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2003-29 CONSENT AGENDA – CITIZEN'S COMMENTS

Mr. Leon Thomas, UHIA, spoke to Consent Agenda Item 14 stating that residents of the area had been asking for flood prevention on the lower Salado Creek for many years and that a hike and bike trail was being proposed instead, which he understood was supposed to assist with flood prevention. He likened this improvement to a placebo and questioned whether it would address the problem. He stated that the citizens of this community would stand and support only those principles that were good and would no longer rubber stamp everything that was proposed. He added that future Council actions would be closely monitored. He also stated that a recent newspaper article in which he learned that Councilwoman Radle lived among the poor moved him.

Mr. Jack M. Finger, P.O. Box 12048, spoke to Items 10, 12, 13, and 14. He stated that in reviewing these items he noticed that monies were being spent from bonds that were approved by the voters in 1999. He questioned why it took so long for the funds to be spent and whether there would be some time constraints on how long it would take to spend the upcoming bonds if voters approved them. He also requested that the City Council members, in order to avoid the appearance of conflict of interest, abstain from voting on items that listed organizations and/or individuals from whom they had received campaign contributions.

Councilwoman Radle stated that when she first was elected to the Council she also questioned monies being appropriated from bonds that were approved several years ago. She further stated that she had learned that the bonds were meant to cover a certain time span and were not sold all at once because all the work was not intended to be done in one year. She added that a better identification for the proposed upcoming bonds would be 2003-2008 bonds.

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2003-29 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 8 through 23, constituting the Consent Agenda, except for Item 11 which was pulled earlier from consideration, and Items 9, 13, and 14 which were pulled for individual consideration. Councilman Haass seconded the motion.

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

AN ORDINANCE 98025

ACCEPTING THE LOW BID SUBMITTED BY BWI COMPANIES, INC. TO PROVIDE THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH GRASS SEED FOR A TOTAL AMOUNT OF \$31,387.84.

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AN ORDINANCE 98026

SELECTING FORD, POWELL & CARSON ARCHITECTS AND PLANNERS, INC. TO PROVIDE LANDSCAPE ARCHITECT SERVICES IN CONNECTION WITH THE OLMOS BASIN PARK REHABILITATION AND TRAIL DEVELOPMENT PROJECT, LOCATED IN CITY COUNCIL DISTRICTS 1 AND 9; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$49,466.00; AUTHORIZING \$7,400.00 FOR MISCELLANEOUS ARCHITECT CONTINGENCY EXPENSES; AUTHORIZING \$605.00 FOR PRINTING/ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$57,471.00 FROM 1999 PARK BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98027

AUTHORIZING PAYMENT IN THE AMOUNT OF \$7,230.00 TO ENGINEERING AND FIRE INVESTIGATIONS, INC. (EFI), FOR ENVIRONMENTAL SERVICES PROVIDED AND NECESSARY TO THE SOUTHTOWN AREA STREET IMPROVEMENTS PROJECT, AN AUTHORIZED 1999 G.O. STREET IMPROVEMENT BOND PROJECT, LOCATED IN COUNCIL DISTRICT 1; UNDER AN ON-CALL PROFESSIONAL SERVICES AGREEMENT FOR ENVIRONMENTAL CONSULTING SERVICES, PASSED AND APPROVED ON FEBRUARY 28, 2002, BY ORDINANCE NO. 95384; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98028

AUTHORIZING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$159,410.00 FOR THE TERMINAL IMPROVEMENT PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98029

AUTHORIZING A LICENSE AGREEMENT FOR A TEN (10) YEAR TERM BETWEEN THE CITY OF SAN ANTONIO AND AVANCE, INC., A TEXAS NON-PROFIT CORPORATION, TO USE PUBLIC RIGHT OF WAY ON AND OVER SIDEWALKS ADJACENT TO MEDINA AND HOUSTON STREETS AT THE HEIMANN BUILDING LOCATED AT 118 N. MEDINA STREET FOR THE CONSTRUCTION OF TWO (2) BALCONIES WITHIN NCB 264 AS PART OF THE RENOVATION OF THIS HISTORIC FACILITY, FOR THE TOTAL CONSIDERATION OF \$3,754.00, WHICH INCLUDES A FIFTY PERCENT (50%) REDUCTION OF THE LICENSE FEE AS PROVIDED BY THE DEVELOPMENT INCENTIVE TOOLKIT, PASSED AND APPROVED ON MAY 29, 2003.

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AN ORDINANCE 98030

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO ACCEPT A \$60,910.00 GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD), FOR PROJECT EASE (EDUCATE, ASSESS, SERVE AND EMPOWER), WHICH STRIVES TO INCREASE AWARENESS OF RESOURCES AVAILABLE AND PROVIDE CULTURALLY APPROPRIATE COMMUNICATION TO VICTIMS OF CRIME WHO ARE DEAF OR HARD OF HEARING; SPECIFYING THE GRANT'S AUTHORIZED OFFICIAL; SPECIFYING THE CITY MATCH; AND INCLUDING LANGUAGE AS REQUIRED BY THE TEXAS ADMINISTRATIVE CODE, SUBCHAPTER D, SECTION 3.2021.

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AN ORDINANCE 98031

ACCEPTING A DONATION OF A SONY DSC-F717 DIGITAL CAMERA, VALUED AT \$899.95, FROM SONY ELECTRONICS, INC., SEMICONDUCTOR OF SAN ANTONIO, FOR THE SAN ANTONIO POLICE DEPARTMENT'S CRISIS NEGOTIATION UNIT.

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AN ORDINANCE 98032

AUTHORIZING \$2,800.00 FROM FACILITIES IMPROVEMENT AND MAINTENANCE PROGRAM (FIMP) FUNDS TO ALSAY INCORPORATED WATER SUPPLY TO SUBMIT AN INVESTIGATIVE REPORT AND BID SPECIFICATIONS IN REFERENCE TO PROVIDING POTABLE WATER FROM AN EXISTING WATER WELL AT THE SAN ANTONIO POLICE DEPARTMENT'S VEHICLE STORAGE FACILITY LOCATED AT 3625 GROWDON ROAD IN COUNCIL DISTRICT 4; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98033

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO SUBMIT AN APPLICATION FOR A \$621,302.00 LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG), FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, WHICH, IF AWARDED, WILL BE USED TO PURCHASE ADDITIONAL POLICE EQUIPMENT, INCLUDING A NEW FORWARD LOOKING INFRARED RADAR UNIT FOR THE POLICE HELICOPTER DETAIL, THREE ADDITIONAL AGGRESSIVE DRIVING CARS, VIDEO AND AUDIO EQUIPMENT FOR TAPING FELONY CONFESSIONS, AND 24 HAND HELD RADAR UNITS FOR THE POLICE SUBSTATIONS; AND, IF AWARDED, AUTHORIZING A CITY MATCH IN THE AMOUNT OF \$69,034.00.

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AN ORDINANCE 98034

APPROPRIATING \$6,373.50 FROM 1998A CERTIFICATES OF OBLIGATION FUNDS FOR SITE FENCING AT FIRE STATION NO. 9 LOCATED AT 639 DEL MAR IN COUNCIL DISTRICT 2.

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AN ORDINANCE 98035

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXERCISE THE OPTION OF A ONE-YEAR RENEWAL CONTRACT WITH COLE MANAGED VISION IN AN ESTIMATED BUDGETED AMOUNT OF \$426,101.00, TO PROVIDE VISION CARE SERVICES FOR CITY'S EMPLOYEES AND ELIGIBLE DEPENDENTS FOR A TERM BEGINNING JANUARY 1, 2004, AND ENDING DECEMBER 31, 2004.

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AN ORDINANCE 98036

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS ADJACENT TO TRAVIS PARK IN CITY COUNCIL DISTRICT 1 FROM SEPTEMBER 19, 2003 THROUGH SEPTEMBER 22, 2003 IN CONNECTION WITH THE 2003 20TH ANNUAL JAZZ'SALIVE FESTIVAL IN TRAVIS PARK AS REQUESTED BY THE SAN ANTONIO PARKS FOUNDATION.

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2003-29 The Clerk read the following Ordinance:

AN ORDINANCE 98037

ACCEPTING THE LOW BID OF MANUEL ORTIZ CONSTRUCTION, L.L.C., TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE MEDINA BASE ROAD PARK IMPROVEMENTS - PHASE II PROJECT, LOCATED IN CITY COUNCIL DISTRICT 4 FOR A TOTAL CONTRACT AMOUNT OF \$103,525.00; ESTABLISHING THE PROJECT BUDGET; APPROPRIATING \$92,320.00 IN CERTIFICATE OF OBLIGATION FUNDS AND ALLOCATING \$37,680.00 IN DISTRICT 4 NEIGHBORHOOD ACCESS MOBILITY PROGRAM (NAMP) FUNDS; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; AUTHORIZING \$12,325.00 FOR MISCELLANEOUS

CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$10,789.00 FOR ARCHITECT FEES; AUTHORIZING \$2,700.00 FOR ARCHITECT CONTINGENCY EXPENSES; AUTHORIZING \$661.00 FOR BID ADVERTISING/PRINTING EXPENSES, FOR A TOTAL AMOUNT OF \$130,000.00; AND PROVIDING FOR PAYMENT.

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

Mr. Tom Wendorf, Director, Public Works, stated that passage of this Ordinance would accept the low bid of Manuel Ortiz Construction, L.L.C. He noted that the park was located at 6003 Medina Base Road and the funds to develop this park were approved in the 1999 Park General Obligation Bond Election. He further stated that Phase I improvements were near completion and NAMP and Certificate of Obligation funds were available to complete Phase II improvements. He further noted that those improvements included a new entry drive, small parking area, extension of Springvale Road into the park, security lighting and a walking trail. He reported that work would begin soon and would be completed in December of this year.

A brief discussion ensued between Councilman Perez and Mr. Wendorf on rain day allowances and the need to have this project completed by December.

Councilman Perez added that if the project was not completed as set out in the contract, there should be a substantial reason for its tardiness and the City should have a mechanism in place to penalize the contractor for the delay.

Mr. Wendorf stated that there was a mechanism to penalize the contractor and that holding contractors to their deadlines had become a priority.

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

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2003-29 The Clerk read the following Ordinance:

AN ORDINANCE 98038

AUTHORIZING PAYMENT TO CHEMRON, INC., IN THE AMOUNT OF \$6,260.00 FOR ENVIRONMENTAL LABORATORY SERVICES PERFORMED IN CONNECTION WITH THE LANARK DRAINAGE #92A, PHASE I PROJECT, AN AUTHORIZED 1999 G.O. DRAINAGE IMPROVEMENT BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2, WHICH SERVICES ARE AUTHORIZED UNDER AN EXISTING PURCHASING DEPARTMENT CONTRACT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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Councilman Williams made a motion to approve the proposed Ordinance. Councilman Flores seconded the motion.

Mr. Tom Wendorf, Director, Public Works, stated that this Ordinance appropriated funds for environmental laboratory services related to the Lanark Drainage project. He further stated that there had been an area of concern identified within the project limits and that a subsurface investigation identified impacted soils within the project limits. He added that these would be addressed during construction so that all materials would be handled and disposed of properly.

Mr. Wendorf explained to Councilman Williams why a project might take a long time to complete. He stated that this particular project was a five-year program, the Southton area was a very unique area, additional right of way had to be obtained, environmental issues needed to be addressed and improvements were coordinated with the neighborhood. He noted that this takes time but that they make every effort to deliver the project within the timeframe. However, he stated that any one of these issues could cause a delay in the completion of the project.

Mr. Wendorf, responding to Councilman Williams, stated that the neighbors had been notified about the upcoming project.

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

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2003-29 The Clerk read the following Ordinance:

AN ORDINANCE 98039

AUTHORIZING PAYMENT TO CHEMRON, INC., IN THE AMOUNT OF \$500.00 FOR ENVIRONMENTAL LABORATORY SERVICES PERFORMED IN CONNECTION WITH THE SALADO CREEK HIKE AND BIKE TRAIL PHASE I PROJECT, AN AUTHORIZED 1999 G.O. FLOOD CONTROL WITH PARK IMPROVEMENT BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2, WHICH SERVICES ARE AUTHORIZED UNDER AN EXISTING PURCHASING DEPARTMENT CONTRACT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

Mr. Tom Wendorf, Director, Public Works, stated that this Ordinance provided funds for environmental laboratory services. He further stated that there was a concern of possible contamination within the project area, subsurface soils were analyzed and the results identified impacted soils. He added that this project was under final design with construction beginning in November and scheduled for completion in about a year. He noted that this was a complex project, spanned a neighborhood and was intended to appropriately provide drainage for the area.

Mr. Wendorf, in response to questions by Councilman Williams, stated that this project was in the final phase of design and would be ready for Phase I construction. He added that his department had been in contact with neighborhood associations and they had been made fully aware of the project. He further stated that his department would meet with individuals or groups if they needed additional information.

Councilman Williams asked that he be apprised of any requests so that he or a member of his staff could also attend.

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

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2003-29 Item 24A being a proposed ordinance appointing one member to the San Antonio Development Agency for a term of office to expire on December 18, 2004, was taken up for consideration at this time.

Councilman Flores offered a substitute motion delaying consideration of this appointment until the October Board & Commissions Work Session. Councilman Perez seconded the motion.

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

The main motion, as substituted, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

Agenda Item 24A was postponed until the October Boards & Commissions Work Session.

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2003-29 NOMINATIONS FOR THE BOARD OF ADJUSTMENT.

Assistant City Clerk Yolanda Ledesma presented the nominations for the Board of Adjustment brought forward from August 7, 2003 Work Session which included Mr. Henry Rodriguez, District 5; and Ms. Madeline N. Guyer, District 10.

Councilman Haass stated that his nominee, Ms. Madeline Guyer, had requested that her name be removed from consideration.

Councilwoman Radle spoke to Mr. Henry Rodriguez qualifications and asked that the Council favorably consider him for this appointment.

Councilwoman Radle then made a motion to approve the proposed Ordinance appointing Mr. Henry Rodriguez to serve on the Board of Adjustment. Councilman Perez seconded the motion.

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

AN ORDINANCE 98040

APPOINTING HENRY RODRIGUEZ (DISTRICT 5) TO THE BOARD OF ADJUSTMENT FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 22, 2005.

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2003-29 **NOMINATIONS FOR THE MARKET SQUARE COMMISSION.**

Assistant City Clerk Yolanda Ledesma presented the nominations for the Market Square Commission brought forward from August 7, 2003 Work Session which included Ms. Selena Solis, Historic Preservation Category, District 5; and Mr. Antonio Vasquez, Tourism Industry Category, District 5.

Councilman Schubert made a motion to approve the proposed Ordinance appointing Ms. Selena Solis to the Historic Preservation Category and Mr. Antonio Vasquez to the Tourism Industry Category of the Market Square Commission. Councilman Flores seconded the motion.

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

AN ORDINANCE 98041

APPOINTING SELENA SOLIS (HISTORIC PRESERVATION CATEGORY - DISTRICT 5) AND ANTONIO VASQUEZ (TOURISM INDUSTRY CATEGORY - DISTRICT 5) TO THE MARKET SQUARE COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON AUGUST 11, 2004 AND AUGUST 11, 2005, RESPECTIVELY.

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2003-29 **NOMINATIONS FOR THE CONVENTION & VISITORS COMMISSION.**

Assistant City Clerk Yolanda Ledesma presented the nominations for the Convention & Visitors Commission brought forward from the August 7, 2003 Work Session which included Mr. Bart W. Huffman, Hotel/Motel Association Category, District 8; Mr. Stevan

Richards (reappointment), San Antonio Sports Foundation Category, District 8; Mr. Martin Kushner, General Community (Central Sector), District 1; Mr. Olanwaju Awofeso, General Community (Central Sector), District 8; and Mr. Christian Oviatt, General Community (Northeast Sector), District 6.

Councilman Schubert nominated for appointment Mr. Bart W. Huffman and Mr. Christian Oviatt and for reappointment Mr. Stevan Richards. Councilman Perez seconded the motion.

Councilman Flores nominated Mr. Martin Kushner for the General Community (Central Sector) category. Councilman Perez seconded the motion.

Councilman Hall then nominated Mr. Olanwaju Awofeso for the same slot. Councilman Castro seconded the motion.

Councilman Hall spoke to the qualifications of his nominee who happened to be a member of the taxicab industry. He stated his opinion that this industry needed to be represented on the Convention and Visitors Commission.

Councilman Flores recommended that a category be added to the Commission's roster to include this industry. He then invited his nominee, Mr. Martin Kushner, to come forward to meet the Council.

Mr. Kushner spoke briefly to his qualifications for membership on this Commission.

After a roll call vote, Mr. Kushner was named the General Community (Central Sector) nominee.

Mayor Garza stated that if the Council wanted to consider adding a slot for the Taxicab Industry it could be considered at the next Boards & Commissions Work Session. He added that Councilman Hall had brought up a good point in that the taxicab industry is part of the hospitality industry. He further stated that he would like to get input from the Convention & Visitors Bureau prior to the next work session.

Councilman Schubert made a motion to approve the proposed Ordinance appointing Mr. Bart W. Huffman to the Hotel/Motel Association Category, Mr. Martin Kushner to the General Community Category (Central Sector), and Mr. Christian Oviatt to the General Community Category (Northeast Sector) and re-appointing Mr. Stevan Richards to the San Antonio Sports Foundation Category of the Convention and Visitors Commission. Councilman Perez seconded the motion.

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

AN ORDINANCE 98042

APPOINTING BART W. HUFFMAN (HOTEL/MOTEL ASSOCIATION CATEGORY - DISTRICT 8) FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2004, MARTIN KUSHNER (GENERAL COMMUNITY (CENTRAL SECTOR) CATEGORY - DISTRICT 1), AND CHRISTIAN OVIATT (GENERAL COMMUNITY (NORTHEAST SECTOR) - DISTRICT 8) FOR TERMS OF OFFICE TO EXPIRE ON JUNE 30, 2005 AND REAPPOINTING STEVAN RICHARDS (SAN ANTONIO SPORTS FOUNDATION CATEGORY - DISTRICT 8) FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2005 TO THE CONVENTION AND VISITORS COMMISSION.

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2003-29 **NOMINATIONS FOR THE SOUTH FORT SAM HOUSTON DEVELOPMENT ADVISORY BOARD.**

Assistant City Clerk Yolanda Ledesma presented the nominations for the South Fort Sam Houston Development Advisory Board brought forward from the August 7, 2003 Work Session which included Ms. Eddie J. Williams, District 2, Business Category; Ms. Irene Cruz, District 2, Business Category; and Mr. Loyd R. Hawkins, District 2, Government Hill Alliance Category.

Councilman Williams made a motion to approve the proposed Ordinance appointing Ms. Eddie J. Williams, Ms. Irene Cruz, and Mr. Loyd R. Hawkins to serve on the South Fort Sam Houston Development Advisory Board. Councilman Flores seconded the motion.

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

AN ORDINANCE 98043

APPOINTING MS. EDDIE J. WILLIAMS (BUSINESS CATEGORY - DISTRICT 2) AND IRENE A. CRUZ (BUSINESS CATEGORY - DISTRICT 2) FOR TERMS OF OFFICE TO EXPIRE ON JANUARY 28, 2005 AND LOYD R. HAWKINS

(GOVERNMENT HILL ALLIANCE CATEGORY - DISTRICT 2) FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 28, 2004 TO THE SOUTH FORT SAM HOUSTON DEVELOPMENT ADVISORY BOARD.

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2003-29 NOMINATIONS FOR THE NOISE ABATEMENT ADVISORY COMMITTEE.

Assistant City Clerk Yolanda Ledesma presented the nominations for the Noise Abatement Advisory Committee brought forward from the August 7, 2003 Work Session which included Mr. Patrick Dempsey, Aviation Industry, District 9; Mr. Rand Goldstein, Aviation Industry, District 9; Mr. Scott Shepherd, (reappointment) Aviation Industry, District 9; Mr. Mark Lewis, Aviation Industry, District 8; Mr. Edward Benson, Air Transportation Advisory Commission, District 9; Mr. Mark Tafolla, Air Transportation Advisory Commission, District 9; and Mr. Richard Kelley, Air Transportation Advisory Commission, District 8.

Councilman Hall asked that the name of Mr. Mark Lewis in the Aviation Category be pulled from consideration since Mr. Lewis' qualifications did not fit the Aviation Industry category.

Councilman Hall made a motion to approve the proposed Ordinance appointing Mr. Patrick Dempsey, Mr. Rand Goldstein, Mr. Edward Benson, Mr. Mark Tafolla, Mr. Richard Kelley, and re-appointing Mr. Scott Shepherd. Councilman Haass seconded the motion.

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

AN ORDINANCE 98044

APPOINTING PATRICK DEMPSEY (DISTRICT 9), RAND GOLDSTEIN (DISTRICT 9), AND REAPPOINTING SCOTT SHEPHERD (DISTRICT 9) TO THE AVIATION INDUSTRY CATEGORY FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 15, 2004 AND APPOINTING EDWARD BENSON (DISTRICT 9) AND RICHARD KELLEY (DISTRICT 8) FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 15, 2005 AND APPOINTING MARK TAFOLLA (DISTRICT 9) FOR A TERM OF

OFFICE TO EXPIRE ON DECEMBER 15, 2004 TO THE AIR TRANSPORTATION
ADVISORY COMMISSION CATEGORY TO THE NOISE ABATEMENT
ADVISORY COMMITTEE.

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2003-29 **NOMINATIONS FOR THE SAN ANTONIO AIDS/HIV**
COMMISSION.

Assistant City Clerk Yolanda Ledesma presented the nominations for the San Antonio AIDS/HIV Commission brought forward from the August 7, 2003 Work Session which included Ms. Jill Rips, District 9, (reappointment); Ms. Debra S. Reed, District 4; Mr. John Braxton, District 2; and Ms. Annette Daniels, District 10.

Councilman Schubert nominated Ms. Jill Rips for the first of two available slots and Councilman Williams nominated Mr. John Braxton.

After a roll call vote, Ms. Rips was nominated to fill the first slot.

Councilman Perez nominated Ms. Debra Reed for the second slot, Councilman Williams nominated Mr. John Braxton, and Councilman Haass nominated Ms. Annette Daniels.

None of the nominees received six or more votes; therefore, a vote was taken between the two nominees that received the most votes.

After a roll call vote, Ms. Reed was nominated to fill the second vacant slot.

Councilman Schubert made a motion to approve the proposed Ordinance appointing Ms. Debra S. Reed and re-appointing Ms. Jill Rips to the San Antonio AIDS/HIV Commission. Councilman Perez seconded the motion.

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

AN ORDINANCE 98045

REAPPOINTING JILL RIPS (DISTRICT 9) AND APPOINTING DEBRA S. REED
(DISTRICT 4) TO THE SAN ANTONIO AIDS/HIV COMMISSION FOR TERMS OF

OFFICE TO EXPIRE ON JUNE 11, 2005.

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2003-29 NOMINATIONS FOR THE MUNICIPAL CIVIL SERVICE COMMISSION.

Assistant City Clerk Yolanda Ledesma presented the nominations for the Municipal Civil Service Commission brought forward from the August 7, 2003 Work Session which included Mr. Larry Hobbs, District 10; Mr. David Soto, District 1; Mr. Isidro Cardenas, District 10; Mr. Dwight Hall, District 8; and Mr. Roman Pena, District 4.

Councilman Flores nominated Mr. David Soto for the first of three available slots and Councilman Perez nominated Mr. Roman Pena.

After a roll call vote, Mr. Soto received the majority of the votes and was nominated to fill the first slot.

Councilman Haass nominated Mr. Larry Hobbs and Mr. Isidro Cardenas for the second slot. Councilman Hall nominated Mr. Dwight Hall.

After a roll call vote, Mr. Cardenas received the majority of the votes and was nominated to fill the second slot.

Councilman Hall nominated Mr. Dwight Hall to fill the third slot, Councilman Haass nominated Mr. Larry Hobbs and Councilman Perez nominated Mr. Roman Pena.

After a roll call vote, Mr. Hall received the majority of the votes and was nominated to fill the third slot.

Councilman Flores made a motion to approve the proposed Ordinance appointing Mr. David Soto, Mr. Isidro Cardenas and Mr. Dwight Hall to the Municipal Civil Service Commission. Councilman Hall seconded the motion.

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

AN ORDINANCE 98046

APPOINTING DAVID SOTO (DISTRICT 1) AND DWIGHT HALL (DISTRICT 8) FOR TERMS OF OFFICE TO EXPIRE ON JUNE 6, 2005 AND ISIDRO CARDENAS (DISTRICT 10) FOR A TERM OF OFFICE TO EXPIRE ON JUNE 6, 2004 TO THE MUNICIPAL CIVIL SERVICE COMMISSION.

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2003-29 **NOMINATIONS FOR THE PLANNING COMMISSION.**

Assistant City Clerk Yolanda Ledesma presented the nominations for the Planning Commission brought forward from the August 7, 2003 Work Session which included Mr. Mike Wing, District 10; Mr. Robert Hanley, Mayor; Ms. Cecilia Garcia, Mayor; Mr. Mitch Meyer (reappointment), Mayor, District 1 and 10; Ms. Susan Wright (reappointment), Mayor and District 8; Ms. Amelia (Amy) Hartman, Mayor and District 8; Ms. Linn Waiters, District 2; and Mr. Allen Itz, District 7.

Councilman Hall nominated Ms. Susan Wright who was eligible for reappointment to fill one of five available slots. Councilman Schubert seconded the nomination.

After a roll call vote, Ms. Wright was unanimously selected for nomination to fill the first slot.

Councilman Schubert nominated Mr. Mitch Meyer who was eligible for reappointment to fill the second slot. Councilman Castro seconded the nomination.

After a roll call vote, Mr. Meyer was unanimously selected for nomination to fill the second slot.

Councilman Flores nominated Mr. Robert Hanley, Councilman Hall nominated Ms. Amelia Hartman, Councilman Williams nominated Ms. Linn Waiters, Councilman Perez nominated Ms. Cecilia Garcia, and Councilman Castro nominated Mr. Allen Itz.

None of the nominees received six or more votes; therefore, a vote was taken between the two nominees (Ms. Hartman and Mr. Hanley) that received the most votes.

After a roll call vote, Ms. Hartman received the majority of the votes and was nominated to fill the third slot.

Councilman Flores nominated Mr. Robert Hanley, Councilman Williams nominated Ms. Linn Waiters, Councilman Perez nominated Ms. Cecilia Garcia, and Councilman Castro nominated Mr. Allen Itz.

None of the nominees received six or more votes; therefore, a vote was taken between the two nominees (Mr. Allen Itz and Mr. Robert Hanley) that received the most votes.

After a roll call vote, Mr. Hanley received the majority of the votes and was named to fill the fourth slot.

Councilman Perez nominated Ms. Cecilia Garcia, Councilman Haass nominated Mr. Mike Wing, and Councilman Williams nominated Ms. Linn Waiters.

After a roll call vote, Ms. Garcia received the majority of the votes and was nominated to fill the fifth slot.

Councilman Hall made a motion to approve the proposed Ordinance appointing Mr. Robert Hanley, Ms. Cecilia Garcia, Ms. Amy Hartman and re-appointing Mr. Mitch Meyer and Ms. Susan Wright to the Planning Commission. Councilman Schubert seconded the motion.

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

AN ORDINANCE 98047

ROBERT HANLEY (MAYOR), CECILIA GARCIA (MAYOR), AMELIA (AMY) HARTMAN (MAYOR & DISTRICT 8) AND REAPPOINTING MITCH MEYER (MAYOR, DISTRICT 1 & DISTRICT 10) AND SUSAN WRIGHT (MAYOR & DISTRICT 8) TO THE PLANNING COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON JULY 31, 2005.

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

2003-29 **PRESENTATION OF A REPORT FROM THE MAYOR'S AD HOC SYMPHONY TASK FORCE.**

Mr. Michael De La Garza, Chair of the Mayor's Ad Hoc Symphony Task Force, narrated a slide presentation, a copy of which is filed with the papers of this meeting. Mr. De La Garza spoke to the charge of the task force in which he summarized current financial and legal status and reviewed the 1994 Symphony Task Force report, recommended short term steps to preserve symphonic music, and current efforts and long-term options for viability.

Mr. De La Garza further spoke to steps they had taken to arrive at their eight recommendations, which were as follows:

- 1.) short term recommendation for the symphony to suspend efforts to have a 2003-2004 season;
- 2.) create a City Symphony Oversight Committee;
- 3.) hire an individual or a firm expert in strategic transformation;
- 4.) appropriate funds to the Oversight Committee that were scheduled for award to the symphony by Cultural Arts Board in FY2003/2004;
- 5.) explore restructuring of the lease of the Majestic Theater;
- 6.) commence a study to consider the possibility of a City-owned performing arts venue;
- 7.) focus of efforts on growing the endowment; and,
- 8.) considering extending the San Antonio Symphony to other markets throughout South Texas.

(Mayor Garza returned to the meeting and presided.)

Mr. De La Garza, at the request of the Mayor, introduced the members of the Task Force, including Ms. Meredith Coppolo, Mr. James Winget, Mr. Lionel Sosa, and Mr. Gregg Muenster.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to his disbelief on how the symphony had gotten to this point and further spoke to City monies that had been given to the symphony from the Council's funds. He also commented on the recommendations that the Task Force had made and the monies that would be required to accomplish some of these recommendations.

Mr. Graig Sorgi, President of the San Antonio Players Association, took exception to many of the report's assumptions, to the lack of familiarity with the profession and to the credibility of some of the report's findings. He added that the level of accountability in

the report was not the same as that in the 1994 report. He spoke to the administration as being the cause of the deficiency and offered to review the report clause by clause with the members the Council. He further noted that consultants were expensive but that Mr. Michael Kiser, President of the Kennedy Center for the Performing Arts in Washington, D.C. had much experience in turning ailing arts programs around and had offered his expertise pro bono. Mr. Sorgi further urged the Council not to allow the symphony to go dark this season and stated that, in his opinion, that would be a serious mistake.

Mr. Tal Perkes, San Antonio Symphony member, spoke to his experience and to the San Diego Symphony's history. He also spoke to the talent of the musicians in the current orchestra and what it would take to keep these talented musicians in San Antonio.

Ms. Doris Metzger, a fan of the San Antonio symphony, stated that she had been attending performances for over 50 years and everyone she had spoken to recently about the symphony had not suggested suspending symphony performances for a year or calling in consultants. She stated that Mr. Sorgi's and Mr. Perkes' comments were well founded and suggested that the Council take them into consideration. She also suggested that the Council consult with a successful symphony instead of the San Diego Symphony, which had struggled over the years. She asked the Council members to check with their constituencies and she felt confident that they would not be in favor of suspending the symphony.

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Mr. De La Garza reiterated that throughout the whole process he found a basic disconnect between the funding community and the San Antonio Symphony as there was no support under the present circumstances. He reported that the task force knew of no one that had been spoken to that would hand over money for another season. He stated that the reality of this organization was that they have over a \$1 million debt this season, creditors that were filing claims and the organization was in a state of disrepair. He spoke of it being a grave situation when it came to dollars because there were no dollars available.

Mayor Garza noted that he had been pleased with the players who had continued to make sacrifices to keep the music going. He spoke to the importance of bringing back the 1994 report and comparing the issues that were discussed then with the present issues. He added that the viables under the current situation needed to be studied. He stated that he had made calls to major CEOs who had been partners who expressed to him their frustration at funding something that continued to operate in a deficit. He further stated that, in his opinion, the task force's report was well thought out and the recommendations were worth consideration. He further added that there were some tough decisions that needed to be made.

Several Councilmembers thanked the members of the task force for their work, spoke to the short-term and long-term recommendations for the symphony, the status of the endowment loan, and the need for a business plan that would point out the future direction of the symphony.

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2003-29 PUBLIC HEARING AND ORDINANCE: CLOSING, VACATING AND ABANDONING AN IMPROVED PORTION OF SHARP STREET PUBLIC RIGHT OF WAY LOCATED BETWEEN SOUTH LAREDO AND TUNSTALL STREETS.

Mayor Garza declared the Public Hearing to be open.

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation (a copy of which is filed with the papers of this meeting) which detailed the petitioner's request and intent to incorporate the proposed closure with its other properties to develop a multi-story office complex. Ms. Waldman stated that this request had been coordinated with all necessary parties including the Lone Star Neighborhood Association and that the petitioner had agreed to comply with all the conditions that were imposed. She reported that the City would collect \$14,546.00 as consideration for this action.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, stated that he agreed that the City make money when closing a public right of way. He then read from rules regarding discretionary contracts stating that he wanted to make the Council aware of the current rules.

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There being no further 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 98048

CLOSING, VACATING AND ABANDONING AN IMPROVED PORTION OF SHARP STREET PUBLIC RIGHT OF WAY LOCATED BETWEEN SOUTH LAREDO AND TUNSTALL STREETS ADJACENT TO NCBS 919 AND 920, AS

REQUESTED BY THE ABUTTING PROPERTY OWNER, MAPCO, INC., FOR THE TOTAL CONSIDERATION OF \$14,546.00.

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

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

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Ms. Rebecca Waldman, Director of Asset Management, in response to a question by Councilman Flores, stated that a notice had been sent out to the Lone Star Neighborhood Association regarding this item and the association had not responded. She added that when associations have concerns, they make those concerns known once they receive the notices.

Councilman Flores requested that in the future, if an association did not respond after a notice was sent out, he be notified so that he could make contact with them to ascertain their position prior to the item coming to a vote.

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2003-29 The Clerk read the following Ordinance:

AN ORDINANCE 98049

ADOPTING THE HUEBNER/LEON CREEKS COMMUNITY PLAN AS A COMPONENT OF THE CITY'S MASTER PLAN FOR AN AREA BOUNDED BY PRUE ROAD ON THE NORTH, BABCOCK ON THE NORTHEAST, ECKHERT ROAD AND HUEBNER ON THE SOUTHEAST AND BANDERA ON THE SOUTHWEST.

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

Mr. Emil Moncivais, Director, Planning Department, narrated a slide presentation (a copy of which is filed with the papers of this meeting) in which he stated that the Huebner/Leon Creeks Community Plan was reviewed for adoption as a component of the City's Master Plan, residents and other stakeholders were given an opportunity to create a community-based vision for the twenty-one neighborhoods in the Huebner/Leon Creeks Community, and noted that public meetings, a business outreach meeting, and planning team meetings were held and an interdepartmental review of the plan was conducted prior to presentation to HNAT and the Planning Commission. He spoke to the community outreach, compared this plan with other neighborhood plans, the 1997 Master Plan, 1978 Major Thoroughfare Plan, and 1999 Park Systems Plan and reported on the plan elements. He elaborated on the Community Plan's goals and stated that it was staff's recommendation that this plan be adopted as a component of the City's Master Plan.

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

The following citizen(s) appeared to speak:

Mr. Phillip Manna, Chairman of the Community Planning Team, stated that he was representing the twenty-one neighborhoods and numerous business and community members that participated in the creation of this Plan and asked for Council support.

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Councilman Castro thanked Mr. Manna and everyone who worked on the plan. He recommended that his colleagues give their approval to the plan adding that it would be a blueprint for the City Council as they moved forward, making decisions for the neighborhoods.

Mr. Moncivais, responding to a question by Councilwoman Radle, stated that notices, flyers, etc. were distributed prior to upcoming meetings in an attempt to reach and involve as many residents, businesses and community members as possible.

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

(Mayor Garza returned to the meeting and presided.)

2003-29 The Acting City Clerk then read a proposed ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas, by amending Article III to create five (5) new zoning districts by adding Sections 35-310.15, "UD" Urban Development District, 35-310.16, "RD" Rural Development District, 35-310.17, "FR" Farm and Ranch District, 35-310.18, "MI-1" Mixed Light Industry District, and "MI-2" Mixed Heavy Industry and amending various sections of Article III to include the new districts.

Councilman Perez made a motion to continue the Public Hearing until next week and also postpone the consideration of the ordinance to August 28 at 4:00 p.m. Councilman Segovia seconded the motion.

Mayor Garza declared the Public Hearing to be open to discuss this issue.

Mr. Emil Moncivais, Director, Planning Department, narrated a slide presentation (a copy of which is filed with the papers of this meeting) in which he reported on the five Flex Zoning Districts (urban development, rural development, farm and ranch, mixed light industrial and mixed heavy industrial districts) which were created to facilitate the implementation of the Southside Initiative Community Plan. He further reported on the benefits of the districts, the zoning plan development, the goals and provisions of each of the five districts, the flexible development plan option, and the summary of the Zoning Commission action.

Mayor Garza stated that he would entertain a motion to continue the vote on this item until next week because of the numerous amendments that had been sent this week from the Zoning Commission. He added that there were some valid concerns that would be addressed over the coming week before the final vote next week.

Councilman Perez concurred with Mayor Garza to postpone this public hearing until next week. He then made a substitute motion to postpone consideration of the proposed ordinance to the Council meeting of August 28. Councilman Segovia seconded the motion.

The following citizen(s) appeared to speak:

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, spoke to the rapid growth of the City and to the contamination that would be coming as a result of the growth.

Mr. Faris Hodge, Jr., 140 Dora, stated that he did not think that the south side of San Antonio needed a master plan and spoke to new businesses along Military Drive. He also

spoke to the overall growth of the City, particularly on the northside, and the need to redraw boundaries and come up with a new master plan.

Ms. Jan Ruzza, 3076 Carpenter Road, stated that if the Council approved the flex zoning districts they be fully committed to give them a chance as their success depended on the proper handling of each. She added that open and productive communications with citizens was very important.

Ms. June Kachtik, President of the Board of the Bexar Land Trust, provided each Council member with a handout containing information on the trust. She noted that the trust was a non-profit corporation that worked with private property owners, advising landowners if the various alternatives available to them.

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

Mayor Garza stated he had an opportunity to visit with the Zoning Commission and reviewed some of the amendments they would be working on this coming week. He stated that the plan provided flexibility and encouraged thoughtful planning as well as large-scale interaction with many property owners of how the area would be developed over time.

Mr. Moncivais, responding to Mayor Garza, spoke to the percentage factor and stated that overall collectively there was no flexibility on percentages but that issues could be considered over the coming week.

Councilman Perez thanked the staff for the work on this item and concurred with delaying the vote until the following week to allow the time needed to review the amendments that had been recommended recently.

In response to questions by Councilman Schubert, Mr. Moncivais spoke to the input that individual landowners would have in zoning their properties and the City's intent to work with them to meet their needs while also meeting the goals and objectives of the plan. He further spoke to the rezoning options and to the criteria used to determine 30% development.

Mayor Garza stated that if the City did not annex an area within three years, the City would lose the limited purpose designation.

The motion as presented, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Castro, Haass.

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(At this point, Mayor Garza was obliged to leave the meeting. Mayor Pro Tem Schubert presided.)
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2003-29 The Clerk read the following Ordinance:

AN ORDINANCE 98050

DESIGNATING UNISON-MAXIMUS, INC. TO PROVIDE AIRPORT FINANCIAL CONSULTING SERVICES IN CONNECTION WITH THE IMPLEMENTATION OF THE SAN ANTONIO AIRPORT SYSTEM CAPITAL IMPROVEMENT PLAN; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT FOR AN AMOUNT NOT TO EXCEED \$370,088.00; APPROPRIATING FUNDS; ESTABLISHING A BUDGET AND AUTHORIZING PAYMENT.

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Councilman Williams made a motion to approve the proposed Ordinance. Councilman Flores seconded the motion.

Mr. Kevin Dolliole, Director, Aviation Department, narrated a slide presentation (a copy of which is filed with the papers of this meeting) in which he reported on the background of the CIP Financing Plan, the program objectives, the airport capital improvement plan, consultant selection process, consultant team and the scope of the work to be performed. Mr. Dolliole further reported that this had been a pretty competitive process and three good proposals had been received out of 14 initially requested.

(Mayor Garza returned to the meeting and presided.)

Mr. Dolliole, responding to questions by Councilman Hall, stated that the airport's bond rating is A+, that Coastal Securities was the City's financial advisor and it supported the airport's efforts, and that Unison Maximus would assist the airport and provide information from the aviation arena needed to support the overall development and issuance of the bonds in 2004 and 2007.

City Manager Brechtel further explained that RFPs had gone out for underwriters for a number of items that the City was considering for next year. She added that these proposals were presently being reviewed by staff.

Councilman Schubert spoke favorably to the improvements being made at the airport and expressed appreciation to Mr. Dolliole and his staff for the work they had been doing to bring about these improvements.

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

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2003-29 The Clerk read the following Ordinance:

AN ORDINANCE 98051

APPROVING AN AGREEMENT TO SETTLE THE CONTROVERSY WITH WESTERN INTEGRATED NETWORKS, L.L.C. (WIN) AND ALL OF ITS DEBTOR SUBSIDIARIES; RELEASING \$200,000 TO WIN; AND AUTHORIZING THE CITY ATTORNEY AND BANKRUPTCY COUNSEL TO EXECUTE AND FILE ALL OF THE NECESSARY DOCUMENTS TO FACILITATE SETTLEMENT OF THIS MATTER.

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

Mr. Ben Gorzell, Jr., Assistant Director, Finance Department, narrated a slide presentation (a copy of which is filed with the papers of this meeting) in which he reported on the settlement agreement with Western Integrated Networks (WIN), providing the background of the cable franchise, the chronology of events after WIN filed for Chapter 11 bankruptcy, the settlement terms in which the City agreed to release \$200,000 to WIN and retain \$965,000 plus \$100,000 interest earnings on the prepayment. He also reported that the motion and settlement had been filed in U.S. Bankruptcy Court in Denver, Co. and the hearing set for September 5, 2003.

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

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2003-29 The Clerk read the following Ordinance:

AN ORDINANCE 98052

SETTING A PROPOSED AD VALOREM TAX RATE FOR FY 2004 AT 57.854 CENTS PER \$100 OF TAXABLE VALUATION WHICH IS THE TAX RATE RECOMMENDED IN THE CITY MANAGER'S PROPOSED BUDGET, WHICH INCLUDES 36.704 CENTS PER \$100 OF TAXABLE VALUATION FOR MAINTENANCE AND OPERATIONS AND 21.150 CENTS PER \$100 OF TAXABLE VALUATION FOR DEBT SERVICE.

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

Mr. Louis A. Lendman, Director, Management and Budget Department, narrated a slide presentation (a copy of which is filed with the papers of this meeting) in which he reported that the proposed tax rate for FY 2004 was 57.854 cents per \$100 of taxable valuation. He added that this was the same tax rate adopted for FY 2003. He noted that the results of the increase in the senior citizens homestead exemption for the tax year 2003 would be seen this year. He further reported on the property tax revenue, taxable values, tax rate comparison, the FY 2004 proposed tax rate, the tax rate adoption and the schedule for consideration of the tax rate.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, stated that although tax rates had not increased over the past 10 years, property valuations had. He added that over a three-year period valuation increased 22%. He asked that the Council lower the tax rate to at least 48 or 49 cents per \$100 valuation.

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Councilman Hall stated that the City Council had no control over property appraisals and that San Antonio had the third lowest tax rate in the state compared to some of the other larger cities.

Mr. Lendman and Mr. Nitschke, in response to questions by Councilman Hall, spoke to the monies saved on the refunding of general obligation bonds. Mr. Nitschke stated that there had been three refinancings since 1992 and the savings had totaled approximately \$85,000,000.

Councilman Schubert spoke to a \$39 million increase between the FY 2002 general revenue fund and this year's proposed budget.

Mr. Lendman stated that of the \$39.4 million increase, \$26.9 million related to one-time resources that were applied into the general revenue fund.

Councilman Schubert further added that some people had spoken about increasing property taxes but, in his opinion, he felt that taxes might need to be decreased instead. He added that he did not believe that the City could continue to see these types of increases with the present revenue stream.

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

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2003-29 **TRAVEL AUTHORIZATION - Granted:**

Travel Authorization for Councilman Joel Williams, District 2, to travel to Dallas, Southlake, Colleyville, Irving, Addison, Frisco, Stoneridge Ranch, Plano and Plum Creek to tour Tax Increment Reinvestment Zones (TIRZ) from Friday, September 5, 2003 to Saturday, September 6, 2003.

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

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

CITIZENS TO BE HEARD

MR. NAZIRITE RUBEN FLORES PEREZ

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, spoke to attending a recent Kelly Restoration Board meeting, setting of the ad valorem tax rate, and spoke about the employee salary increases and one-time bonuses.

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MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the City's purchase of computers and bottled water and to the need for the Citizens to be Heard portion of the Council meeting to be held in a timely manner. He also complimented Councilman Williams and Councilwoman Radle on their recent write-ups in the newspaper and thanked the Council as a whole for the good job they are doing. He also spoke to being able to cut the City and County budgets in half.

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MS. MARY BETH DUERLER

Ms. Mary Beth Duerler, President, Responsible Pet Owners Association, spoke to recent news reports that had some inconsistencies with relation to their Association's picking up of dogs from the Animal Control Facility. She stated that much of what had been reported was not true and read from her Association's statistics for the entire year. She spoke to the agreement between her Association and the Animal Control Facility and offered a new policy to turn the adoption kennel into an animal transfer kennel at the front of the animal control facility. She added that all the groups would be able to take animals and her office would volunteer to handle all the paperwork, spay and neuter contracts and assure compliance.

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MR. JOHN T. CRONE

Mr. John T. Crone, 14502 Brook Hollow, spoke to the flex zoning ordinance and his experience in developing and studying real estate and community development. He noted that the stated goals of the Southside Initiative were very laudable and pointed out why, in his opinion, not many developers and builders had addressed the flex zone issue.

He offered to meet with Council members to share his expertise, which included involvement in three urban land institutes studies.

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MS. ANNABELLE TIEMANN

Ms. Annabelle Tiemann, Falun Gong practitioner, spoke to the arrest of Mr. Charles Lee in China and his continued torture by his captors. She spoke to August 13 – September 13 being designated as “National Rescue Charles Lee Month” and asked for the City’s support by signing a petition that would be presented to the U.S. Department of State officials who were responsible for Charles Lee case. She also read a portion of a letter written by Mr. Lee’s fiancée in which she wrote of his plight.

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MR. CHARLES ENGLISH

Mr. Charles English, Jefferson Heights Association, spoke to utility conversions in the Houston Street area. He referenced an attendance roster and a chart, dated September 26, 2000 that spoke to overhead versus underground utility costs. He stated that it indicated that utility conversions were already being discussed before the ingress and egress was done at the SBC Center and the neighborhood had experienced a lot of accidents. He cautioned that this would happen again once the basketball season begins.

Councilman Williams stated that he was concerned with Mr. English’s problem and a representative from his office would be assigned to work with Mr. English on this utility issue.

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2003-29 "B" SESSION - BUDGET WORK SESSION.

Mayor Garza recessed the Regular Council meeting at 7:00 P.M. to convene in the Budget Work Session:

The Budget Work Session comprised of the following departments:

- Economic Development
- Economic Development Department
- Aviation Department

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2003-29 CITY MANAGER'S REPORT.

City Manager Terry Brechtel introduced Dr. Fernando Guerra, Director, Metropolitan Health Department, who she stated annually provided a health profiles report for the San Antonio Metropolitan Area and the Metropolitan Health District. She further stated that she encouraged each member of the Council to take a close look at the report and ask Dr. Guerra to provide individual in-depth briefings to those who would like more information.

Dr. Guerra then presented the 2002 Health Profiles Report (a copy of which is filed with the papers of this meeting) in which he noted that the purpose of the report, among other issues, was to provide a "snap shot" of the community's current health, health trends, and demographic changes. He reported on the sources that had been used to gather data, the population statistics, age distribution, projected population by race and ethnicity from the years 2000-2040, household income by race/ethnicity, educational attainment, mental health indicators and births. He also reported on causes of death in 2002, average age of death, infectious diseases, vaccine preventable diseases, sexually transmitted diseases, stray animals, behavioral risk factors and statistics on 9 key zip codes with 27% of the total population which account for 35% to 50% of the need for municipal services. He further noted that although San Antonio remained a relatively healthy city, there was a need for further improvement especially in 9 key zip codes.

A brief discussion followed on the importance of getting this report out to the public and to the various ways this type of information could be used.

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2003-29 EXECUTIVE SESSION.

The City Council recessed its regular session at 7:55 P.M. in order to convene in Executive Session for the purpose of:

A.) Discuss legal issues relating to the proposed settlement of a claim filed by Mary McNary, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

B.) Discuss legal issued related to Cause No. 99ED-0029, City of San Antonio v. Artemio A. Alanis and Nancy K. Alanis, et al, in Probate Court No 1, Bexar County, Texas, pursuant to Texas Government Code Sections 551.072 (deliberations involving real property) and 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 9:15 P.M and, there being no further business to come before the City Council, the regular meeting was also immediately adjourned.

2003-29 There being no further business to come before the City Council, the meeting was adjourned at 9:16 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