



Members of the Council thanked El Rey Feo and his court for their efforts in raising scholarship money and for the program targeted for youth.

— — —

2004-15 PRESENTATION OF PROCLAMATION IN RECOGNITION OF THE NAACP YOUTH IMAGE AWARDS BANQUET

Mayor Garza presented a proclamation to a representative of the NAACP Youth Council, in recognition of the upcoming NAACP Youth Image Awards banquet.

The representative spoke to the work of the NAACP Youth Council, and expounded on the purpose of the banquet, which she indicated recognized the outstanding accomplishments of youth in San Antonio.

Members of the Council commended the NAACP Youth Council for their dedicated work and efforts, and offered their best wishes for continued success.

— — —

2004-15 PRESENTATION OF THE CITY OF SAN ANTONIO 2004 FIESTA MEDAL

Ms. Rebecca Waldman, Director of Asset Management, presented the 2004 City of San Antonio Fiesta Medal to the Mayor and Council. She spoke to the celebrated activity of collecting medals during the Fiesta celebration, and indicated this was the first time the City has offered an official medal for this annual event

— — —

2004-15 PRESENTATION OF THE "FIESTAS FANTACIAS AT MARKET SQUARE" OFFICIAL MEDAL

Mr. Robert Arellano, representing the San Antonio Parks Foundation, invited the Mayor, Council and citizenry to attend the "Fiesta Fantacias at Market Square" event, which was to be held during the Fiesta 2004 celebration. He further cited other events which the Parks Foundation took part in, such as the Jazz Fest and the Fourth of July celebration at Woodlawn Lake. He then presented the 2004 Official Fiesta Medal for this event to the Mayor and members of the Council.

Mayor Emeritus Lila Cockrell spoke to the various activities scheduled to take place throughout the duration of the Fiesta Fantacias event.

— — —

2004-15      POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Councilman Perez introduced a representative from Waste Management, Inc. to speak about their upcoming golf tournament

The representatives of Waste Management spoke to the upcoming tournament which would benefit high school students from the south sector of San Antonio. They amplified on the amount of money raised now and in past years, and described the tournament as a tool for raising money to provide opportunities for students to attend college

— — —

2004-15      POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Councilwoman Radle stated the Blood Mobile would be in the area today, and encouraged her colleagues and City employees to donate blood. She further spoke to the urgent need of blood in the San Antonio Area.

— — —

2004-15      POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Councilman Perez spoke to the "National Youth Services Day" observance, and indicated many would be participating in his district. He spoke to the dedicated efforts of the volunteers who would be in his area, and thanked them for their work.

— — —

2004-15      CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 7 through 22, constituting the Consent Agenda, except for Items 9, 13, 15, 18 and 19 which were pulled for individual consideration. Councilman Hall 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 99071

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY BWI SCHULENBURG TO PROVIDE THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH FERTILIZER FOR A TOTAL AMOUNT OF \$45,756.00.

\* \* \* \*

AN ORDINANCE 99072

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY DELL UTILIZING THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) "GODIRECT" PROGRAM TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH AN EMC FILE SERVER STORAGE CAPACITY EXPANSION FOR A TOTAL AMOUNT OF \$51,314.00.

\* \* \* \*

AN ORDINANCE 99073

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING AN ADDITIONAL \$25,000.00 PAYABLE TO VITETTA GROUP, INCORPORATED FOR ADDITIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE BROOKHOLLOW BRANCH LIBRARY EXPANSION PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING \$3,000.00 FOR ADDITIONAL DESIGN CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$28,000.00 FROM 1999-2004 GENERAL OBLIGATION LIBRARY IMPROVEMENT BOND FUNDS; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT

\* \* \* \*

AN ORDINANCE 99074

AUTHORIZING PAYMENT OF RENT IN THE AMOUNT OF \$850.00 PER MONTH,

UTILITY COSTS AND OTHER ASSOCIATED EXPENSES TO BE INCURRED DURING A HOLDOVER PERIOD OF A LEASE WITH MILTON BONIUK, M.D., OF SAN ANTONIO, TEXAS, FOR USE OF 1,530 SQUARE FEET OF OFFICE SPACE AT 310 VALLEY HI DRIVE, SPACE #107, BY THE YOUTH SERVICES DIVISION OF THE COMMUNITY INITIATIVES DEPARTMENT, ON A MONTH-TO-MONTH BASIS FOR NOT MORE THAN FIVE (5) MONTHS BEGINNING MAY 1, 2004 AND ENDING NO LATER THAN SEPTEMBER 30, 2004.

\* \* \* \*

AN ORDINANCE 99075

APPROVING A SHORT TERM LICENSE AGREEMENT FOR USE OF POLICE ACADEMY CLASSROOMS, GYMNASIUMS, SHOOTING BAYS (FIRING RANGE), DRIVING TRACK, AND TACTICAL VILLAGE LOCATED AT 12200 S.E. LOOP 410, TO OUTSIDE ENTITIES; ESTABLISHING LICENSE FEES FOR THE USE OF EACH SPACE, AND AUTHORIZING THE COMMANDER OF THE POLICE TRAINING ACADEMY, AS DESIGNEE OF THE CITY MANAGER, TO EXECUTE ANY AND ALL SUCH SHORT TERM LICENSE AGREEMENTS, ON BEHALF OF THE CITY, WITHOUT ANY FUTURE ACTION BY THE CITY COUNCIL.

\* \* \* \*

AN ORDINANCE 99076

AUTHORIZING THE ACCEPTANCE OF \$20,250.00 IN SUPPORT FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO AUGMENT FUNDING FOR THE BIOTERRORISM PREPAREDNESS PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004; AUTHORIZING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH TDH; ADOPTING THE PROGRAM BUDGET, APPROVING THE TRANSFER OF FUNDS; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

\* \* \* \*

AN ORDINANCE 99077

RATIFYING THE SUBMISSION OF A PROPOSAL TO THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD) IN CONNECTION WITH THE 2003 CONTINUUM OF CARE HOMELESS ASSISTANCE SUPPORTIVE HOUSING PROGRAM; AUTHORIZING THE SUBMITTAL OF TECHNICAL SUBMISSIONS IN CONNECTION THEREWITH, AUTHORIZING THE ACCEPTANCE OF A

GRANT IN AN AMOUNT UP TO \$4,989,399.00 IN CONNECTION WITH SAID PROPOSAL; AUTHORIZING THE EXECUTION OF GRANT AGREEMENTS WITH HUD; AUTHORIZING THE EXECUTION OF DELEGATE AGENCY CONTRACTS, IN AMOUNTS UP TO THAT SHOWN, WITH THE FOLLOWING AGENCIES: THE CENTER FOR HEALTH CARE SERVICES (THE WOMEN'S SAFE HAVEN), \$753,068.00, THE CENTER FOR HEALTH CARE SERVICES (MEN'S SAFE HAVEN), \$355,624 00, THE AMERICAN GI FORUM-NATIONAL VETERAN'S OUTREACH PROGRAM, INC. (RESIDENTIAL TRANSITIONAL HOUSING), \$205,000.00, THE AMERICAN GI FORUM-NATIONAL VETERAN'S OUTREACH PROGRAM INC , (TRANSITIONAL HOUSING), \$58,859.00, THE AMERICAN GI FORUM-NATIONAL VETERAN'S OUTREACH PROGRAM INC. (PERMANENT HOUSING), \$378,052.00, FAMILY VIOLENCE PREVENTION SERVICE, INC , (TRANSITIONAL HOUSING), \$192,120.00, FAMILY VIOLENCE PREVENTION SERVICE, INC. (LA PALOMA), \$256,250.00, THE SALVATION ARMY/SCATTERED SITE), \$335,995.00, THE SALVATION ARMY (HOPE CENTER), \$413,375.00, SAN ANTONIO METROPOLITAN MINISTRIES, INC. (TRANSITIONAL HOUSING), \$1,200,347.00, HOPE ACTION CARE (TRANSITIONAL HOUSING), \$144,373 00, FATHER FLANAGAN'S GIRLS AND BOYS TOWN (FAMILY PRESERVATION), \$280,664.00 AND THE DEPARTMENT OF COMMUNITY INITIATIVES CHILDREN'S RESOURCES DIVISION, \$289,633.00; AND APPROVING A BUDGET AND REVISING A PERSONNEL COMPLEMENT

\* \* \* \*

#### AN ORDINANCE 99078

AUTHORIZING FIVE (5) FIREWORK DISPLAYS AT WOLFF STADIUM AT APPROXIMATELY 9:00 P.M. OR AT THE CONCLUSION OF THE SAN ANTONIO MISSION'S BASEBALL GAMES ON THE FOLLOWING SATURDAY DATES MAY 8, JUNE 12, JUNE 19, JULY 17 AND AUGUST 14, 2004

\* \* \* \*

#### AN ORDINANCE 99079

AUTHORIZING THE TEMPORARY CLOSURE OF SAN SABA STREET, BETWEEN W COMMERCE STREET AND DOLOROSA STREET, FOR SEVEN (7) SPECIAL EVENTS IN MARKET SQUARE FOR THE YEAR 2004, FROM 6:00 P.M. THE DAY PRIOR TO EACH EVENT UNTIL 8:00 A.M. ON THE DAY AFTER THE LAST DAY OF EACH EVENT ON THE FOLLOWING DATES: APRIL 30-MAY 2, 2004; MAY 29-MAY 31, 2004; JULY 2-JULY 4, 2004; JULY 24-JULY 25, 2004, SEPTEMBER 4-SEPTEMBER 6, 2004; SEPTEMBER 10-SEPTEMBER 12, 2004,

AND NOVEMBER 26-NOVEMBER 28, 2004, AS REQUESTED BY THE PARKS AND RECREATION DEPARTMENT

\* \* \* \*

AN ORDINANCE 99080

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS IN CONNECTION WITH THE CINCO DE MAYO CELEBRATION SPONSORED BY THE EDGEWOOD INDEPENDENT SCHOOL DISTRICT TO BE HELD FROM 8:00 A.M. TO 12:00 P.M. ON SATURDAY, MAY 1, 2004.

\* \* \* \*

AN ORDINANCE 99081

APPOINTING JAMES BIAS (ANIMAL WELFARE ORGANIZATION CATEGORY - DISTRICT 7) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON APRIL 3, 2006.

\* \* \* \*

— — —  
2004-15      **ITEMS FOR INDIVIDUAL CONSIDERATION**

2004-15      The Clerk read the following Ordinance:

AN ORDINANCE 99082

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH THE VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$252,419.00 TO INCLUDE CONTRACTS FOR JANITORIAL SUPPLIES FOR THE CONVENTION CENTER, JANITORIAL SERVICES FOR THE DETENTION CENTER, PAPER PRODUCTS AND JANITORIAL SUPPLIES FOR NUTRITION CENTERS.

\* \* \* \*

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

In response to Councilwoman Radle, Ms. Janie Cantu, Director of Purchasing, spoke to the process the City utilized in obtaining cleaning products and whether they were environmental friendly products. She then discussed the Material Supply Data Sheets, which she indicated had to be supplied by the vendor. She explained that the Department who was purchasing the supplies had the opportunity to view the ingredients of the product being purchased.

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

— — —  
2004-15 The Clerk read the following Ordinance

AN ORDINANCE 99083

AUTHORIZING THE EXECUTION OF A REVISED LAW ENFORCEMENT PERSONNEL REIMBURSEMENT AGREEMENT WITH THE TRANSPORTATION SECURITY ADMINISTRATION FOR THE USE OF AIRPORT POLICE PERSONNEL AT SAN ANTONIO INTERNATIONAL AIRPORT CHECKPOINTS IN AN AMOUNT NOT TO EXCEED \$374,593.00; APPROPRIATING FUNDS; AND ESTABLISHING A BUDGET TO COVER THE COSTS ASSOCIATED WITH POSTING AN AIRPORT POLICE OFFICER AT EACH SAN ANTONIO INTERNATIONAL AIRPORT CHECKPOINT.

\* \* \* \*

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

In response to Councilman Schubert, Mr Kevin Dolliole, Director of Aviation, amplified on the checkpoints at the airport, and elaborated on the agreement with the Transportation Security Administration (TSA). He explained that TSA was asking airports to provide coverage and preferred constant staffing, and as such, would provide reimbursement for that coverage.

In response to Councilman Haass, Mr Dolliole confirmed that the money was coming from a federal agency. He stated this was the second time they turned it into a year-long

agreement, and acknowledged that the former method did not have an impact on their budget.

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

— — —  
2004-15 The Clerk read the following Ordinance.

AN ORDINANCE 99084

AUTHORIZING THE ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$37,231.00 FROM THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO (UTHSCSA) FOR THE HEALTHY START INITIATIVE OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PARTICIPATE IN THE SAN ANTONIO CENTER FOR THE STUDY OF STILLBIRTH PROJECT FOR THE PERIOD SEPTEMBER 26, 2003 THROUGH JULY 31, 2004; AUTHORIZING THE EXECUTION OF A CONTRACT; ESTABLISHING A FUND; ADOPTING THE PROJECT BUDGET, AND APPROVING THE PERSONNEL COMPLEMENT.

\* \* \* \*

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

In response to Councilman Castro, Dr Fernando Guerra, Director of the San Antonio Metropolitan Health District, amplified on the program, and spoke to the funding involved. He indicated they didn't have a relatively high incidence of stillbirth, but there were higher prevalent rates of diabetes during pregnancy, and he noted the studies may provide insight into this

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. **NAYES:** None. **ABSENT:** Flores

— — —  
2004-15 The Clerk read the following Ordinance:

AN ORDINANCE 99085

AMENDING THE TRAFFIC CONTROL DEVICES SCHEDULES ESTABLISHED BY CHAPTER 19 (TRAFFIC REGULATIONS), ARTICLE III (TRAFFIC CONTROL DEVICES), SECTION 19-68(B) TO EXCLUDE CERTAIN LOCATIONS FROM THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULE FOR "CROSS STREET STOP", "CROSS STREET YIELD", "PARKING PROHIBITED AT ALL TIMES, INCLUDING SUNDAYS AND HOLIDAYS", "STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS EXCEPT SUNDAYS AND HOLIDAYS PROHIBITED FROM SEVEN A.M. TO NINE A.M. AND TWO P.M. TO FOUR P.M. SCHOOL DAYS ONLY", AND "SCHOOL SPEED ZONES, SCHOOL CROSSWALKS (MIDBLOCK)", AND TO INCLUDE CERTAIN ADDITIONS TO THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULE FOR "FULL TRAFFIC SIGNAL LOCATIONS", "ALL WAY STOPS", "CROSS STREET STOP", "MAXIMUM SPEED LIMIT", "PARKING PROHIBITED AT ALL TIMES, INCLUDING SUNDAYS AND HOLIDAYS", "STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS EXCEPT SUNDAYS AND HOLIDAYS PROHIBITED FROM SEVEN A.M. TO NINE A.M. AND TWO P.M. TO FOUR P.M. SCHOOL DAYS ONLY", "PROHIBITED RIGHT TURN ON RED PROHIBITED AT ALL TIMES", "PROHIBITED RIGHT TURN ON RED PROHIBITED FROM SEVEN A.M. TO NINE A.M. AND TWO P.M. TO FOUR P.M.", "SCHOOL SPEED ZONES, SCHOOL CROSSWALKS (INTERSECTION)", "COMMERCIAL LOADING ZONE 30 MINUTE LIMIT", "PASSENGER LOADING ZONE 15 MINUTE LIMIT", AND "STUDENT LOADING ZONE FROM SEVEN A.M. TO NINE A.M. AND TWO P.M. TO FOUR P.M. SCHOOL DAYS ONLY"; AUTHORIZING THE PERMANENT REMOVAL OR INSTALLATION OF SAID DEVICES; DECLARING THEM AS OFFICIAL TRAFFIC CONTROL DEVICES OF THE CITY OF SAN ANTONIO; AND DECLARING VIOLATIONS OF THESE TRAFFIC REGULATIONS, EXCEPT THE CIVIL PARKING VIOLATIONS, TO BE MISDEMEANOR CRIMES PUNISHABLE BY A FINE OF NOT MORE THAN \$200.00, AND DECLARING VIOLATIONS OF THE CIVIL PARKING VIOLATIONS TO BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CITY CODE SECTION 19-225 (ADMINISTRATIVE ADJUDICATION OF STOPPING, STANDING AND PARKING VIOLATIONS); AND ESTABLISHING AN EFFECTIVE DATE; AND DIRECTING PUBLICATION.

\* \* \* \*

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

(Mayor Garza was obliged to leave meeting Mayor Pro Tem Segovia presided.)

In response to Councilman Perez, Mr. Tom Wendorf, Director of Public Works, explained Chapter 19 of the City Code, which he indicated required all official traffic

controls and regulations to be established by separate ordinances. He referenced an extensive card file that had all of this information in it as well, and spoke to the enforceability of the ordinance. He commented that they receive requests almost on a weekly basis to review these records

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. **NAYES:** None. **ABSENT:** Garza

— — —  
2004-15 The Clerk read the following Ordinance:

AN ORDINANCE 99086

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT A GRANT IN THE AMOUNT OF \$2,033,568.00 FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY HIGH INTENSITY DRUG TRAFFICKING AREA ("HIDTA"), WHICH WILL BE USED TO FUND THE SAN ANTONIO HIDTA INITIATIVE, WHICH CONSISTS OF THE MULTI-AGENCY DRUG COURIER & APPREHENSION TASK FORCE, THE SOUTH TEXAS INTELLIGENCE CENTER, AND THE DIRECTOR'S ADMINISTRATIVE SUPPORT ELEMENT, FOR THE GRANT PERIOD JANUARY 1, 2004 TO DECEMBER 31, 2004

\* \* \* \*

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

In response to Councilman Hall, Police Chief Albert Ortiz, San Antonio Police Department (SAPD), stated street level gangs were problematic, but not necessarily engaged in drug trafficking like other organized gangs. He spoke to the intent of the ordinance, which is to target organized crime, and indicated the ordinance did not really address graffiti or other activities that loosely knit gangs participate in

Councilman Hall commented that gang activity seemed to be on the rise, and SAPD was doing quite a bit to deal with this issue.

In response to Councilman Hall, Chief Ortiz delineated on the staff members in the research unit who researched grants such as this on a regular basis. He noted the grants that were available required matching funds, and hence became a budget issue

In response to Councilman Schubert, Chief Ortiz spoke to the work of those involved in this issue, including other municipalities. He indicated the grant paid for certain positions, and noted in the past, they've had to reduce due to a decrease in funds.

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

— — —  
2004-15 The Clerk read the following Ordinance:

AN ORDINANCE 99087

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO NEGOTIATE TERMS AND CONDITIONS BY WHICH THE CITY WOULD EXCHANGE CERTAIN CITY-OWNED PROPERTY IN THE CATTLEMAN'S SQUARE AREA FOR PROPERTY OWNED BY THE UNIVERSITY OF TEXAS BOARD OF REGENTS IN THE HEMISFAIR PARK AREA SUBJECT TO FINAL APPROVAL BY CITY COUNCIL AND THE BOARD AND APPROPRIATING FUNDS IN AN AMOUNT NOT TO EXCEED \$35,000.00 FOR DUE DILIGENCE EXPENSES ASSOCIATED WITH THE PROJECT

\* \* \* \*

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

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation regarding the proposed property transaction between the City of San Antonio and the University Of Texas Board Of Regents, a copy of which was made part of the official papers of this meeting. She presented background information on this issue, including the growth of the University of Texas at San Antonio (UTSA) and the City's desire of ownership of a 6 acre site owned by the University Of Texas Board Of Regents within HemisFair Park for master plan purposes. She then discussed the policy analysis and financial impact.

The following citizens appeared to speak

Dr. Ricardo Romo, President of UTSA, thanked the Mayor and Council for helping UTSA in their vision. He spoke to the partnerships they've had with the City, and referenced SATAI and their investment to the City. He spoke to the Final Four games

they hosted which recently took place in the City. He informed the Council that they were one of the fastest growing campuses in the state. He then noted they've worked closely with Council and staff, and highlighted on the great relationship established.

Ms. Cyndi Krier thanked the Mayor, Council and City staff for the exchange of lands that she stated can transform the east and west sides of downtown. She described this as a great opportunity for the community.

\* \* \* \*

Mayor Garza spoke to the growth of UTSA, the recognition it has received, and the quality of the education provided. He applauded their efforts, and indicated this was a big step in supporting education. He described this as a creative way to accomplish mutual goals, and noted that with this action, they would be closer to achieving their goals.

Councilman Hall spoke to the tremendous growth on campus, and the critical role UTSA played in the community. He spoke to economic development, and cited the diversification of the economy in which UTSA had played a role in. He thanked City Manager Terry M. Brechtel, Ms. Waldman and the members of the Council for their leadership.

Councilwoman Radle thanked the City Manager, staff and all others who have worked to make this a reality. She then spoke to the importance of this project.

Councilman Flores stated this was the culmination of a lot of hard work, and indicated this was initiated because of the impact the agreement would have, and the dramatic effect it would have on the City. He thanked Dr. Romo for his leadership, and expressed appreciation for the relationship developed with UTSA.

Dr. Romo spoke to the large number of students coming from the south sector of San Antonio, and commented that they were excited about what this project could do.

Councilman Williams concurred with his colleagues, and stated he was pleased to be part of a Council that worked together to move the City forward. He thanked all those involved in this process, and who contributed to the success of their effort.

Councilman Schubert commented on the 2 campuses which UTSA had made unique, and although difficult, it was necessary in a large urban city. He described this as the mark of good cooperation. He commented that this was the kind of partnership they should be looking for as often as they can. He then thanked staff for their hard work on this project.

Councilman Hall thanked the North Chamber for their advocacy and their role in promoting this project, which he stated showed UTSA's effect was city wide.

Councilman Haass stated this land transaction would be good for the community, and an opportunity for the City to grow where it needs to grow.

Dr. Romo thanked Councilman Haass for his comments, and replied that the school of architecture finalized its decision to move downtown. He stated there were 600 students in architecture and by next year would be the 2<sup>nd</sup> largest program in the state behind Texas A&M. He assured the Council they were making progress.

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 **NAYES** None. **ABSTAIN:** Castro. **ABSENT:** None.

— — —  
2004-15      ZONING CASE

3.)            CASE NUMBER Z2003173-2B: The request of City of San Antonio, Applicant, for Ila Faye Miller (Tract III), Owner(s), for a change in zoning from "DR" Development Reserve District to "RP" Resource Protection District on that portion of CB 4180 P-2B and P-12, located within the City Limits of San Antonio, 7983 Neal Road, 261 Neal Road. Staff's recommendation was for approval.

Zoning Commission has recommended forwarding to City Council without recommendation. (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 Ordinance. Councilwoman Radle seconded the motion.

The following citizens appeared to speak:

Mr. Balous Miller acknowledged he and his brother lived on this piece of land. He stated the City had made a deal to zone the surrounding area as "RP," but urged Council to deny this zoning case, and cited the reasons for his request. He commented that this zoning would make the piece of land worthless. He referenced the meetings they held with City staff on three occasions, but indicated the meetings were not productive.

Mr. Barry McClenahan spoke to what he believed was the City's purpose to zone this land as such, indicating it was to accommodate the wishes of Toyota. He stated that zoning it as "RP" would take the commercial and residential value out of the property. He acknowledged they shared a common purpose with the City, which is to develop the land so that all of the City may profit by the growth and potential out there. He spoke of an alternative plan that would allow access to schools. He urged Council to deny this zoning case.

\* \* \* \*

Mayor Garza spoke to the public process utilized, in which the community was urged to participate. He spoke to the resource protection zoning area, and acknowledged that resource protection was found throughout the Southside Initiative area. He confirmed they would be moving forward with the recommendations.

Councilman Segovia stated the resource protection zoning would provide for agricultural use, but with a lot less density, and would also protect the Medina River flood plain. He stated it would also continue to preserve the flood banks and ranching uses that are currently in existence. He further acknowledged that the resource protection zoning was consistent with the Southside Initiative community plan, and he instructed staff to continue to work with the property owners.

Mr. Emil Moncivais, Director of Planning acknowledged they would take Councilman Segovia's directive

In response to Councilman Hall, Mr. Moncivais amplified on the difference between DR zoning and RP zoning, and discussed each of the classifications, including what each one was compatible to. He further stated this was straight zoning, and explained what constituted RP zoning in this particular area. He acknowledged the City could not enforce deed restrictions.

In response to Councilman Haass, Mr. Jacks spoke to the old zoning district, and indicated that in many of the cases, the property was owned by ranchers and farmers, and in some cases, by prospective developers.

In response to Councilman Segovia, Mr. Moncivais delineated the number of RP zoning in the Southside Initiative, and specifically what areas.

In response to Councilman Haass, Mr. Jacks outlined the dates in which this issue came to the Zoning Commission, and when the Miller family was notified. He then expounded on a hearing that took place on November 18<sup>th</sup> with the Commission regarding this particular case, and noted they had to make a recommendation to City Council.

Councilman Haass expressed concern on how this case was being handled thus far, and commented that he appointed a Zoning Commissioner to make recommendations on these issues. He acknowledged he was supportive of the agreement overall, but questioned why they could not be flexible or offer compensation.

Mr. Miller indicated he wanted to sit down and work something out. He expressed his belief that the Zoning Commission did not send a recommendation because they weren't sure about this issue. He again urged Council to vote against this zoning change.

In response to Councilman Schubert, Mr. Moncivais acknowledged that the total land the Miller family was talking about was 389 acres. He stated they worked with the River Authority, and cited some of their concerns including overdevelopment of the property. He acknowledged that when they came to Council, they requested a number of zoning districts, and he discussed the purpose of each

In response to Councilman Schubert, Mr. Moncivais addressed future development, and expounded on the types of uses, and the ability to have residential uses. He acknowledged they were trying to get into lighter uses, and stated the closer you get to the river, the less development there would be. He then amplified on the Flex Development Plan. He discussed some of the interactions they had with the Miller family, and noted that on March 8<sup>th</sup>, they contacted Mr. McClenehan, but could not get in touch with him, and the plan was then submitted on April 7<sup>th</sup>.

In response to Councilman Schubert, Mr. McClenehan spoke to the attempts made to contact him, and discussed the initial meetings that were held. He acknowledged they were waiting for MDP to develop, and indicated there were three meetings in person with the Millers, as well as with City staff, and during that period of time, no alternatives were discussed.

Discussion continued between Councilman Schubert and Mr. Moncivais regarding RP zoning

Councilman Schubert acknowledged that this was a difficult situation, but voiced his concern that they were not listening to the property owners. He acknowledged that Councilman Segovia has tried working with them, but he stated this was about people that have owned the land for a long period of time, but stated staff drove this plan and made final decisions

Councilman Segovia indicated they have been more sensitive to the people than in other areas of the City. He stated the Southside Initiative was bringing a unique community plan, and acknowledged he was committed to negotiating to achieve the best plan.

In response to Councilman Segovia, Mr. Moncivais expounded on the interim development controls

Mayor Garza commented on the interim development controls, and stated in the future, they would see many amendments. He stated in this particular case, if they can come up with a plan that they believe accommodates the goal and vision of the master plan, and has community support by their neighbors, this is the process they would utilize as policy makers. He stated it was important to learn from mistakes, while still being sensitive to the concerns of the public.

Councilwoman Radle concurred with some of the comments made by Councilman Schubert, and indicated it was important to be open to the issue of flexibility. She then addressed the issue of compensation when taking land for the good of the community.

Mr. Andy Martin, City Attorney, confirmed the issue of compensation had been raised by the landowner's attorney. He stated this zoning did not require the payment of compensation, unless a landowner is successful in persuading a judge that there must be payment.

In response to Councilwoman Radle, Mr. Martin confirmed they could discuss this issue in executive session.

Councilman Haass presented an amendment to send this issue back to the Zoning Commission. Councilman Schubert seconded the motion.

Mr. Martin stated the interim development control was expiring tomorrow, and any application would give them rights to proceed accordingly.

Councilman Castro concurred with Councilman Segovia, and indicated this was a comprehensive effort of outreach to try and get to what is workable.

Mr. McClenehan addressed the comments made by Mr. Martin, and informed the Council that it was his client's desire to negotiate something with the City. He stated they would not submit an MDP in this period of time.

In response to Mr. McClenehan, Mayor Garza replied that there had been a possible threat of legal action by his client.

Mr. Martin noted that the MDP wasn't the only permit that would establish rights. He then pointed out the continuing discussions of the original motion was the product of these negotiations. He acknowledged it could be brought back at no cost to the landowner as a rezoning.

Mr. McClenehan stated his concern was with regards to amendments once the zoning is in place, and reiterated to the Council that they were willing to negotiate something that could benefit the City.

After consideration, the motion to amend by taking this item back to the Zoning Commission for consideration failed by the following vote: **AYES:** Schubert, Haass. **NAYS:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, and Garza. **ABSTAINED:** None **ABSENT:** None.

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

#### AN ORDINANCE 99088

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 4180 P-2B AND P-12 FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "RP" RESOURCE PROTECTION DISTRICT

\* \* \* \*

2004-15 The Clerk read the following Ordinance:

#### AN ORDINANCE 99089

AUTHORIZING THE CREATION OF THE CITY OF SAN ANTONIO EMPOWERMENT ZONE GOVERNANCE BOARD TO ASSIST AND ADVISE CITY COUNCIL AND STAFF IN THE IMPLEMENTATION OF THE SAN ANTONIO EMPOWERMENT ZONE, APPROVED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN JANUARY, 2002; NAMING THE CITY COUNCIL AS THE INTERIM GOVERNING BOARD TO CONDUCT BUSINESS AS NEEDED UNTIL THE PERMANENT BOARD BECOMES OPERATIONAL; APPROVING THE BYLAWS FOR THE GOVERNANCE BOARD AND ESTABLISHING THE PROCESS FOR THE NOMINATION, ELECTION AND INSTALLATION OF THE OFFICERS TO THE GOVERNANCE BOARD

\* \* \* \*

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

Mr. Ramiro Cavazos, Director of Economic Development, narrated a slide presentation regarding the creation of the Urban Empowerment Zone Governance Board, a copy of which was made part of the official papers of this meeting. He discussed the purpose of the board, including their objectives. He then amplified on the duties and structure of the board, and delineated on the proposed appointment process.

The following citizens appeared to speak:

Mr. Nazarite Ruben Flores Perez spoke in favor of this ordinance, and cited various biblical verses in relation to this.

\* \* \* \*

In response to Councilman Perez, Mr. Cavazos discussed the reason for having seventeen members, and indicated this was their recommendation, but could come back to discuss other options.

Councilman Perez acknowledged they were currently looking at all City boards, and indicated these were the kinds of issues they were looking at now.

In response to Councilman Perez, Mr. Cavazos indicated they would provide direction to staff on how to better market tax credits, and prioritize based on Council recommendation. He then discussed how often the group would meet.

Councilman Hall cited the function of the Education Facilities Corporation, and indicated they met on an as-needed basis, and noted the possibility of this particular board operating in the same manner. He then addressed the possibility of reducing the number of board members, noting they were trying to standardize boards.

In response to Councilman Flores, Mr. Cavazos indicated they were recommending three census tracts, and discussed the tracts in more detail. He then stated the Human Economic and Human Development Committee would be reviewing the applications.

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

— — —  
2004-15 CITY COUNCIL RECESSED THE REGULAR CITY OF SAN ANTONIO COUNCIL MEETING AND CONVENEED AS THE CITY OF SAN

**ANTONIO EMPOWERMENT ZONE GOVERNANCE BOARD FOR A PUBLIC HEARING AND TO CONSIDER A RESOLUTION**

2004-15 The Clerk read the following Resolution:

A RESOLUTION  
NO. EZGB-2004-01

A RESOLUTION AUTHORIZING THE SUBMISSION OF A REQUEST TO HUD TO EXPAND THE BOUNDARIES OF THE CITY OF SAN ANTONIO EMPOWERMENT ZONE (ZONE) BY ADDING CENSUS TRACTS WHICH WOULD INCREASE THE POPULATION WITHIN THE ZONE TO OVER 100,000 PEOPLE BASED ON THE YEAR 2000 CENSUS.

\* \* \* \*

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

Mr. Ramiro Cavazos, Director of Economic Development, narrated a slide presentation regarding the Empowerment Zone Boundary Expansion, a copy of which was made part of the official papers of this meeting. He discussed the purpose of the expansion, and amplified on the proposed additional census tracts. He then spoke to the policy analysis.

Councilman Barrera cited the reasons they were taking action to appoint an interim board. He stated the Economic and Human Development Committee met and concurred with some of the recommendations made. He urged his colleagues to keep in mind that it had to be truly representative of the empowerment zone.

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

In response to Councilman Barrera, Mr. Cavazos discussed the status of one applicant, and what staff was preparing to bring to this Council in the future. He discussed the application submitted by Drury, and indicated it was a \$73 million dollar proposed investment. He noted part of staff's responsibility was to respond to their application, and with today's action, it would give staff direction on how to proceed.

Mr. Chris Brady, Assistant City Manager, stated they were now in the process where the underwriters have been selected, and indicated they would be coming back to Council shortly regarding this issue

Councilman Barrera commented that in terms of the enterprise zone, they have an applicant right now ready to go and move forward with the project.

Councilwoman Radle stated she was excited about what the empowerment bond could offer to the city, and especially to district 5

Councilman Castro voiced his approval of the effort to expand the empowerment zone, and expressed his support for this initiative

(Mayor Garza returned to preside over the meeting.)

In response to Councilman Castro, Mr Cavazos expounded on slide 9, regarding the categories of projects in millions, including hotels, food production, distribution, and recreation.

In response to Councilman Flores, Mr. Cavazos explained how they went about choosing the census tracts. He cited the methodology utilized, and discussed the three determining factors utilized.

Councilman Flores concurred with the comments made by Councilwoman Radle and Councilman Barrera, and requested for a timeline on what is to occur with the hotel.

In response to Councilman Flores, Mr Brady stated they've been working diligently with financial underwriters, and were looking at all their options. He stated the underwriters were recommending the use of the Empowerment Zone (EZ) bonds. He informed the Council they would bring this discussion to a Council meeting very shortly. He stated they've had financial advisors on board now for about 2 or 3 months, and they were getting to a comfort level in making a recommendation to Council

Councilman Flores indicated it was important to note that in discussing the hotel itself, it was important to find long term solutions. He spoke to the impact this would have, as well as the facilitation of economic development. He urged staff to look at all opportunities.

Mr. Brady added that under the requirement of EZ bonds, 35% of the employees would have to come from empowerment zones.

Councilman Williams concurred with his colleagues, and discussed the importance of the new board looking at the requirements

Councilman Haass commented that they were moving in the right direction, and felt confident they would be granted this extension. He expressed appreciation for all the efforts involved to move this project forward

In response to Councilman Hall, Ms Terry Brechtel, City Manager explained they were at a critical point in the whole process, and informed the Council staff was working

diligently. She cited the various meetings they've held regarding Convention Center funding, and acknowledged they had hotel consultants on board. She stated they had a number of steps ahead of them before they have a Convention Center hotel, and indicated financing was a critical component when they put their proposal together.

As they move forward with these projects, Councilman Hall urged his colleagues to take into full consideration the finance piece and how the bonds would play into reducing these costs.

Councilman Flores urged others interested in using this tool to move forward, but indicated it was important to know what the structure is going to be in order for everyone to get maximum benefit of this program.

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

— — —

2004-15 **CITY COUNCIL RECESSED AS THE CITY OF SAN ANTONIO  
EMPOWERMENT ZONE GOVERNANCE BOARD AND  
CONVENED THE REGULAR CITY OF SAN ANTONIO COUNCIL  
MEETING**

— — —

2004-15 The Clerk read the following Ordinance:

AN ORDINANCE 99090

AMENDING THE CITY CODE TO PROHIBIT PEDDLING IN THE PUBLIC RIGHT-OF-WAY AND ON CITY-OWNED PROPERTY IN A DEFINED AREA SURROUNDING THE SBC CENTER; DESIGNATING THE BOUNDARIES OF THE AREA AROUND THE SBC CENTER; AND PROVIDING FOR CRIMINAL PENALTIES TO BE IMPOSED FOR A VIOLATION OF THIS ORDINANCE WITH A FINE NOT TO EXCEED \$500.00; AS REQUESTED BY COUNCILMAN JOEL WILLIAMS, DISTRICT 2.

\* \* \* \*

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

Mr. Roland Lozano, Assistant to the City Manager, narrated a slide presentation regarding the SBC Center No Peddling ordinance, a copy of which was made part of the official papers of this meeting. He discussed the purpose of this ordinance, and indicated this would amend the City code to prohibit peddling in the right of way and on city-owned property.

Mr. Andrew Martin, City Attorney, informed the Council there was a restraining order that would prohibit the City from enforcing this ordinance against vendors of the *Express News*. He clarified that this ordinance does not create an exception, as long as there is a restraining order.

Councilman Castro spoke to the clean zone in the NCAA Final Four, and suggested they look at a "phase-in period" while regulating this public right of way in order for citizens not to say they were blind sided.

In response to Councilman Haass, Mr. Lozano indicated no one had really complained that this was unfair, but rather, just wanted to know what was going on. He spoke to the upcoming NBA play-offs, and clarified that if someone does have the approval of the property owner, they can work off of there, but not in the public right of way

Councilman Williams stated he received about six phone calls regarding this ordinance, but indicated he met with them and explained the details. He stated they've also tried to educate through the media as well.

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

In response to Councilman Haass, Mr. Lozano elaborated on what constituted peddling, and noted it was a requirement to have a peddler's license

Councilman Haass acknowledged that from a safety standpoint, this ordinance seemed fit to work. He commented that the Spurs have been good community partners, and he affirmed his support.

In response to Councilman Schubert, Mr. Lozano expounded on the schedule for receiving a peddler's license. He then cited the areas that were blocked out, and confirmed that if the peddler is on private property, they would still need a license, in addition to an affidavit stating the owner has granted permission.

In response to Councilman Perez, Mr. Lozano explained the situation with the *Express News*, and confirmed they would still be allowed to sell newspapers

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. **NAYS:** None. **ABSENT:** Garza.

2004-15 The Clerk read the following Ordinance:

AN ORDINANCE 99091

AUTHORIZING THE ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS FROM COUNCIL DISTRICTS 2,3,4,5,7,9 AND 10 IN THE AMOUNT OF \$93,500.00 FOR THE PROVISION OF HUMAN DEVELOPMENT SERVICES WITH THE FOLLOWING AGENCIES: COMMUNITIES IN SCHOOLS OF SAN ANTONIO (GENERAL OPERATIONS), \$23,500.00; CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO, INC. (RETIRED AND SENIOR VOLUNTEER PROGRAM), \$500.00; CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO, INC. (FOSTER GRANDPARENT PROGRAM), \$500.00; MAGIK THEATRE (GENERAL OPERATIONS), \$7,000.00; SAN ANTONIO EDUCATION PARTNERSHIP (SCHOLARSHIPS), \$62,000.00; AUTHORIZING THE EXECUTION OF TWO CONTRACT AMENDMENTS WITH CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO, INC. AND ONE CONTRACT AMENDMENT WITH COMMUNITIES IN SCHOOLS OF SAN ANTONIO IN CONNECTION WITH THE ALLOCATION OF SAID FUNDS; AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH MAGIK THEATRE AND WITH THE SAN ANTONIO EDUCATION PARTNERSHIP IN CONNECTION WITH THE ALLOCATION OF SAID FUNDS.

\* \* \* \*

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation regarding the allocation and expenditure of human development service funds, a copy of which was made part of the official papers of this meeting. He discussed the purpose of the funds, and presented background information, and informed the Council that the contracts would be monitored monthly.

The following citizens appeared to speak:

Mr. Nazarite Ruben Flores Perez spoke to the ministries receiving monies, and alleged this was against the law. He then cited various biblical verses.

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

2004-15      CITIZENS TO BE HEARD

**MR. RICHARD ALLES**

Mr. Richard Alles, Citizens Tree Coalition, spoke to the ISD Interlocal agreement and tree ordinance. He alleged environmental interests were not being addressed in current negotiations. He then spoke to the problem many children had with asthma, and stated it was aggravated by air pollution. He encouraged Council not to nullify the ordinance.

Councilman Castro thanked Mr. Alles for his input. He stated it was important to remember the goals of tree ordinance.

Councilman Flores stated there was a balance need in the development code. He spoke of his son's problems with asthma, and the importance of trees.

\* \* \* \*

**MR. GUILLERMO VASQUEZ**

Mr. Guillermo Vasquez narrated a slide presentation regarding the meet and confer process. He stated they preferred a City ordinance versus an administrative directive (A.D.), noting policies that have been in place through an A.D. are ineffective. He cited the current proposal, and spoke to the City's draft of non-city sponsored business. He then spoke to interference with employees' 1<sup>st</sup> amendment rights.

Councilwoman Radle thanked Mr. Vasquez for bringing these issues forward. She stated they wanted to get what was best for the City workers. She also thanked the City Manager for her willingness to listen.

Councilman Flores stated they've met on many occasions, and asked the City Manager to comment on how they were going to move forward with this issue.

Ms. Terry M. Brechtel, City Manager, concurred they did have a good meeting for several hours on Friday morning, in which several issues were addressed. She stated they had an opportunity for the union and management to come up with a structure to bring items forth on the agenda. She acknowledged there were many areas they agreed on, and many areas where they disagreed, but the key is that both sides are willing to make

concessions to do this She confirmed they recommended an Administrative Directive, and offered to Council that they hold her accountable for enforcing this A.D.

Councilman Flores stated the patience and willingness to listen to the employees was important

Councilman Hall stated he appreciated both sides working together to find common ground, but expressed concern about things he's heard about police coming in, or supervisors threatening employees who join the Union.

Ms. Frances Gonzales, Assistant City Manager, elaborated on what occurred in this incident in which the police were called to intervene. She stated the supervisors felt the situation was getting out of hand, and they were asked to leave. She spoke to the importance of maintaining a safe environment.

Ms. Brechtel acknowledged that intimidation was not tolerable, and every employee should have a choice without worrying about their supervisor She then cited the 3<sup>rd</sup> amendment right. with respect to political activity, and indicated the charter detailed what an employee can or can't do with respect to political activity.

Mr. Andrew Martin, City Attorney, stated they needed to take a look at prohibitions in the Charter, and further acknowledged they were taking another review at the case law

Councilman Castro expressed appreciation to the voice being given to City employees, indicating many times they are not comfortable coming forward to complain about practices in the workplace. He spoke to the ability of workers having input regarding their work place conditions. He suggested there be a central policy with regards to media and not just per department

\* \* \* \*

#### **MR. RUBEN ATAMINIAS**

Mr. Ruben Ataminias spoke of an incident he encountered in a VIA bus, in which he alleged a 6'4" bus driver requested for more money, even after he showed him his handicapped pass as well as a monthly pass. He alleged he threw him off the bus, but stated he did not fill out a police report.

\* \* \* \*

#### **MR. VIRGIL FAULKNER**

Mr. Virgil Faulkner stated he has been trying to meet with his Council member to discuss problems at a subdivision known as Red Robin. He stated he was saddened by the City Council's lack of concern for the prevalent issues in the area. He spoke to the problems with the paved streets, and complained about the lack of sidewalks. He urged Council not to allow land developers to develop high density units.

Councilman Hall thanked Mr. Faulkner for his comments, and indicated he did speak to him on the phone. He stated that since he's been in office, this particular Council has not made a decision on this zoning case. If they try to prohibit a developer to develop, there would be legal action. He explained once the property is zoned and they meet all criteria, then they are allowed to build there. He indicated he was chairing the Water Quality Committee, which evaluates water quality ordinances, and indicated there was the possibility of changes to the permitting processes. He further acknowledged he was pushing for the strengthening of water quality ordinances, but stated they were bound by what is already in place.

Mr. Faulkner expressed concern that whoever is supposed to be looking after them was not doing it.

Councilman Hall stated this was a tough issue, but there were regulations in place regarding zoning. He reminded Mr. Faulkner that they were not rezoning, and this was the difficulty.

\* \* \* \*

### **MR. MALCOLM VIGNES**

Mr. Malcolm Vignes addressed the traffic situation in the Hills and Dales subdivision, and stated Red Robin could have been used as another entrance. He expressed his belief that the City could have done something to protect them. He then addressed the high density in the area.

Councilman Hall stated they had the right to build, and acknowledged they have done a traffic study in the area. He then spoke to the concerns of storm water drainage, and indicated this was a requirement they had to fulfill. He encouraged them to talk to Mr. Doug Yerkes, City Engineer, regarding the requirements the developer had to fulfill.

\* \* \* \*

2004-15 The Clerk read the following Ordinance:

AN ORDINANCE 99092

AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$25,000.00 FROM THE METHODIST HEALTHCARE MINISTRIES OF SOUTH TEXAS, INC., TO CONDUCT STRATEGIC PLANNING WITH COMMUNITY AND STAKEHOLDER GROUPS TO DETERMINE SERVICES TO BE PROVIDED AT THE CITY/COUNTY SENIOR MULTI-SERVICE AND HEALTH CENTER; AND APPROVING A BUDGET.

\* \* \* \*

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation regarding the grant award for the Senior Multi-Service and Health Center, a copy of which was made part of the official papers of this meeting. He discussed its purpose, and presented background information, indicating voter approved City and County Bond issues that authorized the construction or acquisition of a Senior Center in the Medical Center area. He then delineated on the potential City services that would be provided

In response to Councilman Haass, Mr. Campa expounded on the process involved, and noted it would be a center for seniors from all communities. He further indicated that in addition to the seniors they currently have relationships with, the intent was to reach out to other seniors not involved in the programs. He acknowledged that this was a location centrally located for outreach seniors

Councilman Haass expressed concern on the long drive some seniors would have to make to this place, and urged staff to come up with a way to transport seniors to this center

Mr. Campa spoke to the possibility of opening ten "one-stop" senior sites in the Council districts where seniors could come and access what they needed.

Councilman Haass expressed appreciation for their work, but indicated he still wanted to see the outreach side of things

(Mayor Garza returned to preside over the meeting.)

Councilman Hall thanked staff for their work on this project, as well as Methodist Health Care Ministries.

Councilman Castro expressed appreciation for the donation that would help them plan out all of the services that would be delivered there.

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

— — —  
2004-15 The Clerk read the following Ordinance:

AN ORDINANCE 99093

AUTHORIZING THE AMENDMENT OF RESOLUTION NO. 2004-04-04 .PASSED AND APPROVED JANUARY 29, 2004, TO CHANGE THE DATE OF THE PRESENTATION OF THE HOME INVESTMENT PARTNERSHIP (HOME) BUDGET AND THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET (WITH THE EXCEPTION OF THE PUBLIC SERVICE COMPONENT) TO CITY COUNCIL, FROM JUNE 24, 2004 TO MAY 27, 2004 AND IN LATE MAY IN FUTURE YEARS.

\* \* \* \*

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

Mr. Andrew Cameron, Director Housing and Community Development, narrated a slide presentation regarding amendments to the budget calendar for CDBG & HOME programs approved by Council on January 29, 2004, a copy of which was made part of the official papers of this meeting. He stated that on March 10, 2004 the Economic and Human Development Council Committee reviewed the calendar and directed staff to present Council with an option for the adoption of these budgets.

In response to Councilman Barrera, Mr. Cameron acknowledged that this schedule did not affect funding.

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

— — —  
2004-15 The Clerk read the following Ordinance:

AN ORDINANCE 99094

ACCEPTING A PROPOSAL AND AWARDING A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$83,884.50 PAYABLE TO SHANNON P. MARQUEZ, DBA JENKINS, AUSTIN, MARQUEZ & ASSOCIATES, (WBE) FOR PROFESSIONAL FACILITATIONS SERVICES AND ASSOCIATED REIMBURSEMENT EXPENSES NECESSARY TO THE AD HOC CITIZEN'S WATER QUALITY REVIEW COMMITTEE; AND PROVIDING FOR PAYMENT

\* \* \* \*

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

Mr. Doug Yerkes, City Engineer, narrated a slide presentation regarding the professional facilitation services for the Ad Hoc Citizen's Water Quality Review Committee, a copy of which was made part of the official papers of this meeting. He discussed the functions of the ad hoc committee, and detailed the selection process. He then expounded on the fiscal impact.

In response to Councilman Perez, Mr. Yerkes amplified on slide 5, which discussed the scope of services, and the development of decision criteria and regulatory impact analysis (RIA).

Councilman Hall explained how they came to a decision on why a consultant was needed. He discussed the tremendous amount of work entailed, and how after discussion it was realized that it was turning out to be a much bigger process. He indicated he looked forward to working with Ms. Shannon Marquez. He then described what he envisioned this committee would be doing long term, and their aim was to review the whole process, and to see where they can strengthen the ordinance.

Councilman Williams suggested pushing EAA and SAWS to help them with the process, and Councilman Hall acknowledged they have been very involved in the process.

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.

— — —

2004-15 The Clerk read the following Ordinance:

AN ORDINANCE 99095

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AN ADVANCE FUNDING AGREEMENT AMENDMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO ALLOW FOR LOCAL GOVERNMENT CONTROL IN CONNECTION WITH THE INGRAM ROAD – CALLAGHAN TO BENRUS BICYCLE LANES MPO PROJECT AND THE NAKOMA – U.S. 281 TO WARFIELD MPO PROJECT, LOCATED IN COUNCIL DISTRICTS 7 AND 9.

\* \* \* \*

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

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation regarding agenda items 29A - D, which deals with the Local Agency Management (LAM) of federally funded Metropolitan Planning Organization (MPO) projects, a copy of which was made part of the official papers of this meeting. He discussed the delivery process, and how the City assumes responsibility from the Texas Department of Transportation for advertising, awarding, and construction of federally funded MPO projects, City streets and other special projects. He spoke to the benefits of such ordinance, and discussed future challenges. He then delineated on the purposes of each of the ordinances.

Councilman Castro stated they were trying to create a bicycle network so the public could ride their bicycles in a safe manner. He spoke to the work of the Bicycle Mobility Task Force, and their efforts in this initiative. He then spoke to the upcoming Hike and Bike observance in May.

In response to Councilman Perez, Mr. Wendorf confirmed that San Antonio was the first in Texas to pursue this. He acknowledged he did not know of any other efforts, and commented that a lot of the larger cities were watching them. He then stated this was a pilot process, and could be handled by current staff. He then confirmed he would be providing periodic updates.

Councilman Williams congratulated Mr. Wendorf on being selected as one of the 10 best engineers in the country, and expressed appreciation for his leadership

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.

— — —  
2004-15 The City Clerk read the following Ordinance:

AN ORDINANCE 99096

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AN ADVANCE FUNDING AGREEMENT AMENDMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO ALLOW FOR LOCAL GOVERNMENT CONTROL IN CONNECTION WITH THE N VANDIVER - I H. 410 TO RITTIMAN ROAD BICYCLE LANES MPO PROJECT, LOCATED IN COUNCIL DISTRICT 10.

\* \* \* \*

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

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

- - -

2004-15 The Clerk read the following Ordinance:

AN ORDINANCE 99097

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AN ADVANCE FUNDING AGREEMENT AMENDMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO ALLOW FOR LOCAL GOVERNMENT CONTROL IN CONNECTION WITH THE CINCINNATI AVENUE FROM SAINT MARY'S UNIVERSITY TO NAVIDAD BICYCLE LANES MPO PROJECT, THE CINCINNATI/ASHBY FROM NAVIDAD TO N. ST. MARY'S BICYCLE LANES MPO PROJECT AND THE ALAMO/BROADWAY CORRIDOR FROM JOSEPHINE TO THE ALAMO BICYCLE LANES MPO PROJECT, LOCATED IN COUNCIL DISTRICTS 1, 2 AND 7

\* \* \* \*

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

- - -

2004-15 The Clerk read the following Ordinance.

AN ORDINANCE 99098

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AN ADVANCE FUNDING AGREEMENT AMENDMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO ALLOW FOR LOCAL GOVERNMENT CONTROL IN CONNECTION WITH THE UTSA TO OLLU FROM HOUSTON STREET TO 24<sup>TH</sup> STREET BICYCLE LANES MPO PROJECT AND THE THEO/MALONE FROM QUINTANA TO CONCEPCION PARK BICYCLE LANES MPO PROJECT, LOCATED IN COUNCIL DISTRICTS 1, 3 AND 5.

\* \* \* \*

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

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

2004-15 CITY MANAGER'S REPORT

Ms. Terry Brechtel, City Manager, invited everyone to the Hike & Bike Rally, and encouraged all City employees to participate. She then announced the appointment of a Human Resources Director, Ms. Sharon De La Garza, whom she stated that while in Dallas, restructured the City's employee benefit programs. She informed the Council that she had been involved with new technology, and was responsible for risk management. She stated she was previously a City of San Antonio employee in the Compensation and Classification division, and welcomed her back to San Antonio.

Ms. De La Garza stated she looked forward to working with the Council, and expressed appreciation for having faith in her, and for the opportunity to be part of a dynamic team.

Members of the Council welcomed her back to San Antonio, and offered best wishes to her for much success.

Ms. Brechtel then called forward Chief Albert Ortiz, Chief of Police for the San Antonio Police Department, to discuss the status of gangs in the community.

Chief Ortiz narrated a slide presentation regarding the status of gangs in the community, a copy of which was made part of the official papers of this meeting. He amplified on the definition of a gang, and the criteria for gang membership. He presented various statistics regarding gang activity, and discussed the yearly violent crimes committed by gang members by Council district

Mayor Garza thanked him for the presentation and stated his concern personally was activity in the community, whether defined as gang activity or tagging. He then expressed concern that the gang activity has been more active recently. He stated he had an opportunity to ride along with the gang unit, and commented that they were doing a great job. He expressed his belief that collaboration with other agencies and the County was beneficial. He delineated on the list that defined gang members, and pointed out they needed to be concerned about the bigger issues.

In response to Mayor Garza, Chief Ortiz spoke to the problems in District 2, and amplified on the transferring of intelligence. He then cited the curfew ordinance, and indicated they could probably make more arrests if they had more officers. He stated they needed to work out a more targeted way of addressing the cruising in the downtown area.

In response to Councilman Castro, Chief Ortiz amplified on slide 5, which discussed the distinction between active gang members and recorded gang members. He stated that other activities besides gang activities began spiking in 1999 and 2000. He spoke to the work with the school districts, and acknowledged they've assigned an officer designated at each substation to exchange information with school districts.

Councilman Castro noted that often times, the school police officers have more knowledge of who's active in gangs. He then cited an article from a few years ago regarding the establishment of friendlier relationships among gangs, in which Chief Ortiz explained that was more effective where they had open warfare between gangs.

Chief Ortiz addressed youth initiatives and the youth services arena, which he stated depended a lot on SAFFE officers. He then expounded on the impact the media had on the citizens, and how every time there is a shooting or murder, they depend on the media to educate the public about the problem, but acknowledged that there was the issue of sensationalism.

Councilman Castro suggested using Channel 21 to try and highlight more detailed facts about gang activity.

Councilman Perez spoke to the curfew violations, and the issue of graffiti. He stated it didn't appear that the curfew ordinance was not being enforced, and suggested they look into changing it if it was too burdensome.

Chief Ortiz acknowledged they would look at the ordinance to see if they could streamline it.

Councilwoman Radle expressed concern on the hype of gang activity, and addressed the potential problems with the media in relation to gangs. She spoke to the importance of prioritizing programs for youth

Councilman Williams expressed concern on the statistics of District 2, and commented that it only took three "thugs" to create serious damage.

In response to Councilman Williams, Chief Ortiz explained how they're attaching known gang members to warrants that currently exist. He stated it was important to use this data to target areas where there's a lot of gang activity. He further noted he was aware of the problems in District 2.

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

Councilman Williams indicated the statistics did not show the entire story, and there were certain things that the slides in his presentation did not capture. He commented they were counting on SAPD to relay that information to them. He then addressed slide 14, regarding the juvenile arrests by SAPD, and expressed appreciation to the department for their efforts.

Councilman Flores concurred with the comments made by Councilman Williams regarding Districts 1, 2 and 5 being on top in terms of gang activity. He stated this was a serious problem in his district, although there was gang activity all over the City. He discussed a study done about the safety of San Antonio and how it compares to other cities in the nation. He stated it was pointed out that the San Antonio was one of the safest cities in the nation, which is reflective of SAPD doing a good job, but pointed out the problem with sensationalism.

Councilman Schubert commented on the comments made by Councilman Flores, and addressed the good policing by SAPD. He stated it was important for them to be communicating information to the Chief

Councilman Segovia stated the Police Department alone was not going to solve this and it would take the efforts of everyone. He addressed the graffiti problems, and the dress codes in schools, and how they needed to start getting the message to school administrators. He further encouraged they talk to legislators to begin revamping the judicial system. He commented there were things they could do to make sure their neighborhoods are cleaned up, and how it would be a combined effort

Councilman Williams spoke to the help he needed in the Wheatley Courts.

— — —

2004-15      EXECUTIVE SESSION

The City Council recessed its regular session at 8:20 p.m. in order to convene in Executive Session to discuss the following:

- A. Legal issues relating to *Borden Park, L.P., d/b/a Star Storage-Downtown, San Antonio vs. City of San Antonio*, Cause No. 2003-CI-09049, 45<sup>th</sup> Judicial District, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney)
- B. Legal issues relating to *Allstars, PT's, Sugar's, XTC, Jane Roe I and Jane Roe II v. City of San Antonio, et al*, Cause No. SA-03-CA-356 FB, pursuant to Texas Government Code Section 551 071 (consultation with attorney).
- C. Legal issues relating to *Brooks Hardee, et al, v. City of San Antonio*, Cause No. 2004-CI-05439, 225<sup>th</sup> District Court of Bexar County, Texas; *Brooks Hardee, as Trustee for and on the behalf of the Farmco Trust, and VWC, Ltd., v. City of San Antonio*, Cause No. 2004-CI-05440, 285<sup>th</sup> District Court of Bexar County, Texas; and *Reed S. Lehman Grain, Ltd., v. City of San Antonio*, Cause No. 2004-CI-05442, 407<sup>th</sup> District Court of Bexar County, pursuant to Texas Government Code Section 551 071 (consultation with attorney)

— — —

2004-15      There being no further business to come before the City Council, the meeting was adjourned at 10.50 P.M.

A P P R O V E D



EDWARD D. GARZA  
MAYOR

Attest



YOLANDA L. LEDESMA  
Acting City Clerk