

**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, JULY 13 AND THURSDAY, JULY 14, 2005

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The City Council convened in an informal "B" Session on Wednesday, July 13, 2005 at 3:00 pm, Municipal Plaza Building "B" Room for the purpose of:

Briefing on the Advanced Transportation District (ATD). [Presented by Tom Wendorf, P.E., Director, Public Works Department; Melissa Byrne Vossmer, Assistant City Manager]

Briefing on issues related to vested rights and the status of the Vested Rights Task Force, to include a presentation on the Edwards Aquifer. [Presented by Chris Brady, Assistant City Manager]

The Council members present were: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. ABSENT: None.

The "B" Session adjourned at 5:50 pm.

The Regular Meeting was called to order on Thursday, July 14, 2005, at 9:00 am. 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 Father Einer R. Ochoa, District 1, St. Agnes Catholic Church.

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

The minutes of the City Council meeting on June 16, 2005 were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 101114

RESCHEDULING THE CITY COUNCIL MEETING OF JULY 21, 2005 TO AUGUST 11, 2005.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101115

ESTABLISHING THE "FINANCE SAN ANTONIO AD HOC COMMITTEE" TO ADDRESS THE CURRENT STATUS OF THE FINANCIAL INDUSTRY WITHIN SAN ANTONIO AND MAKE RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL ON STEPS TO TAKE TO INCREASE THE ATTRACTIVENESS OF SAN ANTONIO TO FURTHER PROMOTE THE DEVELOPMENT OF THE FINANCE SECTOR OF OUR ECONOMY; AND APPOINTING MEMBERS, AS REQUESTED BY COUNCILMAN ART A. HALL, DISTRICT 8.

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

Mr. Ramiro Cavazos, Director of Economic Development Department, made a presentation on the purpose of the ordinance which was to create the Finance San Antonio Ad Hoc Committee and appoint Committee members, a copy of which is on file with the Office of the City Clerk. He spoke to the current status of the financial industry in San Antonio, the goals of the Committee, and the scope of work. He outlined the proposed listing of Committee members, noting Ms. Terry Brechtel would serve as the Committee's Chair and amplified on the fiscal impact.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, spoke in opposition to the proposed ordinance.

Councilmember Perez made an amendment to the motion to include a representative of Estrada/Hinojosa to the Committee. Councilmember Radle seconded the motion.

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

After consideration, the main motion as amended, 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 101116

AUTHORIZING THE ISSUANCE OF TAX EXEMPT MULTI-FAMILY HOUSING REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$13,870,000.00 TO SUPPORT THE CONSTRUCTION OF THE CLARK POINTE APARTMENTS PROJECT LOCATED NEAR THE INTERSECTION OF CLARK STREET AND RIGSBY IN THE CITY COUNCIL DISTRICT 2.

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

Ms. Jelynn Burley, Assistant City Manager, introduced Mr. Henry Alvarez, CEO, who made a presentation on the tax exempt multi-family housing revenue bonds for the Clarke Pointe project, a copy of which is on file with the Office of the City Clerk. Mr. Alvarez outlined statistical data on Clarke Pointe, area of the proposed project, financial data, and the recommendation to authorize the issuance of the tax exempt multi family housing revenue bonds in an amount not to exceed \$13,870,000. He stated this would support the construction of the Clark Pointe Apartments, and further added that these bonds were sold to private investors and thereby would not impact debt, any of the City budgets, and that the City was not obligated in any way to provide security for the bonds.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, addressed Council on said item, and stated he has a problem with government getting involved with housing.

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.

9:30 AM PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE

The City Clerk read the following ordinance:

AN ORDINANCE 101117

AUTHORIZING THE ACCEPTANCE OF \$52,474.00 TO CLOSING, VACATING AND ABANDONING PORTIONS OF HAMMOND AND HALLIE AVENUES ADJACENT TO NCBS 1583, 1584 AND 14059 IN COUNCIL DISTRICT NO. 2.

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

Ms. Rebecca Waldman, Director of Asset Management, made a presentation on the proposed closure of the unimproved portions of Hammond & Hallie Avenues public rights of way, a copy of which is on file with the Office of the City Clerk. She cited maps of the proposed closures, area involved noting that this closure would facilitate the petitioner's plan to construct a 252-unit, multi-family development, and related 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 101118

AUTHORIZING THE VACATING AND ABANDONMENT OF A PORTION OF THE MARKET STREET RIGHT-OF-WAY IN CONNECTION WITH THE CONSTRUCTION OF THE CONVENTION CENTER HOTEL PROJECT.

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

Ms. Waldman further expounded on the proposed closure of portion of Market Street public right of way. She spoke to the purpose of the closure which was to provide for the construction of a 1,000 room convention center hotel adjacent to the Henry B. Gonzalez Convention Center. She added that the reduction of width on Market Street and the realignment of Bowie Street would not affect traffic circulation or access for any other abutting property owner.

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.

INDIVIDUAL ITEMS CONTINUED

The City Clerk read the following ordinance:

AN ORDINANCE 101119

AMENDING CHAPTER 2 OF THE CITY CODE ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE VIII ENTITLED, "BOARDS AND COMMISSIONS" WHICH GOVERNS THE CREATION AND OPERATION OF BOARDS AND COMMISSIONS CREATED BY CITY COUNCIL AND AMENDING ANY RELATED ORDINANCES, AS REQUESTED BY COUNCILMAN RICHARD PEREZ, DISTRICT 4; COUNCILMAN ART A. HALL, DISTRICT 8, AND COUNCILMAN CHIP HAASS, DISTRICT 10.

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

Ms. Leticia Vacek, City Clerk made a presentation on the proposed amendments to the City Code regarding the guidelines for Boards and Commissions, a copy of which is on file with the Office of the City Clerk. She delineated those boards exempt from the proposed rules, the main change regarding the terms of office for board/commission members which will run concurrent with the Council members' terms of office. She added that this ordinance would also amend the term expiration of certain boards whose members were appointed from January 1, 2005 to the current date and outlined in the listing.

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.

Item 7 is an Ordinance establishing the Council Oversight on Spending and Trust Committee (COST) to promote the public trust in government, establishing responsibilities and appointing Council members, as requested by Councilman Roland Gutierrez, Council District 3.

Councilmember Gutierrez made a motion to postpone the proposed Ordinance to the meeting of August 18, 2005. Councilmember Perez seconded the motion.

After consideration, the motion to postpone the proposed 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 101120

AMENDING ORDINANCE NO 96037 AND APPROVING CHANGES TO THE BYLAWS OF THE CITY/COUNTY JOINT COMMISSION ON ELDERLY AFFAIRS TO INCLUDE CHANGES TO THE BYLAWS GOVERNING MEMBER ATTENDANCE, OFFICER ELECTIONS AND DUTIES, AND SUBCOMMITTEE POWERS AND ROLES.

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

Mr. Dennis Campa, Director of Community Initiatives, introduced Ms. Estella Tyson, member of the Commission on Elderly Affairs, who made a presentation on the Commission's recommendations to amend their by-laws, and also gave an annual update to the City Council. Ms. Tyson outlined the senior priority issues, elderly programs for 2004 and 2005 budgets, the Community Initiatives budget for elderly programs, noting that the Comprehensive Nutrition Program served 5,513 seniors, distributed 940 tons of food through Project Hope and provided 109,837 hours of community service through more than 900 volunteers. She further addressed the other services provided to the elderly which included transportation, prescription drug and medical equipment assistance, and utility assistance. She delineated the 2005 initiatives, the proposed recommendations for 2006, and proposed amendments to the Commission bylaws which addressed officers, meeting attendance, committee powers, executive committee and nominating committee.

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, Haass, Hardberger. **NAYS:** None. **ABSENT:** Wolff.

The City Clerk read the following ordinance:

AN ORDINANCE 101121

ACCEPTING THE OFFER SUBMITTED BY GOVERNMENT TECHNOLOGY SYSTEMS, INC. TO PROVIDE THE FIRE DEPARTMENT WITH VIDEO CONFERENCING SYSTEM HARDWARE AND SOFTWARE FOR A TOTAL COST OF \$359,947.00, FROM URBAN AREA SECURITY INITIATIVES GRANT FUNDS.

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

Mr. Nim Kidd, District Fire Chief, made a presentation on video conferencing system purchase, a copy of which is on file with the Office of the City Clerk. He presented background information on the various City of San Antonio D.H.S. grants from 2002 to the present, the Urban Area Security Initiative (UASI), the Urban Area Working Group (UAWG), the UASI Spending Plan, UASI Plan Approval, UASI Grant Acceptance, and the initial funding categories. He further spoke to the approved projects which totaled \$2,620,692.00, the VTC primary missions that will allow COSA to communicate face to face in time of emergency and disaster to ensure immediate access and updates during time sensitive critical periods. He stated video teleconferencing would be used by numerous key organizations and provides interoperable communications with these organizations and state and federal agencies, denoted the other uses available through VTC, projected savings in vehicle travel costs, and 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 101122

ACCEPTING THE BID FROM GRANUTECH SATURN SYSTEMS CORP. OF AMERICA FOR THE PURCHASE OF ONE SURPLUS BARKO (CRANE)

GRAPPLER 160A WITH SATURN SHREDDER FOR A TOTAL AMOUNT OF \$85,701.00.

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

Ms. Janie Cantu, Director of Purchasing, made a presentation on the Internet Surplus Pilot Program, a copy of which is on file with the Office of the City Clerk. She stated this program will assist to sell obsolete/surplus equipment while complying with state and local procurement regulations. She outlined the benefits, the various type of items auctioned, the auction process, disposition process, sample revenues achieved on certain equipment from June 15 – July 14, 2005, and presented sample screen shots of the web pages.

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

The City Clerk read the following ordinances:

AN ORDINANCE 101123

ACCEPTING A PROPOSAL AND AUTHORIZING PAYMENT TO PAPE-DAWSON ENGINEERS, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE TRAFFIC SIGNAL STUDY UNDER THE INDEFINITE DELIVERY PROFESSIONAL SERVICES AGREEMENT FOR AN AMOUNT NOT TO EXCEED \$140,000.00.

The City Clerk read the following ordinance:

AN ORDINANCE 101124

AUTHORIZING \$496,500 TO IMPROVE TRAFFIC SIGNALS AND RELATED TRAFFIC CONTROL DEVICES WITHIN THE CENTRAL BUSINESS DISTRICT.

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

Mr. Tom Wendorf, Director of Public Works narrated a slide presentation on the Traffic Signal System and related improvements for the Central Business District (CBD), a copy

of which is on file with the Office of the City Clerk. He stated this ordinance would provide a means to develop a plan to improve traffic signal coordination and progression in the CBD and facilitate safe and efficient travel for both pedestrian and vehicular traffic. He outlined the eligible Tri-Party Downtown Transportation Improvements, Tri-Party streets, CBD Traffic Signal Systems, future improvements, financial impact, noting that the proposed improvements would include enhancements to 35 intersections along Commerce, Market, St. Mary's, Navarro, and Santa Rosa streets.

The following citizen(s) appeared to speak:

Mr. Bennet R. Feinsilber, PE spoke in support of items 12A and 12B.

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

The City Clerk read the following ordinances:

AN ORDINANCE 101125

APPOINTING COUNCILMAN ART HALL (DISTRICT 8) TO THE METROPOLITAN PLANNING ORGANIZATION FOR A TERM OF OFFICE THAT SHALL RUN CONCURRENT WITH THE CITY COUNCIL TERMS.

The City Clerk read the following ordinance:

AN ORDINANCE 101126

APPOINTING COUNCILMAN ART HALL (DISTRICT 8) TO THE SAN ANTONIO MOBILITY COALITION FOR A TERM OF OFFICE THAT SHALL RUN CONCURRENT WITH THE CITY COUNCIL TERMS.

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

After discussion Councilmember Perez made an amendment to the motion to add Councilmember Wolff to the MPO. Councilmember Hall seconded the motion. Councilmember Perez withdrew his motion and moved to appoint Councilmember Flores to the last vacant slot. The motion died due to lack of a second.

After discussion, City Council concurred to hold off on the last vacancy. The Council voted on the main motion which included items 13A and 13B.

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.

Mayor Hardberger recessed the meeting at 12:15 pm and announced the Council would reconvene at 1:15 pm for Executive Session.

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 1:15pm 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, *City of San Antonio v. Artemio Alanis, et al*, Cause No. 99-ED-0029, in the Probate Court No. 1, Bexar County, Texas pursuant to Texas Government Code Section 551.071. (consultation with attorney)

The Mayor reconvened the Regular Session from Executive Session at 3:11 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.

CONSENT AGENDA - CITIZEN'S COMMENTS

Mr. Jack M. Finger, PO Box 12048, spoke on item 27 noting his opposition to the law firm chosen for said project. On item 20 he noted his opposition to the practices in the family planning programs. He also spoke on item 42, questioning the rental rate paid for City offices for hold-over constituents in districts 5 and 7.

CONSENT AGENDA

Consent agenda items 15, 17, 19, 20, 21, 22, 24, 28, 29, and 32 were pulled for individual consideration. The remaining items 14 through 43A were approved upon motion made by Councilmember Haass and seconded by Councilmember Perez.

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

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

AN ORDINANCE 101127

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE FOLLOWING COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR AN ESTIMATED COMBINED ANNUAL COST OF APPROXIMATELY \$819,619.00: PASSENGER VEHICLE TIRES; POTTING SOIL; BOMAG CONFINED AREA COMPACTION EQUIPMENT PARTS AND SERVICE; S & S TRAILER PARTS AND SERVICE; AND ELECTRICAL PARTS AND FIXTURES.

Item 16 being an Ordinance authorizing the execution of two agreements with the Texas Department of Transportation in connection with traffic signal installations located in Council District 10 at the intersection of Bulverde Road and Classen Road in the amount not to exceed \$56,598.12 and at the intersection of Loop 1604 and Bulverde Road for a cost reimbursement to the City in the amount not to exceed \$15,125.00 was pulled from consideration.

AN ORDINANCE 101128

AUTHORIZING FUNDS IN THE AMOUNT OF \$136,697.07 PAYABLE TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE CITY'S PORTION OF THE INCREASED CONSTRUCTION COST, \$13,669.71 FOR CONSTRUCTION CONTINGENCY, AND \$2,733.94 FOR CAPITAL ADMINISTRATIVE COSTS, FOR A TOTAL AMOUNT OF \$153,100.72 IN CONNECTION WITH THE MCCULLOUGH - UPRR TO BASSE PROJECT, A 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT BOND AND METROPOLITAN PLANNING ORGANIZATION (MPO) FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

AN ORDINANCE 101129

APPROPRIATING FUNDS IN THE AMOUNT OF \$30,000.00 IN CERTIFICATES OF OBLIGATION TO FACILITATE THE REPLACEMENT OF FIRE SPRINKLERS IN THE CITY HALL ANNEX BUILDING AT 506 DOLOROSA.

Item 25 being an Ordinance authorizing funds in the amount of \$231,901 for fee simple title to eight (8) parcels of certain privately owned real property and other miscellaneous expenses associated with the Stahl Road-O'Connor to Judson project, a 2003-2007 General Obligation Street Improvement Bond project located in Council District 10, and authorizing City staff to acquire these properties at fair market value by negotiation or condemnation, if necessary was pulled from consideration.

AN ORDINANCE 101130

AMENDING ORDINANCE NO. 98400, AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$152,540.00 PAYABLE TO GERRY RICKHOFF, COUNTY CLERK, FOR FEE SIMPLE ACQUISITION OF 2,332 SQUARE FEET OF LAND, AND A TEMPORARY CONSTRUCTION EASEMENT, OUT OF LOT 25, BLOCK 5, NCB 11721, OAKDELL LOCKHILL ESTATES SUBDIVISION, LOCATED IN COUNCIL DISTRICT 9, IN CONNECTION WITH THE LOCKHILL-SELMA: WEST AVENUE TO N.W. MILITARY PROJECT, A METROPOLITAN PLANNING ORGANIZATION PROJECT AND A 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT, IN CONDEMNATION CAUSE NO. 2005-ED-0035, *CITY OF SAN ANTONIO V. ALAMO GARAGE ASSOCIATES, LTD., AND MARINE MIDLAND BANK.*

AN ORDINANCE 101131

AUTHORIZING FUNDS IN THE AMOUNT OF \$90,669.09 PAYABLE TO BRACEWELL & GIULIANI, L.L.P. FOR LEGAL SERVICES IN CONNECTION WITH THE BITTERS ROAD - WEST AVENUE TO HEIMER MPO PROJECT (\$2,708.53), CHERRY STREET DRAINAGE #15B PHASE II PROJECT (\$4,722.61), CULEBRA DRAINAGE #58F PROJECT (\$2,052), ESCALON STREET #1008 DRAINAGE PROJECT (\$4,983.50), HI-LIONS DRAINAGE #80 PHASES III & V PROJECT (\$17,755.00), HOUSTON STREET - WALTERS TO ONSLOW MPO PROJECT (\$2,573.01), LADDIE PLACE DETENTION POND PROJECT (\$11,345.20), LEONHARDT AT LOW WATER CROSSING PROJECT (\$3,860.17), MILITARY DRIVE WEST TO REED ROAD (\$1,746), OCTAVIA DRAINAGE #63, PHASE II,

PART I PROJECT (\$2,694.44), PECAN VALLEY - I.H. 10 TO J STREET MPO PROJECT (\$3,484.98), PLEASANTON ROAD - SOUTHCROSS TO MAYFIELD PROJECT (\$5,716.11), SAN ANTONIO RIVER IMPROVEMENTS PROJECT (\$4,107.45), SOUTH FLORES DRAINAGE #70-70A PHASE II-PART 3 PROJECT (\$4,902.82), WESTERN AVENUE DRAINAGE #74 IIIA PROJECT (\$7,672.27), WURZBACH ROAD AT I.H. 10 AND IRONSDIE INTERSECTIONS PROJECT (\$64), AND THE W.W. WHITE-RIGSBY TO LORD ROAD PROJECT (\$3,310.50); AND THE FAY PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT (\$6,970.50); FUNDED FROM GENERAL OBLIGATIONS OF THE CITY AND CDBG FUNDS.

AN ORDINANCE 101132

AMENDING THE EXISTING INTERLOCAL AGREEMENT ON REGIONAL FLOOD CONTROL, DRAINAGE AND STORM WATER MANAGEMENT PROGRAM BETWEEN THE CITY OF SAN ANTONIO, BEXAR COUNTY, AND THE SAN ANTONIO RIVER AUTHORITY THAT WAS APPROVED THROUGH ORDINANCE NO. 96902, AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE CITY'S PARTICIPATION IN THE DIGITAL TERRAIN MAPPING OF BEXAR COUNTY, DIGITAL ORTHOPHOTOGRAPHY, AND ULTIMATE HYDROLOGIC MODEL DEVELOPMENT BY CONTRIBUTING FUNDS IN THE AMOUNT OF \$1,884,030.00 AVAILABLE IN THE STORM WATER REGIONAL FACILITIES FUND AND THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT OPERATING BUDGET.

AN ORDINANCE 101133

AUTHORIZING A REAL ESTATE PURCHASE AND SALE AGREEMENT WHEREBY THE CITY WILL SELL TO WEST LAUREL HEIGHTS FIRST MISSIONARY BAPTIST CHURCH 1.03 ACRES, MORE OR LESS, OUT OF THE SOUTHWEST BUSINESS AND TECHNOLOGY PARK AT PURCHASE PRICE EQUAL TO THE GREATER OF \$43,560 PER ACRE OR THE APPRAISED VALUE.

AN ORDINANCE 101134

AUTHORIZING FUNDS IN THE AMOUNT OF \$8,075.00 PAYABLE TO ECKMANN GROLL, INC. FOR APPRAISAL SERVICES IN CONNECTION WITH THE CULEBRA/LOOP 410 DETENTION POND PROJECT (\$850) LOCATED IN COUNCIL DISTRICT 6, LADDIE PLACE DETENTION POND PROJECT (\$2,625)

LOCATED IN COUNCIL DISTRICT 1, AND THE LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENT PROJECT (\$4,600) LOCATED IN COUNCIL DISTRICTS 9 AND 10; FUNDED FROM GENERAL OBLIGATIONS OF THE CITY.

AN ORDINANCE 101135

AUTHORIZING THE EXECUTION OF A FIVE YEAR LEASE AGREEMENT, WITH AN OPTION TO RENEW FOR TWO PERIODS OF FIVE YEARS, WITH PARENT/CHILD, INC. FOR SPACE IN THE CITY'S COLONEL VICTOR J. FERRARI COMMUNITY FAMILY RESOURCE AND LEARNING CENTER, FOR AN ANNUAL AMOUNT OF \$16,704 PLUS UTILITY CHARGES FOR THE PERIOD AUGUST 1, 2005 THROUGH JULY 31, 2010.

AN ORDINANCE 101136

APPROVING THE TEMPORARY STREET CLOSURE OF AVENUE B ANNEX BETWEEN EAST GRAYSON STREET AND AVENUE B ON SATURDAY, AUGUST 13, 2005 FROM 11:00 A.M. TO 11:59 P.M. AS REQUESTED BY SAM'S BURGER JOINT TO HOLD THEIR ANNUAL FESTIVAL BAZAAR LOCATED IN CITY COUNCIL DISTRICT 1.

AN ORDINANCE 101137

APPROVING THE TEMPORARY STREET CLOSURE OF DUGAS DRIVE BETWEEN RAINBOW CREEK AND THE DEAD END ON TUESDAY, AUGUST 2, 2005 FROM 1:00 P.M. TO 9:00 P.M., AS REQUESTED BY DARLENE RUBIO TO HOLD THE ANNUAL NATIONAL NIGHT OUT LOCATED IN CITY COUNCIL DISTRICT 6.

AN ORDINANCE 101138

APPROVING THE TEMPORARY STREET CLOSURE OF MOUNTAIN TOP BOULEVARD BETWEEN SHARON DRIVE AND LINDA DRIVE ON TUESDAY AUGUST 2, 2005 FROM 3:00 P.M. TO 10:00 P.M, AS REQUESTED BY SHEAR HILLS/RIDGEVIEW NEIGHBORHOOD ASSOCIATION IN ORDER TO HOLD ITS ANNUAL NATIONAL NIGHT OUT LOCATED IN CITY COUNCIL DISTRICT 1.

AN ORDINANCE 101139

AMENDING ORDINANCE NO. 99508, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNATED REPRESENTATIVE, TO ACCEPT A TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY (ATPA) SUPPLEMENTAL GRANT IN THE AMOUNT OF \$22,482, BRINGING THE TOTAL REVISED BUDGET TO \$2,882,441, TO AUGMENT THE SAN ANTONIO POLICE DEPARTMENT'S EFFORT IN REDUCING AUTO THEFT AND RELATED PROPERTY CRIMES DURING THE GRANT PERIOD FROM SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2005.

AN ORDINANCE 101140

AUTHORIZING REVISIONS TO THE CITY CODE OF SAN ANTONIO RELATING TO ESTABLISHING PARKING FEES FOR THE PARKING LOT ON THE HEMISFAIR PARK IN FRONT OF THE INSTITUTE OF TEXAN CULTURES LOCATED IN COUNCIL DISTRICT 1

AN ORDINANCE 101141

AUTHORIZING A LICENSE AGREEMENT PERMITTING CITY PUBLIC SERVICE TO MAINTAIN ITS SOLAR PANEL DISPLAY AT THE CITY'S SOON TO BE ACQUIRED PARKING LOT AT HEMISFAIR PARK.

AN ORDINANCE 101142

AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A TEXAS DEPARTMENT OF STATE HEALTH SERVICES CONTRACT CHANGE TOTALING \$21,882.00 TO AUGMENT SUPPORT FOR THE ONGOING TITLE XX FAMILY PLANNING PROGRAM IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) FOR THE PERIOD OF SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2005; AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A CONTRACT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO, DEPARTMENT OF FAMILY NURSING FOR THE AVANTE CLINIC PROJECT IN THE SAMHD FOR THE PERIOD OF MAY 1, 2005 THROUGH SEPTEMBER 30, 2008, PROVIDING SAMHD ESTIMATED MEDICAID REIMBURSEMENTS TOTALING \$13,500; AND REVISING THE PROGRAM BUDGET.

AN ORDINANCE 101143

AUTHORIZING A HOLDOVER PROVISION OF THE LEASE AGREEMENTS FOR THE DISTRICT 5 AND DISTRICT 7 CONSTITUENT OFFICES TO EXTEND THE TENANCY ON A MONTH-TO MONTH BASIS AND AT A RENTAL RATE EQUAL TO 110% OF THE RENTAL RATE, WHICH IS CURRENTLY \$200.00 FOR DISTRICT 5 AND \$550 FOR DISTRICT 7, PURSUANT TO ORDINANCE NO.95982 AND ORDINANCE NO.96139, AS REQUESTED BY COUNCILWOMAN PATTI RADLE, DISTRICT 5.

AN ORDINANCE 101144

APPOINTING GLENN G. GREGORY (DISTRICT 9) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 25, 2006.

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 101145

ACCEPTING THE BID FROM GRANDE TRUCK CENTER TO PROVIDE THE FIRE DEPARTMENT WITH COMPLETION OF THE CONVERSION WORK FOR A COMMAND VEHICLE BUS FOR A TOTAL AMOUNT OF \$419,956.00, FUNDED BY THE URBAN AREA SECURITY INITIATIVES GRANT.

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 101146

SELECTING HVJ ASSOCIATES, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE PAVEMENT MANAGEMENT SYSTEM PROJECT, A CITYWIDE SURVEYING AND PAVEMENT CONDITION ASSESSMENT PROJECT; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$200,350.00; AUTHORIZING \$28,650.00 FOR ENGINEERING CONTINGENCY EXPENSES;; FOR A TOTAL AMOUNT OF \$229,000.00; 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 101147

SELECTING BAIN MEDINA BAIN, INC., A SBE/ WBE FIRM, FOR ENGINEERING SERVICES, IN CONNECTION WITH THE RIP RAP #69, PHASE IID PROJECT; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$795,861.00; AUTHORIZING \$79,586.10 FOR ENGINEERING CONTINGENCY, \$55,710.00 FOR CAPITAL ADMINISTRATION COSTS, AND \$1,500.00 FOR ENVIRONMENTAL CONTINGENCY FOR A TOTAL AMOUNT OF \$932,657.10; 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 101148

AMENDING A PROFESSIONAL SERVICE CONTRACT WITH FORD ENGINEERING, INC. IN THE AMOUNT OF \$355,775 FOR ENGINEERING SERVICES AND THE OBTAINMENT OF APPLICABLE PERMITTING FROM TXDOT, \$35,577.50 FOR ENGINEERING CONTINGENCY, \$27,394.68 FOR CAPITAL ADMINISTRATIVE COSTS, AND \$1,500 FOR ENVIRONMENTAL CONTINGENCY FOR A TOTAL AMOUNT OF \$420,247.18 IN CONNECTION WITH THE W.W. WHITE AREA OUTFALL, PHASE I, PART 1 PROJECT, A 2005 STORM WATER REVENUE BOND PROJECT LOCATED IN COUNCIL DISTRICT 2.

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 101149

AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CIVIL ENGINEERING CONSULTANTS, INC., IN THE AMOUNT OF \$297,402.89 FOR ENGINEERING SERVICES, \$29,740.29 FOR ENGINEERING CONTINGENCY, \$22,900.02 FOR CAPITAL ADMINISTRATION COSTS, AND \$1,500.00 FOR ENVIRONMENTAL CONTINGENCY FOR A TOTAL AMOUNT OF \$351,543.20 IN CONNECTION WITH THE W.W. WHITE AREA OUTFALL, PHASE I, PART 2 PROJECT, A 2005 STORM WATER REVENUE BOND PROJECT LOCATED IN COUNCIL DISTRICT 2.

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 101150

AMENDING A PROFESSIONAL SERVICE CONTRACT WITH CIVIL ENGINEERING CONSULTANTS, INC., IN THE AMOUNT OF \$80,350 FOR ENGINEERING SERVICES IN CONNECTION WITH THE GOLIAD ROAD OUTFALL, PHASE II PROJECT, A 2003 STORM WATER REVENUE BOND PROJECT LOCATED IN COUNCIL DISTRICT 3.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Gutierrez 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 101151

AMENDING ORDINANCE NO. 100386, TO RESCIND SECTIONS 2, 3 AND 4 AND ADDING NEW SECTIONS APPROPRIATING \$66,700.00 TO FUND FIELD ALTERATION NO. 2 IN CONNECTION WITH THE STREET AND DRAINAGE IMPROVEMENT PROJECT CONTRACT WITH YANTIS COMPANY AT THE SAN ANTONIO INTERNATIONAL AIRPORT, APPROPRIATING THE FUNDS; REVISING THE PROJECT BUDGET AND APPROVING 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, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Gutierrez.

The City Clerk read the following ordinance:

AN ORDINANCE 101152

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 3 TO THE CONTRACT WITH YANTIS COMPANY IN CONNECTION WITH THE STREET AND DRAINAGE IMPROVEMENT PROJECT AT THE SAN ANTONIO AIRPORT

IN THE AMOUNT OF \$54,445.60; AND RATIFYING THE AVIATION DEPARTMENT'S ACTION ON FIELD ALTERATION NO. 3 TO PREVENT DELAY AND FURTHER COST INCREASES; REVISING THE PROJECT BUDGET; 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, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Gutierrez.

The City Clerk read the following ordinance:

AN ORDINANCE 101153

AUTHORIZING THE PURCHASE OF STORM WATER FEE CREDITS IN THE AMOUNT OF \$200,000.00 FROM H. B. ZACHRY COMPANY, IN ORDER TO RELEASE FUNDS HELD IN AN ESCROW ACCOUNT RELATED TO THE SIX MILE CREEK #83F PROJECT.

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, Haass, Hardberger. **NAYS:** None. **ABSENT:** Gutierrez.

The City Clerk read the following ordinance:

AN ORDINANCE 101154

AUTHORIZING THE EXECUTION OF A TWO-YEAR RENEWAL AND EXTENSION OF A LEASE AGREEMENT WITH FNFS, LTD., D/B/A B&W FINANCE COMPANY, AS "TENANT", FOR THE USE OF 936 SQUARE FEET OF RETAIL/OFFICE SPACE AND A DRIVE THROUGH TELLER LANE AT THE HOUSTON STREET PARKING GARAGE, LOCATED IN COUNCIL DISTRICT 1 AT THE INTERSECTION OF NAVARRO AND COLLEGE STREETS FOR A MONTHLY BASE RENTAL AMOUNT EQUAL TO \$1,684.80 OR \$20,217.60 FOR THE FIRST YEAR.

Councilmember Perez 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 101155

AUTHORIZING THE EXECUTION OF A CONTRACT WITH DAHYALAL A. GAJERA AND MEHUL PATEL FOR THE SALE OF APPROXIMATELY 11 ACRES OF CITY OWNED PROPERTY AT THE SOUTHWEST BUSINESS & TECHNOLOGY PARK (FORMER VAN DE WALLE PROPERTY) IN COUNCIL DISTRICT 6, FOR \$19,602.00 PER ACRE OR THE APPRAISED VALUE, WHICHEVER IS GREATER, AND AUTHORIZING 5% OF THE FINAL SALES PRICE FOR REAL ESTATE BROKER'S FEES, \$2,964.00 FOR THE TITLE INSURANCE POLICY, AND \$500.00 FOR CLOSING COSTS.

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

Mayor Hardberger recessed the meeting at 4:10 pm until the next time certain item, and reconvened the meeting at 5:00 pm.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

A Proclamation for National Night Out on August 2, 2005.

A Certificate of Appreciation to Elizabeth Kerley for her 9 years of service on the Housing Trust Fund Board.

A Certificate of Congratulations to the Guerra Branch Library for its one year Anniversary.

A Certificate of Congratulations to the South San Antonio Baseball Team for their 2005 Championship Title.

6:00 PM – CITIZENS TO BE HEARD

Mr. Charles English addressed the City Council relating to moving forward on many events occurring in the community. He mentioned the two times that he has been nominated for two awards which he stated was an overwhelming opportunity. He thanked the Mayor and Council for the opportunity to serve the community.

Mr. Boone Brinson addressed the City Council relating to bond funds for the Farmer's Market Plaza air conditioning. He stated the bid will go out in September or October and that it will be too late in coming due to the heat. He urged Council to have staff address the matter as quickly as possible.

Mr. Pete Pena also representing tenants of the Farmer's Market Plaza also stated they were losing business because of the heat. He referred to the petition that was distributed to the Council stating that some tenants are experiencing severe loss of income due to the unbearable heat.

Mayor Hardberger recessed the meeting at 5:45 pm until the next time certain item, and reconvened the meeting at 6:00 pm.

6:00 PM – CITIZENS TO BE HEARD

Mr. Faris Hodge Jr., 140 Dora, addressed the Council and sang Happy Birthday and the Marine Hymn.

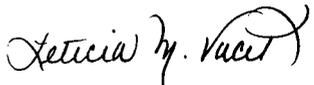
Mr. David Arrevalo, 627 Delaware, addressed the Council about the Hotel Convention Project and noted there are serious environmental issues at the site. He stated he tried to inform Faulkner's attorney. He also added dust control will be needed and stated he would continue to monitor the situation.

Mr. Jose Perez addressed the Council about a news story seen on Channel 4 exposing abusers of the school system.

There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 6:10 pm.

A P P R O V E D


PHIL HARDBERGER
MAYOR

Attest: 
LETICIA M. VACEK
City Clerk