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First Ordinance

2007-05-03-0479

Last Ordinance

2007-05-03-0511

Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 S. Main Ave
San Antonio, TX 78205
May 3, 2007

The City Council shall hold its regular meetings in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building within the City Hall Complex beginning at 9:00 a.m. After the meeting is convened, the City Council shall consider the following time certain items no sooner than the designated times, but may consider them at a later time.

- 9:00AM:** Invocation and Approval of Minutes
- 12:00PM:** Lunch Break
- 2:00PM:** Neighborhood Plan and Zone Amendments
- 5:15PM:** Ceremonial Recognitions
- 6:00PM:** Citizens to be Heard
- 7:00PM:** Adjourn

At any time during 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) under Chapter 551 of the Texas Government Code.

DISABILITY ACCESS STATEMENT

This meeting is wheelchair accessible. The accessible entrance is located at 103 S. Main Ave. 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.

For additional information on any item on this agenda, please visit www.sanantonio.gov and click on the Council Agenda link or call 207-7080 for assistance.

The City Council of San Antonio will convene in the Norma S. Rodriguez Council Chamber, Municipal Plaza Building in a Regular Council Meeting at 9:00 A.M.

1. Invocation by Msgr. Frank Kurzaj, Pastor, Holy Name Catholic Church. Guest of Councilmember Roland Gutierrez, District 3.
2. Pledge of Allegiance.
3. Approval of Minutes for the April 12, 2007 City Council meeting.
4. Swearing-in of City Auditor for the City of San Antonio, Pete M. Gonzales, Jr.

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

ACTION ITEMS FOR STAFF BRIEFING

5. An Ordinance approving a management agreement with Municipal Golf Association-San Antonio (MGA-SA), a Texas Non-Profit Corporation dedicated to operating and promoting City of San Antonio Municipal Golf facilities, for the operation of the six City-owned Golf Courses and San Pedro Driving Range for a ten (10) year term, non-profit duties and consideration to the City. [Presented by Pat DiGiovanni, Deputy City Manager; Jim Roschek, Interim Director, Golf Operations]

2007-05-03-0479

6. An Ordinance amending Chapter 21 of the City Code by deleting Section 21-6(c) in its entirety and creating a new Article X entitled Graffiti, establishing definitions, violations, penalties, abatement and exceptions. [Presented by T.C. Broadnax, Assistant City Manager; David D. Garza, Director, Housing and Neighborhood Services]

2007-05-03-0480

7. An Ordinance revising the Joint City/County Tax Phase-In Guidelines to modify the application/amendment fee structure and remove call center restrictions. [Presented by Jelynn LeBlanc Burley, Deputy City Manager; Robert Peche, Director, Economic Development]

2007-05-03-0481

8. Staff briefing and possible action on bills pending in the 80th State Legislative Session. [Presented by Erik J. Walsh, Assistant City Manager; Andrew Smith, Director, Intergovernmental Relations]

CONSENT AGENDA

Purchase of Equipment, Supplies and Services

9. An Ordinance accepting the bids of various companies to provide the City with various types of commodities and services on an annual contract basis for FY 2006-2007 for a combined estimated cost of \$723,781.00, including: (A) janitorial chemical management system disinfectants and supplies; (B) lawn mowing service at City parks; (C) property and evidence software system for SAPD; (D) janitorial service at the Bob Ross Center; (E) dangerous premises abatement - lot clearing and securing of structures; and (F) pharmaceutical products. [Presented by Sharon De La Garza, Assistant to the City Manager; Florencio Peña, Director, Administrative Services]

2007-05-03-0482

10. An Ordinance accepting the offer from SimplexGrinnell LP to provide testing, inspection and certification of the fire suppression and sprinkler systems at the San Antonio International Airport for a cost of \$37,000.00. [Presented by Sharon De La Garza, Assistant to the City Manager; Florencio Peña, Director, Administrative Services]

2007-05-03-0483

11. An Ordinance accepting the bid from Hotshot Delivery Systems, Inc. to provide the Department of Community Initiatives with one hot/cold food transportation unit for a cost of \$48,223.00. [Presented by Sharon De La Garza, Assistant to the City Manager; Florencio Peña, Director, Administrative Services]

2007-05-03-0484

12. An Ordinance ratifying a contract with Freeman Decorating to provide the City with the rental and installation of event/exhibit equipment for the 2007 NCAA Division I Men's South Regional Basketball Tournament for a cost of \$47,951.25. [Presented by Sharon De La Garza, Assistant to the City Manager; Florencio Peña, Director, Administrative Services]

2007-05-03-0485

13. An Ordinance approving an amendment to a contract with the 3M Company- Security Systems Division to provide additional equipment for a Radio Frequency Identification (RFID) inventory control and security system for the Library system for a total cost of \$45,107.00 from tax exempt lease purchase funds. [Presented by Frances A. Gonzalez, Assistant City Manager; Ramiro S. Salazar, Director, Library]

2007-05-03-0486

14. An Ordinance authorizing Schedule A, No. 3 to the 2006 Master Equipment Lease/Purchase Agreement with Banc of America Capital Corp, in the amount of \$999,732.00 for the acquisition of various components of the Radio Frequency Identification ("RFID") system for the City's Library Department at a rate of 3.6078% for a 60 month term, to pay the costs of the transaction. [Presented by Pat DiGiovanni, Deputy City Manager; Ben Gorzell, Director, Finance]

2007-05-03-0487

Capital Improvements

15. An Ordinance awarding a construction contract in the amount of \$78,860.00 to McNeil

Roofing and Sheet Metal, Inc., in connection with the Roof Modifications at Landa Branch Library Project, and appropriating funds. [Presented by Pat DiGiovanni, Deputy City Manager; Shawn Eddy, Director, Asset Management]

2007 - 05 - 03 - 0488

- 16. An Ordinance awarding a construction contract in the amount of \$481,265.00 to C.A. Landry Partners, Limited, in connection with the Universidad Nacional Autonoma De Mexico Weatherization Project, an authorized Hotel Motel Occupancy tax Revenue Bond funded Project, located in District 1, and appropriating funds. [Presented by Pat DiGiovanni, Deputy City Manager; Shawn Eddy, Director, Asset Management]

2007 - 05 - 03 - 0489

- 17. An Ordinance authorizing Change Order Nos. 1 and 2 to the \$46,440,500.00 construction contract with Bartlett Cocke/Walbridge for the Garage Foundations, Structure and Systems at San Antonio International Airport, reducing the original contract value by \$3,786,024.00, revising construction drawings, modifying certain contract language, and funding the use and purchase of electronic message boards. [Presented by Penny Post oak Ferguson, Assistant City Manager; Mark Webb, Director, Aviation]

2007 - 05 - 03 - 0490

- 18. An Ordinance ratifying Change Orders 26, 28, and Final Change Order 33 in the amount of \$183,759.60 to the \$6,759,969.30 construction contract with Jerdon Enterprise, L.P. for the Utility Relocation Project for Terminal B at San Antonio International Airport. [Presented by Penny Post oak Ferguson, Assistant City Manager; Mark Webb, Director, Aviation]

2007 - 05 - 03 - 0491

- 19. An Ordinance ratifying Change Order No. 9 in the amount of \$21,633.05 to the \$1,283,836.67 construction contract with Jerdon Enterprise, L.P. for Roadway and Entrance Landscaping Improvements at San Antonio International Airport. [Presented by Penny Post oak Ferguson, Assistant City Manager; Mark Webb, Director, Aviation]

2007 - 05 - 03 - 0492

- 20. An Ordinance approving a \$70,516.40 emergency construction contract with Rubiola Construction Company for emergency ceiling repairs to the San Pedro Playhouse in District 1, paid for from Parks and Recreation Department's General Fund. [Presented by Frances A. Gonzalez, Assistant City Manager; Malcolm Matthews, Director, Parks and Recreation]

2007 - 05 - 03 - 0493

- 21. An Ordinance authorizing payment of \$123,324.45 to the Environmental Services Department to provide a reevaluation of the Categorical Exclusion and conduct a Phase II Subsurface Investigation, in connection with the Mission Trails, Packages IV and V Project, located in Districts 1, 3, and 5, an authorized 1999 Certificates of Obligation Street Improvement Bond and Issued Certificates of Obligation funded Project. [Presented by Jelynn LeBlanc Burley, Deputy City Manager; Thomas Wendorf, Director, Public Works]

2007 - 05 - 03 - 0494

- 22. An Ordinance approving Change Order No. 3 - final in the deductive amount of \$286,723.73 to the construction contract with San Antonio Constructors, Ltd. to reconcile actual quantities used, in connection with the 2005 Street Maintenance Program-Asphalt Recycling and Overlay Project, located in various Districts. [Presented by Jelynn LeBlanc Burley, Deputy City Manager; Thomas Wendorf, Director, Public Works]

2007 - 05 - 03 - 0495

Acquisition, Sale or Lease of Real Property

23. An Ordinance declaring a public necessity for the public purpose of acquisition by negotiation and/or condemnation of electric transmission and distribution lines easements, temporary construction easements and related rights of ingress and egress and the acquisition of fee simple title to certain real property, in Bexar and Medina County, for the expansion and operation of the City of San Antonio's gas and electric systems, including the construction, operation and maintenance of the electric transmission and distribution lines, a substation, and communication systems and related appurtenances commonly referred to as the Medina Lake-to-CPS Project, to wit:

In Bexar County: the T. Quintera, also known as the Thomas Quintera, Survey No. 300, Abstract No. 978, County Block 4353 and the R. Carasco, also known as the Robert Carasco, Survey No. 101, Abstract No. 1195, County Block 4376; and,

In Medina County: the B. Sandoval, also known as the Beriana Sandoval, Survey No. 40, Abstract No. 840, J. J. Gonzales, also known as the Jose Jacinto Gonzales, Survey No. 255, Abstract No. 408, Dallas Gillis, also known as D. Gillis, Survey No. 42, Abstract No. 1689, T.W.N.G.R.R. Co. Survey No. 41, Abstract No. 1346, and the I. & G.N.R.R. Co. Survey No. 42 ¼, Abstract 1297.

[Presented by Pat DiGiovanni, Deputy City Manager; Shawn Eddy, Director, Asset Management]

2007-05-03-0496

24. An Ordinance authorizing the purchase of a building located at 555 Academic Court for use as the San Antonio Police Department's Property and Evidence Storage Warehouse; appropriating \$2,625,500 for the purchase and \$2,274,500 for building improvements; and amending a Joint Use and Operating Agreement. [Presented by Pat DiGiovanni, Deputy City Manager; Shawn Eddy, Director, Asset Management]

2007-05-03-0497

25. An Ordinance authorizing renewal of the State of Coahuila Trade Office's lease at the International Center on S. St. Mary's Street totaling \$104,799.00 in anticipated lease revenue. [Presented by Pat DiGiovanni, Deputy City Manager; Shawn Eddy, Director, Asset Management]

2007-05-03-0498

26. An Ordinance authorizing a 5-year renewal of an International Center lease to University of Las Palmas de Gran Canaria totaling \$114,768.40 in anticipated lease revenue. [Presented by Pat DiGiovanni, Deputy City Manager; Shawn Eddy, Director, Asset Management]

2007-05-03-0499

Grant Applications and Awards

27. An Ordinance authorizing the submission of a grant application for the FY2007 assistance to firefighters grant in the amount of \$932,947.25 from the United States Fire

Administration with a required Federal matching requirement of 20% or \$233,236.81 for a total amount of \$1,166,184.06 for the purchase of a fire engineer training simulator, a driving simulator, a tri cast camera system and the training of fire personnel on this equipment. [Presented by Erik J. Walsh, Assistant City Manager; Charles N. Hood, Fire Chief]

2007-05-03-0500

28. An Ordinance authorizing an amendment to the sub-award agreement with the University of Texas Health Science Center at San Antonio in the amount of \$28,991.00 which will increase the total amount of support from \$121,396.00 to \$150,387.00 for the San Antonio Metropolitan Health District's participation in the Cancer Patient Navigator Program for the period of September 1, 2006 through August 31, 2007. [Presented by Frances A. Gonzalez, Assistant City Manager; Dr. Fernando A. Guerra, Director, Health]

2007-05-03-0501

29. An Ordinance authorizing the submission of a grant application to the Texas Health and Human Services Commission, and acceptance upon award of a grant in an amount up to \$815,144.05 in order to support the 2007 Summer Food Service Program for the period June 11, 2007 through August 3, 2007; and authorizing the execution of all related documents. [Presented by Frances A. Gonzalez, Assistant City Manager; Malcolm Matthews, Director, Parks and Recreation]

2007-05-03-0502

Miscellaneous

30. An Ordinance approving the settlement of a state lawsuit styled *Paula Martinez v. City of San Antonio*, in the 150th Judicial District Court, Bexar County, Texas, Cause No. 2006-CI-16784, for the amount of \$190,000.00. [Presented by Michael Bernard, City Attorney]

2007-05-03-0503

31. An Ordinance scheduling special City Council meetings in May, June and August 2007 and rescheduling all Council-related meetings during the month of July 2007. [Presented by Leticia Vacek, City Clerk]

2007-05-03-0504

32. An Ordinance approving amendments to the bylaws of the Community Action Advisory Board. [Presented by Frances A. Gonzalez, Assistant City Manager; Dennis J. Campa, Director, Community Initiatives]

2007-05-03-0505

33. An Ordinance establishing a funding policy to address the installation of warranted traffic signals within the annual operating budget process. [Presented by Erik J. Walsh, Assistant City Manager; Peter Zanoni, Director, Management and Budget]

2007-05-03-0506

34. An Ordinance authorizing the City Manager or her designee to accept funds in the amount of \$30,000.00 from the University of Texas at San Antonio, in connection with the installation and construction of a traffic signal at the intersection of UTSA Blvd. and Roadrunner Way, located in District 8. [Presented by Jelynn LeBlanc Burley, Deputy City Manager; Thomas Wendorf, Director, Public Works]

2007-05-03-0507

Boards, Commissions and Committee Appointments

35. Consideration of board, commission and committee appointments: [Presented by Leticia M. Vacek, City Clerk]

- A. Appointing Nada Ismail Taha (District 8) to the Commission for Children and Families, effective immediately, for the remainder of an unexpired term of office to expire May 31, 2007.
- B. Appointing William White (District 3) to the Small Business Advocacy Committee, effective immediately, for the remainder of an unexpired term of office to expire May 31, 2007.
- C. Appointing Sophia Marie Ortiz and Adelita Cantu (At-Large) to the Head Start Policy Commission (Category: Higher Education - College Level), effective immediately, for the remainder of unexpired terms of office to expire November 1, 2007.
- D. Reappointing Joseph Tartell (Regular Member) and Appointing Richard "Nick" Lee (Alternate Member) to the Municipal Civil Service Commission, effective immediately, for the remainder of unexpired terms of office to expire March 12, 2009.
- E. Appointing Louis Terrazas, Ricardo Diego Villasenor, Holly Tothe, Henry Galindo, Lou Miller and George Ignacio Fernandez to the Municipal Golf Association – SA, effective immediately, for two-year terms of office to expire May 2, 2009.
- F. Reappointing Gary Pape (Category: Aviation); John McConnell and Donna Schneider (Category: Neighborhood Association); Mark Tafolla (Category: Air Transportation Advisory Commission Representative); and appointing James Caudle (Category: Aviation); Raymond Kincaid (Category: Neighborhood Association); and Gloria Arriaga (Category: AACOG Representative) to the Noise Abatement Advisory Committee, effective immediately, for the remainder of unexpired terms of office to expire October 11, 2008.

36. Consideration of At-Large board, commission and committee appointments: [Presented by Leticia M. Vacek, City Clerk]

- A. Appointing and/or reappointing individuals for the remainder of unexpired terms of office, to the Riverwalk Capital Improvements Advisory Board:

1) Category: Riverbend Lessee (2 slots, terms expiring December 19, 2007 and December 19, 2008)

Nominees:

William Grinnan (seeking reappointment)
Bill Lyons
Steven Stendebach
Dolores G. Farias

2) Category: Downtown Resident/Not a Lessee (1 slot, term expiring December 19, 2007)

Nominee:

Joan Korte

B. Appointing six individuals to the Citizen Advisory Action Board (CAAB), effective immediately, for the remainder of unexpired terms of office to expire January 29, 2009.

Nominees:

Robert Ressman (seeking reappointment)
Joe Candia (seeking reappointment)
Frank Anaya (seeking reappointment)
Joseph O'Brien (seeking reappointment)
Kenneth Weaver (seeking reappointment)
Charlie Pena
Jerry Cowan
Dan Martinez
James Casey
Alicia Correa
William Talbot

37. Appointment and/or reappointment of four (4) individuals as Alternate Members to the Board of Adjustment for the remainder of unexpired terms of office commencing immediately, to expire February 22, 2009. [Presented by Leticia M. Vacek, City Clerk]

Nominees:

Marian Moffat (seeking reappointment)
Rollette Schreckenghost (seeking reappointment)
Michael Dean (seeking reappointment)
Maria Cruz (seeking reappointment)
Jesse Jenkins
Juan Antonio Saucedo, Jr.

38. City Manager's Report

THE CITY COUNCIL WILL RECESS FOR LUNCH AT NOON AND RECONVENE TO CONSIDER ANY UNFINISHED COUNCIL BUSINESS

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

- A. Discuss legal issues related to Paula Martinez v. City of San Antonio, in the 150th Judicial District Court, Bexar County, Texas, Cause No. 2006-CI-16784, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Deliberate certain personnel matters, pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.074 (personnel matters).
- C. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

2:00 P.M. TIME CERTAIN ITEMS (may be heard after this time): Public Hearing and Consideration of the following Adoption and Amendments of the Neighborhood, Community and Perimeter Plans as Components of the Master Plan and Zoning Cases. [Land Use Plan Amendments presented by T.C. Broadnax, Assistant City Manager; Emil R. Moncivais, Director, Planning; and Zoning Cases presented by Jelyne LeBlanc Burley, Deputy City Manager; Roderick Sanchez, Director, Development Services]

P-1. PLAN AMENDMENT (District 5): An Ordinance adopting the Guadalupe Westside Community Plan as a component of the Master Plan of the City in an area bounded by Commerce Street to the north; Alazan Creek to the east; Hwy 90 and Frio City Road to the south; and SW 19th Street to the west. Staff and Planning Commission recommend Approval.

2007-05-03-0508

Z-1. ZONING CASE # Z2007155 (District 6): An Ordinance changing the zoning district boundary from "R-6" (CD-Multi-Family Development) Residential Single Family District with a Conditional Use for a Multi-Family Development with a density not to exceed 8 units per acre to "C-2" Commercial District on 2.750 acres out of NCB 19400 and "RP" Resource Protection District on 2.351 acres out of NCB 19400, 10581 Potranco Road as requested by Brown, P.C., Applicant, for Diana McHazlett and Robert C. De La Rosa, Owners. Staff and Zoning Commission recommend Approval.

2007-05-03-0509

P-2. PLAN AMENDMENT # 07009 (District 7): An Ordinance amending the the land use plan in the Huebner/Leon Creeks Community Plan, a component of the Master Plan of the City, by changing the use of a 9.74 acre tract of land located at 6165 and 6239 Eckhert Road from Medium Density Residential to High Density Residential land use. Staff and Planning Commission recommend Approval. (Associated Zoning Case Z2007146)

Continued for 30 days

Z-2. ZONING CASE # Z2007146 (District 7): An Ordinance changing the zoning district

boundary from "RE" Residential Estate District to "C-2" Commercial District on Lot 5, Block E, NCB 14657 and to "MF-33" Multi-Family District on Lot 8 and Lot 9, Block E, NCB 14657 6065, 6165 and 6239 Eckhert Road as requested by Brown, P.C., Applicant, for Salehi Family Ltd., Florencia G. Quiroga and Frances N. Barton, Owner(s). Staff and Zoning Commission recommends Approval pending plan amendment.

Continued for 30 days

Z-3. **ZONING CASE # Z2006100 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District, "R-6" ERZD Residential Single Family Edwards Recharge Zone District and "I-1" General Industrial District to "C-3" General Commercial District and "C-3" ERZD General Commercial Edwards Recharge Zone District on 164.036 acres out of NCB 14848, 15080 Tradesman Drive / 15103 Capital Port as requested by Brown, P.C., Applicant, for Tradesman, LLC, Owners. Staff and Zoning Commission recommends Approval.

2007-05-03-0510

Z-4. **ZONING CASE # Z2007116 CD (District 1):** An Ordinance changing the zoning district boundary from "MF-33" NCD-2 Multi Family Neighborhood Conservation District 2 to "MF-33" (CD-Office) NCD-2 Multi Family Neighborhood Conservation District 2 with Conditional Use for an Office on Lots 16 through 20, Block 13, NCB 6435, 402 West Gramercy Place as requested by Jaspro, Inc., Applicant, for Jaspro, Inc., Owner. Staff and Zoning Commission recommends Approval with conditions.

Continued for 1 week

Z-5. **ZONING CASE # Z2007149 (District 2):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-2" Commercial District on Lot 4, Block 2, NCB 12336, 4454 Hunnicutt as requested by Bhupendrakumar M. Bhakta, Applicant, for Bhupendrakumar M. Bhakta, Owner. Staff and Zoning Commission recommends Approval.

2007-05-03-0511

5:15 P.M. (may be heard after this time) – Ceremonial Recognitions

6:00 P.M. (may be heard after this time) – Citizens to be Heard

ADJOURN

7:00 P.M. – *If the Council has not yet adjourned, the presiding officer shall entertain a motion to continue the council meeting, postpone the remaining items to the next council meeting date, or recess and reconvene the meeting at a specified time on the following day.*