



Minster
FIRST ORDINANCE: 98846
FIRST RESOLUTION: 2004-107-06
Lant Ord. 98877
Lant Res. 2004-107-06
CITY OF SAN ANTONIO
FEB 19 2004

**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
February 19, 2004**

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 for a "B" Session in the B Room of the Municipal Plaza Building at 10:00 A.M. for the following:

Staff presentation on the Tower of the Americas RFP Selection. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

- 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 Associate Pastor Gary Bradley, Baptist Temple, and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes of the City Council Meeting of December 4, 2003.

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. 2:00 P.M. – First Public Hearing on the voluntary annexation of Fossil Creek Commercial Tract. [Presented by Emil R. Moncivais, Director, Planning; Jelynn LeBlanc Burley, Assistant City Manager]
5. 5:00 P.M. – Citizens to Be Heard.
6. 6:00 P.M. – Second Public Hearing on proposals for amendments to the San Antonio City Charter for voter consideration at a municipal election on May 15, 2004. [Presented by Andrew Martin, City Attorney; Terry M. Brechtel, City Manager]

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

7. An Ordinance accepting the low responsive bid submitted by ~~Bray Manufacturing, Inc.~~ to provide the City of San Antonio Convention and Visitors Bureau with convention name badges and accessories for a total amount of \$27,970.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]
8. An Ordinance accepting the offers submitted by SHI Government Solutions (WBE), sections 1, 5, 6, 12, 17; DocuData Solutions (WBE), sections 15 and 16; and Commonwealth Computer Co. (WBE), sections 2 and 3 to provide the City of San Antonio Information Technology Services Department with personal computer software on an annual contract basis for an estimated annual cost of \$338,583.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]
9. An Ordinance accepting the low responsive bid submitted by Lawrence Marshall Ford-Mercury to provide the City of San Antonio Police, Fire and the Parks & Recreation Departments with police patrol sedans for a total of \$3,217,774.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Capital Improvement Items

10. An Ordinance amending a professional services contract and authorizing additional funds in the amount of \$30,335.00 from Certificates of Obligation to Madeline Anz Slay Architecture, P.L.L.C., for additional design work in connection with the 2003 Pool Facility ADA Improvements Project, located in Council Districts 5, 6 and 7; authorizing \$3,300.00 for miscellaneous architecture contingency expenses, for a total amount of \$33,635.00; revising the project budget; appropriating funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

98869
11. An Ordinance authorizing payment in the amount of \$23,200.00 from Certificates of Obligation to ATC Associates, Inc., for environmental services under an existing professional services contract for the Tower of the Americas, located in Council District 1; authorizing \$5,800.00 for environmental contingency expenses, for a total amount of \$29,000.00; appropriating funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

98848
12. An Ordinance authorizing the City Manager or her designee to execute a joint funding agreement between the City of San Antonio and the U.S. Geological Survey, United States Department of the Interior to conduct surface-water data collection activities at Olmos Creek at Dreedon Drive, San Antonio River at Loop 410, Helotes Creek at F.M. 1560 and Leon Creek at Interstate 35; and authorizing payment in the amount of \$29,200.00 to U.S. Geologic Survey. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

98849
13. An Ordinance approving a Renewal and Extension of Office Lease Agreement with Trade Commission of Mexico/Banco Nacional De Comercio Exterior, S.N.C. (also known as "Bancomext") for the continued use of 204 square feet of office space at the International Center, at 203 S. St. Mary's Street, for a two year term effective January 30, 2004 and ending January 29, 2006 at a continued rental of \$1,200.00 per year, plus annual Common Area Maintenance expenses of \$563.04. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

98870
14. An Ordinance authorizing funds in the amount of \$16,050.00 from General Obligations of the City payable to Eckmann, Groll, Inc., for appraisal services in connection with the Callaghan Road – W. Horseshoe Bend to Ingram Project, located in Council District 7, French Creek Buyouts – South of Brue Road Project, located in Council District 8, and the Mobile City Estates Buyouts (Leon Creek) Project, located in Council District 8; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98850
15. An Ordinance authorizing funds in the amount of \$510.45 from 1987 General Obligation Drainage Improvement Bond funds to Ticor Title Agency of San Antonio for title fees in connection with the Di-Lions Drainage Project #80, Phases III & V, located in Council District 3; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98851
16. An Ordinance authorizing funds in the amount of \$1,349.08 from General Obligations of the City payable to Davidson & Troilo, P.C., for legal services necessary to the real estate acquisitions for the following approved City 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 and the Southcross Blvd. – New Braunfels to Presa MPO Project, located in Council District 3; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

17. An Ordinance authorizing 2002 Street Improvement Certificates of Obligation funds in the amount of \$891,925.00 for acquisition of fee simple title to fifty seven (57) parcels of real property and declaring the Callaghan – Bandera to Ingram Metropolitan Planning Organization Project (“Project”) to be a public project; declaring a public necessity for the acquisition of the fee simple title to privately owned real property described below, by negotiations and/or condemnation, if necessary, for public improvements for use as a part of the Project; all properties being in the City of San Antonio, Bexar County, Texas; being for a public purpose; establishing just compensation for the property; appropriating funds for the Project including miscellaneous expenses associated with the Project such as appraisals and attorney’s fees; authorizing negotiations and acquisition on the approved terms; authorizing the City Attorney and/or designated special counsel to file eminent domain proceedings, if necessary; the property to be acquired is:

9 8852

ACRE (S)	LOT(S) and BLOCKS	NCB	SUBDIVISION
0.0394	61 Block “E”	11543	Woodlawn Hills
0.0559	110 Block “E”	11543	Woodlawn Hills
0.0275	112	11543	Woodlawn Hills
0.0107	113	11543	Woodlawn Hills
0.0126	114	11543	A. A. Alexander
0.0151	115	11543	A. A. Alexander
0.0841	89 Block E	11544	Woodlawn Hills
0.0505	111 Block “E”	11545	Woodlawn Hills
0.0311	112 Block “E”	11545	Woodlawn Hills
0.0311	113 Block “E”	11545	Woodlawn Hills
0.0317	114 Block “E”	11545	Woodlawn Hills
0.0310	115 Block “E”	11545	Woodlawn Hills
0.0310	116 Block “E”	11545	Woodlawn Hills
0.0391	117 Block “E”	11545	Woodlawn Hills
0.0470	118 Block “E”	11545	Woodlawn Hills
0.0207	190 Block “E”	11549	Woodlawn Hills
0.0192	191 Block “E”	11549	Woodlawn Hills
0.0308	192 Block “E”	11549	Woodlawn Hills
0.0113	242 Block “E”	1159	Woodlawn Hills
0.0127	243 Block “E”	11551	Woodlawn Hills
0.0038	274 Block “E”	11551	Woodlawn Hills
0.0246	275 Block “E”	11551	Woodlawn Hills
0.0121	282 Block “E”	11551	Woodlawn Hills
0.0042	N 70-ft. of Lot 283 Block “E”	11552	Woodlawn Hills
0.0255	283 Block “E”	11552	Woodlawn Hills
0.0146	308 Block “E”	11552	Woodlawn Hills
0.0263	309 Block “E”	11552	Woodlawn Hills
0.0696	311 Block “E”	11552	Woodlawn Hills
0.0332	312 Block “E”	11552	Woodlawn Hills
0.0375	313 Block “E”	11552	Woodlawn Hills
0.0677	314 Block “E”	11552	Woodlawn Hills
0.0076	314-A Block “E”	11552	Woodlawn Hills
0.0487	E 150-ft. of Lot 298 Block “E”	11553	Woodlawn Hills
0.0461	299 Block “E”	11553	Woodlawn Hills
0.0315	300 Block “E”	11553	Woodlawn Hills
0.0316	301 Block “E”	11553	Woodlawn Hills

0.0306	302 Block "E"	11553	Woodlawn Hills
0.0306	303 Block "E"	11553	Woodlawn Hills
0.0344	304 Block "E"	11553	Woodlawn Hills
0.0712	2	11556	Mackey, Unit 2
0.0804	4	11556	Mackey, Unit 2
0.0518	6	11556	Border Ornamental
0.0040	6	11556	Border Ornamental
0.0271	7	11635	
0.0312	P-5	11635	
0.0525	P-7	11635	
0.0249	P-7	11635	
0.0822	P-102A	11635	
0.02817	P-104A	11635	
0.0418	2 Block "1"	13415	Science Park
0.0466	3 Block "1"	13415	Science Park
0.0034	4 Block "1"	13415	Science Park
0.0022	7 Block "1"	13415	Science Park
0.0010	7 Block "1"	13415	Science Park
0.0011	2 Block "1"	16029	Green Tree Tennis & Swim Club
0.0259	1 Block 4	16669	Thunderbird Estates
0.0058	12 Block 4	16669	Kingswood

[Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98853
18. An Ordinance authorizing funds in the amount of \$12,367.02 payable to Bracewell & Patterson, L.L.P. for legal services necessary to the real estate acquisitions for the following approved City projects: Cherry Street Drainage Project #15B Phase II, located in Council District 2; Escalon Street #1008 Drainage Project, located in Council District 3; Hi-Lions Drainage #80, Phases III & V Project, located in Council District 3; Hildebrand Avenue from IH 10 to Breeden MPO Project, located in Council District 1; Octavia Drainage #63, Phase II, Part I Project, located in Council District 5; Western Avenue Drainage #74 III-A Project, located in Council District 9; Wurzbach Road to I.H. 10 and Ironside Intersections Project, located in Council District 8; Wurzbach Parkway Project, located in Council District 9; Chico-Knox/Margil Community Development Block Grant Project, located in Council District 5; and the Fay Phase I Community Development Block Grant Project, located in Council District 5; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98871
19. An Ordinance ratifying the action of the City Manager or her designee in the acceptance and execution of a one (1) year lease agreement, for the period October 1, 2003 through September 30, 2004 with IMEF, A.C., as Lessor, for approximately 1,613 square feet of office space at 3422 Lazaro Cardenas Ave., Suite 604, in Guadalajara, Jalisco, Mexico for Casa San Antonio in Guadalajara at a monthly rental rate of \$11,960 Mexican pesos, currently equivalent to \$1,087 U.S. dollars, which includes the fifteen percent value-added tax; and providing for payment. [Presented by Elizabeth E. Costello, Director, International Affairs; J. Rolando Bono, Deputy City Manager]

Miscellaneous

- 9 8 8 7 4
20. An Ordinance authorizing the acceptance of 3,190 doses of Depo-Provera from the Texas Department of Health (TDH) in exchange for a \$72,000.00 reduction in funding for the ongoing Title IV Family Planning Program of the San Antonio Metropolitan Health District; authorizing the execution of a contract change with TDH; and revising the program budget and personnel complement. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]
- 9 8 8 5 4
21. An Ordinance authorizing the acceptance of \$41,310.00 from the Texas Department of Health (TDH) to increase support for the ongoing AIDS Surveillance Program of the San Antonio Metropolitan Health District to extend the program period through March 31, 2004; authorizing the execution of the contract change with TDH; revising the program budget; and revising the personnel complement. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]
- 9 8 8 5 5
22. An Ordinance authorizing the acceptance of a donation in the amount of \$500.00 from Wyeth Pharmaceuticals to support the Special Immunizations Promotion Project of the San Antonio Metropolitan Health District; and revising the project budget. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]
- 9 8 8 5 6
23. An Ordinance authorizing the acceptance of a grant in the amount of \$10,000.00 from Frost Bank, \$5,000.00 from Goodwill Industries of San Antonio, \$5,000.00 from Bank One and the San Antonio Housing Trust and \$2,500.00 from the Annie E. Casey Foundation to be used as match funding for the Families Save Individual Development Account (IDA) Project for the period of January 1, 2004 to December 31, 2004; authorizing the reduction of the Fiscal Year 2003 Council District 5 Human Development Service fund by \$5,000.00 and appropriation of \$5,000.00 to the Families Save IDA project; authorizing the reduction of the Department of Community Initiatives general fund budget by \$20,000.00 and appropriation of \$20,000.00 to the Families Save IDA project; authorizing the execution of a contract with the Alamo Community College District Foundation to accept up to \$75,000.00 for the Families Save IDA Project; and revising the Families Save IDA budget. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]
- 9 8 8 7 2
24. An Ordinance accepting the donation of \$1,500.00 from the Wal-Mart Foundation to support the San Antonio Police Department's K-9 Detail. [Presented by Albert A. Ortiz, Police Chief; Christopher J. Brady, Assistant City Manager]
- 9 8 8 5 9
25. An Ordinance authorizing the payment of \$120,000.00 as full and final settlement in the lawsuit styled Paul Taormina v. Mario Blas Moreno and City of San Antonio, et al, Cause No. 2003-CI-00900. [Presented by Andrew Martin, City Attorney; Terry M. Brechtel, City Manager]

9 8 8 5 8
26. An Ordinance accepting the bid from Express Video, Inc. for the purchase of 377 gambling devices (Eight Liners) in the amount of \$168,100.00, seized as a result of criminal investigations by the San Antonio Police Department and subsequently forfeited by orders of the courts; and authorizing payment in the amount of \$74,213.92 to the Bexar County District Attorney's Office. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

9 8 8 7 8
27. An Ordinance authorizing a professional services agreement with KPMG, L.L.P., on terms otherwise consistent with the general terms and conditions of the City's existing audit services contract with KPMG, L.L.P., dated November 21, 2002 in an amount not to exceed \$138,700.00 per quarter, including \$127,200.00 for fees and \$11,500.00 for reasonable and proper out-of-pocket expenses, for on-going performance audit activities of the Enterprise Resource Management (ERM) project starting February 20, 2004 and continuing through December 2004, for a total amount not to exceed \$554,800.00; appropriating funds; and providing for payment. [Presented by Patricia Major, City Auditor]

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

9 8 8 5 9
28. An Ordinance approving the parade permit and authorizing the temporary closure of portions of certain streets near Milam Park in connection with the All American Armed Forces Parade sponsored by the American GI Forum and MOPH to be held from 5:30 P.M. to 9:00 P.M. on Saturday, May 15, 2004. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

9 8 8 6 0
29. An Ordinance approving the parade permit and authorizing the temporary closure of portions of certain streets near the Alamodome in connection with the Dome Dribble sponsored by the S.A. Sports Foundation to be held from 1:30 P.M. to 3:30 P.M. on Sunday, April 4, 2004. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

9 8 8 6 1
30. An Ordinance approving the parade permit and authorizing the temporary closure of portions of certain streets near Brackenridge Park in connection with the St. Patrick's Day Run sponsored by the St. Patrick's Day Commission to be held from 8:00 A.M. to 10:00 A.M. on Saturday, March 13, 2004. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

9 8 8 6 2
31. An Ordinance approving the parade permit and authorizing the temporary closure of portions of certain streets near O.P. Schnabel Park in connection with the YMCA Chicken on Bun Fun Run sponsored by the Braundera YMCA to be held from 8:45 A.M. to 10:30 A.M. on Saturday, March 6, 2004. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

Board, Commissions and Committee Appointments.

32. Consideration of the following board appointments: [Presented by Yolanda Ledesma, Acting City Clerk; Erik J. Walsh, Assistant to the City Manager]

9 8863 A. An Ordinance reappointing Deborah Perez (District 10) to the Affirmative Action Advisory Committee for a term of office to expire on January 31, 2005.

9 8864 B. An Ordinance reappointing Laura Lizcano (District 5) and Michael Gallagher (District 10) to the Board of Adjustment for terms of office to expire on February 22, 2006.

9 8865 C. An Ordinance appointing Michael Martinez (Community Representative Category - District 5) to the Capital Improvements Advisory Committee for a term of office to expire on October 25, 2005.

9 8866 D. An Ordinance appointing Leon Eddie Masson (Consumer Category - District 5) to the Disability Access Advisory Committee for a term of office to expire on June 30, 2005.

ITEMS FOR INDIVIDUAL CONSIDERATION

9 8875 33. An Ordinance authorizing the acceptance of a grant in the amount of \$120,000.00 from the Annie E. Casey Foundation (AECF) for the continuation of the "Making Connections – Neighborhood Transformation/Family Development" Initiative and for support of the Family Economic Security Program beginning January 1, 2004 and ending December 31, 2004; authorizing the execution of all necessary documentation with AECF in connection with said grant; authorizing the transfer of the remaining fund balance from the previous grant year in the amount of \$19,004.25 to the 2004 Making Connections project; authorizing the transfer of \$20,000.00 from the 2004 Making Connections project to the Families Save Individual Development Account Project; and revising a program budget and personnel complement for the 2004 Making Connections project. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

9 8876 34. An Ordinance amending the San Antonio Police Department's General Fund budget by transferring the amount of \$209,108.00 and authorizing the following positions: four (4) new Caseworker II positions, four (4) new Police Officer positions, and four (4) administrative vehicles, to staff additional Crisis Response Teams at the Police Department's substations; and amending Budget Ordinance No. 98181 in accordance herewith. [Presented by Albert A. Ortiz, Police Chief; Christopher J. Brady, Assistant City Manager]

35. Consideration of the following Ordinances: [Presented by Milo Nitschke, Director of Finance; Melissa Byrne Vossmer, Assistant City Manager]

9 8877 A. An Ordinance authorizing and approving publication of the Notice of Intention to issue City of San Antonio, Texas Combination Tax and Revenue Certificates of Obligation, Series 2004 in a maximum principal amount not to exceed \$30,710,000.00; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12, including the approval and distribution of the Preliminary Official Statements pertaining to the issuance of such obligations and approximately \$34,685,000.00 City of San Antonio, Texas General Improvement Bonds, Series 2004 and approximately \$13,675,000.00 City of San Antonio, Texas Taxable General Improvement Refunding Bonds, Series 2004; authorizing the City's staff, co-financial advisors, and co-bond counsel to take all actions deemed necessary in connection with the sale of such obligations; and providing for an effective date.

2004-206
B. A Resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes designated as "City of San Antonio Combination Tax and Revenue Certificates of Obligation, Series 2004-A" and "City of San Antonio, Texas General Improvement Bonds, Series 2005"; authorizing other matters incident and related thereto; and providing for an effective date.

36. City Manager's Report. *[Signature]*

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

- A. Discuss legal issues related to Vernest Dotson, et al, v. City of San Antonio, et al, Civil Action No. SA03CA0206FB, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Discuss legal issues related to the design of the City's pending Downtown Pedestrian Wayfinding System, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C. Discuss legal issues related to collective bargaining by public employees, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Discuss legal issues related to the use of public funds to communicate factual information describing a ballot measure, pursuant to Texas Government Code Section 551.071 (consultation with attorney).