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Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
114 W. Commerce
San Antonio, TX 78205
October 29, 2009

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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
- 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 site is wheelchair accessible. The accessible entrance is located at the Municipal Plaza Building / Main Plaza Entrance. Accessible Visitor Parking Spaces are located at City Hall, 100 Military Plaza, Northside. Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting). For assistance, call (210) 207-7245 Voice/TTY.

For additional information on any item on this agenda, please visit www.sanantonio.gov or call 207-7080.

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 Dr. Carl Johnson, Pastor, Greater Corinth Baptist Church. Guest of Councilmember Ivy Taylor, District 2.
2. Pledge of Allegiance.
3. Approval of Minutes for the City Council Budget Work Session of September 15, 2009 and the City Council Regular Meeting of September 17, 2009.

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

ACTION ITEMS FOR STAFF BRIEFING

4. Consideration and approval of certain bond ordinances and related issues regarding CPS Energy: [Pat DiGiovanni, Deputy City Manager; Ben Gorzell, Chief Financial Officer]

PULLED

A. An Ordinance authorizing the issuance of "City of San Antonio, Texas electric and gas systems junior lien revenue bonds, series 2009a" and "City of San Antonio, Texas electric and gas systems junior lien revenue bonds, taxable series 2009b" in a principal amount not to exceed \$400,000,000.00; providing for the payment of the principal of and interest on the bonds, together with certain currently outstanding obligations, by a junior lien on and pledge of the net revenues of the city's electric and gas systems; providing the terms and conditions of such bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of one or more paying agent/registrar agreements, a remarketing agreement, and a purchase contract; complying with the requirements of the depository trust company; delegating the authority to certain members of the City Public Service Board staff to execute certain documents relating to the sale of the bonds; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing for an immediate effective date upon passage by eight affirmative votes.

PULLED

B. A Resolution establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various capital infrastructure improvements to the City's electric and gas systems other than South Texas Project units 3 and 4 from the proceeds of tax-exempt or taxable obligations not to exceed \$450,000,000.00 to be issued by the City for authorized purposes; authorizing other matters incident and related thereto.

PULLED

C. A Resolution establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to the development of CPS Energy's interest in South Texas Project units 3 and 4 of the City's electric and gas systems from the proceeds of tax-exempt or taxable obligations not to exceed \$450,000,000.00 to be issued by the City for authorized purposes; authorizing other matters incident and related thereto.

PULLED

D. An Ordinance authorizing certain actions concerning the amendment of the City's current contractual arrangement with the remarketing agent for outstanding obligations designated as City of San Antonio, Texas electric and gas systems junior lien revenue bonds, series 2003, including the possible replacement of the existing remarketing agent and execution of a replacement remarketing agreement; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing an effective date.

CONSENT AGENDA

Purchase of Equipment and Supplies

5. An Ordinance accepting the bids from Ergon Asphalt & Emulsions, Inc. and Martin Asphalt Company to provide the Public Works Department with asphalt, oil and emulsions for the construction and repair of City streets for an estimated annual cost of \$1,431,000.00. [Penny Postoak Ferguson, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2009 - 10 - 29 - 0846

6. An Ordinance accepting bids for the following contracts in the estimated annual amount of \$771,000.00: (A) Rider Wash Systems and American Sales & Service, Inc. for vehicle car wash and vacuum cleaner parts and service; (B) Rider Wash Systems for car wash recovery parts and service; (C) 3M Company; Pathmark Traffic Products; Traffic Supply for retroflective and ceramic asphalt pavement markers; (D) Hi-Lite Markings, Inc. for rubber and paint build-up removal services of airport runways; (E) Texas Chiller Systems, LLC for maintenance of ice sheet chillers at the Alamodome; (F) Books on Tape, A Division of Random House, Inc. for audio books and (G) Oak Hill Technology, Inc. and Goodwill Industries of San Antonio for data entry services for Metro Health. [Penny Postoak Ferguson, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2009 - 10 - 29 - 0847

Capital Improvements

7. An Ordinance selecting Civil Design Services, Inc., dba CDS/Muery Services; Foster CM Group, Inc.; and Sunland Group, Inc. to provide on-call, indefinite delivery resident inspection services to the Aviation Department for airport construction projects on an as-needed basis and authorizing three professional service agreements each in an amount up to \$250,000.00. [Penny Postoak Ferguson, Assistant City Manager; Frank Miller, Director, Aviation]

2009 - 10 - 29 - 0848

8. An Ordinance selecting Raba-Kistner, Inc., Arias & Associates, Integrated Testing and Engineering Company (InTEC), Professional Service Industries (PSI), Fugro Consultants, Inc., and Terracon Consultants, Inc. for negotiation and execution of six on-call professional services agreements, each in an annual amount up to \$300,000.00, to provide indefinite delivery construction materials testing and professional geotechnical consulting services for capital improvement projects. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009 - 10 - 29 - 0849

- 9. An Ordinance authorizing a fabrication contract with Ann Gardner in the amount of \$163,000.00 for fabrication and installation of a public artwork project as part of the New Terminal Expansion - Project 4 - Terminal B Project at the San Antonio International Airport, funded by Airport Revenue Bonds. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009 - 10 - 29 - 0850

- 10. An Ordinance awarding a construction contract to 3TI, Inc. in the amount of \$1,184,500.00, from a total authorized project amount of \$1,460,192.00, for improvements to four public swimming pool facilities as well as improvements to Joe Ward Park, all authorized 2007-2012 General Obligation Bond Projects located in Council District 7. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009 - 10 - 29 - 0851

- 11. An Ordinance awarding a construction contract to M.J. Boyle General Contractor, Inc. in the amount of \$1,310,583.00, from a total authorized project amount of \$1,537,583.00, for repairs and renovations to the La Villita complex for the La Villita Restoration project, an authorized Certificates of Obligation funded project located in Council District 1. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009 - 10 - 29 - 0852

- 12. An Ordinance authorizing a change order in the increased amount of \$150,278.00 to the \$888,995.00 construction contract with High Sierra Electronics, adding three sites to the contract for the San Antonio High Water Detection system (HWDS) / Early Flood Warning System (EFWS) Expansion Project funded by the Storm Water Operating Fund Balance; and increasing the FY 2010 Storm Water Operating Budget. [Sharon De La Garza, Assistant City Manager; Majed A. Al Ghafry, Director, Public Works]

2009 - 10 - 29 - 0853

Acquisition, Sale or Lease of Real Property

- 13. Consideration of the following Ordinances authorizing the acquisition, through negotiation or condemnation, of fee simple title and/or permanent drainage easement for two 2007-2012 General Obligation Bond Projects; declaring them to be public projects; and declaring a public necessity for the acquisition. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

- A. An Ordinance authorizing the acquisition of a portion of two parcels of privately owned real property located in N.C.B. 8636, in Council District 5 for the Tesla (Culebra to Mayberry) project.

2009 - 10 - 29 - 0854

- B. An Ordinance authorizing the acquisition of a portion of one parcel of privately owned real property located in Block 1, Lot 7, N.C.B. 16686, in Council District 10 for the Jones Maltsberger Road - Redland Road to Thousand Oaks Project.

2009 - 10 - 29 - 0855

- 14. An Ordinance authorizing the purchase of an aquifer-protection conservation easement on a tract of land to be known as the Senator Frank L. Madla, Jr. Natural Area in Bexar County,

Texas for \$502,002.00 as part of the Proposition Three Edwards Aquifer Protection Venue Project. [Penny Post oak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-10-29-0856

- 15. An Ordinance authorizing the second renewal of the City's lease of parking spaces at 243 N. Center Street to East Commerce Realty for one-year at an annual rent of \$18,192.00. [Pat DiGiovanni, Deputy City Manager; Paula X. Stallcup, Director, Downtown Operations]

2009-10-29-0857

Grant Applications and Awards

- 16. An Ordinance authorizing the acceptance and appropriation of grant funds in the amount of \$40,000.00 from the State Energy Conservation Office State Energy Program for the 2010 Build San Antonio Green™ marketing program to educate residents and the building community on the positive effects of residential green building in San Antonio. [Richard Varn, Chief Information Officer; Laurence Doxsey, Director, Office of Environmental Policy]

2009-10-29-0858

PULLED

- 17. An Ordinance authorizing a grant contract with the Texas Department of Housing and Community Affairs for acceptance of up to \$12,308,804.00 in grant funds under the American Recovery and Reinvestment Act, and authorizing the Office of Environmental Policy to implement the San Antonio Weatherization Assistance Program in cooperation with CPS Energy; and appropriating funds. [Richard Varn, Chief Information Officer; Laurence Doxsey, Director, Office of Environmental Policy]

- 18. An Ordinance authorizing an amendment to a Public Health Emergency Response grant contract for additional funds in the amount of \$3,083,831.00 to augment support for local response efforts against novel influenza A (H1N1); and approving contracts for related services and equipment. [Sharon De La Garza, Assistant City Manager; Dr. Fernando A Guerra, Director, Health]

2009-10-29-0859

City Code Amendments

- 19. An Ordinance amending the City Code, Chapter 16, Licenses and Business Regulations, to regulate and permit donation containers that are placed in open spaces and on private property to include a new annual permit fee of \$48.00, permit requirements, and a penalty up to \$500.00 for violations. [T.C. Broadnax, Assistant City Manager; David D. Garza, Director, Housing and Neighborhood Services]

2009-10-29-0860

- 20. An Ordinance amending the City Code, Chapter 16, Licenses and Business Regulations, by creating Article XVIII to regulate the transportation, storage, record keeping, and proper disposal of used and scrap tires. [T.C. Broadnax, Assistant City Manager; David D. Garza, Director, Housing and Neighborhood Services]

2009-10-29-0861

- 21. An Ordinance amending the City Code, Chapter 35, Unified Development Code, relating to tree preservation and adequate canopy coverage within environmentally sensitive areas. [T.C.

Broadnax, Assistant City Manager, Roderick J. Sanchez, Director, Planning and Development Services]

2009-10-29-0862

Boards, Commissions and Committee Appointments

22. Consideration of Board, Commission and Committee appointments, to be effective immediately upon the receipt of eight affirmative votes, or, in the event eight affirmative votes are not received, ten days after appointment: [Leticia M. Vacek, City Clerk]

A. An Ordinance appointing Richard (Dick) B. Rowe (Category: Real Estate/Development) and Rebecca D. Brune (Category: School District Category), waiving the category requirement for Ms. Brune, and reappointing Albert A. Carrisalez (Category: College & University), Christina M. Castano-Perez (Category: Public Transit), Christine M. Drennon (Category: Non-Profit Developer/Service Provider), Jennifer M. Gonzalez (Category: Non-Profit Housing Provider), Dominique Halaby (Category: Workforce Development and Capacity Building), Ignacio A. Perez (Category: Neighborhood Association), J. Oscar Ramirez (Category: Small Business Assistance), Nancy Rocha (Category: Financial Services), Steven Sano (Category: Environment) to the Community Development Advisory Committee (CDAC) for the remainder of unexpired terms of office to expire May 31, 2011.

2009-10-29-0863

B. Appointing Rolando H. Briones, Jr. and Jody R. Sherrill and reappointing Amelia E. Hartman, and Christopher M. Lindhorst to the Planning Commission for the remainder of unexpired terms of office to expire October 6, 2011.

C. Appointing Harold O. Atkinson, Paul E. Klein, and Steve G. Walkup and reappointing Maria D. Cruz, Marian M. Moffat, and Henry Rodriguez as Alternate Members to the Zoning Board of Adjustment for the remainder of unexpired terms of office to expire May 31, 2011.

D. An Ordinance approving the removal of sector requirements for the General Community category, and residency requirements for all members of the Convention and Visitors Commission, and appointing Henry Brun and Marise McDermott (Category: Arts and Cultural Community), Sherry M. Chaudhry and Frank J. Miceli (Category: General Community) and reappointing Diane J. Arevalo, Martin F. Kushner, and Davis Phillips (Category: General Community) to the Convention and Visitors Commission (CVC) for the remainder of unexpired terms of office to expire May 31, 2011.

2009-10-29-0864

E. Reappointing Michael W. Archer (District 9) to the City Commission on Veterans Affairs for the remainder of an unexpired term of office to expire May 31, 2011.

F. Appointing Julio S. Lopez (District 9, Category: Journeyman Electrician, Open Shop) to the Electrical Board for the remainder of an unexpired term of office to expire May 31, 2011.

G. Appointing Robert David Carpenter (District 10) to the San Antonio Public Library Board of Trustees for the remainder of an unexpired term of office to expire September 30, 2011.

H. Reappointing Liz Victor (District 1) to the Zoning Board of Adjustment for the remainder of an unexpired term of office to expire May 31, 2011.

I. Appointing Rick Cuellar (District 5, Category: Visual Artist) to the Arts and Cultural Advisory Committee for the remainder of an unexpired term of office to expire May 31, 2011.

J. Reappointing Greg K. Hammer (District 7) to the Linear Creekway Parks Advisory Board for the remainder of an unexpired term of office to expire May 31, 2011.

K. Appointing Bennie Cole (District 2) to the Zoning Commission for the remainder of an unexpired term of office to expire May 31, 2011.

Miscellaneous

23. An Ordinance approving an annual contract with Flores Holdings, LLC in the amount of \$96,000.00 for Mr. Ramon Flores to serve as Executive Director to the Westside Development Corporation (WDC). [Pat DiGiovanni, Deputy City Manager/Interim Director, Center City Development]

2009 - 10 - 29 - 0865

24. An Ordinance authorizing a professional services agreement with Alamo Events, Inc. in an amount up to \$125,000.00 available from the FY 2010 Community and Visitor Facilities Fund for hosting obligations associated with the San Antonio Showdown: Notre Dame vs. Washington St. to be held at the Alamodome on October 31, 2009. [Penny Postoak Ferguson, Assistant City Manager; Michael J. Sawaya, Director, Convention, Sports & Entertainment Facilities]

2009 - 10 - 29 - 0866

25. An Ordinance authorizing contracts with four vendors to provide food handler certification services for the San Antonio Metropolitan Health District. [Sharon De La Garza, Assistant City Manager; Dr. Fernando Guerra, Director, Health]

2009 - 10 - 29 - 0867

26. An Ordinance authorizing a professional services agreement with Carolyn Arnold Communications Consultant, Inc. to provide consulting services for auditing telecommunications billings to find instances of overpayment and erroneous billing and recovering those amounts for the City. [Richard Varn, Chief Information Officer; Hugh Miller, Director, Information Technology Services Department]

2009 - 10 - 29 - 0868

27. An Ordinance authorizing the City to negotiate and execute a Tax Abatement Agreement with Toyota Motor Manufacturing Texas, Inc. (TMMTX) for a term of ten years. [A.J.

Rodriguez, Deputy City Manager / Interim Director, International and Economic Development]

2009-10-29-0869

28. City Manager's Report

- A. Chief Financial Officer of the Year Award for Ben Gorzell by the San Antonio Business Journal
- B. Updated City of San Antonio Website

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

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.