

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, APRIL 5, 2001.

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2001-14 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

- A) **Presentation on the Bias Related Data Collection Initiative.** (Presented by Al Philippus, Chief of Police; J. Rolando Bono, Deputy City Manager)

The Council members present were: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** None.

The "B" Session adjourned at 11:20 A.M.

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2001-14 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Howard W. Peak, with the following members present: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** None.

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2001-14 Invocation by Reverend Monsignor Lawrence Walsh, Our Lady of Grace Catholic Church.

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2001-14 Pledge of Allegiance to the flag of the United States.

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2001-14 **RECOGNITION OF PETER ACQUISTO**

Mayor Peak introduced Peter Acquisto, who is a 4th grader at Hardy Oaks Elementary. At an auction fundraiser for school, Peter was recently awarded the privilege to spend "A Day with the Mayor." Mayor Peak recognized Peter and his mother in the audience.

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2001-14 **CRIME VICTIMS AWARENESS WEEK, April 1-7, 2001**

Mayor Peak recognized various participants involved with Crime Victims Awareness Week and read a Proclamation proclaiming the week of April 1-7, 2001 as "Crime Victims Awareness Week". The participants then walked to the Victim Memorial located at the Criminal Justice Center where a wreath lay and a candle lighting ceremony was to be held.

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2001-14 **SWEARING IN OF TERRY M. BRECHTEL AS CITY MANAGER**

City Clerk Norma Rodriguez administered the Oath of Office to Terry M. Brechtel as the new City Manager. Mayor Peak and members of the City Council congratulated Ms. Brechtel on her new position.

Ms. Brechtel thanked the City Council and introduced members of her family in the audience. She briefly spoke regarding the support of her family, her education and her work experience.

Members of the City Council individually congratulated her and stated they looked forward to working with her. They wished her their best and highly praised her for being the first female City Manager for the City of San Antonio. They also commended her family for their support and advised her children that Ms. Brechtel is a role model for all young people.

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2001-14 **CONSENT AGENDA – CITIZENS COMMENTS**

Mr. Faris Hodge, Jr., 140 Dora, spoke on Agenda Items 7 – 20, 21 and 22, and expressed his opinions on each.

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Mr. Jack M. Finger, P.O. Box 12048, spoke regarding Agenda Items 13, 15 and 23. He also stated that he was pleased that City Council chose Ms. Terry M. Brechtel as the new City Manager.

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2001-14

CONSENT AGENDA

Mr. Carpenter made a motion to approve Agenda Items 7 through 29, constituting the Consent Agenda. Ms. Conner seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Perez, Salas, Prado, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Guerrero, Garcia.

AN ORDINANCE 93701

ACCEPTING THE LOW BID FROM SPIGENER ENTERPRISES, INC., D/B/A G.S. SERVICES TO PROVIDE THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH AERIFICATION OF GOLF COURSE GREENS FOR A TOTAL OF \$20,601.00.

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AN ORDINANCE 93702

ACCEPTING THE LOW BID OF STROKEMASTER TENNIS GROUP, LLC TO PROVIDE THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH TENNIS COURT WINDSCREENS FOR A TOTAL OF \$22,487.00.

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AN ORDINANCE 93703

ACCEPTING THE LOW BID FROM CHUBB SECURITY SYSTEMS, INC. TO PROVIDE THE CITY OF SAN ANTONIO ALAMODOME AND WOLFF MUNICIPAL STADIUM WITH A CLOSED CIRCUIT TELEVISION SYSTEM FOR A TOTAL OF \$86,212.00.

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AN ORDINANCE 93704

ACCEPTING THE PROPOSAL FROM THE HOUSTON/GALVESTON AREA COUNCIL OF GOVERNMENTS THROUGH A CONTRACT FROM CONSOLIDATED TRAFFIC CONTROLS, INC. TO PROVIDE THE CITY OF SAN

ANTONIO PUBLIC WORKS DEPARTMENT WITH TRAFFIC SIGNAL
PREEMPTION EQUIPMENT IN THE MEDICAL CENTER AREA FOR A TOTAL OF
\$312,576.21 FROM 1999 G.O. BONDS.

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AN ORDINANCE 93705

RATIFYING WORK PERFORMED AND APPROVING FIELD ALTERATION NOS.
85 AND 88, IN THE TOTAL AMOUNT OF \$142,183.00, PAYABLE TO CLARK/JT
CONSTRUCTION, A JOINT VENTURE, IN CONNECTION WITH THE HENRY B.
GONZALEZ CONVENTION CENTER EXPANSION PROJECT; AND PROVIDING
FOR PAYMENT. (AMENDS ORDINANCE NO. 86015, MAY 8, 1997.)

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AN ORDINANCE 93706

SELECTING FISHER HECK ARCHITECTS TO PROVIDE ARCHITECTURAL
SERVICES IN CONNECTION WITH THE COMMANDER'S HOUSE EXTERIOR
IMPROVEMENTS FIMP PROJECT IN CITY COUNCIL DISTRICT 1;
AUTHORIZING THE NEGOTIATION OF A CONTRACT UP TO \$19,760.00 FOR
ARCHITECTURAL SERVICES; TRANSFERRING FY 00/01 FIMP FUNDS AND
ESTABLISHING THE PROJECT'S BUDGET; ESTABLISHING A \$4,940.00
ARCHITECTURAL CONTINGENCY; PROVIDING \$1,200.00 FOR BID
ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 93707

AUTHORIZING THE PAYMENT OF A TOTAL OF \$24,077.00 IN BOUNDARY
SURVEY FEES TO BAIN MEDINA BAIN, INC. ENGINEERS & SURVEYORS FOR
SURVEY SERVICES IN CONNECTION WITH THE NORTHWEST PARK LAND
ACQUISITION 1994 PARK GENERAL OBLIGATION (GO) BOND ISSUE PROJECT
IN CITY COUNCIL DISTRICT 6 AND THE HERITAGE PARK IMPROVEMENTS
1999 PARK GO BOND ISSUE PROJECTS IN CITY COUNCIL DISTRICT 4;
AUTHORIZING THE PAYMENT OF \$6,000.00 IN BOUNDARY SURVEY FEES TO
CDS/MUERY SERVICES ENGINEERING AND SURVEYING FOR SURVEY

SERVICES IN CONNECTION WITH THE LEON CREEK GREENWAY DEVELOPMENT 1999 PARK GO BOND ISSUE PROJECT IN CITY COUNCIL DISTRICT 7; AMENDING THE PROJECTS' BUDGETS AND TRANSFERRING ADDITIONAL FUNDS INTO THE PROJECTS' BUDGETS.

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AN ORDINANCE 93708

AMENDING A PROFESSIONAL SERVICES CONTRACT WITH BAIN MEDINA BAIN, INC., ENGINEERS & SURVEYORS FOR AN ADDITIONAL AMOUNT OF \$30,071.34 IN CONNECTION WITH THE JONES-MALTSBERGER FROM U.S. 281 TO EAST OF UNION PACIFIC RAILROAD TRACKS PROJECT, LOCATED IN COUNCIL DISTRICT 9; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 89387, MARCH 11, 1999.)

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AN ORDINANCE 93709

AUTHORIZING PAYMENT FOR ENVIRONMENTAL PROFESSIONAL SERVICES IN CONNECTION WITH THE PROPOSED SITES FOR REPLACEMENT OF FIRE STATIONS NO. 25 AND NO. 7, LOCATED RESPECTIVELY AT NEW LAREDO HIGHWAY AND MCLAUGHLIN IN COUNCIL DISTRICT 4 AND ST. MARY'S AND FLORIDA STREETS IN COUNCIL DISTRICT 1, BEING PAYABLE TO KEI CONSULTANTS, LTD., IN THE AMOUNT OF \$14,708.78 FOR FIRE STATION NO. 25, AND TO OPERATIONAL TECHNOLOGIES CORPORATION \$7,363.25 FOR FIRE STATION NO. 7, ALL AS PROVIDED UNDER EXISTING ENVIRONMENTAL PROFESSIONAL SERVICES CONTRACTS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 93710

AN ORDINANCE ALLOCATING FUNDS FROM THE 1999 G.O. BOND PROGRAM IN AN AMOUNT NOT TO EXCEED \$30,000.00 FOR AN ENGINEERING STUDY OF THE HUEBNER ROAD/UNION PACIFIC RAILROAD AT-GRADE CROSSING

TO DETERMINE THE FEASIBILITY OF CONSTRUCTING A GRADE SEPARATION BETWEEN THE ARTERIAL STREET AND THE RAILROAD.

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AN ORDINANCE 93711

ALLOCATING FUNDS FROM THE 2000/2001 ONE-TIME COUNCIL PROJECTS FOR COUNCIL DISTRICT 8 FOR THE DEZAVALA ROAD COMMERCIAL CORRIDOR TRANSPORTATION STUDY (\$50,000) AND DEZAVALA ROAD TRAFFIC SIGNAL INTERCONNECTION IMPROVEMENTS (\$35,000).

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AN ORDINANCE 93712

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO A 0.5099 ACRE TRACT OF LAND OUT OF LOTS 23, 24, 25 AND 26, NEW CITY BLOCK 11996, VICTORY GARDENS ADDITION, A 0.9989 ACRE TRACT OF LAND OUT OF LOT 26, BLOCK 4, NEW CITY BLOCK 7446, ALAMEDA GARDEN TRACT NO. 3, A 0.9989 ACRE TRACT OF LAND OUT OF LOT 25, BLOCK 4, NEW CITY BLOCK 7446, ALAMEDA GARDEN TRACT NO. 3, A 0.0943 ACRE TRACT OF LAND OUT OF LOT 24, BLOCK 4, NEW CITY BLOCK 7446, ALAMEDA GARDEN TRACT NO. 3, A 0.8467 ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 2, NEW CITY BLOCK 11999, LIFSHUTZ SUBDIVISION NO. 8, ALL IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE, NAMELY THE CONSTRUCTION, OPERATION, RECONSTRUCTION, IMPROVEMENT, REPAIR AND MAINTENANCE OF THE CULEBRA DRAINAGE PROJECT #58F; AND AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS.

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AN ORDINANCE 93713

APPROVING AN AMENDMENT TO THE SUBLEASE AGREEMENT, AUTHORIZED BY ORDINANCE NO. 92952, PASSED AND APPROVED ON NOVEMBER 30, 2000 WITH ELLA AUSTIN COMMUNITY CENTER, TO INCREASE THE CITY'S OFFICE FLOOR SPACE TO 11,832 SQUARE FEET, STARTING APRIL 1, 2001 AND ENDING DECEMBER 31, 2003, AT A BASE

MONTHLY RENTAL RATE OF \$13,961.76; AUTHORIZING THE EXECUTION OF SAID AMENDMENT; AND AUTHORIZING THE PAYMENT OF THE MONTHLY LEASE RENTAL. (AMENDS ORDINANCE NO. 92952, NOVEMBER 30, 2000.)

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AN ORDINANCE 93714

AUTHORIZING THE NEGOTIATION EXECUTION OF A TEN 10-YEAR LICENSE AGREEMENT FROM THE CITY OF SAN ANTONIO TO DOWNTOWN YOUTH CENTER, INC. TO USE PUBLIC RIGHT OF WAY ADJACENT TO 1215 WEST POPLAR STREET, FOR PARKING PURPOSES ONLY, IN EXCHANGE FOR CAPITAL IMPROVEMENTS TO THE LICENSED PREMISES.

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AN ORDINANCE 93715

AUTHORIZING EXERCISE OF THE ONE YEAR EXTENSION OPTION PROVIDED IN THE CURRENT CONCESSION CONTRACT, AUTHORIZED BY ORDINANCE NO. 91522, PASSED AND APPROVED ON MARCH 30, 2000, WITH FACILITY CONCESSION SERVICES, INC. D/B/A SPECTRUM, AS CONCESSIONAIRE, TO PROVIDE FOOD AND BEVERAGE CONCESSIONS AT THE MUNICIPAL AUDITORIUM, UNDER THE CURRENT CONTRACT TERMS AND CONDITIONS, INCLUDING PAYMENT TO THE CITY OF 32.5% OF ALL GROSS SALES AFTER STATE AND LOCAL TAXES ARE PAID, SUCH EXTENSION HEREIN TO COMMENCE ON APRIL 15, 2001. (AMENDS ORDINANCE NO. 85755, APRIL 15, 1997; ORDINANCE NO. 91522, MARCH 30, 2000.)

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AN ORDINANCE 93716

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH GOODE, CASSEB & JONES, P.C. TO ALLOW FOR PAYMENT IN THE AMOUNT OF \$275,000.00 FOR ADDITIONAL LEGAL SERVICES IN CONNECTION WITH THE CITY OF SAN ANTONIO'S ONGOING EFFORTS TO CONFIRM THE CITY'S OWNERSHIP OF THE PROPERTY ALONG THE SAN ANTONIO RIVER KNOWN AS THE

RIVERWALK; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.
(AMENDS ORDINANCE NO. 90348, AUGUST 26, 1999.)

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AN ORDINANCE 93717

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH PROVIDENCE ASSOCIATES INC. TO FACILITATE A LIBRARY MASTER PLAN FOR AN AMOUNT NOT TO EXCEED \$105,000.00.

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AN ORDINANCE 93718

AUTHORIZING THE TEMPORARY CLOSURE OF LEONA STREET BETWEEN BUENA VISTA AND COMMERCE STREETS ON THURSDAY, APRIL 19, 2001 UNTIL MONDAY, APRIL 30, 2001, BEGINNING AT 10:00 A.M. UNTIL 10:00 P.M. ON WEEKDAYS AND 10:00 A.M. UNTIL 11:00 P.M. ON WEEKENDS, IN ORDER FOR THE SAN ANTONIO ENTERTAINMENT NETWORK, INC. TO HOLD ITS FIESTA WEEK CELEBRATION.

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AN ORDINANCE 93719

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN CONNECTION WITH THE 2001 FIESTA SAN ANTONIO CELEBRATION; APPROVING THE LOCATIONS, DATES AND TIMES FOR THE FIESTA CARNIVAL AND OFFICIAL FIESTA EVENTS, AND RELATED REQUIREMENTS AND CONDITIONS; APPROVING THE FIESTA PARADE ROUTES; AND AMENDING ORDINANCE NO. 91563, PASSED ON APRIL 6, 2000 TO REFLECT SUCH CHANGES. (AMENDS ORDINANCE NO. 91563, APRIL 6, 2000.)

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AN ORDINANCE 93720

RE-APPOINTING LAWRENCE C. CLARK (MAYOR) TO THE OPEN SPACE ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON AUGUST 29, 2002.

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AN ORDINANCE 93721

RE-APPOINTING IDA A. ARRAMBIDE (DISTRICT 3) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2002.

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AN ORDINANCE 93722

RE-APPOINTING MARCIA LYNCH (DISTRICT 4) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON APRIL 3, 2003.

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AN ORDINANCE 93723

RE-APPOINTING BERTHA SAUCEDO (DISTRICT 3) TO THE HOME IMPROVEMENT ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON JUNE 23, 2002.

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AN ORDINANCE 93724

RE-APPOINTING DR. LARRY HUFFORD (DISTRICT 3) TO THE HIGHER EDUCATION AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2002.

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AN ORDINANCE 93725

RE-APPOINTING DELICIA HERRERA (DISTRICT 6) TO THE SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 20, 2002.

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AN ORDINANCE 93726

APPOINTING JOHN RIVAS (MAYOR) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 15, 2001.

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AN ORDINANCE 93727

APPOINTING LISA L. MUSIAL (MAYOR) TO THE BOARD OF ADJUSTMENT FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 22, 2003.

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AN ORDINANCE 93728

APPOINTING BRIAN KEITH MESSER (MAYOR) TO THE KEEP SAN ANTONIO BEAUTIFUL INC. FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 12, 2002.

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AN ORDINANCE 93729

APPOINTING RONNIE FULLER (MAYOR) TO THE MECHANICAL BOARD OF APPEALS FOR A TERM OF OFFICE TO EXPIRE ON MARCH 20, 2003.

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AN ORDINANCE 93730

APPOINTING ABIGAIL CALLES (MAYOR) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2002.

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AN ORDINANCE 93731

RE-APPOINTING A. JOSE GONZALEZ II, ROD RADLE, ROBERT W. JODON, MICHAEL W. WHITE AND RICHARD TOBIN TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER TWO, CITY OF SAN ANTONIO, TEXAS, COMMONLY REFERRED TO AS THE ROSEDALE PROJECT, FOR A TERM OF OFFICE TO EXPIRE APRIL 15, 2003, AND APPOINTING A. JOSE GONZALEZ II AS CHAIRPERSON FOR A ONE YEAR TERM BEGINNING ON JANUARY 1, 2002.

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AN ORDINANCE 93732

REAPPOINTING AND APPOINTING SALLY BUCHANAN, JIM POTEET, EDWARD CROSS, GARY VAZQUEZ, LINDA WINCHESTER, EUGENE SIMOR, GLENN HUDDLESTON, AND STEPHEN YNDO TO THE DOWNTOWN ADVISORY BOARD (DAB) FOR A TERM OF OFFICE TO EXPIRE JANUARY 2003.

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2001-14 ITEMS FOR INDIVIDUAL CONSIDERATION - CITIZEN COMMENTS

Ms. Nancy Engelbert, Heritage Neighborhood Association, Far West Coalition, spoke regarding items 31 and 32, and also spoke regarding her concerns with the spray painting issue. She stated she disagrees with the proposed Ordinance due to the fact that it is difficult to enforce. Ms. Engelbert suggested a graffiti task force or another means of graffiti enforcement, but stated she did not feel this Ordinance was the answer.

Mr. Prado spoke regarding his support of this Ordinance and asked City Attorney, Frank Garza to give more details.

In response to Mr. Prado, Mr. Garza discussed the fact that there is no jail time involved with this Ordinance because this is a Class D misdemeanor. He also stated that this Ordinance adopts what has been passed through the State legislature, and further explained that raising the fine or having a more stringent policy is limited due to the limitations placed on the City by the State.

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2001-14 **ITEMS FOR INDIVIDUAL CONSIDERATION**

The Clerk read the following Ordinance:

AN ORDINANCE 93733

AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO TECHNOLOGY ACCELERATOR INITIATIVE (SATAI) NETWORK, L.L.C., A SINGLE MEMBER TEXAS LIMITED LIABILITY CORPORATION, THROUGH THE TEXAS RESEARCH PARK FOUNDATION, TO ESTABLISH THE TERMS AND CONDITIONS OF A ONE-TIME \$1,250,000.00 GRANT TO ESTABLISH THE SATAI NETWORK TO PROMOTE AND FACILITATE THE COMMUNITY'S TECHNOLOGICAL INITIATIVES AND TO DIVERSIFY AND DEVELOP THE TEXAS ECONOMY, SPECIFICALLY THE SAN ANTONIO REGIONAL ECONOMY.

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Mr. Carpenter made a motion to approve the proposed Ordinance. Mr. Garza seconded the motion.

Mr. Ramiro Cavazos, Director of Economic Development, explained the Ordinance, a copy of the PowerPoint presentation, on "San Antonio Technology Accelerator Initiative" (SATAI), is on file with the papers of this meeting.

He further explained the purpose, background, economic development strategic plan, SATAI Network's Mission, Partners, Objectives as well as long-term objectives. He detailed the SATAI Network structure, listed the Board of Directors and outlined their roles and duties. He further discussed budget projections, annualized budget, financial impact, and stated that staff recommends approval.

Mayor Peak spoke regarding the desire to transform San Antonio from a low wage City to a higher standard of wages. He further stated that he has learned that there is so much technology currently in progress that the model can be applied to industrial sectors and

San Antonio is in the process of making this work and lead to a brighter future for San Antonio.

Members of the City Council congratulated all that assisted in making this happen for the community. They further stated that it is a perfect example of the public and private sector partnership.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** None.

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2001-14 The Clerk read the following Ordinance:

AN ORDINANCE 93734

AUTHORIZING STANDARD CITY OPERATING AGENCY CONTRACTS WITH ELEVEN (11) COMMUNITY BASED ORGANIZATIONS TO OPERATE TWENTY-THREE (23) OF THE TOTAL ONE-HUNDRED AND FIFTEEN (115) SUMMER RECREATION SITES IN CONNECTION WITH THE DEPARTMENT OF PARKS AND RECREATION'S 2001 SUMMER RECREATION PROGRAM FOR A TOTAL OF \$100,000.00; AUTHORIZING PAYMENT TO THE ORGANIZATIONS FOR SERVICES PROVIDED UNDER SAID CONTRACTS; AUTHORIZING A LEASE AGREEMENT WITH OUR LADY OF SORROWS CHURCH FOR TEMPORARY USE OF OFFICE SPACE FOR PROGRAM ACTIVITIES; AND AUTHORIZING THE PAYMENT OF \$3,800.00 IN OFFICE SPACE RENTAL COSTS FOR SAID PROGRAM.

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Mr. Perez made a motion to approve the proposed Ordinance. Mr. Barrera seconded the motion.

Mr. Malcolm Matthews, Director of Public Works, presented this item, a copy of the power point presentation regarding the 2001 Summer Recreation Program and Community Agency Sites, is on file with the papers of this meeting. Mr. Matthews' presentation included a summary, background information, information on the summer agency program, program office space, funding and explained that staff recommends authorizing agreements with the community agencies for the 2001 Summer Recreation Program.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Garza, Conner.

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2001-14 The Clerk read the following Resolution:

A RESOLUTION
NO. 2001-14-19

SUPPORTING THE CONCEPTUAL PLAN FOR THE SAN ANTONIO RIVER IMPROVEMENTS FROM HILDEBRAND AVENUE TO MISSION ESPADA; ACCEPTING THE PLAN AS THE GUIDING DOCUMENT FOR PROJECTS THAT WILL RESPECT THE ECOLOGICAL AND ECONOMIC DIVERSITY OF THE SAN ANTONIO RIVER AND REAFFIRMING THE CITY'S FINANCIAL COMMITMENT TO PARTICIPATE IN THE CONSTRUCTION OF THE AMENITIES OF THE PROJECT, AS WELL AS THE FUTURE OPERATION AND MAINTENANCE OF THE RIVER'S IMPROVEMENTS.

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Mr. Perez made a motion to approve the proposed Resolution. Ms. Guerrero seconded the motion.

Mr. Tom Wendorf, Director of Public Works, gave a power point presentation on the Conceptual Plan for San Antonio River Improvements from Hildebrand Avenue to Mission Espada, a copy of which is on file with the papers of this meeting. Mr. Wendorf spoke to the background, design principles, construction schedule, financial impact, conceptual plan for San Antonio River Improvements from Hildebrand Ave. to Mission Espada. He explained that approval of this Resolution is consistent with City Council action to cooperate with Bexar County and the San Antonio River Authority on flood control and amenity improvements along the San Antonio River from Hildebrand to Mission Espada.

Mayor Emeritus Lila Cockrell, and Mr. Irby Hightower, Co-Chairs of the San Antonio River Oversight Committee, complimented City Council for this action and spoke to the efforts of this project, which is a culmination of more than two years of work guided by the San Antonio River Oversight Committee.

City Council members thanked these two individuals for doing such a tremendous job, as the San Antonio River is known all over the world. They stated that because of the condition of our river, San Antonio is able to bring in an enormous amount of economic development, and it is exceptional not only for tourism, but for our citizens as well.

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Mr. Faris Hodge, Jr., 140 Dora, spoke regarding his support and his personal views regarding the river and its necessary improvements.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Garza.

2001-14 **HISPANIC HERITAGE AWARDS FOUNDATION**

Mr. Salas, on a point of personal privilege, brought forward seven high school students being honored by the Hispanic Heritage Awards Foundation, and asked Mr. Raul Tapia to come forward and recognize the schools and the students as the recipients of these scholarships.

Mr. Tapia thanked members of the City Council and proceeded to introduce the students who were award recipients. He explained that if they were recognized nationally in addition to this award, they would be awarded an additional \$5000. He stated at this time, all the individuals recognized today are considered area winners from various high schools throughout San Antonio.

Members of the City Council congratulated them and shared their feelings of the students being our future leaders. Mayor Peak informed the students that being involved in modern technology and excelling in school is a solid foundation for their futures. He stated that their future lies in their ability to take advantage of opportunities presenting themselves through either academics, military, or whatever they may desire.

2001-14 The Clerk read the following Ordinance:

AN ORDINANCE 93735

AMENDING CHAPTER 21, ARTICLE I, SECTION 21-6 OF THE CITY CODE OF THE CITY OF SAN ANTONIO ENTITLED "INJURIES TO PROPERTY; GRAFFITI" BY ESTABLISHING THAT A SECOND VIOLATION OF THE GRAFFITI IMPLEMENT OFFENSES ARE PUNISHABLE BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100.00) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE IN THIRTY (30) DAYS.

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Mr. Salas made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

Mr. Frank Garza, City Attorney, explained the changes in the Ordinance which will amend Chapter 21, Article I, Section 21-6 of the City Code of San Antonio. Mr. Malcolm Matthews, Director of Parks and Recreation, presented this item, a copy of the Power Point presentation on "Amending the City's Graffiti Ordinance," is on file with the papers of this meeting.

Mayor Peak explained that the City is trying to get better at getting more involved in penalties and dealing more effectively with the crime. He also reconfirmed with the City Attorney that this is in fact the most strict and stringent that the City of San Antonio can do under state law.

(At this time Mayor Peak was obliged to leave the meeting. Mayor Pro Tem Bannwolf presided.)

City Attorney Garza explained that Dallas and other cities that use such language are concerned with the constitutionality of it. Mr. Garza further explained that the most stringent State Law raises fines for the 2nd violation, however, the judge can rule for community service.

Mr. Garza discussed the limitations as to the involvement of parents.

In response to a question posed by Mr. Bannwolf, Mr. Garza clarified that other cities in Texas are not currently using any language regarding parental controls. Mr. Bannwolf then requested that the City Attorney's office perform research outside of Texas to present to City Council on the issue of parental involvement.

In response to a question posed by Mr. Prado, Mr. Quentin Porter, Director of Municipal Courts, explained that the judges usually fine these individuals, or have them perform community service.

(Mayor Peak returned to the meeting and presided.)

Councilman Garza explained that graffiti infested areas has diminished in those neighborhoods that are more proactive and the City needs to continue such efforts. One example of which, the Paint Voucher Program, which began in District 7.

Ms. Guerrero stated that San Antonio needs to be the City to spearhead parent accountability at the State Levels, whether in the criminal code, or in the family code. At this time she asked that it be added to the State Legislation packet during this City Council term or one in the near future.

Mr. Sergio Soto, Parks and Recreation stated that he has conducted assessments on criminal mischief and it is important to make laws that are effective. He explained that such laws need to come from the home and it is difficult to hold the parents responsible. He encouraged City Council members to pass this Ordinance today and work towards making it a priority.

In response to a question posed by Ms. Conner, Mr. Garza explained that there is currently a law for selling the paint and markers, however, if they are caught in the process of painting graffiti, it is considered an offense. The public needs to be aware that the paints should be locked up.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Salas.

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2001-14 PUBLIC HEARING AND ORDINANCE: VACATING AND ABANDONING AN UNIMPROVED PORTION OF STARCREST DRIVE.

Mayor Peak declared the Public Hearing to be open.

Mr. Oscar Serrano, Department of Asset Management, presented this item, a copy of the PowerPoint presentation on the proposed closure of a portion of Starcrest Drive, petitioner: St. Mary's Hall, is on file with the papers of this meeting.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke in support of the Ordinance.

Ms. Julie Iris Oldham, Citizens Advisory Council, P.O. Box 40263, spoke in favor of the proposed Ordinance and discussed the CPS book.

The Clerk then read the following Ordinance:

AN ORDINANCE 93736

CLOSING, VACATING AND ABANDONING AN UNIMPROVED PORTION OF STARCREST DRIVE PUBLIC RIGHT-OF-WAY, TOTALING 4.148 ACRES, DECLARING THE SAME TO BE SURPLUS AND AUTHORIZING THE SALE OF THIS 4.148 ACRES TO ST. MARY'S HALL FOR THE CONSIDERATION OF \$41,470.00.

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Mr. Carpenter made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Guerrero, Prado, Garcia, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Perez, Salas, Barrera.

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2001-14 PUBLIC HEARING AND ORDINANCE: VACATING AND ABANDONING AN 18-FOOT WIDE ALLEY RIGHT OF WAY LOCATED BETWEEN IH 10 WEST AND COLONY DRIVE.

Mayor Peak declared the Public Hearing to be open.

Mr. Oscar Serrano, Department of Asset Management, presented this item, a copy of the PowerPoint presentation on the proposed closure of an 18-foot alley at Colony Drive and IH 10 W, petitioner: H.E.B Grocery Company, is on file with the papers of this meeting.

The following citizen(s) appeared to speak:

Mr. Jack Finger, P.O. Box 12048, asked that the City Council members who received donations from H.E.B. to abstain from this item.

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The Clerk then read the following Ordinance:

AN ORDINANCE 93737

CLOSING, VACATING AND ABANDONING AN 18-FOOT WIDE ALLEY RIGHT OF WAY LOCATED BETWEEN IH 10 WEST AND COLONY DRIVE, AS REQUESTED BY PETITIONER, H.E.BUTT GROCERY COMPANY, ET. AL., FOR THE CONSIDERATION OF \$44,124.00.

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Mr. Carpenter made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Guerrero, Prado, Garcia, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. **ABSTAIN:** Perez. **NAYS:** None. **ABSENT:** Salas.

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2001-14 **BRIEFING ON WATSON WYATT CONTRACT ISSUES**

Mr. Ben Gorzell, Public Utilities Director, introduced Ms. Jamie Rochelle, General Manager and CEO of CPS. Ms. Rochelle proceeded to present background of this multi-year contract. It detailed both external and internal objectives in Watson Wyatt activities. She discussed completed work, annual payments to Watson Wyatt by year, and spoke regarding the following questions and answers: [1.) Cost and Value of Project, 2.) Purchasing and Contract Administration and 3.) Personnel Policies].

Ms. Rochelle discussed actions taken within Human Resources, which included redefined internal controls, closing of the 1994 contract and issuance of a new contract. She also discussed actions taken by Audit Services to establish a complete and correct invoice record, total procurement activity from 1996 to current, prevention of future problems through purchasing, business operations and controller and finance. She concluded by detailing information regarding the Independent Review by KPMG and concluded with a summary.

Ms. Rochelle introduced Mr. Mike O'Brien from KPMG and expressed her feelings that though CPS is not mistake free, they do a lot of things right and currently CPS is one of the two lowest as far as price to their customers for service and streamlined benefits.

Mayor Peak thanked Ms. Rochelle for her personal presentation, stating that they should learn from past errors, as CPS is a great utility with good service and great rates. Mayor Peak then discussed past errors and future initiatives to correct them.

Discussion occurred regarding verbal contracts and the non-standardized nature of the contract in question.

In response to a question posed by Ms. Conner, Ms. Rochelle explained that every travel expense of Watson Wyatt over \$25 has been reviewed and receipts have been accounted for about 90% of the travel and expenses. They were reviewed to disallow some expenses, and those that were not accounted for were not paid.

City Council directed Ms. Rochelle to make a final report to the City Council after the audit.

Ms. Rochelle introduced Mr. Mike O'Brien, KPMG External Auditor, Helen Long, Head of CPS' Auditing Department, and asked those staff members of CPS to stand.

In response to further questions by various City Council members, Ms. Rochelle discussed the 1994 contract terms, administrative measures that were in place to control such issues and fee structures.

Mr. Perez stated that immediate measures need to be taken in regards to rates and contracts. He stressed that it is incumbent to address the issue as soon and as economically as they can.

Mayor Peak and members of the City Council again thanked Ms. Rochelle for the information on the audit.

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2001-14 The Clerk read the following Ordinance:

AN ORDINANCE 93738

APPROVING THE SAN ANTONIO HOUSING TRUST FUNDING RESOLUTION TO MAKE AVAILABLE \$80,000.00 IN TRUST FUNDS FOR DISBURSEMENT AS AN

AWARD OF TRUST ASSISTANCE TO THE CITY OF SAN ANTONIO FOR HISTORIC GARDENS PHASE II, DOWN PAYMENT ASSISTANCE PROGRAM; AUTHORIZING THE ACCEPTANCE OF SAID GRANT; AUTHORIZING THE DULY AUTHORIZED REPRESENTATIVES OF THE SAN ANTONIO HOUSING TRUST AND THE CITY OF SAN ANTONIO TO EXECUTE ANY AND ALL DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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Mr. Perez made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

Mr. George Pedraza, Assistant to the City Manager, and Acting Director, Neighborhood Action, explained the Ordinance. A copy of the PowerPoint presentation on San Antonio Housing Trust Targeted Funding Rounds, Historic Gardens, Phase II, is on file with the papers of this meeting.

Mr. Pedraza discussed the Historic Gardens, Phase II, gave background, detailed down payment assistance, coordination, next steps upon City Council approval, which detailed the execution of agreement.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke regarding items #34 and #36.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Conner, Carpenter, Peak. **NAYS:** None. **ABSENT:** Garza, Bannwolf.

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2001-14 The Clerk read the following Ordinance:

AN ORDINANCE 93739

APPROVING THE CONTRACT WITH, AND ADMINISTRATIVE BUDGET OF THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC. IN THE AMOUNT OF \$271,855.00 FOR THE STAFFING AND ADMINISTRATION OF THE CITY OF SAN ANTONIO HOUSING TRUST FOR FISCAL YEAR 2000-2001; APPROVING THE PERSONNEL COMPLEMENT; AUTHORIZING THE EXECUTION OF SAID

CONTRACT; AND RATIFYING SERVICES RENDERED OCTOBER 1, 2000 TO DATE; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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Mr. Carpenter made a motion to approve the proposed Ordinance. Mr. Barrera seconded the motion.

Mr. George Pedraza, Assistant to the City Manager, Acting Director, Neighborhood Action, presented this item. A copy of the PowerPoint presentation on San Antonio Housing Trust, Operating Budget and Administrative Contract FY 00-01, is on file with the papers of this meeting. Mr. Pedraza introduced Mr. John Kenny, Executive Director, SA Housing Trust, who then listed the Board of Trustees and discussed the board's retreat which occurred in December 2000, at which time they discussed "Organizational Development Issues".

Mr. Pedraza proceeded to discuss the agency reorganization, budget, highlights for FY 99-00, projects for FY 00-01, which detailed the targeted Harp Program, 2001 \$25 million bond program, counseling, down payment assistance, CHDO Home Administration. He also discussed staff coordination and stated that City staff recommends approval.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Guerrero, Prado, Garcia, Barrera, Conner, Carpenter, Peak. **NAYS:** None. **ABSENT:** Salas, Garza, Bannwolf.

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2001-14 The Clerk read the following Ordinance:

AN ORDINANCE 93740

AUTHORIZING THE TRANSFER OF \$330.00 FROM THE DISTRICT 2 CONTINGENCY BUDGET CONTINGENCY ACCOUNT PAYABLE TO PUBLIC WORKS TO HELP DEFRAY THE COST OF SIX COP (CELLULAR ON PATROL) SIGNS; AS REQUESTED BY COUNCILMAN MARIO SALAS.

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Mr. Perez made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Carpenter, Peak. **NAYS:** None. **ABSENT:** Salas, Bannwolf.

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2001-14 The Clerk read the following Ordinance:

AN ORDINANCE 93741

AUTHORIZING A NEW FULL TIME MUNICIPAL COURT JUDGE, A COURT OFFICER AND AN ASSISTANT CITY ATTORNEY I POSITION IN THE CITY ATTORNEY'S OFFICE TO ADDRESS THE INCREASED WORKLOAD AT MUNICIPAL COURT; AND PROVIDING FOR FUNDING IN CONNECTION THEREWITH.

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Mr. Prado made a motion to approve the proposed Ordinance. Mr. Carpenter seconded the motion.

Mr. Quentin Porter, Director, Municipal Courts, discussed the request submitted by City Council to request that certain new positions be authorized at Municipal Court, namely Municipal Court Judge (full-time), Court Officer and Attorney I, which are necessary as the result of an increased workload at Municipal Court, and stated that City staff recommends approval for this Ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Barrera, Garza, Conner, Carpenter, Peak. **NAYS:** None. **ABSENT:** Garcia, Bannwolf.

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2001-14 The Clerk read the following Ordinance:

AN ORDINANCE 93742

AUTHORIZING ALPHA-LEE ENTERPRISES, INC. TO CONDUCT A FIREWORKS DISPLAY AT THE GOLF COURSE/DRIVING RANGE LOCATED AT 9800 HYATT REGENCY HILL COUNTRY RESORT ON SUNDAY, APRIL 8, 2001, AT APPROXIMATELY 8:00 P.M. AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE OF EIGHT AFFIRMATIVE VOTES.

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Mr. Perez made a motion to approve the proposed Ordinance. Mr. Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Conner, Carpenter, Peak. **NAYS:** None. **ABSENT:** Garza, Bannwolf.

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2001-14 **CITY MANAGER'S REPORT**

Mr. Dan Cardenas, Assistant Director, Public Works, presented this item, a copy of the PowerPoint presentation on the City Wide Clean Up efforts on Saturday, April 7, 2001 from 8:00 a.m. till 1:00 p.m. is on file with the papers of this meeting. He spoke regarding the history, gave a 2001 update and detailed locations and those materials that will and will not be accepted. He then listed the event sponsors.

Members of the City Council thanked staff and the Clean Up City Commission for the great job they are doing. They also encouraged citizens to take advantage of this program.

Mr. Lou Lendman, Budget Director, gave the FY 2001-2002 Budget schedule.

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2001-14 **EXECUTIVE SESSION**

The City Council recessed its regular session at 5:52 P.M. in order to convene in Executive Session for the purpose of:

A) Attorney/Client consultation regarding the lawsuit styled City of San Antonio vs. Casino Club, Ltd., Cause No. 98-CI-04892, In the 150th Judicial District of Bexar County, Texas.

The City Council adjourned the Executive Session at 6:15 P.M. and reconvened in regular session, at which time Mayor Peak stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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2001-14 **CITIZENS TO BE HEARD**

MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr, 140 Dora, spoke to the City Council about his concern with the remarks made by Councilman Salas regarding certain candidates running for Mayor. He also spoke against the proposed Ordinance on today's agenda dealing with the penalties proposed for second offenders of the Graffiti Ordinance. He then complimented Terry M. Brechtel upon her appointment as the City's new City Manager.

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MR. JUAN VELA

Mr. Juan Vela, 9506 Bear Creek, spoke to the City Council about several current event issues.

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NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke on several issues including his perception that the Ordinance on today's agenda dealing with Summer Nutrition Sites is a violation of the separation of Church and State.

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GOVERNMENT HILL HISTORIC DESIGNATION

A group of citizens appeared to speak to the City Council taking exception to Councilman Salas' handling of the historic designation for Government Hill. They asked that the City Council rescind the signatures on the memorandum so circulated.

The following persons spoke in this regard:

Ms. Diane Smelsor presented a prepared statement, a copy of which is on file with the papers of this meeting;
Mr. James Rankin, 609 E. Carson;
Mrs. Carolyn Rankin, 609 E. Carson;
Mrs. Florence Alcocer.

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MR. DON BARNES

Mr. Don Barnes, 722 W. Kings Highway, concurred with statements made by the previous speakers concerning the historic designation memorandum. He also spoke about the condition of his street and the condition of the facilities at the Animal Control Facility.

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GOVERNMENT HILL CONSERVATION DISTRICT

The following group of citizens appeared to speak in favor of the actions taken by Mr. Salas to designate Government Hill as a Conservation District:

Mrs. Elaine Joseph, St. Patrick's COPS;
Mr. John Alcoces, St. Patrick's COPS.

Councilman Salas stated that for the record he is not opposed to designating certain homes in the Government Hill area historic but would not favor overall designation.

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MS. DEBRA LEVOY

Ms. Debra Levoy, Voice for Animals, spoke to the City Council about her concerns with the conditions at the Animal Control Facility and the impressions she received when she went to seek out her own cat. She was very concerned about what she perceives to be a lack of training given to the employees at the Facility.

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2001-14 There being no further business to come before the City Council, the meeting was adjourned at 7:05 P.M.

A P P R O V E D


HOWARD W. PEAK
M A Y O R

Attest:


NORMA S. RODRIGUEZ, CMC/AAE
City Clerk