

First Ord 98285
First Rev. 2003-36-29



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CITY OF SAN ANTONIO
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**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
October 9, 2003**

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:

Update on Electric Deregulation in Texas; Increased Regulatory Costs (Electric Reliability Council of Texas); and, Proposed Coal-Fired Power Generation Plant. [Introduced by Ben Gorzell, Public Utilities Supervisor/Assistant Director, Finance; Presented by Steve Bartley, Director of Regulatory Relations, CPS]

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 Father Effendy Li Wang, St. Mark the Evangelist 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.

THE FOLLOWING ITEMS WILL BE CONSIDERED AT THE TIMES INDICATED:

3. 2:00 P.M. – Public Hearing and Consideration of the following Zoning Cases: [Presented by Florencio Pena, Director, Development Services; Christopher J. Brady, Assistant City Manager]

Continuance for Nov. 13
A. ZONING CASE NUMBER Z2003103: The request of Jim Burke, Burke Properties, Applicant, for Burke Properties, Ltd., Owner(s), for a change in zoning from "MH" Manufactured Housing District to "C-2" Commercial District on 43.2 acres out NCB 10979, 3143 Military Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

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B. ZONING CASE NUMBER Z2003142: The request of Thomas Phillips and Harry Urey, Applicant, for Thomas Phillips and Harry Urey, Owner(s), for a change in zoning from "NP-10" Neighborhood Preservation District and "DR" Development Reserve District to "MF-25" Multi-Family District on 16.069 acres of land out of NCB 16622, southwest side of IH 37 between Blue Wing Road and U.S. 281. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

Continuance to Nov. 13
C. ZONING CASE NUMBER Z2003099: The request of Bitterblue Inc., Applicant, for Barrett, Thurman Sr. and Jr., Owner(s), for a change in zoning from "R-5" Residential Single-Family District and "R-6" Residential Single-Family District to "RM-5" Residential Mixed District on 69.35 acre tract of land out of NCB 11186, West Hutchins Place (extension). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

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D. ZONING CASE NUMBER Z2003125CB: The request of City of San Antonio, Applicant, for San Antonio Sunrise Club Rotary International, Owner(s), for a change in zoning from "MF-33 C" Multi-Family District with a conditional use for a counseling center to "R-6 C" Residential Single-Family District with a conditional use for a counseling center on Lot 2, Block 15, NCB 7483, 206 Elson Avenue. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 5)

Continuance to 4 weeks
E. ZONING CASE NUMBER Z2003068: The request of Martin Gutierrez, Applicant, for Martin Gutierrez, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3" General Commercial District on Lot P-22, NCB 17929, 8537 Bandera Road. Staff's recommendation was for approval. Zoning Commission has recommended denial. (Council District 7)

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F. ZONING CASE NUMBER Z2003167: The request of Gene Liguori, Applicant, for Showcase Custom Homes of Texas, Inc., Owner(s), for a change in zoning from "C-3 R" General Commercial Restrictive Alcohol Sales District, & "C-2" Commercial District to "R-4" Residential Single-Family District on Lot 1, Block 2, NCB 17789; Lots 4 and 5, Block 1, NCB 17788, Intersection of Stahl Road and Heartland Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 10)

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

Items Concerning the Purchase of Equipment, Supplies and Services

98285 An Ordinance accepting the bids of various companies to provide the City of San Antonio with the following items and services on an annual contract basis for Fiscal Year 2003-2004 for an estimated annual cost of \$111,860.00: Novelist database license and Spread Spectrum Radios. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Travis M. Bishop, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

98286 An Ordinance declaring City-owned property located at 1519 Nogalitos, in NCB 6275, formerly known as Fire Station No. 16, as surplus to the City's needs; accepting the high bid in the amount of \$118,400.00 from Jody Ausley for purchase of the property; and authorizing the execution of an Earnest Money Contract with him for the sale of the property for such bid price. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Miscellaneous

98287 An Ordinance authorizing the acceptance of a grant award of \$30,650.00 from the Hogg Foundation for Mental Health to renew the Perinatal Depression Project of the San Antonio Metropolitan Health District for the period September 1, 2003 through August 31, 2004; establishing a fund; adopting the project budget; authorizing payments for contractual services; and approving the execution of a contract with Our Lady of the Lake University (OLLU) regarding counseling services. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant to the City Manager]

98288 An Ordinance authorizing the acceptance of a contract amendment for cash and in-kind support totaling \$305,776.00 from the Texas Department of Health (TDH) to renew the ongoing Local Public Health Support Program (\$251,464.00) and Public Health State In-Kind Support Program (\$54,312.00) of the San Antonio Metropolitan Health District for the period September 1, 2003 through August 31, 2004; approving the execution of a change to the contract with TDH; adopting the program budget; and approving the personnel complement. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant to the City Manager]

98289 An Ordinance authorizing the acceptance of a contract amendment for funding support up to \$5,465,482.00 from the Texas Department of Health (TDH) for the ongoing Special Supplemental Nutrition Program for Women, Infants & Children (WIC Program) in the San Antonio Metropolitan Health District for the period October 1, 2003 through September 30, 2004; approving the execution of a change to the contract with TDH; establishing a fund; adopting the program budget; approving the personnel complement; authorizing the execution of a subcontract with Lactation Connection, Inc.; and approving payments for contractual services and existing WIC Clinic leases. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant to the City Manager]

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10. An Ordinance authorizing the acceptance of \$186,180.00 for support of the San Antonio Education Partnership from the following Independent School Districts: San Antonio, Edgewood, Harlandale, South San, South Side, Southwest, and Northeast; establishing a budget; approving a personnel complement, and authorizing the transfer and expenditure of any remaining funds from previous program years in support of the current fiscal year operations. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

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

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11. An Ordinance approving a parade permit and authorizing the temporary closure of portions of certain streets near the Alamodome in connection with the San Antonio Marathon, 5K Mayor's Fitness Challenge and Walk to be held on Sunday, November 9, 2003 from 6:00 A.M. until 12:30 P.M. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

Board, Commissions and Committee Appointments.

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

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A. An Ordinance appointing Andrew Anguiano (Business Category – District 3) to the Arts and Cultural Affairs Advisory Committee for a term of office to expire on November 15, 2004.

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B. An Ordinance appointing Charles Codd (District 1) to the Ethics Review Board for a term of office to expire on February 21, 2005.

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C. An Ordinance appointing Carole A. Abitz (District 4) and Connie Boyle (District 1) to Keep San Antonio Beautiful, Inc. for terms of office to expire on December 22, 2004.

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D. An Ordinance appointing Rex Edward Decker (District 3) to the San Antonio Commission on Literacy for a term of office to expire on September 15, 2005.

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E. An Ordinance appointing Henry Ross Ellis (Layperson/Consumer Category – District 2) to the Plumbing Appeals and Advisory Board for a term of office to expire on March 20, 2005.

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F. An Ordinance appointing Justin Krupalla (District 3) to the San Antonio Youth Commission for a term of office to expire on June 1, 2005.

ITEMS FOR INDIVIDUAL CONSIDERATION

2003-36-29
13. A Resolution nominating the City's candidate to serve on the Bexar Appraisal District Board of Directors. [Nominees: James McAden, Martin Leyvani, and Abraham Ramirez]. [Presented by Yolanda Ledesma, Acting City Clerk; Travis M. Bishop, Assistant City Manager]

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14. An Ordinance amending the composition to the Citizens Commission on City/County Service Integration by increasing the membership to eleven (11) members for the City and eleven (11) members for the County, established by Ordinance No. 98237 on September 25, 2003, and appointing Steven Alan Bennett to said Commission. [Presented by Yolanda Ledesma, Acting City Clerk; Travis M. Bishop, Assistant City Manager]

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15. An Ordinance authorizing the acceptance of \$1,971,530.00 from the Texas Department of Health (TDH) to continue funding the Bioterrorism Preparedness Program in the San Antonio Metropolitan Health District during the period September 1, 2003 through August 31, 2004; approving the execution of a change to the contract with TDH; adopting the program budget; approving the personnel complement and authorizing payments for contractual services. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant to the City Manager]

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16. An Ordinance approving the following admission price increases as requested by the Witte Museum: Adult (ages 12-64 – from \$5.95 to \$7.00); Senior (ages 65+ - from \$4.95 to \$6.00); Child (ages 4-11 – from \$3.95 to \$5.00). [Presented by Malcolm Matthews, Director, Parks and Recreation; Melissa Byrne Vossmer, Assistant City Manager]

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17. An Ordinance amending a professional services agreement and authorizing payment in the amount of \$229,429.00 to GoodPointe Technology Corporation (“GoodPointe”) in connection with the updating of one third (1,274 center line miles of street) of the Pavement Management Street Network for the City of San Antonio, which will include resurveying pavement condition and decay, performing data collection, and input and analysis; authorizing the acquisition of the Micro Paver Software Application Package through the American Public Works Association in the amount of \$1,145.00 for software and manuals for a total amount of \$230,574.00 from the Street Maintenance Operating Fund; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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18. An Ordinance approving an Intra-jurisdictional Agreement between the San Antonio Water System (“SAWS”) and the City of San Antonio (“COSA”) for the transfer of approximately 1,841 acres of land in Bexar County, Texas, from SAWS to COSA in exchange for the imposition of Conservation Easements on other properties including approximately 710 acres (the Chris Hill Conservation Easement) and approximately 855 acres (the Lauder Conservation Easement) in favor of SAWS and the assumption by COSA of certain obligations for payment of the acquisition of the Lauder property and further authorizing the subsequent transfer of approximately 637 acres out of the 1,841 acres to the City of San Antonio, Texas, Starbright Industrial Development Corporation to be used to fulfill a portion of the requirements of the Project Starbright Agreement. [Presented by Christopher J. Brady, Assistant City Manager; Terry M. Brechtel, City Manager]

19. The City Council will recess the regular City of San Antonio Council Meeting and convene the Board of Directors for the City of San Antonio, Texas Starbright Industrial Development Corporation to consider the following: [Presented by Christopher J. Brady, Assistant City Manager; Terry M. Brechtel, City Manager]

STAR BRIGHT Resolution

A. A Resolution accepting approximately 637 acres of real property in Bexar County, Texas, from the City of San Antonio ("COSA") to be used in the fulfillment of the Project Starbright Agreement and authorizing the Executive Director to implement the terms of this resolution and the agreement.

B. Adjourn.

*2003-20
36-30* 20. A Resolution supporting the passage of an educational bond offered by the North East Independent School District to the residents of the district; as requested by Councilman Roger O. Flores, District 1.

*2003-21
36-31* 21. A Resolution supporting the establishment of a bookstore on the South Side in District 4 and the efforts of the "Books in the Barrio," a group of citizens working toward attracting a major chain bookstore to the South Side of the City; as requested by Councilman Richard Perez, District 4.

*2003-22
36-32* 22. A Resolution supporting the Bexar County Commissioners Court submission of a petition to the Texas Transportation Commission requesting authorization to form a Regional Mobility Authority for the San Antonio Metropolitan Area; as requested by Councilman Carroll W. Schubert, District 9.

Approved 23. Travel authorization for Councilman Carroll W. Schubert, District 9, who will travel to Washington, D.C., to meet with Federal administration and Congressional officials as part of the City's Federal Initiatives Program from, Sunday October 12, 2003 to Wednesday, October 15, 2003.

Approved 24. Travel authorization for Councilman Christopher "Chip" Haass, District 10, who will travel to Washington, D.C., to meet with Federal administration and Congressional officials as part of the City's Federal Initiatives Program from, Monday, October 13, 2003 to Wednesday, October 15, 2003.

Approved 25. Travel authorization for Councilman Ron H. Segovia, District 3, who will travel to Guadalajara, Mexico, to attend the Fiestas de Octubre (37th Annual Sister Cities Event) from Friday, October 17, 2003 to Sunday, October 19, 2003.

Approved 26. Travel authorization for Councilman Enrique M. Barrera, District 6, who will travel to Guadalajara, Mexico, to attend the Fiestas de Octubre (37th Annual Sister Cities Event) from Tuesday, October 14, 2003 to Thursday, October 16, 2003.

27. City Manager's Report. - *TRM*

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

- A. Discussion regarding the Convention Center Headquarters Hotel pursuant to Section 551.072 (deliberation about real property), Section 551.087 (deliberation regarding economic development negotiations), and Section 551.071 (consultation with attorney).
- B. Discuss the lawsuit styled LULAC vs. City of San Antonio, et al, Appeal No. 03-50864, previously styled Save Our Aquifer, et al, v. City of San Antonio, et al, Cause No. SA-02-CA-618, United States District Court, Western District, San Antonio Division, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C. Discussion regarding the lawsuit styled *Lisa A. Garner v. City of San Antonio*, Cause No. 2003-CI-11520, 408th Judicial Court, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Discussion regarding legal issues raised in EEOC Charges No. 360-2003-05149 (by Beatrice C. Hernandez) and No. 360-2003-05191 (by Archie L. Stogsdill), pursuant to Texas Government Code Section 551.071 (consultation with attorney).