

**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, APRIL 5, 2006 AND THURSDAY, APRIL 6, 2006

* * *

The City Council convened in an informal "B" Session at 3:00 p.m., on Wednesday, April 5, 2006, Municipal Plaza Building "B" Room, for the purpose of:

Discuss proposed revisions to the Incentive Scorecard System. [Presented by Ramiro Cavazos, Economic Development]

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

The "B" Session adjourned at 4:49 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, April 6, 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 Pastor Mark Barz, Crown of Life Lutheran Church, Guest of Councilmember Kevin Wolff, District 9.

Councilmember Patti Radle was sworn in as Mayor Pro Tem.

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

The minutes of the March 23, 2006 City Council meeting were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

AN ORDINANCE 2006-04-06-0428

APPOINTING ALEX BRISEÑO (NORTH SIDE) AND REAPPOINTING WILLIE A. MITCHELL (SOUTHEAST QUADRANT) TO THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES FOR TERMS OF OFFICE TO BEGIN ON JUNE 1, 2006 AND EXPIRE ON MAY 31, 2010 AND APPOINTING ALEX BRISEÑO AS CHAIRMAN OF THE BOARD OF TRUSTEES FOR A TERM OF OFFICE TO BEGIN ON JUNE 1, 2006 AND EXPIRE ON MAY 31, 2007.

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

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, urged Council to rescind the proposed appointment, open the position to the public at-large and review all applications for consideration. Regarding Item 4, he questioned potential hidden expenses for hosting the Cowboys' Training Camp, such as police, security and maintenance.

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 Mr. Briseno's appointment to the SAWS Board is not fair. He also wrote to oppose Item 4, stating that the Cowboys are not a good team. He requested the Alamodome be named in his honor.

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.

AN ORDINANCE 2006-04-06-0429

SUPPORTING AN AGREEMENT WITH THE DALLAS COWBOYS FOOTBALL CLUB TO HOLD ITS TRAINING CAMPS AT THE ALAMODOME FROM 2007 THROUGH 2011.

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

Mr. Roland Lozano, Assistant to the City Manager, made a presentation on the Dallas Cowboys Training Camp contract. He addressed the key business points outlining the terms of agreement, and revenues from concessions and parking, scrimmage game ticket sales, and corporate suite sales. He stated the Cowboys would reimburse the Alamodome \$2,500 for each closed and off-site training session. He further elaborated on other key issues such as the communications services costs where the Cowboys would reimburse the Alamodome and that the Cowboys would be responsible for their expenses. He cited revenues and expenses for the camp with and without the scrimmage and the final net revenue for each.

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 he opposes the agreement with the Cowboys and that the Alamodome should be named in his honor.

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.

AN ORDINANCE 2006-04-06-0430

AUTHORIZING AN AGREEMENT BETWEEN SOUTHWESTERN BELL TELEPHONE, L.P., D/B/A AT&T TEXAS ("AT&T") AND THE CITY OF SAN ANTONIO TO ACCEPT \$415,000.00 AS A PREPAYMENT OF MUNICIPAL FRANCHISE FEES AND PAYMENTS IN LIEU OF IN-KIND CONTRIBUTIONS AS AUTHORIZED BY CHAPTER 66 OF THE TEXAS UTILITIES CODE.

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

Mr. Ben Gorzell, Acting Director of Finance outlined the agreement with AT & T and the City of San Antonio regarding the prepayment of municipal franchise fees and payments in lieu of in-kind contributions as authorized by Chapter 66 of the Texas Utilities Code. He presented background information on Senate Bill 5 which enacted Chapter 66 of the Texas Utilities Code. He stated AT & T offered to assist the City with its unexpected PEG programming costs by providing a prepayment of \$415,000 which would be recognized as a credit on the quarterly payments due for franchise fees as they become due in the future.

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 6, 8, 10, 11, 13, 17A-D, 20, 22, 23, and 24 were pulled for individual consideration.

CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

ITEM 22

The City Clerk read a proposed Ordinance authorizing a 10-year term License to NSHE TX Gainesville, LLC, to construct, use, and maintain 14 new balconies and an existing basement in the right of way over and under North Saint Mary's Street, located in District 1, adjacent to the new Marriott Courtyard Riverwalk Hotel at 207 N. St. Mary's Street, New City Block 404, in consideration of \$10,000.00.

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

Councilmember Gutierrez requested that Item 22 be briefly deferred.

The City Clerk read the following Resolution:

A RESOLUTION 2006R-04-06-0431

TERMINATING THE REVIEW PROCESS FOR THE APPLICATION FOR THE USE OF TAX INCREMENT FINANCING (TIF) FOR THE FOSTER MEADOW PROJECT LOCATED OUTSIDE LOOP 410 AND SOUTH OF US HWY 87 EAST IN DISTRICT 2.

The following citizen(s) appeared to speak:

Mr. John Schaefer stated that \$34,000 was invested in the review process over the last five years, but now the City wants to abandon it. He also cited discrepancies between state law and City actions, so an Attorney General's opinion was requested on the legality of the termination. He stated that there is a demonstrated need for the TIF.

Mr. David Earl requested that no action be taken on this item at this time as there is no urgency on the matter. He advised the item be tabled until an Attorney General's opinion is received.

Councilmember Gutierrez motioned to table Item 26 for 30 days. The motion died due to lack of a second.

Councilmember McNeil then made a motion to approve the proposed Resolution as staff recommended. Councilmember Haass seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to procedural inconsistencies regarding the citizen speakers' registration. He recommended that City Council reject the proposed resolution pending an Attorney General's opinion. Related to Item 15, he said that there was no bid process and that the applicant was a major contributor to several Council members.

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

CONSENT ITEMS

Consent agenda items 6, 8, 10, 11, 13, 17A-D, 20, 22, 23, and 24 were pulled for individual consideration. The remaining Consent Agenda items 7 through 27C were approved upon motion made by Councilmember Perez and seconded by Councilmember Haass.

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 2006-04-06-0432

ACCEPTING THE BID SUBMITTED BY RUSH TRUCK CENTER - HOUSTON TO PROVIDE THE PUBLIC WORKS DEPARTMENT WITH ONE TRUCK MOUNTED THERMOPLASTIC PAVEMENT MARKER FOR A TOTAL COST OF \$297,621.00, FROM 2006 TRAFFIC SIGNAL INSTALLATION AND UPGRADE PROJECT FUNDS.

AN ORDINANCE 2006-04-06-0433

ACCEPTING THE LOW, QUALIFIED BID AND AUTHORIZING A CONSTRUCTION CONTRACT WITH CATO ELECTRIC, A SBE/MBE FIRM, TO PERFORM LIGHTING CONSTRUCTION WORK IN CONNECTION WITH THE ALDERETE PARK WALKING TRAIL PROJECT LOCATED IN DISTRICT 5 AND APPROPRIATING A TOTAL AMOUNT OF \$105,901.63 FROM 2003-2007 PARK BOND FUNDS.

AN ORDINANCE 2006-04-06-0434

AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH BAIN MEDINA BAIN, INC., IN THE AMOUNT OF \$12,010.00 FOR ADDITIONAL ENGINEERING SERVICES, REVISIONS TO THE RAILROAD PERMIT EXHIBITS, AND ADDING ASSOCIATED FIELD AND REVIEW MEETINGS, IN CONNECTION WITH THE JONES MALTSBERGER – (U.S. 281 TO U.P.R.R.) PROJECT, AN AUTHORIZED METROPOLITAN PLANNING ORGANIZATION PROJECT LOCATED IN DISTRICT 9, AND APPROPRIATING FUNDS FROM CERTIFICATES OF OBLIGATION FUNDS.

AN ORDINANCE 2006-04-06-0435

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL HIGHWAY ADMINISTRATION FOR FUNDING CONSIDERATION FROM FY 2004 INTELLIGENT TRANSPORTATION SYSTEMS (ITS) DEPLOYMENT PROGRAM FUNDS, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS, AND APPROPRIATING \$172,316.00 FROM ADVANCED TRANSPORTATION DISTRICT FUNDS FOR AN ITS INTEGRATION STUDY, CONTINGENT UPON AWARD.

AN ORDINANCE 2006-04-06-0436

SELECTING BEATY & PARTNERS, CHESNEY, MORALES & ASSOCIATES, INC., AND DEBRA J. DOCKREY ARCHITECT, P.C. TO PROVIDE INDEFINITE DELIVERY PROFESSIONAL ARCHITECTURAL CONSULTING SERVICES ON AN AS-NEEDED BASIS AND AUTHORIZING THE NEGOTIATION AND

EXECUTION OF THREE PROFESSIONAL SERVICES CONTRACTS, EACH IN AN AMOUNT NOT TO EXCEED \$350,000.00.

AN ORDINANCE 2006-04-06-0437

AUTHORIZING THE EXTENSION OF TWO PREVIOUSLY AUTHORIZED INDEFINITE DELIVERY PROFESSIONAL SERVICES AGREEMENTS FOR CITY-WIDE TRAFFIC ENGINEERING CONSULTING SERVICES ON AN AS-NEEDED BASIS WITH PAPE-DAWSON ENGINEERS, INC. AND POST, BUCKLEY, SCHUH & JERNIGAN, INC., AND INCREASING THE CURRENT CONTRACT AMOUNTS OF \$500,000.00 PER CONTRACT TO \$1,000,000.00 PER CONTRACT.

AN ORDINANCE 2006-04-06-0438

APPROVING FIELD ALTERATION NUMBER 1 (FINAL) IN THE AMOUNT OF \$115,000.00 PAYABLE TO CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE SLURRY SEAL - 2005 STREET MAINTENANCE PROJECT, LOCATED IN VARIOUS DISTRICTS, FROM FY05 STREET MAINTENANCE IMPROVEMENTS FUNDS.

AN ORDINANCE 2006-04-06-0439

APPROVING FIELD ALTERATION NUMBER 3 (FINAL) IN THE AMOUNT OF \$460,469.41, PAYABLE TO CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE HOT PAVER-LAID MICRO-SURFACING STREET MAINTENANCE PROJECT, LOCATED IN VARIOUS DISTRICTS, FROM FY05 STREET MAINTENANCE IMPROVEMENTS FUNDS.

AN ORDINANCE 2006-04-06-0440

ACCEPTING A PERMANENT DRAINAGE EASEMENT DEDICATION FROM JOE CENTENO III, CONSISTING OF A 0.144 ACRE TRACT OF LAND OUT OF NEW CITY BLOCK 14496, WITHIN THE CORTE DEL SUR SUBDIVISION LOCATED IN DISTRICT 4.

AN ORDINANCE 2006-04-06-0441

ACCEPTING A DEDICATION FROM MILITARY DRIVE, L.L.C., FOR A TEMPORARY INGRESS/EGRESS EASEMENT ACROSS THE SOUTHERNMOST 90 FEET OF LOT 16 LOCATED IN NEW CITY BLOCK 9503, WITHIN THE NCB 9503 SUBDIVISION, LOCATED IN DISTRICT 4, IN CONNECTION WITH THE MILITARY DITCH #65 PROJECT, AN AUTHORIZED 2003 STORM WATER REVENUE BOND PROJECT.

AN ORDINANCE 2006-04-06-0442

AUTHORIZING A LICENSE FOR AN EXISTING CANOPY AND SUPPORTING POSTS EXTENDING INTO PUBLIC RIGHT OF WAY AT KARAM'S RESTAURANT, 121 N. ZARZAMORA ST., NCB 2289, DISTRICT 5, FOR A 10-YEAR TERM AND FOR A \$5,000.00 FEE.

AN ORDINANCE 2006-04-06-0443

AUTHORIZING THE ACCEPTANCE OF A SPECIAL INITIATIVES/DISASTER RELIEF GRANT FROM THE TEXAS COMMISSION FOR THE ARTS IN THE AMOUNT OF \$5,000.00 AND APPROPRIATING SUCH FUNDS, TOGETHER WITH A \$5,000.00 MATCH FROM THE OFFICE OF CULTURAL AFFAIRS, TO SUPPORT LOCAL ARTS YOUTH PROGRAMS PRODUCED BY ARTS TEACH (ARTS SAN ANTONIO) AND HEALING ARTS (BOYS & GIRLS CLUB).

AN ORDINANCE 2006-04-06-0444

APPOINTING ALBERT CISNEROS (DISTRICT 6) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-04-06-0445

REAPPOINTING OLGA LIZCANO (DISTRICT 7) TO THE LINEAR CREEKWAY PARKS ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-04-06-0446

APPOINTING PAT DIGIOVANNI (MAYOR) (CATEGORY: CITY OFFICIAL) AND HELEN BENNETT (DISTRICT 10) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE APRIL 3, 2008.

[CONSENT ITEMS CONCLUDED]

CONSENT ITEMS FOR INDIVIDUAL CONSIDERATION: ITEM 22
CONTINUATION

The City Clerk read Item 22, being a proposed Ordinance authorizing a 10-year term License to NSHE TX Gainesville, LLC, to construct, use, and maintain 14 new balconies and an existing basement in the right of way over and under North Saint Mary's Street, located in District 1, adjacent to the new Marriott Courtyard Riverwalk Hotel at 207 N. St. Mary's Street, New City Block 404, in consideration of \$10,000.00.

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

The following citizen(s) appeared to speak:

Rev. Michael Levy, 202 N. St. Mary's, stated his concern with pedestrian and traffic safety issues if the project is approved.

Mr. Rick Drury, 11331 Coker Loop E., requested that the item be tabled for consideration to permit the City to address unresolved matters related to the request. He stated there are numerous issues related to traffic engineering and pedestrian traffic safety concerns, which if not addressed will turn N. St. Mary's street into a one-lane parking lot. He stated that these issues were presented to the City, but the responses were inadequate or the items did not receive any attention from the appropriate departments. He requested that the City delay consideration of this smaller item and take a look at the total scope of this project, which is certain to create a major negative impact downtown. He advised that the developers create a plan that is appropriate for this location and that the City review the total impact of future downtown developments prior to allowing any projects to advance beyond the planning stages.

Mr. Arthur Columbe, Marriott Corporation representative, spoke to the plan development and the company's goal to do whatever is necessary to accommodate existing traffic flow on N. St. Mary's.

Councilmember Flores made a motion to table the proposed Ordinance for two weeks. Councilmember Wolff seconded the motion.

The following citizen(s) appeared to speak:

Mr. Steve Stendebach, 200 E. Commerce #300, developer of the Aztec Theatre on N. St. Mary's stated concern for pedestrians during any project construction. He reminded City Council that the City owns the air rights over the project. He voiced safety and aesthetic concerns related to balconies overlooking the street.

Mr. Tony Bradfield, 209 N. St. Mary's, who shares a property line with the proposed project, voiced support of the hotel, but expressed concern with the limited space available for vehicle staging and traffic flow on the street. He also endorsed requirement of a traffic impact study on all future downtown development projects.

Mr. Richard Finvarb, 9425 Harding Ave., Surfside, FL, representing the Marriott Corporation, stated it is their policy to be good corporate citizens, and that they will take into consideration the concerns of the City and neighboring businesses. He noted their past works have received many accolades for maintaining or incorporating into plans aspects of the sites' historical integrity.

Mr. Arthur Columbe, Marriott Corporation representative noted the integrity of past Finvarb projects. He noted that every possible measure will be taken to ensure a proper fit of this property into the neighborhood.

After consideration, the motion to table the proposed Ordinance to April 27, 2006, prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Gutierrez.

Item 22 was tabled to April 27, 2006.

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 12:20 p.m. to break for lunch, and announced that City Council would resume at 1:30 p.m. in order to convene in Executive Session for the purpose of:

Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to the Fire Department's breathing apparatus equipment, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The Mayor reconvened the Regular Session from Executive Session at 2:05 p.m., 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.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-04-06-0447

ACCEPTING THE PROPOSALS SUBMITTED BY HOUSTON FREIGHTLINER, INC., ITEM 1; HEIL OF TEXAS, ITEMS 2 AND 4; AND GRANDE TRUCK CENTER, ITEM 3, TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH REFUSE COLLECTION TRUCKS FOR A TOTAL COST OF \$6,670,081.83, OF WHICH \$2,500,526.49 WILL BE PAID THROUGH A TAX-EXEMPT LEASE PURCHASE CONTRACT, AND THE BALANCE OF \$4,169,555.34 WILL BE FUNDED FROM THE ACCRUED VEHICLE REPLACEMENT FUND.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-04-06-0448

AUTHORIZING THE FIFTH DRAW ON THE 2005 MASTER LEASE PURCHASE AGREEMENT WITH BANC OF AMERICA LEASING & CAPITAL, L.L.C., IN THE AMOUNT OF \$157,500.00 FOR THE ACQUISITION OF THIRTEEN (13) 12-LEAD ELECTROCARDIOGRAMS (EKGS) FOR THE FIRE DEPARTMENT'S EMERGENCY SERVICES DIVISION AT A RATE OF 3.96% FOR A 60 MONTH

TERM TO PAY THE COSTS OF THE TRANSACTION; AND ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE.

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 2006-04-06-0449

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 2 IN THE AMOUNT OF \$32,775.00 TO THE CONTRACT WITH YANTIS COMPANY FOR THE REMAIN OVER NIGHT APRON PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT, TO COVER CONSTRUCTION OF NEW AIR OPERATIONS AREA SECURITY FENCING IN SUPPORT OF THE SKY PLACE BOULEVARD REALIGNMENT.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-04-06-0450

ACCEPTING THE LOW QUALIFIED BID AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH GARCO CONTRACTING COMPANY, INC. (MBE, SBE, DBE, HUE) TO PROVIDE CONSTRUCTION SERVICES FOR THE NEW OPERATIONS AND CUSTOMER SERVICE FACILITY AT STINSON MUNICIPAL AIRPORT; APPROPRIATING A TOTAL PROJECT AMOUNT OF \$4,438,500.00 AND AMENDING THE BUDGET.

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 2006-04-06-0451

APPROVING FIELD ALTERATION NUMBER PW-08 (FINAL) IN THE DEDUCTIVE AMOUNT OF \$88,549.49 TO THE CONTRACT WITH E-Z BEL CONSTRUCTION, LTD., IN CONNECTION WITH THE BELGIUM LANE – PICARDIE TO SBC PARKWAY PROJECT, LOCATED IN DISTRICT 2, FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-04-06-0452

ACCEPTING THE LOWEST RESPONSIVE BASE BID AND AUTHORIZING A CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, LTD. IN CONNECTION WITH THE ASPHALT RECYCLING & OVERLAY PROJECT LOCATED IN VARIOUS DISTRICTS; AND APPROPRIATING A TOTAL AMOUNT OF \$6,898,163.59, OF WHICH \$146,400.00 WILL BE REIMBURSED BY SAWS AND \$10,000.00 WILL BE REIMBURSED BY CPS ENERGY, FROM THE FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM, ATD, AND STREET CONSTRUCTION MAINTENANCE BUDGET FUNDS.

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 2006-04-06-0453

ACCEPTING THE LOWEST RESPONSIVE BASE BID AND AUTHORIZING A CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, LTD. IN CONNECTION WITH THE HOT PAVER-LAID BASE PROJECT LOCATED IN VARIOUS DISTRICTS; AND APPROPRIATING A TOTAL AMOUNT OF \$9,325,746.13, OF WHICH \$208,100.00 WILL BE REIMBURSED BY SAWS AND \$10,000.00 WILL BE REIMBURSED BY CPS ENERGY, FROM THE FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM, ATD, AND STREET CONTRACTUAL MAINTENANCE BUDGET 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, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-04-06-0454

ACCEPTING THE LOWEST RESPONSIVE BID AND AUTHORIZING A CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, LTD. IN CONNECTION WITH THE ASPHALT OVERLAY PROJECT LOCATED IN VARIOUS DISTRICTS; AND APPROPRIATING A TOTAL AMOUNT OF \$20,191,454.44 OF WHICH \$602,500.00 WILL BE REIMBURSED BY SAWS AND \$10,000.00 WILL BE REIMBURSED BY CPS ENERGY, FROM THE FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM, ATD, AND STREET CONTRACTUAL MAINTENANCE BUDGET 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, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-04-06-0455

ACCEPTING THE LOWEST RESPONSIVE BID AND AUTHORIZING A CONSTRUCTION CONTRACT WITH J.D. RAMMING PAVING COMPANY, LTD. IN CONNECTION WITH THE SLURRY SEAL PROJECT LOCATED IN VARIOUS DISTRICTS; AND APPROPRIATING A TOTAL AMOUNT OF \$1,633,282.58 OF WHICH \$13,950.00 WILL BE REIMBURSED BY SAWS, FROM THE FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM AND STREET CONTRACTUAL MAINTENANCE BUDGET 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, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-04-06-0456

ACCEPTING THE LOWEST RESPONSIVE BASE BID AND AUTHORIZING A CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, LTD. IN CONNECTION WITH THE MICRO-SURFACE PROJECT LOCATED IN VARIOUS DISTRICTS; AND APPROPRIATING A TOTAL AMOUNT OF \$2,519,820.22 OF WHICH \$25,300.00 WILL BE REIMBURSED BY SAWS AND \$30,000.00 WILL BE REIMBURSED BY CPS ENERGY, FROM FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM AND STREET CONTRACTUAL MAINTENANCE BUDGET 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, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-04-06-0457

AUTHORIZING A RIGHT OF ENTRY AGREEMENT WITH DAVID G. CASARES FOR THE RELOCATION OF SURPLUS, NON-REGULATED SOIL MATERIALS TO A SITE LOCATED AT 3420 JETT ROAD, ASSOCIATED WITH THE CITY FORCE STREET MAINTENANCE PROGRAM AND THE NEIGHBORHOOD ACCESS MOBILITY PROGRAM CONSTRUCTION PROJECTS.

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.

AN ORDINANCE 2006-04-06-0458

APPROVING A SHORT TERM CONCESSION AGREEMENT WITH CATERING BY NICK D/B/A S. A. CAFÉ, TO OPERATE FOOD AND BEVERAGE CONCESSIONS AT THE FOLLOWING GOLF FACILITIES: BRACKENRIDGE, WILLOW SPRINGS, MISSION DEL LAGO, RIVERSIDE, CEDAR CREEK, AND OLMOS BASIN.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-04-06-0459

AUTHORIZING THE EXECUTION OF A LEGALLY BINDING AGREEMENT REGARDING HOMELESS ASSISTANCE AT FORMER KELLY AIR FORCE BASE BY AND BETWEEN THE CITY OF SAN ANTONIO AND THE PORT AUTHORITY OF SAN ANTONIO (FORMERLY GREATER KELLY DEVELOPMENT AUTHORITY AND GREATER KELLY DEVELOPMENT CORPORATION) CONCERNING RIGHTS AND OBLIGATIONS TO CERTAIN REAL AND PERSONAL PROPERTY AT KELLY USA.

Councilmember Radle 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.

CITY MANAGER'S REPORT

City Manager Sheryl Sculley spoke to matters related to Animal Control Services (ACS). She announced that current Director Sam Sanchez will retire at the end of April, and that a national recruitment for his replacement will be launched. She stated that candidates with extensive animal control experience will be sought, and that animal care advocates will be invited to participate in the selection process. She reported that various positions are being filled, and an individual was selected to fill the post of Volunteer Coordinator, and will begin work April 19. She distributed both a 90-day and 6-12 month Animal Care Services business plans. She also reported that communications and strategic plans are in development for ACS, and will be available July 1, 2006. She concluded by noting that reviews of the facility and practices will soon be available.

Mayor Hardberger recessed the regular session at 3:25 p.m., and announced that it would reconvene at 5:00 p.m.

Mayor Hardberger convened the regular session 5:10 p.m.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

- Presentation of 2006 Fiesta Medals by the San Antonio Fiesta Commission to the Mayor and City Council.
- Presentation to San Antonio Parks & Recreation Department's Fiesta Student Art contest winners for official Fiesta poster design, and poster unveiling. Winners: Overall: Erik Romero; Elementary: Marriah Miranda, 1st, Amy Mireles, 2nd, Kristen Nagy, 3rd; Middle: Velinda Contreras, 1st, Camila Whit Ondina, 2nd, Alesander Mena, 3rd; High School: Ralph Lopez, 1st, Katie Saucedo, 2nd, Asleigh Truby, 3rd.
- Proclamation recognizing Kappa Alpha Psi Fraternity, Incorporated's 70th Southwestern Province Council, which will present Councilmember Art Hall and Deputy City Manager Jelynn Burley with the Distinguished Citizen Award on April 7, 2006.
- Proclamation for Records and Information Management Month (RIMM), April 2006.

CITIZENS TO BE HEARD

Ms. Mary Mast, Lorence Creek Neighborhood Association representative, inquired of the lack of logic and reasoning regarding the proposed Henderson Pass Bridge. She suggested regulating the water flow or deepening the channel. She stated that the bridge project scope should be reduced for purposes of cost efficiency. She noted that the existing culverts were cleaned of brush obstruction as part of the project, suggesting such regular maintenance might aid in water flow and prevent the need for a new bridge. She also stated that neighboring residents were improperly notified of the project. She stated that compromise on the project design is the ultimate outcome for the neighborhood.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the improper use of the term *verbal attack* by City Council, citizens' rights to free speech and mishandling of a prior incident involving removal of a citizen from the speaker's podium. He stated that citizens have told him that City Council meetings start too early. He asked Council members to not support the Main Plaza project.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., spoke briefly on the religious significance of "666," the iconography of bunnies to Easter, the negative effects of fluoride, and current immigration issues.

Ms. Lisa Chandler, 12044 Lee Meadows, former Animal Control Services volunteer, requested that the City postpone groundbreaking of the new animal shelter until the new director is hired and can provide input on the facility. She advised that the new facility be centrally located and accessible to all citizens, noting the new location is too remote to encourage use by the public. She stated that it is more important to address current needs by changing direction to meet future needs rather than continue on a path developed years ago.

Ms. Paula Morales related her frustration and disappointment with City staff and the Police Department following a domestic violence incident in her home the preceding week. She stated that three 911 calls were placed, but 40 minutes elapsed before police arrived. She recounted numerous bodily injuries were inflicted by the assailant during this time. She stated that the processing time to obtain a protective order is too long and that something must be done to expedite responses, as up to 1,000 such incidents are reported in Bexar County each month.

Mr. Raymond Zavala, 812 S. Richter, stated that he requested three handicapped signs for the Woodlawn and St. Cloud baseball fields but no action has been made on the request. He stated he would install them himself if he could only acquire them. He also asserted that the general public will not benefit from the Cowboys' Training Camp.

Mr. Richard Bowser, 13807 Chittin Meadow, North Central Thousand Oaks Neighborhood Association, urged for quick completion of the Henderson Pass Bridge as it floods during heavy rains and was the site of a drowning death.

Mr. Marshall Lochausen, 15131 Delachabe, noted that a smaller bridge will not guarantee safety for all. He asked the project begin as soon as possible. He referred to various high water rescues at the site and the related expenses to the City.

Mr. Walter Hagen, 14303 Turtle Rock, stated that ACS Director Sam Sanchez has done a good job in difficult circumstances.

Ms. Lee Allen, 14810 Willow Moss, Henderson Pass Bridge Committee, stated that local residents were not properly notified of the bridge development. She noted there are several other area bridges and none of them are as high as the proposed bridge. She showed photographs of the current bridge and questioned the need for an enlarged and heightened bridge, and the cost of such an unnecessary project.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Ms. Elsie Bruniger, 2519 Silver Ridge, which stated the Henderson Pass project should proceed as planned. She stated that the children's lives are more important than heritage trees.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Ms. Rose Danielson, 2507 Silver Ridge, which stated she supports the Henderson Pass project, because human life is more important than the loss of heritage trees.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Lyal Gordon, North Central Thousand Oaks Neighborhood Association President, which stated the Henderson Pass project is needed for pedestrian traffic and emergency response vehicles during flooding.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Ms. Josephine Cordova Stevens, 13830 Laurel Hollow Drive, which stated her desire for the Henderson Pass project to commence at the expense of heritage trees.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Ms. Sandy Nagel, which stated her desire for the Henderson Pass project to begin, noting that the potential to save lives is more important than a few trees.

Mr. Allen S. Ellebracht, 4915 Dare Ln., reiterated the events related to George Dickerson. He spoke to City Council's inaction against Councilmember Guajardo and read from the City of San Antonio Code of Ethics.

Mr. Michael Hu, P.O. Box 29825, addressed the growing graffiti problem in San Antonio. He recommended creation of an advisory panel to explore ways of curbing graffiti artists. He also mentioned implementing tougher penalties for those found guilty of such practices.

Mr. Hal McCloskey, 920 Camden, stated that City Attorney Amy Eubanks, who is representing the City against Riverwalk vendors, was recently seen lunching with the Park Police Chief and two other officers. He reported that later that day, Park Police escorted a State Comptroller employee during spot inspections to review vendors' sales tax permits on the Riverwalk. He raised the question of who was behind the spot inspections. He thanked the Quality of Life Committee for working to resolve the challenges being faced by vendors.

ADJOURNMENT

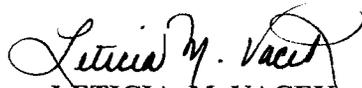
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:10 p.m.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK

CityClerk