

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, OCTOBER 2, 2003.

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2003-35 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

- A. Boards and Commissions Work Session for Bexar Appraisal District appointment (Presented by Yolanda Ledesma, Acting City Clerk; Travis M. Bishop, Assistant City Manager)
- B. Staff presentation on Annexation Policy and Three-Year Annexation Plan (Presented by Emil R. Moncivais, Director, Planning; Jelynn LeBlanc Burley, Assistant City Manager)

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

The "B" Session adjourned at 12:15 P.M.

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2003-35 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. ABSENT: Castro.

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2003-35 Invocation by Adam Martin, Santo Nino Catholic Church.

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2003-35 Pledge of Allegiance to the flag of the United States.

select a resident in his Council district to receive a free smoke detector and/or carbon monoxide detector and the Fire Department would install it in their home.

Councilman Williams commended the San Antonio Fire Department for its outstanding work and recognized Smoky, the Department's mascot.

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2003-35 Minutes of the regular Council meeting of August 28, 2003 were approved as presented.

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2003-35 **CONSENT AGENDA – CITIZENS COMMENTS**

Mr. Jack M. Finger, P.O. Box 12048, spoke to Agenda Items 2, 8 and 21. He stated that bond monies needed to be expended within a reasonable time and not years later as he found to be the case in some instances. He also spoke against the bond issue and asked that Council pull and abstain from voting on those agenda items where shareholders had contributed monies to Council members' campaigns.

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2003-35 **CONSENT AGENDA**

Councilman Segovia made a motion to approve Agenda Items 6 through 38, constituting the Consent Agenda, except for Items 6, 10, 11, 12, 15, 16, 24 and 26 which were pulled for individual consideration. Councilman Hall seconded the motion.

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

AN ORDINANCE 98249

APPROVING FIELD ALTERATION NO. 1 IN THE AMOUNT OF \$52,110.50 PAYABLE TO R. L. JONES, L.P., IN CONNECTION WITH THE GRANDVIEW NEIGHBORHOOD STREETS, PHASE III ("J" STREET: AMANDA TO HAMPTON) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT

2; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98250

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$20,181.83 FROM 1987 G.O. DRAINAGE BOND FUNDS TO BURY+PARTNERS-SA, INC., FORMERLY BURY & PITTMAN - SA, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE THOUSAND OAKS INTERSECTIONS MPO PROJECT, LOCATED IN COUNCIL DISTRICTS 9 AND 10; AUTHORIZING \$2,000.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$22,181.83; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98251

AUTHORIZING PAYMENT IN THE AMOUNT OF \$47,616.09 FROM 2002 CERTIFICATES OF OBLIGATION STREET IMPROVEMENT FUNDS TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE PECAN VALLEY - I.H. 10 TO J STREET MPO PROJECT, LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98252

DESIGNATING THE FIRM OF RANNOCH CORPORATION FOR THE INSTALLATION OF A NOISE AND OPERATIONS MONITORING SYSTEM AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT FOR AN AMOUNT NOT TO EXCEED \$838,600.00; AUTHORIZING \$75,660.00 FOR CONTINGENCIES, FOR AN OVERALL TOTAL AMOUNT OF \$914,260.00; APPROPRIATING FUNDS; ESTABLISHING THE BUDGET AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98253

GRANTING A TEN (10) FOOT WIDE BY 91 FEET LONG TEMPORARY SANITARY SEWER EASEMENT TO R INSTALL COMPANY THAT WILL EXTEND ACROSS A 0.596 ACRE TRACT OF CITY- OWNED PROPERTY IN NCB 12007 FOR A TOTAL CONSIDERATION OF \$343.00.

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AN ORDINANCE 98254

AUTHORIZING AN AGREEMENT WHICH AMENDS A LEASE AUTHORIZED WITH THE HERTZ CORPORATION FOR LEASE OF AN ADDITIONAL 20,690 SQUARE FEET OF GROUND SPACE FOR AN ADDITIONAL ANNUAL RENTAL OF \$7,862.20 AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A TERM ENDING DECEMBER 31, 2006.

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AN ORDINANCE 98255

AUTHORIZING THE EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 2 AMENDING LEASE NO. DTFA07-83-L-01071 TO EXTEND FOR FIVE (5) YEARS THE TERM OF THE LEASE AGREEMENT WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION FOR THE AIRPORT TRAFFIC CONTROL TOWER/TERMINAL RADAR APPROACH CONTROL SITE AT SAN ANTONIO INTERNATIONAL AIRPORT.

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AN ORDINANCE 98256

AUTHORIZING PAYMENT IN THE AMOUNT OF \$4,375.00 FROM CERTIFICATES OF OBLIGATION TO DUGGER, CANADAY, GRAFE, INC., FOR APPRAISAL SERVICES IN CONNECTION WITH THE HILDEBRAND - I.H. 10 TO BREEDEN MPO PROJECT, LOCATED IN COUNCIL DISTRICT 1; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98257

AUTHORIZING PAYMENT IN THE AMOUNT OF \$200.00 TO LAWYERS TITLE OF SAN ANTONIO FOR TITLE CHARGES IN CONNECTION WITH THE CULEBRA/LOOP 410 (LEON CREEK) REGIONAL STORM WATER DETENTION FACILITIES PROJECT LOCATED IN COUNCIL DISTRICT 6; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98258

AUTHORIZING PAYMENT IN THE AMOUNT OF \$652.46 TO BRACEWELL & PATTERSON, L.L.P., FOR LEGAL SERVICES IN CONNECTION WITH THE FAY PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 5; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98259

AUTHORIZING THE EXPENDITURE OF \$200.00 PAYABLE TO THE LAWYERS TITLE OF SAN ANTONIO FOR TITLE SERVICES IN CONNECTION WITH THE FLEMING - NEW LAREDO HWY. TO GERALD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 4; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98260

AUTHORIZING PAYMENT IN THE AMOUNT OF \$617,000.00 TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2003-ED-0009, CITY OF SAN ANTONIO, TEXAS VS. COUNTRYSIDE PLAZA, LTD., ET AL FOR THE FEE SIMPLE ACQUISITION OF ONE PARCEL AND ONE TEMPORARY EASMENT, PAYMENT OF THE AMOUNT OF \$1,087.00 FOR COURT COSTS IN CONNECTION WITH THE BITTERS ROAD - WEST AVENUE TO HEIMER METROPOLITAN PLANNING ORGANIZATION PROJECT IN COUNCIL DISTRICT 9; FOR THE TOTAL SUM OF \$618,087.00; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98261

AUTHORIZING THE ACCEPTANCE OF A GRANT IN AN AMOUNT NOT TO EXCEED \$120,500.00 FROM THE TRANSPORTATION SECURITY ADMINISTRATION (TSA) FOR REIMBURSEMENT OF EXPENSES RESULTING FROM PARTICIPATION IN THE TSA EXPLOSIVES DETECTION CANINE TEAM PROGRAM AT SAN ANTONIO INTERNATIONAL AIRPORT; APPROPRIATING FUNDS AND ESTABLISHING A BUDGET.

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AN ORDINANCE 98262

AUTHORIZING THE ACCEPTANCE OF A CONTRACT AMENDMENT FOR CASH SUPPORT TOTALING \$199,444.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO RENEW THE ONGOING TUBERCULOSIS PREVENTION AND CONTROL PROGRAM IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004; AUTHORIZING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH TDH; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 98263

AUTHORIZING THE ACCEPTANCE OF A CONTRACT AMENDMENT FOR CASH SUPPORT TOTALING \$66,000.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO RENEW THE ONGOING FAMILY HEALTH POPULATION BASED CORE PUBLIC HEALTH PROGRAM IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004; AUTHORIZING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH TDH; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

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AN ORDINANCE 98264

AUTHORIZING THE ACCEPTANCE OF A CONTRACT AMENDMENT FOR CASH SUPPORT TOTALING \$16,000.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH)

TO RENEW THE ONGOING HIV/HEPATITIS C SCREENING/INTERVENTION PROGRAM IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2003 THROUGH DECEMBER 31, 2003; APPROVING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH TDH; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

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AN ORDINANCE 98265

AUTHORIZING THE ACCEPTANCE OF A CONTRACT AWARD TOTALING \$880,197.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO RENEW THE ONGOING TITLE V MATERNAL & CHILD HEALTH PROGRAM (\$242,738.00) AND THE ONGOING TITLE V FAMILY PLANNING PROGRAM (\$637,459.00) IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004; AUTHORIZING THE EXECUTION OF CONTRACTS; ESTABLISHING A FUND; ADOPTING THE PROGRAM; APPROVING A PERSONNEL COMPLEMENT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98266

AUTHORIZING THE RENEWAL OF A CONTRACT WITH DEPENDABLE HEALTH SERVICES, INC. TO PROVIDE NURSING SERVICES, INCLUDING THE SCREENING AND MEDICAL OBSERVATION OF DETAINEES AT THE CITY DETENTION CENTER FACILITY FOR THE PERIOD OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004; AUTHORIZING THE EXECUTION OF AN OPTION TO RENEW; AUTHORIZING PAYMENTS FOR NURSING SERVICES IN AN AMOUNT NOT TO EXCEED \$358,203.50; AND AUTHORIZING PAYMENTS TO PRIVATE PHYSICIANS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$36,000.00 FOR MEDICAL ON-CALL SERVICES AT THIS FACILITY.

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AN ORDINANCE 98267

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR THE LITTLE FLOWER SCHOOL, LOCATED AT 905 KENTUCKY, IN CONNECTION WITH THE LITTLE FLOWER SCHOOL RUN FOR THE ROSES SPONSORED BY THE LITTLE

FLOWER CHURCH TO BE HELD ON SATURDAY, OCTOBER 18, 2003, FROM 8:00 A.M. UNTIL 11:30 A.M.

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AN ORDINANCE 98268

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR THE UTSA MAIN CAMPUS IN CONNECTION WITH THE UTSA TRIATHLON SPONSORED BY ROGER SOLER SPORTS TO BE HELD ON SUNDAY, OCTOBER 19, 2003 FROM 7:00 A.M. UNTIL 10:00 A.M.

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AN ORDINANCE 98269

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR FRANKLIN ELEMENTARY, LOCATED AT 1915 W. OLMOS, IN CONNECTION WITH THE FRANKLIN ELEMENTARY FALL COSTUME PARADE SPONSORED BY THE SCHOOL TO BE HELD ON FRIDAY, OCTOBER 31, 2003, FROM 1:00 P.M. UNTIL 2:30 P.M.

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AN ORDINANCE 98270

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR THE PLAZA AVENIDA GUADALUPE, LOCATED AT 1321 EL PASO, IN CONNECTION WITH THE CORAZON Y FAMILIA MURAL 5K RUN/WALK SPONSORED BY SAN ANTONIO CULTURAL ARTS, INC., TO BE HELD ON SATURDAY, NOVEMBER 8, 2003, FROM 7:30 A.M. UNTIL 10:30 A.M.

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AN ORDINANCE 98271

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS IN THE DOWNTOWN AREA IN CONNECTION WITH THE VETERANS PARADE SPONSORED BY THE U.S.

MILITARY VETERANS PARADE ASSOCIATION TO BE HELD ON SATURDAY,
NOVEMBER 8, 2003 FROM 11:30 A.M. UNTIL 3:00 P.M.

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AN ORDINANCE 98272

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY
CLOSURE OF PORTIONS OF ALAMO AND GRAYSON STREETS IN
CONNECTION WITH THE TOYS FOR TOTS 5K TO BE HELD ON SATURDAY,
DECEMBER 6, 2003 FROM 6:30 A.M. UNTIL 10:00 A.M.

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2003-35 The Clerk read the following Ordinance

AN ORDINANCE 98273

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 \$1,210,535.00; JANITORIAL DISINFECTANTS & CLEANERS; AUTOMOTIVE
SHOP SUPPLIES; MEDIUM & HEAVY TRUCK, TRAILER DRUM AND BRAKE PARTS;
CONCEALABLE BODY ARMOR FOR THE CITY OF SAN ANTONIO POLICE
DEPARTMENT; PURCHASE OF PARK POLICE UNIFORMS; AND CUSTODIAL PAPER
PRODUCTS.

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

In response to questions by Councilman Perez, Chief Albert Ortiz explained why the
lowest bid for the concealable body armor for the San Antonio Police Department was
not accepted. He stated that the armor had been tested for durability and comfort and that
the product offered by the winning bidder had been rated the highest for comfort by the
officers. Chief Ortiz also stated that body armor was replaced every five years and that it
was a matter of choice not a requirement that the officers wear it.

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

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2003-35 The Clerk read the following Ordinance:

AN ORDINANCE 98274

AUTHORIZING PAYMENT IN THE AMOUNT OF \$4,208.00 PAYABLE TO K.M. NG & ASSOCIATES, INC. FOR ON-CALL ELECTRICAL ENGINEERING SERVICES, PASSED AND APPROVED ON AUGUST 7, 2003, BY ORDINANCE NO. 97943, IN CONNECTION WITH THE CALDERON BOYS AND GIRLS CLUB BASKETBALL COURT LIGHTING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING \$500.00 FOR ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$35,292.00 FOR PARK MATERIAL EXPENSES, FOR A TOTAL AMOUNT OF \$40,000.00; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to a question by Councilman Perez, Mr. Malcolm Matthews, Director, Parks and Recreation, spoke to the allocation of funds for this project and stated that a running total of funds expended would be included in the backup memorandum to the Council.

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

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2003-35 The Clerk read the following Ordinance:

AN ORDINANCE 98275

AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,600.00 TO ALDERSON & ASSOCIATES, INC. FOR ON-CALL ELECTRICAL ENGINEERING SERVICES IN

CONNECTION WITH THE LA VILLITA BOLIVER HALL ELECTRICAL PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING \$500.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$3,900.00 FOR MANDATORY PROJECT FEES; AUTHORIZING \$1,500.00 FOR BID ADVERTISING AND PRINTING EXPENSES, FOR A TOTAL AMOUNT OF \$11,500.00 FROM CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

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

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2003-35 The Clerk read the following Ordinance:

AN ORDINANCE 98276

ESTABLISHING PROJECT BUDGETS AND AUTHORIZING THE APPROPRIATION OF \$30,400.00 OF FY 2001/2002 FACILITY IMPROVEMENT AND MAINTENANCE PROJECT (FIMP) FUNDS FOR THE RIVER WALK STAIRWAY IMPROVEMENTS PROJECT AND THE RIVERWALK WALKWAY IMPROVEMENTS PROJECT, BOTH IN COUNCIL DISTRICT 1.

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

In response to a question by Councilman Perez on whether there were other Facility Improvement and Maintenance Project funds available, City Manager Brechtel explained that if these types of funds were not spent within two years from appropriation, they would be reprogrammed and become part of the annual budget process.

In response to a question by Councilman Flores, Mr. Malcolm Matthews, Director, Parks and Recreation, stated that the stairs/stairwell that were going to be repaired were located between the Hilton Hotel and the Little Rhine Restaurant.

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

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2003-35 The Clerk read the following Ordinance:

AN ORDINANCE 98277

APPROVING THE SECOND AND FINAL RENEWAL OF A PROFESSIONAL SERVICES CONTRACT, ORIGINALLY APPROVED BY ORDINANCE NO. 90552 ON SEPTEMBER 23, 1999, AND RENEWED BY ORDINANCE NO. 96487 ON OCTOBER 3, 2002, WITH THE JOINT VENTURE OF PROVIDENCE COMMERCIAL REAL ESTATE SERVICES, INC. AND THE WEITZMAN GROUP TO PROVIDE REAL ESTATE BROKER SERVICES FOR THE CITY OF SAN ANTONIO FOR A ONE-YEAR PERIOD BEGINNING OCTOBER 7, 2003 AND ENDING OCTOBER 6, 2004.

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

In response to questions by Councilman Perez on how much monies had been paid to the joint venture of Providence Commercial Real Estate Services, Inc. and the Weitzman Group for real estate broker services last year and how much would be paid to them this year, Ms. Rebecca Waldman, Director, Asset Management, responded that their services were driven by assignments and she would provide last year's figures to the Councilman. She added that it would be difficult to project next year's payments, as their services were demand driven.

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

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2003-35 The Clerk read the following Ordinance:

AN ORDINANCE 98278

AUTHORIZING A FIVE (5) YEAR LICENSE AGREEMENT WITH THE RIVER ART GROUP, INC., FOR THE 2003, 2004, 2005, 2006 AND 2007 RIVER ART SHOW IN LA

VILLITA AND ON A PORTION OF THE SAN ANTONIO RIVER WALK FOR AN ANNUAL PAYMENT OF \$1,500.00.

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

Mr. Malcolm Matthews, Director, Parks and Recreation, responding to questions by Councilman Perez, spoke to the River Art Group's make up and noted that the lease agreement for their annual event required that the Group pay the City \$1,500 each year for five years.

Councilman Perez stated that he would like to see the City charge a percentage of the gross sales instead of a flat \$1,500 fee.

Mr. Matthews stated that the City in the past looked at this annual show as a marketing tool to bring more attention to tenants that already had leases with the City.

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

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2003-35 The Clerk read the following Ordinance:

AN ORDINANCE 98279

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A 2003 EXTENSION OF AN AGREEMENT WITH THE FEDERAL RESERVE BANK OF DALLAS, ORIGINALLY APPROVED BY ORDINANCE NO. 96145 ON AUGUST 8, 2002; AND ACCEPTING AN ANNUAL PAYMENT IN THE AMOUNT OF \$36,350.00 FROM THE FEDERAL RESERVE BANK OF DALLAS TO OFFSET THE LOSS OF PARKING FUND REVENUE ASSOCIATED WITH THE PREVIOUS REMOVAL OF TWENTY-NINE (29) PARKING METERS AND INSTALLATION OF "NO PARKING" SIGNS ADJACENT TO THE FEDERAL RESERVE BANK BUILDING LOCATED AT 126 E. NUEVA IN COUNCIL DISTRICT 1.

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

In response to a question by Councilman Perez, Mr. Thomas Wendorf, Director, Public Works, stated that the 6% increase would more than cover the amount that the City would realize were the meters in place.

Mr. Wendorf, responding to Councilman Flores, stated that last year there was a negotiated amount of 5% and this year the amount was set at 6%.

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

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2003-35 The Clerk read the following Ordinance:

AN ORDINANCE 98280

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A CONTRACT WITH KEEP SAN ANTONIO BEAUTIFUL, INC. TO PROVIDE ASSISTANCE TO THE CITY OF SAN ANTONIO IN CONDUCTING NEIGHBORHOOD CLEAN UP PROGRAMS AND PUBLIC EDUCATION EFFORTS; AND AUTHORIZING PAYMENT OF \$20,000.00 FROM THE SOLID WASTE OPERATING BUDGET FOR SUCH SERVICES FOR FY 2003-2004.

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

Councilman Perez stated that he would like to see an increase in the monies allocated for Keep San Antonio Beautiful.

Mr. Dan Cardenas, Director, Environmental Services, stated that in addition to the monies, the group was allowed to have their offices within the Department. He added that they had become an integral part of the department.

Councilman Hall stated that the group was doing a great job and he was willing to use human development funds to contribute to the organization.

Councilman Perez stated that, since it was an enterprise fund, there was more flexibility in providing them with the monies from that fund rather than tapping into the human development fund.

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

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2003-35 **INDIVIDUAL ITEMS – CITIZEN COMMENTS.**

Mr. Jack M. Finger, P.O. Box 12048, complimented Councilman Perez for asking questions that had never been asked and then spoke to Item 21 that he had wanted the Council to have pulled from the Consent Agenda. He then spoke to the Council members getting campaign contributions from individuals associated with businesses getting contracts with the City. He further noted there was no sign-up sheet for the 2:00 P.M. presentation by the San Antonio Water System.

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2003-35 The Clerk read the following Ordinance:

AN ORDINANCE 98281

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE GENERAL SERVICES ADMINISTRATION AND THE CITY OF SAN ANTONIO REGARDING THE LOCATION OF FEDERALLY OWNED AND LEASED OFFICE FACILITIES.

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

Ms. Rebecca Waldman, Director, Asset Management, assisted by Mark Webb, Assistant Director, Asset Management, made a slide presentation (a copy of which was filed with the papers of this meeting) in which Ms. Waldman outlined the Memorandum of Understanding (MOU), between the General Services Administration and the City of San Antonio. She spoke to the background of the memorandum, the relocations of certain facilities from downtown San Antonio by the federal government, and the suburban/

downtown ratio for GSA facilities. She noted that the summary of the Memorandum included the intent of the City and GSA to work together to locate future GSA-owned or leased facilities within the City's proposed designated priority areas, the evaluation factors for site selection, the responsibilities of both the City and GSA and the GSA site assemblage options. She further spoke to the benefits of the memorandum and current projects such as the Social Security Administration and the Federal Courthouse.

Mayor Garza spoke to the importance for businesses to continue to be located in the downtown area.

In response to a question by Councilman Williams on the active timeline for the MOU, Mr. Webb noted that the timeline would continue as long as it was needed.

Mr. Len Murphy, Director, Property Development, GSA, stated that the Memorandum of Understanding required the GSA to provide a quarterly update. He added that their planning window would be included in the next update and that the courthouse site and design money were projected for FY05.

Councilman Flores spoke to the importance of keeping the Council informed of the timeline and to the need for keeping the courthouse centrally located.

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

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**2003-35 PRESENTATION BY SAN ANTONIO WATER SYSTEM (SAWS)
REGARDING THE SAWS HEADQUARTERS PROJECT**

Ms. Melissa Byrne Vossmer, Assistant City Manager, introduced Mr. Eugene Habiger, President/CEO of the San Antonio Water System, who spoke on the SAWS Headquarters Project.

Mr. Habiger first introduced Doug Leonhard, Vice Chairman of the Board of Trustees, who thanked the Council for the opportunity to provide information on the SAWS Headquarters Project. Mr. Leonhard briefly spoke to the work that had been done on the project thus far and noted that the new facility would have a positive impact on SAWS employees and greater efficiency for ratepayers.

Mr. Habiger then presented a slide presentation (a copy of which was filed with the papers of this meeting) in which he spoke to the proposed headquarters project, the site selection process, scoring methodology, and site ratings. He also spoke to the funding source for the project, effect on rates and ratepayers and plans for the existing Market Street property. He further spoke on the selected Butter Krust/Playland property, the negotiated price reduction, the community benefits, preliminary budget for the relocation project and the projected timeline.

In response to a question by Mayor Garza, Rebecca Waldman, Director, Asset Management, stated that the current SAWS site is of great interest to the City. She added that the expansion footprint for the Convention Center for the future is east and north and would require relocating Market Street to the north, cutting through the SAWS building. She further added that the City's only expansion would be east and north. She noted that SAWS could lease the property for the interim so that when the City was ready to move to the future, the property could be used.

Ms. Waldman further explained that the SAWS property on Market Street was valued at about \$10 million, the land had been purchased with water board bonds and the title was being held by the City for the SAWS agency.

A lengthy discussion following in which the Mayor and several Council members requested further information on the project from Mr. Habiger.

In response to questions by Mayor Garza, Mr. Habiger spoke to the process SAWS used to arrive at their selection, to an upcoming presentation to the Council on a possible rate increase, their proposed 2004 budget, the financing of the project, and their future plans for their Market Street building.

Mr. Habiger responded to questions by Councilman Williams with regard to the request for proposal, size of the new building, services that would be offered at the new site, the selection of the design build team, the site selection process and the total cost of the project which he stated was \$44 million.

Mayor Garza spoke to the presentation of the rate plan to the Council and noted that there would only be two meetings in December. He also stated that he would like Ms. Waldman and SAWS to develop a statement on the future use of the Market Street Building.

Councilman Perez spoke to the misperception in the public about this project and noted that he favored SAWS moving forward with its plan. He suggested that the presentation that Mr. Habiger had given the Council should be sent out to all the media outlets so that the citizens could be fully informed about the project.

Mr. Habiger, in response to Mayor Garza who suggested that the SAWS board delay the ratification of the property until the rate plan presentation to the Council, stated that there would be significant monetary penalties if SAWS did not close within a short period of time. He added that he would provide information to the Mayor on the penalties.

Councilman Flores stated he was always an advocate for keeping our governmental entities downtown and for the City of San Antonio utilizing the Market Street property. He also spoke favorably of the Butter Krust site as meeting the criteria for being in a central location.

In response to a question by Councilman Williams, Mr. Habiger spoke to SAWS' willingness to continue to work with neighborhood organizations to fully inform them about the project. He further spoke of their two-phase approach and noted that phase two would begin once the rate increase was determined.

In response to questions by Councilman Schubert, Mr. Habiger spoke to the increase in space from the current 140,000 square feet in three areas to 200,000 square feet at the new site. He added that SAWS had 315,000 customers and approximately 10 – 12% pay in person at one of three locations.

Councilman Schubert suggested that SAWS look into the possibility of including some drive-thru lanes for SAWS customers to pay their bills, stating that it could cut down on the amount of parking that would be needed. He spoke about leasing the Market Street property to generate revenue. He further stated that SAWS would need to provide the public with a very clear explanation of how the money generated by the rate increase would be used and advise them of the projects that SAWS had on the drawing board for the next several decades.

Councilman Barrera thanked Mr. Habiger and his staff for the presentation and encouraged SAWS to continue meeting with neighborhood associations to provide information on the project.

Mr. Habiger, responding to questions by Councilman Barrera, stated that the current building had the capability of accommodating one additional story, however, more space was required and parking had also been a consideration.

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

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2003-35 The Clerk read the following Ordinance:

AN ORDINANCE 98282

AMENDING THE MAJOR THOROUGHFARE PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, TO INCLUDE NEW ROADWAY AND RIGHT-OF-WAY CLASSIFICATIONS, AMENDED DESIGNATIONS AND ALIGNMENTS WITHIN THE SOUTHSIDE INITIATIVE PLAN AREA AND SOUTH BEXAR COUNTY.

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

Mr. Emil Moncivais, Director, Planning, presented a slide presentation (a copy of which is filed with the papers of this meeting) on the Major Thoroughfare Plan (MTP) Amendments, in which he noted that the purpose of the amendments were consistent with the Southside Initiative Community Plan. He spoke to the plan's background, the key transportation issues identified in the Southside Initiative Community Plan, the key transportation issues addressed by the proposed MTP amendments, the transportation agencies involved in coordinating the MTP amendments and the roadway classifications.

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.

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2003-35 The Clerk read the following Ordinance:

AN ORDINANCE 98283

AMENDING ORDINANCE NUMBER 97173, AND ORDINANCE NUMBER 97879, TO EXTEND INTERIM DEVELOPMENT CONTROLS IN AREAS ANNEXED JANUARY 5, 2003 BY THE CITY OF SAN ANTONIO FOR LIMITED PURPOSES TO JANUARY 16, 2004 PENDING ZONING OF CERTAIN AREAS IN THE ANNEXED AREA; AMENDING THE MASTER PLAN FOR THE AREA, AND CONSIDERATION AND ADOPTION OF DEVELOPMENT REGULATIONS NECESSARY TO IMPLEMENT THE ADOPTED PLAN FOR THE ANNEXED AREA.

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

Mr. Emil Moncivais, Director, Planning, presented a slide presentation (a copy of which is filed with the papers of this meeting) which explained that the Ordinance would extend the development controls for certain properties, the Southside Initiative Planning process, the provisions of the ordinance which contained waiver procedures to allow property owners to submit applications for development, and amendments to the current ordinance.

In response to questions by Councilman Schubert, Mr. Moncivais explained that the entire area in question had 4,000 parcels to be rezoned and that, of those, 77 had issues that needed to be resolved. He also stated that, as the City was working through the process, interim development controls were needed.

Councilman Schubert stated that the process seemed to be taking longer than was originally anticipated and that he wanted to be sure that resolution of this process was being actively and expeditiously pursued.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, spoke in support of this item and of the possibility of more jobs becoming available in the future.

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

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(Mayor Garza returned to the meeting to preside.)

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2003-35 The Clerk read the following Ordinance:

AN ORDINANCE 98284

APPOINTING TEN (10) MEMBERS TO THE CITIZENS COMMISSION ON CITY/COUNTY SERVICE INTEGRATION.

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

Ms. Yolanda Ledesma, Acting City Clerk, stated that this item was the followup to last week's ordinance that established the Commission.

Councilman Hall spoke in support of the Ordinance and asked staff to bring back to City Council next week an amendment to increase the makeup of the commission from ten members each from the City and County to eleven members each from the City and County for a total of 22 members.

In response to questions by Councilman Schubert, Councilman Hall explained that an individual that he had nominated for the Commission had been unable to serve and he was unable to submit another nomination in time for this week's consideration. He added that it was not his intent to make the Commission a district committee.

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

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2003-35 **TRAVEL AUTHORIZATION – Granted:**

Travel Authorization for Councilman Joel Williams, District 2, to travel to Washington, D.C. for the Federal Initiatives Program from Monday, October 13, 2003 to Wednesday, October 15, 2003.

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

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

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2003-35 **TRAVEL AUTHORIZATION – Granted:**

Ratification of Travel Authorization for Councilman Enrique M. Barrera, District 6, who traveled to Monterrey, Mexico, to attend the Trilateral Technology Conference from September 24, 2003 to September 26, 2003.

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

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

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2003-35 CITY MANAGER'S REPORT

City Manager Brechtel reported that two items would be presented to the Council: the G.O. Bond Program and the High Risk Contracting Initiatives Bi-Weekly Contracting Report.

Mr. Thomas Wendorf, Director, Public Works, presented a slide presentation (a copy of which is filed with the papers of this meeting) on the 2003-2007 G.O. Bond Program. He spoke to an overview of the program that would provide funding for streets and pedestrian improvements, drainage improvements, library improvements, Park and Recreation improvements and public health and safety. He further spoke to the education program that was proposed, the bond brochure that had been developed, voting dates, and the location availability of the brochures.

In response to a question by Councilwoman Radle, City Attorney Andrew Martin stated that public dollars could not be used to advocate passage of the bonds but that Council members were free to express their opinions and raise money to help promote the passage of the bonds.

Councilman Hall stated that the City Council members needed to show more support of the bond package and spoke to two recent press conferences. He stated that the Council could have staff provide information on the various projects at neighborhood association meetings.

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Mark Webb, Assistant Director, Asset Management, spoke to the High Risk Contracting Initiatives Bi-Weekly Contracting Report.

In response to questions by Councilman Perez, Mr. Webb spoke to the location of the municipal solid waste disposal cited in the report and Milo Nitschke, Director, Finance Department, stated that with regard to investment banking and financial underwriting, the minority pieces of the contracts had not been determined. He noted the Small Business Economic Development Advocacy Program goals of 32-1/2% were used.

2003-35

CITIZENS TO BE HEARD

NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, made several references to Bible passages and read excerpts from the Bible. He also stated that he was in favor of the United States renouncing its membership to the United Nations.

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FLORENCE ALCOSER

Ms. Florence Alcoser, 1951 N. Pan Am, President of Government Hill Alliance Neighborhood Association, spoke in support of the San Antonio Water System (SAWS) locating their offices at the Butter Krust/Playland site. She stated that SAWS had met with the Association on several occasions and shown them its presentation. She added that more neighborhood associations should get involved as SAWS was doing a great service for the City of San Antonio.

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PATRICIA RODRIGUEZ

Ms. Patricia Rodriguez, Vice President of ARA Association, spoke of her work with the homeless and the poor over the years and saluted the Council for having the courage to approve \$1 million to fund programs for these individuals.

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FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke in support of the bond issue and stated that St. John Baptist Church had a computer laboratory with 12 computers that were available for the public to use. He added that he had spoken to Mr. Dennis Campa in Community Initiatives Department, about the possibility of providing a van to pick people up interested in using the lab. He also spoke to the need for Citizens to be Heard to be held at 5:00 P.M. as posted.

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2003-35 EXECUTIVE SESSION

The City Council recessed its regular session at 4:48 P.M. in order to convene in Executive Session for the purpose of:

- A. Discuss land acquisition, economic development negotiations, and related legal issues concerning the Project Starbright agreement, pursuant to Texas Government Code Sections 551.072 (deliberations involving real property), 551.087 (deliberations regarding economic development negotiations), and 551.071 (consultation with attorney).
- B. Discuss legal issues related to collective bargaining negotiations with the San Antonio Police Officers Association, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 6:39 P.M. and reconvened in regular session, at which time Mayor Garza stated that the City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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2003-35 There being no further business to come before the City Council, the Mayor then immediately adjourned the meeting at 6:39 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



YOLANDA L. LEDESMA
Acting City Clerk