



Joint Ord. 100333  
Joint Res. 2005-05-03  
Joint Ord. 100365  
Joint Res. 2005-05-04  
RECEIVED  
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CITY CLERK  
2005 JAN 27 A 11:44

**Agenda  
City Council Meeting  
Municipal Plaza Building  
City Hall Complex  
103 Main Plaza  
San Antonio, Texas 78205  
January 27, 2005**

*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 10:00 A.M. and recess into executive session for the following:

- A M (A) Deliberation and consideration of the annual performance evaluation of City Auditor Patricia Major, pursuant to Texas Government Code Section 551.074 (personnel matters).
- B. 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).
- C. Deliberate the offer of financial or other incentives related to economic development negotiations with the Texas A&M University System and a business prospect, 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).
- A M (D) Discussion regarding the Convention Center Headquarters Hotel pursuant to Texas Government Code Section 551.072 (deliberation about real property), Texas Government Code Section 551.087 (deliberation regarding economic development negotiations), and Texas Government Code Section 551.071 (consultation with attorney).
- E. Discussion regarding the legal analysis of prospective revisions to the Retiree Health Care Fund legislation and impact to current Collective Bargaining Agreements, 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. Phil Johnson, Senior Associate Pastor, First Assembly of God, guest of Councilmember Carroll Schubert, District 9, and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes of the Regular City Council Meeting of December 16, 2004 and the Special City Council Meeting of December 21, 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. - Public Hearing and Consideration of the following Zoning Cases: [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

*100351*  
A. **ZONING CASE NUMBER Z2004258 C:** The request of Annette Aguirre, Applicant, for Annette Aguirre, 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 professional office on Lots 21 through 23, Block 42, NCB 1850, 1100 West Woodlawn. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

*100352*  
B. **ZONING CASE NUMBER Z2004285:** The request of City of San Antonio, Historic Preservation Officer for Jon Thompson, Applicant, for Jon Thompson, Owner(s), for a change in zoning to designate Historic Significance on 0.1208 acres out of NCB 777, 208 West Euclid Avenue. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

*Continued for Council*  
C. **ZONING CASE NUMBER Z2004286:** The request of City of San Antonio, Historic Preservation Officer, for Carolina R. Trevino, Owner(s), for a change in zoning to designate Historic Significance on Lots 26 through 33, NCB 2237, 2211 West Salinas. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

*Continued for Jan 30*

**D. ZONING CASE NUMBER Z2004284:** The request of City of San Antonio, Historic Preservation Officer for Good News Missionary Church, Applicant, for Good News Missionary Baptist Church, Owner(s), for a change in zoning to designate Historic Significance on Lots 5 through 8, Block 4, NCB 6637, 1233 East Highland Boulevard. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

*Postponed due to court may be brought in 1 week*

**E. ZONING CASE NUMBER Z2005004:** The request of Earl & Associates, P. C., Applicant, for Phelps-Toiton, Inc., Owner(s), for a change in zoning from H "C-3" RIO-5 Historic General Commercial District, River Improvement Overlay to H "MF-33" RIO-5 Historic Multi-Family District, River Improvement Overlay on Parcel 100, NCB 7650, 731 Riverside Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

*100353*

**F. ZONING CASE NUMBER Z2005007:** The request of Jacqueline A. Weaks, Applicant, for Jacqueline A. Weaks, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "MH" Manufactured Housing District on Lot 257, Block 8, NCB 15624, 5407 Hayden Drive. Staff's recommendation was for approval and Zoning Commission has recommended approval. (Council District 4)

*100354*

**G. ZONING CASE NUMBER Z2004180:** The request of Earl & Associates, P. C., Applicant, for Lakeside Properties, Ltd., Owner(s), for a change in zoning from "C-3R" Restrictive Commercial District to PUD "R-5" Planned Unit Development Residential Single-Family District on P-3, Block 33, NCB 15849, 10.349 acres directly north of the intersection between Hunt Lane and Ingram Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

*100355*

**H. ZONING CASE NUMBER Z2004181:** The request of Earl & Associates, P. C., Applicant, for Lakeside Properties, Ltd., Owner(s), for a change in zoning from "C-2" Commercial District and "R-6" Residential Single-Family District on 59.371 acres out of NCB 17873 and NCB 17875, to PUD "R-5" Planned Unit Development Residential Single-Family District, Hunt Lane at Villa Lago Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

*100356*

**I. ZONING CASE NUMBER Z2004209:** The request of Earl & Associates, P. C., Applicant, for Lakeside Properties, Ltd., Owner(s), for a change in zoning from "C-2" Commercial District to PUD "R-5" Planned Unit Development Residential Single-Family District on Lot P-4, Block 33, NCB 17875, southeast corner of Villa Lago Drive and Hunt Lane. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

J. **ZONING CASE NUMBER Z2004253:** The request of Earl & Associates, P. C., Applicant, for Lakeside Properties Ltd., Owner(s), for a change in zoning from "C-3NA" General Commercial District, Nonalcoholic Sales and "I-1" General Industrial District to PUD "R-5" Planned Unit Development Residential Single Family District on P-5, NCB 17876; and from "R-6" Residential Single Family District to PUD "R-6" Planned Unit Development Residential Single Family District on P-4F, NCB 15850, southwest corner of Old Hunt Lane and Heritage Farm. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

K. **ZONING CASE NUMBER Z2004280:** The request of Irene D. Salinas, Applicant, for Irene D. Salinas, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-2" Commercial District on 0.4953 acres out of NCB 11492, 2506 and 2510 Bandera Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)

L. **ZONING CASE NUMBER Z2005001:** The request of Mary L. Stewart, Applicant, for Mary L. Stewart, Owner(s), for a change in zoning from "RM-4" Residential Mixed District to "C-1" Light Commercial District on the northwest 158.3 feet and "C-2" General Commercial District on the southeast 220 feet on Lot 9, Block 2, NCB 14702, 9325 Huebner Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

M. **ZONING CASE NUMBER Z2004163:** The request of Guefen Development Company, Applicant, for Laredo/1604 Ltd., Owner(s), for a change in zoning from "C-3" ERZD Commercial Edwards Recharge Zone District to "MF-25" ERZD Multi Family Edwards Recharge Zone District on 20 acres out of NCB 17701 on the north side of North Loop 1604 West. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

N. **ZONING CASE NUMBER Z2004270:** The request of Gamez Family Partnership, Ltd., Applicant, for Gamez Family Partnership, Ltd., Owner(s), for a change in zoning from "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-2NA" ERZD Commercial Nonalcoholic Sales Edwards Recharge Zone District on 6.8317 acres out of NCB 15671, 18851 Redland Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

O. **ZONING CASE NUMBER Z2004265:** The request of Randy Schumacher, Applicant, for Monterey Adair, Owner(s), for a change in zoning from "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-3NA" ERZD General Commercial District, Nonalcoholic Sales Edwards Recharge Zone District on Lot P-4F, NCB 15671, 18581 Redland Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

100357

100358

100359

100360

Continued for 4 weeks

Continued for 4 weeks

5. 3:00 P.M. – Consideration of the following resolutions: [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

2005-05-03  
A. A Resolution adopting the *Ten-Year Plan to End Chronic Homelessness in San Antonio*.

2005-05-04  
B. A Resolution adopting the *Ten-Year Plan for Food Security in San Antonio*.

6. 5:00 P.M. – Citizens to Be Heard.

**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**

100333  
An Ordinance accepting the bid submitted by TracStar Systems, Inc. to provide the City of San Antonio Police and Fire Departments with two (2) mobile satellite systems for a total cost of \$67,810.53 from State Homeland Security Grant funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

100334  
8. An Ordinance accepting the offer submitted by Baby Jack Ford Automotive Ltd., d/b/a Columbus Ford Mercury, utilizing the Texas BuyBoard contract, to provide the City of San Antonio Fire Department with three (3) pickup trucks for a total cost of \$142,101.00 from State Homeland Security Grant funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

100335  
An Ordinance accepting the low responsive bid submitted by River City Marketing, d/b/a Mission Golf Cars to provide the City of San Antonio Parks & Recreation Department with ninety (90) replacement electric golf cars for a total cost of \$185,400.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

100336  
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 2004-2005 for an estimated combined annual cost of \$795,060.00 to include contracts for: Spoken Word audio cassettes and compact discs; low environmental impact asphalts, oil & emulsions; personal computer software; Veritas Software support; personal computers, servers, printers, scanners and computer hardware components. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

**Capital Improvement Items**

11. An Ordinance authorizing payment in the amount of \$13,936.00 to Debra J. Dockery, Architect, P.C. (SBE/WBE) for architectural services and payment in the amount of \$51,600.00 to Vickrey & Associates, Inc. (SBE/WBE) for engineering services in connection with improvements to the Japanese Tea Garden located in the Sunken Garden area in Brackenridge Park in Council District 9; authorizing \$3,500.00 for architectural contingency expenses; authorizing \$5,000.00 for engineering contingency expenses; authorizing \$2,000.00 for bid advertising and printing expenses; and authorizing \$2,500.00 for mandatory project fees, for a total amount of \$78,536.00 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]

**Items Concerning the Purchase, Sale or Lease of Real Property**

12. An Ordinance authorizing the execution of a lease agreement with Daniel Gonzales d/b/a Fiesta Cutouts for use of 228 square feet of retail space in Farmers Market Plaza at Market Square in City Council District 1 for a four-year and eight month term, which commenced on January 1, 2005 and which will expire on August 31, 2009, at an initial rent of \$4,500.00 per year and increasing to \$7,800.00 per year in 2009. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

13. An Ordinance authorizing the execution of a Storage Use License Agreement with Moe Lazri d/b/a the Fig Tree Restaurant and Little Rhein Steakhouse for the use of approximately 200 square feet of storage space located in the basement of Building 11 in La Villita in City Council District 1, for a one year term which commenced on August 1, 2004 and which will expire on July 31, 2005, at a rental rate of \$1,200.00 per year; and authorizing the Director of Parks and Recreation to execute two one-year renewals on behalf of the City. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

**Miscellaneous**

14. An Ordinance acknowledging contract modifications with Alamo Workforce Development, Inc. awarding additional funds in the amount of \$870,000.00 for direct child care and operations expenditures within the Alamo Area Child Care Delivery System (CCDS) Program for the period beginning October 1, 2004 through December 31, 2004; authorizing the acceptance of said funds; authorizing execution of an amendment to the delegate agency contract with Alamo Area Development Corporation providing additional funds in the amount of \$70,000.00 for the provision of childcare services for the period of October 1, 2004 through September 30, 2005; approving a revised FY 2004-2005 CCDS Program budget; and approving a revised personnel complement. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

15. An Ordinance authorizing the establishment of a dedicated revenue account titled "the Joseph Roy Kaiser G.E.D. Financial Assistance Fund" to provide financial assistance to San Antonio residents taking general education development (G.E.D.) examinations; accepting donations generated by the San Antonio 5k run/walk for literacy event in the amount of \$11,593.00; and adopting a budget. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

16. An Ordinance entering an order to establish the effective date of the three Charter amendments approved by the voters at the November 6, 2001 election, in response to the court's Order Regarding Cross-Motions for Summary Judgment in *Minella v. City of San Antonio*, Civil Action No. SA-03-CA-246-FB in the United States District Court for the Western District of Texas, San Antonio Division. [Presented by Andrew Martin, City Attorney; J. Rolando Bono, Interim City Manager]

17. An Ordinance authorizing payment in the amount of \$65,000.00 and up to \$2,000.00 for court costs as full and final settlement in the lawsuit styled *R. Robert Willmann, Jr., Bridgid Sheridan, and Ed Minarich v. City of San Antonio*. [Presented by Andrew Martin, City Attorney; J. Rolando Bono, Interim City Manager]

**Board, Commissions and Committee Appointments.**

18. Consideration of the following Ordinances: [Presented by Leticia M. Vacek, City Clerk]

A. An Ordinance appointing Mary E. Rogers (District 7) as a Regular Member of the Board of Adjustment for a term of office to expire on February 22, 2006.

B. An Ordinance appointing Leo G. Ramos, Jr. (Handicapped Services Consumer Category – District 8) to the Disability Access Advisory Committee for a term of office to expire on June 30, 2006.

C. An Ordinance reappointing Dr. Mary Helen Vera (District 8) to the Mayor's Commission on the Status of Women for a term of office to expire on December 15, 2006.

D. An Ordinance appointing J. D. Cozort (District 8) to the Parks and Recreation Board for a term of office to expire on March 31, 2006.

E. An Ordinance reappointing Dr. Ben Craver (District 8) to the San Antonio Commission on Literacy for a term of office to expire on September 15, 2006.

F. An Ordinance reappointing Esther Villarreal (District 6) to the San Antonio Public Library Board of Trustees for a term of office to expire on September 30, 2006.

G. An Ordinance appointing Rebecca De La Garza (District 8) to the San Antonio Youth Commission for a term of office to expire on June 1, 2005.

**ITEMS FOR INDIVIDUAL CONSIDERATION**

100361  
19. An Ordinance ratifying the submission of a continuation grant application to the U.S. Department of Health and Human Services for operation of the 2005 Head Start-Early Child Care Program for the period of February 1, 2005 through January 31, 2006; authorizing the acceptance of an award in the amount of \$45,833,107.00 in connection therewith; authorizing the execution of a contract with Parent/Child, Incorporated in the amount of \$45,363,107.00 to operate said program; and adopting a budget and personnel complement. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

100362  
20. An Ordinance authorizing the Interim City Manager, the Assistant City Manager and the Director of Housing and Community Development to provide the Department of Housing and Urban Development ("HUD") with additional information regarding the City's Repayment Commitment for the \$57,000,000.00 HUD 108 Loan and amends the City Action Plan to include the projects contained in the said loan application. [Presented by Andrew Cameron, Director, Housing and Community Development; Jelynn LeBlanc Burley, Assistant City Manager]

100363  
21. An Ordinance declaring a public necessity for the acquisition of electric transmission and distribution lines easements and related rights of ingress and egress relating to electric transmission and distribution lines for the Cagnon to Kendall Project in certain privately owned real property located in the following areas of Bexar and Medina Counties, Texas:

BEXAR COUNTY: G.C. & S.F.R.R. Co. Survey No. 246 2/3, Abstract No. 1006, County Block 4594, F.E. Cepeda Survey No. 246 3/4, Abstract 1269, County Block 4621; and MEDINA COUNTY: Beriana Sandoval Survey No. 40, Abstract No. 840, County Block 4403; for the public purposes of the construction, operation and maintenance of electric transmission and distribution lines, communication systems and related appurtenances for the Cagnon to Kendall Electric Transmission and Distribution Lines Project for the City of San Antonio Gas and Electric System; authorizing all appropriate action of the City Public Service Board of San Antonio in the institution and prosecution of condemnation proceedings to acquire any such needed easements and related rights of ingress and egress that cannot be acquired through negotiation; ratifying and affirming all prior acts and proceedings done or initiated by attorneys, agents and employees of the City Public Service Board to acquire such easements and rights of ingress and egress, authorizing all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary easement rights, and declaring the sections of the ordinance to be severable one from the other in the event any section of this ordinance is determined to be invalid.

[Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

22. An Ordinance approving a consent by the City as landlord to the assignment to the Board of Regents of The University of Texas System of the lease on the Business Technology Center. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

23. An Ordinance recognizing the appointment of the Interim Clerk of the Municipal Courts of Record. [Presented by Andrew Martin, City Attorney; J. Rolando Bono, Interim City Manager]

24. City Manager's Report

*Environmental Health Report - Dr. Fernando Suarez*  
*Economic Dev. Incentive Fund - Ramiro Carrizo*

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

- AM (A) Deliberation and consideration of the annual performance evaluation of City Auditor Patricia Major, pursuant to Texas Government Code Section 551.074 (personnel matters).
- B. 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).
- C. Deliberate the offer of financial or other incentives related to economic development negotiations with the Texas A&M University System and a business prospect, 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).
- AM (D) Discussion regarding the Convention Center Headquarters Hotel pursuant to Texas Government Code Section 551.072 (deliberation about real property), Texas Government Code Section 551.087 (deliberation regarding economic development negotiations), and Texas Government Code Section 551.071 (consultation with attorney).
- E. Discussion regarding the legal analysis of prospective revisions to the Retiree Health Care Fund legislation and impact to current Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- F. Discuss the lawsuit styled *Andrew J. Barboza, Dawn Jackson, and Jon Jimenez, et al, v. City of San Antonio*, Cause No. SA-04-CA-0913-RF, United States District Court, Western District of Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).