

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

THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING THURSDAY, AUGUST 10, 2006

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, August 10, 2006 at 9:00 a.m.

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

The Invocation was led by Monsignor Kevin Ryan, St. Mark the Evangelist Catholic Church, guest of Councilmember Kevin Wolff, District 9.

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

Councilmember Perez moved to approve the minutes of the August 3, 2006 City Council meeting. Councilmember Wolff seconded the motion. The motion passed unanimously. Due to an electronic error, the minutes had not been submitted for review. The minutes of August 3, 2006 will be submitted on the August 17, 2006 Council Meeting agenda.

ITEMS FOR INDIVIDUAL CONSIDERATION

Item 4A. City Manager Sheryl Sculley made a presentation on the proposed FY 2007 Budget, a copy of which is on file with the Office of the City Clerk. She presented an overview of the budget development; the top Council priorities referred to as the 5/85 General Fund Proposal, other Council priorities and the budget summary. The 2007 Proposed Budget includes an additional \$ 4 million for the City's General Fund Emergency Reserve bringing the FY 2007 total to \$32.17 million or 4.1% of proposed FY 2007 General Fund appropriations. She spoke to the Budget communication, citing educational pre-briefings, highlights brochure, budget video and the individual Council District Hearings. She delineated changes that have occurred since the Five-Year Financial Forecast presentation, cited general fund reductions with a total net recurring savings of nearly \$4.5 million, assuring City Council that any reductions in workforce where an employee was affected, employees would be given the opportunity to fill vacancies throughout the City. She further expounded on the base budget adjustments, one-time revenues and expenditures, the General Fund available resources and

distribution of major service delivery areas. She noted that this represented the 14th year that there will not be property tax rate increase. The tax rate would remain 57.854 cents per \$100 taxable valuation.

She stated that a new Budget Stabilization Reserve Fund is also proposed for FY 2007. This Reserve would assist the City in smoothing fluctuations in available General fund resources from year to year, helping to manage on-time and recurring sources of revenue and provide more continuity from year to year in service delivery levels. The FY 2007 level of funding in the proposed budget is \$ 15 million or 1.9% of General fund appropriations. The goal is to fund this reserve at 3 % of appropriations.

She amplified on the Council's top priorities which included public safety, streets and infrastructure, neighborhood service and code compliance, also highlighting on other priorities such as environmental services program, employee compensation and benefits, economic development, downtown/Riverwalk improvements, parks beautification, and chronic homelessness. She also cited the Storm Water Fund, Aviation fund, outlining the public hearings, work sessions, and the individual City Council District Community Budget Hearings.

The following citizens appeared to speak:

Mr. Mike Phillips, First Unitarian Universalist Church, Reverend Homer Bane, Colonial Hills United Methodist Church, and Ms. Christina Castro, St. Henry's Cops Metro asked the Council to provide additional funding for Project Quest. They requested an amount of \$2.9 million. They noted that less funding would hinder their vision causing many participants to be dropped from the program.

Commissioner Tommy Adkisson addressed the Council relating to resource recovery. He noted that 80-90% of the waste stream is recyclable. He spoke in favor of the Environmental Services proposal. He commended the Mayor and Council and Rose Ryan of Environmental Services on the excellent job that they do.

Ms. Loretta Van Coppenoll and Ms. Olivia Eisenhauer, Sierra Club Representatives, P.O. Box 6443, addressed the Council with regards to the expanded recycling program for the City. Ms. Coppenolle stated that the Sierra Club supports recycling and noted the benefits of recycling. She added that a letter would be mailed to the Mayor relating to their requests as it relates to recycling. Ms. Eisenhauer encouraged more residents to recycle. Lastly, she asked that all considerations be given to recycling programs.

Mr. Jerry Morrissey, 19631 Encino Way, addressed the Council in support of the new collection service.

Ms. Georgia Zannaras, Alamo Area Council Government Founder, 8700 Tesoro Drive # 700, spoke in favor of the City of San Antonio plans for the Environmental Services Department. She commended the City on an excellent job in recyclables, collections and education on the importance of recycling. She read a letter from the Texas Commission on Environmental Quality Office into the record.

Mr. Bruce Magnuson, 5008 Space Center, spoke in support of curbside recycling in San Antonio which would lead to a decrease of waste in landfills. He stated that the company he works for will support the City with educational materials related to recycling.

Mr. Rudy Rodriguez, Allied Waste, 4542 SE Loop 410, spoke in support of Environmental Services Solid Waste Management program. He mentioned the benefits of purchasing automated trucks.

Mr. Dean Gorby expressed his support of the City's proposed recycling program service change.

The City Clerk read two written testimonies from Faris Hodge, Jr. in relation to items 4C and 6. He wrote that the City needed to combine police and other services with the County in order to see savings. He also wrote that the Library and Public Schools need to purchase additional computers due to the wait time to be able to use a computer. He recommended that filters be installed on all the computers at the Library.

Mayor Hardberger recessed the Regular Session at 12:05 p.m. and announced that the Council would reconvene at 1:30 p.m. Mayor Hardberger reconvened the Regular Session at 1:35 p.m.

The City Clerk read the following Ordinances:

2006-08-10-0889

Item 4B. AN ORDINANCE SETTING A PROPOSED AD VALOREM TAX RATE FOR FISCAL YEAR 2007, ALSO BEING TAX YEAR 2006 ("FY 2007"), AT 57.854 CENTS PER \$100 OF TAXABLE VALUATION, WHICH INCLUDES 36.704 CENTS PER \$100 OF TAXABLE VALUATION FOR MAINTENANCE AND OPERATIONS AND 21.150 CENTS PER \$100 OF TAXABLE VALUATION FOR DEBT SERVICE; AND PROVIDING THAT SEPARATE ORDINANCES ADOPTING THE MAINTENANCE AND OPERATIONS TAX RATE AND THE DEBT SERVICE TAX RATE FOR FY 2007 WILL BE CONSIDERED AT THE SEPTEMBER 7, 2006, CITY COUNCIL MEETING.

Councilmember Hall moved to adopt the ordinance with a taxable valuation of 57.854 cents per \$100. Councilmember Herrera seconded the motion.

Item 4B was reconsidered. See page 5 of 17.

2006-08-10-0890

Item 4C. AN ORDINANCE SETTING THE FOLLOWING DATE, TIME AND LOCATION FOR THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR FY2006-2007: WEDNESDAY, AUGUST 30, 2006, 6:00 P.M., IN THE CITY COUNCIL CHAMBERS, 103 MAIN PLAZA; AND SETTING THE FOLLOWING DATES, TIMES AND LOCATIONS FOR THE FIRST AND SECOND PUBLIC HEARINGS ON THE PROPOSED TAX RATE FOR THE TAX YEAR BEGINNING JANUARY 1, 2006 AND ENDING DECEMBER 31, 2006: THURSDAY, AUGUST 24, 2006, AT 3:00 P.M., AND THURSDAY, AUGUST 31, 2006, AT 3:00 P.M., IN THE CITY COUNCIL CHAMBERS, 103 MAIN PLAZA.

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

Item 4C was reconsidered. See Page 5 of 17.

ITEM 5

Item 5. An Ordinance authorizing the execution of : (A) an Amended and Restated Lease of the Majestic and Empire Theaters with Las Casas for an initial term of fifteen (15) years with five (5) consecutive renewal periods of five (5) years each in consideration of two dollars (\$2.00) per Lease Year as well as the preservation, maintenance and operation of these historic facilities; (B) a Non-Disturbance and Attornment Agreement with Arts Center Enterprise; and (C) the negotiation and execution of an agreement between the City and the Symphony for its use of the "Citys Days at the Majestic" ; and authorizing the payment of outstanding legal invoices to Goode, Casseb, Jones, Riklin, Choate & Watson in the amount of \$35,097.28 and approving a budget of \$9,500.00 for additional services to complete the project

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

Mr. Shawn Eddy, Acting Director of Asset Management, made a presentation on the agreements related to the Majestic and Empire Theaters, a copy of which is on file with the Office of the City Clerk. He presented background information on the respective

theaters, noting that they were both recognized as State and National Historic Landmarks. He delineated the revised terms of the agreement which included eliminating the City's obligation to pay \$400,000 in annual rent to Las Casas and to reimburse theater operating expenses. He spoke to the reduced number of City days in the Majestic, the reduction of performance charges paid for City-sponsored events and Symphony performances, and expansion of City's audit rights in regard to preservation fees and performance charges. He further cited the revisions to the default provisions and the insurance responsibilities, and staff recommendation for approval.

Councilmember Perez made a motion to table Item 5 to August 17, 2006. Councilmember Gutierrez seconded the motion.

The motion to table Item 5 to August 17, 2006 carried by the following vote: **AYES:** McNeil, Gutierrez, Perez, Herrera, Guajardo, and Hardberger. **NAYS:** Flores, Radle, Hall, Wolff, Haass. **ABSENT:** None.

Councilmember Perez made a motion to reconsider items 4B and 4C. Councilmember Gutierrez seconded the motion.

The motion to reconsider items 4B and 4C carried by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass, Mayor Hardberger **NAYS:** Hall. **ABSENT:** None.

Councilmember Perez moved to approve both items 4B and 4C. Councilmember Flores 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.

CONSENT AGENDA- ITEMS 6-31D

Items 9, 10, 12, 13, 14, 18 and 23 were pulled from the consent agenda for individual consideration. The remaining items were approved upon motion made by Councilmember Perez and seconded by Councilmember Radle.

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

2006-08-10-0891

Page 5 of 17

Item 6. AN ORDINANCE ACCEPTING THE OFFER SUBMITTED BY SOUTHWEST SOLUTIONS GROUP, UTILIZING THE TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) CONTRACT, TO PROVIDE THE SAN ANTONIO PUBLIC LIBRARY WITH SHELVING FOR THE GREAT NORTHWEST BRANCH LIBRARY FOR A TOTAL COST OF \$35,421.00, FROM THE 1999 GENERAL OBLIGATION LIBRARY BOND.

2006-08-10-0892

Item 7. 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 \$1,475,000.00, INCLUDING: AUDIO BOOKS; SPANISH LANGUAGE BOOKS AND VIDEO MEDIA; CHILTON LIBRARY, OPPOSING VIEWPOINTS, AND LEGAL FORMS DATABASES; AUTOMOBILE MUFFLERS, CATALYTIC CONVERTERS, CLAMPS, TAIL PIPES, EXHAUST PIPES AND RELATED ITEMS; VACCINES; AND 800 MHZ SPEAKER MICROPHONES.

2006-08-10-0893

Item 8. AN ORDINANCE ACCEPTING THE BID SUBMITTED BY NS MICROWAVE TO PROVIDE THE FIRE AND POLICE DEPARTMENTS WITH RADIO RECEIVER UNITS FOR A TOTAL COST OF \$121,100.00, FROM THE STATE HOMELAND SECURITY PROGRAM 2005 GRANT FUND.

2006-08-10-0894

Item 11. AN ORDINANCE APPROVING CHANGE ORDER PW-2 IN THE AMOUNT OF \$284,531.68 PAYABLE TO E-Z BEL CONSTRUCTION, LTD. IN CONNECTION WITH THE JAMES PARK DEVELOPMENT AND HOLBROOK ROAD IMPROVEMENTS PROJECT, LOCATED IN DISTRICT 2, FROM 1999-2004 FLOOD CONTROL WITH PARK IMPROVEMENTS BOND FUNDS.

2006-08-10-0895

Item 15. AN ORDINANCE AUTHORIZING THE EXPENDITURE OF \$167,970.00 IN SUPPORT OF PAYMENT FOR CH2M HILL, INC. FOR ENVIRONMENTAL CONSULTING SERVICES RELATED TO MITIGATION EFFORTS AT SAN ANTONIO INTERNATIONAL AIRPORT, REVISING THE BUDGET AND PROVIDING FOR PAYMENT FROM THE AIRPORT CAPITAL IMPROVEMENT FUND.

2006-08-10-0896

Item 16. AN ORDINANCE AUTHORIZING EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH JOSHUA ENGINEERING GROUP, INC. IN AN AMOUNT NOT TO EXCEED \$22,965.00 FOR ADDITIONAL ELECTRICAL ENGINEERING SERVICES FOR THE TAXIWAY R EXTENSION AT SAN ANTONIO INTERNATIONAL AIRPORT.

2006-08-10-0897

Item 17. AN ORDINANCE APPROVING CHANGE ORDER NUMBER 1 IN THE AMOUNT OF \$38,758.57 PAYABLE TO R.L. JONES, L.P. AND APPROPRIATING FUNDS IN CONNECTION WITH THE HOWARD DRAINAGE - WILDWOOD TO EL MONTE PROJECT, LOCATED IN DISTRICT 1, AN AUTHORIZED 1999-2004 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDED PROJECT.

2006-08-10-0898

Item 19. AN ORDINANCE AUTHORIZING THE EXECUTION OF A FOUR-YEAR AGREEMENT WITH WASHINGTON PLACE JOINT VENTURE DBA WASHINGTON PLACE, COMMENCING SEPTEMBER 1, 2006, FOR THE LEASE OF OFFICE SPACE AT THE WASHINGTON PLACE OFFICE BUILDING, WHICH IS LOCATED AT 215 S. SAN SABA, FOR USE BY THE SAN ANTONIO FIRE DEPARTMENT APPLICANT PROCESSING CENTER AT AN AVERAGE ANNUAL RENTAL RATE OF \$29,043.83, FOR A TOTAL COST OF \$118,175.70.

2006-08-10-0899

Item 20. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH FAMILY SERVICE ASSOCIATION OF SAN ANTONIO, INC. (FSA) AT A MONTHLY RENTAL RATE OF \$10,106.25 PLUS ANNUAL PAYMENT OF ANY EXCESS OPERATING COSTS FOR THE LEASE OF 7,700 SQUARE FEET

OF OFFICE SPACE FOR USE BY THE CITY'S CHILD CARE DELIVERY SYSTEM PROGRAM AT THE FSA BUILDING, LOCATED AT 702 SAN PEDRO, FOR THE PERIOD SEPTEMBER 1, 2006 TO AUGUST 31, 2009, WITH TWO RENEWAL OPTIONS; AND APPROPRIATING FUNDS.

2006-08-10-0900

Item 21. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE STANDARD CONCESSION AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND FD LEASING GROUP, LLC TO ALLOW THE ADDITION OF APPROXIMATELY 467 SQUARE FEET OF SPACE IN TERMINAL TWO AT SAN ANTONIO INTERNATIONAL AIRPORT.

2006-08-10-0901

Item 22. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$71,858.00 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 A BUDGET IN CONNECTION WITH THE AWARD.

2006-08-10-0902

Item 24. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT FOR \$40,500.00 WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO AUGMENT SUPPORT FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S PUBLIC CENTER FOR ENVIRONMENTAL HEALTH FOR THE OPERATION AND MAINTENANCE OF AIR QUALITY MONITORS LOCATED AT LAKE CALAVERAS AND EXTEND THE CONTRACT PERIOD THROUGH AUGUST 31, 2007; AND REVISING THE PROGRAM BUDGET.

2006-08-10-0903

Item 25. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TOTALING \$246,000.00 TO PROVIDE SUPPORT

FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S PUBLIC CENTER FOR ENVIRONMENTAL HEALTH FOR THE OPERATION AND MAINTENANCE OF AIR SAMPLERS IN THE SAN ANTONIO AREA FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007; ADOPTING A PROJECT BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

2006-08-10-0904

Item 26. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A REIMBURSABLE GRANT IN THE AMOUNT OF \$400,000.00 FROM THE TRANSPORTATION SECURITY ADMINISTRATION FOR A STAND ALONE CLOSED CIRCUIT SECURITY CAMERA SYSTEM AT SAN ANTONIO INTERNATIONAL AIRPORT AND AUTHORIZING THE EXECUTION A CONTRACT CONCERNING USE OF THE FUNDS.

2006-08-10-0905

Item 27. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH WILL PROVIDE AN ADDITIONAL \$3,000.00 TO AUGMENT FUNDING FOR THE ONGOING MILK AND DAIRY LABORATORY SAMPLE TESTING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT THROUGH AUGUST 31, 2006; AND REVISING THE PROGRAM BUDGET.

2006-08-10-0906

Item 28. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH WILL PROVIDE AN ADDITIONAL \$50,000.00 TO CONTINUE SUPPORT FOR THE ONGOING TITLE XX FAMILY PLANNING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT THROUGH AUGUST 31, 2006; AND REVISING THE PROGRAM BUDGET.

2006-08-10-0907

Item 29. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH WILL PROVIDE AN ADDITIONAL \$43,000.00 FOR THE PUBLIC

HEALTH EMERGENCY PREPAREDNESS PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AND EXTEND THE GRANT TERMINATION DATE TO DECEMBER 31, 2006; AND REVISING THE PROGRAM BUDGET AND PERSONNEL COMPLEMENT.

2006-08-10-0908

Item 30. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH DELTA DENTAL INSURANCE COMPANY WHICH WILL ALLOW THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO BE REIMBURSED FOR SERVICES PROVIDED TO DENTAL PATIENTS ENROLLED IN THE CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP).

ITEMS 31A-D.

A. APPOINTING KAREN BENNINGTON (DISTRICT 6) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

B. REAPPOINTING EUGENE GLORIA (DISTRICT 6) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

C. REAPPOINTING ARTHUR SITTERLE (DISTRICT 2) TO THE ELECTRICAL EXAMINING AND SUPERVISING BOARD (CATEGORY: MASTER SIGN ELECTRICIAN) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 31, 2007.

D. APPOINTING LOUIS J. AGNESE, III (DISTRICT 10) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 17, 2007.

(END OF CONSENT AGENDA ITEMS APPROVED)

Items Pulled from Consent Agenda for Individual Consideration

The City Clerk read the following Ordinance:

2006-08-10-0909

Item 9. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE BIDS SUBMITTED BY TEXANA MACHINERY, ITEM 2; COOPER EQUIPMENT COMPANY, ITEM 3; WAUKESHA-PEARCE INDUSTRIES, INC., ITEMS 4 AND 5; AND VERMEER EQUIPMENT OF TEXAS, INC., ITEM 6 TO PROVIDE THE PUBLIC WORKS AND ENVIRONMENTAL SERVICES DEPARTMENTS WITH REPLACEMENT HEAVY EQUIPMENT ON AN ANNUAL CONTRACT BASIS FOR AN ESTIMATED ANNUAL COST OF \$1,549,913.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

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

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

The City Clerk read the following Ordinance:

2006-08-10-0910

Item 10. AN ORDINANCE APPROVING A TOTAL ESTIMATED CONSTRUCTION PROJECT AMOUNT OF \$4,382,144.53, TO INCLUDE AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$2,644,582.25 WITH E-Z BEL CONSTRUCTION LTD., \$74,260.00 OF WHICH WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$195,850.00 WILL BE REIMBURSED BY CPS ENERGY, IN CONNECTION WITH THE MEDICAL CENTER INTERSECTION IMPROVEMENTS PHASE III PROJECT, AN AUTHORIZED CERTIFICATE OF OBLIGATION AND 2003 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDED PROJECT, LOCATED IN DISTRICT 8, AND APPROPRIATING FUNDS.

Councilmember Flores made a motion to approve the proposed Ordinance. Councilmember Flores 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, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-08-10-0911

Item 12. AN ORDINANCE AMENDING THE FY 2006 AND 2007 STREET MAINTENANCE PROGRAM BY ADDING AND DELETING STREET LOCATIONS AS REQUESTED BY VARIOUS COUNCIL OFFICES.

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

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

The City Clerk read the following Ordinance:

2006-08-10-0912

Item 14. AN ORDINANCE APPROVING A TOTAL OF \$307,677.00, TO INCLUDE A \$214,826.00 AMENDMENT TO A \$156,230.00 PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH FERNANDEZ, FRAZIER, WHITE & ASSOCIATES, INC. (SBE/MBE/DBE), FOR PREPARATION OF CONSTRUCTION DOCUMENTS, BIDDING ADMINISTRATION SERVICES, PERMITTING COORDINATION AND CONSTRUCTION OBSERVATION SERVICES IN CONNECTION WITH THE SOUTHSIDE LIONS DAM AND SPILLWAY REPLACEMENT PROJECT, AN AUTHORIZED 1999-2003 PARK BOND AND U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDED PROJECT IN DISTRICT 3; AND APPROPRIATING FUNDS.

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

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

The City Clerk read the following Ordinance:

2006-08-10-0915

Item 13. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$226,450.00 TO INCLUDE \$203,450.00 FOR IN-HOUSE

CONSTRUCTION OF A GRANITE GRAVEL TRAIL, SECURITY AND TRAIL LIGHTING, PLAYGROUND, GRADING, TURF COVER, AND TREE PLANTING IN CONNECTION WITH THE GATEWAY TERRACE PARK DEVELOPMENT PROJECT IN CITY COUNCIL DISTRICT 4; AND APPROPRIATING FUNDS.

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

Item 13 was reconsidered. See Page 14 of 17.

The City Clerk read the following Ordinance:

2006-08-10-0913

Item 18. AN ORDINANCE APPROVING A TOTAL ESTIMATED CONSTRUCTION PROJECT AMOUNT OF \$380,751.00 AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$264,500.00 PAYABLE TO RESTEK, INC.; AUTHORIZING CHANGE ORDER NUMBER 1 IN THE AMOUNT OF \$36,300.00 WITH RESTEK, INC. AND AUTHORIZING PAYMENT OF \$32,445.00 FOR ADDITIONAL ENGINEERING SERVICES; AND AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH UNION PACIFIC RAILROAD (UPRR) PROVIDING THAT UPRR WILL FUND ALL COSTS ASSOCIATED WITH THE SOUTH ST. MARY'S STREET RAILROAD UNDERPASS AND SAN ANTONIO RIVER REPAIRS PROJECT, ACCEPTING PAYMENT AND APPROPRIATING FUNDS.

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

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

The City Clerk read the following Ordinance:

2006-08-10-0914

Item 23. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN \$80,000.00 DELEGATE AGENCY CONTRACT WITH THE SOUTHWEST SCHOOL OF ART &

CRAFT TO PROVIDE FUNDING FOR AN ARTS EDUCATION COORDINATOR STAFF POSITION AND TO SUPPORT THE DEVELOPMENT OF AN ARTS EDUCATION RESOURCE DIRECTORY, A SCHOLARSHIP PROGRAM FOR STUDENTS AND A CONTINUING EDUCATION PROGRAM FOR ARTISTS IN CONNECTION WITH THE IMPLEMENTATION OF THE CULTURAL COLLABORATIVE; AND APPROPRIATING FUNDS.

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

Councilmember McNeil made a motion to reconsider item 13. Councilmember Perez seconded the motion.

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

Councilmember McNeil made a motion to reconsider Item 13. Councilmember Perez seconded the motion.

The motion to reconsider Item 13 passed unanimously.

Councilmember Perez made a motion to approve Item 13. Councilmember McNeil seconded the motion.

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

(CONSENT AGENDA CONCLUDED)

Mayor Hardberger recessed the meeting at 3:16 pm until 5:30 pm for the ceremonial items and citizens to be heard. Mayor Hardberger reconvened the meeting at 5:35 pm and addressed the ceremonial items.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

- A presentation by Texas Burn Survivor Society announcing awards for “Valor” and “Community Service.” The awards formally recognize and honor firefighters for their bravery, selflessness and strength of character. Awards were presented to Firefighters Shawn Ashley, Joseph Brown, and Steve Nunn. Community Service awards were presented to FAO Deborah Foster, Captain Brook Hillwood, and Pamela Wessel.
- A citation to the San Antonio Special Weapons and Tactics Team for placing 2nd at the 2006 S.W.A.T. World Challenge.
- A Certificate of Commendation to CPS-Call Center for achieving national prominence by J.D. Power and Associates as a certified call center.

CITIZENS TO BE HEARD

The following citizen(s) appeared to speak:

Buddy Villejo, Code Compliance Officer and Chair of Consultation Committee, presented speakers for the State of City Services Address.

Ms. Deborah Garza, Public Health Aide, spoke on the need for and benefits of W.I.C. She spoke on the increase in health care premiums and asked that health care remain affordable.

Mr. Luther Perez, former City of San Antonio Employee, urged Council to reconsider the step plan for health care in this year’s budget.

Mr. Michael John, Riverwalk Vendors Association, 238 Tansyl Drive, spoke to the persecution of several vendors by park police. He referenced a specific incident related to selling on public right-of-way. He said that Officers have performed arrests and taken money from vendors even when they sell on private property.

Ms. Rosa Rosales, NAPE and LULAC, 919 Goodale Rd, spoke on the cost of living and noted the price of gasoline. She stated that they would like to see a higher starting living wage than the proposed. She asked that the health insurance benefits not be doubled. She also noted that outsourcing is not the way to go. She asked for assurance that employees in the Solid Waste Division not lose their jobs due to automation.

Mr. Faris Hodge, Jr., 140 Dora, stated that filters are still needed on computers, tax abatements are not going to work and the 2% pay increase to City Employees was not

going to cut it. He sang a medley of songs to the Mayor and Council. Lastly, he stated he had several issues he needed to talk to the City Manager about.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Ave., spoke on an article in the San Antonio Current entitled "Blinded with Science."

Mr. Hal McClosky, Downtown Vendors Association, 920 Camaron, spoke of the ordinance that governs Riverwalk vendors. He expressed concern with the idea of purchasing permits to vend at individual businesses on the Riverwalk. He asked that business owners be allowed to regulate vendors at their own businesses. He noted the six sites that are to be offered to vendors on the river. He stated that two of the six are in good areas, but four areas identified are going to be failures for vendors.

Mr. Robert Martinez, Blas Caricatures, 114 Roberts, stated that he has dedicated 15 years to his skill. He expressed concern for the spot that he uses on the Riverwalk which was not selected as one of the six areas identified by the Parks Department. He added that he has tried to call the Parks Department and City Manager's Office to ask that the area be taken into consideration.

Mr. Raymond Zavala, 812 S. Richter, announced his pride in working with the District 7 Staff. He expressed concern with Code Compliance and the authoritative stance that officers have taken. He spoke of both positive and negative incidents that he has encountered with the police.

Mr. Augustine Garza, Patrician Movement, 222 E. Mitchell, expressed concern for the chemical dependence problem and the detox program.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:55 p.m.

A P P R O V E D

PHIL HARDBERGER
M A Y O R

ATTEST: 