

**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, JANUARY 6, 2005

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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):

Staff briefing on Neighborhood Association Registration Policy. [Presented by Emil R. Moncivais, Director, Planning; Jelyne LeBlanc Burley, Assistant City Manager]

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 11:15 A.M. in order to convene in Executive Session for the purpose of:

Upon a Good Faith Determination by City Council pursuant to §551.086 (c) of the Texas Government Code that the subject matter involves a competitive matter, a discussion regarding competitive matters (§551.086 of the Tex. Govt. Code) and legal consultation (§551.071 of the Tex. Govt. Code) related to CPS' pricing strategies.

Deliberate the offer of financial or other incentives related to economic development negotiations with a business prospect the City Council seeks to have locate in or near San Antonio, including the possible acquisition and disposition of an interest in real property, pursuant to Texas Government Code Section 551.087 (deliberation regarding economic development negotiations) and Texas Government Code Section 551.072 (deliberation regarding real property); and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss the lawsuit styled *City of San Antonio v. Artemio A. Alanis and Nancy K. Alanis, et al*, Cause No. 99-ED-0029, Probate Court No. 1, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council recessed 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 Edward Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

The Invocation was given by Reverend Randy Bales, District 8, University Baptist Church.

Mayor Garza led the Pledge of Allegiance to the United States Flag.

CEREMONIAL ITEMS

Mayor Garza presented the following honorariums:

A proclamation in honor of Public Transportation Awareness Week.

A retirement Certificate of Congratulations to Mr. Anthony (Tony) Pizzi for 35 years of service to the City of San Antonio.

A Certificate of Appreciation to: Davila Electric Company, Ry Dan Group Inc., Carpentry Concepts, Waste Management, Merced Housing, and KB Homes for their donations and assistance in renovating the homes of Ms. Bertha Alvarado, age 75 and Sebastian Gomez, age 83, which were severely damaged in two separate fires.

Mayor Garza recognized Chairman Jim Mayor of SAWS who introduced the newly hired CEO of SAWS, Mr. David E. Chardavoine.

Swearing-in of Councilmember Christopher "Chip" Haass, District 10, as Mayor Pro Tem.

The minutes of the City Council meeting of November 10, 2004 were approved as presented.

CONSENT AGENDA – CITIZENS’ COMMENTS

Items 8, 9, 11, 13, 14 and 16 were addressed individually from the consent agenda. The remaining items 6 through 30 were approved under the consent agenda upon motion made by Councilmember Perez and seconded by Councilmember Segovia.

The following citizen(s) appeared to speak:

Jack M. Finger, PO Box 12048, addressed the following items #2, #10, and #13 and noted campaign contributions made to certain Council members.

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

AN ORDINANCE 100208

ACCEPTING THE SOLE SOURCE BID SUBMITTED BY SHOOK MOBILE TECHNOLOGY, L.P., TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH A PNEUMATIC MAST PACKAGE FOR A TOTAL COST OF \$31,358.00 FROM THE OFFICE OF DOMESTIC PREPAREDNESS GRANT FOR HOMELAND SECURITY.

AN ORDINANCE 100209

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY NU VAN TECHNOLOGY, INC., ITEM 1, AND ROWAN & CORNIL, INC., D/B/A SUNBELT INDUSTRIAL TRUCKS, ITEMS 2 AND 2A, TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH TWO TRAILERS AND A FORKLIFT FOR A COMBINED TOTAL COST OF \$87,600.00 FROM THE OFFICE OF DOMESTIC PREPAREDNESS GRANT FOR HOMELAND SECURITY.

AN ORDINANCE 100210

APPROVING A RENEWAL AND EXTENSION OF THE PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES BETWEEN POZNECKI, CAMARILLO AND ASSOCIATES, INC., A TEXAS CORPORATION, AS CONSULTANT, AND THE CITY OF SAN ANTONIO, APPROVED BY

LEVI STRAUSS FINISHING PLANT PROPERTY, LOCATED AT 5827 HIGHWAY 90 WEST IN CITY COUNCIL DISTRICT 6, FOR THREE (3) MONTHS COMMENCING ON JANUARY 1, 2005, AND EXPIRING MARCH 31, 2005, IN ORDER TO PROVIDE ADDITIONAL TIME IN WHICH TO OBTAIN PLATTING APPROVAL.

AN ORDINANCE 100211

ACCEPTING THE LOW, RESPONSIVE BID OF V.W. BROOKS IN THE AMOUNT OF \$121,000.00 TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE SUNKEN GARDEN THEATER ADA MODIFICATIONS PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$2,000.00 FOR MANDATORY PROJECT FEES; AUTHORIZING \$18,500.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$1,000.00 FOR PARK MATERIALS, FOR A TOTAL AMOUNT OF \$142,500.00 FROM CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100212

APPROVING FIELD ALTERATION NO. 2 AND AUTHORIZING \$83,485.71 FROM GENERAL OBLIGATIONS OF THE CITY PAYABLE TO PRONTO SANDBLASTING AND COATING AND OIL-FIELD SERVICE COMPANY, INC., IN CONNECTION WITH THE SOUTHTOWN AREA STREET IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 1; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100213

ORDINANCE SELECTING CHESNEY, MORALES & ASSOCIATES, INC. (MBE/SBE) TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES IN CONNECTION WITH THE PARTIAL RE-ROOFING OF THE HENRY B. GONZALEZ CONVENTION CENTER, LOCATED AT 200 E. MARKET STREET IN COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT FOR AN AMOUNT NOT TO EXCEED \$194,541.00; AUTHORIZING \$16,158.00 FOR CONTINGENCY EXPENSES; AUTHORIZING \$6,324.00 FOR CAPITAL ADMINISTRATION EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$217,823.00 FROM HOTEL OCCUPANCY TAX

SUBORDINATE LIEN REVENUE AND REFUNDING BOND, SERIES 2004B FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100214

SELECTING CHESNEY, MORALES & ASSOCIATES, INC. (MBE/SBE) TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES IN CONNECTION WITH THE HENRY B. GONZALEZ CONVENTION CENTER INTERIOR ADMINISTRATIVE OFFICE RENOVATIONS AND UPGRADES AND CODE IMPROVEMENTS PROJECT, LOCATED AT 200 E. MARKET STREET IN COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT FOR AN AMOUNT NOT TO EXCEED \$169,590.00; AUTHORIZING \$11,424.00 FOR CONTINGENCY EXPENSES; AUTHORIZING \$7,997.00 FOR CAPITAL ADMINISTRATION EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$189,811.00 FROM HOTEL OCCUPANCY TAX SUBORDINATE LIEN REVENUE AND REFUNDING BOND, SERIES 2004B FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100215

AUTHORIZING PAYMENT IN THE AMOUNT OF \$57,301.00 FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS TO LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION, FOR FEE SIMPLE TITLE TO ONE PARCEL (\$55,301.00) AND TITLE FEES (\$2,000.00) IN CONNECTION WITH THE STAHL AT O'CONNOR AND JUDSON RECONSTRUCTION MPO PROJECT, LOCATED IN COUNCIL DISTRICT 10; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100216

AUTHORIZING FUNDS IN THE AMOUNT OF \$2,350.00 FROM 1999 GENERAL OBLIGATION STREET BOND FUNDS FOR FEE SIMPLE TITLE TO TWO PARCELS OF REAL PROPERTY AND OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE MAYFIELD - I.H. 35 TO ZARZAMORA MPO PROJECT ("PROJECT"), LOCATED IN COUNCIL DISTRICT 4; DECLARING THE PROJECT TO BE A PUBLIC PROJECT FOR THE ACQUISITION OF THE FEE SIMPLE TITLE

TO CERTAIN PRIVATELY OWNED REAL PROPERTY, TO WIT, ALL OR PORTIONS OF THE PROPERTIES LISTED AS FOLLOWS: (1) A 0.00258 ACRE TRACT OF LAND OUT OF THE SOUTH 100 FEET OF ORIGINAL LOT 397, NCB 7853; (2) A 0.00258 ACRE TRACT OF LAND OUT OF THE NORTH PART OF ORIGINAL LOT 321, NCB 8607, ALL OUT OF THE HARLANDALE ACRES TRACT NO. 2, 2ND FILING, AND ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; ESTABLISHING JUST COMPENSATION FOR THE PROPERTIES; APPROPRIATING FUNDS FOR THE PROJECT INCLUDING MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS TITLE FEES AND ATTORNEY'S FEES; AUTHORIZING CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTIES FROM THE OWNERS ON THE APPROVED TERMS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100217

APPROVING THE FULL AND FINAL SETTLEMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND JESSE E. PENA FOR 641.52 SQUARE FEET OF LAND IN FEE SIMPLE OUT OF LOT 11, BLOCK 9, NCB 582, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AND AUTHORIZING PAYMENT IN THE TOTAL AMOUNT OF \$21,000.00 FROM 1996 CERTIFICATES OF OBLIGATION, PAYABLE TO GERRY RICKHOFF, COUNTY CLERK, IN CONNECTION WITH THE CHERRY STREET DRAINAGE #15B PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100218

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE GOVERNMENT OF THE STATE OF NUEVO LEON, MEXICO, OPERATING AS SECRETARIA DE DESARROLLO ECONOMICO, N.L., FOR THE USE OF APPROXIMATELY 1,521 SQUARE FEET OF OFFICE SPACE AT THE INTERNATIONAL CENTER, LOCATED AT 203 S. ST. MARY'S STREET, IN COUNCIL DISTRICT 1, FOR A TWENTY SEVEN (27) MONTH TERM, WHICH COMMENCED ON OCTOBER 1, 2004 AND WHICH WILL EXPIRE ON DECEMBER 31, 2006, AT A RENT THAT ESCALATES FROM \$9.60 PER SQUARE FOOT ANNUALLY TO \$13.20 PER SQUARE FOOT ANNUALLY DURING THE INITIAL TERM, AND PROVIDING FOR A TWO (2) YEAR RENEWAL TERM AT A RATE OF \$15.00 PER SQUARE FOOT ANNUALLY, PLUS COMMON AREA MAINTENANCE COSTS WHICH ARE SUBJECT TO ANNUAL ADJUSTMENT.

AN ORDINANCE 100219

AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE LEASE WITH SP SAN ANTONIO PARTNERSHIP, L.P., A DELAWARE LIMITED PARTNERSHIP, FOR THE USE OF APPROXIMATELY 1,843 SQUARE FEET OF SPACE FOR THE COMMUNITY LINK SERVICE CENTER AT SOUTH PARK MALL, FOR FIVE (5) YEARS, AT A COST OF \$2,257.68 PER MONTH THROUGH JUNE 30, 2005; \$2,856.65 PER MONTH FOR YEARS 1 AND 2; \$3,071.67 PER MONTH FOR YEARS 3 AND 4; AND \$3,796.58 PER MONTH IN YEAR 5; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100220

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND THE FEDERAL AVIATION ADMINISTRATION FOR USE OF GROUND SPACE AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FOR THE OPERATION AND MAINTENANCE OF AIR NAVIGATIONAL AID FACILITIES FOR RUNWAY 30L LAND SITES, INCLUDING, THE MEDIUM INTENSITY APPROACH LIGHTING SYSTEM, MIDDLE MARKER, GLIDE SLOPE, AND LOCALIZER BEACON SITES.

AN ORDINANCE 100221

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO ACCEPT A DONATION IN THE AMOUNT OF \$700.00 FROM TARGET STORES TO THE FINANCIAL CRIMES UNIT, FORGERY DETAIL OF THE SAN ANTONIO POLICE DEPARTMENT, WHICH WILL BE USED TO PURCHASE A VCR AND A MONITOR TO FURTHER ENHANCE THE CAPABILITIES OF THE FORGERY DETAIL; AMENDING THE BUDGET; AND APPROPRIATING FUNDS.

AN ORDINANCE 100222

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO ACCEPT A DONATION OF TWO (2) SANYO DIGITAL NIGHT CAMERAS WITH CASES AND TWO (2) ARCHOS MODEL AV340 DIGITAL VIDEO RECORDERS AND CONTROLLERS, VALUED AT \$2,438.00, TO THE SAN ANTONIO POLICE DEPARTMENT FROM THE SAN ANTONIO ASIAN COMMUNITY AFFAIRS.

AN ORDINANCE 100223

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXTEND THE FEASIBILITY PERIOD UNTIL MARCH 1, 2005, AND FURTHER NEGOTIATE AND EXECUTE ANY OTHER EXTENSIONS RELATING TO THE ACQUISITION OF CERTAIN REAL PROPERTY FROM THE SAN ANTONIO WATER SYSTEM; AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$10,000.00 FROM HOTEL OCCUPANCY TAX REVENUE BOND FUNDS FOR ADDITIONAL DUE DILIGENCE EXPENSES.

AN ORDINANCE 100224

CHANGING THE STREET NAME OF CASSAVA PLACE TO GRACE PLACE, LOCATED IN COUNCIL DISTRICT 9.

AN ORDINANCE 100225

RATIFYING THE ACCEPTANCE OF A \$40,000.00 GRANT BY THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC., ("SAHTF") FROM THE FANNIE MAE FOUNDATION TO SUPPORT HOMEBUYER COUNSELING ACTIVITIES AND THE NEIGHBORHOOD ACTION DEPARTMENT'S HOMEBUYER'S CLUB PROGRAM; AUTHORIZING THE EXECUTION OF A CONTRACT WITH SAHTF IN THE AMOUNT OF \$20,000.00 TO SUPPORT THE NEIGHBORHOOD ACTION DEPARTMENT'S HOMEBUYER'S CLUB PROGRAM; AND AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH.

AN ORDINANCE 100226

RE-APPOINTING EVANLEEN SCHMUECKLE (DISTRICT 3) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM EXPIRING APRIL 3, 2006.

(Mayor Garza was obliged to leave the meeting at 2:40 P.M. Council member Haass presided.)

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 100227

ACCEPTING THE PROPOSAL SUBMITTED BY SPS GOLF MANAGEMENT SOLUTIONS TO PROVIDE THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH A GOLF SHOP POINT OF SALE SYSTEM FOR A TOTAL COST OF \$73,595.92.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100228

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 FISCAL YEAR 2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$3,371,739.00 TO INCLUDE CONTRACTS FOR TEXSHARE DATABASE ANNUAL MEMBERSHIP FEE, NOTEBOOK COMPUTERS, AND VITAL RECORD FORMS.

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

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. **NAYS:** None. **ABSENT:** Flores, Garza.

The City Clerk read the following ordinance:

AN ORDINANCE 100229

SELECTING FISHER HECK ARCHITECTS, INC. (SBE), TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE RIVER WALK REHABILITATION & IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$81,500.00; AUTHORIZING \$9,850.00 FOR ARCHITECTURAL CONTINGENCY EXPENSES; AUTHORIZING \$17,000.00 FOR SURVEYING SERVICES; AUTHORIZING \$1,500.00 FOR BID ADVERTISING AND PRINTING EXPENSES, FOR A TOTAL AMOUNT OF \$109,850.00 FROM CERTIFICATES OF OBLIGATION AND FACILITY IMPROVEMENT MAINTENANCE PROGRAM FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 100230

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$90,895.00 TO FORD POWELL & CARSON ARCHITECTS AND PLANNERS, INC., FOR ADDITIONAL DESIGN SERVICES IN CONNECTION WITH THE OLMOS BASIN PARK REHABILITATION AND TRAIL SYSTEM DEVELOPMENT PROJECT, LOCATED IN COUNCIL DISTRICTS 1 AND 9; AUTHORIZING \$13,600.00 FOR CONSULTANT CONTINGENCY EXPENSES; AUTHORIZING \$53,900.00 FOR TOPOGRAPHIC AND SITE SURVEY COSTS; AUTHORIZING \$5,000.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF \$163,395.00; TRANSFERRING \$841.00 WITHIN THE PROJECT BUDGET AND APPROPRIATING \$162,554.00 FROM 1999-2003 PARK BOND FUNDS; AND PROVIDING FOR PAYMENT.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 100231

APPROVING FIELD ALTERATION NO. 46 TO REDUCE THE CONTRACT WITH E-Z BEL CONSTRUCTION, LTD., BY \$108,285.18 IN CONNECTION WITH THE HI-LIONS #80, PHASES III AND V PROJECT, LOCATED IN COUNCIL DISTRICT 3; AND REVISING THE PROJECT BUDGET.

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

(Mayor Garza returned at 2:55 P.M. to the meeting and presided.)

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

The City Clerk read the following ordinance:

AN ORDINANCE 100232

APPROVING FIELD ALTERATION NO. PW-1 AND AUTHORIZING \$362,421.00 FROM AVIATION CAPITAL IMPROVEMENTS FUNDS PAYABLE TO CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE AIRPORT TERMINAL ROADWAY RENOVATION PROJECT; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 100233

ADOPTING REVISED VOTING PRECINCTS TO BE USED FOR THE MAY 7, 2005 GENERAL AND SPECIAL ELECTION.

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

City Clerk Leticia Vacek stated that the precinct changes reflected the new precincts in the limited purpose annexation which were part of the Southside Initiative.

The following citizen(s) appeared to speak:

Jack M. Finger, PO Box 12048, spoke with regards to item #37 and noted that the city lost that lawsuit, and spoke on item 32.

Nancy K. Alaniz, Hildebrand Landowners, also spoke about the lawsuit (item #37).

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 100234

AUTHORIZING THE EXECUTION OF TWO AGREEMENTS FOR TRAFFIC ENGINEERING CONSULTING SERVICES WITH PAPE-DAWSON ENGINEERS, INC., AND POST, BUCKLEY, SCHUH & JERNIGAN, INC., D/B/A PBS & J, SAN ANTONIO, EACH IN AN AMOUNT NOT TO EXCEED \$500,000.00 FOR AS-NEEDED SERVICES IN CONNECTION WITH CITY-OWNED FACILITIES AND IMPROVEMENTS, CONSTRUCTION PROJECTS AND EMERGENCY SITUATIONS, FOR A ONE (1) YEAR TERM, WITH AN OPTION TO EXTEND ONE OR BOTH OF THE AGREEMENTS FOR ONE (1) ADDITIONAL YEAR.

Mr. Thomas G. Wendorf, Public Works Director, narrated a slide presentation on the Indefinite Delivery Professional Service Agreements, a copy of which is on file with the Office of the City Clerk. He outlined background information on the requests for traffic-related studies noting that Traffic Engineering receives approximately 4,000 requests which result in 2,100 traffic studies and 1,800 reviews annually. He spoke to the professional services available, deliverables, the selection and the fiscal impact.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100235

AUTHORIZING THE ENGAGEMENT OF ATTORNEYS AND LAW FIRMS TO SERVE AS BOND COUNSEL FOR THE CITY OF SAN ANTONIO IN CONNECTION WITH VARIOUS FINANCINGS.

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

Mr. Andrew Martin, City Attorney made a presentation on the selection of bond counsel, a copy of which is on file with the Office of the City Clerk. He spoke to the RFQ process, the firms that responded, committee process, and bond counsel fees. He further cited each of the firms and the respective transactions that each would be involved with and associated fiscal impact.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100236

APPROVING AN ADDENDUM TO THE CITY'S STATE LEGISLATIVE PROGRAM FOR THE 79TH LEGISLATURE THAT WAS ADOPTED BY ORDINANCE NO. 99966 ON NOVEMBER 4, 2004.

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

Mr. Ray Baray, Intergovernmental Relations Manager, narrated a slide presentation on the Addendum to the State Initiatives Program for the 79th Legislative Session, a copy of which is on file with the Office of the City Clerk. He spoke to the program adopted by City Council on November 4, 2004, noting that it consisted of 15 legislative priorities. He stated that the proposed ordinance would be to approve the addendum which consisted of four legislative proposals recently adopted by the Texas Municipal League board of directors, and two issues that called for analysis and review by City staff. He delineated each the legislative endorsements, the timeline, and staff recommendations.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100237

AUTHORIZING THE RENEWAL AND EXECUTION OF A LEASE AGREEMENT WITH MOSES AND CRISTY MITCHELL, D/B/A VALLEY HI EXECUTIVE CENTER, FOR LEASED SPACE LOCATED IN A BUILDING KNOWN AS VALLEY HI EXECUTIVE CENTER AT 333 VALLEY HI DRIVE, SUITE #2108 AND #2110 FOR THE COUNCIL DISTRICT 4 CONSTITUENT OFFICE FOR A RENTAL RATE OF \$587.25 PER MONTH COMMENCING JANUARY 1, 2005 THROUGH MAY 15, 2005; AS REQUESTED BY COUNCILMAN RICHARD PEREZ.

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

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

CITY MANAGER'S REPORT

Mr. J. Rolando Bono, Interim City Manager reported that staff would make a report on the request that was submitted to the Governance Committee as discussed on January 5, 2005.

Mr. Peter Zanoni, Director of Management and Budget presented a powerpoint presentation with regards to the budget of the Fire Department, a copy of which is on file with the Office of the City Clerk. He gave an overview of the issues raised by the Association, matrix of the FY 2005 Fire/EMS budget vs. actual, historical budget comparisons/retiree payouts, adjustments to the budget, uniform staffing history, labor management issues, information provided to the Association, and Fire/EMS capital projects.

EXECUTIVE SESSION

The City Council recessed its regular session at 4:55 P.M. in order to convene in Executive Session for the purpose of:

Discuss the lawsuit styled *City of Boerne v. City of San Antonio*, Cause No. 98-005, 216th Judicial Court, Kendall County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 5:35 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

CITIZENS TO BE HEARD

Mr. Jim Koch, 8214 Evert, spoke on the topic of the PGA and stated that there was no democracy.

Mr. Nazarete Ruben Flores Perez, 627 Hearne, spoke with regards to water and how precious this resource is and its relation to the Aquifer.

Mr. Antonio Diaz spoke with regards to the people and their will that he stated was not being done.

Mr. Faris Hodge, 140 Dora, spoke with regards to Tater People.

Mr. Jose A. Perez, 1502 Holbrook #6, spoke with regards to the minutes that are no longer being paraphrased.

Ms. Julie Iris Oldham, Bexar Citizen Advisory, spoke about the petition that garnered 77,000 signatures.

Mr. Christopher Steele, SAPFFA, addressed the City Council on behalf of the San Antonio Fire Fighters' Association and noted the vote of no confidence in Fire Chief Robert Ojeda. The following were present and represented the SAPFFA - Ron Harrell, Andrew Estrada, Marie Black, Hector Lopez, Connie Hall, Cory Vocke, J. Michael Glynn, Jr.; Jerry Cortes, Paul Watts, Stephen Watts, Paul Montalvo, George A. Gonzalez, Roland P. Aguirre, Andrew Frauley, Richard Pale, Jr., Robert Scott, Johnny G. Renteria, Jr., David Prado, Alfredo Aleman, Richard Giusti, and Larry Schultz.

6:00 PM – PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE APPROVING AMENDMENTS TO THE NON-ANNEXATION AGREEMENT WITH LUMBERMAN'S INVESTMENT CORPORATION

Mayor Garza declared the public hearing to be open.

Mr. Chris Brady, Assistant City Manager narrated a slide presentation on the Non-Annexation Agreement with Lumberman's Investment Corporation (PGA), a copy of which is on file with the Office of the City Clerk. He outlined background information on the agreement which was effective December 9, 2002, provisions of the agreement with the proposed amendments as being presented which included golf course provisions, the golf course environmental management plan, hotel requirements, term of the non-annexation agreement, impervious cover, wage standards, conservation easements, vested rights, and major thoroughfare plan.

Mr. Scott Halty, Resource Protection and Compliance Department, San Antonio Water System, made a presentation on the Cibolo Canyon Environmental Management Plan, a copy of which is on file with the Office of the City Clerk. He addressed the operational plans, the retention/closed loop irrigation system, impervious cover, monitoring plan, and modifications of the design plan for the Water Pollution Abatement Plan and the Nutrient Management Plan.

The following citizen(s) appeared to speak:

Mr. Vernon Kelly, President of the PGA Tour addressed the Mayor and Council relating to regulatory fines, restrictions and protections in this plan to protect San Antonio and the Aquifer.

Representative of PGA Tour stated they had been on a national search and emphasized the interest in San Antonio, and the unique opportunity.

Representative of Ad-Hoc Citizens Group Against PGA showed a computer generated printout of a partial list of citizens that had signed the petition against the PGA.

Representative of Esperanza Peace & Justice Center spoke with regards to the draft of the Lumberman's Agreement of 2002 and noted that it is not a valid contract.

Ms. Mary Louise Thompson, Smart Growth San Antonio mentioned the valuable, beautiful and cultural things of the City.

Representative of Progressive Student Organization and the Progressive Action Network spoke to the profits to be gained verses public water.

Representative of the San Antonio Hispanic Chamber of Commerce expressed their continuous support of the PGA and the contributions of the PGA.

Mr. Jeff Webster, with the Greater San Antonio Chamber of Commerce spoke of their support for the PGA .

Mr. Mike Beldon, with Beldon Enterprises addressed the City Council with regards to his support of the PGA Tour and noted that this is the exact planning that the Council should be doing for the betterment of San Antonio and the Aquifer.

Mr. Bert Pfiester with Respite Care the only licensed shelter for children with disabilities spoke of how they are caring for more children and because of the PGA Tour and the fact that they are direct beneficiaries.

Mr. Terrell McCombs with the North San Antonio Chamber of Commerce stated that the PGA development is very important and will provide protection of the Aquifer.

Mr. Chris Rose, Marriot International, stated this project would enhance employment opportunities in San Antonio, and urged Council to approve this tremendous project.

Mr. Jeff Ferrar, spoke in support of PGA Tour.

Dr. Susan Blackwood, Exec. Director of San Antonio Sports Foundation spoke in support of this project that will provide tremendous opportunities for San Antonio.

Ms. Marian Kestenbaum, Smart Growth, spoke in opposition to the PGA, and urged Council to reject the agreement and urges Council to postpone for 90 days.

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Mr. Henry Feldman, Mr. Michael Tease, and Mr. Ron Androtti, San Antonio Hotel Association, spoke in support of the PGA Tour, noting the strictest environmental controls, living wage, open space, non-annexation, and over 2000 new jobs for the City.

Mr. Joel Karin, 1538 W. Lullwood, stated this would be a cancer in the city if this were approved.

Mr. Jack M. Finger, PO Box 12048, mentioned what will this City be when the seep is found in the drinking water. He referred to slides 7 and 14.

Mr. Elginio Rodriguez, 450 N. San Gabriel, presented slides on areas over the Aquifer recharge zone.

(Mayor Garza was obliged to leave the meeting at 8:05 P.M. Mayor Pro Tem Flores presided).

Mr. Rene Saenz, 19115 Mazatlan Way, presented a powerpoint presentation that showed the Edwards Aquifer Recharge Zone area. He stated that he gathered over 1,100 signatures against the project.

Ms. Joleen Garcia with Save the Aquifer voiced their support against the "PGA 3" and stated that no means no.

Mr. Paul Davila, 8414 Bentwaters, stated that he is a concerned citizen who is adamant about pollution and the sole source of water.

Mr. Norman Dugas, Jr. with the Real Estate Council of San Antonio spoke about the task force that he served on in which the strictest standards that can legally be imposed on the environment are in place and expressed his support for the PGA development.

Mr. Tony R. Garza, 6836 San Pedro #110, stated the City is protecting economics not the environment and that said project should be put to a vote.

Mr. Jim Koch, 8214 Evert, stated that the PGA 3 asked the Council not to settle for the lesser of two evils and asked Council not to bring an early death to the Aquifer.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, expressed his concern on the matter.

Representative of the San Antonio Restaurant Association spoke with regards to making San Antonio a more prestigious Golf destination, and that she trusts the recommendation of the SAWS Board.

Mr. Richard Middleton of the Northside Independent School District stated that PGA is controlled growth.

Mr. Chance Ruder, 9333 Silent Oaks, spoke against the project because it harms the environment.

Ms. Mariana Ornelas, 526 Freiling, stated the issue should be put to a vote and they did not get the chance to vote on it last time. She stated the process is flawed and ordinances are not enforced.

Mr. Mario Hernandez, President of San Antonio Economic Development Foundation spoke on the economic impact that this project will have on the City of San Antonio.

Mr. Antonio Diaz, Save Our Services, spoke with regards to participating in the process and noted that the contract is not finished therefore, how could the Council vote. Other representatives spoke to bringing in Fort Sam's defense on this development and to think of the future and honor that others have left for us.

Ms. Gloria Ramirez, 214 Riddle, asked for the pledge that was handed out earlier, as she would pick them up. She asked the Council to have the PGA consider building elsewhere.

Mr. Milton Guess, San Antonio Tourism Council, spoke about the pristine objections to protect the Aquifer that he has heard, and that he was satisfied with the oath taken by the Council to ensure the Aquifer is protected.

Mr. Richard Alles, 1809 Blanco, stated that the impervious cover of 15% does not matter. He added that there is not enough money in the plan for monitoring.

Mr. Loyd Cortez, Alamo Group of the Sierra Club asked that the Council be honest and fair in how the PGA is handled, and to postpone the vote on the PGA Agreement.

Mr. Art Downey, 730 Arch Stone, noted development is occurring and will continue regardless of the vote tonight. He stated this is a stronger plan than the previous and deserves approval.

Mr. Marty Wender, 602 E. Commerce, spoke in support of the project, noting that it is good for the entire community.

Mr. Mike Villyard, 20603 Idyllwild, stated this resort is the best use for this land. He stated the plan contains the most stringent requirements possible.

Alamo Chamber of Commerce Rep., expressed concerned about the environment and quality of life, economic development, the 15% impervious cover. He stated he felt this was the best plan for the City of San Antonio, which provided for new jobs while protecting the Aquifer.

Mr. John Nagy, Alamo Chamber of Commerce, expressed their support of the project.

Mr. Faris Hodge, 140 Dora, stated two days is not enough time and asked the Council to put the project out for a vote.

Ms. Linda C. Straurovsky stated she is in favor of the development, adding this was not the City's land so the development will go one way or another.

Mr. Eric Johnson, 22340 Old Fossil, stated development of the recharge zone is going to occur regardless. He asked the council to resist the comments of the group and vote in favor of the development. He further spoke in favor of controlled growth and development.

Ms. Carol Schliesinger, Southwest Mental Health Center, stated they receive funds through the golf charities. She stated they utilize the monies to assist families that cannot afford to have their children receive the proper care.

Mr. Bob Martin stated there is something wrong and the Council may be attacking the democratic process.

Ms. Julie Iris Oldham spoke against the development and asked the Council to listen to the people.

Mr. Jon Thompson stated this would be just another golf course and noted his opposition to the project.

Mr. Bob Crittenden with Centro Alameda stated the City needs cultural attractions such as museums. He added the PGA does make a commitment to the community and expressed his support.

Mr. Tony Piazzzi, Golf San Antonio, stated this is what the process is all about – public comment with varied opinions. He stated that golf teaches perseverance and patience with the opportunity for international playing and tourism to San Antonio.

Mr. Bob Wandrisco spoke in favor of the project and noted it will attract corporate decision-makers that hopefully will stay in San Antonio.

Mr. Armando Estrada, Jr. stated that over the years several projects have been mentioned and have brought jobs to our community.

Mr. Eddie Rodriguez, 450 N. San Gabriel, showed a powerpoint presentation depicting campaign contributions that Lumberman's Investment has made.

Mr. Joe Gonzalez and Mr. John Gonzalez spoke about the water that smells once you freeze it and stated that there are people on the south side that cannot afford the bottled water. He spoke against the development.

Mr. Joe Krier, Greater San Antonio Chamber of Commerce, thanked the Mayor and Council for the thorough process to ensure that everyone was heard this week. He also thanked staff for bringing a better proposal than the initial proposal to make this place a prosperous place for all to live in that will benefit all who live here.

Mayor Garza noted that Councilmember Barrera and he were the only ones still on the Council since this issue first came about. He stated the plan today was very viable and the people behind the name have been there throughout the entire public hearings. He spoke to the hours of negotiations, public hearings that took place, adding it was a milestone and it was not a decision that has been rushed. He added that what has been debated and reviewed will benefit the community, and that stakeholders would have to come up with some kind of compromise that is most beneficial and in the best interest of the City.

Mayor Garza declared the public hearing to be closed.

The City Clerk read the following ordinance:

AN ORDINANCE 100238

APPROVING AMENDMENTS TO THE AGREEMENT FOR SERVICES IN LIEU OF ANNEXATION WITH LUMBERMAN'S INVESTMENT CORPORATION.

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

After Council discussion, Councilmember Radle made a motion to postpone the proposed Ordinance for 2 weeks. Councilmember Castro seconded the motion.

After consideration, the motion to postpone failed by the following vote: **AYES:** Flores, Radle, Castro. **NAYS:** Williams, Segovia, Perez, Barrera, Hall, Schubert, Haass, Garza. **ABSENT:** None.

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

There being no further business to come before the City Council, the meeting was adjourned at 12:33 A.M.

A P P R O V E D



EDWARD D. GARZA
MAYOR

Attest:



LETICIA M. VACEK
City Clerk