

**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, JUNE 7, 2006 AND THURSDAY, JUNE 8, 2006**

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The City Council convened in an informal "B" Session at 3:00 p.m., Wednesday, June 7, 2006, Municipal Plaza Building "B" Room, for the purpose of:

Discussion regarding the Main Plaza Redevelopment Design. [Presented by Thomas Wendorf, Director, Public Works; Jelynn LeBlanc Burley, Deputy City Manager]

Discussion regarding the Mayor's Ad Hoc Water Quality Committee's results and the Ordinance Development Schedule. [Presented by Jelynn LeBlanc Burley, Deputy City Manager]

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

The "B" Session was recessed by Mayor Hardberger at 5:10 p.m. until June 8, 2006, at which time the Water Quality Committee's results will be addressed prior to the 4:00 p.m. Zoning Items.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, June 8, 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, and Mayor Hardberger.

The Invocation was led by Ms. Christina Castro, Worship Service Leader, St. Henry's Catholic Church, guest of Councilmember Patti Radle, District 5.

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

There were no minutes presented for approval.

## ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Resolution:

2006R-06-08-0676

A RESOLUTION SUPPORTING THE PREFERRED SCHEMATIC PLAN FOR THE MAIN PLAZA REDEVELOPMENT PROJECT IN DISTRICT 1 AND AUTHORIZING BENDER, INC., DBA BENDER WELLS CLARK DESIGN TO MOVE FORWARD IN PREPARING THE DESIGN DOCUMENTS NEEDED FOR CONSTRUCTION.

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

Mr. Tom Wendorf, Public Works Director, made a presentation on the Main Plaza Redevelopment Project, a copy on file with the Office of the City Clerk. He spoke to the public involvement process which began on November 30, 2006, the various meetings and presentations made to the community stakeholders. He addressed the objectives of the proposed improvements, the design principles, plan elements and activities by place, and the proposed timeline.

Mr. Larry Park, representing Bender Wells Clark Design, presented the schematic plan for Main Plaza. He discussed the location and history of the plaza, input provided by local business owners, results of public hearings, and consultations held with design teams and architectural firms.

Mr. John German addressed the traffic analysis overview, delineating the volume of traffic by street, general impacts, bus traffic and pedestrian access.

The following citizen(s) appeared to speak:

Judge Nelson Wolff, 100 Dolorosa, spoke to the overall trade-off benefits related to the project. He offered commendations on the design. He stated his commitment to obtain up to \$2.5 million in County funding for the project. He recommended that City Council support the item.

Father David Garcia, 231 W. Commerce, stated that the project will be historically significant to the City, despite the challenges its construction presents. He offered the pros and cons of the project, and noted that the benefits outweigh the drawbacks. He

mentioned numerous individuals and institutions which have endorsed the project, and offered his support of the project.

Mr. Marty Wender, 11745 Mill Rock Rd., local real estate developer, noted the challenges and oppositions to the construction of Hemisfair Park, but stated that the results had a lasting, positive impact. He stated that the investment will greatly improve the City and serve as an enticement for new business and residential development.

Mr. Pat Kennedy endorsed the Main Plaza Plan and noted that this is a visionary plan that looks beyond personal interests. He stated that this investment will result in a local future for tourism, businesses and inhabitants, similar to the results of the 1968 World's Fair.

Ms. Mary Serna, 910 Utopia, asked that the impact upon City residents be given equal weight to those of tourism interests. She noted traffic congestion associated with downtown street closures during special events. She also expressed concern over the effect of street closures to emergency response vehicles. She questioned the appropriateness of such a large financial commitment to the project when there are greater, more immediate demands for the homeless and teens.

Mr. Greg Gallaspy, 7854 Broadway, endorsed the project. He stated that it will create a needed gathering place, and serve as a lure for repeat tourism.

Mr. Steve Trevino, 1248 Lee Hall, stated the development of the plaza is important to serve as a spiritual gateway for San Fernando Cathedral.

Mr. Parker Scott, 264 Larchmont, representing Paseo Del Rio Association, offered the association's support of the project as a public investment in downtown. He stated development will draw tourists and locals downtown. He urged City Council to support the project.

Mr. Steve Seidel, 601 E. Commerce, Greater San Antonio Chamber of Commerce Chairman, spoke of the investments that the City has made over the years, such as Hemisfair. He stated the Chamber is pleased that Market and Commerce Streets are proposed to remain open. He stated that the Chamber endorses the Soledad St. closure, but requests consideration of a plan that provides for flexible use of Main St. He urged development of a thoughtful maintenance and construction plan, considerate of downtown businesses.

Mr. Bob Salvatore, 311 S. St. Mary's, representing Granada Homes, a downtown residential high-rise for seniors, opposed the plan's recommended street closures, as they will affect emergency vehicle response times. He stated that at the public hearings, residents have overwhelmingly objected to the project, but Council members are ignoring

this fact. He noted that at a recent public meeting, four independent architects criticized the development, and he noted the American Institute of Architects (AIA) also criticized the plan. He stated the previous sitting City Council funded development of the Soledad St. Riverwalk entrance to tie the plaza to the river, and that it was a marked failure. He asked that the item be postponed for further review.

Mr. A.J. Rodriguez, 318 W. Houston, San Antonio Hispanic Chamber of Commerce President, commended Mayor Hardberger's vision and willingness to amend the plan in the public's interest. He stated that the Chamber's recommendation was to proceed with the project, with consideration for businesses downtown during the construction phase.

Judge John Specia 7414 Seider, urged Council to support the project.

Mr. Tommy Adkisson, Bexar County Commissioner, stated that the function of the area should take priority over its form. He cited the number of locals who daily enter the County courthouse, and requested that their convenience take priority over tourism. He spoke to the possible inconveniences of VIA and personal vehicle accessibility. He stated that he does not oppose revamping the plaza, but does oppose street closures.

Ms. Irene Connor, 227 Pickwell Dr., asked that this item be tabled due to the controversy surrounding it, as well as unanswered questions regarding financing the project. She stated that she does support renovation of the plaza, but there are many variable factors that still need to be addressed

Mr. Arthur Emerson, 415 E. Huisache, stated that he works and lives downtown and applauded this plan for the enhancement of the plaza. He noted that in Mexico, plazas are the highlight and center of major cities.

Mr. Jerry Fuentes, 175 E. Houston, AT&T External Affairs Executive Director, commented on the corporation's support of the City's vision to develop a public gathering space. He noted AT&T's recent announcement to support and fund installation of state-of-the-art technology in Main Plaza.

Mr. Oliver Hill, 800 W. Myrtle, VIA Metropolitan Transit (VIA) Board Trustee introduced Mr. John Milam, VIA General Manager, who stated that VIA passed a resolution in support of the project. He stated that the plaza development plan process was watched very closely, and after considerations were made to retain East and West bound traffic, the decision was made to support the project. He requested that the City work with VIA to develop and maintain linear bus routes North and South from Travis to Durango. He also asked the City for its consideration of other transportation considerations downtown, in particular right-of-way agreements. He also requested support for an updated Westside Multimodal Center feasibility study.

Mr. Doug McCurry, 7926 Broadway, representing the San Antonio Parks and Recreation Board, offered the Board's support for the project.

Mr. Morton Baird, 242 W. Sunset, expressed his support for the project, noting its benefits for future generations.

Mr. Ed Gonzalez, 5103 Sirretta, stated his support of the project. He noted the project will benefit a project his company is developing, which will include a hotel, restaurant, retail space, student housing, and a bookstore. He noted his hopes that the recommendations made by the Project for Public Spaces are incorporated into the design plans.

Mr. Victor Miramontes stated the current plaza is underutilized, little more than a traffic circle. He stated that linking the Riverwalk, Main Plaza, San Fernando Cathedral and City Hall will create a world-class public space. He urged City Council to support the project.

Mr. Ben Brewer, Downtown Alliance President, offered the Alliance's endorsement of the plan. He distributed a letter, a copy of which is on file with the Office of the City Clerk, which stated further recommendations for the project: greater pedestrian improvements, direct connections to new Riverwalk enhancements, and creation of third party oversight organization and a temporary oversight task force. He requested consideration of removing one traffic lane from Commerce and Market Streets for pedestrian or delivery lanes.

Mr. Jack M. Finger asked how people will be able to see the new plaza if it isn't easily accessible. He stated that the project is a public boondoggle, but endorsed enhancing Main Plaza with the provision no streets are closed. He noted those Council members who received campaign contributions from PBS&J.

Mr. Gopinath Akalkotkar, 122 Cornwall, urged City Council to postpone taking action on the item. He stated there are too many unanswered questions related to the project and the schematic design, and that a decision should not be made until a solution is found that is acceptable to majority stakeholders and the public. He remarked that public sentiment is that the project is being rushed and that the design plan could be improved. He shared his personal concerns and offered design recommendations.

Mr. Rolando B. Pablos, downtown business owner, asked City Council to support the project as presented. He noted that the new plaza would spark that westward growth. He stated that developers should be encouraged to go west to get to the Mercado.

Mr. Tim Baisdon, 221 Lexington Ave., read a letter from the San Antonio Chapter of the AIA, a copy of which is on file with the Office of the City Clerk, which stated the chapter supports the plaza development, but that it won't endorse a particular development plan because the City had (until recently) failed to make public comments and input accessible to the design team, street lighting is not addressed, there is no management or use plan in place, and other nearby structures and features are not fully integrated into the plaza design. The AIA requested the City: tally and post all public comments, integrate public input into the design, create a public-private development organization to manage operations, support the Project for Public Spaces' 10 principles for plaza design, and incorporate all surrounding interests, structures and entities into the design.

Mr. Jesse Gamez, 111 E. Commerce, endorsed the project and encouraged City Council to approve the item.

Mr. Glen Allen Graham, 6900 N. Vandiver, stated he is not totally opposed to closing two streets for the project. He stated that more benches were needed in the plaza. He remarked that it has been widely reported that the majority of citizens at public hearings on this matter have opposed street closures and that as elected representatives, City Council members should consider these objections and vote with their conscience.

Sister Kathleen Thomas stated that she has brought forth her concerns at numerous public hearings and did not feel that they had been addressed. She expressed concern for emergency vehicle responses and accessibility to her residence on the affected portion of Soledad. She asked that the best interests of all citizens be considered when votes are cast.

Mr. George Cortez, downtown business owner, offered his family's support of the project. He stated that the Cortez family pushed for and financially contributed to the revitalization of the Jardin de los Ninos and the Alameda Theatre. He added that this project will complement the downtown's Westside.

Mr. Ruben Cortez, downtown business owner, stated that his family has waited for years for something to get done and asked City Council to support the item.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Ms. Barbara Johnson, San Antonio Conservation Society President, which offered endorsement of the project. The Society stated its hope that opportunities will exist for further review, comment and input on the final approved design. It requested further examination of traffic impact studies, and opportunities for public input; and development of a management plan to coordinate the plaza. It also offered suggestions for additional enhancements to the plaza, such as limited delivery hours, trolley service, and partial North/South street access, used in other cities.

Councilmember Perez made a motion to approve the schematic plan as recommended and presented, and that the City Manager be directed to bring back a financing plan in conjunction with the construction contract award. Councilmember Wolff seconded the motion.

Councilmember Flores made a motion to table Item 2. Councilmember Radle seconded the motion.

The motion to table Item 2 failed by the following vote: **AYES:** Flores, Radle. **NAYS:** McNeil, Gutierrez, Perez, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **ABSENT:** None.

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

**CONSENT AGENDA**

Items 3, 5, 9, 15, 19 and 25 were pulled from individual consideration. The remaining Consent Agenda items were approved upon motion made by Councilmember Radle and seconded by Councilmember Haass.

The following citizen(s) appeared to speak:

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Faris Hodge, Jr. relating to item 14, Collective Contracting, which stated that Bexar Met and SAWS should consolidate into one entity due to the fact that both serve Bexar County residents, thereby creating a tax or rate decrease to citizens.

Mr. Jack M. Finger, P.O. Box 12048, congratulated Councilmembers Flores and Radle for opposing the Main Plaza item. Regarding Item 5, Eight Liner sales, he opposed selling the Eight Liners for reuse. Related to Item 26, unauthorized vehicle sales, he inquired as to how the public will be notified of such illegality. Regarding Item 12, PBS&J contract award, he noted the business made campaign contributions to several Council members.

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

2006-06-08-0677

AN ORDINANCE ACCEPTING THE BID SUBMITTED BY PETROLEUM SOLUTIONS, INC. TO PROVIDE FUEL MONITORING EQUIPMENT AND INSTALLATION FOR A TOTAL COST OF \$32,842.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2006-06-08-0678

AN ORDINANCE AUTHORIZING THE USE OF THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES CONTRACT WITH DELL MARKETING LP AND AUTHORIZED DELL DISTRIBUTORS TO PROVIDE THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH COMPUTERS, SERVERS, PERIPHERALS, SOFTWARE, AND USED EQUIPMENT DISPOSITION SERVICES, ON AN ANNUAL CONTRACT BASIS FOR AN ESTIMATED ANNUAL COST OF \$3,900,000.00.

2006-06-08-0679

AN ORDINANCE ACCEPTING THE BIDS SUBMITTED BY PHILPOTT MOTORS LTD, ITEMS 1 - 4; AND GUNN DODGE, ITEM 5, UTILIZING THE TEXAS BUYBOARD CONTRACT, TO PROVIDE THE CITY WITH 29 LIGHT DUTY TRUCKS FOR A TOTAL COST OF \$516,448.00, OF WHICH \$172,048.00 WILL BE FROM THE GENERAL FUND; \$53,275.00 FROM THE POLICE CONFISCATED PROPERTY FUND; \$19,435.00 FROM THE AVIATION FUND; AND \$271,690.00 FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2006-06-08-0680

AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2006 FOR COMBINED ESTIMATED COST OF \$2,702,060.00, INCLUDING: SCHOOL ZONE FLASHER PAGERS; AUTOMATED MUGSHOT SYSTEM MAINTENANCE; OFFICE SUPPLIES AND PROMOTIONAL ITEMS; DENTAL SUPPLIES; TRAFFIC LIGHT MOUNTING ASSEMBLIES; MAINTENANCE OF HVAC SYSTEMS AT BRANCH LIBRARIES; SOLAR SCHOOL FLASHER PARTS; PRINTING OF LIBRARY BORROWER CARDS; PORTABLE 800 MHZ RADIOS AND ACCESSORIES;

RECREATIONAL SPORTS EQUIPMENT; AND PRINTING OF AIRPORT FACILITIES PARKING TICKETS.

2006-06-08-0681

AN ORDINANCE APPROVING A TOTAL OF \$82,422.65, TO INCLUDE A \$73,111.50 AMENDMENT TO A \$498,158.00 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH HOYT CONSULTING ENGINEERS, INC. FOR FINAL DESIGN PHASE PLANS AND DESIGN SERVICES THROUGH THE BIDDING AND CONSTRUCTION PHASES, IN CONNECTION WITH THE EL MONTE PHASE I AND III – BLANCO TO SAN PEDRO PROJECT IN DISTRICT 1, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT; AND APPROPRIATING FUNDS FROM U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDS.

2006-06-08-0682

AN ORDINANCE APPROVING A TOTAL OF \$74,042.41, TO INCLUDE A \$62,907.74 PAYMENT UNDER AN EXISTING "AS NEEDED" PUBLIC WORKS INFRASTRUCTURE MAINTENANCE AND CONSTRUCTION CONTRACT WITH SAN ANTONIO CONSTRUCTORS, LTD. FOR REPLACEMENT AND ENHANCEMENT OF SIDEWALKS AND THE CONSTRUCTION OF RESIDENTIAL AND COMMERCIAL DRIVEWAY APPROACHES IN CONNECTION WITH THE KEATS STREET - NOGALITOS STREET TO PACKARD STREET PROJECT IN DISTRICT 5; AND APPROPRIATING HUD 108 LOAN PROGRAM FUNDS.

2006-06-08-0683

AN ORDINANCE APPROVING A TOTAL OF \$4,881,052.00, TO INCLUDE THE SELECTION OF, AND THE NEGOTIATION AND EXECUTION OF A \$4,814,685.00 PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH AND JERNIGAN, INC. (PBS&J) FOR PROFESSIONAL PROGRAM MANAGEMENT SERVICES, DESIGN SERVICES, PAVEMENT ENGINEERING AND SCOPING AND ESTIMATING SERVICES IN CONNECTION WITH \$29 MILLION IN AUTHORIZED HUD 108 LOAN PROGRAM PROJECTS; AND APPROPRIATING FUNDS.

2006-06-08-0684

AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$549,981.66, AND AWARDED A \$472,942.00 CONTRACT WITH PRONTO SANDBLASTING AND COATING AND OIL FIELD SERVICES, INC., OF WHICH \$92,030.00 WILL BE FUNDED BY SAN ANTONIO WATER SYSTEM, FOR RECONSTRUCTION OF NEW CURBS, SIDEWALKS, AND DRIVEWAY APPROACHES IN CONNECTION WITH THE LA MANDA – WEST AVENUE TO BUCKEYE PROJECT, AN AUTHORIZED 2003 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT IN DISTRICT 1; AND APPROPRIATING FUNDS.

2006-06-08-0685

AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$1,665,794.95, TO INCLUDE AWARDED A \$1,476,166.00 CONTRACT WITH COLLECTIVE CONTRACTING, INC., OF WHICH \$569,153.00 WILL BE FUNDED BY SAN ANTONIO WATER SYSTEM, FOR UNDERGROUND DRAINAGE IMPROVEMENTS TO ELIMINATE STANDING WATER AND REHABILITATE THE EXISTING PAVEMENT AND CURBS ALONG BOXELDER LANE, IN CONNECTION WITH THE HACKBERRY-STEVES TO SOUTHCROSS PROJECT, AN AUTHORIZED 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT, AND LINDA LOU- RESA TO HACKBERRY PROJECT, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION BOND PROJECT IN DISTRICT 3; AND APPROPRIATING FUNDS.

2006-06-08-0686

AN ORDINANCE APPROVING CHANGE ORDER 14 IN THE AMOUNT OF \$19,066.00 TO A \$3,007,916.43 CONSTRUCTION CONTRACT WITH VALEMAS, INC. FOR ADDITIONAL WORK DUE TO SIDEWALK AND WHEELCHAIR RAMP MODIFICATIONS AS REQUESTED BY THE TEXAS DEPARTMENT OF LICENSING AND REGULATION (TDLR), IN CONNECTION WITH THE MEDICAL CENTER INTERSECTION IMPROVEMENTS, PHASE II PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT IN DISTRICT 8; APPROPRIATING FUNDS.

2006-06-08-0687

AN ORDINANCE RE-APPROVING, AND RE-AUTHORIZING THE EXECUTION OF, ALL DOCUMENTS RELATED TO OBTAINING A U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD") SECTION 108 LOAN IN THE MAXIMUM PRINCIPAL AMOUNT OF \$57,000,000 TO FINANCE VARIOUS CAPITAL IMPROVEMENTS, INCLUDING A CONTRACT FOR LOAN GUARANTEE ASSISTANCE WITH HUD, A PROMISSORY NOTE AND ALL OTHER RELATED DOCUMENTS, AND PLEDGING CERTAIN FUNDS AND REVENUES OF THE CITY TO SECURE SUCH PROMISSORY NOTE INCLUDING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND GROSS REVENUES OF THE CITY'S SOLID WASTE MANAGEMENT SYSTEM.

2006-06-08-0688

AN ORDINANCE AUTHORIZING THE EXECUTION OF A MURAL PROGRAM AGREEMENT WITH THE JEFFERSON NEIGHBORHOOD ASSOCIATION, WITH THE CITY PROVIDING \$4,000.00 FOR TWO MURALS TO BE LOCATED AT THE CORNERS OF DONALDSON AND WILSON AND CULEBRA AND EL CENTRO, FROM THE COMMUNITY AND VISITOR FACILITIES FUND FOR THE GRAFFITI ABATEMENT PROGRAM.

2006-06-08-0689

AN ORDINANCE AUTHORIZING ACCEPTANCE OF A \$2,000.00 GRANT FROM THE TEXAS HISTORICAL COMMISSION (THC), THE EXECUTION OF A CONTRACT FOR ACCEPTANCE OF THE GRANT, APPROPRIATION OF A \$2,000.00 CASH MATCH FROM THE CITY'S HISTORIC PRESERVATION FUND AND \$817.44 IN REMAINING AMERICAN INSTITUTE FOR ARCHITECTS GRANT FUNDS TRAINING PROGRAMS AND TRAVEL EXPENSES FOR HISTORIC AND DESIGN REVIEW COMMISSION AND PLANNING DEPARTMENT STAFF.

2006-06-08-0690

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL \$200,000.00 GRANT FROM THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT, IN CONNECTION WITH THE 2005 BUFFER

ZONE PROTECTION PROGRAM FOR THE GRANT PERIOD OF APRIL 1, 2005, THROUGH JANUARY 31, 2007.

2006-06-08-0691

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH PACE BUTLER CORPORATION TO REFURBISH SUITABLE DONATED MOBILE TELEPHONES FOR THE POLICE DEPARTMENT'S VICTIMS ADVOCACY SECTION (VAS) AND TO PURCHASE UNSUITABLE MOBILE TELEPHONES FROM THE CITY, WITH FUNDS BEING DEPOSITED INTO THE VAS TRUST FUND.

2006-06-08-0692

AN ORDINANCE AMENDING ORDINANCE NO. 101477, PASSED ON SEPTEMBER 29, 2005 BY AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL \$89,500.00 IN REIMBURSEMENT GRANT FUNDS FROM THE TRANSPORTATION SECURITY ADMINISTRATION (TSA) FOR REIMBURSEMENT OF EXPENSES RESULTING FROM INCREASED PARTICIPATION IN THE TSA EXPLOSIVES DETECTION CANINE TEAM PROGRAM AT SAN ANTONIO INTERNATIONAL AIRPORT DURING FISCAL YEAR 2006; AUTHORIZING AN INCREASE IN THE TOTAL NUMBER OF CANINE TEAMS FROM FOUR TO FIVE, AND INCREASING THE AIRPORT POLICE OFFICER POSITION COMPLEMENT; APPROPRIATING FUNDS, AND AMENDING THE BUDGET.

2006-06-08-0693

AN ORDINANCE AMENDING CHAPTER 13 OF THE CITY CODE REVISING THE BACKGROUND CHECK PROCESS FOR MOBILE FOOD VENDORS; AND PROVIDING FOR PENALTIES.

2006-06-08-0694

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE VI OF THE CITY CODE TO CREATE DIVISION 5, "PARKING FOR UNAUTHORIZED SALE"; ESTABLISHING DEFINITIONS; PROHIBITING THE DISPLAYING OF PARKED VEHICLES FOR SALE ON ALL PROPERTIES AND PUBLIC RIGHTS OF WAY

EXCEPT WHERE SPECIFICALLY ALLOWED; DECLARING SUCH SALES TO BE PUBLIC NUISANCES, DECLARING VIOLATIONS OF THE CIVIL PARKING VIOLATIONS TO BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CITY CODE SECTION 19-225; AUTHORIZING THE REMOVAL AND STORAGE OF UNAUTHORIZED VEHICLES AT THE OWNER'S EXPENSE; ALLOWING FOR HEARING FOLLOWING THE REMOVAL OF THE VEHICLE; AND DIRECTING PUBLICATION.

BOARD APPOINTMENTS: ITEMS 27A-B

REAPPOINTMENT OF MARCIA H. LYNCH (DISTRICT 4) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE JUNE 8, 2008.

APPOINTMENT OF ASHLEY BARTH (DISTRICT 4) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

[CONSENT ITEMS CONCLUDED]

The Mayor recessed the Regular Session at 12:30 p.m. and announced that Council would reconvene at 2 p.m.

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

The City Clerk read the following Ordinance:

2006-06-08-0695

AN ORDINANCE APPROVING THE CREATION OF A LOCAL GOVERNMENT CORPORATION TO BE CALLED THE CITY OF SAN ANTONIO WESTSIDE DEVELOPMENT CORPORATION (WDC); ESTABLISHING THE BOARD STRUCTURE; APPROPRIATING FUNDS; ESTABLISHING A BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

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

Mr. Ramiro Cavazos, Economic Development Director, made a presentation on the creation of the Westside Development Corporation (WDC), a copy of which is on file with the Office of the City Clerk. He stated the Westside of San Antonio is an area that needs a renewed emphasis on economic and commercial development and which historically has received little public investment and fewer economic development incentives. He spoke to the economic need of the area, the targeted area, which encompasses 4 Council Districts, and the purpose of the WDC. He outlined the various economic development projects throughout the City, proposed powers of a local government corporation, primary mission of the WDC, and development opportunities. He further amplified on the WDC Board of Directors, its representatives, and the collaborative initiative, citing various organizations involved with the project.

The following citizen(s) appeared to speak:

Mr. Oscar Ramirez, 1327 Guadalupe, Avenida Guadalupe Association (AGA), commented on the accomplishments of AGA to assist in the development and revitalization of the area.

Ms. Katy Garza, 1327 Guadalupe, Avenida Guadalupe Association, thanked the City for its vision and commitment to Westside economic development.

Father John Suenram, Little Flower Basilica, acknowledged the deterioration of buildings and neighborhoods adjacent to the basilica. He urged City Council to support Westside development.

Ms. Priscilla Ingle, 800 W. Myrtle, Via Metropolitan Transit, offered its support for the WDC.

Dr. Federico Zaragoza, 210 Sheridan, Alamo Community College District, endorsed the WDC.

Dr. John Soto, 312 Tinker Dr., stated that this is a tremendous opportunity to revitalize the community. He noted that the Westside needs economic development for the benefit of the entire City.

Ms. Anna Weaver, 1327 Guadalupe, stated her support for the WDC. She also read a statement from former Council member Walter Martinez, which conveyed his support of the initiative.

Ms. Mary Alice Cisneros, 2002 Houston, urged City Council to support the item, as the area is in dire need of revitalization.

Ms. Choco Meza endorsed the WDC concept, and stated that the initiative will infuse much needed economic growth into the area.

Ms. Elizabeth Garza, 5358 W. Commerce, Edgewood Independent School District, (EISD) noted the many partnerships for economic growth in the area. She also stated that the WDC would be able to direct growth for EISD. She urged Council to support the item.

Ms. Gloria G. Valle, 5358 W. Commerce, EISD, addressed the various partnerships within the area. She asked the Council to support the initiative.

Mr. Robert McKenley, 501 W. Durango, University of Texas San Antonio (UTSA), addressed the marketing of the plan for the area. He noted the need for Westside economic development. He stated UTSA's commitment as a community anchor development.

Mr. Victor Azios, 118 N. Medina, Annie E. Casey Foundation, stated the importance of focusing on housing, workforce development, and healthcare in the area. He noted the importance of bringing targeted businesses to the Westside.

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

### **CITY MANAGER'S REPORT**

Police Chief Bill McManus and District Attorney Susan Reed reported on the new San Antonio Police Department's (SAPD) Crime Response Unit. Chief McManus noted that the SAPD will work closely with the Bexar County Sheriff's Office, Pardons and Parole, US Marshal's Office, TABC and university police departments to establish a multi-agency focus group preventing violent crime during the summer months. The multi-agency will also focus on violent fugitives and gang related activity across the city.

City Manager Sheryl Sculley reported that the Animal Care Advisory Board meetings are ongoing and noted the dates of the upcoming meetings. She also mentioned the success of the Graffiti Wipeout campaign and noted that 1,300 volunteers participated. She also reported that a special edition of The HALL, which focused on the City's hurricane relief effort, won the Award of Distinction in The Videographers Awards 2006 competition.

**CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

2006-06-08-0696

AN ORDINANCE ACCEPTING THE BIDS SUBMITTED BY ARMORED TEXTILES, INC., ITEMS 1-3; W. S. DARLEY & CO., BID NO. 1, ITEMS 6-7; AND MUNICIPAL EMERGENCY SERVICES INC., ITEM 4 TO PROVIDE THE FIRE DEPARTMENT WITH FIRE HOSES FOR A TOTAL COST OF \$40,725.41.

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

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

The City Clerk read the following Ordinance:

2006-06-08-0697

AN ORDINANCE ACCEPTING THE BID SUBMITTED BY EXPRESS VIDEO, INC. TO PURCHASE 578 GAMBLING DEVICES (EIGHT LINERS) FROM THE CITY IN THE AMOUNT OF \$237,558.00, SEIZED AS A RESULT OF CRIMINAL INVESTIGATIONS BY THE POLICE DEPARTMENT, AND SUBSEQUENTLY FORFEITED BY ORDERS OF THE COURTS; AND AUTHORIZING PAYMENT TO THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE IN THE AMOUNT OF \$95,362.20.

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

The City Clerk read the following Ordinance:

2006-06-08-0698

AN ORDINANCE APPROVING A TOTAL OF \$55,330.00, TO INCLUDE A \$50,300.00 AMENDMENT TO A \$120,745.50 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH SLAY ENGINEERING COMPANY, INC. FOR REACTIVATING AND UPDATING PLANS, RE-ESTABLISHING SURVEY DATA FOR THE COMPLETION OF DESIGN PHASE SERVICES, AND PROVIDING COMPLETE BIDDING AND CONSTRUCTION PHASE SERVICES, IN CONNECTION WITH THE DURANGO-SAN MARCOS TO NAVIDAD PROJECT LOCATED IN DISTRICT 5; AND APPROPRIATING FUNDS FROM U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HUD 108 LOAN PROGRAM FUNDS.

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

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

The City Clerk read the following Ordinance:

2006-06-08-0699

AN ORDINANCE APPROVING A TOTAL PROJECT AMOUNT OF \$184,172.84, TO INCLUDE A \$157,412.68 PAYMENT TO RAM BUILDING SERVICES, L.L.C. UNDER A PREVIOUSLY APPROVED INDEFINITE DELIVERY CONTRACT FOR PUBLIC WORKS INFRASTRUCTURE MAINTENANCE AND CONSTRUCTION, IN CONNECTION WITH THE SOUTHTOWN – SOUTH PRESA (CAROLINA STREET TO LOWELL STREET) PROJECT IN DISTRICT 1, AN AUTHORIZED 2003 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT; AND APPROPRIATING FUNDS.

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

The City Clerk read the following Ordinance:

2006-06-08-0700

AN ORDINANCE AMENDING CHAPTER 28 OF THE CITY CODE OF SAN ANTONIO, TEXAS, SECTION 28-152 TO ADD A DEFINITION OF "PERSON"; DELETE UNNECESSARY LANGUAGE FOR THE COMMISSION OF AN OFFENSE; INCLUDE A REBUTTABLE PRESUMPTION CLAUSE PROVIDING THAT "THE PERSON IN WHOSE NAME A TELEPHONE NUMBER DISPLAYED ON THE SIGN IS LISTED WITH THE TELEPHONE COMPANY IS THE PERSON RESPONSIBLE FOR THE PLACEMENT OF SUCH SIGN," AND PROVIDING FOR PENALTIES AND DIRECTING PUBLICATION.

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

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

The Mayor recessed the Regular Session at 4:29 p.m. and announced that Council would reconvene the "B Session" continued from June 7, 2006, for the purpose of:

Discussion regarding the Mayor's Ad Hoc Water Quality Committee's results and the Ordinance Development Schedule. [Presented by Jelynn LeBlanc Burley, Deputy City Manager]

Mr. Scott Halty, San Antonio Water System, narrated a presentation related to limiting impervious cover, effective means of protecting the Edwards Aquifer, and engineered structural controls as an effective means of storm water treatment.

Mayor Hardberger adjourned the B Session at 4:55 p.m.

Mayor Hardberger reconvened the regular meeting at 5:00 p.m.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, addressed the topic of impervious cover over the Edwards Aquifer. He explained that the water is becoming more polluted each day and that it is a serious issue. He stated the San Antonio River is no longer clear, due to contamination.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., discussed the importance of curbing development on the Northside to prevent contamination of the Edwards Aquifer.

### MASTER PLAN AND ZONING CASES

**Z-1. ZONING CASE #Z2006026 (District 8):** An Ordinance changing the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District, "O-2" Office District, "O-2 ERZD" Office Edwards Recharge Zone District, "O-2" GC-1 Office District Gateway Corridor Overlay District-1, "O-2 ERZD" GC-1 Office Edwards Recharge Zone District Gateway Corridor Overlay District-1, "C-2" Commercial District, "C-2 ERZD" Commercial Edwards Recharge Zone District, "C-2" GC-1 Commercial District Gateway Corridor Overlay District-1, "C-2 ERZD" GC-1 Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 to "MPCD" Master Planned Community District, "MPCD ERZD" Master Planned Community Edwards Recharge Zone District, "MPCD" GC-1 Master Planned Community Gateway Corridor Overlay District-1 and "MPCD ERZD" GC-1 Master Planned Community Edwards Recharge Zone Gateway Corridor Overlay District-1 on 119.204 acres out of NCB 34762 and 1.925 acres out of NCB 14859, 17855 IH 10 West as requested by Brown, P. C., Applicant, for West World Holding, Inc., Owner(s). Staff and Zoning Commission recommend Approval.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilmember Hall made a motion to approve the proposed rezoning case with deed restrictions and the condition of 65% impervious cover on the entire tract and 53% impervious cover over the Recharge Zone. Councilmember Wolff seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Hall, Wolff, Mayor Hardberger. **NAYS:** Radle, Guajardo. **ABSENT:** Haass.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 119.204 ACRES OUT OF NCB 34762 AND 1.925 ACRES OUT OF NCB 14859 FROM "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT, "O-2" OFFICE DISTRICT, "O-2 ERZD" OFFICE EDWARDS RECHARGE ZONE DISTRICT, "O-2" GC-1 OFFICE DISTRICT GATEWAY CORRIDOR OVERLAY DISTRICT-1, "O-2 ERZD" GC-1 OFFICE EDWARDS RECHARGE ZONE DISTRICT GATEWAY CORRIDOR OVERLAY DISTRICT-1, "C-2" COMMERCIAL DISTRICT, "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT, "C-2" GC-1 COMMERCIAL DISTRICT GATEWAY CORRIDOR OVERLAY DISTRICT-1, "C-2 ERZD" GC-1 COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT GATEWAY CORRIDOR OVERLAY DISTRICT-1 TO "MPCD" MASTER PLANNED COMMUNITY DISTRICT, "MPCD ERZD" MASTER PLANNED COMMUNITY EDWARDS RECHARGE ZONE DISTRICT, "MPCD" GC-1 MASTER PLANNED COMMUNITY GATEWAY CORRIDOR OVERLAY DISTRICT-1 AND "MPCD ERZD" GC-1 MASTER PLANNED COMMUNITY EDWARDS RECHARGE ZONE GATEWAY CORRIDOR OVERLAY DISTRICT-1.

**Z-2. ZONING CASE #Z2006015 (District 9):** An Ordinance changing the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 2.105 acres out of NCB 1501, North Loop 1604 West as requested by Brown, P. C., Applicant, for Rogers Shavano Park Unit 18/19 Ltd., Owner(s). Staff and Zoning Commission recommend Approval.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilmember Wolff made a motion to approve the proposed rezoning case with SAWS' recommendations. Councilmember Perez seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Wolff, Mayor Hardberger. **NAYS:** Radle, Herrera, Guajardo, Hall. **ABSENT:** Haass.

2006-06-08-0702

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 2.105 ACRES OUT OF NCB 1501, NORTH LOOP 1604 WEST, FROM "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT.

### **CEREMONIAL ITEMS**

Mayor Pro Tem Radle presented the following honorariums:

- Citation to Ms. Valeri Vacek, recipient of the 2006 Leon Springs Elementary Principal's Reading Award, Academic Excellence Award, Perfect Attendance Award, and Outstanding Citizenship Award.
- Citation to Mr. Randy Beamer, WOIA news anchor, recipient of the 2005-2006 Texas Associated Press Broadcasters Best Anchor Award, and Best Commentary/Editorial Award.
- Presentation of U.S. flag flown in Afghanistan, signed by U.S. military personnel, to the City, by Los Tex Maniacs, a local band, which played for the overseas troops.

### **CITIZENS TO BE HEARD**

Mr. James Myart, addressed allegations of alleged police brutality against several African-Americans on Mother's Day. He stated that despite repeated calls he has initiated, no Council member has called him or the victims regarding the matter. He said that he was able to meet with the new City Manager and new City Attorney.

Mr. John McCallister, 1338 Wyoming, related details of alleged police brutality which occurred at his family's home on May 14, 2006.

Mr. Leroy Neal Jr., 1338 Wyoming, related details of alleged police brutality which occurred at a friend's home on May 14, 2006. He stated that he was needlessly restrained

by police, and that there was no need for police involvement in the matter. He stated he received personal injuries due to police actions during the altercation.

Ms. Lekisha McCallister, 1338 Wyoming, related details of alleged police brutality which occurred at her family's home on May 14, 2006. She stated that she was arrested for assaulting a female police officer, but that it was the police officer which incited the altercation. She remarked that the allegations against her will prevent her from her pursuit of a career in the military and creating a better life for her children. She commented that City Council members have not been responsive to her family's request for assistance with the matter.

Mr. Joseph Hardaway related a recent incident in which he was accidentally shot by an off-duty San Antonio Police Officer, when the officer's gun accidentally discharged when it was dropped on a floor. He stated that he has received no response from the City regarding the incident. He commented on the minimal punishment administered to the officer. He asked that the issue be addressed.

Ms. Brenda Shaw, 1338 Wyoming, related details of alleged police brutality which occurred at her family's home on May 14, 2006. She stated that there was no need for the police to even be at their residence. She detailed the actions that police officers took against her children and a family friend who was at their home. She stated that she was hospitalized as a result of injuries administered by police officers.

Ms. Julie Iris Oldham, 4523 Allegheny Dr., voiced her displeasure for City Council approving the Main Plaza project earlier in the meeting and for other recently approved items, such as the changes to the River Overlay District plans. She stated that police brutality is a problem in the City.

Ms. Barbara Witte Howell presented a petition, a copy of which is on file with the Office of the City Clerk, signed by individuals opposed to privatization of public golf courses. She stated that the City itself needs to take the initiative to revitalize the golf courses

Mr. Richard Alles, narrated a presentation on recommendations for tree canopy percentages, as it relates to upcoming discussion on changes to the City's Tree Ordinance.

Ms. Carolyn Wells urged City Council to oppose proposed changes to the Tree Ordinance.

Mr. George Alejos, 9811 Ramblin River, spoke of the 2003 Market Square audit. He stated that several issues and allegations raised by the City Auditor have yet to be addressed.

Ms. Carolyn Beverly, PO Box 28172, stated that a benefit will be held with proceeds given to the Carver Center. She expressed concern with Ticketmaster's cut in selling tickets. She noted that there would be two shows at \$35 each ticket. She asked for City Council's support in her effort to raise funds for the Carver Center.

Mr. Faris Hodge, Jr., 140 Dora, stated police brutality is a common occurrence. He stated his concern with park restrooms that do not have doors. He remarked that City staff supplied him with budget planning comment cards written in Spanish, which he does not read; he wants them in English.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., stated his support of the Main Plaza project. He remarked on the June 1, 2006 Council action which changed the name of San Fernando Gym.

Ms. Yvonne Treadwell, related difficulties in her personal life and her attempts to seek assistance through various City programs and facilities. She said the City has repeatedly denied her requests for assistance, and her appeals have been to no avail. She commented that City programs should not be allowed to police themselves. She noted that the Mayor's Office has not responded to her request for assistance in the matter, so she decided to appear before City Council to seek assistance. She requested a meeting with either the Mayor or the City Manager.

Mr. Henry Rodriguez, PO Box 5431, LULAC State Civil Rights Chairman, stated that he believes Riverwalk vendors are being subjected to discrimination. He stated they should be provided access to the Riverwalk for a small fee. He commented that they should not be subject to negative public comment from large, powerful associations. He asked Council members to consider the plight of the vendors.

Mr. Glen Allen Graham, 6900 Vandiver, stated the he respected City Council's decision to approve the Main Plaza project, despite tremendous public opposition. He requested that the City include in the development plan provisions for North/South roadways through the plaza which can be opened for traffic on an as-needed basis. He asked that the Plaza be developed primarily for use by San Antonio residents.

## **ADJOURNMENT**

There being no further business to discuss, Mayor Pro Tem Radle adjourned the meeting at 7:07 p.m.

A P P R O V E D



**PHIL HARDBERGER**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk