

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, FEBRUARY 19, 2004.

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2004-07 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following item(s):

Staff presentation on the Tower of the Americas RFP Selection. (Presented by Malcolm Matthews, Director, Parks and Recreation)

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

The "B" Session adjourned at 12:40 P.M.

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2004-07 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Garza with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

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2004-07 Invocation by Associate Pastor Gary Bradley, Baptist Temple.

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2004-07 Pledge of Allegiance to the flag of the United States.

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2004-07 **SPECIAL RECOGNITION: MEXICO'S NEW CONSUL GENERAL**

Mayor Garza introduced Ambassador Martha I. Lara, the new Consul General of Mexico in San Antonio, who took office on February 6, 2004. He briefly spoke to her outstanding service and invited her to come forward.

Consul Lara thanked the Mayor for recognizing her and spoke to her appreciation of Mexican President Vicente Fox for appointing her to the post. She added that she looked forward to working with City officials and the citizens of San Antonio in the future.

Several Council members welcomed Consul Lara to the City and extended their congratulations upon her appointment to this post.

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2004-07 **PROCLAMATION: CPR DAY**

Mayor Garza invited Dr. Donald Gordon to come forward to accept a proclamation for "CPR Day."

Dr. Gordon thanked the Mayor for the recognition and invited the City Council members to join him in congratulating several individuals who were honored for saving the life of another by using CPR.

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2004-07 **POINT OF PERSONAL PRIVILEGE: COUNCILWOMAN PATTI RADLE**

Councilwoman Radle stated that representatives of the Help the Disabled organization had invited her to spend a day in a wheelchair to learn about the problems and obstacles that those in wheelchairs face daily. She stated that all the members of the Council had been invited to participate.

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2004-07 Minutes of the Regular City Council meeting of December 4, 2003 were approved.

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2004-07 **CONSENT AGENDA**

Councilman Perez made a motion to approve Agenda Items 7 through 32D, constituting the Consent Agenda, except for Items 8, 9, 11, 14, 19, 24, and 27 which were pulled for individual consideration. Councilman Hall seconded the motion.

The following citizen(s) appeared to speak:

Mr. Charles English, President, Jefferson Heights Association, expressed his appreciation for monies received to improve his neighborhood and requested that any monies left over from construction of a pool be used to build a bigger playground. He stated that his purpose in addressing the City Council was to advocate for the needs of his community.

Mr. Jack Finger, P. O Box 12048, spoke to Items 20, 25, and 26 on the Agenda. He noted the side effects of the birth control drug Depo-Provera and inquired why the City employee involved in the accident addressed in Item 25 had only received verbal counseling instead of being fired for causing the accident. He further spoke to his opposition for the City making money by selling illegal Eight Liners.

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

AN ORDINANCE 98846

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY BRAY MANUFACTURING, INC. TO PROVIDE THE CITY OF SAN ANTONIO CONVENTION AND VISITORS BUREAU WITH CONVENTION NAME BADGES AND ACCESSORIES FOR A TOTAL AMOUNT OF \$27,970.00.

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AN ORDINANCE 98847

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$30,335.00 FROM CERTIFICATES OF OBLIGATION TO MADELINE ANZ SLAY ARCHITECTURE, P.L.L.C., FOR ADDITIONAL DESIGN WORK IN CONNECTION WITH THE 2003 POOL FACILITY ADA IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICTS 5, 6 AND 7; AUTHORIZING \$3,300.00 FOR MISCELLANEOUS ARCHITECTURE CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$33,635.00; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98848

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A JOINT FUNDING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR TO CONDUCT SURFACE-WATER DATA COLLECTION ACTIVITIES AT OLMOS CREEK AT DREEDEN DRIVE, SAN ANTONIO RIVER AT LOOP 410, HELOTES CREEK AT F.M. 1560 AND LEON CREEK AT INTERSTATE 35; AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$29,200.00 TO U.S. GEOLOGIC SURVEY

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AN ORDINANCE 98849

APPROVING A RENEWAL AND EXTENSION OF OFFICE LEASE AGREEMENT WITH TRADE COMMISSION OF MEXICO/BANCO NACIONAL DE COMERCIO EXTERIOR, S.N.C. (ALSO KNOWN AS "BANCOMEXT") FOR THE CONTINUED USE OF 204 SQUARE FEET OF OFFICE SPACE AT THE INTERNATIONAL CENTER, AT 203 S. ST. MARY'S STREET, FOR A TWO YEAR TERM EFFECTIVE JANUARY 30, 2004 AND ENDING JANUARY 29, 2006 AT A CONTINUED RENTAL OF \$1,200.00 PER YEAR, PLUS ANNUAL COMMON AREA MAINTENANCE EXPENSES OF \$563.04.

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AN ORDINANCE 98850

AUTHORIZING PAYMENT IN THE AMOUNT OF \$510.45 FROM 1987 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS TO TICOR TITLE AGENCY OF SAN ANTONIO FOR TITLE FEES IN CONNECTION WITH THE HILIONS DRAINAGE PROJECT #80, PHASES III & V PROJECT, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98851

AUTHORIZING FUNDS IN THE AMOUNT OF \$1,349.08 FROM GENERAL OBLIGATIONS OF THE CITY PAYABLE TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES NECESSARY TO THE REAL ESTATE ACQUISITIONS FOR THE FOLLOWING APPROVED CITY PROJECTS: BABCOCK ROAD/LEON

CREEK IMPROVEMENTS – HAUSMAN TO DEZAVALA PROJECT, LOCATED IN COUNCIL DISTRICT 8; BITTERS ROAD – WEST AVENUE TO HEIMER MPO PROJECT, LOCATED IN COUNCIL DISTRICT 9 AND THE SOUTHCROSS BLVD. – NEW BRAUNFELS TO PRESA MPO PROJECT, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98852

AUTHORIZING 2002 STREET IMPROVEMENT CERTIFICATES OF OBLIGATION FUNDS IN THE AMOUNT OF \$891,925.00 FOR ACQUISITION OF FEE SIMPLE TITLE TO FIFTY SEVEN (57) PARCELS OF REAL PROPERTY AND DECLARING THE CALLAGHAN – BANDERA TO INGRAM METROPOLITAN PLANNING ORGANIZATION PROJECT (“PROJECT”) TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO PRIVATELY OWNED REAL PROPERTY DESCRIBED BELOW, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT; ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; BEING FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS FOR THE PROJECT INCLUDING MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY’S FEES; AUTHORIZING NEGOTIATIONS AND ACQUISITION ON THE APPROVED TERMS; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; THE PROPERTY TO BE ACQUIRED IS:

PARCEL NO.	ACRE(S)	LOT(S)	NCB	SUBDIVISION
16343	0.0394	61	11543	Woodlawn Hills
16339	0.0559	110	11543	Woodlawn Hills
16342	0.0275	112	11543	Woodlawn Hills
16343A	0.0107	113	11543	Woodlawn Hills
16343B	0.0126	114	11543	A. A. Alexander
16343C	0.0151	115	11543	A. A. Alexander
16344	0.0841	89	11544	Woodlawn Hills
16338	0.0505	111	11545	Woodlawn Hills
16337	0.0311	112	11545	Woodlawn Hills
16336	0.0311	113	11545	Woodlawn Hills
16335	0.0317	114	11545	Woodlawn Hills
16334	0.0310	115	11545	Woodlawn Hills
16333	0.0310	116	11545	Woodlawn Hills
16331	0.0391	117	11545	Woodlawn Hills

16329	0.0470	118	11545	Woodlawn Hills
16301	0.0207	190	11549	Woodlawn Hills
16303	0.0192	191	11549	Woodlawn Hills
16305	0.0308	192	11549	Woodlawn Hills
16306	0.0113	242	1159	Woodlawn Hills
16307	0 0127	243	11551	Woodlawn Hills
16308	0 0038	274	11551	Woodlawn Hills
16310	0 0246	275	11551	Woodlawn Hills
16311	0 0121	282	11551	Woodlawn Hills
16313	0 0042	N 70-ft of Lot 283	11552	Woodlawn Hills
16312	0.0255	283	11552	Woodlawn Hills
16314	0.0146	308	11552	Woodlawn Hills
16315	0.0263	309	11552	Woodlawn Hills
16320	0.0696	311	11552	Woodlawn Hills
16318	0 0332	312	11552	Woodlawn Hills
16317	0 0375	313	11552	Woodlawn Hills
16316	0.0677	314	11552	Woodlawn Hills
16316A	0.0076	314-A	11552	Woodlawn Hills
16327	0.0487	E 150-ft. of Lot 298	11553	Woodlawn Hills
16326	0 0461	299	11553	Woodlawn Hills
16325	0 0315	300	11553	Woodlawn Hills
16324	0 0316	301	11553	Woodlawn Hills
16323	0 0306	302	11553	Woodlawn Hills
16322	0 0306	303	11553	Woodlawn Hills
16321	0.0344	304	11553	Woodlawn Hills
16339A	0.0712	2	11556	Mackey, Unit 2
16339B	0 0804	4	11556	Mackey, Unit 2
16339C	0.0518	6	11556	Border Ornamental
16339D	0 0040	6	11556	Border Ornamental
16340	0 0271	7	11635	
16341	0.0312	P-5	11635	
16330	0.0525	P-7	11635	
16328	0.0249	P-7	11635	
16319	0 0822	P-102A	11635	
16309	0.02817	P-104A	11635	
16298	0.0418	2	13415	Science Park
16299	0.0466	3	13415	Science Park
16300	0.0034	4	13415	Science Park
16300A	0.0022	7	13415	Science Park
16300B	0.0010	7	13415	Science Park
16323A	0 0011	2	16029	Green Tree Tennis & Swim Club
16304	0 0259	1	16669	Thunderbird Estates
16302	0 0058	12	16669	Kingswood

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AN ORDINANCE 98853

AUTHORIZING FUNDS IN THE AMOUNT OF \$12,367.02 PAYABLE TO BRACEWELL & PATTERSON, L.L.P. FOR LEGAL SERVICES NECESSARY TO THE REAL ESTATE ACQUISITIONS FOR THE FOLLOWING APPROVED CITY PROJECTS: CHERRY STREET DRAINAGE PROJECT #15B PHASE II, LOCATED IN COUNCIL DISTRICT 2; ESCALON STREET #1008 DRAINAGE PROJECT, LOCATED IN COUNCIL DISTRICT 3; HI-LIONS DRAINAGE #80, PHASES III & V PROJECT, LOCATED IN COUNCIL DISTRICT 3; HILDEBRAND AVENUE FROM IH 10 TO BREEDEN MPO PROJECT, LOCATED IN COUNCIL DISTRICT 1; OCTAVIA DRAINAGE #63, PHASE II, PART I PROJECT, LOCATED IN COUNCIL DISTRICT 5; WESTERN AVENUE DRAINAGE #74 III-A PROJECT, LOCATED IN COUNCIL DISTRICT 9; WURZBACH ROAD TO I.H. 10 AND IRONSIDE INTERSECTIONS PROJECT, LOCATED IN COUNCIL DISTRICT 8; WURZBACH PARKWAY PROJECT, LOCATED IN COUNCIL DISTRICT 9; CHICO-KNOX/MARGIL COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT, LOCATED IN COUNCIL DISTRICT 5; AND THE FAY PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT, LOCATED IN COUNCIL DISTRICT 5; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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2004-07 Agenda Item #20, being a proposed Ordinance authorizing the acceptance of 3,190 doses of Depo-Provera from the Texas Department of Health (TDH) in exchange for a \$72,000.00 reduction in funding for the ongoing Title V Family Planning Program of the San Antonio Metropolitan Health District; authorizing the execution of a contract change with TDH; and revising the program budget and personnel complement, was reconsidered later in the meeting. (See page 17)

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2004-07 **CONSENT AGENDA** (CONTINUED)

AN ORDINANCE 98854

AUTHORIZING THE ACCEPTANCE OF \$41,310.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO INCREASE SUPPORT FOR THE ONGOING AIDS SURVEILLANCE PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO EXTEND THE PROGRAM PERIOD THROUGH MARCH 31, 2004; AUTHORIZING THE EXECUTION OF THE CONTRACT CHANGE WITH TDH; REVISING THE PROGRAM BUDGET; AND REVISING THE PERSONNEL COMPLEMENT

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AN ORDINANCE 98855

AUTHORIZING THE ACCEPTANCE OF A DONATION IN THE AMOUNT OF \$500.00 FROM WYETH PHARMACEUTICALS TO SUPPORT THE SPECIAL IMMUNIZATIONS PROMOTION PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; AND REVISING THE PROJECT BUDGET.

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AN ORDINANCE 98856

AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$10,000.00 FROM FROST BANK, \$5,000.00 FROM GOODWILL INDUSTRIES OF SAN ANTONIO, \$5,000.00 FROM BANK ONE AND THE SAN ANTONIO HOUSING TRUST AND \$2,500.00 FROM THE ANNIE E. CASEY FOUNDATION TO BE USED AS MATCH FUNDING FOR THE FAMILIES SAVE INDIVIDUAL DEVELOPMENT ACCOUNT (IDA) PROJECT FOR THE PERIOD OF JANUARY 1, 2004 TO DECEMBER 31, 2004; AUTHORIZING THE REDUCTION OF THE FISCAL YEAR 2003 COUNCIL DISTRICT 5 HUMAN DEVELOPMENT SERVICE FUND BY \$5,000.00 AND APPROPRIATION OF \$5,000.00 TO THE FAMILIES SAVE IDA PROJECT; AUTHORIZING THE REDUCTION OF THE DEPARTMENT OF COMMUNITY INITIATIVES GENERAL FUND BUDGET BY \$20,000.00 AND APPROPRIATION OF \$20,000.00 TO THE FAMILY SAVE IDA PROJECT; AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE ALAMO COMMUNITY COLLEGE DISTRICT FOUNDATION TO ACCEPT UP TO \$75,000.00 FOR THE FAMILIES SAVE IDA PROJECT; AND REVISING THE FAMILY SAVE IDA BUDGET.

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AN ORDINANCE 98857

AUTHORIZING THE PAYMENT OF \$120,000.00 AS FULL AND FINAL SETTLEMENT IN THE LAWSUIT STYLED PAUL TAORMINA V. MARIO BLAS MORENO AND CITY OF SAN ANTONIO, ET AL, CAUSE NO. 2003-CI-00900.

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AN ORDINANCE 98858

ACCEPTING THE BID FROM EXPRESS VIDEO, INC. FOR THE PURCHASE OF 377 GAMBLING DEVICES (EIGHT LINERS) IN THE AMOUNT OF \$168,100.00, SEIZED AS A RESULT OF CRIMINAL INVESTIGATIONS BY THE SAN ANTONIO POLICE DEPARTMENT AND SUBSEQUENTLY FORFEITED BY

ORDERS OF THE COURTS; AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$74,213.92 TO THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE.

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AN ORDINANCE 98859

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR MILAM PARK IN CONNECTION WITH THE ALL AMERICAN ARMED FORCES PARADE SPONSORED BY THE AMERICAN GI FORUM AND MOPH TO BE HELD FROM 5:30 P.M. TO 9:00 P.M. ON SATURDAY, MAY 15, 2004.

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AN ORDINANCE 98860

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR THE ALAMODOME IN CONNECTION WITH THE DOME DRIBBLE SPONSORED BY THE S.A. SPORTS FOUNDATION TO BE HELD FROM 1:30 P.M. TO 3:30 P.M. ON SUNDAY, APRIL 4, 2004.

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AN ORDINANCE 98861

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR BRACKENRIDGE PARK IN CONNECTION WITH THE ST. PATRICK'S DAY RUN SPONSORED BY THE ST. PATRICK'S DAY COMMISSION TO BE HELD FROM 8:00 A.M. TO 10:00 A.M. ON SATURDAY, MARCH 13, 2004.

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AN ORDINANCE 98862

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR O.P. SCHNABEL PARK IN CONNECTION WITH THE YMCA CHICKEN ON BUN FUN RUN SPONSORED BY THE BRAUNDERA YMCA TO BE HELD FROM 8:45 A.M. TO 10:30 A.M. ON SATURDAY, MARCH 6, 2004.

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AN ORDINANCE 98863

REAPPOINTING DEBORAH PEREZ (DISTRICT 10) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 31, 2005.

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AN ORDINANCE 98864

REAPPOINTING LAURA LIZCANO (DISTRICT 5) AND MICHAEL GALLAGHER (DISTRICT 10) TO THE BOARD OF ADJUSTMENT FOR TERMS OF OFFICE TO EXPIRE ON FEBRUARY 22, 2006.

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AN ORDINANCE 98865

APPOINTING MICHAEL MARTINEZ (COMMUNITY REPRESENTATIVE CATEGORY - DISTRICT 5) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 25, 2005.

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AN ORDINANCE 98866

APPOINTING LEON EDDIE MASSON (CONSUMER CATEGORY - DISTRICT 5) TO THE DISABILITY ACCESS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2005.

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2004-07 **INDIVIDUAL ITEMS**

2004-07 The Clerk read the following Ordinance:

AN ORDINANCE 98867

ACCEPTING THE OFFERS SUBMITTED BY SHI GOVERNMENT SOLUTIONS (WBE), SECTIONS 1, 5, 6, 12, 17; DOCUDATA SOLUTIONS (WBE), SECTIONS 15 AND 16; AND COMMONWEALTH COMPUTER CO. (MBE), SECTIONS 2 AND 3 TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH PERSONAL COMPUTER SOFTWARE ON AN ANNUAL CONTRACT BASIS FOR AN ESTIMATED ANNUAL COST OF \$338,583.00.

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

In response to a question by Councilman Williams, Ms. Janie Cantu, Director, Purchasing & General Services Department, stated that going to multi-year approval for these types of contracts would be dependant upon their use.

Mr. Gary Moeller, Director, Information Technology Services Department, stated that the prices changed so frequently with software technology, that it would not be advantageous to go to multi-year approval. He added that multi-year contracts were dependant on the items involved, but, that in this case, the City would get better pricing by bidding annually.

In response to a question by Councilman Perez, Mr. Moeller stated that this was an annual contract and the items were not Micro-Soft related. He added that there would be three additional contracts in the March – April timeframe.

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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2004-07 The Clerk read the following Ordinance:

AN ORDINANCE 98868

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY LAWRENCE MARSHALL FORD-MERCURY L.P. TO PROVIDE THE CITY OF SAN ANTONIO POLICE, FIRE AND THE PARKS & RECREATION DEPARTMENTS WITH POLICE PATROL SEDANS FOR A TOTAL OF \$3,217,774.00.

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

In response to questions by Councilman Williams, Ms. Janie Cantu, Director, Purchasing & General Services, spoke to the policy for using 60,000 miles as a base for retiring police patrol vehicles and 72,000 for fire department vehicles. Ms. Cantu stated that the 60,000 mileage for police patrol vehicles was negotiated in the contract with the San Antonio Police Officers Association.

Chief, Albert Ortiz, San Antonio Police Department, spoke to the contract and noted that this provision had been included in the contract for several years and had not been discussed recently. He added that patrol cars were run seven days a week, 365 days a year.

Councilman Williams spoke to extending the miles on the vehicles for both the Police Department, which ran them for 60,000 miles, and the Fire Department, which ran them for 72,000 miles before retiring them.

Ms. Cantu, responding to Councilman Williams, stated that the Purchasing Manager managed the vehicle replacement program.

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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2004-07 The Clerk read the following Ordinance:

AN ORDINANCE 98869

AUTHORIZING PAYMENT IN THE AMOUNT OF \$23,200.00 FROM CERTIFICATES OF OBLIGATION TO ATC ASSOCIATES, INC., FOR ENVIRONMENTAL SERVICES UNDER AN EXISTING PROFESSIONAL SERVICES CONTRACT FOR THE TOWER OF THE AMERICAS, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING \$5,800.00 FOR ENVIRONMENTAL CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$29,000.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

Responding to questions by Councilman Williams, Mr. Malcolm Matthews, Director, Parks and Recreation Department, spoke to last year's engineering study which led up to the Request for Proposal (RFP). He stated that one of the issues that had been explained to all the proposers was that this consulting contract would allow them to do an asbestos survey inside the tower where it was known that there was some level of asbestos. He further stated that the question of lead-based paint would only be an issue if construction affected any area that had lead-based paint. He added that it was unknown at this point whether there was lead-based paint; however, if there was, it would be the proposer's responsibility to address the issue under the reconstruction agreement.

Councilman Williams expressed his concern of potential costs involved should there be a real problem with the interior or exterior of the tower.

The following citizen(s) appeared to speak:

Mr. David Arevalo, R.O.S.E. spoke to his interpretation of the amount of monies allocated for an environmental company to do a study on the tower. He further spoke to serious environmental concerns, the City's liability should environmental issues be identified and to the need to assure that any work done to the tower was environmentally safe.

At the request of Councilman Flores, Mr. Matthews addressed Mr. Arevalo's concerns by stating that there would probably be some environment issues related to the tower. He added that the City would not hesitate to make changes to the RFP to assure that environmental issues would be addressed.

In response to questions by Councilman Williams, Mr. Matthews stated that the responsibility for any removal of contaminants belonged to the City. He added that removal could be done through an agent and that the agent could be the contractor that would be making changes to the tower. He further added that there would not be too many changes to the exterior of the tower except for some at the ground level.

Mr. Matthews further responded to Councilman Williams stating that the City would require tracking and proper procedures if there were changes that involved environment issues.

In response to questions by Councilman Flores, Mr. Matthews stated that the only issue that the City was presently addressing was whether there were any asbestos problems.

Mr. David Newman, Environmental Services, added that his department was working with Parks and Recreation with regard to implementation of the chain of custody and that, at the present time, only the asbestos survey was being addressed.

Councilman Williams requested that the stakeholder groups in the area who had a vested interest in the study be kept informed as the study unfolded.

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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2004-07 The Clerk read the following Ordinance:

AN ORDINANCE 98870

AUTHORIZING FUNDS IN THE AMOUNT OF \$16,050.00 FROM GENERAL OBLIGATIONS OF THE CITY PAYABLE TO ECKMANN, GROLL, INC., FOR APPRAISAL SERVICES IN CONNECTION WITH THE CALLAGHAN ROAD – W. HORSESHOE BEND TO INGRAM PROJECT, LOCATED IN COUNCIL DISTRICT 7, FRENCH CREEK BUYOUTS – SOUTH OF PRUE ROAD PROJECT, LOCATED IN COUNCIL DISTRICT 8, AND THE MOBILE CITY ESTATES BUYOUTS (LEON CREEK) PROJECT, LOCATED IN COUNCIL DISTRICT 8; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to questions by Councilman Castro with respect to the Callaghan Road project and some residents who had expressed concern about sign posts being placed on their property, Mr. Doug Yerkes, City Engineer, stated that the citizens were probably referring to survey stakes. He added that surveyors had been looking at the Right of Way that would be needed for that project. He stated that the project was still under design as some redesigns had to be made based on requests by neighborhood groups. He further stated that this was an MPO project which would be going out to bid in August, 2005.

Councilman Castro requested that another meeting with the neighborhood groups be set so they could be briefed on the project.

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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2004-07 The Clerk read the following Ordinance:

AN ORDINANCE 98871

RATIFYING THE ACTION OF THE CITY MANAGER OR HER DESIGNEE IN THE ACCEPTANCE AND EXECUTION OF A ONE (1) YEAR LEASE AGREEMENT, FOR THE PERIOD OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004, WITH IMEF, A.C., AS LESSOR, FOR APPROXIMATELY 1,613 SQUARE FEET OF OFFICE SPACE AT 3422 LAZARO CARDENAS AVE., SUITE 604, IN GUADALAJARA, JALISCO, MEXICO FOR CASA SAN ANTONIO IN GUADALAJARA AT A MONTHLY RENTAL RATE OF \$11,960 MEXICAN PESOS, CURRENTLY EQUIVALENT TO \$1,087 U.S. DOLLARS, WHICH INCLUDES THE FIFTEEN PERCENT VALUE-ADDED TAX; AND PROVIDING FOR PAYMENT.

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

In response to questions by Councilman Williams, Ms. Betsy Erne, International Affairs Department, spoke to the rate increase stating that the federal government regulated rate increases and that this year's increase had been set at 4%. She added that there was a cap but the City was under that cap.

Ms. Erne, responding further to questions by Councilman Williams, stated that Casa San Antonio had been formed in 1991 and was the oldest of all the Casas in Mexico. She added that the Casas continued to increase the City's business contacts in Mexico.

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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2004-07 The Clerk read the following Ordinance:

AN ORDINANCE 98872

ACCEPTING THE DONATION OF \$1,500.00 FROM THE WAL-MART FOUNDATION TO SUPPORT THE SAN ANTONIO POLICE DEPARTMENT'S K-9 DETAIL.

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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, Haass, Garza. **NAYS:** None. **ABSTENTIONS:** Castro, Schubert. **ABSENT:** None.

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2004-07 The Clerk read the following Ordinance:

AN ORDINANCE 98873

AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KPMG, L.L.P., ON TERMS OTHERWISE CONSISTENT WITH THE GENERAL TERMS AND CONDITIONS OF THE CITY'S EXISTING AUDIT SERVICES CONTRACT WITH KPMG, L.L.P., DATED NOVEMBER 21, 2002 IN AN AMOUNT NOT TO EXCEED \$138,700.00 PER QUARTER, INCLUDING \$127,200.00 FOR FEES AND \$11,500.00 FOR REASONABLE AND PROPER OUT-OF-POCKET EXPENSES, FOR ON-GOING PERFORMANCE AUDIT ACTIVITIES OF THE ENTERPRISE RESOURCE MANAGEMENT (ERM) PROJECT STARTING FEBRUARY 20, 2004 AND CONTINUING THROUGH DECEMBER 2004, FOR A TOTAL AMOUNT NOT TO EXCEED \$554,800.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

Councilman Perez asked Ms. Patricia Major, City Auditor, to explain the costs involved in this Ordinance, noting that the \$554,800 maximum seemed to be considerably higher than what the City paid to have its annual audit done.

Ms. Major stated this was a different type of arrangement than the regular external audit, adding that staff used for this particular engagement had a higher level of specialized expertise in the area of systems and risk management. She further stated that with regards to the external audit one of the reasons the cost was low was that the internal audit group provided them with up to 1,500 hours a year of assistance and, because of that work, not too much time had been spent on ERM monitoring. She further added her assessment of the relationship between the Internal Audit Department and the ERM Project and spoke to proposed actions.

In response to questions by Councilman Perez, Ms. Major spoke to the reporting mechanism in place with relation to her office, KPMG, and the project team, and to KPMG's quarterly reports to the Governance Committee and a final written report to the full Council. She added that City staff would review the assessment before it was finalized.

Councilman Schubert spoke to his concern about how the project was going to be audited to make sure it worked. He further spoke to making sure that the deliverables were there.

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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2004-07 At this point Councilwoman Radle made a motion to reconsider Agenda Item #20. Councilman Perez seconded the motion.

The motion to reconsider Agenda Item #20 prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

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2004-07 The Clerk read the following Ordinance:

AN ORDINANCE 98874

AUTHORIZING THE ACCEPTANCE OF 3,190 DOSES OF DEPO-PROVERA FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) IN EXCHANGE FOR A \$72,000.00 REDUCTION IN FUNDING FOR THE ONGOING TITLE V FAMILY PLANNING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH

TDH; AND REVISING THE PROGRAM BUDGET AND PERSONNEL
COMPLEMENT.

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

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

**2004-07 FIRST PUBLIC HEARING ON THE VOLUNTARY ANNEXATION
OF FOSSIL CREEK COMMERCIAL TRACT.**

Mayor Garza declared the Public Hearing to be opened.

Mr. Emil Moncivais, Director, Planning Department, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which he spoke to the annexation request by petition of the Fossil Creek Commercial Tract, the background of the request, proposed use for a neighborhood center, to include a drug store, insurance office, restaurant and specialty retail shops. He stated that this property was included in the City's 2003-05 Annexation Plan and was within the Edwards Recharge Zone. He further spoke to the fiscal impact of the annexation, the service plan, participating departments and agencies and the annexation schedule.

The following citizen(s) appeared to speak:

Mr. Richard Alles, representing Aquifer Guardians in Urban Areas (AGUA), requested that the Council wait until Mayor Garza's Ad Hoc Water Task Force published its recommendations before they acted on this annexation request. He added that this project was not grandfathered so the recharge zone could be protected.

Mr. George Rice, 414 E. French, spoke to a very large loophole in the water quality protection ordinance and asked that action on this annexation be delayed until the Task Force had an opportunity to investigate and decide whether it was appropriate to close this loophole.

Mr. Charles English, Coordinating Committee Member with the SMART Growth Coalition of San Antonio, read into the record a statement from SMART Growth requesting that the annexation be postponed until the Task Force made its recommendation.

Mayor Garza declared the Public Hearing to be closed.

Councilman Castro spoke to the water quality protection ordinance, to the Extra Territorial Jurisdiction and to the amount of impervious cover allowed pre- and post-annexation. He spoke in favor of letting the Mayor's Ad Hoc Water Quality Task Force make a decision on whether present policy should stand. He added that he had serious concerns about this issue and stated that he had asked the staff to provide a list of the number of properties that fell into this particular category and determine what, as a City, the long-term policy should be when an area was annexed. He further added that the Council should not make a decision today but rather let the Task Force analyze whether the policy should be changed.

Councilwoman Radle stated that she had voted against the annexation and would continue to speak out against it.

In response to a question by Councilman Schubert, Mayor Garza stated that the target date for the report was late this summer and it was expected that it would include issues in the water quality ordinance, including impervious cover.

Councilman Flores stated that he had also voted against this annexation because he felt it needed more research. He further stated that he looked forward to the report of the Task Force Committee.

In response to questions by Councilman Haass, Mr. Moncivais stated that the property in question was vacant and commercial uses were proposed.

Mr. Moncivais, responding to a question by Councilman Haass, stated that this was a voluntary request for annexation that was part of the City's annexation program.

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2004-07 The Clerk read the following Ordinance:

AN ORDINANCE 98875

AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$120,000.00 FROM THE ANNIE E. CASEY FOUNDATION (AECF) FOR THE CONTINUATION OF THE "MAKING CONNECTIONS - NEIGHBORHOOD TRANSFORMATION/FAMILY DEVELOPMENT" INITIATIVE AND FOR SUPPORT OF THE FAMILY ECONOMIC SECURITY PROGRAM BEGINNING JANUARY 1, 2004 AND ENDING DECEMBER 31, 2004; AUTHORIZING THE

EXECUTION OF ALL NECESSARY DOCUMENTATION WITH AECF IN CONNECTION WITH SAID GRANT; AUTHORIZING THE TRANSFER OF THE REMAINING FUND BALANCE FROM THE PREVIOUS GRANT YEAR IN THE AMOUNT OF \$19,004.25 TO THE 2004 MAKING CONNECTIONS PROJECT; AUTHORIZING THE TRANSFER OF \$20,000.00 FROM THE 2004 MAKING CONNECTIONS PROJECT TO THE FAMILIES SAVE INDIVIDUAL DEVELOPMENT ACCOUNT PROJECT; AND REVISING A PROGRAM BUDGET AND PERSONNEL COMPLEMENT FOR THE 2004 MAKING CONNECTIONS PROJECT.

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

Mr. Dennis Campa, Director, Community Initiatives Department, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which he spoke to the purpose of the Family Economic Success Partnership, to San Antonio being one of 10 cities nationwide selected as a Making Connections (MC) site, the background of the program, VITA, the Individual Development Accounts, the IDA funding flow, and the proposed outcomes for FY 2004.

Councilman Castro stated that this program had helped a lot of citizens and expressed hope that it would be a successful effort.

The following citizen(s) appeared to speak:

Mr. Jack Finger congratulated Councilwoman Radle for voting against Agenda Item 20. He spoke against providing funds for families to purchase homes or pay rent without identifying a method of repayment.

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

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2004-07 The Clerk read the following Ordinance:

AN ORDINANCE 98876

AMENDING THE SAN ANTONIO POLICE DEPARTMENT'S GENERAL FUND BUDGET BY TRANSFERRING THE AMOUNT OF \$209,108.00 AND AUTHORIZING THE FOLLOWING POSITIONS: FOUR (4) NEW CASEWORKER II

POSITIONS, FOUR (4) NEW POLICE OFFICER POSITIONS, AND FOUR (4) ADMINISTRATIVE VEHICLES, TO STAFF ADDITIONAL CRISIS RESPONSE TEAMS AT THE POLICE DEPARTMENT'S SUBSTATIONS; AND AMENDING BUDGET ORDINANCE NO. 98181 IN ACCORDANCE HEREWITH.

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

Police Chief Albert Ortiz, San Antonio Police Department, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which he spoke to the Family Protection Initiative, background information on the program, the SAPD's domestic violence case load, the major domestic violence programs in San Antonio, casework assignment, mission of the Crisis Response Teams, and CRT: Law Enforcement Services. He further spoke to a typical domestic violence case, the risk levels, current and proposed CRT staffing, results of impact studies, proposed timelines, policy initiatives and recommendations and the results of the Save the Children Pilot.

The following citizens appeared to speak:

Mr. Eddie Masson identified a problem in which he stated that training was needed for police officers and emergency systems personnel on how to handle service and guide animals. He asked whether this training could be implemented with the proposed program.

Ms. Gracie (Last Name Unknown) spoke to a situation where the police were called to check out a situation and the police officers were more worried about a guide dog going after them than attending to the situation. She stated she felt the Police Department and emergency systems personnel needed to learn how to work with these animals.

Chief Ortiz stated that his staff would get the citizens' name and confer with them adding that the department was always looking for ways to improve its training and educate officers, especially in the case of people with special needs.

Councilman Castro spoke to the funds being used for this item, reviewed a slide that indicated some statistics on CRTs and which indicated that the department was taking a comprehensive approach to combating domestic violence in S.A. He encouraged Chief Ortiz to continue keeping statistics to show the reduction in violence that could be achieved. Councilman Castro further spoke to the funding of CRT members as a priority.

Councilwoman Radle spoke to the importance of the effort and thanked Chief Ortiz and City Manager Terry Brechtel for their roles in bringing this program to fruition.

Councilman Perez stated his belief that this was a very important program and noted that he would like to find monies to continue it in the new fiscal year. He added that the coming budget was going to be tough and a tickler list needed to be developed with the types of initiatives that were going to be on the table so that when funding decisions were being made programs such as this one would not be overlooked.

In response to a question by Councilman Haass, City Manager, Terry Brechtel, stated that passage of this ordinance today would place this initiative in a top tier in terms of priorities. She added that creating a tickler list as Councilman Perez had suggested would put it at the top.

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

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2004-07 The Clerk read the following Ordinance:

AN ORDINANCE 98877

AUTHORIZING AND APPROVING PUBLICATION OF THE NOTICE OF INTENTION TO ISSUE CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2004 IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$30,710,000.00; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12, INCLUDING THE APPROVAL AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENTS PERTAINING TO THE ISSUANCE OF SUCH OBLIGATIONS AND APPROXIMATELY \$34,685,000.00 CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS, SERIES 2004 AND APPROXIMATELY \$12,795,000.00 CITY OF SAN ANTONIO, TEXAS TAXABLE GENERAL IMPROVEMENT REFUNDING BONDS, SERIES 2004; AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS, AND CO-BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH OBLIGATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Milo Nitschke, Director, Finance Department, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which he spoke to the proposed financings of \$34,685,000 General Improvement Bonds, Series 2004, \$30,710,000 Combination Tax and Revenue Certificates of Obligation, Series 2004, and approximately \$12,795,000 Taxable General Improvement Refunding Bonds, Series 2004. He provided details on the expenditures for each, the underwriter syndicate, and the tentative bond sale and delivery schedule.

In response to questions by Councilman Perez, Mr. Nitschke spoke to the \$12 ½ million General Obligation bonds allocated to the parking system, the benefits of going into long term contracts and to what projects would be funded under the Certificates of Obligation.

In response to a question by Councilman Williams, Mr. Nitschke spoke to slide #4 and stated that the Attorney General had given prior approval to use Certificates of Obligation to fund the ERM project.

Mr. Troy Elliott, Director of ERM Project stated that all the funds were capitalized and eligible to use the Certificates of Obligations. He added that the actual planning efforts and training pieces were expensed.

In response to a question by Councilman Williams, Ms. Pat Major, City Auditor, stated that her department had not finished the audit on the ERM project but that they had continued to track the costs as they had been recorded. She added that there were some overlap costs.

Mr. W. Jeffrey Kuhn, representing Fulbright & Jaworski, stated that before the project was reviewed and approved, the City's bond counsel at the time had written a letter to the Texas Attorney General and laid out the specifics of this project. He added that the Attorney General had reviewed and approved the entire project.

In response to a question by Councilman Perez, Mr. Nitschke spoke to the reason for the rating presentation being done in San Antonio.

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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2004-07 The Clerk read the following Resolution:

A RESOLUTION
NO. 2004-07-06

A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES DESIGNATED AS "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2004-A" AND "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS, SERIES 2004-A"; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

2004-07 **EXECUTIVE SESSION**

The City Council recessed its regular session at 3:42 P.M. in order to convene in Executive Session for the purpose of:

- A) Discuss legal issues related to Vernest Dotson, et al, v. City of San Antonio, et al, Civil Action No. SA03CA0206FB, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B) Discuss legal issues related to the design of the City's pending Downtown Pedestrian Wayfinding System, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C) Discuss legal issues related to collective bargaining by public employees, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

D) Discuss legal issues related to the use of public funds to communicate factual information describing a ballot measure, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 5:20 P.M. at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action. He immediately reconvened in regular session.

2004-07

CITIZENS TO BE HEARD

MR. GUILLERMO VAZQUEZ

Mr. Guillermo Vazquez, SEIU 1967, presented a copy of the proposal made by SEIU relative to the pay of City employees and various other issues. He stated that they had found methods that were being utilized in other cities to effectively enhance labor/management relations. He proposed an ordinance that would allow City employees a formal process for being heard on workplace issues. He spoke to the process and its uses in other work places.

Mr. Vazquez then introduced Bruce Garcia, a City employee and member of SEIU 1967, who spoke to his experience as a City employee. He noted that there was no clear path for advancement. He spoke to the City's pay plan and asked that the ordinance they proposed be favorably considered.

Mr. Vazquez requested passage of this ordinance before May and spoke to situations occurring at the work place that indicated that the City was interfering with the employees' right to meet and form a union.

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MR. NICK PENA

Mr. Nick Pena, El Mercado, continued his story from a previous Council meeting on how the monies for the renovations of El Mercado had come about and how the Mexican Market had been transformed into one of the City's great places. He spoke to the merchants who had dedicated their lives to assure the success of El Mercado and to conflicts with City staff.

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MR. PAUL BLOCK

Mr. Paul Block, Olmos Park Terrace Neighborhood Association, spoke against the Fossil Creek Commercial Tract Annexation and asked that the Council postpone action until after the Mayor's Ad Hoc Committee on Water presented its recommendations.

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MR. EDDIE MASSON

Mr. Eddie Masson, Help 4 Disabled, thanked Councilwoman Radle for her participation in the group's walk. He invited the City Council to join in "Be In My Shoes" Day so they could find out first hand the obstacles that handicapped individuals face daily. He also spoke to the disabled that were on SSI who were being allowed to go to the Senior Citizen Centers. He added that people on social security and those on SSI needed to also be allowed to attend.

Councilwoman Radle thanked Mr. Masson for providing a meaningful and educational day. She stated that she got to choose the day that she was disabled but many people did not. She added that she would do what she could to make the situation for the disabled better.

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MR. ANDY WEAVER

Mr. Andy Weaver spoke to SAWS funding and to earnest money that was lost on a recent \$2,875,000 bid. He further spoke to programs similar to some in San Antonio that were being implemented in Ohio.

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MS. ANGIE GARCIA

Ms. Angie Garcia, LULAC, spoke to recent allegations and to the miscommunication regarding the Market and the tenants at the Market. She cited some of the issues that had been raised and spoke to City time and monies being used to coordinate upcoming Fiesta activities at the Market. She asked that the foundation under the Parks and Recreation Department be held accountable and that the City hire someone else to do the coordination.

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MS. PATRICIA RODRIGUEZ

Ms. Patricia Rodriguez, ARA Vice President, spoke to the monies that had been allocated to meet the desperate needs of the homeless and the poor. She requested information on what programs had been funded.

Councilman Castro stated that the City had been working with several associations on hunger and homelessness and that a few weeks ago the Council had voted on how the monies would be spent. He added that his office would provide her with a list of which organizations had been funded, how much money had been allocated and what services would be provided.

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MR. JACK M. FINGER

Mr. Jack M. Finger, P. O. Box 12048, spoke to morality in government and to the side effects of Depo-Provera. He commended Councilwoman Radle for voting against Agenda Item 20 and chided the remainder of the Council for not following suit.

Councilman Radle noted that, while people always felt good when someone affirmed what they have done or said, she wanted to express how much she respected her colleagues.

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MR. ROBERT L. BELTRAN

Mr. Robert Beltran, 1639 E. Highland, spoke to the excellent work and leadership of Acting City Clerk Yolanda Ledesma and added that it was due time for the City Council to promote her to City Clerk.

Mayor Garza stated that interviews for the position were scheduled for the first part of March.

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MS. NIKKI M. KUHNS

Ms. Nikki Kuhns, 14003 Fairway Oaks, read from a letter (a copy of which is filed with the papers of this meeting) in which she asked for accountability concerning promises made to the citizens of San Antonio about savings on Medicaid dental costs if the City's drinking water was flouridated. She added that the success of the program should be investigated.

Councilman Haass thanked Ms. Kuhns for coming to City Hall to express her concerns on fluoridation and asked the City Manager to comment on the issues Ms. Kuhns raised.

City Manager Terry Brechtel stated that she would be happy to speak to Ms. Kuhns about her concerns on this issue.

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MR. JOSE A. PEREZ

Mr. Jose Perez stated that the Mayor and City Council of 2001 covered up an issue he brought up during a City Council meeting. He spoke to difficulties with his attorney and a county court judge, to the 30 days he spent in jail and to being forced to sign a psychiatric evaluation release form during his incarceration.

He further spoke to his last appearance before this Council, to his freedom of speech, and his civil rights.

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MR. EUGINIO RODRIGUEZ

Mr. Euginio Rodriguez, 150 N. San Gabriel, spoke to Charter amendments including term limits and lifting of lifetime ban. He spoke in favor of three 3-year terms, removal of the lifetime ban and to the effective dates of these two issues should they be approved.

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2004-07 SECOND PUBLIC HEARING ON PROPOSALS FOR AMENDMENTS TO THE SAN ANTONIO CITY CHARTER FOR VOTER CONSIDERATION AT A MUNICIPAL ELECTION ON MAY 15, 2004.

Mayor Garza declared the Public Hearing to be opened.

The following citizen(s) appeared to speak:

Mr. Mike Novak, The Greater San Antonio Chamber of Commerce, commended the City Council for holding multiple hearings on the charter revision issue. He stated that the Chamber recommended extending term limits, authorizing Council pay and eliminating the lifetime ban.

Ms. Janie Balboa, Government Affairs, The San Antonio Hispanic Chamber, discussed a policy statement that had been approved by the Board of Directors on February 17th which spoke to the need for strategic leadership and in favor of three 3-year terms. She added that the Chamber was also supporting the elimination of the lifetime ban and pay for Council in the amount of \$41,000 for Mayor and 30,000 for Council members.

Mr. Mike Phillips, COPS/Metro Alliance, Ms. Christine Drennan and Mr. Ruben Diaz. spoke in favor of three 3-year terms and stated that COPS/Metro Alliance, would not encourage anyone to vote for any plan other than three 3-year terms. They also spoke in support of removing the lifetime ban after sitting out a term.

Mr. Ben Brewer, President, The Downtown Alliance, expressed support for charter reform. He spoke in favor of repealing the lifetime ban, term limits and increased pay for City Council members.

Mr. Andres Andujar spoke to his support for the Charter revision efforts, in favor of repealing the lifetime, increasing terms to 3 or 4 year terms, and a pay increase for the City Council. He added that the present City Council should not be allowed to serve another term.

Ms. Candy Beltran, Roosevelt Park Neighborhood Association, spoke in favor of removing the lifetime ban, supported two 3-year terms or two 4-year terms. She further added that the new reforms should not become effective until after the current City Council's eligibility ended.

Mr. Tony Garza, Cruzada Por La Paz y Justicia, spoke in support of term limit extensions to two 3-year terms and City Council pay but with reservations. He agreed with paying Council \$31,000 per year but thought it should be prorated over 52 weeks or \$600.00 per meeting. He added that if a Council member did not attend a meeting he would forfeit the \$600.00. He further spoke against a benefit package and for the elimination of credit card expense accounts, elimination of discretionary accounts, and for requiring a member of the council to vacate his position if he filed for another post and that a special election be held to fill the vacancy.

Mr. Charles English, Jefferson Heights Neighborhood Association, spoke in favor of two 3-year terms. He further spoke to the need for internship and grass roots experience for members of the City Council and for pay to the Council in the amounts of \$24,000 for Council members and \$31,500 for the Mayor.

Mr. Andy Weaver spoke in favor of Council pay and noted that signs in the Chamber stated that drinking or eating were not allowed; however, the Council was not adhering to the rules. He then spoke to litigation he was involved in the federal court system.

Mr. Jack Finger, P. O. Box 12048, stated that the re-runs of last week's public hearings were not run in their entirety so he spoke to the comments he had made at the hearing. He further spoke to the Council violating the rules on public hearings.

Mr. Robert Beltran, 1639 E. Highland Boulevard, spoke to the pay for the Mayor and City Council and to the Citizens Committee on Charter Review that was formed under the leadership of Mr. Leo Gomez. He stated that they had obtained statistics from cities that have a similar form of government and the Council should adhere to the recommendations made by the Committee. He spoke to the recommended two 3-year terms, repealing the lifetime ban and extension of insurance.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke in favor of three 3-year terms, repealing of the lifetime ban, and the Mayor only being allowed to vote in the event of a tie. He stated that he favored the changes becoming effective in 2005.

Mr. Bob Martin, President, Homeowner-Taxpayer Association of Bexar County, urged the Council to retain the two-year term limit. He further spoke to the pay raise for Council, the lifetime ban and to the accountability issue.

Ms. Nikki Kuhns, 14003 Fairway Oaks, stated that not being a City Council member had not stopped Patti Radle from serving the community. She further stated she did not have a problem with the wage proposed but could not support terms longer than two years.

Mr. Jack Finger, P. O. Box 12048, spoke in favor of increased pay for the Council but against throwing out term limits. He suggested that the citizenry select how much pay the Mayor and City Council should receive.

Ms. Carmen Melenzyer, 343 Montfort, spoke to a book she is writing entitled Great Hispanic Women and to the good job that a lot of the Council members were doing. She added that she felt that the limits now in place were adequate but she had heard from young people who had wanted to be at the hearing. She stated that there should be some forum and some debate in which the young people would have an opportunity to be heard.

Ms. Janet Ahmad, 18 Silverhorn, spoke to many candidates who are willing to serve as members of the City Council without pay. She added that term limits should not be changed as they are doing what they were meant to do.

Mr. Frank Sandoval, 720 Hot Well, spoke to the Good Government League and its control over the City of San Antonio for many years. He added that he favored the present term limits. He also spoke to street repairs and the lack of completion of certain projects.

Mr. Fred Magee, 8826 Flint Valley, Rainbow Hills Neighborhood Association, spoke to a survey taken by his neighborhood association in which 27% of those who voted were in favor of the current limits; 33% favored four-year terms and 38% favored three-year terms. He questioned how the monies would be found to pay over \$350,000 to the Mayor and City Council members.

Ms. Diane Lang, 143 Walton, stated that she favored term limits but was totally against any four-year terms. She spoke to the pros and cons for removal of the lifetime ban. She added that she further favored pay for the Mayor and City Council but did not feel that the present Council should benefit from the changes. She spoke to the methods used for conducting the polls that had been reported and to the number of people that were contacted.

Mr. Allen Townsend, 143 Walton, noted that he felt the present Council was the best since he had been in San Antonio. He spoke in favor of extending their terms with two 3-year terms and then the Council would sit out a term before running again. He added that it should be connected with campaign finance reform so that someone does not just come in and buy the election. He added that there needed to be a built-in responsiveness such as campaign finance reform. He further spoke in favor of Council pay and agreed that the amount should be \$42,500.

Mr. Raymond Zavala, 812 W. Richter, spoke in favor of extending the term limits to three 3-year terms and eliminating the lifetime ban. He spoke to the need for the City Manager to run the city and be given the right to make the right decisions. He further spoke to some bad decisions that, in his opinion, he felt the Council had made, such as the contract with the Dallas Cowboys and the recent pageant. He also spoke against the citizens of San Antonio paying the Council members \$14.00 an hour.

Ms. Julie Iris Oldham spoke to her experiences in spending four days without heat or electricity. She thanked the Mayor and Councilman Segovia and their staffs for their assistance in getting heat and electricity back in her home. She added that she was pleased with many of the present City Council members and spoke in favor of two year terms. She noted that she had been recruited to fill for several local and state positions.

There being no further citizens to speak, the Mayor declared the Public Hearing to be closed.

Councilwoman Radle spoke to her concerns that there needed to be another opportunity to have an open discussion about these items prior to a decision being made next Thursday. She added that there had not been a lot of clarity that had come out of governance that week. She noted that there was no consensus on the various options.

Mayor Garza stated that they were going to bring all the options to the Council for consideration next week.

Councilwoman Radle questioned whether anyone else on the Council felt that it would be beneficial to meet again before next week.

Councilman Castro stated that he thought some consensus had been reached during the Governance Committee meetings but the full City Council had not been in attendance. He spoke to the term limit options that were on the table and stated that he would welcome a discussion about the policies and the ideas behind each.

Councilman Perez stated that he would be in favor of another meeting but that it should be held in the same type of forum as the present meeting. He added that everything was on the table at the present time and he had planned that there would be a lengthy discussion next Thursday about the issue.

In response to a question by Councilman Schubert on the process to bring this item forward, Mr. Andrew Martin, City Attorney, stated that a draft ordinance, based on the recommendations from the citizens' committee, could be brought to the City Council and the members could make floor amendments.

Further responding to Councilman Schubert, Mr. Martin stated that an ordinance was needed to call the election which would include the ballot language and the actual text of the amendments to the Charter. He added that he could draft it and leave blanks to be filled in during the course of the debate.

Mayor Garza spoke to possibly scheduling a "B" session next Thursday morning for dialogue and possible amendments.

City Manager Terry Brechtel stated that the Council could follow Mr. Martin's recommendation in which the legal department would draft an ordinance based on the Citizens' Committee recommendations and schedule a "B" session for possible amendments.

Mayor Garza requested that Mr. Martin have a packet containing information on term limits, lifetime ban and salary proposals to the Council by the end of the following day.

Councilman Flores suggested that the "B" session be held in the Council Chamber. He spoke to his reasons for not commenting publicly on these issues, stated that he wanted to make sure that as much control as possible be placed in the citizens' hands.

Mayor Garza stated that the "B" Session would begin next Thursday at 9:30 A.M.

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2004-07 There being no further business to come before the City Council, the meeting was adjourned at 7:30 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest.



YOLANDA L. LEDESMA
Acting City Clerk