

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, APRIL 29, 2004

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2004-17 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):

FY 2004 Second Quarter Financial Status Report, Overview of FY 2005 Goal Setting Process and Introduction to FY 2004 Inventory of City Services.

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

The "B" Session adjourned at 12:00 P.M.

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2004-17 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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2004-17 Invocation by Pastor Dot DeLaRosa, Hope of Glory, guest of Councilman Ron Segovia, District 3.

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2004-17 Pledge of Allegiance to the flag of the United States.

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2004-17 **CEREMONIAL ITEMS**

2004-17 **PROCLAMATION: IN RECOGNITION OF HISTORIC PRESERVATION WEEK**

Mayor Garza presented a proclamation to the members of the San Antonio Conservation Society regarding the upcoming Historic Preservation Week observation.

A representative of the San Antonio Conservation Society thanked the Mayor and Council for their support, and spoke to the efforts of the organization regarding historic preservation, and the impact it had on the community.

Councilwoman Radle thanked the members of the San Antonio Conservation Society for their efforts in preservation.

Councilman Flores thanked the members for their work, noting it was an asset to have an organization such as the San Antonio Conservation Society who was diligent in efforts related to historic preservation.

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2004-17 **PROCLAMATION IN RECOGNITION OF PINK RIBBON SUNDAY**

Mayor Garza presented a proclamation to Ms. Sylvia Sluder, Chairperson for Latina's For a Cure, and Komen Foundation Board Member, in recognition of "Pink Ribbon Sunday" being held on May 2, 2004.

Ms. Sluder spoke to the purpose of "Pink Ribbon Sunday," and explained to the members of the Council that it was an effort encouraging churches to educate their congregations about the use of mammography equipment as an early breast cancer detection tool. She cited statistics regarding how many women were and would be affected by breast cancer, and emphasized the need for early detection to save lives.

Councilwoman Radle thanked all those involved in the "Pink Ribbon Sunday" endeavor. She cited the example of Yolanda Ledesma, Acting City Clerk, noting she was a survivor of breast cancer because of early detection use of new technology.

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2004-17 **PROCLAMATION REGARDING SAN ANTONIO POLICE OFFICER MEMORIAL DAY**

Mayor Garza presented a proclamation to Chief Albert Ortiz, San Antonio Police Department, regarding the upcoming observance of the "San Antonio Police Officer Memorial Day."

Chief Ortiz spoke to the 45 members of the San Antonio Police Department who have lost their lives in the line of duty. He cited the work of all Police Officers, noting they sacrificed their lives daily. He stated that on May 11, 2004, the San Antonio Police Department would be honoring the memory of the 45 officers killed in the line of duty.

Members of the Council spoke to the important work of Police Officers, including the dangers involved in their job, and their efforts in keeping citizens safe. They further noted the memorial was a touching time for the families of those officers who have lost their lives in the line of duty.

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2004-17 The minutes from City Council Meeting of February 26, 2004 were approved.
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2004-17 **CONSENT AGENDA**

Councilman Perez made a motion to approve Agenda Items 5 through 27G, constituting the Consent Agenda, with Items 7, 9, 11, 12, 15, 16, 17, 23, and 27G, 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, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Radle, Castro.

AN ORDINANCE 99110

AN ORDINANCE ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY SOUTHWEST SOLUTIONS GROUP UTILIZING THE TEXAS MULTIPLE AWARD SCHEDULE CONTRACT TO PROVIDE THE CITY OF SAN ANTONIO LIBRARY DEPARTMENT WITH LIBRARY SHELVING FOR THE GUERRA BRANCH LIBRARY FOR A TOTAL AMOUNT OF \$86,640.00.

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AN ORDINANCE 99111

AN ORDINANCE 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 FISCAL YEAR 2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$200,087.00 TO INCLUDE CONTRACTS FOR PURCHASE, INSPECTION AND MAINTENANCE OF FIRE EXTINGUISHERS, YAMAHA GOLF CART PARTS & SERVICE, SPREAD SPECTRUM RADIOS, AND I.V. ADMINISTRATION SET & I.V. SOLUTIONS IN PLASTIC CONTAINERS.

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AN ORDINANCE 99112

AN ORDINANCE APPROVING THE SAN ANTONIO WATER SYSTEM (SAWS) FIELD ALTERATION NO. 1 AND AUTHORIZING PAYMENT OF \$32,612.19 PAYABLE FROM SAWS TO SAN ANTONIO CONSTRUCTORS, LTD. IN CONNECTION WITH THE PLEASANTON ROAD - GILLETTE TO LOOP 410 PROJECT, LOCATED IN COUNCIL DISTRICT 3; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 99113

APPROVING CHANGE ORDER NO. 7 AND AUTHORIZING PAYMENT OF \$657.87 FROM CERTIFICATES OF OBLIGATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE ISOM ROAD - RAMSEY TO U.S. 281 MPO PROJECT, LOCATED IN COUNCIL DISTRICT 9; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 99114

AN ORDINANCE ACCEPTING THE LOW, RESPONSIVE BID OF SAN ANTONIO CONSTRUCTORS, LTD., IN THE AMOUNT OF \$286,522.76 IN CONNECTION WITH THE HURON - FITCH TO SOUTHCROSS COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT, LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$27,546.78 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$21,211.02 FOR EXPENSE RECOVERY; AUTHORIZING \$1,000.00 FOR ADVERTISING EXPENSES; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM IN THE AMOUNT OF \$11,055.00 FOR SEWER AND WATER EXPENSES, FOR A TOTAL AMOUNT OF \$336,280.56; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 99115

AN ORDINANCE SELECTING REHLER VAUGHN & KOONE, INC. (SBE), TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION

WITH THE HAUSMAN ROAD BRANCH LIBRARY AND PARK PROJECT, LOCATED IN COUNCIL DISTRICT 8; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$58,000.00; AUTHORIZING \$12,000.00 FOR CONTINGENCY EXPENSES AND INITIAL GEOTECHNICAL SURVEYS, FOR A TOTAL AMOUNT OF \$70,000.00 FROM 1999-2003 GENERAL OBLIGATION LIBRARY IMPROVEMENT BOND FUNDS AND 2003-2007 GENERAL OBLIGATION BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 99116

AN ORDINANCE AUTHORIZING FUNDS IN THE AMOUNT OF \$8,503.90 FROM GENERAL OBLIGATIONS OF THE CITY PAYABLE TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES NECESSARY TO THE REAL ESTATE ACQUISITIONS FOR THE FOLLOWING APPROVED CITY PROJECTS: BITTERS ROAD - WEST AVENUE TO HEIMER MPO PROJECT, LOCATED IN COUNCIL DISTRICT 9 AND THE SALADO CREEK GREENWAY (HIKE & BIKE TRAIL) PHASE I PROJECT, LOCATED CITY WIDE; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 99117

AN ORDINANCE AUTHORIZING FUNDS IN THE AMOUNT OF \$41,453.38 PAYABLE TO BRACEWELL & PATTERSON, L.L.P. FOR LEGAL SERVICES NECESSARY TO THE REAL ESTATE ACQUISITIONS FOR THE FOLLOWING APPROVED CITY PROJECTS: BITTERS ROAD - WEST AVENUE TO HEIMER MPO PROJECT, LOCATED IN COUNCIL DISTRICT 9; CHERRY STREET DRAINAGE PROJECT #15B PHASE II, LOCATED IN COUNCIL DISTRICT 2; ESCALON STREET #1008 DRAINAGE PROJECT, LOCATED IN COUNCIL DISTRICT 3; HILDEBRAND AVENUE FROM IH 10 TO BREEDEN MPO PROJECT, LOCATED IN COUNCIL DISTRICT 1; OCTAVIA DRAINAGE #63, PHASE II, PART I PROJECT, LOCATED IN COUNCIL DISTRICT 5; WESTERN AVENUE DRAINAGE #74 III-A PROJECT, LOCATED IN COUNCIL DISTRICT 9; WURZBACH ROAD TO I.H. 10 AND IRONSIDE INTERSECTIONS PROJECT, LOCATED IN COUNCIL DISTRICT 8; WURZBACH PARKWAY PROJECT, LOCATED IN COUNCIL DISTRICTS 9 AND 10; AND THE CHICO-KNOX/MARGIL COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT,

LOCATED IN COUNCIL DISTRICT 5; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 99118

AN ORDINANCE APPROVING AN AMENDMENT TO THAT CERTAIN LEASE AGREEMENT APPROVED BY ORDINANCE NO. 96772 DATED NOVEMBER 21, 2002 BETWEEN MACK-CALI TEXAS PROPERTY, L.P., AS LANDLORD, AND PREDECESSOR TO RIVERVIEW TOWER PARTNERS, LTD., A TEXAS LIMITED PARTNERSHIP, THE CURRENT LANDLORD, AND THE CITY OF SAN ANTONIO, AS TENANT, FOR RENTAL OF OFFICE SPACE BEING USED BY THE CITY AUDITOR'S OFFICE, DESCRIBED AS SUITE 600 IN THE RIVERVIEW TOWERS OFFICE BUILDING LOCATED AT 111 SOLEDAD STREET, LOCATED IN CITY COUNCIL DISTRICT 1, FOR THE PURPOSE OF INCREASING THE NUMBER OF PARKING SPACES FROM TWO (2) VEHICLES TO FOUR (4) VEHICLES, AT A TOTAL MONTHLY PARKING CHARGE FOR THE TWO (2) ADDITIONAL VEHICLES OF \$78.75 PER MONTH PER VEHICLE.

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AN ORDINANCE 99119

AN ORDINANCE APPROVING A RENEWAL AND EXTENSION OF LEASE AGREEMENT BETWEEN RIVERVIEW TOWER PARTNERS, LTD., A TEXAS LIMITED PARTNERSHIP, THE PRESENT LANDLORD, AND THE CITY OF SAN ANTONIO, AS TENANT, RENEWING AND EXTENDING THE TERM OF THAT CERTAIN LEASE AGREEMENT WITH MACK-CALI TEXAS PROPERTY, L.P., PREDECESSOR IN TITLE TO THE PRESENT LANDLORD, APPROVED BY ORDINANCE NO. 95657 DATED APRIL 25, 2002 FOR THE RENTAL OF APPROXIMATELY 14,928 GROSS SQUARE FEET OF OFFICE SPACE DESCRIBED AS SUITE 900 BEING USED FOR THE ERM PROJECT AT THE RENT RATE OF \$14.50 PER GROSS SQUARE FOOT PER YEAR, OR \$18,038.00 PER MONTH, IN A BUILDING LOCATED AT 111 SOLEDAD STREET, KNOWN AS THE RIVERVIEW OFFICE BUILDING, LOCATED IN CITY COUNCIL DISTRICT 1, FOR SIX (6) MONTHS COMMENCING ON JUNE 1, 2004.

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2004-17 Agenda Item 22, being a proposed ordinance approving a one year lease agreement by and between the city of San Antonio, as landlord, and the university of Las Palmas de Gran Canaria, acting by and through Fundación Canaria Universitaria de Las

Palmas (Canary Islands office), as tenant, for the use of approximately 1,165 square feet of office space known as suite 160 at the international center, 203 south St. Mary's street, in council district 1, at a rent of \$9.60 per square foot annually, increasing to \$13.20 per square foot annually in the first optional renewal term, and \$15.00 per square foot annually in the second optional renewal term, both renewal options being subject to city council approval, plus common area maintenance (cam) costs which are subject to annual adjustment, was removed from consideration.

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AN ORDINANCE 99120

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$955,590.00 TO THE TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY (ATPA), WHICH, IF AWARDED, WILL AUGMENT THE SAN ANTONIO POLICE DEPARTMENT'S EFFORT IN REDUCING AUTO THEFT AND AUTHORIZING A CITY MATCH AND AN IN-KIND MATCH.

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AN ORDINANCE 99121

AN ORDINANCE AUTHORIZING A FIREWORKS DISPLAY FOR USAA'S ANNUAL COMPANY PICNIC TO BE HELD ON THEIR PROPERTY LOCATED AT 9800 FREDERICKSBURG ROAD AT APPROXIMATELY 8:45 P.M. ON MAY 8, 2004, WITH NO RAIN DATE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT VOTES.

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AN ORDINANCE 99122

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR PLAZA AVENIDA GUADALUPE (1321 EL PASO) IN CONNECTION WITH THE CORAZON Y FAMILIA MURAL 5K RUN/WALK SPONSORED BY SAN ANTO CULTURAL ARTS, INC. TO BE HELD FROM 7:30 A.M. TO 11:00 A.M. ON SATURDAY, MAY 8, 2004.

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AN ORDINANCE 99123

AN ORDINANCE REAPPOINTING DANIEL KOSSL (EXTRATERRITORIAL JURISDICTION CATEGORY - MAYOR) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 10, 2005.

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AN ORDINANCE 99124

AN ORDINANCE REAPPOINTING NANCY HARD (MAYOR) AND ANITA CANO GONZALEZ (DISTRICT 6) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR A TERM OF OFFICE TO EXPIRE ON JUNE 27, 2006.

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AN ORDINANCE 99125

AN ORDINANCE REAPPOINTING GLORIA FLORES (CONSUMER OF HANDICAPPED SERVICES CATEGORY - DISTRICT 3) TO THE DISABILITY ACCESS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2006.

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AN ORDINANCE 99126

AN ORDINANCE APPOINTING JENNIFER HURT (MAYOR) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 22, 2005.

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AN ORDINANCE 99127

AN ORDINANCE REAPPOINTING MARIA ANGELINA RUIZ (DISTRICT 1) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2005.

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AN ORDINANCE 99128

AN ORDINANCE APPOINTING ROLANDO PABLOS (DISTRICT 1) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 20, 2005.

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2004-17 **ITEMS FOR INDIVIDUAL CONSIDERATION**

2004-17 The Clerk read the following Ordinance:

AN ORDINANCE 99129

AN ORDINANCE APPROVING FIELD ALTERATION NO. 1 AND AUTHORIZING PAYMENT OF \$67,799.00 FROM THE CONSTRUCTION CONTINGENCY FUND TO WESTFIELD CONSTRUCTION, L.P., FOR ADDITIONAL CONSTRUCTION EXPENSES IN CONNECTION WITH THE LINCOLN PARK POOL & PLAYGROUND PROJECT, LOCATED IN COUNCIL DISTRICT 2; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to Councilman Perez, Mr. Malcolm Matthews, Director of Parks and Recreation, spoke to the field alteration, and indicated this was a renovation of a swimming pool. He noted they anticipated it this way in the budget, and they were ready to move forward and finish the project this summer.

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.

2004-17 The Clerk read the following Ordinance:

AN ORDINANCE 99130

AN ORDINANCE AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING PAYMENT OF \$63,416.00 TO BAIN MEDINA BAIN, INC. (WBE) FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE NACOGDOCHES ROAD – I.H. 410 TO DANBURY MPO PROJECT LOCATED IN COUNCIL DISTRICT 10; AUTHORIZING \$6,342.00 FOR ENGINEERING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$69,758.00 FROM 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS;

REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to Councilman Perez, Mr. Doug Yerkes, City Engineer, stated the project changes were precipitated by the improvements TX DOT is making in the 410/281 interchange. The design had to be realigned to accommodate the TX DOT improvements. He also stated that although the contract was initially awarded in May 2000, the long design phase is an MPO project, which has been fiscally constrained.

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.

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2004-17 The Clerk read the following Ordinance:

AN ORDINANCE 99131

AN ORDINANCE AUTHORIZING PAYMENT OF \$8,609.74 FROM 1999-2004 GENERAL OBLIGATION DRAINAGE BOND FUNDS TO SOUTHWESTERN BELL TELEPHONE, L.P., D/B/A SBC SOUTHWESTERN BELL TELEPHONE COMPANY FOR THE ADJUSTMENT TO AERIAL CABLE AND RELATED COMPONENTS IN CONNECTION WITH THE LANARK DRAINAGE #92A, PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 2; 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, Mr. Doug Yerkes, City Engineer, spoke to the street work in the area, and noted that by state law; they had to pay for the cost of relocation.

Mr. Tom Wendorf, Director of Public Works, spoke to the changes made in legislation recently regarding franchise agreements. He stated they lost their ability to have these types of facilities moved at no cost to the City. He explained that where there is a pure drainage project, by state law they were obligated to pay, which in turn has put additional cost on capital programs.

Councilman Perez requested for a briefing on this law, noting this was the first time he heard of it.

Ms. Terry Brechtel, City Manager, acknowledged she would provide status report to Council.

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.

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2004-17 The Clerk read the following Ordinance:

AN ORDINANCE 99132

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF \$250,000.00 FOR THE FY 03-04 ANNUAL SIGNAL UPGRADE PROGRAM TO UPGRADE EXISTING TRAFFIC SIGNAL INSTALLATIONS AND SYSTEMS FUNDED FROM THE CAPITAL IMPROVEMENTS RESERVE FUND AND THE APPROPRIATION OF \$510,000.00 FOR THE FY 03-04 ANNUAL SIGNAL PROGRAM TO INSTALL TRAFFIC SIGNALS AT THE FOLLOWING SIX INTERSECTIONS:

LOCATION	Council District
Westover Hills Boulevard at Senisa Springs	6
Marbach Road at Old Hunt Lane/Ingram Road	4/6
Wurzbach Road at Crystal Hill/Ingram Mall Driveway	7

Bulverde Road at Classen Road	10
Parliament Drive at Sir Winston	9
Medical Drive at University Hospital/UPG	8

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

In response to Councilman Perez, Mr. Tom Wendorf, Director of Public Works, spoke to the traffic impact analysis study done by a private group and their findings which justified the need for a street light at this intersection. He then amplified on the methodology and process utilized in warranting such a decision.

Councilman Barrera spoke to an intersection at Portranco and Dugas Roads, which was the location of a new high school in addition to other development, and indicated there would be a need for a street light there.

In response to Councilman Segovia, Mr. Wendorf indicated all locations were warranted, and indicated it was a function of what they could afford to do in the general budget.

In response to Councilman Perez, Mr. Wendorf discussed the traffic model in the Medical Center area, and indicated they have talked about expanding this kind of process. He acknowledged this was a solid design.

Councilman Perez noted this type of make up was something they could look at in the Southside Initiative.

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

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2004-17 The Clerk read the following Ordinance:

AN ORDINANCE 99133

AN ORDINANCE ACCEPTING THE LOW, RESPONSIVE BID OF AMSTAR, INC. (MBE/WBE) IN THE AMOUNT OF \$1,548,850.00 IN CONNECTION WITH THE MUNICIPAL FACILITIES IMPROVEMENTS WITHIN THE HISTORIC CIVIC CENTER PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING

\$154,789.00 FOR CONSTRUCTION CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$1,703,639.00 FROM CERTIFICATES OF OBLIGATION; 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, Mr. Doug Yerkes, City Engineer, spoke to the work needed at City Hall, and amplified on the upcoming projects scheduled to take place. He indicated this project would be funded from certificates of obligations that went back a couple of years.

Discussion continued between Councilman Perez and Mr. Yerkes regarding the firm selected to complete this project.

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

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2004-17 The Clerk read the following Ordinance:

AN ORDINANCE 99134

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AGREEMENTS BETWEEN THE CITY OF SAN ANTONIO AND THE UNIVERSITY PHYSICIANS GROUP IN THE AMOUNT OF \$85,000.00, AND THE CITY AND THE UNIVERSITY HEALTH SYSTEM IN THE AMOUNT OF \$37,500.00, RESPECTIVELY, FOR THE INSTALLATION OF A TRAFFIC SIGNAL AND OTHER IMPROVEMENTS TO BE LOCATED AT THE INTERSECTION OF MEDICAL DRIVE AND THE ENTRY TO UNIVERSITY HOSPITAL AND AT THE UNIVERSITY PHYSICIAN'S GROUP DIAGNOSTIC PAVILION, LOCATED WITHIN THE MEDICAL CENTER AREA IN COUNCIL DISTRICT 8.

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

Councilman Perez indicated his questions were answered with the previous discussion held with agenda item #15.

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

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2004-17 The Clerk read the following Ordinance:

AN ORDINANCE 99135

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AGREEMENT WITH THE MEDICAL CENTER ALLIANCE AS LICENSEE FOR AN INITIAL TERM OF TWENTY FIVE (25) YEARS FOR THE PLACEMENT AND MAINTENANCE OF WAY-FINDING SIGNAGE, ENTRY AND LOGO SIGNAGE ON CITY RIGHT-OF-WAY LOCATED WITHIN THE MEDICAL CENTER AREA AND IN CONNECTION WITH THE MEDICAL CENTER IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 8.

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

Councilman Perez confirmed they took care of this item in previous discussions held.

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

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2004-17 The Clerk read the following Ordinance:

AN ORDINANCE 99136

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT A GRANT IN THE AMOUNT OF \$82,486.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE "CLICK IT OR TICKET" SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP), WHICH WILL BE USED TO FUND AN OVERTIME PROGRAM FOR SEAT BELT AND CHILD

SAFETY SEAT ENFORCEMENT PROGRAM TO BE ADMINISTERED BY THE SAN ANTONIO POLICE DEPARTMENT FOR THE GRANT PERIOD OF MAY 24, 2004 THROUGH JUNE 6, 2004.

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

In response to Councilman Perez, Chief Albert Ortiz, San Antonio Police Department, acknowledged these grants would be used to target holiday weekends. He spoke to the upcoming Memorial Day weekend, and the high vehicular traffic entailed.

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

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2004-17 **EXECUTIVE SESSION**

2004-17 City Council recessed its regular meeting at 2:06 p.m. to convene in Executive Session for the following:

Discussion of the Municipal Civil Service Commission.

2004-17 The City Council reconvened its regular session at 3:50 p.m.

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2004-17 The Clerk read the following Ordinance:

AN ORDINANCE 99137

AN ORDINANCE AMENDING ORDINANCE NOS. 97207, 97489, 98046 AND 98820, TO CONFORM THE TERMS OF OFFICE OF THE APPOINTEES TO THE MUNICIPAL CIVIL SERVICE COMMISSION TO THE REQUIREMENT OF THE CHARTER; AND DESIGNATING A CHAIRPERSON.

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

Councilman Castro indicated there were several concerns regarding the Municipal Civil Service Commission, and it was important to remind the members of the Commission of their duties. He suggested they do a 30-day performance review of the Commission and the dynamics of the Commission. He made a motion appoint Mr. Cardenas as the Chair of the Commission, taking effect in the next 30 days. Councilman Perez seconded the motion.

Mayor Garza noted his motion centered on a balanced and partial Municipal Civil Service Commission to create the best structure of City service.

Councilman Castro indicated they were trying to achieve balance and sound judgment for every person that comes before the Commission.

Councilman Perez indicated he witnessed the meetings of this body by videotape, and expressed concern on the decorum of the group, indicating the work was not getting done. He informed the members that they were being looked at very closely, and noted the work they did was important and they needed to make sure the best interest of the City was at hand.

Councilman Hall concurred with the comments made by Councilman Perez, and indicated the system was broken at this point and had no integrity. Although the City Manager made the final decision, he indicated the Commission could not be relied on, and this was not efficient for the City. He suggested they look at better ways to staff the Commission. He further indicated they needed members on there who could look at things objectively.

Councilman Flores concurred with his colleagues, and commented that if a board is not functioning, they needed to do something to make sure the board was doing their job. He concurred with the appointment of the new chairman, and indicated there needed to be corrections made within the next 30 days.

Councilman Williams thanked his colleagues and encouraged them to continue in this fame. He stated they have other boards that may need the same kind of consideration, and further stated they needed to look at boards that need extra help in moving their agenda forward.

Councilwoman Radle expressed concern on the ability of the Commission. She spoke to additional training for members, and suggested they look closely at how things develop. She acknowledged she would not support the amendment to appoint Mr. Cardenas as Chair of the Commission.

Councilman Castro clarified that his motion was only in respect to the Chair, and not in respect to the length of terms.

Councilman Schubert spoke to the hard work they have put forth into this issue. He spoke to the differences in the authority that the Boards and Commissions have, and indicated that the Municipal Civil Service Commission was an important board with policy making decisions that affects the City of San Antonio and its employees. He commented they have not done their jobs as Council members to look closely into these members, and suggested they ask for additional information and spend more time in interviewing the applicants. He confirmed he would support the motion, and noted this was the right direction for the Commission.

Councilman Haass indicated he would be supporting the amendment. He commented that they could not get caught up with personal opinions, and this board had not moved efficiently. With the change in leadership, he expressed his hopes that the other members of the board would be rejuvenated. He stated he looked forward to seeing the committee succeed, and give employees the opportunity to file a grievance.

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

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

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2004-17 The Clerk read the following Ordinance:

AN ORDINANCE 99138

AN ORDINANCE ESTABLISHING A "NOTICE OF PUBLIC HEARING ON LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN RELATING TO POSSIBLE ADOPTION OF IMPACT FEES" TO BE HELD ON JUNE 3, 2004, AT THE CITY COUNCIL CHAMBERS LOCATED ON THE FIRST FLOOR OF THE MUNICIPAL PLAZA BUILDING AT 114 WEST COMMERCE STREET AT 3:00 P.M., TO CONSIDER THE ADOPTION OF THE LAND USE ASSUMPTIONS PLAN AND CAPITAL IMPROVEMENTS PLAN RELATED TO POSSIBLE WASTEWATER IMPACT FEES FOR AN AREA KNOWN AS THE FAR WEST; AND NOTIFYING THE PUBLIC THAT ANY MEMBER HAS THE RIGHT TO APPEAR AND PRESENT EVIDENCE FOR OR AGAINST THE PLANS.

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

Mr. Ben Gorzell, Public Utilities Supervisor, spoke to the purpose of this ordinance, and indicated the only action they were asking from the Council today was to set the date for June 3rd public hearing.

Ms. Kelly Neumann, Interim Vice-President of the San Antonio Water System (SAWS), narrated a slide presentation regarding the Far West Area Sewer Impact Fees, a copy of which was made part of the official papers of this meeting. She presented an overview of the impact fees, indicating they were regulated by the Local Government Code. She discussed the two components of the impact fee, and the calculation of the impact fee. She amplified on the area known as the "Far West Area." She spoke to the Land Use Assumption Plan and the EDU Change Projections. She then amplified on the capital improvements plan, and construction cost. She stated they were there to accept the date of a public hearing.

Discussion continued between Councilman Williams and Ms. Neumann regarding the existing impact fee.

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

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2004-17 Item 29 being a proposed ordinance authorizing the defeasance and redemption of a portion of the city's outstanding parking system revenue bonds, series 2000; authorizing the execution of an escrow agreement and other documents related thereto; and authorizing the use of certain available proceeds from such bonds to accomplish such defeasance was pulled from consideration by the City Manager.

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2004-17 **TRAVEL AUTHORIZATION - Granted:**

Travel Authorization for Councilman Enrique M. Barrera, District 6, who will travel to Houston, Texas, to visit Nutrition Centers on Wednesday, May 5, 2004.

Mr. Perez made a motion to approve the proposed Travel Authorization. Councilman Hall seconded the motion.

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

Travel Authorization for Councilman Carroll W. Schubert, District 9, who will travel to Colorado Springs, CO, to participate in the Department of the Air Force, Air Force Reserve 433d Airlift Wing Civic Leader Tour from Tuesday, May 4, 2004 to Wednesday May 5, 2004.

Mr. Perez made a motion to approve the proposed Travel Authorization. Councilman Hall seconded the motion.

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

2004-17 **EXECUTIVE SESSION**

2004-17 The City Council recessed its regular meeting to convene into Executive Session at 4:20 p.m. to discuss the following:

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, 45th Judicial District, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Legal issues relating to *City of San Antonio v. Greg Abbott, Attorney General for the State of Texas*, Cause No. GV-400253, in the 345th District Court, Travis County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

2004-17 **CITIZENS TO BE HEARD**

JOLEEN GARCIA

Ms. Joleen Garcia, representing Clean Water Clean Democracy, stated that in 2002, thousands united to oppose the PGA development, or to put it to the voice of the public vote. She stated the Council approved the PGA agreement regardless of the citizens that were against it. She spoke to the dangers of the PGA development on the Aquifer, and noted the organization continued to speak against it, and were proactive during the 2003

election which resulted in a new Council. She cited various newspapers articles regarding the progression of the PGA Village, and cited the documents they requested, and alleged the City struggled to produce a complete copy of the final Lumbermen's PGA agreement. She commented that after reviewing the documents, they were alarmed with the findings.

Ms. Amy Castelli indicated she was an attorney working with this case. She introduced other members of the legal staff, and indicated they had evaluated the records obtained from the City, noting they had many details to present given the opportunity. She cited the ordinance passed on October 24, 2002, in which the City was presented with a draft agreement and cited HB 1197 regarding non-annexation agreements.

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MARIA ANTOINETTA BERRIOZABAL

Ms. Maria Antoinetta Berriozabal stated that of the four returning elected members of the council, only Council member Julian Castro was the "no vote" in the PGA agreement. She commented that they saw promise and integrity in the new members of the Council, and their tenure has been one to have questions and welcome debate. She stated that for the past several months, they had worked hard to gather all the information, and it has become evident that water has not become a commodity, but a necessity for life. She commented that water is life, and all cultures honored the sacredness of water. She informed the Council that their actions would determine what would happen with their water.

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JIM KOCH

Mr. Jim Koch stated he had been around in his neighborhood collecting signatures of those against the PGA Village, and indicated they were deeply concerned about the water in this city. He commented that this was the number one concern of District 7. He thanked Clean Water Clean Democracy for their courageous efforts, and urged Council to repeal the agreement.

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ELGINIO RODRIGUEZ

Mr. Elginio Rodriguez expressed concern on what he alleged was a lack of concern on the contaminants of the Aquifer. Being on the Water Quality Task Force, he stated he learned that SAWS had taken the initiative to educate firefighters on the sensitive areas of

the recharge zone. He spoke to their average response time, and stated their goal was to have it reduced to 4.25 minutes.

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ANNALISA PEACE

Ms. Annalisa Peace, representing Aquifer Gardens in Urban Areas, thanked the members of the Council for the efforts in trying to protect the water.

Mayor Garza thanked the group for coming together, and requested for staff to provide them with an update on the agreement itself. He indicated he would recommend placing it on the next agenda for the Governance Committee.

Councilman Hall thanked all those who spoke on this issue. He concurred with the Mayor's suggestion to place this item on the next agenda for the Governance Committee. He requested for a brief response from the City Attorney or City Manager.

Mr. Christopher Brady, Assistant City Manager, stated the agreement was a non-annexation agreement, which doesn't kick in until 5 years. In the interim period, he stated the only requirement has been to provide reports. He acknowledged there was a final agreement in place. He indicated they had given the group everything they've asked for thus far.

Ms. Castelli indicated the attachments of the agreement had been provided. She alleged they failed to meet the 45-day limit on their authority.

Councilwoman Radle thanked all those who expressed concern on this issue. She stated the Aquifer was a tremendous concern for her, and commented that there were many in District 5 who signed the petition opposing the PGA, which she stated is a clear message to her that she needs to be concerned for any shortcomings that they may discover that could help them turn this around. She suggested they have a "B-session" regarding this issue to have both sides present their arguments.

Councilman Castro thanked all those who discussed this important issue. He cited a newspaper headline on the front page regarding a deadline given to the City of San Antonio by the PGA. He stated they had not been given a detailed report of why it has not been financed, and cited the 1st and 2nd PGA Village agreement. He asked the group to continue their advocacy to keep City Hall accountable.

Councilman Flores stated it was important to point out that this was a time in San Antonio where you have folks who are trying to advocate for and bring to light a philosophy that they want their government to see what this community will be like for children, and their children's children. He talked about the mandate this Council had in

their last election, and spoke to the need to understand things that have a dramatic impact on their lives today. He stated he just had a new baby boy, and he thought about what kind of community this will be for him when he is at the age where he will have to look after his family. He stated he had a lot of faith that this Council could look at issues intensely and long term.

Councilman Schubert commented there had never been a contract that the public has seen so many times such as the PGA document. He commented that there was obviously always going to be disagreement in the Council, but welcomed the opportunity to look at it again. He indicated he was not in agreement with having a B-session with a give and take, noting that if they do this, they would have to change the whole way the Council functions. He suggested they hear from staff first, and then make judgments along the way. He described this as a good agreement that would be good for San Antonio.

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HABIB ERKAN

Mr. Habib Erkan, Earl and Associates, noted that on March 8th, they received a letter from Timberwood Park. He indicated the initiative was not about seeking lower property taxes, but indicated they thoroughly researched and fully understand what is entailed to incorporating a small city.

In response to Councilwoman Radle, Mr. Andy Martin, City Attorney, cited the process of a new city, and suggested they discuss this issue in executive session.

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ED SCHULTZ

Mr. Ed Schultz, Solid Waste Collection Driver, alleged the City was forcing them to waive their civil rights. He further alleged that the City intimidated its employees.

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GUILLERMO VELASQUEZ

Mr. Guillermo Velasquez cited an excerpt of the Municipal Civil Service Rules of the City of San Antonio. He spoke to those employees on the "temporary status." He then spoke to the attendance policy, and spoke out against those employees being suspended for being absent one day. He spoke to issues in the past regarding administrative directives (A.D.'s), and urged Council to step up to the support them in fairness. He alleged there were twenty-two violations A.D.'s, and indicated they wanted to have a process passed that would work, and cited the "meet and confer" process. He urged

Council to look at the ordinance they were proposing, and spoke to the need for an ordinance as opposed to an A.D. He then expressed concern on the Municipal Civil Service Commission, and stated they needed to find a better way because the system was broken.

Ms. Terry Brechtel, City Manager, informed the Council that they were trying to set up a meeting.

In response to Councilman Castro, Ms. Brechtel stated they had a draft of an A.D. She further stated the issues brought forward are the things she wants to meet with the Union about, so that they could have an opportunity to address their concerns. She acknowledged that all department heads would be briefed on access to the workplace, and indicated they had to make sure they designated areas at service centers that were convenient and safe for employees to meet.

Councilman Castro stated he did not remember the Council determining whether they would go with an A.D. or an ordinance. He acknowledged that some preferred to do this by ordinance and others by A.D., but indicated it should come back to Council at some point so that they could make this decision.

Councilwoman Radle concurred with Councilman Castro, and commented that they were not where they want to be yet, but down the road, whether they pass an A.D. or ordinance, she suggested they be attentive and follow up to make sure these things are implemented.

Councilman Hall concurred that there were different options with pros and cons, and welcomed the opportunity for the Council to look at all of them. He concurred that staff did have a recommendation, and they may stick to it and push it, but noted it was important to look at the pros and cons to make an objective decision.

Councilman Barrera indicated the City Manager shared with them that they have been trying to meet, and noted that eventually, this should come to the Human Economic and Human Development Committee where they could make a recommendation and make a decision.

Councilman Williams spoke to the importance of coming to the dais in a fair and objective approach in terms of how they view data.

Mayor Garza spoke to the opportunity to review the benefits of an ordinance versus an A.D. He indicated he wasn't clear on the language regarding where representatives could convene to interact with City employees. He spoke to the need for dialogue on this, to know what the rules are.

Ms. Brechtel and Mr Velasquez both indicated they were ready to meet to discuss this issue.

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NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez spoke to the PGA village, noting he was against it. He then cited the importance of helping the disabled.

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FARIS HODGE JR.

Mr. Faris Hodge spoke to the gang unit, and cited various newspaper articles regarding issues related to the City.

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RUBEN ALTAMIRRAND

Mr. Ruben Altamirrand cited an incident that occurred in a VIA bus, and alleged the bus driver attacked him. He stated the only witness VIA had were its employees. He stated he re-injured his back, and noted they alleged he was drinking, but disputed this claim. In response to Mayor Garza, he acknowledged he did file a complaint.

Mayor Garza stated he hoped VIA was not kicking passengers out of busses, but indicated this was not their area. He informed him that he had the right to pursue this issue.

Councilman Segovia suggested he file charges with the District Attorney's office.

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2004-17 There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 6:43 P.M.

A P P R O V E D



EDWARD D. GARZA
MAYOR

Attest



YOLANDA L. LEDESMA
Acting City Clerk