

City Council Governance Committee Meeting Minutes

A meeting of the City Council Governance Committee was held on Wednesday, February 8, 2006 at 2:00 p.m. in the Media Briefing Room with the following present:

Council Present: Mayor Phil Hardberger
Councilmember Richard Perez, District 4
Councilmember Delicia Herrera, District 6
Councilmember Art Hall, District 8
Councilmember Kevin Wolff, District 9

Staff Present: Sheryl Sculley, *City Manager*; Jelynn Burley, *Deputy City Manager*; Erik J. Walsh, *Assistant City Manager*; Leticia Vacek, *City Clerk*; Michael Bernard, *City Attorney*; Daniel Cardenas, *Director, Environmental Services*; Ramiro Cavazos, *Director, Economic Development*; Ben Gorzell, *Acting Director, Finance*; Patricia Major, *City Auditor*; Malcolm Matthews, *Director, Parks and Recreation*; Tom Wendorf, *Director, Public Works*; Polo Cervantes, *City Engineer*; Jason Cosby, *Assistant Director, Public Works*; Yonnie Blanchette, *Management Assistant*; Trey Jacobson, *Assistant to the Mayor*; Krystal Strong, *Management Assistant*; Helen Valkavich, *Assistant City Attorney*; Hollis Young, *Deputy City Attorney*; Larry Zinn, *Assistant to the Mayor*

Also Present: Art Downey, *Chair, Ethics Review Board*

CALL TO ORDER

Mayor Hardberger called the meeting to order.

I. Approval of minutes from the January 11, 2006 meeting.

Councilmember Perez moved to approve the minutes of January 11, 2006.
Councilmember Hall seconded the motion. Motion carried unanimously by those present.

II. Agenda Planning Related Items

- A. Consideration of a request to declare the San Antonio Symphony League's 5K walk/run at McAllister Park on February 18, 2006 to be an officially sponsored City event, and waiving applicable fees for said event, specifically waiving the reservation fee for the facility and the park usage fee, totaling \$330.00 as requested by Councilmember Art Hall, District 8.

Mr. Walsh informed the Committee that said item is on the February 9, 2006, City Council agenda.

Councilmember Hall moved to proceed and present the item to City Council for consideration on February 9, 2006. Councilmember Herrera seconded the motion.

Councilmember Perez suggested that the City Council equitably split the usage fee among each other and pay the usage fee from their campaign funds rather than use General Funds.

Councilmember Herrera stated that due to the time sensitive nature of said item, it would be impractical to seek out this measure. She added that in the future, such a cost-share might be considered.

The question was called and the motion carried with a majority vote. Ayes: Hardberger, Hall, Herrera. Nays: Perez. Absent: Wolff.

B. Consideration of a request to amend the City Code to provide for free parking at city meters for gasoline-electric hybrid vehicles, as requested by Council member Roland Gutierrez, District 3.

Mr. Walsh informed the Committee that the item is being recommended for referral to the Quality of Life Committee.

Councilmember Hall asked how it is determined that a vehicle is a hybrid. Mr. Walsh stated that there is an emblem on such vehicles.

Mayor Hardberger stated that during the pilot program, such vehicles would need to be identified via a decal of some sort.

Councilmember Wolff entered the meeting at this time.

Councilmember Perez moved to refer said item to the Quality of Life Committee. Councilmember Hall seconded the motion. The motion carried unanimously by those present.

C. Quarterly Update on the Status of the Emergency Operations Center [Presented by Tom Wendorf, Public Works Director; Jelynn Burley, Assistant City Manager]

Mr. Wendorf discussed the background, project preparations, future design steps, plan reviews, and necessary final steps involved in the construction of the new Emergency Operations Center (EOC) being jointly constructed with Bexar County. It was reported that the groundbreaking is tentatively scheduled for April 2006, with a scheduled completion date of October 2007. He stated that there will

be a two-month soft opening and test run prior to commencement of the full-scale operations.

Councilmember Perez asked if there was a possibility the EOC site could still be relocated. Mr. Wendorf stated that the site selection is final. Councilmember Perez then asked if Bexar Metro 911 was invited to participate in the planning process. Mr. Wendorf replied to the affirmative. Councilmember Perez asked staff to contact Bexar Metro 911, due to the fact that he was told that they have not been invited.

Councilmember Herrera asked if the EOC project's professional services contractor is the same as used at the airport. She added that she did not want to see a repeat scenario. Mr. Wendorf stated that Zachary was the contractor, but the Public Works Department will oversee every step of development. Councilmember Herrera stated the City must be very conscious of cost overruns. Mr. Wendorf said the project will be constructed using a Design/Build process, with plans being submitted and reviewed as the project advances step to step.

Ms. Sculley said the entire process would be evaluated to ensure its success and according to the terms of the contract. She added that financial liabilities for corrections or problems would be the responsibility of the designer.

D. Presentation of the 2004 and 2005 Ethics Review Board Annual Reports, including presentation and discussion of board's recommendations regarding Ethics Code and Municipal Campaign Finance Regulations; and discussion of recommendations for revisions discussed in Councilman Hall and Councilman Wolff's September 2005 Council Consideration Requests. [Presented by Arthur J. Downey, Chairman of the Ethics Review Board; Helen Valkavich, Assistant City Attorney]

Mr. Downey provided the Committee with a summary of Ethics Review Board activities in 2004 and 2005; discussing caseload, opinions, City Attorney advisory opinions, and outcome statistics for each year. He also provided data on registered lobbyists. He outlined recommendations for Ethics Code changes recommended by the Board for adoption by the City. He noted that in addition to these changes, there is a proposal for an ethics review class mandatory of all City employees. Ms. Scully stated that the City will implement such training for all employees in the upcoming year.

Ms. Valkavich referred to a memo sent to City Council members regarding the recommended changes. She noted a proposal to the Code of Ethics, §2-45 Gifts, which would reduce the amount of acceptable gift amounts from \$500 to \$250. She said the Integrity Committee has recommended this be further reduced to \$0, thereby eliminating acceptance of any gift contributions.

Councilmember Perez considered the possibility of separating ethics and campaign finance. He stated a need for more time to review the recommendations.

Councilmember Hall moved to proceed and present said item to City Council on February 23, 2006. Councilmember Wolff seconded the motion. The motion carried unanimously by those present.

E. Consideration of a request recommending to City Public Service the implementation of a Community Infrastructure and Economic Development Project for the installation of underground electrical supply lines at East Commerce Street between Chestnut Street and S. Palmetto Street, by appropriating funds in the amount of \$4,680,000.00 from the Community Infrastructure and Economic Development Fund, as requested by Councilmember Sheila McNeil, District 2. [Presented by Tom Wendorf, Public Works Director; Jelyne Burley, Assistant City Manager]

Mr. Cosby reported that said item is for beautification of the St. Paul's Square area and is consistent with redevelopment plans for the area. The project would involve removal of above-ground utility lines for the City, AT&T, Grande, Time-Warner, etc., and burial of these lines underground.

Mayor Hardberger asked Mr. Wendorf if public funds could be used to fund the project as it also involves private corporations. Mr. Wendorf stated that CIED funds are approved for use in this case.

Councilmember Hall asked if the City has previously funded line burial for private businesses, and stated that if so, he recommends following precedent. Mr. Wendorf stated that the City has done such projects before at the request of utility providers.

Councilmember Perez requested that the cost of relocation be absorbed by the utility companies to avoid expenditure of City funds. He suggested that a letter be sent to the corporations seeking reimbursement for relocation of their lines. Mr. Wendorf noted that entering into such dialogue would delay the project

Both Mr. Wendorf and Ms. Sculley mentioned circumstances related to changes in State law that offer private companies considerable leverage in such matters. Mr. Wendorf added that the City would ultimately lose in any contracted debates on the subject.

Mr. Gorzell stated that similar situations have occurred nationally, and momentum is building to support utility companies bearing the cost of line relocation.

Councilmember Wolff moved to proceed and present said item to City Council at a future date to be determined. Councilmember Wolff seconded the motion. The motion carried unanimously by those present.

- F. Discussion of a proposed resolution to City Public Service Energy recommending approval of a Community Infrastructure and Economic Development Project to construct a 250,000 sq.ft. Medical Arts and Research Center and a 250,000 sq.ft. signature building at the North Campus of the University of Texas Health Science Center at San Antonio (the Project), and recommending the appropriation of funds in an amount not to exceed \$5,000,000.00 from the Community Infrastructure and Economic Development Fund for the Project. [Presented by Ramiro Cavazos, Economic Development Director; Jelynn Burley, Assistant City Manager]**

Mr. Cavazos stated that the biotechnology sector is a targeted growth area by the City. He said the project is estimated to contribute \$1 million to CPS annually, according to a CPS cost-benefit analysis. He added that the City's projected investment return will be \$4 million annually.

Councilmember Hall stated that considering the uniqueness of this proposal, it will serve as a test case for similar future requests.

Councilmember Perez stated that a \$1 million contribution will demonstrate the City's commitment to the project. He said the additional \$4 million should be spent on development of other City infrastructure projects.

Councilmember Hall moved to proceed and present said item to City Council on a future date to be determined. Councilmember Herrera seconded the motion. The motion carried unanimously by those present.

- G. Consideration of a request regarding direction to staff to amend the charge and composition of the Downtown Advisory Board (DAB) in order to expand its scope to include the review of the development of the San Antonio River, as requested by Council Member Roger O. Flores, District 1. [Presented by Ramiro Cavazos, Economic Development Director; Jelynn Burley, Assistant City Manager]**

Mayor Hardberger

~~Mr. Wendorf~~ stated that said item allows staff to recommend river development oversight be placed in the hands of the DAB. He noted that the San Antonio Conservation Society opposes this concept. He stated that the Conservation Society prefers the current organizational structure, but would like to see it wield more influence in the development of River Walk-related ordinances.

Councilmember Herrera stated that the organization will need to address issues of individual entrepreneurs on the River Walk.

Ms. Sculley stated that legal and practical issues on this matter are being reviewed, and that it will take some time to consider all the governance issues. She recommended one month to complete evaluation of the matter. She added that City Council will still retain ultimate authority of the River Walk.

Councilmember Hall moved to proceed and for City Staff to return a recommendation in 30 days. Councilmember Wolff seconded the motion. The motion carried unanimously by those present.

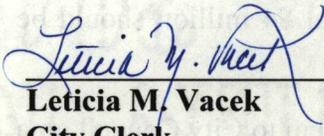
III. Consideration of items for future meetings.

There were no items scheduled.

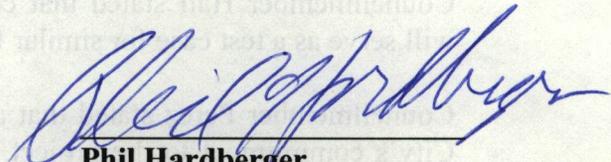
There being no further discussion, the meeting was adjourned at 3:31 p.m.

Copies of these presentations are made part of the file and are available upon request

ATTEST:



Leticia M. Vacek
City Clerk



Phil Hardberger
Mayor