

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, OCTOBER 7, 2004

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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):

The Council members present were: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

The City Council recessed its "B" Session at 10:19 A.M. in order to convene in Executive Session for the purpose of:

Deliberate the duties, appointment, and employment of the City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss status of economic development negotiations and incentives, including the possible acquisition and disposition of an interest in real property, offered to business prospects that may locate within the corporate city limits of San Antonio and/or in areas proposed for annexation, pursuant to Texas Government Code Section 551.087 (deliberations regarding economic development negotiations) and Texas Government Code Section 551.072 (deliberation on the purchase, exchange, lease, or value of real property).

Discuss legal issues regarding the negotiations with Landry's Restaurants, Inc. for the proposed Tower of the America's lease agreement, pursuant to Texas Government Code Section 551.072 (deliberation on the purchase, exchange, lease, or value of real property) and Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues relating to the convention center catering contract with the RK Group Joint Venture Partnership, pursuant to Texas Government Code Section 551.071 (consultation with attorney)

The City Council adjourned the Executive Session at 12:45 P.M. and reconvened the "B" Session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

The "B" Session adjourned at 12:46 P.M.

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, Hall, Schubert, Haass, Garza. ABSENT: None.

Invocation by Rev. Cleo Edmunds, District 1, Historic Little Church of La Villita.

Pledge of Allegiance to the flag of the United States.

CEREMONIALS

The following honorariums were presented: a proclamation for "Cancer Center Council for Partners Shopping Card Days" to Karen Heintz, and a proclamation for "Lights on Afterschool" to Dennis Campa, Community Initiatives Director. Mayor Garza then called forward Winifred Barnum-Newman, who spoke to the work of the United San Antonio Mayor's Commission.

The minutes of the City Council Meetings of July 29, 2004 and August 5, 2004 were approved as presented.

CONSENT AGENDA – CITIZENS COMMENTS

Items 14 and 17 were addressed individually from the consent agenda. The remaining items 5 through 19 were unanimously approved under the consent agenda upon motion made by Councilmember Williams and seconded by Councilmember Segovia.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke on agenda items (2) Ceremonials, (3) Minutes, and (12) Deer Oaks EAP Services contract.

AN ORDINANCE 99835

AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH THE VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$175,761.00 TO INCLUDE CONTRACTS FOR: EDGEPORT 22C USB EXPANSION MODULES; EMERGENCY MEDICAL SUPPLIES; ELEVATOR MAINTENANCE FOR THE ST. MARY'S STREET PARKING GARAGE; AND POLICE PATROL VEHICLE RADAR UNITS.

AN ORDINANCE 99836

AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$297,653.00 FROM GENERAL OBLIGATIONS OF THE CITY FOR FACILITY IMPROVEMENTS AT THE MUNICIPAL PLAZA BUILDING LOCATED AT 114 WEST COMMERCE STREET, AND THE PUBLIC SAFETY AND TECHNOLOGY CENTER LOCATED AT 515 FRIO STREET.

AN ORDINANCE 99837

AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING 2003-2007 PARK BOND AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN AN AMOUNT NOT TO EXCEED \$11,303.60 PAYABLE TO DURAND-HOLLIS, RUPE ARCHITECTS, INC. (DBE/SBE/MBE) FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE BASKETBALL COURT IMPROVEMENTS PACKAGE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN CITY COUNCIL DISTRICTS 1, 4 AND 6; AUTHORIZING \$1,130.00 FOR CONTINGENCY EXPENSES; AUTHORIZING \$500.00 FOR BID ADVERTISING/PRINTING EXPENSES; AUTHORIZING \$19,600.00 FOR MANDATORY PROJECT FEES FOR A TOTAL AMOUNT OF \$32,533.60; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99838

AN ORDINANCE ACCEPTING THE LOW RESPONSIVE BID OF YANTIS COMPANY IN THE AMOUNT OF \$1,470,910.00 FOR THE CONSTRUCTION OF THE PERIMETER ROAD RECONSTRUCTION PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING THE EXECUTION OF A

CONSTRUCTION CONTRACT; AUTHORIZING \$147,091.00 FOR CONSTRUCTION CONTINGENCIES, FOR A TOTAL AMOUNT OF \$1,618,001.00; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99839

AN ORDINANCE ACCEPTING THE PROPOSAL AND AMENDING THE PROFESSIONAL SERVICES AGREEMENT, WITH THE FIRM OF CLAUNCH & MILLER, INC., TO INCREASE SCOPE OF ENGINEERING SERVICES TO PROVIDE FULL-TIME ON-SITE INSPECTION SERVICES IN CONNECTION WITH THE PERIMETER ROAD RECONSTRUCTION PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT IN AN AMOUNT NOT TO EXCEED \$135,000.00; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99840

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A REIMBURSEMENT GRANT IN AN AMOUNT NOT TO EXCEED \$160,500.00 FROM THE TRANSPORTATION SECURITY ADMINISTRATION ("TSA") FOR REIMBURSEMENT OF EXPENSES RESULTING FROM PARTICIPATION IN THE TSA EXPLOSIVES DETECTION CANINE TEAM PROGRAM AT THE SAN ANTONIO INTERNATIONAL AIRPORT DURING FISCAL YEAR 2005; APPROPRIATING FUNDS; AND ESTABLISHING A BUDGET.

AN ORDINANCE 99841

AN ORDINANCE AUTHORIZING A ONE (1) YEAR EXTENSION (FY 2005) OF A LAW ENFORCEMENT PERSONNEL REIMBURSEMENT AGREEMENT WITH THE TRANSPORTATION SECURITY ADMINISTRATION FOR THE USE OF AIRPORT POLICE PERSONNEL AT THE SAN ANTONIO INTERNATIONAL AIRPORT CHECKPOINTS, IN AN AMOUNT NOT TO EXCEED \$384,739.00; APPROPRIATING FUNDS; AND ESTABLISHING A BUDGET.

AN ORDINANCE 99842

AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXERCISE THE FINAL ONE (1) YEAR EXTENSION OPTION AND AMENDMENT OF THE CURRENT CONTRACT WITH COLE MANAGED VISION

TO PROVIDE A VISION PROGRAM FOR CITY EMPLOYEES AND THEIR ELIGIBLE FAMILY MEMBERS AT AN ESTIMATED PASS-THROUGH COST OF \$454,150.00, FOR THE PERIOD BEGINNING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2005.

AN ORDINANCE 99843

AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE A CONTRACT WITH DEER OAKS EAP SERVICES IN AN ESTIMATED ANNUAL AMOUNT OF \$101,977.00 TO PROVIDE AN EMPLOYEE ASSISTANCE PROGRAM FOR ALL NON-UNIFORMED ACTIVE CITY EMPLOYEES AND THEIR ELIGIBLE FAMILY MEMBERS FOR EVALUATION, ASSESSMENT AND SHORT-TERM COUNSELING SERVICES, FOR THE PERIOD BEGINNING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2007; AND AUTHORIZING TWO (2) ONE (1) YEAR EXTENSIONS, SUBJECT TO AND CONTINGENT UPON FUNDING AND APPROVAL BY CITY COUNCIL.

Item 13 being a proposed ordinance authorizing the Interim City Manager or his designee to execute a contract with Concentra Health Services, Inc., in an estimated annual amount of \$104,786.00 to provide drug and alcohol testing for prospective non-uniformed City employees and City employees operating commercial vehicles, for the period beginning January 1, 2005 and ending December 31, 2007; and authorizing two (2) one (1) year extensions, subject to and contingent upon funding and approval by City Council was pulled from consideration.

AN ORDINANCE 99844

AN ORDINANCE CONSENTING TO THE INCLUSION OF A PORTION OF THE CITY'S EXTRATERRITORIAL JURISDICTION IN THE PROPOSED EMERGENCY SERVICES DISTRICT #2, GUADALUPE COUNTY, FOR THE PROVISION BY THE DISTRICT OF FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICES FOR INDIVIDUALS RESIDING WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT.

AN ORDINANCE 99845

AN ORDINANCE APPROVING AN EXTENSION OF LINE-OF-DUTY LEAVE FOR FIRE APPARATUS OPERATOR DWIGHT D. ANDREAS THAT RESTORES 2,640

HOURS (110 SHIFTS) OF PERSONAL LEAVE FOR THE PERIOD AUGUST 22, 2002, TO NOVEMBER 1, 2003.

AN ORDINANCE 99846

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR SUNSET STATION IN CONNECTION WITH THE VITAL ALLIANCE 5K TO BE HELD ON SATURDAY, OCTOBER 16, 2004 FROM 8:00 A.M. UNTIL 11:00 A.M. SPONSORED BY VITAL ALLIANCE.

AN ORDINANCE 99847

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR THE ALAMODOME IN CONNECTION WITH THE RHEUMATOLOGY 5K RUN TO BE HELD ON TUESDAY, OCTOBER 19, 2004 FROM 5:00 A.M. UNTIL 7:30 A.M. SPONSORED BY JOHN PURNELL.

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 99848

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$186,180.00 FROM THE SAN ANTONIO EDUCATION PARTNERSHIP REPRESENTING SUPPORT FROM THE FOLLOWING SEVEN LOCAL INDEPENDENT SCHOOL DISTRICTS: SAN ANTONIO, EDGEWOOD, HARLANDALE, SOUTH SAN, SOUTH SIDE, SOUTHWEST AND NORTHEAST; APPROVING A BUDGET; AND AUTHORIZING THE TRANSFER AND EXPENDITURE OF ANY REMAINING FUNDS FROM PREVIOUS PROGRAM YEARS IN SUPPORT OF FISCAL YEAR 2005 OPERATIONS.

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

The following citizen appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, addressed his concerns on the above noted item.

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

The City Clerk read the following ordinance:

AN ORDINANCE 99849

AN ORDINANCE RATIFYING THE ACCEPTANCE OF A \$185,222.00 GRANT AWARD FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (“CJD”) UNDER THE VIOLENCE AGAINST WOMEN ACT (“VAWA”) TO CONTINUE THE EARLY INTERVENTION FOR WOMEN LIVING IN DOMESTIC VIOLENCE PROGRAM FOR THE TWELVE-MONTH PERIOD BEGINNING SEPTEMBER 1, 2004 AND ENDING AUGUST 31, 2005; ESTABLISHING A FUND; ADOPTING A BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Radle 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.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 99850

AN ORDINANCE ESTABLISHING TERMS AND CONDITIONS OF EMPLOYMENT OF J. ROLANDO BONO AS INTERIM CITY MANAGER.

Councilmember Segovia made a motion to approve the proposed Ordinance. Councilmember Haass 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.

The City Clerk read the following ordinance:

AN ORDINANCE 99851

AN ORDINANCE APPOINTING FIVE (5) INDIVIDUALS TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER THIRTEEN (13), CITY OF SAN ANTONIO, TEXAS, COMMONLY REFERRED TO AS THE LACKLAND HILLS PROJECT, LOCATED IN COUNCIL DISTRICT 4, FOR TWO (2) YEAR TERMS OF OFFICE TO EXPIRE ON OCTOBER 17, 2006.

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

Mr. David Garza, Director of Neighborhood Action Department, narrated a slide presentation on the Lackland Hills Board Appointments, a copy of which is on file with the Office of the City Clerk. He outlined the application process, method of outreach, background on the tax increment reinvestment zone, and the proposed candidates for appointment.

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

The City Clerk read the following ordinance:

AN ORDINANCE 99852

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES SUPPLEMENTAL GRANT AWARDS TOTALING \$720,379.00 FOR THE OPERATION OF THE HEAD START-EARLY CHILD CARE PROGRAM FOR THE PERIOD FEBRUARY 1, 2004 THROUGH JANUARY 31, 2005; AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH PARENT/CHILD, INCORPORATED AS OPERATOR OF SAID PROGRAM; AND APPROVING A REVISED HEADSTART PROGRAM BUDGET.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Williams seconded the motion.

Mr. Dennis Campa, Director of Community Initiatives Department, narrated a slide presentation on the Head Start Program, a copy of which is on file with the Office of the City Clerk. He spoke to the purpose of the ordinance which authorized acceptance of additional funds from the U.S. Department of Health and Human Services, presented background information on the Head Start program, the City's role with the program,

noting that the funding provides support for three initiatives which includes a cost of living adjustment for all PCI employees. He outlined details of the report issued by the Health Human Services (HHS) Office of Inspector General with respect to compensation practices, and presented the various salaries, and the next steps of the process.

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

The City Clerk read the following ordinance:

AN ORDINANCE 99853

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE TEXAS COMMISSION FOR THE ARTS IN THE AMOUNT OF \$37,480.00 TO PROVIDE OPERATIONAL AND PROJECT SUPPORT FOR THREE LOCAL ARTS AGENCIES; AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE DELEGATE AGENCY CONTRACTS WITH THESE AGENCIES; AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE TEXAS COMMISSION FOR THE ARTS IN THE AMOUNT OF \$2,500.00 TO SUPPORT THE CULTURAL COLLABORATIVE'S MARKETING AND PUBLIC RELATIONS EFFORTS; AND PROVIDING FOR PAYMENT.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Williams seconded the motion.

Mr. Felix Padron, Director of Office of Cultural Affairs, narrated a slide presentation on items 23A and 23B, regarding the FY05 Arts Funding Program, a copy of which is on file with the Office of the City Clerk. He presented background information on the funding policy and criteria as reviewed by the Cultural Arts Board and approved by City Council. He spoke to the fiscal impact, the FY 04 award from the Community Visitor Facilities funds which included the Texas Commission for the Arts Decentralization Grant and a one time carry over dollars to 25 agencies and other services. He outlined the funding categories, funding criteria, the funding process, and the funding recommendations of the Cultural Arts Board for the various categories and projects.

(Mayor Garza was obliged to leave the meeting at 2:25 P.M. Mayor Pro-Tem Perez presided).

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. **NAYS:** None. **ABSENT:** Garza.

The City Clerk read the following ordinance:

AN ORDINANCE 99854

AN ORDINANCE AWARDING \$2,329,157.00 IN FY 2005 COMMUNITY AND VISITOR FACILITIES FUNDS TO PROVIDE OPERATIONAL AND PROJECT SUPPORT FOR VARIOUS LOCAL ARTS AGENCIES; AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE DELEGATE AGENCY CONTRACTS WITH THE VARIOUS LOCAL ARTS AGENCIES; AND PROVIDING FOR PAYMENT.

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

The following citizen(s) appeared to speak on the above noted item:

Ms. Deborah L. Parrish, 165 W. Rampart #408

Mr. Woody Halsey, Vice-Chair, Cultural Arts Board

Mr. Jeff Harmon, 527 Fulton

Mr. Jack Finger, P.O. Box 12048

(Mayor Garza returned at 3:25 P.M. and presided over the meeting).

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

TRAVEL AUTHORIZATION

Travel Authorization for Councilman Roger O. Flores, District 1, Councilman Richard Perez, District 4, and Councilman Enrique Barrera, District 6, who will travel to Japan, Kumamoto, Kyoto, Nagoya, and Tokyo from Thursday, October 14, 2004 to Wednesday, October 20, 2004 to reestablish Sister Cities ties with Kumamoto City's New Mayor, Honorable Seishi Kohyama, and groups responsible for on-going projects with San Antonio.

Councilmember Perez made a motion to approve the proposed Travel Authorization. Councilmember 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, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. NAYS: None. ABSENT: Castro.

CITY MANAGER'S REPORT

Interim City Manager Rolando Bono spoke to the interim reorganization plan that would be implemented in order to achieve goals of the City's organization through the transitional period. He also highlighted various projects of the Accelerated Response Crew (ARC). He then introduced members of the Council Action Teams (CAT), noting the respective districts that each are assigned to and the valuable work accomplished by each of the teams. He further extended his appreciation to the City Council for their continued support of the various programs.

EXECUTIVE SESSION

The City Council recessed its regular session at 3:50 pm in order to convene in Executive Session for the purpose of:

Deliberate the duties and basis for evaluation of J. Rolando Bono, Interim City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters).

Deliberate the duties, appointment, and employment of the City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss status of economic development negotiations and incentives, including the possible acquisition and disposition of an interest in real property, offered to business prospects that may locate within the corporate city limits of San Antonio and/or in areas proposed for annexation, pursuant to Texas Government Code Section 551.087 (deliberations regarding economic development negotiations) and Texas Government Code Section 551.072 (deliberation on the purchase, exchange, lease, or value of real property).

Discuss legal issues regarding the negotiations with Landry's Restaurant's, Inc. for the proposed Tower of the Americas lease agreement, pursuant to Texas Government Code Section 551.072 (deliberation on the purchase, exchange, lease, or value of real property) and Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 6:17 pm and reconvened in regular session, at which time Mayor Garza stated the City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

CITIZENS TO BE HEARD

Mr. Joe Perez, spoke on the new format of the Council minutes.

Mr. Faris Hodge, Jr., 140 Dora, spoke on Elderly services, and actions pertaining to former City Manager Terry Brechtel.

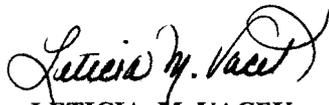
There being no further business to come before the City Council the meeting was adjourned at 6:30 pm.

A P P R O V E D



EDWARD D. GARZA
MAYOR

Attest:



LETICIA M. VACEK
City Clerk