

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN
ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA
BUILDING, THURSDAY, SEPTEMBER 16, 2004**

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The Regular Meeting was called to order at 1:00 pm by the Presiding Officer, Mayor Edward D. Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass.

Invocation by Chaplin Col. Edward Maney, Fort Sam Houston.

Pledge of Allegiance to the United States Flag.

CEREMONIAL ITEM

The First Military Recognition of the City of San Antonio Patriot Award was presented to Captain John A. Meyer and Specialist Edgar Hernandez.

On a point of personal privilege, Mayor Garza recognized Mayor Emeritus Lila Cockrell who spoke on the upcoming JazzAlive Concert. Mayor Cockrell briefly highlighted on the events taking place and invited members of the City Council to attend.

Minutes of the Regular City Council meeting of June 10, 2004 were approved as presented.

CONSENT AGENDA – CITIZENS' COMMENTS

Items 6, 8, 9, 15 and 21 were addressed individually from the consent agenda. The remaining items 6 through 25 were approved under the consent agenda upon motion made by Councilmember Perez and seconded by Councilmember Segovia.

The following citizen(s) appeared to speak

Mr. Faris Hodge Jr., 140 Dora
Mr. Jack M. Finger, P.O. Box 12048

AN ORDINANCE 99703

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 \$2,550,419.00 TO INCLUDE CONTRACTS FOR TEMPERATURE MANAGEMENT CONTROL SYSTEM MAINTENANCE AT SAN ANTONIO INTERNATIONAL AIRPORT, AUTOMATIC TEMPERATURE CONTROL SYSTEMS FOR POLICE FACILITIES, HOST COMPUTER OPERATION SYSTEM SOFTWARE LICENSE RENEWAL, ENTERPRISE LICENSE AGREEMENT, GENERAL PACKET RADIO AND ENHANCED DATA EVOLUTION SERVICE, MAINTENANCE AND REPAIR OF CSI TEMPERATURE CONTROL SYSTEM AND I/NET 2000 SOFTWARE AT POLICE HEADQUARTERS DISPATCH CENTER, MANHOLE RINGS, COVERS, GRATES AND RISERS, TUFFY TRAILER PARTS AND SERVICE, PERSONAL COMPUTER SERVICES, PEDESTRIAN COUNTDOWN TIMERS, BONDING GLASS BEADS, JANITORIAL SUPPLIES, RADIATORS, FUEL TANKS, HEATER CORES, COOLERS AND EVAPORATOR UNIT PARTS AND SERVICE, FLOOR CARE PRODUCTS, AND WATER TREATMENT SERVICE FOR THE MUNICIPAL SWIMMING POOLS.

AN ORDINANCE 99704

AN ORDINANCE APPROVING TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) CHANGE ORDER NUMBERS 16, 18, 19 AND 20 IN THE TOTAL AMOUNT OF \$27,296.48 PAYABLE TO TXDOT FROM CERTIFICATES OF OBLIGATION IN CONNECTION WITH THE PLEASANTON ROAD - SOUTHCROSS TO MAYFIELD (MPO) PROJECT, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99705

AN ORDINANCE AUTHORIZING THE EXECUTION A LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO SPORTS FOUNDATION FOR 6,650 SQUARE FEET OF OFFICE SPACE AT THE ALAMODOME AND FIFTEEN (15) PARKING SPACES FOR A PERIOD OF TEN (10) YEARS, WITH ONE (1) ADDITIONAL FIVE (5) YEAR RENEWAL OPTION, COMMENCING OCTOBER 1, 2004 AND EXPIRING SEPTEMBER 30, 2014, FOR A MONTHLY PAYMENT TO THE CITY OF \$4,046.30, BASED ON UTILITIES AND TELECOMMUNICATIONS USAGE.

AN ORDINANCE 99706

AN ORDINANCE GRANTING A SIX (6) FOOT WIDE BY 350 LINEAR FOOT SANITARY SEWER EASEMENT WITHIN AN EXISTING PUBLIC RIGHT OF WAY DRAINAGE EASEMENT LOCATED BETWEEN JOHN H. WOOD MIDDLE SCHOOL AND EAGLE RUN STREET ADJACENT TO NCBS 17153, 17999 AND 17800 IN COUNCIL DISTRICT 10, AS REQUESTED BY THE PETITIONER, THE NORTHEAST INDEPENDENT SCHOOL DISTRICT, FOR THE TOTAL CONSIDERATION OF \$2,066.00.

AN ORDINANCE 99707

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A CONTRACT IN AN AMOUNT NOT TO EXCEED \$40,000.00 FROM CHRISTUS SANTA ROSA HEALTH CARE ("CSRHC") IN ORDER FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE PATIENT CARE MANAGEMENT, OUTREACH, EDUCATION AND FACILITATION OF COMMUNITY COALITION ACTIVITIES IN SUPPORT OF THE CSRHC MOBILE MAMMOGRAPHY PROGRAM FOR THE PERIOD OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2006; AND AUTHORIZING THE EXECUTION OF THE CONTRACT WITH CSRHC.

AN ORDINANCE 99708

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A JOINT FUNDING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY, WATER RESOURCES DIVISION; AUTHORIZING PAYMENT TO SAME FROM THE STORM WATER REGIONAL FACILITIES FUND IN THE AMOUNT OF \$28,850.00 FOR SERVICES PERFORMED IN CONNECTION WITH SURFACE-WATER DATA COLLECTION ACTIVITIES; AND APPROPRIATING FUNDS.

AN ORDINANCE 99709

AN ORDINANCE AMENDING CITY ORDINANCE NO. 96269, DATED AUGUST 29, 2002, BY AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXTEND THE PROGRAMMING SERVICES CONTRACT WITH OPEN SYSTEMS GROUP, INC. (OSG) FOR A PERIOD OF TWELVE (12) MONTHS, FOR CONTINUED PROFESSIONAL SERVICES TO FINALIZE THE IMPLEMENTATION OF THE POLICE FIELD ENTRY REPORTING SYSTEM INCLUDING ENTRY, RETRIEVAL, AND ELECTRONIC STORAGE OF ALL

POLICE REPORTS, IMPLEMENTING A REPORT MANAGEMENT SYSTEM, AND INCORPORATING THE NECESSARY SOFTWARE INTERFACE TO EXISTING PROPRIETARY PROGRAMMING APPLICATIONS THROUGH LICENSES FROM OSG FOR THE PERIOD BEGINNING NOVEMBER 1, 2004, AND ENDING OCTOBER 31, 2005.

AN ORDINANCE 99710

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT A DONATION IN THE AMOUNT OF \$3,751.61 FROM THE ASSOCIATION OF RECORDS MANAGERS AND ADMINISTRATORS TO THE SAN ANTONIO POLICE DEPARTMENT'S SEX CRIMES UNIT, TO BE USED TO BUY STUFFED ANIMALS FOR THE CARE BEAR PROGRAM.

AN ORDINANCE 99711

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$146,076.00 TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, WHICH, IF AWARDED, WILL BE USED TO OFFSET ADMINISTRATIVE COSTS OF THE SAN ANTONIO FIRE DEPARTMENT'S EMERGENCY MANAGEMENT OFFICE IN ITS EFFORTS TO CONTINUALLY PLAN FOR NATURAL DISASTERS, MANMADE DISASTERS, TECHNOLOGICAL DISASTERS, AND ACTS OF TERRORISM INVOLVING WEAPONS OF MASS DESTRUCTION, FOR THE GRANT PERIOD OF OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2005.

AN ORDINANCE 99712

AN ORDINANCE RATIFYING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$440,408.00 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS), THROUGH THE OFFICE OF DOMESTIC PREPAREDNESS (ODP), DISTRIBUTED THROUGH THE STATE OF TEXAS, WHICH WILL PROVIDE THE CITY WITH ITEMS NECESSARY TO EXPAND ITS EMERGENCY PREPAREDNESS CAPABILITIES AND ALLOW FOR A GREATER RANGE OF PREPAREDNESS ACTIVITIES, INCLUDING THE PURCHASE OF ANTI-TERRORISM AND WEAPONS OF MASS DESTRUCTION INCIDENT-RELATED EQUIPMENT, PHARMACEUTICALS, AND SUPPLIES, FOR THE FY 2004 GRANT PERIOD DECEMBER 1, 2003 TO NOVEMBER 30, 2005.

AN ORDINANCE 99713

AN ORDINANCE CONSENTING TO THE ASSIGNMENT OF AN EXISTING LEGAL SERVICES CONTRACT FROM LLOYD, GOSSELINK, BLEVINS, ROCHELLE, BALDWIN & TOWNSEND FOR ASSISTANCE WITH POST CONSTRUCTION CLAIMS RESULTING FROM THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT TO THE LAW FIRM OF FORD, NASSEN & BALDWIN; AUTHORIZING PAYMENT IN THE ADDITIONAL AMOUNT OF \$77,647.81 FOR SERVICES PREVIOUSLY RENDERED IN CONNECTION WITH A CLAIM MADE BY CLARK/JT CONSTRUCTION ON BEHALF OF TODD-FORD AND LEWIS AND LAMBERT, AND RELATED MATTERS; APPROVING A BUDGET OF \$55,000.00 FOR ADDITIONAL LEGAL SERVICES NEEDED TO CLOSE-OUT THE PROJECT; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99714

AN ORDINANCE CONSENTING TO THE ASSIGNMENT OF ALCOHOL BEVERAGE CONCESSION SERVICE RIGHTS AT THE HENRY B. GONZALEZ CONVENTION CENTER FROM SAN ANTONIO CONCESSIONS, INC., TO R.K. GROUP D/B/A CATERING BY ROSEMARY, INC. AS LISTED ON THE ALCOHOLIC BEVERAGE LICENSE.

AN ORDINANCE 99715

AN ORDINANCE APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF EAST GRAYSON BETWEEN ISLETTA AND AVENUE A AND KARNES STREET BETWEEN JOSEPHINE STREET AND EAST GRAYSON ON SEPTEMBER 18, 24-25, OCTOBER 1,2, 8-10, 15-17, 21-30 AND OCTOBER 31, 2004 FROM 6:00 P.M. TO 12:00 MIDNIGHT FOR THE ANNUAL NIGHTMARE ON GRAYSON EVENT SPONSORED BY TRIBRA ENTERPRISES, INC.

AN ORDINANCE 99716

AN ORDINANCE APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR MACARTHUR HIGH SCHOOL (2923 BITTERS ROAD) IN CONNECTION WITH THE SPIRIT PARADE TO BE HELD FROM 5:30 P.M. UNTIL 7:00 P.M. ON WEDNESDAY, SEPTEMBER 29, 2004, SPONSORED BY MACARTHUR HIGH SCHOOL.

AN ORDINANCE 99717

AN ORDINANCE APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR BROOKS CITY BASE (SW MILITARY & GOLIAD) IN CONNECTION WITH THE MS 150 BIKE TO THE BEACH TO BE HELD FROM 5:00 A.M. UNTIL 9:00 A.M. ON SATURDAY, OCTOBER 2, 2004, SPONSORED BY THE MULTIPLE SCLEROSIS SOCIETY.

CONSENT AGENDA ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 99718

AN ORDINANCE ACCEPTING THE LOW RESPONSIVE BIDS SUBMITTED BY EDWARDS HOLDINGS, INC. D/B/A TEXAS EQUIPMENT (WBE), ITEMS 1A, 1B, 2B, 3 AND 4; UTILITY TRUCK AND EQUIPMENT COMPANY, INC., ITEM 2A; NORTHWEST MFG. & DIST. INC., ITEM 6 AND BERGKAMP, INC., ITEM 7 TO PROVIDE THE CITY OF SAN ANTONIO PARKS AND RECREATION, PUBLIC WORKS, PURCHASING, HEALTH AND THE ENVIRONMENTAL SERVICES DEPARTMENTS WITH TRUCK BODIES FOR A TOTAL AMOUNT OF \$291,361.00.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember 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, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Castro.

The City Clerk read the following ordinance:

AN ORDINANCE 99719

AN ORDINANCE ACCEPTING THE LOW QUALIFIED BID OF RESEK, INC., IN THE AMOUNT OF \$797,300.00 FOR THE CONSTRUCTION OF RENOVATIONS TO EXISTING PARKING GARAGE – BID PACKAGE 2 AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$79,730.00 FOR CONSTRUCTION CONTINGENCIES; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Haass 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, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Castro.

The City Clerk read the following ordinance:

AN ORDINANCE 99720

AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH THE FIRM OF BOOZ ALLEN HAMILTON, INC., TO PROVIDE PLANNING SERVICES IN CONNECTION WITH PHASE 2 OF THE ENVIRONMENTAL IMPACT STATEMENT FOR SAN ANTONIO INTERNATIONAL AIRPORT PURSUANT TO THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND THE COUNCIL ON ENVIRONMENTAL QUALITY FOR AN AMOUNT NOT TO EXCEED \$1,634,560.00; AUTHORIZING \$86,000.00 FOR CONTINGENCY FEES FOR A TOAL AMOUNT OF \$1,720,560.00 APPROPRIATING \$500,000.00 AS MATCHING FUNDS FOR GRANT NO. 3-48-0192-46-03; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 99721

AN ORDINANCE AUTHORIZING THE AVIATION DIRECTOR TO RENEW CONTRACTS AS THEY COME DUE FOR PLACEMENT OF SAN ANTONIO INTERNATIONAL AIRPORT INFORMATION AND DIAGRAMS IN LOCAL AND SURROUNDING COMMUNITY TELEPHONE DIRECTORIES PUBLISHED BY SBC COMMUNICATIONS, VERIZON, SPRINT, DOUBLE D AND KERRVILLE TELEPHONE COMPANIES; AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$57,000.00 FOR THE PLACEMENT OF THESE ADVERTISEMENTS.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 99722

AN ORDINANCE APPROVING A THIRD AMENDMENT OF THE AUTOMATED TELLER MACHINE (ATM) LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO CITY EMPLOYEES FEDERAL CREDIT UNION FOR THE PLACEMENT OF ATM MACHINE ON CITY PROPERTY, ADDING ONE NEW LOCATION AT THE HENRY B. GONZALEZ CONVENTION CENTER FOR A TOTAL OF FIFTEEN (15), ALL LOCATIONS PROVIDING A LICENSE FEE TO THE CITY OF \$200.00 PER MONTH PLUS FORTY PERCENT (40%) OF ALL FOREIGN AND ALTERNATE TRANSACTION FEES COLLECTED.

Councilmember Castro made a motion to approve the proposed Ordinance. Councilmember Radle seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The following citizens appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne Ave.

Mr. Jack M. Finger, P.O. Box 12048

The City Clerk read the following ordinance:

AN ORDINANCE 99723

AN ORDINANCE APPROVING AN AGREEMENT FOR TRANSFER OF USE, BENEFIT AND CONTROL OF PROPERTY TO THE CITY OF SAN ANTONIO FROM THE SAN ANTONIO WATER SYSTEM ("SAWS") OF THE SAWS' PRESENT CORPORATE HEADQUARTERS LOCATED AT 1001 E. MARKET

STREET AND THE HISTORIC YTURRI HOUSE AT 1020 E. COMMERCE STREET, ALONG WITH THE NON-EXCLUSIVE USE BY THE CITY OF A PERPETUAL RIGHT OF ACCESS, APPURTENANT TO THE PROPERTY BEING TRANSFERRED FOR JOINT USE WITH SAWS IN CONSIDERATION OF THE SUM OF \$7,730,000.00 FOR THE FUTURE CONVENTION CENTER EXPANSION; APPROVING THE EXECUTION OF A JOINT USE AGREEMENT; APPROPRIATING THE SUM OF \$7,730,000.00 FROM HOTEL OCCUPANCY TAX REVENUE BOND FUNDS FOR SUCH PURCHASE, SUBJECT TO THE TERMS OF THE AGREEMENT FOR TRANSFER OF USE, BENEFIT AND CONTROL OF PROPERTY INCLUDING THE APPROPRIATION OF THE SUM OF \$250,000.00 PAYABLE TO THE CHICAGO TITLE COMPANY AS AN EARNEST MONEY DEPOSIT FOR SUCH TRANSFER AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$50,000 FOR DUE DILIGENCE EXPENSES.

Councilmember Williams made a motion to approve the proposed Ordinance. Councilmember Schubert seconded the motion.

Ms. Rebecca Waldman, Director of Asset Management narrated a slide presentation (a copy which is on file with the Office of the City Clerk) on Items 26A & 26B regarding the real estate agreements, outlining the action items which included the City's proposed transfer of use, benefit and control of the current San Antonio Water System (SAWS) Headquarters Building, and the City's remaining financial obligations for 1999 acquisition of the La Semana property. She presented background information on the SAWS headquarters, area involved, valuation, and action that the proposed ordinance would require. She spoke to the proposed City use of the SAWS headquarters, and further expounded on La Semana property which is bounded by Market Street, Water Street, Bowie Street and IH 37. She highlighted on the Inter-jurisdictional Agreement of La Semana property and concluded with the financial summary and staff recommendations.

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.

The City Clerk read the following ordinance:

AN ORDINANCE 99724

AN ORDINANCE APPROVING A RECONCILIATION AGREEMENT WITH THE SAN ANTONIO WATER SYSTEM ("SAWS"); AUTHORIZING THE PAYMENT TO SAWS OF THE SUM OF \$2,142,471.00 FROM HOTEL OCCUPANCY TAX REVENUE BOND FUNDS, REPRESENTING THE DIFFERENCE BETWEEN (1)

THE ADJUSTED EXCHANGE VALUE OF \$3,158,400.00 FOR THE 1.297-ACRE LA SEMANA PROPERTY BOUNDED BY MARKET STREET, WATER STREET/BOWIE STREET AND IH 37, THE USE AND CONTROL OF WHICH PROPERTY WAS RELEASED BY SAWS TO THE CITY IN 1999 FOR THE CONVENTION CENTER EXPANSION PROJECT, AND (2) THE WATER RIGHTS EXCHANGE VALUE OF APPROXIMATELY \$1,095,929.00 FOR APPROXIMATELY 1,174 ACRE FEET OF WATER RELATING TO THE FOUR WELLS LOCATED ON THE FORMER "VAN DE WALLE PROPERTY", THE USE AND CONTROL OF WHICH WATER RIGHTS WERE RELEASED BY THE CITY TO SAWS IN 1999, INCLUDING IN THE \$2,142,471.00 AMOUNT THE SUM OF \$80,000 PAYABLE TO SAWS FOR SEALING THE WELLS, ALL IN ACCORDANCE WITH THE TERMS OF THAT CERTAIN INTRAJURISDICTIONAL AGREEMENT BETWEEN THE CITY AND SAWS APPROVED BY CITY ORDINANCE NO. 90005 ON JUNE 24, 1999.

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

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

EXECUTIVE SESSION

The City Council recessed its regular session at 2:39 pm in order to convene in Executive Session for the purpose of:

Discuss legal issues related to *Minella v. City of San Antonio, et al.*, CA SA-03-CA-246-FB in the United States District Court for the Western District of Texas, San Antonio Division, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 3:16 pm and reconvened in regular session, at which time Mayor Garza stated that the City Council had been briefed on the above-styled matters, but had taken no official action.

The following item was postponed.

A) Deliberate the appointment and employment of an Interim City Manager effective October 1, 2004, pursuant to the Texas Government Code Section 551.074 (personnel matters) and discuss the related legal issues, pursuant to Section 551.071 (consultation with City Attorney).

3:00 PUBLIC HEARING ON BUDGET AND ORDINANCES

Mayor Garza declared the public hearing to be open.

Mr. Peter Zanoni, Acting Director of Management and Budget, narrated a slide presentation on the FY 2005 Budget, a copy of which is on file with the Office of the City Clerk. He outlined the budget perspective, the 2005 budget development process, amendments to the proposed budget with the corresponding amounts to the respective budget funds. He further delineated the proposed amendments to the general fund expenditures, amendments to the proposed general fund revenues, the capital budget amendments, and the proposed budget policy issues. He amplified on the City Public Service (CPS) Revenue Policy, the overhead conversion fund established by CPS in 1993, eligible projects relating to conversion, summarizing the authorized City positions for both civilian and uniformed personnel.

Mr. Drew Cameron, Director of Housing and Community Development, narrated a slide presentation on the HUD 108 Capital Improvements Program, a copy of which is on file with the Office of the City Clerk. He outlined background information on the program, the distribution of program funds per district denoting the specific projects within the respective districts.

The following citizen(s) appeared to speak on the budget:

Mr. Bob Rasmussen, Project Quest
Ms. Sally Johnson, Youth Orchestra of San Antonio
Mr. Jordan Jacks and other representatives for Youth Orchestra of San Antonio
Mr. Bruce Johnson, San Antonio Symphony
Mr. Faris Hodge Jr., 140 Dora
Ms. Liza Gonzalez, Greater San Antonio Chamber of Commerce
Ms. Muriel Japhet, San Antonio Sports Foundation
Mr. Elginio Rodriguez, Loma Vista Neighborhood Association
Representatives for COPS/Metro Alliance
Ms. Liz Davila, St. Agnes Catholic Church
Ms. Jo Long Williams, Carver Community Cultural Center
Mr. William Lewis, III, Carver Development Board
Mr. Guillermo Vasquez, SEIU, 1967
Ms. Nettie Hinton, 509 Burleson
Mr. Robert Jameson, 11402 Forest Square
Mr. Alfredo Aleman, San Antonio Professional Fire Mechanics Assn.
Ms. Sandy McGee, San Antonio Fire Department
Mr. Chris Steele, San Antonio Professional Fire Fighters Association

Mayor Garza declared the public hearing to be closed.

Mayor Garza declared the public hearing to be closed.

The City Clerk read the following ordinances:

AN ORDINANCE 99725

AN ORDINANCE ADOPTING THE ANNUAL CONSOLIDATED OPERATING AND CAPITAL BUDGETS FOR THE CITY OF SAN ANTONIO FOR FISCAL YEAR 2004-2005, BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005; APPROVING THE FY 2005 THROUGH FY 2010 CAPITAL IMPROVEMENTS PROGRAM FOR THE CITY OF SAN ANTONIO; APPROPRIATING FUNDS AND AUTHORIZING PERSONNEL POSITIONS IN ACCORDANCE WITH SAID BUDGET; SETTING THE FY 2004-2005 HOLIDAY SCHEDULE AND PAY PLAN FOR CITY EMPLOYEES; AUTHORIZING CONTRACTS WITH OUTSIDE AGENCIES AND AMENDING ORDINANCE NO. 99374, PASSED ON JUNE 24, 2004, IN CONNECTION THEREWITH; AND SETTING CITY COUNCIL DISTRICT BUDGETS AND CITY COUNCIL HUMAN DEVELOPMENT SERVICES BUDGETS.

AN ORDINANCE 99726

AN ORDINANCE AUTHORIZING THE SUBMISSION OF THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM APPLICATION TO HUD; AUTHORIZING THE ACCEPTANCE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$57,000,000.00 UPON AWARD BY HUD; APPROVING THE HUD 108 LOAN PROGRAM BUDGET; AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF ANY AND ALL DOCUMENTS IN CONNECTION THEREWITH.

AN ORDINANCE 99727

AN ORDINANCE SETTING THE AD VALOREM TAX RATE FOR MAINTENANCE AND OPERATION (M&O) OF THE CITY GOVERNMENT OF THE CITY OF SAN ANTONIO AT 36.704 CENTS PER \$100.00 OF TAXABLE VALUATION FOR THE TAX YEAR BEGINNING ON JANUARY 1, 2004, AND ENDING ON DECEMBER 31, 2004.

AN ORDINANCE 99728

AN ORDINANCE SETTING THE AD VALOREM TAX RATE TO PAY THE PRINCIPAL AND INTEREST ON THE FUNDED DEBT OF THE CITY OF SAN ANTONIO AT 21.150 CENTS PER \$100.00 OF TAXABLE VALUATION FOR THE

TAX YEAR BEGINNING ON JANUARY 1, 2004, AND ENDING ON DECEMBER 31, 2004.

AN ORDINANCE 99729

AN ORDINANCE ESTABLISHING NEW FEES FOR ASSET MANAGEMENT SERVICES, TRANSFERRING CERTAIN EXISTING FUNDS, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99730

AN ORDINANCE AMENDING AND ESTABLISHING FEES ASSOCIATED WITH CODE COMPLIANCE ENFORCEMENT, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99731

AN ORDINANCE ESTABLISHING AND AMENDING FEES CHARGED FOR DEVELOPMENT SERVICES RELATED INSPECTIONS, REVIEW AND PERMITTING, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99732

AN ORDINANCE ESTABLISHING NEW FEES FOR ECONOMIC DEVELOPMENT SERVICES PROVIDED TO OUTSIDE AGENCIES, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99733

AN ORDINANCE AMENDING AND ELIMINATING VARIOUS FEES ASSOCIATED WITH THE FINANCE DEPARTMENT LICENSING AND TREASURY SERVICES, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99734

AN ORDINANCE ESTABLISHING AND AMENDING VARIOUS FEES ASSOCIATED WITH THE PROVISION OF FIRE PROTECTION AND PREVENTION SERVICES, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99735

AN ORDINANCE AMENDING VARIOUS FEES CHARGED FOR THE PROVISION OF HEALTH INSPECTIONS, SERVICES AND RECORDS THROUGH THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99736

AN ORDINANCE AMENDING THE FEE CHARGED FOR PARTICIPATION IN THE SAN ANTONIO EXPORT LEADERS PROGRAM, PROVIDED BY THE INTERNATIONAL AFFAIRS DEPARTMENT, AND AMENDING THE CORRESPONDING SECTION OF THE CITY CODE TO REFLECT THIS CHANGE.

AN ORDINANCE 99737

AN ORDINANCE ESTABLISHING AND AMENDING VARIOUS FEES ASSOCIATED WITH THE PROVISION OF LIBRARY MATERIALS AND SERVICES THROUGH THE LIBRARY DEPARTMENT, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99738

AN ORDINANCE AMENDING THE PARKING BOOTING FEE, MONITORED BY MUNICIPAL COURTS, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99739

AN ORDINANCE AMENDING VARIOUS FEES CHARGED FOR PARKS AND RECREATION RELATED PROGRAMS, SERVICES, FACILITIES AND CLASSES

THROUGH THE PARKS AND RECREATION DEPARTMENT, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99740

AN ORDINANCE ESTABLISHING AND AMENDING VARIOUS FEES CHARGED FOR HISTORIC AND PLANNING SERVICES THROUGH THE PLANNING DEPARTMENT, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99741

AN ORDINANCE ESTABLISHING AND AMENDING VARIOUS FEES CHARGED FOR GROUND TRANSPORTATION, VEHICLE STORAGE, RECORDS AND PUBLIC SAFETY SERVICES THROUGH THE SAN ANTONIO POLICE DEPARTMENT, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99742

AN ORDINANCE AMENDING THE FEE CHARGED FOR STREET AND SIDEWALK CLOSURES FOR DEVELOPMENT THROUGH THE PUBLIC WORKS DEPARTMENT, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99743

AN ORDINANCE AMENDING FEES CHARGED FOR PARKING AT THE SAN ANTONIO INTERNATIONAL AIRPORT, RESULTING IN ADDITIONAL REVENUE TO THE AVIATION FUND, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99744

AN ORDINANCE AMENDING FEES CHARGED BY THE ALAMODOME DEPARTMENT FOR ALAMODOME AND WOLFF STADIUM PARKING, ESTABLISHING AN ALAMODOME RENEWAL AND IMPROVEMENT FACILITY FEE, RESULTING IN ADDITIONAL REVENUE TO THE COMMUNITY AND

VISITORS FACILITIES FUND AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99745

AN ORDINANCE ESTABLISHING AND AMENDING VARIOUS FEES IN THE CONVENTION FACILITIES DEPARTMENT CHARGED FOR CONVENTION FACILITY ROOM AND EQUIPMENT RENTALS, RESULTING IN ADDITIONAL REVENUE TO THE COMMUNITY AND VISITORS FACILITIES FUND AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99746

AN ORDINANCE ESTABLISHING AND AMENDING VARIOUS FEES ASSOCIATED WITH THE PROVISION OF EMERGENCY MEDICAL SERVICES, RESULTING IN ADDITIONAL REVENUE TO THE EMERGENCY MEDICAL SERVICES FUND AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99747

AN ORDINANCE AMENDING THE STRUCTURE AND RATES FOR VARIOUS FEES ASSOCIATED WITH THE PROVISION OF GOLF ACTIVITIES AND EQUIPMENT, RESULTING IN ADDITIONAL REVENUE TO THE GOLF FUND AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99748

AN ORDINANCE ESTABLISHING AND AMENDING FEES ASSOCIATED WITH THE PROVISION OF INFORMATION TECHNOLOGY SERVICES, RESULTING IN ADDITIONAL REVENUE TO THE INFORMATION TECHNOLOGY SERVICES FUND AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99749

AN ORDINANCE AMENDING RENTAL FEES FOR THE INTERNATIONAL CENTER, RESULTING IN ADDITIONAL REVENUE TO THE INTERNATIONAL CENTER FUND; AUTHORIZING THE DIRECTOR OF ASSET MANAGEMENT, AS DESIGNEE OF THE CITY MANAGER TO ADMINISTRATIVELY APPROVE THE WAIVER OF CATERING FEES FOR EVENTS HELD IN THE INTERNATIONAL CENTER CONFERENCE OR MEETING ROOM; AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99750

AN ORDINANCE AMENDING VARIOUS FEES CHARGED FOR PARKS AND RECREATION FACILITIES RESULTING IN ADDITIONAL REVENUE TO THE OTTO KOEHLER FUND, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99751

AN ORDINANCE ESTABLISHING A \$3 PER VEHICLE PARKING FEE ASSOCIATED WITH THE FRIO STREET PARKING LOT, RESULTING IN ADDITIONAL REVENUE AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

AN ORDINANCE 99752

AN ORDINANCE AMENDING FEES CHARGED FOR INTERMENT AND DISINTERMENT SERVICES AT THE SAN JOSE CEMETERY, RESULTING IN ADDITIONAL REVENUE TO THE SAN JOSE BURIAL FUND AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

Councilmember Segovia made a motion to approve the proposed Ordinances. Councilmember Radle seconded the motion.

Councilman Perez made a motion to amend the budget by adopting the proposed amendments to the FY 2005 budget as presented in a memorandum to the City Council from Mayor Garza dated September 16, 2004, and direct staff to incorporate those amendments into the appropriate specific ordinances that adopt the budget and established fees. Councilman Hall seconded the motion.

Councilman Williams presented a second amendment to the budget regarding the Human Development Services fund to be funded at 65% noting certain allocations of funds. Councilman Segovia seconded the motion.

Discussion took place on the proposed amendment by various members of the City Council.

Upon conclusion of discussion, Councilman Williams withdrew the amendment as presented.

Councilman Perez presented Amendment 3 regarding the \$12,500 exemption for the disabled citizens. Councilman Flores seconded the motion.

After consideration, the motion, carrying with it the passage of Amendment 3, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

Councilman Hall presented Amendment 4 to add \$60,000 to Human Development Services Fund for scholarship programs in District 8. Councilman Williams seconded the motion.

After consideration, the motion on Amendment 4 failed by the following vote: **AYES:** Williams, Hall. **NAYS:** Flores, Segovia, Perez, Radle, Barrera, Castro, Schubert, Haass, Garza. **ABSENT:** None.

Councilman Perez presented Amendment 5 to add \$500,000 one time allocation, noting however that if no match was found by December 31, 2004, then the amount would be directed into street maintenance. Councilman Schubert seconded the motion.

Councilman Barrera presented a friendly amendment to the motion to leave funds in Human Development Services Fund should funds not be matched.

Discussion took place on the proposed amendment.

There was a call for the question on Amendment 5, which prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Barrera, Castro, Hall, Schubert, Haass. **NAYS:** Radle, Garza. **ABSENT:** None.

After consideration, the motion, carrying with it the passage of Amendment 5, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** Radle, Castro. **ABSENT:** None.

Councilman Schubert presented Amendment 6 regarding \$4 million to be placed in the Regional Mobility Fund from Economic Development Fund, and if CPS Conversion Fund works out then another \$2 million be placed in the Mobility Fund-Street Maintenance. Councilman Hall seconded the motion.

After consideration, the motion on Amendment 6 failed by the following vote: **AYES:** Perez, Barrera, Schubert, Haass. **NAYS:** Flores, Williams, Segovia, Radle, Castro, Hall, Garza. **ABSENT:** None.

Councilwoman Radle presented Amendment 7 regarding the Cultural Arts to have monies available from the sales tax of the August/September collections by dedicating \$104,900 to the cultural arts program and dedicate it to certain cultural groups. Councilman Hall seconded the motion.

Councilman Castro presented a friendly amendment by having the monies be taken from the Advertising Fund-Hotel Occupancy tax instead. Councilwoman Radle accepted the amendment.

There was a call for the question on Amendment 7, which prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Barrera, Schubert, Haass, Garza. **NAYS:** Radle, Castro, Hall. **ABSENT:** None.

After consideration, the motion on Amendment 7 failed by the following vote: **AYES:** Radle, Castro. **NAYS:** Flores, Williams, Segovia, Perez, Barrera, Hall, Schubert, Haass, Garza. **ABSENT:** None.

Councilman Hall presented Amendment 8 to accept the CPS revenue policy as designed by the City Manager with exception of excess policy funds over the 10%. Councilman Flores seconded the motion.

After consideration, the motion on Amendment 8 failed by the following vote: **AYES:** Flores, Hall, Schubert, Garza. **NAYS:** Williams, Segovia, Perez, Radle, Barrera, Castro, Haass. **ABSENT:** None.

After consideration, the motion, carrying with it the passage of Amendment 1, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

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

CITIZENS TO BE HEARD

Mr. Faris Hodge Jr., 140 Dora

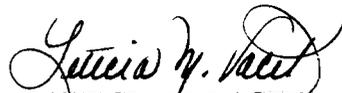
There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 9:34 pm.

A P P R O V E D



EDWARD D. GARZA
MAYOR

Attest:



LETICIA M. VACEK
City Clerk