

**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, SEPTEMBER 29, 2010 AND THURSDAY, SEPTEMBER 30, 2010, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **September 29, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Lopez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Cortez, Medina, and Rodriguez.

1. BRIEFING ON THE PROPOSED MULTI-FAMILY RECYCLING ORDINANCE AND PLASTIC BAG RECYCLING PROGRAMS.

David McCary stated that the City Council had approved a 10-Year Recycling and Resource Recovery Plan in June 2010 with the goal to ensure that all single-family and multi-family residents have convenient access to recycling programs. Additionally, the Plan will improve recycling opportunities for businesses, as well as recycle or divert 60% of the single-family residential waste stream. He reported that the city provides recycling services to 338,000 residential homes only. He mentioned that an Ordinance regarding the Multi-Family Recycling Program would be presented to the City Council in December. He reported that a Stakeholder Group had been formed to design the Ordinance including the San Antonio Apartment Association, San Antonio Housing Authority, Multi-Family Housing Tenants, and Private Waste Haulers.

Mr. McCary stated that it was less expensive to recycle than to send waste to the landfill. He outlined various strategies to make recycling successful and convenient for residents. He reported that multi-family complex owners and managers would submit a recycling plan to the city that included information on property location, size, and proposed collection service. He mentioned that the plan would be re-submitted every three years or when a change in hauler occurred. He provided a Recycling Plan Timeline, noting that final compliance for all complexes was April 1, 2012. He stated that to incentivize the program, the city would provide 30,000 in-unit apartment containers to multi-family complexes in FY 2011 on a first-come-first-serve basis. He noted that multi-family property owners would be responsible for providing tenants with recycling education material and that the city would assist if necessary. He added that multi-family managers could contract with a waste hauler to transport recyclable material to a materials recovery facility to process or could self-haul the recyclable materials. Lastly, he stated that the department would staff inspectors to ensure compliance and that failure to comply would result in penalties.

Mr. McCary presented information regarding plastic bag recycling in San Antonio, noting that the typical US Household requires as many as 500-600 single-use plastic bags per year. He stated that plastic bags were not accepted in the curbside recycling program and that they represented 9% of the material recorded in the 2010 San Antonio Litter Survey. He mentioned that a community focus group had been organized to identify issues and policy options related to plastic bag use. He outlined the Voluntary Reduction Partnership that would include the City of San Antonio, Keep San Antonio Beautiful, and the Texas Retailers' Association. He noted that area retailers would serve as collection sites and that the program to reduce plastic bag distribution would be implemented in January 2011.

Councilmember Cisneros asked that staff review the plastic bag ban implemented in Oakland, California. Mr. McCary stated that the City of San Antonio was beginning with a voluntary approach and would look into Oakland's plan. Councilmember Cisneros spoke of the importance of collaborating with grocery chains to promote the use of reusable bags and asked of educating youth in schools. Mr. McCary replied that they were meeting with Superintendents to discuss recycling initiatives and plastic bag concerns. He noted that the video that staff was producing would utilize youth and also be shared with the school districts. Councilmember Cisneros asked of the penalty of multi-family complexes that are non-compliant. Mr. McCary replied that staff was looking to work through compliance with the complexes. Councilmember Cisneros requested that staff review the possibility of enforcement in phases such as a warning for the first violation. Ms. Sculley replied that they would review same. Councilmember Cisneros asked of the tax implemented in Washington, DC for use of bags. It was stated that they charged a fee per plastic bag provided.

Councilmember Williams asked of the definition of compliance. Mr. McCary replied that the first step was for a multi-family complex to submit their plan and to begin recycling by their due date. He noted that multi-family complex plans would include signage and education. In response to Councilmember Williams, he confirmed that multi-family complexes would not be in compliance if they chose to only recycle certain things such as paper or cardboard. Councilmember Williams asked of the possibility of implementing recycling by commodity rather than complex size. Ms. Sculley replied that the city's goal was to recycle 60% of the waste stream by 2020 and implementing by commodity would not allow the city to reach the goal.

Councilmember Clamp stated that he was in support of recycling within multi-family complexes through a seamless transition. He asked of the concerns of the San Antonio Apartment Association. Mr. McCary replied that one of the issues was related to space constraints within the complex and that city staff was working to address same. Councilmember Clamp asked of the costs for garbage and recycling collection for multi-family complexes. Mr. McCary stated that Slide 12 provided cost information based on quotes received from several waste haulers. Councilmember Clamp spoke of the importance of coordination with the San Antonio Apartment Association.

Councilmember Lopez concurred with Councilmember Cisneros regarding the importance of involving and educating youth in schools on recycling initiatives. Councilmember Chan spoke of the requirement for multi-family complexes to recycle 10% of waste volume generated on-site. Mr. McCary replied that it was based on 10% of existing garbage. Councilmember Chan asked of the Pay-as-you-Go Initiative referenced in the 10-Year Recycling Plan. Mr. McCary stated that it was an option in which individuals were charged by the amount of garbage that they sent to the landfill. Ms. Sculley added that various initiatives would have to be utilized in order to meet the 60% Recycling Goal by 2020. Mayor Castro stated that he was pleased that the city was moving forward on the Multi-Family Recycling Program. He noted that it was important for staff to work closely with the San Antonio Apartment Association and multi-family tenants on the policy.

2. BRIEFING ON THE 82ND STATE LEGISLATIVE PROGRAM OF THE CITY OF SAN ANTONIO.

Carlos Contreras presented the 2011 State Legislative Program and stated that \$17-20 billion revenue shortfall was projected and 28 Major State Agencies would be sunset. He provided an outline of the

development of the 2011 State Legislative Program noting that the City of San Antonio (COSA) Legislative Program was organized by: 1) COSA Initiatives; 2) Protection of Municipal Interests; 3) Joint Community Initiatives; and 4) Endorsements.

Mr. Contreras stated that COSA Initiatives included the Preservation of Military Missions and deleting the requirement that the city must offer to abate graffiti prior to requiring property owners to do so. He spoke of the amendments to the Texas Municipal Retirement System and Meet and Confer for Civilian Employees that would amend Local Government Code. He outlined the Public Information Act Amendments that would allow the city to recoup costs for responding to "Review Only" requests of emails, as well as the extension of the Diabetes Mellitus Pilot Program. He spoke of the implementation of a Historic Document Preservation Fee to enable the Office of the City Clerk to preserve and archive official city records.

Mr. Contreras reported that the Protection of Municipal Interests would provide for Property Tax Appraisals and Revenue Caps and oppose legislation for unfunded mandates that would result in additional costs to the city and taxpayers. He noted that the city would also oppose the passage of legislation similar to Arizona Senate Bill 1070, and legislation that adversely impacts or limits control of municipally owned utilities. Additionally, legislation would be opposed that limits the city's authority to acquire property through eminent domain and that limits the city's authority to Right of Way access and franchise fee collection. He spoke of the Joint Community Initiatives on Transportation in coordination with Bexar County, VIA Metropolitan, and Brooks City Base.

Mr. Contreras provided an overview of the city's endorsements that include the Preservation of Military Missions and Higher Education Funding for the University of Texas at San Antonio, University of Texas Health Science Center, Texas A&M University San Antonio and Alamo Colleges. He spoke of the support of legislation for Economic Development Initiatives and funding for Haven for Hope. He noted that potential additional items could include an application process for Fire Department Personnel and Land Bank Initiatives. Lastly, he provided dates of interest and next steps in which Bills would be pre-filed by January 11, 2011.

Councilmember Ramos spoke of the great amount of work that had been done on the 2011 State Legislative Program and stated that it was a working document. She stated that she was in support of Meet and Confer for Civilian Employees and Extra Territorial Jurisdiction Zoning Authority within Military Influence Areas. She noted that she was pleased to support funding for Texas A&M San Antonio and looked forward to a successful legislative session. Councilmember Lopez confirmed that city staff had coordinated efforts with Bexar County. Mr. Contreras confirmed same. Councilmember Lopez asked of Graffiti Initiatives. Mr. Contreras replied that the recommendation was to delete the requirement that the city must offer to abate graffiti prior to requiring a property owner to do so, as well increase the penalties for graffiti offenses.

Councilmember Chan asked of Meet and Confer for Civilian Employees. Ms. Sculley replied that it would provide civilian employees with a venue and more organized process for official meetings to discuss issues and address concerns. Councilmember Chan expressed concern with the Sales Price Disclosure of Real Property and asked of the amendments to Open Space Valuation Legislation. Mr. Contreras stated that the city would support amendments to that legislation to close existing loopholes that allow property owners to avoid fair taxation by claiming agricultural exemptions. Councilmember Clamp stated that he had concerns with several of the legislative initiatives and asked that all

Councilmembers be part of the process. Mrs. Vacek stated that Councilmembers could attend the Intergovernmental Relations (IGR) Council Committee Meeting. Councilmember Clamp requested that an additional B Session be held on the City's Legislative Program and that each of the initiatives be voted on individually.

Councilmember Williams stated that this was a large Legislative Agenda and requested that IGR Staff narrow it down as there were some items included that clearly could not be achieved. Councilmember Cisneros asked of the Land Bank. Mr. Contreras replied that staff was working on that item and were not yet prepared to bring forward a recommendation. Councilmember Cisneros asked of Port San Antonio. Mr. Contreras stated that they did not have information on that initiative but anticipated supporting efforts for same. Councilmember Cisneros stated that she was in support of legislation that would provide for an exemption on the inventory used by the Aerospace Companies within Port San Antonio Facilities. She also noted her support for Higher Education Endorsements and the Diabetes Mellitus Pilot Program. Mayor Castro stated that it was important for the City Council to determine priority of the items and asked staff to meet with Council.

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).**
- B. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND RELATED ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.087 (ECONOMIC DEVELOPMENT).**
- C. DISCUSS LEGAL ISSUES RELATED TO *SULEMAN SAYANI AND SEMLINGER INVESTMENTS, LLC V. CITY OF SAN ANTONIO, ET AL*, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Castro announced that the Executive Session items would be addressed at the Regular Meeting on September 30, 2010.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 4:46 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **September 30, 2010** at 9:00 am in the City Council Chambers.

ROLL CALL

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

Item 1. The Invocation was delivered by Rev. Sanford Williams, Associate Pastor, Trinity Church, guest of Councilmember John Clamp, District 10.

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

Item 3. MINUTES

Councilmember Cisneros moved to approve the Minutes for the August 31, 2010 and September 2, 2010 City Council Meetings. Councilmember Cortez seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read Item 4:

Item 4. UPDATE ON THE CITY OF SAN ANTONIO'S FEDERAL ECONOMIC STIMULUS FUNDS.

Carlos Contreras reported that San Antonio had received \$185.5 million in American Reinvestment and Recovery Act (ARRA) Funds and was being spent in the areas of Energy Efficiency; Health and Social Services; Public Safety; and Streets and Infrastructure. He provided an overview of the \$134,415,410 Spending Plan through FY 2013.

Mr. Contreras stated that within Public Safety, the Community Oriented Policing Services Grant provided \$10,345,400 over three years and added 50 Police Officers. He outlined the Byrne Justice Assistance Formula Grant and Assistance to Firefighters Grant that provided Police Vehicles and two new Fire Stations, respectively. He noted that within Streets and Infrastructure, \$20 million would be utilized for the US 281/1604 Interchange Improvements Project and \$5.7 million for the Texas Department of Transportation (TxDOT) Super Street Project from Encino Rio to Marshall Road. He spoke of the TxDOT/Metropolitan Planning Organization (MPO) Local Street Projects in the amount of \$17,200,000 noting locations and deadlines for each of the seven projects. He presented information regarding the Community Development Block Grant (CDBG) and stated that a portion of the funds would be managed by outside agencies.

Mr. Contreras reported that \$9,415,788 was awarded for the Airport Security Checked Baggage Inspection Program and Phase 1 was scheduled for completion in November 2010. He stated that the Energy Efficiency and Conservation Block Grant Award totaled \$12,897,000 and would be used to implement the Community Green Project; Municipal Retrofits; Transportation Enhancements; and Mission Verde Center. He mentioned the Weatherization Assistance Program in the amount of \$12,432,609, a partnership with CPS Energy on the "Casa Verde SA." He reported that 693 households had been weatherized through September 2, 2010 and 476 households were being retrofitted. He outlined the Better Buildings Program within Energy Efficiency in which \$10 million was awarded to assist San Antonio residents and businesses by providing the resources to perform energy retrofits. He spoke of the Clean Cities-Alternative Fuel and Advanced Technology Vehicles Grant in the amount of

\$938,219, noting that staff had accepted bids to provide the City with 47 propane powered light-duty trucks with 23 vehicles already delivered.

Within Health and Social Services, Mr. Contreras stated that the city had received \$15,341,823 for the Child Care Services Grant that was providing services to 2,233 additional children. He reported that 21 playgrounds had been installed or repaired and over 600 child learning computers purchased as a result of the \$3,412,869 awarded for the Head Start Grant. He noted that \$3,124,174 was awarded through the CDBG Grant to support workforce assistance activities with over 3,100 individuals having benefited from the assistance. He outlined the Community Putting Prevention to Work Grant in the amount of \$15,612,353 to increase physical activity and access to healthy foods in order to reduce obesity. Lastly, he stated that the Broadband Technology Opportunities Program Round II Grant had awarded \$1,186,760 to upgrade the Library's IT Infrastructure, expand the Library's WiFi Signal, and increase computer training opportunities.

Mayor Castro recognized Jack M. Finger who had registered to speak on Items 4 and 5.

Mr. Finger expressed concern with the millions of dollars awarded in Stimulus Funding and noted that future generations will pay for the funds. He spoke of various programs that he felt were frivolous and asked if they were really necessary. He referred to the Energy Savings Performance Contract in Item 5 and asked what would occur if Johnson Controls was no longer in business in 15 years.

Councilmember Cisneros thanked city staff for their work and stated that she was pleased with the 50 Police Officers that had been added. She requested information on the number of jobs that had been created or retained in San Antonio by Industry, as well as the Clean Energy Private Sector Jobs that will be created. She also asked of the City Lights Program. Laurence Doxsey, Director of the Office of Environmental Policy replied that they promoted the program door-to-door and that the city's contractor would offer to conduct an immediate audit to calculate facility improvements for a business owner or lessee. He added that they would be provided the opportunity to receive a zero interest loan to implement the needed improvements. Councilmember Cisneros requested that more public outreach be provided in regard to the Stimulus Funding received and the programs that are available. Mayor Castro expressed concern that the spending plan for FY 2010 was not being met and requested that the targets be tracked for FY 2011 to ensure that the city does not get further behind.

No action was required for Item 4.

The City Clerk read Item 5:

Item 5. CONSIDERATION OF THE FOLLOWING RELATED TO ENERGY-SAVING IMPROVEMENTS FOR THE CONVENTION, SPORTS, AND ENTERTAINMENT FACILITIES DEPARTMENT AND THE AVIATION DEPARTMENT:

2010-09-30-0814

- A. AN ORDINANCE AUTHORIZING AN ENERGY SAVINGS PERFORMANCE CONTRACT WITH JOHNSON CONTROLS, INC. AT A TOTAL COST OF \$9,218,085.00 FOR IMPROVEMENTS AT CONVENTION, SPORTS AND ENTERTAINMENT FACILITIES LOCATED IN COUNCIL DISTRICTS 1 AND 2.

2010-09-30-0815

- B. AN ORDINANCE AUTHORIZING AN ENERGY SAVINGS PERFORMANCE CONTRACT WITH JOHNSON CONTROLS, INC. AT A TOTAL COST OF \$3,434,665.33 FOR IMPROVEMENTS AT THE SAN ANTONIO INTERNATIONAL AIRPORT LOCATED IN COUNCIL DISTRICT 9.

2010-09-30-0816

- C. AN ORDINANCE AUTHORIZING A MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT (2010A) WITH PNCEF, LLC DBA PNC EQUIPMENT FINANCE (PNCEF) IN THE AMOUNT OF \$8,780,664.08 TO FINANCE ENERGY SAVING IMPROVEMENTS FOR THE CONVENTION, SPORTS, AND ENTERTAINMENT FACILITIES DEPARTMENT.

2010-09-30-0044R

- D. A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF FUNDS PREVIOUSLY EXPENDED FROM THE PROCEEDS OF THE 2010A MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT ENTERED INTO BETWEEN THE CITY OF SAN ANTONIO AND PNCEF.

2010-09-30-0817

- E. AN ORDINANCE AUTHORIZING A MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT (2010B) WITH PNCEF IN THE AMOUNT OF \$3,211,418.25 TO FINANCE ENERGY SAVING IMPROVEMENTS FOR THE AVIATION DEPARTMENT.

2010-09-30-0045R

- F. A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF FUNDS PREVIOUSLY EXPENDED FROM THE PROCEEDS OF THE 2010B MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT ENTERED INTO BETWEEN THE CITY OF SAN ANTONIO AND PNCEF.

Councilmember Cisneros recused herself from the discussion of Item 5 specifically from Items 5A and 5B by exiting the Council Chambers noting that she had submitted the recusal forms to the City Clerk.

Faris Hodge, Jr. submitted written testimony in favor of Items 5A-5F.

Mike Sawaya, Director of the Convention, Sports, and Entertainment (CSEF) Department stated that a Request for Qualifications (RFQ) for Energy/Utility Reduction Performance Contracting Services had been issued in May 2008. In June 2009, the City Council approved a Professional Services Agreement with Johnson Controls, Inc. (JCI) to perform energy audits of CSEF and Aviation Facilities. He noted that in August 2010, the city issued a Request for Bid (RFB) for equipment lease purchase financing. In September 2010, a required third party review of energy audits was completed. He outlined the facilities evaluated including the Convention Center, Alamodome, SAT Terminal 1, and SAT Fire Station. He spoke of the recommended improvements that include lighting fixtures, sensors, faucet restrictors, and solar thermal window film.

Mr. Sawaya provided a summary of the costs and savings, noting that JCI had guaranteed that the city would achieve a minimum energy consumption estimated at \$22.4 million in gross savings. He stated

that the Measurement and Verification would be paid with utility savings in the department operating budgets and that the term of the contracts and lease purchase agreement was 15 years. He spoke of the environmental impact in which 17.1 million kilowatt hours of electricity and 4.5 million gallons of water would be saved each year. He noted that JCI would provide a minimum one-year warranty on all improvements in addition to the one year manufacturer warranties and installation. He mentioned that JCI's Good Faith Effort Plan included the use of four certified businesses: R&R Enterprises; Sun Industries; Dodd Electric; and Barker & Associates.

Ben Gorzell spoke of the financial component for the improvements, noting that six bids had been submitted in response to the RFB with one being deemed non-responsive. He stated that they had negotiated the Lease/Purchase Agreement with PNCEF, LLC dba PNC Equipment Finance and anticipated closing and delivery of funds on October 5, 2010. He explained that PNC Equipment Finance had produced the lowest combined interest cost to the City for a 15-year term. He added that Frost National Bank would serve as the Escrow Agent and custodian of the funds to be deposited and withdrawn from the Escrow Fund.

Councilmember Cortez asked if any of the four certified businesses listed on Slide 8 were San Antonio firms. Mr. Sawaya confirmed that all with the exception of Sun Industries were local firms. Councilmember Cortez stated that he was pleased that San Antonio firms would be providing services. Mayor Castro stated that this was an important step for San Antonio to achieve energy savings while becoming more environmentally responsible. He added that he was hopeful that this could be replicated in other city facilities in the future.

Councilmember Cortez moved to adopt the proposed Ordinances for Items 5A and 5B. Councilmember Ramos seconded the motion.

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

Councilmember Cortez moved to adopt the proposed Ordinances and approve the Resolutions for Items 5C-5F. Councilmember Ramos seconded the motion.

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

CONSENT AGENDA ITEMS 6-39

Mayor Castro stated that Consent Agenda Items 7, 16, 17, 18, 19A, 19B, 22, 23, and 30 were pulled for Individual Consideration.

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

Mayor Castro called upon Jack M. Finger who had registered to speak under the Consent Agenda. Mayor Castro announced that of the pulled items, Item 30 would be addressed first.

Mr. Finger spoke in opposition to the professional services agreements in Items 22 and 23 due to the campaign finance contributions provided by the companies to the City Council. He expressed concern with the loan application to the State Energy Conservation Office and acceptance of an amount up to \$5 million in Item 34 and asked of the 3% interest cost. He spoke against the budget allocated for the San Antonio Economic Development Corporation in Item 39 and asked of the InCube Project.

Faris Hodge, Jr. submitted written testimony in opposition to Item 6, noting that the city should not establish unit prices. He also wrote in opposition to the purchases in Items 8, 9, and 12. For Item 13, he wrote that the city should install a fire sprinkler system in the Council Chambers. He requested that the Central Library be rebuilt (Item 21) and expressed concern with the cost of the Fire Department Uniforms in Item 35. He wrote in favor of Items 7, 10, 11, 14-20, 22-34, and 36-39.

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

2010-09-30-0818

Item 6. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR ANNUAL GOODS AND SERVICES: (A) ASSOCIATED SUPPLY CO. FOR CASE CONSTRUCTION EQUIPMENT PARTS AND SERVICE; (B) CORTEZ LIQUID WASTE SERVICES, INC. FOR PORTABLE CHEMICAL TOILETS; (C) BRUSH BUSTERS FOR MAINTENANCE OF NATURAL CREEKWAYS; (D) CANTU CONTRACTING INC. AND MALDONADO NURSERY & LANDSCAPING FOR MOWING OF VARIOUS CITY PARKS, MEDIAN, AND OTHER CITY PROPERTY AND (E) ADAMS EVIDENCE GRADE TECHNOLOGY, INC. FOR EVIDENCE GRADE MEDIA.

2010-09-30-0820

Item 8. AN ORDINANCE ACCEPTING THE BID FROM GRANDE TRUCK CENTER TO PROVIDE THE AVIATION DEPARTMENT WITH ONE BOX TRUCK WITH LIFTGATE FOR A TOTAL COST OF \$67,481.00, FUNDED WITH THE AVIATION DEPARTMENT OPERATION AND MAINTENANCE FUND.

2010-09-30-0821

Item 9. AN ORDINANCE ACCEPTING THE BID FROM TROPICAL CONTRACTING, LLC TO PROVIDE THE PARKS AND RECREATION DEPARTMENT WITH THE REPLACEMENT OF 600 LINEAR FEET OF AN EXISTING GAS LINE AT THE BOTANICAL GARDENS FOR A TOTAL COST OF \$57,500.00, FUNDED WITH THE PARKS AND RECREATION OPERATING FUND.

2010-09-30-0822

Item 10. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH THYSSENKRUPP ELEVATOR CORPORATION TO REPLACE THE ELEVATOR FIXTURES AND PUSH BUTTONS ON THE PASSENGER ELEVATORS AT THE CENTRAL LIBRARY FOR A TOTAL COST OF \$96,730.64, FUNDED WITH THE CENTRAL LIBRARY ELEVATOR MODERNIZATION CAPITAL PROJECT FUND.

2010-09-30-0823

Item 11. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH TYMCO, INC. TO PROVIDE THE AVIATION DEPARTMENT WITH ONE STREET SWEEPER FOR A TOTAL COST OF \$109,822.00 FUNDED BY THE AVIATION DEPARTMENT'S OPERATION & MAINTENANCE FUND.

2010-09-30-0824

Item 12. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE COOPERATIVE CONTRACTS WITH FREIGHTLINER OF SAN ANTONIO, LTD., SIDONS FIRE APPARATUS AND PHILPOTT MOTORS TO PROVIDE THE FIRE DEPARTMENT WITH 6 WILDLAND FIRE ENGINE BRUSH TRUCKS FOR A TOTAL COST OF \$878,093.42, FUNDED THROUGH THE FIRE DEPARTMENT'S FY 2010 BUDGET AND THE CITY'S EQUIPMENT RENEWAL & REPLACEMENT FUND.

2010-09-30-0825

Item 13. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH SCHNEIDER ELECTRIC TO UPGRADE THE ELECTRICAL SYSTEM AT THE MUNICIPAL PLAZA BUILDING FOR A TOTAL COST OF \$525,560.00, AVAILABLE FROM CERTIFICATES OF OBLIGATION FUNDING FOR DEFERRED FACILITY MAINTENANCE AS PLANNED IN THE FY 2010 – 2014 CAPITAL BUDGET.

2010-09-30-0826

Item 14. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH FREEWAY FORD AND FRAZER, LTD. TO PROVIDE THE FIRE DEPARTMENT WITH ONE AMBULANCE FOR A TOTAL COST OF \$183,775.00 FUNDED UTILIZING THE 2008 DEPARTMENT OF HOMELAND SECURITY-METROPOLITAN MEDICAL RESPONSE SYSTEM GRANT.

Item 15. CONSIDERATION OF THE FOLLOWING ORDINANCES CONCERNING THE OPERATIONS AND MAINTENANCE SERVICES FOR BAGGAGE HANDLING SYSTEM, PASSENGER LOADING BRIDGES, PRE-CONDITIONED AIR UNITS, 400HZ SYSTEMS AND POTABLE WATER CABINETS AT THE SAN ANTONIO INTERNATIONAL AIRPORT LOCATED IN COUNCIL DISTRICT 9:

2010-09-30-0827

- A. AN ORDINANCE ACCEPTING THE BEST VALUE BID FROM VANDERLANDE INDUSTRIES, INC. TO PROVIDE OPERATION AND MAINTENANCE SERVICES FOR THE BAGGAGE HANDLING SYSTEM, PASSENGER LOADING BRIDGES, PRE-CONDITIONED AIR UNITS, 400HZ SYSTEMS AND POTABLE WATER CABINETS FOR A ONE-YEAR TERM WITH THE OPTION OF TWO ONE-YEAR EXTENSIONS FOR A TOTAL CONTRACT AMOUNT UP TO \$2,026,326.00.

2010-09-30-0828

- B. AN ORDINANCE AMENDING THE CONTRACT WITH VANDERLANDE INDUSTRIES, INC. TO EXERCISE THE TWO YEAR EXTENSION OPTION FOR A TOTAL CONTRACT AMOUNT OF \$6,378,978.00.

2010-09-30-0834

Item 20. AN ORDINANCE AUTHORIZING A SAN ANTONIO RIVER AUTHORITY REQUESTED CHANGE ORDER IN THE INCREASED AMOUNT OF \$40,709.33, WHICH WILL BE REIMBURSED BY THE SAN ANTONIO RIVER AUTHORITY, TO THE \$3,187,370.60 CONSTRUCTION CONTRACT WITH JERDON ENTERPRISE, L.P. FOR THE EAGLELAND RIVERWALK LINK PEDESTRIAN PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT PROJECT LOCATED IN COUNCIL DISTRICT 5 AND FUNDED BY CERTIFICATES OF OBLIGATION AND FEDERAL FUNDS THROUGH THE METROPOLITAN PLANNING ORGANIZATION.

2010-09-30-0835

Item 21. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$1,100,000.00 TO THE \$4,452,000.00 CONSTRUCTION MANAGER AT RISK CONTRACT WITH F. A. NUNNELLY COMPANY FOR THE CENTRAL LIBRARY WEATHERIZATION PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1, AND AMENDING THE FY 2010-2015 CAPITAL BUDGET TO REALLOCATE \$20,707.64 FROM THE HERTZBERG STABILIZATION PROJECT AND \$1,079,292.36 FROM THE WESTERN ART PORTAL PROJECT TO THIS PROJECT.

2010-09-30-0838

Item 24. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION OF PARCELS OF PRIVATELY OWNED PROPERTY LOCATED IN COUNTY BLOCKS 4296, 4297, 4298 AND 4300 IN COUNCIL DISTRICT 4 FOR THE SAN ANTONIO WATER SYSTEM MEDINA RIVER SEWER OUTFALL PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; AND DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION.

2010-09-30-0839

Item 25. AN ORDINANCE AUTHORIZING A TEN-YEAR LEASE AGREEMENT WITH BROOKS DEVELOPMENT AUTHORITY FOR USE OF OFFICE SPACE LOCATED AT 2509 KENNEDY CIRCLE, IN COUNCIL DISTRICT 3, FOR METROPOLITAN HEALTH'S PUBLIC HEALTH EMERGENCY PREPAREDNESS, LABORATORY SERVICES, AND THE PUBLIC CENTER FOR ENVIRONMENTAL HEALTH DIVISIONS AT A MONTHLY RENT OF \$13,458.00 IN YEAR ONE INCREASING TO \$19,646.00 IN YEAR EIGHT AND AUTHORIZING THE PAYMENT OF \$220,000.00 FOR HVAC UPGRADES TO THE LEASED FACILITY.

2010-09-30-0840

Item 26. AN ORDINANCE RENEWING A FIVE-YEAR LEASE AGREEMENT FROM WASHINGTON PLACE JOINT VENTURE, FOR USE OF OFFICE SPACE LOCATED AT 215 S. SAN SABA, SUITE 107, IN COUNCIL DISTRICT 1, FOR THE SAN ANTONIO FIRE DEPARTMENT APPLICANT PROCESSING OFFICE, FOR THE AVERAGE ANNUAL RENTAL RATE OF \$36,708.00.

2010-09-30-0841

Item 27. AN ORDINANCE AMENDING A LEASE AGREEMENT FROM GTM WASHINGTON SQUARE, LTD. FOR THE RENTAL OF ADDITIONAL OFFICE SPACE LOCATED AT 800 DOLOROSA STREET, SUITE 401, FOR THE SAN ANTONIO POLICE DEPARTMENT OFFICE

OF INTERNAL AFFAIRS, FOR THE ADDITIONAL MONTHLY RENTAL AMOUNT OF \$1,500.00.

2010-09-30-0842

Item 28. AN ORDINANCE AUTHORIZING A MONTH-TO-MONTH LEASE WITH THE SAN ANTONIO WOMEN'S CHAMBER OF COMMERCE AND THE SAN ANTONIO WOMEN'S PAVILION AT HEMISFAIR PARK, INC. FOR USE OF BUILDING 514, MAX SCHULTZE HOUSE, LOCATED IN HEMISFAIR PARK, FOR ANNUAL RENT OF \$1,200.00.

2010-09-30-0843

Item 29. AN ORDINANCE AUTHORIZING A 9-MONTH LEASE AGREEMENT WITH HASAN K. ZUBAIR DBA FOTO MEMORIES BY ZUBAIR AT FARMERS MARKET PLAZA IN MARKET SQUARE FOR STALL S-12 FOR RENTALS OF \$425.00 PER MONTH.

2010-09-30-0845

Item 31. AN ORDINANCE AUTHORIZING FY 2010 BUDGET AND CONTRACT AMENDMENTS TO THE CHILD CARE DELIVERY SERVICES GRANT BY ACCEPTING ADDITIONAL FUNDING OF \$1,059,227.46 FROM WORKFORCE SOLUTIONS ALAMO (WSA) AND \$500,000.00 IN AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS; ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$47,180,049.00 AND AUTHORIZING AN AGREEMENT WITH WSA FOR THE FY 2011 CHILD CARE SERVICES PROGRAM FOR A TOTAL CHILD CARE SERVICES PROGRAM BUDGET OF \$48,380,049.00 WHICH INCLUDES \$1,200,000.00 IN CITY MATCHING FUNDS; A PERSONNEL COMPLEMENT OF 53 POSITIONS; AND A DELEGATE AGENCY CONTRACT WITH ALAMO AREA DEVELOPMENT CORPORATION IN THE AMOUNT OF \$633,400.00 TO SERVE 11 RURAL COUNTIES IN THE ALAMO WORKFORCE DEVELOPMENT AREA.

Item 32. APPOINTING GILBERT M. PIETTE (CATEGORY: NEIGHBORHOOD ASSOCIATION - WESTFORT ALLIANCE) TO THE FORT SAM HOUSTON COMMUNITY ADVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM 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.

2010-09-30-0846

Item 33. AN ORDINANCE APPROVING A LOCAL CONTRIBUTION IN THE AMOUNT OF \$351,454.00 TO THE EVENTS TRUST FUND TO QUALIFY FOR REIMBURSEMENT OF ELIGIBLE EXPENSES RELATED TO THE 2010 NATIONAL COUNCIL OF LA RAZA ANNUAL CONFERENCE (\$78,266.00), THE AMERICAN ASSOCIATION OF DIABETES EDUCATORS 37TH ANNUAL MEETING (\$117,724.00), THE 65TH ANNUAL NATIONAL INSTITUTE FOR GOVERNMENTAL PURCHASING FORUM AND EXPO (\$29,630.00), AND THE GAMESTOP, INC. 2010 ANNUAL CONVENTION (\$125,834.00) HELD AT THE HENRY B. GONZALEZ CONVENTION CENTER DURING THE MONTHS OF JULY, AUGUST, AND SEPTEMBER.

2010-09-30-0847

Item 34. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A LOAN APPLICATION TO THE STATE ENERGY CONSERVATION OFFICE, AND AUTHORIZING THE ACCEPTANCE OF

UP TO \$5,000,000.00 TO FINANCE ONGOING EFFORTS TO IMPROVE THE ENERGY EFFICIENCY OF CITY OWNED AND OPERATED FACILITIES.

2010-09-30-0848

Item 35. A ORDINANCE AUTHORIZING THE FIRST ONE-YEAR EXTENSION OF THE FIRE DEPARTMENT UNIFORM COMMISSARY CONTRACT WITH GALLS, AN ARAMARK COMPANY LLC TO PROVIDE UNIFORM ITEMS TO FIRE PERSONNEL BEGINNING OCTOBER 1, 2010 FOR AN AMOUNT UP TO \$828,000.00 UTILIZING THE FY 2011 GENERAL FUND.

2010-09-30-0849

Item 36. AN ORDINANCE AUTHORIZING THE FIRST ONE-YEAR EXTENSION FOR THE PERSONAL PROTECTIVE CLOTHING FOR FIREFIGHTERS CONTRACT WITH MORNING PRIDE MANUFACTURING, LLC BEGINING OCTOBER 1, 2010 FOR AMOUNT UP TO \$511,678.00 UTILIZING THE FY 2011 GENERAL FUND WITH THE OPTION FOR TWO MORE ONE YEAR EXTENSIONS.

2010-09-30-0850

Item 37. AN ORDINANCE AUTHORIZING A ONE YEAR INTERLOCAL AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO TO PROVIDE THE SAN ANTONIO FIRE DEPARTMENT WITH EMT TRAINING, EMS MEDICAL DIRECTOR SERVICES AND EMERGENCY MEDICAL SERVICES SYSTEM OVERSIGHT BEGINING OCTOBER 1, 2010 FOR AN AMOUNT UP TO \$2,427,867.00 UTILIZING THE FY 2011 GENERAL FUND.

2010-09-30-0851

Item 38. AN ORDINANCE AUTHORIZING A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO ALLOW THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT CONTINUED ON-LINE ACCESS TO BIRTH RECORDS THROUGH AUGUST 31, 2012.

2010-09-30-0852

Item 39. AN ORDINANCE APPROVING THE ANNUAL BUDGET FOR FY 2011 FOR THE SAN ANTONIO ECONOMIC DEVELOPMENT CORPORATION (SAEDC).

[CONSENT ITEMS CONCLUDED]

Councilmember Rodriguez entered the meeting at 10:45 am.

Item 30 was addressed at this time.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-09-30-0844

Item 30. AN ORDINANCE AUTHORIZING THE USE OF APPROXIMATELY 0.98 ACRES OF PARK LAND AT CONCEPCION PARK FOR A PUBLIC RIGHT OF WAY REQUIRED FOR REALIGNMENT OF EAST THEO AVENUE IN COUNCIL DISTRICT 3.

City Clerk Leticia Vacek noted that 41 written testimonies had been received in favor of the realignment.

Xavier Urrutia presented said item and stated that the Ordinance would change the use of 0.98 acres at Concepcion Park for the Theo Avenue public right of way. He noted that the realignment of Theo Avenue was necessary to improve the connectivity between the San Antonio River, Concepcion Park and Mission Concepcion. Additionally, it would reduce the impact of the traffic flow on Concepcion Park and the surrounding residential area resulting from the development of the sports complex by the Archdiocese of San Antonio. He mentioned that funding and project management would be provided by the San Antonio River Authority (SARA) in the amount of \$1.8 million. He reported that public meetings had been held in January, March, June and July, 2010 and that concerns included: 1) Infrastructure Improvements; 2) Preservation of the historic battle site; 3) Removal of heritage trees; and 4) Potential loss of park amenities.

In response to the concerns, Mr. Urrutia stated that sidewalks and walking trails would be installed along Theo Avenue and in Concepcion Park. He noted that the realignment would not impact the historic Battle of Concepcion site and that only one 27" pecan tree would be removed and mitigated within the park. Lastly, he reported that there would be no loss of park amenities. He mentioned that completion of the project was scheduled for April 2011 and outlined the funding allocation that totaled \$20.8 million for Concepcion Park, Mission Portal, Sports Complex, and Theo Realignment. He stated that the project was endorsed by the SARA Oversight Committee, San Antonio Parks Board, and Historic Design & Review Commission. Lastly, he noted that the process satisfied the requirements within Chapter 26 of the Texas Parks and Wildlife Code.

Mayor Castro called upon the individuals registered to speak.

Ernest D. Hernandez spoke in support of the Theo Avenue Realignment and stated that he saw many bright lights for San Antonio. He stated that he was privileged to witness a new star born in the area and noted that he lives one-half of a mile from the improvements. He added that the property values in the area would increase and hoped that more improvements would be made in the future.

Ruben Espronceda, Raymond Zavala and Anita Zavala addressed the City Council in opposition to the realignment. Mr. Espronceda expressed concern that the action was illegal since a public hearing had not been held. He stated that he had obtained 90 signatures in opposition to the realignment and that he was disappointed with the process. He presented an 1847 map of the area noting that the river could not be seen from Concepcion Park. He mentioned that the State of Texas General Land Office had presented a proclamation regarding the historical value of the park as a battlefield and did not want it destroyed. He provided a list of the participants of the Battle of Concepcion and stated that incorporating a road through the park would dishonor the fallen Texas Heroes. Lastly, he showed a photo of a 140-year old tree that would be uprooted due to the realignment.

Edward R. Day with the SA River Oversight Committee read a letter of support from the Committee and stated that they endorsed the proposed improvements to Concepcion Park that include the realignment of Theo Avenue. He noted that the improvements would unite the river with Mission Concepcion and provide space for the Mission Portal. He added that they would also allow for efficient entrance and exit from the athletic fields. On a personal note, he stated that he was excited that the project would connect parks and was pleased with the design. He recognized the many partners that worked on the project.

Milton Guess with the SA Tourism Council expressed support for the plan and stated that it preserved the park in a great way. He noted that the Mission Trails Advisory Committee reviewed street trails and felt that this was the best plan.

Robert Anguiano with the Alliance Neighborhood stated that he was connected to families that settled in the area in 1698 and was in support of the project. He noted that the improvements would benefit the entire city.

Candie Beltran of the Roosevelt Park Neighborhood Association spoke in support of the project and noted that she worked at Mission Concepcion. She stated that the individuals that lived along East Theo would be most impacted and they had attended the meetings on the project and were in support. She mentioned that they were excited about the improvements in the area including the Mission Portal. She noted that there were concerns with the name change and the lack of curbs included in the Plan.

Martha Henry spoke as a member of the Roosevelt Park Neighborhood and stated that for the last 30 years, she has dreamed of living on the river. She stated that she loves the river and that currently, her home is lit from the traffic due to its location. She noted that her only concern was adding more traffic due to those that will utilize the Sports Complex but was in support of the realignment.

Rev. Martin J. Leopold of the Archdiocese of San Antonio stated that they were fully supportive of the project and that the realignment was essential to provide access to the sports complex. He noted that the Archdiocese was providing acreage for the realignment that would benefit everyone.

James Trimboli stated that he is a projects administrator with the Archdiocese and they are in favor of the project. He noted that the only concerns were with the street name change and lack of sidewalks. He spoke of the importance of the park being clean and that the neighborhood looked forward to the improvements.

Councilmember Ramos thanked everyone that was present and asked if the project would impact a historic battle site. Mr. Urrutia replied that they had worked with the Historic Preservation Office and had submitted a report to the Texas State Historical Commission who had provided clearance for the project. He added that there were significant cultural resources that had been incorporated into the project that included an acequia. Councilmember Ramos stated that she was pleased that staff was recommending a plan that would save as many trees as possible. It was noted that over 200 trees would be added within Concepcion Park. Councilmember Ramos added that staff had leveraged resources to provide \$20.8 million in funding for the projects in the area. She requested that curbs be included with the sidewalks that would be added on the north side of Theo Street; that a gate be added to the entrance of the park so that there is limited access after hours; and a marquee and lighting be incorporated. Mr. Urrutia replied that they would work with Public Works on same. Councilmember Ramos confirmed

that Chapter 26 of the Texas Parks and Wildlife Code relative to the public hearing had been satisfied. Mr. Bernard confirmed same.

Councilmember Ramos expressed that staff has tried to satisfy every concern for area residents because it will be their park and understands that not all will agree. She added that this will be a beautiful enhancement and economic generator. Councilmember Cortez asked of the public meetings. Mr. Urrutia replied that many public meetings had been held and that there had been numerous opportunities for input. Councilmember Cortez expressed appreciation for the efforts to gather input and asked of Bexar County's participation. Mr. Urrutia replied that Bexar County was funding the construction of the portal that would connect the River with the Mission. He noted that through the Tax Venue Project, the Archdiocese was a recipient of the Sports Complex and that the realignment would lessen the traffic impact. Councilmember Cortez recognized Commissioner Rodriguez and Mike Sculley for their work, as well as Councilmember Ramos for her leadership. Mayor Castro recognized Councilmember Ramos for her leadership on said item and noted that the project would enrich the neighborhood and compliment the development along the Mission Reach.

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

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

The City Clerk read the following Ordinance:

2010-09-30-0819

Item 7. AN ORDINANCE ACCEPTING THE BID FROM APAC, INC. TO PROVIDE THE PARKS AND RECREATION DEPARTMENT WITH ASPHALT PAVING SERVICES FOR PARKING LOTS AND WALKING TRAILS LOCATED AT BRACKENRIDGE, MARTINEZ AND KENNEDY PARKS FOR A TOTAL COST OF \$370,520.40, FUNDED WITH THE PARKS AND RECREATION OPERATING FUND.

Councilmember Medina asked if Martinez and Kennedy Parks in District 5 would be provided with patchwork for needed areas. Xavier Urrutia, Parks and Recreation Director stated that this would be more than patching and allow four parks to be addressed through one contract. He mentioned that Kennedy Park would be completely resurfaced.

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

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

The City Clerk read the following Ordinance:

2010-09-30-0829

Item 16. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO WALLACE L. BOLDT, GENERAL CONTRACTOR, INC. IN THE AMOUNT OF \$749,560.00 FOR THE

DISTRICT 2, 3, AND 4 POOL FACILITIES PROJECT, WHICH INCLUDES FAIRCHILD PARK POOL IN COUNCIL DISTRICT 2, CONCEPCION PARK POOL IN COUNCIL DISTRICT 3 AND FLORES PARK POOL IN COUNCIL DISTRICT 4, ALL AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND PROJECTS.

Councilmember Ramos asked of the project timeline. Mike Frisbie, CIMS Director replied that the project was scheduled for completion by May 2011. Councilmember Ramos asked how the Concepcion Park Project would affect this project. Xavier Urrutia stated that the projects would be completed in unison and there would be no impact to the pool project. Councilmember Cortez asked for detail specifically of Flores Park Pool. Mr. Frisbie replied that they were remodeling the bathhouse and replacing the pool deck and plumbing system. He stated that they were also making the pool ADA accessible and that all of the improvements totaled \$500,000.

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

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

The City Clerk read the following Ordinance:

2010-09-30-0830

Item 17. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO TEXAS STERLING CONSTRUCTION COMPANY IN THE AMOUNT OF \$6,652,668.90, OF WHICH \$1,207,460.60 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$626,342.00 WILL BE REIMBURSED BY CPS ENERGY, FOR THE GOLIAD ROAD PHASE II PROJECT (LASSES BOULEVARD TO PECAN VALLEY DRIVE), AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ramos asked of the project timeline. Mike Frisbie replied that construction would begin in November. Councilmember Ramos requested that a public meeting be coordinated with District 3 Staff as soon as possible.

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

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

The City Clerk read the following Ordinance:

2010-09-30-0831

Item 18. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO SAN ANTONIO CONSTRUCTORS, LTD., IN THE AMOUNT OF \$395,038.24, OF WHICH \$135,103.12 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FOR THE EAST LUBBOCK STREET PROJECT (SOUTH FLORES STREET TO SAN PEDRO CREEK), AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 5.

Councilmember Medina asked of the timeline and the reimbursement provided by SAWS. Mike Frisbie stated that staff is working with the utility companies to ensure all lines are completed under one contract simultaneously. He noted that the City will pay the contractor and receive reimbursement from SAWS. Councilmember Medina expressed support and noted that the infrastructure was needed due to its proximity to Harris Middle School.

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

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

POINT OF PERSONAL PRIVILEGE

- **MEDAL OF VALOR AWARD**

Sheryl Sculley recognized seven-year veteran San Antonio Police Officer Pete Garcia for having received the US Department of Justice Public Safety Award for Valor. She stated that Officer Garcia was presented the award by Vice-President Biden in Washington, D.C. and reported that Councilmembers Ramos, Lopez, and Rodriguez were present. Ms. Sculley noted that Officer Garcia and his partner responded to an officer in trouble call when three patrol division officers had come under gunfire while attempting to serve a warrant. Officer Garcia immediately took action and formulated a plan to extract the wounded officers and all survived the incident.

Councilmember Rodriguez stated that it was a privilege to attend the award presentation and that it was a proud moment for the City of San Antonio. Councilmember Ramos read a quote on the program from President Obama regarding the demands of the job and thanked Officer Garcia for his work. Councilmember Lopez spoke of the great words spoken by Vice-President Biden as he presented the award and added what Police Officers do daily is admirable. Mayor Castro congratulated Officer Garcia and commended him for his work.

RECESSED

Mayor Castro recessed the meeting at 11:42 am to break for lunch and noted that the meeting would resume at 2:00 pm.

RECONVENED

Mayor Castro reconvened the meeting at 2:00 pm and continued with the pulled items for individual consideration. Items 22 and 23 were addressed at this time.

The City Clerk read the Ordinances for Items 22 and 23:

2010-09-30-0836

Item 22. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$205,114.00 TO THE \$1,073,945.89 PROFESSIONAL SERVICES AGREEMENT WITH

FREESE AND NICHOLS, INC. FOR ADDITIONAL ENGINEERING SERVICES REQUESTED BY THE CITY FOR THE BROADWAY CORRIDOR PHASE III A PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 9.

2010-09-30-0837

Item 23. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$60,000.00 TO THE \$648,815.51 PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC. FOR CONSTRUCTION PHASE SERVICES FOR THE 36TH STREET CONSTRUCTION PROJECT (US 90 TO GROWDON DRIVE), AN AUTHORIZED LOCAL AGENCY MANAGEMENT PROJECT LOCATED IN COUNCIL DISTRICT 5 AND FUNDED BY FEDERAL FUNDS THROUGH THE METROPOLITAN PLANNING ORGANIZATION, THE AMERICAN RECOVERY AND REINVESTMENT ACT, CERTIFICATES OF OBLIGATION, AND GENERAL OBLIGATION BONDS.

Councilmember Medina requested an update on the project. Mike Frisbie replied that the project was under construction and that the funds would be utilized to amend the design consultant contract. He stated that it was a standard process to continue their services through the construction phase. He confirmed that the street would be entirely reconstructed.

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

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

The City Clerk read the Ordinances for Items 19A and 19B.

Item 19. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE MEDINA BASE ROAD PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND AND 2009 TAX NOTES FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 4.

2010-09-30-0832

- A. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO BALLENGER CONSTRUCTION COMPANY IN THE AMOUNT OF \$5,192,323.78, OF WHICH \$77,508.23 WILL BE REIMBURSED BY CPS ENERGY, AND \$197,571.69 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS.

2010-09-30-0833

- B. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$805,575.13 TO THE \$5,192,323.78 CONSTRUCTION CONTRACT WITH BALLENGER CONSTRUCTION COMPANY FOR ADDITIONAL CONSTRUCTION WORK.

Councilmember Ramos spoke of the project on behalf of Councilmember Cortez and asked if this was a new contractor. Mike Frisbie replied that this was a new contractor due to the fact that the low bidder could not obtain the required bonding. He noted that the contractor would complete the project at the low bid price and that the project would be expanded. Councilmember Ramos thanked Mr. Frisbie for

pushing said project forward and asked of the new timeline. Mr. Frisbie replied that the project would still be completed by June 2012.

Councilmember Ramos moved to adopt the proposed Ordinances for Items 19A and 19B. Councilmember Cisneros seconded the motion.

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

Item 40. CITY MANAGER'S REPORT

A. UPDATE ON BICYCLING INITIATIVES

Item A was not addressed.

RECESSED

Mayor Castro recessed the meeting at 2:12 pm to convene in Executive Session for the purposes of:

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).**
- B. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND RELATED ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.087 (ECONOMIC DEVELOPMENT).**
- C. DISCUSS LEGAL ISSUES RELATED TO *SULEMAN SAYANI AND SEMLINGER INVESTMENTS, LLC V. CITY OF SAN ANTONIO, ET AL*, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

Item C was not addressed.

RECONVENED

Mayor Castro reconvened the meeting at 3:27 pm and noted that the Council had been briefed on the above-styled matters for Items A and B but took no action. He recessed the meeting at 3:27 pm and announced that the meeting would resume at 5:15 pm for Ceremonials.

CEREMONIALS

Mayor Pro Tem Ramos reconvened the meeting at 5:20 pm and addressed the Ceremonial Items.

Mayor Pro Tem Ramos presented a Proclamation for the 27th Annual National Night Out (NNO) that will be held on Tuesday, October 5, 2010 throughout the State of Texas. It was noted that NNO is sponsored by the National Association of Town Watch and is designed to generate support and

participation in local anti-crime programs, strengthen community-police partnerships and foster neighborhood spirit.

Mayor Pro Tem Ramos presented a Proclamation in recognition of the 20th Annual San Fernando Health and Safety Fair that will be held on Saturday, October 2, 2010. It was noted that more than 50 physicians and dentists, 300 health care professionals, and over 150 volunteers will join together to offer a variety of screenings to include: cholesterol, blood pressure, vision, dental, dermatology, podiatry, prostate and diabetes. The Health Fair will take place on the grounds of San Fernando Cathedral from 8:00 am - 1:00 pm and all screenings are being provided free of charge.

Mayor Castro presented a Proclamation in recognition of National CyberSecurity Awareness Month that will be observed during the month of October 2010 by the Air Force Cyber Command. It was mentioned that this year's theme is "Cybersecurity is Our Shared Responsibility." The primary goal of the observance is to bring awareness to what home users, schools, businesses and governments can do to protect their computers, data, and children.

RECESSED

Mayor Castro recessed the meeting at 5:48 pm and announced that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Castro reconvened the meeting at 6:10 pm. He recognized Boy Scout Troop #1947 and thanked them for their attendance. He called upon the individuals registered to speak.

Mark Perez expressed concern that Age Refinery was operating without a Certificate of Occupancy and should be shut down due to their illegal storage tanks. He further expressed concern that Age Refinery has been operating for many years and had never been inspected. He referenced Tetco and the hazardous chemicals that they were releasing to the community. He spoke of the lack of response from the Fire Chief and Development Services Department Director. He noted that he was still waiting for a response to his concerns regarding Southern Pacific.

Nazirite Ruben Flores Perez spoke of the abyss and referenced the Book of Revelations in the Bible. He also spoke of the seven-headed dragon.

Raymond Zavala expressed concern with the colored flyers distributed by the Solid Waste Department and their cost. He asked of the costs associated with the Black Hawks that had been utilized for a military exercise. He spoke of the Alazan Apache Courts being located in a flood plain. He expressed concern with the Eagleland Project and asked when Eagleland Street would be repaired. He spoke of issues with the Fire Chief and asked why fire trucks were not equipped with Aqueous Film Forming Foams (AFFF). Lastly, he thanked the Councilmembers that participated in the Dies y Seis Parade and encouraged everyone to attend in the future to show unity.

Faris Hodge, Jr. stated that his television show would air on Saturday at 7:30 pm and requested that the Alamodome be named after him. He noted that SAWS and BexarMet should be combined into one entity. He asked that a fire extinguisher and sprinkler system be installed in the Municipal Plaza

Building. He expressed concern that the fire extinguishers at all schools are not being inspected and that large businesses in San Antonio are exempt from paying taxes. He spoke of the \$15.6 million received by the City of San Antonio to fight childhood obesity and noted his opposition to toll roads. He spoke of the serious traffic issues related to Driving While Intoxicated (DWI). He also spoke to the City of San Antonio utilizing social media to include Facebook. Lastly, he sang Happy Birthday to Mayor Castro.

Nick Calzoncit stated that the Latino Culture was least equal to all others and referenced many successful Latinos including San Juana Inez de la Cruz, Jose Raul Casablanca, and Pancho Gonzales. He noted that most famous Americans were Anglo Males and that the media was quick to report on the negative activities of Latinos. He requested that the City create a Department of Peace.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:35 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest:



LETICIA M. VACEK, TRMC/CMC
City Clerk