

Mr. Scott Erickson, San Antonio Metropolitan Planning Organization, accepted the proclamation and spoke regarding the joint effort between various organizations who are dedicated to promoting bike activity and exercise as a way to enhance the quality of life. He recognized the San Antonio Police Department's Bike Patrol, Alamo Area Council of Governments, the South Texas Off Road Mountain Bikers Organization, Bexar County, Bicycle and Pedestrian Coordinating Office, and VIA as participants who are involved with implementing a hike and bike master plan.

— — —

2004-18 **PROCLAMATION: NATIONAL WOMEN'S HEALTH WEEK**

Mayor Garza called forward Dr. Fernando Guerra, Director of the Metropolitan Health District, to accept a proclamation in recognition of May 9 – 15, 2004 as National Women's Health Week. Dr. Guerra recognized other public health team members who are calling attention to the importance of women's role over their lifetime. He stated the group's goal is to have in place those elements, and the support and educational systems to encourage women's health care.

Ms. Mary Briseno, Chairperson, Mayor's Commission on the Status of Women, stated that the Commission stands ready to participate and promote women's health issues

— — —

2004-18 **PROCLAMATION: DRUG COURT MONTH**

Mayor Ed Garza read a proclamation in which he proclaimed May, 2004 as Drug Court Month. He called forward Judge Sid Harle to accept the proclamation on behalf of Judge Al Alonzo. Judge Harle thanked the City Council for the proclamation and spoke regarding the importance of the initiative that promotes community safety, reduces incarceration rates, rehabilitation and recidivism.

— — —

2004-18 **PRESENTATION: SAN ANTONIO, INC.**

Mr. Ramiro Cavazos, Director, Economic Development Department, spoke regarding the Economic Roundtable to be held on Tuesday, May 11 at the Henry B Gonzalez Convention Center. He noted that the strategic plan for economic development has been revised and updated on the blueprint of how San Antonio will grow as a city. He thanked the City Council for their leadership on SA, Inc. as a development collaborative and partnership.

Mr. Al Notzon, Director, Alamo Area Council of Governments (AACOG), spoke regarding the San Antonio's Chambers of Commerce, small businesses, educational communities and community groups who depend on the economic strategic plan. He unveiled new logo for SA, Inc. designed by GTE.

Mayor Garza stated the plan is a good opportunity to elevate strategic economic collaborative efforts, and that SA Inc. is a useful vehicle for economic development.

— — —

2004-18 POINT OF PERSONAL PRIVILEGE

Councilwoman Radle spoke regarding the "San Anto" Cultural Arts organization celebrating their 2nd annual 5K Run on Saturday, May 8, 2004 at the Plaza Avenida Guadalupe.

Mr. Manual Castillo, Director of San Anto Cultural Arts, stated that the organization is a local neighborhood, non-profit arts organization involved in the creation of arts and murals in the west side of San Antonio. He also stated that the organization brings to light the serious issues of public health in the Hispanic community by utilizing and celebrating public art in their 2nd Mural 5K run that is routed for participants to view 15 to 17 murals created in the neighborhood. He invited the City Council and the public to participate in the 5K Run.

— — —

2004-18 POINT OF PERSONAL PRIVILEGE

Councilman Art Hall recognized Ms. Thelma Mae Evans Gray, celebrating her 100th birthday on Saturday, May 8. The City Council relayed congratulations to Ms. Gray.

— — —

2004-18 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 6 through 21 constituting the Consent Agenda, except for Items 6, 7, 9, 11, 12 and 17 which were pulled for individual consideration. Councilman Haass seconded the motion.

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 99139

ACCEPTING THE SOLE SOURCE OFFER SUBMITTED BY PEARSON EDUCATION, INC. TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT TRAINING ACADEMY WITH TEXTBOOKS FOR A TOTAL AMOUNT OF \$39,300.00.

* * * *

AN ORDINANCE 99140

SELECTING BEATY & PARTNERS ARCHITECTS TO PROVIDE ARCHITECTURAL SERVICES IN CONNECTION WITH THE WOODLAWN LAKE PARK AND GYM IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICTS 1 AND 7; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$212,500.00; AUTHORIZING \$10,000.00 FOR MISCELLANEOUS ARCHITECTURAL CONTINGENCY EXPENSES; AUTHORIZING \$4,900.00 FOR MANDATORY PROJECT FEES; AUTHORIZING \$1,200.00 FOR BID ADVERTISING/PRINTING EXPENSES, FOR A TOTAL AMOUNT OF \$228,600.00 FROM 1999-2004 PARK BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

Consent Agenda item #12 was pulled for individual consideration, however, the numbering sequence was inadvertently changed.

* * * *

AN ORDINANCE 99142

APPROVING A TEN-YEAR LICENSE AGREEMENT WITH RIVERTON SUITES, LTD., AS LICENSEE, TO USE THE SUBSURFACE UNDER NAVARRO STREET, WEST MARKET STREET, AND SOUTH PRESA STREET PUBLIC RIGHTS OF WAY TO INSTALL APPROXIMATELY 69 SOLDIER BEAMS, WITH APPROXIMATELY 14 ASSOCIATED TIEBACKS, AND WOOD LAGGINGS, AS PART OF AN EARTH RETENTION SYSTEM TO SUPPORT THE CONSTRUCTION OF A HOTEL, IN COUNCIL DISTRICT 1, AT THE SOUTHEAST CORNER OF NAVARRO STREET AND WEST MARKET STREET, IN CONSIDERATION FOR THE CONVEYANCE BACK TO THE CITY OF APPROXIMATELY 1,580 SQUARE FEET OF SUBSURFACE UNDER A PORTION OF SAID SOUTH PRESA STREET PUBLIC RIGHT OF WAY, HAVING BEEN ORIGINALLY CONVEYED BY THE

CITY TO RIVERTON SUITES, LTD., PURSUANT TO AUTHORITY SET FORTH IN ORDINANCE NO. 91935 DATED JUNE 8, 2000; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT VOTES.

* * * *

AN ORDINANCE 99143

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$149,950.00 TO THE DEPARTMENT OF DEFENSE, WHICH, IF AWARDED, WILL BE USED FOR THE PERSONNEL COMPLEMENT OF THE PROCUREMENT TECHNICAL ASSISTANCE CENTER FOR THE GRANT PERIOD JANUARY 1, 2005 THROUGH DECEMBER 31, 2005.

* * * *

AN ORDINANCE 99144

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT TWO (2) FY 2004 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY REGIONAL SOLID WASTE PASS-THROUGH GRANTS TOTALING \$246,207.50 FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS 2004; AND AUTHORIZING ACCEPTANCE OF ANY AMENDED ALLOCATIONS OF FY 2004 GRANT MONIES THAT MAY BECOME AVAILABLE.

* * * *

AN ORDINANCE 99145

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO SUBMIT SIX (6) OR MORE GRANT APPLICATIONS FOR APPROXIMATELY \$429,666.00 TO THE ALAMO AREA COUNCIL OF GOVERNMENTS FOR FY 2005 REGIONAL SOLID WASTE PASS-THROUGH GRANT FUNDS SUPPORTING ENVIRONMENTAL PROGRAMMING EFFORTS RELATED TO RECYCLING, SOLID WASTE STREAM REDUCTION, AND MUNICIPAL ENFORCEMENT OF ANTI-DUMPING LAWS; AND, IF AWARDED, AUTHORIZING THE EXECUTION OF SUBSEQUENT GRANT RECEIPT CONTRACTS AND ACCEPTING ALL FUNDING RECEIVED FROM THESE GRANT APPLICATIONS.

* * * *

AN ORDINANCE 99146

ACKNOWLEDGING CONTRACT MODIFICATIONS TO THE ALAMO AREA CHILD CARE DELIVERY SYSTEM CONTRACT WITH ALAMO WORKFORCE DEVELOPMENT, INC. (AWD), FOR THE PERIOD OF SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004, WHICH REDUCE WORKFORCE INVESTMENT ACT (WIA) FUNDS IN THE AMOUNT OF \$160,000.00 AND INCREASE CHILD CARE DEVELOPMENT FUNDS IN THE AMOUNT OF \$481,671.00; RATIFYING THE EXECUTION OF A CHILD CARE LOCAL MATCH AGREEMENT AMENDMENT WITH AWD, WHICH EXTENDS THE CHILD CARE LOCAL MATCH AGREEMENT THROUGH NOVEMBER 30, 2004 AND PLEDGES CERTIFICATION OF ADDITIONAL LOCAL EXPENDITURES IN THE AMOUNT OF \$390,071.00 TO BE USED AS LOCAL MATCH TO GENERATE ADDITIONAL FEDERAL FUNDS IN THE AMOUNT OF \$590,500.00 IN CONNECTION WITH THE CONTINUED OPERATION OF THE ALAMO CHILD CARE DELIVERY SYSTEM (CCDS) PROGRAM; AUTHORIZING CERTIFICATION OF SAID EXPENDITURES IN CONNECTION THEREWITH; AUTHORIZING ACCEPTANCE OF SAID ADDITIONAL FEDERAL FUNDS; APPROVING A REVISED FISCAL YEAR 2004 CCDS PROGRAM BUDGET; AND REVISING THE CCDS PERSONNEL COMPLEMENT.

* * * *

AN ORDINANCE 99147

AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT AMENDMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE 2001 SUPPORTIVE HOUSING PROGRAM TO ADD THE CITY OF SAN ANTONIO, DEPARTMENT OF COMMUNITY INITIATIVES', CHILDREN'S RESOURCES DIVISION (CRD) AS A PROJECT SPONSOR; AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH THE SALVATION ARMY TO REDUCE THE CONTRACT AMOUNT BY \$196,317.00 TO A REVISED TOTAL CONTRACT AMOUNT OF \$630,432.00; AND APPROVING A BUDGET REVISION TO REPROGRAM FUNDS OF \$196,317.00 TO THE CRD SEAMLESS CHILD CARE PROGRAM TO PROVIDE CHILD CARE SERVICES TO HOMELESS CHILDREN FOR THE PERIOD OF MAY 16, 2004 TO AUGUST 31, 2004.

* * * *

AN ORDINANCE 99148

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PARENT/CHILD INCORPORATED WHICH WILL ALLOW THE SAN ANTONIO METROPOLITAN

HEALTH DISTRICT TO PROVIDE APPROXIMATELY 4,000 PHYSICAL EXAMINATIONS AND 10,000 DENTAL EVALUATIONS ON A REIMBURSABLE FEE-FOR-SERVICE BASIS FOR AN AMOUNT NOT TO EXCEED \$172,000.00 FOR THE PERIOD MARCH 1, 2004 TO JANUARY 31, 2005; ESTABLISHING A FUND; APPROVING A PERSONNEL COMPLEMENT; AND AUTHORIZING CONTRACTUAL SERVICES.

* * * *

AN ORDINANCE 99149

AUTHORIZING THE ACCEPTANCE OF \$117,712.00 FROM THE TEXAS DEPARTMENT OF HEALTH FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 2004/2005 IN ORDER TO RENEW SUPPORT FOR THE AIDS SURVEILLANCE PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT DURING THE PERIOD APRIL 1, 2004 THROUGH DECEMBER 31, 2004; AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE NOTICE; ADOPTING THE PROGRAM BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

* * * *

2004-18 ITEMS FOR INDIVIDUAL CONSIDERATION

2004-18 The Clerk read the following Ordinance:

AN ORDINANCE 99150

ACCEPTING THE BEST VALUE BID SUBMITTED BY OAK HILL TECHNOLOGY, INC. TO PROVIDE THE CITY OF SAN ANTONIO METROPOLITAN HEALTH DISTRICT WITH DATA ENTRY SERVICES FOR AN ESTIMATED ANNUAL COST OF \$60,000.00.

* * * *

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

In response to Councilman Perez regarding the bid process, Ms. Janie Cantu, Director, Purchasing Department, stated the Best Value process was used to determine the vendor. She added that Best Value is used in cases where other factors are considered, such as

performance or company structure. She further added that it is limited to procurement of goods and non-professional service items.

In response to Councilman Perez regarding additional funding, Ms. Cantu stated that a vendor would be required to request additional funding from the City Council should funds be depleted before the allotted time if the contract expires.

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

— — —
2004-18 The Clerk read the following Ordinance

AN ORDINANCE 99151

ACCEPTING THE SOLE SOURCE OFFER SUBMITTED BY CONSOLIDATED TRAFFIC CONTROLS, INC. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT TRAFFIC DIVISION WITH PAGER UNITS FOR A TOTAL AMOUNT OF \$27,300.00.

* * * *

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

In response to Councilman Perez regarding clarification on the background information, Ms. Cantu stated that the ordinance calls for compatibility with the existing equipment, and that the vendor's specific equipment is required to meet compatibility..

Mr. Tom Wendorf, Director, Public Works Department, stated that the traffic school zone flashers have evolved from the time that the initial flasher system was funded. He added that the new paging system would allow the existing flashers to be remotely adjusted and customized to allow for holidays and other situations in every City school district. For new flashers that are to be purchased, Mr. Wendorf stated that pagers would be specified as part of the purchase contract.

In response to Councilman Perez regarding changes to school zones, Mr. Wendorf stated that the Texas Manual on Traffic Control Devices governs the process to determine the length of school zones that includes issues such as promoting driver compliance and enforceability. Mr. Wendorf stated he would provide that information to Councilman Perez.

He further stated that the City had just completed the 3rd Annual School Safety Summit with school police departments, administrations, and traffic operations and that a positive response was received with regard to the new paging system.

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

2004-18 The Clerk read the following Ordinance:

AN ORDINANCE 99152

AUTHORIZING AN AMENDMENT OF A PROFESSIONAL SERVICES AGREEMENT WITH THE FIRM OF 3D/INTERNATIONAL TO ADD SURVEYING SERVICES IN CONJUNCTION WITH ARCHITECTURAL AND ENGINEERING SERVICES FOR THE NEW TERMINAL EXPANSION PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT FOR AN AMOUNT NOT TO EXCEED \$186,214.60; APPROPRIATING FUNDS; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

* * * *

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

In response to Councilman Perez regarding the name of the contractor, Mr. Kevin Dolliole, Director, Aviation Department, explained that CEC is one of subcontractors for 3D International on the project.

In response to Councilman Perez regarding the difference in the amount designated for the total amendment as opposed to the charges outlined for CEC, Mr. Dolliole stated the difference account for the mark-up on the contractor's work. He added that because of the type of service and expertise demanded in the project, it was necessary to have a subcontractor rather than contracting directly with CEC.

In response to Councilman Perez regarding funding, Mr. Dolliole explained that 2002 General Airport Revenue Bonds would be used for the project.

Discussion ensued with regards to utilizing subcontractors and Mr. Dolliole restated the necessity of the contractor for the sake of continuity and liability.

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

—
2004-18

—
The Clerk read the following Ordinance

AN ORDINANCE 99153

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING \$15,633.00 FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS PAYABLE TO HOYT CONSULTING ENGINEERS, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE EL MONTE – BLANCO TO SAN PEDRO, PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 1; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

In response to Councilman Perez regarding a cost breakdown, Mr. Doug Yerkes, City Engineer, stated that the consultant's fees include incorporating inflation into their fee estimates for the bid phase and the construction phase. He added that the consultant will also monitor the construction phase of the project.

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

—
2004-18

—
The Clerk read the following Ordinance:

AN ORDINANCE 99141

AN ORDINANCE AUTHORIZING PAYMENT IN THE AMOUNT OF \$74,100.00 PAYABLE TO ALAMO TITLE AS ESCROW AGENT FOR HELEN A. SPAULDING FOR FEE SIMPLE TITLE TO ONE (1) PARCEL, TITLE FEES AND A RIGHT OF ENTRY FEE IN CONNECTION WITH THE WURZBACH PARKWAY PHASE V PROJECT, LOCATED IN COUNCIL DISTRICT 9; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

Mayor Garza noted the item was pulled for abstention purposes for Councilman Schubert.

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

— — —
2004-18 The Clerk read the following Ordinance:

AN ORDINANCE 99154

AUTHORIZING PAYMENT OF \$100,000.00 TO THE METROPOLITAN PARTNERSHIP FOR ENERGY (MPE), A NON-PROFIT AGENCY ESTABLISHED TO DEVELOP AND PROMOTE ENERGY EFFICIENCY EFFORTS FOR THE SAN ANTONIO REGION, FOR AN AGREEMENT TO PROVIDE CONTINUED TECHNICAL SUPPORT TO THE CITY AND REGION FOR SENATE BILL 5 ENERGY EFFICIENCY ISSUES AND TO SERVE AS A CLEARINGHOUSE FOR EDUCATIONAL PROGRAMS RELATED TO ENERGY EFFICIENCY AND CONSERVATION, FOR THE PERIOD JANUARY 1, 2004 THROUGH DECEMBER 31, 2004; AND PROVIDING FOR PAYMENT.

* * * *

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

In response to Councilman Perez regarding an anticipated timeframe when the City will no longer be required to fund the project, Mr. Dan Cardenas, Director, Environmental Services Department, stated that at the present time, there is no set timeframe but that the City is looking at alternatives to become more energy efficient and at decreasing the City's dependency on fossil fuels.

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.

**2004-18 STAFF PRESENTATION: JOINT CITY/COUNTY COMMISSION
ON ELDERLY AFFAIRS**

Mr. Dennis Campa, Director, Community Initiatives Department, introduced Mr. Bob Ross, Chairman of the Joint City/County Commission on Elderly Affairs.

Mr. Ross and other members of the Commission came forward to present the City Council with an update on the work of the City/County Joint Commission on Elderly Affairs for FY 04, a copy of which is on file with these papers.

Mr. Ross provided background information regarding the inception of the Commission, as well as the membership composition. He displayed a graph indicating the results of a survey related to public policy areas and those issues of major concern. Mr. Ross highlighted the Commission's subcommittees, their specific charges, recommendations and their current status. He summarized the Commission's findings and stated that elderly issues need to be one of the priorities in future public policy discussions and development.

Mayor Garza thanked Mr. Ross for the comprehensive report and for the collaborative efforts between the County and the City. He recognized the issues with the elderly and making the recommendations a high priority to be considered at future budget meetings.

The City Council spoke in appreciation for the Commission members' commitment and dedication to their charge of addressing those issues that the elderly face on a daily basis.

Mr. Ross stated that the Commission is cognizant of the City's financial situation, and added that the group is making every effort to assist by establishing a conduit for receiving money from outside resources to fund and increase City services at almost no cost to the City.

Councilman Art Hall spoke in appreciation to Mr. Ross and the Commission for its accomplishments. He stated that a \$3.25 million dollar project is scheduled for the Senior Resource Center in the Medical Center area. He plans on asking for his colleagues' support to name the Senior Resource Center after Mr. Bob Ross in recognition of his leadership in the community and for his work on the Elderly Affairs Commission.

Discussion ensued between Councilman Schubert and Mr. Ross regarding the processes of the committee.

In response to Councilman Schubert regarding application of the exemption from downtown improvement zones, Mr. Ross explained that the Commission has not

addressed situations where neighborhood improvement zones are considered for the exemption, but the issue may be brought up by the Commission in the future.

Councilman Barrera, as a member of ad hoc committee, reiterated the importance of the charge of the Commission and thanked Mr. Ross and the members for their efforts

— — —

2004-18 STAFF PRESENTATION: PUBLIC PERCEPTIONS OF COMMUNITY ISSUES

Mr. Dennis Campa, Director, Community Initiatives Department, introduced a report on selected findings from a general public survey initiated by Bexar County Commissioners' Court, entitled Public Perceptions of Community Issues. He thanked Mr. Jose Contreras, Vice President, The United Way of San Antonio and Bexar County, for being willing to share vital information with the City Council and the community.

Mr. Patrick Galloway, Galloway Research Service, spoke regarding the research objectives and methodology that was designed to measure public perceptions of serious community issues and to assess those of greatest concern. He stated that the findings detailed in the report are those that supported the objective. Mr. Galloway provided graphs on the demographic profiles on the respondents, and demographic key findings on education, income and employment. He discussed the public's leading concerns on community issues and problems, and gave a breakdown on the rank order of said issues. He further discussed solutions to those problems of greatest community concern.

In response to Councilwoman Radle regarding the survey process, Mr. Galloway stated it was done through a probability telephone sample.

Councilwoman Radle expressed her concerns that in District 5, many low income individuals do not own a telephone, nor do they have access to a computer internet service to enable them to respond to issues that affect them. She suggested that future surveys be sensitive to that situation.

In response to Councilman Perez regarding the survey, Mr. Galloway stated that the United Way commissioned the survey and agreed to share portions of the results that they felt were relevant to the City's interests. He added the survey was part of a comprehensive, strategic planning effort called "Defining Tomorrow".

Discussion ensued between Councilman Perez and Mr. Galloway regarding two of nine zip code areas where people suffer from some health indicators. Mr. Galloway stated that zip code information was available in the survey, but added that data on that level would not be accurate and recommended conducting a sampling of the zip code areas.

2004-18 PUBLIC HEARING AND ORDINANCE: APPROVING THE CLOSING, VACATING AND ABANDONING OF AN IMPROVED PORTION OF PILAR DRIVE PUBLIC RIGHT OF WAY LOCATED BETWEEN TOMAR AND TARASCO DRIVES.

Mayor Garza declared the public hearing to be open.

Ms. Rebecca Waldman, Director, Asset Management Department, conducted a presentation on the proposed street closure of an improved portion of Pilar Drive, a copy of which is on file with these papers.

Ms. Waldman discussed the issue as petitioned by the Alamo Area Mutual Housing Association, Inc, a Texas non-profit corporation. She explained that the purpose for the proposed street closure, if approved, would be that the petitioner plans to redevelop the existing 146 unit multi-family housing unit and other structures in an effort to provide a safer environment for more than 150 children who live within the Western Hills Complex. She described the staff coordination with interested entities and the notification process utilized for the proposed street closure. Ms. Waldman reported that as a financial impact, the City will collect \$14,185.00 as consideration for this closure, and abandonment of public right of way.

There being no other citizens to speak to this matter, Mayor Garza declared the Public Hearing to be closed.

2004-18 The Clerk read the following Ordinance:

AN ORDINANCE 99155

APPROVING THE CLOSING, VACATING AND ABANDONING OF AN IMPROVED PORTION OF PILAR DRIVE PUBLIC RIGHT OF WAY LOCATED BETWEEN TOMAR AND TARASCO DRIVES, ADJACENT TO NCBS 15415 AND 15416 IN COUNCIL DISTRICT 4, AS REQUESTED BY THE ABUTTING PROPERTY OWNER, ALAMO AREA MUTUAL HOUSING ASSOCIATION, INC., A TEXAS NON-PROFIT CORPORATION, FOR THE TOTAL CONSIDERATION OF \$14,185.00, WHICH INCLUDES A SEVENTY FIVE PERCENT (75%) REDUCTION OF THE STREET CLOSURE FEE UNDER THE INCENTIVE SCORECARD SYSTEM.

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

Councilman Perez spoke regarding the planned redevelopment of apartments on the street that is proposed for closure. He encouraged his colleagues to support the proposal.

Councilman Hall spoke in support of the street closure and noted that Alamo Area Mutual Housing Association has an excellent reputation for neighborhood redevelopment.

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

— — —

2004-18 STAFF BRIEFING CITIZENS' CITY-COUNTY COMMISSION ON SERVICE INTEGRATION

Mr. Jim Campbell, Director, External Relations Department, introduced the presentation on the Citizens' Commission on City/County Service Integration. He noted the Mayor's intent to work with Bexar County Judge Nelson Wolfe in developing a City/County master service contract to expand the areas of cooperation.

He discussed background information related to the inception of the Commission that was created to expand the areas of cooperation between the City of San Antonio and Bexar County with a goal of making service delivery to City and County residents easier and more efficient. He spoke regarding the adoption of a resolution of support for service integration "work program" to be coordinated with each entity's budget cycle and serve as a rolling plan for subsequent years. He noted the Commission's accomplishments during the past two years including the creation of the Team Toyota that includes representatives from the City and County who joined together to successfully attract Toyota to San Antonio.

Mr. Glen Hartman, Chairman of the Commission, spoke regarding the preliminary recommendations and recognized several members of the Commission in attendance. He discussed the Commission's membership and mandate. He described the subcommittees, initial research, outreach and liaisons. He identified the categories of the Commission's recommendations, as well as those recommendations requiring legislation, interlocal agreements, or administrative action. He outlined those recommendations to continue the City/County Service Integration effort.

Mayor Garza commended Mr. Hartman and members of the Commission on the report and subsequent recommendations. He stated that the City Council is looking forward to proceeding and prioritizing the recommendations as quickly as possible for a smooth transition for maximum cost savings. He also stated the City's goal is to streamline services to avoid duplication, and through the Commission's work, can consolidate and integrate these services.

City Council members thanked the Commission for their study and analysis for action in an effort to save money for the taxpayers.

Mr. Hartman noted that the Commission's work was facilitated by the efforts of Mayor Garza and Judge Nelson Wolfe and credited them for their achievements.

Mr. Campbell stated that the External Relations Department would be meeting with affected City departments to evaluate and determine the feasibility of each of the Commission's recommendations. He further stated he has been in discussion with Bexar County offices regarding a coordinated timeline for a response to the City Council, and is recommending a response no later than August, 2004. He highlighted areas of interest to be incorporated in the future fiscal work plans.

— — —
2004-18

The Clerk read the following Ordinance:

AN ORDINANCE 99156

APPROVING A FIVE (5) YEAR INTERLOCAL AGREEMENT WITH VARIOUS PUBLIC EDUCATION DISTRICTS ESTABLISHING REAL PROPERTY DEVELOPMENT PROCEDURES, FEES, RESPONSIBILITIES AND RELATED MATTERS APPLICABLE TO THE DISTRICTS; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE THE AGREEMENT; AUTHORIZING THE CREATION OF SEVEN POSITIONS WITHIN THE DEVELOPMENT SERVICES DEPARTMENT; AND AMENDING ORDINANCE NO. 98181.

* * * *

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

Councilwoman Radle made a substitute motion to deny the proposed Ordinance. The motion died due to lack of a second.

Mr. Jim Campbell, Director, External Relations Department, gave a presentation regarding the interlocal agreement between the City and public education districts, a copy of which is on file with these papers. He provided background information regarding the original interlocal agreement on April 22, 1999 and subsequent extensions. He discussed previous contract provisions regarding fee waivers and related negotiations. He stated recent discussions have been held for the proposed contract between staff for the

Northside (NISD), North East, San Antonio Independent School Districts (NEISD) and the Council Intergovernmental Relations Committee (IGR).

Mr. Florencio Pena, Director, Development Services Department, gave an explanation of the five-year contract, as well as the estimated fees to be paid by school districts within five years. He stated that the City will assign a Plan Review Team comprised of a staff complement of eight (8) members. He spoke regarding certain terms of the interlocal agreement, as well as a construction time calendar and provisions specified by the IGR Council Committee. He stated that NISD, NEISD and the San Antonio Independent School District (SAISD) will assist the City with executing agreements with other school districts.

The following citizen(s) appeared to speak:

Ms. Mary Ann Ornelas, 526 Freiling Drive, spoke regarding her opposition to the proposed ordinance. She stated that if the City Council passed this agreement, it would result in a weak tree ordinance. She added that school districts should do more for tree preservation, and that if the City passes the ordinance, school districts will lose any incentive at all to design for proper tree preservation.

Ms. Elaine Talarsky, 7922 Quail Breeze, spoke on behalf of the League of Women Voters who urged the City Council to vote "no" for the interlocal agreement that would weaken the tree preservation ordinance. She stated that all institutions and developers should be required to abide by the current tree ordinance and the restrictions for development over the Aquifer. She also stated that by voting "no" on the issue, the City would be protecting the health of the children and the environment.

Mr. Allen Townsend, 143 Walton, spoke regarding his concerns on the responsiveness of the government to the community. He spoke to his opposition to the proposed ordinance and asked the City Council to not weaken the tree ordinance.

Mr. Oscar Williams, 202 Lazywood Trail, Board member on the Board of Adjustment, spoke regarding his opposition to school districts coming before the City Council in the name of education and want to cut down trees to save money through exemptions. He asked the City Council to consider this agreement for the sake of tree preservation and to vote against the agreement.

Mr. Bill Peters, 5900 Evers Road, NISD employee, spoke regarding his efforts to bring the agreement into fruition between the school districts and the City of San Antonio. He stated that if there are problems with the tree preservation ordinance, he would request to have that issue set aside and for the Council to consider adopting the agreement without the provisions. He also stated that the business of a school district is the education of the

children and not development of the property. He added that the school districts are trying to do their job with the limited funds available.

Mr. Mary Wallace, 4040 Broadway, Member of the Scenic San Antonio Member and of the Environmental Defense, spoke in opposition of the interlocal agreement. She stated that schools districts are weakening the tree preservation ordinance, and urged the City Council to vote against the agreement.

Mr. George Rice, 414 E. French, spoke regarding his opposition to school districts seeking for exemption from the tree preservation ordinance. He stated that developers are also making an effort to weaken the environmental rules currently in place. He requested the City Council may consider passing the agreement without that portion that deals with the tree preservation ordinance.

Mr. Jim Koch, 8214 Evers St., retired teacher and resident of the NISD, presented slides of the Northwest Vista College campus parking lots that were built while allowing for trees to remain on the premises. He spoke regarding the importance, and aesthetic visuals of trees in educational institutions. He requested that the City vote against that portion of the agreement that deals with the modifications of the tree ordinance.

Mr. Richard Alles, Citizens Tree Coalition, narrated a slide presentation to show the available options to consider when planning a development in an effort to save trees under the 1997 tree preservation ordinance. He identified several possible configurations using aerial slides to the building and landscaping plans that may have saved 25% to 40% of the natural trees.

Mayor Garza spoke regarding the City Council's support of all items related to those issues that the school districts have presented, and the requirements for trees and landscaping. He stated an area of sensitivity is regarding those schools that voters had approved before the current tree preservation ordinance that had been adopted in 2003, and the process to determine how those schools and the affected properties would be identified. He noted that his perspective would be those schools and those projects that the schools districts present to the voters, have a clear understanding of what the expectations are from the values created by the City of San Antonio. He further noted that the proposed agreement would be tied to future actions by the school districts to comply with set ordinances for storm water, Unified Development Code (UDC), and the tree preservation ordinance. He expounded that for those school districts who would not comply with the ordinances, it would result in the termination of an interlocal agreement. Mayor Garza expressed his intent to review those projects that had been identified by the school districts as those that were approved by voters in bond elections, or where the sites have been proven to have been purchased previously to the 2003 tree preservation ordinance. He noted that the list had been checked and verified by staff.

In response to Mayor Garza, Mr. Florencio Pena stated that the list of seven NEISD schools indicated a purchase date as to when the property was acquired. Mr. Pena indicated that verification of the list is still pending. Discussion ensued regarding the necessary qualifications for consideration under the 1997 tree preservation ordinance.

In response to Mayor Garza, Mr. Pena explained the specifics regarding school funding by board action as it relates to their compliance with the 1997 tree preservation ordinance.

Mr. Emil Moncivais, Director, Planning Department, further clarified the process of school funding by board action.

In response to Mayor Garza regarding the NISD list, Mr. Pena stated that more information and research is required to determine if NISD would qualify for the 1997 ordinance.

In response to Mayor Garza, Mr. Pena confirmed that the City does not have a final list of schools in any of the aforementioned districts that the City has determined have met the qualifications that have been recommended by the committee. He noted that the schools did not request exemptions from any other City of San Antonio ordinances.

Mayor Garza spoke regarding the concept of applying the ordinance based on actions that were taken before the ordinance was adopted. He stated that without having a final list available, his support for the interlocal agreement is in concept, but also wants to ensure that the City has a clear understanding of the number of schools that would fall under the three qualifications. He noted that any other school approved or considered by a bond election or funding by the board from the date the City approves those schools forward, would fall under the 2003 ordinance. He stated he would be voting on this issue based on a specific list returning to the City Council for review and confirming the true impact of the schools within the City.

In response to Mayor Garza regarding the City's position on cases where other school districts would make a similar request, Mr. Pena stated the request would be reviewed in accordance with the provisions that have been adopted and a decision based on the three conditions. He stated that if the City Council wishes, staff would also provide a process to provide a list on a case-by-case basis or allow for a final decision by staff.

In response to Mayor Garza regarding projects approved before 1997, Mr. Chris Brady, Assistant City Manager, stated the agreement specifically speaks to the 1997 ordinance and does not refer to anything prior to that.

Mayor Garza spoke in regards to staff providing the final list of schools and projects before a final decision is made. He stated the City Council looks to be supportive of the schools, and recognizes that education is more than a focus within a school.

Councilwoman Radle spoke regarding her earlier attempt at a motion against approval. She stated the issue of tree loss is a serious issue. She stated she would not be supporting the agreement as long as it includes the issue of trees and the allowance of abuse towards the tree ordinance.

Councilman Hall discussed the importance of all issues related to the environment and education and stated he shares the concerns of his colleagues.

In response to Councilman Hall, Mr. Pena gave an interpretation to Section 2.03 of the interlocal agreement. "Termination of Section 2.03".

Discussion ensued between Councilman Hall and Mr. Pena as he clarified Section 5.02 under "Master Planning".

Mr. Pena also provided an explanation on Section 5.03 related to "Pre-Acquisition" and stated that there is no specific time frame associated with the provision.

In response to Councilman Hall regarding Section 5.05, Mr. Pena stated that zoning ordinances are not included in the section.

Councilman Hall and City Attorney Martin discussed that there is no law that would prohibit a school district from agreeing to comply with the City's zoning regulations.

In response to Councilman Hall regarding Section 5.09, Mr. Pena defined the boundaries of the agreement as it deals with impervious cover.

In response to Mr. Wendorf regarding an exemption of study requirements for those schools that could potentially expand their facilities on areas that are already paved and thereby increasing impervious cover, Councilman Hall stated he had issues with that process.

In response to Councilman Hall regarding Section 5.09B, Ms. Debbie Reed, Tree Preservation Officer, interpreted "adequate landscaping" as 1,000 square feet or greater on an addition as the trigger to implement the landscaping ordinance.

In response to Councilman Hall, Mr. Wendorf described the term "meet and confer" in Section 5.09C.

Councilman Hall reiterated the discussion on impervious cover, and Mr. Pena restated that for drainage and run-off purposes inside Loop 410, engineering studies would not be required if a school decided to expand the facilities within a certain time frame.

Mr. Pena further provided a definition of “commencing of a project” and related projects.

In response to Councilman Hall regarding schools that were purchased by the NISD with 2003 bonds, Mr. Peters stated that NISD did not have a 2003 bond election, although planning for the 2004 bond election began in early 2003. He identified four elementary schools that are to be purchased with 2004 bonds.

Discussion ensued between Councilman Hall and Mr. Peters regarding NISD’s discussions, planning and acquisitions of properties as recommended by the NISD’s Citizens Bond Committee prior to May, 2003.

In response to Councilman Hall regarding additional costs to be incurred by NISD in order to meet the May, 2003 amendments, Mr. Peters stated that the range would be \$30,000 to \$50,000 an acre to purchase an additional three acres for each school in the northside area.

Councilman Hall called forward Dr. Kamal Alhamad, SAISD, who stated that the last bond election held by SAISD was in May, 2001. He also stated that the schools as submitted by SAISD were funded by the 1997 or 2001 bond election. Dr. Alhamad noted that for any future bonds, SAISD will be looking to complying with the current UDC requirements.

Discussion continued between Councilman Hall and Mr. Pena regarding the difference between the 1997 and 2003 tree preservation ordinance, and the difference between a regular entity and a municipal entity in 2003.

Mr. Pena utilized a chart to provide the facts on the 1997 and 2003 tree ordinance, a copy of which he would make available to Councilman Hall.

Discussion ensued as Ms. Reed responded to Councilman Hall regarding a 25% impervious cover requirement for commercial and public projects. She stated that recent amendments changed the definition of commercial projects but did not change it for public projects. She noted that currently, all buildings that come in for municipal projects are reviewed as commercial projects. She further noted that the public projects to date have been designated for utility project such as a City Public Service transmission lines or Public Works drainage projects.

Discussion continued between Councilman Hall and Mr. Pena regarding future consideration of school buildings as municipal projects, and clarification on the definition

of Municipal Entity in the UDC that provides for 25% impervious cover for public projects.

In response to Councilman Hall's inquiry regarding which ordinance would have to be complied with should the tree portion be removed from the interlocal agreement, Mr. Pena stated the standard procedures would be followed unless some levels of vested rights based on the laws and procedures on a case-by-case basis.

In response to Councilman Hall regarding Section 5.19, Mr. Peters stated that NISD is in compliance with water quality issues and is prepared to continue to do so in the future.

Regarding Section 6.01, Mr. Wendorf stated that a designated school zone pertains to logical crosswalk zones where school flashers, signage or any other pedestrian signage would be required.

Councilman Hall expressed his concern regarding the language of the four additional amendments within the interlocal agreement. He stated he will be closely observing the issue of grand-fathering, and at the May, 2003 date as opposed to anything after that date.

Councilman Castro spoke regarding the importance of the issue to the City and to the school districts. He stated his support for public schools, and for the City to do its utmost for an educated citizenry. He also stated he is in agreement with Mr. Peters' suggestion to move forward with the interlocal agreement with the exceptions of 5.16, 5.17 and 5.18 that deal with tree preservation. He suggested the possibility of other alternatives that would achieve the school's goals to build the facilities within budget and allotted time frames, and not lessen the tree preservation ordinance. He expressed his concern that the City Council is dealing with incomplete information in that not all the school districts have come forward on this issue. He stated staff needs to do a site by site analysis of the 1997 and 2004 bond-issue schools, or the related land for those schools, that would provide a finite number of those schools, and bring that report to the City Council for action in a "B" Session.

Councilman Castro agreed that the definition of municipal entity should be interpreted to only include those easements and other specified parcels of property and not a building footprint. He made a motion to move forward with the rest of the interlocal agreement except for Sections 5.16 through 5.18 and to bring those sections back to the Council for consideration at a later date when staff feels it is appropriate to do so with the input of the City Council. Councilwoman Radle seconded the motion.

Councilman Perez spoke in support of Councilman Castro's amendment.

In response to Councilman Perez's inquiry, Mr. Pena and Ms. Reed explained the tree mitigation process and clarified the tree mitigation fund. Ms. Reed stated that the fund balance is currently at \$42,000.

In response to Councilman Perez regarding slide number 16 on the UDC provision, Mr. Pena reiterated the discussion to consider changing the definition of municipal entity.

Councilman Barrera stated that schools are faced with expansion and the related costs of building new facilities. He also stated that much of those costs are passed on to the tax payers. He encouraged schools districts to consider alternatives in their construction that would help the environment. He spoke in support of Councilman Castro's amendment.

Discussion ensued between Councilman Schubert and Mr. Pena related to information received by the school district. Mr. Pena stated that information had been received as late as of this date. Mr. Pena provided a list of the SAISD schools to be included in the agreement.

In response to Councilman Schubert, Mr. Pena stated that the SAISD list includes new structures that would be required to comply with the tree preservation on the same site. He added that the City would require a tree preservation plan for that area and determine the percentage that needs to be preserved. He further added that the City will require from SAISD more specific information pertaining to the date of board action, voter action or date of acquisition to determine if the schools were pre-2003.

Councilman Castro clarified the intent of his amendment, and stated that there should be other reasonable means to reduce other fees to reach a compromise to achieve the cost savings for the school districts and not impacting the environment negatively.

Discussion ensued between Councilman Castro and Mr. Brady regarding utilizing those building permit fees that will fund new staff positions that will do the work for the school districts. Councilman Castro stated that, while it is a substantial consideration, the City Council needs to consider funding from the general fund for these positions. He reiterated his suggestions as a possibility to accomplish tree preservation and relaxing the economic burden on the school districts.

Further discussion ensued between Councilman Schubert and Mr. Pena regarding a time line for staff to determine the difference in complying with the 1997 and 2003 ordinances. Mr. Pena stated that the vested rights determination process is a twenty-day calendar process based on the data the applicant submits.

In response to Councilman Schubert regarding information on a comparison for necessary mitigation, Ms. Reed stated that the City had been working with the school districts and that the City has the information for the four initial schools that have a conditional permit in the NEISD and almost all the information for the NISD. She stated

that SAISD has not submitted their information, nor has NEISD or NISD for the remaining schools. She discussed the process and time frame utilized for determining calculations for both the 1997 and the 2003 ordinance requirements.

Mr. Pena added that the review time includes other factors and is in partnership with the design team to fully understand the requirements.

In response to Councilman Schubert, Ms. Reed stated that of the initial four schools, the difference in the amount of mitigation under the 2003 ordinance is estimated at \$670,000, and under the 1997 ordinance, the amount is estimated at \$60,000.

Mr. Pena stated that revenues from building permit fees over the next five years have been estimated at \$1,092,000.

Councilman Schubert expressed his concerns regarding available options to assist the school districts. He stated he sees no solution other than schools utilizing other school funds.

In response to Councilman Schubert, Mr. Wendorf stated that according to the Association of General Contractors, building materials and crude oil have steadily risen from last year.

Councilman Schubert reiterated his concern with postponing the issue based on the lack of a solution to securing fees over the next five years. He suggested a time certain item when the issue will be brought back to the City Council for consideration.

Mr. Pena confirmed that until the school districts have paid \$670,000 worth of new trees on site, the City would not issue a Certificate of Occupancy.

Discussion ensued between Councilman Schubert and Mr. Peters regarding the status of the complicated tree inventory process in the NISD. He added that the information would not be available in one month.

In response to Councilman Schubert, Mr. Peters stated that the rest of the agreement is so critical, that he would be willing to proceed without the tree provisions.

In response to Councilman Schubert regarding SAISD's position, Dr. Alhamad stated that the impact of tree mitigation is less than for NISD. He noted that SAISD is constructing minor additions to existing school facilities that presents a smaller mitigation scale than NISD. He further noted that SAISD is interested in proceeding with the agreement in order to continue with construction.

Discussion ensued between Councilman Schubert and Mr. Peters regarding alternative funding for additional costs for NISD if the tree mitigation issues are removed from the agreement.

Councilman Schubert reiterated his concerns regarding the lack of sources for the additional funds, and without identifying those funds, the City is not helping the school districts. He stated he cannot support the agreement as it is not clear when the issue will be brought back to the City Council for consideration, and also due to unidentified monies for the schools.

Councilman Haass spoke to the importance of the agreement, and a solution to moving forward without the tree preservation ordinances. He stated his preference for schools to identify a time as to when they would be on-line, and to look for resources for extra revenues. He further stated it would result in a compromise for joint goals. He stated he would be supporting Councilman Castro's amendment.

Councilman Flores spoke regarding finding a common ground and the desire to find solutions in a reasonable time to do the right thing for education and for environmental issues. He called for the question. Councilwoman Radle seconded the motion

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

After consideration, the main motion, as amended, through a roll call vote, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams.

2004-18

CITIZENS TO BE HEARD

(Mayor Garza was obliged to leave the meeting. Mayor Pro tem Segovia presided.)

MARIA BERRIOZABAL

Ms. Maria Berriozabal, and Ms. Amy Castelli, Clean Water Clean Democracy, spoke regarding the analysis leading to the group's conclusion that the Lumberman's PGA Village Agreement is not authorized and therefore, not legal. She stated the group is reporting a clear violation of the Open Meetings Act regarding the Lumberman's agreement. She also cited various issues on the agreement to which the group is in opposition.

Ms. Berriozabal spoke regarding concerns over an alleged briefing where changes to the Lumbermen's agreement had been discussed. She stated that no citizen input is afforded to Council Committees or in "B" sessions to critical issues. She stated the group is requesting instructions from the City Council that citizens be provided an opportunity for an exchange by citizens at the Quality of Life Committee meetings or at "B" sessions. She further requested information on the processes involved at the decision-making meetings, and for citizen input to respond to City staff.

Councilwoman Radle spoke regarding the importance for open discussions on the PGA issue, and stated she looked forward to the opportunity to hear all the elements on the subject.

Councilman Castro concurred with Councilwoman Radle, and stated he looked forward to a "B" Session on the results of what City staff has found regarding the changes that were made and procedures that were followed. He added that at some point, the group will have an opportunity to compare with what staff said and give them a chance to respond as well. Councilman Castro stated that, in general the PGA Village process was not well done in the past and, that hopefully, the City can live up to the potential of good government in the future.

Councilman Flores stated there is going to be a special meeting of the Quality of Life Committee, and that he looked forward to citizens input at that meeting.

GUILLERMO VASQUEZ

Mr. Guillermo Vasquez, Co-Director of Service Employees International Union (SEIU), Local 1967, spoke regarding work place concerns involving promotions and the City's Municipal Civil Service procedures. He spoke regarding a City process that overlooks qualified employees over hiring new employees for the same job. He stated SEIU's effort to pass an ordinance entitled "Consultation". He introduced Ms. Jeanette Martinez, employee of the Public Works Department, who spoke of her complaint regarding a promotion she was denied. She stated she would support the proposed ordinance.

Mr. Alonso Nino, 13-year employee at Las Moras Service Center, spoke of his experiences in being overlooked for a promotion.

Mr. Vasquez reiterated his support for the proposed ordinance. He outlined the concerns of the City employees regarding the Municipal Civil Service process and requested revisions to the process. He stated the SEIU looks forward to working with City staff and management for the approval of the ordinance.

* * * *

PASTOR H. L. BRACY

Pastor H. L. Bracy, President of West End Neighborhood Association, expressed his appreciation to the City Council for approving the Health Clinic that is location adjacent to the Frank Garrett Center in the Lincoln Courts area. He added that the clinic has been an asset to many of the low income families in the area.

* * * *

CONNIE PORRAS

Ms. Connie Porras, National Association of Public Employees (NAPE), spoke regarding her objections to City management conducting an investigation of the Municipal Civil Service Commission. She requested that the Commission be allowed to dispense justice. She then introduced a group of electricians that would address the problems they have experienced in attempting to test for their master license.

* * * *

JOHN GONZALES

Mr. John Gonzales, spoke to protest the method of testing for the Master Electrician License on April 15, 2004. He stated that several aspects of the exam were mishandled by City staff and staff from the International Code Agency. He thanked Councilman Castro for his support in recommending the Citizens To Be Heard segment to voice the concerns of those who took the exam on April 15, 2004. He noted that City staff and the Chairman of the Electrical Examining and Supervising Board have not yet responded to the group's concerns. He stated that the testing agency has been conducting business with an open-ended contract and has accelerated their rates since 1995. Mr. Gonzales requested that in view of the difficulties with the testing procedure, that passing grades be given to those who tested on April 15. He also stated that problems exist within the Development Services Department, the testing agency and City staff. He requested that the City Council conduct an investigation to ensure that the testing is valid.

In response to Councilman Castro's request for an update on the testing procedure, Mr. Michael Clack, Assistant Director of Development Services, confirmed an incident took place at the testing on April 15, 2004. He provided background on the examination, and the steps taken by City staff and by the testing agency to correct the situation.

Discussion ensued between Councilman Castro and Mr. Clack regarding the number of questions that related to the missing drawing. Mr. Clack stated that the testing agency agreed to count those questions right, regardless of whether they got it right or wrong.

In response to Councilman Castro's suggestion to provide a refund and have the individuals retest, Mr. Clack stated that the State of Texas will begin administering the test on a monthly basis, and those who did not pass the test, would be offered a refund. Mr. Clack clarified for Mr. Gonzales the number of questions that pertained to the missing drawings.

* * * *

OLIVIA RODRIGUEZ

Ms. Olivia Rodriguez, District 5, spoke in opposition to the process and actions of the testing agency personnel during the examination. She requested a passing grade for her efforts.

Discussion between Councilman Castro and Ms. Rodriguez continued as Councilman Castro explained the logic and intent of the initial test. He added he was not comfortable with giving credit for a test as the underlying purpose is to ensure that someone is qualified to do a job.

More discussion followed as Mr. Gonzales stated a proper testing environment was not afforded on April 15, 2004. He reiterated the illegal testing agency's contract with the City of San Antonio. He also spoke regarding the difficulty of the City's electrical test, and the improper process used to grade the tests and how the grades are viewed by the Development Services Department.

Councilman Castro restated his level of discomfort with automatically passing individuals as a result of the incident.

Mr. Gonzales requested that the Development Services Department be investigated to resolve the problems that exist in their processes.

Mr. Clack stated that the City does not contract with the contractor for any other examination. He stated that the Electrical Examining and Supervising Board sets the criteria and the number of questions on the test for the City of San Antonio.

Mr. Clack stated that the official results of the exam indicated that only three out of twenty-eight individuals who took the exam made a passing grade. He added that the State will administer essentially the same test, but it will be an open-book test.

Discussion ensued as Councilman Castro and Mr. Clack reviewed the percentages of passing rate. Mr. Clack stated that some were as high as 38% and as low as 8%. He could not offer comparable percentages among other Texas cities.

Councilman Castro expressed his concern that a situation may be created to keep individuals out of a certain industry as evidenced by the low passage rate.

Mr. Clack stated he would contact the testing agency and obtain figures on their experience from administering the test nationwide.

In response to Councilwoman Radle's inquiry on test preparation, Mr. Gonzales stated that several options are available ranging from tutoring, college courses, local union halls and on-the-job training.

Councilwoman Radle spoke regarding her concerns over the passing rate, and added that there may be cause to question the system and review how the information is being presented.

* * * *

EDDIE MASSON

Mr. Eddie Masson, Disability Access Advisory Committee, spoke regarding the sidewalks, traffic signals and City streets that are not friendly to those who use wheelchairs. He asked the City Council to join individuals with physical handicaps to walk downtown streets to review the problems handicapped people face on a daily basis. He also noted that several crosswalks are too short to allow individuals to cross the street, and that the crosswalk buttons are not in proper height for wheelchair-bound people to reach.

Councilman Segovia stated that physically-challenged individuals will continue to be a priority for the City of San Antonio.

* * * *

NAZIRITE RUBEN FLORES PEREZ

Mr. Nazirite Ruben Flores Perez, 204 Hearne, spoke regarding the rights of the elderly as supported by the Texas Constitution. He also spoke regarding the four propositions to be considered in the upcoming public election.

* * * *

FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 102 Dora, spoke regarding his opposition to the PGA Village and racial profiling. He also stated the City needs to hire more police officers to patrol the downtown area.

* * * *

BARBARA CONNERS

Ms. Barbara Connors, Mothers Against Abuse to Animals, invited the City Council members to a fundraiser on May 9, 2004 for Mothers Against Abuse to Animals. She spoke in support of care for all animals and a pet patrol to ensure no animals are being abused in the community.

* * * *

ELGINIO RODRIGUEZ

Mr. Elginio Rodriguez, 450 N. San Gabriel Avenue, spoke in appreciation for the recent neighborhood sweep within his community. He noted, however, that the neighborhood has experienced a high number of rats and other animals after several lots were cleaned out. He requested the Health Department find a solution to the large number of rodents in the neighborhood to avoid future health hazards.

* * * *

— — —
(Mayor Garza returned to preside over the meeting at 8:10 P.M.)

2004-18 7:30 p.m. Budget Open House to solicit citizen input on the theme "Achieving Our Mission: Where We Are Now".

2004-18 The following citizen(s) appeared to speak:

Ms. Patricia Castillo, 1443 S. St. Marys Street, Board Member, Greater San Antonio Crime Prevention Commission, spoke in support of intervention to reduce domestic violence. She expressed her concern regarding the critical need to develop strategies to problem solving and working with youth in the community in an effort to solve family violence.

Ms. Dawn White, Family Services Association, spoke regarding the City's budget and its relationship to the importance of strategic human investment.

Ms. Julie Iris Oldham, Citizens Advisory Counsel, spoke regarding several issues related to City Council members, the proposed amendments to the City Charter and on the condition of her street.

Mr. Nazirite Ruben Flores Pena, 627 Hearne, suggested alternatives to address the issue of homelessness.

Mr. Faris Hodge, Jr., 140 Dora, narrated a slide presentation on diversity. He also spoke regarding replacing the elevator at City Hall. He requested the City hire an additional 500 police officers to patrol the downtown area, and noted the low number of parking meters available in the same area

Mr. Charles English, 807 Canton Street, spoke in regards to policies and his opposition to the City Charter proposed revisions. He also noted the lack of City parks.

* * * *

— — —
2004-18 The City Council recessed its regular meeting at 8:30 P.M., and reconvened the meeting at 9:07 P.M.

(Mayor Garza was obliged to leave the meeting. Mayor Pro-tem Segovia presided.)

— — —
2004-18 **INDIVIDUAL ITEMS CONTINUED**

2004-18 The Clerk read the following Ordinance:

AN ORDINANCE 99157

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND KENDALL, COMAL, GUADALUPE, WILSON, MEDINA AND BANDERA COUNTIES FOR ESTABLISHING A UNIFIED SET OF PLATTING STANDARDS AND PROCEDURES FOR THE APPROVAL OF PLATS IN THE EXTRATERRITORIAL JURISDICTION.

* * * *

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

Mr. Florencio Pena, Director, Development Services Department, narrated a presentation on the interlocal agreement for plat review standards and procedures, a copy of which is on file with these papers. He provided background on Texas Legislature House Bill 1445 that requires cities and counties to agree on a unified set of regulations and approval procedures for plats in the Extra-Territorial Jurisdiction (ETJ). He discussed the initial agreement as approved in December, 2003 and the affected counties as a result of the agreement. He highlighted certain provisions for rural development under HB 1445, and its effect on Bandera County.

In response to Councilwoman Radle regarding the Edwards Aquifer, Mr. Pena stated the strict standards for each affected county will continue to be applied. He added that a certain density must be maintained per acre, and the City of San Antonio would retain its right to review subdivision plats. He noted the benefits of the agreement as a result of HB 1445.

Discussion ensued between Councilwoman Radle and Mr. Pena regarding clarification on further development over the Edwards Aquifer. Mr. Pena stated that the agreement deals only with platting, and that the City does not have authority to issue building permits or to regulate zoning within the said counties.

Councilwoman Radle restated her concern regarding loopholes that would increase development over the Aquifer.

Discussion between Councilman Castro and Mr. Pena continued regarding concerns over grand-fathering rights or vested rights. Mr. Pena stated that the agreement applies to new plats and that vesting issues would not be a consideration as the properties are being platted and meet requirements of the counties. He further stated the intent is to simplify the process of dealing with only one entity and to streamline the process. He confirmed that the threshold for development would be two-and-a-half units per acre, and added that if the density is over that, a review and approval of those plans would have to be conducted by the City of San Antonio.

In response to Councilman Castro regarding a projected time frame for annexation, Mr. Emil Moncivais, Director, Planning Department, stated that he estimates another five to ten years before the City of San Antonio crosses county boundaries.

Councilman Castro recommended the City devise a system whereby information is provided to individuals who are developing in those areas, that they are within the extra-territorial jurisdiction and that they can expect to be annexed into the City of San Antonio in the future.

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

— — —
2004-18 The Clerk read the following Ordinance:

AN ORDINANCE 99158

BESTOWING THE MEMORIAL DESIGNATION OF “JACK W. DE VAUGHN, SR. MEMORIAL DRIVE” UPON THE 500 TO 1000 BLOCKS OF PECAN VALLEY DRIVE FROM MORNING VIEW TO J STREET.

* * * *

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

Mr. Tom Wendorf, Director, Public Works Department, gave a presentation on the memorial to Mr. Jack W. DeVaughn, Sr. A copy of the slide presentation is on file with these papers. He stated the request is for honorary signage and will not involve changing any street names. He also stated that the cost of \$310 for the installation of signs along the streets will be provided by the District 2 Neighborhood Access and Mobility Fund.

Councilmen Williams and Hall commended the Public Works Department for developing the sign in of Mr. DeVaughn. He also spoke regarding Mr. DeVaughn’s work in his community.

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

— — —
2004-18 The Clerk read the following Ordinance:

AN ORDINANCE 99159

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTH CENTRAL COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 1.51 ACRES LOCATED AT THE WESTERN END OF THE PROPERTY AT 717

PLEASANTON ROAD IN COUNCIL DISTRICT 5 FROM LOW-DENSITY RESIDENTIAL LAND USE TO OFFICE/LIGHT COMMERCIAL/MEDIUM-HIGH DENSITY RESIDENTIAL LAND USE.

* * * *

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

Mr. Emil Moncivais, Director, Planning Department, narrated a presentation on the Master Plan Amendment 04006 to the South Central San Antonio Community Plan, a copy of which is on file with these papers. He displayed slides to indicate the amendment plan as adopted and as proposed, as well as an aerial view of the referenced area. He provided information on the analysis criteria, land use, transportation issues and the community facilities.

Councilwoman Radle spoke in support of the amendment.

In response to Councilman Schubert in regard to fencing, Mr. Moncivais stated that a six-foot solid fence would qualify for the said area.

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

— — —
2004-18 Travel Authorizations-Granted

For Councilman Richard Perez, District 4, who will attend the 51st Annual National Security Forum at Maxwell Air Force Base in Montgomery, Alabama from Sunday, May 23, 2004 to Wednesday, May 26, 2004.

Councilman Hall made a motion to approve the proposed the Travel Authorization. Councilman Barrera seconded the motion.

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

— — —
Ratification of Travel Authorization for Councilman Joel Williams, District 2, who traveled to Colorado Springs, CO, to participate in the Department of the Air Force, Air

Force Reserve 433d Airlift Wing Civic Leader Tour from Tuesday, May 4, 2004 to Wednesday May 5, 2004.

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

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

2004-18 EXECUTIVE SESSION

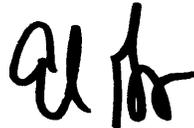
2004-18 The City Council recessed its regular session at 10:23 p.m. in order to convene in Executive Session to discuss the following:

Legal issues relating to procedures established by state law for the incorporation of a municipality within San Antonio's extraterritorial jurisdiction, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Legal issues relating to the analysis by CPS on a right of first refusal to purchase an additional interest in the South Texas Project, pursuant to Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), and 551.086 (public power utilities: competitive matters).

2004-18 There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 10:50 p.m.

A P P R O V E D



EDWARD D. GARZA
MAYOR

Attest



YOLANDA LEDESMA
Acting City Clerk