

**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 16, 2005 AND THURSDAY, NOVEMBER 17, 2005

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The City Council convened in an informal "B" Session at 3:00 pm, on Wednesday, November 16, 2005, Municipal Plaza Building "B" Room for the purpose of:

Briefing on the Economic Development Tools in the City of San Antonio [Presented by Jelynn LeBlanc Burley, Assistant City Manager]

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

The "B" Session adjourned at 4:57 p.m.

The Regular Meeting was called to order at 9 a.m. on Thursday, November 17, 2005 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 Pastor Robert Campos, District 4, West Campus Baptist Church, Guest of Councilmember Richard Perez.

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

The minutes of the City Council meeting of November 3, 2005 were approved as presented.

INDIVIDUAL ITEMS FOR CONSIDERATION

The City Clerk read the following Ordinances:

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AN ORDINANCE 101681

AUTHORIZING ADJUSTMENTS TO THE WATER SERVICE RATES, CONTAINED IN CITY CODE OF SAN ANTONIO, TEXAS CHAPTER 34, CHARGED BY THE SAN ANTONIO WATER SYSTEM; AND AMENDING THE CITY CODE ACCORDINGLY.

AN ORDINANCE 101682

AUTHORIZING ADJUSTMENTS TO THE WASTEWATER SERVICE RATES, CONTAINED IN CITY CODE OF SAN ANTONIO, TEXAS CHAPTER 34, CHARGED BY THE SAN ANTONIO WATER SYSTEM; AND AMENDING THE CITY CODE ACCORDINGLY.

AN ORDINANCE 101683

AUTHORIZING AN ADJUSTMENT TO THE WATER SUPPLY FEE, CONTAINED IN CITY CODE OF SAN ANTONIO, TEXAS CHAPTER 34, CHARGED BY THE SAN ANTONIO WATER SYSTEM; REVISING CERTAIN REPORTING REQUIREMENT IN CITY CODE CHAPTER 34; REVISING THE RATE ADJUSTMENT MECHANISM RELATED TO THE WATER SUPPLY FEE; AND AMENDING THE CITY CODE ACCORDINGLY.

AN ORDINANCE 101684

AUTHORIZING THE ADDITION OF AN INTERCONNECT WATER SERVICE RATE TO CITY CODE OF SAN ANTONIO, TEXAS CHAPTER 34, TO BE CHARGED BY THE SAN ANTONIO WATER SYSTEM; AND AMENDING THE CITY CODE ACCORDINGLY.

AN ORDINANCE 101685

AUTHORIZING AN ADJUSTMENT TO THE RETURNED CHECK FEE, CONTAINED IN CITY CODE OF SAN ANTONIO, TEXAS CHAPTER 34, CHARGE BY THE SAN ANTONIO WATER SYSTEM; AND AMENDING THE CITY CODE ACCORDINGLY.

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

Mr. Ben Gorzell, Director of Public Utilities, made a presentation on the proposed rate adjustments by San Antonio Water System (SAWS) which included those for water delivery, wastewater, water supply fee, interconnect water rate, and the returned check fee, a copy of which is on file with the Office of the City Clerk. He stated the rate package did not include adjustments to any impact fees, and that the proposed revisions were to accountability procedures established in conjunction with rate adjustments made in October 2000. He added that the cost of service is based on the allocation of costs to customer groups based on service requirements and that it was a commonly utilized methodology by utilities for the development of rates. He further noted that the rate process identified the need for an additional \$12.3 million in annual revenues driven by decreased consumption, the Capital Improvement Program, and increased debt service.

Mr. Doug Evanson, Chief Financial Officer, San Antonio Water System (SAWS), presented a report on Water and Rates, a copy of which is on file with the Office of the City Clerk. He outlined last year's projected annual increases and the current year projections, the increased efficiencies while still allowing SAWS to support regional growth, the 2006 budget goals, the projected 2006 shortfall prior to rate adjustment and total of Capital Improvement Projects. He further delineated the 2006 rates and how it would affect a typical residential bill, and provided bill comparisons for average residential and commercial bills among the top ten Texas cities. He expounded on the affordability programs and the sliding scale discount, noting the impact to the customer's bill.

The following citizen(s) appeared to speak:

Mr. Carlos Contreras, 300 W. Houston, San Antonio Hispanic Chamber of Commerce, spoke of the necessity of the rate increase for capital improvements that are needed for the system and the Hispanic Chamber's endorsement of the requested increase.

Mr. Jeff Webster, 602 E. Commerce, Greater San Antonio Chamber of Commerce, spoke in support of the proposed San Antonio Water System increase.

Mr. Jack M. Finger, P.O. Box 12048, addressed Council on the rate increase being higher than the inflation rate. He also commented on the slide that noted the increase is due to conservation efforts.

Mr. Faris Hodge, Jr., 140 Dora, submitted a written statement read by City Clerk Leticia Vacek, which expressed his belief the City should explore creation of a regional water district.

Councilmember Wolff requested further background and explanation of SAWS fees and the process for deterring which water resources to pursue.

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

The City Clerk read the following Ordinances:

AN ORDINANCE 101686

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF SAN ANTONIO, TEXAS WATER SYSTEM REVENUE REFUNDING BOND, SERIES 2005" IN THE PRINCIPAL AMOUNT OF APPROXIMATELY \$300,870,000.00; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUE OF THE WATER SYSTEM ON A PRIORITY WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS; PROVIDING THE TERMS AND CONDITION 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; STIPULATING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS ON A PARITY THEREWITH; AUTHORIZING THE EXECUTION OF APPLYING AGENT/REGISTRAR AGREEMENT, AN ESCROW AND TRUST AGREEMENT, AND A PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE SAN ANTONIO WATER SYSTEM 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 EFFECTIVE DATE.

AN ORDINANCE 101687

AN AMENDED AND RESTATED ORDINANCE AUTHORIZING THE ISSUANCE OF SHORT TERM OBLIGATIONS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000,000.00 TO PROVIDE INTERIM FINANCING TO PAY PROJECT COSTS FOR ELIGIBLE PROJECTS FOR THE CITY'S WATER SYSTEM; AUTHORIZING SUCH SHORT TERM OBLIGATIONS TO BE ISSUED, SOLD AND

DELIVERED AS COMMERCIAL PAPER NOTES, AND THE EXECUTION OF LOAN NOTES, AND PRESCRIBING THE TERMS, FEATURES, AND CHARACTERISTICS OF SUCH INSTRUMENTS; APPROVING AND AUTHORIZING CERTAIN AUTHORIZED OFFICERS AND EMPLOYEES TO ACT ON BEHALF OF THE CITY AND THE SAN ANTONIO WATER SYSTEM IN THE SELLING AND DELIVERY OF SUCH SHORT TERM OBLIGATIONS, WITHIN THE LIMITATIONS AND PROCEDURES SPECIFIED HEREIN; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, SECURITY, AND DELIVERY OF SUCH SHORT TERM OBLIGATIONS, INCLUDING THE APPROVAL OF AMENDMENTS TO THE ISSUING AND PAYING AGENCY AGREEMENT, THE REVOLVING CREDIT AGREEMENT, AND THE DEALER AGREEMENTS; APPROVING THE USE OF AN OFFERING MEMORANDUM IN CONNECTION WITH THIS MATTER; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Perez made a motion to approve the proposed Ordinances. Councilmember Gutierrez seconded the motion.

Mr. Ben Gorzell, Director of Public Utilities, briefly spoke to the proposed ordinances regarding Revenue Refunding Bonds and introduced Mr. Doug Evanson, SAWS Chief Financial Officer, who would be addressing the debt transactions.

Mr. Evanson presented the costs associated with the 2006 Capital Improvement Program, and delineated the Debt Management Policy, 2006 Capital funding, the expansion of the Tax Exempt Commercial Paper authorization and the proposed transactions. He amplified on the existing and 2005 Proposed Debt Service, current SAWS credit ratings, noting the Underwriting Syndicate and schedule of transactions.

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

The City Clerk read the following Ordinances:

AN ORDINANCE 101688

ESTABLISHING PARKING RATES FOR AN APPROXIMATELY 250-SPACE PARKING LOT ON THE FORMER SAN ANTONIO WATER SYSTEM PROPERTY LOCATED AT 1001 E. MARKET, IN COUNCIL DISTRICT 1, AND AMENDS THE

AFFECTED SECTIONS OF THE CITY CODE OF SAN ANTONIO, TEXAS, TO REFLECT THE NEWLY SET RATES.

AN ORDINANCE 101689

AUTHORIZING AN AGREEMENT WITH THE SAN ANTONIO WATER SYSTEM TO ALLOW THE CITY OF SAN ANTONIO TO PROVIDE PUBLIC PARKING AT THE FORMER SAWS PROPERTY AT 1001 E. MARKET STREET WHILE SAWS IS STILL LEASING THE PREMISES FROM THE CITY.

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

Ms. Rebecca Waldman, Director of Asset Management, made a presentation on the SAWS Headquarters Property, a copy of which is on file with the Office of the City Clerk. She outlined background information on the City purchase of the San Antonio Water System (SAWS) headquarters to be utilized for the future expansion of the Henry B. Gonzalez Convention Center. She spoke to the interim use of the property, the agreement with the City to use the existing parking spaces for the Annual Auto and Truck Show in return for the City to provide SAWS with 100% of the revenue to partially offset their lease cost. She added that the parking rates were consistent with rates in other nearby City-owned facilities.

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

Mayor Hardberger recessed the meeting at 12:14 pm in order to break for lunch and convene into Executive Session.

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 1:14 pm in order to convene in Executive Session for the purpose of:

Legal issues related to *En Seguido, Ltd. v. City of San Antonio*, Cause No. 2005-CI-09689 in the 37th Judicial District of Bexar County, Texas, and *Reed S. Lehman Grain Ltd. v. City of San Antonio*, Cause No. 2004-CI-17461 in the 224th Judicial District of Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Legal issues and strategies related to the operation and broadcasting of the public, educational and government access channels, and the use of cable and video service providers, pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.072 (deliberation regarding real property).

The Mayor reconvened the Regular Session from Executive Session at 3:21 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 101690

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH MRS. NAOKO SHIRANE IN THE AMOUNT OF \$175,000.00 AND FOR EXPENSES NOT TO EXCEED \$25,000.00 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.

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

Ms. Beth Costello, Director of International Relations, made a presentation on the professional services contract with Ms. Naoko Shirane, a copy of which is on file with the Office of the City Clerk. She outlined background information on the service provided to seven mayoral administrations by Ms. Shirane since 1985. She further expounded on the provisions of the contract, noting that it was an exclusive contract for trade and foreign investment promotion and development with the City of San Antonio as a municipal client.

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 resolution:

A RESOLUTION 2005-45-40

NOMINATING FUTUBA INDUSTRIAL TEXAS CORPORATION TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM, FOR DESIGNATION AS A STATE ENTERPRISE ZONE PROJECT.

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

Mr. Ramiro Cavazos, Director of Economic Development, made a presentation on the nomination of Futaba Industrial Texas Corp, to be designated as a State Enterprise Project, a copy of which is on file with the Office of the City Clerk. He spoke to the Enterprise Zone Program noting that the City could nominate up to six Enterprise Projects per State fiscal biennium, adding that Futaba will be the City's second State Enterprise Project nomination in the current State fiscal biennium and the City's fourth remaining through August, 2007. He further cited the current eight active Enterprise Projects located in Districts 1, 2, 3 and 4. Mr. Cavazos further amplified on Futaba Texas Industrial Corp. which is a Toyota Tier 1 supplier who has agreed to locate at the Toyota Supplier Park, invest \$50 million in real and personal property, and create 160 manufacturing jobs to produce stamped and welded metal components for the Toyota Tundra truck.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101691

ACCEPTING A PROPOSAL AND AUTHORIZING EXECUTION OF TWO PROFESSIONAL SERVICES AGREEMENTS FOR PROGRAM MANAGEMENT WITH CH2MHILL, INC. FOR THE FOLLOWING PROJECTS: 1) FOR ASSISTANCE IN THE DEMONSTRATION OF THE 2005 STORM WATER REVENUE BOND PROGRAM IN AN AMOUNT NOT TO EXCEED \$2,733,000.00 OVER A THREE YEAR PERIOD (INCLUDING \$80,000.00 FOR STAFF AUGMENTATION SERVICES); AND 2) FOR PROFESSIONAL PROGRAM MANAGEMENT SERVICES IN THE ADMINISTRATION OF THE LOCAL AGENCY MANAGEMENT (LAM) PROGRAM IN AN AMOUNT NOT TO EXCEED

\$2,878,000.00 OVER A THREE YEAR PERIOD; RATIFYING PAYMENT FOR PROFESSIONAL ENGINEERING SERVICES PROVIDED TO AUGMENT STAFF IN THE STORM WATER ENGINEERING DIVISION, FOR A TOTAL ORDINANCE AMOUNT OF \$5,611,000.00; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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

Mr. Tom Wendorf, Director of Public Works made a presentation on the Capital Improvement Projects Program Management, a copy of which is on file with the Office of the City Clerk. He stated the Program Management was the comprehensive management of a collection of projects which encompass the various tasks associated with planning, designing and construction of capital projects. He outlined benefits of the program management, citing other Texas Agencies using such a program, and the demand for the program management in the City of San Antonio. He then delineated the selection process, selection results, scope of work, project delivery process, and fiscal impact.

After discussion, Councilmember Perez requested to have the program management component of the Ordinance pulled for reconsideration on December 1, 2005. Councilmember Guajardo seconded the motion.

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

After consideration, the main motion as amended, carrying with it the passage of the Ordinance prevailed by the following vote: **AYES:** Flores, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Hardberger. **NAYS:** McNeil. **ABSENT:** Haass.

The City Clerk read the following Ordinance:

AN ORDINANCE 101692

ADOPTING A CITY POLICY TO DISCONTINUE THE PRACTICE OF PICKING UP OWNED AND UNWANTED ANIMALS FROM THEIR HOMES, AS REQUESTED BY COUNCILMEMBER ELENA K. GUAJARDO, DISTRICT 7.

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

Mr. Sam Sanchez, Animal Care Services Administrator, made a presentation on the Owner Surrendered Animals citing the effects of Animal Services not picking up owner surrendered animals at their home. He stated citizens would be able to drop off their own pets at the Animal Care Services Facility, located at 210 Tuleta, at no charge. He outlined data on the number of 311 Requests for Service calls, reported animal bites from August through October 2005, number of adoptions from January through October 2005, and related fiscal impact.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 101693

AMENDING THE CITY'S HEALTHCARE FSA PLAN TO PROVIDE FOR CONTRIBUTIONS FOR CIVILIAN EMPLOYEES AND NON-MEDICARE RETIREES ENROLLED IN THE CITIMED PPO AND AUTHORIZING THE USE OF HEALTHCARE FSA DEBIT CARDS FOR ALL PARTICIPANTS; AUTHORIZING DATAPATH CARD SERVICES, INC. TO PROVIDE THE DEBIT CARDS; ESTABLISHING A DEBIT CARD SETTLEMENT ACCOUNT WITH BENEFIT BANK; AUTHORIZING EXECUTION OF ALL RELATED DOCUMENTS IN ORDER TO ESTABLISH THESE ACCOUNTS AND COMMITMENTS; AND AMENDING THE CONTRACT WITH COMMUNITY FIRST HEALTH PLANS, INC. BY REVISING FEES FOR ADMINISTRATION OF ALL HEALTHCARE FAST REIMBURSEMENT CLAIMS WITH AN ESTIMATED ADDITIONAL COST FOR FY 2006 OF \$69,252.00

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

Ms. Sharon De La Garza, Director of Human Resources made a presentation on the Amendments to the City's Healthcare Flexible Spending Account (FSA) Plan, a copy of which is on file with the Office of the City Clerk. She stated this would assist in the transition to a higher deductible by providing a City funded credit of \$250 to be placed in a Flexible Spending Account for Healthcare Reimbursement for each employee and retiree who selects the PPO plan for 2006, adding that it would allow participants with immediate access to the pre-tax contributions. She noted this ordinance would authorize

the amendment to the current contract with Community First Health Plans, Inc. for the administration of the FSA reimbursement claims.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 101694

CONSENTING TO DAVID T. MASON'S (D/B/A DANTE'S PIZZA) ASSIGNMENT TO VIPOOLKUMAR PATEL AND SURAJ JURAN 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 approve the proposed Ordinance. Councilmember Haass seconded the motion.

Discussion took place on the need for public restrooms in the downtown area. Mayor Hardberger further directed the City Manager to present a plan for Council's review.

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.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

Ms. Beth Costello, Director of International Relations, on behalf of the City Council, welcomed the delegation from San Antonio's Sister City Kumamoto City, Japan: Hon. Seishi Kohyama, Delegation Leader and Mayor was presented with an Alcalde; Hon. Taizo Furukawa, City Council Chairman, Hon. Tetsumi Araki, City Council Member, Hon. Kiyoteru Tajiri, City Council Member, Hon. Masanobu Tanabe, City Council Member were presented Honorary Citizen Certificates. Other delegation members in attendance included: Mr. Hirotaka Taniguchi, Director General, Citizens' Affairs Bureau; Ms. Keiko Maebuchi, Director, International Exchange Section; Mr. Shuji Furusho, Chief

of Staff, Mayor's Office; Mr. Toshiba Yamada, Director, Procedures Section, Kumamoto City Council Office; Ms. Kimiko Toyama, Tour Coordinator.

A proclamation was presented recognizing the 100th Birthday of H-E-B Grocery. Honored guests that were present to thank H-E-B for its contributions to the community included: Hon. Henry Cisneros, Hon. Lila Cockrell, Josie Strauss, President, UTHSC Development Board, Dr. Julian Trevino, Chairman, Board of Trustees, San Antonio Independent School District; Eric Cooper, Executive Director, San Antonio Food Bank; Marty Ross, Volunteer, United Way; Jeff Escamilla, Volunteer, Witte Museum; Marise McDermott, President/CEO, Witte Museum; Joan Wyatt, Vice President of Development, San Antonio Children's Museum; Lisa Hall, Board Member, Juvenile Diabetes Resaerch Foundation; Bert Pfister, Executive Director, Respite Care of San Antonio; Carlos Cortes Taller, Blue Star Arts Complex; Bobby Perez, Hispanic Chamber of Commerce; and Carri Baker Wells, Membership Chair, Great San Antonio Chamber of Commerce.

INDIVIDUAL ITEMS CONTINUED

The City Clerk read the following Ordinance:

AN ORDINANCE 101695

APPROVING THE PROPOSED TREE MITIGATION FUND BUDGET FOR FY 05-06 AND APPROPRIATING FUNDS IN THE AMOUNT OF \$736,852.00

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

Councilmember Guajardo asked if the City is working with the National Arbor Day Association.

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

CONSENT AGENDA

Items 26 through 50j were approved under the consent agenda upon motion made by Councilmember Gutierrez and seconded by Councilmember Guajardo.

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 101696

ACCEPTING THE BID SUBMITTED BY HAGMEYER, N.A., GOVERNMENT SALES, UTILIZING THE U.S. COMMUNITIES COOPERATIVE CONTRACT, TO PROVIDE THE POLICE DEPARTMENT WITH RADIATION POCKET METERS FOR A TOTAL COST OF \$61,013.27, FROM THE 2003 STATE HOMELAND SECURITY GRANT AND THE 2004 U.S. DEPARTMENT OF HOMELAND SECURITY GRANT FOR THE METRO MEDICAL RESPONSE SYSTEM.

AN ORDINANCE 101697

ACCEPTING THE LOW RESPONSIVE BIDS SUBMITTED BY SAFETY SOLUTIONS, INC. AND SAFETY SUPPLY, INC. TO PROVIDE THE SAN ANTONIO POLICE AND FIRE DEPARTMENTS WITH DOSIMETER RADIATION DETECTORS AND ISOTOPE IDENTIFIERS FOR A TOTAL AMOUNT OF \$97,350.00 FROM THE 2003 STATE HOMELAND SECURITY GRANT AND THE 2004 URBAN AREA SECURITY INITIATIVE FUNDS.

AN ORDINANCE 101698

ACCEPTING THE BID SUBMITTED BY GT DISTRIBUTORS, INC. TO PROVIDE THE POLICE DEPARTMENT WITH BALLISTIC SHIELDS FOR A TOTAL COST OF \$55,694, FROM THE 2003 LOCAL LAW ENFORCEMENT TERRORISM PREVENTION GRANT AND THE 2004 URBAN AREA SECURITY INITIATIVE FUNDS.

AN ORDINANCE 101699

ACCEPTING THE LOW BID SUBMITTED BY MED-ENG SYSTEMS TO PROVIDE THE POLICE DEPARTMENT WITH BOMB SUITS AND HELMETS FOR A TOTAL COST OF \$35,460.00, FROM THE 2004 URBAN AREA SECURITY INITIATIVE GRANT FUND.

AN ORDINANCE 101700

ACCEPTING THE BID SUBMITTED BY ONE STOP SERVICES, INC. TO PROVIDE THE AVIATION DEPARTMENT WITH CARPET REMOVAL AND INSTALLATION AT THE SAN ANTONIO INTERNATIONAL AIRPORT FOR A TOTAL COST OF \$72,490.60, FROM AIRPORT IMPROVEMENT AND CONTINGENCY FUNDS; AND APPROPRIATING FUNDS.

AN ORDINANCE 101701

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 \$193,579.00, INCLUDING: BULK JET-A-FUEL; MAINTENANCE OF ELEVATORS FOR HEALTH DEPARTMENT HEADQUARTERS; EMINENCE OF ELEVATORS AT WOLFF MUNICIPAL STADIUM; AND CURBSIDE RECYCLING CONTAINERS.

AN ORDINANCE 101702

ACCEPTING THE LOW QUALIFIED BID OF ALAMO ENVIRONMENTAL, INC, IN THE AMOUNT OF \$48,705.00 TO PROVIDE DEMOLITION AND CONSTRUCTION SERVICES FOR BUILDING NUMBERS 1331 AND 1318, AS PART OF THE TERMINAL EXPANSION PROJECT AT THE SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING CONSTRUCTION CONTINGENCIES IN THE AMOUNT OF \$4,871.00; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT WITH ALAMO ENVIRONMENTAL; APPROPRIATING FUNDS; REVISING THE BUDGET AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101703

APPROVING FIELD ALTERATION NO. 17 (FINAL) IN THE AMOUNT OF \$110,950.79 PAYABLE TO R.L. JONES, L.P., IN CONNECTION WITH THE W.W. WHITE ROAD PHASE 1 – RIGSBY TO LORD PROJECT, AN AUTHORIZED 1994-1999 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 2, AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101704

APPROVING FIELD ALTERATION NUMBER 2 IN THE AMOUNT OF \$7,121.99 PAYABLE TO RAM BUILDING SERVICES, L.L.C., IN CONNECTION WITH THE CODY LIBRARY PARKING LOT EXPANSION PROJECT, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 8; AUTHORIZING AN ADDITIONAL \$1,000.00 FOR PROJECT CONTINGENCY FOR A TOTAL ORDINANCE AMOUNT OF \$8,121.99; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101705

APPROPRIATING FUNDS AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$367,668.00 FOR CONSTRUCTION SERVICES TO BE PROVIDED BY RAM BUILDING SERVICES, L.L.C., IN CONNECTION WITH THE FRIO CITY ROAD RECONSTRUCTION – BRAZOS TO ZARZAMORA PROJECT, A 1999-2003 GENERAL OBLIGATION STREETS & PEDESTRIAN IMPROVEMENT BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 5, UNDER A PREVIOUSLY EXECUTE 2005-2006 INDEFINITE DELIVERY CONTRACT FOR PUBLIC WORKS INFRASTRUCTURE MAINTENANCE AND CONSTRUCTION.

AN ORDINANCE 101706

AN ORDINANCE APPROPRIATING FUNDS AND AUTHORIZING PAYMENT IN THE AMOUNT IN THE AMOUNT OF \$80,000.00 TO SAN ANTONIO CONSTRUCTORS, LTD. FOR CONSTRUCTION SERVICES TO BE PROVIDED IN CONNECTION WITH THE WEST FRENCH STREET SIDEWALK PROJECT, LOCATED IN DISTRICT 7, UNDER A PREVIOUSLY EXECUTED 2005-2006 INDEFINITE DELIVERY CONTRACT FOR PUBLIC WORKS INFRASTRUCTURE MAINTENANCE AND CONSTRUCTION.

AN ORDINANCE 101707

APPROVING FIELD ALTERATIONS NUMBERS 1 AND 3 IN THE TOTAL AMOUNT OF \$1,131,231.15 PAYABLE TO CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE 2005 STREET MAINTENANCE PROGRAM –

MICRO-SURFACE AND ASPHALT OVERLAY PROJECTS, LOCATED THROUGHOUT VARIOUS COUNCIL DISTRICTS.

AN ORDINANCE 101708

APPROVING FIELD ALTERATION NUMBER 2 IN THE AMOUNT OF \$158,059.88 PAYABLE TO SAN ANTONIO CONSTRUCTORS, LTD. IN CONNECTION WITH THE 2005 STREET MAINTENANCE PROGRAM – ASPHALT RECYCLING AND OVERLAY PROJECT, LOCATED THROUGHOUT VARIOUS COUNCIL DISTRICTS.

AN ORDINANCE 101709

ACCEPTING A PROPOSAL AND APPROPRIATING FUNDS IN THE AMOUNT OF \$12,461.21 PAYABLE TO SOUTHWESTERN BELL TELEPHONE, L.P. (SBC) AS COMPENSATION FOR CONSTRUCTION COSTS TO BE INCURRED DURING THE RELOCATION OF TELCO FACILITIES IN CONNECTION WITH THE REDLAND ROAD IMPROVEMENTS – REDLAND WOODS TO JONES MALTSBERGER PROJECT, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDED PROJECT, LOCATED IN DISTRICT 10.

AN ORDINANCE 101710

ACCEPTING A PROPOSAL, APPROPRIATING FUNDS IN THE AMOUNT OF \$8,511.93, AND PROVIDING FOR PAYMENT TO SOUTHWESTERN BELL TELEPHONE, L.P. (SBC) FOR CONSTRUCTION COSTS ASSOCIATED WITH RELOCATION OF BURIED CABLE WHICH CONFLICTS WITH A PROPOSED DRAINAGE CHANNEL NEAR THE INTERSECTION OF RIGSBY AND DIANA, IN CONNECTION WITH THE SEMLINGER ROAD – RIGSBY TO LORD PROJECT, AN AUTHORIZED 2003 STORM WATER REVENUE BOND FUNDED PROJECT, LOCATED IN DISTRICT 2.

AN ORDINANCE 101711

ACCEPTING THE LOW, RESPONSIVE BID OF RESTEK, INC., AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$264,500.00 IN CONNECTION WITH THE SOUTH ST MARY'S STREET

RAILROAD UNDERPASS AND SAN ANTONIO RIVER REPAIRS PROJECT LOCATED IN DISTRICT 5, \$26,450.00 FOR MISCELLANEOUS PROJECT CONTINGENCY EXPENSES, \$2,000.00 FOR ADVERTISING EXPENSES, PROVIDING FOR PAYMENT, AND AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH UNION PACIFIC RAILROAD (UPRR) PROVIDING THAT UPRR WILL FUND ALL COSTS ASSOCIATED WITH THE SOUTH ST MARY'S STREET RAILROAD UNDERPASS AND SAN ANTONIO RIVER REPAIRS PROJECT, AND ACCEPTING PAYMENT.

AN ORDINANCE 101712

AUTHORIZING THE SAN ANTONIO PUBLIC WORKS DEPARTMENT TO PROVIDE CONSTRUCTION SERVICES IN THE AMOUNT OF \$206,405.52 IN CONNECTION WITH THE OAK GLEN LOW WATER CROSSING WARNING SYSTEM AND \$71,346.39 IN CONNECTION WITH THE WEIDNER LOW WATER CROSSING WARNING SYSTEM, LOCATED IN COUNCIL DISTRICT 10, FOR A TOTAL AMOUNT OF \$277,751.91, FROM 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101713

AUTHORIZING FUNDS IN THE AMOUNT OF \$20,303.57 PAYABLE TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS-HAUSMAN TO DEZAVALA PROJECT (\$15,163.43), LOCATED IN DISTRICT 8; CULEBRA/LOOP 410 DETENTION POND PROJECT (\$3,070.63), LOCATED IN DISTRICT 6; CULEBRA DRAINAGE #58F COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT (\$953.71), LOCATED IN DISTRICT 7; LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENT PROJECT (\$935.80), LOCATED IN DISTRICTS 9 AND 10; AND THE MISSION TRAILS PACKAGE IV PROJECT (\$180.00), LOCATED IN DISTRICTS 1, 3, AND 5, FROM GENERAL OBLIGATIONS OF THE CITY AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS.

AN ORDINANCE 101714

AUTHORIZING FUNDS IN THE AMOUNT OF \$11,225.35 PAYABLE TO BRACEWELL & GIULIANI, L.L.P. FOR LEGAL SERVICES IN CONNECTION

WITH THE CHERRY STREET DRAINAGE #15B PHASE II PROJECT (\$888.45), LOCATED IN DISTRICT 2; HI-LIONS DRAINAGE #80 PHASES III & V PROJECT (\$5,855.50), LOCATED IN DISTRICT 3; HUNT LANE – MARBACH TO U.S. 90 MPO PROJECT (\$72.00), LOCATED IN DISTRICT 4; LADDIE PLACE REGIONAL STORM WATER FACILITY PHASE I PROJECT (\$918.00) LOCATED IN DISTRICT 1; LEONHARDT AT LOW WATER CROSSING PROJECT (\$19.00), LOCATED IN DISTRICT 10; MILITARY DRIVE WEST TO REED ROAD (\$43.00), LOCATED IN DISTRICT 6; OCTAVIA DRAINAGE #63, PHASE II, PART I PROJECT (\$1,597.23), LOCATED IN DISTRICT 5; PEDESTRIAN BRIDGE AT HIDDEN COVE ELEMENTARY PROJECT (\$72), LOCATED IN DISTRICT 4; PLEASANTON ROAD – SOUTHCROSS TO MAYFIELD PROJECT (\$1,667.32), LOCATED IN DISTRICT 3; WESTERN AVENUE DRAINAGE #74 IIIA PROJECT (\$56.85), LOCATED IN DISTRICT 9; AND THE W.W. WHITE-RIGSBY TO LORD ROAD PROJECT (\$36.00), LOCATED IN DISTRICT 2, FROM GENERAL OBLIGATIONS OF THE CITY.

AN ORDINANCE 101715

APPROVING THE PRICE, TERMS AND CONDITIONS OF SALE BY THE SAN ANTONIO DEVELOPMENT AGENCY, ALSO KNOWN AS THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO, OF ONE (1) PARCEL OF REAL PROPERTY LOCATED WITHIN THE WESTEND SELECT HOUSING TARGET AREA (SHTA) TO GREGORIO HERNANDEZ FOR A TOTAL AMOUNT OF \$500.00; AND PROVIDING FOR ACCEPTANCE OF PAYMENT INTO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME ACCOUNT.

AN ORDINANCE 101716

APPROVING THE PRICE, TERMS AND CONDITIONS OF SALE BY THE SAN ANTONIO DEVELOPMENT AGENCY, ALSO KNOWN AS THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO, OF ONE (1) PARCEL OF REAL PROPERTY LOCATED WITHIN THE GOVERNMENT HILL/FORT SAM HOUSTON GATEWAY URBAN RENEWAL AREA TO JOSE LUIS BRIONES FOR A TOTAL AMOUNT OF \$2100.00; AND PROVIDING FOR ACCEPTANCE OF PAYMENT INTO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME ACCOUNT.

AN ORDINANCE 101717

AUTHORIZING THE ASSIGNMENT AND ASSUMPTION OF A LEASE AGREEMENT BY ICG ACCESS SERVICES, INC., THE CURRENT LESSEE, TO TEL WEST NETWORK SERVICE CORPORATION, THE ASSIGNEE, FOR A 9,000 SQUARE FEET CITY-OWNED FACILITY LOCATED AT 703 URBAN LOOP AND AUTHORIZING A THREE YEAR EXTENSION OF THE LEASE.

AN ORDINANCE 101718

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH WNLV, LTD., A TEXAS LIMITED PARTNERSHIP, FOR OFFICE SPACE LOCATED AT 4020 NACO-PERRIN BOULEVARD FOR THE PERIOD OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 101719

AUTHORIZING A TWO YEAR DISTRICT 5 CONSTITUENT OFFICE LEASE AGREEMENT, CALLING FOR \$800.00 PER MONTH IN RENT AND TWO TWO-YEAR RENEWAL OPTIONS.

AN ORDINANCE 101720

AN ORDINANCE AUTHORIZING A TWO YEAR RENEWAL AND EXTENSION OF THE DISTRICT 9 CONSTITUENT OFFICE LEASE, CALLING FOR \$1,321.85 PER MONTH IN RENT AND AN OPTION FOR AN ADDITIONAL TWO YEAR RENEWAL OPTION.

AN ORDINANCE 101721

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE UP TO \$429,812.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) FOR THE INNER-CITY SCHOOL IMMUNIZATION PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) FOR THE PERIOD SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2006; APPROVING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

AN ORDINANCE 101722

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE THAT PROVIDES UP TO \$5,835,675.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) FOR THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC) PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) FOR THE PERIOD OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS.

AN ORDINANCE 101723

AUTHORIZING THE ACCEPTANCE OF \$5,952.00 (\$4,000.00 FROM AVENTIS PASTEUR, \$750.00 FROM WYETH-AYERST PHARMACEUTICALS, AND \$1,202.00 FROM COX RADIO, INC.) FOR THE SPECIAL IMMUNIZATIONS PROMOTION PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) FOR THE PERIOD ENDING DECEMBER 31, 2005; REVISING THE PROJECT BUDGET; AND AUTHORIZING THE TRANSFER OF FUNDS.

AN ORDINANCE 101724

AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT FOR AN ADDITIONAL \$117,500.00 FROM THE TEXAS COMMISSION ON ENVIRONMENTAL SERVICES FOR THE SAN ANTONIO AIR MONITORING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) AND EXTENDING THE CONTRACT PERIOD FROM DECEMBER 31, 2005 TO JUNE 30, 2006; REVISING THE PROGRAM BUDGET; AND AMENDING THE PERSONNEL COMPLEMENT.

AN ORDINANCE 101725

APPROVING AMENDMENTS TO CHAPTER 34 OF THE CITY CODE TO MODIFY THE SAN ANTONIO WATER SYSTEM'S INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM; AND DIRECTING PUBLICATION AS REQUIRED BY LAW.

AN ORDINANCE 101726

AUTHORIZING A PORTION OF THE DOWNTOWN AREA TO BE DESIGNATED AS A CLEAN ZONE IN ORDER TO REGULATE CERTAIN COMMERCIAL ACTIVITY WITHIN PUBLIC PROPERTY OR RIGHTS-OF-WAY FROM DECEMBER 12, 2005 THROUGH DECEMBER 19, 2005 IN CONNECTION WITH THE 2005 NCAA DIVISION I WOMEN'S VOLLEYBALL CHAMPIONSHIP; DESIGNATING THE GEOGRAPHICAL BOUNDARIES FOR THE CLEAN ZONE; PROVIDING FOR SPECIAL CLEAN ZONE LICENSE PERMITS; AND ESTABLISHING CRIMINAL PENALTIES TO BE IMPOSED FOR VIOLATION OF THIS ORDINANCE WITH A FINE NOT TO EXCEED \$2,000.00.

AN ORDINANCE 101727

AUTHORIZING A PORTION OF THE DOWNTOWN AREA TO BE DESIGNATED AS A CLEAN ZONE IN ORDER TO REGULATE CERTAIN COMMERCIAL ACTIVITY WITHIN PUBLIC PROPERTY OR RIGHTS-OF-WAY ON DECEMBER 28, 2005 IN CONNECTION WITH THE 2005 MASTERCARD ALAMO BOWL; DESIGNATING THE GEOGRAPHICAL BOUNDARIES FOR THE CLEAN ZONE; PROVIDING FOR SPECIAL CLEAN ZONE LICENSE PERMITS; AND ESTABLISHING CRIMINAL PENALTIES TO BE IMPOSED FOR VIOLATION OF THIS ORDINANCE WITH A FINE NOT TO EXCEED \$2,000.00.

AN ORDINANCE 101728

RATIFYING THE ACCEPTANCE OF THE BILL & MELINDA GATES FOUNDATION GLOBAL LIBRARIES PROGRAM GRANT IN THE AMOUNT OF \$151,500.00 FOR THE PERIOD NOVEMBER 30, 2005 TO DECEMBER 30, 2008 FOR THE PURPOSE OF PROVIDING ONE-TIME FUNDING TO BE USED FOR PUBLIC ACCESS COMPUTER HARDWARE AND SOFTWARE UPGRADES FOR THE SAN ANTONIO PUBLIC LIBRARY; AND RATIFYING THE EXECUTION OF AN AGREEMENT TO ACCEPT THE FUNDS.

AN ORDINANCE 101729

AMENDING ORDINANCE NO. 92274 PASSED ON AUGUST 10, 2000, WHICH ACCEPTED A GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE TO ASSIST IN THE PURCHASE OF BALLISTIC VESTS FOR LAW ENFORCEMENT PERSONNEL, BY ACCEPTING THE FIFTH YEAR FUNDING OF \$22,402.42.

AN ORDINANCE 101730

AUTHORIZING THE ACCEPTANCE OF A BEXAR METRO 911 NETWORK DISTRICT GRANT IN THE AMOUNT OF \$320,000.00 FOR THE FUNDING OF FIVE CALL TAKER POSITIONS AND EQUIPMENT PURCHASES FOR FISCAL YEAR 2005-2006, AUTHORIZING A PERSONNEL COMPLEMENT, AND APPROPRIATING FUNDS.

AN ORDINANCE 101731

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$700.00 FROM TARGET STORES TO THE SAN ANTONIO POLICE DEPARTMENT'S FINANCIAL CRIMES UNIT, FORGERY DETAIL; AMENDING THE BUDGET AND APPROPRIATING FUNDS.

AN ORDINANCE 101732

AN ORDINANCE ACCEPTING A JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$446,918.00 FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA), FOR A CHILD WELFARE STRATEGIC ALLIANCE PROGRAM, A CITY/COUNTY PROJECT ADDRESSING CHILD ABUSE, FOR A GRANT PERIOD OF OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2009; APPROVING A BUDGET; APPROPRIATING FUNDS; AND ESTABLISHING A PERSONNEL COMPLEMENT.

AN ORDINANCE 101733

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN CONNECTION WITH THE TOYS FOR TOTS 5K BEING HELD ON SATURDAY, DECEMBER 3, 2005 FROM 6:30 A.M. UNTIL 10:00 A.M.

AN ORDINANCE 101734

AN ORDINANCE REAPPOINTING PAUL H. DAVIS (DISTRICT 3) TO THE GREATER KELLY DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE EXPIRING NOVEMBER 17, 2007.

AN ORDINANCE 101735

APPOINTING BEVERLY R. INGLE (DISTRICT 10) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR A TERM OF OFFICE EXPIRING NOVEMBER 17, 2007.

AN ORDINANCE 101736

APPOINTING JAMES EVETTS (DISTRICT 9) TO THE TAX PHASE-IN ADVISORY COMMITTEE FOR A TERM OF OFFICE EXPIRING MAY 31, 2007.

AN ORDINANCE 101737

APPOINTING CLAY JETT (DISTRICT 9), LEON EWING (DISTRICT 10), AND REAPPOINTING ANNIE URIBE TURNER (MAYOR) AS TRUSTEES FOR TERMS OF OFFICE EXPIRING NOVEMBER 17, 2008 AND REAPPOINTING ANNIE URIBE TURNER (MAYOR) AS A DIRECTOR FOR A TERM OF OFFICE EXPIRING NOVEMBER 17, 2007, TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY, DBA SOUTH TEXAS BUSINESS FUND.

AN ORDINANCE 101738

REAPPOINTING BRENDA K. ROWE (DISTRICT 9) AND HOWARD PEAK (MAYOR) TO THE LINEAR CREEKWAY PARKS ADVISORY BOARD FOR TERMS OF OFFICE EXPIRING MAY 31, 2007.

AN ORDINANCE 101739

APPOINTING KATHRYN VICKA BONE (DISTRICT 5) AND TYLER NORRIS (MAYOR) TO THE SAN ANTONIO YOUTH COMMISSION FOR TERMS OF OFFICE EXPIRING MAY 31, 2007.

AN ORDINANCE 101740

APPOINTING RAMON FLORES (MAYOR) TO THE HOUSING TRUST FUND BOARD OF TRUSTEES FOR A TERM OF OFFICE EXPIRING MAY 31, 2007.

AN ORDINANCE 101741

REAPPOINTING MARK TREVINO (MAYOR) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE EXPIRING MAY 31, 2007.

AN ORDINANCE 101742

AN ORDINANCE APPOINTING MICHAEL MARTINEZ (MAYOR) (CATEGORY: ARCHITECT) TO THE PLUMBING APPEALS AND ADVISORY BOARD FOR A TERM OF OFFICE EXPIRING NOVEMBER 17, 2007.

AN ORDINANCE 101743

AN ORDINANCE APPOINTING GLEN HARTMAN (MAYOR) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR A TERM OF OFFICE EXPIRING NOVEMBER 17, 2007.

PUBLIC HEARING AND CONSIDERATION OF THE ADOPTION AND AMENDMENTS OF THE NEIGHBORHOOD, COMMUNITY AND PERIMETER PLANS AS COMPONENTS OF THE MASTER PLAN AND ZONING CASES

Mr. Drew Cameron, Director of Housing and Community Development, made a presentation on the HUD Section 108 Loan for the Friedrich Building Project, a copy of which is on file with the Office of the City Clerk. He outlined background information on the proposed project noting it consisted of 80,000 square feet of commercial space, the staff review process dating back to January 2002, financial resources and use of funds. He added that the HUD Section 108 Loan and a HUD Brownfield's Economic Development Initiative (BEDI) grant will provide gap funding for financial resources needed to complete the project, and further expounded on the payment terms and additional steps necessary should HUD Central reject the application for any reason.

In response to Councilmember McNeil regarding clarification and summation of the project to date, Mr. Cameron stated that on September 28, 2005, City Council authorized the City to submit a revised loan application to support the Freidrich Redevelopment Project in District 2. The project will demolish 70,000 sq. ft of space for conversion to commercial and retail office space. The estimated project cost is \$16.8 million. The City is requesting a \$9.8 million HUD loan. Mr. Cameron stated that today's public hearing

allows the City to comply with the HUD application requirements and allows the City to submit a revised application.

The City Clerk read the following Ordinance:

AN ORDINANCE 101744

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SUBMIT A REVISED APPLICATION FOR A HUD 108 LOAN IN THE AMOUNT OF \$9 MILLION SUPPORTING THE FRIEDRICH BUILDING REDEVELOPMENT AND ADAPTIVE REUSE PROJECT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

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

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

ZONING

Z-1. ZONING CASE #Z2005183 S (District 2): An Ordinance changing the zoning district boundary from “I-2” Heavy Industrial District to “RE” S Residential Estate District with Specific Use Permit for One Manufactured Home on Lot 1, Lot 2 and Lot 3, NCB 10579, 1027 Creekview Drive as requested by Craig A. Slein, Applicant, for Craig A. Slein, Owner(s). Staff and Zoning Commission have recommended approval.

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

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

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

AN ORDINANCE 101745

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, LOT 2 AND LOT 3, NCB 10579 FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "RE" S RESIDENTIAL ESTATE DISTRICT WITH SPECIFIC USE PERMIT FOR ONE MANUFACTURED HOME.

Z-2. ZONING CASE #Z2005219 (District 2): An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "C-3" General Commercial District on Lot 5, Block 1, NCB 10314, 1863 Rigsby Road as requested by the Estate of Susie Lee, Applicant, for the Estate of Susie Lee, Owner(s). Staff and Zoning Commission have recommended approval.

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

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

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

AN ORDINANCE 101746

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 5, BLOCK 1, NCB 10314 FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

CITY MANAGER'S REPORT

San Antonio Police Department Chief Albert Ortiz presented a brief report on the City's practice of Towing of Non-Insured Motorists. As authorized by Council, San Antonio Police Department impounds vehicles of motorists unable to provide proof of insurance within 30 minutes after being stopped by an officer. Responsibility then rests with the officer to provide safe transportation for all vehicle occupants to their home or an

alternative location. Vehicles of motorists able to later provide proof of insurance are then released and impound and storage fees waived. Motorists are still responsible for wrecker fees.

Chief Ortiz explained that great strides have been taken to inform the public of the policy via a prominent education and awareness campaign. Further recommendations for improving and accelerating the informational campaign were requested by Council's Quality of Life Committee. Media campaigns in English and Spanish were held earlier that day and would continue in a variety of media forms. He stated officers will also explain the process in English and Spanish to anyone affected by the process.

Councilmember Patti Radle announced the Council's Urban Affairs Committee will use its regular meeting on December 1, 2005 as an opportunity for a public hearing to discuss upcoming changes to the City of San Antonio Unified Development Code. Ms. Radle requested verification that announcement of the change to a public hearing will be posted for public information.

CITIZENS TO BE HEARD

Mr. Harold M. Antoniotti, 1614 N. Pine St., a Riverwalk vendor, addressed Council regarding the status of Ordinance 98918 related to vendor permits on the Riverwalk. He stated that he was unfairly cited for violation of the ordinance. Assistant City Manager Chris Brady was directed by Council to speak with Mr. Antoniotti to clarify the matter.

Mr. Hal McCloskey, 920 Cannon/Cameron/Camden, a roaming Riverwalk vendor, also addressed Council in regard to Ordinance 98918, approved March 2004. He stated that the permit rates and ordinance language are unreasonable for practical purposes and requested they be reconsidered. Mr. Closkey was also directed to speak to Assistant City Manager Chris Brady on the matter.

Mr. Faris Hodge, Jr., 140 Dora, addressed Council regarding his disapproval of the water rates increase. He asked what part of 'no' was misunderstood by Mayor and Council regarding crime prevention. He also mentioned that the City Manager needed to consider internal and external applicants for Police Chief.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, addressed Council with objection to publicly celebrating Day of the Dead/Dia de los Muertos.

There being no further business to come before the City Council, President Pro Tem Kevin Wolff adjourned the meeting at 7:28 p.m.

A P P R O V E D


PHIL HARDBERGER
MAYOR

Attest:


LETICIA M. VACEK
City Clerk