

DJD
Item No. 25
May 5, 2005

AN ORDINANCE 100821

**APPROVING THE SETTLEMENT AGREEMENT IN
THE LAWSUIT STYLED *ALLSTARS ET AL V. CITY
OF SAN ANTONIO*, CIVIL ACTION NUMBER SA-03-
CA-356-FB, IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF
TEXAS, SAN ANTONIO DIVISION.**

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WHEREAS, the City of San Antonio enacted Ordinance Number 97497 regulating the conduct that occurred in Human Display Establishments;

WHEREAS, the City of San Antonio enacted Ordinance 100190 amending those provisions of the City Code adopted by Ordinance Number 97497;

WHEREAS, several human display establishments filed a lawsuit against the City of San Antonio challenging the constitutionality of these ordinances and code provisions;

WHEREAS, the Honorable Fred Biery, United States District Judge for the Western District of Texas, ordered the parties to the lawsuit to enter mediation in an attempt to achieve a settlement of the issues involved therein;

WHEREAS, representatives of the City of San Antonio and the human display establishments have reached a preliminary Settlement Agreement subject to the approval of the City Council for the City of San Antonio;

WHEREAS, the City Council of the City of San Antonio has reviewed the preliminary Settlement Agreement and concurs with it; **NOW THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council authorizes and approves the Settlement Agreement signed on April 27, 2005 by attorney William M. McKamie for the City of San Antonio in the aforementioned lawsuit.

SECTION 2. The City Manager and the City Attorney are authorized and directed to take all necessary measures to effect the terms of the Settlement Agreement.

SECTION 3. This Ordinance is effective immediately upon approval of eight or more City Council members.

PASSED and APPROVED this 5th day of May, 2005.



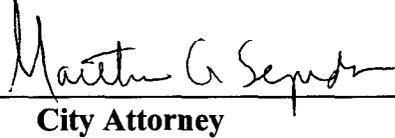
M A Y O R
EDWARD D. GARZA

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

Agenda Voting Results

Name: 25.

Date: 05/05/05

Time: 04:20:19 PM

Vote Type: Multiple selection

Description: An Ordinance approving the settlement agreement in the lawsuit styled Allstars, PT's, Sugar's, XTC, Jane Roe I and Jane Roe II v. City of San Antonio, et al, Cause No. SA-03-CA-356 FB, U.S. District Court for the Western District of Texas, San Antonio Division. [Presented by Martha Sepeda, Acting City Attorney; J. Rolando Bono, Interim City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1			x	
JOEL WILLIAMS	DISTRICT 2			x	
RON H. SEGOVIA	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		