

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MAY 23, 2002.

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2002-21 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

- A.) **Staff presentation on Market Square Plan.** (Presented by Emil Moncivais, Director of Planning; Christopher J. Brady, Assistant City Manager)

- B.) **Staff presentation on upcoming process and timeline for the selection of a developer for the Convention Headquarters Hotel Project.** (Presented by Christopher J. Brady, Assistant City Manager; Terry M. Brechtel, City Manager)

The Council members present were: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. ABSENT: Conner.

The "B" Session adjourned at 11:45 A.M.

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2002-21 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. ABSENT: Conner.

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2002-21 Invocation by L. H. Mills, Mount Sinai Baptist Church.

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2002-21 Pledge of Allegiance to the flag of the United States.

2002-21 Minutes of the regular Council meeting of April 25, 2002 were approved.

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2002-21 **CONSENT AGENDA – CITIZEN COMMENTS**

Mr. Jack M. Finger, P.O. Box 12048, spoke to financial contributions to various Council members and specifically to Item 17.

Mr. Esteban Soto expressed his concern with Item 26, which would change the meal preparation services to a contract with True Flavors Culinary Planners.

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2002-21 **CONSENT AGENDA**

Ms. Moorhouse made a motion to approve Agenda Items 7 through 23E, constituting the Consent Agenda, except for Item 24, which was pulled, for individual consideration. Mr. Garcia 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, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro.

AN ORDINANCE 95785

ACCEPTING THE LOW BID SUBMITTED BY TRAFFIC PARTS, INC. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH DETECTOR LOOP SEALANT ON AN ANNUAL CONTRACT BASIS FOR AN ESTIMATED COST OF \$40,320.00.

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AN ORDINANCE 95786

ACCEPTING THE LOW BID SUBMITTED BY PERFORMANCE TRUCK & EQUIPMENT, LTD. (MBE), TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH SHREDDING EQUIPMENT PARTS AND SERVICE ON AN ANNUAL CONTRACT BASIS FOR AN ESTIMATED COST OF \$50,000.00.

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AN ORDINANCE 95787

ACCEPTING THE LOW BID SUBMITTED BY PERFORMANCE TRUCK & EQUIPMENT, LTD. (MBE), TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH POTHOLE PATCHER PARTS AND SERVICE ON AN ANNUAL CONTRACT BASIS FOR AN ESTIMATED COST OF \$50,000.00.

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AN ORDINANCE 95788

FIELD ALTERATION NO. 1 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$117,190.42 FROM 1994 DRAINAGE BONDS TO KGME COMPANY, INC. FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE OCTAVIA DRAINAGE PROJECT #63, PHASE I, LOCATED IN COUNCIL DISTRICT 5; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 90979, DECEMBER 9, 1999.)

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AN ORDINANCE 95789

ACCEPTING THE LOW, QUALIFIED BID OF TEXAS STERLING CONSTRUCTION, L.P., IN THE AMOUNT OF \$343,523.00 IN CONNECTION WITH THE GRANDVIEW NEIGHBORHOOD STREETS, PHASE IIIC (HAMPTON) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$24,232.50 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$16,962.75 FOR ADMINISTRATIVE COSTS; AUTHORIZING AN ADDITIONAL \$6,750.00 PAYABLE TO GRANT ENGINEERING FOR ENGINEERING EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 95790

RATIFYING SERVICES PERFORMED AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$116,695.12 FOR THE MARKET STREET SITE PLAZA ENHANCEMENT PROJECT; TRANSFERRING REQUIRED FUNDS TO THE CITY

OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT, FOR PROVIDING LABOR AND RELATED MATERIALS AND EQUIPMENT FOR ELECTRICAL CIRCUITING, LANDSCAPING AND SERVICES ASSOCIATED WITH THE INSTALLATION OF IRRIGATION COMPONENTS ASSOCIATED WITH THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 95791

RATIFYING WORK PREVIOUSLY PERFORMED AND COMPLETED, RESOLVING DISPUTES ASSOCIATED WITH DELAYS AND INEFFICIENCIES, ADDRESSING AND RESOLVING POTENTIAL CLAIMS; AMENDING THE CONSTRUCTION CONTINGENCY; AND APPROVING THE TERMS AND CONDITIONS RELATED TO THE FINAL FISCAL CLOSEOUT AND SETTLEMENT OF CONTRACTED WORK FOR FIELD ALTERATIONS 29, 30 AND 31, IN THE TOTAL AMOUNT OF \$526,505.50, PAYABLE TO BROWNING CONSTRUCTION CO. FOR WORK ASSOCIATED WITH THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 95792

AMENDING THE DISPUTE RESOLUTION BUDGET LINE ITEM WITH THE OVERALL CONVENTION CENTER EXPANSION PROJECT BUDGET IN AN AMOUNT NOT TO EXCEED \$41,110.28; RATIFYING THE SELECTION OF PETER G. DOYLE ASSOCIATES AS THE NEUTRAL THIRD PARTY ADMINISTRATOR FOR THE DISPUTE REVIEW BOARD (DRB) AND THE RELATED SERVICES PROVIDED; RATIFYING THE CLAIMS AVOIDANCE PROVISION OF THE ORIGINAL AGREEMENT WITH 3D/INTERNATIONAL (3D/I) TO INCLUDE SERVICES FOR TESTIMONY AND CLAIMS PREPARATION ASSOCIATED WITH THE DRB AND THE RELATED SERVICES PROVIDED; AND AUTHORIZING PAYMENT OF DOCUMENT DUPLICATION SERVICES PROVIDED BY PAPER CHASE/GRAFIX SOLUTIONS ASSOCIATED WITH THE AUDIT OF RELATED CONSTRUCTION AND PAY APPLICATION DOCUMENTS FOR REVIEW DURING THE DISPUTE RESOLUTION PROCESS FOR THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 95793

AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT AND OTHER NECESSARY CONTRACT DOCUMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH MILLER'S POND PARK ENTRANCE REALIGNMENT ON PEARSALL ROAD IN CITY COUNCIL DISTRICT 4 IN THE AMOUNT OF \$62,162.59; ENCUMBERING FUNDS FROM 25TH YEAR CDBG FUNDS APPROVED FOR THE MILLER'S POND PARK; REIMBURSING THE GENERAL FUND IN THE AMOUNT OF \$14,602.00; ALLOCATING \$3,235.41 FOR PARK MATERIALS AND AUTHORIZING PAYMENT.

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AN ORDINANCE 95794

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH BENDER WELLS CLARK DESIGN IN THE AMOUNT OF \$63,000.00 TO PROVIDE ADDITIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE SIGNAGE UPGRADE AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING \$6,300.00 FOR ARCHITECTURAL CONTINGENCIES; AUTHORIZING \$6,500.00 FOR ADMINISTRATIVE EXPENSES; APPROPRIATING FUNDS; REVISING THE BUDGET AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 95795

AUTHORIZING A TEN (10) YEAR LICENSE AGREEMENT WITH MARK NUTRITIONALS, INC., A/K/A BODY SOLUTIONS TO USE AIR SPACE ABOVE PUBLIC RIGHT OF WAY ACROSS EMBASSY OAKS DRIVE TO INSTALL FIBER OPTIC CABLE APPROXIMATELY 1/10 OF A MILE FROM THE INTERSECTION OF EMBASSY OAKS DRIVE AND SAN PEDRO AVENUE FOR THE CONSIDERATION OF \$5,000.00.

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AN ORDINANCE 95796

REAFFIRMING AND DECLARING THAT THE SAN ANTONIO WATER SYSTEM'S AQUIFER STORAGE AND RECOVERY PROJECT ("ASR PROJECT") IS A NECESSARY PUBLIC PROJECT; FURTHER REAFFIRMING AND DECLARING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES DESCRIBED BELOW, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY FOR PUBLIC IMPROVEMENTS FOR USE AS PART OF THE ASR PROJECT; AUTHORIZING THE SAN ANTONIO WATER SYSTEM TO ACQUIRE PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED REAL PROPERTIES, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS PART OF THE ASR PROJECT, TO WIT, A PORTION OF THE PROPERTIES LISTED AS FOLLOWS: 3.853 ACRES OUT OF COUNTY BLOCK 5149, ABSTRACT 583, COUNTY BLOCK 5150, ABSTRACT 1178 AND COUNTY BLOCK 5192, ABSTRACT 252; 6.147 ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502; 2.316 ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502; 4.371 ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502; 1.826 ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502; 1.216 ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502; 2.144 ACRES OUT OF COUNTY BLOCK 5151, ABSTRACT 502; 6.059 ACRES OUT OF ABSTRACT 469; 25.564 ACRES OUT OF ABSTRACT 743, NEW CITY BLOCK 12867 AND NEW CITY BLOCK 17993 AND PARTIALLY IN COUNTY BLOCK 5098; 1.663 ACRES OUT OF LOT 5, NEW CITY BLOCK 14480; 0.606 ACRES OUT OF NEW CITY BLOCK 10669, BLOCK 7, LOTS 71 AND 72; 2.739 ACRES OUT OF BLOCK 6, LOT 4, NEW CITY BLOCK 16471 OF THE REMAINING PORTION OF TRACT A, NEW CITY BLOCK 12203, ALL IN BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE AS PART OF THE ASR PROJECT; AUTHORIZING THE SYSTEM, ITS EMPLOYEES, AGENTS, AND/OR THEIR AUTHORIZED INDEPENDENT NEGOTIATORS TO NEGOTIATE AND EXECUTE ALL SALES AND OTHER AGREEMENTS, EASEMENTS AND OTHER NECESSARY DOCUMENTS WITH THE OWNERS OF CERTAIN PRIVATELY OWNED PROPERTIES DESCRIBED ABOVE AND TO TAKE ALL OTHER LAWFUL ACTIONS NECESSARY OR INCIDENTAL TO SURVEY, SPECIFY, CLARIFY, DEFINE AND ACQUIRE THE PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; FURTHER AUTHORIZING THE SYSTEM AND ITS ATTORNEYS TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, AND PROSECUTE ALL SUCH CONDEMNATION PROCEEDINGS THROUGH CONCLUSION (INCLUDING FINAL JUDGEMENT AND ALL NECESSARY APPEALS) FOR THE CONDEMNATION OF THE PERMANENT EASEMENT INTERESTS ACROSS,

OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; APPROVING, RATIFYING AND DECLARING VALID ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF AND/OR ACTING FOR THE SYSTEM TO ACQUIRE SUCH PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; DECLARING THAT THE CONVEYANCE OF ALL SUCH PERMANENT EASEMENTS IN CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE SHALL BE TO THE CITY OF SAN ANTONIO FOR THE USE AND BENEFIT OF THE SAN ANTONIO WATER SYSTEM; FINDING THE ORDINANCE TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; AND ESTABLISHING AN EFFECTIVE DATE.

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AN ORDINANCE 95797

AUTHORIZING THE ACCEPTANCE OF AN AMOUNT NOT TO EXCEED \$130,000.00 FROM THE BEXAR COUNTY HOSPITAL DISTRICT, D/B/A UNIVERSITY HEALTH SYSTEM, TO RENEW THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S ONGOING WOMEN'S HEALTH PROGRAM; AUTHORIZING THE EXECUTION OF THE AGREEMENT WITH UNIVERSITY HEALTH SYSTEM; ADOPTING A BUDGET FOR THE WOMEN'S HEALTH PROGRAM; APPROVING A PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 95798

AUTHORIZING THE EXECUTION OF A ONE (1) YEAR EXTENSION WITH TEXAS CLOSED CAPTIONING TO PROVIDE THE CITY WITH CLOSED CAPTIONING SERVICES BEGINNING JUNE 7, 2002 FOR THE AMOUNT OF \$30,000.00.

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AN ORDINANCE 95799

AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT WITH TOWERS PERRIN, INC. IN AN AMOUNT NOT TO EXCEED \$95,000.00 TO PERFORM A ONE-TIME HEALTH BENEFITS PLAN DESIGN REVIEW AND ACTUARIAL ANALYSIS OF THE CITY'S SELF-FUNDED HEALTH BENEFITS PROGRAM.

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AN ORDINANCE 95800

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR THE ALAMODOME IN CONNECTION WITH THE JUNETEENTH PARADE TO BE HELD ON SATURDAY, JUNE 15, 2002 FROM 8:30 A.M. TO 12:00 P.M.

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AN ORDINANCE 95801

REAPPOINTING JODY R. SHERRILL TO THE OPEN SPACE ADVISORY BOARD (DISTRICT 8) FOR A TERM OF OFFICE TO EXPIRE ON AUGUST 29, 2003

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AN ORDINANCE 95802

APPOINTING ROSE MAGALLANES TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE (DISTRICT 9) FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 31, 2004.

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AN ORDINANCE 95803

APPOINTING MARK MERLO (DISTRICT 1) AS TRUSTEE, ED WHITE (DISTRICT 6) AS TRUSTEE AND DIRECTOR AND MARIANNE WATSON (DISTRICT 9) AS TRUSTEE TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR

TERMS OF OFFICE TO EXPIRE ON MAY 9, 2003, MAY 9, 2004 AND MAY 9, 2003, RESPECTIVELY.

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AN ORDINANCE 95804

REAPPOINTING MARY E. BRISENO TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN (DISTRICT 10) FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2003.

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AN ORDINANCE 95805

APPOINTING EDWARD PATRICK MAGALLANES TO THE SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY ADVISORY COMMITTEE (DISTRICT 9) FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 20, 2003.

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2002-21 The Clerk read the following Ordinance:

AN ORDINANCE 95806

AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT WITH THE LOCAL 624 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS FOR A TERM FROM JUNE 3, 2002 THROUGH SEPTEMBER 30, 2005; AND AMENDING ORDINANCE NO. 94578, PASSED AND APPROVED SEPTEMBER 30, 2001 BY REVISING CERTAIN DEPARTMENTAL BUDGETS AND PAY PLANS IN CONNECTION WITH SAID AGREEMENT. (AMENDS ORDINANCE NO. 94578, SEPTEMBER 20, 2001.)

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

Mr. Erik Walsh, Assistant to the City Manager, presented a PowerPoint presentation on the background of the collective bargaining agreement with the Local 624 International Association of Fire Fighters for a term from June 3, 2002 through September 30, 2005, a copy of which is attached to this file which includes Background, Provisions of the

Agreement (Wages, Steps, Commissary System, Incentives, Pre-Certification, Health Benefits, Vacation, Holiday Premium, Random Drug Testing, High Class for District Chief Aides, 2 hour Arson Priority Call, Bonus Day Sell Back, Revised Grievance Procedures, Settlement of Outstanding Grievances, City Interests Achieved, Projected Fiscal Impact and Staff Recommendations.

Mayor Garza thanked Mr. Walsh on his hard work in developing the agreement.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to a recent paper chase he experienced within City offices. He also spoke to a pay raise for the Fire Fighters and other City employees. Mr. Hodge also stated that not only should fire fighters take a drug test, but all other City employees, as well as Council Members.

Councilman Garcia thanked City staff and the fire fighters union on the long process, and how the citizens will benefit from the agreement.

Councilman Schubert spoke to the fiscal implications of the contract, and how those are mandates for funding in future years. He also thanked staff for all their hard work on this agreement.

Councilman Perez thanked Mr. Walsh and City staff for this agreement

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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2002-21 The Clerk read the following Ordinance:

AN ORDINANCE 95807

AUTHORIZING THE EXECUTION OF A CONTRACT WITH TRUE FLAVORS CULINARY PLANNERS IN AN AMOUNT NOT TO EXCEED \$4,566,280.00 FOR THE PROVISION OF MEAL PREPARATION SERVICES IN SUPPORT OF THE CITY OF SAN ANTONIO'S COMPREHENSIVE NUTRITION PROJECT (CNP) ADMINISTERED BY THE DEPARTMENT OF COMMUNITY INITIATIVES FOR THE PERIOD OF AUGUST 1, 2002 TO DECEMBER 31, 2004; AUTHORIZING A BUDGET ADJUSTMENT ASSOCIATED WITH PAYMENT OF SAID CONTRACT; APPROVING A REVISED PERSONNEL COMPLEMENT; AND TERMINATING

ALL CURRENT CNP AGENCY CONTRACTS; AND AUTHORIZING THE EXECUTION OF NEW CONTRACTS WITH ALL CNP SITES.

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

Mr. Dennis Campa, Director of Community Initiatives, presented the proposed contract with True Flavors Culinary Planners for the provisions of meal preparation services in support of the City's Comprehensive Nutrition Project (CNP), a copy of which is on file with the papers of this meeting.

Mr. Campa discussed the contract's Purpose, Background, Funding History, Census 2000 Analysis, Outsourcing (Staff Recommendation) (RFP Process) (RFP Evaluation), Action Plan - CNP Worker Transition. Next Steps, Accountability Plan, Program Enhancements within Current Budget, Ordinance Summary and Staff Recommendations.

The following citizen(s) appeared to speak:

Ms. Margarita Munoz, Manager, St. James Nutrition Center, spoke to the meal program at the center, and its success in serving the seniors in the community due partly to the cooks who provide exceptional meals. She objected to the proposal of reducing funding for the cooks, and the option of serving cold prepared meals to the elderly.

Ms. Juanita Briones, spoke in protest to the proposed reduction of the nutritional center. As a senior in the community, she enjoys the hot meals, and asked for support so that the community elders may continue receiving the benefit of good meals.

Ms. Elida Mazuca, representing the seniors in San Antonio, spoke about her concern in the delay that would result in delivering and receiving lunch after hours because of the proposed changes in the nutritional program. She asked Council to take into consideration the elders' situation in their votes for this change.

Ms. Pauline Cantu, Our Lady of Angels Senior Program, spoke to their concerns about the appropriate food cooking temperatures if this nutritional program is changed.

Ms. Julia Gonzales, Assistant cook at Our Lady of Angels Senior Program, spoke to her opposition to changing the nutritional program resulting in poor food quality, delivery time and food preparation. Ms. Gonzales asked the City Council to reconsider the proposed Ordinance.

Ms. Rosalinda Hernandez, Our Lady of Angels Senior Program employee, spoke in opposition to any change in the current food program at the center.

Mr. Thomas Lucky, a senior at the Lady of Angels Senior Program, spoke to the fact that he eats his meals at these centers, and hopes the Council will not change from its current program.

Ms. Betty Eckert, Volunteer Kenwood Comprehensive Center, spoke regarding other volunteers and 27 other employees who will lose their jobs as a result of this new contract. She stated that after explanations were given about the proposed change, the issue of funding is the primary factor. The food will be served at the same locations, but will be actually prepared at locations far from the various centers, which could result in food poisoning.

Ms. Eckert asked that Council table the Ordinance until further studies are conducted.

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In response to Mayor Garza's question regarding flexibility of time required to prepare and serve food, and about how the new program would deal with the flexibility issue, Mr. Campa stated that the new program would include a Chef with culinary arts experience. He stated there will be twelve different sites that cook under this plan, and added that meals will be delivered to thirteen pickup sites, and more sites will have food delivered as opposed to having to pick it up. According to Mr. Campa, the plan will centralize the food preparation operation.

Discussion took place regarding the same kind of flexibility on the new contract in regards to safe food temperatures, the fact that centers are able to buy food on a site-by-site basis, and more resources available for special events.

Mayor Garza spoke to the quality of True Flavors Culinary Planners, and his appreciation to the nationally known chef, Mr. Johnny Hernandez, whose passion is to deliver a good product to the citizens of San Antonio. The Mayor described the many factors the City Council had taken into consideration when deciding the most efficient manner by which to serve well-prepared meals to the City's senior citizens. He spoke to legitimate concerns by all parties involved, one major concern being spending public tax dollars and the other in serving seniors. Mayor Garza spoke to his goal of enhancing the nutrition centers, and concluded by stating that he would be supporting the proposed agreement with True Flavors.

Mayor Garza called on Councilman Barrera, Chairman of the Healthy Family Subcommittee, who stated that he is aware of the concerns expressed at today's meeting.

Mr. Barrera spoke to the many employment opportunities that will be made available with the proposed agreement with True Flavors, a local company. He acknowledged that the accountability measures will be enforced and that True Flavors will be accountable for their performance by means of contract monitoring.

With regard to monitoring food quality, Mr. Campa stated that the City has a registered dietician and contract staff and fiscal monitors who are qualified to assure performance measures such as USDA requirements, and fiscal performance. He added that the dietician assisted with this program on menus to meet the one-third required allowance for seniors.

Discussion continued on food temperatures, means of transporting food to maintain that temperature, and delivering foods within the specified hours at the correct temperature.

Mr. Campa stated that True Flavors is willing to meet requirements through this stringent contract and to show commitment to quality and service to its clients.

Mr. Garcia thanked Ms. Terry Bretchel, City Manager, Mr. Campa and Mr. Johnny Hernandez with True Flavors Culinary Planners for their efforts on this proposal. However, he stated that he could not vote in good conscience for this contract. He thanked the seniors who attended today's meeting. He also asked for a roll call vote on this issue.

In response to Councilman Castro's concern about the workers and their possible unemployment status, Mr. Campa stated there are twenty-seven (27) workers who will be impacted; six (6) of whom are employed full time. He added that other additional positions will be considered, and is 99% confident that those positions will be confirmed.

Discussion took place concerning the quality of meals and the assurance that they will be delivered at the right temperatures. In response to Councilman Castro, Mr. Campa stated that there is an annual process used to gauge consumer satisfaction to include feedback on these matters. Mr. Campa added that the food service staff does a survey, meeting once a month with managers and cooking staff.

Mr. Campa stated that food temperatures are checked on a daily basis to meet the guidelines of the Health Department. He also stated that currently food temperature is checked prior to being loaded for shipment, and that staff is required to check the temperature a second time after it has been transported to the delivery site. The food temperatures are charted and monitored by appropriate staff members.

Councilman Castro supported continuation of the surveys for food quality and spoke to the maintenance of funding resources for senior activities, and directed his support to the

seniors and their well being. Mr. Castro concluded by stating that True Flavor has a commitment to this contract and to the senior citizens of San Antonio.

Council members spoke to their concerns about committing to the contract and maintaining the quality of food.

Discussion continued on issues pertaining to the centralized location, reducing waste, rather than utilizing various nutritional centers.

When asked by Mr. Castro as to whether any City employees would be displaced as a result of this contract, Mr. Campa responded that currently there are six full time cooks and six part time cooks, two of whom have indicated they may be leaving for other employment. For the remainder, there are enough vacancies to where they may be relocated or they will be placed in the private sector at the same salary range.

Mr. Campa also stated that by looking at the 2000 census and determining where the seniors are and how we can serve them, his staff would do further analysis and determine the greatest needs to expand services. The results of the analysis will enable his staff to strategically place centers to better serve the seniors.

Councilman Enrique "Kike" Martin spoke regarding his concerns over the process of introducing the proposal to site managers, and added that he agreed with Councilman Garcia with regard to providing a better method to feed seniors while providing more meals for a lesser cost.

In response to Mr. Martin's question about liability, Mr. Campa stated that the agreement contains language which indicates that True Flavors would be responsible for any claims, and added that True Flavors has a \$2,000,000.00 liability bond.

Mr. Martin continued on issues regarding the surveys, the notification process and possible displaced workers. He commended staff's work, but stated he would not be supporting this measure or staff's recommendation on this ordinance.

Councilwoman Moorhouse suggested that with the monetary savings, assisting the seniors with transportation might be another consideration. There are a couple of centers that could use new vans and other equipment. She added that the savings may be used to offer a high quality of service to the seniors, such as with health issues, special diets or medications.

Ms. Moorhouse also expressed her concerns over the freshness, temperature and quality of the food on this contract.

Ms. Moorhouse thanked Mr. Campa for his efforts, and added her plan would have been to concentrate on improving the current system, rather than a new contract, with more input from the seniors and managers. She stated she will be voting against this proposal.

Councilman Sanders complimented Mr. Campa, his staff, Councilman Barrera and the Subcommittee. He commended the Mayor for the proposed program. Mr. Sanders stated after taking all issues into consideration, he will listen to his senior constituents.

Councilman Perez commended Mr. Campa, and will be supporting staff's recommendation.

Councilman Carpenter commended staff for following direction that Council issued and thanked Councilman Barrera and the subcommittee for their work on this issue.

Councilman Schubert stated that Mr. Campa has completed what he was charged with a year ago. Mr. Campa has successfully managed to serve the community with a centralized kitchen. Mr. Schubert added that the money that is saved from this program would result in feeding more people. Mr. Schubert supported staff recommendation.

Councilwoman Conner thanked Mr. Campa for achieving his charge, and added her support for staff recommendations.

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

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2002-21 The Clerk read the following Ordinance:

AN ORDINANCE 95808

AUTHORIZING THE NEGOTIATION AND EXECUTION OF A DONATION AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, TEXAS AND THE CONSULADO GENERAL DE MÉXICO, INSTITUTO CULTURAL MEXICANO, UNIVERSIDAD NACIONAL AUTÓNOMA DE MÉXICO IN SAN ANTONIO AND ASOCIACIÓN DE EMPRESARIOS MEXICANOS PROVIDING FOR THE DONATION TO THE CITY AND ACCEPTANCE OF THE "TORCH OF FRIENDSHIP" SCULPTURE, CREATED BY THE WELL-KNOWN MEXICAN

ARTIST SEBASTIAN, WHICH SHALL BE PERMANENTLY LOCATED AT THE INTERSECTION OF LOSOYA, COMMERCE AND ALAMO STREETS.

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

Mr. Henry Sauvignet, Director of International Affairs, presented the proposal for the sculpture, "Torch of Friendship" by Sebastian, which has been in the making for the last two years, a copy of which is on file with the papers of this meeting.

The following citizen(s) appeared to speak:

Mr. Marty Wender, Greater San Antonio Chamber, this sculpture will stand as a great tribute between our two countries.

Mr. Eduardo Garcia, private citizen, spoke to San Antonio being a historically rich City and the location for the sculpture is well matched. He supports the sculpture that is well suited to punctuate the downtown area. He asked for Council to support this issue.

Mr. Mike Casey expressed his sentiments that the sculpture is very appropriate and hopes Council will support it.

Mr. Jack M. Finger, P.O. Box 12048, spoke to additional funding for maintenance of the sculpture, and his opposition to the artwork.

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Mayor Garza spoke to the friendship that San Antonio has with Mexico. This sculpture further solidifies the friendship between the two entities. The Mayor stated that it would reinforce our relationship with Mexico and also looks forward to the dedication.

Council members thanked Mr. Sauvignet and commented on the exciting world class art sculpture.

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.

4B.) CASE NUMBER #Z2002066 - The request of City of San Antonio, Applicant, for Michael Berlanga, Owner(s), for a change in zoning from "O-2 HD" Historic Office District to "R-6 HD" Historic Residential Single Family District on Lot A-1, NCB 1885, 125 W. Ashby. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Perez made a motion to continue this rezoning case until the City Council meeting of June 13, 2002. Mr. Sanders seconded the motion.

After consideration, the motion to continue this case until June 13, 2002, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Barrera, Garza.

Zoning Case #Z2002066 was continued to the City Council meeting of June 13, 2002.

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4C.) CASE NUMBER #Z2001242 - The request of Lawrence K. O'Neill, Applicant, for Lawrence K. O'Neill, Owner(s), for a change in zoning from "RM-4 H" Historic Residential Mixed District to "O-1 H" Historic Office District on Lot 16 and west 104.16 feet of Lot 10, Block 19, NCB 546, 525 Nolan Street and 619 N Mesquite Street. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 2)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Sanders made a motion to reject the recommendation of the Zoning Commission and to deny the requested rezoning. Mr. Carpenter seconded the motion.

After consideration, the motion to deny the rezoning request prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Barrera, Garza.

Zoning Case #Z2001242 was denied.

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4D.) CASE NUMBER #Z2002076-A - The request of City of San Antonio, Applicant, for Owner(s), for a change in zoning from "I-1" General Industrial District to "C-2" Commercial District, NCB 17322, Block 1, Lot 6 save and except the northwest 100 feet, and NCB 17322, P-32, NCB 17322, P-34, P-32D, P-32B save and except the northwest 100 feet, NCB 17992 P-33, NCB 17992, P-34, P-32A, P-32C, P34B, P-34C, P-63 save and except the northwest 100 feet and from "I-1" General Industrial District to "R-6" Residential Single Family District, NCB 12867, P-38, P-38B and P-36B on I.H. 10 East Corridor. Staff's recommendation was for approval.

Zoning Case #Z2002076-A was pulled from consideration.

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4E.) CASE NUMBER# Z2002076-B - The request of City of San Antonio, Applicant, for Owner(s), for a change in zoning from "I-1" General Industrial District to "C-2" Commercial District, NCB 17994 Lot 33 save and except the northwest 100 feet and NCB 17994, Lot 34, fronting on IH 10 east save and except the northwest 100 feet, from "I-1" General Industrial District to "R-6" Residential Single Family District on Lot 34 save and except the north 524.38 feet on I.H. 10 East Corridor. Staff's recommendation was for approval.

Zoning Case #Z2002076-B was pulled from consideration.

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4F.) CASE NUMBER #Z2002076-C - The request of City of San Antonio, Applicant, for Owner(s), for a change in zoning from "I-1" General Industrial District to "R-6" Residential Single Family District on NCB 17983, all of P-3D and NCB 17983, P-9A, P-10, P-2, P-3B and P-4 save and except the southeast 200 feet, from "I-1" General Industrial District to "C-2" Commercial District NCB 17983, P-9 save and except the southeast 100 feet on I.H. 10 East Corridor. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 2).

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Sanders made a motion to reject the recommendation of the Zoning Commission and to deny the requested rezoning. Mr. Carpenter seconded the motion.

After consideration, the motion to deny the rezoning request prevailed by the following vote: **AYES:** Sanders, Moorhouse, Garcia, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Perez, Martin, Barrera, Garza.

Zoning Case #Z2002076-C was denied.

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4G.) CASE NUMBER #Z2002076-D - The request of City of San Antonio, Applicant, for Owner(s), for a change in zoning from "C-3 R" Commercial Restrictive Alcoholic Sales District and "I-1" General Industrial District to "R-6" Residential Single Family District, NCB 16549, Lot 1, P-17A, P-17B and P-17C save and except the southeast 100 feet on I.H. 10 East Corridor. Staff's recommendation was for approval.

Zoning Case #2002076-D was pulled from consideration.

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4H.) CASE NUMBER #Z2002076-E - The request of City of San Antonio, Applicant, for Owner(s), for a change in zoning from "I-1" General Industrial District to "C-3" Commercial District, P-2 and P-5, NCB 16568 on I.H. 10 East Corridor. Staff's recommendation was for approval.

Zoning Case #Z2002076-E was pulled from consideration.

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4I.) CASE NUMBER #Z2002076-F - The request of City of San Antonio, Applicant, for Owner(s), for a change in zoning from "I-1" General Industrial District to "R-6" Residential Single Family District, P-6A, P-6B, P-6C, P-6D and P-6E , NCB 16555, and from "I-1" General Industrial District to "MF-25" Multi Family District, P-6 save and except the south 500 feet, NCB 16555, and from "I-1" General Industrial District to "C-1" Commercial District, P-6, the south 500 feet, NCB 16555, on I.H. 10 East Corridor. Staff's recommendation was for approval.

Zoning Commission has recommended approval (Council District 2).

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Sanders made a motion to continue this rezoning case until the City Council meeting of June 13, 2002. Mr. Schubert seconded the motion.

After consideration, the motion to continue this case until June 13, 2002, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Garcia, Castro, Conner, Schubert. **NAYS:** None. **ABSENT:** Perez, Martin, Barrera, Carpenter, Garza.

Zoning Case #Z2002076-F was continued to the City Council meeting of June 13, 2002.

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4J.) CASE NUMBER #Z2002049 - The request of City of San Antonio, Applicant, for Multiple property owners, Owner(s), for a change in zoning to large lot residential and Neighborhood Preservation District based on specific lot size and existing character of the area, the vacant "MH" Manufactured Housing District on Majestic Drive should be rezoned to "R-6" Residential Single Family District and existing commercial uses shall be rezoned to their corresponding commercial districts, on property generally bounded by Ingram Road to the south, Callaghan Road to the west and north, Bandera Road to the northeast, and Benrus Boulevard to the east Ingram Hills Neighborhood. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Castro made a motion to continue this rezoning case until the City Council meeting of June 13, 2002. Mr. Sanders seconded the motion.

After consideration, the motion to continue this case until June 13, 2002, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Garcia, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Perez, Martin, Barrera, Garza.

Zoning Case #Z2002049 was continued to the City Council meeting of June 13, 2002.

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4K.) CASE NUMBER #Z2002032 - The request of A.R. Perez, Jr., Applicant, for A.R Perez, Jr, Owner(s), for a change in zoning from "R-4" Single-Family Residence District to "O-1" Office District on Lots 12, 13, 20, 21 & 22, Block 2, NCB 6228, 100 Perry Ct. and 100 Davis Ct. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 9)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Schubert made a motion to reject the recommendation of the Zoning Commission and to deny the requested rezoning. Mr. Carpenter seconded the motion.

After consideration, the motion to deny the rezoning request prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Martin, Barrera, Garza.

Zoning Case #Z2002032 was denied.

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4L.) CASE NUMBER #Z2002033C - The request of Fire & Police Pension Fund, Applicant, for Shearer Hills Baptist Church, Owner(s), for a change in zoning from "R-4" Residential Single-Family District and "R-5" Residential Single-Family District to "C-2" Commercial District (1.734 acres), "R-4 C" Residential Single-Family District with a conditional use for a non-commercial parking lot (1.747 acres) and

"R-5 C" Residential Single-Family District with a conditional use for a non-commercial parking lot (0.5275 acres) on Lots 1, 2, 3, 4, and 5, Blk 2, NCB 10063 and Lots 1, 2, 3, 4, 5 and 12, Blk 2, NCB 11016, 802-803 Oblate Drive. Staff's recommendation was for approval with conditions.

Zoning Commission has recommended approval as per staff's recommendation. (Council District 9)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Schubert made a motion to continue this rezoning case until the City Council meeting of June 27, 2002. Mr. Carpenter seconded the motion.

After consideration, the motion to continue this case until June 27, 2002, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Garcia, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Perez, Martin, Barrera, Garza.

Zoning Case #Z2002033C was continued to the City Council meeting of June 27, 2002.

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2002-21 Mayor Garza was obliged to leave the meeting. Mayor Pro Tem Moorhouse presided.

2002-21 PUBLIC HEARING AND ORDINANCES: ADOPTING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG).

Mayor Pro-Tem Moorhouse declared the 3 p.m. Public Hearing to be open.

Mr. Andrew Cameron, Department of Housing and Community Development, presented the FY 2002-2003 Proposed Annual Consolidated Budget, a copy of which is on file with the papers of this meeting. Mr. Cameron discussed FY2002/03 Entitlements, CDBG Funding Process, Funding Goals, Strategy, District Distribution Chart, Proposed CDBG Allocations by Category (by Districts and City-wide), Home Investment Partnerships Program, Home Funding Process, Home Available Funds, Overview Proposed Home Allocations, Summary of Proposed Home Allocations by Activity, and Additional Information.

Mr. Cameron concluded his presentation by recommending moving funds from last year's budget to support Housing Trust activities within the targeted area. The transfer of these funds would not impact next year's budget.

Mr. Dennis Campa, Director of Community Initiatives Department, came forward to discuss the particulars to Item 5B, Housing Opportunities for Persons with AIDS Entitlement Grant (HOPWA). This grant addresses the housing needs of low-income people with AIDS/HIV and the goal of allocating \$965,000 this year.

Mr. Campa described the process for determining fund allocation. The HOPWA program serves the Comal/Guadalupe county area, as well as the metropolitan area of San Antonio.

Mr. Campa will submit a proposal on January 23 for a partnership with Housing and Community Department. On March 11, City Council will hold a public hearing as part of this process which will be reviewed by a six-member panel.

Mr. Campa discussed the four identified funding categories of an AIDS housing facilities, and recommended one area resource center continue to provide transportation for people with AIDS.

The Community Initiatives Department will administer the HOPWA grant, and Mr. Campa hopes to contract out that administration next year. The program currently services 300 plus people and 3% is allocated for contract oversight. Accountability measures have been established.

Mr. Campa then began a discussion on Item 5C: FY 2002-2003 Emergency Shelter Grant (ESG). The ESG program, an HUD mandated process, provides quality emergency and shelter space for the homeless.

Mr. Campa discussed the submission process, as well as funding terms for four categories. He recommended the following agencies for funding: Family Violence Agency, St. Mary's School of Law, SAMM, the San Antonio AIDS Foundation, St. Peter's and St. Joseph's Homeless Shelters, and the Homeless Prevention Program.

Staff recommends approval.

Mr. Cameron made a correction regarding slide number 24 on his presentation regarding the dollar amount allocated to the Northwest YMCA should be \$140,000.00 and not \$14,000.00.

The following citizen(s) appeared to speak:

Ms. Sue Kelly, Urban Ministries, spoke to the after school program and asked Council to consider funding for these programs.

Mr. George E. McFerren, Macedonia Community Development Corporation (MCCD), along with Gloria Martinez, Executive Director, MCCD, introduced other MCCD representatives.

Mr. Kevin Davis, Member of Board of Directors, MCCD, spoke in support of funding for this organization.

(Mayor Garza returned to the meeting and presided.)

Ms. Mary L. Cantu, Project Learn to Read of San Antonio, spoke to increase the level of service and to increase staff recommendations this year. Project Learn to Read works to empower adults by increasing their reading and writing skills to become more productive adults.

Ms. Lanette Miller, Positive Beginnings, Inc., spoke to funding for after school services in the Edgewood area where there is the highest rate of unemployment, teen pregnancies, and illiteracy.

Mr. Manuel Macias, Executive Director, San Antonio Development Agency, spoke to the agency's current transition, and their budget request to identify sufficient funds to assist with this project.

Ms. Cynthia Ortiz, presented a brief video on the Downtown Youth Center, a non-profit agency serving teenagers from various districts and requested \$50,000 to support two Downtown Youth Center locations.

Mr. Bert Pfeister, Respite Care, thanked Council for their support and consideration which provides care and shelter for the developmentally disabled and physically challenged. The center provides skilled nursing and day care services in District 1.

Mr. Andrew Ruiz spoke how Respite Care made a positive change in her life, after they helped her child with developmental difficulties.

Mr. T. C. Calvert, NFA, stated their theme is "The Eastside Will Not Be Forgotten", and urged this Council consider certain needed areas of San Antonio.

Ms. Rae Hood, Coliseum Willow Park Neighborhood and Coliseum Oaks, spoke to her request for Council to share CDBG funds with their neighborhoods.

Ms. Gerry Rubert expressed her appreciation to the Council's consideration for support in her neighborhood.

Ms. Idea Brown, CERA, spoke in behalf of the Denver Heights Neighborhood, and requested CDBG funding for that neighborhood.

Mr. Johnny Calvert asked that the City Council remember the eastside when distributions of CDBG funds are made. He stated that the eastside neighborhoods can be revitalized, however, the challenge is to find new ways in the new budget to make progress.

Mr. T. C. Calvert concluded their group's presentation, and again asked Council that these neighborhoods not be forgotten when considering funding allocation.

Ms. Maria Dominguez, spoke to housing and real estate.

Mr. Paul Mayfield, stated he has AIDS, and spoke to housing opportunities for people with AIDS. Mr. Mayfield expressed his concern for a cost-effective solution to this problem, and asked Council to override the staff's recommendation, and not put the Housing Information Office in a City agency.

Sister Matilda, Early Childhood and Youth Education Center, thanked the City Council in favor of the program and application for funding.

Mr. Charles Shannon, YMCA of San Antonio, presented other directors from citywide YMCAs.

Maria Elena Torralva, Guadalupe Cultural Arts Center, spoke to the improvements needs of the facility and outlined services provided by the Guadalupe Cultural Arts. Ms. Torralva asked City Council to consider CDBG funding for this Center.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the need for better distribution of CDBG funds.

Ms. Carolyn Heath, Executive Director, Antioch Community Transportation Network, spoke to their application for CDBG funding for their campus. Ms. Heath thanked Councilman Sanders for his support of the campus and the entire Council for the street repairs completed around the campus last year.

Ms. Gloria Rodriguez spoke in behalf of the Avance National Headquarters, District 6 school based program and District 1 Avance National headquarters and the Mirasol Day Care Center. Avance will celebrate its 30-year anniversary with the opening of its headquarters with funding from the CDBG monies.

Ms. Deborah Lawrence, Life's Foundation, who manages money for those who want to invest and receive information about their money, requested CDBG funding.

(At this point, Mayor Garza was obliged to leave the meeting. Councilman Carpenter, presided in the temporary absence of Mayor Pro-Tem.)

Mr. Marlin Lytle, 1131 Austin Hwy, spoke to issue of shelters for the homeless. Mr. Lytle requested a day care center for the homeless.

Ms. Kathy Little, YWCA SEE Program, Self Employee Economic Program, requesting funding to pay rent so as to continue their work in the east side of the city. It is an educational facility assisting women on welfare to become independent and self-sufficient.

Mike Sorela, YWCA of San Antonio, requested \$15,000 for a part-time person to assist in working with the children.

He also spoke about the Las Palmas Park Playground and the need to repair the resurfacing of the playground in the amount of \$50,000. Mr. Sorela also requested Capital Improvements monies for their recreation center.

Mr. Arthur Downey, Keep San Antonio Beautiful, spoke to last year's \$400,000 CDBG funding and how this program will not receive any such funds this year. In order to continue their activities, he is requesting City Council to assist in any amount.

Mr. Bill Dykman, Keep San Antonio Beautiful, spoke to the work that KSAB conducts, such as education programs and environmental efforts to keep San Antonio Beautiful. He requested Council consider funding their organization.

Mr. Jack M. Finger, P.O. Box 12048, spoke to the process of allocating funding to various groups. He also spoke to his objection of funding special groups.

Mr. Ron Anderson, Executive for Housing and Community Services, Inc., which provides affording housing services, spoke to preserving affordable housing for the citizens of San Antonio. In order to develop affordable housing, Mr. Anderson is requesting funding for this purpose.

Mr. Larry Diaz, The Peoples Caucus, spoke to his concerns about two proposals that addressed services for people with AIDS. Mr. Diaz asked the Council to consider alternates to the proposals.

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

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

Mr. Perez then made an amendment with regard to CDBG funding by districts: (*Amendment on file attached to this Ordinance*). Mr. Sanders seconded the motion.

(Mayor Garza returned to the meeting and presided.)

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

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

AN ORDINANCE 95810

ADOPTING THE 28TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) IN THE AMOUNT OF \$20,511,000.00 AS CONTAINED IN THE FISCAL YEAR 2002-2003 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE 28TH YEAR CDBG PROGRAM; DESIGNATING THE 28TH YEAR CDBG PROGRAM FUNDS; APPROPRIATING 28TH YEAR PROGRAM FUNDS IN THE AMOUNT OF \$20,511,000.00; ALLOCATING PROGRAM FUNDS TO PROJECTS; ESTABLISHING ACCOUNTS; DELINEATING PROGRAM RESPONSIBILITIES; AUTHORIZING PERSONNEL CLASSIFICATIONS AND PAY RANGES; AUTHORIZING PAYMENT TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY, INC. IN THE AMOUNT OF \$117,002.65 FOR THE SEPTEMBER 1, 2003 INSTALLMENT IN CONNECTION WITH TWO DEFAULTED HUD SECTION 108 LOANS; AUTHORIZING EXECUTION OF ALL REQUIRED CONTRACTS AND RELATED DOCUMENTS IN CONNECTION WITH SAID 28TH YEAR CDBG PROGRAM, AND THE PROJECTS THEREUNDER; AND AUTHORIZING THE SUBMISSION OF THE CDBG GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE FISCAL YEAR 2002-2003 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATIONS AND OTHER INFORMATION AS REQUIRED TO HUD.

2002-21 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE:
EMERGENCY SHELTER GRANT (ESG).

Mayor Garza declared the Public Hearing to be open.

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

The Clerk then read the following Ordinance:

AN ORDINANCE 95811

ADOPTING THE FISCAL YEAR 2002-2003 EMERGENCY SHELTER GRANT (ESG) IN THE AMOUNT OF \$715,000.00 AS CONTAINED IN THE FISCAL YEAR 2002-2003 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FISCAL YEAR 2002-2003 ESG PROGRAM; DESIGNATING THE FISCAL YEAR 2002-2003 ESG PROGRAM FUNDS; APPROPRIATING FISCAL YEAR 2002-2003 PROGRAM FUNDS IN THE AMOUNT OF \$715,000.00 [ENTITLEMENT] AND \$715,000.00 FROM IN-KIND MATCH; ALLOCATING PROGRAM FUNDS TO PROJECTS; ESTABLISHING ACCOUNTS; DELINEATING PROGRAM RESPONSIBILITIES; AUTHORIZING PERSONNEL CLASSIFICATIONS AND PAY RANGES; AUTHORIZING EXECUTION OF ALL REQUIRED CONTRACTS AND RELATED DOCUMENTS AS NECESSARY IN CONNECTION WITH SAID FISCAL YEAR 2002-2003 ESG PROGRAM AND THE PROJECTS THEREUNDER; AND AUTHORIZING THE SUBMISSION OF THE ESG GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE FISCAL YEAR 2002-2003 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATIONS AND OTHER INFORMATION AS REQUIRED TO HUD.

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Mr. Carpenter 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, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

2002-21 **PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE:**
HOME PROGRAM.

Mayor Garza declared the Public Hearing to be open and declared it closed as no citizens were signed up to speak.

The Clerk read the following Ordinance:

AN ORDINANCE 95812

ADOPTING THE 11TH YEAR HOME PARTNERSHIP ENTITLEMENT GRANT (HOME) IN THE AMOUNT OF \$7,874,000.00 AS CONTAINED IN THE FISCAL YEAR 2002-2003 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FISCAL YEAR 2002-2003 HOME PARTNERSHIP ENTITLEMENT GRANT (HOME) PROGRAM; DESIGNATING THE FISCAL YEAR 2002-2003 HOME PROGRAM FUNDS; APPROPRIATING FISCAL YEAR 2002-2003 PROGRAM FUNDS IN THE AMOUNT OF \$7,874,000.00; ALLOCATING PROGRAM FUNDS TO PROJECTS; ESTABLISHING ACCOUNTS; DELINEATING PROGRAM RESPONSIBILITIES; AUTHORIZING PERSONNEL CLASSIFICATIONS AND PAY RANGES; AUTHORIZING A TRANSFER OF HOME FUNDS IN THE AMOUNT OF \$230,000.00 FROM THE HOUSING AND NEIGHBORHOOD REVITALIZATION FUND TO THE SAN ANTONIO HOUSING TRUST; AUTHORIZING EXECUTION OF ALL REQUIRED CONTRACTS AND RELATED DOCUMENTS AS NECESSARY IN CONNECTION WITH SAID FISCAL YEAR 2002-2003 HOME PROGRAM AND THE PROJECTS THEREUNDER; AND AUTHORIZING THE SUBMISSION OF THE HOME GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE FISCAL YEAR 2002-2003 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATIONS AND OTHER INFORMATION AS REQUIRED TO HUD.

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

Mr. Perez amended the motion by modifying the amounts of \$245,000.00 to the Owner Occupied Rehabilitation; \$30,000.00 to the Vista Points (U. U. Housing); appropriating no monies to the Neighborhood Revitalization (see amendment on file with papers of this Ordinance). Ms. Moorhouse seconded the motion.

The amendment to the motion passed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro.

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

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2002-21 **PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE:**
HOPWA.

Mayor Garza declared the Public Hearing to be open. There being no citizens to speak he declared it closed.

The Clerk then read the following Ordinance:

AN ORDINANCE 95813

ADOPTING THE FISCAL YEAR 2002-2003 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS ENTITLEMENT GRANT (HOPWA) IN THE AMOUNT OF \$965,000.00 AS CONTAINED IN THE FISCAL YEAR 2002-2003 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FISCAL YEAR 2002-2003 HOPWA PROGRAM; DESIGNATING THE FISCAL YEAR 2002-2003 HOPWA PROGRAM FUNDS; APPROPRIATING FISCAL YEAR 2002-2003 PROGRAM FUNDS IN THE AMOUNT OF \$965,000.00; ALLOCATING PROGRAM FUNDS TO PROJECTS; ESTABLISHING ACCOUNTS; DELINEATING PROGRAM RESPONSIBILITIES; AUTHORIZING PERSONNEL CLASSIFICATIONS AND PAY RANGES; AUTHORIZING EXECUTION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION WITH SAID FISCAL YEAR 2002-2003 HOPWA PROGRAM AND THE PROJECTS THEREUNDER; AND AUTHORIZING THE SUBMISSION OF THE HOPWA GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE FISCAL YEAR 2002-2003 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATIONS AND OTHER INFORMATION AS REQUIRED TO HUD.

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

Mr. Dennis Campa, Director of Community Initiatives, presented this Ordinance which included a Consolidated Plan FY 2002-2003 Housing Opportunities for People with AIDS. A power point presentation was made available and a copy is attached to these

papers. Mr. Campa spoke to its Purpose, Funding, Request for Proposal Process, Funding Categories, Proposals Received, Recommendations Agency Descriptions and Accountability Measures.

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

Mr. Sanders made an amendment to the motion that the Beat-Aids, Inc. become a partner with the City as a leader on the hospice allocation for the centralized housing fund to establish a centralized housing assistance. Mr. Perez seconded the motion.

Mr. Dennis Campa recommended the partnership, and discussion continued regarding funds for program effectiveness.

The amendment to the motion was approved by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

After discussion, the main motion, as amended, 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.

Councilman Perez then thanked staff for working on these issues, and asked staff to identify any unspent monies to be more effective. Mr. Perez stated he will be having more meetings to try to utilize these federal dollars in allocating CDBG money.

He stated that the same action will be taken with Public Works by determining current balances, unallocated and unspent balances. When these are determined, the figures will be reviewed by the Balance Growth Council Committee.

Mr. Perez further asked that Mr. Drew Cameron be prepared in a month's time to do some reprogramming from the 27th Year Capital Improvement Contingency from District 1. He identified specifically District 1's Public Works unallocated contingency fund, Elvira Street and Valdez Plaza.

Mayor Garza thanked Mr. Cameron, staff and Mr. Perez, through the Housing and Neighborhood Committee for working on this effort.

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2002-21 The Clerk read the following Ordinance:

AN ORDINANCE 95814

APPROVING THE DEVELOPMENT SERVICES COMPONENT OF PHASE III OF THE ENTERPRISE RESOURCE MANAGEMENT PROJECT TO THE EXISTING CONTRACT (ORDINANCE NO. 94040, APPROVED MAY 31, 2001) WITH DELOITTE CONSULTING L.P. TO OBTAIN PROFESSIONAL SERVICES FOR THE IMPLEMENTATION OF THE LAND MANAGEMENT AND DEVELOPMENT SYSTEM; APPROPRIATING AND ENCUMBERING FUNDS IN AN AMOUNT NOT TO EXCEED \$7,097,500.00; AUTHORIZING PAYMENT AND EXECUTION OF THE REQUIRED DOCUMENTS; AND DELEGATING THE AUTHORITY TO APPROVE CHANGE ORDERS AS MAY BE REQUIRED BY THE CITY OF \$25,000.00 OR LESS TO THE DIRECTOR OF FINANCE.

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

Mr. Milo Nitschke, Director of Finance, began his presentation by introducing Mr. Gary Moeller, Director of Information Technology Department, who assisted in this project, as well as members of the Steering Committee, Rene Gonzalez, of Gonzalez/Garza Consultants, Mr. Chip Flagg of Deloitte & Touche Consultants, and Ms. Elizabeth Bugay, of Cox & Smith, Consultants, Inc.

Mr. Nitschke presented staff's recommendation for Council for Approval of the Phase III ERM Project – Development Services. Power point presentation was conducted, a copy is attached to these papers. He spoke to Background, ERM Project Safeguards, ERM Project Overview, Software Vendor Selection Process, Site Visits and References, Hansen Business Agreement, Deloitte Consulting Agreement, SBEDA Participation in Consulting Fees, Deloitte Consulting Agreement, Summary of Development Services Phase 3, Outside Legal Services, Implementation Schedule and Development Services Phase III ERM Implementation.

Mayor Garza stated that this project was another step in the process towards overall ERM implementation in improving the City's technology for customer service and development services. He added this project went through the Council's Audit Contract Committee and Technology Committees.

Mayor Garza spoke to the high expectations in terms of the improvements, patience and understanding of the investment that is needed to bring this initiative to fruition.

Councilman Julian Castro spoke to the crucial need to upgrade the City's technological systems in order for all departments to become integrated, and noted that it was in 1975 when the last upgrade had been made.

In response to Councilman Castro as to whether or not the prices the City is paying at Deloitte and Hanson are consistent with cities of similar size and consistent with other cities in the nation, Mr. Nitschke responded that there are two points to the pricing. The first point is that all proposals were considered for the consulting as it related to the initial RFP. The second point Mr. Nitschke said was that subsequent to that, were the consulting portions of the vendor proposals that are being considered today and the price range for which the City is being charged for the consulting services is consistent with the practice that is in the industry.

In addition, Mr. Nitschke introduced Mr. Jerry Powell, City Project Manager, who has 20 years experience and will monitor those prices to compare with consultants' spreadsheets to ascertain that they are at the level they should be.

Mr. Nitschke stated his staff has several elements in checking proposals as with internal experts and with outside consultants, such as Mr. Chip Flag of Deloitte Consultants.

In response to Mr. Castro's inquiry regarding potential consulting and auditing conflicts and how they can be prevented, Mr. Nitschke responded that the project has been followed very closely in light of recent events, and he stated that there are no conflicts between the auditing or consulting aspects of the project.

Mr. Nitschke then called up Mr. Chip Flagg with Deloitte Consulting, who announced that within the next 30 days, Deloitte & Touche will be splitting up the two entities to prevent similar perceptions of potential conflicts of interest.

Mr. Nitschke reassured Mr. Castro that he was confident that the split would prevent such conflicts.

Councilman Garcia thanked Mr. Nitschke and the Steering Committee for their efforts on this project, and noted his concerns on the amount of money being spent for the upgrade of the City's systems. Mr. Garcia stated his questions have been answered well enough for him to vote positively on this item, and encouraged his colleagues to do so as well. Councilman Garcia added that when staff returns for negotiations on this matter, he will discuss the possibility of an outside company conducting an assessment over these figures.

Mayor Garza stated that the Office of Internal Review will be responsible for review of such programs.

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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2002-21 The Clerk read the following Ordinance:

AN ORDINANCE 95815

APPROVING THE SELECTION OF HANSEN INFORMATION TECHNOLOGIES, INC. TO PROVIDE THE CITY OF SAN ANTONIO WITH LAND MANAGEMENT AND DEVELOPMENT SOFTWARE AND FIVE YEARS OF SERVICE AND MAINTENANCE IN THE INITIAL AMOUNT OF \$1,313,000.00 FOR THE PURCHASE OF PROPRIETARY SOFTWARE LICENSES AND \$118,067.00 FOR THE FIRST FOUR MONTHS OF SUPPORT AND MAINTENANCE; PROVIDING FOR SERVICE AND MAINTENANCE FOR FIVE YEARS AT AN INITIAL AMOUNT OF \$354,200.00 PER YEAR AND PROVIDING FOR ADJUSTMENT IN FEES SUBJECT TO A MAXIMUM OF FIVE PERCENT ANNUAL INCREASE; APPROPRIATING FUNDS AND AUTHORIZING PAYMENT.

* * * *

Mr. Carpenter made a motion to approve the proposed Ordinance. Mr. Martin 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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2002-21 The Clerk read the following Ordinance:

AN ORDINANCE 95816

APPROVING A CONTINUANCE OF THE CONTRACT WITH THE LAW FIRM OF COX AND SMITH, INC. WHICH HAS ASSISTED IN ALL PREVIOUS PHASES OF THE PROJECT AND WHICH WOULD CONTINUE TO PROVIDE LEGAL SERVICES TO ASSIST THE CITY ATTORNEY'S OFFICE IN NEGOTIATING CONTRACTS WITH THE PROPOSED VENDORS OF THE ENTERPRISE RESOURCE MANAGEMENT PROJECT, AND WITH DELOITTE CONSULTING,

L.P., AND THE ASSOCIATED COMPUTER AND SOFTWARE FIRMS IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$150,000.00, FOR A TOTAL CONTRACT AMOUNT OF \$225,000.00; APPROPRIATING AND ENCUMBERING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

Mr. Carpenter 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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2002-21 The Clerk read the following Ordinance:

AN ORDINANCE 95817

AUTHORIZING THE EXPENDITURE OF \$250.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND, PAYABLE TO MAKING A DIFFERENCE, AN ORGANIZATION FOR COMMUNITY YOUTH, TO BE USED TO OFFSET THE COSTS OF FOOD AND GAMES FOR ITS ANNUAL SUMMER PROGRAM; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

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

