

**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, AUGUST 31, 2005 AND THURSDAY, SEPTEMBER 1, 2005

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The City Council convened in an informal "B" Session on Wednesday, August 31, 2005, at 3:00 pm, Municipal Plaza Building "B" Room for the purpose of:

BUDGET WORKSESSION

- Revenues & Environmental Services

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

The "B" Session adjourned at 6:00 pm.

The Regular Meeting was called to order on Thursday, September 1, 2005, at 9:00 am by the Presiding Officer, Mayor Phil Hardberger, with the following members present: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Hardberger. ABSENT: None.

The Invocation was delivered by Ramon Vasquez y Sanchez, Elder, Tap Pillam, District 5, Coahuiltecan Nation.

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

Ms. Leticia Vacek, City Clerk swore-in Councilmember Roger Flores as Mayor Pro Tem for a term to begin September 3, 2006 through November 13, 2005.

The minutes of the City Council meeting of August 18, 2005 were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 101324

APPOINTING A CITY MANAGER, ESTABLISHING AN EFFECTIVE DATE TO ASSUME THE OFFICE, AND AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT; AS REQUESTED BY MAYOR PHIL HARDBERGER.

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

The following citizen(s) appeared to speak:

Mr. Steve Seidel of the Greater San Antonio Chamber of Commerce addressed the Council with regards to their support in the hiring of Sheryl Sculley. He noted her qualifications and her experience during her tenure in Phoenix.

Mr. Frank Sandoval addressed the City Council and stated since there are six new council members, they should have taken the time to interview candidates for the position of City Manager.

Mr. Ruben Espronceda addressed the City Council and referenced a newspaper article in which Mayor Hardberger was against paying the City Manager \$300,000. He then cited that a few days later she withdrew due to lack of a unanimous vote of the entire City Council. He added the current Council did not have the opportunity to interview anyone else. He also quoted Roger Flores who stated there should be a mix of internal and external candidates.

Ms. Christie Villarreal addressed the Council and stated Ms. Sculley did not ask for the previous salary offered and added it was offered by the City Council. She also stated the employee salaries be considered as this offer will take away from that.

The City Clerk read into the record a written testimony by Ms. Irene L. Connor and Mr. Robert C. Conner. Said written testimony is hereby attached to the minutes of this meeting and filed officially with the meeting packet.

Councilmember Flores made a motion to table the proposed Ordinance for two weeks. Councilmember Gutierrez seconded the motion.

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

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

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE

The City Clerk read the following ordinance:

AN ORDINANCE 101325

AUTHORIZING CLOSURE OF PORTIONS OF NORTHERN BOULEVARD, NIMITZ STREET, AND FIVE 20-FOOT WIDE ALLEYS LOCATED IN THE SOUTHERN PORTION OF THE SAN ANTONIO INTERNATIONAL AIRPORT IN COUNCIL DISTRICT 9 FOR THE CONSTRUCTION OF AIRCRAFT HANGERS AS REQUESTED BY THE CITY'S AVIATION DEPARTMENT.

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

Ms. Rebecca Waldman, Director, Asset Management, made a presentation on the Proposed Closure of Portions of Public Rights of Way within the San Antonio International Airport, a copy of which is on file with the Office of the City Clerk. She outlined the issue, purpose, area involved, process followed, and staff coordination of the proposed closure.

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

(At this point, Mayor Hardberger was obliged to leave the meeting at 11:10 am. Mayor Pro Tem Flores presided.)

The City Clerk read the following ordinance:

AN ORDINANCE 101326

APPROVING THE MUNICIPAL MARKETING PARTNERSHIP PROGRAM POLICY WHICH ESTABLISHES GUIDELINES AND PROCEDURES FOR THE DEVELOPMENT, IMPLEMENTATION AND MANAGEMENT OF THE PROGRAM.

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

Ms. Rebecca Waldman, Director of Asset Management, made a presentation on the Municipal Marketing Partnership Program, a copy of which is on file with the Office of the City Clerk. She provided background information, program policy which includes the goal, objectives, responsibility, policy statement and exclusions to the policy. She further amplified on the procedures, general provisions, and contract terms should the City choose to proceed with Active Public Enterprise Group, Inc. (APEG).

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

Item 6B is a briefing regarding staff's recommendation to continue to utilize the services of Active Public Enterprise Group, Inc. (APEG) for the implementation of the Municipal Marketing Partnership Program.

Item 7 is an Ordinance amending Section 33-981 of the San Antonio City Code to provide for a taxicab fare fuel surcharge.

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

Police Chief Albert Ortiz made a presentation on the consideration of a taxicab fuel surcharge, a copy of which is on file with the Office of the City Clerk. He presented background information on the subject matter, noting the recommendations of the Transportation Advisory Board, and meetings of the Quality of Life Committee. He presented the City's proposal on the fuel surcharge per mileage rate, processed to be followed by staff to monitor and analyze the surcharge quarterly and historical data on the taxicab rate increases.

The following citizen(s) appeared to speak:

Mr. Jim Rowen addressed the Council and asked they look at the present price of gasoline to base the proposal on rather than what staff is recommending. He stated if prices of an operation in running a business increase then the business has the flexibility to increase their prices. He asked for the Council's support.

Ms. Adri Anna Skye also addressed the Council about the low-balled staff proposal. She noted last year's increases in rates were only enough to break even and asked for relief now. She urged the Council to review staff's proposal.

Mr. Mike Barnard addressed the Council and stated he endorsed staff's proposal.

Mr. Jerry Sundberg addressed the Council and stated there are several reports that gasoline has already increased to \$3.24 within the city. The losses of the cab drivers are not taken into account. He stated the cap of \$3.80 is not sufficient and asked it be open-ended. He also asked for continued relief for the future. He added many are facing the possibility of leaving their profession due to insufficient relief. He noted the average loss to each driver. He referenced the amount of relief proposed by staff adding the losses will increase to \$565 per month. He also referenced the summary on a per month basis. He also noted their jobs are seasonal. He stated their recommendation was to look at where we are now and utilize the last slide he handed out.

Mr. Norman Jacobson addressed the Council and stated the surcharge will affect the tourism industry.

Mr. Robert Gonzalez addressed the Council and stated he has been in this profession for 25 years. He added the drivers are working more hours and making less money. He also noted that 60 cabs were turned-in.

Mr. Dale Strippelman addressed the Council and stated he is not totally in agreement with the City staff recommendation, but it is a step in the right direction. He also urged Council to bring relief to the cab industry immediately.

Mr. Jack M. Finger addressed the Council relating to the rising gas prices and to have some mechanics in place to address the prices when they decrease. He noted when the price goes down, what happens to the customer. He asked what happens to those drivers that continue to drive around if they do not come in to have their meters re-adjusted.

Mr. Robert Spalding addressed the Council relating to today's prices. He added gas prices are not going down; they are going up.

Mr. Adrian Gonzalez stated they are in a crisis and felt that the proposal presented is too complex. He stated they need an increase of 30 cents across the board. He also noted they are not making any money right now since they must be in their cab in order to make money. He also noted the hours they work and proposed 8 versus 12.

Councilmember Guajardo proposed an amendment based in the mileage rate of an increase of 10 cents initially beginning with \$2.00-\$2.19 and thereafter a 5 cent increase and to take the figure up to \$5.00. Councilmember Wolff seconded the motion.

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

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

(See final ordinance on page 12)

Mayor Pro Tem Perez recessed the meeting at 1:05 pm and announced the Council would convene into Executive Session at 2:05 pm.

EXECUTIVE SESSION

Mayor Pro Tem Perez recessed the Regular Session at 2:05 pm in order to convene in Executive Session for the purpose of:

Discuss legal issues and strategies related to the use of right-of-way by telecommunications, cable and video service providers, pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.072 (deliberation regarding real property).

Discuss legal issues related to *Allstar's, PT's, Sugar's, XTC, Jane Roe I, and Jane Roe II v. City of San Antonio and Ed Garza*, Cause No. SA-03-CA-356-FB, pursuant to Texas Government Code Section 551.071. (consultation with attorney)

Discuss legal issues related to *Mario A. Telles, v. City of San Antonio and San Antonio Police Department*, Cause No. 2004-CI-14612, pursuant to Texas Government Code Section 551.071. (consultation with attorney)

Mayor Pro Tem Flores reconvened the Regular Session from Executive Session at 3:00 pm, 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.

CONSENT AGENDA

Consent agenda items 13, 14, and 17 were pulled for individual consideration. The remaining items 12 through 27B were approved upon motion made by Councilmember Haass and seconded by Councilmember McNeil.

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

AN ORDINANCE 101327

ACCEPTING THE BID FROM EQUIPMENT DEPOT TO PROVIDE THE ALAMODOME DEPARTMENT WITH TWO FORKLIFTS FOR A TOTAL COST OF \$100,894.00, FROM THE STATE FINAL FOUR SALES TAX REFUND.

AN ORDINANCE 101328

AUTHORIZING THE EXECUTION OF AN "ADVANCE FUNDING AGREEMENT" IN AN AMOUNT NOT TO EXCEED \$72,161.60 PAYABLE TO TXDOT FROM THE FY 2005 SIGNAL INSTALLATION AND SIGNAL UPGRADE PROGRAM FUNDS AND AN "AGREEMENT FOR THE FURNISHING OF TRAFFIC SIGNAL EQUIPMENT BY A MUNICIPALITY" IN AN AMOUNT NOT TO EXCEED \$15,125 PAYABLE TO THE CITY OF SAN ANTONIO BY TXDOT FOR THE PURPOSES OF INSTALLING AND FURNISHING EQUIPMENT FOR TWO TRAFFIC SIGNALS AT THE INTERSECTIONS OF BULVERDE ROAD AT CLASSEN ROAD AND BULVERDE ROAD AT LOOP 1604 WITHIN COUNCIL DISTRICT 10; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101329

SELECTING LLOYD WALKER JARY & ASSOCIATES, INC. TO PROVIDE ARCHITECTURAL SERVICES IN CONNECTION WITH THE FIRE DEPARTMENT SERVICES FACILITY RENOVATION PROJECT; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES

AGREEMENT IN AN AMOUNT NOT TO EXCEED \$278,842.00; AUTHORIZING \$19,000.00 FOR PROJECT CONTINGENCY; AND \$2,000.00 FOR ADVERTISING EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT, FROM 2002 CERTIFICATES OF OBLIGATION.

AN ORDINANCE 101330

ACCEPTING THE LOWEST, RESPONSIVE BID OF MAGRO AIR CONDITIONING AND HEATING (SBE/MBE) IN THE AMOUNT OF \$135,472.00 IN CONNECTION WITH THE FRANK GARRETT CENTER HVAC UPGRADES, AN APPROVED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING \$6,528.00 FOR PROJECT CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$142,000.00; APPROPRIATING FUNDS, REVISING THE PROJECT BUDGET AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101331

AUTHORIZING AND APPROPRIATING COMPENSATION OF \$4,250.00 TO ANDRE P. CANNON, OWNER OF PROPERTY AT 1122 RICE ROAD IN COUNCIL DISTRICT 2, FOR REMOVAL AND REPLACEMENT OF FOUR BRICK COLUMNS THAT COLLAPSED IN CONNECTION WITH THE RICE ROAD RECONSTRUCTION: W.W. WHITE TO SEMLINGER PROJECT, PAYMENT TO BE CONTINGENT ON THE OWNER'S DELIVERY OF A RELEASE TO THE CITY, FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS.

AN ORDINANCE 101332

SELECTING JOSHUA ENGINEERING GROUP, INC. (SBE/MBE) TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE SAN FERNANDO GYMNASIUM HVAC IMPROVEMENTS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, IN CITY COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$37,384.00; AUTHORIZING \$5,000.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$1,500.00 FOR BID AND ADVERTISING EXPENSES; AUTHORIZING \$8,000.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF \$51,884.00; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101333

AUTHORIZING THE SALE OF 17.2 ACRES, MORE OR LESS, OF CITY-OWNED PROPERTY AT THE SOUTHWEST BUSINESS AND TECHNOLOGY PARK TO THE SAN ANTONIO FOOD BANK, INC. FOR A PRICE NOT LESS THAN THE GREATER OF (A) \$34,488 AN ACRE OR (B) APPRAISED VALUE AND, IN CONNECTION THEREWITH, AUTHORIZING EXECUTION AND DELIVERY OF A SALES CONTRACT PROVIDING FOR PAYMENT OF CERTAIN SALES EXPENSES.

AN ORDINANCE 101334

AUTHORIZING THE CITY MANAGER TO ACCEPT AN AWARD IN THE AMOUNT OF \$750,000.00 FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES & SERVICES ADMINISTRATION (HRSA) FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) TO CONTINUE THE HEALTHY START INITIATIVE FOR THE PERIOD JUNE 1, 2005 THROUGH MAY 31, 2006, ADOPT THE PROJECT BUDGET, APPROVE THE PERSONNEL COMPLEMENT, AND AUTHORIZE PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 101335

AUTHORIZING THE TEMPORARY CLOSURE OF EAST GRAYSON BETWEEN ISLETTA AND AVENUE A AND KARNES STREET BETWEEN JOSEPHINE STREET AND EAST GRAYSON ON SEPTEMBER 30, OCTOBER 1, 7-9, 14-16, AND 20-31, 2005 FROM 6:00 P.M. TO 12:00 MIDNIGHT FOR THE ANNUAL NIGHTMARE ON GRAYSON EVENT SPONSORED BY TRIBRA ENTERPRISES, INC.

AN ORDINANCE 101336

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF STREETS IN THE GENERAL VICINITY OF MEMORIAL STADIUM ON SATURDAY, SEPTEMBER 17, 2005 FROM 7:30 A.M UNTIL 12:00 NOON IN CONNECTION WITH THE 30TH ANNUAL CULTURAL ARTS PARADE, SPONSORED BY THE HARLANDALE INDEPENDENT SCHOOL DISTRICT.

AN ORDINANCE 101337

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF SAN JOSE, NAPIER, PADRE AND MISSION PARKWAY NEAR MISSION SAN JOSE ON SUNDAY, SEPTEMBER 18, 2005 FROM 6:30 A.M. UNTIL 10:00 A.M. IN CONNECTION WITH THE MISSION HERITAGE 5K RUN, SPONSORED BY MISSION SAN JOSE.

AN ORDINANCE 101338

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF W. MILITARY, N. ELLISON, AND WISEMAN AND HUNT LANE NEAR SEA WORLD OF TEXAS ON SUNDAY, SEPTEMBER 18, 2005 FROM 6:00 A.M. UNTIL 9:30 A.M. IN CONNECTION WITH THE SPLASH TRIATHLON AT SEA WORLD, SPONSORED BY ROGER SOLER'S SPORTS.

AN ORDINANCE 101339

APPOINTING EDDIE MASSON (DISTRICT 5) TO THE TRANSPORTATION ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 1, 2007.

AN ORDINANCE 101340

APPOINTING RENE I. DOMINGUEZ (DISTRICT 9) TO THE SMALL BUSINESS ADVOCACY COMMITTEE (CATEGORY: CONSUMER) FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

CONSENT ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 101341

ACCEPTING THE BIDS FROM ALAMO AG-CON EQUIPMENT, ITEMS 1, 3, 4, 5A-B, 6 AND 7; AND C & M GOLF AND GROUNDS EQUIPMENT, ITEM 2 TO PROVIDE THE PARKS AND RECREATION AND PUBLIC WORKS

DEPARTMENTS WITH REPLACEMENT MOWERS FOR A TOTAL COST OF \$529,103.00.

Councilmember Haass 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. **NAYS:** None. **ABSENT:** Hardberger.

The City Clerk read the following ordinance:

AN ORDINANCE 101342

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2005-2006 FOR AN ESTIMATED COMBINED ANNUAL COST OF APPROXIMATELY \$1,098,884.00 INCLUDING: PRINTING OF BUSINESS CARDS, FLARES, WINDOW CLEANING SERVICES-LIBRARY FACILITIES, FLOOR MAINTENANCE, AUTOMOTIVE PARTS FOR PUMPER AND LADDER TRUCKS, RENTAL OF ASPHALT PAVER, AIRCRAFT RESCUE AND FIRE FIGHTING VEHICLES PREVENTION MAINTENANCE; GRASS SEED; LAMPS AND LIGHTING ITEMS, LAMP BALLASTS, BACK SUPPORT BELTS, AND CUSTODIAL PAPER PRODUCTS.

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. **NAYS:** None. **ABSENT:** Hardberger.

The City Clerk read the following ordinance:

AN ORDINANCE 101343

ACCEPTING A PROPOSAL FOR AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH POZNECKI, CAMARILLO AND ASSOCIATES, INC., A MBE FIRM IN THE AMOUNT OF \$24,755.00 FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE COMMERCE STREET –

RAILROAD TO S. PALMETTO PROJECT AN AUTHORIZED 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT LOCATED IN COUNCIL DISTRICT 2, APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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

INDIVIDUAL ITEMS CONTINUED

Councilmember Hall made a motion to reconsider Item 7. Councilmember Perez seconded the motion.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101344

AMENDING SECTION 33-981 OF THE SAN ANTONIO CITY CODE TO PROVIDE FOR A TAXICAB FARE FUEL SURCHARGE.

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

Councilmember Radle then made a motion for the surcharge to be made effective immediately. Councilmember Perez seconded the motion.

Clarification was made on the surcharge which would start at the level of \$2.80 - \$2.99, a 25- cent per mile surcharge through September 30, 2005. On October 1, staff would look at it again and the surcharge may change.

After consideration, the motion for the surcharge to be made effective immediately prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass. **NAYS:** None. **ABSENT:** Hardberger.

Councilmember Radle then made a motion for a second reconsideration on the issue. Councilmember Perez seconded the motion.

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

Councilmember Radle made a motion to clarify the formula on the surcharge, noting the \$0.25 per mile would be in effect till September 30, and would continue for the first quarter of the fiscal year, and then staff would review and implement the average based on the past 3 months. Councilmember Guajardo seconded the motion.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 101345

APPROVING THE FINAL PROJECT AND FINANCING PLANS FOR TAX INCREMENT REINVESTMENT ZONE NUMBER TWELVE, CITY OF SAN ANTONIO, TEXAS ("ZONE") KNOWN AS THE PLAZA FORTUNA TIRZ; AUTHORIZING THE PAYMENT OF ALL INCREMENTAL AD VALOREM TAXES IN THE ZONE INTO THE ZONE'S TAX INCREMENT FUND; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE INTERLOCAL AGREEMENTS WITH THE BOARD OF DIRECTORS FOR THE ZONE ("BOARD"), BEXAR COUNTY AND THE ALAMO COMMUNITY COLLEGE DISTRICT AND A DEVELOPMENT AGREEMENT WITH THE BOARD AND HLH DEVELOPMENT L.P.

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

Mr. David D. Garza, Director of Neighborhood Action, made a presentation on the Plaza Fortuna Tax Increment Reinvestment Zone Final Project Plan, Final Finance Plan, Development and Interlocal Agreements, a copy of which is on file with the Office of the City Clerk. He outlined the project plan, project status and project site. He delineated the development and interlocal agreements, fiscal impact, and coordination efforts.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101346

AUTHORIZING PAYMENT OF \$186,650.00 FOR APPRAISAL SERVICES OBTAINED THROUGH THE SAN ANTONIO DEVELOPMENT AGENCY AS PART OF THE PROJECT TO ACQUIRE REAL PROPERTY NECESSARY TO ESTABLISH THE TEXAS A&M UNIVERSITY SYSTEM CAMPUS IN SAN ANTONIO, AUTHORIZING SUBSEQUENT REIMBURSEMENT OF THE AMOUNT EXPENDED FROM OTHER FUNDS SUCH AS THE SALE OF CERTIFICATES OF OBLIGATIONS OR THE COMMUNITY INFRASTRUCTURE ECONOMIC DEVELOPMENT FUND.

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

Mr. Andrew Cameron, Director of Housing and Community Development, made a presentation on the Appraisal Fees in connection with the City's Program to acquire real property necessary to establish a Texas A&M University System Campus, a copy of which is on file with the Office of the City Clerk. Mr. Cameron spoke to the issuance of certificates of obligations, monies in the Community Infrastructure Economic Development Fund and other sources which would provide necessary funding for the property acquisition process. He noted that SADA was given authorization to request the property appraisals to determine the fair market value for each parcel, and that the monies would be used for paying the appraisals fees.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101347

ESTABLISHES THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS DIRECTED BY THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY, THROUGH HOMELAND SECURITY PRESIDENTIAL DIRECTIVE (HSPD) 5, IN EFFORTS TO PROVIDE A CONSISTENT NATIONWIDE APPROACH FOR FEDERAL, STATE, LOCAL AND TRIBAL GOVERNMENTS TO WORK TOGETHER MORE EFFECTIVELY AND EFFICIENTLY TO PREVENT, PREPARE FOR, RESPOND TO, AND RECOVER FROM DOMESTIC INCIDENTS, REGARDLESS OF CAUSE, SIZE, OR COMPLEXITY.

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

Assistant Fire Chief Rodney Hitzfelder, made a presentation on the National Incident Management System (NIMS), a copy of which is on file with the Office of the City Clerk. He provided a summary of the ordinance and background information. He spoke to the purpose of the system, its core components which included preparedness, resource management, communications and information management, implementation, training of the identified first responders, and status of the training.

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

FY 2006 PROPOSED BUDGET WORK SESSION

- Capital Budget
- Debt Management Plan

(Mayor Hardberger returned to the meeting at 4:00 pm and presided.)

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

A Proclamation recognizing Teen Court Month.

A Citation to the Alamo Area Badminton Club.

A Proclamation for National Preparedness Month.

A Proclamation honoring National Preparedness Day.

A Proclamation supporting the Muscular Dystrophy Association (MDA) Telethon.

A Proclamation celebrating Diez y Seis.

EXECUTIVE SESSION

Mayor Pro Tem Flores recessed the Regular Session at 6:18 pm in order to convene in Executive Session for the purpose of:

Attorney consultation to discuss legal issues relating to utilizing city facilities in connection with the provision of emergency relief to individuals impacted by Hurricane Katrina

Mayor Pro Tem Flores reconvened the Regular Session from Executive Session at 7:25 pm, 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.

The City Clerk read the following ordinance:

AN ORDINANCE 101348

AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTIONS AND SPEND SUCH IDENTIFIABLE FUNDS AS MAY BE NECESSARY TO PROVIDE EMERGENCY RELIEF TO THOSE IMPACTED BY HURRICANE KATRINA.

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

Councilmember Wolff made an amendment to the motion. Councilmember Perez seconded the motion.

Mr. Faris Hodge asked how much money was going to the Food Bank and other agencies. He added we need to help those evacuees but many of those people should

have moved and went against the orders given to them. He stated this was going to be an impact to the City of San Antonio.

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

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

CITIZENS TO BE HEARD AND PUBLIC HEARING ON THE FY 2006 PROPOSED AD VALOREM TAX RATE FOR THE FY 2006 PROPOSED BUDGET AND THE TAX YEAR BEGINNING ON JANUARY 1, 2005 AND ENDING DECEMBER 31, 2005.

Mr. Jose Melendez addressed the City Council relating to the letter he sent to the Mayor and Council urging them to consider waiving the city hotel/motel tax for the victims of Hurricane Katrina.

Mr. Reymundo Aleman spoke to the Human Display Ordinance.

SEIU Group spoke (representative from Public Works) in regards to the budget and a decent wage. She noted the small cost of living adjustment, the increase in health insurance. She added that when the deductible has not been met – the employee must pay the co-pay and thus chooses not to take their sick child in. She asked the Council to consider all of these things tomorrow during their work session.

Mr. Buddy Villejo, Code Compliance, asked why management was offering incentive for retirement when the City keeps losing jobs. He added it should be used to increasing the employees' salaries. He noted the money that was spent on the Hays Study, adding they could have told the City the same thing for free. He also noted the salary set for the new City Manager being above market value. He stated that they are tired of studies and asked that they get a decent pay raise.

Father Anthony McKenna addressed the Council relating to the area they cover including City workers. He spoke about the living wage and noted that employees should be paid just wages. He stated at the Budget Work Session, Council instructed the City Management to place a total of 5.11% in the budget for raises. He noted only 3% made it into the proposed budget.

Ms. Patricia Fennell thanked the Council for their immediate and expedient response to the Hurricane victims. She also spoke to the Rameses School which was started in 1995, providing instruction to Bexar County children where 45% are Hispanic dominant. They provide training and job preparation for children throughout the City and noted they will be celebrating their 10 year anniversary.

Mr. Nazarite Ruben Flores Perez addressed the Council relating to the new City Manager hired and stated an analogy of trust.

Ms. Elodia Flores Zuniga stated that her telephone was still not working properly due to computer hackers. She stated that the Health Department was sent to her home to see how dirty her home was kept.

Mr. Gabriel Rosales, spoke about the low wages paid by the City and noted that health care was non-existent. He also stated that employees usually have to find another job due to the low wages.

Ms. Rosa Rosales, NAPE, addressed the Council noting they were representing workers, and the work still to be done. She stated half of the employees earn \$40,000 or less. She also noted a living wage is \$11.50 per hour not \$8.50 per hour. She stated there were over 1,000 requests for job re-classifications. She asked the Council to consider at least \$2 million to be placed into salaries.

Ms. Teresa Perez Wisely also addressed the Council relating to a living wage. She recommended a 5% increase for City employees, and to consider adding longevity pay.

Mr. Jaime Martinez noted the new management being brought to the city and stated that it is important to recognize the employees. He also noted that the dedicated employees deserve recognition for their service by allowing a 5% increase. He stated that it is time for the City to place the employees in the forefront bringing their salary equivalent to those of other cities.

Mr. Robert Quintanilla, Parks and Recreation Department, stated he has never received a re-classification or merit pay increase and asked that a longevity program be considered.

Mr. Faris Hodge addressed the Council and stated that he was only getting three minutes versus what everyone else gets. He stated that he had wanted to apply for the City Manager position. He sang Happy Birthday to Councilmember Roland Gutierrez and then he sang Deep in the Heart of Texas.

Mr. Jack M. Finger spoke as part of the tax rate public hearing. He stated that he was so excited when Councilmember Wolff announced that he would be willing to reduce the property tax rate.

The City Clerk read into the public record a written testimony from Glen Alan Graham. Said written testimony is hereby attached to the minutes of this meeting and filed officially with the meeting packet.

There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 8:46 pm.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK
City Clerk