

# CITY COUNCIL GOVERNANCE COMMITTEE MEETING

## Minutes

June 17, 2009

1:00 p.m.

Media Briefing Room

Council Present:	Mayor Julián Castro, <i>Chair</i> Councilmember Mary Alice Cisneros, <i>District 1</i> Councilmember Philip Cortez, <i>District 4</i> Councilmember Justin Rodriguez, <i>District 7</i> Councilmember John Clamp, <i>District 10</i>
Staff Present:	Sheryl Sculley, <i>City Manager</i> ; Sharon De La Garza, <i>Assistant City Manager</i> ; Michael Bernard, <i>City Attorney</i> ; Leticia Vacek, <i>City Clerk</i> ; Janie Cantu, <i>Purchasing and General Services Director</i> ; Xavier Urrutia, <i>Parks and Recreation Director</i> ; Helen Valkavich, <i>Assistant City Attorney</i> ; Robert Greenblum, <i>Mayor's Office</i> ; Jed Maebius, <i>Mayor's Office</i> ; Ruby Perez, <i>Mayor's Office</i> ; Tina Flores, <i>Office of the City Clerk</i> ; Rosalinda Diaz, <i>Office of the City Clerk</i> ; Brian Williams, <i>City Auditor's Office</i> ; Mandy Milam, <i>Office of the City Clerk</i>
Others Present:	Gilbert Garcia, <i>San Antonio Current</i> ; Greg Jeffers, <i>San Antonio Express-News</i> ; Chuck Saxer, <i>North-side Neighborhoods for Organized Development (NNOD) President</i>

### CALL TO ORDER

Mayor Castro called the meeting to order.

#### I. Approval of minutes from the meeting of May 13, 2009

Councilmember Rodriguez moved to approve the minutes of May 13, 2009 as submitted. Councilmember Cortez seconded the motion. The motion carried unanimously by those present.

#### II. Items requiring individual briefing(s)

- A. Consideration of Mayor Castro's and the Ethics Review Board's proposed revisions to the Ethics Code and Municipal Campaign Finance Code.

Mayor Castro highlighted the major changes to be made noting that currently, the signatory on a high profile contract could not contribute to an officeholder from the time that the signatory responds to an RFP until thirty days after an RFP is voted on by Council. He stated that this would be expanded to include the officers of the company, attorneys, lobbyists, and the spouses of the signatory and officers. The starting time period will also change to ten days after the RFP is released. Mayor Castro stated that this would enhance accountability without being over restrictive. He stated that zoning cases would be treated in the same manner. It would apply from the time that an applicant applies for a zoning case throughout thirty days after approval. He added that this would apply to the applicant's spouse and the applicant company as well as the officers of

said company. He noted that for zoning items, this would not apply to the lawyers or lobbyists representing zoning items. Mayor Castro stated that the entertainment, lodging, and travel exception in the amount of \$500 would be removed. Lastly, Mayor Castro noted that this change would not be applicable to charity events and the provision on meals would remain the same.

Councilmember Cisneros entered the meeting at this time.

Mr. Bernard reviewed the clean-up provisions including internal operations and when panels can be used. He stated that there was a provision regarding political contributions on discretionary contracts which had the unintended consequence of including reporting of contributions to former councilmembers. He noted that the current Ethics Code also prohibited councilmembers from sitting on non-profit boards, but the revisions would allow councilmembers to sit on a board as a non-voting member. Mr. Bernard stated that there was more tweaking of language concerning the zoning changes.

Councilmember Cortez asked of the blackout period for high profile contracts. Ms. Valkavich explained that Section 2-61 had not changed and would apply to all contracts. Mr. Bernard reiterated that the Code of Silence applied to all contracts and the proposed changes would apply to high profile ("high risk") contracts. He stressed that both items would apply to the high profile contracts. Councilmember Cortez asked for the definition of a high profile contract. Ms. Sculley replied that a high profile contract would have an estimated value of over \$1 million, exceptional community interest, or highly complex or technical terms. Mr. Bernard noted that the RFP would state whether a contract was high profile. Ms. Sculley added that the councilmembers would receive a monthly report denoting same. Mr. Bernard stated that the intent was not to monitor or control the Council, but to monitor the bidders. He also stated that there was a provision which would allow councilmembers to return funds within five days if they discover a violation. Councilmember Cortez thanked and congratulated Mayor Castro for bringing the changes before the Council.

Councilmember Rodriguez asked the attorney to elaborate on the burden of discovery. Mr. Bernard stated that the five day provision was not tied to the date of the RFP or the date of the report, but the date of discovery by the councilmember.

Councilmember Clamp asked of the blackout period. Mr. Bernard stated that lobbyists were not allowed to contact councilmembers during this time in regards to a contract. Councilmember Clamp stated that they may want to prevent councilmembers from being officers on boards as well. Mr. Bernard stated that the Ethics Board had not recommended that and he had not analyzed the affect of having a councilmember as an officer of a board.

Councilmember Rodriguez asked with who does the responsibility lay to discover a violation of contribution. Mr. Bernard replied that it was the responsibility of the vendor to submit a list of contributions, in the form of a discretionary disclosure, along with the RFP. Ms. Sculley noted that review of the disclosures would be part of the RFP evaluation process upon adoption. Mr. Bernard stated that the vendor and councilmember would be notified of any violations discovered.

Councilmember Cortez moved to forward said item to the full Council. Councilmember Cisneros seconded the motion. The motion carried unanimously.

### III. Council Consideration Request(s)

- A. Consideration of a request by Councilmember Louis E. Rowe, District 9, requesting city staff to explore all available funding options, including but not limited to, federal and state grants, to construct a recreational facility near Fort Sam Houston that could be utilized by both military personnel and residents of adjacent neighborhoods.

Mr. Urrutia stated that staff recommended reviewing the data and exploring different funding opportunities as part of the FY 2010 Budget. He suggested considering this request as part of a new program enhancement or part of the BRAC Program.

Councilmember Cortez asked if Fort Sam Houston had been approached about said item. Ms. Sculley stated that Fort Sam Houston had brought it to Councilmember Rowe's attention. She added that staff was not recommending said item at this point, but should be considered along with everything else in the FY 2010 Budget. Councilmember Cortez stated that it would be important to keep the project on the radar since the General at Fort Sam Houston brought it to Councilmember Rowe.

Councilmember Clamp asked if there were any federal grant funding opportunities. Mr. Urrutia stated that they were targeting recreational facilities, but most of the parks federal stimulus dollars went to the National Parks System. Ms. Sculley added that the Council may want to consider said item in a future bond program.

Councilmember Cisneros spoke of the importance of grant funding during a recession. She encouraged staff to pursue grant funding. Mr. Urrutia noted that Intergovernmental Relations staff had also been engaged in the grant search.

Councilmember Cisneros moved to accept the staff recommendation and to seek grants in cooperation with the San Antonio Parks Foundation and Fort Sam Houston. Councilmember Rodriguez seconded the motion. The motion carried unanimously.

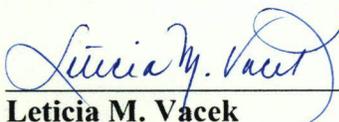
### IV. Consideration of items for future meetings

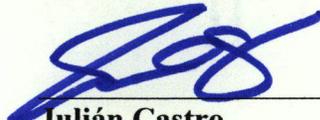
No items were addressed.

### V. Adjourn

There being no further discussion, the meeting was adjourned at 1:35 pm.

ATTEST:

  
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Leticia M. Vacek  
City Clerk

  
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Julián Castro  
Mayor