The City Council convened in an informal “B” Session at 10:00 A.M., Municipal Plaza Building “B” Room, 103 Main Plaza, San Antonio, Texas 78205.

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

The City Council recessed its “B” Session at 11:16 am in order to convene in Executive Session for the purpose of:

Discussion regarding the legal analysis of prospective revisions to the Retiree Health Care Fund legislation and impact to current Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).


Mayor Garza reconvened the “B” Session from Executive Session at 12:51 pm and, at which time he stated that City Council had been briefed on the above-styled matters and given staff direction, but had taken no official action.

The “B” Session adjourned at 12:52 pm.

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, Segovia, Radle, Barrera, Hall, Schubert, Haass, Garza. ABSENT: Williams, Perez, Castro.

The Invocation was delivered by Reverend Maurice Washington, Pastor, East St. Paul United Methodist Church, District 2.

Mayor Garza led the Pledge of Allegiance to the flag of the United States.
CEREMONIAL ITEMS

Mayor Garza presented the following honorariums:

A Proclamation celebrating Arbor Day.

A Citation for Keep San Antonio Beautiful in recognition of the awards received from the State.

Presentation of a plaque to CVB Director, Michael Sawaya, in recognition of the Henry B. Gonzalez Convention Center winning the" Best Convention Center" award

The minutes of the Special City Council meeting of January 4, 2005 and the Regular City Council meeting of January 6, 2005 were approved as presented.

CONSENT AGENDA - CITIZEN'S COMMENTS

Items 5 through 14B were approved under the consent agenda upon motion made by Councilmember Segovia and seconded by Councilmember Flores.

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

AN ORDINANCE 100366

APPROVING SAN ANTONIO WATER SYSTEM FIELD ALTERATION NO. 1 AND AUTHORIZING PAYMENT IN THE AMOUNT OF $27,466.21 FROM SAN ANTONIO WATER SYSTEM FUNDS TO K.G.M.E., INC., IN CONNECTION WITH THE HARRIS STORM DRAINAGE PROJECT, AN AUTHORIZED 1999-2004 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND PROJECT LOCATED IN COUNCIL DISTRICT 5; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (Amends Ordinance 97836, June 26, 2003)

AN ORDINANCE 100367

APPROVING FIELD ALTERATION NO. 2 AND AUTHORIZING PAYMENT IN THE AMOUNT OF $27,383.04 FROM 2004 GENERAL FUND NEIGHBORHOOD
ACCESS MOBILITY PROGRAM FUNDS TO R.L. JONES, L.P., IN CONNECTION WITH THE 2004 SPEED HUMP PROGRAM PROJECT IN COUNCIL DISTRICTS 5, 6 AND 7; AUTHORIZING $1,916.81 FOR EXPENSE RECOVERY, FOR A TOTAL AMOUNT OF $29,299.85; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100368

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING PAYMENT IN THE AMOUNT OF $25,466.40 FROM SAN ANTONIO WATER SYSTEM FUNDS TO BROWN ENGINEERING CO. (SBE) FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE CARDIFF AREA DRAINAGE IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 2; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100369


AN ORDINANCE 100370

AUTHORIZING PAYMENT IN THE AMOUNT OF $28,190.00 TO C.F. ZAVA LA GROUP (SBE/WBE/MBE) FOR ON-CALL LANDSCAPE ARCHITECTURAL SERVICES, PASSED AND APPROVED ON AUGUST 28, 2003, BY ORDINANCE NO. 98075, IN CONNECTION WITH THE NEW SOUTHSIDE LIONS PARK (EAST) PLAYGROUND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

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PROJECT, LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING $2,800.00 FOR ARCHITECTURAL CONTINGENCY EXPENSES; AUTHORIZING $1,500.00 FOR BID ADVERTISING AND PRINTING EXPENSES; AUTHORIZING $7,700.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF $40,190.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100371

AUTHORIZING THE APPROPRIATION AND ALLOCATION OF $250,000.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND $105,000.00 IN 2003-2007 PARK BOND FUNDS FOR THE DEVELOPMENT OF NEW PARK PLAYGROUNDS IN CONNECTION WITH THE KINGSBOROUGH, ROYALGATE, AND SOUTH SAN PARKS PLAYGROUND IMPROVEMENT PACKAGE, LOCATED IN CITY COUNCIL DISTRICTS 3, 4 AND 5, RESPECTIVELY; AUTHORIZING THE PERFORMANCE OF CONSTRUCTION WORK BY THE DEPARTMENT OF PARKS AND RECREATION PARK CONSTRUCTION CREW; AUTHORIZING PAYMENT IN THE AMOUNT OF $24,748.00 TO PLACE COLLABORATIVE, INC. (SBE) FOR ON-CALL PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES, PASSED AND APPROVED AUGUST 28, 2003, BY ORDINANCE NO. 98075; AUTHORIZING $2,480.00 FOR ARCHITECTURAL CONTINGENCY EXPENSES; AUTHORIZING $7,200.00 FOR MANDATORY PROJECT FEES; AUTHORIZING $600.00 FOR PRINTING EXPENSES; AUTHORIZING $192,984.00 FOR PARK MATERIALS; AUTHORIZING $126,988.00 FOR PARK CONSTRUCTION CREW LABOR COSTS, FOR A TOTAL OF $355,000.00; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100372


AN ORDINANCE 100373

AUTHORIZING THE EXECUTION OF A CONTRACT IN THE AMOUNT OF $150,000.00 WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO DENTAL SCHOOL FOR THE PROVISION OF COMPREHENSIVE
DENTAL CARE SERVICES TO UNDERSERVED CHILDREN, PREGNANT WOMEN AND TEENAGE MOTHERS AT THE RICARDO SALINAS PUBLIC HEALTH CLINIC, LOCATED AT 630 S. GENERAL MCMULLEN DRIVE FOR THE PERIOD OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2005; AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES; AND AUTHORIZING PAYMENTS FOR TREATMENTS PERFORMED IN CONNECTION WITH THIS PROJECT.

AN ORDINANCE 100374


AN ORDINANCE 100375

APPOINTING ALEX RUBIO (PERFORMING ARTIST/THEATRE CATEGORY - DISTRICT 5) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100376

APPOINTING MICHAEL KHADEM (CONVENTION & VISITORS COMMISSION MEMBER CATEGORY – DISTRICT 2) TO THE TRANSPORTATION ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 100377

AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE SAN ANTONIO BOTANICAL CENTER SOCIETY, INC. D/B/A SAN ANTONIO
BOTANICAL SOCIETY TO ACCEPT A $20,000.00 ANNUAL DONATION AND AUTHORIZING PERSONNEL CATEGORIZATION CHANGES TO RECLASSIFY THE BOTANICAL GARDEN SUPERINTENDENT POSITION TO AN UNCLASSIFIED POSITION TO BE ENTITLED “BOTANICAL GARDEN MANAGER.”

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

Mr. Malcolm Matthews, Director of Parks and Recreation, narrated a slide presentation on the grant agreement with the San Antonio Botanical Society, a copy of which is on file with the Office of the City Clerk. He outlined background information of the City’s partnership with the Botanical Society, the facility management, the grant agreement where the Society will donate $20,000 annually to enhance the general fund salary of the garden supervisor, and for the upgrade of the superintendent position to Botanical Garden Manager. He further spoke to the funding sources and staff’s recommendation.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100378

AMENDING CHAPTER 21 OF THE SAN ANTONIO CITY CODE TO PROHIBIT SITTING OR LYING DOWN IN THE RIGHT-OF-WAY IN PUBLIC PLACES; AND PROVIDING FOR A CRIMINAL FINE IN AN AMOUNT NOT TO EXCEED $500.00 FOR VIOLATION OF THIS ORDINANCE.

Councilmember Flores made a motion to approve the proposed Ordinance. Councilmember Hall seconded the motion.

Police Chief Albert Ortiz narrated a slide presentation on items 21A – 21D, regarding proposed ordinances on aggressive solicitation, camping or sleeping in public, public urination/defecation, and sitting or lying down in public, a copy of which is on file with the Office of the City Clerk. He outlined background information on the request to develop these ordinances, legal issues, proposed action that would amend Chapter 21 of the City Code, penalties, and recommended enforcement action. He delineated each of the ordinances and its effects, non-applications, social services available throughout the City, and violation comparisons to other Texas cities.
The following citizen(s) appeared to speak on the above mentioned item:

Mr. Milton Guess, SAATC,
Ms. Joan Korte, Downtown Resident Association,
Mr. Ben Brewer, Downtown Alliance,
Ms. Nancy Russell
Ms. Bebb Frances, SAATC,
Ms. Kathy Coiner
Mr. Jack M. Finger, P.O. Box 12048,
Mr. Bob Martindale, SAMMinistries,
Mr. Michael Barimer
Mr. Milton Guess
Mr. Henry Rodriguez, LULAC,
Mr. Mike Provost, 5403 Vista Run,
Mr. Chris Williams, Greater San Antonio Chamber of Commerce

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES**: Flores, Segovia, Barrera, Hall, Schubert, Haass, Garza. **NAYS**: Radle. **ABSENT**: Williams, Perez, Castro.

The City Clerk read the following ordinance:

**AN ORDINANCE 100379**

AMENDING CHAPTER 21 OF THE SAN ANTONIO CITY CODE TO PROHIBIT CAMPING IN PUBLIC PLACES WITHOUT LAWFUL PERMISSION OR PERMIT; AND PROVIDING FOR A CRIMINAL FINE IN AN AMOUNT NOT TO EXCEED $500.00 FOR VIOLATION OF THIS ORDINANCE.

Councilmember Flores 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**: Flores, Segovia, Barrera, Hall, Schubert, Haass, Garza. **NAYS**: Radle. **ABSENT**: Williams, Perez, Castro.

The City Clerk read the following ordinance:
AN ORDINANCE 100380

AMENDING CHAPTER 21 OF THE SAN ANTONIO CITY CODE TO PROHIBIT AGGRESSIVE SOLICITATION IN PUBLIC AREAS AND CERTAIN BUSINESSES; AND PROVIDING FOR A CRIMINAL FINE IN AN AMOUNT NOT TO EXCEED $500.00 FOR VIOLATION OF THIS ORDINANCE.

Councilmember Flores 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, Segovia, Barrera, Hall, Schubert, Haass, Garza. NAYS: Radle. ABSENT: Williams, Perez, Castro.

The City Clerk read the following ordinance:

AN ORDINANCE 100381

AMENDING CHAPTER 21 OF THE SAN ANTONIO CITY CODE TO PROHIBIT URINATING AND/OR DEFECATING IN PUBLIC PLACES OR IN PUBLIC VIEW; AND PROVIDING FOR A CRIMINAL FINE IN AN AMOUNT NOT TO EXCEED $500.00 FOR VIOLATION OF THIS ORDINANCE.

Councilmember Flores made a motion to approve the proposed Ordinance. Councilmember Barrera seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Segovia, Barrera, Hall, Schubert, Haass, Garza. NAYS: Radle. ABSENT: Williams, Perez, Castro.

ZONING CASE

15) ZONING CASE NUMBER Z2005004: The request of Earl & Associates, P. C., Applicant, for Phelps-Toiton, Inc., Owner(s), for a change in zoning from H “C-3” RIO-5 Historic General Commercial District, River Improvement Overlay to H “MF-33” RIO-5 Historic Multi-Family District, River Improvement Overlay on Parcel 100, NCB 7650, 731 Riverside Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)
Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Council member Segovia made a motion to continue the proposed rezoning case to March 15, 2005 meeting. Council member Barrera seconded the motion.

After consideration, the motion to continue the proposed rezoning case prevailed by the following vote: AYES: Segovia, Radle, Barrera, Hall, Schubert, Haass, Garza. NAYS: None. ABSENT: Flores, Williams, Perez, Castro.

Zoning case Z2005004 was continued to the meeting of March 15, 2005.

The City Clerk read the following ordinance:

AN ORDINANCE 100382


Council member Segovia made a motion to approve the proposed Ordinance. Council member Hall seconded the motion.

Deputy Chief Jerry Pittman, Police Department, made a presentation on the Memorandum of Understanding with the County regarding the Mobile Data Terminal System, a copy of which is on file with the Office of the City Clerk. He outlined background information on mobile data terminals and the mobile data computers, noting that the Police Department was in the process of replacing the terminals with the laptops as part of the Public Safety Integrated Technology programs. He spoke to the financial component, adding that in order to offset costs to maintain the system, fees were charged to all outside agencies for the terminals and the laptops. He stated that based on the rate fees and the terminals that the County has in operation, an increase in revenue would be generated into the Police Department General Fund for FY 2005.

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

AN ORDINANCE 100383

AUTHORIZING CITY PUBLIC SERVICE (CPS) TO APPROPRIATE FUNDS IN THE TOTAL ESTIMATED AMOUNT OF $6,049,902.00 FROM THE CPS OVERHEAD CONVERSION FUND FOR THE RELOCATION/CONVERSION OF OVERHEAD ELECTRICAL SUPPLY LINES TO UNDERGROUND IN CONNECTION WITH THE BROADWAY - VILLA JE DEL RIO DEVELOPMENT (ESTIMATED COST OF CONVERSION, $1,371,047.00); GOVERNMENT CANYON STATE NATURAL AREA (ESTIMATED COST OF CONVERSION, $93,500.00); HIDDEN SPRINGS SUBDIVISION (ESTIMATED COST OF CONVERSION, $350,000.00); UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER (ESTIMATED COST OF CONVERSION, $234,502.00); AND CITY OF SAN ANTONIO CAPITAL IMPROVEMENT PROJECTS TO INCLUDE THE EAGLELAND RIVERWALK LINK (ESTIMATED COST OF CONVERSION, $1,026,953.00); GKDA - BILLY MITCHELL DRIVE IMPROVEMENTS, PHASE I (ESTIMATED COST OF CONVERSION, $1,400,000.00); AND MEDICAL CENTER AREA - EWING HALSELL - WURZBACH TO MEDICAL DRIVE (ESTIMATED COST OF CONVERSION, $1,573,900.00) PROJECTS.

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

Mr. Doug Yerkes, City Engineer narrated a slide presentation on the Utility Overhead Conversion, a copy of which is on file with the Office of the City Clerk. He delineated the seven projects in Districts 1, 4, 5, 6, and 8, the associated costs and areas of each of the projects.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100384

AUTHORIZING $22,300.00 FROM THE COUNCIL DISTRICT 4 NEIGHBORHOOD ACCESS AND MOBILITY (NAMP) FUND FOR THE MODIFICATION OF LEFT-TURN SIGNAL PHASES ON THE EAST-WEST APPROACHES OF SOUTH CROSS AT ZARZAMORA, THE NORTH-SOUTH APPROACHES OF BARLITE AT S.W.
MILITARY DRIVE, THE EAST-WEST APPROACHES OF SOUTHCROSS AT COMMERCIAL; CHANGING OF THE LEFT-TURN SIGNAL PHASE FROM THE EAST-WEST APPROACHES OF ANSLEY AT ZARZAMORA TO THE NORTH-SOUTH APPROACHES OF ZARZAMORA AT ANSLEY; AND INSTALLATION OF SCHOOL ZONE FLASHING BEACONS ON RAY ELLISON BLVD. FROM OLD VALLEY HI DRIVE TO MEDINA BASE ROAD; AS REQUESTED BY COUNCILMAN RICHARD PEREZ, DISTRICT 4.

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

Mr. Tom Wendorf, Director of Public Works made a presentation on the District 4 Neighborhood Access and Mobility Program Project, a copy of which is on file with the Office of the City Clerk. He outlined background information on the affected intersections, summary of analysis for installation of left-turn phase without left-turn bays, view of the subject areas, and financial impact.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100385

BESTOWING THE MEMORIAL DESIGNATION OF "ERNANI FALCON MEMORIAL WAY" UPON THE 7500-8700 BLOCKS OF MYSTIC PARK DRIVE; AS REQUESTED BY MAYOR EDWARD D. GARZA AND COUNCILMAN JULIAN CASTRO, DISTRICT 7.

Councilmember Radle 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: Segovia, Radle, Barrera, Hall, Haass, Garza. NAYS: None. ABSENT: Flores, Williams, Perez, Castro, Schubert.
CITY MANAGER'S REPORT

Mr. Mark Webb, Director of Contract Services, made a presentation on the high risk contracts.

Mayor Garza recessed the Regular Session at 4:06 pm until the 5:00 pm time certain item.

Mayor Garza reconvened the Regular Session at 5:05 pm.

CITIZENS TO BE HEARD

No citizens appeared to speak

There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 5:06 pm.

APPROVED

EDWARD D. GARZA
MAYOR

Attest: LETICIA M. VACEK
City Clerk