

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MAY 9, 2002.**

\* \* \* \*

2002-19 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

— — —

2002-19 Invocation by Rev. Jeff Howell, Rolling Oaks Christian Church.

— — —

2002-19 Pledge of Allegiance to the flag of the United States.

— — —

2002-19 **PRESENTATION OF HISTORIC PRESERVATION WEEK**

Mayor Garza presented Ms. Jill Souter, President of the San Antonio Conservation Society with a Proclamation in honor of "Historic Preservation Week."

Ms. Souter thanked the Mayor and Council and recognized members of the Conservation Society Board present in the audience.

Members of the City Council recognized the wealth and culture of San Antonio, and further commended the members of the San Antonio Conservation Society for their efforts in historically preserving the essence of San Antonio.

— — —



employees who served as volunteers from the Community Initiatives Department who assisted with the program. She stated that 11,000 citizens in San Antonio were assisted. She then presented a plaque to the City of San Antonio for their support in this effort, and a plaque to Dennis Campa, Director, and the Department of Community Initiatives.

Mr. Dennis Campa, thanked Ms. Randall for the award, noting the success of the program in helping citizens in the community. He spoke of the sites utilized in this effort, and further recognized the City Manager, and City Council for their support.

— — —

**2002-01 NEW DIRECTOR OF SAN ANTONIO TECHNOLOGY ACCELERATOR INTIATIVE.**

Mayor Garza asked Mr. Ramiro Cavazos, Director of Economic Development to introduce the new director of San Antonio Technology Accelerator Initiative.

Mr. Cavazos introduced Interim Director, Richard Love. Mr. Love spoke of his experience and his plan, which will focus on bio-medical initiatives, and developing policy to increase public investment opportunities, noting the technical component as being crucial to the community.

Members of the City Council extended their congratulations and best wishes for success in the new initiative.

— — —

**2002-19 JAMES BONHAM ELEMENTARY SCHOOL**

Mayor Garza recognized the students from James Bonham Elementary School, who were in attendance and studying government and local politics

— — —

**2002-19 Minutes of the regular Council meetings of April 11 and April 18, 2002, and the Special Meeting of April 2, 2002 were approved.**



AN ORDINANCE 95718

AN ORDINANCE ACCEPTING THE LOW BID SUBMITTED BY SELRICO SERVICES, INC. TO PROVIDE THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH A SUMMER FOOD SERVICE PROGRAM FOR DISADVANTAGED CHILDREN FOR A TOTAL SUM OF \$634,073.22, WHICH WILL BE PAID THROUGH AND IS CONTINGENT UPON THE RECEIPT OF GRANT FUNDING FROM THE TEXAS DEPARTMENT OF HUMAN SERVICES.

\* \* \* \*

AN ORDINANCE 95719

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$18,000.00 PAYABLE TO SIA ENGINEERING, INC. FOR ADDITIONAL ENGINEERING DESIGN SERVICES IN CONNECTION WITH THE HONEY BOULEVARD FROM COMMERCE TO ARANSAS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 2; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 91853, MAY 25, 2000.)

\* \* \* \*

AN ORDINANCE 95720

AMENDING A PROFESSIONAL SERVICES CONTRACT BY AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$15,000.00 FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BONDS, PAYABLE TO LOCKWOOD, ANDREWS AND NEWNAM, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE MEDICAL @ FREDERICKSBURG METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICT 8; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 92229, AUGUST 3, 2000.)

\* \* \* \*

AN ORDINANCE 95721

AMENDING A PROFESSIONAL SERVICES CONTRACT BY AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$19,170.00 FROM 1994 GENERAL OBLIGATION LAW ENFORCEMENT BONDS, PAYABLE TO HESSON ANDREWS SOTOMAYOR, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES IN CONNECTION WITH PARKING LOT IMPROVEMENTS FOR THE NORTHWEST POLICE SUBSTATION; AUTHORIZING \$26,000.00 FOR ASSOCIATED PROJECT FEES; AUTHORIZING \$5,000.00 FOR MISCELLANEOUS CONTINGENCY EXPENSES; REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 95722

SELECTING LOCKWOOD, ANDREWS & NEWNAM, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE SOUTHWEST CRAFT CENTER INTERSECTION IMPROVEMENTS (NAVARRO AND AUGUSTA) PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$35,495.00 FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BONDS; AUTHORIZING \$3,550.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 95723

SELECTING TURNER, COLLIE & BRADEN, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE ACKERMAN ROAD & SAN MARCOS STREET RECONSTRUCTION PROJECTS, LOCATED IN COUNCIL DISTRICTS 2 AND 5 RESPECTIVELY; AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$88,000.00 FROM STREET MAINTENANCE AND IMPROVEMENT FUNDS; AUTHORIZING \$4,400.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 95724

SELECTING MADELINE ANZ SLAY ARCHITECT, PLLC (D/WBE) TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE POLICE ARMORY AND SUPPLY BUILDING PROJECT, LOCATED AT 12200 S.E. LOOP 410 IN COUNCIL DISTRICT 3; AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$46,400.00 FROM 2001 CERTIFICATES OF OBLIGATION; AUTHORIZING \$12,200.00 FOR ADDITIONAL SERVICES; AUTHORIZING \$3,000.00 FOR STORMWATER DEVELOPMENT FEE; AUTHORIZING \$2,000.00 FOR ADVERTISING EXPENSES; AUTHORIZING \$5,000.00 FOR MISCELLANEOUS CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 95725

APPROVING FIELD ALTERATION NO. 8 IN THE AMOUNT OF \$102,226.00 PAYABLE TO SWINERTON BUILDERS FOR CAPITAL IMPROVEMENTS IN CONNECTION WITH THE BRACKENRIDGE PARK REHABILITATION PROJECT IN CITY COUNCIL DISTRICT 9; TRANSFERRING FUNDS FROM CONSTRUCTION CONTINGENCY INTO CONSTRUCTION CONTRACT EXPENDITURE CODE; AUTHORIZING THE EXECUTION OF AN AMENDMENT EXTENDING THE TERM OF THE OFFICE LEASE AT THE CATHOLIC LIFE BUILDING; AND APPROPRIATING \$221,976.00 IN 1994 PARK BOND FUNDS FOR THE PAYMENT OF RENT FOR SAID OFFICE LEASE. (AMENDS ORDINANCE NO. 94130, JUNE 21, 2001.)

\* \* \* \*

AN ORDINANCE 95726

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF EASEMENTS, TEMPORARY AND PERMANENT, AND ANY OTHER NECESSARY OR DESIRABLE PROPERTY RIGHTS OVER, ACROSS, UPON AND UNDER CERTAIN PRIVATELY OWNED REAL PROPERTY BEING LOCATED ON THE FOLLOWING TRACTS: (I) AN APPROXIMATE 0.1156 ACRE TRACT OUT OF LOT 35, BLOCK 3, NCB 15176 PEOPLE'S HWY 90 WEST COMMERCIAL SUBDIVISION, SAN ANTONIO BEXAR COUNTY, TEXAS, ACCORDING TO THE

PLAT RECORDED AT VOLUME 9539, PAGE 81, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS; (II) AN APPROXIMATE 0.0864 ACRE TRACT OUT OF LOT 34, BLOCK 3, NCB 15176, PEOPLE'S HWY 90 WEST COMMERCIAL SUBDIVISION, SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED AT VOLUME 9539, PAGE 81, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS; AND (III) AN APPROXIMATE 0.2040 ACRE TRACT OUT OF THE FRANCISCO RIVAS SURVEY NO. 1, ABSTRACT 1, CB 4307, NCB 15601, BEXAR COUNTY, TEXAS; (EACH OF SAID THREE TRACTS BEING MORE PARTICULARLY DESCRIBED IN ATTACHMENT I FOR A PUBLIC PURPOSE NAMELY THE EXTENSION OF WATER AND/OR SEWER FOR THE U.S. HWY 90 WEST-S.W. LOOP 410 TO MILITARY DRIVE BAPTIST CHILDREN'S HOME AND FAMILY SERVICES PROJECT; AUTHORIZING ALL APPROPRIATE ACTION OF THE SAN ANTONIO WATER SYSTEM IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE SUCH NEEDED PERMANENT AND TEMPORARY EASEMENTS TO PROPERTIES AND ANY OTHER NECESSARY OR DESIRABLE PROPERTY RIGHTS THAT CANNOT BE ACQUIRED THROUGH NEGOTIATION; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES ACTING FOR THE SAN ANTONIO WATER SYSTEM TO ACQUIRE SUCH PROPERTY RIGHTS; AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS TO SURVEY, CLARIFY, DEFINE AND ACQUIRE THE NECESSARY PROPERTY RIGHTS; AND DECLARING THE SECTIONS OF THE ORDINANCE TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID.

\* \* \* \*

#### AN ORDINANCE 95727

REAFFIRMING AND DECLARING THAT THE SAN ANTONIO WATER SYSTEM'S AQUIFER STORAGE AND RECOVERY PROJECT ("ASR PROJECT") IS A NECESSARY PUBLIC PROJECT; FURTHER REAFFIRMING AND DECLARING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES DESCRIBED BELOW, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY FOR PUBLIC IMPROVEMENTS FOR USE AS PART OF THE ASR PROJECT; AUTHORIZING THE SAN ANTONIO WATER SYSTEM TO ACQUIRE PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED REAL PROPERTIES, BY NEGOTIATION AND/OR CONDEMNATION, IF

NECESSARY FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE ASR PROJECT, TO WIT, A PORTION OF THE PROPERTIES LISTED AS FOLLOWS: 3.273-ACRES OUT OF THAT CERTAIN TRACT OR PARCEL OF LAND DESCRIBED IN A DEED DATED FEBRUARY 15, 1974, BY AND BETWEEN AUGUSTIN AND DOROTHY KALISEK AND KALISEK FARMS, INC. RECORDED IN VOLUME 463 PAGE 271 OF THE DEED RECORDS OF WILSON COUNTY, TEXAS; 6.724- ACRES OUT OF COUNTY BLOCK 4009, ABSTRACT 19; 20.356-ACRES OUT OF COUNTY BLOCK 4009, ABSTRACT 19; 0.488- ACRES OUT OF COUNTY BLOCK 4009, ABSTRACT 19; 8.977-ACRES OUT OF COUNTY BLOCK 4009; 3.789-ACRES OUT OF COUNTY BLOCK 4008, ABSTRACT 4; 6.797-ACRES OUT OF COUNTY BLOCK 4008, ABSTRACT 4; 11.027-ACRES OUT OF COUNTY BLOCK 4008-5, ABSTRACT 4; 4.195-ACRES OUT OF COUNTY BLOCK 4008-5, ABSTRACT 4; 12.546-ACRES OUT OF COUNTY BLOCK 4008-1 ABSTRACT 54; 2.305-ACRES OUT OF COUNTY BLOCK 4008-1, ABSTRACT 4; 2.033-ACRES OUT OF COUNTY BLOCK 4008-1, ABSTRACT 4; 2.386-ACRES OUT OF COUNTY BLOCK 4008-1, ABSTRACT 4; 9.829-ACRES OUT OF COUNTY BLOCK 4007, ABSTRACT 11; 0.026-ACRES OUT OF COUNTY BLOCK 4007, ABSTRACT 11; 13.548-ACRES OUT OF COUNTY BLOCK 4007, ABSTRACT 11; 2.786-ACRES OUT OF COUNTY BLOCK 4007-3; 1.390-ACRES OUT OF COUNTY BLOCK 4007-3; 0.658-ACRES OUT OF COUNTY BLOCK 4007-3; 0.007-ACRES OUT OF COUNTY BLOCK 4007-3; 1.734-ACRES OUT OF COUNTY BLOCK 4007, ABSTRACT 11; 3.347-ACRES OUT OF COUNTY BLOCK 4007-2, ABSTRACT 11; 5.805-ACRES OUT OF COUNTY BLOCK 4007, ABSTRACT 11; 12.764-ACRES OUT OF COUNTY BLOCK 4007, ABSTRACT 11; 1.606-ACRES OUT OF COUNTY BLOCK 4007, ABSTRACT 11; 2.501-ACRES OUT OF COUNTY BLOCK 4007-3, ABSTRACT 11; 3.853-ACRES OUT OF COUNTY BLOCK 5149, ABSTRACT 772, COUNTY BLOCK 5150, ABSTRACT 1178, AND COUNTY BLOCK 5192, ABSTRACT 252; 0.820- ACRES OUT OF COUNTY BLOCK 5150, ABSTRACT 1178; 0.928-ACRES OUT OF COUNTY BLOCK 5150, ABSTRACT 1178; 0.792-ACRES OUT OF COUNTY BLOCK 5150, ABSTRACT 1178; 8.542-ACRES OUT OF COUNTY BLOCK 5150, ABSTRACT 1178; 6.147-ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502, NEW CITY BLOCK 5151, ABSTRACT 502, AND COUNTY BLOCK 5132, ABSTRACT 469; 0.069-ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502; 0.579-ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502; 2.316-ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502; 4.371-ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502; 1.826-ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502; 1.216-ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502; 2.144-ACRES OUT OF COUNTY BLOCK 5132, ABSTRACT 469 AND COUNTY BLOCK 5151, ABSTRACT 502; 6.059-ACRES OUT OF COUNTY BLOCK 5132, ABSTRACT 469; 10.247-ACRES OUT OF COUNTY BLOCK 5132; 4.948-ACRES OUT OF COUNTY BLOCK 5132, ABSTRACT 469; 4.770-ACRES OUT OF COUNTY BLOCK 5132, ABSTRACT 469; 0.715-ACRES OUT OF COUNTY

BLOCK 5132, ABSTRACT 469; 0.712-ACRES OUT OF COUNTY BLOCK 5132, ABSTRACT 469; 0.724-ACRES OUT OF COUNTY BLOCK 5132, ABSTRACT 469; 3.619-ACRES OUT OF COUNTY BLOCK 5132, ABSTRACT 469; 1.817-ACRES OUT OF COUNTY BLOCK 5132, ABSTRACT 469; 7.880-ACRES OUT OF NEW COUNTY BLOCK 35132; 2.285-ACRES OUT OF NEW COUNTY BLOCK 35132; 6.962-ACRES OUT OF COUNTY BLOCK 5128, ABSTRACT 489; 3.018-ACRES OUT OF COUNTY BLOCK 5128, ABSTRACT 489; 9.124-ACRES OUT OF NEW CITY BLOCK 10615, AND COUNTY BLOCK 5098, ABSTRACT 743; 25.564-ACRES OUT OF NEW CITY BLOCK 12867 AND NEW CITY BLOCK 17992; 8.620-ACRES OUT OF COUNTY BLOCK 5132, ABSTRACT 469; 10.985-ACRES OUT OF COUNTY BLOCK 5128, ABSTRACT 489; 2.622-ACRES OUT OF NEW CITY BLOCK 17978; 3.081-ACRES OUT OF NEW CITY BLOCK 17978; 0.284-ACRES OUT OF NEW CITY BLOCK 17978, COUNTY BLOCK 5098; 3.014-ACRES OUT OF NEW CITY BLOCK 10597; 0.378-ACRES OUT OF NEW CITY BLOCK 10597; 0.937-ACRES OUT OF NEW CITY BLOCK 10597; 0.697-ACRES OUT OF NEW CITY BLOCK 10597; 0.160-ACRES OUT OF NEW CITY BLOCK 10597; 1.663-ACRES OUT OF NEW CITY BLOCK 10598; 0.606-ACRES OUT OF NEW CITY BLOCK 10669, BLOCK 7, LOT 71; 2.739-ACRES OUT OF NEW CITY BLOCK 12203, BLOCK 6, LOT 4; 0.889-ACRES OUT OF NEW CITY BLOCK 12202; 0.258-ACRES OUT OF NEW CITY BLOCK 10576, LOT E; 1.786-ACRES OUT OF NEW CITY BLOCK 10577, LOT E ALL IN BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE AS PART OF THE ASR PROJECT AUTHORIZING THE SYSTEM, ITS EMPLOYEES, AGENTS AND/OR THEIR AUTHORIZED INDEPENDENT NEGOTIATORS TO NEGOTIATE AND EXECUTE ALL SALES AND OTHER AGREEMENTS, EASEMENTS AND OTHER NECESSARY DOCUMENTS WITH THE OWNERS OF CERTAIN PRIVATELY OWNED PROPERTIES DESCRIBED ABOVE AND TO TAKE ALL OTHER LAWFUL ACTIONS NECESSARY OR INCIDENTAL TO SURVEY, SPECIFY, CLARIFY, DEFINE AND ACQUIRE THE PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; FURTHER AUTHORIZING THE SYSTEM AND ITS ATTORNEYS TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, AND PROSECUTE ALL SUCH CONDEMNATION PROCEEDINGS THROUGH CONCLUSION (INCLUDING FINAL JUDGMENT AND ALL NECESSARY APPEALS) FOR THE CONDEMNATION OF THE PERMANENT EASEMENT INTEREST ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; APPROVING, RATIFYING AND DECLARING VALID ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF AND/OR ACTING FOR THE SYSTEM TO ACQUIRE SUCH PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; DECLARING THAT THE CONVEYANCE OF ALL SUCH PERMANENT

EASEMENT INTERESTS IN CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE SHALL BE TO THE CITY OF SAN ANTONIO FOR THE USE AND BENEFIT OF THE SAN ANTONIO WATER SYSTEM; FINDING THE ORDINANCE TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; AND ESTABLISHING AN EFFECTIVE DATE.

\* \* \* \*

AN ORDINANCE 95728

AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,000.00 FROM 1987 GENERAL OBLIGATION DRAINAGE BONDS TO MICHAEL FRAZIER FOR A RELEASE AND RECEIPT FOR DAMAGES IN CONNECTION WITH THE HILIONS DRAINAGE PROJECT #80, PHASES III & V, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 95729

AUTHORIZING PAYMENT IN THE AMOUNT OF \$354.00 TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2001-ED-0033, CITY OF SAN ANTONIO VS. TYRONNE L. CRAIG, SR., ET AL, FOR FEE SIMPLE TITLE TO ONE PARCEL AND PAYMENT IN THE AMOUNT OF \$911.00 FOR COURT COSTS IN CONNECTION WITH THE HOUSTON STREET - WALTERS TO ONSLOW METROPOLITAN PLANNING ORGANIZATION PROJECT IN COUNCIL DISTRICT 2; FOR THE TOTAL SUM OF \$1,265.00; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 95730

ACCEPTING A FIFTEEN (15) FOOT WIDE PERMANENT DRAINAGE EASEMENT DEDICATION FROM GORDON VS. HARTMAN ENTERPRISES, A TEXAS CORPORATION, IN CONNECTION WITH THE ZARS SUBDIVISION UNIT 2 DRAINAGE EASEMENT PROJECT, LOCATED IN COUNCIL DISTRICT 9.

\* \* \* \*

AN ORDINANCE 95731

AUTHORIZING A TEN (10) YEAR LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND TRINITY UNIVERSITY, A TEXAS NON-PROFIT CORPORATION, TO USE PUBLIC RIGHT-OF-WAY TO INSTALL COMMUNICATIONS CONDUIT BENEATH EAST HOLLYWOOD AVENUE BETWEEN NCB'S 6816 AND 6581, FOR THE CONSIDERATION OF \$5,000.00.

\* \* \* \*

AN ORDINANCE 95732

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE TEXAS ASSOCIATION OF CHILD CARE RESOURCE AND REFERRAL AGENCY (TACCRA) IN THE AMOUNT OF \$103,858.00 TO ENHANCE THE OPERATION OF THE CITY OF SAN ANTONIO'S DEPARTMENT OF COMMUNITY INITIATIVES, CHILDREN'S RESOURCES DIVISION, KID CARE RESOURCE AND REFERRAL SECTION FOR THE PERIOD OF JANUARY 1, 2002 THROUGH DECEMBER 31, 2002; AUTHORIZING THE EXECUTION OF A CONTRACT IN CONNECTION THEREWITH; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

\* \* \* \*

AN ORDINANCE 95733

AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD TOTALING \$7,484.00 IN CASH ASSISTANCE FROM THE TEXAS DEPARTMENT OF HEALTH TO AUGMENT THE ONGOING HIV SURVEILLANCE PROJECT PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; AUTHORIZING EXECUTION OF THE CONTRACT CHANGE WITH TEXAS DEPARTMENT OF HEALTH; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 2002/2003-FEDERAL PASSED AND APPROVED ON AUGUST 9, 2001; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

\* \* \* \*

AN ORDINANCE 95734

AMENDING ORDINANCE NO. 95021, PASSED AND APPROVED ON DECEMBER 13, 2001, WHICH SUBMITTED A \$99,699.00 GRANT TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A ONE-YEAR CONTINUATION OF THE CRISIS ASSISTANCE TEAM ADMINISTRATION PROGRAM, BY INCLUDING NEW LANGUAGE IN THE ORDINANCE AS REQUIRED BY THE TEXAS ADMINISTRATIVE CODE, SUBCHAPTER D, SECTION 3.2021. (AMENDS ORDINANCE NO. 95021, DECEMBER 13, 2001.)

\* \* \* \*

AN ORDINANCE 95735

RATIFYING SERVICES PREVIOUSLY RENDERED, ACCEPTING A PROPOSAL AND AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY MANAGEMENT FUNDED HIGH TECHNOLOGY PROCUREMENT CONTRACT IN THE AMOUNT OF \$250,000.00 WITH SYNCLINE, INC. IN CONNECTION WITH BUILDING AN ON-LINE WEB-BASED RIGHT-OF-WAY PERMITTING APPLICATION.

\* \* \* \*

AN ORDINANCE 95736

RATIFYING THE SUBMISSION OF A GRANT APPLICATION BY THE CITY OF SAN ANTONIO FIRE DEPARTMENT TO THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A GRANT IN THE AMOUNT OF \$259,378.28 UNDER THE SPECIAL VOLUNTEER PROGRAM TO SUPPORT HOMELAND SECURITY.

— — —  
**2002-19 ZONING CASES-CITIZEN COMMENTS**

Mr. Faris Hodge, Jr., 140 Dora, spoke to the various zoning cases, and his views pro and con.

Ms. Julie Iris Oldham, P.O. Box 40263, spoke to the various zoning cases and her views pro and con.

2002-19      ZONING CASES

4A.)                      CASE NUMBER #Z2002062 - The request of Miguel A. Polanco & Irma De Hoyos, Applicant, for Miguel A. Polanco & Irma De Hoyos, Owner(s), for a change in zoning from "MF-33" Multiple Family Residential District to "C-1" Commercial District on Lot 4, Block 8, NCB 1730, 219 E. Locust St. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse.

AN ORDINANCE 95737

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 4, BLOCK 8, NCB 1730, 219 E. LOCUST ST., FROM "MF-33" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT.

\* \* \* \*

4B.)                      CASE NUMBER #Z2002064 - The request of City of San Antonio - Ann B. McGlone, Historic Preservation Office, Applicant, for Martin & Frederica P. Kushner, Owner(s), for a change in zoning to designate historic significance on Lot 3 and West 5 feet of Lot 4, Block 8, NCB 1745, 405 E. Myrtle. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse.

AN ORDINANCE 95738

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 3 AND WEST 5 FEET OF LOT 4, BLOCK 8, NCB 1745, 405 E. MYRTLE, TO DESIGNATE HISTORIC SIGNIFICANCE.

\* \* \* \*

— \* \* \* \* —

4C.) CASE NUMBER #Z2002052 - The request of Exxon Mobil Corp., Applicant, for Exxon Mobil Corp., Owner(s), for a change in zoning from "C-1" Commercial District to "C-2 C" Commercial District with conditional use for a car wash on Lot 17, Block 4, NCB 12912, 2419 Wayne Dr. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Mr. Sanders made a motion to approve the proposed rezoning. Mr. Garcia seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 95739

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 4, NCB 12912, 2419 WAYNE DR., FROM "C-1" COMMERCIAL DISTRICT TO "C-2 C" COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR A CAR WASH.

\* \* \* \*

4D.) CASE NUMBER #Z2002058 - The request of Earl & Brown, P.C., Applicant, for Kenneth E. & Douglas H. Semlinger, Owner(s), for a change in zoning from "R-5" Residential Single Family District to "C-2" Commercial District on a 1.611 acre tract of land out of Lots 6 & 7, NCB 12887, 2202 Semlinger Rd. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Mr. Sanders made a motion to approve the proposed rezoning. Ms. Moorhouse seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez.

AN ORDINANCE 95740

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 A 1.611 ACRE TRACT OF LAND OUT OF LOTS 6 & 7,

NCB 12887, 2202 SEMLINGER RD., FROM "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

\* \* \* \*

4E.) CASE NUMBER #Z2002061S - The request of John Speegle, Applicant, for Dominion Advisory Group, Owner(s), for a change in zoning from "C-2" Commercial District to "C-2 S" Commercial District with a specific use authorization to operate a bingo parlor on a 0.1240 acre tract of land out of Lots 10 and 12, Block 18, NCB 15046, 6450 Loop 410 NW, Suite 114. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Mr. Castro made a motion to approve the proposed rezoning. Mr. Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez.

AN ORDINANCE 95741

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 0.1240 ACRE TRACT OF LAND OUT OF LOTS 10, 12, BLOCK 18, NCB 15046, 6450 LOOP 410 NW, SUITE 114, FROM "C-2" COMMERCIAL DISTRICT TO "C-2 S" COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION TO OPERATE A BINGO PARLOR.

\* \* \* \*

4F.) CASE NUMBER #Z2002067CS - The request of Earl & Brown, P.C., Applicant, for J Allen Family Partners, Ltd., Owner(s), for a change in zoning from "O-2 ERZD C" Office, Edwards Recharge Zone District with conditional use for a self

service storage facility to "C-2 ERZD C S" Commercial, Edwards Recharge Zone District with conditional use and specific use authorization for a mini-warehouse over 2.5 acres in size on Lots 84 & 85, Block 1, NCB 17620, Blanco Rd. North of Huebner Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval (Council District 9)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Mr. Schubert made a motion to approve the proposed rezoning with deed restrictions as attached to the papers of this meeting. Mr. Carpenter seconded the motion.

The following citizen(s) appeared to speak:

Mr. James Allen spoke of the declaration of restrictions and thanked Mr. Schubert for allowing the negotiation process.

\* \* \* \*

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

#### AN ORDINANCE 95742

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 LOTS 84 & 85, BLOCK 1, NCB 17620, BLANCO RD. NORTH OF HUEBNER ROAD, FROM "O-2 ERZD C" OFFICE, EDWARDS RECHARGE ZONE DISTRICT WITH CONDITIONAL USE FOR A SELF SERVICE STORAGE FACILITY TO "C-2 ERZD C S" COMMERCIAL, EDWARDS RECHARGE ZONE DISTRICT WITH CONDITIONAL USE AND SPECIFIC USE AUTHORIZATION FOR A MINI-WAREHOUSE OVER 2.5 ACRES IN SIZE.

Provided that the following recommendations of the Aquifer Protection & Evaluation Division of the San Antonio Water System are adhered to:

1. The cave and the surrounding areas including the creek channel shall be preserved in their natural condition and remain free of all construction activity, development and alteration.
2. The following shall be submitted to the Resource Protection Division of the San Antonio Water System prior to the release of any building permits:

- A. A Water Pollution Abatement Plan shall be submitted for each particular development/use within the area being considered for re-zoning,
  - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
  - C. A letter from the Texas Natural Resource Conservation Commission approving each Water Pollution Abatement Plan.
  - D. A copy of the approved Water Pollution Abatement Plan.
3. All stormwater run off from this development shall be directed to a stormwater abatement system that shall be approved by the Resource Protection Division of the San Antonio Water System prior to the release of any building permits.
  4. The land uses within the commercial zoned areas shall be in conformance with the table of permitted uses at the time the rezoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for rezoning for that particular use at that site. If the land use is listed as prohibited, that land use will not be permitted on that site.
  5. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. "Preventing Groundwater Pollution, A Practical Guide to Pest Control", available from the Edwards Aquifer Authority (210) 222-2204), or equivalent information produced by recognized authorities such as the Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.
  6. The owner or agent shall provide a copy of the standard lease agreement to the Resource Protection Division of the San Antonio Water System and the Texas Natural Resource Conservation Commission (TNRCC).
  7. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal Law.
  8. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.
  9. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Natural Resource Conservation Commission at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 704-7392.
  10. After the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Resource Protection Division (210) 704-7392 to schedule a site inspection.
  11. All water pollution abatement structures shall be properly maintained and kept free of trash and debris.
  12. If the water pollution abatement structure fails to drain properly, the owner shall notify the Resource Protection and Compliance Department at (210) 704-7392.

13. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after the construction project.

SECTION 2: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 – 491.

SECTION 3: The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 4: This ordinance is not severable.

\* \* \* \*

— \* \* \* —

4G.) CASE NUMBER #Z2002063 - The request of Kime Wise, Applicant, for M. Landsman, Owner(s), for a change in zoning from "C-2" Commercial District and " I-1" General Industrial District to "C-3" Commercial District on 22.805 acre tract of land out of NCB 8696 and 0.9446 acre tract of land out of NCB 14747, 1384, 1426, 1436, & 1450 Austin Hwy. Staff's recommendation was for denial.

Zoning Commission has recommended approval of "C-3". (Council District 10)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Mr. Carpenter made a motion for approval of C-3, noting that he was working with Legal staff to allow some flexibility in terms of the plan. Ms. Moorhouse seconded the motion.

The following citizen(s) appeared to speak:

Mr. John Davis, spoke of the time citizens had expended on the plan, noting that staff had recommended denial.

\* \* \* \*

Mayor Garza asked City Attorney Andrew Martin, if there would be any negative implications to the Neighborhood Plan and the process that the City had approved.

Mr. Martin acknowledged there would be no adverse impact.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **ABSTAIN:** Perez. **NAYS:** None. **ABSENT:** Garcia.

AN ORDINANCE 95743

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 22.805 ACRE TRACT OF LAND OUT OF NCB 8696 AND 0.9446 ACRE TRACT OF LAND OUT OF NCB 14747, 1384, 1426, 1436, & 1450 AUSTIN HWY, FROM "C-2" COMMERCIAL DISTRICT AND " I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" COMMERCIAL DISTRICT.

\* \* \* \*

2002-19      INDIVIDUAL ITEMS- CITIZEN COMMENTS

Mr. Jack M. Finger, P.O. Box 12048, spoke to Item 28 regarding the funding of the various arts agencies.

2002-19      City Clerk Norma Rodriguez read a proposed ordinance to appoint one member to the Citizen Advisory Action Board, and explained the need to have a new appointee added to the Board. She presented the nominations brought forward to the City Council. The following nominations were made:

[Nominees: James Devlin, Patrick Sandoval, Laura Zuniga, Lawrence S. Schoenfield And Charles Snell]

Ms. Moorhouse nominated Ms. Laura Zuniga; Mr. Sanders nominated Charles Snell; and Mr. Schubert nominated James Devlin. However, Mr. Snell received the majority of the votes.

Mr. Perez then moved to approve the Ordinance with Mr. Charles Snell as the appointee. Ms. Moorhouse the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 95744

APPOINTING CHARLES SNELL TO THE CITIZENS ADVISORY ACTION BOARD FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 28, 2004.

— — —  
2002-19 The Clerk read a proposed ordinance authorizing the negotiation and execution of twenty-six (26) discretionary contracts in connection with the Arts in the Community Program for community based art projects in a total amount of \$222,800.00; and providing for payment.

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

Mr. Felix Padron, Director of Cultural Affairs, narrated a slide presentation on the arts in the community program, a copy of which presentation is on file with the papers of this meeting. He outlined the program history, the current funding round, and delineated the funding recommendations for each of the Council Districts.

Mayor Garza thanked City staff for the work on this initiative, and the creative way to leveraging dollars to the various projects. He noted this was a comprehensive listing of projects that were wide range, from youth programs to community revitalization, adding that cities were more aggressive in quality of life issues while still including the arts.

Mr. Garcia congratulated City staff for their efforts on this project. He further recommended that staff look closely at the purpose and resources for the projects, noting that the resources were limited per district. He then made a motion to amend the Ordinance by changing fund allocations of the following: Our Lady of the Lake University (OLLU) to \$6,000, the Esperanza Center to \$5,000, the Arts San Antonio to \$14,000 (\$1,000 out of District 5 Human Development Fund), and the San Antonio Cultural Arts to 0. Mr. Sanders seconded the motion.

The following citizen(s) appeared to speak:

Mr. Manuel Castillo, Executive Director of San Antonio Cultural Arts, spoke of the services provided for youth through their program, citing the murals being painted

throughout various City locations, and urged the City Council to reconsider funding their organization.

Ms. Graciela Sanchez, Esperanza Peace and Justice Center, spoke of the richness of the community on the west side, the culture and tradition of its people, noting there was an art renaissance in San Antonio. She spoke of the history of the arts and services provided by the Esperanza Peace, the process of the arts funding, and urged the City Council to consider funding their organization.

Ms. Virginia Grice, spoke of the importance of the arts program in San Antonio and the commitment of City Council to support the arts program, citing the diversity in the City and how the cultural arts program were important to maintain the vitality in the community.

\* \* \* \*

Mr. Barrera then made a second amendment to fund the following agencies: Opera Guild (Opera in the Schools Program) by \$12,000 from the Alamo Children Advocacy Center, and to withhold the balance until he received the report on the number of children being served in District 6. Mr. Martin seconded the motion.

In response to Mr. Castro, Mr. Padron explained the funding allocation process, noting the application submission, staff reviewing of criteria, and the panel composed of Council district representatives. He added that site visits to the various organizations were made to obtain additional information and review further each application prior to the scoring.

Mr. Castro then reiterated on the process involved with community input and staff input, noting that it was a valid process, noting that he would support staff's recommendation.

The amendment to the motion as presented by Councilman Barrera was approved by the following roll call vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

The motion as amended, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter. **NAYS:** Perez, Castro, Garza. **ABSENT:** Conner.

After consideration, the main motion, as amended, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

The Clerk then read the following Ordinance:

AN ORDINANCE 95745

AUTHORIZING THE NEGOTIATION AND EXECUTION OF TWENTY-SIX (26) DISCRETIONARY CONTRACTS IN CONNECTION WITH THE ARTS IN THE COMMUNITY PROGRAM FOR COMMUNITY BASED ART PROJECTS IN A TOTAL AMOUNT OF \$222,800.00; AND PROVIDING FOR PAYMENT.

— — —  
2002-19 The Clerk read the following Ordinance:

AN ORDINANCE 95746

AUTHORIZING AN INCREASE IN WRECKER SERVICE TOWING RATES, AS PER THE SAN ANTONIO WRECKER SERVICE CONTRACT, SECTION X, SUBSECTION 10.10.1 AND 10.10.2 "REVIEW OF RATES." (AMENDS ORDINANCE NO. 77716, APRIL 1, 1993.)

\* \* \* \*

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

Police Chief Albert Ortiz, narrated a slide presentation on the proposed increase in wrecker service towing rates, a copy of which presentation is on file with the papers of this meeting. He outlined statistical data on the contract tows from May 1996 through April 2001, comparison of current rates to proposed ones, and the rate comparison to other Texas cities.

(At this point, Mayor Garza was obliged to leave the meeting. Mayor Pro-Tem Moorhouse presided.)

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Barrera, Garza.

2002-19 The Clerk read a proposed ordinance authorizing an amendment of Chapter 19 of the new City Code, Article XI, Sections 19-38 through Section 19-406, providing or the provisions of Private Property Non-Consent Towing Services; removing the requirements for the licensing and insurance of tow services; providing for the inspection of tow vehicles for compliance with uniform vehicle and equipment safety standards established by the State; increasing the maximum fee schedule; and providing for the inspection of tow service companies and vehicle storage records and facilities for compliance with State law.

Mr. Martin made a motion to approve the proposed ordinance. Mr. Castro seconded the motion.

Police Chief Albert Ortiz, narrated a slide presentation on the proposed ordinance amending Chapter 19 regarding private property non-consent towing services, a copy of which presentation is on file with the papers of this meeting. He delineated the background, current and proposed ordinance and rate comparison.

The following citizen(s) appeared to speak:

Mr. Carlton Spears urged the City Council to table this item, as there were items on the proposed ordinance that needed to be addressed with the Police Department. He noted that there might be some problems with the regulation of signs, and that there were state laws that were changed that would conflict with the proposed ordinance.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the process, and stated citizens should still pay the fees imposed. He added that the handicapped parking was also a problem, and urged the Council to reschedule this item.

In response to Mr. Perez, Mr. Spears stated that with the deregulation of the industry, there were questions with regard to issuing tickets, noting that the signs were very important. He added that the City ordinance would differ from state law.

Ms. Debbie Kahn, Assistant City Attorney in the Litigation Section of City Attorney's Office, explained a case presently being review by the Supreme Court, and that resolution should be in place by the end of June. In response to Mr. Garcia, she stated the proposed ordinance adopts most of the state's requirements, basically following the state law. She noted that the City would not violate federal law.

Mr. John DeLourde, property manager, spoke to the issue of "dropping" the vehicle, noting the distance traveled to get to the vehicle. He expressed concern on the lack of input by the affected industry.

Mr. Schubert made a motion to table the item for two weeks to discuss the issue with the industry personnel, Police Department and Legal Department. Mr. Sanders seconded the motion.

The substitute motion to postpone this item, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garza, Perez.

The main motion as substituted, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garza.

— — —  
2002-19 The Clerk read the following Ordinance:

AN ORDINANCE 95747

AUTHORIZING THE CREATION OF A SPECIAL REVENUE FUND AND AMENDING SEVERAL DEPARTMENTAL BUDGETS TO CONSOLIDATE ALL BROOKS-RELATED FUNDS FOR EFFICIENT INTERNAL CONTROL AND MONITORING.

\* \* \* \*

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

Mr. Tom Rumora, Director of Brooks City Base, narrated a slide presentation on the creation of a special revenue fund, and the appropriation of funds for the marketing and strategic planning of the Brooks City-Base project, a copy of which presentation is on file with the papers of this meeting. He outlined the purpose, background, policy analysis and financial impact. He further expounded on the proposed ordinance for Item 32 regarding expenditure for the marketing efforts outlining the scope of work and financial impact, and presented an update on the conveyance of utility systems to CPS and SAWS

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Conner, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Castro, Schubert, Garza.

2002-19 The Clerk read the following Ordinance:

AN ORDINANCE 95748

AUTHORIZING PAYMENT OF THE COUNCIL APPROPRIATED AMOUNT OF \$200,000.00 TO THE BROOKS DEVELOPMENT AUTHORITY (BDA) FOR THE PURPOSE OF STRATEGIC PLANNING AND MARKETING EFFORTS OF THE BROOKS CITY-BASE PROJECT.

\* \* \* \*

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Conner, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Schubert, Garza.

— — — — —  
2002-19 The Clerk read the following Ordinance:

AN ORDINANCE 95749

RATIFYING THE SUBMISSION OF A PROPOSAL AND AUTHORIZING THE ACCEPTANCE OF A MULTI-YEAR GRANT IN THE AMOUNT OF \$4,915,498.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) UNDER THE 2001 CONTINUUM OF CARE HOMELESS ASSISTANCE SUPPORTIVE HOUSING PROGRAM; AUTHORIZING THE EXECUTION OF CONTRACTS BETWEEN THE CITY OF SAN ANTONIO AND THE FOLLOWING DELEGATE AGENCIES IN THE AMOUNTS LISTED: SAN ANTONIO URBAN MINISTRIES, \$1,175,434.; AUTISTIC TREATMENT CENTER, \$9,516.00; SALVATION ARMY-HOPE CENTER, \$826,749.00; AMERICAN GI FORUM, \$58,859.00; SETON HOME, \$44,101.00; VISITATION HOUSE MINISTRIES, \$58,197.00; SALVATION ARMY SCATTERED SITE PROGRAM, \$632,711.00; SAN ANTONIO AIDS FOUNDATION, \$168,637.00; HOUSE OF HOPE, \$52,012.00; GIRLSTOWN AND BOYSTOWN, \$561,329.00; FAMILY VIOLENCE PREVENTION SERVICES, \$192,119.00; SALVATION ARMY NEW START, \$269,356.00; AUTHORIZING THE APPROPRIATION OF \$731,161.00 TO THE DEPARTMENT OF COMMUNITY INITIATIVES, COMMUNITY ACTION DIVISION, FOR

OPERATION OF THE DWYER AVENUE CENTER AND \$135,317.00 FOR ADMINISTRATIVE COSTS; APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

\* \* \* \*

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation on the Community Action Division, Supportive Housing Program, a copy of which is on file with the papers of this meeting. He outlined the purpose, background, noting the categories for funding that local non-profit agencies can apply for. He further expounded on the continuum of care, which includes San Antonio and Bexar County area, funding history, the renewal projects of the various delegate agencies, and accountability measures.

(Mayor Garza returned to the meeting and presided.)

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse.

— — —  
2002-19 The Clerk read the following Ordinance:

AN ORDINANCE 95750

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, PAYABLE TO SOLAR SAN ANTONIO, TO BE USED TO OFFSET EXPENSES FOR SOLAR FEST, A CITY-WIDE EVENT INTENDED TO EDUCATE THE CITIZENS OF SAN ANTONIO ABOUT RENEWABLE AND SUSTAINABLE APPLICATIONS FOR ENERGY, TO BE HELD ON SATURDAY, JUNE 8, 2002, AT MAVERICK PARK; AS REQUESTED BY COUNCILMAN BOBBY PEREZ.

\* \* \* \*

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse.

— — —  
2002-19 The Clerk read the following Ordinance:

AN ORDINANCE 95751

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF \$250.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, PAYABLE TO CHARLES A. ARNOLD ELEMENTARY PTA, TO BE USED TO OFFSET TRAVEL EXPENSES FOR 5<sup>TH</sup> GRADE STUDENTS FROM THE SCHOOL WHO WILL TOUR THE CAPITOL IN AUSTIN ON FRIDAY, MAY 10, 2002; AS REQUESTED BY COUNCILMAN BOBBY PEREZ.

\* \* \* \*

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse.

— — —  
2002-19 The Clerk read the following Ordinance:

AN ORDINANCE 95752

AUTHORIZING THE TRANSFER OF \$2,661.00 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND TO THE DISTRICT 3 ADMINISTRATIVE BUDGET; AS REQUESTED BY COUNCILWOMAN ANTONIETTE MOORHOUSE.

\* \* \* \*

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse.

— — —  
2002-19 The Clerk read the following Ordinance:

AN ORDINANCE 95753

AUTHORIZING THE EXPENDITURE OF \$325.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE HIDDEN COVE/INDIAN CREEK NEIGHBORHOOD ASSOCIATION TO HELP DEFRAY THE COST OF UNIFORMS FOR FIVE ELEMENTARY SCHOOLS THAT PARTICIPATED IN THE REGION 20 SPECIAL OLYMPIC TOURNAMENT THAT WAS HELD ON MAY 4, 2002; AS REQUESTED BY COUNCILMAN ENRIQUE "KIKE" MARTIN.

\* \* \* \*

Mr. Garcia made a motion to approve the proposed Ordinance. Mr. Martin seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez.

— — —  
2002-19 CITY MANAGER'S REPORT

City Manager Terry Brechtel, stated that Mr. Gary Moeller, Director of Information Technology Services Department, would be presenting a report on the email upgrade.

Mr. Moeller outlined the goals for migration in order to ensure business continuity of messaging, cited the previous email environment in comparison to the new one, and the project timeline.



FIESTA FINALE EVENT THAT WAS HELD ON APRIL 28, 2002; AS REQUESTED BY COUNCILMAN JULIAN CASTRO.

\* \* \* \*

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Garcia, Castro, Conner.

— — —  
2002-19 There being no further business to come before the City Council, the meeting was adjourned at 6:55 P.M.

A P P R O V E D



EDWARD D. GARZA  
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AAE  
City Clerk