

**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, JANUARY 20, 2005**

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The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

Staff briefing to present the various Better Jobs Sales Tax initiatives and related program costs. [Presented by Frances A. Gonzales, Assistant City Manager; J. Rolando Bono, Interim City Manager]

Staff briefing on status of "Parks Development Venue Project." [Presented by Christopher J. Brady, Assistant City Manager; J. Rolando Bono, Interim City Manager]

Staff briefing on Automated Garbage Collection Pilot Project. [Presented by Daniel V. Cardenas, Director, Environmental Services; Melissa Byrne Vossmer, Assistant City Manager]

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

The "B" Session adjourned at 12:16 P.M.

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

The Invocation was delivered by Dr. Jeff Howell, Pastor, District 10, Rolling Oaks Christian Church.

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

**CEREMONIALS**

Mayor Garza called forward the representatives of the "Green Team Competition," who announced this year winners.

Mayor Garza presented an award from J.D. Power and Associates to Kevin Dolliole, Aviation Director, in recognition of the San Antonio International Airport being recognized as one of the Highest in Passenger Satisfaction in its respective segment.

On a point of personal privilege, Councilmember Perez congratulated Councilmember Williams for his efforts with the Martin Luther King Jr. March, noting it was a success.

On a point of personal privilege, Councilmember Schubert acknowledged President George W. Bush's inauguration.

The minutes of the Special Meeting of December 7, 2004 and Regular City Council Meeting of December 9, 2004 were approved as presented.

### CONSENT AGENDA – CITIZENS' COMMENTS

Consent Agenda Items 6, 10, 11, 12, 13, 14, 16, and 28 were addressed individually from the consent agenda. The remaining items 6 through 31 were approved under the consent agenda upon motion made by Councilmember Perez and seconded by Councilmember Hall.

#### The following citizen(s) appeared to speak:

Mr. Charles English, Jefferson Heights Association, spoke with regards to engaging everyone in the open process as it relates to CDBG (federal funds) monies.

Mr. Jack M. Finger, PO Box 12048, addressed item 21 regarding membership dues to the AACOG. He also made mention of Proposition 13, and noted item 14 abstentions were in order due to campaign contributions that have been received by various City Councilmembers.

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

### AN ORDINANCE 100294

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY GRANDE TRUCK CENTERS OF TEXAS, L.P., TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH ONE REPLACEMENT MOTORIZED COMMAND POST

APPARATUS FOR A TOTAL COST OF \$242,892.00, FROM STATE HOMELAND SECURITY GRANT FUNDS.

AN ORDINANCE 100295

ACCEPTING THE OFFER SUBMITTED BY SIDDON'S FIRE APPARATUS, INC., UTILIZING THE TEXAS BUYBOARD CONTRACT, TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH ONE LIGHT HAZMAT VEHICLE FOR A TOTAL COST OF \$282,838.00, FROM STATE HOMELAND SECURITY GRANT FUNDS.

AN ORDINANCE 100296

ACCEPTING THE OFFER SUBMITTED BY GRAYBAR ELECTRIC COMPANY, THROUGH U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE, TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH AN ANNUAL CONTRACT FOR TELECOMMUNICATION SUPPLIES FOR AN ESTIMATED ANNUAL COST OF \$280,414.07.

AN ORDINANCE 100297

AUTHORIZING \$3,417.50 FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS PAYABLE TO GARRY H. FRANKLIN FOR THE REPAIR AND RECONSTRUCTION OF A FENCE AT 1117 RICE ROAD IN CONNECTION WITH THE RICE ROAD RECONSTRUCTION FROM W.W. WHITE TO SEMLINGER ROAD PROJECT, LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100298

DECLARING AS SURPLUS AND AUTHORIZING THE SALE OF SEVEN TRACTS OF CITY-OWNED REAL PROPERTY: 1) THE CITY-OWNED PORTION OF LOT A5, NCB 910, TO EDMUND BECK FOR \$2,882.00; 2) THE CITY-OWNED PORTION OF LOT 12, BLOCK 27, NCB 1939, TO DANA W. KENT FOR \$2,200.00; 3) LOT 20, BLOCK 20, NCB 3195, TO RAUL FUENTES, JR., FOR \$1,500.00; 4) LOT 29, BLOCK 7, NCB 2092, TO JOSE L. ZUNIGA FOR \$3,000.00; 5) LOT 15, BLOCK B, NCB 639, TO MACARIO ROSAS FOR \$3,500.00; 6) LOT 15, BLOCK 7, NCB 2897, TO MANUEL MARTINEZ AND MARIA DE JESUS MARTINEZ FOR \$1,200.00; AND 7) AN 8.113 ACRE, MORE

OR LESS, TRACT OF LAND OUT OF LOT 15, NCB 10852, TO ROBERT L. SCHAFER FOR \$110,000.00; AS ADVERTISED AND OFFERED THROUGH THE SEALED BID PROCESS, FOR THE TOTAL CONSIDERATION OF \$124,282.00, WITH THE CITY'S PORTION BEING \$118,525.90.

AN ORDINANCE 100299

APPROVING A NEW LEASE AGREEMENT WITH AVANTE PLAZA VENTURE I, LTD., A TEXAS LIMITED PARTNERSHIP, AS LANDLORD, FOR THE LEASE OF APPROXIMATELY 2,272 SQUARE FEET OF OFFICE SPACE AT 401 WEST COMMERCE, FOR USE BY THE SAN ANTONIO POLICE DEPARTMENT, AT AN AVERAGE ANNUAL RENTAL OF \$34,769.00, FOR A TOTAL COST OF \$173,843.76, FOR A FIVE (5) YEAR TERM ENDING ON SEPTEMBER 30, 2009.

AN ORDINANCE 100300

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,500,450.00 TO STEWART TITLE COMPANY AS ESCROW AGENT FOR A THIRTY PERCENT (30%) UNDIVIDED INTEREST OF A 421.0020 ACRE TRACT OF LAND KNOWN AS THE CANYON RANCH TRACT SITUATED IN BEXAR COUNTY, TEXAS, UNDER THE PROPOSITION THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT; AUTHORIZING PAYMENT IN THE AMOUNT OF \$15,000.00 TO THE TRUST FOR PUBLIC LAND FOR SERVICES IN NEGOTIATING, INVESTIGATING, AND PURCHASING SAID PROPERTY; AND AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT TO ACCOMPLISH SAID PURCHASE; APPROPRIATING FUNDS; PROVIDING FOR PAYMENT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT (8) VOTES.

AN ORDINANCE 100301

AUTHORIZING PAYMENT IN THE AMOUNT OF \$700,000.00 TO AB HAUSMAN PARTNERSHIP THE FEE SIMPLE PURCHASE OF 34.804 ACRES ALONG LEON CREEK AT 6518 HAUSMAN ROAD, UNDER THE PROPOSITION THREE CREEKWAYS LINEAR PARKS ACQUISITION AND PARK EXPANSION PROJECT; AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT TO ACCOMPLISH SAID PURCHASE; AUTHORIZING \$16,672.49

FOR DUE DILIGENCE FEES, FOR A TOTAL AMOUNT OF \$716,672.49; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100302

AUTHORIZING PAYMENT IN THE AMOUNT OF \$68,678.76 FOR THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES TO THE ALAMO AREA COUNCIL OF GOVERNMENTS FOR CALENDAR YEAR 2005.

AN ORDINANCE 100303

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO SUBMIT A GRANT APPLICATION IN THE AMOUNT OF \$500,000.00 FOR THE FIFTH YEAR OF THE TEXAS DEPARTMENT OF TRANSPORTATION'S DWI SELECTIVE TRAFFIC ENFORCEMENT PROGRAM, WHICH WILL CONTINUE TO FUND AN OVERTIME PROGRAM FOR DWI ENFORCEMENT FOR THE GRANT PERIOD OCTOBER 1, 2005 TO SEPTEMBER 30, 2006; AND AUTHORIZING AN IN-KIND MATCH OF \$39,342.00 AND A CASH MATCH OF \$16,215.00.

AN ORDINANCE 100304

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO SUBMIT A GRANT APPLICATION IN THE AMOUNT OF \$500,000.00 FOR THE FIRST YEAR OF THE TEXAS DEPARTMENT OF TRANSPORTATION'S SPEED ENFORCEMENT SELECTIVE TRAFFIC ENFORCEMENT PROGRAM, WHICH WILL FUND AN OVERTIME PROGRAM FOR SPEED ENFORCEMENT FOR THE GRANT PERIOD OCTOBER 1, 2005 TO SEPTEMBER 30, 2006; AND AUTHORIZING AN IN-KIND MATCH OF \$39,342.00 AND A CASH MATCH OF \$16,215.00.

AN ORDINANCE 100305

AUTHORIZING THE ACCEPTANCE OF VARIOUS DONATIONS OF EQUIPMENT AND PRIZES, VALUED AT \$14,642.00, TO THE SAN ANTONIO POLICE DEPARTMENT ("SAPD") SWAT TEAM, FROM SPONSORS OF THE 2004 WORLD SWAT CHALLENGE, HELD AT MOYOCK, NORTH CAROLINA, FOR FINISHING IN FIRST PLACE AT THE COMPETITION.

AN ORDINANCE 100306

AUTHORIZING THE ACCEPTANCE OF \$356,700.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES ("TDSHS") TO RENEW SUPPORT FOR THE TUBERCULOSIS PREVENTION AND CONTROL PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2005 THROUGH DECEMBER 31, 2005; AUTHORIZING THE EXECUTION OF THE CONTRACT CHANGE WITH TDSHS; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 100307

AUTHORIZING THE ACCEPTANCE OF \$321,254.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES ("TDSHS") TO RENEW SUPPORT FOR THE SEXUALLY TRANSMITTED DISEASE STAFF SUPPORT PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2005 THROUGH DECEMBER 31, 2005; AUTHORIZING THE EXECUTION OF THE CONTRACT CHANGE WITH TDSHS; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

AN ORDINANCE 100308

AUTHORIZING THE ACCEPTANCE OF \$123,869.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES ("TDSHS") TO RENEW SUPPORT FOR THE AIDS SURVEILLANCE PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2005 THROUGH DECEMBER 31, 2005; AUTHORIZING THE EXECUTION OF THE CONTRACT CHANGE WITH TDSHS; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT

AN ORDINANCE 100309

AMENDING ORDINANCE NO. 99421, PASSED AND APPROVED ON JUNE 24, 2004, TO REVISE THE LEAD PAINT PROGRAM BUDGET TO ADD ONE FULL-TIME STAFF POSITION; AUTHORIZING A PERSONNEL CLASSIFICATION AND PAY RANGE; REVISING THE PROJECT BUDGET AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100310

AUTHORIZING THE EXECUTION OF A CONTRACT IN AN AMOUNT NOT TO EXCEED \$20,000.00 PER YEAR WITH SORIA CPA FIRM, D/B/A CORPORATE PAYROLL ADMINISTRATORS, TO PROVIDE PAYROLL SERVICES TO THE CITY OF SAN ANTONIO FOR THE MAYOR AND CITY COUNCILMEMBERS FOR THEIR INDIVIDUAL EMPLOYEES, FOR A PRIMARY TERM OF TWO-YEARS, WITH TWO ADDITIONAL ONE-YEAR TERMS, SUBJECT TO THE ANNUAL APPROPRIATION OF FUNDS.

**CONSENT ITEMS CONSIDERED INDIVIDUALLY**

The City Clerk read the following ordinance:

AN ORDINANCE 100311

ACCEPTING THE OFFER SUBMITTED BY RUSH TRUCK CENTERS OF TEXAS, L.P., UTILIZING THE TEXAS BUYBOARD CONTRACT, TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH ONE TWO-DOOR TILT HOOD TRACTOR FOR A TOTAL COST OF \$72,187.00, FROM STATE HOMELAND SECURITY GRANT FUNDS.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100312

ALLOCATING 27TH, 28TH AND 29TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AUTHORIZING PAYMENT IN THE AMOUNT OF \$63,817.75 TO THE CITY FORCES ACCOUNT FOR INFRASTRUCTURE CONSTRUCTION IN CONNECTION WITH THE ARROYO VISTA AFFORDABLE SHOWCASE OF HOMES COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT, LOCATED IN COUNCIL DISTRICT 6; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100313

AUTHORIZING FUNDS IN THE AMOUNT OF \$637,267.97 PAYABLE TO THE TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT") FOR THE CITY'S SHARE OF CONSTRUCTION COSTS IN CONNECTION WITH THE SOUTH FLORES – MALONE TO OCTAVIA MPO PROJECT, LOCATED IN COUNCIL DISTRICTS 3 AND 5; AUTHORIZING \$95,590.20 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$20,000.00 FOR ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$12,745.36 FOR CAPITAL ADMINISTRATIVE COSTS, FOR A TOTAL AMOUNT OF \$765,603.53 FROM GENERAL OBLIGATIONS OF THE CITY; APPROPRIATING FUNDS; 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, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams.

The City Clerk read the following ordinance:

AN ORDINANCE 100314

AMENDING THE PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,350.00 TO HOYT CONSULTING ENGINEERS, INC., FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE NAKOMA AT U.S. HIGHWAY 281 TO WARFIELD MPO PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING \$335.00 FOR ADDITIONAL ENGINEERING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$3,685.00 FROM 1999-2004 GENERAL OBLIGATION STREET

IMPROVEMENT BOND FUNDS; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; 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, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams.

The City Clerk read the following ordinance:

AN ORDINANCE 100315

AUTHORIZING THE TRANSFER OF \$121,301.60 FROM 2002 CERTIFICATES OF OBLIGATION TO A CITY FORCE ACCOUNT FOR THE RECONSTRUCTION OF STRATHAVEN FROM MONDEAN TO HOLLYHOCK, AND MONDEAN FROM STRATHAVEN TO BABCOCK ROAD, IN CONNECTION WITH THE HOLLYHOCK AT HUEBNER CREEK DRAINAGE STRUCTURE PROJECT, LOCATED IN COUNCIL DISTRICT 7; AND APPROPRIATING FUNDS.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100316

AMENDING CERTAIN PROFESSIONAL SERVICES AGREEMENTS; RATIFYING SERVICES THEREUNDER AND AUTHORIZING PAYMENT TO VARIOUS FIRMS FOR LEVEL II PROJECT SCOPE AND ESTIMATING SERVICES IN CONNECTION WITH THE 2003 BOND ELECTION: PROJECT SCOPING AND ESTIMATING PROJECT AS FOLLOWS: \$33,416.22 PAYABLE TO PAPE-DAWSON ENGINEERS, INC.; \$33,639.31 PAYABLE TO LOCKWOOD, ANDREWS & NEWNAM, INC.; \$8,019.14 PAYABLE TO POST, BUCKLEY, SCHUH & JERNIGAN, INC.; \$18,103.72 PAYABLE TO CIVIL ENGINEERING CONSULTANTS, DON DURDEN, INC.; FOR A TOTAL AMOUNT OF \$93,178.39

FROM STORM WATER REVENUE BOND FUNDS; APPROPRIATING FUNDS;  
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:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall,  
Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores.

The City Clerk read the following ordinance:

AN ORDINANCE 100317

AUTHORIZING PAYMENT IN THE AMOUNT OF \$433,300.00 PAYABLE TO  
LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR JAMINA  
VASBINDER AND HUSBAND, JOHN H. VASBINDER FOR FEE SIMPLE TITLE  
TO 11.68 ACRES IN THE CITY OF SAN ANTONIO, AND TITLE FEES;  
AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,550.00 TO JAMINA  
VASBINDER AND JOHN H. VASBINDER FOR MOVING EXPENSES; AND  
AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,500.00 PAYABLE TO  
ECKMANN GROLL, INC., FOR APPRAISAL SERVICES IN CONNECTION WITH  
THE UPPER FRENCH CREEK BUYOUT PROJECT, LOCATED IN COUNCIL  
DISTRICT 8, FOR A TOTAL AMOUNT OF \$437,350.00 FROM THE STORM  
WATER REGIONAL FACILITIES FUND; APPROPRIATING FUNDS; AND  
PROVIDING FOR PAYMENT.

Councilmember Perez 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, Castro, Hall,  
Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Schubert.

The City Clerk read the following ordinance:

AN ORDINANCE 100318

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO RENEW  
A PROFESSIONAL SERVICES AGREEMENT WITH THE SAN ANTONIO  
MOBILITY COALITION, INC., ("SAMCO") AND APPROVING PAYMENTS IN AN

AMOUNT NOT TO EXCEED \$70,000.00 TO SAMCO FOR ANNUAL MEMBERSHIP DUES BEGINNING FEBRUARY 1, 2005 THROUGH JANUARY 31, 2006 FOR THE CITY OF SAN ANTONIO.

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

### ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following resolution:

#### A RESOLUTION 2005-04-01

SUPPORTING THE ESTABLISHMENT AND DEVELOPMENT OF A TEXAS A&M UNIVERSITY SYSTEM CAMPUS IN SAN ANTONIO; AUTHORIZING STAFF TO NEGOTIATE AN AGREEMENT WITH THE TEXAS A&M UNIVERSITY SYSTEM UNDER WHICH THE CITY OF SAN ANTONIO WILL CONVEY 400 OR MORE ACRES OF DEVELOPABLE PROPERTY FOR A CAMPUS BY DECEMBER 2006, AND PROVIDE REQUISITE ACCESS AND UTILITY SERVICE TO SAID PROPERTY, CONDITIONAL UPON AUTHORIZATION FOR THE CAMPUS; DIRECTING STAFF TO IDENTIFY AND PROVIDE FOR ALL FUNDS NECESSARY FOR SAID PROJECT; AND DIRECTING STAFF TO TAKE STEPS TO IDENTIFY, ASSESS, AND ACQUIRE PROPERTY FOR A CAMPUS IN SOUTH SAN ANTONIO AND BEXAR COUNTY.

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

Mr. Trey Jacobson, Assistant Director of Economic Development, narrated a slide presentation regarding a resolution supporting the development of a campus for Texas A&M University in San Antonio, a copy of which is on file with the Office of the City Clerk. He also narrated a presentation with regards to item #33 (Ordinance 100319). He discussed the purpose of the resolution, indicating it would express the City's support and commitment for the development of this campus, and would also direct staff to identify funding sources for the project. He presented background information on the Texas A&M system, and described the content of the resolution. He then discussed item #33, concerning the Relocation Assistance Program and appropriation of funds. He presented

background information on the program, and spoke to the proposed relocation payments. He then spoke to the fiscal impact of the project.

The following citizen(s) appeared to speak:

Mr. Charles English, Jefferson Heights Association, spoke to Proposition 13 and Proposition 38.

Mr. Jack M. Finger, PO Box 12048, addressed the City Council relating to the CPS item and item #44 regarding water conservation. He further addressed Proposition 13.

Mr. Leo Saverada, Texas A&M University, addressed the City Council as it relates to the campus. He presented an overview on the history of an A&M Campus in San Antonio.

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 100319

ADOPTING A RELOCATION ASSISTANCE PROGRAM FOR RESIDENTS AND BUSINESSES ACTUALLY DISPLACED BY THE CITY'S PROGRAM TO ACQUIRE THE REAL PROPERTY NECESSARY TO ESTABLISH A TEXAS A&M UNIVERSITY SYSTEM CAMPUS IN SAN ANTONIO AND APPROPRIATING \$41,750.00 TO ACQUIRE NECESSARY RIGHTS OF ENTRY TO ALLOW CITY STAFF AND CONSULTANTS TO ENTER UPON REAL PROPERTY FOR THE PURPOSE OF CONDUCTING EVALUATIONS OF THE PROPERTY.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100320

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO ACCEPT THREE PROPOSALS AND TO NEGOTIATE AND EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH THE FIRMS OF ARDAGA AND ASSOCIATES, MACTEC ENGINEERING AND CONSULTING INC. AND LOCKWOOD, ANDREWS & NEWNAM, INC. TO PROVIDE RIGHT OF WAY SERVICES NECESSARY TO NEGOTIATE AND ACQUIRE VARIOUS PROPERTIES IN CONNECTION WITH THE TEXAS A&M UNIVERSITY CAMPUS-SAN ANTONIO, THE 2003-2007 BOND PROJECTS AND OTHER CAPITAL IMPROVEMENT PROJECTS AS REQUIRED ON BEHALF OF THE CITY FOR A TOTAL AMOUNT NOT TO EXCEED \$1,000,000, FOR AS-NEEDED SERVICES, FOR A THREE (3) YEAR TERM, WITH AN OPTION TO EXTEND ALL OR ANY ONE OF THE AGREEMENTS FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS.

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

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation regarding the agreement with various firms to provide right of way services necessary to negotiate and acquire various properties in connection with the Texas A&M University Campus-San Antonio, the 2003-2007 Bond projects and other capital improvement projects as required, a copy of which is on file with the Office of the City Clerk. He spoke to the term of the contracts, and amplified on the professional services available. He discussed work activities allocated in the form of work orders and approved by the Director of Public Works, and acknowledged MACTEC Engineering Consulting, Inc. would be engaged for the properties associated with the Texas A&M Campus. He then cited the fiscal impact, and discussed the policy analysis.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100321

AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR MASTER PLANNING SERVICES FOR CITY SOUTH SAN ANTONIO FROM KELL-MUÑOZ, ARCHITECTS, INC.; AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE A CONTRACT IN AN AMOUNT NOT TO EXCEED \$415,000.00 FOR A CONTRACT PERIOD TERMINATING JUNE 17, 2005;

ESTABLISHING A CONSOLIDATED CITY SOUTH MASTER PLAN BUDGET WITHIN THE GENERAL FUND ONE-TIME SPECIAL PROJECTS ACCOUNT AND REDIRECTING FUNDS IN THE AMOUNT OF \$300,000.00 FROM FY 2005 SOUTHSIDE INITIATIVE MASTER PLANNING BUDGET AND \$115,000.00 FROM THE GENERAL FUND TO THE CONSOLIDATED CITY SOUTH MASTER PLAN BUDGET.

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation regarding the acceptance of a proposal from Kell-Munoz Architects, Inc. for master planning services for City South, a copy of which is on file with the Office of the City Clerk. He discussed previous actions concerning the City South initiative, and the request for proposals (RFP) that were issued on October 8, 2004. He outlined the scope of services, and amplified on what the collective work would include. He spoke to the evaluation criteria, RFP responses, and the Urban Retail proposal. He then specifically discussed the Kell-Munoz proposal, and concluded with discussion on the program budget and staff's recommendation.

Councilmember Perez made an amendment to choose DPZ as the Lead Architectural firm. Councilmember Segovia seconded the motion.

After consideration, the motion for amendment prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Barrera, Hall, Haass, Garza. **NAYS:** Radle. **ABSENT:** Flores, Castro, Schubert.

After consideration, the main motion as amended, 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.

#### **STAFF BRIEFING ON THE STATUS OF THE CONVENTION CENTER HEADQUARTERS HOTEL PROJECT**

Mr. Chris Brady, Assistant City Manager, presented a briefing on the Convention Center Headquarters Hotel, a copy of which is on file with the Office of the City Clerk. He presented background information, noting the City Council had approved FaulknerUSA as the preferred developer on December 21, 2004. At the time, he stated the City Council also requested staff to provide a briefing every 30 days regarding the status of this hotel project. He then presented an outline of key event dates from January 28 through May 30, 2005, which he noted is the target date to close the transaction. He spoke to the

construction/parking work group, as well as the stakeholder review group. He concluded with an update on the hotel operator.

**INDIVIDUAL ITEMS CONTINUED**

The City Clerk read the following ordinance:

AN ORDINANCE 100322

AMENDING CHAPTER 34, ARTICLE IV, DIVISION I, OF THE SAN ANTONIO CITY CODE TO MAKE PERMANENT A YEAR ROUND WATER CONSERVATION ORDINANCE; PROVIDING FOR CRIMINAL AND CIVIL PENALTIES; AND DIRECTING PUBLICATION.

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

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation regarding the proposed conservation ordinance, a copy of which is on file with the Office of the City Clerk. He noted City staff had met with San Antonio Water System (SAWS) to review the proposed ordinance, and noted SAWS had worked over the past several years with stakeholders in developing the ordinance.

A representative from SAWS acknowledged SAWS will work with City staff to phase changes in over several years. He discussed the input received by the public, and amplified on the provisions of the conservation ordinance. He then discussed the implementation and enforcement plan, and spoke to variance requests.

The following citizen(s) appeared to speak:

Mr. Kelly Hall, Green Industry Alliance, stated the Green Industry supports the proposed ordinance with a change from 6 inches to 4 inches as it relates to the sprinkler heads placement.

Mr. John Cosper, Turfgrass Producers of Texas, spoke with regards to a project they are engaged in with SAWS and noted they support the proposed ordinance.

Mr. Bill Sartor, Community Conservation Committee, stated they worked with SAWS on the proposed ordinance, and acknowledged their support of the proposed ordinance.

Councilmember Perez made an amendment to the motion to proceed with the 4 inches instead of 6 inches in the placement of the sprinkler heads. Councilmember Segovia seconded the motion.

After consideration, the motion for the amendment prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Barrera, Castro, Schubert, Haass, Garza. **NAYS:** Hall. **ABSENT:** Williams, Radle.

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

### **CITIZENS TO BE HEARD**

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke to the Texas A&M University in San Antonio as well as the sprinkler system issues as it relates to item 44.

Mr. Jim Koch, 8214 Evert, spoke with regards to democracy and government closest to the people. He noted the issue of CPS to be addressed at 7:00 pm

Mr. Eugene Mazzurana, 122 San Pedro, addressed the Homelessness Plan and taking care of our own.

Mr. Mike Phillips, COPS/Metro Alliance, commented that proposition 13 is not the best way to address the needs of the seniors.

### **STAFF BRIEFING AND CONSIDERATION OF THE FOLLOWING ORDINANCE**

Item 37A is a staff briefing on specific questions and issues related to the adoption of a Proposition 13 tax freeze and on alternative options for ad valorem tax relief for disabled or elderly homeowners.

Mr. Peter Zaroni, Director of Management and Budget, narrated a slide presentation regarding a briefing on Proposition 13, a copy of which is on file with the Office of the City Clerk. The presentation also covered item 37B (Ordinance 100323). He presented an overview on Proposition 13, as well as an overview on the "Stair Stepped Alternative," and provided information that addressed specific City Council questions and issues. He provided specific detail of the staff briefing that took place on December 9, 2004 with regards to Proposition 13, and amplified on Proposition 13 assumptions and revenue-loss projections. He cited the projected 10-year cumulative impact, and

presented an update on Bexar County's legislative efforts with regards to Proposition 13, and noted legislation would propose a 10-year sunset provision to assess fiscal impact. He spoke to placing other property tax relief options on the May 7, 2005 ballot. He then presented an overview on the ordinance that would add Proposition 13 to the ballot, and outlined the potential election timeline for this specific election. He concluded with the proposed language for the ballot, and spoke to the effective implementation dates if the proposition is approved.

The following citizen(s) appeared to speak:

Ms. Betty Eckert, Seniors of San Antonio, requested the City Council to place Proposition 13 on the May Ballot.

Mr. Bob Martin, Homeowners Taxpayer Association of Bexar County, spoke regarding the reduction of the \$65,000 exemption and noted this would hurt, not help the seniors.

Mr. Ruben Espronceda spoke to the appraised value of his home and that it has tripled in the last 10 years.

The City Clerk read the following ordinance:

AN ORDINANCE 100323

ADDING A BALLOT MEASURE TO THE MAY 7, 2005 SPECIAL MUNICIPAL ELECTION FOR VOTER CONSIDERATION OF A PROPOSITION 13 TAX FREEZE LIMITING THE AMOUNT OF AD VALOREM TAXES IMPOSED ON THE HOMESTEAD OF A PERSON WHO IS DISABLED OR 65 YEARS OF AGE OR OLDER.

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

The City Clerk read the following ordinance:

## AN ORDINANCE 100324

AMENDING CHAPTER 31 OF THE CITY OF SAN ANTONIO CITY CODE, ENTITLED "TAXATION" BY ADDING ARTICLE VII, ENTITLED "RESIDENCE HOMESTEAD EXEMPTION FOR THE DISABLED" TO ADOPT A RESIDENCE HOMESTEAD PROPERTY TAX EXEMPTION IN THE AMOUNT OF \$12,500.00 IN ASSESSED VALUATION FOR PERSONS WHO ARE DEEMED DISABLED, EFFECTIVE FOR THE 2005 TAX YEAR, BEGINNING JANUARY 1, 2005.

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

Mr. Peter Zanoni, Director of Management and Budget, narrated a slide presentation regarding the disabled residence homestead exemption, a copy of which is on file with the Office of the City Clerk. He acknowledged this ordinance would adopt a disabled residence homestead (DRH) property tax exemption for persons who are deemed disabled, and indicated the ordinance would amend the City Code by adding an appropriate article for DRH. He amplified on DRH qualifications, and discussed the application process. He spoke to the fiscal impact, policy analysis and current residential property tax exemptions.

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 6:44 pm in order to convene in Executive Session for the purpose of:

Discuss legal issues related to the loan requirements of the HUD 108 loan program, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to the lawsuit styled *R. Robert Willmann, Jr., Bridgid Sheridan, and Ed Minarich v. City of San Antonio*, Cause No. 1999-CI-04626, 285<sup>th</sup> Judicial District, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to the lawsuit styled *City of San Antonio v. the University of the Incarnate Word*, Cause No. 2003-CI-01943, 408<sup>th</sup> Judicial District, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues regarding the City Public Service Board's approved transmission line route for the Cagnon to Kendall Project, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Garza reconvened the regular session from Executive Session at 7:38 pm, at which time he stated City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

**7:00 P.M. – PUBLIC HEARING AND CONSIDERATION OF THE FOLLOWING ORDINANCES**

The City Clerk read the following ordinance:

AN ORDINANCE 100325

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES EASEMENTS AND RELATED RIGHTS OF INGRESS AND EGRESS FOR THE CAGNON TO KENDALL PROJECT IN CERTAIN PRIVATELY OWNED REAL PROPERTY LOCATED IN THE FOLLOWING AREAS OF BEXAR AND MEDINA COUNTIES, TEXAS:

BEXAR COUNTY: SAN ANTONIO DITCH CO. SURVEY NO. 64, ABSTRACT NO. 871, COUNTY BLOCK 4335, WILLIAM PAGE SURVEY NO. 188, ABSTRACT 594, COUNTY BLOCK 4334, BENJAMIN ODLUM SURVEY NO. 200, ABSTRACT NO. 865, COUNTY BLOCK 4338, ROBERT LEWIS SURVEY NO. 63, ABSTRACT NO. 422, COUNTY BLOCK 4341, M. LEAL SURVEY NO. 298, ABSTRACT NO. 444, COUNTY BLOCK 4350, A. FITZGERALD SURVEY NO. 268, ABSTRACT NO. 236, COUNTY BLOCK 4355, MANUEL LEAL SURVEY NO. 299, ABSTRACT NO. 443, COUNTY BLOCK 4357, JOHANN PFEIFFER SURVEY NO. 7, ABSTRACT NO. 1018, COUNTY BLOCK 4349, JOSE MUSQUIZ SURVEY NO. 300  $\frac{3}{4}$ , ABSTRACT NO. 1149, COUNTY BLOCK 4368, JUAN TALAMANTES SURVEY NO. 300  $\frac{1}{3}$ , ABSTRACT NO. 1030, COUNTY BLOCK 4369, S. MUSQUIZ SURVEY NO. 300  $\frac{1}{6}$ , ABSTRACT NO. 1084, COUNTY BLOCK 4371, T. QUINTERA SURVEY NO. 300, ABSTRACT NO. 978, COUNTY BLOCK 4353, R. CARASCO SURVEY 101, ABSTRACT NO. 1195, COUNTY BLOCK 4376, C.C.S.D. & R.G.N.G.R.R. SURVEY NO. 207, ABSTRACT 887, COUNTY BLOCK 4381, L. BRAUN SURVEY NO. 34, ABSTRACT NO. 1277, COUNTY BLOCK 4380, JOHN FITZGERALD SURVEY NO. 33, ABSTRACT 1290, COUNTY BLOCK 4402, JOSE JACINTO GONZALES SURVEY NO. 255, ABSTRACT NO. 269, COUNTY BLOCK 4404, PAULINO DE LA GARZA SURVEY NO. 373, ABSTRACT NO. 1292, MRS. S. E. THOMASON SURVEY NO. 403, ABSTRACT NO. 1189, COUNTY BLOCK 4454, TYLER TAP

R.R. CO. SURVEY NO. 385, ABSTRACT NO. 917, COUNTY BLOCK 4455, PABLO SOLIS SURVEY NO. 176  $\frac{3}{4}$ , ABSTRACT NO. 700, COUNTY BLOCK 4489, GEORGE W. GARNETT SURVEY NO. 176  $\frac{1}{2}$ , ABSTRACT NO. 287, COUNTY BLOCK 4494, JOHN B. MCMICHAEL SURVEY NO. 1, ABSTRACT NO. 1085, COUNTY BLOCK 4498, HEINRICH DAHME SURVEY NO. 176  $\frac{1}{10}$ , ABSTRACT NO. 204, COUNTY BLOCK 4512, JESUS ZERNA SURVEY NO. 277, ABSTRACT NO. 829, COUNTY BLOCK 4508, FRANK R. FEILLE SURVEY NO. SF 11858, ABSTRACT NO. 1270, COUNTY BLOCK 5580, AUGUSTIN CHAVES SURVEY NO. 181, ABSTRACT NO. 1223, COUNTY BLOCK 4509, CHARLES A. BIHL. JR. SURVEY NO. 2, ABSTRACT NO. 1216, COUNTY BLOCK 4510, G.C. & S.F.R.R. CO. SURVEY NO. 1, ABSTRACT NO. 1158, COUNTY BLOCK 4585, ESMEREGILDO RUIZ SURVEY NO. 406, ABSTRACT NO. 642, COUNTY BLOCK 4582, ADOLPHO ZEPEDA SURVEY NO. 407, ABSTRACT NO. 1125, COUNTY BLOCK 4584, J. A. MORALES SURVEY NO. 405  $\frac{1}{5}$ , ABSTRACT NO. 1139, COUNTY BLOCK 4579, J. A. MORALES SURVEY NO. 405  $\frac{1}{2}$ , ABSTRACT NO. 1139, COUNTY BLOCK 4579, H. & G.N.R.R. CO. SURVEY NO. 417, ABSTRACT NO. 357, COUNTY BLOCK 4659, LARKIN SMITH SURVEY NO. 2, ABSTRACT NO. 1135, COUNTY BLOCK 4666, C.C.S.D. & R.G.N.G.R.R. CO. SURVEY NO. 1, ABSTRACT NO. 999, COUNTY BLOCK 4620, M. H. DE MORALLA SURVEY NO. 921, ABSTRACT NO. 1132, COUNTY BLOCK 4617, LORENZO MORALES SURVEY NO. 920, ABSTRACT NO. 1130, COUNTY BLOCK 4597A, JULIAN LOPEZ SURVEY NO. 937, ABSTRACT NO. 901, COUNTY BLOCK 4597, S. FLORES SURVEY, ABSTRACT NO. 1193, COUNTY BLOCK 4583, CORNELIA MORALES SURVEY NO. 922, ABSTRACT NO. 1131, COUNTY BLOCK 4595, CESARIO MENCHACA SURVEY NO. 181  $\frac{1}{2}$ , ABSTRACT NO. 541, COUNTY BLOCK 4598, LOWER PINTO IRRIG. A & M CO. SURVEY NO. 901, ABSTRACT NO. 456, COUNTY BLOCK 4665, SIMON MONTALVO SURVEY NO. 418, ABSTRACT NO. 484, COUNTY BLOCK 4660, FRANCISCO NUNEZ SURVEY NO. 484, ABSTRACT NO. 556, COUNTY BLOCK 4653, BEATY, SEALE & FORWOOD SURVEY NO. 487, ABSTRACT NO. 111, COUNTY BLOCK 4654, SIMON MONTALVO SURVEY NO. 417, ABSTRACT NO. 483, COUNTY BLOCK 4661, AGAPITO GAYTON SURVEY NO. 409, ABSTRACT NO. 289, COUNTY BLOCK 4650, KENDALL AND MONTGOMERY SURVEY NO. 482, ABSTRACT NO. 413, COUNTY BLOCK 4649, ANSELMO PRU SURVEY NO. 189, ABSTRACT NO. 575, COUNTY BLOCK 4648, J. J. SANCHEZ SURVEY NO. 480, ABSTRACT NO. 671, COUNTY BLOCK 4651, AND THE ANTONIO CRUZ SURVEY NO. 170, ABSTRACT NO. 123, COUNTY BLOCK 4680; AND

MEDINA COUNTY: BERIANA SANDOVAL SURVEY NO. 40, ABSTRACT NO. 840, JOHN FITZGERALD SURVEY NO. 33, ABSTRACT NO. 380, JOSE J. GONZALES SURVEY NO. 255, ABSTRACT NO. 408, PAULINO DE LA GARZA SURVEY NO. 373, ABSTRACT NO. 449, JAMES M. GLENN SURVEY NO. 255  $\frac{1}{4}$ ,

ABSTRACT NO. 442, MRS. S. E. THOMASON SURVEY NO. 403, ABSTRACT NO. 1476, I. & G.N.R.R. CO. SURVEY NO. 255  $\frac{3}{4}$ , ABSTRACT NO. 1466, H. DAHME SURVEY NO. 256  $\frac{3}{4}$ , ABSTRACT NO. 1899, AND THE JAMES M. GLENN SURVEY NO. 256  $\frac{1}{2}$ , ABSTRACT NO. 442;

FOR THE PUBLIC PURPOSES OF THE CONSTRUCTION, OPERATION AND MAINTENANCE OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES, COMMUNICATION SYSTEMS AND RELATED APPURTENANCES FOR THE CAGNON TO KENDALL ELECTRIC TRANSMISSION AND DISTRIBUTION LINES PROJECT FOR THE CITY OF SAN ANTONIO GAS AND ELECTRIC SYSTEM; AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY PUBLIC SERVICE BOARD OF SAN ANTONIO IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE ANY SUCH NEEDED EASEMENTS AND RELATED RIGHTS OF INGRESS AND EGRESS THAT CANNOT BE ACQUIRED THROUGH NEGOTIATION; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE CITY PUBLIC SERVICE BOARD TO ACQUIRE SUCH EASEMENTS AND RIGHTS OF INGRESS AND EGRESS, AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS TO INVESTIGATE, SURVEY, SPECIFY, DEFINE AND SECURE THE NECESSARY EASEMENT RIGHTS, AND DECLARING THE SECTIONS OF THE ORDINANCE TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID.

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

Mr. Milton Lee, General Manager and CEO of City Public Service (CPS), and various members of the City Public Service Board of Trustees presented and narrated a powerpoint presentation regarding the Cagnon-to-Kendall 345-kV Transmission Line project, a copy of which is on file with the Office of the City Clerk. The presentation also covered item 5B (Ordinance 100326). They spoke to the need of the project, noting the transmission system must function reliably. It was further noted that planners used sophisticated models to identify transmission weaknesses, and ERCOT, as an independent operator, managed the integrated grid. They presented an enlarged photo that depicted the ERCOT transmission network of Texas, and indicated that the ERCOT system had been designed to operate very reliably. They cited the increasing demand in Northwest Bexar County and the Texas Hill country, and the demand that has surpassed capabilities of existing infrastructure. They further acknowledged that planning engineers identified risks of critically low voltage northwest of San Antonio, and that the Cagnon-to-Kendall 345-kV line was the best, long-term solution. They spoke to two

updated studies that reaffirmed the need for this project, and outlined consequences of a delay past 2006.

The following citizen(s) appeared to speak:

A representative of the Greater Chamber of Commerce noted there were public hearings held as well as review of the routes. He noted the Citizens Advisory Committee also took responsibility to provide a solution and asked the City Council for support of the recommended route.

Mr. Steve Daugherty stated CPS gives the citizens the lowest rates possible; thus, it is important to look at it as a business. In this case, he stated this is the best utility in the country.

Mr. Rob Darsey, CPS, spoke about the planning in this industry and stated he was in favor of the transmission line.

Mr. Tery Dudley, Citizens Advisory Committee, informed the Council on the mission of the Committee. He spoke to the make-up of their membership and cited their diversity, and acknowledged the committee supported the route.

Mr. Mario Hernandez spoke with regards to the continued success that is essential by infrastructure, noting it was something that approval of the proposed transmission line route would provide.

Mr. Marty Wender addressed the transmission lines that outline many of the subdivisions, ranches and roads. He expressed his support for the transmission line routes.

Mr. Barry Wade expressed his support approval of the proposed transmission lines, and stressed the importance of the transmission grid being constructed in the most orderly and efficient manner.

Mr. Douglas McNeel, 19185 Bandera, expressed concern with the transmission lines being proposed. He added that if the City proceeds with the proposal, they would need to protect the land west to 211.

Mr. Jack M. Finger, PO Box 12048, stated the only initiative approved by the voters is Proposition 3 to protect the Edwards Aquifer.

Mr. Nazirite Ruben Flores Perez, 627 Hearne, spoke about the high voltage and the laws of space.

Mr. Jim Koch, 8214 Evert, addressed PGA endangering our water, and commented this was the same argument all over again. He expressed his opposition to the proposed lines.

Ms. Jeri Moravits stated, of the three alternatives, the recommended route is the best and least harmful. She added that proposition 3 lands will not be protected. She asked the Council to support the recommended route.

Mr. Al Tapia asked the City Council to support the recommendation of CPS on the proposed route.

Dr. George Veni, 11304 Candle Park, stated the other alternative does not serve the public trust. He asked the City Council to support the 211 route.

Mr. Al Groves stated he has watched San Antonio grow and cited the Hemisfair was one of the most controversial issues.

Mr. Rick Leeper, Cierra Conservation Project noted the major creek and springs that feed into Edwards Aquifer. He stated if Alternatives 1 or 2 are approved rather than Alternative 3, the Council would be making a big mistake. He urged the Council to accept the route recommended by CPS.

Mr. Jim Johnson voiced his approval of the proposed route.

Mr. Robert Ray, 4502 Centerview, requested the City Council to make a decision and noted his clients do not prefer to have the lines go through their property.

Mr. Mike Phillips, 925 San Pedro, spoke to Proposition 3, and expressed his beliefs on what impact it would have.

Mr. Keith Zoeller, 8542 Echo Creek, spoke to what this ordinance would mean for San Antonio.

Mr. David Earl, 111 Soledad, spoke to issues regarding the public hearing process, and urged CPS to change the route.

Ms. Kathleen Trenchard, Scenic San Antonio, expressed concern with what this project would do to the land. She recommended that another route be taken into consideration.

Mr. John Furr introduced several documents for the record and cited several sections of the State Statute. He commented that the City would be violating State law if the proposed route is approved.

Ms. Martha Leatherman, Geronimo Watershed Alliance, spoke on environmental catastrophes.

Mr. Chris Hill also spoke on behalf of the San Geronimo Watershed Alliance and stated the water quality should be protected.

Ms. Julie Hooper also addressed the Council, and urged them to protect the valuable parkland. She implored the Council to do their job and not allow CPS to construct transmission lines on the lands.

Mr. James Lifshutz, 215 Travis, asked CPS to go back and explore other options. He expressed concern for what would balance and preserve the natural beauty of the area.

Ms. Myfe Moore expressed concern to protect our land and water. She mentioned Prop 3 was the only issue that passed on that particular ballot.

Ms. Tuleta White urged Council to respect the right of the voters, and protect the natural beauty of the area.

Mr. Tyler Michael, 2440 Celebration, described CPS as good stewards.

Mr. Joseph Bitter, 18554 Hwy. 16N spoke against the proposed transmission lines.

Ms. Mary Carter, 2900 Wesleyan, Houston TX, stated they would be ready to take this to the PUC for a hearing. She distributed documents related to this issue, and urged Council to vote against said project and send back to CPS for review.

Ms. Annalisa Peace, GEAA, addressed the hill country watershed and Prop 3 lands, noting they should be preserved. She asked the Council to deny CPS' request.

Mr. Enrique Valdivia spoke in opposition to the proposed transmission lines. He urged the City Council to acquire the land of the San Geronimo watershed for preservation of the water supply.

Mr. Jerome Haner, 14795 Hwy. 21, spoke in opposition of the transmission lines.

Ms. Bob Mackie made reference to a 2001 Report and read excerpts from same. He noted that 12 routes were investigated, and spoke to two environmental criteria used to determine the route. He requested for the Council to ask CPS to go back to the drawing board and look at other potential areas.

Ms. Stacy Buck, 9338 Wickersham, noted the damage that can be done by the approval of the proposed transmission lines. She stated this is a generation that believes in having a voice.

Mr. James Prukop, 15920 San Cayetano, spoke against CPS lines, and asked that the Mayor not vote on the issue.

Ms. Kathy Prukop, 15920 Cayetano, cited comments made by City Council with regards to Prop 3 land. She stated that this was a money-maker for CPS.

Ms. Ronnie Brion, 14065 SH 211, addressed the proposed transmission line over water.

Ms. Tara Haner, 15024 W FM 471, urged City Council to respect their vote and not approve the transmission lines.

Ms. Merrie Cavanaugh, 23211 Whisper Canyon, stated the City Council could be guilty of undoing a vote that approved Prop 3. She urged Council not to consider voting for this proposal.

Mr. Jerry Day, 15960 Cayetano, stated CPS has a history of providing electricity to areas in need, and added he met with CPS and cited the outcome of that meeting. He urged Council to have CPS go back to the drawing board.

Dr. Eugene Preston addressed the report "Kendall-Cagnon 345 kV Circuit Alternative Route Proposal Designed to Lower the Total Cost and Maintain Reliability".

Ms. Stanton Oneal, 9338 Wickersham, asked Mayor Garza not to vote on said item since he serves on the CPS Board.

Mr. Neil Hernandez addressed his hand-out entitled "Regarding: Kendal Cagnon, San Geronimo, TX".

Mr. Wes Harvey, 7723 Oakhill Park, expressed concern that a half informed decision would be made regarding the CPS lines. He asked the Council to vote said issue down.

Mr. Michael Whitehurst, 217 Robledo Verde, addressed the Council with regards to the rights-of-ways that CPS utilizes.

Mr. Michael Bitter, 14222 Turtle Rock, spoke to the need for the transmission lines. He asked CPS to find another alternative.

Ms. Judy Hall, 17550 Hwy. 211, asked the City Council to protect Prop 3 land.

Mr. Jameson Moore, 18665 Hwy. 211, talked about a vote being a promise and not going back on a vote.

Mr. Kevin Hayne, 18200 Blanco Springs, spoke about the citizens' standard values regarding parklands.

Mr. Rudy Alaniz, 14455 Hwy. 211, spoke to the Council about following the plan as voted on; not just for a portion but for all of the land.

Mr. Andrew Martin, City Attorney, addressed the "Conflict of Interest" issue that had been raised, noting there was not a conflict. He also addressed the issue that David Earl raised with regards to section 35-807 (b) (9), and added that this was a public hearing as required by the Texas Parks & Wildlife.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100326

AUTHORIZING CPS TO UTILIZE CERTAIN CITY-OWNED PROPERTY IN CONNECTION WITH THE CAGNON TO KENDALL PROJECT, INCLUDING AN ELECTRIC TRANSMISSION LINE, ELECTRIC DISTRIBUTION LINES, COMMUNICATION SYSTEMS AND RELATED APPURTENANCES; MAKING CERTAIN FINDINGS RELATING TO THE CAGNON TO KENDALL PROJECT; AUTHORIZING AMENDMENTS TO RELATED CONSERVATION EASEMENTS AND OTHER PROCEDURES RELATED THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100327

ADDING A PROPOSITION TO THE BALLOT FOR THE SPECIAL ELECTION TO BE HELD ON MAY 7, 2005, IN ACCORDANCE WITH CHAPTER 334, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED, AND OTHER APPLICABLE LAW, ON THE QUESTION OF IMPLEMENTING AND APPROVING CITY COUNCIL RESOLUTION NO. 2004-29-25 WHICH DESIGNATES, AND PROVIDES FOR THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION, OR RENOVATION OF, AND THE METHOD OF FINANCING FOR, THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT, WHICH INCLUDES THE ACQUISITION OF OPEN SPACE AND LINEAR PARKS ALONG LEON CREEK, SALADO CREEK, MEDINA RIVER AND SAN ANTONIO RIVER, AND FOR IMPROVEMENTS AND ADDITIONS TO THE MUNICIPAL PARKS AND RECREATION SYSTEM; PROVIDING FOR AN EFFECTIVE DATE; AND AMENDING ORDINANCE NO. 99608 IN ACCORDANCE HEREWITH.

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

Mr. Chris Brady, Assistant City Manager, narrated a slide presentation regarding the parks development and expansion venue, a copy of which is on file with the Office of the City Clerk. He presented background information, and confirmed the City Council had approved an ordinance on August 19, 2004 to call for a special election for May 7, 2005 for the "Edwards Aquifer Protection Venue Project." He noted the project was intended for the acquisition of open space and linear parks along the Salado/Leon, Medina and San Antonio waterways. He stated that if the amendment is approved, the May 2005 ballot would permit voting for or against the Edwards Aquifer Protection and the Parkland Acquisition project.

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 100328

AUTHORIZING AWARDS OF TRUST ASSISTANCE FROM THE SAN ANTONIO HOUSING TRUST TOTALING \$1,250,000.00 AVAILABLE FROM ACCRUED INTEREST, HOME AND COMMUNITY DEVELOPMENT FINANCIAL INITIATIVE

FUNDS TO SUPPORT THIRTEEN (13) AFFORDABLE HOUSING PROJECTS; AUTHORIZING THE ACCEPTANCE OF A HOUSING TRUST GRANT IN THE AMOUNT OF \$200,000.00 FOR DOWN PAYMENT ASSISTANCE IN CONNECTION WITH THE CITY'S AFFORDABLE SHOWCASE OF HOMES PROJECT LOCATED IN COUNCIL DISTRICT 6; AND AUTHORIZING THE DULY AUTHORIZED REPRESENTATIVES OF THE SAN ANTONIO HOUSING TRUST, SAN ANTONIO HOUSING TRUST FOUNDATION, INC. AND THE CITY OF SAN ANTONIO TO EXECUTE ANY AND ALL DOCUMENTS AND AGREEMENTS IN CONNECTION WITH THESE TRANSACTIONS; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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

Ms. Paula Stallcup, Assistant Director of Neighborhood Action, narrated a slide presentation regarding recommendations for the 2004 Funding Round, a copy of which is on file with the Office of the City Clerk. She indicated the ordinance would authorize the Awards of Trust Assistance from the San Antonio Housing Trust (SAHT), and would support funding for thirteen affordable housing projects. She presented an overview of the funding round, and stated the City Council had authorized the publication of the Notice of Funding Availability (NOFA) for the 2004 Funding Round. She acknowledged the Board held interviews in November, 2004 to get more information on the project proposals submitted. She then amplified on the proposed projects for both multifamily and single family homes, and discussed the financial impact.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100329

AUTHORIZING AMENDING CHAPTER 33 OF THE CITY OF SAN ANTONIO CITY CODE, ENTITLED "VEHICLES FOR HIRE," BY CLARIFYING CERTAIN DEFINITIONS, REMOVING CERTAIN TERMS, AND ADDING NEW LANGUAGE TO PROMOTE EFFICIENT, RELIABLE, AND QUALITY GROUND TRANSPORTATION SERVICES.

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

Chief Albert Ortiz, San Antonio Police Department, narrated a slide presentation regarding charter service revisions of Chapter 33 of the City Code, a copy of which is on file with the Office of the City Clerk. He cited the vagueness of the current ordinance, which he noted generated complaints that some charter services were providing taxi services. He then provided a detailed definition, and noted the distinctions between "Charter Service" and "Taxicab" service. He stated the Transportation Advisory Board (TAB) met with representatives of the Charter Industry to discuss problems and offer recommendations to Charter operations, noting the Council's Quality of Life Committee approval of these recommendations. He then amplified on the TAB's recommendations.

The following citizen(s) appeared to speak:

Mr. Dale Strippleman, TAB, urged Council to vote in favor of this item.

Mr. Ron Jones, GSATC-Yellow Cab, urged the Council to vote in favor of this item.

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 100330

AUTHORIZING THE EXECUTION OF A CONTRACT IN AN AMOUNT NOT TO EXCEED \$28,000.00 WITH CLEAR CHANNEL OUTDOOR FOR BILLBOARD ADVERTISING TO PROMOTE THE CITY'S CODE COMPLIANCE AWARENESS CAMPAIGN FOR THE PERIOD FEBRUARY 14, 2005 THROUGH OCTOBER 23, 2005.

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

Mr. Martin Rodriguez, Code Compliance Director, presented a brief overview on the Public Awareness Campaign Billboard Contract. He then introduced Ms. Di Galvan, Communications Manager, who narrated a slide presentation regarding this item, a copy of which is on file with the Office of the City Clerk. She acknowledged a Code Compliance public awareness program was approved with the recent budget, which included the utilization of billboard advertising to educate citizens about City codes. She spoke to the benefits of the billboards, and presented an overview of the billboard contract.

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.

Ordinance No. 100331 is void.

The City Clerk read the following resolution:

A RESOLUTION 2005-04-02

AUTHORIZING THE EXECUTION OF A NON-BINDING MEMORANDUM OF UNDERSTANDING RECOGNIZING THE DEFENSE TRANSFORMATION INSTITUTE ("DTI") AS A NOT-FOR-PROFIT ENTITY ESTABLISHED FOR THE PURPOSE OF LEVERAGING AVAILABLE ASSETS AT LOCAL ACTIVE MILITARY INSTALLATIONS TO CREATE ECONOMIC VALUE FOR THE MILITARY AND CITY.

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

Mr. Ramiro Cavazos, Director of Economic Development, narrated a slide presentation regarding a memorandum of understanding (MOU) with the Defense Transformation Institute (DTI), a copy of which is on file with the Office of the City Clerk. He discussed the purpose of the ordinance, and stated the MOU would recognize DTI as a not-for-profit entity established for the purpose of leveraging available assets at active military installations to create economic value for the community. He then cited the economic impact of the military in San Antonio, and the jobs provided at the three active bases. He stated the military was a major contributor to the City's targeted industries, such as aerospace and biotechnology/healthcare. He then amplified on the DTI organization, including information about its Board of Managers, its vision and its goals to help the City promote economic development.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100332

DESIGNATING THE SALT (SAN ANTONIO LIVING TRUST) MARCH AND PROGRAM, TO BE HELD ON SATURDAY, FEBRUARY 5, 2005, AS AN OFFICIAL CITY OF SAN ANTONIO CO-SPONSORED EVENT, ON A ONE-TIME BASIS, WITH THE PEACECENTER AND WAIVING ASSOCIATED FEES; AS REQUESTED BY COUNCILWOMAN PATTI RADLE, DISTRICT 5.

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

Councilwoman Radle spoke to the March being held on February 5, 2005 in connection with the San Antonio Living Trust (SALT) March and Program. She spoke to the march participants receiving sponsorships for their participating in the march, with proceeds being donated to the SAMM Shelter and the Christian Assistance Ministries.

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, Haass, Garza. **NAYS:** None. **ABSENT:** Flores. **ABSTAINED:** Schubert.

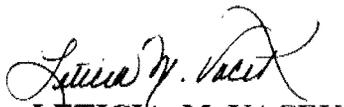
There being no further business to come before the City Council, the meeting was adjourned at 2:12 am.

A P P R O V E D



EDWARD D. GARZA  
MAYOR

Attest:



LETICIA M. VACEK  
CityClerk