

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, JUNE 19, 2003**

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2003-25 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) **Briefing of Proposed 2003 Bond Program.** (Presented by Lou Lendman, Director, Management and Budget; Christopher J. Brady, Assistant City Manager.)
  
- B) **Presentation on the Other Funds in the City Budget and their Relationship to the General Fund.** (Presented by Lou Lendman, Director, Management and Budget; Christopher J. Brady, Assistant City Manager.)

The Council members present were: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

The "B" Session adjourned at 1:15 P.M.

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2003-25 Invocation by Pastor Rick Godwin, Eagles Nest Christian Fellowship.

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2003-25 Pledge of Allegiance to the flag of the United States.



Mr. Estes stated that, since the Spurs had won the championship, he wanted to present the set of spurs to Mayor Garza.

Mayor Garza thanked Councilman Hall and Mr. Estes and then spoke to the Spurs championship recognition that had been held the day before at the Riverwalk and the Alamodome. He stated that the two events had resulted in a great turnout and brought much positive recognition to the City. He took the opportunity to thank the fans and citizens for conducting themselves in the manner in which they did, reflecting the character of the Spurs. He added that they also deserved to be called champions.

Councilman Segovia also commended the fans and citizens for the way they conducted themselves, adding that San Antonio not only had classy players but also classy fans.

In response to a question by Councilman Perez, City Manager Terry Brechtel stated that Roland Lozano, Assistant to the City Manager, had headed the committee that had staged both the river parade and the rally at the Alamodome. She thanked the Councilman for acknowledging the work of the staff and added that she, too, thanked the staff for the great job. She then introduced Mr. Lozano and asked him to report on the two events.

Mr. Lozano stated that approximately 57,000 fans had filled the Alamodome for one of the two events. He further stated that it had been a great opportunity to show off the Alamodome and the Riverwalk. He thanked the City Council, City Manager, and the various departments that had participated in the planning of these two events. He noted that San Antonio had showed the rest of the nation what kind of a City this is.

Mayor Garza stated that there had been some concern regarding the cost of the event but he added that it was held for the community. He congratulated all the individuals that were involved in the planning.

Councilman Flores stated that yesterday he had been proud to call himself a San Antonian and further stated that San Antonio had defined the term "world class" and the citizens should be proud of themselves.

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2003-25 Minutes of the Regular City Council Meeting of May 8, 2003 were approved.

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2003-25      CONSENT AGENDA - CITIZEN'S COMMENTS

Mr. Charles English, 807 Canton St., Jefferson Heights Association, spoke to Item 13, adding that this was the second time that this had come before the City Council for adjustments. He asked that the Council consider adding the element of utility conversion. He added that there were monies in escrow that could be used to accomplish that.

Ms. Karen Rankin, Veterans Affairs Commission, spoke to Item 31 and to the benefits, both direct and indirect, that the City derives from the USO. She commended the City for the positive support to our troops and encouraged the City Council to continue leasing space to the USO.

Mr. Jack M. Finger, P.O. Box 12048, spoke to Item 23 stating that no bidding had taken place on this Item and asked those City Council members that had received campaign finance contributions from contractors or their staffs to abstain from voting on this Item as well as Items 22, 29, and 32.

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2003-25      CONSENT AGENDA

Councilman Segovia made a motion to approve Agenda Items 8 through 35, constituting the Consent Agenda. Councilman Williams seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 97784

ACCEPTING THE LOW BID FROM TRI-GLOBAL TECHNOLOGIES LLC, BID NO. 1 TO PROVIDE THE CITY OF SAN ANTONIO ENVIRONMENTAL SERVICES DEPARTMENT WITH FIVE ARCPAD GEOXT HANDHELD GLOBAL POSITIONING SYSTEMS TO BE FUNDED BY A GRANT FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) FOR A TOTAL AMOUNT OF \$27,245.00.

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AN ORDINANCE 97785

AUTHORIZING THE TRANSFER OF \$143,000.00 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS TO THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT; ESTABLISHING A FORCE ACCOUNT; AND AUTHORIZING THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE DEMYA FROM HUNT TO LOOP 410 PROJECT, LOCATED IN COUNCIL DISTRICT 4.

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AN ORDINANCE 97786

AUTHORIZING THE TRANSFER OF \$181,201.11 FROM 1985 G.O. DRAINAGE IMPROVEMENT BOND FUNDS TO THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT; ESTABLISHING A FORCE ACCOUNT; AND AUTHORIZING THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE WESTERN DRAINAGE #74 PHASE IIIA PROJECT, LOCATED IN COUNCIL DISTRICT 9.

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AN ORDINANCE 97787

AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$701,626.29 PAYABLE TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE SOUTHCROSS BOULEVARD FROM NEW BRAUNFELS TO S. PRESA MPO PROJECT, LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING \$69,481.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$20,000.00 FOR ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING THE TRANSFER OF \$22,146.59 TO A CITY FORCE ACCOUNT FOR THE RELOCATION OF TRAFFIC SIGNALS, FOR AN OVERALL TOTAL AMOUNT OF \$813,253.88 FROM GENERAL OBLIGATIONS OF THE CITY; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97788

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$7,100.00 PAYABLE TO SAN ANTONIO DESIGN GROUP, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE NAVIDAD FROM MARTIN TO SALINAS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING \$710.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES FOR A TOTAL AMOUNT OF \$7,810.00; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 97036, JANUARY 16, 2003.)

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AN ORDINANCE 97789

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN AN AMOUNT NOT TO EXCEED \$30,000.00 FROM CERTIFICATES OF OBLIGATION TO K.M. NG & ASSOCIATES, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE HOUSTON FROM BOWIE TO PINE MPO PROJECT, LOCATED IN COUNCIL DISTRICTS 1 AND 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 81897, MARCH 23, 1995.)

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AN ORDINANCE 97790

SELECTING MAESTAS & BAILEY, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE BRANIFF FROM TURBO TO U.S. 281 PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$73,111.97; AUTHORIZING \$7,311.20 FOR ENGINEERING CONTINGENCY EXPENSES, FOR AN OVERALL TOTAL AMOUNT OF \$80,423.17 FROM 2001 CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97791

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID IN THE AMOUNT OF \$737,217.90 FROM R.L. JONES, L.P., FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE HOOVER STREET FROM NOGALITOS TO CHARLOTTE PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$57,664.44 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, FOR AN OVERALL TOTAL AMOUNT OF \$794,882.34 OF WHICH \$634,308.84 FROM 1999 GENERAL OBLIGATIONS OF THE CITY AND AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$160,573.50 FOR SEWER AND WATER EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97792

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID IN THE AMOUNT OF \$311,621.60 FROM SAN ANTONIO CONSTRUCTORS, LTD. (MBE) FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE ARANSAS FROM MEERSCHIEDT TO WALTERS PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$22,172.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, FOR AN OVERALL TOTAL OF \$333,793.60 OF WHICH \$243,889.75 FROM 1999 GENERAL OBLIGATIONS OF THE CITY AND AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$89,903.85 FOR SEWER AND WATER EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97793

APPROVING FIELD ALTERATION NO. 4 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$37,311.75 FROM G.O. DRAINAGE IMPROVEMENT BOND FUNDS TO R.L. JONES COMPANY, INC. FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE BLOSSOM/WOODBURY #1007, PHASES I & II

PROJECT, LOCATED IN COUNCIL DISTRICT 10; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95402, MARCH 7, 2002.)

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AN ORDINANCE 97794

APPROVING FIELD ALTERATION NO. 4 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$27,770.87 FROM 1999 G.O. DRAINAGE IMPROVEMENT BOND FUNDS TO DAYCO CONSTRUCTION COMPANY FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE CULEBRA DRAINAGE #58F PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 7; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 94979, DECEMBER 13, 2001.)

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AN ORDINANCE 97795

APPROVING FIELD ALTERATION NO. 3 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$399,755.00 FROM CERTIFICATES OF OBLIGATION TO CONSTRUCTORS & ASSOCIATES, INC. FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE MUNICIPAL PLAZA EXTERIOR RENOVATION PROJECT, LOCATED AT 114 W. COMMERCE IN COUNCIL DISTRICT 1; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 96695, NOVEMBER 7, 2002.)

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AN ORDINANCE 97796

AUTHORIZING THE EXECUTION OF A INTRAJURISDICTIONAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND CITY PUBLIC SERVICE BOARD OF SAN ANTONIO (CPS) IN CONNECTION WITH THE INSTALLATION AND MAINTENANCE OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES FOR BUILDING 2 LOCATED WITHIN THE MUNICIPAL RECORDS FACILITY COMPLEX AT 131 EL PASO STREET IN COUNCIL DISTRICT 1. (AMENDS ORDINANCE NO. 95396, MARCH 7, 2002.)

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AN ORDINANCE 97797

AUTHORIZING THE EXECUTION OF A JOINT USE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO WATER SYSTEM IN CONNECTION WITH AN EXISTING DRAINAGE AND SANITARY SEWER RIGHT OF WAY IN THE VICINITY OF ARRID DRIVE, SMALLWOOD DRIVE AND HICKS AVENUE, LOCATED IN COUNCIL DISTRICT 1.

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AN ORDINANCE 97798

AUTHORIZING PAYMENT IN THE AMOUNT OF \$6,600.81 TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS - HAUSMAN TO DEZAVALA PROJECT (\$2,447.75), BITTERS ROAD - WEST AVENUE AT HEIMER METROPOLITAN PLANNING ORGANIZATION PROJECT (\$2,740.31), PLEASANTON ROAD - SOUTHCROSS TO MAYFIELD METROPOLITAN PLANNING ORGANIZATION PROJECT (\$72.00), AND THE SALADO CREEK GREENWAY (HIKE & BIKE, PHASE I) PROJECT (\$1,340.75); REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97799

AUTHORIZING PAYMENT IN THE AMOUNT OF \$41,469.04 TO BRACEWELL & PATTERSON, L.L.P., FOR LEGAL SERVICES IN CONNECTION WITH THE BASSE ROAD AND SAN PEDRO INTERSECTION MPO PROJECT (\$90.00), BITTERS ROAD - WEST AVENUE TO HEIMER MPO PROJECT (\$234.00), BLANCO ROAD AND JACKSON KELLER INTERSECTION (MPO) PROJECT (\$612.00), ESCALON STREET #1008 DRAINAGE PROJECT (\$216.00), FIRE STATION NO. 25 PROJECT (\$54.00), HI-LIONS DRAINAGE #80, PHASES III & V PROJECT (\$185.00), HILDEBRAND AVENUE - I.H. 10 TO BREEDEN MPO PROJECT (\$38,907.01), OCTAVIA DRAINAGE #63, PHASE II, PART 1 PROJECT (\$90.00), SAN PEDRO AVENUE - QUINCY TO ROMANA MPO PROJECT (\$594.00), W.W. WHITE PHASE I - RIGSBY TO LORD ROAD PROJECT (\$401.88), AND THE WURZBACH ROAD AT I.H. 10 AND IRONSIDE INTERSECTIONS

PROJECT (\$85.15); REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97800

AUTHORIZING PAYMENT IN THE AMOUNT OF \$6,300.00 TO ECKMANN, GROLL INCORPORATED, FOR APPRAISAL SERVICES IN CONNECTION WITH THE BELGIUM FROM PICARDIE TO COLISEUM PROJECT (\$1,200.00), LANARK DRAINAGE #92 PHASE I PROJECT (\$1,200.00), AND THE OLD BROOKSIDE SUBDIVISION DRAINAGE PROJECT (\$3,900.00); APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97801

AUTHORIZING PAYMENT IN THE AMOUNT OF \$16,161.81 TO DUGGER, CANADAY, GRAFE INCORPORATED, FOR APPRAISAL SERVICES IN CONNECTION WITH THE LOCKHILL-SELMA: WEST AVENUE TO N.W. MILITARY PROJECT (\$15,361.81) AND THE TEZEL ROAD - TIMBER PATH TO OLD TEZEL PROJECT (\$800.00); APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97802

AUTHORIZING \$1,000.00 FOR APPRAISAL SERVICES IN CONNECTION WITH THE EMMETT STREET FROM BLOCK #500 TO BLOCK #700 (DEADEND TO DEADEND), LOCATED IN COUNCIL DISTRICT 3, AND AUTHORIZING \$2,125.00 FOR EXPERT TESTIMONY IN CONNECTION WITH THE FAY PHASE I FROM CREIGHTON TO QUINTANA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 5, FOR A TOTAL AMOUNT OF \$3,125.00 PAYABLE TO DUGGER, CANADAY, GRAFE INCORPORATED; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97803

AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,118.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS PAYABLE TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANT IN CONDEMNATION CAUSE NO. 2003-ED-0003, CITY OF SAN ANTONIO VS. RITA SANCHEZ, FOR THE ACQUISITION OF FEE SIMPLE TITLE TO ONE (1) PARCEL OF REAL PROPERTY AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,051.00 FOR COURT COSTS FOR A TOTAL AMOUNT OF \$4,169.00 IN CONNECTION WITH THE FAY PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 5; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97804

AMENDING ORDINANCE NO. 93891, PASSED AND APPROVED ON MAY 10, 2001, TO AUTHORIZE PAYMENT OF THE ADDITIONAL SUM OF \$11,430.00 TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2001-ED-0003, CITY OF SAN ANTONIO VS. ALFRED F. RENTERIA AND RITA H. RENTERIA, ET AL, FOR FEE SIMPLE TITLE TO ONE PARCEL IN CONNECTION WITH THE PLEASANTON ROAD - SOUTHCROSS TO MAYFIELD METROPOLITAN PLANNING ORGANIZATION PROJECT IN COUNCIL DISTRICT 4; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97805

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,060.48 FROM 1994 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS TO TICOR TITLE AGENCY OF SAN ANTONIO FOR TITLE FEES IN CONNECTION WITH THE HIGGINS ROAD - NACOGDOCHES TO STAHL PROJECT, LOCATED IN COUNCIL DISTRICT 10; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97806

AUTHORIZING 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS IN THE AMOUNT OF \$9,550.00 FOR THE ACQUISITION OF FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO FIVE (5) PARCELS OF REAL PROPERTY OUT OF N.C.B. 8084, SAN ANTONIO, BEXAR COUNTY, TEXAS, IN CONNECTION WITH THE NORTHINGTON - S.W. 36<sup>TH</sup> TO S.W. 35<sup>TH</sup> PROJECT; ESTABLISHING COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS FOR TITLE AND MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT; 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 PROVIDING FOR PAYMENT.

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AN ORDINANCE 97807

AUTHORIZING EXECUTION OF A RENEWAL AND EXTENSION OF LEASE AGREEMENT (INCORPORATING AMENDMENT TO LEASE AGREEMENT) BETWEEN THE CITY OF SAN ANTONIO AND THE UNITED STATES ORGANIZATION COUNCIL OF METROPOLITAN SAN ANTONIO, TEXAS (U.S.O.), A TEXAS NON-PROFIT CORPORATION, AS TENANT, FOR THE USE OF 10,444 SQUARE FEET IN THE RIVERBEND GARAGE FOR A THREE (3) YEAR TERM EFFECTIVE MARCH 1, 2003 WITH NO RENT AND COSTS OF COMMON AREA MAINTENANCE (CAM) CHARGES DUE FROM THE U.S.O., SUBJECT TO ANNUAL APPROPRIATION OF FUNDS FOR SUCH RENT AND CAM CHARGES IN FUTURE CITY OF SAN ANTONIO FISCAL YEARS AFTER SEPTEMBER 30, 2003, IN CONSIDERATION OF THE BENEFITS DERIVED BY THE CITY FROM SERVICES PROVIDED TO THE ARMED FORCES BY THE U.S.O, BUT WITH THE U.S.O. PAYING CHILLED WATER COSTS OF 5¢ PER SQUARE FOOT FOR ITS PROPORTIONATE SHARE OF SUCH COSTS PER MONTH THROUGH FEBRUARY 28, 2006 AND ALL OPERATING COSTS, WITH AN OPTION TO RENEW AND EXTEND THE LEASE TERM AN ADDITIONAL THREE YEARS, SUBJECT TO SUCH ANNUAL APPROPRIATION AND SUBJECT TO CITY COUNCIL APPROVAL.

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AN ORDINANCE 97808

AUTHORIZING A LICENSE AGREEMENT WITH THE CAMP STREET PARTNERS, L.P., TO TEMPORARILY EXCAVATE, THEN RESTORE A PORTION OF THE DEVELOPMENT AND BUSINESS SERVICES CENTER PROPERTY LOCATED AT 1901 SOUTH ALAMO, THAT IS CURRENTLY USED FOR LANDSCAPING, TO FACILITATE THE CONSTRUCTION OF AN UNDERGROUND PARKING AREA IN THE BASEMENT OF AN ADJACENT BUILDING LOCATED AT 114 CAMP STREET, FOR A TERM TO EXPIRE ON DECEMBER 31, 2003.

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AN ORDINANCE 97809

AUTHORIZING THE EXECUTION OF A FIVE-YEAR LEASE AGREEMENT WITH THE CARVER DEVELOPMENT BOARD (CDB) AT A RENTAL RATE OF \$1.00 PER YEAR FOR USE BY THE CDB ADMINISTRATIVE STAFF OF APPROXIMATELY 4,000 SQUARE FEET OF OFFICE SPACE LOCATED AT THE CARVER ANNEX, 215 N. HACKBERRY, SAN ANTONIO, TEXAS.

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AN ORDINANCE 97810

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE IN PARTNERSHIP WITH THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG), BEXAR COUNTY, AND THE SAN ANTONIO RIVER AUTHORITY TO ACCEPT A PRE-DISASTER MITIGATION GRANT IN THE AMOUNT \$150,000.00 PLUS ANY ADDITIONAL ALLOCATION THAT MAY BECOME AVAILABLE FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY DIVISION OF EMERGENCY MANAGEMENT; AND AUTHORIZING A GRANTEE MATCH OF TWENTY FIVE PERCENT (25%) OF THE TOTAL PROJECT COSTS, WITH THE CITY'S PORTION TO BE MET THROUGH IN-KIND SERVICES.

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AN ORDINANCE 97811

AUTHORIZING THE ACCEPTANCE OF CASH GRANTS AND DONATIONS IN THE CUMULATIVE AMOUNT OF \$55,895.00 TO SUPPORT THE SPECIAL IMMUNIZATIONS PROMOTION PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AS FOLLOWS: AVENTIS PASTEUR \$4,000.00, MERCK & CO., INC. \$5,000.00, GLAXOSMITHKLINE PHARMACEUTICALS \$10,000.00, WYETH-AYERST PHARMACEUTICALS, \$1,500.00, CITY PUBLIC SERVICE \$7,500.00, INFINITY BROADCASTING CORPORATION \$7,100.00, MOROCH \$3,000.00, SAN ANTONIO SPURS \$360.00, SAS SHOEMAKERS \$3,090.00, SAN ANTONIO LIGHTHOUSE, WILLIAM JUDSON CENTER \$910.00, TELEMUNDO TELEVISION \$5,275.00, SINCLAIR COMMUNICATIONS, INC. \$7,500.00, BATES CONTAINER \$160.00 AND ANONYMOUS CASH DONATIONS OF \$500.00; AND REVISING THE PROJECT BUDGET.

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2003-25 The Clerk read the following Ordinance:

AN ORDINANCE 97812

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$56,515,000 "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT REFUNDING BONDS, SERIES 2003-A"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, ESCROW AGREEMENT, AND A PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT AFFIRMATIVE VOTES.

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

Mr. Milo Nitschke, Director of Finance, narrated a slide presentation on the sale of \$56,515,000 General Improvement Refunding Bonds (a copy of which presentation is filed with the papers of this meeting). He laid out the schedule of events culminating with today's approval and the July 16, 2003 delivery and final closing of the bonds. He pointed out the gross savings of \$5,402,241 and the PV savings of \$3,734,697 as well as the percentage of PV savings and the true interest cost. He identified the underwriting syndicate, including Ramirez & Company, and UBS PaineWebber, the senior managers and the three other co-managers.

Mayor Garza noted that the City would move forward with the sale of these bonds today but in the future, whenever possible, these items should be presented first to the Governance Committee.

In response to a question by Councilman Perez, City Manager Brechtel stated that these bonds were first issued in 1996.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to litigation that involved UBS PaineWebber, the co-senior manager, and asked the City Council to consider this before voting favorable for this Ordinance.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Schubert.

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**2003-25      SOUTHSIDE INITIATIVE PLAN**

Mayor Garza spoke to various aspects of the Southside Initiative and narrated a slide presentation which included information taken from the Southside Initiative Community Plan Briefing Book (a copy of which is made a part of the papers of this meeting). He presented an overview of the Southside Initiative as part of the balanced growth for San Antonio and spoke to actions that had taken place in the last year and a half. He invited City Council members to tour the area.

Mr. Emil Moncivais, Director, Planning Department, narrated a slide presentation in which he provided information on the land use plan (a copy of which is filed with the papers of this meeting). He spoke to the planning boundaries, the plan purpose, including providing a coherent vision to guide decisions associated with future growth and development of the Southside Initiative Community Plan area. He further spoke to public input and key plan elements, such as land use, transportation, community facilities and urban design. He pointed out the makeup of the Technical Committee members, the public input process, and the significance of a recognized plan. He closed by outlining the upcoming steps, such as the Planning Commission Action, the Council action, the development of new zoning districts, and the rezoning proposal. He also spoke to the Zoning Commission and City Council consideration of the rezoning proposal, and the proposed extension of interim development controls to implement the zoning plan.

Mayor Garza stated that the City is dealing with a large area of land and he recommended that staff look at some of the areas as transition zones. He further stated that some of the industrial areas also needed to be addressed but added that this was a very good land use plan.

Councilman Hall congratulated those responsible for consolidating all the information and expressed his belief that balanced growth is the key. He added that all areas of the City would benefit from the success of this initiative. He further added that by taking this step the City is attempting to not make the same mistakes on the south side as it did on the north side.

In response to a question by Councilman Williams, Mr. Moncivais stated that the potential is great for balanced growth and for the development and revitalization of the area. He also spoke to the types of transportation that could be developed in the area.

In response to a question by Councilwoman Radle on how the safety element to the environment would be maintained when heavy industry was developed, Mr. Moncivais stated that Toyota would be the only heavy industry in the area. He added that the zoning categories, the next step in the plan, would determine the type of industry that could develop in the area.

Councilman Haass stated that he was pleased with the progress of the Southside Initiative particularly with respect to the urbanism planning.

Mr. Moncivais, responding to Councilman Haass' question on whether staff had studied some of the problems the north side had experienced because of quick growth, stated that, in his opinion, the initiative and the working together of all institutions would help with

proper development. Mr. Moncivais also addressed the question of potential problems with drainage or flooding problems.

Councilman Castro thanked Mr. Moncivias and the staff for the presentation and stated that the Southside Initiative called for doing the initial planning first, thus affording the opportunity to develop a very livable family friendly community. He added that it would also enhance the economic aspects of the south side as well as benefit the entire city.

Councilman Segovia stated that he saw balanced growth as very positive for the south side. He spoke to the large area of land and to the main difference being that it is controlled and the area is not changing drastically.

In response to a question by Councilman Williams on the best selling point of the Southside Initiative to other areas in the community, Mr. Moncivais stated that it was setting a new tone for San Antonio in terms of how growth would occur. It would affect all areas of the City because of more business, more job opportunities and more educational opportunities in the future.

Mayor Garza explained the value of the Southside Initiative to all of San Antonio. He noted that this was an opportunity to master plan and that this would be doing something a little different than what had been done in the past.

In response to a question by Councilman Perez, Mr. Moncivais explained how the owners' current property rights would be protected. He explained zoning procedures.

In response to a question by Councilman Schubert, Mr. Moncivais spoke to the concerns of the school districts and the role they had played with regard to this project.

Mayor Garza spoke to legislation that was approved regarding enhanced opportunities for the school districts.

Councilman Schubert stated his belief that school systems are the premier reason why people live in certain areas and he expressed concern about the ability of school boards to work together.

In response to a question by Councilman Williams, Mr. Moncivais spoke to the relationship with the new Defense Meeting Authority and the City's partnership relationship.

Mayor Garza then briefly spoke to the steps the City Council will be addressing next and to the 15-member board that would be appointed shortly.

— — —

2003-25 STAFF PRESENTATION OF THE FIVE YEAR FINANCIAL FORECAST.

City Manager Terry Brechtel briefly explained the content of the five year financial forecast presentation and introduced Mr. Lou Lendman, Director, Management and Budget, who narrated the presentation.

Mr. Lendman, in his presentation, stated that this five year financial forecast would provide information on its purpose, the mid-year projections and actions, what other Texas cities were doing with their budgets, strategic issues, economic perspective & outlook, general fund forecast and other funds forecast and schedule of upcoming sessions (a copy of which is filed with the papers of this meeting).

The following citizen(s) appeared to speak:

Mr. Charles English, Jefferson Heights Association, spoke to the City's eastside not receiving the attention that other parts of the City are receiving. He questioned where the eastside fit in with the Southside Initiative Plan. He also questioned why no work was planned in Lincoln Park, as the park had not had any work done on it for years. He also requested an audit of the Public Works Department.

Mr. Faris Hodge, Jr., 140 Dora, spoke to various budgetary issues, including requesting that all City employees be given a 14% raise, that the Police Department only get paid their wage and no extras, and offered suggestions on cuts that could be made to the budget to help balance it, including a six-month hiring freeze.

\* \* \* \*

Mayor Garza noted that this five-year project offers an opportunity to get a short-term perspective on the financial status of the City.

In response to questions by Mayor Garza, Mr. Lendman stated that in the last quarter of 2002, a \$36 million shortfall had been projected and the new projected shortfall was now \$28.6 million. Mayor Garza then spoke to the additional \$20 million revenue stream that the City would be receiving from CPS over what had been previously anticipated. He added that, if all the revenue sources were applied, the deficit would be greatly reduced. He noted that if only the \$20 million were applied, then the short fall would be closer to \$7.9 million.

In response to questions posed by Mayor Garza, City Manager Brechtel spoke on the \$20 million one-time revenue sources, and the way budget shortfalls and the long-term projections are determined.

In response to questions by Councilman Perez, Mr. Lendman spoke to general fund balances, reserve for revenue loss, the \$5.5 million reduction, refinancing of the bonds, the patrol availability factor, the South Texas Nuclear Plant, the \$8.6 million in added costs to the General Fund, mandates, and the options for addressing the FY 2004 shortfall.

In response to questions by Councilman Schubert on the mandates in the new police contract, Mr. Lendman spoke to funds that have been set aside for the contract.

In response to questions by Councilman Schubert, Ms. Brechtel and Mr. Lendman explained how the figures for the five year financial forecast were calculated.

In response to a question by Councilman Williams, Mr. Lendman explained the volatile source of revenue. He further responded on whether the Council could redirect some of the \$20.7 million windfall to help citizens who were adversely impacted by the high natural gas prices. He stated that in 2002 the Council had directed staff to present a rebate program for citizens who needed the assistance.

Councilman Williams then asked the Mayor to direct staff to bring back a proposal that would help those who needed assistance.

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

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**2003-25 PUBLIC HEARING AND ORDINANCE: PROPOSED CLOSURE OF PORTIONS OF ROBARDS ROW AND A 25 FOOT-WIDE ALLEY.**

Mayor Pro Tem Barrera declared the Public Hearing to be open.

Ms. Rebecca Waldman, Director, Asset Management, narrated a slide presentation (a copy of which is filed with the papers of this meeting) on the proposed closures of portions of Robards Row and a 25 foot-wide alley. Ms. Waldman stated that the petitioners wanted to incorporate the proposed closures (totaling 0.63 acres) with their abutting commercial properties, that the closures had been coordinated with City

departments and utility agencies, that no notices had been returned in opposition, and that the City would collect \$16,523 if approval was granted.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke in favor of these closures and stated that there were alleys in all parts of town that should also be closed. He stated that he was in favor of banning all alleys because many of them were neglected.

\* \* \* \*

There being no further citizens signed to speak to this matter, Mayor Pro Tem Barrera declared the Public Hearing to be closed.

The Clerk then read the following Ordinance:

AN ORDINANCE 97813

CLOSING, VACATING AND ABANDONING PUBLIC RIGHTS OF WAY CONSISTING OF PORTIONS OF ROBARDS ROW AND A TWENTY FIVE FOOT WIDE ALLEY ABUTTING NCB 17626, BETWEEN WEIMER WAY AND THE SOUTHWEST CITY LIMITS OF LIVE OAK, TEXAS, AS REQUESTED BY THE PETITIONERS, DREW M. STEWART, LINDA A. STEWART, HAMILTON W. DANIELS, AND ROSALINDA M. DANIELS, FOR THE TOTAL CONSIDERATION OF \$16,523.00.

\* \* \* \*

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Castro, Garza.

In response to questions by Councilman Haass, Ms. Waldman explained how the \$16,523.00 cost was determined and noted that staff had recommended approval with the condition that the property be platted.

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(Mayor Garza returned to the meeting and presided.)

2003-25      The Clerk read the following Ordinance:

AN ORDINANCE 97814

AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AGREEMENTS FOR CAR RENTAL CONCESSIONS AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A TERM OF FIVE YEARS, AND PROVIDING FOR ANNUAL PAYMENT TO THE CITY OF THE GREATER OF A MINIMUM ANNUAL GUARANTEE WHICH RANGE FROM \$290,000.00 TO \$1,447,600.00 OR TEN PERCENT OF REVENUES GENERATED AT THE AIRPORT, AS WELL AS RENTAL FOR COUNTER SPACE OCCUPIED IN EACH TERMINAL BUILDING.

\* \* \* \*

Councilman Haass made a motion to approve the proposed Ordinance. Councilman Flores seconded the motion.

Mr. Kevin Dolliole, Director, Aviation Department, narrated a slide presentation (a copy of which is filed with the papers of this meeting) on the car rental concessions at the airport. He presented information on the contracts' expiration date of June 30, 2003, the new RFP with a May 21, 2003 deadline, and the names of the nine companies that submitted proposals, their qualifications, and each one's minimum annual guarantee proposal. He also identified members of the selection committee, the comparables, five-year contract terms beginning July 1, 2003 through June 30, 2008, and the Good Faith Effort Plan, which set out each company's Minority, Women, and Small Business Enterprise percentages. He stated the local franchisees were listed as well as the Selection Committee's recommendation and the staff's recommendation of eight proposals and the rejection of one.

In response to Councilman Perez, Mr. Dolliole further spoke to the minimum annual guarantee, the locations of the concessions and to the RFP for a ninth concessionaire.

In response to Councilman Barrera, Mr. Dolliole stated that none of the eight concessionaires selected would be eligible to bid for the ninth slot.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

— — — — —  
2003-25 The Clerk read the following Ordinance:

AN ORDINANCE 97815

DESIGNATING THE FIRM OF LLEWELYN-DAVIES SAHNI TO PROVIDE PLANNING SERVICES IN CONNECTION WITH THE LAND USE AND DEVELOPMENT STUDY FOR SAN ANTONIO INTERNATIONAL AND STINSON MUNICIPAL AIRPORTS; AUTHORIZING NEGOTIATION AND EXECUTION OF A CONTRACT FOR AN AMOUNT NOT TO EXCEED \$467,871.00; AND AUTHORIZING \$20,000.00 FOR PLANNING CONTINGENCY EXPENSES AND \$12,129.00 FOR ADMINISTRATIVE EXPENSES, FOR AN OVERALL TOTAL AMOUNT OF \$500,000.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

Councilman Flores made a motion to approve the proposed Ordinance. Councilman Haass seconded the motion.

Mr. Kevin Dolliole, Director, Aviation Department, narrated a slide presentation (a copy of which is filed with the papers of this meeting) providing information on the Land Use/Development Study for San Antonio International and Stinson Municipal Airports, including the designation of Llewelyn-Davies Sahni to provide planning services. He also spoke to the background of the Land Use/Development Study, related airport studies, purpose, selection process which resulted in six qualified respondents, the ranking of the respondents, and the interview committee's ranking with Llewelyn-Davis Sahni receiving a score of 71.4, the point system and the funding sources.

In response to questions by Councilmen Perez, Mr. Dolliole further explained the RFP process, the purpose of the study, the FAA's directive and the airport's responsibility to develop the facilities in a responsible fashion.

In response to a recommendation by Councilman Williams, Mr. Dolliole stated that soon a security assessment of the facilities and the surrounding area would be conducted that would very adequately address security at the airports.

In response to Councilman Hall, Mr. Dolliole explained the difference in the presentations made by each of the companies to the committee evaluating the RFPs. He stated that the committee was impressed with Llewelyn-Davies Sahni because of its understanding and more comprehensive and holistic approach to the issue.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

— — —  
2003-25 The Clerk read the following Ordinance:

AN ORDINANCE 97816

AUTHORIZING THE APPLICATION FOR TEXAS BLOCK GRANT IN AN AMOUNT NOT TO EXCEED \$3,223,161.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) IN SUPPORT OF VARIOUS AIRPORT IMPROVEMENTS AT STINSON MUNICIPAL AIRPORT; COMMITTING TO PARTICIPATE IN THE COST OF THESE IMPROVEMENTS IN THE AMOUNT OF TEN PERCENT (10%), NOT TO EXCEED \$358,129.00; AND DESIGNATING TXDOT AS THE CITY'S AGENT FOR PURPOSES OF THIS GRANT.

\* \* \* \*

Councilman Schubert made a motion to approve the proposed Ordinance. Councilman Haass seconded the motion.

Mr. Kevin Dolliole, Director, Aviation Department, narrated a slide presentation in which he provided information on the Texas Block Grant from the Texas Department of Transportation for Stinson Municipal Airport (a copy of which is filed with the papers of this meeting). He stated the purpose of the ordinance was to authorize the application for the Grant in an amount not to exceed \$3,223,161.00 and noted that it would be used to implement eligible projects identified in the Stinson Master Plan. He also provided information on the master plan's background, the Texas Block Grant Phase 1 Capital

Projects, the three projects at Stinson that would receive funding, the conditions required of the City for the Grant, and the budget.

In response to Councilman Perez, Mr. Dolliole stated that the extension of the runway was one of the projects that the Greater Chamber had stated was needed.

Councilman Perez suggested and Mr. Dolliole concurred that once the grant was offered, staff would make the chambers aware that funding had been received.

Mr. Dolliole, responding to questions by Councilman Williams, spoke to the present and future needs of the manpower pool at Stinson. He further stated that Stinson was a different type of operation than International Airport, that it was not as demanding on labor resources, and that International could provide personnel, when needed, to complete one-time projects.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Schubert.

— — —  
2003-25 The Clerk read the following Ordinance:

AN ORDINANCE 97817

AUTHORIZING THE EXECUTION OF A COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT (CRADA) WITH THE UNITED STATES AIR FORCE INSTITUTE FOR OPERATIONAL HEALTH TO PROVIDE FACILITY SPACE FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT BIOTERRORISM PREPAREDNESS LABORATORY AT BROOKS CITY-BASE FOR A TERM OF SIXTY (60) MONTHS.

\* \* \* \*

Councilman Haass made a motion to approve the proposed Ordinance. Councilman Flores seconded the motion.

Dr. Fernando A. Guerra, Director, Health, narrated a slide presentation (a copy of which is filed with the papers of this meeting) which provided information on the agreement for laboratory space at Brooks City Base. He stated that since 9/11 the Metro Health Laboratory had experienced significantly increased responsibilities especially relative to

the rapid identification of biological disease agents and toxins. He further stated that more space was necessary to accommodate the new mission, the U.S. Air Force's offer for a Cooperative Research and Development Agreement providing space at Brooks City Base, renovation monies of \$359,000 and benefits to the City, including increased City presence at Brooks City Base. He added that the agreement would be for five years, reimbursements of rent/utilities would be provided through in-kind goods and/or services in lieu of rent, and the renovation funding would be from grant funds from the Texas Department of Health.

In response to Councilman Perez, Dr. Guerra spoke to the amount of federal funding the City would receive and the additional staff that would be added. He also provided an example of the kind of activities that this type of laboratory would perform. He spoke to a series of grants and separate Federal funding stream.

City Manager Terry Brechtel explained how these funds would be expended. She further spoke to the opportunity that presented itself to locate just the bioterrorism component of the City's lab to Brooks City Base. She mentioned that several grant-funded positions would be added and that, at the present time, there was no mandate to continue funding this activity once the grant monies were expended.

Dr. Guerra, in response to further questions by Councilman Perez, stated that the added positions had been funded for a minimum of three years and spoke to the type of testing the lab would perform and the kind of equipment that it had available.

In response to questions by Councilman Flores, Dr. Guerra stated that the City of San Antonio was ranked second in the country in preparedness against bioterrorism. He added that the additional 4,000 square feet of space would accommodate some highly trained personnel and stated that this arrangement with Brooks would position this community at the cutting edge in the development of equipment and technology.

In response to Councilman Williams, Mr. Sam Sanchez, Environmental Health Administrator, Health Department, stated that the CRADA agreement was a very flexible agreement and would facilitate the Health Department's partnering with academia.

Councilman Segovia spoke to the need for the City to encourage this partnership with the Air Force to secure the survival of Brooks Field.

In response to Councilwoman Radle, Dr. Guerra spoke to the amount of activity related to bioterrorism research and to the other types of research and activities that would be accomplished throughout of the year.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Segovia, Radle, Barrera, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Williams, Perez, Garza.

— — —  
2003-25 The Clerk read the following Ordinance:

AN ORDINANCE 97818

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE SAN ANTONIO WATER SYSTEM (SYSTEM) BOARD OF TRUSTEES FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE LATERALS TO PEOPLE PROGRAM, A SEWER LATERAL PROGRAM PROVIDING ASSISTANCE TO ELIGIBLE CUSTOMERS.

\* \* \* \*

Councilman Haass made a motion to approve the proposed Ordinance. Councilman Flores seconded the motion.

The following citizen(s) appeared to speak:

Ms. Rachel Cywinski, President of Highland Park Neighborhood Association, spoke to the four water-related Ordinances and how they would affect eligible ratepayers. She urged the San Antonio Water System to continue to fund these programs at the highest level possible.

\* \* \* \*

In response to questions by Councilwoman Radle, Mr. Dennis Campa, Director, Community Initiatives, stated that the operation costs for such programs as Laterals to People Program are costs to the San Antonio Water System and not to the City of San Antonio and Mr. Mike McQuinn, Director of Customer Service, SAWS, stated that the budget for the Laterals to People Program was still under development.

Mr. McQuinn, responding to Councilman Castro, stated there had been some issues raised relative to the plumbers selected by SAWS to do work. He added that SAWS had identified the issue and they were going out with an RFP seeking a new plumbing firm.

In response to Councilman Perez, Mr. Campa described the different programs and the standards that citizens needed to qualify for these programs.

Mr. Campa, responding to Councilwoman Radle's questions, spoke to the correlation between services provided and the operation costs.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Garza.

— — —  
2003-25 The Clerk read the following Ordinance:

AN ORDINANCE 97819

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE SAN ANTONIO WATER SYSTEM (SYSTEM) BOARD OF TRUSTEES FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE PLUMBERS TO PEOPLE PROGRAM, WHICH PROVIDES ASSISTANCE TO ELIGIBLE SYSTEM RATEPAYERS.

\* \* \* \*

Councilman Haass made a motion to approve the proposed Ordinance. Councilman Segovia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Radle, Barrera, Castro, Hall, Haass. **NAYS:** None. **ABSENT:** Perez, Schubert, Garza.

— — —  
2003-25 The Clerk read the following Ordinance:

AN ORDINANCE 97820

RATIFYING THE 2003 PROJECT AGUA PLAN, WHICH WILL PROVIDE APPROXIMATELY \$25,000.00 IN UTILITY ASSISTANCE TO ELIGIBLE SAN ANTONIO WATER SYSTEM RATEPAYERS IN SAN ANTONIO.

\* \* \* \*

Councilman Haass made a motion to approve the proposed Ordinance. Councilman Segovia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Radle, Barrera, Castro, Hall, Haass. **NAYS:** None. **ABSENT:** Perez, Schubert, Garza.

— — —  
2003-25 The Clerk read the following Ordinance:

AN ORDINANCE 97821

AUTHORIZING THE ACCEPTANCE OF \$120,341.00 FROM THE SAN ANTONIO WATER SYSTEM (SYSTEM) BOARD OF TRUSTEES TO ADMINISTER THE WATER METER DISCOUNT AFFORDABILITY PROGRAM (WMDAP) FOR 2003; ESTABLISHING A BUDGET; AND APPROVING A PERSONNEL COMPLEMENT IN CONNECTION THEREWITH.

\* \* \* \*

Councilman Haass made a motion to approve the proposed Ordinance. Councilman Segovia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Radle, Barrera, Castro, Hall, Haass. **NAYS:** None. **ABSENT:** Perez, Schubert, Garza.

2003-25 The Clerk read the following Ordinance:

AN ORDINANCE 97822

ACKNOWLEDGING A UNILATERAL MODIFICATION TO THE YOUTH OPPORTUNITY (YO) GRANT CONTRACT WITH ALAMO WORKFORCE DEVELOPMENT, INC., WHICH AWARDS FUNDS IN AN AMOUNT UP TO \$4,731,656.00 AND EXTENDS THE CONTRACT TERM FOR THE PERIOD FROM JULY 1, 2003 TO JUNE 30, 2004; ADOPTING A BUDGET; AND APPROVING A PERSONNEL COMPLEMENT IN CONNECTION THEREWITH.

\* \* \* \*

Councilman Flores made a motion to approve the proposed Ordinance. Councilman Segovia seconded the motion.

Mr. Dennis Campa, Director, Community Initiatives Department, narrated a slide presentation (a copy of which is filed with the papers of this meeting) pointing out the purpose of a Unilateral Modification to the Youth Opportunity Grant contract with Alamo Workforce Development, Inc., acceptance of funds for \$4,731,656 and extension of the contract for one year. He also provided information on the background of Youth Opportunity, YO participant profile, the collaborative partners, and the workforce development initiatives. He spoke to the VITA (Volunteer Income Tax Assistance), the program achievements, performance measures, and proposed actions, including the adoption of a budget and personnel complement.

(Mayor Garza returned to the meeting and presided.)

Mr. Campa, in response to questions by Councilman Schubert, stated that year 4 of the program would outperform years 1, 2, and 3 in almost every category. He explained that it would take program participants, many of who were single parents with one or more children, time to complete the entire program. He further stated that the program was labor intensive and spoke to the different performance measures used. He added that the City auditor had identified some issues that needed improvement but findings of an audit of the program have not been finalized.

Councilman Williams asked staff to brief him and his staff further on details of the program.

Councilman Segovia spoke to his support of the youth program but cautioned that these programs needed to be closely monitored.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Castro, Hall, Schubert, Haass, Garza. **ABSTAIN:** Radle. **NAYS:** None. **ABSENT:** Barrera.

— — —  
2003-25 The Clerk read the following Ordinance:

AN ORDINANCE 97823

ACKNOWLEDGING AND ACCEPTING A CONTRACT MODIFICATION FROM ALAMO WORKFORCE DEVELOPMENT, INC. (AWD) IN CONNECTION WITH THE CONTINUED OPERATION OF THE ALAMO CHILD CARE DELIVERY SYSTEM (CCDS) PROGRAM; AUTHORIZING THE ACCEPTANCE OF ADDITIONAL FUNDS IN THE AMOUNT OF \$931,000.00 FROM AWD FOR THE PROVISION OF CHILD CARE SERVICES IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION OF CONTRACT MODIFICATIONS WITH THE TEXAS WORKFORCE COMMISSION (TWC) THROUGH AWD WHICH PLEDGES CERTIFICATION OF ADDITIONAL LOCAL EXPENDITURES IN THE AMOUNT OF \$75,431.00 TO USE AS A MATCH TO GENERATE ADDITIONAL FEDERAL FUNDS IN THE AMOUNT OF \$113,951.00 IN THE CCDS PROGRAM; AUTHORIZING CERTIFICATION OF SAID EXPENDITURES IN CONNECTION THEREWITH; AUTHORIZING THE ACCEPTANCE OF SAID ADDITIONAL FEDERAL FUNDS IN THE AMOUNT OF \$113,951.00 FOR THE PROVISION OF CHILD CARE SERVICES; AND ADOPTING A REVISED CCDS PROGRAM BUDGET FOR FISCAL YEAR 2003. (AMENDS ORDINANCE NO. 94646, SEPTEMBER 27, 2001.)

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Councilman Haass made a motion to approve the proposed Ordinance. Councilman Segovia seconded the motion.

Mr. Dennis J. Campa, Director, Community Initiatives Department, narrated a slide presentation (a copy of which is filed with the papers of this meeting) in which he spoke to the purpose of the continued operation of the Alamo Child Care Delivery System program. He noted that the ordinance authorized acceptance of \$931,000 in additional

funds, authorized execution of a contract amendment, the acceptance of \$113,951 in additional federal matching funds, and adopting a revised CCDS program budget. He further spoke to the background of the Alamo Workforce Development, Inc., the federal match guidelines, and the accountability measures

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro.

— — —  
2003-25 The Clerk read the following Ordinance:

AN ORDINANCE 97824

AUTHORIZING THE EXPENDITURE OF \$2,400.00 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND, PAYABLE TO ROMELIA ESCAMILLA, TO BE USED FOR FACILITATION AND SERVICES FOR CONCENSUS BUILDING SERVICES RENDERED FOR THE MAYOR'S SOUTHSIDE INITIATIVE EDUCATION WORKING GROUP, CONSISTING OF SOUTHWEST ISD, SOUTHSIDE ISD, EAST CENTRAL ISD, UTSA, TEXAS A&M, PALO ALTO COLLEGE, BEXAR COUNTY AND OTHERS, REGARDING IMPROVEMENTS IN EDUCATION AND QUALITY OF LIFE IN THE SOUTHSIDE; AS REQUESTED BY MAYOR EDWARD D. GARZA.

\* \* \* \*

Councilman Segovia made a motion to approve the proposed Ordinance. Councilman Haass seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro.

— — —  
2003-25 The Clerk read the following Ordinance:

AN ORDINANCE 97825

AMENDING ORDINANCE NO. 97142, WHICH AUTHORIZED THE EXPENDITURE OF UP TO \$25,000.00 OF DISTRICT 8 CONTINGENCY FUNDS FOR USE BY THE CITY COUNCIL GOVERNANCE SUBCOMMITTEE ON CHARTER REVIEW, BY RELEASING THE REMAINING BALANCE OF \$18,427.57 FOR TRANSFER INTO THE DISTRICT 8 ADMINISTRATIVE ASSISTANT FUND; AS REQUESTED BY COUNCILMAN ART A. HALL, DISTRICT 8.

\* \* \* \*

Councilman Segovia 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:** Flores, Williams, Segovia, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Perez, Castro.

— — —  
2003-25      **CITY MANAGER'S REPORT**

City Manager Terry Brechtel introduced the new Director of the Convention & Visitor's Bureau, Mr. Melvin Tennant to the City Council and further commended Mr. Dale Lockett for serving as the Acting Director for the past fifteen months.

Mr. Tennant thanked City Manager Brechtel and the City Council for the warm welcome and stated that he looked forward to working with everyone.

Several members of the City Council individually welcomed Mr. Tennant to the City and congratulated him on his appointment.

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

**CITIZENS TO BE HEARD**

**MR. TONY R. GARZA**

Mr. Tony R. Garza, 423 North Trail, spoke to various issues including thanking the Mayor and Councilman Castro for working on a compromise for the No Smoking Ban, asked for Council support for a grass roots activity recognizing veterans' activities planned for July 4<sup>th</sup> at 9 A.M. at the Torch of the Americas. He further spoke of Spec 4 Gonzalez who lost his life in the first week of the conflict in Iran and the manner in which his mother had been presented a certificate for his service.

\* \* \* \*

**ALL AMERICAN ARMED FORCES PARADE**

Mr. Val Martinez, 306 Carolyn, president of the All American Armed Forces Parade Association, Bertha Salazar, Frank Perales, and Lucille Behar Multrane spoke to this year's parade which honored and recognized our City's veterans, MIAs and fallen heroes. They thanked the two members of the Council that participated in the parade and expressed hope that next year's parade would be bigger and attended by more members of the Council. They further spoke to the need for Council support and for more monetary assistance.

Councilman Barrera stated that he and his family had a great time at the parade and thanked the association for their efforts. He further stated that he looked forward to seeing this parade grow every year.

\* \* \* \*

**MS. RACHEL CYWINSKI**

Ms. Rachel Cywinski, P. O. Box 90747, spoke of her acquaintance with Ms. Kathy Ball who was stationed in Germany and had not been able to vote. She stated that Ms. Ball had requested a ballot for the City Council election and had not received it. She advised the Council that Ms. Ball had filed a complaint with the Secretary of State's office because she never received a ballot.

Ms. Cywinski further spoke about Germany's interest in recycling and distributed a brochure that provided information on Germany's recycling program.

She further asked the Council to have staff contact Ms. Ball about her voting difficulties.

\* \* \* \*

### **REVEREND ROBERT G. VOTION**

Reverend Robert G. Votion, of the Establishment of Religion, extended an invitation to the City Council and all the citizens of San Antonio to attend a ceremony on Friday, July 4<sup>th</sup> at 9 A.M. at the Torch of Friendship. He stated that the ceremony would serve to remember and reaffirm the principles that made possible the founding of this nation and to honor the people that paid with their lives or efforts to keep alive the cause of freedom.

(Mayor Garza returned to the meeting to preside.)

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### **MR. CHARLES ENGLISH**

Mr. Charles English, Jefferson Heights Association, spoke of his family members who had served in the Armed Forces over the years, expressed concern to a call made by a Jefferson Heights neighbor on May 23, 2002 and which was finally responded to on May 15, 2003 by Mr. Tom Wendorf. He also cited utility boxes that were installed in citizens' yards on East Houston Street.

\* \* \* \*

### **MR. FARIS HODGE, JR.**

Mr. Faris Hodge, Jr., 140 Dora, spoke to the article in the newspaper on Councilman Art Hall, in favor of the Spurs parade, high utilities, the rebate, compromise to the No Smoking ban, and in favor of allowing people to voice their opinion by letting them vote.

\* \* \* \*

## K B HOMES

Ms. Janet Ahmad for Ms. Elena Rocha, 1247 Butler Drive, Ms. Diane Barkalow, 1322 O'Hara Drive, Mr. Dale Barkalow, 1322 O'Hara Drive, Kathryn Arechuleta, 9590 Campton Farms, Lillian Nethersols Johnson, 7930 Donshire, Patricia Middleton, 7618 Gander Place, and Lisa Nogle, 8151 Chestnut Manor all spoke to various issues regarding K B Homes, including inspection of their houses and construction defects, i.e. cracks in their ceiling, separation of walls, mold, etc. They stated that K B Homes had broken their promises and denied fault in many of the cases. They requested the City's intervention.

Mayor Garza asked Mr. Florencio Pena, Director, Development Services Department, to speak on the City's role and responsibility based on what he had heard from the citizens.

Mr. Pena stated that they had looked into some of the claims that had been logged against K B Homes at previous meetings and had ascertained that those that were investigated had been built in accordance with the City Codes. He added that the City's inspection procedures required that an engineer provide a letter in which he stated that he designed the foundation, inspected it and found that it was built in accordance with the plans. He further stated that K B Homes reported that they had a soils test conducted at Tara West and found that the soils might require additional work. They reported they had asked some of the homeowners if they would work with them to try to remediate some of those problems being caused by the soils. Mr. Pena stated that at that point it became a matter between the homeowner and the builder to try to resolve some of the workmanship or maintenance problems that occurred over time. He stated that he would ask the homeowners to provide the City with addresses and the City would check its records to see if they show they were built according to Code. He further stated that if it was determined that they did meet Code specifications, then any problems that arose would be between the contractor and the homeowner.

Mayor Garza stated that in those homes he had visited in Tara West he found separations of walls, not cracks. He added that there had been no closure on this issue and he recommended that Mr. Pena provide the Council's Urban Affairs Committee (UAC) with the City's assessment of the homes that had been reviewed and advise whether they had been built according to Code. He further stated that if they were within Code, then there was another problem. He asked Mr. Pena to provide a summary of some of the specific cases to UAC so it could be determined if any changes needed to be made to the Code. He noted that this was a very complicated issue because it was technical in nature.

Councilman Perez requested more information on this issue as it appeared there was still doubt in some minds of whether the City was doing it's job correctly. He added that he would like to get better acquainted with inspection procedures so he could learn the process and the time it took to go through the process.

Councilman Williams stated that he would like to see representatives from K B Homes appear before the UAC to present their case. He also stated that there needed to be some type of prioritization of families who were in imminent danger from their homes as the long process of achieving some type of resolution progressed.

Ms. Janet Ahmad requested that citizens be included in the process so they could provide input on their situations.

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2003-25      EXECUTIVE SESSION

The City Council recessed its regular session at 8:45 P.M. in order to convene in Executive Session for the purpose of:

- A) Discuss legal issues regarding dispute resolution provisions of the City's construction contract with Clark/JT Construction for work on the Convention Center Expansion Project, as applied to a pending claim from its subcontractor Todd-Ford, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B) Discuss legal issues relating to the proposed settlement of a claim filed by Michelle Trinidad, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C) Discuss legal issues relating to Borden Park, L.P., d/b/a Star Storage-Downtown, San Antonio vs. City of San Antonio, Cause No. 2003-CI-09049, 45<sup>th</sup> Judicial District, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 9:45 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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2003-25 There being no further business to come before the City Council, the meeting was adjourned at 9:46 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