

**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, MARCH 1, 2006 AND THURSDAY,
MARCH 2, 2006**

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The City Council convened in an informal "B" Session at 3:00 p.m., Wednesday, March 1, 2006, Municipal Plaza Building "B" Room, for the purpose of:

Boards and Commissions Workshop

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

The "B" Session adjourned at 4:30 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, March 2, 2006 at 9:10 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 Rev. John P. Feagins, Pastor, Chapel Hill Methodist Church, Guest of Councilmember Richard Perez, District 4.

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

The minutes of the February 16, 2006 City Council meeting were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-02-0264

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BEXAR COUNTY WHICH ESTABLISHES CERTAIN TERMS BY WHICH THE CITY OF SAN ANTONIO WILL CONSENT TO THE CREATION OF EMERGENCY SERVICES DISTRICT #7 WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ) FOR THE PROVISION BY THE DISTRICT OF FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICES FOR INDIVIDUALS RESIDING WITHIN ITS BOUNDARIES.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Herrera 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 2006-03-02-0265

SELECTING SA PARTNERSHIP, L.L.P. TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES IN CONNECTION WITH THE DOWNTOWN RESTROOMS PROJECT LOCATED IN THE RIVERBEND GARAGE AND OTHER AREAS IN DISTRICT 1, APPROPRIATING FUNDS, AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$110,500.00; AUTHORIZING \$11,050.00 FOR PROJECT CONTINGENCY, \$15,000.00 FOR DESIGN ENHANCEMENTS, \$8,508.50 FOR CAPITAL ADMINISTRATIVE COSTS, AND \$2,000.00 FOR ADVERTISING COSTS, FOR A TOTAL AMOUNT OF \$147,058.50, FROM CERTIFICATES OF OBLIGATION AND ADVANCED TRANSPORTATION DISTRICT (ATD) FUNDS.

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 Downtown Restrooms Project, a copy of which is on file with the Office of the City Clerk. He stated this was a project that the downtown businesses and property owners strongly supported, and that was also a priority of the 2005 Mayor's Task Force on Hunger and Homelessness. He added that there were 10,000 to 15,000 passengers transferred

between bus routes downtown on a daily basis, noting that the downtown restroom facility would also serve as a guest and transit information center. He spoke to staffing issues being addressed in an effort to get other agencies to work collaboratively with the City so that continuous staffing is available at the facility. Additionally, he noted that staff was working to provide security guards in the evening in order to deter any crime.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, stated that the restrooms project seems quite costly. Related to Item 6, he questioned if COPS knew of the proposal. He also requested that Council members abstain from voting on items if any involved parties contributed to campaign accounts.

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, which stated that the toilets are high-tech and self-cleaning and the City must provide security around the clock to ensure that the toilets are not being misused. It was read that providing the restrooms is cheaper than jailing 50 people and providing them food and security.

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 2006-03-02-0266

ACCEPTING THE COMPETITIVE SEALED PROPOSAL WITH THE BEST VALUE AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$10,900,000.00 PAYABLE TO F.A. NUNNELLY COMPANY (SBE), AUTHORIZING \$1,198,970.00 FOR PROJECT CONTINGENCY, \$586,465.00 FOR CAPITAL ADMINISTRATIVE COST, APPROVING FIELD ALTERATION NO. 1, AND DEDUCTING \$1,666,000.00 FOR VALUE ENGINEERING MODIFICATIONS, FOR A TOTAL AMOUNT OF \$11,019,435.00 IN CONNECTION WITH THE ANIMAL CARE FACILITY PROJECT LOCATED IN DISTRICT 6, FROM 2003-2007 GENERAL OBLIGATION PUBLIC HEALTH AND SAFETY IMPROVEMENT BOND FUNDS.

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

Ms. Frances Gonzalez, Assistant City Manager, provided a status report on the Animal Care Facility. She stated that staff was addressing issues of food delivery, consistent staffing assignments, and training, and added precautions by staff on the use of new tools and equipment. Mr. Sam Sanchez demonstrated the use of new equipment to handle the animals.

Mr. Tom Wendorf, Director of Public Works, stated the ordinance authorized construction of the City's new Animal Care Facility, to be located in the Southwest Business and Technology Park in Council District 6. He presented views of the present facility and a square footage comparison of the new and current facilities, and explained that various sections of the facility would double or triple their current size. He spoke to the timeline of the project noting that it was to be completed by August 2007.

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.

POINTS OF PERSONAL PRIVILEGE

Councilmember Radle requested a point of personal privilege to recognize students from the Healy Murphy Center, who brought letters about improving their lives and those of others. These letters were distributed to City Council. Councilmember McNeil also acknowledged these students.

Councilmember Hall recognized Ms. Kiki Williams, who was interning in his office as part of her university studies.

INDIVIDUAL ITEMS CONTINUED

The City Clerk read Item No. 6, being a proposed Ordinance authorizing the execution of a contract amendment with Project Quest to decrease the allocation of funding from \$3,000,000.00 to \$2,774,817.00 for the period of October 1, 2005 through September 30, 2006; authorizing the execution of a contract with the YWCA SEED program in the amount of \$30,000.00 for the period of April 1, 2005 through September 30, 2006, in connection with the human development services consolidated funding process; allocating \$130,000.00 to the Community Court project; allocating \$65,183.00 to the Families Save Individual Development Account program and amending the related budget; and authorizing the execution of a contract amendment with Corazon Ministries to redirect funds from the mobile canteen project to the day center project for safety and monitoring.

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

Mr. Dennis Campa, Director of Community Initiatives, made a presentation on the de-obligation and reallocation of delegate agency funds, a copy of which is on file with the Office of the City Clerk. He outlined the process and requirements of the delegate agencies with respect to external funding, noting that for FY 2006, 49 of 50 agencies submitted the required documentation. He cited the two agencies that did not comply by the December 31, 2005 deadline, adding, however, that required documentation was secured by Corazon Ministries by February 1, 2006 and by Project Quest by February 15, 2006. Based on the reporting periods of the two organizations, he stated staff was recommending the de-obligation of certain amounts of monies and reallocation of those funds.

After discussion, Councilmember Wolff made a motion to amend the proposed Ordinance to include application of rules applied to Project Quest to all organizations, and that funds for Corazon Ministries be de-obligated with Council reallocating said funds at a future time. Councilmember Perez seconded the motion.

Councilmember Wolff withdrew the proposed amendment. Councilmember Perez withdrew his second.

Councilmember Wolff then presented a second motion to accept staff's recommendation with no reallocation of de-obligated funds. Councilmember Perez seconded the motion.

Councilmember Wolff withdrew the second proposed amendment and motioned to revert back to the original amendment to include application of rules to all organizations, and that funds for being de-obligated be reallocated at a future time. Councilmember Hall seconded the motion.

After consideration, the amendment as proposed by Councilmember Wolff failed by the following vote: **AYES:** Flores, Perez, Hall, Wolff, Haass. **NAYS:** McNeil, Gutierrez Radle, Herrera, Guajardo, Hardberger. **ABSENT:** None.

Councilmember Perez made a motion to accept and approve staff's recommendation as originally presented. Councilmember Haass seconded the motion.

After consideration, the main motion failed by the following vote: **AYES:** Flores, Perez, Hall, Wolff, Haass. **NAYS:** McNeil, Gutierrez Radle, Herrera, Guajardo, Hardberger. **ABSENT:** None.

Item No. 6 failed.

The Mayor recessed the Regular Session at 12:58 p.m. for lunch and announced that City Council would reconvene at 2 p.m.

The Mayor reconvened the Regular Session at 2:09 p.m.

The City Clerk read the following Resolution:

A RESOLUTION 2006R-03-02-0267

SUPPORTING THE FREE ELECTRONIC FILING SERVICES OF THE VOLUNTEER INCOME TAX ASSISTANCE PROGRAM AS AN ALTERNATIVE TO COSTLY REFUND ANTICIPATION LOANS, AS REQUESTED BY COUNCILMEMBER ROGER FLORES, DISTRICT 1.

Councilmember Perez made a motion to approve the proposed Resolution. Councilmember Flores seconded the motion.

Mr. Dennis Campa, Director of Community Initiatives, presented a resolution to support the Volunteer Income Tax Assistance (VITA) Program, a copy of which is on file with the office of the City Clerk. He stated the VITA program is a three-month effort that would serve an estimated 30,000 households earning less than \$40,000, connecting working individuals and families to valuable tax credits. He added this would reduce the use of expensive tax preparation services and refund anticipation loans. He denoted results of the VITA program for the last three years, citing the dollars returned to the community. He expounded on the Refund Anticipation Loans (RALs) and how it was detrimental to the taxpayers and the community, outlined the next steps in order to provide community education and build stronger partnerships with financial institutions that will offer competitive and innovative alternatives to the RAL and payday loans. He added that staff would research the feasibility of an ordinance requiring commercial tax preparers to comply with loan disclosure requirements and present any recommendations to the Governance Committee.

After consideration, the motion, carrying with it the passage of the Resolution, 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 Ordinances:

AN ORDINANCE 2006-03-02-0268

ADOPTING AMENDMENTS TO CHAPTER 2, ARTICLE III (CITY ETHICS CODE) OF THE CITY OF SAN ANTONIO CITY CODE.

AN ORDINANCE 2006-03-02-0269

ADOPTING AMENDMENTS TO CHAPTER 2, ARTICLE VII (MUNICIPAL CAMPAIGN FINANCE REGULATIONS) OF THE CITY OF SAN ANTONIO CITY CODE

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

Ms. Helen Valkavich, Assistant City Attorney, made a presentation on the proposed revisions to the Ethics Code, which included sections to the Gifts; Former Officials and Employees and City Contracts; Persons Doing Business with the City; and Persons Doing Business with the City and Lobbyists provisions. She spoke to the sanctions authority extended to the Ethics Review Board, the mandatory ethics training and confidentiality revisions.

With respect to Item 3B, she denoted the revisions to the Municipal Campaign Finance which addressed terminology, the contribution limits for the specific purpose committees, and the termination of Campaign Treasurer appointments.

Councilmember Hall made a motion to amend the proposed Ordinance to add to Section 2-61, Prohibited Contacts During Contract Solicitation Period, regarding the no-contact termination period, and to add to Section 2-45, Gifts, regarding sponsoring event tables.

Councilmember Gutierrez made a motion to table and exclude Section 2-61, Contracts, for the purpose of further research. Councilmember Radle seconded the motion.

After consideration, the amendment as presented by Councilmember Gutierrez failed by the following vote: **AYES:** Flores, Gutierrez, Radle, Guajardo, Hardberger. **NAYS:** McNeil Perez Herrera Hall, Wolff, Haass. **ABSENT:** None.

After consideration, the amendment as presented by Councilmember Hall prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** Gutierrez. **ABSENT:** None.

Councilmember Perez made a motion to amend the proposed Ordinance to reinsert to Section 2-45, Gifts, Item 12, related to reporting guest gifts up to \$500 from a single source.

After consideration, the amendment as presented by Councilmember Perez prevailed by the following vote: **AYES:** McNeil, Perez, Herrera, Guajardo, Haass, Hardberger. **NAYS:** Flores, Gutierrez, Radle, Hall, Wolff. **ABSENT:** None.

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

CONSENT AGENDA

Items 20 and 25 were pulled from the agenda. Consent agenda items 8-13, 15, 16, 18, 21, 23, 24, 28, 31, 39, and 40A were pulled for individual consideration. The remaining items 8 through 41C were approved upon motion made by Councilmember Perez and seconded by Councilmember McNeil.

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.

AN ORDINANCE 2006-03-02-0270

ACCEPTING THE LOWEST RESPONSIVE BID, APPROPRIATING FUNDS, AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$247,292.55 PAYABLE TO SAN ANTONIO CONSTRUCTORS, LTD., AUTHORIZING \$21,291.33 FOR PROJECT CONTINGENCY, \$16,394.32 FOR CAPITAL ADMINISTRATION COST, AND \$2,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$286,978.20, \$34,379.25 OF WHICH WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, IN CONNECTION WITH THE HOLLYHOCK AT HUEBNER CREEK DRAINAGE STRUCTURE PROJECT LOCATED IN DISTRICT 7, FROM 1994-1999 DRAINAGE IMPROVEMENT BOND FUNDS.

AN ORDINANCE 2006-03-02-0271

ACCEPTING THE CONVEYANCE AND REDEDICATION OF ALL PUBLIC IMPROVEMENTS ASSOCIATED WITH THE CONSTRUCTION OF THE LA QUINTA INN & SUITES AT THE SAN ANTONIO CONVENTION CENTER, IN ORDER TO COMPLETE A PROJECT CLOSEOUT PROVISION STIPULATED IN THE DEVELOPMENT AGREEMENT APPROVED BY CITY COUNCIL IN OCTOBER 2002.

AN ORDINANCE 2006-03-02-0272

DECLARING BUILDING 630 AND BUILDING 650 LOCATED AT 8514 MISSION ROAD, STINSON MUNICIPAL AIRPORT, AS SURPLUS TO THE NEEDS OF THE CITY OF SAN ANTONIO, AND AUTHORIZING DEMOLITION OF SUCH BUILDINGS.

AN ORDINANCE 2006-03-02-0273

AUTHORIZING THE EXECUTION OF A FIVE YEAR LEASE AGREEMENT WITH S & S SHOPPING CENTERS, LTD FOR CLINIC SPACE FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT WOMEN, INFANTS AND CHILDREN CLINIC LOCATED AT 3600 FREDERICKSBURG ROAD FOR THE PERIOD FEBRUARY 1, 2006 THROUGH JANUARY 31, 2011; AND AUTHORIZING PAYMENTS.

AN ORDINANCE 2006-03-02-0274

AUTHORIZING THE EXECUTION OF (1) A LICENSE AGREEMENT RELATING TO THE WATERMARK HOTEL FOR AIR RIGHTS FOR ARCHITECTURAL FEATURES AND PROVIDING FOR A \$5,000.00 LICENSE FEE; AND (2) A CONSENT TO ASSIGNMENT OF A PARKING LICENSE PERTAINING TO THE LA MANSION HOTEL AND PROVIDING FOR A \$1,000.00 ASSIGNMENT FEE; AND AUTHORIZING THE DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE PENDING SALE OF THE LA MANSION AND WATERMARK HOTELS.

AN ORDINANCE 2006-030-02-0275

AUTHORIZING THE EXECUTION OF (1) A CONSENT TO ASSIGNMENT OF A LEASE OF PUBLIC PATIO SPACE ALONG THE RIVERWALK FOR WATERMARK DINING USE AND PROVIDING FOR A \$1,000.00 ASSIGNMENT FEE AND (2) A CONSENT TO ASSIGNMENT OF A LEASE OF PUBLIC PATIO SPACE ALONG THE RIVERWALK FOR LA MANSION DINING USE AND PROVIDING FOR A \$1,000.00 ASSIGNMENT FEE; AND AUTHORIZING THE DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE PENDING SALE OF THE LA MANSION AND WATERMARK HOTELS.

AN ORDINANCE 2006-03-02-0276

APPROVING THE PRICE, TERMS AND CONDITIONS OF SALE BY THE SAN ANTONIO DEVELOPMENT AGENCY (SADA), ALSO KNOWN AS THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO, OF ONE (1) PARCEL OF REAL PROPERTY LOCATED WITHIN THE EASTSIDE URBAN RENEWAL AREA TO GEORGE J. SAAB WITH AMERICAN REALTY AND DEVELOPMENT, FOR A TOTAL DISPOSITION PRICE OF \$56,000.00, AND AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS BY SADA IN CONNECTION THEREWITH; PROVIDING FOR ACCEPTANCE OF PAYMENT INTO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME ACCOUNT.

AN ORDINANCE 2006-03-02-0277

CLARIFYING THE EX OFFICIO STATUS OF CERTAIN MEMBERS OF THE BOARDS OF DIRECTORS FOR TAX INCREMENT REINVESTMENT ZONE NUMBERS NINE (HOUSTON STREET) AND ELEVEN (INNER CITY), CITY OF SAN ANTONIO, TEXAS.

AN ORDINANCE 2006-03-02-0278

AMENDING THE TAX INCREMENT REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS FINAL PROJECT AND FINAL FINANCING PLANS.

AN ORDINANCE 2006-03-02-0279

AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, TEXAS, THE BOARD OF DIRECTORS FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS AND SSG HOTEL, LLC, FOR INFRASTRUCTURE IMPROVEMENTS ON THE PROJECT SITE LOCATED IN THE ST. PAUL SQUARE AREA IN SUPPORT OF THE STAYBRIDGE HOTEL PROJECT.

AN ORDINANCE 2006-03-02-0280

AUTHORIZING THE EXECUTION OF A PUBLIC USE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, TEXAS, THE BOARD OF DIRECTORS FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS AND BARRIO COMPREHENSIVE FAMILY HEALTH CARE CENTER, INC. FOR THE PROVISION OF PREVENTIVE HEALTH SERVICES AT THE FRANK BRYANT HEALTH CLINIC LOCATED IN DISTRICT 2.

AN ORDINANCE 2006-03-02-0281

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SAN ANTONIO AFFILIATE OF THE SUSAN G. KOMEN BREAST CANCER FOUNDATION, INC. PROVIDING \$82,744.00 FOR THE BREAST CANCER CASE MANAGEMENT PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006; ADOPTING THE PROJECT BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS.

AN ORDINANCE 2006-03-02-0282

AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE ENVIRONMENTAL HEALTH SERVICES IN UNINCORPORATED AREAS OF BEXAR COUNTY FOR THE PERIOD FEBRUARY 1, 2006 THROUGH JANUARY 31, 2011 FOR ANNUAL ESTIMATED PAYMENTS FROM BEXAR COUNTY OF \$146,600.00 FOR FOOD ESTABLISHMENT INSPECTIONS, \$1,116.50 FOR PROCESSING FOOD ESTABLISHMENT PERMITS AND \$10,888.80 FOR ENVIRONMENTAL HEALTH INSPECTIONS.

AN ORDINANCE 2006-03-02-0283

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TOTALING \$200,000.00 FOR THE CITIES READINESS INITIATIVE OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2006 THROUGH AUGUST 31, 2006; ADOPTING THE PROJECT BUDGET; AND AUTHORIZING PAYMENTS.

AN ORDINANCE 2006-03-02-0284

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE MARCH OF DIMES BIRTH DEFECTS FOUNDATION PROVIDING \$33,705.00 FOR THE "LEARN, EAT AND ENJOY" PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD MARCH 1, 2006 THROUGH FEBRUARY 28, 2007; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS.

AN ORDINANCE 2006-03-02-0285

AUTHORIZING THE EXTENSION OF THE MERCHANT BANKING SERVICES CONTRACT WITH CHASE PAYMENTECH SOLUTIONS, LLC, FOR THE AUTHORIZATION, CAPTURE, PROCESSING AND SETTLEMENT OF CREDIT CARDS, DEBIT CARDS, STORED VALUE CARDS, AND OTHER NON-CASH PAYMENT CARD TRANSACTIONS, FOR AN ADDITIONAL NINE-MONTH TERM, COMMENCING OCTOBER 1, 2006, AND ENDING JUNE 30, 2007.

AN ORDINANCE 2006-03-02-0286

APPOINTING DANIEL DELGADO (DISTRICT 5) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-03-02-0287

APPOINTING MAITLAND RUTLEDGE, JR. (DISTRICT 4) 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 NOVEMBER 30, 2008.

AN ORDINANCE 2006-03-02-0288

APPOINTING VICTOR GOMEZ (DISTRICT 3) TO THE PLUMBING APPEALS AND ADVISORY BOARD (CATEGORY: MASTER PLUMBER – UNION REP.) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MARCH 20, 2007.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-02-0289

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 \$1,310,239.00 INCLUDING: GOLF COURSE PRO SHOPS MERCHANDISE; TYPE 170E CONTROLLER AND CABINET; CELLULAR DIGITAL TELEPHONE SERVICE AND EQUIPMENT; AUTOMATED FLOOD WARNING SYSTEM PARTS AND SERVICE; AND RETROREFLECTIVE & CERAMIC PAVEMENT MARKERS.

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

The City Clerk read the following Ordinance:

The City Clerk read Item No. 9, being a proposed ordinance accepting the bid submitted by Finishline Supply, Inc. to provide the Public Works Department with one hydro seeder trailer for a total cost of \$41,185.00 from the Equipment Renewal and Replacement Fund.

Councilmember Perez made a motion to reject all bids. Councilmember Haass seconded the motion.

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

After discussion, Councilmember Perez directed staff to review and reevaluate the item request.

The following represents the ordinance to reject all bids as approved by City Council:

AN ORDINANCE 2006-03-02-0290

REJECTING THE BIDS SUBMITTED BY VARIOUS COMPANIES TO PROVIDE THE PUBLIC WORKS DEPARTMENT WITH ONE HYDRO SEEDER TRAILER.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-02-0291

ACCEPTING THE BID SUBMITTED BY GRANDE TRUCK CENTER, UTILIZING THE TEXAS BUYBOARD CONTRACT, TO PROVIDE THE PUBLIC WORKS DEPARTMENT WITH ONE CONCRETE MIXER TRUCK FOR A TOTAL COST OF \$119,750.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND AND THE STORM WATER MAINTENANCE FUND.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-02-0292

ALLOCATING \$69,400.00 FROM 2005B CERTIFICATES OF OBLIGATION FOR THE PURCHASE OF FURNITURE, FIXTURES AND EQUIPMENT TO SUPPORT THE EXPANSION AND RENOVATION OF THE GREAT NORTHWEST BRANCH LIBRARY, LOCATED AT 9050 WELLWOOD IN DISTRICT 6.

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

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-02-0293

AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FROM INSCO DISTRIBUTING, INC. IN THE AMOUNT OF \$2,319.99 FOR THE COSTS OF REMOVING A CONCRETE MEDIAN ISLAND LOCATED ON FORMAT DRIVE AT THE INTERSECTION OF SILICON DRIVE IN DISTRICT 8.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-02-0294

SELECTING THE UNIVERSITY OF TEXAS AT SAN ANTONIO TO PROVIDE PROFESSIONAL CONSULTING SERVICES IN CONNECTION WITH THE MANAGEMENT PRACTICES FOR NATURAL WATERWAYS PROJECT; AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH THE UNIVERSITY OF TEXAS AT SAN ANTONIO

IN AN AMOUNT NOT TO EXCEED \$50,000.00 FROM TREE MITIGATION 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, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** Perez. **ABSENT:** None. **ABSTAIN:** McNeil.

The City Clerk read the following Resolution:

A RESOLUTION 2006R-03-02-0295

RECOMMENDING APPROVAL TO CITY PUBLIC SERVICE ENERGY TO FUND A TOTAL OF \$349,453.00 FROM THE COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT (CIED) FUNDS FOR THE RELOCATION/CONVERSION OF OVERHEAD ELECTRICAL SUPPLY LINES TO UNDERGROUND IN CONNECTION WITH THE DEZAVALA AT VANCE JACKSON (UNIVERSITY UNITED METHODIST CHURCH) UTILITY PROJECT, LOCATED IN DISTRICT 8.

Councilmember Perez made a motion to approve the proposed Resolution. Councilmember Wolff seconded the motion.

After consideration, the motion, carrying with it the passage of the Resolution, 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 Resolution:

A RESOLUTION 2006R-03-02-0296

RECOMMENDING APPROVAL TO CITY PUBLIC SERVICE ENERGY (CPS) TO FUND A TOTAL OF \$4,687,780.00 FROM THE COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT (CIED) FUNDS FOR THE RELOCATION/CONVERSION OF OVERHEAD ELECTRICAL SUPPLY LINES TO UNDERGROUND IN CONNECTION WITH THE COMMERCE STREET RAILROAD TO SOUTH PALMETTO PROJECT, LOCATED IN DISTRICT 2.

Councilmember Perez made a motion to approve the proposed Resolution. Councilmember Wolff 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 2006-03-02-0297

APPROPRIATING FUNDS IN THE AMOUNT OF \$50,000.00 IN CERTIFICATES OF OBLIGATION TO FACILITATE THE RENOVATION OF THE RECORDS STORAGE 'B' BUILDING LOCATED AT 131 EL PASO TO ACCOMMODATE A TRAINING ROOM FOR THE HUMAN RESOURCES DEPARTMENT.

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

After consideration, the motion, carrying with it the passage of the Resolution, 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 2006-03-02-0298

AUTHORIZING THE EXECUTION OF A THREE YEAR GROUND LEASE AGREEMENT WITH JESSE C. MORENO BEGINNING FEBRUARY 20, 2006 AND ENDING FEBRUARY 19, 2009 FOR AN ANNUAL AMOUNT OF \$6,000.00 IN CONNECTION WITH THE FIRE STATION NO. 50 (TEMPORARY) PROJECT LOCATED IN DISTRICT 3; AND AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO PROVIDE CONSTRUCTION SERVICES IN THE AMOUNT OF \$184,702.50 AND \$20,522.50 FOR PROJECT CONTINGENCY, FOR A TOTAL AMOUNT OF \$223,225.00; APPROPRIATING FUNDS AND PROVIDING FOR AN EFFECTIVE DATE.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-02-0299

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A LEASE AGREEMENT WITH THE ELLA AUSTIN COMMUNITY CENTER IN ORDER TO EXTEND THE TERM THROUGH DECEMBER 31, 2029 FOR THE PURPOSE OF PROVIDING SOCIAL SERVICES TO CHILDREN, YOUTH, FAMILIES, SENIORS AND GROUPS.

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 2006-03-02-0300

AUTHORIZING A LICENSE TO KEYSTONE SCHOOL, INC. TO USE PUBLIC RIGHT OF WAY OVER EAST CRAIG PLACE FOR EXISTING STONE FACING, STONE CAP, AND STONE COLUMNS WITH AN IRON GRILLE AT 119 EAST CRAIG PLACE IN DISTRICT 1, FOR A 10-YEAR TERM AND THE CONSIDERATION OF \$5,000.00.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember McNeil 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 2006-03-02-0301

AUTHORIZING THE SUBMISSION OF GRANT APPLICATIONS BY THE CITY OF SAN ANTONIO TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR STATEWIDE TRANSPORTATION ENHACEMENT PROGRAM GRANTS AND AUTHORIZING THE ACCEPTANCE OF SUCH GRANTS WHEN OFFERED.

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

Councilmember Gutierrez made a friendly amendment for inclusion of San Juan Trails to 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 2006-03-02-0302

AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, TEXAS, THE BOARD OF DIRECTORS FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS AND THE SAN ANTONIO HOUSING AUTHORITY (SAHA) FOR INFRASTRUCTURE IMPROVEMENTS TO LABOR AND LEIGH STREET AND THE INCORPORATION OF A HISTORICAL MARKER AT THE FORMER FIRST BAPTIST SETTLEMENT SITE IN SUPPORT OF THE VICTORIA COMMONS DEVELOPMENT PROJECT.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-02-0303

AUTHORIZING THE EXECUTION OF A LETTER OF AGREEMENT WITH THE CARING FOR CHILDREN FOUNDATION OF TEXAS, INC. FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PARTICIPATE IN THE CARE VAN® PROGRAM WHEREBY THE CITY WILL OBTAIN FREE USE OF A SPECIALLY EQUIPPED VAN TO SUPPORT COMMUNITY IMMUNIZATION EFFORTS AND RELATED PUBLIC HEALTH ACTIVITIES.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-02-0304

AUTHORIZING THE RENEWAL OF THE DEPOSITORY SERVICES CONTRACT WITH FROST NATIONAL BANK, TO PROVIDE DEPOSITORY BANKING AND RELATED FINANCIAL SERVICES TO THE CITY OF SAN ANTONIO, FOR AN ADDITIONAL ONE (1) YEAR TERM, COMMENCING ON JULY 1, 2006 THROUGH JUNE 30, 2007, UNDER THE SAME TERMS AND CONDITIONS.

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

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, asked why there was no bidding process related to Item 40A. He noted the Council members that received campaign contributions from Frost Bank. Related to Item 35, he stated that the Susan B. Komen Foundation supports pro-abortion rights via donations to Planned Parenthood.

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.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

- Proclamation for MacArthur Academy of Creative Education (MACE) Recognition Week, March 5-11, 2006, to Douglass MacArthur High School for its credit recovery plan which encourages students at risk of dropping out to remain in school.
- Proclamations for National Social Workers Month, March 2006, to Association of Mexican American Social Workers and National Association of Social Workers.

Mayor Hardberger was obliged to leave the meeting at 6 p.m. Mayor Pro Tem Wolff presided.

CITIZENS TO BE HEARD

Mr. Hal McCloskey, Riverwalk vendor, stated that Park Police continue to harass and ticket Riverwalk vendors, even when restaurant owners grant permission. He noted that the vendors have gained support by the ACLU, LULAC, and NAACP.

Mr. Robert Contreras, Riverwalk vendor, stated that he has videotape of meeting with Mr. Ron Smudy, in which Mr. Smudy states that vendors will never be permitted Riverwalk sales. He expressed that some City officials approach this very abrasively. He asked for interaction from the City.

City Manager Sculley stated that the City is studying legal and policy issues regarding Riverwalk vending. She reminded vendors that an ordinance was passed today prohibiting vendors from Riverwalk sales unless private property owners have given them permission to be on their property. She added that the topic is scheduled to be formally addressed by City Council within the next 60 days.

Mr. Mike John, Riverwalk vendor, stated that vendors received a court order requiring the City to enter into mediation on the matter within 45 days, and the City Attorney should have informed her. He reported that the City Attorney ordered a surveillance of the vendors, purportedly for their protection. He added that the City can be liable for civil rights violation, and that the ACLU is investigating. He asked that Malcolm Matthews be held more accountable. He added that this situation has been ongoing for three years at great financial expense to vendors, noting that some undercover officers have allegedly used threatening retaliatory actions toward Riverwalk businesses which permit vendors

on their property. He advised the City Manager to seek information from the City Attorney on this matter, and not to look for updates from other City department's personnel.

Ms. Mary Mast expressed concern with the Lorange Creek Bridge project. She stated the local residents were given a candy coated summary by City representatives, and that the project involves much more detail than revealed, including project size, removal of heritage trees, and expanded easements. She noted the project will adversely impact local wildlife, traffic, and drainage if permitted. She said the low water crossing shouldn't be an issue as there are other forms of egress.

Ms. Mary Abbott addressed the Council relating to the Animal Control Services (ACS). She thanked the Council members for their support of animal welfare. She stated that ACS management is not cooperative and have reasoned that they operate according to City Council's direction. She noted that she and others like her are concerned citizens in support of animal welfare.

Mr. Faris Hodge, Jr., 140 Dora, stated that the Riverwalk vendor matter sounds like harassment and won't be tolerated. He noted that when police officers are caught with drugs they are forced to retire, and believes this is wrong. He stated City staff needs diversity training. He asked that the Alamodome be named after him. He sang a melody of songs.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., agreed with the concept of the Main Plaza Project. He spoke of a copyright issue in England related to the DaVinci Code.

Mr. Jose Perez noted that City Council has done an overall good job. He spoke on the matter of a court case he's involved with, and that Council members should help their constituents in such matters when possible. He claimed there was abuse of judicial power and asked the Council to look into this matter.

Mr. Charles Morgan, 5527 Horizon Dr., spoke of sound ordinance violations in District 7. He stated that the police did not respond quickly, and alluded to discrimination against Caucasians. He stated that this has stressed him and has called the District 7 Office and asked that things turn around. He stated that a bowling facility would be a good place for the kids to turn to.

Mr. Armando Pais, 1241 Santa Monica, stated a request that police officers be trained to interact with the mentally ill. He related that he recently sought the assistance of a police officer, whom he encountered at a gas station, to speak to his unruly son who was in the car. He described the events that resulted in his son being fatally shot three times by the officer. He stated that additionally, he himself was handcuffed and taken into custody,

where he was repeatedly asked to sign an erroneous police statement. He urged City Council to do something to prevent such future incidents.

PUBLIC HEARING: TIMBERWOOD PARK AND ANNEXATION

Mayor Pro Tem Wolff declared the Public Hearing to be open.

Mr. Emil Moncivais, Director of Planning made a presentation on the Timberwood Park annexation. He stated this was the first of two public hearings as required by the Texas Local Government Code. He added that upon completion of the two public hearings City staff and five representatives from the area would negotiate for the provision of services or a non-annexation agreement. He outlined the timeline as required by the three-year annexation plan process, provision of services if the Timberwood Park area is annexed, fiscal impact, and the next steps to be followed.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, stated that the City should stop annexation, because it can't adequately provide safety services it promises future residents, as the City Fire and Police Departments are already understaffed. He noted that tax abatements, which provide no income, are a component of this safety services matter.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, stated that aggressive annexation will come back to haunt the City, as it won't be able to adequately provide public services to the new areas.

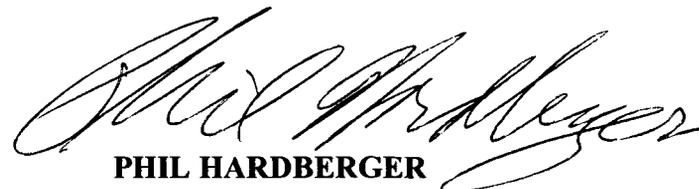
Ms. Judy Current, 25915 Timberline Dr., stated that the Timberwood Research Area, which negotiated the annexation, does not represent her or many of the residents. She announced that she prefers that the area remain unincorporated.

Mayor Pro Tem Wolff declared the public hearing to be closed.

ADJOURNMENT

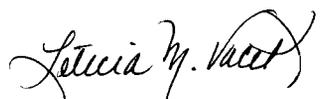
There being no further business to discuss, Mayor Pro Tem Wolff adjourned the meeting at 7p.m.

A P P R O V E D



PHIL HARDBERGER
M A Y O R

Attest:



LETICIA M. VACEK
CityClerk