

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

A BUDGET WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, SEPTEMBER 10, 2008 AND THURSDAY, SEPTEMBER 11, 2008.

The San Antonio City Council convened in a Budget Work Session at 3:00 pm, Wednesday, September 10, 2008, in the Municipal Plaza B Room.

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.

1. CITY STAFF PRESENTATION, AND POSSIBLE COUNCIL ACTION, ON THE FY 2009 PROPOSED BUDGET, FOCUSING ON, BUT NOT LIMITED TO, THE FOLLOWING:

A. POTENTIAL BUDGET AMENDMENTS REVIEW

City Manager Sheryl Sculley distributed a Potential Amendments list to the FY 2009 Proposed Budget. She stated that the items had been discussed at previous work sessions and requested that the list be reviewed in preparation for the Budget Adoption. She reported that all items were one-time costs that totaled \$3,409,000.00.

Councilmember McNeil expressed concern with the lack of funding for the Base Realignment and Closure (BRAC) and highlighted the return on investment. She urged the Council to support BRAC Funding and make it a budget priority. Mayor Hardberger expressed his support for BRAC but was not certain of the amount of funding necessary at this time. Councilmember Cisneros also noted her support of BRAC and referenced current work taking place in collaboration with Fort Sam Houston on Playland Park Land. Councilmember Clamp suggested that the \$4 million in the Economic Development Fund be utilized for projects with the highest return and that deliverables be tied to the funding.

Councilmember Cortez expressed support for BRAC Initiatives and for the Potential Budget Amendments. Councilmember Herrera also expressed support for BRAC and thanked Councilmember McNeil for her tireless efforts relating to the BRAC. Councilmember Galvan noted her support for BRAC Initiatives and expressed concern that her budget requests were not included in the potential amendments. Ms. Sculley stated that she would add funding for the Westside YMCA in the amount of \$629,000 to the list of amendments. Councilmember Cibrian thanked all for their support of Camp Bullis and stated her support for BRAC. She recommended that a dedicated funding source be identified specifically for BRAC Initiatives.

Councilmember Rowe expressed support for the List of Potential Amendments but noted he would continue to advocate for a full cent property tax reduction. Councilmember Ramos stated she was in support of BRAC efforts but also asked for a dedicated funding source to be identified. Councilmember Rodriguez requested clarification of how BRAC Funds would be utilized. Councilmember McNeil replied that funding would be used for a staff person, storefront, and marketing and public relations

campaign. Councilmember Rodriguez stated he would support BRAC efforts and funding but would need to have a plan in place.

Councilmember McNeil expressed concern that funding for Ella Austin Community Center was not on the list of amendments and that Wheatley Heights was not eligible for CIED Funding. Councilmember Galvan inquired about the Certificates of Obligation for the Spanish Governor's Palace. Ms. Sculley stated that there was \$775,000 remaining and would be used for roof repair and air conditioning work. Councilmember Clamp requested that the budget process be revised next year to include a thorough review of the Capital Budget and to develop a Strategic Plan for the Operational Budget.

There being no further discussion, Mayor Hardberger adjourned the Budget Work Session at 4:35 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **September 11, 2008** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Captain Leif Espland, Chaplain, Lackland Air Force Base, guest of Councilmember Louis E. Rowe, District 9.

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 Herrera made a motion to approve the Minutes for the August 7, 2008 City Council Meeting. Councilmember Rodriguez seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2008-09-11-0773

Item 4. AN ORDINANCE ADOPTING THE ANNUAL CONSOLIDATED OPERATING AND CAPITAL BUDGETS FOR THE CITY OF SAN ANTONIO FOR THE FISCAL YEAR 2008-2009; APPROVING THE PROJECTS INCLUDED IN THE FY 2009-FY 2013 5-YEAR INFRASTRUCTURE MANAGEMENT PLAN; APPROVING THE FY 2009-FY 2014 6-YEAR CAPITAL IMPROVEMENTS PROGRAM FOR THE CITY OF SAN ANTONIO; AND APPROPRIATING FUNDS.

Ms. Sculley distributed the List of Amendments to the FY 2009 Proposed Budget and noted that the Street Maintenance Project List would be deferred and brought back to the Council the following week. She added that numerous Budget Work Sessions had occurred over the past several months including

Budget Hearings in each of the ten Council Districts noting that the amendment list included feedback from the City Council and community. She outlined the recommended funding sources for the proposed amendments which included the General Fund, Community Infrastructure and Economic Development (CIED) Fund, and Six Year Capital Improvements Fund.

Anthony Hargrove representing the Ella Austin Community Center advocated for additional funding. He stated that they offered Life Skills Classes to youth in the San Antonio and Edgewood Independent School Districts and served close to 300 individuals. He explained that they partnered with the Youth Orchestra of San Antonio and San Antonio Food Bank to provide services, and urged the Council to support an increase in funding.

Mari Garza Bird, Chair of the San Antonio Hispanic Chamber of Commerce, spoke in support of the Proposed Budget. She highlighted three key areas of importance to the Chamber: 1) 50% of professional services contracts awarded to small, minority, and women-owned businesses from the 2007 Bond Program; 2) Re-development and maximizing resources from the Housing and Economic Recovery Act of 2008; and 3) Economic Development Fund and the dedication of \$4 million to be utilized for the targeted areas of Downtown, Westside, and Eastside.

Ms. Gabriella Lohan of COPS/Metro Alliance spoke in support of the \$2 million funding for Project Quest. She thanked COPS/Metro Alliance for their continued workforce development efforts and the 17 years of dedication to Project Quest. She stated that Project Quest had helped employ 3,500 individuals in good-paying jobs and thanked the Mayor and Council for their support.

Jack M. Finger expressed concern with the small percentage of property tax reduction. He also expressed concern with the funding to be awarded to agencies such as the Esperanza Center and Project Quest.

Rhett Smith addressed the Council in support of a First Amendment Center and noted that there were two such facilities in the country located in Washington, D.C. and Tennessee.

Richard Perez, Greater San Antonio Chamber of Commerce President, spoke in support of the Proposed Budget. He expressed pleasure with the consensus on priority areas and the implementation of the 2008-2009 Budget.

Councilmember Cortez expressed pleasure with the Senior Center and Police Storefront budgeted for District 4, as well as the addition of 100 Police Officers, five Graffiti Abatement Officers, and two Animal Care Officers. Councilmember Rowe expressed concern that no surplus funds were rebated to citizens. He spoke about redirecting \$4 million from the Solid Waste Fund to the General Fund and advocating for an increased property tax rate. Councilmember McNeil requested that additional funds be allocated toward BRAC efforts. Councilmember Ramos expressed support for the Proposed Budget as submitted. Councilmember Rodriguez stated that property tax relief efforts should be addressed through the legislature and that a reduction in addition to what is planned is too small to have a meaningful impact on working families.

Councilmember Herrera expressed pleasure with the Reserve Fund and highlighted the large increase in funding for Infrastructure over the past several years. She noted the importance of the Gallery Bound Program that removes graffiti from the streets and moves it into the gallery. She thanked all who supported the new EMS Unit. Councilmember Galvan expressed pleasure with the new Senior Center in

District 5, as well as the additional 100 Police Officers. She stated she would continue to advocate for additional funding for District 5 Infrastructure and noted support for the Haven for Hope Project. Councilmember Cisneros expressed support for the Proposed Budget as submitted. Councilmember McNeil provided staff direction that CIED Funds be allocated toward underground conversion projects.

Councilmember Clamp expressed support for a higher property tax rate reduction and requested clarification on the CIED Fund Amendments. Ms. Sculley stated that there was a \$4.4 million fund balance and that \$2.4 million was allocated for the Underground Utilities Program and \$2 million toward the BRAC Initiative. Councilmember Cibrian highlighted budget reductions and redirections in the amount of \$12.6 million over the past two years and expressed pleasure with the Financial Reserves. She expressed support for the additional 100 Police Officers and 60 Firefighters included in the budget, as well as a further reduction in the City's property tax rate.

Mayor Hardberger stated that he supported the Proposed Budget as submitted and would not vote in favor of any of the amendments. In regard to BRAC, he explained that the needs had not yet been identified and he could not support the allocation of funds without said information. He further stated that he preferred to see a reduction in Solid Waste Fees rather than a small property tax reduction that would only affect those individuals who owned property.

Councilmember McNeil moved to dedicate \$1 million from the Economic Development Fund to BRAC efforts. Councilmember Clamp seconded the motion.

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

Councilmember Rowe moved that \$4 million be transferred to the General Fund from the Solid Waste Fund. Councilmember Cibrian seconded the motion.

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

Councilmember Cortez moved to adopt the proposed Budget excluding Urban 15, San Antonio Children's Museum and the District 3 Senior Center. Councilmember Rodriguez 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 Cisneros and Councilmember Ramos recused themselves on the following items that had been excluded from Item 4 and excused themselves from the Council Chambers, noting that they had submitted their recusal forms to the City Clerk.

Councilmember Herrera moved to approve Urban 15, San Antonio Children's Museum and District 3 Senior Center. Councilmember Rodriguez seconded the motion.

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

At this time, Mayor Hardberger recessed the meeting at 12:25 pm to break for lunch.

Mayor Hardberger reconvened the meeting at 1:45 pm and addressed Item 5.

The City Clerk read the following Ordinance:

2008-09-11-0774

Item 5. AN ORDINANCE RATIFYING THE ADOPTION OF THE FY 2009 BUDGET THAT INCLUDES INCREASED PROPERTY TAX REVENUE FROM NEW IMPROVEMENTS AND REAPPRAISALS.

Councilmember Herrera 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 Ordinances:

Item 6. CONSIDERATION OF THE FOLLOWING ORDINANCES IN CONNECTION WITH THE ADOPTION OF THE TAX RATES FOR TAX YEAR 2008:

2008-09-11-0775

- A. AN ORDINANCE SETTING THE AD VALOREM TAX RATE FOR MAINTENANCE AND OPERATION OF THE CITY OF SAN ANTONIO AT 35.564 CENTS PER \$100.00 OF TAXABLE VALUATION FOR THE TAX YEAR BEGINNING ON JANUARY 1, 2008, AND ENDING ON DECEMBER 31, 2008; AND CONTAINING STATEMENTS REQUIRED BY SECTION 26.05 OF THE PROPERTY TAX CODE.

Councilmember Rowe moved to adopt the proposed Ordinance setting the ad valorem tax rate for Maintenance and Operation of the City of San Antonio at 35.004 cents per \$100.00 of taxable valuation. Councilmember Cibrian seconded the motion.

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

Councilmember Herrera stated that the City Manager's Proposed Budget and the City Council's Proposed Tax Rate for Fiscal Year 2009 rolls back the City's total tax rate by 0.516 cents. The Budget also includes improved levels of Basic City Services and Programs and moved that property taxes be increased by the adoption of a Maintenance and Operation Tax Rate of 35.564 cents per \$100.00 of taxable valuation. Councilmember Cortez seconded the motion.

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

2008-09-11-0776

- B. AN ORDINANCE SETTING THE AD VALOREM TAX RATE TO PAY THE PRINCIPAL AND INTEREST ON THE FUNDED DEBT OF THE CITY OF SAN ANTONIO AT 21.150 CENTS PER \$100.00 OF TAXABLE VALUATION FOR THE TAX YEAR BEGINNING ON

JANUARY 1, 2008, AND ENDING ON DECEMBER 31, 2008; AND CONTAINING STATEMENTS REQUIRED BY SECTION 26.05 OF THE PROPERTY TAX CODE.

Councilmember Herrera stated that the City Manager's Proposed Budget and the City Council's Proposed Tax Rate for Fiscal Year 2008 rolls back the City's total tax rate by 0.516 cents. The Budget also includes improved levels of Basic City Services and Programs and moved that property taxes be increased by the adoption of a Debt Service Tax Rate of 21.150 cents per \$100.00 of taxable valuation. 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:

2008-09-11-0777A-L

Item 7. CONSIDERATION OF ORDINANCES ESTABLISHING NEW FEES AND AMENDING OR REPEALING EXISTING FEES WITHIN THE GENERAL FUND, SPECIFICALLY WITHIN THE A) DOWNTOWN OPERATIONS, B) FIRE, C) HEALTH, D) LIBRARY, E) PARKS AND RECREATION, F) POLICE, G) PLANNING & DEVELOPMENT SERVICES, PUBLIC WORKS, STREETS RIGHT OF WAY, AND SOLID WASTE FUNDS; AND WITHIN THE H) AIRPORT OPERATING & MAINTENANCE FUND, I) ANIMAL CARE SERVICES FUND, J&K) COMMUNITY & VISITOR FACILITIES FUND, L) PURCHASING & CONTRACT SERVICES FUND; AND AMENDING THE CITY CODE TO REFLECT SUCH CHANGES.

Ms. Vacek read written testimony from Faris Hodge, Jr. on Items 7 and 26. For Item 7, Mr. Hodge wrote that new fees for various services should not be implemented and that various other fees should not be increased. On Item 26, Mr. Hodge wrote that the Mayor and Councilmembers should set an example for City Employees by taking drug tests. He added that City Employees who are responsible for driving on the job and contract Security Guards should also take drug tests.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember McNeil 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.

CONSENT AGENDA: Items 8 –27B

Consent Agenda Items 9, 18, 20, and 25A-E were pulled for Individual Consideration. Councilmember McNeil moved to approve the remaining Consent Agenda Items. Councilmember Rowe seconded the motion.

Jack M. Finger thanked Councilmembers Cibrian, Rowe and Clamp for their vote to reduce the Property Tax Rate. He expressed concern with Item 24 regarding the replacement of Victoria Courts with other housing and with Item 25A in reference to increasing the percentage threshold of contracts from 25% to 40%.

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

2008-09-11-0778

Item 8. AN ORDINANCE ACCEPTING THE BIDS FROM THE FOLLOWING COMPANIES TO PROVIDE THE CITY WITH THE FOLLOWING COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2008 FOR A COMBINED ESTIMATED COST OF \$733,000.00, INCLUDING: (A) HEAVY EQUIPMENT TIRES, TUBES, RECAPPING AND ROAD SERVICE FROM T&W TIRE; (B) COMMERCIAL PEST CONTROL SERVICES FOR THE FIRE DEPARTMENT FROM AROUND THE CLOCK PEST CONTROL; (C) CONTROLLER CABINET ASSEMBLIES FROM PARADIGM TRAFFIC SYSTEMS, INC.; (D) JACOBSEN MOWING EQUIPMENT PARTS AND SERVICE FROM C&M GOLF & GROUNDS; (E) AERIAL LIFT TRUCK RENTAL FROM TEREX UTILITIES; (F) STERLING TRUCK PARTS AND SERVICE FROM GRANDE TRUCK CENTER; (G) MEDIUM & HEAVY TRUCK, TRAILER DRUM & BRAKE PARTS FROM SOUTHWEST WHEEL; AND (H) JANITORIAL SERVICES FOR SAN ANTONIO GARDEN AND BOTANICAL GARDEN FACILITIES FROM F&C QUALITY SERVICES LLC.

2008-09-11-0780

Item 10. AN ORDINANCE ACCEPTING THE LOWEST QUALIFIED BID SUBMITTED BY RURAL ELECTRIC, INC. IN THE AMOUNT OF \$2,023,673.11 FOR THE AIRFIELD LIGHTING UPGRADE PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT FOR SUCH AMOUNT; AND AUTHORIZING \$202,367.00 FOR PROJECT CONTINGENCY.

2008-09-11-0781

Item 11. AN ORDINANCE AUTHORIZING A \$37,198.00 AMENDMENT TO THE CONTRACT WITH RABA-KISTNER CONSULTANTS, INC., FOR CONSTRUCTION AND MATERIAL TESTING SERVICES IN CONNECTION WITH THE SKY PLACE DRAINAGE IMPROVEMENT PHASE I PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; AND FUNDING THE AMENDMENT WITH \$32,087.00 PREVIOUSLY APPROPRIATED FOR THE PROJECTS AND A NEW APPROPRIATION OF \$5,111.00.

2008-09-11-0782

Item 12. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID OF \$3,009,792.98 SUBMITTED BY BALLENGER CONSTRUCTION COMPANY FOR THE SKY PLACE IMPROVEMENT PHASE 1 PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT FOR SUCH AMOUNT; AND AUTHORIZING \$300,980.00 FOR PROJECT CONTINGENCY.

2008-09-11-0783

Item 13. AN ORDINANCE AUTHORIZING A \$155,401.00 AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH VICKREY & ASSOCIATES, INC. TO PROVIDE INSPECTION SERVICES IN CONNECTION WITH THE SKY PLACE DRAINAGE IMPROVEMENT PHASE I PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT, FOR A REVISED CONTRACT VALUE OF \$642,555.00.

2008-09-11-0784

Item 14. AN ORDINANCE AUTHORIZING A \$271,950.00 AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH JOSHUA ENGINEERING GROUP, INC. TO PROVIDE INSPECTION SERVICES IN CONNECTION WITH THE AIRFIELD LIGHTING SYSTEM UPGRADE PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT, FOR A REVISED TOTAL CONTRACT VALUE OF \$521,449.00.

2008-09-11-0785

Item 15. AN ORDINANCE AUTHORIZING A \$212,816.00 CONTRACT WITH POST, BUCKLEY, SCHUH & JERNIGAN, INC. D/B/A PBS&J TO DEVELOP A TERMINAL AREA FORECAST AND A RUNWAY CAPACITY FEASIBILITY STUDY FOR SAN ANTONIO INTERNATIONAL AIRPORT.

PULLED

Item 16. AN ORDINANCE AWARDED 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.

2008-09-11-0786

Item 17. AN ORDINANCE (A) DECLARING A PUBLIC NECESSITY TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, THE FORMER K-MART PROPERTY AT 315 S. SANTA ROSA, INCLUDING LOTS 1 AND 2, NCB 13423, AND (B) AUTHORIZING A LIKE-KIND EXCHANGE OF THE CITY'S RIVERBEND GARAGE AT 210 N. PRESA FOR THE FORMER K-MART PROPERTY, 315 S. SANTA ROSA, THE TRANSACTION TO INCLUDE THE CITY RECEIVING \$6,900,000.00 IN ADDITIONAL, CASH CONSIDERATION, AND AUTHORIZING ALL ANCILLARY TRANSACTIONS INCLUDING A LEASE-BACK OF THE CENTRO INFO FACILITY IN THE GARAGE AND A GUARANTY OF THE LEASE OBLIGATIONS OF THE USO.

2008-09-11-0788

Item 19. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO PETSMART CHARITIES AND UPON AWARD, THE ACCEPTANCE OF FUNDS IN AN AMOUNT UP TO \$10,000.00 FOR A NEW AND INNOVATIVE PILOT SPAY/NEUTER PROGRAM FOR THE PERIOD JANUARY 1, 2009 THROUGH DECEMBER 31, 2009.

2008-09-11-0790

Item 21. AN ORDINANCE AUTHORIZING AN INTRAGOVERNMENTAL JOINT USE AGREEMENT WITH CPS ENERGY FOR THE CONSTRUCTION OF A STEP-DOWN TRANSFORMER AND OTHER INFRASTRUCTURE AT THE INTERSECTION OF NORTHERN BOULEVARD AND INTERNATIONAL BOULEVARD, AT SAN ANTONIO INTERNATIONAL AIRPORT.

2008-09-11-0791

Item 22. AN ORDINANCE AUTHORIZING A FIVE-YEAR CONCESSION AGREEMENT WITH CHASE BANK, N.A. FOR AUTOMATED TELLER MACHINE SERVICES AT SAN ANTONIO INTERNATIONAL AIRPORT EFFECTIVE OCTOBER 1, 2008 WITH GUARANTEED ANNUAL RENTALS OF \$180,000.00.

2008-09-11-0792

Item 23. AN ORDINANCE UPDATING THE CPS ENERGY QUADRANT MAP FOR SELECTION OF MEMBERS OF THE CPS ENERGY BOARD OF TRUSTEES ORIGINALLY ADOPTED BY ORDINANCE NO. 87009.

2008-09-11-0793

Item 24. AN ORDINANCE AUTHORIZING THE SAN ANTONIO HOUSING FINANCE CORPORATION TO ISSUE TAX EXEMPT MULTI-FAMILY HOUSING REVENUE BONDS IN AN AMOUNT UP TO \$25,000,000.00 TO PROVIDE FINANCING FOR THE CONSTRUCTION OF THE DURANGO MIDRISE APARTMENTS PROJECT LOCATED IN COUNCIL DISTRICT 1; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

2008-09-11-0794

Item 26. AN ORDINANCE AUTHORIZING A ONE-YEAR EXTENSION OF THE AGREEMENT WITH ALCOHOL AND DRUG TESTS, INC. TO PROVIDE BOTH RANDOM AND REASONABLE SUSPICION DRUG TESTING SERVICES FOR THE SAN ANTONIO POLICE DEPARTMENT AT AN AMOUNT UP TO \$35,000.00.

Item 27. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- A. APPOINTING DIANA J. AREVALO TO THE CONVENTION AND VISITORS COMMISSION (CATEGORY: NORTHWEST SECTOR) FOR THE REMAINDER OF AN UNEXPIRED TERM TO EXPIRE MAY 31, 2009.
- B. APPOINTING BENJAMIN P. VIERVILLE (TENANT / RENTER WESTFORT ALLIANCE), LEO GOMEZ (MILITARY TRANSFORMATION TASK FORCE), DAVID T. DENTON (NEIGHBORHOOD ASSOCIATION - MAHNCKE PARK), AND DR. LANIER BYRD (SAN ANTONIO FOR GROWTH ON THE EASTSIDE [SAGE] REPRESENTATIVE) TO THE FORT SAM HOUSTON COMMUNITY ADVISORY BOARD TO TERMS OF OFFICE TO BE DETERMINED AT THE FIRST MEETING OF THE BOARD.

[CONSENT ITEMS CONCLUDED]

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 2:00 pm to convene in Executive Session for the purposes of:

- A. Discuss legal issues related to meet and confer and collective bargaining legislation pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Discuss legal issues related to development standards pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 3:35 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2008-09-11-0779

Item 9. AN ORDINANCE ACCEPTING THE OFFER FROM JOHNSON CONTROLS, INC. FOR THE REPLACEMENT OF THE HVAC SYSTEM AT THE BARBARA JORDAN COMMUNITY CENTER WITH ONE PACKAGED ROOF-TOP UNIT AND ONE 15-TON SPLIT-SYSTEM FOR A COST OF \$60,715.20, FROM 2007 CERTIFICATES OF OBLIGATION.

Councilmember Cisneros recused herself from said item by excusing herself from the Council Chambers and noting she had submitted the recusal forms for Item 9 to the City Clerk.

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

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

The City Clerk read the following Ordinance:

2008-09-11-0787

Item 18. AN ORDINANCE GRANTING A 1.0 ACRE ACCESS EASEMENT THROUGH A CORNER OF VOELCKER PARK TO THE CAMPUS OF THE SAN ANTONIO JEWISH COMMUNITY (CAMPUS) FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A PAVED, SHARED-USE DRIVEWAY ALLOWING ACCESS TO THE CAMPUS AND VOELCKER PARK AND APPROVING THE ACCEPTANCE BY THE CITY OF A 1.5 ACRE EASEMENT ON ADJACENT CAMPUS PROPERTY FOR THE PURPOSE OF CITY'S PUBLIC PARK USES INCLUDING A TRAIL, OTHER PARK AMENITIES AND NATURAL AREA MANAGEMENT AS PART OF THE ADJACENT VOELCKER PARK.

Mr. Xavier Urrutia presented the item and stated that one acre would be granted to the Jewish Community Campus through Voelcker Park for the construction of a joint use public driveway. He noted that the cost would be incurred by the Campus and would coordinate the intersection and pedestrian crossing. He added that 1.5 acres would be granted to the City through Campus property for public park uses associated with Voelcker Park.

Councilmember Rowe highlighted the public/private partnership and thanked all who worked on said item. Councilmember Cibrian recognized Sherry Pullman of the Jewish Community Center and expressed support for said item. She noted she had been concerned with the possible traffic congestion in the area but that said item would assist in addressing the issue.

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

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

The City Clerk read the following Ordinance:

2008-09-11-0789

Item 20. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE, BY AMENDING APPENDIX F TO CLARIFY THAT FILL OF FLOODPLAIN AREAS IS ONLY REQUIRED TO THE REGULATORY FLOODPLAIN.

Councilmember Cisneros requested additional information on said item. Mr. Majed Al-Ghafry stated that one sentence would be removed from Appendix F of the UDC because it was ambiguous and covered in another section of the Code. Councilmember Cisneros inquired if there was a particular case that required said amendment. Mr. Al-Ghafry replied that it was being done for clarification purposes.

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

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

The City Clerk read the following Resolution 25A:

Item 25. CONSIDERATION OF THE FOLLOWING RESOLUTIONS TO BE SUBMITTED TO THE TEXAS MUNICIPAL LEAGUE'S (TML) RESOLUTIONS COMMITTEE FOR INCLUSION IN THE TML 2009 STATE LEGISLATIVE PLAN:

DENIED

- A. A RESOLUTION IN SUPPORT OF THE PASSAGE OF LEGISLATION DURING THE 81ST STATE LEGISLATIVE SESSION INCREASING THE PERCENTAGE THRESHOLD AMOUNT FOR THE TOTAL COST OF A CONTRACT FROM 25% TO 40%.

Councilmember Cibrian expressed concern with the large increase in percentage threshold of a contract. Councilmember Clamp also expressed concern with a 40% contract threshold and requested additional justification and discussion. He added that he would be willing to revisit said item if there were additional criteria included based on total project cost.

Councilmember Cibrian moved to deny Item 25A from the approval of resolutions. Councilmember Clamp seconded the motion.

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

The City Clerk read the following Resolutions 25B,C, D:

2008-09-11-0039R

- B. A RESOLUTION IN SUPPORT OF THE PASSAGE OF LEGISLATION DURING THE 81ST STATE LEGISLATIVE SESSION INCREASING THE PENALTIES FOR FIRST-TIME GRAFFITI OFFENDERS.

2008-09-11-0040R

- C. A RESOLUTION IN SUPPORT OF THE PASSAGE OF LEGISLATION DURING THE 81ST STATE LEGISLATIVE SESSION PROTECTING MILITARY INSTALLATIONS WHO HAVE UNDERTAKEN A JOINT LAND USE STUDY BY BROADENING AUTHORITY FOR LAND USE CONTROLS AND COMPREHENSIVE, MULTI-JURISDICTIONAL PLANNING SOLUTIONS.

2008-09-11-0041R

- D. A RESOLUTION IN SUPPORT OF THE PASSAGE OF LEGISLATION DURING THE 81ST STATE LEGISLATIVE SESSION TO MAKE THE SALE OF SALVIA DIVINORUM TO SOMEONE YOUNGER THAN 18 YEARS OLD, OR SOMEONE THAT INTENDS TO DELIVER SALVIA TO SOMEONE YOUNGER THAN 18 YEARS OLD, A CLASS C MISDEMEANOR.

Councilmember McNeil moved to approve Resolutions 25B, C and D as recommended. Councilmember Herrera 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 Resolution 25E:

DENIED

- E. A RESOLUTION IN SUPPORT OF THE PASSAGE OF LEGISLATION DURING THE 81ST STATE LEGISLATIVE SESSION LEGALIZING MOBILE SOBRIETY CHECKPOINTS ON TEXAS HIGHWAYS OR STREETS.

Councilmember Herrera expressed concern of the inclusion of said item on the City's legislative agenda and requested that it be addressed at a designated Work Session. Mr. Andrew Smith stated that the recommendations had been submitted to the Intergovernmental Relations Council Committee the previous day and that said item could be omitted at the Council's request. Councilmember McNeil stated that she would like to move the item forward to begin discussion and formulate initiatives to address the City's Driving under the Influence (DUI) Issues. Councilmember Rodriguez asked how items were selected and sent to the Texas Municipal League (TML). Mr. Smith stated that a memo was sent to Mayor and Council, as well as all Department Heads, to submit items for inclusion. Said items were then forwarded to the Intergovernmental Relations Committee for their endorsement and finally to the full Council for approval.

Councilmember Herrera moved to deny 25E. Councilmember Galvan seconded the motion.

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

CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

- Ms. Sculley thanked the Mayor and Council for their support and policy direction during the budget process, as well as all City Staff who worked on the Proposed Budget.
- Ms. Sculley recognized the three Police Officers who were shot in the line of duty earlier in the week and their families. She expressed support for the Officers and their families during the serious and long recovery period. She thanked all personnel who responded to the dangerous situation including Firefighters, EMS Personnel, and other Police Officers.

POINT OF PERSONAL PRIVILEGE

Councilmember Rodriguez recognized Mayor Hardberger for leading the “Walk for Dropouts” effort during the weekend. He noted that three students had been re-enrolled at Jefferson High School due to said initiative and noted it was a huge success.

Councilmember Cisneros requested that City Staff provide detailed information on the Housing Bill recently passed by the Federal Government. She spoke of the positive experiences she encountered while on the Walk for Dropouts and thanked the Mayor for his leadership.

Councilmember Cibrian expressed pleasure with the Walk for Dropouts effort and noted she had participated in the initiative and walked with various leaders in District 5.

Councilmember Herrera spoke of her experiences on the Walk for Dropouts and recommended that the initiative continue through the assistance of Elected Officials and Business Leaders in the community.

Councilmember Galvan expressed her pleasure with the Walk for Dropouts and thanked everyone for their work on the Budget.

Councilmember Cortez offered well wishes to the injured Police Officers and their families.

Mayor Hardberger noted that a press conference regarding Hurricane Ike Efforts would be held the following day at 11:30 am at the Office of Emergency Management.

Mayor Hardberger recessed the meeting at 4:40 pm and stated that the meeting would reconvene at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mr. Mark Perez stated that the City’s Environmental Department was not up to date with procedure and expressed concern with the Public Safety Council Committee. He spoke of three businesses operated by Tetco and noted that two had relocated to Guadalupe County. He added that neither had applied for Certificates of Closure, which are required of businesses that store hazardous chemicals.

Mr. Nazirite Ruben Flores Perez stated the San Antonio River Authority was organizing activity for creeks on the Westside and spoke of the City’s strict Dress Code Policy.

Mr. Stanley Bruce Sutton stated that he had met with several large companies to discuss an initiative he has that could bring money into the City and help fund projects in all Council Districts. He requested a meeting with City Representatives to outline his plan.

Mr. Francisco Mateo noted that he was on the Electrical Supervisory Board and that there had been some opposition to his serving on the board. He stated that this was due to the fact that he voiced concerns over the lack of apprentices and journeyman in the sign industry and over the process by which one becomes a Licensed Maintenance Technician. He expressed concern that Mr. Billy Chamberlin had spoken against the appointment of Mr. Albert Cisneros to the Board since Mr. Cisneros was qualified to serve.

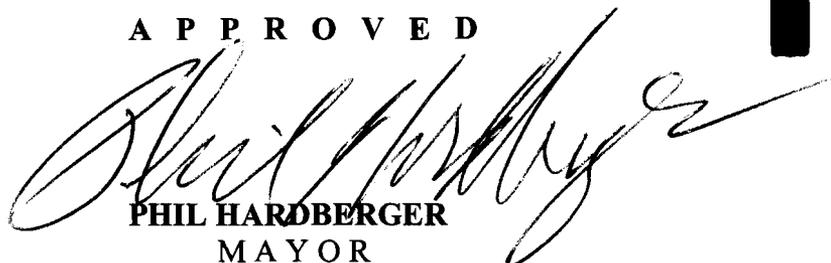
Mr. Tom Sandoval, President of the Bexar County Electrical Association, explained that he had served on the Electrical Supervisory Board for twenty years. He stated that the Board was previously comprised of technical experts, but membership had been expanded to include consumers and laypersons. He noted this was done because it was difficult to find people to serve. He stated that Mr. Chamberlin did not have the authority to speak on behalf of the Board and that the Council should investigate the authenticity of the petitions submitted against Mr. Cisneros.

Mr. Faris Hodge, Jr. stated that the Mayor and City Council should set an example for City Employees by taking drug tests and asked how much Directors and Assistant Directors were receiving in performance pay. He expressed concern that he was not provided with paperwork related to proposed amendments at a previous meeting. He noted that he would file a complaint with the Attorney General's Office if the City Attorney's Office no longer was to process his Open Records Requests.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:30 pm.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK
City Clerk