

members had received campaign contributions from the owners or officers of the companies receiving contracts. He noted that as the case in Agenda Items 7 and 9.

2003-38 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 6 through 21, constituting the Consent Agenda, except for Items 6, 8, 9, 10, 11, 13, 18, 19, which were pulled for individual consideration. Councilman Haass seconded the motion.

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

AN ORDINANCE 98338

ACCEPTING THE LOW, QUALIFIED, RESPONSIVE BID IN THE AMOUNT OF \$1,395,000.00 FOR THE BASE BID AND ADDITIVE ALTERNATE NUMBER 2 IN THE AMOUNT OF \$13,500.00 FOR A TOTAL CONTRACT AMOUNT OF \$1,408,500.00 PAYABLE TO VINCENT T. GARZA CONTRACTING SERVICES, INC. (MBE) FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE COL. VICTOR J. FERRARI LEARNING AND LEADERSHIP DEVELOPMENT CENTER (REGIONAL LEARNING CENTER FOR COUNCIL DISTRICTS 8, 9 AND 10) LOCATED AT 103 E. RAMPART IN COUNCIL DISTRICT 1; AUTHORIZING \$211,275.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; FOR AN OVERALL TOTAL OF \$1,619,775.00 FROM GENERAL OBLIGATION BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 98339

RE-APPROPRIATING BUDGETED FUNDS FOR THE CONVENTION CENTER HOTEL PROJECT FOR PROJECT EXPENSES; AUTHORIZING PAYMENT IN THE AMOUNT OF \$4,600.56 TO PKF CONSULTING, THE CITY'S HOTEL ADVISOR, FOR PROFESSIONAL SERVICES RENDERED TO STAFF AND THE CONVENTION CENTER HOTEL ADVISORY BOARD.

* * * *

AN ORDINANCE 98340

AUTHORIZING THE EXECUTION OF A CONTRACT RENEWAL IN THE AMOUNT OF \$150,000.00 WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO (UTHSCSA) DENTAL SCHOOL FOR THE PROVISION OF COMPREHENSIVE DENTAL CARE SERVICES TO UNDERSERVED CHILDREN, PREGNANT WOMEN AND TEENAGE MOTHERS AT THE RICARDO SALINAS PUBLIC HEALTH CLINIC LOCATED AT 630 SOUTH GENERAL MCMULLEN DRIVE FOR THE PERIOD OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES. (AMENDS ORDINANCE 96628, OCTOBER 24, 2002)

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AN ORDINANCE 98341

AUTHORIZING THE ASSIGNMENT OF THE CONTRACT WITH HEALTHMASTER SERVICES FOR THE PROVISION OF ALCOHOL AND DRUG SCREENING SERVICES FOR PROSPECTIVE NON-UNIFORMED CITY EMPLOYEES AND CURRENT CITY EMPLOYEES REQUIRING COMMERCIAL DRIVERS LICENSES TO CONCENTRA HEALTH SERVICES, INC. (CONCENTRA) FOR THE PERIOD JULY 1, 2003 THROUGH JUNE 30, 2004 AND TWO ONE-YEAR RENEWAL OPTIONS; AUTHORIZING THE EXECUTION OF DOCUMENTS REQUIRED IN AWARDING THE ASSIGNMENT; AND AUTHORIZING PAYMENTS TO CONCENTRA FOR SERVICES RENDERED.

* * * *

AN ORDINANCE 98342

AUTHORIZING THE ACCEPTANCE OF A CONTRACT CHANGE AWARDING \$350,000.00 IN FUNDING FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO SUPPORT THE ONGOING TITLE XX FAMILY PLANNING PROGRAM OF 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; APPROVING A CONTRACT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES. (AMENDS ORDINANCE 98265, OCTOBER 2, 2003)

* * * *

AN ORDINANCE 98343

AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT WITH VAUGHN CONSTRUCTION COMPANY IN THE AMOUNT OF \$987,395.00 IN CONNECTION WITH THE CARVER COMMUNITY CULTURAL CENTER BUILDING REPAIRS, PHASE III COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING \$98,739.50 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$1,086,134.50; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 98344

APPOINTING ROSIE GALLEGOS (LAYPERSON CATEGORY – DISTRICT 10) TO THE HOME IMPROVEMENT ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON JUNE 23, 2005.

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2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98345

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH THE VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2003-2004 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$1,090,135.00 TO INCLUDE PHARMACEUTICALS; VACCINES; LUBRICANTS; ALUMINUM STREET SIGN BRACKETS; EMERGENCY MEDICAL SERVICE; VEHICLE BODY REPAIR; AND PLASTIC BAGS.

* * * *

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

In response to a question by Councilman Perez, Ms. Janie Cantu, Director, Purchasing Department, stated that when a department required more monies than originally budgeted for certain items, the contractor would honor the prices on the additional items.

Ms. Terry Brechtel, City Manager, stated that departments budget for certain line items and certain amounts and, if the departments' needs exceed what was budgeted in a particular line item, the departments could not spend any more money from that line item unless a budget adjustment was made.

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

— — —
2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98346

AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH THE FIRM OF CLAUNCH & MILLER, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE PERIMETER ROAD RECONSTRUCTION PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT IN AN AMOUNT NOT TO EXCEED \$214,530.40; AUTHORIZING \$21,400.00 FOR CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$235,930.40; REVISING THE BUDGET AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE 96757, NOVEMBER 21, 2002)

* * * *

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

In response to a question by Councilman Perez, Mr. Kevin Dolliole, Director, Aviation, Department, stated that this firm had been contracted to provide for selection services and the costs were well within the projected budgeted amounts.

Mr. Dolliole, responding to Councilman Castro, stated that he was very satisfied with the firm's performance to date.

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

2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98347

DESIGNATING THE FIRM OF VICKREY AND ASSOCIATES, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE SKY PLACE BOULEVARD REALIGNMENT AND DRAINAGE AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING NEGOTIATION AND EXECUTION OF A CONTRACT FOR AN AMOUNT NOT TO EXCEED \$378,928.00; AUTHORIZING \$38,000.00 FOR ENGINEERING CONTINGENCIES; 12,000.00 FOR ADMINISTRATIVE EXPENSES; APPROPRIATING \$680,333.00 AS MATCHING FUNDS FOR THE FEDERAL AVIATION GRANT NO. 46; APPROPRIATING \$176,545.00 FOR NON GRANT ELIGIBLE FEES AND EXPENSES; ESTABLISHING THE BUDGET AND PROVIDING FOR PAYMENT.

* * * *

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

In response to a question by Councilman Perez, Mr. Kevin Dolliole, Director, Aviation Department, spoke to the \$12,000.00 identified as administrative fees in the Ordinance.

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

— — —
2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98348

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE, TO APPROVE ON BEHALF OF THE CITY OF SAN ANTONIO, AN EXCHANGE OF THE AIRCRAFT SALVAGE PREVIOUSLY DONATED BY CANDLER & ASSOCIATES, INC. PURSUANT TO ORDINANCE NO. 93662 OF MARCH 29, 2001, FOR ANOTHER AIRCRAFT SALVAGE DERIVED FROM A DECERTIFIED SCRAP FAIRCHILD METRO III, SERIAL NUMBER AC-406, PREVIOUSLY REGISTERED N227FA.

* * * *

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

In response to a question by Councilman Perez, Mr. Kevin Dolliole, Director, Aviation Department, stated that Candler & Associates, Inc. had offered to exchange a smaller aircraft for a larger aircraft and added that it will be used to train fire personnel on aircraft fire and rescue response.

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

— — —
2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98349

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT A CASH DONATION IN THE AMOUNT OF \$2,000.00 FROM WAL-MART FOR THE FIRE DEPARTMENT'S COMMUNITY RESOURCES AND EDUCATION PROGRAMS.

* * * *

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

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

— — —
2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98350

RATIFYING THE ACCEPTANCE AND EXECUTION OF A CONTRACT IN THE AMOUNT OF \$524,000.00 WITH BROOKS DEVELOPMENT AUTHORITY TO RENOVATE FACILITY SPACE AT BROOKS CITY-BASE FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AS A BIOTERRORISM

PREPAREDNESS LABORATORY; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

* * * *

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

In response to a question by Councilman Perez, Dr. Fernando A. Guerra, Director, San Antonio Metropolitan Health District, explained the intended use of the renovated facility. Dr. Guerra further explained the administrative overhead of 5% or \$26,000.00 which would also be covered by the grant.

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

— — —
2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98351

RATIFYING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND AUTHORIZING THE ACCEPTANCE OF SUSTAINMENT FUNDING IN THE AMOUNT OF \$280,000.00, WHICH, IF AWARDED, WILL BE USED TO SUPPORT THE JOINT CITY/COUNTY ANTI-TERRORISM PLAN AND TO HELP DEFRAY THE EXPENSE OF MAINTAINING THE LOCAL METROPOLITAN MEDICAL RESPONSE SYSTEM, A SYSTEM ESTABLISHED TO BE A PRIMARY RESOURCE FOR RESPONSE TO WEAPONS OF MASS DESTRUCTION INCIDENTS.

* * * *

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

In response to a question by Councilman Perez, Chief Mike Miller, San Antonio Fire Department, discussed the purpose of the local Metropolitan Medical Response System and its funding.

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

— — —
2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98352

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE BROOKS DEVELOPMENT AUTHORITY REGARDING A GRANT TO THE CITY OF RIGHT OF WAY LOCATED ON BROOKS CITY BASE PROPERTY AND OUTLINING JOINT RESPONSIBILITIES WITH REGARD TO IMPROVEMENTS TO THE PUBLIC INFRASTRUCTURE.

* * * *

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

In response to a question by Councilman Perez, Mr. Thomas G. Wendorf, Director, Public Works, explained the purpose of this agreement with the Brooks Development Authority and noted that it would improve the drainage in the Goliad and Military area.

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

— — —
At this point, Councilman Perez made a motion to reconsider Agenda Item 16 on the Consent Agenda. Councilman Segovia seconded the motion.

After consideration, the motion to reconsider Item 16, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Barrera, Castro, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams, Hall.

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2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98353

AUTHORIZING THE ACCEPTANCE OF A CHANGE TO CONTRACT #7460020708C 2004 WITH THE TEXAS DEPARTMENT OF HEALTH (TDH) TO PROVIDE \$34,500.00 TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT IN SUPPORT OF THE ONGOING MILK AND DAIRY LABORATORY SAMPLE TESTING PROGRAM OF 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; ADOPTING THE PROGRAM BUDGET; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

* * * *

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

In response to a question by Councilman Perez, Dr. Fernando A. Guerra, Director, San Antonio Metropolitan Health District, explained the purpose of this testing program, which the City has conducted for the past twenty years. Dr. Guerra explained that the program was proactive although on occasion the District would follow up on leads provided by consumers. He also spoke to the desirability of using outside laboratories for some of the testing.

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

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

2003-38 ZONING CASES

4A.) CASE NUMBER #Z2003199 S - The request of Jerry Arredondo, Applicant, for Jose & Rosa De La Cerda, Owner(s), for a change in zoning from "C-3" General Commercial District to "I-1 S" General Industrial District with a specific use authorization for metal product fabrication on Lots 4 through 7, Block 11, NCB 12936,

2818 and 2826 S.E. Loop 410. Staff's recommendation was for approval with conditions.

Zoning Commission has recommended approval. (Council District 2)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Flores made a motion to continue this rezoning case until November 13, 2003. Councilman Perez seconded the motion.

After consideration, the motion to continue this rezoning case until November 13, 2003, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Barrera, Schubert. **NAYS:** None. **ABSENT:** Williams, Castro, Hall, Haass, Garza.

Mr. Jerry Arredondo, the applicant, explained that this zoning request had been fast tracked because of some time constraints and requested that this item be considered today by the Council.

Councilman Flores noted that Councilman Williams had not conveyed his preference on this zoning case to any of his colleagues and, therefore, was hesitant to reopen the case.

Councilman Schubert stated that the hearing would continue; however, the zoning case could be reconsidered later during this meeting if a member of the council chose to bring it forward.

Zoning Case #Z2003199 S was considered later in the meeting. See page 14 for continued discussion and passage.

— — —

4B.) 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 ac.); "MF-33" Multi-Family District (Tract 4- 6.747 ac.); "C-3" Commercial District (Tract 2- 8.425 ac. & Tract 3- 1.333 ac.) & "C-2" Commercial District (Tract 5 - 1.278 ac.) 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)

Councilman Segovia made a motion to continue this rezoning case until December 4, 2003. Councilman Perez seconded the motion.

After consideration, the motion to continue this case until December 4, 2003, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Barrera, Castro, Schubert. **NAYS:** None. **ABSENT:** Williams, Hall, Haass, Garza.

Zoning Case #Z2003141 was continued to the Council meeting of December 4, 2003.

4C.) CASE NUMBER #Z2003165 - The request of JSL Development, Applicant, for Ellthree, Inc., Owner(s), for a change in zoning from "C-2" Commercial District to "R-6" Residential Single-Family District on 0.7149 acres out of NCB 15850, 9680 Potranco Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

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

The following citizen(s) appeared to speak:

Ms. Nancy Englebert, P. O. Box 769235, spoke in favor of R-6 zoning and stated that they had asked the developer to erect a brick or stonewall in this residential development.

Ms. Lee Buettner, Heritage Neighborhood Association, also spoke in favor of the zoning and expressed her concern with the development of the project up to Potranco Road. She added that JSL Development had agreed to erect a wall as stated by Ms. Englebert.

Mr. Chad Carey, representing the applicant, JSL Development, stated that there had been discussions between his organization and the Association. He concurred that JSL Development had agreed to build a subdivision of a quality nature.

In response to questions by Councilman Perez, Mr. Carey addressed the fence issue.

Councilman Perez urged Mr. Carey to do all that he could to assure that the fence would be constructed of long-lasting materials. He further urged that the wishes of the neighborhood be given priority.

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

AN ORDINANCE 98354

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 0.7149 ACRES OUT OF NCB 15850 FROM "C-2" COMMERCIAL DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT.

* * * *

At this point, Councilman Flores made a motion to reconsider Zoning Case #Z2003199 S. Councilman Segovia seconded the motion.

After consideration, the motion to reconsider Zoning Case #Z2003199 S, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Barrera, Schubert, Haass. **NAYS:** None. **ABSENT:** Williams, Castro, Hall, Garza.

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

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

AN ORDINANCE 98355

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 4 THROUGH 7, SAVE AND EXCEPT THE WEST 25 FEET OF EACH LOT, BLOCK 11, NCB 12936 FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "I-1 S" GENERAL INDUSTRIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR METAL PRODUCT FABRICATION.

* * * *

4D.) 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, Land Development Services, explained the proposed rezoning case.

Councilman Barrera made a motion to postpone this rezoning case indefinitely. Councilman Perez seconded the motion.

Mr. Jack M. Finger, P.O. Box 12048, spoke to previous continuations of this particular zoning case. He further spoke to the number of notices that had been returned in favor and those opposed.

Councilman Barrera stated that as long as residents were interested in coming together with the developer to discuss this proposed zoning, he would agree to postpone consideration.

(Mayor Garza returned to the meeting and presided.)

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

Zoning Case #Z2002258 was postponed indefinitely.

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2003-38 **INDIVIDUAL ITEMS – CITIZENS' COMMENTS**

Mr. Jack M. Finger, P.O. Box 12048, spoke to Agenda Items 22, 23 and 24. He questioned Council action against the Air Force should the studies indicate that residents' health had been compromised by possible contaminants at Kelly Air Force Base. He also spoke to the upcoming bond election.

2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98356

AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD IN THE AMOUNT OF \$336,226.00 FROM THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY (ATSDR) TO CONTINUE THE ONGOING ENVIRONMENTAL HEALTH AND WELLNESS CENTER PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO ASSESS THE HEALTH STATUS AND CONCERNS OF RESIDENTS NEAR THE FORMER KELLY AIR FORCE BASE (KAFB) AND FORMER KAFB WORKERS DURING THE PERIOD SEPTEMBER 30, 2003 THROUGH SEPTEMBER 29, 2004; ESTABLISHING A FUND; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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

Dr. Fernando Guerra, Director, San Antonio Metropolitan Health District, gave a slide presentation on both Agenda Items 22 and 23 (copies of both presentations are filed with the papers of this meeting). For Agenda Item 22, Dr. Guerra spoke to the Environmental Health and Wellness Program, its background, the Kelly Chemical Contamination Plume, Phase I through IV of the grant history and its objectives. He further spoke to the Phase IV proposed activities including additional screenings, advertising campaign, educational outreach and staff's recommendation to accept the grant for the program's operation in FY 2004.

For Agenda Item 23, Dr. Guerra spoke to the Public Center for Environmental Health, its background, funding history, funds available for FY 04, objectives, the 2003 Plume Area, the remediation system locations, and staff recommendations.

In response to questions by Councilwoman Radle, Dr. Guerra explained the services that patients receive at the Wellness Clinic and the funding mechanisms. He further explained the type of clinical symptoms being monitored.

Mr. Sam Sanchez, Metropolitan Health District, spoke to the services that residents of the area and former Kelly Air Force Base employees receive at the clinic to determine whether a relationship exists between their health concerns and exposure to various contaminants. He further addressed the role that the Air Force would play should it be determined that their health issues were related to this exposure at Kelly Air Force Base.

Councilman Perez spoke to the perception in the community that the data contained in the studies thus far was flawed. He asked Dr. Guerra to share with the Council his perception of these studies.

Dr. Guerra noted that this was one of the most intriguing and challenging questions and spoke to the importance of making a distinction between what is read and what is perceived. He further spoke to the preliminary findings of some of the studies but emphasized that these were still ongoing and not meant to be for the short term. He added that the Air Force recognized that the studies would require time to complete and was willing to give their support for ten years. He further noted the commitment of the Air Force as well as the City's commitment.

In response to questions by Councilman Castro regarding the carryover of funds from last year, Dr. Guerra explained the delay in working out some of the details in these very precise federal grants. Dr. Guerra spoke to whether the City's perspective was in line with the findings of the consultant and to the makeup of the panel that had been assembled as the advisory group for the Public Center for Environmental Health. He further spoke to the health concerns of the area compared to those in other communities in Texas and stated that they would continue to assemble as much science over the next eight to ten years to provide the residents and retirees reassurance.

In response to a question by Councilman Castro on whether property values had been affected, Sam Sanchez stated that it had been determined that the property values had remained the same in the area and there had been no impact to home sales.

In response to questions by Councilwoman Radle, Dr. Guerra spoke to statistics on health related issues in this area as well as other areas in the City and across the state. He further spoke to the sources from which health-related data was obtained.

In response to a question by Councilman Barrera, Dr. Guerra spoke to present and future funding of this issue.

In response to a question by Councilman Perez, Dr. Guerra stated that the plume has been reduced by 25%.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, read from recent articles that had appeared in the newspaper and to the monies that needed to be allocated for the contaminated area near the former Kelly Air Force Base. He stated that the City needed to do a better job of educating the people in the area and that CPS needed to include an area map in their monthly bills.

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

— — —
2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98357

AUTHORIZING OF FUNDING IN THE AMOUNT OF \$499,999.22 FROM THE DEPARTMENT OF THE AIR FORCE FOR ONGOING SUPPORT OF THE PUBLIC CENTER FOR ENVIRONMENTAL HEALTH (PCEH) OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR PROJECT YEAR FY 2004; AUTHORIZING THE REDUCTION OF UNUSED FY 2003 FUNDING FOR THE PROJECT BY \$225,000.00, AUTHORIZING \$150,000.78 IN CARRY-OVER FUNDS FROM TWO PREVIOUS BUDGET PERIODS; REVISING THE FY 2003 BUDGET; ESTABLISHING A NEW PROGRAM FUND; APPROVING THE FY 2004 PROGRAM BUDGET AND PERSONNEL COMPLEMENT; TRANSFERRING FUNDS FROM PREVIOUS YEAR; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES. (AMENDS ORDINANCE 94645, SEPTEMBER 27, 2001)

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

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

— — —
2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98358

AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO MAKE DECISIONS REGARDING ACCEPTABLE PROJECT TYPES AND THE APPROPRIATE ALTERNATIVE PROJECT DELIVERY METHODS; AUTHORIZING THE SUGGESTED DESIGN BUILD PROCESS FOR IMPLEMENTATION ON THE

PROPOSED 2003 BOND PROGRAM PROJECTS, IF APPROVED BY VOTERS, SUCH AS THE ANIMAL CARE FACILITY, THE MEDICAL CENTER SENIOR SERVICES AND HEALTH CENTER, THE EMERGENCY OPERATIONS CENTER, AND OTHER SPECIAL PROJECTS OF A COMPLEX AND SPECIFIC NATURE; AND APPROVING THE BRANCH LIBRARY (MYSTIC PARK) AND FIRE STATION NO. 49 (NORTHWEST) PROJECT FOR ADVERTISING UTILIZING THE COMPETITIVE SEALED PROPOSAL PROCESS.

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

Mr. Thomas G. Wendorf, Director, Public Works Department, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which he spoke to the purpose of the ordinance, its background, alternative delivery methods, competitive sealed proposal, the design build, implementation of the two alternate delivery methods, the evaluation, selection, potential projects using the design build process and the competitive sealed proposal process.

In response to questions by Councilman Perez, Mr. Wendorf spoke to those proposals that were excluded from this process by State law and to the benefit of landscaping construction.

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

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2003-38 MEETING OF THE CITY OF SAN ANTONIO STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION BOARD OF DIRECTORS

Mayor Garza recessed the regular meeting of the City Council at 3:40 P.M. in order to convene the meeting of the City of San Antonio Starbright Industrial Development Corporation Board of Directors.

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

The Clerk then read the following Resolution:

A RESOLUTION
SIDC- 2003-12

APPROVING THE PURCHASE OF 114 ACRES OF LAND IN AN AMOUNT NOT TO EXCEED \$513,000 PLUS NORMAL CLOSING COSTS AS PART OF THE PREVIOUSLY APPROVED ECONOMIC DEVELOPMENT AGREEMENT AND THE STARBRIGHT AGREEMENT; AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE THE FINAL AGREEMENT ON CERTAIN STATED CONDITIONS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE IF PASSED BY AT LEAST EIGHT VOTES.

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

Mr. Christopher Brady, Assistant City Manager, spoke to the 114-acre tract of land as part of the property necessary to fulfill the terms and conditions of the Economic Development Contract with the City of San Antonio (a copy of the presentation is filed with the papers of this meeting). He noted the cost for purchasing the property amounted to \$513,000.00 and that this was the final acquisition the City was obligated to purchase for Toyota. He explained that Toyota had requested that ownership of the entire property be transferred and also spoke to future items for Council consideration.

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

Mayor Garza then adjourned the meeting of the City of San Antonio Starbright Industrial Development Corporation Board of Directors at 3:49 P.M. and reconvened the regular City Council session.

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2003-38 The Clerk read the following Ordinance:

AN ORDINANCE 98359

AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,950,450.00 TO CHICAGO TITLE COMPANY AS ESCROW AGENT FOR FEE SIMPLE PURCHASE OF A 710.168 ACRE TRACT OF LAND SITUATED ON THE WEST SIDE OF HIGHWAY

211 ACROSS FROM GOVERNMENT CANYON STATE NATURAL AREA IN NORTHWEST BEXAR COUNTY, TEXAS, UNDER THE AUSPICES OF THE PROPOSITION THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT; AUTHORIZING PAYMENT OF \$19,750.00 TO THE TRUST FOR PUBLIC LAND AND PAYMENT OF \$19,750.00 TO THE NATURE CONSERVANCY FOR SERVICES IN NEGOTIATING, INVESTIGATING AND PURCHASING SAID PROPERTY; AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT TO ACCOMPLISH SAID PURCHASE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE IF PASSED BY AT LEAST EIGHT VOTES.

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

Ms. Susan Spegar, Special Project Manager, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which she spoke to the Chris Hill Tract of land, the action requested, the status of other acquisitions, the recharge feature, the Edwards Program acquisition totals, the program totals, the SAWS Conservation easement, recommendations and future steps that will be taken.

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to his concern with contamination in the former Kelly Air Force Base area, his opposition to the bond issue, and to other related issues.

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

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2003-38 BRIEFING ON TOWER OF THE AMERICAS REQUEST FOR PROPOSAL

Mr. Malcolm Matthews, Director, Parks and Recreation Department, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which he provided information on the background of the Request for Proposal (RFP), the major considerations, which were to ensure broad-based food and entertainment experiences, advertisement in major industry publications, emphasis on affordability/discounts for

access to the observation level and advise in the RFP of future development issues for HemisFair Park. He also spoke to the need for the RFP to ensure that procedures are in place to properly monitor the operator's financial performance and contract compliance, and include interview opportunities for proposers by the City Council. Mr. Matthews also spoke to the current contract with Tower Food, Inc., Amendment No. 1 which would address the extension of the current contract to August 31, 2004 and increase concession percentages for food and non-alcoholic beverages from 8% to 10%, the anticipated review by City Council, the HemisFair Park Master Plan and the projected next steps.

Mayor Garza suggested that Councilmen Flores and Segovia be involved in the initial interview process so that the Council could get their input when the selected proposers came before the Council for interviews.

In response to questions by Mayor Garza, Mr. Matthews stated that the current contract would be extended to August 31, 2004 and that the increased percentage for food and non-alcoholic beverages from 8% to 10% would equate to about an additional \$50,000 over the eight-month period. He further expanded on the RFP process and the timeline involved.

Mr. Matthews, responding to questions by Councilman Perez, spoke to the HemisFair Park Master Plan and to 10% as being a minimal rate not a flat fee.

In response to questions by Councilman Castro, Mr. Matthews spoke to the fifteen-year timeline issue and the organizational issues related to the Master Plan.

Councilwoman Radle spoke to her interest in making City facilities affordable to all citizens.

Mr. Matthews, responding to questions by Councilman Schubert spoke to the possibility of the operators providing internships and to the data available on the makeup of tower users affordability factor package.

Mayor Garza spoke to the affordability issue, stressing the importance of offering an attractive as well as affordable tower experience for visitors and citizens alike.

Councilman Flores spoke to the importance of offering the public a good restaurant and stated he looked forward to continuing work on this RFP.

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

Mr. Ramiro Cavazos, Director, Economic Development Department, spoke to the Incentive Scorecard System and then introduced Trey Jacobson, Economic Development Department, who presented a slide presentation (a copy of which is filed with the papers of this meeting).

Mr. Jacobson gave the background for this new program, spoke to the Catalogue Development Incentives, the incentive award process, the fee reductions authorized, and upcoming phases. He further spoke to process improvements, the city incentive advisors, process change, website, other technology issues, benefits of the new system, community outreach and the project team.

In response to a question by Councilman Perez, Mr. Jacobson spoke to the incentive process. He stated that staff would revisit the system in a year to see how it was working.

Councilman Castro concurred with Councilman Perez' concerns, agreed that the system should be reevaluated in a year and spoke generally about the incentive program.

In response to questions by Councilman Haass, Mr. Jacobson spoke to the website and the outreach being used to educate the developers to utilize this system. He further spoke to the type of data that might be available when the system is reevaluated a year from now.

Councilman Barrera spoke to the system in general and stated that he would like the Council to be given periodic updates on the system's operation.

Councilwoman Radle expressed her concurrence with the comments made by her colleagues.

City Manager Brechtel noted that all of the issues that the Council had brought forward were valid and further stated that this program was developed to provide consistency, provide certainty, and meet Council priorities with regard to investment in the City.

A brief discussion ensued between Councilman Schubert, Mr. Cavazos, and Mr. Jacobson with regard to incentives and the guidelines provided by the scorecard.

Councilmen Castro, Schubert and Perez spoke to their interpretations and views of the incentive scorecard.

2003-38 Agenda Item #29, being a travel authorization for Councilman Enrique M. Barrera to travel to Fairfax County, Virginia was pulled from consideration.

2003-38

CITIZENS TO BE HEARD

LEON MASSON

Mr. Leon Masson, 3003 Weis, Apt. #106, spoke to his City Public Service bill and to the company's late fee policy.

Councilman Radle spoke to a recent "B" Session in which the issue of CPS bills for people on fixed incomes had been discussed.

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NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, thanked Councilwoman Radle for her attendance at a recent meeting at the former Kelly Air Force Base, to his objections to the bond passage and to abortion issues.

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FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke to Agenda Item 15 on today's agenda, rebates on CPS bills, timeliness of Citizens to be Heard, eight liners and to his recent experience with 311.

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JOEL KARIN

Mr. Joel Karin, 1538 W. Lullwood, spoke to the bond issue and to his concerns with the expenditure of funds from previous bond issues.

