

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, OCTOBER 18, 2001.**

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2001-39 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following item(s):

- A.) **A Staff Presentation on Convention Center Expansion Project Update.** (Presented by Jelynn LeBlanc Burley, Director of Convention Center Expansion Office)
  
- B.) **Staff Presentation on the Enterprise Resource Management (ERM) Project.** (Presented by Milo D. Nitschke, Acting Director, Finance Department; Terry M. Brechtel, City Manager)

The City Council members present were: AYES: Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Conner, Schubert, Garza. NAYS: None. ABSENT: Garcia, Carpenter. The "B" Session adjourned at 11:40 A.M.

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2001-39 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: AYES: Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Conner, Schubert, Carpenter, Garza. NAYS: None. ABSENT: Garcia.

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2001-39 Invocation by Pastor Jim D. Rion, Westover Hills Assembly of God, and Pledge of Allegiance.

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2001-39 **RECOGNITION OF RESPITE CARE EVENT**

Mayor Pro-Tem Castro introduced Mr. George Bird, Respite Care, who informed the City Council on the Providian Respite 500 Race. He noted that the race is now recognized as an official Fiesta event, and then elaborated on the type of services Respite Care provides for the citizens of the community. He further acknowledged the funding

being provided by the City of San Antonio, and thanked the City Council for their continued support.

Members of the City Council acknowledged the services provided by Respite Care specifically to meet the special needs care for children.

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2001-39 Minutes of the Regular Council Meetings of September 20, 2001, and October 4, 2001, were approved.

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2001-39 **CONSENT AGENDA - CITIZEN COMMENTS**

Mr. Mike Benke, Exec. Director, Independent Electrical Contractors, expressed concern on the appointment of a non-City resident to the Electrical Examining and Supervising Board.

Mr. Jack M. Finger, P.O. Box 12048, spoke on the bidding process and the campaign contributions received by various members of the City Council.

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2001-39 **CONSENT AGENDA**

Mr. Perez made a motion to approve Agenda Items 6 through 28G, constituting the Consent Agenda. Ms. Moorhouse seconded the motion.

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

AN ORDINANCE 94709

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR THE 2001 – 2002 FISCAL YEAR FOR A TOTAL OF APPROPRIATELY \$202,652.00. (COPIES OF BID PACKETS ARE AVAILABLE FOR REVIEW IN THE PURCHASING DEPARTMENT AND A LIST OF

SUCCESSFUL BIDDERS ARE AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.)

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AN ORDINANCE 94710

RATIFYING FIELD ALTERATION NO. 6 IN THE AMOUNT OF \$61,036.26 PAYABLE TO DAYCO CONSTRUCTION CO. IN CONNECTION WITH THE UPPER SIX MILE CREEK #83F PROJECT IN COUNCIL DISTRICT 4. (AMENDS ORDINANCE NO. 90788, OCTOBER 28, 1999.)

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AN ORDINANCE 94711

AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,178.08, AS PART OF THE CITY'S SHARE OF TWENTY (20) PERCENT OF CONSTRUCTION COSTS, PAYABLE TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) IN CONNECTION WITH THE BITTERS FROM BROADWAY TO NACOGDOCHES METROPOLITAN PLANNING ORGANIZATION PROJECT IN COUNCIL DISTRICT 10; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 94712

APPROVING FIELD ALTERATION NO. 9-FINAL IN THE DECREASED AMOUNT OF \$31,409.90 TO THE CONSTRUCTION CONTRACT WITH E-Z BEL CONSTRUCTION CO. IN CONNECTION WITH THE EL MONTE FROM SAN PEDRO TO MCCULLOUGH PROJECT LOCATED IN COUNCIL DISTRICT 9. (AMENDS ORDINANCE NO. 88355, AUGUST 27, 1998.)

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AN ORDINANCE 94713

AMENDING THE 1999 BOND PROJECTS START-UP COSTS PROJECT BUDGET IN THE DEPARTMENT OF PARKS AND RECREATION; AUTHORIZING THE APPROPRIATION OF \$35,500.00 IN 1999 PARK GO BOND FUNDS INTO THIS PROJECT; AUTHORIZING \$35,500.00 FOR PROFESSIONAL SERVICES, MANDATORY PROJECT FEES, LAND ACQUISITION FEES, BID ADVERTISING

AND PRINTING EXPENSES; AUTHORIZING CITY STAFF TO ALLOCATE FUNDS WITHIN THE PROJECT BUDGET; AND ENCUMBERING FUNDS AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 92000, JUNE 22, 2000.)

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AN ORDINANCE 94714

APPROVING FIELD ALTERATION 1 IN THE AMOUNT OF \$37,156.90 PAYABLE TO LVA CONSTRUCTION CO. (AN SMWBE) FOR CAPITAL IMPROVEMENTS IN CONNECTION WITH THE NORMOYLE PARK IMPROVEMENTS PROJECT IN CITY COUNCIL DISTRICT 5; REVISING THE BUDGET; AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS IN CONNECTION THEREWITH. (AMENDS ORDINANCE NO. 93862, MAY 3, 2001.)

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AN ORDINANCE 94715

ACCEPTING THE LOW QUALIFIED BID OF D.R. KIDD COMPANY, INC. IN THE AMOUNT OF \$1,263,000.00 FOR THE CONSTRUCTION OF PACKAGE 4 OF THE TERMINAL IMPROVEMENT PROGRAM AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$126,300.00 FOR CONSTRUCTION CONTINGENCIES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 94716

RATIFYING WORK COMPLETED AND APPROVING FIELD ALTERATION NO'S. 111, 112, 114 & 115 IN THE TOTAL AMOUNT OF \$269,057, PAYABLE TO CLARK/JT CONSTRUCTION, A JOINT VENTURE, FOR WORK ASSOCIATED WITH THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT-PHASE 1B; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 86015, MAY 8, 1997.)

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AN ORDINANCE 94717

AUTHORIZING THE ACQUISITION OF APPROPRIATELY 11.14 ACRES ALONG HUEBNER CREEK BETWEEN ECKERT ROAD AND WHITBY ROAD IN CITY COUNCIL DISTRICT 7 FROM THE ECHO CREEK HOMEOWNERS ASSOCIATION FOR THE AMOUNT OF \$22,280.00; ESTABLISHING A PROJECT BUDGET; APPROPRIATING \$40,000.00 IN FY2000'/2001 ONE-TIME IMPROVEMENT FUNDS; ENCUMBERING FUNDS FOR LAND ACQUISITION, SURVEY FEES, APPRAISAL FEES, ENVIRONMENTAL ASSESSMENT FEES, AND PARK DEVELOPMENT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 94718

AUTHORIZING PAYMENT OF THE AMOUNT OF \$800.00 TO RAMON ESQUIVEL FOR APPRAISAL SERVICES IN CONNECTION WITH THE ISOM ROAD - RAMSEY TO U.S. 281 METROPOLITAN PLANNING ORGANIZATION PROJECT; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 94719

THIS ORDINANCE AUTHORIZES PAYMENT IN THE AMOUNT OF \$17,052.25 TO ECKMANN, GROLL & RUNYAN, INC., FOR APPRAISAL SERVICES IN CONNECTION WITH THE BELGIUM LANE - PICARDE TO COLISEUM PROJECT (\$500.00), FIRE STATION NO. 7 PROJECT (\$845.00), FIRE STATION NO. 25 PROJECT (\$4,095.00), FRENCH CREEK EXPANSION (MYSTIC PARK) PROJECT (\$500.00), HI-LIONS DRAINAGE PROJECT #80, PHASE III & V PROJECT (\$500.00), HUNTER TRACT PARK PROJECT (\$500.00), MISSION TRAILS PARKWAY, PACKAGE IV METROPOLITAN PLANNING ORGANIZATION PROJECT (\$1, 235.00), PLEASANTON ROAD - SOUTHCROSS TO MAYFIELD METROPOLITAN PLANNING ORGANIZATION PROJECT (\$3, 672.50), SALADO CREEK GREENWAY (HIKE AND BIKE) PROJECT (\$1,750.00), AND THE SAN ANOTNIO RIVER IMPROVEMENTS - HOUSTON TO LEXINGTON PROJECT (\$2,730.00), FOR A TOTAL SUM OF \$17,052.25. THESE PROJECTS ARE IN VARIOUS CITY COUNCIL DISTRICTS.

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AN ORDINANCE 94720

AUTHORIZING PAYMENT IN THE AMOUNT OF \$25,405.09 TO LAWYERS TITLE OF SAN ANTONIO FOR TITLE CHARGES IN CONNECTION WITH THE BITTERS ROAD – W. AVENUE TO HEIMER (MPO) PROJECT (\$1,350.72), FIRE STATION NO. 7 PROJECT (\$1,805.72), FIRE STATION NO. 25 PROJECT (\$1,746.72), FRENCH CREEK REDEVELOPMENT (MYSTIC PARK) PROJECT (\$987.86), FRIEDRICH PARK PROJECT (\$2,333.86), HERITAGE PARK (DUCK POND) PROJECT (\$150.86), HUNTER TRACT PARK PROJECT (\$640.86), LOCKHILL-SELMA – GEORGE ROAD TO WHISPERING PATH (MPO) PROJECT (\$3,653.72), NORTHWESTERN PARKLAND ACQUISITION (TIMBER PATH) PARK PROJECT (\$3,213.86), PECAN VALLEY – IH 10 TO J STREET (MPO) PROJECT (\$1,531.09), PRICE AVENUE RECONSTRUCTION PROJECT (\$420.86), SALADO CREEK HIKE AND BIKE TRAIL PROJECT (\$2,876.36), SOUTHCROSS – NEW BRAUNFELS TO S. PRESA (MPO) PROJECT (\$3,563.88) AND THE W.W. WHITE ROAD – RIGSBY TO LORD ROAD PROJECT (\$1,128.72); FOR A TOTAL SUM OF \$25,405.09; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 94721

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,485.00 TO VICKREY & ASSOCIATES, INC. FOR A PROPERTY SURVEY IN CONNECTION WITH THE HILDEBRAND AVENUE – I.H. 10 TO BREEDEN PROJECT.

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AN ORDINANCE 94722

AUTHORIZING THE ACCEPTANCE OF A CASH GRANT AWARD IN THE AMOUNT OF \$115,000.00 FROM THE CANCER THERAPY AND RESEARCH CENTER TO SUPPORT THE ONGOING BREAST CANCER SCREENING PROJCT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT THROUGH SEPTEMBER 30, 2002; ESTABLISHING A FUND; ADOPTING A BUDGET; APPROVING A PERSONNEL COMPLEMENT; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH UNIVERSITY HEALTH SYSTEM FOR THE USE OF FACILITIES AND EQUIPMENT; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH UNIVERSITY PHYSICIANS GROUP FOR THE PROVISION OF DIAGNOSTIC RADIOLOGICAL PROCEDURES; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SOUTH TEXAS RADIOLOGY

IMAGING CENTERS FOR THE PROVISION OF MAMMOGRAPHY SERVICES;  
AND APPROVING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 94723

AUTHORIZING THE ACCEPTANCE OF CASH AND CONTRACT SUPPORT TOTALING \$5,221,482.00 FROM THE TEXAS DEPARTMENT OF HEALTH FOR ONGOING PROGRAMS OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; AUTHORIZING THE USE OF \$100,000.00 FOR THE CORE PUBLIC HEALTH PROJECT AND \$5,121,482.00 FOR THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC) PROJECT; AUTHORIZING THE EXECUTION OF CONTRACT CHANGE NOTICE NO. 06 TO THE CONTRACT WITH TEXAS DEPARTMENT OF HEALTH; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 2000/2001-STATE ESTABLISHED IN ORDINANCE 93174, PASSED AND APPROVED JANUARY 4, 2001; APPROVING THE PERSONNEL COMPLEMENT FOR THE ACTIVITIES FUNDED; ESTABLISHING A FUND FOR THE WOMEN, INFANTS & CHILDREN PROJECT; ADOPTING THE PROJECT BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AUTHORIZING THE EXECUTION OF A CONTRACT FOR A CERTIFIED LACTATION CONSULTANT; AND APPROVING PAYMENTS FOR CONTRACTUAL SERVICES AND EXISTING WIC CLINIC LEASES.

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AN ORDINANCE 94724

AUTHORIZING THE ACCEPTANCE OF UP TO \$41,300.00 IN CASH FROM SMITHKLINE BEECHAM CORPORATION, D/B/A GLAXOSMITHKLINE, OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PARTICIPATE DURING THE PERIOD OCTOBER 1, 2001 THROUGH SEPTEMBER 30, 2002 IN A STUDY OF THE EFFECTIVENESS AND SAFETY OF GLAXOSMITHKLINE'S INACTIVATED HEPATITIS A VACCINE (HAVRIX®) WHEN ADMINISTERED WITH AVENTIS PASTEUR'S INACTIVATED POLIOVIRUS VACCINE (IPOL®) IN CHILDREN 12 MONTHS TO 17 MONTHS OF AGE; AUTHORIZING THE EXECUTION OF AN INVESTIGATOR AGREEMENT WITH GLAXOSMITHKLINE;

ESTABLISHING A FUND; ADOPTING A BUDGET; APPROVING A PERSONNEL COMPLEMENT; AND APPROVING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 94725

AUTHORIZING THE ACCEPTANCE OF UP TO \$44,965.00 IN CASH FROM SMITHKLINE BEECHAM CORPORATION, D/B/A GLAXOSMITHKLINE, FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PARTICIPATE DURING THE PERIOD OCTOBER 1, 2001 THROUGH SEPTEMBER 30, 2002 IN A STUDY OF THE EFFECTIVENESS AND SAFETY OF GLAXOSMITHKLINE'S INACTIVATED HEPATITIS A VACCINE (HAVRIX®) WHEN GIVEN WITH A MEASLES-MUMPS-RUBELLA VACCINE (MERCK & CO'S M-M-R®) AND A VARICELLA VACCINE (MERCK & CO'S VARIVAX®) TO CHILDREN 12 MONTHS TO 15 MONTHS OF AGE; AUTHORIZING THE EXECUTION OF AN INVESTIGATOR AGREEMENT WITH GLAXOSMITHKLINE; ESTABLISHING A FUND; ADOPTING A BUDGET, APPROVING A PERSONNEL COMPLEMENT; AND APPROVING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 94726

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RYAN WHITE CARE ACT OF 1990 TITLE I PROGRAM INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BEXAR COUNTY TO EXTEND THE ENDING TERM FROM SEPTEMBER 30, 2001 TO SEPTEMBER 30, 2004. (AMENDS ORDINANCE NO. 88977, DECEMBER 17, 1998.)

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AN ORDINANCE 94727

AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$15,000.00 FROM THE ANNIE E. CASEY FOUNDATION (AECF) IN SUPPORT OF THE "MAKING CONNECTIONS - NEIGHBORHOOD TRANSFORMATION/FAMILY DEVELOPMENT: INITIATIVE; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTATION

WITH AECF IN CONNECTION WITH SAID GRANT; AND ESTABLISHING A PROGRAM BUDGET AND PERSONNEL COMPLEMENT.

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AN ORDINANCE 94728

AMENDING ORDINANCE NO. 92274, PASSED AND APPROVED ON AUGUST 10, 2000, TO ACCEPT THE THIRD YEAR OF FUNDING OF \$24,461.53 FOR THE PURCHASE OF BALLISTIC VESTS FOR LAW ENFORCEMENT PERSONNEL. (AMENDS ORDINANCE NO. 94474, AUGUST 10, 2000.)

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AN ORDINANCE 94729

AUTHORIZING THE CITY MANAGER OR HER DESIGNATED REPRESENTATIVE TO ENTER INTO AN INTERAGENCY AGREEMENT WITH THE BEXAR COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE TO SHARE THE PROCEEDS FROM ASSET FORFEITURE CASES PURSUANT TO CHAPTER 59 OF THE CODE OF CRIMINAL PROCEDURE AND THE TEXAS CONTROLLED SUBSTANCE ACT (TEX. REV. CIV. STAT. ANN., ARTICLE 4476-15) ON THE BASIS OF 75 PERCENT FOR THE SAN ANTONIO POLICE DEPARTMENT AND 25 PERCENT FOR THE DISTRICT ATTORNEY'S OFFICE, FOR A TWO (2) YEAR PERIOD COMMENCING OCTOBER 1, 2001, AND ENDING SEPTEMBER 30, 2003.

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AN ORDINANCE 94730

ACCEPTING A \$2,000.00 DONATION FROM ALLSTATE INSURANCE FOR THE SMOKE DETECTOR INSTALLATION PROGRAM THAT PROVIDES SMOKE DETECTORS TO NEEDY FAMILIES AND INDIVIDUALS.

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AN ORDINANCE 94731

APPOINTING WILLIAM P. RYAN (DISTRICT 10) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON MARCH 31, 2003.

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AN ORDINANCE 94732

REAPPOINTING MICHAEL B. FELDBLUM (DISTRICT 8) AND APPOINTING LISA RODRIGUEZ (DISTRICT 7) TO THE HOUSING AUTHORITY OF THE CITY OF SAN ANOTNIO FOR TERMS OF OFFICE TO EXPIRE ON OCTOBER 18, 2003.

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AN ORDINANCE 94733

REAPPOINTING XAVIER ANTU (JOURNEY ELECTRICIAN-UNION-MAYOR) TO THE ELECTRICAL EXAMINING AND SUPERVISING BOARD FOR A TERM OF OFFICE TO EXPIRE ON JULY 31, 2003.

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AN ORDINANCE 94734

APPOINTING SIEGFRIED RICHTER (DISTRICT 6) AND REAPPOINTING RICHARD KELLEY (DISTRICT 8) TO THE AIRPORT ADVISORY COMMITTEE FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 15, 2003.

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AN ORDINANCE 94735

REAPPOINTING SANDRA BLISS (DISTRICT 1) AND TERESA KILMER (DISTRICT 7) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 15, 2003.

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AN ORDINANCE 94736

REAPPOINTING ROBERT ECHAVARRIA (DISTRICT 8), STELLA SANDERS (DISTRICT 1) AND LARRY LOSOYA (DISTRICT 4) TO THE CITY OF SAN ANTONIO, TEXAS EDUCATIONAL FACILITIES CORPORATION FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 15, 2003.

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AN ORDINANCE 94737

REAPPOINTING MIRELLA HERNANDEZ (CULTURAL ARTIST – DISTRICT 4), TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 5, 2003.

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2001-39 The Clerk read the following Ordinance:

AN ORDINANCE 94738

AMENDING ORDINANCE NO. 94375, PASSED ON AUGUST 16, 2001, WHICH CALLED A SPECIAL ELECTION FOR NOVEMBER 6, 2001, TO AMEND THE CHARTER OF THE CITY OF SAN ANTONIO, IN ORDER TO REFLECT CHANGES TO EARLY VOTING SITES AND ELECTION DAY VOTING POLLING LOCATIONS TO BE USED FOR THAT ELECTION; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE. (AMEND ORDINANCE NO. 94375, AUGUST 16, 2001.)

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

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

2001-39 The Clerk read the following Ordinance:

AN ORDINANCE 94739

AN ORDINANCE AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2001 IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$75,000,000.00; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12, INCLUDING THE APPROVAL AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENTS PERTAINING TO THE ISSUANCE OF SUCH OBLIGATIONS AND APPROXIMATELY \$98,465,000.00 CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT AND REFUNDING BONDS, SERIES 2001 AND APPROXIMATELY \$265,325,000.00 GENERAL IMPROVEMENT FORWARD REFUNDING BONDS, SERIES 2002; AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS, AND CO-BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH OBLIGATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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Mr. Perez made a motion to approve the proposed Ordinance. Ms. Moorhouse seconded the motion.

Mr. Milo Nitschke, Acting Director of Finance, explained the proposed Ordinance for the notice of intention to issue the Certificates of Obligation and the Refunding Bonds, a copy of which is on file with the papers of this meeting. He delineated the purpose of these funds, noting the timeline for the sale of the bonds and certificates.

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

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2001-39 The Clerk read the following Resolution:

A RESOLUTION  
NO. 2001-39-43

A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES DESIGNATED AS "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS, SERIES 2002" AND "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2002"; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

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Ms. Moorhouse made a motion to approve the proposed Resolution. Mr. Perez seconded the motion.

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

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2001-39 The Clerk read the following Ordinance:

AN ORDINANCE 94740

AUTHORIZING THE EXECUTION OF CONTRACTS AND APPROVING THE FIRMS OF DELOITTE AND TOUCHE, L.L.P., GARZA/GONZALEZ AND ASSOCIATES, AND ROBERT J. WILLIAMS, C.P.A., TO PROVIDE THE CITY GASB STATEMENT NO. 34 IMPLEMENTATION ASSISTANCE AND INDEPENDENT AUDIT SERVICES FOR THE FISCAL YEARS OF 2002, 2003, 2004, 2005 AND 2006, AT A TOTAL FEE FOR AUDIT SERVICES OF \$270,000.00 FOR YEAR ONE, \$278,100.00 FOR YEAR TWO, \$286,443.00 FOR YEAR THREE, WITH YEARS 2005 AND 2006 TO BE NEGOTIATED, WITH CITY COUNCIL APPROVAL, AND AN AMOUNT NOT TO EXCEED \$100,000.00 OVER THE TERM OF THE CONTRACT FOR GASB STATEMENT NO. 34 IMPLEMENTATION ASSISTANCE.

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Mr. Garcia made a motion to table this issue for two weeks in order to have the Council Committee review it further, adding that there were several questions that needed to be addressed. Mr. Carpenter seconded the motion.

On a roll call vote, the motion to table the proposed Ordinance, failed by the following vote: **AYES:** Sanders, Martin, Garcia, Carpenter. **NAYS:** Perez, Moorhouse, Barrera, Castro, Conner, Schubert, Garza. **ABSENT:** None.

Mr. Milo Nitschke, Acting Director of Finance, narrated a slide presentation on the selection process for the audit services for the City's GASB Statement No. 34, outlining the selection process, evaluation criteria, attributes of the senior audit firms and the co-audit firms, a copy of which is on file with the papers of this meeting. He further delineated the fees for services for the next three years, noting that years four and five were to be negotiated and approved by the City Council.

Mr. Sanders expressed concern that this firm was already handling the Enterprise Resource Management (ERM) project, a major City contract. He noted that he was not questioning the integrity or qualifications of the firm, but wanted to review the information further.

Mr. Garcia added that he had no problem with the contractor, however questioned the issue of independence. He also emphasized the need to afford the opportunity for smaller firms to take on such a contract.

In response to Mr. Schubert, Mr. Nitschke stated there were separate divisions each handling different contracts, one for the audit process and the consultant division working with the ERM project. He added that in some respect there would be some information sharing in order to conduct the ERM project, but that would be the extent of the contact.

Mr. Perez made a motion to approve the proposed Ordinance. Ms. Moorhouse seconded the motion.

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

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2001-39      The Clerk read the following Ordinance:

AN ORDINANCE 94741

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO PAY THE SETTLEMENT IN ESPERANZA, ET AL., VS. CITY OF SAN ANTONIO, ET AL, CAUSE NO. SA98CA-00696-OG, IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION, IN THE AMOUNT OF \$550,000.00 AND TO SUBMIT AN AGREED CONSENT DECREE TO THE COURT.

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

Mr. Frank Garza, City Attorney, narrated a slide presentation on the Esperanza lawsuit, outlining the history of the case, a copy of which is on file with the papers of this meeting. He further expounded on the court's findings, decision analysis, review for appeal process, the settlement negotiations, and the settlement terms.

Mr. Perez commended the staff for the tremendous amount of work expended on this issue, noting the mediation process, and emphasizing the need to move forward in the settlement.

The following citizen(s) appeared to speak:

Ms. Dolores Zapata Murff, member of Board of Directors for Esperanza, spoke on the arts organization and the services provided at the Esperanza Center, and further noted her support of the settlement agreement.

Mr. Garcia stated that while he was not in agreement with the judge's decision, he was sensitive to the diverse beliefs in the community, and that he would support the decision.

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

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2001-39      The Clerk read the following Ordinance:

AN ORDINANCE 94742

AUTHORIZING THE APPROPRIATING OF \$26,600.00 OF PROPOSITION 3 EDWARDS AQUIFER PARK LAND PROJECT FUNDS INTO THE CROWNDRIDGE CANYON NATURE AREA PROJECT BUDGET IN CITY COUNCIL DISTRICT 8 FOR LANDSCAPE ARCHITECT FEES AND PROFESSIONAL ENVIRONMENTAL AND HABITAT ASSESSMENT FEES.

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Mr. Perez made a motion to approve the proposed Ordinance. Ms. Moorhouse seconded the motion.

Mr. Malcolm Matthews, Director of Parks and Recreation, narrated a slide presentation on the Crownridge Canyon Nature Area project, a copy of which is on file with the papers of this meeting. He outlined the background information on the project, the acreage and locations, the improvement plan for public use, the Master Plan and the appropriation of funds.

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

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2001-39 The Clerk read the following Ordinance:

AN ORDINANCE 94743

AMENDING CHAPTER 14 OF THE CITY CODE OF SAN ANTONIO, TEXAS, TO EFFECT AN ENHANCED SOLID WASTE MANAGEMENT PROGRAM, INCLUDING ELIMINATION OF AN AMBIGUOUS GRACE PERIOD ASSOCIATED WITH IMPERMISSIBLE WASTE PLACED AT CURBSIDE; PROVIDING FOR COLLECTION OF EXTRAORDINARY COSTS AND ADMINISTRATIVE FEES FOR SOLID WASTE SERVICES NECESSARY TO ABATE IMPERMISSIBLE WASTE; AUTHORIZING THE DIRECTORS OF PUBLIC WORKS, ENVIRONMENTAL SERVICES, CODE COMPLIANCE, AND THE METROPOLITAN HEALTH DISTRICT TO MAKE ORDERS FOR SPECIAL COLLECTION SERVICES FOR BENEFIT OF THE PUBLIC HEALTH AND SAFETY AND TO DESIGNATE PERSONNEL TO ISSUE NOTICES OF VIOLATION (NOVS); MODIFYING SECTIONS OF CHAPTER 14 AS NECESSARY; DEFERRING SOME ENFORCEMENT ACTIONS DURING A THIRTY (30) DAY

PUBLIC OUTREACH; PROVIDING FOR PENALTIES AND DIRECTING PUBLICATION.

\* \* \* \*

Ms. Moorhouse made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

Mr. Dan Cardenas, Director of Environmental Services, made a presentation on the brush collection program, a copy of which is on file with the papers of this meeting. He noted there were numerous violations and constant abuse by individuals placing items in the yards long before the scheduled pick-ups, thus becoming detrimental to the health and safety of the community. He outlined the proposed enforcement recommendations and the program implementation.

Mayor Garza stated it was important that City staff ensure the health and safety for all citizens, and emphasized the need to educate the public on the proposed code amendments and the enforcement efforts.

Mr. Sanders spoke in support of the proposed amendments and noted that a number of citizens had come forward during the town hall meeting to express their concerns on this health issue, and that they urged the City Council to support such enforcement.

The following citizen(s) appeared to speak:

Ms. Patricia Ozuna, COPS, spoke in support of the proposed code revisions, and noted that it was a step in the right direction in order to clean up the neighborhoods.

Ms. Esperanza Hernandez, COPS, stated that more enforcement efforts should be made by the City in order to clean and preserve the neighborhoods.

A representative of St. Patrick COPS, spoke of the health hazards in the neighborhoods due to the constant trashing of yards, and urged the City Council to support the proposed Ordinance.

\* \* \* \*

Members of the City Council commended staff for the work dedicated to this effort, and urged City staff to proceed with the education campaign in order to clean up the neighborhoods.

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

— — —  
2001-39 The Clerk read the following Ordinance:

AN ORDINANCE 94744

AUTHORIZING THE SUBMISSION BY THE CITY OF SAN ANTONIO, DEPARTMENT OF COMMUNITY INITIATIVES, COMMUNITY ACTION DIVISION OF A FISCAL YEAR 2002 COMMUNITY SERVICES BLOCK GRANT (CSBG) APPLICATION IN THE AMOUNT OF \$1,843,950.00 TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR THE PERIOD OF JANUARY 1, 2002 TO DECEMBER 31, 2002; ACCEPTING RECOMMENDATIONS BY THE COMMUNITY ACTION ADVISORY BOARD (CAAB) TO ALLOCATE FUNDS TO DELEGATE AGENCIES AS FOLLOWS: THE AMERICAN G.I. FORUM, \$28,000.00; AVANCE, \$85,000.00; BOYS AND GIRLS CLUB OF SAN ANTONIO, \$44,000.00; PROJECT QUEST, \$80,000.00; AND YOUNG WOMEN'S CHRISTIAN ASSOCIATION, \$55,000.00; AND AUTHORIZING THE EXECUTION OF A LEASE WITH THE MEXICAN AMERICAN UNITY COUNCIL (MAUC) FOR LEASING APPROXIMATELY 2,918 SQUARE FEET OF OFFICE SPACE FOR THE AMOUNT OF \$2,918.00 A MONTH FOR THE OPERATION OF THE COMMUNITY ACTION PROGRAM WEST.

\* \* \* \*

Ms. Moorhouse made a motion to approve the proposed Ordinance. Mr. Sanders seconded the motion.

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation on the Community Services Block Grant (CSBG), a copy of which presentation is on file with the papers of this meeting. He delineated the purpose of the grant, background, the FY 2002 delegate agency funding recommendations, program descriptions, and accountability measures.

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

2001-39 The Clerk read the following Ordinance:

AN ORDINANCE 94745

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG)/BEXAR AREA AGENCY ON AGING IN THE AMOUNT OF \$1,117,689.00 FOR THE CONTINUATION OF THE COMPREHENSIVE NUTRITION PROJECT FROM OCTOBER 1, 2001 THROUGH SEPTEMBER 30, 2002; APPROVING A BUDGET AND PERSONNEL COMPLEMENT FOR FY 2001/2002; APPROPRIATING FUNDS; AUTHORIZING THE EXECUTION OF CONTRACTS WITH NON-PROFIT AGENCIES FOR OPERATION OF SERVICE SITES; AND AUTHORIZING THE ALLOCATION OF CARRY-OVER SURPLUS FUNDS.

\* \* \* \*

Mr. Perez made a motion to approve the proposed Ordinance. Ms. Moorhouse seconded the motion.

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation on the elderly and disabled services division nutrition program, a copy of which presentation is on file with the papers of this meeting. He outlined the background of the nutrition program, funding and program history, the accountability measures and the proposed 2002 plan of action.

(At this point, Mayor Garza was obliged to leave the meeting. Mayor Pro-Tem Castro presided in his absence.)

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

— — —  
2001-39 The Clerk read the following Ordinance:

AN ORDINANCE 94746

AMENDING CHAPTER 33 OF THE CITY CODE, ADDING SECTION 33-931 TO PROVIDE FOR THE APPROVAL OF ACCESSIBLE VEHICLE PERMITS FOR THE

OPERATION OF TAXICABS THAT ARE ACCESSIBLE TO PASSENGERS WITH DISABILITIES.

\* \* \* \*

(At this point, Mayor Garza returned to the meeting to preside.)

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

Deputy Chief Albert Ortiz, Police Department, presented the amendments to Chapter 33 of the City Code regarding accessible taxicab permits, a copy of which papers are on file with this meeting. He outlined the types of vehicles regulated under this chapter, the goal of the amendments, background information, the actions of the Transportation Advisory Board (TAB), and the proposed amendments which would provide improved services for citizens with special needs.

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

— — —  
2001-39 PUBLIC HEARING AND ORDINANCES: CLOSING AN UNIMPROVED ALLEY.

Mayor Garza declared the Public Hearing to be open.

Ms. Rebecca Waldman, Director of Asset Management, made a presentation on the proposed closure, noting the purpose of the closure, and views of the subject area, a copy of which is on file with the papers of this meeting.

\* \* \* \*

There being no citizens to speak the Mayor declared the Public Hearing to be closed.

\* \* \* \*

The Clerk read the following Ordinance:

AN ORDINANCE 94747

CLOSING, VACATING AND ABANDONING A PORTION OF AN UNIMPROVED 10-FOOT WIDE ALLEY OUT OF NEW CITY BLOCK 8750, BLOCK 11, ADJACENT TO LOTS 33, 34 AND 45 LOCATED BETWEEN CLARENDON AND OREGON STREETS, GENERALLY NORTH OF PEABODY AVENUE AS REQUESTED BY MARINA M. VILLAGRAN, MARY LUPE V. TORRES AND SERGIO A. AND ARCELLA M. GOMEZ, THE PETITIONERS AND OWNERS OF PROPERTY ABUTTING THE ALLEY, FOR THE CONSIDERATION OF \$748.00.

\* \* \* \*

Mr. Perez made a motion to approve the proposed Ordinance. Ms. Moorhouse seconded the motion.

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

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**2001-39 PRESENTATION OF REPORT TO CITY COUNCIL ON INDEPENDENT REVIEW BY ZEPHYR ENVIRONMENTAL CORPORATION**

Mr. Dan Cardenas, Acting Director of Environmental Services Department, introduced Mr. Art Bedrosian, President of Zephyr Environmental Corporation who presented the findings, evaluation and recommendations.

Mr. Art Bedrosian, President, Zephyr Environmental Corporation, narrated a slide presentation on the review of East Kelly AFB investigation and remediation, a copy of which presentation is on file with the papers of this meeting. He outlined the background, Zephyr's scope of work, including the geology/hydrogeology on the Edwards Aquifer, evaluation of USAF site investigation results, evaluation of human health risks posed by the site conditions, and presented site maps of the plume boundary. He further delineated the evaluation of potential remedial technologies, noting the factors that would impact the cleanup time, also identifying other issues of concern such as the horizontal wells, reactive wells, and the USAF estimates of remediation time frames.

Dr. Fernando Guerra, Director of Health, presented a report on the findings of the water samplings from the various wells. He assured the City Council that the water supply by

SAWS and Bexar Metropolitan is safe, adding that the shallow groundwater was not being used for drinking water.

Mr. Cardenas, presented the City staff overview, highlighting on the Action Plan for groundwater outreach, groundwater controls, vapor monitoring, the interlocal agreement, the proposed tasks and timelines to complete them.

Mayor Garza stated there was a long history to this contamination, and that a thorough process needed to be in place to assure independent voices of expertise to analyze all issues and provide an action plan, and assure all concerned citizens that the remediation process is underway as soon as possible.

In response to Mr. Garcia regarding the water issue, Dr. Guerra stated that all the water purveyors were conducting chemical analyses on a regular basis, and assured that outside laboratories are also consistently checked by the City, SAWS and Bexar Metropolitan.

In response to Mr. Garcia regarding the Air Force studies, Mr. Bedrosian stated that it appeared that the findings were based on the information provided at the time, and that proper diligence was followed. He added that Zephyr conducted a review of the horizontal and vertical wells, and the hot spots.

Mr. Garcia expressed concern on the duration of the clean-up, and urged that this issue be resolved as soon as possible.

Mr. Richard Garcia, TNRCC, stated there was no timetable currently in place for the investigation of the plume area, and added that certain areas were not checked by the Air Force.

(At this point, Mayor Garza was obliged to leave the meeting. Mayor Pro-Tem Castro presided in his absence.)

Mr. Garcia recommended the Air Force go back and test the hot spots, and requested that Zephyr be consultant to the Air Force.

Mr. Adam Antwine, Director, stated that the Air Force was open to recommendations and opportunity for the City to provide input in order to have the process move forward.

The following citizen(s) appeared to speak:

Mr. Gene W. Lene, Kelly Restoration Advisory Board, expressed concern on the length of the remediation process, and urged that it be accomplished in 10 years if possible rather than the 25 years, noting that the safety of the citizens should not be compromised.

Mr. Chavel Lopez, Southwest Workers Union, spoke to the illnesses affecting the area residents, noting that health and safety of the residents should be a priority. He urged that new alternatives for the clean-up be utilized in order to speed up the process.

Mr. Rodrigo Garcia, Jr., Kelly Restoration Advisory Board, expressed concern with the firm hired to conduct the study, and stated that a local firm would be more sensitive to the needs and issues of the community. He urged more input from the community.

Ms. Yolanda Johnson, area resident, expressed concern on the number of residents afflicted with illnesses, and the duration of the clean-up process.

Councilman Martin thanked the staff for the report, and noted there were a number of issues that needed to be addressed. He stated there were 70 years of contamination to contend with, and that it would take time extensive work for the remediation process. He ascertained that Council colleagues and City staff were exercising due diligence, however noted this was a long-term issue.

In response to Mr. Martin's question regarding the number of wells involved, Mr. Cardenas stated there were only four wells in the area that were active.

Mr. Sam Sanchez, Health Department staff, stated there were only four wells in use out of 114, noting that the rest of the wells were abandoned and out of use. He also assured the City Council that no drinking water was utilized from these wells. He also stated that the shallow water could be used for irrigation purposes, and further recommended that all wells be closed.

Mr. Antwine, stated that the Air Force has been investigating this issue for years, and assured that all concerns brought forward by the community would be incorporated into those measures to study further.

Ms. Conner stated that this was not only a district issue but rather a City issue, and that all members of the City Council were concerned and working with due diligence in order to achieve remediation as quickly as possible. She added that the Environmental Committee would be looking into the various needed actions, such as the plugging of wells, and necessary code changes in order to move expediently.

Members of the City Council reiterated their concern on the health and safety issues of the community and urged that all necessary steps of action be underway in order to begin the remediation process.

Mr. Cardenas stated that the next step was to identify the action plan, and to contract with Zephyr to oversee the remediation efforts once the Air Force begins the clean-up.

In response to Mr. Schubert's question regarding the drilling into the Edwards, Mr. Bedrosian stated that the work needed does not require going into shallow water, adding that a report was available on the testing of wells.

Mr. Schubert reiterated his concern on the Air Force taking full responsibility for the clean-up.

(At this point, Mayor Garza returned to the meeting to preside.)

Mr. Garcia made a motion to 1) direct staff to have Kelly Air Force Base or the U.S. Government test the entire surrounding area of Kelly, and also test for vapor emissions, and have Zephyr work alongside the U.S. Government as a consultant or to review after the fact; 2) have staff work on a draft of the proposed ordinance to cap the wells and a memorandum of understanding; 3) have staff consider hiring an outside counsel on the preparation of this aforementioned ordinance and memorandum of understanding. Mr. Martin seconded the motion.

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

In response to Mr. Schubert regarding the costs, City Manager Terry M. Brechtel, stated there would be additional costs for outside counsel and the contract with Zephyr.

Mr. Schubert stated that the Environmental Committee review the proposal and the costs associated with the contract.

City Manager Brechtel stated that the cost proposal would be presented to the Committee and then reported to the full Council.

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**2001-39 TRAVEL AUTHORIZATION – Granted:**

Confirmation and approval of Travel Authorization for Councilmembers Enrique Martin, District 4, and David A. Garcia, District 5, who will travel to Mexico City, Mexico to join with San Antonio Export Leaders to visit with government officials and business organizations from Thursday, October 18, 2001 through Sunday, October 21, 2001.

Mr. Garcia made a motion to approve the proposed Travel Authorization. Ms. Moorhouse seconded the motion.

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

— — —  
2001-39 The Clerk read the following Ordinance:

AN ORDINANCE 94748

REAPPOINTING GLENN HUDDLESTON TO THE DOWNTOWN ADVISORY BOARD (NORTH SECTOR) FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 26, 2003; AS REQUESTED BY COUNCILMAN BOBBY PEREZ, DISTRICT 1.

\* \* \* \*

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

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

— — —  
2001-39 The Clerk read the following Resolution:

A RESOLUTION  
NO. 2001-39-44

SUPPORTING A CONSTITUTIONAL AMENDMENT CREATING THE TEXAS MOBILITY FUND, LISTED AS PROPOSITION 15, ON THE NOVEMBER 6, 2001, BALLOT, WHICH WOULD ALLOW FOR THE AUTHORIZATION OF GRANTS, LOANS OF MONEY AND ISSUANCE OF OBLIGATIONS FOR FINANCING CONSTRUCTION, RECONSTRUCTION, ACQUISITION, OPERATION AND EXPANSION OF STATE HIGHWAYS, TURNPIKES, TOLL ROADS, TOLL BRIDGES AND OTHER MOBILITY PROJECTS; AS REQUESTED BY COUNCILMAN CARROLL W. SCHUBERT, DISTRICT 9.

\* \* \* \*

Mr. Perez made a motion to approve the proposed Resolution. Ms. Moorhouse seconded the motion.

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

— — —  
2001-39 The Clerk read the following Ordinance:

AN ORDINANCE 94749

AUTHORIZING THE EXPENDITURE OF \$550.00 FROM THE DISTRICT 9 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT, FOR USE OF THE CITY OF SAN ANTONIO'S SHOWMOBILE AT A FUNDRAISING HALLOWEEN FESTIVAL, HOSTED BY THE WOODRIDGE ELEMENTARY PARENT TEACHER ORGANIZATION, ON SATURDAY, OCTOBER 27, 2001; AS REQUESTED BY COUNCILMAN CARROLL W. SCHUBERT.

\* \* \* \*

Mr. Schubert made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

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

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2001-39

**CITIZENS TO BE HEARD**

**MR. ERNIE GARCIA**

Mr. Ernie Garcia, 4122 Hunters Glen, presented a petition to the City Council, a copy of which is on file with the papers of this meeting. The petition on behalf of the Village North Neighborhood Association, requests the City of San Antonio to appropriate the necessary funds for the removal of the 1998 flood debris in Beitel Creek and the removal

of the fill dirt currently on the property. Councilman Carpenter thanked Mr. Garcia for his comments and stated he will work with Mr. Garcia on the petition.

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**MRS. MARIA DOMINGUEZ**

Mrs. Maria Dominguez expressed her concerns and her opposition with VIA raising their rates.

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**MR. JUAN B. VELA**

Mr. Juan B. Vela, 9506 Bear Creek, spoke to the events, which are occurring at the national level and his views on these events.

\* \* \* \*

**MS. GRACE HERNANDEZ**

Ms. Grace Hernandez, P.O. Box 13681, spoke to her life as a lifelong resident of San Antonio after being abandoned by her parents. She then spoke to the fees which she is being required to pay in order to fix her home and her inability to pay due to her financial situation.

Mayor Pro Tem Castro asked Ms. Hernandez to continue working with Councilman Martin's staff since she is a resident of District 4 and thanked her for her comments.

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**MR. NAZARITE RUBEN FLORES PEREZ**

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to the City Council about his views on the environmental issues at Kelly Air Force Base.

\* \* \* \*

**MS. THERESA BERLANGA**

Ms. Theresa Berlanga, P.O. Box 12816, spoke to the City Council about the conditions of a ditch near her home and the drainage problems caused by this ditch. She also stated that she is enlisting the support of the City Council with regard to the amount of the deposit required by CPS and her desire to keep her restaurant in the area.

Mayor Garza asked the staff to give Ms Berlanga the proper office to call at CPS.

— — —  
**2001-39 EXECUTIVE SESSION**

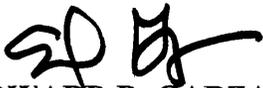
The City Council recessed its regular session at 5:28 P.M. in order to convene in Executive Session for the purpose of:

- A.) Attorney-Client consultation regarding the lawsuits styled Thomas Bullock, et. al. vs. City of San Antonio, Cause No. 1997-CI-16326, 37<sup>th</sup> Judicial District Court, 04-99-906 CV 4<sup>th</sup> Court of Appeals, and 01-0018 Texas Supreme Court and Ruben Hernandez, et. al., vs. City of San Antonio, Cause Number 2001-CI-08722, 407<sup>th</sup> Judicial District Court.
- B.) Attorney-Client consultation regarding status of Grey Forest Utilities' use of City right-of-way.
- C.) Attorney-Client consultation regarding the status of settlement negotiations with Qwest Communications in relation to terms and conditions of its default long distance provider agreement with City.
- D.) Attorney-Client consultation regarding the enforcement of terms of a Tax Phase-In Agreement previously approved by City Council and dated August 28, 1991 between the City of San Antonio, American Airlines, Inc., as owner of certain real property, and AMR Information Services, Inc., as operator of improvements developed on said real property.

The City Council adjourned the Executive Session at 6:54 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.

2001-39 There being no further business to come before City Council, the meeting was adjourned at 6:55 P.M.

A P P R O V E D

  
EDWARD D. GARZA  
M A Y O R

Attest:   
NORMA S. RODRIGUEZ, CMC/AAE  
City Clerk