



*Joint Ord 97097
 Joint Res. 2003-04-04
 Joint Ord. 97144
 Joint Res. 2003-04-05*

RECEIVED
 CITY OF SAN ANTONIO
 CITY CLERK
 2003 JAN 30 AM 10:14

**Agenda
 City Council Meeting
 Municipal Plaza Building
 City Hall Complex
 103 Main Plaza
 San Antonio, Texas 78205
 January 30, 2003**

At any time during the Regular City Council Meeting, the City Council may meet in executive session for consultation concerning attorney-client matters (real estate, litigation, contracts, personnel and security).

- I. 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. David McNitzky, Alamo Heights United Methodist Church, and Pledge of Allegiance.
- 2. Ceremonial Items. *Resolution of Respect - Patricia Lee
 2003-04-04*

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:

- 2003-04-05 97120
3. 1:30 P.M. – An Ordinance confirming the appointment of Patricia M. Major as the City Auditor of the City of San Antonio, in accordance with the Charter of the City of San Antonio; as requested by Mayor Edward D. Garza, chairman of the Council Governance Committee.
 4. 3:00 P.M. – Public Hearing and Consideration of a Resolution regarding the City Council's intent to adopt the tentative collective bargaining agreement reached with the San Antonio Police Officers' Association, subject to the proposed amendments being submitted to their membership. [Presented by Erik Walsh, Assistant to the City Manager; Terry M. Brechtel, City Manager]
 5. 4:00 P.M. – A. Public Hearing regarding the vacancy of the City Council District, Place 5; and B. Interviews of qualified applicants to fill the unexpired term of said District, Place 5. [Presented by Yolanda Ledesma, Acting City Clerk; Travis M. Bishop, Assistant City Manager]
 6. 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

- 97097
7. An Ordinance authorizing the execution of an Interlocal Participation Agreement with the Texas Local Government Purchasing Cooperative, and accepting the proposal from Southern Aluminum Mfg., Inc. to provide 164 aluminum banquet tables for the City of San Antonio's Parks & Recreation Department for a total cost of \$27,060.00. [Presented by Janie B. Cantu, Director of Purchasing & General Services; Travis M. Bishop, Assistant City Manager]
 8. An Ordinance accepting the offer from Commercial Video Systems, Inc., a Qualified Information Systems Vendor, to provide the City of San Antonio's Alamodome with a digital beta tape-editing recorder for a total sum of \$37,050.00. [Presented by Janie B. Cantu, Director of Purchasing & General Services; Travis M. Bishop, Assistant City Manager]
 9. An Ordinance accepting the low bid submitted by Alamo Cycle-Plex to provide the City of San Antonio Police Department with ten (10) police motorcycles for a total sum of \$178,610.00. [Presented by Janie B. Cantu, Director of Purchasing & General Services; Travis M. Bishop, Assistant City Manager]
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- 97099

Capital Improvement Items

- 97100
- 97118
- 97102
- 97119
10. An Ordinance amending the professional services contract and authorizing additional funds in the amount not to exceed \$58,368.55 payable to Garcia & Wright Consulting Engineers, Inc. to provide additional engineering services in connection with the Street & Drainage Improvements 1998 Project at San Antonio International Airport; revising the budget; appropriating funds; and providing for payment. [Presented by Kevin C. Dolliole, Aviation Director; Christopher J. Brady, Assistant City Manager]
 11. An Ordinance amending a professional services contract and authorizing additional funds in the amount of \$57,000.00 from 1999 G.O. Drainage Improvement Bond funds to Vickrey and Associates, Inc. for additional engineering services in connection with the Military Ditch #65 Project, located in Council District 4; revising the project budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]
 12. An Ordinance authorizing payment in the amount of \$44,293.09 from 1996 Certificates of Obligation to the Texas Department of Transportation for the City's share of twenty percent (20%) of construction cost in connection with the Houston from Bowie to Pine (MPO) Project, located in Council Districts 1 and 2; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]
 13. An Ordinance authorizing payment in the amount of \$50,111.17 from 2002 Certificates of Obligation to the Texas Department of Transportation for the City's share of twenty percent (20%) of construction cost in connection with the Isom from Ramsey to U.S. 281 (MPO) Project, located in Council District 9; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]
 14. An Ordinance accepting the low, qualified bid of SIA Engineering, Inc. d/b/a All Construction Company (MBE) in the amount of \$1,768,701.00 in connection with the Henry A. Guerra, Jr. Branch Library project located at 7978 S.W. Military Drive in Council District 6; authorizing the execution of a construction contract; authorizing \$176,870.00 for construction contingency expenses; for an overall total of \$1,945,571.00 from Library Systems Improvements 1999 Bond Program funds; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

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15. An Ordinance approving a Joint Use Agreement with the San Antonio River Authority ("SARA") and authorizing payment in the total amount of \$670.00 from 1999 G.O. Street Improvement Bond funds to SARA for an Administrative Fee in the amount of \$660.00 for joint use of three Permanent Drainage Easements; and accepting a Special Warranty Deed for \$10.00 and other good and valuable consideration for one Permanent Drainage Easement and one Permanent Inundated Easement in connection with the Mockert Street Area (Mockert, Forrest, W. Lambert, Kline, Cass) Project, located in Council District 5; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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16. An Ordinance authorizing payment in the amount of \$31,400.30 from 1994 G.O. Street Improvement Bond funds to Ticor Title Agency of San Antonio as escrow agent for Higgins Road Joint Venture for fee simple title to two parcels (\$14,185.55), a Temporary Easement (\$1,146.00) and a Permanent Easement (\$16,068.75), in connection with the Higgins Road – Nacogdoches to Stahl Project, located in Council District 10; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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17. An Ordinance authorizing payment from 1994 G.O. Drainage Bond funds in the amount of \$5,505.00 to Gerry Rickhoff, County Clerk, for the defendants in Condemnation Cause No. 2001-ED-0023, City of San Antonio vs. Heriberto Huerta, Misael Huerta, Arturo Huerta, and Nael Huerta, et al, for the acquisition of a Permanent Easement and payment in the amount of \$1,309.00 for court costs in connection with the W.W. White Phase I – Rigsby to Lord Project, located in Council District 2; for the total sum of \$6,814.00; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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18. An Ordinance authorizing payment from 1999 G.O. Street Improvement Bond funds in the amount of \$1,445.31 to Bexar County for fee simple title to one parcel; \$11.00 payable to Gerry Rickhoff, County Clerk, for recording fees; for a total amount of \$1,456.31, in connection with the Mockert Street Area (Mockert, Forrest, W. Lambert, Kline, and Cass) Project, located in Council District 5; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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19. An Ordinance authorizing payment in the amount of \$6,870.13 to Bracewell & Patterson, L.L.P., for legal services in connection with the Blanco Road & Jackson Keller Intersection (MPO) Project (\$36.00), Escalon Street #1008 Drainage Project (\$2,160.00), Fire Station No. 7 Project (\$576.00), Funston Street Properties Project (Botanical Center Improvements) (\$306.00), Hi-Lions Drainage Project #80, Phases III & V (\$1,747.80), Hildebrand Avenue – I.H. 10 to Breeden (MPO) Project (\$432.00), Hunt Lane – Marbach to U.S. 90 (MPO) Project (\$180.00), Octavia Drainage Project #63, Phase II, Part 1 (\$396.00), Pedestrian Bridge at Hidden Cove Elementary Project (\$36.00), Pleasanton Road – Southcross to Mayfield (MPO) Project (\$18.00), San Pedro Avenue – Quincy to Romana (MPO) Project (\$108.00), Tezel - Ridge Path to Old Tezel (MPO) Project (\$2.55), and the W.W. White Phase I – Rigsby to Lord Project (\$871.78); revising the budgets; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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20. An Ordinance authorizing a five (5) year Lease Agreement with Palacio Del Rio, Ltd., d/b/a Palacio Del Rio for approximately 884.51 square feet of River Walk sidewalk space in City Council District 1 to be used for outdoor dining purposes for annual rent of \$17,194.92 in Year One, \$17,619.48 in Year Two, \$18,044.04 in Year Three, \$18,468.60 in Year Four and \$18,999.24 in Year Five. [Presented by Malcolm Matthews, Director of Parks and Recreation; Melissa Byrne Vossmer, Assistant City Manager]

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21. An Ordinance approving the assignment of an El Mercado Lease Agreement with an amended one (1) year lease term from Alejandro Reyes (deceased) to Petra Rivera Bustos in the City of San Antonio's El Mercado at Market Square in City Council District 1. [Presented by Malcolm Matthews, Director of Parks and Recreation; Melissa Byrne Vossmer, Assistant City Manager]

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22. An Ordinance terminating a license agreement originally approved by Ordinance No. 71136, dated February 22, 1990 and authorizing a ten (10) year License Agreement with La Duke Enterprises, Inc. d/b/a Astro Bowl Lanes to use a portion of Public Right of Way for parking purposes, adjacent to Lots 19 and 22, Block C, NCB 8711, at 3203 Harry Wurzbach Road, for the consideration of \$35,260.00, to be paid in ten (10) equal annual payments over the term of the agreement. [Presented by Rebecca Waldman, Director, Department of Asset Management; Erik J. Walsh, Assistant to the City Manager]

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23. An Ordinance authorizing a ten (10) year License Agreement with Bexar Concrete Works, Inc. to erect a gate across a portion of Judson Road Public Right of Way at a point being approximately 4000 feet north of North Loop 1604 East for the consideration of \$5,000.00. [Presented by Rebecca Waldman, Director, Department of Asset Management; Erik J. Walsh, Assistant to the City Manager]

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24. An Ordinance authorizing a ten (10) year License Agreement with J.P. Morgan Chase Bank to use Public Right of Way for an existing fiber optic conduit beneath and across the 500 Block of East Highland Boulevard, between NCB's 3323 and 3335, for the consideration of \$6,500.00. [Presented by Rebecca Waldman, Director, Department of Asset Management; Erik J. Walsh, Assistant to the City Manager]

25. An Ordinance authorizing a Joint Use Agreement between the City of San Antonio and City Public Service for the joint use of approximately 13,000 square feet of land in Bexar County, Texas valued at approximately \$1,533.08 for overhead electric lines to serve the northern portion of the Iron Horse Canyon Subdivision. [Presented by Rebecca Waldman, Director, Department of Asset Management; Erik J. Walsh, Assistant to the City Manager]

Miscellaneous

26. An Ordinance authorizing a four (4) month extension of the Interim License Agreement with Grey Forest Utilities (GFU), from February 1, 2003 through May 31, 2003, to allow GFU to use the City rights-of-way to operate a gas distribution system within an interim licensed area and providing that consideration of three percent (3%) of gross revenues derived from GFU's system within the interim area to be paid to the City of San Antonio. [Presented by Ben Gorzell, Jr., Public Utilities Supervisory/Assistant Director of Finance; Melissa Byrne Vossmer, Assistant City Manager]

27. An Ordinance authorizing the first amendment to the legal services agreement with Miller, Canfield, Paddock & Stone P.L.C. to continue to provide legal assistance related to telecommunications, cable, broadband or internet matters, including franchise renewal and reopener negotiations for an additional amount not to exceed \$40,000.00; authorizing the City Manager to execute said agreement; and authorizing payment. [Presented by Andrew Martin, City Attorney; Terry M. Brechtel, City Manager]

28. An Ordinance authorizing the execution of an agreement with Parent/Child Incorporated (PCI) which will allow the San Antonio Metropolitan Health District (SAMHD) to provide physical and dental examinations on a reimbursable fee-for-service basis for the period February 1, 2003 to January 31, 2004; establishing a fund; adopting a budget; approving a personnel complement; and authorizing contractual services. [Presented by Dr. Fernando A. Guerra, Director of Health; Frances A. Gonzalez, Assistant to the City Manager]

Board, Commissions and Committee Appointments.

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

A. An Ordinance appointing Dale Riser (Mayor) to the Board of Adjustment for a term of office to expire on February 22, 2005.

B. An Ordinance reappointing Connie Prado (District 4) to the Housing Authority of the City of San Antonio for a term of office to expire on October 18, 2004.

ITEMS FOR INDIVIDUAL CONSIDERATION

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30. Presentation of the Final Report of the Mayor's Committee on Integrity and Trust in Local Government, chaired by former Mayor Lila Cockrell; as requested by Mayor Edward D. Garza.
 31. An Ordinance authorizing the City Manager to execute a two (2) year professional services contract, with two (2) one-year renewal options, with Municipal Services Bureau for the collection of City of San Antonio Delinquent Adjudicated Class C Misdemeanor Fines for a fee of thirty percent (30%) of the net amount collected. [Presented by Quentin B. Porter, Director, Municipal Court; Melissa Byrne Vossmer, Assistant City Manager]
 32. An Ordinance authorizing the installation of Stop signs to create an All-Way Stop traffic control at the intersection of Rivas Street and N.W. 34th Street located in Council District 7; as requested by Councilman Julian Castro, District 7. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]
 33. An Ordinance approving the 108 Loan Guidelines for the City of San Antonio; authorizing the City Manager to accept and review applications for funding through said program; and directing the City Manager to submit recommendations to the City Council. [Presented by Andrew Cameron, Director, Housing & Community Development; Jelynn LeBlanc Burley, Assistant City Manager]
 34. An Ordinance approving a policy for reviewing Tax Exempt and Taxable Bond Financed Projects submitted to the City of San Antonio by the San Antonio Housing Financing Corporation or the San Antonio Housing Trust Finance Corporation; and approving a Bond Financing Transaction for the Autumn Oaks and the Crest of Thousand Oaks Apartments in the amount of \$13,675,000.00. [Presented by Andrew Cameron, Director, Housing & Community Development; Jelynn LeBlanc Burley, Assistant City Manager]
 35. An Ordinance authorizing the expenditure of \$1,000.00 from the Mayor's Contingency Account Fund and \$500.00 from the District 1 Contingency Account Fund, payable to the Downtown Alliance/San Antonio, to be used to offset expenses associated with its Urban Renaissance Luncheon that was held on January 27, 2003 to address the need for more downtown housing in San Antonio; as requested by Mayor Edward D. Garza.
 36. An Ordinance authorizing the expenditure of \$250.00 from the Mayor's Contingency Account Fund, payable to the San Antonio Chapter of Hadassah To Save A Life, to be used to offset expenses associated with educating communities, families, and individuals throughout San Antonio regarding the urgency of organ and tissue donation; as requested by Mayor Edward D. Garza.

37. An Ordinance authorizing the expenditure of \$325.00 from the Mayor's Contingency Account Fund, payable to Jefferson Outreach for Older People, to be used to offset expenses associated with "Celebrate Seniors Day", an outing for seniors and senior organizations who will travel to the Capitol in Austin to visit their legislators and see the State's government at work, to be held on Tuesday, February 4, 2003; as requested by Mayor Edward D. Garza.

38. An Ordinance authorizing the expenditure of \$1,000.00 from the Mayor's Contingency Account Fund, payable to the Barshop Jewish Community Center of San Antonio, to be used to offset expenses associated with the Senior Games to be held from Friday, April 4, 2003 to Sunday, April 13, 2003; as requested by Mayor Edward D. Garza.

39. An Ordinance authorizing the expenditure of \$350.00 from the District 1 Contingency Account Fund, payable to St. Agnes Nutrition Center, to be used to offset expenses associated with "Celebrate Seniors Day", an outing for seniors and senior organizations who will travel to the Capital in Austin to visit their legislators and see the State's government at work, to be held on Tuesday, February 4, 2003; as requested by Councilman Bobby Perez.

40. An Ordinance authorizing the expenditure of \$970.00 from the District 1 Contingency Account Fund, payable to St. Mark's United Methodist Church, to be used to purchase equipment for the church's after school program; as requested by Councilman Bobby Perez.

41. An Ordinance authorizing the transfer of \$550.00 from the District 1 Contingency Account to the Parks and Recreation Department, for one Showmobile, with sound system (\$550.00) and authorizing the expenditure of \$500.00 from the District 1 Contingency Account Fund, payable to the Gay & Lesbian Community Center of San Antonio, Inc., to be used to offset expenses associated with the Health Fair component at the Pride Fest Picnic to be held on Saturday, June 21, 2003; as requested by Councilman Bobby Perez.

42. An Ordinance authorizing the transfer of \$2,000.00 from the District 3 Contingency Account Fund to the District 3 City Hall Mail & Parcel Post Line Item; as requested by Councilwoman Antoniette "Toni" Moorhouse.

43. An Ordinance authorizing the expenditure of \$500.00 from the District 3 Contingency Account Fund, payable to the National Alliance for the Mentally Ill, to be used for a Family Education Class to educate family members who have a family member who is mentally ill about coping methods, community resources available and advocacy on behalf of their mentally ill family member; as requested by Councilwoman Antoniette "Toni" Moorhouse.

44. An Ordinance authorizing the expenditure of \$1,000.00 from the District 3 Contingency Account Fund, payable to Dress for Success San Antonio, to be used to help defray the cost associated with "Suit Tales," a fundraising event to be held on March 15, 2003, which will support the non-profit organization that provides suits, job skills and confidence boosts to women making the transition from welfare to work; as requested by Councilwoman Antoniette "Toni" Moorhouse.

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45. An Ordinance authorizing the expenditure of \$650.00 from the District 3 Contingency Account Fund, payable to Positive Beginnings, Inc., to be used to purchase materials for its childcare and adult care program; as requested by Antoniette "Toni" Moorhouse.

46. An Ordinance authorizing the transfer of \$500.00 from the District 4 Contingency Account Fund to the Parks and Recreation Department for the use of one Showmobile, with sound system, for St. Bonaventure Catholic Church's Spring Festival to be held on Sunday, May 4, 2003; as requested by Councilman Enrique "Kike" Martin.

47. An Ordinance authorizing the expenditure of \$2,500.00 from the District 4 Contingency Account Fund, payable to the Normoyle Longhorns Pop Warner football team, to be used to purchase uniforms and equipment for the team; as requested by Councilman Enrique "Kike" Martin.

48. An Ordinance authorizing the expenditure of \$1,500.00 from the District 4 Contingency Account Fund, payable to the Park South Village Community Association, to be used to offset expenses and purchase trophies for the association's softball league closing ceremonies in August, 2003; as requested by Councilman Enrique "Kike" Martin.

49. An Ordinance authorizing the expenditure of \$1,750.00 from the District 4 Contingency Account Fund, payable to the St. John Bosco Cheerleading Squad, to be used to defray the costs of attending a cheerleading competition in Galveston, Texas in February 2003; as requested by Councilman Enrique "Kike" Martin.

50. An Ordinance authorizing the following adjustments to the District 7 One-Time Projects Budget: reprogramming the remaining balance set aside for the Deco District Pedestrian Enhancements in the amount of \$169,197.00; reprogramming the remaining balance set aside for St. Paul's Community Center Nutrition Site in the amount of \$15,233.00; reprogramming the amount set aside for the St. Mary's Literacy Center - SBC Pilot Program in the amount of \$3,000.00; reprogramming the remaining balance set aside for the Woodlawn Lake Park - July 4, 2000 Event by \$10,581.00; reprogramming the remaining balance set aside for the Woodlawn Lake Solar Call Boxes in the amount of \$963.00; reprogramming the remaining balance set aside for the School Zone Flasher - Carson Elementary School in the amount of \$1,631.00; and creating a new "Deco District Parking Area Property Acquisition & Site Clearance" Project Fund in the amount of \$200,605.12; as requested by Councilman Julian Castro.

51. An Ordinance authorizing the expenditure of \$500.00 from the District 7 Contingency Account Fund, payable to the Monticello Historic District Organization, to be used to offset costs associated with the annual Fiesta Home Tour to be held on Saturday, April 19, 2003; as requested by Councilman Julian Castro.

52. An Ordinance authorizing the expenditure of \$25,000.00 from the District 8 Contingency Account Fund, payable to the Governance Subcommittee on Charter Revision, to be used as resources for the committee to obtain consultant services, the development of a position paper and other actions related to the preparation of a ballot initiative; as requested by Councilwoman Bonnie J. Conner.

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53. An Ordinance authorizing the transfer of \$4,887.00 from the District 10 Contingency Account Fund to the Public Works Department, to be used to hire a contractor to landscape the City owned medians on Thousand Oaks; as requested by Councilman David Carpenter.

54. An Ordinance authorizing the expenditure of \$300.00 from the District 10 Contingency Account Fund, payable to the Clara Driscoll Middle School PTA to help defray the cost for their 8th grade graduating class party promoting and encouraging an alcohol-free/drug-free environment for the students to be held on May 10, 2003; as requested by Councilman David Carpenter.

55. City Manager's Report. — *Jerry Brechtel, announced promotion of Asst Chief Jerry Pittman*

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

✓ A) Attorney-client consultation pursuant to Sec. 551.071 of the Texas Government Code, to discuss legal issues related to collective bargaining negotiations with the San Antonio Police Officers Association.

Puller B) Attorney-client consultation pursuant to Sec. 551.071 of the Texas Government Code, to discuss legal issues relating to *Luis Morales vs. City of San Antonio*, Cause No. 2000-CI-16821, 131st District Court.