

**SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, TUESDAY, SEPTEMBER 9, 1997**

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97-37 The Special Meeting was called to order at 5:45 P.M. by the Presiding Officer, Mayor Howard W. Peak, with the following members present: Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster and Peak. **Absent:** None.

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97-37 Mayor Pro Tem Garza announced that City Council would recess into Executive Session to discuss:

**Attorney/Client consultation regarding Bartlett Cocke-Incore-Harding (BIH) mediation proposals and legal implications involved in terminating the Construction Management Agreement between the City of San Antonio and BIH.**

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97-37 At 6:35 P.M. Mayor Peak reconvened the "A" Session and announced the City Council had been briefed on the above stated issue.

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97-37 The Clerk read the following proposed Ordinance directing and authorizing the City Manager and the City Attorney to terminate the professional services contract with Bartlett Cocke-Incore-Hardin (BIH) for construction management services on the Convention Center Expansion Project.

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

The following citizen(s) appeared to speak:

Fred Reynolds, Citizens Advisory Committee, stated it was important to find the person(s) responsible for the contract and hold the person(s) accountable.

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97-37  
September 9, 1997  
lmr

Mr. Bannwolf suggested we amend the Ordinance to mutually terminate.

In response to Council members' questions, Mr. Frank Garza, Acting City Attorney, spoke in favor of mutual termination and is in favor of an audit of the contract to determine any deficiencies.

Mr. Menendez reiterated statements made by Mr. Garza. He, too, feels that the City Council has a fiduciary and legal responsibility.

Mayor Peak stated he is satisfied that the City has done the best it can to protect the interest of the City and the tax payers. He suggested that staff come back in three weeks with a final decision.

Mr. Prado stated he will not be supporting the amendment of mutual termination and will reserve his comments until the terms of settlement are brought out.

Mr. Bannwolf made an amendment to the motion to mutually terminate and direct staff to prepare mutual terms and conditions of termination in three weeks. Ms. Guerrero seconded the motion.

After consideration, the motion on the amendment prevailed by the following vote: **AYES:** Flores, Guerrero, Menendez, Garza, Bannwolf, Webster, Peak; **NAYS:** Salas, Prado, Vásquez; **ABSENT:** Marbut.

After consideration, the motion, as amended carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Guerrero, Menendez, Garza, Bannwolf, Webster, Peak; **NAYS:** Salas, Prado, Vásquez; **ABSENT:** Marbut.

AN ORDINANCE 86568

DIRECTING AND AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO MUTUALLY TERMINATE THE PROFESSIONAL SERVICES CONTRACT WITH BARTLETT COCKE-INCORE-HARDIN (BIH) FOR CONSTRUCTION MANAGEMENT SERVICES ON THE CONVENTION CENTER EXPANSION PROJECT.

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97-37 The meeting was adjourned at 6:45 P.M. and Council was to convene into the Budget Work Session.

97-37 At this point Mayor Peak left the Council Chambers. Mayor Pro Tem Garza presided.

**BUDGET WORK SESSION**

**FIRE MASTER PLAN**

Due to lack of a quorum, Mayor Pro Tem Garza adjourned the Budget Work Session until a later date.

97-37 There being no further business to come before the Council, the meeting was adjourned at 6:45 P.M.

A P P R O V E D



HOWARD W. PEAK  
M A Y O R

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

97-37  
September 9, 1997  
lmr