

**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, FEBRUARY 11, 2009 AND THURSDAY, FEBRUARY 12, 2009, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **February 11, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

- 1. UPDATE AND OVERVIEW OF CONSTRUCTION PROJECTS AT SAN ANTONIO INTERNATIONAL AIRPORT:**
  - **TERMINAL B CONSTRUCTION**
  - **BAGGAGE HANDLING SYSTEM**
  - **ROADWAY CONSTRUCTION**
  - **CENTRAL UTILITY PLAN**
  - **TERMINAL C SCHEDULE**

City Manager Sheryl Sculley introduced Mr. Jorge Perez, CIMS Assistant Director for Construction. She stated that a status report would be provided on the Airport Expansion Project by Michael Sawaya. Mr. Sawaya introduced members of the Aviation Project Team and provided a Site Plan and of Terminal B that would replace Terminal 2. He noted that it would encompass 251,000 square feet with a construction budget of \$134 million with eight gates. He added that construction would be completed in November, 2010 and provided an overview of the materials that would be utilized.

Mr. Sawaya stated that the Baggage Handling System would be consolidated and used in Terminal A and Terminal B. He reported that it would be moved behind the scenes and represented savings to an original estimate for two stand-alone systems. He noted that it was scheduled for completion in October, 2010. Mr. Sawaya stated that a Bi-Level Roadway was under construction to serve both terminals and had a budget of \$47 million.

Mr. Sawaya provided an overview of Terminal C, noting that it would encompass 179,483 square feet and include five gates that could be expanded to 11 gates. He reported that the budget was \$123 million and that design was complete. He explained that a new forecast for the 1998 Master Plan had been reviewed due to the downturn in the economy and Unison Consulting had performed an updated Financial Analysis. He noted that the updated enplanement forecast showed a reduced projection following a national trend and the recommendation was to revise schedule options for new terminal development. He further stated that the updated gate requirements were not needed until 2013 or 2014.

Mr. Sawaya outlined the Occupancy Risk and Funding Capacity for Terminal C, noting that Terminal C occupancy would have to be 40% or more and there were currently no airlines committed to leasing space in Terminal C. He added that occupancy below what was required to meet General Airport Revenue Bond (GARBS) coverage could require the City to substitute up to \$70 million through alternative funding sources. He explained that Terminal C had been originally included in the Stimulus

Package but after recent discussions with the Federal Aviation Administration (FAA); it was determined that revenue-producing construction projects could not be funded. He added that if there were exceptions, the Airport would be ready to submit projects for funding.

Mr. Sawaya summarized next steps that included a Gate Optimization and Common Use Policy Study to explore the possibility of allowing two airlines to share gates. He noted that the 1998 Master Plan would be updated and a consulting firm recommendation would be brought to the City Council in March, 2009. He added that an early deliverable would be to conduct an analysis of the current situation and provide recommendations. Lastly, he highlighted recent passenger convenience updates to Aviation Facilities.

Councilmember Galvan asked how much money had already been invested in Terminal C and about the passenger drop rate. Mr. Sawaya replied that approximately \$20,000 had been utilized on pre-construction activities and \$6 million for the design. He added that San Antonio had experienced a drop of 4% and that was good compared to other Texas Cities. Councilmember Galvan inquired about the recruitment of airlines for Terminal C. Mr. Sawaya stated that staff was looking to add airlines that do not currently offer service in San Antonio such as Jet Blue. Councilmember Galvan requested that staff utilize more comfortable seating throughout Terminal C. Councilmember Rowe asked about the Passenger Traffic Performance and Projections. Mr. Sawaya stated that the red line represented the 1998 Master Plan, the blue line represented the 2007 FAA Terminal Area Forecast and the yellow line represented the revised forecast done approximately 30 days ago.

Councilmember Cibrian thanked the Airport Staff for their maintenance work and recent upgrades. Mr. Sawaya stressed the need of making a big impression on customers and bringing standards up in Terminals 1 and 2. Councilmember Cibrian requested additional information on the Baggage Handling System. Mr. Sawaya explained that the budget had been planned for two standalone systems but now recommended a consolidated system that will save a great amount of money. Councilmember Cibrian asked that staff communicate the intent related to Terminal C and continue moving forward with expanding the Airport. Ms. Sculley stated that the expansion will be needed in 2014 but construction could begin sooner since design is complete. Councilmember Cibrian inquired about the possibility of a Regional Airport with Laredo. Mr. Sawaya reported that no discussions had taken place in this regard but noted it was timely to have this discussion because staff was moving forward with an updated Airport Master Plan.

## **2. PRESENTATION OF MAYOR'S SUSTAINABLE BUILDING TASK FORCE RECOMMENDATIONS.**

Mr. Ed Kelley, Chairman of the Mayor's Sustainable Building Task Force, provided an overview of the Process and Objectives of the Task Force. He explained that the Task Force consisted of representatives from key stakeholder groups and their mission was to fully develop building strategies focused on energy and water conservation for new construction. He noted that the Executive Committee consisted of 13 individuals with connections in their respective industry, as well as Councilmembers Herrera and Rowe and City Staff. He stated that an Advisory Committee was coordinated under direction from Laurence Doxsey to deal with specific issues and bring recommendations back to the Executive Committee.

Mr. Kelley reported that the Executive Committee initially met in early July and has met several times per month since then. He stated that there had been many challenges but was ultimately pleased with

the results. He explained that the Task Force would bring specific recommendations to the Council to move forward on sustainable energy and water issues to build a better future. He noted that there had been much discussion throughout the community and that neither the Environmental nor Real Estate Industries had serious concerns with the recommendations.

Mr. Laurence Doxsey recognized individuals who worked on the Task Force on each of the Executive and Advisory Committees. He explained that the Advisory Committee responded to the interests of the Executive Committee but also looked at ideas from within the Committee. He stated that specific recommendations looked at what could be done in terms of energy and water codes, incentives, compliance methods, and other related issues.

Mr. Doxsey referenced a handout of approved recommendations and presented an overview of various initiatives. He explained that the energy code upgrade would increase to 15% better than the current code for both the commercial and residential sectors. Further, by Year 2012, the target code would be at 30% below the current code and Carbon Neutral by Year 2030. He reported that in terms of community benefits, the cost to meet the new energy code could be as low as \$1,000 for residential but could be higher depending on the options chosen. Mr. Doxsey stated that more compliance options were necessary to demonstrate that individuals were meeting code. He noted that there would be five compliance options within the residential sector and nine options within the commercial sector. He outlined the options to include free software tools, third party certification methods, and new modeling tools approved by the Chief Building Official.

Within the water code, Mr. Doxsey highlighted different methods for upgrading the current standard. He noted that the Task Force had recommended new fixture standards for faucets, showerheads, residential toilets, and urinals. He added that a new irrigation stringency was proposed, and that those utilizing reclaimed water could eliminate using an irrigation meter as long as the reclaimed water from the chillers could be used to meet the sustaining of the landscaping. He explained that insulating hot water lines greater than 20 feet had significant cost savings and that washing machines in new facilities would have higher performance requirements. He stated that High Efficiency Toilets, Faucets, and Showerheads had savings of 12,000 gallons per year per house, and that such products were available in all price ranges.

Mr. Doxsey stated that the Task Force recommended that a Stakeholder Committee continue to monitor, assess and recommend future Energy and Water Codes and Incentives to include a minimum three-year review. He noted that in terms of financial incentives, they should be proportional to the benefit in the project and that Tax Exemptions and Abatements, as well as fee reductions, should be evaluated as incentives for high performance buildings and distributed energy.

Mr. Doxsey explained that in an effort to educate and market the energy and water policies and incentives, a One-Stop should be created and a collaborative educational strategy would be implemented in the form of training, seminars and workshops. Additionally, there would be recognition for achievement through Green Building Awards. Lastly, he stated that to achieve future sustainable growth, there should be multi-stakeholder involvement focused on phased-in targets, incentives, and sensitivity to local conditions, among others.

Mr. Richard Varn noted Mr. Doxsey's expertise and explained that he had been a resource to assist the Task Force in bringing forth viable recommendations. He explained that the Office of Environmental Policy was a coordinating function and not the adopting entity.

Mayor Hardberger thanked Mr. Ed Kelley, the Task Force, and the Office of Environmental Policy. He expressed pleasure with their remarkable ability to attain buy-in from the many stakeholders involved. Councilmember Herrera expressed support and noted that she had enjoyed serving on the Committee. She explained that the process was challenging due to the many entities represented, but the group had ultimately come to an agreement on the recommendations. She requested that standards other than LEED Certifications be researched as possible methods for certification. Councilmember Rowe also expressed support and noted that the Committee had excellent goals. He expressed concern with the details of the final ordinance and recommended that the public be given two to four weeks to review the document. Mr. Doxsey explained that not all of the recommendations would be included in the ordinance. He noted that the code issues would be done by ordinance but other items could be implemented by the Office of Environmental Policy or through a Resolution.

Councilmember Cortez expressed support and noted that the City was moving in the right direction in the area of sustainability. He stated that he would like to move the recommendations forward on March 5, 2009 and would not want to delay the item due to possible funding from the Stimulus Package. Mayor Hardberger recommended that the item proceed to March 5, 2009 with the option to pull the item if the ordinance is not ready. Councilmember Rodriguez thanked the Committee for their time and efforts. He expressed support for moving forward on March 5, 2009 in an effort to begin making progress on the Sustainability Plan, subject to the availability of proposed language in the ordinance for review.

Councilmember Cibrian stated that she was grateful for the work of the Committee and stressed the importance of the Mission Verde Initiatives to the City of San Antonio. She explained that the recommendations had been presented to the Infrastructure and Growth Council Committee and expressed support for moving the item forward to the full Council on March 5, 2009.

Councilmember Clamp thanked all involved in the process and noted that it was moving in the right direction. He requested that the City Council receive the ordinance as soon as possible so that they could begin to review the details. He asked for clarification on incentives and Mr. Doxsey replied that the Task Force had recommended that incentives and credits be evaluated based on budget implications. He noted that there were existing incentives from CPS Energy and SAWS and they have indicated that they will move forward with financial incentives. Councilmember Clamp expressed concern with the impact to future budgets. He asked about the amount of megawatt savings and Mr. Doxsey stated that 250,000 megawatt hours per 15% reduction would be saved based on average new construction. Councilmember Clamp expressed support with moving the item forward on March 5, 2009 but requested that there be agreement the Friday prior to the meeting. He asked if this was an incentive program or if it was mandatory. Mr. Varn reported that the Water and Energy Code portions would be mandatory and would become effective January 1, 2010. Councilmember Clamp added that he would like for the Task Force to focus on the incentive portion of the program.

Councilmember McNeil asked about the associated costs. Mr. Doxsey explained that the cost to build a home would be more expensive but the investment could be as little as \$1,000 depending on the options chosen. He noted that renewable energy applications could be as high as \$10,000 but all that was expected was for code to be met. Mr. Varn reported that a number of existing homes and buildings are being built to meet the new code requirements. He added that SAWS and CPS Energy provided incentives for the retrofitting of older homes and buildings. Councilmember McNeil expressed concern

with the added costs and recommended that there be other options available to builders rather than making the new codes mandatory.

Councilmember Cisneros expressed support and thanked the Task Force for their work. She stated that although the measures were strict, they were good for the City. Councilmember Rowe added that costs would be absolved through builders and buyers but there will be future energy savings with a reasonable timeframe for return on investment. Councilmember Ramos expressed her support for moving the item to the full Council on March, 5, 2009. Councilmember Galvan also thanked the Task Force for their efforts and noted that various builders had served on the committees of the Task Force. She expressed support for the item and requested to review the ordinance prior to the Council Meeting on March 5, 2009. Councilmember Herrera added that energy costs have decreased in the market throughout the country and that numerous rebates are available for commercial and residential customers.

### **3. UPDATE ON THE FEDERAL ECONOMIC STIMULUS BILL.**

Ms. Sculley referenced a handout that was provided to the City Council. She noted that the House of Representatives had passed their version of the Stimulus Bill in the amount of \$819 billion and the Senate had passed one in the amount of \$839 billion. She reported that discussions were taking place on how to bring the two Bills together for a total of \$790 billion in available funding. She explained that the City of San Antonio's Project List was based on Council priorities and that staff was monitoring Congressional Action through the Federal Lobbyist Team and received updates twice a week. Councilmember Clamp asked how the Bill would affect states. Ms. Sculley stated that the information had not been confirmed but depended on the programs. Councilmember Cisneros asked if funds for the Homeless were included in the Stimulus Bill. Ms. Sculley replied that the information was not available but would follow up with the Council.

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

The San Antonio City Council convened in a Regular Meeting on Thursday, **February 12, 2009** at 9:00 am in the City Council Chambers.

**Item 1.** The Invocation was delivered by Rev. Dr. Robert F. De Wolfe, Vicar, St Margaret's Episcopal Church, guest of Councilmember John Clamp, District 10.

**Item 2.** Mayor Hardberger led the Pledge of Allegiance to the Flag of the United States.

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

### **Item 3. MINUTES**

Councilmember Clamp made a motion to approve the Minutes for the January 29, 2009 Regular City Council Meetings and offered the following statement to be added to his summation on Page 3: "He expressed concern on how the Mission Verde Plan would affect ratepayers and how the City would finance the Plan." Councilmember Herrera seconded the motion.

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

#### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following:

#### **Item 4. BRIEFING AND POSSIBLE ACTION ON LEGISLATION FILED IN THE 81ST REGULAR STATE LEGISLATIVE SESSION.**

Mr. Carlos Contreras presented said item and noted that the Texas Legislature had been in session for thirty days. He explained that the House of Representatives had not made Committee Assignments, but the Senate Assignments had been confirmed. He reported that Committee Hearings had not yet taken place and that the deadline for filing bills and joint resolutions other than local bills was March 13, 2009. Regarding the Military Installation Protection Act, Representative McClendon has filed House Bill 143 and is circulating potential revisions, while Senator Van De Putte is still in the process of drafting a bill. He added that staff would work to ensure that Camp Bullis was protected through the Legislative Process.

In reference to the Defense Economic Adjustment Assistance Grant (DEAAG), Mr. Contreras stated that \$5 million had been included in the baseline budget and anticipated that it would be difficult to secure an increase in that amount. He noted that Representative Villarreal would be filing a bill to provide local funding options for the City on Transportation Projects, and Senator Carona was filing a statewide local option bill that could include San Antonio. He referenced a question from the previous day's B Session concerning whether a referendum on Representative Villarreal's Bill would require that all of the options be included. After further review, it has been determined that projects can be listed individually in the referendum and must include the funding source. He addressed Councilmember Cisneros' question about funding for the Homeless noting that funds were available through Emergency Shelter Grants (ESG) for services but not construction.

Mayor Hardberger stated that he would like to secure funding for services for Haven for Hope and noted that Haven for Hope would be included as part of the City's Federal Legislative Initiatives as well as the Stimulus Bill.

Nazirite Ruben Flores Perez stated that funding should be spent appropriately. He expressed concern with the Haven for Hope Campus noting that it would attract the Homeless Population from other states.

Councilmember Cibrian stated that the Camp Bullis Joint Land Use Study (JLUS) Committee was working diligently on critical recommendations to provide protection for Camp Bullis in relation to encroachment issues. She noted that the Lobby Team was working directly with the Matrix Group, the consultants on the JLUS, to move forward legislation as part of the Military Installation Protection Act. Mr. Contreras reported that staff, the Lobby Team, and the Matrix Group were working together on Representative McClendon's Bill, as well as other alternatives. Councilmember Cibrian requested that the Council be kept abreast of bill changes in an effort to reconsider support for those items.

Councilmember Ramos discussed a possible bill being filed by Senator Van De Putte regarding the requirement to use reusable bags in certain grocery stores and the impact it would have on Green Initiatives and local grocery stores. Mr. Contreras stated that he would gather information on said bill

and forward it to the Council. Councilmember Ramos also inquired of the Graffiti Bills filed and asked that additional penalties be included in the State Agenda. Mr. Contreras provided an overview of three Graffiti-related bills and noted that staff would keep the Council updated.

No action was necessary on said item.

The City Clerk read the following for Item 5:

**2009-02-12-0099**

Item 5. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AMENDING THE FINAL PROJECT AND FINANCE PLAN FOR THE INNER CITY TIRZ (REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS, LOCATED IN COUNCIL DISTRICTS 1, 2 AND 5), BY ADDING THE CITY ACQUISITION OF 1511 E. COMMERCE STREET, A GARAGE PROJECT AT 243 CENTER STREET, AND FIVE PROPERTIES IN ST. PAUL'S SQUARE; APPROVING PAYMENT OF INCREMENTAL AD VALOREM TAXES GENERATED FROM THESE NEW PROJECTS INTO THE TAX INCREMENT FUND; AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY, THE TIRZ BOARD, AND UNIVERSITY OF THE INCARNATE WORD, FOR THE PUBLIC IMPROVEMENTS PORTION OF THE UIW EASTSIDE EYE CLINIC.

Mr. Adrian Lopez, Housing and Neighborhood Services Department, stated that said item was a public hearing and consideration to amend the Project and Finance Plan for Tax Increment Reinvestment Zone (TIRZ) #11. He noted that it would also authorize the execution of a Development Agreement for public improvements associated with the future University of Incarnate Word (UIW) Community Eye Clinic. He explained that the TIRZ had been designated in December, 2000 and that the TIRZ Board had approved three amendments to the Project and Finance Plans in January, 2009. The three amendments include: 1) Redevelopment of 1511 East Commerce Street; 2) St. Paul's Square Association Garage Project; and 3) Addition of five properties in St. Paul's Square to the approved project list. Additionally, the TIRZ Board approved the Development Agreement for the UIW Community Eye Clinic.

Mr. Lopez outlined the amendments, noting that 1511 East Commerce Street could potentially be redeveloped through a Request for Proposals (RFP). Additionally, \$2 million from the TIRZ #11 Fund will be matched with private investment to develop a 600-space, elevated parking garage at 243 Center Street. He explained that five City-owned properties in St. Paul's Square would be sold to Zachary Real Estate for \$1.7 million and transferring ownership from public to private would increase the taxable value of the TIRZ.

Mr. Lopez stated that the TIRZ Board had approved up to \$1,242,220 to facilitate the development of the UIW Community Eye Clinic. He noted that the project would encompass 30,000 square feet and house an Optometry Clinic and Teaching Facility. He added that it would be located at the intersection of Commerce Street and Walters Street and was scheduled to open in Year 2012. He reported that the Development Agreement would provide \$410,423 for public improvements to water, sewer, fire lines, sidewalks, and other such infrastructure.

Mr. Lopez reported that Chapter 311.011(e) of the Tax Code allows the TIRZ Board to adopt amendments to the Project Plan and the amendments support the goals outlined in the City's Master Plan, Community Revitalization Action Group (CRAG), and the Housing and Neighborhood Services

Department Mission. He noted that the costs associated with the proposed amendments would be funded through the Inner City TIRZ Fund and would not impact other funding sources. He provided next steps and stated that staff recommended approval of the TIRZ Amendments and Development Agreement.

Jack M. Finger expressed concern with the Haven for Hope and Meet and Confer Initiatives in the Legislative Agenda. He spoke in opposition to the TIRZ #11 Amendments and asked about the amount the City would receive for the land sale and the inability to guarantee revitalization of the area. He stated he was against providing funding for the UIW Community Eye Clinic because it was a non-profit organization and did not pay taxes.

Councilmember McNeil expressed support for said item and noted that it was an extraordinary public-private partnership. She stated that TIRZ #11 was one of the most successful TIRZ in the city and stressed the importance of revitalization of the inner city on the East Side. She highlighted the parking garage that would be built in St. Paul's Square and the economic development opportunities that it would create. Councilmember Cibrian also noted the success of TIRZ #11 and expressed support for the item. She thanked the TIRZ Board and staff for moving the projects forward. Councilmember Ramos also expressed support and recognized the UIW for their work in the community. Councilmember Galvan expressed her support for the TIRZ Amendments and stressed the importance of inner city development. Councilmember McNeil recognized Dr. Lou Agnese and the Sisters of Charity of UIW for being in attendance. Councilmember Cisneros thanked all involved in the project and also recognized UIW for their work in the community.

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

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

#### **POINT OF PERSONAL PRIVILEGE**

Councilmember Galvan recognized the following Municipal Court Employees: Brandon Lucio, a 2003 Graduate of Kennedy High School; Sylvia Rivera, a 1991 Graduate of Edgewood High School; and Norma Morales-Arias. She thanked Judge Bull for investing in the individuals and for the work of all the Municipal Court Employees. Judge Bull thanked Councilmember Galvan and recognized all Municipal Court Employees in attendance at the meeting.

Councilmember Cortez recognized Chris Alderete on Item 17A regarding her reappointment to the Port Authority of San Antonio and thanked her for her service.

Councilmember Rodriguez recognized Robert Hahn on Item 17C regarding his appointment to the Capital Improvements Advisory Committee and thanked him for serving.

**CONSENT AGENDA: Items 6 - 24**

Consent Agenda Items 6, 7, 8, 9, 11, 12, 13, 15, 18, 19, and 24 were pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Clamp seconded the motion.

Jack M. Finger spoke in opposition to Item 20 regarding the settlement of a lawsuit, noting that the background documents did not provide enough information. He expressed concern with Item 23 due to the donation from Zachry Corporation. He spoke against Item 19 due to the campaign finance contributions received by various Councilmembers from 3D/International.

Nazirite Ruben Flores Perez expressed support for improved methods for disposal of animals referenced in Item 6 and the Emergency Notification Alert System in Item 7. He stated he was in favor of the contract with University Health System to support child injury prevention activities on Item 15, and the vaccine study by Novartis Vaccines and Diagnostics, Inc. on Item 16.

Ms. Vacek read written testimony from Mr. Faris Hodge, Jr. For Item #14, Mr. Hodge wrote that the Bexar County Justice Center should be expanded and that 50 tents should be purchased for the Bexar County Jail because the jail was too small and outdated. Mr. Hodge wrote that there were too many preventable child injuries on Item 15. Lastly, he wrote that there would be a good Mayor and City Council on May 9, 2009 and that he may run for Mayor or Councilmember for District 1.

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

**2009-02-12-0104**

Item 10. AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 3 IN THE AMOUNT OF \$63,021.73 AND CHANGE ORDER NO. 2 IN THE DEDUCTIVE AMOUNT OF \$300,000.00 TO THE CONSTRUCTION CONTRACT WITH YANTIS COMPANY FOR THE RUNWAY SAFETY ASSESSMENT AIRFIELD IMPROVEMENT PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT.

**2009-02-12-0108**

Item 14. AN ORDINANCE CLOSING, VACATING AND ABANDONING AN IMPROVED PORTION OF S. FLORES STREET FOR CONSTRUCTION OF THE BEXAR COUNTY JUSTICE CENTER EXPANSION PROJECT IN COUNCIL DISTRICT 1, FOR \$6,375.00.

**2009-02-12-0110**

Item 16. AN ORDINANCE APPROVING A CONTRACT WITH NOVARTIS VACCINES AND DIAGNOSTICS, INC. FOR AN AMOUNT UP TO \$62,875.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO CONDUCT A MENINGOCOCCAL CLINICAL VACCINE STUDY THROUGH JUNE 30, 2011.

Item 17. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT FOLLOWING THE RECEIPT OF EIGHT AFFIRMATIVE VOTES:

- A. REAPPOINTING CHRIS D. ALDERETE (DISTRICT 4) TO THE PORT AUTHORITY OF SAN ANTONIO, FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 30, 2010.
- B. APPOINTING JOHN P. JENNINGS (DISTRICT 1, CATEGORY: REAL ESTATE) TO THE BROOKS DEVELOPMENT AUTHORITY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 4, 2010.
- C. APPOINTING ROBERT B. HAHN (DISTRICT 7, CATEGORY: COMMUNITY REPRESENTATIVE) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 25, 2010.
- D. REAPPOINTING REYNALDO A. DE LOS SANTOS (DISTRICT 10) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 22, 2010.
- E. APPOINTING SCOTT W. CARPENTER (DISTRICT 10, CATEGORY: PUBLIC ART) TO THE HISTORIC DESIGN AND REVIEW COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 31, 2010.
- F. APPOINTING DAN WEINGART (MAYORAL) TO THE PORT AUTHORITY OF SAN ANTONIO FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 30, 2010.

**2009-02-12-0113**

Item 20. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *GRETHEL ECHARTEA V. CITY OF SAN ANTONIO*, IN THE 45TH JUDICIAL DISTRICT COURT, CAUSE NO. 2007-CI-07671, FOR THE AMOUNT OF \$130,000.00.

**ITEM RECONSIDERED AND CONTINUED AS NOTED ON PAGE 14**

Item 21. AN ORDINANCE ORDERING THE GENERAL CITY ELECTION TO BE HELD ON SATURDAY, MAY 9, 2009 AND RUN-OFF ELECTION TO BE HELD ON SATURDAY, JUNE 13, 2009, IF NECESSARY; AND ALSO SETTING FORTH ELECTION PROCEDURES.

Item 22. CONSIDERATION OF THE FOLLOWING ITEMS IN CONNECTION WITH THE CITY'S TAX-EXEMPT LEASE/PURCHASE PROGRAM:

**2009-02-12-0114**

- A. AN ORDINANCE AUTHORIZING THE EXECUTION OF A TAX-EXEMPT MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT AND AN ESCROW AGREEMENT WITH SUNTRUST EQUIPMENT FINANCE & LEASING CORP. AND SUNTRUST BANK; AUTHORIZING SCHEDULES 1 AND 2 IN THE COLLECTIVE AMOUNT OF \$10,914,136.96, WHICH CONSISTS OF \$10,387,654.23 FOR THE ACQUISITION OF FORTY-TWO (42) AUTOMATED REFUSE COLLECTION TRUCKS FOR THE SOLID WASTE MANAGEMENT DEPARTMENT AT A RATE OF 3.27% FOR A 7-YEAR TERM (SCHEDULE 1); AND \$526,482.73 FOR THE ACQUISITION OF THREE (3) PRINTERS

AND RELATED COMPONENTS FOR THE PURCHASING AND GENERAL SERVICES DEPARTMENT AT A RATE OF 2.87% FOR A 5-YEAR TERM (SCHEDULE 2).

**2009-02-12-0003R**

- B. A RESOLUTION AUTHORIZING FUNDS PREVIOUSLY EXPENDED TO BE REIMBURSED FROM THE PROCEEDS OF THE TAX-EXEMPT MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT ENTERED INTO BETWEEN THE CITY OF SAN ANTONIO AND SUNTRUST EQUIPMENT FINANCE & LEASING CORP.

Item 23. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO ECONOMIC DEVELOPMENT ACTIVITIES IN COUNCIL DISTRICT 2:

**2009-02-12-0115**

- A. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A \$150,000.00 DONATION FROM ZACHRY CORPORATION FOR ECONOMIC DEVELOPMENT ACTIVITIES IN COUNCIL DISTRICT 2.

**2009-02-12-0116**

- B. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT WITH SAN ANTONIO FOR GROWTH ON THE EASTSIDE (SAGE) IN AN AMOUNT UP TO \$150,000.00, FOR THE PERIOD FEBRUARY 12, 2009 THROUGH SEPTEMBER 30, 2009, FOR ECONOMIC DEVELOPMENT ACTIVITIES IN COUNCIL DISTRICT 2.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2009-02-12-0100**

Item 6. AN ORDINANCE ACCEPTING THE BID FROM AIR POLLUTION CONTROL PRODUCTS, INC. TO PROVIDE THE ANIMAL CARE SERVICES DEPARTMENT WITH THE PURCHASE OF AN ANIMAL CREMATOR UNIT FOR A COST OF \$102,146.00.

Councilmember Cortez asked about the current process for euthanization of animals and how the device would be utilized. Mr. Vincent Medley stated that euthanized animals are transported to one of the City's Landfills and that the cremation process provided a sense of dignity to the euthanized animals. He further explained that it would also have a positive impact to the landfills. Councilmember Cortez stressed the importance of educating the community on responsible pet ownership and the benefits of spay and neuter programs. Ms. Sculley concurred with Councilmember Cortez about the importance of education and noted that staff was making progress in becoming a No-Kill Community by Year 2012.

Councilmember Ramos expressed concern with the stray animals in her district and requested additional community outreach. She requested that Park Police Officers monitor City Parks to proactively identify strays in the area. She also recognized Miss San Antonio for her outreach efforts on responsible pet ownership. Councilmember Galvan stated that it was important to maintain the goal of becoming a No-Kill Community by Year 2012. She thanked the Animal Care Services Department for providing spay and neuter clinics in District 5. Councilmember Herrera noted that there were many pet programs

available that were not being utilized by the community and asked that the information continue to be disseminated to the public.

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

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

The City Clerk read the following Ordinance:

**2009-02-12-0101**

Item 7. AN ORDINANCE AUTHORIZING A CONTRACT WITH FIRST CALL NETWORK, INC. TO PROVIDE THE EMERGENCY OPERATIONS CENTER, A DIVISION OF THE FIRE DEPARTMENT, WITH AN EMERGENCY AND NON-EMERGENCY NOTIFICATION ALERT SYSTEM FOR AN INITIAL COST UP TO \$200,000.00 ANNUALLY.

Councilmember Cibrian requested information on the services that would be provided through the contract. Mr. Stephen Gaffigan stated that the system would provide the capability to contact and notify citizens of various emergency and non-emergency situations. He explained that one of the features would allow citizens to enter their contact information and specify how they would like to be contacted, as well as the type of event they would like to be notified about. Councilmember Cibrian stated that she was pleased with the new and innovative system and noted its importance to the low-water crossing plan. Chief Nim Kidd stated that this system was one of several phases of the project for water safety and flood awareness. He reported that it would allow contact with the public in various mediums; currently, only land lines are utilized for notification. Assistant City Manager Erik Walsh added that the program was one of five initiatives included in the Fiscal Year 2009 Budget and had been coordinated among the Fire, Public Works, ITSD, and Purchasing Departments.

Councilmember Clamp expressed support and stressed the importance of the system. He thanked all involved in the process and recognized Chief Hood and Chief Kidd for their efforts. Councilmember Cisneros also expressed support and thanked all involved in the project. Councilmember Rodriguez stated that he supported the project and recognized Richard Varn for his leadership in technology efforts for Public Safety.

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

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

The City Clerk read the following Ordinance:

**2009-02-12-0102**

Item 8. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE NATIONAL JOINT POWERS ALLIANCE (NJPA), TO PROVIDE THE CITY OF SAN ANTONIO MUNICIPAL COURT WITH A COURT CASE MANAGEMENT SYSTEM FROM TYLER

TECHNOLOGIES, INC. FOR AN ESTIMATED INITIAL COST OF \$1,999,817.00 AND \$382,000.00 ANNUALLY THEREAFTER.

Councilmember Herrera requested information on the software purchase and related cost. Judge John Bull recognized Sheryl Sculley for her assistance with the many changes that have been made to the Department and Richard Varn for his assistance in securing a better operating system for Municipal Court. He stated that San Antonio had the second largest court in the State of Texas and operated at a high volume level. He explained that there were not many software systems available to handle over 400,000 cases per year and staff had traveled the state to find a system that would address the needs of San Antonio. He noted that staff had the ability to process cases manually which was critical if the system were to crash. He reported that the City of Arlington had paid \$3 million dollars for the same system being purchased and San Antonio had negotiated it for a little under \$2 million. He noted that the City of San Antonio was gearing up for the annual warrant roundup and that other collections were implemented throughout the year as well. He added that the Municipal Court had reduced their budget by 8% over the last three years and have increased production. Councilmember Herrera expressed support for the work of the Municipal Court and noted that there are only nine judges performing work that twelve judges previously performed.

Mayor Hardberger recognized the staff of the Municipal Court and noted that people's attitudes toward the judicial system were shaped in Municipal Court. Councilmember Cortez asked if the system was widely used throughout the state and if there were any cost savings. Judge Bull reported that the system was not used by many others but that San Antonio had learned from the mistakes that had been made from other who had implemented it. He noted that other large cities had paid much more for their operating systems and that San Antonio had been able to negotiate a good deal with the vendor. Councilmember Clamp commented on the efficiency of the Municipal Court and noted that the cost for the operating system was being paid through the technology fund assessed to patrons of Municipal Court. Councilmember Cisneros expressed her support and thanked the Municipal Court Staff for their work.

Councilmember Cibrian expressed support and thanked all involved in the project. She stated that the current system was in dire need of upgrading and that the Court could no longer operate on a stand-alone system. She requested information on future technology improvements. Judge Bull reported that the San Antonio Police Department was looking to implement an electronic ticket program that worked collectively with the new operating system. He also noted that the implementation of a web cam search warrant system was being researched. Councilmember McNeil thanked Judge Bull and staff for the transformation that has taken place at Municipal Court.

Councilmember Rodriguez asked if there would be a lapse in service due to the system transition. Judge Bull stated that the system would be implemented in phases and there would be two systems operating at the same time to ensure that there were no issues with the transition. Councilmember Rodriguez asked if there were any other fees that the vendor would collect and Judge Bull replied that it was a straight maintenance contract. Mr. Varn explained that there were several projects being coordinated to interface with one another: 1) Tyler Technologies Case Management; 2) APS E-Citation Program; and 3) Bexar County Court System. Councilmember Rodriguez requested that the integration of the various systems be fast-tracked in an effort to make policy decisions for the community. Judge Bull added that there was a need to coordinate the entire criminal justice system in an effort access all information pertaining to an individual. Mr. Varn reported that the integration with Bexar County would be done after the Interlocal Agreement with the City was approved.

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

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

The City Clerk read the following Ordinance:

**2009-02-12-0103**

Item 9. AN ORDINANCE AUTHORIZING THE PURCHASE OF FIFTEEN ADDITIONAL AUTOMATED REFUSE COLLECTION TRUCKS FROM FREIGHTLINER OF SAN ANTONIO LTD. FOR A COST OF \$2,388,120.00.

Councilmember Ramos asked if the fifteen trucks being purchased met EPA air quality standards and Mr. David McCary confirmed that with the retrofit, they met the standards. He explained that the vehicles were Year 2008 trucks with Year 2006 engines and that a comparison of engines for Years 2006, 2007, and 2008 resulted in no significant difference. He added that San Antonio had the largest fleet in Texas for municipalities with Compressed Natural Gas (CNG) and that the City would save \$1 million by purchasing said vehicles.

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

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

The City Clerk read the following Ordinances for Items 11 and 12:

**2009-02-12-0105**

Item 11. AN ORDINANCE AUTHORIZING CHANGE ORDERS IN THE AMOUNT OF \$184,957.61 AND CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$1,730,285.25 TO THE CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONTRACTORS, LTD. FOR ADDITIONAL WORK FOR THE SAN ANTONIO INTERNATIONAL AIRPORT EXPANSION PROGRAM PROJECT 6 – ROADWAYS & UTILITIES AND PROJECT 10 – VOLUME 2 – HYDRONIC LINES RELOCATION.

**2009-02-12-0106**

Item 12. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH CLARK CONSTRUCTION GROUP LLC/THOS. BYRNE TO ADD THE TERMINAL B BUILDING PACKAGE SERVICES IN THE AMOUNT OF \$66,600,777.00 AND APPROVE REALLOCATION OF CONTINGENCY; AND APPROVING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$6,052,369.00 FOR THE TERMINAL 1/B CONSOLIDATED BAGGAGE FACILITY AT SAN ANTONIO INTERNATIONAL AIRPORT.

Councilmember Rowe recused himself on Items 11 and 12 by excusing himself from the Council Chambers and noting that he submitted the recusal forms for said items to the City Clerk.

Councilmember McNeil moved to adopt the proposed Ordinances for Items 11 and 12. Councilmember Cisneros seconded the motion.

The motion to approve Items 11 and 12 prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Rodriguez, Cibrian, and Mayor Hardberger. **NAY:** None. **ABSTAIN:** Rowe. **ABSENT:** Herrera and Clamp.

At this time, Mayor Hardberger addressed Items 18 and 19.

The City Clerk read the following Ordinances for Items 18 and 19:

**2009-02-12-0111**

Item 18. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CARTER & BURGESS, INC. IN THE AMOUNT OF \$500,000.00 TO REDUCE THE PROGRAM MANAGEMENT SERVICES AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

**2000-02-12-0112**

Item 19. AN ORDINANCE AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH 3D/INTERNATIONAL FOR AN INCREASE IN THE AMOUNT OF \$1,768,915.00 FOR AN INCREASE IN PROJECT SCOPE AND DURATION AND A DECREASE IN THE AMOUNT OF \$1,185,412.00 FOR ELIMINATION OF TERMINAL C – CONSTRUCTION ADMINISTRATION SERVICES.

Councilmember Rowe recused himself on Items 18 and 19 by excusing himself from the Council Chambers and noting that he submitted the recusal forms for said items to the City Clerk.

Councilmember Cortez asked about the \$500,000 cost savings for Item 18. Mr. Mike Sawaya stated the program management budget was more than staff was forecasting for the project so they identified savings to utilize for other items in the construction project. Councilmember Cortez asked about the elimination of Terminal C for Item 19. Mr. Sawaya explained that the original contract with 3D/International included contract administration services for Terminal C; since Terminal C is not being scheduled, the services are not needed at this time. He added that the funds would be utilized for contingency purposes. Councilmember Cibrian noted that the cost savings were due to the consolidation effort in the Baggage Handling System. She expressed concern with Item 19 due to the contractor performing work outside the scope of the project and asked that staff not allow this to happen in the future. She also expressed concern with the elimination of Terminal C and asked that staff work on a good plan to move forward with Terminal C.

Councilmember McNeil moved to adopt the proposed Ordinances for Items 18 and 19. Councilmember Ramos seconded the motion.

The motion to approve Items 18 and 19 prevailed by the following vote: **AYES:** Cisneros, Ramos, Cortez, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. **NAY:** None. **ABSTAIN:** Rowe. **ABSENT:** McNeil, Galvan and Herrera.

The City Clerk read the following Ordinance:

**2009-02-12-0107**

Item 13. AN ORDINANCE ACCEPTING THE LOW, QUALIFIED BID OF SILVERADO BROTHERS CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$748,752.99 TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE AFFORDABLE SHOWCASE OF HOMES TIERRA DEL SOL SUBDIVISION COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 7.

Councilmember Rodriguez expressed support for the project and requested a timeline. Mr. David Garza reported that infrastructure work would begin within a month and that construction of the homes would begin in June, 2009 in partnership with the Greater San Antonio Builders Association. He noted that the project would be a Level One Build San Antonio Green Project with 30 of the homes being Energy Star Homes and that one pilot unit would include LEED Standards. Councilmember Rodriguez noted that it would be the first LEED Certified Home in a Showcase of Homes and thanked all for their work on said project. Mayor Hardberger expressed support and recognized the importance of having a Green Affordable Home. He noted that such efforts had begun through Former Councilmember Barrera. Councilmember Cibrian expressed support and highlighted the importance of building an affordable home and including LEED Standards for energy savings. Councilmember Cisneros also expressed support and stated she was pleased with the building of affordable Green Homes with LEED Certifications.

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

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

The City Clerk read the following Ordinance:

**2009-02-12-0109**

Item 15. AN ORDINANCE AUTHORIZING A CONTRACT WITH THE UNIVERSITY HEALTH SYSTEM FOR UP TO \$40,850.00 TO SUPPORT CHILD INJURY PREVENTION ACTIVITIES CONDUCTED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR UP TO THREE YEARS BEGINNING SEPTEMBER 1, 2008.

Councilmember Cisneros asked how said item would reduce the mortality rate associated with young children under the age of four. Dr. Fernando Guerra stated that the focus would be on children under the age of four but would also benefit youth up to 18 years of age. He explained that the program was being implemented in collaboration with the University Health System and would include community education and outreach. He noted that they would attempt to distinguish between intentional and unintentional injuries and engage the community with information on how to prevent injuries sustained through car crashes, falls, and drowning, to name a few. Councilmember Cisneros asked if the information would be provided in Spanish and Dr. Guerra assured her that all of their programs were bilingual and available to the Spanish-speaking community.

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

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

**2009-02-12-0117**

Item 24. AN ORDINANCE AUTHORIZING A FIVE-YEAR FOOD AND BEVERAGE CONCESSION AGREEMENT AT SAN ANTONIO INTERNATIONAL AIRPORT WITH HOST INTERNATIONAL, INC. WITH MINIMUM ANNUAL GUARANTEED RENTALS OF \$231,000.00.

Councilmember Rodriguez expressed concern that there was only one bidder for said contract. Mr. Mike Sawaya confirmed that there was only one bidder for the space and stated that there Request for Proposals (RFP) had been advertised for 45 days and had a 30-day response time. He noted that 15 individuals had attended the Pre-Bid Conference but that many of them were interested in the process and contracting in Terminal B. He added that future bids would be advertised for 60 days. Councilmember Rodriguez asked if there were an increase over the previous year Minimum Annual Guarantee (MAG) and Mr. Sawaya reported that it was 30% increase from \$170,000 to \$230,000. Councilmember Rodriguez also inquired about the measurement of Quality Assurance and the performance of Host International, Inc. Mr. Sawaya stated that quality control was done through the concessions consultant Unison, the City's Properties Division, and the website where concerns could be submitted. He added that Host International, Inc. did a great job and staff was pleased with their performance.

Councilmember Ramos expressed support and thanked staff for working with the bidder that had expressed concern with the RFP process. Councilmember Cibrian also expressed her support and highlighted the work of Host International, Inc. on the George Gervin Sports Bar. She noted that she was in favor of extending the time for advertisement of RFPs.

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

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

### **POINT OF PERSONAL PRIVILEGE**

Mayor Hardberger explained that Item 21 had been passed on the Consent Agenda and recognized Ms. Vacek to highlight key dates and changes to the May 9, 2009 General Election. Ms. Vacek outlined the Recommended Early Voting Sites and noted that the Main Early Voting Site was being moved from the Bexar County Justice Center to the Bexar County Elections Office. Various Councilmembers expressed concern with the recommended Early Voting Sites. Mayor Hardberger asked that the concerns be worked on during Executive Session. He noted that if there were still issues, the Council would reconvene after Executive Session for the purpose of reconsidering Item 21.

### **Item 25. CITY MANAGER'S REPORT**

Ms. Sheryl Sculley reported on the following:

A. Housing & Neighborhood Services Program Update

The Federal Home Loan Bank of Dallas has awarded the Housing and Neighborhood Services Department with a \$500,000 Grant for the continuation of the City's Minor Housing Repair Program. The program was created as a pilot project in Year 2005 through a \$100,000 Grant from the San Antonio Housing Trust. At that time, the Department was able to assist 21 low-income, elderly, or disabled households through the grant. In Year 2007, the Department was awarded \$350,000 from the Federal Home Loan Bank of Dallas and also received funding from the Annie E. Casey Foundation and 78 households participated in the program. The Year 2009 funds will assist 80 households and each qualified family will be eligible for \$6,000 to be utilized for minor repairs to their homes. The City will partner with Merced Housing Texas to conduct the housing rehabilitation construction and this will be the second year of the partnership.

B. Public Works Department Project Update

Phases I and II of the Laddie Place Project have been completed. Phase I of the project was funded in the amount of \$8.8 million from the 2003 Stormwater Revenue Bond Program and completed in October, 2008. Phase II was funded in the amount of \$7 million from the 2005 Stormwater Revenue Bond Program and was completed in January, 2009. Phase III of the Laddie Place Project will be managed by Bexar County and is under preliminary design. The expected completion date for Phase III is June, 2011.

The Five Year Rolling Street Maintenance Plan and Americans with Disabilities Act (ADA) Initiative are progressing and 11% of the projects have been completed. All of the projects identified in the 2009 Plan will be completed by the end of September, 2009.

**POINT OF PERSONAL PRIVILEGE**

Councilmember Ramos recognized Samantha Jimenez, Jasmine Zurete, Alex Salas, and Elizabeth Jimenez, participants in the Martinez Street Women's Center Girls Empowerment Program, and their leaders Joleen Garcia and Natalie Ross, who were in attendance. Councilmember Herrera also recognized Joleen Garcia for her previous work with the City Council and her work with the Martinez Street Women's Center. She recognized David Garza for his work on the City's Minor Housing Repair Program.

Councilmember Rodriguez thanked Ms. Sculley for the Laddie Place Project Update and highlighted the collaboration with Bexar County on Phase III.

**EXECUTIVE SESSION**

At this time, Mayor Hardberger recessed the Regular Meeting at 12:34 pm to break for lunch and noted that the Council would reconvene in Executive Session at 2:00 pm for the purposes of:

- A. Deliberations regarding economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).

- B. Deliberate competitive matters regarding CPS Energy and discuss related legal issues pursuant to Texas Government Code Section 551.086 (competitive matters) and Texas Government Code Section 551.071 (consultation with attorney).
- C. Deliberate the purchase, exchange, lease or value of real property and discuss related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 551.071 (consultation with attorney).
- D. Discuss legal issues related to employee benefits pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 6:16 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

### **RECONSIDERATION OF ITEM 21**

#### **CONTINUED UNTIL FEBRUARY 19, 2009**

Item 21. AN ORDINANCE ORDERING THE GENERAL CITY ELECTION TO BE HELD ON SATURDAY, MAY 9, 2009 AND RUN-OFF ELECTION TO BE HELD ON SATURDAY, JUNE 13, 2009, IF NECESSARY; AND ALSO SETTING FORTH ELECTION PROCEDURES.

Councilmember McNeil moved to reconsider the proposed Ordinance. Councilmember Rowe seconded the motion.

The motion to reconsider Item 21 prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, and Mayor Hardberger. **NAY:** None. **ABSENT:** Clamp.

Councilmember McNeil moved to continue the proposed Ordinance for one week. Councilmember Rowe seconded the motion.

The motion to continue Item 21 prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

### **CITIZENS TO BE HEARD**

Mr. Nazirite Ruben Flores Perez spoke on Item 6 and stated that his occupation was to check the air conditioning air flows and filter in the handler rooms. He expressed concern that the company contracted to keep them clean was not doing their job.

Mr. Fred Perry spoke of the Artisans at San Pedro Creek, a San Antonio Housing Authority Project. He stated that the project was being constructed over five acres of coal ash and would be dangerous to the residents' health, despite information from the Texas Commission on Environmental Quality (TCEQ).

Mr. Mark Perez stated that he was working with the Environmental Protection Agency (EPA) to investigate the TCEQ because they allow companies to operate without the required permits. He

expressed concern that he had not received a response from the City regarding the rules and regulations that were not being adhered to.

Mr. Nick Calzoncit spoke of his concerns regarding services to public access television producers. He reiterated the changes in services that had resulted in his having to purchase the equipment and requested documents relating to public access television funding.

Mr. Sani Mohammad noted that he had previously spoken on the environment in San Antoni. He stated that in Denmark, students were taught how to generate electricity from the sun and he has taught the same information in several cities across the United States. He asked that San Antonio consider allowing him to teach his methods.

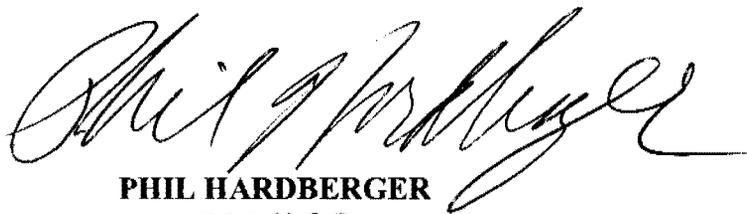
Mr. Faris Hodge, Jr. spoke of the graffiti problem in San Antonio and stated that it was unfair to penalize all citizens for the wrongdoings of a few. He asked about the cost for the upcoming Election and requested additional Election Information. He read Open Records Requests regarding the City's Recycling Program, Stormwater Fund, Hotel Occupancy Tax, Airport Revenues, San Antonio Police Department, and Language Skills Pay that he had not received a response to. Lastly, he sang a song to the Council.

Mr. Wayne Hensley noted that he lived at the SAMM Shelter and spoke of drug abuse and the lack of Police Officers in the area. He noted issues with the Shelter and stated that it needed immediate attention.

**ADJOURNMENT**

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:40 pm.

A P P R O V E D



PHIL HARDBERGER  
MAYOR

Attest:



LETICIA M. VACEK  
City Clerk