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Int Ord. 2006-02-09-0170
Int Ord. 2006-02-09-0208

**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 S. Main Ave
San Antonio, Texas 78205
February 9, 2006**

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 on Thursday of each week beginning at 9:00 a.m. After the meeting is convened, the City Council shall consider the following time certain items in the following order 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
- 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 PM** 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 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.

1. Invocation by Reverend Melanie Welsh, Pastor, Los Angeles Heights Methodist Church, Guest of Councilmember Roger Flores, District 1, and Pledge of Allegiance.
2. Approval of Minutes for the January 26, 2006 City Council Meeting.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

2006-02-09-0170
An Ordinance authorizing an Additional Cash Transfer of \$7,838,362.52 from the CPS Energy Community Infrastructure Economic Development (CIED) Fund in accordance with revisions to the CIED Fund policy approved by the CPS Energy Board of Trustees and authorizing future Additional Cash Transfers at the City's option. [Presented by Ben Gorzell, Acting Director, Finance; Sheryl Sculley, City Manager]

Continued
1/26/06
4. Public hearing and consideration of an Ordinance amending Chapter 34 and Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas regarding recognition of rights under Chapter 245 of the Texas Local Government Code and common law for projects; implementing fair notice of a project and permit sought; adopting conforming amendments and apportioning current fees. [Presented by Florencio Peña, Director, Development Services; Jelynn LeBlanc Burley, Assistant City Manager]

2006-02-09-0172
5. An Ordinance amending Chapter 19 of the City Code to prohibit and regulate the operation of motor assisted scooters, neighborhood electric vehicles and pocket bikes or mini-motorbikes on streets, highways, sidewalks, and in parks; and providing for a criminal fine in an amount not to exceed \$500.00 per violation. [Presented by Albert A. Ortiz, Chief of Police, Erik J. Walsh, Assistant to the City Manager]

CONSENT AGENDA

Items Concerning the Purchase of Equipment, Supplies and Services

2006-02-09-0171
6. An Ordinance accepting the bid submitted by Grande Truck Center, Bid No. 2, to provide the Public Works Department with nine replacement tractor trailer combination units for a total of \$919,611.00, from Equipment Renewal and Replacement funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Michael Armstrong, Assistant City Manager/Chief Information Officer]

2006-02-09-0173
7. An Ordinance accepting the bid submitted by Patriot Court Systems, Inc. to provide the Parks and Recreation Department with resurfacing of tennis courts located at the McFarlin Tennis Center for a total of \$63,240.00, and authorizing the expenditure of \$36,760.00 for park materials for additional infrastructure improvements, from General Fund One-Time Improvement funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Michael Armstrong, Assistant City Manager/Chief Information Officer]

8,089-0174
2006-02-08
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 for an estimated combined annual cost of \$49,584.00, including: maintenance and repair of Terminal #1 paging and speaker system at the San Antonio International Airport; and HVAC maintenance at various multi-service centers. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Michael Armstrong, Assistant City Manager/Chief Information Officer]

Capital Improvement Items

9,019-0189
2006-02-09
An Ordinance selecting Lockwood, Andrews & Newnam, Inc. (LAN) to provide program management services to assist the Public Works Department with the administration of the Advanced Transportation District (ATD) projects, and authorizing the negotiation and execution of a professional services agreement in an amount not to exceed \$2,410,000.00 for a three year term with one two (2) year renewal option; and appropriating funds. [Presented by Thomas Wendorf, Director, Public Works; Jelynne LeBlanc Burley, Assistant City Manager]

10,019-0190
2006-02-09
An Ordinance authorizing the appropriation of funds in the amount of \$2,870,587.00 for program management services to assist the Public Works Department in connection with the administration of various 2005 Storm Water Revenue Bond Program projects and various Local Agency Managed (LAM) projects; and establishing project budgets, funded from General Obligations of the City. [Presented by Thomas Wendorf, Director, Public Works; Jelynne LeBlanc Burley, Assistant City Manager]

11,019-0191
2006-02-09
An Ordinance accepting the lowest responsive bid, appropriating funds, and awarding a construction contract in the amount of \$87,250.00 payable to Arc Abatement, and authorizing \$8,725.00 for project contingency and \$2,000.00 for advertising expenses, for a total amount of \$97,975.00 from HUD 108 Loan funds in connection with the environmental remediation of the Bob Ross Senior Multi-Service Health and Resource Center Project, located in District 8. [Presented by Thomas Wendorf, Director, Public Works; Jelynne LeBlanc Burley, Assistant City Manager]

12,017-0175
2006-02-09
An Ordinance accepting the lowest responsive bid, appropriating funds, and awarding a construction contract in the amount of \$596,310.00 payable to Bentley Sheet Metal & Roofing Co. Inc., and authorizing \$59,631.00 for project contingency, \$45,915.87 for capital administrative costs, and \$2,000.00 for advertising expenses; approving Field Alteration No. 1, and deducting \$148,620.00 for architectural modifications, for a total amount of \$555,236.87 from HUD 108 Loan funds in connection with the re-roofing of the Bob Ross Multi-Service Health and Resource Center Project, located in District 8. [Presented by Thomas Wendorf, Director, Public Works; Jelynne LeBlanc Burley, Assistant City Manager]

13,017-0176
2006-02-09
An Ordinance authorizing Field Alteration Number 4 to the Brackenridge Park Rehabilitation Project – Package B in the amount of \$241,915.87, appropriating \$108,084.13 for construction contingency for a total appropriation of \$350,000.00 from 2005 Certificates of Obligation funds, and authorizing payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Frances A. Gonzalez, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

- 14 An Ordinance authorizing a license agreement with BP South Texas Building, Inc. for use of public right of way over and under portions of East Houston, Navarro Street, and Peacock Alley in District 1 for an existing tunnel, basement, and similar uses for a 10 year term; and waiving the fee of \$38,727.00 under the City's Incentive Scorecard Program. [Presented by Shawn Eddy, Interim Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]
- 15 An Ordinance authorizing a three-year lease renewal effective March 1, 2006, by the United Services Organization Council of Metropolitan San Antonio, Texas for retail space in the Riverbend Parking Garage in District 1, with USO paying a share of chilled water costs at a rate of \$626.64 per month and all other operating costs. [Presented by Shawn Eddy, Interim Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Miscellaneous Items

- 16 An Ordinance authorizing the execution of a contract in the amount of \$150,000.00 with the University of Texas Health Science Center at San Antonio Dental School for dental care services at the Ricardo Salinas Public Health Clinic for the period October 1, 2005 through September 30, 2006; and authorizing payments. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]
- 17 An Ordinance authorizing the acceptance of grants in the amount of \$5,000.00 from the Fannie Mae's Housing and Community Development Division, \$10,000.00 from Bank of America, and \$5,000.00 from JP Morgan Chase for a total of \$20,000.00, by the San Antonio Housing Trust Foundation, Inc. acting as fiscal agent for the City of San Antonio to support the home buyer counseling activities for the City of San Antonio Homebuyers Club (HBC) Program administered through the City's Neighborhood Action Department. [Presented by David D. Garza, Director, Neighborhood Action; Jelynn LeBlanc Burley, Assistant City Manager]
- 18 An Ordinance authorizing payment of the City's annual membership dues to the Alamo Area Council of Governments in the amount of \$68,678.76 for Calendar Year 2006. [Presented by Ray Baray, Manager, Intergovernmental Relations; Michael D. Bernard, City Attorney]
- 19 An Ordinance authorizing execution of a contract with Pick-N-Pull, Inc. to provide the Code Compliance Department with the removal and disposition of junked vehicles for the abatement program, for \$35.00 per vehicle removed to be paid to the City, for a term beginning upon award and ending September 30, 2006, with up to four additional one year renewals. [Presented by Liz C. Garcia, Acting Director, Code Compliance; Jelynn LeBlanc Burley, Assistant City Manager]
- 20 An Ordinance authorizing the acceptance of the Texas State Library and Archives Commission FY 2006 Loan Star Libraries grant award in the amount of \$88,667.00 to be used for the replacement of thirty laptop computers, the purchase of Meeting Room Reservation software and technology-related equipment with a grant term of September 2005 to August 2006. [Presented by Ramiro S. Salazar, Director, Library; Frances A. Gonzalez, Assistant City Manager]

2006-02-09-0182
21. An Ordinance authorizing the City Manager or her designee to submit various Regional Solid Waste Pass-Through Grant applications for approximately \$300,000.00 from the Texas Commission on Environmental Quality through the Alamo Area Council of Governments (AACOG) for FY 2006, to support environmental programming and municipal enforcement; further authorizing execution of grant contracts between the City and AACOG and acceptance of all available subsequent funding. [Presented by Daniel V. Cardenas, Director, Environmental Services; Frances A. Gonzalez, Assistant City Manager]

2006-02-09-0194
22. An Ordinance authorizing the acceptance of a 2005 Assistance to Firefighters grant in the amount of \$138,072.00 from the United States Fire Administration, which requires a General Fund cash match of \$34,518.00, for a total of \$172,590.00, to be used for a Roadside Safety Initiative during FY 2006. [Presented by Robert Ojeda, Fire Chief, Erik J. Walsh, Assistant to the City Manager]

2006-02-09-0183
23. An Ordinance authorizing the acceptance of accumulated donations to the San Antonio Fire Department in the total amount of \$21,575.00 from Independent Insurance Agent of San Antonio (\$600), Las Palapas Enterprises (\$200), Wal-Mart Foundation (\$10,125), Security Service Federal Credit Union (\$50), Sam's Club Foundation (\$5,500), San Antonio Professional Firefighters Association (\$1,000), San Antonio Telecommunications Employee Golf Association (\$3500), Holt Company of Texas (\$500), and State Farm Insurance (\$100). [Presented by Robert Ojeda, Fire Chief, Erik J. Walsh, Assistant to the City Manager]

2006-02-09-0195
24. An Ordinance waiving usage fees for the San Antonio Symphony League in connection with their 5K run to be held at McAllister Park on February 18, 2006, as requested by Councilmember Art Hall, District 8. [Presented by Malcolm Matthews, Director, Parks and Recreation; Frances A. Gonzalez, Assistant City Manager]

2006-02-09-0187
25. Confirmation of a Travel Authorization Request from Councilmember Roger Flores, District 1, to represent the City at the 2006 International Summit for Waterfront Cities in Kaohsiung, Taiwan from February 7, 2006 to February 12, 2006.

Board, Commissions and Committee Appointments.

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

2006-02-09-0184
A. An Ordinance appointing George Alva (District 10) to the Transportation Advisory Board (Category: Taxicab Industry) for a term of office to expire May 31, 2007.

-0185
B. An Ordinance appointing Alexander Charles Garcia (District 7) to the Tax Phase-In Advisory Committee for a term of office to expire May 31, 2007.

-0186
C. An Ordinance appointing Geraldo Hernandez (District 3) to the Home Improvement Advisory Board (Category: Layperson) for the remainder of an unexpired term of office to expire May 23, 2007.

-0187
D. An Ordinance reappointing Jesse F. Jenkins (District 3) to the Board of Adjustment for the remainder of an unexpired term of office to expire February 22, 2007.

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

- A. Discuss contemplated litigation related to the collection of outstanding local hotel occupancy taxes, pursuant to the 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; Zoning Cases presented by Florencio Peña, Director, Development Services; Jelynn LeBlanc Burley, Assistant City Manager]

2006-02-09-0196
P.1. **PLAN AMENDMENT CASE #05017 (District 5):** An Ordinance amending the land use plan contained in the Nogalitos/S. Zarzamora Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.33-acres located at 1126 Prado Street, 1128 Prado Street, and 943 Theo Avenue West from Medium Density Residential land use to Mixed Use land use. Staff and Planning Commission recommend approval.

2006-02-09-0197
Z-1. **ZONING CASE #Z2005299 (District 5):** An Ordinance amending the zoning district boundary from "R-4" Residential Single-Family District to "C-2" Commercial District on Lot 5 and the West 14.6 feet of Lot 6, NCB 7347 and Lot 113, Block 17, NCB 3460, 943 West Theo Avenue, 1126 and 1128 Prado Street as requested by Brown, P.C., Applicant, for Pablo and Guadalupe Mora, and Francisco P. and Mary Herrera, Owner(s). Staff and Zoning Commission recommend approval.

Continued
Z-2. **ZONING CASE #Z2005278 CD (District 1):** An Ordinance amending 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 22, Block 3, NCB 9667, 2239 Basse Road as requested by Marissa Castro, Applicant, for Juan Castro, Owner(s). Staff recommends denial. Zoning Commission recommends denial of "O-2."

2006-02-09-0198
Z-3. **ZONING CASE #Z2005293 (District 1):** An Ordinance amending the zoning district boundary from "C-3 NA" General Commercial Non-Alcoholic Sales District to "IDZ" Infill Development Zone with uses permitted in "MF-33" Multi-Family District and "C-1" Commercial District on Lots 1 through 7, Block B, NCB 2559 and Lots A-2, A-3 and A-4, Block 4, NCB 2972, 1200 and 102 South Flores Street as requested by Flores and Company, Applicant, for Mitchell Whiddon, Owner(s). Staff recommends approval and Zoning Commission recommendation is pending the February 7, 2006, public hearing.

2006-02-09-0199
Z-4. **ZONING CASE #Z2005006 (District 4):** An Ordinance amending the zoning district boundary from "I-1" General Industrial District to "RM-5" Residential Mixed District on 8.53 acres out of NCB 11186, 11100 Block of Interstate 35 South as requested by Baptist University of the Americas, Applicant, for Barrett Brothers Interests, Owner(s). Staff and Zoning Commission recommend approval.

2006-0209-0200

Z-5. ZONING CASE #Z2005276 (District 4): An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on 18.627 acres out of NCB 16001, 5900 and 6000 Block of Ray Ellison Boulevard as requested by Morano Family Investment Company, Inc., Applicant, for Frank Morano, Owner(s). Staff and Zoning Commission recommend approval.

-0201

Z-6. ZONING CASE #Z2006004 (District 4): An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "C-3" General Commercial District on 6.106 acres out of NCB 18164, 11115 Highway 90 West as requested by Brown, P.C., Applicant, for Lin Indrio, Inc., Owner(s). Staff and Zoning Commission recommend approval.

-0202

Z-7. ZONING CASE #Z2005279 (District 5): An Ordinance amending the zoning district boundary from "I-1" General Industrial District and "I-2" Heavy Industrial District to "IDZ" Infill Development Zone District with uses permitted in "O-1" Office District, "C-2" Commercial District, and "MF-25" Multi-Family District on the South 116 feet of Lots A1 and A2 except for the Northwest 25 feet by 54 feet, NCB 2569, 1512 South Flores Street as requested by Billy A. Lawrence/Magnificent So Flo Seven Ltd., Applicant, for Billy A. Lawrence/Magnificent So Flo Seven Ltd., Owner(s). Staff and Zoning Commission recommend approval.

Applicant Postponed ZC

Z-8. ZONING CASE #Z2005284 (District 5): An Ordinance amending the zoning district boundary from "I-1" RIO-4 General Industrial River Improvement Overlay 4 to "IDZ" RIO-4 Infill Development Zone River Improvement Overlay 4 on 7.528 acres out of NCB A-14, the 300 and 400 Blocks of Blue Star as requested by James G. Lifshutz, Applicant, for Big Tex San Antonio, Owner(s). Staff and Zoning Commission recommend approval, with a density limit of 40 units per acre.

-0203

Z-9. ZONING CASE #Z2006005 S (District 5): An Ordinance amending the zoning district boundary from "R-5" Residential Single-Family District to "O-1" S Office District with a Specific Use Permit for buildings exceeding 10,000 square feet on Lots 40 and 42, Block 1, NCB 8857, 3014 Rivas Street as requested by Edgewood Independent School District, Applicant, for Edgewood Independent School District, Owner(s). Staff and Zoning Commission recommend approval.

-0204

Z-10. ZONING CASE #Z2005264 CD (District 7): An Ordinance amending the zoning district boundary from "R-4" Residential Single-Family District to "R-4" (CD - Two-Family Dwelling) Residential Single-Family District with a Conditional Use for a Two-Family Dwelling on the East 64.3 feet of Lot 8, NCB 8377, 702 John Adams Drive as requested by Ana Elizabeth Sandoval, Applicant, for Ana Elizabeth Sandoval, Owner(s). Staff and Zoning Commission recommend approval.

Continued 2 weeks

Z-11. ZONING CASE #Z2005218 CD S (District 8): An Ordinance amending the zoning district boundary from "C-3 R ERZD" GC-1 Commercial Restrictive Alcoholic Sales Edwards Recharge Zone District Gateway Corridor Overlay District-1 and "C-3 ERZD" GC-1 General Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 to "C-2 CD (Conditional Use for a Freight Depot) S ERZD" GC-1 Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 with a Conditional Use and a Specific Use Permit for a Freight Depot on 9.835 acres out of NCB 14881 and 14882, property generally located East of I-10 and North of Loop 1604 as requested by Brown, P. C., Attorneys at Law, Applicant, for Fourth Quarter Properties d/b/a/ Thomas Acquisition Corporation, Owner(s). Staff and Zoning Commission recommend approval with SAWS Site Specific recommendations including 65% impervious cover and that the freight depot is for the off loading and loading of lumber only.

2006-02-08-0205

Z-12. ZONING CASE #Z2006003 (District 8): An Ordinance amending the zoning district boundary from PUD "C-3" Planned Unit Development General Commercial District and PUD "MF-33" Planned Unit Development Multi-Family District to "C-3" General Commercial District on 2.435 acres out of Lot 18, Block 1, NCB 15017, 10739 IH 10 West, as requested by Greg Spence, Applicant, for Bullish Resources, Owner(s). Staff and Zoning Commission recommend approval.

-0206

Z-13. ZONING CASE #Z2005231 (District 9): An Ordinance amending the zoning district boundary from PUD "R-6 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District to "MF-33 ERZD" Multi-Family Edwards Recharge Zone District on Lot P-10, NCB 19219, 1600 Block of Evans Road as requested by Brown, P. C., Attorneys at Law, Applicant, for Big Spring, Ltd., Owner(s). Staff and Zoning Commission recommend approval with SAWS recommendations and Site Specific Conditions.

-0207

Z-14. ZONING CASE #Z2006017 (District 10): An Ordinance amending the zoning district boundary from "BP" Business Park District to "R-5" Residential Single-Family District on 32.37 acres out of NCB 16588, 16700 Block of Dolente Road and Mandolino Lane as requested by Brown P.C., Applicant, for Leinguer Ventures, LLC, Owner(s). Staff and Zoning Commission recommend approval.

-0208

Z-15. ZONING CASE #Z2006018 (District 10): An Ordinance amending the zoning district boundary from "I-1" IH-1 Industrial Northeast Gateway Corridor Overlay District-1 and "C-3" IH-1 General Commercial Northeast Gateway Corridor Overlay District-1 to "L" IH-1 Light Industrial Northeast Gateway Corridor Overlay District-1 on 8 acres out of NCB 17622, 11000 Block of IH 35 North, as request by 35 North Property, LTD, Applicant, for 35 North Property, LTD, Owner(s). Staff and Zoning Commission recommend approval.

27. City Manager's Report

✓ 5:00 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 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.