

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, APRIL 1, 2004

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2004-13 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):

Discussion regarding proposed municipal campaign finance ordinance regarding mayoral and city council elections. (Presented by Andrew Martin, City Attorney; Terry M. Brechtel, City Manager).

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

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

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2004-13 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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2004-13 Invocation by Councilman Art Hall, District 8.

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2004-13 Pledge of Allegiance to the flag of the United States.

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2004-13 **PROCLAMATION: NATIONAL LANDSCAPE ARCHITECTURE MONTH**

Mayor Garza read a proclamation in which he named April, 2004 as National Landscape Architecture Month to recognize professional landscape architects for their valuable contributions to the community.

Mr. Scott Stover, President, Texas Chapter of the American Society of Landscape Architects, came forward to accept the proclamation.

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2004-13 PROCLAMATION: DAVILA 100TH ANNIVERSARY CELEBRATION DAY

Mayor Garza read a proclamation in recognition of the 100th Anniversary of the Davila Pharmacy, located at 1423 Guadalupe Street. He declared April 3, 2004 as Davila 100th Anniversary Celebration Day. Members of the Davila Family spoke in appreciation of the community's support and Council's recognition. The Davila Family invited everyone to celebrate the occasion on Saturday, April 3, at the Plaza Guadalupe.

Council members spoke to the Davila Family's commitment to the neighborhood and their involvement in revitalization of the community.

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2004-13 SPECIAL PRESENTATION: THE CITY OF SAN ANTONIO IS DESIGNATED AS ONE OF THE BEST WALKING CITIES IN THE NATION

Mayor Garza spoke regarding a special presentation acknowledging National Walk to Work Day, and encouraged fellow citizens to walk to work on April 2, 2004.

A group of local podiatrists, Dr. Jim Miller, Dr. Robert Vraness, and Dr. Morris Stribling, presented a plaque to the City Council in recognition of the City of San Antonio as one of nation's best walking cities.

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2004-13 POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Mayor Garza called forward Medal of Valor Recipient, San Antonio Police Officer Michael Muniz, who had been recognized by the President of

the United States for having risked his life in the line of duty during an incident one year ago.

Mayor Garza expressed his congratulations to Officer Muniz for his accomplishments.

Officer Muniz spoke in appreciation for the support by his supervisors and fellow officers.

Mrs. Muniz thanked the community for their support during the time Officer Muniz was recovering from his injuries that resulted from the incident.

- San Antonio Police Chief Albert Ortiz spoke regarding Officer Muniz's heroism while conducting his duty. He also spoke of the other brave officers who protect the citizens of San Antonio on a daily basis. He thanked the City Council and the City Manager for their continued support of the San Antonio Police Department.

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2004-13 Minutes of the Regular City Council meeting of February 5, 2004 were approved.

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2004-13 **POINT OF PERSONAL PRIVILEGE**

On a point of personal privilege, Councilman Williams recognized Dr. Morris Stribling for his contributions to the Martin Luther King Scholarship Fund.

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2004-13 **CONSENT AGENDA**

Councilman Perez made a motion to approve Agenda Items 5 through 16 constituting the Consent Agenda, with Items 5, 6, 7, 9, 10, 11, 12 pulled for individual consideration. Councilman Segovia seconded the motion.

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

AN ORDINANCE 99014

ACCEPTING THE LOW RESPONSIVE BID OF R.L JONES, L.P., IN THE AMOUNT OF \$824,476.70 IN CONNECTION WITH THE EVERGREEN STREET - MCCULLOUGH AVENUE TO E. EUCLID AVENUE AND EVERGREEN COURT - EVERGREEN STREET TO N. ST. MARY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$82,447.67 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$39,729.41 FOR EXPENSE RECOVERY, FOR A TOTAL AMOUNT OF \$946,653.78; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM IN THE AMOUNT \$339,361.40 FOR SEWER AND WATER EXPENSES; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 99015

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR BRACKENRIDGE PARK IN CONNECTION WITH THE MARCH OF DIMES WALK AMERICA 2004 SPONSORED BY THE MARCH OF DIMES TO BE HELD FROM 7:30 A.M. TO 10:30 A.M. ON SATURDAY, MAY 15, 2004.

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AN ORDINANCE 99016

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR OLMOS PARK IN CONNECTION WITH THE GREAT STRIDES. TAKING STEPS TO CURE CYSTIC FIBROSIS SPONSORED BY THE CYSTIC FIBROSIS FOUNDATION TO BE HELD FROM 5:00 A.M. TO 10:30 A.M. ON SATURDAY, MAY 22, 2004

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AN ORDINANCE 99017

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR JOSEPHINE STREET IN CONNECTION WITH THE POLICE OFFICER MEMORIAL RUN SPONSORED BY THE RUN AWAY STORE TO BE HELD FROM 7:00 A.M. TO 11:00 A.M. ON SATURDAY, MAY 22, 2004.

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AN ORDINANCE 99018

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS IN AND NEAR DOWNTOWN IN CONNECTION WITH THE 13TH ANNUAL COURTHOUSE TO JAILHOUSE RUN SPONSORED BY THE SAN ANTONIO BAR FOUNDATION TO BE HELD FROM 6:30 A.M. TO 10:00 A.M. ON SATURDAY, JUNE 5, 2004.

2004-13 The Clerk read the following Ordinance:

AN ORDINANCE 99019

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY TOTER, INC. UTILIZING THE STATE OF TEXAS CONTRACT, TO PROVIDE THE CITY OF SAN ANTONIO ENVIRONMENTAL SERVICES SOLID WASTE DIVISION WITH 64 AND 96 GALLON REFUSE COLLECTION CARTS FOR A TOTAL AMOUNT OF \$309,952.00.

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

In response to Councilman Perez, Mr. Dan Cardenas, Director of Environmental Services Department, summarized the ordinance that will approve the purchase of refuse containers for the automated garbage collection system. He gave a summary and background information regarding the automated cart purchase and described the existing policy to address special-needs customers and related requests for special services. He

noted the financial impact for the five-year lease term. He also addressed the six month period evaluation to be presented to the City Council after the program has been implemented.

In response to Councilman Castro regarding the pilot program, Mr. Cardenas stated all neighborhoods have been advised of the new automated collection program. He also stated that issues raised by the community involved the pick-up schedule, and information regarding the containers. He noted that the purpose of the pilot program is to respond to those issues. He further noted that the pilot program will not affect the frequency or level of the current service. Mr. Cardenas stated that once-a-week collection schedule is not being considered for the automated collection service at this time.

In response to Councilman Hall regarding costs, Ms. Rose Ryan, Solid Waste Manager, stated that while each truck cost \$169,000.00, the equipment was already due for replacement. She explained that the purchases were timed with replacement, so that no additional funds were needed up front. She noted that there are no additional costs with the automated collection, but rather added savings are incurred as it replaces manual-hand collection and saves on injuries and on workman's compensation claims. She also noted that the new trucks are expected to arrive by May, and if the containers are approved, those will also arrive in the same time period.

Mr. Cardenas stated that he plans on continuing to educate the community about the pilot 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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2004-13 The Clerk read the following Ordinance:

AN ORDINANCE 99020

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY2003-2004 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$1,633,336.00 TO INCLUDE CONTRACTS FOR SAN ANTONIO NEWSPAPER ARCHIVE DATABASE LICENSE, PROCESSING OF WASTE TIRES, GAMES, ARTS & CRAFTS, CERAMIC POTTERY EQUIPMENT SUPPLIES, AUTOMOTIVE STORAGE BATTERIES FOR EMS MODULAR

AMBULANCES, SPORTS EQUIPMENT, AND EXTENDED VIEW LED TRAFFIC SIGNAL LIGHTS.

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

In response to Councilman Perez regarding the status of the LoneSTAR Program, Mr. Tom Wendorf, Director of the Public Works Department, stated the program is currently in process. He also stated that an audit has been completed by City Public Service, and the results are scheduled to be forwarded to the State Energy Conservation Office (SECO). He explained that it is expected that the \$1.3 million loan will be 100% supported by SECO, and that that amount will fund the entire conversion of the system. Mr. Wendorf added he would keep the City Council informed as each area is completed

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.

2004-13 The Clerk read the following Ordinance:

AN ORDINANCE 99021

AMENDING THE PROFESSIONAL SERVICES CONTRACT APPROVED BY ORDINANCE NO 91445 ON MARCH 16, 2000 WITH RICONDO AND ASSOCIATES TO PROVIDE ADDITIONAL SERVICES IN CONJUNCTION WITH THE STINSON AIRPORT MASTER PLAN UPDATE WITH FEES NOT TO EXCEED \$59,245.00; REVISING THE BUDGET; 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.

In response to Councilman Perez regarding the costs to the airport layout plan, Mr. Kevin Doliolo, Director, Aviation Department, gave a summary of the Federal Aviation Administration (FAA) changes as adopted in a master planning effort.

In response to Councilman Perez regarding those FAA changes, Mr. Tim O’Cronolly, Airport Manager at Stinson Airport, stated the changes were not geared to San Antonio specifically.

In response to Councilman Perez, Mr. Dolliole stated that the contracting firm has a local office as part of this effort, and also have the ability to bring assistance from their Chicago Office if required to do so.

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.

2004-13 The Clerk read the following Ordinance:

AN ORDINANCE 99022

APPROVING THE EXECUTION OF AN APPLICATION TO UNION PACIFIC RAILROAD AND AUTHORIZING \$1,055.00 FROM 1999-2003 GENERAL OBLIGATION DRAINAGE BOND FUNDS PAYABLE TO THE UNION PACIFIC RAILROAD FOR A PERMIT IN CONNECTION WITH THE ANSLEY DRAINAGE #1091 PROJECT, LOCATED IN COUNCIL DISTRICT 4; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to Councilman Perez, Mr. Tom Wendorf stated that in most instances, the railroad companies that own the property where their tracks are located, enter into a permitting process with the City for maintenance. He added that the railroads perform the majority of their work, however, this is a permit and the City has plans to make improvements at various locations. He further added that the permit provides for railroads to review the plans, submit their input, and once a permit is issued, the City may proceed to complete the work. Mr. Wendorf also stated that depending on the extent of the construction work, this project would cost approximately \$75,000.00 to \$100,000.00.

Councilman Perez expressed his concern with railroad track warning device located at S. W. Military Drive and Bismarck Street that has no crossing arm to stop traffic for an oncoming train.

Mr. Wendorf stated he would coordinate a response regarding that location with the local right of way manager for the railroad.

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

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2004-13 The Clerk read the following Ordinance:

AN ORDINANCE 99023

APPROVING THE EXECUTION OF AN APPLICATION TO UNION PACIFIC RAILROAD AND AUTHORIZING \$1,055.00 FROM 1999-2003 GENERAL OBLIGATION DRAINAGE BOND FUNDS PAYABLE TO THE UNION PACIFIC RAILROAD FOR A PERMIT IN CONNECTION WITH THE MILITARY DITCH #65 PROJECT, LOCATED IN COUNCIL DISTRICT 4; 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.

Councilman Perez clarified the previously discussed location is actually at S.W. Military at Wabash, and not at Bismarck.

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

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2004-13 The Clerk read the following Ordinance:

AN ORDINANCE 99024

APPROVING TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) CHANGE ORDER NO. 12 IN THE AMOUNT OF \$6,235.31 PAYABLE FROM CERTIFICATES

OF OBLIGATION TO TXDOT IN CONNECTION WITH THE PLEASANTON ROAD
- SOUTHCROSS TO MAYFIELD MPO PROJECT, LOCATED IN COUNCIL
DISTRICT 3; 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.

In response to Councilman Segovia regarding changing concrete driveways to asphalt driveways, Mr. Wendorf stated there have been grade differences between the road and the adjacent properties. He also stated that normally these differences are addressed with retaining walls, but added that in this case, asphalt transitions for the driveways were installed.

Mr. Doug Yerkes, City Engineer, explained that some of the concrete retaining walls were eliminated between the sidewalks and the parking areas for these businesses. He stated it was determined that constructing retaining walls in front of small business establishments are not conducive to parking opportunities. He further stated that in this case, those walls were deleted for unimpeded vehicular access to those businesses. Mr. Yerkes noted that this will not affect the timeline for the project.

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.

2004-13 The Clerk read the following Ordinance:

AN ORDINANCE 99025

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE PATRICIAN MOVEMENT FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO ADMINISTER AND PROVIDE NURSING SERVICES ON A REIMBURSEMENT BASIS IN AN AMOUNT NOT TO EXCEED \$204,564.40 FOR THE SAN ANTONIO REGIONAL DETOXIFICATION PROGRAM DURING THE PERIOD SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004; ESTABLISHING A FUND; ADOPTING A BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

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

In response to Councilman Perez regarding the success rate of the program, Dr. Fernando Guerra, Director, Metropolitan Health District, stated that approximately 850 individuals are served per year. He also stated that the program includes a short term detoxification period and a combination of some medication, supportive physical therapy, counseling and social support for seven days. He added that participants then go into a longer term rehabilitation program. He provided statistics on those who completed the entire regiment of care, as well as those who participated in the residential care at the Patrician Movement. He spoke regarding the success rate of the program in comparison to other public and private sector programs. He stated that approximately 60% to 80% of those who complete the program will remain totally sober for the long term.

Councilman Perez spoke regarding the important work being done by the Patrician Movement.

In response to Councilman Hall with regards to the Patrician Movement, Dr. Guerra stated it is the longest standing therapeutic community in the City serving the City, Bexar County and the outlying areas. He added the Patrician Movement is strictly on a voluntary basis, made available to individuals who refer themselves. He also noted that it is supported through the Texas Commission for Alcoholic and Drug Abuse, the City of San Antonio and private contributions.

Dr. Guerra stated that the Patricia Movement has a budget of \$2.5 to \$3 million, and that it serves a mix of patients, such as individuals who are without resources and unable to pay for that type of services. He also stated that in cases where it is available, insurance companies are sent claims for payment. He noted that some counties provide support for daily costs for the patients they refer to the program.

In response to Councilman Haass regarding qualifying requirements, Dr. Guerra stated that a large percentage is ordered by the courts as part of their sentencing for drug abuse and addiction. He noted one program that has been scaled down was for mothers and pregnant women with drug addictions who seek assistance in sobering up before the birth of the baby.

Councilwoman Radle spoke regarding the tremendous need in the City for the program, and the minimal resources available for the demand. She pointed out that while the success ratios are impressive, more needs to be done for the large numbers of people who are in need of this type of service.

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

2004-13 INDIVIDUAL ITEMS

The Clerk read the following Ordinance:

AN ORDINANCE 99026

AMENDING ORDINANCE NO. 98892, PASSED ON FEBRUARY 26, 2004 TO REFLECT CHANGES IN ELECTION DAY POLLING SITES AND IN THE ENTITIES PARTICIPATING, AS APPLICABLE AND NECESSARY, IN THE SATURDAY, MAY 15, 2004 JOINT SPECIAL ELECTION.

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

Ms. Yolanda Ledesma, Acting City Clerk, gave a presentation on items 17A, 17B and 17 C regarding the May 15, 2004 Joint Special Election, a copy of which is on file with these papers. She discussed changes regarding the election day polling sites due to voters' preference, accessibility issues and availability of certain locations as proposed in Item 17A. She stated that the proposed ordinance in Item 17B will set forth the agreed duty and responsibilities of the various entities who requested a consolidation of the May 15, 2004 election.

Ms. Ledesma noted that Item 17C sets for the agreed duties and responsibilities that the Bexar County Elections Administrator will provide for the City of San Antonio, as well outlined the scheduled payments for these services to Bexar County in relation to the Joint Special Election.

Councilman Castro spoke regarding his concerns that polling sites are shifted as the City contracts with other entities for elections that may be held on the same day. He expressed concern over the polling sites in his district, in particular at Crossroads Mall and Ingram Park Mall.

Ms. Ledesma stated that some locations are not available this year as a polling site, such as Ingram Park Mall, HEB and Rolling Oaks Mall. She also stated that Crossroads Mall will be available as an early voting site. She stated that a copy of the list that was

distributed on February 26 of the major polling sites, a copy of which will be made available to Councilman Castro.

Councilman Perez discussed concerns from his constituents dealing with finding respective polling sites on election day. He also recommended proper training be exercised for all polling site judges in an effort to reduce tardiness in reporting results. He urged a response from his colleagues to determine if the majority was interested in structuring the proposed contract with performance measures

In response to Councilman Perez, Ms. Ledesma stated that all polling sites are advertised well in advance, including any changes in previous polling locations. She further stated that Bexar County election officials place proper signage on all new site locations. With regards to training judges, Ms. Ledesma stated that the issue can be brought to the elections administration for consideration. She noted that historically, the City has obtained final results by 9:30 P.M., with few exceptions.

In response to Councilwoman Radle regarding the selection process of polling locations, Ms. Ledesma stated that the amendment process is required annually in order to secure locations that are agreeable to the six entities. She further stated that many times, familiar and preferred sites are not available for various reasons.

In response to Ms. Radle regarding legal requirements, Ms. Ledesma stated that it is necessary to have the polling sites approved every year, and any changes require an amendment to the ordinance and must be forwarded to the Justice Department.

Councilwoman Radle restated her concerns regarding securing commitment from businesses for polling sites to reduce the instance of change on an annual basis.

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

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2004-13 The Clerk read the following Ordinance:

AN ORDINANCE 99027

APPROVING A JOINT ELECTION AGREEMENT WITH OTHER GOVERNMENTAL ENTITIES WITHIN BEXAR COUNTY PARTICIPATING IN

THE SATURDAY, MAY 15, 2004 JOINT SPECIAL ELECTION, TO BE CONDUCTED BY THE BEXAR COUNTY ELECTIONS ADMINISTRATOR.

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

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2004-13 The Clerk read the following Ordinance:

AN ORDINANCE 99028

APPROVING A CONTRACT, IN THE AMOUNT OF \$308,613.71 FOR ELECTION SERVICES, WITH BEXAR COUNTY THROUGH THE BEXAR COUNTY ELECTIONS ADMINISTRATOR, AUTHORIZING THE BEXAR COUNTY ELECTIONS ADMINISTRATOR TO OFFICIALLY CONDUCT THE SATURDAY, MAY 15, 2004 JOINT SPECIAL ELECTION; APPOINTING ELECTION OFFICERS FOR THE CITY OF SAN ANTONIO FOR SAID JOINT SPECIAL ELECTION; AND AUTHORIZING PAYMENT FOR THESE SERVICES.

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

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2004-13 The Clerk read the following Ordinance:

AN ORDINANCE 99029

AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO AND THE BROOKS DEVELOPMENT AUTHORITY REGARDING DEVELOPMENT PERMITS, INSPECTIONS AND FEES RELATIVE TO THE REDEVELOPMENT OF BROOKS CITY BASE.

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(Mayor Garza was obliged to leave the meeting at 2:34 P.M. Mayor Pro Tem Segovia presided.)

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

Mr. Florencio Pena, Director, Development Services Department, narrated a slide presentation with regards to adopting a Memo of Understanding (MOU) between the City of San Antonio and Brooks Development Authority (BDA) for development permits, inspections and fees relative to the redevelopment of the Brooks City Base (BCB). A copy of the presentation is on file with these papers. Mr. Pena provided background on the Unified Development Code (UDC) process and requirements for obtaining permits within the city limits of San Antonio and its Extraterritorial Jurisdiction (ETJ). He spoke regarding the redevelopment of Brooks Air Base in an effort to retain a federal, military and research presence on BCB and to encourage private sector employment generators to locate on the remaining portions of the base. He noted that Kelly USA is currently under a similar MOU with the City of San Antonio for the same proposed objectives. Mr. Pena described the provisions which BDA is expected to follow.

In response to Councilman Segovia regarding an explanation of slide 9, Mr. Pena stated that in the event the United States Air Force requires to inspect the facilities for code or safety issues, the Air Force is responsible, along with the Brooks Development Authority, to maintain the facilities.

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

2004-13 The Clerk read the following Ordinance:

AN ORDINANCE 99030

AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND HRS PARTNERSHIP, A DEVELOPER, PROVIDING FOR CONVEYANCE OF APPROXIMATELY 144 ACRES OF PROPERTY TO THE CITY, PROVIDING PLANS TO THE CITY FOR A CULEBRA CREEK REGIONAL STORM WATER FACILITY FOR FUTURE CONSTRUCTION, AND PROVIDING FOR A FLOOD PLAIN DEVELOPMENT PERMIT FOR THE DEVELOPER, ALL IN THE AREA OF THE NORTHEAST CORNER OF LOOP 1604 AND CULEBRA ROAD.

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

Mr. Tom Wendorf, Director, Public Works Department narrated a presentation on the Culebra Creek Regional Storm Water Facility (CCRSWF), a copy of which is on file with these papers. He presented a summary and background of the project that is a 250 acre tract at Loop 1604 and Culebra Road. He stated the CCRSWF will consist of three major elements that include channel improvements along Culebra Creek from FM 471 to Loop 1604. He noted various business points where the developer agreed to have CCRSWF satisfactorily engineered in compliance with all federal, state and local regulations, ordinances, as well as with the Unified Development Code (UDC). He further noted that upon completion of the CCRSWF, certain construction documents and approvals will be required.

He addressed the issues submitted by Mr. Wayne Harwell, and stated that the City must abide by the Unified Development Code (UDC) and flood plain regulations. He added that the UDC is very clear in its intent with regard to development within the watershed. He further added that if the proposed ordinance is approved, the City will conduct regular reviews on the project's progress.

In response to Councilman Perez, Mr. Wendorf described the location of the property that will be removed from the flood plain, as well as the property that is going to be conveyed to the City. He described the course in which storm rainfall is expected to undergo and how it will be detained within the channel. He also noted that once a storm event is over, water would eventually flow out to Culebra Creek in a metered pace.

In response to Councilman Perez, Mr. Wendorf stated the completed project is estimated at \$8 million. He also stated that commercial properties will front onto Culebra Road and Loop 1604, and that no development is planned on the right side of Culebra and south of Loop 1604. He discussed the dimensions of Culebra Creek.

Discussion between Councilman Perez and Mr. Wendorf took place regarding the impact on traffic patterns as a result of the developed commercial areas.

Mr. Joe Aceves, Earl and Associates, spoke as a representative for the property owner, Mr. Wayne Harwell. Mr. Aceves stated that Mr. Harwell's property may experience additional flooding as a result of how the project would be operated. He further stated that Mr. Harwell appreciates the cooperative efforts with respect to drainage, as well as the offer to document the proposal involving Mr. Harwell's property and the project.

In response to Councilman Barrera regarding the recommendations by the Quality of Life Committee, Councilman Schubert stated that it was decided to discuss the issue at the "A" session. He stated that a final outcome for compensation would be considered after Mr. Wendorf met with Mr. Harwell's representatives.

In response to Councilman Barrera regarding wetlands designation for the property, Mr. Wendorf stated that it would require engineering studies, depending on its final use as determined by the City.

Discussion ensued between Councilman Barrera and Mr. Wendorf regarding the area's conditions after undergoing a significant amount of excavation. Mr. Wendorf stated that as with any drainage project, trees would be lost in the process of the project construction. He also stated that large trees and sod would be planted in an effort to maintain erosion control.

In response to Councilman Barrera regarding detention facilities that are not a positive visual in the community, Mr. Wendorf suggested that a landscaping master plan may be considered as part of the proposed agreement.

Mr. Rick Wood, Pape Dawson Engineers, representing H.R.S. Partnership, spoke regarding the existing landscaping along the neighborhood behind the facility and stated that the detention facility is only about 25-30 acres. He also stated that the City is acquiring 144 acres with this project, much of which aligns with Helotes Creek. He indicated that it is a built-in buffer that will not be disturbed as a result of the project. Mr. Wood stated that engineering plans will include landscaping and re-vegetation of the embankment in the areas to stabilize the whole facility.

In response to Councilman Hall with regards to tree credits, Mr. Wendorf stated that this property was not used for tree credits and none of the regional stormwater facility have been designated for tree credits. He stated that part of the Harwell developments located 70 acres upstream of Loop 1604 had been designated as a tree preservation area.

In response to Councilman Hall regarding Councilman Barrera's concerns over vegetation, Mr. Wendorf reiterated his suggestion for an amendment to include a landscaping master plan as part of the agreement.

In response to Councilman Hall regarding his concerns with fees in lieu of, Mr. Wendorf stated that there are several areas where the City has accepted the fee in lieu of onsite detention where there is a potential for a regional facility. He described a stormwater regional facility, and a regional facility that can be within a range of flood mitigation efforts such as channelization, detention or a flood buyout as has been recently experienced.

In response to Councilman Hall, Mr. Wendorf stated the project is estimated at \$8 million, although it could be paid out by fee in lieu of onsite detention. He added the possibility of considering bond funding or joint sources in the future is always an alternative, especially when a dual-use facility is preferred.

In response to Council Hall regarding project timeframe, Mr. Wendorf stated that the first phase will begin in October, 2005. He noted that at that time, the developer will excavate the initial part of the project and use that material for fill on the site.

Mr. Wendorf stated that the regional stormwater balances are about \$6.2 million, and that the City has a list of potential regional projects to utilize in various watersheds across the city. He added that the project does not have a specific final complete date, but the process includes having a plan in place and taking a modular approach to executing the plan for more cost savings.

Councilman Barrera made a motion for an amendment to include a landscape master plan for the facility.

The amendment to the motion as presented by Councilman Barrera was approved by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

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

2004-13 There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 5:12 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