

**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, MAY 10, 2006 AND THURSDAY, MAY 11, 2006

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The City Council convened in an informal "B" Session at 3:00 p.m., Wednesday, May 10, 2006, Municipal Plaza Building "B" Room, for the purpose of:

Discussion regarding the FY 2007 Budget City Council Rating of City Services. [Presented by Peter Zaroni, Director, Office of Management and Budget]

Discussion regarding the Graffiti Wipeout-Comprehensive Abatement Program. [Presented by Edward Benavides, Executive Assistant to the City Manager; Jelynn LeBlanc Burley, Deputy City Manager]

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

The "B" Session adjourned at 5:00 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, May 11, 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, Gutierrez, Radle, Perez, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. ABSENT: McNeil.

Invocation by Dr. Robert Jemerson, Second Baptist Church, guest of Councilmember Sheila McNeil.

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

PUBLIC HEARING AND ORDINANCE: SBC PARKWAY RENAMING

Mayor Hardberger declared the Public Hearing to be open.

Mr. Florencio Peña, Development Services Director, made a presentation on the renaming of SBC Center Parkway to the AT&T Center Parkway, a copy of which is on file with the Office of the City Clerk. He spoke of the Council Consideration Request from Councilwoman McNeil to suspend the 45 day notification required by the City of San Antonio ordinance for street name changes. He added that the Postal Service had approved the name change to AT&T, and that AT&T will pay all fees associated with the name change.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, stated his concern with “waiving the rules,” in this matter, suspending the required 45-day name-change notification. He commented that the City should notify by mail those property owners that will be affected by the name change. Regarding the Legislative Update on school funding on the agenda, he recommended that the City inform its statehouse lobbyists to promote school vouchers.

Mr. Leo Gomez, of Spurs Sports Entertainment, stated that all businesses on the parkway were notified of the proposed name change by mail, and only one business objected to the change, but the same business noted it understood the rationale behind the proposal. On behalf of the Spurs, he offered his thanks to the City for its cooperation and support.

Mayor Hardberger declared the Public Hearing to be closed.

The City Clerk read the following Ordinance:

2006-05-11-0569

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE WAIVING CERTAIN PROCEDURES ESTABLISHED BY CHAPTER 2, ARTICLE VI OF THE CITY CODE FOR THE RENAMING OF STREETS AND AUTHORIZING THE RENAMING OF "SBC CENTER PARKWAY" TO "AT&T CENTER PARKWAY", AS REQUESTED BY COUNCILMEMBER MCNEIL, DISTRICT 2.

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

The motion carried passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** McNeil.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2006-05-11-0570

AN ORDINANCE ACKNOWLEDGING RECEIPT ON MAY 10, 2006 OF THE SAN ANTONIO WATER SYSTEM'S UPDATES TO THE WATER, WATER SUPPLY, AND WASTEWATER LAND USE ASSUMPTIONS PLAN (LUAP), THE CAPITAL IMPROVEMENTS PLAN (CIP) AND THE MAXIMUM IMPACT FEE CALCULATIONS; AND ADOPTING A NOTICE OF PUBLIC HEARING ON THE UPDATES TO THE LUAP, CIP AND MAXIMUM IMPACT FEE CALCULATIONS TO BE HELD ON JUNE 15, 2006 AT 9:00 A.M. IN THE CITY COUNCIL CHAMBERS, LOCATED AT MUNICIPAL PLAZA BUILDING, 103 S. MAIN AVENUE, IN ACCORDANCE WITH THE NOTICE PROCEDURE SPECIFIED IN CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE.

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

Mr. Ben Gorzell, Acting Director of Finance Department introduced Mr. Sam Mills, Director of Infrastructure Planning, San Antonio Water System (SAWS), who delivered a presentation on the Impact Fee Five Year Update, a copy of which is on file with the Office of the City Clerk.

Mr. Sam Mills, SAWS, spoke to the action being taken through adoption of the ordinance by City Council, and outlined background information on Chapter 395 of the Local Government Code (LGC), which established the process to charge impact fees. He defined the impact fees and the five categories of the impact fees, noted the requirement of the LGC regarding the update of the impact fees--which is at least every 5 years--and the current status of the fees. He spoke to the timeline leading to the adoption of the updated impact fees. He expounded on the Land Use Assumptions Plan and the projected growth for the years 2006-2015, citing the Equivalent Dwelling Unit (EDU) for new water and wastewater EDUs, the pro rata cost of existing and new capital improvement projects, and the water maximum and wastewater maximum impact fees. He also addressed the proposed changes to the Incentive Scorecard System which would

increase annual allocation of impact fee waivers and rebates from \$1 million to \$2 million and impose a one-year deadline for use of waivers/rebates.

The motion carried passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** McNeil.

LEGISLATIVE UPDATE

Assistant City Manager Eric J. Walsh presented updates on statehouse policies that may impact the City. He reported that the Texas legislature passed House Bill 1, the property tax portion of Governor Perry's school finance reform plan. He stated there is only one week left in the regular legislative session and that the Governor may open up a call for additional issues. He noted that it is believed that tuition revenue bonds and the Governor's ability to issue municipal evacuations in a State of Emergency will be addressed. He reported it is rumored that appraisal caps, currently 10 percent, could also be discussed. He stated there is discussion to reduce the cap to 3-5 percent, which would impact the City's annual budget. He noted that talk of revenue caps legislation is also being considered, but it is unlikely to be addressed this legislative session. He reported there are bills in the House and Senate being held, which may be addressed before recess, which include construction funding for Texas A&M University San Antonio and the University of Texas Health Science Center San Antonio.

He also reported that on April 27, 2006, Councilmember Chip Haass testified before the House Regulated Industries Committee and the Senate Committee on Business and Commerce, regarding the City's implementation of Texas Senate Bill 5, approved last legislative session. He reported that as a result of the testimony, the Committee engaged in discussion with Time-Warner regarding their nonpayment of the one percent sales to the City. He stated that the following day, the Public Utilities Commission of Texas (PUCT) held a special meeting to discuss the matter with Time-Warner. He reported that Time-Warner sent a letter to PUCT affirming its commitment to pay the City approximately \$1.8 million. He noted the first partial payment is expected to be received prior to May 15, 2006.

POINT OF PERSONAL PRIVILEGE

Councilmember Herrera requested a point of personal privilege to recognize Mr. Nash Leonardo Cantu III, who was interning in her office for the day as part of the requirement to receive his Boy Scouts of American Citizenship in the Community badge.

Councilmember Flores requested a point of personal privilege to recognize his son, selected to be the starting pitcher for the Town & Country Little League Astros.

CONSENT AGENDA

Consent agenda items 6, 9 and 10 were pulled for individual consideration. Councilmember Flores made a motion to approve items 7, 8, 11, 12, 13, 14, and 15A-C. Councilmember Haass seconded the motion.

The following citizen(s) appeared to speak:

City Clerk Leticia Vacek read written testimonies, copies of which are on file with the Office of the City Clerk, submitted by Mr. Faris Hodge, Jr., 140 Dora. Related to Item 12, Summer Food Service Program, he voiced issue with the grant as it is "more than the City budget." Regarding Item 14, Buffer Zone Protection Program, he stated that the grant is a waste of money, and that considering the 2005-2007 grant period, half of the funds should already be spent.

The motion carried the passage of the Ordinances by the following vote: **AYES:** Flores, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** McNeil.

2006-05-11-0571

AN ORDINANCE ACCEPTING THE BID SUBMITTED BY AMERICAN EUROCOPTER CORP. TO PROVIDE THE POLICE DEPARTMENT WITH ONE SINGLE ENGINE TURBINE-POWERED HELICOPTER FOR A TOTAL COST OF \$2,991,820.00, FROM 2005 URBAN AREA SECURITY INITIATIVE GRANT FUNDS, IN SUPPORT OF THE DEPARTMENT'S EMERGENCY MANAGEMENT OPERATIONS.

2006-05-11-0572

AN ORDINANCE AMENDING A FUNDING AGREEMENT WITH THE METROPOLITAN PLANNING ORGANIZATION BY INCREASING THE REIMBURSEMENT AMOUNT PAYABLE TO THE CITY FROM \$115,000.00 TO \$180,894.00 TO FUND A HIKE AND BIKE COORDINATOR POSITION AND OTHER EXPENSES RELATED TO THE FY 2006 & 2007 HIKE AND BIKE PROGRAM.

2006-05-11-0573

AN ORDINANCE AMENDING CHAPTER 28, SIGNS AND BILLBOARDS, OF THE CITY CODE BY MODIFYING THE SIGN PERMIT REQUIREMENTS AND THE DEFINITIONS OF "ON-PREMISE SIGN" AND "RECOGNIZED COMMERCIAL OR INDUSTRIAL ACTIVITIES"; AND AMENDING A SIGN PERMIT APPLICATION PROCESS.

2006-05-11-0574

AN ORDINANCE AUTHORIZING A \$909,196.00 GRANT APPLICATION TO THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION AND ACCEPTING GRANT FUNDS UPON AWARD TO FUND THE 2006 SUMMER FOOD SERVICE PROGRAM FOR THE PERIOD OF JUNE 5, 2006 THROUGH JULY 28, 2006; APPROPRIATING \$115,252.00 FROM THE 2005 SUMMER FOOD SERVICE PROGRAM FUNDS; ADOPTING A \$1,024,448.00 PROGRAM BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

2006-05-11-0575

AN ORDINANCE RATIFYING THE EXECUTION OF A \$46,000.00 PROFESSIONAL SERVICES CONTRACT WITH ROBERT L. WATSON, PH.D., J.D. FOR ORGANIZATIONAL AND PLANNING SERVICES PROVIDED TO THE COMMUNITY ECONOMIC REVITALIZATION AGENCY, IN CONNECTION WITH THE NEIGHBORHOOD COMMERCIAL REVITALIZATION PROGRAM, FUNDED BY THE GENERAL FUND.

2006-05-11-0576

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A \$49,521.50 GRANT FROM THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT IN CONNECTION WITH THE 2005 BUFFER ZONE PROTECTION PROGRAM FOR THE GRANT PERIOD APRIL 1, 2005, THROUGH JANUARY 31, 2007.

BOARD APPOINTMENTS: ITEMS 15A-C

REAPPOINTMENT OF MICHAEL E. MARTINEZ (DISTRICT 5) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE (CATEGORY: COMMUNITY REPRESENTATIVE) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 25, 2007.

REAPPOINTMENT OF ROGER N. MORIN (DISTRICT 5) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

APPOINTMENT OF REED PACE (DISTRICT 3) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 22, 2006.

[CONSENT ITEMS CONCLUDED]

CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2006-05-11-0577

AN ORDINANCE ACCEPTING THE BID SUBMITTED BY TRUE FLAVORS, LLC TO PROVIDE THE PARKS AND RECREATION DEPARTMENT WITH CHILDREN'S LUNCHES AND SNACKS, IN CONNECTION WITH THE SUMMER FOOD SERVICE PROGRAM, FOR A TOTAL COST OF \$751,688.59, FROM THE 2006 SUMMER FOOD SERVICE PROGRAM FUND.

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

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Perez, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** McNeil. **ABSTAIN:** Radle

The City Clerk read the following Ordinance:

2006-05-11-0578

AN ORDINANCE APPROVING A TOTAL PROJECT AMOUNT OF \$99,081.63 FOR THE IN-HOUSE CONSTRUCTION OF IMPROVEMENTS TO MUD CREEK PARK LOCATED IN DISTRICT 10 TO INCLUDE FENCING, TRAIL DEVELOPMENT, PARKING, ACCESS, SIGNAGE, AND OTHER PARK IMPROVEMENTS; AND APPROPRIATING FUNDS FROM 2003-2007 PARK BOND FUNDS.

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

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** McNeil.

ITEM 10

The City Clerk read Item 10, being a proposed Ordinance declaring 111 Anderson Street (District 2) and 2914 S. Laredo Street (District 5) as surplus and authorizing their sale to S.A. Milagro Homes, L.L.C. for a combined, total price of \$8,475.00, the City's share being \$3,983.25 and the balance going to other taxing authorities.

Councilmember Perez made a motion to table Item 10 to June 1, 2006. Councilmember Wolff seconded the motion.

The motion to table Item 10 prevailed by the following vote: **AYES:** Flores, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass, Mayor Hardberger. **NAYS:** Hall. **ABSENT:** McNeil.

Item 10 was tabled to June 1, 2006.

CITY MANAGER'S REPORT

City Manager Sheryl Sculley reported that the Animal Care Advisory Board held strategic planning sessions May 8 and 9, 2006, which Council members Guajardo and Wolff attended. She stated that constructive discussion occurred between all parties, and that progress was made on the development plan to be delivered to City Council in

Summer 2006. She also acknowledged the appointment of Dr. Craig Brestrup as Animal Care Services Interim Director.

She announced that as follow up to the May 10, 2006 "B" Session Budget briefing, Council members would soon receive a memo containing the discussed ratings revisions. She requested that Council members review and return comments on the document within a week. She also stated that an update of her first six-month's achievements would soon be distributed to Council members.

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 11:10 a.m. in order to convene in Executive Session for the purpose of:

Discuss legal issues related to HUD 108 Loan funding of Capital Improvement Projects, pursuant to the Texas Government Code Section 551.071 (Consultation with Attorney) and 551.087 (Economic Development Negotiations).

Discuss legal issues related to City of San Antonio's management and operation of public, educational, and governmental ("PEG") access channels as authorized by Chapter 66 of the Texas Utilities Code, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to municipal utility bond covenants, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger stated that upon completion of the Executive Session, City Council would be in recess until 5:30 p.m.

The Mayor reconvened the Regular Session at 5:30 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.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

- Proclamation for Police Week, May 14-20, 2006, and Peace Officers Memorial Day, May 15, 2006, to San Antonio Police Department.

- Proclamation for Letter Carriers Food Drive, May 13, 2006, to National Association of Letter Carriers Branch 421.
- Proclamation for Walk & Roll to Work Rally, May 12, 2006, to promote health and fitness, sponsored by City of San Antonio.

Mayor Hardberger recessed the Regular Session at 5:50 p.m. and announced that Council would reconvene at 6 p.m.

Mayor Hardberger was obliged to leave the meeting. Councilmember Wolff presided.

Councilmember Wolff reconvened the Regular Session at 6:00 p.m.

CITIZENS TO BE HEARD

Mr. Glen Alan Graham, 6900 N. Vandiver, spoke on the proposed Main Plaza designs. He stated that there should be no permanent street closures associated with the Plaza renovation. He noted the three plans released earlier in the week, and stated his support of Plan C. Regarding proposed amendments to the Tree Preservation Ordinance, he stated that whatever the result, he hopes the outcome benefits trees' survival.

Ms. Kathleen Trenchard, 215 E. Park Ave., spoke on the importance of retaining the current Tree Preservation Ordinance. She discussed steps New Orleans had taken to protect trees in order to beautify that city. She acknowledged KB Homes for voluntarily exceeding existing tree requirements at one of its most recent housing developments. She stated that based upon feedback of development residents, KB Homes announced its intentions to design all its future developments in the same manner.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., spoke to the Tree Preservation Ordinance. He stated that if a tree is fruitful it should be kept, otherwise, it isn't needed. He voiced support for the Main Plaza project.

Mr. Faris Hodge, Jr., 140 Dora, stated that there should be a quorum present, regardless of reason. He noted that he will not support the Main Plaza project because it will affect bus service. He said refuse was not collected last Thanksgiving, but citizens were still charged for the service. He stated that Bexar County Commissioners are concerned that the Library is not in compliance with internet filtering. He stated opposition to tax

abatements. He stated that all City employees need diversity training. He commented that City Council meetings are recessed too long in the afternoon. He noted that he would speak with Police Chief McManus about racial profiling.

ADJOURNMENT

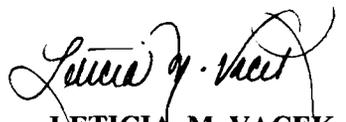
There being no further business to discuss, Councilmember Wolff adjourned the meeting at 6:12 p.m.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK
CityClerk