

**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, SEPTEMBER 28, 2005 AND THURSDAY, SEPTEMBER 29, 2005

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The City Council convened in an informal "B" Session on Wednesday, September 28, 2005, at 3:00 pm, Municipal Plaza Building "B" Room for the purpose of:

Discussion regarding the appointment of a 7-member board of directors to manage the Crime Control and Prevention District, if created by election, and providing staff direction in accordance therewith.

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

The "B" Session adjourned at 5:30 pm.

The Regular Meeting was called to order on Thursday, September 29, 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 Will E. Covington Sr., Pastor, District 9, Harmony Hills Baptist Church

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

The minutes of the City Council meeting of September 15, 2005 were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 101447

CONFIRMING THE APPOINTMENT OF MICHAEL D. BERNARD AS THE CITY ATTORNEY OF THE CITY OF SAN ANTONIO, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF SAN ANTONIO.

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

City Manager Rolando Bono made a presentation on the selection of the City Attorney, a copy of which is on file with the Office of the City Clerk. He addressed the requirements of the City Charter for the City Attorney and the responsibilities of the City Attorney. He noted the position announcement, the applicant interviews, candidate assessment and final recommendation. He further expounded on the qualifications and experience of the selected candidate.

The following citizen(s) appeared to speak:

Ms. Susan Reed, District Attorney, addressed the Council and stated that Michael Bernard has been her Assistant at the District Attorney's Office for a number of years and that he will be an asset to the City.

Mr. Karl Haycraft, Jr spoke regarding false rape charges made against his son which should have been dropped by the District Attorney's Office. He asked that the appointment be postponed.

Mr. Jack M. Finger addressed the Council relating to Michael Bernard and stated he headed up the American homosexual and anti-family.

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 101448

APPOINTING LOREN WOOD (DISTRICTS 2, 7 &8), MARK TAFOLLA (DISTRICTS 2, 7 & 8), AND SANDRA TAYLOR (DISTRICTS 2, 7 & 8); AND REAPPOINTING EDWARD ALAN BENSON (DISTRICTS (8, 9 & 10), RICHARD

KELLY (DISTRICTS 2, 7 & 8) TO THE AIR TRANSPORTATION ADVISORY COMMISSION FOR TERMS OF OFFICE TO EXPIRE MAY 31, 2007.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101449

REAPPOINTING HENRY RODRIGUEZ (ALTERNATE MEMBER CATEGORY) TO THE BOARD OF ADJUSTMENT FOR A TERM OF OFFICE TO EXPIRE SEPTEMBER 29, 2007.

Councilmember Haass 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.

The City Clerk read the following ordinance:

AN ORDINANCE 101450

REAPPOINTING RICHARD LEAL (BUSINESS REPRESENTATIVE CATEGORY), AL MARIN (CLERGY CATEGORY) AND I. MARIE STOUT (GOVERNMENT HILL ALLIANCE CATEGORY) AND APPOINTING ELIZABETH KERLEY (BUSINESS REPRESENTATIVE CATEGORY) TO THE SOUTH FORT SAM HOUSTON DEVELOPMENT ADVISORY BOARD FOR TERMS OF OFFICE TO EXPIRE MAY 31, 2007.

Councilmember McNeil 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.

Item 4D being an Ordinance appointing and/or reappointing five (5) members to the Planning Commission for terms of office to expire on September 29, 2007 was pulled from consideration.

The City Clerk read the following ordinance:

AN ORDINANCE 101451

APPOINTING COUNCILWOMAN DELICIA HERRERA (DISTRICT 6) AND COUNCILMAN KEVIN WOLFF (DISTRICT 9) AND REAPPOINTING COUNCILMAN ROGER FLORES (DISTRICT 1) TO THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) FOR TERMS OF OFFICE CONCURRENT WITH THE CITY COUNCIL TERMS.

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 101452

APPOINTING COUNCILWOMAN SHEILA MCNEIL (DISTRICT 2) AND COUNCILWOMAN ELENA GUAJARDO (DISTRICT 7) TO THE COMMITTEE OF SEVEN, WHICH COORDINATES REGIONAL EFFORTS TO IMPROVE STORM WATER MANAGEMENT, FOR TERMS OF OFFICE THAT ARE CONCURRENT WITH THE CITY COUNCIL TERMS.

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 101453

CARRYING FORWARD CERTAIN FUNDS; CLOSING ACCOUNTING RECORDS IN CERTAIN FUNDS; AMENDING PRIOR APPROPRIATIONS; APPROPRIATING FUNDS FOR REQUIREMENTS IN CITY PROJECTS AND DEPARTMENTS; AND APPROPRIATING CERTAIN CAPITAL PROJECT FUNDS.

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

Mr. Peter Zaroni, Director of Management and Budget, made a presentation on the FY 2005 closing ordinance, a copy of which is on file with the Office of the City Clerk. He stated this action was part of the City's annual year-end fiscal close-out process to ensure that fund accounting meets Generally Accepted Accounting Principles (GAAP). He added this would carry forward necessary FY 2005 encumbrances into the new fiscal year, carries forward planned, but unencumbered FY 2005 expenditures into FY 2006 budget, closes accounting records on completed capital and grant projects, and authorizes transfer of funds and expenses to recover expenditures incurred from capital projects delivery.

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 101454

APPROVING AN INVESTMENT POLICY FOR THE CITY OF SAN ANTONIO, TEXAS, IN ACCORDANCE WITH THE REQUIREMENT OF THE TEXAS PUBLIC FUNDS INVESTMENT ACT, AS AMENDED, FOR CITY COUNCIL TO ANNUALLY REVIEW AND APPROVE THE CITY'S INVESTMENT POLICY; DESIGNATING CERTAIN EMPLOYEES AS INVESTMENT OFFICERS FOR THE CITY OF SAN ANTONIO; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Hall 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, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Guajardo.

The City Clerk read the following ordinance:

AN ORDINANCE 101455

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS IN THE AMOUNT OF \$1,671,242.00 FOR THE CONTINUATION OF THE COMPREHENSIVE NUTRITION PROJECT FROM OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006; AUTHORIZING THE EXECUTION OF GRANT CONTRACTS; ADOPTING A BUDGET AND APPROVING A PERSONNEL COMPLEMENT; APPROPRIATING FUNDS; AUTHORIZING THE EXECUTION OF VENDOR AND LEASE AGREEMENTS WITH NON-PROFIT AGENCIES FOR OPERATION OF SENIOR NUTRITION SITES AND USE OF FACILITIES; AUTHORIZING THE ACCEPTANCE OF SUPPLEMENTAL FUNDS; AND AUTHORIZING THE ALLOCATION OF CARRY FORWARD FUNDS.

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation on the Senior Services Division Comprehensive Nutrition Project (CNP), a copy of which is on file with the Office of the City Clerk. He stated this ordinance would authorize the acceptance of the \$1.6 million grant from Alamo Area Council of Government for congregate and home delivered meals, authorize execution of grant contracts for the CNP and adopt a budget and personnel complement for FY 2005-2006. He provided background information on the program goals for the seniors, history of CNP which was initiated in 1973, noting that 76 Senior Nutrition Centers are being serviced with approximately 3,596 meals served daily. He further amplified on the funding history and sources, service capacity, and accountability measures.

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 10 being a resolution supporting the appointment of a seven-member board of directors to manage the City of San Antonio, Texas Crime Control and Prevention District, if created by election, as requested by Councilwoman Elena K. Guajardo, District 7 was pulled from consideration.

CONSENT AGENDA

Consent agenda items 14, 21, 22, 26, 27, 33, 35, 41, and 43 were pulled for individual consideration. The remaining items 12 through 52E were approved upon motion made by Councilmember Perez and seconded by Councilmember Hall.

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

AN ORDINANCE 101456

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 \$1,087,054.00 INCLUDING: SPEED HUMPS; TRUCK AND INDUSTRIAL TIRES; MAINTENANCE OF DIESEL ENGINE GENERATOR SYSTEM FOR ITSD; ELECTROLYTE DRINK MIX; ALUMINUM SIGN BLANKS; PEDESTRIAN COUNTDOWN TIMERS; MCNEILUS MODEL 3146 RECYCLED TRUCK PARTS AND SERVICE; RESTROOM DISINFECTING AND ODOR NEUTRALIZING SERVICE; HAND TOOLS AND ACCESSORIES.

AN ORDINANCE 101457

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY THE POLE COMPANY TO PROVIDE THE CITY WITH TRAFFIC SIGNAL POLES FOR A TOTAL COST OF \$39,610.00, FROM GENERAL OBLIGATION DRAINAGE BOND FUNDS.

AN ORDINANCE 101458

APPROPRIATING FUNDS IN THE AMOUNT OF \$109,720.33 FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BONDS; AUTHORIZING THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT TO PROVIDE

CONSTRUCTION SERVICES; AND AUTHORIZING \$10,972.30 FOR PROJECT CONTINGENCY, FOR A TOTAL AMOUNT OF \$120,692.36 IN CONNECTION WITH THE JO MARIE (W.W. WHITE TO DEAD END), PHASE I PROJECT, AN AUTHORIZED 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT, LOCATED IN COUNCIL DISTRICT 3.

AN ORDINANCE 101459

ACCEPTING A PROPOSAL FROM SOUTHWESTERN BELL TELEPHONE, L.P. (SBC) IN THE AMOUNT OF \$65,548.45 FOR TESTING TO DETERMINE EXTENT OF CONFLICT OF EXISTING SBC CONDUITS WITH THE MILITARY DITCH #65 PROJECT, AN AUTHORIZED 1999-2004 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND AND 2003 STORM WATER REVENUE BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING \$6,554.85 FOR PROJECT CONTINGENCY, FOR A TOTAL ORDINANCE AMOUNT OF \$72,103.30; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101460

AUTHORIZING PAYMENT IN THE AMOUNT OF \$27,887.59 TO BRACEWELL & GIULIANI, L.L.P. FOR LEGAL SERVICES IN CONNECTION WITH THE CHERRY STREET DRAINAGE #15B PHASE II PROJECT (\$758.83), CULEBRA DRAINAGE #58F PROJECT (\$513.15), ESCALON STREET #1008 DRAINAGE PROJECT (\$269.26), HI-LIONS DRAINAGE #80 PHASES III & V PROJECT (\$8,612.08), HOUSTON STREET – WALTERS TO ONSLOW MPO PROJECT (\$201.69), LADDIE PLACE DETENTION POND PROJECT (\$243.00), MILITARY DRIVE WEST TO REED ROAD PROJECT (\$1,936.48), OCTAVIA DRAINAGE #63, PHASE II, PART I PROJECT (\$144.45), PECAN VALLEY – I.H. 10 TO J STREET MPO PROJECT (\$149.28), PLEASANTON ROAD – SOUTHCROSS TO MAYFIELD PROJECT (\$5,837.06), SAN ANTONIO RIVER IMPROVEMENTS PROJECT (\$498.11), SOUTH FLORES DRAINAGE #70-70A PHASE II-PART 3 PROJECT (\$134.16), WESTERN AVENUE DRAINAGE #74 IIIA PROJECT (\$4,703.75), W.W. WHITE-RIGSBY TO LORD ROAD PROJECT (\$1,649.93), AND THE FAY PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT (\$2,236.36), LOCATED IN VARIOUS CITY COUNCIL DISTRICTS, FROM GENERAL OBLIGATIONS OF THE CITY AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

AN ORDINANCE 101461

DECLARING THE WOODLAWN – BANDERA TO MAIDEN METROPOLITAN PLANNING ORGANIZATION (MPO) PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT, TO-WIT, ALL PROPERTIES BEING DESCRIBED AS: (1) BEING A 0.0031 ACRE (135 SQUARE FEET MORE OR LESS) TRACT OF LAND, OUT OF LOT 1, BLOCK 30, NEW CITY BLOCK 9590 OF THE UNIVERSITY PART, UNIT 4 SUBDIVISION, AND (2) BEING A 0.0036 (155 SQUARE FEET MORE OR LESS) TRACT OF LAND, OUT OF LOT 24, BLOCK 14, NEW CITY BLOCK 11402 OF THE WOODLAWN HEIGHTS SUBDIVISION, ALL IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE AS PART OF THIS PROJECT; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$1,300.00 FROM 2002 CERTIFICATES OF OBLIGATION FUNDS FOR THE ACQUISITION AND OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING THE CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND ESTABLISHING AN EFFECTIVE DATE.

AN ORDINANCE 101462

AUTHORIZING FUNDS IN THE AMOUNT OF \$10,219.44 PAYABLE TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS-HAUSMAN TO DEZAVALA PROJECT (\$108.00), LOCATED IN COUNCIL DISTRICT 8; BITTERS ROAD – WEST AVENUE TO HEIMER, A METROPOLITAN PLANNING ORGANIZATION (MPO) PROJECT (\$114.48), LOCATED IN COUNCIL DISTRICT 9; CULEBRA/LOOP 410 DETENTION POND PROJECT (\$1,137.00), LOCATED IN COUNCIL DISTRICT 6; CULEBRA DRAINAGE #58F COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT (\$8,078.16), LOCATED IN COUNCIL DISTRICT 7; LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENTS PROJECT (\$637.80), LOCATED IN COUNCIL DISTRICTS 9 AND 10; AND THE MISSION TRAILS PACKAGE IV PROJECT (\$144), LOCATED

IN COUNCIL DISTRICTS 1, 3, AND 5, FROM GENERAL OBLIGATIONS OF THE CITY AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

AN ORDINANCE 101463

AUTHORIZING PAYMENT TO BRACEWELL & GIULIANI, L.L.P. IN THE AMOUNT OF \$95,572.24 FOR LEGAL SERVICES PERFORMED THROUGH JULY 31, 2005 IN CONNECTION WITH THE RESIDENTIAL CONDOMINIUMS TO BE CONSTRUCTED ABOVE THE NEW CONVENTION CENTER HOTEL FROM FUNDS PREVIOUSLY REMITTED TO THE CITY BY FAULKNER USA, INC; AND AUTHORIZING THE PAYMENT OF FUTURE INVOICES FROM ADDITIONAL FUNDS TO BE PROVIDED TO THE CITY BY THE DEVELOPER.

AN ORDINANCE 101464

AMENDING THE PROFESSIONAL SERVICE CONTRACT WITH REHLER VAUGHN & KOONE, INC. FOR ADDITIONAL WORK IN CONNECTION WITH THE UPPER SALADO CREEK GREENWAY IMPROVEMENTS PROJECT IN DISTRICTS 8 AND 9 FOR AN AMOUNT NOT TO EXCEED \$118,888.20, AUTHORIZING \$25,000.00 FOR MANDATORY PROJECT FEES, \$447.77 FOR ARCHAEOLOGICAL SERVICES, AND \$16,500.00 FOR TOPOGRAPHICAL SURVEY FEES FOR A TOTAL AMOUNT OF \$160,831.97, AND AUTHORIZING THE ENCUMBRANCE OF THESE FUNDS FROM 1999 PARK BOND FUNDS AND PROVIDING FOR PAYMENT, FROM 1999 PARK BOND FUNDS.

AN ORDINANCE 101465

APPROVING A PERMIT FOR A FIREWORKS DISPLAY ON OCTOBER 1, 2005 AT ABOUT 10:30 P.M. AT 856 GEMBLER ROAD, TO CELEBRATE THE GERALD M. GONZALEZ WEDDING, AS REQUESTED BY GERALD M. GONZALEZ AND ALPHA LEE ENTERPRISES, INC.

AN ORDINANCE 101466

AUTHORIZING THE EXTENSION OF A CONTRACT WITH A & D TESTS, INC. TO PROVIDE RANDOM AND REASONABLE SUSPICION DRUG TESTING SERVICES FOR THE SAN ANTONIO FIRE DEPARTMENT, FOR A ONE-YEAR

PERIOD FROM OCTOBER 1, 2005, TO SEPTEMBER 30, 2006, AT A COST NOT TO EXCEED \$35,000.00; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101467

AUTHORIZING THE EXECUTION OF A CONTRACT WITH A & D TESTS, INC. IN AN AMOUNT NOT TO EXCEED \$35,000.00 ANNUALLY IN ORDER TO PROVIDE FOR RANDOM DRUG TESTING AND DRUG TESTING BASED ON REASONABLE SUSPICION FOR THE SAN ANTONIO POLICE DEPARTMENT; AND PROVIDING FOR PAYMENT

AN ORDINANCE 101468

AUTHORIZING THE ACCEPTANCE OF \$35,520.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO FUND THE CHILDHOOD LEAD POISONING PREVENTION PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; AUTHORIZING THE EXECUTION OF THE CONTRACT CHANGE WITH TDSHS; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 101469

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) PROVIDING SUPPORT FOR THE FAMILY HEALTH POPULATION BASED CORE PUBLIC HEALTH PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT WHICH AMENDS THE PROGRAM BUDGET, AUTHORIZING THE EXECUTION OF A SECOND CHANGE WITH THE TDSHS WHICH PROVIDES AN ADDITIONAL \$22,000.00 TO AUGMENT THE PROGRAM AND EXTEND THE PERIOD; AND REVISING THE PROGRAM BUDGET.

AN ORDINANCE 101470

AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT BETWEEN THE CITY OF SAN ANTONIO AND THE COMMUNITY ECONOMIC REVITALIZATION AGENCY, INC. TO EXTEND THE TERM FOR TWO YEARS

THROUGH SEPTEMBER 30, 2007 IN THE AMOUNT OF \$50,000.00 PER YEAR AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$50,000.00 FOR THE FISCAL YEAR 2005-2006 AVAILABLE FROM THE CITY'S NEIGHBORHOOD COMMERCIAL REVITALIZATION PROGRAM IN CONNECTION WITH THE EASTTOWN @ COMMERCE REVITALIZATION PROJECT; APPROPRIATING FUNDS; PROVIDING FOR PAYMENT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT (8) AFFIRMATIVE VOTES.

AN ORDINANCE 101471

AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$283,377.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION WHICH WILL BE USED FOR THE OPERATION OF THE SAN ANTONIO INTERLIBRARY LOAN CENTER DURING THE GRANT PERIOD SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2006; AND AUTHORIZING THE EXECUTION OF THE GRANT CONTRACT.

AN ORDINANCE 101472

AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$40,000.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION WHICH WILL BE USED FOR CONTRACTUAL AND RELATED TRAVEL EXPENSES FOR A TECHNICAL VENDOR TO PROVIDE HARDWARE, SOFTWARE, NETWORK AND SECURITY SUPPORT TO COMPUTER SYSTEMS OF PUBLIC LIBRARIES LOCATED WITHIN THE ALAMO AREA LIBRARY SYSTEM FOR THE GRANT PERIOD SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2006; AND AUTHORIZING EXECUTION OF THE GRANT CONTRACT.

AN ORDINANCE 101473

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION IN THE AMOUNT OF \$716,349.00 WHICH WILL BE USED FOR THE PURPOSE OF PUBLIC LIBRARY DEVELOPMENT IN THE ALAMO AREA LIBRARY SYSTEM FOR THE GRANT PERIOD SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2006; AND AUTHORIZING THE EXECUTION OF A GRANT CONTRACT.

AN ORDINANCE 101474

AUTHORIZING PAYMENT OF THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES TO THE NATIONAL LEAGUE OF CITIES IN THE AMOUNT OF \$29,582.00 FOR THE PERIOD OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101475

APPOINTING COUNCILMAN RICHARD PEREZ, DISTRICT FOUR, AS THE CITY OF SAN ANTONIO'S ELECTED REPRESENTATIVE AND CARROLL SCHUBERT AS THE CITY OF SAN ANTONIO'S REPRESENTATIVE OF THE BUSINESS COMMUNITY TO THE AUSTIN-SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT; AUTHORIZING PAYMENT OF THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES TO THE DISTRICT IN THE AMOUNT OF \$49,500.00 FOR THE PERIOD OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101476

AUTHORIZING A ONE YEAR EXTENSION (FY 2006) OF AN AGREEMENT WITH THE TRANSPORTATION SECURITY ADMINISTRATION FOR THE USE OF AIRPORT POLICE PERSONNEL AT THE SAN ANTONIO INTERNATIONAL AIRPORT CHECKPOINTS, IN AN AMOUNT NOT TO EXCEED \$396,902.40, ESTABLISHING A BUDGET, AND APPROPRIATING FUNDS.

AN ORDINANCE 101477

AUTHORIZING THE ACCEPTANCE OF A REIMBURSEMENT GRANT IN AN AMOUNT NOT TO EXCEED \$160,500.00 FROM THE TRANSPORTATION SECURITY ADMINISTRATION (TSA) FOR REIMBURSEMENT OF EXPENSES RESULTING FROM PARTICIPATION IN THE TSA EXPLOSIVES DETECTION CANINE TEAM PROGRAM AT SAN ANTONIO INTERNATIONAL AIRPORT DURING FISCAL YEAR 2006; APPROPRIATING FUNDS, AND ESTABLISHING A BUDGET.

AN ORDINANCE 101478

APPROVING A SETTLEMENT OF THE ADMINISTRATIVE APPEAL STYLED *ZALMAN RESOURCES, INC. AND MARK ABDELHAK V. CITY OF SAN ANTONIO*, CAUSE NO. 2000-CI-00604 IN THE AMOUNT OF \$115,500.00.

AN ORDINANCE 101479

AMENDING FISCAL YEAR 2006 BUDGET ORDINANCE NO. 101386, TO EXCLUDE THE CITY AUDITOR AND ALL ASSISTANT AUDITOR POSITIONS FROM THE COST OF LIVING COMPENSATION ADJUSTMENT PROVIDED FOR THEREIN; AND AUTHORIZING THE CITY AUDITOR TO MAKE ADJUSTMENTS TO COMPENSATION FOR SUCH ASSISTANT AUDITOR POSITIONS AS SHE DETERMINES, BASED UPON MARKET AND PERFORMANCE CRITERIA, WITH THE AGGREGATE PERSONAL SERVICES COSTS NOT TO EXCEED THE AGGREGATE AMOUNT OF THE PERSONAL SERVICES COSTS BUDGETED FOR THE CITY AUDITOR DEPARTMENT.

AN ORDINANCE 101480

RESCHEDULING THE FOLLOWING CITY COUNCIL MEETINGS TO THE NEXT AVAILABLE DATES DUE TO HOLIDAY SCHEDULES.

SCHEDULED MEETING	SCHEDULED TO
November 24, 2005	December 1, 2005
December 22, 2005	January 5, 2006
December 29, 2005	January 5, 2006

Item 49 being confirmation of a Travel Authorization Request from Councilmember Roger Flores (District 1) for his attendance at the "International Public Transportation Exposition 2005" in Dallas, Texas on September 26, 2005 was pulled from consideration.

Confirmation of a Travel Authorization Request from Councilmember Elena Guajardo (District 7) for her attendance at the "Policy Institute on Public Finance and Economic Development" on Friday, September 9, 2005 through Sunday, September 11, 2005 was approved.

AN ORDINANCE 101481

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN THE MILAM PARK AREA IN CONNECTION WITH THE WALK TO CURE JUVENILE DIABETES BEING HELD ON SATURDAY, OCTOBER 15, 2005, AS REQUESTED BY THE JUVENILE DIABETES FOUNDATION.

AN ORDINANCE 101482

APPOINTING DR. RANDALL STEPHEN PREISSIG (DISTRICT 4) AND REAPPOINTING ROBERT RODRIGUEZ (DISTRICT 5) TO THE LINEAR CREEKWAY PARKS ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101483

APPOINTING DIANA ESQUIVEL (DISTRICT 1) TO THE HOME IMPROVEMENT ADVISORY BOARD (CATEGORY: LAYPERSON) FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 29, 2007.

AN ORDINANCE 101484

APPOINTING RONALD ROCHA (DISTRICT 1) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101485

APPOINTING HECTOR LEDESMA (DISTRICT 5) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE (CATEGORY: PERFORMING ARTS/THEATRE) FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101486

APPOINTING SONIA RODRIGUEZ (MAYOR) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

CONSENT ITEMS FOR INDIVIDUAL CONSERATION

The City Clerk read the following ordinance:

AN ORDINANCE 101487

ACCEPTING THE BID FROM INTERSPIRO, INC. TO PROVIDE THE CITY OF SAN ANTONIO WITH SELF CONTAINED BREATHING APPARATUS FOR A TOTAL OF \$207,500.70 WHICH WILL BE OBLIGATED FROM AIRPORT FUNDS, PROCEEDS FROM SALES OF FIRE STATION BUILDINGS AND HOMELAND SECURITY FUNDS.

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

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, spoke about the campaign contributions accepted by several Councilmembers and the Mayor from city contract agencies. He also referenced items 18 and 23 relating to the same.

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 101488

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A FUNDING AGREEMENT WITH THE METROPOLITAN PLANNING ORGANIZATION (MPO) PROVIDING FOR REIMBURSEMENT TO THE CITY FROM THE MPO FOR EXPENSES INCURRED TO FUND ONE STAFF POSITION, HIKE AND BIKE COORDINATOR, FOR AN ADDITIONAL TWO YEARS IN AN AMOUNT NOT TO EXCEED \$115,000.00; AND ADOPTING A PROGRAM BUDGET FOR FISCAL YEARS 2006 AND 2007.

Councilmember Perez 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.

The City Clerk read the following ordinance:

AN ORDINANCE 101489

APPROPRIATING FUNDS FOR EXPENDITURE IN SUPPORT OF PAYMENT TO EXISTING ENVIRONMENTAL SERVICES DEPARTMENT STAND-BY CONSULTING AGREEMENTS WITH CH2M HILL, INC. AND MEDINA CONSULTING COMPANY, INC., FOR ENVIRONMENTAL, REGULATORY AND REMEDIAL DUE DILIGENCE IN CONNECTION WITH PROJECTS AT SAN ANTONIO INTERNATIONAL AND STINSON MUNICIPAL AIRPORTS, IN AN AMOUNT NOT TO EXCEED \$75,000.00 FOR EACH CONTRACTOR, FOR A TOTAL APPROPRIATION OF \$150,000.00, TRANSFERRING FUNDS, REVISING THE BUDGET AND PROVIDING FOR PAYMENT FROM THE AIRPORT CAPITAL IMPROVEMENTS FUND.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101490

APPROPRIATING \$500,000.00 IN THE AIRPORT CAPITAL IMPROVEMENT FUND, AMENDING THE BUDGET AND TRANSFERRING FUNDS TO THE AIRPORT CAPITAL PROJECTS FUND TO BE USED FOR SMALL AIRPORT CAPITAL PROJECTS COMPLETED BY CITY OF SAN ANTONIO PERSONNEL.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101491

ACCEPTING THE LOW, QUALIFIED BID AND AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$59,495.00 WITH DONSAN CONSTRUCTION, L.L.C., A SBE/MBE FIRM, IN CONNECTION WITH THE WALKER RANCH PARK PHASE II PROJECT LOCATED IN DISTRICT 9; ALLOCATING \$250.00 FOR TEXAS DEPARTMENT OF LICENSING REGULATIONS (TDLR) FEES AND \$2,242.98 FOR CONSTRUCTION CONTINGENCY; TRANSFERRING \$10,561.98 FROM WITHIN THE PROJECT BUDGET; AUTHORIZING APPROPRIATION OF \$51,426.00 FROM 1999-2003 PARK BOND FUNDS; AND PROVIDING FOR PAYMENT.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101492

AUTHORIZING RENEWAL AND EXTENDING A LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE FOTO CENTER, INC., D/B/A THE PINK GIRAFFE FOR RETAIL/OFFICE SPACE AT THE HOUSTON STREET PARKING GARAGE, LOCATED IN COUNCIL DISTRICT 1, FOR AN ANNUAL RENTAL RATE DURING THE FIRST YEAR OF \$41,706.00 AND ANNUAL INCREASES THEREAFTER.

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, Gutierrez, Radle, Herrera, Guajardo, Hall, Haass, Hardberger. **NAYS:** Perez. **ABSENT:** Wolff.

The City Clerk read the following ordinance:

AN ORDINANCE 101493

AUTHORIZING A TWO YEAR RENEWAL OF A FIRE STATION LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AS TENANT AND FONG SUN L.P. AS LANDLORD FOR \$7,000.00 PER YEAR AND WITH AN OPTION FOR FURTHER RENEWAL, FOR PURPOSES OF MAINTAINING A TEMPORARY FIRE STATION LOCATED IN COUNCIL DISTRICT 8, FROM 1996 CERTIFICATES OF OBLIGATIONS.

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

11:00 AM CONSIDERATION OF AN ORDINANCE

The City Clerk read the following ordinance:

AN ORDINANCE 101494

AUTHORIZING THE ISSUANCE OF \$186,675,000 "CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS REVENUE REFUNDING BONDS, NEW SERIES 2005A"; PROVIDING THE TERMS, CONDITIONS, AND SPECIFICATIONS FOR SUCH BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; MAKING PROVISIONS FOR THE PAYMENT AND SECURITY THEREOF ON A PARITY WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS; STIPULATING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS ON A PARITY THEREWITH; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN ESCROW DEPOSIT LETTER, AND A BOND PURCHASE AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST

COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY PUBLIC SERVICE BOARD STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT AFFIRMATIVE VOTES.

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

A Representative from City Public Service made a presentation on the proposed financial transaction, a copy of which is on file with the Office of the City Clerk. He outlined the revenue refunding bonds, the refund of \$200 million in commercial paper notes, the debt management policy and debt structure. He outlined the process to select the Underwriting Pool and Underwriting Team, cited the credit ratings and delineated the transaction calendar.

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

CONSENT AGENDA CONTINUED

The City Clerk read the following ordinance:

AN ORDINANCE 101495

AMENDING THE TRAFFIC CONTROL DEVICE SCHEDULES FOR THE CITY OF SAN ANTONIO ESTABLISHED IN SECTION 19-68(B) OF THE CITY CODE TO INCLUDE THE ESTABLISHMENT OF NEW OFFICIAL TRAFFIC CONTROL DEVICES AND DELETE PREVIOUS ENTRIES FROM THE SCHEDULES IN CONFLICT WITH THE CURRENT REGULATIONS.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101496

APPROVING THE ADMINISTRATIVE SERVICES BUDGET OF THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC. IN THE AMOUNT OF \$332,315.00 FOR STAFFING AND ADMINISTRATION OF THE CITY OF SAN ANTONIO HOUSING TRUST FOR FISCAL YEAR 2005-06, APPROVING A CONTRACT FOR SERVICES TO BEGIN OCTOBER 1, 2005 AND EXPIRE ON SEPTEMBER 30, 2006, APPROVING A PERSONNEL COMPLEMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS IN CONNECTION WITH THE FOREGOING.

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

Item 36 being an ordinance authorizing acceptance of a grant in the amount of \$283,377.00 from the Texas State Library and Archives Commission which will be used for the operation of the San Antonio Interlibrary Loan Center during the grant period September 1, 2005 through August 31, 2006; and authorizing the execution of the grant contract was pulled from consideration.

CONSENT ITEMS CONSIDERED INDIVIDUALLY

Item 41 is an ordinance authorizing payment of the City of San Antonio's annual membership dues to the Texas Municipal League (TML) in the amount of \$45,251.00 for the period October 1, 2005 through September 30, 2006; and providing for payment.

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

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

Mayor Hardberger recessed the Regular Session at 12:04 pm to break for lunch, and reconvened 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 request for and offer of financial incentives to support the Park Centre Towers Project 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).

Deliberate the commercial and/or financial information received regarding the economic development negotiations of the Friedrich Building Project 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).

The Mayor reconvened the Regular Session from Executive Session at 2:35 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.

The City Clerk read the following ordinance:

AN ORDINANCE 101497

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR A HUD 108 LOAN IN THE AMOUNT OF \$9 MILLION TO SUPPORT THE FRIEDRICH BUILDING REDEVELOPMENT PROJECT AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON EIGHT AFFIRMATIVE VOTES.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101498

AUTHORIZING THE EXECUTION OF THREE-YEAR INTERLOCAL AGREEMENTS FOR EMERGENCY MEDICAL SERVICES WITH THE SUBURBAN CITIES OF BALCONES HEIGHTS, CASTLE HILLS, HELOTES AND WINDCREST, EFFECTIVE OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2008.

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

After discussion, Councilmember Radle made a motion to amend the contract for one year. Councilmember Perez seconded the amendment.

After consideration, the motion, on the amendment prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Hall, Wolff, Hardberger. **NAYS:** Guajardo. **ABSENT:** Haass.

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, Hall, Wolff, Hardberger. **NAYS:** Guajardo. **ABSENT:** Haass.

2:00 PM CONSIDERATION OF AN ORDINANCE ADOPTING THE GREATER DELLVIEW AREA COMMUNITY PLAN AS A COMPONENT OF THE MASTER PLAN OF THE CITY

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation on the Greater Dellview Area Community Plan, a copy of which is on file with the Office of the City Clerk. He stated this plan was a component of the City's Master Plan, presented the planning area location and size, and planning area characteristics. He addressed the community planning process, community outreach, goals for Economic Development, goals for housing and neighborhoods, transportation and infrastructure, parks and recreation, public safety, the land use plan, and implementation goals.

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, 140 Dora, addressed the Council relating to the Master Plan and code compliance issues within the downtown neighborhoods. He stated there are problems in District 1, such as vacant lots, abandoned cars, and graffiti that need the attention of the Code Compliance Officers.

Ms. Wendy Trevino, 1820 El Monte, addressed the Council relating to the Greater Dellview Plan and stated the residents and businesses participated in the planning, and recommended approval.

Ms. Rowena Rodgers, 2128 La Manda, Vice President of the Dellview Neighborhood Association, addressed the Council relating to the Greater Dellview Plan and stated she hopes the City Council will adopt the plan. She also stated the association will hold an open house for the plan, tentatively set for October 22, 2005.

Ms. Mariana Ornelas, 526 Freiling, also addressed the Council with regards to the Greater Dellview Plan and stated it has been a pleasure to work with the City Staff and Councilmember Flores. She added they are opposed to any amendment and requested that the plan be approved as presented.

Mr. Jesse Sanchez, 19102 Redriver, addressed the Council and stated that he supported the Greater Dellview Plan.

Ms. Sandi Bouchard, 1330 Viewridge, stated it was a very good plan and it demonstrated pride in ownership by the neighborhood. She asked the Council to adopt the plan as it is today.

Mr. Charles Dove, 926 El Monte, addressed the Council relating to the Greater Dellview Plan and stated his endorsement of the Greater Dellview Plan in which he was part of the coalition that created the document. He added there is a proposed amendment and asked the Council to approve the plan as is without any amendments.

Mr. Fred Mathews, 6061 IH 10 W., also addressed the Council relating to the Greater Dellview Plan and stated it was necessary for future growth. He also asked that the plan be approved as written.

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

AN ORDINANCE 101499

ADOPTING THE GREATER DELLVIEW AREA COMMUNITY PLAN AS A COMPONENT OF THE MASTER PLAN OF THE CITY FOR AN APPROXIMATELY 4.8 SQUARE MILE AREA BOUND BY BLANCO ROAD ON THE EAST; LOOP 410 AND JACKSON-KELLER ROAD ON THE NORTH; INTERSTATE HIGHWAY 10 ON THE WEST; AND HILDEBRAND AVENUE ON THE SOUTH.

3:00 PM PUBLIC HEARING ITEM

(A) First Public Hearing on the proposed voluntary annexations of the Hunter's Pond area.

(B) First Public Hearing on the proposed voluntary annexations of the QVC San Antonio Industrial District area.

Mayor Hardberger declared the public hearing to be open.

Mr. Emil Moncivais, Director of Planning made a presentation on the voluntary annexation requests for the Hunter's Pond area and QVC San Antonio, a copy of which is on file with the Office of the City Clerk. He outlined background information on the proposed annexation areas, areas involved, development information, annexation goals and policies, fiscal impact, and the annexation schedule for the two areas.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, 140 Dora, asked if the City cannot respond currently to emergency calls (EMS) why the City is annexing more land. He added that the city does not have enough Code Compliance Officers. He also noted the amount the County wants to charge in making a telephone call.

Mayor Hardberger declared the public hearing to be closed.

Mayor Hardberger recessed the meeting at 4:05 pm and Mayor Pro Tem Flores reconvened the meeting at 5:09 pm.

CEREMONIALS

Mayor Pro Tem Flores presented the following honorariums:

A Citation to Larissa Garza for her 2005 awards in the Alamo Area Aquatics summer League Swimming Competition.

A Proclamation to San Fernando Cathedral for their 15th Annual Health Fair.

A Proclamation for National Fire Prevention Week.

A Proclamation recognizing October as Dental Hygiene Month

A Proclamation for the 19th annual Hispanic Women's Network of Texas Conference.

A Proclamation in appreciation for a benefit concert by Carlos Santana, who donated proceeds from the concert to the Mayor's Hurricane Relief Fund.

CITIZENS TO BE HEARD

Mr. Faris Hodge, Jr., 140 Dora, spoke to the Citizens to be Heard segment and expressed it should be televised. He noted the Bexar County Commissioners' Court places their citizens on television, and expressed that in the future this be placed on the agenda.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, addressed the Council relating to the four attributes of God, and cited a passage from Ezekiel 23.

Ms. Peggy Gonzalez, Council of the Blind, addressed the Council relating to improving the services for the blind.

Mr. Larry Johnson, 10863 Lake Path, addressed the Council on the importance of public transportation. He stated more and more people drive cars rather than using the bus. He also stated VIA reduced their service due to declining ridership, and has cut service to those with disabilities. He noted there is a chance to rebuild the public transportation system. He noted VIA must be held accountable for the millions in federal monies received for expanding bus service. The City Clerk noted in the minutes all Councilmembers were in agreement to ride the bus.

Ms. Melissa Ozuna, 1119 E. Drexel, expressed the purpose of our government is to serve all people. She referenced the Constitution and the First Amendment and the prayer delivered at the beginning of City Council Meetings. She stated she does not want her

tax dollars paying for prayer at the Council Meetings, which is excessive and inappropriate.

Ms. Sally Chizek, 4922 Buckwheat, spoke on the First Amendment and stated prayer should be prohibited at governmental entities. She added "keeping the various faiths separate" due to not being representative of all religions. She noted the separation between church and state. She suggested an uplifting thought of the day rather than prayer.

Ms. Ruth Lett, 14331 Markham Glen, addressed the Council and stated the writers of our Federal Constitution knew the dangers of entanglement in religion with government.

Ms. Jean Clelland-Morin, 321 Sadie, expressed concern in having prayer before government functions; she spoke to the history of religion adding the purists came to this country to avoid persecution.

Pastor Narciso Mendoza stated he is a spiritual leader as the Council are leaders in the City. He noted this morning the Council hired a new City Attorney and stated he would not be silent in this City anymore. He cautioned all the Council that he was not ready to support someone that had a different philosophy. He asked that he wanted to go on record that he was opposed to the appointment of Mr. Bernard. He noted the Constitutional Amendment #2 being the marriage of one woman and one man; he said he encouraged that proposition #2 be passed. He noted there is a myth of separation of church and state and noted our constitution is 200 years old and nowhere does it call for the separation of church and state.

Ms. Ruth E. Bell, 3015 Gainesborough, spoke to Council on traditional marriages and homosexuality. She also stated the Bible is what has made America great and where we can take our absolute oral guidelines.

Mr. Jay Pennington, 304 Horseshoe Bend, stated he has been working with Sam Sanchez of the Animal Care Facility. He is working on a new technology to reduce pet deaths and increase pet adoptions.

Mr. Harold Antoniotti, 1614 N. Pine, spoke on faith and stated that he was a person of faith. He stated this city is destined to do something that no other city will do – and that is set an example for others to follow.

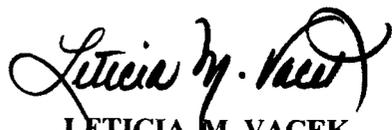
There being no further business to come before the City Council, Mayor Pro Tem Flores adjourned the meeting at 6:32 pm.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK
City Clerk