**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, MAY 13, 2009 AND THURSDAY, MAY 14, 2009, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **May 13, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. **ABSENT:** Rowe. Ms. Vacek reported that Councilmember Rowe was ill and would not be in attendance.

1. **STAFF BRIEFING AND POSSIBLE COUNCIL ACTION REGARDING FY 2009 GENERAL FUND REDUCTION ALTERNATIVES THAT WOULD ALLOW THE REDIRECTION OF RESOURCES TO FUND UP TO $15.3 MILLION IN IDENTIFIED FY 2009 GENERAL FUND STREET RELATED MAINTENANCE PROJECTS; AND/OR POSSIBLE ADDITIONAL ALTERNATIVES TO THOSE REDUCTION PROPOSALS.**

Ms. Sculley stated that staff would provide FY 2009 General Fund Reduction Alternatives that did not include the Police or Fire Departments. Mr. Peter Zanoni presented three options for reductions to the FY 2009 Budget: 1) Defer up to $15.3 million in street-related infrastructure improvements; 2) Implement up to $15.3 million of the presented $20.6 million of the reduction alternatives; or 3) A combination of Options 1 and 2.

Mr. Zanoni stated that the FY 2009 Adopted Budget was balanced and would remain balanced through September 30, 2009. He reported that General Fund Revenues were projected to be below the planned budget amount by $49 million and that the FY 2010 General Fund Budget was projected to have a shortfall of $11.2 million.

Mr. Zanoni stated that Moody's had assigned a negative outlook for local governments with property tax supported debt. He explained that rating decisions over the next 12 to 18 months would include an analysis of local government's budget and fiscal actions including their Financial Reserve Levels.

Mr. Zanoni spoke of the staff recommendation to defer street-related infrastructure improvements to include $14 million in one-time funded street maintenance projects and $1.3 million in one-time funded pavement marking enhancements. He noted that there would be no impact to the $21.7 million FY 2009 Base Budget Contractual Street Maintenance Program or the $1 million Pavement Markings Program. He reported that if revenue collections were higher than anticipated, funds would be allocated toward the deferred street improvements. He added that the projects deferred would not be delayed for more than six months.

Mr. Zanoni explained that the Street Maintenance Program Budget had almost doubled over the past five years and provided an overview of the services provided. He stated that in February, 2009, $30 million had been allocated toward the Capital Improvement Program/Infrastructure Management Program

through a bond balance amendment. He reported that a total of $138 million had been directed toward Infrastructure Improvements in FY 2009.

Lastly, Mr. Zanoni provided an overview of alternative reductions that would impact 19 City Departments and 500 City Positions. He noted that if implemented, they would decrease the services currently provided.

Councilmember Herrera expressed her support for the staff recommendation to defer street maintenance because of its least amount of impact. She spoke to the $138 million in Infrastructure Investment and the importance of maintaining a good bond rating. Councilmember Cibrian also expressed her support for the staff recommendation of the deferral of street maintenance. She noted the importance of having a balanced budget for the next City Council and asked that all review the alternative reductions to provide recommendations for possible cuts.

Councilmember McNeil asked of the possibility of deferring 50% of the street maintenance projects and reducing next year's beginning balance. She noted that she could not support any of the other recommended cuts at this time. Councilmember Ramos stated that it was a difficult decision but mentioned that the deferral of street maintenance would merely defer projects. She also spoke in support of a 50% street maintenance deferral and 50% in other alternative reductions.

Councilmember Galvan expressed concern with the alternative recommended cuts and with deferred street maintenance due to the critical infrastructure needs of District 5. She asked that staff review other possible budget reductions. Councilmember Rodriguez spoke in support of 50% street maintenance deferral and 50% in other alternative reductions. Councilmember Clamp also spoke in support of 50% deferral of street maintenance and 50% in other alternative reductions. He stated that additional budget cuts would be necessary in the future.

Councilmember Cortez expressed support for the staff recommendation to defer street maintenance. He stated that no positions would be eliminated and was pleased that there were no reductions to Public Safety. He mentioned that he was in support of including a Cost of Living Adjustment in the FY 2010 Budget for all City Employees. Councilmember Cisneros expressed support for the staff recommendation to defer street maintenance and noted that projects were not being eliminated only delayed.

Mayor Hardberger stated that he was in support of the staff recommendation to defer street maintenance. He noted that more funds had been allocated toward street maintenance than ever before and that the projects would be addressed in six months or less.

There being no further discussion, Mayor Hardberger adjourned the meeting at 4:45 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **May 14, 2009** at 9:00 am in the City Council Chambers.

**Item 1.** The Invocation was delivered by Rev. Ron Hill, Pastor of The Fellowship of San Antonio, guest of Councilmember Louis Rowe, District 9.

**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**

Councilmember Herrera made a motion to approve the Minutes for the April 30, 2009 Regular City Council Meeting. Councilmember Cibrian seconded the motion.

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

**ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance caption:

**2009-05-14-0366**

Item 4. AN ORDINANCE CANVASSING THE RESULTS OF THE GENERAL ELECTION HELD ON SATURDAY, MAY 9, 2009; AND ESTABLISHING EARLY VOTING AND ELECTION DAY POLLING LOCATIONS FOR THE RUN-OFF ELECTION, IF NECESSARY.

Ms. Vacek presented the total Votes Cast for each candidate in the May 9, 2009 General Election. She reported that the total number of votes cast, including provisional ballots, was 76,615 and the total of registered voters for the City of San Antonio was 686,415.

In addition, Ms. Vacek briefed the Council on the Run-off Election scheduled for Council Districts 2, 5 on Saturday, June 13, 2009. She informed the Council of the Early Voting and Election Day sites to be utilized and presented the Election Day polling sites that had been consolidated in Districts 2 and 8 due to precincts having less than five registered voters during the Main Election.

**FOR MEMBER OF COUNCIL, MAYOR:**

| | |
|---|---|
| Napoleon Madrid | 188 votes |
| Lauro Bustamante | 441 votes |
| Rhett R. Smith | 715 votes |
| Michael Idrogo | 371 votes |
| Julie Iris Oldham | 385 votes |
| Trish DeBerry-Mejia | 22,035 votes |
| Diane Cibrian | 6,182 votes |
| Julian Castro | 42,749 votes |
| Sheila D. McNeil | 2,962 votes |

**FOR MEMBER OF COUNCIL, PLACE NO. 1:**

| | |
|---|---|
| Chris Forbrich | 2,589 votes |
| Mary Alice P. Cisneros | 3,683 votes |
| Ruby Krebs | 398 votes |

**FOR MEMBER OF COUNCIL, PLACE NO. 2:**

| | |
|---|---|
| Byron Miller | 1,747 votes |
| Dan Martinez | 815 votes |
| Ron Wright | 489 votes |
| Bryant T. Livingston | 157 votes |
| Ivy R. Taylor | 1,234 votes |

**FOR MEMBER OF COUNCIL, PLACE NO. 3:**

| | |
|---|---|
| Jennifer V. Ramos | 3,611 votes |

**FOR MEMBER OF COUNCIL, PLACE NO. 4:**

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|---|---|
| Adolfo Mendez Segura | 846 votes |
| Philip Cortez | 3,066 votes |

**FOR MEMBER OF COUNCIL, PLACE NO. 5:**

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|---|---|
| Eiginio Rodriguez | 291 votes |
| David Medina | 2,073 votes |
| Raymond Zavala | 60 votes |
| John Carlos Garcia | 473 votes |
| Lorena Saldierna | 93 votes |
| Lourdes Galvan | 2,163 votes |

**FOR MEMBER OF COUNCIL, PLACE NO. 6:**

| | |
|---|---|
| Anna Caballero | 2,300 votes |
| Ray Lopez | 3,507 votes |
| Koi Mykale Smith | 222 votes |
| Marc Zabriskie | 243 votes |

**FOR MEMBER OF COUNCIL, PLACE NO. 7:**

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|---|---|
| Robert Garibay | 651 votes |
| Justin Rodriguez | 7,382 votes |
| Elena Guajardo | 2,218 votes |

**FOR MEMBER OF COUNCIL, PLACE NO. 8:**

| | |
|---|---|
| Jacob Joseph Dell | 1,677 votes |
| Juan C. Davila | 284 votes |
| Reed Williams | 2,751 votes |
| Michael Berlanga | 2,763 votes |
| Melissa Martinez-Carrasco | 882 votes |
| Jody Sherrill | 2,130 votes |

**FOR MEMBER OF COUNCIL, PLACE NO. 9:**

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|---|---|
| Elisa Chan | 7,836 votes |
| Weston Martinez | 2,739 votes |
| William Davidson | 1,397 votes |

**FOR MEMBER OF COUNCIL, PLACE NO. 10:**

| | |
|---|---|
| John Clamp | 6,339 votes |
| Branden Moore | 658 votes |
| Jeff Carruthers | 737 votes |
| Robert Yanez | 780 votes |

**SWEARING-IN**

Ms. Vacek administered the Statements of Elected Office and Oaths of Office to the 2009-2011 Mayor and Councilmembers from the Main Election.

Mayor Hardberger presented the Certificates of Election to the 2009-2011 Mayor and Councilmembers sworn-in.

Mayor-elect Castro recognized Mayor Hardberger for his great work over the past four years. He congratulated all that were elected and commended the current Council for their hard work. He recognized his wife, mother, father and campaign staff for their support and thanked the voters of San Antonio for their confidence.

Rhett Smith expressed concern with the billboards in the community that were endorsed by the San Antonio Police Officer's Association.

The City Council congratulated the newly elected Mayor and Councilmembers.

Councilmember Cibrian moved to adopt the Ordinance canvassing the election results. 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:

**2009-05-14-0367**

Item 5. AN ORDINANCE FURTHER AMENDING THE FY 2009 ANNUAL OPERATING BUDGET BY: 1) DEFERRING UP TO $15.3 MILLION IN STREET-RELATED INFRASTRUCTURE IMPROVEMENTS; AND/OR 2) IMPLEMENTING SOME OR ALL OF THE REDUCTION ALTERNATIVES PRESENTED BY STAFF TO COUNCIL AT ITS MAY 14TH MEETING; AND/OR 3) SOME COMBINATION OF ITEMS 1 AND 2 AS LISTED ABOVE; AND ORDAINING OTHER MATTERS REQUIRED AS A RESULT OF THE AMENDMENTS SELECTED.

Peter Zanoni presented the three options for reductions to the FY 2009 Budget: 1) Defer up to $15.3 million in street-related infrastructure improvements; 2) Implement up to $15.3 million of presented $20.6 million reduction alternatives; or 3) Some combination of Options 1 and 2.

Mr. Zanoni reported that the budget was balanced but General Fund Revenues were down. He noted that the FY 2010 General Fund Budget had a projected shortfall of $11.2 million. He explained that through mid-year reductions, reduced utility rebate and alternative reductions would amount to $25.35 million.

Mr. Zanoni stated that Moody's had assigned a national negative outlook for local governments. He noted that national rating decisions over the next 12 to 18 months would include an analysis of local government budget and fiscal actions.

In deferring $15.3 million in street-related infrastructure improvements, Mr. Zanoni stated that $14 million were one-time funded street maintenance projects and $1.3 million included one-time funded pavement marking enhancements.

Mr. Zanoni stated that staff recommended the deferral of $15.3 million in street-related infrastructure improvements. He noted that staff would monitor revenue collections over the summer months to determine if potentially higher than projected collections could be directed toward the identified $15.3 million street improvements. He added that if revenues did not exceed projections over the remaining months of the fiscal year, the deferred projects would be completed first in FY 2010.

Mayor Hardberger called upon those citizens registered to speak.

Jean Brady, Chairperson of the San Antonio Public Library Board, stated that she represented over 800,000 library card users and spoke in opposition to reductions to the San Antonio Public Library Budget. She noted that the Library was an integral part of the City and libraries were being utilized more than ever before. She added that in order to be considered a world class city, San Antonio needed to eliminate the high illiteracy rates and the Library could help make that happen.

Jan Wells also addressed the Council against funding cuts to the Library Budget. She stated that children needed access to the Library, as well as the swimming pools. She noted that the Library offered many free services including computer and Internet access.

Charlie Jones also spoke against funding cuts to the Library Budget. He stated that the Library was a place where people had free access to information. He noted that many individuals used the computers at the Libraries to access information related to jobs. He added that San Antonio could attract businesses by offering a world class Library System.

Randy Murdock spoke in opposition to the cuts being proposed to the Animal Care Services Department. He stated that he was against any reduction to the spay and neuter program because it was the only way to achieve the goal of No-Kill.

Sallie Scott, President of Friends for Animal Care Services thanked the City Council for their support of the goal of No-Kill and spoke in opposition to budget cuts to the Animal Care Services Department. She reported that cutting 25,000 spay/neuter surgeries would result in many more surgeries needed later

due to the continued reproduction. Lastly, she spoke of the many Animal Care Services Directors over the past five years and noted her support for Gary Hendel.

Jack M. Finger also spoke in regard to the proposed budget cuts and noted the importance of street improvements and pavement markings. He expressed concern with the CPS Energy rate increases for the STEP Program (Item 6).

COPS/Metro represented by Father Michael De Gerolami, Pastor of St. Phillip of Jesus Church and Cristina Castro of St. Henry's Church stated that the Council should invest in the future of the people and asked that services for low-income families not be cut. Father De Gerolami urged the Council to consider the needs of low-income citizens and look for alternative budget cuts.

Ms. Vacek read the following written testimonies.

Nancy Gandara, President of Friends of the San Antonio Public Library wrote in opposition to cutting from the Library Department Budget. She wrote that a public opinion survey had recently been conducted. In that survey, 96% respondents believed that a good library is important to the image of the City. Ninety-eight percent believed that the Library is important to education. She wrote that due to current economic conditions, access to the Library and resources was more important than ever.

Chris Forbrich wrote that street improvements were vitally needed in inner city neighborhoods and that programs to address infrastructure needs had been previously underfunded. He requested that the City Council find alternative means to address the budget shortfall and not defer the necessary street improvements.

Faris Hodge Jr. wrote that public hearings should be held in the evenings (Items 5, 6 and 7A-D). He wrote in support of Item 8 regarding the redevelopment of Sutton Homes. He expressed concern that the contract costs in Item 10 were estimates. He spoke in support of the Summer Food Services Program (Item 13) and the contract with Family Services Association for the Head Start Program (Item 20).

Councilmember Herrera expressed her support for the staff recommendation to defer $15.3 million in street-related infrastructure improvements. She noted the $138 million investment by the Council related to infrastructure enhancements. Councilmember Cibrian also expressed support for the staff recommendation and spoke of the Street Maintenance Program that had been doubled over the last five years. Councilmember Cisneros spoke of the importance of social services and expressed support for the staff recommendation. She asked how long the street improvements would be deferred. Majed Al-Ghafry reported that the projects would be delayed for two-and-a-half months and would provide an opportunity to complete existing Infrastructure Management Program projects.

Councilmember Cortez expressed his support for the staff recommendation to defer $15.3 million in street-related infrastructure improvements. He spoke of the importance of services to the community and asked that a Cost of Living Adjustment for Uniform and Civilian Employees be reviewed for FY 2010. Councilmember Galvan expressed concern with the deferral of street-related infrastructure improvements but noted that she would support the staff recommendation rather than provide cuts to City services. Mayor Hardberger recognized Councilmember Galvan for her advocacy for streets and sidewalks.

Councilmember Ramos recognized the Public Works Department for their timely work on the streets in District 3 and expressed support for the staff recommendation to defer $15.3 million in street-related infrastructure improvements. Councilmember Clamp also expressed his support for the staff recommendation but requested that the projects move forward earlier if revenues come in higher than projected. Councilmember Rodriguez noted that making any cuts would be difficult but would support the staff recommendation to defer street-related infrastructure improvements. Councilmember Rowe also expressed his support for the staff recommendation.

Mayor Hardberger congratulated the Council for making a good decision for the City and noted that he was also in support of the staff recommendation to defer $15.3 million in street-related infrastructure improvements.

Councilmember Herrera moved to accept staff's recommendation for Option 1; to defer $15.3 million in Street-related Infrastructure Improvements. 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.

**POINT OF PERSONAL PRIVILEGE**

Councilmember Herrera recognized her Aunts Gloria and Pearl, and Cousin Laura that were present at the meeting.

Councilmember Rodriguez recognized his mother-in-law Sandra Benavides that was present at the meeting.

At this time, Mayor Hardberger recessed the meeting at 12:03 pm to break for lunch. He stated that the meeting would resume in open session at 1:30 pm.

Mayor Hardberger reconvened the meeting at 1:40 pm and announced that he had received a phone call from Representative McClendon informing him that San Antonio was one of eight cities that had been selected to receive a portion of $20 million for Homeless Services. He addressed Item 6 at this time.

Councilmember Rowe excused himself from the meeting at this time.

The City Clerk read Item 6:

Item 6. A PUBLIC HEARING REGARDING THE PROPOSAL TO FUND THE CPS ENERGY CONSERVATION AND SUSTAINABILITY STEP PROGRAM (SAVE FOR TOMORROW ENERGY PLAN) THROUGH AN ADJUSTMENT IN THE FUEL SURCHARGE.

Ben Gorzell stated that the public hearing was being held to discuss funding for the CPS Energy Conservation and Sustainability Save for Tomorrow Energy Plan (STEP) Program. He recognized Steve Bartley, CPS Energy Interim General Manager.

Mr. Bartley stated that STEP was part of the implementation of energy efficiency and conservation goals for renewable energy that had previously been discussed during the Energy Summit. He noted that STEP was a component of the Strategic Energy Plan and would save 771 megawatts by 2020. He added

that it was a long-term investment that would reduce energy use and the need for a power plant in the future.

Milton Lee, CPS Energy CEO reported that the CPS Energy Board of Directors had made a commitment toward Automated Metering Infrastructure that would provide new meters for electric systems.

Aurora Geis, CPS Energy Board Chair stated that there were advances occurring in the technology sector impacting energy that would require additional investments in the future.

Cris Eugster, CPS Energy Chief Sustainability Officer, stated that energy efficiency was the lowest cost watt of energy that consumers had available and was clean and good for the environment. He provided an overview of the STEP Program noting that it was a comprehensive approach to energy efficiency and conservation for the region. He explained that rebates and incentives were available to individuals interested in implementing energy efficiency measures in their homes and businesses. He stated that low-income efficiency programs were also available through home energy audits and retrofits. He reported the megawatt savings that had been achieved from FY 2004-2008 and noted that the goal for 2020 was 771 megawatts.

Mr. Bruce Evans, CPS Energy Director of Customer Solutions and Delivery noted the benefits for CPS Energy Customers in 2008. He reported that 6,400 residential customers and 370 commercial customers (including seven school districts) participated in energy efficiency rebate programs.

Mr. Evans spoke of the residential programs for 2009 and noted that the CFL rebate program with HEB Grocery Stores would continue and that point-of-purchase rebates for high-efficiency Energy Star appliances would be implemented. He stated that there would be continued incentives for the replacement of central and room air conditioners with high-efficiency units. He reported that CPS Energy would install CFLs, Energy Star Refrigerators and water heater blankets to create immediate energy-use reductions for low-income customers.

Mr. Evans provided an overview of the commercial programs available for 2009 and highlighted the Retro-Commissioning Program that would be available in 2010. He explained that it included comprehensive energy audits for commercial clients targeting the end-use measures providing the most significant energy reduction. He spoke of Solar Rebates and noted that residential and commercial programs would be implemented to align with the Mayor's Sustainability Task Force recommendations. Lastly, he reported that twenty-one open house meetings with informational booths would be held through June targeting residential customers in all Council Districts.

Mr. Gorzell stated that the City's outside consultants, The Bridle Group, had provided positive feedback regarding the STEP Program. He noted that the energy conservation goals were realistic and achievable, but the challenge was funding the program.

Mayor Hardberger called upon citizens registered to speak.

Sister Gabriella with COPS Metro spoke in support of the STEP Program but expressed concern with the cost of a nuclear plant. She stated that it would be irresponsible to approve rate increases without being informed of the cost of the South Texas Nuclear Project.

Anita Ledbetter with the Build San Antonio Green stated that they had won the 2009 National Green Building Program of the Year Award from the National Association of Home Builders. She spoke in support of the STEP Program and noted the economic impact it would have on the Solar Industry and the community.

Bob Martin with the Homeowner Taxpayer Association spoke in opposition to a rate increase for the STEP Program. He noted that a substantial rate hike had occurred the previous year and had a great impact on the working poor, Senior Citizens, and disabled population.

Howard Rogers with the San Antonio Manufacturer's Association spoke in support of the STEP Program. He stated that he had been involved with conservation measures since 1956 and had analyzed the program carefully. He noted that CPS Energy did not reach a peak in demand the previous summer and that was a great accomplishment.

Gary Mulhollen with Climate Magic Air Conditioning spoke in support of the STEP Program. He spoke of the incentives and advantages of high efficiency air conditioning equipment and noted that there were no negative environmental consequences for reducing energy usage.

Bobby Ross of Ross Electric Company stated that his family had owned the business since 1955 and CPS Energy had been a great utility to work with. He spoke in support of the STEP Program and noted that the benefits far outweighed the costs.

Jimmy Sewell, ACCA San Antonio & Beyer Boys spoke in support of the STEP Program. He noted the great return on investment and energy efficiency savings.

Ray Merchant of Ince Distributing, Inc. spoke in support of the STEP Program. He explained the benefits of purchasing new systems for energy efficiency and utility cost savings.

Kyle Lindsey of the Greater San Antonio Builders Association (GSABA) stated that he had served on the Sustainability Task Force and was in favor of the STEP Program. He noted that the GSABA had been a long-time supporter of energy conservation and many of the builders had taken steps to become green builders. He spoke of the benefits of the STEP Program.

Claudio Bertrand stated that he was representing the Hope Action Center who provided housing for low-income and homeless individuals. He explained that their units were not energy efficient and would benefit from the STEP Program.

Cindy Ruby of Sylvania Lighting Services spoke in support of the STEP Program. She noted that Schools, Trades, Economy, and Power Plant represented the letters of STEP and would benefit the program.

Nazirite Ruben Flores Perez spoke in support of CPS Energy but expressed concern with the effects of mercury in the CFLs.

Kimberly Blankenship of Honeywell International spoke in support of the STEP Program. She stated that a portion of the funding could be utilized for the Peak Saver Program that consisted of a programmable thermostat that controlled the temperature and saved energy.

Dustin Aubrey, President of Novastar Energy recognized Councilmember Cibrian for her assistance with a Development Services issue related to PB Systems. He expressed concern with the elimination of the rebate programs and noted that because of this, he had not been able to complete $2.1 million worth of projects and had not installed 2,000 solar panels. He urged the Council to support the STEP Program.

H. Booth Petry of Home Energy Evaluators spoke in support of the STEP Program. He noted that energy was limited and due to the demand, the cost for energy will increase in the future. He stated that conservation was important and the STEP Program would allow customers to reduce their energy consumption and decrease demand.

Casey Marshall with Meridian Solar spoke in support of the STEP Program. He noted that it was a great investment that would provide substantial returns. He added that Solar Energy was important to meeting future energy demands.

Matthew Johnson stated that although he was supportive of CPS Energy's efforts, he had some concerns with the STEP Program. He noted that customers should be more informed of the benefits of energy efficiency programs and expressed concern with the $276 million spent on nuclear efforts.

Ms. Vacek reported that there were 50 written testimonies in support of Item 6. Mayor Hardberger asked that 10 be read into the record.

Heather Gayle Holdridge, Sustainability Coordinator wrote that she strongly supported funding for the CPS STEP Program. She wrote that the operation and maintenance of buildings accounted for over 90% of the electricity consumption in San Antonio and increasing the efficiency of buildings and encouraging on-site renewable technologies in buildings would have a positive effect on San Antonio's energy conservation goals.

Bill Cox, CEO of Cox Manufacturing Co. and 2009 Chair of the San Antonio Manufacturers Association wrote that the CPS STEP Program was a great tool to promote energy conservation and an investment in energy saving technology. He also wrote that the program had long-term economic benefits for the community and would promote "green" concepts.

Luis De La Garza, President and CEO of Texen Power Company, LLC wrote that he supported the proposed STEP funding for energy efficiency and conservation programs because it would save money for the ratepayers in the future.

Brian Ramirez wrote that the STEP Program was much needed to promote and reimburse energy conservation efforts. He wrote that energy consumption should be reduced due to the cost and length of time needed for nuclear and coal fired generating facilities. He added that the small rate increases could be recovered through savings from energy efficient appliances, air conditioning, and lighting systems.

Tenna Florian, San Antonio Chapter of the American Institute of Architects (AIA) wrote that AIA strongly supported the continued funding for the CPS STEP Program. She wrote that they supported the goal of reducing electrical demand by 771 megawatts by 2020 and noted the success of the STEP Program over the previous year. She added that STEP would reduce long-term costs due to the reduction in energy demand and provided for the weatherization of several thousand low-income homes.

Ryan D. Chism, Vice-Chair of the San Antonio Manufacturer's Association and representative of the Chism Company, Inc. expressed support for the STEP Program. He wrote that the STEP Program would provide a timely, effective and environmentally responsible solution to the City's significant future energy needs.

Jennifer Young, Associate Member of San Antonio (AIA) and Local US Green Building Chapter wrote in support of funding for the CPS STEP Program. She wrote that the program would contribute to the momentum of the City's Mission Verde Plan.

Jerry Morrisey wrote that he supported an aggressive demand management program for CPS Energy and should be cost effective and accessible. He wrote that the recipient of funding should be held accountable for reducing energy use and noted the importance of education and a green jobs training program. He also wrote that he supported smart metering and a time of day rate structure that would encourage less energy use in times of peak demand.

Chris Fry, Vice-President of Fry Roofing, Inc. wrote that he was in support of funding for the STEP Program.

Heather DeGrella, Immediate Past Chair of the US Green Building Council-Central Texas Balcones Chapter wrote that increasing the efficiency of buildings and encouraging the integration of on-site renewable technologies would have a positive effect on San Antonio's energy conservation goals. She added that the small increase in utility bills would reduce long-term costs required to supply additional energy demands.

Councilmember Cibrian expressed support for the STEP Program and noted the importance of energy conservation and efficiency. Councilmember Herrera noted the available programs for low-income customers and thanked CPS Energy for their conservation efforts. She added that the savings outweighed the cost of the program. Councilmember Ramos expressed her support for the STEP Program and asked of commercial rebates for District 3. Mr. Evans stated that many businesses in District 3 had not taken advantage of the rebates but CPS Energy would do their best to ensure that they were made aware of the programs available.

Councilmember Cisneros spoke in support of the STEP Program and noted that coupons were available from HEB Grocery Store for the purchase of CFLs. Councilmember Clamp asked of the Peak Saver Program. He stated that he was not a proponent of the STEP Program at this time. He added that there were other opportunities for conservation such as CFLs, Peak Saver Program, and caulking that could be implemented instead of raising rates. He requested that CPS Energy provide periodic status reports to measure progress to the City Council.

No action was required for Item 6.

The City Clerk read Item 7:

Item 7. A PUBLIC HEARING AND CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE FY 2009-2010 CONSOLIDATED PLAN BUDGET:

**2009-05-14-0368**

A. AN ORDINANCE ADOPTING THE 35TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) IN THE AMOUNT OF $14,604,704.00 AS CONTAINED IN THE FY 2009-2010 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE 35TH FISCAL YEAR CDBG PROGRAM; AND AUTHORIZING THE SUBMISSION OF THE CDBG GRANT TO HUD FOR FY 2009-2010 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

Jeanetta Tinsley, Interim Director of Grants Monitoring and Administration presented the Proposed FY 2009-2010 Consolidated Annual Action Plan/Budget for the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Shelter Grant (ESG) and Housing Opportunities for Persons with AIDS (HOPWA) programs. She reported that on May 4, 2009, the City had been notified of its FY 2009-2010 HUD Entitlement Allocations and had received $922,931 more than in FY 2008-2009.

Ms. Tinsley stated that as a result of the Request for Applications process, staff had received requests totaling over $33 million. She noted that applications had been scored and reviewed by City Staff and outlined the recommendations for CDBG funds in the amount of $14,604,704.

Mayor Hardberger declared the Public Hearing open. There being no citizens registered to speak, Mayor Hardberger closed the Public Hearing.

Councilmember Galvan asked if there were agencies that had submitted applications but had not been funded. Ms. Tinsley stated that the organizations that had not received funding did not meet the scoring threshold to be considered. Councilmember Cortez expressed his support and spoke of the needed funding for the Cortez Library and One-Stop Senior Center in District 4.

Councilmember Cisneros moved to adopt the proposed Ordinance with amendments to each district as follows: District 1 Capital Improvements Fund - $175,280; District 2 Capital Improvements Fund - $175,280; District 3 Capital Improvements Fund - $175,281; District 4 Cortez Branch Library - $87,640 and One-Stop Senior Center - $87,640; District 5 Guadalupe Cultural Arts Center - $125,280 and Small Business Incubator - $50,000; District 6 Capital Improvement Fund - $175,280; District 7 Capital Improvement Fund - $175,280; District 8 Capital Improvement Fund - $175,280; District 9 Manhcke Park Street Reconstruction - $175,280; and District 10 Weidner Road Reconstruction - $175,280. Councilmember Cortez seconded the motion.

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

**2009-05-14-0369**

B. AN ORDINANCE ADOPTING THE 18TH YEAR HOME PARTNERSHIP ENTITLEMENT GRANT (HOME) IN THE AMOUNT OF $7,079,150.00 AS CONTAINED IN THE FY 2009-2010 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FY 2009-2010 HOME PROGRAM; AND AUTHORIZING THE SUBMISSION OF THE HOME GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FY 2009-2010 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

**2009-05-14-0370**

C. AN ORDINANCE ADOPTING THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS ENTITLEMENT GRANT (HOPWA) IN THE AMOUNT OF $1,064,378.00 AS CONTAINED IN THE FY 2009-2010 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FY 2009-2010 HOPWA PROGRAM; DESIGNATION OF FY 2009-2010 HOPWA PROGRAM FUNDS; AND AUTHORIZING THE SUBMISSION OF THE HOPWA GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FY 2009-2010 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

**2009-05-14-0371**

D. AN ORDINANCE ADOPTING THE EMERGENCY SHELTER GRANT (ESG) IN THE AMOUNT OF $640,466.00 [ENTITLEMENT] AND $640,466.00 FROM IN-KIND MATCH IN THE FY 2009-2010 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FY 2009-2010 ESG PROGRAM; DESIGNATION OF FY 2009-2010 ESG PROGRAM FUNDS; AND AUTHORIZING THE SUBMISSION OF THE ESG GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FY 2009-2010 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

Ms. Tinsley provided the recommended funding for the HOME Program totaling $7,079,180.

Dennis Campa, Director of the Department of Community Initiatives provided the HUD Consolidated Funding Recommendations for the ESG Program in the amount of $640,466 and HOPWA Program in the amount of $1,064,378.

Councilmember Rodriguez expressed support for funding of the Mirabella Apartment Program.

Councilmember Cisneros moved to adopt the proposed Ordinances for Items 7B, 7C and 7D. Councilmember McNeil seconded the motion.

The motion to approve Items 7B, 7C and 7D prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Rowe.

The City Clerk read Item 8:

**2009-05-14-0372**

Item 8. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE CLOSING, VACATING, AND ABANDONING SEGMENTS OF SEGUIN ROAD, RUNNELS AVENUE, RULLMAN AVENUE, HINES AVENUE, AND GIDDINGS AVENUE, LOCATED IN COUNCIL DISTRICT 2, FOR REDEVELOPMENT OF THE SUTTON HOMES MULTI-FAMILY DEVELOPMENT.

George Rodriguez, CIMS Assistant Director stated that the San Antonio Housing Authority (SAHA) had requested the street closures within the Sutton Homes multi-family development located in District 2. He reported that SAHA owned the abutting property and the area would be assimilated through the platting process. He noted that redevelopment would entail demolition of present structures and

construction of a new affordable multi-family complex with over 100 units. He added that SAHA had qualified for a 100% waiver of Public Right-of-Way closure fees.

Councilmember McNeil expressed her support and noted that it was a good opportunity to revitalize the area. Councilmember Cibrian requested that staff provide her with an analysis of City Projects that are tax credit related.

Councilmember McNeil 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, and Mayor Hardberger. **NAY:** None. **ABSENT:** Rowe and Clamp.

**PULLED FROM AGENDA BY STAFF**

Item 9. BRIEFING AND POSSIBLE ACTION ON LEGISLATION FILED IN THE STATE AND FEDERAL LEGISLATIVE SESSIONS AND POTENTIAL AMENDMENTS TO THE CITY'S LEGISLATIVE PROGRAMS.

Item 9 was pulled from the agenda by staff. Mayor Hardberger addressed the Consent Agenda Items at this time.

**CONSENT AGENDA: Items 10 – 35**

Consent Agenda Items 11, 16, 18, 20, 24, 25, 26 and 30 were pulled for Individual Consideration. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Cortez seconded the motion.

James Jones of Red McCombs spoke in support of Item 10a. He stated that the company had been in operation since 1958 and had received the President's Award the last three of five years. He expressed concern that the bid process had been delayed and with the prompt payment discount offered by Jordan Ford that was not part of the process.

Xochitl Cortez Davis read a letter on behalf of Vanessa Mendoza, Head Start PCI Parent and Family Services Association (FSA) Employee. Ms. Mendoza wrote in support of the staff recommendation of FSA to provide Head Start Services (Item 20). She wrote that FSA had been a great support and had encouraged her to return to school.

Marc Cross, General Manager of Jordan Ford spoke in opposition to Item 10a. He stated that Jordan Ford had been the service provider and repair facility for most Police Vehicles since 2001. He expressed concern that the lower bid was not the best value for the City and would only save $665 over the course of a year. He spoke of the great relationship with the City and the promptness in their repair work. He asked the Council to reconsider and award the contract to Jordan Ford.

Councilmember Clamp asked of the 1% prompt payment discount. Janie Cantu, Purchasing Director stated that it was not considered as part of the bid. Ms. Sculley added that it was something that would be reviewed in the future. She thanked Jordan Ford for their previous work with the City.

Nazirite Ruben Flores Perez spoke in opposition to Item 28 regarding the emergency response services at the Calaveras Power Station. He expressed concern with contamination and mercury issues.

Nick Mireles spoke in opposition to Item 20 regarding the contract with FSA for Head Start Services. He expressed concern that PCI was not awarded the bid.

Dr. Sharon Small of PCI also spoke in opposition to Item 20 and noted that PCI had submitted their bid on time and with all of the required documentation. She expressed concern that there were two bid extensions and that FSA had begun the hiring process prior to receiving the award.

Rebecca Ramos of the State Center for Early Childhood spoke in support of Item 20 in reference to the contract with FSA to provide Head Start Services. She stated that FSA had been a leader in the Team Project that focused on the alignment of early care and educational systems in the community for the past five years. She noted that if awarded the contract, FSA would integrate some of their existing services to help children and families.

Tiffany Harper stated that she was employed with FSA and expressed support for their award for Head Start Services (Item 20). She noted that FSA provided quality services throughout the community that strengthened children and families.

Ana Vasquez stated that she had been employed by FSA for 13 years and spoke in support of their contract award (Item 20). She noted that the agency had grown over the years and provided quality programs and services to the community.

Pat Kennedy, Main Plaza Conservancy Board Member spoke in support of the shade structures in Main Plaza (Item 25). He stated that many citizens had supported the reconstruction of Main Plaza and thanked the City for their efforts in the project.

Alfredo Flores, Jr. also spoke in support of the shade structures in Main Plaza (Item 25). He stated that he had toured the Downtown Area with an individual from Japan and was pleased to showcase Main Plaza. He noted that local citizens had made Main Plaza a place for gathering and that was good for the City.

Jack M. Finger expressed concern with the City Code Amendment regarding Discriminatory Housing Practices (Item 23) and the shade structures for Main Plaza (Item 25). He spoke in opposition to the settlement of a lawsuit (Item 34).

Ms. Vacek read a written testimony from Former Judge John J. Specia, Jr. in support of the shade structures for Main Plaza (Item 25). He wrote that he had grown up blocks away from Main Plaza and spent the past thirty years at the Bexar County Courthouse. He wrote that he was pleased with the development of Main Plaza and City Centre and made it a point to bring out-of-town guests to the area. He wrote that the colorful shade structures would further enhance Main Plaza and provide needed shade during the extremely hot summer months.

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

**2009-05-14-0373**

Item 10. 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 $1,244,000.00, INCLUDING: (A) MCCOMBS HFC, LTD FOR FORD CAPTIVE & COMPETITIVE PARTS & SERVICE; (B) WATTS EQUIPMENT D/B/A MUSTANG EQUIPMENT (ITEMS 1, 3, AND 8), JOHN H. SOROLA, INC. (ITEMS 4, 7 AND 9-12), MENCO, INC., DBA MENCO TURF EQUIPMENT (ITEM 5) FOR LAWN MOWER, EDGER & CHAIN SAW PARTS AND SERVICE; (C) T.A.G. SALES, LTD. FOR RECREATIONAL GAMES AND SPORTS EQUIPMENT; (D) S & S WORLDWIDE FOR ARTS AND CRAFTS SUPPLIES; (E) ALLIED FENCE CO. FOR PURCHASE AND INSTALLATION OF FENCING; (F) ALAMO MOBILITY, INC. FOR PURCHASE, INSTALLATION, INSPECTION, MAINTENANCE & REPAIR OF VEHICLE WHEELCHAIR LIFTS AND ELECTRIC STEPS; AND (G) BUSCH SYSTEMS INT., INC. FOR DESK SIDE WASTE BINS AND RECYCLING BINS.

**2009-05-14-0375**

Item 12. AN ORDINANCE ACCEPTING THE BID FROM MIDWEST TAPE, LLC TO PROVIDE THE SAN ANTONIO PUBLIC LIBRARY WITH MEDIA MATERIALS, CATALOGING AND DIGITAL PROCESSING SERVICES FOR AN ESTIMATED ANNUAL COST OF $1,996,000.00.

**2009-05-14-0376**

Item 13. AN ORDINANCE ACCEPTING THE BID FROM SELRICO SERVICES, INC. TO PROVIDE THE PARKS AND RECREATION DEPARTMENT WITH SUMMER FOOD SERVICES FOR A COST OF $1,096,228.00.

**2009-05-14-0377**

Item 14. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH VIA METROPOLITAN TRANSIT FOR COOPERATIVE PURCHASING, AND AUTHORIZING USE OF A CONTRACT WITH TEXAS PROPANE ENERGY COMPANY, PROCURED BY VIA, TO PROVIDE THE FLEET MAINTENANCE & OPERATIONS DEPARTMENT WITH PROPANE MOTOR FUEL FOR CITY STORAGE TANKS FOR AN ESTIMATED ANNUAL EXPENDITURE OF $164,000.00.

Item 15. CONSIDERATION OF THE FOLLOWING RESOLUTIONS FOR THE COMPLETION OF TWO (2) BRIDGE PROJECTS BY THE TEXAS DEPARTMENT OF TRANSPORTATION:

**2009-05-14-0016R**

A. A RESOLUTION AUTHORIZING A "PARTICIPATION WAIVER" TO DIRECT THE CITY'S 10% FUND PARTICIPATION REQUIREMENT FOR THE ASHLEY ROAD AT SIX MILE CREEK PROJECT STRUCTURE NO. 15-015-B015-05-002 TO ANOTHER CITY BRIDGE PROJECT.

**2009-05-14-0017R**

B. A RESOLUTION AUTHORIZING A "PARTICIPATION WAIVER" TO DIRECT THE CITY'S 10% FUND PARTICIPATION FOR THE MEDICAL DRIVE AT ZAZAMORA CREEK PROJECT STRUCTURE NO. 15-015-B226-35-001 TO ANOTHER CITY BRIDGE PROJECT.

**2009-05-14-0379**

Item 17. AN ORDINANCE APPROVING CHANGE ORDER NOS. 6,9,10, AND 3-SAWS IN THE AMOUNT OF $306,983.61 TO THE $7,221,242.00 CONSTRUCTION CONTRACT, AS CHANGED, WITH E-Z BEL CONSTRUCTION, LTD. FOR ADDITIONAL WORK, UNFORESEEN CONDITIONS, AND TO RECONCILE QUANTITIES FOR THE MEDICAL CENTER INTERSECTION IMPROVEMENTS PHASES IV, V, AND PART I PROJECT, LOCATED IN COUNCIL DISTRICT 8, FROM 2007-2012 BOND PROGRAM AND CERTIFICATES OF OBLIGATION FUNDS, OF WHICH $53,258.41 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM.

**2009-05-14-0381**

Item 19. AN ORDINANCE APPROVING CHANGE ORDER NO. 2 IN THE AMOUNT OF $843,407.01 TO THE HOT PAVER LAID MICRO SURFACE CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, INC. FOR ADDITIONAL WORK FOR THE FY 2008 & 2009 STREET MAINTENANCE PROGRAM, LOCATED IN COUNCIL DISTRICT 7, A FY 2009-2014 CAPITAL IMPROVEMENT PLAN FUNDED PROJECT.

**2009-05-14-0383**

Item 21. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION, AND AUTHORIZING THE ACCEPTANCE OF FUNDS UPON AWARD IN AN AMOUNT UP TO $80,000.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) FOR THE COMMUNITY DIABETES PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD MARCH 30, 2009 THROUGH MARCH 29, 2010; AND APPROVING TWO CONTRACT AMENDMENTS WITH THE TDSHS FOR THE TB PREVENTION AND CONTROL PROGRAM AND THE PUBLIC HEALTH EMERGENCY PREPAREDNESS LAB GRANT WHICH REVISE THE PROGRAM BUDGETS.

**2009-05-14-0384**

Item 22. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A SUBSTANTIAL AMENDMENT TO THE 2009 HUD CONSOLIDATED ANNUAL ACTION PLAN AND ACCEPTANCE OF FUNDS UPON AWARD FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRR) IN AN AMOUNT UP TO $5,974,286.00; APPROVING A BUDGET AND PERSONNEL COMPLEMENT; AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF ANY AND ALL CONTRACTS IN CONNECTION WITH THE HPRR PROGRAM.

**2009-05-14-0385**

Item 23. AN ORDINANCE AMENDING CHAPTER 9, ARTICLE III OF THE CITY CODE OF SAN ANTONIO, TEXAS ENTITLED "DISCRIMINATORY HOUSING PRACTICES", TO INCLUDE A PROHIBITION AGAINST DISCRIMINATION IN HOUSING BASED ON FAMILIAL STATUS, ESTABLISHING PROCEDURES FOR ADMINISTRATIVE ACTION AND ENFORCEMENT, AND ESTABLISHING PENALTIES AND FINES FOR VIOLATIONS; AND AUTHORIZING THE SUBMISSION OF THE REVISED FAIR HOUSING CODE FOR THE CITY OF SAN ANTONIO TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

**2009-05-14-0388**

Item 27. AN ORDINANCE REVISING THE COMPOSITION, APPOINTMENTS AND TERMS OF THE CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE.

**2009-05-14-0389**

Item 28. AN ORDINANCE AUTHORIZING THE SAN ANTONIO FIRE DEPARTMENT TO ENTER INTO AN INTERLOCAL AGREEMENT WITH CPS ENERGY TO PROVIDE EMERGENCY RESPONSE SERVICES AT THE CALAVERAS POWER STATION, AT A COST OF $29,500.00, FOR THE PERIOD BEGINNING MAY 15, 2009 AND ENDING APRIL 30, 2010, AND PROVIDING FOR AUTOMATIC ONE-YEAR RENEWALS.

Item 29. CONSIDERATION OF THE FOLLOWING ORDINANCES AUTHORIZING AGREEMENTS WITH THE STATE OF TEXAS RELATED TO EMERGENCY AND DISASTER MANAGEMENT:

**2009-05-14-0390**

A. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE TEXAS FOREST SERVICE TO ALLOW QUALIFIED CITY EMPLOYEES TO BE MEMBERS OF A REGIONAL INCIDENT MANAGEMENT TEAM IN ORDER TO ASSIST THE STATE OF TEXAS IN PREPARING FOR, RESPONDING TO, AND RECOVERING FROM LARGE-SCALE NATURAL AND MAN-MADE DISASTERS AND INCIDENTS.

**2009-05-14-0391**

B. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE TEXAS ENGINEERING EXTENSION SERVICE TO ALLOW QUALIFIED CITY EMPLOYEES TO BE MEMBERS OF TEXAS TASK FORCE ONE IN ORDER TO ASSIST THE STATE OF TEXAS AND THE FEDERAL GOVERNMENT IN URBAN SEARCH AND RESCUE ACTIVITIES.

**2009-05-14-0393**

Item 31. AN ORDINANCE AUTHORIZING A PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT WITH THE SAN ANTONIO HOUSING AUTHORITY (SAHA) IN THE AMOUNT OF $650,000.00 FOR THE ROSEMONT AT PLEASANTON PROJECT; AND AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE SAN ANTONIO DEVELOPMENT AGENCY (SADA) IN THE AMOUNT OF $650,000.00 TO PERFORM CERTAIN ACTIVITIES RELATED TO SLUM CLEARANCE, REDEVELOPMENT, REHABILITATION AND CONSERVATION.

**2009-05-14-0394**

Item 32. AN ORDINANCE APPROVING A $63,550.00 PROFESSIONAL SERVICES AGREEMENT WITH THE ETC INSTITUTE TO CONDUCT A COMMUNITY NEEDS ASSESSMENT ON BEHALF OF THE SAN ANTONIO PUBLIC LIBRARY.

**2009-05-14-0395**

Item 33. AN ORDINANCE APPROVING A YOUTH SPORTS LICENSE AGREEMENT WITH THE ALAMO CITY YOUTH SOCCER ORGANIZATION AT CULEBRA CREEK PARK LOCATED IN COUNCIL DISTRICT 6.

**2009-05-14-0396**

Item 34. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *DORA ARNOLD V. CITY OF SAN ANTONIO, ET AL* IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION, CIVIL ACTION NO. SA-07-CV-0877, FOR THE AMOUNT OF $250,000.00.

**2009-05-14-0397**

Item 35. AN ORDINANCE AUTHORIZING THE SECOND AMENDMENT AND FIRST EXTENSION OF THE AUDIT SERVICES CONTRACT WITH GRANT THORNTON LLP, TO PROVIDE INDEPENDENT AUDIT SERVICES TO THE CITY FOR FISCAL YEAR 2009, FOR A TOTAL FEE NOT TO EXCEED $785,000.00.

## EXECUTIVE SESSION

Mayor Hardberger announced that all Executive Session items were pulled from the agenda by staff and would not be addressed.

A. DISCUSS LEGAL ISSUES RELATED TO TAX ABATEMENTS AND ECONOMIC DEVELOPMENT PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.071 (CONSULTATION WITH ATTORNEY) AND 551.087 (ECONOMIC DEVELOPMENT).
B. DISCUSS LEGAL ISSUES RELATED TO THE CITY SOUTH COMMUNITY PLAN UPDATE PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

At this time, Mayor Hardberger addressed the Ceremonial Items.

## CEREMONIAL ITEMS

Mayor Hardberger presented a Proclamation to the winners of the Karate Kids of San Antonio – Just Say No! Program. The program was founded by Eli Guerra, following the example of the national program created by Former First Lady Nancy Reagan. Students in grades 1st through 5th participate in the contest by writing a letter encouraging their friends to "Just Say No" to drugs, alcohol and gangs.

The Martin Luther King Jr. Scholarship Committee, in conjunction with the MLK Commission, announced the 2009 Scholarship Recipients. The scholarships are funded through local businesses and community groups, as well as contributions from Councilmembers. Recipients received a $1,000 award, along with a certificate and commemorative medal from the Mayor.

Mayor Hardberger presented a Citation to the MacArthur High School Cheerleaders for winning First Place in the Universal Cheerleaders Association (UCA) National High School Championships held at Disney World in Florida. Approximately 400 teams from 33 states competed in the prestigious competition. The UCA National Championship Title is a first in the history of MacArthur High School and North East Independent School District.

## ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

**2009-05-14-0386**

Item 25. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT WITH THE MAIN PLAZA CONSERVANCY FOR DESIGN AND CONSTRUCTION OF SHADE STRUCTURES IN MAIN PLAZA AND APPROVING $90,000.00 IN MATCHING FUNDS TO THE CONSERVANCY'S PRIVATELY-RAISED $250,000.00.

Mike Frisbie stated that funding for the shade structures had been allocated through the following sources: 1) FY 2009 Adopted Budget - $50,000; 2) District 1 Bond Balance Reallocation - $40,000; and 3) Main Plaza Conservancy - $250,000. Councilmember Cortez noted that the Conservancy had raised funds for the project and expressed his support for the project. Councilmember Clamp asked of the remaining items to be addressed in Main Plaza. Mr. Frisbie reported that ADA issues were being addressed to include ground lighting and gravel surface adjustments. He noted that the project would be completed by the end of the Summer.

Councilmember Cisneros expressed her support for the project and noted the great need for the shade structures. She invited all to attend the Main Plaza Conservancy Gala on May 22, 2009 at 6:30 pm. Mayor Hardberger added that the shade structures had become necessary when nine trees in the area died. Councilmember Cibrian expressed support for the project and noted the many activities taking place in Main Plaza.

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

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

**2009-05-14-0374**

Item 11. AN ORDINANCE ACCEPTING THE BID FROM OLDCASTLE PRECAST TO PROVIDE THE PUBLIC WORKS DEPARTMENT WITH A BOX CULVERT FOR A COST OF $61,446.56.

Councilmember Cortez asked for additional information regarding the box culverts. Mr. Richard Mendoza stated that said item would add two box culverts to existing ones at the crossing of Indian Creek and Ray Ellison Road. He noted that the area had flooded in 2007 because existing box culverts were not adequate. Councilmember Cortez requested that staff notify the South San Independent School District Administration of said action.

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

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

**2009-05-14-0378**

Item 16. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT WITH 3TI, INC. IN THE AMOUNT OF $260,000.00 TO PERFORM CONSTRUCTION WORK FOR THE CORTEZ LIBRARY IMPROVEMENTS PROJECT, AN AUTHORIZED 2007-2012 BOND AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 4; AND APPROPRIATING FUNDS.

Ramiro Salazar, Library Director noted that the improvement included a new entry area. He reported that a monument sign would be added so that the library was easy to identify and that construction

would take five months. He added that the project would be phased in and there would be no disruption to services.

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

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

**2009-05-14-0380**

Item 18. AN ORDINANCE APPROVING CHANGE ORDER NO. PW-05 IN THE AMOUNT OF $493,657.22 TO THE $5,560,075.18 CONSTRUCTION CONTRACT, AS CHANGED, WITH E-Z BEL CONSTRUCTION, LTD., FOR ADDITIONAL CHANNEL IMPROVEMENTS FOR THE MILITARY DITCH #65 PROJECT, LOCATED IN COUNCIL DISTRICT 4, AND APPROPRIATING FUNDS.

Councilmember Cortez expressed concern with the change order and asked for an explanation. Mr. Richard Mendoza stated that it was an extension of the base bid for channel work in Six-Mile Creek between Zarzamora and Mayfield Streets. He noted that the original bond project had design changes imposed by the Army Corp of Engineers and said item had been included as a bid alternate. He added that it met the original bond intent of the project and would help alleviate drainage issues in the area.

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

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

**2009-05-14-0382**

Item 20. AN ORDINANCE AUTHORIZING A $7,860,112.99 CONTRACT WITH FAMILY SERVICE ASSOCIATION FOR HEAD START EARLY CARE AND EDUCATION PROGRAM SERVICES FOR THE FY 2009-2010 GRANT YEAR AND CONTRACT AMENDMENTS TO ADJUST FUNDING BASED UPON CHILDREN SERVED; AUTHORIZING MEMORANDUMS OF AGREEMENT WITH LOCAL EDUCATION ENTITIES; AND AUTHORIZING SUBMISSION OF GRANT APPLICATIONS TO, AND ACCEPTANCE OF FUNDS UPON AWARD FROM, THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) IN AN AMOUNT UP TO $9,821,662.00 FOR ADDITIONAL HEAD START PROGRAM FUNDING FOR QUALITY IMPROVEMENT, COST-OF-LIVING ADJUSTMENTS AND ADDITIONAL PROGRAM SLOTS.

Dennis Campa stated that said item would authorize a contract with Family Services Association (FSA) for Head Start Early Care and Education Programs and Memorandums of Agreement with local education agencies. Additionally, it would authorize the submission of grant applications for additional Head Start Program funding for quality improvement, cost-of-living adjustments, and additional program slots. He explained that a Request for Proposals for Head Start Services had been initiated due to non-compliance issues with Parent Child Incorporated (PCI).

Councilmember Cibrian expressed concern that PCI failed to address non-compliance issues and had returned eight million dollars in funding to the US Department of Health and Human Services. She asked of the eligibility of the students currently enrolled in Head Start Programs. Ms. Nancy Hard,

Director of FSA stated that those children and their siblings would be given top priority for re-enrollment. She noted that FSA would also give hiring priority to current PCI Employees.

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

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

**2009-05-14-0392**

Item 30. AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION AND MAINTENANCE OF A MURAL ON THE IH 410 SOUTH FRONTAGE ROAD TURN-AROUND, SOUTH OF FM 2536, LOCATED IN COUNCIL DISTRICT 4.

Councilmember Cortez spoke of the mural that would be painted in coordination with City Staff and students from the Southwest Independent School District. Mr. David Garza stated that the Neighborhood Services Department had been coordinating such projects in an effort to combat graffiti. Councilmember Cortez recognized Ms. Norma Cantu and the Public Works Department Staff that worked on the project.

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

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

**2009-05-14-0387**

Item 26. AN ORDINANCE APPROVING AN EXCEPTION TO THE CITY'S INCENTIVE SCORECARD SYSTEM POLICY BY APPROVING A SAWS IMPACT FEE WAIVER IN THE AMOUNT OF $90,240.00 FOR THE FAMILY VIOLENCE PREVENTION CENTER, INC.

AJ Rodriguez explained that said item would provide a SAWS Impact Fee Waiver to the Family Violence Prevention Center, Inc. that qualified based on the City's Incentive Score Card System. Councilmember Clamp asked of the total amount of funding available. Mr. Rodriguez stated that SAWS set the budget for the program with $2 million dollars per year. Councilmember Cisneros expressed her support and requested that the review of the Incentive Score Card Program be addressed at an Economic Development Council Committee Meeting.

Marta Pelaez of the Battered Women and Children's Shelter thanked the Council for their support of said item.

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

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

Item 24. APPOINTING NOEMI CUE, TERESA G. HERNANDEZ, JAMES G. LIFSHUTZ, MARCELLO D. MARTINEZ, WALTER MARTINEZ, AND THOMAS H. PRESTON TO THE BOARD OF DIRECTORS FOR THE TAX INCREMENT REINVESTMENT ZONE NUMBER THIRTY, KNOWN AS WESTSIDE, FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE DECEMBER 10, 2010.

Councilmember Cortez moved to approve all of the board appointments listed with the exception of James G. Lifshutz. Councilmember Cisneros seconded the motion.

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

**[CONSENT ITEMS CONCLUDED]**

## ZONING ITEM FOR INDIVIDUAL CONSIDERATION

**PULLED FROM AGENDA BY STAFF**

Item P-1. **CITY SOUTH COMMUNITY PLAN UPDATE # U09004 (Districts 3 & 4):** An Ordinance amending the City South Community Plan to update the land use plan and text for Area 7 consisting of approximately 4129 acres of land generally bound by the Medina River on the north, Pleasanton Road on the east, Loop 1604 on the south, and Highway 16 on the west, from Agriculture/Light Industry, Agriculture, and Resource Protection/Open Space land use to Agriculture/Light Industry, Rural Estate Living and Resource Protection/Open Space land use and directing staff to review the Unified Development Code for appropriate zoning districts or create a new zoning district to incorporate the elements of the City South Community Plan Update. Staff recommends Approval. Planning Commission recommends that an update is not warranted at this time. City South Management Authority recommends Approval.

## CITIZENS TO BE HEARD

Mr. John Ripley spoke of replatting property in the Royal Crest Subdivision. He noted that his company was trying to create a subdivision that would comply with the current provisions of the Unified Development Code. He stated that they had been scheduled for a hearing May 13, 2009, but the County had not abandoned the old streets. He added that the time allotted to plat the property had expired on said date and requested an extension.

Mr. Burton Kahn stated that he was the engineer for the Royal Crest Subdivision. He noted that complications with the project were the reason that an extension was necessary.

Mr. Mark Perez spoke of Firefighters that had been exposed to chlorine gas. He stated that it was the responsibility of Development Services to follow City Ordinances and protect citizens. He expressed concern with the many violations by Tetco and spoke of the violations at the Kimberly Clark Facility.

Mr. Faris Hodge, Jr. stated that the City should not lock the doors of its buildings and should have signs to identify the meetings taking place. He recognized Mayor Hardberger for his work. He spoke against nuclear energy and stated that polling locations for the General Election should stay open later. Lastly, he noted that he would sing a song at the next Council Meeting for the Mayor and Outgoing Councilmembers.

Mr. Nick Calzoncit spoke of problems in the Harlandale School District. He noted that four trustees from the Harlandale District were on the news for taking illegal bribes and that a Columbine-like incident had been avoided in the District.

Mr. John Hackett commended the Council for being animal-friendly. He spoke of Lucky, the elephant at the San Antonio Zoo. He asked that the Council request a report from the Zoo on the condition and plans for Lucky. He stated that The National Organization in Defense of Animals had declared the San Antonio Zoo to be the worst zoo in the Nation.

Ms. Karrie Kern, Chief Executive Officer of US Operations for Zimbabwe Conservation Task Force (ZCTF), spoke of Lucky the Elephant. She provided photos of Lucky and discussed the evident health problems. She also spoke of Lucky's substandard living conditions. She noted that ZCTF had filed several national complaints against the Zoo.

**ADJOURNMENT**

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 8:31 pm.

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

**PHIL HARDBERGER**
MAYOR

Attest:

**LETICIA M. VACEK**
City Clerk