

**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, MARCH 10, 2005

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The City Council convened in an informal "B" Session at 9:00 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.

Mayor Garza recessed the "B" Session at 9:20 am in order to convene in Executive Session for the purpose of:

Deliberate the duties, appointment, and employment of the City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Garza reconvened the "B" Session from Executive Session at 12:10 pm, at which time he stated that City Council had been briefed on the above-styled matter and gave staff direction, but had taken no official action.

The "B" Session adjourned at 12:11 pm.

The Regular Meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Edward Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

The Invocation was delivered by Pastor Mark Smith, District 7, Fellowship Bible Church.

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

CEREMONIAL ITEMS

Mayor Garza presented the following honorariums:

A proclamation recognizing Texas Publishers Association Conference Days.

A proclamation in honor of Women Air force Service Pilots Week (WASPs).

An Award to the COSA staff members of the Information Technology Services Department, City Clerks Office, and Municipal Records Facility for receiving the 2004 Hummingbird State and Local Government Customer Innovation honor.

Ms. Leticia M. Vacek, City Clerk, administered the formal Oath of Office to incoming Mayor Pro Tem Councilmember Art Hall, District 8, which will be effective March 21, 2005.

The minutes of the City Council meeting of February 24, 2005 were approved as presented.

CONSENT AGENDA

Items 8, 9, 14, 22, and 27 were addressed individually from the consent agenda. The remaining Items 6 through 30E were approved upon motion made by Councilmember Williams and seconded by Councilmember Radle.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke with regards to items 2, 9, 10, and 18.

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

AN ORDINANCE 100508

ACCEPTING THE LOW, QUALIFIED BID IN THE AMOUNT OF \$78,580.00 FROM MANUEL ORTIZ CONSTRUCTION, L.L.C. (SBE/WBE), TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE ALDERETE PARK WALKING TRAIL PROJECT, LOCATED IN COUNCIL DISTRICT 5;

AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$10,000.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$800.00 FOR TEXAS DEPARTMENT OF LICENSING REGULATIONS FEES; AUTHORIZING \$800.00 FOR DRAINAGE FEES; AUTHORIZING \$3,000.00 FOR BID ADVERTISING AND PRINTING EXPENSES, FOR A TOTAL AMOUNT OF \$93,180.00 FROM 2003-2007 PARK BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100509

ACCEPTING THE LOW, QUALIFIED BID IN THE AMOUNT OF \$164,400.00 FROM GRECO CONSTRUCTION, INC. (SBE/WBE), TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE ROSEDALE PARK IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$11,902.17 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$4,000.00 FOR CIVIL ENGINEERING STORM WATER MANAGEMENT PLAN FEES; AUTHORIZING \$700.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF \$181,002.17, OF WHICH \$54,846.17 WILL BE APPROPRIATED FROM 1994-1999 PARK BOND FUNDS, \$100,000.00 FROM 1999-2004 PARK BOND FUNDS, AND \$26,156.00 FROM REVENUES COLLECTED FOR UNIFIED DEVELOPMENT CODE FEES IN LIEU OF PARK LAND DEDICATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100510

SELECTING BENDER WELLS CLARK DESIGN (SBE/DBE/WBE) TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE ROOSEVELT PARK COMMUNITY BUILDING AND PARK IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 5 AND ABANDONING THE "LONE STAR BREWERY SITE PARK LAND ACQUISITION AND DEVELOPMENT" PROJECT FROM THE 1999 PARK BOND AUTHORIZATION; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$91,250.00; AUTHORIZING \$9,125.00 FOR ARCHITECTURAL CONTINGENCY EXPENSES; AUTHORIZING \$1,500.00 FOR BID ADVERTISING AND PRINTING EXPENSES, AUTHORIZING \$5,000.00 FOR ENVIRONMENTAL ASSESSMENT EXPENSES, FOR A TOTAL AMOUNT OF \$106,875.00 FROM 1999-2004 PARK BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100511

ACCEPTING THE LOW, RESPONSIVE BID IN THE AMOUNT OF \$243,468.20 FROM VALEMAS, INC. (MBE), TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE EL MONTE PHASE II: BLANCO TO SAN PEDRO PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$19,799.32 CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$10,007.48 FOR EXPENSE RECOVERY; AUTHORIZING \$2,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$275,275.00, OF WHICH \$214,000.00 WILL BE FUNDED BY 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS; AUTHORIZING THE REIMBURSEMENT OF \$61,275.00 FROM THE SAN ANTONIO WATER SYSTEM; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100512

ACCEPTING THE LOW, RESPONSIVE BID OF VALEMAS, INC. (MBE) IN THE AMOUNT OF \$323,167.56 IN CONNECTION WITH THE POTOMAC - MITTMAN TO WALTERS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$19,565.55 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$13,695.88 FOR EXPENSE RECOVERY; AUTHORIZING \$2,000.00 FOR ADVERTISING EXPENSES; AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING FUNDS IN AN AMOUNT NOT TO EXCEED \$8,602.25 PAYABLE TO GREG GOMEZ, INC. D/B/A G.G.I. ENGINEERS (MBE) FOR CONSTRUCTION PHASE SERVICES; AUTHORIZING \$440.22 FOR ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$131,712.07 FOR SEWER AND WATER EXPENSES, FOR AN OVERALL TOTAL AMOUNT OF \$367,471.46; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100513

AUTHORIZING THE EXECUTION OF A JOINT FUNDING AGREEMENT FOR INSTALLATION OF TRAFFIC SIGNAL AND RELATED IMPROVEMENTS BETWEEN THE CITY OF SAN ANTONIO AND HARCOURT ASSESSMENT ("HARCOURT"), WHEREBY HARCOURT CONTRIBUTES \$85,000.00 FOR

CONSTRUCTION COSTS AND \$40,000.00 FOR ENGINEERING SERVICES IN CONNECTION WITH THE INSTALLATION OF A TRAFFIC SIGNAL SYSTEM AND RELATED IMPROVEMENTS AT 19500 BULVERDE ROAD, LOCATED IN COUNCIL DISTRICT 10; APPROPRIATING \$156,176.21 PAYABLE TO CITY FORCES FOR ROAD CONSTRUCTION WORK, OF WHICH \$71,176.21 WILL BE FUNDED FROM CERTIFICATES OF OBLIGATION.

AN ORDINANCE 100514

AUTHORIZING PAYMENT IN THE AMOUNT OF \$15,250.00 TO SERVICE TITLE COMPANY AS ESCROW AGENT FOR ALLAN B. BLACK AND BARBARA A. BLACK FOR FEE SIMPLE TITLE TO ONE PARCEL OF LAND AND TITLE FEES IN CONNECTION WITH THE HENDERSON PASS LWC (LORENCE CREEK) PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING \$100.00 PAYABLE TO ALLAN B. BLACK AND BARBARA A. BLACK FOR A RIGHT OF ENTRY AGREEMENT, FOR A TOTAL AMOUNT OF \$15,350.00 FROM 2003-2007 STORM WATER REVENUE BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100515

AUTHORIZING \$49,250.00 FROM CERTIFICATES OF OBLIGATION FUNDS FOR THE ACQUISITION OF FEE SIMPLE TITLE AND/OR EASEMENT INTEREST AND FOR OTHER MISCELLANEOUS EXPENSES IN CONNECTION WITH THE ACQUISITION OF TEN (10) PARCELS OF REAL PROPERTY AND DECLARING THE CLARK: FAIR TO SOUTHCROSS MPO PROJECT ("PROJECT"), AN AUTHORIZED 1999 GENERAL OBLIGATION STREET BOND AND MPO PROJECT LOCATED IN COUNCIL DISTRICT 3, TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO PRIVATELY OWNED REAL PROPERTY DESCRIBED BELOW, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTIES; APPROPRIATING FUNDS FOR THE ACQUISITION OF THE PROPERTIES AND OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND AUTHORIZING

NEGOTIATIONS AND THE ACQUISITION OF THE FOLLOWING PROPERTIES ON THE APPROVED TERMS:

ACRE(S)	LOT(S)	BLOCK	NCB	SUBDIVISION
0.004	1, 2 and north 15.00 feet of 3	2	3721	Mission View Addition
0.0004	S 15 feet of 3; 4 & 5	5	3721	Mission View Addition
0.007	S 3.00 feet of 10; 11, 12 & 13	2	3721	Mission View Addition
0.009	14, 15, 16 & 17	2	3721	Mission View Addition
0.009	18, 19, 20 & 21	2	3721	Mission View Addition
0.025	42 - 47	44	3838	College Heights Addition
0.002	11	11	9576	Highland Hills Subdivision Unit 1
0.003	10	16	9581	Highland Hills Subdivision Unit 1
0.001	8	30	9641	Highland Hills Subdivision Unit 3
0.001	4	25	10141	Highland Hills Subdivision Unit 7-A

AN ORDINANCE 100516

APPROVING AND ENDORSING THE ALAMO AREA COUNCIL OF GOVERNMENTS REGIONAL MITIGATION ACTION PLAN, WHICH WILL SATISFY THE REQUIREMENTS OF THE DISASTER MITIGATION ACT OF 2000 AND WILL ENABLE THE CITY OF SAN ANTONIO TO PARTICIPATE IN FUTURE FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT PROGRAMS.

AN ORDINANCE 100517

RATIFYING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$175,000.00 TO THE DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN FOR A THREE (3) YEAR PROGRAM TO ASSIST WOMEN VICTIMS OF VIOLENT CRIME IN SECURING TRANSITIONAL AND PERMANENT HOUSING.

AN ORDINANCE 100518

RATIFYING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$125,000.00 TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE TENTH YEAR OF THE CRISIS ASSISTANCE TEAM ADMINISTRATION PROGRAM OF THE VICTIMS ADVOCACY SECTION OF THE SAN ANTONIO POLICE DEPARTMENT.

AN ORDINANCE 100519

RATIFYING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$114,449.00 TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE FOURTH YEAR OF THE PROJECT EDUCATE, ASSESS, SERVE AND EMPOWER OF THE VICTIMS ADVOCACY SECTION OF THE SAN ANTONIO POLICE DEPARTMENT.

AN ORDINANCE 100520

AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF A \$2,500.00 GRANT FROM THE TEXAS COMMISSION ON THE ARTS TO FUND RESEARCH AND DEVELOPMENT OF THE ECONOMIC IMPACT STUDY OF SAN ANTONIO'S CREATIVE INDUSTRY; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100521

AUTHORIZING PAYMENT IN THE AMOUNT OF \$40,112.00 TO AIRPORTS COUNCIL INTERNATIONAL, NORTH AMERICA, FOR 2005 ANNUAL DUES AND SERVICES AND MEMBERSHIP FEES.

AN ORDINANCE 100522

AUTHORIZING HYATT REGENCY HILL COUNTRY RESORT TO HOLD A FIREWORK DISPLAY FOR NATIONWIDE FINANCIAL SERVICES CONVENTION "OPENING CELEBRATION" CEREMONY ON MARCH 16, 2005.

AN ORDINANCE 100523

AUTHORIZING AN EXTENSION AGREEMENT AND ADDENDUM TO THE HOUSEKEEPING AND CONVERSION SERVICES AGREEMENT WITH GO PROFESSIONAL ENVIRONMENTAL MANAGEMENT TO PROVIDE THE ALAMODOME AND NELSON W. WOLFF MUNICIPAL STADIUM HOUSEKEEPING AND CONVERSION SERVICES EXERCISING THE FIRST ONE (1)-YEAR RENEWAL OPTION AND EXTENDING THE HOUSEKEEPING AND CONVERSION SERVICES AGREEMENT THROUGH MARCH 21, 2006, IN AN AMOUNT NOT TO EXCEED \$534,893.00; PROVIDING FOR WAIVER OF ADDITIONAL FEES OWED TO GO PROFESSIONAL ENVIRONMENTAL MANAGEMENT FROM MARCH 22, 2004 THROUGH FEBRUARY 14, 2005; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100524

AUTHORIZING THE EXECUTION OF A ONE (1) YEAR PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$150,000.00 WITH THE SAN ANTONIO SPORTS FOUNDATION TO SUPPORT THE SOLICITATION OF SELECT AMATEUR REGIONAL, NATIONAL, AND INTERNATIONAL SPORTING EVENTS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100525

AUTHORIZING THE EXECUTION OF AN EXTENSION AND FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE SAN ANTONIO SPORTS FOUNDATION, EXERCISING THE FIRST YEAR OF A FOUR (4)-YEAR RENEWAL OPTION, IN AN AMOUNT NOT TO EXCEED \$350,000.00, IN ORDER TO AUGMENT THE BASE PROGRAM BY SUPPORTING THE DIRECT SOLICITATION OF EVENTS, INCLUDING HOSTING OBLIGATIONS, SITE INSPECTIONS AND BID FEES, IN ORDER TO SECURE SELECT AMATEUR REGIONAL, NATIONAL, AND INTERNATIONAL SPORTING EVENTS FOR SAN ANTONIO; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100526

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR ST. LUKE'S CATHOLIC

CHURCH (4603 MANITOU) FOR THE GOOD FRIDAY PROCESSION TO BE HELD FROM 6:30 P.M. TO 9 P.M. ON FRIDAY, MARCH 25, 2005.

AN ORDINANCE 100527

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR SAN JUAN DE LOS LAGOS (3231 EL PASO) FOR THE REENACTMENT OF STATION OF THE CROSS TO BE HELD FROM 6:30 P.M. TO 9 P.M. ON FRIDAY, MARCH 25, 2005.

AN ORDINANCE 100528

REAPPOINTING ANDREW ANGUIANO (BUSINESS CATEGORY – DISTRICT 3) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100529

APPOINTING PRISCILLA GONZABA (COMMUNITY CATEGORY – DISTRICT 3) TO THE BROOKS DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 4, 2006.

AN ORDINANCE 100530

REAPPOINTING ALFRED P. ROCHA (DISTRICT 5) TO KEEP SAN ANTONIO BEAUTIFUL, INC., FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 22, 2006.

AN ORDINANCE 100531

APPOINTING FRANK ARREDONDO (DISTRICT 3) TO THE TAX PHASE-IN ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100532

REAPPOINTING MARIA ELENA TORRALVA ALONSO (MAYOR) TO THE GREATER KELLY DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 30, 2006.

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 100533

ACCEPTING THE LOW, QUALIFIED BASE BID IN THE AMOUNT OF \$405,491.00 FROM G G & G GENERAL CONSTRUCTION, INC. (SBE), TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE CATHEDRAL ROCK NATURE PARK, LOCATED IN COUNCIL DISTRICT 6; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$18,519.63 FOR CONSTRUCTION CONTINGENCY EXPENSES; FOR A TOTAL AMOUNT OF \$424,010.63; APPROPRIATING \$116,309.00 FROM 1999-2004 PARK BOND FUNDS, AND \$234,081.63 FROM 2003-2007 PARK BOND FUNDS AND UTILIZING EXISTING PROJECT FUNDS OF \$73,620.00; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100534

ACCEPTING THE LOW, QUALIFIED BID OF MANUEL ORTIZ CONSTRUCTION, L.L.C. IN THE AMOUNT OF \$750,000.00 IN CONNECTION WITH THE BASKETBALL COURT IMPROVEMENTS PACKAGE PROJECT, LOCATED IN COUNCIL DISTRICTS 1, 4 AND 6; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; AUTHORIZING THE APPROPRIATION AND ALLOCATION OF \$18,633.00 FROM 1999-2004 PARK

BOND FUNDS, \$499,851.89 FROM 2003-2007 PARK BOND FUNDS, \$263,499.00 FROM COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, AND \$40,262.00 FROM REVENUES COLLECTED FOR UDC FEES IN LIEU OF PARK LAND DEDICATION; AUTHORIZING \$72,245.89 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$822,245.89; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

Councilmember Flores made a motion to approve the proposed Ordinance. Councilmember Williams 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 100535

ACCEPTING THE LOW, RESPONSIVE BID OF E-Z BEL CONSTRUCTION, LTD. (MBE) IN THE AMOUNT OF \$1,551,911.88 IN CONNECTION WITH THE 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND AND 29TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED CARDIFF AREA DRAINAGE IMPROVEMENTS/HONEY: COMMERCE TO ARANSAS PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$111,305.96 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$77,914.17 FOR EXPENSE RECOVERY; AUTHORIZING \$1,000.00 FOR ADVERTISING EXPENSES; AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING FUNDS IN AN AMOUNT NOT TO EXCEED \$8,259.22 PAYABLE TO BROWN ENGINEERING, CO. (SBE) FOR CONSTRUCTION PHASE SERVICES; AUTHORIZING \$825.92 FOR ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING THE REIMBURSEMENT FROM THE SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$385,854.80 FOR SEWER AND WATER EXPENSES; AUTHORIZING THE REIMBURSEMENT FROM CITY PUBLIC SERVICE (CPS) OF \$52,997.50, FOR A TOTAL AMOUNT OF \$1,751,217.15; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100536

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR THE CULTURAL COLLABORATIVE: A COMMUNITY PLAN FOR SAN ANTONIO'S CREATIVE ECONOMY WITH JERRY ALLEN & ASSOCIATES TO PROVIDE ADDITIONAL SERVICES FOR THE CULTURAL COLLABORATIVE IN AN AMOUNT NOT TO EXCEED \$17,500.00, INCLUSIVE OF ALL EXPENSES AND FEES; 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, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 100537

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO AND, UPON AWARD, THE ACCEPTANCE OF A CRIMINAL JUSTICE PLANNING (421) FUND GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, STATE OF TEXAS BY THE CITY OF SAN ANTONIO, DEPARTMENT OF COMMUNITY INITIATIVES IN THE AMOUNT OF \$236,698.00 TO SUPPORT THE NEIGHBORHOOD CONFERENCING COMMITTEE PROGRAM FOR JUVENILE OFFENDERS REFERRED BY THE MUNICIPAL COURT SYSTEM FOR THE PERIOD SEPTEMBER 1, 2005 TO AUGUST 31, 2006; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT IN CONNECTION THEREWITH..

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, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Radle.

ITEMS FOR INDIVIDUAL CONSIDERATION – CITIZEN COMMENTS

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke with regards to the Blue Ribbon Commission, the San Antonio Air Service Incentive Program, and campaign contributions for item 40.

The City Clerk read the following ordinance:

AN ORDINANCE 100538

AMENDING ORDINANCE NO. 100412, PASSED ON FEBRUARY 10, 2005, TO REFLECT CHANGES IN EARLY VOTING AND ELECTION DAY POLLING SITES TO BE USED IN THE MAY 7, 2005 JOINT GENERAL AND SPECIAL ELECTION.

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

City Clerk Leticia M. Vacek made a presentation on the proposed changes of election sites. She presented maps of the respective districts where the sites were denoted. She also spoke to the recommendations presented by City Council such as increasing the number of early voting sites and its associated costs and other possible changes to some of the Election Day sites.

The following citizen(s) appeared to speak:

Mr. Cody Coeckeleubergh, UTSA, spoke in favor of the new early voting site.

Ms. Verna Eskridge, Dellcrest Area Neighborhood Association, spoke to Council in regards to considering the Dellcrest site.

Ms. Jennifer Storm, UTSA, also spoke in favor of the new early voting site.

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 100539

PROPOSING THE CREATION OF A CRIME CONTROL AND PREVENTION DISTRICT; AS REQUESTED BY COUNCILMAN RON H. SEGOVIA, DISTRICT 3.

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

Police Chief Albert Ortiz made a presentation on the proposed Crime Control District, a copy of which is on file with the Office of the City Clerk. He spoke to the goals of the plan, presented background information on the steps taken to bring forth the proposed recommendation, and presented statistical data on a survey conducted by UTSA. He further presented a comparison to other cities with a Crime Control District, the process to be taken should the Control District be approved and the timeline for an election in November.

The following citizen(s) appeared to speak:

Members of the Crime Commission addressed the City Council. Members included Col. Ray Hamilton, Father Jimmy Drennan, Michael Gilbert, Ethel Nelson, Tom DeChant, and Joe G. Candia.

Mr. Michael Gilbert made a presentation on a survey of consistent voters which was conducted for the Greater San Antonio Crime Prevention Commission. He spoke to the survey summary, results of the survey on the various questions posed, statistics on the respondent demographics, and outcome of the survey which concluded there was broad public support for the Crime Control and Prevention District, strong support for improving the justice system functions to respond to crime, and for social crime prevention programs.

The following individuals also spoke in respect to the Crime Control District:

Mr. Ray Lopez, Greater Crime Prevention Commission
Mr. Fred Saucedo, COSA Youth Commission
Ms. Deborah Wilson, COSA Youth Services Division

Ms. Alicia E. Morena, COSA Youth Services Division
Mr. Roger Lozano, Bexar County Probation Office
Mr. Julio Castillejo, 603 Divine
Ms. Vanessa Rodriguez, 232 Darby Blvd.
Mr. Richard Bocanegra
Ms. Amanda Rodriguez

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.

ZONING CASES

The City Clerk read the following ordinance:

AN ORDINANCE 100540

AMENDING THE LAND USE PLAN CONTAINED IN THE ARENA DISTRICT/EASTSIDE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 85 ACRES OF LAND LOCATED AT 856 GEMBLER ROAD FROM MEDIUM DENSITY SINGLE FAMILY AND MIXED RESIDENTIAL, HIGH DENSITY MULTIFAMILY RESIDENTIAL, AND OPEN SPACE/PARK LAND USE TO COMMUNITY COMMERCIAL LAND USE.

Mr. Emil Moncivais, Director, Planning Department, explained the proposed land use plan amendment.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, spoke to those Councilmembers who received campaign contributions from Brown and Associates and stated they should abstain from voting.

Councilmember Hall made a motion to approve the proposed land use plan amendment. Councilmember Schubert seconded the motion.

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

4.1A) ZONING CASE NUMBER Z2005037 S: The request of Brown, P. C., Applicant, for Red Berry Estate, Ltd., Owner(s), for a change in zoning from "R-5" Residential Single Family District to "C-2" S Commercial District with specific use authorization for a party house, reception hall, and meeting facilities on 84.267 acres out of NCB 10578 (856 Gembler Road). Staff's recommendation was for approval contingent on plan amendment. Zoning Commission has recommended approval. (Council District 2)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilmember Williams made a motion to approve the proposed rezoning case. Councilmember Flores seconded the motion.

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

AN ORDINANCE 100541

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 84.267 ACRES OUT OF NCB 10578 FROM "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2" S COMMERCIAL DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR A PARTY HOUSE, RECEPTION HALL, AND MEETING FACILITIES.

4B) ZONING CASE NUMBER Z2005028: The request of Virginia K. Hill, Applicant, for Virginia K. Hill, Owner(s), for a change in zoning from "RM-4" Residential Mixed District to "RM-4" "IDZ" Residential Mixed District Infill Development Zone on 0.07 acres out of NCB 2994 (513 East Ashby Place). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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.

AN ORDINANCE 100542

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS EAST 18.53 FEET OF THE SOUTH 85 FEET OF LOT 3 AND THE WEST 18.53 FEET OF THE SOUTH 85 FEET OF LOT 4 FROM "RM-4" RESIDENTIAL MIXED DISTRICT TO "RM-4" "IDZ" RESIDENTIAL MIXED DISTRICT INFILL DEVELOPMENT ZONE.

Item 4C) 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) was withdrawn.

4D) ZONING CASE NUMBER Z2005025: The request of Gregorio Velazquez, Applicant, for Gregorio Velazquez, Owner(s), for a change in zoning from H "C-2" Historic Commercial District to H "R-6" Historic Residential Single Family District on Lot 13, Block 14, NCB 7696 (3011 Mission Road). 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.

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

AN ORDINANCE 100543

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 13, BLOCK 14, NCB 7696 FROM H "C-2" HISTORIC COMMERCIAL DISTRICT TO H "R-6" HISTORIC RESIDENTIAL SINGLE FAMILY DISTRICT.

4E) ZONING CASE NUMBER Z2005024 C: The request of Ana Maria Arredondo, Applicant, for Milagritos Program, Inc., Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6" C Residential Single-Family District with conditional use for a counseling facility on Lot 1, Block 15, NCB 7483 (202 Elson Avenue). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 5)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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.

AN ORDINANCE 100544

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 15, NCB 7483 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" C RESIDENTIAL SINGLE-FAMILY DISTRICT WITH CONDITIONAL USE FOR A COUNSELING FACILITY.

4F) ZONING CASE NUMBER Z2005002 C: The request of Dealers Electrical Supply, Applicant, for Morris Bracey, Owner(s), for a change in zoning from "C-2NA" Commercial, Nonalcoholic Sales District to "C-2NA" C Commercial, Nonalcoholic Sales District with a conditional use for a wholesale electrical supply business on Lot 3, Block 91, NCB 18818 (8800 Block of Timber Path). Staff's recommendation was for approval.

Zoning Commission has recommended approval with the following conditions: 1) Outside storage shall be screened; 2) Dumpster shall be screened; and 3) Hours of operation shall be from 7:30 A.M. to 5 P.M. (Council District 6)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

AN ORDINANCE 100545

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 3, BLOCK 91, NCB 18818 FROM "C-2NA" COMMERCIAL, NONALCOHOLIC SALES DISTRICT TO "C-2NA" C COMMERCIAL, NONALCOHOLIC SALES DISTRICT WITH A CONDITIONAL USE FOR A WHOLESALE ELECTRICAL SUPPLY BUSINESS.

4G) ZONING CASE NUMBER Z2004263: The request of Rogelio De La Torre, Applicant, for Rogelio De La Torre, Owner(s), for a change in zoning from "MF-33" Multi-Family District to "C-2" Commercial District on 0.74 acres out of NCB 13519 (1500 Callaghan Road). Staff's recommendation was for approval of "C-1" Commercial District. Zoning Commission has recommended approval of "C-2NA" Commercial Nonalcoholic Sales District. (Council District 7)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilmember Castro made a motion to approve the proposed rezoning case. Councilmember Hall seconded the motion.

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

AN ORDINANCE 100546

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 0.74 ACRES OUT OF NCB 13519 FROM "MF-33" MULTI-FAMILY DISTRICT TO "C-2NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT.

Item 4H ZONING CASE NUMBER Z2004270: The request of Gamez Family Partnership, Ltd., Applicant, for Gamez Family Partnership, Ltd., Owner(s), for a change in zoning from "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-2NA" ERZD Commercial Nonalcoholic Sales Edwards Recharge Zone District on 6.8317 acres out of NCB 15671 (18851 Redland Road). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9) was postponed.

4I) ZONING CASE NUMBER Z2004265: The request of Randy Schumacher, Applicant, for Monterey Adair, Owner(s), for a change in zoning from "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-3NA" ERZD General Commercial District, Nonalcoholic Sales Edwards Recharge Zone District on P-4F, NCB 15671 (18581 Redland Road). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9) was postponed.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Ms. Marianna Ornelas spoke on the impervious cover and urged the City Council to protect the Aquifer. She added that the same amount of impervious cover should apply to this land as the PGA.

Mr. Randy Schumaker spoke on the notice requirement and reported there was no opposition.

Mr. Richard Alles stated they are very encouraged by SAWS recommendation with regards to the impervious cover requirement. He further noted the sinkholes and cited the vulnerable areas.

Councilmember Radle moved to approve the zoning with 15% impervious cover. Motion died due to lack of a second.

Councilmember Schubert made a motion to approve the proposed rezoning case with stipulation set out by SAWS on impervious cover. 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, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** Flores, Radle, Castro. **ABSENT:** None.

AN ORDINANCE 100547

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-4F, NCB 15671 FROM "R-6" ERZD RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-3NA" ERZD GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 100548

AMENDING THE SOUTHSIDE INITIATIVE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY OF SAN ANTONIO, BY CHANGING THE TITLE OF THE "SOUTHSIDE INITIATIVE COMMUNITY PLAN" TO "CITY SOUTH COMMUNITY PLAN."

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

Mr. Emil Moncivais, Director of Planning, made a presentation on the name change of the Southside Initiative Community Plan to City South. He spoke to the economic development in the Southside area which included the Toyota Motor Co., and the potential location of a Texas A & M University campus which are consistent with the goals of the Southside Initiative Community Plan.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100549

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 \$60,000,000.00 "CITY OF SAN ANTONIO, TEXAS MUNICIPAL DRAINAGE UTILITY SYSTEM BONDS, SERIES 2005"; 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.

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

Mr. Milo Nitschke, Director of Finance made a presentation on the approval of a preliminary official statement for the revenue bonds, general improvement and refunding bonds and the certificates of obligation, a copy of which is on file with the Office of the City Clerk. He outlined the transaction summary for the \$60,000,000 Municipal Drainage Utility System Revenue Bonds and the purpose of the bond proceeds, the \$122,485,000 General Improvement and Refunding Bonds, noting the gross savings and highlighting on the new money portion for the 2005 Bonds. He expanded on the underwriter syndicate for the drainage and the general obligation and certificates of obligation, and the proposed delivery schedule for the bonds.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100550

AUTHORIZING AND APPROVING PUBLICATION OF THE NOTICE OF INTENTION TO ISSUE "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2005" IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$11,600,000.00; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12, INCLUDING THE APPROVAL AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENTS PERTAINING TO THE ISSUANCE OF SUCH OBLIGATIONS AND APPROXIMATELY \$31,990,000.00 "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS, SERIES 2005", AND "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT AND REFUNDING BONDS, SERIES 2005" IN THE APPROXIMATE AMOUNT OF \$68,550,000.00; 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.

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

The City Clerk read the following resolution:

A RESOLUTION 2005-11-08

APPROVING A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURES OF FUNDS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES DESIGNATED AS FUTURE ISSUANCES OF GENERAL OBLIGATION BONDS AND "CITY OF SAN ANTONIO COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2005-A"; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Perez made a motion to approve the proposed resolution. Councilmember Radle seconded the motion.

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

Ordinance No. 100551 is void.

The City Clerk read the following ordinance:

AN ORDINANCE 100552

AMENDING CITY ORDINANCE NO. 89366, DATED MARCH 4, 1999, AND SECTION 33-044 OF THE SAN ANTONIO CITY CODE TO EXPAND THE ENFORCEMENT DUTIES OF THE SAN ANTONIO POLICE DEPARTMENT PUBLIC SAFETY TEAM VOLUNTEERS TO INCLUDE ADMINISTRATIVE VIOLATIONS OF THE VEHICLES-FOR-HIRE REGULATIONS OF CHAPTER 33 OF THE CITY CODE.

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

Police Chief Albert Ortiz narrated a slide presentation on the San Antonio Police Department Public Safety Team Duties, a copy of which is on file with the Office of the City Clerk. He spoke to the Public Safety Team (PST), the duties assigned, hours of specialized training, and the proposed action that would expand the enforcement duties of the PST which would also constitute an amendment to Chapter 33 – Vehicles for Hire.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100553

AMENDING CHAPTER 21, ARTICLE I, SECTION 21-6 OF THE CITY CODE OF CITY OF SAN ANTONIO, ENTITLED "INJURIES TO PROPERTY: GRAFFITI" BY INCREASING THE MINIMUM MANDATORY FINE FOR FIRST OFFENSES FROM FIFTY DOLLARS (\$50.00) TO TWO HUNDRED DOLLARS (\$200.00) AND FOR SUBSEQUENT OFFENSES FROM ONE HUNDRED DOLLARS (\$100.00) TO FOUR

HUNDRED DOLLARS (\$400.00); AND PROVIDING FOR PUBLICATION; AS REQUESTED BY COUNCILMEN RON H. SEGOVIA, DISTRICT 3, AND RICHARD PEREZ, DISTRICT 4.

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

Ms. Martha Sepeda, First Assistant City Attorney made a presentation on the amendment to Chapter 21 addressing graffiti and the associated fines, a copy of which is on file with the Office of the City Clerk. She denoted the current fines and the proposed increases, provisions of the state law compared to the city regulations. She further amplified on the current practices of the City of San Antonio with respect to the payment of fines and the special programs available which includes teen court, counseling, jail tours, various classes, and clean up graffiti.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100554

ESTABLISHING THE BLUE RIBBON COMMISSION FOR THE PARKS DEVELOPMENT AND LINEAR CREEKWAYS PROJECT; AS REQUESTED BY MAYOR EDWARD D. GARZA AND COUNCILMAN JOEL WILLIAMS, DISTRICT 2.

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

Mr. Chris Brady, Assistant City Manager, made a presentation on the Linear Creekway Parks Advisory Board, a copy of which is on file with the Office of the City Clerk. He outlined background on the proposed new board, provided information on the composition and functions of similar boards such as the Citizens' Bond Oversight Commission and the Conservation Advisory Board. He expounded on the proposed composition of the Linear Creekway Parks Advisory Board, the purpose of the Board, and the recommended nominees for appointment.

Councilmember Perez made an amendment to the motion, to provide for a report back to the City Council within the year to show what the Committee has done. Councilmember Williams seconded the motion.

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

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, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Hall.

CITIZENS TO BE HEARD.

Messrs. Jesus Conchas, R.C. Rodriguez, Rudy Guerra, Jr. and Armando Aguirre addressed the Council on behalf of the American Federation of Federal Employees. They spoke relating to the "civil service personnel system" and the effective date of March for the proposed rules affecting the employees under this category.

Mr. Joe A. Perez addressed the City Council relating to the problems he's had, and made everyone aware of Carroll Schubert's positive TV ad.

INDIVIDUAL ITEMS CONTINUED

The City Clerk read the following ordinance:

AN ORDINANCE 100555

AUTHORIZING PAYMENT, IN ACCORDANCE WITH THE SAN ANTONIO AIR SERVICE INCENTIVE PROGRAM, IN AN AMOUNT NOT TO EXCEED \$50,000.00 TO UNITED AIRLINES FOR ADVERTISING AND PROMOTIONAL EXPENSES RELATED TO THE AIR CARRIER'S INITIATION OF NEW DAILY NON-STOP SERVICE TO SAN FRANCISCO, CA, EFFECTIVE APRIL 3, 2005.

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

Mr. Kevin Dolliole, Director of Aviation, narrated a slide presentation on the incentive program award to United Airlines, a copy of which is on file with the Office of the City Clerk. He spoke to the San Antonio Air Service Development Program as recommended

by the consultant Kiehl-Hendrickson in the 2000 Aviation Industry Strategic Plan. He addressed the air service incentives, the purpose of the incentive program, and the SAT Incentive Program Advertising Support. He further amplified on the advertising incentive award to United Airlines which will be the first air carrier to initiate nonstop service to San Francisco, CA, a prime target market for San Antonio. He added that United would use the incentive funds for local print publications, events for key corporate and travel partners in San Antonio and San Francisco, and employee pins/buttons to advertise the new San Antonio-San Francisco service.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100556

AUTHORIZING THE EXECUTION OF A DEVELOPER PARTICIPATION CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND RIO PERLA PROPERTIES, L.P. ("RPP") FOR THE BROADWAY CORRIDOR STORM WATER DRAINAGE PROJECT, LOCATED IN COUNCIL DISTRICTS 1 AND 2; AUTHORIZING THE CITY TO APPROPRIATE FUNDS IN AN AMOUNT NOT TO EXCEED \$4,135,258.00 FROM STORM WATER REVENUE BONDS PAYABLE TO RPP FOR CONSTRUCTION COSTS RELATED TO OVERSIZING A DRAINAGE FACILITY EXTENDING FROM THE SAN ANTONIO RIVER TO GRAYSON STREET; AND PROVIDING FOR PAYMENT.

Councilmember Perez 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 developer participation contract with Rio Perla Properties for the Broadway Corridor Storm Water Drainage project, a copy of which is on file with the Office of the City Clerk. He outlined background information on the approved rate increase to the storm water fee for the purpose of funding 11 regional flood control projects, views of the flooding areas, the redevelopment of the Pearl Brewery, and the construction of the drainage facility required with the redevelopment. He further highlighted on the agreement with Rio Perla for the underground drainage easement across the Pearl Brewery development, and the fiscal impact.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100557

APPROVING THE RENEWAL OF A FIFTEEN (15) YEAR INTERLOCAL AGREEMENT AND BUDGET BETWEEN THE CITY OF SAN ANTONIO AND ALAMO COMMUNITY COLLEGE DISTRICT FOR A ONE (1) PERIOD BEGINNING APRIL 1, 2005, WHICH FACILITATES ADMINISTRATION OF PROCEEDS ENCUMBERED UNDER THE CITY OF SAN ANTONIO V. ALAMO COMMUNITY COLLEGE DISTRICT SETTLEMENT AGREEMENT.

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

Mr. Ramiro Cavazos, Director of Economic Development Department, narrated a slide presentation on the renewal of the interlocal agreement with the City of San Antonio and the Alamo Community College District (ACCD), a copy of which is on file with the Office of the City Clerk. He spoke to the terms of the interlocal agreement noting that the agreement created two accounts, a building account and an education and training account. He presented a history of the education and training account, the budget and funding priorities, comparison of the categories in Budget Yr 4 to Budget Yr 5, further expounding on the Alamo Academies, the City Employee training, Department of Community Initiatives Client Workforce Training, and the reserve for customized training.

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

TRAVEL AUTHORIZATION - Granted:

Travel authorization for Councilman Art A. Hall who will travel to Washington, D.C., to attend the National League of Cities 2005 Annual Congressional City Conference from Thursday, March 10, 2005 to Tuesday, March 15, 2005 and for Councilman Christopher "Chip" Haass who will attend the conference from Friday, March 10, 2005 to Tuesday, March 15, 2005.

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

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

CITY MANAGER'S REPORT

City Clerk Leticia M. Vacek reported on the outstanding Financial Disclosure Reports for Boards/Commissions Members.

Councilmember Perez addressed the Garage Sale Permits whereby if rained-out as to how staff will handle this issue.

Councilmember Perez also spoke to the notification process for the brush collection pick-up, adding that it should be at least a two week notice.

Councilmember Haass noted he too had the same issue with regards to brush pick-up and suggested 10 days as a middle ground.

EXECUTIVE SESSION

The City Council recessed its Regular Session at 7:11 pm in order to convene in Executive Session for the purpose of:

Deliberate the duties, appointment, and employment of the City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Deliberate the offer of financial or other incentives related to economic development negotiations with the following business prospects, Texas A&M University System, Faulkner USA, and one or more other business prospects, including the possible acquisition and disposition of an interest in real property, pursuant to Texas Government Code Section 551.087 (deliberation regarding economic development negotiations) and Texas Government Code Section 551.072 (deliberation regarding real property); and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Deliberate the purchase, exchange, lease, or value of real property located at 1001 E. Market Street, San Antonio, Texas 78205, pursuant to Texas Government Code Section 551.072 (deliberation regarding real property).

Discuss legal issues regarding franchise renewal negotiations with Time Warner Cable, franchise reopener negotiations with Grande Communications and related telecommunications and cable matters, pursuant to Texas Government Code Section 551.071 (consultation with attorney) and Section 551.072 (deliberation regarding real property).

Discuss legal issues relating to the lawsuit styled *Advanced Long Term Care Corp. - Perrin Beitel vs. City of San Antonio*, 2002-CI-131943, 288th Judicial District, San Antonio Division, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues relating to the lawsuit styled *Downtown Vendors Association, Robert Martinez, D/B/A Blas Caricatures vs. City of San Antonio*, 2004-CI-08245, 225th Judicial District, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Garza reconvened the Regular Session from Executive Session at 9:43 pm, at which time he stated that City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

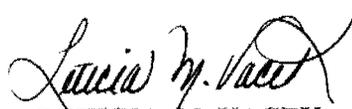
There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 9:44 pm.

A P P R O V E D



EDWARD D. GARZA
MAYOR

Attest:



LETICIA M. VACEK
City Clerk