

**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, JULY 6 & THURSDAY, JULY 7, 2005

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The City Council convened in an informal "B" Session on Wednesday, July 6, 2005 at 3:00 pm, Municipal Plaza Building "B" Room, for the purpose of:

Discussion on City Council Goal Setting and Prioritization Session. [Presented by Peter Zanoni, Director, Management and Budget; Erik J. Walsh, Assistant to the City Manager]

Briefing on Base Realignment and Closures (BRAC) decisions. [Presented by Ramiro Cavazos, Director of Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

The Council members present were: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. ABSENT: None.

The "B" Session adjourned at 4:15 pm.

The Regular Meeting was called to order on Thursday, July 7, 2005 at 9:00 am by the Presiding Officer, Mayor Phil Hardberger, with the following members present: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **ABSENT:** None.

The Invocation was delivered by Reverend Kevin Nelson, Calvary Baptist Church, guest of Mayor Hardberger.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 101098A

RESCHEDULING CITY COUNCIL MEETINGS OF JULY 27, JULY 28, AUGUST 3, AND AUGUST 4, 2005.

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

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

BRIEFING ON THE CITY'S STATE LEGISLATIVE PROGRAM DURING THE 79TH LEGISLATIVE SESSION.

Mr. Ray Baray, Intergovernmental Relations Manager, made a presentation on the State Legislative Update, a copy of which is on file with the Office of the City Clerk. He spoke to the number of bills filed this session which totaled 5,300 noting that 1,200 were municipally related. He outlined the process for the solicitation of initiative proposals, the legislative scorecard, and delineated the initiatives adopted. He further expounded on the endorsements adopted, the impact of each, and advised the Council that the Governor had called a special session on June 21 to consider the public school finance legislation. He added that on June 27 the call was expanded to include appraisal and revenue caps along with other issues such as the tuition revenue bonds, eminent domain, judicial pay and water.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, addressed the Council relating to the City lobbying against appraisal caps. He also referenced HJR 80, a constitutional amendment, if approved by Texas voters, would clarify that economic development grants do not constitute municipal debt. He also referenced eminent domain and asked how the city was going to deal with same.

The City Clerk read the following ordinance:

AN ORDINANCE 101099

APPROVING THE SUBMISSION OF THE LOCAL WORKFORCE DEVELOPMENT BOARD INTEGRATED PLAN MODIFICATIONS (THE PLAN) TO THE STATE OF

20050707

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TEXAS BY THE ALAMO WORKSOURCE BOARD (AWB); PERFORMANCE STANDARDS FOR THAT PERIOD; AND AN UPDATED LIST OF TARGETED OCCUPATIONS.

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

Mr. Alan Miller, Executive Director, Alamo Worksource, made a presentation on the 2005-06 modification to the local workforce plan, a copy of which is on file with the Office of the City Clerk. He first outlined the composition of the Alamo WorkSource Board and the purpose and mission of the organization, the area being serviced by Alamo WorkSource which reaches nearly 1.8 million residents and over 30,000 businesses. He delineated the Board's work, strategic goals, funding sources, service provision by category, the plan modification which covered period October 1, 2005 to September 30, 2006, and the key elements to the plan modification. He also cited the targeted demand for the emerging industry clusters and occupations for 2005-2006.

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, Hardberger. **NAYS:** None. **ABSENT:** McNeil.

CONSENT AGENDA – CITIZENS' COMMENTS

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, spoke about a Code Compliance Officer who hit a pedestrian who will only be required to attend a defensive driving class. He felt the employee should help out with the compensation since the city is getting sued. With regards to item 9, he stated he was not appreciative that artificial birth control would be issued through City Health Offices.

CONSENT AGENDA

Consent agenda items 5, 6, 7, 10, 11, 12, 13 and 14 were pulled for individual consideration. The remaining items 6 through 19B were approved upon motion made by Councilmember Perez and seconded by Councilmember Hall.

AN ORDINANCE 101100

ACCEPTING THE LOW, QUALIFIED BID BY DONSAN CONSTRUCTION, LLC. (SBE/MBE), AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT IN THE AMOUNT OF \$224,531.00 AND \$52,522.63 FOR ASSOCIATED EXPENSES, FOR A TOTAL APPROPRIATED AMOUNT OF \$277,053.63 FROM 1999-2004 PARK BOND FUNDS IN CONNECTION WITH THE DISTRICT 5 PARK IMPROVEMENTS PACKAGE FOR FATHER BENAVIDES AND LAS PALMAS PARKS.

AN ORDINANCE 101101

APPROVING A SETTLEMENT AGREEMENT IN THE LAWSUIT STYLED *JESUS SANDOVAL V CITY OF SAN ANTONIO*, CAUSE NO 2004-CI-07464.

AN ORDINANCE 101102

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN THE DOWNTOWN AREA ON FRIDAY, JULY 29, 2005 FROM 8:30 A.M. UNTIL 10:30 A.M. IN CONNECTION WITH THE AMERICANS WITH DISABILITIES ACT CELEBRATION WALK SPONSORED BY S.A. INDEPENDENT LIVING SERVICES.

AN ORDINANCE 101103

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN THE ALAMODOME AREA ON FRIDAY, JULY 22, 2005 FROM 7:00 P.M. UNTIL 10:30 P.M. IN CONNECTION WITH THE PAL 5K RUN SPONSORED BY SAN ANTONIO POLICE ATHLETIC LEAGUE.

AN ORDINANCE 101104

APPOINTING STEPHANIE JAMES (DISTRICT 10) TO THE HOUSING TRUST FUND BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON MAY 30, 2007.

AN ORDINANCE 101105

APPOINTING MANUAL PEREZ (DISTRICT 8) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

CONSENT ITEMS CONSIDERED INDIVIDUALLY

Item 5 is an Ordinance accepting the offer submitted by Government Technology Systems, Inc. to provide the Fire Department with video conferencing system hardware and software for a total cost of \$359,947.00, from Urban Area Security Initiatives Grant Funds.

Councilmember Perez made a motion to table the proposed Ordinance for one week. Councilmember Gutierrez seconded the motion.

After consideration, the motion to table the proposed ordinance for one week 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 101106

ACCEPTING THE BID SUBMITTED BY AMS, INC. TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH A PORTABLE SOIL SAMPLER FOR A TOTAL COST OF \$53,375.10 FROM ENVIRONMENTAL SERVICES FUNDS.

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, Perez, Radle, Herrera, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Guajardo.

The City Clerk read the following ordinance:

AN ORDINANCE 101107

ACCEPTING THE BIDS OF VARIOUS COMPANIES FOR AN ESTIMATED COMBINED ANNUAL COST OF \$1,261,652.00 TO PROVIDE THE FOLLOWING COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS: CHEVROLET PARTS & SERVICE; LAWN MAINTENANCE FOR LIBRARIES, POLICE FACILITIES, & VARIOUS PARK AREAS; TRUCK & INDUSTRIAL TIRES; MANUAL TRANSMISSION PARTS & SERVICE; CLARKE/MICHIGAN EQUIPMENT, VOLVO EQUIPMENT, CHAMPION MOTOR GRADER, AND SAMSUNG WHEEL LOADER PARTS & SERVICE; TRAILER PARTS & SERVICE; TRUCK MOUNTED AERIAL LIFT AND TOWER PARTS AND SERVICE; AND AUTOMOTIVE PAINTS AND SUPPLIES.

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, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 101108

AUTHORIZING THE TRANSFER OF \$100,000.00 FROM THE TITLE V FAMILY PLANNING PROGRAM TO THE TITLE V MATERNAL & CHILD HEALTH PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD); AUTHORIZING THE EXECUTION OF TWO CONTRACT CHANGES WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS); REVISING THE PROGRAM BUDGETS; REVISING THE PERSONNEL COMPLEMENTS; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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, Perez, Radle, Herrera, Hall, Wolff, Haass, Hardberger. **NAYS:** Guajardo. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 101109

AUTHORIZING THE ACCEPTANCE OF \$333,703.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) TO AUGMENT SUPPORT FOR THE BIOTERRORISM PREPAREDNESS PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD); AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH TDSHS; AMENDING THE PROGRAM BUDGET; APPROVING THE TRANSFER OF \$323,803.00 OF SAID FUNDS TO THE BIOTERRORISM PREPAREDNESS LABORATORY RENOVATION PROGRAM; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 101110

AUTHORIZING THE ACCEPTANCE OF \$90,000.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) TO RENEW FUNDING FOR THE FAMILIES PREVENTING DIABETES PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD); APPROVING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH TDSHS; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

Mayor Hardberger recessed the meeting at 12:00 noon to break for lunch and reconvened the meeting at 1:00 pm.

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 1:00 pm in order to convene in Executive Session for the purpose of:

Deliberate the duties, appointment, and employment of the City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071. (consultation with attorney)

Deliberate the appointment and confirmation process related to the employment of the City Attorney, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071. (consultation with attorney)

Discuss legal issues and strategies related to the use of right-of-way by gas pipeline companies, pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.072 (deliberation regarding real property).

The Mayor reconvened the Regular Session from Executive Session at 3:15pm, at which time he stated City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

CONSENT ITEMS FOR INDIVIDUAL CONSIDERATION CONTINUED

The City Clerk read the following ordinance:

AN ORDINANCE 101111

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR STATE/FEDERAL ASSISTANCE PROVIDED THROUGH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION IN AN AMOUNT NOT TO EXCEED \$716,349.00 TO BE USED FOR THE PURPOSE OF PUBLIC LIBRARY DEVELOPMENT IN THE ALAMO AREA LIBRARY SYSTEM TO SUPPORT GRANT ADMINISTRATION, CONSULTING, NETWORKED RESOURCES, SERVICES TO DISADVANTAGED POPULATIONS, CONTINUING EDUCATION, COLLECTION DEVELOPMENT PROGRAMS AND THE PURCHASE OF LIBRARY MATERIALS.

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:** McNeil, Perez, Radle, Herrera, Guajardo, Hall, Haass, Hardberger. **NAYS:** None. **ABSENT:** Flores, Gutierrez, Wolff.

The City Clerk read the following ordinance:

AN ORDINANCE 101112

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR STATE/FEDERAL ASSISTANCE PROVIDED THROUGH THE TEXAS STATE LIBRARY AND ARCHIVE COMMISSION IN AN AMOUNT NOT TO EXCEED \$50,000.00 TO BE USED FOR CONTRACTUAL AND RELATED TRAVEL EXPENSES FOR A TECHNICAL VENDOR TO PROVIDE HARDWARE, SOFTWARE, NETWORK AND SECURITY SUPPORT TO COMPUTER SYSTEMS OF PUBLIC LIBRARIES LOCATED WITHIN THE ALAMO AREA LIBRARY SYSTEM.

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:** McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Flores, Gutierrez.

The City Clerk read the following ordinance:

AN ORDINANCE 101113

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR FEDERAL ASSISTANCE PROVIDED THROUGH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION IN AN AMOUNT NOT TO EXCEED \$284,487.00, TO BE USED FOR THE OPERATION OF THE SAN ANTONIO INTERLIBRARY LOAN CENTER FOR THE PURPOSE OF SUPPORTING GRANT ADMINISTRATION, SALARIES, AND ALL SUPPORT COSTS.

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:** McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Flores.

CITY MANAGER'S REPORT

Mayor Phil Hardberger spoke to the direction given to staff regarding the flags to be flown at half staff whenever one of the City's military service people loses their life in service to our country.

City Manager Bono concurred that appropriate action would be taken by City staff.

Mr. Mark Webb, Director of Contract Services presented a report on the high risk contracts.

Mayor Hardberger recessed the meeting at 3:47 pm until the next time certain item. The Mayor reconvened the meeting at 5:00 pm.

5:00 PM - CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

A Proclamation recognizing Race Unity Day on July 17, 2005.

A Certificate of Congratulations to Brigadier General "Tex" Hill who will turn 90 years old on July 13, 2005.

Mayor Hardberger recessed the meeting at 5:30 pm until the next time certain item. The Mayor reconvened the meeting at 6:00 pm.

6:00 PM - CITIZENS TO BE HEARD

Mr. Ralph Gilbert addressed the Council with regards to the appointment of the City Attorney. He expressed concern with any members of the ACLU serving in the capacity as City Attorney.

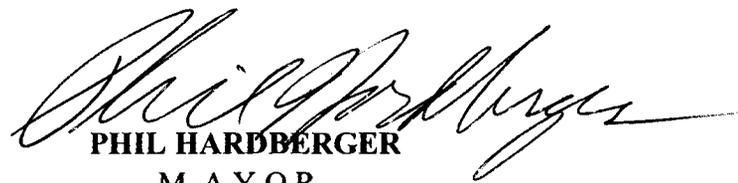
Mr. Antonio Diaz addressed the Council requesting that the Citizens to be Heard portion be televised as is done for Ceremonials. He stated that it is an infringement not to allow citizens to be viewed as they address the Council.

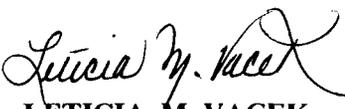
Mr. Faris Hodge Jr., 140 Dora, addressed the Council and sang "I've Been Working on the Railroad" to the Mayor and Council.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, addressed the Council relating to the law of love and kindness. He referenced items 8, 12, 13 and 14 on the agenda. With regards to Las Palmas Park, he stated that no money shall be appropriated for religious seminars.

There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 6:16 pm.

A P P R O V E D


PHIL HARDBERGER
MAYOR

Attest: 
LETICIA M. VACEK
City Clerk