

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, DECEMBER 19, 2002.

* * * *

2002-45 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

- A.) **Staff Presentation on Historic Civic Center – Facility Development Plan.**
(Presented by Ms. Rebecca Waldman, Director, Department of Asset Management.)

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

The "B" Session adjourned at 11:00 A.M.

— — —

2002-45 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, Carpenter, and Garza. ABSENT: Schubert.

— — —

2002-45 Invocation by Rev. Eddie Bernal, St. Leo's Catholic Church.

— — —

2002-45 Pledge of Allegiance to the flag of the United States.

2002-45 PRESENTATION OF A CITATION FOR CITY'S HORTICULTURIST, FLO MORRIS

Mayor Garza presented Ms. Flo Morris, a Parks and Recreation Department employee, a citation for her exemplary landscape work on the City Hall grounds, the Spanish Governor's Palace Courtyard, Milam Park and several other downtown locations. Ms. Morris was recognized in particular for a special landscaping project on the old San Fernando Cathedral courtyard adjacent to City Hall where she collected stones removed from the cathedral and landscaped the City Hall grounds with the historic rocks.

Councilmembers reiterated the Mayor's comments about the quality of Ms. Morris' work, and her dedication to making San Antonio a more aesthetic place in which to work.

Ms. Terry M. Brechtel, City Manager, also congratulated Ms. Morris, as well as other Park and Recreation Department employees for their hard work as City employees.

2002-45 PRESENTATION OF PROCLAMATION FOR "U.S. ARMY ALL-AMERICAN FOOTBALL WEEKEND"

Mayor Garza welcomed all the participants of the Army's All-American Football game which is to take place on January 5, 2003. He cited the week of January 3-5, 2003, as the U.S. Army All-American Football Weekend, and read the Proclamation for "U.S. Army All-American Football Weekend."

Mr. Frank Burney, President of the Rotary Club of San Antonio, accepted the Proclamation and discussed the planned events to take place in celebration of the All-American Football Weekend. He introduced Mr. Rich McGinnis, whose original vision brought this event to San Antonio.

Mr. McGinnis gave an overview of the week's activities in celebration of the All-American Football Weekend.

Col. James Granger, who is in charge of the recruiting aspects in relation to the U.S. Army, thanked the City Council for this recognition.

Council members thanked the members of the U.S. Army for choosing San Antonio in which to have the All-American Football Game.

— — —

2002-45 **ACKNOWLEDGEMENT OF THE “BORN TO READ” PROGRAM**

Mayor Ed Garza announced that First Lady Mrs. Laura Bush has accepted the San Antonio Public Library Foundation’s invitation to serve as Honorary Chair of the “Born to Read” Program. He asked Ms. Kay Lenox, President/CEO of the Library Foundation, to come forward to discuss the “Born to Read: Newborn Reading Initiative” in 2003.

Ms. Lenox introduced Mr. Nick Hollis, new Chairman and CEO of the Library Foundation.

Mr. Hollis thanked the City Council and Ms. Terry Brechtel, City Manager for their support of the Library Foundation. He noted that the 100th celebration of the San Antonio Public Library System is an acknowledgement of its many achievements. He spoke to continuing the work of the Foundation over the coming years and gave his personal commitment to support the mission with which he has been charged.

The Mayor and Council congratulated all individuals involved in this very successful program.

— — —

2002-45 **At this time, reference was made to Item #57.**

Councilman Carpenter made a motion to bring Item #57 forward for consideration. Councilman Perez seconded the motion.

The motion, to bring this Item forward, 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 96917

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SAN ANTONIO PUBLIC LIBRARY FOUNDATION IN THE AMOUNT OF \$31,500.00 FOR THE "BORN TO READ: NEWBORN READING INITIATIVE PROGRAM; AND AUTHORIZING THE ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS IN THE AMOUNTS OF \$10,000.00 FROM DISTRICT 10, \$5,000.00 FROM DISTRICT 1, \$1,000.00 FROM DISTRICT 3,

\$1,000.00 FROM DISTRICT 4, \$1,000.00 FROM DISTRICT 5, \$3,000.00 FROM DISTRICT 9, \$5,000.00 FROM DISTRICT 8, \$2,000.00 FROM DISTRICT 7, \$2,500.00 FROM DISTRICT 6 AND \$1,000.00 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND IN CONNECTION THEREWITH; AS REQUESTED BY COUNCILMAN DAVID CARPENTER, DISTRICT 10.

* * * *

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a presentation on the Human Development Services Fund San Antonio Library Foundation, a copy of which is on file with the papers of this meeting. He discussed the purpose, background information, program information, and accountability.

Councilman Garcia requested an amendment to the Ordinance by adding \$1,000.00 from District 5.

Mayor Garza also included \$1,000.00 from the contingency fund.

Councilman Martin commended the work of the Library Foundation, staff and Councilman Carpenter on this effort which will benefit all children in the City of San Antonio. He noted that this type of initiative would encourage the City of San Antonio to spend more money on this type of effort.

Councilman Schubert added \$3,000.00 from District 10.

Councilwoman Conner spoke to supporting the Library Foundation and added \$5,000.00 from District 8.

Councilman Castro thanked the Library Foundation for their initiative and contributed \$2,000.00 from District 7. He stated that more recognition should be made of the importance of libraries to insure the citizenry is being educated.

Councilman Barrera congratulated the Library Foundation and the Community Initiatives Department for their efforts with the Foundation, and added \$2,000.00 from District 6.

Councilman Garcia wished the San Antonio Public Library and the Library Foundation a happy 100th birthday, and expressed gratitude for their service to the citizens of San Antonio.

Councilman Sanders reiterated his congratulations and made a commitment to add a donation to the Library Foundation from District 2 once a determination is made as to how much funds can be made available.

Mayor Garza stated that a total of \$31,500.00 will be targeted to the Library Foundation.

Councilman Garcia made a motion to approve the proposed Ordinance with additional funds from the following districts: District 1 - \$5,000; District 3 - \$1,000; District 4 - \$1,000; District 5 - \$1,000; District 6 - \$2,500; District 7 - \$2,000; District 8 - \$5,000; District 9 - \$3,000; (Mayor) - \$1,000. Councilman Martin seconded the motion.

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

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

— — —

2002-45 ON A POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Councilwoman Moorhouse recognized Texas Towing and the San Antonio Police Officers Association (SAPOA) with a Certificate of Commendation for their efforts in providing \$1,200.00 worth of gift certificates for the needy during Christmas. Councilwoman Moorhouse explained that the gift certificates were given to each Councilperson, who in turn, distributed them to needy families in their districts. The certificates were redeemable at a downtown store for personal items and toys.

Councilwoman Moorhouse read a certificate of commendation signed by Mayor Garza, and presented it to Mr. Buddy Ford of Texas Towing.

Councilman Martin thanked Mr. Ford and Texas Towing for their charity involvement to the needy.

Members of the City Council expressed their appreciation for their generosity to Mr. Ford and the San Antonio Police Officers Association (SAPOA) on this worthwhile effort.

— — —
2002-45 CONSENT AGENDA – CITIZEN COMMENTS

Mr. Jack Finger, P. O. Box 12048, spoke to the recent death of Mr. Carl Wurz, a regular attendee at City Hall meetings. He further spoke to Item #57 and his opposition to the City of San Antonio donating money to the Library Foundation. He also discussed his opposition to Item #30 regarding a professional services contract with a local law firm.

— — —
2002-45 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 4 through 31C, constituting the Consent Agenda, except for Items 9, 15, 18, 22, which were pulled for individual consideration. Councilman Garcia 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, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 96918

RATIFYING A CONTRACT WITH NEXTEL COMMUNICATIONS TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH COMBINATION CELLULAR COMMUNICATION RADIO UNITS AND SERVICE ON AN ANNUAL CONTRACT BASIS FOR AN ESTIMATED COST OF \$29,142.75.

* * * *

AN ORDINANCE 96919

ACCEPTING THE LOW BID SUBMITTED BY DURY'S GUN SHOP, INC. TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH SEMI-AUTOMATIC PISTOLS FOR A TOTAL AMOUNT OF \$42,500.00.

* * * *

AN ORDINANCE 96920

ACCEPTING THE OFFER FROM XIOTECH CORPORATION TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH A STORAGE AREA NETWORK FOR A TOTAL AMOUNT OF \$62,740.00.

* * * *

AN ORDINANCE 96921

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH PUG MILL CEMENT STABILIZED BASE, MATERIAL & LABOR TO MAINTAIN AIR CONDITIONING SYSTEMS AT VARIOUS MULTI-SERVICE LOCATIONS, VEHICLE REFUELING, AND PARK POLICE SHORT SLEEVE POLY WOOL SHIRTS ON AN ANNUAL CONTRACT BASIS FOR FY 2002-2003 FOR A TOTAL OF APPROXIMATELY \$1,437,540.00.

* * * *

AN ORDINANCE 96922

AUTHORIZING AND ACCEPTING A ROUTINE AIRPORT MAINTENANCE PROGRAM GRANT IN AN AMOUNT NOT TO EXCEED \$30,000.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION IN SUPPORT OF ROOF REPAIRS AND EXTERIOR PAINTING OF CITY-OWNED HANGARS AT STINSON MUNICIPAL AIRPORT; APPROPRIATING \$29,374.00 IN MATCHING FUNDS, AND AUTHORIZING PAYMENT.

* * * *

AN ORDINANCE 96923

ACCEPTING THE LOW QUALIFIED BID SUBMITTED BY E-Z BELL CONSTRUCTION TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE SKYLINE/HIGHLANDS SPORTS COMPLEX LIGHTING PROJECT (SOUTHSIDE LIONS PARK IMPROVEMENTS PROJECT) IN CITY COUNCIL DISTRICT 3 FOR THE AMOUNT OF \$85,750.00; APPROPRIATING \$27,000.00 IN CDBG FUNDS, \$17,500.00 IN DISTRICT 3 ONE-TIME IMPROVEMENT FY2000 FUNDS AND \$49,825.00 IN 1999 PARK BOND FUNDS; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; AUTHORIZING

\$85,750.00 FOR A CONSTRUCTION CONTRACT AND \$8,575.00 FOR PROJECT CONTINGENCY; AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 96924

AUTHORIZING A THREE (3) YEAR LA VILLITA RETAIL LEASE AGREEMENT WITH JACK AND ALICE KNIGHT D/B/A ALICE KNIGHT, PORTRAIT STUDIO, FOR LEASE OF APPROXIMATELY 326 SQUARE FEET IDENTIFIED AS BUILDING 17, 305 ^{1/2} SOUTH ALAMO, AT LA VILLITA IN CITY COUNCIL DISTRICT 1 AT A RENTAL RATE OF \$2,919.51 FOR FY02/03 (9 MONTHS), \$4,012.71 FOR FY03/04, \$4,086.20 FOR FY04/05 AND \$1,064.28 FOR FY05-06 (3 MONTHS), FOR THE PERIOD DECEMBER 14, 2002 THROUGH DECEMBER 31, 2005.

* * * *

AN ORDINANCE 96925

AUTHORIZING THE EXECUTION OF A STANDARD ONE (1) YEAR LEASE AGREEMENT IN THE AMOUNT OF \$1,620.00 WITH MR. KIRAN BHALLA, D/B/A/ A FRUITY AFFAIR, A RESTAURANT, FOR LEASE OF SIDEWALK PATIO SPACE ON THE SAN ANTONIO RIVERWALK IN THE RIVER CENTER MALL LAGOON AREA IN CITY COUNCIL DISTRICT 1 FOR OUTDOOR PATIO DINING PURPOSES, WITH PROVISIONS FOR TWO ADDITIONAL RENEWAL TERMS OF TWO YEARS EACH.

* * * *

AN ORDINANCE 96926

AUTHORIZING THE EXECUTION OF AN EIGHT (8) MONTH LEASE WITH PANACOM, INC. D/B/A VULCANAIRES ("VULCANAIRES") FOR 10,299 SQUARE FEET OF GROUND SPACE AT AN ANNUAL RENTAL OF \$4,119.60, AND FOR USE OF 10,299 SQUARE FEET OF BUILDING SPACE AT AN ANNUAL RENTAL OF \$11,328.90, FOR USE FOR AIRCRAFT MAINTENANCE AND REPAIR AT SAN ANTONIO INTERNATIONAL AIRPORT.

* * * *

AN ORDINANCE 96927

GRANTING A 10-YEAR LICENSE TO HOPESTER ENTERPRISES, INC. FOR USE OF EAST MISTLETOE PUBLIC RIGHT OF WAY FOR AN EXISTING GARBAGE DUMPSTER WITHIN A FENCED AREA, CONSTRUCTION OF CURBING AROUND THE FENCE, AND MAINTENANCE OF POTTED PLANTS AND A DECORATIVE METAL FENCE FOR THE CAPPARELLI'S RESTAURANT AT NORTH MAIN AND EAST MISTLETOE AVENUES, IN NCB 1705, FOR A \$5,000.00 LICENSE FEE, TO BE PAID IN FOUR PAYMENTS.

* * * *

AN ORDINANCE 96928

RESCINDING SIX EXISTING LICENSE AGREEMENTS WITH BAPTIST MEMORIAL HOSPITAL SYSTEM AND BAPTIST HEALTH SYSTEM FOR AN OVERHEAD PASSAGEWAY ACROSS EAST QUINCY STREET; A VEHICULAR ENTRANCEWAY ON SEYMOUR STREET; AN OVERHEAD PASSAGEWAY ACROSS RICHMOND AVENUE; A CAMDEN STREET TUNNEL; AN OVERHEAD PASSAGEWAY ACROSS CAMDEN STREET; AND AN OVERHEAD PASSAGEWAY ACROSS DALLAS STREET; AUTHORIZING THE EXECUTION OF A NEW TEN (10) YEAR LICENSE AGREEMENT WITH VHS SAN ANTONIO PARTNERS, L.P., A DELAWARE LIMITED PARTNERSHIP, FOR USE OF THE SAME LICENSED PREMISES FOR THE CONSIDERATION OF \$30,000.00, IN CONNECTION WITH THE PROPOSED PURCHASE BY SAID LIMITED PARTNERSHIP OF THE ASSETS OF THE BAPTIST HEALTH SYSTEM; AND AUTHORIZING EXECUTION OF ANY AND ALL OTHER NECESSARY DOCUMENTS, CONTINGENT UPON CONSUMMATION OF THE PURCHASE NO LATER THAN SIXTY (60) DAYS AFTER THE EFFECTIVE DATE OF THE ORDINANCE; OTHERWISE, EXISTING LICENSES WILL CONTINUE IN EFFECT.

* * * *

AN ORDINANCE 96929

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO SUBMIT A "LETTER OF INTENT" TO SEEK FUNDING IN THE AMOUNT OF \$350,000.00 FOR THE SECOND YEAR OF THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) COMPREHENSIVE COMMERCIAL MOTOR VEHICLE (CMV) SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP), FOR THE CONTINUED FUNDING OF AN OVERTIME PROGRAM TO PROVIDE

INCREASED MONITORING AND ENFORCEMENT OF COMMERCIAL VEHICLES, FOR THE GRANT PERIOD OCTOBER 1, 2003 TO SEPTEMBER 30, 2004.

* * * *

AN ORDINANCE 96930

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO SUBMIT A "LETTER OF INTENT" TO SEEK FUNDING IN THE AMOUNT OF \$500,000.00 FOR THE THIRD YEAR OF THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) DWI SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP), FOR THE CONTINUED FUNDING OF AN OVERTIME PROGRAM FOR DWI ENFORCEMENT, FOR THE GRANT PERIOD OCTOBER 1, 2003 TO SEPTEMBER 30, 2004.

* * * *

AN ORDINANCE 96931

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$63,910.00 TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, WHICH, IF AWARDED, WILL FUND THE SECOND YEAR OF PROJECT EASE IN THE VICTIMS ADVOCACY SECTION.

* * * *

AN ORDINANCE 96932

AUTHORIZING AN AMENDMENT TO THE LEGAL SERVICES CONTRACT WITH THE LAW FIRM OF GOODE, CASSEB, JONES, RIKLIN, CHOATE & WATSON, P.C. FOR LEGAL SERVICES IN CONNECTION WITH PGA PROJECT TO INCREASE THE CURRENT BUDGET BY AN ADDITIONAL SUM OF \$55,000.00, FOR A TOTAL PROJECT BUDGET OF \$205,000.00.

* * * *

AN ORDINANCE 96933

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO RATIFY THE PURCHASE OF MEDICAL PROFESSIONAL LIABILITY INSURANCE FOR THE

SAN ANTONIO METROPOLITAN HEALTH DISTRICT FROM LLOYDS OF LONDON THROUGH MCGRUFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A ONE-YEAR PERIOD BEGINNING NOVEMBER 15, 2002 THROUGH NOVEMBER 15, 2003 AT AN ESTIMATED ANNUAL COST OF \$162,750.00; APPROPRIATING FUNDS; PROVIDING FOR PAYMENT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT (8) AFFIRMATIVE VOTES.

* * * *

AN ORDINANCE 96934

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO PURCHASE COMMERCIAL PROPERTY INSURANCE FOR THE CITY OF SAN ANTONIO FROM ALLIANZ INSURANCE COMPANY, THROUGH MCGRUFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A ONE-YEAR PERIOD BEGINNING DECEMBER 31, 2002 THROUGH DECEMBER 31, 2003, AT AN ANNUAL COST OF \$1,308,449.64.

* * * *

AN ORDINANCE 96935

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO PURCHASE EXCESS LIABILITY AND EXCESS WORKERS' COMPENSATION INSURANCE, AS A PACKAGE POLICY, FOR THE CITY OF SAN ANTONIO FROM NORTH RIVER INSURANCE COMPANY, THROUGH MCGRUFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A ONE-YEAR PERIOD BEGINNING DECEMBER 31, 2002 AND EXPIRING ON DECEMBER 31, 2003, AT AN ANNUAL PREMIUM OF \$649,750.00.

* * * *

AN ORDINANCE 96936

REDESIGNATING A FORTY-ACRE TRACT OF LAND LOCATED IN THE NORTHEAST EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO AN INDUSTRIAL DISTRICT AND AUTHORIZING THE CITY MANAGER OR HER DESIGNATE TO EXECUTE INDUSTRIAL DISTRICT NON-ANNEXATION AND BASIC FIRE SERVICE AGREEMENTS WITH THE LANCER

CORPORATION GUARANTEEING THE CONTINUATION OF THE EXTRATERRITORIAL STATUS OF THE PROPERTY WITHIN THE INDUSTRIAL DISTRICT AND ITS IMMUNITY FROM ANNEXATION BY THE CITY FOR SIX YEARS.

* * * *

AN ORDINANCE 96937

AUTHORIZING PAYMENT IN THE AMOUNT OF \$27,500.00 FOR THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES TO PUBLIC TECHNOLOGIES, INC. FOR THE PERIOD OF DECEMBER, 2002 THROUGH NOVEMBER 2003.

* * * *

AN ORDINANCE 96938

AUTHORIZING THE EXECUTION OF A ONE (1) YEAR RENEWAL CONTRACT WITH PROGRESSIVE FINANCIAL SERVICES, INC. ("PFS") TO PROVIDE THE COLLECTION OF DELINQUENT PARKING FINES AT A FEE OF 16% OF THE AMOUNT RECOVERED AND AN ADDITIONAL 4% INCENTIVE FEE IF CERTAIN CONDITIONS ARE MET.

* * * *

AN ORDINANCE 96939

RATIFYING A PROFESSIONAL SERVICES CONTRACT WITH THE LAW FIRM OF COX & SMITH, INCORPORATED, FOR LEGAL SERVICES IN CONNECTION WITH A PROPOSED ECONOMIC DEVELOPMENT AGREEMENT KNOWN AS PROJECT STARBRIGHT, AND AUTHORIZING PAYMENT FOR THOSE LEGAL SERVICES AND ASSOCIATED EXPENSES IN AN AMOUNT NOT TO EXCEED \$135,000.00.

* * * *

AN ORDINANCE 96940

APPOINTING RUDY NINO (CONTRACTOR CATEGORY - MAYOR) TO THE HOME IMPROVEMENT ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON JUNE 23, 2004.

* * * *

AN ORDINANCE 96941

APPOINTING DAN CANALES (DISTRICT 1) TO THE BOARD OF ADJUSTMENT FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 22, 2005.

* * * *

AN ORDINANCE 96942

APPOINTING THOMAS N. TURK (COMMUNITY REPRESENTATIVE CATEGORY - DISTRICT 10) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 25, 2004.

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96943

ACCEPTING THE LOW BID SUBMITTED BY BIG-TEX CONTRACTORS, INC. TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE PEARSALL PARK PHASE ONE IMPROVEMENTS PROJECT IN CITY COUNCIL DISTRICT 4 FOR THE AMOUNT OF \$236,293.50 WITH BID ALTERNATES 1, 2 AND 5 FOR A TOTAL BID OF \$281,000.00; APPROPRIATING \$320,000.00 IN CERTIFICATES OF OBLIGATION FUNDS; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; AUTHORIZING \$18,334.90 FOR CONSTRUCTION CONTINGENCY, \$14,300.00 FOR LANDSCAPE ARCHITECT FEES, \$3,000.00 FOR LANDSCAPE ARCHITECT CONTINGENCY, \$665.10 FOR BID ADVERTISING/PRINTING AND \$2,700.00 FOR PERMIT FEES; AND PROVIDES FOR PAYMENT.

* * * *

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

Mr. Malcolm Matthews, Director of Parks and Recreation, conducted a presentation on the Pearsall Park Phase One Improvements Projects, and recommended that the contract be awarded for the amount shown, a copy of which presentation is made a part of the papers of this meeting.

Councilman Martin thanked the staff and Ms. Terry Brechtel, City Manager, for their support on this project.

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.

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96944

GRANTING A TEN (10) YEAR LICENSE AGREEMENT TO 214 TRAVIS PARK LOFTS PROPERTY OWNERS ASSOCIATION, INCORPORATED, TO USE AIR RIGHTS OVER E. TRAVIS STREET AND AN IMPROVED ALLEY, BOTH BEING PUBLIC RIGHTS OF WAY, ADJACENT TO 214 E. TRAVIS STREET BETWEEN N. ST. MARY'S STREET AND NAVARRO STREET AND OVER AN IMPROVED ALLEY BETWEEN 214 E. TRAVIS STREET AND 217 E. HOUSTON STREET FOR THE CONSTRUCTION, INSTALLATION, USE, MAINTENANCE, AND OPERATION OF TWENTY (20) BALCONIES LOCATED WITHIN NEW CITY BLOCK 407 AND ACCEPTING A TWENTY FIVE PERCENT (25%) REDUCTION OF THE LICENSE FEE DUE TO THE CREATION OF NEW DOWNTOWN HOUSING FOR THE AMOUNT OF \$12,787.50, TO BE PAID OVER A TEN-YEAR PERIOD.

* * * *

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

Ms. Rebecca Waldman, Director of Asset Management, discussed the ten-year License Agreement to 214 E. Travis Park Lofts Proper Owners Association, Inc. for the construction, installation, use, maintenance, and operation of twenty balconies and accepting a 25% reduction of the license fee for the amount of \$12,787.50 to be paid in three payments, a copy of this presentation is on file with these papers.

Councilman Perez confirmed with Ms. Waldman that the intention of the license agreement is to have a developer construction balconies at this location, and the City of San Antonio would charge the developer a fee for air space. He also discussed that under the incentive tool kit, it is intended that the City develop policies and plans to encourage development of the downtown area, promote market rate housing and an adaptive re-use

project, as well as historic renovation. Councilman Perez noted that under the incentive tool kit, this project would be eligible for a waiver of the entire fee.

Councilman Perez then made an amendment to the main motion to modify the agreement that allows a developer to pay the license fee in the amount stated in the Ordinance over the ten year life of the license agreement as opposed to the three payments as proposed. Councilman Sanders seconded the motion.

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

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96945

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE UNITED WAY OF SAN ANTONIO AND BEXAR COUNTY, ON BEHALF OF THE ALAMO AREA COMMUNITY INFORMATION SYSTEM (AACIS) IN THE AMOUNT OF \$121,882.13, TO SUPPORT COMMUNITY TECHNOLOGY CENTERS (CTC) ESTABLISHED AT CITY-OPERATED LEARNING AND LEADERSHIP DEVELOPMENT CENTERS (LLDCS) FOR THE PERIOD OF OCTOBER 1, 2002 TO SEPTEMBER 30, 2003, AND APPROVING THE BUDGET.

* * * *

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a presentation on the Literacy Services Division, Alamo Area Community Information System (AACIS) Funding, a copy of which presentation is made a part of the papers of this meeting. He discussed the purpose, the background information, and the accountability measures for FY 2002.

Councilman Barrera thanked Mr. Campa for providing updated information on this project.

In response to Councilman Barrera, Mr. Campa noted that the initial pilot program still has students from the Edgewood Independent School District (EISD) providing computer training for the seniors at the St. Jude Nutrition Center and at the St. John Baptist Center. He confirmed that the Alamo Area Community Information System is also still providing training for these students, as well providing them with additional skills. Mr. Campa further noted that it is imperative to maintain the inter-generational component to this program, as well as to continue working with Edgewood Independent School District and its youth opportunity program. He hopes to place interns who are interested in training seniors.

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

— — —
2002-45 At this time, reference was made to reconsider Item #14.

At this time, Councilman Perez made a motion to reconsider Item #14. Councilman Sanders seconded the motion.

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

The Clerk then read the following Ordinance:

AN ORDINANCE 96946

RESCINDING AN EXISTING LICENSE AGREEMENT WHICH GRANTED THE LINDOR CORPORATION USE OF AIR RIGHTS OVER AND ACROSS A PUBLIC RIGHT OF WAY, SPECIFICALLY, AN IMPROVED ALLEY LOCATED BETWEEN 214 E. TRAVIS STREET AND 217 E. HOUSTON STREET FOR CONSTRUCTION OF AN OVERHEAD PASSAGEWAY; AND GRANTING A TEN (10) YEAR LICENSE AGREEMENT TO 214 TRAVIS LTD., A TEXAS LIMITED PARTNERSHIP, THE CURRENT OWNER, TO USE AIR RIGHTS OVER THE SAME PUBLIC RIGHT OF WAY FOR USE, MAINTENANCE, AND OPERATION

OF AN EXISTING OVERHEAD PASSAGEWAY WITHIN NEW CITY BLOCK 407 FOR A \$51,510.00 LICENSE FEE, TO BE PAID OVER A TEN-YEAR PERIOD.

* * * *

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

Ms. Rebecca Waldman, Director of Asset Management, stated that Item #14 is related to the License Agreement for an overhead passageway with the 214 Travis Park Lofts Property Owners Association, Inc., as discussed in Item #15, a copy of which is on file with the papers of this meeting.

Councilman Perez stated that this Item is for the same project as in Item #15. He made a motion for amendment to allow the payment to occur over a ten-year period as opposed to the three-year schedule as proposed. Councilman Sanders seconded the motion.

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

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96947

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO ACCEPT A \$33,000.00 GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE (USDOJ) FOR REIMBURSEMENT OF ACTIVITIES RELATED TO PARTICIPATION IN THE USDOJ WESTERN DISTRICT OF TEXAS ANTI TERRORIST TASK FORCE.

* * * *

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

Police Chief Albert Ortiz made a presentation regarding the San Antonio Police Department's (SAPD) continuing efforts in working with federal agencies, i.e., the Federal Bureau of Investigation (FBI), and the Immigration and Naturalization Service (INS), a copy of which presentation is made a part of the papers of this meeting. He stated that after September 11, 2001, the SAPD incurred costs in areas such as overtime, educational opportunities outside of the City, and investigation of persons of interest for the FBI. Chief Ortiz explained that the federal government has offered to reimburse the City of San Antonio for these costs.

Councilman Garcia commended Chief Ortiz and the police department's efforts in their preparedness for emergencies and terrorist attacks.

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

— — —

2002-45 INDIVIDUAL ITEMS – CITIZEN COMMENTS

Mr. Jack M. Finger, P.O. Box 12048, spoke on how only certain Items, in particular, 5, 9, 18 and 22 were brought up for consideration. He also spoke to Item #33 regarding his opposition to the City spending \$500,000.00 to bring the Miss USA Pageant to the Municipal Auditorium. Mr. Finger also noted that maps were not available for Item #35 for newly annexed areas.

— — —

2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96948

AUTHORIZING THE ACCEPTANCE OF SUPPLEMENT FUNDS IN THE AMOUNT OF \$1,984,206.00 FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE OPERATION OF THE HEAD START-EARLY CHILD CARE PROGRAM FOR THE PERIOD FEBRUARY 1, 2002 THROUGH JANUARY 31, 2003; AUTHORIZING THE CARRY FORWARD OF PRIOR YEAR UNOBLIGATED FUNDS IN THE AMOUNT OF \$485,345.00 FOR THE OPERATION OF THE HEAD START-EARLY CHILD CARE PROGRAM FOR THE PERIOD FEBRUARY 1, 2002 THROUGH JANUARY 31, 2003; ADOPTING A REVISED HEAD START PROGRAM BUDGET REFLECTING SAID ACTIONS; ADOPTING A REVISED

PERSONNEL COMPLEMENT; AND AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH PARENT/CHILD INCORPORATED, OPERATOR OF SAID PROGRAM.

* * * *

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

Ms. Frances Gonzales, Assistant to the City Manager, discussed the Children's Resources Division, Head Start Supplemental Grant FY 2002, a copy of which is on file with the papers of this meeting. She spoke to the purpose, background, better jobs, high-quality early education, raising early education standards, and accountability measures.

In response to Councilwoman Conner, Mr. Campa explained that from a budget of \$45-\$50 million, the amount of money in obligation funds represents approximately 1% that was not spent in the last fiscal year. He noted that a budget that large cannot be all spent, and that the remainder is still available in Health and Human Services due primarily to personnel vacancies at the beginning of the year. Mr. Campa stated that the 1% represents those savings.

Councilman Sanders noted the new Head Start Center in District 2 and introduced Ms. Blanche Glover, CEO for Parent/Child, Inc.

Ms. Glover thanked the City Council for the opportunity to speak and the privilege to care for over 7,000 children. She also thanked the City Council for their support to PCI to provide care and quality services for children. She noted that she will be visiting Washington, D.C., in January, 2003 and will be requesting additional funding for PCI.

Mayor Garza and Councilman Garcia commended the staff on their involvement with this special program.

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.

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 96950

APPOINTING CURT GREER (DISTRICT 1 AND DISTRICT 3) FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 19, 2004 AND WILLIAM F. (RICK) GRINNAN, JR. (DISTRICT 1) FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 19, 2003 IN THE RIVERWALK LESSEES CATEGORY AND TRACY E. HAMMER (DISTRICT 1) TO THE BUSINESS OWNER WHO IS NOT A RIVERWALK LESSEE CATEGORY FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 19, 2004 TO THE RIVERWALK CAPITAL IMPROVEMENTS ADVISORY BOARD.

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96951

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A HOSTING AGREEMENT WITH MISS UNIVERSE L.P., LLLP IN ORDER TO HOST THE 2003 MISS USA PAGEANT AT MUNICIPAL AUDITORIUM SCHEDULED FOR BROADCAST ON MARCH 24, 2003 ON THE NATIONAL BROADCASTING COMPANY (NBC) NETWORK; AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$500,000.00 FOR ASSOCIATED STAGING AND PRODUCTION REQUIREMENTS.

* * * *

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

Mr. Dale Lockett, Acting Director, Convention and Visitors Bureau, narrated a presentation on the 2003 Miss USA Pageant Hosting Agreement, summary and recommendation, background, policy analysis, and financial impact, a copy of this presentation is on file with the papers of this meeting. He introduced Mr. Rex Holt, from Guy Rex Associates, who are the promoters for the 2003 Miss USA Pageant.

Mr. Holt explained that Guy Rex & Associates have partnered with Telemundo for this pageant which will be held in the Municipal Auditorium. He noted that while Telemundo is on record to provide additional support, they have not yet confirmed a specific dollar amount. He stated that the National Broadcasting Company (NBC) will be doing a live two hour telecast for the pageant, and they plan to air the show, Fear Factor, as the lead to the pageant with pageant contestants starring in that show. He further thanked the City Council for their support on this very special event.

Mayor Garza thanked Mr. Lockett and Mr. Holt for their efforts in organizing this successful pageant in our City during prime television time. He stated that he visited with Mr. Holt and with Miss Universe officials in New York City who gave him the confidence regarding the investment to which the City of San Antonio has committed. He requested his colleagues' support on putting a cap at \$100,000.00 for internal costs associated with the use of the Municipal Auditorium. He assured that this would give the City some assurance to stay on a budget. He added that if costs exceed this cap, it would require future City Council consideration. He further discussed engaging a local host committee in addition to the work planned by the Convention & Visitors Bureau, to assist the City and pageant officials to make this a first class event.

Councilman Perez made a motion to amend the proposed Ordinance by capping the cost at \$100,000.00 as recommended by Mayor Garza. Councilwoman Moorhouse seconded the motion.

In response to Councilman Castro regarding funding issues, Mr. Lockett explained that the \$500,000.00 is coming from the Pan American Reserve Fund, and not the general fund. He added that there is approximately \$1.6 million in the Pan American Fund from which the \$500,000.00 for this event will be used. He further stated that this fund was created from hotel/motel tax monies.

In response to Councilman Castro, Mr. Lockett stated that state law allows for the City to collect taxes to increase tourism, and those funds cannot be used for general purposes such as street repairs. He added that state law prohibits the use of these restrictive funds for such uses. He further discussed specifics of the state law and stated how these restrictive funds be used only for distinctive events such as the upcoming Miss USA pageant.

In response to Councilman Castro regarding certain costs, Mr. Lockett noted that normally, advertising time of this nature, would be in excess of \$2 million, and that the estimated value is only on the domestic prime time cover and does not include Telemundo Broadcasting or international exposure. He added that for the value, the exposure content is a good deal. He noted that another reason for visitors to come to San Antonio is that it will act as a catalyst for major clients to showcase our City.

Councilman Perez stated that he welcomes the pageant to San Antonio for the opportunity to showcase the City. He thanked Mr. Lockett and Mr. Holt for bringing the Miss USA Pageant to San Antonio.

Councilman Garcia discussed with Mr. Lockett the history of the Ms. Texas pageant in San Antonio, and the likelihood of Miss USA being a recurring event in the City.

In response to Councilman Garcia, Mr. Lockett stated that revenue will come in similar to when the Dallas Cowboys visited San Antonio with hotel/motel revenues, as well as sales and the general fund.

Councilwoman Moorhouse thanked Mr. Lockett for the clarification from Councilman Castro regarding the Pan American Reserve Fund as opposed to the general fund.

Discussion continued concerning media exposure value versus the economic value, and Mr. Lockett informed the City Council that an approximate of \$900 per attendee at the Pageant will be spent in San Antonio.

Councilwoman Moorhouse thanked the Guy Rex Associates firm and their staff for their work on the pageant.

In response to Councilman Schubert, Mr. Lockett explained the difference between direct and indirect exposure noting that direct is that which the City chooses as those best features to showcase. He noted that indirect exposure is a six-minute combination of NBC and Miss USA choosing the venues they want to highlight. He also explained that there will be different segments throughout the broadcast which will be comprised of an official segment and others to be dictated by NBC commercials.

In response to Councilman Schubert, Mr. Lockett stated that the souvenir program book is a minimal revenue source, in that it is difficult to determine the number of copies that will sell.

In response to Councilman Schubert, Mr. Roland Lozano, Assistant to the City Manager, stated that out of the \$1.6 million Pan American Reserve Funds, a balance of \$264,000 is in the fund. He added that with the Dallas Cowboys, \$800,000 was used.

In response to Councilman Schubert, Mr. Lockett noted that a series of meetings starting in January will determine the extent of national exposure.

Mr. Holt explained that the City of San Antonio will have the opportunity to include 30 second slots throughout the show for direct exposure. He noted that the amount of airtime for the actual pageant varies on each and every show.

Councilman Schubert thanked Mr. Holt and Mr. Lockett for the distinction of hotel/motel funds as opposed to general funds.

Councilwoman Conner stated that she was impressed with the quality of work that staff and Guy Rex Associates are doing with the pageant in San Antonio, and with the fact that Telemundo Broadcasting will be involved. She confirmed that she is in support of the pageant.

Mr. Lockett added that he has not yet confirmed what level of participation Telemundo will take.

In response to Councilwoman Conner, Mr. Rex noted that there is always an opportunity to have the Miss Universe Pageant in San Antonio.

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

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

— — —

2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96952

ACCEPTING THE PROPOSAL AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A ONE-YEAR CONTRACT IN THE APPROXIMATE AMOUNT OF \$510,340.00, BASED ON UNIT PRICES, WITH BFI WASTE SERVICES OF TEXAS, L.P. TO PROVIDE MUNICIPAL SOLID WASTE COLLECTION, DISPOSAL, AND RECYCLING SERVICES IN THE IH 10 EAST AREA FOR THE PERIOD OF JANUARY 1, 2003, TO DECEMBER 31, 2003, AND AUTHORIZING UP TO THREE (3) ADDITIONAL ONE (1) YEAR EXTENSIONS UPON THE APPROVAL OF THE DIRECTOR OF ENVIRONMENTAL SERVICES; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. Dan Cardenas, Director of Environmental Services, gave an overview of all three Items under Item # 34, A, B, and C on the Solid Waste Collection Contracts, a copy of which is on file with the papers of this meeting.

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

Mr. Cardenas discussed the background, City collection, 2003 contract areas, new contracts, timeline, proposal evaluation criteria, proposal evaluation for Municipal Solid Waste Collection, disposal and recycling services, evaluation process, and impact on Fund 55 for FY 03.

Councilman Barrera thanked the staff for analyzing these costs to determine at some point the cost efficiency for the City to either take over or to continue contracting out for these services.

Councilman Sanders thanked Mr. Cardenas for his work with BFI Waste Services of Texas, L.P., (BFI) and reiterated the City's commitment to be watchful on this item, in particular with current areas of litigation. He noted a commitment to the new housing development, and providing good customer service for a good partnership in the neighborhood.

Councilman Sanders also thanked City Manager Ms. Terry Brechtel for her diligence on this contract.

In response to Councilman Carpenter, Mr. Cardenas stated that on a landfill perspective for San Antonio's future, the City has approximately thirty (30) years of life in those landfills and other individual sites. He noted that each one has options for potential additional space. He assured the City Council that there is plenty of capacity in the area.

In response to Councilman Carpenter, City Manager Terry Brechtel, asked Ms. Sally Farris, City Attorney, to give a brief overview on the resolutions of the legal nature in relation to BFI.

Ms. Farris explained the two issues on appeal were the duration of the permit and the validity of the sight-operating plan, which BFI and the State of Texas aligned against the Martinez Environmental Group (MEG). She noted that at the appellate level, BFI prevailed on the issue of the duration of the permit, which is good for the lifetime of the facility (projected at 57 years). She further noted that MEG did prevail on the question of

the sight-operating plan, and stated that this matter has been remanded. She discussed the options BFI has in district court, and the steps BFI has taken to date.

Councilman Schubert asked that the City continue to monitor this process at a staff level in particular with the constituency in District 2, and their quality of life issues. He noted that the City Council be kept abreast of the project status.

Mr. Cardenas noted that Environmental Services, Code Compliance and the Health Department continue to conduct monthly, unscheduled inspections of landfills and disposal facilities in an effort to identify critical issues.

The following citizen(s) appeared to speak:

Ms. Maria Dominguez, expressed her concern over the City sponsoring the Miss USA Pageant, when she and other senior citizens are having difficulties in securing VIA transportation. She also spoke to conditions of broken sewers around the City.

Mr. Guillermo Vasquez, Service Employee International Union #1967 and Co-Director of City Employees Union. He spoke to Item #34 and various concerns over issues such as privatization, omitted direct and in-direct costs, and transition costs involving transitioning from private to the public sector. He discussed issues affecting employees with contract monitoring costs, benefit proposals for working under private sector contracts, employee rights, job displacement, new job opportunities, and training for other opportunities within the City. He also noted that safety is a major concern for employees, as is access for workers to visit with union representatives.

Mr. Vasquez recommended continued communication with City staff to improve employees' rights, respect and recognition for a job well done.

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96953

ACCEPTING THE PROPOSAL AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A ONE-YEAR CONTRACT IN THE APPROXIMATE AMOUNT OF \$224,640.00, BASED ON UNIT PRICES, WITH

WASTE MANAGEMENT OF TEXAS, INC. TO PROVIDE MUNICIPAL SOLID WASTE COLLECTION, DISPOSAL, AND RECYCLING SERVICES IN THE IH 10 WEST AREA FOR THE PERIOD OF JANUARY 1, 2003, TO DECEMBER 31, 2003, AND AUTHORIZING UP TO THREE (3) ADDITIONAL ONE (1) YEAR EXTENSIONS UPON THE APPROVAL OF THE DIRECTOR OF ENVIRONMENTAL SERVICES; AND PROVIDING FOR PAYMENT.

* * * *

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96954

ACCEPTING THE PROPOSAL AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A ONE-YEAR CONTRACT IN THE APPROXIMATE AMOUNT OF \$462,777.00, BASED ON UNIT PRICES, WITH WASTE MANAGEMENT OF TEXAS, INC., TO PROVIDE MUNICIPAL SOLID WASTE COLLECTION, DISPOSAL, AND RECYCLING SERVICES IN THE TIMBER RIDGE AREA FOR THE PERIOD OF JANUARY 1, 2003, TO DECEMBER 31, 2003, AND AUTHORIZING UP TO THREE (3) ADDITIONAL ONE (1) YEAR EXTENSIONS UPON THE APPROVAL OF THE DIRECTOR OF ENVIRONMENTAL SERVICES; AND PROVIDING FOR PAYMENT.

* * * *

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

(Mayor Garza returned to the meeting and presided.)

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96955

DESIGNATING COUNCIL DISTRICTS FOR THE NEWLY ANNEXED AREAS INCLUDING THE GALM RD, GOVERNMENT CANYON/CITY PROPERTIES, SHELDON TRACT, THRIFT TRACT/CITY PROPERTY AND STAGE RUN AREA (FULL PURPOSE) AND THE SIX SOUTHSIDE LIMITED PURPOSE ANNEXATION AREAS AND ESTABLISHING EFFECTIVE DATES.

* * * *

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

Mr. Jesus Garza, Planning Manager, Planning Department, presented this item, a copy of the power point presentation discussing background, 2002 Council district changes, and staff recommendation, 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:** Sanders, Moorhouse, Martin, Garcia, Barrera, Conner, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Castro, Schubert.

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96956

AMENDING CHAPTER THIRTY FIVE OF THE CITY CODE BY ADDING A NEW SECTION 35-339.01, CORRIDOR DISTRICTS, WHICH ESTABLISHES OVERLAY ZONING DISTRICTS FOR GATEWAY CORRIDORS, METROPOLITAN CORRIDORS, AND PRESERVATION CORRIDORS AND AMENDING CHAPTER 28, SIGNS AND BILLBOARDS, SECTION 28-238, GENERAL PROVISIONS TO

REFERENCE CORRIDOR DISTRICTS AND SECTION 28-247, VARIANCES AND APPEALS TO AMEND APPEAL PROCEDURES.

* * * *

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

Mr. Emil Moncivais, Director, Planning Department, narrated a presentation on the Corridor Overlay Districts enabling ordinance, background, development standards for corridor districts, individual corridors designation process, administration of adopted corridor overlay district, financial impact, and public notice of proposed action. (A copy of this presentation is on file with the papers of this meeting).

The following citizen(s) appeared to speak:

Mr. Pete Sitterle, 8211 281 North, representative from the SA Electrical Sign Association, stated that the association does support the attached Ordinance with one exception regarding the square footage amounts for on-permit signs as proposed. He cited a Zoning Committee meeting on November 19, 2002, where the association proposed changes for a compromise that was supported by the association's stakeholders. He noted the square footage recommended was in keeping with the 1992 Urban Corridor for multi tenant signage. He also provided information on the single and dual tenant sign size compromise and the reduction in the square footage amount from those originally proposed.

Mr. Sitterle further spoke on how small businesses rely on the visibility of signs for advertising and the impact they make on their business. He asked the City Council to consider the recommendation on changing the square footage on signs as submitted by the SA Electrical Sign Association. He distributed copies of a letter written by the association regarding the recommended square footage. (A copy of this letter is on file with the papers of this meeting).

Ms. Patricia Hutcherson, President of the San Antonio Restaurant Association (SARA), stated that SARA is a \$2.9 million dollar industry that relies on marketing to generate sales. She noted that signage and the location of signs is the key to all successful businesses. She added that after meeting with staff, signage issues are still a concern. She went on to state that SARA is in support of the sign proposals that Mr. Sitterle is proposing.

Mr. Robert Hunt, President, Real Estate Council, spoke on behalf of over 200 member firms who have dedicated their time on this issue. He spoke regarding a task force that has met with Councilwoman Conner's office and other City staff on this project. He reiterated their support of this Ordinance but also expressed concern over the sign provisions as they currently exist. He is in support of the recommendations by the Electrical Sign Association.

Mr. Jody Sherrill, 8503 Knights Knoll, Chairman of Neighborhood Alliance, stated that he is not representing the Zoning Commission, and read a letter from a member from the citizens task force. Mr. Sherrill stated that this Ordinance as presented has faced numerous compromises, and he is in favor of the Ordinance.

Ms. Loretta Huddleston, read a statement from Jill Souter, President of the San Antonio Conservation Society seeking for an opportunity to create a safe environment. Ms. Huddleston stated that the proposed Ordinance takes these steps further and believes that the proposed sign sizes are reasonable.

Mr. Timothy Casselas, Chairman of the San Antonio Automobile Dealers Association, thanked Councilwoman Conner and other stake holders for their support of the ordinance concept. He noted that there are still concerns over the proposed sign message area and asked for an additional square feet on the expressway signs and a minimum of 300 for a single tenant. He also spoke to increasing the area from 65 to 150 square feet for an arterial "A". He stated the increase would provide better visibility.

* * * *

In response to Councilwoman Moorhouse, Mr. Moncivais stated that a financial impact would apply only to new development occurring or if someone came in and wanted to change the sign on their property. He noted that existing signs do not have to be changed.

Mr. Moncivais discussed the process whereby a Councilperson would create the resolution, give staff direction to go out and work with the community to develop criteria for a corridor in their respective districts.

In response to Councilman Schubert, Mr. Moncivais explained that should the enabling ordinance be approved, the next item would be a pilot program on I.H. 10 along that corridor. He spoke to an established process to follow should other recommendations be received from Council members, including six-signature memos requesting those recommendations. He gave clarification on the various terminology in the original ordinance which was given to City Council.

In response to Councilman Schubert, Mr. Moncivais explained that the gateway corridor can be any major freeway coming to the City. He defined the term "historical" as anything within the City that has a historical element, and that the City Attorney's office would make a determination as to what is considered historical. He also gave other definitions pertaining to this item.

In response to Councilman Schubert regarding the number of public hearings, Mr. Moncivais stated that it may take a number of meetings to reach a consensus. He noted that the item may have to be presented to the Zoning Commission in an effort to move it forward, and ultimately get a majority vote of all individuals involved. He stated that no one particularly large groups has more voice than 500 individual property owners.

He further noted that developers may still be able to obtain building permits based on the existing zoning designations, and that the ordinance will not take effect until the City Council approves it. Mr. Moncivais stated that after it is approved, the new criteria would then apply. He clarified the maximum limit on district boundaries.

City Attorney Andrew Martin confirmed the maximum would be 200 feet on either side of the street.

Mr. Moncivais explained that their experience with interested groups is that there is always a basic number of people who are involved in a project, and his staff maintains a working relationship with those groups. He noted that there is also input from those who are concerned about an on-going project.

In response to Councilman Schubert regarding #4 on page 6, Certificate of Compliance, Subsection #5, Mr. Moncivais stated that it would depend on rules and regulations on that particular corridor as far as what requirements exist for denial. He added that the residents are informed if the requirements are not met. He stated that applicants have the opportunity to return to Development Services for final approval of their plans; this applies to any land use in the area. He stated that while there is no maximum length of corridor, the minimum length does have to be continuous. He noted that if someone wants a variance, they would have to go to the Board of Adjustment and meet the criteria.

Councilman Schubert noted that the Planning Department is the ultimate authority on this project, and that City Council will be observing the project as it moves forward.

In response to Councilman Carpenter, City Attorney Andrew Martin stated that as long as a Councilman gets six votes from any Council member, they could go forward with the process.

Councilman Carpenter expressed his concern about increased layers of bureaucracy imposed on small businesses, and is not sure he can agree with the Ordinance. He also noted his concerns with signage.

In response to Councilwoman Moorhouse, Mr. Moncivais stated no expenses will be incurred on additional staff for this project.

Councilwoman Conner thanked staff for the presentation, and noted that it has been a two-year work in progress. She noted the unanimous support of the project by businesses and stakeholders.

Councilwoman Conner encouraged working together with property owners for a consensus, and asked her colleagues for their support.

Mayor Garza agreed on the controversial aspects of the Ordinance, and recognized the work yet to be conducted on this issue. He noted that there is a need to balance business enterprises and the ability to promote business. He stated that while the sign issue is controversial, there is a place and purpose, which will hopefully, improve this process in the future, and to be clear about the goals for future corridors. He also recognized Councilwoman Conner for her efforts on this project.

Mr. Moncivais requested to remove Façade on Item #2 of the Ordinance regarding design standards as part of the Ordinance since there is no design standards in this particular draft.

Councilwoman Conner stated that design standards had been discussed with the Real Estate Council, but she was interested in assuring that "Materials" were inserted.

In response to Councilman Schubert, Mr. Moncivais stated that national chain companies may use the same sign they have, but may consider using alternate materials, i.e., alternate limestone. Mr. Moncivais added that the color is not included in the Ordinance, but did state that if signs do not meet the Ordinance specifications, it would have to be modified to reflect that particular corridor. He further stated that nothing will change until it comes back to City Council for consideration.

In response to Councilman Carpenter regarding building materials, Mr. Moncivais noted that there is flexibility in the Ordinance to allow businesses to keep their existing signs; this will affect only the size and the height of signs in that particular corridor.

Councilwoman Conner then made a motion to approve the proposed Ordinance to remove Facade on Item #2 regarding design standards per Mr. Moncivais' request. Councilwoman Moorhouse seconded the motion.

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

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

— — —
2002-47 The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-45-46

AUTHORIZING THE PLANNING DIRECTOR TO UNDERTAKE LAND USE AND OTHER BACKGROUND STUDIES NECESSARY TO RECOMMEND TO THE CITY COUNCIL A GATEWAY CORRIDOR DISTRICT ALONG INTERSTATE HIGHWAY 10 WEST IN CITY COUNCIL DISTRICT 8 PURSUANT TO SECTION 35-339.01 OF THE UNIFIED DEVELOPMENT CODE.

* * * *

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

Mr. Emil Moncivais, Director, Planning Department, narrated a slide presentation outlining the background, scope of work, financial impact, coordination and review, and staff recommendation, a copy of which is on file with the papers of this meeting.

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96957

ACCEPTING THE SOLE SOURCE OFFER FROM SAGEM MORPHO, INC. TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH UPGRADED SOFTWARE AND HARDWARE TO THE EXISTING AUTOMATIC FINGERPRINT IDENTIFYING SYSTEM (AFIS) FOR A TOTAL AMOUNT OF \$1,499,250.00.

* * * *

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

Chief Albert Ortiz, Police Department, narrated this item, a copy of the power point presentation on the Automated Fingerprint Identification System (AFIS), is on file with the papers of this meeting. He discussed background, system upgrade, and system function.

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

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96958

ADOPTING FISCAL YEAR (FY) 2003 HUMAN DEVELOPMENT SERVICES FUND GUIDELINES FOR FUNDS AUTHORIZED THROUGH ORDINANCE NO. 96399, FY 2003 BUDGET ORDINANCE; AND AUTHORIZING THE EXECUTION OF CONTRACTS IN CONNECTION THEREWITH. (AMENDS ORDINANCE NO. 96399, SEPTEMBER 19, 2002.)

* * * *

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

Mr. Dennis Campa, Director, Community Initiatives, conducted a presentation on the Human Development Services Fund Revised FY 2003 Guidelines, purpose, major changes, background, FY 2002 expenditures, FY 2003 HDSF Council commitments, current HDSF process, proposed FY 20 03 HDSF guidelines, City Council action, coordination, and accountability system, a copy of which presentation is made a part of 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, Martin, Garcia, Barrera, Castro, Conner, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Schubert, Garza.

— — —
(Mayor Garza returned to the meeting and presided.)
— — —

2002-45 Item 41 being a proposed ordinance authorizing the creation of a Neighborhood Empowerment Zone totaling 125,000 square feet or 2.86 acres in NCB 10979, near the intersection of S.E. Military Drive and Goliad Road, and granting authorization to the City Manager to negotiate and execute a Sales Tax Rebate Agreement with Development Strategies, Inc. and Target Stores, Inc. for the partial rebate of sales taxes generated at a proposed Target store in an amount not to exceed \$1,970,000.00 for a ten (10) year period commencing upon the earlier of either store opening or January 1, 2004; as requested by Councilwoman Antoniette Moorhouse, District 3, was pulled from consideration by the City Manager.

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96959

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE ALAMO COMMUNITY COLLEGE DISTRICT ("ACCD") AND AUTHORIZING THE EXPENDITURE OF \$12,000.00 FROM THE DISTRICT 3 HUMAN DEVELOPMENT SERVICES FUND, \$2,000.00 FROM THE DISTRICT 4 HUMAN DEVELOPMENT SERVICES FUND, \$2,000.00 FROM THE DISTRICT 5 HUMAN DEVELOPMENT SERVICES FUND, \$1,000.00 FROM THE DISTRICT 6 HUMAN DEVELOPMENT SERVICES FUND, \$2,000.00 FROM THE DISTRICT 7 HUMAN DEVELOPMENT SERVICES FUND, \$2,000.00 FROM THE DISTRICT 8 HUMAN DEVELOPMENT SERVICES FUND, \$2,000.00 FROM THE DISTRICT 9 HUMAN DEVELOPMENT

SERVICES FUND, AND \$2,000.00 FROM THE DISTRICT 10 HUMAN DEVELOPMENT SERVICES FUND PAYABLE TO ALAMO COMMUNITY COLLEGE DISTRICT FOR THE ADMINISTRATION OF A NEWLY CREATED BIOSCIENCE TECHNOLOGY COMPONENT TO BE ADDED TO THE ALAMO AREA AEROSPACE ACADEMY ("AAAA") AND INFORMATION TECHNOLOGY AND SECURITY ACADEMY ("ITSA") PROGRAM TO BE CONDUCTED IN THE SUMMER OF 2003; AS REQUESTED BY COUNCILWOMAN ANTONIETTE MOORHOUSE, DISTRICT 3.

* * * *

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

Mr. Thomas Rumora, Director, Brooks City-Base Office, narrated a presentation on Bioscience Bridge Program, background, proposed program, program benefits, Human Development Services fund request, a copy of which presentation is made a part of the papers of this meeting.

Councilwoman Moorhouse thanked District 4, 7, 8 and 10 for pledging their support, and then requested Districts 4, 7, 8 and 10 to participate in this effort with a donation.

Councilman Castro stated that he has committed funds for this item, and that he is in support of this program in an effort to help young people.

Councilman Barrera stated that District 6 will add \$1,000.00 from the Human Development Fund.

In response to Councilman Barrera, Mr. Rumora stated that he was not aware of the procedure used to select the student who participate in the summer program, however, he did state that the six students who are on this program now, will continue for another two weeks.

Mr. Dennis Campa, Director of Community Initiatives, stated that they begin identifying issues in the middle school levels, i.e., 6, 7 and 8 grades, and extending further to high schools. He stated that all plans are to increase the number of middle schools by including all middle schools within Bexar County to engage in this effort.

More discussion occurred on the pre-engineering program with Councilman Barrera stating that more direction in exploring career goals may be considered.

Councilman Martin added \$2,000.00 from the Human Development Fund.

In response to Councilwoman Conner, Mr. Campa noted that there is no information as to what schools are currently participating in this program.

Councilwoman Conner committed to funding \$2,000.00 towards the program once she knows what schools are participating in the program, the curriculum plan for the program, and if other students can be considered other than those in the current classes. Councilwoman Conner also states that she is interested in introducing additional students to the program.

Councilman Garcia stated that District 5 will donate \$2,000 from the Human Development funds with the requirement that it be for children in District 5.

Councilwoman Moorhouse explained that this is a pilot program. She stated that she would like to see a survey of school districts that show the number of drop-outs from high school, and how many are from middle schools. She noted that this is a program to help students stay in school. She thanked the staff for the general summary of the process, and thanked her colleagues also for their support.

Councilman Carpenter added \$2,000 from the Human Development Fund.

Mayor Garza commended the staff on a good job on this project.

Councilman Barrera made a motion to approve the proposed Ordinance with additional funds from the following districts: District 4 - \$2,000; District 5 - \$2,000; District 6 - \$1,000; District 7 - \$2,000; District 8 - \$2,000; District 9 - \$2,000; District 10 - \$2,000. Councilwoman Moorhouse seconded the motion.

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

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96960

AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH THE HEALY MURPHY CENTER IN THE AMOUNT OF \$27,500.00 FOR THE SUPPORT

OF THEIR YOUTH TRAINING PROGRAM AND AUTHORIZING ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS IN THE AMOUNTS OF \$20,000.00 FROM DISTRICT 2, \$1,000.00 FROM DISTRICT 3, \$1,000.00 FROM DISTRICT 4, \$1,000.00 FROM DISTRICT 5, \$1,000.00 DISTRICT 6, \$2,500.00 FROM DISTRICT 7 AND \$1,000.00 FROM DISTRICT 8 IN CONNECTION THEREWITH; AS REQUESTED BY DISTRICT 2 COUNCILMAN JOHN H. SANDERS.

* * * *

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

Mr. Dennis Campa, Director of Community Initiatives, discussed the Human Development Services Fund Healy Murphy Center, purpose, background information, program information, and accountability measure, a copy of which is on file with the papers of this meeting.

Councilman Sanders noted his concern regarding borderline school drop-outs, and how the Healy Murphy Center has helped young people reach and understand their potential. He requested his colleagues to consider donating from their Human Development Services Fund to keep this program alive.

Councilman Castro acknowledged the work being done at the Healy Murphy Center and committed \$2,500 from District 7.

Councilman Castro made a motion to approve the proposed Ordinance with additional funds added by the following districts: District 3 - \$1,000; District 4 - \$1,000; District 5 - \$1,000; District 6 - \$1,000; District 7 - \$2,500; District 8 - \$1,000. Councilman Garcia seconded the motion.

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

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

— — —
2002-45 The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-45-47

DIRECTING THE CITY MANAGER TO BRING FORWARD TO THE ZONING COMMISSION FOR ITS RECOMMENDATION AND THEREAFTER TO THIS CITY COUNCIL FOR CONSIDERATION, A CHANGE OF ZONING FROM "C-3 R" COMMERCIAL RESTRICTIVE ALCOHOLIC SALES DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT ON THE PROPERTY DESCRIBED AS 15.00 ACRES OUT OF A 65.236 ACRE TRACT, NEW CITY BLOCK 14491, LOCATED IN THE 10400 BLOCK OF OLD PEARSALL ROAD, IN THE CITY OF SAN ANTONIO, BEING OUT OF THE MARIA F. RODRIGUEZ SURVEY NO. 4, ABSTRACT NO. 16, IN COUNTY BLOCK 4303, BEXAR COUNTY, TEXAS.

* * * *

Councilman Martin made a motion to approve the proposed Resolution. Councilwoman Moorhouse seconded the motion.

Mr. Florencio Pena, Director, Development Services Department, gave a presentation on the initiation of the zoning case on the 10400 Block of Old Pearsall Road, outlining the background, resolution, and coordination. A copy of this presentation is on file with these papers.

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

The following citizen(s) appeared to speak:

Mr. David Fernandez, noted that this zoning case was unanimously denied previously by the Zoning Commission. He added that the Southwest Independent School District and the Neighborhood Association directly effected by this proposed zoning change are in opposition of the proposal.

Father Phil Henning, COPS/Metro Alliance, 10400 Block of Pearsall Road, spoke regarding a meeting on November 24th, when 450 residents met and opposed the project. He noted that this community has not been allowed to voice their opposition to this project, which will increase existing burdens such as property taxes. Father Henning questioned the consultation process for this zoning change as well as the notice to place the Item on the City Council agenda. He requested that the Council vote against this Resolution.

Mr. Armando Hernandez, Mr. Dale Armwood and Ms. Eufemia Mann gave their time to Ms. Carol Abitz, from the Southwest Community Association, who stated that the community was not brought into any discussions about this project until August, 2002. She spoke to the association's opposition to this Resolution. Ms. Abitz presented a copy of their petition as signed by the residents who are opposed to the Item. She continued discussing the opposition to the zoning Item.

(Mayor Garza returned to the meeting and presided.)

Ms. Sandra Gamboa, 8922 Sky Harbor, spoke to her opposition of this zoning change, and asked Council to reject this Resolution.

* * * *

Mayor Garza clarified the intent of this Resolution, which will go back to the Zoning Commission. He stated that the City Council will not vote on this Item at today's meeting.

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:** None. **ABSENT:** Castro.

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96961

REVISING ORDINANCE NO. 96399, THE FY 2003 BUDGET ORDINANCE, BY REALLOCATING \$595,016.00 INCLUDED IN THE BUDGET FOR THE PROVISION OF SERVICES TO PROJECTED ANNEXATION AREAS THAT WERE SUBSEQUENTLY NOT ANNEXED AS A RESULT OF CITY COUNCIL ACTION ON NOVEMBER 21, 2002. (AMENDS ORDINANCE NO. 96399, SEPTEMBER 19, 2002.)

* * * *

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

Mr. Lou Lendman, Director of the Office of Management and Budget, presented the Annexation Plan-Related FY 2003 Adopted Budget Amendments, summary, background,

2002 annexation plan amendment – November 21, and proposed FY 2003 budget amendments, 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, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Barrera, Castro.

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96962

APPROVING AN ADDENDUM TO THE CITY'S LEGISLATIVE PROGRAM FOR THE 78TH TEXAS LEGISLATURE THAT WAS ADOPTED ON SEPTEMBER 12, 2002, BY ORDINANCE NO. 96336. (AMENDS ORDINANCE NO. 96336, SEPTEMBER 12, 2002.)

* * * *

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

Mr. Jim Campbell, External Relations Director, narrated a slide presentation on the Proposed Addendum to the State Legislative Program, outlining the background, legislative initiative, and south side development initiative, a copy of which is on file with the papers of this meeting.

Mayor Garza thanked Mr. Campbell, the lobbyist team, and the consultants for their efforts on finalizing the intent of this Ordinance.

The following citizen(s) appeared to speak:

Mr. Harold Oliver, spoke to his efforts to bring this Item to the Texas Legislature. He stated that Senator Madla would like to proceed with this addendum which he considers necessary to the economic development potential. He added that it would provide an incentive to bring the businesses that will promote and foster growth in San Antonio.

Mayor Garza stated that this is a layered initiative development, which will address several goals towards the balance of the south side initiative affecting the community and businesses within Bexar County. He noted that it has been inclusive of all entities as they relate to a partnership development, but this will be a process that will conclude in May.

Mr. Campbell stated that the next step will be to get a bill drafted, and he will share that with the committee and with the City Council.

Mayor Garza asked to keep the City Council informed of this process.

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.

— — —
2002-45 The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-45-48

SUPPORTING ALAMO AREA FIRE & POLICE MEMORIAL, INC. ("AAFPM") IN ITS EFFORTS TO BUILD A MEMORIAL HONORING ALAMO AREA FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS WHO HAVE LOST THEIR LIVES IN THE LINE OF DUTY; AND DIRECTING CITY STAFF TO ASSIST AAFPM, EFFECTED NEIGHBORHOODS, AND BUSINESS GROUPS TO IDENTIFY A LOCATION FOR THE MEMORIAL.

* * * *

Councilman Carpenter made a motion to approve the proposed Resolution. Councilman Perez seconded the motion.

Mr. Bud Gabley, President of the Alamo Area Fire & Police Memorial, Inc. (AAFPM) spoke to the ultimate sacrifice firefighters and law officers made in the performance of their duties, a copy of which is on file with the papers of this meeting. In an effort to honor these heroes, he stated that the AAFPM would like to commemorate them with a memorial. Mr. Gabley also stated that he looks forward to working with district representatives on the design and location on which to build the memorial.

Councilman Perez thanked Mr. Gabley and stated that he knows that this Item is supported by his colleagues in recognizing San Antonio's fallen heroes.

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96963

AUTHORIZING THE EXPENDITURE OF \$1,000.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, \$1,000.00 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND, \$1,000.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND, \$1,000.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT FUND, \$500.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT, \$500.00 FROM THE DISTRICT 7 CONTINGENCY ACCOUNT FUND, \$500.00 FROM THE DISTRICT 9 CONTINGENCY ACCOUNT FUND, \$500.00 FROM THE DISTRICT 10 CONTINGENCY ACCOUNT FUND, AND \$1,000.00 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND PAYABLE TO ALAMO AREA FIRE & POLICE MEMORIAL, TO BE USED TO HELP DEFRAY EXPENSES ASSOCIATED WITH THE CREATION OF A MEMORIAL HONORING ALAMO AREA FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS THAT HAVE LOST THEIR LIVES IN THE LINE OF DUTY; AS REQUESTED BY DISTRICT 1 COUNCILMAN BOBBY PEREZ.

* * * *

Councilwoman Moorhouse made a motion to approve the proposed Ordinance with additional funds from the following districts: District 3 - \$1,000; District 4 - \$1,000; District 5 - \$1,000; District 6 - \$500; District 7 - \$500; District 9 - \$500; District 10 - \$500; (Mayor) - \$1,000. Councilman Perez seconded the motion.

In response to Councilwoman Moorhouse, Mr. Gabley stated that there is a current design, and based on the location, the Alamo Area Fire & Police Memorial, Inc (AAFPM) is open to suggestions on the design. Councilwoman Moorhouse added \$1,000 from her contingency, and requested an update as this project moves forward.

In response to Mayor Garza, Mr. Gabley stated that their goal is for a granite wall and bronze statute, and has been given an estimate of \$250,000. He noted that he will be seeking matching federal funds to complete the project.

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

2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96964

AUTHORIZING THE TRANSFER OF \$822.67 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE INTERNATIONAL CENTER, TO BE USED TO HELP DEFRAY COSTS ASSOCIATED WITH THE BANQUET HOSTED BY ITALIA RISTORANTE IN HONOR OF THE U.S. ARMY ALL STAR FOOTBALL TEAM MEMBERS AND THEIR FAMILIES TO BE HELD ON DECEMBER 31, 2002; AS REQUESTED BY COUNCILMAN BOBBY PEREZ.

* * * *

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

Councilman Perez spoke to his support of this Item, and stated that in light of the student athletes being involved, he would support this item which would be subject to any guidelines imposed by the National College Athletic Association and the University Interscholastic League (UIL).

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96965

AUTHORIZING THE TOTAL EXPENDITURE OF \$500.00 FROM THE VARIOUS CITY COUNCIL CONTINGENCY ACCOUNT FUNDS, PAYABLE TO SAN ANTONIO INDEPENDENT LIVING SERVICES (SAILS), TO BE USED TO HELP DEFRAY THE COSTS ASSOCIATED WITH ITS CHRISTMAS PARTY FOR PEOPLE WITH DISABILITIES WHO ARE IN FINANCIAL NEED THAT WAS HELD ON DECEMBER 13, 2002; AS REQUESTED BY COUNCILMAN BOBBY PEREZ.

* * * *

Councilman Perez made a motion to approve the proposed Ordinance with additional funds added by the following districts: District 6 - \$100; District 7 - \$100. Councilman Carpenter 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, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Martin, Conner.

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96966

AUTHORIZING THE EXPENDITURE OF \$2,000.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE PROGRAM "OPERATION LIFE SAVER", TO BE USED TO HELP DEFRAY THE COSTS OF EXPENSES ASSOCIATED WITH PREPARING HOLIDAY BASKETS AND PURCHASING FOOD, PERSONAL ITEMS AND BLANKETS FOR SENIOR CITIZENS AND DISABLED RESIDENTS OF CITY OF SAN ANTONIO TO BE DISTRIBUTED ON DECEMBER 23 AND 24, 2002; AS REQUESTED BY COUNCILMAN JOHN H. SANDERS.

* * * *

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

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96967

AUTHORIZING THE EXPENDITURE OF \$250.00 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND, PAYABLE TO COMMUNITIES IN SCHOOLS, ADAMS HILL, TO BE USED TO HELP OFFSET THE COST TO PURCHASE FOOD

ITEMS FOR BASKETS FOR NEEDY FAMILIES TO BE DISTRIBUTED ON DECEMBER 19, 2002; AS REQUESTED BY COUNCILWOMAN ANTONIETTE MOORHOUSE.

* * * *

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

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96968

AUTHORIZING THE EXPENDITURE OF \$700.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT FUND, PAYABLE TO VILLAS DE ESPERANZA HOMEOWNERS ASSOCIATION, TO BE USED TO HELP DEFRAY THE COSTS ASSOCIATED WITH ITS FIFTH ANNIVERSARY THANKSGIVING AND CHRISTMAS DINNER THAT WAS HELD ON DECEMBER 5, 2002; AS REQUESTED BY COUNCILMAN DAVID A. GARCIA.

* * * *

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

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96969

AUTHORIZING THE TOTAL EXPENDITURE OF \$500.00 FROM THE VARIOUS CITY COUNCIL CONTINGENCY ACCOUNT FUNDS, PAYABLE TO THE BENITIA FAMILY CENTER, TO BE USED TO HELP DEFRAY THE COSTS OF PROVIDING FOOD AND GIFTS TO PARTICIPANTS IN THE VARIOUS PROGRAMS AND CLASSES OFFERED AT THE CENTER THAT WERE DISTRIBUTED DECEMBER 9-13, 2002; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

* * * *

Councilwoman Moorhouse made a motion to approve the proposed Ordinance with additional funds added by the following districts: District 5 - \$250. Councilman Perez seconded the motion.

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96970

AUTHORIZING THE EXPENDITURE OF \$250.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE MADONNA NEIGHBORHOOD CENTER, TO BE USED TO HELP DEFRAY THE COSTS OF PROVIDING TURKEYS FOR HOLIDAY FOOD BASKETS FOR NEEDY FAMILIES IN THE COMMUNITY TO BE DISTRIBUTED DECEMBER 19 AND 20, 2002; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

* * * *

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

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96971

AUTHORIZING THE EXPENDITURE OF \$250.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE BETHEL SENIOR CENTER, TO BE USED TO HELP DEFRAY THE COSTS ASSOCIATED WITH THE CENTER'S ANNUAL CHRISTMAS PARTY TO BE HELD ON DECEMBER 20, 2002; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

* * * *

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

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to Items #54 and #55 and his objection to donations being made to a church by the government.

* * * *

Councilman Barrera clarified that the nutritional and senior centers are not churches.

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

— — —
2002-45 The Clerk read the following Ordinance:

AN ORDINANCE 96972

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE NORTHWEST RAIDERS POP WARNER FOOTBALL TEAM, TO BE USED TO HELP DEFRAY THE COSTS OF TRAVEL EXPENSES FOR THEIR TRIP TO FLORIDA TO COMPETE IN THE

NATIONAL CHAMPIONSHIPS THAT WERE HELD DURING THE WEEK OF DECEMBER 8-14, 2002; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

* * * *

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

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

— — —
2002-45 EXECUTIVE SESSION

The City Council recessed its regular session at 6:41 P.M. in order to convene in Executive Session for the purpose of:

- A.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code to discuss legal issues related to collective bargaining negotiations with the San Antonio Police Officers Association.
- B.) Attorney-client consultation pursuant to Sec. 551.071 of the Texas Government Code, to discuss legal issues relating to City of San Antonio vs. Greg Abbott, GV 204394, in the District Court of Travis County, Texas.

The City Council adjourned the Executive Session at 7:03 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.

— — —
2002-45 ON A POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, City Manager Terry Brechtel handed out Christmas gifts to members of the Council.

CITIZENS TO BE HEARD

MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, thanked Councilman Garcia for the follow-up for his grandson. He also spoke to his opposition on the number of bus passes that VIA Metropolitan Transit Authority sells in a month. He also spoke to a previous City Council meeting in which he felt his civil rights were violated.

* * * *

MS. GLENDA SPEARS

Ms. Glenda Spears, Talbott, Adams and Moore, spoke about her concerns regarding the municipal fine contract which was given to an Austin firm. She requested that Council reopen the bidding process to enable jobs for the citizens of San Antonio.

* * * *

MR. JACK FINGER

Mr. Jack Finger, P. O. Box 12048, spoke to his concern over Councilman Schubert's actions on a request by Mr. Nazarite Perez. He also spoke to his opposition of the Southside development initiative.

* * * *

MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke in regard to the Big Pass' availability to all City employees. He also spoke on the *notice* regarding brush pickup, which does not give the citizens enough time to put out their trash.

— — —

2002-45 There being no further business to come before the City Council, the meeting was adjourned at 10:50 P.M

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



YOLANDA L. LEDESMA
Acting City Clerk