STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, OCTOBER 8, 2008 AND THURSDAY, OCTOBER 9, 2008.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **October 8, 2008**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. Absent: Rowe.

1. STAFF BRIEFING ON THE CITY OF SAN ANTONIO 2009 STATE LEGISLATIVE PROGRAM FOR THE 81ST REGULAR STATE LEGISLATIVE SESSION.

City Manager Sheryl Sculley provided an overview and noted that an item on interlocal agreements with Bexar County would be on the agenda for the October 9, 2008 Council Meeting. Ms. Cindy Segovia, Bexar County's Intergovernmental Relations representative was introduced and thanked for her work.

Mr. Andrew Smith stated that the State Legislative Plan had been divided into three sections; 1) Initiatives – Divided by those that were specific to San Antonio and those that would disproportionately impact San Antonio, municipalities, and home-rule cities; 2) Preservation of Municipal Authority; and 3) Endorsements. He spoke of the process and noted that the Intergovernmental Relations Department was continuously monitoring issues and receiving input from the City Council and Council Committees.

Mr. Smith presented the recommended Priority Issues and explained the following: 1) Military Installation Protection Act; 2) Defense Economic Assistant Adjustment Grant (DEAAG); 3) Transportation; 4) Texas Municipal Retirement System (TMRS) Amendments; 5) Economic Development; 6) Sports Events Trust Fund; 7) Agriculture Operations; 8) Property Tax Appraisals and Revenue Caps; and 9) Vested Rights.

Mr. Smith provided a list of initiatives and highlighted the following: 1) Clean Air Funding; 2) Online Rezoning Public Hearing Publication Notification; 3) Extension of the Diabetes and Staph Infection Reporting Pilots; 4) Regulating Salvia Divinorum; 5) Increased Graffiti Punishments; and 6) Omnibus Policy Statement. He spoke of protecting municipal interests and noted that there had been previous efforts to erode the city's rights to condemn property through eminent domain for public purposes.

Mr. Smith reviewed Endorsements including: 1) Detox and Intensive Outpatient Treatment; 2) County Firework Regulations; 3) Sales Price Disclosure; 4) Motion Picture Production Incentives; 5) Texas of the Arts; 6) Municipally Owned Utility Protection; 7) UTSA/UTHSC Life Science Institute Funding; 8) Texas A&M University-San Antonio Campus; 9) State Health Programs; and 10) Renewable Energy.

Mr. Smith noted that the Plan was a first draft and the revised version would be presented to the Intergovernmental Relations (IGR) Council Committee on October 13, 2008. He added that they would seek Council approval on October 16, 2008. Lastly, Mr. Smith noted that last year, seven of nine priority initiatives had been passed.

Councilmember McNeil thanked staff for their work. She stated that the goal of the IGR was not only to face critical issues, but also to increase the visibility of San Antonio in the legislature. She noted the benefits of a comprehensive plan. Councilmember Cortez stated that he was supportive of the Plan and specifically Military Protection, Meet and Confer, Diabetes, and Graffiti Issues. Councilmember Cibrian stated that Military Protection was also important to her and expressed concern with the loss of funding for Transportation. She noted that she was against leading the Property Tax Appraisals and Revenue Caps initiative, as well as the option that allows developers to pay stormwater fees instead of installing storm drainage systems.

Councilmember Galvan spoke in support of the Military Protection, Transportation, and Economic Development initiatives and thanked staff for including Haven for Hope in the Plan. She addressed the Meet and Confer Agreement and requested to review specific language before it is approved. She spoke about the Graffiti Initiative, noting that it was a very serious issue and that the City needed to do more to deter perpetrators. Mayor Hardberger recommended that staff research a possible surcharge on spray paint that could be utilized toward graffiti removal.

Councilmember Rodriguez thanked staff for their work on public safety issues and asked about the TMRS Task Force. Ms. Sculley replied that the Task Force was researching changes to the system and whether or not the City should remain in the system. It was noted that San Antonio was the largest city in TMRS, and that Austin, Dallas, and Houston had their own systems. Councilmember Rodriguez stated that he would like to review all options, but would also like to see the City aggressively pursue their own system. Lastly, he added that the Meet and Confer Issue should be a high priority.

Councilmember Ramos expressed support for Economic Development and Graffiti Initiatives, the Texas A&M Endorsement, and spoke of issues with Agricultural Operations. She stated that a strategy for the Plan was very important and Council needed to start building relationships with legislative representatives. Councilmember Clamp stated that he was in favor of increasing the 200-foot limit for notices to be mailed regarding rezoning hearings. He thanked staff for including the Fireworks Ban as an issue and stressed the importance of Graffiti Abatement. He noted that there was a problem with drug paraphernalia in the City and asked that staff monitor the situation.

Councilmember McNeil asked if the sobriety check point initiative was something that the Council was supporting in the Plan. Councilmember Herrera expressed support for Economic Development and added that it was important to keep current projects in mind. She also spoke of Agricultural Operations, Meet and Confer, Graffiti, and Haven for Hope. Councilmember Cisneros spoke of Haven for Hope, Diabetes, and Graffiti, and requested additional information on Clean Air Funding. Mr. Smith explained the various types of funding that the City competes for. Councilmember Cisneros requested a meeting with Mr. Smith to talk about the engineering designation for Firefighters.

There being no further discussion, Mayor Hardberger adjourned the meeting at 5:05 pm.

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

The Invocation was delivered by Rev. John Park, Associate Pastor, Trinity Baptist Church, guest of Councilmember Mary Alice Cisneros, District 1.

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

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

MINUTES

Councilmember McNeil made a motion to approve the Minutes for the August 26 and 27, 2008 Budget Worksessions. Councilmember Cibrian seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Herrera recognized Alexander Quintanilla, a student from Stevens High School who was participating in the Job Shadow Program.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Resolution:

2008-10-09-0048R

Item 4. A RESOLUTION SUPPORTING THE CONCEPTUAL DESIGN PRODUCED BY ARTIST BARBARA GRYGUTIS FOR THE MEDAL OF HONOR MEMORIAL TO BE LOCATED IN VETERANS MEMORIAL PLAZA.

Mr. Peche spoke to the history of the Medal of Honor and noted that it was the highest award bestowed on a member of the US Armed Forces. He presented the Memorial Criteria, the public input process held, and the review and coordination process which began August 14, 2008. He outlined the Memorial's community benefits and project funding, noting that the City Council and the County had committed $50,000 and $25,000 respectively. He stated that staff was in support of the project and recognized Ms. Barbara Grygutis, Artist. Ms. Grygutis thanked the City Commission on Veterans Affairs (VAC) for their participation in the process. She presented a video of the proposed Memorial and highlighted materials and design aspects.

County Judge Nelson Wolff thanked the Council for their leadership in said effort and noted the County's support. He stated that it was an appropriate fit with the surrounding memorials for the Korean War, the Vietnam War, and World War I. He also briefed the Council on the status of the Bexar County Performing Arts Center.

Senator Carlos Uresti noted his support for the Memorial as recognition for the sacrifices made by the recipients and their families. He thanked the Council for leading said effort.

Representative Frank J. Corte, Colonel, stated his support for the Memorial and thanked the Council for their leadership on the project.

Mr. Bruce Bugg Jr., Bexar County Performing Arts Center Foundation Chairman and President, expressed support for the Memorial. He highlighted the importance of honoring Medal of Honor recipients and provided a status of the Performing Arts Center.

Ms. Marcie Ince, President of the San Antonio Conservation Society, expressed support for the conceptual design of the Memorial. She thanked the Mayor and City Manager for seeking the Society's input for the effort and noted that they were also in support of the design changes made to the Memorial since the first viewing.

Mr. Erik Frederick noted that he previously served on the VAC and had been chairman when the project began. He thanked staff and the Commission for allowing him to stay involved.

Mr. Richard P. Holguin, VAC Chairman, stated that San Antonio would be proud to have one of the only Medal of Honor Memorials in the country. He spoke of the guidelines for inclusion in the Memorial and noted that the current list of honorees may not be complete and space would be left for additional names. Lastly, he encouraged contributions to the project.

Mr. William G. Moll, Chair of Clear Channel Television and the World Board of USO, spoke in support of the Memorial. He stated that there were 104 living Medal of Honor recipients and the Chairman of the Medal of Honor Society, Mr. Bob Howard, was a San Antonio resident who had been nominated three times. He expressed his enthusiasm for the Memorial.

Mr. Lawrence Romo, Bexar County Veterans Advisory Commission Chairman, thanked the Council for their leadership with the project and recognized Mayor Hardberger and Councilmember Cortez for their military service. He added that the new Memorial would not detract from the current ones.

Mr. Roy E. Lee, VAC member, expressed support for the Memorial and noted that a Medal of Honor Memorial was appropriate for Military City USA.

Mr. Nathan J. Fox noted that he was an Army Veteran and spoke in favor of the Memorial. He stated that it would be a reminder of all fallen heroes.

Mr. Manual S. Peres, Veteran Affairs Commission (VAC) Member, expressed support for the Memorial.

Ms. Delia A. Guajardo, President of the US Military Veterans Parade Association, noted that the Veteran's Day Parade would be held on November 8, 2008. She added that the Memorial was long over due.

Mr. Robert A. Larios, Sr. spoke in favor of the Memorial and noted the respect that the Medal of Honor Recipient receives. He stated that the Memorial should be very prominent in the City, like the Washington Monument in DC. He congratulated the Council for undertaking the project and thanked them for their support.

Benito V. Guerrero, SGM Ret, expressed support for the project.

Ms. Chris Peche, Blue Star Mothers of America, spoke of the organization and her family ties to the military. She stated that the Blue Star Mothers were in support of the Memorial and thanked the Council for their efforts. She complimented the artist on her work.

Chuck Honoré, MG Ret, noted his support of the item. He stated that San Antonio had been his favorite place to live because of the respect paid to the military. He added that the Medal of Honor recipients were the best of the best and deserved a monument.

Mr. Marcel Johnson, Greater San Antonio Chamber of Commerce Vice President of Economic Development, spoke in support of said item as presented. He highlighted the Chamber's advocacy for the military.

Mr. Ramiro Cavazos, President of the San Antonio Hispanic Chamber of Commerce, thanked the Economic Development Staff and the VAC Members for their work on the project. He noted his ties to the military and that the highest percentage of Medal of Honor recipients in recent years had been Hispanic.

Mr. John A. Rodriguez, VAC Member, expressed support for said item.

Mr. Albert Hinojosa, Co-Chair of the VAC, spoke of his family's ties to the military and noted his support for the Memorial.

Mr. Harvey Hodnett, VAC Member, noted his involvement with the Memorial and his support for the design. He spoke of the opposition to the Memorial and gave reasons why the Memorial was critical for the City.

Ms. Vacek read the following written testimonies in support of said item:

Mr. Steven J. Spears, VAC Member, wrote that he was in support of the Memorial, its location, and design.

Jerry P. Gonzales, LTC Ret and VAC Member, wrote about the merits of the Medal of Honor Memorial. He stated that there had always been an open door for those who wanted to voice their opinion about the Memorial.

Mr. Michael Archer, VAC Member, wrote that he was in support of the Memorial. He noted possible modifications to the design and aspects that should not be changed.

Mr. Faris Hodge, Jr. wrote about the potential savings for insured drivers on Item 5. He wrote in opposition to Items 8 and 14 because he felt they were a waste of money. For Item 27, he wrote that it would be best to have three separate ordinances.

The Mayor and Council thanked all involved in the Memorial Project and expressed their appreciation with the results.

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

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

The City Clerk read the following Ordinance:

2008-10-09-0896

Item 5. AN ORDINANCE AUTHORIZING MUNICIPAL WRECKER SERVICES AGREEMENTS TO PROVIDE TOWING SERVICES FOR THE CITY OF SAN ANTONIO POLICE DEPARTMENT.

Councilmember Herrera recused herself on Item 5 and excused herself from the Council Chambers, noting that she had submitted a recusal form for Item 5 to the City Clerk.

Mr. Erik Walsh, Assistant City Manager, presented said item noting that the Request for Proposals (RFP) had been issued May 27, 2008. He explained that the RFP had noted that there would be six zones mirroring the SAPD Substation boundaries and that selected companies could be awarded one to three zones. He stated that the Contract terms were for six years beginning December 1, 2008 and had a two-year renewal option. He reported that nine responses were received and evaluated by five City Staffmembers. The top five scoring companies – 1) Associated Towing, 2) Assured Towing, 3) Allied Towing, 4) Commercial Wrecker Services, and 5) Mission Towing, were asked to attend an interview and presentation forum.

Mr. Walsh reviewed the Price Scoring and Rate Determination Process, and the City Payment Process. He noted that it was necessary to establish standard rates for the six zones and the rates had been reviewed and accepted by the five finalists. He presented the standard contract terms, scoring matrix, zone selection method, and fiscal impact. He added that through settlement negotiations, it was recommended that Texas Towing would serve the North, Central, and South Zones for a three-year period with a one-year option to renew.

Councilmember McNeil moved to adopt the staff recommendation to award the North, South and Central Zones to Texas Towing, the Prue Zone to Associated Transport Services, the West Zone to Allied Towing, and the East Zone to Assured Towing. Councilmember Rowe seconded the motion.

Mr. Pasha Kermani, Allied Towing, spoke in support of said item and thanked City staff for their efforts. He noted the company's history and added that they were one of the largest AAA Contractors in the State.

Mr. Ralph Velasquez spoke in support of the Item 5. He stated that the towing contract was an important opportunity for the small business community.

Mr. Refugio Cuco Sanchez, Associated Towing, thanked the Council for their support on said item.

Ms. Yolanda Rodgers-Nance, Associated Towing, spoke in support of said item.

Ms. Lisa Ann Ramirez, Associated Towing, thanked the Council for the opportunity.

Mr. Alfred Ximenez stated that he was responsible for equipping Associated Towing. He noted that all equipment and maintenance work would be supportive of San Antonio businesses.

Mr. David D. Bolado, Associated Towing, thanked the Council for the opportunity.

Mr. Frank Burney gave his time to Mr. Mark Holt, Assured Towing. Mr. Holt spoke of his business and the work they were doing to improve the industry.

Councilmember Cisneros stated that the price category of the matrix should not have been relevant to the scores because prices were fixed by staff and then agreed upon by the bidders.

Councilmember McNeil expressed support for staff's recommendation. She stated that the process for the evaluations had been outlined in the RFP and properly followed. Councilmember Ramos concurred and added that adjusting the scores would undermine the process and work done by staff.

Councilmember Galvan noted her concerns about the benefits and healthcare provided to the tow-truck operators. Councilmember Rowe stated that potential earnings had been missed by setting the amount of return to the City. Councilmember Clamp asked how the price was relevant to the scores. It was noted that potential applicants were informed at the pre-submittal conference that prices would be determined by the City.

Councilmember Cibrian noted the importance of background checks for drivers and spoke of public safety issues. It was noted that the companies would be providing free towing, battery jumps, and tire changes to all City vehicles. Councilmember Cortez stated that the most important issue was the quality of service provided to the residents of San Antonio. He asked representatives from Associated Towing, Allied Towing, and Assured Towing to discuss the benefits available to their employees. Councilmember Rodriguez inquired about the Small Business Economic Development Advocacy (SBEDA) points awarded. He expressed support for the reversal of the East and West Zones because Assured Towing was more environmentally friendly.

Councilmember Clamp invited representatives from companies that were not selected to speak.

Mr. John Deloach noted that Bexar Towing had only bid for the North Zone even though he knew Texas Towing was in negotiations for the zone. He stated that the presentations given by the selected companies were good, but they did not have the equipment necessary to do the work and would have to subcontract. He added that the volume of work would be a drastic increase.

Mr. Ben Lopez, General Manager of the San Antonio branch of United Towing, noted that they had scored the highest in background and plan, but were not invited for an interview because of their pricing. He stated that this was unfair because the prices were set by the City.

Councilmember Galvan moved to amend the staff recommendation to award the North, South and Central Zones to Texas Towing and continue the recommendation for the other three zones for one week. Councilmember Clamp seconded the motion.

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

Councilmember Cisneros moved to amend the staff recommendation to award the North, South and Central Zones to Texas Towing, the Prue Zone to Associated Transport Services, the West Zone to Assured Towing and the East Zone to Allied Towing. Councilmember Cortez seconded the motion.

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

Councilmember McNeil moved to adopt the main motion as amended. Councilmember Rowe seconded the motion.

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

Mayor Hardberger recessed the Regular Meeting at 1:20 pm to break for lunch. He reported that there would be no Executive Session addressed today.

Mayor Hardberger reconvened the Regular Meeting at 2:45 pm and addressed the Consent Items.

CONSENT AGENDA: Items 6 –29

Consent Agenda Items 9, 10, 15B, 15C, 18, 27, and 28A were pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Cibrian seconded the motion.

Jack M. Finger spoke in opposition to Item 24 regarding the transfer of funds to the Carver Organizational Support Project. For Item 25, he also expressed opposition to the City spending $207,000 on the homeless, as well as opposition to Item 27 regarding the contract with Bexar County for the Special City Charter Election.

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

2008-10-09-0897

Item 6. 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 2009 FOR A COMBINED ESTIMATED COST OF $668,000.00, INCLUDING: (A) POLICE HELICOPTER PARTS FROM AIR FLITE, INC.; (B) SURFCONTROL SOFTWARE MAINTENANCE FROM SHI GOVERNMENT SOLUTIONS; AND (C) BUSINESS OBJECTS SOFTWARE MAINTENANCE & SUPPORT (CRYSTAL REPORTS) FROM SOFTCHOICE CORPORATION.

2008-10-09-0898

Item 7. AN ORDINANCE RATIFYING A CONTRACT WITH CONSOLIDATED TRAFFIC CONTROLS, INC. FOR CONVERSION OF THE EXISTING TIME SWITCHES FROM A BASIC SIGNALING PATTERN RECEIVER TO A NEW COMMUNICATIONS PROTOCOL RECEIVER FOR THE SCHOOL FLASHING BEACON SYSTEM FOR A COST OF $156,348.00 FROM CAPITAL PROJECT FUNDS.

2008-10-09-0899

Item 8. AN ORDINANCE ACCEPTING THE OFFER FROM NATIONAL BUS SALES TO PROVIDE THE CITY OF SAN ANTONIO'S FIRE DEPARTMENT WITH A REHABILITATION VEHICLE (COMMERCIAL BUS DESIGN) FOR A COST OF $94,887.30, FROM THE URBAN AREA SECURITY INITIATIVE GRANT FUND.

2008-10-09-0902

Item 11. AN ORDINANCE APPROVING CHANGE ORDER NO. CIMS-08 IN THE AMOUNT OF $26,135.65 TO A $3,790,343.12 CONTRACT WITH VALEMAS, INC., FOR THE RECONSTRUCTION OF A 2-LANE ROADWAY IN CONNECTION WITH THE CLARK AVENUE - FAIR TO SOUTHCROSS PROJECT, AN AUTHORIZED U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 FUNDED AND LOCAL AGENCY MANAGED (LAM) PROJECT, LOCATED IN COUNCIL DISTRICT 3.

2008-10-09-0903

Item 12. AN ORDINANCE APPROVING $2,344,100.00 INCLUDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $2,131,000.00 WITH MONTOYA ANDERSON CONSTRUCTION, INC., D/B/A MAC, INC. TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE MEDINA RIVER GREENWAY (OLD APPLEWHITE ROAD TO MEDINA RIVER CROSSING) PROJECT LOCATED IN COUNCIL DISTRICT 3, A 2005 PROPOSITION 2 PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT.

2008-10-09-0904

Item 13. AN ORDINANCE APPROVING FIELD ALTERATION NO. 1 IN THE AMOUNT OF $218,477.72 WITH ALAMO ENVIRONMENTAL INC. D/B/A ALAMO 1 IN CONNECTION WITH THE MEDINA RIVER GREENWAY PHASE I (MEDINA RIVER PARK TO APPLEWHITE ROAD) PROJECT LOCATED IN COUNCIL DISTRICTS 3 AND 4, A 2005 PROPOSITION 2 PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT.

2008-10-09-0905

Item 14. AN ORDINANCE AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $760,691.10 TO V.K. KNOWLTON CONSTRUCTION & UTILITIES, INC. IN CONNECTION WITH THE 2008 ALLEY MAINTENANCE PROGRAM, LOCATED CITY-WIDE AND APPROPRIATING FUNDS.

Item 15. CONSIDERATION OF THE FOLLOWING ITEMS IN RELATION TO FOUR NEW CONCESSION AGREEMENTS AT SAN ANTONIO INTERNATIONAL AIRPORT:

2008-10-09-0906

A. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A STANDARD RETAIL CONCESSION AGREEMENT WITH PROJECT HORIZON, INC. D/B/A IN MOTION ENTERTAINMENT FOR A PRIMARY TERM OF 5 YEARS WITH GUARANTEED ANNUAL RENTALS OF $80,000.00.

2008-10-09-0909

D. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A STANDARD RETAIL CONCESSION AGREEMENT WITH HOST INTERNATIONAL, INC.

D/B/A SIMPLY BOOKS/STARBUCKS FOR A PRIMARY TERM OF 5 YEARS WITH GUARANTEED ANNUAL RENTALS OF $300,000.00.

2008-10-09-0910

Item 16. AN ORDINANCE AUTHORIZING A LEASE WITH MISSION ROAD DEVELOPMENTAL CENTER FOR A STINSON MUNICIPAL AIRPORT BUILDING LOCATED AT 8406 CADMUS, WITH AN AREA OF 2,371 SQUARE FEET, FOR A PRIMARY ONE-YEAR TERM COMMENCING NOVEMBER 1, 2008 AND ANNUAL RENTALS OF $2,726.65.

2008-10-09-0911

Item 17. AN ORDINANCE AUTHORIZING A FIVE-DAY LEASE WITH NORTH EAST INDEPENDENT SCHOOL DISTRICT FOR USE OF THE BLOSSOM STADIUM GROUNDS IN SUPPORT OF A DISASTER EXERCISE FOR SAN ANTONIO INTERNATIONAL AIRPORT; AND AUTHORIZING PAYMENT IN THE AMOUNT OF $1,090.00 FROM AVIATION FUNDS.

2008-10-09-0913

Item 19. AN ORDINANCE AUTHORIZING A JOINT USE AGREEMENT WITH MOUNT SACRED HEART SCHOOL, INC. FOR PLACING A WATER LINE IN AN EXISTING DRAINAGE CHANNEL, LOCATED IN COUNCIL DISTRICT 1, FOR $7,500.00.

ITEM RECONSIDERED

Item 20. AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS, AND RELATED RIGHTS OF INGRESS AND EGRESS FOR THE EXPANSION AND OPERATION OF THE CITY OF SAN ANTONIO'S WATER AND WASTEWATER UTILITY SYSTEM, IN CERTAIN PRIVATELY OWNED REAL PROPERTY LOCATED IN BEXAR COUNTY, TEXAS (THE "PROPERTY") BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, THE PROPERTY TO BE ACQUIRED IS LOCATED IN CLOSE PROXIMITY OF AND BETWEEN ROOSEVELT AVENUE AND GARNETT IN THE HARLANDALE ACRES NO. 8 SUBDIVISION FOR THE PUBLIC PURPOSE OF THE EXPANSION AND OPERATION OF THE WATER AND WASTEWATER SYSTEM, INCLUDING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SANITARY SEWER LINES AND RELATED APPURTENANCES COMMONLY REFERRED TO AS THE CENTRAL WATERSHED SEWER RELIEF LINE C-02 PROJECT (COLLECTIVELY, THE "PROJECT"); AUTHORIZING ALL APPROPRIATE ACTION OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES, RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ITS ATTORNEYS, AGENTS AND EMPLOYEES IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE ANY SUCH NEEDED PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND RELATED RIGHTS OF INGRESS AND EGRESS THAT CANNOT BE ACQUIRED THROUGH NEGOTIATION.

2008-10-09-0914

Item 21. AN ORDINANCE APPROVING A SHORT TERM LEASE FOR SPACE IN RIVERCENTER MALL TO BE USED BY RIO S.A. CRUISES AS A RIVER BARGE TICKET STATION IN THE PLACE OF THE EXISTING TICKET STATION BENEATH COMMERCE STREET BRIDGE WHICH WILL BE TEMPORARILY CLOSED DUE TO RIVERCENTER MALL CONSTRUCTION.

2008-10-09-0915

Item 22. AN ORDINANCE AUTHORIZING ACCEPTANCE OF $1,865,912.00, AND SUPPLEMENTAL FUNDS UPON AWARD, FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) FOR THE COMPREHENSIVE NUTRITION PROJECT FROM OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009; AND APPROVING VOLUNTEER SITE, VENDOR AND LEASE AGREEMENTS WITH NON-PROFIT AGENCIES FOR OPERATION OF SENIOR NUTRITION SITES AND USE OF FACILITIES.

2008-10-09-0916

Item 23. AN ORDINANCE AUTHORIZING A PORTION OF THE DOWNTOWN AREA TO BE DESIGNATED AS A CLEAN ZONE IN ORDER TO REGULATE CERTAIN COMMERCIAL ACTIVITY WITHIN PUBLIC PROPERTY OR RIGHTS-OF-WAY ON DECEMBER 26, 2008 THROUGH DECEMBER 30, 2008 IN CONNECTION WITH 2008 VALERO ALAMO BOWL; DESIGNATING THE GEOGRAPHICAL BOUNDARIES FOR THE CLEAN ZONE; PROVIDING FOR SPECIAL CLEAN ZONE LICENSE PERMITS; AND ESTABLISHING CRIMINAL PENALTIES TO BE IMPOSED FOR VIOLATION OF THIS ORDINANCE WITH A FINE NOT TO EXCEED $2,000.00.

2008-10-09-917

Item 24. AN ORDINANCE AUTHORIZING ARTISTIC PERFORMANCE CONTRACTS FOR THE CARVER COMMUNITY CULTURAL CENTER'S 2008-2009 SEASON OF EVENTS, THE EXECUTION OF AGREEMENTS WITH COMPARABLE CONTRACTORS IN THE EVENT OF NON-PERFORMANCE BY AN INTENDED PERFORMER, AND A USER AGREEMENT WITH TICKETMASTER, L.L.C. FOR TICKET DISTRIBUTION FOR CARVER PERFORMANCES FOR THE PERIOD ENDING SEPTEMBER 30, 2009; AUTHORIZING THE TRANSFER OF REVENUE FUNDS FROM THE COMMUNITY AND VISITOR'S FACILITIES FUND AND THE CARVER COMMUNITY CENTER TRUST FUND TO THE CARVER ORGANIZATIONAL SUPPORT PROJECT AND ACCEPTANCE OF $59,500.00 FROM THE CARVER DEVELOPMENT BOARD, IN THE AGGREGATE AMOUNT OF $282,560.00; AUTHORIZING LICENSE AGREEMENTS FOR USE OF THE CARVER COMMUNITY CULTURAL CENTER; APPROVING REVISED LICENSE FEES AND CARVER FACILITY USE POLICIES; AND ADOPTING A BUDGET.

Item 25. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE HOUSING FIRST PROGRAM:

2008-10-09-0918

A. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE SAN ANTONIO HOUSING AUTHORITY (SAHA) FOR THE LEASE OF 16 UNITS FOR HOMELESS FAMILIES AT $207,600.00 PER YEAR FOR THE PERIOD OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2010 IN SUPPORT OF THE HOUSING FIRST PROGRAM.

2008-10-09-0919

B. AN ORDINANCE AUTHORIZING A $127,690.00 CONTRACT WITH GEORGE GERVIN YOUTH CENTER FOR HOUSING AND CASE MANAGEMENT FOR HOMELESS FAMILIES IN SUPPORT OF THE 2007 CONTINUUM OF CARE HOMELESS ASSISTANCE SUPPORTIVE HOUSING PROGRAM (SHP) FUNDED BY THE U.S. DEPARTMENT OF HOUSING URBAN DEVELOPMENT FOR THE PERIOD OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009.

2008-10-09-0049R

Item 26. A RESOLUTION NOMINATING AGE REFINING, INC. ("AGE") TO THE STATE FOR DESIGNATION AS AN ENTERPRISE PROJECT QUALIFYING THE COMPANY FOR UP TO $1,250,000.00 IN STATE SALES TAX REFUNDS BASED ON NEW INVESTMENT, JOB RETENTION AND JOB CREATION.

Item 28. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, FOR TERMS OF OFFICE COMMENCING IMMEDIATELY UPON APPOINTMENT:

B. APPOINTING JOHN M. HERNANDEZ (DISTRICT 3) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR THE REMAINDER OF AN UNEXPIRED TERM TO EXPIRE MAY 31, 2009.

C. APPOINTING COUNCILMEMBER JUSTIN RODRIGUEZ (DISTRICT 7) TO THE BOARD OF TRUSTEES OF THE FIRE AND POLICE RETIREE HEALTH CARE FUND, SAN ANTONIO FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.

Item 29. CONFIRMING THE REAPPOINTMENT BY THE CITY MANAGER OF ELMER F. WILLIAMS, TO SERVE THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 19, 2010, AND GREG A. TRIMBLE, TO SERVE A TERM OF OFFICE TO EXPIRE DECEMBER 19, 2011, TO THE FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION, AND THE APPOINTMENT OF EDWARD ESPINOZA TO SERVE THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 19, 2009, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT.

[CONSENT ITEMS CONCLUDED]

At this time, the Mayor addressed Item 27.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2008-10-09-0920

Item 27. AN ORDINANCE APPROVING OR AMENDING VARIOUS INTERLOCAL AGREEMENTS WITH BEXAR COUNTY INCLUDING (A) A RENEWAL OF THE INTERLOCAL AGREEMENT FOR FORENSIC SCIENCE AND MEDICAL EXAMINER'S SERVICES WITH A REVISED CRIMINAL INVESTIGATION LABORATORY FEE SCHEDULE; (B) AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR ANIMAL CARE SERVICES INCREASING THE CITY'S COMPENSATION FOR PROVIDING SERVICES TO UNINCORPORATED AREAS OF BEXAR COUNTY; (C) AND A CONTRACT FOR ELECTION SERVICES TO CONDUCT THE TUESDAY, NOVEMBER 4, 2008 CITY CHARTER ELECTION.

Councilmember Herrera recognized Dan Heller, Mike Houston, and Kay Chiodo with Deaf Link regarding the use of Deaf Link units at the Henry Guerra Library, John Igo Library, Julia Yates Semmes Library, McCreless Library, and Lion's Field for the Special City Charter Election. She explained the voting assistance that would be provided to the deaf and hard of hearing population in San Antonio and Bexar County.

Ms. Chiodo stated that the use of the Deaf Link units would impact approximately 116,000 deaf and hard of hearing individuals and that this was the first time that this would be available to the community. She thanked all who participated in the Public Service Announcement. Mr. Houston added that the City of San Antonio was setting a great example for the country and thanked the Council for their support.

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

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

At this time, the Mayor addressed Items 15B and 15C.

The City Clerk read the following Ordinances:

Item 15. CONSIDERATION OF THE FOLLOWING ITEMS IN RELATION TO FOUR NEW CONCESSION AGREEMENTS AT SAN ANTONIO INTERNATIONAL AIRPORT:

2008-10-09-0908

B. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A STANDARD RETAIL CONCESSION AGREEMENT WITH AVILA RETAIL DEVELOPMENT & MANAGEMENT, LLC D/B/A EARTH SPIRIT FOR A PRIMARY TERM OF 5 YEARS WITH GUARANTEED ANNUAL RENTALS OF $63,504.00.

Item B was combined with Item C and resulted in one ordinance number being 2008-10-09-0908. Ordinance number 2008-10-09-0907 is hereby voided.

2008-10-09-0908

C. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A STANDARD RETAIL CONCESSION AGREEMENT WITH NEWS & GIFTS SHOPS INTERNATIONAL, LLC SAN ANTONIO JOINT VENTURE D/B/A STARS OF SAN ANTONIO FOR A PRIMARY TERM OF 5 YEARS WITH GUARANTEED ANNUAL RENTALS OF $262,500.00.

Mr. Michael Sawaya stated that airport concessions were a key component to passenger satisfaction and that San Antonio International Airport (SAIA) had an award-winning concessions program. He noted that a panel had assembled to review and score the Request for Proposals (RFP) and outlined the points awarded per category. He explained that 20 points were allowed for a Disabled Business Enterprise (DBE) following federal guidelines and that no preference could be given to local businesses. He added that the forecast for 2008-2009 Federally Funded Projects totaled $22 million and highlighted their significance.

Mr. Brian Weiner, Primary Owner of News and Gifts International (NGSI), stated that their Proposed Minimum Annual Guarantee (MAG) rental rate exceeded their competitor's, (Earth Spirit) by $624,980. He noted that NGSI's percentage of rent payment totaled 21% per year, compared to 12% for Earth Spirit. He requested that the City negotiate and execute an agreement with NGSI for spaces numbered 112 and 114 at the SAIA.

Councilmember Rodriguez asked if consideration had been given to businesses that bid on a combined space. Mr. Sawaya stated that the question had been asked at the Pre-Submittal Conference and staff had replied that it would be considered at the discretion of the Consultant and Director. Ultimately, the decision had been made to award contracts to individual stores instead of combined spaces. Councilmember Cibrian expressed concern with the way the RFP was conducted and asked for a better process in the future. She asked about the demand for the items sold at the SAIA. Mr. Andy Wedig, Unison Maximus, stated that they review each of the projects and rent proposals and then evaluate them against industry standards.

Councilmember Rodriguez expressed concern with the staff recommendation due to the large amount of revenue that the City could collect from NGSI and moved to adopt the proposed Ordinance with the condition that staff negotiate with NGSI for spaces numbered 112 and 114 at the SAIA. Councilmember Cibrian seconded the motion.

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

2008-10-09-0900

Item 9. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT IN AN AMOUNT UP TO $16,000,000.00 WITH TRITECH SOFTWARE SYSTEMS FOR A COMPUTER AIDED DISPATCH (CAD) AND RECORDS MANAGEMENT SYSTEM (RMS) IN SUPPORT OF THE REGIONAL EMERGENCY COMMUNICATIONS, INFORMATION SHARING, AND MOBILE DATA SYSTEM (RECIM) PROJECT.

Mr. Richard Varn provided an overview of said project and introduced the Project Manager, Jeff Wood. Mr. Varn stated that the contract would replace outdated computer aided dispatch equipment for 9-1-1 calls and would take two years to complete.

Councilmember Clamp noted his pleasure with the project and moved to adopt the proposed Ordinance. Councilmember Rowe seconded the motion.

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

The City Clerk read the following Ordinance:

2008-10-09-0901

Item 10. AN ORDINANCE AUTHORIZING A $77,335.00 AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH DRASH CONSULTING ENGINEERS, INC. FOR ADDITIONAL ENVIRONMENTAL AND ABATEMENT SERVICES IN CONNECTION WITH THE SAN ANTONIO INTERNATIONAL AIRPORT EXPANSION PROGRAM.

Councilmember Rowe recused himself from said item by exiting the Council Chambers and noted he had submitted the recusal forms for Item 10 to the City Clerk.

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

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

At this time, the Mayor addressed Item 20.

The City Clerk read the following Ordinance:

CONTINUED

Item 20. AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS, AND RELATED RIGHTS OF INGRESS AND EGRESS FOR THE EXPANSION AND OPERATION OF THE CITY OF SAN ANTONIO'S WATER AND WASTEWATER UTILITY SYSTEM, IN CERTAIN PRIVATELY OWNED REAL PROPERTY LOCATED IN BEXAR COUNTY, TEXAS (THE "PROPERTY") BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, THE PROPERTY TO BE ACQUIRED IS LOCATED IN CLOSE PROXIMITY OF AND BETWEEN ROOSEVELT AVENUE AND GARNETT IN THE HARLANDALE ACRES NO. 8 SUBDIVISION FOR THE PUBLIC PURPOSE OF THE EXPANSION AND OPERATION OF THE WATER AND WASTEWATER SYSTEM, INCLUDING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SANITARY SEWER LINES AND RELATED APPURTENANCES COMMONLY REFERRED TO AS THE CENTRAL WATERSHED SEWER RELIEF LINE C-02 PROJECT (COLLECTIVELY, THE "PROJECT"); AUTHORIZING ALL APPROPRIATE ACTION OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES, RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ITS ATTORNEYS, AGENTS AND EMPLOYEES IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE ANY SUCH NEEDED PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND RELATED RIGHTS OF INGRESS AND EGRESS THAT CANNOT BE ACQUIRED THROUGH NEGOTIATION.

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

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

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

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

The City Clerk read the following Ordinance:

2008-10-09-0912

Item 18. AN ORDINANCE AUTHORIZING A TEN-YEAR LICENSE AGREEMENT TO RIO PLAZA L.P. IN EXCHANGE FOR $7,500.00 FOR STRUCTURAL AND CANOPY ENCROACHMENTS ON A PORTION OF THE NAVARRO AND CROCKETT STREET RIGHTS OF WAY, LOCATED IN COUNCIL DISTRICT 1.

Councilmember Clamp directed staff to make adjustments to the process for easements and moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following:

Item 28. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, FOR TERMS OF OFFICE COMMENCING IMMEDIATELY UPON APPOINTMENT:

CONTINUED

A. APPOINTING ONE MEMBER TO THE JOINT CITY/COUNTY CITIZENS BOND OVERSIGHT COMMISSION FOR THE REMAINDER OF A TERM TO EXPIRE SEPTEMBER 30, 2009. A ROLL CALL VOTE WILL DETERMINE THE APPOINTMENT.

Councilmember Herrera moved to continue the proposed said item. Councilmember Cortez seconded the motion

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

At this time, Mayor Hardberger recessed the meeting at 3:45 pm and noted the meeting would resume for Citizens to be Heard at 6:00 pm.

CITY MANAGER'S REPORT

There was no City Manager's Report.

CITIZENS TO BE HEARD

Mr. Johnny Sepeda, San Antonio Cesar Chavez Scholarship Fund President, noted that the organization had been in existence for eleven years. He thanked the City Council for their support which had funded eight scholarships. He introduced members Lilliana Saldana, Hilda Mesa, Maria Fernandez, and Diane DeLeon. They presented the Black Eagle and Silver Eagle Awards to Mayor Hardberger, and Councilmembers.

Mr. Mark Perez stated that he had been employed by Tetco for over ten years and that his wife had given birth to stillborn twins due to the contact that he had with chemicals. He stated that Tetco operated numerous companies in the City and did not have the proper permits and that the Kimberly Clark Facility was also operating without permits.

Mr. Nazirite Ruben Flores Perez spoke of the signs leading up to God's return to Earth.

Mr. Antonio Diaz invited the Council to a human rights rally on October 11th and thanked the Mayor for his assistance with same. He noted that he was one of the founders of the Cesar Chavez March in San Antonio and thanked the Council for their support in that initiative.

Mr. Stanley Sutton stated that his life had been threatened and people had thrown rocks at his mother's residence since he had last spoken at Citizens to be Heard. He expressed concern with the deplorable living conditions of the apartment complex his mother lives in and urged the Council for their support.

Mr. Knox Miller, Jr. stated that the sidewalk around the Olmos Basin Soccer Fields was covered with litter on Saturday mornings and that alcoholic beverages were not allowed in public parks. He noted that permits were needed to use the parks and that the permits stated that people were responsible for picking up their litter. He suggested that the City require a deposit for park use to combat the issue.

Mr. Faris Hodge, Jr. requested additional information on performance pay and how much money the City spent on the San Antonio Police Department Band. He then sang Happy Birthday to Ms. Vacek and praised her and the Office of the City Clerk for their work.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:38 pm.

A P P R O V E D

PHIL HARDBERGER
MAYOR

Attest:

LETICIA M. VACEK
City Clerk

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