

**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 WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, NOVEMBER 19, 2008 AND THURSDAY, NOVEMBER 20, 2008, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **November 19, 2008**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** None.

- 1. UPDATE AND OVERVIEW OF CURRENT PROJECTS AT STINSON MUNICIPAL AIRPORT FOLLOWED BY A RIBBON-CUTTING CEREMONY AT 4:00 PM FOR THE RENOVATED TERMINAL FACILITY.**
 - HISTORY OF STINSON MUNICIPAL AIRPORT**
 - EXPANSION PROGRAM AND CAPITAL IMPROVEMENTS**
 - ZONING AND PLANNING OF STINSON AND SURROUNDING AREA**

Mr. Mike Sawaya, Interim Aviation Director, stated that Stinson Municipal Airport was established in 1915 as the Stinson School of Flying by the Stinson Family. He noted that the airport was used mainly by barnstormers between 1918 and 1930 and that three commercial airlines had operated out of Stinson during the 1930's. He reported that the Army Air Corps had taken over operations by 1942 and that many of the hangars on site had been built prior to 1943 and were considered historic.

Mr. Sawaya stated that the Master Plan and Target Industry Study had been completed in 2002 and that it called for the following: 1) Runway extension; 2) Additional office, retail, and terminal space; and 3) Additional hangars. He noted that the study was intended to serve as a business development plan and to identify industry that would support existing tenants. Mr. Sawaya stated that the Aviation Department had invested \$12 million over the past ten years in historic hangar renovations, terminal expansion, runway extension, and hangar development. He added that funding was provided by the Stinson Revolving Fund, operating revenues, Texas Department of Transportation Grants, and private donors.

Mr. Sawaya spoke of the Airport Vicinity Land Use Plan, noting that its purpose was to promote compatible land uses adjacent to the airport which would protect Aviation investments and the quality of life of area residents. Mr. Sawaya concluded with a timeline of events for Stinson Municipal Airport.

Councilmember Cibrian spoke of Stinson Municipal Airport's and San Antonio International Airport's importance in aviation history and requested additional information on the Airport Vicinity Land Use Plan and rerouting of aircrafts to Stinson. Mr. Sawaya stated that after Council approval, all zoning in a ten-mile radius would have to be consistent with the plan. Ms. Sculley stated that space was limited at the San Antonio International Airport, but maintaining and growing commercial capacity was necessary; therefore, locally-based aircrafts and corporate flights were being moved to Stinson.

Councilmember Ramos welcomed all to District 3 and thanked Mr. Sawaya and Mr. Tim O’Krongley, Assistant Aviation Director, for their work on said item. She thanked Former Councilmember Toni Moorhouse and Mayor Hardberger for their efforts. Mayor Hardberger thanked Councilmember Moorhouse and Mr. Al Sturchio, Air Transportation Advisory Commission Member, for their involvement. Ms. Sculley recognized Assistant Director Tim O’Krongley noting for his previous years of service as the Manager of Stinson Municipal Airport.

Mayor Hardberger noted his personal experiences as a pilot flying out of Stinson Municipal Airport. He gave an account of his Spirit of San Antonio Flight, commemorating the 50th Anniversary of Charles Lindbergh’s flight across the Atlantic. The forty-one hour flight originated at Stinson and concluded at Le Bourget Field in Paris, France in May 1977. Mayor Hardberger also noted Charles Lindbergh’s connections to San Antonio.

There being no further discussion, Mayor Hardberger adjourned the meeting at 4:05 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **November 20, 2008** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Father David Gutierrez Escudero, Pastor, St. Leonard Catholic Church, guest of Councilmember Philip Cortez, District 4.

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

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** None

MINUTES

Councilmember Cisneros made a motion to approve the Minutes for the September 18 and October 2, 2008 Regular City Council Meetings. Councilmember Herrera seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read Ordinances 4 A, B, C, and D as follows:

Item 4. BRIEFING BY THE SAN ANTONIO RIVER AUTHORITY AND CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT (SARIP):

2008-11-20-1011

- A. AN ORDINANCE AUTHORIZING A OPERATIONS AND MAINTENANCE INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO RIVER AUTHORITY FOR THE OPERATION AND MAINTENANCE OF THE MUSEUM REACH URBAN SEGMENT, EAGLELAND, AND THE MISSION REACH.

2008-11-20-1012

- B. AN ORDINANCE AUTHORIZING CONVEYANCE TO THE SAN ANTONIO RIVER AUTHORITY FOR FOUR CITY-OWNED PARCELS OF LAND LOCATED IN ROOSEVELT PARK FOR THE DEVELOPMENT OF SARIP MISSION REACH, PHASE II; LOCATED WITHIN COUNCIL DISTRICTS 3 AND 5.

2008-11-20-1013

- C. AN ORDINANCE PROVIDING THAT THE CITY SHALL FOREGO COLLECTION OF \$12,354.69 OF CODE COMPLIANCE CHARGES AND DELINQUENT CITY TAXES FOR THE APPROXIMATELY 4.2 ACRE TRACT LOCATED AT 4512 SIERRA STREET LOCATED IN COUNCIL DISTRICT 5 TO THE OWNER, BEXAR COUNTY (AS TRUSTEE FOR EACH TAXING UNIT IN WHOSE JURISDICTION THE PROPERTY IS LOCATED), IN SUPPORT OF THE TRANSFER OF TITLE FROM THE COUNTY TO THE SAN ANTONIO RIVER AUTHORITY FOR USE IN THE MISSION REACH PORTION OF THE PROJECT.

2008-11-20-1014

- D. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE PROVIDING SIGNAGE AT THE LOCK AND DAM LOCATED NEAR BROOKLYN AVENUE ALONG THE SAN ANTONIO RIVER IN ACKNOWLEDGMENT OF AT&T'S \$5 MILLION CONTRIBUTION TO THE PROJECT.

Ms. Suzanne Scott, San Antonio River Authority (SARA) General Manager, presented an update on said project. She stated that the Museum Reach, comprised of the Park Segment and the Urban Segment, was 68% complete as of the end of October and that the project was on schedule for completion by May 2009. She reported that the Historical Mission Reach was 12% complete and that excavation was 60% complete, and added that it was ahead of schedule and should be completed by the end of 2008.

Ms. Scott noted that House Bill funding was \$1.4 million and Senate Bill funding was \$10 million, and that staff had been working with SARA to include language in the Bill that would allow the use of Visitor Tax Money in advance of Federal Funds. She added that some infrastructure projects would potentially be considered as part of a stimulus package and were trying to include the Mission Reach Project.

Mayor Hardberger thanked Ms. Scott for the presentation and asked about the status of the additional \$10 million in federal funding and the target completion date on the Mission Reach. Ms. Scott reported that the Energy and Water Bills in the Senate had not been reconciled but Senator Kay Bailey Hutchison and Congressman Ciro Rodriguez were working hard to reach the \$10 million goal. She added that completion for the Mission Reach was projected for 2013-14.

Mr. Pat DiGiovanni, Deputy City Manager, stated that for Item 4A, the Council had previously authorized the execution of a Memorandum of Understanding (MOU) with SARA in an effort to fund the \$18 million shortfall for the Museum Reach and that an Interlocal Agreement was now necessary.

He noted that for Item 4B, staff was requesting the release of twenty-two acres to the project for improved flood control and a more natural appearance. He stated that Bexar County would forgo taxes owed on the property in Item 4C, and that the tract was for a proposed right-of-way. Lastly, he introduced Ms. Kim Abernethy, Executive Director of the San Antonio River Foundation.

Ms. Abernethy stated that the Foundation was requesting approval for Item 4D. She noted that AT&T had announced their donation in Spring 2007 and that it was the largest gift to date. She reviewed the guidelines for donor recognition signage and Former Mayor Howard Peak provided an image of the signage.

Mayor Hardberger declared the Public Hearing open and called upon those registered to speak:

Mr. Jack M. Finger spoke in opposition to said item and stated that the City was foregoing \$12,000 in taxes to obtain land for the River Project. He noted that the citizens had previously voted against the project. In regard to Item 5, he expressed concern that the backup information was vague and for Item 6, he stated that Texas A&M should pay to develop the San Antonio Campus.

Ms. Vacek read written testimonies from Mr. Faris Hodge, Jr. For Item 5, he wrote that the names of the citizens to be appointed to the Board should have been included on the agenda. On Item 20, he stated that the train at Brackenridge Park should be large enough for adults. In regard to Item 40, he wrote that delinquent taxes were the result of citizens losing their jobs. He wrote in opposition to Item 23 regarding the lease of space for the San Antonio Police Department and against the Airport Noise Planning Study for Item 31.

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

The City Council expressed support for the project and thanked all involved.

Councilmember Ramos moved to approve Items 4A, 4B, 4C, and 4D. Councilmember Cisneros seconded the motion.

The motion to approve Items 4A, 4B, 4C, and 4D 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 the following Ordinance:

2008-11-20-1015

Item 5. AN ORDINANCE ESTABLISHING THE CITY COUNCIL AUDIT COMMITTEE AND CLARIFYING THE ROLE AND AUTHORITY OF THE CITY AUDITOR.

Mr. Park Pearson, Interim City Auditor, addressed the Council on behalf of the Ad Hoc Audit Committee. He explained that that ordinance was a product of the Ad Hoc Committee and their unanimous vote. He noted that the City Auditor's Office was voted into existence by the citizens in November 2001, and that the Auditor reported to the Audit Subcommittee. He stated that the Charter was ambiguous in addressing the Auditor's role and that the City had three different City Auditors over the past seven years.

Mr. Pearson provided background information on the Ad Hoc Audit Committee that was formed by Mayor Hardberger in June 2008. He stated that the Committee consisted of Councilmembers Cortez, Ramos, and Clamp, County Judge Nelson Wolff, Mr. Ed Whittaker, and Mr. Rolando Pablos. He added that Mayor Hardberger served as Chair. He reported that the Committee had reviewed the following items: 1) The authority and responsibility of the City Auditor; 2) The appropriate reporting structure; and 3) How oversight and governance should be executed by the Council.

Mr. Pearson stated that the Committee had evaluated best practices and various materials from around the country to develop a definition for internal auditing. Recommendations relating to the City Auditor were: 1) Reconfirm the independence of the Auditor so that he may be clearly independent from management; 2) The Auditor would report to the Audit Committee; and 3) The Auditor would develop an Annual Audit Plan to be approved by the Audit Committee and the City Council. He noted short-term emergency provisions allowing the City Manager to marshal the forces of the Auditor with approval of the Committee Chair. Duties of the Auditor were clarified as the authority to review adequacy and effectiveness of the controls, reliability of financial information, effectiveness and efficiency of programs, safeguarding of assets, and compliance with laws, regulations and contracts. The recommendation for the Audit Committee was to establish a full standing committee of three Councilmembers and two Citizens with financial and auditing expertise as appointed by the Mayor.

Mayor Hardberger thanked Mr. Pearson for the presentation and work on the Ad Hoc Audit Committee.

Councilmember Clamp moved to address said item in executive session. Councilmember Cisneros seconded the motion.

Several Councilmembers expressed their view regarding convening in Executive Session for said item.

Mr. Michael Bernard, City Attorney, confirmed that said item could be discussed in executive session.

Mayor Hardberger stated that he did not support convening in executive session on said item because he preferred to keep the process open to the public.

The motion to recess into executive session on Item 5 prevailed by the following vote: **AYES:** Cisneros, McNeil, Galvan, Herrera, Rodriguez and Clamp. **NAY:** Ramos, Cortez, Cibrian and Mayor Hardberger. **ABSENT:** Rowe.

POINT OF PERSONAL PRIVILEGE

Councilmember Herrera recognized Ms. Leticia Barrera, wife of former Councilmember Enrique Barrera, deceased; and their daughter regarding Item 44. They thanked the Council for the recognition of naming a community center in Mr. Barrera's honor.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 10:38 am to convene in Executive Session regarding Item 5.

Mayor Hardberger reconvened the Regular Meeting at 12:04 pm at which time it was noted that the City Council had been briefed on Item 5 but took no action. Mayor Hardberger continued with Item 5.

Councilmember Cortez thanked the Ad Hoc Audit Committee for their expertise and effort on said item. He stated that the goal of the Committee was to clarify the Auditor's authority to conduct financial and operational audits and that an affirmative vote would confirm that. He noted that adding two citizens to the Audit Committee was something that other cities utilized effectively and emphasized that the ordinance would establish accountability to the Council. Councilmember McNeil noted her support for transparency, but opposed the inclusion of citizens on the Audit Committee. She stated that audit functions were municipal functions and were the responsibility of the Council. She expressed concern with allowing citizens to serve on other Council Committees. She noted that Mr. Pearson and his staff were doing an excellent job and suggested the creation of a Citizens Advisory Committee to the Audit Committee so that the Council could benefit from citizen expertise.

Councilmember Rodriguez recognized Mr. Pearson for his efforts in the City Auditor's Office. He added that he was in favor of the inclusion of citizens on the Audit Committee because it would enhance the checks and balances and would create greater independence for the Auditor. Councilmember Herrera stated that she had concerns with the procedure for selecting citizens to serve on the Committee. She noted that the individuals selected should have high credentials because audits attract a lot of attention. She stated concern that citizens had elected Councilmembers to serve on their behalf, but would be considered equal on the Audit Committee.

Councilmember Cibrian asked Mr. Bernard to clarify the inherent duties of the Auditor as described in the Charter. Mr. Bernard stated that the Auditor did not have the inherent authority to perform Operational Audits, but could perform them if directed to do so by the City Council. Councilmember Cibrian stated that the inclusion of citizens on the Audit Committee would be beneficial because it would guarantee that someone with financial expertise served on the Committee.

Councilmember Clamp thanked Mr. Pearson and the members of the Ad Hoc Audit Committee for their work. He noted that he was in opposition to the addition of citizens to the Audit Committee. He stated that citizens aiding the City in an advisory capacity was acceptable; but municipal duties were the responsibility of elected officials. He expressed support to Councilmember McNeil's suggestion of an Advisory Committee.

Councilmember Cisneros stated that it was imperative to assure the citizens of San Antonio that government processes were open and that the role of the independent City Auditor was understood. Councilmember Galvan expressed her support for said item.

Mayor Hardberger also expressed support for said item and stated that power was not being delegated to citizens because the final vote would always reside with the City Council. He then spoke to the advantages of having citizens on the committee for transparency and expertise.

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

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

POINT OF PERSONAL PRIVILEGE

Councilmember Ramos recognized Dr. Maria Ferrier, Executive Director of Texas A&M University (TAMU)-San Antonio, and Maria Casas, President of the Student Body at TAMU-San Antonio. They thanked the Council for their support of the Verano Project.

Councilmember Galvan stated that she was proud of the students currently enrolled and encouraged all students to attend the TAMU-San Antonio Campus.

Mayor Hardberger recessed the meeting at 12:54 pm to break for lunch and stated that the meeting would resume at 2:00 pm and would continue with Item 6.

Mayor Hardberger reconvened the meeting at 2:02 pm and addressed Item 6.

The City Clerk read Ordinances 6A, 6B, and 6C as follows:

Item 6. A PUBLIC HEARING AND CONSIDERATION OF THE FOLLOWING ITEMS RELATING TO TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-EIGHT:

2008-11-20-1016

- A. AN ORDINANCE AMENDING THE BOUNDARIES OF TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-EIGHT, CITY OF SAN ANTONIO, TEXAS; APPROVING THE FINAL PROJECT AND FINAL FINANCING PLANS FOR THE TIRZ; AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY, BEXAR COUNTY, THE TIRZ BOARD OF DIRECTORS AND VTLM TEXAS, LP, THE DEVELOPER.

2008-11-20-1017

- B. AN ORDINANCE APPROVING A DEVELOPER PARTICIPATION AGREEMENT WITH VTML TEXAS, LP TO OVERSIZE PUBLIC IMPROVEMENTS REQUIRED BY CITY OF SAN ANTONIO INCLUDING INCREASED CAPACITY OF IMPROVEMENTS IN ANTICIPATION OF OTHER FUTURE DEVELOPMENT IN THE AREA FOR DEVELOPER TO CONSTRUCT UNIVERSITY WAY AT A COST NOT TO EXCEED \$14,500,000.00, AMENDING THE AGREEMENT AUTHORIZED BY ORDINANCE 2007-12-06-1258, AUTHORIZING NEGOTIATION OF AN AGREEMENT FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT TAMU-SA TO USE CITY SHARE FUNDS IN EXCESS OF THE AMOUNT NEEDED FOR THE PROJECT, AGREEING THAT CITY'S FUNDING OBLIGATION IS NO LONGER SUBJECT TO A FULL TIME STUDENT ENROLLMENT REQUIREMENT, AND APPROPRIATING FUNDS.

2008-11-20-0055R

- C. A RESOLUTION RECOMMENDING TO THE CPS ENERGY BOARD OF TRUSTEES THAT THE EXPENDITURE OF \$6,000,000.00 FROM THE COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT (CIED) FUND BE ALLOCATED FOR ELECTRICAL INFRASTRUCTURE AND THE PLACEMENT OF UNDERGROUND ELECTRICAL DISTRIBUTION FACILITIES AND RELATED INFRASTRUCTURE AT THE TEXAS A&M UNIVERSITY – SAN ANTONIO CAMPUS.

Pat DiGiovanni, Deputy City Manager, provided background information on the Verano Tax Increment Reinvestment Zone (TIRZ) and noted that the City Council had previously approved a Memorandum of Understanding (MOU) among the City of San Antonio, CPS Energy, Texas A&M University System, and the Verano Land Group. He stated that the Verano TIRZ Base Value in 2007 totaled \$39,087,452 and that the projected Tax Base Value in 2037 was \$3,320,933,034.

Mr. DiGiovanni presented an overview of the project timeline (2037) and highlighted the MOU Commitments by the various partners. He provided maps comparing the original and amended boundaries and outlined development details, noting that there would be 6,938 residential units and 5,977,200 square feet of Office, Retail/Restaurant, Industrial/Research, and Institutional Facilities.

Regarding the Final Financing Plan, Mr. DiGiovanni stated that the payment of all incremental ad valorem taxes from new improvements would be placed in the TIRZ Fund. He noted that the Developer Agreement would ensure the successful completion of the Verano Project as described by the Final Project and Final Financing Plans. He added that the Agreement included limitations that costs of public improvements could only be reimbursed from TIRZ revenues.

Mr. DiGiovanni referenced the Developer Participation Agreement, the City had committed to pay \$15 million in installments through the MOU; in order to complete construction of the road by the time Texas A&M is expected to commence construction, the City will pay the full \$14.5 million at this time. He noted that infrastructure improvements would widen a North-South Connector Road that would serve as a gateway to the Texas A&M Campus.

Mr. DiGiovanni reported that the approval of a resolution would authorize CPS Energy to allocate \$6 million from the Community Infrastructure and Economic Development (CIED) Fund. The funds would be used for the placement of underground electrical distribution facilities and related infrastructure at the Texas A&M-San Antonio Campus. Lastly, he provided a 30-Year Financial Analysis Summary and Economic Impact.

Ms. Jane Macon spoke in support of said item and thanked the City Council for their work on the Verano Project. She stated that Texas A&M-San Antonio would bring additional jobs, education and technology to the City. She recognized deceased Senator Frank Madla for his work on said item, and Ralph Lampman for the land donation.

Mr. Marcus Jahns, TIRZ Board Chairman, spoke in support of said item. He stated that the TIRZ Board had met the previous day and had approved all four items unanimously. He thanked all who worked on the Verano Project.

Councilmember Ramos expressed support of said item and thanked all who worked on the project. She noted that the Verano Project would bring to the South Side of San Antonio an amount of over \$4 billion dollars of economic impact. Councilmember Cibrian expressed support for the Verano Project and noted the historic impact that Texas A&M University would have on the City. Councilmember Herrera noted the importance of having a major university on the South Side of the City and the impact it would have on many first generation college students and their families. Councilmember Cortez also expressed support for the project and thanked all who worked on it. He recognized Former Councilmember Roland Gutierrez for his work on said item. He noted that he had been raised on the South Side of San Antonio and was pleased to see the growth and economic development.

Councilmember McNeil thanked all who worked on the project and noted that it would strengthen the South Side of the City. Councilmember Rodriguez thanked all involved in the Verano Project and highlighted the lifelong impact of the project. He recognized Former Mayor Ed Garza for his work on this project and City South. Councilmember Galvan also expressed her support for the project and the positive impact it will have on the South Side of San Antonio. Councilmember Cisneros also expressed her support for the project and thanked all those involved. Mayor Hardberger congratulated Councilmember Ramos and Former Councilmember Roland Gutierrez for their tireless efforts in making the project a reality. He also recognized Former Mayor Ed Garza for his work on the South Side, as well as Former Mayor Henry Cisneros and Councilmember Cisneros for their efforts to bring a Texas A&M Campus to San Antonio.

Councilmember Ramos moved to approve items 6A, 6B, and 6C. Councilmember Cisneros seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Ramos thanked City Staff for their work on Item 16 regarding the Clark Avenue – Fair to Southcross Project, and Item 42 on the Tax Increment Reinvestment Zone for Mission Drive-In.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 2:57 pm to convene in Executive Session for the purposes of:

- A. Discuss legal issues related to wastewater permit compliance pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Discuss legal issues related to *Christine Esteinou, et. al. v City of San Antonio, et. al.*, in the United States District Court for the Western District of Texas, Cause No. SA-07-CA-0781-OG, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 4:54 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

The City Clerk read Ordinances 7A, 7B and 7C as follows:

Item 7. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO HAVEN FOR HOPE CAMPUS DEVELOPMENT:

2008-11-20-1018

- A. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE CLOSING, VACATING, AND ABANDONING IMPROVED PORTIONS OF COMAL, PEREZ, AND N. SAN MARCOS STREETS IN COUNCIL DISTRICT 5 IN CONNECTION WITH THE HAVEN FOR HOPE PROJECT.

2008-11-20-1019

- B. AN ORDINANCE AUTHORIZING THE RENAMING OF SALADO STREET BETWEEN I10 FRONTAGE ROAD AND MORALES STREET AND AUTHORIZING THE RENAMING OF MORALES STREET BETWEEN SALADO STREET AND MEDINA STREET TO "HAVEN FOR HOPE WAY."

2008-11-20-1020

- C. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH HAVEN FOR HOPE OF BEXAR COUNTY TO FUND CONSTRUCTION OF IMPROVEMENTS AND PURCHASES IN AN AMOUNT NOT TO EXCEED \$4,000,000.00 IN CONNECTION WITH THE HAVEN FOR HOPE CAMPUS; AND AUTHORIZING THE EXECUTION OF PURCHASE ORDERS TO TEXAS CORRECTIONAL INDUSTRIES, A DEPARTMENT OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE FOR GOODS AND RELATED INSTALLATION SERVICES, NOT TO EXCEED BUDGETED AMOUNTS FOR CITY PROJECTS, INCLUDING THE HAVEN FOR HOPE CAMPUS.

Mr. Dennis Campa provided background information on the Haven for Hope Campus. He stated that since November 30, 2006, numerous items had been approved by the Council in regard to the project including a zoning change and leasehold agreement between the City of San Antonio and Haven for Hope. He noted that at final capacity, Haven for Hope would accommodate 1,200 indoor and outdoor residents and would provide a range of services to meet the needs of the homeless.

Mr. Campa stated that in an effort to facilitate campus development, the closure of three improved portions of public right of ways was necessary. He noted that the street closures had been coordinated with various City Departments and Utility Agencies and that the Planning Commission had recommended approval. He added that street renaming would more clearly identify entry points to the facility.

Lastly, Mr. Campa stated that the funding agreement with Haven for Hope for up to \$4 million would expedite campus development by allowing Haven for Hope to procure construction services and equipment for the campus. He noted that funds would be utilized for constructing improvements and for the purchase of materials, supplies, and equipment. He added that Texas Correctional Industries, a division of the Texas Department of Criminal Justice, had been identified as a prime source for furnishings needed for the Haven for Hope Campus.

Mr. Eiginio Rodriguez, Member of the Haven for Hope Advisory Committee, expressed concern with the street closures and renaming of streets and submitted a tape recording of a meeting in which said concerns were noted. He added that there were additional concerns with two active railroads in the area and the lack of access by emergency vehicles.

Councilmember Galvan asked if any responses had been received from the notices that were mailed. Mr. George Rodriguez, CIMS Assistant Director, stated that they had not received any responses. Councilmember Galvan expressed concern with the railroad and asked staff to continue to work with Union Pacific to address the issue. She noted her support for the project and thanked all who worked on it. Councilmember Cibrian expressed support for the Haven for Hope Campus and noted the success of facilities that provide multiple services to homeless individuals. She recognized Former Councilmembers Robert Marbut and Patti Radle for their work with Haven for Hope.

Councilmember Herrera moved to adopt Ordinances for Items 7A, 7B, and 7C. Councilmember Cibrian seconded the motion.

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

2008-11-20-1021

Item 8. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF PUBLIC RIGHTS OF WAY FOR THE IMPROVEMENT OF THE SAN JUAN HOMES PUBLIC HOUSING PROJECT IN COUNCIL DISTRICT 5.

Mr. George Rodriguez stated that the proposed closure of public right of ways was within the San Juan Homes Public Housing Project. He noted that the closures totaled 1.39 acres and would be assimilated into the redesign of San Juan Homes by the San Antonio Housing Authority. He added that the Planning Commission had recommended approval of the street closure request at their meeting held on November 12, 2008.

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

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

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

POINT OF PERSONAL PRIVILEGE

Councilmember Herrera highlighted Item 28 regarding the submission of a grant application to the U.S. Department of Housing and Urban Development for the Neighborhood Stabilization Program.

Councilmember Cibrian highlighted Item 15 appropriating funds for the design of various fire stations throughout the City including a new station in District 8, and Item 26 regarding a grant application to the U.S. Department of Health and Human Services for the Head Start Program. She also expressed support for Item 28 regarding the grant application for the Neighborhood Stabilization Program.

Councilmember Galvan thanked the Parks and Recreation Department for their work and requested that the maintenance area of the Fire Services Facility referenced in Item 15 be refurbished.

Councilmember McNeil highlighted the new Fire Department Headquarters that will be developed in District 2 on Item 15.

CONSENT AGENDA: Items 9 - 47

Councilmember Herrera moved to approve all of the Consent Agenda Items 9-47. Councilmember Galvan seconded the motion.

Jack M. Finger spoke in opposition to Item 29 regarding the sale and consumption of alcoholic beverages in Brackenridge Park Golf Course. He expressed concern with the contract extension on Item 40, noting that the Mayor and Councilmembers had received campaign contributions from the firms.

At the December 11, 2008 Council Meeting, Councilmember Rowe revised the Consent Agenda portion of the November 20, 2008 Meeting to exclude himself from having voted on Item 13 and submitted a recusal form for said item to the City Clerk.

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

2008-11-20-1022

Item 9. AN ORDINANCE ACCEPTING THE FOLLOWING BIDS FOR A COMBINED ESTIMATED COST OF \$358,000.00, INCLUDING: (A) POPPE AUTOMOTIVE WAREHOUSE, INC. FOR AUTOMOTIVE IGNITION PARTS, WIRE & CABLE PARTS & ACCESSORIES; (B) AVERY DENNISON CORPORATION AND AMERICAN TRAFFIC SAFETY MATERIALS, INC. FOR TRAFFIC SIGN MATERIAL; (C) SAN ANTONIO FOAM FABRICATORS FOR FOAM CONTOURED HEAD BLOCKS; (D) TEXAS ALTERNATOR FOR C.E. NIEHOFF PARTS AND ACCESSORIES FOR FIRE PUMPERS AND AERIAL LADDER TRUCKS; (E) ALAMO IRON WORKS FOR HAND WIPES; (F) MICROSOFT CORPORATION FOR MICROSOFT PREMIER SUPPORT SERVICES; AND (G) LEOTEK CORPORATION FOR EXTENDED VIEW LED TRAFFIC SIGNAL LAMPS.

2008-11-20-1023

Item 10. AN ORDINANCE APPROVING THE ACQUISITION OF 770 SETS OF BUNKER GEAR FOR THE FIRE DEPARTMENT FROM MORNING PRIDE LLC DBA TOTAL FIRE GROUP FOR A TOTAL PURCHASE PRICE OF \$1,049,764.10.

2008-11-20-1024

Item 11. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH 3M COMPANY, TO PROVIDE ADDITIONAL EQUIPMENT FOR A RADIO FREQUENCY IDENTIFICATION INVENTORY CONTROL AND SECURITY SYSTEM FOR THE LIBRARY FOR A NET INCREASE OF \$14,436.00; AND AMENDING ORDINANCE NO. 2007-03-08-0263.

2008-11-20-1025

Item 12. AN ORDINANCE AUTHORIZING A CONTRACT WITH ADJACENT TECHNOLOGIES, INC., THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR), TO PROVIDE THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH AN ENTERPRISE CONTENT MANAGEMENT (ECM) SYSTEM FOR A TOTAL COST OF \$1,537,933.50.

2008-11-20-1026

Item 13. AN ORDINANCE AUTHORIZING TWO CHANGE ORDERS FOR A NET INCREASE OF \$62,435.79 TO THE CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONTRACTORS, LTD. FOR COMMUNICATIONS AND SECURITY CABLING IN CONNECTION WITH THE SAN ANTONIO INTERNATIONAL AIRPORT EXPANSION PROJECT.

2008-11-20-1027

Item 14. AN ORDINANCE AUTHORIZING A \$6,450,000.00 AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH THC, INC. FOR ADDITIONAL CONSTRUCTION SERVICES IN CONNECTION WITH THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM AT SAN ANTONIO INTERNATIONAL AIRPORT.

2008-11-20-1028

Item 15. AN ORDINANCE APPROPRIATING \$2,041,358.96, FROM FY 2008 FUNDS, FOR THE DESIGN OF REPLACEMENT FIRE STATIONS 1 AND 3, NEW FIRE STATIONS 50 AND 51, AND THE FIRE SERVICES FACILITY LOCATED IN COUNCIL DISTRICTS 2, 3, 5, AND 8.

2008-11-20-1029

Item 16. AN ORDINANCE AUTHORIZING CHANGE ORDER CPS-01 IN THE AMOUNT OF \$28,864.40, TO BE REFUNDED BY CPS ENERGY, TO THE CONSTRUCTION CONTRACT WITH VALEMAS, INC. FOR ADDITIONAL UTILITY WORK IN CONNECTION WITH THE CLARK AVENUE – FAIR TO SOUTHCROSS PROJECT, LOCATED IN COUNCIL DISTRICT 3, A LOCAL AGENCY MANAGEMENT PROJECT.

PULLED

Item 17. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$2,302,000.00 WITH K-BAR SERVICES, INC. TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE SALADO CREEK GREENWAY PROJECT'S SOUTHERN SEGMENT (RIGSBY ROAD TO SOUTH SIDE LIONS PARK) LOCATED IN COUNCIL DISTRICTS 2 AND 3, A 2005 PROPOSITION 2 PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT.

2008-11-20-1030

Item 18. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$234,898.00 WITH TCL CONSTRUCTION ENTERPRISES, INC. TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE MARTINEZ PARK RENOVATION PROJECT LOCATED IN COUNCIL DISTRICT 5, PART OF THE FIVE YEAR PARK FACILITIES RENOVATION PROGRAM.

2008-11-20-1031

Item 19. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$280,492.02 WITH ABECO CONTRACTING, INC. TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE CASSIANO PARK RENOVATION PROJECT, IN COUNCIL DISTRICT 5, PART OF THE FIVE YEAR PARK FACILITIES RENOVATION PROGRAM.

2008-11-20-1032

Item 20. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$433,000.00 WITH JERDON ENTERPRISE L.P. FOR CONSTRUCTION WORK IN CONNECTION WITH THE MIRAFLORES AT BRACKENRIDGE PARK PROJECT LOCATED IN COUNCIL DISTRICT 9.

2008-11-20-1033

Item 21. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE LEASE WITH TEXAS SUPERMOTO, LLC AT SAN ANTONIO INTERNATIONAL AIRPORT TO ALLOW FOR

IMPROVEMENTS/SERVICES ASSOCIATED WITH UTILITIES INFRASTRUCTURE IN EXCHANGE FOR RENTAL CREDITS.

2008-11-20-1034

Item 22. AN ORDINANCE AUTHORIZING A TEN-YEAR LICENSE AND PARKING METER REMOVAL AGREEMENT WITH SAT NEISNER, LLC FOR THE EXCLUSIVE USE OF FIVE METERED PARKING SPACES ON BROADWAY IN FRONT OF THE NEISNER BUILDING, THE CONTINUED USE OF A BASEMENT EXTENDING UNDER BROADWAY AND EAST HOUSTON STREET, AND THE INSTALLATION OF A MECHANICAL UNIT, SHELVES, AND ACCESS RAMP ON PEACOCK ALLEY, COUNCIL DISTRICT 1.

2008-11-20-1035

Item 23. AN ORDINANCE AUTHORIZING A 5-YEAR LEASE WITH HEBCO DEVELOPMENT INC. OF 1,600 SQUARE FEET OF OFFICE SPACE LOCATED AT THE MCCRELESS MARKET SHOPPING CENTER IN COUNCIL DISTRICT 3, FOR USE BY THE SAN ANTONIO POLICE DEPARTMENT, FEAR FREE UNIT.

2008-11-20-1036

Item 24. AN ORDINANCE AUTHORIZING A TWO-YEAR RENEWAL OF A LEASE AT 7042 ALAMO DOWNS PARKWAY, SUITE 500, FOR A DISTRICT 6 CONSTITUENT OFFICE FOR AN INITIAL MONTHLY RENTAL RATE OF \$1,369.07.

2008-11-20-1037

Item 25. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD UP TO \$6,500.00 FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY'S TEXAS EMISSIONS REDUCTION PROGRAM FOR THE PURCHASE OF A LOW-EMISSION AIRFIELD SWEEPER FOR THE SAN ANTONIO AIRPORT SYSTEM; RATIFYING THE SUBMISSION OF THE ASSOCIATED GRANT APPLICATION; AND AUTHORIZING THE EXECUTION OF GRANT DOCUMENTS.

2008-11-20-1038

Item 26. AN ORDINANCE APPROVING THE SUBMISSION AND ACCEPTANCE OF FUNDS UPON AWARD OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) IN THE AMOUNT OF \$46,579,863.00 FOR THE HEAD START PROGRAM FOR THE GRANT PERIOD OF FEBRUARY 1, 2009 THROUGH JANUARY 31, 2010; AUTHORIZING ACCEPTANCE OF ADDITIONAL FUNDING IF AWARDED DURING THE GRANT YEAR; AUTHORIZING THE NEGOTIATION AND EXECUTION, UPON APPROVAL FROM HHS, OF AGREEMENTS WITH VARIOUS CONTRACTORS FOR COMPONENT SERVICES OF THE HEAD START PROGRAM IN A TOTAL AMOUNT NOT TO EXCEED THE GRANT AWARD; AND AUTHORIZING CONTRACT AMENDMENTS WITH THE LISTED CONTRACTORS TO ADJUST FUNDING BASED UPON CHILDREN SERVED.

2008-11-20-1039

Item 27. AN ORDINANCE AUTHORIZING ACCEPTANCE OF AN ADDITIONAL \$81,635.50 IN GRANT FUNDS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE CALENDAR YEAR 2008 COMMUNITY SERVICES BLOCK GRANT.

2008-11-20-1040

Item 28. AN ORDINANCE AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF FUNDS UPON AWARD OF AN ENTITLEMENT GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP); AND AMENDING THE HUD ANNUAL ACTION PLAN TO INCLUDE THE STRATEGIES PROPOSED IN THE NSP APPLICATION.

2008-11-20-1041

Item 29. AN ORDINANCE MODIFYING THE CITY CODE AND APPROVING THE ACQUISITION OF FUTURE INTEREST REAL PROPERTY RIGHTS FROM THE UNIVERSITY OF TEXAS SYSTEM IN ORDER TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN BRACKENRIDGE PARK GOLF COURSE.

Item 30. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT, UNLESS OTHERWISE STATED BELOW:

2008-11-20-1042

- A. AN ORDINANCE APPOINTING LOUIS FOX, W. RICKEY WYATT, MICHAEL WESTHEIMER, GEORGE GEIS, HARPER HUDDLESTON, SARA BUCHANAN, JOAN M. KORTE, DANIEL E. WIGODSKY, ANDRES ANDUJAR, EDWARD CROSS, BRADFORD MCMURRAY, AND JESSE FLORES, JR. TO THE BOARD OF DIRECTORS FOR TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-SEVEN, CITY OF SAN ANTONIO, TEXAS, KNOWN AS THE RIVER NORTH TIRZ, TO BE EFFECTIVE ON DECEMBER 14, 2008 AND EXPIRE DECEMBER 13, 2010, AND WAIVING THE AT-LARGE APPOINTMENT PROCESS FOR THESE APPOINTMENTS.
- B. REAPPOINTING EDNA DORIS GRIFFIN (DISTRICT 1) AND PATRICIA TARNOWSKI (DISTRICT 7) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE SEPTEMBER 30, 2009 AND SEPTEMBER 30, 2010, RESPECTIVELY.
- C. APPOINTING KEITH P. KINDLE TO THE JOINT CITY/COUNTY CITIZENS BOND OVERSIGHT COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2009.
- D. APPOINTING LAURA ANN BLANCO (MAYORAL) AND PAIGE CARROLL (MAYORAL) TO THE SAN ANTONIO YOUTH COMMISSION FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2009.
- E. REAPPOINTING WILLIAM (BILL) J. WHITE (DISTRICT 3) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE NOVEMBER 20, 2010.
- F. REAPPOINTING REBA M. MALONE (DISTRICT 3 - CATEGORY: COMMUNITY) TO THE BROOKS DEVELOPMENT AUTHORITY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 4, 2010.

G. APPOINTING DEBRA ANN GUERRERO (DISTRICT 3) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2010.

H. APPOINTING AURORA SOSA (DISTRICT 3 - TRUSTEE) TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY, INC. (D/B/A SOUTH TEXAS BUSINESS FUND) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 9, 2011.

2008-11-20-1043

Item 31. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$100,000.00 WITH WYLE LABORATORIES, INC. TO DEVELOP A LIMITED AIRPORT NOISE PLANNING STUDY FOR THE SAN ANTONIO INTERNATIONAL AIRPORT.

2008-11-20-1044

Item 32. AN ORDINANCE AMENDING ORDINANCE 2008-03-13-0192 BY CHANGING THE SELECTION OF DESIGN CONSULTANTS FROM LAND DESIGN PARTNERS, INC. TO SPRINKLE & CO. FOR CONCEPCION PARK POOL, FAIRCHILD PARK POOL, AND FLORES PARK POOL, THREE 2007-2012 BOND PROGRAM PROJECTS, LOCATED IN COUNCIL DISTRICTS 2, 3, AND 4.

2008-11-20-1045

Item 33. AN ORDINANCE AMENDING ORDINANCE 71312 CONCERNING WAGE AND HOUR LABOR STANDARD PROVISIONS FOR CITY OF SAN ANTONIO CONSTRUCTION PROJECTS.

2008-11-20-1046

Item 34. AN ORDINANCE APPROVING A CONTRACT WITH SAN ANTONIO EDUCATION PARTNERSHIP (SAEP) IN AN AMOUNT UP TO \$1,852,952.00 FOR OUTREACH, ELIGIBILITY DETERMINATION AND SCHOLARSHIPS FOR A PERIOD ENDING SEPTEMBER 30, 2009.

2008-11-20-1047

Item 35. AN ORDINANCE AMENDING THE FY 2009 BUDGET ORDINANCE 2008-09-11-0773 BY REVISING FY 2009 CONSOLIDATED HUMAN DEVELOPMENT SERVICES FUNDING ALLOCATIONS TO AND FROM AGENCIES; AUTHORIZING: (A) CONTRACTS WITH AGENCIES AND GOVERNMENTAL ENTITIES CONSISTENT WITH THE REVISED FUNDING SCHEDULE; (B) A \$166,000.00 INTERLOCAL AGREEMENT WITH BEXAR COUNTY BOARD OF TRUSTEES FOR MENTAL HEALTH AND MENTAL RETARDATION SERVICES D/B/A THE CENTER FOR HEALTH CARE SERVICES FOR OPERATION OF THE PUBLIC INEBRIATES FACILITY; (C) A \$300,000.00 CONTRACT WITH CATHOLIC CHARITIES TO FACILITATE EMERGENCY SERVICES TO THE COMMUNITY; AND (D) CONTRACT AMENDMENTS TO ALLOW FOR MODIFICATIONS IN FUNDING TO SCHOOL DISTRICTS AND DELEGATE AGENCIES BASED UPON AFTER SCHOOL CHALLENGE PROGRAM ENROLLMENT LEVELS.

2008-11-20-1048

Item 36. AN ORDINANCE AUTHORIZING THE EXECUTION OF A FIVE-YEAR EXTENSION AGREEMENT AND FIRST AMENDMENT TO THE ALAMODOME ADVERTISING LICENSE AGREEMENT WITH BOTTLING GROUP, LLC D/B/A THE PEPSI BOTTLING GROUP FOR

NON-ALCOHOLIC BEVERAGE PRODUCT RIGHTS AT THE ALAMODOME, FOR A TOTAL ANNUAL VALUE OF UP TO \$2,215,362.00.

2008-11-20-1049

Item 37. AN ORDINANCE APPROVING AN AMENDMENT TO THE RIO SA CRUISES RIVER BARGE CONCESSION CONTRACT TO SET THE TERMS AND CONDITIONS OF RIVER BARGE OPERATION IN THE URBAN SEGMENT OF THE MUSEUM REACH EXTENSION OF THE RIVER WALK NORTH OF LEXINGTON AVENUE TO BEGIN UPON COMPLETION OF THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT AND INCREASING TICKET PRICES EFFECTIVE JUNE 1, 2009.

2008-11-20-1050

Item 38. AN ORDINANCE ADOPTING THE ECONOMIC DEVELOPMENT INCENTIVE FUND GUIDELINES; APPROVING AN AGREEMENT FOR THE SOUTH TEXAS BUSINESS FUND TO SERVE AS FISCAL AGENT FOR A \$500,000.00 BUSINESS ASSISTANCE AND COMMUNITY INVESTMENT PROGRAM ADMINISTERED BY THE WESTSIDE DEVELOPMENT CORPORATION AND SAN ANTONIO FOR GROWTH ON THE EASTSIDE; AND APPROPRIATING FUNDS.

2008-11-20-1051

Item 39. AN ORDINANCE AUTHORIZING THE TENTH DRAW, SCHEDULE J TO THE 2005 TAX-EXEMPT MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP IN THE TOTAL AMOUNT OF \$5,552,747.10 FOR THE ACQUISITION OF 15 AUTOMATED REFUSE COLLECTION TRUCKS FOR THE CITY'S SOLID WASTE MANAGEMENT DEPARTMENT, 770 SETS OF BUNKER GEAR FOR THE FIRE DEPARTMENT, AND VARIOUS COMPONENTS OF THE RADIO FREQUENCY IDENTIFICATION THEFT DETECTION SYSTEM FOR THE LIBRARY DEPARTMENT.

2008-11-20-1052

Item 40. AN ORDINANCE AUTHORIZING A FIVE-YEAR EXTENSION OF THE CITY'S CONTRACT FOR THE COLLECTION OF DELINQUENT PROPERTY TAXES WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP AND ESCAMILLA & PONECK, ATTORNEYS AT LAW, TO BEGIN JANUARY 1, 2009, AND END DECEMBER 31, 2013.

2008-11-20-1053

Item 41. AN ORDINANCE APPROVING THE FIRST AMENDMENT AND THIRD EXTENSION OF THE ARBITRAGE REBATE COMPLIANCE SERVICES CONTRACT WITH PINNACLE ARBITRAGE COMPLIANCE, LLC, FOR A TERM COMMENCING DECEMBER 1, 2008 AND ENDING NOVEMBER 30, 2010.

2008-11-20-0056R

Item 42. A RESOLUTION EXPRESSING THE CITY OF SAN ANTONIO'S INTENT TO CONSIDER CREATING A TAX INCREMENT REINVESTMENT ZONE KNOWN AS MISSION DRIVE-IN LOCATED IN COUNCIL DISTRICT 3, BOUNDED APPROXIMATELY BY S.E. LOOP 410 TO THE SOUTH, EITHER SIDE OF ROOSEVELT AVENUE TO THE WEST, AND PRESA STREET TO THE EAST.

2008-11-20-1054

Item 43. AN ORDINANCE APPROVING A LICENSING AGREEMENT WITH SYNERGY TELECOM SERVICE COMPANY, INC. FOR THE INSTALLATION AND MAINTENANCE OF A COIN OPERATED PUBLIC, AND NON-COIN OPERATED INMATE, PAYPHONE SYSTEM AT THE FRANK WING BUILDING.

2008-11-20-1055

Item 44. AN ORDINANCE AUTHORIZING THE NAMING OF THE INTERIOR WEST SECTION OF THE BUILDING PREVIOUSLY KNOWN AS THE LEVI STRAUSS & COMPANY FACILITY LOCATED AT 5800 U.S. HIGHWAY 90 WEST IN COUNCIL DISTRICT 6 AS "THE ENRIQUE M. BARRERA COMMUNITY CENTER"

2008-11-20-1056

Item 45. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$489,926.00 TO FLASHER EQUIPMENT COMPANY, IN CONNECTION WITH THE FY 2008 PAVEMENT MARKINGS PROGRAM – PHASE II PROJECT, LOCATED CITY WIDE.

2008-11-20-1057

Item 46. AN ORDINANCE AUTHORIZING A THREE-YEAR CONTRACT WITH BFI WASTE SERVICES OF TEXAS, L.P., DBA ALLIED WASTE SERVICES OF SAN ANTONIO, TO PROVIDE SOLID WASTE, RECYCLING AND DISPOSAL SERVICES TO DESIGNATED AREAS IN THE NORTHEAST AND WEST SERVICE AREAS FOR AN ESTIMATED FIRST-YEAR COST OF \$1,981,353.00.

2008-11-20-1058

Item 47. AN ORDINANCE SELECTING FACILITY PROGRAMMING AND CONSULTING, INC. FOR NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$1,025,000.00 TO PROVIDE PROFESSIONAL PROGRAMMING AND MASTER PLANNING SERVICES IN CONNECTION WITH THE PUBLIC SAFETY HEADQUARTERS PROJECT, AND APPROPRIATING FUNDS.

[CONSENT ITEMS CONCLUDED]

POINT OF PERSONAL PRIVILEGE

Mayor Hardberger recognized City Manager Sheryl Sculley for completing the Rock 'N' Roll Marathon in four hours and thirty-eight minutes.

CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

A. FY 2009 Budget Update

Ms. Sculley provided a status of the City's Fiscal Year 2009 Budget given existing national economic conditions. She distributed a memo and Financial Management Highlights and noted that General Fund Revenue performance for the month of October was favorable. She cautioned that it was early in the Fiscal Year and added that staff would continue to closely monitor funds. She reported that the financial

statement had been distributed to the bond rating agencies and noted that Standard and Poors had upgraded the City of San Antonio to a AAA Bond Rating last month.

B. Rock 'N' Roll Marathon Recognition

Ms. Sculley stated that over 125 City Employees had participated in the half and full marathon and that a total of over 25,000 runners from all over the world had participated. She highlighted the wellness and fitness for the community through said effort and thanked Penny Post oak Ferguson and all City Departments who helped make the race a huge success. She added that the San Antonio Rock 'N' Roll Marathon was the largest inaugural marathon in the country. Lastly, she thanked the Mayor and Council for their participation and support.

CONSENT ZONING

Councilmember Herrera made a motion to approve the following re-zoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no Citizens had registered to speak: Z-1, Z-3, Z-4, Z-9, Z-10, P-1 and Z-11. Councilmember Rowe seconded the motion.

Mr. Jack M. Finger stated that he was pleased that Item Z-6 was being continued because of issues with the neighbors and impervious cover. He noted neighborhood opposition to Item Z-4 and staff opposition to Item Z-10.

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

2008-11-20-1059

Item Z-1. **ZONING CASE # Z2008141 S (District 4):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "C-2 S" Commercial District with a Specific Use Authorization for a hotel on a 3.176 acre tract of land out of NCB 15318 located at 5100 Block of West Military Drive. Staff and Zoning Commission recommend approval.

2008-11-20-1060

Item Z-3. **ZONING CASE # Z2008277 (District 5):** An Ordinance amending the Zoning District Boundary from "C-3NA" General Commercial District, Nonalcoholic Sales to "C-2" Commercial District on Lots 7, 8, and 9, Block 1, NCB 8881 located at 2426 Culebra Road. Staff and Zoning Commission recommend approval.

2008-11-20-1061

Item Z-4. **ZONING CASE # Z2008271 CD (District 7):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "R-6 CD" (CD-Multi-Family Dwellings) Residential Single-Family District with a Conditional Use for Multi-Family Dwellings not to exceed 15 units per acre or a total of 2 units on the south 68.5 feet of Lot 28 and Lot 29, Block 13, NCB 1955 located at 2793 and 2795 North Elmendorf Street. Staff and Zoning Commission recommend approval.

2008-11-20-1062

Item Z-9. **ZONING CASE # Z2008278 S (District 8):** An Ordinance amending the Zoning District Boundary from "C-2 GC-1" Commercial, Hill Country Gateway Corridor Overlay District-1 and "O-1

GC-1" Office, Hill Country Gateway Corridor Overlay District-1 to "C-2 S GC-1" Commercial, Hill Country Gateway Corridor Overlay District-1 with a Specific Use Authorization for a bar/ tavern (0.102 acres) and "C-2 GC-1" Commercial, Hill Country Gateway Corridor Overlay District (1.27 acres) on a 0.102 acre parcel out of Lot 133, Block 1, NCB 18338 and a 1.27 acre parcel out of Lot 131, Block 1, NCB 18338 located at 23095 and 23127 IH 10 West. Staff and Zoning Commission recommend approval.

2008-11-20-1063

Item Z-10. **ZONING CASE # Z2008266 S (District 1):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District to "C-3 S" General Commercial District with a Specific Use Authorization for a Wireless Communication System on 0.0198 acres out of NCB 11684 located at 3723 West Avenue. Staff recommends denial. Zoning Commission recommends approval.

2008-11-20-1064

Item P-1. **PLAN AMENDMENT # 08032: (District 2):** An Ordinance amending the land use plan contained in the Government Hill Neighborhood Plan, a component of the Master Plan of the City, by changing the use of an 0.7475 acre tract of land located at 1701, 1705, 1635 N. Alamo Street & 1706 Broadway Avenue from Neighborhood (Local/Convenience) Commercial land use to Mixed-Use land use. Staff and Planning Commission recommends approval. (**Associated Zoning Case Number: Z2009187**)

2008-11-20-1065

Item Z-11. **ZONING CASE # Z2008187 (District 2):** An Ordinance amending the Zoning District Boundary from "I-1 RIO-2" General Industrial River Improvement Overlay District-2 and "MF-33 RIO-2" Multi-Family River Improvement Overlay District-2 to "IDZ RIO-2" Infill Development Zone River Improvement Overlay District-2 with uses permitted in "C-2" Commercial District and Multi-Family Dwellings at a maximum density of 75 units per acre on Lot 7, Lot 8, Lot 9, Lot 16 and Lot 17, Block 11, NCB 1765 located at 1706 Broadway Street, 1705, 1701 and 1635 North Alamo Street. Staff and Zoning Commission recommend approval pending Plan Amendment.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

DENIED

Item Z-2. **ZONING CASE # Z2008257 (District 5):** An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "C-2 P NA" Commercial Pedestrian District, Nonalcoholic Sales located on Lot 4, Block 19, NCB 2331 at 2416 Buena Vista. Staff and Zoning Commission recommend approval.

Councilmember Galvan moved to deny said zoning. Councilmember Herrera seconded the motion.

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

CONTINUED

Item Z-5. **ZONING CASE # Z2008226 (District 8):** An Ordinance amending the Zoning District Boundary from "O-2" Office District to "C-1" Light Commercial District on Lot 40, NCB 11622 located at 7923 Donore Place. Staff and Zoning Commission recommend approval.

Councilmember Cibrian moved to continue Items Z-5, Z-6, and Z-8 to December 4, 2008. Councilmember Rowe seconded the motion.

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

CONTINUED

Item Z-6. **ZONING CASE # Z2008247 ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "C-2" Commercial District and "C-2 ERZD" Commercial Edwards Recharge Zone District to "MF-33" Multi-Family District and "MF-33 ERZD" Multi-Family Edwards Recharge Zone District on a 14.744 acre tract of land out of NCB 14615 located at 8122 West Hausman. Staff and Zoning Commission recommend approval.

Councilmember Cibrian moved to continue Items Z-5, Z-6, and Z-8 to December 4, 2008. Councilmember Rowe seconded the motion.

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

CONTINUED

Item Z-8. **ZONING CASE # Z2008276 (District 8):** An Ordinance amending the Zoning District Boundary from "C-2" Commercial District to "C-3" General Commercial District on 1.477 acres out of Lot 14, Block 19, NCB 14035 located at 4302 Hyatt Place Drive (also known as Amerisuites Drive). Staff and Zoning Commission recommend approval.

Councilmember Cibrian moved to continue Items Z-5, Z-6, and Z-8 to December 4, 2008. Councilmember Rowe seconded the motion.

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

WITHDRAWN

Item Z-7. **ZONING CASE # Z2008273 CD (District 8):** An Ordinance amending the Zoning District Boundary from "C-2NA" Commercial District, Nonalcoholic Sales to "C-2 CD" (CD-Auto Sales) Commercial District with a Conditional Use for Auto Sales on the Southeast 65 feet of Lot 2, Block 1, NCB 14281 located at 9102 Wurzbach Road. Staff and Zoning Commission recommend approval.

It was reported by Councilmember Cibrian that said item had been withdrawn by the applicant. No action was required.

CEREMONIAL ITEMS

Mayor Hardberger presented a Certificate of Appreciation to Mr. Ray Pinnell. Mr. Pinnell is regarded as one of the best structural engineers in San Antonio who has made a significant contribution to the City's Skyline. Some of his most famous work includes: The Tower of the Americas, Palacio del Rio Hotel, and the Fairmont Hotel.

Mayor Hardberger recognized the US Army who will host the Annual All-American Bowl on Saturday, January 2, 2009, at the Alamodome. The East vs. West match showcases the best high school football players in the country.

Mayor Hardberger recognized the winners of the San Antonio Parks and Recreation Department 33rd Annual Christmas Card Contest. He noted that the winning artwork would be used as the official Christmas Card for the City of San Antonio and would be displayed at the Central Library during the month of November, and at the San Antonio Children's Museum in December.

CITIZENS TO BE HEARD

Mr. John Yoggerst presented his idea for traffic ticket collections through the use of a wireless credit card terminal. He spoke of the large amount of uncollected revenue and noted that Police Officers could save time if an offender posted bond with the device.

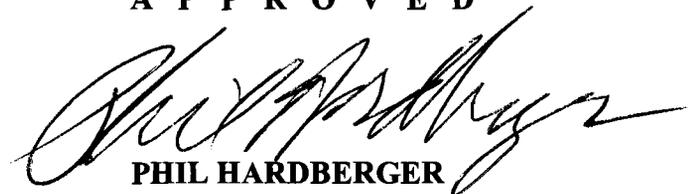
Mr. Mark Perez spoke expressed concern that City Staff had not investigated the facilities storing hazardous chemicals without proper permits. He stated that he had spoken with several City Employees but had not received follow-up information. He noted that he would like to serve on the Public Safety Committee.

Mr. Faris Hodge, Jr. expressed concern that he was only allowed to speak for one minute at the Quality of Life Council Committee Meeting held earlier in the week. He stated that it was discrimination for San Antonio Police Officers to receive larger pay raises than other City Employees. He made note of several Open Records Requests that he had submitted but had not received a response.

ADJOURNMENT

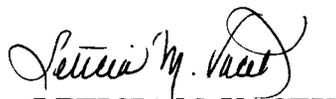
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:15 pm.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK
City Clerk