

**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 8, 2006 AND THURSDAY, NOVEMBER 9, 2006**

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The City Council convened in an informal "B" Session at 3:00 p.m., Wednesday, November 8, 2006, Municipal Plaza Building "B" Room, for the purpose of:

1. Staff briefing on the Homeless Council's Initiatives and recommendations concerning the next steps towards developing the campus.
2. Boards and Commissions Work Session to interview nominees for the following At-Large Boards, Committees and Commissions:

- VIA Metropolitan Transit Authority (3 slots, no categories)
- Historic and Design Review Commission (1 slot, Business category)
- Head Start Policy Commission (7 Slots, Categories: (1) Business; (2) Higher Education-College Level; (3) Childhood Education; (1) Medical)
- Watershed Improvement Advisory Committee (1 slot, no categories)
- Riverwalk Capital Improvements Advisory Committee (4 slots, Categories: (1) River Bend Lessee; (1) Downtown Resident/Not a Lessee; (1) River Bend Lessee; (1) Business Owner/Not a Riverwalk Lessee)
- Joint City/County Citizens Bond Oversight Commission (10 slots, no categories)
- South Fort Sam Houston Development Advisory Board (1 slot, Category: Ft. Sam Houston Rep.)
- Board of Adjustment (1 slot, Category: Alternate Member)
- Advisory Board of Health of the San Antonio Metropolitan Health District (2 slots, Categories: (1) San Antonio Restaurant Association Rep.; (1) Veterinarian)
- Noise Abatement Advisory Committee (11 slots, Categories: (5)-Neighborhood Association; (4) Aviation Industry; (1) Air Transportation Advisory Committee; (1) Chamber of Commerce Rep.)

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

The "B" Session adjourned at 5:40 p.m.

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

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

The Invocation was led by Reverend Ronald P. Myers, Pastor, Colonial Hills United Methodist Church, guest of Councilmember Art Hall, District 8.

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

### 3. Approval of Minutes for the October 19, 2006 City Council Meeting.

Councilmember Perez made a motion to approve the Minutes. Councilmember Haass seconded the motion.

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

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinances:

2006-11-09-1279

4A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$170,785,000 "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT AND REFUNDING BONDS, SERIES 2006"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN AND TRUST AGREEMENT, AND A

PURCHASE CONTRACT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PUPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

2006-11-09-1280

4B. AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$73,155,000 "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2006" PROVIDING FOR THE PAYMENT OF THE CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING THE CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES; PROVIDING THE TERMS AND CONDITIONS OF THE CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY FO THE CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING AGENT/ REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Ben Gorzell, Director of Finance, made a presentation to City Council regarding the proposed issuance of Bonds and Certificates of Obligations, a copy of which is on file with the Office of the City Clerk.

He stated that 2006 series bonds are being issued to (1) finance the construction of general improvements to include (a) streets and pedestrian improvements; (b) drainage improvements; (c) parks and recreation improvements; (d) library improvements; and (e) public health safety improvements and (2) to pay the cost of the issuance.

He further stated that the sale of the bonds was the third and final installment of the 2003 Authorized Bond Program. In addition, Mr. Gorzell stated that the 2006 Certificates of Obligation will be used for the purpose of providing funds for the payment of contractual obligations to be incurred for making permanent public improvements and for other public purposes, such projects include but are not limited to (1) public safety improvements; (2) drainage, sidewalk, bridge, and street improvements; (3) flood control improvements along the San Antonio River; (4) improvements and renovations at current

municipal facilities; (5) acquiring, constructing, renovating, and improving the San Antonio library system; (6) acquiring, constructing, renovating park facilities; (7) constructing utility system and other infrastructure improvements at Kelly USA; (8) constructing and equipping certain downtown public restroom facilities; (9) payment of the costs of a study for the possible relocation of the San Antonio Metropolitan Health District Laboratory to Brooks-City Base and a portion of the relocation expenses; (10) purchasing materials, supplies, equipment, drainage, flood control, street, library, parks, utility infrastructure, and public works purposes; and (11) the payment of professional services related to the construction and financing of the aforementioned projects.

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

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to items 4 and 5. In regards to item 4, he spoke to the services that would benefit from the item if it were passed. He stated that citizens voted against San Antonio River Improvements several years ago yet Council was still funding the improvement. In regards to item 5, he spoke to the increase in water rates and noted the increases that had taken place over the past few years. He asked when the increases would stop and asked why previous increases have not done the job.

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

The City Clerk read the following Ordinance:

2006-11-09-1281

5. AN ORDINANCE INCREASING THE MONTHLY STORM WATER FEE BY 6.8% ACROSS ALL CUSTOMER CLASSIFICATIONS AS FOLLOWS, AND AS INCLUDED IN THE ADOPTED 2007 BUDGET: FOR RESIDENTIAL CUSTOMERS - (TIER 1) LOT SIZE OF ZERO TO 4,999 SQUARE FEET FROM \$2.78 TO \$2.97; AND (TIER 2) LOT SIZE OF 5,000 OR MORE SQUARE FEET FROM \$3.68 TO \$3.93. FOR MULTIFAMILY CUSTOMERS (TIER 1) LOT SIZE OF ZERO TO 21,999 SQUARE FEET FROM \$6.19 TO \$6.61; AND (TIER 2) LOT SIZE OF 22,000 TO 43,999 SQUARE FEET FROM \$19.37 TO \$20.69; AND (TIER 3) LOT SIZE OF 44,000 TO 131,999 SQUARE FEET FROM \$58.73 TO \$62.73; AND (TIER 4) LOT SIZE OF 132,000 OR MORE SQUARE FEET FROM \$279.49 TO \$298.49. FOR COMMERCIAL/GENERAL CUSTOMERS - (TIER 1) LOT SIZE OF ZERO TO 21,999 SQUARE FEET FROM \$15.85 TO \$16.92; (TIER 2) LOT SIZE OF 22,000 TO 43,999

SQUARE FEET FROM \$43.35 TO \$46.30; AND (TIER 3) LOT SIZE OF 44,000 TO 86,999 SQUARE FEET FROM \$77.70 TO \$82.98; AND (TIER 4) LOT SIZE OF 87,000 TO 131,999 SQUARE FEET \$133.91 TO \$143.02; AND (TIER 5) LOT SIZE OF 132,000 OR MORE SQUARE FEET FROM \$295.87 TO \$315.99. FOR PUBLIC CUSTOMERS - (TIER 1) LOT SIZE OF ZERO TO 21,999 SQUARE FEET FROM \$15.70 TO \$16.77; AND (TIER 2) LOT SIZE OF 22,000 TO 43,999 SQUARE FEET FROM \$42.94 TO \$45.86; AND (TIER 3) LOT SIZE OF 44,000 TO 86,999 SQUARE FEET FROM \$77.56 TO \$82.83; AND (TIER 4) LOT SIZE OF 87,000 OR MORE SQUARE FEET FROM \$131.12 TO \$140.03.

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

Mr. Tom Wendorf, Director of Public Works, made a presentation on the proposed rate increase of 6.8% to the monthly storm water fee for all customer classifications, a copy of which is on file with the Office of the City Clerk. He stated that the fund increase was necessary so that the City of San Antonio could maintain the current level of services provided by the Storm Water Operations Division of the Public Works Departments. Such projects highlighted include vegetation control, flood recovery services and maintenance of natural waterways.

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

#### **CONSENT AGENDA: ITEMS 6-21B**

The following items were pulled from the consent agenda for individual consideration: 6, 14 and 19. The remaining consent agenda items were approved upon motion made by Councilmember Gutierrez and seconded by Councilmember Perez.

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

Mr. Jack M. Finger, P.O. Box 12048, spoke to item 15 regarding the selection of a City Auditor. He noted that the auditor was supposed to be independent from Council. In regards to item 19, he cited campaign finance contributions. He also noted the length of time required to complete capital improvement projects.

Mr. Mike Gallagher spoke to item 14. He expressed concern for the safety of individuals with the amending of the fence height code. He spoke in opposition to the amendment because he felt that it weakened the code.

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

2006-11-09-1282

7. AN ORDINANCE APPROVING CHANGE ORDER NO.2 IN THE AMOUNT OF \$165,432.73 TO THE \$3,569,170.14 CONSTRUCTION CONTRACT WITH VALEMAS, INC. FOR ADDITIONAL WORK INCLUDING THE INSTALLATION OF AN ADDITIONAL PRE-CAST CONCRETE BOX STRUCTURE, GRAVEL SUBGRADE FILLER, CONCRETE VALLEY GUTTER, AND OTHER ITEMS IDENTIFIED AS A RESULT OF UNFORESEEN CONDITIONS IN THE FIELD, IN CONNECTION WITH THE AVE MARIA DRAINAGE PROJECT, LOCATED IN DISTRICT 1, AN AUTHORIZED 1999 GENERAL OBLIGATION IMPROVEMENT BOND PROJECT.

2006-11-09-1283

8. AN ORDINANCE APPROVING CHANGE ORDER NO.2-FINAL IN THE AMOUNT OF \$25,908.84 TO THE \$1,309,072.95 CONSTRUCTION CONTRACT, AS CHANGED, WITH R.L. JONES, L.P. TO RECONCILE ACTUAL QUANTITIES USED IN CONNECTION WITH THE ALAMO FARMSTEAD DRAINAGE, PHASE I – WHITBY ROAD FROM ABE LINCOLN TO LEON CREEK PROJECT, LOCATED IN DISTRICT 7, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT.

2006-11-09-1284

9. AN ORDINANCE APPROVING A \$50,000 AMENDMENT TO A \$216,000 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH VICKREY AND ASSOCIATES, INC. FOR ADDITIONAL ENGINEERING SERVICES, IN CONNECTION WITH THE PRUE ROAD EXTENSION (PRUE TO HUEBNER) PROJECT, LOCATED IN DISTRICT 8, AN AUTHORIZED 1999 STREET IMPROVEMENT BOND AND METROPOLITAN PLANNING ORGANIZATION PROJECT, AND APPROPRIATING FUNDS.

2006-11-09-1285

10. AN ORDINANCE AUTHORIZING PAYMENT IN THE AMOUNT OF \$36,975 TO FIRST AMERICAN TITLE INSURANCE COMPANY AS ESCROW AGENT FOR FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO NINE (9) PARCELS OF LAND; AUTHORIZING PAYMENT IN THE AMOUNT OF \$7,300 TO DUGGER,

CANADAY, GRAFE, INC. FOR APPRAISAL SERVICES; AND AUTHORIZING \$1,500 FOR MISCELLANEOUS LAND ACQUISITION EXPENSES; FOR A TOTAL AMOUNT OF \$45,775 IN CONNECTION WITH THE W. W. WHITE AREA OUTFALL PHASE I, PART I PROJECT, AN AUTHORIZED 2005 STORM WATER REVENUE BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

2006-11-09-1286

11. AN ORDINANCE AUTHORIZING A RENEWAL OF THE HENRY B. GONZALEZ CONVENTION CENTER BUSINESS CENTER LEASE AGREEMENT WITH TEXAS BADGER DEVELOPMENTS-1, L.L.C. (D/B/A THE UPS STORE), FOR A PERIOD OF THREE (3) YEARS COMMENCING ON JANUARY 1, 2007 AND TERMINATING ON DECEMBER 31, 2009; AMENDING THE TERMS AND CONDITIONS OF THE LEASE AGREEMENT TO REFLECT THE RENEWAL PERIOD.

2006-11-09-1287

12. AN ORDINANCE AUTHORIZING THE ACCEPTANCE BY THE CITY OF SAN ANTONIO OF TITLE TO 650 OR MORE ACRES OF REAL PROPERTY FROM TOYOTA MOTOR MANUFACTURING, TEXAS, INC. OR ITS ASSIGNEE IN ACCORDANCE WITH THE PROVISIONS OF THE PROJECT STARBRIGHT AGREEMENT AND APPROPRIATING \$75,000.00 FROM THE PROPOSITION 2 PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT AS APPROVED BY VOTERS IN MAY, 2005, FOR EXPENSES INCIDENTAL TO THE ACQUISITION AND CLOSING COSTS.

2006-11-09-1288

13. AN ORDINANCE AMENDING CITY ORDINANCE NO. 101773 BY INCREASING THE AMOUNT OF GRANT FUNDING RECEIVED FROM THE U.S. DEPARTMENT OF DEFENSE BY \$66,358.00 FOR A TOTAL AMOUNT AWARDED IN FY2007 OF \$216,308.00 TO BE USED FOR THE OPERATION OF THE PROCUREMENT TECHNICAL ASSISTANCE CENTER (PTAC) PROGRAM AND INCREASING THE 2007 PERSONNEL COMPLEMENT BY ONE STAFF MEMBER.

2006-11-09-1289

15A. AN ORDINANCE RATIFYING THE PROVISION OF ADDITIONAL AUDIT SERVICES, IN CONNECTION WITH THE FY 2005 AUDIT OF THE CITY'S FINANCIAL RECORDS; RATIFYING PAYMENT IN THE AMOUNT OF \$230,000

FOR SUCH SERVICES; AND APPROVING AMENDMENT OF FIRST EXTENSION OF AUDIT SERVICES CONTRACTS TO INCLUDE THE ADDITIONAL SERVICES AND COMPENSATION THEREFOR.

2006-11-09-1290

15B. AN ORDINANCE AUTHORIZING THE EXTENSION OF AGREEMENTS WITH KPMG, L.L.P., LEAL AND CARTER, P.C., AND ROBERT J. WILLIAMS, CPA TO PROVIDE INDEPENDENT AUDIT SERVICES TO THE CITY FOR FISCAL YEAR 2006 AT A TOTAL FEE NOT TO EXCEED \$795,000.

2006-11-09-1291

16. AN ORDINANCE AUTHORIZING THE EXECUTION OF A JOINT FUNDING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF INTERIOR, U. S. GEOLOGICAL SURVEY, WATER RESOURCES DIVISION, IN CONNECTION WITH SURFACE - WATER COLLECTION ACTIVITIES, APPROPRIATING FUNDS FROM THE STORM WATER REGIONAL FACILITIES FUND AND AUTHORIZING PAYMENT OF \$35,200 TO THE UNITED STATES FOR SERVICES PERFORMED UNDER THE AGREEMENT.

2006-11-09-1292

17. AN ORDINANCE CONSENTING TO AN AGREEMENT BETWEEN RIO SAN ANTONIO CRUISES, LTD AND AZTEC ON THE RIVER, LTD. TO ALLOW FOR THE SALE OF CONSIGNMENT TICKETS CONNECTED WITH THE PROVISION OF BARGE RIVER TOUR SERVICES AT THE AZTEC THEATER.

2006-11-09-1293

18. AN ORDINANCE APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BEXAR COUNTY TO COLLABORATE AND SHARE GEOGRAPHIC INFORMATION SYSTEM PROFESSIONAL SERVICES AND INFORMATION, FOR A TERM NOT TO EXCEED 5 YEARS, AT NO COST TO THE CITY.

2006-11-09-1294

20A. AN ORDINANCE AUTHORIZING THE EXECUTION OF A ONE-YEAR PROFESSIONAL SERVICES AGREEMENT, IN AN AMOUNT NOT TO EXCEED

\$150,000.00, WITH THE SAN ANTONIO SPORTS FOUNDATION TO SUPPORT THE SOLICITATION OF SELECT AMATEUR REGIONAL, NATIONAL, AND INTERNATIONAL SPORTING EVENTS.

2006-11-09-1295

20B. AN ORDINANCE AUTHORIZING THE EXECUTION OF THE EXTENSION AGREEMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE SAN ANTONIO SPORTS FOUNDATION FOR SITE VISITS AND HOSTING OBLIGATIONS, EXERCISING THE THIRD YEAR OF A FOUR YEAR RENEWAL OPTION, IN AN AMOUNT NOT TO EXCEED \$350,000.00, AUGMENTING THE BASE PROGRAM TO SUPPORT THE DIRECT SOLICITATION OF EVENTS, INCLUDING HOSTING OBLIGATIONS, SITE INSPECTIONS AND BID FEES IN ORDER TO SECURE SELECT AMATEUR REGIONAL, NATIONAL, AND INTERNATIONAL SPORTING EVENTS, CONVENTIONS AND MEETINGS OF SPORT-RELATED ASSOCIATIONS FOR SAN ANTONIO.

**BOARD APPOINTMENTS: ITEMS 21A-21B**

21A. Appointing Sabrina Hammel (District 10) to the City of San Antonio, Texas, Education Facilities Corporation for the remainder of an unexpired term of office to expire on December 15, 2007.

21B. Appointing Kelli Larsen (District 10) to the Small Business Advocacy Committee for a term to expire on May 31, 2007.

[CONSENT ITEMS CONCLUDED]

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

2006-11-09-1296

6. AN ORDINANCE ACCEPTING THE OFFER SUBMITTED BY CLARK EQUIPMENT D/B/A BOBCAT COMPANY, UTILIZING THE TEXAS BUYBOARD CONTRACT, TO PROVIDE ONE SKID-STEER LOADER FOR THE ENVIRONMENTAL SERVICES DEPARTMENT AT A COST OF \$34,609.00, FROM

THE PASSTHROUGH TCEQ GRANT: AACOG HOUSEHOLD HAZARDOUS WASTE BITTER BRUSH RECYCLING CENTER FY 06.

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

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

The City Clerk read the following Ordinance:

2006-11-09-1297

14. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS ADOPTING PROCEDURES TO ALLOW SIX FOOT ORNAMENTAL-IRON FENCES IN RESIDENTIAL FRONT YARDS AND ADOPTING FEES AS REQUESTED BY COUNCILMEMBER PEREZ, DISTRICT 4.

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

Councilmember Haass made a friendly amendment to increase the fence application fee from \$150 to \$300.

Councilmember Perez made a friendly amendment to have new fences meet the requirements of banisters being at least 5.5 inches apart, pedestrian gates being 3 feet wide, and vehicle gates being 8 feet wide.

All friendly amendments were accepted as part of the main motion.

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

19. An Ordinance approving an interlocal agreement between the City of San Antonio and the Bexar Metro 9-1-1 Network for high resolution aerial photography to support the City's enterprise Geographic Information Systems.

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

Councilmember Wolff made a motion to deny the proposed Ordinance and direct staff to work with 9-1-1 to see how to better allocate the money. Councilmember Perez seconded the motion.

Councilmember Wolff reconsidered his motion to continue Item 19 to November 30, 2006.

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

## 22. City Manager's Report

City Manager Sheryl Sculley presented the final copy of the 2007 Budget Books to the Council. She noted that copies could be obtained in the City Libraries, in the City Clerk's Office, online, and on CD.

She also presented the Budget Initiatives Tracking Report and cited its uses. She stated that its main function is to track the progress of budget items that were approved for each department. She noted that the report would be completed monthly and that she would present a mid year report to Council concerning these items.

Mayor Hardberger recessed the meeting at 11:45 am for lunch and stated that executive session would begin at 1:00 pm. Thereafter, the Council Meeting would reconvene at 5:15 pm for ceremonial items.

## EXECUTIVE SESSION

The City Council recessed into Executive Session to discuss the following:

- A. Discuss legal issues related to Honeywell International v. Clark Construction Group, Inc. d/b/a Clark Contactors, Inc., JT Construction Co., Inc. and Clark/ J.T. Construction, a Joint Venture and City of San Antonio, Third –Party Defendant, Cause No. SA-06-CV-0125-XR and Martin Wright Electric Co. v Sandoval Plumbing Repair, Inc., First Sealord Surety, Inc. and City of San Antonio, Cause No. 2004-CI-164706, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Discuss legal issues related to City Council agenda and meeting procedures pursuant to Texas Government Code Sec. 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Council Meeting at 5:25 pm

### **CEREMONIAL ITEMS**

Mayor Pro Tem McNeil presented the following honorariums:

- An Alcalde for Commander Lee (USS San Antonio) who was in town to represent USS San Antonio during Celebrate America's Military (CAM) Week, November 9-15, 2006. In addition to other events, he was scheduled to be the keynote speaker at the Fort Sam Houston National Cemetery for the Veterans Day Ceremony on November 11<sup>TH</sup>.
- A Proclamation for ESGR Week November 13-19, 2006 which was observed as "Employer Support of the Guard and Reserve Week." More than 100,000 Reservists and National Guard personnel currently serve our nation on active duty, and have to balance the demands of family, career and military commitment. While on duty, their civilian employers sacrifice to provide leave of absence, job security and health benefits to the soldiers, sailors, coastguardsmen and airmen.
- A Proclamation for Omega Psi Phi (requested by District 2). The San Antonio Chapter of Omega Psi Phi Fraternity will celebrate "Achievement Week" November 12-18, 2006, and hold their annual Founders Day banquet on November 17, 2006 at the Doubletree Hotel. The week long program of academic and social activities will serve to inform the public of the fraternity, its history, objective, and community achievements. The banquet will honor men and women in the community for their outstanding achievements during the past year, and will recognize the winners of their 2006 scholarship, talent hunt, and essay contest.

### **CITIZENS TO BE HEARD**

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez spoke to Dia de los Muertos. He also spoke in opposition to a female Bishop. Lastly, he spoke to the grief the Pope feels for children who are abused.

Mr. Hal Mc Closkey spoke to a newspaper article concerning vendors. He noted that Riverwalk vendors were appreciative of the new Vending Ordinance despite what the newspaper said. Last, he thanked Council for the additional vending locations that were added to the Vending Ordinance.

Mr. Faris Hodge, Jr., 140 Dora, stated that his written testimony was not read at the previous Council meeting. He spoke to item 29, stating that family members of Councilmembers cannot work on City Boards. He stated that Code Compliance phone lines are not answered correctly. He noted that several street lights were out downtown and needed to be replaced. Lastly, he stated that Roger Flores was parked illegally downtown.

Mr. Michael John, 238 Tawsyl Dr., Riverwalk vendor, thanked Council for the changes to the Vending Ordinance. He spoke to the cut off of street vending and commended Councilmember Flores for recusing himself from the Riverwalk Vending Ordinance discussion and votes.

Ms. Xochilt Lopez Hidalgo spoke on behalf of her family's business, Rosie's Roses. She urged Council to consider removing the location of her family business from the lottery of locations for vendors. She asked that Council help preserve her business.

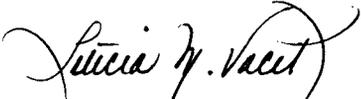
Mr. Mark Perez spoke to the Environmental Assessment of Mission Petroleum.

**ADJOURNMENT**

There being no further business to discuss, Councilmember McNeil adjourned the meeting at 6:25 p.m.

**A P P R O V E D**

  
**PHIL HARDBERGER**  
M A Y O R

Attest:   
**LETICIA M. VACEK**  
City Clerk