

Members of the City Council spoke in support of the exhibit at the Witte Museum in an effort to bring awareness and understanding to the issue of mental illness.

— — —

2003-36 **PROCLAMATION FOR PUT THE BRAKES ON FATALITIES DAY.**

Mayor Garza read a proclamation in recognition of “Put the Brakes on Fatalities Day” throughout the State of Texas. The Governor of Texas, the City of San Antonio Public Works Department, the San Antonio Police Department and the Texas Department of Transportation have come together in an effort to educate the public and heighten awareness to reduce transportation fatalities.

Mr. Tom Wendorf and representatives from the transportation agencies came forward to accept the proclamation.

Councilmembers spoke regarding the success of combining engineering and the infrastructure to improve roadways and sidewalks, as well as educating the public in an effort to reduce road fatalities.

— — —

2003-36 **PROCLAMATION FOR CUSTOMER SERVICE WEEK.**

Mayor Garza read the proclamation for the “National Customer Service Week”, during October 6 – 10, 2003.

Mr. Tony Bosman, Director, Customer Service Department, and a representative group of City of San Antonio employees from various departments, came forward to accept the proclamation.

Councilmembers commended the group, on behalf of all City employees, for their dedication and excellent service to the citizens of San Antonio.

Ms. Terry M. Brechtel, City Manager, thanked the group for their service. She spoke on the various events scheduled for the month of October in recognition of City employees.

AN ORDINANCE 98285

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH THE FOLLOWING ITEMS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2003-2004 FOR AN ESTIMATED ANNUAL COST OF \$111,860.00: NOVELIST DATABASE LICENSE AND SPREAD SPECTRUM RADIOS.

* * * *

AN ORDINANCE 98286

DECLARING CITY-OWNED PROPERTY LOCATED AT 1519 NOGALITOS, IN NCB 6275, FORMERLY KNOWN AS FIRE STATION NO. 16, AS SURPLUS TO THE CITY'S NEEDS; ACCEPTING THE HIGH BID IN THE AMOUNT OF \$118,400.00 FROM JODY AUSLEY FOR PURCHASE OF THE PROPERTY; AND AUTHORIZING THE EXECUTION OF AN EARNEST MONEY CONTRACT WITH HIM FOR THE SALE OF THE PROPERTY FOR SUCH BID PRICE.

* * * *

AN ORDINANCE 98287

AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD OF \$30,650.00 FROM THE HOGG FOUNDATION FOR MENTAL HEALTH TO RENEW THE PERINATAL DEPRESSION PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004; ESTABLISHING A FUND; ADOPTING THE PROJECT BUDGET; AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES; AND APPROVING THE EXECUTION OF A CONTRACT WITH OUR LADY OF THE LAKE UNIVERSITY (OLLU) REGARDING COUNSELING SERVICES.

* * * *

AN ORDINANCE 98288

AUTHORIZING THE ACCEPTANCE OF A CONTRACT AMENDMENT FOR CASH AND IN-KIND SUPPORT TOTALING \$305,776.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO RENEW THE ONGOING LOCAL PUBLIC

HEALTH SUPPORT PROGRAM (\$251,464.00) AND PUBLIC HEALTH STATE IN-KIND SUPPORT PROGRAM (\$54,312.00) OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004; APPROVING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH TDH; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

* * * *

AN ORDINANCE 98289

AUTHORIZING THE ACCEPTANCE OF A CONTRACT AMENDMENT FOR FUNDING SUPPORT UP TO \$5,465,482.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) FOR THE ONGOING SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS & CHILDREN (WIC PROGRAM) IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004; APPROVING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH TDH; ESTABLISHING A FUND; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AUTHORIZING THE EXECUTION OF A SUBCONTRACT WITH LACTATION CONNECTION, INC.; AND APPROVING PAYMENTS FOR CONTRACTUAL SERVICES AND EXISTING WIC CLINIC LEASES.

* * * *

AN ORDINANCE 98290

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR THE ALAMODOME IN CONNECTION WITH THE SAN ANTONIO MARATHON, 5K MAYOR'S FITNESS CHALLENGE AND WALK TO BE HELD ON SUNDAY, NOVEMBER 9, 2003 FROM 6:00 A.M. UNTIL 12:30 P.M.

* * * *

AN ORDINANCE 98291

APPOINTING ANDREW ANGUIANO (BUSINESS CATEGORY – DISTRICT 3) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 15, 2004.

* * * *

AN ORDINANCE 98292

APPOINTING CHARLES CODD (DISTRICT 1) TO THE ETHICS REVIEW BOARD FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 21, 2005.

* * * *

AN ORDINANCE 98293

APPOINTING CAROLE A. ABITZ (DISTRICT 4) AND CONNIE BOYLE (DISTRICT 1) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 22, 2004.

* * * *

AN ORDINANCE 98294

APPOINTING REX EDWARD DECKER (DISTRICT 3) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 15, 2005.

* * * *

AN ORDINANCE 98295

APPOINTING HENRY ROSS ELLIS (LAYPERSON/CONSUMER CATEGORY – DISTRICT 2) TO THE PLUMBING APPEALS AND ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON MARCH 20, 2005.

* * * *

AN ORDINANCE 98296

APPOINTING JUSTIN KRUPALLA (DISTRICT 3) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2005.

—

—

—

2003-36 The City Clerk read the following Ordinance:

AN ORDINANCE 98297

AUTHORIZING THE ACCEPTANCE OF \$186,180.00 FOR SUPPORT OF THE SAN ANTONIO EDUCATION PARTNERSHIP FROM THE FOLLOWING INDEPENDENT SCHOOL DISTRICTS: SAN ANTONIO, EDGEWOOD, HARLANDALE, SOUTH SAN, SOUTH SIDE, SOUTHWEST, AND NORTHEAST; ESTABLISHING A BUDGET; APPROVING A PERSONNEL COMPLEMENT, AND AUTHORIZING THE TRANSFER AND EXPENDITURE OF ANY REMAINING FUNDS FROM PREVIOUS PROGRAM YEARS IN SUPPORT OF THE CURRENT FISCAL YEAR OPERATIONS.

* * * *

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

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

— — —
2003-36 ZONING CASES

3A..) CASE NUMBER #Z2003103 – The request of Jim Burke, Burke Properties, Applicant, for Burke Properties, Ltd., Owner(s), for a change in zoning from “MH” Manufactured Housing District to “C-2” Commercial District on 43.2 acres out NCB 10979, 3143 Military Drive. Staff’s recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

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

Councilman Segovia made a motion to delay this rezoning case until the City Council meeting of November 13, 2003 in order to allow more time for the transition. Councilman Perez seconded the motion.

After consideration, the motion to continue this case until November 13, 2003, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Barrera, Castro, Haass.

Zoning Case #Z2003103 was continued to the Council meeting of November 13, 2003.

— — —

3B.) CASE NUMBER #Z2003142 – The request of Thomas Phillips and Harry Urey, Applicant, for Thomas Phillips and Harry Urey, Owner(s), for a change in zoning from “NP-10” Neighborhood Preservation District and “DR” Development Reserve District to “MF-25” Multi-Family District on 16.069 acres of land out of NCB 16622, southwest side of IH 37 between Blue Wing Road and U.S. 281. Staff’s recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

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

Councilman Segovia made a motion to approve the proposed rezoning. Councilman Perez seconded the motion.

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

AN ORDINANCE 98298

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 16.069 ACRES OF LAND OUT OF NCB 16622 FROM “NP-10” NEIGHBORHOOD PRESERVATION DISTRICT AND “DR” DEVELOPMENT RESERVE DISTRICT TO “MF-25” MULTI-FAMILY DISTRICT.

* * * *

— — —

3C.) CASE NUMBER #Z2003099 – The request of Bitterblue Inc., Applicant, for Barrett, Thurman Sr. and Jr., Owner(s), for a change in zoning from “R-5”

Residential Single-Family District and "R-6" Residential Single-Family District to "RM-5" Residential Mixed District on 69.35 acre tract of land out of NCB 11186, West Hutchins Place (extension). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

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

Councilman Perez made a motion to provide a 30-day continuance. Councilman Williams seconded the motion. Mr. Jacks clarified the next date for zoning as November 13, 2003.

After consideration, the motion to continue this case until November 13, 2003, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Barrera, Castro.

Zoning Case #Z2003099 was continued to the Council meeting of November 13, 2003.

— — — — —
3D.) CASE NUMBER #Z2003125 C B – The request of City of San Antonio, Applicant, for San Antonio Sunrise Club Rotary International, Owner(s), for a change in zoning from "MF-33 C" Multi-Family District with a conditional use for a counseling center to "R-6 C" Residential Single-Family District with a conditional use for a counseling center on Lot 2, Block 15, NCB 7483, 206 Elson Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 5)

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

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

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

AN ORDINANCE 98299

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 2, BLOCK 15, NCB 7483 FROM "MF-33 C" MULTI-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A COUNSELING CENTER TO "R-6 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A COUNSELING CENTER.

* * * *

— — —
3E.) CASE NUMBER #Z2003068 – The request of Martin Gutierrez, Applicant, for Martin Gutierrez, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3" General Commercial District on Lot P-22, NCB 17929, 8537 Bandera Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

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

Mr. Tom Flores, representing Mr. Martin Gutierrez, the applicant, stated that Mr. Gutierrez had experienced difficulties with deed restrictions and conditions set by the Zoning Commission. He also stated Mr. Gutierrez had requested a continuance until these issues were corrected.

Councilman Castro noted the Zoning Commission's concern with respect to the property restrictions. Mr. Flores explained that Mr. Gutierrez intends to address these issues.

Councilman Castro made a motion for a four-week continuance until November 13, 2003.

The following citizen(s) appeared to speak:

Mr. Jack Finger, P. O. Box 12048, spoke to his opposition to this zoning case in an effort to lessen commercial encroachment in the neighborhood.

* * * *

Councilman Castro reiterated his motion to continue this rezoning case until the City Council meeting of November 13, 2003. Councilman Perez seconded the motion.

After consideration, the motion to continue this case until November 13, 2003, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Barrera.

Zoning Case #Z2003068 was continued to the Council meeting of November 13, 2003.

— — —

3F.) CASE NUMBER #Z2003167 – The request of Gene Liguori, Applicant, for Showcase Custom Homes of Texas, Inc., Owner(s), for a change in zoning from “C-3 R” General Commercial Restrictive Alcohol Sales District, & “C-2” Commercial District to “R-4” Residential Single-Family District on Lot 1, Block 2, NCB 17789; Lots 4 and 5, Block 1, NCB 17788, Intersection of Stahl Road and Heartland Drive. Staff’s recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

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

Councilman Haass made a motion to approve the proposed rezoning. Councilman Perez seconded the motion.

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

AN ORDINANCE 98300

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK, 2, NCB 17789; LOTS 4 AND 5, BLOCK 1, NCB 17788 FROM “C-3 R” GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES DISTRICT AND “C-2” COMMERCIAL DISTRICT TO “R-4” RESIDENTIAL SINGLE-FAMILY DISTRICT.

* * * *

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

— — —
2003-36 The City Clerk read the following Ordinance:

AN ORDINANCE 98301

AMENDING THE COMPOSITION TO THE CITIZENS COMMISSION ON CITY/COUNTY SERVICE INTEGRATION BY INCREASING THE MEMBERSHIP TO ELEVEN (11) MEMBERS FOR THE CITY AND ELEVEN (11) MEMBERS FOR THE COUNTY, ESTABLISHED BY ORDINANCE NO. 98237 ON SEPTEMBER 25, 2003, AND APPOINTING STEVEN ALAN BENNETT TO SAID COMMISSION.

* * * *

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

Mayor Garza noted this ordinance provides for an additional slot for both the City and County, noting Mr. Steven Bennett will be added to the City's list of board members.

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, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

— — —
2003-36 The City Clerk read the following Ordinance:

AN ORDINANCE 98302

AUTHORIZING THE ACCEPTANCE OF \$1,971,530.00 IN CASH FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO CONTINUE FUNDING THE BIOTERRORISM PREPAREDNESS PROGRAM IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT DURING THE PERIOD SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004; APPROVING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH TDH; ADOPTING THE PROGRAM

BUDGET; APPROVING THE PERSONNEL COMPLEMENT AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

* * * *

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

Dr. Fernando Guerra, narrated a presentation on the FY 2004 Bioterrorism Preparedness Project. A copy of this presentation is on file with these papers.

Dr. Guerra spoke on the purpose of the grant that provides for the preparedness and response to bioterrorism, infectious disease, health threats and a variety of natural or man-made disasters. He stated it will also allow the City to coordinate with the local emergency operations center and the Texas Department of Region 8 to insure effectiveness. Dr. Guerra outlined the areas of focus and goals of the program. He explained the periodic needs for assessments for resources, training, preparedness, management of public health emergencies and assuring the safety of those with special needs.

Dr. Guerra stated that full integration with the San Antonio Emergency Operations Management System is one of the many accomplishments allowed by the program, enabling the City to engage in a strategic plan for emergency preparedness.

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

— — —
2003-36 The City Clerk read the following Ordinance:

AN ORDINANCE 98303

APPROVING THE FOLLOWING ADMISSION PRICE INCREASES AS REQUESTED BY THE WITTE MUSEUM: ADULT (AGES 12-64 – FROM \$5.95 TO \$7.00); SENIOR (AGES 65+ - FROM \$4.95 TO \$6.00); CHILD (AGES 4-11 – FROM \$3.95 TO \$5.00).

* * * *

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

Mr. Malcolm Matthews, Director of Parks and Recreation Department, discussed the request by the Witte Museum to increase general admission fees. A copy of the presentation is on file with these papers.

Mr. Matthews outlined the background information that included a recent twenty-five year agreement between the City and the Witte Museum. He stated the Witte Museum last requested a rate change in 1997 that set different rates for Adults, Seniors and Children. Mr. Matthews further noted that the museum is requesting an increase of \$1 for each of those categories. He stated that the special admission for local school districts will not change. He further stated that the proposed rates are comparable to other local venues.

Mr. Matthews explained that the new rates will result in an additional \$48,000 to be targeted for the operation of the Witte Museum. He also stated that the increase will have no impact on the City's general fund as the museum is operated separately from the City's general budget.

In response to Councilman Perez regarding standard operating costs, Mr. Jim McNutt, Witte Museum Director, stated it was necessary to request a rate increase. He further explained that the Witte Museum has also recently agreed to take responsibility for the Hertzberg Circus Museum Collection.

In response to Councilwoman Radle regarding an evening of free admission to the museum, Mr. Matthews stated that every effort is being made to maintain that activity. He also stated that the Witte Museum annually raises money for scholarships and other activities.

Discussion ensued between Mr. Matthews and Councilman Radle regarding budget reviews to maintain some hours of free admission to the public.

Councilwoman Radle noted that she would like to see a commitment of that effort in order to support the issue.

In response to Councilman Segovia regarding admission fees to the San Antonio Zoo in comparison to the fees charged at the Witte Museum, Mr. Matthews stated the zoo has different fees for the different student categories and types of arrangements. He also discussed the fees set at the Witte Museum. Discussion continued on the education value of both the zoo and the museum.

In response to Councilman Haass, Mr. McNutt reiterated the museum's policy for free admission during Tuesday evenings from 3:00 PM to 9:00 PM. He noted that for the past twenty years, the business community has provided the support to continue free admission on Tuesday evenings. Councilman Haass concurred with Councilwoman Radle regarding some hours of free admission. He also stated, that if necessary, he would be willing to solicit corporate sponsorship in an effort to continue the practice of free admission on Tuesday evenings.

Councilman Schubert spoke to the tremendous work of the Witte Museum staff, noting the corporate support, and support on the rate increase.

Councilwoman Radle reiterated her support for the Witte Museum, but reserved her vote on the fee increase pending commitment from the Museum that free hours of admission will be made available to those who cannot afford to pay the new fee.

Mr. McNutt stated he remains committed to providing access to the public, while maintaining the museum in an efficient and first-class operation.

Councilman Hall concurred with Councilman Schubert and stated corporate sponsorship is key to providing some hours of free admission.

Discussion ensued between Councilman Castro and Mr. McNutt regarding comparison in rates for the Museum of Art and the San Antonio Zoo, and the fees charged to students.

Mr. Castro agreed with his colleagues in maintaining a free window of access to those who cannot afford to pay the regular admission prices. He acknowledged Mr. McNutt's concerns regarding the influx of patrons on Tuesday evenings.

In response to Councilman Castro regarding utilizing hotel/motel occupancy tax funds, Mr. McNutt stated that \$305,000 were allocated to the Museum this year and last year.

In response to Councilman Haass, Mr. McNutt reiterated his commitment to providing free access to the community.

Councilman Schubert discussed the consequences to the Museum's operation if the increase is not approved. He asked his colleagues to move forward with the increase and noted that Mr. McNutt can return to the Council with a full report.

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

2003-36 The City Clerk read the following Ordinance:

AN ORDINANCE 98304

AMENDING A PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$229,429.00 TO GOODPOINTE TECHNOLOGY CORPORATION ("GOODPOINTE") IN CONNECTION WITH THE UPDATING OF ONE THIRD (1,274 CENTER LINE MILES OF STREET) OF THE PAVEMENT MANAGEMENT STREET NETWORK FOR THE CITY OF SAN ANTONIO, WHICH WILL INCLUDE RESURVEYING PAVEMENT CONDITION AND DECAY, PERFORMING DATA COLLECTION, AND INPUT AND ANALYSIS; AUTHORIZING THE ACQUISITION OF THE MICRO PAVER SOFTWARE APPLICATION PACKAGE THROUGH THE AMERICAN PUBLIC WORKS ASSOCIATION IN THE AMOUNT OF \$1,145.00 FOR SOFTWARE AND MANUALS FOR A TOTAL AMOUNT OF \$230,574.00 FROM THE STREET MAINTENANCE OPERATING FUND; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. Tom Wendorf, Director of Public Works Department, gave a presentation on the pavement and street infrastructure management system. A copy of the presentation is on file with these papers.

He stated the ordinance provides for a professional services agreement with GoodPointe Technology Corporation (GoodPointe), in connection with updating 1,274 street miles of the Pavement Management System (PMS) Network for the City of San Antonio. He outlined the program which will provide for surveying of pavement to determine the condition and extent of decay of local streets. He stated GoodPointe will conduct data collection, input and historical and project data analysis, and other services will include survey/reports on curbs, gutters, and sidewalks in the survey area.

Mr. Wendorf further added the ordinance authorizes and approves the acquisition of the Micro Paver Software package through the American Public Works Association (APWA). Mr. Wendorf noted that this program will give the City the ability to update and assess its pavement management system more frequently than every five years. He stated it will also enable the adoption of a modified reporting method and a more accurate valuation that is in accordance with assessment parameters.

In response to Councilman Perez, Mr. Wendorf stated that to date, GoodPointe has been conducting the necessary documentation. He further stated this agreement is the transition point at where City staff may be trained to conduct that process. Mr. Wendorf explained that currently, GoodPointe is preparing the necessary reports, but after the Micro Pavers program is in place, that process will be managed by staff at a more cost effective rate. Mr. Wendorf explained the development of the process since 1995 and pointed out the federal requirements for funding called for a coherent system of a physical street inventory.

In response to Councilman Perez, Ms. Terry Brechtel, City Manager, stated that staff is in agreement to take control of the project and move forward with this project.

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

— — —

2003-36 **EXECUTIVE SESSION**

The City Council recessed its regular session at 3:30 P.M. in order to convene in Executive Session for the purpose of discussing Agenda Item 18; approving as Intrajurisdictional Agreement between the San Antonio Water System and the City of San Antonio.

The City Council adjourned the Executive Session at 3:55 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.

— — —

2003-36 The City Clerk read the following Ordinance:

AN ORDINANCE 98305

APPROVING AN INTRAJURISDICTIONAL AGREEMENT BETWEEN THE SAN ANTONIO WATER SYSTEM (“SAWS”) AND THE CITY OF SAN ANTONIO (“COSA”) FOR THE TRANSFER OF APPROXIMATELY 1,841 ACRES OF LAND IN BEXAR COUNTY, TEXAS, FROM SAWS TO COSA IN EXCHANGE FOR THE IMPOSITION OF CONSERVATION EASEMENTS ON OTHER PROPERTIES INCLUDING APPROXIMATELY 710 ACRES (THE CHRIS HILL CONSERVATION EASEMENT) AND APPROXIMATELY 855 ACRES (THE LAUDER

CONSERVATION EASEMENT) IN FAVOR OF SAWS AND THE ASSUMPTION BY COSA OF CERTAIN OBLIGATIONS FOR PAYMENT OF THE ACQUISITION OF THE LAUDER PROPERTY AND FURTHER AUTHORIZING THE SUBSEQUENT TRANSFER OF APPROXIMATELY 637 ACRES OUT OF THE 1,841 ACRES TO THE CITY OF SAN ANTONIO, TEXAS, STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION TO BE USED TO FULFILL A PORTION OF THE REQUIREMENTS OF THE PROJECT STARBRIGHT AGREEMENT.

* * * *

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

Mr. Chris Brady, Assistant City Manager, narrated a presentation on Item 18 and Item 19 regarding the Intra-jurisdictional Agreement between the City, San Antonio Water System (SAWS) and Starbright Industrial Development Corporation (Starbright) Resolution.

He presented the timeline and the purpose of the agreement that will document the transfer of two tracts, that were formerly the Applewhite Reservoir site, to the City. Mr. Brady spoke of the City's responsibility for acquiring approximately 2,700 acres for the project site and conveying it to Toyota Manufacturing.

Mr. Brady described the property transfer and associated value. He discussed the Land Heritage Institute, a non-profit organization whose mission is to acquire, maintain, preserve and develop the Medina River property as a public open space for educational, recreational, archeological, environmental, cultural and historical purposes. He also noted the Land Heritage Institute obligations with Starbright and SAWS. Mr. Brady outlined the next steps to complete the transfers of land.

The following citizen(s) appeared to Speak

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, spoke regarding SAWS and the last fluoride issue.

Ms. Jeri Moravitz, 13945 State Hwy. 211, spoke in opposition to the land transfer to Toyota Manufacturing. She also spoke regarding her opposition, as a property owner, to the proposed City Public Service (CPS) lines that are to be installed along Hwy. 211.

In response to Councilman Hall, Mr. Brady stated there is nothing in the City's conservation easements with SAWS that prohibit these types of infrastructures.

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

— — —

2003-36 MEETING OF THE BOARD OF DIRECTORS OF THE CITY OF SAN ANTONIO, TEXAS STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION.

Mayor Garza recessed the regular City Council meeting at 4:13 P.M. in order to convene the meeting of the Board of Directors of the **STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION**. The following members were present: Flores, Segovia, Radle, Barrera, Castro, Schubert, Haass, Garza. **ABSENT:** Williams, Perez, Hall.

2003-36 The City Clerk read the following Resolution:

A RESOLUTION
SIDC 2003-11

ACCEPTING APPROXIMATELY 637 ACRES OF REAL PROPERTY IN BEXAR COUNTY, TEXAS, FROM THE CITY OF SAN ANTONIO (“COSA”) TO BE USED IN THE FULFILLMENT OF THE PROJECT STARBRIGHT AGREEMENT AND AUTHORIZING THE EXECUTIVE DIRECTOR TO IMPLEMENT THE TERMS OF THIS RESOLUTION AND THE AGREEMENT.

* * * *

Councilman Haass made a motion to approve the proposed Resolution. Councilman Schubert seconded the motion.

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

Mayor Garza adjourned the meeting of the Board Directors of the City of San Antonio, Texas Starbright Industrial Development Corporation, and reconvened the regular session of the City Council meeting at 9:25 P.M.

2003-36 The City Clerk read the following Resolution:

A RESOLUTION
NO. 2003-36-30

SUPPORTING THE PASSAGE OF AN EDUCATIONAL BOND OFFERED BY THE NORTH EAST INDEPENDENT SCHOOL DISTRICT TO THE RESIDENTS OF THE DISTRICT; AS REQUESTED BY COUNCILMAN ROGER O. FLORES, DISTRICT 1.

* * * *

Councilman Flores made a motion to approve the proposed Resolution. Councilman Haass seconded the motion.

Councilman Flores spoke in support of the resolution in an effort to promote the bond election.

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

— — — — —
2003-36 The City Clerk read the following Resolution:

A RESOLUTION
NO. 2003-36-31

SUPPORTING EFFORTS TO ATTRACT A MAJOR RETAIL BOOKSTORE TO SAN ANTONIO'S SOUTH SIDE AND THE EFFORTS OF "BOOKS IN THE BARRIO," A CITIZENS GROUP WORKING TOWARD ATTRACTING A BOOKSTORE TO THE CITY'S SOUTH SIDE; AS REQUESTED BY COUNCILMAN RICHARD PEREZ, DISTRICT 4.

* * * *

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

Councilman Perez spoke regarding a grass root community effort, "Books in the Barrio" to attract a major chain bookstore to the City's South side. He extended an invitation for

the community to attend a rally at the South Park Mall to demonstrate support for the event.

Mayor Garza spoke regarding the need for creative ideas to bring attention of national bookstores to satisfy the ambitions for business investments in the City's south side. He expressed his appreciation to the members of the City Council for the work on this effort.

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

— — —
2003-36 The City Clerk read the following Resolution:

A RESOLUTION
NO. 2003-36-32

SUPPORTING THE BEXAR COUNTY COMMISSIONERS COURT SUBMISSION OF A PETITION TO THE TEXAS TRANSPORTATION COMMISSION REQUESTING AUTHORIZATION TO FORM A REGIONAL MOBILITY AUTHORITY FOR THE SAN ANTONIO METROPOLITAN AREA; AS REQUESTED BY COUNCILMAN CARROLL W. SCHUBERT, DISTRICT 9.

* * * *

Councilman Perez made a motion to approve the proposed Resolution. Councilman Haass seconded the motion.

Mr. Tom Wendorf, Director of Public Works Department, narrated a presentation on the Regional Mobility Authority. A copy of this presentation is on file with these papers.

Mr. Wendorf explained the resolution supports the Bexar County Commissioners' Court petition to the Texas Transportation Commission (TTC) requesting authorization to form a Regional Mobility Authority (RMAs) for the San Antonio metropolitan area. He described RMAs operating much like existing toll authorities that build, operate and maintain newly created toll projects. Mr. Wendorf noted that RMAs provide a new financing tool that allows counties and municipalities to construct, maintain and operate a turnpike project as part of the state highway system. He further noted the process in creating an RMA, and the benefits derived thereof. Mr. Wendorf highlighted eligible projects that would best be served by an RMA. He expounded on the background

information that began on December 19, 2002 when TTC authorized \$10 million in Strategic Priority funds to fund toll road feasibility studies on candidate highways.

Councilman Schubert noted a minor change in the resolution presented.

In response to Councilman Schubert, Mr. Wendorf stated that six RMA board members are appointed by the Bexar County Commissioners Court and one is appointed by the Governor. He noted that the City will have input in the appointment of the commissioners. He further noted this project is an important, on-going interaction between the City of San Antonio, Bexar County Commissioner's Court and the RMA.

Discussion ensued between Mr. Wendorf and Councilman Schubert regarding state funding opportunities for this particular type of transportation project.

Councilman Schubert requested his colleagues to support this resolution.

In response to Councilman Hall, Mr. Wendorf stated this resolution is not an endorsement of road tolls, but rather it sets up an RMA Board that can begin studying different venues for the kind of transportation solutions best suited for the San Antonio region.

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

— — —

2003-36 **TRAVEL AUTHORIZATION – Granted:**

Travel Authorization for Councilman Carroll W. Schubert, District 9, who will travel to Washington, D.C., to meet with Federal Administration and Congressional officials as part of the City's Federal Initiatives Program from Sunday October 12, 2003 to Wednesday, October 15, 2003.

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

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

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

— — —
2003-36

CITIZENS TO BE HEARD

NAZIRITE RUBEN FLORES PEREZ

Mr. Nazirite Ruben Flores Perez, spoke regarding various bible verses.

* * * *

FARIS HODGE

Ms. Faris Hodge, 140 Dora, spoke regarding the Nimitz Apartments and his request to the federal government to conduct an audit on the San Antonio Housing Authority. Mr. Hodge spoke on other issues such as Project Quest, SAWS, trash pick-up rebate, extra police officers for school zones and high CPS rates.

— — —
2003-36

EXECUTIVE SESSION

The City Council recessed its regular session at 4:39 P.M. in order to convene in Executive Session for the purpose of:

- A.) Discussion regarding the Convention Center Headquarters Hotel pursuant to Section 551.072 (deliberation about real property), Section 551.087 (deliberation regarding economic development negotiations), and Section 551.071 (consultation with attorney).
- B.) Discuss the lawsuit styled LULAC vs. City of San Antonio, et al, Appeal No. 03-50864, previously styled Save Our Aquifer, et al, v. City of San Antonio, et al, Cause No. SA-02-CA-618, United States District Court, Western District, San Antonio Division, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C.) Discussion regarding the lawsuit styled *Lisa A. Garner v. City of San Antonio*, Cause No. 2003-CI-11520, 408th Judicial Court, Bexar County, Texas,

pursuant to Texas Government Code Section 551.071 (consultation with attorney).

D.) Discussion regarding legal issues raised in EEOC Charges No. 360-2003-05149 (by Beatrice C. Hernandez) and No. 360-2003-05191 (by Archie L. Stogsdill), pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 6:14 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.

2003-36

CITIZENS TO BE HEARD - CONTINUED

MRS. ROSA VELA

Mrs. Rosa Vela, 230 Colfax, spoke to her and her son's eviction from her Section 8 home. She stated her son is hospitalized and she is currently staying at the hospital and is homeless. Mrs. Vela is requesting the City to assist her in finding a place to live.

Councilwoman Radle stated she will assist by contacting Fred Gonzales at the San Antonio Housing Authority.

2003-36 There being no further business to come before the City Council, the Mayor then immediately adjourned the meeting at 6:21 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:


YOLANDA L. LEDESMA
Acting City Clerk