

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, AUGUST 19, 1999

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99-32 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building, "B" Room, to consider the following items (s):

99-32 **Budget Work Session Revenues** - Presented by Terry M. Brechtel, Director of Budget and Employee Services. - The Council members present were: Perez, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. ABSENT: None.

The "B" Session was adjointed at 11:00 A.M.

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99-32 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Howard W. Peak, with the following members present: Perez, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter and Peak. ABSENT: None.

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99-32 Invocation - Rev. David Trawick, Northwest Hills United Methodist Church.

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99-32 Pledge of Allegiance to the flag of the United States.

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CONSENT AGENDA - CITIZENS COMMENTS

Mr. Faris Hodge, Jr., 140 Dora, spoke to each item on the Consent Agenda, and expressed his personal opinions on several.

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CONSENT AGENDA

Mr. Garza made a motion to approve Agenda Items 8 through 21E, constituting the Consent Agenda. Mr. Bannwolf requested that Item 11 be pulled for individual consideration. Mrs. Conner seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 90291

ACCEPTING THE LOW QUALIFIED BID SUBMITTED BY INDUSTRIAL SPECIALTIES, INC. (WBE) TO PROVIDE THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH A TRAILER MOUNTED HIGH PRESSURE CLEANER FOR A TOTAL OF \$43,865.50.

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AN ORDINANCE 90292

ACCEPTING THE LOW BID BY COMMERCIAL BODY CORPORATION (WBE) TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH A COMBINATION VACUUM AND HYDRAULIC SEWER AND CATCH BASIN CLEANER FOR A TOTAL OF \$109,399.00.

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AN ORDINANCE 90293

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR THE 1999/2000 FISCAL YEAR FOR A TOTAL OF APPROXIMATELY \$2,249,300.00. (MBE/WBE) (COPIES OF BID PACKETS ARE AVAILABLE FOR REVIEW IN THE PURCHASING

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DEPARTMENT AND A LIST OF SUCCESSFUL BIDDERS ARE AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.)

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AN ORDINANCE 90294

AUTHORIZING THE ACCEPTANCE AND EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE UNION PACIFIC RAILROAD COMPANY IN CONNECTION WITH THE LEONHARDT ROAD AT LOW WATER CROSSING PROJECT FOR THE SUM OF \$138,327.00; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 90295

AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,500.00 TO PRIDE HOME IMPROVEMENTS FOR FENCE REMOVAL AND RELOCATION FEES IN CONNECTION WITH THE CALLAGHAN ROAD - OLD HWY. 90 TO COMMERCE METROPOLITAN PLANNING ORGANIZATION PROJECT; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 90296

RATIFYING AND APPROVING FIELD ALTERATION NO. 4 IN THE DECREASED AMOUNT OF \$197,174.45 AND FIELD ALTERATION NO. 5 IN THE INCREASED AMOUNT OF \$437,174.45 FOR AN OVERALL TOTAL OF \$240,000.00 PAYABLE TO KGME, INC. IN CONNECTION WITH THE FREDERICKSBURG ROAD FROM SANDOVAL TO WOODLAWN PROJECT LOCATED IN COUNCIL DISTRICT 1; AMENDING THE CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$96,833.00; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 90297

ACCEPTING THE LOW, QUALIFIED RESPONSIBLE BID OF R. L. JONES CO., INC. IN THE AMOUNT OF \$288,880.00 IN CONNECTION WITH THE PASADENA HEIGHTS SUBDIVISION COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; ESTABLISHING A PROJECT BUDGET; AUTHORIZING

\$28,888.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 90298

AUTHORIZING THE EXECUTION OF AN AGREEMENT CONSENTING TO THE ASSIGNMENT OF A CERTAIN SAN ANTONIO INTERNATIONAL AIRPORT LEASE AGREEMENT BY ELSINORE AEROSPACE SERVICES, INC. TO INTEGRATED AIRLINES SERVICES, INC., FOR A MONTH-TO-MONTH TERM EFFECTIVE MAY 1, 1999.

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AN ORDINANCE 90299

AUTHORIZING THE ACCEPTANCE OF A CASH GRANT AWARD FROM THE TEXAS DEPARTMENT OF HEALTH IN THE AMOUNT OF \$27,977.00 TO SUPPORT THE REFUGEE HEALTH SCREENING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD AUGUST 1, 1999 THROUGH SEPTEMBER 30, 1999; ESTABLISHING A FUND; ADOPTING A PROJECT BUDGET; APPROVING A PERSONNEL COMPLEMENT; APPROVING THE EXECUTION OF A CONTRACT WITH CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO, INC.; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 90300

AUTHORIZING THE ACCEPTANCE OF A CONTINUATION GRANT IN THE AMOUNT OF \$1,386,006.00 FROM THE TEXAS DEPARTMENT OF HUMAN SERVICES FOR THE DEPARTMENT OF COMMUNITY INITIATIVES, ELDERLY AND DISABLED SERVICES DIVISION, CLIENT MANAGED PROGRAM, FOR THE PERIOD BEGINNING SEPTEMBER 1, 1999 THROUGH AUGUST 31, 2000; APPROVING A BUDGET AND PERSONNEL COMPLEMENT; AND AUTHORIZING THE TRANSFER OF REMAINING FUNDS TO THE CLIENT MANAGED PROGRAM.

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AN ORDINANCE 90301

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THE OLDANI GROUP, INC. TO CONDUCT A NATIONWIDE EXECUTIVE SEARCH FOR THE POSITION OF ASSISTANT DIRECTOR OF THE CONVENTION AND VISITOR'S BUREAU IN AN AMOUNT NOT TO EXCEED \$29,000.00 AND PROVIDING FOR FUNDING IN CONNECTION THEREWITH.

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AN ORDINANCE 90302

APPOINTING HERVEY DURON (DISTRICT 4) TO THE ELECTRICAL EXAMINING AND SUPERVISING BOARD FOR A TERM OF OFFICE TO EXPIRE ON JULY 31, 2001.

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AN ORDINANCE 90303

RE-APPOINTING PAMELA AHART-WALLS (DISTRICT 2) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR A TERM OF OFFICE TO EXPIRE ON JUNE 27, 2001.

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AN ORDINANCE 90304

APPOINTING VIRGINIA LOPEZ-DAVIS (DISTRICT 4) TO THE SAN ANTONIO - BEXAR COUNTY CENSUS 2000 COMPLETE COUNT, FOR A TERM OF OFFICE TO LAST FOR THE DURATION OF THE CENSUS PROJECT.

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AN ORDINANCE 90305

RE-APPOINTING DON R. COUNTS (DISTRICT 10) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2001.

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AN ORDINANCE 90306

RE-APPOINTING HERMAN EDWARD SANCHEZ, III (DISTRICT 4) TO THE ZONING COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2001.

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The Clerk read the following Ordinance:

AN ORDINANCE 90307

AUTHORIZING THE ACCEPTANCE OF \$7,500.00 FROM THE NORTH EAST INDEPENDENT SCHOOL DISTRICT AND \$1,000.00 FROM THE STONE OAK PROPERTY OWNERS ASSOCIATION FOR THE PARTIAL FUNDING OF A PAIR OF FLASHING BEACONS FOR THE SCHOOL ZONE ON EVANS ROAD AT BARBARA BUSH MIDDLE SCHOOL.

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Mr. Bannwolf made a motion to approve the proposed Ordinance. Mr. Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** None.

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The Clerk read the following Ordinance:

AN ORDINANCE 90308

SETTING A PROPOSED AD VALOREM TAX RATE OF \$0.57979 PER \$100.00 VALUATION FOR FISCAL YEAR 1999-2000 (TAX YEAR 1999). THIS RATE IS COMPRISED OF \$0.34579 FOR MAINTENANCE AND OPERATIONS AND \$0.23400 FOR DEBT SERVICES.

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Mr. Bannwolf made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

Ms. Terry Brechtel, Director, Budget & Employee Services narrated a video presentation on a proposed Ad Valorem Tax Rate for the Fiscal Year 1999-2000, a copy of which presentation is made a part of the papers of this meeting.

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The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P. O. Box 12048, spoke to the alleged mishandling of taxes and expenses and expressed his opinion that there should be a reduction in tax rates. He also spoke in opposition to the City's plan to finance the redevelopment of Houston street.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** None.

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99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90309

ADOPTING THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN AS A COMPONENT OF THE CITY'S COMPREHENSIVE MASTER PLAN, ADOPTED MAY 29, 1997.

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Mr. Bannwolf made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

Mr. Emil Moncivais, Director, Planning Department narrated a video presentation on the San Antonio Community Plan, a copy of which presentation is made a part of the papers of this meeting.

The following citizen(s) appeared to speak:

Ms. Gabriela Guerra, South-Central S.A. Community Plan, encouraged the community to come together and work to make this plan happen.

Mr. Ramon Vásquez, American Indians of Texas, spoke in support of this issue and expressed his concern with the heavy traffic that goes through Military Drive.

Mr. Conrad Hernandez, South-Central S.A. Community Plan, stated that he is looking forward to working on this project and seeing it completed. He also thanked the Council for supporting this issue.

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Mayor Peak thanked those involved for all their hard work and effort. He stated that the South Side is an important part of the City and that the investment potential is good and looks forward to developing this plan.

Mr. Garza congratulated all parties involved. He encouraged them to continue looking into long term development possibilities within the community.

Mr. Carpenter expressed his pleasure in seeing the progress that this planning is making from the Zoning and Planning Commission. He thanked all the supporters for their efforts.

Mr. Prado thanked everyone involved and stated that he would like to see “before and after” maps of the site once the project is complete.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Vásquez.

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99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90310

AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2007 PAN AMERICAN GAMES JOINDER UNDERTAKING AND JOINDER AGREEMENT WITH THE UNITED STATES OLYMPIC COMMITTEE (USOC); TO COMMIT UP TO \$7.6 MILLION FROM THE HOTEL OCCUPANCY TAX FUND FOR THE CITY OF SAN ANTONIO'S HOSTING OBLIGATIONS; AND TO ENTER INTO A HOSTING AGREEMENT WITH THE 2007 SPORTS FIESTA SAN ANTONIO BID COMMITTEE.

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Mr. Bannwolf made a motion to approve the proposed Ordinance. Mr. Carpenter seconded the motion.

Mr. Steve Moore, Director, Convention & Visitors Bureau narrated a video presentation on the proposed 2007 Pan American Games, a copy of which presentation is made a part of the papers of this meeting.

Mayor Peak thanked the parties that represented the City of San Antonio at the Winnipeg Games. He was optimistic at the opportunity of San Antonio being able to host the 2007 Games.

Mr. Perez stated that not only would the Pan American Games bring monetary growth to San Antonio but also national recognition.

Mr. Menéndez stated while in Canada he was able to conduct some interviews with Hispanic reporters and each one expressed their interest in attending the games if being held in San Antonio. Mr. Menéndez believes that the Latin participants of the games would feel comfortable bringing their families to San Antonio because of the Hispanic background.

Mr. Bannwolf made a motion to approve the proposed Ordinance. Mr. Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** None.

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99-32 PUBLIC HEARING – TAX INCREMENT FINANCING (TIF) PROJECTS

At this time Mayor Peak declared the public hearing to be opened at 2:00 P.M.

Mr. Trey Jacobson, Assistant Director, Economic Development, narrated a video presentation. Presentation included both (TIF) ordinances for Agenda Items 4A & 4B. A copy of his presentation is made a part of the papers of this meeting.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to his concern for the timeliness of the information being put out by the City staff to the public, but was still in support of the (TIF) proposal.

Mr. Jack Finger, P.O. Box 12048, spoke in support of the (TIF) if they are utilized properly and not misapplied or abused by the City to benefit certain companies.

Mrs. Marie Tello, representing the New Horizon Development, requested that the (TIF) term be extended.

In response to the request made by Mrs. Tello, Mr. Trey Jacobson stated that the staff recommendation is ten years for development.

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Mr. Garza thanked all entities involved for the work on both (TIF) projects. He believes that many families and schools in that district will be benefited.

Mr. Menéndez expressed his concern for the school district and the extension of the (TIF) proposal, but overall was in support of the proposal.

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There being no further citizens signed to speak on this matter, Mayor Peak closed the Public Hearing.

The Clerk read the following Ordinance:

AN ORDINANCE 90311

DESIGNATING THE NEW HORIZON SUBDIVISION PROJECT AREA LOCATED WEST COMMERCE STREET, 39TH STREET, AND HORTENCIA STREET, AS A TAX INCREMENT REINVESTMENT ZONE; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; APPOINTING FIVE CITY REPRESENTATIVES TO THE BOARD OF DIRECTORS; PROVIDING FOR A TERMINATION DATE FOR THE ZONE; ASSIGNING THE NAME FOR THE ZONE TO BE "REINVESTMENT ZONE NUMBER FIVE, CITY OF SAN ANTONIO, TEXAS"; ESTABLISHING A TAX INCREMENT FUND; CONTAINING OTHER PROVISIONS RELATED THERETO.

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Mr. Perez made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Vásquez.

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99-32 PUBLIC HEARING – TAX INCREMENT FINANCING (TIF)
PROJECTS

At this time Mayor Peak declared the public hearing to be opened on Agenda Item 4B at 2:28 P.M.

The following citizen(s) appeared to speak:

Mr. Will Richardson, Developer, Mission del Lago, explained the advantages of the (TIF) proposal.

Mrs. Cindy Taylor, President, South San Antonio Chamber of Commerce, gave a brief update on the status and progress of the development. She encouraged every member of Council to get involved in the process.

Mr. Gilbert Ramiro representing Rep. Ureti, stated that he believes this planning development will increase the South Side economy.

Mr. Andrew Huerah, South Side Independent School District, believes that the 25 year plan is critical and essential and will allow them to recruit more students and be able to allow his school district to compete for funds. He stated that he looks forward to working with the members on the Committee.

Mr. Jack Finger, P.O. Box 12048, opposed this (TIF) proposal he believes that this will be a hamper to the City of San Antonio.

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At this time Mayor Peak closed the Public Hearing at 2:57 P.M. for Agenda Items 4A and 4B.

Ms. Guerrero thanked all the supporters who came up and spoke on behalf of this project. Concerned with site 21 in regards to all the information and documentation given to staff to finish the project, Ms. Guerrero urged those involved to be aware of the time frames for completion.

The Clerk read the following Ordinance:

AN ORDINANCE 90312

DESIGNATING THE MISSION DEL LAGO PROJECT AREA LOCATED ALONG SOUTH U.S. HIGHWAY 281, SOUTH OF LOOP 410 SOUTH NEAR MITCHELL LAKE, AS A TAX INCREMENT REINVESTMENT ZONE; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; APPOINTING FIVE CITY REPRESENTATIVES TO THE BOARD OF DIRECTORS; PROVIDING FOR A TERMINATION DATE FOR THE ZONE; ASSIGNING THE NAME FOR THE ZONE TO BE "REINVESTMENT ZONE NUMBER SIX, CITY OF SAN ANTONIO, TEXAS"; ESTABLISHING A TAX INCREMENT FUND; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

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Ms. Guerrero made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Guerrero, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Salas, Prado, Vásquez.

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99-32 **PUBLIC HEARING – ETHICS CODE VIOLATION**

At this time Mayor Peak opened the 3:00 P.M. Public Hearing.

Mr. Frank Garza, City Attorney, explained the Ordinance and the case involved.

Dr. Michael Ariens, Vice Chair, Ethics Review Board, presented the information from the briefing that was conducted at the Ethics Board Meeting concerning the action taken against Mr. Madla and Mr. Siebert to the City Council.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke in support of Mr. Madla and Mr. Siebert stating that he believed that these two men should not be fined because they made a mistake.

Mr. Cruz Chavira, Taxi Drivers Association, spoke in support of the Board's decision to fine Mr. Madla and Mr. Siebert.

Mr. Jack Finger, P.O. Box 12048, was in support of the Board's decision to fine the two men in question and felt they should be held accountable for their actions.

Mr. Bill Siebert, State Representative pleaded his case to Council and explained the reasons why he missed filing his lobbyist disclosure form on time. Mr. Siebert stated the City staff informed him that he had ninety days in which to file to be a lobbyist. He noted that the issue on which he lobbied was never voted on by Council. He felt that others have violated the code as well but no action was taken on them and that he and Mr. Madla were being singled out.

Mr. Frank Madla, State Senator, pleaded his case to Council and expressed his displeasure in which the case was handled, stating that he felt it was unfair and unethical. He stated he was only following directions he received from staff.

Mr. Frank Burney, Attorney, spoke on behalf of Mr. Siebert and Mr. Madla's position, and spoke to the confusing nature of the Ethics Ordinance. He urged Council to refrain from any action.

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At this time there being no further citizens signed to speak to this matter, Mayor Peak closed the Public Hearing at 3:40 P.M.

The Clerk read a proposed ordinance levying a civil fine in accordance with Part I, Section 3 of the Ethics Code against Mr. Frank Madla and Mr. William Siebert in the amount of \$500.00 each; Imposing a 15 day ban from lobbying the City on Mr. William Siebert; Imposing a 30 day ban from lobbying the City on Mr. Frank Madla.

Mr. Vásquez made a motion to approve the proposed Ordinance. Mr. Prado seconded the motion.

Frank Garza, City Attorney, in response to a question from Mayor Peak explained the sequence of events when an ethics complaint is filed. He also explained the events and procedures that led to the complaint against both Mr. Siebert and Madla.

Mr. Vásquez spoke to a number of loopholes in the Ethics Ordinance and he cited some examples, recommending the City Ethics Ordinance be fixed.

Mr. Vásquez then made a substitute motion to reject the recommendations of the Ethics Committee. Mr. Prado seconded the motion.

Mr. Perez questioned the definition of the word “knowingly” as used in the documentation to fine Mr. Siebert and Madla by the Ethics Review Board. He also expressed concern if the investigating policies were followed properly by the Ethics Commission while reviewing the case.

Dr. Ariens, in response to a question by Mr. Perez, reiterated the reasons why the Ethics Review Board came to the conclusion to fine Mr. Siebert and Madla.

Ms. Guerrero questioned the matter in which the Ethics Review Board handled the fine by allegedly exposing the story to The San Antonio Express News. She felt it caused political turmoil. Ms. Guerrero expressed her opinion that the Ordinance isn't at fault, but a lack of knowledge on the subject by City personnel. But she believes now that with new staff on board, they are more than capable of handling certain situations such as this.

In response to the comment made by Ms. Guerrero, Dr. Ariens stated that the newspaper article was never the evidence investigated by the Ethics Review Board. He stated reporters from the San Antonio Express News found the reports in the City files and wrote the story, which led to the complaint made by the public after reading the story in the papers.

Mr. Bannwolf expressed his discomfort with the terminology of the word “knowingly” as used by the Ethics Review Board to fine Mr. Siebert and Madla.

In response to the comment made by Mr. Bannwolf, Dr. Ariens described the meaning of the word “knowingly” that the Board took into account as described in the Ordinance. He stated that there was no testimony taken from the staff members who allegedly offered direction for filing to Mr. Siebert or Mr. Madla.

Mr. Bannwolf stated that he was not in support of the recommendation because of the lack of evidence and loopholes in the terminology of the Ordinance. He withdrew his main motion, with the approval of the secondary of the main motion.

Mrs. Conner expressed her discomfort with all the evidence or lack thereof on the case. She felt there was something wrong with the system that was in place.

Mr. Salas addressed his concern with the newspaper and the handling of the Madla/Siebert matter. Mr. Salas opposed the ethics fining because of the lack of direct evidence in transcript form, tape, or video to present with the case.

Mr. Menéndez thanked the Ethics Review Board for keeping things in order and staying on top of things. He expressed that it was a mistake on both parts because staff lacked

understanding of the Ordinance. Mr. Menéndez stated that he will not be supporting the original motion that was made.

Mr. Garza expressed his respect for all the work that the Ethics Review Board does and realizes that this is all new for everyone. Mr. Garza stated that the intent should not be punishment but prevention so that something of this nature doesn't happen again. He recommended that there be a better form of conducting Ethics Board meetings with audio and video.

Mr. Prado expressed his concern that everyone involved should be held to the same rules.

Mayor Peak expressed his disappointment in the way that the event turned out. He also expressed his opposition to the fining of Mr. Siebert and Madla because of reasonable doubt. He stated that this is a learning experience and hopes that everyone will learn from this and make the proper changes to make the Ordinance more effective.

Mr. Menéndez stated he would like to see the definition of the word "knowingly" be defined with a more clear meaning in order to resolve any future incident properly.

The motion on the floor, to deny the recommendation of the Ethics Review Board, then prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** Perez. **ABSENT:** None.

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99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90313

AMENDING ORDINANCE NO. 88874 WHICH ADOPTED THE ETHICS CODE OF THE CITY OF SAN ANTONIO, EFFECTIVE JANUARY 1, 1999, AS FOLLOWS: AMENDING PART D. SECTION 1 - DISCRETIONARY CONTRACTS TO REQUIRE SPOUSES OF INDIVIDUALS TO REPORT CONTRIBUTIONS OF \$100.00 OR MORE TO COUNCILMEMBERS; AMENDING PART E SECTION 4 BY ADDING SUBSECTIONS (F) AND (G) - COMPENSATION OF REGISTRANT AND AGENT OR EMPLOYEE, RESPECTIVELY; AMENDING PART E. SECTION 7 BY ADDING SUBSECTIONS (G) AND (H) - LEGISLATOR'S EXCLUSION FROM LOBBYING AND EXCLUSION OF LOBBING BY COUNCILMEMBERS, RESPECTIVELY.

Mr. Frank Garza, City Attorney, narrated a video presentation on amending the Ethics Ordinance, a copy of which presentation is made a part of the papers of this meeting.

Mr. Bannwolf made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

Mr. Bannwolf spoke in support of the amendments.

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The following citizen(s) appeared to speak:

Mr. Jack Finger, P.O. Box 12048, spoke in support of the Ethics Ordinance amendments being proposed. He expressed his concern of the just concluded Public Hearing on recommendations regarding two state legislators, and urged Council to launch an investigation into the matter, stating his belief that the rules are not being enforced.

Mr. Faris Hodge, Jr., 140 Dora, spoke in support of the proposed amendments.

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Mr. Vásquez made a motion to direct City staff to take before the Ethics Review Board, then bring back to City Council as soon as possible, when all Council members are available, a proposed Ordinance stating that any individual, organization or business that has a contract with City entities may not lobby members of City Council, boards or commissions. Mr. Prado seconded the motion.

Mr. Perez stated that he opposes the amendment by Councilman Vásquez and gave reasons for his opposition, stating his belief that Council is obstructing constitutional rights.

Mayor Peak spoke on the portion concerning spouses having to file financial disclosure forms, and offered his comments.

Mr. Garza expressed his belief that the amendments prevent the perception of any wrong doing on behalf of the applicant by having the spouse's file.

Mr. Menéndez stated he would be in support of Councilman Vásquez' amended motion to create a strict ordinance at City Hall and allow the attorneys to decide the legalities of the Ordinance.

Mr. Prado spoke in support of the main motion as well as the amended motion made by Councilman Vásquez.

Mr. Bannwolf asked that Mr. Vásquez' pending motion on direction to City staff also include wording asking the City Attorney to research the constitutionality of, then ask the Ethics Review Board to look at, changing Section 7, "Restricted Activities", 2nd paragraph, to read: "Prohibits City Councilmember and/or their employers from lobbying legislators 60 days before, during and after a legislative session on behalf of private clients and/or matters." It was the consensus of City Council members present to include the wording in Mr. Vásquez' proposed direction to City staff.

Ms. Guerrero spoke to her support of the main motion, but expressed concern for the intent of the amendment made by Councilman Vásquez.

Mr. Vásquez, in response, stated that his intent was never to create a market for paid lobbyists, but to eliminate anyone with access to City information from lobbying Council.

Mr. Frank Garza, City Attorney, recommended time to re-write the verbiage of the amendment of the Ethics Ordinance that was proposed by Councilmen Vásquez and Bannwolf and to get it back to Council as soon as possible.

After consideration, the main motion prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** Perez. **ABSENT:** None.

The direction to City staff then prevailed by the following vote: **AYES:** Salas, Prado, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** Perez, Guerrero. **ABSENT:** None.

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99-32 PRESENTATION ON STATUS OF KELLY AFB REDEVELOPMENT ACTIVITY

The following citizen(s) appeared to speak:

Mr. Navarra Williams, President, Greater Kelly Development Committee, narrated a video on the status of the redevelopment activity at Kelly Air Force Base, a copy of which presentation is made a part of the papers of this meeting.

Mr. Williams, spoke of the progress made with the GKDC project and stated that 95% of the available property has been leased out. He also asked that the GKDC board members be re-appointed.

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Mayor Peak spoke of his support for the GKDC project and congratulated the Committee on its efforts.

Mr. Vásquez spoke to his concern about the runway status and felt that the citizens in that area should be notified of the changes that have occurred.

Mr. Menéndez spoke in concern with the loss of jobs in the next 18 months. He offered Council support for the GKDC attempts to create jobs for those citizens that may lose theirs.

Mr. Garza expressed his sympathy for the matter of citizens losing their jobs and stated that it puts everything into perspective. He urged everyone involved to focus on the main objective of creating jobs for the people.

Mr. Prado expressed his concern about joint use of the Kelly runway and he felt that this was extremely important to the redevelopment of Kelly.

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99-32 The Clerk read the following Resolution:

AN RESOLUTION
99-32-34

EXPRESSING THE CITY OF SAN ANTONIO'S INTENT TO CREATE A TAX INCREMENT FINANCING (TIF) REINVESTMENT ZONE TO FINANCE PUBLIC IMPROVEMENTS IN SUPPORT OF HOUSTON STREET REDEVELOPMENT AND OTHER DOWNTOWN REDEVELOPMENT EFFORTS; (II) AUTHORIZING AND DIRECTING DISTRIBUTION OF A WRITTEN NOTICE OF THE CITY'S INTENTION TO CREATE A TAX INCREMENT FINANCING REINVESTMENT ZONE TO EACH OF TAXING UNIT THAT LEVIES A TAX IN THE PROPOSED ZONE; (III) AUTHORIZING A REQUEST TO EACH TAXING ENTITY UNIT FOR THE APPOINTMENT OF A REPRESENTATIVE TO MEET WITH THE CITY TO DISCUSS THE PROJECT; (IV) DELEGATING AUTHORITY TO CALL AND HOLD MEETINGS WITH REPRESENTATIVES OF EACH TAXING UNIT.

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Mr. Perez made a motion to approve the proposed Resolution. Mr. Carpenter seconded the motion.

Mr. Manuel Longoria, Acting Director, Economic Development, narrated a video presentation on Agenda Items 25 and 26 – Redevelopment of Houston Street, a copy of which presentation is made a part of the papers of this meeting.

Mr. Garza spoke in support of this proposal and his belief that Houston Street is a main connection to all the activity to the downtown area and will have a good impact on the City.

Mr. Salas spoke in support of the proposal and is looking forward to the redevelopment of the street.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado, Menéndez.

— — —
99-32 The Clerk read the following Resolution:

AN RESOLUTION
99-32-35

AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) FOR A PUBLIC WORKS GRANT IN AN AMOUNT UP TO \$1.5 MILLION TO FUND CERTAIN PUBLIC IMPROVEMENTS RELATED TO THE HOUSTON STREET REDEVELOPMENT PROJECT; AND ESTABLISHING HOUSTON STREET AS THE HIGHEST PRIORITY UNDER THE EDA PUBLIC WORKS GRANT PROGRAM.

* * * *

Mr. Salas made a motion to approve the proposed Resolution. Mr. Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Prado, Menéndez, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Vásquez, Garza.

— — —
99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90314

RATIFYING WORK PERFORMED AND APPROVING FIELD ALTERATION NO. 34 IN THE AMOUNT OF \$30,057.00 PAYABLE TO CLARK/JT CONSTRUCTION, A JOINT VENTURE, FOR WORK PERFORMED IN CONNECTION WITH THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT IN CONNECTION WITH AN ACCELERATED WORK SCHEDULE FOR JANUARY 1999, REQUIRED TO RECOVER LOST TIME RESULTING FROM DELAYS AND UNFORESEEN CONDITIONS IMPACTING TRADES PERFORMING WORK; AND PROVIDING FOR PAYMENT.

* * * *

Mr. Perez made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

Mrs. Jelynn LeBlanc Burley, Director, Convention Center Expansion Office, gave a brief presentation on Agenda Items 27, 28, & 29 and explained each one in detail.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado, Vásquez, Menéndez.

— — —
99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90315

RATIFYING WORK PERFORMED AND APPROVING FIELD ALTERATION NO. 35 IN THE AMOUNT OF \$76,439.00 PAYABLE TO CLARK/JT CONSTRUCTION, A JOINT VENTURE, FOR WORK PERFORMED IN CONNECTION WITH THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT DUE TO CONSTRUCTION DOCUMENT REVISIONS AND OWNER REQUESTED CHANGES RELATED TO GRADE BEAM PENETRATIONS AND INSTALLATIONS OF RETAINING WALL DRAINAGE FABRIC; AND PROVIDING FOR PAYMENT.

* * * *

Mr. Carpenter made a motion to approve the proposed Ordinance. Mr. Bannwolf seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

— — —
99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90316

RATIFYING WORK PERFORMED AND APPROVING FIELD ALTERATION NO. 36 IN THE AMOUNT OF \$99,751.00 PAYABLE TO CLARK/JT CONSTRUCTION, A JOINT VENTURE, FOR WORK PERFORMED IN CONNECTION WITH THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT DUE TO UNFORESEEN CONDITIONS, CONSTRUCTION DOCUMENT REVISIONS, AND OWNER REQUESTED CHANGES; AND PROVIDING PAYMENT.

* * * *

Mr. Carpenter made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

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99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90317

DESIGNATING FOSTER CM GROUP, INC. TO PROVIDE PROJECT MANGEMENT CONSULTING SERVICES IN CONNECTION WITH THE TERMINAL IMPROVEMENT PROJECT AT SAN ANTONIO AIRPORT; AUTHORIZING NEGOTIATION AND EXECUTION OF A CONTRACT FOR AN AMOUNT NOT TO EXCEED \$80,080.70; AUTHORIZING \$4,000.00 FOR CONSULTING CONTINGENCIES; APPROPRIATING FUNDS; ESTABLISHING THE BUDGET AND PROVIDING FOR PAYMENT.

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Mr. Salas made a motion to approve the proposed Ordinance. Mr. Carpenter seconded the motion.

Mr. Frank Stromboe, Interim Aviation Director, gave a presentation and explained the details of Agenda Item 30, a copy of which presentation is made a part of the papers of this meeting.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

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99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90318

APPROVING A CONTRACT FOR THE ACQUISITION OF AN 800 MHZ TRUNKED RADIO SYSTEM FROM ERICSSON, INC. FOR APPROXIMATELY \$43,000,000.00 AFTER TRADE-IN AND AUTHORIZING THE EXECUTION OF THE DOCUMENTS NECESSARY TO IMPLEMENT THE APPROVAL.

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Mr. Carpenter made a motion to approve the proposed Ordinance. Mr. Bannwolf seconded the motion.

Mr. Gary Moeller, Director, Information Services Department, narrated a video presentation on the Ericsson Trunked Radio System, a copy of which presentation is made a part of the papers of this meeting.

Mr. Moeller, stated that there has been a tentative agreement with Bexar County and that staff will be back in 30 days to ask Council to approve the Interlocal Agreement with Bexar County.

Chief of Police, Al Philippus, offered his comments in support of the proposal and stated that he would like to see this project go forward.

Mr. Mario Guerra, Assistant Fire Chief, also offered his support to this project.

Mr. David Cerqua, Ericsson Assistant Sales Manager, stated that Ericsson was proud to make the next step and is excited to become a part of the San Antonio community. Mr. Cerqua also stated that he looked forward to servicing the area and carrying San Antonio through to the twenty-first century.

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The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, expressed his concern with the Police Department's current 911 response system. He spoke of the dispatcher's response time to 911 calls and concluded that the old system does not work.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

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99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90319

APPROVING A CONTRACT FOR THE CONTINUING MAINTENANCE OF THE 800 MHZ TRUNKED RADIO SYSTEM AND ASSOCIATED EQUIPMENT WITH DAILEY AND WELLS COMMUNICATIONS, INC. FOR A PERIOD GENERALLY BEGINNING UPON THE EXPIRATION OF THE SYSTEM WARRANTY FROM ERICSSON, INC. AND EXTENDING FOR ONE YEAR, AND APPROVING OPTIONS TO RENEW THE AGREEMENT FOR UP TO FOUR ADDITIONAL ONE YEAR PERIODS AND AUTHORIZING THE EXECUTION OF THE DOCUMENTS NECESSARY TO IMPLEMENT THE APPROVAL.

* * * *

Mr. Bannwolf made a motion to approve the proposed Ordinance. Mr. Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

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99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90320

APPROVING A PROFESSIONAL SERVICES CONTRACT WITH RCC CONSULTANTS, INC. TO OBTAIN TECHNICAL ASSISTANCE THROUGH THE COMPLETION OF PHASE III OF THE ACQUISITION AND ACCEPTANCE OF THE 800 MHZ TRUNKED RADIO SYSTEM FOR APPROXIMATELY \$1,075,000.00.

* * * *

Mr. Carpenter made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

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99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90321

AUTHORIZING THE TRANSFER OF \$1,400.00 FROM THE DISTRICT 6 CONTINGENCY FUND TO THE DISTRICT 6 ADMINISTRATIVE FUND; AS REQUESTED BY COUNCILMAN JOSÉ MENÉNDEZ.

* * * *

Mr. Carpenter made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

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99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90322

AUTHORIZING AN EXPENDITURE OF \$150.00 FROM THE DISTRICT 7 BUDGET ACCOUNT TO THE SAN ANTONIO WHEELCHAIR ATHLETIC

ASSOCIATION (SAWAA) TO HELP DEFRAID THE COSTS INVOLVED WITH THE PURCHASE OF ATHLETIC RACING WHEELCHAIRS FOR LOCAL UNDERPRIVILEGED, DISABLED CHILDREN TO LEARN TO PLAY BASKETBALL AND TENNIS IN PREPARATION FOR SPECIAL OLYMPIC ACTIVITIES; AS REQUESTED BY COUNCILMAN ED GARZA.

* * * *

Mr. Carpenter made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

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99-32 The Clerk read the following Resolution:

A RESOLUTION
NO. 99-32-36

SUPPORTING THE FEDERAL LEGISLATION'S BOND FAIRNESS AND PROTECTION ACT OF 1999 OPPOSING ANY FEDERAL TAX ON COMMUNITY-OWNED ELECTRIC UTILITIES; AS REQUESTED BY COUNCILMAN ED GARZA, COUNCIL DISTRICT 7.

* * * *

Mr. Carpenter made a motion to approve the proposed Resolution. Mr. Bannwolf seconded the motion.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

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99-32 The Clerk read the following Ordinance:

AN ORDINANCE 90323

AUTHORIZING REIMBURSEMENT FROM THE DISTRICT 2 BUDGET ACCOUNT IN THE AMOUNT OF \$2,400.00 TO COUNCILMAN MARIO M. SALAS FOR ADMINISTRATIVE SERVICES CONTRACTS WITH JESSICA BARRAZA (\$800.00); RANA EMERSON (\$800.00) AND BARBARA COLLINS (\$800.00) FROM AUGUST 1, 1999 THROUGH AUGUST 31, 1999; AS REQUESTED BY COUNCILMAN MARIO SALAS.

* * * *

Mr. Carpenter made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

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99-32 **TRAVEL AUTHORIZATION - Granted:**

For Councilman Mario Salas to travel to Chihuahua, Mexico from Monday, August 23, 1999 through Tuesday, August 24, 1999 for a trade visit.

Ms. Guerrero made a motion to approve the Travel Authorization. Mr. Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the Travel Authorization, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

— — —
99-32 The Clerk read the following Ordinance:

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AN ORDINANCE 90324

AUTHORIZING THE TRANSFER OF \$2,500.00 FROM THE DISTRICT 3 CONTINGENCY FUND TO THE DISTRICT 3 ADMINISTRATIVE FUND; AS REQUESTED BY COUNCILWOMAN DEBRA GUERRERO.

* * * *

Ms. Guerrero made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Salas, Guerrero, Vásquez, Menéndez, Garza, Conner, Bannwolf, Carpenter, Peak. **NAYS:** None. **ABSENT:** Prado.

— — —
99-32 **CITIZENS TO BE HEARD**

MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke expressing concern with the proposed Arena matter, and asked that the Mayor and County Judge work together in the Arena area. He raised the question concerning the street development and VIA's participation in funding the project.

(At this time Mayor Peak was obliged to leave the meeting, Councilman Carpenter presided.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Ave., testified that he was a witness at the meetings concerning the recommended fines of Mr. Siebert and Madla, and stated that he was the individual who put in the complaint. He stressed that he would like Council to investigate the matter further. He stated that there would be repercussions to pay for those who oppose the fines of Mr. Siebert and Madla.

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MS. JULIE IRIS OLDHAM

Ms. Julie Iris Oldham, P.O. Box 40263, spoke on ethics, zoning, and building presentations and provided comments to each.

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99-32 There being no further business to come before the City Council, Councilman Carpenter declared the meeting adjourned at 7:12 P.M.

A P P R O V E D


HOWARD W. PEAK
M A Y O R

Attest: 
NORMA S. RODRIGUEZ, CMC/AAE
City Clerk