

**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, AUGUST 30, 2006 AND THURSDAY, AUGUST 31, 2006**

\* \* \*

The City Council convened in an informal "B" Session at 3:00 pm, Wednesday, August 30, 2006, Municipal Plaza Building "B" Room, for the purpose of:

City staff presentation on the FY 2007 Proposed Budget focusing on enhancements to identified City Council priorities including the following:

1. Employee Compensation;
2. Neighborhood Services;
3. Animal Care Services;
4. Downtown Operations;
5. Parks & Recreation;
6. Homelessness Strategies; and Workforce and Education

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

The "B" Session adjourned at 6:00 pm.

The City Council convened in a Budget Public Hearing at 6:00 pm, Wednesday, August 30, 2006, in the Council Chambers, Municipal Plaza Building for the purpose of:

Public Hearing to discuss the Fiscal Year 2007 Proposed Budget.

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

Dr. Susan Blackwood, San Antonio Sports Foundation, 706 Birdsongs, asked the Council to recommit resources for hosting sports events. She spoke on the need for more youth sport facilities.

Ms. Lupita Castrejon, 1922 West Houston Street, spoke to early childcare and the crucial funding needed for early childcare teachers.

Father McKenna and Sister Gabrielle Lohan, Project Quest representatives, 301 S. Frio St, stated that they were representing over 150 members. Father McKenna described the Project Quest program and explained its benefits. He stated that the average salary for a Project Quest graduate is \$30,000 per year with benefits. Sister Gabrielle asked Council to increase the Quest budget to \$2 million so that the number of participants will not have to be decreased next year. Ms. Michelle Dukes, a participant of Project Quest, was introduced and stated that funding for education is the best investment that Council could make.

Dr. Brian Herman, UT Health Science Center, 7703 Floyd Curl Dr., spoke on their research facility and stated that it would create 2,200 high salary positions. He thanked the City and CPS for their support in constructing several facilities. He asked for a \$5 million investment from the City that will add leverage to the funding for research and enhance the funding sources for the health care arena.

Mr. Bob Dugas, Goodwill Industries, 406 W. Commerce, stated that an investment in human capital through education and training will increase the number of individuals in our community who can keep jobs and sustain themselves. He described the many services that Goodwill provides.

Former Mayor Ed Garza, Hispanic Chamber of Commerce, spoke in support for no property tax increase, for the increase in funding for police, fire and EMS, for City worker pay increase, and for the streamlining of City positions. He also spoke in support of the many programs that will receive funding from the City this budget year. He urged Council to support historically underutilized businesses.

Ms. Lisa Gonzalez, Greater Chamber of Commerce, spoke in support for the proposed City budget. She state the Chamber supported the 5/85/10 plan for the budget and the expanded Environmental Services initiative, adding that the chamber also supported the changes in employee health benefits.

Mr. Cam Messina, Voices for Children, 210 Lewis, asked the City to make an investment in children. He asked the Council to make informed investments in human capital development. He spoke on the large number of children born into our community who have a limited number of developmental years to pave the way for the rest of their life and encouraged Council to take responsibility to enhance these years. A total of 1.5 million dollars was requested to improve the education of early childcare teachers.

Ms. Ann Stevens, BioMed SA, 602 E. Commerce, requested \$100,000 to continue the growth of BioMed SA. She summarized all of the benefits the organization will bring to the City of San Antonio.

Mr. Dennis Martinez, Library Foundation, 315 E. Commerce, spoke to the benefits that City funding has brought to their organization. He noted that this funding still is not enough to keep up with resources needed in public libraries in San Antonio. He asked for an increase of \$600,000 as recommended by the City Manager. He also explained a matching fund that can only be received if the City increases funding to the Library system.

Ms. Mariana Pena-Flores, A-2-Z Children, 158 Darson Manie, requested \$1.5 million to educate early childhood care educators to identify developmental issues and problems in children, and ensure that they have every opportunity to succeed. She also showed a video pertaining to the subject of early childhood development.

Ms. Donna Bauer, Voices for Children, also spoke on early childcare and education for children. She stated that children are more likely to succeed in school when they are educated during their developmental years. She stated that professional development for teachers is important to ensure that children get the best education possible.

Ms. Rosa Rosales, NAPE, addressed the high cost of health insurance. She stated that if parents do not have good insurance then the employer will suffer. She suggested that the 2 and 3 percent increases in employee pay needed additional review.

Mr. Joel Hailey, 210 Vanderheek, addressed the Council with regards to Animal Care and Control. He stated more funding was needed to neuter and spay animals. He added that this was a small cost that will reduce the overall funding of the overpopulation of animals. He asked that Council raise the amount of money to be used for a spay/ neuter program to reduce the number of animals in the City.

A Bienestar Health Program representative, 1302 S. St. Mary's, addressed the Council regarding diabetes in children. He explained the curriculum of their program, and stated that each year the number of participants increases. He also stated that the program was able to reduce the number of overweight children and increase their intake of fruits and vegetables. He requested that the City fund their program with \$100,000.

Ms. Sandra Malcolm, Kentwood Manor Landowners Association, 16911 Mt. Everest, explained the history of their community within the City limits. She stated that they have been through 3 Mayors and expressed the need for City services and improvements. She expressed concern with Kentwood Manor and its preservation. She added that according

to an engineering study for Kentwood, \$3 million is needed to bring it up to City and/or county standards in order to stop flooding of streets, drainage etc.

Ms. Vera Banner, Friends of the San Antonio Public Library, 931 Bailey Ave., stated that she volunteers at the Library. She commended the progress and improvements to our libraries, but stated that there are still many needs. She asked that computer training not be cut from the budget. She also asked for the replacement of computers and books that have aged.

Bright Horizons Family Solutions representatives, 3700 Wiseman Blvd., spoke in favor of high quality childcare providers. They added that quality childcare is a must in order for employees to be productive at work. They requested that the city fund \$1.5 million for childcare educators.

Mr. Darryl Whitfield, 1512 N. Main Ste. 200, addressed the Council with regards to the \$1.5 million request for professional development for childcare educators.

SEIU Local 5, 1512 N. Main Ste 200, addressed the Council with regards to the health insurance premiums increase. They also stated that employees are paying for their own 3% pay increase which is less than that of inflation. Lastly, they stated that City employees could not afford to drop their health insurance.

Mr. Faris Hodge, Jr. addressed the Council relating to his tenure at JC Penny and their insurance plan and pay raises. He added that the federal EEO will come down on the City for discriminating. He also noted an 85 year old woman was not happy with the once a week garbage pick-up proposal.

Mr. Lyman Cass, 135 E. Dolfrey Dr., addressed the Council representing the elderly people of the city regarding transportation for seniors.

Mr. Bob Martin, Taxpayer Association, strongly supported a tax cut. He stated that taxes pay for childcare, health insurance, spay and neutering etc. He thanked the Mayor and Council for their time.

Mr. Jack M. Finger, P.O. Box 12048, addressed the Council and stated that he would not be asking for an increase in anything that has been stated tonight.

Mr. RG Griffing, 911 Vance Jackson, stated that nobody has represented the interest of the taxpayer. He thanked Kevin Wolff who has tried to give back some taxes to the tax payer.

Ms. Cristin Hines, 1026 Thorain, addressed the Council with regards to an article in the San Antonio Express Newspaper. She stated that the newer homes and growth in the City will bring in more property tax, so there is no reason to raise taxes.

Mr. Allen Ellebracht, 4915 Dare Lane, stated that children are very important in this world and in San Antonio. He felt that monies needed to be shifted from toilets (which he could purchase 3 homes for their cost) to job training. He also noted the increase in garbage fees. He asked that the Council take care of San Antonio.

Ms. Mary Bernal, 3411 Maywood Dr., asked the Council to please lower the tax rate. She noted that all utilities are more expensive each year. She also noted that tax payers vote in the Council to see to it that our taxes go into the essentials; not to non-profits which can be funded through private sources.

Mr. John Nicolas and John Stahl, Library Board of Trustees, 600 Soledad, addressed the Council relating to books, materials, and technology for the library. They stated that there is a need to increase funding for books and materials used by students. They also added that the Board found a \$500,000 grant for some of the library necessities. They spoke of the age of computers available to citizens and the need to replace those.

Mr. Alan Cuter, 6106 Vance Jackson, expressed concern with the use of old computers in the City and asked that Council increase the funding for technology.

Mr. Richard Alles, Citizens Tree Coalition, P.O. Box 700066, stated that our urban forest is invaluable in reducing air pollution which should be managed by an Urban Forester position. He felt that this position should be funded by the general fund and be housed out of the Public Works Department.

Ms. Nikki Kuhns addressed the Council relating to basic services and protecting the city's tax base. She requested an audit of all past bond issues and a cost analysis on expenditures. She added that taxes should be lowered; citizens should not be told that taxes will remain the same.

Ms. DeAnne Cuellar, Texas Media Empowerment Project, 922 San Pedro Avenue, spoke to graffiti wipe-out in the City. She stated that current City language concerning graffiti dehumanizes and demonizes the youth, and those who create graffiti. She suggested using City money and education, and portions from the Neighborhood Services Department to be spent towards positive alternatives, opportunities, and activities for our community and health in order to prevent graffiti.

Mr. Jim Poage, SATAI, 500 Durango St., spoke to strategic investments in Texas through institutions such as the University of Texas. He also noted that 7 awards are granted throughout the state, and three of the seven will be awarded in San Antonio.

Ms. Janet Ahmad, Homeowners for Better Building, 18 Silverhorn, noted that she was pleased with the fact that monies generated at the Development Services Offices will be put back into that office. She asked that Council formulate a better way to keep up with homes that are deteriorating rapidly.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Eric Cooper, Executive Director of the San Antonio Food Bank. He wrote about the serious problem of hunger in San Antonio. He thanked the City of San Antonio for helping through Project Hope, Community Kitchen, Kids Cafes and Food Stamp Outreach. He noted that it was essential for the City to provide basic services, especially food, and endorsed the City's budget for the continuation of their program.

The Public Hearing adjourned at 9:20 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, August 31, 2006 at 9:00 am.

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, Mayor Hardberger.

The Invocation was led by Reverend Ben Alexander, Associate Minister, Friendship Baptist Church, guest of Mayor Phil Hardberger.

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

Councilmember Haass made a motion to approve the minutes of the August 10 and 17, 2006 City Council Meetings. Councilmember McNeil seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Gutierrez, Perez.

**ITEMS FOR INDIVIDUAL CONSIDERATION**

**PUBLIC HEARING AND ORDINANCE: CODE AMMENDMENTS**

A public hearing and consideration of the following Ordinances:

2006-08-31-0958

Item 4A. AN ORDINANCE AMMENDING CHAPTER 6, BUILDINGS, ARTICLE III, BUILDING CODE, OF THE CITY CODE OF SAN ANTONI, TEXAS, BY ADOPTING THE 2006 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE; PROVIDING FOR LOCAL AMENDMENTS TO SAID CODE; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

2006-08-31-0959

Item 4B. AN ORDINANCE AMENDING CHAPTER 6, BUILDINGS, ARTICLE III, BUILDINGS CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE; PROVIDING FOR LOCAL AMENDMENTS TO SAID CODE; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

2006-08-31-0960

Item 4C. AN ORDINANCE AMENDING CHAPTER 6, BULIDINGS, ARTICLE XIII, INTERNATIONAL RESIDENTIAL CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY ADOPTING THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE OF ONE-AND TWO- FAMILY DWELLINGS; PROVIDING FOR LOCAL AMENDMENTS TO SAID CODE; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

2006-08-31-0961

Item 4D. AN ORDINANCE AMENDING CHAPTER 24, PLUMBING, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY PROVIDING FOR A PROCESS OF PLUMBING CODE ADOPTION; ADOPTING THE 2006 EDITION OF THE UNIFORM PLUMBING CODE; PROVIDING FOR LOCAL AMANDMENTS TO SAID CODE; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

2006-08-31-0962

Item 4E. AN ORDINANCE ADOPTING THE 2005 EDITION OF THE NATIONAL ELECTRICAL CODE AND AMENDING CHAPTER 10, ELECTRICITY, OF THE CITY CODE OF SAN ANTONIO, TEXAS; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE AND DIRECTING PUBLICATION.

2006-08-31-0963

Item 4F. AN ORDINANCE AMENDING CHAPTER 6, BUILDINGS, ARTICLE V, MECHANICAL CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING THE 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE; PROVIDING FOR LOCAL AMENDMENTS TO SAID CODE; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Mayor Hardberger declared the Public Hearing to be open.

Mr. Barry Archer, Assistant Director of Development Services made a presentation on the proposed amendments to the Building Code, Electrical Code, Plumbing and Mechanical Codes of the City of San Antonio, a copy of which is on file with the Office of the City Clerk. He stated that the proposed amendments were to Chapters 6, 10 and 24 which included the 2000 International Residential Code, 2002 National Electric Code, 2003 International Building Code, 2003 Uniform Mechanical Code and the 2003 Uniform Plumbing Code. He outlined the process utilized that included public hearings held at the One Stop Center, noting that each of the affected Boards voted unanimously to recommend their proposed code amendments. He cited an additional amendment to the 2006 International Building Code to increase the minimum height of commercial address numbers from the current 4 inches to 6 inches.

The following citizen(s) appeared to speak:

Mr. Paul Davila, Chairman of the Electrical Board, 451 Mary Louise, asked the Council to approve the Chapter 10 Local Electrical City Code without modifications. He stated that the Electrical Board unanimously approved this document.

Mr. Julio Ruiz, 418 Otter Dr, Vice Chairman of the Mechanical Appeals and Advisory Board, asked for approval of the codes as recommended. He stated that the subcommittees received support for the International Mechanical Code from the architects, the engineers, the Air Conditioning Contractors Association, and the RSES.

Mr. Albert Cisneros, Bexar County Electrical Association, 6202 Pow Wow, urged Council to approve Chapter 10 without modifications. He mentioned some last minute recommendations from staff that the board was not given the opportunity to respond to. Lastly, he spoke on licensing and electrical safety.

Mr. Les Moynahan, Director of the Electrical Contractors Association and Chapter 10 Ad Hoc Committee member, 15750 Ashley Manor, asked Council to uphold the Electrical Board's vote concerning Chapter 10.

Mr. Thomas Monaco, President of Circle Electric and Board Member of Independent Electrical Contractors, 12710 Country Crest, spoke in support of the recommendations set forth by the board.

Mr. Billy Chamberlain, Electrical Board, 5018 Pelican, urged council to approve chapter 10 as is. He spoke to the large amount of work that was put into the modifications. He stated that safety is their primary goal and mentioned state licensing.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by the Greater San Antonio Builders Association. The Association wrote in support of staff recommendations to approve the 2006 International Residential Code. She thanked the many boards for the opportunities to speak at Public Hearings.

Mayor Hardberger declared the Public Hearing closed.

Councilmember Gutierrez made a motion to approve items 4A-4F. Councilmember Flores seconded the motion.

The motion to approve items 4A-4F carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following proposed Ordinance:

Item 5. An ordinance authorizing closure, vacation, and abandonment of Ellis Alley, which intersects Chestnut between Crockett and Center Streets, adjacent to NCB 579, District 2, as requested by VIA Metropolitan Transit for a fee of \$46,309, some or all of which may be waived under the Incentive Scorecard Program.

Councilmember McNeil made a motion to postpone item 5 for one week. Councilmember Haass seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to items 5 and 7. He asked what would happen to the historical VIA buildings if a high rise condominium complex is allowed to be built in the area. He spoke to catering by Rosemary's at the City's municipal golf courses. He also spoke to political contributions received by the Council.

The motion to postpone Item 5 carried as follows: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez.

The City Clerk read the following Ordinance:

2006-08-31-0964

Item 7. AN ORDINANCE AUTHORIZING EXECUTION OF A FIVE (5) YEAR CONCESSION AGREEMENT WITH CATERING BY ROSEMARY, INC. TO OPERATE THE FOOD AND BEVERAGE CONCESSIONS OPERATIONS AT THE CITY'S SEVEN (7) MUNICIPAL GOLF FACILITIES.

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

Mr. Malcolm Matthews, Director of Parks and Recreation, presented the proposed concessions contract for food and beverages at the Municipal Golf Facilities, a copy of which is on file with the Office of the City Clerk. He stated this license agreement would be with Catering by Rosemary, Inc. for concessions at the seven municipal golf facilities. He outlined background information noting that the present concessionaire was having its agreement end on September 1, 2006. He added that since there was no response to the RFP process, staff initiated discussions with concessionaires doing business with the City and subsequently began negotiations with Catering by Rosemary. He spoke to the concession agreement terms and compensation to the City.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Guajardo, Hall, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Radle, Haass.

The City Clerk read the following Ordinance:

Page 10 of 29

2006-08-31-0965

Item 6. AN ORDINANCE AUTHORIZING \$963,495.00 FOR ACQUISITION OF FEE SIMPLE TITLE TO TWO TRACTS OF LAND TOTALING 116.956 ACRES KNOWN AS THE DREISS AND LAREDO-CULEBRA II TRACTS SITUATED IN MEDINA COUNTY, TEXAS AS PART OF THE PROPOSITION ONE EDWARDS AQUIFER PROTECTION VENUE PROJECT; AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACTS TO ACCOMPLISH SAID PURCHASES; AND APPROPRIATING FUNDS.

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

Mr. Malcolm Matthews, Director of Parks and Recreation, made a presentation on the acquisition of two properties of the Proposition One Program, a copy of which is on file with the Office of the City Clerk. He provided background information on the Proposition One Program which was approved by the voters on May 7, 2005. He delineated information on the proposed purchases which included the Dreiss Tract and the Laredo-Culebra Tract, noting they were located adjacent to previous acquisitions in western Bexar County and Government Canyon State Natural Area. He presented aerial views of the properties, justification and details of the acquisitions, adding that the appropriate Committees had recommended approval of the purchases.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-08-31-0966

Item 8. AN ORDINANCE AUTHORIZING A LEASE OF THE OLD MAIN LIBRARY BUILDING, ALSO KNOWN AS THE HERTZBERG CIRCUS MUSEUM BUILDING, TO THE NATIONAL WESTERN ART FOUNDATION FOR THE RENOVATION AND USE OF THE BUILDING LOCATED AT 210 W. COMMERCE, AS WELL AS ADJACENT CITY OWNED PROPERTY ON MARKET STREET, AS A WORLD CLASS ART MUSEUM, LIBRARY HISTORICAL INFORMATION CENTER AND WESTERN HERITAGE CENTER WITH UP TO 5,000 SQUARE FEET OF DEDICATED SPACE IN THE BUILDING FOR USE BY THE SAN ANTONIO PUBLIC LIBRARY AS A LIBRARY HISTORY CENTER PORTAL, FOR AN

OPERATING TERM OF TWENTY-FIVE YEARS WITH THREE FIVE-YEAR RENEWALS.

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

Mr. Ramiro Salazar, Library Director, presented the lease agreement with the National Western Art Foundation, a copy of which is on file with Office of the City Clerk. He stated that National Western Art Foundation was a 501(c)(3) organization which had proposed a private/public project with the City of San Antonio and the San Antonio Water System (SAWS). He noted the Foundation would invest approximately \$16 million in private dollars to revitalize the Hertzberg building to create a world class western art museum, a Library History Center Portal, and a destination venue for downtown. He outlined the process which led to the negotiated lease agreement delineating responsibilities of the Foundation, City of San Antonio and SAWS. He further cited the timeline of the project and fiscal impact.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

**CONSENT AGENDA: ITEMS 9-39**

Items 10, 11, 14, 16, 17, 18, 19, 20, 31, 32, 33, 34, and 38 were pulled from the consent agenda for individual consideration. The remaining items were approved upon a motion made by Councilmember Haass and seconded by Councilmember Wolff.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to political contributions received by Council members from Rosemary's Catering. He also spoke on item 35 concerning tax abatement.

Mr. Charles Vaughn, 501 Broadway, spoke to item 31. He stated that he was available answer any questions about the Wings over the Alamo proposal.

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. He wrote about tax abatement and stated that everyone should be taxed equally, whether it is a private individual or a business.

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

2006-08-31-0967

Item 9. AN ORDINANCE ACCEPTING THE BID SUBMITTED BY WESTERN OILFIELDS SUPPLY CO. D/B/A RAIN FOR RENT TO PROVIDE THE PUBLIC WORKS DEPARTMENT WITH THREE REPLACEMENT TRAILER MOUNTED PUMPS FOR A TOTAL COST OF \$48,693.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2006-08-31-0968

Item 12. AN ORDINANCE ACCEPTING THE BID SUBMITTED BY FEDERAL RESOURCES SUPPLY CO. TO PROVIDE THE FIRE DEPARTMENT WITH A GAS IDENTIFICATION PACKAGE FOR A TOTAL COST OF \$61,485.33, FROM THE STATE HOMELAND SECURITY PROGRAM 2005 GRANT FUND.

2006-08-31-0969

Item 13. AN ORDINANCE ACCEPTING THE BID SUBMITTED BY NATHAN ALTERMAN ELECTRIC CO., LTD., TO PROVIDE THE HEALTH DEPARTMENT WITH THE PURCHASE AND INSTALLATION OF ONE 300 KILOWATT DIESEL POWERED STANDBY GENERATOR FOR A TOTAL COST OF \$98,329.00, FROM THE PUBLIC HEALTH PREPAREDNESS LABORATORY GRANT.

2006-08-31-0970

Item 15. AN ORDINANCE APPROVING A TOTAL PROJECT AMOUNT OF \$5,431,584.70 AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$5,090,560.20 TO TEXAS-STERLING CONSTRUCTION, L.P., \$675,459.20 OF WHICH WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$325,374.50 WILL BE REIMBURSED BY CPS ENERGY, IN CONNECTION WITH MARBACH ROAD - PHASE 1 - MILITARY TO PINN PROJECT, AN AUTHORIZED 2003 GENERAL OBLIGATION STREET & PEDESTRIAN IMPROVEMENT BOND FUNDED PROJECT, LOCATED IN DISTRICT 6, AND AUTHORIZING CHANGE ORDER NUMBER 1 IN THE DEDUCTIVE AMOUNT OF \$797,133.90 TO THE CONSTRUCTION CONTRACT WITH TEXAS-STERLING CONSTRUCTION, L.P., FOR VALUE ENGINEERING MODIFICATIONS, AND AMENDING A PROFESSIONAL ENGINEERING

SERVICES AGREEMENT WITH LOCKWOOD, ANDREWS & NEWMAN, INC. FOR ADDITIONAL ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$75,000.00, AND APPROPRIATING FUNDS.

2006-08-31-0971

Item 21. AN ORDINANCE AUTHORIZING A 10-YEAR LICENSE TO NORTHEAST INDEPENDENT SCHOOL DISTRICT FOR A \$5,000 FEE FOR AN OVERHEAD CABLE OVER HARDY OAK BOULEVARD ADJACENT TO HARDY OAK ELEMENTARY SCHOOL, NCB 19217, DISTRICT 9.

2006-08-31-0972

Item 22. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH AMERICAN AIRLINES FOR 11,520 SQUARE FEET OF CARGO SPACE IN THE AIR CARGO BUILDING WEST, BAYS 15, 16, 28, 29, 40 AND 41 AT SAN ANTONIO INTERNATIONAL AIRPORT, FOR A TERM OF THREE (3) YEARS EFFECTIVE ON NOVEMBER 1, 2005 FOR MONTHLY RENTAL OF \$7,265.81.

2006-08-31-0973

Item 23. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE RENEWAL AND EXTENSION WITH MARBACH PLAZA, LTD. FOR APPROXIMATELY 5,670 SQUARE FEET OF CLINIC AND OFFICE SPACE LOCATED AT 7452 MILITARY DRIVE WEST FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2011 AT A RATE OF \$5,079.38 PER MONTH.

2006-08-31-0974

Item 24. AN ORDINANCE APPROVING A THREE (3) YEAR FARMERS MARKET LEASE AGREEMENT WITH MS. CLAUDIA PAZ NEGRETE AND MR. SALVADOR CAZARES NEGRETE D/B/A CASA CLASAL INTERNATIONAL, INC. FOR USE OF APPROXIMATELY 114 SQUARE FEET IDENTIFIED AS STALL S-11 IN FARMERS MARKET PLAZA AT MARKET SQUARE IN CITY COUNCIL DISTRICT 1 COMMENCING ON SEPTEMBER 1, 2006 AND ENDING AUGUST 31, 2009.

2006-08-31-0975

Item 25. AN ORDINANCE APPROVING THE FIRST OF THREE RENEWALS BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2015 AND AMENDMENT OF BROADCASTING LEASE AGREEMENTS FOR USE OF THE TOWER OF THE AMERICAS WITH THE FOLLOWING RADIO BROADCAST STATIONS: CLEAR CHANNEL BROADCASTING, INC. (KQXT); TEXAS CBS RADIO BROADCASTING, L.P. (KJXK); AND TEXAS LOTUS, LTD. (KZEP) RESULTING IN INCREASED RENTAL RATES FROM \$2,500 TO \$5,500 PER MONTH GENERATING REVENUES IN THE TOTAL OF \$148,500 IN FY2006 WITH AN ANNUAL INCREASE OF 3.00% THEREAFTER.

2006-08-31-0976

Item 26. AN ORDINANCE APPROVING A LEASE AGREEMENT WITH TOWER FM CONSORTIUM, LLC FOR THE INSTALLATION AND MANAGEMENT OF A MASTER ANTENNA FOR COMMERCIAL BROADCASTING TO BE LOCATED ON TOP OF THE TOWER OF AMERICAS.

2006-08-31-0977

ITEM 27. AN ORDINANCE AUTHORIZING THE TRANSFER OF \$54,000.00 FROM THE DEPARTMENT OF COMMUNITY INITIATIVES GENERAL FUND BUDGET AND THE TRANSFER OF \$20,000.00 FROM THE 2006 ANNIE E. CASEY - MAKING CONNECTIONS GRANT BUDGET FOR USE AS MATCH MONEY FOR THE IDA PROGRAM IN ORDER TO ENABLE INDIVIDUALS TO UTILIZE AN IDA TO PURCHASE A HOME OR ATTEND POST-SECONDARY EDUCATION.

2006-08-31-0978

Item 28. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AN AWARD IN THE AMOUNT OF \$625,000.00 FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES & SERVICES ADMINISTRATION FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S HEALTHY START INITIATIVE TO CONTINUE FOR THE PERIOD AUGUST 1, 2006 THROUGH MAY 31, 2007; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2006-08-31-0979

Item 29. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TOTALING \$261,633.00 WHICH WILL PROVIDE FUNDING FOR THE ONGOING TITLE V MATERNAL & CHILD HEALTH PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2006-08-31-0980

Item 30. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TOTALING \$207,183.00 WHICH WILL PROVIDE FUNDING FOR THE TITLE V POPULATION BASED SERVICES PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT THROUGH AUGUST 31, 2007; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2006-08-31-0981

ITEM 35. AN ORDINANCE APPROVING THE ASSIGNMENT AND SECOND AMENDMENT TO THE TAX PHASE-IN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND TEXAS MACHINING ENTERPRISES II, L.L.P.("TME") ASSIGNING ALL RIGHTS AND OBLIGATIONS FROM TME, AS ASSIGNOR, TO CATERPILLAR, INC., AS ASSIGNEE.

2006-08-31-0982

Item 36. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT FOR UP TO \$500,000.00 WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO PROVIDE LABORATORY TESTING SERVICES FOR PATIENTS OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT THROUGH DECEMBER 31, 2009.

2006-08-31-0983

Item 37. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH WILL ALLOW THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT CONTINUED

ON-LINE ACCESS TO BIRTH RECORDS FROM THE STATE'S BUREAU OF VITAL STATISTICS THROUGH AUGUST 31, 2008.

**ITEM 39: BOARD APPOINTMENTS**

Reappointing Ralph De Leon (District 3) to the San Antonio Local Development Company, Inc. (d/b/a South Texas Business Fund) (Category: Director) for the remainder of an unexpired term of office to expire May 5, 2008.

[CONSENT ITEMS CONCLUDED]

**CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following proposed Ordinance:

Item 10. 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 2006-2007 for a combined estimated cost of \$3,046,600, including: OS-SAS software maintenance; TRMS & \$AVRS license renewals; Spanish language books, DVDs and media; asphalts, oil & emulsions; automotive storage batteries; automotive & heavy equipment filters; air conditioning filters; Tymco sweeper & Converto parts and service; Allison transmission parts and service; maintenance of ice sheet chillers at the Alamodome; spread spectrum radios; printers, print servers and scanners; lawn service; replacement of automotive glass; official and other newspaper advertisements; work gloves; and back support belts for Fire.

Councilmember Perez made a motion to table Item 10 for one week. Councilmember Gutierrez seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass, Mayor Hardberger. **NAYS:** Hall. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-08-31-0984

Item 11. AN ORDINANCE ACCEPTING THE BIDS SUBMITTED BY NORTHSIDE FORD AND COLUMBUS COUNTRY FORD TO PROVIDE THE CITY OF SAN ANTONIO WITH 54 REPLACEMENT AND 5 ADDITIONAL VANS AND PLATFORM TRUCKS FOR A TOTAL COST OF \$1,131,191, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND AND THE GOVERNOR'S COMMITTEE ON AGING FUND.

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-08-31-0985

Item 14. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$3,430,310.00 AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$399,300.00 TO DAVILA CONSTRUCTION, INC. AND APPROVING CHANGE ORDER NUMBER 1 IN THE DEDUCTIVE AMOUNT OF \$78,149.00 TO THE CONSTRUCTION CONTRACT WITH DAVILA CONSTRUCTION, INC. FOR VALUE ENGINEERING MODIFICATIONS, IN CONNECTION WITH THE LIBRARY IMPROVEMENTS PHASE 3 PROJECT AT CODY, FORREST HILLS, AND PAN AMERICAN BRANCH LIBRARIES, LOCATED IN DISTRICTS 4, 7, AND 8, FROM 1989 GENERAL OBLIGATION LIBRARY SYSTEM IMPROVEMENT BONDS AND 2003-2007 GENERAL OBLIGATION LIBRARY IMPROVEMENT BONDS, AND APPROPRIATING FUNDS.

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-08-31-0986

Item 16. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT COST OF \$285,000.00 AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$152,680.00 TO MCNEIL ROOFING AND SHEET METAL IN CONNECTION WITH THE SAN ANTONIO POLICE ACADEMY ROOF REPAIRS PROJECT, AN AUTHORIZED 2002 CERTIFICATES OF OBLIGATION PROJECT LOCATED IN DISTRICT 3, AND APPROPRIATING FUNDS.

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-08-31-0987

Item 17. AN ORDINANCE APPROVING SAWS CHANGE ORDER NUMBER 2 IN THE AMOUNT OF \$63,257.45 TO THE CONSTRUCTION CONTRACT WITH E-Z BELL CONSTRUCTION, LTD., OF WHICH \$63,257.45 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, IN CONNECTION WITH THE OLYMPIA DRAINAGE AREA PHASE I PROJECT, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND AND CERTIFICATES OF OBLIGATION PROJECT, LOCATED IN DISTRICT 1, AND APPROPRIATING FUNDS.

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinances:

2006-08-31-0988

Item 18. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$54,260.55 TO INCLUDE \$50,960.55 FOR IN-HOUSE CONSTRUCTION OF A BASKETBALL COURT, SITE FURNISHINGS, AND AN ACCESSIBLE PATH TO THE COURT FROM THE EXISTING PARKING LOT IN CONNECTION WITH THE SUNRISE PARK IMPROVEMENTS PROJECT IN CITY COUNCIL DISTRICT 2, AN AUTHORIZED UDC (UNIFIED DEVELOPMENT CODE) FEES FUNDED PROJECT; AND APPROPRIATING FUNDS.

2006-08-31-0989

Item 19. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$79,263.15 TO INCLUDE \$76,563.15 FOR IN-HOUSE CONSTRUCTION OF A PUGMILL TRAIL, SITE AMENITIES, INCLUDING PICNIC UNITS AND BENCHES IN CONNECTION WITH THE CHESTNUT SPRINGS PARK DEVELOPMENT PROJECT IN CITY COUNCIL DISTRICT 6, AN AUTHORIZED UDC (UNIFIED DEVELOPMENT CODE) FEES FUNDED PROJECT; AND APPROPRIATING FUNDS.

2006-08-31-0990

Item 20. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$142,056.63 TO INCLUDE \$138,756.63 FOR IN-HOUSE CONSTRUCTION OF AN ENTRY DRIVE, A PARKING LOT, PRACTICE FIELDS FOR BASEBALL AND SOCCER, AND SITE FURNISHINGS IN CONNECTION WITH THE HAUSMAN ROAD PARK DEVELOPMENT PROJECT IN CITY COUNCIL DISTRICT 8, AN AUTHORIZED 2003-2007 PARK BOND FUNDED PROJECT, AND APPROPRIATING FUNDS.

Councilmember Perez made a motion to approve items 18, 19, and 20. Councilmember Gutierrez seconded the motion.

The motion carried as follows: **AYES:** Flores, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** McNeil.

2006-08-31-0991

Item 31. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO USE FUNDS OF THE CITY OF SAN ANTONIO WITH ALAMO PUBLIC TELECOMMUNICATIONS COUNCIL D/B/A KLRN-TV IN AN AMOUNT NOT TO EXCEED \$60,000 TO PARTIALLY FUND THE PRODUCTION OF A ONE-HOUR FILM ENTITLED "WINGS OVER THE ALAMO", DOCUMENTING THE CITY'S MILITARY AVIATION HISTORY.

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-08-31-0992

Item 32. AN ORDINANCE SELECTING CARTER & BURGESS, INC. TO PROVIDE PARKING CONSULTANT SERVICES IN CONNECTION WITH THE OPERATION, MANAGEMENT, AND MARKETING OF THE CITY'S PARKING ASSETS; AUTHORIZING NEGOTIATION AND EXECUTION OF A CONSULTANT CONTRACT IN AN AMOUNT NOT TO EXCEED \$246,700.

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

The City Clerk read the following proposed Ordinance:

Item 33. An Ordinance authorizing the establishment of a Reserve Law Enforcement Officer Program at the San Antonio International Airport, to include up to twenty volunteer certified police officers to serve at the discretion of the Chief of Airport Police, approving standards for training, and providing for payment of uniform and administrative expenses of the Program from previously appropriated funds.

Councilmember Guajardo made a motion to table item 33 for two weeks. Councilmember Herrera seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Mayor Hardberger. **NAYS:** Hall, Wolff, Haass. **ABSENT:** None.

Item 33 was tabled.

The City Clerk read the following Ordinance:

2006-08-31-0993

Item 34. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF PASSENGER VANS AND THE TRANSFER OF THE RESPECTIVE TITLES TO THE CITY OF SAN ANTONIO FROM THE ARCHDIOCESE OF SAN ANTONIO; AUTHORIZING THE EXECUTION OF AGREEMENTS AND AGREEMENT AMENDMENTS

NECESSARY TO FACILITATE ACCEPTANCE OF THE VANS BY THE CITY AND TO ALLOW FOR THE CONVERSION OF ONE VAN INTO A CARGO VAN FOR CONTINUED SUPPORT OF THE COMPREHENSIVE NUTRITION PROGRAM.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Radle 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, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-08-31-0994

Item 38. AN ORDINANCE AUTHORIZING (1) THE EXECUTION OF A CONTRABAND FORFEITURE AGREEMENT AND (2) A CONTRABAND FORFEITURE AGREEMENT FOR GAMBLING PROPERTY AND PROCEEDS, BOTH WITH THREE-YEAR TERMS COMMENCING OCTOBER 1, 2006, WITH THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE TO SHARE PROCEEDS FROM ASSET FORFEITURE CASES PURSUANT TO CHAPTERS 18 AND 59 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Radle 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, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

Mayor Hardberger recessed the Regular Session at 12:20 pm and announced that Council would reconvene at 1:30 pm. Mayor Hardberger reconvened the Regular Session at 1:45 pm and addressed Item 41.

Item 41. Briefing on the five-year Animal Care Services Strategic Plan.

Mr. Pat DiGiovanni, Deputy City Manager, spoke to the Five-Year Strategic Plan, a copy of which is on file with the Office of the City Clerk. He stated that Mayor Hardberger had submitted a Council Consideration Request on February 7, 2006 which has led to a number of meetings and work sessions for the development of the plan. He amplified on the process which helped to identify the central challenge, define strategic priorities,

develop strategic map and profile, and develop strategic objectives. He cited key issues, focusing on the central challenge which was to lead the community to achieve a “no kill” goal by 2012 and the mission statement for the Animal Care Services.

Ms. Ellen Lockwood went through a year by year timeline of what will happen with the Strategic Plan. She stated that first year priorities are increase community awareness and pet owner responsibility through implementing public service announcements and public relations campaigns. A second priority was to reduce the number of stray and homeless animals by expanding accessibility to free and low cost spay/neuter. Another goal was to increase adoption through multi-site availability. She also spoke of grants and matching funds that will help with funding of several programs. She stated that an increase in owner retention is necessary and stated the importance of implementing effective public policy and ordinances.

The following citizen(s) appeared to speak:

Mr. Joel Hailey, 210 Vanderheck #4, spoke to the Animal Care Practices of the City of Los Angeles. He presented excerpts of the Ordinance that was passed in Los Angeles concerning breeder’s permits. He showed the decrease in euthanasia in L.A. after the implementation of breeder’s permits. He urged Council to adopt the proper ordinances as soon as possible.

Mr. John Hackett, 123 E. Elsmere, Voice for Animals, thanked Council for coming up with a no-kill plan. He expressed concern for the goal of fulfilling all plans by 2012 and suggested that the date be moved up.

Mr. John Bachman, 735 W. Utopia, asked that a budget be in place before the plan can move forward. He stated that more staff is not necessary to decrease euthanasia and that the answer is increased adoption and spay/neuter. He also stated that he donated nine billboards to the City.

Mr. Walt Hagen, 14303 Turtle Rock, Responsible Pet Owner’s Alliance, stated that public education is necessary to make the Animal Care Plan successful. He explained that a spay/neuter ordinance would call for mandatory spay/neuter.

Item 42. Briefing on the efforts of the City/County Joint Commission on Elderly Affairs

Mr. Glen Hartman stated that the Commission is in charge of representing the seniors of Bexar County, a population which is now at a quarter of a million people. He explained that there is a need for transportation that is tailored to the needs of the elderly in our community. He stated that VIA has been working with the Commission on Elderly

Affairs to start a program that will benefit seniors. He also spoke to road shows that inform seniors of the services that are available to them. He explained the efforts that have been set forth to establish a program to fill the coverage gaps left by prescription programs. He urged the Council to continue funding for the San Antonio Food Bank for Project Hope. He stated that the Commission fully supports funding for the Bob Ross Multiservice Health and Resource Center. He stated the Commission is also recommending increased security measures in the various housing areas for seniors to decrease the amount of crime committed against seniors. He urged Council to support seniors being allowed to opt to work off their taxes as allowed under the Texas Tax Code. He stated that the Commission formally endorsed the automated garbage collection system and formally opposed the phase out and abandonment of the City's homemaker program.

#### **Item 40 - City Manager's Report**

City Manager Sheryl Sculley stated that City staff was preparing a report for the City Council on the budget questions raised by citizens that would be provided to the Council.

#### **Item 44. Second required Public Hearing on the FY 2007 Proposed Ad Valorem Tax Rate for the FY 2007 Proposed Budget and the tax year beginning on January 1, 2006 and ending December 31, 2006.**

Mayor Pro Tem Perez declared the public hearing open and announced that this was the second required public hearing on the proposed ad valorem increase in the tax rate. State law said that the City Council will vote on the proposed tax rate for tax year 2006 at its meeting beginning at 9:00 am on Thursday September 7, 2006 in the Council Chambers.

Mr. Peter Zaroni, Director of Management and Budget, made a presentation on the proposed property tax rate, a copy of which is on file with the Office of the City Clerk. He stated that City Council had set the proposed tax rate for FY 2007 at 57.854 cents per \$100 of taxable valuation, noting that this was the same tax rate recommended for FY 2007 proposed budget and the same tax rate adopted for FY 2006. He outlined the effective, proposed and rollback tax rates, the General Fund available resources distributed over the major service delivery area and the property value change for FY 2007. He highlighted on the required tax rate publications and the timeline for the tax rate schedule hearings and adoption.

Ms. Julie Iris Oldham, 4523 Allegheny Dr, asked that all individuals consider what they have received from this particular Council. She stated that seniors are treated like third

class citizens in San Antonio. She asked that priorities be shifted from tree huggers, art, and animals to senior citizens.

Mr. Jack M. Finger, P.O. Box 12048, spoke on taxable values and tax levies. He summarized the increase in tax rates since 1990. He asked for a twenty percent tax cut.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the fee charged by the City to get married on the Riverwalk. He asked if you have to be in love to get married on the Riverwalk and pay \$200.00 to the city. He expressed concern to the timeliness of police officers responding to 911 calls. He stated that the large garbage cans provided to elderly citizens are too heavy for them to carry to the curb.

Mayor Pro Tem Perez declared the public hearing closed.

### **MASTER PLAN AND ZONING CASES**

Item 43. ZONING CASE #Z2006137 S (District 5): Public hearing and consideration of an Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "I-1" S General Industrial District with Specific Use Permit for a Transitional Home on Lot A-46, Block 46, NCB 220, 801 Morales Street as requested by Bannum, Inc., Applicant, for Downtown Warehouse Investors, Ltd., Owner(s). Staff recommends Denial. Zoning Commission recommends Approval.

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

The following citizen(s) appeared to speak:

Ms. Ann Wilson spoke against the zoning change.

Councilmember Radle made a motion to continue the proposed zoning case for one week. Councilmember Hall seconded the motion.

The motion to continue the proposed zoning case prevailed by the following vote: Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

### **CEREMONIAL ITEMS**

Mayor Hardberger presented the following honorariums:

- A proclamation was presented to Rudi Rodriguez for Tejano Heritage Month. The month of September has been designated as Tejano Heritage Month by the State of Texas, Bexar County and San Antonio to bring awareness about the true contributions and lives of Tejano Pioneers. Texas Tejano.com and the Alamo Legacy and Missions Association will provide living history reenactments to educate youths and adults about Texas History.
- A presentation was made for Heart and Stroke Healthy City. The City of San Antonio received the Bronze Level Award in the Heart and Stroke Healthy City Recognition Program. Developed in 2003 by a group of public and private organizations, the program is dedicated to reducing the burden of heart disease and stroke for Texans.
- A Certificate of Appreciation to La Prensa Newspaper was presented by Mayor Hardberger. July 2006 marked the 17<sup>th</sup> Anniversary of The La Prensa Newspaper. After a 27-year hiatus, Tino and Amelia Duran revived the bilingual publication to give the Hispanic Population of San Antonio its own publication where they could read world news in Spanish.

### **CITIZENS TO BE HEARD**

#### **The following citizen(s) appeared to speak:**

Mr. Joel Hailey, 210 Vanderheck #4, summarized the points he made earlier regarding the Animal Strategic Plan. He expressed concern with educating people with spaying and neutering. He added that there needed to be teeth to a policy that is proposed and that the community needed to respect that policy. He urged the Council to implement a breeding permit.

Mr. John Hackett, 123 E. Elsmere, also addressed the Council relating to the Animal Strategic Plan. He commended Council on the plan that went through a process that took a matter of months. He was concerned that the target for completion is 2012. He expressed that there was not a genuine basis for completion in 2012 and stated that the plan could be fully implemented in 3 years.

Mr. John Bachman, 735 W. Utopia, stated that there are insufficient funds for spaying and neutering. He asked that the Council cut as many positions as possible and mentioned that there was not enough money in the budget for a mobile unit. He suggested the survey be San Antonio specific when it is conducted. He showed a diagram that depicted a curve in the spaying and neutering, and asked that Council do research to find out how to flatten the curve. He also asked staff to look into the

compartments that are going to be bought which are not as humane as vans. Lastly, he requested that the staff implement "No Kill by 2009."

Ms. Pattie Titus, 137 Yaupan Trail, referenced the budget increase that was needed to enforce the law as it relates to animals in Los Angeles. She also mentioned the 10 reasons that people turn animals in, all of which relate to irresponsible pet owners, not breeding. She referred to the USDA Broker listing and the number of breeders in San Antonio. She also referenced the number of puppies sold.

Mr. Faris Hodge, Jr., 140 Dora, stated that the two percent pay increase for employees is not sufficient. He expressed concern to the size of City-Owned garbage cans. He also stated that the \$200.00 fee to be married on the Riverwalk was unnecessary.

Mr. Tom Lewis, Alamo City Cat Club, PO Box 762733, addressed the Council relating to the Animal Strategic Plan and stated that spaying and neutering is the answer. He spoke on Breeder's Permits and the fact that they are not mentioned in the strategic plan. He read a letter from Pam Delibar, President of the Cat Fanciers Association Inc, stating that trap, spay/neuter, and release programs were the most effective and humane programs for dealing with ferrell cats. She stated that mandatory spay/neuter, restrictive pet ownership, mandatory licensing, and increased licensing do not address the 99 percent population of San Antonio's animal shelters and will not lead to a decrease in euthanasia.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Ave, distributed a copy of the cartoon that appeared in the San Antonio Express depicting Mayor Hardberger. He also spoke to biblical laws regarding homosexuality.

Mr. Hal McCloskey, Downtown Vendors Association, 920 Camaron, asked that the pilot program concerning Riverwalk vending be expanded. He asked for a draft of the proposed changes to the vending Ordinance. He also spoke of the slots available for vending and the amount of money per slot. He then asked that private property owners be allowed to regulate their own property. Lastly, he asked that Paseo del Rio be left out of the vendor's permit process.

Mr. Michael John, Riverwalk Vendor's Association, 2238 Tansyl Dr., spoke on exposure to lawsuits and stated that he was fearful of the Park Police Officers. He also stated that the Park Police should all be placed under Chief McManus. He suggested more training for the Park Police and then referenced an ordinance which does not afford him the right for a permit on the river for vending.

Ms. Rachel Zepeda, 2318 Townbreeze, stated her disappointment with the Animal Strategic Plan. She referenced the large number of ads in the newspaper offering to sell

various animals that are bred in people's backyards. She stated that the plan needs to address spaying and neutering.

Boys and Girls Club representatives from the 600 block of SW 19<sup>th</sup> Street addressed the Council with regards to their CDBG funding cuts. He noted that they are concerned about youth and stated that he spoke as a concerned parent.

Mr. Richard Pena of SEIU addressed the affects of the Health Insurance proposal for the 2007 Budget. He stated that they continue to have a problem by not including the City Employees and union members to all sub-committee meetings. He encouraged Council to freeze the tax rate. He also suggested that the board members to all boards be elected rather than appointed.

Mr. Jonathan Askenaze, 4007 McCullough, commended the Council relating to the building codes adopted earlier and noted that staff and the board did their job. He suggested revitalization of the City. He asked for a linear park in his area, and asked to plant more trees in his area. He also asked for the City's help in alley trash pick-up.

**ADJOURNMENT**

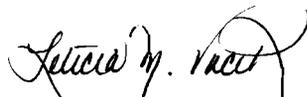
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:40 pm.

A P P R O V E D



**PHIL HARDBERGER**  
M A Y O R

Attest:



**LENICA M. VACEK**  
City Clerk