

**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, MARCH 29, 2006 AND THURSDAY, MARCH 30, 2006

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

Presentation of the Debt Management Plan. [Presented by Ben Gorzell, Acting Director, Finance]

Discuss proposed revisions to the Incentive Scorecard System. [Presented by Ramiro Cavazos, Economic Development]

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

The "B" Session adjourned at 5:15 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, March 30, 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, Hardberger.

The Invocation was led by Rev. Dr. Charles Johnson, Pastor, Trinity Baptist Church, Guest of Councilmember Art Hall, District 8.

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

The minutes of the March 16, 2006 City Council meeting were approved as presented.

CONSENT AGENDA

Item 20D was pulled from the Agenda. Consent Agenda items 5, 7, 8, 11, 12, 14, 17 and 18 were pulled for individual consideration. The remaining items 4 through 20C were approved upon a motion made by Councilmember Perez and seconded by Councilmember Haass.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, requested that Council members who received campaign contributions from individuals affiliated with Item 5 refrain from voting on the item.

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

AN ORDINANCE 2006-03-30-0408

ACCEPTING THE LOWEST RESPONSIVE BID AND AUTHORIZING A CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE ALAMO – DURANGO TO CEDAR PROJECT AND ST. MARY’S – ALAMO TO PEREIDA PROJECT, LOCATED IN DISTRICT 1; AND APPROPRIATING A TOTAL AMOUNT OF \$1,199,982.87 FROM CERTIFICATES OF OBLIGATION.

AN ORDINANCE 2006-03-30-0409

SELECTING HNTB, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN OF THE COMMERCIAL TRIBUTARY TO 6 MILE CREEK, PHASE I PROJECT LOCATED IN DISTRICTS 3 AND 4; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$1,400,000.00; AND APPROPRIATING FUNDS FROM 2005 STORM WATER REVENUE BOND FUNDS.

AN ORDINANCE 2006-03-30-0410

ACCEPTING A PERMANENT DRAINAGE EASEMENT DEDICATION FROM MG BUILDING MATERIALS, LTD., CONSISTING OF A 0.0927 ACRE TRACT OF LAND OUT OF LOT 8, BLOCK 12, LOCATED IN NEW CITY BLOCK 12501, WITHIN THE SENISA TERRACE SUBDIVISION, LOCATED IN DISTRICT 4.

AN ORDINANCE 2006-03-30-0411

APPROVING THE EXECUTION OF TWO PATIO DISPLAY LICENSE AGREEMENTS FOR PLAZA TAXCO AND BARKER'S COLLECTIBLES LOCATED ON THE OUTDOOR PATIO AT MARKET SQUARE IN DISTRICT 1, COMMENCING APRIL 1, 2006 AND EXPIRING MARCH 31, 2010.

AN ORDINANCE 2006-03-30-0412

ACCEPTING THE CONVEYANCE OF A 0.076-ACRE TRACT OF LAND (SOUTHERLY PORTION OF 2518 BELKNAP PLACE) FROM THE SAN ANTONIO DEVELOPMENT AGENCY, DECLARING THAT 0.076-ACRE TRACT AND THE REMAINING 1.205-ACRE TRACT (NORTHERLY PORTION) OF IMPROVED REAL PROPERTY KNOWN AS 2518 BELKNAP PLACE AND A .0537-ACRE TRACT KNOWN AS 2117 W. SALINAS STREET AS SURPLUS IN DISTRICT 1, AND AUTHORIZING THEIR SALE TO SEALED BIDDERS, FOR A TOTAL PRICE OF \$35,500.00, WITH THE CITY'S SHARE BEING \$35,235.00 AND THE BALANCE GOING TO OTHER TAXING AUTHORITIES.

AN ORDINANCE 2006-03-30-0413

AUTHORIZING THE CITY MANAGER, AS GRANTEE FOR FOREIGN TRADE ZONE (FTZ) NO. 80, TO EXECUTE AN OPERATING AGREEMENT WITH PROTRANS INTERNATIONAL, INC. FOR OPERATION OF FREE TRADE ZONE BUSINESS ACTIVITIES AT 1510 CORNERWAY BOULEVARD IN THE CORNERSTONE BUSINESS AND INDUSTRIAL PARK.

AN ORDINANCE 2006-03-30-0414

RATIFYING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, AND AUTHORIZING FUTURE

ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$170,320.00 AVAILABLE UNDER THE VIOLENCE AGAINST WOMEN ACT (V.A.W.A.) FOR THE EARLY INTERVENTION FOR WOMEN LIVING IN DOMESTIC VIOLENCE PROGRAM FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007.

AN ORDINANCE 2006-03-30-0415

AMENDING THE CITY CODE OF SAN ANTONIO, TEXAS, CHAPTER 2, ARTICLE II, SECTION 2-26 "REGULAR MEETINGS" TO IMPROVE THE COUNCIL MEETING PROCESS.

AN ORDINANCE 2006-03-30-0416

RESCHEDULING CITY COUNCIL MEETINGS (REGULAR AND WORKSESSION) SCHEDULED ON THE FOURTH WEDNESDAY AND THURSDAY OF EVERY MONTH TO THE NEXT AVAILABLE MEETING DATE, EFFECTIVE APRIL 2006.

AN ORDINANCE 2006-03-30-0417

RESCHEDULING ALL COUNCIL RELATED MEETINGS (REGULAR, WORKSESSION, AND COUNCIL COMMITTEE) DURING THE MONTH OF JULY, 2006 TO THE NEXT AVAILABLE MEETING DATE.

AN ORDINANCE 2006-03-30-0418

APPOINTING RICHARD N. BERRY (DISTRICT 9) TO THE DISABILITY ACCESS ADVISORY COMMITTEE (CATEGORY: PROVIDER OF HANDICAPPED SERVICES) FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-03-30-0419

APPOINTING GARY M. KYRISH (DISTRICT 9) TO THE HOME IMPROVEMENT ADVISORY BOARD (CATEGORY: CONTRACTOR) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 23, 2007.

AN ORDINANCE 2006-03-30-0420

APPOINTING MICHAEL JOHN LEONARD (DISTRICT 8) TO THE BUILDING AND FIRE CODE BOARD OF APPEALS (CATEGORY: GENERAL CONTRACTOR) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 31, 2007.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-30-0421

SELECTING CIVIL ENGINEERING CONSULTANTS, INC. TO PROVIDE ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE CLARK AVENUE FROM FAIR TO SOUTHCROSS PROJECT, AN AUTHORIZED 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND, HOUSING URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM, AND METROPOLITAN PLANNING ORGANIZATION FUNDED PROJECT, LOCATED IN DISTRICT 3; AND APPROPRIATING A TOTAL AMOUNT OF \$20,582.20 FROM HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDS.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed 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:

AN ORDINANCE 2006-03-30-0422

AUTHORIZING FUNDS PAYABLE TO AMERIPOINT TITLE COMPANY, AS ESCROW AGENT FOR MARCUS CRASSUS LAND, LTD. IN THE AMOUNT OF \$86,800.00 FOR FEE SIMPLE TITLE TO TWO PARCELS OF LAND, \$1,000.00 FOR TITLE FEES, AND \$100.00 FOR A RIGHT OF ENTRY FEE PAYABLE TO MARCUS CRASSUS LAND, LTD. FOR A TOTAL AMOUNT OF \$87,900.00 IN CONNECTION WITH MILITARY DITCH #65 PROJECT, LOCATED IN DISTRICT 4, FROM 2003 STORM WATER REVENUE BONDS.

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

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

The City Clerk read Item 8, being a proposed ordinance accepting a permanent drainage easement dedication from Joe Centeno III, consisting of a 0.144 acre tract of land out of New City Block 14496, within the Corte Del Sur Subdivision located in District 4.

Councilmember Perez made a motion to table the proposed Ordinance for one week. Councilmember Hall seconded the motion.

After consideration, the motion to table the proposed Ordinance to April 6, 2006 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

POINT OF PERSONAL PRIVILEGE

Councilmember Haass recognized his former office intern Ms. Liz Hernandez, a Northwest Vista College student observing the day's proceedings with her government class.

INDIVIDUALS ITEMS CONTINUED

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-30-0423

AUTHORIZING A 10-YEAR LICENSE TO UNIVERSITY UNITED METHODIST CHURCH FOR A PEDESTRIAN SKY BRIDGE OVER DE ZAVALA ROAD NEAR THE INTERSECTION WITH VANCE JACKSON ROAD BETWEEN NEW CITY BLOCKS 17142 AND 14857 IN DISTRICT 8 FOR A \$15,732.00 FEE.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed 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:

AN ORDINANCE 2006-03-30-0424

DEFINING THE TERMS OF THE CITY'S CONSENT TO ASSIGNMENT OF THE QUIZNO'S LEASE IN THE ST. MARY'S STREET GARAGE LOCATED IN DISTRICT 1.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed 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:

AN ORDINANCE 2006-03-30-0425

AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY, CENTER FOR HEALTH CARE SERVICES (CHCS), AND UNIVERSITY HEALTH SYSTEM (UHS) FOR DETAINEE PSYCHIATRIC SCREENING AND CARE AT THE CRISIS CARE CENTER; PRISONER MEDICAL SCREENING AND MINOR MEDICAL CARE AT THE CRISIS CARE CENTER AND/OR UHS ACUTE CARE CLINIC; AND TELEPHONIC PHYSICIAN CONSULTATION SERVICES TO SUPPORT THE NURSES AT THE DETENTION CENTER, WITH A TERM COMMENCING APRIL 1, 2006 AND TERMINATING SEPTEMBER 30, 2006; AND AUTHORIZING ANNUAL RENEWALS FOR FIVE YEARS SUBJECT TO APPROPRIATION OF FUNDS.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed 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:

AN ORDINANCE 2006-03-30-0426

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN CONNECTION WITH THE 2006 FIESTA SAN ANTONIO CELEBRATION; APPROVING THE LOCATIONS, DATES AND TIMES FOR THE FIESTA CARNIVAL AND OFFICIAL FIESTA EVENTS, AND RELATED REQUIREMENTS AND CONDITIONS; APPROVING THE FIESTA PARADE ROUTES; AND AMENDING ORDINANCE NO. 100629, PASSED ON MARCH 31, 2005 TO REFLECT SUCH CHANGES; AND PROVIDING FOR A FINE OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF THIS ORDINANCE AND ORDINANCE 88270.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed 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:

AN ORDINANCE 2006-03-30-0427

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE GLADYS HARBORTH ANIMAL RESOURCE CENTER TOTALING \$150,000.00 TO PROVIDE SPAYING AND NEUTERING SERVICES FOR ANIMAL CARE SERVICES FOR THE PERIOD OCTOBER 1, 2005 TO SEPTEMBER 30, 2006.

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

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

CITY MANAGER'S REPORT

City Manager Sheryl Sculley reported that the City has to date spent \$32 million to care for and house Hurricanes Katrina and Rita victims. She stated that FEMA has reimbursed the City for 81 percent of these expenses, and another \$1.5 million reimbursement is expected within 30 days. She recognized Community Initiatives Director Dennis Campa and his staff for their role in assisting victims' transitions into the community. She reported that the federal government extended the deadline for cleanup of Kelly USA facilities used to house victims to June 30, 2006, and a reimbursement for the use of the site will be issued thereafter.

POINT OF PERSONAL PRIVILEGE

Councilmember Herrera recognized Krystal Martinez, a San Antonio College student who was shadowing in the Council member's office for the day as part of her curriculum.

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 10:04 a.m. in order to convene in Executive Session for the purpose of:

Legal issues related to the City of San Antonio's management and operation of the public educational and governmental ("PEG") access channels as authorized by Chapter 66 of the Texas Utility Code, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to procedures allowing public comment at City Council meetings, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to Riverwalk vending in relation to vendors' past and anticipated comments during Citizens to be Heard, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The Mayor reconvened the Regular Session from Executive Session at 5 p.m., at which time he stated City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

CEREMONIAL ITEMS

- Proclamation for One Book-One San Antonio, a community initiative to encourage San Antonioans to read the same book while participating in community outreach programs, to the San Antonio Public Library Foundation.
- Presentation of official 2006 City of San Antonio Fiesta Medals to the Mayor and Council members.
- Proclamation for Jazz Appreciation Month to the Local Musicians Union.
- Proclamation for Law Day, May 1, 2006, to the San Antonio Bar Association, Mexican American Bar Association of San Antonio, San Antonio Black Lawyers' Association, and the Bexar County Women's Bar Association.

POINT OF PERSONAL PRIVILEGE

Mayor Hardberger acknowledged Councilmember Perez's birthday.

Mayor Hardberger also addressed the manner in which Citizens to be Heard speakers are to behave when addressing the Mayor and City, citing such behavior as described in a long-standing City Ordinance. He stated that those who violate the behavioral conduct requirements will henceforth be removed from the proceedings.

CITIZENS TO BE HEARD

Mr. Michael John, 238 Tawsyl Dr., Riverwalk vendor, spoke of vendors as business incubators, mentioning several local business owners who started as Riverwalk vendors.

Mr. John A. Torres, 105 Dillon Walk, spoke of matters discussed at an earlier meeting between vendors and the City. He raised concern over a statistical omission from a presentation made at the meeting, which he believes skews the seriousness of the matter. He requested that Council continue to permit the vendors to sell on the Riverwalk.

Mr. Marcus C. Love, 505 Waxwing Cir., spoke to the matter of the meeting between vendors and the City, and a comment raised regarding preservation of the Riverwalk's ambiance. He noted that paid promotional visits by the Budweiser Girls are far less family friendly than the toys that some vendors sell.

Mr. Carmine Greco, 106 Lewis St., Apt. 227, briefly described the fines administered to him by the courts after receiving a ticket for violating Riverwalk vending ordinances.

Mr. Hal McCloskey, 920 Camaron, stated that Park Police became diligent in issuing violations to Riverwalk vendors in March 2004, when the vendors challenged City Ordinance 98918 in court. He stated that the Downtown Vendors Association would like to see a Park Police representative at the organization's monthly meeting, as they do attend the Paseo del Rio Association meetings.

Mr. Faris Hodge, Jr., 140 Dora, stated that cancelling the fourth-week City Council meetings violates the City Charter. He stated that he has filed three complaints with the Texas Attorney General's Office related to Library internet filters, excessive printing fees, and trash pickup.

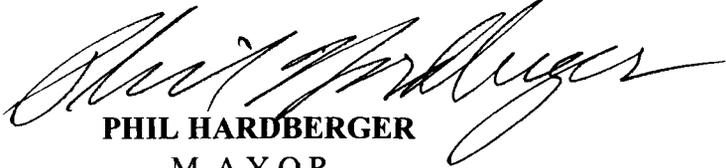
Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., stated that he supports the Main Plaza Project, as its expansion will provide for a clear view of the rapture when it occurs.

Mr. Allen S. Ellebracht, 4915 Dare Ln., requested written behavioral guidelines for citizens appearing before City Council. He requested that Council members follow the same guidelines earlier reiterated by the Mayor. He stated that he should have First Amendment rights to say whatever he pleases. He stated that anger is sometimes necessary for him to correctly express himself. He spoke to matters related to the death of his friend George Dickerson. He stated that he has received death threats for his actions. He spoke to the disappearance of the "old" San Antonio he remembers from his youth.

ADJOURNMENT

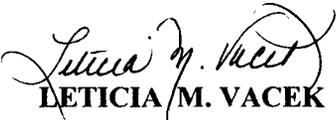
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:41 p.m.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK
City Clerk