

**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, JULY 22, 2004

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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 on the Advertising Agency Services Request for Proposals Process including brief summary presentations by the three Short-Listed Agencies. [Presented by Melvin Tennant, Director, Convention and Visitors Bureau; Roland A. Lozano, Assistant to the City Manager]

The Council members present were: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

The "B" Session adjourned at 12:15 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.

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Invocation by Rev. Isaac Ortiz, District 1, Beacon Hill Baptist Church.

Pledge of Allegiance to the flag of the United States.

CEREMONIAL ITEMS

Mayor Garza presented the following honorary certificates:

Certificates of Heroism to Mr. Louis Pinkney, Mr. Travis Lanus, Mr. Juan Manuel Hernandez, Mr. James Reynolds, and Mr. Andrew Hernandez.

Citation to the Childress Memorial Church Step Team.

Approval of the minutes of the City Council Meetings of April 22, April 29 and May 6, 2004 .

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CONSENT AGENDA - CITIZEN COMMENTS

Consent Agenda Items 8, 9, 10, 11, 14, and 15 were addressed individually from the consent agenda. The remaining items 7 through 28D were approved under the consent agenda upon motion made by Councilmember Perez and seconded by Councilmember Haass.

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

AN ORDINANCE 99449

AN ORDINANCE ACCEPTING THE LOW RESPONSIVE BIDS SUBMITTED BY GRANDE TRUCK CENTER, ITEMS 1, 5A, 14B; SANTEX TRUCK CENTER, ITEMS 6B, 10, 17; AND SOUTHWAY FORD, ITEM 18 TO PROVIDE THE CITY OF SAN ANTONIO PARKS AND RECREATION, PUBLIC WORKS AND POLICE DEPARTMENTS WITH MEDIUM AND HEAVY DUTY TRUCKS FOR A TOTAL AMOUNT OF \$717,303.00.

AN ORDINANCE 99450

AN ORDINANCE RATIFYING AND AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT WITH TEXAS-STERLING CONSTRUCTION, L.P., IN THE AMOUNT OF \$208,650.00 TO PROVIDE EMERGENCY RECONSTRUCTION AND REPAIRS TO A COLLAPSED SECTION OF ROADWAY AND THE ASSOCIATED DRAINAGE COMPONENTS NEAR SOUTH HAMILTON STREET AND SAUNDERS AVENUE LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING \$104,325.00 FOR CONSTRUCTION CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$312,975.00 FROM STORM WATER REVENUE OPERATING FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99451

AN ORDINANCE SELECTING POZNECKI, CAMARILLO AND ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE

PLATTING OF THE LEVI STRAUSS PROPERTY INTO THREE PARCELS, WHICH PROPERTY IS CURRENTLY UNDER CONTRACT FOR PURCHASE BY THE CITY OF SAN ANTONIO; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$50,000.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99452

AN ORDINANCE AUTHORIZING PAYMENT OF \$16,385.00 TO BAIN MEDINA BAIN (SBE/WBE/DBE) TO PROVIDE CIVIL ENGINEERING SERVICES IN CONNECTION WITH THE GARZA PARK PEDESTRIAN BRIDGE PROJECT IN COUNCIL DISTRICT 7 AS AUTHORIZED UNDER A STAND-BY AGREEMENT APPROVED BY ORDINANCE NO. 97945 ON AUGUST 7, 2003; ESTABLISHING THE PROJECT BUDGET; AUTHORIZING \$3,000.00 FOR ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$1,000.00 FOR BID ADVERTISING/PRINTING EXPENSES; AUTHORIZING \$3,000.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF \$23,385.00 FROM 1999-2004 PARK BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99453

AN ORDINANCE AUTHORIZING AMENDMENT ONE TO THE HEMISFAIR PARK LEASE AGREEMENT WITH THE SAN ANTONIO WOMEN'S CHAMBER OF COMMERCE FOR USE OF THE CITY'S HEMISFAIR PARK BUILDING NO. 217, THE EAGER HOUSE, FOR USE AS OFFICE SPACE ON A MONTH TO MONTH BASIS FOR ANNUAL RENTAL INCOME OF \$1,200.00.

AN ORDINANCE 99454

AN ORDINANCE AUTHORIZING AMENDMENT ONE TO THE HEMISFAIR PARK LEASE AGREEMENT WITH THE ALAMO CITY CHAMBER OF COMMERCE FOR USE OF THE CITY'S HEMISFAIR PARK BUILDING NO. 406, THE OK BAR AND STORAGE BUILDING, FOR USE AS OFFICE SPACE ON A MONTH TO MONTH BASIS FOR ANNUAL RENTAL INCOME OF \$1,200.00.

AN ORDINANCE 99455

AN ORDINANCE AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE TO A .1492 ACRE LOT LOCATED AT 111 RICE ROAD FROM THE SAN ANTONIO

DEVELOPMENT AGENCY FOR THE AMOUNT OF \$2,000.00; AUTHORIZING \$237.00 FOR DUE DILIGENCE COSTS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99456

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE LEASE AGREEMENT WITH ITW MORTGAGE INVESTMENTS IV, INC. FOR USE BY THE LIBRARY DEPARTMENT OF 5,600 SQUARE FEET OF WAREHOUSE SPACE FOR TEMPORARY STORAGE OF THE HERTZBERG COLLECTION LOCATED AT 995-B ISOM ROAD, ISOM BUSINESS CENTER, LOCATED IN CITY COUNCIL DISTRICT 9, FOR AN ANNUAL TOTAL OF APPROXIMATELY \$39,032.04, FOR THE PERIOD OF AUGUST 1, 2004 TO JULY 31, 2005; AND AUTHORIZING PAYMENT.

AN ORDINANCE 99457

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT A GRANT IN THE AMOUNT OF \$18,440.80 FROM THE SOUTHWEST TEXAS REGIONAL ADVISORY COUNCIL FOR TRAUMA TO BE USED BY THE SAN ANTONIO FIRE DEPARTMENT FOR EMS ELIGIBLE EXPENSES.

AN ORDINANCE 99458

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE THE FIRST AMENDMENT TO THE ARTS IN THE COMMUNITY DELEGATE AGENCY AGREEMENT FOR THE EAST THEO PROJECT REPLACING THE ORIGINAL CONTRACTOR, MEXICO-NORTH RESEARCH NETWORK, INC. WITH LOS COMPADRES DE SAN ANTONIO MISSIONS, A NON-PROFIT ORGANIZATION.

AN ORDINANCE 99459

AN ORDINANCE APPROVING THE RENEWAL OF A PARKING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE UNIVERSITY OF TEXAS AT SAN ANTONIO DOWNTOWN CAMPUS FOR A PERIOD OF TWELVE (12) MONTHS BEGINNING ON JULY 1, 2004 AND ENDING ON JUNE 30, 2005, FOR THE USE OF 700 PARKING SPACES UNDER INTERSTATE HIGHWAY 35 FOR AN ANNUAL FEE OF \$111,000.00 WITH THE OPTION GRANTED TO BOTH

PARTIES BY MUTUAL NEGOTIATION TO RENEW THE AGREEMENT FOR TWO (2) CONSECUTIVE ONE-YEAR RENEWAL TERMS, SUBJECT TO CITY COUNCIL APPROVAL; AND ALSO APPROVES AN AMENDMENT TO THE AGREEMENT AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE ANY DOCUMENTATION NECESSARY TO EXPEDITE PROMPT REFUND, ON A PRO RATA BASIS, OF ANY MONIES PAID IN ADVANCE FOR PARKING PURSUANT TO THIS AGREEMENT, WITHOUT THE NECESSITY FOR ADDITIONAL APPROVAL BY THE SAN ANTONIO CITY COUNCIL, SHOULD THE UNIVERSITY OF TEXAS AT SAN ANTONIO EXERCISE A RIGHT TO EARLY TERMINATION PROVIDED IN THE AGREEMENT.

AN ORDINANCE 99460

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR OUR LADY OF THE ANGELS CHURCH (1214 STONEWALL) IN CONNECTION WITH THE OUR LADY OF THE ANGELS FEAST DAY TO BE HELD FROM 11:00 A.M. TO 1:00 P.M. ON SUNDAY, AUGUST 1, 2004.

AN ORDINANCE 99461

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR THE MACEDONIA BAPTIST CHURCH (HOBART & 40TH STREET) IN CONNECTION WITH THE NATIONAL NIGHT OUT PARADE SPONSORED BY THE MACEDONIA COMMUNITY DEVELOPMENT CORP. TO BE HELD FROM 6:30 P.M. TO 7:45 P.M. ON TUESDAY, AUGUST 3, 2004.

AN ORDINANCE 99462

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS IN CONNECTION WITH THE AGA 23RD ANNUAL GUADALUPE STREET PARADE SPONSORED BY THE AVENIDA GUADALUPE ASSOCIATION, INC. TO BE HELD FROM 9:00 A.M. TO 2:00 P.M. ON SATURDAY, SEPTEMBER 4, 2004.

AN ORDINANCE 99463

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR HEMISFAIR PARK IN CONNECTION WITH THE MS WALK SPONSORED BY THE MULTIPLE SCLEROSIS SOCIETY TO BE HELD FROM 7:00 A.M. TO 11:00 A.M. ON SATURDAY, SEPTEMBER 11, 2004.

AN ORDINANCE 99464

AN ORDINANCE APPOINTING ROXANNE CUEVAS (DISTRICT 5) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON JULY 3, 2005.

AN ORDINANCE 99465

AN ORDINANCE APPOINTING STEVE J. PATMON (ARCHITECT CATEGORY – DISTRICT 10) TO THE BOARD OF APPEALS FOR A TERM OF OFFICE TO EXPIRE ON JULY 31, 2006.

AN ORDINANCE 99466

AN ORDINANCE REAPPOINTING MARY LEE BUETTNER (DISTRICT 4) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2004.

AN ORDINANCE 99467

AN ORDINANCE REAPPOINTING MARIANNE WATSON (DISTRICT 9) AS DIRECTOR AND TRUSTEE TO THE SOUTH TEXAS BUSINESS FUND FOR TERMS OF OFFICE TO EXPIRE ON MAY 9, 2006 AND MAY 9, 2007, RESPECTIVELY.

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CONSENT AGENDA ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 99468

AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH THE VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$2,106,533.00 TO INCLUDE CONTRACTS FOR: FUJITSU COMPUTER SYSTEMS HARDWARE MAINTENANCE AND SUPPORT; LEARNING EXPRESS LIBRARY ONLINE DATABASE; CONTROLLED LOW STRENGTH CONCRETE MATERIAL (FLOWABLE FILL) & QUICK SET MIX; UNDERGROUND TANK/LINE TIGHTNESS TESTING AND RED JACKET LEAK DETECTOR TESTING; TRAFFIC SIGNAL STEEL POLES; VEHICLE REFUELING; POLICE BICYCLE REPAIR PARTS; SYNAGIS VACCINE; VEHICLE DECALS, LETTER AND NUMBERS; ORACLE DATABASE SOFTWARE AND SERVICE; ESRI MAPPING APPLICATIONS SERVICE; ORNAMENTAL WATER FEATURE TREATMENT SERVICES; REINFORCING STEEL AND WIRE MESH; TRANE AIR CONDITIONING PARTS; AND PRINTING OF PUBLICATIONS FOR AVIATION DEPARTMENT.

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

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The City Clerk read the following ordinance:

AN ORDINANCE 99469

AN ORDINANCE ACCEPTING THE BEST VALUE BID SUBMITTED BY DAKTRONICS, INC. TO PROVIDE THE CITY OF SAN ANTONIO ALAMODOME DEPARTMENT WITH A VIDEO DISPLAY SYSTEM FOR THE END ZONES, CENTER SECTION AND OUTSIDE MARQUEE OF THE ALAMODOME FOR A TOTAL AMOUNT OF \$2,828,905.00.

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

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

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The City Clerk read the following ordinance:

AN ORDINANCE 99470

AN ORDINANCE ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY SIGMA SOLUTIONS UTILIZING THE DEPARTMENT OF INFORMATION RESOURCES "GODIRECT" PROGRAM AND THE SOLE SOURCE CONTRACT SUBMITTED BY TRAVERSE TECHNOLOGIES TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH SUPPORT, MAINTENANCE AND HARDWARE FOR THE STREET CUT APPLICATION PERMIT PROJECT FOR A TOTAL AMOUNT OF \$121,704.41.

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

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The City Clerk read the following ordinance:

AN ORDINANCE 99471

AN ORDINANCE AUTHORIZING THE CONVERSION OF THE SOUTH ALAMO – DURANGO TO CEDAR AND ST. MARY'S – PEREIDA TO SOUTH ALAMO PROJECTS, LOCATED IN COUNCIL DISTRICT 1, FROM METROPOLITAN PLANNING ORGANIZATION PROJECTS TO PUBLIC WORKS CAPITAL IMPROVEMENT PROJECTS; AMENDING THE PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$49,451.00 TO HNTB CORPORATION FOR ADDITIONAL ENGINEERING SERVICES; AUTHORIZING \$4,945.10 FOR ADDITIONAL ENGINEERING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$54,396.10 FROM CERTIFICATES OF OBLIGATION; REVISING THE PROJECT BUDGETS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Flores seconded the motion. The motion carried unanimously.

The City Clerk read the following ordinance:

AN ORDINANCE 99472

AN ORDINANCE ACCEPTING THE LOW, QUALIFIED BID OF YANTIS COMPANY IN THE AMOUNT OF \$800,177.50 FOR THE STREET AND DRAINAGE IMPROVEMENT PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$80,017.75 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING THE PAYMENT OF \$19,538.15 TO SOUTHWESTERN BELL TELEPHONE, L.P., FOR UTILITY RELOCATION, FOR A TOTAL AMOUNT OF \$899,733.40 FROM AIRPORT SYSTEM IMPROVEMENT AND CONTINGENCY FUND; APPROPRIATING FUNDS; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

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

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

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The City Clerk read the following ordinance:

AN ORDINANCE 99473

AN ORDINANCE ACCEPTING THE LOW, QUALIFIED BASE BID WITH BID ALTERNATES FROM 3TI, INC. (SBE/WBE/DBE) IN THE AMOUNT OF \$991,000.00 TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE DISTRICT 4 PARK IMPROVEMENT PROJECTS IN ARNOLD PARK, FLORES PARK AND MILLER'S POND PARK; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AMENDING THE PROJECT BUDGET; AUTHORIZING \$56,912.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$2,000.00 FOR MANDATORY PROJECT FEES; APPROPRIATING \$479,912.00 IN 1999-2004 PARK BOND FUNDS, \$370,000.00 IN 2003-2007 PARK BOND FUNDS AND \$200,000.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS; 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:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores.

ZONING

4) **ZONING CASE NUMBER Z2004113:** The request of Jerry Arredondo, Applicant, for Facundo and Bertha Arizpe Revocable Living Trust, Owner(s), for a change in zoning from “R-4” Residential Single-Family District to “NC” Neighborhood Commercial District on Lot 53, Block 17, NCB 9220, 571 Wildwood. Staff’s recommendation was for denial. Zoning Commission has recommended denial. (Council District 1)

The following citizens appeared to speak:

Ms. Betty Eckert
Mr. Jack Finger

Councilmember Flores made a motion to deny the proposed rezoning case. Councilmember Perez seconded the motion.

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

Zoning Case Z2004113 was denied.

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PUBLIC HEARING AND ORDINANCE

Mayor Garza declared the public hearing to be open.

Ms. Kelly Neumann, San Antonio Water System, narrated a slide presentation on the Far West Area Sewer Impact Fees, a copy of which is on file with the City Clerks Office. She outlined the subject area, background on the area, Far West Sewersheds and actions taken thus far by the Capital Improvements Advisory and Planning Commission. She further delineated the maximum impact fee, capital improvements plan, construction cost, recommended impact fees, payment of impact fees and requested action from Council.

Mayor Garza declared the public hearing to be closed.

The City Clerk read the following Ordinance.

AN ORDINANCE 99474

AN ORDINANCE ADOPTING THE FOLLOWING WASTEWATER IMPACT FEES FOR THE FAR WEST AREA: \$1,738.00 PER SERVICE UNIT FOR THE MEDIO CREEK WATER SHED, \$1,972.00 PER SERVICE UNIT FOR THE POTRANCO CREEK WATER SHED, AND \$1,929.00 PER SERVICE UNIT FOR THE BIG SOUS AND LUCAS CREEK WATER SHEDS; AND REAFFIRMING THE ADOPTION OF THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLANS RELATED TO THESE IMPACT FEES.

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

INDIVIDUAL ITEMS – CITIZEN COMMENTS

The City Clerk read the following ordinance:

AN ORDINANCE 99475

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE HENRY B. GONZALEZ CONVENTION CENTER FOOD AND BEVERAGE SERVICE AGREEMENT WITH RK GROUP JOINT VENTURE TO DECREASE THE NUMBER OF DAYS REQUIRED TO PROVIDE NOTICE TO THE CONTRACTOR OF THE CITY'S OPTION TO EXTEND THE AGREEMENT FROM NO LATER THAN 180 DAYS TO NO LATER THAN 90 DAYS PRIOR TO THE EXPIRATION OF THE INITIAL TERM OF THE AGREEMENT.

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

Mr. Michael Sawaya, Director of Convention Facilities, made a presentation outlining details of the amendment.

After consideration, the motion carried unanimously.

The City Clerk read the following ordinance:

AN ORDINANCE 99476

AN ORDINANCE AUTHORIZING EXECUTION OF AN AUDIT CLOSING AGREEMENT WITH THE RK GROUP JOINT VENTURE PARTNERSHIP.

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

Mr. Andrew Martin, City Attorney, narrated a slide presentation on the audit closing agreement, a copy of which is on file with the Office of the City Clerk. He outlined the background on the RK Group Joint Venture contract initiated in 1997, the audit report, the financial non-compliance issues, and details on the proposed audit closure agreement.

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.

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The City Clerk read the following ordinance:

AN ORDINANCE 99477

AN ORDINANCE AUTHORIZING A NEW PROBATION PERIOD FOR TENANT LEASE AND LICENSE AGREEMENTS IN THE CITY OF SAN ANTONIO'S MARKET SQUARE IN COUNCIL DISTRICT 1, AS REQUESTED BY COUNCILMAN ROGER FLORES, DISTRICT 1; AND AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO EXECUTE AMENDED AGREEMENTS WITH TENANTS WHOSE ORIGINAL AGREEMENTS ARE PENDING TERMINATION.

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

Mr. Malcolm Matthews, Director of Parks and Recreation, narrated a slide presentation on the Market Square Lease Agreements, a copy of which is on file with the papers of this meeting. He delineated the proposed recommendation to create the new probation period for the Market Square tenant agreements which were delinquent. He outlined the background information on the lease and license agreements managed by the Parks and

Recreation Department, the current delinquency/default procedures in place, and the steps to be taken with the new probation period process as requested by Councilman Flores. After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Castro, Hall, Haass. **NAYS:** None. **ABSENT:** Williams, Barrera, Schubert, Garza.

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CITIZENS TO BE HEARD

The following citizens appeared to speak on various topics.

Ms. Jackie Robertson
Ms. Arnetta Brady
Mr. Fred Aguilar
Mr. Raymond D. Zavala
Ms. Stephanie Collins
Ms. Rebecca Johnston
Mr. C. Elizondo
Mr. Nazirite Ruben Flores Perez
Mr. Faris Hodge Jr.
Mr. Tom Beecham
Representation from Palm Heights Neighborhood Association
Mr. Jack M. Finger

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The City Clerk read the following ordinance:

AN ORDINANCE 99352

AN ORDINANCE PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE LIMITED PURPOSE ANNEXATION OF APPROXIMATELY 4,080 ACRES OF LAND KNOWN AS THE EXPANSION OF THE SOUTHSIDE INITIATIVE; ESTABLISHING AN EFFECTIVE DATE AND ADOPTING A REGULATORY PLAN FOR SUCH AREA. (*Second Reading*)

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

Mr. Emil Moncivais, Director of Planning Department, narrated a slide presentation on the second reading of the limited purpose annexation known as the Southside Initiative, a copy of which is on file with the Office of the City Clerk. He outlined the demographics

of the proposed area, land uses, the rationale for the limited purpose annexation, and provisions. He further spoke to the requirements such as the planning study and regulatory plan which needed to be available prior to the public hearing. He noted the Municipal Code requirements associated with the regulatory plan, building permits as required by the Unified Development Code, Municipal Code exceptions, and necessary procedures of full purpose annexation for limited purpose areas.

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

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The City Clerk read the following resolution:

A RESOLUTION 2004-25-20

A Resolution amending the Three Year Annexation Plan to include the Southside Initiative Expansion Area to be considered for full purpose annexation in July 2007; and providing for an immediate effective date upon passage by eight votes.

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

Mr. Emil Moncivais, Director of Planning Department, narrated a slide presentation on the three-year annexation plan for the Southside Initiative Expansion, a copy of which is on file with the Office of the City Clerk. He stated this represented an amendment to the three-year annexation plan which included the Southside Initiative Expansion area to be considered for full purpose annexation in 2007. He outlined the annexation statute requirements, and the areas to be included in the annexation plan.

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

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The City Clerk read the following ordinance:

AN ORDINANCE 99478

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTHSIDE INITIATIVE COMMUNITY PLAN, A COMPONENT OF THE

MASTER PLAN OF THE CITY BY CHANGING THE USE FROM NO SPECIFIC LAND USE DESIGNATION TO AGRICULTURE, RESOURCE PROTECTION/OPEN SPACE, AND AGRICULTURE AND LIGHT INDUSTRY LAND USES FOR AN AREA OF APPROXIMATELY 4,080 ACRES, EXTENDING FROM THE SOUTHERN LIMITED PURPOSE CITY LIMITS OF THE CITY OF SAN ANTONIO, SOUTHERLY AND ALONG THE WESTERN RIGHT-OF-WAY LINE OF STATE HIGHWAY 16 TO A SOUTHERN BOUNDARY EXTENDING EASTERLY FOLLOWING THE SOUTHERN RIGHT-OF-WAY LINE OF SOUTH LOOP 1604 WEST FOR AN APPROXIMATE DISTANCE OF 1.6 MILES, AND THEN PARALLEL TO SOUTH LOOP 1604 WEST AS DEFINED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR AN APPROXIMATE DISTANCE OF 3.25 MILES TO THE EASTERN BOUNDARIES OF AND INCLUDING THE GALVAN AND DURAN TRACTS; THENCE NORTHERLY TO THE EASTERN RIGHT-OF-WAY LINE OF PLEASANTON ROAD CONTINUING NORTHEASTERLY ALONG SAID RIGHT-OF-WAY TO THE LIMITED PURPOSE CITY LIMITS OF THE CITY OF SAN ANTONIO; THE AREA BEING GENERALLY BETWEEN STATE HWY. 16 AND PLEASANTON ROAD.

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation on the master plan amendment to the Southside Initiative Community Plan, a copy of which is on file with the Office of the City Clerk. He stated the master plan amendment was associated with the limited purpose annexation that would expand the extent of the Southside Initiative south of the Medina River to protect the City's public and private investments in the area, ensure compatible land uses as economic development occurs, and protect historical, archeological and environmental sensitive areas. He spoke to the process followed in order to obtain public input, the existing land uses, evaluation criteria and staff's recommendation.

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

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The City Clerk read the following ordinance:

AN ORDINANCE 99479

AN ORDINANCE ESTABLISHING INTERIM DEVELOPMENT CONTROLS ON NEW PERMITS INCLUDING ZONING, PLATTING, AND DEVELOPMENT PLAN

APPROVALS FOR PROPERTIES SITUATED IN THE SOUTHSIDE INITIATIVE EXPANSION AREA OVER THE AREAS ANNEXED BY THE CITY FOR LIMITED PURPOSES ON AUGUST 1, 2004, FOR A PERIOD OF 60 DAYS FROM AUGUST 1, 2004 PENDING COMPLETION OF ZONING.

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation on the Southside Initiative Expansion Interim Development Controls, a copy of which is on file with the Office of the City Clerk. He outlined the purpose of the controls, the process followed for the limited purpose annexation, ordinance provisions which addressed issuance of permits, plats, development plans, zoning applications, interim land use controls, and appeal process for affected landowners.

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

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The City Clerk read the following ordinance:

AN ORDINANCE 99480

AN ORDINANCE AMENDING CHAPTER 34 OF THE CITY CODE BY MODIFYING LOCAL REGULATIONS TO IMPLEMENT THE SAN ANTONIO WATER SYSTEM'S PRETREATMENT PROGRAM AND FURTHER AMENDING PROVISIONS OF CHAPTER 34, MAKING APPROPRIATE ADMINISTRATIVE CHANGES TO LIQUID WASTE TRANSPORTATION AND DISPOSAL REGULATIONS.

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

Mr. Scott Halty, San Antonio Water System, narrated a slide presentation on the Pretreatment Program Modifications and Local Limits Study, a copy of which is on file with the Office of the City Clerk. He spoke to the purpose of the pretreatment program, the objectives which were intended to prevent industrial discharges to the water recycling centers that could adversely impact the collection system or the center's operations. He outlined background information on the local limits reevaluation and program modifications required by the TCEQ and EPA, the Water Recycling Centers that are

subject to requirements of a pretreatment program, general requirements of the program, the pretreatment program changes, local limits of pollutants, and the necessary next steps of SAWS.

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

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The City Clerk read the following ordinance:

AN ORDINANCE 99481

AN ORDINANCE ADOPTING THE 2003 INTERNATIONAL BUILDING CODE AND AMENDMENTS.

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

Mr. Florencio Pena, Director of Development Services Department, narrated a slide presentation on Items 37, 38, 39 and 40 regarding amendments to the Building Code, Fire Code, Mechanical Code and Plumbing Code, a copy of which is on file with the Office of the City Clerk. He outlined the purpose of each of the codes, the code adoption review process utilized, the specific changes to each of the Codes and recommendations made by the respective Boards.

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

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The City Clerk read the following ordinance:

AN ORDINANCE 99482

AN ORDINANCE ADOPTING THE 2003 INTERNATIONAL FIRE CODE AND AMENDMENTS.

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

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

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The City Clerk read the following ordinance:

AN ORDINANCE 99483

AN ORDINANCE ADOPTING THE 2003 UNIFORM MECHANICAL CODE AND AMENDMENTS.

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

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The City Clerk read the following ordinance:

AN ORDINANCE 99484

AN ORDINANCE ADOPTING THE AMENDMENTS TO THE 2003 UNIFORM PLUMBING CODE.

Councilmember Flores made a motion to approve the proposed Ordinance. Councilmember Radle seconded the motion. The motion carried unanimously.

Councilman Segovia made a motion to reconsider Item 40. Councilwoman Radle seconded the motion.

After consideration, the motion to reconsider Item 40 prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro, Hall.

Councilman Perez then made a motion to amend the Plumbing Code by removing Section 719.1. Councilman Segovia seconded the motion.

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

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

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Item 41 being a proposed Ordinance adopting the Plumbing and Mechanical Amendments to the 2000 International Residential Code for One and Two Family Dwellings was pulled from consideration.

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The City Clerk read the following resolution:

A RESOLUTION 2004-25-21

A RESOLUTION SUPPORTING DR. HECTOR P. GARCIA AS A CANDIDATE FOR COMMEMORATION ON A U.S. POSTAL STAMP, AS REQUESTED BY COUNCILWOMAN PATTI RADLE, DISTRICT 5.

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

Councilwoman Radle spoke to the proposed Resolution noting the many contributions of Dr. H. P. Garcia who was a decorated veteran of World War II, receiving the Bronze Star with six Battle Stars, and having served in the United States Army Medical Corps. She added that Dr. Garcia had served the medical needs of underprivileged persons in the Corpus Christi area for many years.

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

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TRAVEL AUTHORIZATION

Ratification of Travel Authorization for Councilman Joel Williams, District 2, who traveled to Houston, Texas to meet with consultants regarding the Tax Increment Reinvestment Zone from Thursday, June 17, 2004 to Friday, June 18, 2004.

Councilmember Perez made a motion to approve the proposed Travel Ratification. Councilmember Haass 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, Barrera, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro, Hall.

EXECUTIVE SESSION

The City Council recessed its regular meeting at 7:54 P.M. in order to convene in Executive Session for the purpose of:

Discuss the lawsuit styled *Sandra Trevino and Daniel Garcia, Sr., Individually and as Personal Representatives of the Estate of Daniel T. Garcia, Deceased, v. City of San Antonio*, Cause No. SA-02-CA-0396-FB, pursuant to Section 551.071 (consultation with attorney).

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

There being no further business to come before the City Council the meeting was adjourned at 10:25p.m.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



LETICIA M. VACEK
City Clerk