



First Ord. 99938
First Res. 2004-40-41
Last Ord. 98873
Last Res. 2004-40-42
2004-11-4 A 10:55

**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
November 4, 2004**

At any time during the "B" Session or the Regular City Council Meeting, the City Council may meet in executive session for consultation concerning attorney-client matters (real estate, litigation, contracts, personnel and security).

- I. The City Council will convene for a "B" Session in the B Room of the Municipal Plaza Building at 9:00 A.M. for the following:
 - A. Staff briefing on River Barges Concession Request for Proposals Recommendation. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
 - B. Staff briefing on the Enterprise Resource Management Project. [Presented by Troy Elliott, Project Manager, ERM; J. Rolando Bono, Interim City Manager]
 - C. The City Council will recess into an executive session to discuss the following:
 - 1. Discuss legal issues related to the removal of a member of the Municipal Civil Service Commission pursuant to Section 70, Paragraph 1 of the City Charter, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
 - 2. Discuss legal issues relating to the appeal by Executive Signs, in regard to the Director of Development Service's decision to not approve an on-premise sign permit application dated June 8, 2004 for the property located at 875 East Ashby Place, and the related litigation of *Borden Park, L.P., d/b/a Star Storage-Downtown, San Antonio vs. City of San Antonio*, Cause No. 2003-CI-09049, 45th Judicial District, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
 - 3. Discuss legal issues relating to an appeal by Habib H. Erkan, Jr., P.C., on behalf of Mission Del Lago, of the Planning Commission decision to deny the applicant's claim for recognition of rights under Chapter 245 of the Texas Government Code to develop 812 acres located east of Mitchell Lake, west of U.S. Highway 281 and surrounding the Mission del Lago Municipal golf course (known as Mission del Lago), pursuant to Texas Government Code Section 551.071 (consultation with attorney).

*Conducted
Exec Session
in AM*

4. Deliberate the duties, appointment, and employment of the City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
5. Discuss negotiations with Landry's Restaurant's, Inc. for the proposed lease of the Tower of the Americas, pursuant to Texas Government Code Section 551.072 (deliberation regarding real property) and related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

II. The City Council will convene in Council Chambers, Municipal Plaza Building in a Regular Council Meeting at 1:00 P.M.

1. Invocation by Father Armando Trujillo, St. Leonard's Catholic Church, guest of Councilman Richard Perez, District 4, and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes of the City Council Meeting of September 9, September 16, 2004 and September 23, 2004; and Special City Council Meetings of August 31, 2004 and September 10, 2004.

DISABILITY ACCESS STATEMENT

This meeting is wheelchair accessible. The accessible entrance is located at 103 Main Plaza. Accessible parking spaces are located at City Hall, 100 Military Plaza. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested forty-eight (48) hours prior to the meeting) by calling (210) 207-7245 V/TTY for assistance. Closed captioning is available on broadcasts of the Council meetings on 21-TVSA.

Questions regarding this agenda notice should be directed to the City Agenda Coordinator at 207-7080.

THE FOLLOWING ITEMS WILL BE CONSIDERED AT THE TIMES INDICATED:

4. 1:30 P.M. – Consideration of an Ordinance authorizing the issuance of City of San Antonio, Texas Electric and Gas Systems Junior Lien Revenue Bonds, Series 2004 in the aggregate amount of \$160,000,000.00; providing for the payment of the principal of and interest on the bonds, together with certain currently outstanding obligations, by a junior lien on and pledge of the net revenues of the City's Electric and Gas Systems; providing the terms and conditions of such bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a Paying Agent/Registrar Agreement, Remarketing Agreement, Purchasing Contract, and Standby Bond Purchase Agreement; complying with the requirements of the Depository Trust Company; delegating the authority to certain members of the City Public Service Board staff to execute certain documents relating to the sale of the bonds; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing for an immediate effective date upon passage by eight votes. [Presented by Ben Gorzell, Jr., Director, Public Utilities Office; Melissa Byrne Vossmer, Assistant City Manager]

*1302
99938*

5. 2:00 P.M. - Public Hearing and Consideration of an Ordinance authorizing the reprogramming of FY 2002 Housing Opportunities for Persons with AIDS ("HOPWA") Grant funds in the amount of \$100,000.00 available from Black Effort Against the Threat of AIDS ("BEAT-AIDS") and authorizing the appropriation and allocation of said funds to San Antonio AIDS Foundation ("SAAF") to provide Tenant Based Rental Assistance to individuals who have HIV/AIDS and their family members; authorizing the reprogramming of FY 2004 HOPWA Grant funds in the amount of \$100,000.00 available from SAAF and authorizing the appropriation and allocation of said funds to BEAT-AIDS to renovate a facility for long term housing for single women and women with children infected or affected by HIV/AIDS; authorizing the close-out and the cancellation of the affected projects and project budgets; authorizing the execution and submission of contracts and other documents as necessary in connection therewith; and providing for payment. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

6. 3:00 P.M. - Public Hearing and Consideration of the following Zoning Case: [Presented by Florencio Pena, Director, Development Services; Christopher J. Brady, Assistant City Manager]

ZONING CASE NUMBER Z2004119: The request of Brown, P. C., Applicant, for Newton Bulverde Road, Ltd., Owner(s), for a change in zoning from "R-6" ERZD Residential Single Family Edwards Recharge Zone District to "MF-25" ERZD Multi-Family Edwards Recharge Zone District on 27.90 acres, "O-1" ERZD Office Edwards Recharge Zone District on 4.25 acres, "C-2" ERZD Commercial Edwards Recharge Zone District on 2.40 acres and PUD "R-5" ERZD Planned Unit Development Residential Single Family Edwards Recharge Zone District on 18.15 acres all out of NCB 34955, 18221 Bulverde Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 10)

7. 5:00 P.M. – Citizens to Be Heard.

8. 5:30 P.M. – Public Hearing and consideration of the following Ordinances: [Presented by Andrew Martin, City Attorney; J. Rolando Bono, Interim City Manager]

A. An Ordinance removing for cause Henrietta La Grange as a member of the Municipal Civil Service Commission.

B. An Ordinance removing for cause David Soto as a member of the Municipal Civil Service Commission.

THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR COUNCIL MEETING:

CONSENT AGENDA

Items Concerning the Purchase of Equipment, Supplies and Services

9. An Ordinance accepting the low responsive bids submitted by W.S. Darley & Co., items 2-6, and Ferrara Fire Apparatus, Inc., item 1, to provide the City of San Antonio Fire Department with fire hose for a total cost of \$51,668.29. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

- 999 40
- 999 61
- 999 41
10. An Ordinance accepting the low responsive bid submitted by Air Cleaning Technologies, Inc. to provide the City of San Antonio Aviation Department with a vehicle exhaust removal system for the Airport Fire Station, appropriating \$79,462.00 for construction and \$7,946.00 for construction contingency expenses from the Airport System Improvements and Contingency Fund for a total cost of \$87,408.00; appropriating funds and establishing a budget. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]
 11. An ordinance accepting the low responsive bid submitted by Datalink Corporation to provide the City of San Antonio Information Technology Services Department with a Hitachi disk array system for a total cost of \$76,136.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]
 12. 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 Fiscal Year 2004-2005 for an estimated combined annual cost of \$816,163.00 to include contracts for: gasoline & diesel refueling equipment parts and service; tire retreading & repair service; industrial firefighting flashlights and batteries; disposable batteries; printer support services; book leasing system; and latex gloves. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Capital Improvement Items

- 999 42
- 999 43
- 999 44
13. An Ordinance selecting SW Texas Environmental Contractors, Inc. and JGG Integrated Construction, LLC (SBE/MBE) to provide standby lead hazard control work in connection with various Neighborhood Action Department housing programs for an amount not to exceed \$500,000.00 for each contract, for a total amount of \$1,000,000.00 in Community Development Block Grant (CDBG) and U.S. Department of Housing and Urban Development Lead Grant funds; authorizing the negotiation and execution of the environmental service contracts; appropriating funds; and providing for payment. [Presented by David D. Garza, Director, Neighborhood Action; Jelynn LeBlanc Burley, Assistant City Manager]
 14. An Ordinance approving Field Alteration No. 8 and authorizing payment in the amount of \$55,000.00 to R.L. Jones, L.P., in connection with the W.W. White – Rigsby to Lord Project, located in Council District 2; revising the project budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]
 15. An Ordinance approving Field Alteration No. 1 in the net decreased amount of \$30,189.20 to the contract with K.L. & J. Limited Partnership in connection with the Arroyo Vista Subdivision Community Development Block Grant Project, located in Council District 6; and revising the project budget. [Presented by David D. Garza, Director, Neighborhood Action; Jelynn LeBlanc Burley, Assistant City Manager]

16. An Ordinance selecting Alderson & Associates, Inc. (SBE) to provide engineering services in connection with the Frank Garrett Center Heating, Ventilation and Air Conditioning Upgrade Community Development Block Project, located in Council District 1; authorizing the negotiation and execution of a professional services contract in an amount not to exceed \$12,000.00; authorizing \$2,200.00 for miscellaneous contingency expenses; authorizing an additional \$800.00 for advertising expenses, for a total amount of \$15,000.00; revising the project budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

17. An Ordinance authorizing the purchase of a 6.816 acre tract located at the southwest corner of Hausman Road and Woller Road in Council District 8 from Mary Lorraine Van De Walle for the amount of \$593,802.00; authorizing \$11,923.00 for land acquisition expenses, for a total amount of \$605,725.00 from 2003-2007 Park Bond funds; appropriating funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

18. An Ordinance approving the fee simple purchase of eighteen (18) properties along the Leon and Salado Creeks for a total amount of \$69,750.00 from the Parks Development and Expansion Venue Project (Proposition 3) Sales Tax funds; authorizing \$5,040.00 for due diligence fees, for a total amount of \$74,790.00; appropriating funds; and providing for payment. [Presented by Edna R. Ortega, Special Projects Coordinator, Proposition 3; Christopher J. Brady, Assistant City Manager]

19. An Ordinance declaring the Culebra drainage #58fF Phases 1 & 2 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 0.0251 acres (1,091 square feet) of land, and being out of the remaining portion of Lot B-2, New City Block 11493; (2) being 3.1857 acres (138,768 square feet) of land, and being out of the remaining portion of Lot C, New City Block 11493; (3) being 5.8327 acres (254,071 square feet) of land, and being out of the remaining portion of Lot D, New City Block 11493; (4) being 4.0812 acres (177,778 square feet) of land, and being out of the remaining portion of Lot F, New City Block 11493; (5) being 4.6564 acres (202,832 square feet) of land, and being out of the remaining portion of Lot G, New City Block 11493; (6) being 2.9753 acres (129,604 square feet) of land, and being out of the remaining portion of Lot H, New City Block 11493; and (7) being 3.3833 acres (147,378 square feet) of land, and being out of the remaining portion of Lot K, New City Block 11493; 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 \$259,750.00 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. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

99949
20. An Ordinance ratifying the execution of a short-term Lease Agreement with the Raul Jimenez Thanksgiving Dinner Fund Inc., a non-profit organization, for a period commencing November 1, 2004 and ending November 30, 2004, for the use of vacant retail space and twelve parking spaces at the HemisFair Parking Garage for a one-time rental fee of \$5.00. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Miscellaneous

99950
21. An Ordinance authorizing the acceptance of Certified Local Government Program funds in the amount of \$4,600.00 from the National Park Service Historic Preservation Fund through the Texas Historical Commission for the purpose of redesigning and improving the Planning Department's website regarding the City's historic resources; authorizing a \$3,067.00 match from the City's Finck Preservation Fund; providing for payment; and appropriating funds. [Presented by Emil R. Moncivais, Director, Planning Department; Jelynn LeBlanc Burley, Assistant City Manager]

99951
22. An Ordinance authorizing the acceptance of grant funds in the amount of \$400,000.00 from the U.S. Department of Homeland Security to be used to continue plan development, training, and purchase of equipment and pharmaceuticals for the Metropolitan Medical Response System, a system established to be a primary resource Weapons of Mass Destruction incidents; adopting a program budget; and appropriating funds. [Presented by Robert Ojeda, Fire Chief, Christopher J. Brady, Assistant City Manager]

99952
23. An Ordinance authorizing the acceptance of \$2,001,304.00 from the Texas Department of State Health Services ("TDSHS") to renew support for the Bioterrorism Preparedness Program of the San Antonio Metropolitan Health District ("SAMHD") for the period September 1, 2004 through August 31, 2005; authorizing the execution of a contract change with TDSHS; adopting the program budget; approving the personnel complement; approving the transfer of funds; and authorizing payment for contractual services. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]

99953
24. An Ordinance authorizing the acceptance of a grant award in the amount of \$31,670.00 from the Hogg Foundation for Mental Health to renew the Perinatal Depression Project of the San Antonio Metropolitan Health District for the period September 1, 2004 through August 31, 2005; approving the carry-over of project funds of approximately \$2,665.00; establishing a fund; adopting the project budget; authorizing the execution of an agreement with Our Lady of the Lake University in an amount not to exceed \$28,500.00 in connection with said project; and authorizing payments for contractual services. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]

99954
25. An Ordinance authorizing the acceptance of \$50,000.00 from the Texas Department of State Health Services ("TDSHS") to fund the Title X Family Planning Program 2004/2005 of the San Antonio Metropolitan Health District for the period September 1, 2004 through August 31, 2005; authorizing the execution of a contract change with TDSHS; adopting the program budget;

approving the personnel complement; and authorizing payments for contractual services. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]

- 99962
26. An Ordinance authorizing the negotiation and execution of an Interlocal Government Agreement with Bexar County providing for \$25,000.00 in Community Development Block Grant funds for the renovation of the South San Civic Center, owned and maintained by Bexar County, located at 503 Lovett in Council District 4; appropriating funds; and providing for payment. [Presented by Andrew W. Cameron, Director, Housing and Community Development; Jelynn LeBlanc Burley, Assistant City Manager]

Approval of Temporary Street Closures and Traffic Control Procedures for Special Events

- 99955
27. An Ordinance approving the parade permit and authorizing the temporary closure of portions of certain streets near the Alamodome in connection with the San Antonio Marathon 5K Mayor's Fitness Challenge and Walk sponsored by the San Antonio Marathon Committee to be held on Sunday, November 7, 2004 from 6:00 A.M. until 1:00 P.M. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]
- 99956
28. An Ordinance approving the parade permit and authorizing the temporary closure of portions of certain streets near UTSA in connection with the UTSA Triathlon sponsored by Roger Soler Sports to be held on Sunday, November 14, 2004 from 7:00 A.M. until 10:00 A.M. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]
- 99957
29. An Ordinance authorizing the temporary street closure of East Houston between North Alamo and Avenue E in connection with the 16th Annual Christmas Along the Corridor Pony Express Courier Swearing-In Ceremony sponsored by the Alamo Area Council of Governments to be held on Saturday, November 20, 2004 from 8:30 A.M. until 12:00 P.M. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]

Board, Commissions and Committee Appointments.

- 99958
30. Consideration of the following board appointments: [Presented by Leticia M. Vacek, City Clerk]
- 99959
- A. An Ordinance appointing Frank A. Dunn (District 2) as a Director/Trustee to the South Texas Business Fund for a term of office to expire on May 9, 2007.
- 99960
- B. An Ordinance reappointing John B. Cavazos (Mayor) to the City Commission on Veterans' Affairs for a term of office to expire on June 11, 2006.
- C. An Ordinance appointing Emilio Silvas (District 5) to the Ethics Review Board for a term of office to expire on February 21, 2006.

ITEMS FOR INDIVIDUAL CONSIDERATION

31. An Ordinance appointing ten (10) new members and reappointing seven members to the Downtown Advisory Board for terms of office to expire on December 31, 2005 and December 31, 2006. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

Nominees:

<u>NAME</u>	<u>DOWNTOWN AFFILIATION</u>	<u>TYPE OF APPOINTMENT</u>	<u>TERM EXPIRATION</u>
Central Sector			
Mr. Paul Carter	Business owner and resident	Reappointment	December 2005
Mr. Tom DeBrooke	Organizational Representative and resident	Reappointment	December 2005
Ms. Della Guidry	Business owner	Reappointment	December 2005
Ms. Cathy Meyer	Resident	Appointment	December 2005
Ms. Joan Korte	Organizational Representative and resident	Reappointment	December 2006
North Sector			
Mr. Brian King	Resident	Appointment	December 2005
Mr. Glenn Huddleston	Organizational Representative	Reappointment	December 2006
Ms. Anna Shaw	Organizational Representative	Appointment	December 2006
South Sector			
Mr. William Montez	Business Owner	Appointment	December 2005
Ms. Deborah Field	Business owner and resident	Appointment	December 2006
Mr. Stephen Yndo	Business owner and resident	Reappointment	December 2006
East Sector			
Mr. Mahendra Patel	Business Owner	Appointment	December 2005
Ms. Terri Toennies	Organizational representative	Appointment	December 2005
Mr. Joe Linson	Organizational representative	Appointment	December 2006
West Sector			
Mr. Julius Gribou	Organizational representative	Appointment	December 2005
Mr. Robert Martindale	Organizational representative	Appointment	December 2006
Mr. George Mery	Organizational representative	Reappointment	December 2006

32. An Ordinance authorizing an amendment to the professional services agreement with Facility Programming, Ltd., d/b/a Facility Programming and Consulting (SBE) in the amount of \$1,163,000.00 and authorizing \$116,300.00 for contingency expenses, for a total amount of \$1,279,300.00 in connection with the Emergency Operations Center Project, an authorized 2003-2007 General Obligation Public Health and Safety Improvement Bond funded project located at Brooks City Base in Council District 3, and providing service to Bexar County; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

33. An Ordinance approving the City of San Antonio's State Initiatives Program for the 79th Legislative Session, which convenes on January 11, 2005. [Presented by Christopher J. Brady, Acting Director, External Relations; J. Rolando Bono, Interim City Manager]

99968
34. An Ordinance authorizing the Interim City Manager to execute an Amendment to the Henry B. Gonzalez Food and Beverage Service Agreement with RK Group Joint Venture to incorporate a new commission structure to be effective November 4, 2004; authorizing the Interim City Manager to exercise the five-year Option Term, in accordance with the terms and conditions of the Henry B. Gonzalez Food and Beverage Service Agreement by executing an Amended and Restated Henry B. Gonzalez Convention Center Food and Beverage Service and Concession Services Agreement with the RK Group, L.L.C. (successor in interest to the RK Group Joint Venture), for a term of five (5) years commencing February 1, 2005 and terminating January 31, 2010; and providing for an immediate effective date upon passage by eight (8) votes. [Presented by Michael J. Sawaya, Director, Convention Facilities; Roland A. Lozano, Assistant to the City Manager]

99969
35. An Ordinance authorizing the execution of an amendment of the Capital Improvements Funding Contract for construction-related expenses for the Deco District and the Master Lease and Management Agreement between the City of San Antonio and the Jefferson Woodlawn Lake Community Development Corporation for activities related to the development of the Travis Building and Streetscape Enhancements for Fredericksburg Road; authorizing additional funding in an amount not to exceed \$757,854.00 from 2003 General Obligation funding for streets, sidewalks, landscaping, signage and lighting improvements from Quentin to Kings Highway and demolition, design, and construction for the required parking lot at the Travis Building; ratifying the execution of the Texas Department of Transportation Agreement between the State of Texas and the City of San Antonio for the construction of improvements within the right of way along Fredericksburg Road; revising the project budget; appropriating funds; and providing for payment. [Presented by David D. Garza, Director, Neighborhood Action; Jelynn LeBlanc Burley, Assistant City Manager]

99972
36. An Ordinance approving the Fiscal Year 2005 Project Winter Assistance Relief Mobilization Plan, which is projected to provide up to \$300,000.00 in utility assistance to eligible City Public Service (CPS) ratepayers during the period October 1, 2004 through September 30, 2005; authorizing the execution of an agreement between the City of San Antonio and CPS to implement said plan; and authorizing the execution of Memorandums of Agreement with various agencies to assist in the implementation of said plan. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

Continued for 2 weeks
37. A Resolution deciding an appeal by Habib H. Erkan, Jr., P.C., on behalf of Mission Del Lago, of the Planning Commission's decision to deny the applicant's claim for recognition of rights to develop 812 acres located east of Mitchell Lake, west of U.S. Highway 281 and surrounding the Mission del Lago Municipal golf course (known as Mission del Lago) under Chapter 245 of the Texas Local Government Code. Staff recommends denial. [Presented by Florencio Pena, Director, Development Services; Christopher J. Brady, Assistant City Manager]

2004-46-47
38. A Resolution deciding the appeal of Shan and Bill Blanchard of the decision of the Electrical Examining and Supervising Board regarding Section 10-93(3)(a) of the City Code and the meaning of the term "Installations" within the context of that section. Staff recommends upholding the decision of the Electrical Examining and Supervising Board. [Presented by Florencio Pena, Director, Development Services; Christopher J. Brady, Assistant City Manager]

2004-40-49
39. A Resolution deciding the appeal by Executive Signs of the Director of Development Service's decision to not approve an on-premise sign permit application dated June 8, 2004 for the property located at 875 East Ashby Place. Staff recommends denial of the appeal. [Presented by Florencio Pena, Director, Development Services; Christopher J. Brady, Assistant City Manager]

99973
40. An Ordinance amending Section 16-412 of the City Code to require insurance or bonding for irrigation contractors. [Presented by Florencio Pena, Director, Development Services; Christopher J. Brady, Assistant City Manager]

Approved
41. Ratification of Travel Authorization for Councilmen Art A. Hall, District 8, and Christopher "Chip" Haass, District 10, who attended the Texas Municipal League's 92nd Annual Conference in Corpus Christi, Texas from Wednesday, October 27, 2004 through Friday, October, 29, 2004.

42. City Manager's Report. - *None*

43. The City Council will recess into an executive session to discuss the following:

A. Discuss legal issues related to the removal of a member of the Municipal Civil Service Commission pursuant to Section 70, Paragraph 1 of the City Charter, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

B. Discuss legal issues relating to the appeal by Executive Signs, in regard to the Director of Development Service's decision to not approve an on-premise sign permit application dated June 8, 2004 for the property located at 875 East Ashby Place, and the related litigation of *Borden Park, L.P., d/b/a Star Storage-Downtown, San Antonio vs. City of San Antonio*, Cause No. 2003-CI-09049, 45th Judicial District, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

C. Discuss legal issues relating to an appeal by Habib H. Erkan, Jr., P.C., on behalf of Mission Del Lago, of the Planning Commission decision to deny the applicant's claim for recognition of rights under Chapter 245 of the Texas Government Code to develop 812 acres located east of Mitchell Lake, west of U.S. Highway 281 and surrounding the Mission del Lago Municipal golf course (known as Mission del Lago), pursuant to Texas Government Code Section 551.071 (consultation with attorney).

D. Deliberate the duties, appointment, and employment of the City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

E. Discuss negotiations with Landry's Restaurant's, Inc. for the proposed lease of the Tower of the Americas, pursuant to Texas Government Code Section 551.072 (deliberation regarding real property) and related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

- F. Deliberate the evaluation and possible dismissal of Henrietta LaGrange as a member of the Municipal Civil Service Commission, pursuant to Texas Government Code Section 551.074 (personnel matters).
- G. Deliberate the evaluation and possible dismissal of David Soto as a member of the Municipal Civil Service Commission, pursuant to Texas Government Code Section 551.074 (personnel matters).
- H. Discuss acquisition and disposition of an interest in real property for a senior citizen's center and related uses, pursuant to Texas Government Code Section 551.072 (deliberation regarding real property).