

**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 21, 2004

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The City Council convened in the C Room of the Municipal Plaza Building at 10:00 A.M. and recess into Executive Session for the following:

Discuss legal issues relating to the Convention Center catering contract with the RK Group Joint Venture Partnership, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues regarding the negotiations with Landry's Restaurant's, Inc. for the proposed Tower of the America's lease agreement, pursuant to Texas Government Code Section 551.072 (deliberation on the purchase, exchange, lease, or value of real property) and Texas Government Code Section 551.071 (consultation with attorney).

Upon a Good Faith Determination by City Council pursuant to §551.086 (c) of the Texas Government Code that the subject matter involves a competitive matter, a discussion regarding competitive matters (§551.086 of the Tex. Govt. Code) and legal consultation (§551.071 of the Tex. Govt. Code) related to CPS' flexibility in pursuing wholesale off-system sales.

The Council members present were: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

The "B" Session adjourned at 12:23 P.M.

The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass. ABSENT: None.

Invocation by Pastor Ron Littlefield, District 3, Highland Hills Baptist Church.

Pledge of Allegiance to the flag of the United States.

CEREMONIAL ITEMS

Mayor Garza presented a Resolution of Respect to the family of the late Robert Quiroga (RESOLUTION 2004-38-40). He also recognized the graduates of the Citizens' Public Works Academy, and presented proclamations to the U.S. Military Veteran's Parade Association in recognition of the 5th Annual Veteran's Day Parade, and to representatives of the San Antonio Spurs in recognition of "Game Time Season."

Swearing-in of Councilmember Roger O. Flores, District 1, as Mayor Pro Tem.

The minutes of the City Council meeting of August 26 and September 2, 2004 were approved as presented.

2:00 PM PUBLIC HEARING AND ZONING CASE

ZONING CASE NUMBER Z2004206: The request of Dennis Isbell, Applicant, for Grace Baptist Temple, Owner, for a change in zoning from "RM-4 PUD" Residential Mixed Planned Unit Development District to "RM-4" Residential Mixed District on 7.059 acres out of NCB 14794, north side of Wurzbach Road 70 feet west of Fern Glen. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

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

The following citizens appeared to speak:

Ms. Julie Iris Oldham, 4523 Allegheny Dr.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 99893

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 7.059 ACRES OUT OF NCB 14794 FROM "RM-4 PUD"

RESIDENTIAL MIXED PLANNED UNIT DEVELOPMENT DISTRICT TO "RM-4"
RESIDENTIAL MIXED DISTRICT.

CONSENT AGENDA – CITIZENS’ COMMENTS

Items 10, 12, 13, 14, 19, 20, 21, 22, 24, 26, and 32 were addressed individually from the consent agenda. The remaining items 7 through 41D were unanimously approved under the consent agenda upon motion made by Councilmember Williams and seconded by Councilmember Segovia.

The following citizens appeared to speak:

Ms. Kathleen Trenchard, President, Scenic San Antonio, spoke to agenda item #19 (Ordinance 99923).

Mr. Jack Finger, P.O. Box 12048, spoke to agenda items #2 (Ceremonial Items) and #11 (Ordinance 99897).

AN ORDINANCE 99894

AN ORDINANCE ACCEPTING THE LOW BID SUBMITTED BY SAFETY SUPPLY, INC. (WBE) TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH PERSONAL PROTECTION COVERALLS FOR A TOTAL AMOUNT OF \$57,505.75.

AN ORDINANCE 99895

AN ORDINANCE 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 FY 2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$277,734.00 TO INCLUDE CONTRACTS FOR MELROSE/CLARK EQUIPMENT PARTS AND SERVICE, AND LUMBER AND PLYWOOD.

AN ORDINANCE 99896

AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN AN AMOUNT NOT TO EXCEED \$21,345.00 PAYABLE TO SLAY ENGINEERING COMPANY, INC., FOR ADDITIONAL ENGINEERING SERVICES

IN CONNECTION WITH THE DURANGO - SAN MARCOS TO TRINITY CDBG PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING AN ADDITIONAL \$9,940.00 FOR ENGINEERING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$31,285.00; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99897

AN ORDINANCE DECLARING THAT THE GONZALES COUNTY CARRIZO AQUIFER PROJECT ("PROJECT") IS A NECESSARY PUBLIC PROJECT; FURTHER DECLARING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS INCLUDING BUT NOT LIMITED TO EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES BETWEEN A POINT LOCATED NEAR THE INTERSECTION OF COUNTY ROAD 123 AND FARM TO MARKET ROAD 77 IN GONZALES COUNTY AND THE ANDERSON PUMP STATION LOCATED NEAR THE INTERSECTION OF STATE HIGHWAY 151 AND LOOP 1604 IN BEXAR COUNTY, WHICH ARE LOCATED NEAR, WITHIN, ABUTTING AND/OR CONTIGUOUS TO THE ALIGNMENT FOR THE PROJECT (COLLECTIVELY THE "PROPERTY"), SUCH ALIGNMENT GENERALLY MEANDERING IN A SOUTH BY SOUTHWEST DIRECTION IN GONZALES AND WILSON COUNTIES TO THE TWIN OAKS WATER TREATMENT FACILITY IN SOUTH BEXAR COUNTY CONTINUING TO TRAVERSE IN A NORTH BY NORTHWEST DIRECTION IN BEXAR COUNTY TO THE LACKLAND PUMP STATION LOCATED NEAR OLD PEARSALL ROAD AND LOOP 410 CONTINUING TO ANDERSON PUMP STATION LOCATED NEAR THE INTERSECTION OF STATE HIGHWAY 151 AND LOOP 1604 (THE "PROJECT ALIGNMENT"); AUTHORIZING THE SAN ANTONIO WATER SYSTEM ("SAWS"), ITS DESIGNATED EMPLOYEES, AGENTS, ATTORNEYS AND/OR AUTHORIZED INDEPENDENT CONSULTANTS TO TAKE ALL LAWFUL ACTIONS INCLUDING WITHOUT LIMITATION LITIGATION, NECESSARY OR INCIDENTAL TO THE POWER OF EMINENT DOMAIN TO SURVEY, SPECIFY, CLARIFY, DEFINE, AND DETERMINE THE SUITABILITY OF REAL PROPERTY INTERESTS INCLUDING BUT NOT LIMITED TO EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER THE PROPERTY; RATIFYING AND DECLARING VALID ALL PRIOR ACTS DONE OR INITIATED BY SAWS, ITS ATTORNEYS, AGENTS, AND EMPLOYEES TO SURVEY, SPECIFY, CLARIFY, DEFINE AND DETERMINE THE SUITABILITY OF CERTAIN REAL PROPERTY FOR POTENTIAL FUTURE ACQUISITION RELATED TO THE PROJECT; PROVIDING FOR A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

AN ORDINANCE 99898

AN ORDINANCE AUTHORIZING THE CITY OF SAN ANTONIO'S ACCEPTANCE OF TITLE TO TWO (2) PARCELS OF LAND FROM THE SAN ANTONIO DEVELOPMENT AGENCY (SADA), SUCH LAND CONSISTING OF LOTS 15 AND 16, BLOCK 2, NEW CITY BLOCK 1494, MEASURING 21,893 SQUARE FEET AND 21,429 SQUARE FEET, RESPECTIVELY, AT THE INTERSECTION OF DAKOTA AND S. NEW BRAUNFELS STREETS, SAN ANTONIO, BEXAR COUNTY, TEXAS IN CONNECTION WITH THE SAN ANTONIO EMPOWERMENT AND THE EASTSIDE ENTERPRISE ZONES; AUTHORIZING THE EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$1,040.00 FOR CODE COMPLIANCE LIENS AND ADVERTISING EXPENSES; AUTHORIZING SADA TO DEVELOP SAID PROPERTY; AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS IN CONNECTION THEREWITH.

AN ORDINANCE 99899

AN ORDINANCE AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH PROPERTY PARTNERS I, LTD FOR 4,913 SQUARE FEET OF OFFICE SPACE AT THE WESTSIDE PROFESSIONAL BUILDING LOCATED AT 700 SOUTH ZARZAMORA STREET, FOR USE BY THE CITY OF SAN ANTONIO'S ELDERLY & DISABLED SERVICES DIVISION AND OFFICE OF ELDERLY AFFAIRS FOR A TWELVE MONTH TERM BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005 AT A MONTHLY RENTAL OF \$4,913.00 FOR THE TERM OF THE LEASE AGREEMENT; AUTHORIZING THE EXECUTION OF ANY OTHER NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING THE PAYMENT OF THE MONTHLY LEASE RENTAL.

AN ORDINANCE 99900

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH PROPERTY PARTNERS I, LTD FOR 1,243 SQUARE FEET OF OFFICE SPACE AT THE WESTSIDE PROFESSIONAL BUILDING LOCATED AT 700 SOUTH ZARZAMORA STREET, FOR USE BY THE CITY OF SAN ANTONIO'S FAIR HOUSING PROGRAM FOR A THREE-YEAR TERM BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2007 AT A MONTHLY RENTAL OF \$1,243.00 FOR THE TERM OF THE LEASE AGREEMENT; AUTHORIZING THE EXECUTION OF ANY OTHER NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING THE PAYMENT OF THE MONTHLY LEASE RENTAL.

AN ORDINANCE 99901

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH PROPERTY PARTNERS I, LTD FOR 1,217 SQUARE FEET OF OFFICE SPACE AT THE WESTSIDE PROFESSIONAL BUILDING LOCATED AT 700 SOUTH ZARZAMORA STREET, FOR USE BY THE CITY OF SAN ANTONIO'S NEIGHBORHOOD CONFERENCING COMMITTEES PROGRAM FOR A THIRTY-FOUR MONTH TERM BEGINNING OCTOBER 1, 2004 AND ENDING JULY 31, 2007 AT A MONTHLY RENTAL OF \$1,217.00 FOR THE TERM OF THE LEASE AGREEMENT; AUTHORIZING THE EXECUTION OF ANY OTHER NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING THE PAYMENT OF THE MONTHLY LEASE RENTAL.

AN ORDINANCE 99902

AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE A CONTRACT WITH KEEP SAN ANTONIO BEAUTIFUL, INC., TO PROVIDE ASSISTANCE TO THE CITY IN CONDUCTING NEIGHBORHOOD CLEAN-UP PROGRAMS AND PUBLIC EDUCATION; AUTHORIZING PAYMENT OF \$20,000.00 FROM THE SOLID WASTE OPERATING BUDGET FOR SUCH SERVICES FOR FY 2004-2005; AND APPROPRIATING FUNDS.

Item 18 being a proposed ordinance authorizing a purchase agreement with Cemusa San Antonio, Ltd., to provide the Environmental Services Department with bus shelter advertisement space for a total amount of \$28,500.00 to promote the City's curbside recycling program; and providing for payment was pulled from the agenda.

AN ORDINANCE 99903

AN ORDINANCE ACCEPTING A \$3,000.00 PRIZE FROM ITT INDUSTRIES THAT WAS AWARDED TO THE SAN ANTONIO POLICE DEPARTMENT SWAT TEAM FOR WINNING THE 2004 WORLD SWAT CHALLENGE, WHICH WILL BE USED FOR CONTINUING TRAINING AND PROFICIENCY EXERCISES; AMENDING THE BUDGET; AND APPROPRIATING FUNDS.

AN ORDINANCE 99904

AN ORDINANCE ACCEPTING A DONATION OF MODULAR FURNITURE VALUED AT \$41,000.00 FROM RANDOLPH BROOKS FEDERAL CREDIT UNION TO THE SAN ANTONIO POLICE DEPARTMENT TO BE USED TO FURNISH THE NEWLY EXPANDED NORTH, NORTHWEST, AND EAST SUBSTATIONS.

AN ORDINANCE 99905

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$25,000.00 FROM THE ANNIE E. CASEY FOUNDATION TO SUPPORT IMPLEMENTATION OF THE FAMILY, FRIENDS AND NEIGHBORS CAREGIVER OUTREACH PROJECT FOR THE PERIOD OCTOBER 1, 2004 TO SEPTEMBER 30, 2005; APPROPRIATING FUNDS; AND ADOPTING A BUDGET.

AN ORDINANCE 99906

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF NEW FUNDING IN THE AMOUNT OF \$500,000.00 FROM THE DEPARTMENT OF THE AIR FORCE TO CONTINUE SUPPORT FOR THE PUBLIC CENTER FOR ENVIRONMENTAL HEALTH ("PCEH") OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR PROJECT YEAR FY 2005 AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$250,000.00 IN CARRY-OVER FUNDS FROM FY 2004 TO BE USED IN FY 2005; ESTABLISHING A NEW PROGRAM FUND; APPROVING THE FY 2005 PROGRAM BUDGET AND PERSONNEL COMPLEMENT; TRANSFERRING FUNDS; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 99907

AN ORDINANCE APPROVING A COMPETITIVE MATTER MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO AND CITY PUBLIC SERVICE (CPS) TO GRANT ADDITIONAL FLEXIBILITY IN PURSUING WHOLESALE OFF-SYSTEM SALES.

AN ORDINANCE 99908

AN ORDINANCE AUTHORIZING PAYMENT OF THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES TO THE NATIONAL LEAGUE OF CITIES IN THE AMOUNT OF \$28,444.00 FOR FISCAL YEAR 2004-2005.

AN ORDINANCE 99909

AN ORDINANCE 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 FISCAL YEAR 2004-2005.

AN ORDINANCE 99910

AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE A CONTRACT WITH ASSOCIATION AND SOCIETY INSURANCE CORPORATION (ASI) FOR THE PURPOSE OF PROVIDING A FULLY INSURED TRICARE SUPPLEMENT MEDICAL PLAN TO CITY EMPLOYEES AND THEIR ELIGIBLE DEPENDENTS COVERED UNDER TRICARE MILITARY RETIREE PLANS, FOR AN ESTIMATED ANNUAL COST OF \$150,300.00 FOR A TWO-YEAR TERM, BEGINNING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2006, WITH AN OPTION TO EXTEND THE CONTRACT FOR UP TO TWO (2) ONE (1) YEAR EXTENSIONS, SUBJECT TO AND CONTINGENT UPON FUNDING AND APPROVAL BY CITY COUNCIL.

AN ORDINANCE 99911

AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXERCISE THE FINAL ONE (1) YEAR EXTENSION AND AMENDMENT OF THE CURRENT CONTRACT WITH PACIFICARE/SECURE HORIZONS TO PROVIDE A HEALTH MAINTENANCE ORGANIZATION (HMO) PLAN FOR ELIGIBLE RETIREES AND THEIR DEPENDENTS ENROLLED IN MEDICARE COVERAGE, FOR AN ESTIMATED ANNUAL AMOUNT OF \$720,180.00 FOR A ONE (1) YEAR TERM BEGINNING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2005.

AN ORDINANCE 99912

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE HENRY B. GONZALEZ CONVENTION CENTER FOOD AND BEVERAGE SERVICE AGREEMENT WITH RK GROUP JOINT VENTURE TO DECREASE THE NUMBER OF DAYS REQUIRED TO PROVIDE NOTICE TO THE CONTRACTOR OF THE CITY'S OPTION TO RENEW FROM NO LATER THAN NINETY (90) DAYS PRECEDING EXPIRATION OF THE INITIAL TERM TO NO LATER THAN SIXTY (60) DAYS PRECEDING THE EXPIRATION OF THE INITIAL TERM OF THE AGREEMENT OR DECEMBER 2, 2004.

AN ORDINANCE 99913

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR MEMORIAL HIGH SCHOOL (1227 MEMORIAL STREET) IN CONNECTION WITH THE HOMECOMING PARADE SPONSORED BY MEMORIAL HIGH SCHOOL TO BE HELD ON FRIDAY, NOVEMBER 5, 2004 FROM 7:45 A.M. UNTIL 9:30 A.M.

AN ORDINANCE 99914

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS IN THE DOWNTOWN AREA IN CONNECTION WITH THE CHILI BOWL PARADE SPONSORED BY FOX TECH HIGH SCHOOL TO BE HELD ON FRIDAY, NOVEMBER 5, 2004 FROM 9:45 A.M. UNTIL 10:30 A.M.

AN ORDINANCE 99915

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR LITTLE FLOWER CHURCH (905 KENTUCKY) IN CONNECTION WITH THE LITTLE FLOWER SCHOOL RUN FOR THE ROSES SPONSORED BY LITTLE FLOWER CHURCH TO BE HELD ON SATURDAY, NOVEMBER 6, 2004 FROM 8:00 A.M. UNTIL 11:30 A.M.

AN ORDINANCE 99916

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS IN THE DOWNTOWN AREA IN CONNECTION WITH THE VETERANS PARADE SPONSORED BY THE U.S. MILITARY VETERANS PARADE ASSOCIATION TO BE HELD ON SATURDAY, NOVEMBER 6, 2004 FROM 11:30 A.M. UNTIL 3:00 P.M.

AN ORDINANCE 99917

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR SUNSET STATION IN CONNECTION WITH THE AMERICA'S WALK FOR DIABETES

SPONSORED BY THE AMERICAN DIABETES ASSOCIATION TO BE HELD ON SATURDAY, NOVEMBER 13, 2004 FROM 7:00 A.M. UNTIL 12:00 P.M.

AN ORDINANCE 99918

AN ORDINANCE REAPPOINTING ELLEN LOCKWOOD (DISTRICT 8) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON APRIL 3, 2006.

AN ORDINANCE 99919

AN ORDINANCE APPOINTING PETER G. IRWIN (DISTRICT 8) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2005.

AN ORDINANCE 99920

AN ORDINANCE APPOINTING JOHN BRAXTON (DISTRICT 2) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 15, 2006.

AN ORDINANCE 99921

AN ORDINANCE APPOINTING JONATHAN DE JESUS (DISTRICT 8) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2006.

CONSENT ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 99922

AN ORDINANCE AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL CONTRACTUAL AGREEMENT WITH THE STATE OF TEXAS FOR RIGHT OF WAY ACQUISITION IN CONNECTION WITH THE WURZBACH PARKWAY PROJECT, LOCATED IN COUNCIL DISTRICT 8.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Segovia, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Williams, Perez.

The City Clerk read the following ordinance:

AN ORDINANCE 99923

AN ORDINANCE AUTHORIZING AND RATIFYING A PURCHASE AGREEMENT WITH CLEAR CHANNEL OUTDOOR, INC., TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH OUTDOOR BILLBOARD ADVERTISEMENT SPACE FOR A TOTAL AMOUNT OF \$30,001.00 TO PROMOTE THE CITY'S CURBSIDE RECYCLING PROGRAM; AND PROVIDING FOR PAYMENT.

Councilmember Williams 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:** Segovia, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Williams, Perez.

The City Clerk read the following ordinance:

AN ORDINANCE 99924

AN ORDINANCE ACCEPTING A DONATION OF \$625.00 FROM THE SAM'S CLUB FOUNDATION FOR THE PURCHASE OF THREE (3) GLOBAL POSITIONING SYSTEM RADIO UNITS IN SUPPORT OF THE SAN ANTONIO POLICE DEPARTMENT'S K-9 UNIT; AMENDING THE BUDGET; AND APPROPRIATING FUNDS.

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:** Williams, Segovia, Radle, Barrera, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Perez. **ABSTAIN:** Castro, Schubert.

The City Clerk read the following ordinance:

AN ORDINANCE 99925

AN ORDINANCE ACCEPTING A DONATION OF \$1,000.00 FROM THE WAL-MART FOUNDATION IN SUPPORT OF THE SAN ANTONIO POLICE DEPARTMENT'S HELICOPTER UNIT; AMENDING THE BUDGET; AND APPROPRIATING FUNDS.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Radle, Barrera, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Perez. **ABSTAINED:** Castro, Schubert.

The City Clerk read the following ordinance:

AN ORDINANCE 99926

AN ORDINANCE ACCEPTING THE LOW RESPONSIVE BID IN THE AMOUNT OF \$1,281,228.05 FROM E-Z BEL CONSTRUCTION, LTD., FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE LARKSPUR – WEST AVENUE TO BALTIC PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$99,719.07 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$69,803.35 FOR EXPENSE RECOVERY; AND AUTHORIZING \$1,934.78 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$1,452,685.25; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM IN THE AMOUNT OF \$284,037.37 FOR SEWER AND WATER EXPENSES; AUTHORIZING \$1,168,647.88 FROM GENERAL OBLIGATIONS OF THE CITY AND CERTIFICATIONS OF OBLIGATION; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores.

The City Clerk read the following ordinance:

AN ORDINANCE 99927

ORDINANCE ACCEPTING DEDICATION OF A 0.0045 ACRE TRACT OF LAND FROM THREE LEE INVESTMENTS LIMITED IN EXCHANGE FOR A RELEASE OF AN INUNDATION EASEMENT AND RESTRICTIVE COVENANT IN CONNECTION WITH THE SUNSET ROAD – JONES MALTSBERGER TO BROADWAY MPO PROJECT, LOCATED IN COUNCIL DISTRICT 9.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Segovia, Perez, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Williams, Radle.

The City Clerk read the following ordinance:

AN ORDINANCE 99928

AN ORDINANCE RATIFYING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO , COMMUNITY ARENA MANAGEMENT, LTD. AND BEXAR COUNTY TO CONTINUE TRAFFIC MANAGEMENT SERVICES BY THE PUBLIC WORKS DEPARTMENT IN AND OUT OF THE SBC CENTER DURING MAJOR EVENTS.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 99929

AN ORDINANCE RATIFYING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO , COMMUNITY ARENA MANAGEMENT, LTD. AND BEXAR COUNTY TO CONTINUE TRAFFIC MANAGEMENT SERVICES BY THE PUBLIC WORKS DEPARTMENT IN AND OUT OF THE SBC CENTER DURING MAJOR EVENTS.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 99930

AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO ACCEPT AN \$80,000.00 GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, TO FUND THE NINTH YEAR OF THE ADMINISTRATIVE AND COORDINATION EFFORTS OF THE CRISIS ASSISTANCE TEAM ADMINISTRATION OF THE VICTIMS ADVOCACY SECTION; AUTHORIZING AN IN-KIND MATCH OF \$19,260.00 AND A GENERAL FUND MATCH OF \$7,407.00.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro.

The City Clerk read the following ordinance:

AN ORDINANCE 99931

AN ORDINANCE ACCEPTING A \$200,000.00 ALLOCATION FROM THE BEXAR METRO 911 NETWORK DISTRICT FOR FY 2004-2005 FOR THE FUNDING OF FIVE (5) TEMPORARY CALL TAKER POSITIONS, COMMUNICATION EQUIPMENT MAINTENANCE, EQUIPMENT PURCHASES, AND TRAINING; AMENDING THE BUDGET; AND APPROPRIATING FUNDS.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 99932

AN ORDINANCE AUTHORIZING PAYMENT OF THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES TO THE AUSTIN-SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT IN THE AMOUNT OF \$49,500.00 FOR FISCAL YEAR 2004-2005.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Radle.

3:00 P.M. PUBLIC HEARING FOR PROPOSED ORDINANCES REGARDING AGGRESSIVE SOLICITATION, CAMPING OR SLEEPING IN PUBLIC, URINATING AND/OR DEFECATING IN PUBLIC, AND SITTING OR LYING DOWN IN RIGHT-OF WAY IN PUBLIC.

Chief Albert Ortiz, San Antonio Police Department, narrated a slide presentation regarding proposed ordinances related to solicitation, camping or sleeping in the public, urinating and/or defecating in public and sitting or lying down in public. He discussed the background of the proposed ordinances, and cited the City Council request to develop ordinances that would address problematic behaviors affecting the quality of life in public area, particularly downtown. He spoke to the impact of tourism on the city, and indicated downtown was the urban focal point of the city. He referenced other ordinances passed by other Texas cities similar to what was being proposed, and cited the example of Houston, Texas. He discussed what each of the ordinances would specifically entail, and in what instances the ordinances would not apply. He then informed the Council on what social services were available.

The following citizens appeared to speak on the above noted item:

Ms. Mary Moreno, Esperanza, Peace and Justice Center

Mr. Richard Doucette

Mr. Josh Flowers

Mr. Bill Lyons
Representative of the SAMM Shelter
Mr. Jack Finger
Mr. Ben Brewer
Ms. Pat Rodriguez

POINT OF PERSONAL PRIVILEGE

Mayor Garza presented a proclamation to Dr. Juan Ramon De La Fuente, President of the Universidad Nacional Autonoma de Mexico (UNAM), in recognition of UNAM's 60th anniversary.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 99933

AN ORDINANCE AUTHORIZING USAGE OF ALTERNATIVE GROUND-MOUNTED AND/OR OVERHEAD STREET NAME SIGNS WITH GRAPHICAL REPRESENTATIONS FOR REGISTERED NEIGHBORHOOD ASSOCIATIONS; AND ADOPTING PROCEDURES FOR SUCH SIGNS.

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

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation regarding an ordinance related to graphical street name signs, a copy of which is on file with the Office of the City Clerk. He stated this ordinance would authorize the Interim City Manager or his designee to accept reimbursement for expenses incurred for the fabrication and installation of ground mounted and/or overhead signs with graphical representations for registered neighborhood associations. He presented examples of such signs, and amplified on the guidelines utilized by the neighborhood associations. He then discussed the fiscal impact and policy analysis.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores.

The City Clerk read the following ordinance:

AN ORDINANCE 99934

AN ORDINANCE AUTHORIZING AN EXTENSION OF THE FIESTA CARNIVAL AND PARADE ROUTE CONCESSIONS CONTRACT BETWEEN FIESTA SAN ANTONIO COMMISSION, INC. AND REED EXPOSITION MIDWAY FOR AN ADDITIONAL TWO (2) YEARS TO INCLUDE THE 2005 AND 2006 FIESTA YEARS AND WITH MODIFIED PRICING, AS REQUESTED BY THE FIESTA SAN ANTONIO COMMISSION, INC.

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

Mr. Malcolm Matthews, Director of Parks and Recreation, narrated a slide presentation regarding the extension of the Fiesta Carnival and Parade route concessions contract between Fiesta San Antonio Commission, Inc. and Reed Exposition Midway, a copy of which is on file with the Office of the City Clerk. He discussed the proposed ordinance in detail, and indicated the contract would be extended an additional two years to include the 2005 and 2006 Fiesta celebrations. He presented background information on the agreement, and discussed the City's Carnival responsibilities, and its financial terms, as well as the Carnival agreement with the Fiesta Commission.

The following citizens appeared to speak:

Frank Burney

Larry Kirsh, President of the Fiesta Commission

Councilmember Haass made a motion to accept Amendment 1, by accepting the financial terms and maintaining the prices of souvenir cups and beer. Councilmember Segovia seconded the motion.

Councilmember Radle made a motion to accept Amendment 2, which would not alter the children's rides and leave them at \$2.50. Councilmember Segovia seconded the motion.

After consideration, Amendment 2 prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Haass. **NAYS:** Flores, Schubert. **ABSENT:** Garza.

After consideration, Amendment 1 prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Hall, Schubert, Haass. **NAYS:** Barrera, Castro. **ABSENT:** Garza.

After consideration, the main motion as amended carrying with it the passage of the Ordinance prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Barrera, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Garza .

CITIZENS' TO BE HEARD

The following citizens appeared to speak on various topics:

Mr. Guillermo Vazquez, SEIU 1967, spoke to consultation regarding city employees.

Mr. Faris Hodge, 140 Dora, spoke to a variety of city issues.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke regarding the citizens of Castroville, Texas.

Mr. Jose Perez spoke to various issues.

INDIVIDUAL ITEMS CONTINUED

Item 44 is a proposed ordinance authorizing the San Antonio Housing Finance Corporation to issue Multi-Family Housing Revenue Bonds Series 2004 not to exceed \$15,000,000.00 to provide financing for the development of the Villas of Costa Biscaya Apartments Project; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing for an immediate effective date upon eight (8) affirmative votes.

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

Mr. Andrew Cameron, Director of Housing and Community Development, narrated a slide presentation regarding the authorization to issue tax exempt multi-family housing revenue bonds to support the construction of the Villas at Costa Biscaya Project, a copy of which is on file with the Office of the City Clerk. He amplified on specific details of the project, and indicated it was a 250-unit multi-family development. He noted the developer had met with and received support from both the District 2 City Council representative and the adjacent neighborhood association. He then discussed the fiscal impact of the project.

Councilmember Williams made an amendment to not exceed \$13,000,000.00. Councilmember Haass seconded the motion.

After consideration, the motion on the amendment prevailed by the following vote: **AYES:** Williams, Segovia, Radle, Barrera, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Perez, Schubert.

(Item 44 continued on page 19)

The City Clerk read the following ordinance:

AN ORDINANCE 99935

AN ORDINANCE AUTHORIZING THE SAN ANTONIO HOUSING FINANCE CORPORATION TO ISSUE MULTI-FAMILY HOUSING REVENUE BONDS SERIES 2004 NOT TO EXCEED \$14,000,000.00 TO PROVIDE FINANCING FOR THE DEVELOPMENT OF THE WILLOW RANCH APARTMENTS PROJECT; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON EIGHT (8) AFFIRMATIVE VOTES.

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

Mr. Andrew Cameron, Director of Housing & Community Development, narrated a slide presentation regarding the authorization to issue tax-exempt multi-family housing revenue bonds to support the construction of the Willow Ranch project, a copy of which is on file with the Office of the City Clerk. He amplified on the Willow Ranch project, located in City Council District 2, and noted the developer had received support from both the District 2 City Council representative and the adjacent neighborhood association. He then discussed the fiscal impact, and indicated the project is proposed to be funded with state tax credits and tax-exempt bonds issued by the San Antonio Housing Authority.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Schubert.

Reconsideration of Item 44:

Councilmember Haass then made a motion to reconsider Item 44. Councilmember Hall seconded the motion.

After consideration, the motion to reconsider Item 44 prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Schubert.

Clarification was made that the main motion vote on Item 44 needed to be recorded, and as such the need for reconsideration.

The City Clerk read the following ordinance:

AN ORDINANCE 99936

AN ORDINANCE AUTHORIZING THE SAN ANTONIO HOUSING FINANCE CORPORATION TO ISSUE MULTI-FAMILY HOUSING REVENUE BONDS SERIES 2004 NOT TO EXCEED \$13,000,000.00 TO PROVIDE FINANCING FOR THE DEVELOPMENT OF THE VILLAS OF COSTA BISCAYA APARTMENTS PROJECT; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON EIGHT (8) AFFIRMATIVE VOTES.

After consideration, the main motion as amended, carrying with it the passage of the Ordinance prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Barrera, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Schubert.

The City Clerk read the following ordinance:

AN ORDINANCE 99937

AN ORDINANCE AUTHORIZING THE WAIVER OF BUILDING PERMIT FEES IN THE AMOUNT OF \$49,400.00 FOR THE ARROYO VISTA AFFORDABLE SHOWCASE OF HOMES DEVELOPMENT, LOCATED IN COUNCIL DISTRICT 6; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA, DISTRICT 6.

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

Mr. David D. Garza, Director of Neighborhood Action, narrated a slide presentation regarding the 2004 Affordable Showcase of Homes, a copy of which is on file with the Office of the City Clerk. He amplified on the Arroyo Vista, indicating it was a nine (9) acre residential development with fifty-two (52) high quality single-family homes. He expanded on the park planning, and spoke to the four park designs by the UTSA Architectural Design Class. He cited the Arroyo Vista Partners, and summarized the citizen participation. He delineated the development process timeline, as well as the community revitalization support timeline.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Garza. **NAYS:** Hall. **ABSENT:** Castro, Schubert, Haass.

TRAVEL AUTHORIZATION

Travel Authorization for Councilman Joel Williams, District 2, who will travel to Corpus Christi, Texas to attend the Texas Municipal League Conference from Wednesday, October 27, 2004 to Friday, October 29, 2004.

Councilmember Perez made a motion to approve the proposed Travel Authorization. Councilmember Segovia seconded the motion.

After consideration, the motion, carrying with it the passage of the Travel Authorization, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Garza. **NAYS:** None. **ABSENT:** Castro, Schubert, Haass.

EXECUTIVE SESSION

The City Council recessed its regular session at 7:46 P.M. in order to convene in Executive Session for the purpose of:

Discuss legal issues relating to the convention center catering contract with the RK Group Joint Venture Partnership, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discussion regarding the Convention Center Headquarters Hotel pursuant to Section 551.072 (deliberation about real property), Section 551.087 (deliberation regarding economic development negotiations), and Section 551.071 (consultation with attorney).

Discuss legal issues regarding the negotiations with Landry's Restaurant's, Inc. for the proposed Tower of the America's lease agreement, pursuant to Texas Government Code Section 551.072 (deliberation on the purchase, exchange, lease, or value of real property) and Texas Government Code Section 551.071 (consultation with attorney).

Upon a Good Faith Determination by City Council pursuant to §551.086 (c) of the Texas Government Code that the subject matter involves a competitive matter, a discussion regarding competitive matters (§551.086 of the Tex. Govt. Code) and legal consultation (§551.071 of the Tex. Govt. Code) related to CPS' flexibility in pursuing wholesale off-system sales.

The City Council adjourned the Executive Session at 8:33 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

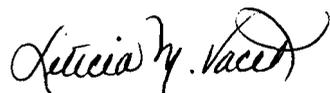
There being no further business to come before the City Council, the meeting was adjourned at 8:34 P.M.

A P P R O V E D



EDWARD D. GARZA
MAYOR

Attest:



LETICIA M. VACEK
City Clerk