

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, APRIL 3, 2003.**

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2003-13 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

A.) **Boards and Commissions Worksession.** (Presented by Yolanda Ledesma, Acting City Clerk; Travis M. Bishop, Assistant City Manager.)

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

The "B" Session adjourned at 11:40 A.M.

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2003-13 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Edward D. Garza, with the following members present: Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Schubert, Carpenter, Garza. ABSENT: Conner.

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2003-13 Invocation by Rabbi Aryea Scheinberg from Congregation Rodfie Sholom.

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2003-13 Pledge of Allegiance to the flag of the United States.

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2003-13 Minutes of the regular City Council meeting of February 27, 2003 were approved.

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2003-13 **CONSENT AGENDA – CITIZEN COMMENTS**

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to Items 15A & B, and spoke to affirmative action in relation to biblical scriptures. He stated that he spoke on February 27, 2003 on the relation of trees to the biblical verses. He added that shade was very important.

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2003-13 **CONSENT AGENDA**

Councilman Perez made a motion to approve Agenda Items 6 through 15B, constituting the Consent Agenda. Councilman Martin 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, Herrera, Barrera, Schubert, Garza. **NAYS:** None. **ABSENT:** Castro, Conner, Carpenter.

AN ORDINANCE 97402

ACCEPTING THE LOW QUALIFIED BIDS SUBMITTED BY LAWRENCE MARSHALL CHEVROLET II, L.P., SOUTHWAY FORD, INC., NORTHSIDE FORD, PHILPOTT MOTORS, INC., RED MCCOMBS DODGE LIMITED, LAWRENCE MARSHALL FORD-MERCURY, L.P., CAVENDER-CHEVROLET, AND MAXWELL AUTO GROUP, TO PROVIDE THE CITY OF SAN ANTONIO CODE COMPLIANCE, COMMUNITY INITIATIVES, CONVENTION FACILITIES, DEVELOPMENT SERVICES, ENVIRONMENTAL SERVICES, FIRE, HEALTH, PUBLIC WORKS, PARKS & RECREATION, POLICE, PURCHASING & GENERAL SERVICES, AND INFORMATION TECHNOLOGY SERVICES DEPARTMENTS WITH LIGHT DUTY TRUCKS FOR A TOTAL SUM OF \$3,509,095.62.

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AN ORDINANCE 97403

ACCEPTING THE OFFERS FROM TRADING COMPANY, INC., D/B/A COMMONWEALTH COMPUTER COMPANY (AABE) AND MICROTECHNOLOGIES, D/B/A COMPUTER EXPRESS (MBE), QUALIFIED INFORMATION SYSTEMS VENDORS, TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH COMPUTERS, PRINTERS AND SERVERS FOR AN ESTIMATED COST OF \$374,000.00.

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AN ORDINANCE 97404

ACCEPTING THE OFFER OF NORTHROP GRUMMAN INFORMATION TECHNOLOGY, INC., THROUGH THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES NEGOTIATED AGREEMENT, TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH A SEAT MANAGEMENT/PERSONAL COMPUTER LEASING PROGRAM FOR AN ESTIMATED THREE YEAR COST OF \$1,250,000.00.

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AN ORDINANCE 97405

ACCEPTING THE OFFERS FROM AMERICA'S COMPUTER COMPANY, CDW GOVERNMENT INC., TRADING COMPANY, INC., D/B/A COMMONWEALTH COMPUTER COMPANY (AABE), MICROTECHNOLOGIES, D/B/A COMPUTER EXPRESS (MBE), DELL MARKETING L.P., EQUUS COMPUTER SYSTEM, OM OFFICE SUPPLY INC., (WBE/MBE), PORTABLE COMPUTER SYSTEMS (WBE), TEXAS ELECTRONIC INFORMATION & COMPUTER CORP. (MBE), QUALIFIED INFORMATION SYSTEMS VENDORS, TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH COMPUTER HARDWARE COMPONENTS FOR AN ESTIMATED COST OF \$232,000.00.

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AN ORDINANCE 97406

AMENDING ORDINANCE NO. 95989, PASSED AND APPROVED JUNE 27, 2002 TO REVISE THE APPROPRIATION FOR PAR CONSTRUCTION IN THE ADDITIVE AMOUNT OF \$2,093.70 IN CONNECTION WITH THE RENOVATIONS AND ADDITIONS TO TERMINAL 1 FEDERAL INSPECTION SERVICES AT SAN ANTONIO INTERNATIONAL AIRPORT; REVISING THE BUDGET AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95989, JUNE 27, 2002.)

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AN ORDINANCE 97407

APPROVING FIELD ALTERATION NO. 2 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$176,568.66 TO ASC PAVING, INC. FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE 2000/2001 SPEED HUMP INSTALLATION PROJECT; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95640, APRIL 18, 2002.)

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AN ORDINANCE 97408

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN AN AMOUNT NOT TO EXCEED \$37,180.00 PAYABLE TO LOCKWOOD, ANDREWS & NEWNAM, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE AVONDALE FROM NEW BRAUNFELS TO I.H. 37 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95948, JUNE 20, 2002.)

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AN ORDINANCE 97409

AUTHORIZING THE ACCEPTANCE OF A DONATION OF OFFICE FURNITURE FROM THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY, INC., A 501(C)(3) ORGANIZATION, TO THE CITY OF SAN ANTONIO.

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AN ORDINANCE 97410

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF MARTIN LUTHER KING, PECAN VALLEY AND RIGSBY IN CONNECTION WITH THE 60+ MARDI GRAS PARADE, SPONSORED BY THE CITY OF SAN ANTONIO'S COMMUNITY INITIATIVES DEPARTMENT, TO BE HELD ON FRIDAY, APRIL 11, 2003 FROM 9:45 A.M. UNTIL 11:30 A.M.

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AN ORDINANCE 97411

APPOINTING GJAUNDELL "DELL" BRAZIEL (DISTRICT 3) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 31, 2005.

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AN ORDINANCE 97412

REAPPOINTING TOM DECHANT (NEIGHBORHOOD REPRESENTATIVE), RAY HAMILTON (COMMUNITY ORGANIZATION CATEGORY), DAVID BOWLES (CHAMBER OF COMMERCE), KENNETH THOMPSON (RELIGIOUS COMMUNITY), RAUL ZAMORA (EDUCATION REPRESENTATIVE), ROBERT DAVIS (COMMUNITY ORGANIZATION CATEGORY), SHERRY GOEBLE (AT-LARGE CATEGORY), RAY LOPEZ (EDUCATION REPRESENTATIVE) AND APPOINTING DELIA GUAJARDO (MAYOR'S DESIGNEE), EDDIE J. MILES (DISTRICT ATTORNEY REPRESENTATIVE) AND JOSEPH VICTOR BARTH

(RETIRED SECTOR CATEGORY), FOR TERMS OF OFFICE TO EXPIRE ON NOVEMBER 30, 2004 AND APPOINTING ADRIANNA MENDOZA (SAN ANTONIO YOUTH COMMISSION) FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2003, ALL MAYOR'S NOMINEES, TO THE GREATER SAN ANTONIO CRIME PREVENTION COMMISSION.

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2003-13      **INDIVIDUAL ITEMS – CITIZEN COMMENTS**

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to Item 16, and made reference to the Yanaguana issue and indicated that he would be for it if any revenues would bring more money to the City, which would allow raises for City Employees. He then urged Council to support Fire Fighter Luis Morales and his request for the Line of Duty leave.

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2003-13      The Clerk read the following Ordinance:

AN ORDINANCE 97413

APPROVING INCREASED TICKET PRICES AND ESTABLISHING NEW RATES IN TWO PHASES AS PROPOSED BY YANAGUANA CRUISES, INC. FOR THE SAN ANTONIO RIVER BOATS AND BARGES CONCESSION IN CITY COUNCIL DISTRICT 1, WITH PHASE I EFFECTIVE APRIL 15, 2003 AND PHASE II AUTOMATICALLY EFFECTIVE MARCH 1, 2004.

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

Mr. Malcolm Matthews, Director of Parks and Recreation, narrated a slide presentation regarding the proposed ticket price increase by Yanaguana Cruises, Inc., a copy of which was made part of the official papers of this meeting. He expounded on the background information regarding Yanaguana, including the ownership of Yanaguana, and the downtown attractions rate comparison.

Mayor Garza acknowledged that this was a very visible attraction for San Antonio. He spoke to the controversies regarding Yanaguana that focused primarily on the management of dollars and employment issues. He stated that he wanted to be sure that the Council had a clear understanding of the changes being made.

Ms. Joan Boom, Yanaguana Cruises, stated that when she stepped to the door, they restructured the company. She cited examples of the many changes that took place as far as the change in management, which has affected the progress of the company.

Mayor Garza wanted to know what impact the individuals that Ms. Boom mentioned would have in terms of the decision making for the company.

Ms. Boom gave the example of Mr. Doug Almond, and stated that although he was a percentage owner, he would not have any impact on the business or management of Yanaguana Cruises. She further spoke to the need of the change of the motors of the barges, and how they had to be replaced relatively soon to avoid interruption of service. She then noted the training of the employees has improved considerably, as well as the quality of the boats.

In response to Mayor Garza's question regarding the remaining amount of time left on the current contract, Mr. Matthews' response was that a little over two years was left. He then spoke to the time frame regarding the transition once that contract expired, and noted that it was important to begin the RFP process early so that time wouldn't be lost. He informed the Council that they would be given a timeline in the next 3 to 4 months.

In terms of added revenues, Mayor Garza wanted to see how this related to downtown improvements.

Mr. Matthews noted that the revenues were budgeted through the general fund.

In response to Mayor Garza regarding the reduction of the price at anytime, Mr. Matthews explained that any changes to the rate had to be approved by Council.

Councilman Perez requested for a general overview of how operations have changed since the new ownership.

Mr. Matthews reminded the Council that in relation to the timeline, they were just coming off of the audit and lawsuit. He further noted that some of the protections that the new owner has put in will help a lot. He spoke to the concerns of employees, and indicated that through the employee-input process, there has been positive feedback. He further stated that the owners have done everything that they can to move things in the

right direction. He further spoke to the water taxi, and how this system was revamped to make it easier, and also on how it actually has increased this business.

Ms. Boom stated that on the average, they had 8000 riders in 2 months, so dedicating two boats to this service was not working out. She noted that they have revamped the whole system, and spoke to those changes.

Councilman Perez indicated that it sounded like they are taking action to take a step in the right direction. He conveyed his appreciation to Joann for her work, and for working with City staff. He referenced the Mayor's comments and noted that it was important to have the ability to change the rates.

In response to Councilwoman Moorhouse's question as to when she took over, Ms. Boom stated that she came on board in October 2002.

Councilwoman Moorhouse questioned what formula was used for the rate increase, and questioned the comparison of events and the difference between the River Barge and those specific events that were involved in the comparison. She indicated that her biggest concern was regarding children, senior citizens and the Military. She stated that she would have liked to see more comparisons with other cities with similar attractions.

Mr. Matthews stated that there was nothing that could be compared to San Antonio's downtown Riverwalk.

In response to Mayor Garza on making the fees clear for local citizens, Mr. Matthews indicated that they would.

Councilwoman Herrera questioned the comparable attractions and the last time there was a fee increase, and Mr. Matthews stated that he didn't have that information handy, but would be provided as soon as possible.

Councilman Perez made an amendment to the motion to allow the rate increase to be revoked by a future ordinance, to give the Council flexibility to modify costs if needed. Councilman Martin seconded the motion.

City Attorney Andrew Martin confirmed that the ordinance would be approving the rate change.

Councilman Perez noted that his basis for the motion was due to the issues that they faced recently, and the perception that the City was in an unfair bargaining position. He spoke of the importance of having a level of protection, and having the City in an equal bargaining position.

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

The main motion, as amended, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

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2003-13 The Clerk read the following Ordinance:

AN ORDINANCE 97414

ACCEPTING THE LOW BID IN THE AMOUNT OF \$217,013.00 FROM PRONTO SANDBLASTING AND COATING AND OIL-FIELD SERVICES COMPANY INCORPORATED (MBE) FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE 2002 FLOOD INFRASTRUCTURE DAMAGE REPAIRS PROJECT PACKAGE 1; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT BY THE CITY MANAGER OR HER DESIGNEE; AUTHORIZING \$703.00 FOR ADVERTISING EXPENSES; FOR AN OVERALL TOTAL OF \$217,716.00, OF WHICH \$54,429.00 WILL BE FUNDED FROM THE STORM WATER OPERATING FUND BALANCE AND \$163,287.00 WILL BE REIMBURSED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Martin seconded the motion.

Mr. Tom Wendorf, Director of Public works, narrated a slide presentation regarding the Ordinance to accept the low qualified responsive bid and awarding a construction contract to Pronto Sandblasting and Coating and Oil-Field Services Company Inc. in connection with the 2002 Flood Infrastructure Damage Repairs Project Package 1, a copy of which was made part of the official papers of this meeting. He further narrated the slide presentation for Items 18 and 19 on the agenda, regarding the Ordinances to accept the low bid of Margo's Enterprises, Inc. for construction services.

Councilman Castro questioned the timeline of completion, and Mr. Wendorf indicated that the project would be completed in August.

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

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2003-13 The Clerk read the following Ordinance:

AN ORDINANCE 97415

ACCEPTING THE LOW BID IN THE AMOUNT OF \$163,500.00 FROM MARGO'S ENTERPRISES, INC. (MBE) FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE 2002 FLOOD INFRASTRUCTURE DAMAGE REPAIRS PROJECT PACKAGE 2; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT BY THE CITY MANAGER OR HER DESIGNEE; AUTHORIZING \$729.00 FOR ADVERTISING EXPENSES; FOR AN OVERALL TOTAL OF \$164,229.00, OF WHICH \$41,057.25 WILL BE FUNDED FROM THE STORM WATER OPERATING FUND BALANCE AND \$123,171.75 WILL BE REIMBURSED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Martin seconded the motion.

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

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2003-13 The Clerk read the following Ordinance:

AN ORDINANCE 97416

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID IN THE AMOUNT OF \$141,200.00 FROM MARGO'S ENTERPRISES, INC. (MBE) FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE 2002 FLOOD INFRASTRUCTURE DAMAGE REPAIRS PROJECT; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT; AUTHORIZING \$759.00 FOR ADVERTISING EXPENSES; FOR AN OVERALL TOTAL OF \$141,959.00, OF WHICH \$35,489.75 WILL BE FUNDED FROM THE STORM WATER OPERATING FUND BALANCE AND \$106,469.25 WILL BE REIMBURSED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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Councilman Martin made a motion to approve the proposed Ordinance. Councilwoman Herrera 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, Herrera, Barrera, Castro, Schubert, Garza. **NAYS:** None. **ABSENT:** Conner, Carpenter.

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2003-13 The Clerk read the following Ordinance:

AN ORDINANCE 97417

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BEXAR COUNTY WHICH ESTABLISHES CERTAIN TERMS BY WHICH THE CITY OF SAN ANTONIO WILL CONSENT TO THE CREATION OF EMERGENCY SERVICE DISTRICT #2 WITHIN THE CITY'S ETJ FOR THE PROVISION BY THE DISTRICT OF FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICES FOR INDIVIDUALS RESIDING WITHIN ITS BOUNDARIES.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Sanders seconded the motion.

Mr. Jim Campbell, Director of External Relations, narrated a slide presentation regarding the Bexar County Emergency Services District #2 Interlocal Agreement, a copy of which was made part of the official papers of this meeting. He expounded on the background of Emergency Services District for the purpose of providing fire suppression and emergency medical services for individuals residing within such districts.

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

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2003-13 The Clerk read a proposed ordinance approving the extension of Line-of-Duty (LOD) leave for Firefighter Luis Morales, extending his one-year LOD leave for an August 1998 ankle injury by 564.5 hours (396.5 sick leave hours and 168 annual leave hours) during the time period of September 27, 1998 to January 6, 1999; staff recommends approval of an extension for 39.5 hours of sick leave.

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

Ms. Amy Eubanks, City Attorney's Office, narrated a slide presentation regarding the approval of an extension of Line-of-Duty Leave (LOD) for firefighter Luis Morales, a copy of which was made part of the official papers of this meeting.

The following citizen(s) appeared to speak:

Mr. Ricky Poole, Attorney for Mr. Luis Antonio Morales, stated that the City modified Mr. Morales' doctor's orders and placed him on sick leave. He stated that it was the responsibility of the City to determine if his client could do the job, and further acknowledged that the City did not accept his full duty prescription. When he wasn't able to do light duty work, Mr. Poole stated that his client continued to perform his job. He confirmed that Mr. Morales was a fire fighter with 30 years experience.

Mr. Luis Antonio Morales, City of San Antonio Fire fighter, explained his position to the Council, and presented a synopsis regarding the timeline of events.

In response to Councilman Perez regarding clarification on what the City's recommendation was, Ms. Eubanks stated that they actually agreed with approving 39.5 hours of the 396.5 sick leave hours that Mr. Morales' was requesting. She further

acknowledged that they administered the LOD program in line with the Worker's Compensation program. She also confirmed that the Fire Department did work with Council on this issue.

Councilman Perez expressed appreciation for the presentation, and stated that based on everything that he reviewed, he would not be supporting the request of Mr. Morales. He then made a motion to deny the proposed LOD request of 564.5 hours. Councilman Carpenter seconded the motion.

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

The main motion, as amended, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Herrera, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Conner.

The Clerk then read the following Ordinance for the record:

AN ORDINANCE 97418

APPROVING AN EXTENSION OF LINE-OF-DUTY (LOD) LEAVE FOR FIREFIGHTER LUIS MORALES, EXTENDING HIS ONE-YEAR LOD LEAVE FOR A SEPTEMBER 1998 ANKLE INJURY BY 39.5 HOURS DURING THE TIME PERIOD OF SEPTEMBER 27, 1998, TO JANUARY 6, 1999.

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**2003-13 PUBLIC HEARING AND ORDINANCE: CLOSING, VACATING AND ABANDONING AN UNIMPROVED PORTION OF BULVERDE ROAD.**

Mayor Garza declared the Public Hearing to be open.

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation regarding the proposed closure of a portion of Bulverde Road by the petitioner, FCS Fischer, Ltd., a copy of which was made part of the official papers of this meeting.

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

The Clerk then read the following Ordinance:

AN ORDINANCE 97419

CLOSING, VACATING AND ABANDONING AN UNIMPROVED PORTION OF BULVERDE ROAD LOCATED DIRECTLY NORTH OF LOOP N. 1604 E. ADJACENT TO NCB 17727, AS REQUESTED BY THE PETITIONER, FCS FISCHER, LTD., FOR THE TOTAL CONSIDERATION OF \$5,605.00.

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

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

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2003-13      CITY MANAGER'S REPORT

Ms. Terry Brechtel, City Manager noted that the Council would be briefed on the Plaza de las Isles project as it was not presented during the morning's "B" Session.

Ms. Rebecca Waldman, Director of Asset Management, introduced Mr. John Gravel of Lake Flato.

Mr. John Gravel presented a brief outline of the project, and spoke to the major stakeholder meetings that they held. He narrated a slide presentation regarding the proposed design, a copy of which was made part of the official papers of this meeting.

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

Councilman Perez suggested that it would be good to get this information on the City website, along with appropriate links. He stated that this was a good project for the City.

Ms. Waldman noted that the plan would require the elimination of 14 metered parking spaces to accommodate the narrowing of the streets. She stated that this would impact the parking fund in the amount of thirty-three thousand dollars (\$33,000) a year. She further noted that this was an opportunity for the City and the County to work together. She noted that they would be able to replace some if not all of the parking slots with the narrowing of the block.

Councilman Perez questioned whether it would contemplate the loss of parking spaces. He further questioned the County's portion regarding cost, and their source of funds.

Ms. Waldman indicated that the County's source would have to come from a bond fund. She noted that Judge Wolff has invited them to make the presentation to the Commissioner's Court, and added that Judge Wolff was supportive of this project.

Councilman Perez commended the staff for their work on this project.

Councilman Barrera thanked them for the presentation, and asked about the unification of the Plaza.

Mr. Gravel stated that they wanted to bring this area back to one level to create opportunities for a much wider set up, while at the same time allowing for ease of circulation of all pedestrians. He then reminded the Council that the Plaza was much larger back then, and that it used to have buildings edge to edge.

Councilman Barrera questioned slide 10, and the restoration of the acequia, and further questioned slide 14. He stated that the fountain took up so much space, and that during drought conditions, it just looked like an empty pool. He noted that the original fountain had so many elements. He then questioned slides 20 and 26, and questioned why permanent closure wouldn't work.

The representatives from Lake Flato spoke to the traffic flow, and how this would work adequately. He noted that VIA was supportive of the project.

Mr. Tom Wendorf, Director of Public Works, stated that they had a lot of good movement east /west and north /south, and that this is where they get into issues. He spoke to the peak traffic during the week, and spoke of VIA's realignment of the route. He confirmed that they have been working with them as far as where the route would be placed.

Councilman Barrera indicated that this should be a flowing Plaza, and how it should tell the story of the Plaza. He questioned exactly where they were in this matter.

Lake Flato representatives stated that they are considering the possibility of using the benches to tell the story, but not limited solely to this. He noted that the fountain would also be a historical source, and added that other cities use the pavement to tell the story of their city.

Councilman Barrera acknowledged the Plaza as being the "center" of the City, and noted how it was at this point that the City grew. He commended the staff for their work.

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## **2<sup>ND</sup> PART OF PRESENTATION OF CITY MANAGER'S REPORT.**

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation regarding the update of the Historic Civic Center Project, a copy of which was made part of the official papers of this meeting.

Mayor Garza questioned the time frame regarding this project in relation to the election in May. He stated that there was a good menu of projects, and noted that it gives the City framework.

Councilman Perez expressed his appreciation of the options, but stated that he thought they needed to bring this issue back up to the table, since they were looking at development opportunities. He spoke to a potential parking garage, and indicated how he would like to see this property developed. He urged dialogue to continue. He referenced the Cypress Tower, and the possibility of the City purchasing something similar to this.

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2003-13

### **CITIZENS TO BE HEARD**

#### **MR. NAZARITE RUBEN FLORES PEREZ**

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to the biblical paradise of Adam and Eve. He made further reference to biblical contents and spoke to the war, and how this was in the Holy Scriptures. He stated that it could be found in the book of Genesis, 4<sup>th</sup> chapter.

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## MR. CHARLES ENGLISH

Mr. Charles English, Jefferson Heights Association, stated that he was there to discuss the issue of Jefferson Heights Association. He stated that the vice-president tried to defame him. He spoke of the security problem in his neighborhood, and the public safety issue. He stated that there was no emergency plan to get to and from trauma centers, and noted that he had not heard from any officials regarding this issue.

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## MR. GUS NICHOLS

Mr. Gus Nichols, 4215 Jim Daniel Dr., spoke to the electric bill that he couldn't afford to pay. He spoke of the proposed raised taxes, and stated that taxpayers couldn't understand why the utility didn't produce excess funds for the City of San Antonio. He suggested that the City depends on the excess of City Public Service. He then referenced the "Kiota" treaty, and spoke of the increased rates of water.

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### 2003-13      EXECUTIVE SESSION

The City Council recessed its regular session at 4:16 P.M. in order to convene in Executive Session for the purpose of:

- A) Discuss lease and economic development negotiations, incentives offered, and related legal issues concerning a proposal by the Dallas Cowboys NFL Team to stay in San Antonio for its 2003-2004 training camp, pursuant to Texas Government Code Sections 551.072 (deliberations involving real property), 551.087 (deliberations regarding economic development negotiations), and 551.071 (consultation with attorney).
  
- B) Discuss legal issues relating to Jeff Kapche v. City of San Antonio, No. SA-CA-1215-EP, USDC for the Western District of Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 5:06 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.

**CITIZENS TO BE HEARD (CONTINUED)**

Mayor Pro Tem Perez reconvened the City Council meeting at 5:07 P.M. in the absence of the Mayor, and called on the Citizens who wished to be heard and were signed up for Citizens to Be Heard.

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**MR. GEORGE ALEJOS**

Mr. George Alejos, LULAC, read a letter on behalf of Mr. Henry Rodriguez, President of LULAC. He spoke against the tax increment financing (TIF) project, and cited his reasons in a letter, which was presented to the City Clerk. He then voiced his own opposition to the TIF project.

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**MR. RICHARD ALLES**

Mr. Richard Alles, Citizens Tree Coalition, spoke to the proposed amendments made by the Mayor. He spoke to preservation, and acknowledged that they had a study done by a professional architect. He spoke to the issue of open space, and detailed the graphics on a slide presentation. He noted that the key feature is that all the root protection zones were left intact.

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**MS. ANN MORRIS**

Ms. Ann Morris, 8610 McCullough, thanked the Council for allowing her to speak. She voiced her disappointment to see only 4 members of the Council who remained for the Citizens to Be Heard portion of the meeting. She added that she was disappointed not to see the Mayor there. She stated that she was upset with the new tree Ordinance that was passed, and spoke to some of the issues involved. She made reference to other Texas cities and their tree ordinance. She stated that this Ordinance has been worked on for 5 years. She urged Council to support a stronger tree ordinance.

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**MR. DAVID KLAR**

Mr. David Klar, 3925 Chimney Springs Dr., stated that developers could not abide with the current tree Ordinance, but other cities were able to meet the requirements that are under negotiation right now. He spoke of the positive affects that trees have, and urged Council to consider other issues. He spoke to the shading factors, and the need for more shade in parking lots. He urged the Mayor and Council to support a strong tree ordinance.

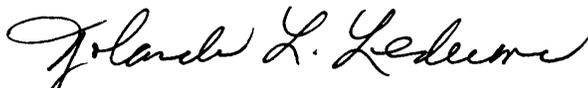
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2003-13 There being no further business to come before the City Council, the meeting was adjourned at 5:24 P.M

**A P P R O V E D**



**EDWARD D. GARZA  
M A Y O R**

Attest:



**YOLANDA L. LEDESMA  
Acting City Clerk**