STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, AUGUST 13, 2008 AND THURSDAY, AUGUST 14, 2008.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **August 13, 2008**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

1. BRIEFING ON POLICE EXECUTIVE RESEARCH FORUM (PERF) RECOMMENDATIONS AND STAFF IMPLEMENTATION STRATEGIES.

Police Chief William McManus noted that PERF was an international think tank of Police Chiefs, Professionals, and Academics who collaborated with Police Departments to work on community relations and management studies. He noted that they had identified 141 recommendations, 105 of which were proposed for implementation by the department, 29 that needed further study, and 7 that would not be implemented at this time. He introduced PERF Members who were in attendance.

Dr. Craig Fraser provided background information on each of the PERF Members. He noted that the scope of study had included: 1) Use-of-force incidents, policies, practices, and training; 2) Reporting and investigating processes for officer-involved shootings; and 3) Procedures for accepting and investigating citizen complaints. He stated that overall, the San Antonio Police Department (SAPD) was aligned with national practices and the standards of the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Dr. Fraser noted that PERF had found numerous opportunities for improvement. He outlined specific recommendations including: 1) Clarifying use-of-force policies involving shooting at moving vehicles, 2) Restricting Use-of-Force policies regarding tasers, 3) Making the citizen complaint process more transparent, 4) Creating a departmental disciplinary matrix, 5) Altering the composition of the Civilian Advisory Action Board, 6) Capturing and making data more public on internal investigations, 7) Converting the Early Warning System to the Early Intervention System, 8) Closely monitoring special unit operations, 9) Ensuring that newly promoted personnel are promptly trained, and 10) Remaining constantly vigilant to ensure that the department complies with Search and Seizure Law. Finally, Dr. Fraser stated that the PERF had been impressed that the SAPD examined all of their observations for limitations and had developed a process that was effective which allowed them to move more quickly than most.

Councilmember Herrera requested additional information on the warning system. Dr. Fraser replied that they looked for patterns in an Officer's behavior and the signs were usually obvious. He stated that the Officer would be questioned in a conversational setting to see what the issues were and then would possibly be referred to a Counselor. He added that depending on the Officer's line of work, some may naturally have more claims against them. Councilmember Herrera asked how one could differentiate between being proactive and profiling. Dr. Fraser stated that it was difficult to determine a fully objective measurable standard; therefore, the department would be required to continually assess unit

behavior and communicate with the community so that they are knowledgeable of and approve of the Unit's tactics.

Councilmember Rowe commended the department for their proactive approach in addressing and implementing the recommendations. Councilmember McNeil added her appreciation of the SAPD's approach. She noted that she had not received any complaints or concerns with the department moving forward on the issues.

Councilmember Cisneros expressed pleasure that the SAPD would be following best practice recommendations for taser use. Councilmember Galvan inquired about the 29 items being recommended for further study. Dr. Fraser stated that those items were good ideas, but there were concerns in determining effective ways to implement them.

Councilmember Cibrian stated that the report had many great findings for the SAPD to address. She recognized SAPD Officers and noted that the PERF Report validated SAPD's success. Councilmember Ramos asked for the current make up of the Civilian Advisory Action Board. Dr. Fraser noted that there were seven SAPD Officers and citizen representation had been increased from two to four. Ms. Sculley noted that staff supported the recommendation of having more citizens on the board.

Councilmember Rodriguez thanked all who were involved in said process and noted that a lot of work had gone into the report. He asked for the number of officers who had tasers and if there was a standard protocol. It was noted that 140 out of 2,202 officers had tasers. Dr. Fraser stated that tasers were for use in deadly situations or when dealing with a combative person in a situation where someone could be harmed.

Councilmember Cortez stated that allowing the department to become more transparent would allow for more public trust. He noted that Officers were trained at the Academy and asked if any of the recommendations could be implemented at that level to circumvent future issues. Dr. Fraser stated that the SAPD Academy was one of the best in the nation and they were constantly assessing and adding to the curriculum.

Mayor Hardberger expressed his appreciation for SAPD's continuous improvement. He spoke of the process by which citizens filed complaints and expressed concern that the process could be very intimidating.

Dr. Fraser noted that Police Departments throughout the country would be reviewing the San Antonio report so it was crucial to develop exemplary programs that could be emulated. He added that it was important to address the issue of changing the Police Culture after training Officers to act a certain way for the past twenty years. He stated that it would take about three years to fully train an officer and the notion of early intervention was critical.

There being no further discussion, Mayor Hardberger adjourned the meeting at 4:45 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **August 14, 2008** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Rev. Robert E. Glenn, Pastor, Bethel United Methodist Church, guest of Councilmember Delicia Herrera, District 6.

Mayor Hardberger led the Pledge of Allegiance to the Flag of the United States.

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

MINUTES

Councilmember Rodriguez made a motion to approve the Minutes for the June 5, 2008 City Council Meeting. Councilmember Cisneros seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinances:

Item 4. PRESENTATION OF THE FY 2009 PROPOSED BUDGET

2008-08-14-0684

A. AN ORDINANCE SETTING THE PROPOSED TAX RATE FOR TAX YEAR 2008.

2008-08-14-0685

B. AN ORDINANCE SETTING THE PUBLIC HEARINGS ON THE PROPOSED BUDGET FOR FY 2009 AND ON THE PROPOSED TAX RATE FOR TAX YEAR 2008.

Ms. Sculley presented the Fiscal Year 2009 Proposed Annual Budget. She highlighted the following:

- Budget Development and Summary
- General Fund Revenues and Expenditures
- Top City Council Priorities
- Other Funds
- Next Steps

Ms. Sculley outlined the Budget Development Process and made note of the various budget meetings that took place in each district with the Mayor, Council, City Staff, and Citizens. She stated that the General Fund Budget had increased by 8.8% which included One-Time Improvements.

Ms. Sculley reported that the Budget includes 9% Reserves for FY 2009 and 10% for FY 2010. She noted that there were $3.8 million in reductions and efficiencies, $10 million for the Utility Rebate Transfer, and $1 million for the Residential Energy Assistance Program (REAP). She added that $42.2

million was being proposed in Budget Improvements and that the City Property Tax Rate was being reduced by a ½ cent for the transfer of health clinic services to the County University Health System.

Ms. Sculley stated that changes in the City's financial position since the Forecast included: 1) More CPS Revenue; 2) More Property Tax Revenue; 3) Reduced spending and savings in the FY 2008 Budget; and 4) Reduced costs budgeted for FY 2009 and FY 2010. She noted that the City remains committed to providing targeted Tax Relief to Seniors and Disabled Property Owners and that over 21,000 Senior Homesteads pay Zero City Property Taxes. She noted the various benefits to providing Financial Reserves and that San Antonio was 5th among the seven Major Texas Cities regarding Reserve Levels at 8%.

Ms. Sculley highlighted various reductions and redirections, noting that of the 3.8% in General Fund Reductions, there were 39 total reduced positions but no layoffs. She noted that the City would partner with Bexar County Magistration to share the Nursing Service cost at the City's Detention Facility and that 11 Civilian Police Department positions would be moved to higher priority areas within the Department.

Ms. Sculley explained General Fund Enhancements stating that the FY 2009 Budget invests $21 million in Streets and Infrastructure using One-Time General Fund Resources. She noted that the Budget allocated $8 million to City Advanced Transportation District Funding for sidewalk construction and that $1.5 million was being added to the Pavement Marking Program. She reported that the Budget continued the allocation of $1 million in the Alley Maintenance Program. She noted that the Parks and Recreation and Aviation Police Departments would transition to the San Antonio Police Department (SAPD) and that they would continue to exist as divisions of the SAPD. She added that $100 million was being invested in SAPD and that 100 New Police Officers would be added to address enhanced SAPD Operations.

Within the Fire Department, Ms. Sculley stated that 47 New Firefighter positions were being added to improve Fire and EMS Services. She noted that $1 million was included for the installation of a Firefighter Emergency Response Notification System in all Fire Stations and that $1.3 million was included for the creation of a New Basic Life Support Transport Initiative that would be staffed with existing Emergency Medical Technicians.

Ms. Sculley stated that $500,000 was being added to the Budget to increase graffiti removal using One-Time Resources and that $525,000 was included to address Year One of a Five-Year Plan to replace Parks playground equipment of older design. She noted that within the Library Department, $4 million was allocated toward Library Facility Improvements for roofs and HVAC, and that $1 million would be used for Library System Improvements for books and computers.

Ms. Sculley noted that the Budget included an additional $800,000 for Workforce Development for Human Development Services and $4 million was being added to the Economic Development Fund to provide incentives. She stated that funding in the amount of $313,000 was included for Grant Match Funding for the Regional Habitat Conservation Plan for Camp Bullis. She added that the Budget included $100,000 for two new positions to enhance Environmental Policy and Sustainability Initiatives and that an additional household hazardous waste drop-off site was being added.

Ms. Sculley mentioned that $625,000 was included in the Budget for increased Downtown Sidewalk Cleaning and that a Downtown Development Office would be improved in the FY 2009 Budget. She stated that Civilian Employees would receive a 3% Cost of Living Adjustment and that the 2nd Year of the Tenure Based Pay Plan and Pay for Performance was being implemented. She noted that there would be no increase in the Storm Water Fee and that the Storm Water Fund added $500,000 to address prioritized low water crossings. She added that FY 2009 was the third year of conversion to a Two-Cart Automated Collection System and that a 2008 survey showed an 85.3% satisfaction rate. She noted that the FY 2009 Budget included a Monthly Rate Adjustment of 75 cents for the Solid Waste Fee which would bring the total monthly fee to $18.74.

Ms. Sculley stated that $10 million in additional CPS General Fund Revenue would be rebated in FY 2009 to Solid Waste Operations. She noted that rebate transfers over the past two budgets totaled $15 million and helped keep the Solid Waste Fee low. She noted that $1 million would be made available for the Rate Assistance Program for seniors, disabled, and low-income families. She added that the Planning and Development Services Departments would be consolidated into one Department which would improve customer service. She reported that residential permitting and other activity remained flat or decreasing and that 29 of 48 vacant frozen positions would be eliminated from the Planning and Development Services Department.

In the Hotel Occupancy Tax (HOT) Fund, Ms. Sculley stated that the Arts would be maintained at 15% of collections and included an increase in funds for Agencies in City Facilities and Other Agencies. She noted that a $24 million project scheduled for FY 2009 for the Lila Cockrell Theatre Renovation would be funded primarily through HOT Revenue Bonds. She mentioned that in the Aviation Department, the budget was funded by user fees and that the financial condition and Forecast of the Airport Fund remains strong. She added that over six years, the Capital Improvement Program would be funded at $1.6 billion.

Lastly, Ms. Sculley outlined the various Budget Hearings and Council Budget Worksessions. She stated that the Budget Video would begin airing the following week at Community Hearings and that Budget Highlights were now available.

Karen Dalglish Seal with the Consumers Energy Coalition addressed the Council regarding the high costs of energy. She requested that the surplus in CPS Energy Revenues to the City be refunded to the ratepayers. She also asked that the homes be retrofitted to become more energy efficient.

Father Walter D'Hedeene with COPS/Metro addressed the Council relating to investing in the City's social capital. He cited numerous community-wide issues including the lack of work skills, the prohibitive cost of higher education, and the continuous increase in healthcare costs. He expressed concern with the increase in the Budget for Police Officers and advocated for additional funding for Project Quest. He asked that the new fee structure for the After School Challenge and Summer Recreation Programs be approved and that the San Antonio Education Partnership Program be expanded to include additional schools.

Loretta Van Coppenolle representing the Sierra Club and the Consumers Energy Coalition stated that the surplus in CPS Energy Revenues to the City should be refunded to ratepayers in the form of retrofits and installations. She noted that in November 2007, the Sierra Club had submitted an Energy Policy recommendation which included ideas for keeping City and CPS Energy Revenue high while reducing

customer energy bills. She added that using efficiency and renewable efforts to meet demand growth would save approximately $1.5 billion to $3 billion compared to nuclear reactors.

Jack M. Finger addressed the Council regarding the Budget and noted that the increase in the utility rate had caused the large surplus in CPS Energy Revenues. He mentioned that COPS/Metro had requested additional funding for Project Quest as in previous years and noted the 20% differential between property tax and inflation in the past eight to nine years.

Mrs. Vacek read written testimony from Faris Hodge, Jr. on Items 4 and 14. For Item 4, he wrote that he would like to see 150 new Police Officers and 25 Park Police Officers included in the FY 2009 Budget. He added that the Downtown Area smelled badly and that downtown sidewalks should be washed daily. Further, he wrote that the SAMM Shelter needed a substation with 15 Police Officers and that it should be better kept, as there was a lot of trash on streets and sidewalks near the facility. Lastly, he stated that non-union City Employees should receive a 10% pay increase. On Item 14, Mr. Hodge wrote that the City should not approve the Ordinance because the restrooms were not ADA Compliant and the elevators did not have inspection stickers posted.

Councilmember Cibrian expressed support for a Property Tax Reduction and a Two-Year Balanced Budget. Councilmember Cortez noted his support for Senior Services and additional funding for Public Safety. He stated that he would continue to advocate for additional Code Officers, Graffiti Abatement Officers, and Animal Care Officers. Councilmember Ramos requested that additional NAMP Funds be included in the Budget and the possibility of funding a Senior Center in District 3. She also asked for a Commercial Development and Revitalization Program in the Inner City. Councilmember Rodriguez requested that funds be allocated toward street maintenance inside Loop 410 and expressed concern with consolidating the Planning Department and Development Services Department Director into one position. Councilmember Galvan stated her support for additional funding for Graffiti Abatement, Code Enforcement, and Workforce Development. Mayor Hardberger expressed pleasure with the additional Police Officers and Firemen and with the Financial Reserves. He highlighted accomplishments in Basic Infrastructure, Libraries, Animal Care, Solid Waste, and Energy Sustainability over the past five years.

Councilmember Cibrian moved to adopt the Ordinances setting the proposed tax rate for tax year 2008 and setting the public hearings on the proposed budget for FY 2009 and on the proposed tax rate for tax year 2008. Councilmember Cisneros seconded the motion.

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

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 12:12 pm to break for lunch and convene in Executive Session at 1:30 pm for the purposes of:

A. Discuss legal issues related to development standards 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 Hardberger reconvened the Regular Meeting at 2:32 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

CONSENT AGENDA: Items 5 –29C

Consent Agenda Items 7, 8, 10, 16, 18, 19, 20, 21, 22, 23, and 28 were pulled for Individual Consideration. Councilmember Cibrian moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

Jack M. Finger spoke in opposition to Item 21. He expressed concern with the free meal provided by the After School Care Program and noted that the Property Tax Rate could be lowered by more than ½ a cent if these types of benefits were cut. On Item 22, he stated he was against using tax dollars for a Hispanic Veterans Mural.

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

2008-08-14-0686

Item 5. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2008 FOR A COMBINED ESTIMATED COST OF $933,000.00, INCLUDING: (A) PRE-FILLED DISPOSABLE SYRINGES FROM ALLMED, HENRY SCHEIN MATRX MEDICAL, BOUND TREE MEDICAL, LLC, AND MMSA MEDICAL SUPPLY CO.; (B) LEASE OF VEHICLES FROM CAPPS RENT A CAR, INC.; (C) VARIOUS ANIMAL VACCINES & MEDICATIONS FROM PFIZER ANIMAL HEALTH; (D) CHAIN LINK FENCING MATERIAL AND ACCESSORIES FROM DE LA GARZA FENCE AND SUPPLY, LLC; (E) BICYCLES FROM BIKE WORLD; AND (F) SAN ANTONIO PUBLIC LIBRARY INTERNET TUTORING SERVICES FROM TUTOR.COM.

2008-08-14-0687

Item 6. AN ORDINANCE APPROVING A $29,671.15 AMENDMENT TO A $365,150.00 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH SPARKS ENGINEERING, INC. FOR ENVIRONMENTAL REMEDIATION PROFESSIONAL SERVICES IN CONNECTION WITH THE HAYS STREET BRIDGE REHABILITATION PROJECT, A LOCAL AGENCY MANAGEMENT PROJECT, LOCATED IN COUNCIL DISTRICT 2.

2008-08-14-0690

Item 9. AN ORDINANCE AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $483,779.00 TO PRONTO SANDBLASTING AND COATINGS, OF WHICH $62,171.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, IN CONNECTION WITH THE GUILBEAU DRAINAGE AT FRENCH CREEK-PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 7 AND APPROPRIATING FUNDS.

2008-08-14-0692

Item 11. AN ORDINANCE AUTHORIZING ACCEPTANCE OF A SIDEWALK EASEMENT ALONG BLUEMEL STREET FROM THE EPISCOPAL CHURCH CORPORATION IN WEST TEXAS IN CONNECTION WITH THE LAUREL HILLS AREA STREETS/BLUEMEL SIDEWALK PROJECT, COUNCIL DISTRICT 8.

2008-08-14-0693

Item 12. AN ORDINANCE AUTHORIZING A TEN-YEAR LICENSE AGREEMENT TO SOUTHWEST RESEARCH INSTITUTE FOR INSTALLING FIBER OPTIC CABLE UNDER AND ACROSS WEST COMMERCE STREET, COUNCIL DISTRICT 6, IN EXCHANGE FOR $7,500.00.

2008-08-14-0694

Item 13. AN ORDINANCE AUTHORIZING A 3-YEAR LEASE TO THE FOTO CENTER, INC. OF 2,317 SQUARE FEET IN THE HOUSTON STREET PARKING GARAGE AT AN ANNUAL RATE OF $19.50 A SQUARE FOOT.

2008-08-14-0695

Item 14. AN ORDINANCE APPROVING THE ASSIGNMENT OF A FARMERS MARKET LEASE AGREEMENT FROM MR. ERNESTO DE LOS SANTOS D/B/A "MONTERREY PRODUCTS" TO MS. DINA M. BROWN D/B/A "TEXAN ACCENT GENERAL STORE, LLC" FOR THE USE OF APPROXIMATELY 437 SQUARE FEET IN FARMERS MARKET AREA NUMBER TR-4.

2008-08-14-0696

Item 15. AN ORDINANCE APPROVING THE ASSIGNMENT OF A FARMERS MARKET LEASE AGREEMENT FROM MS. CAROLYN COLE D/B/A "NANNY'S NOOK" TO MR. JORGE CHAVEZ D/B/A "NANNY'S NOOK FASHION", FOR THE USE OF APPROXIMATELY 409 SQUARE FEET IN FARMERS MARKET AREA NUMBER TR-5.

PULLED

Item 17. AN ORDINANCE AUTHORIZING A GRANT APPLICATION TO THE U.S. DEPARTMENT OF ENERGY (DOE) SOLAR AMERICA SHOWCASE FOR A TWO YEAR TECHNICAL SERVICES GRANT FOR UP TO $200,000.00 FOR THE DEVELOPMENT OF LARGE-SCALE, HIGH-VISIBILITY SOLAR INSTALLATION PROJECTS AND AUTHORIZING ACCEPTANCE OF THE GRANT UPON AWARD.

Item 24. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE CONVENTION SPORTS & ENTERTAINMENT FACILITIES:

2008-08-14-0704

A. AN ORDINANCE AUTHORIZING THE SECOND AMENDMENT TO THE AMENDED AND RESTATED FOOD AND BEVERAGE SERVICE AND CONCESSION SERVICES AGREEMENT WITH THE RK GROUP, L.L.C. EXTENDING THE AGREEMENT THROUGH SEPTEMBER 30, 2015 AND EXPANDING SERVICES TO COVER PORTIONS OF THE ALAMODOME.

2008-08-14-0705

B. AN ORDINANCE AUTHORIZING THE FIRST AMENDED AND RESTATED LICENSE AGREEMENT WITH ARAMARK SPORTS AND ENTERTAINMENT SERVICES OF TEXAS, INC. FOR CONCESSIONS SERVICES AT THE ALAMODOME, EXTENDING THE AGREEMENT THROUGH SEPTEMBER 30, 2015.

2008-08-14-0706

Item 25. AN ORDINANCE REPROGRAMMING FUNDS IN THE AMOUNT OF $250,000.00 FROM CAPITAL IMPROVEMENTS AT THE MUNICIPAL AUDITORIUM AND LILA COCKRELL THEATER TO AUDIO VISUAL AND TECHNOLOGY IMPROVEMENTS AT THE CONVENTION, SPORTS AND ENTERTAINMENT FACILITIES.

2008-08-14-0707

Item 26. AN ORDINANCE APPROVING THE ANNUAL EBMS SOFTWARE MAINTENANCE AGREEMENT FOR FISCAL YEAR 2008-2009 WITH UNGERBOECK SYSTEMS INTERNATIONAL IN THE AMOUNT OF $46,320.00 TO PROVIDE SOFTWARE MAINTENANCE AND UPGRADES FOR THE EVENT BUSINESS MANAGEMENT SOFTWARE UTILIZED FOR BOOKING AND MANAGING EVENTS BY THE CONVENTION AND VISITOR'S BUREAU AND THE CONVENTION, SPORTS AND ENTERTAINMENT FACILITIES DEPARTMENT.

2008-08-14-0708

Item 27. AN ORDINANCE APPROVING A FIVE-YEAR LICENSE AGREEMENT WITH ALAMO KIWANIS CHARITIES, INC. FOR USE OF THE ARNESON RIVER THEATER FOR ITS ANNUAL PRESENTATION OF "FIESTA NOCHE DEL RIO".

Item 29. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

A. APPOINTING HANNAH E. VOSS (DISTRICT 10) TO THE SAN ANTONIO YOUTH COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.

B. REAPPOINTING STEVE PATMON (DISTRICT 10 - CATEGORY: ARCHITECT) TO THE BUILDING AND FIRE CODE BOARD OF APPEALS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 31, 2010.

C. APPOINTING LEWIS FISHER AND REAPPOINTING DAVID STRAUS TO THE SAN ANTONIO RIVER COMMISSION (CATEGORY: BUSINESS) FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE JUNE 27, 2011.

[CONSENT ITEMS CONCLUDED]

At this time, Item 21 was addressed.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2008-08-14-0701

Item 21. AN ORDINANCE AMENDING THE CITY CODE OF SAN ANTONIO TO REVISE FEES FOR THE AFTER SCHOOL PROGRAMS MANAGED BY THE DEPARTMENT OF COMMUNITY INITIATIVES AND THE PARKS AND RECREATION DEPARTMENT.

Mr. Dennis Campa stated that said item would revise the After School and Summer Programs sliding scale fee used by the Department. He noted that the fees had been revised in FY 2008 in an effort to expand programs and available sites. He compared the current and revised fee schedules and stated that they would significantly expand outreach to parents and continue to implement the sliding scale fee.

Aurora Valek, Debra Budd, and Mike Phillips representing COPS/Metro spoke in support of said item. Ms. Valek thanked all who worked to revise the fee schedules for the After School Care and Kid Quest Programs. She stated that their goal was to increase the number of children participating in the programs because 30% of the slots were empty this summer. She noted that COPS/Metro had agreed to the following provisions: 1) Families would have the option of a payment plan; 2) All children eligible for free or reduced lunch at school would be admitted at the lowest fee level; 3) Even if families could not afford the fees or prove income levels, children would still be registered; 4) Applications for programs would be accepted at the schools where children attend; and 5) Registration will be open at the schools at the beginning of the school year for the After School Challenge Program and before the end of the school year for Kid Quest.

Councilmember Ramos asked how many families had registered for the program over the weekend. Mr. Campa stated that 1,600 families had registered from the San Antonio Independent School District. Councilmember Clamp asked for a comparison of the costs versus revenues. Mr. Campa stated that the difference was approximately $211,000 which would be absorbed by the programs.

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

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

At this time, Item 7 was addressed.

The City Clerk read the following Ordinance:

2008-08-14-0688

Item 7. AN ORDINANCE AUTHORIZING THE ISSUANCE OF A $173,198.83 JOB ORDER TO JAMAIL & SMITH CONSTRUCTION FOR FACILITY IMPROVEMENTS TO PAN AMERICAN BRANCH LIBRARY, 1122 W. PYRON, COUNCIL DISTRICT 4, WITH TOTAL PROJECT COSTS OF $208,000.00, AS AUTHORIZED IN THE 2007-2012 BOND PROGRAM.

Councilmember Cortez asked about specific improvements to the Pan American Branch Library and the project timeline. Mr. Mike Frisbie stated that issues with the parking lot, sidewalks, exterior signage, restroom enhancements and other improvements would be addressed. He noted that construction would begin in September and be completed in December and that the Library would remain open throughout

construction. Mr. Aubrey George added that remaining funds would be used to replace carpet and furniture in the building utilizing annual contracts.

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

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

The City Clerk read the following Ordinance:

2008-08-14-0689

Item 8. AN ORDINANCE AUTHORIZING THE ISSUANCE OF A $367,376.66 JOB ORDER TO JAMAIL & SMITH CONSTRUCTION FOR FACILITY IMPROVEMENTS TO COLLINS GARDENS BRANCH LIBRARY, 200 PARK BLVD. N, COUNCIL DISTRICT 5, WITH TOTAL PROJECT COSTS OF $400,000.00, AS AUTHORIZED IN THE 2007-2012 BOND PROGRAM.

Councilmember Galvan requested additional information about the project. Mr. Frisbie stated that the roof would be replaced and that various interior and exterior improvements would also be completed. Councilmember Galvan asked why the roof was being replaced since it had been replaced three years ago. Mr. George stated that minor roof repairs had been made in the past. The proposed work would repair the base of the roof. Councilmember Cibrian inquired about the warranties of new roofs and Mr. Frisbie stated he would research the information and report back to the Council.

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

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

The City Clerk read the following Ordinance:

2008-08-14-0691

Item 10. AN ORDINANCE AUTHORIZING THE CITY'S ACCEPTANCE OF THE DONATION OF 2.332 ACRES WITH AN EXISTING SWIMMING POOL, BATHHOUSE AND TENNIS COURTS FROM THE HERITAGE NEIGHBORHOOD ASSOCIATION, AS AUTHORIZED IN THE 2007-2012 BOND PROGRAM.

Councilmember Cortez requested additional information regarding pool improvements and a timeline. Mr. Frisbie stated that said work was part of the 2007-2012 Bond Program and that a timeline and scope of work would be developed through community input.

Councilmember Cortez recognized various community leaders who worked on said project and moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2008-08-14-0697

Item 16. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE NATIONAL HISTORIC PUBLICATIONS AND RECORDS COMMISSION (NHPRC) THAT WILL PROVIDE $52,000.00 TO CONTINUE AN ARCHIVING AND PRESERVATION PROGRAM FOR THE CITY OF SAN ANTONIO.

Councilmember Cibrian expressed enthusiasm for said program and noted that the City Clerk has provided approximately $150,000 in grant monies for a new Archives and Preservation Program. She asked for information on how the grant funds would be used. Ms. Leticia Vacek stated that funds were being utilized to set up a website with a collection inventory to be available to researchers. She noted that 2,000 cubic feet of records had been processed and that presentations had been given to local Genealogy and Historical Groups on the City's archives and preservation efforts. She mentioned that a display case had recently been purchased on the second floor of City Hall and that historical data displays would be rotated periodically. Lastly, she added that said funds would also be used for an archivist's salary and to enhance the current cataloguing and website collections.

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, Herrera, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** McNeil and Rodriguez.

The City Clerk read the following Ordinance:

2008-08-14-0698

Item 18. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT RENEWAL APPLICATION AND ACCEPTANCE OF FUNDS IN AN AMOUNT UP TO $2,651,296.00, UPON AWARD, FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S IMMUNIZATION PROJECT FOR THE PERIOD JANUARY 1, 2009 THROUGH DECEMBER 31, 2009.

Councilmember Cortez asked how said funds would be utilized. Dr. Fernando Guerra stated that said item was part of the Back to School Program. Dr. Bryan Alsip noted that the grant was the largest that the City had received to support immunization efforts. He stated that the *Vaccines for Children Program* would be funded through said grant, as well as the *317 Vaccine Program* which addressed the needs of primarily undocumented children. He added that this was an annual grant and that San Antonio was one of only a few who received the grant directly from the Center for Disease Control.

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, Herrera, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** McNeil and Rodriguez.

The City Clerk read the following Ordinance:

2008-08-14-0699

Item 19. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND ACCEPTANCE OF GRANT FUNDS UPON AWARD FROM THE FEDERAL HOME LOAN BANK OF DALLAS THROUGH A LOCAL SPONSOR BANK, FOR TWO GRANTS IN THE AMOUNT OF $500,000.00 EACH FOR THE HOUSING AND NEIGHBORHOOD SERVICES DEPARTMENT'S MINOR HOUSING REPAIR AND HOME OWNERSHIP INCENTIVE PROGRAMS FOR THE PERIOD OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2011.

Councilmember Herrera asked for background information on said program. Mr. David Garza stated that this was a partnership with the Federal Home Loan Bank and $350,000 had been received in the past. Funds had been utilized to assist 80 families with minor home repairs such as roofs, electrical, and plumbing. He added that if new funds were awarded, they would be used to complement the Housing Repair Program on home deficiencies.

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

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

The City Clerk read the following Ordinance:

2008-08-14-0700

Item 20. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL, LEAD OUTREACH GRANT PROGRAM, IN AN AMOUNT UP TO $300,000.00; AND AUTHORIZING ACCEPTANCE OF THE GRANT UPON AWARD.

Councilmember Cibrian requested additional information on said program. Mr. David Garza stated that the City had previously been awarded a $4 million grant for a Lead Program. He noted that if received, the monies would be used toward marketing efforts to inform the community of the $4 million availability.

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, Herrera, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** McNeil and Rodriguez.

The City Clerk read the following Ordinance:

2008-08-14-0702

Item 22. AN ORDINANCE APPROPRIATING $25,000.00 FROM THE DISTRICT 5 NEIGHBORHOOD ACCESSIBILITY MOBILITY PROGRAM AND $25,000.00 FROM THE

OFFICE OF CULTURAL AFFAIR'S CULTURAL COLLABORATIVE FOR THE DEVELOPMENT OF A PUBLIC ART PROJECT IN ELMENDORF LAKE PARK, LOCATED IN COUNCIL DISTRICT 5, AN AUTHORIZED 2007-2012 BOND PROGRAM PROJECT.

Councilmember Galvan expressed appreciation and thanked all involved in said project and made a motion to adopt the proposed Ordinance. Councilmember Cortez seconded the motion.

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

The City Clerk read the following Ordinance:

2008-08-14-0703

Item 23. AN ORDINANCE ESTABLISHING EARLY VOTING AND ELECTION DAY POLLING SITES AND ESTABLISHING PROCEDURES FOR EARLY VOTING.

Mr. Albert Carrizales, Assistant to the President at the University of Texas at San Antonio (UTSA) spoke in support of adding UTSA as an Early Voting Site. He stated that in 2004, UTSA had the largest election night gathering watch and that three television stations had been in attendance. He noted that the upcoming election was very important to the country and strong student participation was anticipated.

Ms. Leticia Vacek asked Mr. Carrizales if UTSA had attended Bexar County Commissioner's Court Meeting when said item was up for approval to insist on the additional site. He replied that they did not attend. Ms. Vacek stated that there were other entities involved in the November election and that Bexar County would notify other entities of the additional site if approved. She expressed concern with the compressed deadline for the submission to the US Department of Justice being August 21, 2008 and that Bexar County's approval would be necessary.

Councilmember Cibrian moved to adopt the proposed Ordinance with the condition that UTSA at 1604 be included as an Early Voting Site. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2008-08-14-0709

Item 28. AN ORDINANCE APPROVING THE FISCAL YEAR 2008-2009 BUDGET FOR THE BEXAR-METRO 911 NETWORK DISTRICT.

Councilmember Cortez requested additional information on said item. Former Councilmember Jim Hasslocher stated that the budget included updating all equipment and funding for the Computer Aided Dispatch System. Assistant City Manager Erik Walsh noted that $2 million of the Bexar-Metro 911 Network District Budget had been used to leverage an additional $6 million from the Department of Justice. Mr. Hasslocher added that rates had not been increased since 1987 and the District had no debt.

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

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

CITY MANAGER'S REPORT

There was no City Manager's Report.

POINT OF PERSONAL PRIVILEGE

Councilmember Cortez recognized District 4 Intern Ray Saldaña. He noted that Mr. Saldaña was from the South Side and a rising star in the district. He thanked City Staff and sponsors for their assistance with a successful District 4 Back-To-School Health Fair.

Councilmember Cibrian recognized District 2 Intern Dione Lampkin on behalf of Councilmember McNeil. She thanked Ms. Lampkin for her work and wished her well on her return to Prairie View A&M University.

Councilmember Galvan recognized Councilmember Cortez for his back to school immunization efforts. She noted that District 5 would be holding a Backpack Giveaway on Saturday at Plaza Guadalupe beginning at 8:00 am.

Mayor Hardberger recessed the Meeting at 4:23 pm.

Mayor Pro Tem Cortez reconvened the Meeting at 6:02 pm and presided over Citizens to be Heard.

CITIZENS TO BE HEARD

Mr. Nazirite Ruben Flores Perez expressed concern with the Purchasing Department and noted he was prepared to discuss his issues with the Federal Government. He stated that in previous years, he had spoke with Ms. Janie Cantu, Purchasing Director, and she had done a good job of addressing his concerns.

Mr. Mark Perez stated that he had notified the City of six facilities that were storing hazardous chemicals and added that he was working with the EPA to see how the City would address the facilities. He expressed concern that the City claimed that they did not know about the facilities.

Mr. Faris Hodge, Jr. thanked the Office of the City Attorney and Ms. Helen Valkavich for responding to his Open Records Requests in a timely manner. He noted that fifteen years ago, he had given Mayor Thornton a list of things that needed to be accomplished throughout the City and it had taken him six weeks to see any improvements. He commended the Office of the City Clerk for working with him and lastly, sang a song to the Council.

ADJOURNMENT

There being no further business to discuss, Mayor Pro Tem Cortez adjourned the meeting at 6:18 pm.

A P P R O V E D

PHIL HARDBERGER
MAYOR

Attest:

LETICIA M. VACEK
City Clerk