

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MAY 1, 2003.

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2003-17 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 the Emergency Operations Center.** (Presented by Thomas G. Wendorf, Director, Public Works.)

- B) **Presentation of the San Antonio Water System Multi-Year Plan.** (Presented by Ben Gorzell, Jr., Public Utilities Supervisor/Assistant Director of Finance).

The Council members present were: Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

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

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2003-17 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: ABSENT: Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

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2003-17 Invocation by Reverend Dr. Sarah Davis, Bethel AME Church.

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2003-17 Pledge of Allegiance to the flag of the United States.

Judge Tavera thanked the Council for issuing the Proclamation. He recognized the Fox Tech High School student who had assisted with the Proclamation and Municipal Court staff members who worked on this week's observance. He further invited the public to visit Municipal Court.

Members of the City Council and City Manager Terry Brechtel thanked Mr. Porter and Judge Tavera and all those involved in planning this event for their respective roles in bringing a new level of awareness to this observance.

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2003-17 PRESENTATION TO THE MARTIN LUTHER KING, JR. SCHOLARS.

Mayor Garza invited Ms. Nancy S. Bohman, Committee Chairperson, Martin Luther King Scholarship Program, to come forward. Ms. Bohman spoke to the legacy of Dr. Martin Luther King, Jr. and to this year's scholarship program competition. She identified various sponsors of the scholarships, including Ms. Cynthia Rodriguez Rocha, an HEB representative, who spoke to HEB's enthusiastic support of this program. Ms. Bohman then recognized the scholarship recipients' parents, teachers, counselors and principals who were present in the audience. She also recognized committee members and staff support.

At this point Ms. Bohman introduced all fifteen scholars individually as they each came forward to accept a Martin Luther King, Jr. medal from the Mayor.

Several Council members thanked Ms. Bohman and other members of the committee for the work they were doing to recognize deserving students.

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2003-17 Minutes of the Regular City Council Meeting of April 3, 2003 were approved.

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AN ORDINANCE 97537

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$4,300.00 PAYABLE TO CADY & ASSOCIATES FOR ENGINEERING SERVICES IN CONNECTION WITH THE FLEMING FROM NEW LAREDO HWY. TO GERALD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING \$850.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$900.00 FOR ADVERTISING EXPENSES FOR A TOTAL OF \$6,050.00; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95861, JUNE 6, 2002.)

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AN ORDINANCE 97538

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$3,400.00 PAYABLE TO CADY & ASSOCIATES FOR ENGINEERING SERVICES IN CONNECTION WITH THE GERALD AVENUE FROM NEW LAREDO HWY TO FLEMING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING \$760.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES FOR A TOTAL OF \$4,160.00; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95862, JUNE 6, 2002.)

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AN ORDINANCE 97539

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$7,500.00 PAYABLE TO CADY & ASSOCIATES FOR ENGINEERING SERVICES IN CONNECTION WITH THE LOVETT FROM FLEMING TO OREGON COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING \$2,820.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES FOR A TOTAL AMOUNT OF

\$10,320.00; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95860, JUNE 6, 2002.)

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AN ORDINANCE 97540

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN AN AMOUNT NOT TO EXCEED \$5,265.00 FROM 1987 AND 1999 G.O. DRAINAGE IMPROVEMENT BOND FUNDS PAYABLE TO FERNANDEZ, FRAZER, WHITE & ASSOCIATES, INC. (MBE) FOR ENGINEERING SERVICES IN CONNECTION WITH THE LANARK DRAINAGE #92A, PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 10; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 67657, AUGUST 4, 1988.)

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AN ORDINANCE 97541

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN AN AMOUNT NOT TO EXCEED \$28,220.00 FROM 1999 G.O. FLOOD CONTROL WITH PARK IMPROVEMENT BOND FUNDS PAYABLE TO CIVIL ENGINEERING CONSULTANTS, DON DURDEN, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE SAN ANTONIO RIVER WALK/MISSION TRAILS LINK FROM ALAMO TO EAGLELAND (MPO) PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING \$2,822.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES, FOR AN OVERALL TOTAL OF \$31,042.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 90973, DECEMBER 9, 1999.)

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AN ORDINANCE 97542

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN AN AMOUNT NOT TO EXCEED \$2,300.00 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS PAYABLE TO BURY +

PARTNERS-SA, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE THOUSAND OAKS INTERSECTION (MPO) PROJECT, LOCATED IN COUNCIL DISTRICTS 9 AND 10; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 88171, JULY 30, 1998.)

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AN ORDINANCE 97543

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN AN AMOUNT NOT TO EXCEED \$11,550.00 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS PAYABLE TO VICKREY & ASSOCIATES, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE PRUE ROAD EXTENSION - PRUE TO HUEBNER PROJECT, LOCATED IN COUNCIL DISTRICT 8; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 92482, SEPTEMBER 14, 2000.)

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AN ORDINANCE 97544

ACCEPTING THE LOW BID IN AN AMOUNT NOT TO EXCEED \$118,150.00 PAYABLE TO S.A. QUALITY FENCE, LTD., D/B/A QUALITY FENCE & WELDING IN CONNECTION WITH THE FENCE RELOCATION 2003 PROJECT; AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN ON-CALL FENCE CONTRACT; AUTHORIZING \$1,181.50 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES AND \$691.00 FOR ADVERTISING EXPENSES, FOR AN OVERALL TOTAL OF \$120,022.50 FROM VARIOUS FUNDING SOURCES OF THE CITY; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97545

AUTHORIZING THE TRANSFER OF \$90,554.12 FROM 2001 CERTIFICATES OF OBLIGATION TO THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT; ESTABLISHING A FORCE ACCOUNT; AND AUTHORIZING THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE THOUSAND OAKS

BRANCH LIBRARY PARKING LOT PROJECT, LOCATED IN COUNCIL DISTRICT 10.

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AN ORDINANCE 97546

AUTHORIZING THE TRANSFER OF \$5,212.07 FROM GENERAL OBLIGATIONS OF THE CITY TO THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT; ESTABLISHING A FORCE ACCOUNT; AND AUTHORIZING THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE LARKSPUR ELEMENTARY SIDEWALKS PROJECT, LOCATED IN COUNCIL DISTRICT 9.

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AN ORDINANCE 97547

APPROVING FIELD ALTERATION NO. 10 IN THE AMOUNT OF \$60,175.04 TO THE CONTRACT WITH AFFIRMED GENERAL CONTRACTING, INC. IN CONNECTION WITH THE ST. MARY'S STREET PARKING GARAGE PROJECT, LOCATED IN COUNCIL DISTRICT 1; AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT AND EXECUTE A SETTLEMENT AGREEMENT REGARDING PAYMENT TO THE CITY IN THE AMOUNT OF \$250,000.00 FOR DELIVERY OF THE COMPLETED PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 92178, JULY 27, 2000.)

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AN ORDINANCE 97548

AUTHORIZING THE CITY OF SAN ANTONIO'S ACCEPTANCE OF A PARCEL OF LAND FROM THE SOUTH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, SUCH LAND CONSISTING OF 2,964 SQUARE FEET OF LOT 2, BLOCK 5, NEW CITY BLOCK 8744, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, DONATED IN CONNECTION WITH THE FLEMING - NEW LAREDO HIGHWAY TO GERALD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 4.

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AN ORDINANCE 97549

AUTHORIZING THE EXECUTION OF A TERMINATION OF EASEMENT AGREEMENT BETWEEN NAVARRO-TRAVIS GARAGE CORPORATION ("GARAGE CORP.") AND HELEN NIX COINER, TRUSTEE, AND DAVID BROOKS, TRUSTEE OF BIRDIE L. NIX TRUST ("NIX TRUST") DATED MAY 29, 1970 TO TERMINATE AN EASEMENT ("EASEMENT") GRANTED BY GARAGE CORP. TO NIX TRUST, ITS PERMITTEES, AND SUCCESSORS, INCLUDING THE CITY OF SAN ANTONIO, CURRENT OWNER OF THE NIX TRUST PROPERTY, ON WHICH THE ST. MARY'S STREET PARKING GARAGE WAS CONSTRUCTED AT THE INTERSECTION OF E. TRAVIS STREET, E. PECAN AND N. ST. MARY'S STREET, FOR NIX TRUST'S USE TO CROSS WITH VEHICULAR OR PEDESTRIAN TRAFFIC FOR ACCESS FROM ITS PROPERTY AT SUCH INTERSECTION TO AND FROM THE PUBLIC ALLEYWAY ADJOINING THE GARAGE CORP. PROPERTY, SUCH TERMINATION OF EASEMENT HAVING BEEN REQUESTED BY TRAVIS PARK PLAZA, L.P., CURRENT OWNER OF THE GARAGE CORP. PROPERTY, AND AGREED TO BY THE CITY, WHICH NO LONGER HAS A NECESSITY FOR THE EASEMENT.

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AN ORDINANCE 97550

DECLARING THE LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENT PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THIS PROJECT; TO WIT, ALL OR PORTIONS OF THE PROPERTIES BEING DESCRIBED AS: A 0.1747 ACRE, OR 7,610 SQUARE FEET, TRACT OF LAND BEING A VARIABLE WIDTH CONSTRUCTION EASEMENT; AND A 0.1113 ACRE, OR 4,847 SQUARE FEET, TRACT OF LAND BEING A VARIABLE WIDTH SANITARY SEWER EASEMENT, 16-FOOT MINIMUM; AND A 0.2092 ACRE, OR 9,110 SQUARE FEET, TRACT OF LAND BEING A VARIABLE WIDTH DRAINAGE EASEMENT; ALL OUT OF LOT 5, NEW CITY BLOCK 11868; A 0.2782 ACRE, OR 12,120 SQUARE FEET, TRACT OF LAND BEING A VARIABLE WIDTH CONSTRUCTION EASEMENT, AND A 0.1696 ACRE, OR 7,385 SQUARE FEET, TRACT OF LAND BEING A VARIABLE WIDTH SANITARY SEWER EASEMENT, AND A 0.2938 ACRE, OR 12,795 SQUARE FEET, TRACT OF LAND BEING A VARIABLE WIDTH DRAINAGE EASEMENT, ALL OUT OF LOT

10, NEW CITY BLOCK 11868; A 0.2085 ACRE, OR 9,082 SQUARE FEET TRACT OF LAND, BEING A VARIABLE WIDTH SANITARY SEWER EASEMENT, 16-FOOT MINIMUM OUT OF LOT 37, AND A 0.1501 ACRE, OR 6,537 SQUARE FEET, TRACT OF LAND BEING A 26-FOOT SANITARY SEWER EASEMENT OUT OF LOT 41, BOTH OUT OF BLOCK 1, NEW CITY BLOCK 11857, UTLEY SUBDIVISION; AND A 0.2301 ACRE, OR 10,025 SQUARE FEET, TRACT OF LAND, BEING A 16-FOOT SANITARY SEWER EASEMENT OUT OF LOT 42, BLOCK 1, NEW CITY BLOCK 11857, REGENCY PLAZA SUBDIVISION; ALL IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE AS PART OF THIS PROJECT; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$813,368.00 FROM 2001 CERTIFICATES OF OBLIGATION FUNDS FOR THE PROJECT INCLUDING MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING THE CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND ESTABLISHING AN EFFECTIVE DATE.

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AN ORDINANCE 97551

APPROVING A FIVE (5) YEAR LEASE AGREEMENT WITH THE SAN ANTONIO METROPOLITAN MINISTRIES (SAMMINISTRIES) FOR 20,280 SQUARE FEET AT 910 WEST COMMERCE STREET AND APPROXIMATELY 11,820 SQUARE FEET AT 920-928 WEST COMMERCE STREET FOR AN ANNUAL RENTAL OF \$1.00 PER YEAR FOR THE PURPOSE OF SERVING THE HOMELESS POPULATION IN SAN ANTONIO; AND AUTHORIZING THE EXECUTION OF THE LEASE AGREEMENT, AND ANY OTHER DOCUMENTS IN CONNECTION THEREWITH.

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AN ORDINANCE 97552

AUTHORIZING ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$5,000.00 FROM THE URBAN STRATEGIES COUNCIL TO CREATE THE YOUTH OPPORTUNITY LEADERSHIP INSTITUTE, WHICH WILL PROVIDE FAMILY STRENGTHENING

YOUTH DEVELOPMENT INSTRUCTION TO THOSE ENGAGED IN THE YOUTH OPPORTUNITY PROGRAM; AND APPROVING A BUDGET.

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AN ORDINANCE 97553

AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH UNISON MAXIMUS, INC. TO PROVIDE ADDITIONAL PROFESSIONAL SERVICES IN CONNECTION WITH THE IMPLEMENTATION OF THE AIRPORT SYSTEM CAPITAL IMPROVEMENT FINANCING PLAN IN AN AMOUNT NOT TO EXCEED \$59,600.00; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 92428, AUGUST 24, 2000.)

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AN ORDINANCE 97554

APPROPRIATING FUNDS FOR THREE NEW POSITIONS APPROVED BY ORDINANCE NO. 97332 TO PERFORM TASKS RELATING TO TREE PRESERVATION CONTAINED IN CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF THE CITY OF SAN ANTONIO, TEXAS. (AMENDS ORDINANCE NO. 97332, MARCH 13, 2003.)

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AN ORDINANCE 97555

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$149,950.00 TO THE DEPARTMENT OF DEFENSE (DOD) WHICH, IF AWARDED, WILL BE USED FOR THE PERSONNEL COMPLEMENT OF THE PROCUREMENT TECHNICAL ASSISTANCE CENTER FOR THE GRANT PERIOD JANUARY 1, 2004 THROUGH DECEMBER 31, 2004.

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AN ORDINANCE 97556

APPOINTING WINIFRED H. DOMINGUEZ (DISTRICT 8) TO THE HOUSING TRUST FUND BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON MAY 30, 2005.

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AN ORDINANCE 97557

REAPPOINTING GEORGE R. BIRD (DISTRICT 7) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON MARCH 31, 2005.

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AN ORDINANCE 97558

REAPPOINTING STEPHEN SCHNEIDER (LAYPERSON CATEGORY - DISTRICT 9) TO THE PLUMBING APPEALS AND ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON MARCH 20, 2005.

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AN ORDINANCE 97559

REAPPOINTING C. RICHARD WAITS (DISTRICT 8) TO THE TAX PHASE-IN ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON MAY 18, 2005.

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AN ORDINANCE 97560

REAPPOINTING MADA CALK (TAXICAB INDUSTRY - DISTRICT 8) TO THE TRANSPORTATION ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 26, 2005.

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2003-17 The Clerk read the following Ordinance:

AN ORDINANCE 97561

ACCEPTING THE LOW BID IN THE AMOUNT OF \$448,717.01 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS PAYABLE TO KGME, INC. (MBE) FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE BEE STREET FROM WALTERS TO FRANK PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$28,264.71 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, FOR AN OVERALL TOTAL OF \$476,981.72; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$166,069.90 FOR SEWER AND WATER EXPENSES; AND PROVIDING FOR PAYMENT.

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

Mr. Thomas G. Wendorf, Director, Public Works, explained that this project provided for the reconstruction of the roadway to a width of 30 feet as well as various other improvements. He stated that construction would begin in May and would be completed in September, 2003. He further stated that five bidders had bid on the project and that this was part of the one-time Capital Improvement Budget allotted for FY 03-08.

In response to a question by Councilman Sanders, Mr. Wendorf spoke to the reimbursement phase from the San Antonio Water System, stating that these would be within the project sanitary sewer and water improvements and that San Antonio Water System (SAWS) would reimburse the City for the cost of those improvements.

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

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2003-17 The Clerk read the following Ordinance:

AN ORDINANCE 97562

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE MEDICAL CENTER ALLIANCE; ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID IN THE AMOUNT OF \$700,521.69 FROM SAECO ELECTRIC & UTILITY, LTD., IN CONNECTION WITH THE MEDICAL DRIVE AT EWING HALSELL INTERSECTION IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 8; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$44,786.69 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES AND \$683.00 FOR ADVERTISING EXPENSES, FOR AN OVERALL TOTAL OF \$745,991.38 FROM 2001 CERTIFICATES OF OBLIGATION; AUTHORIZING THE REIMBURSEMENT FROM CITY PUBLIC SERVICE (CPS) IN THE AMOUNT OF \$230,725.56 FOR UNDERGROUND CONVERSION EXPENSES; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$21,929.25 FOR SEWER AND WATER EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

Mr. Tom Wendorf, Director, Public Works, narrated a slide presentation on the development agreement with the Medical Center Alliance (MCA) for the improvement of Medical Drive at Ewing Halsell Road (a copy of the presentation is filed with the papers of this meeting). He stated that SAECO Electric and Utility was awarded the construction contract for Phase 1 improvements. He explained that, as the largest industry in San Antonio, the South Texas Medical Center (STMC) was a major contributor to San Antonio's medical industry, and stated that it employs people that live in all of the City's Council districts. He added that, due to the area's large growth increase, the City and the Medical Center Alliance formed a partnership to help reduce traffic congestion and provide a better entrance into the STMC. He spoke to the City's and STMC's respective roles in achieving this objective, programmed improvements, and funding as well as other recent improvements in the area.

Mr. Wendorf then introduced Mr. William Balthrope, President, Medical Center Alliance, who spoke to the unique partnership that the South Texas Medical Center had with the City of San Antonio. He further stated that the Medical Center Alliance had been created to develop a plan that would make the area more user friendly. He added that MCA had committed itself to raising \$1 million a year to fund necessary

improvements to the Medical Center area and asked City Council to favorably consider this Ordinance.

Mayor Garza and Councilwoman Conner spoke to the positive results of this partnership and Councilwoman Conner thanked her colleagues for their support. She also recognized Mr. Tom Carrasco, a staff member serving as a liaison to the Medical Center, for his work on this project.

In response to a question by Councilman Schubert, Mr. Wendorf stated that the \$745,991.38 would be used, in part, for such expenses as consulting fees, engineering design, landscaping projects, and ROW acquisition.

Councilman Schubert expressed his appreciation to all parties for creating this partnership and stated that it would be beneficial for all concerned.

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

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2003-17 The Clerk read the following Ordinance:

AN ORDINANCE 97563

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF SAN ANTONIO, TEXAS, MUNICIPAL DRAINAGE UTILITY SYSTEM REVENUE BONDS, SERIES 2003"; PLEDGING THE REVENUES OF THE DRAINAGE UTILITY SYSTEM TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS; ENACTING PROVISIONS INCIDENT AND RELATED TO THE ISSUANCE, PAYMENT, SECURITY AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT AFFIRMATIVE VOTES.

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

Mr. Milo Nitschke, Director, Finance Department, narrated a slide presentation in which he spoke to the sale of \$44,150,000 Municipal Drainage Utility System Revenue Bonds, Series 2003 (a copy of the presentation is filed with the papers of this meeting). He explained the schedule of events that had transpired and would transpire with passage of this Ordinance and pointed out the bond ratings offered by Fitch, Moody's and Standard & Poor's. He further provided information on insurance bids and sale results providing figures on the total bond proceeds, total interests cost and average life. He further spoke to the underwriting syndicate which includes Siebert Brandford Shank, RBC Dain Rauscher, J.P. Morgan Securities and First Southwest Company.

The following citizen(s) appeared to speak:

Mr. Jack Finger, P. O. Box 12048, took issue with a statement he read in the backup documents of this proposed Ordinance. The statement read "proposed issuance of these bonds is consistent with the planned overall subsequent general obligation bond program to be presented to the citizens for voter authorization in November, 2003." He questioned the reason for buying the bonds before the issue was put up for a vote. He questioned what would happen if the voters did not pass the bond issue and the bonds had already been purchased.

Mr. Charles English, Jefferson Heights Association, expressed similar concerns with the sale of these bonds. He spoke to campaign contributions made to City Council members by the co-bond counsels, Fulbright & Jaworski, L.L.P. and Akin, Gump, Strauss, Hauer and Feld, LLP. He questioned why the Ordinance was being considered for passage prior to the bond issue vote.

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

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2003-17 The Clerk read the following Resolution:

A RESOLUTION
NO. 2003-17-18

A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES DESIGNATED AS "CITY OF SAN ANTONIO, TEXAS MUNICIPAL DRAINAGE UTILITY SYSTEM REVENUE BONDS, SERIES 2003"; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

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Councilwoman Conner made a motion to approve the proposed Resolution. Councilwoman Moorhouse seconded the motion.

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

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2003-17 The Clerk read the following Ordinance:

AN ORDINANCE 97564

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS JUNIOR LIEN REVENUE BONDS, SERIES 2003 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$250,000,000; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS BY A JUNIOR LIEN ON AND PLEDGE OF THE NET REVENUES OF THE CITY'S ELECTRIC AND GAS SYSTEMS; PROVIDING THE TERMS AND CONDITIONS OF SUCH BONDS AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, REMARKETING AGREEMENT, PURCHASE CONTRACT, AND A STANDBY BOND PURCHASE

AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT AFFIRMATIVE VOTES.

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

Mr. Ben Gorzell, Jr., Public Utilities Supervisor/Assistant Director, Finance, introduced Ms. Linda Dzierzanowski, City Public Service (CPS) Board, who narrated a slide presentation on the City of San Antonio, Texas Electric and Gas Systems Junior Lien Revenue Bonds, Series 203, in the amount of \$250,000,000. A copy of the presentation is on file with the papers of this meeting.

Ms. Dzierzanowski explained CPS' Debt Management Policy with relation, in part, to lowering interest costs on outstanding debt, using alternative financing methods, maintaining favorable financial ratios and demonstrating CPS' approach in managing a debt portfolio. She spoke to the key targets of the debt management plan, including the debt structure, long-term capital structure, long-term financial forecast and long-term bond debt service coverage. She noted that in order to bring CPS' capital debt structure within the 15 - 20% variable rate debt, CPS would have to issue these \$250 million in bonds. She then spoke to the similarities and differences between a variable rate and a fixed rate debt and to the benefits of variable rate debt. She also spoke to comments made by Standard and Poor's, Fitch, and Moody's, the rating agencies. Additionally, she noted the proposed use of the proceeds, i.e., systems expansion and improvements and impact on bond ratings, and named the rate team, including the co-financial advisors of RBC Dain Rauscher, Inc. and Estrada Hinojosa & Company, and the co-bond counsel of Fulbright & Jaworski, L.L.P.

Ms. Dzierzanowski then spoke to co-item 5B, a Resolution which would allow the issuer to issue bonds and use the proceeds to reimburse itself for construction costs incurred within 18 months prior to a new bond issue. She explained why this item was favorable to CPS and the City of San Antonio and requested its approval. In closing, Ms. Dzierzanowski then presented the calendar of events on actions leading to the closing of the bonds and possible upcoming transactions.

In response to questions by Councilwoman Conner, Ms. Dzierzanowski stated that CPS planned to build a new power plant and noted that various options were being studied at

the present time to find the most feasible. Mr. Gorzell stated that CPS contributes 14% of its revenue to the City of San Antonio and that amount would total \$171 million this year.

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

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2003-17 The Clerk read the following Resolution:

A RESOLUTION
NO. 2003-17-19

RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CAPITAL INFRASTRUCTURE IMPROVEMENTS TO THE CITY'S ELECTRIC AND GAS SYSTEMS FROM THE PROCEEDS OF TAX-EXEMPT OR TAXABLE OBLIGATIONS NOT TO EXCEED \$400,000,000 TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.

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

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

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2003-17 The Clerk read the following Ordinance:

AN ORDINANCE 97565

RESCHEDULING THE CITY COUNCIL MEETINGS AND SUBCOMMITTEE MEETINGS OF JULY 3RD, 10TH, 17TH, 24TH, AND 31ST; AND THE CITY COUNCIL

MEETINGS OF NOVEMBER 20TH AND 27TH, DECEMBER 11TH AND 25TH, 2003;
AND JANUARY 1ST, 2004.

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Councilman Martin 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, Moorhouse, Martin, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Herrera.

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2003-17 The Clerk read the following Ordinance:

AN ORDINANCE 97566

AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$18,500.00 FROM THE ANNIE E. CASEY FOUNDATION FOR THE SAVING FOR SCHOOL PROGRAM FOR THE PERIOD OF NOVEMBER 1, 2002 THROUGH APRIL 30, 2004; AUTHORIZING THE EXECUTION OF ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AUTHORIZING TRANSFER OF \$6,500.00 AWARDED BY THE ANNIE E. CASEY FOUNDATION FOR THE SAVING FOR SCHOOL PROGRAM IN 2002 INTO THE INDIVIDUAL DEVELOPMENT ACCOUNT (IDA) PROGRAM BUDGET; AND APPROVING AN AMENDED BUDGET IN CONNECTION WITH THE IDA PROGRAM.

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

Mr. Dennis J. Campa, Director, Community Initiatives, narrated a slide presentation on the Saving for School Program (a copy of the presentation is filed with the papers of this meeting). He spoke to the \$18,500 grant from the Annie E. Casey Foundation covering the period of November 1, 2002 through April 30, 2004 and the transfer of \$6,500 from the 2002 monies awarded by the same foundation to the Individual Development Account program budget. He explained the purpose and background of the program and noted that students are required to save between \$100 and \$500 towards higher education

expenses. Once the students reach the predetermined savings goal, the amount is matched four to one, 50% from Assets for Independence Act funds and 50% from Foundation and Council District 10 funds. He further explained other requirements that the students must satisfy and identified some of the financial institution partners. Mr. Campa outlined accountability measures and human development services fund guidelines.

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

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2003-17 The Clerk read the following Ordinance:

AN ORDINANCE 97567

AMENDING THE HUMAN DEVELOPMENT SERVICES FUND GUIDELINES THAT WERE PASSED AND APPROVED ON DECEMBER 19, 2002 PURSUANT TO ORDINANCE NO. 96958 TO INCLUDE THE EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS FOR INDIVIDUAL DEVELOPMENT ACCOUNTS (IDA); AND AUTHORIZING THE ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS FROM COUNCIL DISTRICT 10 IN THE AMOUNT OF \$15,000.00 FOR USE AS MATCH FUNDING FOR STUDENT IDA'S FOR COLLEGE SCHOLARSHIPS. (AMENDS ORDINANCE NO. 96958, DECEMBER 19, 2002.)

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

The following citizen(s) appeared to speak:

Mr. Jack Finger, P. O. Box 12048, took exception to the proposed use of human development funds for funding college scholarships. He stated that he was against the City "getting into the business of education."

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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, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

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2003-17 The Clerk read the following Ordinance:

AN ORDINANCE 97568

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY CORRECTING CLERICAL AND FORMATTING ITEMS; INCLUDING PROVISIONS INADVERTENTLY OMITTED; CLARIFYING ITEMS; AMENDING DEFINITIONS; MAKING MINOR AMENDMENTS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERANCE. (AMENDS CHAPTER 35 OF UNIFIED DEVELOPMENT CODE.)

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

Mr. Roderick Sanchez, Assistant Director of Development Services, narrated a slide presentation in which he provided information on the background of the Unified Development Code (UDC) amendments, stating that the new UDC took effect in four phases beginning in June 2001 and ending in February 2002, a copy of which is on file with the papers of this meeting. He stated that as the new UDC was used, the need for amendments had been identified and these amendments had been divided into six groups. He stated that Group A consisted of clerical error corrections, Group B of items that had inadvertently been left out of the amended UDC, Group C of amendments that codified interpretations, Group D definitions, Group E of minor amendments to improve the development process, and Group F of amendments to the UDC.

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, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

2003-17 **EXECUTIVE SESSION**

The City Council recessed its regular session at 2:54 P.M. in order to convene in Executive Session for the purpose of:

- A) Deliberation and consideration of required annual written performance evaluation of City Manager Terry M. Brechtel, pursuant to Texas Government Code Section 551.074 (personnel matters).

The City Council adjourned the Executive Session at 5:01 P.M. and reconvened in regular session, at which time Councilwoman Moorhouse presiding in the absence of Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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2003-17

CITIZENS TO BE HEARD

MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, referred to the minutes of April 3, 2003, and to Biblical locations he had spoken of at that time.

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MR. JAVIER PENA MARTINEZ

Mr. Javier Pena Martinez, 121 Pierian, candidate for the District 5 seat on the City Council, invited the Mayor, City Council and other City officials to attend a meeting in front of City Hall on Sunday, May 4th, from 6 – 7 A.M. to give thanks to the Lord. He stated that it was very important to the citizens of San Antonio to speak to those individuals who run the City.

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(Mayor Garza returned to the meeting and presided.)

MR. GUS NICHOLS

Mr. Gus Nichols, consumer, stated that City Public Service has refused to burn coal instead of natural gas and that natural gas was three times more expensive than coal. He further stated that if CPS would burn more coal, there would not be a budget shortfall. Mr. Nichols added that the EPA wanted to put a vacuum hose on his tailpipe and charge another \$40. He requested that the City of San Antonio ask CPS to use more coal and to shut down the expensive natural gas generator.

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MR. RICHARD ALLES

Mr. Richard Alles, Citizens Tree Coalition, stated that he had spoken to Mr. Larry Heimer, member of the Real Estate Council, to work out some issues that still needed to be addressed relating to the tree preservation Ordinance. He added that, as a result of their conversation, he had written some recommendations with regard to the re-protection zone and the land that had been grandfathered or exempt from the current Ordinance. He spoke to the amount of homes that could be built in the areas that are exempt from the current Ordinance and how builders in these areas could be encouraged to comply with the Ordinance.

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MS. DEBRA LEVOY

Ms. Debra Levoy, Citizens Tree Coalition, spoke to the need for protection of our City's trees. She stated that trees benefit homeowners as well as improve air quality, provide increased shade, and offer beautiful scenery. She further stated that it was everyone's responsibility to protect trees so that future generations will also have the opportunity to enjoy them.

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MR. FARIS HODGE JR.

Mr. Faris Hodge, Jr., 140 Dora, read and commented on various news articles that had appeared in the newspaper recently. Those he read included: City workers calling for

better medical leave, the Toyota plant and whether it would add to the City's pollution, hotel/motel tax, long waits at City Public Service for customer service, tougher smoke ban, rise in the City's property tax, the Mayor and Council departmental budget, and tax abatements. He further called for audits on several institutions.

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MR. GUILLERMO VASQUEZ

Mr. Guillermo Vazquez, Co-director of SEIU #1967, presented a letter expressing concern with the current make-up of the Municipal Civil Service Commission (a copy of which is filed with the papers of this meeting). Mr. Vazquez' letter requested that immediate action be taken to rescind all rulings made since the commission had been short one commissioner, make appointments to fill the commissioner and alternate vacancies, and suspend future hearings until such appointments are made. He further requested that a committee of management and SEIU Local #1967 members be created and given the authority to make recommendations. He then listed issues that the committee could review and requested that the City Council intervene to ensure that all City workers have a due process system that works in place.

In response to a question by Councilman Sanders, Yolanda Ledesma, Acting City Clerk, stated that there were two vacancies on the Municipal Civil Service Commission, one vacancy was for a regular commissioner and one vacancy was for one of three alternate slots. She explained the process for selecting new appointees and stated that a board work session would not take place until after the new City Council was in place.

Councilman Sanders stated that he would like for management to be more sensitive to requests for hearings and spoke to the need to have a full commission in place when dealing with employee issues.

In response to questions by Councilman Schubert, Mr. Vazquez stated that currently he was advocating that all proceedings be suspended until a full representative body was in place. He also stated that he had advocated a tri-party system because he felt that a labor representative should be involved in the deliberation process; however, he noted that this was only one option and his group was amenable to looking at other options. He further added that it was his sincere belief that a full commission was needed to hear a case and noted that deadlines were vaguely enforced.

Councilman Schubert spoke to Mr. Rolando Bono, Deputy City Manager, about the need to look at the time sensitivity issue. Mr. Bono stated that the time deadlines for pending cases would be reviewed and that management would welcome a labor/management

meeting to discuss the issues. He stated that he would work with the Human Resource director to set up a meeting. He further added that he would follow-up on the case that had been pending since February.

In response to a request by Councilwoman Moorhouse, City Attorney Andrew Martin stated that a list of cases and their filing dates could be provided to the Council.

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MS. RACHEL CYWINSKI

Ms. Rachel Cywinski, President of Highland Park Neighborhood, spoke to the ambitious neighborhood garden project and to the number of people from the area as well as the Dellcrest area that came to enjoy the park. She stated that some Dellcrest residents had advised her that they came to Highland Park because their area did not have trees. She further stated that trees were valuable to the community and were a major factor in the City's economic development. She asked the Council to consider how valuable they are when voting on the tree preservation Ordinance. She also spoke to the smoking ban and stated that restaurants and stores in her area found it economically viable to ban smoking.

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2003-17 There being no further business to come before the City Council, the meeting was adjourned at 5:42 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