

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, APRIL 17, 2003.

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2003-15 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 Inventory of City Services.** (Presented by Lou Lendman, Director, Management & Budget; Christopher J. Brady, Assistant City Manager.)

B.) **Staff Presentation of Proposed FY 2003 Budget Reductions.** (Presented by Lou Lendman, Director, Management & Budget; Christopher J. Brady, Assistant City Manager.)

The Council members present were: Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

The "B" Session adjourned at 11:30 A.M.

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2003-15 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, Herrera, Barrera, Castro, Conner, Schubert, Carpenter. ABSENT: None.

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2003-15 Invocation by Reverend Dr. Jim Perkins, Madison Hills Baptist Church.

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2003-15 Pledge of Allegiance to the flag of the United States.

invaluable in helping them recruit more slots for their tournament, which is the largest fundraiser for the scholarship program. He voiced his commitment to the program and thanked the Council for their support and recognition of their program.

Mayor Garza thanked them for their commitment to the youth of the City by spearheading these donations and ensuring that there are actually scholarship monies behind them.

Members of the City Council commended Waste Management for their performance, investment in the community, and for their vision.

2003-15 PRESENTATION OF A PROCLAMATION FOR 1ST ANNUAL ICEMAN HIGH SCHOOL BASKETBALL ALL-STAR CLASSIC.

Mayor Garza presented a Proclamation to Mr. George "Iceman" Gervin, formerly of the San Antonio Spurs, and Ms. Barbara Hawkins, in recognition of the 1st Annual Iceman All-Star Classic.

Mr. Gervin spoke to the importance of the tournament, noting that April 18-19, 2003 marked the All-Star Classic event that will be held at the Alamo Convocation Center. He stated that the goal of this event is to see that high school basketball moves forward to the next level. He noted that the Classic will feature 40-48 high school seniors from the San Antonio area with 4 teams competing over a two-day period. With this event, Mr. Gervin sought to bring positive recognition to the talented athletes participating in this event. He thanked the Mayor and Council, specifically Councilmen Sanders and Carpenter for the special assistance given to him. He acknowledged that the primary goal of the invention of this program was to give 40-44 students an opportunity for college coaches to look at their plays on the floor.

Ms. Hawkins spoke to the importance and the work of the George Gervin Youth Center. She acknowledged the presence of the students and staff in the audience. She noted that the new school building had been renovated to a 38,000 square foot facility, which included: Pre-K, classrooms, computer labs, and science labs to educate their students. She stated that more than 400 students had already graduated from George Gervin Academy. She invited the Council out to this exciting event where some 20-college coaches would be present to help them celebrate along with numerous other interesting and entertaining events.

Councilman Sanders spoke to the outstanding character of Mr. George Gervin as a legendary ballplayer and to his work with the community. He spoke to the Youth Center,

and the dedication of Mr. Gervin and his staff. He spoke to an upcoming public hearing geared towards a street name change to read "George Gervin Circle" near the academy. He congratulated them for their focus and their work to the mission and the goal of the Center.

Councilman Carpenter thanked Mr. Gervin for his outstanding work to the Center, and voiced how he considered him a wonderful asset. He also thanked Ms. Hawkins for her dedication and hard work.

Mayor Garza recognized their work and thanked them all for their dedication to the community.

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2003-15 **ON A POINT OF PERSONAL PRIVILEGE**

On a point of personal privilege, Councilwoman Moorhouse spoke to the District 3 Walk/Run scheduled for Saturday, April 19, 2003. She addressed the exciting event and noted how this tied to Mayor Garza's Get Fit program. She also noted that registration would start at 8:00 A.M. and the Run at 8:30 A.M. She stated that a health fair would also be held in conjunction with this event and that T-shirts would be given to the first 150 registrants. She voiced that the competition would be between schools, as well as the senior centers who could get the most participants out there. She encouraged the community to participate at this event.

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2003-15 **ON A POINT OF PERSONAL PRIVILEGE**

On a point of personal privilege, Councilman Barrera requested a moment of silence for PFC Anthony Miller who lost his life in Iraq. He stated that Officer Miller was a 2001 graduate of Jay High School. Councilman Barrera acknowledged that PFC Miller had made a tremendous sacrifice on behalf of our great country.

Mayor Garza sent prayers and thoughts to PFC Miller's family and spoke to all of the troops who were still fighting in Iraq. He spoke to the assistance of Brook Army Medical Center and stated the City needed to continue to show support and gratitude to all the soldiers.

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AN ORDINANCE 97460

SELECTING BENDER WELLS CLARK DESIGN TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE ROOSEVELT PARK IMPROVEMENTS PHASE II PROJECT IN COUNCIL DISTRICT 5; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$18,000.00; AUTHORIZING \$2,700.00 FOR MISCELLANEOUS ARCHITECTURAL CONTINGENCY EXPENSES; AUTHORIZING \$1,500.00 FOR BID ADVERTISING/PRINTING EXPENSES; APPROPRIATING FUNDS IN THE TOTAL AMOUNT OF \$22,200.00 FROM 1999 PARK BONDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97461

SELECTING MADELINE ANZ SLAY ARCHITECTURE, P.L.L.C., TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE 2003 POOL FACILITY ADA IMPROVEMENTS PROJECT IN CITY COUNCIL DISTRICTS 5, 6 AND 7; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$91,393.00 FROM CERTIFICATES OF OBLIGATION; AUTHORIZING \$9,140.00 FOR MISCELLANEOUS ARCHITECTURAL CONTINGENCY EXPENSES AND \$1,500.00 FOR BID ADVERTISING/PRINTING EXPENSES, FOR A TOTAL AMOUNT OF \$102,033.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97462

AUTHORIZING PAYMENT IN THE AMOUNT OF \$416,378.81 FROM 2000 CERTIFICATES OF OBLIGATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SHARE OF TWENTY PERCENT (20%) OF CONSTRUCTION COST IN CONNECTION WITH THE BITTERS ROAD FROM WEST AVENUE TO HEIMER (MPO) PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING \$41,637.88 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES, FOR AN OVERALL TOTAL OF \$458,016.69; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97463

RATIFYING FIELD ALTERATION NO. 4 IN AN AMOUNT OF \$40,000.00 PAYABLE TO R.L. JONES, L.P., IN CONNECTION WITH THE ALICE FAY AREA STREETS (39TH STREET, #58M, PHASE III) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 6; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95401, MARCH 7, 2002.)

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AN ORDINANCE 97464

APPROVING FIELD ALTERATION NO. 11 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$28,106.71 FROM 1994 G.O. STREET IMPROVEMENT BOND FUNDS TO SERVICE STATION CONSTRUCTORS & FUEL SYSTEMS, INC. AND COMMERCIAL INDEMNITY INSURANCE COMPANY FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE HIGGINS FROM NACOGDOCHES TO STAHL ROAD PHASE I PROJECT LOCATED IN COUNCIL DISTRICT 10; APPROPRIATING FUNDS; REVISING THE BUDGET; PROVIDING FOR PAYMENT.

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AN ORDINANCE 97465

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT NOT TO EXCEED \$27,928.00 FROM 1999 G.O. STREET IMPROVEMENT BONDS TO LOCKWOOD, ANDREWS & NEWNAM, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE HOUSTON FROM PINE TO WALTERS (MPO) PROJECT, LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 91811, MAY 18, 2000.)

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AN ORDINANCE 97466

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID OF AJ COMMERCIAL SERVICES, INC. D/B/A A.S.C. PAVING IN THE AMOUNT OF \$250,583.74 IN

CONNECTION WITH THE HILLSIDE ACRES DRAINAGE OUTFALL PHASE II COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$27,163.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$5,000.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$122.00 FOR ADVERTISING EXPENSES; AUTHORIZING \$17,066.00 FOR EXPENSE RECOVERY; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$28,949.91 FOR SEWER AND WATER EXPENSES, FOR AN OVERALL TOTAL AMOUNT OF \$299,934.74; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97467

ACCEPTING THE LOW, QUALIFIED, RESPONSIVE BID IN THE AMOUNT OF \$189,207.05 FROM SAN ANTONIO CONSTRUCTORS, LTD., IN CONNECTION WITH THE MONTICELLO FROM S. GEVERS TO HILLJE PROJECT, LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$11,631.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$900.00 FOR CONSTRUCTION ENGINEERING EXPENSES PAYABLE TO JASTER-QUINTANILLA SAN ANTONIO, L.L.P., FOR AN OVERALL TOTAL OF \$201,738.05 FROM GENERAL OBLIGATIONS OF THE CITY; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM OF \$72,888.31 FOR SEWER AND WATER EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97468

AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,325.00 TO ECKMANN, GROLL INCORPORATED, FOR APPRAISAL SERVICES IN CONNECTION WITH THE HOLBROOK ROAD IMPROVEMENTS PHASE I PROJECT (\$700.00), LADDIE PLACE PROPERTIES PROJECT (\$800.00), LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENTS PROJECT (\$500.00), AND THE PLEASANTON ROAD - SOUTHCROSS TO MAYFIELD METROPOLITAN PLANNING

ORGANIZATION PROJECT (\$325.00) APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97469

DECLARING THE FM 471 LOOP 1604 TO FM 1560 PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT; TO WIT, ALL OR PORTIONS OF THE PROPERTIES BEING DESCRIBED AS: BEING 0.6807 ACRES (29,650 SQUARE FEET) OF LAND OUT OF COUNTY BLOCK (C.B.) 4449, BEXAR COUNTY, TEXAS AND NEW CITY BLOCK (N.C.B.) 17635, SAN ANTONIO, TEXAS; BEING 0.233 (10,154 SQUARE FEET) ACRE TRACT OF LAND OUT OF THE REMAINDER OF THE 109.686 ACRE TRACT, NEW CITY BLOCK 17635 AND THE C. VILLANUEVA SURVEY NO. 85, ABSTRACT NO. 774, AND COUNTY BLOCK 4449; AND BEING 0.488 OF ONE ACRE OF LAND IN NEW CITY BLOCK (N.C.B.) 17635, SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE AS PART OF THIS PROJECT; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$200,150.00 FROM 2001 CERTIFICATES OF OBLIGATION FUNDS FOR THE PROJECT INCLUDING MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING THE CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND ESTABLISHING AN EFFECTIVE DATE.

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AN ORDINANCE 97470

AUTHORIZING PAYMENT IN THE AMOUNT OF \$15,523.03 TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS - HAUSMAN TO DEZAVALA PROJECT (\$3,458.30), BASSE ROAD AND SAN PEDRO INTERSECTION METROPOLITAN PLANNING ORGANIZATION PROJECT (\$36.00), BITTERS ROAD - WEST AVENUE AT HEIMER METROPOLITAN PLANNING ORGANIZATION PROJECT

(\$9,299.97), PLEASANTON ROAD - SOUTHCROSS TO MAYFIELD METROPOLITAN PLANNING ORGANIZATION PROJECT (\$1,067.96), AND THE SALADO CREEK GREENWAY (HIKE & BIKE, PHASE I) PROJECT (\$1,660.80); REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97471

AUTHORIZING PAYMENT IN THE AMOUNT OF \$20,125.93 TO BRACEWELL & PATTERSON, L.L.P., FOR LEGAL SERVICES IN CONNECTION WITH THE ASHLEY ROAD - BASCUM TO SOUTH FLORES PROJECT (\$36.00), BITTERS ROAD - WEST AVENUE TO HEIMER MPO PROJECT (\$18.00), BLANCO ROAD & JACKSON KELLER INTERSECTION MPO PROJECT (\$41.30), CHERRY STREET DRAINAGE PROJECT #15B, PHASE II (\$176.37), ESCALON STREET #1008 DRAINAGE PROJECT (\$1,864.74), FIRE STATION NO. 7 PROJECT (\$178.65), FIRE STATION NO. 25 PROJECT (\$252.00), FUNSTON STREET PROPERTIES PROJECT (BOTANICAL CENTER IMPROVEMENTS) (\$180.00), HI-LIONS DRAINAGE PROJECT #80, PHASES III & V (\$1,426.87), HILDEBRAND AVENUE - I.H. 10 TO BREEDEN MPO PROJECT (\$11,390.20), OCTAVIA DRAINAGE PROJECT #63, PHASE II PART I (\$1,350.00), PLEASANTON ROAD - SOUTHCROSS TO MAYFIELD MPO PROJECT (\$252.00), SAN PEDRO AVENUE - QUINCY TO ROMANA MPO PROJECT (\$90.00), WESTERN AVENUE DRAINAGE PROJECT #74, IIIA PROJECT (\$36.00), WURZBACH AT I.H. 10 AND IRONSIDE INTERSECTIONS MPO PROJECT (\$18.00), AND THE W.W. WHITE PHASE I - RIGSBY TO LORD PROJECT (\$2,815.80); REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97472

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,652.00 TO GERRY RICKHOFF, COUNTY CLERK, FOR COURT COSTS INCURRED IN CONDEMNATION CAUSE NO. 2000-ED-0018, CITY OF SAN ANTONIO VS. THE BERTETTI FAMILY LIMITED PARTNERSHIP, ET AL IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS - HAUSMAN TO DEZAVALA PROJECT LOCATED IN COUNCIL DISTRICT 8; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97473

AUTHORIZING THE EXECUTION OF A TWO (2) YEAR LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND DAVID T. MASON D/B/A DANTE'S PIZZA, AS "TENANT", FOR THE USE OF 1,965 SQUARE FEET OF RETAIL/OFFICE SPACE AND TWO ASSIGNED PARKING SPACES IN THE RIVERBEND PARKING GARAGE, LOCATED AT THE INTERSECTION OF EAST COMMERCE STREET AND SOUTH PRESA STREET (410 E. COMMERCE ST.), AT A MONTHLY BASE RENTAL AMOUNT OF \$2,652.75, OR \$31,833.00 ANNUALLY, FOR BOTH YEARS, PLUS COMMON AREA MAINTENANCE (C.A.M.) CHARGES OF TEN CENTS (10¢) PER SQUARE FOOT PER MONTH FOR A TOTAL ADDITIONAL CHARGE OF \$196.50 MONTHLY FOR BOTH YEARS, AND TENANT'S BILLED PORTION OF CHILLED WATER IN THE AMOUNT OF FIVE CENTS (5¢) PER SQUARE FOOT PER MONTH FOR A TOTAL ADDITIONAL CHARGE OF \$98.25 MONTHLY, WITH AN OPTION TO EXTEND THIS LEASE FOR TWO ADDITIONAL SUCCESSIVE THREE YEAR TERMS, EACH SUBJECT TO APPROVAL IN EACH INSTANCE BY PASSAGE OF A FUTURE ORDINANCE.

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AN ORDINANCE 97474

AUTHORIZING THE ACQUISITION OF A 12.076 ACRE TRACT LOCATED ALONG THE CENTER LINE OF LORENCE CREEK AND THE NORTHWEST SIDE OF HENDERSON PASS IN CITY COUNCIL DISTRICT 9 FROM GORDON V. HARTMAN ENTERPRISES, INC. FOR THE AMOUNT OF \$35,000.00 FROM 1999 PARK BOND FUNDS IN CONNECTION WITH THE LORENCE CREEK LINEAR PARK AND UPPER SALADO CREEK GREENWAY PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97475

AUTHORIZING THE EXECUTION OF A RIGHT OF ENTRY AGREEMENT AND CONSENT (INCORPORATING INSTALLATION, MAINTENANCE AND REPAIR RIGHTS) TO PROVIDE ACCESS FOR THE SAN ANTONIO WATER SYSTEM (SAWS), ACTING THROUGH ITS CONTRACTOR, TO BE SELECTED THROUGH THE COMPETITIVE BIDDING PROCESS, TO INSTALL A WATER MAIN AT THE SAN ANTONIO POLICE DEPARTMENT VEHICLE STORAGE FACILITY AT 3625

GROWDEN ROAD IN COUNCIL DISTRICT 4; AUTHORIZING SAWS TO NEGOTIATE AND EXECUTE A DESIGN SERVICES AND CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$193,000.00 FROM 2001 FACILITIES IMPROVEMENT AND MAINTENANCE PROGRAM (FIMP) FUNDS FOR SUCH INSTALLATION BY THE CONTRACTOR; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97476

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$1,033,742.00 TO THE TEXAS DEPARTMENT OF HUMAN SERVICES FOR THE 2003 SUMMER FOOD SERVICE PROGRAM OPERATED BY THE DEPARTMENT OF PARKS AND RECREATION FROM JUNE 9, 2003 THROUGH AUGUST 1, 2003; AUTHORIZING THE ACCEPTANCE OF THE GRANT, IF AWARDED; APPROPRIATING FUNDS; APPROVING A BUDGET AND PERSONNEL COMPLEMENT; AUTHORIZING THE TRANSFER OF FUND BALANCES FROM THE 2002 SUMMER FOOD SERVICE PROGRAM BUDGET; AND AUTHORIZING THE ACCEPTANCE OF ADDITIONAL FOOD SUPPORT, IF AWARDED, DURING THE TERM OF THIS PROJECT.

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AN ORDINANCE 97477

ACCEPTING A PROPOSAL AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A TEXAS COMMISSION ON ENVIRONMENTAL QUALITY GRANT FUNDED PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$91,400.00 WITH CD STUDIO, INC. D/B/A THE CLOCKWORK GROUP, FOR PROFESSIONAL MARKETING SERVICES RELATED TO RECYCLING, ILLEGAL DUMPING, AND GREEN WASTE; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97478

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$1,241,762.00 TO THE TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY (ATPA), WHICH, IF AWARDED, WILL AUGMENT THE SAN

ANTONIO POLICE DEPARTMENT'S EFFORT IN REDUCING AUTO THEFT; AND AUTHORIZING A CITY MATCH AND AN IN-KIND MATCH.

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AN ORDINANCE 97479

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$123,748.00 FOR THE FY 2002 SUPPLEMENTAL APPROPRIATIONS COMMUNITY EMERGENCY RESPONSE TEAM GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), WHICH, IF AWARDED, WILL BE USED TO ALLOW THE CITY TO UTILIZE EXISTING PERSONNEL TO TRAIN AND SUPPORT THE FORMATION OF A COMMUNITY EMERGENCY RESPONSE TEAM FOR THE GRANT PERIOD FROM MAY 30, 2003 THROUGH DECEMBER 31, 2003.

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AN ORDINANCE 97480

AUTHORIZING THE APPLICATION OF A GRANT IN THE AMOUNT OF \$13,759.75 TO THE SBC FOUNDATION'S EXCELERATOR PROGRAM WHICH, IF AWARDED, WILL FUND HARDWARE, SOFTWARE AND WEBSITE ENHANCEMENTS FOR THE SMALL BUSINESS DIVISION OF THE ECONOMIC DEVELOPMENT DEPARTMENT.

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AN ORDINANCE 97481

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SARGEANT'S WHOLESALE BIOLOGICALS FOR THE PURCHASE OF ANIMAL CARCASSES FROM THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT ANIMAL CARE SERVICES FACILITY TO BE USED FOR EDUCATIONAL PURPOSES AT A RATE OF \$2.50 PER SPECIMEN UNDER TWELVE POUNDS AND \$5.00 PER SPECIMEN TWELVE POUNDS AND OVER, FOR THE PERIOD APRIL 21, 2003 THROUGH APRIL 20, 2005.

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AN ORDINANCE 97482

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$4,861.36 TO THE NATIONAL ENDOWMENT FOR THE HUMANITIES, WHICH, IF AWARDED, WILL BE USED TO PURCHASE EQUIPMENT TO MAKE NECESSARY MODIFICATIONS TO LIGHTING AND ROOM HUMIDITY OF THE TEXANA/GENEAOLGY VAULT AT THE CENTRAL LIBRARY, FOR THE GRANT PERIOD JANUARY 1, 2004 THROUGH DECEMBER 31, 2004.

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AN ORDINANCE 97483

AUTHORIZING THE EXECUTION OF A THREE YEAR CONTRACT WITH BOOTH RESEARCH GROUP, INC., TESTING CONSULTANT, FOR THE DEVELOPMENT OF VALIDATED WRITTEN PROMOTIONAL EXAMINATIONS FOR THE POSITIONS OF FIRE APPARATUS OPERATOR, FIRE LIEUTENANT, FIRE CAPTAIN, AND DISTRICT FIRE CHIEF AND THE PREPARATION, ADMINISTRATION AND SCORING OF PROMOTIONAL ASSESSMENT CENTERS FOR THE POSITION OF DISTRICT FIRE CHIEF, SAN ANTONIO FIRE DEPARTMENT, AND ASSOCIATED JOB ANALYSES AND APPEAL HEARINGS, FOR AN ANNUAL AMOUNT NOT TO EXCEED \$87,500.00; WITH AN OPTION FOR THE CITY TO EXTEND THE CONTRACT FOR ONE TWO-YEAR PERIOD SUBJECT TO AND CONTINGENT UPON FUNDING AND APPROVAL BY CITY COUNCIL.

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AN ORDINANCE 97484

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN CONNECTION WITH THE POLICE OFFICER MEMORIAL RUN TO BE HELD ON SATURDAY, MAY 24, 2003 FROM 7:00 A.M. UNTIL 11:00 A.M; SPONSORED BY THE RUN AWAY STORE.

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AN ORDINANCE 97485

REAPPOINTING THERESA R. LEAL (DISTRICT 7) TO THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2004.

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AN ORDINANCE 97486

APPOINTING ROY BOTELLO (DISTRICT 5) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON MARCH 31, 2005.

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AN ORDINANCE 97487

REAPPOINTING MARK R. JOHNSON (REAL ESTATE/BUILDING INDUSTRY CATEGORY - DISTRICT 8) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 25, 2005.

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AN ORDINANCE 97488

REAPPOINTING JUDY ANNA SAUCEDO (DISTRICT 7) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 31, 2005.

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2003-15 At this time, reference was made to Item #46.

Councilman Perez made a motion to bring Item #46 forward for consideration at this time. Councilwoman Carpenter seconded the motion.

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

The Clerk then read the following Resolution:

A RESOLUTION
NO. 2003-15-14

SUPPORTING DIA DE LOS NIÑOS (CHILDREN'S DAY), WHICH WILL BE HELD ON APRIL 30, 2003 TO BRING TOGETHER LATINO AND OTHER CHILDREN, PARENTS, INDIVIDUALS, *FAMILIAS*, ORGANIZATIONS, COMMUNITIES, CITIES, AND STATES NATION-WIDE TO SHARE IN THE ESTABLISHMENT OF A NATIONALLY RECOGNIZED AND CELEBRATION.

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

A representative from the Mexican Consul's office, spoke to the importance of the El dia de los ninos. She spoke to the collaboration of the National Latino Children's Institute.

The following citizen(s) appeared to speak:

Mr. Jaime Gonzales, student of Antonian High School, thanked Councilman Perez, and presented him a gift in recognition of his support to this observance.

A representative of the National Latino Children's Institute spoke to other Governor's of other states who were presenting proclamations for this observance, but noted that the City of San Antonio took the lead. She spoke to the various events scheduled for the observance. She further spoke to the various corporations who were supporting this initiative. She then referenced a song by Javier Galvan which was soon to be released.

Mr. Javier Galvan, acclaimed songwriter, spoke to the National Latino Children's Institute, and then presented the song.

Mr. Joseph Contreras, Marisa Martinez and Jessica Gamboa invited the Council to the various events that were scheduled to take place, and further urged Council to support the Resolution for El Dia de los Ninos.

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Mayor Garza spoke to the importance of this observance, and the importance of the Youth in the City. He then spoke to the Mayor's Youth Summit.

Mr. Jack M. Finger, P.O. Box 12048, spoke to the six-signature memo for this item. He then spoke to item #43, and expressed his concern of the nomination of Walter Ague because he was a Council aide to Councilwoman Conner.

Mayor Garza thanked all the Youth who came up to speak on El Dia de los ninos. He spoke to the importance of patience and tolerance, and respect for individuals. He encouraged the youth to stay involved, and noted the City had so much to be proud of.

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

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2003-15 **INDIVIDUAL CONSENTS - CITIZENS COMMENTS**

Mr. Jack M. Finger, P.O. Box 12048, spoke in opposition to Item #43 regarding the Council's choice of members for the Watershed Improvement Advisory Committee. He then expressed his approval of the Council's stance on Item #39, regarding the ordinance prohibiting nudity and semi-nudity. He then voiced his opposition to the campaign contributions of various Councilmembers, and suggested that Council refrain from voting on conflicting items on the agenda.

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2003-15 The Clerk read the following Ordinance:

AN ORDINANCE 97489

APPOINTING MARY ELLEN RODRIGUEZ (DISTRICT 6) AS AN ALTERNATE MEMBER TO THE MUNICIPAL CIVIL SERVICE COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 6, 2004.

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Councilman Perez 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, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

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2003-15 At this time, reference was made to Items #15 and #16.

Councilman Sanders made a motion for reconsideration of Items 15 and 16. Councilman Martin seconded the motion.

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

The Clerk then read the following Ordinance:

AN ORDINANCE 97490

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID OF SAN ANTONIO CONSTRUCTORS, LTD. IN THE AMOUNT OF \$363,636.08 IN CONNECTION WITH THE "F" STREET AND MORNINGVIEW FROM PECAN VALLEY TO I.H. 10 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$36,364.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$8,216.00 FOR ENGINEERING SERVICES PAYABLE TO GRANT ENGINEERING, INC.; AUTHORIZING \$18,500.00 FOR EXPENSE RECOVERY; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$99,325.22 FOR SEWER AND WATER EXPENSES, FOR AN OVERALL TOTAL AMOUNT OF \$426,716.08; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation on the construction contract with San Antonio Constructors, Ltd., Community Development Block Grant (CDBG) Project, engineering services with Grant Engineering, Inc., and the

reimbursement from San Antonio Water System (SAWS), a copy of which was filed with the papers of this meeting. Mr. Wendorf outlined the responsive bid of San Antonio Constructors, Ltd., and gave specific details to the construction done in District 2 to locations on "F" Street and Morningview from Pecan Valley to I.H. 10. He noted that engineering services as well as sewer and water services were contracted through different agencies as well.

In response to Councilman Sanders question regarding the balance on this project, Mr. Wendorf clarified that part of the balance would be funded by SAWS, while the remaining \$327,390 would be subsidized through CDBG funds.

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

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2003-15 The Clerk read the following Ordinance:

AN ORDINANCE 97491

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID OF R.L. JONES, L.P. IN THE AMOUNT OF \$175,009.60 IN CONNECTION WITH THE "G" STREET FROM PECAN VALLEY TO I.H. 10 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$11,902.38 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$5,000.00 FOR CONSTRUCTION ENGINEERING EXPENSES PAYABLE TO GROVES & ASSOCIATES, INC.; AUTHORIZING \$500.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$8,331.66 FOR EXPENSE RECOVERY; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$55,985.75 FOR SEWER AND WATER EXPENSES, FOR AN OVERALL TOTAL AMOUNT OF \$200,743.64; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

In response to a question from Councilman Sanders regarding the amount of the balance in comparison to his budget limitations, Mr. Wendorf addressed Councilman Sanders tabulation of his allotted CDBG funds. He then stated his staff had been efficient in their search for the lowest possible bid for each and every project.

Councilman Sanders complimented Mr. Wendorf and his staff for their corporation with his office, his District, and his constituents.

Councilwoman Moorhouse wanted to know about the differences in the amount of money. She questioned Mr. Wendorf's process of how he informs the Councilmembers of any left over money, and questioned whether she could get a list of the projects.

Mr. Wendorf stated that he keeps Council abreast of their remaining CDBG balances in retrospect of the various projects that are submitted. He confirmed that he and his staff try to get as many projects completed as possible with the funds allotted.

Councilwoman Moorhouse requested a report from Mr. Wendorf showing her request for projects in comparison to the balance of her allotted funds.

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

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2003-15 The Clerk read the following Ordinance:

AN ORDINANCE 97492

AUTHORIZING THE AMENDMENT OF ORDINANCE #95810, PASSED AND APPROVED MAY 23, 2002, TO CHANGE THE PROJECT NAME FROM 2001 AFFORDABLE PARADE OF HOMES TO 2002 AFFORDABLE PARADE OF HOMES; AND AUTHORIZING THE REPROGRAMMING OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$600,000.00 AVAILABLE FROM THE 2002 AFFORDABLE PARADE OF HOMES PROJECT TO FUND THE DISTRICT 4 BIG TOWN PLAZA PROJECT AND \$10,000.00 AVAILABLE FROM THE 2001 AFFORDABLE PARADE OF HOMES PROJECT TO FUND AVANCE NATIONAL HEADQUARTERS TO ASSIST WITH CONSTRUCTION COSTS ASSOCIATED WITH ITS DOWNTOWN DAY CARE/OFFICE COMPLEX PROJECT; AUTHORIZING THE CLOSE-OUT AND CANCELLATION OF THE AFFECTED PROJECTS AND THE CREATION AND/OR MODIFICATION OF THE APPROPRIATE PROJECT BUDGETS; REVISING THE

APPROPRIATE PROJECT BUDGETS; AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH; AUTHORIZING THE APPROPRIATION AND ALLOCATION OF SAID FUNDS TO SAID PROJECTS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95810, MAY 23, 2002.)

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

Mr. Andrew Cameron, Director of Housing and Community Development, narrated a slide presentation regarding the Big Town Plaza Project, a copy of which was made part of the official papers of this meeting. He expounded on the project history and background, and discussed what activities would be supported by CDBG funds.

The following citizens appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, questioned District 4's partnership project not meeting the criteria for the showcase. He also questioned the legality of the re-channeling of federal funds to private companies.

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Councilman Martin congratulated Assistant City Manager, Ms. Jelyne Burley and spoke to the Parade of Homes, and the money for affordable housing. He spoke to their discussion of this project, and the partnership involved. He stated they were looking to invest money where public funds could be used. He recognized Ms. Burley and her staff for their work on this project. He then thanked all staff for coming up with project that would address an important area. He spoke to slide 7, which showed the project location, and the boundaries involved. He discussed the negative perception of the southside, and spoke to the growth of this particular area. He expounded on the money invested, and stated he was glad to see seniors being taken to new units in order to revamp their houses, and suggested this should be a continued cycle. He noted he wanted people to see who was responsible for creating something that would be a model for years to come. He thanked Mr. Bob Schultz, and the importance of coming back to the neighborhood to reinvest. He spoke to the creativeness necessary for this project and how Solar San Antonio stepped up to the plate. He acknowledged this was a true reinvestment in the community, and applauded all those involved in project.

In response to Councilwoman Herrera's question regarding how long AVANCE has been seeking funds for this project and when the project would be completed, Mr. Cameron explained that they were completing in phases.

Councilwoman Herrera spoke to the AVANCE facility, and the services provided. She stated that AVANCE is doing a great job in rehabilitating that portion in downtown District 5. She noted that the national headquarters would be located on the 2nd floor and the daycare center would provide services to downtown employees. She thanked Mr. Cameron for his work and his guidance on this project.

Mr. Cameron stated that the daycare facility is very much needed in the downtown area, and confirmed this was the 2nd effort of revitalization in this area. He further acknowledged that this project was situated directly across from the 1st revitalization effort - the San Antonio City Employees Credit Union (SACU). He expressed his hopes that these 2 revitalization efforts would be a spin-off to others.

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

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2003-15 The Clerk read the following Ordinance:

AN ORDINANCE 97493

SELECTING THE MERCURY INTERACTIVE CORPORATION TO PROVIDE THE CITY OF SAN ANTONIO WITH APPLICATION TESTING SOFTWARE IN AN AMOUNT OF \$259,070.00 FOR THE ACQUISITION OF PROPRIETARY SOFTWARE LICENSES; PROVIDING FOR THE TRAINING OF PROJECT PERSONNEL IN AN AMOUNT OF \$36,000.00; PROVIDING FOR ANNUAL SERVICE AND MAINTENANCE FOR FIVE YEARS AT AN INITIAL AMOUNT OF \$37,010.00 AND \$62,920.00 FOR EACH YEAR THEREAFTER; AUTHORIZING THE EXECUTION OF THE CONTRACT AND ASSOCIATED DOCUMENTS, AND DELEGATING THE AUTHORITY TO APPROVE AN OPTION IN THE AMOUNT OF \$22,000.00 FOR PROFESSIONAL SERVICES AS MAY BE REQUIRED BY THE DIRECTOR OF INFORMATION TECHNOLOGY SERVICES; APPROPRIATING AND ENCUMBERING FUNDS IN THE AMOUNT OF \$354,080.00; PROVIDING FOR PAYMENT; AND AUTHORIZING THE EXECUTION OF THE CONTRACT AND ASSOCIATED DOCUMENTS FOR A TOTAL CONTRACT VALUE NOT TO EXCEED \$605,760.00.

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

Mr. Troy Elliott, Director ERM Project, narrated a slide presentation regarding the selection of Mercury Interactive Corporation to provide the City with proprietary software licenses for application testing software infrastructure, a copy of which was made part of the official papers of this meeting.

In response to Councilman Perez' question regarding the remaining balance of the figures, and whether he anticipated the need for any additional monies, Mr. Elliot answered no. He noted that if additional monies were needed, it would be for additional testing of software, but virtual users within the departments may need it for additional licenses of the hardware.

Councilman Perez wanted to know when the Council would start seeing results according to the implementation schedule of guidelines.

Mr. Elliott stated that they would be testing the software from ERM within the next month, and noted they could schedule any type of briefings for the committees as the results come in. He confirmed it would take about a month before any results are actually seen, and explained that they were still in the stage of configuring the software.

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

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2003-15 The Clerk read the following Ordinance:

AN ORDINANCE 97494

APPROVING AN INTRAJURISDICTIONAL AGREEMENT FOR THE PURPOSE OF TRANSFER OF CONTROL OF CERTAIN PROPERTIES BETWEEN THE CITY OF SAN ANTONIO AND CITY PUBLIC SERVICE BOARD IN CONNECTION WITH THE HAUSMAN ROAD PROPERTY TO BE USED FOR A PUBLIC LIBRARY AND PARK, LOCATED IN COUNCIL DISTRICT 8.

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

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation regarding the proposed property exchange between the City of San Antonio and the City Public Service, a copy of which was made part of the official papers of this meeting. She expounded on the background and purpose, and the details of the exchange.

In response to Councilman Schubert's question regarding the property the City of San Antonio actually owned, Ms. Waldman stated that the City owned approximately 18 acres of the under developed property in the area in question, but noted they were interested in only 4 1/2 acres of the area. She further noted that although the land directly below the immediate area was vacant, the San Antonio International Airport is sole proprietor. She acknowledged that the property to the east is a landfill.

Discussion continued on issues of the subject property.

Councilman Schubert noted he wanted to have the confidence that they weren't giving up valuable property. He stated that they spoke to potential uses, but did note the landfill was right there.

Councilwoman Conner stated that this was a good opportunity to make things work. She noted that this would allow the opportunity for a library. She expressed her approval of getting this through before she leaves office.

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

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2003-15 The Clerk read the following Ordinance:

AN ORDINANCE 97495

AMENDING CHAPTER 28, SECTION 28-141(A), OF THE CITY CODE OF SAN ANTONIO, TEXAS, TO PROVIDE FOR SCENIC CORRIDORS ADJACENT TO AND WITHIN THE SOUTHSIDE INITIATIVE AREA.

* * * *

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation regarding the scenic corridors for the Southside Initiative Area, a copy of which was made part of the papers of this meeting. He expounded on the background information, and discussed existing scenic corridors, and existing billboards in the southside initiative area.

The following citizen(s) appeared to speak:

Ms. Gayle Gallinger urged Council to postpone a vote on this for 2 weeks.

Mr. Larry Margozewitz spoke to a discussion he had with the Director of Planning, and voiced his hopes of receiving a moratorium so that they could discuss this issue in more detail. He referenced a section of the report of the Urban Land Institute (ULI).

Ms. Kathleen Trenchard, board member of Scenic Texas and President of Scenic San Antonio, passed out a copy of a clip from the San Antonio Express News. She noted her company supports the efforts of the Mayor, and commended his leadership. She spoke to the efforts being discussed now in legislature. She urged Council to take action now and pass this ordinance.

* * * *

Mayor Garza acknowledged the concerns of Clear Channel, but stated this was part of the limited purpose annexation. He stated 3 years from now, it may not be fully annexed by the City, but there has been public presentations in the southside initiative. He noted Toyota knew of the concept of no billboards. He stated their goal was to make this a first class area.

Mr. Moncivais spoke to the 21 billboards in the area and those in the application process, which would not be affected.

Mayor Garza clarified they weren't stopping those in process, but rather, Council was establishing new standards. He noted this as good public policy, and stated there was a balance in their advertising, and noted it was important to restrict the number of billboards in San Antonio. He urged Councilmembers to support this initiative.

Councilwoman Conner commended the Mayor for putting forth this concept. She spoke to the preference of many citizens in District 8 not to have any more billboards in the City. She confirmed that she would be supporting this.

Councilman Martin noted this had been about changing the paradigm of how we build and grow. He noted that they wanted to be able to change the way they things are done, and the way growth is developed in the various parts of San Antonio.

Councilman Castro commended the Mayor for his leadership, and acknowledged the southside initiative was an opportunity to create a great community. He concurred with Councilwoman Conner, and agreed that billboards take away from the charm of the community.

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

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2003-15 The Clerk read the following Ordinance:

AN ORDINANCE 97496

CLOSING, VACATING AND ABANDONING IMPROVED AND UNIMPROVED PORTIONS OF PUBLIC RIGHT OF WAY LOCATED WITHIN VIDAURRI PARK, LOCATED IN COUNCIL DISTRICT 5, WHICH ARE NO LONGER UTILIZED FOR ACCESS PURPOSES AND HAVE BEEN LARGELY INCORPORATED INTO GREEN SPACE WITHIN VIDAURRI PARK, AS REQUESTED BY THE PETITIONERS, THE CITY OF SAN ANTONIO, EUSEBIO S. PEREZ, JR. AND LUZ CANO PEREZ, AND ESQUIO R. HERNANDEZ AND GLORIA T. HERNANDEZ, ABUTTING PROPERTY OWNERS, FOR THE TOTAL CONSIDERATION OF \$6,298.00, TO BE PAID BY PETITIONERS, PEREZ AND HERNANDEZ.

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

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation regarding the proposed closure of the public rights of way located within Vidaurri Park, 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, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

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2003-15 The Clerk read the following Ordinance:

AN ORDINANCE 97497

REPEALING ORDINANCE NUMBERS 57134, 57296, 67481, 68791, AND 89769; REPEALING CHAPTER 16, ARTICLE V OF THE CITY CODE THAT PERTAINS TO THE LICENSING AND REGULATION OF HUMAN DISPLAY ESTABLISHMENTS; CODIFYING THIS ORDINANCE AT CHAPTER 21, ARTICLE VIII OF THE CITY CODE; PROHIBITING NUDITY OR SEMI-NUDITY OR A STATE OF NUDITY OR SEMI-NUDITY IN A PUBLIC PLACE; ESTABLISHING EXCEPTIONS TO PROSECUTION; ESTABLISHING A LICENSING SCHEME FOR HUMAN DISPLAY ESTABLISHMENTS WHEREBY COMPLIANCE WITH THE SCHEME SERVES AS AN EXCEPTION TO PROSECUTION; PROVIDING PENALTIES AND ENFORCEMENT; AUTHORIZING SUIT TO ENJOIN ILLEGAL ACTIVITY AND TO ENFORCE THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

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

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

Mr. Mike Hodge, City Attorney's office, narrated a slide presentation regarding the amendments of the Human Display Ordinance, a copy of which was made part of the official papers of this meeting. He spoke to the current Human Display Establishments (HDE's) within the San Antonio City limits, and the calls for police service. According to statistics, Mr. Hodge acknowledged that obscene behavior frequently generates lewd and sometimes fatal crimes. He discussed the calls for police service during the 1999-2002 period at the various Human Display Establishments throughout the City, and how five (5) HDE's have already had two (2) or more serious crimes during the January through March 2003 timeframe.

(Mayor Garza returned to the meeting and presided.)

The following citizen(s) appeared to speak:

Mr. Don Freiling, spoke in favor of the proposed Ordinance, and the link between HDE's and crime. To illustrate a bigger problem, he recalled the incident at Denny's, which he noted was a consequence of a sexually oriented business. He noted a couple of weeks after that, a man was killed in a sexually oriented business.

Mr. Bruce Mary spoke as a representative of those businesses regulated by that Ordinance. He noted these professional organizations were willing to sit with the City of San Antonio to devise a win-win situation. He spoke to a study done on criminal activity, and how there were more crime and police calls at Dick's last resort, Hard Rock Café, and Northwest 10 theatres than at the HDE's, and noted police reports and police calls substantiate these statistics. He stated one of the premises upon which this is fundamentally based is incorrect. He acknowledged these establishments have professional security, and they want to be good corporate citizens. He spoke to the police calls being lower than other entities, and cited various examples. He cited a Supreme Court decision in Erie Pennsylvania, and other national cities, and how their statute was unconstitutional. He wanted to help them draft a statute that would be constitutionally acceptable, and questioned why the City wanted to force a statue into place that would give rise to a lawsuit. He urged Council to table this item, to give them an opportunity to draft a statute that would be acceptable to these business owners. He spoke to other issues addressed that were tying them to these businesses. He stated this was a situation destined for the courts if they could not come together. He again urged Council to table this Ordinance for consideration at a later date so that the businesses in question can come to some type of agreement and understanding.

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In response to Councilman Carpenter's question on whether the three totally nude businesses would be closed down, City Attorney Representative Mike Hodge clarified that they would have to dress a little more to prevent this from happening.

In response to Councilman Carpenter's request for elaboration on the crime statistics, Chief Ortiz stated the figures run the entire gambit of the police calls. He acknowledged that statistics show that obscene activity generated aggravated assault and even worse crimes in some cases.

Councilwoman Moorhouse stated that this was an issue of concern citywide. She noted that there were a lot of laws that needed to be enforced, and questioned whether there was process in place which would make sure that they would not be issuing permits to businesses that would repetitiously close then re-open again. She stated that it is great to have laws, but questioned whether they were actually going to be responsible for enforcing these laws.

Chief Ortiz noted that the Ordinance would set certain standards and guidelines regarding the conduct that could go on in these businesses. He stated that he and his staff were in the business of enforcing laws and responding to complaints, and not in the business of closing businesses down. As an aid to new businesses, Chief Ortiz noted their vice units were put in place with an educational program where they would go in to help these establishments abide by the law.

In response to Councilwoman Moorhouse regarding the amount of personnel involved in the vice-unit, and whether the passing of this ordinance would demand additional staff, Chief Ortiz stated that he had 23 citywide personnel who regulate these types of establishments that dispense alcoholic beverages, prostitution, gambling and this type of activity. He then stated that the Ordinance served merely as a tool for detectives to enforce and regulate the activities that are going on inside of these establishments. He noted that in the past, they used undercover patrolmen in that capacity to monitor the businesses' activities.

In response to Councilwoman Moorhouse's question regarding the patronage of this type of establishment and the time span of the patronage, Chief Ortiz stated that the businesses and the investigations are usually done during the night time "dogwatch." He further acknowledged that the vice unit usually monitors these establishments until 2 a.m., but if special investigation is required, they would work until needed. He further confirmed that the special vice work would not take away from the 137 Police Officers covering the complete City during the night time hours.

In response to Councilman Perez' question regarding how they ran the crime statistics, Chief Ortiz stated that the department ran reports from the exact information that was received during the actual dispatch call. He noted that the exact address listed was the actual address that the officer was dispatched to.

Discussion continued regarding the actual statistics in the report, the incident of crimes, the nature of specific calls, the random search of locations and the reasons for the officers being dispatched to a certain location.

Councilman Perez gave a scenario regarding an officer being dispatched for one problem only to arrive on the scene and finding something completely different. He wanted to know whether the report actually reflected this.

Chief Ortiz stated that the report given to Council reflected information taken from the actual call, but noted the department's database was always adjusted to reflect the officer's actual findings.

In response to Councilman Perez' question of increasing manpower, Chief Oritiz noted that he didn't foresee any problem with manpower to enforce this Ordinance.

Councilman Perez stated that he had no doubt that this Ordinance would pass today, but stated that he would not be supporting it, and cited case law and regulating 1st amendment issues. He expressed his thoughts about the Council's obligation to regulate health, safety and welfare, and questioned what exactly they were regulating, whether safety or morality. Although he would like to support this ordinance, he stated that because of the many controversial issues entailed, he would not be supporting the Ordinance today.

Councilman Schubert questioned Deputy City Attorney Mike Hodge on whether he and his staff reviewed all of the case law regarding this Ordinance throughout different cities. Discussion then ensued regarding the major bearing this would have on the ordinance.

Mr. Hodge spoke to previous suits, and what the court judgments were. He stated that what they have proposed are minimal regulations in comparison to other cities, and they are just wanting managers to be responsible for their businesses.

Councilman Schubert asked whether it would be fair to say that there would always be litigation surrounding this issue, and Mr. Hodge stated that he could not imagine that there wouldn't be.

In response to Councilman Schubert's question as to whether it was fair to say that the ordinance meets the current state of the law, Mr. Hodge expressed his confidence that it did.

Councilman Schubert stated it was important to pass this ordinance based on the state of the current law. He then acknowledged that because of the City Attorney's Office hard work and the remarks of Chief Ortiz in that regard, he would be supporting this Ordinance.

Councilman Sanders requested clarification from Mr. Hodge regarding whether this Ordinance would be passed to establish responsibility of club management over the activities and holding someone in management responsible for illegal activity in the club.

Mr. Hodge replied that this was their intent, but noted it has proven to be difficult in filing cases against illicit clubs. He elaborated on various examples of clubs with excessive amounts of illegal activity, and noted that through this process, he observed that a mechanism was needed to head up the prevention of the same thing reoccurring, at the same time spear-heading the prolonging of any pending activity.

In response to Councilman Sanders' question as to whether he could remember anyone who has been arrested or prosecuted and still active in illegal activity, the Chief stated

that right off the top of head, he could not cite a specific case. He further stated that there were a number of things that they could use to reestablish themselves in the business. He noted that in his experience, it is usually the case that a business will turn around after the first offense, rather than repeating their illicit activity. He then confirmed that this ordinance would eliminate private entertainment in the clubs, and noted that management would be held responsible for the activity within the club, and this is basically what the Ordinance will be spearheading.

Councilman Sanders stated that Council would pass this Ordinance for the safety of the citizens. He stated that they wanted to limit establishments in Districts 2 and 10, and he wanted to clarify exactly what they were trying to regulate regarding this passage. He noted that he wanted to limit and eliminate more illicit businesses, which are now at 70% in the area along the IH 35 corridor.

Councilman Castro noted that if other establishments were researched, some individual restaurant and bars would have more calls that come in for potential crime. He then stated that HDE's aren't the top crime sites, and as a proportion of per patron basis, he questioned whether these establishments produced a lot more crime than other establishments.

Chief Ortiz concurred with Councilman Castro, and added that the bottom line was that if the crime pattern goes up, it is important to hold management responsible. As far as the nature of the calls is concerned, he noted that one would fine more serious crimes at HDE's.

Discussion ensued between Councilman Castro and Mr. Mary regarding the details of the ordinance.

Councilman Castro expressed appreciation to Mr. Mary for his analysis. He then presented various examples and scenarios regarding the statute, and asked the City Attorney whether the acts presented in his examples would result in a citation.

Mr. Hodge clarified that it would have to be a situation of willful blindness of the activity in the establishment.

Chief Ortiz then expounded on the penal code, and noted they would be looking at the culpable mental state of the suspect, and not the intention.

Councilman Castro then added that he didn't think the officers would over-enforce this ordinance, and they would actually have to use their judgement in situations that may arise. He added that management would probably know best how to reduce crime in their premises.

Mr. Mary noted that at this point in time, to change the current certificate of occupancy as it stood, and to change what they have invested millions of dollars on, passing this ordinance would put a lot of them out of business because of the offset of having to renovate. In addressing these issues, he questioned why they couldn't involve these business owners in helping them draft an ordinance that would allow for both parties to understand the ordinance, instead of leaving it open for interpretation. He then cited Dr. Guerra's affidavit regarding the increase of sexually transmitted diseases because of HDE's, and noted that other studies disprove Dr. Guerra's premise of this claim.

Councilman Castro stated he understood Mr. Mary's concerns, but stated that he supported the Ordinance because without respect to expression, it addressed secondary negative effects, and it would eliminate the cause of crime coming out of these establishments. He disputed the amount of money needed to comply with ordinance.

Mr. Mary stated he respectfully disagreed that the ordinance would meet constitutional standards, and noted this was the reason why the owners wanted to meet with them regarding the drafting of this ordinance. He expressed his concerns to Council, and stated that he didn't understand why it was so difficult for them to table it to allow ample time for clubowners and the City to work together .

Councilman Castro noted that with certain issues, he gets many phone calls and e-mails from the tourism industry, restaurant business, and all other sorts of industries from the very beginning when the Council is considering ordinances that may affect them. Since the time this issue came up a year and half ago, he stated he had not received one communication from anyone in the HDE industry.

Discussion continued regarding the opportunity given to the industry for input.

Chief Ortiz confirmed they had met with representatives last June, and added they were put on notice and given an opportunity to provide input.

Mr. Hodge concurred with Chief Ortiz and added that he had not received one phone call.

Mr. Mary confirmed he did attend that meeting, and stated they had been told they would be provided with a draft ordinance, but never received one.

Councilman Sanders presented two scenarios regarding lighting and line of sight, and how management would be responsible.

Councilwoman Conner stated she would be supporting it because that is was what the constituents wanted.

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

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2003-15 The Clerk read the following Ordinance:

AN ORDINANCE 97498

AN ORDINANCE COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12, INCLUDING THE APPROVAL AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE ISSUANCE OF APPROXIMATELY \$43,695,000 "CITY OF SAN ANTONIO, TEXAS MUNICIPAL DRAINAGE UTILITY SYSTEM REVENUE BONDS, SERIES 2003"; AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS, AND CO-BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH OBLIGATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Milo Nitsche, Director of Finance, narrated a slide presentation of the approval of preliminary official statement pertaining to the issuance of funds to the City of San Antonio municipal drainage utility system revenue bonds, a copy of which was made part of the official papers of this meeting. He expounded on the proposed financing and structure, and the tentative bond sale and delivery schedule.

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

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2003-15 The Clerk read the following Ordinance:

AN ORDINANCE 97499

APPROVING CHANGES TO THE ARTS IN THE COMMUNITY (AIC) PROGRAM ESTABLISHING THAT AIC WILL BE IMPLEMENTED EVERY TWO YEARS IN ALL TEN COUNCIL DISTRICTS, FUNDED PROJECTS WILL BE REQUIRED TO HAVE A PUBLICLY ACCESSIBLE CULMINATING PRODUCT OR ACTIVITY, MATCHING FUNDS WILL NOT BE REQUIRED FOR FIRST TIME APPLICANTS AND THE REVIEW CRITERIA WILL BE BASED ON A 100-POINT SCALE.

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

Mr. Felix Padron, Director of the Office of Cultural Affairs, narrated a slide presentation regarding the approval of changes to the Arts in the Community (AIC) program, a copy of which was made part of the official papers of this meeting. He spoke to the reasons for the review and changes, and expounded on the AIC program history, and how the program was created to support community partnering projects that foster partnering opportunities with homeowners associations and the arts community. He further spoke to the benefits of these changes.

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

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2003-15 The Clerk read the following Ordinance:

AN ORDINANCE 97500

AUTHORIZING THE ACCEPTANCE OF COMMUNITY SERVICES BLOCK GRANT (CSBG) FUNDING IN AN AMOUNT UP TO \$2,000,177.00 FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) TO ENABLE THE CITY TO CONTINUE OPERATION OF THE CSBG PROGRAM THROUGH DECEMBER 31, 2003; APPROVING AMENDMENTS OF THE TDHCA CONTRACT IN CONNECTION WITH SAID AWARD; ADOPTING A BUDGET; AUTHORIZING A PERSONNEL COMPLEMENT; AUTHORIZING THE EXECUTION OF DELEGATE AGENCY CONTRACTS WITH THE BOYS & GIRLS CLUBS OF SAN ANTONIO IN AN AMOUNT UP TO \$40,000.00, GUADALUPE

COMMUNITY CENTER IN AN AMOUNT UP TO \$15,000.00, YOUNG WOMEN'S CHRISTIAN ASSOCIATION IN AN AMOUNT UP TO \$55,000.00, AVANCE IN AN AMOUNT UP TO \$85,000.00, AND JOVEN IN AN AMOUNT UP TO \$55,000.00; AND AUTHORIZING THE AMENDMENT OF THE COMMUNITY ACTION ADVISORY BOARD BY-LAWS. (AMENDS ORDINANCE NO. 96746, NOVEMBER 14, 2002.)

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation regarding the authorization of acceptance of CSBG funding from the Texas Department of Housing and Community Affairs (TDHCA), a copy of which was made part of the official papers of this meeting. He expounded on the background and proposed action regarding the revision of the personnel complement to add two positions. He elaborated on the descriptions of each program.

In response to Councilman Sanders request for clarification regarding the added special meetings, Mr. Campa noted that a group of the members felt there would be times in which it would be necessary to call special meetings. He then clarified the by-laws would detail the major changes being imposed.

In response to Councilman Barrera's question regarding the two new positions being added, Mr. Campa expounded on their job duties, and how this would relate to the City's measure.

Councilman Barrera suggested they work with the Internal Auditor.

Mr. Campa concurred with Councilman Barrera, and noted that Ms. Pat Major, City Auditor, had already provided guidance.

In response to Councilwoman Herrera's question as to whether these were grant funded positions, Mr. Campa stated that they were.

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

2003-15 The Clerk read a proposed resolution expressing the City Council's support for establishing the Watershed Improvement Advisory Committee by appointing five (5) members to serve on the Committee, along with five (5) members appointed by the Bexar County Commissioners Court and five (5) members appointed by the San Antonio River Authority Board, to serve as advisors to the three entities in the development of the Watershed Master Plan, the annual editions of the Five Year Capital Improvement Plan and the Annual Capital Improvement Plan. (Nominees: Walter Ague, Charlie Conner, Cheryl Focht, Edward Day and Lynda Billa-Burke)

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

Councilman Sanders expressed concern on the appointments and further questioned how the recommendations came about.

The motion, failed by the following vote: **AYES:** Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** Sanders. **ABSENT:** Perez, Moorhouse, Martin, Herrera, Castro.

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2003-15 The Clerk read the following Ordinance:

AN ORDINANCE 97501

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY CHANGING THE PARKING REQUIREMENTS FOR BARS, LOUNGES, TAVERNS, NIGHTCLUBS AND DANCE HALLS AND CLARIFYING THAT SUCH PARKING REQUIREMENTS ARE DIFFERENT THAN THOSE FOR "ALCOHOL - BEVERAGE RETAIL SALES" FOR OFF PREMISE CONSUMPTION.

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

Mr. Florencio Pena, Director of Development Services, narrated a slide presentation regarding the amendment of the parking requirements for bars, lounges, taverns, night clubs, and dance halls to provide for a minimum parking requirement of one space per

100 square feet of gross building area, 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, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

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2003-15 At this time, reference was made back to Item #43.

At this time, Councilman Schubert made a motion to reconsider Item #43. Councilman Perez seconded the motion.

Mayor Garza questioned City Attorney, Andrew Martin, whether their action to reconsider item 43 was in compliance, and Mr. Martin stated that they would be in compliance.

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

The Clerk re-read the following Resolution:

A RESOLUTION
NO. 2003-15-15

EXPRESSING THE CITY COUNCIL'S SUPPORT FOR ESTABLISHING THE WATERSHED IMPROVEMENT ADVISORY COMMITTEE BY APPOINTING FIVE (5) MEMBERS TO SERVE ON THE COMMITTEE, ALONG WITH FIVE (5) MEMBERS APPOINTED BY THE BEXAR COUNTY COMMISSIONERS COURT AND FIVE (5) MEMBERS APPOINTED BY THE SAN ANTONIO RIVER AUTHORITY BOARD, TO SERVE AS ADVISORS TO THE THREE ENTITIES IN THE DEVELOPMENT OF THE WATERSHED MASTER PLAN, THE ANNUAL EDITIONS OF THE FIVE YEAR CAPITAL IMPROVEMENT PLAN AND THE ANNUAL CAPITAL IMPROVEMENT PLAN. (NOMINEES: WALTER AGUE, CHARLIE CONNER, CHERYL FOCHT, EDWARD DAY AND LYNDA BILLA-BURKE)

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

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation regarding the appointments to the Watershed Improvement Advisory Committee, a copy of which was made part of the official papers of this meeting.

Mr. Wendorf explained the composition of the committee.

Councilman Sanders expressed concern on the Committee's representation, and stated he would not support this ordinance.

Councilwoman Conner explained that she and Councilwoman Moorhouse chaired the committee, and added that she couldn't tell them why there wasn't anyone representing Salado.

Councilman Sanders stated that there was no consideration given to the representation of his area. He stated also that he was not consulted or asked, although he did have an interest in this watershed. He again stated there wasn't adequate representation and reiterated he would not be supporting the nominees.

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

2003-15 **EXECUTIVE SESSION**

The City Council recessed its regular session at 5:26 P.M. in order to convene in Executive Session for the purpose of:

- A) Deliberation and consideration of required annual written performance evaluation of City Manager Terry M. Brechtel, pursuant to Texas Government Code Section 551.074 (personnel matters).

The City Council adjourned the Executive Session at 6:30 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.

CITIZENS TO BE HEARD

MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to a resolution in reference to the armed services. He cited a biblical verse, and spoke of its relation to the war.

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MR. CHARLES ENGLISH

Mr. Charles English, 807 Canton St., stated he met with Leo Gomez and the Spurs regarding parking issues around the SBC Center. He spoke to the importance of citizen input. He spoke to the City working with CPS and burying the cables underground. He spoke to the artwork on E. Houston. He stated he was told the community would be given a response in 21 days, noting the 21 days were up and still no response. He spoke to the importance of citizen input.

Mr. Sanders noted he had a public meeting dealing with the issues that were brought forward regarding the area around the SBC Center. He noted they had a public meeting, and three neighborhood associations were present. He clarified that Mr. Wendorf would get back with the community between 21 – 30 days, and today was actually day 24. He added Their agreement was to come back with alternatives. He confirmed they had been working on this issue, and the community would have an opportunity to give input.

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MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the issue of no representation from the Eastside in the Watershed Advisory Committee. He then referenced local newspaper articles, and presented copies of these articles to the City Clerk for the record.

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MR. RICHARD ALLES

Mr. Richard Alles, Citizens' Tree Coalition, narrated a slide presentation regarding underground utilities and grading, in reference to the tree preservation.

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MS. CAROL TREVINO

Ms. Carol Trevino, stated she had e-mailed Councilman Castro regarding her concerns about VIA's proposition to charge non-profits. She expressed concern and stated she brought this matter to the Council's attention in hopes of having them intervene, since they were responsible for the VIA Metropolitan Board of Trustees.

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MS. ANNABELLE TIEMANN

Ms. Annabelle Tiemann updated the Council on the issue of Dr. Charles Lee being arrested as a Falun Dafa practitioner in China. She expressed her concern about the China regime, and alleges they prevent freedom of speech and the press. She noted the Chinese media is under control of the regime. She added that all citizens are the victims of the regime because of the SARS. She urged Council to help their friend in need by way of letter.

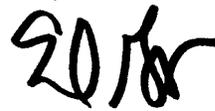
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MS. PATRICIA SUTHERLAND

Ms. Patricia Sutherland spoke to the former communist leader of China, and his persecution of Falon Gong. She alleges he ordered a campaign of persecution. She spoke to various occurrences of this former prosecutor.

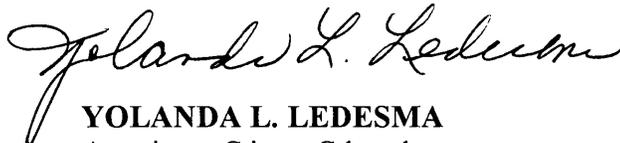
2003-15 There being no further business to come before the City Council, the meeting was adjourned at 7:00 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



YOLANDA L. LEDESMA
Acting City Clerk