

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, JANUARY 7, 1999.

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99-01 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):

Presentation of the Metropolitan Planning Organization 2003 Projects.

The Council members present were: Flores, Salas, Guerrero, Prado, Menéndez, Garza, Marbut, Bannwolf, and Peak. ABSENT: Vásquez, Webster.

The "B" Session adjourned at 11:05 A.M.

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99-01 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: Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster and Peak. ABSENT: None.

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99-01 Invocation - Rev. Ron Adams, Hosack Avenue Baptist Church and Chaplain, San Antonio fire Department.

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99-01 Pledge of Allegiance to the flag of the United States.

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99-01 **CEREMONIAL ITEMS**

NATIONAL COMMUNITY POLICING AWARD

Mayor Peak noted that the San Antonio Police Department web-site has been awarded the National League of Cities 1998 "Community Policing In Action" award from among some 117 cities who submitted entries for that award. He further noted that the City of San Antonio's Police Department won in the category of cities over 150,000 population,

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and introduced Chief of Police Al A. Philippus, commenting that there is great significance in achieving recognition for our work in policing neighborhoods.

Chief Philippus spoke to details of the award, given at the recent NLC Conference, and addressed details of his department's web-site. He spoke to the contributions of community policing on the noticeable reduction in crime in San Antonio.

Mr. Garza stated that it was an honor to have received this award at the NLC Conference, and spoke to the satisfaction in having the Police Department recognized for a successful program.

Other members of City Council congratulated the department on the award and credited community policing for the decline in local crime instances. They noted especially the contributions of the SAFFE Program in the neighborhoods.

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CERTIFICATE OF APPRECIATION: OFFICER MICHAEL BEERS

Mayor Peak stated that Executive Protection Officer Michael C. Beers, San Antonio Police Department, who has been assigned to the Mayor's Office since 1994, has retired from the department and will be working in a similar position with the District Attorney's office of Bexar County. He then read a Certificate of Appreciation and presented it to Officer Beers with his personal congratulations.

Officer Beers thanked the Mayor and City Council for the recognition and certificate, and spoke to his 30-year career with the San Antonio Police Department. He then introduced his wife and other family members present in the audience, as well as his new employer, District Attorney Susan Reed.

The Mayor and other members of City Council joined Chief of Police Al A. Philippus in speaking to Officer Beers' value to the city over the span of his police career, and addressed their own personal remembrances, wishing him well in his new position.

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SWEARING-IN OF INCOMING MAYOR PRO TEM SALAS

City Clerk Norma S. Rodriguez administered the oath of office to incoming Mayor Pro Tem Salas, noting that his term in this office begins immediately.

Other members of City Council congratulated Mr. Salas and the outgoing Mayor Pro Tem, Mr. Marbut.

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RECOGNITION OF MS. HOPE BARRERA

Mr. Flores, on a Point of Personal Privilege, recognized Ms. Hope Barrera, his Executive Secretary, who is leaving City employ to join the Austin office of State Rep. Juan Solis. He spoke to her background with the City.

Members of City Council thanked Ms. Barrera for her service to the City, and wished her well in her new position.

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99-01 CONSENT AGENDA-CITIZEN COMMENTS

Mr. Faris Hodge, Jr., 140 Dora, spoke to the legacy of Dr. Martin Luther King, Jr., and the significance of the local march and subsequent celebration in his honor, outlined in Agenda Item 33.

Mr. Ernani Falcone, 9322 Beowolfe, representing the Northwest Neighborhood Alliance, spoke to Agenda Item 22 and his group's endorsement for creation of the Leon Vista Park, which he feels is badly needed in this area.

Mr. Jody Sherrill, also representing the Northwest Neighborhood Alliance, thanked the City for expanding the greenway in this area.

Mr. Michael Idrogo, 317 Rosewood, spoke to his concern that the previous two speakers to address City Council are members of the Zoning Commission. He spoke to his opposition to any additional funds being paid to City contractors on projects, and also spoke in opposition to Agenda Item 24, a ground lease agreement with the Greater San Antonio Chamber of Commerce for patio space. He spoke in favor of Agenda Item 33, involving the Dr. Martin Luther King, Jr., march.

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Mayor Peak thanked Mr. Falcone and Mr. Sherrill for their years of community service.

Mr. Jack Finger, P.O. Box 12048, congratulated Officer Michael Beers on his recent retirement from the Police Department, then spoke against grants funding for AIDS projects, particularly the Housing Opportunities for Persons With AIDS (HOPWA) because of its involvement with the Ryan White AIDS funding recommendations. He addressed his belief that Council members who have received political contributions from officials of firms listed in Consent Agenda items should abstain from voting on those particular items.

In response to a question by Mr. Marbut, Mr. Frank Garza, City Attorney, stated that Consent Agenda Item 23, previously removed from consideration by the City Manager, will be on next week's City Council agenda for action.

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99-01 CONSENT AGENDA

Ms. Guerrero made a motion to approve Agenda Items 5 through 34c, constituting the Consent Agenda, with Agenda Item 23 having been removed from consideration by the City Manager, and Items 19, 20 and 34b having been pulled for individual consideration. Mr. Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 89015

RATIFYING THE CONTRACT WITH CORBO ELECTRIC CO., INC. TO PROVIDE THE CITY OF SAN ANTONIO CONVENTION FACILITIES WITH EMERGENCY ELECTRICAL REPAIRS TO THE LIGHTING SYSTEM AT THE MUNICIPAL AUDITORIUM IN THE AMOUNT OF \$58,263.00.

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AN ORDINANCE 89016

ACCEPTING AND RATIFYING PREVIOUS PURCHASES FROM THE PROPOSAL OF GENERAL INJECTABLE & VACCINES, INC. TO PROVIDE THE CITY OF SAN ANTONIO HEALTH DEPARTMENT WITH THE SYNAGIS VACCINE, WHICH IS ADMINISTERED TO INFANT PATIENTS LESS THAN 34 WEEKS OF AGE THAT ARE SUSCEPTIBLE TO THE RESPIRATORY SYNCYTICAL VIRUS (RSV), IN THE AMOUNT OF \$162,986.08.

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AN ORDINANCE 89017

ACCEPTING THE LOW BIDS OF COMMONWEALTH COMPUTER CO., COMPUTER INTELLIGENCE ASSOCIATES AND SOFTWARE HOUSE INTERNATIONAL TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT WITH PERSONAL COMPUTER SOFTWARE FOR A TOTAL ESTIMATED AMOUNT OF \$600,000.00.

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AN ORDINANCE 89018

ACCEPTING THE OFFERS FROM AMERICAS COMPUTER, COMMONWEALTH COMPUTER CO., COMPUTER SOLUTIONS, IPI GRAMMTECH, INC. AND OPERATIONAL TECHNOLOGIES TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT WITH PERSONAL COMPUTER HARDWARE FOR AN ESTIMATED TOTAL OF \$2,000,000.00 ANNUALLY.

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AN ORDINANCE 89019

ACCEPTING THE LOW BID OF COMMERCIAL BODY CORPORATION TO PROVIDE THE CITY OF SAN ANTONIO AVIATION AND PUBLIC WORKS DEPARTMENTS WITH THREE (3) LUBRICATION AND FUEL BODIES IN THE AMOUNT OF \$189,414.00.

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AN ORDINANCE 89020

ACCEPTING THE LOW, QUALIFIED BID OF TEXAS BUS SALES, INC. TO PROVIDE THE CITY OF SAN ANTONIO COMMUNITY INITIATIVES DEPARTMENT WITH A TYPE II VAN IN THE AMOUNT OF \$46,764.00.

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AN ORDINANCE 89021

ACCEPTING THE BID OF MAILING & PACKAGING SYSTEM, INC. TO PROVIDE THE PURCHASING & GENERAL SERVICES DEPARTMENT, CENTRAL STORES DIVISION WITH AN AUTOMATED MAIL PROCESSING SYSTEM IN THE AMOUNT OF \$16,708.00.

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AN ORDINANCE 89022

ACCEPTING THE LOW, QUALIFIED BID OF RIDER CAR WASH SYSTEMS, INC. TO PROVIDE THE CITY OF SAN ANTONIO PURCHASING & GENERAL SERVICES DEPARTMENT WITH VEHICLE WASHING EQUIPMENT IN THE AMOUNT OF \$42,815.72.

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AN ORDINANCE 89023

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 1998/99 FISCAL YEAR FOR A TOTAL OF APPROXIMATELY \$401,000.00. (MBE/WBE) (COPIES OF BID PACKETS ARE AVAILABLE FOR REVIEW IN THE PURCHASING DEPARTMENT AND A LIST OF SUCCESSFUL BIDDERS ARE AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE)

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AN ORDINANCE 89024

AUTHORIZING THE EXPENDITURE OF SAN ANTONIO WATER SYSTEM (SAWS) FUNDS IN THE AMOUNT OF \$70,440.00 FOR THE OVERSIZING OF APPROXIMATELY 3,200 FEET OF WATER MAIN FROM 8 INCHES TO 12 INCHES ALONG THE WEST SIDE OF THE IH 10 FRONTAGE ROAD BETWEEN BLUEMEL AND THE WEST ENTRANCE TO THE USAA CAMPUS.

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AN ORDINANCE 89025

ACCEPTING THE LOW, QUALIFIED BID OF YANTIS COMPANY IN THE AMOUNT OF \$394,848.00 TO CONSTRUCT THE WATER MAIN EXTENSION IN CONJUNCTION WITH THE CONSTRUCTION OF THE NEW PARKING FACILITIES AT SAN ANTONIO INTERNATIONAL AIRPORT AND AUTHORIZING EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING EXECUTION OF A TRI-LATERAL CONTRACT WITH THE SAN ANTONIO WATER SYSTEM AND YANTIS COMPANY; AUTHORIZING \$39,484.80 FOR CONSTRUCTION CONTINGENCIES; APPROPRIATING FUNDS; ESTABLISHING THE BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 89026

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH RABA-KISTNER CONSULTANTS, INC. IN THE AMOUNT OF \$56,700.00 TO PROVIDE SOIL VAPOR MITIGATION SERVICES IN CONNECTION WITH THE CONSTRUCTION OF THE NEW PARKING FACILITIES AT SAN ANTONIO INTERNATIONAL AIRPORT; APPROPRIATING FUNDS; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT. (WBE) (AMENDS ORDINANCE NO. 85378 DATED JANUARY 9, 1997.)

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AN ORDINANCE 89027

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH ROY F. WESTON, INC. BY AUTHORIZING AN INCREASE IN THE SCOPE OF SERVICES AND APPROVING ADDITIONAL ENGINEERING AND TESTING FEES IN THE AMOUNT OF \$48,100.00 IN CONNECTION WITH THE ENVIRONMENTAL ASSESSMENT AND REMEDIATION OF THE ABANDONED FIRE TRAINING AREA AT SAN ANTONIO INTERNATIONAL AIRPORT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 87304 DATED FEBRUARY 5, 1998.)

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AN ORDINANCE 89028

AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH THE SAGE GROUP, INC., AUTHORIZED BY ORDINANCE NO. 86244, PASSED AND APPROVED ON JULY 3, 1997, FOR LANDSCAPE ARCHITECTURAL SERVICES IN CONNECTION WITH THE WOODLAWN LAKE PARK 1994 GENERAL OBLIGATION BOND PROJECT TO REFLECT A CHANGE IN THE NAME OF THIS GROUP TO RIALTO STUDIO, INC., AN EXPANSION IN THE SCOPE OF WORK TO COMBINE PHASE I AND II, AND AN ADDITIONAL PAYMENT OF \$80,125.00 FOR SAID WORK; AMENDING THE PROJECT BUDGET AND TRANSFERRING AN ADDITIONAL \$81,625.00 IN BOND FUNDS INTO THIS BUDGET; PROVIDING \$1,500.00 FOR BID ADVERTISING COSTS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 89029

AUTHORIZING PAYMENT IN THE AMOUNT OF \$8,408.02 TO DAVIDSON & TROILO, P.C. FOR LEGAL SERVICES IN CONNECTION WITH THE PINN ROAD RECONSTRUCTION PROJECT - W. COMMERCE TO U.S. 90 WEST (\$1,273.33); THE SCIENCE PARK DRAINAGE PROJECT #58 H, I & J (\$52.67); THE BABCOCK ROAD AT HILLCREST PROJECT (\$2,967.73); THE BLANCO ROAD AT JACKSON-KELLER PROJECT (\$403.00); THE BASSE ROAD AT SAN PEDRO INTERSECTION PROJECT (\$964.85); THE BABCOCK ROAD INTERSECTIONS PROJECT (\$2,482.24); THE NACOGDOCHES ROAD - BROADWAY TO N. NEW BRAUNFELS PROJECT (\$250.00); AND THE MISSION TRAILS PARKWAY -

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PACKAGE I PROJECT (\$14.00); APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 89030

AUTHORIZING A PURCHASE CONTRACT WITH GERALD N. AND ERNA E. VAN DELDEN FOR THE ACQUISITION OF APPROXIMATELY 6.17 ACRES OF LAND LOCATED AT 8555 AND 8561 ROCHELLE ROAD FOR \$260,000.00; ESTABLISHING THE LEON VISTA PARK LAND ACQUISITION 1994 PARKS GENERAL OBLIGATION BOND PROJECT BUDGET AND TRANSFERRING FUNDS; AUTHORIZING \$34,827.00 FOR PARK MATERIALS; AUTHORIZING \$2,900.00 FOR A CLASS IA LAND TITLE SURVEY; AUTHORIZING \$1,800.00 FOR A REAL ESTATE APPRAISAL REPORT; AUTHORIZING \$278.00 FOR A TITLE POLICY; AUTHORIZING \$195.00 FOR AN ENVIRONMENTAL DATA REPORT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 89031

AUTHORIZING THE CITY MANAGER TO EXECUTE A GROUND LEASE AGREEMENT WITH THE GREATER SAN ANTONIO CHAMBER OF COMMERCE FOR PATIO SPACE ADJACENT TO THE WEST SIDE OF THEIR EXISTING LEASED PREMISES AT COMMERCE AND ALAMO STREETS FOR A TERM RUNNING CONCURRENT WITH THE CHAMBER'S ORIGINAL GROUND LEASE, FOR A CONSIDERATION OF \$100,000.00 IN IMPROVEMENTS TO BE MADE TO THE PROPERTY; AND ACCEPTING A RELEASE TO THE CITY FROM THE CHAMBER TRANSFERRING ANY AND ALL INTEREST IN THE IMPROVEMENTS ON THE PROPERTY, TO BE ESCROWED FOR FUTURE RECORDING AT THE END OF THE LEASE TERM.

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AN ORDINANCE 89032

RATIFYING THE EXTENSION OF THE CITY'S AIRPORT LIABILITY INSURANCE FROM GREAT AMERICAN INSURANCE COMPANY THROUGH SEDGWICK JAMES OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A THREE (3)

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MONTH PERIOD FROM DECEMBER 31, 1998 THROUGH MARCH 31, 1999 FOR AN ESTIMATED COST OF \$19,000.00.

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AN ORDINANCE 89033

RATIFYING THE EXTENSION OF THE CITY'S EXCESS WORKERS' COMPENSATION INSURANCE FROM GENERAL REINSURANCE CORPORATION (GENESIS) THROUGH SEDGWICK JAMES OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A THREE (3) MONTH PERIOD FROM DECEMBER 31, 1998 THROUGH MARCH 31, 1999 FOR AN ESTIMATED COST OF \$62,000.00.

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AN ORDINANCE 89034

RATIFYING THE EXTENSION OF THE CITY'S HELICOPTER HULL & LIABILITY INSURANCE FROM GREAT AMERICAN INSURANCE COMPANY THROUGH SEDGWICK JAMES OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A THREE (3) MONTH PERIOD FROM DECEMBER 31, 1998 THROUGH MARCH 31, 1999, FOR AN APPROXIMATE COST OF \$24,000.00.

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AN ORDINANCE 89035

AUTHORIZING THE ACCEPTANCE OF \$154,000.00 FROM THE BEXAR METRO 911 NETWORK DISTRICT FOR FISCAL YEAR 1998-99 FOR THE FUNDING OF FIVE (5) TEMPORARY CALL TAKER POSITIONS, COMMUNICATION EQUIPMENT MAINTENANCE, EQUIPMENT PURCHASES AND TRAINING FOR THE BACK-UP PUBLIC SAFETY ANSWERING POINT (PSAP).

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AN ORDINANCE 89036

RATIFYING CITY STAFF ACTION IN EXECUTING AN AGREEMENT IN THE AMOUNT OF \$4,070.00 WITH THE SOUTH CENTRAL TEXAS CHAPTER OF THE MARCH OF DIMES FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE PRENATAL EDUCATION FOR HISPANIC WOMEN IN TARGETED COMMUNITIES IN SAN ANTONIO FOR THE PERIOD SEPTEMBER 1, 1998 THROUGH AUGUST 31, 1999; AND ESTABLISHING A FUND AND BUDGET.

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AN ORDINANCE 89037

AUTHORIZING THE ACCEPTANCE OF CASH SUPPORT TOTALING \$532,508.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) FOR ONGOING PROGRAMS OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; AUTHORIZING THE USE OF SAID SUPPORT AS FOLLOWS: HOPWA PROJECT \$28,223.00, AIDS PREVENTION AND SURVEILLANCE PROJECT \$359,000.00, AIDS EXPANDED SURVEILLANCE PROJECT \$41,498.00, AND AIDS SURVEILLANCE PROJECT \$103,787.00; APPROVING THE EXECUTION OF CONTRACT CHANGE NOTICES WITH TDH; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 1999/00 ESTABLISHED IN ORDINANCE NO. 88976 PASSED AND APPROVED DECEMBER 17, 1998; AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES; AND APPROVING A PERSONNEL COMPLEMENT.

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AN ORDINANCE 89038

ACCEPTING THE PROPOSAL FROM GENISYS INFORMATION SYSTEMS, INC. FOR UP TO 1000 HOURS OF CONTRACT CONSULTING, PROGRAMMING, IMPLEMENTATION, TRAINING AND FOLLOW-ON SUPPORT SERVICES INVOLVED IN THE IMPLEMENTATION OF THE CITY'S PROJECT MANAGEMENT, PLANNING, SCHEDULING, TRACKING AND ANALYSIS SYSTEM TO BE UTILIZED FOR ALL CITY PROJECTS; AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE SERVICES TO BE PROVIDED CONTINGENT UPON SEPARATE APPROPRIATIONS ESTIMATED TO BE \$79,000.00 PER YEAR AND PROVIDING FOR UP TO AN ADDITIONAL 1000

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HOURS OF SERVICES AT THE CITY'S OPTION AS DETERMINED BY THE DIRECTOR OF INFORMATION SERVICES ACTING ON BEHALF OF THE CITY OF SAN ANTONIO.

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AN ORDINANCE 89039

AUTHORIZING THE TEMPORARY CLOSURE OF SAN SABA STREET, BETWEEN WEST COMMERCE AND DOLOROSA DURING SCHEDULED SPECIAL EVENTS IN MARKET SQUARE AND DURING CERTAIN HOURS IN 1999.

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AN ORDINANCE 89040

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN CONNECTION WITH THE 1999 MARTIN LUTHER KING, JR. MARCH AND CELEBRATION PROGRAM; AUTHORIZING THE TEMPORARY CLOSURE OF THE FOLLOWING STREETS FROM 1:00 P.M. ON SUNDAY, JANUARY 17, 1999 UNTIL 7:00 P.M. ON MONDAY, JANUARY 18, 1999 FOR SAID CELEBRATION: NEW BRAUNFELS FROM CROCKETT TO GULF, AND EAST HOUSTON FROM ST. JAMES TO POLARIS; AND AUTHORIZING THE TEMPORARY CLOSURE OF THE FOLLOWING STREETS FROM 9:00 A.M. UNTIL 2:30 P.M. ON MONDAY, JANUARY 18, 1999 FOR SAID MARCH: MARTIN LUTHER KING FROM MARTIN LUTHER KING PARK (3500 MARTIN LUTHER KING) TO NEW BRAUNFELS, NEW BRAUNFELS FROM MARTIN LUTHER KING TO HOUSTON.

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AN ORDINANCE 89041

APPOINTING VIRGINIA VAN STEENBERG (DISTRICT 9) TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 31, 2000.

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AN ORDINANCE 89042

APPOINTING CHARLES WESLEY SCROGGINS (DISTRICT 2) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2000.

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99-01 The Clerk read the following Ordinance:

AN ORDINANCE 89043

AUTHORIZING PAYMENT IN THE AMOUNT OF \$20,242.22 TO STRASBURGER & PRICE, L.L.P. FOR LEGAL SERVICES IN CONNECTION WITH THE SOUTH FLORES DRAINAGE PROJECT #70-70A (\$765.00); THE WESTERN AVENUE DRAINAGE PROJECT #74 (\$31.35); THE HI-LIONS DRAINAGE PROJECT #80 (\$37.00); THE WURZBACH PARKWAY PROJECT (\$120.00); THE BLANCO ROAD AT JACKSON-KELLER PROJECT (\$3,557.55); THE BASSE ROAD AT SAN PEDRO INTERSECTION PROJECT (\$13,629.48); THE HILDEBRAND AVENUE - I.H. 10 TO BREEDEN PROJECT (\$2,101.84); APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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Mr. Salas 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:** Flores, Salas, Guerrero, Prado, Marbut, Peak; **NAYS:** None; **ABSTAIN:** Bannwolf; **ABSENT:** Vásquez, Menéndez, Garza, Webster.

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99-01 The Clerk read the following Ordinance:

AN ORDINANCE 89044

AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,632.20 PAYABLE TO TICOR TITLE AGENCY OF SAN ANTONIO FOR TITLE SERVICES IN CONNECTION WITH THE HI-LIONS DRAINAGE PROJECT #80, PHASES III & V (\$464.74), THE HILDEBRAND AVENUE - I.H. 10 TO BREEDEN PROJECT (\$1,718.22) AND THE ACME ROAD - OLD HWY. 90 TO W. COMMERCE (\$449.24); THE AMOUNT OF

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\$859.58 TO STEWART TITLE COMPANY IN CONNECTION WITH THE BLANCO ROAD AT JACKSON-KELLER PROJECT; AND THE AMOUNT OF \$1,728.40 TO LAWYERS TITLE OF SAN ANTONIO IN CONNECTION WITH THE BABCOCK ROAD - DEZAVALA TO HAUSMAN PROJECT; FOR A TOTAL SUM OF \$5,220.18; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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Mr. Salas 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: Salas, Guerrero, Prado, Marbut, Bannwolf, Webster, Peak; NAYS: None; ABSTAIN: Menéndez; ABSENT: Flores, Vásquez, Garza.

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99-01 The Clerk read the following Ordinance:

AN ORDINANCE

APPOINTING ROBERT A. GALVAN (DISTRICT 5) AND BETH PLUMMER (DISTRICT 9) TO ZONING COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON JUNE 30, 1999 AND 2000, RESPECTIVELY.

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

Mr. Bannwolf thanked the outgoing District 9 appointee to the Zoning Commission, Ms. Emily Thuss, for her service to the City, and welcomed the new District 9 appointee, Ms. Beth Plummer, introducing her from the audience.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Salas, Guerrero, Prado, Marbut, Bannwolf, Webster, Peak; NAYS: None; ABSENT: Flores, Vásquez, Menéndez, Garza.

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99-01 The Clerk read the following Ordinance:

AN ORDINANCE 89047

AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE TO ONE (1) PARCEL OF LAND FOR THE SUM OF \$62,000.00 IN CONNECTION WITH THE BRIARGLEN DRIVE FLOOD AREA PROJECT, LOCATED IN COUNCIL DISTRICT 10.

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

Mr. John German, Director of Public Works, narrated a video presentation on the acquisition of one parcel of land in the Briarglen Drive Flood Area Project, a copy of which presentation is made a part of the papers of this meeting. He thanked Ticor Title Agency for expediting the title work on flood-area property acquisitions.

Mayor Peak spoke to the City's rapid response to the need for acquisition of flood-prone properties.

In response to a question by Mr. Webster, Mr. German spoke to the status of acquisition of other flood-prone properties.

Mr. Salas spoke to his pleasure at seeing these buyouts by the City, and he thanked a number of City staff members and Mayor Peak for their leadership in this effort.

In response to a question by Mr. Salas, Mr. Oscar Serrano, Asset Management Department, noted that one of the property owners, Mr. Rector, also thanked the City for its quick action.

In response to a question by Mr. Bannwolf, Mr. German spoke to the status of three properties on Ledgestone and Pipestone, in District 9.

Mr. Menéndez also thanked City staff for its work and spoke to the status of certain flooded areas in District 6.

In response to a question by Mr. Prado, Mr. German stated that the Plumnear properties in District 4 will be reviewed by the City staff next week.

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

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99-01 The Clerk read the following Ordinance:

AN ORDINANCE 89048

AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE TO TEN (10) PARCELS OF LAND FOR THE SUM OF \$366,500.00 PAYABLE TO TICOR TITLE AGENCY OF SAN ANTONIO AS ESCROW AGENT FOR ELIZABETH BOULDEN (\$29,700.00), PETE A. LATKOVICH AND MELANIE ANN ERSSON (\$32,500.00), COPHRA ANN RECTOR, A SINGLE WOMAN (\$59,400.00), STEVEN JAY EPSTEIN FORMERLY KNOWN AS SANT SAROOP SINGH KHALSA, A SINGLE MAN (\$35,000.00), TOMMIE CLINE AND WIFE, GWENDOLYN CLINE (\$35,000.00), MARVIN HAYGOOD, A SINGLE MAN (\$33,000.00), DARRELL R. YOUNGER AND WIFE, FAYE E. YOUNGER (\$33,000.00), JOHN CHARLIE PRESTON AND WIFE, JOYCE E. PRESTON (\$31,900.00), LAURA WASHINGTON A/K/A LAURA WASHINGTON PHILIPS, A MARRIED WOMAN DEALING IN HER SOLE AND SEPARATE PROPERTY (\$44,000.00) AND ROSA SALAS (\$33,000.00), ALL IN CONNECTION WITH THE WHEATLEY HEIGHTS FLOOD AREA PROJECT.

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

Mr. John German, Director of Public Works, narrated a video presentation on the acquisition of flooded properties in the Wheatley Heights area, a copy of which presentation is made a part of the papers of this meeting. He thanked Mr. Salas for his assistance in this particular area.

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

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99-01 The Clerk read the following Ordinance:

AN ORDINANCE 89049

AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE TO TEN (10) PARCELS OF LAND FOR THE SUM OF \$402,120.00 PAYABLE TO TICOR TITLE AGENCY OF SAN ANTONIO AS ESCROW AGENT FOR WILLIE P. LEWIS AND WIFE, LOUISE D. LEWIS (\$59,400.00), ERVIN G. WILLIAMS AND WIFE, SYBIL J. WILLIAMS (\$27,500.00), JOE I. MARTINEZ, A SINGLE MAN (\$41,250.00), CHARLES E. RAY AND WIFE, RUBY M. RAYE (\$41,250.00), JERELYNE R. WILLIAMS, INDIVIDUALLY AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF CLARENCE WILLIAMS, DECEASED (\$37,500.00), KENNETH N. JONES, A SINGLE MAN (\$39,600.00), CLEM W. STEWARD AND WIFE, CARRIE N. STEWARD A/K/A MRS. CLEM W. STEWARD (\$84,120.00) AND MARY LOUISE HILL A/K/A MARY LOUISE HINSON A/K/A MARY LOUISE MILES (\$71,500.00), ALL IN CONNECTION WITH THE WHEATLEY HEIGHTS FLOOD AREA PROJECT.

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, thanked all involved in the property acquisitions in the Wheatley Heights area, calling it a model response by a city. He urged the acquired land be used for a park.

* * * *

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

Mayor Peak declared the Public Hearing to be open.

Mr. Oscar Serrano, Asset Management Department, narrated a video presentation on the proposed closing of portions of San Marcos, Colima and Richter Streets, and spoke to the San Antonio Housing Authority's plans to develop the area for housing.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke in support for the revitalization of an older neighborhood, similar to that done in the Kenwood area years ago.

* * * *

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

The City Clerk read the following ordinance:

AN ORDINANCE 89050

CLOSING, VACATING AND ABANDONING IMPROVED PORTIONS OF SAN MARCOS, COLIMA AND RICHTER STREETS, FOR A TOTAL CONSIDERATION OF \$76,815.00 OF WHICH SAN ANTONIO HOUSING AUTHORITY IS TO PAY ONE-HALF OF THIS AMOUNT (\$38,407.50), WITH THE REMAINING \$38,407.50 TO BE APPLIED TOWARD THE CITY'S HUD-HOME CONTRIBUTION.

* * * *

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

Mr. Vásquez thanked the Housing Authority and the City's Asset Management Department for their work on this matter, noting that the old Alazan-Apache Courts area is transitioning back into single-family housing.

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

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99-01 The Clerk read the following Ordinance:

AN ORDINANCE 89051

AUTHORIZING THE ALLOCATION OF SAN ANTONIO HOUSING TRUST FUNDS IN THE AMOUNT OF \$925,000.00, AVAILABLE FROM ACCRUED INTEREST AND PREVIOUS PROJECT AWARD SAVINGS TO SUPPORT 12 AFFORDABLE HOUSING PROJECTS LOCATED WITHIN OLDER CITY NEIGHBORHOODS, AND THE CENTRAL BUSINESS DISTRICT, APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

Ms. Margi Gant, Administrative Coordinator, Department of Housing & Community Development, explained the 12 affordable housing projects involved.

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

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99-01 The Clerk read the following Ordinance:

AN ORDINANCE 89052

AUTHORIZING MODIFICATIONS TO THE EXISTING HOME FUNDED CITY-WIDE HOMEOWNERSHIP INCENTIVE PROGRAM (HIP), ESTABLISHING A DEMONSTRATION PROJECT BY MODIFYING LOAN TERMS FOR A NEW AFFORDABLE HOUSING DEVELOPMENT IN THE SKY HARBOUR SUBDIVISION.

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

Ms. Margi Gant, Administrative Coordinator, Department of Housing & Community Development, explained the Sky Harbour subdivision project.

The following citizen(s) appeared to speak:

Mr. Rick Parke, representing Afford America, developer of the project, spoke in its support.

Ms. Carol Abitz, President, Southwest Community Association and resident of Sky Harbour, also spoke in support for the proposed development as a pilot project for new affordable housing, and addressed the range of income levels of the homeowners involved.

* * * *

Mr. Flores, Chairman of the City Council Housing Task Force, noted that the State is contributing some \$3 million for this District 4 project.

Mr. Prado noted that earlier help was given for development of the Indian Creek area, and now that attention is being turned to the Sky Harbour area.

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

— — —
99-01 BRIEFING - ELECTRIC DEREGULATION STUDY

Mr. Octavio Peña, Director of Finance, presented a brief overview of the briefing.

Mr. Todd W. Filsinger, representing R.W. Beck Engineering, Inc., narrated a video presentation, a copy of which is made a part of the papers of this meeting. He spoke to the current status of electrical deregulation legislation, both state and federal, and key issues involved, including the matter of 'stranded costs' and payments in lieu of taxes (PILOT) made to the City of San Antonio. He defined 'stranded costs' as the difference between revenue requirements and market prices for electrical energy, then spoke to City Public Service's competitive assessment, which he determined to be good, compared to other Texas public utilities. He noted that legislative agendas will be critical to CPS, and

addressed the proposed time-line for completion of Phase I and Phase II of the report, and the Final Report.

In response to a question by Mr. Bannwolf, Mr. Filsinger spoke to when the final Phase I Report will be ready.

Mr. Bannwolf spoke to the need to be ready to react, during this legislative session, and noted that Phase II will look at how CPS will fare in a competitive atmosphere. He spoke to the need to protect the City from any drop in CPS revenues as a result of a competitive electrical market.

Mr. Menéndez spoke to the importance of CPS payments to the City budget.

Discussion took place concerning a comparison of electrical rates in investor-owner utilities versus those in publicly-owned utilities.

Mr. Vásquez noted that it is only a question of time before deregulation of electrical services comes to pass, and he spoke to the need to look at CPS and how it is prepared to face deregulation. He expressed his concern with this, and the impact on the payments made by CPS to the City budget.

Mayor Peak stated that CPS currently has excess electrical power, and is 'leaning down' its operation in anticipation of electrical deregulation.

Mr. Webster noted that this study needs to address how CPS can be competitive and be aggressive in the electrical power market.

Mr. Prado spoke to the need to focus upon cities that offer competitive electrical rates.

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99-01 The Clerk read the following Ordinance:

AN ORDINANCE 89053

RESCINDING AUTHORIZATION OF A PROFESSIONAL SERVICE CONTRACT WITH PRICE WATERHOUSE/COOPERS, LLP TO CONDUCT A STUDY ON THE IMPACT OF ELECTRIC DEREGULATION, GRANTED PURSUANT TO ORDINANCE 88237 DATED AUGUST 6, 1998; AMENDING THE REMAINING CONTRACT WITH R.W. BECK ENGINEERING, INC. TO INCREASE THE SCOPE OF SERVICES AND THE RELATED FEE BY \$216,720.00 FOR A TOTAL AMOUNT

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NOT TO EXCEED \$481,048.00; AND APPROVING A SUBCONTRACT BETWEEN R.W. BECK AND PADGETT STRATEMANN, A LOCAL CPA FIRM.

* * * *

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

Mr. Octavio Peña, Director of Finance, explained the need for an ordinance to increase the scope of services for R.W. Beck Engineering, Inc.

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

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99-01 **STATEMENT BY MS. COPHRA ANN RECTOR**

On a Point of Personal Privilege, Mr. Salas introduced Ms. Cophra Ann Rector, a resident of one of the flooded areas involved in the current City buyout of properties.

Ms. Rector thanked the Mayor and City Council, especially Mr. Salas, for making the purchases of properties in flooded areas of Wheatley Heights.

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99-01 The Clerk read the following Ordinance:

AN ORDINANCE 89054

APPROVING THE MASTER PLAN AND PROGRAM AND APPROPRIATING \$1,537,000.00 IN CAPITAL BUDGET FUNDING ALLOCATED AS PART OF THE ADOPTED FY98-99 ANNUAL CITY BUDGET TO CENTRO ALAMEDA, INC., A TEXAS NON-PROFIT CORPORATION, FOR RESTORATION/RENOVATION WORK ON THE ALAMEDA THEATER PROJECT INCLUDING THE ALAMEDA THEATER, CASA DE MEXICO BUILDING, AND ADJACENT PARKING LOT IN THE 300 BLOCK OF WEST HOUSTON STREET AND THE BASILA PHARMACY BUILDING AND ADJACENT PARKING LOT IN THE 100 BLOCK OF NORTH LAREDO STREET, IN COMPLIANCE WITH THE TERMS OF THE CAPITAL IMPROVEMENTS FUNDING AGREEMENT WHICH WAS EXECUTED BY THE

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

Mr. Manuel Longoria, Acting Director, Economic Development Department, narrated a video presentation on the retail market research studies involved, 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:** Salas, Guerrero, Prado, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Vásquez, Menéndez, Bannwolf.

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99-01 The Clerk read the following Ordinance:

AN ORDINANCE 89056

AUTHORIZING REIMBURSEMENT FROM THE DISTRICT 4 BUDGET ACCOUNT IN THE TOTAL AMOUNT OF \$18,500.00 TO COUNCILMAN RAUL PRADO FOR ADMINISTRATIVE SERVICES CONTRACTS WITH DAVID FERNANDEZ (\$2,000.00 PER MONTH) FROM JANUARY 1, 1999 THROUGH MAY 31, 1999; ENRIQUE "KIKE" MARTIN (\$700.00 PER MONTH) FROM JANUARY 1, 1999 THROUGH APRIL 30, 1999; ISABEL R. CASTILLO (\$300.00 PER MONTH) FROM JANUARY 1, 1999 THROUGH MARCH 31, 1999; AND EDDIE METZ (\$1,200.00 PER MONTH) FROM JANUARY 1, 1999 THROUGH APRIL 30, 1999; AS REQUESTED BY COUNCILMAN RAUL PRADO.

* * * *

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

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

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**RESPONSE TO FINAL REPORT OF INDEPENDENT PROJECT REVIEW
COMMITTEE REGARDING CONVENTION CENTER EXPANSION PROJECT**

Mr. Alexander E. Briseño, City Manager, presented City Council members with copies of his report and memorandum, copies of which are made part of the papers of this meeting. He noted that the committee had made some 12 major recommendations, and he spoke to his response to meet those recommendations. He also spoke to the current status of the implementation of those recommendations, thus far.

“After the December 17, 1998, presentation by the BIH Oversight Committee to City Council, I indicated that a response to the committee recommendations would be presented to the City Council on January 7, 1999. The following information details the action plan that has already been or is in the process of being initiated by City Staff.

On August 5, 1998, I presented the BIH Oversight Committee with a memorandum (**Attachment 2**) which summarized pertinent issues and possible improvements as I viewed them in my role as City Manager. Those recommendations included:

1. Hire outside counsel or other appropriate consultants to team with staff when negotiating contracts for projects which are significant or include out-of-the ordinary elements.
2. Establish a goal to attach contracts in substantial final form to the ordinance prior to approval and minimize future negotiations of contract language.
3. If attaching a contract is not possible and authority is given to negotiate contract language based on basic terms and conditions, add a “sunset” provision of 45 to 60 days when the authority to negotiate expires and additional City Council action is required.
4. Require “peer review” and sign-off by appropriate officials such as City Attorney, Public Works Director or other pertinent department heads prior to final signing of contract.
5. Review/improve language in standard contracts for commonly used services such as engineering or architecture.
6. Encourage both City Council and staff to schedule actions on a timely basis.

All of the previously mentioned improvements have been listed as recommendations from the BIH Oversight Committee. These improvements have also been implemented during the past several months (**Attachment 3**).

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After reviewing the recommendations made by the BIH Oversight Committee, the following responses are provided (the committee recommendations are indicated in **bold type** and the responses are indicated in *italicized type*). The status and schedule of each of the following recommendations are summarized in Attachment 1 of this memorandum.

- 1. That the City Manager be vigilant and take necessary actions to protect the City Staff from unreasonable time deadlines and the miscommunication potential of such deadlines.**

During the past several months, staff has been working to develop and implement a comprehensive Centralized Project Management System (Executive Project Management System-Attachment 4)) that will be utilized as a time management and planning tool. Previous to the implementation of the Executive Project Management System, individual departments have utilized their own project planning systems and an overall project agenda was utilized for setting priorities and determining timelines of the City's projects. The new Executive Project Management System involves establishing timelines of the interconnected activities (i.e. contract development, various review periods, boards and commissions approval, City Council consideration, contract signature) of a project. This centralized process provides a tool to better determine when projects will be completed.

The system focuses on the control and effective tracking of key city projects including those projects involving long term duration, significant discretionary contracts and/or major capital investment. Utilizing available technology, this system is specifically intended to address the resolution of systemic and procedural deficiencies such as those pointed out by the BIH Oversight Committee. The Executive Project Management System will be implemented in four phases and will ultimately include both Schedule and Budget management controls.

- Phase I - Project Reporting (implementation substantially complete) - Development and implementation of a high-level schedule-based tracking system that will give the City Manager's Office greater and more timely information on all projects and initiatives identified for inclusion. This phase concentrates on the initiation of an automated process to standardize tracking and the reporting of all projects and permit the posting of project information to the City's Intranet (Internal web site available to City Staff and City Council). The system provides greater detail than is currently available to increase the effectiveness of the review*

process. Phase I also addresses staff training in the use and application of Microsoft Project98, the base application for the tracking project. Phase I offers the following specific capabilities and enhancements pertaining to current or ongoing projects and initiatives:

- 1) Track projects and closely monitor progress against established procedures (i.e., policy or ordinance requirements such as specified due diligence efforts) and milestones (i.e., intradepartmental peer reviews, management team review, City Council "B" presentations, etc.).*
 - 2) Track changes to all projects over time.*
 - 3) Track the addition and deletion of projects to the project plan.*
 - 4) Review Data by Department / Responsibility.*
 - 5) Sort and filter data by various criteria (i.e., Department, responsibility, team members, key project milestones, performance, project type, criticality, priority, etc.)*
 - 6) Track critical path projects.*
 - 7) Assign priorities to projects and track accordingly.*
 - 8) Communicate with team members on project status using the City's e-mail system.*
 - 9) Post/update project status using the City's e-mail system.*
 - 10) View project status on the city's intranet.*
- Phase II - Initial Project Planning (implementation underway - completion scheduled for May 1999) - elevates the project planning and reporting activities developed in Phase I to the next level of project tracking detail. Key milestones are defined to better assess how projects are progressing toward successful completion. Additionally, a methodology will be developed to initiate new projects, including an approval process to integrate them into the Executive Project Management System. These modifications, along with those department specific developments that will be addressed in Phase III, will ensure adherence to standard project management policy and procedure requirements set forth by either Council or the City Manager.*
 - Phase III - Detailed Schedule Management and Contractor Oversight (completion scheduled for November 1999) - will focus on the project scheduling needs of the each city department. The departmental liaisons will develop processes and methodologies that will enhance each department's ability to manage its projects. These processes will include methods and tools for managing internal projects as well as managing contractors performing work for the city.*

- Phase IV - Integrated Schedule/ Budget Control (completion scheduled for May 2000) - will incorporate budget management/control into the city project tracking system. This phase will result in total integration of project schedules and budgets for total project management.

Through the introduction of specifically tailored project management elements, this initiative can and will specifically address most of the pertinent project management related systemic and procedural deficiencies identified by the BIH Oversight Committee.

The Executive Project Management System, along with the implementation of the remaining recommendations, will go a long way in setting more reasonable deadlines and preventing the miscommunication of such deadlines. For example, in my memorandum to the BIH Oversight Committee, I stated that staff was under a restricted time frame during the BIH negotiations and there was no time to hire consultants/outside counsel to assist in negotiating the terms and conditions of the BIH contract. As recommended by myself and the BIH Oversight Committee, we will now have a policy of hiring outside expertise when needed. With this in mind, unreasonable time deadlines should be minimized in the future.

Because of term limits, prior to the end of Council terms, project schedules are sometimes accelerated for a variety of valid reasons. On occasions, decisions may need to be delayed until the new Council is in place. The Executive Project Management System will not only help identify projects that overlap Council terms, but will also be used to establish tasks and milestones to update the new Council on the projects.

Additionally, I will continue to be diligent in filling executive staff vacancies which are critical in meeting project deadlines. Since the City Council terminated the BIH Contract I have filled nine executive level positions with two remaining to be filled.

- 2. That the City Manager develop policy concerning both the accessibility of City employees to lobbyists and employee conduct concerning lobbying.**

City Council adopted a comprehensive Ethics Ordinance on November 19, 1998, which takes effect on January 1, 1999. This ordinance has a provision pertaining to lobbyists with the purpose of minimizing the risk of improper lobbying. The ordinance does not prohibit lobbyists from contacting or meeting with city officials and city staff, however, it does require complete disclosure by any individual or entity engaged in lobbying.

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Specifically, the ordinance requires that any person who engages in lobbying and earns or expends more than \$1,000 in a calendar quarter as a result of the lobbying activities "must register with the City Clerk." The Activity Reports required in this ordinance include:

- name of lobbyist and the name of client;*
- a list of the specific issues upon which the registrant engaged in lobbying, including pending or completed official actions;*
- a list of city officials contacted by the lobbyists;*
- each gift, benefit or expenditure greater than \$50 made to, conferred upon, or incurred on behalf of a city official of his/her immediate family.*

City Official is defined in this section as all elected officials, City Manager, Assistant City Managers, Assistants to the City Manager, City Clerk, Assistant City Clerk, all department heads, assistant department heads as well as other executive staff. Also included as city officials are members of evaluation committees and members of board and commissions that are more than advisory in nature.

I welcome an amendment to the Ethics Ordinance that would prohibit lobbyists, as well as employees and representatives of firms wishing to do business with the City, from having contact with any specified city employee or official during the period when Requests for Proposals (RFPs) are issued, evaluated and when City Council is considering the award of a contract, and during contract negotiations. The only permissible contact would be to seek written clarifications regarding the RFP from the designated staff person. In addition to the potential penalties for the violation of other provisions of the Ethics Ordinance, a proven violation of such a "no contact" provision would result in a firm's immediate disqualification from the process.

Whether or not such an amendment is adopted, I intend to implement an administrative directive within 120 days that will prohibit city staff from having contact with lobbyists, as well as employees and representatives of firms wishing to do business with the City, during the period when RFPs are issued, evaluated, and when City Council is considering the award of a contract. The only permissible contact would be by the person designated in the RFP to respond to written inquiries.

3. That the City Manager reexamine the team leader-action team-peer review process, validate its appropriateness, and codify the results.

The Team Leader Concept was dissolved in Fiscal Year '97. The Team Leader concept served as a means to provide collegial leadership to functional areas during the fiscally constrained early nineties when budget cuts necessitated service reductions and the

elimination of several mid-management and management positions including three Assistant City Managers. Although the Team Leader concept served the organization for the times, it also required department directors to serve in dual roles providing coordination to functional areas while managing the operations of individual departments. Improvements in the economy and fiscal strength of the City allowed us to strengthen the Executive Team with the addition of two Executive Director positions and the upgrade of an Assistant to the City Manager position to an Assistant City Manager in Fiscal Year '98 and an additional Assistant to the City Manager position in Fiscal Year '99. Therefore, we effectively moved the organization beyond the team leader concept to address the high level of demand for executive resources to oversee complex issues, improve operational efficiencies, manage and negotiate contracts, and sharpen accountability in the organization. These changes established the members of the Management Team which consists of the City Manager, Assistant City Managers, Assistants to the City Manager, Executive Directors, and the Budget and Employee Services Director.

In an effort to ensure that future contracts are consistent with City Council policy and that all performance/procedural conditions or terms to which the City is obligated have been thoroughly reviewed, all non-standard contracts will have a "peer review" process prior to going to ordinance. Examples of non-standard contracts are those which are unique or first time discretionary contracts. Non-standard contracts could also be contracts of significant monetary value or public interest/impact. Standard contracts, on the other hand, are typically used for ordinary engineering and architectural service agreements, and basic construction contracts. The majority of all contracts handled by the City are standard contracts. The "peer review" process for non-standard projects/contracts will examine both form and content. The contract language will be reviewed in a group setting with the appropriate officials. The "peer review" process includes the core departmental review and the management team review.

The Core Review process will normally include the City Attorney's Office, and the departments of Budget & Employee Services and Finance. Depending upon the scope of the contract, other departments, such as Public Works or Economic Development, may be involved because of their experience and expertise with more complex contracts. The Management Team Review will consist of a review by the City Manager, Assistant City Managers, Assistant to the City Managers, Executive Directors, and the Director of Budget and Employee Services.

The previously mentioned review processes are part of the Executive Project Management System. Therefore, as projects are planned, milestones and appropriate

review times will be incorporated into the planning/implementation process to ensure that adequate time is allocated for the review process.

Furthermore, several procedural changes have been enacted that will greatly alleviate potential conflicts. All non-standard contracts will be attached to ordinances in substantial final form (In some situations it will not be possible to attach a contract in substantial final form. Therefore, a "sunset" provision will be required as part of the ordinance as described in Response No. 10). Additionally, Requests for Proposals (RFPs) will now include as much of the standard contract provisions as possible. This addition to the RFP process should assist in negotiations after the selection of the qualified proposals.

The lead negotiating department will be responsible for coordinating the review and drafting of a cover memo for attachment to the contract for submittal to the City Manager's Office for final signature. The cover memo details the major provisions of the contract, policy analysis, fiscal impact, management of contract and reflects the coordination that has occurred. The supporting department directors with their signature denote that they have personally attested to the fact that the contract language is consistent with City Council policy and recommend contract signature.

- 4. That the City Manager ensure, in form of issuing a directive together with personal supervision, that the departments described in Findings C7, C8, C9, and C10 take necessary action to assure appropriate future support to, or involvement with, interdepartmental projects. This action should include requirements for regular updates and memoranda regarding issues and analysis.**

To assure appropriate resources and expertise the City has frequently utilized consultants in RFP development and analysis/contract negotiations. For example, legal and financial consultants have been hired to assist in the Convention Center Headquarters Hotel Project, technical consultants are part of the Public Safety Radio Project Team, and financial advisors and bond counsel assist in the issuance of bonds. Indeed, in December of 1997 the City Council authorized a contract with a Special Projects Consultant for the Convention Center Expansion Project. The consultant brings added value to the project in a supervisory capacity as well as increased coordination on interdepartmental and interagency issues. This demonstrates my commitment to utilization of outside industry expertise whenever necessary to assure appropriate support.

A key component of the Executive Project Management System involves the listing of all participants (i.e., departments). As changes are made to projects, each participant will

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be notified in a timely manner via e-mail. Each department has the ability to view the project listing along with the corresponding milestones and timetable. In addition, all City Council Agenda Memoranda contain a coordination section. This section denotes all parties involved in the coordination of the agenda item. Prior to final signature, all contracts will have a memorandum attachment that assures that those involved in the "peer review" process are in agreement to the language in the contract and recommend final signature.

5. That the City Manager formulate a policy to ensure that due diligence efforts are made a matter of routine City Staff procedure.

Although due diligence efforts are currently part of the normal process, the process is being formalized, expanded, and improved by the implementation of the Executive Project Management System and other procedures described in this report. The Executive Project Management System includes tasks and milestones identifying proper Management Team review and a means to verify that "checklist items" (i.e. reference checks, ethics disclosure, etc.) have been performed. References will continue to be checked via conventional means and internet searches. Criminal history checks will also be conducted on a case by case basis.

6. That the City Manager ensure that outside industry expertise be employed whenever necessary, as determined by peer review and as approved by the City Manager. A written policy is needed.

The City currently does not have a written policy on the hiring of outside experts to assist the city in either the development, evaluation, negotiation or review of unique city projects. However, we have on numerous occasions hired outside consultants. For example, outside consultants have been involved in the Police and Fire Contract negotiations, Convention Center Headquarters Hotel negotiations, Convention Center Telecommunications Contract process and BIH contract settlement, etc.

To formalize this process, however, a written policy should be developed within 120 days, to include the following:

- Incorporate procedure in the Executive Project Management System;*
- Analysis on a case by case basis for situations that call for outside expertise;*
- Encourage Department Directors to ask for outside experts when the project warrants it;*

- *Create a budget on an annual basis that would assist in paying for the use of outside experts; and*
- *Utilize and encourage City staff to assist the outside experts in order to gain the necessary expertise in house and develop capacity for subsequent contract administration.*

Additionally, I am recommending the establishment of a funding mechanism, through an adjustment to the Fiscal Year '99 Budget, to accommodate the expenses associated with hiring outside expertise. The Fiscal Year '99 Budget created a Management Response Team within the Budget & Employees Services Department. The purpose of the team is to provide rapid response and analysis to management issues and recommend immediate implementable solutions. The team would also serve as an additional resource to the Management Team, providing specialized analysis and problem-solving skills on specific issues. Funds allocated in Fiscal Year '99 Budget are for three (3) Senior Management Coordinators (two funded at nine months and one funded at six months). I am recommending that the filling for two of these positions be postponed and the funding, estimated at \$50,000, be temporarily reallocated into a fund designated to hire outside expertise as needed. A more permanent funding mechanism will be established during the next budget cycle which will distribute the costs among various funds/projects based on utilization. As discussed in the development of project management tasks, the coordination with outside consultants will be indicated as a possible task with appropriate milestones.

7. That the City Manager address Finding C14 by considering these options:

- **establish and staff a separate contracting office with persons having specific demonstrated expertise in contract negotiations, or**
- **designate an existing office as the lead office for interdepartmental support concerning contract negotiation and review.**

Each year, the City enters into hundreds of contracts worth over \$400 million for the procurement of a variety of services, supplies, equipment, and construction related activities. These contracts are negotiated/administered by the Public Works Department for engineering, architectural, and construction services, and by the Purchasing Department for supplies, equipment, materials, and other services. These contracts, for the most part, are standardized and personnel who handle the contracts are skilled in their work. The contracts are handled in accordance with all local, state, and federal laws and regulations. There are specific state laws governing how cities procure goods and services. These departments have policies and directives in place that provide guidelines for bid processes and a system of checks and balances to ensure adherence to

all requirements. In addition, the City Attorney's Office provides support on contract issues.

At issue in this case are the relatively small number of contracts each year that are complex, unique, and are non-standard. Because the types of non-standard contracts vary greatly (i.e., hotel developer, construction manager, convention center caterer, river barge concessionaire, Fiesta Carnival, etc.), establishing a separate contracting office strictly for these limited situations cannot be justified.

A more comprehensive approach to addressing the committee's recommendation involves the recommendations included in the City Manager Response No. 3. As such, individuals from the lead department and from departments having special expertise can be teamed up with the specially trained personnel in the City Attorney's Office, and outside experts (if required) to negotiate, draft, and formalize all unique or non-standard contracts. Because each department has varied expertise, which is critical in contract negotiations, this will provide a more comprehensive approach in dealing with the complexities of the unique contracts negotiated by the City.

The City Attorney's Office will take the lead for interdepartmental support concerning contract negotiation and review.

Furthermore, the City has experience in using outside consultants to perform organizational reviews. Currently, the City has designated consultants to conduct an independent performance review of major functional areas of the organization. The City's contract management practices can be included in this review process for an additional independent perspective.

8. That the City Manager develop a policy to prioritize contract certification, review, and approval.

As referenced in item 3, certain procedural changes have been implemented that will prioritize contract certification, review and approval. Utilizing the Executive Project Management System, the Management Team will have the ability to view a comprehensive package of the projects and corresponding tasks, thus allowing for greater assurance when validating the project schedule for accuracy and completeness. The goal of including as much of the standard contract in the RFPs and attaching the contract in substantial final form to the ordinance will make major strides in achieving the recommendations of the BIH Oversight Committee. Also, as previously mentioned, during the "peer review", the lead negotiating department will be responsible for coordinating the review and drafting a cover memo for attachment to the contract for

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submittal to the City Manager's Office for final signature. The cover memo details the major provisions of the contract, policy analysis, fiscal impact, management of contract and reflects the coordination that has occurred.

9. That the City Manager establish a formal, annual performance-appraisal system for appointed, executive-level City Staff.

A formal, performance-appraisal system for appointed, executive-level City Staff has been in place for several years. On a rotating basis, a performance evaluation, which includes assessments of initiative, interpersonal skills, oral communication ability, written communication ability, customer service, decisiveness, leadership, planning & organization, administrative activities, technical competence, as well as an overall rating, is done for each executive-level staff member. Although difficult to achieve, it is my goal to conduct individual appraisals of all executive-level staff within a two year cycle based on the date of appointment, with a mid-term assessment in alternating years. Turnover, temporary assignments, and promotions, further complicated by challenging schedules sometimes negatively impact the achievement of this goal. Nevertheless, performance appraisals are critical and will be pursued on a timely basis.

10. That the City Manager cause the City Attorney to assess the legal ramifications of contractors and vendors performing services for the City without a contract and make appropriate recommendations to the City Manager.

I have requested the City Attorney to take steps to remedy the situation that occurred during the BIH negotiations. First of all, legal staff, with the assistance of the initiating department, will have a draft contract as part of the RFP that is issued by the City. This will give respondents to the RFP an opportunity to review the draft contract from the outset. Another step taken is to establish a goal for the City Attorney to attach contracts in substantial final form to the Council Ordinance prior to approval in order to minimize future negotiations of contract language.

In some situations it will not be possible to attach a contract in substantial final form. Therefore, a "sunset" provision will be required as part of the ordinance. This provision will give authority to staff to negotiate up to 60 days. If a contract is not satisfactorily approved during this time period, the authority to negotiate expires and additional Council action is required.

If, during the negotiation period, my office, upon the recommendation of the lead department, determines that due to extenuating circumstances, a contractor must begin providing services without a formal contract, they may do so upon execution of an

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Interim Letter of Understanding. Like the "sunset" provision, the Interim Letter of Understanding will also expire in 60 days. This work will be performed in accordance with either the terms of the contract, if one is attached to the RFP, or terms otherwise agreeable to the City. It will be made clear to the contractor, that rendering services is at the firm's risk and that such interim work will not guarantee a formal contract.

11. That in light of this report the City Manager reconsider appropriate consequences for individual Staff members involved in the BIH contract process.

The BIH Review Committee did not find that any city staff committed any crimes nor intentional malfeasance. Therefore, I have taken the appropriate action by meeting several times with each of the individuals involved, expressing my concerns, recommending improvements and agreeing on corrective actions for the future. I am satisfied that painful lessons were learned as a result of the BIH contract and that it is in the City's best interest to have an experienced staff which learns from its mistakes. Because of these lessons, City staff has a heightened sensitivity about all city projects.

12. That the City Manager initiate a formal staff action plan to address Findings C1 through C22.

The elements of the discussion above detail a course of action to accomplish this recommendation.

In closing, the recommendations included in this memo not only address the findings of the BIH Oversight Committee, but also provide a comprehensive approach to dealing with the varied and complex business conducted by the City on a daily basis. I have included Attachment 1, which summarizes the status and implementation schedule of all 12 recommendations. Of the 12 recommendations, 11 are completed or addressed and one is pending an administrative directive."

* * * *

Mayor Peak thanked the City Manager for his report and distributed copies of his own nine suggestions to the City Council relative to follow-up to the committee recommendations and the City Manager's response.

"The following are my suggestions for actions the City Council should take in response to the BIH Contract Review Committee findings. As stated in my memo to you last week, this response will be presented along with the City Manager's

plan at our January 7 meeting. Our next step will be to within 30 days agree on a comprehensive package of actions, a combination of the Manager's plan and any additional steps we feel are appropriate. Listed below are the Committee's recommendations in **bold type** and suggested action is in *italicized type*.

1. That the Council develop, in coordination with the City Manager, a policy on Council review, to include status reports from the Staff on long-term, discretionary contracts (such as engineering, architectural, service, and labor contracts) (Findings B1, B6, and C2).

- *Develop and adhere to scheduling policies and processes*
 - *As defined on a project by project basis to include periodic status reports*
 - *Utilize the Policy and Planning Committee for schedule coordination*
 - *Route six signature memos through Policy and Planning for staff work and schedule coordination*
 - *Recognize the impact of term limits and the resulting frequent turnover of elected officials and schedule decisions on projects to avoid a rush towards the end of terms and to accommodate the transition of new Councilmembers*
 - *Better utilize "B" sessions (as described in more detail under 7 below) and arrange for any additional and/or special briefings that the Council or Councilmembers feel is necessary*
 - *Utilize the new project management system referenced in 3 below*

2. That the Mayor and Council adopt a policy ordinance designed to establish reasonable limitations on lobbying activities with Council, to include registration, points of contact, and restricted activities. Restrictions should include prohibition of lobbying Staff and Council during "request for proposals" (RFP) evaluation, source selection, and contract negotiation period (Findings B2 and B3).

- *Review the newly adopted Code of Ethics to determine their applicability to the stated problem and consider additional lobbying policies/codes*
 - *I have asked Frank Garza for recommendations within the next two weeks*

3. **That City Council obtain proposed project management time lines from the City Manager before it establishes internal Staff/management deadlines on long-term projects (Findings B4, C1, C3, and C4).**
 - *Prioritize projects to avoid making all projects a top priority*
 - *Better utilize staff - don't over use*
 - *Reduce/prioritize/schedule staff time to avoid constant meetings, especially at night and on weekends*
 - *Reinforce to staff our support for their professional judgement without inappropriate influence from councilmembers or others - let the professionals be professional*

4. **That City Council establish an independent office to provide analysis and information on long-term projects and significant discretionary contracts. This office should report only to the City Council, through the Mayor (Finding B5).**
 - *Consider Charter-related recommendations and alternatives*
 - *Independent Projects Office*
 - *Internal Review Office*

5. **That the Council adopt a policy that Council receive staff briefings on major issues, a minimum of one week prior to their discussion (vote) on each major issue (Finding B5).**
 - *Adhere to the existing policy of receiving briefings on major issues a minimum of one week prior to a vote*

6. **That the current City Staff office of internal review be revitalized and reassigned to the City Council, thereby allowing it to perform in a truly independent manner (Finding C15).**
 - *Consider Charter-related recommendations and alternatives*
 - *Independent Projects Office*
 - *Internal Review Office*

7. That the City Council openly and directly communicate exactly what it wants and abandon any practice of implying what it wants by indirect methods of communication, especially in non-voting "B" sessions (Finding C1).

- *More effectively utilize "B" sessions for briefings on new initiatives and periodic updates*
 - *Councilmembers should attend and participate in these meetings*
 - *Councilmembers should clearly state opinions/concerns/direction, the sooner the better to avoid unnecessary work which may result from a lack of or poor communication*
 - *Formalize our direction by voting as we do in "A" sessions*

8. That the City Council publicly hold the City Manager accountable for the BIH contract and require that a formal action plan be developed by the City Manager to address Findings C1 through C22 (Finding B7).

- *Continue the process of holding the City Manager accountable by responding to the findings and recommendations of the Committee along with suggesting additional improvements to the City's policies and processes*

9. That the City Council engage an outside management consultant to conduct management assessments of the City Staff (Conclusion of Findings D).

- *Consider scheduling a performance review assessments to include staff in addition to the functional areas process currently underway (the first two being the Development Process and the Code Compliance Department)"*

* * * *

Mr. Marbut spoke in support for a cutoff of lobbying influences during a Request For Proposal process and decision-making by the City Council.

Mr. Frank Garza, City Attorney, spoke to how state and federal governments handle the lobbying issue.

Mr. Marbut spoke to the need to look at amending the City's Ethics Ordinance in this area, and spoke to the need for accountability. He lauded the committee for its recommendations and asked that the committee study the responses by the City Manager and the Mayor's own recommendations for follow-up, and report back to City Council in 30 days. He also stated that he wants the committee to review in six months their assessment of where the City is at in relation to implementing the committee recommendations.

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

Mr. Bannwolf asked that the City Council review the response and the Mayor's recommendations over the next few weeks, then make their comments.

Mr. Garza spoke in support for Mr. Marbut's suggestion that the committee evaluate the City Manager's progress toward implementation of the committee recommendations, and the Mayor's response for follow-up.

— — —
99-01 The City Council recessed its regular session at 4:35 P.M., reconvening at 5:00 P.M. for Citizens to be Heard, Mayor Peak again presiding.

CITIZENS TO BE HEARD

MRS. MARIA ESPINOZA

Mrs. Maria Espinoza, Western Park Neighborhood Association, asked that Councilman Menéndez consider including Drainage Project #58F in the upcoming Bond Package being proposed for the May 1999 election. She further stated that the neighborhood association, the elementary school in the area, residents as well as the COPS and Metro Alliance organizations are in favor of this project. She then showed a video of the subject area and expressed disappointment that the city staff had not made this project a part of their recommended projects.

Councilman Menéndez stated that he is familiar with this project and will be working with the Mayor and Councilman Garza on seriously considering including this project for funding in the upcoming May 1999 bond package. He then asked Mr. Luis Escareno to come forward to address the City Council.

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Mr. Escareno stated that he is representing the two property owners in this area and stated that they are ready to offer "free land" to assist with the drainage project.

* * * *

MR. FARIS HODGE, JR.

Mr. Hodge, 140 Dora Street, spoke about his support of amending the City Charter to allow for two three year terms instead of the current two-two year terms. He then spoke to the City staff being overworked and the need for a raise for city employees in this upcoming year's budget. He also stated that SAWS should built their office building at the corner of Cameron and W. Commerce; He commended HEB grocery store for offering the Christmas Luncheon for the needy; spoke in opposition to the carnival being located adjacent to the County Jail and asked that the NIOSA event be moved to Hemisfair Park. He also stated that the City of Austin is not ready for a light rail system even if VIA/City of San Antonio is; and commended the City Council for approving the purchase of homes in the flood prone areas through Council action earlier in the day.

* * * *

MR. NAZARITE RUBEN FLORES PEREZ

Mr. Perez spoke with reference to a petition being circulated by Councilman Vásquez renaming the 300 block of San Luis for Dr. Fernando Guerra. The City Council corrected Mr. Perez in that the renaming is in honor of Mr. Fernando Guerra, Sr.

* * * *

MR. JACK M. FINGER

Mr. Finger took issue with the renaming of a street for a City department head, namely Dr. Guerra. The City Council corrected Mr. Finger in his assumption that it was to be Dr. Guerra.

* * * *

DAVID KLAR

Mr. Klar, Chairman of the Alamo Group of the Sierra Club, read a prepared statement to the City Council, a copy of which is made a part of the record of this meeting, regarding

inclusion of city parks, greenways and flood plain preservation, in the upcoming May 1999 Bond package.

* * * *

MS. BARBARA TERRELL

Ms. Terrell appeared to speak to the City Council about her attempts to work with the Cable Access Programming as an independent producer. A copy of her statement as well as other materials is on file with the papers of this meeting.

Mayor Peak asked that she include her address and phone number so that the City can prepare a response.

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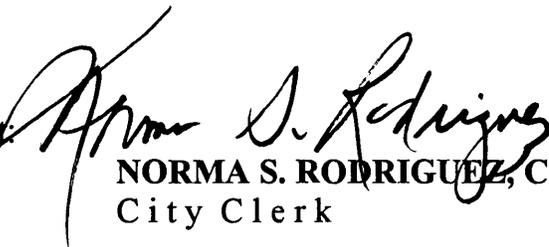
— — —
99-01 There being no further business to come before the Council, the meeting was adjourned at 5:30 P.M.

A P P R O V E D



HOWARD W. PEAK
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AAE
City Clerk

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