

**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, THURSDAY, SEPTEMBER 14, 2006

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The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, September 14, 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 Rev. Douglas Marshall, Pastor, Living Waters Baptist Church, guest of Councilmember Sheila McNeil, District 2.

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

Councilmember Flores made a motion to approve the minutes of the August 31, 2006 City Council meeting. Councilmember Haass seconded the motion.

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

CONSENT AGENDA: ITEMS 7-31D

Consent agenda items 11, 19, 24, 25A-E, 26, 29, and 31C were pulled for individual consideration. The remaining items were approved upon motion made by Councilmember Gutierrez and seconded by Councilmember Hass.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to items 16, 21, 24, and 25. He stated that the business of the City should only take care of the basic services such as police and fire, not schools. He stated that schools and child care should be funded by the state not the

City. In regards to item 16, he asked that Councilmembers who received campaign contributions abstain from voting.

Mr. John Hackett, 123 E. Elsmere, spoke to item 23, the animal care strategic plan. He asked that the plan be expedited to pass the no kill policy by 2009 rather than 2012.

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

2006-09-14-1056

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 \$1,299,600.00, INCLUDING: TIRE RETREADING AND REPAIR SERVICE; MUD FLAPS; MATERIALS AND LABOR TO MAINTAIN AIR CONDITIONING AND SYSTEMS AT MARKET SQUARE; PLUMBING SUPPLIES AND PARTS; JANITORIAL SERVICES FOR DETENTION CENTER; AUCTION SERVICE FOR AUTOMOTIVE VEHICLES AND EQUIPMENT; CUSTODIAL PAPER PRODUCTS; MEDIUM AND HEAVY TRUCK TRAILER DRUM AND BRAKE PARTS; AND POLICE PATROL VEHICLE RADAR UNITS.

2006-09-14-1057

Item 8. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2006-2007 FOR A COMBINED ESTIMATED COST OF \$3,046,600, INCLUDING: OS-SAS SOFTWARE MAINTENANCE; TRMS & SAVRS LICENSE RENEWALS; SPANISH LANGUAGE BOOKS, DVD'S AND MEDIA; ASPHALTS, OIL & EMULSIONS; AUTOMOTIVE STORAGE BATTERIES; AUTOMOTIVE & HEAVY EQUIPMENT FILTERS; AIR CONDITIONING FILTERS; TYMCO SWEEPER & CONVERTO PARTS AND SERVICE; ALLISON TRANSMISSION PARTS AND SERVICE; MAINTENANCE OF ICE SHEET CHILLERS AT THE ALAMODOME; SPREAD SPECTRUM RADIOS; PRINTERS, PRINT SERVERS AND SCANNERS; LAWN SERVICE; REPLACEMENT OF AUTOMOTIVE GLASS; OFFICIAL AND OTHER NEWSPAPER ADVERTISEMENTS; WORK GLOVES; AND BACK SUPPORT BELTS FOR FIRE.

2006-09-14-1058

Item 9. AN ORDINANCE ACCEPTING THE BID SUBMITTED BY T.V.I.B. LLC TO PROVIDE THE CONVENTION FACILITIES DEPARTMENT WITH ONE REPLACEMENT RIDE-ON SIDEWALK SWEEPER SCRUBBER FOR A TOTAL COST OF \$43,139.43, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2006-09-14-1059

Item 10. AN ORDINANCE ACCEPTING THE BID SUBMITTED BY JOHN DEERE LANDSCAPES TO PROVIDE THE PARKS AND RECREATION DEPARTMENT GOLF COURSE OPERATIONS WITH AUTOMATED IRRIGATION CONTROLLERS AT THE CEDAR CREEK GOLF COURSE FOR A TOTAL COST OF \$57,566.00, FROM THE MISCELLANEOUS SPECIAL REVENUE FUND - GOLF FORE SA PROGRAM.

2006-09-14-1060

Item 12. AN ORDINANCE ACCEPTING THE BID SUBMITTED BY KONE ELEVATOR TO REBUILD AND MODIFY THE ELEVATORS AT THE SAN ANTONIO INTERNATIONAL AIRPORT FOR A TOTAL COST OF \$104,800.00, FROM THE AIRPORT CAPITAL IMPROVEMENTS FUND - AIRPORT BUILDING MODIFICATIONS AND IMPROVEMENTS FUND.

2006-09-14-1061

Item 13. AN ORDINANCE ACCEPTING THE LOW, RESPONSIVE BID SUBMITTED BY GT DISTRIBUTORS, INC. TO PROVIDE THE POLICE DEPARTMENT WITH 37 BALLISTIC VESTS AND HELMETS FOR A TOTAL OF \$82,505.56, FROM THE DEPARTMENT OF HOMELAND SECURITY FUND.

2006-09-14-1062

Item 14. AN ORDINANCE APPROVING A TOTAL ESTIMATED DEMOLITION CONSTRUCTION PROJECT COST OF \$56,589.00, AND AWARDED A DEMOLITION CONSTRUCTION CONTRACT IN THE AMOUNT OF \$51,444.00 TO M&M CONTRACTORS, LTD., IN CONNECTION WITH THE DEMOLITION OF BUILDING #1314 (HANGAR 5) AT THE SAN ANTONIO INTERNATIONAL AIRPORT; AN AUTHORIZED AVIATION FUNDED PROJECT IN DISTRICT 9, AND APPROPRIATING FUNDS.

2006-09-14-1063

Item 15. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$1,073,934.65, TO INCLUDE AWARDDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$897,967.65 WITH SHANNON-MONK, INC., TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE PEARSALL ROAD LANDFILL SLOPE MAINTENANCE PROJECT IN DISTRICT 4, FROM THE FY 2006 TAX NOTES.

2006-09-14-1064

Item 16. AN ORDINANCE APPROVING A CITY TOTAL ESTIMATED PROJECT COST OF \$1,594,365.00, TO INCLUDE A \$81,130.00 AMENDMENT TO A \$501,500.00 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH PAPE DAWSON ENGINEERS, INC. FOR ADDITIONAL ENGINEERING SERVICES, IN CONNECTION WITH THE STAHL ROAD AT O'CONNOR AND JUDSON RECONSTRUCTION PROJECT, LOCATED IN DISTRICT 10, AN AUTHORIZED 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND AND METROPOLITAN PLANNING ORGANIZATION FUNDED PROJECT, AND APPROPRIATING FUNDS.

2006-09-14-1065

ITEM 17. AN ORDINANCE APPROVING CHANGE ORDER NUMBER PW-5 FINAL IN THE DEDUCTIVE AMOUNT OF \$40,195.03 TO THE CONSTRUCTION CONTRACT WITH E - Z BELL CONSTRUCTION CO. TO RECONCILE ACTUAL QUANTITIES USED IN CONNECTION WITH THE LARKSPUR / WEST AVENUE TO BALTIC PROJECT, LOCATED IN DISTRICT 9, AN AUTHORIZED 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT.

2006-09-14-1066

Item 18. AN ORDINANCE AUTHORIZING PAYMENT IN THE AMOUNT OF \$51,000.00 TO SERVICE TITLE COMPANY AS ESCROW AGENT FOR FEE SIMPLE TITLE TO THREE PARCELS OF LAND (\$46,000.00) AND TITLE FEES (\$5,000.00); AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,600.00 TO DUGGER, CANADAY, GRAFE, INC., FOR APPRAISAL SERVICES; FOR A TOTAL AMOUNT OF \$53,600.00 IN CONNECTION WITH THE PRUE ROAD LOW WATER CROSSING PROJECT, AN AUTHORIZED 2005 STORM WATER REVENUE BOND FUNDED PROJECT LOCATED IN DISTRICT 8; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

2006-09-14-1067

Item 20. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS IN THE AMOUNT OF \$275,250.00 FOR THE CONTINUATION OF THE SUPPORTIVE SERVICES FOR THE ELDERLY PROJECT FROM OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007; AUTHORIZING THE EXECUTION OF A GRANT CONTRACT; ADOPTING A BUDGET; APPROVING A PERSONNEL COMPLEMENT; APPROPRIATING FUNDS; AUTHORIZING THE ALLOCATION OF CARRY FORWARD FUNDS AND AUTHORIZING THE ACCEPTANCE OF SUPPLEMENTAL FUNDS, IF AWARDED DURING THE CONTRACT PERIOD.

2006-09-14-1068

Item 21. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT MODIFICATION TO THE ALAMO AREA CHILD CARE DELIVERY SYSTEM (CCDS) CONTRACT WITH ALAMO WORKFORCE DEVELOPMENT, INC. D/B/A ALAMO WORKSOURCE WHICH AWARDS FUNDS IN AN AMOUNT UP TO \$34,714,614.00 FOR THE PERIOD OF OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007; AUTHORIZING THE EXECUTION OF AN AMENDMENT OF THE FY 2006 CHILD CARE LOCAL MATCH CONTRIBUTION AGREEMENT BY EXTENDING IT THROUGH NOVEMBER 30, 2006; AUTHORIZING THE EXECUTION OF THE FY 2007 CHILD CARE LOCAL MATCH CONTRIBUTION AGREEMENT IN THE AMOUNT OF \$2,247,622.00 GENERATING FEDERAL MATCH FUNDS IN AN AMOUNT UP TO \$4,354,057.00 IN CONNECTION WITH THE CCDS PROGRAM; AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE ALAMO AREA DEVELOPMENT CORPORATION IN AN AMOUNT UP TO \$709,012.00 TO PROVIDE CHILD CARE SERVICES IN CONNECTION WITH THE CCDS PROGRAM; ADOPTING A FY 2007 CCDS PROGRAM BUDGET AND APPROVING A PERSONNEL COMPLEMENT.

2006-09-14-1069

Item 22. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$21,752.04 FROM THE SOUTHWEST TEXAS REGIONAL ADVISORY FOR TRAUMA FOR USE BY THE SAN ANTONIO FIRE DEPARTMENT FOR EMS ELIGIBLE EXPENSES.

2006R-09-14-1070

Item 23. A RESOLUTION SUPPORTING THE IMPLEMENTATION OF A COMMUNITY WIDE FIVE-YEAR ANIMAL CARE SERVICES STRATEGIC PLAN.

2006-09-14-1071

Item 27. AN ORDINANCE AUTHORIZING A ONE-YEAR EXTENSION FOR THE PERIOD OF OCTOBER 1, 2006, TO SEPTEMBER 30, 2007, OF THE SAN ANTONIO FIRE DEPARTMENT COMMISSARY SYSTEM CONTRACT WITH STERLING'S PUBLIC SAFETY, INC.

2006-09-14-1072

Item 28. AN ORDINANCE AUTHORIZING PAYMENT OF THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES TO THE NATIONAL LEAGUE OF CITIES IN THE AMOUNT OF \$30,765.00 FOR THE PERIOD BEGINNING OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007; AND APPROPRIATING FUNDS.

2006R-09-14-1073

Item 30. A RESOLUTION EXPRESSING THE CITY COUNCIL'S SUPPORT FOR THE CONTINUED COLLABORATION AMONG THE CITY OF SAN ANTONIO, BEXAR COUNTY, AND THE SAN ANTONIO RIVER AUTHORITY, AND AUTHORIZING THE EXECUTION OF A SURBURBAN CITY INTERLOCAL AGREEMENT WITH THE CITY OF HELOTES.

BOARD APPOINTMENTS: ITEMS 31A, 31B, AND 31D

Item 31A. Appointing Veronica Inez Landa (District 6) to the San Antonio Youth Commission for a term of office to expire May 31, 2007.

Item 31B. Appointing Bennie Lunsford (District 6) to Keep San Antonio Beautiful, Inc. for the remainder of an unexpired term of office to expire December 22, 2006.

Item 31D. Appointing Carlos Villarreal (District 3) to the Affirmative Action Advisory Committee for a term of office to expire May 31, 2007.

[CONSENT ITEMS CONCLUDED]

ITEMS FOR INDIVIDUAL CONSIDERATION

PUBLIC HEARING AND ORDINANCE: PUBLIC IMPROVEMENT DISTRICT

Mayor Hardberger declared the Public Hearing to be open.

Mr. Cris Young, City Manager's Office, presented the ordinance related to the Downtown Public Improvement District (PID) Service and Assessment Plan, a copy of which is on file with the Office of the City Clerk. He stated the PID was created in 1999 for an initial five year period and reauthorized in 2004 for an additional five year term to supplement services in the downtown area and enhance overall appearance and quality of Downtown San Antonio. He spoke to the contracts with Centro San Antonio Management Corp. and outlined the 2007 Service and Assessment Plan, the property assessment rate and cited other funding sources for the PID.

There being no further discussion, Mayor Hardberger declared the Public Hearing to be closed.

The City Clerk read the following Ordinance:

2006-09-14-1074

Item 4. AN ORDINANCE APPROVING THE LEVY OF A SPECIAL ASSESSMENT FOR THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT (PID); LEVYING AN ASSESSMENT RATE FOR FISCAL YEAR 2007 AT \$0.12 PER \$100 VALUE OF REAL PROPERTY IN THE PID; AND APPROVING THE FISCAL YEAR 2007 SERVICES AND ASSESSMENT PLAN FOR THE PID.

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

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

PUBLIC HEARING: ANNEXATION OF CULEBRA ROAD/LOOP 1604 AREA

Item 5. Public hearing regarding the voluntary annexation of the Culebra Road/Loop 1604 area.

Mayor Hardberger declared the Public Hearing to be open.

Mr. Jesus Garza, Planning Department, made a presentation on the 1st public hearing on the voluntary annexation request for the Culebra/Loop 1604 approximately 38-acre tract, a copy of which is on file with the Office of the City Clerk. He outlined background

information, stating that the property owner had petitioned the City for the voluntary annexation of the subject tract. He stated this tract was part of a larger tract, approximately 117 acres, located at the southwest corner of Culebra Rd. and Loop 1604 proposed to be developed with a commercial shopping center. He added that the purpose of the petition was to bring the entire development project into the City and avoid the construction of buildings that are partially within and partially outside the City limits. He further expanded on the Annexation Goals and Policies and the fiscal impact.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Faris Hodge, Jr., 140 Dora, relating to items 5 and 31D. In regards to Item 5 he wrote about lowering the tax rate. He also wrote that the City continues to annex more land which costs taxpayers money. He stated that the City pays high wages to the Police and Fire Department and continuously gives businesses a tax break which is why the City cannot save money. He further stated that the City and County should help low income families. He suggested that the City and County combine police and fire personnel to save money. In regards to Item 31D, he wrote to thank the Council for placing someone on the Affirmative Action Board. He also wrote in regards to the pay scale for City employees. He stated that the Mayor and Council discriminate against employees because they pay Police and Fire personnel more money than anyone else.

Mayor Hardberger declared the Public Hearing to be closed.

The City Clerk read the following Ordinance:

2006-09-14-1075

Item 6. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT NOT TO EXCEED \$500,000 AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH, AND JERNIGAN, INC. FOR PROJECT MANAGEMENT SERVICES, IN CONNECTION WITH THE MUSEUM REACH SEGMENT OF THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT, LOCATED IN DISTRICT 1, APPROPRIATING FUNDS AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

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

Mr. Tom Wendorf, Director of Public Works, made a presentation on the proposed agreement with Post, Buckley, Schuh and Jernigan, Inc. (PBS & J) for the Museum Reach Project Management Services a copy of which is on file with the Office of the City

Clerk. He stated the project is a multi-year capital improvement project valued at an estimated amount of \$198,730,547 which includes three reaches: Museum Reach, Downtown Reach, and Mission Reach. He spoke to the recommendation of the Committee of Six, the Request for Qualifications process, and selection of PBS & J. He further stated that PBS & J was the top ranked firm that would monitor and report the Museum Reach progress regarding schedule and budget, provide recommendations to reduce the overall construction time and the post public information for public use on the City's web-portal. He further expounded on the firm's experience and qualifications and the financial impact.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, stated that the citizens disapproved of this project, but Council continued on with it anyway. He asked that Council members who received campaign contributions abstain from voting on this item.

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

The City Clerk read the following Ordinance:

2006-09-14-1076

Item 11. AN ORDINANCE ACCEPTING THE BID SUBMITTED BY LONE STAR AUCTIONEERS, INC. TO PROVIDE THE CITY WITH AN ON-LINE AUCTION SYSTEM TO BE USED FOR SELLING SURPLUS CITY PROPERTY.

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

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

The City Clerk read the following Ordinance:

2006-09-14-1077

Item 19. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS IN THE AMOUNT OF \$1,632,565.00 FOR THE CONTINUATION OF THE COMPREHENSIVE NUTRITION PROJECT FROM OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007; AUTHORIZING THE EXECUTION OF A GRANT CONTRACT; ADOPTING A BUDGET; APPROVING A PERSONNEL COMPLEMENT; APPROPRIATING FUNDS; AUTHORIZING THE EXECUTION OF VOLUNTEER SITE, VENDOR AND LEASE AGREEMENTS WITH NON-PROFIT AGENCIES FOR OPERATION OF SENIOR NUTRITION SITES AND USE OF FACILITIES; AUTHORIZING THE ACCEPTANCE OF SUPPLEMENTAL FUNDS; AND AUTHORIZING THE ALLOCATION OF CARRY FORWARD FUNDS.

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

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

2006-09-14-1078

Item 24. AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF INTERLOCAL AGREEMENTS FOR A TERM ENDING JUNE 15, 2007, WITH THE FOLLOWING INDEPENDENT SCHOOL DISTRICTS TO SUPPORT THE AFTER SCHOOL CHALLENGE PROGRAM FOR EXPENDITURES UP TO THE FOLLOWING AMOUNTS: EAST CENTRAL ISD \$83,043, EDGEWOOD ISD \$145,586, SOUTH SAN ISD \$241,344, SAN ANTONIO ISD \$1,324,722, HARLANDALE ISD \$355,528, NORTH EAST ISD \$182,892, NORTHSIDE ISD \$177,949, AND SOUTHWEST ISD \$22,244; AUTHORIZING THE NEGOTIATION AND EXECUTION OF DELEGATE AGENCY CONTRACTS IN SUPPORT OF THE AFTER SCHOOL CHALLENGE PROGRAM FOR A TERM ENDING JUNE 15, 2007 WITH POSITIVE BEGINNINGS, INC. FOR \$1,147,180; APPROVING THE SELF-MONITORING STANDARDS FOR THE AFTER SCHOOL CHALLENGE PROGRAM; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

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

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

The City Clerk read the following Ordinances:

2006-09-14-1079

Item 25A. AN ORDINANCE AUTHORIZING THE EXECUTION OF PROFESSIONAL ARTISTIC CONTRACTS FOR PERFORMANCES RELATED TO THE CARVER COMMUNITY CULTURAL CENTER'S 2006-2007 SEASON OF EVENTS; AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES AGREEMENTS FOR RELATED TECHNICAL SERVICES, AND THEATRE RENTAL AGREEMENTS, AUTHORIZING THE NEGOTIATION AND EXECUTION OF AGREEMENTS WITH COMPARABLE CONTRACTORS IN THE EVENT OF NON-PERFORMANCE OF SERVICES BY AN INTENDED CONTRACTOR; AUTHORIZING THE EXECUTION OF LETTERS OF INTENT TO RESERVE, SUBJECT TO CITY COUNCIL APPROVAL, PERFORMANCES FOR THE 2007-2008 SEASON; AUTHORIZING THE TRANSFER OF REVENUE FUNDS FROM THE COMMUNITY AND VISITOR'S FACILITIES FUND AND THE CARVER COMMUNITY CENTER TRUST FUND TO THE CARVER ORGANIZATIONAL PROJECT IN THE AGGREGATE AMOUNT OF \$266,951.00; AUTHORIZING THE USE OF THE TICKET PRICE SCHEDULE FOR THE 2006-2007 CARVER SEASON OF EVENTS; AND ADOPTING A BUDGET.

2006-09-14-1080

Item 25B. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF CONTRACTS WITH THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT AND THE GREATER SAN ANTONIO AFTER SCHOOL ALL-STARS IN THE AMOUNTS OF \$128,467.00 AND \$77,000.00 RESPECTIVELY, FOR THE OPERATION OF THE 21ST CENTURY AFTER SCHOOL PROGRAM; AUTHORIZING THE EXECUTION OF A DELEGATE AGENCY CONTRACT WITH THE CARVER DEVELOPMENT BOARD IN THE AMOUNT OF \$205,467.00 TO MANAGE AND OPERATE THE 21ST CENTURY AFTER SCHOOL PROGRAM; AND ADOPTING A BUDGET.

2006-09-14-1081

Item 25C. AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE CARVER DEVELOPMENT BOARD (CDB) SETTING FORTH THE DUTIES AND RESPONSIBILITIES OF THE

CDB AND THE CITY CONCERNING THE MANAGEMENT AND OPERATION OF THE CARVER COMMUNITY CULTURAL CENTER FOR THE TERM OF OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

2006-09-14-1082

Item 25D. AN ORDINANCE APPROVING A REVISED STANDARD LICENSE AGREEMENT FORM COVERING THE USE OF THE CARVER COMMUNITY CULTURAL CENTER; AUTHORIZING THE EXECUTION OF SUCH LICENSE AGREEMENTS; APPROVING A REVISED LICENSE FEE SCHEDULE; AND APPROVING REVISED FACILITY USE POLICIES PERTAINING TO THE USE OF THE CARVER COMMUNITY CULTURAL CENTER.

2006-09-14-1083

Item 25E. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A USER AGREEMENT WITH TICKETMASTER FOR THE DISTRIBUTION OF TICKETS FOR PERFORMANCES THAT TAKE PLACE AT THE CARVER COMMUNITY CULTURAL CENTER FOR THE PERIOD ENDING SEPTEMBER 30, 2008 WITH TWO ONE-YEAR RENEWAL OPTION PERIODS.

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

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

The City Clerk read the following Ordinance:

2006-09-14-1084

Item 26. AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO ENTER A METROPOLITAN PARTNERSHIP FOR ENERGY (MPE) AGREEMENT TO PROVIDE \$50,000 TO COMPLETE MPE'S GREEN BUILDING PROGRAM IMPROVEMENTS AND TO PROMOTE ENERGY EFFICIENCY, FUNDED FROM FY 2005 NON-DEPARTMENTAL ALLOCATIONS.

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, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-09-14-1085

Item 29. AN ORDINANCE NAMING THE TRAILHEAD AT THE ROBERT L. B. TOBIN PARK, LOCATED AT 100 IRA LEE IN COUNCIL DISTRICT 10, AS THE "STAFF SGT. CHRISTOPHER MORNINGSTAR TRAILHEAD."

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, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following:

Item 31C. Appointing Yvonne M. Perez (District 5) to the San Antonio Local Development Company, Inc. (d/b/a South Texas Business Fund) (Category: Director/Trustee) for the remainder of unexpired terms of office, both to expire May 9, 2008.

Councilmember Radle made a motion to withdraw Item 31C. Councilmember Flores seconded the motion.

The motion to withdraw Item 31C prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

Item 31C was withdrawn.

Item 32. CITY MANAGER'S REPORT

City Manager Sheryl Sculley updated the Mayor and Council on the San Antonio River Loop and the water quality issues that were studied over the summer. She stated that a group was formed consisting of representatives from the Public Works Department, San

Antonio River Authority, and the San Antonio Water System to talk about the biological as well as clarity issues pertaining to the loop within the downtown of the Riverwalk. She informed Council that the group met five times over the summer and determined specifics relating to the standards for water clarity and biological changes. She stated that they are researching some of the causes for the clarity and bacteria problems in the river and she will discuss the results with the community and with Council when they are available. She also discussed some possible solutions to the clarity and bacteria problems.

The Mayor recessed the Regular Session at 11:55 a.m. and announced that Council would reconvene at 1:30 p.m. in Executive Session.

The City Council recessed into an executive session to discuss the following:

A. Discuss status of Texas A&M University - San Antonio, including the possible acquisition and disposition of real property, pursuant to Texas Government Code Section 551.072 (deliberation on the purchase, exchange, lease, or value of real property) and legal issues involving a related proposed project agreement with the Board of Regents of the Texas A&M University System, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

B. Discuss legal issues related to the City of San Antonio v. Toudouze, Inc. and C. Charles A. Toudouze, Jr. Individually, Cause No. 2004-CI-05871 in the 407th Judicial District Court, Bexar County, Texas, pursuant to Texas Government Code Section 551.071. (consultation with attorney).

The Mayor reconvened the Regular Session at 5:55 p.m.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

- Mayor Emeritus Lila Cockrell received a proclamation for the 23rd annual Jazz' SAlive co-sponsored by the San Antonio Parks Foundation and the City of San Antonio Parks and Recreation Department which will take place in Travis Park September 16-17, 2006. She stated that the hours are from noon to 11 p.m. on Saturday, September 16, and noon to 10 p.m. on Sunday, September 17, further highlighting children's activities to be featured both days from 1 to 5 p.m. New Orleans-style favorites such as etoufee, jambalaya and Boudain sausage will be featured along with San Antonio specialties including gorditas, fajitas and aguas frescas. Admission to Jazz' SAlive is free.

- A presentation for CubScouts-Pack 1947, which is affiliated with the Cherokee District of Boy Scouts of America-Alamo Area Council. They are known as Webelos scouts and are in the 4th and 5th grades.

CITIZENS TO BE HEARD

Ms. Colleen Frost, PO Box 2361, spoke to the many young people who are criminalized for being artists. She stated that now is a time to educate the public and young people on this issue. She stated that Our Lady of the Lake University, Teen Court, Bexar County Juvenile Probation, and a growing number of judges already support the idea of working together to resolve the issue of graffiti. She asked for each Councilmember to find a wall in their district that can be used for art.

Ms. Julie Iris Oldham, 4523 Allegheny Dr, stated that Citizens to be Heard is the most important part of Council meetings. She expressed concern with harassment by Code Compliance officers. She stated that she believed there should be an injunction against the new budget because of taxation without representation.

Mr. Glen Alan Graham, 6900 N. Vandiver Rd, spoke to the number of events in San Antonio. He also spoke to the parking situation in downtown San Antonio and offered ideas to improve the situation. He stated that VIA is an excellent transportation system and asked that the City encourage bus riding to improve the parking situation downtown.

Mr. Fred Gonzales spoke on behalf of Phil Watkins, President of Travis Park United Methodist Church. He spoke to Corazon Ministries a program for the homeless. He spoke to the services provided by Corazon Ministries such as providing food, showers, and medical services. He stated that Carlos Guadarrama, who was formerly homeless, would be running from Corpus to San Antonio on October 13, 2006 to raise money for the homeless. He noted that last year the same individual raised \$35,000 which was used by Mr. Watkins to purchase land for a future homeless shelter. He also described the upcoming run in detail.

Mr. Carlos Guadarrama, spoke to the run he would participate in on October 13, 2006. He stated that he had run before to raise money for the homeless. He invited the Mayor and Council to come see him finish the run that will be raising money for a worthy cause.

Mr. Jerry Butler stated that he was formerly homeless and also a drug and alcohol addict. He explained that when an individual is homeless, they lose all sense of self worth and self esteem. He spoke to the importance of transitional housing to help homeless individuals regain self esteem and get back on their feet. He thanked the Mayor and

Council for doing more for homeless in the last two years than he had seen in previous years.

Ms. Vicki Rizzo, San Antonio Zoo Employee, spoke to employee wages. She stated that a living wage to San Antonio working employees is a step in the right direction, and it should serve as a morale booster and excellent example to employers in the area. She stated that 84% of zoo employees are living below the federal poverty line. She asked that Council demand that any tax funded entity in the City to meet living wage standards for their employees.

Mr. Larry Ramirez Jr., spoke to employee wages. He stated that City employees work hard because they love their jobs, but they are not compensated sufficient salaries. He thanked Council for increasing the living wage salary and urged Council to vote for all entities that do business with City tax funds to provide a living wage salary to their employees as well.

Ms. Patsy Benitez, City Employee, 7109 Leslie, showed a video that demonstrated the artwork that is on exhibit at a justice center. She expressed disappointment with an article that was published regarding the work.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, presented an article from the San Antonio Express News about asteroids that were headed for earth. He linked the asteroids to Armageddon. He also spoke to a second article relating to a Jewish Rabbi and gay rights. He also referenced bible scriptures.

Mr. Mark Perez, 119 Hardeman, spoke to the issue of pollution. He stated that TETCO did not have certificates of occupancy and asked if the City exempted any businesses from applying for a Certificate of Occupancy. He also spoke to a chemical spill that took place in 2005.

Mr. Faris Hodge, Jr., 140 Dora, asked the Mayor to place a representative on the Affirmative Action Board. He stated that the City discriminates with the Police and Fire Departments because they have a higher pay scale than other City employees. He spoke to the new 96 gallon trash cans. He stated that the computers at public libraries are outdated. Lastly, he stated that written testimonies are not posted in the minutes verbatim.

Mr. Robert Martinez, 114 Roberts, spoke to Riverwalk issues. He expressed concern with an Ordinance that will be brought to Council on October 4, 2006 which could cause him to lose his job. He stated that many citizens and tourists support Riverwalk vendors. He asked Council to consider small business owners when making a decision about Riverwalk vendors.

Mr. Hal McCloskey, 9220 Camaron, stated that he sells his roses at businesses that allow him to be there. He presented changes that he wished to be made to the proposed vending ordinance. He stated that he would like to be able to sell to people outside of businesses. Lastly, he cited Section 35-679 (e) of the City Code.

Mr. Michael John, 238 Tawsyl Dr., Riverwalk vendor, cited a letter from a citizen that was in support of Ordinance 94561 which refers to Riverwalk vending. The letter stated that it was nice to have vendors along the Riverwalk to cater to children. He expressed concern for the attacks of Riverwalk vendors by officers. He also stated that no complaints have been filed against the vendors.

Mr. Daniel Gonzales, 6900 San Pedro, Suite 147, spoke to the process of obtaining a vending permit. He cited an instance in which he was robbed and beaten. He asked that he not be denied a vending permit for selling on the street level of the Riverwalk.

Mr. Joel Hailey, 210 Vanderheek, spoke to the resolution concerning the Animal Care Strategic Plan. He stated that the population of L.A. is three times the population of San Antonio, but they spend less money on euthanasia than San Antonio. He related the decrease in cost for L.A. to the breeding permit laws that have already been passed. He stated that a breeding permit ordinance will save San Antonio money per capita.

ADJOURNMENT

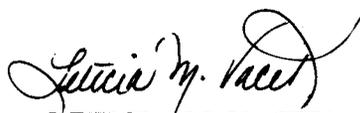
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:10 p.m.

A P P R O V E D



PHIL HARDBERGER
M A Y O R

Attest:



LETICIA M. VACEK
City Clerk