



First Ord 98797
First Rev. 2004-06-06
Last Ord 98845
Last Rev. None

2004 FEB 12 AM 10:24
RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
February 12, 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 for a "B" Session in the B Room of the Municipal Plaza Building at 10:00 A.M. for the following:

Staff presentation on Sunken Gardens Theater Privatization RFP Process. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

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. Hayes, St. Paul Methodist Church, and Pledge of Allegiance.
2. Ceremonial Items.

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.

98828
H. ZONING CASE NUMBER Z2003191: The request of City of San Antonio, Applicant, for Multiple Owners, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on Lot 2, Block 1, NCB 34392A and Lot 1, Block 1, NCB 134362A and from "R-6" Residential Single-Family District to "C-3" General Commercial District on Parcel 6, NCB 34361 on 410 West Loop 1604 North, 11050 Potranco Road and 11198 FM 1957. Staff's recommendation was for approval. Zoning Commission has recommended Approval. (Council District 4)

98829
I. ZONING CASE NUMBER Z2003227: The request of Brown & Associates P. C., Applicant, for Jeep Investments, LLC, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-4" Residential Single-Family District on 7.408 acres out of NCB 15999, 2103 Springvale Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

Denial
J. ZONING CASE NUMBER Z2004012: The request of Richard R. Whitcher, Jr., Applicant, for Richard R. Whitcher, Jr., Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "MH" Manufactured Housing District on Lots 1 thru 3 and the west 30 feet of Lot 4, Block 1, NCB 15629, 5127 Sherry. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

98830
K. ZONING CASE NUMBER Z2003215: The request of Jack in the Box, Inc., Applicant, for Multiple, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "O-1" Office District on Lots 11 and 12, Block 1, NCB 2427, 2403 El Paso Street. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 5)

98831
L. ZONING CASE NUMBER Z2003124: The request of Oscar Garcia, Jr., Applicant, for Oscar Garcia, Jr., Trustee of The Oscar Garcia, Jr. revocable Living Trust Agreement, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-3R" Commercial Restrictive Alcoholic Sales on Lot P-2M, NCB 34393, 9865 Potranco Road. Staff's recommendation was for approval. Zoning Commission has recommended denial. (Council District 6)

98832
M. ZONING CASE NUMBER Z2003190: The request of City of San Antonio, Applicant, for Multiple Owners, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-20" Residential Single-Family District on all of NCB 34400A and all of NCB 34400C, west of Loop 1604 and Summer Breeze. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

98833
N. ZONING CASE NUMBER Z2003192: The request of City of San Antonio, Applicant, for Thomas H. Yates, Jr. Owner, for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on Lot 2, Block 2, NCB 34400J, 1530 West Loop 1604 North. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

O. ZONING CASE NUMBER Z2004015: The request of Rebecca Davila, Applicant, for Evangelina Viesca, Owner(s), for a change in zoning from "C-2" Commercial District to "R-6" Residential Single-Family District on Lots 28 thru 30, Block 11, NCB 16521, 6403 and 6411 Tahoka. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

P. ZONING CASE NUMBER Z2004007 C: The request of Brenda Vaughn, Applicant, for Chris Vaughn, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 C" Residential Single-Family District with a conditional use for a florist on the northwest 90 feet of Lot 14, Block 3, NCB 8103, 530 Babcock Road. Staff's recommendation was for approval with conditions. Zoning Commission has recommended approval. (Council District 7)

ZONING CASE NUMBER Z2004021: The request of S. A. Alliance & Associates, Ltd., Applicant, for S.A. Alliance & Associates, Ltd., Owner(s), for a change in zoning from "MF-33" Multi Family District to "PUD MF-33" Planned Unit Development Multi-Family District on Lot 25, Block E, NCB 14657, 6054 & 6145 Whitby Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)

R. ZONING CASE NUMBER Z2003089: The request of Earl & Brown, P.C., Applicant, for Judith N. Morton; Contact: Sam Parnes, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on a portion of the Oakland Estates Subdivision being Lot 15, Block 5, NCB 14705 and a portion of the Gustav Eckhert Estates Subdivision being part of P-37K and P-64 and all of P-65, Block 2, NCB 14864, approximately 5.4 acres, located northwest of Huebner Road near the intersection Huebner Road and USAA Boulevard. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

S. ZONING CASE NUMBER Z2003090: The request of Earl & Brown, P.C., Applicant, for Judith N. Morton; Contact: Sam Parnes, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District (22.44 acres) and "C-3R" General Commercial District, Restrictive Alcoholic Sales (3.47 acres) on 25.91 acres of land out of Block 2, NCB 14864, North of Huebner Road., south of Prue Road and west of the proposed New Prue Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

T. ZONING CASE NUMBER Z2003101CS: The request of J. Allen Family Partner, Ltd., Applicant, for Rogers Shavano Ranch, Ltd., Owner(s), for a change in zoning from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 NA ERZD C S" Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a conditional use for a mini-storage facility and a specific use authorization for a mini-storage facility exceeding 2.5 acres on a 5.6-acre tract of land out of NCB 17627, southwest of De Zevala and Old Lockhill-Selma Road (not open for public access). Staff's recommendation was for approval. Zoning Commission has recommended approval with staff's conditions. (Council District 8)

9 8836
U. ZONING CASE NUMBER Z2004019: The request of McCombs Enterprises, Applicant, for Great State Construction Management Co., Owner(s), for a change in zoning from "MF-33" Multi Family District to "C-3" General Commercial District on approximately 3 acres out of Lot 26, Block 9, NCB 15825, near the northeast corner of Frank Neely Drive and I.H. 10 west. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

9 8837
V. ZONING CASE NUMBER Z2004023: The request of City of San Antonio, Historic Preservation Office, Applicant, for Lim Family Trust, Attn: Kwok Min Lim, Owner(s), for a change in zoning to designate Historic Significance on 0.1014 acres out of NCB 14746, 14640 I.H. 10 West. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

9 8838
W. ZONING CASE NUMBER Z2003232: The request of Harrison Worldwide Enterprises, Inc., Applicant, for Harrison Worldwide Enterprises, Inc., Owner(s), for a change in zoning from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "PUD MF-25 ERZD" Planned Unit Development Multi-Family Edwards Recharge Zone District on 33.49 acres out of NCB 19218, north side of Stone Oak Parkway between Evans Road and U.S. Highway 281. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

9 8839
X. ZONING CASE NUMBER Z2004013: The request of C W S Retail on Austin Highway, Ltd., c/o Gary Cunningham, Applicant, for C W S Retail on Austin Highway, Ltd., c/o Gary Cunningham, Owner(s), for a change in zoning from "C-3 NA" General Commercial District, Nonalcoholic Sales to "C-2" Commercial District on approximately .454 acres out of Lot 17, Block B, NCB 8695, 258 Deerwood Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 10)

4. 3:00 P.M. – Public Hearing and Consideration of the following Ordinance: [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

9 8840
An Ordinance closing, vacating and abandoning an improved 0.6274 of an acre portion of Cantrell Street located between Aviation Boulevard (drainage channel) and I.H. 35 South adjacent to NCBs 13981, 13982 and 9503, in Council District 4, as requested by H.B. Zachry Company for the consideration of \$151,191.00 and the additional consideration of title to approximately 2.35 acres of property nearby worth \$100,000.00 from H.B. Zachry, as its contribution toward drainage improvements to Six Mile Creek.

9 8841
An Ordinance closing, vacating and abandoning an improved portion of San Luis Street Public Right of Way located between South Calaveras and South Chupaderas Streets adjacent to NCB 2384 in Council District 5, for the expansion and redevelopment of the adjacent De Zavala Elementary School, as requested by the San Antonio Independent School District, for the total consideration of \$10,033.00.

- 98843
5. 3:30 P.M. – Public Hearing and consideration of an Ordinance authorizing adjustments to the residential, general, wholesale, and irrigation water rates; authorizing adjustments to the residential, general, and wholesale wastewater service rates; amending Chapter 34 of the City Code accordingly; and providing for an effective date. [Presented by Ben Gorzell, Public Utilities Supervisor/Assistant Director, Finance; Melissa Byrne Vossmer, Assistant City Manager]
 6. 5:00 P.M. – Citizens to Be Heard.
 7. 6:00 P.M. – Public Hearing on proposals for amendments to the San Antonio City Charter for voter consideration at a municipal election on May 15, 2004. [Presented by Andrew Martin, City Attorney; Terry M. Brechtel, City Manager]

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

- 98797
- 98797
8. An Ordinance accepting the low responsive bid submitted by GTSI Corporation through U.S. Communities Government Purchasing Alliance to provide the City of San Antonio Police Department with tough book ultra portable computers and accessories for a total of \$110,075.00 from 1999-2004 General Obligation Public Safety Bond Program, and authorizing execution of an intergovernmental cooperative purchasing agreement with U.S. Communities in connection therewith. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]
 9. An Ordinance accepting the low responsive bid submitted by Emergency One Inc. to provide the City of San Antonio International Airport with a replacement Class 1, 1500 gallon aircraft rescue firefighting vehicle for a total amount of \$510,165.00 from Airport funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]
 10. An Ordinance accepting the bids of various companies to provide the City of San Antonio with the various types of commodities and services on an annual contract basis for Fiscal Year 2003-2004 for an estimated combined annual cost of \$34,983.00 to include contracts for periodical publications in microfilm format and elevator maintenance for River Walk Facilities. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

98797

98800

Capital Improvement Items

11. An Ordinance authorizing the acceptance and execution of a grant amendment from the Texas Department of Transportation (TXDOT) Routine Airport Maintenance Program in an amount not to exceed \$30,000.00, in support of roof repairs and exterior painting at Stinson Municipal Airport; authorizing payment to TXDOT in the amount of \$30,000.00 for the City's matching share; appropriating funds; and providing for payment. [Presented by Kevin Dolliole, Director, Aviation; J. Rolando Bono, Deputy City Manager]

- 98801
- 98802
- 98805
- 98811
- 98812
12. An Ordinance amending a professional services contract and authorizing \$14,775.00 payable to SWCA, Inc. for additional archeological services in connection with the Brackenridge Park Rehabilitation – Package B Project, located in Council Districts 1 and 9; authorizing \$18,615.00 for miscellaneous landscape architect contingency expenses; authorizing \$1,500.00 for bid advertising expenses, for a total amount of \$34,890.00 from 1994-1999 Park Bond funds; revising the project budget; appropriating funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
 13. An Ordinance accepting the low, responsive bid of Westfield Construction, L.P., in the base bid amount of \$618,733.00 with bid alternates 1, 4 and 5, for a total contract amount of \$631,553.00, in connection with the Lincoln Park Pool and Playground Rehabilitation Project, located in Council District 2; authorizing the execution of a construction contract; appropriating \$103,129.00 in 1994-1999 Park Bond funds, which combined with \$714,254.00 previously appropriated will bring the project total to \$817,383.00; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
 14. An Ordinance accepting the low, responsive bid of V.W. Brooks, Inc. in the base bid amount of \$576,000.00 with bid alternates 2 through 5, for a total contract amount of \$613,000.00, in connection with the Comanche Lookout Park Improvements Phase II Project, located in Council District 10; authorizing the execution of a construction contract; authorizing \$18,000.00 for mandatory project fees; authorizing \$20,123.16 for miscellaneous construction contingency expenses; amending the current budget of \$62,000.00 by appropriating \$550,298.00 in 1999-2004 Park Bond funds and accepting a \$100,000.00 donation from the San Antonio Parks Foundation, for a total project budget of \$712,298.00; naming the outdoor classroom to be constructed the Ewing Halsell Outdoor Classroom in gratitude for the \$100,000.00 donation; transferring savings within the project; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
 15. An Ordinance selecting Place Collaborative, Inc. to provide professional architectural services in connection with the Cathedral Rock Nature Park Improvements Project, located in Council District 6; authorizing the negotiation and execution of a professional services contract in an amount not to exceed \$38,750.00; authorizing \$68,568.00 for wildlife, vegetation and archeological services; authorizing \$3,290.00 for consultant fees; authorizing \$3,600.00 for miscellaneous construction contingency expenses; authorizing \$800.00 for bid advertising/printing expenses; authorizing \$1,500.00 for mandatory project fees, for a total amount of \$77,758.00 from 1999-2004 Park Bond funds; appropriating funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

16. An Ordinance ratifying the submission of an application to acquire .36 acres of property adjacent to Eisenhower Park in Council District 8 from the National Park Service, through the Federal Lands to Parks Program, at no cost to the City. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

98803
17. An Ordinance approving the renewal and extension of a License Agreement with the Nix Health Care System for a period of five (5) years for the use of 400 parking spaces at the Mid-City Parking Garage, for a first year monthly license fee of \$67.00 for each of the above ground spaces and \$88.00 for each basement level space, subject to annual increases. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98812
18. An Ordinance authorizing the execution of a License Agreement with La Mansion Del Rio, Inc., as Licensee, for an initial term of 25 years, with renewal options, subject to City Council approval, for the use of 125 reserved parking spaces at the Mid-City Parking Garage for valet parking of motor vehicles, at a monthly license fee of \$180.00 per space, increasing periodically throughout the term, and an additional monthly labor charge of \$650.00, plus any necessary reimbursement for sums expended to provide signs or other markings designating the parking spaces. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Miscellaneous

98804
19. An Ordinance changing the street name change of John Barrett Court to "Oakwood Court" in Council District 7. [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

98805
20. An Ordinance authorizing the City Manager or her designee to accept a grant in the amount of \$15,000.00 from the Texas Commission on the Arts for a cultural tourism initiative to expand the marketing and promotion of the Fourth Annual International Accordion Festival; authorizing the City Manager or her designee to execute a delegate agency agreement with the International Accordion Festival, to produce, market and promote the event for an amount not to exceed \$15,000.00; and providing for payment. [Presented by Felix Padrón, Director, Cultural Affairs; Roland A. Lozano, Assistant to the City Manager]

Puller
21. An Ordinance authorizing a professional services agreement with KPMG, L.L.P., on terms otherwise consistent with the general terms and conditions of the City's existing professional services contract with KPMG. L.L.P., dated November 21, 2002 in an amount not to exceed \$165,200.00, including \$127,200.00 for fees and \$38,000.00 for reasonable and proper out-of-pocket expenses, for an on-going performance audit of the Enterprise Resource Management (ERM) project; appropriating funds; and providing for payment. [Presented by Patricia Major, City Auditor]

Board, Commissions and Committee Appointments.

22. Consideration of the following board appointments: [Presented by Yolanda Ledesma, Acting City Clerk; Erik J. Walsh, Assistant to the City Manager]

98806
23. An Ordinance reappointing Loren Wood (District 10) to the Ethics Review Board for a term of office to expire on February 21, 2005.

8819
F. An Ordinance appointing two members to the Convention and Visitors Commission for terms of office to expire on June 30, 2005 and June 30, 2006.

Nominees: Martin Bozer (Theme Park Category – District 8) and Mike Barnard (Taxicab Industry Category – District 8)

98820
G. An Ordinance appointing one member to the Municipal Civil Service Commission for a term of office to expire on June 6, 2005.

Nominees: Henrietta LeGrange (Regular Member Category – District 5) and Margaret Leal (Regular Member Category – District 7)

98821
H. An Ordinance appointing and reappointing two members to the Bexar Metro 911 District Board of Managers for terms of office to expire on February 28, 2006.

Nominees: Heberto Gutierrez (reappointment – District 9), Steven Jewell (District 8), Steven Mormino (District 7) and James Castro (District 10)

98822
I. An Ordinance appointing and reappointing six members to the South Fort Sam Houston Development Advisory Board for terms of office to expire on January 28, 2006.

Nominees:

Government Hill Alliance Category: Cecil Williams (reappointment – District 2), Loyd Hawkins (reappointment – District 2) and Bill Swoveland (District 10)

Business Category: Alma Cross (District 2) and Michael Dean (District 7)

City-wide Community Leader Category: Florence Alcoser (reappointment – District 2)

98823
J. An Ordinance appointing one member to the Riverwalk Capital Improvements Advisory Board for a term of office to expire on December 19, 2005.

Nominee: William F. (Rick) Grinnan, Jr. (River Bend Lessee Category – District 1)

98842
20 An Ordinance approving and endorsing the San Antonio regional revisions of the Texas State Implementation Plan for air quality that includes lower Reid Vapor Pressure gasoline, controls on degreasing operations, and Stage I Vapor Recovery as local emission controls, anticipated by the Early Action Compact, commonly referred to as the area's "Clean Air Plan," a regional agreement entered into earlier by the City of San Antonio. [Presented by Daniel Cardenas, Director, Environmental Services; Melissa Byrne Vossmer, Assistant City Manager]

98844
25. An Ordinance authorizing the City Manager or her designee to execute an agreement in the amount of \$125,000.00 with the Greater San Antonio Chamber of Commerce, as administrative agent for the San Antonio Military Missions Task Force, to develop and implement a community-wide strategy for the next round of military base realignment and closures in 2005; appropriating funds; and providing for payment. [Presented by Ramiro A. Cavazos, Director, Economic Development; J. Rolando Bono, Deputy City Manager]

98845
26. An Ordinance adopting the operating budget for the City of San Antonio's Housing Asset Recovery Program (HARP) for FY 2003-2004; approving the HARP Workplan; and ratifying the execution of a contract renewal between the City of San Antonio and the Fannie Mae Corporation for the provision of property disposition services and renovation services for single-family homes for the period beginning December 11, 2003 to December 10, 2004 in connection with the HARP Program; and providing for payment. [Presented by David Garza, Director, Neighborhood Action; Jelynn LeBlanc Burley, Assistant City Manager]

27. City Manager's Report.

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

- A. Discuss legal issues related to *Vernest Dotson, et al, v. City of San Antonio*, et al, Civil Action No. SA03CA0206FB, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Discussion of legal issues related to the design of the City's pending Downtown Pedestrian Wayfinding System, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C. Discuss legal issues related to *Paul Taormina v. Mario Blas Moreno and City of San Antonio*, et al, Cause No. 2003-CI-00900, pursuant to Texas Government Code Section 551.071 (consultation with attorney).