

**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 COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, JANUARY 28, 2009 AND THURSDAY, JANUARY 29, 2009, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **January 28, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

1. BRIEFING AND POSSIBLE ACTION ON ENERGY SUSTAINABILITY PLAN.

Mayor Hardberger stressed the importance of energy sustainability and stated that it was a large part of the Stimulus Plan. He recognized Mr. Larry Zinn who presented said item. Mr. Zinn stated that the Mission Verde Project was an economic approach to sustainability focused on energy, and had taken over a year to produce. He noted that it began with the Mayor's State of the City in January, 2008 and led to a B Session in June, 2008. Consultant Scott Bernstein of the Center of Neighborhood Technologies provided an Opportunity Scan and explained that the report outlined the City's Energy Sustainability challenges and opportunities.

Mr. Zinn further explained that the Mission Verde Project was an interlocking, comprehensive plan that would position San Antonio to be a leader in the 21st Century Global Economy. He introduced two consultants who had worked on the project, James Nixon, Sustainable Systems, Inc., and Gil Friend of Natural Logic. He mentioned that Mission Verde was aligned with the national agenda for solar, wind, and smart grid initiatives. He provided information on the Stimulus Bill, noting that it would create 460,000 clean energy jobs and 3,000 miles of new transmission line. He reported that the total proposed funding for renewable energy, energy efficiency, research, and smart grids totaled over \$50 billion in both the House and Senate versions of the Stimulus Bill.

Mr. Zinn added that the cost of solar energy has dropped by 50% since 2004. He explained that the economic impact of sustainability for San Antonio would be transformational. It was stated that the impact would create thousands of new jobs and power tens of thousands of homes with energy savings. He explained that there could be over \$100 million in new wages and energy savings, as well as no additional cost for power plants, transmission lines, and distribution stations. He provided initial estimates on the scope of Mission Verde benefits and highlighted the ten Mission Verde Initiatives.

Mr. Zinn stated that Initiative #1 was to build a 21st Century Energy Infrastructure with a distributed energy system that included renewable energy, energy storage, and connection to a smart grid. He noted that it would transition from a centralized power system. He explained the concept of the Smart Grid, a new electricity delivery system that allows two-way communication between CPS Energy and the customer and manages energy production and use. He presented examples of energy storage to include: compressed air energy storage; batteries; pumped hydro; flywheels; and super-capacitors. He reported that the CPS Energy Board endorsed new energy infrastructure and had adopted the Four Pillars approach of Jeremy Rifkin. He

outlined the Four Pillars as follows: 1) Renewable Energy; 2) Buildings as Positive Power Plants; 3) Energy Storage; and 4) Smart Grids/Plug-In Vehicles.

Mr. Zinn stated that Initiative #2 was to create a Multi-Tech Venture Capital Fund to raise \$100 million for clean, high, and bio technologies and was expected to create 3,000 jobs. He added that there would be a \$75K fee for a market assessment that would begin in May, and that there was potential for a San Antonio/Austin Clean Tech Corridor to be created. He added that there was also an opportunity for Initiative #3, the Creation of a Comprehensive Green Job Program. It was noted that the City had an assessment conducted by the Council for Adult and Experiential Learning (CAEL), a national leader in workforce development. CAEL has proposed to design a Comprehensive Green Jobs Program in collaboration with local partners. Mr. Bruce Leslie stated that they were enthusiastic about a Green Jobs Program at ACCD.

Mr. Zinn explained that Initiative #4, Economic Development Strategies, involves applying economic development tools such as the Business Cluster Strategy, Economic Development Incentive Fund, Tax Abatements, and other tax incentives, to Green/Clean Technologies. Mr. Zinn reported that Initiative #5 was to Adopt a Green Building Code for New Construction and that the Mayor's Task Force on Sustainable Buildings has recommended changes in energy and water codes for buildings. Mr. Zinn highlighted the recommendations for energy reduction by 15% below the current code, 30% below the current code within three years, and carbon neutral by the Year 2030. He outlined the annual energy savings and greenhouse reduction for each recommendation.

Mr. Zinn referenced Initiative #6, Building a Green Retrofit Program for Existing Buildings. He made note of a free, low-income weatherization program available through CPS Energy and grant funding. The Pay As You Save (PAYS) green retrofits will allow citizens to avoid up-front costs.

He explained Initiative #7, Creating an Integrated Efficient Multi-Modal Transportation System. It was stated that the San Antonio/Bexar County Transportation Task Force was appointed by Mayor Hardberger and County Judge Nelson Wolff to create a more efficient, integrated transit system. It was noted that San Antonio was the only city among the ten largest in the nation that did not have a public rail system. Recommendations from the Committee were to expand local funding options, develop a multi-modal system, integrate the Alamo Regional Mobility Authority (RMA) with VIA Metropolitan, and develop a Transportation Master Plan for San Antonio.

Mr. Zinn explained that Initiative #8 was to Create New Sustainable Real Estate Development. He noted that the Transportation Task Force found a strong relationship between land use and transportation and that the City possessed the land use planning tools to create sustainable real estate development, but was in need of capital.

Mr. Zinn stated that Initiative #9 was to create a Green One-Stop Center to aid in the coordination and demonstration of sustainability efforts and to provide information to residents and businesses. A committee comprised of community representatives was formed through the Alamo Community College District (ACCD) and the Clean Tech Forum to create an Alamo Clean Tech Learning Center.

Mr. Richard Varn stated that all of the *Green Links* should be connected and that their success would depend on their collaboration and interaction with each other. He presented the *Green Pump* and noted that

conservation, efficiency, and cutting waste were critical to generate savings. He noted that financing opportunities, demand, economies of scale, infrastructure, and suppliers would all be a part of the complete plan.

Mr. Laurence Doxsey stated that staff was working with other public agencies to leverage opportunities and interface with the community-at-large and various task forces. He noted that staff was working on the implementation of the one-stop center concept and the Solar Cities Grant. He added that they were looking to accelerate facility upgrades and that \$700K in potential savings could be realized at various facilities. He reported that through lighting retrofits at forty-four facilities, 4.9 million kilowatt hours would be saved.

Mr. Doxsey spoke of the HemisFair Water Project, and outlined aspects of the proposal from SAWS that limits the operation of fountains during drought stages, providing for an alternative water source on site, and having an environmentally friendly water treatment system. He also highlighted the Plug-In Electric Hybrid Study whereby the City would coordinate with CPS Energy on a Hybrid Program to monitor the use of hybrid fleet vehicles. Mr. Doxsey noted that ITSD was implementing energy improvements through 7.3% more work with 9.2% less energy. He added that the Fleet Department was working with the Texas Transportation Institute on heavy duty CNG and Diesel comparison. He noted that a Green Building Awards Program would be implemented in April, 2009 and that the City Facility Recycling Services Pilot Program would be completed in Spring, 2009. Lastly, he highlighted Solar Energy use at the San Antonio International Airport.

Councilmember Herrera thanked staff for their work and noted that she and Councilmember Rowe had worked on bringing the process forward for Incentive #5, Adopting a Green Building Code for New Construction. She spoke about job training funds and identified the CNG Quadrants. Councilmember Cibrian expressed support for the initiatives and stressed the importance of energy sustainability to the future of San Antonio. She added that the City should follow President Obama in creating a new economy and thanked CPS Energy for their partnership. Lastly, she recognized Mr. Bill Sinkin for his work on Solar Energy Initiatives.

Councilmember Rodriguez asked of the energy efficiency audit on City Facilities. Mr. Varn replied that staff was looking at options that would yield the most savings and had begun with lighting improvements. Mr. Doxsey stated that the oldest facilities would be retrofitted first. He added that the three largest facilities being the Airport, Convention Center, and Alamodome, would be launching third-party audits required by the Lone Star Fund. Councilmember Rodriguez asked of the nature of the Sustainability Plan and how it compared with Chicago and New York. It was stated that the Chicago and New York Projects focused primarily on climate action (carbon), while San Antonio should approach sustainability from an Economic Development perspective. It was noted that San Antonio was regarded as a leader and model in sustainability initiatives.

Councilmember Rowe expressed his support and noted that the Stimulus Plan Funds should be utilized toward the sustainability plan and long-term initiatives. Councilmember Clamp also expressed his support and highlighted the Recycling and CNG Programs. He stated that cost savings for homeowners and business owners should be identified and conservation efforts should be prioritized. He expressed concern on how the Mission Verde Plan would affect ratepayers and how the City would finance the Plan.

There being no further discussion, Mayor Hardberger adjourned the meeting at 4:55 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **January 29, 2009** at 9:00 am in the City Council Chambers.

Item 1. The Invocation was delivered by Pastor Rick Vela, Destiny Church, guest of Councilmember Diane Cibrian, District 8.

Item 2. 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, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

Item 3. MINUTES

Ms. Vacek reported that only the minutes of the Special Meeting of January 7, 2009 had been submitted for approval.

Councilmember Clamp made a motion to approve the Minutes for the January 7, 2009 Special Meeting. Councilmember McNeil 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:

Item 4. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO CITY'S STATE AND FEDERAL LEGISLATIVE PROGRAMS:

2009-01-29-0053

A. UPDATE ON THE 81ST SESSION OF THE STATE LEGISLATURE AND APPROVING AN ADDENDUM TO THE CITY'S STATE LEGISLATIVE PROGRAM.

Ms. Sculley provided introduced the new Intergovernmental Relations Director, Carlos Contreras. Deputy City Manager AJ Rodriguez presented the item and stated that the 81st Session of the Texas Legislature began on January 13, 2009 and would last through June 1, 2009. He noted that the deadline for filing bills, emergency appropriations, and joint resolutions other than local bills was March 13, 2009. He reported that Joe Straus as the new Speaker of the House and the Senate had undergone some changes as a result of the election. He added that Lieutenant Governor Dewhurst and Speaker Straus would announce committee assignments within the next three weeks.

Mr. Rodriguez explained that the Comptroller had indicated that the state would have \$77.1 billion available for general-purpose spending during the 2010-2011 biennium, down approximately \$9 billion from the 2008-2009 biennium. Of that, an estimated \$1.7 billion would be reserved for future transfers to the Rainy Day Fund. He stated that Lieutenant Governor Dewhurst had announced the filing of SB 1, the Legislative Budget Board's base budget for 2010-2011 that totals \$171.5 billion. He noted that it was used to fund essential services and would continue to deliver \$14.2 billion in local school property tax cuts passed by the Legislature during the May, 2006 School Finance Special Session.

Mr. Rodriguez provided highlights of SB 1 including increased funding for Health and Human Services through the Medicaid, Children's Health Insurance Program, and Child Protective Services Programs. He reported that funding would increase for Higher Education and Enrollment Growth, as well as Adult Criminal Justice. He noted that funding for the Youth Commission and the State Transportation System were being reduced. He explained that Healthcare-related costs continued to be the state's largest budget driver representing 34% of the state's budget.

Mr. Rodriguez explained that Representative Solomons had announced that he would file the proposed House Rules on February 2, 2009. He added that the House Rules contemplated five fewer committees from 40 to 35, and that 1,414 bills had been filed to date. Lastly, Mr. Rodriguez outlined the City's 20 Priority Issues that included the Military Installation Protection Act, Graffiti, and Clean Air Funding.

Jack M. Finger expressed concern with the Federal Stimulus Package noting that every job created would cost \$600,000 and that the projects identified by the City of San Antonio were not substantive. He spoke against the approval of the State Legislative Agenda because it did not include language opposing toll roads.

Ms. Vacck read written testimony from Faris Hodge, Jr. Mr. Hodge wrote that he was concerned that the costs for the contracts listed on Items 6 and 11 were not published. He also wrote that Items 8 and 10 were a waste of money. For Items 15 and 16, Mr. Hodge wrote that the City should not enter into contracts with El Mercado and Market Square until the restrooms are ADA compliant. For Item 19, he wrote that it was too late to purchase Flu Vaccines. Lastly, he wrote in support of Item 26, noting that the reimbursement was a good thing for the YMCA.

Councilmember McNeil thanked staff for their work and asked that they stay abreast of issues and priorities and be prepared to maximize opportunities. Councilmember Cibrian asked if staff was working with other agencies and stressed the importance of moving forward on the State Legislative Program to assist Camp Bullis. She requested a future report on the Appraisal Reform Process. Councilmember Rodriguez requested information on the Fire and Police Pension Fund and asked that staff continue to work on the issue of Dangerous Dogs. Councilmember Cortez thanked staff for the update and expressed support for Meet and Confer, Military Protection Act, and Graffiti Programs in the State Legislative Agenda. Councilmember Ramos inquired about the Fire and Police Pension Fund, Dangerous Dogs, and Diabetes Pilot Program. She noted that she would attend Senior Day on February 10, 2009 and asked that the Department of Community Initiatives provide information to the senior citizens planning to attend.

Councilmember Galvan expressed concern with Graffiti Issues and asked that staff continue to work on stringent policies for the purchase of spray paint. She asked that the laws and fines for drugs and prostitution be stiffened and requested additional information on the decreased funding for the Youth Commission.

Councilmember McNeil expressed concern with the decrease in funding for various programs and asked that staff continue to advocate for transportation efforts. She requested clarification of several statistics listed in Senate Bill 1. Councilmember Rowe expressed support for the three State Legislative Amendments and requested that weekly updates be provided to the City Council. Ms. Sculley replied that a weekly update would be provided during each Council Meeting.

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

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

2009-01-29-0054

B. BRIEFING AND POSSIBLE ACTION ADOPTING THE CITY'S 2009 FEDERAL LEGISLATIVE PROGRAM FOR THE FIRST SESSION OF THE 111TH CONGRESS.

Mr. AJ Rodriguez provided background information on the Federal Legislative Program, noting that each year; the City of San Antonio submits a list of issues to the delegation in Washington, D.C. He explained that the Intergovernmental Relations Department solicits input from all City Departments in coordination with the Intergovernmental Relations Council Committee. A list is compiled of priority issues. He noted that seven of the fourteen items in the Federal Legislative Program were also part of the Federal Stimulus Plan funding request. He recognized the Federal Consultants from Holland+Knight and Patton & Boggs.

Mr. Rodriguez highlighted the following priority initiatives: 1) Federal Stimulus Plan; 2) San Antonio River Improvements Project; 3) Base Realignment and Closure (BRAC); 4) Surface Transportation Reauthorization; 5) Federal Transportation Funding/Planning; 6) Rail Safety; 7) Energy Efficiency and Conservation Block Grant (EECBG); 8) Police Technology Improvements; 9) Perimeter Rule; 10) San Antonio International Airport (SAIA) Checked Baggage Inspection System Improvements; 11) Airfield Enhancements and the Acoustical Treatment Program for the SAIA; 12) Intelligence Fusion Center; 13) Base Development Office; and 14) Omnibus Policy. He explained each initiative and noted that San Antonio had been one of three cities in the State of Texas designated as a Solar City. Mr. Rodriguez stated that next steps would include the transmittal of approved Council requests to members of the Bexar County Congressional Delegation.

Councilmember McNeil asked about funding from the Department of Justice. Mr. Rodriguez replied that it was his understanding that the funds would be used for On-Base Defense rather than Off-Base Defense. Councilmember Ramos asked if staff would be meeting with the Army Corp of Engineers regarding the San Antonio River Improvements Project. It was noted that Councilmember Rowe, County Judge Nelson Wolff, and Suzanne Scott of the San Antonio River Authority would be in attendance at the meeting with the Army Corp of Engineers and Mayor Hardberger would participate via telephone conference call. Mayor Hardberger highlighted the San Antonio River Improvements Project and its importance to the City. He recognized Ms. Suzanne Scott who stated that the River Project had strong support and was well-positioned in the Federal Stimulus Package. Councilwoman Ramos stressed the importance of the River Improvement Project and requested the relocation of one of the planned portals. She noted that modification of the portal's

placement would create a special connection to Mission San Jose and the redevelopment of Mission Drive-In.

Councilmember Herrera discussed the need to partner local small businesses with the General Services Administration and expressed support for Rail Safety. Councilmember Cibrian stated that the Federal Stimulus Package was an extraordinary opportunity for the River Project. She requested information on how funding would be provided for BRAC Infrastructure. Mr. Rodriguez replied that it would be a concerted effort and could be done through Transportation Funding. Councilmember Cibrian expressed support for multi-modal transportation and energy sustainability, and noted that the Solar America Cities Conference would be held in San Antonio. Councilmember Rowe expressed support for the River Project and noted he had been involved in the effort for over 12 years. Councilmember Rodriguez inquired about the Energy Efficiency and Conservation Block Grants. Mr. Rodriguez responded that Laurence Doxsey and Larry Zinn were working on aligning energy projects with the Federal Stimulus Package. Councilmember Rodriguez requested that staff keep the City Council informed of Environmental Policy and Public Safety Grants through the Public Safety Council Committee.

Councilmember Galvan asked if VIA Metropolitan had been involved in energy efficiency project discussions. Mr. Rodriguez stated that City Staff and the City's Lobbyists would work closely with VIA on said efforts. Councilmember Galvan expressed concern that Housing Issues were not part of the Federal Stimulus Package and asked that City Staff work with the San Antonio Housing Authority (SAHA) and other non-profits on housing efforts. Frances Gonzalez outlined three efforts being worked on in terms of Housing: 1) A letter from various Non-Profit Housing Providers requesting \$49 million for projects; 2) A list of projects from SAHA; and 3) Funding for Homeless Initiatives. Councilmember Cisneros thanked staff for their work and assured citizens that the projects in the Federal Stimulus Package were critical to the City. She asked about Police Funding and Mr. Rodriguez stated that 111 Police Vehicles would be equipped with video capability. She expressed support for Bus Rapid Transit and Green Jobs.

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

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

POINT OF PERSONAL PRIVILEGE

Councilmember McNeil recognized students and teachers in attendance from Fort Sam Houston Cole Middle School.

Councilmember Cibrian invited everyone to attend the Cowboy Breakfast that will be held on January 30, 2009 at the Rim Shopping Center. She noted that Councilmember Cortez had accepted a challenge to participate in the Celebrity Cowchip Throwing Contest. Councilmember Cortez accepted the challenge and stated that he looked forward to representing District 4.

C. UPDATE AND POSSIBLE ACTION ON THE PROPOSED FEDERAL ECONOMIC STIMULUS BILL, INCLUDING FUNDING PRIORITIES.

Mr. Rodriguez reported that the House had passed an \$819 billion economic stimulus package with \$523.5 billion in spending, and another \$275 billion in tax cuts. He noted two key provisions: 1) Highway Maintenance Funds cannot supplant existing state funds; and 2) "Use it or Lose It" requires that 50% of funding for highway, aviation, transit and rail projects be obligated within 90 days.

There was no action was necessary on Item 4C.

The City Clerk read the following Ordinance:

2009-01-29-0055

Item 5. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE CLOSING, VACATING, AND ABANDONING AN ALLEY NEAR THE INTERSECTION OF PROBANDT AND CEVALLOS STREETS, EXTENDING ROUGHLY NORTHWARD FROM CEVALLOS TOWARD PEDEN BETWEEN NCBS 2567 AND 2568, LOCATED IN COUNCIL DISTRICT 5, AS REQUESTED BY CEVALLOS LOFTS, LLC.

Mr. George Rodriguez stated that said item was a request from Cevallos Lofts, LLC for the closure of an alley located near the intersection of Probandt and Cevallos Streets located in Council District 5. He reported that if approved, the petitioner would incorporate the alley with their adjacent properties and to be used for the construction of commercial and multi-family residential development. He noted that the project had been canvassed to all interested City Departments and Utility Agencies and had received conditional approval. He explained that the established fees in the amount of \$26,925.00 had been waived in accordance with the 100% reduction provided through the Incentive Scorecard Program.

Councilmember Galvan expressed support and moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

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

CONSENT AGENDA: Items 6 - 26

Consent Agenda Items 7, 9, 18, 19, 20, 23, and 24 were pulled for Individual Consideration. Councilmember Rowe moved to approve the remaining Consent Agenda Items. Councilmember Herrera seconded the motion.

RG Griffing spoke in reference to Item 21 and noted that the Ordinance was vague and gave preference to certain groups. He expressed concern that there was no information available to the public prior to the vote on the City Manager Contract Amendment. He also stated that there was limited access to the Council Chamber for the Special Meeting held on November 17, 2008.

Jack M. Finger spoke in opposition to Item 21 due to pending litigation on the matter. He inquired of specific organizations given authorization to hang banners and asked that the Ordinance be expanded, not limited.

Ms. Vacek read the following written testimonies:

Nikki Kuhns wrote in opposition to Item 21 noting that the sign ordinance proposed had content-based restrictions favoring other sign users and should refrain from disallowing free speech. She made reference to an approved banner that benefits a non-profit organization but is commercial, and wrote that the City should not decide the causes that are allowed to hang banners. Lastly, she wrote that Texans Uniting for Reform and Freedom (TURF) was a non-profit organization that did not employ commercial enterprises to make money and was supported solely by contributing members.

Terri Hall, Founder and Director of TURF, wrote in opposition to Item 21 due to concerns with First Amendment Rights and pending litigation. She wrote that whether or not the space above streets and between utility poles was a traditional public forum or not was an open question before the courts. She expressed concern with other banners currently hanging and wrote that the City of San Antonio was lacking respect for free speech and the fair treatment of all groups. She requested that the item be pulled and that changes be made to the ordinance only after the lawsuit is settled. Lastly, she wrote that Councilmember Cibrian should recuse herself from voting on said item.

Michael Shearin Guarino, Utility Conversion Chairperson and Member of the King William Association (KWA) Board of Directors, wrote in support of Item 23. He wrote that the KWA had been working with the City since 2001 in an effort to bury the utilities in San Antonio's oldest historic district, and that KWA was pleased with the prospect of being granted a portion of CIED funds to launch a utility conversion program. He wrote that individual San Antonians help maintain the King William Historic District in an effort to entice visitors to stay longer or return in the future, and that the neighborhood gives back to the city in other ways such as sidewalk improvements and enhancement of public parkland. Lastly, he wrote that the KWA is ready partner with the City of San Antonio and CPS Energy on the important infrastructure improvement project.

Councilmember Clamp highlighted Item 13 regarding the opening of a Senior Center in District 10. He thanked the Department of Community Initiatives for their work on said item and noted that the Senior Citizens were looking forward to the center's opening.

Councilmember Herrera asked about the approval of the minutes of the Council Meeting of January 15, 2009. Ms. Vacek reported that they would be submitted for approval at the February 5, 2009 Council Meeting.

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

2009-01-29-0056

Item 6. AN ORDINANCE ACCEPTING THE FOLLOWING BIDS TO PROVIDE THE CITY WITH THE FOLLOWING COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2009 FOR A COMBINED ESTIMATED COST OF \$1,068,000.00, INCLUDING: (A) BIG MOE AUTOMOTIVE REBUILDERS, INC. FOR ALTERNATORS AND STARTERS PARTS AND

SERVICES; (B) TEHCO, INC. FOR GASOLINE & DIESEL REFUELING PARTS & SERVICE; (C) LONGHORN, INC. FOR SPRINKLER AND IRRIGATION REPAIR PARTS; (D) U.S. WHOLESALE PRODUCTS FOR DOG FOOD; (E) BOUND TREE MEDICAL, LLC FOR DISPOSABLE BREATHING TUBES; AND (F) DELL MARKETING, LP FOR COMPUTER & SERVER HARDWARE, COMPONENTS, SOFTWARE, ACCESSORIES, PARTS & SUPPORT.

2009-01-29-0058

Item 8. AN ORDINANCE ACCEPTING THE OFFER FROM PHILPOTT MOTORS TO PROVIDE THE SAN ANTONIO POLICE DEPARTMENT WITH FOUR CANINE UNITS (FORD EXPEDITIONS) FOR A COST OF \$96,612.16.

2009-01-29-0060

Item 10. AN ORDINANCE AUTHORIZING AN AMENDMENT IN AN AMOUNT UP TO \$195,955.00 TO A CONSTRUCTION CONTRACT FOR AS-NEEDED INSTALLATION OF TRAFFIC SIGNAL SYSTEMS CITY-WIDE, WITH SAECO ELECTRIC AND UTILITY FOR ADDITIONAL CONSTRUCTION SERVICES FOR CITY-WIDE PROJECTS.

2009-01-29-0061

Item 11. AN ORDINANCE APPROVING A STANDARD LEASE AGREEMENT AND RENTAL RATES THROUGH OCTOBER 31, 2013 FOR AIR CARGO BUILDING WEST AND AUTHORIZING LEASES AT SAID FACILITY AT SAN ANTONIO INTERNATIONAL AIRPORT.

2009-01-29-0062

Item 12. AN ORDINANCE AUTHORIZING A SIX-YEAR LEASE FROM AEA INVESTMENTS III, LLC AT 3300 NACOGDOCHES RD. FOR A COUNCIL DISTRICT 10 CONSTITUENT OFFICE AT AN INITIAL MONTHLY RENT OF \$2,000.00.

2009-01-29-0063

Item 13. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE FROM STRATEGIC MARKET SERVICES FOR APPROXIMATELY 11,178 SQUARE FEET AT 4355 CENTER GATE, COUNCIL DISTRICT 10, STARTING THE LATER OF (I) MARCH 1, 2009 OR (II) WITHIN 30 DAYS AFTER ISSUANCE OF A CERTIFICATE OF OCCUPANCY AFTER FINISH-OUT, TO BE USED BY THE DEPARTMENT OF COMMUNITY INITIATIVES FOR A SENIOR MULTI-SERVICE CENTER, THE MONTHLY RENT BEGINNING AT \$13,749.00 AND ESCALATING THEREAFTER, AND PROVIDING FOR THE POSSIBILITY OF RENEWAL.

2009-01-29-0064

Item 14. AN ORDINANCE APPROVING A LEASE AGREEMENT WITH ROFO'S INC. D/B/A PALOMA RIVERWALK PARRILLA GRILL FOR THE USE OF CITY-OWNED RIVER WALK PROPERTY.

2009-01-29-0065

Item 15. AN ORDINANCE AUTHORIZING A MARKET SQUARE PATIO LICENSE AGREEMENT WITH MS. PETRA RIVERA VELAZQUEZ AND MS. MAGALI VELAZQUEZ D/B/A EL MERCADO GLASS FACTORY FOR THE DISPLAY OF MERCHANDISE ON 165.2 SQUARE FEET OF PUBLIC

SPACE AT 110 PRODUCE ROW FOR A TERM ENDING ON MARCH 31, 2010 AT AN INITIAL RATE OF \$1.19 PER SQUARE FOOT PER MONTH.

2009-01-29-0066

Item 16. AN ORDINANCE AUTHORIZING THE ASSIGNMENT OF A FARMERS MARKET LEASE AGREEMENT FROM DANIEL GONZALES D/B/A FIESTA CUTOUTS TO HUGO MATTA & OLGA CRISTINA MATTA D/B/A FIESTA CUTOUTS.

2009-01-29-0067

Item 17. AN ORDINANCE ACCEPTING \$250,500.00 IN GRANT FUNDS FROM THE TRANSPORTATION SECURITY ADMINISTRATION FOR FISCAL YEAR 2009 FOR THE NATIONAL EXPLOSIVES DETECTION CANINE TEAM PROGRAM.

2009-01-29-0071

Item 21. AN ORDINANCE AMENDING CHAPTER 28, SECTION 28-117(B) (1) OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY CLARIFYING THE CRITERIA NECESSARY TO PLACE BANNERS OVER STREET RIGHTS OF WAY.

Item 22. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- A. APPOINTING BIANCA MALDONADO (DISTRICT 7, CATEGORY: GENERAL) TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 31, 2010.
- B. APPOINTING NANCY O'MALLEY (DISTRICT 8) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- C. REAPPOINTING MICHAEL J. LEONARD (DISTRICT 8) TO THE BUILDING AND FIRE CODE BOARD OF APPEALS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 31, 2009.

2009-01-29-0074

Item 25. AN ORDINANCE APPROVING AN EXTENSION OF LINE-OF-DUTY INJURY LEAVE FOR SAN ANTONIO FIRE DEPARTMENT FIRE APPARATUS OPERATOR MARTIN CONNER III.

2009-01-29-0075

Item 26. AN ORDINANCE APPROVING AN AMENDMENT TO THE FUNDING AGREEMENT WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER SAN ANTONIO AND THE HILL COUNTRY (YMCA), INCREASING THE REIMBURSABLE AMOUNT BY UP TO \$154,000.00 AND EXPANDING THE SCOPE OF WORK TO INCLUDE THE RESURFACING AND STRIPING OF THE PARKING LOT AT THE WESTSIDE YMCA LOCATED AT 2900 RUIZ IN COUNCIL DISTRICT 5.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2009-01-29-0057

Item 7. AN ORDINANCE ACCEPTING THE OFFER FROM JOHNSON CONTROLS, INC. TO REPLACE TWO WATER COOLED SCREW CHILLERS, ONE AIR HANDLING UNIT, RELATED EQUIPMENT AND PIPING, AND CENTRAL PLANT CONTROLS AT THE MUNICIPAL PLAZA BUILDING FOR A COST OF \$732,659.00.

Councilmember Cisneros recused herself on Item 7 by excusing herself from the Council Chambers and noting that she submitted the recusal form for said item to the City Clerk.

Councilmember Cibrian asked how the new equipment would increase energy efficiency. Ms. Janie Cantu replied that the technology had been improved and that savings would be realized through new equipment, rebates and utility costs. Councilmember Cibrian requested a timeline for installation and a future analysis of cost savings.

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

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

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 11:27 am and invited everyone to attend a press conference being held by Congressmen Ciro Rodriguez, Charlie Gonzalez, and Henry Cuellar to discuss the Federal Stimulus Package. He noted that the meeting would reconvene in Executive Session at 1:30 pm 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). **ITEM NOT ADDRESSED**
- B. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C. Discuss the CPS Strategic Energy Plan and related legal issues pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.086 (public power utility competitive matters).
- D. Discuss legal issues related to *Grethel Echartea v. City of San Antonio*, Cause No. SA-07-CA-0781-OG, Bexar County, Texas pursuant to Texas Government Code Section 551.071 (consultation with attorney). **ITEM NOT ADDRESSED**

Mayor Hardberger reconvened the Regular Meeting at 4:05 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action. He addressed Item 9.

The City Clerk read the following Ordinance:

2009-01-29-0059

Item 9. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$259,000.00 TO 3TI, INC., FOR CONSTRUCTION OF THE HARLANDALE PARK PAVILION PROJECT, AN AUTHORIZED 2007-2012 BOND PROGRAM PROJECT LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ramos acknowledged staff for their work on the project and requested a timeline. Mr. Mike Frisbie stated that construction would begin in March, 2009 and would be completed in August, 2009.

Councilmember Ramos expressed support and moved to adopt the proposed Ordinance. Councilmember Galvan seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-29-0068

Item 18. AN ORDINANCE ACCEPTING \$386,184.60 IN GRANT FUNDS FROM THE TRANSPORTATION SECURITY ADMINISTRATION FOR FISCAL YEAR 2009 TO POST LAW ENFORCEMENT OFFICERS AT AIRPORT SECURITY CHECKPOINTS.

Councilmember Galvan stated that her questions had been answered and moved to adopt the proposed Ordinance. Councilmember Cibrian seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-29-0069

Item 19. AN ORDINANCE RATIFYING A CONTRACT FOR UP TO \$5,900.00 WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO FUND INFLUENZA SURVEILLANCE ACTIVITIES CONDUCTED BY THE San Antonio METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2009 TO AUGUST 31, 2009.

Councilmember Cortez stated that his questions had been answered and moved to adopt the proposed Ordinance. Councilmember Ramos seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-29-0070

Item 20. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS, UPON AWARD, IN THE AMOUNT OF \$30,880.00 FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR PROJECT EDUCATE, ASSESS, SERVE AND EMPOWER TO PROVIDE SERVICES TO VICTIMS OF CRIME WHO ARE DEAF AND/OR HARD OF HEARING; AND AUTHORIZING AN IN-KIND MATCH OF \$7,720.00 IN STAFF AND VOLUNTEER HOURS.

Councilmember Herrera requested additional information on the program. Assistant City Manager Erik Walsh stated that Project EASE was in the 8th year of funding and that funds were used to provide various services, including translation, to victims of violent crimes who are deaf or hard of hearing.

Councilmember Herrera expressed support and moved to adopt the proposed Ordinance. Councilmember Cibrian seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-29-0072

Item 23. AN ORDINANCE APPROVING THE FY 2009 CIED FUND GUIDELINES.

Councilmember McNeil asked if the CIED Fund Guidelines being approved would be applied to the existing \$5.2 million in the Fund. Mr. AJ Rodriguez confirmed that said guidelines were for current funds and that new guidelines would be brought to the full Council in the future. Councilmember McNeil requested a timeline for bringing forward criteria for future funding and stated that the 1% of CPS Revenues received for the Underground Utility Fund should be maintained as such. Mr. Rodriguez stated that the item would be discussed with the Economic and Community Development Council Committee in mid-February, 2009. Ms. Sculley stated that alternatives and recommendations for future CIED Funds would be discussed with the City Council in Executive Session.

Councilmember Rodriguez requested that future CIED Guidelines be reviewed and utilized for corridors to revitalize economic development such as Fredericksburg Road and Austin Highway. Councilmember Clamp asked for a status on the National Bio Agro-Defense Facility that had selected a site other than San Antonio. Mr. Robert Peche stated that the Texas Bio Agro Consortium (TBAC), the consortium that led the community's efforts to secure the project, was still working on getting the decision overturned. Councilmember Clamp asked if underground utility burial was done by CPS Energy or if it was contracted out. Mr. Peche replied that CPS Energy did most of the work in-house but occasionally contracted the work depending on the scope of the project. Councilmember McNeil requested that major construction projects

include underground utilities in their scope of work prior to initiating construction. Ms. Sculley explained that the process was costly but would bring forth cost information to the Council if it was a priority.

Councilmember Cibrian requested that staff prioritize the burial of underground utilities for commercial corridors and coordinate projects with VIA. Councilmember Ramos concurred with Councilmember McNeil regarding the possibility of including underground utilities in major construction projects prior to their commencement. She asked if developers applying for a TIF were required to bury utility lines. Ms. Sculley stated that staff did not have that information on hand but would provide the information to the Council.

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

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

The City Clerk read the following Ordinance:

2009-01-29-0073

Item 24. AN ORDINANCE RATIFYING AN AMENDMENT TO THE AUDIT SERVICES CONTRACT FOR ADDITIONAL INDEPENDENT AUDIT SERVICES TOTALING \$19,285.00 BY GRANT THORNTON L.L.P., FOR THE FY 2007 AUDIT.

Councilmember Cortez requested additional information on the contract amendment. Mr. Ben Gorzell stated that said item would close out the Fiscal Year 2007 External Audit provided by Grant Thornton L.L.P. He noted that the Fiscal Year 2008 Audit was on target for completion in March, 2009.

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

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

POINT OF PERSONAL PRIVILEGE

Councilmember Cibrian invited everyone to attend a kick-off event for a new program "Read for the Stars," that would be held on January 30, 2009 from 3:00-5:00 pm at the Central Library. She noted that special guest Eva Longoria Parker would be in attendance and explained that the program was designed to equip the Library System with materials for patrons with Intellect Disabilities. Councilmember Cibrian also recognized her sister Jeanne who was in the audience.

Item 27. CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

A. Animal Care Services Update

The Fiscal Year 2009 Animal Care Services Budget was increased for the addition of spay and neuter services and equipment, as well as additional positions within the Department. Ms. Sculley noted that the positions had been filled and that staff would continue to work on educational programs regarding responsible pet ownership in the community.

B. Residential Utility Assistance Program (REAP) Update

The Department of Community Initiatives (DCI) Fiscal Year Budget includes \$1 million to provide utility assistance to families at or below 125% of the poverty level. Residents can call 207-7830 for applications and information.

C. Volunteer Income Tax Assistance (VITA) Program Update

DCI is partnering with the Alamo City Coalition to provide free tax preparation assistance to families earning less than \$45,000 per year through the VITA Program. Over 500 volunteers will be utilized at 31 sites throughout the city and tax assistance will be available until April 15, 2009. Residents can call 2-1-1 for additional information.

Mayor Hardberger recessed the meeting at 4:42 pm and stated that the meeting would reconvene at 5:15 pm to address the Ceremonial Items.

CEREMONIAL ITEMS

Mayor Hardberger presented a Certificate of Appreciation to Mr. Andrew Cameron, Director of the Housing and Community Development Department who will retire from the City of San Antonio in February, 2009. Mr. Andrew Cameron has served the City since 1974 and became the first Director of the Housing and Community Development Department. He was responsible for the development, management, implementation and compliance monitoring for the City's Community Improvement Programs.

Mayor Hardberger presented a proclamation for the 2nd Annual Houston Street Fair and Market Longhorn Cattle Drive. The Cattle Drive will serve as the kick-off event on January 31, 2009 for the San Antonio Stock Show & Rodeo. Over 35 longhorn cattle, accompanied by the Texas A&M Calvary will march down Houston Street and lead participants to the rodeo-themed Houston Street Fair & Market. Entertainment for the event includes pony rides, chuck wagon cooking, buffalo show, petting zoo, mini mechanical bull, and live entertainment. The event is free and open to the public and will begin at 11:00 am at the intersection of IH 35 and Houston Street.

Mayor Hardberger presented a proclamation for the 60th Annual San Antonio Stock Show & Rodeo that will be held February 5-22, 2009 on the grounds of the Freeman Coliseum/AT&T Center. The daily rodeo is followed by a great line-up of musical entertainment and an evening carnival. Other events that are fan favorites include: Calf Scramble, Mutton Bustin, Xtreme Bulls, Steer Wrestling, Barrel Racing, and a Family Fair area.

Mayor Hardberger presented a proclamation in recognition of Black (African-American) History Month celebrated around the nation to honor the accomplishments and contributions of African Americans. During the month of February, public libraries, universities, military installations and places of worship will hold events and activities to remember the great struggle for racial justice and to renew efforts to fight for equal rights for all Americans.

CITIZENS TO BE HEARD

Mayor Pro Tem Ramos presided over Citizens to be Heard.

Ms. Gracie Lopez expressed concern that Parent Child Incorporated (PCI) Employees had to apply for Head Start positions and asked that all current PCI/Head Start Employees be transitioned into the new system.

Ms. Hope Lopez stated that she had been a Head Start Employee for more than thirty years and expressed concern for her future and that of all PCI/Head Start Employees. She noted that although she had a degree and vast experience, she may still be faced with unemployment. She added that she and other employees had dedicated their lives to San Antonio children in need.

Ms. Marissa C. Robles expressed concern for the families that would have to reapply for services. She noted that she was a single parent working on her education, and was worried that she would not be able to properly care for her child.

Ms. Rosa Rosales, LULAC, stated that 1,500 families would be affected by job losses on May 1, 2009. She noted that current Head Start Employees needed more security in their jobs and asked that the City Council to direct new agencies to hire these employees first.

Ms. Rebecca Ann Salazar stated that she provided oversight for three Head Start Programs and expressed concern for her job.

Ms. Mary Jane Flores noted that she had been a PCI Employee for twenty-five years and expressed concern with the false information that had been conveyed through the media regarding PCI.

Ms. Glenda Elizondo stated that many PCI Employees had dedicated their lives to educate the children of San Antonio. She spoke of the employees who started the organization and made it successful. She expressed concern for employees who were not able to afford health insurance.

Ms. Sue Perkins noted the different levels of education and experience for PCI Staff and spoke of the economy and the difficulty in finding new jobs. She asked the City Council to consider phasing current PCI Employees into the new agencies.

Mr. Mark Perez stated the Development Services had given facilities permission to store hazardous chemicals without addressing the proper permits. He noted that the Council expressed concern for the environment but had not addressed his environmental issues. Lastly, he spoke of a facility owned by Tetco that was storing hazardous chemicals next to a residential area.

Ms. Patsy Cheyney spoke of House Bill 804 that was filed by State Representative Mike Villarreal and explained that it would provide a statutory Power of Attorney applicable to single parents. Further, it would enable them to provide written proof for doctors and educators that a third party is authorized to make medical or educational decisions for their minor children.

Mr. Nazirite Ruben Flores Perez stated that YMCA Members should take better care of the facilities. He stated that service would not be the same at a new facility because they would not have a swimming pool and that the members were not happy with the changes.

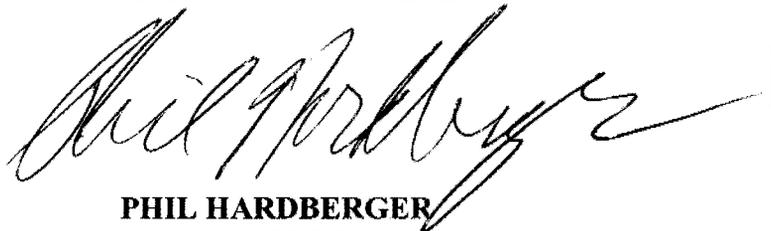
Ms. Cynthia Weehler, Consumers Energy Coalition Representative, expressed concern with CPS Energy and their nuclear energy initiative. She read quotes from CPS Energy Staff and argued her points against nuclear energy, noting that it was an expensive and unsafe option. She noted that the \$276 million spent on studying nuclear efforts could have weatherized 69,000 homes.

Mr. Faris Hodge, Jr. expressed concern that backup information regarding the City Manager's pay raise was not made available to the public prior to the Council Meeting. He spoke of Open Records Requests he had submitted and had not received a response. He also encouraged everyone to diet and exercise.

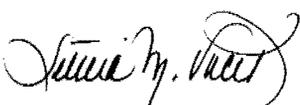
ADJOURNMENT

There being no further business to discuss, Mayor Pro Tem Ramos adjourned the meeting at 7:10 pm.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest: 
LETICIA M. VACEK
City Clerk