

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, AUGUST 22, 2002.

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2002-31 The City Council convened in an informal “B” Session at 9:00 A.M., Municipal Plaza Building “B” Room, to consider the following items(s):

A.) **Budget Work Session.** (Presented by Lou Lendman, Director of Management and Budget.)

- Revenues – Office of Management and Budget) – all funds
- Employee Benefits and Employee Compensation (Human Resources)

The Council members present were: AYES: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: Martin, Barrera.

The “B” Session adjourned at 11:50 P.M.

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2002-31 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: AYES: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

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2002-31 Invocation by Rev. Ilene Dunn, Madison Square Presbyterian Church.

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2002-31 Pledge of Allegiance to the flag of the United States.

2002-31 PRESENTATION OF ALCALDE TO JERRY JONES, OWNER OF THE DALLAS COWBOYS.

Mayor Garza spoke of the unique opportunity this year to have San Antonio as the home of the training camp for the Dallas Cowboys, "America's Team". He then read an Alcalde certificate and presented it to Jerry Jones, owner of the Dallas Cowboys.

Mr. Jones spoke of the history of the Dallas Cowboys, and of the City of San Antonio's warm welcome. He further recognized the great fans, the official leadership of San Antonio, and the arduous training of the team for the past four weeks, which in essence placed them closer to their fans. He added that over 200,000 fans attended the various activities at the Alamodome, such as the practices, pep rallies, and many other special events where fans had an opportunity to celebrate the team's presence and also show their support. He spoke of the goal for the Dallas Cowboys, noting that he would like the Cowboys to be a good asset to San Antonio and to see the long-term value. He also added that he embarked on a plan to have the players become more involved, which in turn would help to promote and market the team. He stated that local leaders needed to deal with practical aspects, and to look for a plan to have the Cowboys in San Antonio's near future. He extended his appreciation for the recognition and presentation, and presented an autographed Dallas Cowboy football helmet to Mayor Garza making him an honorary coach of the day for the Dallas Cowboys.

Members of the City Council, extended their appreciation to Jerry Jones, and spoke of the work it took to bring this unique opportunity to San Antonio, recognizing the tremendous amount of support from the community for the Dallas Cowboys.

2002-31 PRESENTATION OF PROCLAMATION FOR DINOSAURUS TEX DAYS.

Mayor Garza spoke of the unique exhibit featuring life-size dinosaurs at the 33-acre San Antonio Botanical Gardens and read a Proclamation in recognition of Dinosaurus Tex Days, presenting it to Ms. Claire Alexander, President of the San Antonio Botanical Garden.

Ms. Alexander, described the ten life-size dinosaurs to be placed at the botanicals gardens, outlining the story of how these creatures relate to plant life. She spoke of the exhibit, and invited members of the community and City Council to visit the exhibit. She

stated that the exhibit would be in San Antonio for three months. She also commended Mr. Malcolm Matthews and the staff for the tremendous support in helping to bring this exhibit to the gardens, which would increase awareness in the community of the Botanical Gardens. She then presented gifts to the City Council, and thanked the Council for their support.

Members of the City Council congratulated Ms. Alexander and all individuals involved with this project, for the enjoyment of the young children in the community; and further commended the private/public partnership to raise the monies to sponsor this project.

2002-31 PRESENTATION OF PROCLAMATION FOR LITERACY AWARENESS MONTH.

Mayor Garza spoke of the efforts to continue combating adult literacy in San Antonio, and read a Proclamation in honor of Literacy Awareness Month, presenting it to Dr. Benny J. Wilson, Chair of the San Antonio Commission on Literacy.

Dr. Wilson thanked the City Council for the longstanding support for literacy programs in San Antonio. He particularly recognized the City staff for their dedicated work in the community, the hard work of Mr. Dennis Campa, and Mr. Roy Kaiser, and also thanked the Mayor for his participation in the Literacy Walk/Run. He presented members of the City Council with Literacy Awareness campaign memorabilia, and invited members of the City Council to participate in the August 31 event.

Members of the City Council recognized Mr. Dennis Campa and the staff for their tremendous work to help eradicate the illiteracy problem in the community, and for the numerous literacy programs sponsored by the City.

2002-31 PRESENTATION OF PROCLAMATION FOR DOUG SAHM DAY.

Mayor Garza spoke of Mr. Doug Sahn's contribution to the music industry, noting his outstanding musical talent. He then read a Proclamation for Doug Sahn Day and presented to Mr. Lucky Tomblin.

Mr. Tomblin spoke of the musical talents of Doug Sahn, noting that he was a great friend to him. He invited members of the City Council to attend the October 13th event where a

baseball game would be held as well as a concert to honor the memory and celebrate the musical legacy of Mr. Sahn. He stated that proceeds from the event would be donated to charitable organizations. He thanked members of the City Council and invited them to attend the function on October 13, 2002.

Members of the City Council thanked Mr. Tomblin for the opportunity to recognize the musical contribution of Mr. Doug Sahn.

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2002-31 CONSENT AGENDA – CITIZENS COMMENTS

Mr. Faris Hodge, Jr., 140 Dora, spoke to various items on the agenda, and cited certain expenditures that should not be approved at this time due to the budget constraints.

Mr. Jack M. Finger, P.O. Box 12048, spoke to various items on the agenda, citing campaign contributions received by certain members of the Council.

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2002-31 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 6 through 24D, constituting the Consent Agenda, except for Item 10, which was pulled for individual consideration. Councilwoman Conner seconded the motion.

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

AN ORDINANCE 96214

ACCEPTING THE LOW BID SUBMITTED BY MLP VENTURES, INC. TO PROVIDE THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH CONCRETE WORK AT THE BAMBERGER NATURE PARK FOR A TOTAL SUM OF \$29,484.00 TO BE FUNDED BY A GRANT FROM THE TEXAS PARKS & WILDLIFE DEPARTMENT.

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AN ORDINANCE 96215

ACCEPTING THE LOW BID SUBMITTED BY COOPER EQUIPMENT CO. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH ONE ASPHALT DISTRIBUTOR FOR A TOTAL OF \$34,557.00.

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AN ORDINANCE 96216

ACCEPTING THE OFFER SUBMITTED BY TRC COMPUTER SERVICES, INC. (MBE), A QUALIFIED INFORMATION SYSTEMS VENDOR, TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH TWENTY (20) FORMS PRINTERS FOR A TOTAL SUM OF \$57,133.00.

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AN ORDINANCE 96217

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH EQUIPMENT PARTS AND SERVICE, DRY CONCRETE, FILM, PEST CONTROL SERVICE, TRAFFIC LIGHT ASSEMBLIES, AUTOMOTIVE & LIGHT TRUCK REPAIR, AND ASPHALT PAVING MATERIALS ON AN ANNUAL CONTRACT BASIS FOR FY2002-2003 FOR A TOTAL SUM OF APPROXIMATELY \$6,321,724.00. (COPIES OF BID PACKETS ARE AVAILABLE FOR REVIEW IN THE PURCHASING DEPARTMENT AND A LIST OF SUCCESSFUL BIDDERS ARE AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE)

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AN ORDINANCE 96218

ACCEPTING THE LOW BID SUBMITTED BY 3TI, INC. TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE OLMOS BASIN PARK REHABILITATION AND TRAIL SYSTEM DEVELOPMENT CONSTRUCTION PROJECT IN CITY COUNCIL DISTRICT 9 WITH A BASE BID OF \$217,000.00 WITH BID ALTERNATES 1, 2 AND 3 FOR A TOTAL CONTRACT COST OF

\$222,179.00; APPROPRIATING \$272,179.00 IN 1999 PARK BOND FUNDS; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; ALLOCATING \$50,000.00 TO THE CONSTRUCTION CONTINGENCY AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96219

ACCEPTING THE LOW, QUALIFIED BID IN THE AMOUNT OF \$1,283,888.23 OF SAN ANTONIO CONSTRUCTORS, LTD. (MBE) IN CONNECTION WITH THE FLORES/BREEDEN/BEACON DRAINAGE OUTFALL PHASE II & EL MONTE FROM FLORES TO SAN PEDRO PROJECT, LOCATED IN COUNCIL DISTRICT 1; UTILIZING 1999 G.O. DRAINAGE IMPROVEMENT BOND; AUTHORIZING \$91,974.22 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING AN ADDITIONAL \$24,900.00 PAYABLE TO HOYT CONSULTING ENGINEERS, INC. FOR ENGINEERING EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96220

APPROVING FIELD ALTERATION NO. 4-FINAL WITH TEXAS STERLING CONSTRUCTION, INC. IN THE DECREASED AMOUNT OF \$27,307.37 IN CONNECTION WITH THE DUVAL STREET FROM PIERCE TO WALTERS PROJECT, LOCATED IN COUNCIL DISTRICT 2. (AMENDS ORDINANCE NO. 91796, MAY 18, 2000.)

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AN ORDINANCE 96221

AMENDING A PROFESSIONAL SERVICES CONTRACT WITH PAPE-DAWSON ENGINEERS, INC. AND AUTHORIZING ADDITIONAL FUNDS IN AMOUNT NOT TO EXCEED \$332,615.00 FROM 2000 CERTIFICATES OF OBLIGATION FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE CALLAGHAN FROM BANDERA TO INGRAM METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICT 7;

AUTHORIZING \$33,262.00 FOR ENGINEERING CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 85906, APRIL 17, 1997.)

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AN ORDINANCE 96222

AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,605.00 TO ECKMANN, GROLL & RUNYAN, INC., FOR APPRAISAL SERVICES IN CONNECTION WITH THE ASHLEY ROAD – BASCUM BLVD. TO SOUTH FLORES PROJECT (\$455.00), HI-LIONS DRAINAGE PROJECT #80, PHASES III & V (\$650.00), AND THE FIRE STATION NO. 47 PROJECT (\$1,500.00); APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96223

AUTHORIZING PAYMENT IN THE AMOUNT OF \$7,100.00 TO DUGGER, CANADAY, GRAFE, INC. FOR EXPERT TESTIMONY AND APPRAISAL SERVICES IN CONNECTION WITH THE CULEBRA DRAINAGE #58F PROJECT (\$1,125.00), HILDEBRAND – I.H. 10 TO BREEDEN METROPOLITAN PLANNING ORGANIZATION PROJECT (\$1,650.00), SOUTHCROSS BOULEVARD – NEW BRAUNFELS TO PRESA METROPOLITAN PLANNING ORGANIZATION PROJECT (\$350.00), AND THE THOUSAND OAKS INTERSECTIONS METROPOLITAN PLANNING ORGANIZATION PROJECT (\$3,975.00); REVISING THE PROJECT BUDGETS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96224

AUTHORIZING PAYMENT IN THE AMOUNT OF \$72.00 TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES IN CONNECTION WITH THE SOUTHCROSS SIDEWALKS – ZARZAMORA TO SHELBY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL

DISTRICT 4; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS;
AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96225

AUTHORIZING PAYMENT IN THE AMOUNT OF \$444.20 FROM TO LAWYERS
TITLE OF SAN ANTONIO FOR TITLE CHARGES IN CONNECTION WITH THE
HI-LIONS DRAINAGE PROJECT #80, PHASES III & V; APPROPRIATING FUNDS
AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96226

AUTHORIZING THE RELEASE OF TWO (2) DRAINAGE EASEMENTS LOCATED
BETWEEN N. FLORES STREET AND SAN PEDRO CREEK AND W. LAUREL
STREET AND THE VIA METROPOLITAN TRANSIT PROPERTY, AS
REQUESTED BY THE PETITIONER, VIA METROPOLITAN TRANSIT, FOR THE
CONSIDERATION OF \$6,395.00.

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AN ORDINANCE 96227

AUTHORIZING A LICENSE AGREEMENT BETWEEN THE CITY OF SAN
ANTONIO AND JAMES D. CALDER TO USE PUBLIC RIGHT OF WAY OVER A
PORTION OF PEBBLE PIER FOR THE MAINTENANCE, OPERATION AND
LANDSCAPING OF AN EXISTING RAILROAD TIE BARRIER AT HIS ADJACENT
PROPERTY LOCATED AT 15426 PEBBLE GATE IN NCB 17465, FOR A TEN (10)
YEAR TERM, FOR THE CONSIDERATION OF \$2,500.00.

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AN ORDINANCE 96228

AUTHORIZING THE ACCEPTANCE OF ADDITIONAL FUNDS IN THE TOTAL
AMOUNT OF \$1,546,132.00 FROM ALAMO WORKFORCE DEVELOPMENT INC.

(AWD) FOR THE PROVISION OF CHILD CARE SERVICES IN CONNECTION WITH THE CONTINUED OPERATION OF THE ALAMO CHILD CARE DELIVERY SYSTEM (CCDS) PROGRAM; ACKNOWLEDGING UNILATERAL MODIFICATIONS IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION OF CONTRACT MODIFICATIONS WITH THE TEXAS WORKFORCE COMMISSION (TWC) THROUGH ALAMO WORKFORCE DEVELOPMENT, INC. (AWD) WHICH PLEDGES CERTIFICATION OF LOCAL EXPENDITURES IN THE TOTAL AMOUNT OF \$1,860,593.00 TO USE AS MATCHING FUNDS TO GENERATE ADDITIONAL FEDERAL FUNDS IN THE TOTAL AMOUNT OF \$2,810,742.00 IN THE CCDS PROGRAM; AUTHORIZING CERTIFICATION OF SAID EXPENDITURES IN CONNECTION THEREWITH; AUTHORIZING ACCEPTANCE OF SAID ADDITIONAL FUNDS IN THE AMOUNT OF \$2,810,742.00 FOR THE PROVISION OF CHILD CARE SERVICES AND QUALITY INITIATIVES; AND REVISING CCDS PROGRAM BUDGETS FOR FISCAL YEARS 2001 AND 2002 AND A PERSONNEL COMPLEMENT FOR FISCAL YEAR 2002.

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AN ORDINANCE 96229

AUTHORIZING THE ENVIRONMENTAL SERVICES DIRECTOR TO ACCEPT FOUR (4) TEXAS NATURAL RESOURCE CONSERVATION COMMISSION (TNRCC) REGIONAL SOLID WASTE PASS-THROUGH GRANTS, TOTALING \$332,956.00, IMMEDIATELY AVAILABLE FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) FOR FYS 2002 AND 2003; ALONG WITH AUTHORITY TO ACCEPT ANY AMENDED ALLOCATIONS; AND FURTHER AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO SUBMIT FY 2003 GRANT APPLICATIONS FOR REMAINING FY 2003 GRANT OPPORTUNITIES APPROXIMATELY TOTALING \$215,687.00.

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AN ORDINANCE 96230

APPOINTING JOHN BENITO CAVAZOS TO THE CITY COMMISSION ON VETERANS AFFAIRS (MAYOR) FOR A TERM OF OFFICE TO EXPIRE ON JUNE 11, 2004.

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AN ORDINANCE 96231

APPOINTING AL J. NOTZON (DISTRICT 7) AS DIRECTOR/TRUSTEE AND REAPPOINTING ROY RIVERO (DISTRICT 7) AS TRUSTEE TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR TERMS OF OFFICE TO EXPIRE ON MAY 9, 2004 AND MAY 9, 2005, RESPECTIVELY.

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AN ORDINANCE 96232

APPOINTING DEBRA GAIL CARR TO THE COMMISSION FOR CHILDREN AND FAMILIES (DISTRICT 1) FOR A TERM OF OFFICE TO EXPIRE ON JUNE 27, 2004.

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AN ORDINANCE 96233

APPOINTING DEBORAH PEREZ TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE (DISTRICT 10) FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 31, 2003.

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AN ORDINANCE 96234

APPOINTING FIVE (5) INDIVIDUALS TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER TWELVE, CITY OF SAN ANTONIO, TEXAS, COMMONLY REFERRED TO AS THE PLAZA FORTUNA PROJECT, FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 1, 2004. [NOMINEES: ABRAHAM ELLIOTT, LANCE F. ELLIOTT, HARRY HAUSMAN, LAURA HAUSMAN AND ABEL TOVAR]

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AN ORDINANCE 96235

APPOINTING TWO (2) [JULIAN CASTRO, & DELL SANCHEZ] AND REAPPOINTING THREE (3) INDIVIDUALS [CARLOS BALILDO, MARICELA TELL, & CARMEN LIMON] TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER FIVE, CITY OF SAN ANTONIO, TEXAS, COMMONLY REFERRED TO AS THE NEW HORIZONS PROJECT, FOR A TERM OF OFFICE TO EXPIRE SEPTEMBER 1, 2004, AND APPOINTING ONE OF THE INDIVIDUALS CHAIRPERSON FOR A ONE YEAR TERM BEGINNING ON JANUARY 1, 2003. [NOMINEES: CARLOS BALIDO, MARICELA TELLO, COUNCILMAN JULIAN CASTRO (PROPOSED CHAIRPERSON), DELL F. SANCHEZ AND CARMEN P. LIMON]

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AN ORDINANCE 96236

APPOINTING FIVE (5) INDIVIDUALS TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER SIX, CITY OF SAN ANTONIO, TEXAS, COMMONLY REFERRED TO AS THE MISSION DEL LAGO DEVELOPMENT PROJECT, FOR A TERM OF OFFICE TO EXPIRE SEPTEMBER 1, 2004, AND APPOINTING ONE (1) MEMBER OF THE BOARD AS CHAIRPERSON FOR A ONE YEAR TERM EFFECTIVE JANUARY 1, 2003. [JIM MATTOX, LANCE ELLIOTT, JOHN PLEUTHNER, WILL RICHARDSON, & VIRGINIA ROGERS]

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AN ORDINANCE 96237

APPOINTING TWO (2) INDIVIDUALS TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER TEN, CITY OF SAN ANTONIO, TEXAS, COMMONLY REFERRED TO AS THE STABLEWOOD FARMS PROJECT, FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 1, 2004. [NOMINEES: MARCUS MORENO AND JASON V. MORASH]

2002-31 The Clerk read the following Ordinance:

AN ORDINANCE 96238

ACCEPTING LOW BID BY AMSTAR INC. TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE CALDERON BOYS AND GIRLS CLUB/FRANK GARRETT CENTER PROJECT IN CITY COUNCIL DISTRICTS 5 AND 1 IN THE AMOUNT OF \$283,000.00; APPROPRIATING \$246,350.00 IN 1999 PARK BOND GO FUNDS AND \$100,000.00 IN REPROGRAMMED CDBG FUNDS; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; PROVIDING FOR CONSTRUCTION CONTINGENCY OF \$63,350.00; AND PROVIDING FOR PAYMENT.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Perez seconded the motion.

Mr. Malcolm Matthews, Director of Parks and Recreation, explained the proposed Ordinance in connection with the improvements as required by the Americans with Disability Act (ADA) to be performed at the Calderon Boys and Girls Club and the Frank Garret Center, noting these two projects were located in City Council Districts 1 and 5, a copy of which is on file with the papers of this meeting.

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, Garza. **NAYS:** None. **ABSENT:** Carpenter.

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2002-31 ZONING HEARINGS – CITIZEN COMMENTS

Mr. Faris Hodge, Jr., 140 Dora, spoke to the various zoning cases.

2002-31 ZONING HEARINGS

3A.) CASE #Z2001223-2A - The request of City of San Antonio, Applicant, for Borden Park LP, Owner(s), for a change in zoning to designate those properties as part of the River Overlay Districts on Lots 11, 12, 12A, 12B, 12C, 13, 14, NCB 3053, 815, 825, 835, 837, 841 and 875 East Ashby Place. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. Ray Lozano, Land Development Services, explained that the applicant withdrew the request for rezoning.

Councilman Perez made a motion to continue this rezoning case for 30 days. Councilwoman Moorhouse seconded the motion.

After consideration, the motion to continue this case for 30 days, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Castro, Conner, Schubert. **NAYS:** None. **ABSENT:** Barrera, Carpenter, Garza.

Zoning Case #Z2001223-2A was continued for 30 days.

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3B.) CASE NUMBER #Z2002155 - The request of City of San Antonio, Applicant, for Lisa Guerra, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "R-4" Residential Single Family District on Lot 37, NCB 852, 475 - 479 E. Magnolia Ave. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Perez made a motion to approve the proposed Ordinance. Councilman 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, Castro, Conner, Schubert. **NAYS:** None. **ABSENT:** Barrera, Carpenter, Garza.

AN ORDINANCE 96239

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 37, NCB 852, 475 - 479 E. MAGNOLIA AVE., FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT.

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2002-31 **Ordinance No. 96240 is void.**
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3C.) CASE NUMBER #Z2001223-4A - The request of City of San Antonio, Applicant, for Multiple property owners, Owner(s), for a change in zoning to designate those properties along the San Antonio River as River Overlay District 4 on those properties north of Octavia Place, south of Concepcion Creek, and west of the San Antonio River. Staff's recommendation was for approval.

Zoning Commission has recommended approval of Z2001223-4 (RIO-4) with the exclusion of those properties north of Octavia Place, south of Concepcion Creek, and west of the San Antonio River as per exhibit "A" map. (Council District 3)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilwoman Moorhouse stated that after speaking with the President of Thekla Neighborhood Association (N.A.) an agreement had been made on what exceptions were to be made to the proposed zoning and would support the recommendation made by the Thekla N.A., and as recommended by the Zoning Commission.

The following citizen(s) appeared to speak:

Mr. Ruben Espronceda, President of Thekla Neighborhood Association, stated that the association was in agreement to exempt the area north of Octavia Place, south of Concepcion Creek and west of the San Antonio River as noted in Exhibit A, stating that the citizens of the area were against overlay regulations.

Ms. Loretta Huddleston, San Antonio Conservation Society urged the City Council to consider the zoning case as proposed, and expressed concern with the Thekla N.A. not wanting to be included in the overlay.

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Councilwoman Moorhouse made a motion to concur with the Zoning Commission in denial of this zoning case. Councilman Garcia seconded the motion.

After consideration, the motion to deny the rezoning request prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Garcia, Conner, Schubert. **NAYS:** None. **ABSENT:** Martin, Barrera, Castro, Carpenter, Garza.

Zoning Case Z2001223-4A was denied.

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3D.) CASE NUMBER #Z2002112 C S - The request of The Lothry-Nostrum-Pfeifer House, Applicant, for the Lothry-Nostrum-Pfeifer House, Owner(s), for a change in zoning from "R-5" Residential Single Family District to "C-3 NA C S" Commercial Non Alcoholic Sales District with a conditional use for parking of vehicles, recreational vehicles and boats and a specific use authorization for a mini warehouse on 20.30 acres of land on 20.30 acres out of Tract A, NCB 10835, Roland Ave., north of E. Southcross. Staff's recommendation was for approval.

Zoning Commission has recommended approval of "C-2 NA C S". (Council District 3)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case. He further clarified the notification process.

Councilwoman Moorhouse moved for continuance of the case for 30 days in order to resolve some conflicting issues. Councilman Perez seconded the motion.

The following citizen(s) appeared to speak:

Mr. Joe Gomez, stated he owned properties adjacent to the subject area, and expressed concern with the drainage problems that would occur with the development.

Mr. Marvin Klause, spoke in opposition to the zoning change citing drainage problems.

Mr. Charles La Sage, stated he was against the proposed project and commercial development, noting the ingress/egress problems that would occur.

Mr. Jeannie Koehler, expressed concern with the traffic problems.

Ms. Linda Moreno extended her appreciation to the City Council for reconsideration of the case in order to address the problems.

Ms. Nelda Rihn, expressed concern with the health issues in the area that would occur with the proposed development.

Ms. Madeline De La O, extended her appreciation to the City Council for delaying the vote, and submitted a prepared statement, a copy of which is on file with the papers of this meeting.

Mr. Alan Lindskog, representing the owner, explained the proposed use of the property and further noted that the owner was in agreement to protect the surrounding neighbors by providing buffers and any other improvements necessary to address drainage improvements.

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Councilwoman Moorhouse encouraged all the residents to attend the meeting to address all issues and concerns.

After consideration, the motion to continue this case for 30 days, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Castro, Conner, Schubert. **NAYS:** None. **ABSENT:** Barrera, Carpenter, Garza.

Zoning Case #Z2002112CS was continued for 30 days.

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3E.) CASE NUMBER #Z2002120 - The request of Sulieman D. Ismail, Applicant, for Sulieman D. Ismail, Owner(s), for a change in zoning from "C-3 NA" Commercial Non Alcoholic Sales District to "C-3" Commercial District on Lots 1 & 2, Block 1, NCB 11156, 1225 & 1217 E. Chavaneaux. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilwoman Moorhouse made a motion to continue this rezoning case until the City Council meeting of September 26, 2002. Councilman Perez seconded the motion.

After consideration, the motion to continue this case until September 26, 2002, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Castro, Conner, Schubert, Garza. **NAYS:** None. **ABSENT:** Barrera, Carpenter.

Zoning Case #Z2002120 was continued to the Council meeting of September 26, 2002.

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3F.) CASE NUMBER #Z2002141 - The request of Mary C. Lopez c/o Domingo Villafranca, Applicant, for Mary C. Lope c/o Domingo Villafranca, Owner(s), for a change in zoning from "C-2" Commercial District to "C-3" Commercial District on Lot 142, Block 1, NCB 11252, 3222/3226 Southwest Military Drive & 7119 Somerset Road. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Martin made a motion to continue this rezoning case until the City Council meeting of September 26, 2002. Councilman Garcia seconded the motion.

The following citizen(s) appeared to speak:

Mr. Andy Guerrero, expressed concern with the timeframe involved.

Mr. Joseph Chicheoski, spoke in support of the proposed change.

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After consideration, the motion to continue this case until September 26, 2002, prevailed by the following vote: **AYES:** Perez, Martin, Garcia, Barrera, Castro, Conner, Schubert, Garza. **NAYS:** None. **ABSENT:** Sanders, Moorhouse, Carpenter.

Zoning Case #Z2002141 was continued to the Council meeting of September 26, 2002.

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2002-31 At this time, reference was made to Case Number 3C.

At this point, Councilwoman Moorhouse stated she wanted to clarify the issues with regard to Zoning Case 3C, and reiterated she would approve the recommendation of the Zoning Commission which would exclude the properties north of Octavia Place, south of Concepcion Creek and west of the San Antonio River.

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2002-31 INDIVIDUAL ITEMS – CITIZEN COMMENTS

Mr. Jack M. Finger, P.O. Box 12048, spoke to various items on the agenda, citing campaign contributions made to City Council.

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2002-31 The Clerk read the following Ordinance:

AN ORDINANCE 96241

SETTING A PROPOSED AD VALOREM TAX RATE FOR FY 2003 AT 57.854 CENTS PER \$100 OF TAXABLE VALUATION WHICH IS THE TAX RATE RECOMMENDED IN THE CITY MANAGER'S PROPOSED BUDGET, WHICH INCLUDES 36.204 CENTS PER \$100 OF TAXABLE VALUATION FOR MAINTENANCE AND OPERATIONS AND 21.650 CENTS PER \$100 OF TAXABLE VALUATION FOR DEBT SERVICE.

* * * *

Councilman Perez made a motion to approve the proposed Ordinance. Councilwoman Moorhouse seconded the motion.

Mr. Lou Lendman, Director of Management and Budget, narrated a slide presentation on the proposed property tax rate, a copy of which presentation is on file with the papers of this meeting. He outlined the various revenues and expenditures, property tax revenue, noting the projection for 2003 as \$143.8 million. He delineated the taxable values, tax rate comparison, the proposed tax rate, rollback, effective and proposed tax rates and schedule for the tax rate consideration.

In response to Councilman Perez regarding a tax increase, Mr. Lendman stated the increase of two cents per \$100, would mean average City tax bill is \$511, noting that this action does not increase the tax, only sets the tax rate.

Councilman Perez added that with respect to the budget situation his preference would be to continue dialogue to look further at property tax base, and to keep an open mind to discuss increasing the property tax. He further expressed concern with terminating employees and cutting back on trash collection service.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, expressed concern on the possibility of increasing the tax rate, inquired on the amount in reserve. He also spoke of the need for trash collection, and his admonition for laying off City employees.

* * * *

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

— — —
(Mayor Garza was obliged to leave the meeting. Mayor-Pro Tem Carpenter presided)
— — —

2002-31 The Clerk read the following Ordinance:

AN ORDINANCE 96242

AMENDING CHAPTER 19 OF THE CITY CODE, ARTICLE XI, SECTIONS 19-386 THROUGH SECTION 19-406, PROVIDING FOR THE PROVISIONS OF PRIVATE PROPERTY NON-CONSENT TOWING SERVICES, BY 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.

* * * *

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

Police Chief Albert Ortiz, narrated a slide presentation on the private property non-consent towing Ordinance, a copy of which presentation is on file with the papers of this meeting. He outlined the details on the non-consent tows, background on the previous towing ordinances, the stakeholders, comparison of current and proposed ordinances, and fees and rate comparison.

(Mayor Garza returned to the meeting and presided.)

The following citizen(s) appeared to speak:

Mr. John DeLoach, Bexar Towing, expressed concern on the proposed change, highlighting on the restriction to 5,000 per year, further noting the number of tows allowed per year, and that he would be unable to maintain a storage facility. He presented views of the facilities, stating this was his livelihood, noting he had worked all his life. He expressed concerned with the proposed fee, tow, storage, certified mail and then the possibility of getting stuck with the vehicles, adding that the fee could not cover the costs to tow away some of the vehicles, even \$120 would be difficult.

Mr. Carleton Spears, Bexar Towing, expressed concerned with burdens placed on businesses.

* * * *

Councilman Garcia, asked Mr. DeLoach, understand issue of the contract, at exactly what number does you company not go under. Across the board, the rates, How is it that they can survive.

In response to Councilman Garcia with regard to the contract and adequate fee, Mr. DeLoach stated that it would take \$115, noting that cost was not the only issue at hand. He added that cost have been kept at an absolute minimum, noting he had 14 employees under his firm, translating into as little as 1 per shift to as many as 3 or 4. He further stated that most of the other companies have bad facilities with no overhead to consider, while he was committed to providing quality service. He stated that in order to stay in business, decent facilities must be maintained.

In response to Councilman Garcia, Chief Ortiz, explained the rotation system in Austin, which can be on City contract under the direction of the Police Department. He added that the current contract has a certain stipulation, and the contractor can subcontract to another company. With regard to quality of service by other companies, he stated that if there is a problem in the City with any of the companies, and if complaints are filed, staff will follow-up on those complaints.

In response to Councilman Perez with regard to the tiered fees, Chief Ortiz stated that it was likely due to the size of the wrecker and the tow, 40,000 per year, noting one of the issues of going to long term contract, is that they subcontract some of the twos to other companies. In order to properly maintain them, staff insisted that other companies have the ability to sign up and subcontract. He stated that the Ordinance complies with state and federal laws where municipalities can regulate the fees, and that it would bring the City up to line to state and federal regulations.

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, Garza. **NAYS:** None. **ABSENT:** Carpenter.

— — —
2002-31 The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-31-33

ADOPTING THE 2002 ANNEXATION PLAN AND SETTING THE FOLLOWING DATES FOR THE FIRST AND SECOND PUBLIC HEARINGS ON THE PROPOSED ANNEXATIONS: THURSDAY, SEPTEMBER 5, 2002, 6:00 P.M. AND THURSDAY, SEPTEMBER 12, 2002, 6:00 P.M. IN THE CITY COUNCIL CHAMBERS, 103 MAIN PLAZA.

* * * *

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation on the 2002 Annexation Plan, a copy of which presentation is on file with the papers of this meeting. He outlined the background, the adopted City of San Antonio annexation goals, annexation policies, outlined the growth areas, areas purchased under proposition 3, the Government Canyon State Natural area, and schedule of annexations. He expounded on the population, acreage, housing units for the proposed areas, map of the study areas, provisions to the limited purpose annexation, and full purpose annexation procedures.

Mr. Lou Lendman, Director of Management and Budget, outlined the service delivery plan for full purpose annexation, revenue gains, revenue losses, participating departments, agencies in developing the service delivery plan. He delineated the fire services proposed for the annexation areas, police services, public works, other services being provided by the various departments, recurring operating revenues and costs, debt service revenues and costs, impact on general obligation debt issuance capacity and fiscal impact.

The following citizen(s) appeared to speak:

Mr. Philip M. Ross, Attorney, expressed concern on the proposed annexation plan, stated there had not been any public meetings or hearings to discuss these issues, and further noted that the financial information on the southside was inaccurate.

Mr. Faris Hodge, Jr., 140 Dora, expressed concern on the proposed annexation. He cited the various areas being proposed, concerned with the lack of representation from Council members.

Mr. Jack M. Finger, P.O. Box 12048, spoke in opposition to the proposed areas for annexation, and urged Council to wait until January for the annexation.

Mr. Ken Brown, Earl & Brown, stated he represented various property owners, and expressed concerned with the provision of services by the City. He urged the City Council to exclude certain properties being considered for annexation.

* * * *

Mayor Garza spoke to the annexation process. He stated that these were the first steps for a significant opportunity to move toward building one of the most dynamic communities that exist anywhere in the United States. He stated there is misinformation out there that would be applicable under certain annexation. He further added this tool made available by the state, must consider health and safety issues, specifically highlighting certain procedures required within a three-year period intensity plan. Mayor Garza emphasized this represented an opportunity for growth in a quality way that has not been seen before. He stated the Southside initiative has been very prolific, and noted the annexation schedule and hearings, costs being conservative, and how this was a big opportunity that the City cannot let go by.

Councilman Carpenter stated he supported the southside initiative, the limited annexation issue, and inquired whether it has it been contested from legal exposure experience.

Councilman Martin, stated it has been contested, and has met legal challengers, the concept was upheld as a challenge, and subsequently legislation was adopted. He added that he was not aware of any state law, and that there should be no impediment to the City adopting the plan.

City Attorney Andrew Martin responded to Councilman Schubert regarding process to challenge all or any of SB89.

In response to Councilman Schubert regarding the potential annexation plan, Mr. Moncivais, stated the first briefing was made on June 20, 2002 on the potential annexation. He stated the plan included a large number of areas, which were outlined. He further noted that public hearings are set for the first time to discuss issues involved with the service plan. He spoke of the Southside initiative with limited annexation plan, noting that hearings would be held to allow neighborhoods to have input. Northside will

have public hearings, and added that this was the extent for ability to speak about the annexation plan.

Councilman Schubert stated that people should have the same opportunity for all areas. He then made a motion to take out of annexation plan the following Sections: 10, 11, 12, 13 and 14. Councilman Carpenter seconded the motion.

In response to Councilwoman Conner, Mr. Moncivais, stated the Planning Commission, did not support the plan. He spoke of the notification process, which included sending notices to areas affected, plus advertising, notice to all residents. He stated there was no zoning, and no restrictions at this time, that some of the area was over the recharge zone without any restrictions.

In response to Councilwoman Conner with regard to the response time, Fire Chief Bobby Ojeda, stated that fire response time with No. 47 at IH 10, is within 4 to 5 minutes, adding that at this time the Dominion unit runs at 4-5 minutes with a goal in the master plan within 4 minutes.

Councilman Martin spoke to the process, which allows the City to protect those areas from unwanted development that would hinder quality growth, and that the City will have ability to abate areas. He also noted there was a limited amount of time, if nothing is done, then the areas could not be annexed for five years, stating this process allows the City to look at those areas that need infrastructure help.

Discussion continued on the new law with regards to annexation.

Councilman Martin stated that the Southside initiative was a unique situation, but expressed concern in acquiring new area, and that he was not in favor of full annexation. He stated he would support Mr. Schubert's motion.

Councilman Perez stated he will support the Southside initiative and the plan being proposed.

In response to Councilwoman Moorhouse, Mr. Moncivais explained the annexation plan and services to be provided.

In response to Councilman Garcia, Mr. Moncivais outlined the statement of the Planning Commission on the proposed plan.

Councilman Castro stated that whenever the City is annexing an area, the goal is also to take care of the present citizens of San Antonio. He is not privy to the needs of the citizens of those areas at the present time, adding that the City needs to become familiar with their issues.

In response to Council's question, Mr. Wendorf, spoke on signalization, issues and the City's responsibilities.

Mr. Moncivais further elaborated on the upcoming hearings to discuss services that they have, explain the annexation process, and the opportunity to attend public meetings of the Council. He clarified that this was the timeline and schedule of hearings, and that annexation was not taking place today. He added the citizens who were in support of the PGA, were also concerned with the development over the recharge zone.

Councilman Castro reiterated that the City had no control over regulation of the recharge zone. He stated that San Antonio residents have to understand what the City is doing to protect the recharge zone, and will not support the removing of those items.

Councilwoman Conner noted that there was ability to remove any areas from the annexation plan during the entire process.

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

— — —
(Mayor Garza was obliged to leave the meeting. Mayor Pro Tem Carpenter presided)

2002-31 The Clerk read the following Ordinance:

AN ORDINANCE 96243

AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A SETTLEMENT AGREEMENT WITH PHILIPS SEMICONDUCTORS, INC. (F/K/A VLSI TECHNOLOGY INC. OR "VLSI") PROVIDING THAT THE FIRM WILL PAY \$37,437.92 IN INTEREST ON CITY PROPERTY TAXES TOTTALLING \$337,534.82 PREVIOUSLY PAID FOR TAX YEARS 1995, 1996 AND 1997; AND

AUTHORIZING THE WAIVER OF \$97,282.85 IN PENALTIES AND COLLECTION FEES.

* * * *

Councilman Perez made a motion to approve the proposed Ordinance. Councilwoman Moorhouse seconded the motion.

Mr. Trey Jacobson, Assistant Director of Economic Development, narrated a slide presentation on the settlement agreement with Philips Semiconductors, a copy of which presentation is on file with the papers of this meeting.

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

— — —
2002-31 The Clerk read the following Ordinance:

AN ORDINANCE 96244

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE ONE (1) YEAR PROFESSIONAL SERVICES CONTRACT WITH THE SAN ANTONIO SPORTS FOUNDATION TO PROVIDE AN ADDITIONAL \$150,000.00 FOR BID RELATED EXPENDITURES ASSOCIATED WITH THE SOLICITATION OF THE 2007 PAN AMERICAN GAMES TO SAN ANTONIO; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 94535, NOVEMBER 15, 2001.)

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Councilman Perez made a motion to approve the proposed Ordinance. Councilman Garcia seconded the motion.

Mr. Roland Lozano, Assistant City Manager, explained the proposed funding adding that it would be drawn against those dollars previously committed to assist with the 2007 Pan American Games Bid.

Councilman Garcia spoke of the action for the Sports Foundation, noting this was an investment for the City's future adding the presentation was outstanding, and the countless sponsors in the City who assisted with this project.

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

— — —
2002-31 The Clerk read the following Ordinance:

AN ORDINANCE 96245

AUTHORIZING THE WAIVER OF SIDEWALK AND STREET PERMIT FEES OF APPROXIMATELY \$49,000.00 FOR THE TEMPORARY CLOSURE OF THE SIDEWALKS AND STREETS SURROUNDING SAN FERNANDO CATHEDRAL FOR THE PURPOSES OF THE RENOVATION OF THE CATHEDRAL; AS REQUESTED BY COUNCILMAN BOBBY PEREZ, DISTRICT 1.

* * * *

Councilman Garcia made a motion to approve the proposed Ordinance. Councilman Perez seconded the motion.

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation on the temporary closure fee waiver for the San Fernando Cathedral Project, a copy of which presentation is on file with the papers of this meeting. He outlined the background, the site to be renovated, policy analysis with regard to permit fees, financial impact and staff's recommendation.

Councilman Perez, noted the issues brought forward by staff, and urged Council to support this item.

Councilwoman Conner stated that up to this date, the City has waived 515,000 in fee waivers. She made substitute motion to set this item aside until the policy is developed and in place. The motion failed for lack of a second.

Councilman Garcia, stated the Cathedral was central to the history of San Antonio, adding the cathedral was located at the heart of the City, and it drew hundreds of people into the City, affecting the entire community.

Councilwoman Conner, further clarified her issue was not on the worthiness of the project, but on good public policy, and one that the City needs to assure is in place. She stated that a policy would soon be coming forward.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Castro, Carpenter. **ABSTAIN:** Barrera. **NAYS:** Conner, Schubert. **ABSENT:** Garza.

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2002-31 The Clerk read the following Ordinance:

AN ORDINANCE 96246

AUTHORIZING THE WAIVER OF SIDEWALK, STREET AND PARKING METER CLOSURE FEES IN THE APPROXIMATE AMOUNT OF \$64,000.00 FOR THE TEMPORARY CLOSURE OF THE SIDEWALKS, STREETS AND PARKING METERS ADJACENT TO THE CONSTRUCTION OF MUSEO AMERICANO LOCATED WITHIN MARKET SQUARE AT COMMERCE AND SANTA ROSA; AS REQUESTED BY COUNCILMAN BOBBY PEREZ, DISTRICT 1.

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Councilman Perez made a motion to approve the proposed Ordinance. Councilman Garcia seconded the motion.

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation on the temporary closure fee waiver for Museo Americano project, a copy of which presentation is on file with the papers of this meeting. He outlined the costs associated with the permit fees being waived, policy analysis, financial impact and staff recommendation

Councilman Perez urged City Council to support this issue. He stated it would impact Market Square, and that the cost was minimal compared to the benefits.

Councilwoman Conner stated that these costs could be used on other projects considering the budget constraints.

Councilman Garcia recognized the budget situation, however noted the benefits to the City will be well invested for tomorrow.

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, Carpenter. **NAYS:** Conner, Schubert. **ABSENT:** Garza.

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2002-31 The Clerk read the following Ordinance:

AN ORDINANCE 96247

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH PBS&J-AUSTIN IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE ELMENDORF, WOODLAWN AND OLMOS PROPOSAL STUDY PROJECT, A STORM WATER REGIONAL FACILITIES FUNDED PROJECT LOCATED IN CITY COUNCIL DISTRICTS 5, 7 AND 9. (AMENDS ORDINANCE NO. 90847, NOVEMBER 23, 1999.)

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Councilman Perez made a motion to approve the proposed Ordinance. Councilman Garcia seconded the motion.

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation on the dam inspection reports for Elmendorf, Woodlawn, and Olmos Dams, a copy of which is on file with the papers of this meeting. He delineated that the service contract would be for the engineering services which included dam safety inspection reports for the three dams. He outlined the drainage study area map, background information and views on each of the dams, consultant selection, and scope of the contract.

In response to Councilman Garcia, Mr. Wendorf elaborated on the inspections and the analysis taking place. He added that if there was damage, the funding will be proposed for ongoing repairs to be under stormwater utility fees.

In response to Councilwoman Conner, with regard to watershed money, Mr. Wendorf noted they were working with FEMA on this issue.

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.

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2002-31 The Clerk read the following Ordinance

AN ORDINANCE 96248

ACCEPTING A PROPOSAL AND AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH TURNER COLLIE & BRADEN, INC. IN AN AMOUNT OF \$50,000.00 AND AUTHORIZING \$5,000.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES IN CONNECTION WITH THE MARTINEZ CREEK/WOODLAWN LAKE WATERSHED DRAINAGE ANALYSIS, A STORM WATER REGIONAL FACILITIES FUNDED PROJECT LOCATED IN DISTRICT 7.

* * * *

Councilman Perez made a motion to approve the proposed Ordinance. Councilman Castro seconded the motion.

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation on the professional services contract for the storm water regional facilities, a copy of which presentation is on file with the papers of this meeting. He outlined the background information, project schedule, consultant selection, and scope of work.

Councilman Castro extended his appreciation to Mr. Wendorf, and spoke of the meetings held to identify those problems.

The following citizen(s) appeared to speak:

Ms. Maria Dominguez, spoke of the cost to repair Martinez Creek, and urged the Council to review the monies being spent. She also voiced concern on the proposed tax increase.

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Councilman Perez noted the impact, and the millions spent in buyouts for 85 homes, adding that this was a tough process for staff and district office because residents had

been living there for a number of years. He further stated the most recent floods had some damage but not as extensive as in District 7, and urged the City Council to support this project.

Mr. Wendorf, clarified the work is strictly for the Woodlawn lake watershed.

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.

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2002-31 Item 33 being a proposed staff presentation regarding the proposed Letter of Intent for Proposed Annexation Agreement between the City of San Antonio, Texas ("City") and Lumbermen's Investment Corporation ("Lumbermen's"), was pulled from consideration by the City Manager.

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2002-31 The Clerk read the following Ordinance:

AN ORDINANCE 96249

AUTHORIZING THE TOTAL EXPENDITURE OF \$200.00 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND AND THE DISTRICT 2 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE MONTICELLO PARK HISTORIC DISTRICT ORGANIZATION, TO BE USED TO HELP DEFRAY A PORTION OF THE COST FOR JANITORIAL AND SECURITY SERVICES INCURRED IN CONNECTION WITH THE ANNUAL FIESTA HOME TOUR THAT WAS HELD ON APRIL 20, 2002; AS REQUESTED BY MAYOR EDWARD D. GARZA.

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Councilman Sanders made a motion to approve the proposed Ordinance with additional funds added by the following district(s): District 2 - \$100. Councilwoman Moorhouse 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.

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2002-31 **TRAVEL AUTHORIZATION - Granted:**

Travel Authorization for Mayor Edward D. Garza who will travel to Mexico City, Mexico to attend the XL Paso General Assembly to support San Antonio's bid for the 2007 Pan American Games from Friday, August 23, 2002 to Saturday, August 24, 2002.

Councilman Sanders made a motion to approve the proposed Travel Authorization. Councilman Garcia seconded the motion.

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

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2002-31

CITIZENS TO BE HEARD

MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to various subjects including the fluoride issue, and the San Antonio Police Department. He then spoke on the item on today's agenda which approved waiver of fees for the San Fernando Cathedral project and stated that it was a violation of the separation of church and state laws.

* * * *

MR. ALFREDO ALEMAN

Mr. Alfredo Aleman, spoke to the City Council about their concerns with regard to the cutback of five positions in the fire department. He urged the Council to review the proposed budget and to assure that these positions be retained.

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MR. KARL CASEY

Mr. Karl Casey, representing volunteers within the San Antonio police department, expressed concern about some of the restructuring due to budget cuts. He spoke to the Cellular on Patrol units as well as other volunteer organizations within the Police Department, their functions and duties. He urged the City Council to review these cuts and that the budget items be re-evaluated. He stated that these programs are essential to further safeguarding the safety and well being of the citizens of San Antonio.

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MR. DON WILKINS CASTILLO

Mr. Don Wilkins Castillo spoke to the City Council about the planned celebrations for the 16th de Septiembre event and invited the members of the Council to visit and participate in these events.

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2002-31 EXECUTIVE SESSION

The City Council recessed its regular session at 5:45 P.M. in order to convene in Executive Session for the purpose of:

- A.) Attorney-Client consultation on legal issues relating to the boundary of City property along the San Antonio River near East Hildebrand.
- B.) Attorney-Client consultation regarding the lawsuit styled Save Our Aquifer, et al, v. City of San Antonio, et al, Cause No. SA-02-CA-618, United States District Court, Western District, San Antonio Division.
- C.) Attorney-Client consultation regarding the proposed lawsuit by the City of San Antonio and the San Antonio Water System against Dead On Directional and Bechtel Telecommunications.

The City Council adjourned the Executive Session at 7:36 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

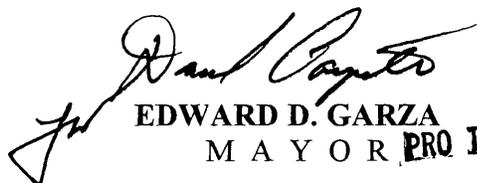
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2002-31 The City Council convened in a "B" Session Meeting for a Budget Work Session:

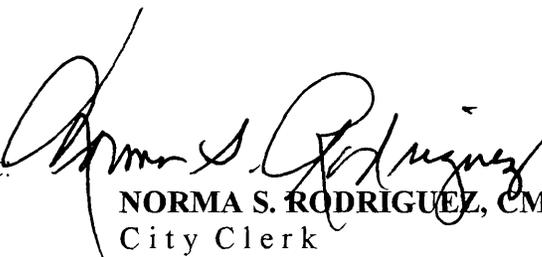
Public safety: Police, Fire and EMS

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2002-31 There being no further business to come before the City Council, the meeting was adjourned at 9:40 P.M.

A P P R O V E D


EDWARD D. GARZA
MAYOR PRO TEM

Attest:


NORMA S. RODRIGUEZ, CMC/AAE
City Clerk