

First Ordinance  
2007-04-05-0359  
Last Ordinance  
2007-04-05-0392

RECEIVED  
CITY OF SAN ANTONIO  
CITY CLERK

2007 APR -2 AM 8:48



OFFICIALLY POSTED  
ON THE WEB:  
4/2/2007 8:45 AM

Agenda  
City Council Meeting  
Municipal Plaza Building  
City Hall Complex  
103 S. Main Ave  
San Antonio, TX 78205  
April 5, 2007

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
- 2:00PM: Neighborhood Plan and Zone Amendments
- 5:15PM: Ceremonial Recognitions
- 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 is wheelchair accessible. The accessible entrance is located at 103 S. Main Ave. 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 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.

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

1. Invocation by Dr. Buckner Fanning, Pastor Emeritus, Fellowship of San Antonio. Guest of Mayor Phil Hardberger.
2. Pledge of Allegiance.
3. Approval of Minutes for the March 15, 2007 City Council meeting.

**ACTION ITEMS FOR STAFF BRIEFING**

4. Staff briefing and possible action on bills pending in the 80th State Legislative Session. [Presented by Andrew Smith, Director, Intergovernmental Relations; Erik J. Walsh, Assistant City Manager]

5. An Ordinance authorizing acquisition of conservation easements over more than 15,000 acres of Edwards recharge zone property in Uvalde County for up to \$10,318,337.25 and authorizing payment of \$50,000.00 to The Nature Conservancy as cost reimbursement; and providing for an immediate effective date upon 3/4 City Council approval. [Presented by Shawn Eddy, Director, Asset Management; Pat DiGiovanni, Deputy City Manager]

2007 - 04 - 05 - 0359

6. Public Hearing and consideration of an Ordinance amending Chapter 11, Fire Prevention, Article II Fire Department, and Article III, Fire Prevention Code, of the City Code of San Antonio, Texas, by adopting the 2006 edition of the International Fire Code and appendices B, C, D and F; providing for local amendments, penalties, publication and an effective date [Presented by Robert Ojeda, Fire Chief, Erik J. Walsh, Assistant City Manager]

2007 - 04 - 05 - 0360

7. An Ordinance revising the Joint Tax Phase-In Guidelines for the City of San Antonio and Bexar County to modify the application and amendment fee structure, remove restrictions regarding call centers and authorize administrative changes and providing for an immediate effective date upon 3/4 City Council approval. [Presented by Robert Peche, Director, Economic Development; Jelynn LeBlanc Burley, Deputy City Manager]

**PULLED**

**CONSENT AGENDA**

**Purchase of Equipment, Supplies and Services**

8. An Ordinance accepting the bids of various companies to provide the City with various types of commodities and services on an annual contract basis for FY 2006-2007 for a combined estimated cost of \$885,985.00, including: (A) rental of hydro-axe tree mulcher; (B) ammunition; (C) work uniforms; (D) Philips MRX defibrillator and ALS monitor accessories; and (E) Shelter Software Case Management System for Animal Care Services [Presented by Florencio Peña, Director, Administrative Services; Sharon De La Garza, Assistant to the City Manager] 2007 - 04 - 05 - 0361

9. An Ordinance accepting the bid from with One Source Building Technologies to provide the Henry B. Gonzalez Convention Center with new audio equipment for a cost of \$71,910.00. [Presented by Florencio Peña, Director, Administrative Services; Sharon De La Garza, Assistant to the City Manager] 2007 - 04 - 05 - 0362

10. An Ordinance accepting the bid from Southern Dock Products to provide a compactor conveyor belt system for the Municipal Records Facility for a cost of \$48,100.00, from Alamo Area Council of Governments grant funds. [Presented by Florencio Peña, Director, Administrative Services; Sharon De La Garza, Assistant to the City Manager]

2007 - 04 - 05 - 0363

#### Capital Improvements

11. An Ordinance approving a total construction project amount of \$674,300.00 to include awarding a \$613,000.00 contract with G G & G General Construction, Inc. for the construction of youth sports practice fields, a disc golf course with amenities, and design enhancement elements as part of the Pearsall Park Phase II Youth Sports Practice Fields and Disc Golf Course Project, an approved 2003 Park Bond Fund Project located in District 4. [Presented by Malcolm Matthews, Director, Parks and Recreation; Frances A. Gonzalez, Assistant City Manager] 2007 - 04 - 05 - 0364

12. An Ordinance approving a total construction project amount of \$485,007.30 to include awarding a \$384,490.00 contract with Charlie and Company for work including site grading to form practice playing fields, placement of topsoil over the rough grades, installation of a pump station and field irrigation, and establishment of playing field turf as part of the McAllister Park Youth Sports Practice Fields Project, an approved 2003 Park Bond Fund Project located in District 9. [Presented by Malcolm Matthews, Director, Parks and Recreation; Frances A. Gonzalez, Assistant City Manager]

2007 - 04 - 05 - 0365

13. An Ordinance approving Change Order No. 5 in the amount of \$279,798.17 to the \$1,573,614.84 construction contract, as changed, with Jerdon Enterprises, L.L.C. for demobilization, remobilization, downtime, and construction of a redesigned bridge, in connection with the Eagleland River Walk Link Project – Hike and Bike Phase, located in District 1. [Presented by Thomas Wendorf, Director, Public Works; Jelynn LeBlanc Burley, Deputy City Manager] 2007 - 04 - 05 - 0366

14. An Ordinance approving a total of \$111,394.85, including an \$85,425.50 payment under an

Indefinite Delivery Contract for infrastructure maintenance and construction with San Antonio Constructors, Ltd. for street reclamation in connection with the Keats Street – Nogalitos Street to Packard Street Project in District 5; and appropriating U.S. HUD 108 loan program funds. [Presented by Thomas Wendorf, Director, Public Works; Jelyne LeBlanc Burley, Deputy City Manager] **2007 - 04 - 05 - 0367**

- 15. An Ordinance approving a total project amount of \$7,517,153.17 and awarding a construction contract in the amount of \$6,289,381.90 to Texas Sterling Construction, L.P., of which \$454,207.00 will be reimbursed by CPS Energy and \$680,713.00 will be reimbursed by San Antonio Water Systems, in connection with the Callahan Road: Ingram to Hemphill Project, an authorized 2005 Storm Water Revenue Bond funded project located in District 6. [Presented by Thomas Wendorf, Director, Public Works; Jelyne LeBlanc Burley, Deputy City Manager] **2007 - 04 - 05 - 0368**

**Purchase, Sale or Lease of Real Property**

- 16. An Ordinance approving a lease with US Airways, Inc. at San Antonio International Airport with estimated annual rentals and fees in the amount of \$1,002,631.32. [Presented by Mark Webb, Director, Aviation; Penny Post oak Ferguson, Assistant City Manager]

**2007 - 04 - 05 - 0369**

- 17. An Ordinance approving a lease with ExpressJet Airlines, Inc. at San Antonio International Airport with estimated annual rentals and fees in the amount of \$1,613,794.68. [Presented by Mark Webb, Director, Aviation; Penny Post oak Ferguson, Assistant City Manager]

**2007 - 04 - 05 - 0370**

**City Code Amendments**

- 18. An Ordinance amending Chapter 21, Article III of the City Code to create a new Division, entitled “Party, Gathering, Event” which assesses a fee for the City's costs of repeated responses to the same location for noise violations within a 60 day period. [Presented by David D. Garza, Director, Housing and Neighborhood Services; T.C. Broadnax, Assistant City Manager]

**2007 - 04 - 05 - 0371**

**Miscellaneous**

- 19. An Ordinance authorizing payment of \$59,790.00 to Airports Council International, North America for 2007 annual dues, services and membership fees. [Presented by Mark Webb, Director, Aviation; Penny Post oak Ferguson, Assistant City Manager]

**2007 - 04 - 05 - 0372**

- 20. An Ordinance authorizing reimbursements, up to \$800,000.00, to ExpressJet Airlines, Inc. for advertising and promotional expenses related to the San Antonio Air Service Incentive Program. [Presented by Mark Webb, Director, Aviation; Penny Post oak Ferguson, Assistant City Manager]

**2007 - 04 - 05 - 0373**

- 21. An Ordinance authorizing a Professional Services Contract with Post, Buckley, Schuh & Jernigan, Inc. for the Runway Safety Assessment Airfield Improvements at San Antonio International Airport in an amount not to exceed \$228,721.00. [Presented by Mark Webb, Director, Aviation; Penny Postoak Ferguson, Assistant City Manager]

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- 22. Consideration of the following items related to homeless initiatives: [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

- A. An Ordinance authorizing a contract amendment in the amount of \$128,884.00 to a \$122,715.00 contract with the Salvation Army to include reallocation of \$65,000.00 in funding from the San Antonio Metropolitan Ministry for the Safe Sleep Zones for the period from October 1, 2006 through September 30, 2007.

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- B. An Ordinance authorizing a contract in the amount of \$160,000.00 with the American GI Forum to provide outreach and support services to unsheltered homeless men and women for the period from February 26, 2007 through September 30, 2007.

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- 23. An Ordinance approving an agreement between the City of San Antonio and AT&T Texas for testing the compatibility of the City's Public, Education and Government (PEG) Programming Signal on AT&T's U-Verse Television Serve. [Presented by Ben Gorzell, Director, Finance; Pat DiGiovanni, Deputy City Manager]

*Postponed  
1 week*

- 24. Consideration of the following matters in connection with the City of San Antonio Sales Tax Revenue Commercial Paper Program related to Proposition 1: [Presented by Ben Gorzell, Director, Finance; Pat DiGiovanni, Deputy City Manager]

- A. An Ordinance selecting UBS Investment Bank as the Commercial Paper Dealer for the implementation of the City's Sales Tax Revenue Commercial Paper Program.

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- B. An Ordinance selecting Bank of America, N.A. as the Letter of Credit Provider for the implementation of the City's Sales Tax Revenue Commercial Paper Program.

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- 25. An Ordinance approving a permit for fireworks displays on April 14, April 28, and May 19, 2007, at about 9:00 p.m. at a field across from Nelson Wolff Stadium, 5757 New Highway 90 W., as requested by the San Antonio Missions baseball team and Alpha-Lee Enterprises, Inc. [Presented by Robert Ojeda, Fire Chief; Erik J. Walsh, Assistant City Manager]

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- 26. An Ordinance approving a Memorandum of Understanding between the City of San Antonio and CPS Energy to jointly develop a shared high-speed communications wide area network. [Presented by Hugh Miller, Director, Information Technology Services; Michael Armstrong,

*Postponed  
1 week*

Chief Information Officer]

27. An Ordinance approving an interlocal agreement between the City of San Antonio and the Bexar Metro 9-1-1 Network for high resolution aerial photography to support the City's enterprise Geographic Information Systems. [Presented by Andrew Smith, Director, Intergovernmental Relations; Erik J. Walsh, Assistant City Manager]

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28. An Ordinance accepting the resignation of Judge Catherine Torres-Stahl, increasing judicial salaries for Municipal Court judges with the savings of said position, and adopting a leave policy for judges to be implemented by the Presiding Judge. [Presented by Frederick Garcia, Municipal Court Clerk, Municipal Court; Sheryl Sculley, City Manager]

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29. An Ordinance approving a \$510,100.90 amendment, of which \$215,985.41 is ratified, to a \$3,833,000 Program Management Professional Services Agreement, as amended, with CH2M Hill, Inc. for additional bond scoping and estimating services in connection with the 2007 Bond Program, and the development and implementation of a web-based Project Management Portal, and appropriating funds. [Presented by Thomas Wendorf, Director, Public Works; Jelynn LeBlanc Burley Deputy City Manager]

2007 - 04 - 03 - 0382

#### Boards, Commissions and Committee Appointments

30. Consideration of District and At-Large Board, Commission and Committee Appointments: [Presented by Leticia M. Vacek, City Clerk]

A. Appointing Doug Vair (District 5) to the Port Authority of San Antonio for the remainder of an unexpired term of office commencing immediately, to expire November 30, 2008.

B. Reappointing Arthur Downey (District 9) to the Ethics Review Board for a term of office to commence April 26, 2007 and expire on April 25, 2009.

#### 31. City Manager's Report

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

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

- A. Discuss legal issues related to *Summerglen Property Owners Association, et al v. City of San Antonio*, filed in the 131st Judicial District Court, Bexar County, Texas, Cause No. 2005-CI-02005, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

B. Deliberate the management, purchase, exchange, lease, or value of certain real properties and discuss related legal issues pursuant to Texas Government Code Sec. 551.072 (real property) and Texas Government Code Sec. 551.071 (consultation with attorney).

C. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

**2:00 P.M. TIME CERTAIN ITEMS (may be heard after this time):** Public Hearing and Consideration of the following Adoption and Amendments of the Neighborhood, Community and Perimeter Plans as Components of the Master Plan and Zoning Cases. [Land Use Plan Amendments presented by Emil R. Moncivais, Director, Planning; T.C. Broadnax, Assistant City Manager; and Zoning Cases presented by Roderick Sanchez, Interim Director, Development Services; Jelynne LeBlanc Burley, Deputy City Manager]

P-1. **PLAN AMENDMENT #07007 (District 7):** An Ordinance amending the Land Use Plan contained in the Huebner/Leon Creeks Community Plan, a component of the Master Plan of the City, by changing the use of approximately 4.04 acres of land located at 7719 Eckhart Road from High Density Residential to Community Commercial. Staff and Planning Commission recommend Approval. **2007 - 04 - 05 - 0383**

Z-1. **ZONING CASE # Z2007066 S (District 1):** An Ordinance changing the zoning district boundary from "C-3 NA" General Commercial Non-Alcoholic Sales District to "I-1" S General Industrial District with a Specific Use Permit for Candle Manufacturing on 1.4655 acres out of NCB 921, 918 and 920 South Laredo Street as requested by Bobby Perez, Applicant, for WSK Holdings, L.P., Owners. Staff recommends Denial. Zoning Commission recommends Approval. **2007 - 04 - 05 - 0384**

Z-2. **ZONING CASE # Z2007095 CD (District 1):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "R-4" (CD - Non-Commercial Parking Lot) Residential Single Family District with a Conditional Use for a Non-Commercial Parking Lot on Lot 19, Block 22, NCB 10487 as requested by Daniel Martinez, Applicant for Daniel Martinez, Owner. Staff and Zoning Commission recommend Approval with Conditions. **2007 - 04 - 05 - 0385**

*Postponed  
4-19-07*

Z-3. **ZONING CASE # Z2007126 CD (District 3):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "R-4" (CD-Beauty Shop) Residential Single Family District with a Conditional Use for a Beauty Shop on Lot 41, Block 3, NCB 11159, 806 E. Ashley Road as requested by Cristina Arredondo and Norma Ruano, Applicant, for Juan M. Perez and Mary E. Perez, Owners. Staff and Zoning Commission recommend Approval with Conditions.

*Withdrawn  
by Applicant*

P-2. **PLAN AMENDMENT #07006 (District 5):** An Ordinance amending the Land Use Plan contained in the South Central San Antonio Community Plan, a component of the Master

Plan of the City, by changing the use of approximately 0.404 acres of land located at 536 Division Avenue from Low Density Residential to Neighborhood Commercial. Staff recommends Approval. Planning Commission recommends Denial. **Associated Zoning Case: Z2006271 CD**

*Withdrawn by Applicant*

Z-4. **ZONING CASE # Z2006271 CD (District 5):** An Ordinance changing the zoning district boundary from "C-1" Light Commercial District to "C-1" (CD-Transmission Shop) Light Commercial District with a Conditional use for a Transmission Shop on the East 75.3 Feet of the West 126.6 Feet of Lot 7, NCB 7902; and from "O-2" Office District to "O-2" (CD-Transmission Shop) Office District with a Conditional Use for a Transmission Shop on the East 29.5 Feet of Lot 7, NCB 7902 and the West 5.2 Feet of Lot 6, NCB 7902, 536 Division Avenue as requested by Samuel Ramos, Applicant for Samuel Ramos, Owner. Staff recommends Approval. Zoning Commission recommends Denial.

Z-5. **ZONING CASE # Z2007127 CD (District 6):** An Ordinance changing the zoning district boundary from "C-3 R" Commercial District, Restrictive Alcoholic Sales to "C-2" (CD-Nightclub) Commercial District with a Conditional Use for a Nightclub on Lot 82, NCB 8238, 445 Old Highway 90 West as requested by Pedro P. Guerrero, Jr. Applicant for Pedro P. Guerrero, Jr. Owner. Staff and Zoning commission recommend Approval with Conditions.

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*Continue 2 weeks*

Z-6. **ZONING CASE # Z2007093 CD (District 7):** An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "R-4" (CD-Real Estate Office) Residential Single-Family District with a Conditional Use for a Real Estate Office on the East 45 feet of Lot 33 and the West 10 feet of Lot 1, Block 12, NCB 9212, 260 Westminster Avenue as requested by Cynthia S. Ortiz, Applicant for Frankie L. Rodriguez, Owner. Staff recommends Denial. Zoning Commission recommends Approval.

~~2007 - 04 - 05 - 0387~~ (D)

Z-7. **ZONING CASE # Z2007011 (District 7):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "O-1" Office District on Lot P-26, Lot P-27, and Lot P-27A, NCB 17971, 7719 Eckhert Road as requested by RMR Capital Inc., Applicant for RMR Capital Inc., Owner. Staff and Zoning commission recommend Approval.

2007 - 04 - 05 - 0388

Z-8. **ZONING CASE # Z2007067 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on 3.12 acres (P-16 & P-16A) out of NCB 15656, 9012 Huebner Road as requested by Connie Marrs, Applicant for Connie Marrs, Dorothy Marrs, Wayne Arlen Marrs, Clara Jo Marrs Bailey, John Edward Marrs, Katherine Marrs Woodruff, and Donna Sue Colstons, Owners. Staff and Zoning Commission recommend Approval.

2007 - 04 - 05 - 0389

Z-9. **ZONING CASE # Z2007074 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on 2.124 Acres out of NCB 18009, and "C-1" Light Commercial District on 0.276 Acres out of NCB 18009, 10920 East Bandera Road as requested by Brown, P. C., Applicant for Michael R. Wilson, Owner. Staff and Zoning Commission recommend Approval.

*Continue April 19, 2007*

Continue  
Apr 19, 2009

Z-10. **ZONING CASE # Z2007101 S (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "C-2" S Commercial District with Special Use Permit for a Car Wash on Lot 7, NCB 18009, 10951 Biering Lane as requested by Brown, P.C., Applicant for Martha H. Machts, Owner. Staff and Zoning Commission recommend Approval.

Z-11. **ZONING CASE # Z2007034 (District 9):** An Ordinance changing the zoning district boundary from "R-6" ERZD Residential Single Family Edwards Recharge Zone District to "C-2" ERZD Commercial Edwards Recharge Zone District, on Lot P-5A, Lot P-8A, Lot P-10, and Lot P-11, NCB 15671, 2865 North Loop 1604 East as requested by Mildred B. Nauschutz, Paul R. Nauschutz, and Mark C. Nauschutz, Applicants for Mildred B. Nauschutz, Paul R. Nauschutz, and Mark C. Nauschutz, Owners. Staff and Zoning Commission recommend Approval.

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Z-12. **ZONING CASE # Z2007130 (District 9):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District and "C-3" General Commercial District to "L" Light Industrial District on Lot 4, Block 1, NCB 17622; 11942 and 12102 IH 35 North (This property is located within the IH-1 National Highway System High Priority Corridor One District; however, the applicant is not requesting to alter or remove this overlay) as requested by Bob Pompa-McCombs Family, Ltd., Applicant, for McCombs Family, Ltd., Owner. Staff and Zoning Commission recommend Approval.

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Z-13. **ZONING CASE # Z2007103 (District 10):** An Ordinance changing the zoning district boundary from "QD" S ERZD Quarry Edwards Recharge Zone District with Specific Use Permit for blasting and asphaltic concrete to "C-3" ERZD General Commercial Edwards Recharge Zone District on P-5A and P-1K, NCB 17728, 4285 East Loop 1604 as requested by Brown P.C., Applicant, for Alamo Concrete Products, Ltd., Owner. Staff and Zoning Commission recommend Approval.

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5:15 P.M. (may be heard after this time) – Ceremonial Recognitions

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.*