

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MARCH 11, 2004

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2004-10 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. Staff presentation on the findings and recommendations of the Parking Demand Study for the Downtown Area (Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager).

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

The "B" Session adjourned at 12:35 P.M.

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2004-10 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

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2004-10 Invocation by Rev. Richard E. Tankerson, Grant Memorial AME Church.

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2004-10 Pledge of Allegiance to the flag of the United States.

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2004-10 **POINT OF PERSONAL PRIVILEGE – BAND OF ANGELS**

On a point of personal privilege Councilman Barrera introduced several individuals associated with the Band of Angels group who were present in the audience.

One of the individuals introduced two young people that were accompanying her and stated that they had been selected to perform in Birmingham, Michigan, at a black-tie gala. She added that the event would be held in celebration of the accomplishments of young people with Down Syndrome.

Councilman Barrera then recognized some representatives from the Bexar County Sheriffs' Association who were major sponsors of the group.

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2004-10 SPECIAL RECOGNITION: CITY EMPLOYEES WITH 30 - 40 YEARS OF SERVICE

Mayor Garza stated that the City of San Antonio was recognizing individuals for their dedicated service as City employees for 30 – 40 years. He invited the City Council to come forward to greet these honorees as they were individually introduced.

City Manager Terry Brechtel announced that Mr. Edward Arzola, a 40-year employee, was unable to attend today's recognition; however, a short film on his career with the City was shown.

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2004-10 POINT OF PERSONAL PRIVILEGE – FRANK BURNEY

Mayor Garza, on a point of personal privilege, presented a Certificate of Appreciation to Mr. Frank Burney for his efforts during the successful People's Nine election.

Several Council members joined the Mayor in thanking Mr. Burney for his work with the bond issue and for his other work in the community.

A representative from the San Antonio Zoo expressed appreciation to Mr. Burney for his efforts and support of the Zoo. He then presented him a plaque recognizing his endeavors.

FISHER ROAD, LOCATED ON THE I.H. 35 ACCESS ROAD AT FISHER ROAD FROM RURAL LIVING LAND USE TO URBAN LIVING LAND USE.

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

Mr. Emil R. 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 analysis criteria for this item outlining, land use, transportation infrastructure that supports a commercial node for the intersection. He further outlined information on the lack of major community facilities in the immediate area.

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

2004-10 ZONING CASES

3A.) CASE NUMBER Z2004029: The request of Salem Leasing Corporation, Applicant, for Pador Properties, Ltd., Owner, for a change in zoning from "R-5" Residential Single Family District to "I-1" General Industrial District on that portion of Lot 7N, NCB 10615 west of IH-410 (SE Loop), 305 Loop 410 S.E. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 2)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

Councilman Williams spoke to the various stakeholders coming together in agreement and then asked his Council colleagues to accept the recommendation of the Zoning Commission and vote for approval.

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

AN ORDINANCE 98926

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 7 N, NCB 10615 WEST OF IH 410 (SE LOOP) FROM "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT TO "I-1" GENERAL INDUSTRIAL DISTRICT.

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3B.) ZONING CASE NUMBER Z2004032: The request of Amado Hoffman Sr., Applicant, for El Tipico Enterprises, Owner, for a change in zoning from "R-5" Single-Family Residential District to "C-3NA" General Commercial District, Nonalcoholic Sales on Lot 6, Block 7, NCB 12903; and from "R-5" Residential Single-Family District to "O-1" Office District on Lot 7, Block 7, NCB 12903; and from "C-2" Commercial District to "C-3 NA" General Commercial District, Non-alcoholic Sales on 0.5035 acres out of Lot 25, Block 7, NCB 12903, the southwest corner of Rigsby Avenue and Ravina Drive. Staff's recommendation was for denial.

Zoning Commission has recommended denial. (Council District 2).

Mr. John Jacks, Senior Planner, Development Services Division, explained the proposed zoning case.

Councilman Williams stated that he had met with the stakeholders and everyone was in favor of the zoning request as follows: motion was made for approval of C-3NA General Commercial District, Non-Alcoholic Sales on .5035 acres out of Lot 25, Block 7, NCB 12903 and C-2NAC Commercial District, Non-Alcoholic Sales with conditional use for auto and vehicle sales on Lot 6, Block 7, NCB 12903 with the following conditions: (1) a 6' solid fence shall be constructed along the east property line, (2) a 4' solid fence shall be constructed along the front property line in compliance with Section 35-514C of the Unified Development Code and (3) exterior lighting fixtures shall be directed down and away from the adjacent residential properties, and to send Lot 7, Block 7, NCB 12903 back to the Zoning Commission for reconsideration of C2NA, Commercial District, Non-

Alcoholic Sales with conditional use for auto and vehicle sales. Councilman Perez seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke against Zoning Cases 3B, 3H, and 3J and asked the Council not to approve these rezoning requests.

Councilman Williams, responding to Councilwoman Radle, stated that all four of the key stakeholders were comfortable with the resolution and had agreed upon the changes stated in his motion.

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

AN ORDINANCE 98927

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 0.5035 ACRES OUT OF LOT 25, BLOCK 7, NCB 12903 FROM "C-2" COMMERCIAL DISTRICT TO "C-3 NA" GENERAL COMMERCIAL DISTRICT, NON-ALCOHOLIC SALES.

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3C.) ZONING CASE NUMBER Z2003173-13A: The request of City of San Antonio, Applicant, for Multiple Owners, Owner(s), for a change in zoning from "DR" Development Reserve and "NP-10" Neighborhood Preservation District to "MI-1" Mixed Light Industry District on CB 4005 P-24, P-24D, P-24E, P-33B, P-37, P-37A, P-37B, P-37C, P-47, P-47-A, P-47B, P-66 and P-67; CB 4006 P-7D; CB 4283 P-25; and NCB 16456 P-24. Properties are generally bound by Pleasanton Road on the east; the Union Pacific Railroad Right of Way to the west; and a line south of, but not adjacent to, IH-410 on the north. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3).

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Segovia made a motion to approve the proposed zoning, save and except that portion north of Mauermann Road which will be continued until March 25, 2004. Councilman Perez seconded the motion.

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

AN ORDINANCE 98928

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS CB 4005 P-33B, P-37, P37-A, P-37B, P-37C, P-47, P47-A, P-47B AND CB 4006 P-7D FROM "DR" DEVELOPMENT RESERVE AND "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT TO "MI-1" MIXED LIGHT INDUSTRY DISTRICT.

Zoning Case #Z2003173-13A was approved except for a portion of north Mauermann Road which will be continued to the Council meeting of March 25, 2004.

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3D.) ZONING CASE NUMBER Z2004001: The request of Mission Park, Applicant, for Robert Tips, Owner, for a change in zoning from "R-6 H RIO-6" Single Family Residential Historic River Improvement Overlay District to "C-3 H RIO-6" General Commercial Historic River Improvement Overlay District on 3.037 acres out of NCB 11175, 1700 Military Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3).

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Segovia made a motion to continue this zoning request until March 25, 2004. Councilman Perez seconded the motion.

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

Zoning Case Z2004001 was continued until March 25, 2004.

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3E.) ZONING CASE NUMBER Z2004028: The request of Manuel Macias for San Antonio Development Agency, Applicant, for San Antonio Development Agency, Owner, for a change in zoning from "MF-33" Multi-Family District to "PUD MF-33" Multi-Family Planned Unit Development District on 0.9008 acres out of Lot 9, Block C, NCB 11027, between Sally Gay Street to the North and Betty Jean Street to the south, east of Hillje Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3).

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Segovia made a motion to continue consideration of this zoning request until March 25, 2004. Councilman Perez seconded the motion.

After consideration, the motion to continue until March 25, 2004 prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall. **NAYS:** None. **ABSENT:** Flores, Schubert, Haass, Garza.

Zoning Case Z2004028 was continued until March 25, 2004.

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3F.) ZONING CASE NUMBER Z2004031 S C: The request of Lothry-Norstrum-Pfeifer House, Applicant, for Lothry-Norstrum-Pfeifer House, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-3 NA SC" General Commercial Nonalcoholic Sales District, with a specific use authorization for a mini warehouse facility exceeding 2.5 acres, with a conditional use for outdoor vehicle and boat storage on 20.30 acres out of NCB 10835, 4312 Roland Avenue. Staff's recommendation was for approval with conditions.

Zoning Commission has recommended approval with conditions (Council District 3).

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Segovia made a motion to continue this zoning request until April 22, 2004. Councilman Perez seconded the motion.

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

Zoning Case Z2004031 S.C. was continued until April 22, 2004.

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3G.) ZONING CASE NUMBER Z2003173-7A-1: The request of City of San Antonio, Applicant, for Jesus Vasquez, Owner, for a change in zoning from "DR" Development Reserve District and "RD" Rural Development District to "UD" Urban Development District on all of CB 4301 P-44 and P-44A and the northeast 795 feet adjacent to Fischer Road out of CB 4301 P-45 and 46, 11440 IH-35 S and 11893 Fischer Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4).

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 98929

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS ALL OF CB 4301 P-44 AND P-44A AND THE NORTHEAST 795 FEET ADJACENT TO FISCHER ROAD OUT OF CB 4301 P-45 AND 46 FROM "DR" DEVELOPMENT RESERVE DISTRICT AND "RD" RURAL DEVELOPMENT DISTRICT TO "UD" URBAN DEVELOPMENT DISTRICT.

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3H.) ZONING CASE NUMBER Z2004011: The request of The Alhambras, Applicant, for NRP Properties, LLC., Owner, for a change in zoning from "RM-4"

Residential Mixed District and "C-2" Commercial District to "MF-33" Multi-Family District on 5.074 acres out of NCB 11253, northeast of the intersection of Briggs Avenue and New Laredo Highway. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 4).

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

The following citizen(s) appeared to speak:

Mr. Michael Schmidt, 308 Briggs, spoke to the proposed project for this property and noted that it was not compatible with the neighborhood. He spoke to reasons why this zoning request should not be approved.

Mr. Louis Escareno, 2717 W. Martin, explained how the area was going to be developed as apartments for the elderly. He stated that there was a serious need for elderly housing especially in that part of town. He added that he had done everything possible to address the concerns of the area residents.

Mr. Dan Markson, Developer, stated that he was available to answer any questions the Council member might have.

Mr. Willie Mata stated that he lived in similar senior citizen apartment complex and noted that the apartments were well built. He added that these proposed apartments would be ideal for him and his wife.

Councilman Perez spoke to the proposed project and urged his colleagues to support his motion to approve this zoning change.

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

AN ORDINANCE 98930

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY

CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 5.074 ACRES OUT OF NCB 11253 FROM "RM-4" RESIDENTIAL MIXED DISTRICT AND "C-2" COMMERCIAL DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

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3I.) ZONING CASE NUMBER Z2004030: The request of City of San Antonio, Applicant, for Guadalupe Espinosa, Owner, for a change in zoning from "C-2" Commercial District to "R-4" Residential Single-Family District on Lots 34 and 35, Block 1, NCB 3991, 319 and 321 Montezuma Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 5).

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 98931

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 34 AND 35, BLOCK 1, NCB 3991 FROM "C-2" COMMERCIAL DISTRICT TO "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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3J.) ZONING CASE NUMBER Z2004034: The request of Jerardo Cavazos, Applicant, for Jerardo Cavazos, Owner, for a change in zoning from "R-6" Residential

Single-Family District to "MF-25" Multi-Family District on Lot 21, Block 2, NCB 6776, 1027 Kirk Place. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 5)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

In response to a question by Councilwoman Radle, Mr. Charles Eaton, representing Mr. Jerardo Cavazos, the owner of the property, stated that they had not gone outside the two hundred foot radius or canvassed the neighborhood. He further stated that a Zoning Commission representative had advised them that this was not necessary since none of the notices returned were in opposition to the requested rezoning.

Mr. Cavazos further stated that he had approached the neighbors in the area and all seemed in favor. He added that none expressed opposition.

Councilwoman Radle requested that the owner canvass the neighborhood to secure signatures from the neighborhood residents on whether they favored or opposed the requested rezoning.

Councilman Flores made a motion to continue this requested rezoning for two weeks until March 25, 2004. Councilman Hall seconded the motion.

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

Zoning Case Z2004034 was continued until March 25, 2004.

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3K.) ZONING CASE NUMBER Z2004014S: The request of Brandt Klutts, Applicant, for Clifford Dunham and Peggy Living Trust, Owner, for a change in zoning from "C-3" General Commercial District, "C-2" Commercial District and "R-6" Residential Single-Family District to "C-3 NA S" General Commercial District, Nonalcoholic Sales with a specific use authorization for a mini-warehouse facility over 2.5 acres on 3 acres out of Lot 6A, NCB 18288 (a portion of that tract 6A and CB 4433 and out of the Elizabeth Plunkett Survey No. 72), 8115 Potranco Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6).

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 98932

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 3 ACRES OUT OF LOT 6A, NCB 18288 FROM "C-3" GENERAL COMMERCIAL DISTRICT, "C-2" COMMERCIAL DISTRICT AND "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3 NA S" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH A SPECIFIC USE AUTHORIZATION FOR A MINI-WAREHOUSE FACILITY OVER 2.5 ACRES.

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3L.) ZONING CASE NUMBER Z2004018C: The request of 1080 Incorporated, Applicant, for 1080 Incorporated, Owner, for a change in zoning from "C-1" Light Commercial District to "C-2 C" Commercial District with a Conditional Use for a Studio - Sound and Recording, on Lots 21 and 22, NCB 14595, 8531 Fairhaven Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 98933

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 21 AND 22, NCB 14595 FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "C-2 C" COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR A STUDIO – SOUND AND RECORDING.

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3M.) ZONING CASE NUMBER Z2004033: The request of Bogi Building Corp., Applicant, for Angie C. Coppedge, Owner, for a change in zoning from "C-2" Commercial District to "MF-33" Multi-Family District on 2.46 acres out of Lot 12, Block B, NCB 11609, 7323 Snowden. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8).

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

In response to a question by Councilman Hall, Mr. Jacks explained the difference between the C-2 and B-2 zoning designations.

Mr. Jacks further explained that the one notice that had been received in opposition was from a Diamond Shamrock Station in the area. The management had expressed concern that more apartments would mean more congestion and more traffic cutting through the business.

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

AN ORDINANCE 98934

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 2.46 ACRES OUT OF LOT 12, BLOCK B, NCB 11609 FROM "C-2" COMMERCIAL DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

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At this time Agenda Item 22 was brought up for consideration.

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2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98935

AUTHORIZING THE EXECUTION OF A SHORT-TERM LEASE AGREEMENT WITH BUDCO, LTD., FOR THE PERIOD FROM MARCH 15, 2004 THROUGH APRIL 15, 2004 FOR THE USE OF VACANT RETAIL SPACE AT THE HEMISFAIR PARKING GARAGE FOR A ONE-TIME RENTAL FEE OF \$15,100.00; EFFECTIVE IMMEDIATELY IF PASSED BY EIGHT VOTES.

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

Mr. Doug Yerkes, Public Works Department, gave a slide presentation on Agenda Items 21 and 22, a copy of which is filed with the papers of this meeting, in which he further spoke to the short-term lease agreements with N & D Sports and Budco Ltd. He spoke to the areas being leased, the background on the leased space, the clean zone, the fiscal impact of the agreements, and the policy analysis. He added that the previous leases with

similar terms and conditions had been approved in the past and revenues added to the Parking Division Operating Fund.

In response to a question by Councilman Castro on whether the retail space was being rented at the fair market rate, Mr. Yerkes stated that the rate had been very competitive and was a high dollar rate.

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

Mr. Yerkes, responding to Councilman Haass who questioned the need to have this item on the individual consideration portion of the agenda, stated that it had been the consensus that the Council might want to know about this rental.

City Manager Terry Brechtel noted that this type of rental is not done on a regular basis and staff had wanted the City Council to be aware of staff being pro-active and seeking opportunities to generate more revenue.

Responding to a question by Mr. Segovia, City Manager Brechtel stated that the areas were vacant at this time.

Councilman Hall thanked the City Manager for being responsive to the Council's interests.

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(Mayor Garza returned to the meeting to preside.)

2004-10 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 5 through 15D, constituting the consent Agenda, except for Items 5, 6, 8, 10, 13 pulled for individual consideration. Councilman Barrera seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to Agenda Item 7 in which he noted that the Council had received campaign contributions from shareholders whose company was going to have a contract with the City and he asked that they abstain from voting to avoid

the appearance of conflicts of interest. He also stated that Frank Burney, who had been recognized by Mayor Garza earlier in the meeting, deserved the recognition.

City Manager Terry Brechtel stated that Item #7 was a professional services contract and asked Mr. Malcolm Matthews, Director, Parks and Recreation Department to elaborate on it further.

Mr. Matthews stated that the successful bidder was selected through a competitive process in which RFQs were submitted to the Parks Department, evaluated and run through a consultant selection process.

Councilman Perez stated that the three parks mentioned were in his area and that he had read over these projects very carefully and was confident that it was a strong and good project.

Councilman Haass requested that Agenda Item #13 also be pulled for individual consideration.

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

AN ORDINANCE 98936

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$51,558.50 TO PLACE COLLABORATIVE, INC. (SBE) FOR PROFESSIONAL ARCHITECT AND ENGINEERING SERVICES IN CONNECTION WITH THE DISTRICT 4 PARK IMPROVEMENT PROJECTS IN ARNOLD PARK, FLORES PARK AND MILLER'S POND PARK; AUTHORIZING \$4,160.50 FOR MISCELLANEOUS DESIGN CONTINGENCY EXPENSES; AUTHORIZING \$3,600.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF \$59,319.00 FROM 1999-2004 PARK BOND FUNDS; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98937

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$40,691.00 TO CHIANG PATEL & YERBY, INC.

(MBE) FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE SOUTH FLORES – MALONE TO OCTAVIA MPO PROJECT, LOCATED IN COUNCIL DISTRICTS 3 AND 5; AUTHORIZING \$4,500.00 FOR CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$45,191.00 FROM 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98938

AUTHORIZING AND CONSENTING TO THE ASSIGNMENT OF THE CONCESSION AGREEMENT WITH FAMIGLIA INTERNATIONAL, INC. KNOWN AS FAMOUS FAMIGLIA, AUTHORIZED BY ORDINANCE NO. 95351 ON FEBRUARY 22, 2002 FROM FAMIGLIA INTERNATIONAL, INC. TO FD LEASING GROUP, L.L.C., FOR TERMINAL ONE CONCESSION AGREEMENT NO. 133012 SPACE 124 LOCATED IN TERMINAL ONE AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

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AN ORDINANCE 98939

ACKNOWLEDGING THE ACCEPTANCE OF AN \$8,000.00 AWARD FROM CITIGROUP FOUNDATION AND \$3,500.00 FROM BANK ONE BY THE CITY OF SAN ANTONIO'S NEIGHBORHOOD ACTION DEPARTMENT THROUGH THE SAN ANTONIO HOUSING TRUST FOUNDATION, WHO ACTS AS FISCAL AGENT FOR SUCH FUNDS, FOR USE IN CONNECTION WITH THE NEIGHBORHOOD COMMERCIAL REVITALIZATION PROGRAM OPERATION FACELIFT AND THE HOMEBUYERS CLUB PROGRAM.

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AN ORDINANCE 98940

RELEASING TWO (2) LOTS (49 AND 59) CONSISTING OF 0.159 ACRES OUT OF THE PARK LANE SUBDIVISION SITUATED IN COMAL COUNTY AND WITHIN THE CITY OF SAN ANTONIO'S EXTRATERRITORIAL JURISDICTION. STAFF RECOMMENDS APPROVAL. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

* * *

AN ORDINANCE 98941

APPOINTING IDA "ANGIE" VILLELA (DISTRICT 3) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR A TERM OF OFFICE TO EXPIRE ON JUNE 27, 2006.

* * *

AN ORDINANCE 98942

REAPPOINTING JUDITH LAUFER (PROVIDER OF HANDICAPPED SERVICES CATEGORY - DISTRICT 9) TO THE DISABILITY ACCESS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2005.

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AN ORDINANCE 98943

APPOINTING GENE M. GLORIA (DISTRICT 6) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON MARCH 31, 2006.

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AN ORDINANCE 98944

APPOINTING MALORIE PEACOCK (DISTRICT 10) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2005.

2004-10 INDIVIDUAL ITEMS

The Clerk read the following Ordinance:

AN ORDINANCE 98945

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY PETROLEUM SOLUTIONS, INC. TO PROVIDE THE CITY OF SAN ANTONIO PURCHASING &

GENERAL SERVICES FLEET OPERATIONS DIVISION WITH INSTALLATION OF
AUTOMATIC FUEL TANK MONITORS FOR A TOTAL AMOUNT OF \$167,820.80

* * *

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

In response to a question by Councilman Perez, Ms. Janie B. Cantu, Director, Purchasing & General Services Department, stated that only 10 automatic fuel tank monitors were being purchased instead of 12 because there was a possibility that these monitors would be removed soon.

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

— — —

2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98946

AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT WITH VAUGHN CONSTRUCTION COMPANY IN THE AMOUNT OF \$806,006.00 IN CONNECTION WITH THE CARVER COMMUNITY CULTURAL CENTER BUILDING REPAIRS, PHASE IV COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING \$50,507.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, FOR A TOTAL OF \$856,513.00; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

* * *

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

In response to a question by Councilman Perez, Ms. Jelynn LeBlanc Burley, Assistant City Manager, explained that this was the final phase of the work to be done to the Carver Community Cultural Center. She added that, as per the agreement with the Center board, the work would be completed in June, 2004.

Councilman Hall spoke to the condition of the Center and its deterioration during the time that it was closed.

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 Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Schubert.

— — —
2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98947

ACCEPTING THE LOW RESPONSIVE BID IN THE AMOUNT OF \$2,020,003.04 FROM E-Z BEL CONSTRUCTION, LTD. (MBE) IN CONNECTION WITH THE BELGIUM: PICARDIE TO SBC PARKWAY PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING \$202,000.30 FOR CONTINGENCY EXPENSES; AUTHORIZING \$1,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$2,223,003.34, OF WHICH \$2,062,837.33 WILL BE FUNDED FROM GENERAL OBLIGATIONS OF THE CITY; AUTHORIZING THE REIMBURSEMENT OF \$160,166.01 FROM THE SAN ANTONIO WATER SYSTEM; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to a question by Councilman Perez, Mr. Thomas Wendorf, Director, Public Works Department, spoke to the amount of projects this contractor had and the quality of the work they were doing on ten jobs with the City.

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

— — —
2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98948

APPROVING THE PRICE, TERMS AND CONDITIONS OF SALE BY THE SAN ANTONIO DEVELOPMENT AGENCY A/K/A THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF ONE (1) PARCEL OF REAL PROPERTY LOCATED WITHIN THE VISTA VERDE SOUTH NEIGHBORHOOD DEVELOPMENT AREA TO OUR CASAS RESIDENCE COUNCIL IN THE AMOUNT OF \$51,500.00 AND ONE (1) PARCEL OF REAL PROPERTY LOCATED WITHIN THE SELECT HOUSING TARGET AREA AT 214 STARK STREET TO GILBERT GONZALES IN THE AMOUNT OF \$1,750.00; AND PROVIDING FOR PAYMENT.

* * *

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

In response to a question by Councilman Perez, Mr. Andrew W. Cameron, Director, Housing and Community Development Department, stated that the purchaser of the property was going to use private monies to construct an office facility and move their administrative operations there.

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.

— — —
2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98949

AUTHORIZING CITY MANAGER OR HER DESIGNEE TO EXECUTE THE SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH UNGERBOECK SYSTEMS, INC., WHICH WAS ORIGINALLY AUTHORIZED BY ORDINANCE NO. 90078 DATED JULY 22, 1999, TO PROVIDE FOR THE PURCHASE OF EIGHT (8) ADDITIONAL CONCURRENT USER LICENSES OF THE EVENT BUSINESS MANAGEMENT SOFTWARE AND ONE YEAR OF MAINTENANCE AND SUPPORT IN THE AMOUNT OF \$31,995.00 FOR THE ALAMODOME; AND PROVIDING FOR PAYMENT.

* * *

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

In response to a question by Councilman Haass, Mr. Michael Abington, Director, Alamodome, spoke to concurrent use licenses and the reason they were so expensive. He added that by upgrading the software, the Alamodome, Convention Center and Convention and Visitors Bureau would be linked.

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

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2004-10 STAFF BRIEFING ON THE ISSUES THE 78TH LEGISLATURE WILL STUDY DURING THE “INTERIM” AND THEIR POSSIBLE IMPACT ON THE CITY OF SAN ANTONIO AND TEXAS MUNICIPALITIES

Mr. Jim Campbell, Director, External Relations Department, spoke to the Texas Legislature meeting in regular session for 140 days in odd-numbered years and in special sessions as needed. He spoke to the background on various issues of concern to the City, to the possibility of a special session being called on public school finance, to the issues of interest of the City of San Antonio, to staff working with City departments, other Texas cities, the Texas Municipal League and the City’s governmental affairs consultants to monitor issues of concern to the City. He added that staff would report on a regular basis to the Council’s Intergovernmental Relations Committee regarding significant developments in interim committee activities. He then introduced two lobby team members, Susan Rocha and Chris Shields.

Ms. Rocha and Mr. Shields highlighted some significant issues that they were working on for the City of San Antonio.

In response to a question by Council Schubert, Mr. Shields spoke to the possibility of approval of one of two strategies should a special session be called. One strategy would oppose any restrictions or limitations and the other would try to figure out if there was some level of restriction or limitation that worked.

Mr. Campbell stated that the staff had identified several potential problems and strategies for combating the issues. He also stated that he had visited with over half of the City’s legislative delegation to discuss this.

Councilman Schubert spoke to some of the issues associated with property tax relief, including the problems that the City would encounter if fewer monies were received because of an appraisal cap.

Mayor Garza thanked the staff and the two lobby team members for the presentation.

In response to a question by Councilman Castro, regarding the fate of EAA (Edwards Aquifer Authority) and its ability to regulate water quality, Mr. Campbell explained that the Mayor had testified in both the Senate and House committees relative to the EAA a few weeks ago. He stated that the positions of SAWS and the City were not identical with regard to the EAA and there was still work to be done on the pumping limits and authority of the EAA to do water quality initiatives. He added that these issues would be a priority of the lobby team and the staff.

In response to a question by Councilman Perez, Mr. Campbell explained the streamline sales tax project.

Councilman Perez addressed the Help America Vote Act and the mail balloting process. He spoke to a couple who had been unable to vote because of some problems that they encountered as a result of this type of voting process.

Mr. Campbell stated that the City worked very closely with the County as the City had a vested interest in successful elections. He added that he would investigate whether mail balloting could be addressed.

Councilman Perez further spoke to other voting issues that he felt should be investigated.

Mr. Campbell then briefly addressed special purpose districts.

Councilman Hall stated that a lot of the issues presented were the same as those other communities were experiencing. He further stated that the National League of Cities was also pursuing these issues on a national level. He spoke to the SA to DC trip and stated that he saw first-hand what was being done regarding some of our interests at the national level.

In response to a question by Councilman Hall, Mr. Campbell spoke to the process for bringing up suggestions on future legislation beyond the 22 items that were discussed. He added that any new issues would be brought back to the Intergovernmental Relations

Committee and possibly to the Council. He further added that the best advocates for the City are its elected officials.

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2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98950

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND MUNICIPALITIES THROUGHOUT THE ALAMO AREA COUNCIL OF GOVERNMENTS REGION FOR MUTUAL AID WHEN REQUESTED IN RESPONSE TO AN EVENT WHERE ASSISTANCE IS REQUIRED.

* * *

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

Chief Rodney Hitzfelder, San Antonio Fire Department, gave a slide presentation, a copy of which is filed with the papers of this meeting, in which he spoke to the background of the AACOG Regional Mutual Aid program, the region it encompasses, the purpose of the agreement, the RMA activation, and advantages and potential impacts of mutual aid response. He also spoke to what was at stake, the COSA/SAFD/EM grants and the AACOG funding for FY 03/04.

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.

— — —
2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98951

APPROVING: (1) A CONSTRUCTION AGREEMENT GOVERNING DEVELOPMENT OF A SUITES-TYPE HOTEL AND RELATED PUBLIC IMPROVEMENTS ON WEST MARKET STREET BETWEEN NAVARRO AND PRESA STREETS AND ALONG THE RIVERWALK AND (2) A LEASE

AGREEMENT IN CONNECTION WITH THE HOTEL FOR 562.00 SQUARE FEET OF PATIO SPACE ALONG THE RIVERWALK FOR A 5 YEAR TERM, WITH THREE 5-YEAR RENEWAL OPTIONS, SUBJECT TO CITY COUNCIL APPROVAL, AT A BEGINNING ANNUAL RENT OF \$8,164.97 FOR THE FIRST YEAR, SUBJECT TO ADJUSTMENT, BOTH AGREEMENTS BEING WITH RIVERTON SUITES, LTD.; AND REAUTHORIZING THE LIMITED WAIVER OF RIGHT-OF-WAY CLOSURE FEES AS PROVIDED UNDER THE CONSTRUCTION AGREEMENT.

* * *

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

Mr. Ramiro A. Cavazos, Director, Economic Development Department, gave a slide presentation on the agreements to facilitate the development of a River Walk Suites Hotel, a copy of which was filed with the papers of this meeting. Mr. Cavazos gave a brief summary on this issue, the location of the proposed hotel, the project background, construction agreement, the term and conditions of the ROW closure, public improvements, River Walk lease, and benefits to the City.

In response to a question by Councilman Flores, Mr. Trey Jacobson, Assistant Director of Economic Development Department, spoke to the setting of rates in the lease agreement according to market studies. He spoke to current reflective rates and the possibility of their escalation in the future.

Councilman Flores stated that it was necessary to assure that the leases were conducive to the kind of foot traffic that would go through the area.

In response to a question by Councilman Perez, Mr. Cavazos stated that presently the property is a parking lot. He further spoke to the improvements that would be funded over the life of the Tax Increment Reinvestment Zone (TIRZ) and which would give more flexibility to making some of the public improvements.

Mr. Cavazos, further responding to questions by Councilman Perez, spoke to the monies that would be realized with the construction of this hotel, to another hotel that several Council persons had been individually approached on and to the Convention Center Hotel and whether the City was approaching a saturation point on rooms.

Mr. Chris Brady, Assistant City Manager, stated that staff would bring to the Council a contract for professional services on a feasibility demand study for San Antonio of hotel

demands which was being driven by a headquarters hotel. He added that the City wanted to ascertain whether there was a demand for that kind of property.

In response to a question by Councilman Perez, Mr. John Beecham, Hicks & Properties, stated that as co-owners of the Market Street Parking Garage, they had reserved some spaces at the garage for the hotel.

Councilman Flores stated that the issue of saturation of the market was very important; however, in speaking with individuals involved in the hospitality industry in San Antonio, they had advised him that San Antonio was not yet at that point. He stated that there was a lot of room to go out and seek these types of hotels.

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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2004-10 **POINT OF PERSONAL PRIVILEGE – BOY SCOUT TROOP**

On a point of personal privilege, Councilman Schubert introduced Mr. Joseph Fitzsimmons, Chairman of the Texas Parks and Wildlife Department, and members of a Boy Scout troop who were observing a City Council meeting as part of their merit badge requirement. Councilman Schubert asked the group to rise and welcomed them to the Council chamber.

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2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98952

SELECTING BAIN MEDINA BAIN, INC. (MBE) TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE DUKE AREA STREETS, PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$102,987.80; AUTHORIZING \$15,448.17 FOR CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$118,435.97 FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS;

APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * *

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

Mr. Thomas G. Wendorf, Director, Public Works Department, gave a slide presentation on Agenda Items 20 A – F, a copy of which was filed with the papers of this meeting. Mr. Wendorf presented an overview of the 2003 – 2007 bond program summary, spoke to the five propositions which included 113 projects throughout the City that would improve streets, drainage, libraries, parks and public health and safety, noted the program's key dates, the utility coordination, the right of way requirements and the recommendation to contract out for assistance in order to accomplish the goal. He then asked Doug Yerkes, Engineer, Public Works Department to come forward to address each item.

Mr. Yerkes spoke to each agenda item, its fiscal impact and source of fund availability.

Mr. Wendorf then continued the presentation speaking to the SBEDA participation and to the City exceeding all its goals for SBEDA except for AABE . He noted that it was difficult to find AABE consultants; however, the department was working on how that component could be increased.

Mr. Wendorf introduced Walter Ague, Vice Chairman, Citizens Bond Oversight Commission and asked him to comment on the Commission.

Mr. Ague stated that the committee had a lot to learn but they had the benefit of a very professional staff and that the members were going to get the working knowledge that they needed to plan for the future. He further spoke to the work of the Commission.

Mr. Wendorf stated that the approval of these ordinances would be a continuation of the Council's policy to provide streets and pedestrian improvements.

Councilman Hall thanked the staff for the presentation and the members of the Bond Oversight Committee for their work. He noted that the Committee was one of the great ideas for the new system that the Council was implementing. He spoke to the input currently being received from the community.

Councilman Williams spoke to the need to keep the projects on time and on schedule.

Councilman Castro spoke to it being essential that projects be delivered on time and on budget to help make future bond issues more agreeable to the public. He stated he was pleased that the Bond Oversight Committee had been established to monitor the projects.

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

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2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98953

SELECTING PAPE-DAWSON ENGINEERS, INC., TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE STAHL ROAD – O’CONNOR TO JUDSON PROJECT, LOCATED IN COUNCIL DISTRICT 10; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$457,500.00; AUTHORIZING \$45,750.00 FOR CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$503,250.00 FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

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2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98954

SELECTING FERNANDEZ, FRAZER, WHITE AND ASSOCIATES, INC. (MBE) TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE LA MANDA – WEST AVENUE TO BUCKEYE PROJECT, LOCATED IN COUNCIL DISTRICT 1;

AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$50,650.00; AUTHORIZING \$5,065.00 FOR CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$55,715.00 FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

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2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98955

SELECTING MAESTAS & BAILEY, INC. (MBE) TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE ROSABEL STREET – CULEBRA TO INEZ PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$133,407.23; AUTHORIZING \$20,012.00 FOR MISCELLANEOUS EXPENSES, FOR A TOTAL AMOUNT OF \$153,419.23 FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * *

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

In response to a question by Councilman Perez on whether there was a reason that MBEs (Minority Business Enterprise) had smaller dollar amounts than the non-MBEs, Mr. Thomas G. Wendorf, Director, Public Works Department, spoke to the rating process on the proposals, how they were scored, and the project size.

Councilman Perez stated that he had not done any formal analysis on the MBE issue but that he felt that MBEs got the smaller projects and the non-MBEs got the larger projects. He added that at least one of the MBEs on the list had been in existence for 20 or 30 years and could handle the larger projects.

Councilman Perez urged staff to look at the MBEs and their ability to work on the larger projects.

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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2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98956

SELECTING POZNECKI-CAMARILLO, INC. (MBE) TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE COMMERCE STREET – RAILROAD TO S. PALMETTO PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$211,507.00; AUTHORIZING \$21,150.70 FOR CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$232,657.70 FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * *

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

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, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Schubert.

2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98957

SELECTING LOCKWOOD, ANDREWS AND NEWNAM, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE MARBACH ROAD PHASE I – PINN ROAD TO MILITARY DRIVE PROJECT, LOCATED IN COUNCIL DISTRICT 6; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$325,998.00; AUTHORIZING \$32,600.00 FOR CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$358,598.00 FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS; 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.

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 Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Schubert.

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2004-10 The Clerk read the following Ordinance:

AN ORDINANCE 98958

AUTHORIZING THE EXECUTION OF A SHORT-TERM LEASE AGREEMENT WITH NICK'S ENTERPRISE'S, INC. D/B/A N & D SPORTS FOR THE PERIOD FROM MARCH 30, 2004 THROUGH APRIL 7, 2004 FOR THE USE OF VACANT RETAIL SPACE AT THE HEMISFAIR PARKING GARAGE FOR A ONE-TIME RENTAL FEE OF \$13,500.00; EFFECTIVE IMMEDIATELY IF PASSED BY EIGHT VOTES.

* * *

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

Mr. Thomas G. Wendorf, Director, Public Works Department, stated that a slide presentation had been presented earlier in the meeting on this agenda item but that he would answer any questions that the Council had.

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, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Schubert.

— — —

2004-10 **RATIFICATION OF TRAVEL AUTHORIZATION – APPROVED**

Ratification of a Travel Authorization for Councilman Julian Castro who traveled to Washington, D.C. to attend the Greater San Antonio Chamber of Commerce SA to DC trip to meet with legislators on key issues on San Antonio from March 7, 2004 to March 10, 2004.

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2004-10 **CITIZENS TO BE HEARD**

NAZARITE RUBEN FLORES PEREZ

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, spoke to a recent veto by Governor Rick Perry on collective bargaining. He asked that the Council learn about the veto and come to their conclusion on how to help City employees.

* * * *

GUILLERMO VASQUEZ

Mr. Guillermo Vasquez, co-director of SEIU Local 1967, spoke to a recent meeting with Andrew Martin, City Attorney, and to Mr. Martin's two objections on the union's proposal for meet and confer. Mr. Vasquez stated that this was not collective bargaining but meet and confer and spoke to the distinction between both. He asked the Council to consider this issue and to continue to deliberate the possibilities of passing an ordinance.

2004-10 EXECUTIVE SESSION

The City Council recessed its regular session at 4:55 P.M. in order to convene in Executive Session to discuss the following:

- A. Discuss acquisition and disposition of an interest in real property for warehouse, office, service center, and related uses, pursuant to Texas Government Code Section 551.072 (deliberation on the purchase, exchange, lease, or value of real property).
- B. Discuss legal issues related to the City of San Antonio's collective bargaining agreement with the International Association of Firefighters, Local 624, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C. Discuss legal issues regarding the term and certain conditions of the Food and Beverage Service Agreement with The RK Group Joint Venture for the Henry B. Gonzalez Convention Center, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Discuss legal issues related to collective bargaining by public employees, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 10:07 P.M. and reconvened in regular session at which time Mayor Garza stated that the City Council had been briefed on the above styled matters and had given staff direction but had taken no official action.

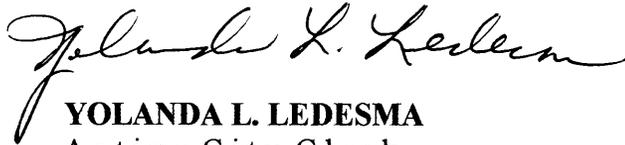
2004-10 There being no further business to come before the City Council, the meeting was adjourned at 10:07 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



YOLANDA L. LEDESMA
Acting City Clerk