

**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, THURSDAY, JUNE 25, 2009.

The San Antonio City Council convened in a Regular Meeting on Thursday, **June 25, 2009** at 9:00 am in the City Council Chambers.

Item 1. The Invocation was delivered by Rev. V. Jacob Espinoza, Pastor, New Testament Christian Church, guest of Councilmember Jennifer Ramos, District 3.

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, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, and Mayor Castro. **ABSENT:** Clamp. Ms. Vacek reported that Councilmember Clamp was out of state attending a family reunion.

POINT OF PERSONAL PRIVILEGE

Councilmember Chan recognized five female entrepreneurs that were visiting San Antonio from various regions of the world: Ms. Safina Rahman - Director, Lakhsma Sweaters Limited from Bangladesh; Ms. Irma Marcela Pulido Viruete - Commercial Director, GPV International – S.A. de C.V. of Mexico; Ms. Chinyelu Nwakaego - OKAFOR - MD/CEO: Hanniel Synergy Nigeria Limited Lagos from Nigeria; Ms. Jennifer Arlette John - Human Resource Consultant and Career Coach from Trinidad and Tobago; Ms. Gamze Ogredici - Advisor to Member of Parliament Professor Edibe Sozen from Turkey. She also recognized Ms. Jackie Costa Horsi representing the US Department of State, and Dr. Bernard Buecker, Chairman of the Board for the San Antonio Council for International Visitors. She stated that the five female visitors were participating in a multi-regional project examining women's entrepreneurialship in the United States and wished them success in their endeavors. Mayor Castro welcomed the visitors to San Antonio and commended them for their accomplishments.

Item 3. MINUTES

Councilmember Rodriguez made a motion to approve the Minutes for the June 11, 2009 Regular City Council Meeting. Councilmember Chan seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

Item 4. AN ORDINANCE AMENDING THE MUNICIPAL CAMPAIGN FINANCE CODE AND ETHICS CODE.

City Attorney Michael Bernard stated that Mayor Castro and the Ethics Review Board had recommended various revisions to the Municipal Campaign Finance and the Ethics Code. He explained that within the Municipal Campaign Finance Code, legal signatories of high-profile contracts were prohibited from making contributions from the time a response was submitted until 30 days after the contract was awarded. He stated that the proposed revision would extend the contribution prohibition to the following: 1) Any individual seeking a high-profile contract; 2) Any owner or officer of an entity seeking a high-profile contract; 3) Spouses of any of these individuals; and 4) Any attorney, lobbyist or consultant retained to assist in seeking the contract. He noted that the proposed revision would change the contribution prohibition to begin 10 days after the solicitation has been released. He added that the proposed revision would extend the contribution prohibition to the following: 1) Any individual applying for a zoning change; 2) Any owner or officer of an entity seeking a zoning change; and 3) The spouse of any of these individuals. The contribution prohibition start date for zoning applicants will begin on the date the application is submitted to the City and continue for 30 calendar days after final action.

Mr. Bernard stated that one of the proposed revisions to the gift rule would eliminate the exception that allows city officials and employees to receive up to \$500 per year in gifts of entertainment, transportation and lodging. He reported that under the current Ethics Code, service on outside boards, even those in partnership with the City, could generate a conflict of interest for City Personnel. The proposed revision would allow city officials and employees to serve on the boards of private sector partners in city initiatives as Non-Voting Members. He noted that the requirement to report the political contributions of those seeking contracts with the City would be revised to eliminate the need to include contributions to former City Councilmembers who were not in city office at the time the contract was sought. He stated that other revisions being recommended included timelines required for certain internal actions and revising terms for consistency and greater clarity throughout the code.

Mayor Castro called upon individuals registered to speak.

Nazirite Ruben Flores Perez spoke in support of the revisions to the Ethics Code and noted that there were other changes that could be made in the future.

Jack M. Finger spoke in support of the revisions to the Ethics Code but expressed concern with Section 2-45 Subsection C noting that the general rule stated in Subsection (a) did not apply to a campaign contribution made pursuant to the Texas Election Code.

Arthur Downey, Chairman of the Ethics Review Board spoke in favor of the revisions to the Municipal Campaign Finance and Ethics Code and stated that the Ethics Review Board was in full support of the changes.

Julie Iris Oldham spoke in support of the revisions but expressed concern with a Campaign Finance Fundraiser that was held on the Mayor's behalf.

Lisa Gonzalez, Vice-President of Public Affairs of the Greater San Antonio Chamber of Commerce read a letter from Richard Perez stating that he applauded Mayor Castro for his commitment to ensuring an

ethical City Hall. He wrote in support of the revisions and noted that when he was first elected, ethics rules that governed the conduct of municipal elected officials were virtually non-existent. He wrote of the reform that began with Mayor Ed Garza and the need for high ethical standards and practices.

Ramiro Cavazos, President of the San Antonio Hispanic Chamber of Commerce spoke in support of the revisions to the Municipal Campaign Finance Code and Ethics Code. He noted that extending the list of prohibited individuals representing certain business interests would help the City Council make informed decisions without the perception of tainted dealings.

Ms. Vacek read written testimony from Faris Hodge, Jr. Mr. Hodge wrote that the purchases in Items 8, 11, 12, 14, 15, and 16 should be delayed due to the budget shortfall.

Councilmember Rodriguez thanked the Mayor and City Staff for their work on said item and stated that the revisions were positive for the city. He asked of the responsibility regarding campaign contributions from individuals that have submitted a proposal for a city contract. Mr. Bernard confirmed that the burden was on the person making the contribution. Councilmember Chan expressed her support for the Code Revisions and recognized Arthur Downey as the District 9 Representative and Chairman of the Ethics Review Board. She thanked Mayor Castro for his leadership in strengthening the Municipal Campaign Finance and Ethics Code.

Councilmember Cisneros recognized Mayor Castro and the Ethics Review Board for their recommendations to the Municipal Campaign Finance and Ethics Code. She spoke of the importance of transparency in local government and noted that the recommendations served as a tool to strengthen the level of confidence of residents in local leadership. Councilmember Cortez congratulated Mayor Castro for his efforts and for bringing transparency to City Hall. Councilmember Taylor expressed her support for the recommended revisions and thanked Mayor Castro for making it a priority.

Mayor Castro thanked Mr. Bernard, Arthur Downey, and the Ethics Review Board for their work on the revisions. He stated that the changes were important as to reflect a commitment to a culture of accountability and transparency at City Hall.

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

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

POINT OF PERSONAL PRIVILEGE

Councilmember Cortez recognized Marion Victorian, District 4 Representative for Keep San Antonio Beautiful, Inc.; Gloria Merrell, District 4 Representative for the Small Business Advocacy Committee; Albert Hinojosa, District 4 Representative for the City Commission on Veterans Affairs; and George Lynn Britton, Jr., District 4 Representative for the Joint City/County Commission on Elderly Affairs and thanked them for their service.

CONSENT AGENDA: Items 5 – 50C

Consent Agenda Items 10, 13, 19, 26, 27, 31, 35, 38, 45, and 50 were pulled for Individual Consideration. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Cortez seconded the motion.

Nazirite Ruben Flores Perez spoke of Leon Creek and issues with contamination (Item 31). He expressed support for the San Antonio River Water Quality and Clarity Study for the River Loop Flow Augmentation Project (Item 46).

Jack M. Finger expressed concern with the on-call professional services agreements under Item 16 due to campaign contributions to Council. He also referenced the amendment of matching fund requirements from 35 percent to 25 percent applicable to Project Quest (Item 41).

Julie Iris Oldham expressed concern with the pollution in Leon Creek (Item 31).

Jean Brady, Chair of the Library Board of Trustees, spoke in support of the Cortez Library Improvements (Item 13). She thanked Councilmember Cortez for the allocation of additional Community Development Block Grant funds and thanked all for their support of libraries.

Ms. Vacek read a memorandum to the Mayor and City Council from Councilmember Clamp regarding Item 41. He wrote that the item was placed on the agenda by City Staff without briefing the City Council on the proposal and that Project Quest had already received a reduction in matching funds from 50 percent to 35 percent in 2006. He expressed concern that they were now asking for a reduction from 35 percent to 25 percent and received an extension of the deadline to provide matching fund documentation. He asked of the accountability and responsibility of Project Quest and wrote that the item should have been brought to the City Council through the committee process as set forth by City Charter and Ordinance. He wrote that at a time when the City is facing a budget deficit, the remaining \$810,000 should be placed back into the General Fund. The monies should be used toward the current deficit or reprogrammed to support basic services. He asked the City Council to either postpone the item or vote to deny.

Councilmember Ramos recognized Jean Brady and expressed appreciation for her for her work in naming the new library in District 3 as "Mission Branch Library."

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

2009-06-25-0554

Item 5. 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 \$376,000.00, INCLUDING: (A) AIR JIREH SERVICES FOR HVAC MAINTENANCE AT BRANCH LIBRARIES; (B) MCCOMBS HFC, LTD. FOR TOYOTA CARS & LIGHT DUTY PICK-UP TRUCKS COLLISION REPAIRS FOR CITY VEHICLES; (C) LABOR READY CENTRAL, INC. FOR SOLID WASTE MANAGEMENT LABOR SERVICES; (D) RED RIVER SPECIALTIES, INC. FOR HERBICIDES; (E) LEARNING EXPRESS, LLC FOR LEARNING EXPRESS LIBRARY ONLINE SUBSCRIPTION; (F) RECORDED BOOKS,

LLC FOR RECORDED BOOKS ONLINE AUDIO BOOKS SERVICES, APPROPRIATED IN THE FY 2009 BUDGET.

2009-06-25-0555

Item 6. AN ORDINANCE ACCEPTING THE BID FROM TAI PING CARPETS AMERICAS, INC. TO REPLACE APPROXIMATELY 45,000 SQUARE YARDS OF TEN YEAR OLD CARPET WITHIN THE HENRY B. GONZALEZ CONVENTION CENTER FOR A COST OF \$1,639,669.54, FUNDED WITH HOTEL OCCUPANCY AND TOURISM FUNDS.

2009-06-25-0556

Item 7. AN ORDINANCE AMENDING A CONTRACT WITH SOUTHWEST TEXAS REGIONAL ADVISORY COUNCIL FOR SOFTWARE FOR THE FIRE DEPARTMENT EMERGENCY MEDICAL SERVICES USE OF MOBILE LICENSES FOR PATIENT CARE RECORDS, FOR AN INITIAL ESTIMATED COST OF \$190,000.00 ANNUALLY, FUNDED FROM THE FY 2009 BUDGET.

2009-06-25-0557

Item 8. AN ORDINANCE AUTHORIZING A CONTRACT WITH GERSHMAN, BRICKNER & BRATTON, INC., TO PROVIDE THE SOLID WASTE MANAGEMENT DEPARTMENT WITH ROUTE OPTIMIZATION SOFTWARE LICENSES AND MAINTENANCE, FOR AN INITIAL COST OF \$129,450.00 AND \$39,750.00 ANNUALLY THEREAFTER FOR AN ADDITIONAL TWO YEARS, FUNDED FROM THE FY 2009 BUDGET.

2009-06-25-0558

Item 9. AN ORDINANCE AUTHORIZING A CONTRACT WITH CDW GOVERNMENT, INC., TO PROVIDE THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH SOLARWINDS ORION NETWORK MANAGEMENT SUITE SOFTWARE AND MAINTENANCE FOR AN INITIAL COST OF \$128,937.85 AND \$24,000.00 ANNUALLY THEREAFTER FOR AN ADDITIONAL TWO YEARS, FUNDED FROM THE COMMUNICATION EQUIPMENT REPLACEMENT AND UPGRADES FUND.

2009-06-25-0560

Item 11. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT WITH V.K. KNOWLTON IN THE AMOUNT OF \$393,195.00 TO CONSTRUCT A NEW PARKING LOT FOR THE CITY HALL ANNEX PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT LOCATED ON DOLOROSA STREET IN COUNCIL DISTRICT 1.

2009-06-25-0561

Item 12. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT WITH N.G. PAINTING, L.P. IN AN AMOUNT UP TO \$400,000.00 FOR THE REHABILITATION OF THE SOUTH PRESA BRIDGE PROJECT, A CERTIFICATES OF OBLIGATION AND 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 1.

2009-06-25-0563

Item 14. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$88,344.40 TO THE \$45,064,198.96 CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONTRACTORS, LTD. FOR COMPLETION OF THE FAA ACCESS DRIVEWAY FOR THE AIRPORT EXPANSION ROADWAY & UTILITIES PROJECT AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FUNDED BY AUTHORIZED PROJECT CONTINGENCY FUNDS.

2009-06-25-0564

Item 15. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT AND ACCEPTING THE GUARANTEED MAXIMUM PRICE PROPOSAL WITH CLARK CONSTRUCTION GROUP LLC/THOS. BYRNE, A JOINT VENTURE, TO ADD THE WAY-FINDING AND SIGNAGE SERVICES FOR THE NEW TERMINAL B, UNDER CONSTRUCTION AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FOR THE AMOUNT OF \$140,862.00, FUNDED BY THE AIRPORT PASSENGER FACILITY CHARGE FUND.

2009-06-25-0565

Item 16. AN ORDINANCE AUTHORIZING THREE ON-CALL PROFESSIONAL SERVICES AGREEMENTS EACH IN AN ANNUAL AMOUNT UP TO \$650,000.00 WITH ADAMS ENVIRONMENTAL, INC., POST, BUCKLEY, SCHUH, & JERNIGAN, INC., AND POZNECKI-CAMARILLO, INC. FOR ENVIRONMENTAL CONSULTING SERVICES FOR TRANSPORTATION IMPROVEMENT PROJECTS.

2009-06-25-0566

Item 17. AN ORDINANCE AUTHORIZING PAYMENT TO CPS ENERGY IN THE AMOUNT OF \$953,359.18 FOR ELECTRICAL SERVICES PERFORMED AT THE SAN ANTONIO INTERNATIONAL AIRPORT NEW PARKING GARAGE, AND \$78,825.00 FOR FUTURE WORK TO BE PERFORMED FOR THE AIRPORT EXPANSION PROGRAM, FUNDED BY THE AIRPORT CONSTRUCTION FUND.

2009-06-25-0567

Item 18. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH FACILITY PROGRAMMING AND CONSULTING IN AN AMOUNT UP TO \$840,900.00 FOR SITE EVALUATION AND DESIGN SERVICES FOR THE REPLACEMENT OF THE NORTHWEST SERVICE CENTER AS WELL AS PROGRAMMING AND ASSESSMENT OF THE OTHER EXISTING SERVICE CENTERS CITYWIDE FOR THE CITY FACILITIES RENOVATIONS/CONSTRUCTION PROJECT, FUNDED WITH AUTHORIZED CERTIFICATES OF OBLIGATION.

Item 20. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE POLICE DEPARTMENT PROPERTY AND EVIDENCE FACILITY, A CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED AT 555 ACADEMIC COURT IN COUNCIL DISTRICT 5:

2009-06-25-0569

- A. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT UP TO \$830,000.00 WITH DEBRA J. DOCKERY, ARCHITECT, P.C. TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES.

2009-06-25-0570

- B. AN ORDINANCE AUTHORIZING GUARANTEED MAXIMUM PRICE CONSTRUCTION PHASE SERVICES CONTRACTS WITH F.A. NUNNELLY COMPANY FOR UP TO \$3,559,500.00.

2009-06-25-0571

Item 21. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$236,877.68 WITH DEGAND CONTRACTING, INC. DBA STI GENERAL CONTRACTING FOR THE DELLCREST PARK RENOVATION PROJECT, LOCATED IN COUNCIL DISTRICT 2, APPROPRIATED IN THE FY 2009 BUDGET.

2009-06-25-0572

Item 22. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$230,992.00 WITH ASD CONSULTANTS, INC. FOR THE NORTHRIDGE PARK RENOVATION PROJECT, LOCATED IN CITY COUNCIL DISTRICT 10, APPROPRIATED IN THE FY 2009 BUDGET.

2009-06-25-0573

Item 23. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT IN AN AMOUNT UP TO \$8,995,905.00 TO SAN ANTONIO CONSTRUCTORS, LTD., OF WHICH UP TO \$2,264,650.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FOR THE 2009-2010 INDEFINITE DELIVERY CONTRACT PACKAGE II FOR PUBLIC WORKS INFRASTRUCTURE MAINTENANCE AND CONSTRUCTION PROJECTS.

2009-06-25-0574

Item 24. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$2,194,443.68 TO THE CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, INC. FOR 22 ADDITIONAL ASPHALT OVERLAY STREET REHABILITATION PROJECTS FUNDED IN THE FY 2009-2014 CAPITAL IMPROVEMENT PLAN.

2009-06-25-0575

Item 25. AN ORDINANCE AUTHORIZING A LEASE RENEWAL OF SPACE TO B&W FINANCE AT THE HOUSTON ST. DOWNTOWN PARKING GARAGE, LOCATED IN COUNCIL DISTRICT 1.

2009-06-25-0578

Item 28. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE AGREEMENT WITH PALACIO DEL RIO, INC. D/B/A HILTON PALACIO DEL RIO FOR RIVER WALK SPACE TO BE USED FOR OUTDOOR DINING FOR A MONTHLY RENT OF \$1,859.01.

2009-06-25-0579

Item 29. AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH THE ALAMO CITY BLACK CHAMBER OF COMMERCE FOR BUILDING 204 AT HEMISFAIR PARK FOR A MONTHLY RENT OF \$100.00.

2009-06-25-0580

Item 30. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A DONATION FROM CENTEX HOMES OF APPROXIMATELY 77.11 ACRES LOCATED NEAR BULVERDE ROAD NORTH OF LOOP 1604 IN COUNCIL DISTRICT 10 TO BE DESIGNATED FOR PARK LAND.

2009-06-25-0582

Item 32. AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH WILL PROVIDE AN ADDITIONAL

\$55,848.00 TO PURCHASE AND IMPLEMENT A NEW CLIENT INFORMATION SYSTEM FOR THE TUBERCULOSIS PREVENTION AND CONTROL PROGRAM.

2009-06-25-0583

Item 33. AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT WITH NOVARTIS VACCINES AND DIAGNOSTICS, INC. TO INCREASE THE NUMBER OF PARTICIPANTS IN A CLINICAL VACCINE STUDY AND INCREASE COMPENSATION TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FROM \$62,875.00 UP TO \$135,100.00.

2009-06-25-0584

Item 34. AN ORDINANCE AUTHORIZING A CONTRACT IN AN AMOUNT UP TO \$58,620.00 WITH COVANCE PERIAPPROVAL SERVICES, INC. FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO CONDUCT A CLINICAL VACCINE STUDY; AND AUTHORIZING PAYMENTS TO PARTICIPANTS.

Item 36. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, 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:

- A. APPOINTING HENRY BRUN (DISTRICT 7, CATEGORY: CULTURAL ARTIST) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011
- B. REAPPOINTING CYNTHIA R. MUNDY-COBB (DISTRICT 10) TO THE SAN ANTONIO HOUSING TRUST BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- C. APPOINTING MARION VICTORIAN (DISTRICT 4) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 22, 2010.
- D. REAPPOINTING GLORIA A. MERRELL (DISTRICT 4) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- E. REAPPOINTING ALBERT HINOJOSA (DISTRICT 4) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- F. REAPPOINTING GEORGE LYNN BRITTON, JR. (DISTRICT 4) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- G. REAPPOINTING DONALD J. MALIK (DISTRICT 10, CATEGORY: CONSUMER OF HANDICAPPED SERVICES) TO THE DISABILITY ACCESS ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

- H. REAPPOINTING MICHELLE M. DIONNE-VAHALIK (DISTRICT 10) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- I. REAPPOINTING JOE C. SOULES, JR. (DISTRICT 10) TO THE LINEAR CREEKWAY PARK ADVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- J. APPOINTING COUNCILMEMBER MARY ALICE P. CISNEROS, JENNIFER V. RAMOS, RAY LOPEZ, PHILLIP A. CORTEZ AND IVY TAYLOR TO THE BOARD OF DIRECTORS OF THE SAN ANTONIO HOUSING TRUST FINANCE CORPORATION (SAHTFC) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

2009-06-25-0586

Item 37. AN ORDINANCE EXPANDING THE BOARD OF DIRECTORS FOR THE MISSION DRIVE-IN TIRZ, TAX INCREMENT REINVESTMENT ZONE NUMBER THIRTY-TWO, FROM FIVE TO SEVEN MEMBERS AND APPOINTING JUAN G. GONZALES AND RENE LUNA TO THE BOARD OF DIRECTORS FOR THE REMAINDER OF THE UNEXPIRED BOARD TERMS, ENDING DECEMBER 10, 2010.

2009-06-25-0024R

Item 39. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY FOR PROPERTY LOCATED AT 2907 FREDERICKSBURG ROAD FROM "C-3" GENERAL COMMERCIAL DISTRICT TO A USE COMPATIBLE WITH THE EXISTING SURROUNDING LAND USE, AS REQUESTED BY COUNCILMAN RODRIGUEZ, DISTRICT 7.

2009-06-25-00587

Item 40. AN ORDINANCE SCHEDULING SPECIAL CITY COUNCIL BUDGET WORK SESSIONS IN AUGUST AND SEPTEMBER 2009.

2009-06-25-0588

Item 41. AN ORDINANCE AMENDING THE MATCHING FUNDS REQUIREMENT FROM 35 PERCENT TO 25 PERCENT FOR DELEGATE AGENCIES RECEIVING CITY FUNDS OF \$1,000,000.00 OR MORE THROUGH THE CONSOLIDATED FUNDING PROCESS, CURRENTLY PROJECT QUEST.

Item 42. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE TICKET SYSTEM AND SERVICE AGREEMENTS FOR THE CITY'S CONVENTION, SPORTS AND ENTERTAINMENT FACILITIES AND THE CARVER COMMUNITY CULTURAL CENTER:

2009-06-25-0589

- A. AN ORDINANCE AUTHORIZING AMENDMENT NO. 2 TO THE MERCHANT BANKING SERVICES CONTRACT WITH BANK OF AMERICA, N.A. TO PROVIDE FOR THE ABILITY OF TICKETMASTER L.L.C. TO PROCESS CREDIT CARD TRANSACTIONS FOR TICKETMASTER EVENTS HELD AT ADDITIONAL CITY OF SAN ANTONIO LOCATIONS.

2009-06-25-0590

- B. AN ORDINANCE AUTHORIZING 1) AN AGREEMENT WITH TICKETMASTER L.L.C. FOR THE CONVENTION, SPORTS AND ENTERTAINMENT FACILITIES DEPARTMENT AND THE CARVER COMMUNITY CULTURAL CENTER, FOR A FIVE-YEAR PERIOD WITH ONE ADDITIONAL FIVE-YEAR RENEWAL OPTION, AND 2) AN AGREEMENT TERMINATING THE EXISTING CONTRACT BETWEEN THE CITY AND TICKETMASTER FOR THE CARVER COMMUNITY CULTURAL CENTER.

2009-06-25-0591

- Item 43. AN ORDINANCE AUTHORIZING AN AGREEMENT FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE THE BEXAR COUNTY HOSPITAL DISTRICT D/B/A UNIVERSITY HEALTH SYSTEM WITH VACCINE MANAGEMENT SERVICES FOR COMMUNITY-BASED IMMUNIZATION EVENTS.

2009-06-25-0592

- Item 44. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH HEALTHCARE ACCESS SAN ANTONIO REGARDING THE EXCHANGE OF PATIENT INFORMATION.

2009-06-25-0594

- Item 46. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KLOTZ ASSOCIATES, INC. IN AN AMOUNT UP TO \$250,000.00 FOR ENGINEERING SERVICES FOR THE SAN ANTONIO RIVER WATER QUALITY AND CLARITY STUDY FOR THE RIVER LOOP FLOW AUGMENTATION PROJECT, LOCATED IN COUNCIL DISTRICTS 1 AND 2, FUNDED BY THE FY 2009-2014 CAPITAL BUDGET.

2009-06-25-0595

- Item 47. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE CITY OF ALAMO HEIGHTS TO ADMINISTER A JOINT BID CONTRACT FOR AN ESTIMATED STREET CONSTRUCTION COST OF UP TO \$782,054.13 AND ESTIMATED SIDEWALK CONSTRUCTION COST OF UP TO \$108,495.00, FOR THREE STREET PROJECTS, LOCATED IN COUNCIL DISTRICTS 9 AND 10.

2009-06-25-0596

- Item 48. AN ORDINANCE ADJUSTING THE SALARY OF THE CITY CLERK.

2009-06-25-0597

- Item 49. AN ORDINANCE ESTABLISHING AND ADOPTING A BUDGET FOR THE FORT SAM HOUSTON COMMUNITY DEVELOPMENT OFFICE, AUTHORIZING A LEASE FOR A MONTHLY RATE OF \$5,291.00 WITH FIRST STATES INVESTORS 5000A LLC FOR OFFICE SPACE AT 1422 EAST GRAYSON, ADOPTING THE BRAC TRANSPORTATION AND INFRASTRUCTURE SUPPORT BUDGET, AND AUTHORIZING REIMBURSEMENT TOTALING \$230,000.00 TO AT&T, TIME WARNER COMMUNICATIONS AND GRANDE COMMUNICATIONS FOR WALTERS STREET UNDERGROUND UTILITY CONVERSION COSTS.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2009-06-25-0559

Item 10. AN ORDINANCE ACCEPTING THE OFFER FROM GTSI CORP. TO PROVIDE AN AUDIO/VIDEO BACKUP SYSTEM FOR THE PUBLIC, EDUCATION AND GOVERNMENT ACCESS CHANNELS FOR A COST UP TO \$527,450.00, FUNDED BY THE PUBLIC, EDUCATION AND GOVERNMENT (PEG) CHANNELS FUND, WHICH ARE LIMITED TO ONLY CAPITAL IMPROVEMENTS FOR THE CITY'S GOVERNMENT ACCESS CHANNEL (TVSA) AND PUBLIC ACCESS CHANNEL (PATV).

Councilmember Rodriguez asked of the fund balance of the Public Education and Government (PEG) Channels Fund. Di Galvan, Communications and Public Affairs Director stated that the current balance was approximately \$6.7 million and that AT&T, Grande Communications, and Time Warner provided a combined \$2 million to the City each year. Councilmember Rodriguez asked of the use of the funds. Ms. Galvan reported that funds could only be utilized for the purchase of capital items for the PEG Channels.

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

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

The City Clerk read the following Ordinance:

2009-06-25-0562

Item 13. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$50,000.00 TO A \$260,000.00 CONSTRUCTION CONTRACT WITH 3TI, INC. FOR THE CORTEZ LIBRARY IMPROVEMENTS PROJECT, AN AUTHORIZED 2007-2012 BOND AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 4.

Councilmember Cortez asked how the increase in funds would be utilized. Mike Frisbie, CIMS Director explained that the canopy would be removed to accommodate a new entrance gallery. He added that the existing curbed approach would be removed and replaced with landscaping and additional parking. Lastly, the exterior stucco and brick façade would be painted. He stated that additional CDBG funds had become available after award of the contract which would be utilized for landscaping, a wall, and new monument sign. Ramiro Salazar, Library Director reported that construction would be completed in November. Councilmember Cortez thanked all involved in the project.

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

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

The City Clerk read the following Ordinance:

2009-06-25-0568

Item 19. AN ORDINANCE AUTHORIZING TWO ADVANCED FUNDING AGREEMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR RIGHT OF WAY ACQUISITION AND CONSTRUCTION OF WALTERS STREET: IH 35 N TO FORT SAM HOUSTON MAIN GATE PROJECT, A 2007-2012 BOND PROGRAM PROJECT, LOCATED IN COUNCIL DISTRICT 2.

Councilmember Taylor asked of the status of the project. Mike Frisbie reported that the project design was on schedule for completion in the Summer of 2010. Staff was also coordinating with Fort Sam Houston and the utility companies. Councilmember Taylor asked if there would be citizen input. Mr. Frisbie stated that community input meetings would be held to gather feedback and also provide information.

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

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

The City Clerk read the following Ordinance:

2009-06-25-0576

Item 26. AN ORDINANCE AUTHORIZING AN AMENDMENT TO AN EXISTING LEASE WITH THE PORT OF SAN ANTONIO THAT WILL ALLOW FOR THE PERMANENT RELOCATION OF FIRE EQUIPMENT AND PERSONNEL TO A BUILDING LOCATED AT 103 ARTS AND CRAFTS WAY IN COUNCIL DISTRICT 4.

Councilmember Cortez asked for additional information regarding said item. Chief Rodney Hitzfelder stated that the Fire Department had been utilizing the Fire Station located on Arts and Crafts Way on a temporary basis. He stated that this ordinance would amend the lease to be able to stay in the building on a permanent basis. He added that there would be no change in fire protection and that the Port of San Antonio would match up to \$75,000 for upgrades to the station. Councilmember Cortez thanked the Port of San Antonio for their partnership and cooperation.

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

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

The City Clerk read the following Ordinance:

2009-06-25-0577

Item 27. AN ORDINANCE AUTHORIZING THE CITY TO CONVEY APPROXIMATELY 0.251 ACRES IN CONCEPCION PARK, LOCATED IN COUNCIL DISTRICT 3, TO THE SAN ANTONIO RIVER AUTHORITY FOR DEVELOPMENT OF SAN ANTONIO RIVER IMPROVEMENTS PROJECT, MISSION REACH, PHASE II.

Councilmember Ramos asked of the property and how it would be utilized. Pat DiGiovanni stated that the property would be conveyed to the San Antonio River Authority (SARA) and utilized for the River Improvements Project for the Mission Reach, Phase II. He added that it was funded through the County Flood Tax, Federal Funds through the Army Corp of Engineers, and the Venue Tax.

Hector Villanueva of SARA reported that the limits of the project were from the confluence of the San Antonio River and San Pedro Creek and continued through Mission Parkway and Mission Road. He explained that the property was required under the hydraulic design and would not adversely affect the park facility. Mr. DiGiovanni added that construction should begin in December, 2009 and should take 18 months to complete. Ms. Sculley stated that the project was under the management of the Army Corps of Engineers but staff was working to obtain approval from the Federal Government for SARA to manage the project.

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

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

The City Clerk read the following Ordinance:

2009-06-25-0581

Item 31. AN ORDINANCE AUTHORIZING THE ACQUISITION, DONATION AND/OR CONDEMNATION OF APPROXIMATELY 62.757 ACRES OF LAND LOCATED IN NCB 14746, 14667, 16931, 18049, 18058, AND 18083, IN COUNCIL DISTRICTS 6, 7, & 8 ALONG LEON CREEK FOR THE LINEAR CREEKWAY DEVELOPMENT PROJECT, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; DECLARING THE LINEAR CREEKWAY DEVELOPMENT PROJECT ON LEON CREEK TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PRIVATELY OWNED REAL PROPERTY AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS.

Councilmember Rodriguez requested an update on the Linear Creekway Development Project. Xavier Urrutia reported that four segments of the projects had been opened this year and that said item would add to the Leon Creek portion. He explained that the project was under design and that the trails were multi-purpose and would accommodate bikes and pedestrians.

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

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

The City Clerk read the following Ordinance:

2009-06-25-0585

Item 35. AN ORDINANCE ACCEPTING \$5,000.00 FROM THE TEXAS BOOK FESTIVAL AND THE TEXAS LIBRARY ASSOCIATION FOR THE PURCHASE OF BOOKS FOR YOUNG READERS FOR CENTRAL LIBRARY AND SAN PEDRO BRANCH LIBRARY.

Councilmember Rodriguez asked of the resources that would be purchased with said funds. Ramiro Salazar stated that 130 materials for children for the Central and San Pedro Branch Libraries would be purchased with said funds. He reported that 830,000 individuals had registered for library cards and were close to reaching their goal of one million. Councilmember Cisneros expressed her support and thanked the Texas Book Festival and Texas Library Association for the contribution. Mayor Castro recognized Jean Brady and the San Antonio Public Library Board for their work in the Library System.

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

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

The City Clerk read the following Resolution:

2009-06-25-0023R

Item 38. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY OF PROPERTIES LOCATED ON WEST AVENUE FROM FREDERICKSBURG ROAD TO LOOP 410 TO ZONING DISTRICTS COMPATIBLE WITH THE EXISTING LAND USE, AS REQUESTED BY COUNCILWOMAN CISNEROS, DISTRICT 1.

Councilmember Cisneros asked of the extended parameters. Mr. Roderick Sanchez stated that the initial request only included properties along West Avenue from Fredericksburg Road to IH10 and said item would include properties through Loop 410. Councilmember Cisneros stated that the Los Angeles Heights/Keystone, Northwest Los Angeles Heights, and the Greater Dellview neighborhoods had intense commercial and industrial encroachment and the zoning district change would help protect their residential integrity. She noted that said item would not affect the commercial properties that were compatible with the surrounding neighborhoods.

Councilmember Cisneros read statements of support from Jessie Salame, President of the Northwest Los Angeles Heights Neighborhood Association; Lisa Talley, President of the Northwest Central Neighborhood Association; and Patricia Doria, President of the Los Angeles Heights/Keystone Neighborhood Association. She added that Club Babylon had caused difficulty in the area because they had been cited for violations and had their liquor license revoked by the Texas Alcoholic Beverage Commission but remained open. She expressed her support and thanked all of the staff involved in the project.

Councilmember Ramos recognized Councilmember Cisneros for her work on the project and spoke of similar zoning issues located in District 3. Mayor Castro also recognized Councilmember Cisneros for her efforts and stated that he looked forward to the progress of said project.

Councilmember Cisneros moved to approve the proposed Resolution. Councilmember Ramos seconded the motion.

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

The City Clerk read the following Ordinance:

2009-06-25-0593

Item 45. AN ORDINANCE AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE GREATER SAN ANTONIO BUILDERS ASSOCIATION OUTLINING THE PARTIES' RELATIONSHIP AND RESPONSIBILITIES FOR THE TIERRA DEL SOL AFFORDABLE SHOWCASE OF HOMES COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT IN COUNCIL DISTRICT 7.

Councilmember Rodriguez asked of the preservation of the properties and issues with dumping. David Garza stated that when the construction company began excavation, they realized that there was more debris than had been anticipated; thus requiring additional work. He noted that the area had been used as a dumping ground by individuals and staff was working to ensure that this did not happen again. Councilmember Rodriguez expressed his support for the project but requested that the responsible parties be held accountable for the cost in removing the debris.

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

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

The City Clerk read the following Ordinances for Items 50A, 50B and 50C:

Item 50. CONSIDERATION OF THE FOLLOWING ORDINANCES REGARDING CITY ACTIVITIES RELATED TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA):

2009-06-25-0598

- A. AN ORDINANCE AUTHORIZING THE SUBMISSION OF THE STATE OF TEXAS BYRNE JUSTICE GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS UPON AWARD FOR APPROXIMATELY \$300,000.00 IN STIMULUS FUNDING TO SUPPORT POLICE CANINE OPERATIONS.

2009-06-25-0599

- B. AN ORDINANCE AUTHORIZING EXECUTION OF ONE (1) NEW AND AMENDMENTS TO SIX (6) EXISTING ADVANCED FUNDING AGREEMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR IDENTIFIED ECONOMIC STIMULUS FUNDED STREET RELATED PROJECTS, AND AUTHORIZING PAYMENT OF \$165,058.53 USING NON-STIMULUS CITY BUDGETED FUNDS TO TXDOT FOR ADMINISTERING FEDERAL ECONOMIC STIMULUS FUNDS ON BEHALF OF THE CITY IN CONNECTION WITH THE FOLLOWING ARRA FUNDED PROJECTS: 36TH

STREET, US 90 NORTH OF BILLY MITCHELL; SEVEN (7) LOW WATER CROSSINGS PROJECTS; EAGLELAND RIVERWALK LINK PROJECT; JONES MALTSBERGER, UPRR TO US 281; SALADO CREEK PHASE I HIKE AND BIKE; AND SALADO CREEK PHASE II HIKE AND BIKE.

2009-06-25-0600

- C. AN ORDINANCE AUTHORIZING SUBMISSION OF APPLICATIONS AND ACCEPTANCE UPON AWARD FOR TWO ECONOMIC DEVELOPMENT ADMINISTRATION ARRA FUNDED GRANTS, EACH REQUIRING AN EQUAL AMOUNT OF CITY MATCHING CONTRIBUTION, WITH THE FIRST GRANT IN THE AMOUNT OF \$1,505,879.00 TO BE USED FOR WATER MAIN CONVERSION ALONG THE WALTERS STREET CORRIDOR LEADING TO PALMETTO STREET, REPAVING OF INTERSECTING STREETS AND BEAUTIFICATION PLANNING AND EXECUTION AT FORT SAM HOUSTON; AND THE SECOND GRANT IN THE AMOUNT OF \$250,000.00 FOR ASSISTANCE IN DEVELOPING A CURRENT COMPREHENSIVE MASTER PLAN FOR HEMISFAIR PARK.

Councilmember Ramos asked of the funding referenced in Item 50A. Peter Zanoni stated that staff had submitted a grant application for \$300,000 and said ordinance would allow staff to accept the funds if they were awarded. Councilmember Ramos asked of the selection of the projects referenced in Item 50B. Mr. Zanoni explained that staff had recommended a list of street projects to the City Council that were designed and ready for construction. He noted that on March 5, 2009, the City Council had approved the strategy plan for grant applications to the Stimulus Program and the list of streets was included in that plan. He added that the Metropolitan Planning Organization had also approved the projects on March 23, 2009. Mike Frisbie reported that the City would fund the projects and then seek reimbursement through the Texas Department of Transportation and the Federal Government.

Councilmember Ramos moved to adopt the proposed Ordinances for Items 50A, 50B and 50C. Councilmember Cisneros seconded the motion.

The motion to approve Items 50A, 50B and 50C prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

Item 51. CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

- A. Overview of the 81st State Legislative Session

She stated that in August, 2008, staff began working with the Intergovernmental Relations Council Committee to develop the City's Legislative Program. She noted that staff had sought input from stakeholders and advisory groups in the community to identify major policy issues. She explained that the City Council had adopted the program in October, 2008 that included 21 initiatives. She reported that seven of the eight priority initiatives passed in their entirety or in part, and overall; 13 of the City's 21 initiatives passed. She provided the Council with an End of Session Matrix that denoted action on each of the City's 21 initiatives. She thanked the Councilmembers that traveled to Austin to testify on various bills and recognized City Staff led by Carlos Contreras, and the City's Lobby Team.

Councilmember Rodriguez asked of signage required for the ban on cell phone use in school zones. Mr. Contreras stated that legal staff was reviewing the bill to determine if signage was required and would report back to the Council. Councilmember Rodriguez asked that staff review all bills that become effective on September 1, 2009 that have no dedicated funding. Councilmember Cisneros recognized City Staff for their work and spoke of Senate Bill 1 regarding Clean Air Funding and the Big City Mayors' Homeless Initiative Funding.

Mayor Castro recessed the meeting at 11:20 am to break for lunch and stated that the meeting would resume at 1:00 pm. Mayor Castro reconvened the meeting at 1:09 pm and addressed Item 52.

TIME CERTAIN ITEM

The City Clerk read the following for Item 52:

2009-06-25-0601

Item 52. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE ACCEPTING THE REGIONAL BUSINESS DISPARITY CAUSATION ANALYSIS STUDY FINDINGS AND RECOMMENDATIONS FOR PURPOSES OF POLICY DEVELOPMENT.

Deputy City Manager AJ Rodriguez stated that the City of San Antonio was the lead partner of the nine-member consortium of public entities that contracted with MGT of America, Inc. to conduct a Regional Business Disparity Causation Analysis. He reported that the Disparity Study results indicated that the City has done a better job of providing contract bidding opportunities to small, minority, and women-owned businesses (M/WBE), but could do more. He explained that the study reviewed the City of San Antonio and private sector utilization of small M/WBE's.

Mr. Rodriguez noted that staff had implemented an outreach process to gather feedback from stakeholders and the community and that information was available to the public on the City's website. He reported that the Disparity Study Oversight Committee and Small Business Advocacy Committee had accepted the study findings and recommendations. He introduced Franklin Lee of Tydings and Rosenberg, LLP who represented the City as Outside Counsel throughout the Disparity Study.

Mr. Lee stated that he had worked with minority business program development for over 23 years and recognized the dedicated group of individuals that he worked with on the San Antonio project. He spoke of the importance of adopting policy that is legally defensible and acceptable to the community-at-large. He spoke of the City's automated centralized registration system that would enable cutting edge outreach efforts to the entire business community for contracting opportunities. He introduced Dr. Vince Eagan of MGT of America, Inc. who presented findings and recommendations of the study.

Dr. Eagan stated that in the early 1980's, the City of San Antonio spent about two percent on M/WBE contracts. In the last Disparity Study, he reported that the City spent about five percent of the total spent; while in the current Disparity Study, the City is spending 25.95% of the construction budget on M/WBE contracts. He noted that there had been a significant growth in the dollar value and percentage of M/WBE prime contractors that led to growth in availability but there was some disparity between the availability and utilization of the firms. He reported that in regard to subcontracting, there was significant growth and little disparity in the Hispanic American and Non-Minority Owned Construction

categories. He stated that substantial disparity existed for construction firms owned by African Americans, Asian Americans, and Native Americans.

Dr. Eagan reported that based on US Census Evidence for the San Antonio metropolitan area business population for construction firms, Hispanic American-owned firms were 3.5% of sales, with \$619,588 in average revenue per firm, and 26.9% of the San Antonio market place. He noted that Census Public Use Microdata Sample 2000 data for the San Antonio metropolitan area indicated that there was statistically significant disparities in entry and earnings from self-employment. He stated that the National Survey of Small Business Finance found a statistically significant positive relationship between the probability of loan denial and African American ownership.

Dr. Eagan concluded that the study provided a strong basis of evidence to support the continuation of a program to promote M/WBE utilization. He stated that combined evidence in underutilization of available M/WBE subcontractors, anecdotal evidence, and quantitative private sector evidence suggest that without affirmative action measures; the City of San Antonio would be a passive participant in exclusion of M/WBE subcontracting firms. He noted that a proposed program should match the evidence provided through the study and evolve in response to facts. He explained that narrow tailoring was essential and included prioritizing race neutral efforts; linking goals to availability; and limiting the burden on third parties (non-minorities). He stated that the Federal Disadvantaged Business Enterprise Program was a model that the City could follow that has consistently been upheld by Federal Circuit Courts.

Dr. Eagan commended the City of San Antonio for their participation in Unified Certification and improvements in Data Management. He noted the great work of programs within the Economic Development Department including business development assistance.

Councilmember Chan thanked all that worked on the Disparity Study and asked of the City's Contract Management System. Mr. Rodriguez stated that the system would allow staff to review the prime contracts within the various city departments and track the subcontractors that they are utilizing from their Good Faith Effort Plan. He noted that it would also provide information on the availability of firms and how they could be utilized. He explained that the next phase included the drafting of policy options utilizing the data collected with input from the Economic Development Council Committee, Small Business Advocacy Committee, and other community stakeholders.

Mayor Castro called upon citizens registered to speak.

Jack M. Finger noted that only five percent of minority businesses reported discrimination in the private sector. He also expressed concern with the recommendation to establish a broader set of performance measures for small, minority-owned business program evaluation.

Ramiro Cavazos, President of the San Antonio Hispanic Chamber of Commerce spoke in support of the Disparity Study recommendations. He stated that there had been great progress over the past 22 years in minority contracting and complimented City Staff for their efforts. He noted that the Hispanic Chamber was ready to work with the City and other Chambers of Commerce to identify better solutions for small business contracting.

Daniel Casillas, Vice-President - Area Business Councils stated that on behalf of Chamber President Richard Perez, they were in support of the Disparity Study recommendations. He stated that although

progress had been made in minority contracting, the Greater Chamber felt that more could be done to assist businesses. He added that the Greater Chamber supported the City to continue and work with the business community in compiling information that can be utilized to develop a progressive and effective program. He thanked all for their work on the Disparity Study.

Joe Linson, President of Chelsea Sandwiches of Texas spoke in support of the Disparity Study. He stated that he catered at the Airport, Convention Center, and Alamodome, and that was a result of the City Programs for small, minority-owned businesses. He noted that he was not in support of quotas or bid preferences for minority firms. He expressed support for a small business enterprise goals program and recognized City Staff for their efforts.

Gloria Andrade Merrell, Chair of the Small Business Advocacy Committee (SBAC) spoke in support of the Disparity Study and noted that the SBAC had been involved in the process for the past two years. She noted that the results indicated that much progress had been made in M/WBE contracting, but there was still work to accomplish. She stated that the SBAC believed in the validity of the study and could be used as a tool in developing policies to strengthen the health of San Antonio's economy.

Councilmember Cisneros recognized all involved in the Disparity Study and asked of the small percentage of M/WBE participation in the private sector. Mr. Rodriguez stated that there was significant disparity in the private sector compared to the public sector in regard to M/WBE participation. He spoke of the City's efforts to ensure that a Good Faith Effort Plan is a bid requirement and that the Contract Management System implemented tracks their efforts. Councilmember Taylor thanked all involved in the study but expressed concern with the underutilization of African-American Businesses. She stated that she looked forward to policy discussion regarding better utilization in all minority categories.

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

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

At this time, Mayor Castro recessed the meeting at 2:00 pm and stated that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Castro reconvened the meeting at 6:05 pm and called upon those citizens registered to speak.

Nazirite Ruben Flores Perez spoke on I Corinthians and those that will be accepted into Heaven.

Mark Perez expressed concern with the contract award to V. K. Knowlton, a company owned by Tetco, since he had continually brought the Company's negligence to the attention of the City Council. He stated that he did not want the company shut down but wanted them to abide by the law.

Columba Wilson spoke of an issue regarding juvenile sex offenders in the classroom and requested the City's assistance in bringing awareness to said issue.

Damon Mason referenced water restrictions in Balcones Heights and stated that coastal cities should work on purifying salt water and pumping it into inland cities. He expressed concern with the lack of water restrictions for commercial car washes.

Raymond Zavala spoke of the Three Mile Island incident in 1979. He expressed opposition to nuclear energy and noted his preference for green energy. He spoke of drug activity in San Antonio and expressed concern with US Government spending around Camp Bullis. He stated that the sale of property around Camp Bullis had caused issues with lighting and encroachment.

Faris Hodge, Jr. expressed concern with racial profiling at City Hall. He spoke of a gang fight that had occurred in front of City Hall and stated that additional Police Officers were needed in the Downtown Area. He expressed concern regarding water restrictions, speeding alarms, and curfews. He stated that he was confident in Councilmember Medina's abilities despite his age and welcomed all new City Councilmembers.

Cipriano Ramirez thanked Councilmember Cisneros and her staff for the help they had given him.

Ms. Vacek read a written testimony from Ms. Elda Flores. Ms. Flores thanked Councilmember Cortez for his continued support of the San Antonio Public Library System and noted the value of libraries to the City.

ADJOURNMENT

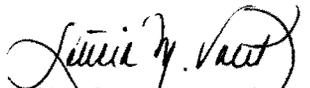
There being no further business to discuss, Mayor Castro adjourned the meeting at 6:35 pm.

A P P R O V E D



JULIÁN CASTRO
MAYOR

Attest:



LETICIA M. VACEK
City Clerk