

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

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

**1. STAFF UPDATE ON THE RIVER NORTH MASTER PLAN.**

Mr. Pat DiGiovanni, Deputy City Manager acknowledged the Downtown Alliance Board and the Planning Team Members for their contributions on the River North Master Plan. He introduced the boundaries for the River North Area and noted that it was located in District 1. Mr. DiGiovanni stated that the project began in 1999 when the Downtown Neighborhood Plan was adopted. He added that the population was less than 700 for the area. He noted that the plan had four elements: 1) Ten Big Ideas; 2) Vision for River North; 3) Specific Transformational Strategies; and 4) Appropriate Zoning to Enable Private Investments. He reported the Ten Big Ideas: 1) Leverage the River Improvements; 2) Create mixed-income, mixed-use urban residential neighborhoods; 3) Invest in great streets and public spaces; 4) Implement the plan through public/private cooperation; 5) Create lively arts districts; 6) Establish effective transit, including the River Bus and Street Trolley; 7) Form a "Park-Once" utility; 8) Plan for a full range of neighborhood-serving uses; 9) Guide incremental development through a form-based code; and 10) Deliver sustainable projects and places. Mr. DiGiovanni highlighted the Master Plan and noted that the River concept had been divided into five sections: 1) The River Corridor; 2) Performing Arts Neighborhood; 3) Museum Neighborhood; 4) Broadway Neighborhood; and 5) Madison Square Park Neighborhood.

Mr. T.C. Broadnax, Assistant City Manager, presented the Draft Development Code that had been prepared to implement the Master Plan Vision. He noted that it contained development and design standards needed to accomplish the goals of the River North Master Plan and that a subcommittee had been formed to review the Code. He stated that the following items were recommended for further review by staff: 1) Administration and Review Authority; 2) Zone Boundaries; 3) Civic Buildings and Standards; 4) Park Requirements; 5) Building Types; and 6) Sign Standards. Lastly, he presented the recommended changes from the Committee: 1) Incorporate the River North District Master Plan; 2) Adjust District boundaries to one River North District and technical change to land use element; 3) Initiate a review of appropriate zoning districts and initiate a comprehensive rezoning for the River North area; and 4) Incorporate the elements of the draft Development Code as agreed upon by the Planning Team.

Councilmember Cisneros expressed support and thanked all who served on the River North Planning Committee. She stated that the Plan would promote managed growth and enhance neighborhood identity. Councilmember Ramos thanked all that worked on said project and asked of the comprehensive rezoning process. Mr. Broadnax replied that it would be done by City staff through the

normal zoning process which would be brought for City Council consideration in October. Councilmember Galvan expressed support for the project. Councilmember Herrera also expressed support.

Councilmember Herrera recognized students from Northwest Vista College and their Instructor, Former Councilmember Mario Salas, who were in attendance.

**2. STAFF UPDATE OF THE CITY'S PROGRESS ON THE SEVEN INITIATIVES TO PRESERVE AND PROTECT THE MISSION OF CAMP BULLIS.**

Mr. Pat DiGiovanni stated that on August 7, 2008, the City Council had passed a Resolution to support local initiatives to protect Camp Bullis. The first initiative was the Camp Bullis Notification Process to provide notification to Fort Sam Houston on development activities within a designated area of Camp Bullis. He stated that the initiative had been completed and a final Memorandum of Understanding had been signed and implemented. The second initiative was the Dark Sky Ordinance to explore an overlay zoning district to require downward directional lighting for all developments within a designated area around Camp Bullis. He noted that an enabling ordinance had been passed to create a zoning overlay district and that properties within three miles of Camp Bullis had been identified. He added that the Zoning Commission would hold a Public Hearing on March 17, 2009.

Another initiative was the Regional Habitat Conservation Plan where Mr. DiGiovanni explained the two-year process. He mentioned that the City had jointly submitted a grant application for same with Bexar County and hoped to have a response by April, 2009.

He reported that the Camp Bullis Transportation Plan had been completed. He stated that the initiative would identify and ensure safe transportation routes between Camp Bullis and other military installations and that the Plan had been coordinated with Fort Sam Houston.

Regarding Community Outreach, Mr. DiGiovanni reported that three Joint Land Use Study (JLUS) Public Meetings had been held and one more was scheduled for April, 2009. He noted that Mayor Hardberger and County Judge Nelson Wolff would be hosting a meeting with surrounding County Judges and Mayors on March 17, 2009.

Mr. DiGiovanni reported that the Endangered Species Assessment would explore the option of requiring developers to show evidence of compliance with the Endangered Species Act when submitting Master Development Plans (MDP), subdivision plats, and tree permits. He stated that a draft ordinance was being discussed and some of the issues being considered were: legality; areas of applicability; and scope of requirements.

Lastly, Mr. DiGiovanni reported on the Legislative Priorities. He noted that Representatives Ruth Jones McClendon and Frank Corte had each filed a bill regarding Camp Bullis and that a third might be filed by Senator Leticia Van de Putte. He stated that Endangered Species Habitat (ESH) Mitigation Credits had emerged as an eighth initiative. He reported that the process of transferring City-owned properties to the Texas Parks and Wildlife Division (TPWD) to facilitate ESH mitigation had begun and that a Letter of Intent had been signed between the City and TPWD.

Councilmember Cibrian thanked Mr. DiGiovanni for his work on both the River Project and Camp Bullis. She stressed the importance of the protection of Camp Bullis to the City of San Antonio and thanked those involved for their efforts. In response to Councilmember Cibrian, Mr. DiGiovanni reported that the Overlay District Ordinance would be presented to the Council on April 2, 2009. Councilmember Cibrian noted the importance of reaching out to groups and addressing concerns about the Overlay District prior to adoption of the Ordinance. She added that it would also be beneficial to the Edwards Aquifer, Endangered Species, and Long-Term Protection of Camp Bullis.

Councilmember Rowe expressed support for the addition of the eighth initiative. He noted that his constituents were eager to assist the military and asked what they could do in addition to the Dark Sky Ordinance. He referenced a list of questions that had been provided to the Council and Mr. DiGiovanni replied that there was a question on the legality of the City participating in an endangered species assessment. Councilmember Clamp expressed concern with the Endangered Species Assessment and draft Ordinance.

Councilmember McNeil thanked Mr. DiGiovanni and Councilmember Cibrian for their efforts on said item. She expressed support and noted that the initiatives were critical for the City of San Antonio. She asked if efforts were being coordinated with the Military. Mr. DiGiovanni stated that the Military had been well represented at meetings. Councilmember McNeil asked if there was a way to grant Military vehicles a right of way courtesy in order for them to navigate throughout the City more easily. After a brief discussion, it was stated that the Military did not have a problem navigating throughout the City. Councilmember McNeil asked if it had been determined which legislation the City would be supporting. Mr. Carlos Contreras responded that input from the City, Bexar County, and the Military had been provided to Senator Van de Putte for possible incorporation into her bill and City Staff would continue to monitor the proposed legislation.

There being no further discussion, Mayor Hardberger adjourned the meeting at 4:36 pm.

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

**Item 1.** The Invocation was delivered by Dr. E. Thurman Walker, Pastor, Antioch Missionary Baptist Church, guest of Councilmember Sheila McNeil, District 2.

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

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

**Item 3. MINUTES**

Councilmember Herrera made a motion to approve the Minutes for the February 19, 2009 Regular City Council Meeting. Councilmember Cisneros seconded the motion.

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

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2009-03-12-0179**

Item 4. AN ORDINANCE APPROVING AND ADOPTING THE RECOMMENDATIONS OF THE MAYOR'S SUSTAINABLE BUILDING TASK FORCE, AND PROVIDING FOR AMENDMENTS TO THE CITY CODE OF SAN ANTONIO, TEXAS, IN ORDER TO IMPLEMENT CERTAIN RECOMMENDATIONS.

Mr. Laurence Doxsey stated that the Mayor's Task Force on Sustainable Buildings was represented by key stakeholder groups to focus on new construction. He outlined the various Committees of the Task Force and the groups represented. He provided an overview of the Committee Process, noting that members served on Executive and Advisory Subcommittees that met regularly to develop and refine code suggestions. He noted that specific recommendations focused on: 1) Energy Codes; 2) Compliance Methods; 3) Incentives; 4) Water Codes; and 5) Related Issues.

Mr. Doxsey reported that the Energy Code was 15% better than the city's current code and that the new code would be enforced on January 1, 2010. He explained that the goal was to be 30% below the current code by 2012 and Carbon Neutral by 2030. He noted that Water Code Upgrades included new fixture standards for faucets, showerheads, toilets and urinals with new irrigation stringency. He stated that financial incentives would be proportional to the benefit and that tax exemptions and abatements would be evaluated as well as incentives for high performance buildings and distributed energy.

Mr. Doxsey reported that in regard to educating the community, a One-Stop would be created as a high performance building information resource. He noted that a collaborative educational strategy to include training, seminars and workshops would be developed with recognition for achievements. He stated that future sustainable growth would be achieved through the multi-stakeholder approach that has generated phased-in targets, incentives, and cooperation among varied interest groups.

Mayor Hardberger recognized Mr. Ed Kelley, Chairman of the Task Force. He thanked him for his work and leadership throughout the City of San Antonio.

Ed Kelley thanked Mayor Hardberger and the City Council for their support and participation. He recognized the members of the Task Force and stated that the success of said initiative was due to the citizen's trust in the Leadership. He reported that the Task Force had spent seven months working on their recommendations and would launch the City to a more sustainable future.

Robert Puente, San Antonio Water Systems (SAWS) CEO, spoke in support of said item. He recognized SAWS Staff Mike Brinkman and Karen Guz who participated on the Task Force. He provided examples of ways to conserve water that were included in the Task Force recommendations. He stated that San Antonio was a national leader in water conservation and would continue their collaborative efforts toward energy sustainability.

Mayor Hardberger called upon those registered to speak.

Doug McMurry, Associated General Contractors spoke in support of said item. He read a letter from David Zachry who wrote that he strongly endorsed the recommendations of the Sustainable Buildings Task Force. He also wrote that the recommendations were well-conceived, balanced, and consistent with other leading cities. He added that all of the citizens of San Antonio would benefit from the implementation of the recommendations.

Loretta Van Coppenolle, Angela Drake and Russell Seal addressed the Council on behalf of the Sierra Club and the San Antonio Environmental Network (SAEN). Ms. Coppenolle spoke of climate change and dangerous levels that were of serious concern to the Sierra Club and the SAEN. She stated that they embraced the Mission Verde Plan and the new Green Building Code because they would help stem climate change.

Tim Swan, CEO of Metropolitan Contracting Company, spoke on behalf of the Real Estate Council. He stated that he had participated on the Task Force Executive Committee and was pleased with the recommendations. He requested that in the future, work groups be similarly constructed with a vast representation from community stakeholders. He added that the long-term goals were recommendations and not mandates.

Kim Shrum representing the Greater San Antonio Builders Association (GSABA) spoke in support of said item. She thanked the City Council for their leadership and the Task Force Members for their services. She stated that it was not often that the GSABA supported an increase in the cost of housing but felt that the proposed ordinance was justifiable due to the ability to quickly recoup costs. She provided the Council with a letter of support from GSABA's VP, Becky Oliver.

John Friesehahn, Imagine Homes, spoke in support of said item. He stated that the energy and water efficiency recommendations would help control peak demand and keep low utility rates in San Antonio. He noted that he was also concerned with affordable housing but the benefits outweighed initial costs.

Tenna Florian, American Institute of Architects (AIA) and US Green Building Council (USGBC) spoke in support of said item. She stated that the Local AIA Board strongly endorsed the ordinance to conserve energy and water resources for the city. She requested that a Stakeholder Sustainable Committee be formed to ensure that feasible yet more stringent energy efficiency standards are enforced to achieve the goal of being carbon neutral by 2030.

Marcello Martinecz, AIA, spoke in support of the Task Force recommendations. He stated that a Stakeholder Sustainable Committee should be established quickly to effectively introduce new concepts to strengthen and meet energy sustainability goals. He noted that next steps should focus on the existing building stock, as they are the major source of energy and water use.

Kathy Doran, CPS Energy, stated that she and Steve Bartley had served on the Task Force and that CPS Energy was in full support of the recommendations. She noted that the ordinance would help the city become more energy efficient and sustainable. She explained that the ordinance was written so that builders and developers could meet energy savings in a number of ways as long as they met the goal of efficiency levels.

Bill Barker, Solar San Antonio stated that he had served on the Task Force and spoke in support of the recommendations. He reported that various studies had been conducted and results indicated that solar would be the dominant form of power in the world by the end of the century.

Rebecca Bruce, AIA and USGBC spoke in support of the Task Force recommendations. She recognized SAWS for their water conservation efforts and incentives.

David Matiella, AIA and USGBC spoke in support of said item. He stated that the recommended incentives should be timely implemented to empower citizens and private entities to take responsibility for their actions. He noted that the Green Leadership Awards would help educate the public and reward and recognize energy conservation leaders. He stressed the cost savings that individuals would receive and the importance of LEED Certification.

Heather De Grella, USGBC, stated that the Central Texas Balcones Chapter of the USGBC fully supported the recommendations of the Task Force. She noted that the new high performance Building Code suggested increasing performance standards for energy usage and providing incentives for those reaching higher voluntary efficiency levels. She explained that the recommendations were incremental and supported the mission of the Local USGBC Chapter. She requested that the Stakeholder Sustainable Committee be formed quickly and include representatives from the various building sectors.

Bahman Yazdani, Associate Director of the Energy Systems Laboratory at Texas A&M University spoke in support of said item. He stated that water conservation efforts were critical and that waste water treatment had the greatest impact. He reported that the measures were cost effective and were being considered in the Texas Senate and House of Representatives. He noted that due to energy efficiencies, the impact to air quality would be reduced.

Ms. Vacek read written testimony from Cesar Garcia, Project Manager at MDN Architects. Mr. Garcia wrote that through the approval of said item, the City was putting its people first with a plan that would produce results in the coming years by providing better air quality, lowering emissions, and reducing energy consumption. He wrote that the City's Architectural Community had worked in other cities throughout the country that thrived with plans similar to that of Mission Verde and thanked Mayor Hardberger for his vision for the future of the city. He also wrote that Mission Verde would save precious resources such as water and energy by promoting alternative energy resources that will stimulate the economy by providing green jobs.

Councilmember Cortez thanked Mayor Hardberger and the Task Force Members for their efforts. He stressed the importance of saving water and energy and the need to reward efficiency. Councilmember Rowe stated that he was pleased to serve on the Task Force and noted that the recommendations were supportive of Mission Verde. He stressed the importance of continuing the broad community representation on the Task Force. Councilmember Cibrian thanked the Mayor and the Task Force for their work. She noted the importance of stakeholder input and incentives and recognized Bob Worth, a Green Builder in the community.

Councilmember Herrera thanked all who served on the Task Force and expressed support. She stated that LEED Certification was important but there should also be other options in the future. Councilmember Rodriguez thanked all who participated on the Task Force and expressed support for the recommendations. He noted that San Antonio had been recognized for green initiatives and spoke of the

importance of revising the building codes. Councilmember Galvan noted that there were upfront costs associated with said efforts but they would be recouped through future cost savings. She expressed support for the Task Force recommendations.

Councilmember Clamp expressed support and highlighted the collaborative effort. He spoke of building and conserving green and the need to conserve water and electricity. He requested that the Committee move forward but keep the rate structures and costs in mind when implementing future initiatives. Councilmember Cisneros thanked the many individuals who participated in said initiative and expressed support. She noted the importance of addressing new buildings but also examining existing buildings for future cost savings. Councilmember Ramos expressed her support for said item.

Councilmember Rowe 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:

**2009-03-12-0180**

Item 5. BRIEFING AND POSSIBLE ACTION ON LEGISLATION FILED IN THE STATE AND FEDERAL LEGISLATIVE SESSIONS AND POTENTIAL AMENDMENTS TO THE CITY'S LEGISLATIVE PROGRAMS.

Carlos Contreras stated that the legislature had been in session for 57 days and that 5,000 bills had been filed to date. He provided an overview of the Military Installation Protection Act bills noting that HB 143 by Representative McClendon had not been scheduled for a committee hearing yet. He stated that Senator Van de Putte's bill included the creation of a regional military sustainability commission of areas surrounding military installations that would possess powers similar to Zoning Commissions. He reported that three bills had been filed regarding Transportation and three bills had also been filed in reference to Graffiti. He stated that Senator Uresti and Representative McClendon would each sponsor a bill on Meet and Confer for Civilian Employees and two bills had been filed regarding Texas A&M University-San Antonio.

Mr. Contreras reported that in relation to the issue of Dangerous Dogs, the Intergovernmental Relations (IGR) Council Committee had recommended the endorsement of Representative Martinez-Fischers' HB 1982 for inclusion in the City's State Legislative Program. He added that the IGR had also recommended that City Council modify the City's current legislative agenda to include an endorsement of SB 1358 by Senator Seliger. This Senate Bill references the elimination of retroactivity for opting out of and then back in of Cost of Living Adjustments (COLA). The IGR also supported new legislation to provide an option for cities that opt out of COLA to provide a 13<sup>th</sup> check. Lastly, the IGR recommended that the City's legislative agenda be modified to exclude the option to leave the Texas Municipal Retirement System (TMRS).

Mr. Contreras presented an overview of the Federal Legislative Plan and noted that FY 2009 Appropriations provided \$410 billion in funding. He reported that the City of San Antonio had secured \$12,565,000 in funding for the following projects: 1) San Antonio River Improvements - \$10 million; 2)

Rittiman/Harry Wurzbach Corridor Improvements - \$950,000; 3) Fort Sam Houston Access - \$427,500; and 4) San Antonio International Airport, Various Airfield Improvements - \$1,187,500. He stated that the FY 2010 Appropriations process was proceeding and the City's earmark requests had been submitted to the San Antonio Congressional Delegation as follows: 1) River Improvements Project (SARA) - \$70 million; 2) Airport Improvements - \$2 million; 3) Rail Safety - \$600,000; 4) SAPD Technology Improvements - \$1.87 million; and 5) Base Development Office - \$600,000.

Jack M. Finger expressed concern with the concept of toll roads and spoke in opposition to the utilization of gas taxes to pay for same. He also spoke against various legislative initiatives including Meet and Confer for Civilian Employees and Dangerous Dogs.

Councilmember Ramos thanked Mr. Contreras for the update and asked that Mr. Vincent Medley, Interim Animal Care Services Director, be included in discussions regarding Dangerous Dogs. Councilmember McNeil asked of the FY 2010 Appropriations deadlines and Meet and Confer. Mr. Contreras stated that the Appropriations deadlines had passed. He reported that Meet and Confer Legislation would be brought back to the Council if specific language was not included as adopted by the Council.

Councilmember Clamp asked of the insurance requirement for Dangerous Dogs and if it was going to be available through a homeowner's policy. Mr. Contreras replied that he would follow up with the insurance requirements and that it did refer to "Dangerous and Vicious Dogs" as defined by the State. Mr. T.C. Broadnax reported that in Fiscal Years 2007 and 2008, 151 cases regarding Dangerous Dogs had been filed.

Councilmember Rodriguez asked that future legislative updates include information on the committees that bills are assigned to. He also asked of a potential tax on aerosol cans related to Graffiti. Mr. Contreras stated that he would provide a bill that regulated same and provided tax on aerosol cans. Additionally, he noted that in relation to Dangerous Dogs, there was a criminal penalty for failure to comply with the statute that required both registration and provision of insurance.

Councilmember Clamp moved to adopt an addendum to the City's Legislative Program to include one legislative initiative concerning the Texas Municipal Retirement System (TMRS) and the ability for municipalities to provide retirees with a thirteenth check; one legislative endorsement concerning the elimination of the TMRS retroactivity of cost of living adjustment; one amendment to the Program eliminating the City's legislative initiative providing for a mechanism to opt out of TMRS; and one legislative endorsement concerning vicious dogs. 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.

The City Clerk read the following:

Item 6. A PUBLIC HEARING REGARDING THE FISCAL YEAR 2009-2010 HUD CONSOLIDATED PLAN BUDGET PROCESS, FOR COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP, THE AMERICAN DREAM DOWNPAYMENT INITIATIVE, EMERGENCY SHELTER GRANT, AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS FUNDING.

Jeanetta Tinsley stated that the purpose of the Public Hearing was to receive citizen input on funding priorities in the FY 2009-2010 Consolidated Annual Action Plan/Budget. She noted that proposed projects and funding would not be presented at this time and that Community Development Block Grant (CDBG) Funds from the Economic Stimulus Package were not included in the process.

Ms. Tinsley reported that Five Entitlement Programs were funded through Housing and Urban Development (HUD): 1) CDBG; 2) HOME Investment Partnership; 3) American Dream Down payment Initiative (ADDI); 4) Emergency Shelter Grant (ESG); and 5) Housing Opportunities for Persons with Aids (HOPWA). She stated that the City had not received notification of the FY 2009-2010 Entitlement Allocations and that fund availability would be adjusted for consistency upon notice from HUD.

She noted that this was the first of two required Public Hearings and the projects proposed for FY 2009-2010 Funding would be presented on May 7, 2009. She added that the FY 2009-2010 Annual HUD Entitlement Programs Budget would be adopted on May 14, 2009.

Anthony Hargrove, Ella Austin Community Center, advocated for funding for the Ella Austin Community Center. He stated that their facility was built in 1921 and was in great need of repair. He reported that their Board of Directors had initiated a Capital Campaign but was still in need of additional funding. He thanked the Council for their support.

Councilmember Galvan asked of funding for nonprofits that build affordable homes. Ms. Tinsley replied that they had not begun to budget for specific projects and that the public hearing was being held to solicit input on funding requests and priorities. She reported that the application process had ended on March 2, 2009. Councilmember McNeil asked if the \$14 million in CDBG Funding included the payment on the HUD I08 Loan and Ms. Tinsley replied that it did. Councilmember McNeil asked when the next Public Hearing was scheduled and Ms. Tinsley stated that it would be held on May 7, 2009.

There was no action required for Item 6.

At this time, Mayor Hardberger addressed Item 20.

The City Clerk read the following Ordinance:

**2009-03-12-0193**

Item 20. AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF DRESDEN, SAXONY IN GERMANY CONFIRMING AN ECONOMIC AND CULTURAL ALLIANCE AS A PRECURSOR TO A POTENTIAL SISTER CITIES RELATIONSHIP.

Beth Costello, International Affairs Director, spoke of a recent trip to Dresden, Germany with a delegation led by Mayor Hardberger. She reported that the City of San Antonio would be entering into a two-year agreement with the City of Dresden and that they excelled in many areas that were of interest to San Antonio. She noted that Dresden graduated 25,000 engineers per year compared to 2,000 in San Antonio and spoke of their work in the areas of Cell Regeneration and Art.

Mayor Hardberger recognized Mr. Ben Buecker, Honorary Consul General. Mr. Buecker stated that he had been working to build a relationship with Dresden, Germany for many years. He explained that

Dresden had a high-technology industry and was also a cultural jewel with 12 world-leading museums. He spoke of the many other industries in Dresden including Nanotechnology, Life Science Biotechnology, Engine and Vehicle Construction, and Microelectronics. He complimented the staff for their professionalism and expertise on planning the trip and expressed his support for the partnership.

Councilmember Cortez recognized Mr. Buecker and the International Affairs Department for their efforts on the trip to Dresden, Germany. He noted that a high caliber delegation had been assembled for the trip and spoke of the great experiences they encountered. He explained that Dresden's economy was thriving and spoke of the many opportunities for San Antonio through said partnership. Councilmember Rowe spoke of the great experiences on the trip and noted the many opportunities in the area of Nanotechnology and other High-Tech Industries. Mayor Hardberger stated that it was appropriate that said discussion was taking place noting that the Mission Verde Initiative had been passed earlier that day. He reported that Dresden and Berlin had taken steps toward sustainability and that San Antonio was working to develop a Green Industry. Mayor Hardberger added that Jeremy Rifkin was the Sustainable Energy Advisor to Germany and that San Antonio would utilize Mr. Rifkin's expertise as well. Lastly, he noted that individuals in Germany had expressed an interest in participating in Luminaria which spoke well of San Antonio.

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

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

#### **CONSENT AGENDA: Items 7 - 22**

Consent Agenda Items 7, 13, 14, and 18 were pulled for Individual Consideration. Councilmember Clamp moved to approve the remaining Consent Agenda Items. Councilmember Rowe seconded the motion.

Jack M. Finger spoke in opposition to Item 22 regarding the \$250,000 that the City would be spending for the left turn lane on Evans Road. He also spoke against Item 18 regarding the designation of Dr. Fernando Guerra as the Health Authority to Bexar County.

Ms. Vacek read written testimonies from Mr. Faris Hodge, Jr. For Item 7, he wrote that the contract costs should not be estimates. He wrote that Item 11 was a good grant from the Annie E. Casey Foundation. Regarding Item 18, he wrote that Dr. Fernando Guerra of the Metropolitan Health Department was doing an outstanding job and should receive a \$10,000 bonus. Lastly, he wrote that the Bexar County Sheriff's Office should bring the Gang Unit back to the Downtown Area regarding Item 19.

Councilmember Rowe expressed support for Item 22. Councilmember Cisneros recognized the Annie E. Casey Foundation (Item 11) for the \$25,000 Grant for the City's Office of Financial Empowerment.

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.

**2009-03-12-0182**

Item 8. AN ORDINANCE ACCEPTING THE LOWEST, RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT TO SAN ANTONIO CONSTRUCTORS LTD. IN THE AMOUNT OF \$206,483.72, OF WHICH \$60,057.52 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM (SAWS) FOR THE RECONSTRUCTION OF FLORIDA STREET- HACKBERRY TO OLIVE, AN AUTHORIZED HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 2.

**2009-03-12-0183**

Item 9. AN ORDINANCE AUTHORIZING ISSUANCE OF A JOB ORDER TO ALPHA BUILDING CORPORATION FOR REPAIR AND REHABILITATION OF THE INTERNATIONAL CENTER AT MARKET AND ST. MARY'S STREETS, FOR AN AMOUNT UP TO \$683,110.00.

**2009-03-12-0184**

Item 10. AN ORDINANCE DECLARING A PUBLIC NECESSITY AND AUTHORIZING ACQUISITION BY NEGOTIATION OR CONDEMNATION FOR FAIR MARKET VALUE OF SEVERAL PARCELS OF REAL PROPERTY FOR RECONSTRUCTION AND WIDENING OF WALTERS STREET FROM IH 35 TO FORT SAM HOUSTON FOR \$580,000.00, A 2007-2012 BOND PROJECT, LOCATED IN COUNCIL DISTRICT 2.

**2009-03-12-0185**

Item 11. AN ORDINANCE AUTHORIZING ACCEPTANCE OF A \$25,000.00 GRANT FROM THE ANNIE E. CASEY FOUNDATION FOR THE CITY'S OFFICE OF FINANCIAL EMPOWERMENT AND AUTHORIZING AN IN-KIND MATCH OF STAFF SUPPORT.

**2009-03-12-0186**

Item 12. AN ORDINANCE AUTHORIZING ACCEPTANCE OF ADDITIONAL FUNDS UP TO \$602,000.00 FROM WORKFORCE SOLUTIONS ALAMO AND UP TO \$1,260,000.00 FROM THE TEXAS DEPARTMENT OF FAMILY PROTECTIVE SERVICES FOR THE FY 2009 CHILD CARE SERVICES PROGRAM; AND AUTHORIZING THE USE OF A \$598,000.00 BALANCE FROM FY 2008 CCS FUNDS FOR THE FY 2009 CCS PROGRAM.

Item 15. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- A. APPOINTING VINCENT MARTINEZ (DISTRICT 3) TO THE SAN ANTONIO YOUTH COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- B. APPOINTING PAMELA HERNANDEZ (DISTRICT 5) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE MARCH 11, 2011.
- C. APPOINTING TO THE PUBLIC ART BOARD LEWIS T. TARVER, JR, AND GUILLERMO C. NICOLAS (CATEGORY: VISUAL ARTS REPRESENTATIVES); EDUARDO GARCIA (CATEGORY: ARCHITECTURE AND DESIGN PROFESSIONAL); KENT RUSH (CATEGORY: VISUAL ARTS PROFESSOR); FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE JANUARY 14, 2011 AND APPOINTING ALICE

CARRINGTON FOULTZ (CATEGORY: LOCAL ART AND ARCHITECTURAL HISTORY REPRESENTATIVE); KAUSHALYA SUBRAMANIAM (CATEGORY: COMMUNITY AND/OR NEIGHBORHOOD REPRESENTATIVE); AND PATTY ORTIZ (CATEGORY: VISUAL ARTS REPRESENTATIVE) FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE JANUARY 14, 2012.

**2009-03-12-0189**

Item 16. AN ORDINANCE APPOINTING MR. CHARLES FRANKS (PLACE 8) TO THE REMAINDER OF A TERM TO EXPIRE DECEMBER 31, 2011 AND APPOINTING MS. SUSAN MONAHAN (PLACE 13) FOR THE REMAINDER OF A TERM TO EXPIRE DECEMBER 31, 2011 TO THE WORKFORCE SOLUTIONS-ALAMO BOARD OF DIRECTORS.

**2009-03-12-0190**

Item 17. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *ARGONAUT SOUTHWEST INSURANCE COMPANY V. CITY OF SAN ANTONIO*, PENDING IN THE 408TH JUDICIAL DISTRICT COURT, BEXAR COUNTY FOR THE AMOUNT OF \$200,000.00.

**2009-03-12-0192**

Item 19. AN ORDINANCE AUTHORIZING A THREE-YEAR INTERLOCAL AGREEMENT WITH THE BEXAR COUNTY SHERIFF'S OFFICE TO PROVIDE SERVICE OF PROCESS IN CERTAIN CASES.

**2009-03-12-0194**

Item 21. AN ORDINANCE AUTHORIZING THE RENAMING OF "SOUTH SMITH STREET" TO "GUADALUPE YBARRA STREET" BETWEEN THE CROSS STREETS OF COLIMA STREET AND CHIHUAHUA STREET, AS REQUESTED BY COUNCILWOMAN GALVAN, COUNCIL DISTRICT 5.

**2009-03-12-0195**

Item 22. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT AND ACCEPTING \$161,598.65 FROM HEB FOR DESIGN AND CONSTRUCTION OF A LEFT TURN DECELERATION LANE ON EASTBOUND EVANS ROAD AT U.S. HIGHWAY 281, IN COUNCIL DISTRICT 9.

**[CONSENT ITEMS CONCLUDED]**

**POINT OF PERSONAL PRIVILEGE**

Councilmember Ramos recognized Mr. Ed Burner, President of the Citizen's Police Academy Alumni Association. Mr. Burner spoke of the Paws for Justice Program, a community effort to raise money to supply new single purpose K-9's for the San Antonio Police Department. He thanked the Mayor and Council for their support.

**EXECUTIVE SESSION**

At this time, Mayor Hardberger recessed the Regular Meeting at 12:25 pm to break for lunch and convene 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. Discuss legal issues related to *Dora Rios v. City of San Antonio*, in the 225th Judicial District Court, Bexar County, Cause No. 2008-CI-07318, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 3:15 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

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

The City Clerk read the following Ordinance:

#### **2009-03-12-0181**

Item 7. AN ORDINANCE ACCEPTING THE FOLLOWING BIDS TO PROVIDE THE CITY WITH THE FOLLOWING COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2009 FOR A COMBINED ESTIMATED COST OF \$814,000.00, INCLUDING: (A) MCCOY'S BUILDING SUPPLY AND ALAMO IRON WORKS FOR REINFORCING STEEL & WIRE MESH; (B) BWI-SCHULENBURG AND AMBASSADOR ENTERPRISES GRASS FARM FOR GRASS SEED AND GRASS SOD; (C) **K MARKETING, INC. FOR PROPANE MOTOR FUEL (PULLED)**; AND (D) DEPARTMENT OF INFORMATION RESOURCES FOR FINANCE TECHNICAL STAFFING SERVICES FOR BUSINESS ANALYSTS.

Ms. Vacek reported that Item 7C had been pulled from the agenda by staff in order to exclude letter C during approval of the item.

Councilmember McNeil moved to adopt the proposed Ordinance with the exception of Item 7C. Councilmember Rodriguez seconded the motion.

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

The City Clerk read the following Ordinance:

#### **2009-03-12-0187**

Item 13. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE UPON AWARD TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A JUVENILE ACCOUNTABILITY BLOCK GRANT IN AN AMOUNT UP TO \$38,951.90 FOR THE NEIGHBORHOOD CONFERENCEING COMMITTEE PROGRAM; AND AUTHORIZING THE REQUIRED 10% MATCH IN THE FORM OF IN-KIND STAFF SUPPORT.

Councilmember Rodriguez asked for additional information regarding the Neighborhood Conferencing Committee Program. Mr. Dennis Campa reported that the program had been in existence for nine years and allowed individuals from the community to work with parents and children who have been referred to Municipal Court for a minor offense. He explained that a conference was held with them in which

they discussed resolution skills and developed a behavioral contract for the following six months. Councilmember Rodriguez asked of possible funding cuts and Mr. Campa responded that he was hopeful to receive Stimulus Funds to expand the program. Councilmember Rodriguez thanked Mr. Campa for work on the program and requested a report regarding program outcomes.

Councilmember Rodriguez 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:

**2009-03-12-0188**

Item 14. AN ORDINANCE ACCEPTING A GRANT FOR THE CITY-WIDE TRAFFIC SIGNAL RE-TIMING PROJECT, IN THE AMOUNT OF \$497,500.00 FROM THE SAN ANTONIO-BEXAR COUNTY METROPOLITAN PLANNING ORGANIZATION – UNIFIED PLANNING WORK PROGRAM.

Councilmember Cortez asked if the locations for the Traffic Signal Re-Timing Project had been determined. Mr. Majed Al-Ghafrey stated that said item was part of the Traffic Signal System Modernization (TSSM) Program and that all locations had been identified. He reported that Phase I had been completed. He added that Phase II would be completed in September. Councilmember Cortez spoke of the Sustainable Energy Item that had been passed earlier in the day and the positive impact that the TSSM would have with cars not having to sit idle polluting the environment.

Councilmember Ramos asked of the traffic signals located at Goliad Road and Pecan Valley and Mr. Al-Ghafrey responded that they were included in the TSSM Program. Councilmember Cibrian asked of the signals that intersect with Texas Department of Transportation (TxDOT). Mr. Ghafrey stated that they were working in collaboration with TxDOT and other partner agencies. Councilmember Herrera recognized Mayor Hardberger for his efforts on traffic signal synchronization throughout the city.

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

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

The City Clerk read the following Ordinance:

**2009-03-12-0191**

Item 18. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY AND LOCAL MUNICIPALITIES TO DESIGNATE DR. FERNANDO A. GUERRA, DIRECTOR OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT, AS THEIR HEALTH AUTHORITY.

Councilmember Cortez asked of the responsibilities of the Health Authority designation. Dr. Fernando Guerra stated that it was not a new designation and was a part of his responsibility as the Health

Director. He explained that it was an authority granted by the State that allowed him to establish, maintain, and enforce any number of specific health concerns such as immunization coverage. Councilmember Cortez expressed support and thanked Dr. Guerra for his work. Councilmember Cisneros also expressed support. Councilmember Cibrian expressed her support and thanked Dr. Guerra for his leadership.

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

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

### **Item 23. CITY MANAGER'S REPORT**

Ms. Sheryl Sculley reported on the following:

#### **A. Government Finance Officers Association (GFOA) Budget Award**

The City's Office of Management and Budget received the GFOA's Distinguished Budget Presentation Award. The award is presented to entities that demonstrate a commitment of government and staff to meet the highest principles of Governmental Budgeting.

#### **B. FY 2009 Budget Update**

A report was provided to the City Council that added one month to the 3+9 Report. The report indicated that revenues continue to decline including sales tax, property tax, interest earnings and CPS Energy Revenues. Overall, the FY 2009 Budget remains balanced due to savings from the FY 2008 Budget. The Development Services Fund cannot cover expenses and vacant positions have been eliminated. The Hotel Occupancy Tax Revenues are expected to be below planned amounts for January and February. The Aviation Fund is down by 5% and reductions are being made to offset the decrease in revenues. It was also reported that the City Council had adopted a funding strategy for Stimulus Funds and is available on the City's Main Webpage.

Councilmember Cibrian expressed concern with the FY 2009 Budget and requested that funding not be reduced or slowed in the hiring of San Antonio Police Officers and Fire Fighters. Councilmember Clamp concurred and stressed the importance of Public Safety to the community.

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Cibrian recognized elementary students Zachary Mason and Leon Gambitta who were interning with District 8 during their Spring Break.

Councilmember Cortez recognized Gabriela Noriega, a resident of District 4 and student at St. Mary's University who was in attendance.

Mayor Hardberger recessed the meeting at 4:15 pm and stated that the meeting would resume at 5:15 pm for Ceremonials.

## CEREMONIAL ITEMS

Mayor Hardberger presented a proclamation for the 20<sup>th</sup> Annual San Antonio Senior Games. The Senior Games will be held March 20-29, 2009 and open to adult men and women ages 50 and over. The Senior Games will attract more than 1,200 senior athletes to compete in over 24 sporting events such as tennis, volleyball, bowling, and pickle ball.

Mayor Hardberger presented a proclamation for the 2<sup>nd</sup> Annual *Luminaria: Arts Night in San Antonio* that will be held on March 14, 2009. *Luminaria* is an all-day celebration featuring more than 40 non-profit organizations and several hundred artists and performers. All forms of art including dance, theater, poetry and music are represented at the event. *Luminaria* festivities are free and open to the public and provide residents and visitors an opportunity to revel in the city's unique and innovative culture.

## CITIZENS TO BE HEARD

In the absence of Mayor Pro Tem Ramos, Councilmember Cortez presided over Citizens to be Heard.

Mr. Mark Perez stated that he had presented his concerns numerous times regarding hazardous chemicals at the Tetco Facility where he had been employed. He stated that a co-worker of his had passed away of cancer. He expressed concern that he had not received a response from the City relating to his concerns.

Mr. Nick Calzoncit expressed concern that a group of students from Harlandale had been encouraged to destroy political signs. He noted that in Washington D.C., the City Council had taken over School Districts and things were improving and the City of Dallas was considering the same.

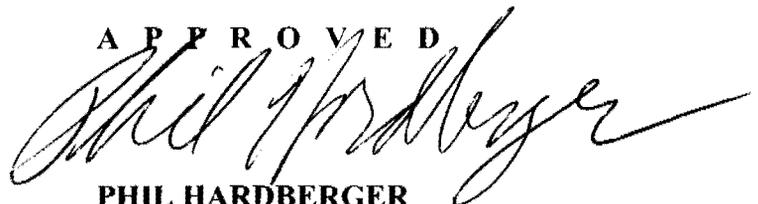
Mr. Faris Hodge, Jr. stated that he would like for the Park Police to receive the same pay as Police Officers. He expressed concern that he had not received a response from the city regarding a request for performance pay allocations. He noted that the Gang Unit should be located in the Downtown Area. He expressed support for Dr. Fernando Guerra and stated that he deserved a \$10,000 bonus. He spoke of Open Records Requests that he had not received a response to regarding the cost of a recent trip to Dresden, Germany. Lastly, he sang a song to the City Council.

Mr. Nazirite Ruben Flores Perez spoke of Jesus, the Kingdom of Heaven, and living a fruitful life.

## ADJOURNMENT

There being no further business to discuss, Councilmember Cortez adjourned the meeting at 6:15 pm.

A P P R O V E D



PHIL HARDBERGER  
MAYOR

Attest:



LETICIA M. VACEK  
City Clerk

20090312  
LV/lvs