



First Ord. 99160
First Res. 2004-19-09
Last Ord. 99195
Last Res. 2004-19-09
RECEIVED
CITY OF SAN ANTONIO
CITY CLERK
MAY 13 2004

**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
May 13, 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:

City Council Goal Setting Worksession for the FY 2005 Budget - Presentation on City Council Selected City Services and from City Council Selected Outside Agencies. [Presented by Peter Zanoni, Acting Director, Management and Budget; Erik J. Walsh, Assistant to the 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 John Ross, 8th grade student, Inner City Development, guest of Councilwoman Patti Radle, District 5, and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes of the City Council Meeting of March 4, 2004.

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. – Public Hearing and Consideration of the following Zoning Cases: [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

99161
A. ZONING CASE NUMBER Z2004063: The request of Davis Sprinkle & Thom Robey, Applicant, for Urbangrid, L.L.C., Owner(s), for a change in zoning from "C-2 Commercial Nonalcoholic Sales District and "MF-33" Multi-Family District to "C-2" Commercial District on Lot 15, Block 18, NCB 1747, 1700 North Main Avenue. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

99162
B. ZONING CASE NUMBER Z2004068: The request of City of San Antonio, Historic Preservation Office George and Tommie Blakey, Applicant, for George and Tommie Blakey, Owner(s), for a change in zoning to designate historic significance on the south 136 feet of Lot J or Lot A-17, Block 6, NCB 1751, 315 East Park Avenue. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

99163
C. ZONING CASE NUMBER Z2004069: The request of City of San Antonio, Historic Preservation Office Midtown Enterprises, Applicant, for Midtown Enterprises, Owner(s), for a change in zoning to designate historic significance on Lots 21 through 27, Block 5, NCB 6404, 1800 - 1812 Blanco Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

99164
D. ZONING CASE NUMBER Z2004070: The request of City of San Antonio, Historic Preservation Office Steven James Trevino, Applicant, for Steven James Trevino, Owner(s), for a change in zoning to designate historic significance on Lot 11 and the west 33.9 feet of Lot 12 and the south 11 feet of the east 59.23 feet of Lot 3 and the south 11 feet of the west 49.5 feet of Lot 4, Block 9, NCB 1879, 625 West French Place. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

99165
E. ZONING CASE NUMBER Z2004016: The request of Chuck Christian, Applicant, for Eisenberg Properties, Ltd., Owner(s), for a change in zoning from "C-3" General Commercial District to "I-2" Heavy Industrial District on the Southeast 300 feet of Lot 32, NCB 17994, 7240 IH 10 East. Staff's recommendation was for denial. Zoning Commission has recommended approval contingent on plan amendment attainment. (Council District 2)

99166
F. ZONING CASE NUMBER Z2004032C-A: The request of Amado Hoffman Sr., Applicant, for El Tipico Enterprises, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-2 NAC" Commercial Nonalcoholic Sales District with conditional use for auto and truck sales on Lot 7, Block 7, NCB 12903, 2418 Irwin Drive. Staff's recommendation was for denial. Zoning Commission has recommended denial. (Council District 2)

99167
G. ZONING CASE NUMBER Z2004071: The request of Tex-Maier Development, Applicant, for Tex-Maier Development, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "C-3" General Commercial District on Lots 1 through 4, Block 1, NCB 10783, 2027 and 2031 Rigsby Avenue. Staff's recommendation was for denial of "C-3" General Commercial District and approval of "C-1" Light Commercial District. Zoning Commission has recommended approval of C-1. (Council District 2)

99168
H. ZONING CASE NUMBER Z2004010C: The request of A. J. Hausman, Applicant, for A. J. Hausman, Owner(s), for a change in zoning from R-6 Residential Single-Family District and C-3 NA General Commercial Non-Alcoholic Sales District to C-2 C Commercial District with conditional use for a cold storage plant on Lot 1 and 2, Block 1, NCB 18087 save and except 0.555 acres out of Lot 2, 9802 and 9806 Teal Avenue. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

99169
I. ZONING CASE NUMBER Z2004085S: The request of VHS San Antonio Partners, L. P. DBA Baptist Health Systems, Applicant, for VHS San Antonio Partners, L. P. DBA Baptist Health Systems, Owner(s), for a change in zoning from "C-1" Light Commercial District and "C-2" Commercial District to "C-2 S" Commercial District with specific use authorization for a hospital on 11.29 Acres out of NCB 10838, 4242 East Southcross Boulevard. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

CONTINUED TO 8/12/04
J. ZONING CASE NUMBER Z2004089: The request of Domingo P. Maldonado, Jr., Applicant, for Domingo P. Maldonado, Jr., Owner(s), for a change in zoning from R-6 Residential Single-Family District to MF-25 Multi-Family District on Lot 300B, Block 30, NCB 11129, 200 Buchanan Boulevard. Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 3)

99170
K. ZONING CASE NUMBER Z2004061: The request of Busick Properties, Inc., Applicant, for Leslie P. Busick, Trustee, Owner(s), for a change in zoning from "C-2" Commercial District to "RM-4" Residential Mixed District on 6.4473 acres out of Lot 3, Block 1, NCB 16046, 4000 Block of Callaghan Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

99171
L. ZONING CASE NUMBER Z2004062: The request of Brown, P. C., Applicant, for S.I. Lang et al, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3" General Commercial District on 9.835 acres out of NCB 15329, south side of Military Drive West. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

CONTINUED TO 5/27/04
M. ZONING CASE NUMBER Z2004074C: The request of Kaufman & Associates, Inc., Applicant, for South Texas Contracting Partners, Owner(s), for a change in zoning from "C-2 NA C" Commercial Nonalcoholic Sales District with conditional use for a print shop to "C-2 NA C" Commercial Nonalcoholic Sales District with conditional use for a contractors facility with outside storage on Lot 1, Block 4, NCB 16051, 8531 Leslie Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)

CONTINUED TO 5/27/04
N. ZONING CASE NUMBER Z2003101CS: The request of J. Allen Family Partner, Ltd., Applicant, for Rogers Shavano Ranch, Ltd., Owner(s), for a change in zoning from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 NA ERZD C S" Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a conditional use for a mini-storage facility and a specific use authorization for a mini-storage facility exceeding 2.5 acres on a 5.6-acre tract of land out of NCB 17627, southwest of De Zevala and Old Lockhill-Selma Road (not open for public access). Staff's recommendation was for approval. Zoning Commission has recommended approval with staff's conditions. (Council District 8)

CONTINUED TO 5/27/04
O. ZONING CASE NUMBER Z2004049: The request of Dr. Carmen Garza Levcovitz, Applicant, for Dr. Carmen Garza Levcovitz, Owner(s), for a change in zoning from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on P-9, P-10 and P-11A, NCB 14615, 8122 Hausman Road. Staff's recommendation was for approval. Zoning Commission has recommended approval of "C-2 NA ERZD" Commercial Nonalcoholic Sales Edwards Recharge Zone District. (Council District 8)

99173
P. ZONING CASE NUMBER Z2004067: The request of NAPPA Office Condominiums I, Ltd., Applicant, for NAPPA Office Condominiums I, Ltd., Owner(s), for a change in zoning from "C-3 General Commercial District to "PUD C-3" Planned Unit Development General Commercial on P-100C and 100E, NCB 11631 (1.88 acres), property located at the southwest corner of Fountain Head Drive and I.H. 10 West. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

CONTINUED TO 5/27/04
Q. ZONING CASE NUMBER Z2004073S: The request of Brown, P. C., Applicant, for Cuthbert Partners, Ltd., et al, Owner(s), for a change in zoning from "BP" Business Park District to "C-3 S" General Commercial District with specific use authorization for an auto paint and body shop on 10.294 acres out of NCB 14862, 11600, 11596, and 11570 I.H. 10 West. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

99173
R. ZONING CASE NUMBER Z2004087: The request of Rod Robertson, Applicant, for Rod Robertson, Owner(s), for a change in zoning from "I-1" General Industrial District to "C-3" General Commercial District on Lot 11, NCB 16466, 3847 Parkdale. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

99175
S. ZONING CASE NUMBER Z2004072: The request of Jeff D. Thompson, Applicant, for Jeff D. Thompson, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-1" Office District on Lot 12, Block 21, NCB 11737, 10603 West Avenue. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

99175
T. ZONING CASE NUMBER Z2004081: The request of Frank Stanush, Applicant, for Frank Stanush, Owner(s), for a change in zoning from "O-2" Office District to "R-6" Single-Family District on Lot 18, Block 3, NCB 16789, southwest corner of Jones Maltsberger Road and Money Tree Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

99176
U. ZONING CASE NUMBER Z2004044: The request of David Popkin & Mark Higgins, Applicant, for David Popkin & Mark Higgins, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3" General Commercial District on 1.05 acres out of NCB 16587, 16500 Nacogdoches Rd.. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 10)

99176
5. 3:00 P.M. - Presentation of the Five Year Financial Forecast. [Presented by Peter Zanoni, Acting Director, Management and Budget; Erik J. Walsh, Assistant to the City Manager]

6. 5:00 P.M. – Citizens to Be Heard.

7. 6:00 P.M. – First Public Hearing regarding the proposed expansion of the Southside Initiative through limited purpose annexation. [Presented by Emil R. Moncivais, Director, Planning; Jelynn LeBlanc Burley, Assistant 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

99191
8. An ordinance accepting the bids of various companies to provide the City of San Antonio with the various types of commodities and services on an annual contract basis for FY2004-2005 for an estimated combined annual cost of \$995,244.00 to include contracts for continuous computer forms, golf cart batteries, rental of barricades and allied items, antivirus software licenses and upgrades and police helicopter parts and service. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

9. An Ordinance reaffirming and declaring that the San Antonio Water System's Aquifer Storage and Recovery Project ("Project") is a necessary public project; further reaffirming and declaring that a public necessity exists for the acquisition of permanent easement interests across, over, upon and under certain privately owned properties described below, by negotiation and/or condemnation, if necessary, for public improvements for use as part of the Project; to wit, a portion of the properties listed as follows: 2.285 acres out of New City Block 35132, Parcel P-81, in Bexar County, Texas, for a public purpose as part of the Project; authorizing the San Antonio Water System (SAWS), its employees, agents and/or its authorized independent negotiators to negotiate and execute all agreements, easements and other necessary documents with the owners of certain privately owned properties described above and to take all other lawful actions necessary or incidental to survey, specify, clarify, define and acquire the permanent easement interests across, over, upon and under certain privately owned properties as described above; further authorizing the general counsel of SAWS to file eminent domain proceedings, if necessary, and prosecute all such condemnation proceedings through conclusion (including final judgment and all necessary appeals) for the condemnation of the permanent easement interests across, over, upon and under certain privately owned properties as described above; approving, ratifying and declaring valid all prior acts and proceedings done or initiated by attorneys, agents and employees of and/or acting for SAWS to acquire such permanent easement interests across, over, upon and under certain privately owned properties as described above; declaring that the conveyance of all such permanent easements in certain privately owned properties as described above shall be to the City of San Antonio for the use and benefit of SAWS; providing for a severability clause; and establishing an effective date. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Miscellaneous

10. An Ordinance authorizing the submission of a grant application for State/Federal assistance provided through the Texas State Library and Archives Commission in an amount not to exceed \$16,238.00, which, if awarded, will be used for public library development, including grant administration, consulting, networked resources, services to disadvantaged populations, continuing education, collection development programs and the purchase of library materials in the Alamo Area Library System for the grant period September 1, 2004 through August 31, 2005. [Presented by Aubrey George, Acting Director, Library; Frances A. Gonzalez, Assistant City Manager]
11. An Ordinance authorizing the submission of a grant application for State/Federal assistance through the Texas State Library and Archives Commission in an amount not to exceed \$258,262.00, which, if awarded, will be used for the operation of the San Antonio InterLibrary Loan Center, including salaries and all support costs for the grant period September 1, 2004 through August 31, 2005. [Presented by Aubrey George, Acting Director, Library; Frances A. Gonzalez, Assistant City Manager]

- 99180
12. An Ordinance authorizing the submission of a Technical Assistance Negotiated Grant application for State/Federal assistance provided through the Texas State Library and Archives Commission in an amount not to exceed \$80,000.00, which, if awarded, will be used for contractual and related travel expenses for a technical vendor to provide hardware, software, network and security support to computer systems of public libraries within the Alamo Area Library System for the grant period September 1, 2004 through August 31, 2005.. [Presented by Aubrey George, Acting Director, Library; Frances A. Gonzalez, Assistant City Manager]
- 99181
13. An Ordinance amending Ordinance No. 98261, passed on October 2, 2003 by authorizing the acceptance of a reimbursement grant in an amount not to exceed \$40,000.00 from the Transportation Security Administration (TSA) for reimbursement of expenses incurred due to increased participation in the TSA Explosives Detection Canine Team Program at San Antonio International Airport; revising the program budget; revising the personnel complement; and amending Budget Ordinance No. 98181. [Presented by Kevin C. Dolliole, Director, Aviation; J. Rolando Bono, Deputy City Manager]
- 99182
14. An Ordinance authorizing the execution of an interlocal agreement between the Texas Department of Transportation and the City of San Antonio in order for the San Antonio Metropolitan Health District to provide Hepatitis B Immunization Services to approximately one hundred state employees and for the City to be reimbursed in an amount not to exceed \$12,000.00. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]
- 99183
15. An Ordinance authorizing the execution of an interlocal agreement between each Bexar County independent school district individually and the City of San Antonio in order to make facilities available in the event of a public health emergency. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]
- 99184
16. An Ordinance authorizing the acceptance and execution of a change to a contract with the Texas Department of Health, which will revise the budget of the Family Health Population-Based Core Public Health Program of the San Antonio Metropolitan Health District and reduce the total budget of the program by \$1,550.00 for the period September 1, 2003 through August 31, 2004; and approving said revisions to the program budget. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]
- 99185
17. An Ordinance authorizing the acceptance of donations for the Plant Conservation Program and Plant Research Program at the San Antonio Botanical Garden; and establishing two grant-funded part-time positions to continue these programs. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
- 99186
18. An Ordinance authorizing the execution of a Memorandum of Agreement with San Antonio Water System for use of \$500,000.00 in 1994-1999 Park Bond funds for the Mitchell Lake Wetlands Project, located in Council District 3; appropriating funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

Board, Commissions and Committee Appointments.

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

A. An Ordinance reappointing Margie Galvan (District 4) as Director to the San Antonio Local Development Company, d/b/a South Texas Business Fund for a term of office to expire on May 9, 2006.

B. An Ordinance appointing Della Guidry (Mayoral Appointee) to the Convention and Visitors Commission for a term of office to expire on June 30, 2006.

C. An Ordinance appointing Shannon Lee (District 2) to the Open Space Advisory Board for a term of office to expire on August 29, 2005.

20. An Ordinance amending Ordinance No. 76772, passed on October 29, 1992, and Ordinance No. 83810, passed on March 21, 1996, by reducing the number of members from twenty-nine (29) to twenty-eight (28) by removing the category of Office of the District Attorney; and approving the following board reappointments for terms of office to expire on November 30, 2005 and appointments to expire on November 30, 2004 and November 30, 2005 by the Mayor to the Greater San Antonio Crime Prevention Commission: [Presented by Yolanda Ledesma, Acting City Clerk; Erik J. Walsh, Assistant to the City Manager]

Reappointments: Deputy Chief Jeffrey E. Page (Law Enforcement Category); Jeanne A. Paulk (Neighborhood Representative Category); Ethel Nelson (Neighborhood Representative Category); Jim Templeton (AACOG Chief of Police Category); Rev. Jimmy Drennan (Religious Community Category); Andy Mireles (District Judge, Judicial Member – State Category); Karen Chalkley (At-Large Representative Category); and Gilbert Candia (Neighborhood Representative Category)

Appointments: Lucy Hall (Neighborhood Representative Category – term of office to expire on November 30, 2005); Michael Gilbert (Education Representative Category – term of office to expire on November 30, 2004); Lt. Col. Robert Roth (Military Representative Category – term of office to expire on November 30, 2005); Andy D. Shaw (Professional Journalist Association Category – term of office to expire on November 30, 2004); Debra Huerta (Professional Journalist Association Category – term of office to expire on November 30, 2004); Rick Crespo (Housing Representative Category – term of office to expire on November 30, 2004); Jose Castillo (Bexar County Representative Category – term of office to expire on November 30, 2005); Carla M. DeLeon (Judicial Member – Municipal Category – term of office to expire on November 30, 2005); and Reynaldo Lopez (At-Large Representative Category – term of office to expire on November 30, 2005)

ITEMS FOR INDIVIDUAL CONSIDERATION

21. An Ordinance amending the land use plan contained in the I.H. 10 East Corridor Perimeter Plan, a component of the Master Plan of the City, by changing the use of approximately one acre located at the southern end of the property at 7240 I.H. 10 East in Council District 2 from Community Commercial Land Use to Industrial Land Use. Staff's recommendation is for approval. The Planning Commission recommends approval. [Presented by Emil R. Moncivais, Director, Planning; Jelyne LeBlanc Burley, Assistant City Manager]

99192
22. An Ordinance authorizing the acceptance of an Airport Improvement Grant, when offered, in the amount of \$6,066,503.00 from the Federal Aviation Administration in support of the Residential Acoustical Treatment Program for San Antonio International Airport. [Presented by Kevin C. Dolliole, Director, Aviation; J. Rolando Bono, Deputy City Manager]

99193
23. An Ordinance authorizing the acceptance of an Airport Improvement Grant, when offered, in the amount of \$4,564,819.00 from the Federal Aviation Administration in support of four projects at San Antonio International Airport, namely the Rehabilitation of Airfield Lighting, Purchase of ARFF Vehicle, Sky Place Drainage Phase 2, and Runway Safety Area Improvements. [Presented by Kevin C. Dolliole, Director, Aviation; J. Rolando Bono, Deputy City Manager]

99194
24. An Ordinance accepting the proposal of Wallace L. Boldt, General Contractor, Incorporated (WBE), in the amount of \$3,861,300.00 in connection with the Maury Maverick, Jr. Branch Library (Mystic Park) and Fire Station No. 49 Project, located in Council District 7; authorizing the execution of a construction contract; authorizing \$190,300.00 for miscellaneous construction contingency expenses; authorizing \$50,200.00 for additional architectural and engineering contingency expenses; authorizing \$650.00 for additional advertising expenses, for a total amount of \$4,102,450.00 from General Obligations of the City; approving Field Alteration No. 4 in the reduced amount of \$84,000.00 to the contract with E-Z Bel Construction, Ltd., in connection with the first phase of the drainage and street package of this project; revising the project budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

99195
25. An Ordinance accepting the proposal of FMG Contracting Company, L.L.C. (MBE), in the amount of \$3,220,315.00 in connection with the Julia Yates Semmes Branch Library at Comanche Lookout Park Project, located in Council District 10; authorizing the execution of a construction contract; authorizing \$150,000.00 for miscellaneous construction contingency expenses; amending a professional services agreement and authorizing \$75,000.00 to Rehler, Vaughn & Koone, Inc. for additional architectural services, for a total amount of \$3,445,315.00, of which \$2,733,203.00 will be funded by General Obligations of the City and \$712,112.00 will be funded by the Library Foundation; revising the project budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Approved
26. Travel Authorization for Councilman Art A. Hall, District 8, who will travel to New York, N.Y. to attend and represent the City of San Antonio at various bond rating meetings from Sunday, May 16, 2004 to Tuesday, May 18, 2004.

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

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

✓ A. Discuss legal issues relating to the analysis by CPS on a right of first refusal to purchase an additional interest in the South Texas Project, pursuant to Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), and 551.086 (public power utilities: competitive matters).

Pallete B. Discussion regarding the Convention Center Headquarters Hotel pursuant to Section 551.072 (deliberation about real property), Section 551.087 (deliberation regarding economic development negotiations), and Section 551.071 (consultation with attorney).