

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, NOVEMBER 6, 2003

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2003-40 The City Council convened in an informal "B" Session at 10:08 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

A) Staff presentation on the Use of Force Study Findings.(Presented by Albert A. Ortiz, Police Chief; Christopher J. Brady, Assistant City Manager.) Dr. William Terrill.

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

The "B" Session adjourned at 1:10 P.M.

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2003-40 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, Castro, Hall, Schubert, Haass, Garza. ABSENT: Barrera.

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2003-40 Invocation by Father Larry Brummer, San Francisco de La Espada.

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2003-40 Pledge of Allegiance to the flag of the United States.

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2003-40 SPECIAL RECOGNITION OF THE MEMBERS OF THE STEERING COMMITTEE FOR THE CULTURAL COLLABORATIVE: A COMMUNITY PLAN FOR SAN ANTONIO'S CREATIVE ECONOMY.

Mayor Garza called forward Mr. Felix Padron, Director, Office of Cultural Affairs, who spoke to the work of the recently appointed members of the Steering Committee for the Cultural Collaborative: A Community Plan for San Antonio's Creative Economy.

Mr. Padron thanked the members of the Committee, and acknowledged 80 leaders representing 80 facets of the community, and leaders in the field of their own expertise. He spoke to their short term and long term goals, and asked County Judge Nelson Wolff to comment on the committee.

Judge Nelson Wolff, Co-Chair of the Steering Committee, described art as the keystone of the community. He spoke to the economical importance of art, and its impact on the community. He stated people visited San Antonio because of its culture and the arts, and therefore was an important economic generator.

Mayor Garza spoke to the collaboration at the governmental level, and thanked the leaders for their work in the community and for volunteering their time and effort to this cause. He further noted they would be awaiting their recommendations as they moved forward to endorse the plan.

Members of the Council thanked the members of the committee for expressing the importance of arts, noting it played an important role in shaping the future of the economy.

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2003-40 PRESENTATION OF PROCLAMATION FOR THE "100 BLACK MEN OF AMERICA, INC. CONFERENCE DAYS".

Mayor Garza presented a proclamation to the members of the 100 Black Men of America, Inc. in recognition of their upcoming Conference.

Mr. Ira Smith noted he was a member of the local San Antonio Chapter. He expounded on the work of this organization, and what being a part of this organization has meant to him.

Mr. Duane Crawford thanked the members of the Council for allowing 100 Black Men of America, Inc. to hold their conference in San Antonio. He then reiterated the comments

of Mr. Ira Smith, and spoke to the work of the organization and referenced their work with youth.

Various members of the Council commended the group for their work, and for their efforts in supporting the youth. They further extended best wishes for a successful conference.

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2003-40 PRESENTATION OF PROCLAMATION FOR “MUNICIPAL COURTS WEEK.”

Mayor Garza presented a proclamation in recognition of “Municipal Courts Week” to Presiding Judge Alfredo Tavera of the City of San Antonio Municipal Court System.

Judge Tavera spoke to the importance of this observance and the work of those in the court system. He further expounded on the various activities that were going to take place during this observance.

Members of the Council congratulated Judge Tavera and other members of the Municipal Court System for their work.

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2003-40 POINT OF PERSONAL PRIVILEGE

Councilwoman Patti Radle informed the Council of the upcoming Chili Bowl between Fox Tech and Lanier High Schools. She called forward a member of her staff, Ms. Lourdes Rodriguez, who offered a friendly wager to Councilman Flores.

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2003-40 CONSENT AGENDA – CITIZENS’ COMMENTS

Mr. Jack M. Finger, P.O. Box 12048, spoke to items 15 & 16 regarding the contracts with Bracewell and Patterson, and urged those Councilmembers who received funds from this entity to abstain from voting to avoid the appearance of a conflict of interest. He further spoke to item 17, and expounded on the amount of money various Councilmembers received.

2003-40 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 5 through 34, constituting the Consent Agenda, except for Items 5, 6, 11, 13, 18, 23, 24, 25, 27, 28 which were pulled for individual consideration. Councilman Flores 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, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

AN ORDINANCE 98389

ACCEPTING THE LOW BID WITH BID ALTERNATES 1 AND 2 BY BETTER BUILT ENTERPRISES, INC. TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE FARMER'S MARKET INTERIOR RENOVATIONS PROJECT, LOCATED IN COUNCIL DISTRICT 1, FOR A TOTAL CONTRACT AMOUNT OF \$158,344.00; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; AUTHORIZING \$15,800.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; APPROPRIATING \$174,144.00 FROM THE MARKET SQUARE PARKING IMPROVEMENTS FUND; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE 95890, JUNE 13, 2003)

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AN ORDINANCE 98390

AUTHORIZING FUNDS IN THE AMOUNT OF \$838,627.83 FROM GENERAL OBLIGATIONS OF THE CITY PAYABLE TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE CITY'S SHARE OF TWENTY PERCENT (20%) OF CONSTRUCTION COSTS IN CONNECTION WITH THE HOUSTON STREET - PINE TO WALTERS MPO PROJECT, LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98391

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID IN THE AMOUNT OF \$377,008.51 FROM SAN ANTONIO CONSTRUCTORS, LTD. (MBE) IN

CONNECTION WITH THE GUILBEAU DRAINAGE AT FRENCH CREEK, PHASE I PROJECT LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING \$35,653.85 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, FOR AN OVERALL TOTAL OF \$412,662.36; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$20,470.05; APPROPRIATING \$392,192.31 FROM 1999 DRAINAGE IMPROVEMENT BOND FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98392

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID WITH ADDITIVE ALTERNATE NO. 1 IN THE TOTAL AMOUNT OF \$1,138,614.00 FROM CENTRAL ELECTRIC ENTERPRISES & CO. (MBE) IN CONNECTION WITH THE MUNICIPAL PLAZA BUILDING ELEVATOR RENOVATIONS PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$163,764.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; APPROVING FIELD ALTERATION NO. 1 IN THE REDUCED AMOUNT OF \$46,850.00 FOR VALUE ENGINEERING CHANGES, FOR AN OVERALL TOTAL OF \$1,255,528.00 FROM GENERAL OBLIGATIONS OF THE CITY; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98393

ACCEPTING THE LOW, QUALIFIED, RESPONSIVE BID OF VALEMAS, INC. IN THE AMOUNT OF \$973,350.23 IN CONNECTION WITH THE 2003 SIDEWALK CONSTRUCTION COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICTS 1, 2 AND 5; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$97,335.02 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$750.00 FOR ADVERTISING EXPENSES; AUTHORIZING \$68,134.52 FOR EXPENSE RECOVERY, FOR A TOTAL AMOUNT OF \$1,139,569.77; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98394

AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,445.00 TO SITE SPECIFICS, INC. FOR FEES FOR SITE PLANNING SERVICES AND EXPERT TESTIMONY IN CONDEMNATION CAUSE NO. 2003-ED-0009, CITY OF SAN ANTONIO, TEXAS VS. COUNTRYSIDE PLAZA, LTD., ET AL, IN CONNECTION WITH THE BITTERS ROAD - WEST AVENUE TO HEIMER METROPOLITAN PLANNING ORGANIZATION PROJECT IN COUNCIL DISTRICT 9; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98395

AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,196.00 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 98396

AUTHORIZING PAYMENT IN THE AMOUNT OF \$18,891.50 TO BRACEWELL & PATTERSON, L.L.P. FOR LEGAL SERVICES NECESSARY TO THE REAL ESTATE ACQUISITIONS FOR THE FOLLOWING APPROVED CITY PROJECTS: ASHLEY ROAD - BASCUM BLVD. TO S. FLORES PROJECT; BITTERS ROAD - WEST AVENUE TO HEIMER MPO PROJECT; BLANCO ROAD & JACKSON KELLER INTERSECTION MPO PROJECT, CHERRY STREET DRAINAGE PROJECT #15B, PHASE II; ESCALON STREET #1008 DRAINAGE PROJECT; FIRE STATION NO. 25 PROJECT; HI-LIONS DRAINAGE #80, PHASES III & V PROJECT; HILDEBRAND AVENUE FROM I.H. 10 TO BREEDEN MPO PROJECT; OCTAVIA DRAINAGE #63, PHASE II, PART I PROJECT; WESTERN AVENUE DRAINAGE #74 III-A PROJECT; WURZBACH ROAD AT I.H. 10 AND IRONSIDE INTERSECTIONS MPO PROJECT; AND THE WURZBACH PARKWAY PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98397

AUTHORIZING PAYMENT IN THE AMOUNT OF \$16,510.70 TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES NECESSARY TO THE REAL ESTATE ACQUISITIONS FOR THE FOLLOWING APPROVED CITY PROJECTS: BABCOCK ROAD/LEON CREEK IMPROVEMENTS - HAUSMAN TO DEZAVALA PROJECT; BITTERS ROAD - WEST AVENUE TO HEIMER MPO PROJECT; AND THE FIRE STATION NO. 7 PROJECT; REVISING THE PROJECT BUDGETS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98398

AMENDING ORDINANCE NO. 97909, PASSED AND APPROVED ON AUGUST 7, 2003, WHICH AUTHORIZED THE EXPENDITURE OF \$5,438.00 AS FULL AND FINAL SETTLEMENT FOR TITLE TO ONE (1) PARCEL AND ONE (1) TEMPORARY EASEMENT IN CONDEMNATION CAUSE NO. 97-ED-0011, CITY OF SAN ANTONIO VS. MARIA P. GOVEA AND MARIA GOVEA AGUILLON, ET AL, IN CONNECTION WITH THE WESTERN AVENUE DRAINAGE PROJECT #74, PHASE III B & C, LOCATED IN COUNCIL DISTRICT 9, BY CORRECTING THE NAME OF THE PAYEE TO GERRY RICKHOFF, COUNTY CLERK; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98399

DECLARING THE NAKOMA AT U.S. 281 (WESTSIDE) PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO ONE (1) PARCEL OF REAL PROPERTY OUT OF NCB 11790, AND AN EASEMENT INTEREST IN ONE (1) PARCEL OF REAL PROPERTY OUT OF NCB 13494, BOTH IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$51,477.00 FROM 2002 CERTIFICATES OF OBLIGATION FOR THE PROJECT AND MISCELLANEOUS EXPENSES, INCLUDING APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.

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AN ORDINANCE 98400

DECLARING THE LOCKHILL-SELMA: WEST AVENUE TO N.W. MILITARY PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, BEING ALL OR PORTIONS OF THE PROPERTIES BEING DESCRIBED AS: (1) 916 SQUARE FEET OF LAND BEING OUT OF LOT 18, BLOCK 1, NCB 11717; (2) 541 SQUARE FEET OF LAND OUT OF ARBITRARY LOT 16E BEING A 0.257 ACRE PORTION OF LOT 16, (3) 547 SQUARE FEET OF LAND OUT OF ARBITRARY LOT 16F BEING A 0.255 ACRE PORTION OF LOT 16, (4) 553 SQUARE FEET OF LAND OUT OF ARBITRARY LOT 16G BEING A 0.254 ACRE PORTION OF LOT 16, (5) 559 SQUARE FEET OF LAND OUT OF ARBITRARY LOT 16H BEING A 0.253 ACRE PORTION OF LOT 16, (6) 2,332 SQUARE FEET OF LAND OUT OF LOT 25, ALL OUT OF BLOCK 5, NCB 11721, OAKDELL LOCKHILL ESTATES SUBDIVISION; (7) 1,018 SQUARE FEET OF LAND OUT OF LOT 20, BLOCK 5, NCB 11721, (8) 13 SQUARE FEET OF LAND OUT OF LOT 3, BLOCK 9, NCB 11725 BOTH OUT OF LOCKHILL ESTATES, UNIT 1; (9) 1,137 SQUARE FEET OF LAND OUT OF LOT 7, BLOCK 9, NCB 11725, OAKDELL LOCKHILL ESTATES SUBDIVISION; (10) 180 SQUARE FEET OF LAND OUT OF LOT 4, BLOCK 20, NCB 11766, WALGREEN'S-WEST AVENUE SUBDIVISION; (11) 128 SQUARE FEET OF LAND OUT OF LOT 8, NCB 11781, L-S PROPERTIES SUBDIVISION; (12) 1,043 SQUARE FEET OF LAND OUT OF LOT 15, C.H.C.B. 219, SLIMP SUBDIVISION; AND (13) 1,054 SQUARE FEET OF LAND OUT OF LOT 67, BLOCK 9, C.H.C.B. 208, CASTLE HILLS ADDITION, UNIT 2, ALL IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$287,020.00 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS FOR THE PROJECT INCLUDING MISCELLANEOUS EXPENSES SUCH AS ATTORNEY'S FEES; AUTHORIZING CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE AND ACQUIRE THE PROPERTY FROM THE OWNERS ON APPROVED TERMS; AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.

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AN ORDINANCE 98401

DECLARING THE EVERGREEN COURT - EVERGREEN STREET TO N. ST. MARY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT TO BE A PUBLIC PROJECT, AND THE EVERGREEN STREET - MCCULLOUGH

AVENUE TO E. EUCLID AVENUE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECTS; TO WIT, ALL OR PORTIONS OF THE PROPERTIES BEING DESCRIBED AS: (1) A 0.0019 ACRE TRACT OF LAND OUT OF LOT 7, BLOCK 30, NCB 392; (2) A 0.0032 ACRE TRACT OF LAND OUT OF LOT 12, BLOCK 20, NCB 393; (3) A 0.0019 ACRE TRACT OF LAND OUT OF THE SOUTH 105 FEET OF LOT 5, BLOCK B, NCB 1717; (4) A 0.0026 ACRE TRACT OF LAND OUT OF LOTS 12, 13 AND 14, BLOCK 27, NCB 1717; (5) A 0.0034 ACRE TRACT OF LAND OUT OF LOT 16, BLOCK B, NCB 1717; AND (6) A 0.0015 ACRE TRACT OF LAND OUT OF THE SOUTHEAST PART OF LOT 13, BLOCK A, NCB 1716; ALL IN CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE AS PART OF THE PROJECTS; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING 27TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$29,475.00 FOR THE PROPERTY AND FOR THE PROJECTS INCLUDING MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECTS SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.

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AN ORDINANCE 98402

AUTHORIZING THE EXECUTION OF TWO CONTRACTS WITH THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT (SAISD) TO IMPLEMENT THE URBAN SMARTS PROGRAM ADMINISTERED BY THE DEPARTMENT OF COMMUNITY INITIATIVES' YOUTH SERVICES DIVISION, AT FOUR SAISD 21ST CENTURY ELEMENTARY SCHOOLS (CARVAJAL, RODRIGUEZ, RUIZ AND WASHINGTON) FROM SEPTEMBER 8, 2003 TO MAY 31, 2004 AND AT TWO RECONNECT MIDDLE SCHOOLS (COOPER AND DAVIS) FROM OCTOBER 28, 2003 TO JUNE 30, 2004 IN THE AMOUNTS OF \$50,000.00 AND \$13,780.00, RESPECTIVELY; AND APPROVING A BUDGET.

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AN ORDINANCE 98403

AUTHORIZING THE ACCEPTANCE OF DONATIONS IN THE CUMULATIVE AMOUNT OF \$8,635.00, \$1,500.00 FROM AVENTIS PASTEUR AND \$7,135.00 FROM COX RADIO, TO SUPPORT THE SPECIAL IMMUNIZATIONS PROMOTION PROJECT IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD ENDING DECEMBER 31, 2005 FROM AVENTIS PASTEUR IN THE AMOUNT OF \$1,500.00 AND COX RADIO IN THE AMOUNT OF \$7,135.00; AND REVISING THE PROJECT BUDGET.

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AN ORDINANCE 98404

AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD IN THE AMOUNT OF \$100,000.00 FROM THE SUSAN G. KOMEN BREAST CANCER FOUNDATION, INC. TO SUPPORT THE ONGOING BREAST CANCER PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004; AUTHORIZING EXECUTION OF THE CONTRACT; ESTABLISHING A FUND; ADOPTING THE PROJECT BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND APPROVING PAYMENTS TO PRIVATE PHYSICIANS IN CONNECTION WITH THIS PROJECT.

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AN ORDINANCE 98405

AMENDING ORDINANCE NO. 98181, THE BUDGET ORDINANCE, TO REVISE THE COMPENSATION, CLASSIFICATION AND BENEFITS FOR PERSONS CONTRACTING WITH THE MAYOR AND CITY COUNCILMEMBERS, RESPECTIVELY, TO PROVIDE ADMINISTRATIVE SERVICES.

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AN ORDINANCE 98406

AUTHORIZING THE TEMPORARY CLOSURE OF ALAMO STREET BETWEEN HOUSTON AND COMMERCE, FROM 5:00 P.M. TO 7:00 P.M. ON FRIDAY, NOVEMBER 28, 2003 FOR THE ANNUAL CHRISTMAS TREE LIGHTING CEREMONY IN ALAMO PLAZA SPONSORED BY THE CITY OF SAN ANTONIO AND H.E.B.

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AN ORDINANCE 98407

APPOINTING GUS GONZALEZ (LAYPERSON CATEGORY - DISTRICT 3) TO THE ELECTRICAL EXAMINING AND SUPERVISING BOARD FOR A TERM OF OFFICE TO EXPIRE ON JULY 31, 2005.

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AN ORDINANCE 98408

REAPPOINTING GLORIA MALONE (DISTRICT 2) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2005.

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AN ORDINANCE 98409

APPOINTING NICHOLAS VALDEZ (DISTRICT 1) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2005.

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AN ORDINANCE 98410

AMENDING ORDINANCE NO. 98284, PASSED AND APPROVED ON OCTOBER 2, 2003, IN ORDER TO MODIFY THE COMPOSITION OF THE CITIZENS COMMISSION ON CITY/COUNTY SERVICE INTEGRATION BY REFLECTING REVEREND TERRANCE HAYS AS ONE OF THE CITY'S APPOINTEES; CORRECTING THE SPELLING OF THE LAST NAME FOR MS. REBECCA CEDILLO, AND DENOTING THE APPOINTMENT OF MS. SHEILA MCNEIL, AS A BEXAR COUNTY APPOINTEE.

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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98411

ACCEPTING THE OFFER FROM TEXAS HIGHWAY PRODUCTS LTD. UTILIZING A TEXAS DEPARTMENT OF TRANSPORTATION CONTRACT TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH VIDEO IMAGE VEHICLE DETECTION SYSTEMS AT SIGNALIZED INTERSECTIONS ON AN ANNUAL CONTRACT BASIS FOR AN ESTIMATED ANNUAL COST OF \$49,808.00.

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

Mr. Tom Wendorf, Director of Public Works, spoke to the video image vehicle detection systems at signalized intersections. He expounded on their purpose, and noted it would allow for efficient cycle traffic signals at various locations throughout the City.

Discussion continued between Councilman Perez and Mr. Wendorf regarding the details of the system.

In response to Councilman Castro, Mr. Wendorf expounded on the importance of tuning the system in order for it to be effective, and acknowledged they would make contact with the Texas Department of Transportation regarding areas that could potentially be problematic.

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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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98412

ACCEPTING THE LOW QUALIFIED BIDS SUBMITTED BY ALAMO AG-CON EQUIPMENT, INC., ITEMS 1, 3, 5, 6; STIC-TRACTOR CITY, ITEM 2; TRIPLE BLADE & STEEL, ITEM 4; AND R & R TRACTOR, ITEM 7 TO PROVIDE THE CITY OF SAN ANTONIO AVIATION, ENVIRONMENTAL SERVICES, PARKS &

RECREATION, AND PUBLIC WORKS DEPARTMENTS WITH TRACTOR MOWING EQUIPMENT FOR A TOTAL OF \$554,510.05.

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

In response to Councilman Perez, Ms. Janie Cantu, Director of Purchasing, expounded on the details of the tractor mowing equipment being purchased.

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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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98413

SELECTING HDR ENGINEERING, INC. TO PROVIDE PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES IN CONNECTION WITH THE BEITEL CREEK ENVIRONMENT RESTORATION PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT IN AN AMOUNT NOT TO EXCEED \$292,056.00; AUTHORIZING \$147,675.00 PAYABLE TO HDR ENGINEERING, INC. FOR ADDITIONAL SERVICES; AUTHORIZING \$43,973.10 FOR MISCELLANEOUS CONTINGENCY EXPENSES, FOR AN OVERALL TOTAL OF \$483,704.10 FROM 2003 STORM WATER REVENUE BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to Councilman Perez, Mr. Tom Wendorf, Director of Public Works, gave a brief description of the Beitel Creek restoration project. He stated they had to develop a plan to remove this fill, and noted anything contaminated would be properly disposed of.

In response to Councilman Perez, Mr. Doug Yerkes, City Engineer, expounded on the additional services and cited the meetings held.

Councilman Williams commended the Public Works Department for the work they are doing at Beitel Creek.

In response to Councilman Williams, Mr. Wendorf addressed the problem with illegal dumpers. He emphasized that they did not want dumping operations in the area, and encouraged citizens to contact the City if they witness illegal dumping. He then spoke to the ordinance in place regarding illegal dumping, and noted that to some degree, they did have stronger capabilities to levy up the fine.

Councilman Williams spoke to the importance of getting the creek cleaned and maintained.

Ms. Terry Brechtel, City Manager, spoke to the possibility of surveillance cameras in the area to catch illegal dumpers.

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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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98414

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE TRANSFER OF FUNDS IN THE AMOUNT OF \$44,465.62 FROM THE CONSTRUCTION CONTRACT FUND TO PAPE-DAWSON ENGINEERS, INC. FOR ADDITIONAL PROFESSIONAL SERVICES IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS - HAUSMAN TO DEZAVALA PROJECT, LOCATED IN COUNCIL DISTRICT 8; AND PROVIDING FOR PAYMENT. (AMENDING ORDINANCE NO. 82390, JUNE 22, 1995)

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

In response to Councilman Perez, Mr. Tom Wendorf, Director of Public Works, expounded on the details of this service contract. He spoke to the fiscal impact, and confirmed that this would close the project out.

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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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98415

AMENDING ORDINANCE NO. 96300, PASSED AND APPROVED ON SEPTEMBER 5, 2002, TO AUTHORIZE PAYMENT OF THE ADDITIONAL SUM OF \$11,637.50 TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2002-ED-0006, CITY OF SAN ANTONIO VS. MISSION PETROLEUM CARRIERS, INC., ET AL, FOR FEE SIMPLE TITLE TO ONE PARCEL IN CONNECTION WITH THE SALADO CREEK GREENWAY (HIKE AND BIKE) PHASE I PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

Yolanda Ledesma, Acting City Clerk, noted the abstention of Councilman Schubert.

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. **ABSTAIN:** Schubert. **NAYS:** None. **ABSENT:** Barrera.

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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98416

AUTHORIZING THE EXECUTION OF A FIVE-YEAR LEASE AGREEMENT WITH BROOKS DEVELOPMENT AUTHORITY, AS LANDLORD, FOR APPROXIMATELY .5 ACRES OF LAND AND APPROXIMATELY 13,333 SQUARE

FEET OF SPACE IN BUILDING 1106 AT BROOKS CITY-BASE FOR THE CITY'S PURCHASING & GENERAL SERVICES DEPARTMENT USE AS A VEHICLE MAINTENANCE FACILITY AT AN INITIAL BASE RENT OF \$4,666.55 PER MONTH INCREASING TO \$5,399.87 PER MONTH IN YEAR 4, PLUS ADDITIONAL RENT, UTILITIES AND SUPPORT SERVICES COSTS OF APPROXIMATELY \$4,430.00 PER MONTH; WITH THE RIGHT TO AN ADDITIONAL 8,579 SQUARE FEET OF SPACE IN BUILDING 1106, AND AN OPTION TO LEASE BUILDING 1107 (CAR WASH) CONTAINING 2,730 SQUARE FEET OF SPACE FOR AN INITIAL RENTAL OF \$955.50 PER MONTH INCREASING TO \$1,105.65 PER MONTH IN YEAR 4; AND A RENEWAL OPTION FOR TWO CONSECUTIVE FIVE-YEAR TERMS WITH RENEGOTIATED BASE RENT, SUBJECT TO CITY COUNCIL APPROVAL; 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 Councilman Perez, Ms. Janie Cantu, Director of Purchasing, explained the base rent per month. She addressed the additional costs such as parking spaces and maintenance support, but acknowledged it was at fair market rates.

In response to Councilman Perez, Mr. Mark Webb, Assistant Director of Asset Management, confirmed the rent was in line with the appraisal done on the property. He then expounded on the additional rent items.

In response to Councilman Segovia, Mr. Webb confirmed that they entered into a lease with the Air Force before they transferred the property.

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, Garza. **NAYS:** None. **ABSENT:** Flores, Barrera, Castro.

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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98417

AMENDING THE CONTRACT WITH RCC CONSULTANTS, INC. FOR CONTINUED ON-SITE PROJECT MANAGEMENT AND CONSULTING SERVICES

TO THE CITY OF SAN ANTONIO AND BEXAR COUNTY FOR THE CONSTRUCTION AND IMPLEMENTATION OF THE 800 MHZ PUBLIC SAFETY RADIO SYSTEM IN THE AMOUNT NOT TO EXCEED \$351,680.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE 90320, AUGUST 19, 1999)

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

In response to Councilman Perez, Mr. Gary Moeller, Director of ITSD, expounded on the details of the public safety radio system, noting it was a digital tracking system with more capabilities. He confirmed there was a total of 5 dispatch centers, and stated this system was needed for public safety agencies. He then explained that it was approximately \$2 million dollars that had been spent on RCC thus far, and expounded on the different phases of their work.

In response to Councilman Williams, Mr. Moeller noted that everything they were starting off with was brand new. He then addressed the need to get agencies on board to the system. He expounded on the negotiations held, and stated the City had more radios and were covering all of the county, but acknowledged that they did work this out with the County.

Councilman Williams suggested that in the future they show the cost benefit and how this affects taxpayers.

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

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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98418

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE UNITED WAY OF SAN ANTONIO AND BEXAR COUNTY, ON BEHALF OF THE ALAMO AREA COMMUNITY INFORMATION SYSTEM (AACIS) IN THE AMOUNT OF \$210,604.00 TO SUPPORT THE COMMUNITY TECHNOLOGY CENTERS AND ACADEMIC ENRICHMENT PROGRAM FOR THE PERIOD OF OCTOBER 1, 2003

TO SEPTEMBER 30, 2004; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

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

In response to Councilman Perez, Mr. Dennis J. Campa, Director of Community Initiatives, spoke to the goals of this ordinance, and the basis of the grant. He explained that with this grant, they would be providing students from Lanier High School with an enrichment facility that would provide opportunities. He then confirmed this was the 3rd year of the program, and expounded on the specific aspects of the YO! Program.

Councilman Perez stated it was a wonderful idea, and emphasized that he wanted to make sure they were going to utilize the services and get the maximum use of the grant dollars.

In response to Councilman Williams, Mr. Campa expounded on the SATAI partners and the importance of connectivity. He then explained that they wanted to provide an opportunity to teach computer technology.

Discussion continued between Councilman Williams and Mr. Campa regarding the long term goals of providing education and training 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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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98419

ACKNOWLEDGING UNILATERAL MODIFICATIONS TO THE ALAMO CHILD CARE DELIVERY SYSTEM (CCDS) AND QUALITY IMPROVEMENT ACTIVITIES (QIA) CONTRACTS WITH THE ALAMO WORKFORCE DEVELOPMENT, INC. WHICH REALLOCATES FUNDS IN THE AMOUNT OF \$460,722.00 FROM THE CCDS PROGRAM TO THE QIA PROGRAM FOR THE PERIOD OF SEPTEMBER 1, 2002 THROUGH AUGUST 31, 2003; AND ADOPTING

REVISED CCDS AND QIA PROGRAM BUDGETS FOR PROGRAM YEAR 2002-2003. (AMENDS ORDINANCES 94646 AND 94647, SEPTEMBER 27, 2001)

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

In response to Councilman Perez, Mr. Dennis Campa, Director of Community Initiatives, gave an overview of the Alamo Child Care Delivery System, and explained the Quality Improvement Activities with Alamo Workforce Development, Inc. (AWD) and expounded on how the money was used. He stated AWD would allow them to carry funds forward to the next year. He addressed the shortage of childcare slots, but noted AWD had a quality program.

Councilman Perez expressed his approval of them being able to work something out, but noted they would have to look at this closely next year. He commented that through their good work, they've been able to do something innovative.

Mr. Campa acknowledged that they would continue to work with the State and with AWD. He stated they've invested money, so as community partners, they would look at what they've built and sustained.

Councilman Perez suggested that they take a look at their partnership with Head Start.

Mr. Campa noted that as a community, they've had Head Start supporting others, and acknowledged they were the largest providers of childcare services in the community.

In response to Councilman Williams, Mr. Campa gave an overview of the Texas Legislative Budget Board's higher performance standards for local workforce development boards. He further noted that these dollars were supporting low-income working families. He then spoke to the importance of looking at how they could continue to attract federal dollars.

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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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98420

AUTHORIZING THE EXECUTION OF A CONTRACT MODIFICATION WITH ALAMO WORKFORCE DEVELOPMENT INC. WHICH AMENDS THE STATEMENT OF WORK FOR THE PROVISION OF CHILD CARE SERVICES WITHIN THE ALAMO CHILD CARE DELIVERY SYSTEM PROGRAM FOR THE PERIOD FROM SEPTEMBER 1, 2003 TO AUGUST 31, 2005. (AMENDS ORDINANCE 98090, AUGUST 28, 2003)

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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.

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2003-40 PUBLIC HEARING ON THE PROPOSED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO POLICE OFFICERS ASSOCIATION.

Mayor Garza declared the Public Hearing to be open.

Mr. Erik Walsh, Assistant to the City Manager, narrated a slide presentation regarding the tentative collective bargaining agreement between the City of San Antonio and the San Antonio Police Officers Association, a copy of which was made part of the official papers of this meeting. He gave an overview of the San Antonio Police Department Collective Bargaining rights history and expounded on the highlights of the tentative agreement, which included management, financial, health and other issues. He then discussed projected costs of the contract.

The following citizens appeared to speak:

Mr. Jack M. Finger cited an article from the Express News, and spoke to slide 15 regarding the issue of pay. He expressed concern that overtime pay was not being addressed on the report, which he stated was going to be doubled two times regular pay, and triple for holiday pay. He further expressed concern that the information was not made available in a timely manner.

Mr. Rene Rodriguez, San Antonio Police Officers Association, spoke on behalf of the association. He thanked the Council for their consideration of this agreement that would provide raises for the Officers. He acknowledged that these were hard economic times, but expressed his belief that they were able to achieve a fair agreement. He spoke to the recent incidents such as attacks and high risk standoffs police officers endured, and commented that they couldn't put a price on the lives of police officers. He then spoke to the unique relationship the citizens of San Antonio had with police officers, noting it was a job they were glad to perform. In spite of the risks, he stated most officers wouldn't choose to do anything else. He then urged Council to approve the agreement next Thursday.

Mr. Ron DeLord acknowledged he was there as an expert witness and to entertain questions by the Council, being that he sat in on some of the negotiations.

Mayor Garza noted this was a public hearing, and no action would be taken. He acknowledged that another hearing was going to be held next week. He stated that as they continue to receive public input on this issue, they would continue to communicate and get the information out to the public. He acknowledged this was a complicated process, but noted they had done a great job.

Councilwoman Radle expressed concern that both public hearings were at 3 p.m. in the afternoon, which is during working hours. She therefore encouraged the public to e-mail, fax, or call to let them know what the public was thinking on this issue.

In response to Councilwoman Radle's concerns regarding the time of the public hearing, Mayor Garza noted the next public hearing would be at held in the evening at 5:30 or 6:00 p.m.

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2003-40 INDIVIDUAL ITEMS – CITIZENS' COMMENTS.

Mr. Jack M. Finger, P.O. Box 12048, spoke to the appointment of the Bexar Appraisal District Board. He then addressed the abuse that he alleged property appraisers suffered.

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2003-40 The City Clerk then read the following Resolution:

A RESOLUTION
NO. 2003-40-33

ALLOCATING THE VOTES FOR THE CITY'S CANDIDATE FOR THE BEXAR APPRAISAL DISTRICT BOARD OF DIRECTORS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY AT LEAST EIGHT VOTES.

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

Councilman Schubert made a motion to allocate 834 of the 946 votes to James McAden, and the balance of 112 votes to go towards Ms. Betty LeFlore. Councilman Hall seconded the motion.

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

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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98421

ACCEPTING THE OFFERS SUBMITTED BY GRANDE TRUCK CENTER, INC., ITEM 1 AND HEIL ENVIRONMENTAL INDUSTRIES, LTD, ITEM 2, UTILIZING HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS AND TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACTS, TO PROVIDE THE CITY OF SAN ANTONIO ENVIRONMENTAL SERVICES DEPARTMENT WITH AUTOMATED REFUSE COLLECTION TRUCKS FOR A TOTAL OF \$1,017,688.00.

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

Ms. Janie Cantu, Director of Purchasing, narrated a slide presentation regarding the purchase of six automated trucks for the automated pilot program, a copy of which was

made part of the official papers of this meeting. She then called forward Mr. Dan Cardenas, Director of Environmental services, who continued the slide presentation.

In continuing the slide presentation, Mr. Cardenas described what the automated collection system was, and what purpose it would serve. He expounded on the benefits for citizens, as well as the operational and employee benefits. He then gave an overview of the 6-month pilot program and discussed its requirements, and discussed the current garbage truck replacement schedule.

In response to Councilman Perez, Ms. Cantu explained that they were trying to find a contract that was already available, and expounded on specific details of the contract. She confirmed that they were looking to receive the trucks in April.

Rose Ryan, Solid Waste Division Manager, addressed the issue of maintenance on the vehicles after implementation of this system in other high profile cities. She discussed the possibility of breakdowns, which can occur and cause routes to go idle during that time period. She stated the maintenance was typical for these type of trucks, but would also ensure a successful pilot program.

In response to Councilman Perez regarding his concerns of how often breakdowns occurred and if maintenance was often necessary, Ms. Ryan confirmed that there was the possibility of having a truck go down. She stated that in the nature of this type of business, there was a lot of starting and stopping, which places the brakes under more intense use.

Councilman Perez noted that if they move forward, this would be a technology that will change the future of this business.

Councilman Haass stated this was an example of improving quality. He stated the residents of District 10 were excited to break into this program.

In response to Councilman Haass, Mr. Cardenas discussed the cities fully immersed in this program, and those with certain components of the program. He further explained the funding involved, and stated they would come back to Council to discuss the findings of the pilot program.

In response to Councilman Haass, Ms. Terry Brechtel, City Manager, confirmed that they would have public hearings. She further spoke to the long-term implications of this program, and the savings entailed.

(Mayor Garza was obliged to leave meeting, and Mayor Pro Tem Williams presided.)

Mr. Cardenas added that they would be working with the community, and they were going to start educating the public at this point.

Councilman Castro thanked Mr. Cardenas and other employees of Environmental Services for working on this program, noting it seemed to be more efficient and cost effective. He spoke to issues regarding the workers, and the prospect of losing employees. As they move into this automation, he encouraged the department to give the workers a good sense of schedule, so they could plan accordingly.

Mr. Cardenas assured the Council that their workers had always been a concern, and they actually were asked to help develop this program. He spoke of the task force that consisted of those impacted by these changes. He then spoke to the need for more CDL drivers.

In response to Councilman Hall, Mr. Cardenas discussed the positions that would be eliminated. He further acknowledged that if phase I goes forward, there would be 28 possible job eliminations.

Councilman Hall expressed concern on the layoffs.

Councilman Perez acknowledged he was behind the program, and his questions weren't to derail the program. He described this as a wonderful program.

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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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98422

ENACTING SECTION 6-40 OF THE CITY CODE TO ADOPT THE "GUIDELINES FOR THE REHABILITATION OF EXISTING BUILDINGS", FIRST EDITION, AS THE CITY'S STANDARDS AND PROCEDURES FOR ALTERNATIVE DESIGNS AND METHODS OF CONSTRUCTION AS REFERENCED IN THE UNIFORM BUILDING CODE FOR THE REUSE, ALTERATION, AND/OR REPAIR OF EXISTING, QUALIFYING STRUCTURES; DECLARING VIOLATIONS TO BE OFFENSES; PROVIDING FOR PENALTIES AND ENFORCEMENT; AND DIRECTING PUBLICATION.

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

Mr. Florencio Pena, Director, Development Services, narrated a slide presentation regarding the guidelines for the rehabilitation of existing buildings, a copy of which was made part of the official papers of this meeting. He discussed the major provisions and change of occupancy, and expounded on the hazard chart categories and classifications.

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

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2003-40 The City Clerk then read the following Resolution:

A RESOLUTION
NO. 2003-40-34

APPROVING THE ISSUANCE OF ADJUSTABLE RATE DEMAND REVENUE BONDS IN THE AMOUNT OF \$5,185,000.00 BY THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR THE ST. ANTHONY CATHOLIC HIGH SCHOOL (TEXAS), INC., A TEXAS NON-PROFIT CORPORATION, AND APPROVING OTHER MATTERS RELATED THERETO.

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

(Mayor Garza returned to preside over the meeting.)

Trey Jacobson, Assistant Director of Economic Development, narrated a slide presentation regarding the City of San Antonio Education Facilities Corporation (EFC) revenue bond issuance for St. Anthony Catholic High School, a copy of which was made part of the official papers of this meeting. He expounded on the EFC and its Board of Directors, and their bond issues and financed projects. He discussed the financing requirements, and elaborated on St. Anthony High School.

In response to Councilman Perez, Mr. Doug Ensley, representing Incarnate Word, acknowledged that they would have financed through a bank, but noted this was the best deal that would allow them to charge less tuition.

In response to Councilman Perez, Mr. Jacobson discussed the legislative changes that occurred sometime in 1999 that allowed for additional primary and secondary schools to be considered for financing through this mechanism.

In response to Councilman Schubert, Mr. Ensley discussed the purchase of the property, and expounded on the proposed renovations. He further discussed the bond issuance costs, and how they were going to secure the loan.

Discussion continued between Councilman Schubert and Mr. Ensley regarding the property and how they were going to repay the debt service.

Councilman Schubert acknowledged that he wanted to make sure there was no potential liability for the City.

In response to Councilman Hall regarding whether this financing method could have been used for other schools such as St. Gerard, Mr. Jorge Rodriguez, Coastal Securities, responded yes, provided that there was credit worthiness. He further acknowledged that other Catholic Institutions have inquired about this avenue of finance.

Councilman Flores noted he was familiar with St. Anthony High School and its staff. He stated this was a good use of this particular funding tool.

In response to Councilman Williams, Mr. Jacobson expounded on the EFC Board of Directors, noting they weren't like other boards of the City. He discussed when and how often they met, and what their tasks were.

In response to Councilman Williams, Mr. Rodriguez explained that with this type of entity, state law states that there has to be a board created from outside the City structure, which in this case is the EFC. He explained bond oversight, and confirmed the Attorney General had to approve all bonds, but the oversight rested with the City Council.

Councilman Williams asked Mr. Jacobson to provide him with an overview on how the Board of Directors were doing.

In response to Councilman Schubert, Mr. Rodriguez confirmed that each project stood on its own backing and the creditworthiness of the project.

Councilman Schubert and Mr. Rodriguez discussed the accountability of the EFC Board Members, and the seminar that would expound on the board functions.

Mr. Jacobson confirmed that the members looked to represent the Council effectively.

Mayor Garza confirmed that the last time they debated this issue, he voted against it because the application was from a chartered school, and expressed concern about building facilities for schools that take funding from public schools. He acknowledged that he would be supporting this item today, but encouraged his colleagues to be cautious on how they use this tool because of its impact on the public education system.

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

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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98423

APPROVING THE FISCAL YEAR (FY) 2004 PROJECT WINTER ASSISTANCE RELIEF MOBILIZATION PLAN, WHICH IS PROJECTED TO PROVIDE APPROXIMATELY \$188,532.00 IN UTILITY ASSISTANCE TO ELIGIBLE CITY PUBLIC SERVICE RATEPAYERS; AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND CITY PUBLIC SERVICE TO IMPLEMENT SUCH PLAN; AND AUTHORIZING THE EXECUTION OF SUBCONTRACTS WITH VARIOUS AGENCIES TO ASSIST THE CITY IN THE IMPLEMENTATION OF THE PLAN.

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation regarding the FY 2004 project winter assistance relief mobilization plan, a copy of which was made part of the official papers of this meeting.

(Mayor Garza was obliged to leave the meeting, and Mayor Pro Tem Williams presided)

Councilman Castro stated this was a subject of interest while covering the budget process. He acknowledged that CPS was more lenient during the winter months.

Mr. Campa spoke to project REAP, and stated they had an obligation and a plan to look at engaging more of their delegate agencies to reach out to the vulnerable population. He spoke to the high percentage of seniors that were being served.

Councilman Castro and Mr. Campa discussed the disabled population in relation to the WARM plan.

Councilwoman Radle expressed concern about the availability of services, noting that they were always looking for a place to send someone for assistance with utilities.

In response to Councilwoman Radle, Mr. Campa discussed the workshops for citizens regarding their payments of bills, and in a very respectful and caring way, also helping them to build financial stability. He stated the focus was to help families escape poverty and help them improve their financial situation. He acknowledged they were looking at citizens who were working but finding themselves overwhelmed with debt.

Councilwoman Radle acknowledged that the concept was good, but questioned the idea of "taking it back" and noted she wasn't comfortable with the process.

Mr. Campa stated they were focused on behavioral change, and the intent was not to hurt families or children. He acknowledged that they did have a plan they were working on.

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.

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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98424

AUTHORIZING THE RENEWAL OF AN AGREEMENT FOR CALENDAR YEAR 2004 BETWEEN THE CITY OF SAN ANTONIO AND THE RESIDENTIAL ENERGY ASSISTANCE PARTNERSHIP, INC. TO PROVIDE A MINIMUM OF \$384,000.00 IN UTILITY ASSISTANCE TO ELIGIBLE CITY PUBLIC SERVICE RATEPAYERS RESIDING IN THE CITY OF SAN ANTONIO.

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

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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98425

AWARDING \$2,329,157.00 IN FISCAL YEAR 04 HOTEL/MOTEL FUNDS APPROVED BY THE CITY COUNCIL IN THE GENERAL OPERATING BUDGET TO VARIOUS LOCAL ART AGENCIES; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO CONTRACT WITH THESE VARIOUS AGENCIES; AND PROVIDING FOR PAYMENT.

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

Mr. Felix Padron, Director, Office of Cultural Affairs, narrated a slide presentation regarding the awarding of hotel/motel funds in the general operating budget to various local art agencies, a copy of which was made part of the official papers of this meeting. He discussed the community and visitor facilities funding strategy, and addressed the funding of the San Antonio Symphony. He then informed the Council of the specific amount of money that's to be given to various agencies.

The following citizens appeared to speak:

Graciela Sanchez, Esperanza Peace Center, spoke to the commotion stirred by the media regarding monies received by the center. She then expounded on the work of the center, and their various activities. She expressed support of the cultural arts, and addressed the funding by the City.

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In response to Councilman Perez, Mr. Padron stated the symphony was not going to have an active season. He explained the transformation efforts of the Cultural Arts Board, and how the transformation process of the San Antonio Symphony would address the recommendations of the Mayor's Symphony Task Force report.

In response to Councilman Segovia, Mr. Padron confirmed that it was a staff person focusing on coordinating the cultural collaborative efforts required under the grant.

Councilwoman Radle stated she looked forward to supporting this, and thanked Graciela Sanchez for attending the meeting, and also thanked her for what Esperanza Peace Center did for the arts.

Discussion ensued between Mayor Garza and Councilman Schubert regarding the tasks of the Mayor's Task Force.

Mr. Padron spoke to the importance of assessing the community's concerns, noting that the Cultural Arts Board was exploring various possibilities of artistic services and activities that would tie in with other events in San Antonio. He also spoke of opportunities of the Symphony to market themselves.

Councilman Schubert and Mr. Padron discussed the Symphony's 2005 season, and when organizations could apply for funding.

In response to Councilman Hall, Mayor Garza noted that currently, the task of coming up with a business plan and revamping the symphony has been put on hold.

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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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98426

ACCEPTING A \$100,000 GRANT FROM THE TEXAS COMMISSION ON THE ARTS; AUTHORIZING 1) THE REPROGRAMMING OF \$51,981.00 OF COMMUNITY AND VISITORS FACILITIES FUNDS FROM PREVIOUSLY COMPLETED PROJECTS TO SUPPLEMENT THE STATE FUNDED PROGRAM; 2) THE APPROPRIATION OF COMBINED GRANT AND REPROGRAMMED FUNDS TO VARIOUS LOCAL AGENCIES, AND 3) A PERSONNEL COMPLEMENT; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE CONTRACTS WITH THE VARIOUS AGENCIES; AND PROVIDING FOR PAYMENT.

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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.

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2003-40 **TRAVEL AUTHORIZATION – Granted:**

Travel Authorization for Councilman Ron H. Segovia, District 3, who will travel to Saltillo, Mexico from Monday, November 17, 2003 to Wednesday, November 19, 2003 to learn about the impact of this economic generator for Northern Mexico and its potential for San Antonio.

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

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

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2003-40 The Clerk read the following Ordinance:

AN ORDINANCE 98427

AUTHORIZING THE EXECUTION A LEASE AGREEMENT WITH STERLING BANK, INC. FOR THE USE OF APPROXIMATELY 700 SQUARE FEET AT 403 SOUTH W. W. WHITE ROAD, SUITE NO. 216, FOR THE DISTRICT 2 CONSTITUENT ("FIELD") OFFICE AT A RENT OF \$758.33 PER MONTH, WHICH INCLUDES ELECTRICITY, FOR A TWO YEAR TERM FROM NOVEMBER 1, 2003 THROUGH OCTOBER 31, 2005; AND PROVIDING FOR A RENEWAL OPTION OF TWO YEARS, SUBJECT TO CITY COUNCIL APPROVAL, AND CONTINGENT UPON ANNUAL APPROPRIATION OF FUNDS, AS REQUESTED BY COUNCILMAN JOEL WILLIAMS.

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Councilman Perez made a motion to approve the proposed Ordinance. Councilman Haass 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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2003-40

CITIZENS TO BE HEARD

MR. WILLIAM BENDER

William Bender spoke to the crime occurring in the Beacon Hill Neighborhood Area. He stated it was in the Neighborhood Association's best interest not to have the attendance of Councilman Flores, noting his absence from past meetings. Given the emerging situation, he suggested for SAFFE Officer Linda Diaz to be taken out of bicycle duty in rodeos, and instead have her capabilities utilized in the neighborhood.

* * * *

In response to Mr. Bender, Councilman Flores stated he remembered being invited to two specific meetings that he didn't attend, but stated he had been to every other meeting of the Beacon Hill Neighborhood Association. He spoke to the vital concerns of the residents because of the recent murders. He stated he did not feel as if he was neglecting his duties as Councilman for the neighbors of Beacon Hill, and further acknowledged that there were many other committees in various other neighborhood associations.

Councilman Hall addressed the comments of Mr. Bender regarding the Prue Road Police Sub-station, noting poverty existed everywhere in the City of San Antonio and District 8 was no exception. He confirmed that he met last weekend with a neighborhood association in that area.

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MS. CONNIE PORRAS

Connie Porras, National Association of Public Employees (NAPE), spoke to the jobs of meter readers, noting their work was stressful. She spoke to the possibility of having

their incentive plan, in which they are allowed to go home early if they finish early, taken away. She expressed concern on this issue, and urged Council to intervene.

Mayor Garza acknowledged that he had heard about this issue.

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MS. SUE CALBERG

Sue Calberg thanked Council for their service and for approving items 11 and 18 of the Council agenda, noting they were being good stewards of the taxpayers money. She expressed appreciation to Councilman Schubert, and commended the Public Works department on how they have spent their money.

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MR. NAZARITE RUBEN FLORES PEREZ

Nazarite Ruben Flores Perez cited various biblical verses.

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MR. FARIS HODGE

Mr. Faris Hodge cited various newspaper articles. He urged Council to convince the citizens that the Police Department deserved more money.

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2003-40 CITY MANAGER'S REPORT

Ms. Rebecca Waldmann, Director of Asset Management, presented a briefing of the high risk contracting initiatives, a copy of which was made part of the official papers of this meeting.

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2003-40 EXECUTIVE SESSION

The City Council recessed its regular session at 6:52 P.M. in order to convene in Executive Session for the purpose of:

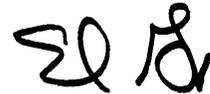
A.) Discuss economic development negotiations, and related legal issues concerning a proposed agreement with Maxim Integrated Products, Inc., pursuant to Texas Government Code Sections 551.072 (deliberations involving real property), 551.087 (deliberations regarding economic development negotiations), and 551.071 (consultation with attorney).

B.) Discuss legal issues relating to a decision by City Public Service on the routing of a proposed high-voltage power line in northwest San Antonio and Bexar County, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 8:23 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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2003-40 There being no further business to come before the City Council, the Mayor then immediately adjourned the meeting at 8:25 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