

**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, APRIL 29, 2009 AND THURSDAY, APRIL 30, 2009, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **April 29, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** Cortez. It was noted that Councilmember Cortez was out of town on USAF Active Duty.

- 1. BRIEFING AND POSSIBLE ACTION REGARDING EACH OF THE FOLLOWING MATTERS:**
 - A. FY 2009 "SIX PLUS SIX" BUDGET, FINANCE, & PERFORMANCE REPORT, THE CITY'S FY 2009 BUDGET AND FINANCE STATUS FOR THE FIRST SIX MONTHS AND UPDATED ESTIMATES ON REVENUES AND EXPENDITURES FOR THE REMAINING SIX MONTHS AND PERFORMANCE MEASURES THROUGH THE SECOND QUARTER OF FY 2009.**
 - B. FY 2010 THROUGH FY 2014 FIVE YEAR FINANCIAL FORECAST.**
 - C. FY 2009 PROPOSED MID-YEAR BUDGET ADJUSTMENTS.**

Ms. Sheryl Sculley stated that the Budget was balanced and would be balanced throughout September. She noted that revenues were down due to the national recession but San Antonio was less impacted than other cities. Mr. Peter Zanoni reviewed the proactive measures taken by the departments to manage the FY 2009 Budget and outlined the 6+6 Report, Five-Year Financial Forecast, and Mid-Year Budget Adjustments.

Mr. Zanoni presented graphs depicting the decrease of employment in San Antonio and the increase of the unemployment rate in the City. He spoke of San Antonio's decreased number of homes that sold as it compares statewide. He noted that of the General Fund Revenues; the three main sources were: 1) Property Taxes; 2) Sales Taxes; and 3) CPS Revenues. He presented graphs depicting Sales Tax Revenues, Property Tax Revenues, and CPS Revenues noting that the FY 2009 estimates were \$11 million, \$3 million, and \$35 million below budget, respectively.

Mr. Zanoni spoke of the General Fund Expenditures and referenced that Public Safety represented 57% of the Budget. He stated that \$74 million had been generated for the FY 2009 General Fund from the following; 1) Reduced FY 2009 expenditures of \$25.7 million; 2) Transfer from General Fund to Solid Waste Fund of \$3 million; 3) Defer infrastructure improvements of \$16.9 million; 4) Mid-year budget reductions of \$3 million; and 5) Better than anticipated beginning balance of \$21.5 million. He discussed the enhancements that would not be affected by mid-year adjustments that include Streets and Infrastructure, Police Protection/Public Safety, and Fire Service/EMS.

Mr. Zanoni presented the General Fund Five-Year Forecast and noted that \$25.1 million was projected to be available for the beginning of the FY 2010 Budget. He detailed Assumptions in the forecast, Mandates included in the Forecast, and FY 2009 One-Time Enhancements. Ms. Sculley added that stimulus dollars could not be utilized towards current expenditures to offset any deficits. She stated that the Council had requested an additional 117 Police Officers through Stimulus Funds. Mr. Zanoni noted that the FY 2010 adjusted ending balance had a shortfall of \$21.03 million that included the following: 1) Civilian COLA; 2) Police and Fire COLA; 3) Step Pay Plan; and 4) Haven for Hope. He addressed the Mid-Year Budget Adjustments and detailed the recommended reductions to the General Fund by department. He also detailed reductions to the Aviation, Hotel Occupancy Tax, Information and Technology, and Facility Services Funds.

Mr. Zanoni provided updates on the Solid Waste Fund, the Planning and Development Services Enterprise Fund, the Hotel Occupancy Fund, and the Aviation Fund. He noted that the 3½ Year Automated Conversion Schedule for Solid Waste was on time and that staff was projecting a favorable end of year variance. He provided a breakdown of the HOT Funding noting a national trend decrease.

Mr. Zanoni presented performance measures for departments and highlighted next steps including: 1) Mid-Year Budget Adjustment Ordinance on April 30, 2009; 2) FY 2009 Budget Update tentatively scheduled on May 20, 2009; 3) City Council Ballot for Policy Direction on June 10, 2009; 4) Major Policy and Budget Goal Setting Worksession on June 24, 2009; 5) FY 2009 Budget Update on August 5, 2009; and 6) Proposed FY 2010 Budget Presentation on August 13, 2009.

Councilmember Herrera thanked Mr. Zanoni and addressed the shortfall in CPS revenues noting that the Council tended to rely on those revenues annually. She requested clarification on the Animal Care Services reductions and if increased salary projections were included in the forecast. Mr. Zanoni replied that one reduction would be allowing people to bring their own leashes when picking up animals rather than providing them. Ms. Sculley stated that salary increases were not included in the projections. Councilmember Herrera recognized all of the City Management Staff for their leadership and noted the hardships encountered by other cities and states.

Councilmember Cibrian thanked Management and Budget staff for their work. She recognized Ms. Sculley for implementing procedures for frequent policy updates and review of the Budget. She noted the importance of continuing the hiring of Police Officers and Fire Fighters. She stated that additional budget cuts and savings would be necessary for Police Salaries if Stimulus Funds were received.

In response to Councilmember McNeil, Mr. Zanoni replied that Council Action would approve mid-year reductions, resetting the Budget for savings in the General Fund, and deferring \$17 million in One-Time Initiatives. Councilmember Rowe thanked staff for being proactive with the Budget.

Councilmember Clamp thanked staff for their work. He stated that he felt that the proposed changes were a "Level One" action and that the City may want to evaluate the second and third level reductions. He noted that he was in favor of providing employees with a COLA, if possible. Councilmember Ramos noted her concerns with deferred street maintenance. She added that she would like for the Auditor's Office to prolong filling any vacancies. Councilmember Cisneros asked of the seven filled positions that would be eliminated through the reductions. Mr. Zanoni stated that the people who occupy those positions would be transferred to other positions within the City.

Councilmember Galvan stated that she wanted to ensure that there were no reductions in Public Works, employee benefits, or services to the community. She asked how much was being saved through the hiring freeze, eliminating positions, and moving employees to other vacancies. She also requested the amount saved through the health system consolidation. She stated that money was being saved, but it was unclear what was being lost. Ms. Sculley noted that if reductions to the budget were delayed, it would mean more cuts in the future. Councilmember Galvan asked how much was in the Reserve Fund. Mr. Zaroni replied \$80 million or 9%. Councilmember Galvan also requested the amounts spent on events like Fiesta, Diez y Seis, MLK Parade, Luminaria, and Cinco de Mayo.

Mayor Hardberger spoke in favor of the recommended actions. He stated that the budget would be balanced at the end of the year and the new Council would have a \$25 million head start for FY 2010.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the B Session at 5:35 pm to convene in Executive Session for the purpose of:

A. DISCUSS CERTAIN MATTERS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AS PART OF THE BUDGET PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.071 (CONSULTATION WITH ATTORNEY) AND 551.087 (DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS).

Mayor Hardberger reconvened the B Session at 6:12 pm at which time it was noted that the City Council had been briefed on the above-styled matter but took no action. There being no other discussion, Mayor Hardberger adjourned the meeting at 6:12 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **April 30, 2009** at 9:00 am in the City Council Chambers.

Item 1. The Invocation was delivered by Rev. Jean Ann Karn, Pastor, St. John's Methodist Church, guest of Councilmember Justin Rodriguez, District 7.

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, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** Cortez. It was noted that Councilmember Cortez was out of town on USAF Active Duty.

Item 3. MINUTES

Councilmember Clamp made a motion to approve the Minutes for the April 9, 2009 Regular City Council Meeting. Councilmember Rowe 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 Ordinance:

2009-04-30-0311

Item 4. AN ORDINANCE AMENDING THE FY 2009 ANNUAL OPERATING BUDGET TO ADJUST APPROPRIATION LEVELS IN CERTAIN FUNDS BASED UPON MID-YEAR REVENUE AND EXPENDITURE ESTIMATES; IMPLEMENTING THE CITY'S REDUCTION IN FORCE POLICY; AND REVISING PERSONNEL ALLOTMENTS.

Peter Zanoni, Director of the Office of Management and Budget presented the FY 2009 Mid-Year Budget Adjustment with the four recommended actions: 1) Adjust FY 2009 Budget to reflect expenditure savings in 10 identified funds and adjust the Capital Improvement Management Services (CIMS) Fund to reflect recommended additional CIMS staff for Airport Capital Improvements Program; 2) Adjust FY 2009 General Fund and four Other Funds for recommended mid-year reductions; 3) Reduce General Fund CPS Utility Rate Transfer to the Solid Waste Fund to \$3 million; and 4) Defer FY 2009 General Fund one-time funded infrastructure improvements totaling \$15.3 million.

Mr. Zanoni reported that the FY 2009 Adopted Budget was balanced but General Fund Revenues were below the planned budget amount by \$49 million. He stated that through reductions, the FY 2010 beginning balance totaled \$23.5 million. He provided a five-year General Fund Forecast and noted shortfalls in each year through FY 2014.

Mr. Zanoni stated that the FY 2009 Budget would be adjusted to reflect expenditure savings in the amount of \$25.7 million from the following: Non-uniform hiring freeze; Fuel budget savings; Better managed healthcare program; and Other efficiency savings in departmental budgets. He explained that \$3 million would be reduced from the FY 2009 General Fund through staff reductions, service modifications, and line item budget reductions.

Mr. Zanoni noted that the \$3 million transfer to the Solid Waste Fund was possible due to the well-managed operation and lower-than-budgeted fuel and other costs. He reported that the \$15.3 million deferral for one-time infrastructure improvements included \$14 million in contractual street maintenance that would be partially offset by added street work from the \$30 million bond balance programs and \$1.3 million for pavement markings.

Mr. Zanoni reported the following reductions in Other Funds: Airport Fund - \$1.59 million; Hotel Occupancy Tax Fund - \$2.1 million; Employee Benefits Fund - \$7.5 million; Facility Services Fund - \$455K; Solid Waste Fund - \$9.9 million; Storm Water Fund - \$345K; Purchasing Fund - \$6.8 million; and ITSD Fund - \$1.1 million.

Councilmember Cibrian recognized City Staff for the recommendations and stressed the importance of Police Officers and Firefighters in the community. Councilmember Rowe expressed his support for the proactive measures being taken to ensure a balanced budget. Councilmember Galvan expressed concern with the deferral of one-time street maintenance and noted that there were many infrastructure needs in District 5. Councilmember Rodriguez also expressed concern with the deferral of street maintenance and asked of other possible savings.

Councilmember Clamp expressed support for the utilization of CIMS Positions for the Airport Capital Improvements Program and suggested that staff work with the City Council on an alternate street maintenance list. Councilmember McNeil recognized City Staff for their work in identifying budget reductions. She asked of the savings in the FY 2009 Street Maintenance Program. Majed Al-Ghafry reported that some of the savings had been used to resolve Americans with Disabilities Act issues. Councilmember Ramos expressed concern with the selection of streets for deferred maintenance in District 3.

Mayor Hardberger stated that budget cuts were very difficult but necessary. He noted that the City was spending double on street maintenance over the last four years compared to the past. Councilmember Cisneros thanked the Budget Staff for their diligent work.

Councilmember Ramos moved to approve staff recommendations 1, 2, 3 and to exclude recommendation 4 until May 14, 2009. Councilmember Galvan seconded the motion. Councilmember Cibrian made a friendly amendment to have staff bring forward recommendations for deferred street maintenance within two weeks. The friendly amendment was accepted by Councilmembers Ramos and Galvan.

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

The City Clerk read the following Ordinance:

2009-04-30-0312

Item 5. AN ORDINANCE APPOINTING THE CITY INTERNAL AUDITOR.

Councilmember Herrera presented said item and outlined the process utilized for hiring the City Internal Auditor. She recognized Robbie Hammond of the Human Resources Department who provided oversight of the hiring process. Mr. Hammond explained that the City Internal Auditor search had been extensive and included postings on numerous professional association job sites. He noted that many strong applications had been received and that Councilmember Herrera, Manuel Long, Michael Bernard, Martha Sepeda, Leticia Vacek, and Nikki Ramos had interviewed the top five candidates. The top three candidates were interviewed by the City Council in Executive Session.

Councilmember Herrera expressed her support for the selection of Park Pearson as the City Internal Auditor. She recognized Mr. Pearson and asked him to address the Council.

Mr. Pearson thanked the Council for the opportunity to serve as the City Internal Auditor. He spoke of the importance of being independent and objective in said role.

Mayor Hardberger called upon Jack M. Finger to address the Council.

Jack M. Finger expressed concern with the process of hiring the City Internal Auditor. He spoke in opposition to the Highway 281 Super Street (Item 9A).

Councilmember Cibrian spoke of the role of the City Internal Auditor and also noted the importance of being independent. She stated that the work of the City Internal Auditor should be transparent and provide accountability.

Councilmember Clamp recognized Mr. Pearson for his professionalism and positive attitude. He spoke of the importance of the role of the City Internal Auditor and operational improvements. Councilmember Ramos welcomed Mr. Pearson as the City Internal Auditor and expressed her support for the appointment. Councilmember Rodriguez expressed his support for the appointment of Mr. Pearson and thanked him for his work. Councilmember Galvan also expressed support for the appointment of Mr. Pearson as the City Internal Auditor.

Mayor Hardberger recognized Councilmember Herrera, the Audit Committee, and staff for their work on the selection process. He thanked Mr. Pearson for accepting the position and for his work thus far.

Councilmember Herrera moved to adopt the proposed Ordinance appointing Mr. Park Pearson as City Internal Auditor. Councilmember Clamp 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.

At this time, Mayor Hardberger addressed Item 8.

The City Clerk read Item 8:

Item 8. A PUBLIC HEARING ON THE RE-ESTABLISHMENT OF THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT.

Paula Stallcup, Director of Downtown Operations presented said item and stated that the Downtown Public Improvement District (PID) had been created in 1999 for a five-year period and re-established for an additional five-year period in 2004. She noted that the current PID expires September 30, 2009. The purpose of the PID is to supplement services in the Downtown Area to enhance the overall appearance and quality of the downtown environment.

Ms. Stallcup provided an overview of the supplemental services that include street/sidewalk cleaning, landscaping, and visitor information services. She reported that the Downtown Alliance had submitted a petition to the City to re-establish the PID services for five more years. The petition was submitted on April 14, 2009 and represents 53% of the record property owners and 79% of the property value within the PID. She stated that the petition requested that Centro San Antonio Management Corporation continue to manage the delivery of services while the PID boundaries were being expanded. A map of the area was referenced.

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

Ben Brewer, President of the Downtown Alliance spoke in support of the re-establishment of the Downtown PID. He stated that the services were supported by the property owners within the PID boundaries and noted the successful public-private partnership.

Marcie Ince, President of the San Antonio Conservation Society spoke in support of the re-establishment of the Downtown PID and expanded boundaries. She stated that the Conservation Society had been pleased with the success of the PID and that the expenditure was worthwhile. She recognized the Centro Amigos for their dedication and service.

June Reedy spoke in support of the re-establishment of the Downtown PID. She stated that she had lived in the Downtown Area for 16 years and was pleased with the services provided by the Amigos.

Joan Korte stated that she had also been a resident of the Downtown Area for 16 years and was in full support of the re-establishment of the Downtown PID. She noted the importance of the Amigos and their great efforts in keeping the area clean.

Lana Potts spoke in support of the re-establishment of the Downtown PID. She stated that she lived and worked in the Downtown Area and encountered clean sidewalks during her daily walks. She noted that the Downtown PID was even more important to re-establish at this time due to the many Downtown enhancements such as Main Plaza and the River Improvements Project.

Laurence Seiterle spoke in favor of the re-establishment of the Downtown PID. He recognized Mr. Ben Brewer and staff for their work in managing the services provided. He also expressed concern with graffiti in the area.

Diane Coliz, Manager of the Milam Building spoke in support of the re-establishment of the Downtown PID. She noted the cleanliness of the area and many plants that were maintained.

Sergio Ortiz, Managing Director of the St. Anthony Hotel spoke in favor of the re-establishment of the Downtown PID. He stated that San Antonio was emulated by other cities regarding their upkeep of the Downtown Area and noted that the Downtown Area was a key component of the City.

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

Councilmember Cisneros expressed her support for the re-establishment of the Downtown PID. Councilmember Galvan also expressed her support with the extension of the boundaries.

No action was necessary on said item.

At this time, Mayor Hardberger recessed the meeting at 12 noon and stated that the Council would reconvene at 1:30 pm. He also noted that Items A, B and C had been pulled from Executive Session and would not be addressed today.

EXECUTIVE SESSION

- A. 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). **PULLED**
- B. Discuss legal issues related to *Dora Arnold v. City of San Antonio, et al*, Cause No. SA-07-CA-0877-XR, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney). **PULLED**

- C. Discuss legal issues related to meet and confer for non-San Antonio Police Department peace officers pursuant to Texas Government Code Section 551.071 (consultation with attorney).
PULLED

Mayor Hardberger reconvened the Regular Meeting at 1:35 pm and addressed Item 7.

The City Clerk read the following for Item 7:

2009-04-30-0314

Item 7. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE CLOSING WILLOW OAK STREET AT ITS INTERSECTION WITH ROADRUNNER WAY, AND WAIVING THE CUL-DE-SAC REQUIREMENT.

Majed Al-Ghafry stated that the street closure request had been received through the District 8 City Council Office from the Dell Oak Estates Neighborhood. He explained that the road closure would allow access via Willow Oak Street at Ridge Oak Parkway. He noted that several meetings had been held with the neighborhood between the months of February and April. He stated that the Planning Commission had approved the closure with the condition that the dead-end resulting from the closure meets International Fire Code Requirements. He stated that staff recommended approval of the request and installation of bollards at the road closure.

Tim Carrasco and Gina Sandoval addressed the Council in support of the road closure. Mr. Carrasco stated that he had received support for the road closure from 100% of the Willow Oaks Residents. He spoke of the area being overburdened by traffic and the many safety issues. He recognized Councilmember Cibrian and staff for their work on said project.

Tom Orta also thanked Councilmember Cibrian and District 8 Staff for their assistance on the project.

Councilmember Cibrian recognized all that were in attendance for their hard work. She noted the large amount of growth in the area and the need for the street closure.

Councilmember Cibrian moved to adopt the proposed Ordinance. 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.

At this time, Mayor Hardberger addressed Item 6.

The City Clerk read the following for Item 6:

2009-04-30-0313

Item 6. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE CLOSING, VACATING, AND ABANDONING AN UNIMPROVED, 12-FEET WIDE, DEAD-END ALLEY RUNNING PERPENDICULAR TO AND GENERALLY NORTHWARD FROM PEARL PARKWAY BETWEEN BROADWAY STREET AND US HIGHWAY 281 ACCESS ROAD WITHIN NCB 969,

LOCATED IN COUNCIL DISTRICT 2, AS REQUESTED BY THE SAN ANTONIO RETAIL MERCHANTS ASSOCIATION, FOR A FEE OF \$7,092.00.

Mr. George Rodriguez stated that the San Antonio Retail Merchants Association had requested the closure of a public right of way alley located north of Pearl Parkway between Broadway and the Highway 281 North Access Road in District 2. He reported that the petitioner owned all of the abutting properties and that the unimproved alley did not serve vehicular traffic. He added that the City would collect a fee of \$7,092.00 for the closure.

Ms. Vacek read written testimony from Mr. Faris Hodge, Jr. For Item 6, he wrote that Broadway Street should be resurfaced. He wrote in support of the Highway 281 Super Street (Item 9A). He also wrote that the purchases in Items 11, 12, and 14 should be delayed until FY 2010 due to the budget shortfall. He wrote that the restrooms at Farmer's Market should be ADA Compliant (Item 21) and that he was in support of the Health Grant (Item 23).

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

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

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

The City Clerk read the following for Items 9A and 9B:

Item 9. UPDATE AND CONSIDERATION OF THE FOLLOWING MATTERS REGARDING CITY ACTIVITIES RELATED TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009:

2009-04-30-0315

- A. AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE ALAMO REGIONAL MOBILITY AUTHORITY (ARMA) PROVIDING TERMS AND CONDITIONS UNDER WHICH THE CITY SHALL PROVIDE FUNDS IN THE AMOUNT OF UP TO \$480,000.00 TO BE USED IN CONSTRUCTION OF THE HIGHWAY 281 SUPER STREET IN DISTRICT 9; BUDGET ADJUSTING FUNDS AND AUTHORIZING PAYMENT.
- B. BRIEFING ON THE PROGRESS OF THE FUNDING STRATEGY FOR CITY COUNCIL PRIORITIZED FEDERAL ECONOMIC STIMULUS PROJECTS (FUNDING STRATEGY PLAN) INCLUDING THE CITY'S APPLICATIONS FOR FUNDS PROVIDED IN THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (FEDERAL ECONOMIC STIMULUS BILL). BRIEFING WILL ALSO INCLUDE UPDATES ON AGENCY GUIDELINES AND FUNDING AMOUNTS ALLOCATED TO THE CITY FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT.

Peter Zanoni presented Item 9A and stated that it would authorize negotiation and execution of an Interlocal Funding Agreement with the Alamo Regional Mobility Authority (ARMA) and provide terms

and conditions for the construction of the Highway 281 Super Street. It would also adjust the Budget and authorize payment.

Mr. Zaroni reported that seven projects totaling \$17.2 million had been included in the American Recovery and Reinvestment Act (ARRA) Funding Strategy Plan adopted by the City Council on March 5, 2009. He explained that an eighth project, the Highway 281 Super Street Project had been approved by the Metropolitan Planning Organization (MPO) Policy Board at an estimated cost of \$7.8 million. He stated that the Super Street would provide an interim solution to improve traffic flow and safety from Encino Rio to Marshall Road. He noted that it created dedicated, signalized U-turn lanes to increase efficiency and safety and reduce travel times during peak periods by eight minutes from Loop 1604 to Marshall Road.

Mr. Zaroni presented Item 9B and noted that total known and estimated ARRA Funding for San Antonio was \$109.2 million. He stated that \$3.9 million had been allocated for the Housing and Urban Development Community Development Block Grant. He noted that the City had applied for the Byrne Competitive Grant through the Bureau of Justice Assistance in the amount of \$1 million. He reported that the Texas Department of Housing and Community Affairs had received funds from ARRA for the Weatherization Assistance Program and San Antonio would receive \$12.3 million for the weatherization of an estimated 1,400 housing units.

Mr. Zaroni noted that San Antonio had been awarded \$9.4 million for construction of Phase 3 of the Mission Reach Ecosystem Restoration Project. He reported that Mission Espada had received \$103,000 to rehabilitate sewer, septic, and potable water systems. He added that the Solid Waste Department had applied for a competitive grant in the amount of \$3.6 million to support diesel emission reduction programs.

Susan Santos of the St. Vincent de Paul Society requested funding for Homeless Prevention Services. She noted that the St. Vincent de Paul Society had not previously requested City Funds but had been overwhelmed with requests for assistance.

Councilmember Rowe expressed support for the Highway 281 Super Street. He recognized Sam Dawson of Pape Dawson Engineers and Terry Brechtel of ARMA for their work on said project. Councilmember Cibrian also expressed her support and recognized Sam Dawson. Mr. Dawson reported that they had conducted numerous studies on the project. He noted that the concept was utilized in North Carolina and Maryland and would reduce travel times during peak periods by eight minutes.

Councilmember Cibrian asked of the public relations component. Ms. Brechtel stated that they had launched a campaign called "The 4-1-1 on 281" and included a website with pertinent information related to Highway 281. She reported that construction on the Super Street would begin in September and should be completed in March, 2010. Councilmember McNeil expressed support for the project.

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

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

No action was necessary on Item 9B.

CONSENT AGENDA: Items 11 – 39

Consent Agenda Items 15, 16, 17, 18, 21A, 21B, 24, 25B, 28, 30, 31, 35, 38 and 39 were pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

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.

2009-04-30-0316

Item 11. 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 \$598,000.00, INCLUDING: (A) RED MCCOMBS SUPERIOR PONTIAC/GMC FOR LIGHT DUTY GMC TRUCK PARTS AND SERVICE; (B) LEVI POOL FOR VEHICLE WASHING DETERGENT; AND (C) INX, INC. FOR AUDIO VISUAL UPGRADES FOR EMERGENCY OPERATIONS CENTER.

2009-04-30-0317

Item 12. AN ORDINANCE AUTHORIZING A CONTRACT WITH INX, INC., TO PROVIDE THE PUBLIC WORKS DEPARTMENT WITH AUDIO-VISUAL EQUIPMENT TO MONITOR AND TROUBLESHOOT TRAFFIC CONDITIONS REMOTELY FROM THE TRAFFIC MANAGEMENT CENTER, FOR A TOTAL COST OF \$141,390.50.

2009-04-30-0318

Item 13. AN ORDINANCE AUTHORIZING A CONTRACT WITH THE DATALINK CORPORATION TO PROVIDE THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT (ITSD) WITH A DATA DOMAIN DD690 DISK-BASED DATA BACKUP AND RECOVERY SYSTEM, AND ANNUAL MAINTENANCE FOR AN INITIAL ESTIMATED COST OF \$619,850.00 AND \$51,000.00 ANNUALLY THEREAFTER.

2009-04-30-0319

Item 14. AN ORDINANCE ACCEPTING THE BID FROM BROWN SPECIALTY VEHICLES TO PROVIDE THE POLICE DEPARTMENT WITH ONE REPLACEMENT MOBILE CRIME LAB FOR A COST OF \$177,998.00.

2009-04-30-0324

Item 19. AN ORDINANCE AUTHORIZING ACCEPTANCE OF THE DONATION FROM BEXAR COUNTY OF PROPERTY KNOWN GENERALLY AS 531 N. CENTER STREET, LOCATED IN COUNCIL DISTRICT 2.

2009-04-30-0325

Item 20. AN ORDINANCE AUTHORIZING A JOINT USE AGREEMENT WITH LONGHORN INCORPORATED FOR ITS CONSTRUCTION OF A PARKING LOT OVER A PORTION OF A DRAINAGE EASEMENT LOCATED BETWEEN 323 AND 403 W. NAKOMA, COUNCIL DISTRICT 9, FOR \$500.00.

2009-04-30-0328

Item 22. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND ACCEPTANCE OF FUNDS, UPON AWARD, OF A GRANT UP TO \$102,000.00 FROM THE TEXAS EDUCATION AGENCY (TEA) FOR THE CONTINUATION OF THE ENGLISH LITERACY - CIVICS EDUCATION (EL/CIVICS) PROJECT FOR THE PERIOD FROM JULY 1, 2009 THROUGH JUNE 30, 2010.

2009-04-30-0329

Item 23. AN ORDINANCE RATIFYING AN AMENDMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH INCREASES THE TOBACCO COMMUNITY COALITION PROGRAM'S GRANT AWARD FROM \$825,336.00 TO \$1,240,171.00, INCREASES MATCHING FUNDS, AND REVISES THE BUDGET AND PERFORMANCE MEASURES FOR THE PERIOD OF SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2009.

Item 25. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT, OR AS INDICATED BELOW:

- A. APPOINTING MARCOS D. CRUZ, K. GERRIT DINKLA, ARTHUR P. GARCIA, JASON A. RODRIGUEZ, AND ROBERT A. RODRIGUEZ TO THE BOARD OF DIRECTORS FOR THE TAX INCREMENT REINVESTMENT ZONE NUMBER THIRTY-TWO, KNOWN AS MISSION DRIVE-IN, FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE DECEMBER 10, 2010.

- C. APPOINTING LORETTA VAN COPPENOLLE (DISTRICT 8) TO THE CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO COMMENCE JUNE 1, 2009 AND TO EXPIRE MAY 31, 2011.

- D. APPOINTING EDWARD E. JIMENEZ (DISTRICT 3) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 22, 2010.

- E. APPOINTING JOSE A. CALDERON (DISTRICT 1) AND ALVARO D. SAENZ (MAYOR) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR THE REMAINDER OF A TERM OF OFFICE TO EXPIRE MAY 31, 2009.

2009-04-30-0331

Item 27. AN ORDINANCE AUTHORIZING THE SUBMISSION OF NEW PROPOSED NOISE EXPOSURE MAPS AT SAN ANTONIO INTERNATIONAL AIRPORT TO THE FEDERAL AVIATION ADMINISTRATION FOR APPROVAL.

2009-04-30-0333

Item 29. AN ORDINANCE SCHEDULING SPECIAL CITY COUNCIL MEETINGS IN JUNE 2009 AND RESCHEDULING ALL JULY 2009 CITY COUNCIL-RELATED MEETINGS.

2009-04-30-0336

Item 32. AN ORDINANCE AMENDING CITY ORDINANCE NO. 2009-03-19-0215 BY APPROVING THE ADDITION OF AN OVERHEAD CONVERSION PROJECT AT THE INTERSECTION OF BROADWAY AND HILDEBRAND; UTILIZING AN ADDITIONAL \$1.3 MILLION FROM THE CPS ENERGY COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT (CIED) FUNDS FOR THE PROJECT; AND AUTHORIZING THE ALLOCATION OF AN ADDITIONAL \$948,117.00 TO THE CITY'S FY 2009 CIED PROGRAM.

2009-04-30-0337

Item 33. AN ORDINANCE AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$30,100,000.00 "CITY OF SAN ANTONIO, TEXAS TAX NOTES, SERIES 2009", AUTHORIZING A PURCHASE CONTRACT AND INVESTMENT LETTER, LEVYING AN ANNUAL AD VALOREM TAX WITHIN THE LIMITATIONS PRESCRIBED BY LAW FOR PAYMENT OF THE NOTES; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE OF THE NOTES.

2009-04-30-0338

Item 34. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A CONTRACT WITH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) FOR SERVICES FROM ADJACENT TECHNOLOGIES, TO PROVIDE THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH ENTERPRISE CONTENT MANAGEMENT FOR FILENET PROFESSIONAL SERVICES, FOR A TOTAL COST OF \$1,000,000.00.

2009-04-30-0340

Item 36. AN ORDINANCE APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN HARLANDALE INDEPENDENT SCHOOL DISTRICT AND THE CITY OF SAN ANTONIO RELATED TO PUBLIC RECREATION FACILITIES LOCATED IN KINGSBOROUGH PARK AND KINGSBOROUGH MIDDLE SCHOOL IN COUNCIL DISTRICT 3.

2009-04-30-0341

Item 37. AN ORDINANCE AUTHORIZING THE EXECUTION OF TWO (2) AGREEMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, IN AMOUNTS UP TO \$35,206.00 AND \$243,935.00 FOR THE PURCHASE AND INSTALLATION OF TRAFFIC SIGNAL DETECTION EQUIPMENT BY THE CITY OF SAN ANTONIO.

[CONSENT ITEMS CONCLUDED]

At this time, Mayor Hardberger addressed Item 15 and deferred Item 10.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2009-04-30-0320

Item 15. AN ORDINANCE 1) AUTHORIZING AN AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT WITH CLARK/BYRNE AND ACCEPTING A GUARANTEED MAXIMUM PRICE PROPOSAL IN THE AMOUNT OF \$23,768,998.00 FOR THE TERMINAL 1/B CONSOLIDATED BAGGAGE HANDLING FACILITY AND 2) AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH NORTH AMERICAN CONVEYOR

CORPORATION IN THE AMOUNT OF \$1,695,600.00 FOR OVERSIGHT OF THE TERMINAL 1/B CONSOLIDATED BAGGAGE HANDLING FACILITY DESIGN AND INSTALLATION.

At this time, Mayor Hardberger excused himself from the Council Meeting to attend a Press Conference with Governor Perry. Mayor Pro Tem Clamp presided over the meeting.

Councilmember Rowe recused himself on Item 15 by exiting the Council Chambers and noting that he submitted the recusal forms to the City Clerk.

James Hanna spoke in support of the staff recommendation. He stated that the selection process had been conducted fairly and thoroughly.

Jody Swann of Urban Concrete also spoke in support of the staff recommendation. He stated that the bidding process for Airport Projects was fair and he had no complaints.

Kevin Pierce expressed his support for the staff recommendation. He spoke of his past experiences on Airport Projects noting that they were paid in a timely manner and worked in a safe and productive environment.

Parley Dixon spoke in support of the staff recommendation. He stated that the bidding process was straightforward and concise.

Stan Van Meter and Darrin Ramsey of G&T Conveyor Company, Inc. addressed the Council in opposition to the staff recommendation. Mr. Van Meter stated that G&T was American-owned and operated and would provide a better value for the City. He noted that their baggage handling system would reduce costs and save the city over \$250,000 in utility fees. He added that their bid had been turned in on time and asked the Council to award the contract locally or re-bid the project.

Gilbert Alvarez spoke in support of the staff recommendation. He stated that the bid process had been conducted fairly and thoroughly.

James Ansari, Senior VP and General Manager for Clark Construction thanked the Council for the opportunity to work on the project as the Construction Manager at Risk. He explained that G&T Conveyor had not submitted their bid late but there were components of the bid that required further evaluation. He reported that based on price, schedule and value, VanDerLande was the recommended contractor for the Baggage Handling System.

David Robles spoke in support of the staff recommendation and noted that the bid process had been conducted fairly.

Councilmember Galvan asked of the concerns addressed by G&T Conveyor. Mr. Mike Sawaya stated that the process had been fair and consistent and had full confidence in Clark. Councilmember Galvan stated that investment should be made in local companies. Councilmember Ramos expressed concern with the bidding process on said project and other Airport Projects. Ms. Sculley stated that there was not a problem with the bidding process and issues stemmed from unsuccessful bidders. She stated that there was a challenge process that allowed for a review of the bid documents which was exercised in this case.

Councilmember McNeil expressed support and moved to adopt the proposed Ordinance. Councilmember Galvan seconded the motion.

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

The City Clerk read the following Ordinance:

2009-04-30-0339

Item 35. AN ORDINANCE AUTHORIZING THE RENAMING OF THE "MEDALLION NATURAL AREA" TO THE "FAY AND WILLIAM SINKIN NATURAL AREA" LOCATED AT 7711 HIGH MOUNTAIN ROAD IN COUNCIL DISTRICT 8.

Councilmember Cibrian recognized Fay and Bill Sinkin for their many efforts throughout the community. She stated that Fay Sinkin was known as the Queen of Aquifer Protection and understood the importance of protecting the Edwards Aquifer and the recharge zone. She added that Fay Sinkin had been an extraordinary environmentalist and fought for social justice in the community. She added that Bill Sinkin was the founder of Solar San Antonio and had been a champion for renewable energy for over a decade. Additionally, Bill Sinkin was a founder and president of HemisFair and recognized him for his advocacy efforts. She reported that she had received a letter with thousands of signatures in support of the renaming.

Bill Sinkin addressed the Council and stated that he and his family were deeply appreciative of the recognition. He noted the efforts of his wife and thanked the Council for their service.

Loretta Van Coppenolle, Sierra Club Representative spoke in support of said item. She acknowledged the contributions of Bill and Fay Sinkin to enhance the natural and cultural environment of the City.

Councilmember McNeil expressed support for the renaming and recognized Bill and Fay Sinkin for their community efforts.

Mark Ross spoke in support of his cousin, Bill Sinkin. He stated that Bill and Fay Sinkin were fine individuals and worthy of the recognition.

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

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

The City Clerk read the following Ordinance:

2009-04-30-0343

Item 39. AN ORDINANCE AUTHORIZING THE INSTALLATION OF AN HONORARY STREET SIGN TO READ "VIOLA BARRIOS WAY" ALONG A PORTION OF SAN ANGELO BOULEVARD BETWEEN CAPITOL AVENUE AND BLANCO ROAD LOCATED IN COUNCIL DISTRICTS 1 AND 8.

Fernando DeLeon, Assistant Director of Development Services stated that said item would provide an honorary street sign and would not change the name of the street. He noted that it would not impact the addresses of residents. He added that the cost was being shared by Council Districts 1 and 8 and did not have an impact on the General Fund.

Councilmember Cibrian spoke of the many accomplishments of Viola Barrios. She stated that she was a beloved figure throughout the community and had been recognized world-wide. She noted the numerous jobs that Viola Barrios created and the many lives that she touched.

Councilmember Cisneros thanked the family of Viola Barrios for being in attendance and stated that Viola Barrios had touched many lives in the community. Councilmember Rowe recognized Viola Barrios and expressed his support for said item.

Louie Barrios, Son of Viola Barrios thanked the Council for the recognition of his mother. He spoke of her strength and courage in raising three children alone after the death of his father. Diana Barrios, Daughter of Viola Barrios told the story of a man she met who thanked Viola Barrios for feeding him daily when his aunt had no means to feed him. She thanked the Council for the recognition of her mother. A family friend named Terry also spoke to the goodness and legacy of Ms. Viola Barrios.

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

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

The City Clerk read the following Ordinance:

2009-04-30-0334

Item 30. AN ORDINANCE AUTHORIZING A 5-YEAR PROFESSIONAL SERVICES AGREEMENT WITH WELLMED MEDICAL MANAGEMENT, INC. FOR HEALTH SERVICES AT SENIOR MULTI-SERVICE CENTERS IN CITY COUNCIL DISTRICTS 4, 5 AND 10 AND ADDITIONAL CENTERS THROUGHOUT THE CITY WITH ANNUAL PAYMENT FROM WELLMED OF \$100,000.00.

Councilmember Ramos recused herself on Item 30 by exiting the Council Chambers and noting that he submitted the recusal forms to the City Clerk.

Mr. Dennis Campa stated that Wellmed would be providing free risk assessments, screenings, and immunizations for Senior Citizens. He noted that Wellmed would also provide \$100,000 per year to enhance the dance, computer, and fitness classes currently being offered.

Councilmember Galvan recognized Wellmed for their support of Senior Citizens and their partnerships throughout the community.

Bill Connally, Senior VP of Wellmed thanked the Council for their support. He stated that Wellmed intended to change the delivery of health care for Senior Citizens and noted that it was an honor to give

back to the community. He spoke of the excellent public-private partnership and working relationship with the City.

Councilmember Cibrian thanked Wellmed for their efforts and assistance with Leeza's Place at the Bob Ross Senior Center. Councilmember Cisneros expressed support and recognized Wellmed for their efforts with Senior Citizens. Councilmember Clamp also expressed his support for Wellmed.

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

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

The City Clerk read the following Ordinance:

2009-04-30-0335

Item 31. AN ORDINANCE AUTHORIZING A FORTY-YEAR AGREEMENT WITH HAVEN FOR HOPE OF BEXAR COUNTY, INC. TO OPERATE A HUMAN SERVICES CAMPUS FOR THE HOMELESS, WITH TWO (2) TEN (10) YEAR RENEWAL OPTIONS.

Mayor Hardberger re-entered the meeting at this time.

Councilmember Galvan expressed support for said item and requested a status report on Haven for Hope services. Dennis Campa stated that Haven for Hope had already begun providing services. He noted that \$4 million was needed for construction.

Former Councilmember Robert Marbut addressed the Council and stated that the medical detox facility had been operating for almost a year. He noted that vision services were currently being provided and dental services would be offered in the near future. He explained that the next functional area would be opened in October and expected completion was in the Winter.

Bill Greehey addressed the Council and recognized City Staff for their hard work on the Haven for Hope Campus. He thanked the Council for their support.

Councilmember Herrera expressed her support and stated that helping with Haven for Hope had been one of her greatest accomplishments. Councilmember Cibrian recognized Bill Greehey, Robert Marbut, and Mary Rose Brown for their efforts. Mr. Marbut stated that the Haven for Hope Campus would open in phases in an effort to address any issues that might occur. Councilmember Cibrian noted that \$46 million had been raised for Haven for Hope and asked of in-kind donations received. Mr. Marbut reported that some groups had donated services and others provided materials at cost. Mr. Campa recognized the San Antonio Housing Authority for committing 400 housing vouchers at a value of \$24 million to prevent people from becoming homeless.

Councilmember Rowe expressed his support and thanked all that have worked on the project. Councilmember Cisneros also expressed her support for Haven for Hope.

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

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

The City Clerk read the following Ordinances for Items 16, 17, and 18:

2009-04-30-0321

Item 16. AN ORDINANCE AUTHORIZING A CONTRACT AMOUNT REDUCTION TO A PROFESSIONAL SERVICE AGREEMENT WITH 3D/INTERNATIONAL IN THE AMOUNT OF \$591,525.19 FOR THE DELETION OF SERVICES ASSOCIATED WITH THE TERMINAL 1/B CONSOLIDATED BAGGAGE HANDLING FACILITY AT SAN ANTONIO INTERNATIONAL AIRPORT.

2009-04-30-0322

Item 17. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT WITH CLARK/BYRNE AND ACCEPTING A GUARANTEED MAXIMUM PRICE PROPOSAL IN THE AMOUNT OF \$1,583,654.00 FOR THE CENTRAL UTILITY PLANT/ FEDERAL AVIATION ADMINISTRATION CHILLER FOUNDATIONS & SITE UTILITIES PACKAGE AT SAN ANTONIO INTERNATIONAL AIRPORT.

2009-04-30-0323

Item 18. AN ORDINANCE AUTHORIZING A RELEASE AND SETTLEMENT AGREEMENT WITH ARCHER WESTERN CONTRACTORS, LTD. IN THE AMOUNT OF \$2,169,393.00 FOR A CONSTRUCTION DELAY CLAIM ASSOCIATED WITH THE ROADWAY & UTILITIES PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT.

Councilmember Rowe recused himself on Items 16, 17, and 18 by exiting the Council Chambers and noted that he submitted the recusal forms to the City Clerk.

Councilmember Ramos moved to adopt the proposed Ordinances for Items 16, 17 and 18. Councilmember Cisneros seconded the motion.

The motion to approve Items 16, 17, and 18 prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Galvan, Herrera, Rodriguez, Cibrian, and Mayor Hardberger. **NAY:** None. **ABSTAIN:** Rowe. **ABSENT:** Cortez and Clamp.

The City Clerk read the following Ordinances for Items 21A and 21B:

Item 21. CONSIDERATION OF THE FOLLOWING ORDINANCES APPROVING LEASE ASSIGNMENTS AT FARMER'S MARKET:

2009-04-30-0326

- A. AN ORDINANCE APPROVING THE ASSIGNMENT OF A FARMERS MARKET LEASE AGREEMENT FROM ANNA M. WERLAND D/B/A "MERCHANT'S FRUIT COMPANY" TO CARLOS SANDOVAL D/B/A "MERCHANT'S FRUIT COMPANY", FOR THE USE OF APPROXIMATELY 1,145 SQUARE FEET IN FARMERS MARKET AREA NUMBER IL-5.

2009-04-30-0327

- B. AN ORDINANCE APPROVING THE ASSIGNMENT OF A FARMERS MARKET LEASE AGREEMENT FROM ANTONIO AMEZCUA D/B/A "LYRIS IMPORTS" TO MARIA TRINIDAD TRAYLOR D/B/A "JUST TEXAS", FOR THE USE OF APPROXIMATELY 1,327 SQUARE FEET IN FARMERS MARKET AREA NUMBER IL-9.

Councilmember Cisneros recused herself on Items 21A and 21B by exiting the Council Chambers and noted that she submitted the recusal forms to the City Clerk.

Councilmember Herrera moved to adopt the proposed Ordinances for Items 21A and 21B. Councilmember Ramos seconded the motion.

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

The City Clerk read the following Ordinance:

2009-04-30-0330

Item 24. AN ORDINANCE AMENDING CHAPTER 3, ARTICLE II, SECTION 3-19 OF THE CITY CODE OF SAN ANTONIO ENTITLED "AIRPORT POLICE", TO REVISE THE REPORTING STRUCTURE AND ADMINISTRATION OF AIRPORT POLICE OFFICERS AND OPERATIONS.

Chief McManus stated that said item would remove the Aviation Director from the command of the Airport Police. He noted that he had met with the Airport Police Officers and they did not have any issues with the transition.

Jim Caruso, President of the Airport Police Officers Association stated that all was going well with the transition and there were no issues to report. He noted that Chief McManus had maintained an open dialogue with the Airport Police and the Officers were looking forward to the command realignment.

Councilmember Herrera expressed support and recognized Chief McManus for his efforts to ensure a smooth transition.

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

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

The City Clerk read the following for Item 25B:

Item 25. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT, OR AS INDICATED BELOW:

- B. APPOINTING JAMES D. BYRD, CHRISTOPHER T. DERRINGTON, WALTER M. EMBREY III, PETER L. FRENCH, RICHARD E. HARTMAN, MELISSA C. JOHNSON, ABIGAIL R.

KINNISON, DEBORAH G. MARINO, MARISE MCDERMOTT, MICHELE R. ROSS, AND STEVEN SANO TO THE BOARD OF DIRECTORS FOR THE TAX INCREMENT REINVESTMENT ZONE NUMBER THIRTY-ONE, KNOWN AS MIDTOWN, FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE DECEMBER 10, 2010.

Councilmember Cisneros moved to add Glen Huddleston to said board. Councilmember Clamp seconded the motion. Councilmember Rowe made a friendly amendment to also add Lou Fox to said board. Councilmembers Cisneros and Clamp accepted the friendly amendment.

The motion to approve Item 25B as recommended and with the addition of Messrs. Huddleston and Fox prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

The City Clerk read the following Ordinance:

2009-04-30-0332

Item 28. AN ORDINANCE SELECTING HELLMUTH, OBATA & KASSABAUM, LP FOR NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT, IN AN AMOUNT UP TO \$2,726,177.00 FOR PROFESSIONAL PROGRAMMING, MASTER PLANNING, DESIGN, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE PUBLIC SAFETY ANSWER POINT PROJECT, LOCATED CITY-WIDE.

Assistant City Manager Erik Walsh stated that the City's Dispatching Center would be relocated from its current location on the second floor of Police Headquarters. He noted that the contractor would evaluate locations from a public safety standpoint and provide recommendations.

Councilmember Herrera expressed support and moved to adopt the proposed Ordinance. Councilmember Rodriguez 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.

The City Clerk read the following Ordinance:

2009-04-30-0342

Item 38. AN ORDINANCE AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO FURNISH AND INSTALL TRAFFIC SIGNAL EQUIPMENT IN THE AMOUNT OF \$19,890.00 AT SHOLOM DRIVE/VANTAGE HILL, LOCATED IN COUNCIL DISTRICT 8.

Councilmember Cibrian noted that said request had been brought forth by members of the community to ensure public safety. She asked for an overview of the project and funding. Mr. Kent Hickingbottom, Assistant Public Works Director, stated that the City had an existing agreement with the Texas Department of Transportation (TxDOT) to install traffic signal equipment at four locations off Northwest Military. He noted that said item would be added to the agreement and allow for synchronization of the City's and TxDOT's signal systems. He reported that TxDOT would provide the equipment and pay the City to install other amenities. He added that the project was scheduled for completion in September, 2010.

Councilmember Cibrian expressed support and moved to adopt the proposed Ordinance. Councilmember Rodriguez 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.

The City Clerk read the following for Item 10:

Item 10. 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 presented said item and stated that the legislature had been in session for 112 days and over 7,800 bills had been filed to date. In reference to the Military Installation Protection Act, he reported that Senate Bill (SB) 2222 State-wide Applicability had passed the Senate Veterans Affairs and Military Installations and had been placed on the Senate Intent Calendar. Additionally, SB 2223 Local Applicability had also passed the Senate Veterans Affairs and Military Installations Committee. He noted that SB 2100 to grant counties regulatory authority did not pass in the Senate Subcommittee on Base Realignment. He stated that House Bill (HB) 1013 allows the Commissioner's Court of a county to regulate lighting and had passed the House and was referred to Senate Intergovernmental Relations.

Mr. Contreras spoke of the various Transportation Bills and noted that SB 855 was a statewide Local Option Transportation Act. He stated that HB 1674 related to funding for county transportation needs and SB 294 authorized an optional county fee for transportation projects. Regarding the Texas Municipal Retirement System (TMRS), HB 360 that allows TMRS to continue to diversify its investment portfolio passed the House and would be heard in Senate State Affairs.

Mr. Contreras reported that SB 1515 expanded the eligibility and incentives for sporting and non-sporting events and had passed the Senate and the House Committee on Technology/Economic Development/Workforce. In reference to Graffiti, CSHB 1633 was substituted and amended to represent the collective Graffiti Bill. It was noted that it had passed in the House and received in the Senate. HB 3686 regarding Meet and Confer for Civilian Employees was passed favorably in House Urban Affairs on April 21, 2009 and recommended for the local and consent calendar.

Mr. Contreras stated that HB 1363 in regard to the Extension of the Diabetes Pilot Program had passed in the House and was scheduled for a hearing in Senate Health and Human Services. He noted that HB 1362 regarding the Extension of the MRSA (Staph Infections) Pilot Program was passed in the House Public Affairs Committee and set on the House Calendar for May 2, 2009. Additionally, SB 1816, the companion bill, was set to be heard in the Senate Committee on Health and Human Services.

Mr. Contreras reported that in regard to Fire and Police Pension, SB 1628 passed the Senate and was received in the House on April 23, 2009. The companion bill, HB 1554, was passed out of the House Committee on Pensions, Investment, and Financial Services, and sent to the local and consent calendar. Lastly, he stated that HB 873 relating to incentives for film production in Texas had been signed by the Governor on April 24, 2009 and was effective immediately.

Councilmember Ramos asked of SB 2100 and information on how many times Senators and Representatives had tried to grant counties regulatory authority in reference to zoning. Mr. Contreras stated that he would collect that information and provide it to the Council. Councilmember McNeil asked of the Transportation Bills. Mr. Contreras replied that Representative Villarreal's Bill was still pending in the House Committee. Councilmember Cisneros asked of the Motion Picture Production Incentive. Mr. Contreras reported that it was signed by the Governor but funds were not appropriated.

Councilmember Rodriguez requested information on enhancements to a minimum graffiti offense. Councilmember Clamp asked of issues related to the prosecution of graffiti offenses. Mr. Contreras stated that language was not included in the bill but was being addressed through the regulation of the sale of spray paint.

No action was required on said item.

Item 26. REPORT BY CITY CLERK ON OUTSTANDING FINANCIAL DISCLOSURE REPORTS AND VACATED POSITIONS BY BOARD MEMBERS.

The Report was made available to the Council and no action was required on said item.

Item 40. CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

A. Luminaria - Arts Night in San Antonio

Ms. Sculley referred to a slide show of photos as she read statistics about the 2nd Annual Luminaria Event. She made mention of the many positive comments received and that the Dallas Morning News, Kentucky Living, and the Orange County Register had publicized the San Antonio Event. She reported that the website received over 28,000 visits from individuals representing 63 countries. She thanked the Mayor and Council for their support, as well as the staff and artists that participated in the event.

Mayor Hardberger thanked the Councilmembers for their support of Luminaria over the past two years. He stated that the City of San Antonio was fortunate to have so many talented artists.

- B. Update on Innovation and Reform projects – ITEM NOT ADDRESSED**
- C. Walk & Roll to Work Rally – ITEM NOT ADDRESSED**

Mayor Hardberger recessed the meeting at 5:36 pm and noted that the meeting would resume at 6:00 pm for Citizens to be Heard.

Mayor Hardberger reconvened the meeting at 6:00 pm and called upon those citizens registered to speak.

CITIZENS TO BE HEARD

Mike Moore expressed concern that he had not been called to speak on Item 27. He noted that his home had not been included in the Noise Study for the Airport and asked that the boundary be reconsidered.

He stated that he had medical needs and the noise did not allow him to get the amount of sleep he needed.

Mark Perez expressed concern with the flu epidemic and the lack of staff knowledge. He stated that the Texas Commission on Environmental Quality had stalled an investigation on the environmental cleanup at Tetco and he was concerned. He noted that he had contacted various City Staff regarding issues with businesses operating without a Certificate of Occupancy and had not received a response.

Antonio Diaz requested that the Citizens to be Heard portion of the City Council Meeting be televised. He stated that he had spent the previous night in jail due to obstruction of a passageway because he was concerned for the health of a friend that was protesting at the Mexican Consulate. He expressed concern with the way he was treated by San Antonio Police Officers.

Nick Calzoncit stated that he was in support of Antonio Diaz and spoke of Freedom of Speech. He expressed concern with alleged abuse by San Antonio Police Officers and the impact to his health. He requested a meeting with City Officials and Harlandale Representatives.

Diana Ibanz spoke in opposition to more stringent penalties for graffiti offenses by youth. She stated that she had also been arrested the day before and expressed concern with the way she was treated by San Antonio Police Officers.

Mary Jane Martinez expressed concern with the treatment of Rudolfo Macias by San Antonio Police Officers. She stated that he had been dragged from the area and had ended up in the hospital. She noted her concern with the mistreatment of her friends by San Antonio Police Officers.

Elijah Mazuca requested that one block of the Fiesta Parade be designated as a Family Area and that smoking and drinking not be allowed in the area. He spoke of issues he and his family had encountered during the recent parade and asked that the issues be addressed.

Faris Hodge, Jr. spoke of an incident he had encountered with San Antonio Police Officers while protesting at the CPS Energy Building. He expressed concern with the small print of the budget handouts. He stated that he would protest against the Nuclear Power Plant at CPS Energy. He expressed concern with the amount of Police Vehicles purchased. He thanked Councilmember Cibrian for her tree planting efforts.

Oscar Jung expressed concern with the mistreatment he had received by San Antonio Police Officers the previous day. He noted that he had never been in trouble in his life. He stated that his life and his wife's life had been placed in danger due to the encounter with San Antonio Police Officers.

Jack M. Finger spoke of an advertisement by Councilmember Cibrian, who is running for Mayor. He noted that her picture had been superimposed in the mailer.

Rhett Smith expressed concern with the issues that had been addressed regarding the mistreatment of citizens by various San Antonio Police Officers. He spoke of similar issues with San Antonio Police Officers which had occurred at KLRN. He also mentioned liver cancer and expressed concern with environmental issues that were not being addressed.

ADJOURNMENT

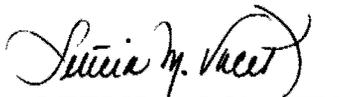
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:36 pm.

A P P R O V E D.



**PHIL HARDBERGER
MAYOR**

Attest:



**LETICIA M. VACEK
City Clerk**