

**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, MARCH 29, 2007**

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, March 29, 2007 at 9:00 am.

City Clerk Leticia M. Vacek took the Roll Call and noted a quorum was present with the following Councilmembers: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger.

The Invocation was delivered by Rev. Gerald Ripley, Pastor, Abundant Life Church, Guest of Councilmember Chip Haass.

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

**MINUTES**

**MINUTES FOR THE MEETING OF MARCH 8, 2007 REGULAR CITY COUNCIL MEETING.**

Councilmember Perez made a motion to approve the minutes of the March 8, 2007 City Council Meeting. Councilmember Radle seconded the motion.

The motion prevailed by the following vote: AYES: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Haass, Wolff, and Mayor Hardberger. NAYS: None. ABSENT: None.

**OATH OF OFFICE – MAYOR PRO TEM**

Ms. Vacek administered the Oath of Office to Councilmember Delicia Herrera, District 6, whose term as Mayor Pro Tem becomes effective April 2, 2007.

**ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

2007-03-29-0302

Item 5. AN ORDINANCE APPOINTING PETE GONZALES, JR. AS THE CITY INTERNAL AUDITOR OF THE CITY OF SAN ANTONIO AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Perez moved to adopt the proposed ordinance appointing Pete M. Gonzales, Jr. as the City Internal Auditor. Councilmember Hall seconded the motion.

Councilmember Haass welcomed Mr. Gonzales to the City of San Antonio and noted that the Internal Auditor holds a very important position within the City Administration.

Councilmember Hall also welcomed Mr. Gonzales to the City of Antonio and thanked Pat Major and Mark Swann for their service to the City. He stated that the City would benefit from Mr. Gonzales' experiences by being accountable to the taxpayers.

Councilmember Radle stated that she participated in all the Auditor interviews and noted that the City Manager was not involved in the interview process. Councilmember Radle clarified that the City Council was hiring the new Auditor.

The following citizen(s) appeared to speak:

Mr. Jack Finger, P.O. Box 12048, addressed the Council and spoke on Items 5 and 7. As it relates to Item 5, he stated that the Auditor was to be appointed by the City Council in order to ensure independence from City Staff. For Item 7, he questioned why the issue of Toll Roads was not included in the City's Legislative Initiatives Package.

The motion prevailed by the following vote: AYES: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. NAYS: None. ABSENT: None.

The City Clerk read the following Ordinance:

2007-03-29-0303

Item 6. AN ORDINANCE CONFIRMING THE APPOINTMENT OF CHARLES N. HOOD AS THE FIRE CHIEF OF THE CITY OF SAN ANTONIO, EFFECTIVE APRIL 16, 2007.

Councilmember Perez moved to adopt the proposed ordinance. Councilmember Hall seconded the motion.

Ms. Vacek read a written testimony from Mr. Faris Hodge, Jr., 140 Dora. Mr. Hodge thanked City Manager Sculley for appointing Mr. Hood as the new Fire Chief. He continued by noting that Councilmembers have not hired any Black Staff members.

The motion prevailed by the following vote: AYES: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. NAYS: None. ABSENT: None.

The City Clerk read the following Item:

Item 7. STAFF BRIEFING AND POSSIBLE ACTION ON BILLS PENDING IN THE 80TH STATE LEGISLATIVE SESSION.

Mr. Andrew Smith, Director, Intergovernmental Relations, presented the City Council with an update to the 80<sup>th</sup> Regular Session of the State Legislature.

As it relates to HB 2099, Mr. Smith outlined the following five points of concern:

1. COSA Form of Government – Bill borrows from City of Houston “Meet and Confer” Legislation; Bill does not clarify City Manager’s authority in personnel matters established by Charter.
2. Charter Authority – Legislation is ambiguous regarding Charter provisions related to City Manager’s authority and employee’s responsibility regarding political activity.
3. Definition of “Covered” Employee – Bill excludes only Department Heads. Bill should, at a minimum, include same exclusions contained in COSA Consultation Ordinance and City Charter.
4. Meet and Confer Process – Bill doesn’t specify timeframes, deadlines or parameters for the discussion of issues. City would need defined process for effective planning and implementation.
5. Employee Representation/Membership – Bill includes no minimum employee membership requirements demonstrating workforce representation (petition requirements only).

A copy of the power point presentation is on file with the Office of the City Clerk.

The following citizen(s) appeared to speak:

Mr. Donze Lopez of the San Antonio Hispanic Chamber of Commerce addressed the Council and stated that their organization opposed HB 2099 allowing for City of San Antonio employees to “meet and confer” with City Administration. He was concerned with the impact the legislation would have on VIA and CPS Energy.

Mr. Jeff Webster of the Greater Chamber of Commerce also addressed the Council as it relates to HB 2099. He noted that the Greater Chamber had the same concerns as the City and therefore recommended that the City not endorse the proposed legislation.

Mr. Buddy Vallejo addressed the Council and requested that the City support HB 2099. He stated that the proposed legislation would create a better working relationship between City Staff and Management.

Mr. Norm Yen, SEIU representative, addressed the Council and stated that SEIU had been working with the Mayor’s Office to craft amendments to HB 2099 in order to try to meet the City’s goals. He stated that SEIU did not intend to undermine City Administration or the City Charter. For this reason, SEIU would be endorsing to the five points of concern presented by Staff.

Councilmember Flores made the following motion:

- The bill should preserve the City Manager’s authority over personnel matters as expressed in the Charter while not interfering with the City Council’s authority to set policy, control budgetary matters, regulate election or otherwise govern the City pursuant to the City Charter.

- The bill should affirm the authority of the City Charter.
- The bill should state that the parties are to establish a schedule and time frame to meet and confer.

The motion was seconded by Councilmember Guajado.

Councilmember McNeil proposed a friendly amendment that the final documents be put in writing and be presented to the entire City Council for approval. The friendly amendment was accepted by Councilmember Flores.

Councilmember Gutierrez proposed a friendly amendment to the motion on the floor which was to remove the third point made by Councilmember Flores. The friendly amendment was accepted.

The motion prevailed by the following vote: AYES: Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Haass, and Mayor Hardberger. NAYS: Perez and Wolff. ABSENT: None.

Mayor Hardberger recessed the meeting at 12:09 pm to break for lunch and to return at 1:30 pm for the reading of the Cesar Chavez March Proclamation.

Mayor Hardberger reconvened the meeting at 1:30 pm and addressed the Cesar Chavez March Ceremonial Item. Thereafter, Mayor Hardberger addressed the consent items that were pulled for individual consideration.

**CONSENT AGENDA: Items 8-58C**

Consent Agenda Items 8, 14, 18, 41, 53, 57, and 58C were pulled for Individual Consideration. The remaining items were approved upon the motion made by Councilmember Perez and seconded by Councilmember Haass.

**The following citizen(s) appeared to speak:**

Mr. Jack M. Finger, P.O. 12048, addressed the Council with regards to Items 10, 23, 32, 34, 42, 43, and 44. For Item 10, he noted that all Councilmembers have received campaign contributions from Frost Bank. Mr. Finger stated that Item 23 was a Bond Project from 1999 and noted that it took 8 years for the City to complete the Project. For this reason, he was going to vote "no" on the May Bond Program. As it relates to Item 32, Mr. Finger believed that the City was providing services to illegal immigrants.

The motion on the floor to adopt the remainder of the consent items prevailed by the following vote: AYES: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. NAYS: None. ABSENT: None.

2007-03-29-0305

Item 9. AN ORDINANCE ACCEPTING THE OFFER FROM CCS PRESENTATION SYSTEM TO PROVIDE THE CITY WITH LARGE SCREEN VIDEO MONITORS AND INSTALLATION FOR A TOTAL COST OF \$60,390.00, FROM THE BEXAR METRO 911 NETWORK DISTRICT FUND.

2007-03-29-0306

Item 10A. AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DIRECTOR OF FINANCE TO EXECUTE A CONTRACT WITH THE FROST NATIONAL BANK TO PROVIDE DEPOSITORY BANKING AND LOCKBOX SERVICES AND RELATED FINANCIAL SERVICES TO THE CITY OF SAN ANTONIO FOR A PERIOD OF THREE (3) YEARS, COMMENCING ON JULY 1, 2007, AND ENDING JUNE 30, 2010, WITH AN OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS; AND AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.

2007-03-29-0307

Item 10B. AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DIRECTOR OF FINANCE TO EXECUTE A CONTRACT WITH BANK OF AMERICA, N.A. TO PROVIDE MERCHANT BANKING SERVICES AND RELATED FINANCIAL SERVICES TO THE CITY OF SAN ANTONIO FOR A PERIOD OF THREE (3) YEARS, COMMENCING ON JULY 1, 2007, AND ENDING JUNE 30, 2010, WITH AN OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS; AND AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.

2007-03-29-0308

Item 11. AN ORDINANCE APPROVING THE PURCHASE OF AIRCRAFT HULL AND LIABILITY INSURANCE FOR CITY-OWNED HELICOPTERS FROM ACE PROPERTY AND CASUALTY INSURANCE COMPANY FOR A ONE-YEAR PERIOD BEGINNING MARCH 31, 2007 FOR AN ANNUAL PREMIUM COST OF \$252,670.00.

2007-03-29-0309

Item 12. AN ORDINANCE AUTHORIZING THE PURCHASE OF AIRPORT OWNERS AND OPERATORS LIABILITY INSURANCE FOR THE CITY FROM ACE PROPERTY AND CASUALTY INSURANCE COMPANY FOR A ONE (1) YEAR PERIOD BEGINNING MARCH 31, 2007, AT AN ANNUAL PREMIUM COST OF \$63,263.00, FROM THE LIABILITY SELF-INSURANCE FUND.

2007-03-29-0310

Item 13. AN ORDINANCE APPROVING CHANGE ORDER NO. 2 IN THE AMOUNT OF \$259,372.45 TO THE \$1,235,842.02 CONSTRUCTION CONTRACT WITH JERDON ENTERPRISES, L.P. FOR THE SKY PLACE BOULEVARD REALIGNMENT PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT, TO INSTALL UTILITY SERVICES FOR NEW TENANTS, AND PROVIDE STREET PAVEMENT AND HYDRO MULCHING.

2007-03-29-0312

Item 15. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$133,780.63 TO INCLUDE AWARDDING A \$120,500.00 CONTRACT WITH LVA CONSTRUCTION, INC. FOR THE CONSTRUCTION OF A GAZEBO AND AMERICANS WITH DISABILITIES ACT (ADA) ACCESS AS PART OF THE MONTICELLO PARK IMPROVEMENTS PROJECT, AN APPROVED 2003 PARK BOND FUND PROJECT LOCATED IN DISTRICT 7.

2007-03-29-0313

Item 16. AN ORDINANCE AUTHORIZING \$299,054.75, INCLUDING A CONTRACT UP TO \$124,345.00 WITH REHLER VAUGHN & KOONE, ARCHITECTS, INC., FOR THE DESIGN OF THE MIRAFLORES AT BRACKENRIDGE PARK IMPROVEMENTS PROJECT INCLUDING THE DESIGN OF A PEDESTRIAN BRIDGE CONNECTING BRACKENRIDGE PARK TO THE MIRAFLORES PROPERTY, AMERICANS WITH DISABILITIES ACT MODIFICATIONS, RESTORATION OF STRUCTURES, ART WORK, AND STONE FEATURES, LIGHTING AND ELECTRICAL WORK, AND OTHER ASSOCIATED AMENITIES.

2007-03-29-0314

Item 17. AN ORDINANCE APPROVING A TOTAL OF \$331,561.00, TO INCLUDE A \$49,418.00 AMENDMENT TO A \$406,533.00 PROFESSIONAL ARCHITECTURAL SERVICES AGREEMENT WITH CHESNEY, MORALES & ASSOCIATES, INC., FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF TWO ADDITIONAL PARKING LOTS AND LANDSCAPING FOR THE BOB ROSS SENIOR MULTI-SERVICE HEALTH & RESOURCE CENTER CHANGE ORDER PROJECT; AND APPROVING CHANGE ORDER NO. 18 IN THE AMOUNT OF \$282,143.00 WITH JAMAIL CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF TWO ADDITIONAL PARKING LOTS AND LANDSCAPING IN CONNECTION WITH THE BOB ROSS SENIOR MULTI-SERVICE HEALTH & RESOURCE CENTER CHANGE ORDER PROJECT, AN AUTHORIZED 2003 GENERAL OBLIGATION BOND PROJECT IN DISTRICT 8; AND APPROPRIATING FUNDS.

2007-03-29-0316

Item 19. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$1,575,949.82 AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,469,465.80 TO K.L. & J. LIMITED PARTNERSHIP, OF WHICH \$519,611.10 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, IN CONNECTION WITH THE STREET MAINTENANCE PROGRAM PACKAGE III, AN AUTHORIZED 2006 CERTIFICATES OF OBLIGATION FUNDED PROJECT LOCATED IN DISTRICTS 1 AND 5 AND APPROPRIATING FUNDS.

2007-03-29-0317

Item 20. AN ORDINANCE AUTHORIZING AND APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$4,896.00 PAYABLE TO GARCIA & WRIGHT CONSULTING ENGINEERS, INC., FOR CONSTRUCTION PHASE PROFESSIONAL ENGINEERING SERVICES, IN CONNECTION WITH THE FAY STREET/ST. JOSEPH: CREIGHTON TO NEW LAREDO HIGHWAY, PHASE II PROJECT, AN AUTHORIZED 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDED PROJECT, LOCATED IN DISTRICT 5.

2007-03-29-0318

Item 21. AN ORDINANCE APPROVING CHANGE ORDER NO.19 FINAL IN THE DEDUCTIVE AMOUNT OF \$106,000.00 TO THE \$8,429,391.63 CONSTRUCTION CONTRACT, AS CHANGED, WITH W. G. YATES & SONS CONSTRUCTION COMPANY TO REIMBURSE THE CITY FOR TIME-ADJUSTED DAYS WHICH REQUIRED ADDITIONAL CONSTRUCTION ADMINISTRATION SERVICES.

2007-03-29-0319

Item 22. AN ORDINANCE APPROVING A TOTAL OF \$71,531.50, TO INCLUDE A \$59,500.00 AMENDMENT TO A \$75,322.25 PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH G.G.I. ENGINEERS-SURVEYORS-PLANNERS FOR SUBMITTING PLANS TO THE TEXAS DEPARTMENT OF LICENSING AND REGULATIONS (TDLR) FOR PROCESSING, EXECUTION OF BID DOCUMENTS AND CONSTRUCTION PHASE SERVICES IN CONNECTION WITH THE PASO HONDO - GEVERS TO WALTERS PROJECT, AN AUTHORIZED U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDED PROJECT IN DISTRICT 2; AND APPROPRIATING FUNDS.

2007-03-29-0320

Item 23. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$3,388,507.70, TO INCLUDE AWARDED A \$2,992,609.20 CONTRACT WITH E-Z BEL CONSTRUCTION, LTD., \$459,385.70 OF WHICH WILL BE REIMBURSED BY CPS ENERGY AND \$437,509.60 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FOR THE RECONSTRUCTION OF STREETS, INCLUDING CURBS, SIDEWALKS, DRIVEWAY APPROACHES, BICYCLE LANE, PARKING LANE,

DRAINAGE IMPROVEMENTS, DESIGN ENHANCEMENTS AND THE REPLACEMENT OF SEWER AND WATER LINES IN CONNECTION WITH THE FLORIDA: IH37 TO ST. MARY'S & CAROLINA AREA STREETS PROJECT, AN AUTHORIZED PROJECT FUNDED THROUGH 1999 GENERAL OBLIGATION DRAINAGE BOND, CERTIFICATES OF OBLIGATION AND HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM IN DISTRICT I; AND APPROPRIATING FUNDS.

2007-03-29-0321

Item 24. AN ORDINANCE APPROVING A FIVE-YEAR LEASE WITH CALLAGHAN SQUARE INVESTMENTS, LLC, FOR APPROXIMATELY 5,000 SQUARE FEET OF GENERAL OFFICE AND CLINIC SPACE AT 4418 CALLAGHAN ROAD FOR SAN ANTONIO METROPOLITAN HEALTH DISTRICT OPERATIONS, WITH RENT BEGINNING AT \$5,354.26 MONTHLY AND ESCALATING OVER THE TERM TO \$5,908.33 MONTHLY.

2007-03-29-0322

Item 25. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE WITH CARGO AIRPORT SERVICES TEXAS, LLC FOR 5,760 SQUARE FEET OF SPACE IN THE AIR CARGO BUILDING WEST AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A TERM OF NINETEEN (19) MONTHS FOR A TOTAL TERM RENTAL OF \$69,252.91.

2007-03-29-0323

Item 26. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR A NAVIGATIONAL AID SITE LOCATED NEAR THE INTERSECTION OF FRESNO DRIVE AND SANTA PAULA AVENUE FOR A TWENTY (20) YEAR TERM.

2007-03-29-0324

Item 27. AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION CONSOLIDATING ALL LEASES FOR NAVIGATIONAL AID FACILITIES AT STINSON MUNICIPAL AIRPORT AND EXTENDING THE TERM TO SEPTEMBER 30, 2027.

2007-03-29-0325

Item 28. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH FEDERAL EXPRESS CORPORATION FOR 245,029 SQUARE FEET OF APRON SPACE AND 30,300 SQUARE FEET OF BUILDING SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A TERM OF THREE (3) YEARS WITH ASSOCIATED ANNUAL RENTALS OF \$366,216.58.

2007-03-29-0326

Item 29. AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT TERMINATING AIRPORT CONCESSION AGREEMENT NO. 133074 WITH LATRELLE'S MANAGEMENT CORPORATION FOR SPACE 174 IN TERMINAL 1 OF THE SAN ANTONIO INTERNATIONAL AIRPORT.

2007-03-29-0327

Item 30A. AN ORDINANCE APPROPRIATING \$229,700.00 FROM PREVIOUS AUTHORIZED PROJECT APPROPRIATIONS, FOR ACQUISITION OF FEE SIMPLE TO FIVE PARCELS OF PRIVATELY OWNED REAL PROPERTY IN CONNECTION WITH THE MOBILE CITY ESTATES AREA BUYOUT (LEON CREEK) PHASE II PROJECT, LOCATED IN DISTRICT 8 ON THE NORTHWEST SIDE OF SAN ANTONIO NEAR THE INTERSECTION OF IH 10 WEST AND LOOP 1604.

2007-03-29-0328

Item 30B. AN ORDINANCE DECLARING THE RIP RAP #69 PHASE IID PROJECT LOCATED ON THE SOUTHSIDE OF SAN ANTONIO NEAR THE INTERSECTION OF IH 35 AND SOUTHCROSS BLVD TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, FOR USE AS A PART OF THIS PROJECT; ESTABLISHING JUST COMPENSATION FOR THE PROPERTIES; APPROPRIATING FUNDS IN THE AMOUNT OF \$33,397.00 FOR THE PROJECT; AUTHORIZING CITY STAFF TO NEGOTIATE WITH AND ACQUIRE THE PROPERTY FROM THE OWNERS AND IF NECESSARY, AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PROPERTIES WITHIN THE FOLLOWING NEW CITY BLOCKS (NCB) IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, LOCATED IN DISTRICT 3: 7864, 7865, 7866, 7867, 7868, 7871, 7872, 7873, 7874, 7876.

2007-03-29-0329

Item 30C. AN ORDINANCE AUTHORIZING \$30,241 FOR ACQUISITION OF FEE SIMPLE TO EIGHT PARCELS OF PRIVATELY OWNED REAL PROPERTY AND OTHER MISCELLANEOUS EXPENSES IN CONNECTION WITH THE W.W. WHITE AREA OUTFALL PHASE I PART II PROJECT, LOCATED ON THE EAST/SOUTHEAST SIDE OF SAN ANTONIO IN DISTRICT 2.

2007-03-29-0330

Item 30D. AN ORDINANCE AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,500 TO MI TIERRA TITLE COMPANY, AS ESCROW AGENT FOR UNION PACIFIC RAILROAD, FOR FEE SIMPLE TITLE TO A 0.011 ACRE TRACT OF LAND OUT OF THE GUILLERMA NUNEZ SURVEY NO. 151, ABSTRACT NO. 548 (\$1,000) AND TITLE FEES (\$500.00) IN CONNECTION WITH THE BELGIUM-PICARDIE TO (COLISEUM) SBC PARKWAY PROJECT LOCATED IN DISTRICT 2.

2007-03-29-0331

Item 30E. AN ORDINANCE AUTHORIZING PAYMENT IN THE AMOUNT OF \$6,161 TO FIRST AMERICAN TITLE INSURANCE COMPANY, AS ESCROW AGENT FOR GARY L. YOUNG AND MARIA D. YOUNG TO ACQUIRE FEE SIMPLE TITLE TO A 0.038 ACRE TRACT OF LAND OUT OF LOT 49, NEW CITY BLOCK 17973 (\$5,561) AND TITLE FEES (\$600); AUTHORIZING PAYMENT OF \$100 TO GARY L. AND MARIA D. YOUNG FOR A RIGHT OF ENTRY; AUTHORIZING PAYMENT IN THE AMOUNT OF \$800 TO DUGGER, CANADAY, GRAFE INC. FOR APPRAISAL SERVICES IN CONNECTION WITH THE BERMUDA TRAIL PROJECT ACQUISITION, FOR A TOTAL SUM OF \$7,061.

2007-03-29-0332

Item 31. AN ORDINANCE AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN CONNECTION WITH THE 2007 FIESTA SAN ANTONIO CELEBRATION; APPROVING THE LOCATIONS, DATES AND TIMES FOR THE FIESTA CARNIVAL AND OFFICIAL FIESTA EVENTS, AND RELATED REQUIREMENTS AND CONDITIONS; APPROVING THE FIESTA PARADE ROUTES; AND AMENDING ORDINANCE NO. 2006-03-30-0426, PASSED ON MARCH 30, 2006 TO REFLECT SUCH CHANGES.

2007-03-29-0333

Item 32. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$8,000.00 IN ADDITIONAL GRANT FUNDS FROM THE TEXAS EDUCATION AGENCY (TEA) FOR THE CONTINUATION OF THE ENGLISH LITERACY - CIVICS EDUCATION (EL/CIVICS) PROJECT FOR THE PERIOD FROM JULY 1, 2006 THROUGH JUNE 30, 2007; AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND ACCEPTANCE UPON AWARD OF A GRANT UP TO \$102,000.00 FROM THE TEA FOR THE CONTINUATION OF THE EL/CIVICS PROJECT FOR THE PERIOD FROM JULY 1, 2007 THROUGH JUNE 30, 2008.

2007-03-29-0334

Item 33. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE 2006 URBAN AREA SECURITIES INITIATIVES (UASI) GRANT IN THE AMOUNT OF \$2,862,824.00 FROM THE TEXAS GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT TO PREVENT, RESPOND TO AND RECOVER FROM ACTS OF TERRORISM AND NATURAL DISASTERS.

2007-03-29-0335

Item 34. AN ORDINANCE APPROVING A CONTRACT AMENDMENT WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY IN THE AMOUNT OF \$10,000.00, WHICH WILL INCREASE THE CURRENT CONTRACT FROM \$90,000.00 TO \$100,000.00 WITH THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT PUBLIC CENTER FOR ENVIRONMENTAL HEALTH FOR THE PERIOD OF SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2007.

2007-03-29-0336

Item 35. AN ORDINANCE APPROVING A GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TOTALING \$80,000.00 WHICH WILL RENEW FUNDING FOR THE ONGOING FAMILIES PREVENTING DIABETES PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD MARCH 30, 2007 THROUGH MARCH 29, 2008.

2007-03-29-0337

Item 36. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND ACCEPTANCE OF GRANT FUNDS UPON AWARD UP TO \$390,000.00 ANNUALLY FOR UP TO THREE YEARS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE BREAST AND CERVICAL CANCER SERVICES OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT.

2007-03-29-0338

Item 37. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AN AMENDED GRANT AWARD FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES & SERVICES ADMINISTRATION, IN THE AMOUNT OF \$23,656.00, TO AUGMENT SUPPORT FOR THE HEALTHY START INITIATIVE OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD AUGUST 1, 2006 TO MAY 31, 2007.

2007-03-29-0339

Item 38. AN ORDINANCE APPROVING A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$335,476.00 TO SUPPORT THE ONGOING TUBERCULOSIS (TB) PREVENTION AND CONTROL PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2007.

2007-03-29-0340

Item 39. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD UP TO \$1,833,098.00 IN GRANT FUNDS AND \$66,902.00 IN IN-KIND PERSONNEL SUPPORT FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ONGOING IMMUNIZATION PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2007.

2007-03-29-0341

Item 40. AN ORDINANCE REDUCING THE DISTRICT 10 ONE TIME FUNDS BY \$25,619.00 AND REALLOCATING \$5,619.00 TO THE SAN ANTONIO POLICE DEPARTMENT FOR THE PURCHASE OF EQUIPMENT TO BE USED BY THE NORTH

COMMUNITY SERVICE AREA SAFFE UNIT AND \$20,000.00 TO THE PARKS AND RECREATION DEPARTMENT FOR THE PURCHASE AND INSTALLATION OF A SHELTER AND SWING SET FOR THE COMANCHE PARK/SEMMES LIBRARY PLAYGROUND AS REQUESTED BY COUNCILMEMBER CHIP HAASS, DISTRICT 10.

2007R-03-29-0343

Item 42. A RESOLUTION SUPPORTING AND APPROVING THE APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION TO INCREASE THE PASSENGER FACILITY CHARGE FROM \$3.00 TO \$4.50 FOR FUNDING OF CAPITAL IMPROVEMENTS AT SAN ANTONIO INTERNATIONAL AIRPORT.

2007-03-29-0344

Item 43. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *RAQUEL & REFUGIO PEREZ VS. CITY OF SAN ANTONIO, et al.*, IN THE 37TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, NO. 2004-CI-09646, FOR THE AMOUNT OF \$155,000.00.

2007-03-29-0345

Item 44. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *JESSE GONZALES V. CITY OF SAN ANTONIO*, IN THE 225TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, CAUSE NO. 2003-CI-17227, IN THE AMOUNT OF \$95,000.00.

2007-03-29-03346

Item 45. AN ORDINANCE APPROVING AN INTERLOCAL AGREEMENT WITH THE UNIVERSITY OF TEXAS AT SAN ANTONIO IN AN AMOUNT UP TO \$70,000.00 FOR A COMPREHENSIVE STUDY ON THE STATUS OF WOMEN IN THE SAN ANTONIO AREA IN ORDER TO INFORM THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN AND THE COMMUNITY FOR THE PERIOD ENDING DECEMBER 31, 2007.

2007-03-29-0347

Item 46. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, STATE OF TEXAS, AND ACCEPTANCE UPON AWARD OF A JUVENILE ACCOUNTABILITY BLOCK GRANT IN AN AMOUNT UP TO \$37,017.52 IN ORDER TO SUPPORT THE STRIVING TOGETHER TO ACHIEVE REWARDING TOMORROWS (START) PROGRAM IN THE EDGEWOOD AND HARLANDALE INDEPENDENT SCHOOL DISTRICTS FOR THE PERIOD AUGUST 1, 2007 TO JULY 31, 2008.

2007-03-29-0348

Item 47. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, STATE OF TEXAS, AND ACCEPTANCE UPON AWARD OF A SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES ACT GRANT IN AN AMOUNT UP TO \$129,763.00 TO SUPPORT THE EXPANSION OF THE STRIVING TOGETHER TO ACHIEVE REWARDING TOMORROWS (START) PROGRAM IN TWO ADDITIONAL SCHOOLS IN THE HARLANDALE INDEPENDENT SCHOOL DISTRICTS FOR THE PERIOD SEPTEMBER 1, 2007 TO AUGUST 31, 2008; AND AUTHORIZING THE EXECUTION OF ANY AND ALL RELATED DOCUMENTS.

2007-03-29-0349

Item 48. AN ORDINANCE REALLOCATING \$29,509.00 FROM PROJECT LEARN TO READ TO SAN ANTONIO YOUTH CENTERS, INC.; AND APPROVING A CONTRACT WITH SAN ANTONIO YOUTH CENTERS, INC. FOR ITS ALAMO CITY YOUTH BUILD PROGRAM FOR THE PERIOD FROM OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

2007-03-29-0350

Item 49. AN ORDINANCE AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) FOR A PUBLIC HEALTH PREVENTION SPECIALIST AND AUTHORIZING THE ASSIGNMENT OF SAID CDC EMPLOYEE IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR A TWO-YEAR PERIOD BEGINNING OCTOBER 1, 2007.

2007-03-29-0351

Item 50. AN ORDINANCE APPROVING THE FINAL PROJECT AND FINANCING PLANS FOR TAX INCREMENT REINVESTMENT ZONE ("TIRZ") NUMBER TWENTY-ONE, CITY OF SAN ANTONIO, TEXAS, KNOWN AS THE HEATHERS COVE TIRZ IN CITY COUNCIL DISTRICT 4, AUTHORIZING THE PAYMENT OF ALL INCREMENTAL AD VALOREM TAXES INTO THE TIRZ TAX INCREMENT FUND AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, THE BOARD OF DIRECTORS FOR THE TIRZ ("BOARD") AND BEXAR COUNTY, AND A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, HLH DEVELOPMENTS, L.P., AND THE BOARD.

2007-03-29-0352

Item 51. AN ORDINANCE APPROVING THE FINAL PROJECT AND FINANCING PLANS FOR TAX INCREMENT REINVESTMENT ZONE ("TIRZ") NUMBER SEVENTEEN, CITY OF SAN ANTONIO, TEXAS, KNOWN AS THE MISSION CREEK TIRZ IN CITY COUNCIL DISTRICT 3, AUTHORIZING THE PAYMENT OF ALL INCREMENTAL AD VALOREM TAXES INTO THE TIRZ TAX INCREMENT FUND AND AUTHORIZING THE

CITY MANAGER TO NEGOTIATE AND EXECUTE AND INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, THE BOARD OF DIRECTORS FOR THE TIRZ ("BOARD") AND BEXAR COUNTY, AND A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, HLH DEVELOPMENTS, L.P., AND THE BOARD.

2007-03-29-0353

Item 52. AN ORDINANCE AUTHORIZING PAYMENT OF THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES TO THE ALAMO AREA COUNCIL OF GOVERNMENTS IN THE AMOUNT OF \$68,678.76 FOR CALENDAR YEAR 2007.

2007-03-29-0355

Item 54. AN ORDINANCE APPROVING THREE CONTRACTS WITH METHODIST SPECIALTY AND TRANSPLANT HOSPITAL, CHRISTUS SANTA ROSA HEALTH CARE, AND CHILD SAFE TO PROVIDE SPECIALIZED SEXUAL ASSAULT/ABUSE EXAMINATIONS.

2007R-03-29-0356

Item 55. A RESOLUTION SUPPORTING STATE LEGISLATIVE APPROPRIATION OF \$200 MILLION ANNUALLY TO FUND THE TEXAS RAIL RELOCATION AND IMPROVEMENT FUND.

2007-03-29-0357

Item 56. AN ORDINANCE AUTHORIZING PAYMENT OF \$49,500 TO AUSTIN-SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT FOR THE CITY'S ANNUAL MEMBERSHIP DUES FOR THE PERIOD OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

Item 58. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS:

A. Appointing Lora Devlon Eckler (District 6) to the San Antonio Public Library Board of Trustees for the remainder of an unexpired term of office commencing immediately, to expire September 30, 2008.

B. Appointing Andrew Ozuna (District 8) to the Board of Adjustment for the remainder of an unexpired term of office commencing immediately, to expire February 22, 2008.

**[CONSENT AGENDA CONCLUDED]**

## ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2007-03-29-0304

Item 8. 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 2006-2007 FOR A COMBINED ESTIMATED COST OF \$750,700.00, INCLUDING: A) ELEVATOR MAINTENANCE FOR MUNICIPAL AUDITORIUM; B) ELEVATOR MAINTENANCE FOR MUNICIPAL COURT; C) ELEVATOR AND ESCALATOR MAINTENANCE FOR THE ALAMODOME; D) ELEVATOR MAINTENANCE FOR CITY HALL; E) MEDIUM & HEAVY DUTY TRUCK COLLISION REPAIR FOR CITY VEHICLES; F) MUD SUMP SERVICE AND DRAIN LINE CLEANING FOR THE ANIMAL CONTROL FACILITY; G) JANITORIAL SERVICES FOR THE MARKET SQUARE COMPLEX; H) PIERCE FIRE TRUCK PARTS AND SERVICE; I) SUBSCRIPTION & LICENSE FOR DOWNLOADABLE BOOKS AND DIGITAL MEDIA; AND J) CITRIX SOFTWARE AND SUPPORT.

Councilmember Radle moved to adopt the proposed ordinance. Councilmember McNeil seconded the motion.

Councilmember Radle questioned how many city employees would be affected by the passage of this ordinance, what options would be available to the displaced employees, and the pay rate/benefits to be received by employees hired by the private contractor.

Ms. Paula Stallcup, Director, Downtown Operations, stated that the affected employees had already been transferred to other positions within the City. She added that the reductions in question became effective with the passage of the FY 2007-2007 Budget.

City Manager Sculley clarified that when the City advertises for bids, the City could not prescribe that a business pay employees a certain amount and/or offer specific benefit packages.

Ms. Janie Cantu, Director, Purchasing Department, added that the City had numerous service contracts. Examples of service contracts include janitorial services, lawn care services, air conditioning service, and pest control.

Councilmember McNeil questioned the status of the Tower of Americas Elevator Contract.

Ms. Penny Post oak Ferguson, Assistant City Manager, stated that the one of the two public elevators at the Tower of Americas had been turned over to the City in mid-February. The second public elevator would be turned over to the City at the end of April. The third elevator which is a service elevator would be turned over to the City at the end of July. She added that the modernization of the elevators was the responsibility of Landry's and once modernized they would be turned over to the City. The City would then be responsible for the maintenance of the elevators.

The motion prevailed by the following vote: AYES: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. NAYS: None. ABSENT: None.

The City Clerk read the following Ordinance:

2007-03-29-0311

Item 14. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$99,081.63 TO INCLUDE \$74,904.31 FOR PARK MATERIALS FOR IN-HOUSE CONSTRUCTION BY PARKS AND RECREATION STAFF TO CONSTRUCT REQUIRED INFRASTRUCTURE AND ASSOCIATED SITE AMENITIES TO INCLUDE UTILITIES IMPACT FEES, SITE PREPARATION, GRADING, PARKING, AMERICAN WITH DISABILITIES ACT (ADA) ACCESS, SIGNAGE, FENCING, GARDEN PLOTS, STORAGE, IRRIGATION, AND OTHER REQUIRED IMPROVEMENTS AS PART OF THE HILLSIDE ACRES COMMUNITY GARDENS PROJECT, AN APPROVED 2003 PARK BOND FUND PROJECT LOCATED IN DISTRICT 4.

Councilmember Perez moved to adopt the proposed ordinance. Councilmember McNeil seconded the motion.

Councilmember Perez sought more information on the timelines and design of said construction project.

Mr. Malcolm Matthews, Director, Parks and Recreation, provided the Council with a brief status report of said project. He noted that the project would be completed by May 1, 2007 with a dedication to follow shortly thereafter.

The motion prevailed by the following vote: AYES: Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. NAYS: None. ABSENT: Gutierrez.

The City Clerk read the following Ordinance:

2007-03-29-0315

Item 18. AN ORDINANCE APPROVING A TOTAL ESTIMATED CONSTRUCTION PROJECT AMOUNT OF \$3,799,833.20 AND AWARDED AN INDEFINITE DELIVERY CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$3,799,833.20 TO RAM BUILDING SERVICES, LLC, FOR AS NEEDED CONSTRUCTION OF SIDEWALKS, DRIVEWAYS, CURBS, MEDIANS, MANHOLES, STEPS, BUS PADS AND OTHER ITEMS REQUIRED BY SITE CONDITIONS, IN CONNECTION WITH THE 2007-2008 INDEFINITE DELIVERY CONTRACT FOR PUBLIC WORKS INFRASTRUCTURE AND CONSTRUCTION PROJECT.

Councilmember Perez moved to adopt the proposed ordinance. Councilmember McNeil seconded the motion.

Councilmember Perez requested a list of Projects in District 4.

Mr. Tom Wendorf, Director, Public Works, noted that District 4 Projects included Neighborhood Access Projects, Advanced Transportation Projects, and HUD 108 Access and Mobility Projects.

The motion prevailed by the following vote: AYES: McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. NAYS: None. ABSENT: Flores.

The City Clerk read the following Ordinance:

2007-03-29-0342

Item 41. AN ORDINANCE APPROVING JOB-ORDER CONTRACTS WITH ALPHA BUILDING CORPORATION, CENTENNIAL CONTRACTORS ENTERPRISES, INC., CONCOR, INC./APM, LLC, AND JAMAIL CONSTRUCTION FOR MINOR REPAIR, REHABILITATION, AND ALTERATION OF FACILITIES AND AUTHORIZING THE CITY MANAGER TO ADMINISTRATIVELY APPROVE JOB ORDERS ISSUED UNDER ALL JOB-ORDER CONTRACTS FOR AMOUNTS LESS THAN \$100,000.

Councilmember Perez moved to adopt the proposed ordinance. Councilmember McNeil seconded the motion.

Councilmember Perez stated that this ordinance would allow for projects to be completed sooner, however, he was concerned with the limit being proposed in the ordinance as well as job-orders being approved administratively. Currently, the Council approves items over \$25,000.

Mr. Shawn Eddy, Director, Asset Management, stated that this ordinance would allow for the City Manager to approve job-orders for projects on City Facilities. The City Council would still have to approve the funds for the projects via ordinance or when the Annual Operating Budget is approved.

The motion prevailed by the following vote: AYES: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. NAYS: None. ABSENT: None.

The City Clerk read the following Ordinance:

2007-03-29-0354

Item 53. AN ORDINANCE AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY TO DENY DRIVERS LICENSE RENEWAL FOR DEFENDANTS WHO FAIL TO APPEAR AT MUNICIPAL COURT.

Councilmember Perez moved to deny the proposed ordinance. Councilmember Wolff seconded the motion.

Mr. Fred Garcia, Municipal Court Clerk and Presiding Judge Bull provided comments on said item. Judge Bull stated that this proposed ordinance would be another tool to ensure compliance by individuals with court orders.

Councilmember Perez stated that he was against said item due to the fact that the company was getting \$20; the State was getting \$6; and the City was only getting \$4. He asked if there was another way for the City to obtain more funds from the contractor.

Judge Bull clarified that if this ordinance were passed it would prohibit individuals who have warrants out for their arrest from renewing their license. When individuals appear before the Court, the \$30 would be collected. However, the \$30 would not be collected if the case was dismissed or the individual was acquitted.

Councilmember Perez replied that his solution would be to seek a collection agency. Judge Bull stated that if the City were to utilize a collection agency it would not immediately see a return on the court fees. With this proposed ordinance, the City would see an immediate return of \$4. He continued by stating that approximately 856 jurisdictions in the State of Texas use Omnibus for this service.

Councilmember Wolff stated that a possible solution would be for the City to collect \$5 and Omnibase collect \$5. Judge Bull stated that the Interlocal Agreement between DPS and Omnibase requires Omnibase to collect \$6. As such, all entities that contract with Omnibase are required to pay the \$6 fee.

The motion to deny failed by the following vote: AYES: Perez NAYS: Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. ABSENT: None.

Councilmember Hall made a motion to approve the proposed ordinance. Councilmember Gutierrez seconded the motion.

The motion to approve prevailed by the following vote: AYES: Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. NAYS: Perez. ABSENT: None.

The City Clerk read the following Ordinance:

2007-03-29-0358

Item 57. AN ORDINANCE AMENDING THE TRAFFIC CONTROL DEVICES SCHEDULES ESTABLISHED BY CHAPTER 19 (TRAFFIC REGULATIONS), ARTICLE III (TRAFFIC CONTROL DEVICES), SECTION 19-68(b) TO INCLUDE CERTAIN ADDITIONS TO THE OFFICIAL TRAFFIC-CONTROL DEVICE SCHEDULE FOR "FULL TRAFFIC SIGNAL LOCATIONS", "ALL-WAY STOPS" SIGNS, "CROSS STREET STOPS" SIGNS, "CROSS STREET YIELD" SIGNS, "MAXIMUM SPEED LIMIT" SIGNS, "PARKING PROHIBITED AT ALL TIMES, INCLUDING SUNDAYS AND HOLIDAYS"

SIGNS, "STOPPING, STANDING, OR PARKING PROHIBITED 7 AM TO 9 AM AND 2 PM TO 4 PM SCHOOL DAYS ONLY" SIGNS AND "PROHIBITED LEFT TURNS, PROHIBITED AT ALL TIMES" SIGNS, "SCHOOL SPEED ZONE, SCHOOL CROSSWALKS (MID-BLOCK)" SIGNS AND "SCHOOL SPEED ZONE, SCHOOL CROSSWALKS (INTERSECTION)" SIGNS; AUTHORIZING THE PERMANENT INSTALLATION OF SAID DEVICES; DECLARING THEM AS OFFICIAL TRAFFIC CONTROL DEVICES OF THE CITY OF SAN ANTONIO; AND DECLARING VIOLATIONS OF THESE TRAFFIC REGULATIONS, EXCEPT THE CIVIL PARKING VIOLATIONS, TO BE MISDEMEANOR CRIMES PUNISHABLE BY A FINE OF NOT MORE THAN \$200.00, AND DECLARING VIOLATIONS OF THE CIVIL PARKING VIOLATIONS TO BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CITY CODE SECTION 19-225 (ADMINISTRATIVE ADJUDICATION OF STOPPING, STANDING AND PARKING VIOLATIONS), AND ESTABLISHING AN EFFECTIVE DATE OF NO MORE THAN 5 DAYS AFTER PUBLICATION IN ACCORDANCE WITH ARTICLE 2, SECTION 17, OF THE CITY CHARTER.

Councilmember Perez stated that no clarification on said item was need and then made a motion to approve the proposed ordinance. Councilmember Haass seconded the motion.

The motion prevailed by the following vote: AYES: Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. NAYS: None. ABSENT: Gutierrez.

The City Clerk read the following Item:

58C. Appointing one individual (At-Large) to the VIA Metropolitan Transit Authority for the remainder of an unexpired term of office commencing immediately upon appointment, to expire December 31, 2008.

Nominees:

Joe F. Garcia

Robert Beltran

Catherine Thompson-Garcia

Gregory D. Geis

Ms. Vacek read written a testimony from Mr. Faris Hodge, Jr., 140 Dora. Mr. Hodge stated that the selection process for determining a VIA Board Chairperson was discriminatory since VIA does not open up the election to the public.

Ms. Vacek reported that the Intergovernmental Relations Committee met and submitted all four nominees for consideration by the City Council. She added that she would take a Roll Call Vote to determine the appointee. After the Roll Call Vote, Ms. Vacek announced that Gregory D. Geis would fill the one slot.

## Item 59. City Manager's Report

City Manager Sheryl Sculley reported on the following items:

- Events scheduled for Saturday, March 31, 2007 including the Cesar Chavez March, the Komen Race for the Cure, and the Houston Street Fair and Market.
- The Downtown Operations Department has scheduled "Make Downtown Shine" from Monday, April 2 to Thursday, April 5, 2007. The intent of the event is to beautify the downtown area in preparation for Fiesta.
- The City of San Antonio received the "Distinguished Budget Presentation Award for FY 2007" from the Government Finance Officers Association (GFOA) in recognition of governmental budgeting. Ms. Sculley thanked Peter Zaroni, Director of Management and Budget and the Budget Staff for their hard work and dedication. Lastly, she noted that in Staff would present a Proposed Budget Schedule to Council at an April 'B' Session.

### EXECUTIVE SESSION

Mayor Hardberger recessed the Regular Meeting at 3:14 pm in order to convene in Executive Session for the purposes of:

A. Discuss legal issues related to *Raquel & Refugio Perez v. City of San Antonio*, filed in the 37th Judicial District Court, Bexar County, Texas, Cause No. 2004-CI-09646, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

B. Discuss legal issues related to *Jesse Gonzales v. City of San Antonio*, filed in the 225th Judicial District Court, Bexar County, Texas, Cause No. 2003-CI-17227, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

C. Discuss legal issues related to *Summerglen Property Owners Association, et al v. City of San Antonio*, filed in the 131st Judicial District Court, Bexar County, Texas, Cause No. 2005-CI-02005, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

**PULLED – NOT ADDRESSED**

D. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 5:30 pm in order to present the Ceremonial Items. The City Council had been briefed on the above-styled matters and gave staff direction but took no official action.

## **CEREMONIAL ITEMS**

Mayor Hardberger recognized winning schools for collecting outdated telephone books as part of the annual Project Re-directory School Competition. Keep San Antonio in coordination with AT&T Yellow Pages, H.E.B, and Abitibi Consolidated awarded Five winning schools a total of \$3,000 and books for their efforts.

Mayor Hardberger recognized the Alamo Heights State Football Team for winning the 2006 UIL Texas State Football Championship Title in Class 4A, Division I. This is the first state title for the team.

## **CITIZENS TO BE HEARD**

Mr. Faris Hodge, Jr., 140 Dora, addressed the Council relating to how the Food Bank was not distributing enough food to senior citizens. Also, he asked if you had to be in love to get married on the River Walk. Mr. Hodge provided handouts to the Council on various issues of concern. Mr. Hodge then sang "You Are My Sunshine".

Mr. Joe Fox, stated that he was also speaking on behalf of Rhett Smith and Pastor Rosa Wilson. Mr. Fox spoke on the Declaration of the Independence and referenced 19 violations that the Federal Administration had committed. Such violations include the failure to render aid during the Katrina Disaster to residents of New Orleans; passage of the Patriot Act, the Domestic Surveillance Act, the Immigration Act; and Waging War against other countries.

Mr. Pancho Mendoza, 214 Wonder Park Way, addressed the Council and stated that he was a former migrant and participated in the Cesar Chavez March for many years. He read a poem honoring Cesar Chavez which commemorated the annual event.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Ave., addressed the Council and stated that he had gone to Austin on Wednesday to lobby on behalf of the City and Immigration Issues. He also distributed a Bible passage from Matthew Chapter 1, Verse 19-2:15.

Mr. Mark Perez, 119 Hardeman, addressed the Council relating to a facility on the East Side that has been polluting the environment with harsh chemicals for numerous years. He stated that he was concerned that a toxic spill or an explosion would occur. Mr. Perez stated that he was speaking with the Environmental Protection Agency regarding his concerns.

Mr. Arthur Lee Alexander, 462 Precious, addressed the Council and stated that he had received a notice of eviction from SAHA. He stated that he has resided in his home since 2002 and after Friday he would be homeless. Mr. Alexander stated that he did not receive any warning for the eviction.

Mr. Ed O'Campo, 402 Precious, also addressed the Council relating to his SAHA Home. He reported that at a recent meeting with State Legislators in which he informed them of the problems with their homes, he was told that the issues he and other residents have with SAHA and KB Homes was a City matter and not a State matter. Mr. O'Campo stated that Legislators

were appalled by the actions of the City, KB Homes and SAHA. He continued by stating that toxic chemicals are being released from the ground and permeate the homes which results in respiratory problems for all homeowners. Mr. O'Campo requested that the Council investigate allegations of retaliation made by SAHA Officials against homeowners for voicing their concerns to the City Council.

Ms. Stefana Adame-Battle, 448 Precious, addressed the Council and stated that homeowners have been addressing their concerns to the Council for the last 2 1/2 months. She thanked Mr. Alvarez for helping to address their problems, however, the City and KB Homes are also at fault for the various construction and health problems that the homeowners and their families have been afflicted with. Ms. Battle stated that someone took pictures of the defects in her home, but nothing has been done with the pictures. She stated that the issues have gone on for too long and it is the responsibility of the City to address them.

Mr. Luis Cintron, 432 Precious, also addressed the Council relating to his SAHA Home. He commended Mr. Alvarez for the good job he has done in trying to fix the problems. However, he stated that he was tired of trying to get someone to fix his home. As such, Mr. Cintron stated that he wanted his home to be bought back.

Mr. Antonio Romo, addressed the Council and stated that he was the father of four children and fears for their health. He stated that KB Homes should be held accountable for their actions.

Ms. Sara Olivares, 458 Precious, addressed the Council and referenced the number of medications she and her family were taking as a result of living in their SAHA Home. She requested the City buy back the homes, condemn them, and give back all the money the homeowners have paid for their homes. She thanked Mr. Alvarez for trying to fix the construction problems. Lastly, Ms. Olivares stated that she had ants in her closet.

Ms. Carol Zaragosa, 1607 NW 26<sup>th</sup> St., addressed the Council and thanked Mr. Alvarez for listening and trying to fix the problems they have with the homes. She requested that KB Homes provide her and the other homeowners with the same support. Ms. Zaragosa spoke on how she was deceived by KB Homes during the orientation process.

Mr. Raul Zaragosa, 1607 NW 26<sup>th</sup> St., addressed the Council and noted that he previously commented on the problems he had with his air conditioning unit. He stated that mold had developed in his home because the unit was not taped or insulated correctly. He added that this has resulted in him and his family being diagnosed with allergies and thyroid problems. Mr. Zaragosa stated that his family would not be sick today if the work was properly inspected.

Ms. Maria Flores, 436 Precious, addressed the Council and noted that her children have been diagnosed with asthma and bronchitis. She stated that these respiratory problems were due to mold developing in her home. Mr. Flores asked why the City allowed KB Homes and SAHA to build on a Landfill. Lastly, she noted that the children were the ones suffering from the bad construction.

Ms. Henrietta De Hoyos, P.O. Box 10684, addressed the Council regarding the plumbing problems she had with her home and the resulting high water bills. She stated that SAHA Staff

was rude, threatened her and her disabled mother. Ms. De Hoyos stated that SAHA practically broke the door down trying to get into her home to conduct an inspection. Ms. De Hoyos stated that SAHA ruined her career by making the inspection on the day she was scheduled to take a nursing test. She continued by stating that she believed that a malfunction in the air conditioning unit caused her mother to be consistently ill and visit the hospital.

Ms. Mary Ann Rojas, 126 Villa Grande, addressed the Council about her respiratory problems. She referenced the various medications she took to help her breathe, however, nothing was helping her to get better. Ms. Rojas believed that her home was making her ill. As such she requested that the Council move them to another home or build new homes for them.

Ms. Janet Ahmad, 18 Silverhorn, addressed the Council and stated that the issues with the construction of the homes was brought to the attention of SAHA years ago. She stated that Mr. Alvarez and the SAHA Board are to be commended for helping to resolve the issues. Ms. Ahmad also spoke on how SAHA qualified homeowners who did not qualify for the Lease-to-Purchase Program. She noted that SAHA recently presented homeowners with new leases since the current leases expired 2 years ago. She continued by stating that the orientations given by KB Homes were misleading. Lastly, Ms. Ahmad stated that homes should be built according to HUD specifications.

Mr. Henry Alvarez, Director of SAHA, addressed the Council and spoke on the remedies that SAHA was undertaking to address the concerns of the homeowners. Mr. Alvarez stated that SAHA was testing the air quality of each home by testing for the presence of mold and other contaminants as well as testing the structural integrity of the foundation. He continued by explaining the rental requirements for leaseholders as specified by the federal government and the options available to them. Such options include fixing homes, moving leaseholders to other homes within Bexar County, and moving leaseholders to other parts of the county that have similar programs.

Mr. Carlos Contreras, KB Homes, addressed the Council and spoke on the measures that KB Homes was undertaking to reach out and address the construction problems. Such measures include conducting new homeowner orientations, explaining home warranties, and offering home maintenance tips. Mr. Contreras also stated that KB Homes has hired an environmental consulting firm to test homes for mold and a construction expert to assess homes in order to repair them accordingly. He stated that KB Homes would stand by their warranties and would fix the defects found in the homes by any expert.

Ms. Barbara Garza, Randolph Hills Civic Club, addressed the Council and thanked the Council, Councilman Haass, Amy Putney, the Public Works Department, and CPS Energy for helping to beautify a tract of land near Fox Run in District 10. She noted that the area had been used as a dumping ground and was frequented by drug users. In 2004, KB Homes purchased the land and cleared numerous trees. Ms. Garza stated that Boy Scout Troop 669 from Windcrest spent over 100 hours to beautify the area. She presented the Council with a booklet noting the pictorial history of said area.

**ADJOURNMENT**

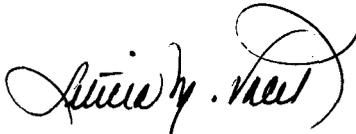
There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 7:40 pm.

A P P R O V E D



**PHIL HARDBERGER**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk