

**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 COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, JUNE 10, 2009 AND THURSDAY, JUNE 11, 2009, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **June 10, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, Clamp, and Mayor Castro.

**1. BRIEFING AND POSSIBLE ACTION REGARDING 1) THE CITY'S FY 2009 BUDGET AND FINANCIAL POSITION AND FINANCIAL FORECAST, AND 2) REVIEW OF THE PROPOSED FY 2010 BALLOT FOR CITY COUNCIL BUDGET POLICY DIRECTION FOR DISCUSSION AT THE CITY COUNCIL JUNE 24<sup>TH</sup> MAJOR POLICY AND BUDGET GOAL SETTING WORKSESSION.**

City Manager, Sheryl Sculley explained that staff would present the Forecast for the City's Budget and the Ballot of City Services for Budget Policy Direction. She outlined the June 24, 2009 City Council Major Policy and Budget Goal Setting Meeting.

Ms. Sculley stated that the Adopted FY 2009 Budget was \$929 million; the Mid-Year Revised Budget was \$898 million; and General Fund Revenues were down \$49 million (5.5%). She reviewed the proactive measures taken by City Staff to manage the FY 2009 Budget through the end of the fiscal year.

Councilmember McNeil asked of the City's bond rating. Ms. Sculley stated that the City's AAA Bond Rating was designated by Standard and Poor's and that Moody's had given the City a rating of AA+. She stated that the City had not sold anything recently, but the AAA rating would help when that occurred.

Mr. Peter Zanoni, Director of Management and Budget, noted that the Five Year Financial Forecast was a budgetary planning tool that identified areas of significance to include shortfalls, mandates, and expenditures. He explained that there was a projected shortfall for Fiscal Years 2010-2014 and that cost of living adjustments, pay plan adjustments, or additional policy issues to include Haven for Hope funding were not included.

Mr. Zanoni spoke of the FY 2009 General Fund Budget Revenue challenges and explained that collections were below projected amounts for all sources of revenues including Property Taxes (\$3.1 million), CPS (\$34.5 million), Sales Tax (\$10.8 million), and Other (\$0.1 million) Revenues. He provided an overview of Sales Tax Monthly Collections, Historical Sales Tax Revenues, and Forecasted Sales Tax Revenues. Mr. Zanoni discussed the planned Property Tax Rate Reduction in FY 2010 and added that the final phase of consolidation for the University Health System and City Health Clinics was reflected in the forecast.

Mr. Zanoni spoke of the General Fund Expenditures and stated that there were funds available for the following: 1) Current level of recurring City services; 2) Five-Year Infrastructure Management Program; 3) Parks Maintenance and Renovation Program; 4) Parks Playground Replacement Program; 5) Mandated Costs; 6) Higher Retirement contribution rates for TMRS; and 7) Medical inflation factors

included in healthcare and worker's compensation costs. He added that the forecast maintained a Financial Reserve Policy of 9% and that One-Time Enhancements were not included in the Five-Year Forecast. Ms. Sculley explained that the One-Time Enhancements had been included in the FY 2009 Budget due to excess revenue.

Mr. Zaroni presented an update on the Planning and Development Services Enterprise Fund. He stated that in 2008, a two-year Deficit Reduction Strategy had been implemented; expenditures had been reduced by \$4.9 million from FY 2007-2009; and sixty-nine positions had been eliminated over the same time frame. He noted that revenues had declined due to a decrease in construction and permits. He spoke of the Hotel Occupancy Tax Fund noting that the US Hospitality Industry had a 4% decrease in occupancy and was expected to recover in mid-2010. He added that the Aviation Enterprise Fund had experienced a 5% decrease in enplanements.

Mr. Zaroni discussed the Federal Economic Stimulus Programs and the FY 2010 Budget. He noted that Stimulus Funds could not be used to supplant the Budget and would be temporary and one-time in nature. He stated that the City was expected to receive \$110 million in thirteen program areas but had not received any funds to date.

Mr. Zaroni outlined the mid-year budget reductions approved by the City Council in January which generated \$72 million. He spoke of the four strategies: 1) Better than anticipated beginning balance for FY 2009; 2) Reduced expenditures in the General Fund Budget; 3) Less transferred to the Solid Waste Fund; and 4) Deferred Infrastructure Improvements. He noted that the hiring freeze; Fuel Budget Savings; better-managed healthcare program; and departmental efficiencies had contributed to reducing the FY 2009 Budget.

Mr. Zaroni noted that San Antonio was predicting an \$11 million shortfall in FY 2010 and reviewed predicted shortfalls for various cities and counties across the nation. Ms. Sculley noted that City civilian departments had been asked to identify 10% in efficiencies and reductions.

Councilmember Galvan asked if the upcoming economic challenges had been communicated to City Staff. Ms. Sculley stated that the Budget had been monitored continuously and action had been taken in preparation of the observed trends. Councilmember Galvan asked if the report reflected the growth and influx of jobs due to BRAC. Ms. Sculley stated that growth was included in the forecast, but staff projected it would be moderate.

Mr. Zaroni distributed the Ballot for City Council Budget Policy Direction and outlined the ballot process. He explained that the ballots would be completed individually by Councilmembers and the results would be discussed at the June 24, 2009 Budget Goal Setting Work Session. He asked that the ballots be submitted by Friday, June 19, 2009 and reviewed the Agenda for the Goal Setting Work Session.

Councilmember Cibrian spoke of the increase in spending and corresponding investments. She thanked Mr. Zaroni and recognized him for his efforts. She asked that the Reserve Fund be increased to 10% for FY 2010 Budget. She noted that some services were required through the City Charter and stated that the Council would have to be mindful of those services. She spoke in opposition to raising taxes and requested an analysis of salary and benefits. It was noted that 75% of the Budget was directly related to employee costs.

Councilmember Cortez asked of cost of living adjustments for employees and elimination of positions. Ms. Sculley stated that cost of living adjustments were not included in the FY 2010 Budget and that staff was doing everything possible to avoid eliminating positions. Councilmember Cortez spoke of the importance of Public Safety. He asked of the utilization of the Reserve Fund. Ms. Sculley stated that she would not recommend utilizing the Reserve Fund and that it should be a last resort. Councilmember Cortez stated that he would prefer to utilize the Reserve Fund prior to eliminating positions.

Councilmember Clamp stated that the budgetary focus should be placed on the Public Safety and Infrastructure Committee. He noted that it was important to review options that would allow city employees to receive pay increases. He asked of the cost of Mission Verde Green Initiatives. Ms. Sculley stated that the City had agreed to evaluate buildings and implement efficiencies that would pay for themselves over time. Councilmember Rodriguez asked if the forecast included initiatives including the CPS Step Program. Mr. Zanoni stated that the current rates were the assumed rates utilized in the forecast. Councilmember Ramos asked of the additional Police Officers in the FY 2009 Budget. Ms. Sculley stated that they were being hired on schedule.

Mayor Castro spoke of the projections in the Five-Year Financial Forecast and noted that as the national economy fared better, local economy projections would change significantly. He requested an analysis of the difference in projected and actual CPS Rates per year since 1993. He also requested an analysis of spending increases over the past several years. He added that he would prefer not to utilize the Reserve Fund at this time.

Mayor Castro recessed the B Session at 4:15 pm to convene in Executive Session for the purposes of:

- A. **Discuss legal issues related to *Vanessa Samudio, et al v. City of San Antonio, et al*, in the 407<sup>th</sup> Judicial District Court, Cause No. 2008-CI-06869, pursuant to Texas Government Code Section 551.071 (consultation with attorney).**
- B. **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).**

Mayor Castro reconvened the B Session at 5:47 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action. There being no further discussion, Mayor Castro adjourned the meeting at 5:47 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **June 11, 2009** at 9:00 am in the City Council Chambers.

**Item 1.** The Invocation was delivered by Father Steven Gamez, Parochial Vicar, San Fernando Cathedral, guest of Councilmember Mary Alice Cisneros, District 1.

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

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

### **Item 3. MINUTES**

Councilmember Cisneros made a motion to approve the Minutes for the May 21, 2009 Regular City Council Meeting. Councilmember Cibrian seconded the motion.

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

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read Item 4:

#### **2009-06-11-0482**

Item 4. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE CLOSING, VACATING, AND ABANDONING PORTIONS OF MARYLAND, DAKOTA AND NEVADA STREETS BETWEEN MEERSCHIEDT AND MITTMAN AND ADJACENT TO NCBS 1484, 1499, AND 1504, LOCATED IN COUNCIL DISTRICT 2, AS REQUESTED BY ALAMO COLLEGES FOR A FEE OF \$69,246.00.

George Rodriguez, CIMS Assistant Director presented said item and stated that the Alamo Community College District (ACCD) had requested the closure to develop Mittman Street as a walkway. He noted that the petitioner owned all of the abutting properties and had agreed to comply with the imposed conditions. He added that the City would collect \$69,246 for the closure.

Faris Hodge, Jr. submitted written testimony in support of said item noting that the land would help ACCD expand.

Councilmember McNeil thanked staff for their work on said project. She stated that none of the streets or properties were residential and would help make St. Phillip's College a more walkable campus.

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

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

Councilmember Ramos entered the meeting at this time.

The City Clerk read Item 5:

#### **2009-06-11-0483**

Item 5. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AUTHORIZING A PROPERTY EXCHANGE INVOLVING A CLOSURE AND ACQUISITION NEAR GATE #2 OF BRACKENRIDGE PARK ON AVENUE B FOR THE CITY WIDE BIKE GROUP III-AVENUE B CONSTRUCTION PROJECT, LOCATED IN COUNCIL DISTRICT 1.

George Rodriguez stated that during the construction of the Avenue B Project, it was discovered that an unimproved portion of Avenue B was located on private property. He reported that a subsequent survey

had found a portion of same property owner's parking lot on an unimproved portion of Avenue B. He explained that the two parcels of land were equal in lot area. He stated that the City had agreed to provide the unimproved portion of Avenue B to the abutting property owner (for parking) in exchange for the portion of private property currently used as Public Right of Way by the City. He noted that there was no fiscal impact.

Nazirite Ruben Flores Perez spoke in support of said item and stated that people should be encouraged to ride bicycles.

Ms. Vacek read written testimony from Faris Hodge, Jr. stating that the City-Wide Bike Group would help to get people off the street.

Councilmember Cisneros read a letter of support from Richard K. Reed, President of the River Road Neighborhood Association. Mr. Reed wrote that he supported the City's recommendation for the exchange of rights to an unimproved portion of Avenue B at the north entrance.

Councilmember Cisneros expressed her support and moved to adopt the proposed Ordinance. Councilmember Chan seconded the motion.

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

**CONSENT AGENDA: Items 6 – 27**

Consent Agenda Items 8, 9, 10, 11, 12, 13, 15, 17, 19, 23, 25, 26 and 27 were pulled for Individual Consideration. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Ramos seconded the motion.

Robert Langston addressed the Council and spoke in support of Item 19. He stated that acquiring the properties for the Linear Park were important to the project and had a great impact on the surrounding neighborhoods. He noted the many developments in the Beacon Hill Neighborhood and recognized Councilmember Cisneros for her work.

Shirley Thompson addressed the Council in reference to Item 25 regarding the Clean Zone and spoke of the importance of the City's image to visitors. She expressed concern with Mayor Castro serving as the Grand Marshal of the Gay Pride Parade and asked him to reconsider.

Nazirite Ruben Flores Perez spoke in reference to the license agreement with A-Action Bail Bonds (Item 16) and expressed concern with the continued growth in the area.

Jack M. Finger spoke in opposition to the Professional Services Agreement amendment with HNTB Corporation (Item 11) due to the campaign contributions to City Councilmembers. He also expressed his support for the property acquisition for the Linear Park Project in the Beacon Hill Neighborhood (Item 19). He stated that he was against the amendment to the Economic Development Grant Agreement with Park Centre Towers, Ltd. (Item 23).

Faris Hodge, Jr. submitted written testimony for Item 6 and expressed concern with the contract estimates. He wrote that the purchases in Items 7-11, 13, and 14 should be delayed due to the budget

shortfall. He wrote in support of Item 12, the Landscaping Design Services for Walters Street. He also wrote in favor of Item 15 being the purchase of property for the Northeast Senior Center. He wrote in favor of Items 16- 23, 26, and 27. Lastly, he wrote in support of the Clean Zone (Item 25) noting that the City would receive a great amount of funds from the Valero Bowl.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Cisneros, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** McNeil.

**2009-06-11-0484**

Item 6. AN ORDINANCE ACCEPTING THE FOLLOWING BIDS TO PROVIDE THE CITY WITH THE FOLLOWING COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2009 FOR A COMBINED ESTIMATED COST OF \$820,000.00, INCLUDING: (A) BRADY'S COLLISION FOR MEDIUM & HEAVY DUTY TRUCK COLLISION REPAIR FOR CITY VEHICLES; (B) C-3 ENVIRONMENTAL SPECIALTIES, LP FOR HYDRO MULCH OVERSEEDING; (C) STRYKER SALES CORPORATION FOR AMBULANCE COTS; (D) GLOBAL TRAFFIC TECHNOLOGIES, LLC FOR TRAFFIC CONTROL AND SIGNAL PREEMPTION EQUIPMENT; AND (E) ERGON ASPHALT & EMULSIONS, INC. FOR SCRUB SEALANT.

**2009-06-11-0485**

Item 7. AN ORDINANCE ACCEPTING THE OFFERS FROM RUSH TRUCK CENTER-HOUSTON, PHILPOTT MOTORS LTD. AND PLANET FORD TO PROVIDE THE CITY WITH SIX SPECIALTY VEHICLES (5 ADDITIONAL AND 1 REPLACEMENT) FOR A COST OF \$529,939.00.

**2009-06-11-0491**

Item 14. AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO CORNER SECTIONS OF PROPERTY, EACH APPROXIMATELY 21 SQUARE FEET, AT HAYS AND CHESTNUT STREETS LOCATED IN COUNCIL DISTRICT 2, FOR \$1,200.00 AS PART OF THE HAYS STREET BRIDGE REHABILITATION PROJECT.

**2009-06-11-0493**

Item 16. AN ORDINANCE AUTHORIZING A 10-YEAR LICENSE AGREEMENT WITH A-ACTION BAIL BONDS TO ALLOW USE OF PUBLIC RIGHT-OF-WAY FOR CUSTOMER PARKING LOCATED IN FRONT OF 1126 W. COMMERCE STREET, LOCATED IN COUNCIL DISTRICT 5, IN EXCHANGE FOR \$24,932.00.

**2009-06-11-0495**

Item 18. AN ORDINANCE AUTHORIZING THE RENEWAL OF A LEASE FROM SW DIAGNOSTIC BUILDING, INC. OF APPROXIMATELY 1,000 SQUARE FEET AT 102 PALO ALTO RD., SUITE 460, FOR THE COUNCIL DISTRICT 4 CONSTITUENT OFFICE, FOR A FIVE-YEAR TERM COMMENCING JULY 1, 2009, AT AN ANNUAL RENT OF \$13,200.00.

**2009-06-11-0497**

Item 20. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION AND/OR CONDEMNATION, OF FEE SIMPLE TITLE CONSISTING OF APPROXIMATELY 3,002 SQUARE FEET OF PRIVATELY OWNED PROPERTY AT THE NORTHWEST CORNER OF THE INTERSECTION OF STONE OAK PARKWAY AND HUEBNER ROAD IN COUNCIL DISTRICT 9 FOR THE STONE OAK PARKWAY AND HUEBNER ROAD INTERSECTION PROJECT;

DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING THE EXPENDITURE OF \$39,650.00 FOR THE ACQUISITION.

**2009-06-11-0498**

Item 21. AN ORDINANCE AUTHORIZING A 10-YEAR LEASE AGREEMENT WITH THE TEXAS TRANSPORTATION MUSEUM AT MCALLISTER PARK, LOCATED IN COUNCIL DISTRICT 9.

Item 22. APPOINTING BARBARA A. GUTIERREZ (DISTRICT 2) TO THE CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011, TO BE EFFECTIVE IMMEDIATELY.

**2009-06-11-0500**

Item 24. AN ORDINANCE SCHEDULING A REGULAR CITY COUNCIL MEETING FOR THURSDAY, JUNE 25, 2009.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2009-06-11-0486**

Item 8. AN ORDINANCE ACCEPTING THE OFFER FROM FRAZER, LTD TO PROVIDE THE FIRE DEPARTMENT WITH SIXTEEN REPLACEMENT AMBULANCES FOR A TOTAL COST OF \$2,104,200.00.

Councilmember Cortez asked for additional information regarding said purchase. Florencio Peña, Director of Fleet Maintenance and Operations stated that the ambulances were on a four-year fleet replacement program. Chief Hood stated that an Apparatus Committee had reviewed the specifications and made recommendations for the ambulances from Frazer, Ltd. He noted that they were environmentally-friendly. Councilmember Cortez asked of the agreement with the City of Houston. Janie Cantu reported that the State allowed municipalities to make purchases under State Cooperative Agreements. She noted that the ambulances were being purchased through the Houston-Galveston Cooperative and the Cooperative had conducted the bid process.

Councilmember Rodriguez asked of the availability of alternative fuel ambulances. Division Chief Robbie Michaels stated that the Frazer Ambulances were powered by a generator instead of a battery and would eliminate the high idle feature of other Department ambulances. He noted that 16 of these types of ambulances had been purchased last year and had proven successful. Councilmember Clamp asked if there were any ambulances manufactured locally. Ms. Cantu replied that there were none manufactured in San Antonio.

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

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

The City Clerk read the following Ordinance:

**CONTINUED TO JUNE 25, 2009**

Item 9. AN ORDINANCE ACCEPTING THE OFFER FROM PHILPOTT MOTORS LTD. TO PROVIDE THE CITY WITH THIRTY-FIVE ADMINISTRATIVE SEDANS (16 ADDITIONAL AND 19 REPLACEMENT) FOR A COST OF \$580,594.30.

Councilmember Rodriguez asked of the replacement of fleet vehicles and expressed concern that the purchase included a minimal number of hybrid vehicles. Janie Cantu stated that the Police Department vehicles had special needs and the Fleet Department was testing hybrid vehicles to see if they met the requirements. Chief McManus noted that the testing was being done based on the needs of various units. Councilmember Rodriguez requested additional information on the overall replacement of fleet and noted the importance of moving more aggressively toward the purchase of hybrids and alternative fuel vehicles.

Councilmember Lopez asked of the possibility of refurbishing vehicles prior to their replacement cycle. Florencio Peña stated that the City kept refurbished vehicles that could be used for a short period of time but there was not a current program to refurbish vehicles prior to their life cycle. Councilmember Cortez asked of the cost difference between a regular vehicle and a hybrid. Ms. Cantu stated that it was between \$4,000-5,000. Councilmember Cortez stated that the great environmental impact would outweigh the cost.

Councilmember Rodriguez moved to continue said item for two weeks. Councilmember Cibrian seconded the motion.

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

The City Clerk read the following Ordinance:

**2009-06-11-0487**

Item 10. AN ORDINANCE RATIFYING THE WORK PERFORMED BY AMERICAN ROOFING AND METAL CO. AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$79,345.00 FOR EMERGENCY REPAIRS TO THE ROOF OF TERMINAL 1 AT SAN ANTONIO INTERNATIONAL AIRPORT.

Tim O'Krongley, Assistant Aviation Director reported that a portion of the roof in Terminal 1 had become detached on May 6th thus the need for an emergency roof repair. He explained that it was the original 25 year roof and the repairs had been coordinated with the CIMS Department. He noted that a complete roof replacement was budgeted in the FY 2010 Capital Budget and would continue working with the CIMS Department to ensure appropriate project specifications.

Councilmember Cibrian expressed concern with roof leaks at various City Facilities and spoke of the overall maintenance at the Airport. She requested that contractors be held responsible for their work. Mike Frisbie stated that the roof had been scheduled for replacement and would work closely with the Airport on said project.

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

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

The City Clerk read the following Ordinance:

**2009-06-11-0488**

Item 11. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$415,865.90 TO A \$1,400,000.00 PROFESSIONAL SERVICES AGREEMENT WITH HNTB CORPORATION FOR ADDITIONAL ENGINEERING SERVICES FOR THE COMMERCIAL TRIBUTARY PH. II - PETALUMA TO IH 35 PROJECT, LOCATED IN COUNCIL DISTRICT 3, AN AUTHORIZED GENERAL OBLIGATION BOND PROJECT.

Councilmember Chan recused herself on Item 11 by exiting the Council Chambers and noting she had submitted the recusal forms to the City Clerk.

Councilmember Ramos asked of the increased cost and the low water crossing issue on Petaluma Street. Mike Frisbie stated that the additional funds were for design services for Phase II of the project. Councilmember Ramos expressed concern with the dip on Petaluma Street that had caused a fatal traffic accident and requested that all of the issues on Petaluma Street be addressed. Mr. Frisbie replied that he would follow up with additional project details.

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

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

The City Clerk read the following Ordinance:

**2009-06-11-0489**

Item 12. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$86,504.64 TO A \$968,588.96 PROFESSIONAL SERVICES AGREEMENT WITH CH2M HILL FOR ADDITIONAL LANDSCAPING DESIGN SERVICES FOR THE WALTERS STREET – IH-35 TO FORT SAM HOUSTON MAIN GATE PROJECT, LOCATED IN COUNCIL DISTRICT 2.

Councilmember Chan recused herself on Item 12 by exiting the Council Chambers and noting she had submitted the recusal forms to the City Clerk.

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

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

The City Clerk read the following Ordinance:

**2009-06-11-0490**

Item 13. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$370,659.00 WITH PLETZ CONSTRUCTION, LLC, FOR CONSTRUCTION OF THE HOUSEHOLD HAZARDOUS WASTE PROCESSING FACILITY AT THE BITTERS ROAD BRUSH RECYCLING CENTER, FUNDED LARGELY BY A GRANT FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.

Councilmember Cortez requested additional information on said item. David McCary, Director of Solid Waste Management stated that the Bitters Facility would be used to support the mobile hazardous waste events and was funded through a grant from the Texas Commission on Environmental Quality. He noted that staff would evaluate the possibility of making the site a permanent drop-off facility. Councilmember Clamp recognized City Staff for their efforts on said project. Councilmember Ramos expressed concern with two household hazardous waste sites on the Northside of the City. She explained that there was the great need for a facility on the Southside and recommended the utilization of Brooks City-Base. Councilmember Rodriguez expressed a need for additional community education of the resources available.

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

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

The City Clerk read the following Ordinance:

**2009-06-11-0492**

Item 15. AN ORDINANCE AUTHORIZING THE PURCHASE OF APPROXIMATELY 2.56 ACRES NEAR THOUSAND OAKS AND BULVERDE ROAD FOR \$105,000.00 FOR THE NORTHEAST SENIOR CENTER, LOCATED IN COUNCIL DISTRICT 10.

Councilmember Clamp thanked City Staff for their work on said project and noted that he was pleased with the opening of a Senior Center in District 10. The Council recognized Councilmember Clamp for his work on the Senior Center. Councilmember Chan recognized WellMed for their continued support of the Senior Citizens.

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

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

The City Clerk read the following Ordinance:

**2009-06-11-0494**

Item 17. AN ORDINANCE AUTHORIZING A 10-YEAR LEASE OF APPROXIMATELY 3,210 SQUARE FEET OF SPACE IN THE LAS PALMAS SHOPPING CENTER LOCATED AT 803

CASTROVILLE ROAD IN COUNCIL DISTRICT 5, FROM TCP LAS PALMAS PARTNERS, LTD AT AN INITIAL ANNUAL RENT OF \$38,064.00, TO EXPAND THE COMMUNITY LINK SERVICE CENTER.

Councilmember Galvan expressed the need for space at the Las Palmas Community Link Service Center and recognized the Staff of the Customer Service/3-1-1 Department for their work. Councilmember Clamp expressed support but requested that staff identify a permanent site instead of leasing. Councilmember Ramos asked staff to collaborate with the CPS Energy Office located at Las Palmas. Tony Bosmans, Customer Service/3-1-1 Director stated that he would research the option.

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

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

The City Clerk read the following Ordinance:

**2009-06-11-0496**

Item 19. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION AND/OR CONDEMNATION OF FEE SIMPLE TITLE TO THREE PARCELS OF PRIVATELY OWNED PROPERTY LOCATED WITHIN THE BEACON HILL NEIGHBORHOOD AREA IN COUNCIL DISTRICT 1 FOR THE BEACON HILL LINEAR PARK PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING THE EXPENDITURE OF \$100,000.00 FOR THE ACQUISITION.

George Rodriguez stated that the CIMS Department was working with the Parks and Recreation Department on the creation of a Linear Park and pursuing the acquisition of three parcels of land for the park. He reported that funds for the project had been allocated by Councilmember Cisneros.

Councilmember Cisneros expressed support and recognized Vicki Marseck. Ms. Marseck addressed the Council and read a letter from Debbie Huerta, President of the Beacon Hill Neighborhood Association. Ms. Huerta wrote that the Beacon Hill Neighborhood Association supported the Mid Town Neighborhood Plan approved in October, 2000. She wrote that the Linear Park had been a concept for over twenty years and would convert four acres of storm water area owned by the City into an area that residents could use. She recognized Councilmember Cisneros and staff for their work on the project and asked for the Council's support.

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

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

The City Clerk read the following Ordinance:

**2009-06-11-0499**

**Item 23. AN ORDINANCE APPROVING AMENDMENTS TO THE ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH PARK CENTRE TOWERS, LTD. (VIDORRA PROJECT).**

Ed Davis, Assistant Director of Economic Development presented said item and stated that staff was recommending an amendment to the grant agreement with Park Centre Towers, Ltd. for the Vidorra Project. He explained that it was a market rate residential project in the Downtown Area and that Phase I had been completed. He noted that Phase II was on hold due to current economic and financial market conditions. He reported that the grant had been approved in December, 2005 and included a Phase I annual grant cap of \$263,120 based on a \$45 million investment with a total expected incentive of \$1,841,840.

Mr. Davis stated that the grant term was seven years beginning in 2009 and required 31% Small, Minority, and Women-Owned Business Enterprise (SMWBE) and 20% African-American Business Enterprise (AABE) for construction to receive the grant payment in Year 7. He reported that the Developer had exceeded the 31% SMWBE but did not meet the 20% AABE despite a good faith effort. As a result, the grant was reduced to six years. He noted that the initial grant payment of \$70,629 on February 10, 2009 was less than the grant cap of \$263,120 and that the project was not expected to generate the expected returns. He stated that Park Centre Towers, Ltd. had requested a grant amendment to obtain the intended incentive. He stated that staff recommended raising the grant cap from \$263,120 to \$301,618 for the remaining five years of the grant.

Councilmember Cibrian expressed concern with non-attainment of the 20% AABE Goal for construction and asked of their good faith effort. Anita Uribe Martin stated that Park Centre Towers, Ltd. had implemented a Mentor Protégé Program and provided numerous outreach efforts. Mr. Davis added that the initial investment was \$45 million and had increased to \$63 million. Councilmember Cibrian stated that her additional concern was based on changing City Policy and could not support said item. Councilmember McNeil expressed her support for said item and recognized Park Centre Towers, Ltd. for their investment on the East Side. She stated that the project would incentivize downtown development and strengthen downtown housing opportunities.

Councilmember Chan asked that staff clarify the amendment. Mr. Davis stated that through the amendment, Park Centre Towers, Ltd. would receive \$263,000 less than what was originally intended with the seven-year grant. Councilmember Chan spoke of the challenges in meeting AABE Goals in the community. Councilmember Galvan spoke of the great opportunity to invest in the inner city and expressed her support. Councilmember McNeil added that the African-American Black Contractors Association had been created to help build African-American Businesses in the community. She noted that Park Centre Towers, Ltd. had been working with them and would continue to do so in the future.

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

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

The City Clerk read the following Ordinance:

**2009-06-11-0501**

Item 25. AN ORDINANCE AUTHORIZING A PORTION OF THE DOWNTOWN AREA TO BE DESIGNATED AS A CLEAN ZONE IN ORDER TO REGULATE CERTAIN COMMERCIAL ACTIVITY ON PUBLIC PROPERTY IN CONNECTION WITH THE 2009 SAN ANTONIO SHOWDOWN ON OCTOBER 29, 2009 THROUGH NOVEMBER 1, 2009, THE 2009/2010 VALERO ALAMO BOWL ON DECEMBER 30, 2009 THROUGH JANUARY 3, 2010, AND THE 2010 NCAA DIVISION I WOMEN'S FINAL FOUR BASKETBALL TOURNAMENT ON MARCH 25, 2010 THROUGH APRIL 7, 2010; DESIGNATING THE GEOGRAPHICAL BOUNDARIES FOR THE CLEAN ZONE IN THE DOWNTOWN AREA; PROVIDING FOR SPECIAL CLEAN ZONE LICENSE PERMITS; AND ESTABLISHING CRIMINAL PENALTIES TO BE IMPOSED FOR VIOLATION OF THIS ORDINANCE WITH A FINE NOT TO EXCEED \$2,000.00.

Councilmember Cibrian stated that she supported the concept of a Clean Zone but expressed concern with current requirements for vendors. Penny Postoak Ferguson, Assistant City Manager, stated that currently licensed Downtown Vendors would not be affected by said item. Councilmember Cibrian requested that staff conduct a comprehensive review of all vendors throughout the City. Councilmember Chan asked of the cost for permits. Jim Mery stated that it was \$750. Councilmember Galvan requested that local vendors not be excluded from selling their products. Councilmember Chan asked staff to define the Clean Zone period. Mr. Mery stated that it referenced a few days prior to the event through the day after the event. Councilmember Galvan asked that the information on the Clean Zone be published in the Express News and La Prensa Newspapers.

Mayor Castro noted issues with interpreting the various fee structures and asked that staff review it in the future. He expressed support for the Clean Zone and thanked staff for their work.

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

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

The City Clerk read Items 26 and 27:

**2009-06-11-0502**

Item 26. AN ORDINANCE AUTHORIZING CERTAIN ACTIONS RELATING TO OUTSTANDING OBLIGATIONS DESIGNATED AS CITY OF SAN ANTONIO, TEXAS WATER SYSTEM COMMERCIAL PAPER NOTES, SERIES A, INCLUDING APPROVAL OF A SECOND AMENDED AND RESTATED REVOLVING CREDIT AGREEMENT; APPROVAL OF AN UPDATED OFFERING MEMORANDUM RELATING THERETO; AND ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE.

**2009-06-11-0503**

Item 27. AN ORDINANCE AUTHORIZING THE EXECUTION OF AGREEMENTS AMENDING THE TERMS OF THE EXISTING SWAP TRANSACTION RELATING TO OUTSTANDING OBLIGATIONS DESIGNATED AS CITY OF SAN ANTONIO, TEXAS WATER SYSTEM SUBORDINATE LIEN REVENUE AND REFUNDING BONDS, SERIES 2003-A AND 2003-B;

ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Clamp requested that the City and SAWS develop a more enhanced process regarding the comprehensive financial impact of capital requests from a global perspective.

Councilmember Clamp moved to adopt the proposed Ordinances for Items 26 and 27. Councilmember Cibrian seconded the motion.

The motion to approve Items 26 and 27 prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Cibrian, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Rodriguez.

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Clamp stated that he would not be in attendance at the next Council Meeting and recognized Councilmembers McNeil and Cibrian for their dedication and commitment to the citizens of San Antonio.

### **Item 28. CITY MANAGER'S REPORT**

#### A. Municipal Swimming Pools Opening

Ms. Sculley reported that 22 swimming pools had been opened throughout the community and operating hours were Tuesday through Sunday from 1:00-7:00 pm. She stated that they were free to the public and that a variety of swimming-related programs were also available.

#### B. Update on 2007-2012 Bond Program

Ms. Sculley stated that the City's website contained information on the progress of the 151 Bond Program Projects. She noted that the \$550 million general obligation bond issuance focused on streets, drainage, libraries and parks, and projects were moving ahead quickly. She reported that the CIMS Department provided oversight for the bond projects, as well as other capital projects. She noted that the City worked closely with the Joint City/County Citizens Bond Oversight Commission and that the program had the largest small business, minority and women-owned business participation in the City's history. She added that the Bond Program was on schedule and on budget.

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Ramos recognized her mother and nephew who were in attendance. Councilmember Clamp recognized Ms. Sculley, Mike Frisbie and staff for their great work on the Bond Program. Councilmember Cibrian thanked everyone for their work on the Bond Program and recognized the members of the Infrastructure and Growth Council Committee.

### **CITIZENS TO BE HEARD**

Mr. Nazirite Ruben Flores Perez spoke of a campaign advertisement for the Run-off Election for City Council District 5 and expressed concern with accusations made regarding Candidate David Medina.

Mr. Phillip G. Barcena thanked Mayor Castro for his support of the Gay Pride Parade and noted that the Mayor would serve as Grand Marshal of the Parade.

Mr. Eric Alva stated that he received the Patriot Award and had been the first American injured in the Iraq War. He thanked Mayor Castro for his support of equality and freedom of speech.

Mr. Daniel Graney thanked Mayor Castro for accepting the invitation to serve as Grand Marshal of the Gay Pride Parade and celebrating San Antonio's diversity.

Mr. Nick Calzoncit spoke of issues with the Harlandale School Board and stated that he was afraid that violence would escalate in the district. He spoke of the Tea Party Group and noted that he had filmed their demonstration for his television show. He added that he had been harassed by the participants and had called the police.

Mr. Damon Mason stated that he witnessed an excessive number of first responders and CPS vehicles at an accident in which a vehicle crashed into a telephone pole. He spoke of a meeting he attended with the Public Works Department and VIA Metropolitan Transit regarding Bus Rapid Transit and noted that underground utilities were a solution to the challenges presented.

Mr. Carlos Soto thanked Mayor Castro for participating in the Gay Pride Parade and stated that it was important for people to know that San Antonio and Texas respected the gay community.

Mr. Faris Hodge, Jr. expressed concern with racial profiling at City Hall and stated that he would like to meet with the City Manager regarding same. He noted that he had filmed a television show that would be aired online. He added that he had not had the opportunity to ride the river barge in the new Museum Reach segment of the river.

Mr. Cipriano Ramirez stated that he was recently disabled and had no income. He stated that he had requested assistance from the City to pay his rent but was denied because he was not exploring employment opportunities. He requested that the City Council review and revise the guidelines for receiving emergency assistance.

Mr. Jacob Gutierrez noted that he had recently graduated from Brackenridge High School and thanked Mayor Castro for his support of the Gay Pride Parade.

Mr. Richard Prieto expressed concern that vendors had been removed from Alamo Plaza without explanation. He stated that they had regained access for a short period of time but the Downtown Operations Office implemented new regulations that again denied them access.

**ADJOURNMENT**

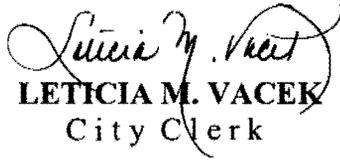
There being no further business to discuss, Mayor Castro adjourned the meeting at 6:35 pm.

**A P P R O V E D**



**JULIÁN CASTRO  
MAYOR**

Attest:



**LETICIA M. VACEK**  
City Clerk