



Just Ord. 100558
Just Res. 2005-13-09
Just Ord. 100591
Just Res. 2005-13-09B

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**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
March 24, 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:

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).

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 Pastor David Mueller, Shepherd of the Hills Lutheran Church, guest of Councilman Art A. Hall, District 8, and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes of the City Council meeting of March 3, 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:

- 100558
4. 1:30 P.M. – Consideration of an Ordinance authorizing the issuance of approximately \$60,000,000.00 “City of San Antonio, Texas Municipal Drainage Utility System Bonds, Series 2005”; pledging the revenues of the Drainage Utility System to the payment of the principal of and interest on such bonds; enacting provisions incident and related to the issuance, payment, security and delivery of such bonds, including the approval and distribution of an official statement; authorizing the execution of a paying agent/registrar agreement and a bond purchase contract; providing for an immediate effective date upon passage by eight affirmative votes. [Presented by Milo D. Nitschke, Director, Finance; Melissa Byrne Vossmer, Assistant City Manager]
- 100581
5. 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]
- A. ZONING CASE NUMBER Z2005032 C: The request of Julieta Muniz, Applicant, for Julieta Muniz, Owner(s), for a change in zoning from “RM-4” Residential Mixed District to “RM-4” C Residential Mixed District with a conditional use for a beauty shop on Lot 7 through 10, Block 45, NCB 1624 (138 Porter Street). Staff’s recommendation was for approval. Zoning Commission has recommended approval. (Council District 2)
- 100582
- B. ZONING CASE NUMBER Z2005029: The request of Manuel Flores, Applicant, for International Bank of Commerce, Owner(s), for a change in zoning from “C-2” Commercial District to “C-3NA” General Commercial, Nonalcoholic Sales District on 1.497 acres out of Lot 38, Block 41, NCB 15156 (S. W. Loop 410). Staff’s recommendation was for denial. Zoning Commission has approval. (Council District 4)
- 100583
- C. ZONING CASE NUMBER Z2005030 S: The request of City of San Antonio, Applicant, for Mainland Drive Investment, LLC, Owner(s), for a change in zoning from “I-1” General Industrial District to “L” S Light Industrial District with specific use authorization for a daycare center on Lots 5 and Lot 6, Block 1, NCB 18571 (7939, 7941, 7943, 7945, 7947 and 7949 Mainland Drive). Staff’s recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)
- Continued for 2 weeks
- D. ZONING CASE NUMBER Z2004289 S: The request of Southern Towers Inc., Applicant, for Oakridge Baptist Church (LOA), Owner(s), for a change in zoning from “R-6” Residential Single-Family District to “R-6” S Residential Single-Family District with specific use authorization for a telecommunications tower on 0.05142 acres out of NCB 14002 (11003 Vance Jackson Road). Staff’s recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

100584
E. ZONING CASE NUMBER Z2005031: The request of Ray Wesley, Applicant, for K. Partners Blanco, LP, Owner(s), for a change in zoning from "C-2" ERZD Commercial Edward Recharge Zone District to "C-2" ERZD C Commercial Edward Recharge Zone District with a conditional use for a nightclub on 0.0893 acres out of Lot 63, Block 2, NCB 17608 (19141 Stone Oak Parkway). Staff's recommendation was for approval. Zoning Commission recommended approval of "C-2" C ERZD for a nightclub with the following conditions: 1) Must comply with the City of San Antonio sound ordinance; 2) No neon or flashing signs; 3) No outside seating; and 4) Hours of operation are limited to 11:00 A.M. to midnight daily. (Council District 9)

100585
F. ZONING CASE NUMBER Z2004290 S: The request of Southern Towers Inc, Applicant, for CWS Retail on Austin Highway, Ltd., Owner(s), for a change in zoning from "C-2" Commercial District to "C-2" S Commercial District with specific use authorization for a telecommunications tower on 0.057 acres out of NCB 8695 (1433 Austin Highway). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 10)

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

100559
An Ordinance accepting the low responsive bid submitted by TSI, Inc. to provide the City of San Antonio Police Department with five (5) respiratory fit testers for a total cost of \$37,345.00 from the Law Enforcement Terrorism Prevention Grant. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

100560
An Ordinance accepting the single source offer submitted by FATS, Inc. to provide the City of San Antonio Police Department with a firearms training simulator system for a total of cost of \$41,600.00 from the Law Enforcement Officer Standard and Education Fund. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

100561
9. An Ordinance accepting the proposal submitted by MBF Industries, Inc. utilizing the Texas BuyBoard contract, to provide the City of San Antonio Fire Department with one (1) replacement mobile command vehicle bus shell chassis for a total cost of \$374,125.00 from the Urban Area Security Initiatives Grant. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

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 \$858,340.00 to include contracts for Spoken Word compact discs and audiocassettes, computer server maintenance, recreational board & table games, Veritas software licenses and support, high intensity prismatic sign sheeting, recreational sports equipment, arts and crafts, and plastic bags. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Capital Improvement Items

11. An Ordinance accepting the low, qualified bid in the amount of \$75,190.00 of Manuel Ortiz Construction, L.L.C. (SBE/MBE) to perform construction work in connection with the Olmos Basin Park Improvement Project, located in Council District 9; authorizing the execution of a construction contract; authorizing \$10,000.00 for construction contingency expenses; authorizing \$1,000.00 for park materials; authorizing \$900.00 for mandatory project fees; authorizing \$1,500.00 for bid advertising and printing fees, for a total amount of \$88,590.00 from 1999-2004 Park Bond funds; appropriating funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

12. An Ordinance accepting the low, qualified bid in the amount of \$198,900.00 of Greco Construction, Inc. (SBE/MBE) to perform construction work in connection with the Friesenhahn Park Rehabilitation – Phase II Project, located in Council District 10; authorizing the execution of a standard construction contract; authorizing \$11,326.63 for construction contingency expenses; authorizing \$100.00 for park materials; transferring \$1,500.00 within the project budget; for a total amount of \$208,826.63 from 1999-2004 Park Bond funds and 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]

13. An Ordinance amending a professional services contract and authorizing payment in the amount of \$61,918.75 to Civil Engineering Consultants, Inc., for engineering services in connection with the San Antonio River Walk Link from Alamo to Eagleland MPO Project, located in Council District 5; authorizing \$6,192.00 for engineering contingency expenses, for a total amount of \$68,110.75 from 1999 General Obligation Flood Control with Park Improvement Bond funds; revising the project budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

14. An Ordinance selecting ATC Group Services, Inc., d/b/a ATC Associates, Inc.; Professional Service Industries, Inc.; Medina Consulting Company, Inc.; Geo-Marine, Inc.; and CH2M Hill, Inc.; to provide Standby Environmental Consulting Services, as necessary to regulate compliance for various environmental due diligence investigations, including asbestos oversight and other remedial projects designs, for an amount not to exceed \$250,000.00 for each contract; authorizing the execution of five (5) one year professional services agreements, with two optional one-year terms; and providing for payment. [Presented by Daniel V. Cárdenas, Director, Environmental Services; Melissa Byrne Vossmer, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

15. An Ordinance authorizing the acquisition of a 4.101234 acre tract located on East Rhapsody Drive adjacent to Walker Ranch Park in Council District 9 from Gary Management Services c/o Lief Zars for the amount of \$441,200.00 from 2003-2007 Park Bond funds, which will be designated as park land; appropriating funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
16. An Ordinance granting a license agreement to Villaje Del Rio, Ltd., to build and maintain overhead passageways and balconies extending over public rights-of-way in a redeveloped property situated near the intersection of Avenue B and Roy Smith Street in Council District 1; and waiving the associated fee under the City's Incentive Scorecard Program [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Miscellaneous

17. An Ordinance authorizing the Interim City Manager or his designee to execute a two (2) year renewal and extension contract in the amount of \$113,000.00 with EB Jacobs, L.L.C. (formerly known as SHL USA, Inc.), testing consultant, for the development of validated written entrance examinations for the positions of Fire Trainee and Police Cadet in the San Antonio Fire and Police Departments, respectively, for the period April 11, 2005 through April 10, 2007; and providing for payment. [Presented by Sharon De La Garza, Director, Human Resources; Frances A. Gonzalez, Assistant City Manager]
18. An Ordinance authorizing the Interim City Manager or his designee to purchase Aircraft Hull and Liability Insurance for the City of San Antonio from ACE USA Group through McGriff, Seibels & Williams of Texas, Inc., the City's Broker of Record, at an annual premium not to exceed \$209,403.00, effective March 31, 2005 through March 31, 2006; and providing for payment. [Presented by Sharon De La Garza, Director, Human Resources; Frances A. Gonzalez, Assistant City Manager]
19. An Ordinance authorizing the Interim City Manager or his designee to purchase Airport Owners and Operators General Liability Insurance for the San Antonio International Airport and Stinson Municipal Airport from ACE USA Group through McGriff, Seibels & Williams of Texas, Inc., the City's Broker of Record, at an annual premium of \$63,263.00, effective March 31, 2005 through March 31, 2006; and providing for payment. [Presented by Sharon De La Garza, Director, Human Resources; Frances A. Gonzalez, Assistant City Manager]
20. An Ordinance modifying the Time Warner Cable Franchise Agreement, which was passed by Ordinance No. 49433 and became effective on November 7, 1978, in order to extend the term of the Franchise to December 31, 2005. [Presented by Ben Gorzell, Jr., Director, Public Utilities; Melissa Byrne Vossmer, Assistant City Manager]

21. An Ordinance modifying the Grande Communications Franchise Agreement, which was passed by Ordinance No. 91616 and became effective on July 18, 2000, in order to extend the reopener of the Franchise to December 31, 2005. [Presented by Ben Gorzell, Jr., Director, Public Utilities; Melissa Byrne Vossmer, Assistant City Manager]

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

22. An Ordinance approving the parade permit and authorizing the temporary closure of portions of certain streets near the Alamodome for the Race for the Cure sponsored by the Susan G. Komen Foundation to be held from 7:00 A.M. to 10:30 A.M. on Saturday, April 2, 2005. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]

23. An Ordinance approving the temporary closure of Kentucky Avenue between North Elmendorf and North Zarzamora from 8:00 A.M. on Saturday, April 9, 2005 until 11:30 P.M. on Sunday, April 10, 2005 for Little Flower Church's Annual School Festival. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]

Board, Commissions and Committee Appointments.

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

A. An Ordinance appointing Charles M. Bartlett (District 3) to the Parks and Recreation Board for a term of office to expire on December 31, 2006.

B. An Ordinance appointing Bobbie J. Menzel-Butts (District 10) to the Mayor's Commission on the Status of Women for a term of office to expire on December 31, 2006.

C. An Ordinance appointing Deborah Perez (District 10) as Director/Trustee to the South Texas Business Fund for a term of office to expire on May 9, 2007.

25. An Ordinance appointing ten (10) members to the Linear Creekway Parks Advisory Board for terms of office to expire on December 31, 2006. [Presented by Leticia M. Vacek, City Clerk]

Appointees: Howard Peak (Chairman – Mayoral Appointee)

Jon Thompson (District 1)

Thurman Sergeant (District 2)

Debra Guerrero (District 3)

Robert Rodriguez (District 5)

Brian Stives (District 6)

Olga Liscano (District 7)

Albert Fernandez, Jr. (District 8)

Brenda Kelly Rowe (District 9)

Joe Soules (District 10)

ITEMS FOR INDIVIDUAL CONSIDERATION

26. Staff briefing on status of Convention Center Headquarters Hotel Project. [Presented by Christopher J. Brady, Assistant City Manager; J. Rolando Bono, Interim City Manager]
27. A Resolution authorizing the creation of the "City of San Antonio, Texas Convention Center Hotel Finance Corporation" to finance the development and construction of a new convention center hotel, and approving the Articles of Incorporation and bylaws for the Corporation. [Presented by Christopher J. Brady, Assistant City Manager; J. Rolando Bono, Interim City Manager]
28. An Ordinance rescinding Ordinance No. 100444, passed and approved on February 17, 2005, and authorizing the Interim City Manager to negotiate and execute Federal Representation Services Agreements with *Holland & Knight LLP* and *Patton Boggs LLP*, each in a monthly amount not to exceed \$12,000.00, inclusive of all reasonable and ordinary expenses, for a total monthly amount for federal representation services not to exceed \$24,000.00, for the term of April 1, 2005 through September 30, 2006, with one (1)-year renewal options; and providing for payment.. [Presented by Christopher J. Brady, Assistant City Manager; J. Rolando Bono, Interim City Manager]
29. An Ordinance authorizing the Interim City Manager or his designee to execute an Interlocal Agreement with the Alamo Regional Mobility Authority ("AlamoRMA") and authorizing payment in the amount of \$500,000.00 to AlamoRMA in the form of a loan as provided for in the Interlocal Agreement; authorizing the Interim City Manager or his designee to execute an Interlocal Agreement with Bexar County, which will allow the City to utilize a County seat to appoint a City representative to the AlamoRMA Board of Directors. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]
30. An Ordinance amending Chapter 34 of the City Code adjusting the rates for chilled water and steam service provided by the San Antonio Water System to customers at KellyUSA effective beginning with billings in May 2005. [Presented by Ben Gorzell, Jr., Director, Public Utilities; Melissa Byrne Vossmer, Assistant City Manager]
31. An Ordinance amending Sections 16-297 and 16-302(b) of the City Code to allow for replacement garage sale permits due to inclement weather and allowing for alternatives to displaying of garage sale permits during such sales; as requested by Councilman Joel Williams, District 2. [Presented by Liz C. Garcia, Acting Director, Code Compliance; Jelynn LeBlanc Burley, Assistant City Manager]
32. An Ordinance authorizing the execution of a contract with Waste Management of Texas, Incorporated (WMI) in the amount of \$9,000.00 for the WMI Annual College Scholarship Program for the provision of Human and Community Development Services during the period March 24, 2005 through September 30, 2005; authorizing the allocation and expenditure of Human Development Services Funds in the amount of \$1,000 from Council District 2, \$3,000.00 from Council District 4 and \$5,000.00 from Council District 6 for a total amount of \$9,000.00 for the WMI College Scholarship Program for the provision of Human Development Services. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

2005-13-09A
33. An Ordinance waiving the One-Mile Rule for the San Juan Square Multi-Family Apartments Project to allow the project developer to submit an application for consideration of an allocation of Housing Tax Credits from the State; as requested by Councilwoman Patti Radle, District 5. [Presented by Andrew Cameron, Director, Housing & Community Development; Jelynn LeBlanc Burley, Assistant City Manager]

2005-13-09B
34. An Ordinance waiving the One-Mile Rule for the Vista Verde North I and II Apartments Rehabilitation Project to allow the project developer submission of an application for consideration of an allocation of Housing Tax Credits from the State; as requested by Councilwoman Patti Radle, District 5. [Presented by Andrew Cameron, Director, Housing & Community Development; Jelynn LeBlanc Burley, Assistant City Manager]

35. City Manager's Report. *Leticia Javel City Clerk reported on Board member removed.*

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

Not addressed
A. 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).

B. Deliberate the offer of financial or other incentives related to economic development negotiations with the Texas A&M University System, Faulkner USA, and one or more business prospects, 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).