



Just Ord. 101023
Just Res. 2005-26-29

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**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
June 16, 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:

A. Deliberations regarding the proposed construction of residential condominiums by a Texas limited partnership to be organized by Faulkner USA and built above the convention center headquarters hotel as contemplated in project agreement previously approved by City Council, pursuant to Texas Government Code Section 551.072 (deliberation regarding real property); and discussion of 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 one or more other 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).

C. Discuss legal issues relating to Summer Glen Property Owner's Assoc., et al v. COSA, 2005-CI-02005, pursuant to Texas Government Code Section 551.071 (consultation with attorney) and discuss legal issues related to negotiation of service agreements with representatives of areas included in the City's Three Year Annexation Plan, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

D. Discuss legal issues related to a pending request for annexation submitted by the City of Timberwood Park Committee and the annexation of the Timberwood Park area for limited purposes, 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 Rev. James Galloway-Edgar, Oxford Methodist Church, guest of Councilman Art Hall, District 8, and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes of the Regular City Council meeting of May 26, 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:

4. **3:00 P.M.** – Public Hearing and consideration of an Ordinance closing, vacating and abandoning the eastern portion of an unimproved alley Public Right of Way consisting of 6,267 square feet, 414 feet in length and 15 feet in width, located between Durham Drive and Santa Gertrudis Street adjacent to NCB 15707 in Council District 10, for construction of a mini-storage facility, as requested by the Petitioner, Madison Self Storage, Ltd., for the total consideration of \$2,085.00. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]
5. **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

6. An Ordinance accepting the low responsive bids submitted by Gunn Dodge, Ltd., items 1A, 1B, 3A, 3B, 3C, 3F, 3H, 3I, 4D, and 4E; Rogers Dodge of Alvin, items 3D & 3G; Gunn Chevrolet, Ltd., items 2A, 3E, 4A, 5B, 5C, and 6; Baby Jack II Automotive, Ltd., Caldwell County, item 2C; Baby Jack II Ford Automotive, Ltd., Columbus Country Ford Mercury, items 2D, 2F, 2G, 5A, 5D, 7D and 10; Philpott Motors, Ltd., items 2E, 4C, 4F, 4G, 4H, 4J, 7A, 7B, and 7C; Tom Benson Chevrolet, Inc., (Bid #1), item 2H; Grande Ford Truck Sales, Inc., d/b/a Grande Truck Center, item 8; and Northside Ford, items 4B & 9 to provide light duty trucks for various City of San Antonio Departments for a total of \$3,319,801.95. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Capital Improvement Items

- 101041
- 101042
- 100043
- 101027
- 1044
7. An Ordinance accepting a proposal and authorizing the execution of a stand-by professional services agreement for environmental remediation and environmental construction with Prudent Technologies, Inc., d/b/a Prudent Environmental Services, Inc., in an amount not to exceed \$500,000.00 per year, for a one (1) year term, with options for two (2) additional one (1) year periods; and providing for payment. [Presented by Daniel Cardenas, Director of Environmental Services; Melissa Byrne Vossmer, Assistant City Manager]
 8. An Ordinance authorizing the Interim City Manager to execute a Professional Consulting Services Agreement in the amount of \$124,900.00 from the Convention Center Capital Projects Fund with Ford, Powell & Carson Architects and Planners, Inc. for a feasibility study and recommendations regarding redevelopment options for the Lila Cockrell Theatre; appropriating funds; and providing for payment. [Presented by Michael Sawaya, Director, Convention Facilities; Roland A. Lozano, Assistant to the City Manager]
 9. An Ordinance amending the professional services agreement with Claunch & Miller, Inc. for an amount not to exceed \$90,922.00 for the Perimeter Road Reconstruction Phase 2 Project at San Antonio International Airport; authorizing \$10,000.00 for contingency expenses; authorizing \$3,000.00 for administrative expenses, for a total amount of \$103,922.00; revising the budget; and providing for payment. [Presented by Roland A. Lozano, Interim Director, Aviation; J. Rolando Bono, Interim City Manager]
 10. An Ordinance amending a professional services contract and authorizing payment in the amount of \$273,800.00 to Rehler Vaughn & Koone, Inc. (SBE) to provide architectural services in connection with the Hausman Road Branch Library Project, located in Council District 8; authorizing \$72,000.00 for architectural contingency expenses; authorizing \$50,000.00 for environmental contingency expenses; authorizing \$2,000.00 for advertising expenses, for a total amount of \$397,800.00 from 1999-2004 General Obligation Library Improvement Bond funds (\$228,600.00), 2003-2007 General Obligation Library Improvement Bond funds (\$144,200.00) and 2003-2007 General Obligation Park Bond funds (\$25,000.00); appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]
 11. An Ordinance authorizing funds in the amount of \$579,064.93 payable to the Texas Department of Transportation (TXDOT) for estimated construction/engineering costs in connection with the Mayfield: I.H. 35 to Zarzamora Project, located in Council District 4; authorizing \$86,859.74 for construction contingency expenses; authorizing \$11,581.30 for Construction Capital Administrative Costs; authorizing \$5,000.00 for Design Capital Administrative Costs, for a total amount of \$682,505.97 from 1999-2004 General Obligation Street Improvement Bond funds; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

101028
12. An Ordinance amending a professional services contract and authorizing payment in the amount of \$102,169.95 to Claunch & Miller, Inc., for engineering services in connection with the Blanco Road from Hildebrand to Summit Project, including additional services for a proposed roundabout, located in Council District 1; authorizing \$10,217.00 for design contingency expenses; authorizing \$7,152.00 for Capital Administrative Costs; authorizing \$2,000.00 for advertising expenses, for a total amount of \$121,538.95 from 1999-2004 General Obligation Street Improvement Bond funds; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

101045
13. An Ordinance authorizing payment in the amount of \$57,687.89 from General Obligations of the City payable to Davidson & Troilo, P.C. for legal services for real estate acquisitions of the following projects: Babcock Road/Leon Creek improvements - Hausman to DeZavala Project, located in Council District 8; Bitters Road – West Avenue to Heimer MPO Project, located in Council District 9; the Culebra/Loop 410 Detention Pond Project, located in Council District 6; Loop 410 at Nacogdoches Drainage Improvement Project, located in Council Districts 9 and 10; and the Mission Trails Package IV Project, located in Council Districts 1, 3, and 5; revising the project budgets; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

101029
14. An Ordinance amending Ordinance No. 97550, passed and approved on May 1, 2003, to authorize payment of the additional sum of \$302,506.00 from 2001 Certificates of Obligation to Gerry Rickhoff, County Clerk, for the defendants in Condemnation Cause No. 2004-ED-0004, City of San Antonio, vs. Guaranty Center, Ltd., for acquisition of a temporary construction easement, a sanitary sewer easement and a drainage easement in connection with the Loop 410 at Nacogdoches Drainage Improvement Project located in Council Districts 9 and 10; revising the budget; appropriating funds; providing for payment; and providing for an immediate effective date upon passage by eight (8) votes. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

101046
15. An Ordinance accepting by gift deed and/or other necessary documents from VHS San Antonio Partners, L.P., d/b/a Baptist Health System consisting of a 0.1243 acre tract of land out of a 12.94 acre tract of land out of New City Block 19221, City of San Antonio, Bexar County, Texas, for a right of way dedication within the Stone Oak Centre Subdivision, located in Council District 9. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

- 101030
16. An Ordinance accepting title to twelve tracts of land which includes four parcels of land from Methodist Healthcare Systems of San Antonio, Ltd, L.L.P; one parcel from Diagnostic-Ironwood Partners, Ltd & Diagnostic-Merit Ltd.; one parcel from Methodist Healthcare Ministries of South Texas, Inc.; two parcels from San Antonio Medical Foundation; and four parcels from board of regents of the University of Texas System, all in connection with the Medical Center Alliance and Improvements related to the Medical Center Intersection Improvements Phase II Project, located in Council District 8. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]
- 101031
17. An Ordinance authorizing payment in the amount of \$13,550.00 from General Obligations of the City to Lawyers Title of San Antonio as escrow agent for Maria Y. Wilder, for fee simple title to one parcel (\$3,950.00) and Roger A. Demers and wife, Gwen M. Demers for fee simple title to one parcel (\$9,000.00), and title fees (\$600.00); authorizing payment in the amount of \$100.00 to Maria Y. Wilder for a Right of Entry Agreement; authorizing payment in the amount of \$100.00 to Roger A. Demers and wife, Gwen M. Demers for a Right of Entry Agreement in connection with the Stahl at O'Connor and Judson Reconstruction Metropolitan Planning Organization Project, located in Council District 10; revising the budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]
- 101032
18. An Ordinance authorizing the acceptance of a gift deed from the SA Spanish Trail, LTD., a Texas limited partnership, for a permanent drainage easement consisting of three tracts of land being a 0.062 acre tract of land, a 0.044 acre tract of land, and a 0.010 acre tract of land out of Lot 86, located in New City Block 11627, within the Tuscany Apartments Subdivision, located in Council District 8. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Miscellaneous

- 101047
19. An Ordinance authorizing the acceptance of a grant from the Alamo Workforce Development, Inc., d/b/a Alamo Worksource (AWS) in an amount up to \$1,632,635.00 for continuation of the Youth Opportunity Program for the period July 1, 2005 through June 30, 2006; acknowledging a unilateral modification to the Youth Opportunity Grant contract with the AWS which increases said contract in an amount up to \$1,632,635.00 and extends the contract term to June 30, 2006; adopting a budget; approving a personnel complement; and authorizing the renewal of a one year lease agreement with the Mexican American Unity Council, Inc., for \$2,078.10 per month for office space at 2300 W. Commerce Street for the period July 1, 2005 through June 30, 2006. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

- 101033
- 101034
- 101048
- 101049
20. An Ordinance authorizing the execution of a delegate agency contract amendment with San Antonio Urban Ministries extending the term of the contract from June 30, 2005 to June 30, 2006 to operate the Fairweather Lodge, a permanent housing facility for mentally ill homeless women with children in connection with the 2001 Supportive Housing Program; and authorizing the execution of all necessary documents in connection therewith. [Presented by Dennis J. Campa, Director, Community Initiatives, Frances A. Gonzalez, Assistant City Manager]
 21. An Ordinance authorizing the acceptance of \$500,000.00 from Bexar County, from the FY2004 Urban Area Security Initiative (USAI) State Homeland Security Grant received by Bexar County, in order to reimburse the San Antonio Metropolitan Health District (SAMHD) for the acquisition of a heating, ventilating and air-conditioning system for the SAMHD Bioterrorism Preparedness Laboratory, BSL-3 Lab Project, at Brooks City-Base; authorizing the execution of an Agreement with Bexar County; amending the program budget; and authorizing payments for contractual services. [Presented by Dr. Fernando Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]
 22. An Ordinance authorizing the Interim City Manager or his designee to execute a contract with Hay Group at an estimated annual amount of \$200,000.00 to provide benefits and compensation consulting services for a term to begin upon the date of execution and ending on December 31, 2006, with an option to extend the contract for one (1) year, subject to and contingent upon funding and approval by City Council. [Presented by Sharon De La Garza, Director, Human Resources; Frances A. Gonzalez, Assistant City Manager]
 23. An Ordinance (1) authorizing the Interim City Manager to execute an agreement to provide preferred audio/visual services with Audio Visual Services Group, Inc. d/b/a Audiovisual Headquarters ("AVHQ") at the Henry B. Gonzalez Convention Center ("Center"), Lila Cockrell Theatre ("Theatre") and Municipal Auditorium ("Auditorium") for a term of three years with a two year renewal option; and (2) amending Ordinance No. 99745 regarding rental policies at the Center, Theatre and Center (collectively referred to as "Convention Facilities") by removing the provision of a complimentary microphone per room rental. [Presented by Michael Sawaya, Director, Convention Facilities; Roland A. Lozano, Assistant to the City Manager]

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

- 101035
- 101036
24. An Ordinance approving the temporary street closure of northbound Legend Lane from Camp Bullis to Wittenburg and southbound Legend Lane from Camp Bullis to Singing Forest and La Sierra Boulevard from Camp Bullis Road to Wittenburg on Monday, July 4, 2005 from 6:00 p.m. until 11:59 p.m., as requested by Crownridge of Texas Owners Association. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]
 25. An Ordinance approving a parade permit and authorizing the temporary closure of certain streets in the downtown area in connection with the Government Finance Officers Association 5K Run being held from 7:00 a.m. until 10:30 a.m., Sunday, June 26, 2005. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]

- 101037
26. An Ordinance approving a parade permit and authorizing the temporary closure of certain streets in connection with the Northwood July 4th Parade being held from 9:30 a.m. until 11:30 a.m., Monday, July 4, 2005; sponsored by Oak Park – Northwood Neighborhood Association. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]

Board, Commissions and Committee Appointments.

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

- 101050
- 101038
- 101039
- A. An Ordinance appointing Michael Ariens (District 3) to the Ethics Review Board for a term of office to expire on April 25, 2008.
- B. An Ordinance appointing Eva Y. Esquivel (General/Citizen-at-Large – District 5) to the Historic and Design Review Commission for a term of office to expire on December 31, 2006.
- C. An Ordinance appointing Jim Gray (Mayor) to the Zoning Commission for a term of office to expire on June 30, 2006.

ITEMS FOR INDIVIDUAL CONSIDERATION

28. Consideration of an Ordinance appointing and reappointing eight (8) members to the Noise Abatement Advisory Committee. [Presented by Leticia M. Vacek, City Clerk]

Nominees:

Neighborhood Association: Orlene Kolm (reappointment – Districts 1, 3, 9 and 10)

Alex San Martin (Districts 1, 3 and 10)

John S. McConnell (Districts 1, 8 and 10)

Aviation Industry:

Patrick Dempsey (Districts 1, 3, 9 and 10)

Rand P. Goldstein (Districts 1, 3, 7, 9 and 10)

Gary L. Pape (Districts 1, 3, 9 and 10)

Scott Shepherd (Districts 1, 3, 9 and 10)

Air Transportation

Advisory Commission: Mark Tafolla (Districts 1, 3, 9 and 10)

101025

29. An Ordinance appointing Diane Cortez, Allison Elder, Jess Jenkins, Orlando Salazar, Steve Tillotson and Charles Villafranca to the Board of Directors for the City South Management Authority (“CSMA”) for terms of office to expire June 30, 2007, in accordance with the Local Government Code, Chapter 375, Municipal Management Districts, Subchapter O, known as the DAMA Act, and the City Code, Chapter 2, Article VIII, entitled “Boards and Commissions”; and providing for the waiver for these terms only of Section 2-402 of said article for each appointee; as requested by Mayor Edward D. Garza. [Presented by Leticia Vacek, City Clerk]

30. Consideration of the following Ordinances: [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynne LeBlanc Burley, Assistant City Manager]

A. An Ordinance authorizing the Interim City Manager to execute separate Tax Phase-In Agreements with fifteen (15) Toyota supplier companies locating at the Toyota on-site "Supplier Park Project" to abate ad valorem taxes for ten (10) years on all real and personal property improvements, inventory and supplies for each company.

B. An Ordinance authorizing the expenditure of up to \$1,000,000.00 from the Economic Development Incentive Fund to support workforce training for fifteen (15) Toyota supplier companies who are locating business operations at the Toyota Supplier Park; authorizing the Interim City Manager to execute separate workforce training grant agreements with the fifteen (15) Toyota supplier companies.

31. An Ordinance approving the terms and conditions of a Purchase and Sale Agreement with Faulkner USA, Inc., a Delaware Corporation ("Developer"), setting forth certain obligations of the City and the Developer with respect to: (A) the creation of a two (2) unit commercial condominium regime on the site of the new Convention Center Hotel Project that will include a lower commercial unit for the new Convention Center Hotel and a multi-floor commercial unit located above such Hotel which may be further subdivided by Developer into residential condominium units pursuant to a separate, subordinate residential condominium regime so that condominium units may be sold by Developer; (B) the sale of the City's interests in such commercial upper unit to the Developer, subject to compliance with Chapter 272 of the Texas Local Government Code or exceptions therero; and (C) the Developer's obligation to timely design, develop and construct certain improvements within such commercial upper unit and the associated limited and common elements, all of the foregoing being subject to City Council's approval of the final project documents and amendments to existing project documents for the new Convention Center Hotel Project previously approved by City Council pursuant to Ordinance No. 100686 on April 14, 2005; declaring related properties surplus to the City's needs; and authorizing the City Manager to execute said agreement upon the inclusion of the subject property within the boundaries of the Inner City TIRZ #11. [Presented by Christopher J. Brady, Assistant City Manager; J. Rolando Bono, Interim City Manager]

32. Consideration of an Ordinance extending the city limits into the Timberwood Park Area for limited purposes and adopting a regulatory plan and authorizing an effective date of June 20, 2005 upon passage by eight votes. [Presented by Emil R. Moncivais, Director, Planning; Jelynne LeBlanc Burley, Assistant City Manager]

33. A Resolution authorizing the acceptance of the Urban Land Institute (ULI) Avenida Guadalupe report. [Presented by Emil R. Moncivais, Director, Planning; Jelynne LeBlanc Burley, Assistant City Manager]

101054
34. An Ordinance authorizing the execution of an agreement with Union Pacific Railroad (UPRR), a Delaware corporation, to improve railroad operations and increase traffic safety in connection with the Comal Street Railroad Relocation Project, located in Council District 5. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

101055
35. An Ordinance authorizing the execution of a professional services contract with the San Antonio Education Partnership in an amount not to exceed \$71,500.00 for program administration and oversight in support of the San Antonio Ambassador Program for the period June 16, 2005 through September 1, 2005; and authorizing the execution of all necessary documents in connection therewith. [Presented by Dennis J. Campa, Director, Community Initiatives, Frances A. Gonzalez, Assistant City Manager]

101056
36. An Ordinance ratifying the submission of a continuation grant application and authorizing acceptance of a grant, upon award, in the amount of \$90,500.00 from the Texas Education Agency for continuation of the English Literacy – Civics Education Project at the Margarita Huantes and the Willie Velasquez Community Family Resource and Learning Centers for the period July 1, 2005 through June 30, 2006; approving the budget and personnel complement in connection therewith; and authorizing the execution of all necessary documents in connection therewith. [Presented by Dennis J. Campa, Director, Community Initiatives, Frances A. Gonzalez, Assistant City Manager]

37. City Manager's Report. - *None*

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

- A. Deliberations regarding the proposed construction of residential condominiums by a Texas limited partnership to be organized by Faulkner USA and built above the convention center headquarters hotel as contemplated in project agreement previously approved by City Council, pursuant to Texas Government Code Section 551.072 (deliberation regarding real property); and discussion of 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 one or more other 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).
- C. Discuss legal issues relating to *Summerglen Property Owner's Assoc., et al v. COSA*, 2005-CI-02005, pursuant to Texas Government Code Section 551.071 (consultation with attorney) and discuss legal issues related to negotiation of service agreements with representatives of areas included in the City's Three Year Annexation Plan, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

- D. Discuss legal issues related to a pending request for annexation submitted by the City of Timberwood Park Committee and the annexation of the Timberwood Park area for limited purposes, pursuant to Texas Government Code Section 551.071 (consultation with attorney).