

AN ORDINANCE **98858**

ACCEPTING THE BID FROM EXPRESS VIDEO, INC. FOR THE PURCHASE OF 377 GAMBLING DEVICES (EIGHT LINERS) IN THE AMOUNT OF \$168,100.00, 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 \$74,213.92 TO THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE.

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WHEREAS, criminal investigations conducted by the City of San Antonio ("City") Police Department, initiated by citizen concerns, resulted in the seizure and subsequent forfeiture by the courts of 377 gambling devices, commonly referred to as "eight liners"; and

WHEREAS, the City, in an effort to recoup a portion of the costs associated with the seizure and storage of the devices during the required period pending forfeiture, conducted an informal bid solicitation for the sale of the devices; and

WHEREAS, Express Video, Inc. submitted the highest bid at \$168,100.00 for the entire lot; and

WHEREAS, as a condition of the bid award, Express Video, Inc. has agreed to remove the gambling devices from the State of Texas within 30 days of award, and in accordance with Federal and State laws, and to refrain from returning the devices to the State; and

WHEREAS, the Bexar County District Attorney's Office ("BCDAO") has agreed to equally divide any net revenue from the sale of these gambling devices after fees for expenses such as storage, utility charges and moving costs are deducted; and

WHEREAS, the City has incurred fees to date in the amount of \$19,672.15 associated with the costs of seizure and storage of these gambling devices, while revenues total \$168,100.00.00, leaving a net revenue of \$148,427.85 to be divided between the City and the BCDAO; **NOW THEREFORE:**

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

SECTION 1. The high bid submitted by Express Video, Inc. to purchase 377 gambling devices from the City of San Antonio for the total sum of \$168,100.00 is hereby accepted, subject to and contingent upon the deposit of all required bonds, performance deposits and insurance certificates and timely removal of the gambling devices. All other bids will be considered rejected upon the deposit by the successful bidder of all required bonds, performance deposits and insurance certificates or the expiration of sixty days from the

effective date hereof, whichever occurs first. The bid is attached hereto and incorporated herein as Attachment A.

SECTION 2. The amount of \$168,100.00 collected from Express Video, Inc. for the sale 377 criminal instruments (8-Liners) shall be deposited in Fund 29-012006 (Miscellaneous Special Revenue Fund) in Index Code 022244 entitled "Other Property Sales". Payment in the amount of \$74,213.92 from these proceeds is authorized to be payable to the Bexar County District Attorney's Office.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 4. This ordinance shall take effect the 29th day of February, 2004.

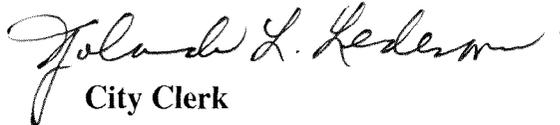
PASSED AND APPROVED this 19th day of February, 2004.



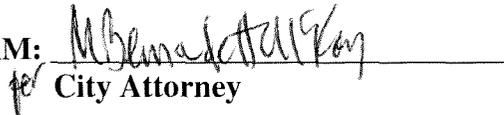
M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney