

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, JANUARY 18, 2001.

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2001-03 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) City Public Service and City Staff briefing regarding the impact of rising natural gas prices, the resulting added revenue to the City and the implications of an action to provide utility rate relief to CPS ratepayers. (Presented by Jaime Rochelle, CEO, City Public Service; Terry M. Brechtel, Interim Finance Director.)**

The Council members present were: AYES: Perez, Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. NAYS: None. ABSENT: None.

The "B" Session adjourned at 11:55 A.M.

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2001-03 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Howard W. Peak, with the following members present: AYES: Perez, Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. NAYS: None. ABSENT: None.

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2001-03 Invocation – Reverend Tom Robison, St. John's Lutheran Church.

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2001-03 Pledge of Allegiance to the flag of the United States.

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2001-03 Approval of the minutes of the Regular City Council Meeting of October 19, 2000.

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2001-03 **RODEO PRESENTATON:**

Mayor Peak spoke to the upcoming Rodeo events and of the Annual Cowboy Breakfast and how it has grown over the past 22 years. He then introduced members of the Cowboy Breakfast Foundation who were in the audience to receive a Proclamation from the Mayor.

After reading the Proclamation, Mayor Peak introduced Mr. Joel Klein, Chair of the Proclamations Commission, who discussed details about the 22nd Annual Cowboy Breakfast.

Mayor Peak and members of the City Council thanked the Cowboy Breakfast Foundation for continuing the tradition and stated they look forward to this exciting and fun event.

Mr. Carpenter then made a motion to consider Agenda Item 38 at this time. Mr. Bannwolf seconded the motion.

Mr. Carpenter moved to approve the Ordinance, with the provisional that \$200 from his contingency budget, and \$100 from the contingency budgets of Districts 1 through 9, as well as \$100 from the Mayor's contingency fund be included.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 93239

AUTHORIZING THE EXPENDITURE FROM VARIOUS COUNCIL CONTINGENCY BUDGET ACCOUTNS TO HELP DEFRA Y THE COSTS OF TWO STAGES AT \$550.00 EACH, FOR THE 2001 COWBOY BREAKFAST SCHEDULED FOR JANUARY 26, 2001; AS REQUESTED BY MAYOR HOWARD W. PEAK.

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2001-03 **DEMISE OF JUDGE CARLOS CADENA**

On a point of personal privilege, Mr. Prado asked for a moment of silence for Judge Carlos Cadena who was a former City Attorney, and Judge of the 4th Court of Appeals, who recently passed away.

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2001-03 **CONSENT AGENDA-CITIZEN COMMENTS**

Mr. Faris Hodge, Jr., 140 Dora, spoke to Agenda Items 24, 25, 26 and 29 and informed the City Council of his approval and disapproval of each. He spoke to various items on the agenda including Agenda Items 18 and 23.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to Agenda Items 6, 7, 9 and 28.

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2001-03 On a point of personal thought, Councilman Perez congratulated Melissa Pacheco, staff member in the City Clerk's Office and Thomas Aguillon, Chief of Staff for District 1, on their recent engagement. Mayor Peak and members of the City Council extended their best wishes to the couple as well.

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2001-03 **CONSENT AGENDA**

Mr. Perez made a motion to approve Agenda Items 6 through 30(d), constituting the Consent Agenda, with items 16 and 20 being pulled for abstentions and item 29 being pulled for individual consideration. Mr. Salas seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Garcia, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

AN ORDINANCE 93240

ACCEPTING THE LOW, QUALIFIED BID BY APPLIED CONCEPTS, INC. TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH RADAR UNITS FOR THE POLICE PATROL VEHICLES ON AN ANNUAL CONTRACT BASIS FOR A TOTAL ESTIMATED COST OF \$30,975.00.

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AN ORDINANCE 93241

ACCEPTING THE BID FROM MICROSOFT CORPORATION TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT WITH A MICROSOFT PREMIER SUPPORT SERVICES AGREEMENT FOR A TOTAL ESTIMATED COST OF \$49,000.00.

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AN ORDINANCE 93242

RATIFYING WORK PERFORMED AND APPROVING FIELD ALTERATION NO. 74 IN THE AMOUNT OF \$298,768.00 PAYABLE TO CLARK/JT CONSTRUCTION, A JOINT VENTURE, ASSOCIATED WITH THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 93243

SELECTING TERRA DESIGN GROUP TO PROVIDE ARCHITECTURAL SERVICES IN CONNECTION WITH THE MEDINA BASE ROAD PARK IMPROVEMENT 1999 PARKS GENERAL OBLIGATION BOND ISSUE PROJECT IN CITY COUNCIL DISTRICT 4; AUTHORIZING THE NEGOTIATION OF A CONTRACT UP TO \$34,000.00 FOR ARCHITECTURAL SERVICES; TRANSFERRING FUNDS AND ESTABLISHING THE PROJECT'S BUDGET; ESTABLISHING A \$8,500.00 ARCHITECTURAL CONTINGENCY; PROVIDING \$1,500.00 FOR BID ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 93244

SELECTING GREG GOMEZ INCORPORATED D/B/A G.G.I. ENGINEERS (MBE), TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE OCTAVIA DRAINAGE PHASE 2 PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT IN AN AMOUNT NOT TO EXCEED \$537,874.19; AUTHORIZING \$53,787.40 FOR MISCELLANEOUS ENGINEERING CONTINGENCY; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 93245

AUTHORIZING PAYMENT IN THE AMOUNT OF \$85,075.95 TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) IN CONNECTION WITH THE METROPOLITAN PLANNING ORGANIZATION (MPO) PROJECT ADA SIDEWALK IMPROVEMENTS, LOCATED IN COUNCIL DISTRICTS 1, 2, AND 3; AUTHORIZING \$8,507.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 93246

SELECTING ROSIN GROUP, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE MPO 2003 SIDEWALKS PROJECT, LOCATED IN COUNCIL DISTRICTS 3 AND 9; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT IN AN AMOUNT NOT TO EXCEED \$182,334.00; AUTHORIZING \$18,233.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 93247

APPROVING A TEN-YEAR LICENSE AGREEMENT WITH JACK HOWARD PETERSON TO ENCROACH ON PUBLIC SIDEWALK RIGHT OF WAY FOR THE

INSTALLATION OF A TRASH ELEVATOR AT 235 EAST COMMERCE STREET FOR A LICENSE FEE OF \$5,000 FOR THE ENTIRE TERM, IN CONNECTION WITH THE CROCKETT STREET DEVELOPMENT PROJECT.

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AN ORDINANCE 93248

AUTHORIZING FIVE (5) YEAR LICENSE AGREEMENTS WITH RHEJAY, INC. D/B/A CATARINA, GIFTS FROM THE SEA, SILVERSMITH, INC., AND MEGUSTA FINE CIGAR COMPANY D/B/A THE SPIRIT OF SAN ANTONIO FOR THEIR INDIVIDUAL LEASE OF APPROXIMATELY 340 SQUARE FEET EACH OF RIVER WALK RENTAL SALES SPACE BENEATH THE COMMERCE STREET BRIDGE AT THE APPROACH TO RIVERCENTER MALL IN CITY COUNCIL DISTRICT 1 FOR ANNUAL RENT OF \$18,156.00 IN YEAR ONE (1), \$18,523.20 IN YEAR TWO (2), \$18,890.40 IN YEAR THREE (3), \$19,257.60 IN YEAR FOUR (4), AND \$19,624.30 IN YEAR FIVE (5) EACH AND A PERCENT OF EACH OF THEIR GROSS RECEIPTS.

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AN ORDINANCE 93249

AUTHORIZING PAYMENT OF THE AMOUNT OF \$448,500.00 TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2000-ED-0014, CITY OF SAN ANTONIO VS. DOUGLAS M. JONES D/B/A KELLY SALVAGE COMPANY, ET AL., FOR FEE SIMPLE TITLE TO A 4.709 ACRE TRACT OF LAND OUT OF THE MARIA F. RODRIGUEZ O.S. 4, ABSTRACT 16, COUNTY BLOCK 4303 AND LOT 27, KELLY SALVAGE SUBDIVISION, NEW CITY BLOCK 15970, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, IN CONNECTION WITH THE PEARSALL ROAD LANDFILL PARK REDEVELOPMENT PROJECT; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 93250

AMENDING ORDINANCE NO. 93058, PASSED AND APPROVED ON DECEMBER 14, 2000 AUTHORIZING THE EXPENDITURE OF \$9,900.00 FOR TITLE TO ONE

(1) PARCEL AND ONE (1) TEMPORARY EASEMENT AND \$100.00 FOR A RIGHT OF ENTRY AGREEMENT FOR A TOTAL SUM OF \$10,000.00 PAYABLE TO MEL AND DOROTHY HARPER IN CONNECTION WITH THE GLIDER AND LANDING - GUNSMOKE TO LOOP 410 COMMUNITY DEVELOPMNET BLOCK GRANT (CDBG) PROJECT, BY AUTHORIZING THE EXPENDITURE OF \$9,900.00 FOR TITLE TO ONE (1) PARCEL AND ONE (1) TEMPORARY EASEMENT PAYABLE TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2000-ED-0031, CITY OF SAN ANTONIO VS. MEL AND DOROTHY HARPER, ET AL., AND THE AMOUNT OF \$100.00 PAYABLE TO MEL AND DOROTHY HARPER FOR A RIGHT OF ENTRY AGREEMENT IN CONNECTION WITH THE GLIDER AND LANDING - GUNSMOKE TO LOOP 410 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING THE EXECUTION OF ALL RELATED DOCUMENTS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 93251

AUTHORIZING PAYMENT OF THE AMOUNT OF \$2,875.96 TO TICOR TITLE AGENCY OF SAN ANTONIO FOR TITLE CHARGES IN CONNECTION WITH THE MARTINEZ CREEK FLOOD AREA PROJECT; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 93252

AUTHORIZING PAYMENT IN THE AMOUNT OF \$7,898.20 TO DAVIDSON & TROILO, P.C. FOR LEGAL SERVICES IN CONNECTION WITH THE BABCOCK ROAD - DE ZAVALA ROAD TO HAUSMAN ROAD PROJECT (\$2,131.32), BASSE ROAD AT SAN PEDRO PROJECT (\$300.00), HOUSTON STREET - BOWIE TO PINE PROJECT (\$347.45), ALAMO STREET - DURANGO TO CEDAR PROJECT (\$198.05), FIRE STATION NO. 7 PROJECT (\$30.00), HIGGINS ROAD - NACOGDOCHES TO STAHL ROAD PROJECT (\$1,230.00), SOUTHCROSS - NEW BRAUNFELS TO S. PRESA PROJECT (\$816.78) AND THE LOCKHILL SELMA - GEORGE ROAD TO WHISPERING PATH PROJECT (\$2,844.60); APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 93253

AMENDING THE INTERNATIONAL CENTER USAGE POLICIES AND CATERING FEES AS ORIGINALLY APPROVED BY ORDINANCE NUMBER 88870, PASSED AND APPROVED ON NOVEMBER 19, 1998, TO REFLECT A MODIFICATION OF CATERING FEES FROM 15% OF TOTAL FOOD/SERVICES AND 25% OF TOTAL ALCOHOL INVOICED TO 10% OF TOTAL FOOD/SERVICES/ALCOHOL INVOICED TO THE FACILITY USER FOR INTERNATIONAL CENTER RESTAURANT TENANTS IN CONSIDERATION FOR THEIR PAYMENT OF BUILDING COMMON AREA MAINTENANCE (CAM) CHARGES WHICH ARE NOT CHARGED TO OTHER INTERNATIONAL CONFERENCE CENTER CATERERS. (AMENDS ORDINANCE NO. 88870, NOVEMBER 19, 1998.)

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AN ORDINANCE 93254

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PARENT/CHILD INCORPORATED ALLOWING THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE PHYSICAL AND DENTAL EXAMINATIONS REIMBURSABLE ON A FEE-FOR-SERVICE BASIS FOR THE PERIOD FEBRUARY 1, 2001 TO JANUARY 31, 2002; ESTABLISHING A FUND; ADOPTING A BUDGET; APPROVING A PERSONNEL COMPLEMENT; AND AUTHORIZING CONTRACTUAL SERVICES.

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AN ORDINANCE 93255

AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL \$36,302.00 IN CASH FROM ABT ASSOCIATES, INC. TO EXTEND FUNDING OF THE UNITED STATES DEPARTMENT OF JUSTICE ARRESTEE DRUG ABUSE MONITORING PROGRAM CONDUCTED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT THROUGH DECEMBER 31, 2000 AND REVISING THE PROJECT BUDGET FOR THE ARRESTEE DRUG ABUSE MONITORING PROGRAM ESTABLISHED IN ORDINANCE 91147, PASSED AND APPROVED JANUARY 20, 2000.

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AN ORDINANCE 93256

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO PAY THE SETTLEMENT IN CAUSE NO. 98-CI-13907, IN THE 45TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS STYLED MANUEL F. ROBLES, GLORIZ C. ROBLES, GLORIA C. ROBLES, INDIVIDUALLY AND AS NEXT FRIEND OF SAMANTHA ROBLES AND JACOB ROBLES, VS. CITY OF SAN ANTONIO, ET AL, IN THE AMOUNT OF \$400,000.00.

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AN ORDINANCE 93257

AUTHORIZING THE: 1) SETTLEMENT OF THE CONDEMNATION CASE STYLED *CITY OF SAN ANTONIO, TEXAS VS. LANDRY'S SEAFOOD INN & OYSTER BAR*, CAUSE NO. 2000-ED-0013 FOR PAYMENT BY THE CITY OF \$750,000.00; AND 2) EXECUTION OF ALL DOCUMENTS NECESSARY TO CARRY OUT THE INTENT OF SAID AGREEMENT.

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AN ORDINANCE 93258

AUTHORIZING AN AMENDMENT TO THE BEXAR METRO 911 DISTRICT FY 2001 CAPITAL EXPENSE BUDGET BY REALLOCATING \$500,000.00 FROM PUBLIC SAFETY ANSWERING POINT (PSAP) MODERNIZATION TO THE HEADQUARTERS BUILDING PROJECT TO OFFSET THE INCREASE COST OF CONSTRUCTION.

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AN ORDINANCE 93259

AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION AND THE CITY OF SAN ANTONIO IN AN AMOUNT NOT TO EXCEED \$66,805.00, TO MANAGE, INSPECT AND CERTIFY THE INSTALLATION OF A PRECISION APPROACH PATH INDICATOR (PAPI) AND RUNWAY END IDENTIFIER LIGHTS (REIL) AT SAN ANTONIO

INTERNATIONAL AIRPORT; AUTHORIZING THE PURCHASE OF THE PAPI IN THE AMOUNT OF \$119,196.63 FROM NEW BEDFORD PANORAMEX AND THE REIL IN THE AMOUNT OF \$91,585.00 FROM DME CORPORATION PURSUANT TO ORDINANCE 92754 AND 92755 RESPECTIVELY; AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH JOSHUA ENGINEERING GROUP INC., APPROVED BY ORDINANCE NO. 87975 ON JUNE 25, 1998 IN AN AMOUNT NOT TO EXCEED \$14,983.00; AUTHORIZING \$5,000.00 FOR ADMINISTRATIVE EXPENSES; ESTABLISHING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 93260

AMENDING ORDINANCE NO. 92445 PASSED AND APPROVED ON AUGUST 24, 2000 TO REFLECT THE ACTUAL AWARD OF \$32,951,338 FROM THE ALAMO WORKFORCE DEVELOPMENT, INC. FOR THE CONTINUED OPERATION OF THE CHILD CARE MANAGEMENT SERVICES (CCMS) PROGRAM; AND AUTHORIZING THE ACCEPTANCE OF \$157,394 FOR THE ESTABLISHMENT OF THE CITY CERTIFICATION PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENTS WITH AWD, INC., ADOPTING A REVISED BUDGET AND AMENDING THE PERSONNEL COMPLEMENT. (AMENDS ORDINANCE NO. 92445, AUGUST 24, 2000.)

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AN ORDINANCE 93261

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE DEPARTMENT OF DEFENSE (DOD) FOR THE PROCUREMENT TECHNICAL ASSISTANCE CENTER (PTAC) FOR THE PERIOD BEGINNING JANUARY 1, 2001 THROUGH DECEMBER 31, 2001; ESTABLISHING A FUND; APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

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AN ORDINANCE 93262

RE-APPOINTING DOROTHY COLLINS (DISTRICT 2) AND APPOINTING DR. HELEN VERA (DISTRICT 8) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2002.

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AN ORDINANCE 93263

RE-APPOINTING JO ANN MCCALL (DISTRICT 2) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 15, 2002.

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AN ORDINANCE 93264

RE-APPOINTING JOHN LAFFOON (DISTRICT 10) TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON OCTOBER 31, 2002.

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AN ORDINANCE 93265

APPOINTING PAUL FOX (DISTRICT 10) TO THE KEEP SAN ANTONIO BEAUTIFUL, INC. FOR A TERMS OF OFFICE TO EXPIRE ON DECEMBER 22, 2002.

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2001-03 The Clerk read the following Ordinance:

AN ORDINANCE 93266

AUTHORIZING PAYMENT IN THE AMOUNT OF \$32,876.72 TO BRACEWELL & PATTERSON, L.L.P., FOR LEGAL SERVICES IN CONNECTION WITH THE HI-

LIONS DRAINAGE PROJECT #80, PHASES III AND V (\$3,673.29); HILDEBRAND AVENUE – I.H. 10 TO BREEDEN METROPOLITAN PLANNING ORGANIZATION PROJECT (\$225.27); WURZBACH PARKWAY METROPOLITAN PLANNING ORGANIZATION PROJECT (\$879.61), WURZBACH ROAD AT I.H. 10 AND IRONSDIE INTERSECTIONS METROPOLITAN PLANNING ORGANIZATION PROJECT (\$3,953.10), ESCALON DRAINAGE PROJECT #1008 (\$751.80), W. W. WHITE ROAD – RIGSBY TO LORD ROAD PROJECT (\$8,025.79), FIRE STATION NO. 7 PROJECT (\$1,102.34), LARKSPUR DRIVE DRAINAGE PROJECT (\$181.85), SAN ANTONIO RIVER IMPROVEMENTS PROJECT – HOUSTON TO LEXINGTON (\$11,767.66) AND THE PLEASANTON ROAD – MAYFIELD TO SOUTHCROSS METROPOLITAN PLANNING ORGANIZATION PROJECT (\$2,316.01); APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Carpenter, Peak. **ABSTAIN:** Bannwolf. **NAYS:** None. **ABSENT:** None.

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2001-03 The Clerk read the following Ordinance:

AN ORDINANCE 93267

AUTHORIZING PAYMENT OF THE AMOUNT OF \$47,500.00 TO TICOR TITLE AGENCY OF SAN ANTONIO AS ESCROW AGENT FOR H.E. BUTT GROCERY COMPANY, A TEXAS CORPORATION, FOR FEE SIMPLE TITLE TO ONE PARCEL IN CONNECTION WITH THE WURZBACH ROAD AT I.H. 10 AND IRONSDIE INTERSECTIONS PROJECT; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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Mr. Salas made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. **ABSTAIN:** Perez. **NAYS:** None. **ABSENT:** None.

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2001-03 The Clerk read the following Ordinance:

AN ORDINANCE 93268

AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER AGREEMENT EXTENDING THE CLOSING DEADLINE FOR THE EXECUTION OF FINAL LEGAL DOCUMENTS ASSOCIATED WITH THE CONVENTION HEADQUARTERS HOTEL PROJECT TO MARCH 20, 2001 BY AMENDING THE LETTER OF INTENT BETWEEN THE CITY OF SAN ANTONIO, STARWOOD HOTELS AND RESORTS WORLDWIDE, INC., THE RELATED LODGING GROUP, AND THE RELATED COMPANIES, L.P., AS AUTHORIZED BY ORDINANCE 91629, PASSED APPROVED ON APRIL 20, 2000.

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

Mr. Chris Brady, Assistant City Manager, gave an update on the status of this item, which authorizes the City Manager to execute a letter of agreement, which would amend Ordinance No. 91629, dated April 20, 2000. He discussed the fact that legal counsel will continue negotiating this issue and will come back to City Council in February, 2001.

Mr. Perez thanked the staff for keeping up with the timelines on this item.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** None.

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2001-03 The Clerk read the following Ordinance:

AN ORDINANCE 93269

AUTHORIZING PAYMENT OF THE AMOUNT OF \$150,000.00 TO LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR STANLEY SPIGEL FOR FEE SIMPLE TITLE TO A 8.04 ACRE TRACT OF LAND OUT OF THE JOSE ALAMEDA SURVEY NO. 81, ABSTRACT NO. 26, NEW CITY BLOCK 17929, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, IN CONNECTION WITH THE NEW FIRE STATION NO. 49; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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

Mr. Tom Wendorff, Director, Public Works, explained this item, a copy of the power point presentation on French Creek Park Expansion, [aka Mystic Park], and Fire Station #49/Branch Library Site Acquisition in the file with the papers of this meeting. He gave details to the proposed acquisition, acquisition costs, proposed utilization, construction schedule details, including the costs and anticipated budget years for beginning and completion. He then discussed the Library Branch Construction details and concluded by stating that staff recommends approval.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Carpenter, Peak. **NAYS:** None. **ABSENT:** Bannwolf.

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2001-03 The Clerk read the following Ordinance:

AN ORDINANCE 93270

AUTHORIZING PAYMENT OF THE AMOUNT OF \$80,000.00 TO LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR STANLEY SPIGEL FOR FEE SIMPLE TITLE TO A 44.08 ACRE TRACT OF LAND OUT OF THE JOSE ALAMEDA SURVEY NO. 81, ABSTRACT NO. 26, NEW CITY BLOCK 17929, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, IN CONNECTION

WITH THE FRENCH CREEK PARK EXPANSION PROJECT (MYSTIC PARK);
APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Carpenter, Peak. **NAYS:** None. **ABSENT:** Bannwolf.

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2001-03 Item 35 being a proposed ordinance amending Article IV Section 29-106 et. seq. of the City Code by adopting new right of way management regulations to manage construction, excavation and placement of utilities; establishing fees; providing a penalty for violation by fine of not more than \$500 and providing for publication; effective May 1, 2001, was pulled from consideration by the City Manager.

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2001-03 The Clerk read the following Ordinance:

AN ORDINANCE 93271

ACCEPTING THE PROPOSAL BY SOUTHWESTERN BELL WIRELESS INC. TO PROVIDE THE CITY OF SAN ANTONIO WITH A CONTRACT FOR CELLULAR ANALOG/DIGITAL TELEPHONE SERVICE AND EQUIPMENT FOR AN ESTIMATED TOTAL OF APPROXIMATELY \$670,000.00 PER YEAR.

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

Mr. Gary Moeller, Director, Information Systems Department, presented the item, a copy of the power point presentation on the Request for Proposal to Provide Cellular Analog/Digital Service and Equipment, is on file with the papers of this meeting.

Mr. Moeller provided details on the current service provider, listed the departments that were members of the Evaluation Team. He also explained the Request for Production evaluation criteria, period of contract, project chronology, pricing evaluation, evaluation criteria and tabulation and a summary of South Western Bell Wireless, Inc.'s (SWBW) proposal. He also outlined the current costs versus the proposed rates. Mr. Moeller concluded by informing members of the City Council that staff recommends approval.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Carpenter. **NAYS:** None. **ABSENT:** Bannwolf, Peak.

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2001-03 The Clerk read the following Ordinance:

AN ORDINANCE 93272

AUTHORIZING AND ENABLING AMENDMENT TO AN EXISTING PRIVATIZATION CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND TEXAS DISPOSAL SYSTEMS LANDFILL, INC. (TDSL), FOR THE STARCREST TRANSFER STATION, ADJUSTING TERMS FOR LEASE PAYMENTS AND INTEREST; AND APPROVING STAFF NEGOTIATIONS FOR CONVEYANCE OF THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION PERMIT TO TDSL DURING THE LEASE TERM.

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

Mr. Dan Cardenas, Assistant Director, Public Works, presented this item, a copy of the power point presentation on Star Crest Transfer Station Contract Amendments and Permit Conveyance, is on file with the papers of this meeting. He discussed the purpose of the Ordinance regarding Starcrest Transfer Station Contract, detailed the requested council action, scope, proposed contract amendment, current permit position, permit conveyance and again discussed the requested council action. He concluded by stating that staff recommends approval of this Ordinance.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke regarding his feelings on this issue.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Carpenter, Peak. **NAYS:** None. **ABSENT:** Salas, Bannwolf.

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2001-03 The Clerk read the following Ordinance:

AN ORDINANCE 93273

AUTHORIZING REIMBURSEMENT OF \$68,079.15 FROM THE DISTRICT 2 BUDGET ACCOUNT TO COUNCILMAN MARIO M. SALAS FOR ADMINISTRATIVE SERVICES CONTRACTS WITH ELMO AYCOCK (\$13,175.00); CHERYL EMERSON (\$17,925.00); SHELIA MCNEIL (\$18,225.00) AND CARLOS RICHARDSON (\$18,754.15) FROM JANUARY 1, 2001, THROUGH MAY 31, 2001; AS REQUESTED BY COUNCILMAN MARIO M. SALAS.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Carpenter, Peak. **NAYS:** None. **ABSENT:** Salas, Bannwolf.

2001-03 PUBLIC HEARING AND ORDINANCE: CONSIDERING THE APPEAL OF RED MCCOMBS ISUZU (LYMARCO).

Mayor Peak declared the Public Hearing to be open.

Mr. Gene Camargo, Director, Building Inspections, presented this item, a copy of the power point presentation on the Appeal of Sign Regulations, for 7530 IH 10 West, Red McCombs Isuzu, is on file with the papers of this meeting. The presentation outlined the request made by Red McCombs Isuzu and gave specific details to this issue including the Board of Adjustments vote for disapproval of the variance. Mr. Camargo concluded by stating that staff does not recommend approval of the requested variance as presented.

Mr. Camargo then introduced Ms. Gay Gueringer, representing Red McCombs Isuzu who is requesting an appeal of the decision of the Director of Building Inspections regarding the sign permit application for 7530 IH 10 West. She explained that she had submitted an appeal for a variance to the Board of Adjustment requesting a free standing single tenant sign to be erected, and cited that provisions that allow for a variance when necessary. She provided the letter to the City of San Antonio City Clerk, Norma Rodriguez, in which the applicant appealed to the City Council the Board of Adjustment's decision to deny a variance for the height and size of an on-premise sign. A copy of this letter is attached to the papers of this meeting.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, introduced an article for the record, a copy which is on file with the papers of this meeting. He discussed his feeling that the City Code is outdated and his opposition to the new sign.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke regarding his feelings on the proposed sign.

Ms. Marianna Jones, San Antonio Conservation Association, spoke on behalf of the president of the organization in opposition of the proposed sign and entered a letter for the record, a copy of which is on file with the papers of this meeting.

The Clerk explained that there were two options of the proposed Ordinance, one to deny and one to grant the proposed variance.

Ms. Conner spoke to her concern for the interest of all people in her district and explained that Red McCombs has gone through the process and she is willing to work with them on this issue.

Ms. Conner then made a motion to approve the variance, with the provision, to reduce the sign to 85 feet in height with 450 sq. feet of advertising area. Mr. Garcia seconded the motion.

After consideration, the motion, carrying with it the passage of the following Resolution, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Garcia, Barrera, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** None.

A RESOLUTION
NO. 2001-03-03

REGARDING THE APPEAL OF RED MCCOMBS ISUZU (LYMARCO) OF THE DECISION OF THE DIRECTOR OF BUILDING INSPECTIONS TO DENY A VARIANCE FOR THE HEIGHT AND SIZE OF AN ON-PREMISE SIGN LOCATED AT 7530 IH 10 WEST.

* * * *

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council of San Antonio, having heard all arguments regarding the appeal of the decision of the Director of Building Inspections denying the application of Red McCombs Isuzu for a variance to allow a free standing, single tenant sign of 100 feet in overall height with 453 square feet of advertising area to be erected on its property at 7530 I.H. 10 West, hereby finds that, due to the unique circumstances of the area, a variance should be allowed, but not to the extent requested. A variance, therefore, is granted to erect a sign of 85 feet in overall height with 450 square feet of advertising area.

MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr, 140 Dora, spoke to the City Council about various issues including his opinions on the height of signs along the expressways in San Antonio; review of criteria for eligibility for Project WARM; against any type of tax increase for improvements to the Alamodome; need to appoint a new City Representative to the VIA Board since Charles Shannon was appointed Chair; need for more police patrols along Walzem Road; and also spoke against any plans for privatizing the Aviation Department.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke regarding several items including Item 40 on today's agenda, and also expressed concerns over pollution at Kelly Air Force Base.

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MS. THERESA BERLANGA

Ms. Theresa Berlanga, 164 El Monte, spoke to the City Council about damages caused to her home and property as well as damages to other homes in the area due to a construction contract. She gave the details of the damage and her attempts to have it reviewed by City inspectors.

Mayor Peak asked Ms. Berlanga to leave her name, address and phone number with City staff so that she can be sent the proper forms to file a claim and also that City inspectors as well as SAWS personnel can investigate the problems.

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MR. DON WILKINS CASTILLO

Mr. Don Wilkins Castillo, LULAC #4383, spoke to the City Council about his concerns that there are not enough personnel enforcing parking laws; and also urged that the City Council reinstate health cards for restaurant employees.

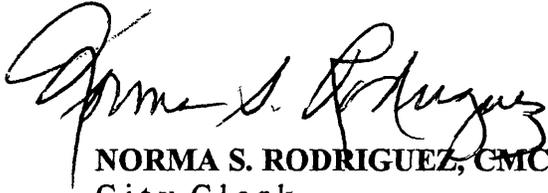
2001-03 There being no further business to come before City Council, the meeting was adjourned at 5:20 P.M.

A P P R O V E D



HOWARD W. PEAK
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AAE
City Clerk