

**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, NOVEMBER 2, 2005 AND THURSDAY, NOVEMBER 3, 2005

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The City Council convened in an informal "B" Session on Wednesday, November 2, 2005 at 3:00 pm, Municipal Plaza Building "B" Room for the purpose of:

Briefing on Proposed Adjustments to Water and Wastewater Rates, the Water Supply Fee and Other Miscellaneous Fees and Charges and the Addition of a Water Service Interconnect Rate. [Introduced by Ben Gorzell, Director, Public Utilities; Presented by Janelle Okorie, Vice President of Strategic Resources and Business Planning, Doug Evanson, Vice President and CFO, and David Chardavoyne, President and CEO of SAWS]

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

The "B" Session adjourned at 5:15 pm.

The Regular Meeting was called to order on Thursday, November 3, 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 Hardden Weech, District 2, Ephesus Seventh Day Adventist Church, and

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

The minutes of the City Council meeting of October 13, 2005 were approved as presented.

CONSENT ITEM CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 101597

AUTHORIZING ONE-TIME FUNDING IN FY 2006 IN AN AMOUNT NOT TO EXCEED \$15,000.00 TO SOLAR SAN ANTONIO, A NON-PROFIT CORPORATION, IN CONSIDERATION FOR AND IN SUPPORT OF THE ENERGY SMART SCHOOLS CONFERENCE, A SOLAR ENERGY OUTREACH EFFORT; AND PROVIDING FOR PAYMENT.

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

Mr. Bill Sinkin, Solar San Antonio, spoke to the work of the organization and expressed gratitude for Council's support. He further spoke to global warming, and emphasized the importance of addressing this issue.

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.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 101598

CLOSING, VACATING, AND ABANDONING A 1.126 ACRE TRACT OF LAND SOME OR ALL OF WHICH IS WITHIN THE UNIMPROVED VICTORIA STREET BETWEEN LABOR STREET AND THE ACCESS ROAD OF I.H. 37 SOUTH, AS REQUESTED BY THE SAN ANTONIO HOUSING AUTHORITY, THE AFFECTED PARCEL BEING ADJACENT TO A 36.502 ACRE TRACT PREVIOUSLY OCCUPIED BY VICTORIA COURTS HOUSING PROJECT IN DISTRICT 1, WITH A 100% REDUCTION OF THE \$73,925.00 CLOSURE FEE IN ACCORDANCE WITH THE INCENTIVE SCORECARD SYSTEM.

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

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation regarding the proposed closure of Victoria Street and the adjacent public right of way, a copy of which is part of the files of the Office of the City Clerk. She indicated this proposed closure was in conjunction with the redevelopment of the old Victoria Courts housing project and for the third phase of Victoria Commons. She noted that if the ordinance is approved, the petitioner would enhance the visual impact of the proposed residential development along Durango Street by installing and maintaining landscape improvements as well as moving the proposed development closer to Durango Street. She cited the fiscal impact of the closure, and noted the request was in compliance with the City's policies.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101599

APPOINTING MAYOR PHIL HARDBERGER AND MEMBERS OF THE CITY COUNCIL TO THE FIRE AND POLICE PRE-FUNDED HEALTH TRUST BOARD OF TRUSTEES AND THE FIRE AND POLICE PENSION FUND BOARD OF TRUSTEES AND APPOINTING TWO COUNCILMEMBERS TO THE AIRCO EXECUTIVE AND ADVISORY COMMISSIONS AS REQUESTED BY MAYOR HARDBERGER.

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

Ms. Yolanda Ledesma, Assistant City Clerk, indicated this ordinance would appoint Mayor Phil Hardberger, Councilmember Art Hall and Councilmember Chip Haass to the Fire and Police Pension Fund Board of Trustees, and in addition would appoint Mayor Hardberger, Councilmember Art Hall and Councilman Kevin Wolff to the Fire and Police Pre-Funded Health Trust Fund Board of Trustees. She further announced the ordinance would appoint Councilmember Kevin Wolff to the AIRCo Advisory Committee, and Councilmember Chip Haass to the AIRCo Executive 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, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 101600

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE VOLUNTARY ANNEXATION OF APPROXIMATELY 10 ACRES OF LAND KNOWN AS THE QVC SAN ANTONIO, INC. PROPERTY AND APPROVING A SERVICE PLAN FOR THE AREA.

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation regarding the voluntary annexation requests of QVC San Antonio and Hunter's Pond Area, a copy of which is on file in the Office of the City Clerk. The presentation also covered information for item 6B, Ordinance 101601. He discussed the history of QVC, noting City Council had approved a seven-year Industrial District designation and non-annexation agreement with QVC in 1992. He noted the City was now executing the QVC Petition for Annexation that was part of the agreement. He then spoke to the fiscal impact, and the property tax revenue. He then spoke to background information associated to the Hunter's Pond annexation, and noted the developer was seeking annexation and designation of a Tax Increment Reinvestment Zone (TIRZ) before the end of 2005. He concluded by discussing the next steps for Hunter's Pond and QVC, and cited their effective annexation dates.

The following citizen(s) appeared to speak:

Ms. Yolanda Ledesma, Assistant City Clerk, read a written statement submitted by Mr. Faris Hodge, Jr.

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 101601

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE VOLUNTARY ANNEXATION OF APPROXIMATELY 98

ACRES OF LAND KNOWN AS THE HUNTERS POND PROPERTY AND APPROVING A SERVICE PLAN FOR THE AREA.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101602

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 146 ACRES OF LAND KNOWN AS THE HELOTES PARK TERRACE & THE PARK AT FRENCH CREEK AREA AND APPROVING A SERVICE PLAN FOR THE AREA.

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation regarding the 2005-2006 Annexation Areas, which include Kyle Seale/Loop 1604, Helotes Park Terrace/Park at French Creek, Southside Study Area 2 and Southside Study Area 3, a copy of which is on file in the Office of the City Clerk. The presentation also covered items 7B (Ordinance 101603), 7C (Ordinance 101604), and 7D (Ordinance 101605). He presented a detailed description on the full purpose annexation service delivery plan for each of the areas.

Mr. Peter Zanoni, Director of the Office of Management and Budget, continued the slide presentation and spoke to the full purpose annexation service delivery plan approach, while citing the revenue gains and revenue losses. He outlined the participating departments and agencies, and spoke to the costs for additional fire station and staffing complement included in FY2006. He then spoke to the police services for each of the areas, and provided information on other operating resources. He then delineated the general fund recurring operating revenues and costs.

Mr. Moncivais continued the slide presentation and highlighted the annexation goals and policies. He concluded by providing a detailed annexation schedule, and noted the

Planning Commission held a public hearing on October 26, 2005 to consider a resolution annexing the areas.

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 ordinances:

AN ORDINANCE 101603

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 1,312 ACRES OF LAND KNOWN AS THE KYLE SEALE/LOOP 1604 AREA AND APPROVING A SERVICE PLAN FOR THE AREA.

AN ORDINANCE 101604

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 3,762 ACRES OF LAND KNOWN AS THE SOUTHSIDE STUDY AREA 2 AND APPROVING A SERVICE PLAN FOR THE AREA.

AN ORDINANCE 101605

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 9,796 ACRES OF LAND KNOWN AS THE SOUTHSIDE STUDY AREA 3 AND APPROVING A SERVICE PLAN FOR THE AREA.

Councilmember Haass made a motion to approve the proposed Ordinances. Councilmember Hall 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.

Item 8 is an Ordinance authorizing a professional services contract with Mrs. Naoko Shirane in the amount of \$175,000 and for expenses not to exceed \$25,000 for the period October 1, 2005 through September 30, 2006 with a one year renewal option subject to appropriation, for trade and foreign investment representation services to develop and foster business with Japan.

Ms. Elizabeth Costello, Director of International Affairs Department, narrated a slide presentation regarding the professional services contract with Ms. Naoko Shirane, a copy of which is on file in the Office of the City Clerk. She stated the purpose of the contract was to award a professional services contract to Mrs. Shirane for trade and foreign investment representation services with Japan. She presented an overview on the history of Ms. Shirane's work, noting she has served as a City of San Antonio Trade Representative for Japan since 1985, and served under Mayors Henry Cisneros, Lila Cockrell, Nelson Wolff, William Thornton, Howard Peak, Edward Garza and now Mayor Phil Hardberger. She outlined the compensation totals since 1985, and explained what this contract would provide for.

Councilman Perez made a motion to table the item. Councilmember Gutierrez seconded the motion.

Councilwoman McNeil offered a friendly amendment to table the item for 1 week.

After consideration, the motion to table the proposed ordinance for 1 week prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

Item 8 was tabled for 1 week.

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 10:51am in order to convene in Executive Session for the purpose of:

Discussion regarding Item 5, an ordinance awarding \$2,306,952.00 in Fiscal Year 2005-2006 Community and Visitor Facilities Funds to support the operations of twenty-six local arts agencies and to provide other services, representing the second year of such funding; authorizing the City Manager or designee to execute delegate agency contracts with the various local arts agencies; appropriating \$22,205.00 for project funding to be awarded at a later date; and providing for payment.

Discuss legal issues related to the Municipal Civil Service Coverage exceptions as authorized by Article VI, Section 69 of the City Charter, pursuant to Texas Government Code Section 551.074 (personnel matters), and Section 551.071. (consultation with attorney)

The Mayor reconvened the Regular Session from Executive Session at 2:29 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.

INDIVIDUAL ITEMS CONTINUED

The City Clerk read the following ordinance:

AN ORDINANCE 101606

AWARDING \$2,306,952.00 IN FISCAL YEAR 2005-2006 COMMUNITY AND VISITOR FACILITIES FUNDS TO SUPPORT THE OPERATIONS OF TWENTY-SIX LOCAL ARTS AGENCIES AND TO PROVIDE OTHER SERVICES, REPRESENTING THE SECOND YEAR OF SUCH FUNDING; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE DELEGATE AGENCY CONTRACTS WITH THE VARIOUS LOCAL ARTS AGENCIES; APPROPRIATING \$22,205.00 FOR PROJECT FUNDING TO BE AWARDED AT A LATER DATE; AND PROVIDING FOR PAYMENT.

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

Mr. Felix Padron, Director of Office of Cultural Affairs, narrated a slide presentation regarding the recommendations for the FY06 Arts Funding Program, a copy of which is on file in the Office of the City Clerk. He provided background information on the Arts Funding program, noting there are two primary types of financial support to arts and cultural agencies which include "operational support" and "project support." He further noted the program annually supported other art activities including the Art in the Community Program, marketing of the Fall Art Festivals and technical support to agencies. He discussed the fiscal impact from the Community and Visitors Facilities Fund, and gave an itemized breakdown as well as the total amount for arts funding. He discussed the FY2006 funding recommendations for the operational two-year cycle, and cited the amounts to be given and to what organizations and entities. He then outlined the next steps.

The following citizen(s) appeared to speak:

20050707
November 3, 2005
LL/dl

Mr. Jack M. Finger, PO Box 12048, spoke to the various agencies being awarded funds for their arts programs, and expressed concern on a few agencies that are to receive funds. He cited his reasons why he was in opposition to certain agencies receiving funds.

Ms. Graciela Sanchez, Esperanza Peace and Justice Center, addressed Council with regards to comments made about Esperanza on the radio. She cited the various programs sponsored by this organization, and commented that individuals had to first respect themselves, and work hard to work together.

City Council directed for the City Manager to look at the inclusive manner in which the process is utilized with regards to funding arts programs, and to come up with recommendations to provide a fair and impartial way for the process.

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:** Wolff. **ABSENT:** Perez.

The City Clerk read the following ordinance:

AN ORDINANCE 101607

AUTHORIZING THE CITY MANAGER TO EXPAND THE EXCEPTIONS TO MUNICIPAL CIVIL SERVICE COVERAGE AS AUTHORIZED BY ARTICLE VI, SECTION 69 OF THE CITY CHARTER TO INCLUDE ALL CURRENT AND FUTURE EMPLOYEES IN MANAGERIAL CLASSIFICATIONS, EFFECTIVE DECEMBER 1, 2005, AS DESIGNATED UNDER THE CITY'S PAY PLAN ANNUALLY.

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

Ms. Sharon De La Garza, Director of Human Resources, narrated a slide presentation regarding the expansion of exceptions to Municipal Civil Service Coverage to include all managerial employees, a copy of which is on file in the Office of the City Clerk. She stated Article VI, Section 69 of the City Charter establishes a municipal classified civil service for City employees with specified exceptions, and in November 2001, the City Charter was amended to include additional exceptions to Municipal Civil Service coverage. She then outlined those current exceptions, and indicated this proposed ordinance would remove all current and future employees in managerial job classifications as specified in the City's annual pay plan. She then spoke to the expected results of this action.

After discussion, Councilmember Guajardo made a motion to amend the ordinance to have the effective date of February 1, 2006. Councilmember Gutierrez seconded the motion.

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

The City Clerk read the following ordinances:

AN ORDINANCE 101608

AUTHORIZING PAYMENT FROM AIRPORT FUNDS IN ACCORDANCE WITH THE SAN ANTONIO AIR SERVICE INCENTIVE PROGRAM IN AN AMOUNT NOT TO EXCEED \$50,000.00 TO UNITED AIRLINES FOR ADVERTISING AND PROMOTIONAL EXPENSES, AS A RESULT OF THE AIR CARRIER'S INITIATION OF NEW NONSTOP SERVICE TO WASHINGTON DC'S DULLES INTERNATIONAL AIRPORT EFFECTIVE OCTOBER 31, 2005.

AN ORDINANCE 101609

AUTHORIZING PAYMENT FROM AIRPORT FUNDS IN ACCORDANCE WITH THE SAN ANTONIO AIR SERVICE INCENTIVE PROGRAM IN AN AMOUNT NOT TO EXCEED \$50,000.00 TO DELTA AIRLINES FOR ADVERTISING AND PROMOTIONAL EXPENSES, AS A RESULT OF THE AIR CARRIER'S INITIATION OF NEW NON-STOP SERVICE TO NEW YORK'S JFK INTERNATIONAL AIRPORT EFFECTIVE OCTOBER 15, 2005.

Councilmember McNeil made a motion to approve the proposed Ordinances. Councilmember Wolff seconded the motion.

Mr. Roland Lozano, Assistant to the City Manager, narrated a slide presentation regarding the San Antonio Air Service Development Program, a copy of which is on file in the Office of the City Clerk. The presentation further covered item 11 (Ordinance 101609). He expounded on the Air Service Development Program, and the City Council's priority on attracting more non-stop flights to San Antonio. He noted San

Antonio's incentive program is similar to those offered by other communities such as Dallas, Fort Worth and San Francisco, and cited examples of what these cities are doing with regards to their programs. He spoke to what incentives are offered to all airlines to attract and support new San Antonio non-stop flights, and further delineated the goals of the program. He spoke to San Antonio's current Air Service Status, and the fiscal impact of these ordinances.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101610

AUTHORIZING THE REDEMPTION OF \$3,000,000.00 AND REMARKETING OF \$157,000,000.00 OF THE OUTSTANDING OBLIGATIONS DESIGNATED AS CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS JUNIOR LIEN REVENUE BONDS, SERIES 2004; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE REDEMPTION AND REMARKETING OF BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF A REMARKETING MEMORANDUM PERTAINING THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Ben Gorzell, Director of Public Utilities, began a slide presentation regarding CPS Energy's Junior Lien Revenue Bonds, Series 2004, a copy of which is on file in the Office of the City Clerk. He then introduced Rick Williamson, CPS Energy, Senior Vice President of Financial Services, who continued with the slide presentation.

Mr. Williamson presented background information on the bonds, noting they were initially discussed on November 18, 2004 to fund the acquisition of an additional 12% ownership in the South Texas Project (STP), noting a rate adjustment for the STP acquisition was approved. He expounded on details of the remarketing, and indicated this ordinance would authorize the redemption of \$3 million City of San Antonio, Texas Electric and Gas Systems Junior Lien Revenue Bonds, Series 2004. He concluded by outlining the next steps and actions to be taken through December 1, 2005.

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.

**BRIEFING ON THE MUNICIPAL MARKETING PARTNERSHIP PROGRAM
BEVERAGE AND SNACK REQUEST FOR PROPOSALS.**

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation regarding the Request for Proposals (RFP) for beverage and snack services, a copy of which is on file in the Office of the City Clerk. She spoke to the current agreement which expires March 2006, and explained what renewal options were available. She expounded on the scope of services, noting the selected vendors will have the exclusive right to provide and maintain vending machines at selected City facilities and properties, although the City has final approval on all locations and on any product or price change. She outlined the proposal requirements, including the business plan, operational plan and the marketing plan. She then discussed the evaluation criteria for the RFP, and delineated the sequence of events to transpire through April 2006.

CONSENT AGENDA - CITIZEN'S COMMENTS

Mr. Jack M. Finger spoke to an accident that occurred with a City employee, and urged the Council to reprimand the employee for their actions, or to pay back for the damages. He then spoke to various consent agenda items, and cited various campaign finance contributions to certain members of the Council. He urged them to abstain from voting on those particular items in which funds were received to avoid the appearance of a conflict of interest.

CONSENT AGENDA

Consent agenda items 16, 17, 20, 22, 23, 25, 26, 27, 30, 34, 35 and 44 were pulled for individual consideration. The remaining items 15 through 55 were approved upon motion made by Councilmember Perez and seconded by Councilmember Haass.

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 101611

AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT WITH UNGERBOECK SYSTEMS, INC. FOR AN EVENT COORDINATION AND MANAGEMENT SYSTEM UTILIZED BY THE ALAMODOME, CONVENTION AND VISITORS BUREAU AND CONVENTION FACILITIES FOR FISCAL YEAR 2005-2006 IN THE AMOUNT OF \$39,475.00; AND PROVIDING FOR PAYMENT FROM THE COMMUNITY AND VISITOR FACILITY FUND.

AN ORDINANCE 101612

ACCEPTING A PROPOSAL FROM KINNISON AND ASSOCIATES, ARCHITECTS, A SBE FIRM, IN THE AMOUNT OF \$26,850.00 FOR ARCHITECTURAL SERVICES UNDER A PREVIOUSLY AUTHORIZED INDEFINITE DELIVERY PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE POLICE TRAINING ACADEMY ROOF REPAIRS PROJECT, LOCATED IN DISTRICT 3, AUTHORIZING \$5,850.00 FOR PROJECT CONTINGENCY, FOR A TOTAL AMOUNT OF \$32,700.00; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101613

AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH CHIANG, PATEL & YERBY, INC., IN AN AMOUNT NOT TO EXCEED \$36,730.00; AUTHORIZING \$3,673.00 FOR PROJECT CONTINGENCY, FOR A TOTAL AMOUNT OF \$40,403.00, FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS, IN CONNECTION WITH THE LOCKHILL-SELMA FROM WEST AVENUE TO N.W. MILITARY HIGHWAY PROJECT, AN AUTHORIZED METROPOLITAN PLANNING ORGANIZATION (MPO) PROJECT, LOCATED IN DISTRICT 9; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101614

ACCEPTING A PROPOSAL AND AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH CHESNEY, MORALES & ASSOCIATES, INC., AN MBE FIRM, FOR ARCHITECTURAL SERVICES IN AN AMOUNT NOT TO EXCEED \$175,930.00; AUTHORIZING \$17,593.00 FOR PROJECT CONTINGENCY, \$13,547.00 FOR CAPITAL ADMINISTRATIVE FEES AND \$2,000.00 FOR ADVERTISING EXPENSES FOR A TOTAL AMOUNT OF \$209,070.00, IN

CONNECTION WITH THE MEDICAL CENTER AREA SENIOR MULTI-SERVICES AND HEALTH CENTER PROJECT, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION PUBLIC HEALTH AND SAFETY IMPROVEMENTS BOND PROJECT, LOCATED AT 2219 BABCOCK IN THE MEDICAL CENTER AREA IN DISTRICT 8, WHICH IS A COLLABORATIVE EFFORT BETWEEN BEXAR COUNTY AND THE CITY; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101615

ACCEPTING THE LOW, QUALIFIED BID BY DONSAN CONSTRUCTION, LLC, A SBE/MBE FIRM, TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE INGRAM HILLS PARK IMPROVEMENTS PROJECT IN CITY COUNCIL DISTRICT 7 FOR A TOTAL CONTRACT COST OF \$92,995.00; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; ALLOCATING \$13,900.00 FOR CONSTRUCTION CONTINGENCY, \$1,000.00 FOR PARK MATERIALS, \$1,200.00 FOR BID ADVERTISING AND PRINTING, AND \$1,500.00 FOR MANDATORY PROJECT FEES; AUTHORIZING APPROPRIATIONS OF \$110,595.00 FROM 2003-2007 PARK BOND FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101616

AUTHORIZING FUNDS IN THE AMOUNT OF \$11,580.00 PAYABLE TO LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR EPISCOPAL CHURCH CORPORATION IN WEST TEXAS, FOR FEE SIMPLE TITLE TO ONE PARCEL OF LAND (\$11,080.00), AND TITLE FEES (\$500.00); AND AUTHORIZING FUNDS IN THE AMOUNT OF \$100.00 PAYABLE TO EPISCOPAL CHURCH CORPORATION IN WEST TEXAS FOR A RIGHT OF ENTRY AGREEMENT, FOR A TOTAL AMOUNT OF \$11,680.00 IN CONNECTION WITH THE STAHL ROAD – O’CONNOR TO JUDSON PROJECT, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT, LOCATED IN DISTRICT 10.

AN ORDINANCE 101617

DECLARING THE CULEBRA DRAINAGE #58F, PHASE 2A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE

SIMPLE TITLE AND/OR EASEMENT INTEREST TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS PART OF THE PROJECT; TO WIT, ALL OR PORTIONS OF THE PROPERTIES BEING DESCRIBED AS: (1) BEING 0.0490 ACRES (2,136 SQUARE FEET) OF LAND, AND BEING OUT OF THE EAST ONE HALF OF LOT 2, BLOCK 3, NEW CITY BLOCK 12000; (2) BEING 0.0563 ACRES (2,453 SQUARE FEET) OF LAND, AND BEING OUT OF LOT 3, BLOCK 3, NEW CITY BLOCK 12000; AND (3) BEING 0.1653 ACRES (7,202 SQUARE FEET) OF LAND, AND BEING OUT OF LOT 5, BLOCK 3, NEW CITY BLOCK 12000; ALL SITUATED 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 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$13,800.00 FOR THE PROPERTY AND FOR THE PROJECT INCLUDING MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.

AN ORDINANCE 101618

AUTHORIZING THE EXECUTION OF A ONE (1)-YEAR LEASE AGREEMENT WITH A ONE (1)-YEAR RENEWAL OPTION BETWEEN THE CITY OF SAN ANTONIO AND LA MANSION DEL RIO FOR THE USE OF 98 SQUARE FEET OF SPACE LOCATED IN THE HENRY B. GONZALEZ CONVENTION CENTER IN DISTRICT 1 WITH ESTIMATED ANNUAL REVENUE OF \$3,600.00.

AN ORDINANCE 101619

DECLARING SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING SALE OF AN APPROXIMATELY 1,005 SQUARE FOOT TRACT OUT OF LOT 7, BLOCK 2, NCB 2040 LOCATED ALONG CULEBRA ROAD IN DISTRICT 1, AS REQUESTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A PRICE OF \$5,427.00.

AN ORDINANCE 101620

AUTHORIZING PAYMENT OF A HOSTING OBLIGATION IN THE AMOUNT OF \$100,000.00 FOR REIMBURSABLE MARKETING EXPENSES ASSOCIATED WITH THE SAINT PETER AND THE VATICAN-THE LEGACY OF THE POPES EXHIBIT SCHEDULED FOR OCTOBER 15, 2005 THROUGH JANUARY 8, 2006 IN THE HENRY B. GONZALEZ CONVENTION CENTER; AND PROVIDING FOR PAYMENT TO CLEAR CHANNEL ENTERTAINMENT-EXHIBITS, INC. FROM THE COMMUNITY AND VISITOR FACILITIES FUND.

AN ORDINANCE 101621

RATIFYING THE ACCEPTANCE OF AN ADDITIONAL \$11,560.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) IN ORDER TO AUGMENT SUPPORT FOR THE MILK AND DAIRY LABORATORY SAMPLE TESTING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) THROUGH AUGUST 31, 2005; AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT; ADOPTING THE PROGRAM BUDGET; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 101622

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE UP TO \$30,000.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) TO RENEW SUPPORT FOR THE MILK AND DAIRY LABORATORY SAMPLE TESTING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) FOR THE PERIOD SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2006; ADOPTING THE PROGRAM BUDGET; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 101623

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE IN THE AMOUNT OF \$250,000.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) TO AUGMENT SUPPORT FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS LABORATORY PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) FOR THE PERIOD SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2006; ADOPTING THE PROGRAM BUDGET; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 101624

AUTHORIZING THE ACCEPTANCE OF A COOPERATIVE AGREEMENT AWARD OF \$1,508,800.00 FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) TO CONTINUE THE STEPS TO A HEALTHIER SAN ANTONIO PROGRAM (STEPS-SA) OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) FOR THE PERIOD SEPTEMBER 22, 2005 THROUGH SEPTEMBER 21, 2006; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 101625

AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT TOTALING \$37,672.00 FROM THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO (UTHSCSA) FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) TO PARTICIPATE IN THE SAN ANTONIO CENTER FOR THE STUDY OF STILLBIRTH PROJECT FOR THE PERIOD AUGUST 1, 2005 THROUGH JULY 31, 2006; ADOPTING THE PROJECT BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 101626

AUTHORIZING THE EXECUTION OF A LETTER OF AGREEMENT WITH HUMANA HEALTH PLAN OF TEXAS, INC. (HUMANA) ALLOWING THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO RECEIVE UP TO \$47,000.00 FOR PROVIDING IMMUNIZATION SERVICES TO HUMANA HEALTH INSURANCE ENROLLEES FOR THE PERIOD OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006.

AN ORDINANCE 101627

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THE FREE TRADE ALLIANCE SAN ANTONIO IN AN AMOUNT NOT TO EXCEED \$150,000.00 FOR THE PERIOD OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006.

AN ORDINANCE 101628

AUTHORIZING THE EXTENSION OF THE AGREEMENTS WITH KPMG, L.L.P., LEAL AND CARTER, P.C., AND ROBERT J. WILLIAMS, CPA, TO PROVIDE INDEPENDENT AUDIT SERVICES TO THE CITY FOR FISCAL YEAR 2005 AT A TOTAL FEE OF APPROXIMATELY \$543,895.00.

AN ORDINANCE 101629

AUTHORIZING PAYMENT IN THE AMOUNT OF \$87,500.00, FOR THE FULL AND FINAL SETTLEMENT OF A CLAIM FILED AGAINST THE CITY OF SAN ANTONIO BY LILLY PALMA.

AN ORDINANCE 101630

AUTHORIZING THE EXECUTION OF AN AFFILIATION AGREEMENT AND A PROGRAM AGREEMENT WITH THE UNIVERSITY OF TEXAS AT SAN ANTONIO TO PROVIDE PRACTICAL EXPERIENCE TO VOLUNTEER GRADUATE STUDENTS IN THE MASTER OF SOCIAL WORK PROGRAM, AS REQUESTED BY COUNCILMEMBER PATTI RADLE, DISTRICT 5.

AN ORDINANCE 101631

DESIGNATING THE VETERAN'S PARADE TO BE HELD NOVEMBER 5, 2005 AT 10:00 A.M. AS AN OFFICIAL CITY OF SAN ANTONIO CO-SPONSORED EVENT, ON A ONE-TIME BASIS, WITH THE U.S. MILITARY VETERAN'S PARADE ASSOCIATION, AND WAIVING ASSOCIATED FEES FOR THE USE OF MILAM PARK AND THE CLOSURE OF PREVIOUSLY APPROVED STREETS AND THE ASSUMPTION OR PAYMENT OF RELATED COSTS ESTIMATED AT APPROXIMATELY \$10,741.26, AS REQUESTED BY MAYOR HARDBERGER.

AN ORDINANCE 101632

APPROVING THE TEMPORARY STREET CLOSURE OF W. EVERGREEN BETWEEN SAN PEDRO AVENUE AND MAVERICK STREET IN CONNECTION WITH THE "16TH ANNUAL PEACE MARKET" TO BE HELD FROM 8:00 A.M. TO 7:00 P.M. ON FRIDAY, NOVEMBER 25, 2005 AND SATURDAY, NOVEMBER 26, 2005, SPONSORED BY ESPERANZA PEACE AND JUSTICE CENTER.

AN ORDINANCE 101633

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR HEMISFAIR PARK IN CONNECTION WITH "THE TORCH RELAY FOR CHILDREN'S MIRACLE NETWORK 2005" TO BE HELD ON WEDNESDAY, NOVEMBER 16, 2005, FROM 9:00 A.M. TO 10:45 A.M., SPONSORED BY THE CHILDREN'S MIRACLE NETWORK.

AN ORDINANCE 101634

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR SUNSET STATION IN CONNECTION WITH THE "CHILDREN'S BEREAVEMENT 5K" TO BE HELD ON SATURDAY, NOVEMBER 19, 2005, FROM 7:00 A.M. TO 10:00 A.M., SPONSORED BY THE CHILDREN'S BEREAVEMENT CENTER OF SOUTH TEXAS.

AN ORDINANCE 101635

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS IN CONNECTION WITH THE "14TH ANNUAL COURTHOUSE TO JAILHOUSE RUN" ON SATURDAY, NOVEMBER 19, 2005, FROM 6:30 A.M. TO 10:00 A.M., SPONSORED BY THE SAN ANTONIO BAR ASSOCIATION.

AN ORDINANCE 101636

REAPPOINTING ALDERUS STEWART (DISTRICT 2) TO THE BROOKS DEVELOPMENT AUTHORITY (CATEGORY: REAL ESTATE) FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 3, 2007.

AN ORDINANCE 101637

APPOINTING FRANCES J. TERAN (DISTRICT 4) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE (CATEGORY: COMMUNITY REPRESENTATIVE) FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 3, 2007.

AN ORDINANCE 101638

APPOINTING COL. EDWARD M. LAVIN (RET.) (DISTRICT 10) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101639

APPROVING THE APPOINTMENTS OF DOUGLAS KILLIAN AND LYDIA MARTINEZ TO FILL UNEXPIRED TERMS IN THE EDUCATION AND LITERACY CATEGORIES, RESPECTIVELY, ON THE ALAMO WORKSOURCE BOARD.

ITEM 49 IS APPROVAL OF A TRAVEL AUTHORIZATION REQUEST FROM COUNCILMEMBER HERRERA TO ATTEND THE TEXAS MUNICIPAL LEAGUE CONFERENCE IN GRAPEVINE TEXAS DURING THE PERIOD OF OCTOBER 25 THROUGH OCTOBER 28, 2005.

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 101640

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2005-2006 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$1,078,256.00, INCLUDING: REPLACEMENT OF BROKEN GLASS AT VARIOUS CITY FACILITIES; DRILLING WOOD AND STEEL POLE FOUNDATIONS; TRAFFIC SIGNAL STEEL POLES; CORRUGATED POLYETHYLENE PIPE; MAINTENANCE OF ELEVATORS AT THE TOWER OF AMERICAS; EMERGENCY VEHICLES TRUCK PARTS AND SERVICE; ANTIVIRUS SOFTWARE AND LICENSES MAINTENANCE FOR EXCHANGE SERVER; ANTIVIRUS SOFTWARE LICENSES AND UPGRADES; BATTERY CHARGERS, CONDITIONERS AND ANALYZER; AND JANITORIAL SERVICES AT THE FERRARI COMMUNITY CENTER.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101641

AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$255,077.35 PAYABLE TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), FOR THE CITY'S SHARE OF CONSTRUCTION COSTS IN CONNECTION WITH THE MAYFIELD: IH 35 TO ZARZAMORA PROJECT, AN AUTHORIZED 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT BOND AND METROPOLITAN PLANNING ORGANIZATION (MPO) FUNDED PROJECT, LOCATED IN DISTRICT 4; AUTHORIZING \$45,507.74 FOR PROJECT CONTINGENCY, AND \$5,101.55 FOR CAPITAL ADMINISTRATIVE COSTS FOR A TOTAL AMOUNT OF \$305,686.64; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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

(At this point, Mayor Hardberger was obliged to leave the meeting. Mayor Pro Tem Flores presided.)

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

The City Clerk read the following ordinance:

AN ORDINANCE 101642

AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH FISHER HECK, INC. ARCHITECTS, A SBE FIRM, FOR ADDITIONAL ARCHITECTURAL SERVICES, IN THE AMOUNT OF \$100,939.00; AUTHORIZING \$127,594.00 FOR PROJECT CONTINGENCY, AND \$15,993.88 FOR CAPITAL ADMINISTRATIVE COSTS, FOR A TOTAL AMOUNT OF \$244,526.88 IN CONNECTION WITH THE ANIMAL CARE FACILITY, A 2003-2007 GENERAL OBLIGATION PUBLIC HEALTH AND SAFETY IMPROVEMENT BOND FUNDED PROJECT, LOCATED

IN THE SOUTHWEST BUSINESS AND TECHNOLOGY PARK NEAR OLD HIGHWAY 90 AND TEXAS HIGHWAY 151 IN DISTRICT 6; 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. **NAYS:** None. **ABSENT:** Hardberger.

The City Clerk read the following ordinances:

AN ORDINANCE 101643

APPROVING FIELD ALTERATION NUMBER 11 DEDUCTING THE AMOUNT OF \$148,403.91 FROM A PRIOR CONSTRUCTION SERVICES CONTRACT WITH RAM BUILDING SERVICES, L.L.C. AUTHORIZED BY CITY COUNCIL THROUGH ORDINANCE 99649 ON SEPTEMBER 2, 2004, IN CONNECTION WITH THE CITY-WIDE NEIGHBORHOOD IMPROVEMENT CONSTRUCTION PROJECT.

AN ORDINANCE 101644

ACCEPTING THE LOW, QUALIFIED BID BY RAM BUILDING SERVICES, LLC, A SBE/MBE FIRM, TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE DISTRICT 2 PARK IMPROVEMENTS PACKAGE FOR LAKESIDE PARK AND NORTHAMPTON PARK FOR A COMBINED BASE BID OF \$471,500.00 AND WITH BID ALTERNATE 2 FOR NORTHAMPTON PARK FOR A TOTAL CONTRACT AMOUNT OF \$473,805.00; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; ALLOCATING \$69,289.46 FOR CONSTRUCTION CONTINGENCY, \$8,000.00 FOR PARK MATERIALS, \$6,961.37 FOR MANDATORY PROJECT FEES, AND \$9,276.48 FOR ARCHITECT CONTINGENCY FEES; TRANSFERRING \$29.05 FROM WITHIN THE PROJECT BUDGET; AUTHORIZES APPROPRIATIONS OF \$567,303.26 FROM 2003-2007 PARK BOND FUNDS; AND PROVIDING FOR PAYMENT.

Councilmember Perez made a motion to approve the proposed Ordinances. Councilmember McNeil 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. **NAYS:** None. **ABSENT:** Haass, Hardberger.

The City Clerk read the following ordinance:

AN ORDINANCE 101645

APPROVING FIELD ALTERATION NUMBER 10 IN THE AMOUNT OF \$52,574.62 AND FIELD ALTERATION NUMBER 11 IN THE AMOUNT OF \$74,022.30 PAYABLE TO W.G. YATES & SONS CONSTRUCTION COMPANY, FOR A TOTAL AMOUNT OF \$126,596.92, IN CONNECTION WITH THE NEW FIRE FIGHTING TRAINING ACADEMY, A 1999-2004 GENERAL OBLIGATION PUBLIC SAFETY IMPROVEMENT BOND FUNDED PROJECT, LOCATED IN DISTRICT 6.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101646

ACCEPTING THE LOW, QUALIFIED BID BY DONSAN CONSTRUCTION, LLC, A SBE/MBE FIRM, TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE DISTRICT 4 PARK IMPROVEMENTS PACKAGE FOR AL FORGE, GOLDEN COMMUNITY, AND MEDINA BASE ROAD PARKS FOR A COMBINED TOTAL AMOUNT OF \$384,000.00; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; ALLOCATING \$38,399.50 FOR CONSTRUCTION CONTINGENCY, AND \$8,151.00 FOR MANDATORY PROJECT FEES; TRANSFERS \$1,141.78 FROM WITHIN THE PROJECT BUDGET; AUTHORIZING APPROPRIATION OF \$429,408.72 FROM 2003-2007 PARK BOND FUNDS; AND PROVIDING FOR PAYMENT.

(Mayor Hardberger returned to the meeting and presided.)

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

Item 30 is an Ordinance consenting to David T. Mason's (d/b/a Dante's Pizza) assignment to Vipoolkumar Patel and Suraj Kuran Bhalla, DBA BHATELO, the tenant's interest in a Lease Agreement with the City of San Antonio pertaining to restaurant space at the intersection of East Commerce Street and South Presa Street located in Council District 1.

Councilmember Perez made a motion to table the proposed Ordinance for 1 week. Councilmember Wolff 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, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

Item 30 was tabled for 1 week.

The City Clerk read the following ordinance:

AN ORDINANCE 101647

ACCEPTING THE LOW, QUALIFIED BID BY GG&G GENERAL CONSTRUCTION, INC., A SBE FIRM, TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE COMMUNITY PARK YOUTH SPORTS FACILITY IMPROVEMENTS PROJECT IN DISTRICTS 2, 5, 7 AND 9 FOR A COMBINED TOTAL AMOUNT OF \$924,858.00; AUTHORIZES THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; ALLOCATES \$47,512.68 FOR CONSTRUCTION CONTINGENCY; TRANSFERS \$63,770.68 FROM WITHIN THE PROJECT BUDGET; AUTHORIZES APPROPRIATIONS OF \$844,100.00 FROM 2003-2007 GENERAL OBLIGATION PARK IMPROVEMENT BOND FUNDS AND \$64,500.00 FROM CELL TOWER LEASE REVENUE FOR A TOTAL AMOUNT OF \$908,600.00 IN NEW APPROPRIATIONS; AND PROVIDES 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 101648

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE THAT PROVIDES SUPPORT TOTALING \$261,633.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) TO FUND THE TITLE V MATERNAL & CHILD HEALTH 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.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101649

AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT UP TO A MAXIMUM OF \$325,000.00 WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) TO CONDUCT A TOTAL OF FIVE (5) BEHAVIORAL RISK FACTOR SURVEILLANCE SURVEYS (BFRSS) FOR THE PERIOD NOVEMBER 1, 2005 THROUGH SEPTEMBER 30, 2009; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101650

AUTHORIZING A RENEWED AGREEMENT WITH THE FEDERAL RESERVE BANK OF DALLAS FOR PAYMENT OF \$38,550.00 FROM THE FEDERAL RESERVE BANK OF DALLAS TO OFFSET ANNUAL LOSS OF REVENUES FROM THE PREVIOUS REMOVAL OF PARKING METERS ADJACENT TO THE FEDERAL RESERVE BUILDING LOCATED IN DISTRICT 1.

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

CEREMONIAL ITEMS

Mayor Pro Tem Flores presented the following honorariums:

A proclamation in honor of the Veterans Day Parade.

A proclamation recognizing Home Health Care Month.

A Citation to the CentroAmerica Soccer Team.

A proclamation for World Town Planning Day.

City Council then congratulated and honored the winners of the San Antonio Christmas Card Contest.

CITY MANAGER'S REPORT

Mr. Rolando Bono, City Manager, reported on the recovery of \$6 million from the federal government.

ZONING

Z-1. ZONING CASE #Z2005069 (District 4): An Ordinance changing the zoning district boundary from “R-6” Residential Single Family District to “C-2NA” Commercial Nonalcoholic Sales District on 5.38 acres out of NCB 34362, South of the intersection of Potranco Road and Granite Cliff, as requested by Brown, P.C., Applicant, for Wildman Ranch, Inc., Owner. Staff has recommended denial as requested and approval of “MF-33”, “C-1” or “O-1”, and Zoning Commission has recommended approval of “C-2NA”.

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

Councilmember Perez made a motion to approve the proposed rezoning case with “C-2NA”. 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, Wolff. **NAYS:** None. **ABSENT:** Haass, Hardberger.

AN ORDINANCE 101651

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 5.38 ACRES OUT OF NCB 34362 FROM “R-6” RESIDENTIAL SINGLE FAMILY DISTRICT TO “C-2NA” COMMERCIAL NONALCOHOLIC SALES DISTRICT.

Z-2. ZONING CASE #Z2005221 (District 9): An Ordinance changing the zoning district boundary on 27.14 acres out of NCB 17600, from PUD “MF-33” ERZD Planned Unit Development Multi-Family Edwards Recharge Zone District and “R-6” ERZD Residential Single-Family Edwards Recharge Zone District to “C-2” ERZD Commercial Edwards Recharge Zone District on 14.89 acres, and “RP” ERZD Resource Protection Edwards Recharge Zone District on 12.25 acres, South of the intersection of Encino Commons and Evans Road as requested by Brown, P.C., Applicant, for Tonkiwa, Ltd., Owner, was pulled from consideration.

CITIZENS TO BE HEARD

Prior to the start of Citizens to be heard portion of the agenda, Mr. Michael Bernard, City Attorney, cited Section 225.033a of the Texas Election Law, and explained it forbade any polling of the Council with regards to addressing any measure on a ballot.

Mr. Faris Hodge Jr., 140 Dora, urged the Mayor and Council to listen to what everyone who signed up had to say. He then sang a song for the Council, and spoke to the violation of civil rights.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, stated he was there to conquer and not be conquered. He spoke to Babylon the Great, and cited biblical verses.

Mr. Joe Fox, 17635 Henderson Pass, spoke to the problem of homelessness, and urged Council to use the resources utilized for the Hurricane Rita evacuees for the City's own homeless, and to rehabilitate them.

Mr. Narciso Mendoza, 3130 Cato, spoke to Proposition 2 and stated that as leaders of the City, they represented their constituents, and therefore should state their position for this measure on the ballot.

Mr. Charles Flowers, 3806 Sunshine Ranch, commented on what transpired with the Pastor who was arrested in the Council Chamber. He compared his actions to those of Rosa Parks, noting she stood up for what she believed in. He urged Council to state their position.

Mr. Peter Onofre, 6610 Hwy 90 W., spoke to the events that transpired two weeks ago with the Pastor who inquired what each of the Council members' position was on Proposition 2, and commented that the issue was important enough for the members of the Council to take a stand on.

Ms. Alice Patterson, 7203 Wilder, expressed gratitude for the Council for their willingness to serve the City. She indicated she realized that they did not have to answer when asked what their position was on Proposition 2, but noted that when running for office, they are willing to speak on other issues.

Mr. Hector Guy, through a translator, stated the Council had a right to hold their own opinion. He commented the Council represented their constituents. He spoke to the actions of the founding fathers and their efforts with regards to Christianity.

Mr. Jack M. Finger, PO Box 12048, spoke to the Election Law, and expressed his belief that it was a violation of their constitutional right of free speech. He urged Council to declare their stance on Proposition 2.

Mr. Diego Medina, 6014 Wood Bayou, stated the Council was elected to represent the people, and as such, should voice their opinion on how they stand on issues on a ballot that affect the community at large. He urged Council to answer his email which questions their position on Proposition 2.

Ms. Nederkee Medina, 6014 Wood Bayou, presented her comments in Spanish and urged Council to voice their position on Proposition 2.

A representative for Mr. Richard Slife, 13007 Orchard Ridge, stated he viewed the Bible as the highest authority, and further expressed his gratitude for being able to express his religious beliefs in this country.

A representative for David Langwell, 131 Tremloff, stated Proposition 2 would affirm traditional marriage. He stated that although Proposition 2 was a State Constitutional amendment, it was still a local issue as well.

Mr. James Leander, 28218 Hwy 281 N., voiced his comments on his stance on Proposition 2, and urged Council to take a stand and announce their position on the issue.

Ms. Brenda Taylor, 27376 Mark Wayne, presented a song that was written by her and her daughter, and asked Council to consider the ramifications of Proposition 2.

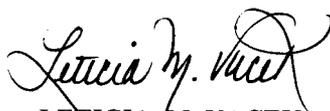
Mr. David Plylar, 4218 Misty Glade, spoke in opposition to Proposition 2, and outlined his reasons for being against this issue.

There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 8:11 pm.

A P P R O V E D


PHIL HARDBERGER
MAYOR

Attest:


LETICIA M. VACEK
City Clerk