

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

THE WORK SESSION AND CITIZENS TO BE HEARD SCHEDULED FOR WEDNESDAY, JANUARY 30, 2013 WERE NOT HELD.

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE MUNICIPAL PLAZA BUILDING, THURSDAY, JANUARY 31, 2013.

The San Antonio City Council convened in a Regular Meeting on Thursday, **January 31, 2013**, 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: Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** C. Medina. Mrs. Vacek announced that Mayor Castro was on his way to the meeting.

Item 1. The Invocation was delivered by John Valenzuela, Assistant Pastor, Community Bible Church, guest of Councilmember Elisa Chan, District 9.

Item 2. Councilmember Saldaña led the Pledge of Allegiance to the Flag of the United States of America.

Item 3. MINUTES

Councilmember Taylor moved to approve the Minutes for the December 12-13, 2012 City Council Meetings. Councilmember Bernal seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, Williams, Chan, and Soules. **NAY:** None. **ABSENT:** C. Medina and Mayor Castro.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

2013-01-31-0062

Item 4. AN ORDINANCE AUTHORIZING THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PARTICIPATE IN A MEDICAID 1115(A) DEMONSTRATION WAIVER KNOWN AS THE "TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM" (THE PROGRAM), SUBMIT AND ACCEPT REIMBURSEMENT OF INTERGOVERNMENTAL FUNDING TRANSFERS IN A CUMULATIVE AMOUNT UP TO \$29,361,991 FUNDED WITH THE HEALTH DEPARTMENT'S GENERAL FUND BUDGET AND THE ADDITIONAL ACCEPTANCE OF \$43,392,942 FROM THE PROGRAM, FOR TOTAL CASH PAYMENTS OF \$72,754,933, AND ALL ACTIONS NECESSARY TO DEVELOP BUDGETS, STAFFING COMPLEMENTS AND OTHER RELATED ITEMS IN ORDER TO PARTICIPATE IN

THE PROGRAM FOR THE PERIOD BEGINNING OCTOBER 1, 2011 AND ENDING ON SEPTEMBER 30, 2016.

Mayor Castro entered the meeting at this time.

Dr. Schlenker presented a Power Point regarding the 1115 Medicaid Transformation Waiver. He provided statistics of Life Expectancy at Birth and Health Spending by Country, noting that the US Healthcare System is expensive to operate and ineffective. He reported that in 2011, Texas became the third state to adopt the 1115 Medicaid Waiver. He stated that through 2016, approximately 10% of the total Federal and State Medicaid expenditures are dedicated to improving outcomes and reducing costs by increasing access, quality, and prevention.

Dr. Schlenker spoke of Healthcare in Texas and noted that Texas was last in health care quality. He stated that there were high rates of chronic disease and communicable disease. He reported that Metro Health would be receiving a total of \$43 million through 2016 for expanded and new programming with the first fund transfer occurring between March-May 2013. He provided an overview of how the funds would be spent and indicated that \$1.7 million per year would be spent on Teen Health. He spoke of the Neighborhood Health Initiative which would also receive \$1.7 million per year and would address 10 high-disparity neighborhoods. He mentioned that \$1.2 million per year would be used to address Diabetes Prevention and \$936,000 per year would be utilized for Children's Oral Health. He added that \$938,000 per year would be used for HIV/Syphilis Prevention and \$536,000 per year would be allocated toward Infant Nutrition.

Dr. Schlenker recommended that the City Council authorize Metro Health's participation in the Medicaid 1115(a) Demonstration Waiver Program and submission and acceptance of Intergovernmental Funding Transfers (IGT) in a cumulative amount up to \$29,361,991. He stated that they were also seeking authorization to accept \$72,754,933 including IGT match plus \$43,392,942 in new Federal Funds for the program. Lastly, he requested approval of administrative actions to develop a budget, project fund, and staffing complement of 11 positions for FY 2013.

Mayor Castro called upon the individuals registered to speak on Item 4.

Marise McDermott, Dr. Bryan Bayles and Don Gonzalez addressed the City Council in favor of the 1115 Medicaid Transformation Waiver Funding. Ms. McDermott stated that their HEB Buddy Adventure Program would provide critical data for the 1115 Medicaid Transformation Waiver Program. She noted that the HEB Buddy Adventure Program would open the following year and provide an interactive program for 150,000 school-age children. She spoke of the metrics that would be captured by the program and added that this was a key component of their ongoing community integration.

Nikki Kuhns addressed the City Council and expressed opposition to the \$936,000 expenditure for Children's Oral Health. She stated that fluoride had been in the water supply for ten years and could not see the benefits of same. She indicated that dental costs and dental cavities were rising and not being reduced.

Rhett Smith spoke in opposition to the funding for Children's Oral Health and provided a handout from the Fluoride Action Network. He read that the City of Windsor in Ontario would be ending water

fluoridation and stated that the San Antonio City Council had the power to repeal the fluoridation ordinance as well.

Dr. Kristen Plastino stated that she was a practicing Ob/Gyn at the UT Health Science Center and was supportive of the 1115 Medicaid Transformation Waiver. She noted that she was interested in teen health and spoke of their work on teen pregnancy prevention. She highlighted the programs and successes within the Harlandale, South San, Southwest, Southside and Somerset School Districts. She indicated that the 1115 Medicaid Transformation Waiver Program would allow sexually active teens to receive the most effective contraception. She added that the program would provide education and partnerships with community clinics and doctors to offer quality preventive services for teens.

Sandy Morander with the YMCA spoke in favor of the 1115 Medicaid Transformation Waiver. She stated that Diabetes was a health issue and that Type II Diabetes could be prevented through lifestyle adjustment. She indicated that the YMCA would be partnering with Metro Health to offer a nationally recognized program proven to delay or prevent the onset of Type II Diabetes. She noted that they would provide classes in the community and their goal was to serve 500 adults.

George Alejos addressed the Council and stated that he was opposed to the funding for the Children's Oral Health Care. He noted that the water supply was fluoridated but still could not see any benefits. He spoke of fluoridation being toxic and indicated that he would prefer that the money not be spent.

Nazirite Ruben Flores Perez addressed the Council and spoke of the contamination of the San Antonio River and recharge zone. He stated that he was in favor of health but concerned with the funding provided to the YMCA since they were a religious organization.

Dr. Elaine Neenan of the UT Health Science Center Dental School addressed the Council and stated that she was in favor of the funding. She noted that they were looking forward to the partnership with Metro Health related to the Dental Program.

Mayor Castro spoke of the Ricardo Salinas Dental Clinic and stated that it was very worthy of the funding. He stated that health reports show that more investment is needed on public health initiatives.

Councilmember Williams stated that he was supportive of the item and spoke of the importance of health initiatives throughout the city. He noted that the city should work to keep children and the work force healthy.

Councilmember Taylor stated that she was in favor of the item and asked if the 10 neighborhoods had been identified for the Neighborhood Health Initiative. Dr. Schlenker replied that they had not been selected yet and would be working on the criteria to identify the 10 neighborhoods. Councilmember Taylor recommended that the criteria include a review of other efforts taking place within neighborhoods that could be complemented. She asked of the outreach efforts to community-based partners. Dr. Schlenker stated that they would identify partnerships within the neighborhoods selected and help educate the community.

Councilmember D. Medina stated that he was in favor of the funding and noted that he was pleased with Diabetes Preventive efforts. He asked of the community outreach. Dr. Schlenker replied that they would be creating a marketing campaign directed at Physicians and within the community.

Councilmember D. Medina spoke of the need to increase outreach and education through block walks and alternative methods of communication. He asked of the number of children that would be served in the Children's Oral Health Program. Dr. Schlenker responded that they hoped to serve 20,000 children which was double the number of children they were currently serving.

Councilmember Bernal stated that he was pleased to see a holistic approach to public health and spoke in support of the programs.

Councilmember Ozuna commended Metro Health for leveraging funds and helping the most vulnerable residents in the community. She highlighted the Infant Nutrition Program that would help mothers and babies.

Councilmember Saldaña expressed his support for the programs and thanked the community partners for working with the city. He stated that he was not sure why there were only three states taking advantage of the Medicaid Waiver. Dr. Schlenker noted that he was unsure why participation was so limited.

Councilmember Williams moved to adopt the proposed Ordinance. Councilmember Lopez seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** C. Medina.

CONSENT AGENDA ITEMS 5-21

Consent Agenda Items 5, 7, 10, 18A-D, 20, and 21 were pulled for Individual Consideration.

Councilmember Lopez moved to approve the remaining Consent Agenda Items. Councilmember D. Medina seconded the motion.

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

Suzanne Scott, San Antonio River Authority addressed the City Council in support of amending the methodology for calculating the Fee-In-Lieu-Of Onsite Detention (Item 16). She spoke of Low Impact Development (LID) and managing groundwater run-off as close to the source as possible. She mentioned benefits of sustainable land use practices including lower maintenance costs. She added that the fee incentive was one more tool available that will advance sustainable storm water management.

Nazirite Ruben Flores spoke in support of recycling (Items 18A-D) and Pre-K 4 SA (Item 20). He stated that it was important to educate young people.

Olivia Garcia, Student of the International School of the Americas spoke in support of the Pre-K 4 SA Program (Item 20). She highlighted successes in other states due to Pre-K Programs and hoped that the Early Childhood Education Municipal Development Corporation would implement a successful Pre-K Program in San Antonio. She asked if benchmarks had been identified and added that they hoped that accountability measures were included.

Faris Hodge, Jr. submitted written testimony in favor of Items 4-10, 12, 13, 15, and 21. He wrote against Items 14, 16-18, and 20. For Item 20, he wrote that the city should not use tax funds for Pre-K noting that citizens already pay taxes to fund schools. He suggested the funds be spent on items such as streets and sidewalks.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** C. Medina.

2013-01-31-0064

Item 6. AN ORDINANCE AUTHORIZING FIVE FIVE-YEAR PROFESSIONAL SERVICE AGREEMENTS IN THE AMOUNT NOT TO EXCEED \$600,000.00 EACH WITH ARIAS & ASSOCIATES, INC., FUGRO CONSULTANTS, INC., PROFESSIONAL SERVICE INDUSTRIES, INC., RABA KISTNER, INC. AND TERRACON CONSULTANTS, INC. TO PROVIDE ON-CALL CONSTRUCTION MATERIALS TESTING SERVICES FOR THE AVIATION DEPARTMENT.

2013-01-31-0066

Item 8. AN ORDINANCE AUTHORIZING A TASK ORDER CONSTRUCTION CONTRACT WITH SAECO ELECTRIC & UTILITY, LTD IN AN AMOUNT NOT TO EXCEED \$517,924.77, TO PERFORM TRAFFIC SIGNAL INSTALLATIONS FOR THE FY 2013 – FY 2014 TASK ORDER CONTRACT FOR THE TRAFFIC SIGNAL SYSTEMS.

2013-01-31-0067

Item 9. AN ORDINANCE AUTHORIZING A TASK ORDER CONSTRUCTION CONTRACT WITH INTERSTATE BARRICADES AND MARKINGS, INC. IN AN AMOUNT NOT TO EXCEED \$860,735.00, TO PERFORM THE INSTALLATION OF PAVEMENT MARKINGS AND BIKE LANES FOR THE FY 2013 TASK ORDER CONTRACT FOR PAVEMENT MARKINGS.

2013-01-31-0069

Item 11. AN ORDINANCE APPROVING ASSIGNMENT OF THE TOWER LEASE AGREEMENT FOR 6023 W. COMMERCE STREET WITH T-MOBILE WEST TOWER CORPORATION DBA T-MOBILE USA, INC. TO CROWN CASTLE INTERNATIONAL CORPORATION.

2013-01-31-0070

Item 12. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH SHERRY M. CHAUDHRY FOR THE CITY-OWNED DULLNIG HOUSE LOCATED AT 204 NOLAN STREET ADJACENT TO HEALY MURPHY PARK FOR A PERIOD OF TWENTY YEARS COMMENCING ON MARCH 1, 2013, LOCATED IN COUNCIL DISTRICT 2.

2013-01-31-0071

Item 13. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR, AND ACCEPTANCE, UPON AWARD, OF, UP TO \$300,000.00 FROM THE OFFICE OF THE TEXAS DIVISION OF EMERGENCY MANAGEMENT FOR THE 2013 EMERGENCY MANAGEMENT PREPAREDNESS GRANT TO PREVENT, RESPOND TO, AND RECOVER FROM ACTS OF TERRORISM AND NATURAL DISASTERS; AUTHORIZING AN IN-KIND MATCHING CONTRIBUTION OF UP TO \$150,000.00; AND AUTHORIZING A PERSONNEL COMPLEMENT OF 3 POSITIONS.

2013-01-31-0072

Item 14. AN ORDINANCE RATIFYING THE SUBMISSION OF TWO CERTIFIED LOCAL GOVERNMENT GRANT APPLICATIONS AND AUTHORIZING ACCEPTANCE OF UP TO \$20,000.00 FOR HISTORIC FARM AND RANCH SURVEYS AND RESEARCH.

2013-01-31-0073

Item 15. AN ORDINANCE UPDATING THE RULES AND REGULATIONS FOR BUSINESSES CONDUCTING OPERATIONS AT THE SAN ANTONIO INTERNATIONAL AIRPORT ON SUBJECTS INCLUDING SERVICE ROAD USE, AIRCRAFT POSITIONING, VEGETATION AND WILD ANIMALS; AND AMENDING CHAPTER 3 OF THE CITY CODE OF SAN ANTONIO.

2013-01-31-0074

Item 16. AN ORDINANCE AMENDING THE METHODOLOGY FOR CALCULATING THE FEE-IN-LIEU-OF ONSITE DETENTION; INCREASING FEES TO ALL LAND USE CATEGORIES; AND AMENDING ARTICLE V, CHAPTER 35 OF THE UNIFIED DEVELOPMENT CODE.

2013-01-31-0075

Item 17. AN ORDINANCE AMENDING CHAPTER 19, ARTICLE XI (WRECKER SERVICES) OF THE CITY CODE TO COMPLY WITH STATE LAW, ADJUST THE MAXIMUM ALLOWABLE FEE FOR NON-CONSENT TOWS, AND REVISE REQUIREMENTS PERTAINING TO ITEMS INCLUDING SIGNAGE, REPORTING, RELEASE OF PRIVATE PROPERTY, TOW FEE STUDIES, AND OTHER AMENDMENTS.

Item 19. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2013, 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. APPOINTING SARAH LINDA LOPEZ (DISTRICT 5) TO THE SAN ANTONIO YOUTH COMMISSION.

- B. APPOINTING JOSHUA ANGEL DIAZ (DISTRICT 5) TO THE SAN ANTONIO YOUTH COMMISSION.
- C. APPOINTING KAREN SPEER (DISTRICT 5) TO THE ANIMAL CARE SERVICES ADVISORY BOARD.
- D. APPOINTING MANUEL BARAJAS, JR. (DISTRICT 5) TO THE CITY COMMISSION ON VETERAN AFFAIRS.
- E. APPOINTING SUSAN POWERS (DISTRICT 5) TO THE LINEAR CREEKWAY PARKS ADVISORY BOARD.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 5:

2013-01-31-0063

Item 5. AN ORDINANCE ACCEPTING THE BID FROM OSHKOSH CORPORATION TO PROVIDE THE AVIATION DEPARTMENT WITH AN AIRCRAFT RESCUE AND FIRE FIGHTING VEHICLE FOR THE SAN ANTONIO INTERNATIONAL AIRPORT FOR A TOTAL COST OF \$762,749.00; FUNDED WITH FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT FUNDS AND AIRPORT IMPROVEMENT AND CONTINGENCY FUNDS FOR ELIGIBLE PROJECT COSTS.

Councilmember Ozuna asked why the vehicle was needed and asked of the emergency response vehicles at San Antonio International Airport. Frank Miller replied that the Airport adhered to the Federal Aviation Administration (FAA) rules for fire response and that the type and number of emergency vehicles were based on a formula. He stated that they were required to have two 1,500-gallon trucks and that they were replacing a 1,500-gallon truck with a 3,000-gallon truck. He noted that the vehicles were replaced based on their age. He mentioned that the vehicle being replaced was 20-years-old. In response to Councilmember Ozuna, he confirmed that there would be two 3,000-gallon foaming trucks at the Airport. Councilmember Ozuna asked of the equipment at Stinson Airport. Mr. Miller replied that they had a 500-gallon truck at Stinson Airport with foaming capabilities.

Councilmember Chan moved to adopt the proposed Ordinance. Councilmember Ozuna seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** C. Medina and Soules.

The City Clerk read the caption for Item 7:

2013-01-31-0065

Item 7. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. IN THE AMOUNT NOT-TO-EXCEED \$5,191,606.00 FOR PLANNING AND DESIGN SERVICES FOR AIRFIELD PROJECTS AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FUNDED BY FEDERAL AVIATION ADMINISTRATION GRANTS AND MATCHING CITY FUNDS.

Councilmember Williams asked if this work was related to the work conducted at Stinson Airport. Frank Miller replied that this contract would begin the design process for replacement pavement at the San Antonio International Airport. He noted that Kimley-Horn had previously provided Master Planning Services at Stinson Airport and that was not related to said project. He stated that there were design standards for taxiways and their intersection with the runways that needed to be followed. Councilmember Williams asked if the work was associated with the contract with Ballenger to repair a taxiway. Mr. Miller replied that it was not related to that project either.

Councilmember Chan moved to adopt the proposed Ordinance. Councilmember Soules seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Ozuna, Saldaña, D. Medina, Lopez, Chan, Soules, and Mayor Castro. **NAY:** Williams. **ABSENT:** Taylor and C. Medina.

The City Clerk read the caption for Item 10:

2013-01-31-0068

Item 10. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE SAN ANTONIO FOOD BANK FOR THE USE OF APPROXIMATELY 23.55 ACRES FOR AN URBAN FARM PROJECT LOCATED AT 5200 OLD HWY 90 WEST, FOR A TWENTY YEAR TERM COMMENCING UPON COUNCIL APPROVAL AT AN ANNUAL RENT OF ONE DOLLAR.

Councilmember Lopez highlighted the item in partnership with the San Antonio Food Bank and spoke of the great work occurring along the corridor. He mentioned that much of this work was made possible through the City's Land Bank Initiative. He noted that 80% of the area was occupied and thanked Eric Cooper of the San Antonio Food Bank for their work.

Councilmember Lopez moved to adopt the proposed Ordinance. Councilmember Soules seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, Williams, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** C. Medina and Chan.

The City Clerk read the captions for Items 18A-18D:

Item 18. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE CITY'S RECYCLING AND RESOURCE RECOVERY PLAN:

2013-01-31-0076

- A. AN ORDINANCE REVISING THE RECYCLING AND RESOURCE RECOVERY PLAN TO ACHIEVE A 60% RESIDENTIAL RECYCLING RATE BY 2025.

2013-01-31-0077

- B. AN ORDINANCE APPROVING THE ESTABLISHMENT OF A SUBSCRIPTION BASED ORGANICS RECYCLING PROGRAM WITH A SUBSCRIPTION FEE RATE OF \$3.00 PER MONTH AND ADJUSTING THE FY 2013 ADOPTED BUDGET FOR THE SOLID WASTE OPERATING AND MAINTENANCE FUND FOR THE REVISED SUBSCRIPTION BASED ORGANICS RECYCLING PROGRAM.

2013-01-31-0078

- C. AN ORDINANCE AMENDING THE EXISTING ORGANIC COMPOSTING CONTRACT WITH NEW EARTH, INC., TO EXTEND THE TERM OF THE CONTRACT FROM SEPTEMBER 30, 2013 TO DECEMBER 31, 2013 AND TO INCREASE THE MAXIMUM CONTRACT VALUE OF \$195,000.00 TO A MAXIMUM VALUE OF \$243,750.00.

2013-01-31-0079

- D. AN ORDINANCE AMENDING CHAPTER 14 OF THE CITY CODE OF SAN ANTONIO TO ALLOW BILLING FOR SUBSCRIPTION-BASED ORGANICS COLLECTION, AND OTHER APPLICABLE GUIDELINES AS RELATED TO THE SUBSCRIPTION-BASED ORGANICS COLLECTION PROGRAM, ESTABLISHING A PENALTY AND DIRECTING THE CITY CLERK TO PUBLISH NOTICE.

Councilmember Soules stated that he was pleased that they were able to work together to create a good program. He thanked David McCary for the many presentations made and for taking recommendations to develop the plan. Mayor Castro also thanked the Solid Waste Department for their great work on recycling.

Councilmember Soules moved to adopt the proposed Ordinances for Items 18A-18D. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** C. Medina.

The City Clerk read the caption for Item 20:

2013-01-31-0002R

Item 20. A RESOLUTION APPROVING THE BYLAWS OF THE EARLY CHILDHOOD EDUCATION MUNICIPAL DEVELOPMENT CORPORATION THAT HAS BEEN ESTABLISHED BY THE CITY COUNCIL TO GOVERN THE PRE-K 4 SA INITIATIVE.

Councilmember Soules asked of Article 4 Section 4(a) of the bylaws and asked of the possible veto power by the City Manager related to the employment of a Chief Executive Officer. Michael Bernard replied that there was a provision in State Law that provides for the creation of the Corporation which

states that all employees of the Corporation are employees of the city. He stated that all employees were subject to Charter Provisions which included review, consultation and approval by the City Manager. Councilmember Soules asked of the potential to amend said legislation during this Session. Mr. Bernard replied that this would be the time to address the issue. Mayor Castro recommended against bringing forward legislation related to Education during the Legislative Session. Councilmember Soules asked what would occur if there was a conflict between the Board and the City Manager regarding selection of a CEO. City Manager Sculley stated that she was serving on the Personnel Committee along with Board Chair Elaine Mendoza and Personnel Committee Chair, Joe Robles and they would be interviewing candidates together.

Councilmember Soules asked of the Performance Review and Assessment by the City Council every five years and asked why it would not occur more frequently. Peter Zanoni responded that the Pre-K 4 SA Program would be subject to an extensive, annual performance evaluation through an Independent Group. Mr. Bernard added that Article V Section 2(b)(1) requires that an annual performance review and evaluation including audited financial statements from the preceding fiscal year be provided by the Board to the City Council. Councilmember Soules asked if the annual performance review would be conducted on the program or on the budget. Mr. Bernard replied that the interpretation of same would be decided by the City Council.

Councilmember Lopez stated that as things move along with the new program; they will be perfected. He noted that the program was being reviewed and monitored by many and hoped that it would become a model to be replicated.

Councilmember Bernal stated that he concurred that policies would be perfected through time and experience. He noted that he believed that the annual evaluation should include evaluation of the budget and program. He thanked the students from the International School of the Americas for being present.

Councilmember Saldaña stated that he had confidence in the Board and believed they were doing a great job. Mayor Castro asked if the Board had approved the bylaws. Mr. Bernard replied that the Board had approved the bylaws the previous week. Councilmember Soules added that in light of the discussion and the ability for the Board to adjust the bylaws going forward, he would be supportive.

Councilmember Lopez moved to approve the Resolution. Councilmember Bernal seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** C. Medina.

The City Clerk read the caption for Item 21:

2013-01-31-0080

Item 21. AN ORDINANCE AUTHORIZING DEPARTMENT DIRECTORS, OR THEIR DESIGNEES, TO EXECUTE CONTRACTS FOR AMOUNTS NOT TO EXCEED \$50,000.00 FOR THE SALE OF SURPLUS OR SALVAGE CITY PERSONAL PROPERTY.

Councilmember Chan asked of the current process and the timeline to execute a contract. Troy Elliott replied that each department identifies property that is in need of disposal and then contacts the Finance

Department to assist with the disposition process. The Finance Department first offers the property to other city departments. Once that process is exhausted, they work with the Purchasing Department to receive bids from vendors and determine if a bid is acceptable. He stated that personal property includes items such as desks, tables, and chairs. He noted that said Ordinance would delegate authority to department directors and align with expenditure contracts which currently allow department directors to execute contracts up to \$50,000. Councilmember Chan expressed concern with the high threshold and clarified that this process did not include land. Mr. Elliott confirmed that it did not include land. Councilmember Chan asked what step in the process was streamlined. Mr. Elliott responded that they would no longer have to bring said items to the City Council for approval. Councilmember Chan asked how the personal property was being appraised. Mr. Elliott replied that they put the items out for bid and vendors bid on the property. He mentioned that notification was provided to vendors in the Central Vendor Registry.

Councilmember Chan moved to table said item. Councilmember Soules seconded the motion.

Councilmember Soules stated that he did not recall seeing these small-dollar items brought to the City Council. Mr. Elliott stated that they had not brought many of these items before the City Council and were looking to improve business processes within the Procurement Division. Councilmember Soules expressed concern with the \$50,000 threshold and with determining the value of the property. Ben Gorzell added that they were trying to implement a new process and that many had not been brought before the City Council because they were transferred to other city departments. Ms. Sculley added that they were focused on improving the entire purchasing process and that the revenues received from the sale of said property would go back to the General Fund.

Councilmember Lopez asked if this would accelerate moving funds into the General Fund. Mr. Elliott confirmed that it would. Councilmember Lopez asked if this was a best practice of other comparable cities. Mr. Elliott replied that it was a best practice.

Councilmember Lopez moved to adopt the ordinance as recommended by staff. Councilmember Ozuna seconded the motion.

Councilmember Ozuna asked if personal property included desktop computers. Mr. Elliott replied that they would include desktop computers and would coordinate with the Information Technology Services Department (ITSD). Councilmember Ozuna stated that it was her experience in the IT Industry that equipment costs a certain amount but depreciates very quickly.

Mayor Castro stated that they should focus on the larger picture of having a process in place that works and to be more efficient.

The motion by Councilmember Chan to table said item and seconded by Councilmember Soules was voted on first.

The motion to table failed by the following vote: **AYES:** Taylor, Williams, Chan and Soules. **NAYS:** Bernal, Ozuna, Saldaña, D. Medina, Lopez, and Mayor Castro. **ABSENT:** C. Medina.

The motion by Councilmember Lopez to adopt the ordinance as recommended by staff and seconded by Councilmember Ozuna was voted on at this time.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, and Mayor Castro. **NAYS:** Williams, Chan and Soules. **ABSENT:** C. Medina.

Item 22. CITY MANAGER'S REPORT

A. TERMINAL A UPDATE

Ms. Sculley reported that the first phase of construction for Terminal A Renovations was complete. She stated that beginning Friday, February 1, 2013, passengers and visitors to Gates 14, 15, and 16 in the South Concourse would see expanded bathrooms, new finishes along concourse walls, new carpeting and passenger seating. She noted that the renovation project has been scheduled into nine separate phases in order to minimize the impact to airport operations and to the traveling public. She mentioned that Phase II would begin the following day and would affect gates 12 and 13 for four to five months. She added that the total renovation would be complete in April 2014. She indicated that the project would include a new queuing area for the TSA Checkpoint scheduled to open in 60 days. She reported that work on new concessions would begin in February and be completed in June. She highlighted the installation of the Global Entry Kiosks that improve the Customs Experience for International Passengers. She stated that the contract for design services for the Consolidated Rental Car Facility would be brought to the City Council within the next month. She added that the Aviation Department would continue to keep the public informed of the many projects and initiatives through updates to their website, Twitter, Facebook, and media events.

B. PUBLIC SAFETY UPDATE

Ms. Sculley reported that in December, 2012 the city had provided 11 personnel to assist with recovery efforts from the devastation of Hurricane Sandy. She stated that the personnel included eight Firefighters, two Police Officers, and one member of the San Antonio Office of Emergency Management. She mentioned that the group worked alongside other Texas Agencies for the Lone Star Incident Management Team. She noted that the team returned to San Antonio on Thursday, January 17, 2013 after three weeks in New York.

She reported that on Saturday, January 19, 2013, 35 Police Officers from the San Antonio Police Department traveled to Washington, D.C. to assist with security along the Inaugural Parade Route for President Obama. She stated that the group was commanded by Assistant Chief Jose Banales and that the Police Officers had attended an orientation program in San Antonio with the Department of Homeland Security. She noted that once they arrived in Washington, the Officers were deputized as Federal Officers by the US Marshals. She reported that all Officers returned to San Antonio on Tuesday, January 22, 2013. She stated that the City of San Antonio would be reimbursed for expenses by the Texas Forrest Service and D.C. Metropolitan Police Department in approximately 45 days for both actions.

Lastly, she invited everyone to attend the free Landfill Disposal Day that would be held on Saturday, February 2, 2013 at three landfills and four other city locations from 8:00 am to 1:00 pm.

Mayor Castro stated that he was excited about the Global Entry Kiosk at the Airport and commended the First Responders for their efforts on Hurricane Sandy.

EXECUTIVE SESSION

The Executive Session portion of the agenda was not conducted.

- 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 DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.087 (ECONOMIC DEVELOPMENT) AND 551.071 (CONSULTATION WITH ATTORNEY).**

- C. DISCUSS LEGAL ISSUES RELATED TO *CITY OF SAN ANTONIO V. HOTELS.COM, L.P., ET AL* IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION, CASE NO. SA06CA0381 OG, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 11:30 am.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest:



LETICIA M. VACEK, TRMC/MMC
City Clerk