

First Ord. 97174
First Res. 2003-06-06
Last Ord. 97215
Last Res. 2003-06-06



**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
February 13, 2003**

RECEIVED
CITY CLERK
FEB 13 11:20 AM '03

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 Council Chambers, Municipal Plaza Building in a Regular Council Meeting at 1:00 P.M.
 1. Invocation by Rev. John V. Foster, Bethesda Temple, and Pledge of Allegiance.
 2. Ceremonial Items.
 3. Approval of the minutes for the regular City Council meeting of January 9, 2003.

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 Pena, Director, Development Services Department; Christopher J. Brady, Assistant City Manager]

9/21/03
A. ZONING CASE NUMBER Z2002200: The request of KB Home, Applicant, for Rosillo Creek, Inc., James W. Woodward III, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "R-4" Residential Single Family District on 58.363 acres out of NCB 35098, 1100 block of Foster Road. Staff's recommendation was for Approval. Zoning Commission has recommended that case be sent to City Council for consideration. (Council District 2)

9/21/03
B. ZONING CASE NUMBER Z2002244: The request of C.G. (Greg) Huber, Applicant, for Norma L Jaksik, Owner(s), for a change in zoning from "NP-10" Neighborhood Preservation District to "L" Light Industrial District on Parcel 5, NCB 17996, 1437 FM 1516. Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 2)

Continue for 30 days
C. ZONING CASE NUMBER Z2002258: The request of City of San Antonio, Applicant, for WOH Holdings INC c/o Charles Martin Wender, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 PUD" Residential Single-Family Planned Unit Development District on 92.34 acre tract of land out NCB 17642, 4100 Block of Wiseman Road. Staff's recommendation was for approval. Zoning Commission has recommended denial. (Council District 6)

9/21/03
D. ZONING CASE NUMBER Z2002267: The request of Legacy Trails Development Joint Venture, Applicant, for Legacy Trails Development Joint Venture, Owner(s), for a change in zoning from "R-6" Single-Family District, "C-2" Commercial District and "C-3" Commercial District to "ED" Entertainment District on 135.2 acres out of NCB 17642, at the intersection of Hunt Lane and Highway 151. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

Continue to 2/27/03
E. ZONING CASE NUMBER Z2002240 S: The request of Daniel Burdin, Applicant, for Texas Home Improvement Inc., Owner(s), for a change in zoning from "PUD C-2 ERZD" Planned Unit Development Commercial Edwards Recharge Zone District to "PUD C-2 ERZD S" Planned Unit Development Commercial Edwards Recharge Zone District with a specific use authorization to permit a self-serve car wash on Lot 1, Block 3, NCB 16633, 7126 UTSA Blvd. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

9 27 1966
F. ZONING CASE NUMBER Z2002261: The request of Kaufman & Associates, Inc., Applicant, for Way Out West Ltd., LLC, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-3" Commercial District on 17.918 acre tract of land out of NCB 34732, 24165 and 24175 Interstate Highway 10 West. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

9 27 1966
G. ZONING CASE NUMBER Z2002262: The request of Vincent Huebinger, Vincent Gerard & Assoc., Applicant, for Angie Coppedge, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-2" Commercial District on Lot 12, Block B, NCB 11609, 7323 Snowden Road. Staff's recommendation was for denial of "C-3" Commercial District and approval of "C-2" Commercial District. Zoning Commission has recommended approval of "C-2" Commercial District. (Council District 8)

9 27 1966
H. ZONING CASE NUMBER Z2002264: The request of Kaufman & Associates, Inc., Applicant, for Beta Growth Investments, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3" Commercial District on Parcel 7B, NCB 17702, 4919 Bacon Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

Continue to 2/27/03
9 27 1966
I. ZONING CASE NUMBER Z2002254: The request of J.S. Developments, Inc. - Katherine Soliz, Applicant, for Multiple Property Owners, Owner(s), for a change in zoning from: "R-5" Residential Single-Family District to "R-4" Residential Single-Family District on Lots 2 and 3, Block 11, NCB 11727; Lots 1 thru 5, Block 14, NCB 11730; Lots 1 and 3, Block 18, NCB 11734; Lots 2 and 3, Block 19, NCB 11735; Lots 8 thru 14, Block 26, NCB 11742; Lot 1, 2 and 10, Block 29, NCB 11745; the northeast 62.5 feet of Lot 1, Block 33, NCB 11749, Lot 9, Block 10, NCB 11726, Lot 16, Block 13, NCB, 11729, and to "MF-33" Multi-Family District, on Lots 10 thru 12, Block 10, NCB 11726; Lots 4, 5, 9, 10, 13 thru 15, Block 13, NCB 11729; Lots 4, 5, 6, 8 thru 13, the northeast 62.5 feet of Lots 2 and 3, Block 16, NCB 11732; Lots 4 and 5, Block 17, NCB 11733, area bounded by Baltic Dr. to the north, Anchor Dr. to the west, Larkspur Dr. to the east, & Lisbon Dr. to the south. Staff's recommendation was for approval. Zoning Commission has recommended the approval of the amended application. (Council District 9)

9 27 1966
J. ZONING CASE NUMBER Z2002260 S: The request of JMA Inc., Applicant, for Showcase Custom Homes of Texas, Inc., Owner(s), for a change in zoning from "C-3 ERZD" Commercial Edwards Recharge Zone District to "C-3 ERZD S" Commercial Edwards Recharge Zone District with specific use authorization for a self-service car wash on Lot 1, Block 7, NCB 17586, on the east side of U.S. Highway 281, south of its intersection with Encino Rio. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

9 20 20
K. ZONING CASE NUMBER Z2002270: The request of Jerry Arredondo, Applicant, for Harry Eisenhauer, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3 NA" Commercial Non-alcoholic Sales District on the east 125 feet of Parcel 28A, NCB 15684, and to "I-1" General Industrial District on Parcels 28 and 28A save and except the east 125 feet of Parcel 28A, NCB 15684, 10803 Perrin Beitel Road. Staff's recommendation was for denial of "I-1" but approval of "C-2". Zoning Commission has recommended denial of "I-1" but approval of "C-3 NA" for front 125 feet of the subject site, then "I-1" for the remainder of the subject site. (Council District 10)

5. 3:00 P.M. –Consideration of the following items: [Presented by Ramiro Cavazos, Director, Economic Development Department; Christopher J. Brady, Assistant City Manager]

9 20 20
A. Public Hearing and consideration of an Ordinance approving the Great South Texas Industrial Park Reinvestment Zone consisting of approximately 70 acres located in City Council District 2 in the Great South Texas Industrial Park and HEB Distribution Center bounded by Industrial Park Drive to the west and Space Center Drive to the south.

9 20 20
B. An Ordinance approving and authorizing the execution of a Tax Phase-In Agreement with the HEB Grocery Company to exempt from ad valorem taxation approximately \$11.3 million in real property improvements at one hundred percent (100%) for a six (6) year term.

6. 4:00 P.M. - The City Council will recess the regular City of San Antonio Council Meeting and convene for a "B" Session in the B Room for the following:

A. Update on the Convention Center Expansion Project. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

B. Briefing on the status of the Convention Center Hotel Project. [Presented by Ramiro Cavazos, Director, Economic Development; Christopher J. Brady, Assistant City Manager]

Adjourn the "B" Session and reconvene the City of San Antonio Council Meeting.

7. 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

9 20 20
8. An Ordinance accepting the low, qualified bid submitted by Wilson Fire Apparatus & Equipment to provide the City of San Antonio Fire Department with fire rescue equipment for a total sum of \$34,955.00. [Presented by Janie B. Cantu, Director of Purchasing & General Services; Travis M. Bishop, Assistant City Manager]

9. An Ordinance accepting the low bid submitted by Timberline Technologies, LLC to provide the City of San Antonio Public Works Department with an annual contract for the rental of a hydro-axe for an estimated annual cost of \$480,000.00. [Presented by Janie B. Cantu, Director of Purchasing & General Services; Travis M. Bishop, Assistant City Manager]
10. An Ordinance accepting the bid from Texas Highway Products Ltd., utilizing the Texas Department of Transportation Contract to provide the City of San Antonio Public Works Department with video image vehicle detection systems for a total sum of \$98,011.50. [Presented by Janie B. Cantu, Director of Purchasing & General Services; Travis M. Bishop, Assistant City Manager]
11. An Ordinance accepting the low, qualified bids submitted by Holt Cat, Cooper Equipment Co., Gamble Equipment Co., Inc., Quality Equipment, Grande Truck Center, Niece Equipment, LLC, and Industrial Disposal Supply Inc., to provide the City of San Antonio Public Works Department with heavy equipment for a total sum of \$3,554,089.52. [Presented by Janie B. Cantu, Director of Purchasing & General Services; Travis M. Bishop, Assistant City Manager]

Capital Improvement Items

12. An Ordinance selecting Beaty & Partners Architects, Inc. to provide professional architectural services in connection with the Municipal Facilities Improvements within the Historic Civic Center, located in Council District 1; authorizing the negotiation and execution of a professional services contract in an amount not to exceed \$265,500.00; authorizing \$3,000.00 for reimbursable expenses; authorizing \$2,500.00 for advertising expenses and \$15,000.00 for miscellaneous contingency expenses, for an overall total of \$286,000.00 from 2002 Certificates of Obligation; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]
13. An Ordinance authorizing the execution of a Construction Contract with Vaughn Construction Company in the amount of \$679,534.00 in connection with the Carver Community Cultural Center, Phase II Community Development Block Grant (CDBG) Project; appropriating funds; and providing for payment. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

14. An Ordinance approving a Renewal and Extension of the Automated Teller Machine (ATM) License Agreement, and incorporating a Second Amendment, between the City of San Antonio and the San Antonio City Employees Federal Credit Union (SACEFCU) for the placement of ATM machines on City property; approving an extension of the term of License from March 1, 2003 through February 29, 2008, and adding two new locations for a total of 14, under the same terms and conditions, except that the monthly license fee due to the City is capped at the total amount of fees received by SACEFCU associated with Foreign Transaction Volume and Alternate Transaction Volume for each ATM, as such terms are defined in the License Agreement. [Presented by Rebecca Waldman, Director, Asset Management Department; Erik J. Walsh, Assistant to the City Manager]

Miscellaneous

15. An Ordinance authorizing the City Manager or her designee to execute a professional services agreement in the amount of \$50,000.00 with the San Antonio Mobility Coalition, Inc. for annual membership dues for the period February 1, 2003 through January 31, 2004; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]

16. An Ordinance authorizing the submission of a grant application by the City of San Antonio's Department of Community Initiatives, Youth Services Division, to the Office of the Governor, Criminal Justice Division, for the Safe and Drug Free Schools and Communities Grant in the amount of \$259,956.00 to implement a Striving Together to Achieve Rewarding Tomorrows (START) Program from September 1, 2003 to August 31, 2004 in three schools in the San Antonio Independent School District. [Presented by Dennis J. Campa, Director of Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

17. An Ordinance authorizing the renewal of a License Agreement in the amount of \$5,000.00 between the City of San Antonio and Monroe County, New York for the San Antonio Metropolitan Health District to continue to use certain licensor's broadcast products in connection with the "Not Me, Not Now" abstinence-based teenage pregnancy prevention campaign; approving the execution of the agreement with Monroe County for the period February 27, 2003 through February 26, 2004; and authorizing license fee payment to Metrix Marketing, Inc. [Presented by Dr. Fernando A. Guerra, Director of Health; Frances A. Gonzalez, Assistant to the City Manager]

18. An Ordinance authorizing the acceptance of an additional grant award totaling \$232,350.00 in cash assistance from the Texas Department of Health (TDH) to support the ongoing HIV/AIDS Prevention and Surveillance Program of the San Antonio Metropolitan Health District for the period January 1, 2003 through December 31, 2003; authorizing execution of the contract change with the TDH; revising the budget for the Public Health State Support Project 2003/2004 – Federal Account established in Ordinance No. 97154, passed and approved February 6, 2003; approving a personnel complement; and authorizing payments for contractual services. [Presented by Dr. Fernando A. Guerra, Director of Health; Frances A. Gonzalez, Assistant to the City Manager]

19. An Ordinance accepting a donation of \$5,000.00 from Milk-Bone/HEB Alliance for the purchase of a police dog for the San Antonio Police Department's K-9 Detail. [Presented by Albert A. Ortiz, Police Chief; J. Rolando Bono, Deputy City Manager]

20. An Ordinance authorizing the execution of a professional services contract in the amount of \$100,000.00 with the Metropolitan Partnership for Energy to provide continued technical support for Senate Bill 5 energy efficiency issues and to be a clearinghouse for educational programs related to energy efficiency and conservation, for the period January 1, 2003 through December 31, 2003; and providing for payment. [Presented by Daniel V. Cardenas, Director, Environment Services Department; Melissa Byrne Vossmer, Assistant City Manager]

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

21. An Ordinance approving the parade permit and authorizing the temporary closure of certain streets in the downtown area in connection with the Masonic Lodge Procession to be held on Saturday, March 1, 2003 from 8:45 A.M. to 9:15 A.M.; as requested by Grand Lodge of Texas AF&AM. [Presented by Travis M. Bishop, Assistant City Manager; Terry M. Brechtel, City Manager]

Board, Commissions and Committee Appointments.

22. Consideration of the following board appointments: [Presented by Yolanda Ledesma, Acting City Clerk; Travis M. Bishop, Assistant City Manager]

A. An Ordinance appointing Ellen Lockwood (District 8) to the Animal Care Services Advisory Board for a term of office to expire on April 3, 2004.

B. An Ordinance reappointing Mary R. Rittgers (District 1) to the Arts and Cultural Advisory Committee for a term of office to expire on November 15, 2004.

C. An Ordinance appointing Frank Palmer (District 8) to the Clean-Up City Commission for a term of office to expire on February 24, 2005.

97186
D. An Ordinance reappointing Veronica R. Garcia (District 6) to the City of San Antonio, Texas Education Facilities Corporation for a term of office to expire on December 15, 2004.

97187
E. An Ordinance appointing Veronica R. Garcia (District 6) to the Mayor's Commission on the Status of Women for a term of office to expire on December 15, 2004.

ITEMS FOR INDIVIDUAL CONSIDERATION

23. Consideration of the following board appointments: [Presented by Yolanda Ledesma, Acting City Clerk; Travis M. Bishop, Assistant City Manager]

97203
A. An Ordinance appointing one member to the Riverwalk Capital Improvements Advisory Board for a term of office to expire on December 19, 2003. [Nominee: Tom Reedy (Downtown Resident/Not a Riverbend Lessee Category) – District 1]

97204
B. An Ordinance appointing two members to the Board of Adjustment (Alternate Members) for terms of office to expire on February 22, 2005 and February 22, 2004, respectively. [Nominees: Paul Klein (Reappointment – District 9) and Gene Camargo (District 6)]

97205
C. An Ordinance appointing three members to the Convention and Visitors Commission for terms of office to expire on June 30, 2005. [Nominees: Andrew Fichthorn (Theme Park Category – District 6), Edward Foster (Reappointment – Hotel/Motel Assn. Rep. Category – District 8) and Don Newman (Reappointment – Hotel/Motel Assn. Rep. Category – District 3)]

97206
D. An Ordinance appointing one member to the Historic and Design Review Commission for a term of office to expire on October 31, 2004. [Nominee: Liza Ann Reyes (Business Category – District 2)]

97207
E. An Ordinance appointing two alternate members to the Municipal Civil Service Commission for staggered terms of office. [Nominees: Roman Pena (District 3) and Grace Hernandez (District 2)]

97208
F. An Ordinance appointing three members to the San Antonio Development Agency for terms of office to expire on December 18, 2004. [Nominees: James Darryl Byrd (Reappointment – Mayor), Jonathan Starr (Reappointment – Mayor/District 8), Miguel Aguilar (District 1) and James Fenimore (District 3)]

97209
G. An Ordinance appointing three members to the South Fort Sam Houston Development Advisory Board for terms of office to expire on January 28, 2005. [Nominees: Al Marin (Reappointment – Clergy Category – District 2), Marie Stout (Government Hill Alliance Category – District 2), and Sheila McNeil (Reappointment – City-wide Community Leader Category – District 2)]

97213
24. An Ordinance calling the Regular Municipal Election to be held on the 3rd day of May, 2003 from 7:00 A.M. to 7 P.M., in the City of San Antonio, Bexar County, Texas, for the purpose of electing the members of the Council of the City of San Antonio. [Presented by Yolanda Ledesma, Acting City Clerk; Travis M. Bishop, Assistant City Manager]

97213
25. An Ordinance appropriating \$7,274,000.00 from the 1999 G.O. Public Safety Improvement Bond funds for the next phase of the Public Safety Integrated Technology System; authorizing payment and encumbering funds in the amount of \$1,360,000.00 to Open System Group, Inc. (OSG) for development of proprietary software; and establishing a project budget comprised of \$125,000.00 for Communications, \$547,500.00 for Modems, and \$5,241,500.00 for Computer Hardware. [Presented by Albert A. Ortiz, Police Chief; J. Rolando Bono, Deputy City Manager]

97213
26. An Ordinance amending Chapter 10 of the City Code to provide for a change in electrical license expiration dates to be based upon the date of the issuance of the license. [Presented by Florencio Pena, Director, Development Services Department; Christopher J. Brady, Assistant City Manager]

97213
27. An Ordinance amending Chapter 10 of the City Code to include the prohibition of the use of non-metallic sheathed cable in any multifamily dwellings or other structures exceeding three floors above grade. [Presented by Florencio Pena, Director, Development Services Department; Christopher J. Brady, Assistant City Manager]

97213
28. An Ordinance accepting grant funds in the amount of \$20,000.00 from the J. P. Morgan Chase Foundation to implement a Financial Literacy Instruction Program for youth participating in the San Antonio Education Partnership and the Youth Opportunity Program for a one year period beginning February 23, 2003; and approving a budget for said program. [Presented by Dennis J. Campa, Director of Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

97213
29. An Ordinance authorizing the allocation and expenditure of Human Development Services Funds in the amount of \$5,000.00 from District 1 and \$1,000.00 from District 9 for support of the Department of Community Initiatives' Teen Court Program; as requested by Councilman Bobby Perez, District 1. [Presented by Dennis J. Campa, Director of Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

30. City Manager's Report. *None*

31. Executive Session: Consultation concerning attorney-client matters (real estate, litigation, contracts, personnel and security) may be discussed.

✓ A. Discuss the lawsuit styled *Charles Pollock and Tracy Pollock, individually and as next friend of Sarah Jane Pollock, a minor child, v. the City of San Antonio*, Cause No. 2000-CI-01201, in the 225th Judicial District Court, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

✓ B. Discuss land acquisition, economic development negotiations, incentives offered, and related legal issues concerning a decision by Toyota Motor Manufacturing North America, Inc., to build and operate a manufacturing facility in San Antonio, pursuant to Texas Government Code Sections 551.072 (deliberations involving real property), 551.087 (deliberations regarding economic development negotiations), and 551.071 (consultation with attorney).

Pulled
C. Discuss lease and economic development negotiations, incentives offered, and related legal issues concerning a decision by the Dallas Cowboys NFL Team to stay in San Antonio for its 2003 training camp, pursuant to Texas Government Code Sections 551.072 (deliberations involving real property), 551.087 (deliberations regarding economic development negotiations), and 551.071 (consultation with attorney).

● D. Discuss the lawsuit styled *Matthew J. Jackson, et al, and other Similarly Situated Persons vs. City of San Antonio*, Cause No. 2002-CI-18233, 408th Judicial District Court, Bexar County, Texas, and legal issues related to collective bargaining negotiations with the San Antonio Police Officers Association, pursuant to Texas Government Code Section 551.071 (consultation with attorney).