



Joint Ord. 100346
 Joint Res. 2005-06-05
 Joint Ord. 100385
 Joint Res. *None*

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 CITY OF SAN ANTONIO
 CLERK

2005 FEB -3 A 11: 12

Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
February 3, 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
 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).
- B. 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).
- C. 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).
- D. Deliberate the offer of financial or other incentives related to economic development negotiations with a business prospect the City Council seeks to have locate in or near San Antonio, 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.
E
 Discuss the lawsuit styled *Gallagher Headquarters Ranch Development, Ltd., et al, v. City of San Antonio*, Cause No. 2005-CI-01377, 225th Judicial District, Bexar County, Texas, 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, and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes for the Special City Council meeting of January 4, 2005 and the Regular City Council Meeting of January 6, 2005.

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. 5:00 P.M. – Citizens to Be Heard.

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

CONSENT AGENDA

Capital Improvement Items

5. An Ordinance approving San Antonio Water System Field Alteration No. 1 and authorizing payment in the amount of \$27,466.21 from San Antonio Water System funds to K.G.M.E., Inc., in connection with the Harris Storm Drainage Project, an authorized 1999-2004 General Obligation Drainage Improvement Bond Project located in Council District 5; revising the project budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]
6. An Ordinance approving Field Alteration No. 2 and authorizing payment in the amount of \$27,383.04 from 2004 General Fund Neighborhood Access Mobility Program funds to R.L. Jones, L.P., in connection with the 2004 Speed Hump Program Project in Council Districts 5, 6 and 7; authorizing \$1,916.81 for expense recovery, for a total amount of \$29,299.85; revising the project budget; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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- 100371
7. An Ordinance amending a professional services contract and authorizing payment in the amount of \$25,466.40 from San Antonio Water System funds to Brown Engineering Co. (SBE) for additional engineering services in connection with the Cardiff Area Drainage Improvements Project, located in Council District 2; revising the project budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]
 8. An Ordinance authorizing the Interim City Manager or his designee to execute seven agreements for reimbursement by the Texas Department of Transportation (TxDOT) for the installation by the City of traffic controller equipment in connection with the Wurzbach Road – Ironside to IH 10 MPO Project, the Mayfield – S. Zarzamora to IH-35 MPO Project, the South Flores Street – Malone to Octavia MPO Project, the Tezel Road – Timber Path to Old Tezel MPO Project, the Prue Road Extension – Prue Road to Huebner MPO Project, the McCullough – UPRR to Basse MPO Project, and the IH 35 South (S. Pecos – La Trinidad) – Buena Vista St./Dolorosa to Durango Blvd. MPO Project, located in Council Districts 1, 3, 4, 5, 6, 7, 8 and 10, respectively, at an estimated total cost of \$217,800.00. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]
 9. An Ordinance authorizing payment in the amount of \$28,190.00 to C.F. Zavala Group (SBE/WBE/MBE) for on-call landscape architectural services, passed and approved on August 28, 2003, by Ordinance No. 98075, in connection with the new Southside Lions Park (East) Playground Community Development Block Grant (CDBG) Project, located in Council District 3; authorizing \$2,800.00 for architectural contingency expenses; authorizing \$1,500.00 for bid advertising and printing expenses; authorizing \$7,700.00 for mandatory project fees, for a total amount of \$40,190.00; appropriating funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
 10. An Ordinance authorizing the appropriation and allocation of \$250,000.00 in Community Development Block Grant (CDBG) Funds and \$105,000.00 in 2003-2007 Park Bond Funds for the development of new park playgrounds in connection with the Kingsborough, Royalgate, and South San Parks Playground Improvement Package, located in City Council Districts 3, 4 and 5, respectively; authorizing the performance of construction work by the Department of Parks and Recreation Park Construction Crew; authorizing payment in the amount of \$24,748.00 to Place Collaborative, Inc. (SBE) for on-call professional landscape architectural services, passed and approved August 28, 2003, by Ordinance No. 98075; authorizing \$2,480.00 for architectural contingency expenses; authorizing \$7,200.00 for mandatory project fees; authorizing \$600.00 for printing expenses; authorizing \$192,984.00 for park materials; authorizing \$126,988.00 for park construction crew labor costs, for a total of \$355,000.00; 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

11. An Ordinance ratifying the execution of a short-term Lease Agreement with FaulknerUSA, L.P., a Texas Limited Partnership, for a period commencing January 24, 2005 and ending July 31, 2005, for the use of vacant retail space at the HemisFair Parking Garage for a monthly rental fee of \$890.00. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Miscellaneous

12. An Ordinance authorizing the execution of a contract in the amount of \$150,000.00 with the University of Texas Health Science Center at San Antonio Dental School for the provision of comprehensive dental care services to underserved children, pregnant women and teenage mothers at the Ricardo Salinas Public Health Clinic, located at 630 S. General McMullen Drive for the period October 1, 2004 through September 30, 2005; authorizing payments for contractual services; and authorizing payments for treatments performed in connection with this project. [Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]

Approval of Temporary Street Closures and Traffic Control Procedures for Special Events

13. An Ordinance authorizing the temporary closure of San Saba Street, between West Commerce and Dolorosa Street for nine (9) special events in Market Square for the Year 2005, from 6:00 P.M. the day prior to each event until 8:00 A.M. on the day after the last day of each event on the following dates: March 11-13, 2005; March 19-20, 2005; April 30-May 1, 2005; May 28-30, 2005; July 2-3, 2005; July 23-24, 2005; September 3-5, 2005; September 16-18, 2005; and November 25-27, 2005. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

Board, Commissions and Committee Appointments.

14. Consideration of the following board appointments: [Presented by Leticia M. Vacek, City Clerk]
- A. An Ordinance appointing Alex Rubio (Performing Artist/Theatre Category - District 5) to the Arts and Cultural Advisory Committee for a term of office to expire on December 31, 2006.
- B. An Ordinance appointing Michael Khadem (Convention & Visitors Commission Member Category - District 2) to the Transportation Advisory Board for a term of office to expire on December 31, 2006.

ITEMS FOR INDIVIDUAL CONSIDERATION

15. Consideration of the following Zoning Case: [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

Continued for 30 days
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)

- 100382*
16. An Ordinance authorizing the City Manager to approve an Interlocal Memorandum of Understanding between the City and Bexar County for the use of the San Antonio Police Department's Mobile Data Terminal System to access the Public Safety Systems for fees authorized by City Ordinance Number 99741, dated September 16, 2004. [Presented by Albert Ortiz, Police Chief; Christopher J. Brady, Assistant City Manager]

- 100377*
17. An Ordinance authorizing the execution of a Grant Agreement with the San Antonio Botanical Center Society, Inc. d/b/a San Antonio Botanical Society to accept a \$20,000.00 annual donation and authorizing personnel categorization changes to reclassify the Botanical Garden Superintendent position to an unclassified position to be entitled "Botanical Garden Manager." [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

- 100383*
18. An Ordinance authorizing City Public Service (CPS) to appropriate funds in the total estimated amount of \$6,049,902.00 from the CPS Overhead Conversion Fund for the relocation/conversion of overhead electrical supply lines to underground in connection with the Broadway - Villaje Del Rio Development (estimated cost of conversion, \$1,371,047.00); Government Canyon State Natural Area (estimated cost of conversion, \$93,500.00); Hidden Springs Subdivision (estimated cost of conversion, \$350,000.00); University of Texas Health Science Center (estimated cost of conversion, \$234,502.00); and City of San Antonio Capital Improvement Projects to include the Eagleland Riverwalk Link (estimated cost of conversion, \$1,026,953.00); GKDA - Billy Mitchell Drive Improvements, Phase I (estimated cost of conversion, \$1,400,000.00); and Medical Center Area - Ewing Halsell - Wurzbach to Medical Drive (estimated cost of conversion, \$1,573,900.00) Projects. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

- 100384*
19. An Ordinance authorizing \$22,300.00 from the Council District 4 Neighborhood Access and Mobility (NAMP) Fund for the modification of left-turn signal phases on the East-West approaches of Southcross at Zarzamora, the North-South approaches of Barlite at S.W. Military Drive, the East-West approaches of Southcross at Commercial; changing of the left-turn signal phase from the East-West approaches of Ansley at Zarzamora to the North-South approaches of Zarzamora at Ansley; and installation of school zone flashing beacons on Ray Ellison Blvd. from Old Valley Hi Drive to Medina Base Road; as requested by Councilman Richard Perez, District 4. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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20. An Ordinance bestowing the memorial designation of "Ernani Falcone Memorial Way" upon the 7500-8700 Blocks of Mystic Park Drive; as requested by Mayor Edward D. Garza and Councilman Julian Castro, District 7. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

21. Consideration of the following Ordinances: [Presented by Albert A. Ortiz, Police Chief; Christopher J. Brady, Assistant City Manager]

100378
A. An Ordinance amending Chapter 21 of the San Antonio City Code to prohibit sitting or lying down in the right-of-way in public places; and providing for a criminal fine in an amount not to exceed \$500.00 for violation of this ordinance.

100379
B. An Ordinance amending Chapter 21 of the San Antonio City Code to prohibit camping in public places without lawful permission or permit; and providing for a criminal fine in an amount not to exceed \$500.00 for violation of this ordinance.

100380
C. An Ordinance amending Chapter 21 of the San Antonio City Code to prohibit aggressive solicitation in public areas and certain businesses; and providing for a criminal fine in an amount not to exceed \$500.00 for violation of this ordinance.

100381
D. An Ordinance amending Chapter 21 of the San Antonio City Code to prohibit urinating and/or defecating in public places or in public view; and providing for a criminal fine in an amount not to exceed \$500.00 for violation of this ordinance.

22. City Manager's Report.

Mark Webb Report on High Risk Contract

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

A. 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).

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