

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, DECEMBER 18, 2003

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2003-43 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

- A. Briefing on the Third Quarter 2003 Report on Water Resources and Proposed 2004 Water Supply Fee Increment. (Introduced by Ret. Gen. Eugene E. Habiger, President/CEO, San Antonio Water System; Presented by Susan Butler, Director, Water Resources, SAWS, and Alex Hinojosa, Director, Financial Services, SAWS)
- B. Report from the City's Public Utilities Office on the proposed Increase in the Water Supply Fee by SAWS. (Presented by Ben Gorzell, Public Utilities Supervisory/Assistant Director, Finance; Melissa Byrne Vossmer, Assistant City Manager)

The Council members present were: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza . ABSENT: None

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

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2003-43 The regular meeting was called to order at 1:14 P M by the Presiding Officer, Mayor Ed Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza ABSENT None

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2003-43 Invocation by Father Dennis Darilek, Our Lady of Good Council Church

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2003-43 Pledge of Allegiance to the flag of the United States

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2003-43

CERTIFICATE OF COMMENDATION: SHAWN MICHAELS

Mayor Ed Garza read a Certificate of Commendation for Mr. Shawn Michaels, a celebrity in World Wrestling Entertainment. Mayor Garza recognized Mr. Michaels for single-handedly having organized a major fundraising initiative to benefit the families of soldiers killed in Iraq and Afghanistan. He recruited several of his superstar peers and held autograph sessions throughout the country in an effort to raise money for this worthy cause. Mr. Michaels stepped forward to accept the Certificate.

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2003-43

DISTINGUISHED CITIZEN AWARD: CLAYTON LILLARD

Mayor Garza recognized Mr Clayton Lillard as one of America's top ten youth volunteers for 2003 from a field of 24,000 applicants from across the country. Mr. Lillard also received a national Prudential Spirit of Community Award for his outstanding volunteer community service. Mayor Garza noted that Mr. Lillard began his ongoing humanitarian effort four years ago, when he initiated a program to repair bicycles and provide them to needy children in ht ecommunity. Mayor Garza further noted that Mr. Lillard and his "backyard crew" have repaired, and presented over 400 bicycles to needy children.

Mr. Lillard came forward to accept the award and thanked the many citizens, volunteers, and in particular to his mother, for their continued support in his cause.

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2003-43

SPECIAL PRESENTATION: SAN ANTONIO SPURS

Mayor Garza spoke of San Antonio Spurs capturing the 2002-2003 NBA Championship Title.

Mr Rick Fish, Spurs News and Entertainment, spoke in appreciation to the City Council's support of the San Antonio Spurs Basketball Team. As a token of their appreciation, Mr Fish donated to the City, a basketball signed by the Spurs Basketball Team, the 2003 NBA Champions.

Mr Fish also recognized Mr Clayton Lillard on behalf of Spurs News and Entertainment, and presented him with a gift of appreciation for his volunteerism.

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POINT OF PERSONAL PRIVILEGE

Councilman Perez congratulated Councilman Flores and his wife on the birth of their new son, Marcos

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2003-43 The Clerk read the following Ordinance:

PUBLIC HEARING AND ORDINANCE: INCREASING THE GEOGRAPHIC AREA OF REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS, TO INCLUDE ENLARGING THE BOUNDARIES OF THE EXISTING REINVESTMENT ZONE

AN ORDINANCE 98568

INCREASING THE GEOGRAPHIC AREA OF REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS, TO INCLUDE ENLARGING THE BOUNDARIES OF THE EXISTING REINVESTMENT ZONE; ADOPTING AMENDMENTS TO THE FINAL PROJECT PLAN AND FINAL FINANCE PLAN FOR THE ZONE TO INCORPORATE THE INCREASE IN AREA AND TO APPROVE THE PAYMENT OF ALL AVAILABLE INCREMENTAL AD VALOREM TAXES GENERATED FROM THE ADDED PARCELS INTO THE ZONE'S TAX INCREMENT FUND AS PROVIDED FOR IN THE FINANCE PLAN; AS REQUESTED BY COUNCILMAN JOEL WILLIAMS.

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

Mr. David Garza, Director, Neighborhood Action Department, narrated a slide presentation on the Inner City Tax Increment Reinvestment Zone (TIRZ) Number 11. A copy of the presentation is one file with these papers. He discussed the proposed amendments that address the changes in the current boundaries of the Inner City TIRZ Number 11. He also discussed the related amendments and proposed boundary amendments previously approved. He outlined the background and chronology of events in the development of TIRZ Number 11. He identified priority projects as amended by the Inner City TIRZ Board. Mr. Garza spoke to State statute requirements for TIRZ

Number 11 that include a public hearing prior to the consideration for any amendment to existing TIRZ Project Plans.

Councilwoman Radle made a motion to exclude the property that is being developed by Big Tex Projects. She provided a description of the particular property. Councilman Perez seconded the motion.

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

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

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2003-43 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 7 through 60K, constituting the Consent Agenda, except for Items 7, 15, 20, 22, 24, 25, 26, 30, 31, 38, 41, 44, 45A, 45B, 51, 57, and 59 which were pulled for individual consideration. Councilman Haass seconded the motion.

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

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AN ORDINANCE 98569

ACCEPTING THE LOW, RESPONSIVE BID WITH BID ALTERNATE 1 OF R.E.C INDUSTRIAL, INC. IN THE AMOUNT OF \$174,500.00 IN CONNECTION WITH THE WESTSIDE YMCA HVAC REPLACEMENT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT, APPROPRIATING \$75,604.00 IN FACILITY IMPROVEMENT MAINTENANCE PROGRAM FUNDS AND \$104,866.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS; AUTHORIZING THE TRANSFER OF PROJECT SAVINGS IN THE AMOUNT OF \$1,575 00 WITHIN THE

PROJECT BUDGET, AUTHORIZING \$7,545.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98570

authorizing work under an existing stand-by Professional Services Agreement approved by City Council through Ordinance Number 97613 on May 15, 2003, in connection with the Callaghan Road - Bandera to Horseshoe Bend; and Callaghan Road - W. Horseshoe Bend to Ingram MPO Projects, in Council District 7; authorizing funds in the amount of \$25,547.00 payable to HNTB Corporation for environmental engineering services necessary to Environmental Assessment; authorizing \$2,255.40 for engineering contingency expenses and \$2,555.00 for miscellaneous contingency, for a total amount of \$30,357.40 from Certificates of Obligation; appropriating funds, and providing for payment.

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AN ORDINANCE 98571

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$15,594.00 FROM CERTIFICATES OF OBLIGATION PAYABLE TO PAPE-DAWSON ENGINEERS, INC., FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE CALLAGHAN ROAD - WEST HORSESHOE BEND TO INGRAM MPO PROJECT, LOCATED IN COUNCIL DISTRICTS 7; AUTHORIZING \$1,559.00 FOR ADDITIONAL DESIGN CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$17,153.00; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98572

AMENDING THE PROFESSIONAL SERVICES CONTRACT, RATIFYING SERVICES AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN AN AMOUNT NOT TO EXCEED \$4,647.97 PAYABLE TO S.M GALINDO ENGINEERS, INC (MBE) FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE DELGADO - NAVIDAD TO ZARZAMORA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE

REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$511.22 FOR A TOTAL AMOUNT OF \$4,647.97; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT

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AN ORDINANCE 98573

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT NOT TO EXCEED \$245,922.19 FROM GENERAL OBLIGATIONS OF THE CITY PAYABLE TO CIVIL ENGINEERING CONSULTANTS FOR ENGINEERING SERVICES IN CONNECTION WITH THE GOLIAD ROAD (PECAN VALLEY TO MILITARY), PHASE I PROJECT, AND THE GOLIAD ROAD OUTFALL, PHASE II PROJECT, BOTH LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING \$24,592.22 FOR CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$270,514.41; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98574

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT NOT TO EXCEED \$5,515.00 FROM 1987 G.O. DRAINAGE IMPROVEMENT BONDS PAYABLE TO PAPE-DAWSON ENGINEERS, INC FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE HI-LIONS DRAINAGE #80, PHASES III & V PROJECT, LOCATED IN COUNCIL DISTRICT 3, REVISING THE PROJECT BUDGET, APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT

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AN ORDINANCE 98575

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS FROM 1999 G O STREET IMPROVEMENT BONDS IN THE AMOUNT NOT TO EXCEED \$38,836.00 PAYABLE TO WESTON SOLUTIONS, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE SOUTHTOWN

AREA STREET IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 1; REVISING THE PROJECT BUDGET, APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT

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AN ORDINANCE 98576

APPROVING FIELD ALTERATION NO. 7 – FINAL IN THE REDUCED AMOUNT OF \$44,202.20 TO THE CONTRACT OF SAN ANTONIO CONSTRUCTORS, LTD., IN CONNECTION WITH THE ST. FRANCIS – DOWDY TO PROBANDT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 5, AND REVISING THE PROJECT BUDGET

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AN ORDINANCE 98577

AUTHORIZING PAYMENT IN THE AMOUNT OF \$40,645.55 FROM GENERAL OBLIGATIONS OF THE CITY TO EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P., FOR ENVIRONMENTAL REMEDIATION SERVICES UNDER AN EXISTING PROFESSIONAL SERVICE AGREEMENT IN CONNECTION WITH THE HOUSTON – PINE TO WALTERS MPO PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING \$4,064.55 FOR MISCELLANEOUS REMEDIATION CONTINGENCY EXPENSES, FURTHER AUTHORIZING \$30,748.10 TO GEO-MARINE, INC., A CURRENTLY CONTRACTED ENVIRONMENTAL SERVICES STAND-BY ENGINEER, FOR ENVIRONMENTAL OVERSIGHT AND MONITORING SERVICES; AUTHORIZING \$3,074.81 FOR MISCELLANEOUS ENVIRONMENTAL MONITORING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$78,533.01; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT

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AN ORDINANCE 98578

ACCEPTING THE LOW, RESPONSIVE BID WITH ALTERNATE NOS 1 AND 3 IN THE AMOUNT OF \$762,000.00 FROM F. A. NUNNELLY CO IN CONNECTION WITH THE ALAMODOME INTERIOR IMPROVEMENT PACKAGE PROJECT IN COUNCIL DISTRICT 2, AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$53,340.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$64,281.00 PAYABLE TO MARMON MOK, L L P FOR ARCHITECTURAL AND

ENGINEERING SERVICES, FOR A TOTAL AMOUNT OF \$879,621.00 FUNDED FROM GENERAL OBLIGATIONS OF THE CITY; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98579

AUTHORIZING FUNDS IN THE AMOUNT OF \$32,415.50 PAYABLE TO BRACEWELL & PATTERSON, L.L.P. FOR LEGAL SERVICES NECESSARY TO THE REAL ESTATE ACQUISITIONS FOR THE FOLLOWING APPROVED CITY PROJECTS ASHLEY ROAD – BASCUM TO S. FLORES PROJECT, BITTERS ROAD – WEST AVENUE TO HEIMER MPO PROJECT; CHERRY STREET DRAINAGE PROJECT #15B PHASE II; ESCALON STREET #1008 DRAINAGE PROJECT; HI-LIONS DRAINAGE #80, PHASES III & V PROJECT; HILDEBRAND AVENUE FROM IH 10 TO BREEDEN MPO PROJECT, WESTERN AVENUE DRAINAGE #74 III-A PROJECT; WURZBACH ROAD AT I.H. 10 AND IRONSIDE INTERSECTIONS PROJECT; WURZBACH PARKWAY PROJECT; AND THE FAY PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98580

RELEASING CERTAIN PARCELS LOCATED ALONG THE NORTH RIGHT-OF-WAY LINE OF AVERY ROAD, CONSISTING OF APPROXIMATELY 5.311 ACRES LOCATED IN COUNCIL DISTRICT 10 FROM THE CITY OF SAN ANTONIO'S CITY LIMITS, AS REQUESTED BY THE CITY OF LIVE OAK

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AN ORDINANCE 98581

AUTHORIZING A LEASE AGREEMENT WITH ELLA AUSTIN COMMUNITY CENTER FOR 1,800 SQUARE FEET OF OFFICE SPACE AT 1023 N PINE FOR USE BY THE YOUTH OPPORTUNITY PROGRAM, DEPARTMENT OF COMMUNITY INITIATIVES, FOR AN EIGHTEEN (18) MONTH TERM BEGINNING JANUARY 2, 2004 AND ENDING JUNE 30, 2005, IN THE AMOUNT OF \$2,160.00 PER MONTH

FOR THE TERM OF THE LEASE AGREEMENT, AND AUTHORIZING PAYMENT OF THE MONTHLY LEASE RENTAL.

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AN ORDINANCE 98582

AUTHORIZING THE EXECUTION OF A SALES CONTRACT WITH ABNER GUAJARDO, SOLE PROPRIETOR, FOR THE SALE OF 1.215 ACRES (APPROXIMATELY 52,925 SQUARE FEET) OF CITY OWNED PROPERTY AT THE SOUTHWEST BUSINESS & TECHNOLOGY PARK (FORMERLY VAN DE WALLE PROPERTY) AT A PRICE OF \$43,621.39 PER ACRE FOR A TOTAL PURCHASE PRICE OF \$53,000.00; AND AUTHORIZING THE PAYMENT OF \$3,180.00 FROM THE SALES PROCEEDS TO PROVIDENCE COMMERCIAL REAL ESTATE SERVICES, INC./THE WEITZMAN GROUP, JOINT VENTURE, FOR THE PAYMENT OF THE REAL ESTATE BROKER'S FEES AND \$578.00 FROM SUCH SALES PROCEEDS TO FIRST AMERICAN TITLE COMPANY FOR THE PURCHASE OF A TITLE INSURANCE POLICY.

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AN ORDINANCE 98583

GRANTING A PERPETUAL NON-EXCLUSIVE USE ROAD EASEMENT TO THE UNITED STATES OF AMERICA OVER AN IMPROVED 0.128 OF AN ACRE (5,578 SQUARE FEET, MORE OR LESS) PORTION OF OLD AUSTIN ROAD LOCATED BETWEEN FORT SAM HOUSTON ARMY BASE AND LOTS 18, 19 AND 20, BLOCK 3, NCB 6526, IN EXCHANGE FOR THE FUTURE CONVEYANCE OF A PORTION OF FEDERAL PROPERTY THAT CONTAINS A PORTION OF PUBLIC RIGHT OF WAY, SUBJECT TO THE APPROVAL OF THE SECRETARY OF THE ARMY, AS REQUESTED BY THE UNITED STATES OF AMERICA, ACTING THROUGH THE DEPARTMENT OF THE ARMY; AND AUTHORIZING THE EXECUTION OF SAID EASEMENT AND AN AGREEMENT IN CONNECTION WITH SUCH TRANSACTION

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AN ORDINANCE 98584

AUTHORIZING THE EXECUTION OF A CONSENT TO ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT (INCORPORATING ESTOPPEL CERTIFICATE) GRANTING THE CITY'S CONSENT TO THE ASSIGNMENT OF

THE LEASEHOLD INTEREST OF HMC RETIREMENT PROPERTIES, L.P., THE CURRENT LESSEE, TO HIGHLAND HOSPITALITY, L.P., A DELAWARE LIMITED PARTNERSHIP, TO USE THE CITY OF SAN ANTONIO-OWNED GERMAN-ENGLISH SCHOOL, LOCATED AT 421 S. ALAMO STREET, AND ALSO CONSENTING TO A SUBLEASE FROM HIGHLAND HOSPITALITY, L.P., TO HHC TRS OP, L.L.C., ITS INDIRECT WHOLLY OWNED SUBSIDIARY, ("HHC OPERATING LESSEE"), WHICH WILL SERVE AS THE OPERATING ENTITY, IN CONNECTION WITH A PENDING SALE OF PLAZA SAN ANTONIO, A MARRIOTT HOTEL, THE CONTIGUOUS PROPERTY, BY HMC RETIREMENT PROPERTIES, L.P. , TO HIGHLAND HOSPITALITY, L.P.

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AN ORDINANCE 98585

AUTHORIZING THE CITY MANAGER TO SUBMIT TWO GRANT APPLICATIONS ON BEHALF OF THE GREATER KELLY DEVELOPMENT AUTHORITY ("GKDA") AND THE BROOKS DEVELOPMENT AUTHORITY("BDA") TO THE TEXAS MILITARY PREPAREDNESS COMMISSION ("TMPC"), OFFICE OF THE GOVERNOR, FOR \$400,000.00 IN STATE GRANT FUNDS THAT ARE AVAILABLE THROUGH THE STATE'S DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT (DEAAG) PROGRAM, TO BE USED FOR RENOVATION OF FACILITIES UTILITY INFRASTRUCTURE IMPROVEMENTS; AND AUTHORIZING THE CITY MANAGER TO (1)ACCEPT ANY AWARD OF DEAAG FUNDS FROM THE STATE UP TO \$400,00,00, (2) EXECUTE NECESSARY GRANT AGREEMENTS WITH THE STATE FOR ANY GRANT FUNDS AWARDED TO THE CITY, AND (3) ENTER INTO SEPARATE SUBGRANT AGREEMENTS WITH GKDA AND BDA FOR THE DISTRIBUTION OF GRANT FUNDS AND THE PERFORMANCE AND COMPLETION OF THE GRANT PROJECTS

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AN ORDINANCE 98586

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A ONE-YEAR RENEWAL AND EXTENSION CONTRACT WITH MORRIS & MCDANIEL, INC , TESTING CONSULTANT, ~~FOR~~ THE DEVELOPMENT OF VALIDATED WRITTEN PROMOTIONAL EXAMINATIONS FOR THE POSITIONS OF POLICE DETECTIVE INVESTIGATOR, POLICE SERGEANT, POLICE LIEUTENANT, AND POLICE CAPTAIN, AND THE PREPARATION OF SCENARIO-BASED PROMOTIONAL EXAMINATIONS FOR THE POSITIONS OF POLICE LIEUTENANT AND POLICE CAPTAIN, SAN ANTONIO POLICE DEPARTMENT,

FOR AN ANNUAL AMOUNT OF \$186,840.00, FOR THE DEVELOPMENT OF THE EXAMINATIONS, AND AN AMOUNT NOT TO EXCEED \$15,000.00 FOR EXPERT TESTIMONY IN THE APPEAL PROCESS, SHOULD IT BECOME NECESSARY, FOR A TOTAL ANNUAL CONTRACT AMOUNT OF \$201,840.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98587

AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A VACCINE CLINICAL TRIAL AGREEMENT WITH AVENTIS PASTEUR, INC WHICH WILL PROVIDE UP TO \$143,250.00 FOR THE PERIOD OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2005 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PARTICIPATE IN A CLINICAL TRIAL STUDY OF PENTACEL,(A VACCINE THAT PREVENTS FIVE CHILDHOOD DISEASES; ESTABLISHING A FUND; ADOPTING THE PROJECT BUDGET; APPROVING THE PERSONNEL COMPLEMENT, AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 98588

AUTHORIZING THE ACCEPTANCE OF UP TO \$50,868 00 FROM SMITHKLINE BEECHAM CORPORATION D/B/A GLAXOSMITHKLINE FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PARTICIPATE DURING THE PERIOD JANUARY 1, 2004 THROUGH DECEMBER 31, 2005 IN A FOLLOW-UP VACCINE STUDY FOR THE PREVENTION OF HUMAN PAPILOMAVIRUS INFECTION IN WOMEN; AUTHORIZING THE EXECUTION OF AN AGREEMENT; ESTABLISHING A FUND; ADOPTING THE PROJECT BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND APPROVING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 98589

AUTHORIZING THE ACCEPTANCE OF \$232,350 00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO SUPPORT THE ONGOING AIDS PREVENTION AND SURVEILLANCE PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2004 THROUGH DECEMBER 31, 2004; AUTHORIZING THE EXECUTION OF THE

CONTRACT CHANGE, ADOPTING THE PROGRAM BUDGET, APPROVING THE PERSONNEL COMPLEMENT, AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 98590

AUTHORIZING THE ACCEPTANCE OF \$55,022.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO INCREASE SUPPORT FOR THE ONGOING AIDS SURVEILLANCE PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2003 THROUGH DECEMBER 31, 2003; AUTHORIZING THE EXECUTION OF THE CONTRACT CHANGE WITH TDH; AND REVISING THE PROGRAM BUDGET.

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AN ORDINANCE 98591

AUTHORIZING THE EXECUTION OF A TECHNOLOGY SERVICES AGREEMENT WITH TRAVERSE TECHNOLOGIES, INC. IN AN AMOUNT NOT TO EXCEED \$35,000.00 FOR THE PROGRAMMING AND INSTALLATION OF A WEB-BASED STREET CUT PERMITTING APPLICATION SOFTWARE; PROVIDING FOR PAYMENT, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT VOTES.

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AN ORDINANCE 98592

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$15,000.00 FROM THE PARKING OPERATING FUND AND THE COMMUNITY & VISITORS FACILITIES FUND PAYABLE TO CARTER & BURGESS, INC TO PROVIDE ADDITIONAL SERVICES ASSOCIATED WITH THE DOWNTOWN AND MEDICAL CENTER PARKING AND TRAFFIC MODELING STUDY AND THE HEMISFAIR PARK MASTER PLAN, REVISING THE PROJECT BUDGETS; APPROPRIATING FUNDS, AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98593

AUTHORIZING PAYMENT IN THE AMOUNT OF \$8,187.37 TO CITY PUBLIC SERVICE FOR THE INSTALLATION OF THE REQUIRED ELECTRICAL SERVICE IN CONNECTION WITH THE CARVER COMMUNITY CULTURAL CENTER BUILDING REPAIRS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98594

AUTHORIZING THE TRANSFER OF INTEREST INCOME IN THE AMOUNT OF \$42,302.84 FROM THE CARVER CULTURAL CENTER ENDOWMENT FUND TO THE CARVER COMMUNITY CULTURAL CENTER TRUST FUND TO SUPPORT THE OPERATIONS OF THE CARVER COMMUNITY CULTURAL CENTER, LOCATED IN COUNCIL DISTRICT 2.

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AN ORDINANCE 98595

RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD IN THE AMOUNT OF \$39,176.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE FAIR HOUSING PROGRAM OF THE DEPARTMENT OF COMMUNITY INITIATIVES FOR THE PERIOD OCTOBER 1, 2003 TO SEPTEMBER 30, 2004; AUTHORIZING THE EXECUTION OF A CONTRACT; ESTABLISHING A FUND; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT

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AN ORDINANCE 98596

RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE OF A CONTINUATION GRANT IN THE AMOUNT OF \$76,937.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE HOUSING COUNSELING PROGRAM OF THE DEPARTMENT OF COMMUNITY INITIATIVES, COMMUNITY ACTION DIVISION, FAIR HOUSING PROGRAM, FOR THE PERIOD OCTOBER 1, 2003 TO

SEPTEMBER 30, 2004, AUTHORIZING THE EXECUTION OF A CONTRACT, ESTABLISHING A FUND; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT

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AN ORDINANCE 98597

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO PURCHASE A LAYERED INSURANCE PROGRAM FOR COMMERCIAL PROPERTY INSURANCE, INCLUDING BOILER AND MACHINERY COVERAGE, FOR CITY-OWNED AND LEASED BUILDINGS, CONTENTS, AND EQUIPMENT WITH ALLIANZ INSURANCE COMPANY AND RSUI INDEMNITY COMPANY THROUGH MCGRIFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR THE PERIOD DECEMBER 31, 2003 THROUGH DECEMBER 31, 2004, AT A TOTAL COMBINED COST OF \$1,373,413.00.

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AN ORDINANCE 98598

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO PURCHASE EXCESS LIABILITY AND EXCESS WORKERS' COMPENSATION INSURANCE, AS A PACKAGE POLICY, FOR THE CITY OF SAN ANTONIO FROM STATE NATIONAL INSURANCE COMPANY, THROUGH MCGRIFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR THE PERIOD DECEMBER 31, 2003 THROUGH DECEMBER 31, 2004, AT AN ANNUAL PREMIUM OF \$630,000.00

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AN ORDINANCE 98599

AUTHORIZING THE ACCEPTANCE OF A \$50,000.00 GRANT BY THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC. FROM THE FANNIE MAE FOUNDATION TO SUPPORT HOMEBUYER COUNSELING ACTIVITIES, AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC., IN THE AMOUNT OF \$25,000.00 TO

SUPPORT THE NEIGHBORHOOD ACTION DEPARTMENT'S HOMEBUYERS CLUB PROGRAM; AND AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH

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AN ORDINANCE 98600

RATIFYING THE SUBMISSION OF AN APPLICATION TO THE U.S ENVIRONMENTAL PROTECTION AGENCY FOR A BROWNSFIELDS PETROLEUM ASSESSMENT GRANT IN AN AMOUNT OF \$200,000.00 FOR THE PURPOSE OF OBTAINING ENVIRONMENTAL SITE ASSESSMENTS IN CONNECTION WITH THE NEIGHBORHOOD ACTION DEPARTMENT'S NEIGHBORHOOD COMMERCIAL REVITALIZATION PROGRAM, AND AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS IN CONNECTION THEREWITH.

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AN ORDINANCE 98601

ACCEPTING THE BID FROM EXPRESS VIDEO, INC IN THE AMOUNT OF \$116,011.00 FOR THE PURCHASE OF 273 GAMBLING DEVICES (EIGHT LINERS), SEIZED AS A RESULT OF CRIMINAL INVESTIGATIONS IN SAN ANTONIO AND SUBSEQUENTLY FORFEITED BY ORDERS OF THE COURTS, AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$30,815.70 TO THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE.

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AN ORDINANCE 98602

AUTHORIZING THE ACCEPTANCE OF A \$319,924 00 ALLOCATION FROM THE BEXAR METRO 911 NETWORK DISTRICT FOR FISCAL YEAR 2003-2004 FOR FUNDING OF FIVE (5) TEMPORARY CALL TAKER POSITIONS, COMMUNICATION EQUIPMENT- MAINTENANCE, EQUIPMENT PURCHASES, AND TRAINING

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AN ORDINANCE 98603

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$80,000.00 TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, WHICH, IF AWARDED, WILL BE USED TO FUND THE NINTH YEAR OF THE ADMINISTRATION AND COORDINATION EFFORTS OF THE CRISIS ASSISTANCE TEAM ADMINISTRATION OF THE VICTIMS ADVOCACY SECTION; AND AUTHORIZING AN IN-KIND MATCH OF \$19,260.00 AND A GENERAL FUND MATCH OF \$7,401.00.

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AN ORDINANCE 98604

ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$68,635.00 TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, WHICH, IF AWARDED, WILL FUND THE THIRD YEAR OF PROJECT EASE (EDUCATE, ASSESS, SERVE AND EMPOWER) OF THE VICTIMS ADVOCACY SECTION; AND AUTHORIZING AN IN-KIND MATCH \$17,159.00

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AN ORDINANCE 98605

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$500,000.00 FOR THE FOURTH YEAR OF THE TEXAS DEPARTMENT OF TRANSPORTATION DWI SELECTIVE TRAFFIC ENFORCEMENT PROGRAM, WHICH, IF AWARDED, WILL CONTINUE THE FUNDING OF AN OVERTIME PROGRAM FOR DWI ENFORCEMENT FOR THE GRANT PERIOD OCTOBER 1, 2004 TO SEPTEMBER 30, 2005; AUTHORIZING AN IN-KIND MATCH OF \$39,440.00 AND A GENERAL FUND MATCH OF \$16,116.00

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AN ORDINANCE 98606

RATIFYING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$185,222.00 BY THE CITY ATTORNEY'S OFFICE TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, UNDER THE VIOLENCE AGAINST

WOMEN ACT FOR THE EARLY INTERVENTION FOR WOMEN LIVING IN DOMESTIC VIOLENCE PROGRAM, FOR THE PERIOD SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2005.

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AN ORDINANCE 98607

REAPPOINTING WOODRUFF HALSEY (PATRON CATEGORY – DISTRICT 8) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 15, 2005.

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AN ORDINANCE 98608

APPOINTING DR. HAROLD LEE TIMBOE (TECHNOLOGY/RESEARCH CATEGORY – DISTRICT 4) TO THE BROOKS DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 4, 2005.

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AN ORDINANCE 98609

APPOINTING JUDGE ANDY MIRELES (DISTRICT 7) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR A TERM OF OFFICE TO EXPIRE ON JUNE 27, 2005.

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AN ORDINANCE 98610

APPOINTING PAUL H DAVIS (DISTRICT 3) AND REAPPOINTING WAYNE S ALEXANDER (DISTRICT 9) TO THE GREATER KELLY DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 30, 2005

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AN ORDINANCE 98611

APPOINTING XAVIER E. GONZALEZ (BUSINESS CATEGORY – DISTRICT 8) TO THE HISTORIC DESIGN AND REVIEW COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 31, 2004.

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AN ORDINANCE 98612

REAPPOINTING EDDIE DE LA GARZA (DISTRICT 7) TO THE HOUSING TRUST FUND BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON MAY 30, 2005.

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AN ORDINANCE 98613

APPOINTING LORITA C. DANIELS (DISTRICT 8) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 22, 2005.

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AN ORDINANCE 98614

APPOINTING MARLIN SAWYER (MAYOR) TO THE OPEN SPACE ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON AUGUST 29, 2005

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AN ORDINANCE 98615

APPOINTING GEORGE L BRITTON, JR. (DISTRICT 4) TO THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2005

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AN ORDINANCE 98616

APPOINTING ROGER ENRIQUEZ (DISTRICT 5) AND DARRYL LYONS (MAYOR) AND REAPPOINTING FRED A. RANGEL (DISTRICT 7) AS TRUSTEES TO THE SOUTH TEXAS BUSINESS FUND FORMERLY THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR TERMS OF OFFICE TO EXPIRE ON MAY 9, 2006.

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AN ORDINANCE 98617

APPOINTING DR MORRIS STRIBLING (DISTRICT 8) TO THE ZONING COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2004.

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2003-43 The Clerk read the following Ordinance.

AN ORDINANCE 98618

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 FY2003-2004 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$4,195,433 00 TO INCLUDE CONTRACTS FOR AUDIO BOOKS, DIESEL FUEL, MOTOR FUEL TANKWAGON LOADS, DAIMLER/CHRYSLER AUTOMOBILE & LIGHT DUTY PICKUP TRUCK BODY REPAIR FOR CITY VEHICLES, FORD MOTOR CO. AUTOMOBILE AND LIGHT DUTY PICKUP TRUCK BODY REPAIR FOR CITY VEHICLES, HAMM ROLLER PARTS & SERVICE, MICROSOFT ENTERPRISE LICENSING AGREEMENT, POLICE PURSUIT TIRES, LONG LIFE TRAFFIC SIGNAL LAMPS AND TRAFFIC SIGNAL HEADS.

* * * *

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

In response to Councilman Perez regarding diesel fuel, Ms. Janie Cantu, Purchasing Department Director, stated the diesel fuel is the same type to be utilized by two different types of tanks

In response to Councilman Schubert, Ms. Cantu stated it is a competitive low bid process utilized to determine who is awarded the contract. She added that all classifications are minimum specifications and the price, labor and parts are major factors in determining who is awarded the bid. She further added that combined with the lowest bid and on historical data of 60% for labor and 40% for the parts, the lowest bidder is awarded the bid.

In response to Councilman Schubert regarding dollar differences on discounts, Ms. Cantu stated the parts discount is between 35% and 38% totaling \$12,000.

Discussion between Councilman Schubert and Ms. Cantu ensued on other aspects of the contract specifications.

The following citizen(s) appeared to speak:

Mr. Roberto S. Gonzales, Vice President, Advanced First Auto & Collision Centers, requested consideration of his business for future bids on collision repairs on Ford and Chrysler model vehicles.

Ms. Oralia Gonzales, President, Advanced First Auto & Collision Centers, also requested consideration of her business for future contracts with the City of San Antonio.

Mr. Cesar Moreno, General Manager, Advanced First Auto & Collision Centers, reiterated the request for consideration for future contracts.

* * * *

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98619

ACCEPTING THE LOW, RESPONSIVE BID OF E-Z BEL CONSTRUCTION, LTD., (MBE) IN THE AMOUNT OF \$223,046.51 IN CONNECTION WITH THE NAVIDAD – MARTIN TO SALINAS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 1, AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$18,513 75

FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, AUTHORIZING \$12,959.63 FOR EXPENSE RECOVERY, FOR A TOTAL AMOUNT OF \$254,519.89; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM IN THE AMOUNT OF \$37,909.01; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

In response to Councilman Perez regarding the contractor's performance, Mr. Tom Wendorf, Director, Public Works Department, identified certain projects and reported that the majority are underway and within the contract budgets, many of which are partially completed. Mr. Wendorf noted he would explained that expense recovery pertains to any respective overhead costs such as staffing, advertising, cost of plan reproductions and associated miscellaneous costs. He stated he would provide Councilman Perez a detailed report on actual overhead charges.

In response to Councilman Castro regarding San Antonio Water System's (SAWS) role in the project, Mr. Wendorf stated that through collaborative efforts, SAWS will cover those costs for items directly attributable to the facilities such as removal, new construction or by-pass alternate service. Mr. Wendorf noted he would provide a historical breakdown on those projects where SAWS covered partial expenses

In response to Councilman Flores regarding miscellaneous construction contingency expenses, Mr. Wendorf explained that those expenses for unknowns encountered as the project proceeds. He identified those items as additional sidewalks, additional pavement to tie-in the project or other infrastructure that pertains to the plan preparation. Mr. Wendorf stated he would provide a general report of the percentage of contingency money that has been drawn in a year's time.

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

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2003-43 POINT OF PERSONAL PRIVILEGE

Councilman Williams recognized Mr. David Arevalo and requested that he be allowed to speak.

Mr. David Arevalo, Residents Organized for a Safe Environment, spoke to his objection to Item #18 where the low bid was for \$675,000 versus the \$1 million that the City intends to pay for the project.

Mr. Tom Wendorf explained that the base bid was for \$675,000 and accompanying alternates brought the total to \$762,000. He further explained that \$64,000 is earmarked to pay for architectural and engineering services. He stated that the Alamodome must function during the construction of the required improvements. He further stated that the bid alternatives are a conventional way to bid a project.

Mr. Mike Abington, Director of the Alamodome, stated the selected contractor was the lowest bidder that provided the most impact for the mon ies available. He stated it is still the lowest bid process, and that these bids were conducted in conjunction with the established policies to include the architectural and engineering services.

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98620

ACCEPTING TWO PERMANENT DRAINAGE EASEMENT DEDICATIONS FROM HTS-SAN ANTONIO, L.P., A DELAWARE LIMITED PARTNERSHIP DOING BUSINESS IN TEXAS AS HTS-HYATT SAN ANTONIO, L.P.; AND THREE PERMANENT DRAINAGE EASEMENT DEDICATIONS FROM LEGACY TRAILS DEVELOPMENT JOINT VENTURE, A TEXAS JOINT VENTURE, IN CONNECTION WITH THE HYATT HILL COUNTRY THIRD NINE GOLF COURSE OFF-SITE DRAINAGE PROJECT LOCATED IN COUNCIL DISTRICT 6

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

In response to Councilman Perez regarding the status of the easements, Mr Tom Wendorf, Director of Public Works, stated that the easement goes through the golf course, and that the owner would maintain the easements on a much more frequent basis than what the City typically schedules

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98621

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE UNITED STATES OF AMERICA, TRANSPORTATION SECURITY ADMINISTRATION FOR THE LEASE OF 1,961 SQUARE FEET OF TERMINAL 2 OFFICE SPACE, 322 SQUARE FEET OF TERMINAL 2 BREAK ROOM SPACE, 24 SQUARE FEET OF TERMINAL 1 (IT) SPACE, AND 500 SQUARE FEET OF TERMINAL 1 OFFICE/BREAK ROOM SPACE, AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A TOTAL MONTHLY FEE OF \$14,615.24, FOR A TERM ENDING OCTOBER 31, 2006.

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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. Kevin Dolliole, Director of Aviation, stated that the agreement is for a short term lease of three years and that typically, escalation clauses are included for only long term leases. He added this agreement is at a good rate that is calculated in accordance with the airline and lease agreement that sets rates for different types of space in the facility

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

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2003-43 The Clerk read the following Ordinance

AN ORDINANCE 98622

AUTHORIZING THE EXECUTION OF AN INTRAJURISDICTIONAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE CITY PUBLIC

SERVICE BOARD OF SAN ANTONIO (CPS) TRANSFERRING TO CPS THE USE, BENEFIT, AND CONTROL OF A 448 SQUARE FOOT PORTION OF CITY-OWNED PROPERTY KNOWN AS THE CARVER COMMUNITY CULTURAL CENTER, AT 226 N. HACKBERRY AVENUE, AT A LOCATION APPROXIMATELY 235 FEET EAST OF N. HACKBERRY AVENUE SOUTH OF CENTER STREET IN LOT 1, BLOCK 7, NCB 592, TO ALLOW CPS TO CONSTRUCT AN ELECTRICAL TRANSFORMER AND PROVIDE ELECTRICAL SERVICE TO THE CENTER.

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

In response to Councilman Hall, Ms. Rebecca Waldman, Director of Asset Management, explained the Intra-jurisdictional Agreement between the City of San Antonio and City Public Service (CPS).

Ms. Jelynn Burley, Assistant City Manager, stated that Item 42 is an accompanying ordinance that allows the easement in which to place the electrical box to update the service. She further stated that the box will be located inside the Carver Theatre property as it has been in the past.

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

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2003-43 The Clerk read the following Ordinance

AN ORDINANCE 98623

AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE LEASE AGREEMENT WITH CENTRO ALAMEDA, INC., A TEXAS NON-PROFIT CORPORATION, FOR THE CENTRO DE ARTES BUILDING, WHICH WILL HOUSE THE MUSEO AMERICANO, TO MODIFY THE LEASE AGREEMENT, INCREASING THE NUMBER OF ANNUAL EVENTS FROM 15 TO 25 FOR THE CITY TO USE THE PREMISES FOR SPECIAL EVENTS AND RECEPTIONS, STIPULATING THE AMOUNT OF THE MONTHLY GRADUATED COMMON AREA MAINTENANCE FEE FOR MARKET SQUARE EXPENSES, AND

PROVIDING THAT CASUALTY AND CONDEMNATION PROCEEDS REMAIN WITH THE CITY IF THE LEASE IS TERMINATED, IN CONSIDERATION OF AN EXTENSION OF THE DATE BY WHICH THE IMPROVEMENTS MUST BE COMPLETED.

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

In response to Councilman Schubert regarding costs to the City, Ms. Rebecca Waldman, Director of Asset Management, explained that in exchange to extend the completion date, the City requested twenty-five rent free days. She further explained that the City will pay for any charges associated during that time, i.e., security. She also noted that in cases of casualty or condemnation, the agreement stipulates how any proceeds will be spent

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98624

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A DELEGATE AGENCY AGREEMENT WITH CENTRO ALAMEDA, INC., ("CAI"), A TEXAS NON-PROFIT CORPORATION, PROVIDING UP TO \$175,000.00 TO MATCH FUNDS RAISED BY CAI TO BE USED FOR MUSEO AMERICANO OPERATING EXPENSES, 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 Schubert regarding the parameters for the matching funds, Ms. Rebecca Waldman, Director of Asset Management, stated that this is a one-time agreement in which the funds will be collected, and then the City will match those funds She noted that the agreement is for those expenses associated with the opening of the museum for administrative and operational costs She further noted the City will require

documentation that the money is available and that those funds are not designated for anything else.

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98625

TERMINATING AN EXISTING LICENSE AGREEMENT WITH SEVEN SEVENTEEN HB SAN ANTONIO CORPORATION, APPROVED BY ORDINANCE NO. 83636, ON FEBRUARY 22, 1996, AND GRANTING A NEW LICENSE AGREEMENT TO MSPA ACQUISITION II, L.P., A DELAWARE LIMITED PARTNERSHIP, FOR THE CONTINUED USE OF THE SUBSURFACE AREA OF SOLEDAD AND MARTIN STREETS PUBLIC RIGHTS OF WAY FOR TWO (2) EXISTING PEDESTRIAN TUNNELS WHICH SERVICE THE ABUTTING ADAM'S MARK HOTEL AT 111 EAST PECAN STREET AND THE BROADWAY NATIONAL BANK BUILDING AND ITS PARKING GARAGE AT 425 SOLEDAD STREET, IN NCBS 139 AND 140, FOR A TEN (10) YEAR TERM AND THE TOTAL CONSIDERATION OF \$30,176.00, CONTINGENT UPON THE CLOSING OF THE PURCHASE OF THE ADAM'S MARK HOTEL, AND THE BROADWAY NATIONAL BANK BUILDING ALONG WITH ITS PARKING GARAGE

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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, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. NAYS: None ABSENT: Williams, Segovia

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2003-43 The Clerk read the following Ordinance

AN ORDINANCE 98626

approving the contingent assignment of a Tax Phase-In Agreement (previously approved on February 8, 1996, by Ordinance No. 83580) between the City of San Antonio and Seven Seventeen HB San Antonio Corporation, owner of the Adam's Mark Hotel and related property located at Soledad and Pecan streets, to the anticipated new owner of the hotel, MSPA Acquisition II, L.P.

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

In response to Councilman Hall regarding assignment of the tax abatement, Mr. Ramiro Cavazos, Director, Economic Development Department, stated that the abatement has been active since 1996, and the request is to make the assignment to the new owner. He also stated that the current guidelines excluded hotels from qualifying for tax abatements unless there was an exceptional investment, and that presently hotels are not under the tax abatement program.

In response to Councilman Flores regarding the term length, Mr. Cavazos stated it is to continue the ten-year term for the remaining three years. Mr. Cavazos discussed exceptional circumstances that would allow a certain investment to qualify for a tax abatement. He provided statistics to show that the present owner has met and exceeded the requirements for the initial tax abatement. He added that the new owner would have to meet all the requirements that the present owner has fulfilled over the first seven years of the abatement.

Councilman Flores spoke to his concerns regarding the tax abatement guidelines that will be addressed in the future. He stressed the importance of utilizing these tools, but added it is bad policy to change those that had been policy before. He added that due to heightened alertness to this subject, many questions will be raised related to what was done in the past, and how tax abatements will be used in the future.

In response to Councilman Schubert with regards to the assignment process, Mr. Cavazos stated that the contract requires that the City be officially notified in writing regarding a request for an assignment of an existing agreement that has been approved to a new owner. He gave an example with American Airlines where the process was not followed and the abatement did not continue. He reiterated the purpose of the ordinance is to continue an existing agreement for a business that has meet all their obligations. He noted the existing guidelines have the necessary provisions for enforcement.

In response to Councilman Castro regarding the purchaser, Mr. Cavazos stated the name of the company is Morgan, Stanley and Pyramid Acquisition, and the purchase is predicated upon the approval of the assignment to the new owner in order to continue the abatement that has been approved by City Council. He further stated the remaining amount of taxes to be abated by the City would be \$117,000 per year.

Discussion ensued between Councilman Castro and Mr. Cavazos regarding the issue of a timeline for actual fall back provisions.

Councilman Castro stated his concerns with regards to an analysis that should be focused on the entities to whom the abatement is assigned and whether they can meet the criteria or not. He added that he would take a different position from his colleagues to expect more and perhaps add to what is presently being done. He further added he would prefer to give due diligence on the new companies and whether or not they would be able to meet the qualifications.

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98627

AUTHORIZING THE ACCEPTANCE OF \$89,292.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FISCAL YEAR 2004 LOAN STAR LIBRARIES GRANT AWARD, TO BE USED TO PURCHASE FURNITURE AND DISPLAY CASES TO ENHANCE THE CHILDREN'S AREAS IN LIBRARY LOCATIONS THROUGHOUT THE CITY FOR THE GRANT PERIOD SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004

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

In response to Councilman Perez regarding allocation, Mr. Aubrey George, Acting Library Director, stated that the allocation will be to all libraries throughout the City He

also stated that a needs assessment is currently being conducted to determine the exact needs of each library branch for their children's section. He added a copy of that assessment, will be provided to Councilman Perez upon completion.

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98628

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND THE FREE TRADE ALLIANCE OF SAN ANTONIO IN THE AMOUNT OF \$150,000.00 FOR FISCAL YEAR 2003-2004.

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

In response to Councilman Perez regarding the collection of fees, Mr. Trey Jacobson, Assistant Director, Economic Development Department, explained that the Free Trade Alliance would be providing assistance with invoicing and overall administration services to collect those fees

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

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2003-43 The Clerk read the following Ordinance

AN ORDINANCE 98629

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION BY THE CITY OF SAN ANTONIO'S DEPARTMENT OF COMMUNITY INITIATIVES TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE JUVENILE JUSTICE DELINQUENCY PREVENTION GRANT IN THE AMOUNT

OF \$106,991.00 TO SUPPORT THE TEEN COURT PROGRAM FROM SEPTEMBER 1, 2004 TO AUGUST 31, 2005

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

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98630

AUTHORIZING THE SUBMISSION OF A CONTINUATION GRANT APPLICATION BY DEPARTMENT OF COMMUNITY INITIATIVES TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE JUVENILE ACCOUNTABILITY BLOCK GRANT IN THE AMOUNT OF \$345,848.00 TO SUPPORT THE CONTINUATION OF THE NEIGHBORHOOD CONFERCING COMMITTEES AND STRIVING TOGETHER TO ACHIEVE REWARDING TOMORROWS PROGRAMS FROM AUGUST 1, 2004 TO JULY 31, 2005.

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

Councilman Segovia called forward Mr Rey Lopez, Board Member of the Greater San Antonio Crime Prevention Commission, who read a Resolution by the Commission in support of a federal grant towards preventing juvenile crime and early intervention

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98631

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION BY THE DEPARTMENT OF COMMUNITY INITIATIVES TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE SAFE & DRUG FREE SCHOOLS GRANT IN THE AMOUNT OF \$197,209.00 TO SUPPORT THE CONTINUATION OF THE STRIVING TOGETHER TO ACHIEVE REWARDING TOMORROWS PROGRAM FROM SEPTEMBER 1, 2004 TO AUGUST 31, 2005 IN THREE ADDITIONAL SCHOOLS IN THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT.

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

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2003-43 The Clerk read the following Ordinance

AN ORDINANCE 98632

APPROVING AN EXTENSION OF LINE-OF-DUTY (LOD) LEAVE FOR FIRE APPARATUS OPERATOR MARIO MONTEMAYOR THAT WILL RESTORE ONE THOUSAND, THREE HUNDRED AND SIXTY-SEVEN (1,367) HOURS, OR FIFTY

SEVEN (57) SHIFTS, OF THE PERSONAL SICK AND ANNUAL LEAVE HE USED FROM MARCH 26, 2003 TO DECEMBER 18, 2003, AND ALLOWING THE FIRE DEPARTMENT TO CONSIDER THIS PERIOD LOD LEAVE

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

In response to Councilman Hall, Fire Chief Robert Ojeda explained the specifics of the process that allows the City Council to approve an extension of Line of Duty (LOD) leave. Chief Ojeda also explained that the longest extension period that has been approved is generally for one year, and the number of such requests has been minimal during his ten years as Fire Chief.

In response to Councilman Perez regarding used sick leave, Chief Ojeda reiterated the purpose of the ordinance and stated this is not accrued leave, but rather it is LOD leave that is granted to the employee for injuries sustained in the line of duty. Chief Ojeda stated the LOD leave is provided under Section 143 of the Local Government Code for Policemen and Firemen

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98633

ESTABLISHING A FEE OF \$25.00 FOR CERTIFICATION OF WEAPONS PROFICIENCY FOR RETIRED POLICE OFFICERS CONDUCTED AT THE SAN ANTONIO POLICE DEPARTMENT TRAINING ACADEMY FIRING RANGE, ESTABLISHING A FEE OF \$50.00 PER HOUR FOR PARK POLICE, AIRPORT POLICE AND CODE COMPLIANCE ABATEMENT OFFICERS TO USE THE FIRING RANGE AFTER DAYTIME HOURS, AND ESTABLISHING A FEE OF \$75 00 PER SESSION FOR ALL OTHER LAW ENFORCEMENT ENTITIES

DURING DAYTIME HOURS OR \$100.00 PER SESSION AFTER HOURS OR ON WEEKENDS, PLUS AN ADDITIONAL \$50 00 PER HOUR OVERTIME, FOR USE OF THE TRAINING ACADEMY FIRING RANGE

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

In response to Councilman Perez, Police Chief Albert Ortiz stated the intent of the ordinance is to offset the maintenance costs for the increase usage by other law enforcement agencies and retirees. He stated he would provide a copy of the budget to Councilman Perez.

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98634

AUTHORIZING CITY MANAGER OR HER DESIGNEE TO EXECUTE AN EXTENSION AGREEMENT AND SECOND AMENDMENT TO THE LICENSED USER AGREEMENT WITH TICKETMASTER, L.L.C. FOR TICKETING SERVICES AT THE ALAMODOME, MUNICIPAL AUDITORIUM AND LILA COCKRELL THEATRE IN ORDER TO EXERCISE A TWO-YEAR RENEWAL OPTION OF THE AGREEMENT, AUTHORIZED BY ORDINANCE NO. 89413, PASSED ON MARCH 11, 1999, FOR A TERM BEGINNING ON JANUARY 1, 2004 AND ENDING ON DECEMBER 31, 2005, AND TO AMEND THE TERMS AND CONDITIONS OF THE AGREEMENT BY ELIMINATING CHARGES PAYABLE BY THE CITY, ADJUSTING THE ROYALTY SCHEDULE PAYABLE TO THE CITY, AND PROVIDING FOR AN ADDITIONAL THREE (3)-YEAR RENEWAL OPTION, SUBJECT TO CITY COUNCIL APPROVAL

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

In response to Councilman Perez regarding the proposed net revenues, Mr Mike Abington, Alamodome Director, explained the intent of the proposed ordinance. He gave examples of the convenience charges imposed by other venues for various events, and stated that the maximum convenience charge under this agreement at the Alamodome is

\$6.25 depending on the price of a ticket. He noted that there are no additional charges for tickets purchased at the Alamodome box office.

Councilman Perez reiterated his concern regarding the increase in fee charges from \$3.00 to \$3.75.

In response to Councilman Hall regarding the incentive for Ticketmaster, Mr. Abington stated that Ticketmaster plans to increase their convenience charges approximately one-quarter a year. He added that the City of San Antonio, in turn, will receive royalties from that increase and in effect, result in a positive bottom line.

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

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2003-43 PUBLIC HEARING AND ORDINANCE: STORM WATER UTILITY FEE INCREASE:

Mayor Garza declared the Public Hearing to be open.

Mr. Tom Wendorf, Director of Public Works Department, narrated a slide presentation on increasing the monthly storm water fee by 3.36% across all customer classifications. A copy of the presentation is one file with these papers. He provided background on the comprehensive storm water management programs and prior fee increases. He stated the proposed increase will improve storm water conveyance and surface water quality. He discussed the fiscal impact that is estimated at \$632,088 for FY 2003-2004. He also discussed the impact of the proposed increase on average residential and commercial customers. He noted the proposed ordinance is consistent with the requirements of the Texas Pollutant Discharge Elimination System permit of the Federal Water Quality Act of 1987.

The following citizen(s) appeared to speak:

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, spoke in favor of the increase in the water utility fee as a tool to avoid future flooding problems in new housing developments.

(Mayor Garza was obliged to leave the meeting at 3:31 P.M. Mayor Pro-Tem Williams presided.)

Mr. Jody Sherrill, 8503 Knights Knoll, Chairman, Northwest Alliance Neighborhood Association, spoke in favor of the proposed fee increase that will benefit the work crews. He stated, however, that he is in opposition of the water rate structure in existence, and further stated that homeowners associations should not be charged commercial rates. He suggested imposing a standard fee for a single-family lot based on the percentage impervious cover, and that multi-family lots should be charged on a unit, rather than the size of the lot. He stated he would provide a letter from the Neighborhood Association to the City Council with regards to the water rate structure.

Mayor Pro-Tem Williams closed the Public Hearing.

2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98635

INCREASING THE MONTHLY STORM WATER FEE BY AN AVERAGE OF 3.36% ACROSS ALL CUSTOMER CLASSIFICATIONS AND TIERS AS FOLLOWS: FOR RESIDENTIAL CUSTOMERS – (TIER 1) LOT SIZE OF ZERO TO 4,999 SQUARE FEET FROM \$2.25 TO \$2.33; AND (TIER 2) LOT SIZE OF 5,000 OR MORE SQUARE FEET FROM \$2.98 TO \$3.08; FOR MULTIFAMILY CUSTOMERS – (TIER 1) LOT SIZE OF ZERO TO 21,999 SQUARE FEET FROM \$5.01 TO \$5.18; AND (TIER 2) LOT SIZE OF 22,000 TO 43,999 SQUARE FEET FROM \$15.68 TO \$16.21; AND (TIER 3) LOT SIZE OF 44,000 TO 131,999 SQUARE FEET FROM \$47.55 TO \$49.15; AND (TIER 4) LOT SIZE OF 132,000 OR MORE SQUARE FEET FROM \$226.28 TO \$233.88; FOR COMMERCIAL/GENERAL CUSTOMERS – (TIER 1) LOT SIZE OF ZERO TO 21,999 SQUARE FEET FROM \$12.83 TO \$13.26, AND (TIER 2) LOT SIZE OF 22,000 TO 43,999 SQUARE FEET FROM \$35.10 TO \$36.28; AND (TIER 3) LOT SIZE OF 44,000 TO 86,999 SQUARE FEET FROM \$62.91 TO \$65.02; AND (TIER 4) LOT SIZE OF 87,000 TO 131,999 SQUARE FEET FROM \$108.42 TO \$112.06; AND (TIER 5) LOT SIZE OF 132,000 OR MORE SQUARE FEET FROM \$239.54 TO \$247.59, FOR PUBLIC CUSTOMERS – (TIER 1) LOT SIZE OF ZERO TO 21,999 SQUARE FEET FROM \$12.71 TO \$13.14, AND (TIER 2) LOT SIZE OF 22,000 TO 43,999 SQUARE FEET FROM \$34.76 TO \$35.93, AND (TIER 3) LOT SIZE OF 44,000 TO 86,999 SQUARE FEET FROM \$62.79 TO \$64.90; AND (TIER 4)

LOT SIZE OF 87,000 OR MORE SQUARE FEET FROM \$106.15 TO \$109.72, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON APPROVAL BY EIGHT VOTES

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

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

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2003-43 STAFF BRIEFING ON THE CURRENT STATUS OF TRANSPORTATION ISSUES IN SAN ANTONIO.

(Mayor Garza returned to the meeting to preside at 3:45 P.M.)

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation on the update on Transportation agencies, projects, issues and funding to San Antonio. A copy of the presentation is on file with these papers. Mr. Wendorf discussed transportation goals, San Antonio's connection to transportation, future state funding and recommendations. Mr. Wendorf also highlighted the challenges transportation issues present, transportation partner agencies, funding history, issues and drivers, and new transportation funding tools. He discussed the history of the Metropolitan Planning Organization (MPO) and identified the neighboring MPO members, and other suburban cities. He outlined MPO activities, and the Unified Planning Work Program (UPWP) He spoke to VIA Metropolitan Transit's (VIA) mission and its financial distribution. He discussed the history of the Alamo Area Council of Governments (AACOG), its 12-county region and its primary activities He also discussed the history of the San Antonio Mobility Coalition (SAMCo), its makeup and mission, which is to identify and advocate transportation and mobility solutions for the San Antonio Metropolitan area Mr. Wendorf noted the Traffic Jam Coalition, consisting of a group of local agencies, corporate partners, and non-profit organizations, whose goal is to reduce fatal and injury traffic crashes He also noted the transportation improvement program funding history and the historical transportation funding flow. He provided information on the gasoline tax and state gasoline tax rate He continued his discussion on critical issues related to San Antonio's effort to managing existing roadway capacity locally, and in the near future

(Mayor Garza was obliged to leave the meeting at 4:20 p.m Mayor Pro-Tem Williams presided)

Councilman Castro spoke regarding the issue of maintaining the relatively low congestion in San Antonio in comparison to other Texas cities, and the need to implement creative alternatives for transportation. He cited the need for funding to be earmarked for the Fredericksburg Road rapid bus transit project and other projects for alternative transportation methods.

(Mayor Garza returned to the meeting and presided at 4:24 P.M.)

In response to Councilman Hall regarding the effects of reduced funding, Mr. Wendorf stated that generally, the State has had significant budget constraints with regards to transportation. He expounded on the 911 terrorist act that caused the public to stop traveling, a dip in the economy, and decreased nation-wide fuel tax revenues. He further stated the State has had to look at new ways to finance projects, and local governments will need to provide more money for matching funds.

Discussion ensued between Councilman Hall and Mr. Jason Cosby, Assistant Director of Public Works Department, regarding truck lane restrictions. Mr. Cosby stated that it is anticipated that restrictions will become permanent in February, 2004 in the area of Interstate 10 and Highway 90.

Mayor Garza spoke to the local, regional, State and Federal transportation needs, and about creative alternatives to manage priorities for San Antonio. He added the importance of understanding the competitiveness for federal funding.

In response to Councilman Perez regarding the next steps, Mr. Wendorf stated that plans are to continue dialogue with the City Council to establish a strategic plan that will approach transportation issues and focus on critical areas.

Ms. Terry M. Brechtel, City Manager, suggested presenting the issue before the Quality of Life Committee. She reiterated the intent of the presentation was to make the City Council aware of the funding sources, and to also set the motion in place for a unified vision and to continue dialogue with the City Council. She stated that findings by the Quality of Life Committee will be brought forward to the City Council at a "B" Session in order to draw a resolution by the City Council and move forward with a strategic plan.

Discussion ensued between Councilman Williams and Mr. Wendorf regarding the partnership with the various transportation agencies to develop an optimum transportation

system. Mr. Wendorf gave his perspectives regarding the funding alternatives, the goals for the local transportation system, and of the impact new dual fuel vehicles may have on the gasoline tax.

In response to Councilman Schubert regarding start and finish dates for certain projects, Mr. Wendorf stated that due to budget constraints, there will be those types of issues that will have to be identified. He discussed the road toll concept as a source of funding in the future, but noted the likelihood of no short-term answer to solving the funding problems at all levels.

In response to Councilman Barrera regarding VIA Metropolitan Transit (VIA), Ms. Priscilla Ingle, VIA Representative, stated that VIA has initiated several programs to increase ridership, improve bus service and promote mass transit. She also stated that the Fredericksburg Road corridor has been identified as a candidate for the bus rapid transit project.

Councilman Barrera stated that the transition for people to change their habits of using their personal vehicles and begin to take advantage of urban transportation, will be an educational process and a long term project.

Councilwoman Radle concurred with Councilman Barrera, and cited the need for sensitivity to seniors with regard to urban transportation.

The City Council thanked Mr. Wendorf for his presentation.

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2003-43 The Clerk read a proposed Ordinance amending the city of San Antonio, Texas guidelines and criteria for tax increment financing (TIF) and reinvestment zones as amended and approved by Ordinance No. 96621 on October 24, 2002

Councilman Hall made a motion to postpone the proposed Ordinance Councilman Segovia seconded the motion

After consideration, the motion to postpone the proposed Ordinance until January 8, 2004, prevailed by the following vote: AYES: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. NAYS: None. ABSENT: None

Item #70 was postponed until January 8, 2004.

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2003-43 The Clerk read the proposed Ordinance adopting revised tax phase-in guidelines for the City of San Antonio developed by the Joint City of San Antonio and Bexar County Task Force

Councilman Hall made a motion to postpone the proposed Ordinance Councilman Segovia seconded the motion

After consideration, the motion to postpone the proposed Ordinance until January 8, 2004, prevailed by the following vote: AYES: Flores, Williams, Segovia, Perez, Radle,

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

Item # 71 was postponed until January 8, 2004.

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98636

AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED FUNDING CONTRACT WITH GUADALUPE CULTURAL ARTS CENTER, MODIFYING A FUNDING AGREEMENT APPROVED BY ORDINANCE NO. 91178 ON JANUARY 27, 2000, WHICH PREVIOUS ORDINANCE PROVIDED GUADALUPE CULTURAL ARTS CENTER \$1,500,000 IN 1994 AND 1999 GENERAL OBLIGATION BOND FUNDS, TO REFLECT THE PROPOSED CHANGES TO THE CENTER'S ORIGINAL PLAN FROM CONSTRUCTION OF AN ARTS EDUCATION CENTER ON GUADALUPE STREET TO A TWO-PHASED PROJECT PLAN, CALLED THE "GUADALUPE CULTURAL ARTS CENTERS SCHOOL OF LATINO ARTS AND CULTURE CAMPUS – EDUCATIONAL FACILITIES," THAT INCLUDES 1) THE RENOVATION OF A FACILITY AT 701 S. BRAZOS, TO BE KNOWN AS THE "VISUAL AND MEDIA ARTS SCHOOL AND GALLERY," AND 2) THE CONSTRUCTION OF A SECOND FACILITY CONTIGUOUS TO THE GUADALUPE THEATER, TO BE KNOWN AS THE "SCHOOL FOR PERFORMING ARTS;" AND AUTHORIZING THE EXECUTION OF A RECORDABLE MEMORANDUM OF THE AMENDED AND RESTATED FUNDING CONTRACT IN CONNECTION WITH SUCH CHANGES

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

Ms. Rebecca Waldman, Director, Asset Management Department, gave a presentation on the amendment to Guadalupe Cultural Arts Center (GCAC) funding agreement. A copy of the presentation is on file with these papers. She discussed the background, and itemized the revised project in Building 1 and Building 2. She pointed out the funding agreement that was executed in 2000 would be modified. She stated the fiscal impact involves no new funding and provides for the \$1.5M in previously approved 1994 and 1999 bonds.

Councilwoman Radle noted that the actual building to be renovated will be Building #4 and not Building #1 as shown on the slide presentation.

In response to Councilwoman Radle, Ms. Maria Elena Torralva, Executive Director of Guadalupe Community Cultural Arts Center, stated the project does reflect the efforts between all parties over the past year. She added that the school of visual arts will actually be in operation by July, 2004 in order to accommodate the 350-400 students per week. She gave a brief history of the development process, and noted that the facility will be a valuable asset to the west side of San Antonio.

The following citizen(s) appeared to speak:

Dr. Parker Sheadman, thanked the City Council for bringing Toyota Manufacturing jobs to the City that will generate the economy, provide benefits and maintain Toyota's record of minority hiring, contracting and sensitivity. He spoke in opposition to Toyota's plan to hire professionals from other cities instead of considering local engineers and managers.

Mr. Nazirite Ruben Flores Perez, 627 Hearne, spoke to bible verses that refer to trees.

Mr. Faris Hodge, 140 Dora, spoke in regard to the need for City staff to be integrated. He also provided a slide presentation regarding wrongful incarceration.

Mr. Alex Guzman, President of the San Antonio Professional Firefighters, spoke regarding the difficulties experienced by City employees when dealing with Employee Benefit Administrators (EBA), the City's health benefits administrators. Mr. Guzman stated that earlier meetings with staff brought temporary relief from problems such as slow payments of claims, no payments, busy phone lines and miscalculations. He further stated that the problems have not been permanently solved, and requested assistance from the City Council to solve the situation.

In response to Mayor Garza regarding the status of an investigation into some of the issues presented by Mr. Guzman, Ms. Melissa Vossmer, Assistant City Manager, stated that staff had outlined a plan after lengthy dialogue with EBA. She noted that until that plan goes into effect in 2004, the City must continue to work with EBA. She further noted that staff will continue to seek relief for City employees in an effort to reduce problems with their benefit claims.

Mayor Garza directed staff to set up a meeting before the holidays to determine how, in the short term, these issues may be resolved with the knowledge that changes will be underway for long-term understanding.

Mr. Nick Pena, Fiesta Market Square, Inc., congratulated Mayor Garza on his election as President of the Hispanic Elected Officials. He spoke in opposition to the audit conducted on the Fiesta Del Mercado Celebration by the City Auditor, Ms. Pat Major, and subsequent management of the event by the San Antonio Parks Foundation. Mr. Pena stated that if any negative findings are determined by the audit, they can be corrected. He requested that a public hearing be held in order for the sponsoring organizations to speak before a decision is made to terminate the past management system.

Mr. Jaime Herrejon, Fiesta Market Square, Inc., asked for the opportunity to respond to any and all allegations as a result of the City audit.

Ms. Angie Garcia, Fiesta Market Square, Inc., spoke regarding her concerns as a stake holder in the Market Square contract. She stated the Market Square merchants are prepared to manage the Fiesta Del Mercado celebration.

Ms. Patricia Horsfor, President, Fiesta Market Square Inc., stated that the organization has not had the opportunity to respond to any of the allegations in the City's audit. She requested that the City Council pull Item 72 and allow Fiesta Market Square Inc., to set the record straight.

Ms. Delia Guajardo, Chairman, Market Square Commission, requested that City Council allow the Fiesta Market Square, Inc., to respond at a future "B" Session and allow the opportunity for Market Square tenants to respond to the audit

In response to Councilman Hall regarding a contract, Ms. Patricia Horsford clarified that that the contract expired in April, 2003 and that currently, there is no existing contract.

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98637

ESTABLISHING A ONE-TIME FEE IN THE AMOUNT OF \$50.00 FOR INSPECTIONS TO DETERMINE COMPLIANCE WITH CERTAIN PROVISIONS OF ORDINANCE NOS. 97895 AND 97990, PASSED ON BY RESTAURANTS THAT HAVE ENCLOSED BAR AREAS, ENCLOSED DINING AREAS, OR OUTDOOR

SEATING AREAS WHICH ARE DESIGNATED AS SMOKING AREAS; AND
AMENDING CHAPTER 13 OF THE CITY CODE TO INCLUDE SUCH FEE.

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

(Mayor Garza was obliged to leave the meeting at 5.45 P.M. Mayor Pro Tem Williams presided.)

Dr. Fernando Guerra, Director, San Antonio Metropolitan Health District, narrated a slide presentation on the ordinance to amend Chapter 36, and subsequent implementation plan and timeline. A copy of the presentation is on file with these papers. He noted prior discussions related to the smoking ordinance and relative background to amend Chapter 36 of the City Code that prohibits smoking in most public places. He stated a \$50.00 fee has been authorized to cover staff and program expenses associated to insure that establishments are in compliance with the City Code. He further stated that the changes become effective on January 1, 2004. Dr. Guerra noted that in addition to the other signage for non-smoking establishments, signs for designated smoking areas will be available by January 1, 2004. He provided statistics on those restaurants that have gone smoke free at the time of the last survey.

In response to Councilman Schubert regarding notification, Mr. Sam Sanchez, Environmental Health Administrator, stated that several direct communications were made to every licensed restaurant in the City. He described those areas where signs will be required within the establishments. He further added the City signs will be available for \$3 each.

In response to Councilman Schubert regarding a compliance time line, Mr. Sanchez stated some establishments are already in compliance, and some have decided to go smoke-free. He added that it may take a couple of months for other restaurants who will have to reconfigure their establishment, and that the Health District understands it may take anywhere from 90 to 120 days until all restaurants are in compliance.

In response to Councilman Williams regarding status of health inspectors, Dr Guerra stated that considering the number of inspections, and the frequency of follow-up visits, the Health Department has experienced its share of personnel vacancies

2003-43 POINT OF PERSONAL PRIVILEGE

Ms. Terry Brechtel, City Manager, spoke regarding Mr Frank Blalock, Assistant Director

of the Metropolitan Health District, who will be retiring at the end of the month. She thanked him on behalf of the citizens of San Antonio, for his years of dedicated service.

Discussion between Councilman Castro and Dr. Guerra continued regarding the one-time \$50 inspection fee. Councilman Castro added that while the fee is a compromise, he stated that the City should maintain its commitment to inspect these restaurants and insure compliance in order to move forward, and provide a beneficial impact to San Antonio.

In response to Councilman Hall, Dr. Guerra stated that the fee is not charged to every restaurant, but only to those that are not smoke-free.

In response to Councilman Barrera, Mr. Sanchez described the timeline for the implementation plan, and estimated that it will take two to three months for those restaurants that will have a smoking area, to be in full compliance.

(Mayor Garza returned to the meeting at 6:03 P.M to preside.)

In response to Councilman Segovia regarding the process for enforcement of violations, Dr. Guerra explained that staff will be giving restaurants the opportunity to come into compliance, without taking any aggressive action. He added that the staff is trained to initially inform those who are not in compliance, and follow up with a second inspection. He further added that if, at that time, they have not met the provisions with a certain grace period, a citation will be issued.

Mr. Sanchez stated the citation will have a fee from \$200 to \$2,000. He further noted that if violations continue, the establishment may have its license suspended or revoked.

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

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2003-43 The Clerk read the proposed Ordinance:

Appointing six part-time municipal court judges to two year terms, as recommended by the municipal court subcommittee of the quality of life committee

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Mr. Andrew Martin, City Attorney, gave a presentation on the appointment of part-time Municipal Court Judges. A copy of the presentation is on file with these papers. He discussed the selection process beginning with a review of applications by the Quality of Life Committee. He stated that there are currently five budgeted vacant part time judge position and a sixth vacancy created by a recent resignation. He named the six individuals as recommended by the committee to fill the positions.

Councilman Flores called forward Judge Alfredo Tavera, who spoke regarding the number of vacant budgeted part-time Municipal Court judges.

Discussion ensued between Councilman Flores and Mr. Martin regarding clarification on the number of available slots to fill.

Councilman Flores made a motion to postpone the appointments until the next meeting in order for the Subcommittee to decide on the seventh candidate that would bring the total number of appointed judges to twelve.

Discussion continued regarding clarification on whether to continue appointing the six candidates and appointing the seventh judge at a later date

Councilman Flores expressed his concern regarding the staggered terms, and suggested making the appointments all at the same time

Judge Tavera noted his concerns were in maintaining a staff during the holiday season, and further noted that the appointments would not be effective until after the new year.

Mr. Martin stated that the decision was ultimately the City Council's choice to conduct the appointments as deemed necessary.

Councilman Flores reiterated his motion to appoint all part-time judges on January 8, 2004

Mayor Garza stated for clarification that the six individuals who were nominated would remain for consideration at the next City Council meeting, along with the seventh individual to be recommended to the Council.

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

After consideration the motion by Councilman Flores postponing the Ordinance until January 8, 2004 prevailed by the following vote. AYES: Flores, Williams, Segovia, Radle, Barrera, Hall, Haass, Garza. NAYS: Schubert ABSENT. Perez, Castro

After consideration, the main motion as amended prevailed by the following vote AYES Flores, Williams, Segovia, Barrera, Hall, Haass, Garza. NAYS: Schubert. ABSENT. Radle, Castro.

Item #64 was postponed to January 8, 2004.

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98638

AMENDING CHAPTER 20 OF THE CITY CODE OF SAN ANTONIO, RELATING TO TERMS OF MUNICIPAL COURT JUDGES.

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

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Mr. Andrew Martin, City Attorney, made a slide presentation amending Sec 20-5 of the City Code. A copy of the presentation is on file with these papers. He stated that the City Charter provides that whenever a judge, who is appointed for a fixed term, the judge continues to hold over until his successor is appointed and qualified. Mr. Martin explained that the Subcommittee's recommendation is to clarify that the beginning of a term of office is established by the ordinance that makes an appointment. He also made the recommendation to follow Section 160 of the Charter regarding the hold-over provision as it applies to all other City officials.

In response to Councilman Flores, Mr. Martin stated this action is unrelated, and has no effect, to the Municipal Court judge appointments that are to be made at the next City Council meeting.

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

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2003-43 The Clerk read the following Ordinance

AN ORDINANCE 98639

ADOPTING VARIOUS AMENDMENTS AND REVISIONS TO THE LOBBYING PROVISIONS OF THE CITY OF SAN ANTONIO ETHICS CODE AS PROPOSED BY THE MAYOR'S COMMITTEE ON INTEGRITY AND TRUST IN LOCAL GOVERNMENT AND THE CITY OF SAN ANTONIO ETHICS REVIEW BOARD.

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

Ms. Helen Valkavich, City Attorney's Office, gave a presentation on the Ethics Code Lobbyist Revisions as recommended by the Mayor's Committee on Integrity and Trust in Local Government and the Ethics Review Board. A copy of the presentation is on file with these papers. Ms. Valkavich reviewed the term definitions as they pertain to the Ethics Code. She discussed the proposed amendments to the definitions of municipal question, compensation, expenditure and the exception from registration for individuals acting on their own behalf. She further explained the definition of "Individuals" with regard to 'Exemption for Individuals'

The following citizen(s) appeared to speak:

Ms. Martha Mangum, Executive Director, Real Estate Council, 8706 Lockway, spoke on behalf of several business organizations regarding their concerns in changing the definition of municipal question. Ms. Mangum stated that several business organizations are in support of a strong ethics ordinance, but sees no need to change the definition of municipal question for platting and zoning. She provided copies of a letter from these businesses to the City Council in which recommendations were given in relation to the definition of a lobbyist. She noted her concern over the \$1,000 registration fee and stated it is one of the highest rates in the State. She requested clarifying the language in the Ethics Code as to who has to register as a lobbyist.

Ms. Robin Locke, Board of Realtors, stated that the current language does not include day-to-day application, administration or execution of city programs and policies such as permitting, platting and zoning matters. She stated that today's recommendation would include a new and unclear definition. She requested that examples be provided for clarification into the final ordinance to reduce misinterpretation.

In response to Mayor Garza, Ms. Valkavich discussed the issue of how the definition of municipal question is addressed in the Ethics Code and how it is incorporated into the Ethics Ordinance. She stated that in order to be subjected to the registration requirement,

an individual has to be compensated in connection with the lobbying activity. She provided other examples to define a lobbyist.

Mayor Garza recommended that Ms. Valkavich conduct future presentations to the Board of Realtors and to the Real Estate Council in an effort to clarify the issue. He stated that the recommendation by the Mayor's Committee on Integrity and Trust as it relates to the zoning process, is a consistent effort towards defining municipal question.

In response to Councilman Perez regarding the letter submitted by Ms. Mangum, Mr. Andrew Martin addressed the five recommendations submitted by the Real Estate Council. He stated the ordinance and subsequent amendments are intended to work closely with the public to determine who has the obligation to register as a lobbyist. He concurred with Mayor Garza regarding education and outreach on this issue.

In response to Councilman Perez regarding incorporating four of the five recommendations into the ethics ordinance, Mr. Martin stated that after a thorough review, the issue can be brought back to the City Council in January.

Councilman Castro stated that he concurs with Mayor Garza that the recommendations submitted by the Mayor's Committee on Integrity and Trust will provide a positive and necessary improvement to the ethics ordinance. He encouraged the Office of the City Attorney to draft a document in the future that will give more direction and peace of mind to individuals when contacting City officials in the course of their work. He stated he would support the recommended language.

Discussion ensued on clarification and mechanism controls for those who are lobbyists.

In response to Mayor Garza with regard to articulating the intent of the ordinance, Mr. Art Downey, Chairman, Ethics Review Board, recommended that the City Council take action today. He also noted that he does not agree with three out of the five suggested examples in the Real Estate Council's letter, and did not agree that it is necessary to include them in the ethics ordinance. He also noted that the definition for municipal questions is a good definition.

Councilman Radle spoke in support of the Ethics Code revisions, and added that if the examples were drawn up as an attachment by the City Attorney's Office, they could be of assistance to the public.

Councilman Williams stated that he would not be supporting this ordinance in its current shape or any examples. He added that if examples are necessary, the standard is not clear.

Councilman Schubert stated he had no question as to who was a lobbyist at City Hall. He also expressed his concern that Mr. Downey had stated that three out of five examples in the aforementioned letter were incorrect. Councilman Schubert stated that he would vote against the item if someone could advise him of the issues with the definitions, or how they would view examples 1, 2, 4 and 5 as lobbyist.

Discussion ensued between Councilman Schubert and Ms. Valkavich regarding scenarios pertaining to the issues of compensation. Ms. Valkavich provided an interpretation and clarification of "compensation".

In response to Councilman Schubert, Mr. Downey gave an explanation of his opinion on the aforementioned examples. Mr. Downey stated that upon his first review, he disagreed with example number two, but would be willing to review the list a second time. He added that the Ethics Code cannot be explicit in every detail, and that interpretations are made based on facts that are presented at the time of the complaint. He further added that each case is looked at individually.

Discussion continued between Councilman Schubert and Ms. Valkavich as she clarified what specific situations qualify as legitimate lobbying contacts.

In response to Councilman Schubert, Ms. Valkavich provided information regarding reporting expenditures and related exemptions that are not included in the registration requirement.

Councilman Barrera stated that while he sees a public demand for examples, the possibility exists of inadvertently omitting information. He noted that it is critical not to lose sight of the purpose of the ordinance without creating undue burdens on developers. He noted he had no issues with the examples being included, and stated he was ready to move forward.

Councilman Castro stated there are seventeen people registered at lobbyist, and added that the intent of the ordinance is to determine who the people are who have undue influence on the policy that gets created at City Hall. He made a motion to reduce the registration fee from \$1,000.00 to \$100.00 as an incentive to call out those individuals who are lobbying.

In response to Mayor Garza, Mr. Martin recommended against the amendment given by Councilman Castro because it had not been posted. He added that it is an issue that can be brought back on January 8, 2004.

Mayor Garza clarified Councilman Castro's request to reduce the amount of the fee from \$1,000.00 to \$100.00 as a direction to staff for consideration on January 8, 2004. He also

requested background information regarding the history of the \$1,000.00 fee implementation.

Councilwoman Radle stated that she supports the consideration of drastically reducing the amount of the registration fee in order to encourage people to come forward about their position as lobbyists, and not be discouraged of registering because of the \$1,000.00 fee.

Councilman Hall stated that the amount of administrative costs required for the process is a major factor in the amount of the imposed fee.

Councilman Schubert stated the issue is for a true definition of a lobbyist. He further added that the City Attorney's Office has provided a very good definition of a lobbyist, and if the ordinance is approved, the City will have an interpretation of the Code under that definition.

In response to Councilman Schubert, Ms. Valkavich stated that individuals or businesses, who are doing business with the City and contacting public officials should be aware of the law, and make a determination if it applies to them. She gave an explanation of the process involved once a complaint is registered with the Ethics Review Board. She further clarified on examples presented on whether they were considered lobbyists.

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98640

ACCEPTING THE RECOMMENDATION OF THE ETHICS REVIEW BOARD TO FIND WILLIAM C. SMITH IN VIOLATION OF THE CITY OF SAN ANTONIO ETHICS CODE, PART B, SECTION 3(A)(2) AND TO REQUIRE CAPTAIN SMITH TO ATTEND A COURSE IN CONTINUING ETHICS EDUCATION OFFERED BY THE CITY ATTORNEY'S OFFICE.

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

Mr. Art Downey, Chairman, Ethics Review Board (ERB), narrated a slide presentation, a copy of which is on file with these papers. He stated the ERB considered the complaint against San Antonio Police Captain William Smith filed with the Ethics Board by Assistant Police Chief Tyrone Powers. He explained the process of the investigation by the ERB, and noted that the ERB concluded that Captain Smith had violated the Ethics Code, Part B, Section 3 with regard to Gifts. He noted that the ERB recommended that Captain Smith attend a course in continuing ethics education offered by the City Attorney's Office.

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98641

ACCEPTING THE RECOMMENDATION OF THE ETHICS REVIEW BOARD TO FIND ALAN BOOZIKEE IN VIOLATION OF THE CITY OF SAN ANTONIO ETHICS CODE, PART B, SECTION 3(A)(1)AND(2) AND TO REQUIRE HIM TO ATTEND A COURSE IN CONTINUING ETHICS EDUCATION OFFERED BY THE CITY ATTORNEY'S OFFICE AND PAY \$100.00 SANCTION

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Mr. Benjamin Youngblood, Vice Chairman, Ethics Review Board (ERB), made a presentation regarding an ethics complaint against San Antonio Fire Chief Allen Boozikee. He stated the complaint alleged that Chief Boozikee violated Ethics Code Part B, Section 3(a) (1) and (a) (2) The ERB recommended Chief Boozikee attend a course in continuing ethics education offered by the City Attorney's Office and pay \$100 sanction

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

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

2003-43 The Clerk then read the following Resolution:

A RESOLUTION
NO. 2003-43-35

AMENDING RESOLUTION NO. 2000-44-41, APPROVED ON DECEMBER 14, 2000 BY: 1) INCREASING THE MAXIMUM AMOUNT THAT THE GREATER KELLY DEVELOPMENT AUTHORITY (GKDA) CAN BORROW FROM \$65.9 MILLION TO \$124.6 MILLION; 2) EXPANDING THE AUTHORIZED CATEGORIES OF DEBT INSTRUMENTS TO INCLUDE BONDS APPROVED BY CITY COUNCIL AND OTHER DEBT INSTRUMENTS AS APPROVED BY THE GKDA BOARD OF DIRECTORS, SUCH AS BANK LOANS AND INSTITUTIONAL LOANS; AND 3) CLARIFYING SECTION III(E)(2) OF THE HUD SECTION 108 COMMITMENT LETTER AND LOAN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND GKDA TO ALLOW FOR THE PLEDGING OF GKDA ASSETS WITHOUT CITY APPROVAL PROVIDED SUCH ASSETS ARE NOT COLLATERIZED UNDER ANY PRIOR AGREEMENTS WITH THE CITY.

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

Mr. Ramiro Cavazos, Director, Economic Development Department, narrated a powerpoint presentation, a copy of which is on file with these papers Mr Cavazos discussed the intent of the proposed ordinance that will increase the Greater Kelly Development Authority's (GKDA) borrowing authority and to expand the categories of the GKDA's debt instruments. He outlined the background which included the implementation of Phase II development at Kelly USA, which requires additional borrowing capacity to accommodate the market demand for facilities and infrastructures created by new and existing tenants. Mr. Cavazos outlined GKDA'S current and requested borrowing authority. He itemized GKDA's funding requirements and requested debt instruments. He discussed the HUD Section 108 Commitment Letter and Loan Agreement, and related loan chronology, terms and collateral.

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

2003-43 The Clerk read the following Ordinance

AN ORDINANCE 98642

SELECTING THE SAN ANTONIO PARKS FOUNDATION TO OPERATE THE CITY'S MARKET SQUARE FIESTA EVENT ON AN INTERIM BASIS FROM APRIL 16, 2004 THROUGH APRIL 25, 2004 AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT TO ACCOMPLISH THAT PURPOSE.

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

Mr. Malcolm Matthews, Director of Parks and Recreation Department, narrated a slide presentation on the selection of the San Antonio Parks Foundation to operate the 2004 Fiesta Event in Market Square. A copy of the presentation is on file with these papers. He discussed the background of the current Market Square site, as well as the Fiesta Del Mercado event. Mr. Matthews described the previous license agreement that involved administrative and financial requirements. He reported on the recent findings among which included a review by the Ethics Review Board regarding various complaints. He gave a chronology of steps taken by the Governance Committee and the Quality of Life Committee in 2003. He discussed proposed business points and recommendations for April, 2004. Mr. Matthews outlined the proposed responsibilities of the San Antonio Parks Foundation (SAPF) in regards to the operation the Fiestas Del Mercado event for one year. He also discussed previous financial considerations and future actions proposed.

The following citizen(s) appeared to speak:

Ms. Patricia Horsfor, Fiesta Market Square, Inc. (FMSI) spoke on behalf of the organization's efforts to negotiate with the City to extend the lease contract for the operation of the Fiesta Del Mercado festival. She referred to the City Code to demonstrate the process the organization attempted to follow for compliance to the contract terms. She spoke of the organization's opposition to the allegations made by the City Auditor that the organization failed to pay taxes, misappropriated funds, maintained two sets of accounting books, operated with less than accurate accounting practices and mismanagement of a non-profit organization. Ms. Horsfor stated the audit report has not been made available to the FMSI for their review, and also stated that many issues have been corrected, and if examples of the allegations can be provided, those items can also be corrected. She provided responses to the allegations, and stated that FMSI received direction from City staff, but cited a lack of communication between the City and FMSI caused many difficulties for the organization. Ms. Horsfor spoke in opposition to the City assigning the event to another entity, and recommended a "B" session in which FMSI may have the opportunity to respond to all issues.

In response to Councilman Segovia, Ms. Horsford stated she communicated with the Market Square City Staff, Jesse Moreno and Blanche Mendoza. She also stated that the FMSI is a non profit organization whose contract calls for a 501 designation, but actually maintains a 501C6 designation.

Ms. Angie Garcia, stated that there is currently no contract, and that there has to be an open bid process to award a contract.

Mr. Walter Serna, Attorney for the Fiesta Market Square, Inc., said the City Auditor's office has made allegations to which there is not enough time in this forum to respond accurately to the City Council. He cited an example where the City was aware of the FMSI operating events other than the Fiestas Del Mercado, and stressed the importance of allowing him to respond to all questions and allegations. He further requested that the FMSI be allowed to co-sponsor the Fiestas Del Mercado along with the SAPF to provide the support and experience necessary to make the event a success. He noted that the request for proposals is scheduled for the summer of 2004 and requested that this item be tabled until January, 2004.

Mr. Nick Pena, FMSI, requested a "B" session to discuss the evidence, and be able to respond to the various allegations outlined in the City audit. He spoke to the Ethics Code and possible violations by the SAPF membership.

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Mayor Garza gave background on the sequence of events that led to a review by the Ethics Review Board after a complaint was filed against a Market Square Commissioner in April, 2003. He stated that the Governance Committee recommended that an audit be conducted on the contract with the Fiesta Market Square, Inc. He further stated that, given all the factors with regards to the audit not yet completed, the time constraints and the importance of the fiesta event, the Governance Committee decided on the option of having the Parks Foundation run the event for a one-year period on an interim basis. Mayor Garza noted that once the audit is complete, there will be an opportunity to respond. He further noted that he is not comfortable in moving with a request for proposal in 2005, and stated that the audit must be completed and issues resolved before 2005. He pointed out this is an interim contract being approved for 2004. He expounded on the fact that an audit was conducted by the organization's auditor that resulted in similar recommendations as the City's Auditor with regard to changes that should have been made to better improve the management decisions and fiscal actions by the organization. He acknowledged receipt of the responses that FMSI provided to the City Auditor with all the specific points, and noted his decision not to meet with any group during the audit process until there is an opportunity for FMSI to submit their official response to the audit.

Ms. Pat Major, City Auditor, narrated a slide presentation, a copy of which is part of these papers. She discussed the process in reviewing the books for the FMSI to determine the exact figures for the event, and noted that the organization had brought in \$3.9 million, with approximately \$2.6 million in cash, and compared that to what the organization had spent. She itemized various expenses and payments to the City made by the organization, and gave a breakdown on fees paid towards Health Department permits, fire inspections, and parking permits. She also discussed concerns over cash controls with regard to the sale of beverages for the five year period, and noted that in comparing the \$3.8 million total revenue for the five year period, compared to the \$881,000 reported in 2002, demonstrated the overall the revenue was down about \$200,000.

Ms. Major also discussed another cause for the audit was to determine if, the board members had paid themselves. She reported that actual payments over the five-year period to both members, and family members, totaled \$107,000. She also stated that there are discrepancies with that amount and what was reported to the IRS for 2002. She also discussed payments over a five-year period totaling \$156,000 had been distributed to three associations involved in the Market Square organization, and a separate \$12.00 paid to Market Square tenants. Ms. Major noted that in some cases, some individuals worked for these funds, but that practice is in conflict with the licensing agreement and with the IRS regulations as a 501C6 entity.

In terms of the audit findings, Ms. Major highlighted a number of other issues. She spoke regarding the independent auditor's management letters on file that cautioned the organization regarding making financial distributions to the board members or their family members as that could violate their 501C6 status. She noted that the documentation is not being kept to support the expenditures that were made. She further noted the lack of filing 1099 forms on the individuals that were paid for their services over the last five years. She pointed out problems with the sales tax payment record. Ms. Major also discussed the discrepancies with a lottery held for food booths in which \$169.00 was collected from the sales of the lottery tickets. She further pointed out problems in terms of persons who had a contract for the food booths were not necessarily the persons who actually ran the booth and whose name was on the health permit.

Ms. Major expounded on a major issue pertaining to the non-competitive distribution for the "aquas frescas" booth contract that was given to one individual who paid \$30,000 to the organization. Ms. Major stated that in prior years, those booths were distributed among three to four individuals. She noted another cause for concern dealt with a test of sixty-eight people that had contracts with the FMSI, and it was found that a number of them were from out of State and did not possess a sales tax permit. She discussed purchasing control problems that showed FMSI did business with relatively few vendors. She stated that in the completed audit, the small group of individuals that they did business with over the last five years, will be named. She stated that some of the board

members are related to the LULAC members, and because of that, there was no consensus to trying to collect from the LULAC organization, the money it owed to the FMSI for the fiesta event.

Ms. Major reiterated that for the amount of expenditures listed, there are no invoices to support them. She cited the contract's requirement for FMSI to hire a Certified Public Account (CPA) to assist them with the daily cash controls, and since there were no set procedure for that, it resulted in some mishandling of accounts. She spoke to the efforts of the City staff liaisons and the co-mingling of responsibilities. She recommended that City Council and the City Manager look into a concessionaire that will run all the external events in the Plaza area on weekends and on special occasions. She further recommended that if there is a suspension and debarment list for the City, that the FMSI and the three Market Square associations be included in that list. She noted that some of the members of the associations are not privy to the Board's financial records on the events, and are not aware of the charge of the Board.

Discussion continued regarding a thirty-day response timeline by staff.

In response to Mayor Garza regarding the particulars of the situation and an estimate for resolution, Ms. Majors stated that the final report may be completed in early January, 2004. She stated there is a great opportunity for this event and that someone should manage it rather than to lose that window for the community as a strong fundraiser

In response to Councilman Hall, Ms. Brechtel stated that she has met with Mr Malcolm Matthews to prepare the City's response. She further stated that there are some issues that will be addressed internally to become more proactive. She noted that in terms of the contract management issues, she will meet with the Parks Department organization that monitors contracts, and consider a possible reorganization for that division

Councilman Hall clarified that there is no current contract for the event, and that the last contract expired in April 2003. He concurred with the idea of an open meeting to discuss the issue, and that this is the opportunity for such an open meeting. He expressed appreciation to Ms. Major's concern as reported. He stated he is in support for a one-year contract with the Parks Foundation to operate the event on an interim basis.

In response to Councilman Williams, Ms. Pat Major restated her charge from the Governance Committee as it relates to the FMSI. She also restated the extensive time and the number of staff involved in the audit process for the FMSI

(Mayor Garza was obliged to leave the meeting at 9:25 P.M. Mayor Pro Tem Williams. presided.)

In response to Councilman Williams, Ms Major stated that she was not given a different charge by the Quality of Life Committee to brief another Committee on the results or implications of the audit.

Discussion ensued between Councilman Williams and Ms. Majors regarding impropriety or tendencies to defraud as a result of the FMSI audit. Ms. Major referred to the Yellow Book Standards regarding audit procedures. She cited some examples and series of recognized conditions that could indicate instances of fraud. She further stated that there are indicators that risk exists in this case.

In response to Councilman Williams, Mr Matthews stated that the reason this subject was moved from the Governance Committee to the Quality of Life Committee is that most contracts of this nature rest with the Quality of Life Committee.

Councilman Haass spoke in support of moving with the Parks Foundation for the one-year interim, and added that he looked forward to a Request For Proposal (RFP) that will give everyone an opportunity to compete for the contract in the future.

(Mayor Garza returned to the meeting at 9.29 P.M to preside)

Councilman Castro stated he would like to give an opportunity to the FMSI to speak on any of the issues that have been presented since the Citizens' portion, and same opportunity.

Mr. Walter Serna, Attorney for FMSI, reiterated the difficulty in making a case in such a short time frame to explain a point-by-point response to Ms. Major's presentation. He discussed his responsibilities toward the FMSI, and his efforts to improve processes at the Market Square. He also stated that he believed in complying with the audit process and made efforts to work with City staff in that regard. He stated he looked forward to a forum in which to submit FMSI's responses to all the allegations. Mr Serna also discussed the loyalty of the organization to the fiesta events and to the Market Square. He spoke to the expenditures on maintaining and repairing the Market Square, including the funds spent on advertising. He noted FMSI's concerns over obtaining future funding for advertising if they are not given the opportunity to run the fiesta event again.

In response to Councilman Castro with regard to City staff ratifying breaches of contracts, Mr. Matthews stated that there will be a response provided to the auditor on that issue. He stated that staff at the Market Square has been guilty of helping too much, and knowing what is exactly in the contracts is a learning tool to do a better job and articulate staff's role. He discussed contract management and new processes with the absence of the Internal Review Department. He noted resource allocation problems, and stated that Contract Services has been a Tier 3 item in the budget. He further noted that

as a result of internal organizational issues, there will be a separation of contract preparation and contract monitoring.

Councilman Castro spoke to employee accountability and the importance in having a staff that is knowledgeable of the contract terms and able to interface with the contracts for compliance. He noted there are consequences for this organization, and that there should be consequences when employees consistently ratify breaches of contracts.

In response to Councilman Castro, Mayor Emeritus Lila Cockrell, San Antonio Parks Foundation (SAPF) Chairperson, stated that the SAPF had no role in the decision that the City would have to make relative to the management of the event. She pointed out the short timeline in which to prepare for the event in April. She stated the SAPF will have their CPA familiarize himself with the process to be in total compliance, and will immediately begin with the plans

Ms. Cockrell also distributed brochures on the mission and accomplishments of the SAPF for all the City Council

In response to Councilman Segovia regarding involvement and input from the long-time business owners of the Market Square, Ms. Cockrell stated the SAPF will be responsive to the needs of the community, the merchants and patrons of the Market Square

Councilman Castro acknowledged the work of the business owners at the Market Square and the spirit of family and community of the Market Square. He expressed his confidence with the SAPF to do an excellent job with the fiesta event, and noted he looked forward to an RFP process for this contract next year.

Councilwoman Radle spoke in support of the event for the interim under the SAPF, and thanked them for their willingness to respond. She thanked the FMSI members for expressing their concerns and response to the audit, and supports finding a venue for them to respond to the final report

Councilman Barrera reiterated that there is no current contract, and recognized that there was an attempt to renegotiate a contract. He spoke to the serious nature of the many issues that were raised as a result of the audit, and stated that at the time the audit is completed, those issues will be addressed rather than directing statements to the City Auditor. He expressed his support for the FMSI to continue to be a part of the fiesta celebration. He stated he looked forward to the City Manager's response, as well as FMSI's response and their plan of action for a resolution to the audit's findings

Discussion ensued between Councilman Schubert and Ms. Pat Major regarding the FMSI's knowledge of the preliminary findings Ms Major stated they responded to a list of various issues provided to the members at two separate meetings She further stated

that the audit is being conducted on both the City and the FMSI, and noted that her office is auditing the City from three aspects. Ms. Major discussed possible solutions to the problem of contract monitoring for the City, and agreed with Mr. Matthews that contract services are not a priority during the budget process. She suggested possible reorganization, better computer systems, and different types of people with the right skill sets and training may be a consideration to solving that issue.

Discussion continued regarding the audit process and specific recommendations. Ms. Major stated the report will be completed and will include the comments from FMSI as they were received. She added there will be an extensive appendix to this report that will be finished and released in January.

In response to Councilman Schubert regarding a venue for FMSI to respond to the audit, Ms. Major stated that the FMSI has done their best to provide whatever documentation is available, and noted that unless there is more information, it will not change what has occurred. She noted that it is a policy issue to provide an opportunity for them to speak.

In response to Councilman Schubert regarding the City Manager's response to the audit, Ms. Brechtel stated the response will have some interpretation issues, mainly the role of the City staff at the Market Square. She discussed the City's efforts on contract management and process over the last several years, and the many areas where improvements have been made for better communication with the public. She added that the component of contract management is a major concern. She stated her commitment to seeking ways to continue to redirect some of the current resources. She further stated that she will continue to address the issue of contracts from the processing and monitoring aspects.

Discussion ensued between Councilman Schubert and Mr. Matthews regarding documented changes in the contract. Councilman Schubert also discussed contract compliance, as well as unacceptable practices by the FMSI.

In response to Councilman Williams, Councilman Schubert provided an explanation on the process for this matter to have proceeded to the Quality of Life Committee.

Councilman Schubert concurred with Mayor Garza for the one-year interim contract with the Parks Foundation, and spoke in support of that recommendation. He stated the City Council can determine as to which forum will be used to bring future discussions on this contract.

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98643

AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,701,297.40 TO TICOR TITLE COMPANY AS ESCROW AGENT FOR THE FEE SIMPLE PURCHASE OF THREE PARCELS TOTALING 286.906 ACRES AND A TRANSFER OF AN ADDITIONAL FORTY (40) ACRES OF LAND AT NO COST WITH ALL PARCELS LOCATED IN BEXAR COUNTY, TEXAS, UNDER THE AUSPICES OF THE PROPOSITION THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT; AUTHORIZING PAYMENT IN THE AMOUNT OF \$37,010 87 TO THE BEXAR LAND TRUST FOR SERVICES IN NEGOTIATING, INVESTIGATING AND PURCHASING SAID PROPERTY; AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT VOTES.

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

Ms Susan Spegar, Special Project Manager, narrated a condensed slide presentation on the Proposition Three Program for Woodland Hills, a copy of which is filed with these papers She discussed the status of the pending acquisitions and noted that the average cost per acres totals \$5,603.13. She described the location of the proposed acquisition within Friedrich Park and provided several pictorial slides of the area. She noted that the total acreage will total 6,062.887 acres to include the proposed acquisition. She provided information regarding the land acquisition fund and balance remaining upon acquisition of Woodland Hills

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

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2003-43 **MEETING OF THE CITY OF SAN ANTONIO STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION BOARD OF DIRECTORS**

AN ORDINANCE 98644

APPROVING THE SELECTION OF CITIGROUP GLOBAL MARKETS AS SENIOR FINANCIAL UNDERWRITER FOR THE EVALUATION AND UBS FINANCIAL UNDERWRITER FOR THE EVALUATION AND POTENTIAL PARTIAL FINANCING OR FINANCING OF THE CONVENTION CENTER HEADQUARTERS HOTEL.

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Mr. Milo Nitschke, Finance Director, narrated a slide presentation on the selection of senior financial underwriter for Convention Center Headquarters Hotel. A copy of the presentation is on file with these papers. Mr. Nitschke stated that the RFP called for demonstrated experience in finance and structured hotel finance headquarters financing, and a minimum requirement of the lead banker having completed at least one hotel in the last seven years. He further stated that five proposals were received to serve as Senior Manager. He named the individuals on the Selection Committee who utilized a scoring arrangement for the final selection process. He noted that after using the scoring process, the Committee recommended the selection of the Citigroup Global Markets, Inc. (Citigroup) to serve as Senior Managing Underwriter.

In response to Mayor Garza's previous request for information regarding the top three firms and their related experience and type of financing, Mr. Nitschke highlighted the St. Louis Convention Center Headquarters Hotel that was an empowerment zone hotel with various components related to that structure. He also identified the McCormick Convention Complex in Chicago was a \$127.4 million transaction with different components and structures as one of the top three firms. He named the third firm as the UBS Financial Services Houston Convention Center Hotel, a public hotel as a \$626 million transaction. He noted UBS is also co-senior managers to the Denver Convention Center Hotel. He stated the US Bank Corp Jaffrey, Senior Book Running Manager on the Denver Convention Center Hotel, are also co-senior managers on the Austin Convention Center Hotel.

Discussion ensued between Mayor Garza and Mr. Nitschke regarding the comparable experience in large convention center hotels.

In response to Mayor Garza, Mr. Jorge Garza, Citigroup Global Markets, Inc (Citigroup), stated their involvement in the Houston project as co-managers.

Discussion continued regarding the issue of a privately owned hotel. Mr. Nitschke stated that decision has not yet been made, but is part of the evaluation process and part of what the senior manager will be asked to assist.

Mr. Chris Brady made a clarification to their preference, recognizing that the decision is to be made by the City Council.

Mayor Garza noted his concerns over the final selection to ensure that the decision is not influenced by experiences that are tailored to a particular type of financing. He reiterated his concern over the experience of the three firms in terms of underwriting a major hotel.

In response to Councilman Hall, Mr. Nitschke clarified the evaluation criteria and explained the difference in the numbers for the first, fourth and fifth proposals.

Ms. Brechtel stated that while a generalized response may be available, each committee member scored individually and a composite of the scoring was utilized.

Mr. Nitschke reiterated the scoring process.

Discussion continued after Councilman Hall noted that the numbers did not compute

In response to Councilman Hall regarding criteria #2, Mr. Nitschke explained the difference between experience and availability of assigned personnel and Convention Center hotel finance versus local business enterprise.

In response to Councilman Hall, Mr. Manuel Longoria, Assistant Director of Economic Development Department, defined the term local business enterprise pursuant to the Small Business Economic Development Advocacy (SBEDA) Ordinance 96754. Mr. Longoria provided information regarding the use of the category for Hispanic Business Enterprise as a result of the 1990 Disparity Study.

Discussion continued between Councilman Hall and Mr. Longoria on the evaluation scoring and rankings.

Councilman Hall discussed the need to redefine and clarify the local finance industry. He spoke to the efforts these companies make to have a local office and invest their dollars in San Antonio.

In response to Councilman Hall, Mr. Nitschke defined the role of the Senior Manager versus a Co-Senior Manager and their related performance expectations. He also provided a definition of the Co-Manager position that it to be selected at a later date. He stated that each one of the three top-firms could qualify to be Senior Manager on their own.

In response to Councilman Williams, Mr. Nitschke gave background information regarding the Convention Center Hotel project to date.

Councilman Williams requested to meet with Mr. Nitschke to bring all the issues forward regarding the advisory board's recommendations for the project.

Councilman Flores concurred with Councilman Hall regarding the definition of local business enterprise, and stated that San Antonio must be self-sustaining for these projects by utilizing local professionals.

In response to Councilman Flores, Mr. Nitschke described the delegation of duties between a co-senior and a senior manager. He added that the compensation and credits would be equal to both, with the Book Running Manager obtaining an economic advantage.

Mr. Nitschke recommended putting off any allocation of financial benefits until after that time when the contributions of the co-senior managers can be made, individually and collectively.

In response to Councilman Flores, Mr. Jorge Garza, Citigroup, discussed the St. Louis Convention Center Hotel as their last major project and described its particular type of financing.

In response to Councilman Flores, Mr. George Pedraza, Vice President of UBS, and Ms. Laura Powell, UBS Assistant Vice President, both in the San Antonio office, discussed the Denver Convention Center Hotel project and its particular financing methods

Councilman Flores spoke to the importance of working together on this project, and made a motion for an amendment to have Citigroup and UBS Financial Services acting as Co-Senior Managers on this project. Councilman Hall seconded the motion

Councilman Schubert discussed potential change in the process utilized to give credit to local businesses. He expressed his concern regarding a distancing from the San Antonio Small Business Economic Development Advocacy (SBEDA) goals.

In response to Councilman Hall with regard to the Denver Convention Center Hotel project, Ms. Powell stated the split was equal in revenue and SDC credit. She also stated that the revenue and SDC credit were not split in the St. Louis project

Councilman Hall made a motion for a friendly amendment to have Citigroup as Senior Manager and have UBS as Co-Senior-Manager, and requested that they share equally the revenue and SDC credit.

Councilman Flores accepted the friendly amendment made by Councilman Hall

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

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98645

ACCEPTING THE BEST VALUE BID OF CHARTWELL COMMUNITY SERVICES, INC. TO PROVIDE IN-HOME PERSONAL ASSISTANCE SERVICES IN SUPPORT OF THE CITY HOMEMAKER PROGRAM IN AN AMOUNT NOT TO EXCEED \$400,000.00; AUTHORIZING UP TO TWO ADDITIONAL ONE-YEAR RENEWALS, SUBJECT TO APPROPRIATION; AND AMENDING ORDINANCE NO. 98181 TO REVISE THE PROGRAM BUDGET

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

Mr. Dennis Campa, Community Initiatives Department Director, narrated a presentation regarding the acceptance of the Best Value bid of Chartwell Community Services, Inc., (Chartwell), a copy of which is on file with these papers. He provided background on Chartwell's City Homemaker Program that is designed to enhance and assist seniors by performing routine in-home activities in an effort to promote their ability to live independently and avoid premature institutionalization. He described the tasks performed by twenty-two permanent City employees, and noted that with a full staff, the program can serve 136 seniors.

Mr. Campa discussed at length the RFP process for in-home personal assistance services for the elderly and disabled persons. He stated that Chartwell, as the successful bidder, met all the requirements and possessed the necessary management credentials. He highlighted Chartwell's service delivery plan that includes admitting 25 – 40 clients per week starting on the effective day of the contract. He cited Chartwell's commitment to the efficient and caring transition of all employees and clients currently serviced by the City Homemaker Program.

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

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2003-43 The Clerk read the following Ordinance:

AN ORDINANCE 98646

AUTHORIZING THE EXECUTION OF ONE-TIME DELEGATE AGENCY CONTRACTS FOR THE PROVISION OF HUNGER PREVENTION AND SUPPORTIVE SERVICES TO THE HOMELESS FOR THE FOLLOWING AGENCIES: SAN ANTONIO FOOD BANK - \$134,671.00; CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO, INC. - \$20,000.00; CORAZON MINISTRIES, INC. - \$182,852.00; CHRISTIAN ASSISTANCE MINISTRY - \$49,100.00; HISPANIC RELIGIOUS PARTNERSHIP FOR COMMUNITY HEALTH INC. FOR \$28,212.00, AND SAN ANTONIO METROPOLITAN MINISTRY, INC. - \$93,925.00, FOR THE PERIOD BEGINNING JANUARY 1, 2004 AND ENDING DECEMBER 31, 2004; AND ENCUMBERING FUNDS IN CONNECTION WITH THE ADMINISTRATION OF SAID DELEGATE AGENCY CONTRACTS.

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

In response to Councilwoman Radle, Mr. Campa spoke regarding the credibility of the organizations. He noted the extensive outreach for the RFP announcement, using a wide variety of media. He further noted that partial funding is to be provided to all the organizations that applied to provide services under the RFP. He pointed out that the organizations have been providing the food security services, food stamp outreach, and day services for the homeless for a number of years. He attested to their reputation and their service to the community.

Mr. Campa also explained the breakdown of funding, and stated that there are enough funds to expand the City's investment. He pointed out that a recommendation would be made to issue a second proposal to provide additional emergency shelter space for families with children. He added a secondary recommendation that if funds are available, it would be a consideration for a voucher program.

In response to Councilwoman Radle who expressed concern over low representation from the hunger and homeless task force on the review committee, Mr. Campa stated that to avoid a possible conflict of interest, members from the task force included representatives from the community.

In response to Councilman Schubert, Mr. Campa described the operation of the mobile canteen that uses the food as an engagement tool to assist the chronic homeless and chronic mentally ill.

Rev. Flowers, San Antonio Metropolitan Ministries (SAMM), spoke on how he plans to operate the mobile canteen. He stated that the mentally ill are the largest percentage that refuse shelters. He further stated that those who have a history of drug or substance abuse, are the second largest percentage that refuse shelter.

In response to Councilman Schubert regarding the food stamp issue, Mr. Campa discussed three programs that are underway to increase food stamp enrollment.

Mr. Eric Cooper, Executive Director of the San Antonio Food Bank, spoke regarding San Antonio's rating as one of five cities with poor food stamp participation. He stated that San Antonio does have the most successful outreach program in attempting to increase participation.

In response to Councilman Schubert regarding program monitoring, Mr. Campa stated that under the City Manager's guidance, there are two levels of monitoring, a quality assurance team and community action staff, who, on a daily basis coordinate services to insure that the work is being done.

Mr. Sam Queen, Christian Assistance Ministries (CAM), spoke to the funding for homeless and associated services, and expressed disappointment that the CAM is still in need of funding to continue and upgrade their services. He stated he is willing to meet with any Councilmember to further discuss his request for more funding.

In response to Councilwoman Radle, Mr. Campa stated that the Food Bank program is operational and has been a factor in the senior nutritional program.

Councilman Radle expressed her interest in developing dialog with the CAM to continue support of day care facilities.

In response to Councilman Hall regarding delegate agencies, Mr. Campa stated that the recommendation for 2005 will be that the City's investment constitute no more than 65% of the agencies' budgets, and no more than 50% for 2006.

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

2003-43 **TRAVEL AUTHORIZATION - Granted:**

Ratification of Travel Authorization for Councilman Christopher "Chip" Haass, District 10, who attended the National League of Cities Conference in Nashville, Tennessee from December 10, 2003 through December 13, 2003.

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

2003-43 There being no further business to come before the City Council, the meeting was adjourned at 12 A.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest


YOLANDA L. LEDESMA
Acting City Clerk