

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, AUGUST 7, 2003

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2003-27 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.) **Boards and Commissions Work Session.** (Presented by Yolanda Ledesma, Acting City Clerk; Travis M. Bishop, Assistant City Manager.)

B.) **Review of Capital Projects proposed for 2003 Bond Program.** (Presented by Lou Lendman, Director, Management & 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 12:01 P.M.

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2003-27 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

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2003-27 Invocation by Mr. Harinder Singh, Executive Director, Sikh Research Institute.

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2003-27 Pledge of Allegiance to the flag of the United States.

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2003-27 Minutes of the Regular City Council Meetings of May 22, 29 and June 5, 2003 and a Special City Council meeting of May 30, 2003 were approved.

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2003-27 At this time, reference was made to Item #68.

At this time, Mayor Garza moved Item #68 forward and noted that the B Session on the Bond Program would follow.

The Clerk then read the following Ordinance:

AN ORDINANCE 97894

APPROVING AND AUTHORIZING THE EXECUTION OF AN OPERATIONS AGREEMENT WITH BEXAR COUNTY FOR THE PURPOSE OF CONSOLIDATING THE BOOKING, MAGISTRATE AND PRE-TRIAL SERVICE FUNCTIONS AT THE CITY DETENTION CENTER LOCATED IN THE FRANK D. WING MUNICIPAL COURT BUILDING; AND AUTHORIZING CITY STAFF TO RENOVATE AN AREA AT THE CITY DETENTION CENTER TO ACCOMMODATE ADDITIONAL DISTRICT ATTORNEY STAFF AND EQUIPMENT AT A COST OF \$30,204.00 TO BE PAID BY BEXAR COUNTY.

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

Mr. Jim Campbell, Director, External Relations Department, discussed the Operations Agreement Regarding Central Booking and Magistrate Functions Agreement between the City of San Antonio, Bexar County, and San Antonio River Authority.

Mr. Campbell introduced Mr. Quentin Porter, Director of Municipal Courts, who gave an overview of the current magistrate process in the Municipal Courts. A copy of the presentation is on file with the papers of this meeting.

Mr. Porter noted the Ordinance authorized an execution of an Operations Agreement with Bexar County consolidating the booking, magistrate, and pre-trial service functions at the

City Detention Center, and authorized City staff to renovate an area in the City Detention Facility. He further highlighted background information regarding the initial agreement between the City and the County to develop greater intergovernmental cooperation. He discussed the purpose of the plan to include integration of the delivery of public services, creating a system available to the average citizen and providing equitable service to all taxpayers.

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

Mayor Garza recessed the Regular City Council meeting at 1:36 P.M and opened the "B" Session discussion for the 2003 Bond Election Project.

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2003-27 AT THIS TIME THE CITY COUNCIL RESUMED THE "B" SESSION DISCUSSION FOR THE 2003 BOND ELECTION PROJECT.

Ms. Melissa Vossmer, Assistant City Manager, discussed the Bond Program. A copy of the presentation is on file with the papers of this meeting. She gave an overview on overall capacities, Citywide projects, storm water revenue bond projects, Level II projects, Parks and Library Projects, and Program Schedule

Mr. Malcolm Matthews, Director of Parks and Recreation Department, discussed the Parks and Recreation Department Proposed Youth Sports Field Improvements Projects. He identified the Brooks City Base Area Project, the Culebra Creek Park, the McAllister Park, and the Pearsall Park and their respective estimated costs. Mr. Matthews also noted other smaller projected parks to include the Olmos Basin Park, Copernicus Park, Monterrey Park, Oscar Perez Park and the Sports Field Development in district 8. He estimated the total cost for these parks is estimated at \$5,800,000. He stated the nine projects make up projects within existing parks in the community.

Mr. Tom Wendorf, Director of Public Works Department, discussed the Storm Water Revenue Bond Projects estimated at \$46.8 million. Mr. Wendorf stated bonds to finance these projects were sold May 1, 2003 and construction will begin immediately upon approval of projects on August 14. Mr. Wendorf stated a 30% increase in the storm water fee for residential, multi-family, commercial and public rates were approved by the City Council in FY 2003. He added that the 30% increase was designed to fund drainage improvements and additional improvements in the storm water program.

Mr. Wendorf gave an overview on the nine storm water venue bond projects located throughout the City. He noted consultants have provided a Level II Bond Project Scope and cost estimate on most projects. He added that Level II estimate provides more detail to enhance the quality of the scope and cost opinion by quantifying unknown project elements such as drainage, roadway, utilities, right-of-way, hazardous materials and environmental and project subdivisions. He also provided a detailed spreadsheet and map outlining those projects identified city-wide projects. Mr. Wendorf outlined the timeline leading to the 2003 Bond, and discussed the next step scheduled included November 4, as Election Day.

Ms. Terry M. Brechtel, City Manager, spoke in appreciation to staff for working on the process. She encouraged the Council to lock down on the projects so that appropriate cost estimates can be finalized at the next City Council meeting.

Mayor Garza spoke to the City's approach with the Bond Program. He highlighted the initiation process and the aspect of city-wide basic and necessary projects identified today as a collaborative effort among districts. He also spoke to as the collaboration between the City and the County for a bond proposal for communities to develop ways to implement the projects. Mayor Garza stated this is a dynamic project to present to the citizens, without affecting the property tax rate. With the spirit of collaboration in mind, Mayor Garza announced that he has had conversations with business groups, as part of the recommendation of the San Antonio Greater Chamber of Commerce, that the City considered forming a Citizens City/County Bond Oversight Committee to monitor and update the community as it relates to our capital improvements in the City, as well as to develop a process in terms of future capital improvements in the communities. Mayor Garza further stated the City Council would be introducing that proposal and looked for input to develop the charge for that committee to send a strong message to the citizens about this proposal. He indicated that the City Auditor would provide assistance with the language to demonstrate that the City will have an accountability component.

In response to Councilman Hall regarding the determination process for location, Mr. Matthews stated that efforts were made to locate existing and easily accessible properties. He further stated that the Hausman property was considered and that no other park areas exist in District 8 that can handle park facilities. Mr. Matthews noted that in the UTSA project, a track and stadium were considered, with matching funds from UTSA. He further noted that the idea was not a competitive field, but rather accessible for large tournaments in the community, and to give teams a location in which to practice. He added the smaller complexes are primarily for team practice.

In response to Councilman Flores regarding the funding for improvements to the Tower of Americas, Mr. Matthews stated that there are two projects namely the Tower of Americas and the Spanish Governor's Palace that are partially funded by Council

members. He stated that a Request for Proposal (RFP) has been issued for an Operations Firm for the Tower different than what is presently being used, and to upgrade that facility at a cost in excess of \$3 million. Mr. Matthews also stated the City plans to find a partnership in the RFP to provide architectural and enhancement monies, and have the City concentrate on keeping the facility operating for the next several decades. He noted a price tag of \$2 million for that plan. He further noted that proposers expect the City to complete major infrastructure improvements, given that the building has not had much work done in the past several years.

In response to Councilman Flores regarding other projects in the same situation where the designated funding may not be adequate to entirely complete the project, Mr. Wendorf identified some projects that are problematic, but with the possibility of available matching funds, could address the Parks and Recreation Department Bookmobile Replacement, the Hertzberg Library and Kelly USA, and the Spanish Governor's Palace. He also identified other projects such as the Brooks City Base Project, Mission Trails Hike & Bike Trail and the Museo Americano Project.

In response to Councilman Flores regarding adequate funding for these projects, City Manager Brechtel stated she will be making a recommendation on the use of one-time funds and expects discussions will take place from the time of the budget presentation to the final adoption of the budget. She further stated that in the past the City has closed gaps in projects that were started and had shortfalls cleared with certificates of obligation. With regard to the Kelly USA project, Ms. Brechtel noted that the City has a start with respect to the matching dollars from the federal government. She further noted that those projects that were of a major concern, have been resolved. Ms. Brechtel stated it is a goal to make sure that the City Council understands how projects are phased and scoped with the allotted funds.

In response to Councilman Flores regarding avoiding situations of getting into a project and not have adequate funds to complete the project, City Manager Brechtel stated it is a matter of scoping. Using the Tower of Americas as an example, she stated the City will scope for the City Council, what work can be done for \$600,000.00

Mr. Wendorf referenced a memo from Councilman Flores regarding specific projects that are funded through Community Development Block Grants (CDBG). He noted one project, the Ogden Street to E. Dewey to E. Ashby may be one of those where funds can be reallocated. He noted three other CDBG projects that would require additional funding in order to meet the scope.

In response to Councilman Hall regarding the amount of money allocated to the Animal Care Facilities, City Manager Brechtel asked staff to brief the Council on the facility, but stated that there is opportunity to reduce the size of the facility. She noted two areas that

are vital to the scoping of the project, one would be the sizing of the facility, which is critical for future growth of that population, and secondly, that the City is looking for a site that has free land and minimal site preparation costs.

Mr. Wendorf explained the amenities to the \$13 million proposed project, and added that all factors to the land acquisition be carefully weighed. He noted some possibilities in attempting to cut back the scope of the project, thereby ultimately reducing operational costs. Mr. Wendorf added that while a phased approach can be considered, the goal of the facility was to extend the amount of time that adoptable animals were made available.

Dr. Fernando Guerra, M.D., Director, San Antonio Metropolitan Health District, spoke on the goals of the Animal Care Facility to include providing the community, in terms of its animal care, programs and services, there is a need for a facility to accommodate the anticipated domestic animal population growth. Dr. Guerra pointed out that the project would give the capacity for additional kenneling space, and other enhanced operating standards. He spoke on the concept of establishing a public health veterinary clinic to care for sick or injured animals. He cited a major goal of the animal care programs is to change the image of promoting adoptions in a more active and positive way. Dr. Guerra stated that by scaling down the project, it would limit the future opportunities to better serve the community.

Councilman Hall spoke in favor of scaling down the project only to better accommodate other projects to final completion.

In response to Mayor Garza regarding a recommendation for scaling down, Dr. William Lammers, Veterinary Services Manager, San Antonio Health Department, stated currently, kennels are overcrowded. He pointed out that it is hoped with a new facility, animals may be kept three days at a minimum and that more care may be given to a larger number of animals with a less labor-intensive facility. Dr. Lammers recommended this is the most-scaled down option offered.

Mr. James Bias, Bexar County Humane Society, spoke in support of the project, and noted that in consideration of the structural demands of the facilities, and the number of animals it serves, it is a scaled-down project as proposed. Mr. Bias pointed out that the facilities meet state standards and are at a reasonable price in comparison to the City of Dallas that handles half the number of animals that San Antonio handles.

In response to Councilman Williams' inquiry regarding discussions for potential leverage with the County to assist the City in sharing costs for the Emergency Operations Center (EOC) facility, Assistant Fire Chief Mike Miller, Fire Department, stated there have been discussions held and the County has expressed interest in a partnership with the City on this project.

Councilman Williams stated he would like to see this endeavor brought up to speed to confirm a commitment from the County, after which the animal care facility issue could then be revisited.

In response to Mayor Garza, Assistant Chief Miller, Fire Department clarified that if the County agrees to the full partnership, the City EOC would reduce the City's cost to \$18.5 million instead of the \$23 million total cost for the EOC.

In response to Councilman Williams' inquiry regarding project #91 on the bond package, Mr. Wendorf stated that the Library project is contingent upon the Northeast Independent School District (NEISD) passing a bond issue. He noted that if their bond is not approved, the City would not be able to do the project as planned.

In response to Councilman Williams' inquiry regarding any flexibility of redirecting any funds to another project should the bond issue not pass, Mr. Milo Nitschke, Director of Finance, explained the bond process and language.

In response to Mayor Garza, Mr. Nitschke explained the bond propositions that state a project cannot be abandoned or removed without a voter election. He further explained that if there is an allocation or change in the scope of a project, and there is some money to be allocated, the first order would be to allocate to another project in a respective district in the same category. In the event that no project exists in that district, the monies could be reallocated to the same category in another district. He pointed out if there is no other projects, the money would be used to retire debt service.

Councilman Schubert reiterated his concern regarding better use of allocated funds for these projects, and requested information regarding which projects had a serious guarantee for matching funds from other sources.

Mr. Wendorf noted that if some project were funded at a higher level, that there could be greater possibility for matching funds from outside sources.

Councilwoman Radle spoke in support of scaling down the Animal Care Facility and the Communications Center projects. She supported the effort to acquire Bexar County's commitment to assist with funding for those two projects, and possibly make bond funds available for other City-wide projects.

In response to Councilman Perez' inquiry of the necessary steps if the Animal Care Facility were to be funded with \$9 million instead of \$13 million, Mr. Wendorf stated it would require discussions with Dr. Guerra and the operating staff, since it would involve downsizing different components to match those funds in order to be functional. He also

noted that acquiring the real estate at a reasonable cost would be highly cost beneficial in savings.

Dr. Guerra reiterated his case for an expanded animal care shelter and service program, and highlighted the consequences to a scaled down version of the project. He announced support from an estate that will be targeted to a spay/neuter program in the animal resource center.

City Manager Brechtel stated that a project scope and a new price estimate with project parameters would be presented to the City Council next week.

Councilman Perez noted that after hearing from his constituents, he would like to see the facilities constructed with a realistic budget of \$9 million.

Mayor Garza reiterated the same principal as discussed previously, if funds are allocated into a project, staff has to provide information as to whether it is a phased project and not meeting a goal to complete a project. He stated that if goals are not achieved, he would rather postpone those decisions all together and put those dollars to other uses where projects can be completed.

In response to Councilman Flores regarding using the old facility in conjunction with a new building to achieve the same amount of room space, City Manager Brechtel stated that the San Antonio Zoo is considering using the old facility as part of their expansion project. She further stated the Animal Care Facilities needs to be centralized in a good location, and that staff is recommending that the facility be relocated rather than expanding on the existing facility.

Councilman Barrera invited colleagues to visit the Animal Care Facilities for a first-hand view of its operation, and agreed that it is necessary to relocate. He noted that staff is recommending the needs of the community in terms of increasing the holding period for stray animals, and increasing the program's image of adoption of animals be met. He stated there is a need to relocate and build a new state of the art animal care facility.

Councilman Barrera also spoke regarding the 10% contribution to two projects, the Spanish Governor's Palace and the Parks and Recreation Bookmobile. He stated that one of the conditions to the District 6 contributions was that if the other Council members were not interested in these two projects, then District 6 funds would revert to park land development in District 6. He urged his colleagues for a response on this issue.

Councilman Castro spoke about the City's serious problem of euthanizing over 40,000 domestic animals every year. He also discussed his past proposal of creating a website

that would display pictures of impounded animals to enable owners to identify their pets, and collect them in a timely manner.

At this time, Mayor Garza reconvened the Regular City Council meeting at 3:08 P.M.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97895

REVISING CITY CODE CHAPTER 36, ENTITLED, "SMOKING" TO MAKE NECESSARY CHANGES, REVISIONS, AND DELETIONS REGULATING SMOKING IN CERTAIN ESTABLISHMENTS WITHIN THE CITY OF SAN ANTONIO CITY LIMITS; AND PROVIDING FOR PENALTIES. (REVISES CHAPTER 36 OF THE CITY CODE.)

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

Dr. Fernando Guerra, Director of San Antonio Metropolitan Health District, discussed a presentation on revising City Code Chapter 36, entitled "Smoking". A copy of this presentation is on file with the papers of this meeting. Dr. Guerra discussed the purpose of the Ordinance to revise and update the current City Code to further restrict smoking in enclosed public places. He noted this Ordinance would also protect the public health and welfare by prohibiting smoking in public places and places of employment, as well as guarantee the right of non-smokers to breathe smoke-free air.

Dr. Guerra presented issues and concerns raised at two public hearings that included rights of smokers versus non-smokers, health concerns for children, the elderly and debilitated individuals exposed to smoking. He also noted the plight of employees working in a smoking environment, and possible exemptions to the smoking ban and issues related to enforcement. He highlighted comparisons in various categories to the current and proposed City Code revisions. He identified those businesses that do permit smoking contingent on what percentage of gross sales is alcoholic products, and noted that no one under the age of 18 would be admitted to those facilities, nor would hot food be served, and proper signage would be required. Dr. Guerra further itemized the comparison grid between the current and proposed Ordinance. He noted that the proposed Ordinance would ban smoking in all public places, and further noted certain

businesses may qualify for exemptions. He further stated the Ordinance seeks to balance public health concerns with the rights of individuals and minimize the impact to local businesses.

The following citizen(s) appeared to speak:

Mr. Leon Thomas, 1206 Picardi Drive, spoke to his rights to breathe smoke-free air. He spoke of individuals with respiratory problems who are adversely affected when they enter a facility where smoke has permeated the environment. Mr. Thomas commended Mayor Garza for initiating the Ordinance and added he fully supports the proposed Ordinance.

Mr. Conrad Gonzales, SAFE Child Program, sang a song to those individuals who have died in house fires started by smokers.

Mr. Egon R. Tausch, 2024 S. Flores, The American Smokers Alliance, spoke in opposition of the proposed smoking ban Ordinance citing that smokers in San Antonio have not been involved in any discussions for compromise on the proposed Ordinance. He noted that all the smoking organizations have been excluded and have not been contacted by local media for a contrast viewpoint from those that have been made public. Mr. Tausch pointed out that there are 250,000 citizens of San Antonio who will be discriminated against by the proposed Ordinance.

Mr. Zach Anderson, 7770 Pipers Lane #1002, stated he believed everyone should be entitled to make their own choice regarding the smoking issue.

Mr. Will Southerland, 6515 W. Military Drive, spoke in opposition of the proposed smoking Ordinance. He stated the City Council is making unwarranted mandates on civil and personal freedoms. Mr. Southerland noted there is no visible public outcry for change to the current Ordinance, and believes no further government regulations are needed.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke of being a former smoker. He also spoke regarding Bible verses related to personal choices.

Mr. Hans Nadler, Nadler's Bakery, spoke in opposition to the Ordinance and stated it is more politically motivated than for health reasons. He stated local restaurants do not need the Ordinance. Mr. Nadler questioned the logic of allowing smoking in certain businesses while addressing the community's health concerns. He noted that since the existing smoking restrictions have been set in place, San Antonio restaurants have been proactive and making strides on the issue.

Ms. Patricia Hutcheson, San Antonio Restaurant Association, Paseo Del Rio Association, spoke regarding her concerns with the proposed Ordinance. She stated the proposed Ordinance would be a costly issue with restaurants making modifications to their businesses to be in compliance with the new Ordinance. She suggested the City Council eliminate the proposed Ordinance. Ms. Hutcheson also suggested the Ordinance should provide that a person under 18 may not enter a smoking section unless accompanied by an adult over 18 years old. She provided other recommendations to the Ordinance as it impacts San Antonio restaurants.

Ms. Laura Moss, 18422 Red River Dawn, spoke in opposition to the Ordinance and urged the City Council not to enact the Ordinance. Ms. Moss noted that she believes it is an infringement on the freedoms of enterprise and choice. She further stated that the public has plenty of choices when deciding whether to enter into a restaurant where they know smoking takes place.

Mr. David Guin, Executive Director of the San Antonio Apartment Association (SAAA) stated that SAAA has not participated in any of the drafting of the Ordinance and asked for clarification on some of the issues. In specific, he asked for an explanation on Section 36.6, #9 pertaining to private assembly rooms or common areas. Other concerns expressed by Mr. Guin involved entrance and exit signs for over 700 apartment communities, and the fact that vandalism is a big problem with signs or equipment that must be displayed in public.

Mr. Mark Barrera, 7622 Callaghan #1506, spoke regarding recently moving into a new apartment that had to be repainted and recarpetted due to smoke from a smoker. He spoke on three issues that pertain to smoking, people's choice, government regulation and profit. Mr. Barrera also outlined the health consequences of second hand smoke.

Mr. Rick Garza, Director of Operations for Hospitality USA, spoke in opposition to the Ordinance. He stated that he believes the current Ordinance suffices for the bar and restaurant management firm. Mr. Garza stated the current Ordinance gives people a choice for what they want. He explained that his experience in serving the public in a responsible manner would be hampered by the proposed Ordinance. He asked the City Council to revisit the percentages in its definition of a bar.

Ms. Adrianna Martinez, spoke in opposition to the Ordinance, and stated it is a violation of the peoples' First Amendment. She noted that smoking is a personal lifestyle and government should not attempt to change personal habits or lifestyles. Ms. Martinez spoke regarding the role of government. She further noted that it is not necessary to change the current Ordinance.

Mr. Mike Belika, spoke in opposition to the proposed Ordinance and addressed the right of non-smokers to breathe smoke-free air. He stated that this is a free country where a person who does not want to be in an environment that will expose him to second-hand smoke, is entitled to his choice. He asked the City Council not to take away the right of choice.

Mr. Nick Calzoncit, Raza Unida, Youth Against Tobacco, spoke regarding the numbers of children in Texas who are adversely affected by second-hand smoke. He further spoke on his personal knowledge of young people. He suggested adding to the proposed Ordinance a regulation that should not allow smoking in an enclosed area if a child is nearby. He asked City Council to consider the health problems derived from smoking and second-hand smoke. Mr. Calzoncit noted that the current smoking Ordinance is the least intrusive in the United States. He asked the City Council to be mindful of their vote in order to save lives.

Mr. Louis Barrios, Los Barrios Restaurant, asked the City Council to consider the devastating effects this Ordinance will create for local restaurants, in particular, the ten-foot rule. He pointed out that operating costs for all San Antonio restaurants have skyrocketed. He further pointed out that if this Ordinance is passed, it would adversely affect restaurants' revenues. Mr. Barros stated that customers have a choice, and asked the Council members to allow free enterprise to work and to not vote on approving the proposed Ordinance.

Mr. Amos J. Jones, Bradleys-N-Billiards, spoke in opposition to the Ordinance. He asked the Council to keep in mind that all the small restaurant owners who will have to fund modifications to their establishments, and face possible business closures.

Ms. Wanda Jones, Bradleys-N-Billiards, spoke in opposition to the Ordinance and regarding her concerns over the rights and health of the citizens. Ms. Jones explained every day elements are a potential hazard to people, and government should not dictate individuals' choices. She suggested spending the resources and time to educate the public, and to allow parents to care for their children. Ms. Jones also expressed concern over the definition of "common area" in the proposed Ordinance.

Dr. Amy Jaspers, Smoke-Free Coalition, commended both citizens on both sides of the issue for their participation. She provided statistics that confirm that only 53% of San Antonio restaurants have voluntarily become smoke free. She spoke on the purpose and role of government and how it relates to this issue. Dr. Jaspers stated that smokers' choice to smoke hurts us in public.

Ms. Suzanne Lozano, Volunteer chairperson for the Smoke Free Coalition (SFC), spoke in opposition of the Ordinance, and stated that there is no safe level of second hand

smoke. She further stated that the medical community and the SFC have no intention of supporting the weak, watered-down proposed Ordinance. Ms. Lozano explained that the medical community is disappointed in the lack of commitment by the City Council for public health with the proposed Ordinance. She stated it is not acceptable for various reasons. Ms. Lozano pointed out that individuals on both sides of the issue have not met to reach a compromise on San Antonio's proposed Ordinance. She further stated that SFC encourages the City Council to vote No on the Ordinance, and that SFC would continue to return to the City Council until a compromise is reached.

Dr. Jimmy Perkins, Smoke Free Coalition, spoke in support of a strong smoke-free Ordinance. He stated the proposed Ordinance is not a solution to environmental health problems. Dr. Perkins provided statistics that show how many deaths occur as a result of second-hand smoke. He stated based on those statistics, that there is no logic to the proposed Ordinance. He urged Council to consider how the Ordinance would effect the number of lives that will be lost as a result of exposure to second-hand smoke.

Mr. George Windrow, 1415 Blackbird Lane, spoke to the rights of all San Antonio citizens to a smoke-free environment. He further explained the consequences of smoking to the smokers and those around them. He urged the City Council to pass a 100% smoking ban.

Ms. Rachel Cywinski, P. O. Box 90747, spoke regarding the health and economic issues involved in the proposed Ordinance. She asked the City Council to protect the citizens from second-hand smoke.

Mr. Jack Finger, P. O. Box 12048, spoke regarding his opposition to the proposed Ordinance. He stated that citizens have a right to petition their representatives to ban tobacco products, and not a right to a smoke-free environment. He stated that the proposed Ordinance would not be effective or enforceable.

Ms. Betty Eckert, 233 W. Wildwood, spoke in support of the Ordinance. Ms. Eckert explained that she has lost five family members from the effects of smoking cigarettes. She stated that she felt the proposed Ordinance is an important step in consideration for public health. Ms. Eckert urged the City Council to pass the Ordinance, and return with a stronger version in the future.

Mr. William G. Klause, 215 W. Broadview #2839, spoke in opposition of the smoking Ordinance. Mr. Klause stated that the City Council has denied the citizens a right to vote on the public issue by proposing the smoking Ordinance. Mr. Klause stated his objections to the City Council attempting to mandate what businesses he can patronize. He stated he wants the right to vote on this proposed Ordinance.

Mr. Faris Hodge, Jr. 140 Dora, spoke in favor of citizens voting on the proposed smoking Ordinance. He gave examples of businesses and restaurants where it is evident that smoke lingers on the walls. Mr. Hodge stated that he would not compromise on the smoking Ordinance and noted he supports a 100% smoking ban.

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Mayor Garza thanked those citizens who spoke on the issue. As the only current member of the City Council who discussed this issue in 1997, Mayor Garza stated awareness of this issue was a major accomplishment in terms of adopting a smoking Ordinance that made improvements to the current situation. He gave various scenarios as to how the Ordinance may have been proposed with failing votes to each case, and noted that from the political perspective, there has been no consensus. As Mayor, he noted that he planned to propose a productive and fair Ordinance that will enhance the current situation and will allow the City to move forward. He cited trends across the country that show this issue is becoming a national topic, with states becoming involved in total smoking bans. He suggested the possibility of the opposing groups beginning a movement to go to Austin, Texas, in two years for a total state ban.

Mayor Garza noted there is not going to be a win-win situation, but the proposed Ordinance will allow the City to accomplish some of the goals, and has taken into account flexibility issues for certain businesses. He stated that the spirit of the compromise today focuses on the restaurants, and citizens are left in a cleaner environment to eat with their families with three fully enclosed walls and a partial wall, or a smoking area. He further stated that with a disclaimer at the entrances, people could make a choice.

In response to Mayor Garza regarding clarification on the issue of party rooms and apartment complex requirements, Dr. Guerra stated that in the proposed Ordinance if smoking is permitted in certain places that are being used for private functions, provided that smoking in these places does not infiltrate into areas where smoking is prohibited, under the provisions of the Ordinance, property signage is required. Mayor Garza stated he hopes a colleague will address this issue in an amendment.

Mayor Garza added that he would bring back this issue as a public health issue until a resolution is adopted, and added that his role as part of an elected body will address concerns when individual choices effect others. He encouraged the City Council to show consensus by adopting the provisions as noted by his colleagues.

Councilman Segovia stated that this is a two-sided health and economic issue with compromise and freedom of choice being the bottom line.

Councilman Segovia's presented amendments which included that minors under the age of 18 can enter a smoking area if accompanied by parent or guardian. The amendments further included an exemption for facilities where tobacco products are manufactured. He also proposed that a restaurant may obtain smoking area designation for an existing or already permitted enclosed bar area that does not conform to the floor space maximum as of the date of adoption of the ordinance. Councilman Segovia also included that stand-alone bars are limited to 10% of gross sales from food, but can serve hot food. The amendments added that outdoor bus stop to be exempt 10% rule to partially partitioned wall.

Councilman Segovia made a motion to approve the proposed Ordinance with his amendments as previously prescribed. Councilman Williams seconded the motion.

The **first amendment** to the motion as presented by Councilman Segovia prevailed by the following vote: **AYES:** Williams, Segovia, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** Flores, Perez, Barrera. **ABSENT:** None.

Councilman Schubert then made a motion to include additional amendments to the proposed Ordinance as listed. Councilman Hall seconded the motion.

Councilman Schubert's amendments included revisions to Section 36-3(11) regarding all establishments that provide outdoor seating areas that are designated as smoking areas, shall provide a non-smoking area therein. The amendments included changes to Section 36-4A that would delete "private offices" and "vehicles" (not including taxicabs) from the provision. He further changed Section 36-6 by adding Subsection #12 in order to define "Comedy Club" as an establishment where smoking would not be regulated.

In response to Ms. Elizabeth Viesca, Deputy City Attorney, Councilman Schubert explained his amendment regarding Section 36-3 #11A

In response to Dr. Guerra, Councilman Segovia explained his amendment regarding the exception to bus stops had reached a consensus.

Councilwoman Radle spoke regarding her exception to the amendment pertaining to minors and the exempting of places where tobacco is manufactured since it is a work place. She believes that these amendments will weaken the originally proposed Ordinance. Councilwoman Radle cited a conflict in the original proposal that outlined prohibiting no smoking in restaurants, but continues to state in another part that no smoking will not be allowed in all enclosed areas of employment.

In response to Councilwoman Radle's inquiry regarding that contradiction, Deputy City Attorney Viesca explained that both establishments are to be smoke free with specific smoking designations or exceptions.

After further discussion, the **second amendment** to the motion, as presented by Councilman Schubert prevailed by the following vote: **AYES:** Williams, Segovia, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** Flores, Perez, Barrera. **ABSENT:** None.

Councilwoman Radle stated that while she views the proposed Ordinance as a disappointment, she commends Mayor Garza and her colleagues for their efforts on the issue. She further stated that she would support the Ordinance. She also stated that she concurs with the Smoke Free Coalition's goal to make San Antonio smoke-free and encouraged the group to revisit this issue in the future.

Councilman Barrera expressed that there is no need for the City of San Antonio to take action on a smoking ban. He recommended that instead, efforts should be made to continue working with what is presently in place and to continue working with the businesses in San Antonio. Councilman Barrera stated that businesses should be allowed to decide for themselves whether to go smoke free if that is their option. He noted that businesses have shown interest in public health, as well as making financial contributions for smoke-free programs. Councilman Barrera further noted that San Antonio has demonstrated leadership by working with the business community. He spoke to issues such as the freedom of choice, the costs of the proposed Ordinance and its economic impact on the citizens and local businesses. He recommended working with what is already in place for the betterment of the City.

Councilman Perez concurred with Councilman Barrera regarding a choice issue that is the foundation of our nation. He also supports the choice for the restaurant owners to provide a smoking area, and expressed concern over the proposed amendments. Councilman Perez disagreed with the economic and regulatory burdens being imposed on business owners to install signage to indicate if a smoking area is provided. He also expressed concern over the enforcement costs to the proposed Ordinance and its effects on the City budget. Councilman Perez stated that he does not agree with changing the Ordinance and asked for his colleagues' support.

Councilman Hall stated that he is an advocate for the smoking ban as a result of the feedback from his constituents. He noted that while the proposed Ordinance is not strong enough, he concurs with the Mayor to do something now. Councilman Hall further noted that it is a step in the right direction and he would support it.

Councilman Haass stated he concurs with Councilwoman Radle and he supports the compromise. He noted he wished it was a stronger measure, but also noted that it was the best the City Council could present to the citizens.

Councilman Castro spoke regarding his support for the proposed ordinance, although he described it as weak. Councilman Castro discussed the detrimental effects of long-term second-hand smoke over many years. He noted that when there is an opportunity to balance choice and government regulation against public health, the priority would always be for public health. He spoke regarding his preference for signage that creates a more informed market of consumer.

In response to Councilman Castro regarding the wording and purpose of the signage, Dr. Guerra stated that the purpose is to state the area is either a designated smoking, or that it is smoke free. He noted that the wording is still being drafted, but it can have the international symbol recognized for a smoke-free environment, such as to include the same warning the General Surgeon states on cigarettes, or a shorter version, but to create a more informed consumer.

Councilman Castro discussed the essence of government finding a balance, and the argument about choice and how it applies to consumers of all types. He stated this ordinance is the first step to smoke free environments, and acknowledged the medical community's disappointment with the proposed ordinance. He agreed this is a step in the right direction, and hopes the City will make progress on this issue in the future.

Councilman Flores stated that as a restaurant business owner, he offers a different perspective. He noted that aside from the health and economic issue, the question remains if the City has the desire to raise the level of involvement in personal lives. He stated he will remain consistent with his votes in order to give citizens the right to choose for themselves. He further stated he will not compromise his principles and will vote No.

Councilman Schubert spoke regarding issues about choice and integrity. He pointed out that initially, the Ordinance was for a total smoke free ban, and it has evolved as a result of the amendments. He noted that the proposed Ordinance now reflects a choice for the establishment owner and for the consumer, with some exceptions for businesses. Councilman Schubert expressed his concern to assuring that the rights of business owners and citizens are protected, and gave his support to the compromise. He also asked his colleagues to support the amendments and the compromise.

In response to Councilman Hall regarding the voting process, Mayor Garza stated a vote is to be taken on the second amendment, with a vote following on the first amendment before any additional amendments are entertained.

Assistant City Clerk Yolanda Ledesma clarified on the vote to follow amendment #2 as made by Councilman Schubert regarding Section 36-3: 11A; Section 36: 4A; Section 36-6: 12A.

Mayor Garza noted that the issue of private vehicles does not include taxicabs.

In response to Councilman Hall regarding clarification of a private office, Councilman Schubert stated it refers to private companies that may have a private office behind the open area in front where someone can smoke in that private office, but not in the front or other parts of the facility.

Councilman Flores then made an amendment to strike language on Section 36-8, Posting Of Signs. Councilman Williams seconded the motion.

In response to Councilman Flores regarding clarification of the signage, Dr. Guerra reiterated the explanation of the international symbol as a designation of a smoking or non-smoking area. He stated an explicit and simple statement will be crafted to include language that a smoking area is recognized as potentially harmful.

In response to Mayor Garza regarding liability issues of the signage, Mr. Andrew Martin, City Attorney, stated he had been notified of some concerns expressed about the signs. He stated the concerns relate to having a sign that gives health notice of adverse health effects from second hand smoke. It was thought the signs could increase the risk of liability claims against the business owners for having second hand smoke in their facility, however, he found no cases to support that theory.

Councilman Perez stand alone bars, billiards are except and do not need to put up any signs.

In response to Councilman Perez' inquiry regarding additional staff to enforce compliance, Dr. Guerra stated that presently there is an inspection staff assigned to monitor all areas listed in the ordinance, and that in the course of those inspections, they will enforce the ordinance, and gave examples of what issues the inspectors handle in the field.

Mr. Sam Sanchez, Environmental Health Administrator, San Antonio Health District, stated that the City has three districts in which this type of inspections are conducted. All food establishments are inspected on a regular basis for the present ordinances. The proposed Ordinance, Mr. Sanchez stated, will not impact too many businesses since many of them are already smoke free. He further stated the City's thirty-nine sanitarians will be working with those establishments that want to have a designated smoking area such as restaurants with bars.

In response to Councilman Perez' inquiry regarding anticipated increase of manpower, Mr. Sanchez stated that no additional staff will be hired for this purpose.

Councilman Perez made a motion to extend the date from six months to a year to allow small businesses to implement the necessary improvements. Councilman Hall seconded the motion.

Councilman Flores stated that after considering Dr. Guerra's explanation of the sign design, he will withdraw his amendment.

Mayor Garza called for a vote on the amendment by Councilman Perez to extending from six months to one year.

After consideration, the motion, as presented by Councilman Perez failed by the following vote: **AYES:** Flores, Perez, Hall, Schubert. **NAYS:** Williams, Segovia, Radle, Barrera, Castro, Haass, Garza. **ABSENT:** None.

The amendment to the motion as presented by Councilman Hall, prevailed by the following vote: **AYES:** Williams, Segovia, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** Flores, Perez, Barrera. **ABSENT:** None.

The main motion, as amended, prevailed by the following vote: **AYES:** Williams, Segovia, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** Flores, Perez, Barrera. **ABSENT:** None.

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2003-27 **PUBLIC HEARING AND TIME CERTAIN ON THE 2003 BOND PACKET.**

Mayor Garza declared the Public Hearing to be open.

The following citizen(s) appeared to speak:

Mr. Leon Thomas, 2nd Vice President and Chairman of Citizens Committee of the United Homeowners Association, spoke on the need of staff accountability with dependability. Mr. Thomas spoke on the history and problems of flood and drainage problems throughout the City. He asked the City Council to consider mandating flood prevention programs instead of leaving that task to flood plan administrators. Mr. Thomas stated that the City Council's charge is to finish incomplete projects that were approved

eighteen years ago. He challenged the City Council to review the Ordinance regarding the storm water utility fee and the fee in lieu of on-site water retention. He stated critical projects have been deleted from the bond program, and these projects are essential to prevent flooding in their neighborhood. Mr. Thomas noted that the City Council does not have the means to monitor where the monies are spent after a bond package has been approved. He further noted that the citizens would vote down this proposal.

(At this point, Mayor Garza was obliged to leave the meeting. Councilman Schubert presided.)

Ms. Brenda V. Johnson, 602 E. Commerce, the Greater San Antonio Chamber of Commerce, spoke as Chair of the Chamber's Ad-hoc Bond Committee. She stated that the City has incorporated procedures that have demonstrated fiscal responsibility and stewardship of the public's tax dollars. Ms. Johnson stated the Chamber is in support of the 2003 Bond Program. She spoke of three recommendations by the Chamber, based on helping the City prioritize projects that will provide for an investment in the community, adding that the Chamber looks forward to working with City Staff on bond initiatives.

(At this time, Mayor Pro-tem Barrera presided at 6:19 PM)

Mr. Faris Hodge, 140 Dora Street, spoke in opposition of the Bond Program, and in opposition of building new City parks, libraries or new sport facilities. He stated the Animal Care Facility should derive its construction funds from the General Fund. Mr. Hodge spoke regarding various proposed projects throughout the City, which the City may consider upgrading with funds other than the bond program. Mr. Hodge voiced his complaints regarding lack of services provided by the City.

Ms. Ruth Lufgren, Mitchell Lake Wetlands Society of the Mitchell Wildlife Refuge, spoke of the development of the location as an ideal world-class wildlife refuge. She described the refuge as the central flyway for this part of the country with over 300 species of birds that use the refuge. Ms. Lufgren spoke of the impending Mission Del Lago Development that will bring problems with the influx of population, and asked for a buffer between the housing development and the Lake in order to preserve the refuge. She noted the refuge was not funded this year by the bond programs, and asked the City Council to keep the refuge in mind for the next Bond Program.

Ms. Rachel Cywinski, Highland Park Neighborhood Association, spoke regarding a broken sewer line under the McCreless Library. She noted that it was her understanding that a bond program is required to complete this repair, and stressed that the City Council should consider this improvement in consideration of the Library's future.

(Mayor Garza returned to the meeting and presided.)

Ms. Carole Abitz, Southwest Community Association, spoke regarding the Pearsall Road Park at S.W. Military Drive, formerly a 247-acre City landfill. Ms. Abitz stated that funding for the Park will help the June, 2000 plan to develop this area into an attraction for the neighborhood that would include a dog run, two scenic overlooks, volleyball court, hike and bike trail and educational facilities for the southside of the City. Ms. Abitz noted that while the park was estimated at \$4.8 million to complete, only \$300,000 was funded in the 2001-2002 budget. She stated that it was hoped funds would be available in this bond, but knows funding for sports fields are minimal. Ms. Abitz requested the City Council to consider serious funding for this park.

Mr. Charles English, Jefferson Heights Association, spoke regarding his concerns about the lack of parks in the Jefferson Heights neighborhood. He explained that it is estimated it will cost \$865,000 to complete improvements in Lincoln Park. Mr. English expressed his concern over the lack of City services to this area, and urged the City Council to complete current projects before taking on new issues.

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

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2003-27 The Clerk read the following Resolution:

A RESOLUTION
NO. 2003-27-27

EXPRESSING SUPPORT FOR THE REINSTITUTION OF VIA ROUTES 54, 70, AND MODIFICATION OF ROUTES 522 AND 603, AS WELL AS THE IMPLEMENTATION OF A NEW TOURISM ROUTE UTILIZING A PORTION OF VIA'S CITY OF SAN ANTONIO ALLOCATION FOR STREET MAINTENANCE, AS REQUESTED BY COUNCILWOMAN PATTI RADLE, DISTRICT 5.

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

Mr. Tom Wendorf, spoke on the Reinstitution Proposal on Via Routes 54 and 70 and the implementation of a new tourism route. A copy of this presentation is on file with the papers of this meeting. Mr. Wendorf noted that the proposal calls for using \$435,918.00

of the Local Assistance Program (LAP) maintenance funds allocated by VIA to the City be used for the one-time operational funding of routes 54/70 and operation of the new tourism route.

He discussed the funding background, and noted that the City has been reimbursed to date a total of \$2.5 million. He noted that VIA made the decision not to allocate further funds due to budget shortfalls. He explained the impact of VIA's decision results in the City's inability to maintain its infrastructure, and discussed other negative impacts to City roadways.

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne, discussed his personal experience in using bus route 54/70. He stated he has met with VIA to share his concern for many citizens who need to use this bus route on a daily basis. Mr. Perez encouraged the City Council to support Councilwoman Radle in her efforts to keep the bus routes.

Mr. Jack M. Finger, P.O. Box 12048, spoke on Items #69 and #70 regarding the Starbright Development Corporation and Toyota Manufacturing. He expressed his concern that the City has agreed to pay for archeological and pollution surveys for Toyoto Manufacturing. Mr. Finger also discussed his opposition to other items regarding City contributions to various organizations such as in Items #81 and #83.

Ms. Christina Castro, St. Henry's COPS, spoke in appreciation to Councilwoman Radle for her efforts to re-instituting VIA routes 54/70. Ms. Castro requested the City Council's approval to allocate funds from VIA's street maintenance funds to continue these routes through December, 2004. She further requested that the Botanical Gardens Trolley connection that more importantly, provides transportation for the Garden's employees. She suggested funding this connection through Hotel/Motel tax funds. Ms. Castro pointed out that COPS, and Metro Alliance will continue dialogue with VIA, Botanical Gardens and the City Council in an effort to keep these bus routes.

Mr. Jed Maebius, Board Member of the San Antonio Botanical Society, spoke in favor of using funds for local assistance program for a new trolley service between the Botanical Garden, Alamo Plaza and local art museums. Mr. Maebius has been made aware that many elderly citizens will be without bus service in their neighborhood if bus routes 54/70 are not continued. He pointed out the benefits of re-instituting the bus routes by obtaining funds. He requested the City Council to fund both routes using local assistance programs to help local citizens and to promote tourism.

Ms. Rachel Cywinski, P. O. Box 90747, spoke regarding her experience with using these bus routes to travel to the Witte Museum. She stated the trolley route would not only benefit the tourists, but would be convenient for the local citizens.

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Councilman Hall stated he would be support the item, but also made a motion to include line #96 in District 8. He noted that in addition, the costs for adding this line would be less than adding the other two routes. His motion included: "language to authorize VIA to draw \$30,200 for the purpose of modifying #522 and #603 to cover the Huebner Road Corridor that was previously served by route #96." Councilman Perez seconded the motion.

Ms. Melissa Vossmer, Assistant City Manager, confirmed there are sufficient funds left after complete reimbursement to the City to fund this particular line through December, 2004, which is the same commitment that Councilwoman Radle has asked regarding the other routes.

Councilman Schubert stated a lot of routes that have been changed. He suggested funding these for a one-year period. He stated that the tourism route would provide more opportunity for tourists to visit downtown attractions and museums with more ease. Councilman Schubert expressed his support for this item.

Councilwoman Radle asked her colleagues to support this issue that will assist senior citizens travel within the City, for students and all the downtown employees. She expressed appreciation to the various groups for their support on this issue.

Councilman Perez spoke in support of this item and urged VIA to reimburse the City the remaining balance.

Councilman Castro spoke in support of the Resolution and the trolley line to encourage tourist and employees' patronage, noting he was familiar with the high use of this transportation for many in District 7, and added that VIA's service is critical for senior citizens.

Councilman Radle concurred with Councilman Perez regarding VIA's reimbursement of funds to the City.

The following citizen(s) appeared to speak:

Ms. Roberta Salinas, Prospect Hill Neighborhood Association, spoke to Item #89 and in support of keeping routes 54/70. Ms. Salinas noted that many citizens, including seniors, students and the needy were without public transportation after VIA had eliminated these routes. She expressed appreciation on behalf of the Prospect Hill Neighborhood Association to Councilwoman Radle and the City Council for their efforts to reinstitute the bus routes.

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The amendment to the motion as presented by Councilman Hall was approved by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Haass.

The main motion, as amended, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Haass.

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

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2003-27 **CONSENT AGENDA - CITIZEN'S COMMENTS**

Mr. Leon Thomas, United Homeowners Association, spoke regarding Item #27. He voiced his concern that this project has not been completed.

Mr. Jack Finger, P. O. Box 12048, spoke regarding Item #32 and his concern regarding 1994 G. O. Drainage Improvement Bond funds.

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2003-27 **CONSENT AGENDA**

Councilman Williams made a motion to approve Agenda Items 7 through 60H, constituting the Consent Agenda, except for Items 13, 14, 15, 24, 39 and 60 which were pulled for individual consideration. Councilman Hall 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, Garza. **NAYS:** None. **ABSENT:** Haass.

AN ORDINANCE 97896

ACCEPTING THE LOW BID SUBMITTED BY MAVRON, INC. TO PROVIDE THE CITY OF SAN ANTONIO HEALTH DEPARTMENT ANIMAL CARE SERVICES DIVISION WITH ANIMAL TRANSPORTATION UNITS (ATU) FOR A TOTAL AMOUNT OF \$31,932.00.

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AN ORDINANCE 97897

RATIFYING A CONTRACT WITH THE TRANE COMPANY FOR THE EMERGENCY PURCHASE AND INSTALLATION OF A 125 TON CHILLER FOR THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT FOR THE FARMERS MARKET BUILDING WITHIN THE MARKET SQUARE FACILITY FOR A TOTAL AMOUNT OF \$49,609.00.

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AN ORDINANCE 97898

ACCEPTING THE LOW BIDS SUBMITTED BY TEXAS BUS SALES, INC., ITEM 1, AND HOTSHOT DELIVERY SYSTEMS, INC., ITEM 2, TO PROVIDE THE CITY OF SAN ANTONIO COMMUNITY INITIATIVES DEPARTMENT ELDERLY AND DISABLED SERVICES DIVISION WITH TWO NINE PASSENGER TRANSIT BUSES AND TWO CONCEPT VANS FOR A TOTAL AMOUNT OF \$132,150.00.

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AN ORDINANCE 97899

ACCEPTING AND RATIFYING THE LOW BID SUBMITTED BY ACE AUDIO COMMUNICATIONS, INC. TO PROVIDE THE CITY OF SAN ANTONIO

EXTERNAL RELATIONS DEPARTMENT WITH A SOUND SYSTEM UPGRADE
IN THE CITY COUNCIL CHAMBERS FOR A TOTAL AMOUNT OF \$35,123.35.

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AN ORDINANCE 97900

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH AUTOMATED TAPE LIBRARY HARDWARE MAINTENANCE AGREEMENT & STORAGETEK SILO MSV/ESA LICENSE RENEWAL, NICKEL CADMIUM AND NICKEL METAL HYDRID BATTERIES, INTRAVENOUS CATHETER PLACEMENT UNITS, EKG ELECTRODES, PURCHASE, INSPECTION & MAINTENANCE OF FIRE EXTINGUISHERS, REPLACEMENT OF BROKEN GLASS AT VARIOUS CITY AGENCIES, REPLACEMENT OF BROKEN GLASS AT THE ALAMODOME, VARIOUS FILE FOLDERS FOR METROPOLITAN HEALTH DISTRICT & SAN ANTONIO POLICE DEPARTMENT, LAWNMOWER, EDGERS & CHAINSAW PARTS & SERVICE, PRE-FILLED DISPOSABLE SYRINGES, MATERIALS & LABOR TO MAINTAIN AIR CONDITIONING SYSTEMS AT MARKET SQUARE, AUTOMOTIVE POWER TAKE OFF PARTS & SERVICE, PLUMBING SUPPLIES & PARTS, PRIVATE PROCESS SERVICE, MAINTENANCE OF MUNICIPAL COURT CENTER SECURITY EQUIPMENT, MATERIALS & LABOR TO MAINTAIN HEATING & AIR CONDITIONING SYSTEMS FOR PARK FACILITIES, JOHNSON SWEEPER PARTS & SERVICE, CURBSIDE RECYCLING BINS, LAWN MAINTENANCE FOR VARIOUS PARK AREAS, STORMWATER ALERT SYSTEM PARTS, INSPECTION, TESTING AND MAINTENANCE OF FIRE SUPPRESSION SYSTEM AT THE ALAMODOME, BONDING GLASS BEADS, ENDOTRACHEAL TUBES, FLOOR PADS, PRINTING OF EVENTS FOR THE CARVER COMMUNITY CENTER, ANTENNAS, LABORATORY ANALYSIS OF SOIL & WATER, AND LIBRARY MEDIA & AUDIO SUPPLIES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2003-2004 FOR AN ESTIMATED ANNUAL COST OF \$899,830.00.

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AN ORDINANCE 97901

ACCEPTING THE LOW QUALIFIED BID OF CONSTRUCTORS AND ASSOCIATES, INC. IN THE AMOUNT OF \$420,000.00 FOR THE CONSTRUCTION OF RENOVATIONS TO EXISTING PARKING GARAGE - PACKAGE 1 AT SAN

ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$42,000.00 FOR CONSTRUCTION CONTINGENCIES, FOR A TOTAL AMOUNT OF \$462,000.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97902

ACCEPTING THE LOW, QUALIFIED BID WITH BID ALTERNATES 1 AND 2 OF MUNIZ CONCRETE & CONTRACTING, INC. FOR A TOTAL AMOUNT OF \$140,143.00 IN CONNECTION WITH THE BELLAIRE PARK IMPROVEMENTS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$14,014.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$709.24 FOR BID ADVERTISING EXPENSES; AUTHORIZING \$424.56 FOR PRINTING EXPENSES; AUTHORIZING \$2,150.00 FOR PERMIT FEES; AUTHORIZING \$22,559.20 FOR PARK MATERIALS FOR A TOTAL AMOUNT OF \$180,000.00; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97903

APPROVING FIELD ALTERATION NO. 6-FINAL IN THE AMOUNT OF \$124,088.74 PAYABLE TO R.L. JONES, L.P., FOR ADDITIONAL CONSTRUCTION EXPENSES 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; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95401, MARCH 7, 2002.)

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AN ORDINANCE 97904

AMENDING A PROFESSIONAL SERVICES CONTRACT BY AUTHORIZING PAYMENT IN THE AMOUNT NOT TO EXCEED \$23,840.00 FROM 1999 G.O. DRAINAGE IMPROVEMENT BOND FUNDS TO TURNER COLLIE & BRADEN, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE AVE MARIA DRAINAGE PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING \$2,384.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$26,224.00; REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 94912, NOVEMBER 15, 2001.)

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AN ORDINANCE 97905

AUTHORIZING PAYMENT IN THE AMOUNT OF \$113,732.00 FROM 2002 CERTIFICATES OF OBLIGATION TO SBC AND AUTHORIZING CITY PUBLIC SERVICE (CPS) TO APPROPRIATE FUNDS IN THE AMOUNT OF \$754,400.00 FROM THE CPS OVERHEAD CONVERSION FUND FOR THE RELOCATION OF ITS UNDERGROUND FACILITIES IN CONNECTION WITH THE FLORIDA FROM I.H. 37 TO ST. MARY'S PROJECT, LOCATED IN COUNCIL DISTRICT 1; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97906

AN ORDINANCE AUTHORIZING PAYMENT IN THE AMOUNT OF \$20,268.00 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS TO PAPE-DAWSON ENGINEERS, INC., FOR CERTAIN ENVIRONMENTAL ASSESSMENT SERVICES ACCOMPLISHED UNDER AN EXISTING ON-CALL PROFESSIONAL SERVICES NON-ASBESTOS ENVIRONMENTAL ENGINEERING SERVICES CONTRACT NECESSARY TO THE NAKOMA AT U.S. 281 (WEST SIDE) PROJECT LOCATED IN COUNCIL DISTRICT 9, AND FOR SUBSEQUENT INVESTIGATION UNDERWAY; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97907

AN ORDINANCE AUTHORIZING PAYMENT IN THE AMOUNT OF \$4,867.50 FROM 1999 G.O. DRAINAGE IMPROVEMENT BOND FUNDS TO DRASH CONSULTING ENGINEERS, INC., FOR ENVIRONMENTAL ASSESSMENT SERVICES UNDER AN EXISTING ENVIRONMENTAL PROFESSIONAL SERVICE CONSULTING CONTRACT NECESSARY TO THE MILITARY DITCH #65 PROJECT, LOCATED IN COUNCIL DISTRICT 4; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97908

AUTHORIZING THE APPROPRIATION AND ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$3,337.00 FOR ENVIRONMENTAL LABORATORY SERVICES IN CONNECTION WITH GRANDVIEW NEIGHBORHOOD STREETS PHASE III E (J STREET FROM HAMPTON TO AMANDA) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN CITY COUNCIL DISTRICT 2; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97909

APPROVING THE FULL AND FINAL SETTLEMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND MARIA P. GOVEA AND MARIA GOVEA AGUILLON, FOR A 0.020 ACRE OF LAND IN FEE SIMPLE AND A 0.067 ACRE TRACT TEMPORARY EASEMENT OUT OF LOT 69, BLOCK 2, N.C.B. 11966, CITY OF SAN ANTONIO, BEXAR COUNTY, IN THE TOTAL AMOUNT OF \$5,438.00 FROM 1985 G.O. DRAINAGE IMPROVEMENT BOND FUNDS IN CONNECTION WITH THE WESTERN AVENUE DRAINAGE PROJECT #74, PHASE III B & C, LOCATED IN COUNCIL DISTRICT 9; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97910

DECLARING THE OLD BROOKSIDE SUBDIVISION DRAINAGE IMPROVEMENTS PROJECT ("PROJECT"), LOCATED IN COUNCIL DISTRICT 3, 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: APPROXIMATELY 1,250.00 SQUARE FEET (0.028 ACRES) OUT OF LOT 8, AND ALL OF LOTS 9, 10, 11 AND 27, AND APPROXIMATELY 800.00 SQUARE FEET (0.018 ACRES) OUT OF LOT 28, ALL OUT OF BLOCK 1, N.C.B. 10883; APPROXIMATELY 1,662.48 SQUARE FEET (0.038 ACRES) OUT OF LOT 14, AND ALL OF LOTS 15, 32, 33 AND APPROXIMATELY 1,674.96 SQUARE FEET (0.038 ACRES) OUT OF LOT 34, ALL OUT OF BLOCK 2, N.C.B. 10884; LOT 3, BLOCK 3, N.C.B. 10885; AND BEING APPROXIMATELY 6,991.89 SQUARE FEET (0.160 ACRES) OUT OF TRACT 5A, N.C.B. 10914; ALL IN THE CITY OF 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 \$131,900.00 FROM THE STORM WATER OPERATING FUND FOR THE PROJECT AND MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEYS FEES; AUTHORIZING THE CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE WITH AND 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.

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AN ORDINANCE 97911

DECLARING THE BELGIUM - PICARDIE TO COLISEUM PROJECT ("PROJECT"), LOCATED IN COUNCIL DISTRICT 2, 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 THIS PROJECT; TO WIT, ALL OR PORTIONS OF THE PROPERTIES BEING DESCRIBED AS: BEING 0.020 OF AN ACRE OF LAND OUT OF LOT 10, N.C.B. 10575, CDS WAREHOUSE SUBDIVISION AND BEING 0.092 OF AN ACRE OF LAND IN N.C.B. 10576, OUT

OF THE GUILLERMO NUNEZ SURVEY NO. 151, ABSTRACT 548, AND BEING 0.240 OF AN ACRE OF LAND IN N.C.B. 10576 ALL IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE AS PART OF THE PROJECT; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$65,300.00 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS FOR THE PROJECT AND 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; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.

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AN ORDINANCE 97912

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,500.00 FROM 1987 G.O. DRAINAGE IMPROVEMENT BOND FUNDS TO BARTHOLOMEW J. BROADWATER FOR FEE SIMPLE TITLE AND RELEASE OF ALL CLAIMS TO ONE PARCEL OF LAND IN CONNECTION WITH THE HI-LIONS DRAINAGE PROJECT #80, PHASES III & V, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97913

AUTHORIZING 1999 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS IN THE AMOUNT OF \$26,850.00 FOR THE ACQUISITION OF FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO TWO (2) PARCELS OF REAL PROPERTY OUT OF N.C.B. 12019 AND TWO (2) PARCELS OF REAL PROPERTY OUT OF N.C.B. 12026, SAN ANTONIO, BEXAR COUNTY, TEXAS, IN CONNECTION WITH THE LANARK DRAINAGE #92A PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 2; ESTABLISHING COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS FOR TITLE AND 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;

AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; FINDING THE ORDINANCE TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; AND ESTABLISHING AN EFFECTIVE DATE.

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AN ORDINANCE 97914

DECLARING THE TEZEL - TIMBER PATH TO OLD TEZEL MPO PROJECT ("PROJECT") TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE AND/OR EASMENTS 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 AS FOLLOWS: (1) 0.008 HECTARES (0.020 OF AN ACRE) DRAINAGE EASEMENT, OUT OF A 5.00 ACRE TRACT, N.C.B. 15008, DESCRIBED AS TRACT II, VOLUME 2769, PAGE 1390, REAL PROPERTY RECORDS; (2) 0.010 HECTARES (0.024 OF AN ACRE) DRAINAGE EASEMENT OUT OF LOT 200, BLOCK 200, N.C.B. 15008, (3) 0.162 HECTARES (0.400 OF AN ACRE), OUT OF AND A PART OF A 4.108 ACRE TRACT, N.C.B. 15093, (4) 0.849 HECTARES (2.098 ACRES) OF LAND OUT OF AND PART OF A 10.299 ACRE TRACT, N.C.B. 15093, (5) A 0.4091 ACRE TRACT OF LAND, OUT OF AND PART OF A 14.224 ACRE TRACT, N.C.B. 15093, (6) 0.001 HECTARES (0.003 OF AN ACRE) OF LAND, BEING PART OF LOT 1, BLOCK 1, N.C.B. 18308, (7) 0.051 HECTARES (0.126 OF AN ACRE) DRAINAGE EASEMENT OUT OF A 6.24 ACRE TRACT, N.C.B. 18309; (8) 0.052 HECTARES (0.128 OF AN ACRE) DRAINAGE EASEMENT OUT OF AND A 6.24 ACRE TRACT, N.C.B. 18309, AND (9) 0.106 HECTARES (0.262 OF AN ACRE) DRAINAGE EASEMENT OUT OF AND A 6.580 ACRE TRACT, N.C.B. 18313, AND RECORDED IN WARRANTY DEED, VOLUME 8558, PAGE 1762, REAL PROPERTY RECORDS; ALL IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE AS PART OF THE PROJECT; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$333,850.00 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS FOR THE PROJECT AND 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;

AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.

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AN ORDINANCE 97915

ACCEPTING THE DEDICATION OF A 207.513 ACRE TRACT OF LAND AS A PERMANENT DRAINAGE EASEMENT FROM THE TOM SLICK MEMORIAL TRUST FOR SOUTHWEST RESEARCH INSTITUTE AND SOUTHWEST RESEARCH INSTITUTE IN CONNECTION WITH THE CULEBRA/LOOP 410 (LEON CREEK) REGIONAL STORM WATER DETENTION FACILITIES.

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AN ORDINANCE 97916

AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$1,750.00 FROM 1994 G.O. DRAINAGE IMPROVEMENT BOND FUNDS PAYABLE TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2000-ED-0023, CITY OF SAN ANTONIO VS. JAVIER A. FLORES AND MARIA G. FLORES, ET AL, FOR ONE PERMANENT EASEMENT AND ONE TEMPORARY EASEMENT, IN CONNECTION WITH THE ESCALON DRAINAGE PROJECT #1008, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97917

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,092.15 TO LAWYERS TITLE OF SAN ANTONIO FOR TITLE CHARGES IN CONNECTION WITH THE BITTERS ROAD - WEST AVENUE TO HEIMER MPO PROJECT (\$469.20), AND THE LORENCE CREEK LINEAR PARK/UPPER SALADO CREEK GREENWAY IMPROVEMENT PROJECT (\$622.95); APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97918

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,939.53 TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS - HAUSMAN TO DEZAVALA PROJECT (\$75.20), AND THE BITTERS ROAD - WEST AVENUE TO HEIMER MPO PROJECT (\$1,864.33), LOCATED IN COUNCIL DISTRICTS 8 AND 9, RESPECTIVELY; REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97919

AUTHORIZING PAYMENT IN THE AMOUNT OF \$27,326.57 TO BRACEWELL & PATTERSON, L.L.P., FOR LEGAL SERVICES IN CONNECTION WITH THE BASSE ROAD AND SAN PEDRO INTERSECTION MPO PROJECT (\$342.12), BITTERS ROAD - WEST AVENUE TO HEIMER MPO PROJECT (\$18.00), BLANCO ROAD AND JACKSON KELLER INTERSECTION MPO PROJECT (\$216.00), ESCALON STREET #1008 DRAINAGE PROJECT (\$515.44), HILDEBRAND AVENUE - I.H. 10 TO BREEDEN MPO PROJECT (\$21,442.31), LARKSPUR - WEST AVENUE TO BALTIC PROJECT (\$143.00), OCTAVIA DRAINAGE #63, PHASE II, PART I PROJECT (\$1,422.00), SAN PEDRO AVENUE - QUINCY TO ROMANA MPO PROJECT (\$41.70), W.W. WHITE PHASE I - RIGSBY TO LORD ROAD PROJECT (\$54.00), WESTERN AVENUE DRAINAGE #74, IIIA PROJECT (\$2,088.00); WURZBACH ROAD AT I.H. 10 AND IRONSIDE INTERSECTIONS PROJECT (\$828.00), AND THE WURZBACH PARKWAY PROJECT (\$216.00); REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97920

AUTHORIZING PAYMENT IN THE AMOUNT OF \$11,419.27 TO BRACEWELL & PATTERSON, L.L.P., FOR LEGAL SERVICES 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 97921

AUTHORIZING PAYMENT IN THE AMOUNT OF \$6,500.00 TO DUGGER, CANADAY, GRAFE INCORPORATED, FOR APPRAISAL SERVICES IN CONNECTION WITH THE TEZEL ROAD - TIMBER PATH TO OLD TEZEL PROJECT LOCATED IN COUNCIL DISTRICT 7; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97922

AUTHORIZING A LICENSE AGREEMENT FOR MARIANO'S MEXICAN RESTAURANT TO USE PUBLIC RIGHT OF WAY FOR AN EXISTING AMERICANS WITH DISABILITIES ACT (ADA) HANDICAP ACCESS RAMP AND TO ERECT A COMMERCIAL SIGN ON AN EXISTING SIGN POLE THAT WOULD PARTIALLY ENCROACH INTO A PORTION OF PUBLIC RIGHT OF WAY AT THE INTERSECTION OF SAN PEDRO AVENUE AND JEANNETTE DRIVE, ADJACENT TO NCB 10040, FOR A TEN (10) YEAR TERM FOR A LICENSE FEE OF \$2,500.00, WHICH REFLECTS A FIFTY PERCENT (50%) DISCOUNT OF THE CALCULATED LICENSE FEE, IN CONSIDERATION FOR THE REMOVAL OF TWO (2) PRE-EXISTING SIGNS IN A CONTINUING EFFORT TO MITIGATE THE AMOUNT OF COMMERCIAL SIGNAGE IN THIS AREA.

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AN ORDINANCE 97923

DECLARING AS SURPLUS A CERTAIN UNUSED 0.072 ACRE, MORE OR LESS, TRACT OF LAND (3,140 SQUARE FEET), OUT OF LOT 4, BLOCK 1, N.C.B. 16930, APPURTENANT TO F.M. 3487 (CULEBRA ROAD) AND I.H. LOOP 410 RIGHT OF WAY, OWNED AND CONTROLLED BY THE STATE OF TEXAS; AND REQUESTING THAT THE STATE OF TEXAS, ACTING BY AND THROUGH ITS TEXAS TRANSPORTATION COMMISSION, DECLARE SUCH TRACT TO BE SURPLUS AND SOLD TO FELIX PAREDEZ AND WIFE, JILL PARADEZ, THE ABUTTING PROPERTY OWNERS.

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AN ORDINANCE 97924

DECLARING CITY-OWNED PROPERTY LOCATED AT 1102 S. FLORES, FORMERLY KNOWN AS FIRE STATION NO. 12, AS SURPLUS TO THE CITY'S NEEDS; ACCEPTING THE HIGH BID OF \$175,000.00 FROM MITCHELL WHIDDON AND A. SCOTT ROSALES FOR PURCHASE OF THE PROPERTY; AND AUTHORIZING EXECUTION OF AN EARNEST MONEY CONTRACT WITH THEM FOR SALE OF THE PROPERTY, FOR SUCH BID PRICE.

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AN ORDINANCE 97925

AUTHORIZING THE ACCEPTANCE OF \$80,522.00 FROM CITY PUBLIC SERVICE (CPS) FOR REIMBURSEMENT OF DIRECT COSTS INCURRED BY THE DEPARTMENT OF COMMUNITY INITIATIVES (DCI) IN CONNECTION WITH THE HOME ENERGY ASSISTANCE RECONNECTION TACTICS (HEART) PROGRAM; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH CPS IN CONNECTION THEREWITH; AND AUTHORIZING THE REIMBURSEMENT OF COMMUNITY SERVICES BLOCK GRANT 2000 PROJECT FUNDS IN THE AMOUNT OF \$80,522.00.

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AN ORDINANCE 97926

ACKNOWLEDGING AND ACCEPTING A CONTRACT MODIFICATION FROM THE ALAMO WORKFORCE DEVELOPMENT, INC., (AWD) WHICH DEOBLIGATES FUNDS IN THE AMOUNT OF \$2,074.00 IN CONNECTION WITH THE ALAMO AREA CHILDCARE DELIVERY SYSTEM (CCDS) PROGRAM; AUTHORIZING THE EXECUTION OF MODIFICATIONS TO THE CHILD CARE LOCAL MATCH CONTRIBUTION AGREEMENT WITH AWD WHICH EXTENDS THE TERM OF THE AGREEMENT THROUGH DECEMBER 31, 2003 AND PLEDGES CERTIFICATION OF ADDITIONAL LOCAL EXPENDITURES IN THE AMOUNT OF \$68,100.00 TO USE AS LOCAL MATCH TO GENERATE ADDITIONAL FEDERAL FUNDS IN THE TOTAL AMOUNT OF \$102,107.00 IN CONNECTION WITH THE CONTINUED OPERATION OF THE CCDS PROGRAM; AUTHORIZING CERTIFICATION OF SAID EXPENDITURES IN CONNECTION THEREWITH; AUTHORIZING ACCEPTANCE OF SAID ADDITIONAL FEDERAL FUNDS IN THE AMOUNT OF \$102,107.00 FOR THE PROVISION OF CHILD CARE

SERVICES; ADOPTING A REVISED CCDS PROGRAM BUDGET FOR FISCAL YEAR 2003; AND AUTHORIZING THE TRANSFER OF THE REMAINING BALANCE OF PROGRAM FUNDS FROM PROGRAM YEAR 2003 TO PROGRAM YEAR 2004. (AMENDS ORDINANCE NOS. 96565, OCTOBER 10, 2002; ORDINANCE NO. 94646, SEPTEMBER 27, 2001.)

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AN ORDINANCE 97927

AUTHORIZING THE ACCEPTANCE OF THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT (JAIBG) FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION BY THE CITY OF SAN ANTONIO'S DEPARTMENT OF COMMUNITY INITIATIVES, IN THE AMOUNT OF \$413,493.00 FOR THE PERIOD AUGUST 1, 2003 TO JULY 31, 2004 TO SUPPORT THE STRIVING TOGETHER TO ACHIEVE REWARDING TOMORROWS (START) AND NEIGHBORHOOD CONFERENCING COMMITTEES (NCC) PROGRAMS; APPROVING A BUDGET AND PERSONNEL COMPLEMENT; AND AUTHORIZING THE EXECUTION OF A LEASE WITH THE MEXICAN AMERICAN UNITY COUNCIL (MAUC) FOR APPROXIMATELY 804 SQUARE FEET OF OFFICE SPACE FOR THE AMOUNT OF \$873.99 A MONTH FOR THE OPERATION OF THE NCC PROGRAM.

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AN ORDINANCE 97928

AUTHORIZING PARTICIPATION IN A SUPPLEMENTAL ENVIRONMENTAL PROJECT AGREEMENT WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND ACCEPTANCE OF \$8,562.00 FOR THE RIVER WALK PUMP CONSERVATION PROJECT; AND ESTABLISHING A PROJECT BUDGET FOR ASSOCIATED SALARY AND MATERIALS EXPENSES.

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AN ORDINANCE 97929

AUTHORIZING THE ACCEPTANCE OF A CASH GRANT AWARD OF \$45,000.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO FUND THE ONGOING

SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) CHILDHOOD LEAD POISONING PREVENTION PROGRAM FOR THE PERIOD JULY 1, 2003 THROUGH JUNE 30, 2004; AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH TDH IN CONNECTION THEREWITH; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 2003/2004 ESTABLISHED IN ORDINANCE NO. 97154 PASSED AND APPROVED FEBRUARY 6, 2003; AND APPROVING THE PERSONNEL COMPLEMENT.

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AN ORDINANCE 97930

AUTHORIZING THE EXECUTION OF A CHANGE TO THE CONTRACT BETWEEN THE TEXAS DEPARTMENT OF HEALTH (TDH) AND THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO REDUCE FUNDS IN THE AMOUNT OF \$39,743.00 PREVIOUSLY PROVIDED FOR THE SCHOOL HEALTH PROGRAM ENTITLED *PROJECT HEALTHY SCHOOLS* DURING THE PERIOD SEPTEMBER 1, 2001 THROUGH AUGUST 31, 2003; AND REVISING THE BUDGET.

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AN ORDINANCE 97931

AUTHORIZING THE EXECUTION OF A ONE YEAR RENEWAL OF A PROFESSIONAL SERVICES AGREEMENT WITH HEALTHMASTER SERVICES, A SUBSIDIARY OF BAPTIST HEALTH SYSTEM, TO PROVIDE COMPREHENSIVE DRUG SCREENING SERVICES FOR PROSPECTIVE NON-UNIFORMED CITY EMPLOYEES AND CURRENT CITY EMPLOYEES REQUIRING COMMERCIAL DRIVERS LICENSES (CDL'S) IN CONNECTION WITH THE CITY'S PRE-EMPLOYMENT AND TRANSPORTATION WORKER DRUG TESTING PROGRAM; AND AUTHORIZING PAYMENTS NOT TO EXCEED \$240,167.00 FOR SERVICES DURING THE CONTRACT PERIOD JULY 1, 2003 THROUGH JUNE 30, 2004.

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AN ORDINANCE 97932

AUTHORIZING THE EXECUTION OF CONTRACT NUMBER 7460020708A 2004 WITH THE TEXAS DEPARTMENT OF HEALTH (TDH) AND ACCEPTANCE OF

AN INITIAL CASH GRANT AWARD IN THE AMOUNT OF \$124,000.00 TO RENEW THE ON-GOING BREAST AND CERVICAL CANCER CONTROL PROGRAM (BCCCP) OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) FOR THE PERIOD JULY 1, 2003 THROUGH JUNE 30, 2004; AUTHORIZING THE TRANSFER OF THE REMAINING BALANCE OF PROGRAM FUNDS FROM PROGRAM YEAR 2003 TO PROGRAM YEAR 2004; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 97933

AUTHORIZING THE EXECUTION OF CONTRACT NUMBER 7460020708B 2004 WITH THE TEXAS DEPARTMENT OF HEALTH (TDH) FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 2003/2004 AND THE ACCEPTANCE OF AN INITIAL CASH GRANT AWARD IN THE AMOUNT OF \$560,410.00 FROM TDH TO SUPPORT THE ON-GOING LABORATORY BIOTERRORISM PREPAREDNESS PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT DURING THE PERIOD SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004; ADOPTING THE PROJECT BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

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AN ORDINANCE 97934

ACCEPTING A \$182,662.00 GRANT AWARD FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) UNDER THE VIOLENCE AGAINST WOMEN ACT TO CONTINUE THE EARLY INTERVENTION FOR WOMEN LIVING IN DOMESTIC VIOLENCE PROJECT FOR THE TWELVE-MONTH PERIOD SEPTEMBER 1, 2003, THROUGH AUGUST 31, 2004; ESTABLISHING A FUND; ADOPTING A BUDGET; AND APPROVING PERSONNEL COMPLEMENTS.

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AN ORDINANCE 97935

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO ACCEPT A TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY (ATPA) GRANT IN

THE AMOUNT OF \$826,274.00 FOR THE PERIOD OF SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004, TO CONTINUE FUNDING THE ATPA PROGRAM, WHICH ENHANCES THE CITY'S EFFORTS IN DEALING WITH AUTO THEFT AND RELATED PROPERTY CRIMES; AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BEXAR COUNTY SHERIFF'S DEPARTMENT TO FUND TWO (2) DEPUTIES FOR AN AMOUNT NOT TO EXCEED \$118,137.00; AND AUTHORIZING A CASH MATCH OF \$451,634.00 FROM THE GENERAL FUND AND \$11,347.00 FROM THE CONFISCATED PROPERTY FUND.

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AN ORDINANCE 97936

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$146,076.00 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), THROUGH THE DIVISION OF EMERGENCY MANAGEMENT OF THE TEXAS DEPARTMENT OF PUBLIC SAFETY, FOR THE PERIOD OF OCTOBER 1, 2002 THROUGH SEPTEMBER 30, 2003, TO BE USED TO REIMBURSE ONE-HALF OF THE APPROVED ADMINISTRATIVE STAFF AND ADMINISTRATIVE OVERHEAD COSTS OF THE CITY'S OFFICE OF EMERGENCY MANAGEMENT.

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AN ORDINANCE 97937

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS NEAR OLMOS PARK IN CONNECTION WITH THE DAM '09 TRIATHLON TO BE HELD ON SATURDAY, AUGUST 30, 2003 FROM 6:30 A.M. TO 11:00 A.M.; SPONSORED BY ROGER SOLER'S SPORTS.

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AN ORDINANCE 97938

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN CONNECTION WITH THE AVENIDA GUADALUPE ASSOCIATION'S 22ND ANNUAL GUADALUPE STREET PARADE

TO BE HELD ON SATURDAY, SEPTEMBER 13, 2003 FROM 11:30 A.M. TO 2:00 P.M.

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AN ORDINANCE 97939

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS NEAR HEMISFAIR PARK IN CONNECTION WITH THE MS WALK TO BE HELD ON SATURDAY, SEPTEMBER 20, 2003 FROM 7:00 A.M. TO 11:00 A.M.; SPONSORED BY THE MULTIPLE SCLEROSIS SOCIETY.

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AN ORDINANCE 97940

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS NEAR BRACKENRIDGE PARK IN CONNECTION WITH THE CANCER THERAPY RESEARCH CENTER (CTRC) RUN 4 LIFE 5K RUN/WALK TO BE HELD ON SATURDAY, SEPTEMBER 13, 2003 FROM 7:30 A.M. TO 9:30 A.M.; SPONSORED BY THE CTRC.

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AN ORDINANCE 97941

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN THE SEA WORLD AREA IN CONNECTION WITH THE SPLASH TRIATHLON AT SEA WORLD TO BE HELD ON SUNDAY, SEPTEMBER 28, 2003 FROM 7:00 A.M. TO 9:30 A.M.; SPONSORED BY ROGER SOLER'S SPORTS.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97942

DECLARING APPROXIMATELY 1,960 SQUARE FEET OF MAPLE FLOORING AT 1804 FREDERICKSBURG ROAD AS SURPLUS TO THE CITY'S NEEDS; ACCEPTING CONSIDERATION FOR THE FLOORING OF \$5.55; AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A BILL OF SALE TO THE URBAN-15 GROUP.

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

Ms. Rebecca Waldman, Director of Asset Management, made a presentation, a copy of which is on file with the papers of this meeting. Ms. Waldman stated that Urban 15 asked to purchase the floor and reuse it in their permanent location in District 5. She noted that Urban 15 removed the floor at their risk and expense with their ownership subject to City Council's approval.

Councilwoman Radle stated that Urban 15 has served the City on a volunteer basis and has refurbished the floor at their own expense and continued to incur expenses to maintain that floor, and suggested that the City give the floor to Urban 15. She noted that if it has to be sold, she recommended a price of \$5.55. She then made a motion to incorporate that amendment into the proposed Ordinance. Councilman Perez seconded the motion.

Councilman Castro discussed the renovation to the Travis Building and commended Urban 15 for their accomplishments and hoped to make accommodations for the price of the floor.

The amendment to the motion as presented by Councilwoman Radle was approved by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Haass.

The main motion, as amended, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Haass.

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

Mr. Malcolm Matthews, Director of Parks and Recreation, spoke on the description of 13, 14 and 15 as being basically the same, and offered an overview of each, a copy of which is on file with the papers of this meeting.

Mr. Matthews explained these ordinances will approve on-call professional electrical engineering services for various park design projects and authorize execution of a one-year contracts with two optional one-year renewals. He noted that the use of on-call professional electrical/engineering services will assist the Parks and Recreation Department's design staff in the completion of design work on capital improvements projects. He further noted that three firms were selected through the City's consultant selection process, and that the companies will be utilized on a rotation basis, as needed, for in-house projects that would include preparation of plans for outdoor security and sports lighting applications, design of electrical distribution services/networking and similar assignments as needed.

Councilman Perez stated that an overview would not be necessary for these items, and posed some questions to Mr. Matthews.

In response to Councilman Perez' inquiry regarding the annual payment to each contractor, Mr. Matthews stated that there is a limit of \$25,000 per year for each contractor. He explained that the process was designed to expedite small engineering, electrical and civil engineer projects. He further explained the contractors are on a retainer during the year rather than going through the individual selection process, noting this would allow for a one-year agreement with each of these firms. He explained the Request for Qualifications process and the selection process through a review team. Mr. Matthews noted that the maximum amount that each contractor could earn would be \$75,000 per year. He provided examples of the types of projects the contractors would be called to complete. He also noted that they would be called on a rotating basis, depending on the workload that they were assigned.

In response to Councilman Perez' inquiry regarding a contractor selected for both Items #13 and #15, Mr. Matthews stated that the contributor was chosen through the selection process based on the work performed in the past which met all of the necessary criteria and identified as the better firm.

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

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97944

SELECTING DEBRA J. DOCKERY ARCHITECTS, P.C., NORED SHEARER ARCHITECTS AND BEATY & PARTNERS ARCHITECTS, INC. FOR ON-CALL PROFESSIONAL ARCHITECTURAL SERVICES FOR VARIOUS PARK DESIGN PROJECTS AND AUTHORIZING EXECUTION OF ONE (1) YEAR CONTRACTS, WITH TWO OPTIONAL ONE (1) YEAR RENEWALS.

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

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97945

SELECTING K.M. NG & ASSOCIATES, INC., VICKERY & ASSOCIATES, INC. AND BAIN MEDINA BAIN, INC. FOR ON-CALL PROFESSIONAL CIVIL ENGINEERING SERVICES FOR VARIOUS PARK DESIGN PROJECTS AND AUTHORIZING EXECUTION OF ONE (1) YEAR CONTRACTS, WITH TWO OPTIONAL ONE (1) YEAR RENEWALS.

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

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2003-27 Item 23 being a proposed ordinance authorizing the City Manager or her designee to execute an agreement with the Texas Department of Transportation for advanced funding for the extension of the coordinated signal system on S.H. 16 (Bandera Road) to intersections at Tezel/Prue Road, at Old Prue Road, and at Quincy Lee/Stonecroft, and authorizing \$22,130.28 from the "Traffic Signal Installation/Upgrades Program 2000-2001" to be paid to the Texas Department of Transportation for this signal system coordination improvements project in Districts 7 and 8, was pulled from consideration by the City Manager.

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2003-27 Item 41 being a proposed ordinance declaring City-owned property located at 1519 Nogalitos, formerly known as Fire Station No. 16, as surplus to the City's needs; accepting the high bid of \$113,681.90 from Connie H. and Edward Rodriguez for purchase of the property; and authorizing execution of an Earnest Money Contract with them, for sale of the property, for such bid price, was pulled from consideration by the City Manager.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97946

AUTHORIZING FUNDS IN THE AMOUNT OF \$2,993,280.03 PAYABLE TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SHARE OF TWENTY PERCENT (20%) OF CONSTRUCTION COSTS IN CONNECTION WITH THE MISSION TRAILS CONSTRUCTION PACKAGE II PROJECT LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING \$256,371.26 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF

\$3,249,651.29 FROM GENERAL OBLIGATION FUNDS OF THE CITY;
APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. Tom Wendorf, Director, Public Works Department, spoke on the Mission Trails package Two advertised for bids in July and completed in August, 2005. A copy of the presentation is on file with the papers of this meeting.

Mr. Wendorf discussed payment to the Texas Department of Transportation for the City's share of 20% of construction costs in connection with the Mission Trails Construction Package II Metropolitan Planning Organization Project. He noted the ordinance will also authorize funds for miscellaneous engineering contingency expenses for a total amount of \$3,249,651.29.

Mr. Wendorf noted that Package II of this project provides for street and drainage improvements along Mission Road, as well as enhancements along the area of S.E. Military and Southcross.

In response to Councilman Castro regarding a discrepancy in the total amount listed on the agenda, Mr. Wendorf stated the correct amount is \$3,249,651.29.

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, Garza. **NAYS:** None. **ABSENT:** Radle, Barrera, Haass.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97947

APPOINTING FANNY MAYAHUEL THOMAS (DISTRICT 8) AND
REAPPOINTING ANA DEHOYOS O'CONNOR (DISTRICT 10) TO THE

COMMISSION FOR CHILDREN AND FAMILIES FOR TERMS OF OFFICE TO EXPIRE ON JUNE 27, 2004 AND JUNE 27, 2005, RESPECTIVELY.

* * * *

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

Councilman Perez nominated Mr. Roman Pena, a current Alternate Member, as a Regular Member to the Municipal Civil Service Commission.

Mayor Garza asked for interviews at next week's "B" session.

Assistant City Clerk Yolanda Ledesma stated Mr. Pena, and Mr. Dale Wood who were nominated during the "B" session, could both be scheduled for a special interview session on August 14.

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, Garza. **NAYS:** None. **ABSENT:** Radle, Barrera, Haass.

— — — — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97948

REAPPOINTING RONNIE DAUSIN (MASTER ELECTRICIAN - NON UNION CATEGORY - DISTRICT 4) AND BILLY W. CHAMBERLIN (MASTER ELECTRICIAN - UNION CATEGORY - DISTRICT 10) TO THE ELECTRICAL EXAMINING AND SUPERVISING BOARD FOR TERMS OF OFFICE TO EXPIRE ON JULY 31, 2005.

* * * *

Councilman Castro 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, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Radle, Barrera, Haass.

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97949

REAPPOINTING VICTOR FERRARI (DISTRICT 8) AND TOM DECHANT (DISTRICT 10) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR TERMS OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2005.

* * * *

Councilman Castro 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, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Radle, Barrera, Haass.

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97950

APPOINTING MARK T. TREVINO (MAYOR) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON MARCH 31, 2005.

* * * *

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

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97951

APPOINTING BEN MORA (DISTRICT 8) AND PAUL FLECK (DISTRICT 1) AS TRUSTEES TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR TERMS OF OFFICE TO EXPIRE ON MAY 9, 2006.

* * * *

Councilman Castro 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, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Radle, Barrera, Haass.

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97952

REAPPOINTING MICHAEL "BO" STILL (DISTRICT 8) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2004.

* * * *

Councilman Castro 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, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Radle, Barrera, Haass.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97953

REAPPOINTING ROGELIO GARCIA (DISTRICT 10) TO THE CITY COMMISSION ON VETERANS' AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON JUNE 11, 2005.

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Councilman Castro 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, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Radle, Barrera, Haass.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97954

APPOINTING WILLIE M. DIXSON (DISTRICT 2) AND HELEN DUTMER (DISTRICT 3) AND REAPPOINTING RITA ANN CARDENAS-GAMEZ (DISTRICT 5), JODY SHERRILL (DISTRICT 7) AND CHRISTOPHER R. MARTINEZ (DISTRICT 6) TO THE ZONING COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON JUNE 30, 2005.

* * * *

Councilman Castro 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, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Radle, Barrera, Haass.

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97955

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY CHANGING SECTION 35-311, TABLE 311-2, NON-RESIDENTIAL USE MATRIX, TO REQUIRE A SPECIFIC USE AUTHORIZATION FOR BARS AND/OR TAVERNS IN A "C-2" COMMERCIAL DISTRICT.

* * * *

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

Mr. Florencio Pena, Director, Development Services Department, presented the Unified Development Code (UDC) Amendments. A copy of this presentation is on file with the papers of this meeting. Mr. Pena discussed the background of previous UDC provisions, and also discussed the purpose of the Ordinance as it pertains to specific use authorization in bars and taverns.

Councilman Hall spoke in support of the item noting that when the UDC was changed, zoned areas automatically allowed bars and taverns in certain neighborhoods.

Councilman Castro spoke in support of the item that allows neighborhood associations to better shape the character of their own neighbors by giving discretion to zoning changes with regards to whether bars or taverns should be included in those zoning designations.

In response to Councilman Williams, Councilman Castro stated the item is not circumventing the zoning process.

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

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97956

AUTHORIZING THE AMENDMENT OF ORDINANCE NOS. 76640 AND 94436 TO EXPAND THE VOTING MEMBERSHIP IN THE AIRPORT NOISE ABATEMENT ADVISORY COMMITTEE TO INCLUDE THE DISTRICT 1 COUNCILPERSON AS WELL AS AN ADDITIONAL VOTING MEMBER IN THE NEIGHBORHOOD ASSOCIATION CATEGORY; AS REQUESTED BY COUNCILMAN ROGER O. FLORES, DISTRICT 1.

* * * *

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

Mr. Kevin Dolliole, Director, Aviation Department, spoke on the Committee functions to include monitoring the progress of the Noise Abatement Advisory Committee. He acknowledged that the Ordinance would also include an additional voting member in the Neighborhood Association Category, and one additional City Council member from District 1. A copy of the presentation is on file with the papers of this meeting.

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

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97957

APPOINTING AND REAPPOINTING EIGHT (8) MEMBERS TO THE DOWNTOWN ADVISORY BOARD (DAB) FOR TERMS OF OFFICE TO EXPIRE IN JANUARY 2005.

* * * *

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

Mr. Trey Jacobson, Assistant Director, Economic Development Department, made a presentation on the appointed and reappointed members to the Downtown Advisory Board (DAB). A copy of this presentation is on file with the papers of this meeting.

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

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97958

RENEWING THE ADOPTION OF SELF-MONITORING STANDARDS FOR THE CITY OF SAN ANTONIO'S AFTER SCHOOL CHALLENGE PROGRAM AS PER THE REQUIREMENTS OF TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES REGULATION 42.041 (A) (14). (AMENDS ORDINANCE NO. 93106, DECEMBER 14, 2000.)

* * * *

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

Mr. Malcolm Matthews, Director of Parks and Recreation Department, gave a briefing on renewing adoption of self-monitoring standards for the after school challenge program. A copy of this presentation is on file with the papers of this meeting. Mr. Matthews discussed the background of the After School Challenge Program (ASCP) that provides an organized after school program for tutoring, homework assistance and recreation activities for children enrolled in three local middle schools. He added the ASCP has grown into a cooperative venture between the City and eight local school districts. Mr. Matthews noted ASCP serves over 25,000 students in 147 area elementary and middle schools. Mr. Matthews further discussed the self-monitoring standards as mandated by the Texas Department of Protective & Regulatory Services (TDPRS) for childcare licensing.

In response to Councilman Perez' inquiry regarding reducing the ratio from 15 to 1 from the current 25 to 1, Mr. Matthews stated that was part of the initial pilot program. However, he noted the results were costly, and satisfaction expressed by the parents and teachers was no different than a 25 to 1 ratio. He further noted that funding is provided by the General Fund.

Mr. Matthews explained that the schools provide the one staff person that is required for each site, and that there is no other participation by the school districts. He stated that a one-time \$5 fee will be set for the upcoming school year, and that is was limited to once a year. He noted the only grant given to the ASCP is a snack nutrition program.

In response to Councilman Williams regarding the East Side School Districts as depicted in the presentation, Mr. Matthews corrected it to reflect as the East Central School District.

Mr. Matthews discussed the success of the 2003 Summer Kid Quest Program as a result of the 25 to 1 ratio.

Councilman Williams encouraged the ratio be reconsidered to 15 to 1.

In response to Councilman Williams regarding adults signing children out of the daily program, Mr. Matthews explained that they are keeping in compliance with TDPRS self-monitoring standards that centers are assuring that an actual release of the child is made to a parent or adult. Mr. Matthews noted that it could be any adult as long as their names has been provided by the parent and submitted in advance.

In response to Councilman Schubert regarding the ratio of licensed child care facility, Mr. Matthews stated for children less than 5 years of age, the ratio is 22 to 1; with older students in the program, the ratio is 25 to 1. He further stated the program is a requirement, not a mandate, if a check-in/check-out system is used. He pointed out that school districts are exempt from being self-monitoring or licensed. Presently, the program is not overlapping with any school districts' programs.

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, Garza. **NAYS:** None. **ABSENT:** Castro, Haass.

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97959

ACCEPTING THE BEST VALUE BID OF SELRICO SERVICES, INC. TO PROVIDE THE DEPARTMENT OF COMMUNITY INITIATIVES WITH MEAL PREPARATION AND DELIVERY SERVICES FOR THE COMPREHENSIVE NUTRITION PROJECT (CNP) FOR THE PERIOD OF OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004 FOR AN APPROXIMATE COST OF \$2,156,382.00, AND AUTHORIZING UP TO THREE ADDITIONAL ONE-YEAR RENEWALS, SUBJECT TO APPROPRIATION.

* * * *

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

Mr. Dennis Campa, Director, Community Initiatives Department, gave a presentation on the Comprehensive Nutrition Program (CNP) and the Best Value Bid (BVB). A copy of this presentation is on file with the papers of this meeting. Mr. Campa discussed the purpose of the Ordinance that authorizes the acceptance of the qualified bid from Selrico Services, Inc., to provide meal preparation services for the CNP. He provided background information that noted CNP provides a public place for seniors to congregate, participate in events and receive services that contribute to their quality of life. Mr. Campa stated the program began in August, 2002 by outsourcing senior meal preparation services with True Favors Culinary Planners as meal providers.

Mr. Campa explained that compliance issues arose that necessitated contract amendments. He noted that the amendment waived performance of the bond requirements and shortened the contract term from 30 months to 14 months, which would end on September 30, 2004.

Mr. Campa discussed the process in utilizing the BVB concept and the scoring criteria by the Economic and Human Development Committee. He further noted the requirements that were considered to select potential service providers. Mr. Campa described the process to include solicitation, response, evaluation criteria and the evaluation team.

Mr. Campa noted that out of three bids, the provider ultimately selected was Selrico Services, Inc. He stated Selrico Services, Inc.'s experience, financial records, product quality, meal distribution, and references were reviewed and all resulted in excellent ratings. He outlined that a blind taste test was conducted by an evaluation team and completed over 300 surveys; the team rated meal preparation, temperature, seasoning,

taste and quality; and they had rated Value Meal samples slightly higher than Selrico, but both were rated high.

Mr. Campa discussed that Selrico, a local minority-owned business, is credited with numerous food contracts with the federal government, and they were the food service provider in Winter Olympics in Utah. He noted that they currently prepare meals for eight adult care facilities with over 1,000 meals served. He stated that those facilities were contacted and they gave Selrico a 95% rating, adding that Selrico is a USDA certified facility in District 2 with two full-time USDA inspectors located in their facilities. He stated they have a design team identified for a kitchen expansion that is to be completed in September. Mr. Campa noted that Selrico would provide a no-cost 1% over production that will save the City approximately \$200,000 for this contract. He further stated that the contract is estimated at \$2 million beginning in FY 2004.

In response to Councilman Segovia regarding the current contractor, True Flavors, Mr. Campa stated they had been non-responsive and the only reason they were not considered was because of the bid bond. He added the City has the option to renew this contract for three one-year period based on performance. He noted that if this contractor does not perform, the contract will be rebid.

In response to Councilman Segovia regarding the eight facilities that Selrico services, Mr. Campa reiterated that they gave Selrico a 95% rating in the quality and performance of service.

Councilman Perez spoke to his concerns of a low rating of 12.5 under the Quality of Products and Services in comparison to the other bidder. He stated customer satisfaction is a major issue, and urged Mr. Campa to move swiftly should complaints begin to arise.

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

In response to Councilman Perez' concern regarding the low rating under the Quality of Product and Services, Mr. Campa stated the City would conduct a quarterly report to the Human Development Committee and return to the City Council in three months. He explained Selrico did not include all the small contracts they serve which may account for the low rating. He added that the taste test resulted in a rating of less than one point. Mr. Campa stated the City would continue to survey seniors on a monthly basis to insure they are being provided the highest quality at the best price.

In response to Mr. Perez' inquiry concerning the Our Lady of Angels kitchen, Mr. Campa explained the costs related to serving an estimated 3,8000 seniors on a daily basis from a centralized kitchen. He noted the price per meal for 3,700 meals is \$2.16 per meal. He

further explained that if Our Lady of Angels is eliminated, the number of meals drops below 3,700 and the price increases to \$2.50 per meal. He further noted that moved the City's cost to \$320,000, which is more than what is budgeted.

Mr. Campa further discussed the City Council's direction to find a way to serve more seniors economically while providing quality. He stated outsourcing by centralizing operations was the solution.

The following citizen(s) appeared to speak:

Ms. Betty Eckert, spoke regarding the excellent food service that True Flavors has afforded seniors at the Holy Family Senior Centers, the Kenwood Center and Madonna Centers. Ms. Eckert expressed a hope that the contract could be tabled and the bid reconsidered. She read a letter that was signed by seniors from the centers in which they expressed their concerns regarding a new food service contractor. Ms. Eckert reiterated the request to table the issue and for the City Council to rebid the contract.

* * * *

In response to Councilman Flores' inquiry regarding the effects of tabling this item, Mr. Campa stated that the present contract will expire on September 30. He added it takes two to three months and considerable expense to reissue a bid. He noted that the City needs to give a contractor 45 days to prepare to serve the required number of meals. If the items were tabled, Mr. Campa stated the program would enter into an emergency situation. He recommends against tabling the item given that here is no time to go out to rebid.

Councilman Flores spoke regarding his concern about the quality of the food served to seniors, and seeks to provide the seniors adequate nutrition.

In response to Councilman Flores' remarks regarding quality assurance, Mr. Campa reiterated the technological amenities Selrico offers to provide high-quality food at the proper temperature and served in sanitary containers to over 3,000 seniors a day. He added that Selrico guarantees a 10% over production at no cost to the City. He further added that Selrico is a much more enhanced vendor than True Flavors. Mr. Campa noted that True Flavors improved with time rather than having that same quality initially.

Councilman Williams spoke regarding his concerns about the new food service provider, and stated he will hold staff accountable to assure that Selrico's expansion does not hamper the delivery of meals to any seniors.

In response to Mr. Williams' inquiry regarding meals to homebound seniors, Mr. Campa stated that approximately 700 homebound seniors are presently served on a daily basis.

In response to Mr. Williams' inquiry regarding a possible increase to the current donation of \$.50 per meal, Mr. Campa stated donations amount to \$230,000 per year. He stated consideration of an increase would be forwarded to the Human Development Committee, and then to the City Council for their consideration. He added that federal programs require that a donation be requested, however, it is not mandatory. Mr. Campa further added that it is not an issue that needs to be pursued since the budget is adequate.

Mr. Williams suggested it may be a potential consideration to make modest increases in light of the \$2.1 million budget.

Councilwoman Radle requested a cost breakdown for meals in the near future. She stated she was interested in determining at what point some of the centers can begin using their kitchens for meal preparation based on when the contractor can increase the number of meals served.

Councilman Schubert spoke to his concerns that the bond issue in awarding contracts is not a negotiable issue on bids. He does not agree with waiving the bid bond issue in any fashion. He also voiced his concerns about the dangers of trying to quantify that points are more important in this contract versus in another contract.

In response to Councilman Segovia regarding funding for the nutrition centers, Mr. Campa stated they receive \$1.55 for every meal they serve.

Councilman Perez stated he supports best value bids to encourage small business contracts, and asked staff to consider using this process more frequently.

Councilman Williams stated his earlier comment regarding fee increases is in view of the history of the programs that are initially funded by outside agencies.

Councilman Barrera discussed the process up to this point, and reiterated the concerns of the City Council. He urged Mr. Campa to continue to monitor the contract, the service and the quality of food.

Councilman Barrera stated that the evaluation process is at a sophisticated level to make the right determination, and will hold Mr. Campa to his recommendation.

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, Garza. **NAYS:** None. **ABSENT:** Castro, Haass.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97960

AMENDING ORDINANCE NO. 88485, PASSED AND APPROVED ON SEPTEMBER 17, 1998, BY AUTHORIZING THE REALLOCATION OF \$25,000.00 FROM THE FY 1999 COUNCIL DISTRICT 9 ONE-TIME PROJECTS FUND TO SUPPORT THE DEPARTMENT OF COMMUNITY INITIATIVES FAMILIES SAVE INDIVIDUAL DEVELOPMENT ACCOUNT (IDA) PROGRAM FOR USE AS MATCH FUNDING FOR IDAS FOR COLLEGE SCHOLARSHIPS; AND REVISING THE FAMILIES SAVE IDA PROGRAM BUDGET; AS REQUESTED BY COUNCILMAN CARROLL W. SCHUBERT. (AMENDS ORDINANCE NO. 88485, SEPTEMBER 17, 1998.)

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

Mr. Dennis Campa, Director, Community Initiatives Department, discussed the Families SAVE Program Individual Development Accounts. A copy of this presentation is on file with the papers of this meeting.

Mr. Campa described the purpose of the Ordinance was to authorize the reallocation of \$25,000 from FY 1999 Council District 9 one-time Project Funds to the Families SAVE Individual Development Account (IDA) Program. He described the background of the Family Economic Success Program by asset building and asset protection. He stated the IDA program has been operated through a grant for the past two years, and requires students to save between \$100 and \$750 for higher education expenses, and that once they meet their goal, the amount saved will be matched four to one. He stated participants must also complete 12 hours of financial literacy training. Mr. Campa stated that 23 students are enrolled in an Education IDA. He noted that the proposed action will promote college attendance and reduce student indebtedness, adding that the program anticipates serving 25 students from District 9.

In response to Councilman Hall's inquiry regarding learning institutions, Mr. Campa stated students may attend any school or university of their choice.

Councilman Hall stated his interest in participating in the program by donating funds.

Councilman Schubert stated the program is making good use of federal match monies.

Councilman Williams noted that he supported the Ordinance.

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

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97961

RATIFYING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$5,137,519.00 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS), THROUGH THE OFFICE OF DOMESTIC PREPAREDNESS (ODP), DISTRIBUTED THROUGH THE STATE OF TEXAS, WHICH WILL ALLOW THE CITY TO EXPAND THE ODP PROGRAM TO ALLOW FOR A GREATER RANGE OF PREPAREDNESS ACTIVITIES, INCLUDING THE PURCHASE OF ANTI-TERRORISM AND WEAPONS OF MASS DESTRUCTION INCIDENT-RELATED EQUIPMENT, PHARMACEUTICALS, AND SUPPLIES, FOR THE FY 2002 GRANT PERIOD OF JULY 1, 2003 THROUGH JULY 31, 2004, AND FY 2003 GRANT PERIOD OF JULY 1, 2003 THROUGH APRIL 30, 2005.

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

(Mayor Garza returned to the meeting and presided.)

Assistant Fire Chief Mike Miller, San Antonio Fire Department, gave a presentation on Anti-Terrorism Strategic Plan for 2003 Funding, a copy of the presentation is on file with the papers of this meeting. Chief Miller stated the State of Texas received multiple grant awards from the U.S. Department of Homeland Security, office of Domestic Preparedness to increase the State's ability to respond to terrorist incidents involving Weapons of Mass Destruction (WMD). He further explained the various categories that

will receive funding to include training, planning, exercises and equipment categories. Assistant Chief Miller further explained the Texas Domestic Preparedness Assessment that was completed on April 11, 2003.

Mayor Garza spoke on other opportunities and proposals to be submitted to the State for funding. He stressed the importance of making citizens aware of the competitiveness for funding to invest, equipment and infrastructure.

In response to Councilman Williams, Assistant Chief Miller stated contact with congressional representatives was important to define where those funds should be directed.

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, Garza. **NAYS:** None. **ABSENT:** Perez, Castro, Haass.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97962

RATIFYING THE ASSIGNMENT OF THE CONTRACT FOR THE ACQUISITION OF APPROXIMATELY 1,726 ACRES OF LAND FOR A PURCHASE PRICE OF NOT MORE THAN \$16,090,000.00 TO CITY OF SAN ANTONIO, TEXAS STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION AS PART OF THE PROJECT STARBRIGHT AGREEMENT ON THE TERMS AND CONDITIONS SET OUT IN ORDINANCE NO. 97706 AND ACTIONS TAKEN TO FULFILL THE ASSIGNMENT. (AMENDS ORDINANCE NO. 97706, MAY 29, 2003.)

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

Mr. Chris Brady, Assistant City Manager, gave a presentation on the Texas Starbright Improvement Development Project Land Contracts Items #69, #70A & #70B, a copy of which presentation is on file with the papers of this meeting.

He discussed Item #69 initially to consider ratifying the contract for land acquisition of 1,726 acres not to exceed \$16,900,000 in conjunction with the Toyota Manufacturing Site. Assistant City Manager Brady described the process related to the land acquisition contract and the ultimate ratification of the contract. He further noted that the Economic Department engaged the University of Texas at San Antonio's (UTSA) Archeological Department to conduct surveys at the site in accordance with the Toyota agreement. He stated UTSA will provide their findings to the City and to Toyota in their consideration of the sight.

Assistant City Manager Brady then explained the next steps for the Toyota development as being to continue to conduct environment assessment and remediation efforts on the sight. He noted that conveyance from SAWS is expected for another 1800 acres of land for the project. Mr. Brady stated groundbreaking for the Toyota Manufacturing plant is scheduled for Fall, 2003.

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, Garza. **NAYS:** None. **ABSENT:** Perez, Castro, Haass.

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2003-27 **MEETING OF THE BOARD OF DIRECTORS OF THE CITY OF SAN ANTONIO, TEXAS STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION.**

Mayor Garza recessed the regular meeting at 9:23 P.M. in order to convene the meeting of the Board of Directors of the **STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION**. The following members were present: Flores, Williams, Segovia, Radle, Barrera, Castro, Hall, Schubert, Garza. **ABSENT:** Perez, Haass.

Acting City Clerk Ledesma read the following Resolution of the Board:

A RESOLUTION
SIDC 2003-09

APPROVING PAYMENT TO THE UNIVERSITY OF TEXAS AT SAN ANTONIO FOR CONDUCTING AN ARCHEOLOGICAL SURVEY OF THE PROPOSED STARBRIGHT SITE IN AN AMOUNT NOT TO EXCEED \$70,000 AND DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR TO APPROVE

CONTRACTS AND AUTHORIZE PAYMENTS INVOLVING EXPENDITURES OF \$25,000 OR LESS.

* * * *

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

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

* * * *

Acting Clerk Ledesma then read the following Resolution of the Board:

A RESOLUTION
SIDC 2003- 10

AUTHORIZING THE ACQUISITION OF APPROXIMATELY 1,726 ACRES OF LAND FOR A PURCHASE PRICE OF NOT MORE THAN \$16,090,000.00 AS PART OF THE PROJECT STARBRIGHT AGREEMENT, RATIFYING ACTIONS TAKEN TO COMPLETE THE TRANSACTION, AND AUTHORIZING PAYMENT OF NECESSARY AND REASONABLE EXPENSES AS MORE FULLY SET OUT IN THE FINAL CLOSING STATEMENTS FOR THE ACQUISITION AND IN ORDINANCE NO. 97706, ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, MAY 29, 2003.

* * * *

Councilman Segovia made a motion to approve the proposed Resolution. Councilman Williams seconded the motion.

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

There being no citizens signed to speak to this matter, Mayor Garza declared the Board of Directors meeting closed.

Mayor Garza adjourned the meeting of the Board Directors of the City of San Antonio, Texas Starbright Industrial Development Corporation, and reconvened the regular session of the City Council meeting at 9:25 P.M.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97963

AUTHORIZING THE EXECUTION OF A SECOND RENEWAL AND EXTENSION OF LEASE AGREEMENT (INCORPORATING AMENDMENT TO LEASE AGREEMENT) FOR THE CONTINUED RENTAL OF 1,310 SQUARE FEET OF OFFICE SPACE AT 1344 S. FLORES FOR USE AS A CONSTITUENT OFFICE FOR 2 YEARS FROM JULY 1, 2003 THROUGH JUNE 30, 2005, AT A RENTAL OF \$1,500.00 PER MONTH, WITH A RIGHT TO A THIRD RENEWAL FOR TWO ADDITIONAL YEARS, AT A RENTAL OF \$1,716.00, SUBJECT TO CITY COUNCIL APPROVAL AND CONTINGENT UPON ANNUAL APPROPRIATION OF FUNDS, AS REQUESTED BY MAYOR ED GARZA.

* * * *

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

— — —
2003-27 **TRAVEL AUTHORIZATION - Granted:**

Confirmation of Travel Authorizations for Councilmembers Roger O. Flores, District 1, Ron H. Segovia, District 3, Art A. Hall, District 8 and Christopher "Chip" Haass, District 10, who traveled to Houston, Texas on July 17, 2003 to tour Tax Increment Reinvestment Zones (TIRZ) and Traditional Neighborhood Development (TND) Zones in the City of Houston.

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

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

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97964

AUTHORIZING THE EXPENDITURE OF \$100.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE COLUMBIAN SQUIRES, TO BE USED TO HELP DEFRAID THE COSTS ASSOCIATED WITH THE PURCHASE SCHOOL SUPPLIES FOR THE CHILDREN OF SAN FERNANDO, AS REQUESTED BY COUNCILMAN ROGER O. FLORES.

* * * *

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

Councilman Schubert stated he would be voting no for Items #73 through #81 to be consistent with his decision regarding returning contingency fund money to the General Fund May, 2003.

Councilman Barrera stated he will abstain from voting on Item 73.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Perez, Radle, Castro, Hall, Garza. **ABSTAIN:** Barrera. **NAYS:** Schubert. **ABSENT:** Williams, Segovia, Haass.

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97965

AUTHORIZING THE EXPENDITURE OF \$350.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE S.A. LONGHORNS TO BE USED TO HELP OBTAIN FACILITIES FOR SAN ANTONIO LONGHORNS POP WARNER TEAM TO BE USED TO DEFRAY COSTS ASSOCIATED WITH THE RENTAL OF THEIR PRACTICE FACILITY; AS REQUESTED BY COUNCILMAN ROGER O. FLORES.

* * * *

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, Perez, Radle, Barrera, Castro, Hall, Garza. **NAYS:** Schubert. **ABSENT:** Williams, Segovia, Haass.

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97966

AUTHORIZING THE EXPENDITURE OF \$631.65 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, PAYABLE TO U.U. HOUSING ASSISTANCE CORPORATION TO BE USED TO DEFRAY COSTS ASSOCIATED WITH THE MAILING OF NOTICES TO THE RESIDENTS OF DISTRICT 1 ANNOUNCING A JOINT TOWN HALL MEETING BEING HELD ON AUGUST 9, 2003 BY U.U. HOUSING AND THE OFFICE OF COUNCILMAN ROGER O. FLORES, AS REQUESTED BY COUNCILMAN ROGER O. FLORES.

* * * *

Councilman Perez made a motion to approve the proposed Ordinance. Councilman Flores 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, Castro, Hall, Garza. **NAYS:** Schubert. **ABSENT:** Haass.

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97967

AUTHORIZING THE EXPENDITURE OF \$300.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE NATIONAL ALLIANCE FOR THE MENTALLY ILL (NAMI), TO BE USED TO PROVIDE EDUCATION AND TRAINING IN WORK SKILLS AND SOCIAL SKILLS FOR PERSONS SUFFERING FROM MENTAL ILLNESS; AS REQUESTED BY COUNCILMAN JOEL WILLIAMS.

* * * *

Councilman Perez 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, Perez, Radle, Barrera, Castro, Hall, Garza. **NAYS:** Schubert. **ABSENT:** Haass.

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97968

AUTHORIZING THE EXPENDITURE OF \$200.00 EACH FROM THE DISTRICT 2 AND THE DISTRICT 3 CONTINGENCY ACCOUNT FUNDS, PAYABLE TO SAN ANTONIO INDEPENDENT LIVING SERVICES (SAILS) TO BE USED TO HELP OFFSET THE COST ASSOCIATED WITH THE 13TH ANNUAL ADA WALK/STROLL THAT WAS HELD ON JULY 25, 2003; AS REQUESTED BY COUNCILMAN JOEL WILLIAMS AND COUNCILMAN RON H. SEGOVIA.

* * * *

Councilman Perez 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, Perez, Radle, Barrera, Castro, Hall, Garza. **NAYS:** Schubert. **ABSENT:** Haass.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97969

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE SOUTHEAST SIDE COMMUNITY ORGANIZATION, TO BE USED TO HELP DEFRAY THE COSTS ASSOCIATED WITH THE NATIONAL NIGHT OUT THAT WAS HELD ON AUGUST 5, 2003, AS REQUESTED BY COUNCILMAN JOEL WILLIAMS.

* * * *

Councilman Perez made a motion to approve the proposed Ordinance. Councilman Flores 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, Castro, Hall, Garza. **NAYS:** Schubert. **ABSENT:** Haass.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97970

AUTHORIZING THE EXPENDITURE OF \$200.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE JEFFERSON HEIGHTS NEIGHBORHOOD ASSOCIATION, TO BE USED TO HELP OFFSET THE COSTS ASSOCIATED WITH THE NATIONAL NIGHT OUT EVENT WHICH WILL BE HELD ON AUGUST 5, 2003, AS REQUESTED BY COUNCILMAN JOEL WILLIAMS.

* * * *

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

The following citizen(s) appeared to speak:

Mr. Charles English, President of Jefferson Neighborhood Association, spoke regarding his satisfaction over the overwhelming success of National Night Out in the Jefferson neighborhood. He presented the City Council a certificate in appreciation for their support of National Night Out.

* * * *

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:** Schubert. **ABSENT:** None.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97971

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE FREEDOM FOUNDATION, INC. TO BE USED TO HELP DEFRAY THE COST OF A FEASIBILITY STUDY OF MLK PARK TO HELP FIND WAYS TO PROMOTE GROWTH AND ECONOMIC DEVELOPMENT IN THIS AREA, AS REQUESTED BY COUNCILMAN JOEL WILLIAMS.

* * * *

Councilman Segovia 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, Castro, Hall, Haass, Garza. **NAYS:** Schubert. **ABSENT:** None.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97972

AUTHORIZING THE TRANSFER OF \$550.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE PARKS AND RECREATION DEPARTMENT TO BE USED TO OFFSET THE COST OF A STAGE WHICH WILL BE USED AT THE ST. PATRICK'S CHURCH FALL FESTIVAL SCHEDULED FOR SUNDAY, OCTOBER 5, 2003, AS REQUESTED BY COUNCILMAN JOEL WILLIAMS.

* * * *

Councilman Perez made a motion to approve the proposed Ordinance. Councilman Flores 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, Castro, Hall, Haass, Garza. **NAYS:** Schubert. **ABSENT:** None.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97973

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT AND TENANT ADDENDUM WITH WINDSOR PARK MALL, L.L.C. FOR THE USE OF 1,500 SQUARE FEET AT WINDSOR PARK MALL FOR THE DISTRICT 2 CONSTITUENT OFFICE, RENT-FREE, BUT WITH THE PAYMENT OF (1) A ONE-TIME INITIAL CHARGE OF \$1,350.00 FOR FACILITY UPGRADE IN LIEU OF THE PAYMENT OF RENT, AND (2) \$180.00 PER MONTH FOR ELECTRICITY USE FOR A TWO YEAR TERM FROM AUGUST 15, 2003 THROUGH AUGUST 14, 2005; AND PROVIDING FOR A RENEWAL OPTION, OF TWO YEARS, SUBJECT TO CITY COUNCIL APPROVAL AND CONTINGENT UPON ANNUAL APPROPRIATION OF FUNDS, AS REQUESTED BY COUNCILMAN JOEL WILLIAMS.

* * * *

Councilwoman Radle 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, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97974

AMENDING ORDINANCE NO. 97064, TO USE THE REMAINING UNEXPENDED CONTINGENCY ACCOUNT FUNDS IN THE AMOUNT OF \$2,800.00 TO PAY EXPENSES ASSOCIATED WITH THE DISTRICT 6 BACK TO SCHOOL FAIR, INCLUDING IMMUNIZATION AND OTHER RELATED COSTS, WHICH WILL BE HELD ON SATURDAY, AUGUST 9, 2003 AT THE EDGEWOOD FINE ARTS ACADEMY; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

* * * *

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

In response to Councilman Schubert's inquiry regarding the source of funding, Councilman Barrera explained the funds are a balance remaining from a Health Fair that District 6 sponsored in January, 2003. He stated the balance had been transferred to the Health Department's general fund. He noted this item is requesting those funds be used to provide free immunizations to needy families.

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.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97975

AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH 1200 NORTH MANSFIELD, LTD., A CALIFORNIA LIMITED PARTNERSHIP, AS LANDLORD, FOR USE OF APPROXIMATELY 807 SQUARE FEET AT 4204 GARDENDALE, SUITE 208, SAN ANTONIO, TEXAS IN THE FAIRWAY EXECUTIVE TOWER FOR THE DISTRICT 8 CONSTITUENT OFFICE, WITH NO RENT DUE UNDER THE AGREEMENT FOR THE FIRST 2 MONTHS, AND A RENT OF \$875.00 ESTABLISHED FOR THE 3RD THROUGH THE 24TH MONTH OF THE TWO YEAR PRIMARY TERM, WHICH BEGAN AUGUST 1, 2003 AND CONTINUES THROUGH JULY 31, 2005, WITH PROVISION FOR A TWO YEAR RENEWAL PERIOD, WITH NO RENT DUE FOR THE FIRST 2 MONTHS OF SUCH RENEWAL, AND THE SAME RENT OF \$875.00 ESTABLISHED FOR THE 3RD THROUGH THE 24TH MONTH OF SUCH RENEWAL TERM, SUBJECT TO CITY COUNCIL APPROVAL, AND CONTINGENT UPON APPROPRIATION OF FUNDS; AS REQUESTED BY COUNCILMAN ART A. HALL.

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Councilman Williams made a motion to approve the proposed Ordinance. Councilman Hall 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, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97976

AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH JAMES F. COTTER, ACTING BY AND THROUGH COTTER & SONS, INC., AS LANDLORD, FOR THE USE OF 860 SQUARE FEET AT 1802 N.E. LOOP 410, SUITE 102, SAN ANTONIO, TEXAS IN THE 1802 PLAZA BUILDING FOR THE DISTRICT 10 FIELD OFFICE AT A RENTAL RATE OF \$817 PER MONTH FOR THE PERIOD OF SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2005 AND PROVIDING FOR A TWO-YEAR RENEWAL OPTION, SUBJECT TO CITY COUNCIL APPROVAL,

AND CONTINGENT UPON ANNUAL APPROPRIATION OF FUNDS, AS REQUESTED BY COUNCILMAN CHRISTOPHER "CHIP" HAASS.

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Councilman Haass made a motion to approve the proposed Ordinance. Councilman Hall 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, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97977

AUTHORIZING THE EXPENDITURE OF \$1,920.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE FOSTER GRANDPARENT PROGRAM TO BE USED TO HELP DEFRAY COSTS ASSOCIATED WITH ADMINISTERING THE PROGRAM, AS REQUESTED BY COUNCILMAN ROGER O. FLORES.

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Councilman Flores made a motion to approve the proposed Ordinance. Councilwoman Radle 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, Castro, Hall, Haass, Garza. **NAYS:** Schubert. **ABSENT:** None.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97978

AUTHORIZING THE TRANSFER OF \$4,000.00 FROM THE DISTRICT 2 CONTINGENCY FUND TO THE DISTRICT 2 CONSTITUENT OFFICE ACCOUNT, TO BE USED TO HELP DEFRAID THE ANTICIPATED FINISH-OUT COSTS FOR THE DISTRICT CONSTITUENT OFFICES, AS REQUESTED BY COUNCILMAN JOEL WILLIAMS.

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

Councilman Schubert stated this issue needs attention during the budget process to avoid a future situation where no funds are available for an incoming Councilperson, thus effecting salaries for administrative assistants.

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.

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2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 97979

REALLOCATING THE BALANCES REMAINING IN THE VARIOUS CONTINGENCY FUND ACCOUNTS OF THE MAYOR AND CITY COUNCIL INTO CERTAIN COUNCIL DISTRICT ADMINISTRATIVE ASSISTANT BUDGETS AND THE GENERAL FUND, AS REQUESTED BY COUNCILMAN CARROLL W. SCHUBERT.

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

The following citizen(s) appeared to speak:

Mr. Mike Philips, First Unitarian Universalist Church, Co-Chair of Metro Alliance, and Mr. Andres Cortez, St. Patrick's COPS District 2, spoke in support of Councilman Schubert's proposal of eliminating contingency funds in the future. He stated that proposed projects should be funded from the general fund in the City budget.

Mr. Philips and Mr. Cortez pointed out that in 2002, a cutback of \$500,000 from the \$1.1 million budget of Project Quest, a long-term job training and education program took place. They stated the cut funds were directed to contingency funds for each council district. They suggested that if contingency monies are returned to the general fund, that money be earmarked to raise the next year's budget for Project Quest. They also requested the budget be raised to \$3 million in an effort to provide quality training and education programs for good jobs in the future.

In response to Councilman Hall's inquiry regarding clarification on standards for use of contingency funds, City Manager Brechtel stated that a total of \$20,00 per year to the council members have been used to supplement and support one-time activities that the City Council members support in their districts. She stated it provides flexibility in the Council members' districts to target those funds. She further stated that the other allocation of \$70,000 for the Human Development Fund has specific guidelines and categories, and that those dollars are upon request to the Community Initiatives Director's review and final consideration by the City Council. Ms. Brechtel noted that this ordinance does not deal with Human Development funds.

In response to Councilman Hall's inquiry regarding specific criteria for the contingency funds, City Manager Brechtel stated there is a public purpose that has to pass before any funds are approved, but there are no specific criteria. She explained that there is a public purpose, and that history for the funds has been one-time projects for a variety of uses.

Councilman Schubert stated he would bring this item forward during the upcoming budget process, and reiterated he is in opposition to contingency funds.

Councilman Hall stated he would look into more firm criteria if contingency funds are continued, and look forward to those discussions.

In response to Mayor Garza regarding contingency funds, Mr. Andrew Martin, City Attorney, stated the key test is the constitution prohibition against the giving of public funds for a gift. He also discussed the City Council's self-imposed discipline of no campaign purposes, as well as a timeline before an election cycle before any funds can be allocated.

Mayor Garza spoke regarding more specific criteria to monitor the contingency funds accounts that are at the discretion of each Councilmember. He noted there is a need for discussion on the future of contingency funds either in budget cuts or tighter language.

Councilman Castro spoke regarding savings of \$78,000 to the City with this item. He discussed considering putting back \$1.2 million to the general fund which would benefit elderly services and possibly expanding youth services. He further discussed the process of the Human Development Fund that does not require a City Council vote if the amount is less than \$25,000 and does not require City Council approval. He stated contingency funds, however, are subject to public scrutiny. He recommended reviewing the Human Development Fund issue, and encouraged his colleagues to sign the six-signature memo even if they cannot support putting the entire amount back into the general fund.

Councilman Schubert spoke regarding a lack of scrutiny to allocating contingency funds to various groups who have come to expect this funding on an annual basis. He noted he will be putting back \$30,000 back to the general funds as a first step to demonstrate his concern about the City budget. He requested support from his colleagues.

Councilman Perez spoke regarding his concern about eliminating contingency funds, and looks forward to flexibility to working with those funds on various projects.

In response to Councilman Perez' inquiry about City departments' spending, City Manager Brechtel stated local law allows expenditures up to \$25,000 without City Council approval. She also corrected the amount of the Human Development Fund in the amount of \$110,000. Ms. Brechtel reiterated the Human Development Fund approval process.

Councilman Perez expressed interest in obtaining information as to how many annual transactions are completed by departments below the \$25,000 limit.

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.

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Councilman Williams stated that Mr. English will get a response to his inquiries regarding City services in his neighborhood.

City Manager Brechtel requested staff to provide information and coordinate with Mr. English on the dates of the sweep. She noted that a number of services as listed on the flyer, will be available in the community.

* * * *

MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke on various issues including a successful neighborhood sweep in his neighborhood, the Human Development Fund and a letter he submitted to the Attorney General's Office regarding City employees' salaries.

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2003-27 ON A POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Mayor Garza welcomed Alcalde Mario Cantu who is visiting San Antonio to promote the Tri Lateral Summit from the City of Monterrey, Mexico.

Alcalde Cantu spoke in appreciation for the City Council's warm welcome to San Antonio, and spoke to strengthening the relationship as a Sister City.

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2003-27 EXECUTIVE SESSION

The City Council recessed its regular session at 10:15 P.M. in order to convene in Executive Session for the purpose of:

- A.) Discuss the lawsuit styled Matthew J. Jackson, et al, and other Similarly Situated Persons vs. City of San Antonio, Cause No. 2002-CI-18233, 408th Judicial District Court, Bexar County, Texas, and legal issues related to collective bargaining negotiations with the San Antonio Police Officers Association, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

B.) Discuss legal issues relating to the status of the Western Integrated Networks Bankruptcy suit and related settlement proposal, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 10:20 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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2003-27 There being no further business to come before the City Council, the meeting was adjourned at 10:21 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