

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, NOVEMBER 29, 2006 AND THURSDAY, NOVEMBER 30, 2006

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The City Council convened in an informal "B" Session at 3:00 p.m., Wednesday, November 29, 2006, Municipal Plaza Building "B" Room, for the purpose of:

1. Staff briefing and update, including possible Council action, regarding various aspects of the 2007-2011 General Obligation Bond Program, including the approved Bond Project Selection Criteria Guide; Community Committees; and upcoming events related to planning and strategy with the 8 Community Committee Co-Chairs.
2. Staff presentation on the Policies and Procedures for administration of the River Walk Designated Public Space Vending Program.

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

The "B" Session adjourned at 4:05 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, November 30, 2006 at 1:30 p.m.

City Clerk Leticia M. Vacek took the Roll Call and noted a quorum with the following Councilmember's present: Flores, McNeil, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. ABSENT: Perez and Gutierrez.

The Invocation was led by Rev. Kim DeVries, Pastor, Mount Calvary Lutheran Church, guest of Councilmember Chip Haass, District 10.

Mayor Hardberger led the Pledge of Allegiance.

Councilmember Haass made a motion to approve the minutes of the November 9, 2006 City Council meeting. Councilmember Radle seconded the motion.

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

CONSENT AGENDA

Items 15, 29 and 41 were pulled from the consent agenda for individual consideration. The remaining items were approved upon motion made by Councilmember Flores and seconded by Councilmember Haass.

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

2006-11-30-1338

Item 9. 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 \$885,000.00, INCLUDING: DUAL COLOR CAMERA SYSTEMS FOR HEAVY TRUCKS, JANITORIAL SERVICES, TRAFFIC SIGNAL STEEL POLES, AND RENTAL OF CONSTRUCTION EQUIPMENT.

2006-11-30-1339

Item 10. AN ORDINANCE RATIFYING A CONTRACT WITH RAMOS & ASSOCIATES, INC. FOR REPAIR OF THE ALAMODOME WEST LOOP HOT WATER SYSTEM FOR A TOTAL COST OF \$74,070.16, FROM THE COMMUNITY AND VISITORS FACILITIES FUND.

2006-11-30-1340

Item 11. AN ORDINANCE AUTHORIZING THE EXPENDITURE OF \$67,500.00 FOR THE REPLACEMENT OF BALLISTIC VESTS FOR THE SAN ANTONIO POLICE DEPARTMENT; AND RATIFYING THE SETTLEMENT WITH POINT BLANK BODY ARMOR, INC.

2006-11-30-1341

Item 12. AN ORDINANCE AUTHORIZING \$374,670.54 IN CHANGE ORDERS (NOS. 14, 17, 20, 21, 21, 22, 23, AND 24) TO THE \$6,322,656.80 CONSTRUCTION CONTRACT WITH JERDON ENTERPRISES, L.P., AS PART OF THE UTILITY RELOCATION PROJECT FOR THE NEW TERMINAL B AT THE SAN ANTONIO INTERNATIONAL AIRPORT, AND TRANSFERRING FUNDS WITHIN THE PROJECT BUDGET.

2006-11-30-1342

Item 13. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$250,000.00, TO INCLUDE AWARDED A \$190,999.00 CONTRACT WITH SHORTY, INC. DBA CHARLIE & COMPANY FOR IMPROVEMENTS TO INCLUDE GRANITE GRAVEL TRAIL AND AMERICANS WITH DISABILITIES ACT (ADA) MODIFICATIONS FOR THE RESTROOMS, DRINKING FOUNTAIN, PARKING, WALKS, THREE NEW PICNIC UNITS AND 8' FOUL LINE FENCES IN CONNECTION WITH THE PALO ALTO TERRACE PARK IMPROVEMENTS PROJECT, AN AUTHORIZED U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDED PROJECT IN DISTRICT 4; AND APPROPRIATING FUNDS.

2006-11-30-1343

Item 14. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT COST OF \$2,716,526 AND AWARDED A CONSTRUCTION CONTACT IN THE AMOUNT OF \$2,111,774.89 TO E-Z BELL CONSTRUCTION, LTD., OF WHICH \$57,975 WILL BE REIMBURSED BY CPS ENERGY AND \$602,556.14 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, IN CONNECTION WITH THE BLANCO ROAD – LULLWOOD TO SUMMIT PROJECT, AN AUTHORIZED 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDED PROJECT LOCATED IN DISTRICT 1, AND APPROPRIATING FUNDS.

2006-11-30-1345

Item 16. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTRAJURISDICTIONAL AGREEMENT WITH CPS ENERGY TO TRANSFER THE USE, BENEFIT, AND CONTROL OF A 0.0111 ACRE TRACT OF LAND FROM THE CITY OF SAN ANTONIO TO CPS ENERGY IN CONNECTION WITH THE COMMERCE STREET – RAILROAD TO S. PALMETTO PROJECT, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDED PROJECT, LOCATED IN DISTRICT 2.

2006-11-30-1346

Item 17. AN ORDINANCE APPROVING SAN ANTONIO WATER SYSTEM CHANGE ORDER NO.1 IN THE AMOUNT OF \$72,783 TO THE \$4,154,847.20 CONSTRUCTION CONTRACT WITH R.L. JONES, L.P. FOR ADDITIONAL WORK, INCLUDING RELATED STREET OVERLAY WORK, SANITARY SEWER OUTFALL WORK, AND EXTENSION OF THE SANITARY SEWER, IN CONNECTION WITH THE MARNEY PLAZA OUTFALL PROJECT, LOCATED IN DISTRICT 3, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND PROJECT.

2006-11-30-1347

Item 18. AN ORDINANCE APPROVING PHASE II DESIGN SERVICES OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH LOCKWOOD, ANDREWS & NEWNAM, INC., AND ADDING THE AMOUNT OF \$774,050 TO THE AGREEMENT, FOR ADDITIONAL DESIGN, CONSTRUCTION AND BID SERVICES FOR PHASE I AND PHASE II DESIGN SERVICES, IN CONNECTION WITH THE ZARZAMORA DRAINAGE #83A PHASE I AND PHASE II PROJECT, LOCATED IN DISTRICT 4, AN AUTHORIZED 2005 STORM WATER REVENUE BOND AND HOUSING AND URBAN DEVELOPMENT 108 LOAN PROGRAM FUNDED PROJECT, AND APPROPRIATING FUNDS.

2006-11-30-1348

Item 19. AN ORDINANCE APPROVING CHANGE ORDER NO. 2 - FINAL IN THE DEDUCTIVE AMOUNT OF \$26,060.07 TO THE \$404,864.15 CONSTRUCTION CONTRACT, AS CHANGED, WITH E-Z BELL CONSTRUCTION, LTD., TO RECONCILE ACTUAL QUANTITIES USED, IN CONNECTION WITH THE W. FRENCH – ZARZAMORA TO NAVIDAD PROJECT, LOCATED IN DISTRICT 7.

2006-11-30-1349

Item 20. AN ORDINANCE AUTHORIZING A SEVEN-YEAR OFFICE LEASE WITH RIVERVIEW TOWER PARTNERS, LTD. FOR THE FINANCE DEPARTMENT, OF APPROXIMATELY 23,900 SQUARE FEET OF SPACE LOCATED AT 111 SOLEDAD STREET, DISTRICT 1, AT AN ANNUAL RENTAL RATE ESCALATING FROM \$15.50 TO \$17.00 A SQUARE FOOT, PLUS A SHARE OF OPERATING EXPENSES AND PROVIDING FOR POSSIBLE RENEWAL.

2006-11-30-1350

Item 21. AN ORDINANCE APPROVING A LEASE AMENDMENT BETWEEN AVENIDA GUADALUPE ASSOCIATION, INC. AND THE CITY OF SAN ANTONIO, RELOCATING COUNCILWOMAN RADLE'S CURRENT OFFICE LOCATED AT 1410 GUADALUPE ST, DISTRICT 5, TO A DIFFERENT SUITE WITHIN THE SAME FACILITY FOR NO ADDITIONAL COST TO THE CITY, IN ORDER TO ACCOMMODATE THE REQUEST OF THE LANDLORD.

2006-11-30-1351

Item 22. AN ORDINANCE APPROVING AMENDMENTS TO THE AIRLINE-AIRPORT USE AND LEASE AGREEMENTS FOR AEROLITORAL, CONTINENTAL, MEXICANA, MIDWEST, NORTHWEST, DELTA, UNITED, FRONTIER, AMERICAN AND SOUTHWEST AIRLINES TO EXTEND THE CURRENT AGREEMENT FOR UP TO AN ADDITIONAL THREE (3) YEARS.

2006-11-30-1352

Item 23. AN ORDINANCE AUTHORIZING THE EXECUTION OF A SAN ANTONIO INTERNATIONAL AIRPORT SPECIALTY RETAIL CONCESSION AGREEMENT WITH BROOKSTONE STORES, INC. FOR AN INITIAL OF SIX-MONTH TERM WITH AUTOMATIC MONTHLY RENEWALS NOT TO EXTEND PAST DECEMBER 31, 2007 AND ASSOCIATED GUARANTEED RENTALS OF AT LEAST \$2,000.00 PER MONTH.

2006-11-30-1353

Item 24. AN ORDINANCE APPROVING A LEASE AGREEMENT WITH PAKAL JEWELRY LLC D/B/A TIENDAS DEL RIO FOR THE 1,172.9 SQUARE FEET OF INDOOR RETAIL SPACE AT 802 E. RIVER WALK, UNDER THE COMMERCE STREET BRIDGE, IN DISTRICT 1, FOR A FIVE (5) YEAR TERM COMMENCING ON JANUARY 1, 2007 AND ENDING ON DECEMBER 31, 2011, AT AN INITIAL RATE OF \$4.73 PER SQUARE FOOT PER MONTH.

2006-11-30-1354

Item 25. AN ORDINANCE APPROVING A GROUND LEASE AGREEMENT WITH BROOKS DEVELOPMENT AUTHORITY FOR 26.25 ACRES OF LAND LOCATED ON GOLIAD ROAD IN DISTRICT 3 ADJACENT TO BROOKS CITY PARK FOR DEVELOPMENT BY THE CITY OF YOUTH SPORTS FIELDS, FOR A TERM BEGINNING ON JANUARY 1, 2007 AND CONTINUING AS LONG AS THE CITY

OPERATES A PARK ON THE SITE; APPROPRIATING \$307,000.00 FROM 2003-2007 PARK BOND FUNDS FOR REIMBURSEMENT TO BROOKS DEVELOPMENT AUTHORITY FOR COSTS INCURRED IN REMOVING EXISTING IMPROVEMENTS FROM THE SITE; AND PROVIDING FOR PAYMENT.

2006-11-30-1355

Item 26. AN ORDINANCE RATIFYING THE SUBMISSION OF A SUPPLEMENTAL GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE OF SUPPLEMENTAL GRANT FUNDS IN THE AMOUNT OF \$260,422.00 FROM THE TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY (ATPA) FOR THE GRANT YEAR SEPTEMBER 1, 2006 TO AUGUST 31, 2007 AND REVISING THE CURRENT PROGRAM BUDGET FOR A TOTAL BUDGET AMOUNT OF \$3,405,508.00.

2006-11-30-1356

Item 27. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$18,642.00 FROM THE TEXAS EDUCATION AGENCY (TEA) FOR THE CONTINUATION OF THE ENGLISH LITERACY - CIVICS EDUCATION PROJECT (EL/CIVICS) FOR THE PERIOD JULY 1, 2006 THROUGH JUNE 30, 2007; AUTHORIZING THE EXECUTION OF ANY AND ALL RELATED DOCUMENTS; APPROPRIATING FUNDS; AND APPROVING AN AMENDED BUDGET IN CONNECTION WITH THE AWARD.

2006-11-30-1357

Item 28. AN ORDINANCE ACCEPTING A JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$255,537.00 FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, FOR A CHILD WELFARE STRATEGIC ALLIANCE PROGRAM, A CITY/COUNTY PROJECT ADDRESSING CHILD ABUSE, FOR THE GRANT PERIOD OCTOBER 1, 2006 TO SEPTEMBER 30, 2010; APPROVING A BUDGET; APPROPRIATING FUNDS; AND ESTABLISHING A PERSONNEL COMPLEMENT.

2006-11-30-1359

Item 30. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A CONTINUATION GRANT IN THE AMOUNT OF \$59,682.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE DEPARTMENT OF COMMUNITY INITIATIVES' HOUSING COUNSELING

PROGRAM FOR THE PERIOD BEGINNING OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007; AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

2006-11-30-1360

Item 31. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$32,320.83 FROM THE NATIONAL ECONOMIC DEVELOPMENT AND LAW CENTER FOR FINANCIAL COUNSELING AND REFERRAL SERVICES FOR LOW TO MODERATE INCOME SAN ANTONIO RESIDENTS IN CONNECTION WITH THE FAMILY ECONOMIC SUCCESS PROGRAM; AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT FOR THE PERIOD BEGINNING DECEMBER 1, 2006 THROUGH NOVEMBER 30, 2007; AND APPROVING A BUDGET.

2006-11-30-1361

Item 32. AN ORDINANCE APPROVING A \$500,000 AMENDMENT TO A \$3,333,000 PROFESSIONAL SERVICES AGREEMENT, AS AMENDED, WITH CH2M HILL, INC. TO ASSIST THE PUBLIC WORKS DEPARTMENT BY PROVIDING STAFF AUGMENTATION SERVICES, INCLUDING PERFORMING PERMIT REVIEWS, PREPARING ENGINEERING DESIGNS, REVIEWING MASTER DEVELOPMENT PLANS, PLATS, AND BUILDING PERMITS, IN CONNECTION WITH THE ADMINISTRATION OF THE 2005 STORM WATER REVENUE BOND PROGRAM.

2006-11-30-1362

Item 33. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TOTALING \$90,000.00 TO CONDUCT A STUDY THROUGH THE BEHAVIORAL RISK FACTOR SURVEILLANCE SYSTEM (BRFSS) FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S STEPS TO A HEALTHIER SAN ANTONIO PROGRAM FOR THE PERIOD DECEMBER 1, 2006 THROUGH SEPTEMBER 30, 2007 WITH AN OPTION TO RENEW FOR TWO ONE-YEAR PERIODS.

2006-11-30-1363

Item 34. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SAN ANTONIO AFFILIATE OF THE SUSAN G. KOMEN BREAST CANCER FOUNDATION, INC. WHICH WILL PROVIDE \$60,000.00 FOR THE ONGOING BREAST CANCER DETECTION AND CASE MANAGEMENT PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR

THE PERIOD OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2006-11-30-1364

Item 35. AN ORDINANCE AUTHORIZING THE EXECUTION OF A SUB-AWARD AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO TOTALING \$121,396.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO CONTINUE PARTICIPATION IN THE CANCER PATIENT NAVIGATOR PROGRAM FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2006-11-30-1365

Item 36. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$3,000.00 WHICH WILL INCREASE THE TOTAL CONTRACT AMOUNT FROM \$123,869.00 TO \$126,869.00 TO AUGMENT SUPPORT FOR THE ONGOING HIV SURVEILLANCE PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2006 THROUGH DECEMBER 31, 2006; AND REVISING THE PROGRAM BUDGET.

2006-11-30-1366

Item 37. AN ORDINANCE AMENDING ORDINANCE NO. 54280 BY REVISING THE USER FEE SCHEDULES AND RENTAL RATES FOR THE FRANK D. GARRETT CENTER, THE WEST END SENIOR NUTRITION CENTER, AND THE CLAUDE W. BLACK CENTER; AND ESTABLISHING A USER FEE SCHEDULE THAT INCLUDES THE RENTAL RATES FOR THE PEARSALL PARK COMMUNITY CENTER; AND PROVIDING FOR AN EFFECTIVE DATE OF DECEMBER 1, 2006.

2006-11-30-1367

Item 38. AN ORDINANCE CONSENTING TO THE ASSIGNMENT BY ERNST & YOUNG, LLP OF ITS INTEREST IN THE CITY OF SAN ANTONIO ARBITRAGE REBATE COMPLIANCE SERVICES CONTRACT TO PINNACLE ARBITRAGE COMPLIANCE, LLC; AND AUTHORIZING A ONE (1) YEAR EXTENSION OF THE CONTRACT, AS ASSIGNED, FOR A TERM COMMENCING DECEMBER 30, 2006 AND ENDING NOVEMBER 30, 2007.

2006-11-30-1368

Item 39. AN ORDINANCE AUTHORIZING EXECUTION OF A REVITALIZATION PROJECT CONTRACT WITH AVENIDA GUADALUPE ASSOCIATION, INC. IN AN AMOUNT NOT TO EXCEED \$370,000.00 FOR A PERIOD FROM OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2012 IN CONNECTION WITH THE NEIGHBORHOOD COMMERCIAL REVITALIZATION PROGRAM; AND APPROPRIATING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS.

2006-11-30-1369

Item 40. AN ORDINANCE ESTABLISHING FILING PROCEDURES FOR CANDIDATES FOR THE CITY OF SAN ANTONIO MAY 12, 2007 MAYORAL AND CITY COUNCIL ELECTION AND REPEALING ORDINANCE NO. 100032, APPROVED NOVEMBER 18, 2004.

2006-11-30-1371

Item 42. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH MIKE PIETSCH, P.E., CONSULTING SERVICES, IN AN AMOUNT NOT TO EXCEED \$46,000.00, TO CONDUCT A SURVEY AND MOCK GRADING AND TO MAKE RECOMMENDATIONS TO IMPROVE THE CITY OF SAN ANTONIO'S PROFESSIONAL PROTECTION CLASSIFICATION WITH THE INSURANCE SERVICE OFFICE/COMMERCIAL RISK SERVICES, INC., TO ACHIEVE LOWER FIRE INSURANCE PREMIUMS FOR COMMERCIAL AND RESIDENTIAL PROPERTY IN THE CITY.

2006-11-30-1372

Item 43A. AN ORDINANCE APPROVING THE ADJUSTMENT OF THE BOUNDARY BETWEEN THE CITY OF SAN ANTONIO AND THE CITY OF CONVERSE INVOLVING APPROXIMATELY 0.159 ACRES SUBJECT TO APPROVAL OF THE ACTION BY THE CITY OF CONVERSE.

2006-11-30-1373

Item 43B. AN ORDINANCE RELEASING APPROXIMATELY 109.12 ACRES OF PROPERTY ADJACENT TO THE CITY OF CONVERSE FROM THE CITY OF SAN ANTONIO'S EXTRATERRITORIAL JURISDICTION (ETJ) AS REQUESTED BY THE CITY OF CONVERSE.

Item 43C. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF CONVERSE TO PROVIDE FIRE RESCUE AND EMERGENCY MEDICAL SERVICES TO THE NORTHAMPTON SUBDIVISION OF THE CITY OF SAN ANTONIO FOR A PERIOD OF UP TO TEN YEARS AS NEEDED, WITH OPTIONS FOR RENEWAL.

BOARD APPOINTMENTS: ITEM 44 A-I

A. Appointing Susan Budge (Mayoral) to the Arts and Cultural Advisory Committee (Category: Arts Education) for a term of office to expire May 31, 2007.

B. Appointing Esther De Leon (Mayoral) (Category: Neighborhood Association Representative) for the remainder of an unexpired term of office to expire November 30, 2007, Lori Crockett (Mayoral) (Category: Judicial Member - Municipal) and Judge Al Alonso (Mayoral) (Category: Mayor's Designee) for the remainder of unexpired terms of office to expire November 30, 2008, to the Greater San Antonio Crime Prevention Commission.

C. Appointing Raul Rodriguez (Mayoral) to the Port Authority of San Antonio for a term of office to expire November 30, 2008.

D. Appointing Terry Palmer (Mayoral) to the Historic and Design Review Commission (Category: Architect) for the remainder of an unexpired term of office to expire October 31, 2007.

E. Appointing Catalina (Katy) Garza (Mayoral) to the Affirmative Action Advisory Committee for a term of office to expire May 31, 2007.

F. Reappointing Darryl Lyons (Mayoral) to the Brooks Development Authority (Category: Financial) for the remainder of an unexpired term of office to expire November 4, 2008.

G. Reappointing Jose Limon (District 3) to the Capital Improvements Advisory Committee (Category: Real Estate/Building Industry) for the remainder of an unexpired term of office to expire October 25, 2008.

H. Appointing Antoniette "Toni" Moorhouse (District 3) to the Joint City/County Commission on Elderly Affairs for the remainder of an unexpired term of office to expire September 28, 2007.

I. Appointing David D. Garza (Category: City Official) (Mayoral) to the Animal Care Services Advisory Board for a two year term of office expiring November 29, 2008.

[CONSENT ITEMS CONCLUDED]

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2006-11-30-1332

Item 4. AN ORDINANCE APPROVING A HOMELESS CAMPUS CONCEPTUAL PLAN, TO INCLUDE SECURING REAL ESTATE, CONFIRMING SERVICES AND PROVIDERS FOR THE CAMPUS, ASSISTING WITH OVERSIGHT, DEVELOPING A PUBLIC/PRIVATE FINANCING PLAN FOR THE CAPITAL AND OPERATIONS, AND A GENERAL TIMELINE.

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

Mr. Dennis Campa, Director of Community Initiatives outlined the Homeless Campus Conceptual Plan, a copy of which is on file with the Office of the City Clerk. He cited the multitude of barriers homeless individuals face and presented proposed facilities, services and timelines.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P. O. Box 12048, spoke to Item 4 regarding the Homeless Campus and his concerns over the qualifications of the Haven of Hope. He also expressed his opposition to the purpose of Item 6 involving the Small Business Economic Development Advocacy Program for Minority and Women-Owned Businesses. Mr. Finger discussed the matter between the Housing and Neighborhood Services Department and Mrs. Janet Ahmed regarding her lawn care.

City Clerk Leticia M. Vacek read Written Testimony, a copy of which is on file with the Office of the City Clerk. The document as submitted by Mr. Faris Hodge Jr., 140 Dora, discussed an ordinance that makes public urination and defecation Class C misdemeanors. He noted his disagreement with the imposed fine. He also noted the lack of public restroom facilities in the downtown area.

Municipal Court Judge John Bull, Chair of the Mayor's Homeless Task Force, spoke to the Homeless Campus Conceptual Plan. He spoke to the number of public intoxication

cases in San Antonio. He said an important aspect of the Homeless Campus would be a detoxification program that would address mental health cases. He noted that this would assist in decreasing the number of individuals forced to go through the criminal justice system when social services would be a better option.

The motion prevailed with the following vote: **AYES:** Flores, McNeil, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAYS:** None. **ABSENT:** Gutierrez and Perez.

POINT OF PERSONAL PRIVILEGE

Councilmember McNeil requested a point of personal privilege to recognize Fire Chief Ballwin of Converse, Texas for his outstanding achievements within the community.

PUBLIC HEARING AND ORDINANCE: UNIFIED DEVELOPMENT CODE

Item 5. AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY MAKING MINOR AND MAJOR AMENDMENTS; ESTABLISHING PENALTIES; AND PROVIDING FOR PUBLICATION.

Mayor Hardberger declared the Public Hearing open.

Mr. Rod Sanchez made the following presentation:

The following citizen(s) appeared to speak:

Mr. Chance Ruder, 9333 Silent Oaks, a 12 year old student, stated he disagreed with preservation standards of live trees for home builders. He stated that clear cutting only benefits developers. He noted the importance of understory to our City. He spoke in opposition to clearing trees for athletic facilities. He asked that schools be built in a way that accommodates the trees. Finally, he urged Council to think about our natural resources and the consequences our City will face if they are not protected.

Mr. Richard Alles, P.O. Box 700066, spoke to Item 64 and Pac Two. He presented his recommendation to this amendment. He stated that this item was intended to close a loophole that was written into the Unified Development Code in 2001 which prevented development in certain areas of the City. He spoke in support of street shading and noted

the benefits that it brings. He urged Council to adopt the amendment that he presented. He also spoke in opposition to development in flood plains.

Mr. George Rice, Aquifer Guardians in Urban Areas (AGUA), spoke to the amendments that were submitted by AGUA concerning the UDC. He asked that portions of the UDC that go beyond state requirements in regard to grandfathering be removed. He asked that Council consider and eventually adopt their amendments. He then presented Council with a copy of said amendments.

Ms. Annalisa Peace, 214 Army Blvd., spoke to the amendment submitted by AGUA. She urged Council to consider the amendments submitted by AGUA and Richard Alles.

Ms. Judy Green, 12861 Galm Rd., Texas Department of Wildlife, spoke to the preservation of natural and cultural resources. She stated that she was against the clear cutting of development sites and eliminating the suggested nine native tree species. She stated that she is a proponent of flood plain protection. She expressed concern with the lack of opportunities for citizens of Texans to connect with nature which leads to a lack of concern with conservation.

Mr. Michael John, 238 Tansyl Dr., River walk Vendor, spoke on the amendment to the vending ordinance. He thanked Council for the changes. He expressed concern with the methods that citizens have to discuss issues with Council. He suggested open forums be in place prior to public hearings.

Mayor Hardberger declared the Public Hearing closed.

The City Clerk read the following Ordinance:

2006-11-30-1333

Item 5. AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY MAKING MINOR AND MAJOR AMENDMENTS; ESTABLISHING PENALTIES; AND PROVIDING FOR PUBLICATION.

Mr. Roderick Sanchez, Development Services, noted that 27 of the proposed amendments pertained to grammatical changes. He then summarized the amendments that were recommended be made to the Unified Development Code. Lastly, he listed the amendments that the Planning and Zoning Commission recommended for denial.

Councilmember Wolff made a motion to approve Pac One as recommended by staff. Councilmember Hall seconded the motion.

The motion prevailed with the following vote: **AYES:** Flores, McNeil, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAYS:** None. **ABSENT:** Gutierrez and Perez.

Councilmember McNeil made a motion to approve Pac Two as recommended by staff. Councilmember Hall seconded the motion.

Councilmember Flores made a motion to amend Pac Two by allowing property owners who are nonconforming to the Pac to continue their use if the UDC is amended to allow such use. The motion died for lack of a second.

Councilmember Flores made a motion to amend Pac Two by discontinuing recommendations of denial through the Council. The motion died for lack of a second.

Councilmember Guajardo made a motion to require streetscape on primary arterials, secondary arterials, and collector streets, both existing and new. The motion died for lack of a second.

Councilmember Wolff made a motion to amend Pac Two by amending the fine provisions of Section 35-493c revising the maximum fine to \$2,000 and by amending the fine provisions of Section 35c-110 to delete the small scale development and allowing the City Attorney to present an alternative by December 14, 2006. Councilmember McNeil seconded the motion.

The motion to amend Pac Two as presented by Councilmember Wolff prevailed with the following vote: **AYES:** Flores, McNeil, Radle, Herrera, Hall, Wolff, Haass, and Mayor Hardberger. **NAYS:** Guajardo. **ABSENT:** Gutierrez and Perez.

The motion to approve Pac Two prevailed with the following vote: **AYES:** Flores, McNeil, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAYS:** None. **ABSENT:** Gutierrez and Perez.

Councilmember McNeil made a motion to deny Pac Three as recommended by staff. Councilmember Hall seconded the motion.

Councilmember Radle made a motion to continue items on amendments 82, 83, 84, 86, and 107 in Pac Three and that they be sent to the Quality of Life commission for 90 days

when a presentation will be made to Council on said items. Councilmember Hall seconded the motion.

The motion to amend Pac Three as presented by Councilmember Radle failed by the following vote: **AYES:** Flores, Radle, Guajardo, and Mayor Hardberger. **NAYS:** McNeil, Herrera, Hall, Wolff, and Haass. **ABSENT:** Gutierrez, Perez.

The motion to deny Pac Three prevailed by the following vote: **AYES:** Flores, McNeil, Radle, Herrera, Hall, Wolff, Haass, and Mayor Hardberger. **NAYS:** Guajardo. **ABSENT:** Gutierrez and Perez.

EXECUTIVE SESSION

Mayor Hardberger recessed the Regular Session at 3:50 p.m. in order to convene in Executive Session for the purposes of:

A. Discuss legal issues related to the lawsuit styled *Melinda Sanchez Savage, Robert P. Sanchez, Deceased, Robert P. Sanchez, Diana Sanchez Cardenas, Cande Trevino, Carmen Sanchez, Deceased, Martha Zoraida and Trevino Salazar v. City of San Antonio*, Cause No. 2003-CI-07742, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

B. Discuss legal issues related to the lawsuit styled *Shavano Rogers Ranch North No. 3, Ltd v. City of San Antonio*, Cause No. 2005-CI-0528, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

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

D. Deliberate the duties, appointment, and employment of the City Internal Auditor, pursuant to Texas Government Code Section 551.074 (personnel matters).

E. Deliberate the management, purchase, exchange, lease, or value of certain real properties and discuss related legal issues pursuant to Texas Government Code Sec. 551.072 (real property) and Texas Government Code Sec. 551.071 (consultation with attorney).

Mayor Pro Tem McNeil reconvened the Regular Session from Executive Session at 5:15 p.m., at which time she stated City Council had been briefed on the above-styled matters and gave staff direction, but no official action was taken.

The City Clerk read the following Ordinances for Items 6A and 6B:

2006-11-30-1334

Item 6A. AN ORDINANCE APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT AMONG THE SAN ANTONIO REGIONAL DISPARITY STUDY CONSORTIUM AND APPROPRIATING FUNDS IN THE AMOUNT OF \$554,781.00; APPROVING THE ENGAGEMENT OF TYDINGS & ROSENBERG L.L.P. FOR LEGAL SERVICES ASSOCIATED WITH A REGIONAL DISPARITY STUDY IN AN AMOUNT NOT TO EXCEED \$49,050.00; AND APPROVING THE TERMS AN CONDITIONS OF A PROFESSIONAL SERVICES AGREEMET BETWEEN THE CITY AND MGT OF AMERICA IN AN AMOUNT NOT TO EXCEED \$554, 781.00 FOR THE DEVELOPMENT OF A DISPARITY ANALYSIS STUDY.

2006-11-30-1335

Item 6B. AN ORDINANCE AMENDING AND EXTENDING THE CITY'S SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY PROGRAM POLICY.

Mr. Manny Longoria, Assistant Director of Economic Development Department, discussed the purpose of the disparity study. He stated that the study would discover business utilization levels in San Antonio. He also noted that the disparity study is legally required and that other agencies in San Antonio would be contributing funds to the study. He then presented the details of the study and explained how results would be determined. Lastly, he recommended an agency to conduct the study.

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

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

The City Clerk read the following Resolution:

2006R-11-30-1336

Item 7. A RESOLUTION CONSIDERING THE APPEAL OF JANET AHMAD OF THE DECISION MADE BY THE SAN ANTONIO DANGEROUS STRUCTURE DETERMINATION BOARD ON OCTOBER 23, 2006 REGARDING THE ABATEMENT/LOT CLEARANCE OF 931 HAYS STREET, NCB 1654, BLOCK B LOT S 140 FT OF 16.

Councilmember Hall made a motion to uphold staff's recommendation approving the proposed Resolution. Councilmember Guajardo seconded the motion.

The following citizen(s) appeared to speak:

Ms. Janet Ahmad, 18 Silverhorn, spoke to the process utilized in enforcing codes for overgrown lots. She stated that there was a lack of due process for the homeowner. She noted that the process was overbearing and unreasonable. She then outlined the events that took place concerning the abatement of the lot she owned. Finally, she asked for a refund of the fines that she was assessed.

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

The City Clerk read the following Resolution:

2006R-11-30-1337

Item 8. A RESOLUTION CONSIDERING THE APPEAL OF DANNY RODRIGUEZ OF THE DECISION MADE BY THE SAN ANTONIO DANGEROUS STRUCTURE DETERMINATION BOARD ON OCTOBER 30, 2006 REGARDING THE ABATEMENT/LOT CLEARANCE OF 107 ALTO STREET, NCB 186 BLOCK 113 LOT 24 & E1/2 OF 23.

Councilmember Hall made a motion to uphold staff's recommendation approving the proposed Resolution. Councilmember Guajardo seconded the motion.

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

The City Clerk read the following Ordinance:

2006-11-30-1370

Item 41. AN ORDINANCE APPROVING AN AMENDMENT TO THE LICENSE AGREEMENT FOR THE FIESTA EVENT AT MARKET SQUARE WITH THE SAN ANTONIO PARKS FOUNDATION WHICH MODIFIES THE ANNUAL LICENSE FEE AND PERCENTAGE PAYMENT TO ACCOUNT FOR THE REDUCTION IN THE LICENSED PREMISES AND EXERCISES THE OPTION FOR AN ADDITIONAL TWO YEARS THROUGH JULY 31, 2009.

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

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

The City Clerk read the following Ordinance:

2006-11-30-1344

Item 15. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT COST AMOUNT OF \$461,030 AND AWARDING A CONSTRUCTION CONTACT IN THE AMOUNT OF \$348,000 TO SABINAL GROUP IN CONNECTION WITH THE CONVENTION CENTER CONCESSION STAND IMPROVEMENT PROJECT, AN AUTHORIZED HOTEL MOTEL OCCUPANCY TAX SUBORDINATE LIEN REVENUE AND REFUNDING BOND SERIES 2004B FUNDED PROJECT LOCATED IN DISTRICT 1, AND APPROPRIATING FUNDS.

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

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

Item 29. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT IN AN AMOUNT NOT TO EXCEED \$100,000.00 FROM FORD MOTOR COMPANY, AND ONE OR MORE GRANTS FROM OTHER DONORS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$100,000.00, FOR USE AS MATCH MONEY FOR AN INDIVIDUAL DEVELOPMENT ACCOUNT (IDA) PROGRAM IN ORDER TO ENABLE LOW TO MODERATE INCOME SAN ANTONIO RESIDENTS TO PURCHASE A NEW OR CERTIFIED PRE-OWNED VEHICLE IN THE WORKING FAMILY VEHICLE PURCHASE PROGRAM; AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS, APPROVING THE BUDGET.

Mr. Dennis Campa, Director of Community Initiatives Department, discussed the history of the proposed program and noted that Ford Motor Company contacted the City with the proposal.

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

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

Z-1. ZONING CASE #Z2006253 (District 8): An Ordinance changing the zoning district boundary from "O-2" ERZD Office Edwards Recharge Zone District to "RM-4" ERZD Residential Mixed Edwards Recharge Zone District at P-32, P-32A and P-33C, NCB 15841, 13105 Babcock Road as requested by Elaine Ballard, Applicant, for Elaine Ballard, Owner. Staff and Zoning Commission recommend approval.

Councilmember Hall made a motion to continue Item Z-1 until January 4, 2007. Councilmember Guajardo seconded the motion.

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

Z-2. ZONING CASE #Z2005289 (Districts 9 and 10): An Ordinance changing the zoning district boundary from "R-6 ERZD" Edwards Recharge Zone Residential Single-Family District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 13.194

acres, "O-2 ERZD" Office Edwards Recharge Zone District on 13.689 acres and "O-1 ERZD" Office Edwards Recharge Zone District on 2.74 acres all on 29.83 acres out of NCB 17727, 3500 Block to the 3600 Block of North Loop 1604 East as requested by Earl & Associates, Applicant, for The Sitterle Corporation, Owner.

Councilmember Haass made a motion to continue Item Z-2 until January 4, 2007. Councilmember Guajardo seconded the motion.

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

CEREMONIAL ITEMS

Ceremonials were postponed to the December 14, 2006 City Council Meeting.

CITIZENS TO BE HEARD

Mr. James Myart, no address given, spoke regarding correspondence from the City Attorney's Office. He presented a news video clip in which he claimed his client was mishandled by the San Antonio Police Department.

Mr. Michael John, 238 Tansyl Dr., River walk Vendor, spoke to the amendments to Chapter 35 concerning vending. He stated that vendors are required to pay \$750 per year to sell items on the River walk. He noted that this fee only allows one individual to vend. He asked that the process be reviewed.

Mr. Nazarete Ruben Flores Perez, 627 Hearne, spoke about a family member migrated from Poland to the United States. He also spoke about the Muslim religion and distributed an article that referenced individuals of the Muslim faith.

Mr. Paul Lex, no address given, spoke to the benefits of hybrid vehicles. He asked that City of San Antonio provide hybrid permits for taxi drivers as cities around the country have already implemented.

Mr. Faris Hodge, Jr., 140 Dora, spoke to several issues including nepotism, downtown parking and racial discrimination.

Mr. Stefvon Williams, 328 Preston, gave his time to James Myart who replayed the video that he attempted to present earlier.

Mr. Joe Schoecron spoke on the Declaration of Independence and his concerns with the leadership of our country.

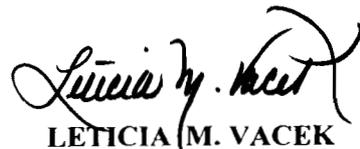
ADJOURNMENT

There being no further business to discuss, Mayor Pro Tem Haass adjourned the meeting at 6:45 p.m.

A P P R O V E D


PHIL HARDBERGER
MAYOR

Attest:


LETICIA M. VACEK
CityClerk