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**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
December 16, 2004**

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

I. The City Council will convene in the B Room of the Municipal Plaza Building at 10:30 A.M. and recess into executive session for the following:

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

AM B. Deliberate the offer of financial or other incentives related to economic development negotiations with a business prospect the City Council seeks to have locate in or near San Antonio, including the possible acquisition and disposition of an interest in real property, pursuant to Texas Government Code Section 551.087 (deliberation regarding economic development negotiations) and Texas Government Code Section 551.072 (deliberation regarding real property); and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

C. Discuss acquisition of an interest in real property for office space, pursuant to Texas Government Code Section 551.072 (deliberation regarding real property).

D. Discuss the lawsuit styled *Alamo Concrete Products, Ltd., v. Commercial Indemnity Insurance Company*, Cause No. 2002-CI-12849, 408th Judicial Court, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

E. Discuss legal issues regarding franchise renewal negotiations with Time Warner Cable, pursuant to Texas Government Code Section 551.071 (consultation with attorney) and Section 551.072 (deliberation regarding real property).

F. Discuss the lawsuit styled *City of San Antonio v. Charles & Tracy Pollock*, Cause Number 04-03-00403CV, 4th Court of Appeals, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

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

1. Invocation by Rev. George Fike, Associate Pastor, Bandera Road Community Church, guest of Councilman Julian Castro, District 7, and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes of the City Council Meeting of November 18, 2004.

DISABILITY ACCESS STATEMENT

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

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

THE FOLLOWING ITEMS WILL BE CONSIDERED AT THE TIMES INDICATED:

4. 2:00 P.M. – Consideration of the following items: [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

Ho
Brady
A. Public Hearing to receive testimony on the City of San Antonio's Small Business Economic Development Policy concerning the utilization of small, minority, women and African-American owned Business Enterprises in the City Contracting Program.

100182
B. An Ordinance approving the renewal of the goals of the Small Business Economic Development Advocacy Program Policy Ordinance No. 96754; adding and amending definitions and utilization procedures for specific contracting categories; establishing criteria for investment banking proposals; and approving the recommendation of the Small Business Advocacy Committee to commission an Availability and Disparity Study.

Ho
Brady
5. 3:00 P.M. – Briefing on the Request for Proposals for Development Opportunity for a Full-Service Convention Center Headquarters Hotel. [Presented by Christopher J. Brady, Assistant City Manager; J. Rolando Bono, Interim City Manager]

6. 5:00 P.M. – Citizens to Be Heard.

7. 6:00 P.M. - Public Hearing and consideration of following Ordinances: [Presented by David D. Garza, Director, Neighborhood Action; Jelynn LeBlanc Burley, Assistant City Manager]

Denial
A. An Ordinance designating the Rainbow Hills Development Project area located in City Council District 4, bordering Horal Street to the west, Marbach Rd. to the north, Loop 410 to the east and Lackland Hills Subdivision (Unit 6) to the south as a Tax Increment Reinvestment Zone ("Zone"); describing the boundaries of the Zone; creating a board of directors for the Zone; providing for an effective date and a termination date for the Zone; naming the Zone "Reinvestment Zone Number Eighteen, City of San Antonio, Texas"; establishing a Tax Increment Fund; and containing other provisions related thereto. Staff recommends denial.

100186
B. An Ordinance designating the Rosillo Creek Development Project area located in City Council District 2, bounded by outside Loop 410 at the intersection of Eisenhower and Walzem Roads as a Tax Increment Reinvestment Zone ("Zone"); describing the boundaries of the Zone; creating a board of directors for the Zone; providing for an effective date and a termination date for the Zone; naming the Zone "Reinvestment Zone Number Twenty, City Of San Antonio, Texas"; Establishing A Tax increment fund; and containing other provisions related thereto. Staff recommends approval.

100187
C. An Ordinance designating the Heathers Cove Development Project area located in City Council District 4, bordering the Valley High Subdivision to the north, Loop 410 to the west, Medina Base Road to the south, and Indian Creek Park to the east, as a Tax Increment Reinvestment Zone ("Zone"); describing the boundaries of the Zone; creating a board of directors for the Zone; providing for an effective date and a termination date for the Zone; naming the Zone "Reinvestment Zone Number Twenty-One, City of San Antonio, Texas"; establishing a Tax Increment Fund; and containing other provisions related thereto. Staff recommends approval.

100188
D. An Ordinance designating the Ridge Stone Development Project area located in City Council District 4, bounded by Medina Base Road to the north, Loop 410 South to the west, near Ray Ellison Boulevard to the south, and Palm Valley Drive to the east, as a Tax Increment Reinvestment Zone ("Zone"); describing the boundaries of the Zone; creating a board of directors for the Zone; providing for an effective date and a termination date for The Zone; naming the Zone "Reinvestment Zone Number Twenty-Two, City of San Antonio, Texas"; establishing a Tax Increment Fund; and containing other provisions thereto. Staff recommends approval.

100189
E. An Ordinance designating the Meadow Way Development Project area located in City Council District 6, bounded by Meadow Village Subdivision on the north, Meadow Way Street to the west, near Marbach Road to the south, and by John Jay High School to the east, as a Tax Increment Reinvestment Zone; describing the boundaries of the Zone; creating a board of directors for the Zone; providing for an effective date and a termination date for the Zone; naming the Zone "Reinvestment Zone Number Twenty-Three, City of San Antonio, Texas"; establishing a Tax Increment Fund; and containing other provisions related thereto. Staff recommends approval.

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

CONSENT AGENDA

Items Concerning the Purchase of Equipment, Supplies and Services

100138
8. An Ordinance accepting the low responsive bid submitted by Philpott Motors, Ltd. to provide the City of San Antonio Fire Department with a bomb evidence collection van for a total cost of \$91,800.00 from State Homeland Security Grant Funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

100139
9. An Ordinance accepting the low responsive bid submitted by Ancira Winton Chevrolet, an MBE, to provide the City of San Antonio Fire Department with cargo vans for a total cost of \$107,977.40 from State Homeland Security Grant Funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

100176
10. An Ordinance accepting offer submitted by Sirius Enterprise Systems Group to provide the City of San Antonio Information Technology Services Department with an IBM Mainframe System for \$746,499.00; and for a three year software license agreement at an annual cost of \$232,196.04. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

100140
11. An Ordinance accepting a bid submitted from Express Video, Inc. for the purchase of 445 gambling devices (Eight Liners) in the amount of \$141,207.00, seized as a result of criminal investigations by the San Antonio Police Department and subsequently forfeited by orders of the courts; and authorizing payment in the amount of \$45,520.98 to the Bexar County District Attorney's Office. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

100141
12. An Ordinance accepting the low responsive bid submitted by C & M Golf and Grounds Equipment to provide the City of San Antonio Parks & Recreation Department with a 48 month golf course maintenance equipment lease for a total cost of \$9,099.86 per month. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

100177
13. An Ordinance accepting the bids of various companies to provide the City of San Antonio with various types of commodities and services on an annual contract basis for FY2004-2005 for an estimated combined annual cost of \$2,799,304.00 to include contracts for violation notice forms and Avaya telephone parts and service. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

100142
14. An Ordinance accepting the low responsive bid submitted by Santex Truck Centers, Ltd. to provide the City of San Antonio Environmental Services Department with recycle collection trucks for a total cost of \$2,482,571.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Capital Improvement Items

- 100143
15. An Ordinance selecting Independent Design (SBE/DBE/MBE) to provide professional architectural services in connection with the Monticello Park Improvements Project, located in Council District 7; authorizing the negotiation and execution of a professional services contract in a amount not to exceed \$8,800.00; authorizing \$1,000.00 for architectural contingency expenses; authorizing \$1,500.00 for bid advertising and printing expenses, for a total amount of \$11,300.00 from 2003-2007 Park Bond funds; appropriating funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
- 100144
- ✓ 16. An Ordinance authorizing funds in the amount of \$2,080,244.45 payable to the Texas Department of Transportation for twenty percent (20%) of the City's share of construction costs in connection with the Tezel Road – Timber Path to Old Tezel Road MPO Project, located in Council Districts 6 and 7; authorizing \$312,036.67 for construction contingency expenses; authorizing \$25,000.00 for engineering contingency expenses; authorizing \$24,172.81 for capital administrative expenses, for a total amount of \$2,441,453.93 from General Obligations of the City; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]
- 100145
- ✓ 17. An Ordinance authorizing funds in the amount of \$293,670.78 payable to the Texas Department of Transportation for twenty percent (20%) of the City's share of construction costs in connection with the Thousand Oaks Intersections MPO Project, located in Council Districts 9 and 10; authorizing \$30,329.22 for construction contingency expenses; authorizing \$18,000.00 for engineering contingency expenses; authorizing \$7,020.00 for capital administrative expenses, for a total amount of \$358,020.00 from General Obligations of the City; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]
- 100146
- ✓ 18. An Ordinance authorizing funds in the amount of \$395,776.29 payable to the Texas Department of Transportation for twenty percent (20%) of the City's share of construction costs in connection with the McCullough – UPRR to Basse MPO Project, located in Council District 1; authorizing \$55,666.44 for construction contingency expenses; authorizing \$22,275.00 for engineering contingency expenses; authorizing \$9,548.35 for capital administrative expenses, for a total amount of \$486,966.08 from General Obligations of the City; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]
- 100147
- ✓ 19. An Ordinance accepting the low responsive bid in the amount of \$799,000.00 from W.R. Griggs Construction Company, Inc., in connection with the Brook Hollow Branch Library Renovation Project, located at 530 Heimer in Council District 9; authorizing the execution of a construction contract; authorizing \$15,000.00 for construction contingency expenses; authorizing \$19,460.00 for capital administration costs, for a total amount of \$833,460.00 from General Obligations of the City; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

- 100148
- ✓ 20. An Ordinance authorizing the amendment of a current professional services agreement with Raba-Kistner Consultants, Inc., to include additional environmental activities, including Phase I, Phase II, and Phase III Environmental Assessments, as may be required, for the Texas A&M University campus, in an amount not to exceed \$200,000.00; appropriating funds; and providing for payment. [Presented by Daniel V. Cardeñas, Director, Environmental Services; Melissa Byrne Vossmer, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

- 100149
- ✓ 21. An Ordinance approving and authorizing the execution of the Consent to Assignment and Assumption of Lease Agreement (Incorporating Estoppel Certificate) of the Leasehold Interest of Highland Hospitality, L.P., a Delaware Limited Partnership, the current Lessee, to HH LC Portfolio, L.L.C, (a wholly owned subsidiary of Highland Hospitality Corporation) to use the City of San Antonio-owned German-English School, located at 421 S. Alamo Street, to also include a consent to a sublease from HHS TRS OP , L.L.C., to HHC TRS LC Portfolio, L.L.C., another wholly owned subsidiary, of Highland Hospitality Corporation, in connection with refinancing that involves the Plaza San Antonio – a Marriott Hotel. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]
- 100150
- ✓ 22. An Ordinance approving and authorizing the execution of the HemisFair Park Lease Agreement with Ann E. Braley for the continued operation of an old-fashioned popcorn wagon for approximately 386.72 square feet of public space within HemisFair Park for a two (2) year term at the rental rate of \$3,990.95 per year. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]
- 100151
- ✓ 23. An Ordinance accepting a Surrender of Lease Agreement with the Texas Engineering Extension Service, a part of the Texas A&M University System, as Lessee, for use of an approximately 28,300 square foot facility located at HemisFair Park. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]
- 100152
- ✓ 24. An Ordinance releasing a one (1) foot non-access easement located in Parcel 102, NCB 10615, adjacent to Hollyspring Street in Council District 2, as requested by the Center of Independent Living Community Development Corporation. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]
- 100153
- ✓ 25. An Ordinance granting a license agreement to The Heights Building, Ltd., a Texas limited partnership, to use and maintain a thirty foot (30') by one hundred sixty foot (160') portion of Public Right of Way, located between Broadway and the previously closed thirty foot (30') by seventy two foot (72') foot portion (by Ordinance No. 98510), only for the purpose of an entry and exiting into the parking facility, and developing parking spaces, curbing, and landscaping, adjacent to the new office building located at 7373 Broadway in Council District 9, for a ten (10) year term and the total consideration of \$36,621.00. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

100154
✓ 26. An Ordinance authorizing funds in the amount of \$17,693.00 to Lawyers Title of San Antonio as escrow agent for the Northeast Independent School District for fee simple title to one parcel of land (\$17,193.00), and title fees (\$500.00) in connection with the Stahl at O'Connor and Judson Reconstruction MPO Project, located in Council District 10; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

100155
✓ 27. An Ordinance authorizing the execution of a Lease Agreement with GTM Washington Square, Ltd., a Limited Partnership, to lease approximately 1,369 square feet of office space located at 800 Dolorosa, for use by the Office of Municipal Integrity, for a total amount of \$113,712.00 for five (5) years at an annual average cost of \$22,742.00, commencing on January 1, 2005 and ending on December 31, 2009; appropriating funds; and providing for payment. [Presented by Virginia M. Quinn, Manager, Municipal Integrity; J. Rolando Bono, Interim City Manager]

100156
✓ 28. An Ordinance authorizing the execution of a Lease Agreement with GTM Washington Square, Ltd., a Limited Partnership, to lease approximately 7,510 square feet of office space located at 800 Dolorosa, for use by the San Antonio Police Department, for a total amount of \$703,236.00 for five (5) years at an annual average cost of \$140,647.00, commencing on January 1, 2005 and ending on December 31, 2009; appropriating funds; and providing for payment. [Presented by Albert A. Ortiz, Police Chief; Christopher J. Brady, Assistant City Manager]

100157
✓ 29. An Ordinance authorizing the execution of a Lease Agreement with the Northside Independent School District ("NISD") to construct a parking lot on a portion of the Howsman Elementary School campus, consisting of approximately 23,270 square feet adjacent to and southwest of the existing Cody Branch Library, for a twenty-five (25) year term, unless terminated according to the terms of the agreement; authorizing \$230,000.00 from 2003 Library Bond funds for the design and construction of the parking lot; and appropriating funds. [Presented by Aubrey W. George, Acting Director, Library; Frances A. Gonzalez, Assistant City Manager]

Miscellaneous

100158
✓ 30. An Ordinance authorizing the Interim City Manager or his designee to accept a U.S. Department of Justice, Office of Community Oriented Policing Services grant in the amount of \$164,819.00 for the Methamphetamine Training Initiative administered by the San Antonio Police Department, which will enhance methamphetamine related prevention, enforcement, and education program, for the grant period August 1, 2004 to January 31, 2006. [Presented by Albert A. Ortiz, Police Chief; Christopher J. Brady, Assistant City Manager]

100159
✓ 31. An Ordinance authorizing execution of a contract in the amount of \$50,000.00 as part of a hosting obligation with Reed Business Information Ltd. to plan, organize, manage and administer its annual Airports and Airlines network event in San Antonio March 5-7, 2006; appropriating funds, and providing for payment. [Presented by Kevin Dolliole, Director, Aviation; Roland A. Lozano, Assistant to the City Manager]

100160
✓ 32. An Ordinance authorizing the execution of an amendment to the professional services contract with Bracewell & Patterson, L.L.P, to allow for payment of an additional \$115,261.00, increasing the total contract amount to \$240,261.00, from 2003-2007 Park Bonds for additional legal services provided in negotiating the Lease and Development Agreement for the development, operation and maintenance of the Tower of the Americas; appropriating funds; and providing for payment. [Presented by Andrew Martin, City Attorney; J. Rolando Bono, Interim City Manager]

100161
✓ 33. An Ordinance ratifying the selection of Barton, Schneider & Russell, L.L.P, to provide legal services in connection with the U.S. Department of Housing & Urban Development (HUD) Section 108 Loan for the purpose of assisting in the funding of the rehabilitation of the Friedrich Building, located at 1617 E. Commerce, in Council District 2; ratifying the execution of an engagement letter agreement with Barton, Schneider & Russell, L.L.P., for the performance of these services; and authorizing payment to Barton, Schneider & Russell, L.L.P., for such services in an amount not to exceed \$157,375.00. [Presented by Andrew Martin, City Attorney; J. Rolando Bono, Interim City Manager]

100162
✓ 34. An Ordinance ratifying the retention of the law firm of Denton, Navarro, Rocha & Bernal to assist the City of San Antonio in its annexation program, and negotiating and defending area service plans as part of the City's Three Year Annexation Plan; and authorizing payment of an amount not to exceed \$40,000.00 for such services. [Presented by Andrew Martin, City Attorney; J. Rolando Bono, Interim City Manager]

100163
✓ 35. An Ordinance ratifying the retention of Cox Smith Matthews, Inc. and authorizing funds in the amount \$300,000.00 payable to the firm for legal services necessary to assist City staff in the negotiations and planning for major development projects involving both private and public investments in the City South area; appropriating funds; and providing for payment. [Presented by Andrew Martin, City Attorney; J. Rolando Bono, Deputy City Manager]

100164
✓ 36. An Ordinance authorizing payment in the amount of \$27,500.00 to Public Technologies, Inc. for annual membership dues for the City of San Antonio for the period December 2004 through November 2005. [Presented by Gary Moeller, Director, Information Technology Services; J. Rolando Bono, Interim City Manager]

37. Consideration of the following Ordinances: [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

100178
✓ A. An Ordinance authorizing the acceptance of additional funds in the amount of \$125,899.00 from the Texas Department of Housing and Community Affairs (TDHCA) for the continuation of the 2004 Community Services Block Grant (CSBG) program through September 30, 2005; approving an amendment of the TDHCA contract which increases the amount of the contract by \$125,899.00 and extends the term of said contract to September 30, 2005; revising the CSBG 2004 budget; accepting the recommendation of the Community Action Advisory Board to contract with the Young Women's Christian Association in the amount of \$30,000.00 to provide the self-employment for economic development program for the period January 1, 2005 through September 30, 2005; authorizing the execution of a delegate agency contract in connection therewith; and authorizing the execution of a lease agreement with the Mexican American Unity Council for approximately 2,918 square feet of office space at 2300 w. commerce street in the annual amount of \$35,016.00 for the period January 1, 2005 through December 31, 2007 for the operation of the Community Action Program (CAP) west.

100165
✓ B. An Ordinance ratifying the submission of a Calendar Year 2005 Community Services Block Grant (CSBG) Performance Statement to the Texas Department of Housing and Community Affairs (TDHCA) in connection with the continued operation of the CSBG program; accepting the CSBG funding recommendations of the Community Action Advisory Board; authorizing the submission of a CSBG Budget and Personnel Complement, in connection therewith; authorizing the acceptance of CSBG funding in an amount up to \$1,975,218.00 upon award, to enable the City to continue operation of the CSBG program through December 31, 2005; approving a Budget and a Personnel Complement upon award of said grant; and authorizing the execution of any documents necessary in connection with said grant award.

100168
✓ 38. An Ordinance authorizing the Interim City Manager or his designee to terminate certain concession and novelty agreements at the Henry B. Gonzalez Convention Center, Lila Cockrell Theatre and Municipal Auditorium. [Presented by Michael J. Sawaya, Director, Convention Facilities; Roland A. Lozano, Assistant to the City Manager]

100179
✓ 39. An Ordinance authorizing the execution of an addendum and amendment as may be necessary, to the existing professional environmental engineering services contract with Zephyr Environmental Corporation extending the contract for the period December 24, 2004, through December 23, 2007, for an amount not to exceed \$180,000.00 to evaluate remediation conducted by the United States Air Force for the Kelly Air Force Base Plume (Zone 4 Corrective Actions), stand-by investigations and evaluation of other environmental concerns to residents throughout the city and the Metropolitan Health District; and providing for payment. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]

100167
✓ 40. An Ordinance authorizing the execution of a delegate agency contract in the amount of \$100,000.00 with the Social and Health Research Center ("S&HRS") in order to conduct the Big Star Program and the S&HRS Study for the prevention of childhood diabetes; and authorizing payments for contractual services. [Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]

100168
41. An Ordinance approving and authorizing the execution of a three year contract with the University of Texas Health Science Center at San Antonio to provide the San Antonio Fire Department with EMT training, EMS Medical Director services and EMS system oversight, for a term beginning January 1, 2005 and ending on December 31, 2007, for an annual cost of \$1,155,861 for the first year; \$1,184,152 for the second year; and, \$1,215,558.00 for the third year; appropriating funds; and providing for payment. [Presented by Robert Ojeda, Fire Chief; Christopher J. Brady, Assistant City Manager]

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

100169
42. An Ordinance approving the parade permit and authorizing the temporary closure of portions of certain streets in connection with the 2005 Martin Luther King, Jr. March and Celebration Program to be held from 8:00 A.M. until 5:00 P.M. Monday, January 17, 2005. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]

00170
43. An Ordinance approving the temporary street closure of Hoefgen Avenue between E. Commerce Street and the Dead End south of Heiman, Gonzales Street between northbound access road of I.H. 37 and Hoefgen Avenue, Sycamore Street between E. Commerce Street and Heiman, and Heiman between Sycamore Street and Hoefgen Avenue on Wednesday, December 29, 2004 from 2:00 P.M. to 12:00 A.M. in order for the Sunset Station Group, L.L.C., to hold its Alamo Bowl Block Party. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]

Board, Commissions and Committee Appointments.

44. Consideration of the following board appointments: [Presented by Leticia M. Vacek, City Clerk]

100171
A. An Ordinance appointing Dr. Ellen Leonard (District 10) to the Commission for Children and Families for a term of office to expire on June 27, 2006.

100172
B. An Ordinance reappointing Jim Greenfield (Community Category – District 5) to the Brooks Development Authority for terms of office to expire on November 4, 2006.

100173
C. An Ordinance reappointing Xavier E. Gonzalez (Business Category – District 8) to the Historic and Design Review Commission for a term of office to expire on October 31, 2006.

100174
D. An Ordinance appointing Paul Stahl (District 7) to the San Antonio Public Library Board of Trustees for a term of office to expire on September 30, 2006.

100175
E. An Ordinance appointing Mariscela Aguirre (District 3) to the Head Start Commission for a term of office to expire on September 30, 2005.

ITEMS FOR INDIVIDUAL CONSIDERATION

100194 ✓ 45. An Ordinance approving a professional services contract with Arcus for executive search services in connection with hiring a City Manager. [Presented by Leticia M. Vacek; City Clerk]

✓ 46. Consideration of the following board appointments: [Presented by Leticia M. Vacek, City Clerk]

100195 Ordinance appointing one member to the Convention and Visitors Commission for a term of office to expire on June 30, 2006.

Nominees: **General Community – Northwest Sector**
Trinie Reiter (District 6)
Michael Khadem (District 2)
Jim Eskin (District 7)
Jim Berg (District 9)

100196 ✓ 47. An Ordinance authorizing the Open Space Advisory Board to become a subcommittee of the Parks and Recreation Board, effective January 1, 2005; and revising certain ordinances in accordance therewith. [Presented by Leticia M. Vacek, City Clerk]

100197 ✓ 48. An Ordinance authorizing the consolidation of the San Antonio AIDS/HIV Commission and the Advisory Board of Health, effective January 1, 2005; abolishing the San Antonio AIDS/HIV Commission; and repealing certain ordinances in conflict herewith. [Presented by Leticia M. Vacek, City Clerk]

100198 ✓ 49. An Ordinance abolishing the following boards and commissions, effective January 1, 2005: Cable Television Advisory Committee, and the Market Square Commission; and repealing certain ordinances in accordance therewith. [Presented by Leticia M. Vacek, City Clerk]

100199 ✓ 50. An Ordinance amending Chapter 2 of the City of San Antonio City Code, entitled "Administration," by adding Article VIII, entitled "Boards and Commissions"; and repealing Ordinance No. 93356, Resolution Nos. 87-30-48, 92-29-24, 92-31026, 95-30-41, 96-06-04, and any other ordinance or resolution in conflict herewith. [Presented by Leticia M. Vacek, City Clerk]

no
Orl.
51. Briefing and presentation regarding amendments to the non-annexation agreement with Lumberman's Investment Corporation. [Presented by Christopher J. Brady, Assistant City Manager; J. Rolando Bono, Interim City Manager]

100180 ✓ 52. An Ordinance accepting a proposal and awarding a license agreement to the San Antonio Parks Foundation to operate the Fiesta Event at Market Square from 2005 through 2007. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

100201 ✓ 53. An Ordinance considering consent to the transfer or assignment of the Cable Television Franchise, cable rights, duties, and obligations from Time Warner Cable, Inc., to Time Warner Cable San Antonio, L.P.; preserving any and all claims the City may have against Time Warner Cable, Inc.; establishing certain conditions related to the City's consent; and waiving the procedural requirements of Section 6 of the Cable Franchise Agreement. [Presented by Ben Gorzell, Jr., Director, Public Utilities; Melissa Byrne Vossmer, Assistant City Manager]

100181 ✓ 54. An Ordinance releasing three tracts of land totaling approximately 67.035 acres near the intersection of Cassiano and Richter Roads from the City of San Antonio's Extraterritorial Jurisdiction. [Presented by Emil R. Moncivais, Director, Planning; Jelynn LeBlanc Burley, Assistant City Manager]

00184 ✓ 55. An Ordinance approving and authorizing the execution of a Development Agreement with Aztec Project Development, Ltd., for the redevelopment of the historic Aztec Theatre, located at 104 East Commerce Street; and waiving certain fees associated with this project. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

100185 ✓ 56. An Ordinance approving and authorizing the execution of a Development Agreement with Alamo National Building Development Partnership, L.P., for the redevelopment of the historic Alamo National Bank Building; and waiving certain fees associated with this project. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

100200 ✓ 57. An Ordinance authorizing the termination of both the Assignment and Tax Phase-In Agreements with Alcoa, Inc. and approving the terms and authorizing the execution of a Settlement Agreement and Release effective October 1, 2004 that recaptures approximately \$430,944.00 in previously abated taxes. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

100202 ✓ 58. An Ordinance approving the terms and authorizing the execution of an amendment to the Tax Phase-In Agreement with United Healthcare Services, Inc., and TODAY University Park Tech Center III, L.P., to revise the job creation requirement from 107 jobs to 54 jobs and to adjust the term from six (6) to three (3) years, thereby ending the term of the agreement on December 31, 2004. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

100203 ✓ 59. An Ordinance amending Chapter 19, Article X of the City of San Antonio's City Code, entitled "Junked Vehicles," thereby repealing Ordinance No. 69456, and Section 2 of Ordinance No. 76464, to provide for compliance with the legislative updates by implementing more restrictive definitions of junked vehicles, dispensing with the \$50.00 fee for a Motor Vehicle Hearing; reducing the maximum fine for convictions to \$200.00 and setting the minimum fine of \$100.00 for subsequent convictions; and directing publication. [Presented by Martin G. Rodriguez, Director, Code Compliance; Jelynn LeBlanc Burley, Assistant City Manager]

100190
✓ 60. An Ordinance amending Ordinance No. 97497; and sections of Chapter 21, Article IX of the City Code; stating findings that recognize the adverse secondary effects upon the public's health, safety, and welfare resulting from the activities of Human Display Establishments, of public places where semi-nude topless dancing and fully nude dancing occur, and of places where a state of nudity or semi-nudity generally exists; prohibiting nudity or semi-nudity or a state of nudity or semi-nudity in a public place; establishing exceptions to prosecution; establishing a licensing scheme for Human Display Establishments whereby compliance with the scheme serves as an exception to prosecution; setting permit fees of \$50.00 to \$375.00; providing penalties and enforcement including fines up to \$2,000.00 per violation; authorizing suit to enjoin illegal activity and to enforce this ordinance; providing a severability clause and an effective date. [Presented by Andrew Martin, City Attorney; J. Rolando Bono, Interim City Manager]

100191
✓ 61. An Ordinance amending Ordinance No. 98203 and Section 21-22 of the City Code regulating Adult Arcades; specifying individuals responsible for complying with the provisions of the ordinance; and providing for a penalty for violation hereof in the amount of not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00). [Presented by Andrew Martin, City Attorney; J. Rolando Bono, Interim City Manager]

62. Consideration of the following Ordinances:

100192
✓ A. An Ordinance rescinding Fiscal Year (FY) 2003 Human Development Services Fund (HDSF) Guidelines as established by Ordinance No. 96958, passed and approved on December 19, 2002, as amended by Ordinance No. 97567, passed and approved on May 1, 2003; revising the FY 2004 Budget Ordinance No. 98181, passed and approved on September 8, 2003 and revising the FY 2005 Budget Ordinance No. 99725, passed and approved on September 16, 2004, to conform with the provisions of this ordinance; approving the public purposes for HDSF expenditures; and authorizing the execution of contracts in connection therewith. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

100193
✓ B. An Ordinance amending Ordinance No. 99725, the FY 2005 Budget Ordinance, by increasing the allocation of Human Development Services Fund for the Mayor and each Council Member from \$30,000.00 to \$41,818.00. [Presented by Peter Zanoni, Director, Management and Budget; Erik J. Walsh, Assistant to the City Manager]

100194
✓ 63. An Ordinance authorizing the execution of a contract and certain amendments thereto, with the San Antonio Neighborhood Assistance Corporation dba Neighborhood Resource Center in the amount of \$18,000.00 for the provision of Human And Community Development Services during the period December 26, 2004 through September 30, 2005; and authorizing the allocation and expenditure of Human Development Services Funds in the amount of \$5,000.00 from the Mayor's Office; \$1,000.00 from Council District 2; \$2,000.00 from Council District 5; \$3,000.00 from Council District 7; \$2,000.00 from Council District 8 and \$5,000.00 from Council District 10 for a total amount of \$18,000.00 for the provision of Human Development Services. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

100483
64. An Ordinance authorizing \$2,500.00 from the District 2 Neighborhood Accessibility and Mobility fund to support the Texas Department of Transportation Rail Master Plan; as requested by Councilman Joel Williams.

65. City Manager's Report. *None*

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

- A. Deliberate the duties, appointment, and employment of the City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Deliberate the offer of financial or other incentives related to economic development negotiations with a business prospect the City Council seeks to have locate in or near San Antonio, including the possible acquisition and disposition of an interest in real property, pursuant to Texas Government Code Section 551.087 (deliberation regarding economic development negotiations) and Texas Government Code Section 551.072 (deliberation regarding real property); and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C. Discuss acquisition of an interest in real property for office space, pursuant to Texas Government Code Section 551.072 (deliberation regarding real property).
- D. Discuss the lawsuit styled *Alamo Concrete Products, Ltd., v. Commercial Indemnity Insurance Company*, Cause No. 2002-CI-12849, 408th Judicial Court, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E. Discuss legal issues regarding franchise renewal negotiations with Time Warner Cable, pursuant to Texas Government Code Section 551.071 (consultation with attorney) and Section 551.072 (deliberation regarding real property).
- F. Discuss the lawsuit styled *City of San Antonio v. Charles & Tracy Pollock*, Cause Number 04-03-00403CV, 4th Court of Appeals, pursuant to Texas Government Code Section 551.071 (consultation with attorney).