

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

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN
ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA
BUILDING, THURSDAY, OCTOBER 20, 2005**

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The Regular Meeting was called to order on Thursday, October 20, 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 Tom Robison, District 1, St. John's Lutheran Church.

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

The minutes of the City Council meeting of October 6, 2005 were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 101558

APPOINTING MEMBERS OF THE CITY COUNCIL TO BOARDS AND COMMISSIONS OF THE CITY AND TO SERVE AS LIAISONS ON BEHALF OF THE CITY COUNCIL FOR THE MILITARY AND VARIOUS EVENTS, AS REQUESTED BY MAYOR HARDBERGER.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101559

CLOSING, VACATING, AND ABANDONING 125 FEET OF A 10 FOOT-WIDE PUBLIC RIGHT OF WAY LOCATED BETWEEN OGDEN ST. AND MCCULLOUGH AVE. ADJACENT TO NCB 1748 IN COUNCIL DISTRICT NO. 1, AS REQUESTED BY NIPE PROPERTY INVESTMENTS, LTD., A TEXAS LIMITED PARTNERSHIP, FOR THE CONSIDERATION OF \$2,843.00.

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

Mr. Shawn Eddy, Asset Management Department, made a presentation on the proposed closure of a portion of an alley public right of way, a copy of which is on file with the Office of the City Clerk. He stated the petitioner would like to incorporate and re-plat the right of way with its abutting properties. He presented a map and views of the proposed area, the notification process 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 101560

CLOSING, VACATING, AND ABANDONING PUBLIC RIGHTS OF WAY LOCATED WITHIN THE SAN JUAN HOMES HOUSING PROJECT IN NCB A-62, IN COUNCIL DISTRICT NO. 5, FOR THE REDEVELOPMENT OF THE AREA AS PART OF ITS SAN JUAN HOMES MASTER PLAN IMPLEMENTATION, AS REQUESTED BY SAN ANTONIO HOUSING AUTHORITY, FOR THE CONSIDERATION OF \$55,676.00 WHICH INCLUDES A 25% REDUCTION OF THE CLOSURE FEE AS PROVIDED BY THE CITY'S INCENTIVE SCORECARD.

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

Mr. Shawn Eddy, Asset Management Department, explained the proposed closure of public rights of way within the San Juan Homes Housing Project, a copy of which is on file with the Office of the City Clerk. He spoke to the acreage involved, noting that the

petitioner, the San Antonio Housing Authority intends to redevelop the area as part of its San Juan Homes Master Plan, a development that will include mixed-income, multi-family housing of over 100 housing units with a total investment of \$15 million.

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 6 being an Ordinance authorizing payment from Airport Funds in accordance with the San Antonio Air Service Incentive Program in an amount not to exceed \$100,000.00 to United Airlines for advertising and promotional expenses, as a result of the air carrier's initiation of new nonstop service to Washington (DC) Dulles International Airport effective October 31, 2005 was pulled from consideration.

The City Clerk read the following ordinance:

AN ORDINANCE 101561

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT FOR DESIGN/BUILD SERVICES WITH ZACHRY CONSTRUCTION CORPORATION IN AN AMOUNT NOT TO EXCEED \$18,664,280.00; AUTHORIZING \$1,148,303.00 FOR PROJECT CONTINGENCY, AND \$275,000.00 FOR CAPITAL ADMINISTRATION COST; ACCEPTING A PROPOSAL AND AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH FACILITY PROGRAMMING, LTD., DBA FACILITY PROGRAMMING AND CONSULTING IN THE AMOUNT OF \$300,300.00 FOR PHASE "C" PROFESSIONAL SERVICES, FOR A TOTAL AMOUNT OF \$20,387,883.00, \$17,060,580.00 OF WHICH IS AVAILABLE FROM THE 2003-2007 GENERAL OBLIGATION PUBLIC HEALTH AND SAFETY IMPROVEMENT BONDS AND \$3,327,303.00 FUNDED BY BEXAR COUNTY, IN CONNECTION WITH THE EMERGENCY OPERATIONS CENTER (EOC) PROJECT, LOCATED AT BROOKS-CITY BASE IN DISTRICT 3; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation on the Emergency Operations Center, a copy of which is on file with the Office of the City Clerk. He stated this ordinance would authorize the City Manager to enter into an

agreement for design/build services with Zachry Construction Corporation for the design and construction of the Emergency Operations Center, provide for capital administrative cost and project contingency, and amend the professional services agreement with Facilities Programming, Ltd. He outlined background information on the facility, project cost information, the design/build delivery method and associated timeline. He further expounded on the project progress, selection process for the RFQ, the Selection Committee and RFQ scoring criteria, the proposal process, the RFP scoring criteria, the SBEDA utilization commitment and fiscal impact.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to the qualifications of the Zachry Construction Corporation and asked if other companies were allowed to participate. He also cited contributions made to Councilmembers by Zachry.

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 ordinances:

AN ORDINANCE 101562

RECOMMENDING THE OFFICE FLEX/WAREHOUSE COMPLEX PROJECT, LOCATED AT KELLYUSA, AND AUTHORIZING THE APPROPRIATION OF FUNDS BY CITY PUBLIC SERVICE FROM THE COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT FUND IN THE AMOUNT OF \$500,000.00 TO REIMBURSE THE GREATER KELLY DEVELOPMENT AUTHORITY, AS REQUESTED BY COUNCILMAN RICHARD PEREZ, DISTRICT 4.

AN ORDINANCE 101563

RECOMMENDING UNDERGROUND ELECTRICAL SUPPLY LINES AT THE INTERSECTION OF BLANCO ROAD AND 1604 ALONG BLANCO ROAD TO THE CAMP BULLIS PROPERTY LINE, AND AUTHORIZING THE APPROPRIATION OF FUNDS BY CITY PUBLIC SERVICE FROM THE COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT FUND IN THE AMOUNT OF \$5,816,455.00, AS REQUESTED BY COUNCILMAN KEVIN A. WOLFF, DISTRICT 9.

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

Mr. Tom Wendorf, Director of Public Works made a presentation on the Utility Conversion Program, a copy of which is on file with the Office of the City Clerk. He stated the City Public Service (CPS) Board of Trustees established an Overhead Conversion Fund (OCF) for the purpose of enhancing the aesthetic appeal of public areas through the burial or relocation of overhead electric lines. He added that the eligible OCF projects have been limited because other utilities such as telecom and cable providers have resisted paying their cost share for the burying or relocation of utility lines. He further amplified on the fund, noting that in 2005, the CPS Board established the Community Infrastructure and Economic Development (CIED) Fund and replaced the former OCF policy. He cited the benefits of the new fund, eligible projects, the KellyUSA Utility Conversion Project, Blanco Road and Loop 1604 Utility Conversion Project and the CIED fund analysis.

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.

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

The City Clerk read the following resolution:

A RESOLUTION 2005-42-37

EXPRESSING THE CITY OF SAN ANTONIO'S INTENT TO CONSIDER THE CREATION OF A TAX INCREMENT REINVESTMENT ZONE ("TIRZ") TO FINANCE PUBLIC IMPROVEMENTS IN THE MEDIO CREEK DEVELOPMENT (DISTRICT 4) AND AUTHORIZING STAFF TO PROCEED WITH THE STATUTORY PROCESS FOR THE CONSIDERATION OF THE CREATION OF A TIRZ.

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

Mr. David Garza, Director of Neighborhood Action Department, made a presentation on the resolution of intent to create a Tax Increment Reinvestment Zone for the public improvements in support of the proposed Medio Creek project, a copy of which is on file

with the Office of the City Clerk. He outlined background information on the TIF and the development project located in City Council District 4, the proposed public improvements, criteria for the designation of the Reinvestment Zone, its location and term, urban design, and content of the application.

After consideration, the motion, carrying with it the passage of the Resolution, 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 101564

AMENDING CHAPTER 19 OF THE CITY CODE TO INCLUDE THE PROHIBITION OF FRONT AND SIDE YARD PARKING FOR WATERCRAFTS, NON-MOTORIZED CAMPERS AND SPECIFIED TRAILERS; EXPANDING AND CLARIFYING THE AREA COVERED BY THE PROHIBITION; UPDATING REFERENCED ZONING CLASSIFICATIONS TO REFLECT THOSE OF THE 2001 UNIFIED DEVELOPMENT CODE IN RELATION TO THE PROHIBITION; ADDING NEW RESIDENTIAL ZONING REFERENCES TO EXPAND THE AREA COVERED BY THE PROHIBITION; AND RECONCILING PARKING PROVISIONS FOR RECREATIONAL VEHICLES IN THE RESTRICTED AREA AS PROVIDED IN CHAPTER 35 FOR TRIP PREPARATION, AS REQUESTED BY COUNCILMAN CHIP HAASS, DISTRICT 10.

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

Ms. Liz Garcia, Acting Director of Code Compliance narrated a slide presentation on the proposed amendments to Chapter 19 regarding front and side yard parking, a copy of which is on file with the Office of the City Clerk. She clarified the parking provisions of recreational vehicles for trip preparation and the prohibited parking area to include the area extending from the property line of the lot to the curb line of the adjacent street or edge of the street. She presented the current code exceptions, adding that there was a need to update the code to align with the UDC zoning changes and to clarify portions of the code.

The following citizen(s) appeared to speak:

Mr. Ed Keeley spoke against the trailers that are parked in front of homes on the front lawns. He stated that other homes are well maintained and stated he was representing the Valencia Homeowners Association.

The City Clerk read written testimony forms in support for the adoption of the proposed ordinance submitted by the following individuals: Linda Hyman of 5018 El Capitan, Dianne Johnson of 13010 De Luna, Dale Couffer of the Valencia Homeowners Association, Sally Powers of 12719 La Quinta, Gary Bradley of 5014 El Capitan, Lori Parker of 5011 El Capitan, Pauline Marie Bias of 5022 El Capitan, Carol Myers of 12914 El Charro, and Charles Krupczak of 5006 El Capitan all of San Antonio, Texas 78233.

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.

CONSENT AGENDA – CITIZEN COMMENTS

Mr. Jack M. Finger, PO Box 12048, addressed the Council relating to Item 11 and how Councilmember Gutierrez voted if he was not seated. He also addressed an issue of artificial birth control and noted a group that hands out condoms to teenagers.

CONSENT AGENDA

Consent agenda items 12, 13, 14, 15, 19, 21, 22, and 23 were pulled for individual consideration. The remaining items 16 through 37F were approved upon motion made by Councilmember Perez and seconded by Councilmember Hall.

(At this point, Mayor Hardberger was obliged to leave the meeting at 11:50 am. Mayor Pro Tem Flores presided.)

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

AN ORDINANCE 101565

ACCEPTING THE LOW, RESPONSIVE BID IN THE AMOUNT OF \$1,381,125.57 FROM E-Z BEL CONSTRUCTION, LTD., IN CONNECTION WITH THE JAMES PARK DEVELOPMENT AND HOLBROOK ROAD IMPROVEMENTS PROJECT, LOCATED IN DISTRICT 2; AUTHORIZING THE EXECUTION OF A

CONSTRUCTION CONTRACT; AUTHORIZING \$121,551.71 FOR PROJECT CONTINGENCY; AUTHORIZING \$93,594.81 FOR CAPITAL ADMINISTRATIVE FEES; AUTHORIZING \$2,000.00 FOR ADVERTISING; AMENDING A PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$11,894.00 PAYABLE TO HDR ENGINEERING, INC., AUTHORIZING TOTAL FUNDS FROM 1999-2004 FLOOD CONTROL WITH PARK IMPROVEMENTS BONDS AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM IN THE AMOUNT OF \$165,608.50; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101566

AUTHORIZING THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT TO PROVIDE CONSTRUCTION SERVICES IN THE AMOUNT OF \$131,191.61; AUTHORIZING \$13,119.16 FOR PROJECT CONTINGENCY, AND \$10,101.75 FOR CAPITAL ADMINISTRATIVE FEES, FOR A TOTAL AMOUNT OF \$154,412.52 IN CONNECTION WITH THE RECONSTRUCTION OF KONO – GEMBLER TO BELGIUM, A 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 2; AND APPROPRIATING FUNDS.

AN ORDINANCE 101567

ACCEPTING THE LOWEST RESPONSIVE BID, APPROPRIATING FUNDS, AWARDED A CONSTRUCTION CONTRACT, AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,466,000.00 TO 3TI, INC., A MBE FIRM, \$146,600.00 FOR PROJECT CONTINGENCY, AND \$2,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$1,614,600.00 IN CONNECTION WITH THE GREAT NORTHWEST BRANCH LIBRARY EXPANSION PROJECT, AN AUTHORIZED 1999-2004 GENERAL OBLIGATION LIBRARY SYSTEM IMPROVEMENT BOND FUNDED CAPITAL IMPROVEMENTS PROJECT LOCATED AT 9050 WELLWOOD IN COUNCIL DISTRICT 6.

AN ORDINANCE 101568

AUTHORIZING ACCEPTANCE OF INTERESTS IN 12 PARCELS OF REAL ESTATE, THE INTERESTS CONSISTING OF FEE TITLE, DRAINAGE EASEMENTS, AND TEMPORARY CONSTRUCTION EASEMENTS, EACH INTEREST SUBJECT TO A RIGHT OF REENTRY IN THE GRANTOR IF A ROAD

CONSTRUCTION CONTRACT IS NOT TIMELY AWARDED, ALL IN CONNECTION WITH THE PRUE ROAD EXTENSION—PRUE TO HUEBNER, AN AUTHORIZED METROPOLITAN PLANNING ORGANIZATION PROJECT AND A 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT LOCATED IN COUNCIL DISTRICT 8.

AN ORDINANCE 101569

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE TOTALING \$189,472.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) TO RENEW SUPPORT FOR THE TUBERCULOSIS PREVENTION AND CONTROL PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) FOR THE PERIOD SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2006; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 101570

AUTHORIZING THE EXECUTION OF A CONTRACT TOTALING \$135,200.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) TO RENEW THE BREAST AND CERVICAL CANCER CONTROL SERVICES (BCCCS) PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) FOR THE PERIOD JULY 1, 2005 THROUGH JUNE 30, 2006; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 101571

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A CLINICAL STUDY AGREEMENT WITH MERCK & COMPANY, INC. WHICH WILL REDUCE THE BUDGET BY \$35,594.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PARTICIPATE IN A CLINICAL STUDY FOR THE EVALUATION OF A VACCINE AGAINST MEASLES, MUMPS AND RUBELLA (M-M-R™II); REVISING THE BUDGET; AMENDING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS OF STIPENDS.

AN ORDINANCE 101572

AUTHORIZING THE ACCEPTANCE OF A DONATION OF COMPUTER EQUIPMENT VALUED AT \$5,945.88, FROM CRIME STOPPERS OF SAN ANTONIO TO THE SAN ANTONIO POLICE DEPARTMENT TO BE USED BY THE CRIME STOPPERS PROGRAM UNDER THE INVESTIGATION DIVISION'S REPEAT OFFENDERS PROGRAM UNIT.

AN ORDINANCE 101573

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NORTH EAST INDEPENDENT SCHOOL DISTRICT (NEISD) FOR THE PROVISION OF ADULT EDUCATION AND LITERACY PROGRAMS BEGINNING OCTOBER 23, 2005 AT THE COLONEL VICTOR J. FERRARI COMMUNITY FAMILY RESOURCE AND LEARNING CENTER.

AN ORDINANCE 101574

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXERCISE THE OPTION OF THE FIRST ONE (1) YEAR RENEWAL CONTRACT EXTENSION WITH AETNA LIFE INSURANCE TO PROVIDE GROUP TERM LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT, AND SUPPLEMENTAL LIFE INSURANCE COVERAGE UNDER THE CITY'S SELF FUNDED HEALTH BENEFIT PROGRAM BEGINNING JANUARY 1, 2006 AND ENDING ON DECEMBER 31, 2006 IN AN ANNUAL ESTIMATED AMOUNT OF \$665,983.00 FROM THE EMPLOYEE BENEFITS SELF-INSURED FUND, WITH THE REMAINING 3 MONTHS BEING CONTINGENT UPON COUNCIL APPROVAL OF FY06-07 FUNDS.

AN ORDINANCE 101575

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXERCISE THE OPTION OF THE FIRST ONE (1) YEAR RENEWAL CONTRACT EXTENSION WITH WALGREENS HEALTH INITIATIVES TO PROVIDE PRESCRIPTION DRUG CARD PROGRAM SERVICES UNDER THE CITY'S SELF FUNDED HEALTH BENEFIT PROGRAM BEGINNING JANUARY 1, 2006 AND ENDING ON DECEMBER 31, 2006, IN AN ANNUAL ESTIMATED AMOUNT OF \$15,115,061.00 FROM THE EMPLOYEE BENEFITS SELF-INSURED FUND, WITH THE

REMAINING 3 MONTHS BEING CONTINGENT UPON COUNCIL APPROVAL OF FY06-07 FUNDS.

AN ORDINANCE 101576

AUTHORIZING EXECUTION OF A CONTRACT WITH SPECTERA, INC. TO PROVIDE MANAGED VISION PROGRAM SERVICES FOR AN ESTIMATED ANNUAL COST OF \$490,170.00 FROM THE EMPLOYEE BENEFITS SELF-INSURANCE FUND, FOR A TERM BEGINNING ON JANUARY 1, 2006 AND ENDING ON DECEMBER 31, 2008, WITH ONE OPTION TO EXTEND FOR A TWO YEAR PERIOD, SUBJECT TO AND CONTINGENT UPON FUNDING AND APPROVAL BY CITY COUNCIL.

AN ORDINANCE 101577

AUTHORIZING THE ACCEPTANCE OF \$15,000.00 GRANT BY THE SAN ANTONIO HOUSING TRUST FOUNDATION INC., ACTING AS FISCAL AGENT FOR THE CITY OF SAN ANTONIO, FROM THE CITIGROUP FOUNDATION FOR FACADE IMPROVEMENTS THROUGH OPERATION FACELIFT ADMINISTERED THROUGH THE NEIGHBORHOOD COMMERCIAL REVITALIZATION PROGRAM; AND AUTHORIZING THE EXECUTION OF ANY NECESSARY DOCUMENTS.

AN ORDINANCE 101578

AUTHORIZING PAYMENT OF THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES TO THE TEXAS MUNICIPAL LEAGUE IN THE AMOUNT OF \$45,251.00 FOR THE PERIOD OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006.

ITEM 34

CONFIRMATION OF A TRAVEL AUTHORIZATION REQUEST FROM COUNCILMEMBERS ROGER FLORES, SHEILA MCNEIL, ELENA GUAJARDO, ART HALL AND CHIP HAASS TO ATTEND THE TEXAS MUNICIPAL LEAGUE CONFERENCE IN GRAPEVINE, TEXAS DURING THE PERIOD OF OCTOBER 25 THROUGH OCTOBER 28, 2005.

AN ORDINANCE 101579

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN THE DOWNTOWN AREA FROM 10:00 A.M. TO 3:00 P.M. IN CONNECTION WITH THE VETERAN'S DAY PARADE TO BE HELD ON SATURDAY, NOVEMBER 5, 2005, SPONSORED BY THE U.S. MILITARY VETERAN'S PARADE ASSOCIATION.

AN ORDINANCE 101580

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM 6:00 A.M. TO 1:00 P.M. IN CONNECTION WITH THE SAN ANTONIO MARATHON 5K MAYOR'S FITNESS CHALLENGE AND WALK TO BE HELD ON SUNDAY, NOVEMBER 13, 2005, SPONSORED BY THE SAN ANTONIO MARATHON COMMITTEE.

AN ORDINANCE 101581

REAPPOINTING CYNTHIA CHATELAIN (DISTRICT 10) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101582

REAPPOINTING MERIUM MALIK (DISTRICT 10) TO THE DISABILITY ACCESS ADVISORY COMMITTEE (CATEGORY: CONSUMER OF HANDICAPPED SERVICES) FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101583

REAPPOINTING JOSE M. HERNANDEZ (DISTRICT 10) TO THE TAX PHASE-IN ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101584

REAPPOINTING DR. JAN H. VAN DEN HENDE (DISTRICT 10) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101585

REAPPOINTING ROSIE GALLEGOS (DISTRICT 10) TO THE HOME IMPROVEMENT ADVISORY BOARD (CATEGORY: LAYPERSON) FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 20, 2007.

AN ORDINANCE 101586

REAPPOINTING BILLY CHAMBERLIN (DISTRICT 10) TO THE ELECTRICAL EXAMINING AND SUPERVISING BOARD (CATEGORY: MASTER ELECTRICIAN-UNION) FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 20, 2007.

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 101587

ACCEPTING THE LOW BID SUBMITTED BY GTSI CORPORATION, UTILIZING THE U. S. COMMUNITIES COOPERATIVE CONTRACT, TO PROVIDE THE CITY WITH A DATA STORAGE ARRAY FOR THE DIGITAL PATROLLER SYSTEM FOR A TOTAL COST OF \$64,558.90, FROM THE 2004 LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS.

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. **NAYS:** None. **ABSENT:** Hardberger.

The City Clerk read the following ordinance:

AN ORDINANCE 101588

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 \$256,814.00, INCLUDING: PHOTOGRAPHIC FILM; CITRIX SOFTWARE AND SUPPORT; MAINFRAME PERFORMANCE AND MONITORING SOFTWARE SUPPORT AND MAINTENANCE RENEWAL, MAINTENANCE OF ELEVATORS FOR PARKS & RECREATION FACILITIES.

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. **NAYS:** None. **ABSENT:** Hardberger.

Mayor Pro Tem Flores recessed the meeting at 12:00 noon. Mayor Hardberger reconvened the meeting at 1:35 pm.

CONSENT ITEMS FOR INDIVIDUAL CONSIDERATION CONTINUED

The City Clerk read the following ordinance:

AN ORDINANCE 101589

APPROVING FIELD ALTERATION NUMBER 3 IN THE AMOUNT OF \$79,262.50 PAYABLE TO E-Z BEL CONSTRUCTION, LTD., IN CONNECTION WITH THE LARKSPUR – WEST AVENUE TO BALTIC PROJECT, AN AUTHORIZED 1994-2004 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDED CAPITAL IMPROVEMENT PROJECT, LOCATED IN DISTRICT 9; REVISING THE PROJECT BUDGET, AUTHORIZING AND APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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.

The City Clerk read the following ordinance:

AN ORDINANCE 101590

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO AMEND AN EXISTING AGREEMENT FOR THE FURNISHING AND INSTALLING OF TRAFFIC SIGNAL EQUIPMENT BY A MUNICIPALITY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE PURCHASE OF MATERIALS AND THE INSTALLATION OF SIGNAL EQUIPMENT AT THREE (3) ADDITIONAL TRAFFIC SIGNAL INTERSECTIONS, LOCATED IN DISTRICT 8; AND INCREASING THE AMOUNT THAT TXDOT WILL REIMBURSE THE CITY FOR ASSOCIATED COSTS FROM \$15,125.00 TO \$69,800.00.

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.

The City Clerk read the following ordinance:

AN ORDINANCE 101591

AUTHORIZING RENEWAL OF A LEASE AGREEMENT WITH URBAN ICE, LTD. FOR A TWO YEAR TERM EXPIRING SEPTEMBER 30, 2007, PROVIDING PAYMENT IN THE AMOUNT OF \$7,500.00 PER MONTH DURING THE FIRST YEAR AND \$7,750.00 PER MONTH DURING THE SECOND YEAR, FOR A TOTAL AMOUNT OF \$183,000.00 FROM ASSET SEIZURE FUNDS, FOR THE SAN ANTONIO POLICE DEPARTMENT'S USE OF WAREHOUSE SPACE LOCATED AT 1305 E. HOUSTON STREET.

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

The City Clerk read the following ordinances:

AN ORDINANCE 101592

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE FOR AN ADDITIONAL \$212,480.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) TO AUGMENT FUNDING SUPPORT FOR THE TITLE V FAMILY PLANNING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) AND EXTEND THE PERIOD FROM AUGUST 31, 2005 TO DECEMBER 31, 2005; REVISING THE PROGRAM BUDGET; AMENDING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 101593

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE FOR AN ADDITIONAL \$16,667.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) TO AUGMENT FUNDING FOR THE TITLE X FAMILY PLANNING PROGRAM 2004/2005 OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) AND EXTEND THE PERIOD FROM FOR THE PERIOD FROM AUGUST 31, 2005 TO DECEMBER 31, 2005; REVISING THE PROGRAM BUDGET; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 101594

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) TOTALING \$102,112.00 TO AUGMENT SUPPORT FOR THE TITLE XX FAMILY PLANNING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) AND EXTEND THE PERIOD FROM AUGUST 31, 2005 TO DECEMBER 31, 2005; REVISING THE PROGRAM BUDGET; AND AMENDING THE PERSONNEL COMPLEMENT.

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

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

ZONING

Z-1. ZONING CASE #Z2005201 (District 2): An Ordinance changing the zoning district boundary from (HS) "I-1" Historic, Significant, General Industrial District to (HS) "IDZ" Historic, Significant, Infill Development Zone District on 5.731 acres out of NCB 593 and 595 and the South 52 feet of Lots 1 and 2, Block 1, NCB 595, 1617 and 1631 East Commerce Street as requested by Friedrich Lofts, Ltd., Applicant, for Friedrich Lofts, Ltd., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilmember McNeil made a motion to approve the proposed rezoning case. 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.

AN ORDINANCE 101595

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 5.731 ACRES OUT OF NCB 593 AND 595 AND THE SOUTH 52 FEET OF LOTS 1 AND 2, BLOCK 1, NCB 595 FROM (HS) "I-1" HISTORIC, SIGNIFICANT, GENERAL INDUSTRIAL DISTRICT TO (HS) "IDZ" HISTORIC, SIGNIFICANT, INFILL DEVELOPMENT ZONE DISTRICT.

Mayor Hardberger recessed the meeting at 2:05 pm, and reconvened at 2:35 pm.

2:30 PM CONSIDERATION OF AN ORDINANCE

The City Clerk read the following ordinance:

AN ORDINANCE 101596

WAIVING CERTAIN PROCEDURES ESTABLISHED BY CHAPTER 2, ARTICLE VI OF THE CITY CODE FOR THE NAMING OF FACILITIES AND AUTHORIZING THE NAMING OF THE MEDICAL CENTER AREA SENIOR MULTI-SERVICE HEALTH AND RESOURCE CENTER AS THE "BOB ROSS SENIOR MULTI-SERVICE HEALTH AND RESOURCE CENTER," AS REQUESTED BY COUNCILMAN ART HALL, DISTRICT 8.

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

Mr. Henry Ross, Assistant Director of Community Initiatives, made a presentation on the naming of the Multi-Service Health and Resource Center as the "Bob Ross Senior Multi-Service Health and Resource Center. He spoke to the many contributions of Mr. Bob Ross who served the City of San Antonio as Councilman, first Chairman of the City/County Joint Commission on Elderly Affairs, and the many other services he provided for the advancement of senior residents of San Antonio and Bexar County. He noted that due to the uniqueness of this matter and the overwhelming support from the community, certain procedures established by Chapter 2 Article VI of the City Code with respect to the naming of facilities, were being waived through the approval of this ordinance. He then introduced members of Mr. Ross' family who were present in the audience.

The following citizen(s) appeared to speak:

Mr. Alex Davila representing the AARP Community Team Leader, spoke on the Health and Resource Center and noted that the senior citizens will be happy to hear of the renaming of the center to honor Bob Ross.

Mr. Anthony Garcia of Time Warner Cable stated that they were honored to hear of the renaming for the center and thanked the Council on behalf of Time Warner.

Ms. Hannah Ross thanked the Council for the honor and recognition on naming on the family. She spoke to her husband's love of the community and the work he thrived on.

The City Clerk read into the record a written testimony from Faris Hodge, Jr. in support of the name change to Bob Ross.

Mr. Jack M. Finger thanked the Ross Family noting many fine memories of Bob Ross. He stated that Bob served on the Mayor's Commission of Integrity. He stated that he appreciated Bob's participation on that committee. He expressed his concern of the waiver of the 45-day wait, and asked why not wait the 1.5 month.

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.

Mayor Hardberger recessed the meeting at 2:52 pm and reconvened at 5:00 pm.

CEREMONIAL ITEMS

Mayor Hardberger presented the following proclamations: San Antonio Founders Day, Medicare Part D & Me Day, Omega Psi Phi Achievement Week, and Alamo Area Tourism Council Day.

Mayor Hardberger recessed the meeting at 5:50 pm and reconvened at 6:00 pm.

CITIZENS TO BE HEARD

Mr. Faris Hodge, 140 Dora, addressed the Council on various City related issues to include: the NFL and the future of the Alamodome, Councilmembers taking a drug test, the new City Manager salary, and his opposition to the Crime Control District. He then sang a patriotic song.

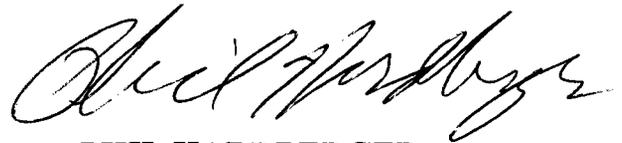
Mr. Nazarite Ruben Flores Perez, 627 Heame spoke to Council in regards to interfaith and an October 8, 2005 newspaper article on cloning. He also recited verses from Leviticus 19.

Pastor Narciso V. Mendoza addressed the Council relating to Proposition 2 on the November 8th Ballot and its importance. He stated that marriage will remain between one man and one woman. He added that he was distraught about the silence of the Council on Proposition 2 vote. He read a letter from Henry Cuellar stating his support for the marriage of one woman and one man. He also read that Lamar Smith and Congressman Uresti were also in support of marriage between one man and one woman.

Ms. Nikki Kuhns addressed the Council relating to the Alamo RMA. She stated that it has been 6 months that a board member was to be designated to the Alamo RMA representing the City. She asked why the City's loan to the Alamo RMA is a violation of State Law.

There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 6:19 pm.

A P P R O V E D



PHIL HARDBERGER
M A Y O R

Attest:



LETICIA M. VACEK
C i t y C l e r k