

**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, WEDNESDAY, JUNE 29 & THURSDAY, JUNE 30, 2005

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The City Council convened in an informal "B" Session on Wednesday June 29, 2005 at 3:00 pm, Municipal Plaza Building "B" Room for the purpose of the following:

Discussion on City Council Goal Setting and Prioritization Session. [Presented by Peter Zaroni, Director, Management and Budget; Erik J. Walsh, Assistant to the City Manager]

The Council members present were: Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. ABSENT: Perez.

The "B" Session adjourned at 4:05 pm.

The Regular Meeting was called to order on Thursday, June 30, 2005 at 1:00 P.M. by the Presiding Officer, Mayor Phil Hardberger, with the following members present: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. ABSENT: None.

The Invocation was delivered by Deacon Paul Gustowski, District 10, St. Helena's Catholic Church.

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

Ms. Leticia M. Vacek, City Clerk, administered the Oath of Office to Councilmember Art A. Hall, District 8, who was sworn in as Mayor Pro Tem.

The minutes of the City Council meeting of June 9, 2005 were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 101076

APPOINTING J. ROLANDO BONO AS CITY MANAGER OF THE CITY OF SAN ANTONIO; AS REQUESTED BY COUNCILMAN ROGER O. FLORES, DISTRICT 1.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 9:20 am 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).

The Mayor reconvened the Regular Session from Executive Session at 10:20 am, at which time he stated City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

INDIVIDUAL ITEMS CONTINUED

The City Clerk read the following ordinance:

AN ORDINANCE 101077

AUTHORIZING THE SECOND DRAW ON THE 2005 MASTER LEASE PURCHASE AGREEMENT WITH BANC OF AMERICA LEASING AND CAPITAL, LLC, FOR \$629,396.00 FOR THE ACQUISITION OF ONE FIRE TRUCK AT A RATE OF 3.26% FOR A 60 MONTH TERM TO PAY THE COSTS OF THE TRANSACTION; AND ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE.

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

Mr. Milo Nitschke, Director of Finance Department, made a presentation on the tax-exempt lease purchase financing, a copy of which is on file with the Office of the City Clerk. He spoke to the request for bid process, the proposed draw schedule, specific data on the financing, the equipment being financed, and financial impact.

Fire Chief Robert Ojeda made a presentation on the purchase of ladder trucks and pumpers, a copy of which is on file with the Office of the City Clerk. He outlined information on the department's ladder trucks, the timeline for purchase of the ladder trucks, noting that in 1988 & 1989, eleven aerial devices had serious defects and were not currently certified for use. He further expounded on the replacement fund program, the ladder truck status, background on the pumpers and associated fiscal impact.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 101078

ACCEPTING THE OFFER SUBMITTED BY SIDDON'S FIRE APPARATUS, INC., UTILIZING THE TEXAS BUYBOARD CONTRACT, TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH THIRTEEN PIERCE-MANUFACTURED APPARATUS, INCLUDING TEN AERIAL LADDER TRUCKS, ONE PLATFORM TRUCK AND TWO PUMPERS, FOR A TOTAL OF \$7,160,818.00.

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:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 101079

AUTHORIZING AND RATIFYING A PROFESSIONAL SERVICES CONTRACT WITH MILLER, CANFIELD, PADDOCK AND STONE, AND SPIEGEL AND MCDIARMID, WITH TILLMAN L. LAY AS THE PRINCIPAL LEGAL

CONSULTANT, IN AN AMOUNT NOT TO EXCEED \$72,000.00, TO PROVIDE LEGAL ADVICE AND SERVICES RELATED TELECOMMUNICATIONS AND CABLE ISSUES.

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

Mr. Ben Gorzell, Director of Public Utilities, made a presentation on the professional services contract, a copy of which is on file with the Office of the City Clerk. He spoke to the legal services provided by the proposed legal firm, citing their legal expertise in the areas of federal cable and telecommunications law, and further expounding on the various issues and projects they have been involved with and the fiscal impact.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 101080

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE ALAMO WORKFORCE DEVELOPMENT INC. D/B/A ALAMO WORKSOURCE (AWS) IN AN AMOUNT UP TO \$1,151,901.00 FOR THE ADMINISTRATION OF THE HIGHER EDUCATION AND LONG-TERM OCCUPATIONAL SKILLS TRAINING ASPECTS OF THE SAN ANTONIO YOUTH OPPORTUNITY PROGRAM FOR THE PERIOD JULY 1, 2005 THROUGH JUNE 30, 2006; ACKNOWLEDGING A MODIFICATION TO THE YOUTH OPPORTUNITY GRANT CONTRACT WITH THE AWS APPROVED BY ORDINANCE NO. 91983 IN CONNECTION THEREWITH; ADOPTING A BUDGET; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS.

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation on the Youth Opportunity Program, a copy of which is on file with the Office of the City Clerk. He stated the grant from Alamo WorkSource (AWS) was to administer the higher education/long-term occupational skills portion of the Youth Opportunity (YO) program and further delineated the purpose of the YO program. He added that YO was a community collaborative serving youth both in-school and out of school, noting the

profile of a YO participant. He outlined the performance measures and the higher education/LT training budget.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

Mayor Hardberger recessed the meeting at 12:00 noon for lunch and reconvened the Regular Meeting at 1:00 pm.

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 1:00 pm 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 legal issues related to the lawsuit styled *Jesus Sandoval v City of San Antonio*, Cause No 2004-CI-07464, 131st Judicial District, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues and strategies related to the use of right-of-way by telecommunications, cable and video service providers, pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.072 (deliberation regarding real property).

The Mayor reconvened the Regular Session from Executive Session at 3:35 pm, at which time he stated City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

After discussion, there was a consensus to direct staff to begin the process to look at Arcus and other National Firms to conduct the search for a City Manager.

Councilmember Perez made a motion to direct staff to begin the process to look at Arcus and other national firms for the City Manager search. Councilmember Wolff seconded the motion.

After consideration, the motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Hardberger. **NAYS:** Haass. **ABSENT:** None.

2:00 P.M. – PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE

The City Clerk read the following ordinance:

AN ORDINANCE 101081

INCREASING THE GEOGRAPHIC AREA OF REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS (THE “ZONE”) TO INCLUDE THE PARCEL LOCATED AT 600 E. MARKET STREET; ADOPTING AMENDMENTS TO THE FINAL PROJECT AND FINANCING PLANS FOR THE ZONE TO INCORPORATE THE INCREASE IN AREA AND TO APPROVE THE PAYMENT OF INCREMENTAL AD VALOREM TAXES GENERATED FROM THE UPPER CONDOMINIUM UNITS IN THE ADDED PARCEL INTO THE TAX INCREMENT FUND.

Councilmember McNeil made a motion to approve the proposed Ordinance. Councilmember Guajardo seconded the motion.

Mr. Chris Brady, Assistant City Manager, made a presentation on the Convention Center Hotel Condominium Project, a copy of which is on file with the Office of the City Clerk. He presented background information on the purchase and sale agreement for the upper condominium, process of the Tax Increment Reinvestment Zone (TIRZ) Board of Directors approval of the project plan, details of the proposed condominiums, and the disposal of surplus property as required by State law.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

CONSENT AGENDA – CITIZENS’ COMMENTS

The following citizen(s) appeared to speak:

Mr. Faris Hodge Jr., 140 Dora, spoke to the lack of information on certain back-up and also inquired on the papers utilized for municipal publications.

CONSENT AGENDA

Consent agenda items 8, 10, 12, 16, 17, 18, and 21 were pulled for individual consideration. The remaining items 7 through 23 were approved upon motion made by Councilmember Flores and seconded by Councilmember Perez.

AN ORDINANCE 101082

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2005-2006 FOR AN ESTIMATED COMBINED ANNUAL COST OF APPROXIMATELY \$250,244.00, INCLUDING: TEXSHARE DATABASE ANNUAL MEMBERSHIP FEE; TEXAS CRIMINAL AND TRAFFIC LAW MANUAL; SURFCONTROL SOFTWARE LICENSE AND MAINTENANCE; JOHN DEERE CONSUMER EQUIPMENT PARTS & SERVICE; SMEAL 1250 GPM PUMPER TRUCK PARTS & SERVICE; AND TWO-PART EPOXY MATERIAL.

AN ORDINANCE 101083

APPROVING FIELD ALTERATION NO. 7 (FINAL) AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$41,971.03 TO R.L. JONES, L.P., IN CONNECTION WITH THE EVERGREEN STREET FROM MCCULLOUGH AVENUE TO E. EUCLID AVENUE AND EVERGREEN COURT FROM EVERGREEN STREET TO N. ST. MARY'S STREET COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 1; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101084

SELECTING GREG GOMEZ, INC. D/B/A G.G.I. ENGINEERS, INC. (MBE) TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE MENDER CREEK CHANNEL RECAPITALIZATION PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$67,924.38; AUTHORIZING \$6,792.44 FOR DESIGN CONTINGENCY EXPENSES; AUTHORIZING \$5,230.18 FOR CAPITAL ADMINISTRATION COSTS; AUTHORIZING \$1,500.00 FOR ENVIRONMENTAL SERVICES; AUTHORIZING \$2,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF

\$83,447.00 FROM 2005 STORM WATER REVENUE BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101085

AMENDING A PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$19,166.00 TO ROSIN-JOHNSON, INC. FORMERLY ROSIN GROUP, INC., FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE SIDEWALK PROJECTS ON BLANCO FROM LOCKHILL-SELMA TO PATRICIA, CLARK FROM SOUTHCROSS TO HOT WELLS AND HOT WELLS FROM I.H. 37 TO NEW BRAUNFELS, INCLUDED IN THE 2003 MPO SIDE PROJECT, LOCATED IN COUNCIL DISTRICTS 3 AND 9; AUTHORIZING \$1,834.00 FOR ADDITIONAL ENGINEERING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$21,000.00 FROM 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101086

APPROPRIATING FUNDS, AUTHORIZING SOLICITATIONS FOR BIDS, AND AUTHORIZING THE PURCHASE OF TWO (2) FIFTY FOOT TRAFFIC POLES AND TWO (2) SIXTY FIVE FOOT TRAFFIC POLES FOR AN AMOUNT NOT TO EXCEED \$47,000.00 FROM 1994 GENERAL OBLIGATION DRAINAGE BOND FUNDS IN CONNECTION WITH THE GOLIAD ROAD (PECAN VALLEY TO MILITARY), PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 3 AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101087

GRANTING A LICENSE AGREEMENT TO 146 JACOBS STREET JOINT VENTURE TO RESTORE AND MAINTAIN AN EXISTING PORCH, TWO (2) CANOPIES AND SUPPORTING PILLARS AT THE ADJACENT PEDROTTI BROTHERS BUILDING, LOCATED AT 146 JACOBS STREET WITHIN NCB 2979 IN COUNCIL DISTRICT 1, FOR A TEN (10) YEAR TERM, FOR THE TOTAL CONSIDERATION OF \$1,250.00, WHICH INCLUDES A SEVENTY FIVE PERCENT (75%) REDUCTION OF THE LICENSE FEE AS PROVIDED BY THE CITY'S INCENTIVE SCORECARD.

AN ORDINANCE 101088

EXTENDING AND AMENDING THE CURRENT LICENSE AGREEMENT WITH THE BOYS AND GIRLS CLUB OF SAN ANTONIO FOR USE OF PETER D. REED BASEBALL FIELD IN ELMENDORF PARK IN COUNCIL DISTRICT 5 TO ADD 2.967 ACRES OF CITY PROPERTY LOCATED AT APACHE CREEK PARK, ALSO IN COUNCIL DISTRICT 5, AND TO EXTEND THE TERM FOR FIVE (5) YEARS TO END JANUARY 31, 2011.

AN ORDINANCE 101089

AUTHORIZING THE EXECUTION OF AN EXTENSION AND AMENDMENT OF LEASE AGREEMENT WITH MS. BARBARA GARRETT D/B/A ORIGINALS FOR USE OF 672 SQUARE FEET OF CRAFT EXHIBIT AND RETAIL SPACE IN BUILDING NO. 7, LOCATED IN LA VILLITA IN COUNCIL DISTRICT 1, FOR THE LEASE AMOUNT OF \$7,966.33 IN YEAR ONE AND \$8,056.08 IN YEAR TWO.

AN ORDINANCE 101090

AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) WHICH WILL PROVIDE AN ADDITIONAL \$39,167.00 TO SUPPORT THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) PUBLIC CENTER FOR ENVIRONMENTAL HEALTH (PCEH) IN THE OPERATION AND MAINTENANCE OF AIR MONITORS IN THE SAN ANTONIO AREA AND WHICH WILL EXTEND THE CONTRACT PERIOD FROM AUGUST 31, 2005 THROUGH DECEMBER 31, 2005; AND AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH THE TCEQ WHICH WILL PROVIDE AN ADDITIONAL \$30,000.00 TO SUPPORT THE SAMHD PCEH IN THE OPERATION AND MAINTENANCE OF THREE PM 2.5 AIR MONITORS THAT TCEQ ESTABLISHED IN THE SAN ANTONIO AREA AS WELL AS TWO ADDITIONAL MONITORS, AND EXTENDING THE CONTRACT PERIOD FROM AUGUST 31, 2005 THROUGH AUGUST 31, 2006; REVISING THE PROGRAM BUDGETS; AND REVISING THE PERSONNEL COMPLEMENTS.

AN ORDINANCE 101091

APPOINTING JOE G. FARIAS (DISTRICT 3) TO THE ZONING COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2007.

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 101092

ACCEPTING THE LOW, RESPONSIVE BID IN THE AMOUNT OF \$1,661,800.00 BY AMSTAR CONSTRUCTION, INC. (SBE/MBE/WBE) TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE WOODLAWN LAKE PARK GYM ADA MODIFICATIONS AND PARK IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$122,081.84 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$1,600.00 FOR BID ADVERTISING AND PRINTING EXPENSES, FOR A TOTAL AMOUNT OF \$1,785,481.64; APPROPRIATING \$271,400.00 FROM 1999-2004 PARK BOND FUNDS; APPROPRIATING \$500,000.00 FROM 2002 CERTIFICATES OF OBLIGATION, AND \$1,014,081.64 FROM 2003-2007 PARK BOND FUNDS; AND PROVIDING FOR PAYMENT.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 101093

APPROVING FIELD ALTERATION NO. 8 (\$16,352.24) AND FIELD ALTERATION NO. 9 (\$11,829.40) AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$28,181.64 TO ACCORD GENERAL CONTRACTING, INC. IN CONNECTION WITH THE FIRE STATION NO. 25 PROJECT, LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING \$6,818.36 FOR CONSTRUCTION CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$35,000.00; COMPRISED OF TRANSFERRING THE AMOUNT OF \$25,000.00 FROM THE FIRE STATION NO. 48 CONSTRUCTION CONTINGENCY FUND AND \$10,000.00 FROM THE FIRE STATION NO. 45 CONSTRUCTION CONTINGENCY FUND INTO THE FIRE STATION NO. 25 CONSTRUCTION CONTINGENCY FUND; 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:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 101094

SELECTING CWS ARCHITECTS (MBE/SBE) TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE TEMPORARY FIRE STATIONS PROJECT, LOCATED IN NEWLY ANNEXED AREAS THROUGHOUT THE CITY; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$100,725.00; AUTHORIZING \$15,000.00 FOR DESIGN CONTINGENCY EXPENSES; AUTHORIZING \$7,050.00 FOR CAPITAL ADMINISTRATION COSTS; AUTHORIZING \$2,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$124,775.00 REIMBURSABLE FROM 2006 CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 101095

AUTHORIZING THE EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 1 WITH U.S. DEPARTMENT OF TRANSPORTATION – FEDERAL AVIATION ADMINISTRATION (LEASE NO. DTFA07-01-L-00400) FOR USE OF GROUND SPACE AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A PRECISION APPROACH PATH INDICATOR SITE FOR RUNWAY 30R SITES AND

ASSOCIATED RIGHTS OF WAY NECESSARY FOR INSTALLATION OF UNDERGROUND CABLE ROUTES.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Gutierrez.

The City Clerk read the following ordinance:

AN ORDINANCE 101096

AUTHORIZING THE EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 1 WITH U.S. DEPARTMENT OF TRANSPORTATION – FEDERAL AVIATION ADMINISTRATION (LEASE NO. DTFASW-05-L-00040) FOR USE OF GROUND SPACE AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A PRECISION APPROACH PATH INDICATOR SITE FOR RUNWAY 30L SITES AND ASSOCIATED RIGHTS OF WAY NECESSARY FOR INSTALLATION OF UNDERGROUND CABLE ROUTES.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Hardberger. **NAYS:** None. **ABSENT:** Gutierrez, Haass.

The City Clerk read the following ordinance:

AN ORDINANCE 101097

AUTHORIZING THE EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 3 WITH U.S. DEPARTMENT OF TRANSPORTATION – FEDERAL AVIATION ADMINISTRATION (LEASE NO. DTFA07-97-L-01147) FOR USE OF GROUND SPACE AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A PRECISION APPROACH PATH INDICATOR SITE FOR RUNWAY 3 SITES AND ASSOCIATED

RIGHTS OF WAY NECESSARY FOR INSTALLATION OF UNDERGROUND CABLE ROUTES.

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:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Hardberger. **NAYS:** None. **ABSENT:** Gutierrez, Haass.

The City Clerk read the following ordinance:

AN ORDINANCE 101098

AUTHORIZING THE CITY MANAGER, INTERIM CITY MANAGER, OR HIS DESIGNEE TO NEGOTIATE AND APPROVE: (A) A NELSON GARDENS LANDFILL SUBLEASE AGREEMENT BETWEEN SAN ANTONIO LGP, L.L.C., (SALGP) AND SYNCHRO ENERGY, LTD. (SYNCHRO); (B) FURTHER AMENDMENT TO THE ORIGINAL GAS RIGHTS AGREEMENT BETWEEN THE CITY AND SALGP; AND (C) EVENTUAL ASSIGNMENT OF THE MASTER LEASE FROM SALGP TO SYNCHRO; THEREBY APPROVING NEGOTIATION OF A REDUCTION IN THE SUPPLEMENTAL SITE RENTAL AMOUNT FROM TEN PERCENT (10%) OF THE ACTUAL GROSS REVENUES, RECEIVED FROM THE SALE OF ENERGY, TO FIVE PERCENT (5%) OF THE ACTUAL GROSS REVENUES TO FACILITATE THE CONSTRUCTION AND OPERATION OF A FACILITY FOR PROCESSING LANDFILL GAS INTO ELECTRICITY FOR SALE TO CPS ENERGY.

Councilmember Guajardo made a motion to approve the proposed Ordinance. Councilmember Wolff seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Hardberger. **NAYS:** None. **ABSENT:** Flores, Gutierrez, Haass.

CITY MANAGER'S REPORT

Ms. Leticia M. Vacek, City Clerk, administered the Oath of Office to Rolando Bono as City Manager for the City of San Antonio.

Mr. Bono then introduced to the City Council Mr. Michael Armstrong who was selected as the new Assistant City Manager/Chief Information Officer. He spoke to his qualifications and experience.

Mayor Hardberger recessed the Regular Meeting at 4:20 pm until the next Time Certain item at 5:00 pm.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

Special Recognition to the Citizens' Public Works Academy.

Certificate of Commendation for Latinas for a Cure.

Proclamation in recognition of Buffalo Soldiers' Heritage Month.

CITIZENS TO BE HEARD

Mr. Faris Hodge Jr., 140 Dora, addressed the City Council relating to written testimony. He stated he was not happy with the appointment of the City Manager. He proceeded to sing the Battle Hymn of the Republic.

Mr. Antonio Diaz, Cesar Chavez Commission, addressed the Council relating to the Citizens to be Heard portion to be televised. He added the citizens should be able to watch those that address the Council relating to their participation and complaints. He noted starting the Council Meetings early in the morning is too early for participation and asked that this portion (Citizens to be Heard) also be televised.

Mr. Joe Perez addressed the Council with regards to not being able to vote and prays Mayor Hardberger and the Council have a good term and that it gets better. He asked if he could be of any help to District 2.

Mr. Nazarite Flores Ruben Perez, 627 Hearne, addressed the Council cited bible scriptures from Revelations. He spoke on the item appointing Mr. Bono City Manager and stated he was happy.

Mr. Bob Martin, Homeowner Taxpayer Association, addressed the Council and congratulated all on their election. He added when staff shows the tax rate of San Antonio in relation to other cities, it appears low. He asked staff to take into account all

other taxes including the city-owned electric rate which is at the high end. He stated the more money the tax organizations get – the more matching t-shirts are worn by organizations. He then spoke on crime prevention and stated that the honey-moon is over. He added crime rates are going down and the Police Department has done a fine job and also get paid well.

Ms. Julie Iris Oldham, Citizens Advocacy Council, noted it is nice to see new faces. She read a letter relating to the swearing-in ceremony. She added the City needs a new City Attorney. She also noted there are 10 lawsuits pending.

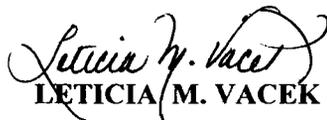
There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 6:05 pm.

A P P R O V E D



PHIL HARDBERGER
M A Y O R

Attest:



LETICIA M. VACEK
City Clerk