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First Res. 2003-20-22
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Last Res. 2003-20-22

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CITY CLERK
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**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
May 22, 2003**

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 Incentive Toolkit. [Presented by Jelynn LeBlanc Burley, Assistant City Manager; Terry M. Brechtel, 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 Rev. Jose L. Palos, La Trinidad United Methodist Church, and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes of the Regular City Council Meeting of April 17 and April 24, 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. – Public Hearing and Consideration of the following Zoning Cases: [Presented by Florencio Pena, Director, Development Services; Christopher J. Brady, Assistant City Manager]

97652
A. ZONING CASE NUMBER Z2003051: The request of City of San Antonio, Applicant, for multiple property owners for a change in zoning from "I-1" Industrial District, "I-1 RIO 2 and 3" Industrial River Improvement Overlay District and "H I-1 RIO 2 and 3" Historic Industrial River Improvement Overlay District to "D" Downtown District, "D RIO 2 and 3" Downtown River Improvement Overlay District and "H D RIO 2 and 3" Historic Downtown River Improvement Overlay District on an area generally bounded by I.H. 35 and Lexington Avenue/4th Street on the north, I.H. 37 on the east, Market and Nueva on the south and Camaron Street on the west. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

97652
B. ZONING CASE NUMBER Z2003032 C S: The request of Jesse R. Diaz and Romeo Garcia, Applicant, for Jesse R. Diaz and Romeo Garcia, Owner(s), for a change in zoning from "C-1S" Commercial District with a specific use authorization for an athletic field to "C-2 C S" Commercial District with a conditional use for an outdoor flea market; and specific use authorization for an athletic field on 3.0366 acres of land out of a 7.2731 acre tract of land located on New City Block 10782, 3667 Roland Avenue. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 2)

97652
C. ZONING CASE NUMBER Z2003083: The request of Pulte Homes of Texas, Inc., Applicant, for Shane Road Partners, L.P., a Texas Limited Partnership, Thomas P. Groce, Vice President, Owner(s), for a change in zoning from "DR" Development Reserve to "MPCD" Master Planned Community District on NCB 10916, south of Shane Road & West of Southon Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

97652
D. ZONING CASE NUMBER Z2003021 B C: The request of City of San Antonio, Applicant, for Sergio M. Garcia and Enfrocina Garcia, Owner(s), for a change in zoning from: "MF-33" Multi-Family District and "I-1" Industrial District to "R-6 C" Residential Single-Family District with a conditional use to allow a weight-loss clinic on Lot 16, Block 5, NCB 9255, 643 Blue Ridge Street, on the north side of Blue Ridge Street east of North General McMullen. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)

97652
E. ZONING CASE NUMBER Z2003052: The request of James B. Manley, P.C., Applicant, for James Manley, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on Lot 2, NCB 34730 23611 Cielo Vista Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. Council District 8)

97656
F. ZONING CASE NUMBER Z2003077: The request of City of San Antonio, Applicant, for multiple owners for a change in zoning from to apply the Hill Country Gateway Corridor District, (GC-1) in addition to existing base zoning parcels whose southern boundary is UTSA Blvd, extending 1000 feet east and west of IH-10 Right of Way to the northern most boundary of the city limits. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

97657
G. ZONING CASE NUMBER Z2003086: The request of Kathleen T. Whitehead, Applicant, for George Gordiany and Rosie Marie Gordiany, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 C " Residential Single-Family District with a conditional use for a law office on Lot 1, Block E, NCB 12112, 9326 Oakledge. Staff's recommendation was for approval. Zoning Commission has recommended (Pending Zoning Commission meeting on May 20, 2003). (Council District 10)

5. 3:00 P.M. – Public Hearing and Consideration of the following Ordinances: [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

97658
A. An Ordinance closing, vacating and abandoning an unimproved portion of a 20-foot wide alley located between Clamp and Oppenheimer Avenues within New City Block 9408, Block 133, adjacent to Lots 3, 4, 5 and 6, as requested by the Petitioner, Manuel and Julia Moreno, et al, and accepting the consideration of \$1,304.50, which is equal to a seventy five percent (75%) reduction, in lieu of the standard twenty five (25%) percent reduction, in the average appraised values of land in the vicinity of this closure, as recommended by City staff.

97659
B. An Ordinance closing, vacating and abandoning an unimproved portion of Lou Mell Road (formerly Bacon Road) Public Right of Way located north of N. Loop 1604 West, in New City Block 14852, as requested by the Petitioner, Martin Marietta Materials Southwest, Ltd., for the total consideration of \$42,597.00.

6. 5:00 P.M. – Citizens to Be Heard.

97660
7. 5:30 P.M. – Public Hearing on the No Smoking Initiative. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant to the City Manager]

97661
8. 7:00 P.M. - The City Council will convene for a Budget Open House to solicit citizen input on the question "What Is A Basic City Service or a Priority City Function?"

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

9. An Ordinance accepting the sole source offer from World Book Educational Products/World Book, Inc. to provide the City of San Antonio Library Department with forty-two World Book encyclopedia sets for a total amount of \$32,088.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Travis M. Bishop, Assistant City Manager]

10. An Ordinance accepting the bids of various companies to provide the City of San Antonio with back support belts, D.W.V. pipe & fittings, Caterpillar earthmoving, construction & paving equipment parts and service, and sport bags on an annual basis for Fiscal Year 2003-2004 for a total of approximately \$175,000.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Travis M. Bishop, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

11. An Ordinance terminating the existing license agreement approved by Ordinance No. 60738 on May 23, 1985 and Ordinance No. 72070, dated August 9, 1990; and granting a license agreement to Alamo Hotels, Inc. for the continued use of Avenue E and East Houston Street Public Rights of Way for an existing basement at the abutting Emily Morgan Hotel located at 705 East Houston Street, in NCB 424, for a ten (10) year term and the total consideration of \$5,000.00. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Miscellaneous

12. An Ordinance authorizing the second one-year extension of the existing contract with Texas Closed Captioning to provide closed captioning services to the City of San Antonio, which was approved by Ordinance No. 93919 on May 10, 2001, and first extended by Ordinance No. 95798 on May 23, 2002. [Presented by Jim Campbell, Director, External Relations; Terry M. Brechtel, City Manager]

13. An Ordinance authorizing the settlement of the lawsuit styled *City of San Antonio v. Paseo Del Rio Joint Venture No. 1 and Zuni, Inc. d/b/a Zuni Grill*, concerning a dispute about ownership of property on the River Walk; approving the Rule 11 Settlement Agreement specifying the terms of the settlement; authorizing the execution of Lease Agreement with the defendant business for terms of twenty-five years and approximate total annual rent for all the approved leases beginning at \$7,694.00. [Presented by Andrew Martin, City Attorney; Terry M. Brechtel, City Manager]

97643
14. An Ordinance authorizing the carry forward of 2001 Head Start funds in the amount of \$275,580.00 for the operation of the 2002 Head Start-Early Child Care Program; adopting a revised Head Start Program Budget reflecting said additional funds; and authorizing the reimbursement of eligible expenditures to Parent/Child, Incorporated operator of said program in connection herewith. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

97644
15. An Ordinance authorizing the execution of Delegate Agency Agreements with Ten (10) community based organizations to operate twenty-three (23) of the summer recreation sites and site agreements with local school districts in connection with the Department of Parks and Recreation's 2003 Summer Recreation Program for a total of \$100,000.00; and authorizing payment to the organizations for services provided under said contracts. [Presented by Malcolm Matthews, Director, Parks and Recreation; Melissa Byrne Vossmer, Assistant City Manager]

Board, Commissions and Committee Appointments.

16. Consideration of the following board appointments: [Presented by Yolanda Ledesma, Acting City Clerk; Travis M. Bishop, Assistant City Manager]

97643
An Ordinance reappointing Isaac G. Hodges (Real Estate/Building Industry - District 2) to the Capital Improvements Advisory Committee for a term of office to expire on October 25, 2004.

97644
An Ordinance reappointing Jo Long Williams (District 2) to the Clean-Up City Commission for a term of office to expire on February 24, 2005.

97645
An Ordinance reappointing Benjamin F. Youngblood, III (District 8) and August S. Johnson (District 2) to the Ethics Review Board for terms of office to expire on February 21, 2005.

97646
An Ordinance reappointing Lillie Harris (District 2) to the Parks and Recreation Board for a term of office to expire on March 31, 2005.

97647
An Ordinance reappointing Margaret Galvan (District 4) as Trustee to the San Antonio Local Development Company for a term of office to expire on May 9, 2006.

97648
An Ordinance appointing Wallace Pope (District 2) to the Small Business Advocacy Committee for a term of office to expire on November 20, 2004.

97649
An Ordinance reappointing Gilbert Kissling (District 1) to the Zoning Commission for a term of office to expire on June 30, 2004.

ITEMS FOR INDIVIDUAL CONSIDERATION

17. The City Council will recess the regular City of San Antonio Council Meeting and convene the Board of Directors for the City of San Antonio, Texas Starbright Industrial Development Corporation to consider the following:

A. Approve the minutes of the meeting of March 6, 2003.

5/20/05
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B. A Resolution approving the Project Starbright Agreement by and among the City of San Antonio, Texas Starbright Industrial Development Corporation, City, Toyota Motor Manufacturing North America, Inc., the State of Texas, Bexar County, Texas, Texas Department of Transportation, Texas Workforce Commission, Alamo Workforce Development, Inc., Texas Department of Economic Development, Texas Commission on Environmental Quality, Texas Comptroller of Public Accounts, San Antonio Water System, City Public Service, San Antonio Economic Development Foundation, Greater Kelly Development Authority, Southwest Independent School District, Bexar Metropolitan Water District, and Bexar County Rail District, to facilitate the establishment of a manufacturing and assembly facility for motor vehicles and automotive parts and components and the public purposes of developing and diversifying the economy of the City and reducing unemployment and under employment in the City, and authorizing the Executive Director to make non-substantive changes to the Project Starbright Agreement (such as filling in dates, correcting typographical errors, inserting address information, and the like) and to execute the Project Starbright Agreement, and authorizing other actions, as necessary. [Presented by Christopher J. Brady, Assistant City Manager; Terry M. Brechtel, City Manager]

C. Adjourn the meeting of the City of San Antonio, Texas Starbright Industrial Development Corporation.

97650
18. Reconvene the meeting of the City Council to consider an Ordinance approving the Project Starbright Agreement by and among the City, City of San Antonio, Texas Starbright Industrial Development Corporation, Toyota Motor Manufacturing North America, Inc., the State of Texas, Bexar County, Texas, Texas Department of Transportation, Texas Workforce Commission, Alamo Workforce Development, Inc., Texas Department of Economic Development, Texas Commission on Environmental Quality, Texas Comptroller of Public Accounts, San Antonio Water System, City Public Service, San Antonio Economic Development Foundation, Greater Kelly Development Authority, Southwest Independent School District, Bexar Metropolitan Water District, and Bexar County Rail District to facilitate the establishment of a manufacturing and assembly facility for motor vehicles and automotive parts and components in order to advance the public purposes of developing and diversifying the economy of the City and reducing unemployment and under employment in the City, and authorizing the City Manager to make non-substantive changes to the Project Starbright Agreement (such as filling in dates, correcting typographical errors, inserting address information, and the like) and to execute the Project Starbright Agreement, and authorizing other actions, as necessary; effectively immediately if passed by at least eight (8) votes. [Presented by Christopher J. Brady, Assistant City Manager; Terry M. Brechtel, City Manager]

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- 19. An Ordinance adopting various amendments and revisions to the City of San Antonio Ethics Code as requested by the City Council Governance Committee, the Mayor's Committee on Integrity and Trust in Local Government and the Ethics Review Board. [Presented by Andrew Martin, City Attorney; Terry M. Brechtel, City Manager]

- 20. An Ordinance authorizing the City Manager or her designee to enter into an interlocal agreement between the City of San Antonio and Bexar County for establishing a unified set of platting standards and procedures for the approval of plats in the Extraterritorial Jurisdictions of the City. [Presented by Florencio Pena, Director, Development Services; Christopher J. Brady, Assistant City Manager]

- 21. An Ordinance authorizing the City Manager to negotiate terms and conditions for an amendment to the Operating Agency Agreement with the Brooks Development Authority ("BDA") entered into pursuant to Ordinance 97284 for the purpose of providing for the establishment of a BDA office independent of the City; authorizing the execution of said amendment once negotiated and the transfer of the Brooks City-Base Office personnel and associated budget for the Fiscal Year 2003 to the BDA. [Presented by Lou Lendman, Director, Management and Budget; Christopher J. Brady, Assistant City Manager]

- 22. A Resolution nominating Boeing Aerospace Operations, Inc. to the Texas Department of Economic Development as a State Enterprise Project within the San Antonio Empowerment Zone. [Presented by Ramiro Cavazos, Director, Economic Development; Christopher J. Brady, Assistant City Manager]

- 23. An Ordinance adopting Self-Monitoring Standards for the City of San Antonio's Kid Quest Summer Recreation Program as per the requirements of Texas Department of Protective and Regulatory Services Regulation 42.041 (a) (14), as permitted for municipalities in lieu of Child Care Licensing. [Presented by Malcolm Matthews, Director, Parks and Recreation; Melissa Byrne Vossmer, Assistant City Manager]

- 24. An Ordinance authorizing the execution of Delegate Agency Agreements in connection with the 2002 Continuum of Care Homeless Assistance Supportive Housing Program with the following organizations in the following amounts: American GI Forum (Permanent Housing), \$788,052.00; Salon Home, \$218,900.00; the American GI Forum (Transitional Housing), \$410,000.00; the Salvation Army, \$399,268.00; Family Violence Prevention Services (Community Based Counseling), \$380,450.00; American GI Forum (Veteran's Integration), \$688,336.00; Jewish Family and Children's Services, \$205,000.00; Family Violence Prevention Services (Community Based Counseling Expansion), \$174,660.00; Family Violence Prevention Services (Life Skills), \$119,969.00; St. Mary's University, \$226,955.00; and Hope Action Care, \$144,373.00; and United Way of San Antonio and Bexar County in an amount up to \$395,070.00; and authorizing a budget for the 2002 Supportive Housing Program. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

25. Consideration of the following Ordinances: [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

97668
A. An Ordinance ratifying the Fiscal Year 2002-2003 Project Winter Assistance Relief Mobilization (WARM) Plan which is projected to provide approximately \$190,000.00 in utility assistance to eligible City Public Service ratepayers and authorizing the execution of a contract between the City of San Antonio and City Public Service (CPS) to implement such plan.

97668
B. An Ordinance authorizing the execution of an agreement between the City of San Antonio (City) and the Residential Energy Assistance Partnership (REAP), Inc. to provide a minimum of \$384,000.00 in utility assistance to eligible City Public Service (CPS) Ratepayers in Bexar County (County) in Calendar Year (CY) 2003.

97668
26. An Ordinance authorizing the execution of an agreement with The Segal Company to provide actuarial services related to the Fire and Police Retiree Healthcare Fund; authorizing and approving the terms and conditions of the agreement; authorizing payment in the amount of \$30,000.00 for an actuarial study; and authorizing the provision of contingent additional services, at the sole discretion of the City, in an amount not to exceed \$20,000.00. [Presented by Ben Gorzell, Jr., Public Utilities Supervisor/Assistant Director of Finance; Melissa Byrne Vossmer, Assistant City Manager]

97668
27. An Ordinance authorizing a 25-year License Agreement with Grey Forest Utilities (GFU), a gas utility owned by the City of Grey Forest, to allow GFU to use the City's Public Rights of Way to operate a gas distribution system within the licensed area; providing that consideration of three percent (3%) of gross revenues derived from GFU's system within the license area be paid to the City of San Antonio. [Presented by Ben Gorzell, Jr., Public Utilities Supervisor/Assistant Director of Finance; Melissa Byrne Vossmer, Assistant City Manager]

97668
28. An Ordinance approving revisions to the Tax Increment Reinvestment Zone Guidelines; as requested by Mayor Edward D. Garza. [Presented by David D. Garza, Director, Neighborhood Action; Jelynne LeBlanc Burley, Assistant City Manager]

97668
29. An Ordinance authorizing allocation and expenditure of Human Development Services Funds in the amount of \$1,000.00 from District 5, \$1,000.00 from District 6, \$2,500.00 from District 7, \$2,500.00 from District 8, \$1,000.00 from District 9 and \$1,000.00 from District 10, for a total amount of \$9,000.00, in support of the Public Library Summer Reading Program; as requested by Councilman Julian Castro, District 7. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

97689
30. An Ordinance authorizing the allocation and expenditure of \$60,000.00 in Council District 8 Human Development Services Funds and the reallocation of \$15,000.00 in Fiscal Year 2001 Council District 8 Northwest YMCA Information and Development Center One-Time Project Funds, for a total amount of \$75,000.00, in support of "Collections and Acquisitions" for the San Antonio Public Library Branch located on Hausman Road; as requested by Councilwoman Bonnie Conner, District 8. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

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

32. Executive Session: Consultation concerning attorney-client matters (real estate, litigation, contracts, personnel and security) may be discussed.

✓ A. Deliberation and consideration of the annual performance evaluation of City Manager Terry M. Brechtel, pursuant to Texas Government Code Section 551.074 (personnel matters).

Pulled
B. Discuss legal issues relating to *Allstars, PT's, Sugar's, XTC, Jane Roe I and Jane Roe II v. City of San Antonio, et al*, Cause No. SA-03-CA-356 FB, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Ø *Pulled*
C. Discuss ~~legal issues~~ relating to the status of the Right-of-Way Use Agreement Negotiations with Grey Forest Utilities, pursuant to Texas Government Code Section 551.072 (deliberations involving real property).

Pulled
D. Discuss land acquisition, economic development negotiations, incentives offered, and related legal issues concerning a decision by Toyota Manufacturing North America, Inc., to build and operate a manufacturing facility in San Antonio, pursuant to Texas Government Code Sections 551.072 (deliberations involving real property), 551.087 (deliberations regarding economic development negotiations), and 551.071 (consultation with attorney).