

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MARCH 4, 2004

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2004-09 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):

Quarterly Update on the Enterprise Resource Management Project. (Presented by Troy Elliott, Project Manager ERM; J. Rolando Bono, Deputy City Manager)

The Council members present were: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Schubert, Haass, Garza. ABSENT: Hall.

The "B" Session adjourned at 11:45 A.M.

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2004-09 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Schubert, Haass, Garza. ABSENT: Hall.

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2004-09 Invocation by Isaac Alvarez Cardenas, Prayer Leader for Texan Coahuiltecan.

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2004-09 Pledge of Allegiance to the flag of the United States.

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2004-09 **PROCLAMATION: GREAT AMERICAN CLEAN-OUT**

Mayor Garza presented a proclamation to Mr. Bud Little, President, Keep San Antonio Beautiful Board of Directors, in recognition of the 2004 Great American Clean Up Kick Off.

Mr. Little spoke to the upcoming event, and urged all San Antonians to get involved in maintaining a clean community.

Mr. Dan Cardenas, Director of Environmental services, spoke to the upcoming event, and the work it took to make this project a success. He thanked all those involved in the project.

Members of the Council congratulated the group for their work and efforts, and offered their best wishes for a successful project. They further spoke to the importance of keeping the community clean to promote its beauty.

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2004-09 **PROCLAMATION: MADD BuzzFree PROM AWARENESS MONTHS**

Mayor Garza presented a proclamation to Ms. Lizza Orchard, Founder of the MADD BuzzFree Prom Awareness Program.

Ms. Orchard, spoke to the problem of drinking and driving on prom nights, and cited statistics regarding the deaths of teenage students on prom night.

Members of the Council spoke to the importance of emphasizing the message of not drinking and driving. They congratulated the group for their work and efforts on this important cause.

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2004-09 Minutes for the Regular City Council Meeting of January 8, 2004 were approved as presented.

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2004-09 **CONSENT AGENDA**

Councilman Perez made a motion to approve Agenda Items 6 through 20, constituting the Consent Agenda, except for Items 7A, 7B, 9 and 14 which were pulled for individual consideration. Councilman Flores seconded the motion.

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

AN ORDINANCE 98893

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY FIRE SUPPLY, INC. TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH POSITIVE PRESSURE FANS FOR A TOTAL AMOUNT OF \$29,632.37.

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AN ORDINANCE 98894

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH CDS/MUERY SERVICES AND AUTHORIZING A BUDGET TRANSFER OF \$65,512.90 TO THE ENGINEERING CONTRACT FOR THE REMAIN OVER NIGHT APRON AT SAN ANTONIO INTERNATIONAL AIRPORT; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98895

APPROVING FIELD ALTERATION NO. 5 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$125,805.53 FROM CERTIFICATES OF OBLIGATION TO SAECO ELECTRIC & UTILITY, LTD., FOR ADDITIONAL CONSTRUCTION EXPENSES IN CONNECTION WITH THE MEDICAL DRIVE AND EWING HALSELL INTERSECTION PROJECT, LOCATED IN COUNCIL DISTRICT 8; AUTHORIZING \$20,000.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$145,805.53; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; PROVIDING FOR PAYMENT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT VOTES.

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AN ORDINANCE 98896

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$24,766.00 FROM 2003-2007

GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS PAYABLE TO BROWN ENGINEERING CO. (SBE) FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE CARDIFF AREA DRAINAGE IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING \$4,953.20 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$29,719.20; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98897

SELECTING KINNISON & ASSOCIATES, ARCHITECTS, TO PROVIDE ARCHITECTURAL SERVICES IN CONNECTION WITH THE COLLINS GARDEN BRANCH LIBRARY ROOF REPAIRS COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT NOT TO EXCEED \$24,500.00; AUTHORIZING \$4,000.00 FOR ENVIRONMENTAL SERVICES; AUTHORIZING \$1,500.00 FOR MISCELLANEOUS ARCHITECTURAL CONTINGENCY EXPENSES; AUTHORIZING \$1,000.00 FOR ADVERTISING EXPENSES; AUTHORIZING \$1,000.00 FOR PRINTING EXPENSES, FOR A TOTAL AMOUNT OF \$32,000.00; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98898

AUTHORIZING \$259,934.49 FROM GENERAL OBLIGATIONS OF THE CITY TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE CITY'S SHARE OF TWENTY PERCENT (20%) OF CONSTRUCTION COSTS IN CONNECTION WITH THE 2003 SIDEWALKS: BLANCO - LOCKHILL-SELMA TO PATRICIA; CLARK - SOUTHCROSS TO HOT WELLS; AND HOT WELLS - I.H. 37 TO NEW BRAUNFELS MPO PROJECTS, LOCATED IN COUNCIL DISTRICTS 3 AND 9; AUTHORIZING \$38,990.17 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$298,924.66; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98899

AUTHORIZING \$3,300.00 FROM 2002 CERTIFICATES OF OBLIGATION AND THE REIMBURSEMENT OF \$9,900.00 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FOR A TOTAL AMOUNT OF \$13,200.00, PAYABLE TO TICOR TITLE AGENCY OF SAN ANTONIO AS ESCROW AGENT FOR GEORGIA EICHLER COLYER FOR FEE SIMPLE TITLE TO TWO PARCELS (\$12,000.00) AND TITLE FEES (\$1,200.00) IN CONNECTION WITH THE PLUMNEAR FLOOD AREA PROJECT, LOCATED IN COUNCIL DISTRICT 4; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98900

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO RENEW AN AGREEMENT WITH THE SAN ANTONIO MOBILITY COALITION, INC. (SAMCO) AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$70,000.00 FROM THE GENERAL FUND TO SAMCO FOR ANNUAL MEMBERSHIP DUES BEGINNING FEBRUARY 1, 2004 THROUGH JANUARY 31, 2005.

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AN ORDINANCE 98901

AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM CITIBANK SERVICE CENTER IN THE AMOUNT OF \$50,000.00 TO BE USED AS MATCH FUNDING FOR THE FAMILIES SAVE INDIVIDUAL DEVELOPMENT ACCOUNT (IDA) PROGRAM FOR THE PERIOD OF JANUARY 1, 2004 THROUGH DECEMBER 31, 2004; AND APPROVING A REVISED BUDGET FOR THE FAMILIES SAVE IDA PROGRAM.

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AN ORDINANCE 98902

AUTHORIZING THE ACCEPTANCE OF COMMUNITY SERVICES BLOCK GRANT (CSBG) FUNDING IN AN AMOUNT UP TO \$1,986,996.00 FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) TO ENABLE THE CITY TO CONTINUE OPERATION OF THE CSBG PROGRAM THROUGH DECEMBER 31, 2004; APPROVING AMENDMENTS OF THE TDHCA

CONTRACT IN CONNECTION WITH SAID AWARD; APPROVING A BUDGET AND PERSONNEL COMPLEMENT; AND AUTHORIZING THE EXECUTION OF DELEGATE AGENCY CONTRACTS WITH THE BOYS & GIRLS CLUBS OF SAN ANTONIO IN AN AMOUNT UP TO \$30,000.00; GUADALUPE COMMUNITY CENTER IN AN AMOUNT UP TO \$15,000.00; YOUNG WOMEN'S CHRISTIAN ASSOCIATION IN AN AMOUNT UP TO \$41,250.00; AVANCE IN AN AMOUNT UP TO \$63,750.00; AND JOVEN IN AN AMOUNT UP TO \$41,250.00; AUTHORIZING THE ACCEPTANCE OF UP TO \$1,986,996.00 FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO EXTEND THE CITY OF SAN ANTONIO'S EXISTING COMMUNITY SERVICES BLOCK GRANT CONTRACT FOR THE PERIOD JANUARY 1, 2004 THROUGH DECEMBER 31, 2004; APPROVING A BUDGET AND PERSONNEL COMPLEMENT; AND AUTHORIZING THE EXECUTION OF FIVE (5) DELEGATE AGENCY CONTRACTS WITH THE BOYS & GIRLS CLUBS OF SAN ANTONIO IN AN AMOUNT UP TO \$30,000.00; GUADALUPE COMMUNITY CENTER IN AN AMOUNT UP TO \$15,000.00; YOUNG WOMEN'S CHRISTIAN ASSOCIATION IN AN AMOUNT UP TO \$41,250.00; AVANCE IN AN AMOUNT UP TO \$63,750.00; AND JOVEN IN AN AMOUNT UP TO \$41,250.00.

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AN ORDINANCE 98903

AUTHORIZING THE ACCEPTANCE OF A COMMUNITY SERVICES BLOCK GRANT AWARD FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS IN THE AMOUNT OF \$30,000.00 FOR OPERATION OF TWO VOLUNTEER INCOME TAX ASSISTANCE (VITA) PROGRAM SITES FOR THE PERIOD BEGINNING JANUARY 1, 2004 AND ENDING DECEMBER 31, 2004; AUTHORIZING EXECUTION OF A CONTRACT WITH THE TDHCA IN CONNECTION WITH SAID AWARD; AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES CONTRACTS WITH ANTIOCH BAPTIST CHURCH IN THE AMOUNT OF \$15,000.00 AND NEW BEGINNINGS BAPTIST CHURCH IN THE AMOUNT OF \$15,000.00 FOR THE OPERATION OF SAID PROGRAM SITES; AND APPROVING A BUDGET. AUTHORIZING THE ACCEPTANCE OF COMMUNITY SERVICES BLOCK GRANT DISCRETIONARY FUNDING IN THE AMOUNT OF \$30,000.00 FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR OPERATION OF TWO VOLUNTEER INCOME TAX ASSISTANCE PROGRAM SITES FOR THE PERIOD JANUARY 1, 2004 THROUGH DECEMBER 31, 2004; AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES CONTRACTS WITH ANTIOCH BAPTIST CHURCH IN COUNCIL DISTRICT 2 IN THE AMOUNT OF \$15,000.00 AND NEW BEGINNINGS BAPTIST

CHURCH IN COUNCIL DISTRICT 6 IN THE AMOUNT OF \$15,000.00 FOR THE OPERATION OF SAID PROGRAM SITES; AND APPROVING A BUDGET.

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AN ORDINANCE 98904

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS IN THE DOWNTOWN AREA IN CONNECTION WITH THE ST. PATRICK'S DAY PARADE SPONSORED BY THE ST. PATRICK'S DAY COMMISSION TO BE HELD FROM NOON TO 4:00 P.M. ON SATURDAY, MARCH 13, 2004.

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AN ORDINANCE 98905

REAPPOINTING ALDERUS STEWART (REAL ESTATE CATEGORY - DISTRICT 2) TO THE BROOKS DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 4, 2005.

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The Clerk read the following Ordinance:

AN ORDINANCE 98906

ACCEPTING THE LOW QUALIFIED BID OF YANTIS COMPANY (YANTIS) IN THE AMOUNT OF \$1,092,900.00 TO PROVIDE CONSTRUCTION SERVICES FOR THE EAST AIR CARGO EXPANSION PHASE II RAMP AND PARKING PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING CONSTRUCTION CONTINGENCIES IN AN AMOUNT NOT TO EXCEED \$109,290.00; AUTHORIZING A BUDGET AMENDMENT IN THE AMOUNT OF \$1,202,190.00; AUTHORIZING THE EXECUTION OF A CONTRACT WITH YANTIS; AND PROVIDING FOR PAYMENT.

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

In response to Councilman Haass, Mr. Kevin Dolliole, Director of Aviation, expounded on items 7A and 7B, and the specific work of each project. He explained that it was a straight bid on each component, and confirmed that the Yantis Company had submitted the lowest bid. He indicated they measured the capability of the firm, and if whether had done this type of work before.

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

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2004-09 The Clerk read the following ordinance:

ORDINANCE 98907

ACCEPTING THE PROPOSAL OF PROFESSIONAL SERVICES INDUSTRIES, INC. (PSI) FOR CONSTRUCTION MATERIALS TESTING SERVICES FOR THE EAST AIR CARGO PHASE II RAMP AND PARKING PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT IN AN AMOUNT NOT TO EXCEED \$17,000.00; AND AMENDING THE EXISTING CONTRACT WITH PSI TO INCLUDE SAID ADDITIONAL SERVICES PURSUANT TO THE TERMS OUTLINED IN THEIR PROPOSAL; AUTHORIZING A BUDGET AMENDMENT IN THE AMOUNT OF \$17,000.00; AND PROVIDING FOR PAYMENT.

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Councilman Schubert made a motion to approve the proposed Ordinance. Councilman Williams seconded the motion.

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

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2004-09 The clerk read the following ordinance:

ORDINANCE 98908

AUTHORIZING PAYMENT IN THE AMOUNT OF \$21,874.50 TO BAIN MEDINA BAIN, INC. (SBW/WBE/DBE) TO PROVIDE CIVIL ENGINEERING SERVICES

UNDER AN EXISTING PROFESSIONAL SERVICES CONTRACT IN CONNECTION WITH THE FRIESENHAHN PARK IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 10; AUTHORIZING \$3,280.50 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$25,155.00 FROM 1999-2004 PARK BOND FUNDS; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to Councilman Haass, Mr. Malcolm Matthews, Director of Parks and Recreation, explained the scope of work and explained to Council that Friesenhahn Park was sitting on a flood plain. He expounded on the costs of the contract, and spoke to the amounts of the bond issue, noting the City was doing the engineering portion of the work. He confirmed that the money would go towards park equipment and trails.

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

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2004-09 The Clerk read the following ordinance:

ORDINANCE 98909

AUTHORIZING \$2,562,750.00 FROM 2003 STORM WATER REVENUE BOND FUNDS FOR ACQUISITION OF FEE SIMPLE TITLE AND FOR OTHER MISCELLANEOUS EXPENSES IN CONNECTION WITH EIGHT PARCELS OF REAL PROPERTY AND DECLARING THE FRENCH CREEK BUYOUTS – SOUTH OF PRUE ROAD PROJECT (PROJECT) LOCATED IN COUNCIL DISTRICT 7 TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE EIGHT PARCELS DESCRIBED BELOW BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT; TO WIT, ALL OR PORTIONS OF THE PROPERTIES BEING DESCRIBED BELOW: ALL BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTIES; APPROPRIATING FUNDS FOR THE ACQUISITION OF THE PROPERTIES AND

OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROPERTIES SUCH AS APPRAISALS AND ATTORNEYS FEES; AUTHORIZING NEGOTIATIONS AND ACQUISITION ON THE APPROVED TERMS; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.

ACRE(S)	LOT(S)	NCB	SUBDIVISION
	8, Block 9	17939	French Creek Village Unit 2
	9, Block 9	17939	French Creek Village Unit 2
4.207	47	18292	Albert L. Wickes
2.25	W Irr 25.29 ft of 32	18293	Albert L. Wickes
1.784	35	18293	Albert L. Wickes
3.506	36	18293	Albert L. Wickes
2.112	29	18294	Albert L. Wickes
6.403	37	18294	Albert L. Wickes

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

In response to Councilman Castro, Mr. Tom Wendorf, Director of Public Works, amplified on the buy-outs, and outlined the discussion at the meeting with the property owners that was held regarding the buy-outs.

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

2004-09 **ITEMS FOR INDIVIDUAL CONSIDERATION**

2004-09 The Clerk read the following ordinance:

ORDINANCE 98910

SELECTING A FIRM TO PROVIDE ENTERTAINMENT AND RESTAURANT SERVICES UNDER A FIFTEEN (15) YEAR LEASE AGREEMENT FOR THE TOWER OF THE AMERICAS.

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

Mr. Malcolm Matthews, narrated a slide presentation regarding the selection of a firm to provide entertainment and restaurant services under a fifteen (15) year lease agreement for the Tower of the Americas, a copy of which was made part of the official papers of this meeting. He expounded on the timeline, and the make up of the evaluation team. He then expounded on the evaluation and scoring of the two respondents in detail, and the proposal specifics. He discussed the financial consideration, and the total capital investment.

The following citizens appeared to speak:

Mr. Patrick Richardson expressed disappointment that only 2 respondents made presentations to Council. He stated that if the City's goal is to make the Tower an attraction, they should have developed the RFP as such. He suggested it would have been wise for the City to have a secondary proposal. He expressed disappointment in the proposals they would be voting on.

Mr. Jim Hasslocher thanked the Council and staff for working with them through the years. He spoke to the problems that have come about throughout the years. He stated the City needed to get out of the operating business on the Tower. He stated that whatever the outcome of the vote would be they would still work with the Council for a smooth transition.

Ms. Minerva Nadler spoke in favor of the Hasslocher family and their bid for the contract currently in discussion. She stated the Hasslochers grew throughout the City, and their enterprises have woven themselves through the very fiber of the community. She stated since 1968, they have been with the City through the good and the bad. She described them as great role models who have reached goals and set standards. She urged Council to support local businesses.

Mr. David Cortez, Mi Tierra Café, spoke on behalf of the Hasslocher family and their bid for the Tower of Americas contract. He spoke to the admiration they had for their family, and of their other successes around the City. He spoke to their contribution to tourism, noting it was immeasurable. He urged Council to consider a local business that has contributed much to the City.

Mr. Paul Vance expressed support for the Hasslocher family. He urged Council to support the San Antonio family owned businesses.

Mr. Dale Wood spoke to the special significance that the Tower represents. He stated that family owned businesses made San Antonio unique, and that if they continue to bring large, corporate dominant corporations, they will lose the unique character that makes San Antonio so special. He stated they were in competition for tourism dollars, and they need to be aware of where those profits are going.

Mr. Anthony Koch stated he was born and raised in San Antonio, and owned one of the oldest and largest San Antonio companies. He expressed support of locally owned businesses. He stated Landry's was going to export their profits to Houston, Texas. Although the portfolio of Landry's was impressive, he stated it was prepared by a marketing staff in Houston and not San Antonio. He spoke to the long term effects of their decision if Landry's was chosen, and indicated the Council had a responsibility to vote for a San Antonio business.

Mr. Roberto Carrizales expressed support of the Hasslocher family and their bid for the Tower of Americas contract. He stated he was an employee of Tower Foods since the beginning in 1968, and has lived most of his life as an employee there.

Ms. Cynthia Trevino stated she had been there for 30 years as an employee. She spoke to the benefits of working for the Hasslocher family.

Mr. Charles Trevino urged Council to vote for Landry's, noting the Tower would once again become the heart of San Antonio. He acknowledged his belief in Landry's, its concept and its people.

Ms. Carolyn Hasslocher spoke to the process of the RFP and alleged the City did not appear to know what it was looking for when it sent the RFP out. She cited the Hemisfair Master Plan, and stated one side had been allowed to amend their contract. She urged Council to understand that their conservative figures were not based on doubling the number of people to come to the Tower.

Mr. Jack Finger stated he once dined at Tower of Americas 33 years ago, and noted he had not been back because of the high prices. He spoke to the contract being awarded to Landry's. He cited an incident that occurred between members of the former Council and the restaurant owned by the Hasslochers in the Tower of Americas.

Mr. Tilman Fretitia, representing Landry's Restaurant, stated Mr. Hasslocher was a Texan, and someone he admired. He urged Council to be loyal to the City first. He spoke of his interest in the Tower since he first opened up Landry's located right near the Tower. He described it as an underutilized asset. He acknowledged that Landry's wasn't home-based, but did pay taxes and had 97 restaurants in Texas. He explained they would start construction September 1st, and acknowledged they had much experience with this.

He informed the Council they would take the Tower to the next level, and therefore urged the Council to do the right thing. He expressed his respect for the Hasslocher family.

Mr. Brian Potts stated one of the most attracting aspects of San Antonio was its uniqueness. He urged Council to consider Tower Foods.

Mr. Steve Greenberg stated this was an opportunity to move San Antonio to a new direction. He spoke to the abilities of Mr. Fretitia, and addressed the comments made regarding local businesses. He stated that some of their biggest supporters in other cities are restaurants. He indicated to Council that he takes the level of restaurants to higher levels to make them first class.

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Mayor Garza stated most of his comments were addressed during the briefing they had. He acknowledged that the City Auditor provided information that would help solidify his position. He stated it was clear that the numbers were on the conservative side.

Ms. Pat Major, City Auditor, stated her office was asked to do an analysis a few months ago. She spoke to the projected growth rate, and acknowledged they went back and looked at historical revenue and what the City has been receiving the last 10 years. She indicated that in looking at numbers, the numbers for Landry's looked much higher.

In response to Mayor Garza, Mr. Chris Brady, Assistant City Manager, spoke to the minimum guarantee which was a key component. He expounded on the differences between the two proposals.

In response to Councilman Haass, Mr. Matthews spoke to the minimum guarantee and indicated they received a percentage of gross sales. He amplified on the amount the City received from the elevator sales, as well as the food and beverage payment.

Ms. Major expounded on the projections, and the numbers that came from the proposals. She stated that after analyzing it, the Frontier proposal was conservative, and the thirty percent variance in revenue was a big difference.

Mayor Garza acknowledged that this was a big business decision for the City of San Antonio. He then acknowledged that the Hasslocher family was part of the landscape of San Antonio, as well as other cities. He stated this was about a competitive process for a public asset. He commended staff for their work on this issue, and stated the vision for the Council was to think outside the box in the spirit of competition and free enterprise. He stated the two proposals have met the criteria they requested, and both firms have articulated their vision for the Tower of the Americas. He stated it was clear that the

Landry's proposal far exceeded the Frontier proposal, and based on financial information, the Landry's proposal was much stronger. He expressed his belief that a sound process took place, and voiced his approval for Landry's Restaurants.

Councilman Castro made a motion to select Landry's Restaurants, Inc. to provide a lease agreement for the Tower of the Americas. Councilman Segovia seconded the motion.

In response to Councilman Segovia, Mr. Matthews spoke to the collected revenue based on certain type of sales. He then amplified on the expenditures. He spoke to the clarification process, and the questions received by the Council. He indicated both of the proposers were asked about the rates, and confirmed they had been asked questions for clarification purposes

In response to Councilman Schubert, Mr. Matthews expounded on the scoring method, and spoke to what percentage was entertainment versus restaurant. He indicated that when they went through the process of establishing the language for the RFP, the emphasis was fairly balanced in the narrative. He stated the Tower was a place people went to other than to eat.

Councilman Schubert stated it didn't appear the Ripley's component was factored in. He then spoke to the background and capacity scoring, and the dramatic difference between Landry's Restaurants and Tower Foods, Inc.

Mr. Milo Nitschke, Director of Finance, spoke to the history of Landry's Restaurants, and stated Tower Food, Inc. had a good income statement, but noted there wasn't a demonstrated line of credit to fund projects. He acknowledged the Ripley's component was not included.

In response to Councilman Schubert, Mr. Matthews stated Landry's brought entertainment and food operations of various types, and acknowledged they weighed in what their local investment had been.

In response to Councilman Schubert, Mr. Randy Hyatt, consultant with Fessel International, stated Landry's had the most advanced product with regard to the 4D theatre. He then stated Landry's had a solid package.

In response to Councilman Schubert, Ms. Major expounded on the revenue estimate over the life of the contract. She then amplified on savings for the City, indicating the Landry's proposals showed greater savings.

In response to Councilman Schubert, Mr. Fretitia stated they were committed to San Antonio, and acknowledged that management would be from San Antonio.

Councilman Schubert stated the Hasslochers served San Antonians for many years, and have stepped up to the plate and helped out citizens that live and work in this City, which makes this decision difficult. He described Mr. Hasslocher as someone who took great pride in his work and who cared for the customers he served, as well as for those who worked for him. He commented that whoever received the contract had big shoes to fill.

Councilman Williams concurred with the comments made by Councilman Schubert regarding the Hasslocher family and their work and efforts throughout the years.

In response to Councilman Williams, Mr. Matthews cited the City's new contract compliance process, and the importance of the commitments of the proposers.

In response to Councilman Williams, Mr. Fretitia spoke to the comments made regarding their profits being foiled to Houston, and urged Council to look at the track record of their other restaurants. He spoke of their interest to do business in the City of San Antonio, and noted the dollars they will generate will stay in San Antonio. He noted they've exceeded their projection every time.

Councilman Barrera stated there was no doubt that whatever company the Council chooses will do a good job. He commented that San Antonio was a great place to live and do business in. He cited the projected sales, and indicated it was important to look at what was the best decision for the City of San Antonio and its citizens.

In response to Councilman Haass, Mr. Matthews spoke to the commitment from the private sector, and the long term investment of fifteen years, which he described as a reasonable time frame. He cited the performance bond that would run with the life of the contract, and noted the City had the right to sue for lost revenue during the term of the contract.

Mr. Hasslocher noted that in the last ten years, there have been maintenance problems, including problems with the elevators.

In response to Councilman Haass, Mr. Matthews referenced the substantial discussion with the Council regarding fine dining. M Haass, Mr. Matthews spoke to the substantial discussion with the council regarding fine dining. He indicated they expected realistic expectations from the proposers.

Mr. Hyatt stated both groups were proposing a nice dining experience with interesting décor, but not over or comparable to local places.

Discussion continued between Councilman Haass and Mr. Matthews regarding the minimum capital investment that had to be made, and the revenues that would be added to the general fund.

In response to Councilman Haass, Mr. Patrick Richardson indicated the facility would be closed no more than six to eight weeks. He then expounded on each of the phases that would take place, and noted their goal was not to close the Tower for a considerable amount of time.

In response to Councilman Haass, Mr. Matthews discussed the funds set aside for improvements, and the marketing percentage proposed by each of the proposers. He then amplified on the evaluation team, and the role the City would play in putting the Tower back in the top tier.

Mr. Melvin Tennant, Director, Convention and Visitor's Bureau, stated most of their efforts are directed externally, in terms of marketing.

Councilman Haass described this project as a "rebirth" of the Tower. He spoke to the sense of competition with other cities such as Houston and Dallas, and stated that in this particular case, there wasn't a high number of competitors. He commended Tower Foods, Inc. for working with the Institute of Texan Cultures. He then stated he had been very impressed with the quality of leadership exerted by the Hasslochers, noting the family took care of its own. He indicated the Council had been placed in a situation where they have to make a choice that is in the best interest of the City.

Councilman Castro thanked both of the proposers for their bids. He cited discussions he held with the Hasslocher family, and stated the Tower had such a wonderful history, and when it came about in the late 60's, it was a symbol of San Antonio's coming of age. He discussed the issue of localism, noting this couldn't be the only factor they looked at. He spoke to the capital investment, and the revenue to the City by each of the two proposers. He said it made more sense to go with Landry's Restaurants. He indicated he learned that 87% of folks who visit the Tower are out of town tourists, but it should also serve locals and should continue to mean something to people who live in San Antonio. He discussed the ticket prices, and stated that they want to welcome others and celebrate diversity. He commented that the numbers in the Landry's proposal made more sense for San Antonio overall.

Councilwoman Radle spoke to the costs of the meal, and cited the issue of affordability, and thanked both groups for responding to this issue.

In response to Councilwoman Radle, Mr. Matthews expounded the marketing aspect of each of the proposals.

Mr. Fretitia confirmed Landry's would be promoting the Tower all over the United States. He spoke to the creative team behind the advertisements, then amplified on their employee benefits.

Mr. Richardson described the benefits that Tower Food provided, and cited employees who have been with them for over 30 years.

Councilwoman Radle thanked both parties for their presentations.

Councilman Perez commented that both were good proposals, and many of the comments made indicate there are differences between the proposers. He stated the differences are what could not be ignored or pushed aside. He confirmed he would be supporting Landry's.

Councilman Flores acknowledged this had been a very difficult decision to make, and that his colleagues deliberated a long time on the issue. He described himself as the Councilman who has been pushing for a masterplan for Hemisfair Park, and was therefore aware of the importance of fostering and nurturing businesses in the City.

In response to Councilman Flores, Mr. Matthews confirmed the City had the right, in the case of future lost revenue, to get that revenue through the courts. He stated the capital investments become property of the City. He then cited the minimum requirements in the proposal, and spoke to other options the City had in case these minimums were not met. He indicated the City had default capability, no matter what year it was in the contract.

In response to Councilman Flores, Mr. Richardson noted one of the things they try to do is bring more guests to Hemisfair Park. He stated to the Masterplan that Councilman Flores referenced, and indicated that as they work through the Masterplan efforts they needed to find viable ways to get pedestrians to park.

In response to Councilman Flores, Mr. Fretitia stated it was his understanding that they were not that far along in the Masterplan, and would actually love to be a part of the process.

Councilman Flores spoke to the reasons they were pushing the Masterplan forward. He spoke to the importance of making sure the facility fit into the plan.

Mr. Fretitia stated that in any project, it was important to have a mix of attracting both locals and tourists. He acknowledged that if they put their heads together, they could come up with something very special.

Councilman Flores stated the restaurant needed to be unique to San Antonio. He acknowledged he was part of the restaurant community, as well as a friend to the Hasslocher family. Through this process, he noted the consideration was towards Landry's. He explained what he was motivated by, which included how unique this was to San Antonio and also the financial stability of the company. He stated this Council has shown repeatedly that they aren't biased, and noted they look at every contract openly. He cited the importance of making a vote that represents and benefits the citizens of San Antonio, and noted it was his responsibility to make sure they are doing everything they can to increase revenue to the City, but in a way that it is strengthening for the City. He expressed his admiration to the Hasslocher family, but urged the Council to support Landry's.

Mayor Garza thanked Councilman Flores for his vision on the Tower of the Americas.

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

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2004-09 **POINT OF PERSONAL PRIVILEGE**

On a point of personal privilege, Councilman Schubert acknowledged Mr. John Dalton and welcomed him back to San Antonio.

Mr. Dalton spoke to the christening of the USS San Antonio, and stated it was great to be back.

Mayor Garza stated he had an opportunity to attend the christening, and welcomed Mr. Dalton back to San Antonio.

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2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98911

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR AND IN THE DOWNTOWN AREA IN CONNECTION WITH THE CESAR CHAVEZ MARCH

FOR JUSTICE PARADE TO BE HELD FROM 10:00 A.M. TO 2:00 P.M. ON SATURDAY, MARCH 27, 2004.

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

Mr. Roland Lozano, Assistant to the City Manager, narrated a slide presentation regarding the temporary street closures in the downtown area for March 27, 2004, a copy of which was made part of the official papers of this meeting. He spoke to the two events, which were the Cesar Chavez March for Justice Parade, and the other being the movie premier of *The Alamo*. He detailed the specific closures for each event.

(Mayor Garza was obliged to leave the meeting, Mayor Pro Tem Radle presided)

The following citizens appeared to speak:

Mr. Jaime Martinez, Chairperson of the Cesar Chavez March for Justice Parade, stated it was important to hear why the Cesar Chavez legacy continues to be successful throughout the United States. He thanked the Mayor and City Council for their assistance, and invited each of them to attend the march. He then amplified on the legacy and work of Cesar Chavez.

Ms. Rosa Rosales thanked Council for their support, and gave special thanks to Patti Radle, who had attended the meetings. She described Cesar Chavez as a hero who worked for workers' rights and who helped the poor. She invited the Mayor and all members of the Council to attend the event.

Mr. Antonio Diaz amplified on the efforts of Mr. Cesar Chavez, and thanked Councilwoman Radle for her continued support.

Councilwoman Radle invited the community to attend the Cesar Chavez march.

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

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2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98912

APPROVING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS IN THE DOWNTOWN AREA FOR THE "ALAMO" MOVIE PREMIER TO BE HELD ON SATURDAY, MARCH 27, 2004.

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Councilman Williams made a motion to approve the proposed Ordinance. Councilwoman Radle seconded the motion.

Mr. Bob Gault, Buena Vista Pictures Distribution, stated he was proud to be bringing this picture to San Antonio. He also thanked Mr. Jaime Martinez of the Cesar Chavez March Committee for helping to work out all the differences with the events taking place the same weekend, which included the premier of *The Alamo*, and the Cesar Chavez March.

Councilman Flores thanked Mr. Gault for his efforts, and expressed his excitement of promoting this film nationwide.

Mr. Gault extended his appreciation to the entire San Antonio community.

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

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2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98913

APPOINTING SIX (6) AND REAPPOINTING FIVE (5) INDIVIDUALS TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS, COMMONLY REFERRED TO AS THE INNER CITY TIRZ, FOR TERMS OF OFFICE TO EXPIRE ON MARCH 14, 2006 AND APPOINTING ONE (1) OF THE ELEVEN (11) INDIVIDUALS AS CHAIRPERSON FOR A ONE YEAR TERM BEGINNING ON JANUARY 1, 2005.

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

Mr. David Garza, Director of Neighborhood Action, narrated a slide presentation regarding the proposed TIRZ board appointments, a copy of which was made part of the official papers of this meeting. He provided background information on TIRZ #11, and amplified on the board appointments.

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

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2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98914

ESTABLISHING LANE USE RESTRICTIONS FOR TRUCKS UPON A PORTION OF INTERSTATE HIGHWAY 10 EAST AND UNITED STATES HIGHWAY 90 WEST; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING A PENALTY AND DIRECTING PUBLICATION AND PROVIDING FOR SEVERABILITY.

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Councilman Williams made a motion to approve the proposed Ordinance. Councilwoman Radle seconded the motion.

Mr. Jason Cosby, Assistant Director of Public Works, narrated a slide presentation regarding the restriction of trucks from traveling on the left lane of US 90 West and IH 10 East, inside of IH 410, a copy of which was made part of the official papers of this meeting. He expounded on the purpose of this ordinance, and cited traffic statistics regarding this area.

The following citizens appeared to speak:

Mr. Les Findeisen stated there was more of a traffic problem rather than a truck problem in the area. He stated 70% of the accidents involving trucks was the fault of the automobile.

In response to Councilman Williams, Mr. Cosby confirmed this was a pilot program. He confirmed that the results of this 6-month pilot program would go to the Quality of Life Committee.

In response to Councilman Williams, Mr. Rudy Gonzales, San Antonio Police Department, explained how SAPD would be involved in this process. He cited their STEP program that targeted vehicles along this corridor.

In response to Councilman Williams, Mr. Cosby spoke to the 2002 traffic crash data, and cited the benefits of this process being utilized. He stated that once the process becomes efficient, they could apply it to other areas of the City. He then explained why they chose this area for the pilot program. He further addressed slide 15, regarding the benefits of the truck restriction.

(Mayor Garza was obliged to leave the meeting. Mayor Pro Tem Radle presided.)

In response to Councilman Segovia, Mr. Cosby confirmed that a violation would be a traffic citation. He then went into detail about the signage that would be placed.

Mr. Tom Wendorf, Director, Public Works, added that truckers are on a predetermined route that has to be followed.

Councilman Haass indicated this was a great test for a short period of time. He acknowledged his support of the program.

In response to Councilman Haass, Mr. Cosby confirmed they would start the enforcement process on April 1st.

Councilman Barrera stated Highway 90 was the least congested with traffic, and the quickest way to get downtown. He questioned implementing this program on an area that is least congested.

Mr. Cosby replied that only a portion of I-35 could meet this requirement. He then described to the Council how they were going to implement it in other areas in the event that it is successful.

Mr. Wendorf expounded on the reasoning behind choosing this portion to initiate the program.

In response to Councilman Castro, Mr. Cosby confirmed this would be enforceable by the County as well as State Troopers.

Councilman Castro noted the project and how Houston demonstrated this program worked, and the importance to gauge any impediments to mobility. He expressed his eagerness to evaluate the policy.

Councilman Williams spoke to the importance of looking at the results of this pilot program to ensure that accidents are being reduced, as opposed to unnecessarily targeting drivers.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Radle, Castro, Schubert, Haass. **NAYS:** Barrera. **ABSENT:** Flores, Perez, Hall, Garza.

2004-09 PUBLIC HEARING AND ORDINANCES: CLOSING, VACATING AND ABANDONING (1) IMPROVED AND UNIMPROVED PORTIONS OF ALL THE PUBLIC RIGHTS OF WAY LOCATED WITHIN ROSEDALE PARK, AND (2) AN UNIMPROVED PORTION OF COLBY STREET PUBLIC RIGHT OF WAY IN THE ROSEDALE PARK; CLOSING, VACATING AND ABANDONING AN IRREGULAR PORTION OF BLANCO ROAD PUBLIC RIGHT OF WAY; AND CLOSING, VACATING AND ABANDONING PORTIONS OF NORTH LAS MORAS STREET AND AN INTERSECTING THIRTEEN (13)-FOOT WIDE ALLEY PUBLIC RIGHT OF WAY.

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

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation which encompassed regarding proposed closures of Public Rights of Way located within Rosedale Park, a copy of which was made part of the official papers of this meeting. She also discussed the proposed closure of Blanco Road Public Right of Way, and the proposed closure of Las Moras Street and alley. She expounded on the purposes of each of the closures, and the financial impact of each.

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

2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98915

CLOSING, VACATING AND ABANDONING (1) IMPROVED AND UNIMPROVED PORTIONS OF ALL OF THE PUBLIC RIGHTS OF WAY LOCATED WITHIN

ROSEDALE PARK, WHICH PARK IS BOUNDED BY WEST MARTIN STREET, RUIZ STREET, N.W. 27TH STREET, AND PARTIALLY BOUNDED BY GENERAL MCMULLEN DRIVE, IN COUNCIL DISTRICT 5, THE PORTIONS NO LONGER BEING UTILIZED FOR ACCESS PURPOSES, NOT PREVIOUSLY CLOSED AT THE TIME THE PARK WAS ORIGINALLY ACQUIRED, AND HAVING BEEN INCORPORATED INTO GREEN SPACE WITHIN THE PARK, AS REQUESTED BY THE CITY OF SAN ANTONIO, AS "PETITIONER", AND (2) AN UNIMPROVED PORTION OF COLBY STREET PUBLIC RIGHT OF WAY IN THE ROSEDALE PARK ADDITION IMMEDIATELY ADJACENT TO THE PARK, AS REQUESTED BY RAUL C. AND LUPE MIRELES, PETITIONERS, WHOSE PROPERTIES ABUT COLBY STREET, FOR THE TOTAL CONSIDERATION OF \$13,140.00 PAID FOR THEIR PORTION.

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Councilman Williams 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, Radle, Barrera, Schubert, Haass. **NAYS:** None. **ABSENT:** Perez, Castro, Hall, Garza.

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2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98916

CLOSING, VACATING AND ABANDONING AN IRREGULAR PORTION OF BLANCO ROAD PUBLIC RIGHT OF WAY LOCATED AT THE WEST CORNER OF JACKSON KELLER ROAD ADJACENT TO NCB 11697 IN COUNCIL DISTRICT 1, IN COMPLIANCE WITH CONDEMNATION CAUSE NO. 98-ED-0018 STYLED THE CITY OF SAN ANTONIO V. ANGELES GARCIA (ALSO KNOWN AS MARIA DE LOS ANGELES SANCHEZ DE GARCIA), INDIVIDUALLY AND DOING BUSINESS AS GARCIA INVESTMENTS, ET AL.

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Councilman Williams 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, Radle, Barrera, Castro, Schubert, Haass. **NAYS:** None. **ABSENT:** Perez, Hall, Garza.

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2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98917

CLOSING, VACATING AND ABANDONING PORTIONS OF NORTH LAS MORAS STREET AND AN INTERSECTING THIRTEEN (13)-FOOT WIDE ALLEY PUBLIC RIGHTS OF WAY LOCATED BETWEEN MORALES AND PEREZ STREETS ADJACENT TO NCB 2214 IN COUNCIL DISTRICT 1 FOR THE EXPANSION AND REDEVELOPMENT OF THE ADJACENT MARGIL ELEMENTARY SCHOOL, AS REQUESTED BY THE PETITIONERS, THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT AND OTHER OWNERS, WHOSE PROPERTIES ABUT THE ALLEY, FOR THE TOTAL CONSIDERATION OF \$12,725.00 PAID ENTIRELY BY THE SCHOOL DISTRICT.

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

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

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2004-09 **CITIZENS TO BE HEARD**

MR. GUILLERMO VASQUEZ

Mr. Guillermo Vasquez spoke to the issue of meet and confer in the Texas Public Sector. He offered proposals to the City Council regarding the City of San Antonio's meet and confer process. He presented a matrix to the Council that consisted of key components and comparisons of the process, a copy of which was made part of the official papers of this meeting.

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MS. PAMELA TAYLOR

Ms. Pamela Taylor, representing Dress for Success, stated this organization had a certain percentage of clients they served from every district. She thanked those Councilmembers who have supported the organization. She spoke to the work of the program, and how they help their clients. She urged Council to support Dress For Success.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez cited various biblical verses, and spoke to the prophecies. He spoke to his wife being ill, and indicated it was because San Antonio was a polluted city.

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MR. JOSE A. PEREZ

Mr. Jose A. Perez presented two documents to the City Clerk to include in the record of the meeting. He stated everything he had pursued in life, he had been successful, until he started bidding for City of San Antonio contracts. He stated Councilman Williams sent a young gentleman to take notes on the issues he needed to bring to light, but complained that the gentleman did not know anything regarding a business or about life.

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2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98918

AUTHORIZING THE EXECUTION OF A FIVE (5) YEAR LICENSE AGREEMENT WITH THE PASEO DEL RIO ASSOCIATION, INC. FOR THE USE OF A PORTION OF THE CITY'S RIVER WALK FOR SPECIAL EVENTS TO PROMOTE THE RIVER WALK AND FOR MANAGEMENT OF NOVELTY VENDORS ON THE RIVER WALK FOR A FLAT RATE LICENSE FEE BEGINNING AT \$20,000.00 PER YEAR FOR THE FIRST YEAR AND TWO PERCENT INCREASES EACH SUCCEEDING YEAR OF THE AGREEMENT; AND AMENDING SECTION SECTION 35-679(E) OF THE CITY CODE TO ALLOW FOR STATIONARY RIVER

WALK NOVELTY VENDORS UNDER A LICENSING PROGRAM TO BE ADMINISTERED THROUGH THE PASEO DEL RIO ASSOCIATION.

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

Mr. Malcolm Matthews, Director of Parks and Recreation, spoke to the Paseo Del Rio Association License Agreement, a copy of which was made part of the official papers of this meeting. He expounded on the background of the agreement, and outlined the license agreement business points. He then discussed the financial consideration through five years.

In response to Councilwoman Radle, Mr. Greg Gallaspy, Executive Director, Paseo Del Rio Association, stated they looked at what was involved with the Arts and Crafts Fair on the Riverwalk. He explained the process involved once someone submits their request, and described how the lottery type placement worked so that the same person did not get the same place every year. He acknowledged that the main focus was to protect and preserve the Riverwalk area.

The following citizen appeared to speak:

Mr. Michel John expressed concern on this contract. He stated until recently, they didn't have a limit on the number of permits that were issued. He noted that if it was done on a quarterly basis, they would have to go through the process four times a year, and he expressed concern regarding the costs.

(Mayor Garza returned to preside over the meeting).

In response to Councilman Flores, Mr. Steven Baum, Chief of Park Police, explained that vendors who worked on private property often would come out on public space, and there was a lot of confusion in this respect. He spoke to the benefits of this ordinance, and how the Park Police would be able to regulate it.

Mr. Bob Buchanan, owner of The Original Mexican Restaurant, complained that many who carry tubs full of merchandise and selling at events such as the Rodeo or Fiesta were not collecting taxes. He stated they did not have permission to do this in his area.

Councilman Flores indicated he was equally concerned with roaming vendors.

Mr. Baum explained that the permit only allows vendors to conduct business on City space, but not on public space, which is the walkway.

Councilman Flores spoke to the problems he has seen on the Riverwalk regarding this issue. For a lot of operators, he stated this activity wasn't conducive to the type of dining experience they wanted to provide to customers. He stated the Riverwalk was very special in San Antonio, and it needed to be protected.

Councilman Castro and Mr. Matthews discussed specific details of this agreement.

In response to Councilman Castro, Mr. Matthews explained why the funds were going to the Paseo Del Rio Association instead of the City.

In response to Councilwoman Radle, Mr. Gallaspy clarified concerns she expressed regarding the leasing of the property.

Mr. Bill Lyons stated they were trying to prevent clutter on the Riverwalk, while also trying to offer tourists a certain ambiance of the City. He stated that if they want an individual to sell on their property, they would be sent to the Paseo Del Rio Association to receive a permit. He then spoke to stationary vendors confined to a certain area.

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

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2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98919

APPROVING RENEWAL LEASE AGREEMENTS OF FIVE YEARS AND SIX MONTHS FOR TWENTY THREE (23) TENANTS AND ONE YEAR AND THREE MONTHS FOR THREE (3) TENANTS IN THE RENOVATED FARMER'S MARKET PLAZA SQUARE IN COUNCIL DISTRICT 1, WITH RENTAL RATES OF \$4,500.00 ANNUALLY FOR THE FIRST YEAR FOR A FULL SIZE STORE STALL OF 228 SQUARE FEET, INCREASING TO \$5,400.00 ANNUALLY IN THE SECOND YEAR, \$6,000.00 ANNUALLY IN THE THIRD YEAR, \$7,500.00 ANNUALLY IN THE FOURTH YEAR AND \$7,800.00 ANNUALLY IN THE FIFTH YEAR; AND RENTAL RATES OF \$3,600.00 ANNUALLY FOR THE FIRST YEAR FOR A HALF SIZE STORE STALL OF 114 SQUARE FEET, INCREASING TO \$3,900.00 ANNUALLY IN THE SECOND YEAR, \$4,500.00 ANNUALLY IN THE THIRD YEAR, \$4,800.00

ANNUALLY IN THE FOURTH YEAR AND \$5,100.00 ANNUALLY IN THE FIFTH YEAR.

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

Mr. Malcolm Matthews, Director, Parks and Recreation, spoke to the Farmers Market Plaza Square Lease Agreements for 26 tenants, a copy of which was made part of the official papers of this meeting. He provided information on the Farmers Market Renovation, and discussed the new agreement terms. He then amplified on the fiscal impact.

In response to Councilwoman Radle, Mr. Ron De Lord stated new contracts do not allow them to assign as they desired, and confirmed the area was opened up for the competitive process.

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

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2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98920

AUTHORIZING THE EXECUTION OF TWO ONE-YEAR LEASE AGREEMENTS WITH TWO TENANTS FOR LEASES AT THE FARMER'S MARKET IN THE CITY OF SAN ANTONIO'S MARKET SQUARE IN COUNCIL DISTRICT 1; AS REQUESTED BY COUNCILMAN ROGER O. FLORES, DISTRICT 1.

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Councilman Williams made a motion to approve the proposed Ordinance. Councilwoman Radle seconded the motion.

Mr. Malcolm Matthews, Director of Parks and Recreation, narrated a slide presentation on two one-year Farmers Market Lease Agreements, a copy of which was made part of the official papers of this meeting. He explained the past contract arrangements and delineated the amended contract terms.

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

2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98921

ACCEPTING THE LOW RESPONSIVE BID IN THE AMOUNT OF \$1,118,322.50 FROM CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE MICRO-SURFACE – 2004 STREET MAINTENANCE PROJECT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$55,916.13 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$750.00 FOR ADVERTISING EXPENSES; AUTHORIZING \$500.00 FOR PRINTING AND REPRODUCTION EXPENSES; AUTHORIZING \$22,366.45 FOR CONSULTANT MATERIAL TESTING; AUTHORIZING \$53,476.19 FOR REIMBURSEMENT OF CITY FORCES FOR TRAFFIC MARKINGS, VIDEO IMAGE VEHICLE DETECTION SYSTEM AND OTHER TRAFFIC IMPROVEMENTS, FOR A TOTAL AMOUNT OF \$1,251,331.27; APPROPRIATING FUNDS; PROVIDING FOR PAYMENT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT VOTES.

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

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation which encompassed agenda items 27, 28, 29 and 30 that dealt with the Micro-Surface – 2004 Street Maintenance Project; the Slurry Seal 2004 Street Maintenance Project; the Asphalt Overlay – 2004 Street Maintenance Project; and the Asphalt Recycling and Overlay – 2004 Street Maintenance project, a copy of which was made part of the official papers of this meeting. He expounded on the history and goals of the projects, and discussed the challenges they faced today. He described the different types of infrastructure, and presented a summary of the funding for street resurfacing. He then spoke to the fiscal impact of each project.

In response to Councilman Segovia, Mr. Wendorf explained why San Antonio Construction was non-responsive. He confirmed that Clark Construction had done work for the City and spoke to the quality of work.

In response to Councilman Schubert, Mr. Wendorf explained the probable reasons they did not receive more bidders.

In response to Councilwoman Radle, Mr. Wendorf explained why they contracted out work as opposed to having City staff handle it. He explained one issue was capacity, and stated they didn't have the equivalent to do the microsurface application, which is a specialized piece of equipment.

Councilwoman Radle suggested that if they could do the work significantly cheaper with City staff, they could hire more people.

Mr. Wendorf stated he would be glad to meet with Councilwoman Radle on this issue, and confirmed that they would analyze the possibilities.

In response to Councilman Segovia, Mr. Wendorf spoke to the contract costs, and how it was important to take into consideration ozone action days, bad weather days, and having to respond to other emergencies.

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

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2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98922

ACCEPTING THE LOW RESPONSIVE BID IN THE AMOUNT OF \$1,469,450.00 FROM CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE SLURRY SEAL 2004 STREET MAINTENANCE PROJECT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$73,472.54 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$750.00 FOR ADVERTISING EXPENSES; AUTHORIZING \$500.00 FOR PRINTING AND REPRODUCTION EXPENSES; AUTHORIZING \$29,389.02 FOR CONSULTANT MATERIAL TESTING; AUTHORIZING \$1,536.44 FOR REIMBURSEMENT OF CITY FORCES FOR TRAFFIC MARKINGS, AND OTHER

TRAFFIC IMPROVEMENTS, FOR A TOTAL AMOUNT OF \$1,575,098.00; APPROPRIATING FUNDS; PROVIDING FOR PAYMENT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT VOTES.

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

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

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2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98923

ACCEPTING THE LOW RESPONSIVE BID IN THE AMOUNT OF \$1,976,444.21 FROM CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE ASPHALT OVERLAY – 2004 STREET MAINTENANCE PROJECT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$98,822.21 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$750.00 FOR ADVERTISING EXPENSES; AUTHORIZING \$500.00 FOR PRINTING AND REPRODUCTION EXPENSES; AUTHORIZING \$39,528.88 FOR CONSULTANT MATERIAL TESTING; AUTHORIZING \$108,931.53 FOR REIMBURSEMENT OF CITY FORCES FOR TRAFFIC MARKINGS, VIDEO IMAGE VEHICLE DETECTION SYSTEM AND OTHER TRAFFIC IMPROVEMENTS; APPROVING FIELD ALTERATION NO. 1 IN THE AMOUNT OF \$25,634.00 AND FIELD ALTERATION NO. 2 IN THE AMOUNT OF \$29,150.30, FOR A TOTAL AMOUNT OF \$2,279,761.13; APPROPRIATING FUNDS; PROVIDING FOR PAYMENT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT VOTES.

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

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

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2004-09 The Clerk read the following Ordinance:

AN ORDINANCE 98924

ACCEPTING THE LOW RESPONSIVE BID IN THE AMOUNT OF \$2,098,889.59 FROM CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE ASPHALT RECYCLING AND OVERLAY – 2004 STREET MAINTENANCE PROJECT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$104,944.48 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$750.00 FOR ADVERTISING EXPENSES; AUTHORIZING \$500.00 FOR PRINTING AND REPRODUCTION EXPENSES; AUTHORIZING \$41,977.79 FOR CONSULTANT MATERIAL TESTING; AUTHORIZING \$121,760.26 FOR REIMBURSEMENT OF CITY FORCES FOR TRAFFIC MARKINGS, VIDEO IMAGE VEHICLE DETECTION SYSTEM AND OTHER TRAFFIC IMPROVEMENTS, FOR A TOTAL AMOUNT OF \$2,368,822.12; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT VOTES.

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

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

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2004-09 TRAVEL AUTHORIZATION – Granted:

Ratification of Travel Authorization for Councilman Christopher “Chip” Haass, District 10 who traveled to Austin, Texas to attend the Texas Municipal League’s one-day workshop on the potential effects on cities of Public School Finance reform on Friday, March 12, 2004.

Councilman Segovia made a motion to approve the proposed Travel Authorization. Councilwoman Radle seconded the motion.

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

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2004-09 **FINANCIAL DISCLOSURE PRESENTATION**

Ms. Yolanda Ledesma, Acting City Clerk, presented a report regarding the financial disclosure reports that were submitted by the required deadline for members of Boards and Commission and further outlined the subsequent action necessary.

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2004-09 **CITY MANAGER'S REPORT**

Ms. Terry Brechtel, City Manager, presented a copy of an update on high risk contracts coming forward to the City Council.

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2004-09 There being no further business to come before the City Council, the meeting was adjourned at 8:36 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