

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, FEBRUARY 26, 2004

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2004-08 The City Council convened in an informal "B" Session at 9:00 A.M., City Council Chambers, Municipal Plaza Building, to consider the following items(s):

Discussion regarding proposed ballot language for special election to be called for Saturday, May 15, 2004, for the purpose of amending the Charter of the City of San Antonio. (Presented by Andrew Martin, City Attorney; Terry M. Brechtel, City Manager)

The Council members present were: Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass. ABSENT: Castro, Garza.

The "B" Session adjourned at 12:56 P.M.

2004-08 The regular meeting was called to order at 1:40 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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2004-08 Invocation by Father Phillip Henning, Divine Providence Catholic Church.

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2004-08 Pledge of Allegiance to the flag of the United States.

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2004-08 **SPECIAL RECOGNITION: CONVENTION FACILITIES**

Mayor Ed Garza read a special recognition of the Convention Facilities Department and the San Antonio's Henry B. Gonzalez Convention Center that was named "Best Convention Center" in the industry in a poll of Meetings South magazine readers. Mr. Michael Sawaya, Director of the Convention Facilities, and members of the Convention Facilities staff came forward to accept the plaque.

Ms. Terry M. Brechtel, City Manager, spoke in recognition of the City employees at the Convention Facilities that made the recognition possible through their work and dedication. She also congratulated Ms. Jelynn Burley, Assistant City Manager, who was in charge of the recent expansion project at the Convention Facilities.

2004-08 SPECIAL RECOGNITION: SAN ANTONIO INTERNATIONAL AIRPORT

Mayor Garza presented to Mr. Kevin Dolliole, Director of Aviation Department, a plaque in recognition of the San Antonio International Airport (SAIA) that has placed 1st in two separate categories of Airport Revenue News' 2004 Best Concessions Poll. SAIA was named Best Overall Concessions Program in the small airports category, and 1st for Terminal with the Most Unique Services.

Mr. Dolliole spoke to the successful teamwork by the SAT staff that resulted in the recognition.

Ms. Brechtel thanked Mr. Dolliole and his staff for the successful teamwork at the SAT.

2004-08 PROCLAMATION: SAN ANTONIO EMERGENCY MEDICAL SERVICES WEEK

Mayor Garza read a proclamation in recognition of the 30th anniversary of the Emergency Medical Service (EMS) by designating the week of March 1 – 7, 2004 as San Antonio Emergency Medical Services Week.

San Antonio Fire Department Chief Robert Ojeda and members of the Emergency Medical Service (EMS) staff stepped forward to accept the proclamation.

Dr. D. J. Gordon, EMS Medical Director, spoke regarding the inception of EMS and the excellent services provided by the EMS technicians and staff.

Chief Ojeda presented Certificates of Appreciation for Fire Apparatus Operators Frank Maspetto and Michael Stringfellow for their respective 30 years of service in the EMS.

Ms. Brechtel expressed her appreciation for the EMS staff and for their continued dedication to the citizenry.

2004-08 On a point of personal privilege, Councilwoman Radle spoke regarding the Women's History Month in March, and invited everyone to the Women's Day March on March 6, 2004, at Elmendorf Lake.

2004-08 CONSENT AGENDA

Councilman Williams made a motion to approve Agenda Items 7 through 14, constituting the Consent Agenda, except for Items 8, 10, 11 and 12 which were pulled for individual consideration. Councilman Perez seconded the motion.

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

AN ORDINANCE 98878

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY UTILITY TRAILER SALES SOUTHEAST TEXAS, INC. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT'S TRUCKING EFFICIENCY PROGRAM WITH HALF ROUND END DUMP TRAILERS FOR A TOTAL AMOUNT OF \$79,317.00.

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AN ORDINANCE 98879

SELECTING NORED ARCHITECTURE (WBE/SBE) TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE FRIEDRICH PARK IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 8; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$37,400.00; AUTHORIZING \$5,610.00 FOR MISCELLANEOUS ARCHITECT CONTINGENCY EXPENSES; AUTHORIZING \$1,500.00 FOR BID ADVERTISING/PRINTING EXPENSES, FOR A TOTAL AMOUNT OF \$44,510.00 FROM 1999-2004 PARK BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98880

CHANGING THE STREET NAME OF THE PORTION OF MALTSBERGER LANE BETWEEN COUNTRY PARKWAY AND HEIMER ROAD TO "COUNTRY PARKWAY".

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AN ORDINANCE 98881

APPOINTING JESSICA ALONSO (DISTRICT 5) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2005.

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2004-08 The Clerk read the following ordinance:

AN ORDINANCE 98882

ACCEPTING THE PROPOSAL SUBMITTED BY WHEELED COACH INDUSTRIES, INC., UTILIZING THE TEXAS BUYBOARD, TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH FIFTEEN (15) AMBULANCES FOR A TOTAL AMOUNT OF \$1,148,900.00.

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

In response to Councilman Perez, Fire Chief Ojeda explained the average maintenance costs by the San Antonio Fire Department for the existing fifty-two (52) emergency vehicles. He stated that \$8,500.00 is the annual maintenance cost per year per vehicle over the life of the vehicle.

Chief Ojeda also stated that the Fire Department purchases the standard Class A, Type I vehicle that meets the required specifications. He added that all vehicle models have been used, and it was found that Ford models provide the best service.

In response to Councilman Perez, Ms. Janie Cantu, Purchasing Department Director, stated that the City utilizes a cooperative contract through the Texas Municipal League for a bid process in acquiring emergency vehicles.

In response to Councilman Segovia, Chief Ojeda confirmed that after four years, an emergency vehicle may run up to 140,000 miles. He stated a key to keeping the vehicles for that period is a result of the continued preventative maintenance. He also stated if the equipment inside older models is still operable, it is transferred to new vehicles or become spares.

After consideration, the motion, carrying with it the passage of the following 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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2004-08 The Clerk read the following ordinance:

AN ORDINANCE 98883

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN AN AMOUNT NOT TO EXCEED \$7,500.00 PAYABLE TO GOULD EVANS ASSOCIATES, P.L.L.C., FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE CROCKETT PARK IMPROVEMENTS CDBG PROJECT, LOCATED IN CITY COUNCIL DISTRICT 1; AUTHORIZING \$1,130.00 FOR ARCHITECTURAL CONTINGENCY EXPENSES; AUTHORIZING \$2,500.00 FOR MANDATORY PROJECT FEES; AUTHORIZING \$1,500.00 FOR BID ADVERTISING/PRINTING EXPENSES, FOR A TOTAL AMOUNT OF \$12,630.00; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to Councilman Perez, Mr. Malcolm Matthews, Director of Parks and Recreation Department, stated each contract is unique, and explained the process with regards to Crockett Park.

Councilman Perez reiterated his concerns over the length and duration of the contract.

Mr. Matthews stated that after the public hearings, and returning to the neighborhood process, the Parks and Recreation Department will meet to finalize the project. He noted the art component of the project will be reviewed as quickly as possible by the Historic and Design Review Commission.

After consideration, the motion, carrying with it the passage of the following 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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2004-08 The Clerk read the following ordinance:

AN ORDINANCE 98884

AUTHORIZING \$15,650.00 TO C.F. ZAVALA GROUP, INC. (SBE/MBE/WBE) TO PROVIDE LANDSCAPE ARCHITECTURE SERVICES UNDER AN EXISTING PROFESSIONAL SERVICES CONTRACT IN CONNECTION WITH THE SPICEWOOD PARK IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING \$2,350.00 FOR MISCELLANEOUS LANDSCAPE ARCHITECT CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$18,000.00 FROM 1999-2004 PARK BOND FUNDS; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to Councilman Perez, Mr. Malcolm Matthews stated that the \$7,000.00 that was originally budgeted, is designed to cover any unexpected start-up costs. He further stated the funds may cover costs to bid, or advertise for professional services, or for particular costs before a major contract. He added

that any funds remaining, will be carried forward to a parent contract and eventually into the construction project.

In response to Councilman Perez, Mr. Matthews will provide information on the balance of the \$7,000.00.

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

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2004-08 The Clerk read the following ordinance:

AN ORDINANCE 98885

AUTHORIZING THE EXECUTION OF A TAKE-OVER AGREEMENT WITH GULF INSURANCE CORPORATION AS SURETY FOR THE DEFAULTING CONTRACTOR BIG-TEX CONTRACTORS, INC., TO COMPLETE THE PEARSALL PARK RENOVATION PROJECT, LOCATED AT 5150 PEARSALL ROAD IN COUNCIL DISTRICT 4; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

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

In response to Councilman Perez, Mr. Rodney Duke, Project Coordinator, explained the default process for a contractor to discontinue a project. He stated that since that time, an agreement has been approved and that on February 17, a new contractor was awarded the contract to complete the project.

In response to Councilman Perez, Mr. Doug Yerkes, City Engineer, explained the process of an administrative hearing for any contractor with a history of poor performance if they should submit a low bid. Mr. Yerkes further explained that upon reviewing their records, and if the contractor does not respond to the City's satisfaction, the second lowest bidder would be awarded the contract.

In response to Councilman Perez regarding a list of barred contractors, Mr. Yerkes stated that the City does not have such a list.

Ms. Brechtel spoke regarding a plan by the City Attorney's Office for such a list that will be soon presented to the Governance Committee.

In response to Councilman Perez, Mr. Malcolm Matthews, Director of Parks and Recreation, stated the project will be completed within sixty (60) days with the amount of money remaining in the project fund.

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

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2004-08 **ZONING CASES**

3A.) CASE NO. #Z2004004: The request of City of San Antonio, Historic Preservation Office, Applicant, for Ms. Helen Sanchez, Owner(s), for a change in zoning to designate Historic Significance on Lot 17, Block 4, NCB 6203, 717 East Woodlawn Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Land Development Services, explained the rezoning request.

Councilman Flores expressed his concerns that the property owners and neighboring residents were not aware of the rezoning process.

In response to Councilman Flores, Ms. Ann McGlone, Historic Preservation Officer, explained two available options that would keep the structure from further deterioration.

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

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

AN ORDINANCE 98886

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 17, BLOCK 4, NCB 6203, TO DESIGNATE HISTORIC SIGNIFICANCE.

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3B.) CASE NO. #Z2004025: The request of Shiloh Baptist Church, Applicant, for Shiloh Baptist Church, owner(s), for a change in zoning from "RM-4 EP-1" Residential Mixed Facility Parking/Traffic Control District to "RM-4 EP-1 C " Residential Mixed Facility Parking/Traffic Control District with a conditional use for a noncommercial parking lot on the east 47.65 feet of Lot 5, Block 3, NCB 1519; and Lot 17, Block 6, NCB 1522, 918 and 924 Hedges. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

Mr. John Jacks, Land Development Services, explained the rezoning request.

Councilman Williams made a motion to approve the proposed rezoning. Councilman Perez seconded the motion.

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

AN ORDINANCE 98887

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 5, BLOCK 3, NCB 1519; AND LOT 17, BLOCK 6, NCB 1522 FROM "RM-4 EP-1 C" RESIDENTIAL MIXED

FACILITY PARKING/TRAFFIC CONTROL DISTRICT WITH A
CONDITIONAL USE FOR A NONCOMMERCIAL PARKING LOT.

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3C.) CASE NO. #Z2003173-17: The request of City of San Antonio, Applicant, for Multiple Property Owners, Owner(s), for a change in zoning from "DR" Development Reserve to "FR" Farm and Ranch on NCB 11166, P-30A, P-30B, P-31B and P-31C; and CB 4005, P-31, P-31B, P-32D, P-32E, and P-32F, P-33A, P-45, P-52, P-52A, P-53, P-54, P-55, ABS 15; and CB 4006, P-5, P-5A, and P-6, ABS 3, property generally bound by Pleasanton Road to the west and Mitchell Lake to the east. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

Mr. John Jacks, Land Development Services, explained the rezoning request.

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

The following citizens appeared to speak:

Ms. Ruth Lofgren, 434 Hermine Boulevard, spoke regarding the favorable Farm and Ranch designation.

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

AN ORDINANCE 98888

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS: NCB 11166 P-30A (.714 ACRES) & P-31C (10.95 ACRES); NCB 11166 P-30B & 31B (.819 ACRES); AND CB 4005 P-31B ABS 15 (26.810 ACRES); AND CB 4006 P-5A ABS 3

(9.0 ACRES); CB 4005 P-31 ABS 15 (55.607 ACRES); AND CB 4006 P-5 ABS 3 (4.501 ACRES); CB 4005 P-52A, 52, 53, 54, 55, 32F, 32D, 32E, 33A, 45 ABS 15 ; AND CB 4006 P-6 ABS 3 FROM "DR" DEVELOPMENT RESERVE AND "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT TO "FR" FARM AND RANCH.

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3D.) CASE NO. #Z2004026: The request of Fieldstone Communities, Applicant, for Lakeside Properties, Ltd., Owner(s), for a change in zoning from "I-1" General Industrial District and "C-3 R" General Commercial Restrictive Alcoholic Sales District to "R-5" Residential Single-Family District on 53.482 acres out of NCB 15329 and 43.908 acres out of NCB 15849, south of Vista West Drive between Hunt Lane and Ingram Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

Mr. John Jacks, Land Development Services, explained the rezoning request.

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

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

AN ORDINANCE 98889

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 53.482 ACRES OUT OF NCB 15329 AND 43.908 ACRES OUT OF NCB 15849 FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "C-3 R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOLIC SALES DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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3E.) CASE NO. #Z2003089: The request of Earl & Brown, P.C., Applicant, for Ms. Judith N. Morton; Contact: Mr. Sam Parnes, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on a portion of the Oakland Estates Subdivision being Lot 15, Block 5, NCB 14705 and a portion of the Gustav Eckhert Estates Subdivision being part of P-37K and P-64 and all of P-65, Block 2, NCB 14864, approximately 5.4 acres, northwest side of Huebner Road at its intersection with U.S.A.A Boulevard. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Land Development Services, explained the rezoning request.

The following citizens appeared to speak:

Ms. Sue Snyder, President, Oakland Estates Neighborhood Association, spoke regarding the neighborhood concerns on Case 3E and Case 3F, and stated she looks forward to finalizing the project.

Councilman Hall made a motion to continue until March 25, 2004. Councilman Perez seconded the motion.

After consideration, the motion, to continue the zoning case prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert and Garza. **NAYS:** None. **ABSENT:** Flores and Haass.

Zoning Case #Z2003089 was continued to the Council Meeting of March 25, 2004.

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3F.) CASE NO. #Z2003090: The request of Earl & Brown, P.C., Applicant, for Ms. Judith N. Morton; Contact: Mr. Sam Parnes, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District (22.44 acres) and "C-3R" General Commercial District, Restrictive Alcoholic Sales (3.47 acres) on 25.91 acres of land out of Block 2, NCB 14864, North of Huebner Road, south of Prue Road and west of the proposed New Prue Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Land Development Services, explained the rezoning request.

Councilman Hall made a motion to continue until March 25, 2004. Councilman Perez seconded the motion.

After consideration, the motion, to continue the zoning case to the Council meeting of March 25, 2004, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert and Garza. **NAYS:** None. **ABSENT:** Flores and Haass.

Zoning Case #Z2003090 was continued to the Council meeting of March 25, 2004.

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3G.) CASE NO. #Z2003101C S: The request of J. Allen Family Partner, Ltd., Applicant, for Rogers Shavano Ranch, Ltd., Owner(s), for a change in zoning from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 NA ERZD C S" Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a conditional use for a mini-storage facility and specific use authorization for a mini-storage facility exceeding 2.5 acres on a 5.6-acre tract of land out of NCB 17627, southwest of De Zavala and Old Lockhill-Selma Road (not open for public access). Staff's recommendation was for approval.

Zoning Commission has recommended approval with staff's conditions. (Council District 8)

Mr. John Jacks, Land Development Services, explained the rezoning request.

Councilman Hall made a motion to continue until March 25, 2004. Councilman Perez seconded the motion.

After consideration, the motion, to continue the zoning case to the Council meeting of March 25, 2004, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert and Garza. **NAYS:** None. **ABSENT:** Flores and Haass.

Zoning Case #Z2003101C S was continued to the Council meeting of March 25, 2004.

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2004-08 **STAFF BRIEFING OF THE MEDICAL CENTER AREA
PARKING DEMAND AND TRAFFIC MODELING STUDY.**

Mr. Tom Wendorf, Director of Public Works Department, introduced a staff briefing on the Medical Center Area Parking Demand and Traffic Modeling Study. A copy of the presentation is on file with these papers. He stated the study's purpose was to provide the City Council with an overview of the findings and recommendations of the Parking Demand and Traffic Modeling Study conducted for the South Texas Medical Center Area. He further stated the study is a chief component of the City of San Antonio transportation system strategies that staff will bring to the City Council for implementation of a Transportation Initiative Policy.

Mr. Wendorf introduced Mr. Mike McAnelly, Project Manager, Carter and Burgess Consultants, who spoke regarding the history of the Medical Center Park Demand Study that began in March, 2002. He stated that another component of the study includes downtown parking that will be discussed at a later date, and noted that the focus of the study is on the Medical Center Parking Study. He named the consultant team members that participated in the development of the parking study plans. He also outlined the goals of the project that were a result of numerous meetings with the stakeholders, the Medical Center Alliance and the Medical Foundation. He spoke to the traffic modeling portion of the study that will be an important impact for the future needs of the medical center area. He also defined the boundaries of the study area.

Ms. Heidi Ross, President of WHM Transportation Engineering Consultants, presented the results of the traffic modeling portion of the study. She described the software utilized, Traffic Simulation Model "VISSIM" operation that generates computer animation to allow a visual for current and future traffic volumes at the study area. She stated that for the study, WHM modeled 2003 existing conditions and 2010 projected traffic conditions both in the A.M. and P.M. peak times. She narrated the model output depicting various traffic intersections and configurations involved in the study.

(Mayor Garza was obliged to leave the meeting at 2:50 p.m. Mayor Pro Tem Radle presided.)

Ms. Ross provided a summary of 2010 traffic performance data. She discussed recommendations as a result of the Medical Center Traffic Study.

Mr. McAnelly reviewed terminology to describe future and existing conditions in the area. He also highlighted parking study findings and the recommendations as presented by the team consultants.

Mr. Wendorf spoke to the involvement of stakeholders in the project, as well as by City Staff led by Mr. Jason Cosby, Assistant Director of the Public Works Department. He stated the City now has a sense of how traffic moves in the medical center and a model that may be updated and used for analysis, as well as the ability to determine parking supply and demand. He also stated that the City will be asking the Metropolitan Planning Organization (MPO) to provide funding to expand the model in the future. He applauded the study as an effective tool to plan for future infrastructure in the area.

Councilman Hall spoke on the benefits of acquiring a model for traffic flow issues, and emphasized the Council's continued attention to the South Texas Medical Center, in addition to future initiatives involving transportation. He thanked the consultant team and City staff for their efforts on the project. He called forward Mr. Jim Reed, Medical Center Foundation, to comment on the study.

Mr. Reed thanked the City Council for embracing the medical center study and for the traffic model that will be used to reduce traffic congestion in the area. He noted that as a result of a partnership between the Medical Center Alliance and the City, and private funds, twenty (20) intersections will be prioritized and studied over the next several years.

Councilman Castro concurred with Councilman Hall that the issue of growth, traffic and the quality of life in the vicinity of the South Texas Medical Center affects all of San Antonio. He stated that the area is a terrific economic generator and continues to diversify San Antonio's economy. He looks forward to keeping this area as a priority in the City's budget process each year, and to keep a constant vigil to put the theory with the practice to accomplish these results.

In response to Councilman Perez, Ms. Heidi Ross explained the 2010 condition results of the network traffic operations and the related percentage increases between the 2003 and 2010 figures as depicted on slide 9 of the presentation. Ms. Ross noted improvements in the study include double level streets, grade

separation, intersection improvements, reversible lanes, and traffic signals. She noted that City staff prepared an estimated \$26.5 million for all the improvements of which \$17 million is for grade separation.

Mr. Wendorf stated a list of those improvements would be made available to Councilman Perez. He also noted that the Fredericksburg Medical Center grade separation is included in the legislative packet for federal funding. He also described specifics with regard to the network vehicles and traffic delay, and the associated assigned dollar values to peak hours as an economic incentive.

In response to Councilman Perez, Mr. Jason Cosby, Assistant Director of the Public Works Department stated that the City is considering expanding the study using MPO funding, through the Unified Work Program, to determine the consequences if no changes or upgrades to the system area made. He added that once that study is completed, staff will report back to the City Council.

Discussion ensued between Councilman Perez, Mr. Wendorf and Mr. Cosby regarding assurance of MPO funding. Mr. Cosby stated that while the MPO does not yet have their funding, the City is planning a scope of work in March of this year with \$250,000 for the study.

In response to Councilman Perez, Ms. Ross explained the peak hours comparison of 2003 and 2010 operating levels and levels of service as depicted on Slide 10.

(Mayor Garza returned to the meeting to preside)

Councilman Perez reiterated his request for a listing of planned improvements.

In response to Councilman Perez regarding the Transportation Management Association (TMA), Mr. McAnelly described the TMA as a public/private, non-profit cooperative organization widely used in other states, with a few existing in Texas. He stated it is a membership organization where major employers would represent potential members who would contribute financially to the TMA, and in return receive benefits from improvements that the TMA is able to effect. He stated, TMAs have standing on their federal law and regulation to qualify as an entity for financial assistance. He noted that the TMA could enter into a cooperative agreement with VIA Metropolitan Transit Authority to provide additional transit service to the medical center area connecting hospital and parking areas. He further noted that the consultants are recommending that a transit agreement is a necessary step to solve collective transportation needs.

Discussion ensued between Councilman Perez and Mr. Wendorf regarding the Rapid Mobility Authority (RMA) as it compares to the TMA. Mr. Wendorf explained the RMA is an entity established by the State of Texas as a vehicle focused on highways. He stated the RMA will evolve in the future to other transportation issues.

In response to Councilman Perez regarding the \$1.6 million that addresses this area specifically, with an equal amount from the Medical Center Alliance, Mr. Wendorf stated the process of signalization improvements is near completion.

In response to Councilman Perez, Mr. Cosby stated the total amount of the study was \$410,000.00 to include the medical center and the downtown model.

Mr. Wendorf stated the downtown model will soon be presented to the City Council. He added that the City of San Antonio bore the entire cost of the study.

Mr. Wendorf clarified information pertaining to slide 9 of the presentation, and added that a scenario will be developed to show improvements that will have a significant effect on the system as a whole. He also noted that the parking study was another component of what can be realistically accomplished by 2010. Mr. Wendorf confirmed that the simulation model is now the property of the City of San Antonio, along with the baseline data and the available graphics. He added that the City has trained staff and the capability to model in-house.

Councilman Perez stated he looked forward to meeting with Mr. Wendorf to discuss other traffic congested areas with similar problems and to plan for long-term solutions.

In response to Councilman Hall, Mr. Wendorf clarified the shared costs, and added that the Fredericksburg Medical Center cost totaled \$17 million. He added that modeling allows for a model approach of an intersection, as well as the ability to project resources for the best results

Discussion ensued between Councilman Hall and Mr. Wendorf regarding delays in state and federal funds.

Councilman Hall anticipates meeting with legislators on transportation issues during a future trip to Washington, D.C.

2004-08 Item 4 being a Public Hearing on the voluntary annexation of Fossil Creek Commercial Tract was pulled from the agenda.

2004-08 The Clerk read the following ordinance:

AN ORDINANCE 98890

ADOPTING THE "2000 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS," AND LOCAL AMENDMENTS; PROVIDING FOR A FINE NOT TO EXCEED \$500.00 AND PROVIDING FOR PUBLICATION.

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

Mr. Florencio Pena, Director of Development Services Department, gave a presentation on the 2000 International Residential Code (IRC), adoption and consideration of local amendments. A copy of the presentation is on file with these papers. He discussed the background to include information regarding a state mandate that Texas cities use the 2000 International Residential Code, and that cities may amend the 2002 IRC. He highlighted major changes that have occurred between 2000 IRC and the 1997 Uniform Development Code (UDC).

The following citizens appeared to speak:

Mr. Ken Brown, spoke regarding his opposition to the amendment. He cited four provisions within the statewide code to provide barriers against termites. He stated that the proposed amendment does not provide a barrier and does not provide any protection against termites. He noted that the IRC provides three affordable alternatives to the amendment. He also stated that he does not believe the amendment is legal under the Texas Structural Pest Control rules for approving termite barriers. He provided a copy of said rules for the record.

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Councilman Perez spoke regarding the width of parking spaces for the handicapped is less than the regular space.

Mr. Pena stated that parking lot requirements are under the UDC, and not of the IRC. Mr. Pena stated he will provide the dimensions of both types of parking spaces to Councilman Perez.

In response to Councilman Hall regarding the membership of the Urban Affairs Committee, Mr. Pena stated that Council members Flores, Haass, Segovia and Radle held three separate meetings related to the issue. He also stated that expert testimony on both sides of the issue was provided. He summarized the Committee's recommendations, and stated that at present, there is no indication that a termite problem exists in San Antonio to the point of requiring building materials to be treated against termites. Mr. Pena stated that building permit applications will be monitored over the next year to determine the extent of termite infestation. He further stated that a report of that data will be presented to the Committee within twelve months.

Councilman Hall clarified the plan to lessening the standard in the amendment, with a review after one year to determine if more stringent standards are required.

Councilman Castro spoke to the difficult policy issue in determining whether the regulatory burden is worth the net benefit. He suggested further investigation and a progress update in the next six months for the possibility of determining if the regulation is warranted in the City of San Antonio.

Discussion ensued between Councilman Williams and Councilman Castro regarding the intent of the amendment.

In response to Councilman Castro's request to explain the standard code, Mr. Pena stated that the City Attorney's Office had determined that the IRC could be amended to provide less than, or equal to, the standard. He added the amendment is an improvement over the 1997 IRC, but not to the standard that the IRC or the state had adopted for termite treatment.

In response to Councilman Williams, Mr. Ken Brown restated his remarks that the amendment is less protection than the existing IRC standard. He added that the Texas Structural Pest Control is the State board that licenses pest control methods, of which the proposed method has not been approved.

Mr. Pena provided results of a survey that was conducted of several Texas Cities with regards to the provision. He stated that in San Antonio, an effort had to be made to indicate to the public of the City's plan against termites, and that this amendment is an improvement over the 1997 provision. He reiterated the City

Attorney's Office position that it was possible for the City to lessen the requirements currently provided by the IRC.

Mr. William Wood, City Attorney's Office, described the general rule of the state statute and explained that the City Attorney's Office could defend the decision if approved by the City Council.

Councilman Williams made a motion to the amendment that would accept the major changes list with the deletion of the protection against termite requirement as it relates to the 2000 IRC.

In response to Councilman Haass' request for clarification, Councilman Williams restated his motion.

No second was given to Councilman Williams' motion.

Councilman Haass spoke regarding his level of comfort with staff's recommendations. He added he will support staff's recommendation with the understanding that a progress report will be conducted in the next six months, and that in a year, the Council consider amending the action taken on the amendment.

In response to Councilman Barrera regarding the cost of termite protection in affordable housing, Mr. Pena stated that the Urban Affairs Committee discussed the cost for a termite protection treatment on a 1,500 square foot home would be \$200.00 with the highest range at \$600.00 for a larger home.

In response to Councilman Barrera, Councilman Segovia, as a member of the Urban Affairs Committee, stated that the Committee found no evidence of a cost impact, and stated that the matter will be reviewed in a year to determine a cost difference

Mr. Pena discussed adding two specific questions to the permit application for home remodeling, and stated that from that data, evidence will be gathered to determine the extent of termite repairs in the community.

In response to Councilman Schubert, Mr. Pena discussed the intent of the revised permit application, and stated that the burden of determining whether remodeling work on a home has a problem with termites will be on the applicant to properly disclose the type of work that is being conducted. He restated the cost for initial termite treatment for a construction of a new single-family home.

Discussion ensued between Councilman Schubert and Mr. Pena regarding the one-year warranty and the initial treatment for termite protection.

Mr. Chris Brady, Assistant City Manager, stated that the broader issue is to determine termite infestation in San Antonio.

In response to Councilman Williams, Mr. Pena stated that the effort is to determine if there is a termite infestation problem in San Antonio, and whether the five steps that the IRC proposed should be implemented. He further responded that if a termite problem is confirmed, the option is still available to adopt the IRC provision.

In response to Councilman Williams, Mr. Ken Brown provided information on a scientific study that reported San Antonio has a medium to moderate problem with termites, and said the chance of termite infestation in a new home is less than 2%. He added that the provision is not offering any protection since infestation would not occur within one year.

Councilman Williams stated that if the City Council plans on continuing with staff recommendation, he recommended the Urban Affairs Committee give staff more guidance as to the study parameters. He expounded on his concerns regarding the cost of the treatment, and expectation of acquiring information on termites in the future. He added he looked forward to a report from the Urban Affairs Committee in the next twelve months.

In response to City Manager, Terry Brechtel, Mr. Brady clarified the cost and recommendation from staff and stated that the amendment is only one of five methodologies adopted by the IRC.

Councilman Williams reiterated his concerns that staff may be moving forward without guidance from the Urban Affairs Committee.

Councilman Castro spoke regarding the intention of the Urban Affairs Committee and stated that the staff will be monitored and given direction on the analysis, to ensure that all factors are encompassed to determine if termites present a significant problems to homeowners, and to offer sound protection. He assured Councilman Williams that the Committee will keep the Council informed and updated on the results of the study.

Councilman Perez called forward Ms. Becky Oliver, Executive Officer, for the Greater San Antonio Builders Association (GSABA).

Ms. Oliver spoke regarding two surveys conducted by the GSABA in an effort to determine the extent of home remodeling and repairs due to termite infestation. She noted a scientific study that reported that termite infestation does not occur until between the third to fifth year of a new home construction. She also noted that the GSABA takes steps to treat the base plates and lumber, but added that unless the homeowner continues to spray, there is no guarantee that termites will not infest a home. She stated the GSABA would honor a one year guarantee for treatment, and expounded that the GSABA had provided a fair and equitable job for the homeowners and for affordable housing.

Councilman Perez called for the question.

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

2004-08 The Clerk read the following Ordinance:

ORDINANCE 98891

AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTHSIDE INITIATIVE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 117 ACRES BOUND BY UNION PACIFIC RAILROAD TO THE NORTH, SOUTHTON ROAD TO THE SOUTH, AND A LINE APPROXIMATELY 1150 FEET TO THE WEST OF I.H. 37 LOCATED DIRECTLY NORTH OF THE INTERSECTION OF HENZE ROAD AND SOUTHTON ROAD FROM RURAL LIVING LAND USE TO URBAN LIVING LAND USE.

* * *

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

Mr. Emil Moncivais, Director of Planning Department, narrated a presentation on the Master Plan Amendment 03016 Southside Initiative Community Plan, a copy of which is on file with these papers. He interpreted the slides depicting the area to be included in the Master Plan amendment. He described terminology related to the amendment, and noted the description of the subject property. He stated that

the area was evaluated utilizing criteria on land use, transportation and community facilities. Mr. Moncivais stated the proposed site plan support the preservation of open space, and that a local park is also being created through the proposed development to establish recreation for the surrounding residents.

The following citizens appeared to speak:

Ms. Martha Tieken, 9900 S. Foster, spoke regarding her opposition of the proposed development, and of her interest in making sure that the developer follows through with the intended design.

Mr. Jack M. Finger, P. O. Box 12048, spoke in opposition of the amendment, and suggested a final decision be postponed until final documentation is presented.

Ms. Jean Pool, spoke regarding neighborhood meetings where the majority vote was in opposition to the proposed rezoning. She stated it was her understanding through Mr. Harold Hensley, neighborhood representative, that Councilman Segovia had other plans regarding construction.

Councilman Segovia clarified the latest developments on the compromise as agreed to by all interested parties, as well as his full support for the neighborhood.

Discussion ensued between Councilman Segovia and Ms. Pool regarding the sequence of events and issues discussed at neighborhood meetings on this matter.

Ms. Pool contended the proposed agreement is not the same document as discussed at the neighborhood meetings, and that their neighborhood representative is not relaying exact information as approved by the neighborhood association.

Ms. Reba Malone, presented an illegible document shown on the video screen as documentation made available regarding the proposed amendment. Ms. Malone stated she has sought legal counsel for a determination as to its authenticity.

In response to Councilman Segovia, Mr. Emil Moncivais stated it is the responsibility of the developer and the neighborhood association to finalize the matter through deed restrictions on the property to meet the conditions.

Discussion ensued between Councilman Segovia and Ms. Malone regarding his signature of approval on the document. Councilman Segovia recommended that Ms. Malone obtain a copy of the minutes where the items were approved at a neighborhood meeting.

Mr. David Earle, attorney for the developer, stated that this type of last minute dissention after a consensus and agreement is what erodes neighborhood confidence with land owners and developers. He added that his client will honor every condition, and that deed recordation will occur once the item is approved. He further added his client intends to fully honor the compromise as recorded in the City Clerk's Office.

Councilman Segovia clarified that the restrictions noted on the document presented to the City Clerk were those approved by the stakeholders, and were being submitted to the City Clerk as an amendment to the plan. Councilman Hall seconded the motion.

In response to Councilman Hall, Mr. Moncivais explained that the Planning Commission unanimously denied the rezoning based on the fact that the proposed rezoning was not pedestrian oriented and that the density was too high. He stated that there are three similar cases to be brought forward in reference to the Southside Initiative.

After consideration, the motion on the amendment prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

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

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2004-08 The Clerk read the following Resolution:

A RESOLUTION
NO. 2004-08-07

ALLOWING THE DEVELOPMENT AND CONSTRUCTION OF THE VILLAS OF COSTA BISCAYA PROJECT, LOCATED IN THE 5400 BLOCK OF EISENHauer ROAD IN COUNCIL DISTRICT 2, IN COMPLIANCE WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS REQUIREMENT FOR A DEVELOPMENT WHICH IS LOCATED

WITHIN ONE (1) LINEAR MILE OF AN EXISTING DEVELOPMENT THAT SERVES THE SAME TYPE OF HOUSEHOLD.

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

Mr. Andrew Cameron, Director of Housing & Community Development, narrated a presentation for a resolution supporting the construction of the Villas at Costa Biscaya multi-family development at the request of City Council District 2. A copy of the presentation is on file with these papers. Mr. Cameron stated the developer of Costa Biscaya is applying to the state for low-income housing tax credits to assist with the finance construction. He described the project profile that includes the Park Village and East Village Neighborhood Associations. He noted that in order to safeguard against overbuilding low-income housing in communities, the state has a policy against funding low-income developments that are within one mile of an existing similar development unless authorized by the municipality. He stated the proposed resolution serves as authorization to the state to proceed with funding consideration for the project. Mr. Cameron further itemized those issues that staff reviews as a matter of practice when reviewing tax credit or bond projects. He noted that staff's review included that the project is consistent with Section VI of the Housing Master Plan that encourages mixed-income housing development. He noted that staff will bring the review process to the Urban Affairs Council Committee in April, 2004.

(Mayor Garza was obliged to leave the meeting at 4:53 P.M. Mayor Pro Tem Radle presided.)

In response to Councilwoman Radle regarding the affordability for family units as opposed to single units, Mr. Rob Killen, Attorney with Kaufman & Associates, gave information on the project units. He also provided a visual breakdown by percentages of the types of different bedroom units available.

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

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2004-08 The Clerk read the following Resolution:

A RESOLUTION
NO. 2004-08-08

ALLOWING THE DEVELOPMENT AND CONSTRUCTION OF THE VILLAS OF COSTA CADIZ PROJECT, LOCATED IN THE 2800 BLOCK OF W.W. WHITE ROAD IN COUNCIL DISTRICT 2, IN COMPLIANCE WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS REQUIREMENT FOR A DEVELOPMENT WHICH IS LOCATED WITHIN ONE (1) LINEAR MILE OR LESS OF AN EXISTING DEVELOPMENT THAT SERVES THE SAME TYPE OF HOUSEHOLD.

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

Mr. Andrew Cameron, Director of Housing & Community Development discussed a presentation, a copy of which is part of these papers, for a resolution supporting the construction of the Villas at Costa Cadiz multi-family development as requested by City Council District 2. He explained the developer was applying to the state for low-income housing tax credit to assist with finance construction. He described the project profile that includes support by the Pecan Valley Neighborhood Association located in nearby District 3. He noted that in order to safeguard against overbuilding low-income housing in communities, the state has a policy against funding low-income developments that are within one mile of an existing similar development unless authorized by the municipality. He added the proposed resolution serves as authorization to the state to proceed with funding consideration for the project. Mr. Cameron itemized those issues that staff reviews as a matter of practice when reviewing tax credit or bond projects. He noted that staff's review included that the project is consistent with the Housing Master Plan, and support services to the area by the San Antonio Housing Authority. He noted that staff will bring the review process to the Urban Affairs Council Committee in April, 2004. Mr. Cameron further noted that the project is located near District 3, and that the District 3 Council representative has responded favorably.

Councilman Perez spoke regarding an invitation to anyone interested in attending a presentation on March 5 by the Texas Department of Housing and Community Affairs on the low income housing tax credit program and the multi-family bond program. He requested the Office of the City Attorney assist in posting the meeting.

(Mayor Garza returned to the meeting to preside)

Councilman Williams stated that he and Councilman Segovia have studied housing tax credits as well as the developer involved in the projects. He assured his colleagues that the developers have contacted the neighborhood representatives and have their full support. He stated the project is a true multi-family component that will create a positive housing development in the neighborhood.

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

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2004-08 TRAVEL AUTHORIZATION – Granted:

Ratification of Travel Authorization for Councilman Art A. Hall, District 8, who traveled to Washington, D.C., from March 3, 2004 to March 9, 2004 to attend the National League of Cities Conference from March 3-8, 2004 and the Greater San Antonio Chamber of Commerce SA to DC trip to meet with legislators on key issues on San Antonio from March 8-9, 2004.

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

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

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2004-08 TRAVEL AUTHORIZATION – Granted:

Ratification of Travel Authorization for Councilman Carroll W. Schubert, District 9, who traveled to Washington, D.C., to attend the Greater San Antonio Chamber of Commerce SA to DC trip to meet with legislators on key issues on San Antonio from March 7, 2004 through March 10, 2004.

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

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

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2004-08 TRAVEL AUTHORIZATION – Granted:

Ratification of Travel Authorization for Councilman Christopher “Chip” Haass, District 10, who traveled to Washington, D.C. to attend the National League of Cities Conference from March 5-8, 2004 and the Greater San Antonio Chamber of Commerce SA to DC trip to meet with legislators on key issues on San Antonio from March 8-10, 2004.

Councilman Williams made a motion to approve the proposed Travel Authorization. Councilman Hall seconded the motion.

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

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2004-08 CITIZENS TO BE HEARD

MR. RAFAEL LOPEZ

Mr. Rafael Lopez, Kelly USA/Boeing, spoke regarding his wrongful termination by Boeing Corporation (Boeing). He stated that the group that was terminated conducted an informal poll and found that Boeing was not truthful regarding the percentages of people they intended to hire. They also found that Boeing was not paying any employee the average \$16.00 an hour as promised to the City Council. He also stated that Boeing’s intention is to contract with a subcontractor who will be hiring former employees at an average salary of \$9.00 an hour.

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MR. MANUEL ALVAREZ

Mr. Manuel Alvarez, Kelly USA/Boeing, spoke regarding existing Boeing Corporation conditions in San Antonio. He stated Boeing practices unfair and unjust treatment towards their employees.

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MR. RAFAEL LOPEZ

Mr. Rafael Lopez, Kelly USA/Boeing, spoke in lieu of Mr. Joe Ortega regarding his concerns with Project Quest employees who remained at Boeing once a large number of regular employees were terminated. He noted that regular employees had trained Project Quest employees, and they are not experienced enough to take over the vacated mechanical jobs. Mr. Lopez further noted that the contracts that were awarded to Boeing by the City of San Antonio are not being fulfilled as originally planned. He stated that Boeing did not hire locals, but rather brought in others from out of state that were hired as managers. He also stated that there were very few promotions for minorities within the organization. He stated that he and others who were terminated plan to contact Boeing employees in Lake Charles, Louisiana, to determine if similar unfair practices by Boeing also exist in that city.

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MS. ANGIE GARCIA

Ms. Angie Garcia, 2731 W. Mistletoe, spoke regarding the alleged violations and discriminations at Boeing. She stated these allegations will be taken to the U.S. Department of Labor for further investigation. She also stated that many of the Boeing terminations were made with the intent of hiring younger employees. Ms.

Garcia suggested that the City conduct its own investigation to determine the extent of mishandling of City and federal funds by Boeing.

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In response to Mayor Garza for staff to respond regarding actions taken on the issue, Mr. Ramiro Cavazos, Director of Economic Development, stated that Mr. Raphael Lopez had been provided a summary of what the City had provided as

incentives to bring Boeing to San Antonio, as well as Boeing's pledge and commitments. Mr. Cavazos stated that Boeing now reports \$40 million in personal property investment, and that as of February, 2004, Boeing reported 1,700 jobs even with the lay-offs announced last month. He also stated that the City required an average salary wage of \$9.27 and Boeing reports an average salary of \$16.50 an hour. He noted that Boeing's annual impact of the payroll is over \$60 million in San Antonio. He further noted that Boeing conducted a job fair with fifteen companies in similar industries on February 20, 2004, and 250 employees that had been laid off participated in the job fair.

Mayor Garza restated the provisions in the agreement as they were originally defined and as they currently exist.

Mr. Cavazos stated that Boeing is meeting its obligation to San Antonio.

In response to Mayor Garza, Mr. Cavazos explained the City's monitoring process with regards to the ongoing accountability of the tax phase-in contract through a quarterly analysis. He added that through a federal program, Boeing has received \$20 million loan that the City of San Antonio facilitated, and that Boeing is fulfilling the payment obligations of the Department of Housing and Urban Development for that loan.

In response to Councilman Castro regarding contract labor, Mr. David Boughs, Boeing Human Resources Director, stated that Boeing has always used supplemental work force. He explained that due to unscheduled airplanes coming in for service, contract labor is used to buffer and protect the permanent work force. He further explained that when contract work decreased in August, 2003, Boeing began to release 250 of the contingent labor force. He stated there is still some contingent labor force in the electrical area, but that no one in that area was affected by the layoffs. He added that Boeing's permanent labor force is at 1,700. He expounded on information regarding Boeing's attempt to meet with their employees and prepare them for a viable position among their competitors in the future. He stated the number of layoffs totaled 316 and not 375.

Councilman Castro stated that Boeing is considered an asset for the City, as well as at Kelly USA, but is interested in addressing the concerns of the employees and constituents

In response to Councilman Perez regarding allegations of age and minority discrimination, Mr. Boughs stated any accusation of discrimination is considered a serious offense. He added that Boeing recently completed a successful Department of Labor audit. He further added that Boeing's legal department has a

disciplined process for layoffs to ensure that no disparity is given to any particular group. He stated the work force was briefed with informational packets regarding the layoffs, and that their pay was continued for sixty days with an additional severance packet and continued health benefits through May, 2004. He noted that those who were eligible for retirement received related information from the corporation. He also noted that while a group is seeking union representation, they do not represent the work force.

Councilman Perez stated he will meet with Mr. Raphael Lopez in the future.

MR. GEORGE SALIBA

Mr. George Saliba, President, San Antonio Plumbing & Heating/Cooling Contractors, spoke regarding deleting portions of the plumbing code in the IRC.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, spoke regarding assisting a friend in need. He also spoke regarding the delays of construction at the San Fernando Gym located at Travis and Santa Rosa Streets.

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MS. NIKKI M. KUHNS

Ms. Nikki M. Kuhns, 14003 Fairway Oak, spoke to a newspaper article regarding unsafe drinking water. She made copies of the article available to the City Council. She requested to test children in District 1 through 6 for lead exposure and to continue testing as long as fluoride chemicals are added to the water.

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MR. NICK PENA

Mr. Nick Pena, spoke regarding El Mercado's historical background and the initial efforts by those who established the market place. He also requested that the City Auditor work with the group that set up El Mercado.

2004-08 The Clerk read the following Ordinance:

AN ORDINANCE 98892

ORDERING A JOINT SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 15, 2004 IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR THE PURPOSE OF AMENDING THE CHARTER OF THE CITY OF SAN ANTONIO.

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

Mr. Andrew Martin, City Attorney, gave a presentation on charter amendment proposals to the Charter of the City of San Antonio. A copy of the presentation is on file with these papers. He discussed Charter amendments for Proposition One for three year terms, three term limits, and for the current City Council to not run for a third term. He described Proposition Two regarding compensation for the City Council; Proposition Three regarding an independent Ethics Review Board; Proposition Four regarding Council assistance staff; and Proposition Five that stated if the City Charter amendments are approved, it would necessitate the renumbering and rearrangement of charter provisions.

The following citizen(s) appeared to speak:

Ms. Liz Davila, St. Agnes COPS/Metro Alliance, spoke regarding amendments to the City Charter and urged the City Council to approve the three-year terms limits for Council members.

Mr. Mike Novak, Chairman of the Board, San Antonio Chamber of Commerce, stated the Chamber supports the scenarios to extend the term limits being considered as an improvement over what currently exists. He stated the Chamber supports changes to the City Charter as long as retro-activity is off the table, and that the City Council should not benefit from the extension of the term limits.

Mr. Jack M. Finger, P. O. Box 12048, spoke to his opposition to the proposed amendments to the City Charter.

Mr. Leon Thomas, United Homeowners Improvement Association (UHIA), spoke regarding the City Council's responsibility of insuring and protecting the basic rights of citizens against City staff. He spoke regarding a specific Public Works

Department project in the Tippelo Drive neighborhood. He also stated the UHIA would support a change in term limits. Mr. Thomas expressed his concern regarding council members eligible for a living wage if employed full time.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, spoke regarding supporting new term limitations.

Mr. Al Kaufman, spoke as a proponent of the two three-year term limits and a compensation of \$500.00 a month per person.

Mr. Rick Montelongo, Executive Officer, Greater San Antonio Builders Association (GSABA), spoke regarding a survey by the GSABA that reflected a preference for a two four-year term limit, a reasonable pay for city council, the elimination of a life-time ban and that retroactivity would not be an option. He stated that GSABA supports the Council's ultimate decision and that any option to term limits is an improvement over the current limit. He recommended that a decision be made in order to include the item on the May ballot

Mr. Bob Martin, President, Homeowner-Taxpayer Association, spoke to his concerns regarding the proposed term limits. Mr. Martin expressed his disappointment that accountability for the Council may be rolled back, thus overturning results of the 1991 election. He urged the City Council not to attack the accountability provided by two year terms.

Discussion between Mayor Garza and Mr. Martin regarding clarification of the term limits the HTA would support. Mr. Martin stated that there should be a reasonable length on the number of terms as well. He also stated he would not campaign against three two-year terms.

Mr. Art Downey, Chairman, Ethics Review Board, spoke in support of Proposition Three and the language the City Attorney has provided as a projected change to the City Charter. He noted that as a private citizen, he strongly supports other proposed amendments. He reported the results of a poll conducted by the District 9 Neighborhood Alliance regarding the proposed charter amendments.

Mr. Raymond Zavala, 812 S. Richter, spoke in favor of three three-year term limits, but opposed the proposed \$14.00 an hour salary for Council members. He also stated the Council should be held accountable for its spending, with a recall provision in the next election for the terms. He requested the general population be taken into consideration over unnecessary spending by the Council.

Mr. Jody Sherrill, Chairman, Northwest Neighborhood Alliance, spoke in support of a three three-year term limitation, the salary wage as proposed, and the elimination of current council member serving again under the proposed provisions.

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City Attorney Martin clarified the calculation of full term under Subsection (b) to Section 20 of the City Charter. He also clarified the temporary language as it pertains to the staff assistance provision that would make it effective on October 1, 2004 if adopted.

In response to Councilman Haass for clarification, Mayor Garza stated that dialogue may begin immediately and the Governance Committee may work on the issue and return to the full City Council for future discussion by October 1, 2004.

Discussion ensued between Mr. Martin and Councilman Haass regarding clarification on specific language on the provisions.

Mayor Garza stated each proposition will be considered individually. He introduced the first proposition.

Councilman Williams made a motion to strike Proposition One and create Proposition Two that deals with the issue of retroactivity and the issue of choice. Councilman Flores seconded the motion.

Councilman Castro made a motion for Proposition One for three year terms that would not apply to current council members. He stated he supports the proposition as written.

In response to Councilman Hall for clarification, Mayor Garza stated that all five propositions are part of the main motion, and Proposition One is currently under consideration with a substitute motion.

Councilman Schubert made a second amendment to Proposition One, and stated if the City Charter is amended effective on June 1, 2005, the length and term of office for all members of the City Council would be from two to four years, and to allow a Mayor or a member of the City Council to serve two consecutive full terms of office and strike everything after that. Councilman Castro seconded the motion.

Councilwoman Radle spoke in regards to clarifying that the Council members are not self serving and affirming that retroactivity is not an option. She also stated her opposition to the first amendment, and reaffirming that she cannot support the two four-year term proposal. She will be supporting a compromise.

Councilman Flores spoke in support of giving control to the voters.

Councilman Haass stated he appreciated the nature of Councilman Williams' amendment, but cannot support it. He endorsed the two four-year amendment and will be supporting Councilman Schubert's amendment.

Councilman Schubert stated he has no intention of seeking a third term. He also spoke to the support from his constituents in District 9.

Councilman Flores noted his reluctance to influence the voters, but did state he will be supporting three three-year term limits.

Councilman Barrera stated he will support Councilman Schubert's amendment for two four-year terms. He added that he is not interested in benefiting from the charter amendments.

Mayor Garza stated that this matter was previously discussed at the "B" Session. He requested a roll call vote for Councilman Schubert's motion.

On roll call vote the amendment by Councilman Schubert failed: **AYES:** Perez, Barrera, Schubert, Haass. **NAYS:** Flores, Williams, Segovia, Radle, Castro, Hall, Garza. **ABSENT:** None.

On roll call vote the amendment by Councilman Williams failed: **AYES:** Flores, Williams. **NAYS:** Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **ABSENT:** None.

Councilman Williams made a motion to approve Proposition One. Councilman Flores seconded the motion.

On roll call vote, the motion to approve Proposition One, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None

Councilwoman Radle spoke regarding the importance of those who voiced a different opinion in representing their constituents.

Mayor Garza stated that retirement benefits had been stricken from Proposition Two.

Councilman Castro made a motion to approve Proposition Two. Councilman Segovia seconded the motion.

On roll call vote, the motion to approve Proposition Two, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

Councilman Haass made a motion to approve Proposition Three. Councilman Segovia seconded the motion.

On roll call vote, the motion to approve Proposition Three, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

Councilman Barrera made a motion to approve Proposition Four. Councilman Haass seconded the motion.

On roll call vote, the motion to approve Proposition Four, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

Councilman Hall made a motion to not consider part of Proposition Five of the Proposed Amendments. Councilman Barrera seconded the motion.

In response to Councilwoman Radle, Mr. Andrew Martin stated that there are no technical difficulties in striking this portion of the proposed amendments.

On roll call vote, the motion to delete part of Proposition Five, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

Mayor Garza spoke to the entire process and the important significance of the matter. He added that, if approved, the amendments will take San Antonio out of the most severe term limits in the country. He stated that the voters will be asked to develop an accountability system and a system of professionalism with which to conduct City business. He also stated he will direct a memo to staff, outlining goals to educate the public on the much-needed improvements. He thanked

everyone for their hard work, their spirit of teamwork and for focusing on making this issue a priority.

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2004-08 The Clerk read the proposed Ordinance adopting regulations relating to political contributions and political expenditures for campaigns for election to the San Antonio City Council.

Councilman Schubert made a motion that this item be postponed for a future time. Councilman Barrera seconded the motion.

Councilman Perez stated the issue will be brought back to the City Council in March, 2004.

After consideration, the motion to postpone until March, 2004, 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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2004-04 There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 7:20 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