



Just Ord. 101376
Just Res. 2005-37-35

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Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
September 15, 2005

The City Council shall hold its regular meetings in the council chamber in the Municipal Plaza Building within the City Hall Complex on Thursday of each week beginning at 9:00 a.m. After the meeting is convened, the City Council shall consider agenda items in the following order and no sooner than the designated times:

- 9:00AM:** Invocation and Approval of Minutes.
- 9:30AM:** Public Hearing on the Consolidated Five Year Strategic Plan
- 10:00AM:** FY06 Budget Adoption
- 11:00AM:** Public Hearing and discussion on Land Use Assumptions Plan, Water Supply Capital Improvements Plan and Modifications to the Water Supply Impact Fee
- 12:00PM:** Lunch Break
- 1:00PM:** Executive Session*
- 2:00PM:** Public Hearing and Consideration of Amendments to the Neighborhood, Community and Perimeter Plans as Components of the Master Plan and Zoning Cases
- 5:00PM:** Ceremonial Recognitions
- 6:00 P.M.** 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.*

***At 7:00 p.m., if the meeting is not yet adjourned, the presiding officer shall entertain a motion to recess the council meeting and reconvene at 9:00 a.m., or any other time designated by Council, on the following day. If no motion is made or if a motion is made and it fails, the meeting will continue until adjourned.*

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 (202) 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.

City Council of San Antonio will convene in Council Chambers, Municipal Plaza Building in a Regular Council Meeting at 9:00 A.M.

1. Invocation by Bishop Thomas Flanagan, Archdiocese of San Antonio, Guest of Councilmember Elena Guajardo (District 7) and Pledge of Allegiance.
2. Approval of Minutes for the September 1, 2005 City Council Meeting.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

3. **9:30 A.M. TIME CERTAIN:** Public hearing and consideration of the following Ordinances: [Presented by Andrew W. Cameron, Director of Community Development Department; Jelynn LeBlanc Burley, Assistant City Manager]

A. An Ordinance adopting the HUD Five Year Comprehensive Plan (Fiscal Year 2005-2009); and authorizing the submission of the Five Year Comprehensive Certifications and other information as required to the U.S. Department of Housing and Urban Development (HUD).

B. An Ordinance authorizing the renewal and execution of a contract in the amount of \$49,328.44 with the San Antonio Alternative Housing Corporation to complete the rehabilitation work in connection with the Five Points Community Development Block Grant (CDBG) Project; revising the project budget; and providing for payment.

4. **10:00 A.M. TIME CERTAIN:** Consideration of the following Ordinances to adopt the FY2006 Budget: [Presented by Peter Zanoni, Acting Director, Management & Budget; Erik J. Walsh, Assistant to the City Manager]

A. An Ordinance adopting the Annual Consolidated Operating and Capital Budgets for the City of San Antonio for Fiscal Year 2005-2006, beginning October 1, 2005 and ending September 30, 2006; approving the FY 2006 through FY 2011 Capital Improvements Program for the City of San Antonio; appropriating funds and authorizing personnel positions in accordance with said budget; setting the FY 2005-2006 Holiday Schedule and Pay Plan for City employees; authorizing contracts with outside agencies; and setting City Council District Budgets and City Council Human Development Services Budgets.

B. An Ordinance setting the ad valorem tax rate for Maintenance and Operation (M&O) of the City government of the City of San Antonio at 36.704 cents per \$100.00 of taxable valuation for the tax year beginning on January 1, 2005, and ending on December 31, 2005; and containing statements required by Section 26.05 of the Property Tax Code.

C. An Ordinance setting the ad valorem tax rate to pay the principal and interest on the funded debt of the City of San Antonio at 21.150 cents per \$100.00 of taxable valuation for the tax year beginning on January 1, 2005, and ending on December 31, 2005; and containing statements required by Section 26.05 of the Property Tax Code.

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D. An Ordinance amending fees and establishing new fees associated with Animal Care Services related to vaccinations, surrendering of animals and euthanization, resulting in additional funds to the Animal Care Services Fund; and amending the corresponding sections of the City Code to reflect such changes

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E. An Ordinance amending fees charged for parking at the San Antonio International Airport, establishing new fees for parking, resulting in additional funds to the Aviation Operating Fund; and amending the corresponding sections of the San Antonio City Code to reflect such changes

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F. An Ordinance amending prior fee schedule Ordinances for security access and control at the San Antonio International Airport, establishing new fees for specific security and control services, resulting in additional funds to the Aviation Operating Fund, and incorporating prior fee security and control fee authorizations into a comprehensive fee schedule to reflect all current fees charged for security access and control at the San Antonio International Airport.

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G. An Ordinance amending the fee charged by the Alamodome Department for Alamodome parking, resulting in additional funds to the Community & Visitor Facilities Fund; and amending the corresponding section of the City Code to reflect such a change.

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H. An Ordinance eliminating the administrative reimbursement of one percent of a hotel's monthly Hotel Occupancy Tax payment to cover the costs of collection for hotels that remit their payments early and amending the corresponding sections of the City Code to reflect such changes.

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I. An Ordinance establishing and amending various fees associated with the provision of Emergency Medical Services, resulting in additional revenue to the Emergency Medical Services Fund; and amending the corresponding sections of the City Code to reflect such changes.

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J. An Ordinance amending various fees associated with the provision of Environmental Services, resulting in additional revenue to the Environmental Services Fund and amending the corresponding sections of the City Code to reflect such changes.

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K. An Ordinance establishing and amending fees associated with the provision of Golf services and equipment, resulting in additional funds to the Golf Fund; and amending the corresponding sections of the City Code to reflect such changes.

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L. An Ordinance amending fees charged for permitting services associated with Right-Of-Way Management, resulting in additional funds to the Right-Of-Way Management Fund; and amending the corresponding sections of the City Code to reflect the new fees.

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M. An Ordinance amending fees charged for interment and disinterment services and sale of lots at the San Jose Cemetery, resulting in additional funds to the San Jose Burial Fund; and amending the corresponding sections of the City Code to reflect such changes.

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N. An Ordinance establishing a fee to be charged for Development Services related plan review, resulting in additional funds to the General Fund; and amending the corresponding sections of the San Antonio City Code Chapter 35 (the Unified Development Code) to reflect such changes.

O. An Ordinance establishing a new fee associated with the provision of Fire protection services, resulting in additional revenue to the General Fund; and amending the corresponding sections of the City Code to reflect such changes.

P. An Ordinance eliminating a fee associated with the provision of library services, resulting in decreased revenue to the General Fund and amending the corresponding section of the City Code to reflect such change.

Q. An Ordinance establishing and amending various fees charged for parks and recreation related programs, services, facilities and classes, delegating to the Director of Parks and Recreation authority to establish promotional fees for special events, resulting in additional funds to the General Fund; and amending the corresponding sections of the City Code to reflect such changes.

R. An Ordinance establishing fees to be charged for Planning Services, resulting in additional funds to the General Fund; and amending the corresponding sections of the San Antonio City Code Chapter 35 (the Unified Development Code) to reflect such changes.

S. An Ordinance establishing and amending various fees charges for ground transportation, vehicle towing and storage, and public safety services, resulting in additional funds to the General Fund; and amending the corresponding sections of the City Code to reflect such changes.

T. An Ordinance amending fees associated with the Health Department related to inspections, permits, identification cards, and certificates, resulting in additional funds to the General Fund; and amending the corresponding sections of the City Code to reflect such changes.

U. An Ordinance amending the City Code of San Antonio, Texas, Chapter 13, entitled, "Food and Food Handlers" to make necessary additions, revisions, and deletions regulating mobile food vending; establishing a fee associated with the amendments, resulting in additional funds to the General Fund; and providing for penalties.

5. **11:00 A.M. TIME CERTAIN:** Public Hearing to review and discuss updates to the Land Use Assumptions Plan, the Water Supply Capital Improvements Plan, amendments to the Plans, and modifications to the San Antonio Water System water supply impact fee to be considered by City Council on September 22, 2005. [Presented by Ben Gorzell, Director, Public Utilities; Melissa Byrne Vossmer, Assistant City Manager]

6. An Ordinance appointing Councilwoman Elena Guajardo (District 7) to the Metropolitan Planning Organization, as requested by Mayor Hardberger.

CONSENT AGENDA

Capital Improvement Items

7. An Ordinance approving the transfer of \$131,396.65 in retained funds from the contract with Sandoval Construction Company to renovate the Mexican Cultural Institute as part of the Henry B. Gonzalez Convention Center Expansion Project to First Sealord Surety, Inc., formerly known as Mountbatten Surety Company, Inc., who issued the required payment bonds for the contractor. [Presented by Martha G. Sepeda, Acting City Attorney; J. Rolando Bono, City Manager]
8. An Ordinance appropriating funds in the amount of \$1,640,000.00 and approving the terms of an Interlocal Agreement with the Brooks Development Authority (BDA) for the design and construction of the Goliad Road Outfall, Phase II project, an authorized 2003 Storm Water Revenue Bond project, located in Council District 3. [Presented by Thomas Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]
9. An Ordinance accepting the lowest responsive bid and awarding a construction contract in the amount of \$285,000.00 payable to The Levy Company, L.P., authorizing \$61,000.00 for project contingency; and authorizing payment in the amount of \$6,000.00 to Bender Wells Clark Design for previously performed professional architectural and design services necessary for completion of construction documents in connection with the Downtown and Hemisfair Wayfinding Program project, for a total amount of \$352,000.00; appropriating funds and providing for payment from Tri-Party Downtown Project funds. [Presented by Thomas Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Miscellaneous Items

10. An Ordinance authorizing the second renewal of the Novelty and Souvenir Concession Contract (the "Contract") for the Municipal Auditorium with River City Merchandising for a term of two (2) years; and authorizing an amendment to the Contract excluding credit card usage fees from the calculation of "Gross Sales." [Presented by Michael Sawaya, Director, Convention Facilities; Roland Lozano, Assistant to the City Manager]
11. An Ordinance amending the Traffic Control Device Schedule established by Chapter 19, Section 68(B) of the City Code to reflect customized school zone times of operation and speed limits authorized in Chapter 19, Sections 251(A) and (B), establishing new schedules for specified speed limits and the use of flashing beacons to indicate school zone times, adopting customized school district schedules for school zones, including certain additions to and deletions from the official traffic control device schedules for school zones, authorizing the permanent installation of said devices, declaring them as official traffic control devices of the City, declaring violations of these traffic regulations, except civil parking violations, to be misdemeanor crimes punishable by a fine as established in City Code Section 1-5, and declaring civil parking violations to be subject to the enforcement provisions of Chapter 19, Section 225, establishing an effective date and directing publication. [Presented by Thomas Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Board, Commissions and Committee Appointments.

12. Consideration of the following Board Appointments: [Presented by Leticia M. Vacek, City Clerk]

A. An Ordinance appointing Gloria A. Merrell (District 4) to the Small Business Advocacy Committee for a term of office to expire on May 31, 2007.

B. An Ordinance appointing Antoniette "Toni" Moorhouse to the Mayor's Commission on the Status of Women for a term of office to expire on May 31, 2007

13. City Manager's Report - *Statute Report on Natural Evacuation Effort*

THE CITY COUNCIL WILL RECESS FOR LUNCH AT NOON AND RECONVENE AT 1 P.M. TO CONSIDER EXECUTIVE SESSION ITEMS AND ANY UNFINISHED COUNCIL BUSINESS:

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

- A. Discuss legal issues related to the imposition by SAWS of a modified water supply impact fee, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Discuss legal issues related to *University of Kansas v CoSA, Cause No. 2002-CI-12852 and CoSA v Department of Labor, Cause No. 2004-WTW-00003*, pursuant to Texas Government Code Section 551.071. (consultation with attorney)
- C. Deliberate the request for and offer of financial incentives to support the Park Centre Towers Project 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).

2:00 P.M. Public Hearing and Consideration of the Following Amendments to Zoning Cases. [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

Z-1. **ZONING CASE #Z2005170 CD (District 4):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3NA" (CD-Auto Parking and/or Storage-Long Term) General Commercial, Nonalcoholic Sales District with Conditional Use for Auto Parking and/or Storage-Long Term on Lot 17, Block 9, NCB 8778, 350 Price as requested by Ernest Gonzales, Applicant, for Ernest Gonzales, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval with conditions that no more than 30 vehicles for storage and/or sale on the site at any time and each vehicle on site for storage and/or sale is limited to a maximum of six months on site.

Z-2. **ZONING CASE #Z2005188 (District 4):** An Ordinance changing the zoning district boundary from "C-2" Commercial District to "R-3" Residential Single-Family District on Tract 2, NCB 15171, North of the Intersection of Ray Ellison Boulevard and Southwest Loop 410 as requested by Salah E. Diab, Applicant, for HLH Holdings, Ltd., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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Z-3. ZONING CASE #Z2005189 (District 4): An Ordinance changing the zoning district boundary from "NP-8" Neighborhood Preservation District to "R-6" Residential Single-Family District on 65.035 acres out of NCB 15269, as requested by Don Malooly, Applicant, for Don Malooly, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

Z-4. ZONING CASE #Z2005192 (District 4): An Ordinance changing the zoning district boundary from "MF-33" Multi-Family District to "O-1" Office District on the north 70 feet of the east 100 feet of Lot 2A, Block 6, NCB 9306, 219 Escalon Avenue as requested by Wade Interests, Inc., Applicant, for SS Medical Building Limited Partnership, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

5:00 P.M. – Ceremonial Recognitions ✓

6:00 P.M. – Citizens to be Heard ✓

ADJOURN

7:00 P.M. – If Council has not yet adjourned, the presiding officer shall entertain a motion to recess the council meeting and reconvene at 9:00 a.m., or any other time designated by Council, on the following day. If no motion is made or if a motion is made and it fails, the meeting will continue until adjourned.