

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MAY 20, 2004

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2004-20 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):

Budget Worksession City Council Goals and Objectives Worksession for FY 2005 Budget

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

The "B" Session adjourned at 11:55 A.M.

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2004-20 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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2004-20 Invocation by Pastor Robert Lopez, District 6, New Beginnings Baptist Church

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2004-20 Pledge of Allegiance to the flag of the United States.

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2004-20 **CEREMONIAL ITEMS**

2004-20 **PROCLAMATION: AFTER-SCHOOL ALL-STARS DAY**

Mayor Garza introduced Ms Jane Macon and other members of the Inner-City Games Foundation, who were present in the audience. Mayor Garza then read a proclamation for "After-School All-Stars Day" and presented it to the group.

Ms. Jane Macon thanked the Mayor and City Council for the presentation, spoke briefly to the event, and presented mementos to the Mayor and Council.

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2004-20 **PROCLAMATION: INTERNAL AUDIT AWARENESS MONTH**

Mayor Garza invited Ms. Katherine Lambraria, President-Elect, Internal Auditors Association, and Ms. Pat Major, the City Auditor, to accept a proclamation for “Internal Audit Awareness Month.”

Ms. Lambraria thanked the City Council for the recognition and spoke briefly about her association.

Ms. Major thanked the Council and introduced the staff of the City Auditor’s office.

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2004-20 **SPECIAL RECOGNITION: CITIZENS’ PUBLIC WORKS ACADEMY**

Mayor Garza recognized Mr. Thomas Wendorf, Director, Public Works Department, who spoke to the Citizens’ Public Works Academy, a six-week program designed to educate citizens on the various functions of the Public Works Department. He then introduced this year’s graduates to the City Council.

Several Council members thanked the graduates for their participation in the academy and commended them for their achievement.

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2004-20 **POINT OF PERSONAL PRIVILEGE: EAST CENTRAL HIGH SCHOOL TRACK TEAM**

Councilman Williams, on a point of personal privilege, introduced the East Central High School Track Team, who placed 1st in the State of Texas in the 4X400 meter relay at the University of Texas in Austin

The principal of East Central High School spoke to the students’ academic records and noted that they all excelled not only in athletics but academically as well. He also spoke

of an invitation the team had received to compete in the Greater Southwest National Meet in Albuquerque, N.M

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2004-20 POINT OF PERSONAL PRIVILEGE: EARL WARREN ACADEMIC DECATHOLON TEAM

Councilman Barrera, on a point of personal privilege, introduced members of the Earl Warren Academic Decathlon team and asked them to come forward to make a presentation.

Mr. Damon Cardenas, a student at Earl Warren, narrated a short video and spoke to Chief Justice Earl Warren's history. He stated that he had gotten the opportunity to wear the robe of the Chief Justice. He further stated that the Warren family had presented the robe to the school and it was being kept in a secure display case. He invited the City Council to visit the school to view the robe.

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2004-20 POINT OF PERSONAL PRIVILEGE – MR. GILBERT DENMAN, JR.

Councilman Flores spoke to the recent passing of Mr. Gilbert Denman, Jr. and noted that he had been a very active member of the community. He spoke to his generosity and stated that he would always be remembered.

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2004-20 The minutes of the City Council Meeting of March 11, 2004 were approved as presented

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2004-20 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 8 through 37, constituting the Consent Agenda, with items 8, 11, 12, 13, 15, 16, 17, 19, 22, 27, 28, 29, 31, 32 and 37. Councilman Hall seconded the motion.

Mr. Jack M. Finger, P. O. Box 12048, spoke to Agenda Item #17 and stated that no bidding had taken place on this item. He added that on this item and Item #25 Council members had received campaign contributions from individuals associated with the

winning bidders and asked that the City Council abstain from voting on these items to avoid the appearance of conflict of interest.

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 99196

AN ORDINANCE ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY ALLIED FIBERGLASS IND., INC. TO PROVIDE THE CITY OF SAN ANTONIO CONVENTION FACILITIES WITH TRASH RECEPTACLES FOR A TOTAL AMOUNT OF \$32,025.00.

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AN ORDINANCE 99197

AN ORDINANCE ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY DELTA AC AND RESTAURANT EQUIPMENT TO PROVIDE THE CITY OF SAN ANTONIO HEALTH DEPARTMENT WITH COMMERCIAL GRADE REFRIGERATOR FREEZER UNITS IN WHICH TO STORE VACCINES AT TWELVE HEALTH CLINICS THROUGHOUT THE CITY FOR A TOTAL AMOUNT OF \$40,066.50.

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AN ORDINANCE 99198

AN ORDINANCE AUTHORIZING THE ASSIGNMENT OF A PROFESSIONAL SERVICES AGREEMENT FROM KEI CONSULTANTS, LTD., TO HARTNETT ENGINEERED SOLUTIONS, INC., FOR THE DURATION OF THE CONTRACT PERIOD IN ACCORDANCE WITH SECTION XI, ASSIGNMENT OR TRANSFER OF INTEREST AND PERFORMANCE OBLIGATIONS UNDER THE "STAND-BY PROFESSIONAL SERVICES AGREEMENT FOR NON-ASBESTOS ENVIRONMENTAL SERVICES", WHICH WAS AUTHORIZED UNDER ORDINANCE NO. 95384 PASSED ON FEBRUARY 28, 2002.

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AN ORDINANCE 99199

AN ORDINANCE ACCEPTING THE LOW, RESPONSIVE BID IN THE AMOUNT OF \$715,923.15 FROM R.L. JONES, L.P., FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE BRANIFF – TURBO TO U.S. 281 PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$71,592.32 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$1,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$788,515.47 FROM CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 99200

AN ORDINANCE ACCEPTING THE LOW, RESPONSIVE BID IN THE AMOUNT OF \$2,934,279.67 FROM KGME, INC. (MBE) FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE LANARK DRAINAGE PROJECT #92A, PHASE I, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$246,229.93 FOR CONTINGENCY EXPENSES; AUTHORIZING \$1,000.00 FOR ADVERTISING EXPENSES; AMENDING THE PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$31,948.33 PAYABLE TO FERNANDEZ, FRAZER, WHITE AND ASSOCIATES, INC., (MBE) FOR PROFESSIONAL SERVICES; AUTHORIZING \$3,194.83 FOR CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$3,216,652.76, OF WHICH \$2,462,299.36 WILL BE FUNDED BY GENERAL OBLIGATIONS OF THE CITY; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM IN THE AMOUNT OF \$423,118.90 FOR SEWER AND WATER EXPENSES; AUTHORIZING THE REIMBURSEMENT FROM CITY PUBLIC SERVICE IN THE AMOUNT OF \$48,861.41; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 99201

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTRAJURISDICTIONAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE CITY PUBLIC SERVICE BOARD (CPS) FOR THE TRANSFER AND ASSIGNMENT OF RIGHTS OF A 0.0220 ACRE TRACT OF LAND FROM CPS TO

THE CITY OF SAN ANTONIO IN CONNECTION WITH THE MCCULLOUGH –
UPRR TO BASSE MPO PROJECT, LOCATED IN COUNCIL DISTRICT 9.

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AN ORDINANCE 99202

AN ORDINANCE AUTHORIZING FUNDS IN THE AMOUNT OF \$12,250.00
PAYABLE TO DUGGER, CANADAY, GRAFE, INC. FOR APPRAISAL SERVICES
IN CONNECTION WITH THE HILDEBRAND – I.H. 10 TO BREEDEN MPO
PROJECT, LOCATED IN COUNCIL DISTRICT 1, AND THE STAHL AT
O’CONNOR AND JUDSON RECONSTRUCTION MPO PROJECT, LOCATED IN
COUNCIL DISTRICT 10; APPROPRIATING FUNDS; AND PROVIDING FOR
PAYMENT

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AN ORDINANCE 99203

AN ORDINANCE AUTHORIZING FUNDS IN THE AMOUNT OF \$2,698.78 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 99204

AN ORDINANCE ACCEPTING A PERMANENT DRAINAGE EASEMENT
DEDICATION FROM HAVERTY FURNITURE COMPANIES, INC. IN
CONNECTION WITH AN EXISTING DRAINAGE RIGHT OF WAY WITHIN NEW
CITY BLOCK 15825, LOCATED IN COUNCIL DISTRICT 8.

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AN ORDINANCE 99205

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO
EXECUTE A FIVE (5) MONTH EXTENSION OF CONTRACT WITH EMPLOYEE

ASSISTANCE PROGRAMS INTERNATIONAL (A WHOLLY OWNED SUBSIDIARY OF HORIZON BEHAVIORAL SERVICES) TO PROVIDE AN EMPLOYEE ASSISTANCE PROGRAM FOR ALL NON-UNIFORMED EMPLOYEES AND THEIR ELIGIBLE HOUSEHOLD MEMBERS FOR EVALUATION, ASSESSMENT AND SHORT-TERM COUNSELING, FOR A TERM BEGINNING AUGUST 1, 2004 AND ENDING DECEMBER 31, 2004 FOR AN ESTIMATED AMOUNT OF \$58,460.00.

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AN ORDINANCE 99206

AN ORDINANCE RATIFYING THE EXECUTION OF A THREE YEAR MEMORANDUM OF UNDERSTANDING WITH THE SAN ANTONIO WATER SYSTEM FOR THE SAN ANTONIO WATER SYSTEM DEMONSTRATION GARDEN PROJECT AT THE SAN ANTONIO BOTANICAL GARDEN FOR THE ANNUAL AMOUNT OF \$73,000.00; ESTABLISHING A BUDGET; AND AUTHORIZING A PART-TIME GRANT FUNDED POSITION TO MAINTAIN THE GARDEN.

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AN ORDINANCE 99207

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$74,639.00 IN CARRY OVER FUNDING FROM THE HEALTH RESOURCES AND SERVICE ADMINISTRATION TO AUGMENT THE HEALTHY START INITIATIVE OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD ENDING MAY 31, 2004; AMENDING THE PROJECT BUDGET; AND REVISING THE PERSONNEL COMPLEMENT.

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AN ORDINANCE 99208

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS IN CONNECTION WITH THE FLAG DAY PARADE SPONSORED BY THE PALM HEIGHTS NEIGHBORHOOD ASSOCIATION TO BE HELD FROM 10:00 A.M. TO 12:00 P.M. ON SATURDAY, JUNE 12, 2004.

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AN ORDINANCE 99209

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR ST. MARY'S CATHOLIC CHURCH (202 N. ST. MARY'S) IN CONNECTION WITH THE EUCHARISTIC PROCESSION SPONSORED BY THE EUCHARISTIC ADORATION OF SAN ANTONIO TO BE HELD FROM 4:15 P.M. TO 5:00 P.M. ON SUNDAY, JUNE 13, 2004.

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2004-20 ITEMS FOR INDIVIDUAL CONSIDERATION

2004-20 The Clerk read the following Ordinance.

AN ORDINANCE 99210

AN ORDINANCE ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY SCAN TECHNOLOGY, INC. TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH MAGNETIC STRIPE READERS FOR A TOTAL AMOUNT OF \$30,192.00.

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

In response to a question by Councilman Perez, Deputy Chief Tyrone Powers stated that the magnetic stripe readers would improve accuracy.

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99211

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT CASH DONATIONS IN THE AMOUNT OF \$8,100.70 FROM THE SOUTH

TEXAS MERCHANTS ASSOCIATION (\$5,000.00) AND THE SAN ANTONIO CITIZEN POLICE ACADEMY ALUMNI ASSOCIATION (\$3,100.70) TO THE SAN ANTONIO POLICE DEPARTMENT K-9 UNIT, WHICH WILL BE USED TO DEFRAY PART OF THE COSTS REQUIRED FOR THE REPLACEMENT OF TWO (2) POLICE DOGS.

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

Councilman Schubert spoke to the great work that the San Antonio Citizen Police Academy Alumni Association had done in raising money to purchase police canine dogs.

Mr. Ed Burn, an alumnus of the Academy, thanked the City Council for this opportunity to address the Council and briefly spoke to the work of the alumni association. He stated that the association's objective was to have a fund set aside to provide dogs for the police department. He spoke to upcoming fundraisers.

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99212

AN ORDINANCE ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY TRUE FLAVORS CULINARY PLANNERS (MBE) COMPANY, TO PROVIDE THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH THE SUMMER FOOD SERVICE PROGRAM FOR A TOTAL AMOUNT OF \$642,985.20.

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

In response to a question by Councilman Perez on whether the children participating in the Parks and Recreation summer program could receive a fruit instead of a cookie, Mr. Mike Gonzaba, Parks & Recreation Department, stated that he would talk to the vendor about providing fruit instead of a cookie.

In response to a question by Councilwoman Radle, Mr. Gonzaba spoke to the actual lunch rate of \$2.18 and the reimbursement rate of \$2.41. He explained that the full amount was collected and that the difference between the two amounts was used to pay for the Department's labor cost.

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99213

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 FY2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$1,071,672.00 TO INCLUDE CONTRACTS FOR INFLUENZA VACCINE, LIBRARY INTERNET TUTORING SERVICES, LAERDAL DEFIBRILLATOR ACCESSORIES, WORK UNIFORM RENTAL AND LAUNDRY SERVICE, ALUMINUM SIGN BLANKS, ENTERPRISE PRINTING SYSTEM, PRINTING SERVICES, EXPANSION JOINT MATERIAL USED IN CONCRETE WORK, AND LIQUID ROAD AND BASE STABILIZER.

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

In response to a question by Councilman Perez regarding the library internet tutoring, Mr. George Aubrey, Acting Director, Library Department, stated that the vendor had a mechanism in place to measure the effectiveness of the tutors.

Councilman Perez stated that he would like to see a mechanism developed to gauge the effectiveness of the program and wanted to ensure that it was having a positive effect on the children. He asked that the library administration keep him informed of the process.

Ms. Janie Cantu, Director, Purchasing & General Services, responding to a question by Councilman Perez, identified the departments that were using the work uniform rental and laundry services.

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99214

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS IN THE AMOUNT OF \$254,950.00 FROM 2002 CERTIFICATES OF OBLIGATION INTO A CITY FORCE ACCOUNT AND AUTHORIZING PUBLIC WORKS DEPARTMENT TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE RECONSTRUCTION OF THE SAN ANTONIO POLICE DEPARTMENT TRAINING ACADEMY DRIVING TRACK, LOCATED AT 12200 S.E. LOOP 410 IN COUNCIL DISTRICT 3; AND APPROPRIATING FUNDS.

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

In response to a question by Councilman Segovia, Mr. Thomas G. Wendorf, Director, Public Works Department, spoke to the track's uses and stated that the police training track had deteriorated and needed repair.

Deputy Chief Tyrone Powers further spoke to the condition of the track and noted that the cars were losing traction on some of the curves and several cars had slid off the track.

Mr. Wendorf added that the work would be completed in the month of July.

In response to questions by Councilman Perez, City Manager Terry Brechtel spoke to Certificates of Obligation. She spoke to the typical use of the Certificates, the City's attempt to manage the number of dollars programmed into the debt management plan each year and the paying of the certificates out of the debt service side of the property tax revenue.

Ms. Brechtel continued adding that, in last year's capital budget, projects that had shortfalls from the 1994 GO program were outlined and Certificates were used to close the gaps on some of those projects. She further added that Certificates were rated similar to GO bonds because they were supported by property tax revenue.

Mayor Garza asked Mr. Wendorf to communicate with his office and Councilman Perez's office before the project was started.

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99215

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS IN THE AMOUNT OF \$39,172.36 FROM 1994-1999 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS TO A CITY FORCE ACCOUNT FOR DEMOLITION, ASBESTOS ABATEMENT, AND CLEAN-UP SERVICES NECESSARY TO THE JAMES PARK DEVELOPMENT AND HOLBROOK ROAD IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 2; COVERING CITY FORCE SERVICES VALUED AT \$18,992.51, STAND-BY ENVIRONMENTAL PROFESSIONAL CONSTRUCTION CONTRACTOR SERVICES FROM BEXAR ENVIRONMENTAL, INC., IN THE AMOUNT OF \$18,754.85, AND \$1,425.00 IN REGULATORY FEES; RATIFYING PREVIOUS ACTIONS AND PROVIDING FOR PAYMENT AS NECESSARY.

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

In response to a question by Councilman Perez, Mr. Doug Yerkes, Public Works, spoke about the buildings being demolished and to solving some of the drainage issues. He further spoke to homes that had flooded in the past and whose owners had reached an agreement with the City on their sale instead of having to go through the condemnation 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.

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99216

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS IN THE AMOUNT OF \$45,888.17 FROM CERTIFICATES OF OBLIGATION TO A CITY FORCE ACCOUNT FOR DEMOLITION AND CLEAN-UP SERVICES IN CONNECTION WITH THE MISSION TRAILS, PACKAGE 4 PROJECT, LOCATED IN COUNCIL DISTRICTS 1, 3 AND 5; AND APPROPRIATING FUNDS.

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

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99217

AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES AGREEMENT TO PROVIDE FOR CONSTRUCTION ADMINISTRATION SERVICES IN CONNECTION WITH THE MISSION TRAILS PROJECT, PACKAGES 1, 2, 3 AND 4, LOCATED IN COUNCIL DISTRICTS 1, 3 AND 5; RATIFYING SERVICES AND REALLOCATING FUNDS IN THE AMOUNT OF \$134,416.07 AND RATIFYING SERVICES AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$12,291.50 TO DON DURDEN, INC., D/B/A CIVIL ENGINEERING CONSULTANTS; AUTHORIZING \$32,000.00 FOR CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$178,707.57 FROM 2002 CERTIFICATES OF OBLIGATION; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to a question by Councilman Segovia, Mr. Doug Yerkes, Public Works, explained the purpose of this ordinance as granting the authority to perform construction phase services.

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99218

AN ORDINANCE ACCEPTING THE LOW, RESPONSIVE BID IN THE AMOUNT OF \$1,194,556.89 FROM KGME, INC. (MBE) FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE GOLIAD ROAD OUTFALL, PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$119,455.69 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$1,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$1,315,012.58 FROM 2003 STORM WATER REVENUE BOND FUNDS; 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 a question by Councilman Segovia, Mr. Doug Yerkes, Public Works Department, stated that this project should get started in four weeks and the construction phase should take from six to seven months. He added that this project should be completed in early December, 2004. He spoke further to Phase I and Phase II of the multi-phased project.

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99219

AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$9,096.00 PAYABLE TO GREG GOMEZ, INC. D/B/A G.G.I FOR ADDITIONAL DESIGN SERVICES IN CONNECTION WITH THE POTOMAC – MITTMAN TO WALTERS COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING \$909.60 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$10,002.00; 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 a question by Councilman Perez, Mr. Doug Yerkes, Public Works Department, explained that in 1966 the project had been programmed for design only and had not been funded for construction until 2002.

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99220

AN ORDINANCE ACCEPTING LOW, RESPONSIVE BID IN THE AMOUNT OF \$1,133,100.00 FROM BARON LONG CONSTRUCTION CO., LTD., FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE DOWNTOWN PARKING GARAGES ELEVATOR REHABILITATION PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$113,310.00 FOR CONTINGENCY EXPENSES; AMENDING THE PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING ADDITIONAL FUNDING IN THE AMOUNT OF \$10,850.00 PAYABLE TO BEATY AND PARTNERS ARCHITECTS FOR ADDITIONAL SERVICES; AUTHORIZING \$4,150.00 FOR ADDITIONAL CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$1,261,410.00 FROM PARKING

REVENUE 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 Hall seconded the motion.

Mr. Thomas Wendorf, Director, Public Works Department, responding to Councilman Perez, spoke to the modifications and renovations of the building and to the contractor's work history.

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

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2004-20 The Clerk read a proposed ordinance authorizing the execution of a lease amendment for lease no. 200616 with Check-Six Aviation, Inc., at Stinson Municipal Airport to delete a total of 173,115 square feet of associated ground space and building 660a from the leased premises; authorizing rental credits in an amount not to exceed \$117,625.00; and providing for extensions of not more than five (5) years each for both the lease term and reversion of T-hangar ownership.

In response to questions by Councilman Segovia, Mr. Kevin Dolliole, Director, Aviation Department, spoke to the two tenants involved in Agenda Items 27, 28 and 29. He also stated that in Item 29, the City was going to enter into a 20-year lease agreement with Check-Six Aviation.

Responding to Councilman Segovia, Mr. Dolliole spoke to the length of the leases and the sever ability clause, stating that the City had standard default clauses in the three leases and had the ability to take action on the tenants.

Councilman Segovia expressed his concern with 20-year leases and stated that five or tens years would be more palatable.

In response to a question by Councilman Williams, Mr. Dolliole spoke to the types of businesses that would use these facilities, adding that they would be similar in nature and, therefore, lease rates would remain the same.

Councilman Perez made a motion to pull Agenda Item 29. Councilman Radle seconded the motion.

After consideration, the motion to pull Agenda Item 29 prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores.

A brief discussion followed on whether to pull just Item 29 or pull all three (Agenda Items 27, 28, and 29) items.

Mr. Dolliole suggested that all three items be pulled for later consideration.

Councilman Perez made a motion to reconsider pulling Item 29. Councilman Williams seconded the motion.

The motion to reconsider pulling Item 29 prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Hall, Haass, Garza. **NAYS:** None **ABSENT:** Flores, Castro, Schubert.

Councilman Perez then made a motion to pull Agenda Items 27, 28, and 29. Councilwoman Radle seconded the motion.

After consideration, the motion to pull Items 27, 28, and 29 prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Castro, Schubert.

Agenda Items 27, 28, and 29 were pulled from consideration.

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99221

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT CASH DONATIONS IN THE AMOUNT OF \$9,500.00 FROM WAL-MART (\$500.00), SECURITY SERVICE FEDERAL CREDIT UNION (\$4,000.00) AND THE SOUTH TEXAS MERCHANTS ASSOCIATION (\$5,000.00), WHICH WILL BE USED TO SUPPORT FIRE DEPARTMENT PUBLIC EDUCATION PROGRAMS.

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

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99222

AN ORDINANCE APPOINTING RALPH DELEON (DISTRICT 3) DIRECTOR AND TRUSTEE TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY D/B/A SOUTH TEXAS BUSINESS FUND FOR A TERM OF OFFICE TO EXPIRE ON MAY 5, 2007.

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

Councilman Segovia then made a motion to amend the proposed Ordinance to include appointing Mr. Ralph Deleon as a Director and Trustee of the San Antonio Local Development Company. Councilman Radle seconded the motion.

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

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

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2004-20 The Clerk read the following Ordinance.

ORDINANCE 99223

AN ORDINANCE CONFIRMING THE APPOINTMENT OF THE CITY CLERK OF SAN ANTONIO, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF SAN ANTONIO; AS REQUESTED BY MAYOR EDWARD D. GARZA, CHAIRMAN OF THE COUNCIL GOVERNANCE COMMITTEE.

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

Mayor Garza stated that the Council Governance Committee had conducted two rounds of interviews and made a recommendation to appoint Ms. Leticia Vacek the new City Clerk. He added that Ms. Vacek had been City Clerk for the City of McAllen and spoke to her qualifications and vision for the City Clerk's Office.

Ms. Vacek thanked the City Council for having the confidence in her to do the job of City Clerk.

Mayor Garza congratulated Ms. Vacek and thanked the employees of the City Clerk's office for all the work they had been doing since Ms. Norma Rodriguez, the former City Clerk, retired. He stated that he especially wanted to recognize Ms. Yolanda Ledesma who had been Acting City Clerk for several months adding that Ms. Ledesma and her entire staff had been doing an excellent job providing the Council and the public the support they needed.

Council members Hall, Schubert, Castro, Perez, Radle, Flores, and Barrera welcomed Ms. Vacek to the City and thanked Ms. Ledesma for all her work and dedication.

Jack Finger, P. O. Box 12048, welcomed Ms. Vacek to San Antonio. He added that her predecessor Ms. Rodriguez was one of the few people in City government that he had admired.

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

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2004-20 **CITY MANAGER'S REPORT**

Christopher Brady, Assistant City Manager, gave a slide presentation on the PGA (a copy of which was filed with the papers of this meeting) He stated that Mr. Wayne Choate and Scott Halty, San Antonio Water System, were present and would assist with the presentation. Mr. Brady in his slide presentation spoke to the City Council PGA briefings and reports, the summary of legal analysis, of authorization for Lumbermen's PGA Village Development Agreement, response, the October 24th wage standard, fire protection services, declaration of restrictive covenants protection, and the summaries of legal analysis and responses.

Mayor Garza stated that the Quality of Life Committee had an opportunity to view what would be presented and that there were a lot of moving parts to the process that brought the Council to where it was to date. He spoke to the annexation agreement and the attention that the wage issues, environmental aspects and water provisions had garnered. He further spoke to the policy objectives and goals that were identified and asked that the Council members put the background in prospective.

Councilman Hall stated that this was a very public, very controversial issue and stated that a question existed on whether there was an agreement.

City Attorney Andrew Martin, responding to Councilman Hall, stated that the City did have an agreement that was binding and enforceable by both parties and that was not debatable.

Ms. Amy Casterly, local attorney, gave a presentation on her interpretation of the PGA Agreement.

In response to a question by Councilman Hall, Ms. Casterly spoke to the time line.

In response to a question by Councilwoman Radle, Ms. Casterly stated that the documents that Mr. Brady had indicated were part of the report were not presented to her until last week. She added that she was not aware of the November 15th memo he had referred to as this document had not been provided. She further added that she had not received Exhibit B until March after having requested it in late November or early December.

Responding to questions by Councilwoman Radle, Mr. Brady reviewed slides 16 and 29 and spoke to tax abatements, the dates of approval of the agreements, and the wage statement. Mr. Wayne Choate spoke to the terms on the documents and noted that none of the documents contained blanks. He added that all the agreements were part of the attachments on December 9th.

Ms. Casterly disputed Mr. Choate's interpretation.

Councilwoman Radle expressed concern with the possibility of loopholes and stated that she did not feel this issue was resolved.

Councilman Castro spoke to the history of the PGA agreement and to his prospective. He added that it was a severely flawed process and the Council had not received the final agreement until 48 hours before the Council was supposed to vote on it. He played a tape with comments that former Councilwoman Conner and Mr. Brady had made

In response to questions by Councilman Castro, Mr. Brady stated that the San Antonio Water System had indicated that the documents were completed and he had deferred to SAWS. He added that the City Council had agreed that the changes made were not significant.

City Attorney Andrew Martin, responding to Councilman Castro, explained the circumstances of the executive session and of pending litigation. He added that it was not a violation of the law for a council member to express how he would vote if he were allowed to vote.

In response to further questions, Mr. Brady stated he did not recall whether Ms. Conner's request for an auditor to make a thorough review of the wage agreement has been made in the form of a motion. He noted that often times when in the midst of a debate a City Council member will make a suggestion but not make it in the form of a motion.

City Attorney Martin explained that two particular documents (the wage and standards agreement and the landowners consent to annexation) were the two documents that had been misplaced in his office. He added that they were supplements to and incorporated into the agreement.

Councilman Castro thanked the City staff and Ms. Casterly for their research and stated that the City of San Antonio needed to change the contract approval process that included the Council from the very beginning, the practice of not handing out paper in the Executive Session, and devise a better system for the City Clerk to specify in her notes underneath the tally of the votes exactly what an amendment or a motion entails.

Castro made a motion to have the auditor make an independent analysis of the changes that were made in all of the agreements. Motion died for lack of a second.

Mayor Garza suggested that a Council consideration memo be prepared for the auditor request since this was the manager's report and the directive could be taken to the Manager through a Council consideration form.

Councilman Flores spoke to the care that was needed for how the Council handled specific issues and that the Council needed to be more transparent. He added that as the Council moved forward there was a need that it be done so in a timely manner.

Councilwoman Radle agreed with Councilman Castro's ideas and spoke to her concern that the Council needed to make sure of what was legally before them and consider what had been presented.

In response to a question by Councilman Schubert, Mr. Martin reiterated that this was a legal and binding agreement.

Councilman Schubert then shared his recollections of the events that had transpired during the PGA Village contract consideration. He added that he believed that Council had been actively involved and it was not the staff that made the decisions. He further added his belief that it was a good and valid contract.

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2004-20 **EXECUTIVE SESSION**

The City Council recessed its regular session at 5:00 P.M. in order to convene in Executive Session to discuss the following:

The Convention Center Headquarters Hotel pursuant to Section 551.072 (deliberation about real property), Section 551.087 (deliberation regarding economic development negotiations), and Section 551.071 (consultation with attorney).

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

The City Council adjourned the Executive Session at 6:55 P.M. and reconvened in regular session at which time Mayor Pro Tem Segovia stated that the City Council had been briefed on the above styled matters and had given staff direction but had taken no official action.

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2004-20 **INDIVIDUAL ITEMS – CITIZEN COMMENTS**

Mr. Charles English, Jefferson Heights Neighborhood Association and SMART Growth, spoke to the government's credibility issues, complaints and concerns. He spoke to the manager making policy and the staff interpreting policy.

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2004-20 **CITIZENS TO BE HEARD**

JOEL KARIN

Mr. Joel Karin, 1538 W. Lullwood, spoke to the lack of confidence in the City Council by the City's citizens. He further spoke to more than 107,000 eligible voters signing a petition and the former Council denying the citizens a right to vote. He added that the new City Council had an opportunity to bring back confidence in City government.

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BRIAN WICKS

Mr. Brian Wicks, Resurrection Ministries, a street outreach ministry, spoke to the need for continued funding for programs that assisted the homeless. He stated that the solution to homeless in the downtown area was to help them not be homeless. He recommended that the City support faith-based operations and that it set up a detox center with faith-based counselors. He further recommended that the City assist the homeless in getting their identification information as many of them have lost it during their life on the streets.

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JIM KOCH

Mr. Jim Koch, 8214 Evers, stated that over two years ago he had urged the Mayor and City Council to vote against the PGA land deal. He commended those who did vote against it. He added that it was time to put an end to this controversy and vote to repeal the PGA agreement.

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CHARLES ENGLISH

Mr. Charles English, President, Jefferson Heights Association, thanked everyone associated with the City who had attended a recent Association meeting and spoke to recent events that had occurred in the neighborhood as it tried to bring area businesses and the community together to resolve some of the problems associated with crime. He pointed out which departments had not shown up for the meeting and spoke to the need for more police officers to help facilitate a remedy to crimes in his community.

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RICHARD ALLES

Mr. Richard Alles, Clean Water, Clean Democracy, spoke to the PGA agreement and explained his reasons for believing the City did not have a valid agreement. He further spoke to the three different interpretations on signature dates and stated his opinion that this was an unauthorized contract

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FANNY MAYAHUEL-THOMAS

Mrs. Fanny Mayahuel-Thomas, Children & Family Commission, spoke to her recent requests from the City Council to attend one of their board meetings and for the vacancies on the board to be filled. She added that Councilmen Schubert and Hall had attended a meeting and Councilman Williams had sent a representative. She further added that the District 5 vacancy had been filled and only the District 4 lacked an appointee. She asked the Council to consider having one of its members become a part of the board.

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LARRY BALSER

Mr. Larry Balsler, 1025 Sumner, spoke to City Public Service and the current budget. He questioned how many major cities used city-owned utility agencies as their main source of revenue and whether the senior citizen eligible for property-tax exemption really got one. He stated that a CPS representative had advised him that there may be competition coming to San Antonio and he suggested that lowering the rates might discourage the competition. He spoke to the \$12 million in the budget for economic development and stated that the money should be spent on the people of San Antonio or returned to the citizens.

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MARIANNE KESTENBAUM

Ms. Marianne Kestenbaum, Smart Growth San Antonio, spoke to the Lumberman's Agreement, to the need for more scrutiny of the agreement, to some of the changes that were made and to the underlying problems that allowed the agreement to happen. She added that she wanted the City's ordinances, which affected the quality and quantity of water, to be implemented in a public process

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FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke to varied issues including monies given by Councilman Schubert to Alamo Heights High School, the PGA, the homeless, and the City attorney that got fired last week. He also spoke to the Police Department radios, upgrading of the railroad tracks in San Antonio, and the need for the bike and foot patrol to be out of the downtown area because they were not doing an adequate job

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JOE SHOKRIAN FOX

Mr. Joe Shokrian Fox, 17635 Henderson Pass, Apt. 717, questioned why the Citizens To Be Heard portion of the City Council meeting was not televised and why some of the Council was not present to hear this portion of the meeting.

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NAZIRITE RUBEN FLORES PEREZ

Mr. Nazirite Ruben Flores Perez, 627 Hearne, stated that with regard to why the Citizens To Be Heard portion of the City Council meeting was not televised, that it was the City and not the cable company who was keeping this portion of the meeting off the air. He then spoke to the recent AFSCME union meeting and presented information on the AD 4.35 and 4.45. He added that there should be a six-month trial once the Administrative Directives were modified to determine their effectiveness.

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ELGINIO RODRIGUEZ

Mr. Elginio Rodriguez, 450 N. San Gabriel, spoke to the Lumberman's Agreement and the location of the PGA development. He further spoke to the petition that was signed, to the PGA being a development magnet and to the need to be diligent and cautious when considering the agreement.

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PHILLIP SCHULMAN

Mr. Phillip Schulman, 1446 W. Woodlawn Avenue, spoke to the Lumberman's Agreement and to decisions being made all over the world by world leaders that affected peoples' lives. He stated his opinion that the agreement had not been timely signed and that changes had been made. He further spoke to the Open Meeting's Act and how the Council had not actually voted during the Executive Session when it was discussed. He asked the Council to look at the broader issues regarding the PGA with respect to whose interests were being served and emphasized the need to protect the water.

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IESHA HAYWOOD

Ms. Iesha Haywood, Texas Criminal Justice Coalition, spoke to racial profiling and to a presentation scheduled during the City Manager's Report regarding the San Antonio Police Department and the department's racial profiling data collection. She added that in February, 2004, the Campaign to End Racial Profiling released a report on traffic stops and searches in which it was found that a majority of law enforcement agencies were employing race-based policy practices when engaging traffic stops. She further added that her organization had launched a state-wide campaign in which they traveled the state listening to citizens' tell their stories and educating them on their rights when it came to racial profiling in Texas. She stated that during these discussions, it had been determined that racial-profiling existed but people were being misrepresented with regard to their race. She asked that the City Council work on this issue.

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ANNA CORREA

Ms. Anna Correa, League of United Latin American Citizens, stated that the information the City Council received from the San Antonio Police Department was false and urged the City Council to take recommendations to correct this problem. She asked that the Council not allow themselves to be put in a situation because of inaccurate information.

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EVA OWENS

Ms. Eva Owens, Executive Director, Texas Criminal Justice Reform Coalition, stated that she was representing the Coalition as well as the American Civil Liberties Union of Texas and spoke to statistics on racial profiling. She stated that City Council had not addressed the issues and, since they oversaw the Police Department, they needed to take action to correct the problem. She added that her organization had provided the Council with proactive measures that could be taken to restore integrity to the Police Department. She further added that she thought the police chief would report that department personnel would undergo more training. She stated that the investigation that had been presented on television had indicated clear data tampering and it was incumbent on the City Council to look closely at the issue. She asked that the Council ban consent searches since officers should not search a car unless they had probable cause

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JULIE OLDHAM

Ms. Julie Oldham spoke to various issues, including her non-endorsement of Ms. Nora Herrera when she was appointed to the position of City Council member to vote for the PGA, to the City Auditor, to her attendance at an Elder Abuse Clinic, the police not having the right to take the microphone away from a citizen, and to the O'Malley's not doing what they were supposed to do when they owned Yanaguana Cruises.

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2004-20 SECOND PUBLIC HEARING REGARDING THE PROPOSED EXPANSION OF THE SOUTHSIDE INITIATIVE THROUGH LIMITED PURPOSE ANNEXATION

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr. 140 Dora, spoke to various issues, including annexation and the geographic location of the City, the expense of any future expansion, the need for 500 police officers, the use of 500 off-duty sheriff deputies to patrol the downtown area, the need for more libraries and the library system.

Mr. Emil Moncivais, Director, Planning Department, explained that this public hearing was being held to give citizens the opportunity to express their opinions and provide input on this limited purpose annexation. He then gave a slide presentation (a copy of which was filed with the papers of this meeting) in which he presented information on the proposed expansion of Southside Initiative through limited purpose annexation. He reported on the proposed expansion areas, types of uses in the area, state statutes, elections (limited purpose annexation area residents cannot vote in a bond election or be a candidate or elected to a municipal office), limited purpose requirements, publications, sites where plan could be viewed, regulations proposed to be extended, limited purpose statutes requirements, and the proposed action.

Citizens Comments (Continued):

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, stated that he agreed with some of what was being proposed on the annexation but expressed concern that the City Council might have made promises that could not be fulfilled.

Mr. Ernest Chacon, 2600 W. Jett Road, expressed his concern with the annexation and then yielded his time to Mr. Phil Ross.

Mr. Jack M. Finger, P. O. Box 12048, expressed his concern with the City Council continuing to annex land to expand the annexation and to south side residents not being allowed to vote in bond elections. He added that these citizens would not be taxed but would be regulated. He questioned how the City planned to pay for the costs associated with annexation, i.e., fire stations, police stations, etc.

Mr. Raymond Zavala, 812 S. Richter, spoke to the grave injustice the City Council had done to Yolanda Ledesma, Acting City Clerk, by appointing an individual from McAllen as the new City Clerk instead of promoting Ms. Ledesma. He also stated that he did not believe the annexation was going to work and stated that he did not want the City of San Antonio to overextend itself.

Mr. Phil Ross, Citizens Against Force Annexation, spoke to the City's lack of intent to follow through with a full annexation in three years. He further stated that the area being annexed did not have a substantial property tax base and spoke to some issues and questions he had with any agreements that might have been made with Toyota regarding the property around the new plant.

Mr. Sam Draver, representative of Peters-Hubbard Interest and some area land owners spoke in favor of annexation provided that it would lead to full annexation in three years. He added that his clients' opposed the City's proposed zoning and he then proposed three solutions: (1) that the City of San Antonio and Toyota purchase land necessary for the 3-mile industrial zone at fair market value; (2) that the City of San Antonio and Toyota pay a per acre compensation fee to the landowners for the City's utilization of zoning regulations; or (3) that the City allow the citizens to formulate the zoning regulations based upon their own plans.

Mr. Joe Shakrian Fox, Free Individual Righteous America, stated that annexation would help with the growth of San Antonio as the City would get more tax dollars for better schools and health issues. He also stated that the City must consider that the area was 67% agricultural and that it provided food for area residents. He asked that the City Council not force farmers to give up their land.

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2004-20 SECOND BUDGET OPEN HOUSE

Mr. Peter Zanoni, Acting Director, Management and Budget, offered a slide presentation (a copy of which was filed with the papers of this meeting) in which he spoke to the theme, "Achieving Our Mission: Where We Are Now," the citizen input to be used in the City Council goal setting process for the FY 2005 Annual City Budget, the overall

goal which is to increase citizen involvement and awareness of the City budget, the overview, and the presentation format.

The following citizen(s) appeared to speak on behalf of their individual programs and requested favorable consideration during the budget process:

Ms. Nancy A. Reed, Communities in Schools;
Ms. Gloria Vasquez and Ms. Barbara Clack, YMCA of Greater San Antonio;
Mr. Bert Pfister, Respite Care of San Antonio;
Ms Mollie Cullinane, City Year San Antonio;
Mr. Bruce Thompson, Baptist Child & Family Services;
Ms. Pamela Neumann and Ms. Yvonne Serhonas, City Year San Antonio;
Ms. Laura Rubalcava, Mr. Adam Arevalos, Ms. Sulema Mendoza, Youth Opportunity Program;
Ms. Andrea Montgomery and Mr. Art Serna, Youth Leadership Academy;
Mr. Cam Messina, Mr. Richard Alvarado, Mr. Ralph Bender and Mr. John Velasquez, Voices for Children;
Ms. Mary Cantu, Project Learn to Read;
Mr. Gabriel Velasquez, Making Connection San Antonio;
Ms. Carolyn Heath and Elsie McCormick, Antioch Community Transformation Network;
Ms. Kathy Fletcher, Any Baby Can/Christus Santa Rosa Children's Hospital;
Mr. Eric S. Cooper, San Antonio Food Bank;
Ms. Enriqueta Perez and Mr. Jesus Garcia, Teen Court;
Mr. Tom Harrell, Seton Home, and
Mr. Donald Dudley, University of Texas Health Science Center.

The following citizen(s) appeared to speak to express their particular concerns.

Mr. Charles English, Jefferson Heights Association, spoke on behalf of needed repairs to Lincoln Park and Dalson Park and to more funds for Ella Austin, Boys & Girls Clubs, the homeless, and San Antonio Food bank.

Mr. Faris Hodge, Jr., 140 Dora, spoke on behalf of St. John Baptist Church and requested that Councilman Flores provide monies for additional computers. He also spoke on various other issues, including the police and fire radio system, library fees, more restrooms in the downtown area, more scholarship programs and washing the downtown sidewalks and streets.

Mr. Bob Martin, Homeowner-Taxpayer Association, questioned why the City Council had not implemented the results of Proposition 13 or campaign finance reform. He spoke to the need for the City Council to make serious attempts to cut wasteful and duplicate programs. He also spoke to a meeting the Mayor had attended concerning a future sales tax hike.

Mr. Elginio Rodriguez spoke to the needs this city had particularly with relation to streets and sidewalks. He further spoke to such issues as street repairs for his area, brush collection, Code Compliance, and 311.

Ms. Janet Ahmad, Home Owners for Better Building, spoke to inspections conducted by the Building Inspection Department. She offered reinspection fees as a source of more revenue and added that 75% of San Antonio homes never get all the required inspections.

Mr. Joe Shokrian Fox, Free Individual Righteous America, spoke to the importance of young people in our society and asked that the City Council support youth and the programs that assist them.

Councilwoman Radle asked YO representatives to express appreciation to the large group of individuals that had come to the City Council meeting earlier.

Councilman Hall thanked all those who spoke for staying up so late. He stated that he had heard from individuals with great programs and congratulated everyone affiliated with the programs for serving in that capacity.

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2004-20 INDIVIDUAL ITEMS - CONTINUED

2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99224

AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH HNTB TO ADD AND PROVIDE SCHEMATIC DESIGN AND CONSTRUCTION SERVICES IN CONJUNCTION WITH ARCHITECTURAL SERVICES IN CONNECTION WITH THE NEW PARKING FACILITIES PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING AN AMOUNT NOT TO EXCEED \$3,379,196.00; AUTHORIZING \$160,804.00 FOR ARCHITECTURAL CONTINGENCIES, FOR A TOTAL AMOUNT OF \$3,540,000.00; APPROPRIATING FUNDS, REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

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

Mr. Kevin C. Dolliole, Director, Aviation Department, gave a slide presentation (a copy of which was filed with the papers of this meeting) in which he spoke to the amendment to the professional services agreement with HNTB Corporation, the background, the 2001 new parking facilities, the amendment, and the budget.

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99225

AN ORDINANCE ACCEPTING THE CONTRACT SUBMITTED BY INNOVATIVE INTERFACES, INC. TO PROVIDE THE CITY OF SAN ANTONIO LIBRARY DEPARTMENT WITH AN INTEGRATED LIBRARY AUTOMATION SYSTEM IN AN AMOUNT NOT TO EXCEED \$459,000.00 AND AN ANNUAL MAINTENANCE COST NOT TO EXCEED \$66,631.00.

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

Mr. Aubrey George, Acting Director, Library Department, gave a slide presentation (a copy of which was filed with the papers of this meeting), in which he reported on the need for the new system, the proposal history, the evaluation team, components of the basic system, RFP requirements, RFP evaluation criteria, progressive evaluation of proposals, final scoring, recommended system, Innovative Interfaces, Inc., total system costs, phased implementation of system, Innovative Interfaces' pricing, maintenance costs, reports, types of data available, staff training, and the next steps.

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99226

AN ORDINANCE ACCEPTING THE BEST VALUE BID OF CHARTWELL COMMUNITY SERVICES, INC. TO PROVIDE IN-HOME PERSONAL ASSISTANCE SERVICES IN SUPPORT OF THE CITY HOMEMAKER PROGRAM IN AN AMOUNT NOT TO EXCEED \$400,000.00; AUTHORIZING UP TO TWO ADDITIONAL ONE-YEAR RENEWALS, SUBJECT TO APPROPRIATION; AMENDING ORDINANCE NO. 98181 TO REVISE THE CITY HOMEMAKER PROGRAM BUDGET; AND REPEALING ORDINANCE NO. 98645.

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

Mr. Dennis J. Campa, Director, Community Initiatives Department, gave a slide presentation (a copy of which was filed with the papers of this meeting) which spoke to the Elderly and Disabled Services Division In-Home Personal Assistance Services, purpose, background, requirements, solicitation, response, evaluation criteria, evaluation scores, evaluation team, Chartwell-MedTeam comparison, price scoring calculation, costs per hour comparison, impact comparison, proposed action, benefits, and accountability measures.

In response a question by Councilman Segovia, Mr. Campa stated that this company was in good standing and that it had been the parent company that had filed for bankruptcy.

Mr. David Ochoa, CEO, Chartwell, spoke to the status of the bankruptcy and stated that the company was in the process of finalizing a reorganization plan. He spoke to the history of the bankruptcy and added that he expected the main company to come out of bankruptcy by June 28. He further noted that Chartwell itself was strong and had continued to serve over 7,000 clients across the state

In response to questions by Councilwoman Radle, Mr. Campa explained the scoring system and noted that Asset Management, Purchasing and Department of Community Initiatives had developed the system. He noted that two additional renewals were permitted in this contract and that the contract would be monitored very closely.

Mr. Campa stated that the Department maintained close contact with the senior citizens that were served by this program and added that Chartwell also offered a skilled nursing program.

Councilman Castro stated that he shared the concerns of Councilman Segovia and Councilwoman Radle and further stated that he wanted to be sure that these competitors had been truly analyzed and that Mr. Campa was confident in the selection.

Mr. Campa stated that he was confident in their ability to perform and that, if they declared bankruptcy, the company would lose their state certification and that a condition of the City's contract was that they had to continue to maintain a license with the state.

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

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2004-20 The Clerk read the following Resolution:

A RESOLUTION NO. 2004-20-09

A RESOLUTION NOMINATING STANDARD AERO SAN ANTONIO, INC TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM, FOR DESIGNATION AS A DEFENSE ECONOMIC READJUSTMENT ZONE (DERZ) PROJECT; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO SUBMIT A DERZ APPLICATION TO THE STATE OF TEXAS AND DESIGNATING THE ECONOMIC DEVELOPMENT DEPARTMENT AS THE DERZ PROJECT LIAISON.

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

Mr. Ramiro Cavazos, Director, Economic Development Department, gave a slide presentation (a copy of which was filed with the papers of this meeting) in which he spoke to the purpose of this resolution, the San Antonio Defense Economic Readjustment Zones, the Kelly-DERZ Project, policy analysis and fiscal impact.

Mr. Cavazos then recognized individuals from Standard Aero who were present in the audience and thanked them for assisting with the nomination of Standard Aero for designation as a State Defense Economic Readjustment Zone (DERZ) Project

Councilman Perez thanked everyone involved for their participation and urged the City Council to approve this resolution.

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

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2004-20 The Clerk read the following Resolution:

A RESOLUTION NO. 2004-20-10

A RESOLUTION EXPRESSING THE CITY COUNCIL'S SUPPORT FOR THE CONTINUED COLLABORATION AMONG THE CITY OF SAN ANTONIO, BEXAR COUNTY, AND THE SAN ANTONIO RIVER AUTHORITY AND AUTHORIZING THE EXECUTION OF EIGHTEEN (18) SUBURBAN CITY INTERLOCAL AGREEMENTS.

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

Mr. Thomas Wendorf, Director, Public Works Department, gave a slide presentation on Agenda Items 42 and 43 (a copy of which was filed with the papers of this meeting) in which he spoke to Item 42 authorizing the execution of 18 suburban city inter local agreements and Item 43 which would amend the current Inter Local Agreement (ILA) on regional flood control, drainage and storm water management program to include suburban city participation, membership on the Committee of Six, Article V, suburban city ILAs, ILA amendment, Committee of Six approval, suburban city representation, and fiscal impact.

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

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2004-20 The Clerk read the following Resolution:

A RESOLUTION NO. 2004-20-11

A RESOLUTION EXPRESSING THE CITY COUNCIL'S SUPPORT FOR THE CONTINUED COLLABORATION AMONG THE CITY OF SAN ANTONIO, BEXAR COUNTY, AND THE SAN ANTONIO RIVER AUTHORITY AND AMENDING THE ORIGINAL INTERLOCAL AGREEMENT ON REGIONAL FLOOD CONTROL,

DRAINAGE AND STORM WATER MANAGEMENT PROGRAM TO INCLUDE SUBURBAN CITY PARTICIPATION, CHANGING THE MEMBERSHIP OF THE COMMITTEE OF SIX TO ALLOW ONE VOTING MEMBER TO REPRESENT SUBURBAN CITIES; AND CHANGING THE COMMITTEE OF SIX TO A COMMITTEE OF SEVEN.

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

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99227

AN ORDINANCE COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12, INCLUDING THE APPROVAL AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE ISSUANCE OF APPROXIMATELY \$11,085,000.00 "CITY OF SAN ANTONIO, TEXAS HOTEL OCCUPANCY TAX SUBORDINATE LIEN REVENUE REFUNDING BONDS, SERIES 2004A" AND \$115,105,000.00 "CITY OF SAN ANTONIO, TEXAS HOTEL OCCUPANCY TAX SUBORDINATE LIEN REVENUE AND REFUNDING BONDS, SERIES 2004B"; AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS, AND CO-BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH OBLIGATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Milo Nitschke, Director, Finance, gave a slide presentation (a copy of which was filed with the papers of this meeting) in which he spoke to the proposed financings, purpose, and financial underwriters syndicate.

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

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2004-20 The Clerk read the following Ordinance:

AN ORDINANCE 99228

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH SOUTHWESTERN BELL PUBLIC COMMUNICATIONS TO PROVIDE EXCLUSIVE PAYPHONE, DEFAULT LONG DISTANCE AND INTERNET KIOSK SERVICE IN CITY FACILITIES AND NON-EXCLUSIVE PAYPHONE AND RELATED DEFAULT LONG DISTANCE SERVICE IN THE CITY'S RIGHTS-OF-WAY.

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

Mr. Ben Gorzell, Jr., Public Utilities Supervisor/Assistant Director, Finance Department, gave a slide presentation (a copy of which was filed with the papers of this meeting) in which he spoke to the payphone, default long distance and internet kiosk services at City facilities, background default long distance, current payphones by departments, term of SBC contract, major elements of the contract, payphone industry, and financial impact.

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.

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2004-20 **TRAVEL AUTHORIZATION - Ratified**

Ratification of Travel Authorization for Councilman Roger O. Flores, District 1, who attended and represented the City of San Antonio at various bond rating meetings from Sunday, May 16, 2004 to Tuesday, May 18, 2004.

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

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

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2004-20 **TRAVEL AUTHORIZATION - Granted**

Travel Authorization for Councilmen Joe Williams, District 2, and Carroll W. Schubert, District 9, who will travel to Washington, D.C. to meet with Federal agency representatives on San Antonio specific issues and with San Antonio-area Congressional and Texas U. S. Senate delegation members from Monday June 7, 2004 to Wednesday, June 9, 2004.

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

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

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2004-20 **TRAVEL AUTHORIZATION - Granted**

Travel Authorization for Councilman Carroll W. Schubert, District 9, who will travel to Washington, D.C. as part of the San Antonio Military Missions Task Force to meet with Texas Congressional Members regarding BRAC issues from Monday, May 24, 2004 to Wednesday, May 26, 2004.

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

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

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2004-20 **TRAVEL AUTHORIZATION - Ratified**

Ratification of Travel Authorization for Councilman Christopher “Chip” Haass, District 10, who traveled to Austin, Texas as a Committee member at the Texas Municipal

League's Policy Committee Meeting on Regulation of Development on Monday, May 17, 2004.

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

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

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2004-20 **CITY MANAGER'S REPORT – RACIAL PROFILING DATA**

City Manager Terry Brechtel introduced Police Chief Albert Ortiz, who was present to answer questions relative to racial profiling.

Chief Ortiz gave a slide presentation (a copy of which was filed with the papers of this meeting) in which he spoke to the background on this issue, the Racial Profiling Policy & Procedure developed by community groups and the San Antonio Police Department, the Council Report of February 28, 2003, the Lamberth Study, Lamberth recommendations, issues in general, data collection issues, the data submitted for Lamberth Study, ticket design with overlay, other data collection instruments, survey of traffic stops, steps being taken, factors affecting racial profiling/discrimination, and sites where surveys were conducted that Dr. Lamberth used in his study.

Councilman Segovia commended the Chief for taking the proactive approach and stated that racial profiling should not be confused with good police work. He added that if someone was doing something wrong, then they should be caught.

Councilman Castro stated that he agreed with Councilman Segovia that the vast majority of officers do their job; however, since it is a requirement that tracking be done it is important that it be done correctly. He spoke to the individual testimonials that had been shown on television and to some inconsistency in reporting.

Chief Ortiz spoke to the form that officers are required to complete and to the coding which is done in less than optimal circumstances.

In response to questions by Councilman Castro, Chief Ortiz stated that he had not detected a pattern of changing individuals' race when recording race on tickets, that, if racial profiling were occurring, whites would be over reported and that many officers use old codes, which accounted for some of the race reporting errors. Chief Ortiz spoke to

reminders going to officers to be more accurate and to restocking the substations with information sheets on filing complaints.

In response to questions by Councilman Hall, Chief Ortiz stated that he had last met with the groups that assisted in developing the policies and procedures on February 2004 when Dr. Lambreth had issued his report. He added that he had an open door policy with all the groups and that representatives from the NAACP had recently recommended another meeting. Chief Ortiz explained that in order for him to pursue an allegation he had to have specifics before he could go after a remedy.

A brief discussion ensued between Councilman Hall and Chief Ortiz on the effectiveness of the data collected to determine racial profiling and how this was only one indicator and that the number of complaints and the groups that complained were also good indicators.

Chief Ortiz also reported that in 2003 four complaints had been received by the department on racial profiling. He added that he had been disappointed with the way employees had responded when asked how to file a complaint and also explained how multiple entries could occur.

In response to questions by Councilman Segovia, Chief Ortiz stated that there were approximately 23 sergeants assigned to Internal Affairs and they processed approximately 330 formal complaints and about 200 – 300 informal complaints in 2003.

Councilman Williams stated that he would like to meet with Chief Ortiz within 10 days to discuss some of the questions posed by the Texas Criminal Justice Reform Coalition.

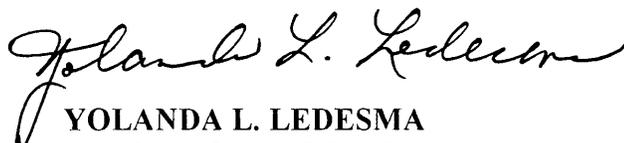
There being no further business to come before the City Council, the meeting was adjourned at 12:24 a.m.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest



YOLANDA L. LEDESMA
Acting City Clerk