

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

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, APRIL 11, 2007 AND THURSDAY, APRIL 12, 2007

The San Antonio City Council convened in a "B" Session at 3:00 pm, Wednesday, April 11, 2007, Municipal Plaza Building with the following Councilmembers present: McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Haass, and Mayor Hardberger. ABSENT: Flores, Perez and Hall.

1. CITY COUNCIL BRIEFING ON THE RECOMMENDED FY 2008 BUDGET CALENDAR.

Mr. Peter Zanoni, Budget Director, provided the Council with an update on the FY 2008 Budget Calendar and highlighted major events leading up to the adoption of the FY 2008 Budget.

2. CITY COUNCIL BRIEFING ON BUSINESS TERMS RELATED TO 11 PROJECT AGREEMENTS WITHIN THE PROPOSED 2007-2012 BOND PROGRAM BETWEEN THE CITY AND 11 NON-PROFIT ORGANIZATIONS.

Mr. Zanoni also presented the Council with a list of 11 Proposed 2007-2012 Bond Program Projects that will leverage funds from outside non-profit entities. The 11 Projects that will require funds to be leveraged are identified within the following propositions: Parks, Recreation, Open Space and Athletics Facilities Improvements, Library Improvements, and Public Health Facilities Improvements. Each project will require a joint funding and use agreement to be completed by the partnering entity.

3. STAFF BRIEFING BY THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT CONCERNING THE REQUEST FOR COMPETITIVE SEALED PROPOSALS (RFCSP) TO SOLICIT COMMUNICATION SERVICES.

Said item was PULLED from the agenda.

There being no further business to come before the Council; the meeting was adjourned at 3:55 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, April 12, 2007 at 9:00 am in the Council Chambers.

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

The Invocation was delivered by Rev. Don Guthrie, Pastor, First Baptist Church San Antonio, Guest of Councilmember Roger Flores, District 1.

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

MINUTES

MINUTES OF THE MARCH 29, 2007 REGULAR CITY COUNCIL MEETING.

Councilmember Haass made a motion to approve the minutes of the March 29, 2007 City Council Meeting. Councilmember McNeil seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinances for Items 4A, 4B, and 4C:

2007-04-12-0393

Item 4A. AN ORDINANCE AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO, BEXAR COUNTY, AND THE SAN ANTONIO RIVER AUTHORITY IN CONNECTION WITH THE MANAGEMENT AND MAINTENANCE FOR THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT.

2007-04-12-0394

Item 4B. AN ORDINANCE AMENDING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, BEXAR COUNTY, AND THE SAN ANTONIO RIVER AUTHORITY, TO INCREASE THE CITY'S MONETARY COMMITMENT TO THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT.

2007-04-12-0395

Item 4C. AN ORDINANCE AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$48,464,973 FOR CONSTRUCTION OF THE MUSEUM REACH URBAN SEGMENT OF THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT.

Councilmember Wolff moved to adopt the proposed ordinances for Items 4A, 4B, and 4C. Councilmember McNeil seconded the motion.

Councilmember Wolff made an amendment to Item 4B that beginning next fiscal year all River Barge revenues be used for maintenance and improvements along the River Walk (North and South). Councilmember Haass seconded the motion.

City Manager Sculley provided the Council with a history of the bidding process and the resulting negotiations made with the contractor for said improvements. She noted that the City would be funding future capital improvements on the River Walk while the San Antonio River Authority (SARA) would be responsible for maintenance. Ms. Sculley also stated that the Memorandum of Understanding (MOU) requires that an Executive Committee be established to oversee the project schedule, budget, and make decisions relating to construction.

Mr. Jack Finger, P.O. Box 12049, addressed the Council and spoke on Items 4, 5, and 7. As it relates to Item 4, he noted that citizens previously voted “no” on River Walk Improvements. He stated that all councilmembers have received political contributions from Zachary Construction. Regarding Item 5, Mr. Finger stated that the proposed Meet and Confer Legislation would allow for sick-outs by City employees. He noted that once said legislation is passed it would be very difficult to undo. Mr. Finger stated that Item 7 would allow for the City to fund Emergency Shelter for citizens.

Several councilmembers sought clarification from Ms. Sculley regarding the responsibilities of the City and SARA as it relates to River maintenance and capital improvements. Ms. Sculley stated that as part of the MOU, the City would fund capital improvements while SARA would annually fund River Walk maintenance in the amount of \$1.5 million. This arrangement would continue for a minimum of 20 years.

Councilmember Guajardo stated that she was concerned with the City having to pay for River Walk maintenance that exceeded the \$1.5 million to be paid by SARA.

Councilmember Gutierrez stated that he was curious with how the collected funds by SARA were being utilized thus; he requested that SARA provide him with a detailed budget.

After due consideration, the amendment made by Councilmember Wolff for Item 4B failed by the following vote: AYES: McNeil, Wolff, and Haass. NAYS: Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, and Mayor Hardberger. ABSENT: Perez.

The main motion to approve Items 4A, 4B, and 4C prevailed by the following vote: AYES: Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. NAYS: None. ABSENT: Perez.

The City Clerk read the following Item:

Item 5. STAFF BRIEFING AND POSSIBLE ACTION ON BILLS PENDING IN THE 80TH STATE LEGISLATIVE SESSION.

Mr. Andrew Smith, Director of Intergovernmental Relations, provided the Council with an update on legislation being monitored. Such items include Eminent Domain, Pumping Limits on the Edwards Aquifer, Graffiti Abatement as well as the Meet and Confer Process.

Ms. Sharon De La Garza, Assistant to the City Manager, provided the Council with staff recommendations regarding HB 2099. The City’s Substitute Bill to HB 2099 would allow for local control of the Meet and Confer Process, prohibit employees from striking and initiating work stoppages, and would also allow for a State District Court to resolve disputes.

The power point presented by Mr. Smith and Ms. De La Garza is on file with the Office of the City Clerk.

Ms. Rosa Rosales, representing NAPE and LULAC, addressed the Council and stated that the organizations she represented were originally concerned with employees not being able to pick union

representation. However, she noted that the Substitute Bill being proposed by the City addresses their concern. Ms. Rosales thanked City staff for proposing a bill that was more inclusive regarding union representation.

Mr. Jaime Martinez addressed the Council and spoke on employee rights. He stated that unions were good because they allowed for employees to negotiate a living wage as well as better benefits and better working conditions.

Mr. Andrew Smith presented the Council with updates on individual concerns that were not part of the power point presentation. Such concerns included the status of bills relating to Impervious Cover and Funding for a Detox Center.

Councilman Wolff stated that he believed that City employees would fare better without union representation.

Councilmember Flores moved to approve the recommendations made by staff as presented within the Substitute Bill to HB 2099. Councilmember Gutierrez seconded the motion.

The motion prevailed by the following vote: AYES: Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Haass, and Mayor Hardberger. NAYS: Wolff. ABSENT: Perez.

Ms. Sharon De La Garza asked Council for direction and consideration regarding the recommendations made by staff relating to Airport and Park Police. Said recommendations were to extend the same provisions noted for City employees to Airport and Park Police.

Councilmember Radle moved to approve the recommendations made by staff as noted above. Councilmember Gutierrez seconded the motion.

The motion prevailed by the following vote: AYES: Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Haass, and Mayor Hardberger. NAYS: Wolff. ABSENT: Perez.

The City Clerk read the following Ordinance:

2007-04-12-0396

Item 6. AN ORDINANCE AMENDING THE SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY ORDINANCE EVALUATION STANDARDS FOR ALTERNATIVE CONSTRUCTION DELIVERY METHODS.

Councilmember McNeil moved to adopt the proposed ordinance. Councilmember Herrera seconded the motion.

Mr. Manuel Longoria, Assistant Director of the Economic Development Department, stated that the proposed change to the Alternative Construction Delivery Method would increase the number of qualified small businesses responding to City construction projects.

A copy of the power point presentation made by Mr. Longoria is on file with the Office of the City Clerk.

Ms. Gloria Andrade-Merrell of the San Antonio Hispanic Chamber, addressed the Council and stated that the Hispanic Chamber was in support of the proposed SBEDA recommendations since they were in direct alignment with the mission and vision of the Hispanic Chamber.

Mr. Ralph Velasquez addressed the Council and stated that the proposed recommendations allowed for the inclusion of small businesses which would result in increased economic growth. Mr. Velasquez thanked City Manager Sculley, the City Council, and City Staff for listening to his concerns and proposing SBEDA recommendations that allowed for increased participation by small businesses.

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

EXECUTIVE SESSION

Mayor Hardberger recessed the meeting at 12:03 pm to break for lunch and to convene in Executive Session at 1:30 pm for the purposes of:

- A. Deliberate the management, purchase, exchange, lease, or value of certain real properties and discuss related legal issues pursuant to Texas Government Code Sec. 551.072 (real property) and Texas Government Code Sec. 551.071 (consultation with attorney).
- B. Deliberate competitive matters regarding CPS Energy and discuss related legal issues pursuant to Texas Government Code Sec. 551.086 (competitive matters) and Texas Government Code Sec. 551.071 (consultation with attorney).
- C. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the meeting at 2:54 pm and stated that the Council had been briefed on the above-styled matters and gave staff direction but took no official action.

The City Clerk read the following Ordinance:

2007-04-12-0397

Item 7. A PUBLIC HEARING AND ORDINANCE AUTHORIZING THE REPROGRAMMING OF \$1,231,252.91 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND \$641,820.92 IN HOME INVESTMENT PARTNERSHIP GRANT (HOME) FUNDS AVAILABLE FROM FY 2005-2006 CITY-WIDE PROJECT COMPLETIONS, PROGRAM INCOME FUNDS AND CANCELLED PROJECTS TO ADDRESS EXISTING PROJECT SHORTFALLS AND NEW PROJECTS; AUTHORIZING THE CLOSE-OUT AND CANCELLATION OF AFFECTED PROJECTS AND PROJECT BUDGETS; AUTHORIZING THE CANCELLATION OF THE NEW BRAUNFELS STREET DISTRICT NEIGHBORHOOD COMMERCIAL REVITALIZATION (NCR) PROJECT IN THE AMOUNT OF \$40,000.00, MIDTOWN ON BLANCO NCR PROJECT IN THE AMOUNT OF \$50,000.00 AND PRESA REAL NCR PROJECT IN THE AMOUNT OF \$50,000.00 FOR A TOTAL AMOUNT OF \$140,000.00; AND AUTHORIZING THE APPROPRIATION AND ALLOCATION OF SAID FUNDS TO THE FAÇADE IMPROVEMENT PROGRAM;

REVISING THE APPROPRIATE PROJECT BUDGETS; ESTABLISHING ACCOUNTS; AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH; AND PROVIDING FOR PAYMENT; AUTHORIZING RENAMING OF PECAN VALLEY PARK PLAYGROUND AND SKATEBOARD RING CDBG PROJECT TO THE SOUTHSIDE LIONS PLAYGROUND AND SKATEBOARD RING CDBG PROJECT FOR HUD REPORTING PURPOSES; AND AUTHORIZING THE AMENDMENT OF ORDINANCE NO. 100918, PASSED AND APPROVED MAY 19, 2005 TO INCREASE THE FY 2005-2006 EMERGENCY SHELTER GRANT (ESG) ADOPTED BUDGET BY \$7,078.00 FOR A TOTAL FY 2005-2006 ESG BUDGET AMOUNT OF \$635,638.00.

Mayor Hardberger declared the Public Hearing open.

Councilmember Hall moved to adopt the proposed ordinance. Councilmember McNeil seconded the motion.

Mr. Andrew Cameron, Director of the Grants Monitoring and Administration presented the Council with a proposed list of projects which would be re-directed surplus CDBG and HOME Program funds. He noted that the surplus was due to the cancellation of several city-wide projects as well as cost savings associated with completed projects.

In addition, Mr. Cameron stated that HUD required the Pecan Valley Playground and Skateboard Ring to be re-named for accounting purposes.

Mr. Henry Ross, Assistant Director of Community Initiatives, presented the Council with an overview of how the community would benefit from the Emergency Shelter Grant. He stated that in FY 2006, about 110 households were served by the grant. In addition to rental assistance, individuals are assisted with transportation needs and the purchase of food and furniture. Mr. Ross noted that approximately 7 more households could be served as a result of the funding increase being proposed.

A copy of the power point presentations made by Messrs. Cameron and Ross are on file with the Office of the City Clerk.

Ms. Christina Castro, 503 Drake, addressed the Council related to recent CDBG Street Reconstruction Project near St. Henry's Catholic Church. She stated that citizens voted to have curb, sidewalk, and driveway approaches erected at the intersection of Edwards and Hinton. However, Ms. Castro stated that the Public Works Department informed her that the installation of curbs was not part of the scope of the original project.

Since Ms. Castro could not stay for the Citizens to be Heard portion of the Council Meeting, Mayor Hardberger allowed her to address the Council at this time. She stated that some fire hydrants were not working in a 4 block area near Fire Station 16. Ms. Castro stated that SAWS and Public Works were not taking responsibility for ensuring the safety of homeowners. She presented Council with pictures of broken curbs and inadequately installed sidewalks near her home. As part of the presentation, Ms. Castro requested that the City incorporate the installation of curbs and sidewalks in the City's Five-Year Rolling Street Maintenance Program.

Ms. Sculley noted that in the future there would be better and more coordinated communication between City departments and outside agencies involved in construction projects.

Councilmember Haass requested that \$293,000 in District 10 CDBG Funds from the FY 2005-2006 Budget which were allocated to the development of a Senior Center be redirected to the installation of three Sidewalk and Curb Projects. Said Projects are: 1) Goforth Drive from Weidner to the Dead-end; 2) Maebelle Drive from Weidner to Bomar Lane; and 3) Bledsoe from Randolph to Maebelle Drive. He requested that Public Works install sidewalks and curbs to both sides of the street. Surplus funds, if available, are to be used for ADA modifications at Senior Centers in District 10.

At this time, Mayor Hardberger closed the public hearing.

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

CONSENT AGENDA: Items 8-22

Consent Agenda Item 20 was pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember McNeil seconded the motion.

The following citizen(s) appeared to speak:

Ms. Graciela Sanchez, Esperanza Peace and Justice Center, addressed the Council and spoke on Item 21. She requested that the City Council create a commission that would be responsible for the oversight of cable and communication systems. She added that such commission could issue regulations regarding PEG programming, development of policies, and funding.

Ms. DeAnne Cuellar, 317 W. Ridgewood, addressed the Council and also spoke on Item 21. She read a portion of a letter which was provided to the Council. Said letter recommended that AT&T provide PEG programming to the community and that AT&T pay franchise taxes. Ms. Cuellar agreed with the recommendation made by Ms. Sanchez regarding the creation of a commission.

Mr. Jack M. Finger, P.O. Box 12048, addressed the Council on Item 13. He noted that funding of the Affordable Showcase of Homes Project was not authorized by the City Charter. Regarding Item 10; Mr. Finger stated that the City did not solicit bids for said item and that all Councilmembers have received campaign contributions from Raba-Kistner.

Ms. Leticia Vacek read 2 written testimonies from Mr. Faris Hodge, Jr., 140 Dora. Regarding Item 10, he commented on the accessibility of pornography on library computers. He requested that the City install filters on the computers as required by federal regulations. As it relates to Item 21, Mr. Hodge stated that the Citizens to be Heard portion of Council Meetings should be televised just as Ceremonial presentations are televised.

The motion on the floor to adopt the remainder of the consent items prevailed by the following vote: AYES: Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. NAYS: None. ABSENT: Perez.

2007-04-12-0398

Item 8. AN ORDINANCE ACCEPTING THE OFFER FROM PLANET FORD 6 TO PROVIDE THE CITY WITH THE PURCHASE OF TWO REPLACEMENT ¾ TON CAB & CHASSIS UNITS FOR A COST OF \$51,728.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2007-04-12-0399

Item 9. AN ORDINANCE ACCEPTING OFFERS FROM PLANET DODGE, PLANET FORD 6, AND CALDWELL COUNTRY CHEVROLET TO PROVIDE 21 REPLACEMENT VEHICLES AND 10 ADDITIONAL VEHICLES TO THE CITY FOR A COST OF \$630,293.00.

2007-04-12-0400

Item 10. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$3,150,000.00 AND SELECTING RABA KISTNER CONSULTANTS, INC. FOR NEGOTIATION AND EXECUTION FOR A PROFESSIONAL ENGINEERING AND DESIGN AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$458,300.00 FOR PROFESSIONAL ENGINEERING AND DESIGN SERVICES IN CONNECTION WITH THE CENTRAL LIBRARY EXTERIOR MAINTENANCE AND REPAIRS PROJECT, LOCATED IN DISTRICT 1, AND APPROPRIATING FUNDS FROM CERTIFICATES OF OBLIGATION AND FY 2006 TAX NOTES.

2007-04-12-0401

Item 11. AN ORDINANCE APPROVING CHANGE ORDER NO. SAWS – 4 FINAL IN THE DEDUCTIVE AMOUNT OF \$28,408.35 TO THE \$1,426,668.61 CONSTRUCTION CONTRACT, AS CHANGED, WITH KGME TO RECONCILE ACTUAL MATERIAL QUANTITIES USED, IN CONNECTION WITH THE OCTAVIA #63-PHASE II-PART I PROJECT, LOCATED IN DISTRICT 5.

2007-04-12-0402

Item 12A. AN ORDINANCE APPROVING CHANGE ORDER NO. 3 IN THE AMOUNT OF \$305,278.09 TO THE CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, LTD. FOR ASPHALT RECYCLING AND OVERLAY WORK, IN CONNECTION WITH THE FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM.

2007-04-12-0403

Item 12B. AN ORDINANCE APPROVING CHANGE ORDER NO. 3 IN THE AMOUNT OF \$1,438,956.40 TO THE CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, LTD. FOR HOT PAVER-LAID MICRO SURFACE WORK, IN CONNECTION WITH THE FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM.

2007-04-12-0404

Item 12C. AN ORDINANCE APPROVING CHANGE ORDER NO. 2 IN THE AMOUNT OF \$2,008,093.29 TO THE CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, LTD. FOR ASPHALT OVERLAY WORK, IN CONNECTION WITH THE FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM.

2007-04-12-0405

Item 12D. AN ORDINANCE APPROVING CHANGE ORDER NO. 2 IN THE AMOUNT OF \$435,520.35 TO THE CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, LTD. FOR MICRO SURFACE WORK, IN CONNECTION WITH THE FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM.

2007-04-12-0406

Item 13. AN ORDINANCE AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE TO TWO (2) PRIVATELY OWNED PARCELS OF LAND FOR \$28,050.00 PAYABLE TO RAUL VIEYRA; AND AUTHORIZING THE PAYMENT OF CLOSING COSTS NOT TO EXCEED \$2,500.00 IN CONNECTION WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED AFFORDABLE SHOWCASE OF HOMES PROJECT, LOCATED IN COUNCIL DISTRICT 7.

2007-04-12-0407

Item 14. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A DONATION FROM THE GOLD CANYON HOMEOWNERS ASSOCIATION OF TWO PARCELS OF LAND IN CITY COUNCIL DISTRICT 10 TOTALING 69.533 ACRES, AND APPROVING \$38,118.75 FROM THE FACILITY SERVICES IMPROVEMENT AND CONTINGENCY FUND FOR CLOSING COSTS, BOUNDARY SURVEY, AND ASSOCIATED FEES.

2007-04-12-0408

Item 15. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF UP TO \$2,504,144.78 FROM THE DEPARTMENT OF THE AIR FORCE TO CONTINUE FUNDING THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S PUBLIC CENTER FOR ENVIRONMENTAL HEALTH FOR THE PERIOD OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2011; AND APPROVING AN AGREEMENT WITH THE U.S. DEPARTMENT OF THE INTERIOR'S U.S. GEOLOGICAL SURVEY (USGS) IN THE AMOUNT OF \$59,210.00 FOR USGS TO PROVIDE WATER DATA COLLECTION AND MONITORING ACTIVITIES AT LEON CREEK DURING THE PERIOD OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

2007-04-12-0409

Item 16. AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE (UNIFIED DEVELOPMENT CODE) BY ADDING SPECIFIED TIME FRAMES TO THE APPLICATION PROCESS FOR DESIGNATION OF HISTORIC DISTRICTS.

2007-04-12-0410

Item 17. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ELECTION SERVICES CONTRACT IN AN AMOUNT UP TO \$342,269.22 WITH THE BEXAR COUNTY ELECTION ADMINISTRATOR FOR THE ADMINISTRATION OF THE CITY'S MAY 12, 2007 GENERAL AND SPECIAL ELECTION.

2007-04-12-0411

Item 18. AN ORDINANCE APPROVING A TOTAL PROJECT AMOUNT OF \$40,576.00 TO INCLUDE AWARDDING A \$28,660.00 EMERGENCY CONSTRUCTION CONTRACT WITH DELTA STRUCTURAL TECHNOLOGY, INC. FOR REPAIRS TO A CONCRETE BEAM AND COLUMNS AT EL MERCADO AND A \$8,750.00 CONTRACT WITH LUNDY AND FRANKE ENGINEERING, INC. FOR ENGINEERING SERVICES AS PART OF THE EL MERCADO STRUCTURAL REPAIRS PROJECT, PAID FOR FROM ONE-TIME GENERAL FUNDS.

2007R-04-12-0412

Item 19. A RESOLUTION RECOMMENDING APPROVAL TO CITY PUBLIC SERVICE ENERGY TO FUND A TOTAL OF \$1,500,000.00 FROM THE COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT (CIED) FUND FOR THE CONSTRUCTION OF UNDERGROUND ELECTRICAL SUPPLY LINES IN CONNECTION WITH THE SOUTHWEST RESEARCH INSTITUTE UNDERGROUND CONVERSION PROJECT, LOCATED IN DISTRICT 6.

2007-04-12-0414

Item 21. AN ORDINANCE APPROVING AN AGREEMENT PURSUANT TO CHAPTER 66 OF THE TEXAS UTILITIES CODE BETWEEN THE CITY OF SAN ANTONIO AND AT&T TEXAS FOR TESTING THE COMPATIBILITY OF THE CITY'S PUBLIC, EDUCATION AND GOVERNMENT (PEG) PROGRAMMING SIGNAL ON AT&T'S U-VERSE TELEVISION SERVICE.

ITEM PULLED FROM AGENDA

Item 22. AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO AND CPS ENERGY TO JOINTLY DEVELOP A SHARED HIGH-SPEED COMMUNICATIONS WIDE AREA NETWORK.

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Resolution:

2007R-04-12-0413

Item 20. A RESOLUTION RECOMMENDING APPROVAL TO BEXAR COUNTY-METROPOLITAN PLANNING ORGANIZATION TO FUND FIVE (5) PROJECTS FOR FY 2008-2009 AND THREE (3) ADDITIONAL PROJECTS FOR FUTURE YEAR INCLUSION.

Councilmember Hall moved to approve the proposed resolution. Councilmember Haass seconded the motion.

Councilmember Haass expressed concern with the lack of courtesy transportation available to students at several NEISD schools and requested more information regarding the School Safe Route Plan.

Mr. Jason Cosby, Assistant Director of the Public Works Department, noted that staff works closely with all area schools as part of the School Safety Initiative to ensure that students are safe walking to and from school. He stated that the department would verify if the installation and maintenance of sidewalks surrounding schools is included in the City's Five-Year Infrastructure Maintenance Program.

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

Item 23. CITY MANAGER'S REPORT

City Manager Sheryl Sculley reported on the following items:

- She stated that three sanitation workers helped SAPD to apprehend an individual accused of abducting and sexually assaulting a young woman. She thanked Esteban Aguirre, Hector Villanueva, and Joe Mendez for going above the call of duty. She added that they would formally be recognized at a future Council meeting.
- She stated that the City commenced the One-time Leaf Collection Pilot Program. The first area to participate in the program will be North Central San Antonio (Thousand Oaks east of Hwy 281). The 4-week program will entail Environmental Services collecting leaves each Wednesday during the program.
- She reported on the celebration activities associated with the Grand Opening of the Museo Alameda. She thanked City staff for helping with the coordination of the construction.
- She reported that the Parks and Recreation Department received the Arts and Humanities Award from the National Recreation and Park Association – Southwest Regional Council for Outstanding Summer Program.
- Lastly, Ms. Sculley reported that Animal Care Services commenced two initiatives. The first initiative, entitled "Stepped-Up Enforcement Plan" entails the department educating pet owners on the responsibilities associated with pet ownerships. The second initiative, entitled "Humane Housing Action Plan" ensures that the number of abandoned animals taken-in does not exceed the number of kennels available.

Mayor Hardberger recessed the meeting at 4:00 pm until 5:30 pm at which time Ceremonial Items was addressed.

CEREMONIAL ITEMS

Mayor Hardberger recognized the following 2007 Fiesta Events and conducted Medal Presentations.

1. Annual Fiesta Flambeau Parade – The parade is sponsored by the Fiesta Flambeau Parade Association and this year's theme is "A Celebration of Cultures." The parade will be held on Saturday, April 28, 2007.

2. NIOSA – The San Antonio Conservation Society will sponsor “A Night in Old San Antonio,” (NIOSA), April 24-27, 2007. The 4-night event, in the La Villita National Historic District, celebrates San Antonio’s diverse cultural heritage, showcasing 15 ethnic areas, 250 food booths, and regional entertainment by 20 bands and dance troops.
3. Centro San Antonio Amigo’s – The Amigo’s serve as Goodwill Ambassadors by assisting various downtown users while paying additional attention the overall appearance of Downtown.

CITIZENS TO BE HEARD

Dr. Alfonso Chiscano, 15243 Pebble Cove, addressed the Council and spoke on the Main Plaza Redevelopment Project. He requested that Council reinstate the original name of Plaza Islas Canarias and for a bridge to be erected by Santiago Calatrava, a famous architect.

Mr. Nazarite Ruben Perez, 627 Hearne, addressed the Council and referenced a Bible passage regarding idolatry and a recent newspaper article about monks from Blanco, Texas that appeared in the *Express-News*. He also spoke on the wages paid to City employees.

Mr. Don O’Haver, O’Haver Construction, addressed the Council and spoke on a Parks and Recreation recommendation to accept the bid of the 6th highest of nine bids that were submitted for building renovations for its new Headquarters. He stated that accepting the bid would result in taxpayers having to pay \$545,000 more for said project. Mr. O’Haver provided the Council with a letter that noted the company’s objections to the ranking selection and solutions in fixing the problem.

Mr. Nick Calconzit, 66 Breese, #114, addressed the Council regarding his concerns with the incompetence and corruption at Harlandale ISD. He referenced an article that appeared in the *Express News* regarding said concerns. Mr. Calconzit requested that the Council intervene and address the Texas Education Agency regarding low test scores at Harlandale ISD. He also requested that the Council investigate the history behind the names of streets and building facilities in said school district as well as the process the City utilizes in naming buildings.

Ms. Petra Maldonado, 1527 N.W. 26th, addressed the Council regarding SAHA, KB Homes and Magi Realty. She stated that that these companies stole her dream, her health, and her right to live in a handicapped accessible home. As such, Ms. Maldonado requested for said companies to take responsibility for not keeping promises and for building overpriced homes.

Mr. Faris Hodge, 140 Dora, addressed the Council and stated that he was against the use of tasers by the Police Department. He also spoke on the new City Administrative Directive regarding political activity by employees, the Citizens to be Heard portion of City Council meetings not being televised, and VIA not providing bus service to the new ACCD Campus. Lastly, Mr. Hodge asked if one had to be in love to get married on the River Walk.

Mr. Antonio Diaz, addressed the Council and spoke on the agreement approved earlier between the City and AT&T regarding PEG programming. He noted that the City was between a rock and hard place since the City was mandated by SB 5 which was passed in 2005. Mr. Diaz also stated that he was

opposed to the Main Plaza Redevelopment Project since it would disturb Native American remains which were buried in the area.

Mr. Luis Cintron, 432 Precious, addressed the Council and spoke about a letter he received from HUD which stated that the neighborhood was toxic. He requested that the problems be addressed and resolved before they get worse. He also asked that his home be bought back. Mr. Cintron noted that he and other homeowners were still waiting for test results from tests taken in January.

Mr. Pedro De Los Santos, 506 Precious, addressed the Council and stated that he no longer resided at his home due to bacteria and "suspect mold" contamination. He stated that the contamination has resulted in him and his family becoming ill. He noted that KB Homes defrauded him by building homes on a landfill and by not disclosing problems associated with the homes. Mr. De Los Santos also noted that the testing conducted was inaccurately done.

Mr. Randy Zaragosa, addressed the Council and stated that his neighbor's home was appraised at \$149,000 by the Bexar Appraisal District while a similar home sold at \$66,000. Mr. Zaragosa asked if the homes were being "dumped". He showed the Council pictures of numerous construction flaws in his home. He too stated that the development of mold led to his family subsequently getting ill. Mr. Zaragosa requested for the Council to do something about said problems.

Ms. Stefana Adame-Battle, 448 Precious, addressed the Council and noted that the construction flaws were making individuals ill. She stated that City Inspectors are to blame for not properly inspecting the work and therefore the City was responsible for fixing the problem. Ms. Battle requested that the homes be bought back by the City, KB Homes, Magi Realty, and SAHA.

Ms. Janet Ahmad, 18 Silverhorn, addressed the Council and noted that test results have not been issued to homeowners. She noted that even though homes are being fixed, individuals do not know what they have been exposed to. Ms. Ahmad requested a public hearing or similar forum be conducted so that homeowners can address their concerns.

Ms. Julie Iris Oldham, 4523 Allegheny, addressed the Council and stated that City Management should not have approved the permit allowing KB Homes to build homes over a landfill and that City Inspectors did not review work completed by contractors properly. She also spoke on several Ethics violations being made by current and former City Officials as well as current Council Candidates.

Ms. Stefana Adame-Battle, 448 Precious, addressed the Council on behalf of her husband, Daniel Battle. Ms. Battle read from a 2003 inspection report on said homes which noted the health problems that can result from homes being constructed improperly and with low cost building materials.

Mr. Guadalupe Lopez, addressed the Council and spoke on the defects with his KB Home. He stated his "American Dream" was shattered since he was stuck with a worthless home. Mr. Lopez stated that he was told that only "qualified" individuals could fix homes. However, fixing problem entails a worker going through the home with a caulking gun.

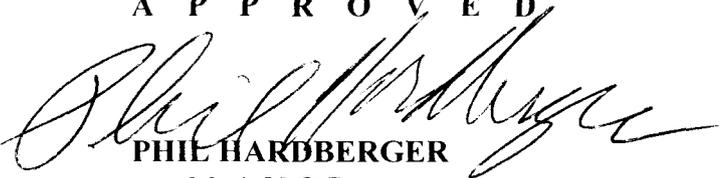
Ms. Patricia Cabrera, Villa Fortuna Resident, addressed the Council and stated that she was overpaying rent and that development of mold in the home was making her children sick. She noted that doctor's are recommending that the family move out of the home as soon as possible.

Mr. Henry Alvarez, Executive Director of SAHA, addressed the Council and stated that SAHA was taking concerns seriously and was working to relocate homeowners. In fact, he stated that SAHA was approving the relocation of homeowner's prior to review from HUD in accordance with Uniform Relocation Act. As such, SAHA may not be reimbursed for said relocation expenses. Mr. Alvarez noted that cooperation of all homeowners was needed in order to complete tests. He noted that in some instances, workers were being denied entry into the home in order to take the necessary tests. Mr. Alvarez stated that he had requested the services of Metro Health to analyze the test results. At the suggestion of Dr. Guerra, SAHA would be conducting additional testing in order to accurately determine contaminants. Lastly, Mr. Alvarez stated that another major challenge in addressing concerns was the time constraints associated with the legal process. He stated that legal procedures allowed each party ample time to compile data and respond accordingly.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 6:52 pm.

A P P R O V E D



PHIL HARDBERGER
M A Y O R

Attest:



LETICIA M. VACEK
City Clerk