

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

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, FEBRUARY 15, 2006 AND THURSDAY, FEBRUARY 16, 2006

*** * ***

The City Council convened in an informal "B" Session at 3:00 p.m., Wednesday, February 15, 2006, Municipal Plaza Building "B" Room, for the purpose of:

Update and recommended changes to the City/County Joint Tax Phase-In Guidelines. [Presentation by Ramiro Cavazos, Director, Economic Development; Jelyne LeBlanc Burley, Deputy City Manager]

The Council members present were: Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. ABSENT: Perez.

The "B" Session adjourned at 4:55 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, February 16, 2006 at 9:00 a.m.

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

The Invocation was led by Col. Edward K. Maney, Chaplain (Ret.), Fort Sam Houston, Guest of Councilmember Sheila McNeil, District 2.

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

The minutes of the February 2, 2006 City Council meeting were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-16-0209

SELECTING BENDER, INC., DBA BENDER WELLS CLARK DESIGN, A W/MBE, TO PROVIDE ARCHITECTURAL/ENGINEERING SERVICES IN CONNECTION WITH THE MAIN PLAZA REDEVELOPMENT PROJECT, LOCATED IN DISTRICT 1; APPROPRIATING FUNDS AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$862,000.00; AUTHORIZING \$30,000.00 FOR PROJECT CONTINGENCY, \$64,440.00 FOR CAPITAL ADMINISTRATIVE COSTS, AND \$2,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$958,440.00; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE; AND AUTHORIZING THE NEGOTIATION OF AN INTERLOCAL JOINT FUNDING AGREEMENT WITH BEXAR COUNTY.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember McNeil seconded the motion.

Mr. Tom Wendorf, Director of Public Works made a presentation on the professional services agreement with Bender Inc. in connection with the Main Plaza Redevelopment project, a copy of which is on file with the Office of the City Clerk. He outlined a brief history of the renovation project, the redevelopment of Main Plaza, and amplified on the professional services which would include site master planning and administration, constructability review, and site design of areas. He stated that a design criteria would be developed to provide a sample of how it could be designed, cited the need to meet with property owners and other stakeholders to discuss the various issues and further emphasized the importance of a traffic study to evaluate the impact of any closures should there be any. He emphasized the important of public input. He presented views of the Historic Civic Center noting key projects under construction and those in the permitting or design phase, and further elaborated on the fiscal impact.

The following citizen(s) appeared to speak:

Mr. Rick Drury, Drury Southwest, Inc., 11331 Coker Loop E., stated his support of the Main Plaza Project. He discussed the revitalization of downtown via several new projects and noted that a new Main Plaza would further complement downtown and would pull pedestrian traffic further west.

Father David Garcia, San Fernando Cathedral, 231 W. Commerce, stated the Main Plaza Project would be a good continuation of the Historic Civic Center Master Plan released 13 years ago. He added that our plaza is not a public epicenter as many other public plazas worldwide, but it has the potential to be. He stated that San Fernando has raised and spent \$21 million for major capital improvement projects downtown, and over 1,000 parishioners signed a petition endorsing the project.

Mr. Doug McMurray, Chairman, Parks Board of San Antonio, 7926 Broadway, stated that the Board believes this to be a bold, innovative idea for City parks, and encouraged Council to support the project.

Mr. Ruben Cortez, President, Mi Tierra Café, 218 Produce Row, spoke of the importance of the preservation of culture. He said the project is more than street closures; it represents making San Antonio a world-class city. He stated that an expanded Plaza would help create a corridor for downtown development.

Mr. Jorge Cortez, Vice President, Mi Tierra Café, 218 Produce Row, spoke on behalf of his family in support of the Main Plaza Project. He spoke of the family's financial investments downtown. He also discussed a 'Zona Cultural' and showed a graphic of his vision for downtown.

Mr. Tom DeBrook, Chairman, Downtown Advisory Board, 6900 N. Vandiver, stated that the board members adopted a resolution endorsing the conceptual design of the Main Plaza Project.

Mr. Patrick Kennedy, La Mansion/Watermark Hotels, 112 E. Pecan St., stated that the project has the potential to create benefits for the City similar to Hemisfair '68. He added that the beautification of the downtown area will lure more tourists and energize the local economy. He noted his support for the vision of the project and encouraged City Council to proceed with the project, taking into consideration public comment.

Mr. Ben Brewer, representing Downtown Alliance, 515 E. Houston, offered its support of the project. He said the Alliance has been involved in the planning of many projects, and that a recent survey shows overwhelming support of the project. He noted that 80 percent of respondents feel the adjacent streets should remain open, and that the same percentage desires a business impact analysis in conjunction with the project. The survey, he added, shows a need for inclusion of key stakeholders to be included in oversight planning. He announced the Alliance's recommendation for the City to commence with a Traffic Simulation Model for the downtown area as quickly as possible. He distributed the aforementioned survey results to City Council members.

Mr. Don Frost, Frost Bank, 100 W. Houston, offered Frost Bank's support of a Main Plaza Project conceptual design, but objected to street closures. He said such closures would impact everyone who comes downtown. He said 182,000 cars annually use two parking garages adjacent to the Plaza, in addition to unspecified numbers of vehicles that use Frost Bank's drive-thru services, and street closures would be counterproductive to business. He stated that the Plaza concept was quickly proposed, and he hopes that subsequent design and planning not be rushed and include participation of key stakeholders and the public.

Mr. Barbara Johnson, President, San Antonio Conservation Society, 107 King William, offered endorsement of the Plaza revitalization concept. She noted that many details still need to be addressed, but the vision is otherwise solid. She added that in 12 years, the City will celebrate its 300th anniversary and the Plaza development is in keeping with the Historic Civic Center Master Plan.

Mr. Jack M. Finger, P.O. Box 12048, stated the need for a Main Plaza upgrade, but questioned the initial financial investment for preliminary studies. He asked if the City doesn't have greater priorities. He also questioned the rationale behind the City's desire to make Main Plaza a destination for citizens, when it would also propose closing key transportation routes into downtown.

Mr. Carlos Sumpter, 128 E. Main, stated that if the project will increase property values and residents quality of life, it makes good fiscal sense. As a resident near Main Plaza, he requested that downtown inhabitants and their quality of life impact be considered in the overall planning of Main Plaza.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

CONSENT AGENDA

Items 19 and 25E were pulled from the agenda. Consent agenda items 5, 6, 8, 11, 13, 14 and 23, 24A, and 24B were pulled for individual consideration. The remaining items 4 through 25K were approved upon motion made by Councilmember Hall and seconded by Councilmember Herrera.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, addressed Item 20 to ask if the officer involved in the matter will be held accountable. He inquired if the City has scrutinized potential fraud from Hurricane Katrina victims, related to Item 22. He also spoke to Items 15, 16, and 17, regarding the acceptance of federal funds to be used for teen family planning considerations.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Faris Hodge, Jr., 140 Dora, related to Item 14. He recommended that the Alamo Dome be renamed in his honor, as other buildings are named to honor individuals for their good achievements.

AN ORDINANCE 2006-02-16-0210

ACCEPTING THE LOW BID SUBMITTED BY BWI SCHULENBURG TO PROVIDE THE PARKS & RECREATION DEPARTMENT WITH FERTILIZER FOR A TOTAL COST OF \$79,236.00.

AN ORDINANCE 2006-02-16-0211

ACCEPTING THE LOWEST RESPONSIVE BID, APPROPRIATING FUNDS, AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$369,583.28 PAYABLE TO AJ COMMERCIAL SERVICES, INC. D/B/A ASC PAVING; AUTHORIZING \$33,263.73 FOR PROJECT CONTINGENCY, AUTHORIZING \$25,613.07 FOR CAPITAL ADMINISTRATIVE COST AND \$2,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$430,460.08, \$36,946.00 OF WHICH TO BE REIMBURSED BY SAN ANTONIO WATER SYSTEM (SAWS), IN CONNECTION WITH THE REDLAND ROAD IMPROVEMENTS – REDLAND WOODS TO JONES MALTSBERGER PROJECT, FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS, LOCATED IN DISTRICT 10.

AN ORDINANCE 2006-02-16-0212

AUTHORIZING A LEASE AGREEMENT WITH THE TRADE COMMISSION OF MEXICO FOR OFFICE SPACE AT THE INTERNATIONAL CENTER LOCATED IN DISTRICT 1, FOR A THREE-YEAR TERM BEGINNING JANUARY 30, 2006 AND

ENDING JANUARY 31, 2009, WITH TWO THREE-YEAR TERM RENEWAL OPTIONS.

AN ORDINANCE 2006-02-16-0213

AUTHORIZING AN AMENDMENT TO EARNEST MONEY CONTRACT UNDER WHICH THE CITY IS SELLING LAND TO THE SAN ANTONIO FOOD BANK, INC, THE AMENDMENT REDUCING THE ACREAGE FROM 17.2 ACRES TO APPROXIMATELY 11.63 ACRES, ADDING AN ADDITIONAL DRAINAGE EASEMENT, AND CHANGING THE PURCHASE PRICE TO THE APPRAISED VALUE OF \$582,593.22; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE 2006-02-0214

RATIFYING THE SUBMISSION OF AN APPLICATION AND AUTHORIZING THE ACCEPTANCE OF A \$500,000.00 GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE DWI SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) FOR THE GRANT PERIOD OCTOBER 1, 2006, TO SEPTEMBER 30, 2007, AND AUTHORIZING AN IN-KIND MATCH OF \$253,011.00 AND A CASH MATCH OF \$16,215.00.

AN ORDINANCE 2006-02-16-0215

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES PROVIDING \$73,622.00 FOR THE TITLE V FAMILY PLANNING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2006 THROUGH AUGUST 31, 2006; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS.

AN ORDINANCE 2006-02-16-0216

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES PROVIDING \$33,333.00 FOR THE TITLE X FAMILY PLANNING PROGRAM 2005/2006 OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2006 THROUGH AUGUST 31, 2006; ADOPTING THE PROGRAM BUDGET;

APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS.

AN ORDINANCE 2006-02-16-0217

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES PROVIDING \$226,917.00 FOR THE TITLE XX FAMILY PLANNING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2006 THROUGH AUGUST 31, 2006; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS.

AN ORDINANCE 2006-02-16-0218

AUTHORIZING THE EXECUTION OF SEVEN PROFESSIONAL SERVICES AGREEMENTS FOR A TOTAL AMOUNT OF \$784,540.00 WITH THE AMERICAN CANCER SOCIETY (\$145,000.00), AMERICAN LUNG ASSOCIATION OF TEXAS (\$26,504.00), SAN ANTONIO-BEXAR COUNTY METROPOLITAN PLANNING ORGANIZATION (\$110,000.00), UNIVERSITY HEALTH SYSTEM (\$151,555.00), SOCIAL AND HEALTH RESEARCH CENTER "BIENESTAR PROGRAM" (\$30,000.00), SAN ANTONIO INDEPENDENT SCHOOL DISTRICT (\$226,817.00), AND THE YMCA OF GREATER SAN ANTONIO (\$94,664.00) FOR THE STEPS TO A HEALTHIER SAN ANTONIO PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 22, 2005 THROUGH SEPTEMBER 21, 2006; AND AUTHORIZING PAYMENTS.

AN ORDINANCE 2006-02-16-0219

AUTHORIZING SETTLEMENT OF A LAWSUIT STYLED *ALFRED CASTELLANO V CHRIS FRAGOZO, INDIVIDUALLY AND AS SAN ANTONIO POLICE OFFICER, ET AL.*, CAUSE NO.SA-96-CA-346.

AN ORDINANCE 2006-02-16-0220

AUTHORIZING THE PURCHASE OF COMMERCIAL PROPERTY INSURANCE, INCLUDING BOILER AND MACHINERY COVERAGE, FOR CITY-OWNED AND LEASED BUILDINGS, CONTENTS, AND EQUIPMENT WITH GREAT AMERICAN

INSURANCE COMPANY, THROUGH MCGRUFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A THREE YEAR PERIOD BEGINNING FEBRUARY 28, 2006, WITH A FIRST YEAR PREMIUM AT A COST OF \$1,264,257.00, AND A GUARANTEED PREMIUM RATE OF \$0.0666 (ROUNDED) PER \$100.00 OF TOTAL INSURED VALUE OF PROPERTY FOR THE SECOND AND THIRD YEARS.

AN ORDINANCE 2006-02-16-0221

RATIFYING THE ACCEPTANCE, TRANSFER, AND APPROPRIATION OF FEDERAL EMERGENCY MANAGEMENT (FEMA) PUBLIC ASSISTANCE GRANT FUNDS FOR THE PURPOSE OF REIMBURSING THE CITY OF SAN ANTONIO AND ORGANIZATIONS WITHIN THE CITY'S LOCAL JURISDICTION FOR EXPENSES INCURRED IN SUPPORT OF THE HURRICANE RELIEF EFFORT FOR HURRICANES KATRINA AND RITA.

AN ORDINANCE 2006-02-16-0222

APPOINTING JONATHAN ASHKENAZE (DISTRICT 1) TO THE ELECTRICAL EXAMINING AND SUPERVISING BOARD (CATEGORY: LAYPERSON) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 31, 2007.

AN ORDINANCE 2006-02-16-0223

APPOINTING MARTIN HERRERA (DISTRICT 1) TO THE TRANSPORTATION ADVISORY BOARD (CATEGORY: CONSUMER) FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-02-16-0224

APPOINTING MICHAEL WESTHEIMER (DISTRICT 1) TO THE ZONING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JUNE 30, 2006.

AN ORDINANCE 2006-02-16-0225

APPOINTING LAURA MCKIERAN (DISTRICT 1) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-02-16-0226

AN ORDINANCE APPOINTING RANDOLPH EDWARD MURDOCK (DISTRICT 7) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-02-16-0227

APPOINTING JAMES ALLEN (DISTRICT 9) TO THE BROOKS DEVELOPMENT AUTHORITY (CATEGORY: EDUCATION) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 4, 2007.

AN ORDINANCE 2006-02-16-0228

APPOINTING SULAMAN CHAUDHRY (DISTRICT 9) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-02-16-0229

APPOINTING CASEY MAGNUSON (DISTRICT 9) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 22, 2006.

AN ORDINANCE 2006-02-16-0230

APPOINTING VANCE KREBS (DISTRICT 9) TO THE HOUSING TRUST FUND BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-02-16-0231

APPOINTING JUAN ANTONIO LANDA (DISTRICT 7) TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY, INC., DBA SOUTH TEXAS BUSINESS FUND, (CATEGORY: TRUSTEE) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 22, 2007.

CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-16-0232

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 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$154,635.00 INCLUDING: AUDIOBOOKS; HVAC MAINTENANCE AT DOWNTOWN BUILDINGS; AND SPEAKER MICROPHONES.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Guajardo seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass. **NAYS:** None. **ABSENT:** McNeil, Hardberger.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-02-233

AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID, APPROPRIATING FUNDS, AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$2,995,811.70 PAYABLE TO CAPITAL EXCAVATION CO.; AUTHORIZING \$253,890.57 FOR PROJECT CONTINGENCY, AUTHORIZING \$195,495.74 FOR CAPITAL ADMINISTRATION COST AND \$2,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$3,447,198.01, \$433,660.00 OF WHICH TO BE REIMBURSED BY SAN ANTONIO WATER

SYSTEMS (SAWS) AND \$23,246.00 OF WHICH TO BE REIMBURSED BY CITY PUBLIC SERVICE ENERGY (CPS ENERGY) IN CONNECTION WITH THE HENDERSON PASS LOW WATER CROSSING PROJECT, FROM 2003-2007 STORM WATER REVENUE BOND FUNDS, LOCATED IN DISTRICT 9.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Guajardo seconded the motion.

After consideration, the main motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass. **NAYS:** None. **ABSENT:** Hardberger.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-16-0234

SELECTING DRASH CONSULTING ENGINEERS, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE SOUTH FLORES: MALONE TO OCTAVIA PROJECT LOCATED IN DISTRICTS 3 AND 5, APPROPRIATING FUNDS, AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$23,510.00, FROM HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDS.

Councilmember Gutierrez made a motion to approve the proposed Ordinance. Councilmember Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass. **NAYS:** None. **ABSENT:** Hardberger.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-16-0235

AUTHORIZING A JOINT APPLICATION WITH BEXAR COUNTY FOR A JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$638,843.00 FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR A CITY/COUNTY PROJECT ADDRESSING CHILD ABUSE; AUTHORIZING AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY REGARDING THE

DISTRIBUTION OF THE GRANT FUNDS; AND DESIGNATING BEXAR COUNTY AS THE GRANT FISCAL AGENT.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Gutierrez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass. **NAYS:** None. **ABSENT:** Hardberger.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-16-0236

AUTHORIZING PAYMENT IN ACCORDANCE WITH THE SAN ANTONIO AIR SERVICE INCENTIVE PROGRAM AN AMOUNT NOT TO EXCEED \$100,000.00 TO SOUTHWEST AIRLINES FOR REIMBURSEMENT OF ADVERTISING AND PROMOTIONAL EXPENSES, AS A RESULT OF THE AIR CARRIER'S INITIATION OF NEW NON-STOP SERVICE TO SAN DIEGO, CALIFORNIA ON FEBRUARY 5, 2006, FROM AIRPORT FUNDS.

Councilmember Guajardo made a motion to approve the proposed Ordinance. Councilmember Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-16-0237

AUTHORIZING THE EXECUTION OF AN EXTENSION AGREEMENT TO THE HOUSEKEEPING AND CONVERSION SERVICES AGREEMENT WITH GO PROFESSIONAL ENVIRONMENTAL MANAGEMENT TO PROVIDE THE ALAMODOME AND NELSON W. WOLFF MUNICIPAL STADIUM HOUSEKEEPING AND CONVERSION SERVICES EXERCISING THE FINAL ONE (1)-YEAR RENEWAL OPTION AND EXTENDING THE AGREEMENT THROUGH MARCH 21, 2007, IN AN AMOUNT NOT TO EXCEED \$579,003.00; AND PROVIDING FOR PAYMENT.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Haass seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Hall, Wolff, Haass, Hardberger. **NAYS:** Guajardo. **ABSENT:** None.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-16-0238

AMENDING CHAPTER 28, SIGN ORDINANCE, OF THE CITY CODE CLARIFYING LANGUAGE FOR EXCEPTIONS TO THE PERMIT REQUIREMENTS FOR NONCOMMERCIAL OR POLITICAL SIGNS AND ADDING LANGUAGE FOR VARIANCE AND APPEALS PROCEDURES FOR THE SIGN PERMIT PROCESS.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Hall seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Perez.

The City Clerk read the following Ordinances:

AN ORDINANCE 2006-02-16-0239

AUTHORIZING THE ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS FROM COUNCIL DISTRICT 9 IN THE AMOUNT OF \$40,000.00 TO THE SAN ANTONIO EDUCATION PARTNERSHIP FOR HIGHER EDUCATION SCHOLARSHIPS; AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SAN ANTONIO EDUCATION PARTNERSHIP FOR THE PERIOD ENDING DECEMBER 31, 2006.

AN ORDINANCE 2006-02-16-0240

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SAN ANTONIO EDUCATION PARTNERSHIP IN THE AMOUNT OF \$139,200.00 IN SUPPORT OF THE AMBASSADOR PROGRAM AND FOR PROGRAM OUTREACH AND SCHOLARSHIP ELIGIBILITY DETERMINATION FOR STUDENTS ATTENDING TOM C. CLARK HIGH SCHOOL, WINSTON CHURCHILL HIGH SCHOOL AND JAMES MADISON HIGH SCHOOL FOR THE PERIOD ENDING SEPTEMBER 30, 2006.

Councilmember Perez made a motion to approve the proposed Ordinances. Councilmember Hall seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Herrera, Guajardo, Hall, Wolff, Hardberger. **NAYS:** None. **ABSTAIN:** Radle, Haass. **ABSENT:** Gutierrez.

CITY MANAGER'S REPORT

City Manager Sheryl Sculley reported on the Self Contained Breath Apparatus, noting that City staff continues to work with Interspiro and that 46 valves have been replaced to date. She noted that the matter related to the SCBAs is a serious safety issue and an evaluation process is underway to replace all of the equipment. She further stated that a recommendation will be present to City Council before any action is taken.

The Mayor recessed the regular session at 12:40 p.m. and stated Council would convene at 5 p.m.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

- Proclamation for National Engineers Week to Bexar County Chapter of the Texas Society of Professional Engineers.
- Citations to Pablo Veliz & Jeff Horny, whose film "La Tragedia de Macario" was accepted into the 2006 Sundance Film Festival

- Certificates of Appreciation to UTSA Department of Social Work, Association of Mexican American Social Workers, National Association of Social Workers, Texas Department of Social Workers, and Worden School of Social Work for their relief efforts to Hurricane Katrina survivors.

POINT OF PERSONAL PRIVILEGE

Councilmember Art Hall asked for a point of personal privilege to inform those people present to discuss River Walk vendors that said issue will be discussed at the next Quality of Life Committee meeting, and that citizens will have the opportunity to discuss the matter at that meeting.

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE: UDC CHAPTERS 34 AND 35 AMENDMENTS

Mayor Hardberger declared the Public Hearing to be open.

Mr. Florencio Pena, Director of Development Services made a presentation on the Ordinance amending Chapter 34 and Chapter 35 of the City Code of San Antonio, a copy of which is on file with the Office of the City Clerk. He presented background information and the purpose of the action to be taken regarding definition of "project" and identification of parameters of vested rights and the process to implement SB 848. He further addressed fair notice procedures pursuant to SB 848 and the need to provide clarity, consistence and certainty to the vested rights process. He elaborated on the main ordinance changes and additional staff recommendation with respect to determination of substantial changes to Category I projects.

The following citizen(s) appeared to speak:

Mr. Michael Moore, San Antonio Builders' Association, 4204 Gardendale, addressed the Council relating to several cases on vested rights. He outlined various senate bills addressed in this legislative session. He specifically made note of SB 848. A video of showing a committee hearing relating to SB 848 held in Austin was shown.

Mr. Wayne McGinnis, Real Estate Council of San Antonio, 8706 Lockway, addressed the Council voicing their opposition to the proposed Fair Notice Form and the Vested Rights process amendments. He distributed a letter with regard to their stance on the matter.

Mr. Larry Heimer, Real Estate Council of San Antonio, 8706 Lockway stated concerns with the wording of the ordinance whereby there are inconsistencies making the ordinance open to interpretation.

Ms. Lisa Gonzalez, Greater San Antonio Chamber of Commerce, 602 E. Commerce, addressed the Council regarding development complexities and impediments. She stated the changes before the Council have not had time to be thoroughly examined, as changes were made as late as the previous day, and due process has not been served. She requested that a vote on the UDC changes be postponed, and that the Vested Rights Task Force be given opportunity to review the ordinance and offer its recommendations after those impacted by the changes have opportunity to review them as well.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Ms. Barbara Johnson, President, San Antonio Conservation Society, 107 King William, regarding changes to the UDC. She stated that any changes should respect Texas State Law but not diminish local authority.

Mr. Andrew Ozuna, 100 NE Loop 410, spoke to offer a commercial real estate lenders perspective of the proposed changes. He noted that the City has rigid requirements creating undo cost and risks, and asked which changes will be permissible. He also stated that any equity that had been built up on raw land diminishes. He added that he did not support the proposed ordinance on Vested Rights.

Julie Iris Oldham, 4523 Allegheny Dr., addressed the Council relating to the protection of the aquifer. She stated that water needs to be protected every day. She recommended that every City employee and county employee ride the bus to work and do away with their parking allowance.

Ms. Christel Villarreal, Harmony Hills Neighborhood Association, 162 Harcourt, offered her support of strong vested rights for the City within the limitations of state law. She read a letter from Representative Michael Villarreal regarding the Fair Notice Form, which he finds to be compliant to and in accordance with state law.

Ms. Elaine Talarski, League of Women Voters, 7922 Quail Breeze, offered the League's support for more stringent rules with regards to grandfathering.

Ms. Annalisa Peace, AGUA, P.O. Box 15618, requested support of additional protection of the aquifer. She stated several changes proposed by AGUA and urged the Council to take those into consideration: Section 35-712, subsections D E F and Section 35-713 as they exceed the requirements of state law. She stated that accepting the changes as quickly as possible will protect future generations of San Antonians.

Mr. George Rice, AGUA, 414 E. French, said the proposed changes will permit more grandfathering than required by state law, and this matter should be further considered by City Council. He offered his endorsement of the changes, despite this factor.

Ms. Graciella Sanchez, Esperanza Peace and Justice Center, addressed the Council with regard to this passionate issue affecting the environment.

Ms. Amy Kasteley, Esperanza Peace and Justice Center, acknowledged the historic policy that will protect the environment. She stated that the proposal speaks to projects. She noted various sections of the proposed ordinance and asked that the Council pay close attention to certificates attached to land over the aquifer. She noted those certificates were erroneously issued. She proposed the deletion of Sections 35-712 D, E, F, J, and K and 35-713.

Ms. Erin Zayco, 946 W. Mistletoe, stated that she wishes to see balanced, sustainable growth of the City. She noted that without the necessary resources growth will decline. She expressed support to grandfather the aquifer area and protect it from further development.

Mr. Ken Brown, 112 E. Pecan, spoke to the current rules in place on vested rights and noted that those rules are fine. He said the same issue was handled by the City of Austin in a 2 page document, while the City of San Antonio has 23 pages addressing the issue. He added that in a public hearing several years ago, Florencia Pena stated that he believed the procedures in place in the local government code were adequate, and submitted into the record a transcript of that hearing.

Mr. Richard Alles, P.O. Box 700066, thanked the Council for this hearing and spoke in support of the ordinance. He noted that Austin adopted their Fair Notice Ordinance in April 2005. He thanked City staff for meeting with several issues that were brought forward.

Ms. Marianna Ornelas, Dellview Area Neighborhood Association, PO Box 100073, representing AGUA and the Citizen's Tree Coalition stated that the issue of development and grandfathering in the City is an issue of money versus people. She urged City Council to include a provision for Citizens Appeal.

Mr. Bill Hurley, 1819 Babcock, addressed the Council relating to his support in protecting the aquifer. He asked the Council to do whatever possible to continue the protection of the aquifer.

Mr. Larry DeMartino, 115 Armour Pl., stated that he previously served on several City committees drafting legislation. He said the regulations he drafted were created through

threats, deadlines and power plays, and are not now enforced. He questioned whose rights are at stake: the citizenry or those who intimidate and lobby.

Mr. Faris Hodge, Jr., 140 Dora, stated that the Council is in violation of the Texas Open Meetings Act due to the information that was posted on the internet on Vested Rights item. He noted that Ken Brown should have stated that he is a lobbyist when he addressed the Council on said issue. He thanked Mayor Hardberger for having the hearing in the evening.

Mr. Hal McKlusky, addressed the Council relating to vendors at the River Walk and noted that a vendor was told she could not vend on the River Walk.

Mr. David Klar, Sierra Club, 3925 Chimney Spires Dr., addressed the Council in favor of the proposed ordinance. He suggested that the hour of 6:30 pm would be better than 5:30 pm.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, spoke on various environmental contaminations around the city. He requested that the Council create laws that are in accordance with state legislation, and stated he trusts the Council to do so.

Mr. Jerry Morrissey, 19631 Encino Way, addressed the Council relating to a better balance in representing the citizens. He noted that the city has the responsibility of better planning.

Mayor Hardberger declared the public hearing to be closed.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-16-0241

AMENDING CHAPTER 34 AND CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS REGARDING RECOGNITION OF RIGHTS UNDER CHAPTER 245 OF THE TEXAS LOCAL GOVERNMENT CODE AND COMMON LAW FOR PROJECTS; IMPLEMENTING FAIR NOTICE OF A PROJECT AND PERMIT SOUGHT; ADOPTING CONFORMING AMENDMENTS AND APPORTIONING CURRENT FEES.

Councilmember Perez made a motion to approve the proposed Ordinance as amended. Councilmember Gutierrez seconded the motion.

Councilmember Hall made a motion to amend the proposed Ordinance with amendments to Chapter 35-17 E and Chapter 34-926 C, copies of which are on file with the Office of the City Clerk. Councilmember Wolff seconded the motion.

After consideration, the motion to amend the proposed Ordinance prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

After consideration, the motion as amended, carrying with it the passage of the Ordinance prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

CITIZENS TO BE HEARD

Ms. Julie Iris Oldham, 4523 Allegheny Dr., stated that Mario Salas should be removed from any committees he is on. She said there should be a dress code for City employees. She stated that bandit sign posters should be fined. She spoke of an individual who is not in compliance of City codes, yet the City has not responded to repeated complaints. She added that the City needs to invest more money for the welfare of its citizens than in projects and planning.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, spoke on an article in the San Antonio Current.

Ms. Janet Del Castillo, 10922 Link Dr., stated that Tripp Dickerson's City Council representative did not perform the duty of her office. She noted that each councilmember is accountable to constituents, and the improper handling of the situation exemplifies civic irresponsibility. She noted there were no racist comments in Mr. Dickerson's email. She added City Council needs to publicly address this matter. She requested that the Mayor and Council ask Councilmember Guajardo to resign her post.

Mr. Faris Hodge, Jr., 140 Dora, addressed the Council relating to the Council being in violation of the Texas Open Meetings Act. He stated that the Council and staff need to take a diversity class. He sang "I've Been Working on the Railroad".

Mr. Allen Ellebrecht, 4915 Dare Ln., addressed the Mayor and Council regarding the George "Tripp" Dickerson's death. He called for an independent investigation of Councilmember Guajardo. He stated that he would again come before the Council to check on this request. He stated that if no action is taken he will have CCM Guajardo recalled.

Mr. Michael John, 235 Tansyl, addressed the Council relating to public space. He referenced an ordinance summary for Paesanos Riverwalk restaurant for leased space. He stated that he is chased off the site by the manager when he vends near the restaurant on public property.

Ms. Anna John, 235 Tansyl, showed a video clip showing those vending on the River Walk.

Ms. Laura Stanford, 16414 San Pedro, addressed the Council relating to a strategic plan that is being worked on for the Animal Control Services. She stated that those that utilize the animal services center are not given any educational information relating to spaying and neutering of animals. She also mentioned that the facility needs to meet code and asked that the Council not close the doors on the current facility, and utilize it as an adoption center.

Ms. Amy Casey spoke briefly about the Dickerson family and to remember that the community does look to the Council as its voice.

Mr. John A. Bachman, 515 Mebane, stated that a qualified person has yet to be hired as director of the Animal Control facility. He read from a memorandum dated December 9, 2004, relating to the Animal Control Services Department. He noted alleged animal cruelty violations at the center.

Mr. Joe Shokiow spoke on the 9th and 10th amendments to the Bill of Rights, powers retained by the people, and read from the Constitution.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 8:09 pm.

A P P R O V E D



PHIL HARDBERGER

M A Y O R

Attest:



LETICIA M. VACEK
City Clerk