

**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 WERE HELD IN THE MUNICIPAL PLAZA BUILDING, WEDNESDAY, APRIL 28, 2010 AND THURSDAY, APRIL 29, 2010, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **April 28, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT: Cantu.**

1. PRESENTATION ON THE CITY SERVICE BALLOT FOR POLICY DIRECTION

Maria Villagomez, Director of Management and Budget presented said item and stated that the ballot results would be utilized to identify City Council FY 2011 Budget Priorities. She explained that the first step in the process would be to rate City Services and Revenues by indicating the financial resource allocation level for 53 programs and five revenue items. She mentioned that the next step would be to "Create Your Budget for the City" in which the City Council would allocate \$9.85 toward 11 major city service and budget categories, noting that each cent was equivalent to \$770,000. She added that completed ballots were due on May 7, 2010 and that a Budget Goal Setting Session would be held on May 18, 2010 to discuss ballot results and develop consensus.

Councilmember Williams asked of the results of the ballots that the Council had submitted for Social Service/Delegate Agencies. Assistant City Manager Peter Zaroni replied that the results of the ballot for Social Service Agencies would be provided May 18th at the Budget Goal Setting Session. Mayor Castro stated that it would be helpful to receive the results prior to the session. In response to Councilmember Williams, Ms. Villagomez confirmed that there were resources within the City Budget to manage administration of Quality of Life Rate Assistance Programs within the Department of Community Initiatives. She noted that in FY 2009, the city supplemented the program with \$1 million.

Councilmember Cisneros asked of the addition of Police Officers through the ballot. Ms. Sculley replied that this would add to the 50 Police Officers that had been funded by Stimulus Funds. Councilmember Cisneros asked of the Police Officers for the Driving While Intoxicated (DWI) Enforcement Program. Ms. Villagomez stated that \$560,000 in State Grant Funds was received each year and that General Funds were also utilized to address DWI Enforcement. Councilmember Cisneros requested information regarding all grant funding available for all programs. She asked for detail of the creation of a land bank. Ms. Villagomez replied that this was a new category and no funds had previously been allocated.

Councilmember Cisneros expressed support for maintaining the property tax rate and asked if staff recommended that it be increased. Ms. Sculley responded that they had recommended that the property tax rate be decreased for the past three years and that staff would present a Five-Year Financial Forecast on May 12, 2010. She noted that the tax roll would be received on July 31, 2010 and would likely see a decline in revenue. Councilmember Cisneros asked of the total ballot allocation decrease from \$10.00 to \$9.85. Ms. Villagomez stated that the city was anticipating challenges for FY 2011 and same would be utilized to identify these services.

Councilmember Ramos noted that the FY 2011 Budget would be challenging and expressed her support for a cost of living increase for City Employees. She requested the allocation of Hotel Occupancy Tax to the Downtown Operations Department. She asked of the responsibility of the Centro Partnership. Ms. Sculley stated that the Centro Partnership had not yet been created but the City Council had approved a Resolution regarding same. She noted that they would not be responsible for the maintenance of Downtown but would facilitate Downtown Development.

Councilmember Ramos expressed concern with the reduction in service hours at the Community Centers. She requested the percentage of funding for Public Safety over the past five years. She also asked for information regarding other city's use of land banks. She asked if Senior Citizens had been involved in the Comprehensive Senior Center Review. Mr. Zanoni added that staff had spoken with Senior Citizens at 10 Senior Centers to understand the services that were being provided and would gather more input in the next phase. Councilmember Ramos asked of the city's FY 2010 property tax reduction. Ms. Villagomez replied that it was approximately \$900,000.

Councilmember Clamp asked of the remaining funds in the budget in order to complete the ballot. Ms. Sculley replied that the amount would be based on Council priorities. Councilmember Clamp stated that it would be helpful to have that amount prior to submitting the ballot. He expressed support for a cost of living adjustment for City Employees and requested an analysis of the increases that had been provided in previous years. Ms. Sculley reported that for every 1% increase for Civilian Employees, it would cost \$1.5 million. Councilmember Clamp expressed concern that funds were being allocated toward Mission Verde Initiatives when he had been informed that there would not be City Funds allocated toward same. Ms. Sculley stated that various Councilmembers had expressed support for initiatives to support sustainability and that the Office of Environmental Policy was funded by the General Fund.

Councilmember Chan clarified the rating scale that would be utilized for the ballot and confirmed that the programs listed on Page 7 regarding Inner City Development had not been previously funded. She asked of the service of "Environmental policy initiatives/partnerships to increase Green Jobs within the City" under the Mission Verde/Green Initiatives category. She noted that it could be considered an Economic Development Initiative. Ms. Sculley replied that there was some overlap among the services listed and that in order to address same; there should be consistency among the ratings.

Councilmember Taylor requested the tabulation of the ballot that she had submitted for Social Service/Delegate Agencies. She spoke of the connection between Inner City Redevelopment and Green Initiatives. She also stated that it was important to prepare for the future to meet the goals of Mission Verde. Councilmember Medina confirmed the funding allocated for Haven for Hope for FY 2010 and FY 2011. He spoke of concerns that had been expressed with the limited hours of operation at various Community Centers and noted that individuals were in need of these types of services due to the challenging economic conditions. He stated that there was a great need to address graffiti issues throughout the community and to continue to move forward with Mission Verde and Green Initiatives. Mayor Castro thanked staff for the presentation. He stated that although basic services were the top priority, the city provided much more than that.

2. UPDATE ON THE CITY OF SAN ANTONIO'S FEDERAL ECONOMIC STIMULUS FUNDS

Peter Zanoni, Assistant City Manager provided an update on the City's American Recovery and Reinvestment Act (ARRA) Initiatives. He reported that \$169.7 million would be allocated to four categories: 1) Energy Efficiency; 2) Health and Social Services; 3) Public Safety; and 4) Streets and

Infrastructure and that \$118,628,711 would be managed by the City through FY 2013. He provided the timelines for grant spending by project and reported that there were 106.5 Full Time Equivalents (FTE) through March 2010.

Mr. Zaroni stated that 50 Police Officers had been added and that future mandated costs had been identified and built into the City's Five-Year Forecast. He noted that 375 mobile data computers had been purchased for Police Vehicles and were currently being installed. He mentioned that a Police Officer funded by ARRA had confiscated 21.8 kilograms of heroin with an estimated street value of \$2.5 million. He spoke of Fire Stations #50 and #51, noting that the project timelines had been revised due to required environmental assessments.

Mr. Zaroni stated that the US 281/1604 Interchange Improvement Project would utilize \$20 million in Stimulus Funds and was scheduled for completion in February, 2013. He reported that all seven Local Streets Projects are under construction or in the bid process. He mentioned that of 13 CDBG Neighborhood Street and Sidewalk Projects, four had been completed and nine were in progress. He noted that the Airport Security Checked Baggage Inspection System was scheduled for completion in the fall and that early estimates indicated that all funds would not be utilized. He spoke of the Mission Reach River Project Phase 2A, noting that construction began in February and was scheduled for completion in Spring 2011.

Mr. Zaroni outlined the Energy Efficiency Grants received and reported that the Office of Environmental Policy would be responsible for managing five grants totaling over \$35 million. He stated that 1,798 additional children were being served in day care through the Child Care Services Grant. He mentioned that audits would be conducted to monitor the planned ARRA Projects and that four audits had been conducted since November with positive findings.

Mayor Castro thanked staff for the presentation and noted the increase to staff accountability due to Stimulus Funds. Councilmember Williams asked if there had been any additional requirements regarding the Fire Station Projects and of the additional cost of the projects due to receiving Stimulus Funds. Mr. Zaroni replied that they were still in the review process and that there had not been any new requirements. He added that he did not have the information readily available in regard to the cost but would provide same.

Councilmember Chan confirmed that staff hired for Stimulus Funded Programs is informed that positions are temporary. Mr. Zaroni replied that all enrollees and participants in Stimulus Funded Programs are informed that the programs are funded on a temporary basis. In response to Councilmember Chan, Ms. Sculley stated that the demand for childcare has always been greater than the available funding. Councilmember Ramos asked for clarification of the ballot for those programs that have grant funding over multiple years. Ms. Sculley replied that a rating of "3" would maintain current levels. She noted that within the Police Department, it would include the 50 Police Officers added through Stimulus Funds.

Councilmember Medina asked if funds from the "Communities Putting Prevention to Work" Grant could be used to extend the hours of Community Centers. Mr. Zaroni replied that they would look into the possibility. Councilmember Cisneros asked of the Stimulus Funds for the Senior Nutrition Program that would not be available after August, 2010. Mr. Zaroni stated that the city operated a \$5.2 million dollar annual Senior Nutrition Program and the majority of funds were provided through the General Fund. Ms. Sculley noted that if the City Council would like to continue to fund the additional meals provided through the grant, \$250,000 would need to be identified in the FY 2011 Budget.

3. UPDATE ON THE CITY OF SAN ANTONIO'S CONVERSION TO AUTOMATED GARBAGE AND RECYCLING COLLECTION SERVICES

David McCary, Director of the Solid Waste Department stated that the Two-Cart Automated Conversion Project was completed on time and within budget with 340,000 customers converted in 3½ years. He recognized the City Departments and Partner Organizations that participated in the effort. He noted that they had improved the quality of service for customers, maintained alley service, and kept monthly Solid Waste Fees among the lowest in the state. He spoke of the manual collection in which a \$9 million deficit had been projected in the Solid Waste Fund for FY 2007. He mentioned that during that time, there was a high turnover rate and rate of injury.

Mr. McCary outlined the benefits of automation that include improved neighborhood aesthetics, recycling rate increase from 5% to 18%, and diversion of 80,000 tons of waste from landfills. He stated that throughout the implementation process, they had conducted community meetings and outreach, as well as Commercial Driver's License (CDL) and skill training to employees. He reported that collection staff had been reduced by 208 positions and there were no layoffs. He added that a highly skilled workforce was providing services in a cleaner and safer environment and there were no injuries related to automation.

Mr. McCary spoke of the increased education to the community and reported that 85% of those that completed the Fall 2007 Survey were satisfied with the automated program. He stated that alley collection had been maintained through the purchase of smaller, semi-automated trucks and were spending \$2 million in FY 2010 to repair alleys. He noted that through sound financial management, they had reduced overhead costs and created a higher skilled workforce.

Mayor Castro commended all for their work on the Automated Conversion Program noting that it was a great undertaking that had been completed on time and budget. He spoke of the green garbage cans that he witnessed while traveling through the Atlanta Airport that sort garbage and recyclables and asked that staff research same. Mr. McCary reported that they collected 96,400 plastic cups, bottles, and recyclables during this year's Night in Old San Antonio (NIOA) Fiesta Event. Councilmember Williams thanked staff for their work and asked of the OSHA Recordable Rate. Mr. McCary stated that they had a zero rate for the automated program. Councilmember Williams asked of the city's revenue for recycled material. Mr. Zanoni stated that the revenue to the city had greatly increased.

Councilmember Lopez asked of minimizing the cost of contaminated recycled material. Mr. McCary stated that they discuss contamination issues with residents and also provide educational material on the proper method for recycling. Ms. Sculley noted that they could charge individuals for contamination but were not recommending doing so at this time. Councilmember Rodriguez thanked staff for their work on maintaining alley collection and requested information regarding the pilot program for multi-family recycling. Mr. McCary stated that they had begun meeting with apartment complexes and were moving forward with the pilot program.

Councilmember Cisneros thanked staff for their work and spoke of the compost training provided by Sandy Redmond to neighborhood groups funded by a grant from the Alamo Area Council of Governments (AACOG). Councilmember Medina commended staff for their community outreach regarding the Automated Conversion Program. He stated that he was pleased that smaller carts were available and asked of recycling at gas stations. Mr. McCary confirmed that staff had implemented recycling at smaller gas stations that did not utilize dumpsters. Councilmember Clamp also thanked

staff for their work. Councilmember Chan recognized staff and asked of collection for gated communities. Mr. McCary replied that they had the option to utilize a private company but could select to receive service from the city. Councilmember Chan requested a list of the gated communities that had opted not to receive city services.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 4:32 pm to convene in Executive Session for the purpose of:

- A. DISCUSS LEGAL ISSUES RELATED TO *DIANA BORJAS, INDIVIDUALLY AND AS NEXT FRIEND OF FABIAN MENDOZA V. CITY OF SAN ANTONIO*, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Castro reconvened the meeting at 4:42 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 further discussion, Mayor Castro adjourned the meeting at 4:42 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **April 29, 2010** at 9:00 am in the City Council Chambers.

ROLL CALL

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** None.

Item 1. The Invocation was delivered by Msgr. Frank Kurzaj, Pastor, St. Paul Catholic Church, guest of Councilmember Justin Rodriguez, District 7.

Item 2. Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.

Item 3. MINUTES

Councilmember Clamp moved to approve the Minutes for the City Council Meeting of April 7, 2010. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

Item 4. MINUTES

Councilmember Clamp moved to approve the Minutes for the City Council Meeting of April 8, 2010. Councilmember Ramos seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

POINT OF PERSONAL PRIVILEGE

Mayor Castro recognized Mayor Hal Baldwin and George Antuna of the City of Schertz for being in attendance and thanked them for their collaboration with the City of San Antonio relative to Item 14.

CONSENT AGENDA ITEMS 5-34

Consent Agenda Items 9, 20, 27, 29, 33A, 33B, 34A, and 34B were pulled for Individual Consideration. It was noted that Item 21 was pulled from the agenda by city staff.

Councilmember Chan moved to approve the remaining Consent Agenda Items. Councilmember Ramos seconded the motion.

Mayor Castro called upon the individuals registered to speak on the Consent Agenda.

Nazirite Ruben Flores Perez spoke in support of the contract with RKA Petroleum Companies, Inc. to provide the city with unleaded gasoline with a maximum 10% ethanol blend (Item 5). He stated that although ethanol was expensive, it was worth the cost. He expressed concern with the Valero Corporation.

Jack M. Finger spoke in opposition to the professional services agreement with Raba-Kistner, Inc. due to their campaign contributions to the Mayor and Councilmembers. He stated that he was against the revitalization programs funded through the agreement with National Development Council (Item 20). He asked that performance measures be established prior to execution of the contract. He expressed concern with the settlement agreement in the amount of \$250,000 due to the negligence of a drunk driver (Item 22). Lastly, he spoke against the expenses related to the 2010 NCAA Women's Final Four Basketball Tournament (Item 23).

Faris Hodge, Jr. submitted written testimony in support of Items 5-18, 22, 23, 25, 26, and 30-33. For Item 21, he wrote in opposition to the Midtown Tax Increment Reinvestment Zone stating that all citizens should have to pay taxes.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** None.

2010-04-29-0343

Item 5. AN ORDINANCE AUTHORIZING A CONTRACT WITH RKA PETROLEUM COMPANIES, INC. TO PROVIDE THE FLEET MAINTENANCE & OPERATIONS DEPARTMENT WITH UNLEADED GASOLINE WITH A MAXIMUM 10% ETHANOL BLEND WHICH WILL PROVIDE FUEL FOR CITY GASOLINE VEHICLES AND EQUIPMENT FOR A PERIOD UP TO SIX MONTHS FOR AN ESTIMATED COST OF \$3,299,010.00.

2010-04-29-0344

Item 6. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$61,775.79 TO THE \$17,838,505.18 CONSTRUCTION CONTRACT WITH TEXAS STERLING CONSTRUCTION FOR THE ZARZAMORA DRAINAGE #83A PROJECT, AN AUTHORIZED HOUSING AND URBAN DEVELOPMENT (HUD) 108, 2005 STORM WATER REVENUE BOND,

AND 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 4.

2010-04-29-0345

Item 7. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$5,506,000.00 TO THE \$25,900,000.00 CONSTRUCTION MANAGER AT RISK CONTRACT WITH TEXAS STERLING CONSTRUCTION, L.P., OF WHICH \$1,006,000.00 WILL BE REIMBURSED BY CPS ENERGY AND \$4,500,000.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FOR THE BULVERDE ROAD (LOOP 1604 TO EVANS) PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICTS 9 AND 10.

2010-04-29-0346

Item 8. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE AMOUNT OF \$300,000.00 TO EACH OF SIX PROFESSIONAL SERVICES AGREEMENTS WITH RABA-KISTNER, INC., ARIAS & ASSOCIATES, INTEGRATED TESTING AND ENGINEERING COMPANY (INTEC), PROFESSIONAL SERVICE INDUSTRIES (PSI), FUGRO CONSULTANTS, INC., AND TERRACON CONSULTANTS, INC. FOR ON-CALL, INDEFINITE DELIVERY CONSTRUCTION MATERIAL TESTING AND PROFESSIONAL GEOTECHNICAL CONSULTING SERVICES, FOR A TOTAL UP TO \$600,000.00 FOR EACH CONTRACT.

2010-04-29-0348

Item 10. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A PORTION OF A 15 FOOT-WIDE ALLEY PUBLIC RIGHT OF WAY LOCATED BETWEEN GAZEL AND ELAND DRIVES ADJACENT TO NCB 10183, IN COUNCIL DISTRICT 1, AS REQUESTED BY THE CITY OF SAN ANTONIO FIRE DEPARTMENT.

2010-04-29-0349

Item 11. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION OF A PERMANENT EASEMENT INTEREST IN PRIVATELY OWNED REAL PROPERTY LOCATED NEAR 1514 W. HUTCHINS PLACE IN NCB 9445 IN COUNCIL DISTRICT 4, FOR THE SAN ANTONIO WATER SYSTEM CENTRAL WATERSHED SEWER RELIEF PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; AND DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION.

Item 12. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO A WOMEN, INFANT AND CHILDREN'S CLINIC AND THE COUNCIL DISTRICT 2 FIELD OFFICE LEASES:

2010-04-29-0350

- A. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EXTENSION OF LEASE AGREEMENT TO AN EXISTING LEASE FROM RITTIMAN PREMIER RETAIL, LTD FOR THE WOMEN INFANT AND CHILDREN'S CLINIC LOCATED AT 1013 RITTIMAN ROAD, IN COUNCIL DISTRICT 2 AT THE RATE OF \$4,552.13 PER MONTH EFFECTIVE APRIL 1, 2010 THROUGH SEPTEMBER 30, 2010.

2010-04-29-0351

- B. AN ORDINANCE AUTHORIZING THE AMENDMENT OF ORDINANCE 2010-01-21-0059 FOR A FIVE YEAR LEASE FROM WARFIELD FOR USE OF 4,500 SQUARE FEET AS A WIC CLINIC, AND 632 SQUARE FEET FOR OFFICE SPACE FOR COUNCIL DISTRICT 2 FIELD OFFICE LOCATED AT 4343 RITTIMAN ROAD, IN

COUNCIL DISTRICT 2, FOR A MONTHLY RENTAL RATE OF \$4,090.00 FOR WIC CLINIC AND \$500.00 FOR COUNCIL DISTRICT 2 FIELD OFFICE AND AUTHORIZING THE CITY TO REIMBURSE THE LANDLORD UTILIZING GRANT FUNDS FOR EXPENSES RELATED TO WIC AREA IMPROVEMENTS.

Item 13. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO LEASES AT A CITY-OWNED BUILDING 703 URBAN LOOP IN COUNCIL DISTRICT 1:

2010-04-29-0352

- A. AN ORDINANCE AUTHORIZING A FORBEARANCE AGREEMENT FOR AN EXISTING LEASE TO TEL WEST AT THE RATE OF \$3,058.94 PER MONTH FOR A TERM THAT WILL EXPIRE DECEMBER 31, 2010.

2010-04-29-0353

- B. AN ORDINANCE AUTHORIZING A NEW LEASE AGREEMENT TO TEL WEST FOR APPROXIMATELY 40 SQUARE FEET AT THE RATE OF \$2,000.00 ANNUALLY FOR A FIVE YEAR TERM THAT WILL COMMENCE JANUARY 1, 2011.

2010-04-29-0354

Item 14. AN ORDINANCE AUTHORIZING AN EXTRATERRITORIAL JURISDICTION AGREEMENT WITH THE CITY OF SCHERTZ FOR THE RELEASE OF APPROXIMATELY 3,486 ACRES FROM THE CITY OF SAN ANTONIO TO SCHERTZ WITH CERTAIN CONDITIONS.

2010-04-29-0355

Item 15. AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES AND THE ACCEPTANCE OF UP TO \$20,000.00 IN ADDITIONAL TITLE V CHS-FEE FOR SERVICE FUNDING EFFECTIVE MARCH 29, 2010 THROUGH THE CURRENT CONTRACT TERM ENDING AUGUST 31, 2010; AND APPROVING A REVISED PROGRAM BUDGET.

2010-04-29-0356

Item 16. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND THE ACCEPTANCE OF UP TO \$200,000.00, UPON AWARD, FROM THE FOOD EMERGENCY RESPONSE NETWORK DIVISION OF THE U.S. DEPARTMENT OF AGRICULTURE, FOOD SAFETY AND INSPECTION SERVICE FOR A TWELVE MONTH PERIOD.

2010-04-29-0357

Item 17. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND ACCEPTANCE OF UP TO \$1,070,968.00 UPON AWARD, FROM THE TEXAS AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY FOR THE REGIONAL AUTO CRIMES TEAM PROJECT; AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE BEXAR COUNTY SHERIFF'S OFFICE RELATED TO THE GRANT APPLICATION; AND APPROVING A CASH MATCH CONTRIBUTION OF \$596,760.00 AND AN IN-KIND MATCH CONTRIBUTION OF \$1,659,583.00.

Item 18. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE

MAY 31, 2011, TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT; OR FOR TERMS AND EFFECTIVENESS AS OTHERWISE INDICATED BELOW:

- A. REAPPOINTING HENRY J. FARIAS (DISTRICT 2, CATEGORY: LAYPERSON) TO THE ELECTRICAL BOARD.
- B. REAPPOINTING CHERYL D. SHAW (DISTRICT 9, CATEGORY: CONSUMER) TO THE TRANSPORTATION ADVISORY BOARD.
- C. REAPPOINTING MARY ANN STUMBERG (DISTRICT 9) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS.

2010-04-29-0358

Item 19. AN ORDINANCE AUTHORIZING THE FINAL TWO YEAR EXTENSION WITH INTERVISTAS CONSULTING, LLC FOR AIR SERVICE DEVELOPMENT CONSULTING SERVICES FOR THE AVIATION DEPARTMENT AND AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT TO INCREASE THE CONTRACT CAPACITY UP TO \$300,000.00 FOR FY 2011 AND UP TO \$200,000.00 FOR FY 2012.

ITEM PULLED FROM AGENDA

Item 21. AN ORDINANCE AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO, SAN ANTONIO RIVER AUTHORITY AND THE MIDTOWN TAX INCREMENT REINVESTMENT ZONE NUMBER 31 BOARD OF DIRECTORS AS APPROVED BY THE TIRZ BOARD OF DIRECTORS.

2010-04-29-0360

Item 22. AN ORDINANCE AUTHORIZING A SETTLEMENT AGREEMENT IN THE LAWSUIT STYLED *DIANA BORJAS, INDIVIDUALLY AND AS NEXT FRIEND OF FABIAN MENDOZA V. CITY OF SAN ANTONIO* FOR THE AMOUNT OF \$250,000.00, AVAILABLE FROM THE SELF-INSURED LIABILITY FUND.

2010-04-29-0361

Item 23. AN ORDINANCE APPROVING A LOCAL CONTRIBUTION FOR ELIGIBLE EXPENSES IN THE AMOUNT OF \$254,871.00 TO THE EVENTS TRUST FUND IN ANTICIPATION OF REIMBURSEMENT IN THE AMOUNT UP TO \$1,847,817.00 RELATED TO THE 2010 NCAA WOMEN'S FINAL FOUR BASKETBALL TOURNAMENT.

2010-04-29-0362

Item 24. AN ORDINANCE AMENDING A UTILITY SERVICE CONTRACT WITH THE SAN ANTONIO WATER SYSTEM FOR CHILLED WATER AND STEAM SERVICE, TO REDUCE THE MONTHLY SURCHARGE PAID BY THE CITY.

2010-04-29-0363

Item 25. AN ORDINANCE AUTHORIZING THE DEFEASANCE OF CERTAIN OF THE CITY'S OUTSTANDING AIRPORT SYSTEM REVENUE BONDS MATURING ON JULY 1, 2010 WITH AVAILABLE AIRPORT SYSTEM FUNDS; AUTHORIZING THE USE OF CERTAIN AIRPORT SYSTEM FUNDS TO ACCOMPLISH SUCH DEFEASANCE; AND AUTHORIZING AN ESCROW AGREEMENT.

2010-04-29-0364

Item 26. AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO AND THE LOWER COLORADO RIVER AUTHORITY (LCRA), A CONSERVATION AND RECLAMATION DISTRICT OF THE STATE OF TEXAS, FOR THE PURPOSES OF COMMUNICATIONS COLLABORATION AND INTEROPERABILITY.

2010-04-29-0366

Item 28. AN ORDINANCE APPROVING THE PRODUCTION OF AN ECONOMIC DEVELOPMENT VIDEO AND AN APPROPRIATION OF UP TO \$250,000.00 FROM THE ECONOMIC DEVELOPMENT INCENTIVE FUND.

2010-04-29-0368

Item 30. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT WITH THE SAN ANTONIO WATER SYSTEM AND AUTHORIZING ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$181,793.75 FOR REIMBURSEMENT TO THE CITY FOR ITS PORTION OF THE COST OF THE BROADWAY CORRIDOR PHASE I, PART II DEVELOPER PARTICIPATION PROJECT, A 2005 STORM WATER REVENUE BOND PROJECT LOCATED IN COUNCIL DISTRICT 2.

2010-04-29-0369

Item 31. AN ORDINANCE AUTHORIZING THE REDEMPTION AND DEFEASANCE OF CERTAIN CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS REVENUE OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.

2010-04-29-0370

Item 32. AN ORDINANCE AUTHORIZING A CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND KGB TEXAS MARKETING/PUBLIC RELATIONS, INC. DBA KGB TEXAS PUBLIC RELATIONS / ADVERTISING IN AN AMOUNT UP TO \$80,000.00 TO DEVELOP AND LAUNCH A BICYCLE AWARENESS AND SAFETY EDUCATION CAMPAIGN.

[CONSENT AGENDA ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-04-29-0347

Item 9. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE AGREEMENT BEGINNING APRIL 1, 2010, THROUGH A MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND THE CITY OF SAN ANTONIO, FOR APPROXIMATELY 41,449 SQUARE FEET AT NO COST IN TERMINAL 1 IN THE SAN ANTONIO INTERNATIONAL AIRPORT.

Councilmember Ramos expressed her support and asked of the possibility of implementing a Customs Area at Stinson Airport. Frank Miller, Aviation Director replied that they were reviewing the option and requirements. Councilmember Ramos asked of the financial requirement. Mr. Miller responded that he was unsure of the cost but that a secure area would need to be established. Councilmember Ramos stated that a Customs Area would attract new business and requested a timeline and strategy for moving forward.

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

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** None.

2010-04-29-0359

Item 20. AN ORDINANCE AUTHORIZING A TECHNICAL SERVICES AGREEMENT WITH THE NATIONAL DEVELOPMENT COUNCIL IN AN AMOUNT UP TO \$141,666.50.

Deputy City Manager Pat DiGiovanni presented a power point relating to the Technical Services Agreement with the National Development Council (NDC). He stated that the NDC was the oldest national non-profit community and economic development organization in the US. It was founded to increase the flow of capital for investment, jobs and community development to underserved areas across the country. He noted that the New Market Tax Credit Program was established in 2000 and provides tax credit incentives to investors for equity investments in certified Community Development Entities that invest in low-income communities.

Mr. DiGiovanni stated that the scope of services would include review and evaluation of projects to determine their eligibility for New Market Tax Credits and other potential funding opportunities. He noted that they would also provide assistance in evaluating the feasibility and suitability for a New Market Tax Credit municipal model program, as well as training for staff, developers and other interested parties. He reported that funds for the initial five-month contract were available in the Center City Development Office Budget and that additional funds for FY 2011 would need to be identified during the budget process.

Councilmember Cisneros expressed her support and asked of the potential projects. Mr. DiGiovanni replied that they were working with the Avenida Guadalupe Association on the Promesa Project and developing a work plan for the NDC. Councilmember Cisneros requested that the Council support funding for the program in the FY 2011 Budget. Mr. DiGiovanni added that the goal was for the city to create its own Community Development Entity in preparation for the next round of allocations.

Councilmember Ramos asked of the deliverables from NDC for the five-month period. Mr. DiGiovanni responded that they would provide technical assistance and training and perform a review of projects that could benefit from New Market Tax Credits. He noted that they would also help the city create a Community Development Entity. Councilmember Ramos expressed her support but noted that it was important to set realistic goals. She recognized Councilmember Cisneros for her work on New Market Tax Credits. Councilmember Clamp also asked of the deliverables of the contract. Mr. DiGiovanni reiterated that they would provide training, technical assistance, and opportunities for the development community to apply for funds. Councilmember Clamp asked of the requirements for projects to receive funding. Mr. DiGiovanni stated that there were qualifiable investments that could be made and included mixed-use development and job creation. Councilmember Clamp requested a map of the eligible areas.

In response to Councilmember Chan, Mr. DiGiovanni clarified that the Community Development Entity would seek investors for projects eligible for the New Market Tax Credits. Mayor Castro requested that specific projects be included in the contract and stated that metrics should be separate from the work plan.

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

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** None.

2010-04-29-0365

Item 27. AN ORDINANCE AUTHORIZING A STATE REPRESENTATION SERVICES AGREEMENT WITH MARC A. RODRIGUEZ, IN AN AMOUNT UP TO \$5,555.00 PER MONTH FOR THE TERM OF MAY 1, 2010 THROUGH SEPTEMBER 30, 2011.

Temporary Acting Councilmember Cantu asked if the additional firms hired in the future would be selected from the current pool of applicants. Carlos Contreras, Intergovernmental Affairs Director (IGR) stated that they would select additional firms based on the City's priorities but would not be limited to those that participated in the Request for Proposal (RFP) process. Councilmember Rodriguez thanked Mr. Contreras and staff for their work. He reported that they were only hiring one team to help identify priorities and had the flexibility to hire additional firms in the future. He noted that Marc Rodriguez was the top choice of the panel and spoke of his experience at the State Level.

Councilmember Ramos also thanked the IGR Staff and noted that all of the lobby teams that had applied could perform well. She stated that Marc Rodriguez scored the highest and spoke of his extensive resume. She noted that she understood the challenges with the State Budget and the importance of focusing on the city's agenda. She added that she did not want to burden the residents with additional fees and should work diligently in securing funds for the city. Mr. Contreras recognized Marc Rodriguez who was in attendance.

Councilmember Clamp spoke of the deliverables that would be provided during the off-season and stated that he was pleased that there was a good plan in place. Mayor Castro noted this was a thorough process and thanked Mr. Contreras for his work. He added that it was important for the city to be well-represented and looked forward to working with Mr. Rodriguez.

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

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** None.

2010-04-29-0367

Item 29. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT WITH VIA METROPOLITAN TRANSIT IN AN AMOUNT UP TO \$100,000.00 FOR MODIFICATIONS TO BUS STOP LOCATIONS TO IMPROVE ACCESSIBILITY.

Councilmember Taylor asked if the sites had been selected and the criteria that was utilized. Majed Al-Ghafry explained that they provided information on the Street Maintenance and Sidewalk Program to VIA Metropolitan. Based on the information, VIA reviews the sites and identifies areas in which contractors will be working. He noted that they also looked for sites with priorities for ridership, connectivity, and sidewalks. He mentioned that it was a pilot program and 20 sites had been selected for this year. Councilmember Taylor requested the list of sites and asked that Neighborhood Plans be utilized when planning for the future.

In response to Councilmember Cisneros, Mr. Al-Ghafry added that it was a one-year pilot program and would work to extend the partnership in the future. He noted that the Americans with Disabilities Act (ADA) requirements were included in the funding. Councilmember Medina also requested the list of selected sites. Mr. Al-Ghafry stated that he would provide the list to the entire City Council.

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

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** None.

Item 33. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE SALADO CREEK HIKE AND BIKE PHASE I PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT (LAM) PROJECT LOCATED IN COUNCIL DISTRICT 2 AND FUNDED BY METROPOLITAN PLANNING ORGANIZATION (MPO), THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA), AND CERTIFICATES OF OBLIGATION:

Item 33B was addressed first. Councilmember Chan recused herself on Item 33B by exiting the Council Chambers and noting that she submitted the recusal form to the City Clerk.

2010-04-29-0372

B. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$222,000.00 TO THE \$5,541,413.00 PROFESSIONAL SERVICES CONTRACT WITH CH2M HILL FOR CONSTRUCTION PROGRAM MANAGEMENT SERVICES.

Councilmember Taylor asked of the reason for the increase. Mike Frisbie, CIMS Director stated that CH2M Hill was the Program Manager for federally funded projects and their role was to provide inspection services during construction and ensure that the required paperwork was accurately completed. He noted that they have an on-going contract with the city and the contract amount is increased when a project is added. Mayor Castro asked of the services being provided by CH2M Hill. Mr. Frisbie stated that they provide inspections, complete required paperwork for federally funded projects, and provide a great amount of coordination. He added that the fees for services were negotiated for each project.

Councilmember Taylor moved to adopt the proposed Ordinance for Item 33B. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Clamp, and Mayor Castro. **NAYS:** None. **ABSTAIN:** Chan.

Item 33A was addressed at this time.

2010-04-29-0371

A. AN ORDINANCE ACCEPTING THE ARRA FUNDS, ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,301,989.90 PAYABLE TO JOURNEYMAN CONSTRUCTION, OF WHICH \$200,000.00 WILL BE REIMBURSED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT, \$881,591.92 WILL BE REIMBURSED BY THE TEXAS

DEPARTMENT OF TRANSPORTATION, AND \$220,397.98 WILL BE PAID WITH CERTIFICATES OF OBLIGATION.

Councilmember Taylor requested an update on the project since it has been delayed. Mr. Frisbie stated that they had encountered environmental issues and that construction would begin in June. He noted that the hike and bike trail would encompass the area from Comanche Park up to Willow Springs Golf Course and that it also connects to the Salado Creek Phase II Project. He added that it was scheduled for completion in May, 2011.

Temporary Acting Councilmember Cantu mentioned that she had received a number of calls regarding the Zarzamora Drainage Project in Item 6 and took the opportunity to request a timeline. Mr. Frisbie replied that he would provide one.

Councilmember Taylor moved to adopt the proposed Ordinance for Item 33A. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** None.

Item 34. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE LOW WATER CROSSING PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT (LAM) PROJECT LOCATED IN COUNCIL DISTRICTS 3, 8, 9 AND 10 AND FUNDED BY FEDERAL FUNDS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) AND STORMWATER OPERATING FUNDS:

2010-04-29-0373

- A. AN ORDINANCE ACCEPTING THE AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS, ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$617,583.69 PAYABLE TO HIGH SIERRA ELECTRONICS, OF WHICH \$549,981.31 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION.

2010-04-29-0374

- B. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE DECREASED AMOUNT OF \$67,602.38 TO THE \$617,583.69 CONSTRUCTION CONTRACT WITH HIGH SIERRA ELECTRONICS FOR A TOTAL CONTRACT AMOUNT OF \$549,981.31.

Councilmember Ramos stated that her question was regarding Item A relative to the low water crossings. She requested a map depicting the area and noted that she was pleased that it was a decreased change order. Mr. Frisbie stated that the lowest bid was higher than the project budget and High Sierra Electronics had negotiated with the city at the lower amount.

Councilmember Ramos moved to adopt the proposed Ordinances for Items 34A and 34B. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** None.

Item 35. CITY MANAGER'S REPORT

A. FEDERAL STIMULUS UPDATE

Ms. Sculley stated that an update on the American Recovery and Reinvestment Act (ARRA) Initiatives had been provided to the City Council at the B Session. She mentioned that the Bexar County Region would be receiving \$933 million and the City of San Antonio would manage \$118 million. She noted that the city funds would be spent over a period of four years.

B. UPDATE ON AUTOMATED GARBAGE/RECYCLING COLLECTION SERVICES

Ms. Sculley reported that an update on the automated Garbage/Recycling Collection Services had also been provided at the B Session. She noted that the program had been completed on time and on budget with 340,000 households converted. She added that 148 automated trucks had been acquired, as well as 12 alley trucks for those neighborhoods that wanted to maintain alley collection. She mentioned that recycling had been greatly increased and that staff would provide a cost/benefit analysis during the budget process.

C. GRAND OPENING OF SPANISH GOVERNOR'S PALACE

Ms. Sculley stated that the Spanish Governor's Palace was scheduled to re-open on Sunday, May 2, 2010. She noted that funding from the 2007 Bond Program had provided for improvements including the installation of a re-roofing system for the building. Additionally, new electrical distribution routed through the floor beneath the existing stone floor that was installed during the 1930 renovation. She added that the Spanish Governor's Palace is a National Historic Landmark and receives more than 30,000 visitors annually.

Mayor Castro stated that he was pleased with the completion of the automated garbage/recycling collection services and also looked forward to the re-opening of the Spanish Governor's Palace.

Item 36. REPORT BY CITY CLERK ON OUTSTANDING FINANCIAL DISCLOSURE REPORTS AND VACATED POSITIONS BY BOARD MEMBERS.

Mrs. Vacek was pleased to report that this was the first year that the Financial Disclosure Report (FDR) for Board and Commission Members was completed on-line. She added that all but three board members (out of more than 700) had submitted their FDRs on-line. She read the names of the three board members that will vacate their positions: Roland Salazar, Jonathan Ashkenaze and Mary Anguiano. She noted that no action was required on said item being that the Ethics Code provides for the automatic removal of members that do not submit their FDRs.

RECESSED

Mayor Castro recessed the meeting at 10:20 am and noted that the Council would reconvene at 11:50 am to address Item 37.

RECONVENED

Mayor Castro reconvened the meeting at 11:55 am and recognized and called upon the appointed Municipal Court Judges: Linda H. Conley, Daniel Guerrero, James Daniel Kassahn, Christine Dauphin Lacy, Robert F. Lipo, Jr., Carla Obledo, Alfredo M. Tavera, and Peter Andrew Zamora.

Item 37. ADMINISTRATION OF OATHS TO MUNICIPAL COURT JUDGES SERVING THE TERM OF MAY 1, 2010 - APRIL 30, 2012.

Mrs. Vacek administered the Oath of Office to appointed Municipal Court Judges Linda H. Conley, Daniel Guerrero, James Daniel Kassahn, Christine Dauphin Lacy, Robert F. Lipo, Jr., Carla Obledo, Alfredo M. Tavera, and Peter Andrew Zamora, who are serving a term effective May 1, 2010 through April 30, 2012.

The Mayor and Councilmembers thanked the Municipal Court Judges for their service and invited all to a luncheon in the mezzanine. Presiding Judge John Bull thanked the City Council for their continued support and noted that it was a great accomplishment that the Judges were being reappointed.

Mayor Castro mentioned that Councilmember Chan would celebrate her 29th Birthday on Monday, May 3rd and wished her a Happy Birthday. He recessed the meeting at 12:05 pm to break for lunch and noted that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Castro reconvened the meeting at 6:00 pm and noted that the City Clerk had a correction to read into the record. Mrs. Vacek stated that relative to Item 6 posted on the agenda, the correct amount should read \$17,983,430.62.

Mayor Castro called upon the individuals registered to speak.

Nazirite Ruben Flores Perez expressed concern with the personal information that must be filed due to his service on the San Antonio River Authority Board of Directors.

Dr. Paul Ruiz addressed the Council and requested that the City Council take action against the anti-immigration legislation recently passed in Arizona. He stated that such laws spawned bigotry and racism and deepened fear and despair. He expressed concern that individual rights would be taken away and family units would be destroyed. He urged the City Council to speak for those without a voice.

Grace Hernandez spoke against the Arizona anti-immigration legislation, stating that it opened the door to violence and discrimination. She provided a copy of an electronic posting promoting racism and recommended that the City Council take action against the legislation.

Victor Ruiz requested that the City Council take action in opposition to the immigration legislation passed in Arizona. He expressed concern for the safety of immigrants and urged them to leave the State of Arizona. He asked the City Council to implement an ordinance stating that San Antonio will not deal with fascist and racist states such as Arizona.

Evangelina Lopez stated that she is a resident of the Hills of Rivermist and lives on Treewell Glen. She expressed concern that Pulte/Centex has not assumed responsibility for the failed retaining wall. She

also noted the lack of response from a Pulte/Centex Representative that promised to meet with the homeowners. She noted that she trusted Pulte/Centex when purchasing her home and deserved respect. She requested that the City Council deny the issuance of a permit for a new retaining wall until the homes are bought back.

Marco Antonio Lopez stated that he was also a resident of the Hills of Rivermist and expressed concern that the new retaining wall would not solve the problems encountered with the initial wall. He noted that he was concerned that the community would be responsible for the maintenance of the new retaining wall. He requested that Pulte/Centex Homes buy back the homes and that the City deny the permit for a new retaining wall.

Charles Cervantes stated that he lives on Trewell Glen in the Hills of Rivermist and noted the many homeowners that could not be present to address their concerns. He spoke of the many issues that they had encountered with Pulte/Centex. He expressed concern with the new retaining wall, noting that the method being utilized did not solve the problem of loose-filled dirt. He suggested that the wall be demolished and rebuilt. He added that it was unfair for the homeowners to pay for maintenance of the new wall. He provided the Council with a letter that was sent from Congressman Ciro Rodriguez to Pulte/Centex CEO Richard Dugas, Jr. asking that the situation be resolved as amicably as possible.

Mark Perez requested that the City Council assist the Pulte/Centex homeowners. He expressed concern with the lack of response to his request for information by the Planning and Development Services Department and City Attorney's Office. He stated that Tetco was violating city ordinances by storing toxic chemicals at 4702 Goldfield. He added that they had installed tanks without proper permits. He mentioned that the storage of hazardous chemicals was required to be located in an I-1 Zoning.

Jose G. Ramos stated that was a resident of Whittier, California and the Founder of "Welcome Home Vietnam Veterans Day." He noted that the city of Whittier had declared March 30th as "Welcome Home Vietnam Veterans Day" and that it recognizes Veterans with the dignity and honor that they deserve. He requested that San Antonio be the first City in Texas to make such a declaration so that others could follow the lead.

Nick Calzoncit invited the City Council to attend a march for immigration reform on Saturday, May 1, 2010. He asked that the actions of the State of Arizona be considered, as there will be brutality and other negative effects to San Antonio. He requested that the city create a department of peace and non-violence and to take action to decrease the drop-out rate at Harlandale ISD.

Faris Hodge, Jr., expressed concern with the correction that was read into the record and stated that he was in support of the proposed city-wide smoking ban. He spoke in opposition to the method that was utilized for filling a temporary City Council vacancy and the recent concerns brought forth regarding the reimbursements requested by Councilmember Ramos. He noted that changes were being made to the Havana Riverwalk Inn and that Pope Benedict asked Catholics not to cast stones. He stated that he was pleased that sobriety tests would now be required in all wrecks for individuals driving city-owned vehicles. He requested that the Central Library be demolished since it was a fire hazard.

Rhett Smith spoke of the march for immigration reform that would be held on Saturday and requested that the City Council take action against the legislation passed in Arizona by hosting forums on immigration. He stated that the situation in Arizona was spiraling out of control and asked that San Antonio set a precedent in opposition to the legislation.

Martin Pulido stated that he was a resident of Houston and spoke of the discrimination and retaliation he has encountered in his hometown and San Antonio due to his bladder problems. He spoke of an incident that occurred at the Greyhound Bus Station in which officers would not let him use the restroom.

John McCaan stated that he was Downtown Resident and spoke in support of strengthening the city's smoking ordinance. He expressed concern with individuals that smoked while waiting at bus stops and requested that the new ordinance prohibit smoking in entrance ways to buildings.

William White stated that he was the District 2 Representative to the Animal Care Services Board and read a statement regarding the proposed spay/neuter adoption facility. He noted that the facility was identified in the Animal Care Strategic Plan and represents a critical component in becoming a No-Kill City. He spoke of the increased adoption and community awareness and education. He mentioned that they were in support of the allocation of \$470,000 previously dedicated to build new kennel facilities to the spay/neuter facility at Brackenridge Park.

ADJOURNMENT

There being no further discussion, Councilmember Rodriguez adjourned the meeting at 6:56 pm.

APPROVED



JULIAN CASTRO
MAYOR

Attest:



LETICIA M. VACEK, TRMC/CMC
City Clerk