

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, OCTOBER 3, 2002.

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2002-37 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):

- A) **Boards and Commissions Work Session.** (Presented by Norma Rodriguez, City Clerk.)

- B) **Staff presentation on Stinson Master Plan.** (Presented by Kevin Dolliole, Aviation Director.)

The Council members present were: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: Garcia, Conner, Garza.

The "B" Session adjourned at 12:50 P.M.

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2002-37 The regular meeting was called to order at 1:27 P.M. by the Presiding Officer, Mayor Pro tem David Carpenter in the absence of Mayor Garza with the following members present: Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. ABSENT: Garza, Garcia, Conner.

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2002-37 Invocation by Rev. R. Scott Penrod, Trinity Episcopal Church.

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2002-37 Pledge of Allegiance to the flag of the United States.

2002-37 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 7 through 35K, constituting the Consent Agenda, except for Item 35C, which was pulled. Councilwoman Moorhouse seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

AN ORDINANCE 96467

ACCEPTING THE LOW, QUALIFIED BID SUBMITTED BY BRAY MANUFACTURING, INC. TO PROVIDE THE CITY OF SAN ANTONIO CONVENTION & VISITORS BUREAU WITH CONVENTION NAME BADGES AND ACCESSORIES FOR A TOTAL SUM OF \$31,750.00.

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AN ORDINANCE 96468

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH GASOLINE & REFUELING EQUIPMENT AND ABOVE GROUND LIFT PARTS & SERVICE ON AN ANNUAL CONTRACT BASIS FOR FY 2002-2003 FOR A TOTAL OF APPROXIMATELY \$230,000.00.

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AN ORDINANCE 96469

AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH THE FIRM OF DE LARA ARCHITECTS, INC. TO PROVIDE ADDITIONAL ARCHITECTURAL AND ENVIRONMENTAL SERVICES IN CONNECTION WITH THE RENOVATIONS TO HANGARS 5 AND 6 AT STINSON MUNICIPAL AIRPORT IN AN AMOUNT NOT TO EXCEED \$17,370.75; AUTHORIZING \$6,000.00 FOR ADMINISTRATIVE EXPENSES; APPROPRIATING FUNDS; REVISING THE BUDGET AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96470

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 2 IN THE AMOUNT OF \$137,507.53 TO THE CONTRACT WITH YANTIS COMPANY FOR THE RECONSTRUCTION OF TAXIWAY "D" AT SAN ANTONIO INTERNATIONAL AIRPORT; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95247, JANUARY 30, 2002.)

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AN ORDINANCE 96471

AUTHORIZING THE APPROPRIATION OF \$49,500.00 IN 1999 PARK BOND FUNDS FOR THE OAKHAVEN PARK IMPROVEMENT PROJECT; ESTABLISHING A PROJECT BUDGET; ALLOCATING \$49,500.00 FOR PARK CONSTRUCTION CREW EXPENSES; AND ENCUMBERING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96472

AUTHORIZING THE APPROPRIATION OF \$47,000.00 IN 1999 PARK BOND FUNDS FOR NINE (9) PARK IMPROVEMENT PROJECTS; ESTABLISHING PROJECT BUDGETS; AUTHORIZING CITY STAFF TO ALLOCATE FUNDS AND ESTABLISH EXPENDITURE INDEX CODES WITHIN THE PROJECT BUDGETS; AND ENCUMBERING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96473

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN AN AMOUNT NOT TO EXCEED \$9,620.00 FROM 1994 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS PAYABLE TO FORD ENGINEERING, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE W.W. WHITE ROAD FROM RIGSBY TO LORD PROJECT, LOCATED IN COUNCIL DISTRICT 2; REVISING THE PROJECT

BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.
(AMENDS ORDINANCE NO. 81871, MARCH 16, 1995.)

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AN ORDINANCE 96474

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN AN AMOUNT NOT TO EXCEED \$35,000.00 FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS TO LOCKWOOD, ANDREWS, AND NEWNAM, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE MEDICAL AT FREDERICKSBURG PROJECT, LOCATED IN COUNCIL DISTRICT 8; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NOS. 92229, AUGUST 3, 2000; ORDINANCE NO. 89707, MAY 6, 1999; ORDINANCE NO. 93746, APRIL 12, 2001; ORDINANCE NO. 95720, MAY 9, 2002; ORDINANCE 95997, JUNE 27, 2002.)

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AN ORDINANCE 96475

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN AN AMOUNT NOT TO EXCEED \$18,146.00 FROM 2001 STREET CERTIFICATES OF OBLIGATION FUNDS PAYABLE TO HNTB CORPORATION FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE SOUTHCROSS FROM NEW BRAUNFELS TO PRESA METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICT 3; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 87864, MAY 28, 1998.)

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AN ORDINANCE 96476

ACCEPTING THE LOW, QUALIFIED BID OF SAN ANTONIO CONSTRUCTORS, LTD. IN THE AMOUNT OF \$1,313,714.42 IN CONNECTION WITH THE GLIDER & LANDING - GUNSMOKE TO LOOP 410 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 6; AUTHORIZING

\$98,450.60 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96477

AUTHORIZING THE EXECUTION OF A LANDSCAPE CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION AND CONSTRUCTION OF LANDSCAPING ALONG LOOP 353 (NOGALITOS STREET) FROM SOUTH ZARZAMORA TO SURREY AVENUE, LOCATED IN COUNCIL DISTRICT 5; AND AUTHORIZING A MAINTENANCE AGREEMENT WITH THE NOGALITOS STREET COMMUNITY NEIGHBORHOOD ASSOCIATION FOR MAINTENANCE OF THE LANDSCAPING.

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AN ORDINANCE 96478

AUTHORIZING PAYMENT IN THE AMOUNT OF \$22,082.95 TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS - HAUSMAN TO DE ZAVALA ROAD PROJECT (\$54.00), BASSE ROAD AND SAN PEDRO INTERSECTION METROPOLITAN PLANNING ORGANIZATION PROJECT (\$327.75), BITTERS ROAD - WEST AVENUE TO HEIMER METROPOLITAN PLANNING ORGANIZATION PROJECT (\$16,455.58), LOCKHILL SELMA - GEORGE ROAD TO WHISPER PATH PROJECT (\$36.00), PLEASANTON ROAD - SOUTHCROSS TO MAYFIELD METROPOLITAN PLANNING ORGANIZATION PROJECT (\$36.00), SALADO CREEK GREENWAY (HIKE & BIKE) PROJECT (\$3,518.99), SOUTHCROSS BLVD. - NEW BRAUNFELS TO PRESA METROPOLITAN PLANNING ORGANIZATION PROJECT (\$1,213.08), AND THE THOUSAND OAKS INTERSECTIONS METROPOLITAN PLANNING ORGANIZATION PROJECT (\$441.55); REVISING THE BUDGETS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96479

AUTHORIZING PAYMENT IN THE AMOUNT OF \$7,161.00 TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2001-ED-0028, CITY OF SAN ANTONIO VS. BEXAR COUNTY, TEXAS, ET AL, FOR FEE SIMPLE TITLE TO ONE PARCEL AND PAYMENT IN THE AMOUNT OF \$650.00 FOR COURT COSTS IN CONNECTION WITH THE HUNT LANE - MARBACH TO U.S. 90 METROPOLITAN PLANNING ORGANIZATION PROJECT LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$500.00 FOR THE TITLE FEES PAYABLE TO LAWYERS TITLE OF SAN ANTONIO; FOR A TOTAL AMOUNT OF \$8,311.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 94060, JUNE 17, 2001.)

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AN ORDINANCE 96480

AUTHORIZING PAYMENT IN THE AMOUNT OF \$21,314.00 TO LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR SOUTHWESTERN BELL TELEPHONE, L.P. FOR FEE SIMPLE TITLE TO ONE PARCEL (\$20,714.00) AND TITLE FEES (\$600.00) IN CONNECTION WITH THE CLARK SIDEWALKS (SOUTHCROSS TO HOT WELLS) METROPOLITAN PLANNING ORGANIZATION PROJECT, AND PAYMENT IN THE AMOUNT OF \$700.00 TO DUGGER, CANADAY, GRAFE, INC., FOR APPRAISAL FEES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96481

AUTHORIZING THE NEGOTIATION AND ACQUISITION OF FEE SIMPLE TITLE TO TEN (10) PARCELS OF PRIVATELY OWNED REAL PROPERTY; ESTABLISHING JUST COMPENSATION FOR SUCH ACQUISITIONS AND AUTHORIZING THE EXPENDITURE OF \$6,103.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN CONNECTION WITH THE FAY - PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT FOR FEE SIMPLE TITLE TO TEN (10) PARCELS AND RELATED EXPENSES, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING THE

EXECUTION OF ALL DOCUMENTS; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96482

AUTHORIZING PAYMENT IN THE AMOUNT OF \$8,515.68 TO BRACEWELL & PATTERSON, L.L.P. FOR LEGAL SERVICES IN CONNECTION WITH THE ASHLEY ROAD - BASCUM BLVD. TO SOUTH FLORES PROJECT (\$36.00), BITTERS ROAD - WEST AVENUE TO HEIMER MPO PROJECT (\$90.00), BLANCO ROAD & JACKSON KELLER INTERSECTION MPO PROJECT (\$144.00), ESCALON STREET #1008 DRAINAGE PROJECT (\$130.65), FIRE STATION NO. 25 PROJECT (\$372.25), HI-LIONS DRAINAGE PROJECT #80, PHASES III & V (\$903.00), HILDEBRAND AVENUE - I.H. 10 TO BREEDEN MPO PROJECT (\$258.09), HOUSTON STREET - WALTERS TO ONSLOW MPO PROJECT (\$126.00), HUNT LANE - MARBACH TO U.S. 90 MPO PROJECT (\$162.00), PLEASANTON ROAD - SOUTHCROSS TO MAYFIELD MPO PROJECT (\$180.00), SAN PEDRO AVENUE - QUINCY TO ROMANA MPO PROJECT (\$95.00), TEZEL - RIDGE PATH TO OLD TEZEL MPO PROJECT (\$1,359.00), AND THE W.W. WHITE PHASE I - RIGSBY TO LORD PROJECT (\$4,659.69); REVISING THE BUDGETS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96483

AUTHORIZING THE EXECUTION OF A THREE (3) YEAR RENEWAL AND EXTENSION OF LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND FOTO CENTER D/B/A THE PINK GIRAFFE, AS TENANT, FOR A PERIOD BEGINNING SEPTEMBER 1, 2002 AND ENDING AUGUST 31, 2005 FOR 2,317 SQUARE FEET OF RETAIL/OFFICE SPACE AND 329 SQUARE FEET LOCATED IN THE BASEMENT BENEATH THE RETAIL SPACE OF THE MID-CITY PARKING GARAGE AT A RENTAL OF \$3,215.00 PER MONTH DURING THE FIRST YEAR, \$3,311.00 PER MONTH FOR THE SECOND YEAR AND \$3,410.00 PER MONTH FOR THE THIRD YEAR.

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AN ORDINANCE 96484

AUTHORIZING THE EXECUTION OF A TWENTY FIVE (25) YEAR LICENSE AGREEMENT WITH STREET RETAIL SAN ANTONIO, L.P., A DELAWARE LIMITED PARTNERSHIP, (SRSA), TO USE PUBLIC RIGHT OF WAY AT CERTAIN POINTS ALONG HOUSTON STREET AND ST. MARY'S STREET AND AUTHORIZING THE EXECUTION OF A TEMPORARY EASEMENT AGREEMENT DEALING WITH PUBLIC IMPROVEMENTS IN CONNECTION WITH SRSA'S CONSTRUCTION OF THE VALENCIA HOTEL AND THE HOUSTON STREET BRIDGE/PASEO DEL RIO LINKAGE PROJECT.

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AN ORDINANCE 96485

AUTHORIZING THE EXECUTION OF A TEN (10) YEAR LICENSE AGREEMENT WITH FRANK X. LABORDE TO USE PUBLIC RIGHT OF WAY AT THE INTERSECTION OF CLAY AND SOUTH FLORES STREETS CONSISTING OF APPROXIMATELY 0.5 FOOT OF A ONE-STORY BUILDING ONTO CLAY STREET, AN EXISTING PORCH OF 3.6 FEET BY 18 FEET WITH AN EXISTING CONCRETE STEP FACING SOUTH FLORES STREET, A BALCONY TO BE CONSTRUCTED ON SAID ONE-STORY BUILDING LOCATED AT 1518 SOUTH FLORES AND APPROXIMATELY 0.8 TO 0.2 FOOT OF AN EXISTING TWO-STORY BUILDING PORCH LOCATED AT 1526 SOUTH FLORES STREET, FOR THE TOTAL CONSIDERATION OF \$5,000.00.

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AN ORDINANCE 96486

ACCEPTING THE USE AND CONTROL OF LOTS 12-14, BLOCK 22, NCB 1830 ON W. MISTLETOE AVENUE, LOCATED BETWEEN A UNION PACIFIC RAILROAD LINE AND RIPLEY AVENUE, FROM THE SAN ANTONIO WATER SYSTEM FOR FUTURE USE IN CONJUNCTION WITH A PROPOSED STORMWATER DRAINAGE PROJECT.

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AN ORDINANCE 96487

AUTHORIZING THE RENEWAL OF A PROFESSIONAL SERVICES CONTRACT, ORIGINALLY APPROVED BY ORDINANCE NO. 90552, DATED SEPTEMBER 23, 1999, WITH THE JOINT VENTURE OF PROVIDENCE COMMERCIAL REAL ESTATE SERVICES, INC. AND THE WEITZMAN GROUP TO PROVIDE REAL ESTATE BROKER SERVICES FOR THE CITY OF SAN ANTONIO FOR A ONE (1) YEAR PERIOD BEGINNING OCTOBER 7, 2002 AND ENDING OCTOBER 6, 2003; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 90552, SEPTEMBER 23, 1999.)

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AN ORDINANCE 96488

ACCEPTING LIBRARY SYSTEMS OPERATIONS GRANT FUNDS IN THE AMOUNT OF \$764,627.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION TO BE USED TO PROVIDE ONE HUNDRED PERCENT OF PERSONNEL, FRINGE BENEFITS AND OPERATING COSTS ASSOCIATED WITH THE GRANT; AND ADOPTING A PERSONNEL COMPLEMENT.

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AN ORDINANCE 96489

ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$77,286.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION TO BE USED TO PROVIDE TECHNICAL ASSISTANCE TO SUPPORT LIBRARIES IN THE ALAMO AREA LIBRARY SYSTEM IN THE UTILIZATION, MAINTENANCE AND SECURITY OF COMPUTER RESOURCES.

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AN ORDINANCE 96490

ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$236,582.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION TO BE USED TO PROVIDE INTERLIBRARY LOAN SERVICES AND CONSULTING TO PUBLIC, SPECIAL AND ACADEMIC LIBRARIES IN THE ALAMO AREA LIBRARY

SYSTEM; ESTABLISHING A FUND; AND ADOPTING A PERSONNEL
COMPLEMENT.

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AN ORDINANCE 96491

AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL CASH AWARD OF \$18,334.00 FROM THE TEXAS DEPARTMENT OF HEALTH AND \$2,000.00 IN CASH FROM THE ALAMO BREAST CANCER FOUNDATION TO AUGMENT THE ON-GOING BREAST AND CERVICAL CANCER PREVENTION PROGRAM OPERATED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; EXTENDING THE TERM OF THE PROGRAM THROUGH SEPTEMBER 30, 2002; AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF HEALTH; REVISING THE PROGRAM BUDGET; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES. (AMENDS ORDINANCE NO. 94392, AUGUST 23, 2001.)

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AN ORDINANCE 96492

AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO, SCHOOL OF NURSING FOR NURSE PRACTITIONERS FROM THE FACULTY STAFF TO PROVIDE WELL CHILD AND WOMEN'S HEALTH EXAMINATIONS ON AN AS-NEEDED BASIS AT THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2002 THROUGH MAY 31, 2003; AND APPROVING PAYMENTS TO THE CONTRACTOR.

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AN ORDINANCE 96493

AUTHORIZING THE EXECUTION OF AN AGREEMENT IN THE AMOUNT OF \$65,872.00 WITH COMMUNITY CLINIC, INC. TO SUPPORT THE ONGOING ACTIVITY ENTITLED "PROJECT SAVE", A COMPONENT OF THE HIV/AIDS PREVENTION PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2002 THROUGH AUGUST 31, 2003; AUTHORIZING THE USE OF \$4,000.00 FROM THE CITY GENERAL FUND TO

PROVIDE THE MATCH REQUIRED FOR THE GRANT; ESTABLISHING A PROJECT FUND; ADOPTING A BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

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AN ORDINANCE 96494

AUTHORIZING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN THE DOWNTOWN AREA ON SATURDAY, NOVEMBER 9, FROM 11:30 A.M. UNTIL 3 P.M. IN CONNECTION WITH THE VETERANS AFFAIRS PARADE SPONSORED BY THE U.S. MILITARY VETERANS PARADE ASSOCIATION.

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AN ORDINANCE 96495

APPOINTING RUBY MAE JOHNSON (DISTRICT 6) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2004.

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AN ORDINANCE 96496

REAPPOINTING VIOLA G. DE LA VEGA (DISTRICT 4) AND JOSE R. LIMON (DISTRICT 3) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR TERMS OF OFFICE TO EXPIRE ON OCTOBER 25, 2004.

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AN ORDINANCE 96497

REAPPOINTING LAURA LIZCANO (DISTRICT 5) TO THE BOARD OF ADJUSTMENT FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 22, 2004.

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AN ORDINANCE 96498

REAPPOINTING KEVIN MESSENGER (DISTRICT 1) TO THE GREATER KELLY DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 30, 2004.

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AN ORDINANCE 96499

REAPPOINTING MAURO GARZA (DISTRICT 1) TO THE HOUSING AUTHORITY OF THE CITY OF SAN ANTONIO FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 18, 2004.

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AN ORDINANCE 96500

APPOINTING MARGARETA "MARGIE" VASQUEZ (DISTRICT 3) FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 20, 2004, REAPPOINTING ORALIA SALAME (DISTRICT 5) FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 30, 2003 AND REAPPOINTING FABIAN RODRIGUEZ (DISTRICT 1) FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 20, 2004 TO THE SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY ADVISORY COMMITTEE.

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AN ORDINANCE 96501

APPOINTING ROMAN PENA (DISTRICT 3) AS TRUSTEE TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR A TERM OF OFFICE TO EXPIRE ON MAY 9, 2004.

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AN ORDINANCE 96502

APPOINTING CYNTHIA MAZUCA (DISTRICT 3) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO

EXPIRE ON DECEMBER 15, 2004.

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AN ORDINANCE 96503

REAPPOINTING NOAH RODRIGUEZ (GENERAL/NEIGHBORHOOD REP. CATEGORY - DISTRICT 4) TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 31, 2004.

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AN ORDINANCE 96504

APPOINTING YULANEE H. MCKNIGHT (DISTRICT 3) TO THE HOUSING TRUST FUND BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON MAY 30, 2004.

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2002-37 Item 35C being a proposed ordinance appointing Gaylord E. Reaves (Professional Engineer Category - District 9) to the Mechanical Board of Appeals for a term of office to expire on March 20, 2004, was pulled from consideration by Councilman Schubert.

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2002-37 **ITEMS FOR INDIVIDUAL CONSIDERATION**

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, chose to speak to Item #37 rather than to Item #38.

Mr. Jack M. Finger, P.O. Box 12048, expressed his opposition to Item #38, which establishes new policies, and procedures related to closures of public rights-of-way. While Mr. Finger stated he agreed with the intent of the ordinance, he requested that this ordinance be amended to improve the notification process to the citizens before this type of item is considered by City Council.

Mr. Finger also commented on Item #46, which authorized the expenditure of \$500 from District 7 to pay for the San Antonio Venom Baseball team's entry fee for a tournament on September 27, 2002. Mr. Finger cited the payment after the tournament had already taken place.

Mr. Finger also spoke to his objection of Item #43 and John Sanders' \$200 payment to the BEAT-AIDS, Inc. Mr. Finger suggested the private sector be considered to donate funds to this organization.

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2002-37 The Clerk read the following Ordinance:

AN ORDINANCE 96505

APPOINTING STEVEN E. HANAN TO THE UDC TECHNICAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE IN DECEMBER, 2002.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Martin, Garcia, Conner, Garza.

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2002-37 Mayor Pro Tem Carpenter asked Mr. Faris Hodge if he preferred to speak on the following Item #37 before or after the staff's presentation, and Mr. Hodge responded that he will speak after the presentation is made.

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2002-37 The Clerk read the following Ordinance:

AN ORDINANCE 96506

APPROVING THE FINAL DESIGN OF A BUS SHELTER FACILITY WITH ADVERTISING AND ADOPTING A REVISED EXHIBIT C, "GENERAL PLAN AND SPECIFICATIONS," TO THE ADVERTISING SHELTER AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND VIA METROPOLITAN TRANSIT. (AMENDS ORDINANCE NO. 96365, SEPTEMBER 12, 2002.)

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

Mr. Florencio Pena, Director of Development Services Department, gave a powerpoint presentation regarding the Advertising Shelter Agreement between the City and VIA Metropolitan Transit, a copy of which is on file with the papers of this meeting. Mr. Pena discussed the background, summary of design elements, conclusion, summary and recommendation.

Mr. Kenneth Gindy, Attorney with Cemusa, submitted a proposal for the bus shelters and distributed architectural models of the proposed design to Council members for their review. Mr. Gindy described the construction design and materials, and spoke to the advantages of this design under South Texas weather conditions.

Councilman Carpenter expressed his satisfaction to see this agreement come to fruition.

In response to Councilman Carpenter's inquiry about costs, Mr. Gindy stated that each shelter cost approximately \$6,000 to \$10,000 each.

Councilwoman Moorhouse spoke regarding her preference of increasing bench-seating capacity to three-foot lengths, and still be in compliance with the American Disability Act requirements. Mr. Gindy responded that a design has been developed for this purpose. Mr. Gindy gave his commitment to providing extra seating space on the bus shelter benches.

In response to Councilman Schubert's inquiry about the floor levels, Mr. Gindy spoke to the dimensions and design of the shelter, which would provide better protection to users.

Mr. Pena came forward to discuss environmental benefits.

Councilman Schubert expressed his concern about people using the shelter and the protection afforded them with this design under adverse weather conditions.

Mr. Gindy responded that a meeting was held in District 4 during which time, bus riders were canvassed about the proposed design, and feedback was positive.

In response to Mr. Schubert, Mr. Pena explained that the Council will be deciding on the following: the Historic Design and Review Commissions' recommendation on the design; Ms. Moorhouse's motion to extend the bench design; to select the glass as an alternative, and then to allow the VIA sign to have double sides. Mr. Pena stated any changes would be incorporated into the final design and then they would move forward on the final sites.

Discussion continued with Mr. Pena elaborating on the construction design.

In response to Councilman Perez, Mr. Pena stated the etched glass is a new piece of glass that would be replaced if the shelters are vandalized.

Councilman Perez also expressed his enthusiasm about approving the contract today and seeing those shelters built throughout the community.

In response to Councilman Perez' question regarding a time line and when the first shelter would be completed, Mr. John Milam, VIA General Manager, responded that if the design would be approved today, a contract would be issued within 90 days, and the first 200 shelters would be built within the first six months, with the other 200 shelters built within the year.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, expressed his thoughts on the bus shelter design. He also commented on his willingness to volunteer in advertising for VIA.

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Councilman Schubert made a motion to go with the original design with tempered glass; to extend the seating as per Councilwoman Moorhouse, and for the VIA panel to be two-sided. Councilwoman Moorhouse seconded the motion.

The amendment to the motion as presented by Councilman Schubert was approved by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

The main motion, as amended, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

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2002-37 The Clerk read the following Ordinance:

AN ORDINANCE 96507

RESCINDING ORDINANCE NO. 58880 AND ORDINANCE NO. 84490; ESTABLISHING NEW POLICIES, PROCEDURES AND FEES RELATED TO THE CLOSURE, VACATING AND ABANDONMENT (COLLECTIVELY "CLOSURE") OF PUBLIC RIGHT OF WAY; ESTABLISHING A \$500.00 NON-REFUNDABLE PROCESSING FEE FOR THE CLOSURE OF PUBLIC RIGHT OF WAY; AND PROVIDING FOR THE PAYMENT OF A FEE FOR SUCH CLOSURE.

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

Ms. Rebecca Waldman, Director, Department of Asset Management, discussed the proposed property disposition policy revision, a copy of which is on file with the papers of this meeting.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

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2002-37 The Clerk read the following Ordinance:

AN ORDINANCE 96508

RESCINDING ORDINANCE NO. 88489; AMENDING ARTICLE IV, DIVISION 8, SECTION 29-190, ET SEQ, OF THE CITY CODE CURRENTLY ENTITLED "FIBEROPTIC CONDUIT AND MINOR ENCROACHMENT LICENSE", RENAMING SAID DIVISION 8 TO READ "LICENSES TO USE PUBLIC RIGHT OF WAY"; ESTABLISHING NEW POLICIES, PROCEDURES AND FEES RELATED

TO USING PUBLIC RIGHT OF WAY; ESTABLISHING A TEN (10) YEAR TERM FOR ANY LICENSE AGREEMENT; ESTABLISHING A \$500.00 PROCESSING FEE FOR A LICENSE; AUTHORIZING STAFF TO NEGOTIATE A LICENSE FEE FOR EACH PIPELINE IN PUBLIC RIGHT OF WAY; ESTABLISHING A FEE FOR EACH NON-PIPELINE COMMERCIAL USE OF PUBLIC RIGHT OF WAY FOR THE GREATER OF \$5,000.00, 10 PERCENT PER YEAR OF THE AVERAGE BEXAR APPRAISAL DISTRICT VALUES IN THE VICINITY FOR SURFACE RIGHTS, 7.5 PERCENT PER YEAR OF THE AVERAGE BEXAR APPRAISAL DISTRICT VALUES IN THE VICINITY FOR AIR RIGHTS, OR 5 PERCENT PER YEAR FOR THE AVERAGE BEXAR APPRAISAL DISTRICT VALUES IN THE VICINITY OF SUBSURFACE RIGHTS; AND PROVIDING FOR THE REDUCTION OR WAIVER OF LICENSE FEES FOR SPECIFIC USES OF PUBLIC RIGHT OF WAY.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

— — —
2002-37 The Clerk read the following Ordinance:

AN ORDINANCE 96509

RESCINDING ORDINANCE NO. 88491 AND ESTABLISHING THE POLICIES, PROCEDURES AND FEES RELATED TO THE USE OF CITY PROPERTY OR PUBLIC RIGHT OF WAY BY TELECOMMUNICATIONS PROVIDERS TO INSTALL FIBER OPTIC LINES; ESTABLISHING A \$2,500.00 PROCESSING FEE FOR A FIBER OPTIC LICENSE; AUTHORIZING STAFF TO NEGOTIATE A FIBER OPTIC LICENSE FEE FOR EACH FIBER OPTIC CONDUIT PROPOSED TO BE INSTALLED IN PROPERTY OWNED BY THE CITY IN FEE; ESTABLISHING A \$2.10 FEE PER LINEAR FOOT, PER YEAR, PER FIBER OPTIC CONDUIT INSTALLED BY OPEN-CUT TRENCHING; ESTABLISHING A \$1.85 FEE PER LINEAR FOOT, PER YEAR, PER FIBER OPTIC CONDUIT INSTALLED BY BORING; AND PROVIDING THAT EACH FIBER OPTIC LICENSE AGREEMENT SHALL HAVE A TERM OF TEN (10) YEARS WITH A PROVISION FOR A

FIFTEEN PERCENT (15%) FEE INCREASE FOR YEARS SIX THROUGH TEN,
PAYABLE AT THE BEGINNING OF THE SIXTH YEAR.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

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2002-37 The Clerk read the following Ordinance:

AN ORDINANCE 96510

AUTHORIZING THE EXPENDITURE OF \$1,000.00 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND, PAYABLE TO KEEP SAN ANTONIO BEAUTIFUL, INC. TO FURTHER PROMOTE ENVIRONMENTAL EDUCATION IN OUR COMMUNITY BY FURTHER EDUCATING THE PUBLIC ABOUT SOLID WASTE ISSUES, LITTER PREVENTION, GRAFFITI ABATEMENT AND PUBLIC STEWARDSHIP; AS REQUESTED BY MAYOR EDWARD D. GARZA.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

— — —
2002-37 TRAVEL AUTHORIZATION - Granted:

Travel Authorization for Councilman John H. Sanders, District 2, who will travel to Fort Worth, Texas on Wednesday October 16, 2002 through Saturday, October 19, 2002 to attend the Texas Municipal League Conference and Exhibition.

Councilman Perez made a motion to approve the proposed Travel Authorization. Councilman Moorhouse seconded the motion.

After consideration, the motion, carrying with it the passage of the Travel Authorization, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

— — —
2002-37 The Clerk read the following Ordinance:

AN ORDINANCE 96511

AUTHORIZING THE EXPENDITURE OF \$200.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND, PAYABLE TO BEAT-AIDS, INC., TO BE USED TO PURCHASE TICKETS FOR NEEDY INDIVIDUALS TO ATTEND THE ORGANIZATION'S ANNUAL BANQUET TO BE HELD ON SATURDAY, OCTOBER 5, 2002, WHICH WILL RAISE FUNDS TO ASSIST INDIVIDUALS AND FAMILIES AFFECTED OR INFECTED BY HIV/AIDS; AS REQUESTED BY COUNCILMAN JOHN H. SANDERS.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

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2002-37 The Clerk read the following Ordinance:

AN ORDINANCE 96512

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE SAN ANTONIO ACES WOMEN'S SOFTBALL TEAM, TO BE USED TO DEFRAY THE COSTS OF TRAVEL EXPENSES FOR THE TEAM WHO PARTICIPATED IN THE 2002

UNITED STATES SPECIALTY SPORTS ASSOCIATION STATE HISPANIC SOFTBALL CHAMPIONSHIP HELD ON SEPTEMBER 14, 2002 IN MISSION, TEXAS; AS REQUESTED BY COUNCILMAN ENRIQUE "KIKE" MARTIN, DISTRICT 4.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

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2002-37 The Clerk read the following Ordinance:

AN ORDINANCE 96513

AUTHORIZING THE EXPENDITURE OF \$200.00 FROM THE DISTRICT 7 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE DONALDSON TERRACE NEIGHBORHOOD ASSOCIATION, TO BE USED TO PURCHASE SIGNS TO BE PLACED AT THE ENTRANCE TO NEIGHBORHOOD TO NOTIFY THE PUBLIC OF MEETING DATES, TIMES AND PLACES; AS REQUESTED BY COUNCILMAN JULIAN CASTRO, DISTRICT 7.

* * * *

Councilman Castro made a motion to approve the proposed Ordinance. Councilman Moorhouse seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

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2002-37 The Clerk read the following Ordinance:

AN ORDINANCE 96514

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 7 CONTINGENCY ACCOUNT FUND, PAYABLE TO BASEBALL USA, TO BE USED TO PAY ENTRY FEES FOR THE SAN ANTONIO VENOM BASEBALL TEAM REPRESENTING SAN ANTONIO IN A BASEBALL TOURNAMENT HELD ON SEPTEMBER 27, 2002 IN HOUSTON, TEXAS; AS REQUESTED BY COUNCILMAN JULIAN CASTRO, DISTRICT 7.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

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2002-37 **TRAVEL AUTHORIZATION - Granted:**

Confirmation and Travel Authorization for Councilman Carroll W. Schubert, District 9, who traveled to Austin, Texas on Thursday, September 26, 2002 to participate as a member of a San Antonio Delegation organized by the San Antonio Mobility Coalition, in a presentation before the Texas Transportation Commission.

Councilman Perez made a motion to approve the proposed Travel Authorization. Councilman Moorhouse seconded the motion.

After consideration, the motion, carrying with it the passage of the Travel Authorization, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Conner, Garza.

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2002-37 **CITY MANAGER'S REPORT**

Ms. Terry M. Brechtel, City Manager, introduced Dr. Fernando Guerra, Director, San Antonio Metropolitan Health District. Dr. Guerra discussed the 2002 Community Health Report. A copy of the power point is on file with the papers of this meeting.

Ms. Joan Miller, Executive Director of the Bexar County Community Health Collaborative, discussed the purpose of the report, community partners, financial contributors, components of the report, and Bexar County sectors.

Dr. Guerra discussed the elements for measuring the health status of the community, social environment, healthy lifestyles, safety and injury prevention, maternal, infant and child health, heart health and stroke, communicable diseases, diabetes, cancer, behavioral health, environment and emerging threats, oral health, delineating – accomplishments, and challenges.

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2002-37 PUBLIC HEARING AND ORDINANCE: INCREASING THE MONTHLY STORMWATER FEE BY THIRTY PERCENT.

Mayor Garza declared the Public Hearing to be open.

Mr. Tom Wendorf, Public Works Director, gave a presentation on increasing the monthly storm water fee by 30% across all customer classifications and tiers, a copy of which is on file with the papers of this meeting. Mr. Wendorf outlined the ordinance, background, fiscal impact, customer impact, inter local agreement, impact on improvements and mandates, regional watershed management improvements, non-strategic issue improvements, and analysis.

The following citizen(s) appeared to speak:

Mr. Faris Hodge expressed concern over the increasing storm water fees. He spoke to his objections to the lack of storm drainages in certain areas of town.

Ms. Maria Dominguez, spoke to her objection on the increase of water fees, and her opposition to the PGA Village. She also stated that more jobs are needed for the citizens.

Mr. Jack M. Finger, P.O. Box 12048, was reminded that this was his third time to speak. Mr. Finger noted he is aware that he has spoken three times and is signed up to speak again later today. Mr. Finger spoke to his objections to the 30% increase in storm water fees, as well as the recent regular water fee increase.

Mr. Antonio Diaz addressed his concerns over the water fee increase proposal. He also expressed his objections to the PGA proposal.

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There being no further citizens signed to speak to this matter, Mayor Pro Tem Carpenter declared the Public Hearing to be closed.

The Clerk then read the following Ordinance:

AN ORDINANCE 96515

INCREASING THE MONTHLY STORMWATER FEE BY 30% ACROSS ALL CUSTOMER CLASSIFICATIONS AND TIERS AS FOLLOWS: FOR RESIDENTIAL CUSTOMERS - (TIER 1) LOT SIZE OF ZERO TO 4,999 SQUARE FEET FROM \$1.73 TO \$2.25; AND (TIER 2) LOT SIZE OF 5,000 OR MORE SQUARE FEET FROM \$2.29 TO \$2.98. FOR MULTIFAMILY CUSTOMERS - (TIER 1) LOT SIZE OF ZERO TO 21,999 SQUARE FEET FROM \$3.85 TO \$5.01; AND (TIER 2) LOT SIZE OF 22,000 TO 43,999 SQUARE FEET FROM \$12.06 TO \$15.68; AND (TIER 3) LOT SIZE OF 44,000 TO 131,999 SQUARE FEET FROM \$36.58 TO \$47.55; AND (TIER 4) LOT SIZE OF 132,000 OR MORE SQUARE FEET FROM \$174.06 TO \$226.28. FOR COMMERCIAL/GENERAL CUSTOMERS - (TIER 1) LOT SIZE OF ZERO TO 21,999 SQUARE FEET FROM \$9.87 TO \$12.83; AND (TIER 2) LOT SIZE OF 22,000 TO 43,999 SQUARE FEET FROM \$27.00 TO \$35.10; AND (TIER 3) LOT SIZE OF 44,000 TO 86,999 SQUARE FEET FROM \$48.39 TO \$62.91; AND (TIER 4) LOT SIZE OF 87,000 TO 131,999 SQUARE FEET FROM \$83.40 TO \$108.42; AND (TIER 5) LOT SIZE OF 132,000 OR MORE SQUARE FEET FROM \$184.26 TO \$239.54. FOR PUBLIC CUSTOMERS - (TIER 1) LOT SIZE OF ZERO TO 21,999 SQUARE FEET FROM \$9.78 TO \$12.71; AND (TIER 2) LOT SIZE OF 22,000 TO 43,999 SQUARE FEET FROM \$26.74 TO \$34.76; AND (TIER 3) LOT SIZE OF 44,000 TO 86,999 SQUARE FEET FROM \$48.30 TO \$62.79; AND (TIER 4) LOT SIZE OF 87,000 OR MORE SQUARE FEET FROM \$81.65 TO \$106.15.

* * * *

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

In response to Councilman Sanders, Mr. Wendorf stated that a service impact will be accomplished in late December. Mr. Wendorf added that a criteria exists for establishing projects. The criteria includes the demand, a backlog of projects, as well as regional projects. Mr. Wendorf stated this list is presented to each council member for their consideration.

Councilman Sanders proposed an amendment that would require the Citizens Watershed Committee be involved in the review of projects to be considered. Councilwoman Moorhouse seconded the motion.

In response to Councilman Martin, Mr. Wendorf explained that after the recent floods, approximately 200 tons of debris was removed from the Leon Springs and Salado Creek. He added that this ordinance establishes a group within the Storm Water Operations to do the maintenance on 236 area miles.

Discussion continued on a city-wide plan that includes a maintenance schedule for channels, local streets and the downtown area. The plan includes utilizing a mowing crew from February through the first of August, as well as a maintenance schedule after August.

Councilman Martin commended the plan that will enhance economic development for the City.

In response to Councilwoman Moorhouse's complaint of a contractor dumping debris into a channel in her district, Mr. Wendorf answered the Storm Water staff is responsible for cleaning drainage channels.

Councilwoman Moorhouse requested copies of the maintenance schedule be provided for all Council members.

The amendment to the motion as presented by Councilman Sanders was approved by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Castro, Conner, Garza.

The main motion, as amended, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Castro, Conner, Garza.

2002-37 **EXECUTIVE SESSION**

The City Council recessed its regular session at 3:45 P.M. in order to convene in Executive Session for the purpose of:

- A.) Attorney-Client consultation regarding cable issues, including: 1) the status of interconnection negotiations with Time Warner Cable and Grande

Communications and the associated franchise renewal and re-opener process; and
2) the City's options in dealing with bankruptcy filed by Western Integrated
Networks.

The City Council adjourned the Executive Session at 4:14 P.M. 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.

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2002-37

CITIZENS TO BE HEARD

MR. CHARLES ENGLISH

Mr. Charles English, 807 Canton Street, 78202, spoke to the issue of parking and traffic
problems on Houston Street. He stated that property owners have no driveways in which
to park their cars. Mr. English expressed his concerns over the restrictions without input
from the Jefferson Heights neighborhood residents.

Councilman Sanders responded that residents had been made aware of the construction in
this area.

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MR. ANTONIO DIAZ

Mr. Antonio Diaz, Mestizo En Marcha, expressed his dissatisfaction over the issue that
this segment of the Council meeting is not televised, and the lack of participation by the
Council during Citizen To Be Heard. He spoke to his concerns over the PGA proposal.

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MISS F.F. RODRIGUEZ

Ms. F. F. Rodriguez, 428 W. Hollywood, spoke about her difficulties with an inspection
of the electrical wiring in her home.

Councilman Carpenter offered to have a staff member from Development Services discuss this issue with Ms. Rodriguez.

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MR. FRANK SANDOVAL

Mr. Frank Sandoval, 720 Hot Wells, expressed his opposition to the PGA proposal. He also stated his opposition to over taxing the citizens. Mr. Sandoval, further expressed his concern about the City awarding contracts to contractors who live outside the City.

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2002-37 PUBLIC HEARING AND ORDINANCE: PROPOSED ANNEXATION OF LAND IN NORTH BEXAR COUNTY OWNED BY LUMBERMEN'S INVESTMENT CORPORATION.

Mayor Pro Tem Carpenter declared the Public Hearing to be open.

Mr. Chris Brady, Assistant City Manager, introduced the purpose of the public hearing on the proposed Annexation Plan for Lumbermen's Tracts, a copy of which is on file with the papers of this meeting. Mr. Brady described the annexation plan, inventory of services, service plan and schedule. He further cited a letter from the Lumbermen's Company.

The following citizen(s) appeared to speak:

The representatives from Save Our Aquifer spoke in opposition:

Mr. Jon Thompson, 2108 N. Main
Ms. Sidra Maldonado
Ms. Heather DeGrolla
Mr. Richard Martinez

The representatives from the Smart Growth Coalition spoke in opposition:

Mr. Jack Pancoast, 232 Washington Street and other representatives
Ms. Teena Florian
Ms. Amy Kastaly, presented a history of the recharge zone use restrictions

The representatives from the Hispanic Chamber of Commerce spoke in support of the PGA

Mr. Leo Gomez
Mr. Richard Perez
Mr. Aaron Seeman

The representatives from The Greater San Antonio Chamber of Commerce spoke in support of PGA

Mr. Bill Lyons
Ms. Joan Bracher
Mr. Richard Flores

The representatives from the COPS/Metro Alliance representatives expressed concern regarding what they perceive to be a subsidy for the PGA proposal and spoke in favor of protecting the Edwards Aquifer, that a living wage provision be included in any contract with Lumbermen's Association.

Mr. Andres Sarabia
Ms Elia Basurto
Mr Mike Philips
Pastor, Sacred Heart Church
Pastor of Guadalupe Church, read a letter on behalf of Archbishop Flores

Mr. Elginio Rodriguez, 450 N. San Gabriel, 78228, expressed his concerns regarding possible pollution of the Edwards Aquifer.

Ms. Lynn Oakley, Fossil Ridge, spoke in support of the PGA proposal.

The representatives from the North Chamber spoke in favor of the PGA Village

Mr. Pat Duncan

The representatives from the Esperanza Peace & Justice Center spoke in opposition of the PGA proposal,

Ms. Graciela Sanchez
Ms. Irma Mayorga, 13999 Old Blanco Road
Ms. Vicki Grise

Ms. Maria Salazar, 4610 Horton Place, 78214, expressed her opposition to the PGA Village.

The representatives from the VOCES spoke in opposition of the PGA proposal

Mr. David Arevalo
Ms. Marisa Meza
Ms. Susanna Salas

The representatives from the Greater San Antonio Builders Association, 4204 Gardendale, Suite 312, 78229, expressed their support to the PGA Village

Mr. Jerry Smith

Mr. Rick Montelongo

Ms. Maria Antonietta Berriozabal, 1148 W. Russell, expressed her opposition to the PGA proposal and stated that an election should be held on this issue.

Mr. Rene Saenz, 19115 Mazatlan Way, 78256, spoke against the PGA Village.

Mr. Chavel Lopez, 1045 E. Commerce, Southwest Workers Union, expressed his disfavor with the PGA Village.

Ms. Deborah Martin-Levoy, 103 Avant, 78205, spoke in opposition to the PGA proposal.

Mr. Tom Prybyloski, 4245 Fossil Wood (Fossil Ridge) #6, expressed his endorsement of the PGA Village.

Mr. Josh Mann, 478 E. French Place, 78212, expressed his opposition to the PGA Village.

Ms. Margaret Greco, 706 W. Lynwood, 78212, spoke in opposition of the PGA Village

Ms. Betty Chapman, 4213 Meagan, 78259, expressed her support for the PGA proposal and read a letter from the Edwards Aquifer Director to Mayor Garza stating that the proposal is an environmentally safe choice to build over the Aquifer.

Ms. Cheri Franklin, 3981 Ridgeway, 78259, spoke in favor of the PGA proposal.

Ms. Barbara Roberson, 3900 Ridgeway, 78259, stated she was in support for the development of the PGA Village.

Ms. Jacci Wickware, 5607 Sir Gareth, 78213, spoke regarding her support for the PGA Village.

Ms. Leticia Vela, 615 W. Lynwood 78212, Beacon Hill Neighborhood representative, spoke about her vote against the annexation agreement, and the PGA Village. Ms. Vela played a copy of a tape of a Council meeting regarding the number of homes proposed to be built over the Aquifer if the PGA Village is not approved.

Mr. Harold Oliver, South San Antonio Chamber of Commerce, spoke of their endorsement of the PGA Village, and the positive impact to the city. He made reference

to the golf course development in Austin, Barton Springs, and its nationally recognized environmental controls.

Ms. Rose Collier, spoke about the right to vote on this issue by the citizens of San Antonio.

Mr. Jeff Farrar, Encino Ranch, spoke in favor of the PGA development.

Ms. Maria J. Dominguez, spoke in opposition to the PGA development.

Mr. Jerry Edler, Chickasaw Council of San Antonio, spoke in favor of the PGA development.

Mr. Alvis Hodge, Huntleigh Park Association, spoke of his concerns with the PGA development and stated that there should be a vote on this issue.

Mr. James Koch, 8214 Evert Street, 78240, expressed concern about the Lumbermen's proposal and the higher density development adjacent to the area.

Mr. Jack M. Finger, P. O. Box 12048, 78212, expressed concern about the absence of the Mayor and Councilwoman Conner. He spoke against the proposed PGA development.

Mr. George Rice, 414 E. French, 78212, expressed concern over the PGA development and its detrimental impact to the Aquifer. He stated that this proposal is 'corporate welfare'. He also urged that this issue be put to a vote.

Mr. Eddie Christopher, Fossil Ridge Home Owners' Association, spoke in favor of the PGA development and expressed concern over the proposed number of homes to be built if the PGA village isn't built and its detrimental impact to the school districts.

Ms. Kelly Welker, spoke about her recent trip to California and the sales taxes she paid to support a similar development. She stated that the PGA Development will contribute and be an economic boost to the City.

Mr. Faris Hodge, Jr., 140 Dora, stated that the development is in the County and that Bexar County should be the entity to vote on this proposal. He stated that the will of the people is to vote on this issue and also stated that a living wage provision should be included in the proposal.

Mr. Erich Dethmann, Alamo Area Greens, spoke to the economic growth of the City, yet his concern is that the City does not meet the needs of the impoverished in the City. He stated that the PGA development will not provide this economic boost.

Ms. Carol Agüero Trevino, Anti PGA Club for Clean Water and Equitable Justice, spoke against the PGA proposal and urged that the City give the people the right to vote on this issue.

Mr. Chris Brown, spoke to the location of the proposed PGA development and stated that the golf course will be built over the most sensitive areas of the Aquifer. He spoke about their concerns of the herbicides used in golf courses and its impact on the Aquifer. He stated that strict limits will need to be imposed. He urged that the people be given a right to vote.

Mr. Allen Townsend, stated his opposition to the PGA development and stated that this development will be detrimental to the quality of life of the City. He urged a vote on this issue.

Mr. Joe Tedesco spoke against the PGA development agreement. He urged the City Council to vote against this proposal and urged that the citizen's be allowed to vote on this issue.

Mr. Antonio Diaz, Mestizo En Mancha, urged that the citizens of San Antonio be allowed to vote on this issue in order to ascertain whether the City wants this development or not.

Mr. Charles English, Jefferson Heights Association, spoke of the need to put this issue to a vote and give citizens the right to vote on this proposal.

Mr. Mark E. Kellmann 326 Mustang Circle, spoke of his concerns with this development, noting that the proposal does not give the Aquifer adequate protection.

Ms. Joleen Garcia, 1215 S. Presa, stated that the PGA has become a divisive issue in the community and that there should be a healing process for this City. She encouraged the City Council to begin the healing process. She urged that the details of this proposal be made public in order to determine what is going to happen and also urged a public vote on this issue.

Mr. Keith Crabtree, 3947 W. Mistletoe, stated that the people who signed the petition knew what they were signing and urged a public vote on this issue. He expressed concern over SAWS being given the responsibility of overseeing the protection of the Aquifer.

Mr. George C. Windrow, P.E. 1415 Blackbird Lane, spoke in support of the current PGA development and stated that it is an environmentally controlled development. He stated that the impervious cover is much more advantageous than what is presently allowed. He urged the citizens to come together and support this project.

Mr. Oscar Natal, 947 W. Mistletoe, expressed his opposition to the PGA development including any tax incentives. He stated that the development will be detrimental to the Aquifer, and urged for a public vote.

Mr. David Riley, 426 Pease Hollow, stated that the City Council was elected to make major decisions and expressed concern over the actions of citizens who oppose any type of new development. He stated that there are too many cities, which encourage this type of development.

Mr. Marty Mangum, 9357 Schoenthal, City Administrator of Garden Ridge and a member of the Randolph Chamber of Commerce, stated that they voted in favor of the PGA Village. He focused on the economic impact to the area's communities. He also stated that the golf course will be much more beneficial than homes and parking lots.

Mr. Michael Zerkel, 2222 Navasota Circle, stated that his property backs up to the proposed PGA development, and spoke in favor of the PGA development. He stated that the City Council was elected by the citizens to vote on these type of issues

Mr. David R. Montgomery, P.O. Box 154 Macdona, TX, stated that the PGA village will provide better paying jobs for its citizens and will also spur other higher paying jobs.

Mr. Paul Miller, 19515 Encino Spur, stated that the Board of Directors of Encino Park Association is in full support of this project and endorsed this proposal upon review of other options. He also spoke to the positive impact to the Northeast Independent School District.

Ms. Laura Espensen, 2122 Encino Loop, spoke in support of the PGA development project. She stated that the proposal is in her backyard and felt that the proposal provides a sound environmental program and will protect the Aquifer. She stated that this is one small piece of property and there is no way that the City can buy all of the property over the Aquifer, which is in 13 different counties. She urged support of the proposal by the City Council.

Mr. Jeff Macias, 510 E. Dewey Place, presented a written statement in opposition to the PGA proposal, a copy of which is on file with the papers of this meeting.

Mr. Steve Manning, 3618 Fossil Creek, stated that there are many divisive issues which are being brought up and stated that the proposed area is a very small percentage of the Aquifer. He stated that this project will bring millions of dollars to the city of San Antonio.

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2002-37 There being no further business to come before the City Council, the meeting was adjourned at 10:50 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AE
City Clerk