

**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 SEPTEMBER 14, 2005 AND THURSDAY, SEPTEMBER 15, 2005**

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The City Council convened in an informal "B" Session on Wednesday, September 14, 2005 at 3:00 pm, Municipal Plaza Building "B" Room for the purpose of:

**BUDGET WORKSESSION – Budget Amendments Wrap-up.**

The Council members present were: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **ABSENT:** None.

The "B" Session adjourned at 6:21 pm.

The Regular Meeting was called to order on Thursday, September 15, 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, Hardberger. **ABSENT:** None.

The Invocation was delivered by Bishop Thomas Flanagan, District 7, Archdiocese of San Antonio

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

The minutes of the City Council meeting of September 1, 2005 were approved as presented.

**CONSENT AGENDA**

Consent agenda items 8 and 11 were pulled for individual consideration. The remaining items 7 through 12B were approved upon motion made by Councilmember Perez and seconded by Councilmember Guajardo.

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 101376

APPROVING THE TRANSFER OF \$131,396.65 IN RETAINED FUNDS FROM THE CONTRACT WITH SANDOVAL CONSTRUCTION COMPANY TO RENOVATE THE MEXICAN CULTURAL INSTITUTE AS PART OF THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT TO FIRST SEALORD SURETY, INC., FORMERLY KNOWN AS MOUNTBATTEN SURETY COMPANY, INC., WHO ISSUED THE REQUIRED PAYMENT BONDS FOR THE CONTRACTOR.

AN ORDINANCE 101377

ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$285,000.00 PAYABLE TO THE LEVY COMPANY, L.P., AUTHORIZING \$61,000.00 FOR PROJECT CONTINGENCY; AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$6,000.00 TO BENDER WELLS CLARK DESIGN FOR PREVIOUSLY PERFORMED PROFESSIONAL ARCHITECTURAL AND DESIGN SERVICES NECESSARY FOR COMPLETION OF CONSTRUCTION DOCUMENTS IN CONNECTION WITH THE DOWNTOWN AND HEMISFAIR WAYFINDING PROGRAM PROJECT, FOR A TOTAL AMOUNT OF \$352,000.00; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT FROM TRI-PARTY DOWNTOWN PROJECT FUNDS.

AN ORDINANCE 101378

AUTHORIZING THE SECOND RENEWAL OF THE NOVELTY AND SOUVENIR CONCESSION CONTRACT (THE "CONTRACT") FOR THE MUNICIPAL AUDITORIUM WITH RIVER CITY MERCHANDISING FOR A TERM OF TWO (2) YEARS; AND AUTHORIZING AN AMENDMENT TO THE CONTRACT EXCLUDING CREDIT CARD USAGE FEES FROM THE CALCULATION OF "GROSS SALES."

AN ORDINANCE 101379

APPOINTING GLORIA A. MERRELL (DISTRICT 4) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101380

APPOINTING ANTONIETTE "TONI" MOORHOUSE (DISTRICT 3) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007

**CONSENT ITEMS CONSIDERED INDIVIDUALLY**

The City Clerk read the following ordinance:

AN ORDINANCE 101381

APPROPRIATING FUNDS IN THE AMOUNT OF \$1,640,000.00 AND APPROVING THE TERMS OF AN INTERLOCAL AGREEMENT WITH THE BROOKS DEVELOPMENT AUTHORITY (BDA) FOR THE DESIGN AND CONSTRUCTION OF THE GOLIAD ROAD OUTFALL, PHASE II PROJECT, AN AUTHORIZED 2003 STORM WATER REVENUE BOND PROJECT, LOCATED IN COUNCIL DISTRICT 3.

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 101382

AMENDING THE TRAFFIC CONTROL DEVICE SCHEDULE ESTABLISHED BY CHAPTER 19, SECTION 68(B) OF THE CITY CODE TO REFLECT CUSTOMIZED SCHOOL ZONE TIMES OF OPERATION AND SPEED LIMITS AUTHORIZED IN CHAPTER 19, SECTIONS 251(A) AND (B), ESTABLISHING NEW SCHEDULES

FOR SPECIFIED SPEED LIMITS AND THE USE OF FLASHING BEACONS TO INDICATE SCHOOL ZONE TIMES, ADOPTING CUSTOMIZED SCHOOL DISTRICT SCHEDULES FOR SCHOOL ZONES, INCLUDING CERTAIN ADDITIONS TO AND DELETIONS FROM THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULES FOR SCHOOL ZONES, AUTHORIZING THE PERMANENT INSTALLATION OF SAID DEVICES, DECLARING THEM AS OFFICIAL TRAFFIC CONTROL DEVICES OF THE CITY, DECLARING VIOLATIONS OF THESE TRAFFIC REGULATIONS, EXCEPT CIVIL PARKING VIOLATIONS, TO BE MISDEMEANOR CRIMES PUNISHABLE BY A FINE AS ESTABLISHED IN CITY CODE SECTION 1-5, AND DECLARING CIVIL PARKING VIOLATIONS TO BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CHAPTER 19, SECTION 225, ESTABLISHING AN EFFECTIVE DATE AND DIRECTING PUBLICATION.

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

After discussion, Councilmember Perez made an amendment to the motion to include a traffic signal at Sommerset and Palo Alto. Councilmember Wolff seconded the motion.

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

After consideration, the 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, Hardberger. **NAYS:** None. **ABSENT:** None.

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following ordinance:

#### **AN ORDINANCE 101383**

**APPOINTING COUNCILWOMAN ELENA GUAJARDO (DISTRICT 7) TO THE METROPOLITAN PLANNING ORGANIZATION, AS REQUESTED BY MAYOR HARDBERGER.**

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

The City Clerk read the following ordinance:

**AN ORDINANCE 101384**

**ADOPTING THE HUD FIVE YEAR COMPREHENSIVE PLAN (FISCAL YEAR 2005-2009); AND AUTHORIZING THE SUBMISSION OF THE FIVE YEAR COMPREHENSIVE CERTIFICATIONS AND OTHER INFORMATION AS REQUIRED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).**

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

Mr. Drew Cameron, Director of Housing and Community Development, made a presentation on the Five year Consolidated Plan and the contract renewal with the San Antonio Alternative Housing Corporation, a copy of which is on file with the Office of the City Clerk. He spoke to the community outreach to determine what the residents of San Antonio felt were areas with the greatest needs, and presented the top ten specific needs identified. He further detailed the plan goals, the contract between the City and the San Antonio Alternative Housing Corporation for the Five Points Project, and fiscal impact.

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

The City Clerk read the following ordinance:

**AN ORDINANCE 101385**

**AUTHORIZING THE RENEWAL AND EXECUTION OF A CONTRACT IN THE AMOUNT OF \$49,328.44 WITH THE SAN ANTONIO ALTERNATIVE HOUSING CORPORATION TO COMPLETE THE REHABILITATION WORK IN CONNECTION WITH THE FIVE POINTS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.**

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

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne, stated he resided in District 5 and spoke in regards to HUD and contamination in his area.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101386

ADOPTING THE ANNUAL CONSOLIDATED OPERATING AND CAPITAL BUDGETS FOR THE CITY OF SAN ANTONIO FOR FISCAL YEAR 2005-2006, BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006; APPROVING THE FY 2006 THROUGH FY 2011 CAPITAL IMPROVEMENTS PROGRAM FOR THE CITY OF SAN ANTONIO; APPROPRIATING FUNDS AND AUTHORIZING PERSONNEL POSITIONS IN ACCORDANCE WITH SAID BUDGET; SETTING THE FY 2005-2006 HOLIDAY SCHEDULE AND PAY PLAN FOR CITY EMPLOYEES; AUTHORIZING CONTRACTS WITH OUTSIDE AGENCIES; AND SETTING CITY COUNCIL DISTRICT BUDGETS AND CITY COUNCIL HUMAN DEVELOPMENT SERVICES BUDGETS.

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

Mr. Peter Zaroni, Director of Management and Budget made a presentation on the FY 2006 Budget, a copy of which is on file with the Office of the City Clerk. He presented an overview of the budget process, the proposed FY 2006 balanced budget which included the General Fund, FY 2007 General Fund impact and other funds and CIP. He outlined the budget schedule, citizen input, and the proposed balanced amendment plan delineating each of the Council consideration requests, added expenses, potential reduction expenses, added revenue, and added reserves.

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez addressed the Council relating to sprinkler heads spraying water. He then spoke to former Councilmember Menendez and his tenure on the Council and who now serves as a State Representative.

Mr. Jeff Webster addressed the Council relating to the development services center and the need to address the issues they face and the Council continue to provide resources to that department. He also thanked Councilman Wolff in his support for the infrastructure in the proposed budget. He also noted Councilman Flores' support for the downtown area and the need to address the needs of the homeless. He also spoke about the San Antonio Sports Foundation and asked for the Council's continued support. He also asked that funds be provided for Kelly USA.

Ms. Bonnie Conner, Friends of the Parks, addressed the Council and stated that as the City grows economically it is incumbent upon the Council to support the proposal for Parks. She noted the Japanese Tea Garden and how they are fundraising in order to restore its former beauty. She showed a postcard that depicted the garden and a picture of it now. She also showed other parks within San Antonio and noted the importance of parks.

Mr. John DeLoach addressed the Council with regards to the proposed budget relating to uninsured motorists and stated that he agreed with the proposal. He expressed concern on the private sector and the idea of releasing vehicles to the public without providing proof of insurance prior to release. He asked that said item be tabled. He also noted the private sector also be made to follow the same rules as municipal facilities.

Mr. Jack M. Finger asked the Council to reduce the tax rate. He spoke about Project Quest and how they propose it be moved to another department to avoid scrutiny.

Ms. Lila Cockrell, President of the San Antonio Parks Foundation thanked the Council for the additional funding to support the city parks. She stated the foundation continues to work with Friends of the Parks and noted the restoration of the Japanese Tea Gardens. She stated they are working very hard to raise funds for the restoration, noting it was a private-public partnership. She stated parks add to the quality of life for all citizens.

Ms. Betty Eckert spoke on the smaller parks in San Antonio and urged Council not to forget them. She also thanked the Parks and Recreation Department for their dedication. Lastly, she spoke about the senior meals provided through Community Initiatives and noted that the 20,000 will not be enough.

After discussion, Amendment 1 was made by Councilmember Perez to increase funding to the Therapeutic Dance Program in the amount of \$20,000, and take that amount from the City Clerk's Budget. Councilmember Radle seconded the motion.

After consideration, the motion on Amendment 1 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

Regarding Project Quest:

Councilmember McNeil made a motion for amendment 2 to the Project Quest funding to provide a level of equity to require that within \$3 million proposed that up to ¼ of the student body be comprised of Katrina Evacuees, public housing residents, and not more than 15% of the City's allocation go toward administrative costs, that Project Quest increase the student population to at least 700 students this next budget year and that 45% be spent on tuition and books for students. Councilmember Perez seconded the motion.

Ms. Magdalena Alvarado, Project Quest, addressed the recommendations made by Councilmember McNeil regarding the population being served by Project Quest. She spoke to the high costs of the tuition and books, and the administrative costs that were being maintained as low as possible.

Mr. Arthur Mazuca spoke to the costs associated with training each student

Councilmember Flores spoke to the recommendations being made by Councilmember McNeil, noting that he would make a friendly amendment to change the administrative costs percentage to 20.

Council discussion took place on the administrative costs and whether it would be better to separate the amendments or consider setting the administrative cost percentage equally across the board to all agencies receiving City funding.

Councilmember Radle then made a motion to table the second element of Councilmember McNeil's amendment regarding the 15% on Administrative Costs/Personnel Costs. Councilmember Gutierrez seconded.

After consideration, the motion to table the second element of Amendment 2 prevailed by the following vote: **AYES:** Flores, Gutierrez, Radle, Guajardo, Hall, Haass, Hardberger. **NAYS:** None. McNeil, Perez, Herrera, Wolff. **ABSENT:** None.

After consideration, the motion on Amendment 2 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

Councilmember Hall made a motion for Amendment 3 to reduce the parking allowance by \$15,000 to go to the Child Health Summit. Councilmember Wolff seconded the motion.

After consideration, the motion on Amendment 3 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Hardberger. **NAYS:** None. **ABSENT:** Haass.

Councilmember Guajardo made a motion for Amendment 4a to eliminate the Early Retirement Program from the budget; Amendment 4b to eliminate the \$250 health card; and Amendment 4c to keep the \$30,000 in the Trap/Neuter program. Councilmember Radle seconded the motion.

After consideration, the motion on Amendment 4A failed by the following vote: **AYES:** McNeil, Radle, Herrera, Guajardo. **NAYS:** Flores, Gutierrez, Perez, Hall, Wolff, Haass, Hardberger. **ABSENT:** None.

After consideration, the motion on Amendment 4B to eliminate health card in amount of \$250.00 failed by the following vote: **AYES:** McNeil, Radle, Herrera, Guajardo. **NAYS:** Flores, Gutierrez, Perez, Hall, Wolff, Haass, Hardberger. **ABSENT:** None.

After consideration, the motion on Amendment 4C failed by the following vote: **AYES:** Flores, Radle, Herrera, Guajardo. **NAYS:** McNeil, Gutierrez, Perez, Hall, Wolff, Haass, Hardberger. **ABSENT:** None.

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

Mayor Hardberger recessed the meeting at 1:15 pm to break for lunch and reconvened the meeting at 2:30 pm.

The City Clerk read the following ordinance:

#### AN ORDINANCE 101387

SETTING THE AD VALOREM TAX RATE FOR MAINTENANCE AND OPERATION (M&O) OF THE CITY GOVERNMENT OF THE CITY OF SAN ANTONIO AT 36.704 CENTS PER \$100.00 OF TAXABLE VALUATION FOR THE

TAX YEAR BEGINNING ON JANUARY 1, 2005, AND ENDING ON DECEMBER 31, 2005; AND CONTAINING STATEMENTS REQUIRED BY SECTION 26.05 OF THE PROPERTY TAX CODE.

Councilmember Perez made a motion to increase property taxes by the adoption of a maintenance & operation tax rate of 36.704 cents per \$100.00 of taxable valuation. Councilmember Flores 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, Haass, Hardberger. **NAYS:** Wolff. **ABSENT:** None.

The City Clerk read the following ordinance:

**AN ORDINANCE 101388**

SETTING THE AD VALOREM TAX RATE TO PAY THE PRINCIPAL AND INTEREST ON THE FUNDED DEBT OF THE CITY OF SAN ANTONIO AT 21.150 CENTS PER \$100.00 OF TAXABLE VALUATION FOR THE TAX YEAR BEGINNING ON JANUARY 1, 2005, AND ENDING ON DECEMBER 31, 2005; AND CONTAINING STATEMENTS REQUIRED BY SECTION 26.05 OF THE PROPERTY TAX CODE.

Councilmember Perez made a motion to increase property taxes by the adoption of a debt service tax rate of 21.150 cents per \$100.00 of taxable valuation. 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, Haass, Hardberger. **NAYS:** Wolff. **ABSENT:** None.

The City Clerk read the following ordinances:

**AN ORDINANCE 101389**

AMENDING FEES AND ESTABLISHING NEW FEES ASSOCIATED WITH ANIMAL CARE SERVICES RELATED TO VACCINATIONS, SURRENDERING OF ANIMALS AND EUTHANIZATION, RESULTING IN ADDITIONAL FUNDS TO THE ANIMAL CARE SERVICES FUND; AND AMENDING THE

CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES

AN ORDINANCE 101390

AMENDING FEES CHARGED FOR PARKING AT THE SAN ANTONIO INTERNATIONAL AIRPORT, ESTABLISHING NEW FEES FOR PARKING, RESULTING IN ADDITIONAL FUNDS TO THE AVIATION OPERATING FUND; AND AMENDING THE CORRESPONDING SECTIONS OF THE SAN ANTONIO CITY CODE TO REFLECT SUCH CHANGES

AN ORDINANCE 101391

AMENDING PRIOR FEE SCHEDULE ORDINANCES FOR SECURITY ACCESS AND CONTROL AT THE SAN ANTONIO INTERNATIONAL AIRPORT, ESTABLISHING NEW FEES FOR SPECIFIC SECURITY AND CONTROL SERVICES, RESULTING IN ADDITIONAL FUNDS TO THE AVIATION OPERATING FUND, AND INCORPORATING PRIOR FEE SECURITY AND CONTROL FEE AUTHORIZATIONS INTO A COMPREHENSIVE FEE SCHEDULE TO REFLECT ALL CURRENT FEES CHARGED FOR SECURITY ACCESS AND CONTROL AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

AN ORDINANCE 101392

AMENDING THE FEE CHARGED BY THE ALAMODOME DEPARTMENT FOR ALAMODOME PARKING, RESULTING IN ADDITIONAL FUNDS TO THE COMMUNITY & VISITOR FACILITIES FUND; AND AMENDING THE CORRESPONDING SECTION OF THE CITY CODE TO REFLECT SUCH A CHANGE.

AN ORDINANCE 101393

ELIMINATING THE ADMINISTRATIVE REIMBURSEMENT OF ONE PERCENT OF A HOTEL'S MONTHLY HOTEL OCCUPANCY TAX PAYMENT TO COVER THE COSTS OF COLLECTION FOR HOTELS THAT REMIT THEIR PAYMENTS EARLY AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 101394

ESTABLISHING AND AMENDING VARIOUS FEES ASSOCIATED WITH THE PROVISION OF EMERGENCY MEDICAL SERVICES, RESULTING IN ADDITIONAL REVENUE TO THE EMERGENCY MEDICAL SERVICES FUND; AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 101395

AMENDING VARIOUS FEES ASSOCIATED WITH THE PROVISION OF ENVIRONMENTAL SERVICES, RESULTING IN ADDITIONAL REVENUE TO THE ENVIRONMENTAL SERVICES FUND AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 101396

ESTABLISHING AND AMENDING FEES ASSOCIATED WITH THE PROVISION OF GOLF SERVICES AND EQUIPMENT, RESULTING IN ADDITIONAL FUNDS TO THE GOLF FUND; AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 101397

AMENDING FEES CHARGED FOR PERMITTING SERVICES ASSOCIATED WITH RIGHT-OF-WAY MANAGEMENT, RESULTING IN ADDITIONAL FUNDS TO THE RIGHT-OF-WAY MANAGEMENT FUND; AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT THE NEW FEES.

AN ORDINANCE 101398

AMENDING FEES CHARGED FOR INTERMENT AND DISINTERMENT SERVICES AND SALE OF LOTS AT THE SAN JOSE CEMETERY, RESULTING IN ADDITIONAL FUNDS TO THE SAN JOSE BURIAL FUND; AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 101399

ESTABLISHING A FEE TO BE CHARGED FOR DEVELOPMENT SERVICES RELATED PLAN REVIEW, RESULTING IN ADDITIONAL FUNDS TO THE GENERAL FUND; AND AMENDING THE CORRESPONDING SECTIONS OF THE SAN ANTONIO CITY CODE CHAPTER 35 (THE UNIFIED DEVELOPMENT CODE) TO REFLECT SUCH CHANGES.

AN ORDINANCE 101400

ESTABLISHING A NEW FEE ASSOCIATED WITH THE PROVISION OF FIRE PROTECTION SERVICES, RESULTING IN ADDITIONAL REVENUE TO THE GENERAL FUND; AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 101401

ELIMINATING A FEE ASSOCIATED WITH THE PROVISION OF LIBRARY SERVICES, RESULTING IN DECREASED REVENUE TO THE GENERAL FUND AND AMENDING THE CORRESPONDING SECTION OF THE CITY CODE TO REFLECT SUCH CHANGE.

AN ORDINANCE 101402

ESTABLISHING AND AMENDING VARIOUS FEES CHARGED FOR PARKS AND RECREATION RELATED PROGRAMS, SERVICES, FACILITIES AND CLASSES, DELEGATING TO THE DIRECTOR OF PARKS AND RECREATION AUTHORITY TO ESTABLISH PROMOTIONAL FEES FOR SPECIAL EVENTS, RESULTING IN ADDITIONAL FUNDS TO THE GENERAL FUND; AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 101403

ESTABLISHING FEES TO BE CHARGED FOR PLANNING SERVICES, RESULTING IN ADDITIONAL FUNDS TO THE GENERAL FUND; AND AMENDING THE CORRESPONDING SECTIONS OF THE SAN ANTONIO CITY

CODE CHAPTER 35 (THE UNIFIED DEVELOPMENT CODE) TO REFLECT SUCH CHANGES.

AN ORDINANCE 101404

ESTABLISHING AND AMENDING VARIOUS FEES CHARGES FOR GROUND TRANSPORTATION, VEHICLE TOWING AND STORAGE, AND PUBLIC SAFETY SERVICES, RESULTING IN ADDITIONAL FUNDS TO THE GENERAL FUND; AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 101405

AMENDING FEES ASSOCIATED WITH THE HEALTH DEPARTMENT RELATED TO INSPECTIONS, PERMITS, IDENTIFICATION CARDS, AND CERTIFICATES, RESULTING IN ADDITIONAL FUNDS TO THE GENERAL FUND; AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

Councilmember Perez made a motion to approve the proposed Ordinances (Items 4D-4T). Councilmember Radle seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinances, 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 101406

AMENDING THE CITY CODE OF SAN ANTONIO, TEXAS, CHAPTER 13, ENTITLED, "FOOD AND FOOD HANDLERS" TO MAKE NECESSARY ADDITIONS, REVISIONS, AND DELETIONS REGULATING MOBILE FOOD VENDING; ESTABLISHING A FEE ASSOCIATED WITH THE AMENDMENTS, RESULTING IN ADDITIONAL FUNDS TO THE GENERAL FUND; AND PROVIDING FOR PENALTIES.

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

Dr. Fernando Guerra, Director of Metropolitan Health District made a presentation on the changes to the Mobile Food Vending Code, a copy of which is on file with the Office of the City Clerk. He addressed the concerns of residents regarding the mobile food vendors in the neighborhoods, the summary of proposed changes that required a permit by the vendors, hours of operation in residential areas, and background checks on the applicants. He further amplified on the financial impact, implementation and enforcement provisions.

Councilmember Radle made a motion for a friendly amendment by extending hours to coincide with Noise Ordinance.

Councilmember Haass made a friendly amendment to make it no earlier than 7AM and no music in the residential construction sites with 10PM during the summer and 1/2 hour after sunset during the school year.

The friendly amendments were accepted to the main 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.

## ZONING CASES

**Z-1. ZONING CASE #Z2005170 CD (District 4):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3NA" (CD-Auto Parking and/or Storage-Long Term) General Commercial, Nonalcoholic Sales District with Conditional Use for Auto Parking and/or Storage-Long Term on Lot 17, Block 9, NCB 8778, 350 Price as requested by Ernest Gonzales, Applicant, for Ernest Gonzales, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval with conditions that no more than 30 vehicles for storage and/or sale on the site at any time and each vehicle on site for storage and/or sale is limited to a maximum of six months on site.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilmember Perez made a motion to approve the proposed rezoning case. 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, Hardberger. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 101407

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 17, BLOCK 9, NCB 8778 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3NA" (CD-AUTO PARKING AND/OR STORAGE-LONG TERM) GENERAL COMMERCIAL, NONALCOHOLIC SALES DISTRICT WITH CONDITIONAL USE FOR AUTO PARKING AND/OR STORAGE-LONG TERM.

**Z-2. ZONING CASE #Z2005188 (District 4):** An Ordinance changing the zoning district boundary from "C-2" Commercial District to "R-3" Residential Single-Family District on Tract 2, NCB 15171, North of the Intersection of Ray Ellison Boulevard and Southwest Loop 410 as requested by Salah E. Diab, Applicant, for HLH Holdings, Ltd., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilmember Perez made a motion to approve the proposed rezoning case subject to the construction of a full service park to include lighting. Councilmember Radle seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jim Myers addressed the Council and stated the history of said area. He urged the Council approve the zoning.

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.

AN ORDINANCE 101408

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS TRACT 2, NCB 15171 FROM "C-2" COMMERCIAL DISTRICT TO "R-3" RESIDENTIAL SINGLE-FAMILY DISTRICT.

**Z-3. ZONING CASE #Z2005189 (District 4):** An Ordinance changing the zoning district boundary from "NP-8" Neighborhood Preservation District to "R-6" Residential Single-Family District on 65.035 acres out of NCB 15269, as requested by Don Malooly, Applicant, for Don Malooly, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

The following citizen(s) appeared to speak:

Mr. Bob Hurst addressed the Council and noted the teamwork involved and stated his approval of the zoning on behalf of the Valley Forest Neighborhood Association.

Mr. Jim Myers also addressed the Council noting he and Mr. Hurst were neighbors. He added that he was in favor of the zoning. Lastly, he thanked the Mayor and Council relating to the City's relief and efforts for the Katrina evacuees.

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.

AN ORDINANCE 101409

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 65.035 ACRES OUT OF NCB 15269 FROM "NP-8" NEIGHBORHOOD PRESERVATION DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT.

Z-4. **ZONING CASE #Z2005192 (District 4):** An Ordinance changing the zoning district boundary from “MF-33” Multi-Family District to “O-1” Office District on the north 70 feet of the east 100 feet of Lot 2A, Block 6, NCB 9306, 219 Escalon Avenue as requested by Wade Interests, Inc., Applicant, for SS Medical Building Limited Partnership, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilmember Perez made a motion to approve the proposed rezoning case. Councilmember Wolff 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, Hardberger. **NAYS:** None. **ABSENT:** Haass.

#### AN ORDINANCE 101410

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH 70 FEET OF THE EAST 100 FEET OF LOT 2A, BLOCK 6, NCB 9306 FROM “MF-33” MULTI-FAMILY DISTRICT TO “O-1” OFFICE DISTRICT.

#### EXECUTIVE SESSION

The Mayor recessed the Regular Session at 3:42 PM in order to convene in Executive Session for the purpose of:

Discuss legal issues related to the imposition by SAWS of a modified water supply impact fee, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to *University of Kansas v CoSA, Cause No. 2002-CI-12852 and CoSA v Department of Labor, Cause No. 2004-WTW-00003*, pursuant to Texas Government Code Section 551.071. (consultation with attorney)

The Mayor reconvened the Regular Session from Executive Session at 4:30 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.

**PUBLIC HEARING TO REVIEW AND DISCUSS UPDATES TO THE LAND USE ASSUMPTIONS PLAN, THE WATER SUPPLY CAPITAL IMPROVEMENTS PLAN, AMENDMENTS TO THE PLANS, AND MODIFICATIONS TO THE SAN ANTONIO WATER SYSTEM WATER SUPPLY IMPACT FEE TO BE CONSIDERED BY CITY COUNCIL ON SEPTEMBER 22, 2005.**

Mr. Sam Mills, Director of Infrastructure Planning, San Antonio Water System (SAWS), made a presentation on the 2005-2015 Land Use Assumptions Plan and the Water Supply Capital Improvements Plan and Maximum Water Supply Impact Fee, a copy of which is on file with the Office of the City Clerk. Mr. Mills spoke to the four core businesses of the Water System, impact fees which must be updated every five years, the Capital improvement Advisory Committee membership and the purpose of the Committee, and the key rates that support each core business. He further outlined the Land Use Assumptions Plan, the population projections methodology, presented views of the water supply planning area and expected EDU change. He delineated the pressure zones and projected EUDs for each, the Water Supply Capital Improvements Plan, the maximum impact fee, the water supply projects to be constructed within the next 10 years and associated costs. He further expounded on the process utilized toward approval of the plan and proposed impact fees and related schedule.

Mr. William Hoagland-Fuchs, Chair of the Capital Improvement Advisory Committee further amplified on the Committee's role in the process, noting the concerns expressed by the building industry representatives.

Mr. Ben Gorzell, Director of Public Utilities, made a presentation on the SAWS Water Supply Impact Fee, noting that SAWS had engaged the consultant group Post, Buckley, Schuh & Jernigan, Inc. that would assist in the comprehensive update of all impact fees. He addressed affordability issues, adding that City staff would review potential changes to the incentive scorecard to be used in approving impact fee waivers, and also explore the option of assessing a different fee over the Edward Aquifer Recharge Zone.

**The following citizen(s) appeared to speak:**

Mr. Nazarite Ruben Flores Perez addressed the Council with regards to contamination found at Kelly and presented a map of the area in question. He showed where he lived as well as the portion of District 6.

Mr. Norman Dugas representing the Real Estate Council of San Antonio addressed the impact fee proposed today by SAWS. He stated that this impact fee increase is significant. He stated that generally, impact fees relate to site specific projects. He noted that the water supply fee is different and added that no single area in the City be used as a finance mechanism for a particular project.

Mr. Jack M. Finger spoke on the impact fees proposed by SAWS and stated that (at \$352 per dwelling unit) everyone would be paying for the developers.

Mr. Jeff Booth with Embrey Partners spoke of the proposed impact fees. He asked the Council to think about the implementation of the fees and noted the increase in steel, drywall etc...due to Hurricane Katrina. He stated that impact fees will stop development.

### **CEREMONIAL ITEMS**

Mayor Hardberger read a Resolution of Respect for Pat Maloney, Sr.

#### A RESOLUTION OF RESPECT

**Whereas,** on September 11, 2005, death brought to a close the life of Pat Maloney Sr., a Texas personal injury and trial attorney, and much loved and respected citizen of our city; and

**Whereas,** a native San Antonian, Pat Maloney Sr. enjoyed a long and distinguished career as a board certified attorney; known as the "king of torts", he served with dedication, courage and tenacity, taking stands on social justice issues that many times impacted our society; and

**Whereas,** Pat Maloney Sr. wholeheartedly worked to establish a tradition of excellence for his clients, and was committed to helping the poor, the helpless and the less fortunate; and

**WHEREAS,** as an attorney, Pat Maloney Sr. faithfully represented the San Antonio community for over fifty years, lectured extensively on product liability and personal injury law throughout the united states, and was included in the "best lawyers in America" reference book; and

**Whereas,** Pat Maloney Sr. strongly believed in our country's ideals of liberty, freedom, and justice for all, earning the respect and admiration of all those whose lives he touched throughout his lifetime; his legacy of service in his practice of law, and respect for the United States of America and its laws, WILL SERVE as outstanding examples for

our generation and future generations to strive to emulate; **NOW, THEREFORE:**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. that with the death of Pat Maloney Sr., the City of San Antonio has lost a valuable asset to its past, present, and future.

SECTION 2. that the City Council joins with his family and friends in their sorrow over his death, and extends its sincerest sympathy and prayers of comfort to those who were near him.

SECTION 3. and it is hereby directed that a copy of this Resolution be spread upon the minutes of this meeting and a copy thereof be presented to his family as a token of our deepest sympathy.

Councilmember Gutierrez made a motion to approve the proposed resolution. Councilmember Guajardo seconded the motion.

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

Mayor Hardberger then presented the following honorariums:

An Alcalde to the Commissioner W. Todd Basset, National Commander of the Salvation Army.

A Proclamation for UTSA Mentoring Week

A Proclamation for National Family Day

A Proclamation for Hispanic Heritage Month

Special Recognition of Mayor Emeritus Lila Cockrell, who presented highlights of Jazz'ASlive.

### **CITY MANAGER'S REPORT**

Mr. Mark Muritz of the Incident Management Team through FEMA addressed the Mayor and Council and thanked the City Team for the work in providing the needs to Katrina

victims. He commended the organization of the City and level of professionalism, noting that when they arrived in San Antonio everything was under control.

Mr. Chris Brady and Chief Nim Kidd mad a presentation depicting Operation Airlift – Hurricane Katrina.

### **CITIZENS TO BE HEARD**

Mr. Glen Alan Graham addressed the Council relating to the PGA luxury resort over the Aquifer and asked that said issue be re-considered and join Councilmember Radle to oppose it over the Aquifer.

Mr. Faris Hodge addressed the Council relating to the combining of the two sign-up sheets rather than separating into two different items. He also stated that everyone needed to be treated fairly relating to the time allowed.

Ms. Susy Rodriguez of the St. Judes Youth Center stated they had requested \$200,000 from the City in order to provide meals and snacks for after school program participants. She noted that \$36,000 was provided and they are hoping for additional funding to keep the center operating.

Representatives of Corazon Ministries addressed the Council and stated they provide people in the downtown area a place to shower, sleep and eat as well as training. He asked that the Council take into consideration their request for monetary support to provide the essentials.

Mr. Carlos Guadarrama addressed the Council and asked for sponsorships from the Council for his run to Corpus Christi in March, 2006 to raise money for the homeless.

Ms. Elodia Flores Zuniga addressed the Council and showed a receipt indicating all of the amounts for bills paid to the various utility companies. She noted on line 5 that an amount for laptop usage was charged, but yet she does not have a laptop.

Ms. Pearl Reyes addressed the Council with regards to the builder who built her home which has foundation problems. She stated that her home was built too low and water came in.

(At this point, Mayor Hardberger was obliged to leave the meeting. Mayor Pro Tem Flores presided.)

Ms. Janet Ahmad also addressed the Council relating to Pearl Reyes' problem with the home she purchased. She stated that the builder could buy the home back. She added that builders respect elected officials and asked that they call and ask the builder to do the right thing. Lastly, she noted that Ms. Reyes cannot afford to hire an attorney, and thus anything would be appreciated.

Mr. Charles A. Stack addressed the Council and stated that he was present to protest the establishment named Hernandez Tire Shop which is in violation of the zoning classification located at 3834 Culebra. He also stated that they utilize his drive-way.

Ms. Marlene Esparza addressed the Council and showed a map where she lives and noted several issues. She showed pictures depicting concrete rubble and other construction materials in a lot. She noted that several City officials in the Planning and Zoning Departments as well as Code Compliance did not follow-through. She asked how permits were obtained to build without a survey. She stated that she was angry about the situation and just found out that the person has been fined – but yet it does not rectify the problem.

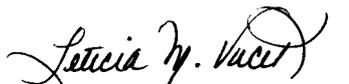
There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 7:18 pm.

A P P R O V E D



PHIL HARDBERGER  
MAYOR

Attest:



LETICIA M. VACEK  
City Clerk