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 FY 2004-2009 Six Year Capital Budget and the Debt Management Plan. (Presented by Lou Lendman, Director, Management & Budget and Milo Nitschke, Director, Finance; Christopher J. Brady, Assistant City Manager.)

The Council members present were: Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. ABSENT: Barrera.

The "B" Session adjourned at 11:31 A.M.

The regular meeting was called to order at 1:17 P.M. by the Presiding Officer, Mayor Pro Tem Schubert, with the following members present: Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Haass, Garza. ABSENT: Barrera

Invocation by Rev. Douglas Diehl, Crossroads Baptist Church, District 7

Pledge of Allegiance to the flag of the United States.

OFFICIAL WELCOME CERTIFICATE: "PAT O'BRIENS"

Councilman Schubert read the official welcome to the first corporate-owned Pat O'Briens Restaurant to San Antonio.
City Manager Terry M. Brechtel welcomed the New Orleans-based Pat O'Briens Corporation to San Antonio.

2003-34 Minutes of the Regular City Council Meeting of August 21, 2003 were approved as presented.

2003-34 CONSENT AGENDA

Councilman Schubert called to approve the balance of the Consent Agenda.

Councilman Perez made a motion to approve Agenda Items 7 through 28D, constituting the Consent Agenda, except for Items 8, 15, 16, 17, 19, 20, 21, 23, 25, 26, and 27 which were pulled for individual consideration. Councilman Segovia seconded the motion.

The following citizen appeared to speak:

Mr. Jack M. Finger, P. O. Box 12048, spoke to his opposition of Item #10 regarding possible campaign contributions from the company whose contract is on the agenda. He also spoke to his opposition of Item #15 regarding funding the Head Start Early Child Care Program, and a contract with the Parent Child, Inc. Mr. Finger referred to a recent newspaper article in which wages for the Directors and staff were discussed. He also requested Item #23 be pulled for discussion.

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

AN ORDINANCE 98195

ACCEPTING THE LOW BID SUBMITTED BY 3TI, INC. (MBE), TO PROVIDE THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH KINGSBOROUGH PARK IMPROVEMENTS IN COUNCIL DISTRICT 3 FOR A TOTAL AMOUNT OF $42,987.00.

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AN ORDINANCE 98196

AUTHORIZING THE APPROPRIATION OF $245,000.92 AND THE DISBURSEMENT OF FUNDS IN AN AMOUNT OF $279,743.42 TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) IN SUPPORT OF THE FINAL RECAPITULATION OF THE U.S. HIGHWAY 281 AIRPORT CONNECTOR CONSTRUCTION AND ESTIMATED FINAL TXDOT ADMINISTRATIVE EXPENSES AT SAN ANTONIO INTERNATIONAL AIRPORT.

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AN ORDINANCE 98197

DESIGNATING THE FIRM OF BOOZ ALLEN HAMILTON, INC. TO PROVIDE PLANNING SERVICES IN CONNECTION WITH THE ENVIRONMENTAL IMPACT STATEMENT FOR SAN ANTONIO INTERNATIONAL AIRPORT PURSUANT TO THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND THE COUNCIL ON ENVIRONMENTAL QUALITY; AUTHORIZING NEGOTIATION AND EXECUTION OF A CONTRACT FOR AN AMOUNT NOT TO EXCEED $681,731.00; AUTHORIZING $34,000.00 FOR PLANNING CONTINGENCIES; REVISING THE BUDGET AND PROVIDING FOR PAYMENT.

***

AN ORDINANCE 98198

AUTHORIZING A NO COST CHANGE ORDER TO THE CONSTRUCTION CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND CLARK/JT CONSTRUCTION, A JOINT VENTURE, FOR CONSTRUCTION OF THE CITY OF SAN ANTONIO, HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT, PHASE 1B AND AMENDING THE REVIEW AND RESOLUTION OF CLAIMS AND DISPUTES PROVISION IN THE CONTRACT TO RELEASE PARTIES FROM THESE REQUIREMENTS AND INSTEAD IMPOSE MEDIATION AND BINDING ARBITRATION SOLELY FOR THE TODD-FORD DISPUTE, AS AN ALTERNATIVE RESOLUTION PROCESS.

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AN ORDINANCE 98199

EXPANDING THE SCOPE OF SERVICES IN AN EXISTING LEGAL SERVICES CONTRACT WITH GEORGE C. BALDWIN, ATTORNEY AT LAW OF LLOYD,
GOSSELINK, BLEVINS, ROCHELLE, BALDWIN & TOWNSEND, P.C., FOR THE CONTINUED LEGAL REVIEW AND ANALYSIS OF CLAIMS SUBMITTED BY TODD-FORD, A SUBCONTRACTOR TO CLARK/JT CONSTRUCTION IN ASSOCIATION WITH PHASE IB OF THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT, AND THE MEDIATION AND ARBITRATION, IF NEEDED, OF SUCH CLAIMS FOR AN AMOUNT NOT TO EXCEED $120,000.00; AUTHORIZING A CONTRACT IN THE AMOUNT OF $15,000.00 WITH LEWIN PLUNKETT OF PLUNKETT & GIBSON FOR LEGAL SERVICES IN CONNECTION WITH A DISPUTE OF AN INSURANCE MATTER BEFORE THE DISPUTES RESOLUTION BOARD ("BOARD") ESTABLISHED PURSUANT TO THE CONTRACT; AUTHORIZING THE PAYMENT OF $5,000.00 FOR RICK REED OF JOHNSTON, RALPH, REED & WATT FOR SERVICES RENDERED ON THE BOARD; RATIFYING SERVICES PREVIOUSLY PERFORMED; AND PROVIDING FOR PAYMENT IN THE TOTAL AMOUNT OF $140,000.00.

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AN ORDINANCE 98200

GRANTING THE STATE OF TEXAS, THROUGH ITS TEXAS TRANSPORTATION COMMISSION, THREE (3) EASEMENTS LOCATED SOUTH OF STARCREST DRIVE IN CONNECTION WITH THE WURZBACH PARKWAY FOR THE APPRAISED AMOUNT OF $53,925.00.

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AN ORDINANCE 98201

AUTHORIZING THE ACCEPTANCE OF $9,226.00 IN ADDITIONAL FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANT FUNDING FROM THE LOCAL BOARD OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM FOR THE PROVISION OF RENTAL AND MORTGAGE ASSISTANCE BY THE CITY OF SAN ANTONIO DEPARTMENT OF COMMUNITY INITIATIVES, COMMUNITY ACTION DIVISION; REVISING THE BUDGET; AND AUTHORIZING THE EXECUTION OF ANY DOCUMENTS IN CONNECTION THEREWITH.

***

AN ORDINANCE 98202

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT A MATCHING GRANT IN THE AMOUNT OF $5,273.00 FROM THE TEXAS 2003-34 September 25, 2003 yb
COMMISSION ON THE ARTS FOR THE PRODUCTION OF THE THIRD ANNUAL INTERNATIONAL ACCORDION FESTIVAL; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE THE FIRST AMENDED AND RESTATED FUNDING CONTRACT WITH THE INTERNATIONAL ACCORDION FESTIVAL, A TEXAS NON-PROFIT ORGANIZATION, TO REFLECT THESE MATCHING FUNDS; AND PROVIDING FOR PAYMENT OF $5,273.00 TO THE INTERNATIONAL ACCORDION FESTIVAL FOR PRODUCING THE EVENT.

***

AN ORDINANCE 98203

REINSTATING SECTION 21-22 OF THE CITY CODE, WHICH REGULATES ADULT ARCADES, AND AMENDING THE DEFINITION OF "ARCADE DEVICE" TO INCLUDE MACHINES THAT ACCEPT PAPER MONEY.

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AN ORDINANCE 98204

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TRANSPORTATION SECURITY ADMINISTRATION FOR THE USE OF AIRPORT POLICE PERSONNEL AT SAN ANTONIO INTERNATIONAL AIRPORT CHECKPOINTS; ESTABLISHING A GRANT REIMBURSEMENT FUND; ADOPTING A BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF $373,570.20.

***

AN ORDINANCE 98205

APPOINTING LISA A. RODRIGUEZ (DISTRICT 7) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 20, 2004.

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AN ORDINANCE 98206

REAPPOINTING REUBEN G. SALAS (DISTRICT 7) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON JUNE 11, 2005.

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AN ORDINANCE 98207

APPOINTING ANNA ALICIA SANCHEZ (DISTRICT 5) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2005.

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AN ORDINANCE 98208

DESIGNATING DWIGHT HALL AS CHAIRPERSON AND ISIDRO CARDENAS AS VICE CHAIRPERSON OF THE MUNICIPAL CIVIL SERVICE COMMISSION.

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2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98209

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH THE FOLLOWING ITEMS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2003-2004 FOR AN ESTIMATED ANNUAL COST OF $313,515.00: MATERIALS & LABOR TO MAINTAIN AIR CONDITIONING & HEATING SYSTEM CONTROLS AT THE TOWER OF THE AMERICAS; REINFORCING WELDED WIRE; MAINTENANCE & REPAIR OF TANK LEVEL SENSING & LEAK DETECTION MONITORS; LRC CARWASH WATER RECOVERY PARTS & SERVICE; B & B CANTILEVER GATE SYSTEM PARTS & SERVICE; CHARTER BUS SERVICE; AUTOMOBILE & LIGHT TRUCK WINDOW TINTING; AND BACKUP TAPES FOR DATA STORAGE LIBRARY.

***

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

In response to Councilman Perez’s inquiry regarding the use of the charter busses, Ms. Janie Cantu, Purchasing Department Director, stated the busses are used throughout the year to transport children to various sights for the Parks and Recreation Department’s Youth Program events.
In response to Councilman Perez' inquiry regarding costs comparisons in using school buses for this purpose, Mr. Malcolm Matthews, Director of Parks & Recreation Department, stated that due to liability issues, school districts are not involved with this type of arrangement. He also stated this issue will be researched further. Mr. Matthews noted that $40,000 is budgeted for charter service in the next fiscal year.

In response to Councilman Perez' inquiry regarding costs for vehicle window tinting, Ms. Cantu stated the window treatment is used on a combination of used and new vehicles used exclusively by the San Antonio Police Department's Undercover Division. She explained the removal of window tinting is for those vehicles that are to be sold.

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

2003-34  The Clerk read the following Ordinance:

AN ORDINANCE 98210


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

Mr. Dennis Campa, Director of Community Initiatives Department, narrated a presentation regarding the operation of the Head Start-Early Child Care Program. A copy of this presentation is on file with these papers.
He discussed the purpose of the ordinance that will authorize acceptance of supplemental funds from the Department of Health and Human Services (DHHS) for the Head Start Program. He stated it will also adopt and revise the 2003 budget and authorize a contract with Parent Child, Inc., (PCI) which operates the Head Start Program. Mr. Campa noted as background, that PCI has served as the administrator for Head Start since 1978. He further noted PCI provides comprehensive services such as high quality early childcare, education and other social services. Mr. Campa pointed out that PCI also improves the education level of the future work force by addressing issues such as literacy, and providing high quality childcare for low-income working families. He noted that PCI has also made a major investment in the work force by improving the education level, wages and quality of life for over 1,500 PCI staff.

Mr. Campa stated that there are eight-three (83) Head Start sites in Bexar County, and all require high staff qualification requirements than the normal child development centers. He described the comprehensive educational support services provided to the Head Start teachers. He further described the incentive program used to promote the high quality early childcare education for staff.

In response to Councilman Perez’ inquiry regarding the budget outline, Mr. Campa stated that some of the funding was to support the Step Program, and to enhance the training component that instructs teachers the curriculum they will deliver. He also explained that as teachers complete the training, and acquire additional credentials, there are retention bonuses for teachers. Mr. Campa also defined in-kind services such as facilities and utilities that are contributed by partnership agencies. He noted that Head Start sites are located in different school districts and that the classrooms and buildings are considered in-kind costs.

In response to Councilwoman Radle’s request to bring the issues of a minimum wage to the federal government, Mr. Campa stated that the request will be made to the regional office of the DHHS in Dallas. He explained that, as with Head Start and the Child Care Deliver System (CCDS), DHHS attempts to balance the number of children in care with the amount of money that is available. He further explained that with Head Start, it would cost about $2-$3 million to bring their staff to the City’s living wage, and for CCDS, the figure would be estimated at $10 - $12 million.

Mr. Campa stated that, in meeting the federal mandates for performance, it is not feasible to pay Head Start staff the wages that the City of San Antonio would pay. He assured Councilwoman Radle that the request for minimum wage would be made to the regional office.

Councilman Hall spoke in support of PCI and the Head Start Program. He called forward Ms. Blanche Glover, Director of PCI, to comment on the beginning and success of the child care program, and to address Councilwoman Radle’s request for minimum wages for all the Head Start staff.
Ms. Glover thanked the City Council for the opportunity to discuss the quality services to the at-risk children in San Antonio and Bexar County that PCI has provided since its beginning in 1978. She described how then Mayor Lila Cockrell and the City of San Antonio, made it possible for the City to act as grantee to PCI. Ms. Glover stated that Head Start initially provided services to 200 children, and added she was proud to announce that it now serves about 10,000 children daily in 88 centers and 125 day homes. Ms. Glover noted that Head Start originally employed 600 staff members, and now employs over 1,800 individuals.

Ms. Glover stated that in March, 2003, a team of 18 people from throughout the country, as well as from Puerto Rico, came to evaluate PCI for a period of one week, that resulted with PCI being 100% in compliance in every area and was given an excellent rating. She also discussed how the federal government has asked PCI to serve as a teaching lab for programs across the nation who have not been able to provide services at the level that PCI does. Ms. Glover recalled the struggles she and her staff coped with to complete the mission of providing services to underprivileged children and their families. She invited the City Council to visit any Head Start center to see first-hand the quality childcare and teaching programs that are provided.

Councilman Art Hall thanked Ms. Glover for her efforts on PCI. He also noted that he would abstain from voting on this item.

Councilman Williams spoke in appreciation to Ms. Glover and her staff on the efforts and in gratitude for the work to overcome challenges to make PCI a success. He offered encouragement to Ms. Glover in a time when questions may arise as to the budget for Head Start, and acknowledged his faith in her stewardship of the funds allotted.

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

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98211

RATIFYING THE SUBMISSION OF A GRANT APPLICATION, AND AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) IN THE AMOUNT OF $275,250.00 FOR
TRANSPORTATION SERVICES PROVIDED BY THE SUPPORTIVE SERVICES FOR THE ELDERLY PROJECT (SSEP) FROM OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004; AUTHORIZING THE EXECUTION OF A GRANT CONTRACT IN CONNECTION THEREWITH; ADOPTING A BUDGET AND APPROVING A PERSONNEL COMPLEMENT FOR FY 2003-2004; APPROPRIATING FUNDS; AUTHORIZING THE ALLOCATION OF CARRY FORWARD FUNDS; AND ACCEPTING SUPPLEMENTAL FUNDS, IF AWARDED DURING THE CONTRACT PERIOD.

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

In response to Councilman Perez regarding “Attachment II " included in the budget breakdown and a line item entitled “Interfund Rent of City Roll” for $30,000, Mr. Dennis Campa explained that it is an internal fund that allows for the replacement of City vehicles as required.

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

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**2003-34** The Clerk read the following Ordinance:

AN ORDINANCE 98212

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO EXECUTE A CONTRACT, IN AN AMOUNT NOT TO EXCEED $35,000.00 ANNUALLY, WITH A & D TESTS, INC. TO PROVIDE THE SAN ANTONIO FIRE DEPARTMENT WITH RANDOM AND REASONABLE SUSPICION DRUG TESTING SERVICES FROM OCTOBER 1, 2003 TO SEPTEMBER 30, 2005, WITH THE OPTION FOR THREE ONE-YEAR EXTENSIONS, SUBJECT TO ANNUAL APPROPRIATIONS.

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Councilman Perez made a motion to approve the proposed Ordinance. Councilman Haass seconded the motion.
Fire Chief Robert Ojeda, San Antonio Fire Department, gave a presentation on the contract with A&D Tests, Inc. to provide the San Antonio Fire Department (SAFD) with random and reasonable-suspicion drug testing services. A copy of this presentation is on file with these papers.

Chief Ojeda stated the contract, once approved, will commence on October 1, 2003 through September 30, 2005, with an option for three one-year extensions subsequent to annual appropriations. He described the provisions of the Collective Bargaining Agreement that allow the City of San Antonio to solicit a Request for Proposal (RFP), seeking bids from vendors to provide mandatory, random and reasonable-suspicion drug testing for all Fire Department uniformed personnel. He noted that effective October 1, 2003, the Agreement also allows the SAFD to begin random testing of all uniformed employees. The SAFD currently tests employees only when there is reasonable suspicion that the employee is drug impaired.

Chief Ojeda further noted the timeline for the RFP process, and stated that after receiving three proposals, the Evaluation Committee rated A&D Tests, Inc., as the top vendor. He described A&D Tests, located at KellyUSA, as a Department of Health and Human Services certified laboratory that provides 24 hour, seven-days a week service. He pointed out that A&D provides assistance in the implementation and management of substance abuse programs, supervisory training on drug and substance abuse, and conduct drug awareness workshops.

Chief Ojeda pointed out that the proposed system will require that 15% of all authorized uniformed personnel, including the Fire Chief, shall be susceptible to random drug testing. He stated that personnel will be randomly selected using a computer program operated by A&D. Chief Ojeda expounded on the fiscal implications of the contract that will not exceed $35,000 annually, pending City Council’s approval of the SAFD’s FY2004/2005 annual budget.

In response to Councilman Segovia, Chief Ojeda stated this is the first year random testing has been conducted as a result of the Collective Bargaining Agreement. He noted that the only drug testing previously done was based on reasonable suspicion. He stated it is the same vendor used by the San Antonio Police Department.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Williams, Segovia, Perez, Castro, Hall, Schubert, Haass. NAYS: None. ABSENT: Radle, Barrera, Garza.
2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98213

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE THE FOLLOWING DOCUMENTS FOR THE PROVISION OF STATE GOVERNMENTAL AFFAIRS REPRESENTATION FOR TERMS BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2005: (1) EXTENSION AGREEMENTS FOR STATE GOVERNMENTAL AFFAIRS REPRESENTATION WITH DENTON, NAVARRO, ROCHA AND BERNAL, P.C. AND MARC A. RODRIGUEZ EXERCISING THE TWO-YEAR RENEWAL OPTIONS OF THEIR STATE GOVERNMENTAL AFFAIRS REPRESENTATION AGREEMENTS ORIGINALLY AUTHORIZED BY ORDINANCE NO. 94568, PASSED ON SEPTEMBER 20, 2001, FOR A COMBINED ANNUAL AMOUNT OF $95,240.00, (2) AN EXTENSION AGREEMENT AND FIRST AMENDMENT TO STATE GOVERNMENTAL AFFAIRS REPRESENTATION AGREEMENT WITH CHRISTOPHER S. SHIELDS, P.C. EXERCISING THE TWO-YEAR RENEWAL OPTION OF HIS STATE GOVERNMENTAL AFFAIRS REPRESENTATION AGREEMENT ORIGINALLY AUTHORIZED BY ORDINANCE NO. 94568, PASSED ON SEPTEMBER 20, 2001, AND REFLECTING A REDUCTION IN THE ANNUAL PAYMENT FOR SERVICES TO $48,000.00, AND (3) A STATE GOVERNMENTAL AFFAIRS REPRESENTATION AGREEMENT WITH BAKER BOTTS, L.L.P. FOR AN ANNUAL AMOUNT OF $48,000.00; AND PROVIDING FOR PAYMENT.

* * * *

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

In response to Councilman Perez, Mr. Jim Campbell, Director of External Relations Department, stated that it was decided several years ago to pay the same rate to the lobby team during the legislative session, as well as during the interim periods, due to the increased activity when session is out. He pointed out that there was a great deal of work prior to the legislative session, and important activity takes place for a couple of months after Session is over, after which no activity at all follows. He further pointed out that many charges are given to committees to conduct work during the interim in preparation for the next legislative session. Mr. Campbell stated that if the City is not actively engaged in those interim charges, the City would be lagging behind the curve before the legislative session. He noted that the lobby team travels to attend committee hearings, of which the City of San Antonio has hosted several for special Sessions. Mr. Campbell explained that upcoming special sessions deal with public school reform that has serious implications with City revenues.
In response to Councilman Perez’s concerns with the funds allocated for this item, Mr. Campbell stated that regardless of the method used to pay the lobby team, the dollar figures would amount to the same. He noted that the lobby team prefers a year-round pay schedule, and pointed out that it is an advantage for them to be more active during the interim.

In response to Councilman Perez, Mr. Campbell stated that copies of written reports from the lobby team, as well as occasional reports to the Intergovernmental Committee, will be made available to Councilman Perez. He also reported that the next Request for Proposal on this contract will be conducted in the summer of 2005.

Councilman Castro concurred with Councilman Perez’s interest in the rationale of dividing out the payments continuously, instead of paying only during the session, but he also stated the special sessions are a major consideration.

In response to Councilman Castro’s request for assurance that the City is paying a reasonable rate for the services provided, Mr. Campbell stated that the lobby team is highly productive for the payment they receive. He further noted he would not recommend paying them any less that what is being proposed.

Councilman Castro stated he was aware of the successes the lobby team has had in recent sessions. He requested continuous reports on the kinds of activities in which the lobby team has been engaged so that the City Council can be assured, and understand the work that is going on throughout the year.

In response to Councilman Schubert regarding the importance of interim committees, Mr. Campbell affirmed the fact that much of the work conducted by interim committees will be the legislative bills that are introduced on the first day, or those that are pre-filed, before the legislative session.

Councilman Schubert commended Mr. Campbell and the lobby team on the many successes accomplished in legislative sessions. He stated the team is worthy of another opportunity to represent the City of San Antonio.

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.

2003-34 The Clerk read the following Ordinance:
AN ORDINANCE 98214

AUTHORIZING THE RENEWAL AND EXTENSION OF THE FINANCIAL ADVISOR CONTRACT WITH COASTAL SECURITIES, TO PROVIDE FINANCIAL ADVISOR SERVICES IN CONNECTION WITH THE CITY'S FINANCING FOR A ONE (1) YEAR PERIOD COMMENCING OCTOBER 1, 2003 AND TERMINATING ON SEPTEMBER 30, 2004, UNDER THE SAME TERMS AND CONDITIONS.

* * * *

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

In response to Councilman Segovia's inquiry regarding the total annual amount of the computer modeling and structuring, Mr. Milo Nitschke, Finance Director, stated both companies are not involved with modeling and structuring. He further stated he relies primarily on Coastal Securities for the computer modeling, rather than having two sets. He noted he does not have the exact breakdown on the computer modeling, and added that it is a relatively small percentage.

In response to Councilman Segovia, Mr. Jorge Rodriguez, Managing Director of Coastal Securities, stated their offices are located in the Vogue Building on Houston Street in San Antonio. Mr. Rodriguez explained that in those cases where computer modeling is above-and-beyond, a small computer fee is charged, depending on the issuance and the amount of computer modeling. He further explained there are a series of scenarios based on a model that is developed to ensure the City's satisfaction as the process evolves.

In response to Councilman Segovia's inquiry regarding the percentages, Mr. Rodriguez stated the percentage has been 65% - 35% for the duration of the contract. He added that the computer modeling fees are excluded from that, and as a percentage of total compensation, computer modeling fees may be less than 5% of the total value of the contract.

In response to Councilman Hall, Mr. Rodriguez stated Coastal Securities is Houston-based. He also stated that the San Antonio office is staffed with five individuals comprised of two senior bankers, two support personnel and one part-time person.

Mr. Tom Gonzales, Estrada-Hinojosa Company, stated the Dallas-based office is staffed by four partners and four owners, with an ownership in San Antonio.

In response to Councilman Hall regarding renewal of the contract, Mr. Nitschke stated the reasons for extending the contract one more year rather than going through a Request for Proposal process.
Councilman Hall stated that he has worked with Mr. Rodriguez and Mr. Gonzales in the past, but as a policy, the City of San Antonio has to do a better job of using local companies and minority/women-owned companies. He further stated that the idea of using local and minority/women-owned companies is to help generate those businesses, and to foster local companies by increasing the local economic development. Councilman Hall noted that these companies should be graduated to a majority share of this type of contract. He stated he will be support this contract extension for one more year.

In response to Councilman Hall regarding structuring fees, Mr. Nitschke stated that the fees are primarily applicable to difficult transactions such as the San Antonio Airport and the Texas Starbright Corporation transactions. He noted that the modeling fees cover the equipment and overhead costs of the firms that do the computer work.

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

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98215


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

City Attorney, Andrew Martin stated that the City of San Antonio entered into contracts that are being requested for extension today. He also stated those contracts provided for a two year initial term with two additional one-year extensions. He noted that the City may take advantage of the rates that were negotiated at that time with the extension of the
contract for one additional year. Mr. Martin stated the contracts will provide continuing bond counsel services from three firms: Fulbright & Jaworski, LLP; McCall, ParkHurst & Horton; and Woodcliff & Hall. He further stated that last year, at the renewal period, the bond counsel services formerly assigned to Woodcliff and Hall, were contracted to Escamilla and Poneck, Inc. Mr. Martin explained that Fulbright and McCall serve as majority counsel, and Escamilla & Poneck work with those firms as minority counsel on financing issuance items. He pointed out that the City is currently in the process of having conversations with all the locally-based bond counseling firms for issuances that would fall outside the scope of these agreements, and these will be brought before the City Council at a future date.

In response to Councilman Hall, Mr. Martin stated that Fulbright and Jaworski are based in Houston, McCall is Dallas-based, and Escamilla & Poneck are based in San Antonio. Mr. Martin further stated that Fulbright and McCall would acquire 70% of the contract fees, and Escamilla and Poneck would acquire 30% of the contract fees.

Councilman Hall expressed his concerns in regards to focusing on local firms and women/minority-owned firms for these contracts. He noted that majority firms are non-local/non-minority firms, and large amounts of money are paid to firms in the Houston/Dallas areas. He further noted that the firm of Escamilla & Poneck, a local firm, is receiving 30% of the fees. Councilman Hall stated he will support the one-year extension at this time, but reiterated his concern that the City Council and staff focus on local firms that are just as capable, and keeping the economic development in San Antonio.

In response to Councilman Perez' inquiry regarding the amount that has been paid out to these firms, Mr. Martin stated since 2000, the City has issued a billion dollars in debt. He added that the total fees have been an estimated number at 1% collectively to the bond counsels that represent the City of San Antonio. He further stated the bulk of the fees are established as a percentage of the issuance amounts.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Barrera, Garza.
AN ORDINANCE 98216

AUTHORIZING THE AVIATION DIRECTOR TO RENEW CONTRACTS FOR PLACEMENT OF SAN ANTONIO INTERNATIONAL AIRPORT INFORMATION AND DIAGRAMS IN LOCAL AND SURROUNDING COMMUNITY TELEPHONE DIRECTORIES PUBLISHED BY SBC, VERIZON, SPRINT AND KERRVILLE TELEPHONE COMPANIES; AND AUTHORIZING PAYMENT OF AN AMOUNT NOT TO EXCEED $50,000.00 FOR THE PLACEMENT OF THESE ADVERTISEMENTS.

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

Mr. Kevin Doliole, Director, Aviation Department, spoke regarding the on-going renewal contract with different publications in various local communities to provide information on the San Antonio Airport. He stated critical information such as telephone numbers, parking information, maps, diagrams of the airport where space permits, serves users of the facility.

In response to Councilman Perez regarding the use of $50,000 for the purpose of advertising the airport, Mr. Doliole stated that difficult to quantify, other than knowing from past experience, before implementing this advertising process. He cited an example of residents in smaller communities using this information as a quick reference for phone numbers to the airport and to different airlines.

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

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98217

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO RENEW A CONTRACT WITH CAMBRIDGE INTEGRATED SERVICES GROUP, INC., TO PROVIDE THIRD PARTY CLAIMS ADMINISTRATION SERVICES FOR THE CITY'S SELF-INSURED LIABILITY AND WORKERS' COMPENSATION

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

In response to Councilman Perez, Mr. Lou Lendman, Director of Management and Budget, stated that the third party administrator services that are provided by Cambridge Integrated Services includes a team of adjusters that the City would have to hire at a great expense. He noted this team of adjusters is experienced, licensed and efficient in processing with the Texas Workers Compensation Commission. He cited their experience in dealing with these issues, and that the City saves money as a consequence of their efforts. Mr. Lendman further noted that the savings for the City are what it would cost to hire and maintain fourteen (14) experienced adjusters to work with that system. He pointed out the adjusters review all the claims, maintain all the records, investigate the claims, review all the expenditures that are claimed, and they represent the City’s interest for the Workers Compensation. He added they review and monitor every aspect of the claims all the way through the system for both uniformed and civilian personnel.

In response to Councilman Perez regarding other possible arrangements for payment, Mr. Lendman stated there is a separate contract for medical cost containment. He pointed out the adjusters actually review the medical bills that come in for payment. He added that last year alone, the medical audit consultants saved the City over $5.5 million on billings by providers.

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

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98218

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO RENEW A CONTRACT WITH MEDICAL AUDIT CONSULTANTS, INC., TO PROVIDE MEDICAL COST CONTAINMENT SERVICES FOR THE CITY’S SELF-INSURED

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

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

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2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98219

RATIFYING THE SUBMISSION OF A COMMUNITY OUTDOOR OUTREACH PROGRAM GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT BY THE CITY'S DEPARTMENT OF PARKS AND RECREATION, AND IF APPROVED, THE ACCEPTANCE OF A GRANT IN AN AMOUNT NOT TO EXCEED $30,000.00 FOR THE OUTDOOR NATURE EDUCATION - KID'S NATURE EXPO AND CAMP OUT PROJECT.

* * * *

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

In response to Councilman Perez, Mr. Malcolm Matthews, Director of Parks and Recreation Department, stated that the State of Texas created, as a grant, the Community Outdoor/Outreach Program. He stated that program had been funded by the cigarette tax, and was transitioned over to sporting goods tax. He added that the State had two goals that included increasing the ability to sell more sporting goods and to encourage community children to recreate in State parks. He further added that the program is a point-scoring system that brings children from cities and puts them out into the environment. Mr. Matthews identified the program that expanded from the Hike and Bike Week in the Fairchild Community Center in District 2, to a hiking trip at Calaveras Lake, and is now a camping expedition. He stated this contract will allow the City to buy camping equipment for that particular expo, and then the City can then use that equipment at various centers throughout the year.
In response to Councilman Perez' inquiry regarding the consideration of Hillside Acres Garden as a possible area for a similar grant, Mr. Matthews stated that, depending on whether the bond project passes, the City will work with the Texas Master Naturalists and the Texas Master Gardens Program. He further stated that the City and these two organizations will work with the community for future similar opportunities.

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

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2003-34  **ZONING CASES**

4A.)  **CASE NUMBER #Z2003141** - The request of Earl & Brown, P.C., Applicant, for S.A. Republic Properties, Ltd., Owner(s), for a change in zoning from "I-1" General Industrial District to "PUD RM-4" Planned Unit Development Residential Mixed District (Tract 1- 42.507 acre); "MF-33" Multi-Family District (Tract 4- 6.747 acre); "C-3" Commercial District (Tract 2- 8.425 acre & Tract 3- 1.333 acre) & "C-2" Commercial District (Tract 5 - 1.278 acre) on 60.29 acres out of NCB 10847, 4100 Block of South W.W. White Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

Mr. Rod Sanchez, Assistant Director, Development Services Department, described the parameters of this zoning case.

Councilman Segovia made a motion for one month's continuance until October 23, 2003. Councilman Williams seconded the motion.

After consideration, the motion to continue this case until October 23, 2003, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Radle, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Perez, Barrera, Schubert.

Zoning Case #Z2003141 was continued to the Council meeting of October 23, 2003.

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4B.)  **CASE NUMBER #Z2003144 C** - The request of Jorge Rodriguez Robles, Applicant, for Jorge Rodriguez Robles, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "R-6 C" Residential Single Family District
with conditional use for a hair salon on Lot 80, Block, 2, NCB 7645, 1738 Commercial Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Segovia made a motion to approve the proposed rezoning case with the following conditions: 1) Operating hours shall be between 8:00 A.M. and 8 P.M.; 2) No more than three employees shall operate from this location. Councilman Williams seconded the motion.

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

AN ORDINANCE 98220

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 80, BLOCK, 2, NCB 7645 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-6 C" RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR A HAIR SALON.

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4C.) CASE NUMBER #Z2003150 S - The request of Robert R. Martinez, Applicant, for Robert R. Martinez and Felipe and Conception Garcia, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 S" Residential Single-Family District with a specific use authorization for a daycare center on Lots 43 and 44, Block 18, NCB 3461, 422 and 502 West Theo Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 5)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.
Councilwoman Radle made a motion for approval with a condition that the applicant keep cars off the street, and to make sure all lighting is facing to the daycare and away from the neighborhood. Councilman Haass seconded the motion, and asked the applicant to meet with two neighbors and discuss their concerns.

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

AN ORDINANCE 98221

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 43 AND 44, BLOCK 18, NCB 3461 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6S" RESIDENTIAL SINGLE­FAMILY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A DAYCARE CENTER.

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4D.) CASE NUMBER #Z2003157 - The request of Green, Herrington & Howell, L.L.C. (Jimmy Q. Howell), Applicant, for Quality Industrial Properties (Patrick Sonnen), Owner(s), for a change in zoning from "I-2" Heavy Industrial District to "C-3NA" General Commercial Nonalcoholic Sales District on Lots 13, 4A, 4B, 5A, 5B, 6A & 6B, NCB 2190, 800 Block of North Zarzamora. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 5)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilwoman Radle made a motion to approve the proposed rezoning. 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, Radle, Castro, Hall, Schubert, Haass, Garza. NAYS: None. ABSENT: Perez, Barrera.
AN ORDINANCE 98222

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 13, 4A, 4B, 5A, 5B, 6A & 6B, NCB 2190 FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "C-3NA" GENERAL COMMERCIAL NONALCHOLIC SALES DISTRICT.

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4E.) CASE NUMBER #Z2002258: The request of City of San Antonio, Applicant, for WOH Holdings, Inc. c/o Charles Martin Wender, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "PUD R-6" Planned Unit Development Residential Single-Family District on 92.34 acre tract of land out NCB 17642, 4100 Block of Wiseman Road. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 6)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Castro made a motion for continuance of two weeks, October 9, 2003. Councilman Hall seconded the motion.

After consideration, the motion to continue this in two weeks, prevailed by the following vote: AYES: Flores, Williams, Segovia, Radle, Castro, Hall, Schubert, Haass, Garza. NAYS: None. ABSENT: Perez, Barrera.

Zoning Case #Z2002258 was continued to the Council meeting of October 9, 2003.

4F.) CASE NUMBER #Z2003068 C - The request of Martin Gutierrez, Applicant, for Martin Gutierrez, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-1 C" Commercial District with a conditional use for an auto repair shop on Lot P-22, NCB 17929, 8537 Bandera Road. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 7)
Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Castro made a motion to postpone for notification of C-3 designation. Councilman Hall seconded the motion.

After consideration, the motion to postpone for notification of C-3 designation, prevailed by the following vote: AYES: Flores, Williams, Segovia, Radle, Castro, Hall, Schubert, Haass, Garza. NAYS: None. ABSENT: Perez, Barrera.

Zoning Case #Z2003068 C was postponed for notification of C-3 designation.

4G.) CASE NUMBER #Z2003136 - The request of A. S. M. Ferdous, d/b/a Investment Ideas, L. L. C., Applicant, for A. S. M. Ferdous, d/b/a Investment Ideas, L. L. C., Owner(s), for a change in zoning from "O-2" Office District & "NP-10" Neighborhood Preservation District to "R-6" Residential Single-Family District on a 9.487 acre tract of land out of NCB 15005, 15000 Block of Heath Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

Councilman Castro spoke regarding concerned citizens in the Misty Oaks neighborhood and stated he met with them and the applicant last week to address traffic problems.

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

AN ORDINANCE 98223

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY
DESCRIBED HEREIN AS 9.487 ACRE TRACT OF LAND OUT OF NCB 15005 FROM "O-2" OFFICE DISTRICT & "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT TO "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT.

* * * *

4H.) CASE NUMBER #Z2003154 - The request of Integra Texas, L. L. C., Applicant, for Ernest G. Simon Trust and the Estate of Ernest G. Simon, John Simon, Trustee, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on P-11, NCB 15656, 9480 Huebner Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Hall made a motion to approve the proposed rezoning. 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, Radle, Hall, Schubert, Haass, Garza. NAYS: None. ABSENT: Perez, Barrera, Castro.

AN ORDINANCE 98224

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-11, NCB 15656 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

* * * *

4I.) CASE NUMBER #Z2003162 - The request of Kaufman & Associates, Inc., Applicant, for Thousand Oaks/Henderson Pass, Owner(s), for a change in zoning from "MF-33" Multi-Family District, "MF-33 ERZD" Multi-Family Edwards...
Recharge Zone District, & "C-3NA" General Commercial District, Nonalcoholic Sales to "PUD RM-4" Planned Unit Development Residential Mixed District, "PUD RM-4 ERZD", Planned Unit Development Residential Mixed Edwards Recharge Zone District and "C-3 NA" General Commercial District, Nonalcoholic Sales on 13.49 acres out of NCB 16643, 1854 & 2752 Thousand Oaks. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Schubert made a motion to approve the proposed rezoning. 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, Radle, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Perez, Barrera, Castro.

AN ORDINANCE 98225

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY

CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 13.4894 ACRES OUT OF NCB 16643 FROM "MF-33" MULTI FAMILY DISTRICT, MF-33 ERZD "MULTI FAMILY EDWARDS RECHARGE ZONE DISTRICT, & "C-3NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES TO "PUD RM-4" PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED DISTRICT (TRACT II-3.19 ACRES & TRACT III-8.08 ACRES), "PUD RM-4 ERZD" PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED EDWARDS RECHARGE ZONE DISTRICT (TRACT IV-1.80 ACRES) AND "C-3 NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES (TRACT I-0.4194 ACRES).

* * * *

4J.) CASE NUMBER Z2003161 - The request of Kaufman & Associates, Inc., Applicant, for Pulte Homes, Owner(s), for a change in zoning from "MF-33" Multi-Family District to "PUD RM-4" Planned Unit Development Residential
Mixed District on P-63H, NCB 15837, 4002 Stahl Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Haass made a motion to approve the proposed rezoning. 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, Radle, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Perez, Barrera, Castro.

**AN ORDINANCE 98226**

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-63H, NCB 15837 FROM "MF-33" MULTI FAMILY DISTRICT TO "PUD RM-4" PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED DISTRICT.

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4K.) CASE NUMBER #Z2003164 - The request of Leinguer Ventures, LLC, Applicant, for Leinguer Ventures, LLC, Owner(s), for a change in zoning from "BP" Business Park District and "C-3" General Commercial District to "R-5" Residential Single-Family District (76.04 acres) and "C-3" General Commercial District (21.63 acres) on a 97.67 acre tract of land out of NCB 16588, 16900 Block of Nacogdoches Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Haass made a motion to approve the proposed rezoning. Councilwoman Radle 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, Radle, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Perez, Barrera, Castro.

**AN ORDINANCE 98227**

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS A 97.67 ACRE TRACT OF LAND OUT OF NCB 16588 FROM "BP" BUSINESS PARK DISTRICT AND "C-3" GENERAL COMMERCIAL DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT (76.04 ACRES) AND "C-3" GENERAL COMMERCIAL DISTRICT (21.63 ACRES).

* * * *

4L.) CASE NUMBER #Z2003173 - The request of City of San Antonio, Applicant, for Multiple Property Owners, Owner(s), for a change in zoning from "DR" Development Reserve; "R-4", "R-5", "R-6" Residential Single-Family District; "MF-25" and "MF-33" Multi-Family District; "MH" Manufactured Housing District; "PUD" Planned Unit Development; "NP-10" Neighborhood Preservation District; "C-2" Light Commercial District; "C-3" General Commercial District; "C2-NA" Commercial Nonalcoholic Sales District; "C-3 NA" Commercial Nonalcoholic Sales District; "C-3R" General Restricted Alcoholic Sales District; "I-1" General Industrial District and "I-2" Heavy Industrial District to "UD" Urban Development District, "RD" Rural Development District, "FR" Farm and Ranch District, "MI-1" Mixed Light Industry District, "MHP" Manufactured Housing Park, "R-4" Residential Single-Family District on an area generally bound by Loop 410 to the north, Interstate Highway 37 to the east, the San Antonio city limits to the south (1350 feet south of the centerline of the Medina River) and Interstate Highway 35 to the west. Staff's recommendation was for approval.

Zoning Commission has recommended approval, save and except those properties postponed by request from the City of San Antonio and those properties continued to October 7, 2003 by request from individual property owners. (Council Districts 3 and 4)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Perez made a motion to approve the proposed rezoning. Councilman Williams seconded the motion.
Ms. Reba Malone, 807 Kashmuir, spoke regarding her concerns over exceptions being made to the Southside Initiative Plan (SIP). In particular, Ms. Malone referred to 116.87 acres located on Southton Road, which zoning case is now postponed until October 7. She expressed concerns by the citizens regarding the dense population in a total of 75 acres for 545 units after certain designations in the area. She pointed out the lengthy distances to the nearest elementary, middle schools, high schools and fire stations. Ms. Malone expressed her concern that the City and school districts do not have the funds to take care of the infrastructure. She stated she and her neighbors will be in attendance at the October 7 zoning meeting to voice their concerns on this matter.

Ms. Jan Rizzo, 3076 Wright Carpenter Road, spoke regarding citizens living within the 73 square miles of the SIP. She expressed her concerns regarding the exceptions being proposed to the large acreage amounts that can change the face and attitude of the SIP. She noted that these changes will drag on throughout time, taking months and weeks from the average working person to make the meetings in an effort to bring the attention of the City Council for the leadership on the initiative and flex zoning. Ms. Rizzo added that if the City is going to stay with the SIP, she recommended that the City Council vote against this item.

Mr. Armando Garcia, 522 Logwood, spoke to his request for a continuance on his property at 12180 Highway 16 South. He stated his reasons regarding Lot 32 and Lot 16 are to research into the development status of the MI-1 zoning, and to research the preservation rights for his current business.

In response to Mayor Garza, Mr. Rod Sanchez stated that a total of one-hundred parcels of property are being pulled for discussion. He further stated that 70 of those parcels were pulled by staff for a plan amendment, and the other thirty parcels are being requested by individual property owners for a continuance.

In response to Mayor Garza, Mr. Emil Moncivais, Planning Director stated that there are no parcels, after today’s approval, that will contradict the initial zoning plan or the community plan that has been adopted.

Mayor Garza reiterated the statement that only those parcels that have been pulled as requested by the property owners are thirty parcels, and the seventy parcels that the staff has pulled, that remain to be reviewed.

Mr. Moncivais explained the negotiation process in response to Mayor Garza. He stated that the City has been working with a number of different property owners as this issue progresses, and is attempting to determine what the owners want to do with the property. He further stated that based on that information, the City also is mindful of the goals and objectives of the plan. He noted that as the process moves along, there may be some
minor zoning changes on some of the areas, but each particular parcel is evaluated and discussed with the owners.

In response to Mayor Garza, Mr. Moncivais has been coordinating with Districts 3 and 4, and will keep the Mayor’s Office informed of the negotiations as they move forward.

Mayor Garza stated that the citizens who came forward have legitimate concerns, but noted that the City is working with property owners in an effort to produce a project that conforms to the vision of the Southside Community Plan. He confirmed the statement that there is nothing that is being approved today that is within the three-mile buffer.

In response to Councilwoman Radle regarding Mr. Armando Garcia’s property, Mr. Sanchez stated that she may make a motion for continuance if she wishes to do so.

Councilwoman Radle made a motion to include Mr. Garcia’s property for continuance.

Mr. Armando Garcia stated his property is located at 12180 Highway 16 South, and 100 feet north of a flea market. He expressed his concerns, that in the future, he wants to upgrade his business, which is an open-air eatery. He stated there is a possibility that he may apply for an alcohol license.

Councilwoman Radle pointed that her motion was made in the spirit of giving people an opportunity to be heard in light of all the zoning changes. She further pointed out that it is not necessarily a motion for approval of what Mr. Garcia is requesting, but rather for a chance to be heard.

In response to Mayor Garza, Mr. Moncivais stated that there would not be anything to preclude Mr. Garcia from applying for an alcohol designation in the future, given that it is currently a light industrial district. He assured Mayor Garza that if Mr. Garcia had been grandfathered as a restaurant, and as such, may apply for a liquor license from the Texas Alcohol Beverage Commission. He noted that if Mr. Garcia wanted to change the restaurant to a tavern, he would have to apply to have it rezoned for tavern use.

Discussion continued as Mayor Garza explained to Mr. Garcia that he would have to come before the Zoning Commission and the City Council when he is prepared to be rezoned for the alcohol permit.

Mr. Garcia spoke regarding engineered plans he submitted to the Bexar County Fire Marshall’s Office in 1997 that included the dance hall adjoining his restaurant.

In response to Mr. Garcia, Mayor Garza stated if there is a vested right with the property, he will be granted the provisions that those documents allow. He further stated that Mr. Garcia has to be able to demonstrate those documents to determine if that use has a
vested right carrying with his property. Mayor Garza added that what is being approved today, has no impact on that issue.

Mr. Garcia stated the Bexar County Fire Marshall’s Office should also have copies of his blueprints as documentation.

In response to Councilwoman Radle’s request for clarification, Mayor Garza stated that in Mr. Garcia’s case, the City does not need to postpone the zoning districts in order to achieve what Mr. Garcia plans to do in the future. He noted that whenever Mr. Garcia is at that point, he will have to apply for that zoning designation for the light industrial zoning district that will be approved today.

Mayor Garza stated that Mr. Garcia will have to demonstrate vested rights for the property for that particular use; however, he noted that with vested rights, there is no guarantee that he will get an alcohol designation. He further stated Mr. Garcia will have to apply for that designation under the zoning process, go through the Zoning Commission and to City Council, but again noted that it is not something that this action would preclude him from doing.

Councilwoman Radle withdrew her motion.

In response to Councilman Perez, Mr. Moncivais explained the negotiating process that is involved with the 100 property owners. He added that there are no problems to include Mr. Garcia’s property as one of those parcels to be pulled for discussion.

In response to Councilman Perez' concerns in regards to a dance hall being incompatible in a light industrial district, Mr. Moncivais stated that if Mr. Garcia wanted to use this property as a tavern of that nature, then he would have to come in to request a rezoning for that property. He stated that as it currently is, he can use it as a restaurant and sell beer.

In response to Councilman Perez who supported the idea of including Mr. Garcia’s property for discussion, Mr. Moncivais recommended postponing this particular item and referred to a map that shows that parcel.

Councilman Perez made a motion to include Mr. Garcia's property (12180 Hwy. 16 S.) in the exception with the 100 properties to be discussed. Councilwoman Radle seconded the motion.

Mayor Garza stated he wanted to make it clear to the applicant, that Light Industrial zoning is non-negotiable for the property because it would have been an area that the City of San Antonio is implementing as part of the zoning districts with the Toyota Development Agreement. He pointed out to Mr. Garcia that he is agreeable if more time

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is needed to understand what the process is, but what has been stated are many variables that will result with Mr. Garcia having to apply to the Zoning Commission and the City Council. Mayor Garza explained that if Mr. Garcia's concern is to change the zoning district to another zoning district, other than Light Industrial, that would be highly unlikely.

Mayor Garza and Mr. Garcia discussed how Mr. Garcia plans to upgrade his current restaurant, and Mayor Garza stated he may proceed with the process, but cannot assure Mr. Garcia will get the alcohol permit. He added there is a process in place, and an analysis concerning vested rights and the decision on alcohol use for that property.

Mr. Garcia spoke regarding his neighbor, located 100 feet away from his property, who sells the largest amount of alcohol consumption in the City of San Antonio. Mr. Garcia stated he looks forward to having his property zoned for alcohol consumption as well in the future.

In response to Mayor Garza regarding how many properties are being placed on hold, Mr. Moncivais stated approximately 20+. He further stated that when the public meetings were originally held for the zoning districts, there was no feedback from the public. He further noted that at the time the amendment is proposed, and the public has the opportunity to meet with the Planning Commission, it is expected that feedback will be offered in reference to that.

In response to Councilman Perez, Mayor Garza stated that Mr. Garcia's property is within that buffer zone. In response to Councilman Segovia regarding Ms. Malone's concerns of Southton Road, Mr. Moncivais explained that the project has been on-going for the last year-and-a-half, and the City's concerns were attempting to work with the developer towards coming up with a plan for his property. He noted that through the process, the City is basing that prior to the SIP and felt that it was equitable to not apply SIP rules and regulations since the developer had gone through the process of rezoning and a master plan for that area before the SIP was considered.

In response to Mayor Garza's inquiry as to whether vested rights exist for that property for what they are proposing, Mr. Moncivais stated he did not have that information on hand.

Mayor Garza expressed his concern that this is an old case where meetings have been held, and stated the importance of being aware if this property has vested rights because it will determine the process by which the City Council will look at this through the negotiation process.

Mr. Moncivais stated that when this case is brought back, that information will be part of the report to the City Council who can then make a decision based on that information.
In response to Mayor Garza regarding what constitutes vested rights, Mr. Andrew Martin, City Attorney, explained that State laws grant vested rights to property owners who have initiated a project prior to the time that the City has established its jurisdiction. He explained the process to determine if a particular project is entitled to those projections. He discussed that an individual, who is asserting vested rights, would have to establish evidence of initiating a project and that the project is a continuation of a project that they had initiated. He also discussed annexation statutes that are a basis for asserting vested rights that require evidence that somebody was proceeding towards a development project. Mr. Martin stated it is not something that can be made an abstract, across-the-board definition because it is going to be very dependent on specific factors of each assertion of vested rights.

In response to Mayor Garza regarding the thirty properties to be discussed, Mr. Moncivais stated it has not been determined how many of them have vested rights. He explained that the City is still in negotiations, and in the process of making the owners aware of the impact the project will have on their decision for their properties.

In response to Mayor Garza’s concern regarding vested rights, Mr. Moncivais stated there may be some situations where the property owners have had a permit from the San Antonio Water System or another State agency, and that would vest them for what they want to do with the property.

Mayor Garza stated there are two driving forces, the Toyota development, and the community plan that was adopted by the citizens who attended the work sessions. He further stated that the property owners, or the project developer, have to demonstrate if they have vested rights and if not, how that project will compliment the SIP and live within the restrictions within the three miles. He stated he will support the two driving forces and also stated he is hesitant to grant a waiver, if that waiver counters what is within the three-mile buffer. Mayor Garza pointed out that if there is a hold on one of those properties, it is more technical issue than a land use issue. He referred to Mr. Garcia’s case in point.

In response to Councilman Perez regarding the number of properties in the buffer zone, Mr. Moncivais stated approximately 20+. He added that discussions of these properties will be an opportunity to present different situations so that the City Council can then make a determination based on the goals and objectives of the plan. He also stated it will be flexible enough for the individual to do what he wants to do with his property, and for the City’s goals in terms of long range plans.

Mayor Garza cautioned against being so flexible that the land use may counter the goals of the community plan, and advised against stating the City will be flexible to any extent for fear of giving the wrong impression.
Mr. Chris Brady, Assistant City Manager, spoke regarding tracking vested rights with what the City has on file. He stated there are many other ways that vested rights can be achieved. He discussed consistency with the community plan regardless of vested rights. He pointed out that there would be an opportunity if that permit or requested use changes, then it would allow the City to defer to the zoning that was put in place that would be consistent with the land use. He further noted that it is important to know what the vested right may be.

Mr. Moncivais stated that Mr. Jaime Archiga, is another individual who has requested to postpone on his property located at Loop 410 and Hwy 16 so that the City can begin negotiations with him and determine its compatibility with the urban district.

In response to Mayor Garza, Mr. Moncivais stated he would provide a list of the 102 property owners, including the reasons why they were pulled for discussion.

In response to Councilman Segovia regarding the original railroad line in the plan, Mr. Moncivais stated that an amendment to the plan will be presented to the City Council to remove that railroad line and make it Farm and Ranch zoning. He stated that is why so many property owners over a 116-acre area have been pulled. Mr. Moncivais also noted that on those areas that were along the proposed rail lines, will then revert to a more appropriate land use based on what surrounds them.

In response to Councilman Segovia regarding those property owners who are on hold, Mr. Moncivais reiterated the negotiation process. He also stated that existing land uses will continue, and that the new zoning will not effect existing businesses.

Councilman Segovia referred to Mr. Garcia’s situation, and stated his concerns that the SIP may not be of any assistance to Mr. Garcia.

Mayor Garza stated that Mr. Garcia has to demonstrate vested rights, and has been made aware of the process to apply for alcohol permit.

Councilman Segovia spoke regarding Ms. Malone’s earlier comments, and stated that he has met with the developers, but has not received any feedback from the citizens as far as lot sizes or suggestions.

Ms. Malone came forward and stated that those citizens were waiting on the outcome of today’s action, which would be an “RD” designation.

In response to Councilman Segovia, Mr. Moncivais confirmed that was the case, and noted the history behind the developer working on that project over the last year-and-a-
half. He further noted the Zoning Commission continued this case in order to discuss the issues at a future meeting.

Ms. Malone stated that the property owners will not oppose the rezoning if the City Council approves what has been proposed to the community.

Councilman Segovia made a motion to postpone inclusion of parcel 23-17-5. Councilman Perez seconded the motion.

In response to Mayor Garza regarding what can be expected for this item, Mr. Moncivais stated that staff will get together with management for a timeline and do two waves; the larger portion in October, and the smaller part at a later date.

Mayor Garza expressed his preference to keep it all together.

Mr. Moncivais noted that he will bring back to the City Council at next week's Council meeting a request to extend the interim development controls for those parcels that were pulled.

After consideration, the amendment by Councilman Segovia, prevailed by the following vote: AYES: Flores, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. NAYS: None. ABSENT: Williams, Barrera.

After consideration, the amendment by Councilman Perez to include Mr. Garcia's property in the exception, prevailed by the following vote: AYES: Flores, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. NAYS: None. ABSENT: Williams, Barrera.

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

Additional information on the specific properties is in the file with Ordinance 98228.

**AN ORDINANCE 98228**

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN AN AREA BOUNDED ON THE NORTH BY INTERSTATE HIGHWAY 410, ON THE EAST BY INTERSTATE HIGHWAY 37, ON THE SOUTH BY A MEANDERING LINE LOCATED 1,350...
FEET SOUTH OF THE CENTERLINE OF THE MEDINA RIVER (CITY LIMIT LINE), AND ON THE WEST BY INTERSTATE HIGHWAY 35.

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2003-34  PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE: AUTHORIZING THE REPROGRAMMING OF $98,000 IN FY 2004 EMERGENCY SHELTER GRANT (ESG) FUNDS AND TO TRANSFER $37,000 FROM THE DWYER TRUST.

Mayor Garza declared the Public Hearing to be open.

Mr. Dennis Campa, Director of Community Initiatives Department, narrated a presentation on the operation of the Dwyer Avenue kitchen and training program. A copy of the presentation is on file with these papers. Mr. Campa described the purpose of the ordinance that will award $63,000 to the San Antonio Food Bank for the operation of the Dwyer Avenue kitchen and training. He also noted that the Association for the Advancement of Mexican Americans, Inc. (AMA) will be awarded $37,000 for the operation of the Dwyer overflow. He provided background information and explained that the San Antonio Food Bank anticipates training homeless individuals in a culinary arts program during the contract period. Mr. Campa also stated the AMA will serve 207 families or 620 unduplicated participants in the Dwyer overflow family shelter.

The following citizen(s) appeared to speak:

Ms. Julie Iris Oldham, P.O. Box 40263, spoke to her concerns for the lack of shelter for homeless individuals and families, battered women and drug dependent individuals.

Mr. Faris Hodge, 140 Dora Street, spoke to his concerns about the general fund, and to the lack of emergency shelters for the homeless. He also stated that the homeless are not aware of the locations to the San Antonio Ministries or to the Dwyer Avenue shelter.

Mr. Jack M. Finger, offered a public apology to the Aviation Department for comments he made previously. He spoke regarding Item #20 and his opposition to the City budgeting for items that benefit the homeless.

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In response to Councilman Castro regarding the reprogramming of the allocated funds, Mr. Campa gave a brief history of Community Development Block Grant (CDBG) funds that were redirected to the Community Initiatives Department after an RFP failed. He stated the RFP sought a vendor to operate the kitchen and the Dwyer overflow. He further stated that after reposting the RFP, two organizations, the San Antonio Food Bank and the AMA were selected for the contract. Mr. Campa stated that with these two organizations, the City is gaining additional capacity, with the AMA who provides residential care, substance abuse treatment and aid to victims of domestic violence. He explained that the culinary arts training is a transitional tool to help individuals gain employment, and ultimately secure their own housing.

Mr. Campa stated that the goals of the culinary arts training program are to teach individuals the career field of all aspects of food preparation. He further stated that the three to six month-long program is in partnership with local businesses. Mr. Campa noted that the goal of the program is for job placement that was not previously available to these individuals.

Mayor Garza closed the Public Hearing.

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98229

AUTHORIZING THE REPROGRAMMING OF FY 2003-04 EMERGENCY SHELTER GRANT (ESG) FUNDS IN THE AMOUNT OF $98,000.00 AVAILABLE FROM CITY OF SAN ANTONIO'S DEPARTMENT OF COMMUNITY INITIATIVES, COMMUNITY ACTION DIVISION; AUTHORIZING THE CLOSE-OUT AND CANCELLATION OF THE AFFECTED PROJECTS AND THE CREATION OF THE APPROPRIATE PROJECTS AND PROJECT BUDGETS; AUTHORIZING THE APPROPRIATING AND ALLOCATION OF $35,000.00 TO THE SAN ANTONIO FOOD BANK, INC. TO OPERATE THE DWYER AVENUE CENTER KITCHEN AND PROVIDE CULINARY TRAINING TO THE HOMELESS; AUTHORIZING THE APPROPRIATION AND ALLOCATION OF $63,000.00 TO THE ASSOCIATION FOR THE ADVANCEMENT OF MEXICAN AMERICANS, INC. (AAMA) TO OPERATE THE DWYER AVENUE CENTER OVERFLOW SHELTER; AUTHORIZING A TRANSFER OF FUNDS IN THE AMOUNT OF $37,000.00 FROM THE DWYER TRUST TO THE ASSOCIATION FOR THE ADVANCEMENT OF MEXICAN AMERICANS, INC. (AAMA) FOR THE OPERATION OF THE DWYER AVENUE CENTER OVERFLOW SHELTER; AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH; AND PROVIDING FOR PAYMENT.

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2003-34
September 25, 2003
yb
Councilman Perez made a motion to approve the proposed Ordinance. Councilman Williams seconded the motion.

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

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98230

CARRYING FORWARD CERTAIN FUNDS; CLOSING ACCOUNTING RECORDS IN CERTAIN FUNDS; AMENDING PRIOR APPROPRIATIONS; APPROPRIATING FUNDS FOR REQUIREMENTS IN CITY PROJECTS AND DEPARTMENTS; AND APPROPRIATING CERTAIN CAPITAL PROJECT FUNDS.

***

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

Mr. Jack Finger, P. O. Box, spoke regarding questions posed by some City Council members regarding Consent Agenda items. He expressed his opposition to Items #30, #31, and #32 dealing with the bond election for certain bond projects. Mr. Finger also spoke to Item #34 regarding pets in public parks.

Mr. Lou Lendman, Director of Budget Management, gave a briefing on the purpose of the ordinance. He explained that the ordinance is a routine annual year-end fiscal process to ensure that various funds will meet generally accepted accounting principles. He stated the ordinance will roll over the encumbrances that have been created throughout the year in FY 2003 that have not been fully exercised into the 2004 budget. He further stated that this action will not increase any budget expenditures beyond the 2004 budget, or beyond of what is planned and necessary to execute the FY 2003 estimated commitments.

In response to Councilman Perez regarding the unencumbered dollars in the general fund, Mr. Lendman stated remaining funds will be carried over. He noted that for the City Council accounts, those items to be carried forward into the next fiscal year are furniture, fixtures and capital equipment expenditures. Mr. Lendman pointed out that
administrative aides’ salaries would also be carried over, but the salaries for city staff are not carried forward.

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

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2003-34  The Clerk read the following Ordinance:

**AN ORDINANCE 98231**

AUTHORIZING THE BEXAR METROPOLITAN WATER DISTRICT TO JOIN WITH THE CITY OF SAN ANTONIO AND OTHER ENTITIES IN THE TUESDAY, NOVEMBER 4, 2003 JOINT SPECIAL ELECTION; AND APPROVING A JOINT ELECTION AGREEMENT WITH BEXAR COUNTY, THE NORTH EAST INDEPENDENT SCHOOL DISTRICT, AND THE BEXAR METROPOLITAN WATER DISTRICT FOR SAID JOINT SPECIAL ELECTION; AND AMENDING ORDINANCE NO. 98020 IN ACCORDANCE THEREWITH.

* * * *

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

Ms. Yolanda L. Ledesma, the Acting City Clerk, gave a presentation on Items 30, 31 and 32, all of which are related to special bond election on November 4, 2003. A copy of this presentation is on file with these papers. Ms. Ledesma discussed the amendment to Ordinance No. 98020 passed on August 14, 2003 related to a request from the Bexar Metropolitan Water District to join with other entities in the November 4, 2003 Joint Special Election.

She explained that Item 31 will also approve a contract for election services with the Bexar County Elections Administrator in connection with the November 4, 2003 joint special election. She stated that the purpose of the contract is to issue bonds for improvements on streets and pedestrian walkways, drainage, library and educational projects, parks and recreation and public health and safety. She further explained that the contract defines the duties and responsibilities the Bexar County Elections Administrator will provide for the City of San Antonio, as well as the schedule payments for these services to Bexar County.
Ms. Ledesma outlined the election duties that involve early voting personnel and election day personnel costs, transportation costs, rental of early voting and election day polling places and rental of electronic voting equipment. She stated it also included programming costs, rental of tabulating equipment and election kits.

Ms. Ledesma noted that the City of San Antonio has historically contracted with Bexar County for election purposes which enables the City to, in turn, contract with other entities, thus facilitating voting for the citizens and decreasing the costs associated with the election process.

Ms. Ledesma reported that the cost to the City of San Antonio for the special election is estimated at $372,400.29.

Regarding Item 32, Ms. Ledesma stated the ordinance will amend Ordinance 98020 passed on August 14, 2003 to reflect changes in Early Voting and Election Day polling sites and hours to be used in the November 4, 2003 Joint Special Election. She pointed out that due to voters' preference, accessibility issues and availability of certain locations, changes in polling sites were necessary.

In response to Council Williams regarding the rental of the electronic voting equipment, Ms. Ledesma stated that the equipment will be the same across the entities.

In response to Councilman Perez regarding the 10% contract voting fee, Ms. Ledesma stated that is the fee that Bexar County is allowed to charge all the entities for the election services. Ms. Ledesma added that costs have increased slightly due to the electronic voting equipment, facilities complying with the American with Disability Act, and programming costs. She pointed out that the total cost of the election is approximately $1M, of which the City's share is 39%. She stated the more entities involved in future election, will result in lesser cost percentages to the City.

In response to Councilman Perez regarding location of polling sites, Ms. Ledesma explained that there were some polling sites changes due to some sites not be available, or voter preference, but that the majority of sites remained the same.

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

2003-34 The Clerk read the following Ordinance:
AN ORDINANCE 98232

APPROVING A CONTRACT FOR ELECTION SERVICES WITH BEXAR COUNTY THROUGH THE BEXAR COUNTY ELECTIONS ADMINISTRATOR, AUTHORIZING THE BEXAR COUNTY ELECTIONS ADMINISTRATOR TO OFFICIALLY CONDUCT THE TUESDAY, NOVEMBER 4, 2003 JOINT SPECIAL ELECTION; APPOINTING ELECTION OFFICERS FOR THE CITY OF SAN ANTONIO FOR SAID JOINT SPECIAL ELECTION; AND AUTHORIZING PAYMENT FOR THESE SERVICES.

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

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

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98233

AMENDING ORDINANCE NO. 98020, PASSED ON AUGUST 14, 2003, TO REFLECT CHANGES IN EARLY VOTING AND ELECTION DAY POLLING SITES AND HOURS TO BE USED IN THE TUESDAY, NOVEMBER 4, 2003 JOINT SPECIAL ELECTION.

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

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

2003-34 The Clerk read the following Ordinance:

September 25, 2003
AN ORDINANCE 98234

AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNTS OF $713,000.00 FOR NT SERVERS; $604,000.00 FOR CITRIX (TERMINAL EMULATION) AND BACKUP SOFTWARE; $166,000.00 FOR NETWORK IMPROVEMENTS; $153,000.00 FOR ASSOCIATED ITEMS; AMENDING THE INFORMATION TECHNOLOGY SERVICES FUND BUDGET IN THE AMOUNT OF $451,000.00 FOR ADDITIONAL NETWORK IMPROVEMENTS; FOR A TOTAL AMOUNT OF $2,087,000.00 AND ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH HARDWARE AND SOFTWARE ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2003-2004 AND REQUIRED FOR THE ERM PROJECT IMPLEMENTATION.

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

Mr. Gary Moeller, Director of Information Technology Services Department (ITSD), narrated a slide presentation on the ERM Implementation process. A copy of this presentation is on file with these papers.

Mr. Moeller discussed the background, summary of costs, actual items requested to be procured and an independent validation. He explained that the ordinance would authorize $2,087,000 towards the NT servers and networking enhancements and miscellaneous components. He noted that the annual maintenance for these items will be paid for from the ITSD’s FY 2004 budget. Mr. Moeller then gave a breakdown on those services and equipment that will be provided by the vendors on an annual contract basis.

He expounded on the types of multi-services that the thirty-one servers being purchased will provide to the City of San Antonio’s NT service, and stated that this expansion will provide the capability to utilize the previously approved Unix servers. Mr. Moeller further stated that as a result of this contract, ITSD is expanding the downtown facilities to improve the capacity of the communications backup to the data center, and establish the internet security components. Mr. Moeller spoke to the history of Nortel, the City’s standard provider, and stated that the single vendor strategy is more cost effective and simplifies ongoing maintenance, administration and support of equipment. He noted that Nortel is a $11B global networking company with 35,000 employees in 150 countries, many of whom are Top Fortune 100 customers.

Mr. Moeller explained that the ordinance will provide for the purchase of equipment that will enhance the bandwidth in the ITSD data center. It will also provide the purchase of equipment that will enhance the bandwidth in many of the City’s downtown buildings.
He noted that these enhancements will provide additional capacity and improve the performance of the City's network. He further noted that an Alteon Switched Firewall will be purchased that will enhance the internet security. He spoke on the partnership with ITSD, Deloitte Consulting and the ERM Project team's recommendation on the use of Citrix for the deployment of SAP and Hansen programs. Mr. Moeller highlighted the benefits of using Citrix, a leader in access infrastructure software. He pointed out that 100% of the Fortune 100 companies use Citrix for its success in desktop replacement, software management and network performance.

Ms. Patricia Major, City Auditor, spoke to the status of ERM Performance Audit by KPMG. She stated her concern with the purchase of this equipment, is that it will be in one location, and in the event of a disaster, the equipment would be rendered useless and time-consuming to replace. Ms. Major noted that the City’s property insurance covers $20M for an occurrence loss on equipment, and further noted that there is more than $20M invested in equipment at the main site. She stated that discussions are underway regarding possibly increasing this coverage.

Ms. Major also reported on the contract with Mercury Interactive for hardware monitoring and testing, and stated that an agreement has been negotiated with Deloitte-Toche to pay expenses for Mercury's work with some details yet to be finalized. Ms. Major discussed the twenty-five testing locations and the level of testing to be done. She noted that based on the time frame required to install the equipment, a draft report will be submitted by mid-October, while continuing to run tests involving the Hansen system. Ms. Major provided time frames for various testing under the current network environment, and duplicating the same test after the changeover occurs in early 2004. She pointed out various business processes that will be tested which are representative of widely used transactions by City departments. She also pointed out that in addition to testing the Hansen System, they will also look at four standard network connections and test the business processes using the current and reconfigured network infrastructure. She further noted that Mercury would also consider rewriting two test scripts against the Citrix Solution, and gave a time from of October, 2003 to March, 2004 to complete these tests. Ms. Major also discussed a proposed test to determine Customer Processing. Ms. Major further discussed the next steps to testing the first go-live of the SAP, Human Resources and Budget system applications. She stated that by Spring, 2004, future fund allocations will be necessary to complete those tests. She explained that Mercury is not selling the City of San Antonio the software, but are merely installing it and allowing the City to use it with plans to train City staff to conduct daily monitoring.

In response to Mayor Garza regarding disaster recovery, Ms. Major stated that the Performance Audit Review and the Deloitte SAP Review raised that as an important issue to consider. She pointed out that today's action does not solve that problem, along with the issue of insurance coverage. She further pointed out that the audit review raised the question of how does the City have a plan in place for this project to mitigate risk.
In response to Mayor Garza regarding the scope of work that was provided by Mercury, Ms. Major stated a scope of work was identified, however, it was a difficult process due to limitations on the amount of money that is available to spend.

In response to Mayor Garza regarding an understanding on the direction that was given to the Committee and to the City Council previously, Mr. Scott Hill, Deloitte & Touche, stated a great deal can be accomplished in the next six to eight months. He further stated the City will have to determine if more is needed for this project, but also stated there is going to be some SAP functionality that will not have been tested by the time budgets run out for this particular engagement.

In response to Councilman Williams regarding disaster recovery and insurance coverage as it relates to the hardware and software that the City owns, Mr. Lou Lendman stated that the City has an annual property insurance every year, and in December, there will be an opportunity to renew our coverage.

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

(Mayor Garza was obliged to leave the Council Chamber at 4:55 PM, and Councilman Schubert presided.)

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The Clerk read the following Ordinance:

**AN ORDINANCE 98235**

AMENDING THE CITY CODE OF THE CITY OF SAN ANTONIO BY ADDING TO THE LIST OF PARKS WHERE ALL PETS ARE REQUIRED TO BE RESTRAINED ON A LEASH, TO INCLUDE ALAMO PLAZA IN DISTRICT 1, EISENHOWER PARK IN DISTRICT 8, LA VILLITA IN DISTRICT 1, MARKET SQUARE IN DISTRICT 1, MEDINA RIVER PARK IN DISTRICT 4, PEARSALE PARK EXCLUDING THE DOG PARK AREA IN DISTRICT 4; RIVER WALK IN DISTRICT 1 AND WOODLAWN LAKE PARK IN DISTRICT 7; RESTRING THE PET AREA IN DISTRICT 8; AND REQUIRING PETS TO BE RESTRAINED ON A LEASH DURING COMMUNITY EVENTS OPEN TO THE PUBLIC THAT ARE HELD IN CITY PARKS; AS REQUESTED BY COUNCILMAN JULIAN CASTRO, DISTRICT 7.

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

Mr. Malcolm Matthews, Director of Parks and Recreation Department, gave a presentation on the City's Animal Constraint Ordinance. A copy of this presentation is on file with these papers.

Mr. Matthews provided background that initiated the review of the current animal control ordinances by Councilman Julian Castro in May, 2003. Mr. Matthews identified two such ordinances, one is the City’s Animal Constraint Ordinance, and secondly, the Parks Ordinance that identifies certain parks that require animals to be under leash control. He explained that the current leash ordinance applies to Brackenridge Park, Koehler Park and Commanche Lookout Park. He stated Councilman Castro had asked that Woodlawn Lake Park be included as a park where pets would be required to be under leash control. He noted that administratively polices that were established, prohibit animals without a leash at Fredrich Park, Eisenhauser Park, the San Antonio Riverwalk and La Villita, but were not enforceable since they were not part of the City’s ordinance. In response to a request for input on other parks, he stated any changes submitted by the City Council were incorporated in this ordinance. Mr. Matthews named the following parks as those that will be added to ordinance where it will be required that animals be under a leash; Alamo Plaza, Eisenhauer Park, La Villita, Market Square, Medina River Park, Pearsall Park (but excluding the fenced-in dog park that is under construction), the San Antonio Riverwalk and Woodlawn Lake Park. He also named the Fredrich Park and Crownridge Canyon Natural Area as properties that have endangered specified habitat, and stated that those two sites would be prohibitive to any pets.

Mr. Matthews also spoke to special events in parks where the public, on occasion, will bring a pet to the park. He stated that the recommendation will be that every individual who brings pets to a special event, must keep the pets on a leash. He also discussed possible impact on parades where street closures are requested, and stated that considering of banning off, or on a leash only, would be part of the street ordinance at that time. Mr. Matthews noted that violations of this ordinance would match the current City Code Class C Misdemeanor.

Councilman Perez made a motion to include the Heritage Duck Pond Park, in the Heritage Northwest Subdivision, as one of the parks that requires dogs to be on a leash control. Councilman Haass seconded the motion.

In response to Councilman Segovia regarding applying the ordinance to all City public parks, Mr. Matthews stated the department sought feedback from the City Council members as to which park in their districts they wanted to include in the ordinance.
Councilman Segovia expressed his concern regarding possible confusion by the public in cases of community and special events that will require the leash law, as well as appropriate signage. He reiterated his suggestion to include the leash law in all public parks for the sake of enforcement.

Mr. Matthews stated that to change what is being proposed, would require to make the leash requirement for all parks.

Councilman Haass stated this is a dead issue in his district only because he has not received any word from his constituents to apply this restriction in District 10 parks.

In response to Councilman Haass regarding basic street law, Mr. Matthews stated that under the City Ordinance, pets are to be under a lease or voice command, and that the second ordinance in regarding to parks specific, there are only three parks that have a “Pet on Leash” requirement only.

Councilman Haass stated he will take this issue back to his constituents, but would like to reserve the opportunity to add a park in the future if necessary.

Councilman Castro stated the intent of the ordinance is to make parks friendly to humans and to pets. He noted that in the last six months, he received complaints from District 7 constituents regarding pets getting away from their owners while visiting the Woodlawn Lake Park. He stated the goal of the ordinance is to make the parks a friendly and safe public setting, while not going overboard, and with some flexibility.

Ms. Mary Beth Duerler, Responsible Pet Owners Alliance, spoke in support of the ordinance. She expressed her concern for non-profit groups that hold fundraisers and use animals off on a leash for demonstrations or exhibitions. She requested an exemption for these animals when performing in City parks.

Councilman Castro made a motion for an amendment to exempt any kind of pet exhibitions or pet competitions, as long as the organizers obtain a permit from the Parks and Recreation Department. He stated that by implementing the ordinance today, it will allow Council members who would like to add a park within their district over the next sixty days. He also stated that after sixty days, the City Council may review how the ordinance is working, and if appropriate, expand it throughout the City. Councilman Williams seconded the motion.

Councilman Schubert agreed with Councilman Haass that it is also not a problem in his district, and that it should be district sensitive.

In response to Councilman Schubert regarding co-existing on the same property as endangered species, Mr. Matthews stated that the Department of the Interior has defined
those areas as endangered species, and there are certain things the City must adhere to with regard to habitat management. He further stated that there will probably be some added Proposition 3 properties in the future if there is ever public access made to these areas.

In response Councilman Schubert regarding a vote by many for those park projects where there would to be minimal use, and who anticipated taking their dogs along on hikes, Mr. Matthews stated he would contact the regulating agency in that regard.

The second amendment by Councilman Castro, to exempt exhibitions and or competitions as long as a permit is obtained from the Parks and Recreation Department, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Barrera, Garza.

After consideration, the first amendment made by Councilman Perez, to include Heritage Duck Pond Park, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Barrera, Garza.

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

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98236

AMENDING MULTIPLE SECTIONS OF CHAPTER 5 OF THE CITY CODE OF THE CITY OF SAN ANTONIO DEALING WITH VACCINATION AGAINST RABIES IN ORDER TO TAKE INTO ACCOUNT RECENT CHANGES TO STATE LAW AND ADDING AN ADDITIONAL REQUIREMENT FOR THE OWNERS OF DANGEROUS ANIMALS.

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Councilman Perez made a motion to approve the proposed Ordinance. Councilman Segovia seconded the motion.
Dr. Fernando Guerra, M.D., Director of The San Antonio Metropolitan Health District, gave a presentation on the amendments of multiple sections of the City Code, Chapter 5 regarding Animals and Fowl. A copy of that presentation is on file with these papers.

Dr. Guerra provided some background on Chapter 5 of the City Code that requires the owners of dogs, cats and domestic ferrets must have them vaccinated against rabies. He added that because of the recent change to going into a three-year rabies vaccine, it is essential that particular areas of this section of Chapter 5 be amended. He defined the current and proposed definitions for rabies vaccination under Section 5-1 of the City Code, and the definitions of Vaccinations Certificate. He also identified abbreviated revisions to Section 5-157, Section 5-160, Section 5-176, and Section 5-205(b). He noted that currently the City Code has nine requirements that must be met before an animal is determined to be dangerous, can be released to the owner. He noted the additional requirement will support inspections that are necessary and are currently being done to continually protect the public against dangerous animals.

Dr. Guerra discussed the additional requirement proposed includes that the animal must be licensed; must have an approved collar identifying the animal as dangerous; the animal must be kept in a proper enclosure, and the owner must show proof of insurance. He added that when taken out of the enclosure, the animal must be muzzled and restrained; the owner must also post a sign on his/her premises warning that there is a dangerous animal on the property; and the animal must be fitted with a microchip for easy identification should it escape. Dr. Guerra also stated that the animal must be spayed or neutered and that the owner must attend a class on responsible pet ownership conducted by the Texas Department of Health. He explained the additional proposed requirements is that the owner must allow an annual inspection of the location where the animal is kept to ensure continued compliance with all requirements of this section. He stated that more frequent inspections may be conducted in response to specific complaints regarding non-compliance with this section.

In response to Councilwoman Radle regarding any opportunity within the animal control system where people of limited income who lost their animal and cannot afford the different fees, Dr. Guerra stated that private veterinary clinics work with families of limited resources and attempt to accommodate their costs.

Dr. William Lammers, Veterinarian Services Manager, stated that fees required are directed by City ordinance and that the State does not have the authority to abate those charges. If there is an impoundment fees, a boarding fee or vaccination fee, the owner must pay those fees as required by the City Code.

Dr. Guerra stated that staff attempts to work with these individuals to offset some of the costs. He added that the veterinary medical communities work with the public and cited the spay/neuter voucher program that was designed for families that met the financial
criteria can receive the voucher and can help offset the limited costs. He further stated that any number of different animal care groups will occasionally have rabies vaccination drives for the community.

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

The Clerk read the following Ordinance:

**AN ORDINANCE 98237**

**CREATING THE JOINT CITY/COUNTY CITIZENS COMMISSION ON CITY/COUNTY SERVICE INTEGRATION; APPOINTING TEN CITIZENS TO SERVE ON THE COMMISSION TOGETHER WITH TEN CITIZENS APPOINTED BY THE BEXAR COUNTY COMMISSIONERS COURT AND A JOINTLY SELECTED CHAIR; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT IN THE AMOUNT OF $1,000.00 MONTHLY FOR A SIX MONTH PERIOD WITH THOMAS F. BRERETON FOR SUPPORT SERVICES FOR SAID COMMISSION; AND PROVIDING FOR PAYMENT; AS REQUESTED BY MAYOR EDWARD D. GARZA.**

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

Mr. Jim Campbell, Director of External Relations Department, spoke on the purpose of creating a joint Citizens City-County Service Integration Commission that will study the duplication and overlap of functions currently performed by the City of San Antonio and Bexar County. A copy of this presentation is on file with these papers.

He explained the Citizens Commission will be charged to review best practices and models from other communities including the role of special authorities and districts, and develop and implement community education programs on the desirability of functional consolidation. He noted the Commission will also draft any legislation that would be needed to implement the Commission's recommendation. Mr. Campbell noted that the Commission will consist of twenty-one members, of which ten members will be appointed by the City Council and ten members will be appointed by the Bexar County Commissioners Court. He stated the Mayor and the County will jointly appoint a Chair. He outlined the responsibilities of City's appointees to include terms of office, to serve at
the pleasure of the Mayor and City Council, will receive no compensation for their service and are subject to all applicable City ethics and financial disclosure ordinances. Mr. Campbell further stated that a list of City members will be brought forward at a future date. He explained that the Citizens Commission will hold its first meeting in October 2003, and will meet once a month or as often as necessary in order to produce a full report to the City Council and Bexar County Commissioners Court by April, 2004.

Mr. Campbell pointed out the projected financial impact is $6,000 based on a $1,000 a monthly retainer paid to Dr. Tom Brereton for professional services. He noted that Dr. Brereton is also under contract to Bexar County for the purpose of providing staff support to the Commission.

In response to Councilman Perez regarding issues to be considered by the Commission, Mr. Campbell explained that Dr. Brereton has been under contract with the City and the County for many years as an Urban Affairs Specialist. He discussed various efforts such as animal control services, library services, EMS services and other contractual issues will be given to the Commission. He noted the Commission will be studying best practices around the country to get the Commission started.

Councilman Perez spoke regarding maximizing the Commission’s work, to insure that there are no false expectations by setting up a broad charge for the Commission.

In response to Councilman Perez regarding Dr. Brereton’s qualifications, Mr. Campbell stated that he has worked for several San Antonio mayors and for Bexar County judges in the past. Mr. Campbell noted that Dr. Brereton has been under contract with the City for the past eighteen months to consider new areas for contractual arrangements. He further noted the recent joint magistration process on Frio Street is one of those efficiencies in City government.

In response to Councilwoman Radle, Mr. Campbell stated the Commission will meet at least monthly, and possibly more due to the given timeline.

In response to Councilwoman Radle’s concern of the expense for a monthly meeting, Mr. Campbell stated that Dr. Brereton will be conducting research and preparation to provide information to the Commission, and that the staffing of meetings will be a minor part of what he will be doing.

Mayor Garza spoke regarding the confirmation of the outstanding names in order to get them on the agenda and create the Commission as quickly as possible.
After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Williams, Barrera.

The Clerk read the following Ordinance:

**AN ORDINANCE 98238**

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BEXAR COUNTY WHICH ESTABLISHES CERTAIN TERMS BY WHICH THE CITY OF SAN ANTONIO WILL CONSENT TO THE CREATION OF EMERGENCY SERVICE DISTRICT NO. 5 WITHIN THE CITY’S EXTRATERRITORIAL JURISDICTION (ETJ) FOR THE PROVISION BY THE DISTRICT OF FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICES FOR INDIVIDUALS RESIDING WITHIN ITS BOUNDARIES.

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

Mr. Jim Campbell, gave a briefing for Item #37 and Item #38 regarding the creation of Emergency Services Districts 5 & 6. A copy of this presentation is on file with these papers.

Mr. Campbell discussed the background to include the creation of Emergency Services Districts (ESD) for the purpose of providing fire suppression and emergency medical services for individuals residing within such districts. He noted that as a result of a request from Converse, Texas in 1999, the City and County approved guidelines governing the creation of ESD #1 to include the City recognizing the value of ESDs in providing enhanced levels of fire suppression and emergency services. Mr. Campbell stated the City should consider the feasibility of providing emergency services on a contractual basis, but not subsidize costs associated with providing services in unincorporated areas.

He noted that the City had worked with Bexar County during the 77th Legislative Session in 2001 to strengthen its ability to negotiate preconditions on the use of its Extraterritorial Jurisdiction (ETJ). He further noted that HB 3191 that was passed in that session allowed the City to address its concerns related to an ESD’s ability to incur debt, purchase equipment and participate in mutual aide agreements. Mr. Campbell discussed the
timeline during which the City Council approved ESD #2 and ESD #3. He also gave an account on the processes for the petitions surrounding the proposed creations of ESD #5 and #6. Using a map to show the areas involving these ESDs, Mr. Campbell described the boundaries for each. He stated the following provisions are contained for ESD #5 and #6: limit the amount of debt that an ESD can incur to $20,000 without the consent of the City; it protects the City from becoming financially responsible for debts incurred by a third party; it gives the Chief of the Fire Department the authority to approve the location of fire stations to be constructed within the ESDs; it requires equipment purchases by an ESD to be compatible with City equipment; and it requires an ESD to enter into a mutual aide agreement.

Mr. Campbell stated that all major provisions and pre-conditions that have been negotiated will be part of the ballot provisions for approval of the ESDs which are expected to occur in May, 2004. He pointed out that all costs pertaining to each of these elections will be paid by Bexar County. He described other provisions that would be included in the agreement, and further stated that the creation of ESDs will have no immediate financial impact on the general fund, but could make future annexations more costly.

Mr. Campbell reported the assessed property tax value for ESD #5 as $286M, with an estimate revenue at $286,000 based on maximum tax rate of $.10 per $100 valuation allowed State statute. He stated that the assessed property value from ESD #6 is $236M that could create $236,000 a year based on maximum tax value.

In response to Councilman Perez regarding future annexation, Mr. Campbell stated that the State statute requires that if the City were to annex into an existing ESD, it would be required to assume a pro-rated share of any debt and capital equipment that existed as a result of that ESD.

Discussion between Mr. Campbell and Councilman Perez ascertained that the residents in these proposed ESDs feel the $900 per month paid by Bexar County to the various volunteer fire departments in Bexar County is not enough to supplement other funding mechanisms. Mr. Campbell reiterated the amount of tax is $.10 per $100 valuation as the maximum allowable under State statute.

In response to Councilman Williams regarding a member of the City being both part of the City and then be part of an ESD, Mr. Campbell explained that State law allows for City property to be part of an ESD. He also stated that further analysis would be required regarding actively engaging that group and pursuing to become a member of an ESD in a particular area.

In response to Councilman Williams regarding the opt-out rules without penalty, Mr. William Wood, City Attorney’s Office, stated that the way the State statute is written,
once a territory is in an ESD, the City can request that it be removed from the district once it is annexed. He noted this is the only provision in the statutes that speaks to that, but that it could possibly require special legislation, or there may be other mechanisms and further noted that situation has not yet been experienced.

In response to Councilman Williams' concerns if a jurisdiction is aware of inevitable annexation and wants out of the ESD, Mr. Wood stated that legislation consideration would be required. He noted that presently, the only options the City has after a petition has been submitted, is to approve or deny with conditions, but the City cannot ask that the boundaries be changed. Mr. Wood further stated that the one existing condition in ESD #6, is that the City may request that the Toyota site be removed, and that issue will be on the ballot pre-agreed to that. He cited options if the City denies a petition. Mr. Wood noted that the Statues do not address removing a municipality once it is in the district, other than the prior agreement.

In response to Councilman Williams, Mr. Wood affirmed that the City may begin to take a preliminary course of action that identifies that as a problem and continue to dialog in terms of what our legal requirements are with a similar scenario.

In response to Councilman Hall regarding provisions for de-annexation, Mr. Campbell stated the process is through a letter to the ESD

Mr. Campbell stated that the board members are selected by the Commissioners Court. He pointed out that HB 3191 gave the City the ability to define parameters, one of which allows the City to participate in the selection of those board members and specifies that the Fire Chief serve as an ex-officio and have input in those boards.

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

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98239

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BEXAR COUNTY WHICH ESTABLISHES CERTAIN TERMS BY WHICH THE CITY OF SAN ANTONIO WILL CONSENT TO THE CREATION OF EMERGENCY SERVICE DISTRICT NO. 6 WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ) FOR THE
Councilman Segovia made a motion to approve the proposed Ordinance. Councilman Williams seconded the motion.

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

2003-34 The Clerk read the following Ordinance:

**AN ORDINANCE 98240**

RATIFYING THE SUBMISSION OF A GRANT APPLICATION, AND AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) IN THE AMOUNT OF $1,477,199.00 FOR THE CONTINUATION OF THE COMPREHENSIVE NUTRITION PROJECT FROM OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004; AUTHORIZING THE EXECUTION OF GRANT CONTRACTS IN CONNECTION THERewith; ADOPTING A BUDGET; APPROVING A PERSONNEL COMPLEMENT FOR FY 2003-2004; APPROPRIATING FUNDS; AUTHORIZING THE EXECUTION OF VENDOR AND LEASE AGREEMENTS WITH NON-PROFIT AGENCIES OR OTHER ACCEPTING AGENCIES FOR OPERATION OF SENIOR NUTRITION SITES AND USE OF FACILITIES; AUTHORIZING THE ALLOCATION OF CARRY FORWARD FUNDS; AND ACCEPTING SUPPLEMENTAL FUNDS, IF AWARDED DURING THE CONTRACT PERIOD.

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

Mr. Dennis Campa, Director of Community Initiatives Department, narrated a presentation on the Elderly and Disabled Services Division comprehensive Nutrition Project (CNP). A copy of this presentation is on file with these papers.
Mr. Campa explained the purpose of the ordinance that includes ratifying submission of a grant application to the Alamo Area Council of Governments (AACOG) for continued operation of the CNP. He stated it will also accept a grant from AACOG in the amount of $1,477,199 for congregate and home-delivered meals. He also stated the contract is for the period of October 1, 2003 through September 30, 2004. Mr. Campa noted the ordinance will adopt a budget, authorize a personnel complement for FY 2003-2004 and authorize execution of vendor and lease agreements with non-profit agencies for the operation of senior nutrition sites and the use of facilities.

Mr. Campa discussed the goals of the program, and provided background on the CNP that has operated since 1973. He noted that CNP provides nutritional services to older persons residing within San Antonio and Bexar County. He further noted that all persons 60 years and older are eligible, per Federal guidelines, regardless of income. Mr. Campa stated that while no fees are necessary for meals, $.50 donations per meal are accepted. He reported that for FY 2002-03, actual donations totaled $.25 per meal.

Mr. Campa noted there is a total of fifty-six nutrition centers, of which fifty-one are located in San Antonio, and five in Bexar County. He also noted that services are provided at nine City sites and forty-seven non-profit facilities that serve approximately 3,500 meals daily. Mr. Campa stated that almost 700 of these meals are delivered to homebound seniors. He provided accountability measures on the number of meals served from FY 00-01 to FY 03-04. He projects that a total of 986,580 meals will have been served in FY 2004. He also reported a projected participation satisfaction rate of 95% for FY 2004.

In response to Councilman Castro regarding the termination of the St. Paul’s Catholic Church Senior Nutrition Center, Mr. Campa stated that two new senior nutrition centers will take care of those seniors previously cared for by St. Paul’s Church. He explained that the Nueces Bend and Frio Crossing Apartments located on Camino Real, and Casa Esperanza are planned to open in October, 2003. Mr. Campa will send a memo to Councilman Castro as a reminder to attend the grand opening.

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

2003-34 The Clerk read the following Ordinance:
AN ORDINANCE 98241

AUTHORIZING THE TRANSFER OF $1,200,000.00 IN CITY GENERAL FUNDS TO THE DEPARTMENT OF COMMUNITY INITIATIVES, CHILDREN'S RESOURCES DIVISION GRANT FUND ACCOUNT TO BE USED AS MATCHING FUNDS; AUTHORIZING THE EXECUTION OF A CHILD CARE LOCAL MATCH CONTRIBUTION AGREEMENT WITH ALAMO WORKFORCE DEVELOPMENT, INC. (AWD), WHICH PLEDGES CERTIFICATION OF LOCAL EXPENDITURES UP TO THE AMOUNT OF $1,677,713.00 TO BE USED AS A MATCH TO GENERATE FEDERAL FUNDS OF $2,539,766.00 IN THE CHILD CARE DELIVERY SYSTEM (CCDS) PROGRAM; AUTHORIZING CERTIFICATION OF SAID EXPENDITURES IN CONNECTION THEREWITH; AUTHORIZING THE ACCEPTANCE OF SAID FUNDS UP TO THE AMOUNT OF $2,539,766.00 FOR THE PROVISION OF CHILD CARE SERVICES AND QUALITY INITIATIVES; AND ADOPTING A REVISED CHILD CARE DELIVERY SYSTEM PROGRAM BUDGET.

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

Mr. Dennis Campa spoke on Items 40A and 40B regarding the FY 04 General Fund Transfer and Early Childhood Education & Family Strengthening Delegate Agency Contracts. A copy of the presentation is on file with these papers.

Mr. Campa discussed the purpose as authorizing the transfer of $1,200,000 in City General Funds to the Department of Community Initiatives (DCI), Children's Resources Division, Child Care Delivery System (CCDS) Program for FY 04. He stated the City will be authorized to execute a Child Care Local Match contribution agreement with Alamo Workforce Development, Inc. (AWD), which pledges certification of local expenditures in the amount of $1,677,713 to generate $2,539,766 in federal funds. He further stated the ordinances authorizes certification of local expenditure and acceptance of additional federal funds in the amount of $2,539,766 and adopts a revised CCDS program budget.

He noted that the ordinances authorizes the execution of delegate agency contracts with local agencies in the aggregate amount of $1,225,121 in support of the City's Human Development core issue of early childhood education and family strengthening. He also noted the ordinance adopts a revised budget allocating funds in the amount of $1,225,121.

Mr. Campa highlighted the background of the program where AWD administers the child care funds awarded through the Texas Workforce Commission (TWC), and contracts

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with DCI, Children’s Resources Division, to operate the CCDS program. He provided information on the Federal match guidelines from the U.S. Department of Health and Human Services. He further stated that a general fund transfer of $1.2M represents the City’s continued commitment to maximize available resources for child care services.

Mr. Campa spoke to the background on early childhood education and family strengthening, and stated that DCI is proposing to extend a contract for an additional year as provided within the original contract for FY 04 funding. He further added that seven of the recommended contracts will sustain fourth year implementation of the Kinder Readiness project. He stated that project outcomes and effectiveness will be measured through an evaluation and research component in partnership with the University of Texas at San Antonio (UTSA). He also stated that two of the recommended contracts will provide school-based programming services and quality initiatives.

Mr. Campa identified the funding allocation history for FY 2001 to 2004, and the CCDS accountability measure for FY 2003-2004. He highlighted the CCDS accountability measures that indicate approximately 9,133 children will be served daily in FY 2003-2004.

Mr. Campa discussed the UTSA School Readiness Research that provide guidance for partners’ efforts to establish a strong, effective school readiness program model for San Antonio children and families. He also discussed plans for the UTSA School Readiness Research to include continuing implementation of Creative Curriculum to increase the level of quality and consistency among sites.

Mr. Campa identified the Early ON Kinder Readiness Sites 1 through 10 in various local school districts. He provided proposed funding levels totaling $1,225,121. He also discussed the Kinder Readiness proposed Performance Measures for FY 2003-2004.

Mr. Campa itemized the Early ON media campaign to include four new television public service announcements (PSA), thirteen new radio scripts and fifteen new print media information pieces. He projected that the television PSAs will reach 47% of the population, and that the radio spots, airing an average of 527 times each quarter will reach over 1 million listeners. He stated that plans for the upcoming year include 125,000 school readiness brochures to be inserted in local newspapers and neighborhood publications. He also plans for more paid radio spots to achieve higher impact, and to seek funding support to develop next media campaign in an ad Council style competition. Mr. Campa added that additional corporate support will be solicited to leverage donate a time/space for PSAs with paid ads to achieve higher impact. At this time, a televised video clip was shown to demonstrate one of the PSAs that will be publicized on the program.
The following citizens appeared to speak:

Dr. Susanne Winter, UTSA, spoke regarding her participation in the research efforts from the inception of the program, and has noted the progress it has made. Dr. Winter stated that the program is a model leading the nation in discovering how to plant the seeds of literacy in children at a young age. She further stated that through research, it is known that those seeds have to be planted before kindergarten. Dr. Winter expounded on finding strategies needed to prepare children for kindergarten; and inform others about how to better prepare children for kindergarten. She further stated that it is clear from the research, that pre-schools, day-cares and kindergarten programs, along with parents, must supply early experience to build basic knowledge for children prior to kindergarten.

Ms. Jennifer Martinez, KLRN, commended the success of early childhood education over the last two years. She stated that during workshops sponsored by KLRN, she has seen first-hand the keen interest by parents who want to become involved with their children’s early learning and their success in school. She noted that since October, 2002, KLRN has hosted over 4,000 events, family functions and workshops geared towards promoting activities and ideas to emphasize to parents that they are their children’s first teachers.

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

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98242

AUTHORIZING THE EXECUTION OF DELEGATE AGENCY CONTRACTS FOR THE PROVISION OF PROGRAM SERVICES IN SUPPORT OF THE CITY’S HUMAN DEVELOPMENT CORE ISSUE OF EARLY CHILDHOOD EDUCATION AND FAMILY STRENGTHENING INITIATIVES WITH THE FOLLOWING AGENCIES: AVANCE - $199,100.00; FAMILY SERVICES ASSOCIATION OF SAN ANTONIO, INC. - $201,328.00; KLRN - $286,108.00; UNIVERSITY OF TEXAS AT SAN ANTONIO - $150,000.00; POSITIVE BEGINNINGS - $116,400.00; YWCA - $140,785.00; NORTHSIDE INDEPENDENT SCHOOL DISTRICT - $116,400.00; BLESSED SACRAMENT ACADEMY - $15,000.00 FOR AN OVERALL TOTAL AMOUNT OF $1,225,121.00; AND ADOPTING A REVISED BUDGET IN CONNECTION WITH SAID DELEGATE AGENCY CONTRACTS.

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

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

Councilman Castro then made a motion to call for the order of the day explaining that a recent memo had been circulated among the Council in which it was stated that time certain items for example Citizens to be Heard, would be taken up at the time certain that they reflected on the Agenda.

A brief discussion ensued on the motion and on the Chair's perogative to call for these time certains as close to the time posted as possible.

Councilman Castro withdrew his motion.

Mayor Garza stated that it is his judgement to proceed as quickly as possible.

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2003-34 The Clerk read the following Ordinance:

**AN ORDINANCE 98243**

AUTHORIZING THE EXECUTION OF FOURTEEN (14) PROFESSIONAL ARTISTIC CONTRACTS IN AN AGGREGATE AMOUNT NOT TO EXCEED $178,500.00, FOR PERFORMANCES RELATED TO THE CARVER COMMUNITY CULTURAL CENTER'S 2003-2004 SEASON OF EVENTS; AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES AGREEMENTS FOR RELATED TECHNICAL SERVICES, AND THEATER RENTAL AGREEMENTS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF AGREEMENTS WITH COMPARABLE CONTRACTORS IN THE EVENT OF NON-PERFORMANCE OF SERVICES BY AN INTENDED CONTRACTOR; AUTHORIZING THE EXECUTION OF LETTERS OF INTENT TO RESERVE, SUBJECT TO CITY COUNCIL APPROVAL PERFORMANCES FOR THE 2004-2005 SEASON; AUTHORIZING THE TRANSFER OF REVENUE FUND ACCOUNTS FROM THE HOTEL/MOTEL TAX FUND AND THE CARVER COMMUNITY CULTURAL CENTER TRUST FUND TO THE CARVER ORGANIZATIONAL SUPPORT PROJECT, IN THE AGGREGATE AMOUNT OF $194,839.00; ESTABLISHING THE BUDGET AND AUTHORIZING A PERSONNEL COMPLEMENT.

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

Mr. Dennis Campa, spoke on the Items 41A, 41B and 41C regarding the 2003-2004 Carver Season of Events Operational and Funding Support Management Services Contract. A copy of that presentation is on file with these papers.

Mr. Campa discussed the purpose of the ordinance that authorizes the execution of fourteen professional artistic contracts related to the Carver Community Cultural Center's 2003-2004 season of events in an amount not to exceed $178,500. He stated the ordinance will authorize professional service agreements, technical services and theater rentals as required. He further stated it authorizes execution of contracts with comparable artists during the season in he event existing contracts are canceled, and authorizes execution of letters of intent for the reservation of artists for future season performances. Mr. Campa further noted that the ordinance authorizes revenue fund transfers from the Hotel/Motel Tax Fund and the Carver Community Cultural Center Trust Fund to support the Carver Community Cultural Center (Carver). He stated the ordinance also authorizes acceptance of $41,000 from the Carver Development Board (CDB) and authorizes execution of a Management Services Contract with the CDB for management of the Carver Community Cultural Center in the amount of $55,598 for the period October 1, 2003 through September 30, 2004.

Mr. Campa described background on the Carver including is 15-year collaborative history between the City and CDB. He noted that the Carver is a leading multi-cultural arts presenting and education institution, delivering cultural enrichment opportunities to the community.

At this time, Mr. Bill Lewis, CBD Executive Director, spoke to recognize CDB Chairman Dr. Robert Jemmerson, and thanked him for his continued support. He also commended DCI on addressing the human needs in our community by affirming and expanding the development of human potential in the community. Mr. Lewis announced the Carver's 26th season of hosting national performing artists. He stated that sixteen performance events are planned with fourteen artists for the season. He recognized the artists, and provided information on the dates and times of their scheduled performances. Mr. Lewis discussed the Carver's Seat Campaign to fund the completion of the renovation on the Carver. He named sponsorship benefits as a participant of the Seat Campaign.

Councilman Williams spoke in support of the Carver, and challenged his colleagues to join him in the Seat Campaign for the Carver.
Councilman Hall commended Mr. Lewis for his work at the Carver, and expressed his appreciation to Mr. Jemmerson as the Carver Chairman. He pledged his support to the Seat Campaign.

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

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98244

AUTHORIZING THE ACCEPTANCE OF $41,000.00 IN FINANCIAL SUPPORT FROM THE CARVER DEVELOPMENT BOARD FOR THE FY 2003/2004 CARVER COMMUNITY CULTURAL CENTER SEASON, TO BE MANAGED IN THE ORGANIZATIONAL SUPPORT PROJECT; ESTABLISHING A BUDGET; AND AUTHORIZING A PERSONNEL COMPLEMENT.

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

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

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98245

AUTHORIZING THE EXECUTION OF A MANAGEMENT SERVICES CONTRACT WITH THE CARVER DEVELOPMENT BOARD (CDB) IN THE AMOUNT OF $55,598.00 FOR THE PURPOSE OF CONTINUING A FRAMEWORK WITHIN WHICH THE CITY AND CDB WORK COOPERATIVELY TO FOSTER, PROMOTE AND DEVELOP THE EDUCATIONAL AND ARTISTIC ASPECTS AND ASSETS OF THE CARVER DEVELOPMENT BOARD AND THE CARVER COMMUNITY

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Councilman Williams 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, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Williams, Barrera, Schubert.

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2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98246

AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTHSIDE INITIATIVE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 79.85 ACRE TRACT OF LAND LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF BLUE WING ROAD AND INTERSTATE HIGHWAY 37 FROM AGRICULTURE LAND USE TO URBAN LIVING AND RURAL LIVING USE.

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

Mr. Emil Moncivais, Director of the Planning Department, stated that the ordinance is an amendment to the master plan of the Southside Community Plan. He further stated that approximately 79.85 acres are changing from Agriculture to Rural Living zones. He noted that it is bordered on the South side by Blue Wing Road and by I.H. 37 on the eastside. Mr. Moncivais stated that the Zoning Commission approved on August 19, 2003 a recommendation for MF 25 classification for sixteen acres out of the total 79.85 acres. He reported that on August 27, the Planning Commission recommended denial of this amendment. He noted that there is no impact on the transportation systems and no impact on the community facilities.
Councilman Segovia made a motion to rezone a 16 acre tract of land out of the total 79.85 acres from Agricultural Land Use to Urban Living. Councilman Perez seconded the motion.

After consideration, the amendment by Councilman Segovia, prevailed by the following vote: **AYES**: Flores, Segovia, Perez, Radle, Castro, Hall, Haass, Garza. **NAYS**: None. **ABSENT**: Williams, Barrera, Schubert.

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

Item #43 was pulled from the City Council agenda.

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98247

APPROVING THE WAIVER OF WATER AND SEWER IMPACT FEES FOR THE CROWN MEADOWS APARTMENT PROJECT LOCATED IN COUNCIL DISTRICT 6.

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

Mr. Drew Cameron, Director, Housing & Community Development Department, spoke on Items 44A and 44B. A copy of his presentation is on file with these papers.

Mr. Cameron discussed the Crown Meadows Apartment Project that is a result of the City Council consideration process and where staff was directed to present to City Council a request to waive water, sewer and storm drainage fees for the Crown Meadows Project. He stated that the Apartments are a 192-townhome unit development at the intersection of Ingram Road and Culebra Road in City Council District 6. He pointed out that Carlton Corporation and James Liftshutz are the developers for the San Antonio Housing Authority (SAHA).
Mr. Cameron noted that this request requires City Council consideration because it does not meet one of the requirements of the City Council approved water and sewer impact fees waiver policy. He explained that in order to qualify for the waivers under the existing policy, the project must meet certain criteria. Mr. Cameron stated that homes may not exceed $89,000 and multi-family units must be affordable to families at 80% or below the median income. He added that all financing must be secured. He stated that the project must be located within Loop 410 and the applicant must have estimates from the San Antonio Water system (SAWS) for impact fees, or a receipt for fees paid. Mr. Cameron explained that the Crown Meadows Projects meets all requirements, except that it is located outside Loop 410.

Mr. Cameron further explained that the City council has approved three water and sewer impact fee waiver requests outside of the current policy. He noted that all previous requests have been for San Antonio Housing Authority (SAHA). He named the SAHA projects as Mirasol HOPE VI, Springview HOPE VI and the O'Conner Road Elderly Apartments. He stated the total fees for these projects total $1,065,182.

Mr. Cameron also stated that the three fee waivers approved by City Council leveraged the reduction of 802 multi-family units and 519 single-family units. In addition, he pointed out that SAHA has received $140,133 in impact fee waivers under the existing policy.

Mr. Cameron also noted that it is anticipated that the regulations and criteria of the current Impact Fee Waiver will be reviewed by the Urban Affairs Council Committee during the first quarter of FY 2003-2004. He stated that this will be an opportunity for the Urban Affairs Council Committee to make policy recommendations to the City Council that will address future projects similar to Crown Meadows. He further stated that there is no recommendation from the Urban Affairs Council Committee because the September 23, 2003 meeting had to be rescheduled. He noted that the applicant is requesting $186,149.40 in total impact fee waivers, and provided a breakdown of utility fees.

Mr. Cameron reported that staff recommends approval of the request for waiver of the water and sewer impact fees. He also stated that staff does not recommend waiving the storm water drainage fee because it is directly tied to the provision of service.

Mr. Cameron then discussed the Eagle Ridge Project, a 280 unit multi-family complex at the intersection of Wurzbach and Crystal Hill Road in City Council District 7. He stated that the Eagle Ridge Project is being developed by the Commonwealth Housing Corporation. He pointed out that the project is located outside Loop 410, but otherwise meets all existing criteria for water and sewer impact fee waivers. He stated the applicant is requesting $102,626 in fee waivers.
Mr. Cameron noted that this project is similar to Crown Meadows, except the only deviation from the existing approved policy is its location. He also noted that it is anticipated that the Urban Affairs Council Committee will review the current impact fee policy during the first quarter of the new fiscal year, and make recommendations to the City Council to address projects outside Loop 410.

Mr. Cameron stated that staff recommends approval of the request for water and sewer impact fee waivers for the Eagle Ridge Project in the amount of $102,628.40.

Councilman Castro spoke to the philosophy the City of San Antonio held ten years ago regarding affordable housing within the inner city. He stated that more recently, the City has developed a different philosophy that encourages higher-end and middle-income housing for a balanced composition of housing stock throughout the city. He requested his colleagues to support the recommendation in an effort to create affordable housing not just within Loop 410, but in both projects just outside Loop 410. He further stated these impact fee waivers are offered to non-profit entities.

In response to Councilman Hall, Mr. Cameron stated that over the past ten years, three waivers that were outside the policy, have been approved by the City Council for approximately $3 million of impact fee waivers. He stated that the Urban Affairs Committee has the authority by City Council, to waive impact fees for those projects that are consistent with the policy. He further stated that the general policy states that if a project is affordable and constructed by a non-profit company, then the City will issue an impact fee waiver if it is inside Loop 410 and meets the criteria. He noted the waiver is not automatic, and requires consideration by the Urban Affairs Committee.

In response to Councilman Hall, Mr. Cameron stated that the impact fee waiver policy that was adopted did not include the storm water fee, and that the City Council has waived other City fees, but they have not waived storm water. He further stated that the City Council made the decision that, as an incentive for affordable housing, the water and sewer impact fees would be one of those fees that the City could use. He added that the City also uses Community Development Block Grant funds and General Fund monies to also provide incentives for affordable housing.

Ms. Kelly Newman, SAWS, stated that the policy regarding notifying SAWS is maintained with the exception on this issue that Mr. Cameron explained as an oversight. She spoke regarding SAWS’ support of the development of established housing, and reminded the City Council that the sewer and water impact fees are an important part of their strategy to developing their infrastructure to support any new growth whether it is affordable or not. She noted that there are costs to their infrastructure in any new development, and when the City Council chooses to waive fees, the costs are shifted to the rate payers. She stated the SAWS does support the development of affordable housing.
Councilman Hall stated he was contacted by General Eugene Habiger, SAWS President and CEO, who expressed his concern regarding not being notified in a timely manner about the fee waiver requests. Gen. Habiger informed Councilman Hall that SAWS would like the opportunity to review the request.

Councilman Hall made a motion to postpone this item for two weeks to allow SAWS some time to make a determination.

In response to Councilman Hall, Mr. Cameron stated that is a time issue due to the financing structure.

Councilman Hall spoke regarding the City being cautious when granting waivers for such projects, and that the policy should consider affordable housing projects that meet the criteria. In addition, he referred to the problem with the City Council not granting this waiver from storm water management fees, but granting it for water and sewer impact fees. He noted that when the City affects someone else's bottom line, more consideration should be given to the issue. He further noted his concerns over the lack of communication with SAWS on this project.

Mr. Cameron stated that it is a fact that SAWS was first made aware of this project by reading the City Council agenda, normal practice is that SAWS would have been notified. He added that staff did attempt to provide information, but it was not processed through the system.

Ms. Terry M. Brechtel, City Manager, stated that better efforts will be made to insure that this communication is completed. She further stated she understood the concerns and will make sure that communication is done through a formal process with SAWS.

In response to Councilman Hall’s concerns that the City is affecting SAWS funds, Ms. Newman stated that the City’s Public Works Department has to build storm water detention structures, and the impact is actually to the City’s Public Works Department. She noted that the City is not affecting SAWS when the City Council declines to waive those fees.

Mayor Garza made a recommendation that the Urban Affairs Committee consider that as part of a policy analysis regarding whether the City should consider that question, as well as where the City is focusing goals for affordable housing.

In response to Mayor Garza regarding the Incentive Tool Kit, Ms. Brechtel stated that the kit was recently approved, and the storm water fees were not a part of it.
Mayor Garza stated that given the project that has been before the Governance Committee and the Urban Affairs Committee, and the time sensitive constraints, he recommended moving it forward.

In response to Councilman Hall regarding the reasons for time constraints, Mr. Cameron explained that the project has been previously presented to the Committees but had been rescheduled, and now it has been pushed back to the point where it is going to effect the closing costs.

In response to Councilwoman Radle regarding clarification on storm water fees, Mr. Cameron stated there is no rate payer issue with storm water fees, but there is an water and sewer impact fee that is a rate payer issue.

Ms. Newman further clarified that there are no impact fees being charged to this development, but there is a cost associated with providing that service and those costs will have to be paid by someone, that being the rate payers.

In response to Councilman Williams, Mr. Cameron stated that the issue is the City Council’s direction to staff to provide incentives for affordable housing outside of Loop 410. He noted the current policy does not provide for impact fee waivers for affordable housing outside Loop 410. He pointed out that this item was not intended to be detrimental to SAWS, but rather it is a way of calling the direction of the City Council to implement the City’s revitalization strategy.

Councilman Williams spoke in regards to being in the process of developing a similar proposal for a non-profit applicant who has requested a list of fee waivers for the development. He spoke of the need for good affordable housing, and he is in full support of the proposal. He asked his colleagues to consider the long-term payback, especially for those trying to provide incentives inside the Loop.

Councilman Castro concurred with Councilman Williams in terms of process. He also agreed that SAWS needs to be informed of these projects. He stated that the issue of storm water fee waivers can be addressed by the Urban Affairs Committee. He further stated that the value of these particular incentives as tools to encourage the creation of affordable housing is needed in San Antonio whether it is inside or outside of Loop 410.

In response to Councilman Segovia, Mr. Cameron stated that the only issue with the project is that it is outside Loop 410.

Councilman Hall expressed his concerns regarding policy as it affects the fee waiver requests. He reiterated his concerns regarding the impact to SAWS, and noted that the number of requests has surpassed that of the last ten years. Councilman Hall stated it may serve the City best to be selective about which projects to approve.
Discussion between Councilman Hall and Mr. Cameron continued regarding other projects that have made similar requests and who have met the criteria but may not want or need the fee waivers.

Councilman Williams stated the City is in an affordable housing crisis. He further stated the City is trying to establish those non-profits with reputable records, and he agrees with the process where the City screens the projects to ensure the City is to receive the larger benefit by selectively choosing the projects. He pointed out that the City Council is in the business of helping people with affordable housing.

Ms. Jelynne Burley, Assistant City Manager, discussed the goal and process of the Incentive Tool Kit. She stated that there are several programs that address fee waivers in the tool kit. She noted that there are certain goals that need to be addressed regarding water and sewer impact fees.

Councilwoman Radle reiterated her concerns about the timing of the proposal, but added that as an advocate for affordable housing, she will support it. She further stated that the incentives for non-profits should be done case by case.

Councilman Castro stated these issues will be addressed in the Urban Affairs Committee. He rearticulated his concern that SAWS must be included in these proposals.

Councilman Perez stated that he is not a proponent of fee waivers, he will support the proposal, and agrees with looking at each request on a case by case basis.

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

2003-34 The Clerk read the following Ordinance:

AN ORDINANCE 98248

APPROVING THE WAIVER OF WATER AND SEWER IMPACT FEES IN THE AMOUNT OF $102,626.40 FOR THE EAGLE RIDGE APARTMENT PROJECT LOCATED IN COUNCIL DISTRICT 7.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Williams, Segovia, Perez, Radle, Castro, Haass, Garza. NAYS: Hall. ABSENT: Barrera, Schubert.

CITIZENS TO BE HEARD

Ms. Mary Beth Duerler, President, Responsible Pet Owners Alliance, spoke regarding the petition supporting the organization’s request to take pure bred animals from the Animal Control Facility.

Mr. Faris Hodge, 140 Dora, spoke in opposition with scheduling time certain items and the limit of time allowed on Citizens To Be Heard. He also spoke on advertising opportunities for the City on VIA busses. He also stated he has requested that the San Antonio Housing Authority be audited.

Mr. Nazirite Ruben Flores Perez, spoke in opposition to the high salaries for Parent Child, Inc.

Mr. Cuauhtemoc Valencia, 10011 Moursund Blvd., Moursund Flea Market, spoke regarding his business in the vicinity of the Southside Initiative Plan and the Toyota Manufacturing Plant. He discussed the history of his family’s business and plans to improve the facility. He stated that under the new proposed zoning, his business has been placed under the urban development, and he would like to maintain the I-I zoning classification to continue doing business as usual.

Mayor Garza stated that there are five districts and Mr. Valencia’s business will have to be classified under one of them. He further stated that under the Urban Village there has been a process in which property owners can voice their concerns, and after the areas are zoned, there will be another process to be followed as well. Mayor Garza pointed out that Mr. Valencia will not lose the right to continue doing business. He also noted that under flex zoning Mr. Valencia can continue operating, and his current business is not going to change.

Mr. Valencia stated the process is lacking and it is apparent as the number of property owners declines at City Council meetings. He also stated there is no sense of truthfulness towards protecting and conserving the citizens’ long-time interest in the southside.
Mayor Garza assured Mr. Valencia that the Planning Department staff can help answer his questions. He added that property owners have attended and contributed to the planning of the Southside, and that the City Council is satisfied that the community has helped provided input. He stated that it has to be planned the right way in order that development and growth does not get out of hand.

2003-34 There being no further business to come before the City Council, the meeting was adjourned at 7:43 P.M.

APPROVED

EDWARD D. GARZA
MAYOR

Attest: YOLANDA L. LEDESMAN
Acting City Clerk

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