

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, APRIL 18, 2002.

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2002-16 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.) Staff presentation on Library Strategic Plan. (Presented by Laura Isenstein, Library Director; Christopher J. Brady, Assistant City Manager)

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

The "B" Session adjourned at 11:05 A.M.

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2002-16 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. ABSENT: Conner.

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2002-16 Invocation by Rev. Rodolfo Barrera, El Divino Salvador Methodist Church

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2002-16 Pledge of Allegiance to the flag of the United States.

2002-16 **PRESENTATION OF RESOLUTION OF RESPECT FOR A. C. SUTTON**

Mayor Garza read a Resolution of Respect in honor of the late Mr. A.C. Sutton. Members of Mr. Sutton's family, who were in the audience, came forward to accept the Proclamation.

Council members expressed their sentiments regarding Mr. Sutton's achievements and thanked his family for their attendance.

Mr. Carpenter made a motion to approve the proposed Resolution of Respect. Mr. Sanders seconded the motion.

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

2002-16 **PRESENTATION OF PROCLAMATION FOR "EL REY FEO"**

Mayor Garza asked Rey Feo in the person of Charles Barrett and his court to accept a Proclamation recognizing "Rey Feo Week." Mayor Garza was presented with a Cabrito Award.

Members of the City Council congratulated the Rey Feo and his court on their fundraising efforts for the City of San Antonio's youth through scholarships provided to worthy students.

2002-16 **PRESENTATION OF "NIOA" PROCLAMATION**

Mayor Garza presented members of the San Antonio Conservation Society with a Proclamation for hosting the 55th NIOA event. Committee members and volunteers of the Conservation Society were among the visitors who addressed the City Council.

Council members thanked the group for their work and for hosting NIOA.

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2002-16 Minutes of the regular Council meeting of March 28, 2002, were approved.

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2002-16 **CONSENT AGENDA - CITIZEN COMMENTS**

Mr. Faris Hodge, Jr., 140 Dora, spoke to Item #15 regarding the upcoming negotiations for the concession for the Alamodome and other issues.

Ms. Betty Eckert, a member of the Olmos Park Neighborhood Association, spoke about the parks within her community. She requested the public be given the opportunity for feedback in the future regarding this subject.

Mr. Jack M. Finger, P.O. Box 12048, spoke to a number of items on the agenda, Item 20 and Item 25 related to members of the City Councils' travel to Washington, D.C. He further spoke to Item 27 pertaining to the Cities for Climate Protection Campaign.

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2002-16 **CONSENT AGENDA**

Mr. Carpenter made a motion to approve Agenda Items 5 through 18C constituting the Consent Agenda. Ms. Moorhouse seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. ABSENT: Perez, Conner.

AN ORDINANCE 95623

AUTHORIZING THE EXECUTION OF A CONTRACT WITH ACUSHNET COMPANY TO PROVIDE THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH AN ANNUAL CONTRACT FOR THE PURCHASE OF GOODS FOR RESALE AT GOLF COURSE PRO SHOPS FOR AN ESTIMATED COST OF \$56,650.00.

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AN ORDINANCE 95624

ACCEPTING THE LOW, QUALIFIED BIDS SUBMITTED BY SYSTEMAX MANUFACTURING INC., D/B/A GLOBAL GOVERNMENT/EDUCATION SOLUTIONS, ITEM A (NEW); INTELLIGENT OFFICE PRODUCTS INC., ITEMS C, F, H & L (NEW) AND ITEMS A-D, F, J & L (REMANUFACTURED); CVR COMPUTER SUPPLIES (WBE/MBE), ITEMS B, E & J (NEW); MATRIX DATA/MCSI, ITEMS D & M (NEW); E-ONLINE TONER (WBE), ITEM K (NEW); ALLFAX COPY COMPANY, ITEM K (REMANUFACTURED); LOGAN'S MARKETING (MBE/AABE), ITEMS E & I (REMANUFACTURED); AND TONER DEPOT COMPANY, ITEM I (NEW), TO PROVIDE THE CITY OF SAN ANTONIO WITH PRINTER AND TONER CARTRIDGES ON AN ANNUAL CONTRACT BASIS FOR AN ESTIMATED TOTAL OF \$175,000.00.

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AN ORDINANCE 95625

ACCEPTING THE LOW QUALIFIED BID OF F&W ELECTRICAL CONTRACTORS, INC. IN THE AMOUNT OF \$379,850.00 FOR THE AIRFIELD SIGNAGE UPGRADE PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT AND AUTHORIZING EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$37,985.00 FOR CONSTRUCTION CONTINGENCIES; APPROPRIATING FUNDS; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 95626

APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$52,800.00 FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF U.S. 281 & STONE OAK PARKWAY; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 95627

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN AN AMOUNT NOT TO EXCEED \$18,280.00 PAYABLE TO GRANT ENGINEERING FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE ALHAVEN FROM PECAN VALLEY TO AMANDA AND J STREET FROM AMANDA TO HAMPTON (GRANDVIEW NEIGHBORHOOD STS PHASE IIID) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 2; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 80984, OCTOBER 20, 1994.)

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AN ORDINANCE 95628

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN AN AMOUNT NOT TO EXCEED \$14,140.00 PAYABLE TO GRANT ENGINEERING FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE F STREET AND MORNINGVIEW FROM PECAN VALLEY TO DEAD-END NEAR I.H. 10 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 2; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 83629, FEBRUARY 22, 1996.)

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AN ORDINANCE 95629

AUTHORIZING PAYMENT IN THE AMOUNT OF \$650.00 FROM 1996 CERTIFICATES OF OBLIGATION TO RAUL RODRIGUEZ FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE HILDEBRAND FROM I.H. 10 TO BREEDEN PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 95630

ACCEPTING THE LOW BID OF KEGLEY, INC. AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$66,400.00 FROM 1994 CERTIFICATES OF OBLIGATION FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE NELSON W. WOLFF MUNICIPAL STADIUM CONCESSION BUILDING PROJECT, LOCATED IN COUNCIL DISTRICT 6; AUTHORIZING \$9,960.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 95631

AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE LEASE AGREEMENT WITH TCP LAS PALMAS, LTD., A TEXAS LIMITED PARTNERSHIP, FOR AN ADDITIONAL FIVE (5) YEARS FOR USE OF 854 SQUARE FEET OF STORE SPACE AT LAS PALMAS SHOPPING CENTER FOR USE AS LAS PALMAS COMMUNITY LINK SERVICE CENTER, AT A TOTAL MONTHLY RATE OF \$922.79 FOR THE FIRST THREE YEARS AND A TOTAL MONTHLY RATE OF \$958.37 FOR THE FOURTH AND FIFTH YEARS OF THE LEASE FOR A TERM BEGINNING MAY 1, 2002, AND ENDING APRIL 30, 2007; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 95632

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LEASE AGREEMENT WITH WEINGARTEN REALTY INVESTORS TO INCLUDE THE PERMITTED USE OF A FOREIGN TRAVEL IMMUNIZATION SERVICE WITHIN THE LEASED PREMISES (3,286 SQUARE FEET) AT THE VALLEY VIEW COMMUNITY LINK SERVICE CENTER.

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AN ORDINANCE 95633

AUTHORIZING THE EXECUTION OF A FIVE (5) YEAR LICENSE AGREEMENT WITH THE TOWN AND COUNTRY OPTIMIST LITTLE LEAGUE FOR THE USE OF APPROXIMATELY 9.160 ACRES IN OLMOS BASIN PARK IN CITY COUNCIL

DISTRICT 9 FOR RECREATIONAL PURPOSES IN CONSIDERATION FOR THEIR MAINTENANCE OF SAID AREA.

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AN ORDINANCE 95634

ACCEPTING A DONATION OF ONE NARCOTICS DETECTION DOG FROM EDWARD EDMONSON FOR THE SAN ANTONIO POLICE DEPARTMENT K-9 UNIT.

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AN ORDINANCE 95635

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$1,349,832.00 TO THE TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY TO AUGMENT THE SAN ANTONIO POLICE DEPARTMENT'S EFFORTS IN REDUCING AUTO THEFT.

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AN ORDINANCE 95636

REAPPOINTING MARGARETA VASQUEZ TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN (DISTRICT 9) FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2003.

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AN ORDINANCE 95637

APPOINTING NEAL CHASE TO THE CABLE TELEVISION ADVISORY COMMITTEE (DISTRICT 9) FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2003.

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AN ORDINANCE 95638

REAPPOINTING DR. SHERRI YOUNGBLOOD TO THE ANIMAL CARE SERVICES ADVISORY BOARD (DISTRICT 10) FOR A TERM OF OFFICE TO EXPIRE ON APRIL 3, 2004.

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2002-16 AN UNDATE TO THE CITY COUNCIL BY CENTRO ALAMEDA, INCORPORATED, TENANT AT THE CITY-OWNED CENTRO DE ARTES BUILDING IN MARKET SQUARE:

Ms. Rebecca Waldman, Director of Asset Management, gave an update on the fundraising status on the Museo Americano and on the Market Square Master Plan, a copy of which is on file with the papers of this meeting.

Mr. Henry R. Munoz, III, Founding Chairman of the CAI, spoke to sustaining their fundraising campaign, and the status of the project.

Ms. Waldman narrated the Market Square Master Plan and its components related to Refuse Collection and Urban Design. Ms. Waldman noted that the plan was presented to the Market Square Commission on April 15, 2002, and will be presented to the small and Neighborhood Business Council Committee on May 13, 2002, with a final presentation to the City Council on May 23, 2002.

Mayor Garza spoke to the need to make this plan a reality and will wait on future updates.

Councilman Perez spoke to the importance of the historical preservation of the plan.

In response to Mr. Perez question, regarding the start date of construction and future funding, Mr. Munoz stated that construction will not begin until 75% of the total construction cost is reached as originally agreed upon. He assured the Council that updates will be presented to Council on a timely basis.

Mr. Perez further requested staff to continue monitoring the project.

Councilman Garcia commended the Centro Alameda, Inc., for their work on this plan, and noted that he looks forward to seeing the plan completed and to future updates.

Ms. Waldman clarified that staff will be bringing back the master plan since the fund raising effort has exceeded the 75% so only the Master Plan will be discussed at the next presentation.

Councilman Barrera spoke to the anticipation of another downtown venue for the citizens of San Antonio, and how he looks forward to the construction moving forward.

Councilwoman Moorhouse thanked City staff and Centro Alameda Inc. for their continued efforts on this project, not just for the downtown area, but for the West Side as well. She requested a copy of a letter pertaining to the funding of the project.

The following citizen(s) appeared to speak:

Ms. Jill Souter, President of the Consevation Society, recommended that before the City approves the destruction of historical buildings, citizens should be given the opportunity to bring forward their comments. She discussed the historical events of this project, and recommended the City should halt construction until the required funding is raised.

Ms. Deborah Sibley spoke to her concerns regarding historical buildings and landmarks in Market Square. Ms. Sibley produced slides displaying the historical essence of downtown San Antonio, and requested Council reconsider their votes on this project. Ms. Sibley spoke to her concerns about the funding for this project.

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2002-16 The Clerk read the following Ordinance:

AN ORDINANCE 95639

AUTHORIZING CITY MANAGER OR HER DESIGNATED REPRESENTATIVE TO NEGOTIATE WITH LINEBARGER GOGGAN BLAIR PENA & SAMPSON, LLP, IN ASSOCIATION WITH ESCAMILLA & PONECK, INC., A TWO (2) YEAR PROFESSIONAL SERVICES CONTRACT, WITH TWO (2) ONE-YEAR RENEWAL OPTIONS, FOR THE COLLECTION OF SAN ANTONIO DELINQUENT ADJUDICATED CLASS C MISDEMEANOR FINES; AND AUTHORIZING MUNICIPAL COURT TO ASSESS A THIRTY (30) PERCENT DELINQUENT FEE ON ALL CASES REFERRED TO THE PRIVATE AGENCY BY FOR COLLECTION.

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Mr. Carpenter made a motion to approve the proposed Ordinance. Ms. Moorhouse seconded the motion.

Mr. Quentin Porter, Director of Municipal Court, spoke on the background of the negotiations for the contract to collect the San Antonio Delinquent adjudicated Class C misdemeanor fines; and authorizing Municipal Court to assess a 30% delinquent fee on all cases referred to the private agency for collection, a copy of which is on file with the papers of this meeting. Mr. Porter spoke to the work of the Evaluation Committee who recommended Municipal Services Bureau (MSB). He provided a summary and breakdown of the Evaluation Committee's ratings as to how MSB was selected. He presented key points of performance guarantees by the two firms with the highest number of rating points. Mr. Porter narrated the recommendations made by staff on revising the criteria to collect delinquent fees. He outlined the two highest rating firms who resubmitted proposals that being from MSB and Linebarger companies, and provided an analysis of the proposals. He noted the reasons for staff recommendations that the contract be awarded to MSB.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to his recommendation on which company should be awarded this contract.

Mr. Thomas Giamboi, Municipal Services Bureau, summarized the function of their company. He spoke to performance statistics, and the company's current clients. He included information regarding the company's 19½% collection rates in twelve cities, and providing sound financial logic. Mr. Giamboi provided a video graph indicating their rate in comparison to Linebarger.

Mr. Cliff Douglas, Heard, Linebarger, Graham, Goggan, Blair, Pena and Sampson, LLP, spoke to their proposal to collect municipal court fees. Mr. Douglas gave a history of their company's collection background. He further presented the proposal, which includes office space, jobs to the City of San Antonio citizens, and additionally will hire 50 more employees for a total of 100 jobs, all for whom will also be provided health insurance

Ms. Carrie Wells, Linebarger team manager, addressed the financial background and analysis to indicate that Linebarger should be awarded this contract. A copy of the presentation is on file with the papers of this meeting. She further expounded on her presentation regarding a graph which illustrated actual performance in Texas cities where Linebarger's collection rate of 16.9% over MSB's 9.7%. Ms. Wells gave an economic impact comparison based upon wages, personnel costs, operating expenses, and information technology services.

Mr. Giamboi closed his presentation by addressing the process his company takes to collect fees in the immediate area and stated MSB will meet or exceed their performance track.

Mayor Garza summarized all presentations and stated that he has supported Linebarger in the past, and has given his confidence to the firm and their employees. He noted that the City Council is considering a different contract, and realized there is a gap. He stated that considering what the firms presented to the City Council, the Council would make amendments to this contract, which will require companies to provide a living wage, and he stated he would support that as a precedent.

In response to Mr. Perez' request for historical background on delinquent fines and fees, Mr. Porter stated that those cases that are adjudicated generate between \$31-\$45 million. He further added that the Municipal Courts generate \$21 million in fees. When asked by Councilman Perez as to what is the basis for each entity's minimum guarantees, Mr. Porter responded that their guarantees are based on their best judgment of what is realistic and what was not. Mr. Porter also spoke to the fees to be collected by percentage.

Councilman Perez stated his role is to investigate the proposals and staff recommendations and will base his decision on global conditions. Mr. Perez will consider any failures, or not meeting minimums, and would hit their line of credit as a penalty. He stated he would be supporting Linebarger and will make a motion, and make an amendment, mandating a minimum wage of \$8.50 an hour for their employees. Councilman Perez added that the amendment includes that the 50 new jobs discussed pay \$8.50 an hour salary and that the last part of the amendment require that the money generated stay in San Antonio. He made a motion to approve the proposed Ordinance with his preceding substitutions. Mr. Garcia seconded the motion, and commended the law firm of Linebarger. He added that after considering what staff submitted regarding MSB collections, they are all estimates. He urged other members to support Mr. Perez' motion for Linebarger.

Councilman Castro commended both firms for their excellent work, and voiced his concern regarding the way the process is set up since time is limited before the vote is concluded. In the future, he recommends setting up a time line, in addition to staff presentation, which would allow more time available to do what is best for San Antonio.

In response to Mr. Castro's question on the firms meeting their guarantee, Mr. Porter responded that he is familiar with both firms, and knows they do very good work. He added that both companies have valid performance guarantees.

With respect to in the difference in revenue, Mr. Porter added the bottom line difference in performance guarantees is: MSB's net collection = \$1.8 million, Linebarger's = \$1.2 million.

In response to Mr. Castro's remark as to whether MSB was willing to meet the same guarantee of 50 extra jobs at a living wage, Mr. Giambio agreed.

In response to Mr. Castro, about their contract with the City of Dallas, Mr. Giambio responded that their contract was a 3-year contract that expired in the spring, and they were simply underbid on an extension contract.

Councilman Castro also discussed two issues during this debate, one being the lack of minority representation in the contract, and he noted that there is concern about the extra jobs the City would benefit from with Linebarger. Municipal Services Bureau understands that a contract will not be awarded unless this is met. Councilman Castro stated that the contract process included points that were awarded based on minority representation. He suggested that for the long term, the City should work with that overall evaluation process to address all contracts equally. He agrees with the Mayor that those who are agreeing to consider future contracts, are agreeing to a living wage.

Mr. Castro made a substitute motion to go with Municipal Services Bureau, but to place conditions on that contract. Mr. Barrera seconded the motion.

Councilman Schubert discussed the issue of contract process and evaluation, and noted that if the City is going to mandate a living wage on every other contractor, they will have to be very clear with the taxpayers, that there may have to be an increase in service fees. While he supported Councilman Perez, he stated he is not going to agree to do this on every City contract. In the final analysis Mr. Schubert stated the City Council has to make a decision as to who is going to do the best job, and based on fact, Linebarger has been in existence for over 20 years and believes they will continue to do that and hopefully, will exceed their guarantee.

Mayor Garza concluded the discussion and stated another contract is up for consideration, and after reviewing the points discussed and analysis of City staff, it comes back to both companies submitting proposals to include the \$8.50 an hour living wage issue.

In response to the Mayor Garza as to whether Linebarger was currently paying their employees \$8.50 an hour, Ms. Wells responded affirmatively. Mayor Garza continued that the City has adopted that policy regarding the \$8.50 living wage. He clarified there were two substitute motions, and that Council would vote on the second substitute motion for Municipal Services Bureau.

The substitute motion failed for Councilman Castro's recommendation of Municipal Services Bureau, prevailed by the following vote: **AYES:** Barrera, Castro, Garza. **NAYS:** Perez, Sanders, Moorhouse, Martin, Garcia, Schubert, Carpenter. **ABSENT:** Conner.

The first substitute motion, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Schubert, Carpenter. **NAYS:** Barrera, Castro, Garza. **ABSENT:** Conner.

After consideration, the main motion, as substituted, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Schubert, Carpenter. **NAYS:** Barrera, Castro, Garza. **ABSENT:** Conner.

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2002-16 The Clerk read the following Ordinance:

AN ORDINANCE 95640

ACCEPTING THE LOW, QUALIFIED BID OF ASC PAVING IN THE AMOUNT OF \$678,854.75 IN CONNECTION WITH THE 2000/2001 SPEED HUMP INSTALLATION PROJECT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$964.94 FOR ADVERTISING EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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Mr. Carpenter made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

Mr. Tom Wendorf, Director of Public Works, presented background on the Speed Hump Program approved by City Council in July, 1996, a copy of which is on file with the papers of this meeting. He narrated the difference between prefabricated vs. asphalt speed humps, as well as a Request Procedure used to determine possible locations to get speed humps.

In response to Councilman Garcia's questions as to the difference in cost between the new modular as opposed to the asphalt-type speed humps, Mr. Wendorf responded the cost is \$660,030 for the prefabricated humps, a difference of \$2,100 difference per hump on average to get speed humps installed.

In response to Mr. Sanders, who asked if the modular speed humps are removable, or could they be relocated if necessary, Mr. Wendorf responded that the ability does exist to relocate the modular humps if necessary.

(At this point, Mayor Garza was obliged to leave the meeting. Councilman Carpenter presided.)

In response to Mr. Schubert's request to clarify the requirement of obtaining approval from adjacent property owners at hump locations, Mr. Wendorf stated that the City has to obtain a two-thirds approval from the neighborhood.

When asked by Councilman Martin if these speed humps could be included in a field alteration on Capital projects, Mr. Wendorf responded affirmatively.

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

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2002-16 The Clerk read the following Ordinance:

AN ORDINANCE 95641

AMENDING CHAPTER SIX OF THE CITY CODE TO REQUIRE SPECIFIC DESIGN FEATURES TO CREATE BARRIER-FREE CONSTRUCTION IN NEW SINGLE FAMILY HOMES, DUPLEXES AND TRIPLEXES BUILT WITH FINANCIAL ASSISTANCE FROM THE CITY.

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Mr. Garcia made a motion to approve the proposed Ordinance. Mr. Sanders seconded the motion.

Mr. Michael Clack, Assistant Director of Development Services, spoke to the existing Policy in Universal Design (UD) which will provide independent and livable environments for everyone. Mr. Clack narrated a slide presentation on the minimum design and construction requirements, and the process used to identified a UD construction site, a copy of which is on file with the papers of this meeting. He added the UD will apply only to new construction of single family homes, duplexes and triplexes.

(Mayor Garza returned to the meeting and presided.)

Councilman Perez stated this item addresses the issue of housing accessibility and those projects that conform to established policies on housing. He personally thanked staff for their time, and the Neighborhood Task Committee for their input on this project.

In response to Councilman Garcia's question as to whether this UD applies to every single home where City or State funds are used, Mr. Clack stated that if there is public assistance or City funds in the development of that project, they would have to abide by the UD ordinance. He added that waivers and modifications, depending on individual cases, are possible.

Councilman Garcia began discussion by stating that every single home should not have to be designated under the UD ordinance. Secondly, he asked if every new homebuyer would be mandated to buy a UD home, and will wait to see if the law requires that every home be a UD home.

Mayor Garza clarified this was not an American Disability Act (ADA) compliance issue.

In response to Mr. Garcia's question as to what percentage of persons would require ADA compliance, Mr. Clack stated 18% have some sort of disability, and the benefits of UD for those who have temporary disability, these features would be highly desirable. Mr. Garcia responded that he cannot see why we would have to go to 100%, if only 18% are temporarily disabled. He stated he could not support this ordinance and asked his colleagues for an amendment.

Councilman Sanders thanked Garcia for his concerns and offered an amendment. His amendment to send TIF issue back to Housing & Neighborhood Committee for review and come back to Council for recommendations as an addition to this motion. Mr. Castro seconded the motion.

In response to Mr. Garcia's question as to what effect does that amendment have on this ordinance, Mr. Andrew Cameron, Director of Housing and Community Development, stated that it was included under a TIF as an impact, and was added for clarification to be in ADA compliance as a minimum standard.

In response to Councilman Garcia's questions on ADA requirements, Emily Thuss stated the department's motive in asking for UD standards to make homes livable through people's life times. Ms. Thuss added that the UD policy is not just for people with disabilities. She clarified the policy by putting it in more identifiable context such as the City has UD access; VIA has accessible busses with accessible bus stops and City Council meetings are conducted with subtitled presentations, UD is not a new idea. UD

is to make whole environments livable, and under state law, she added, it provides that any single-family home receiving benefit of housing and community affairs have these same standards.

In response to Councilman Garcia's question regarding why is this Ordinance needed, Ms. Truss stated that it governs only houses built with state funds.

Councilman Garcia led a discussion on issues regarding the proposed 100% mandate over a more feasible smaller percentage. Ms. Truss stated that during her interviews with homeowners of UD homes, she had received highly positive comments on the improvements.

There was discussion between Councilmen Schubert and Sanders with regard to Mr. Sanders' intention to include TIF and TRZ.

Councilman Sanders seconded Mr. Garcia's motion to 25% mandate rather than 100%, to which Mr. Cameron responded would be difficult to accomplish, and recommended going with 100% UD mandate to accommodate senior citizens.

Discussion continued regarding imposing younger homebuyers to buy UD homes, as opposed to senior citizens being well served by the UD design.

The issue of costs to the interior and exterior of homes was discussed further, and Councilman Garcia stated he may consider another amendment to the ordinance.

Councilman Castro recommends staff continue to work on this project. He stated that for the purpose of benefiting the senior and disabled community, the City should embrace UD requirements. He discussed affordable housing and how people's investment in their homes, tends to change with regard to their needs. He stated these kinds of UD features will give more value to those homes and by supporting UD in this effort it should also apply to TIFs as a standard.

The Mayor spoke to two substitute amendments; Councilman Garcia's 25% mandate, and Councilman Sanders' amendment, to which Mr. Sanders remarked should include TIFs and TRZs.

In response to Councilman Sanders question if new construction will be included in the TIFs, Mr. Cameron stated that the UD designation is for projects to be built two weeks after this ordinance is approved. Mr. Cameron added that the inclusion is a result of a six-signature memo that was approved.

Mayor Garza stated he will not support the 25% minimum but that the policy be reviewed as it relates to current TIFs versus future TIFs. He requested that Councilman Sanders amend his motion by referring the TIF component back to the Housing Committee for discussion. Mayor Garza directed staff to return to the City Council with their recommendation as it relates to TIFs and TRZ.

Mr. Garcia's motion to mandate 25% for the percentages of homes to be designed with UD. Mr. Sanders seconded the motion.

The motion to amend this motion failed, by the following roll call: **AYES:** Sanders, Garcia. **NAYS:** Perez, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter, Garza. **ABSENT:** Conner.

The second vote addressed the amendment by Councilman Sanders regarding TIFs and TRZ and for staff to return to City Council with their recommendations.

The second amendment as presented by Councilman Sanders, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** Garcia. **ABSENT:** Conner.

After consideration, the main motion, as amended, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** Garcia. **ABSENT:** Conner.

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2002-16 TRAVEL AUTHORIZATION - Granted:

Travel Authorization for Mayor Edward D. Garza who will travel to Boston, Massachusetts, to attend the Urban Libraries Council's "Partners for Success: Urban Children, Youth and Families" Conference from Friday, April 19, 2002 to Tuesday, April 23, 2002.

Mr. Perez made a motion to approve the proposed Travel Authorization. Mr. Garcia 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, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

Mr. Perez made a motion to approve the proposed Travel Authorization. Mr. Garcia 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, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

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2002-16 The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-16-18

EXPRESSING CITY COUNCIL SUPPORT FOR THE CITIES FOR CLIMATE PROTECTION CAMPAIGN, THROUGH THE NEWLY-CREATED METROPOLITAN PARTNERSHIP FOR ENERGY, TASKED WITH DEVELOPING A LOCAL ACTION PLAN TO INCREASE ENERGY EFFICIENCY AND REDUCE BOTH GREENHOUSE GASES AND AIR POLLUTION EMISSIONS FROM MUNICIPAL OPERATIONS; AS REQUESTED BY MAYOR EDWARD D. GARZA.

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Mr. Carpenter made a motion to approve the proposed Resolution. Mr. Garcia seconded the motion.

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

— — —
2002-16 The Clerk read the following Ordinance:

AN ORDINANCE 95642

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE HISPANIC LAW ASSOCIATION SCHOLARSHIP FUND, TO BE USED TO ASSIST ST. MARY'S

LAW STUDENTS WHO HAVE DEMONSTRATED THE NEED AS WELL AS A COMMITMENT TO SERVING HIS OR HER COMMUNITY; AS REQUESTED BY COUNCILMAN BOBBY PEREZ.

* * * *

Mr. Carpenter made a motion to approve the proposed Ordinance. Mr. Garcia 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, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

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2002-16

CITIZENS TO BE HEARD

MR. LARRY DEMARTINO

Mr. Larry DeMartino spoke to people in his River Road neighborhood having been ill as a result of sewer water contaminating their drinking water. He thanked Councilman Perez for having attended the SAWS meeting last evening. Mr. DeMartino expressed his concerns about contaminated water in his neighborhood.

Councilman Perez stated that a contractor, KGME, installed a non-potable water line to a regular water line. He gave a background on the error and time line. Councilman Perez has asked SAWS to attend a hearing two weeks from today at Lions Field.

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MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke to Council procedure regarding Citizens to be Heard. He also discussed other issues.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to an article in the newspaper related to the SAWS water issue.

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2002-16 EXECUTIVE SESSION

The City Council recessed its regular session at 5:17 P.M. in order to convene in Executive Session for the purpose of:

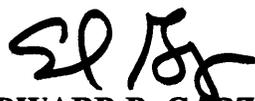
- A.) Attorney-client consultation regarding collective bargaining negotiations with the International Association of Firefighters, Local 624.
- B.) Personnel Matter regarding required annual written performance evaluation of City Manager Terry M. Brechtel.

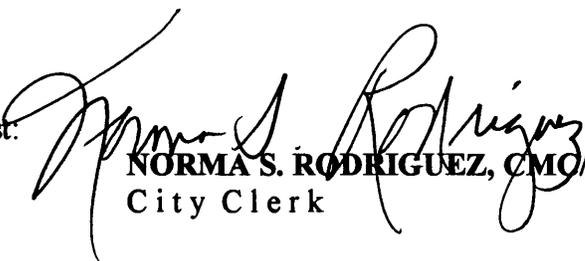
The City Council adjourned the Executive Session at 5:59 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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2002-16 There being no further business to come before City Council, the meeting was adjourned at 6:00 P.M.

A P P R O V E D


EDWARD D. GARZA
M A Y O R

Attest: 
NORMA S. RODRIGUEZ, CMC/AAE
City Clerk