,000,000. He added that a private fundraising effort would be initiated in April to fully fund the construction of the Memorial and that the estimated completion date was May 2009.

Mayor Hardberger noted that there are 16 Medal of Honor recipients from San Antonio that will be honored at the memorial and stated that the Medal of Honor is the highest honor that one can receive. He reported that Mr. Louis Stoneberg had made the first contribution for the MOH Memorial in the amount of \$10,000.

Mr. Robert Robley, Chairman of the VAC, addressed the Council in support of said item. He stated that this was an exciting time for the development of the Memorial Plaza and that it was a meaningful long-term contribution to the City.

Mr. Johnny Rodriguez, VAC Representative for District 3, also addressed the Council in support of said item. He asked that Councilmembers fill the vacancies for their District Representatives on the VAC as soon as possible.

Mr. John Baines, Founder and Chairman of the Vietnam Veterans Memorial San Antonio, Inc., addressed the Council in support of said item. He noted that over 23 years ago, the Vietnam Veterans Memorial Project cost was approximately \$650,000 and the average contribution was \$5.00. He offered his assistance and stated that he had a wealth of documents from that project which could contribute to the MOH Memorial Project.

Barbara Grygutis, Artist for the MOH Memorial, addressed the Council and stated that she was honored to have been selected as the artist for this project. She added that she does public art around the country and presented photos of memorials that she designed in other cities. She stated that she was looking forward to working with the San Antonio Community and assured the Council that the project is on a fast track.

The Council expressed their enthusiasm and support for said project. Councilmember Cisneros moved to adopt the proposed Ordinance. Councilmember Cibrian seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

**Item 5. STAFF BRIEFING ON RECOMMENDED PREVENTION AND ENFORCEMENT STRATEGIES RELATED TO ALCOHOL-RELATED VEHICLE ACCIDENTS.**

Dr. Fernando Guerra presented an overview and statistics of Alcohol-related Motor Vehicle Accidents. He stated that in 2006, 142 people were killed in motor vehicle crashes in San Antonio and 50% of them were alcohol-related. This is nearly 10% higher than the national rate and 2% higher than the state fatality rate.

Chief of Police McManus provided an overview of Texas Laws and compared them to laws in other states. He provided SAPD Drinking and Driving Statistics for 2007, noting that 4,220 individuals were arrested for Driving While Intoxicated (DWI) and 4,470 for Public Intoxication (PI). In regard to Underage Drinking and Driving in 2007, 1,336 citations were issued for Possession of Alcohol by a Minor and 473 for Consumption of Alcohol by a Minor.

Chief McManus presented SAPD recommendations for enforcement. He stated that short-term strategies would include a 10-cent fee on individual servings or containers of alcohol, a statewide policy or law that allows for sobriety checkpoints, the development of restrictions on the sale of single alcoholic beverages at convenient stores, and classification of a broken six-pack as an open container. He added that enhanced penalty laws should be enacted and ignition interlocks should be required on the first DWI Offense.

Jack M. Finger addressed the Council and expressed concern that the enforcement strategies were not strict enough. He stated that if Council was serious about the issue, they should ban alcohol altogether.

Lieutenant Christina Guerra of the Texas Alcoholic Beverage Commission addressed the Council in support of the Chief's recommendations. She noted that initiatives implemented should be four-pronged to include Education, Prevention, Law Enforcement, and Public Policy.

In response to Councilmember Herrera's question dealing with sobriety checkpoints, Chief McManus explained that stops could not be arbitrary and had to follow a specific pattern. He added that sobriety checkpoints were placed in an area with a high volume of traffic and would be conducted by a traffic unit. The Mayor and Council thanked staff for their presentation on this issue.

**CONSENT AGENDA: Items 6 – 23B**

Consent Agenda Items 8, 12, 14, 15, 16, 17, and 18 were pulled for Individual Consideration.

Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

Ms. Dee Villarrubia, American Civil Liberties Union (ACLU) Board Member, spoke in opposition to Item 15. She stated that all groups should be treated equally and that citizens should not have to pay for their right to free speech.

Mr. Rhett Smith addressed the Council regarding Item 15. He stated that he had served in the US Military and that he fought so that all citizens could have freedom of speech.

Ms. Amanda Haas addressed the Council in opposition to Item 15. She stated that the ordinance was a violation of First Amendment Rights to Free Speech. She expressed concern with amending an ordinance that is still in litigation and added that marching on sidewalks was not safe or fair.

Mr. Jack M. Finger addressed the Council in opposition to Item 23A. He expressed concern with the appointment of Ms. Diana Malone to the Cultural Arts Board.

Mr. Larry DeMartino addressed the Council against Item 22. He stated that the funds should be used for a community center instead of a parking garage for the Witte Museum. He noted that currently, residents used the Lions Field Clubhouse which was a Senior Citizen Center, and that the hours of operation had recently been reduced. He added that the site for the parking garage was in the same location in which the Army Corps of Engineers had recommended that a bypass be placed to relieve flood waters.

Ms. Barbara Howell also spoke in opposition to Item 22. She stated that she lived in the River Road Neighborhood and that for many years, they have endured encroaching development from the private and public sector. She expressed concern with the Cedar, Elm and Oak trees that would be damaged during construction of the parking structure. She noted her support for the Witte Museum but asked that the parking structure be located away from Brackenridge Park.

Mr. Antonio Diaz, Texas Indigenous Council, spoke in opposition to Item 15. He expressed concern with amending an ordinance that is currently in litigation. He stated that all groups should be treated equally and that allowing certain groups to march in the street while others had to pay was a violation of Constitutional Rights. In reference to Item 4, he asked that all people who sacrificed themselves for Constitutional Civil Rights be recognized in the same way.

Mr. Mike Nichols stated that he was present to answer questions related to 8A and 8C.

A group representing San Antonio Vehicle Storage addressed the Council in opposition to Items 16 and 17. Mr. Bobby Perez spoke on the group's behalf and expressed concerned about the RFP Process and specifically the group's rating in the following categories: Experience and Qualifications, Financial Stability, and the Proposed Plan. He stated that Texas Towing, the mother/parent entity of San Antonio Vehicle Storage, was the only applicant who had done vehicle storage in Bexar County. He added that they had operated the Bexar County Facility for over 12 years and had an excellent record. Mr. Perez submitted a packet to the Council which included Texas Towing's performance and financial capabilities, as well as a scoring matrix from the previous RFP. He urged the Council to postpone a vote on said item for three weeks.

A group representing the International Women's Day March addressed the Council in opposition to Item 15. Ms. Genevieve Rodriguez, Ms. Mildred Hilbrich and Ms. Jessica Guerrero stated they represented the 60 women on the International Women's Day Planning Committee and the marchers and citizens who signed a petition against the Parades and Procession Ordinance. Ms. Rodriguez shared experiences from the parade held the previous weekend and stated that all of the officers were respectful and listened to their issues. However, she expressed concern with the fact that security and barricades were at Police discretion and inconsistent. She added that no one should have to pay for a First Amendment Free Speech March. Ms. Hilbrich stated she was present to protect the rights of citizens in regard to free speech and for the right to assemble.

Ms. Graciela Sanchez addressed the Council and spoke against Item 15. She stated that many large cities in the United States did not charge for marches and that San Antonio had the most regressive and oppressive Marching and Parade Ordinance in the country. She urged the Council to vote no on said item.

Mr. Ed Erinsdorf, Senior Vice-President of United Road Towing, addressed the Council in support of Item 17. He provided information on the company's experience across the nation pertaining to vehicle storage facilities and stated they were confident in their ability to serve the City of San Antonio. He stressed the importance of being involved in the communities they work in and noted that the employees at the Growdon Lot would be retained. He added that United Road Towing would make an initial investment of \$1 million in facility improvements.

Mr. David Arevalo addressed the Council in regard to Item 17 and expressed concern with environmental issues and misuse of water wells at the Growdon Lot.

Mr. Joe Anthony Guerrero addressed the Council in opposition to Item 17. He stated that he operated a locally-owned tow truck company and would like to be recognized in the community. He stressed the importance of such contracts being awarded locally.

Mayor Hardberger recognized Councilmember Cisneros who stated she did not want to pull Item 7 but would like a status report on Laddie Place.

The motion to approve the remaining items on the Consent Agenda prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

**2008-03-13-0190**

Item 6. AN ORDINANCE APPROVING CHANGE ORDER NO. PW-04 IN THE AMOUNT OF \$67,898.21 AND CHANGE ORDER NO. PW-05 (FINAL) IN THE NET DEDUCTIVE AMOUNT OF \$86,786.12 TO THE CONSTRUCTION CONTRACT, WITH PRONTO SAND BLASTING, COATING & OIL FIELD SERVICE COMPANY, INC. IN CONNECTION WITH THE ROSABELL-CULEBRA TO INEZ PROJECT, LOCATED IN DISTRICT 5; AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A REIMBURSEMENT AGREEMENT WITH CPS ENERGY FOR CHANGE ORDER NO. PW-04.

**2008-03-13-0191**

Item 7. AN ORDINANCE APPROVING A \$25,777.00 AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT, WITH RIALTO STUDIO, INC. FOR ADDITIONAL LANDSCAPE ARCHITECTURE, ENGINEERING, AND SURVEYING SERVICES IN CONNECTION WITH THE LADDIE PLACE REGIONAL STORM WATER FACILITY (RSWF), PHASE I AND PEARSALL PARK SPORTS FIELD PROJECTS, LOCATED IN DISTRICTS 1 AND 4.

**2008-03-13-0195**

Item 9. AN ORDINANCE AUTHORIZING THE CITY'S ACCEPTANCE OF AN EASEMENT FROM J-A NORTH SAN ANTONIO REALTY, LP IN CONNECTION WITH THE SONTERRA PLACE PEDESTRIAN EASEMENT DEDICATION PROJECT, DISTRICT 9.

**2008-03-13-0196**

Item 10. AN ORDINANCE AUTHORIZING A LEASE RENEWAL FOR APPROXIMATELY 4,057 SQUARE FEET OF OFFICE SPACE AT 8600 WURZBACH ROAD FROM CREEKVIEW GARDEN OFFICES, LTD. FOR USE BY THE SOUTH TEXAS HIGH INTENSITY DRUG TRAFFICKING AREA PROGRAM, ADMINISTERED BY THE SAN ANTONIO POLICE DEPARTMENT, FOR A FIVE-YEAR TERM AT A RENTAL RATE ESCALATING OVER THE TERM OF THE LEASE, DISTRICT 8.

**2008-03-13-0197**

Item 11. AN ORDINANCE APPROVING A LEASE WITH PATRICIA JANE FUGITT D/B/A PJ FUGITT AND COMPANY D/B/A FOUND, TO OPERATE A CONTEMPORARY ART GALLERY AND ANTIQUE/VINTAGE RETAIL ESTABLISHMENT IN BUILDING 24 LOCATED WITHIN THE LA VILLITA HISTORIC DISTRICT AT 418 VILLITA STREET FOR A TOTAL MONTHLY RENTAL OF \$509.83 AND FOR A MONTH TO MONTH TERM PENDING THE COMPLETION OF A RETAIL MANAGEMENT STUDY.

**2008-03-13-0199**

Item 13. AN ORDINANCE APPROVING THREE CONTRACT CHANGES WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH WILL INCREASE TOTAL FUNDING FROM THE CURRENT \$1,378,476.00 TO \$2,034,255.00, SHORTEN THE GRANT PERIOD AND MODIFY THE STATEMENT OF WORK TO THE FOLLOWING: THE CITIES READINESS INITIATIVE, THE PUBLIC HEALTH EMERGENCY PREPAREDNESS PROGRAM, AND THE PUBLIC HEALTH EMERGENCY PREPAREDNESS LABORATORY OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT.

**2008-03-13-0205**

Item 19. AN ORDINANCE AUTHORIZING A SETTLEMENT IN CAUSE NO. 2006-CI-14583; *ANDRE AND ROSE BARAJAS, INDIVIDUALLY, AND AS REPRESENTATIVES OF THE ESTATE OF CHRISTIE BARAJAS, DECEASED, AND ANITA MAYORGA V. CITY OF SAN ANTONIO*; IN THE 57TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS, IN THE AMOUNT OF \$92,500.00 AND OTHER CONSIDERATIONS.

**2008-03-13-0206**

Item 20. AN ORDINANCE AUTHORIZING THE PURCHASE OF AIRCRAFT HULL AND LIABILITY INSURANCE FROM ACE USA INSURANCE COMPANY THROUGH THE CITY'S BROKER OF RECORD, FOR A ONE YEAR PERIOD BEGINNING MARCH 31, 2008 AT A PREMIUM OF \$213,161.00, FROM THE LIABILITY SELF-INSURANCE FUND.

**2008-03-13-0207**

Item 21. AN ORDINANCE AUTHORIZING THE PURCHASE OF AIRPORT OWNERS AND OPERATORS LIABILITY INSURANCE FROM ACE USA INSURANCE COMPANY THROUGH THE CITY'S BROKER OF RECORD, FOR A ONE YEAR PERIOD BEGINNING MARCH 31, 2008 AT A PREMIUM OF \$52,500.00, FROM THE LIABILITY SELF-INSURANCE FUND.

**2008-03-13-0208**

Item 22. AN ORDINANCE APPROVING A FUNDING AGREEMENT WITH THE SAN ANTONIO MUSEUM ASSOCIATION, D/B/A THE WITTE MUSEUM FOR THE EXPENDITURE OF UP TO

\$3,750,000.00 FOR CONSTRUCTION OF THE BRACKENRIDGE PARK PARKING FACILITY, LOCATED IN DISTRICT 9.

Item 23. Consideration of board, commission and committee nominees, for terms of office to be effective immediately upon appointment:

- A. Appointing Diana Malone (District 1: Category - Institution) to the Arts and Cultural Advisory Committee for the remainder of an unexpired term of office to expire May 31, 2009.
- B. Appointing Andrew Richardson (District 3) to the Port Authority of San Antonio for the remainder of an unexpired term of office to expire November 30, 2009.

**[CONSENT ITEMS CONCLUDED]**

**EXECUTIVE SESSION**

Mayor Hardberger recessed the Regular Meeting at 12:10 pm to break for lunch and announced that the Council would convene in Executive Session at 1:30 pm for the purposes of:

- A. Discuss legal issues related to meet and confer legislation for non-San Antonio Police Department peace officers pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 2:10 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

Mayor Hardberger addressed item 8 at this time.

The City Clerk read the following Ordinances:

Item 8. Consideration of the following Ordinances relating to the 2007 Bond Program and 2008-2013 Capital Budget:

**2008-03-13-0192**

8A. AN ORDINANCE SELECTING 118 DESIGN CONSULTANTS LISTED IN ATTACHMENT A FOR NEGOTIATION AND EXECUTION OF PROFESSIONAL ARCHITECTURAL AND/OR ENGINEERING DESIGN SERVICES CONTRACTS, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$54,481,186.00, AND AUTHORIZING REIMBURSEMENT BY SAWS AND CPS ENERGY FOR DESIGN SERVICES COST, IN CONNECTION WITH THE 2007 GENERAL OBLIGATION BOND PROGRAM AND CERTAIN FIRE STATION AND PARKS CAPITAL PROJECTS INCLUDED IN THE 2008-2013 CAPITAL BUDGET, LOCATED CITY-WIDE.

**2008-03-13-0193**

8B. AN ORDINANCE AUTHORIZING RECEIPT OF FUNDS FROM SAWS AND CPS ENERGY AND APPROPRIATING FUNDS RECEIVED FROM SAWS AND CPS ENERGY, IN CONNECTION WITH THE 2007 GENERAL OBLIGATION BOND PROGRAM AND CERTAIN

FIRE STATION AND PARKS CAPITAL PROJECTS INCLUDED IN THE 2008-2013 CAPITAL BUDGET.

**2008-03-13-0194**

8C. AN ORDINANCE SELECTING POST, BUCKLEY, SCHUH, AND JERNIGAN, INC., FREESE AND NICHOLS, INC., AND PARSONS COMMERCIAL TECHNOLOGY GROUP, INC. FOR NEGOTIATION OF CONTRACTS FOR PROFESSIONAL PROGRAM MANAGEMENT SERVICES, IN CONNECTION WITH THE 2007 GENERAL OBLIGATION BOND PROGRAM AND CERTAIN FIRE STATION AND PARKS CAPITAL PROJECTS INCLUDED IN THE 2008-2013 CAPITAL BUDGET.

Mrs. Vacek read written testimony from Faris Hodge, Jr. on said item. He wrote that San Antonio Water Systems (SAWS) and Bexar Met should consolidate to save money to all taxpayers. He stated that many citizens had difficulty paying their water bills but SAWS only assisted low-income families.

Councilmember Herrera requested a staff briefing on said item. Mr. Mike Frisbie stated that the Bond Program was four times larger than any that the City had taken on. He noted that 121 projects needed to be designed and that the goal of the program was to stay on schedule and on budget. He provided an overview of the selection process for design consultants and highlighted the high percentage of SBEDA participation.

Councilmember Herrera moved to adopt the proposed Ordinances for items 8A, 8B and 8C. Councilmember Cibrian seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

Mayor Hardberger addressed item 15 at this time.

The City Clerk read the following Ordinance:

**2008-03-13-0201**

Item 15. AN ORDINANCE AMENDING CHAPTER 19, ARTICLE XVII OF THE CITY CODE CONCERNING PARADES, RUNS, WALKS, AND RELATED EVENTS TO REFLECT CHANGES DIRECTED BY COURT ORDER TO INCLUDE MORE SPECIFIC GUIDELINES IN THE ASSESSMENT OF ESTIMATED TRAFFIC CONTROL COSTS.

Councilmember Herrera asked Mr. Michael Bernard for a legal explanation of said item. Mr. Bernard stated that a coalition of plaintiffs had filed a lawsuit challenging the constitutionality of the Parade Ordinance that was passed in November 2007. The challenge was based on the payment of fees for traffic control costs. The Court ruled that the ordinance is constitutional except for funeral processions being exempt and that provision is being removed from the ordinance. Additionally, the Court requests it be clear that the City is charging for traffic control and clean up costs, not security. He clarified that was the City's intention and will be clarified through this ordinance. Lastly, this ordinance will provide legislative guidelines by the Council on how the Chief of Police assesses costs and provides an appeal process if an applicant disputes the amount. Same will be allowed to be appealed to the City Manager's Office to determine whether or not the costs were appropriate. It was noted that the Chief of Police is working on standard operating procedures and guidelines on how costs are assessed.

Councilmember Herrera moved to adopt the proposed Ordinance. Councilmember Rowe seconded the motion.

The motion prevailed by the following vote: **AYES:** McNeil, Ramos, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** Cisneros and Galvan. **ABSENT:** Cortez.

Mayor Hardberger addressed item 17 at this time.

The City Clerk read the following Ordinance:

**2008-03-13-0203**

Item 17. AN ORDINANCE APPROVING THE EXECUTION OF A CONTRACT WITH UNITED ROAD TOWING, INC. FOR OPERATION AND MAINTENANCE OF THE SAN ANTONIO POLICE DEPARTMENT'S GROWDON ROAD VEHICLE STORAGE FACILITY FOR AN INITIAL TERM OF 5 YEARS WITH AN OPTION TO RENEW FOR AN ADDITIONAL 2 YEARS.

Mrs. Vacek read written testimony from Faris Hodge, Jr. regarding said item. He wrote that he was in support of the ordinance because it would save insured drivers' time and money if they were in an accident with someone who did not carry insurance. He added that it would give Officers more time to work on serious crimes and that the \$10 million to widen Main Plaza should be used to hire additional Police Officers.

Councilmember Galvan expressed concern with the contract selection process for the operation and maintenance of the San Antonio Police Department's Growdon Road Vehicle Storage Facility. She noted discrepancies between the current and prior RFP ratings, and asked why staff was recommending a contract in which the City would receive less revenue. She added that she was displeased that the United Road Towing, Inc. Headquarters, who was being recommended, was not based in San Antonio.

Councilmember Cibrian asked Mr. Edward Erinsdorf, United Road Towing, Inc., if they would be hiring any of the current staff. Mr. Erinsdorf stated that they intended to hire all of the employees at the facility due to their history and awareness of current operations.

City Manager Sculley provided an overview of all that had taken place in regard to the Growdon Lot RFP since it was originally solicited approximately 18 months ago. She stated that staff had worked countless hours in an effort to provide the best recommendation.

Councilmember Galvan moved to postpone said Ordinance for three weeks. Councilmember Ramos seconded the motion.

The motion failed by the following vote: **AYES:** Ramos, Galvan, and Rodriguez. **NAY:** Cisneros, McNeil, Herrera, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** Cortez.

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

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Herrera, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** Ramos, Galvan, and Rodriguez. **ABSENT:** Cortez.

**POINT OF PERSONAL PRIVILEGE**

Councilmember Rowe recognized Thomas Marks, District 9 Chief of Staff, for his service to the City of San Antonio. Mr. Marks resigned his position to pursue a new opportunity.

Mayor Hardberger addressed item 12 at this time.

The City Clerk read the following Ordinance:

**2008-03-13-0198**

Item 12. AN ORDINANCE AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A \$54,084.00 JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT FUND GRANT TO THE GOVERNOR'S OFFICE, CRIMINAL JUSTICE DIVISION FOR THE STRIVING TOGETHER TO ACHIEVE REWARDING TOMORROW (START) PROGRAM, ACCEPTANCE UPON AWARD AND A PERSONNEL COMPLEMENT.

There was no Council discussion on said item as Councilmember Rodriguez stated that he received the answer to his question. Councilmember Rodriguez moved to adopt the proposed Ordinance. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Galvan, Herrera, Rodriguez, Cibrian, Rowe, and Clamp. **NAY:** None. **ABSENT:** Cortez and Mayor Hardberger.

**2008-03-13-0200**

Item 14. AN ORDINANCE APPROVING THE SUBMISSION OF A LOCAL PARK GRANT PROGRAM APPLICATION TO THE TEXAS PARKS & WILDLIFE DEPARTMENT; AUTHORIZING THE ACCEPTANCE OF THE GRANT IN AN AMOUNT UP TO \$1,000,000.00, IF AWARDED, TO BE USED FOR THE DEVELOPMENT OF VOELCKER PARK; AND AUTHORIZING THE EXECUTION OF ALL RELATED DOCUMENTS.

Councilmember Cibrian expressed her support for said item and highlighted the importance of Voelcker Park.

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

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Galvan, Herrera, Rodriguez, Cibrian, and Clamp. **NAY:** None. **ABSENT:** Cortez, Rowe, and Mayor Hardberger.

**2008-03-13-0202**

Item 16. AN ORDINANCE AMENDING CITY CODE, CHAPTER 19, DIVISION 1 AND DIVISION 3 REGARDING IMPOUNDING AND WRECKER SERVICES.

Councilmember Galvan asked for clarification of said item. Mr. Erik Walsh stated that said ordinance provides for the City to hire a private company to operate the vehicular pound rather than the City operating same.

Councilmember Herrera moved to adopt the proposed Ordinance. Councilmember Rodriguez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Herrera, Rodriguez, Cibrian, and Clamp. **NAY:** Galvan. **ABSENT:** Cortez, Rowe and Mayor Hardberger.

#### **2008-03-13-0204**

Item 18. AN ORDINANCE AUTHORIZING AN INCENTIVE PACKAGE FOR SOUTHWEST AIRLINES FOR A NEW DAILY NON-STOP FLIGHT TO PHILADELPHIA, PA STARTING MARCH 17, 2008, INCLUDING UP TO \$200,000.00 FOR MARKETING COST REIMBURSEMENTS AND LANDING FEE WAIVERS IN ACCORDANCE WITH THE AIR SERVICE DEVELOPMENT INCENTIVE PROGRAM.

There was no Council discussion on said item as Councilmember Cibrian stated that she had received the answer to her question. Councilmember McNeil moved to adopt the proposed Ordinance. Councilmember Cibrian seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Galvan, Herrera, Rodriguez, Cibrian, Rowe, and Clamp. **NAY:** None. **ABSENT:** Cortez and Mayor Hardberger.

#### **CITY MANAGER'S REPORT**

There was no City Manager's Report.

#### **CEREMONIAL ITEMS**

Mayor Hardberger presented a Proclamation for *Luminaria: Arts Night in San Antonio*, a Downtown & Citywide Event that will be held March 15, 2008, from 6:00 pm to midnight. He noted that an unprecedented collaboration of artists will come together for one day to celebrate the dynamic vitality of San Antonio's artistic and creative spirit.

#### **CITIZENS TO BE HEARD**

Mr. Nazirite Ruben Flores Perez spoke of Nisan 14. He noted that it is more commonly known as Passover and occurred in 1513 BC. He added that the event is referenced in many places in the New Testament.

Mr. Mark Perez spoke of various facilities operating without permits. He also stated that when he has reported facilities for operating without Certificates of Occupancy, the certificates have been issued without inspections.

Ms. Jennifer Northway, Executive Director of Mothers Against Drunk Driving (MADD), spoke in favor of a proposal focused on reducing alcohol related crashes. She stated that these types of crashes are 100% preventable and noted negative effects inflicted upon all involved. She added that punishment needed to be stricter than fines and suspended licenses, and offered recommendations from the MADD campaign.

Ms. Nikki Kuhns spoke of an article on tooth decay which was being attributed to soft drinks and fruit juices. She added that Dental Fluorosis was occurring due to fluoridation of drinking water. She noted that people may have fewer cavities, but their enamel is being wiped away. A video was shown regarding news reports of fluoridation.

Ms. Catrina Jacobo stated that the SAHA home appraisals were below market and the Bexar County appraisals were more accurate. She provided Council with a newspaper ad for a Mirasol Home priced above the SAHA valuation and stated that SAHA was making money from the residents' misfortune. She noted that Ms. Stephanie Battle had rescinded her resignation and had been temporarily placed back on the Task Force. Ms. Jacobo spoke against this action and invited Council to a peaceful protest on March 22, 2008.

Mr. Guadalupe Lopez showed photos of his Mirasol Home and stated that the new SAHA Board Members had gone to see the mold growing in his air conditioning unit. He noted Councilmember Galvan's request was that something be done to help the residents within 90 days and stated time was almost up but nothing had been accomplished. Mr. Lopez also spoke against Ms. Battle's reinstatement on the Task Force.

Ms. Cynthia Enman stated that she was a Mirasol Homeowner and that she had been told to leave her home because it was infested with mold. She now pays rent to live in a duplex and is still responsible for her house payment. She added that while her home was being worked on, her furniture was torn apart and had become contaminated.

Ms. Henrietta DeHoyos noted that her mother and husband had both passed away while living in a KB home. She stated that Ms. Battle had no place on the Task Force because she had not helped anyone. Ms. DeHoyos stated that she nor representatives George Alejos and Janet Ahmad had been allowed to view her own home records, but Ms. Battle had access to them without her permission.

Ms. Janet Ahmad stated that the Mirasol Residents were going to hold a demonstration on March 22, 2008. She reported that SAHA and KB Homes were trying to push Ms. DeHoyos out of her home because she has been vocal. Ms. Ahmad asked who the residents should turn to since no one is listening and nothing is happening. She added that appointing new SAHA Board Members was a great step, but now those board members have to play catch-up.

Mr. Faris Hodge, Jr. asked for Council support in increasing the number of 911 employees, eliminating the Mirasol Task Force, and preventing CPS from increasing utility rates. He added that with escalating costs, employees need bigger pay raises. He also stated that Citizens to be Heard should be broadcast on TV and on the Internet. Lastly, he sang a song to the Council.

**ADJOURNMENT**

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:44 pm.

**A P P R O V E D**



**PHIL HARDBERGER**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk