



First Ord 98053
First Res. 2003-30-28
Last Ordinance 98091
Last Res. - none

RECEIVED
 CITY OF SAN ANTONIO
 CITY CLERK
 2003 AUG 28 AM 10:33

Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
August 28, 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:

Budget Work Session. [Presented by Louis A. Lendman, Director, Management & Budget; Christopher J. Brady, Assistant City Manager]

➤ Parks and Recreation/Golf Fund

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 Dennis Thompson, Highland Terrace Methodist Church, and Pledge of Allegiance.
2. Ceremonial Items.

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:

3. 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]

A. ZONING CASE NUMBER Z2003129: The request of HEB Grocery Company, L. P., Applicant, for H.E.B. Grocery Company, L. P., Owner(s), for a change in zoning from "R-6" Residential Single Family District to "I-1" General Industrial District on P-23C, NCB 16095, 6555 Fratt Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 2)

B. ZONING CASE NUMBER Z2003132: The request of Kaufmann and Associates, Inc., Applicant, for Knox Miller, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on 33.27 acres out of NCB 16612, Foster Road near Candle Meadow. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 2)

C. ZONING CASE NUMBER Z2003130: The request of Jose J. Martinez, Applicant, for Jose J. Martinez, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "MH" Manufactured Housing District on Lot 28, Block 18, NCB 10900, 323 Esma Street. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

D. ZONING CASE NUMBER Z2003135: The request of Robert and Gloria M. Valdez, Applicant, for Robert and Gloria M. Valdez, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "C-3 NA" Commercial Non-Alcoholic Sales District on southeast 105 feet of Parcel 108A, NCB 11300, 8615 New Laredo Highway. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

E. ZONING CASE NUMBER Z2003137: The request of Jose G. and Maria I. Mendoza, Applicant, for Jose G. and Maria I. Mendoza, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "MF-33" Multi-Family District on P-100 (6.149 acres), Block 2, NCB 14552, 11222 Gaylord Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

F. ZONING CASE NUMBER Z2003068 C: The request of Martin Gutierrez, Applicant, for Martin Gutierrez, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-1 C" Commercial District with a conditional use for an auto repair shop on Lot P-22, NCB 17929, 8537 Bandera Road. Staff's recommendation was for approval. Zoning Commission has recommended denial. (Council District 7)

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G. ZONING CASE NUMBER Z2003136: The request of A. S. M. Ferdous, DBA Investment Ideas, L. L. C., Applicant, for A. S. M. Ferdous, d/b/a Investment Ideas, L. L. C., Owner(s), for a change in zoning from "O-2" Office District & "NP-10" Neighborhood Preservation District to "R-6" Residential Single-Family District on Lot P-12C 2.618, P-15G 0.583, P-140 2.535 & P-214 3.748, NCB 15005, 15000 Block of Heath Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)

98081
H. ZONING CASE NUMBER Z2003100 C: The request of Bitterblue, Inc., Applicant, for Rogers Shavano Ranch, LTD, Owner(s), for a change in zoning from "R-6 ERZD PUD" Residential Single-Family Edwards Recharge Zone District, Planned Unit Development and "C-3 ERZD" Commercial Edwards Recharge Zone District to "R-6 ERZD C" Residential Single-Family Edwards Recharge Zone District, with conditional use for a private high school on 13.3 acre tract out of NCB 17627, 4150 De Zavala Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

98081
I. ZONING CASE NUMBER Z2003123: The request of Kim McCarthy, Applicant, for Jeanie Wyatt, Owner(s), for a change in zoning from "R-20" Residential Single-Family District to "NC" Neighborhood Commercial District on Lot 5, Block D, NCB 35936, 20215 Tejas Trail West. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

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J. ZONING CASE NUMBER Z2003117 C: The request of James S. Calvert, Applicant, for Mary Anita Dittmar Calvert, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "R-4 C" Residential Single-Family District with conditional use for a triplex on Lots 12, 13, and 14, Block 1, NCB 6524, 422 Pershing Avenue. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

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K. ZONING CASE NUMBER Z2003122: The request of Maverick Oil Co., Inc., Applicant, for Maverick Oil Co., Inc. (Jeannie C. Ball), Owner(s), for a change in zoning from "MF-33" Multi Family District and "R-6" Residential Single Family District to "RM-4" Residential Mixed District on a 8.998 acre tract of land out of NCB 14943, Eastside of Naco-Perrin Boulevard. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 10)

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L. ZONING CASE NUMBER Z2003134: The request of Tony Obeid/Salah Diab, Applicant, for Adopt a Needy Family Inc., Owner(s), for a change in zoning from "C-3NA" General Commercial Nonalcoholic Sales District to "R-5" Residential Single-Family District on Lots P-11 & P12, NCB 16587, 14976 & 15016 Toepperwein. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 10)

- 98091
4. 4:00 P.M. - Public Hearing and consideration of an Ordinance amending Chapter 35, Unified Development Code, Article III to create five new zoning districts by adding Sections 35-310.15, "UD" Urban Development District, 35-310.16, "RD" Rural Development District, 35-310.17, "FR" Farm and Ranch District, 35-310.18, "MI-1" Mixed Light Industry District, and 35-310.19, "MI-2" Mixed Heavy Industry District and amending various sections of Article III to include the new districts. [Presented by Emil R. Moncivais, Director, Planning; Jelynn LeBlanc Burley, Assistant City Manager]
 5. 5:00 P.M. – Citizens to Be Heard.

THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR COUNCIL MEETING:

CONSENT AGENDA

Items Concerning the Purchase of Equipment, Supplies and Services

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6. An Ordinance accepting the offer submitted by Dallas Motorsports Marketing, Inc. to provide the City of San Antonio Police Department with a tandem axle trailer to be used as a mobile command unit, for a total amount of \$100,951.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Travis M. Bishop, Assistant City Manager]
 7. An ordinance accepting the offer from Heidelberg USA, Inc. for the lease/purchase of a network printer and maintenance and supplies and authorizing the execution of a lease purchase agreement with Key Municipal Finance for a term of sixty-months for the printer and enacting other provisions incident and related to the subject and purpose of this ordinance for a total estimated monthly cost of \$10,638.80. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Travis M. Bishop, Assistant City Manager]
 8. An Ordinance accepting the offer submitted by Vermeer Equipment of Texas, Inc. to provide the City of San Antonio Environmental Services Department with a tub grinder for a total amount of \$350,000.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Travis M. Bishop, Assistant City Manager]
 9. An Ordinance accepting the bid submitted by Alamo Ag-Con Equipment, Inc. to provide the City of San Antonio Parks & Recreation Department with a backhoe for a total amount of \$52,578.00. [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 the following items and services on an annual contract basis for Fiscal Year 2003-2004 for an estimated annual cost of \$730,659.00: maintenance and repair of Physio control monitors/defibrillators; Ultra OPT/CICS & SQL Back Track for MS SQL SR/BMC maintenance renewal; maintenance & repair of CSI temperature control system and I/Net 2000 software at police headquarters dispatch center; Nextel wireless communication services and products; contraceptives; drilling wood & steel pole foundations; manhole rings, covers & grates; materials & labor to maintain heating & air conditioning systems for City of San Antonio downtown facilities; work uniform rental & laundry service; material & labor to maintain & repair air conditioning system at the Information Technology Services Building; steel tubing, pipe & balls; portable tablet computers; and window cleaning services for the Convention Center. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Travis M. Bishop, Assistant City Manager]

Capital Improvement Items

11. An Ordinance selecting Place Collaborative, Inc., Gould Evans Associates, P.L.L.C., and C.F. Zavala Group for on-call professional landscape architecture services for various park design projects and authorizing execution of one year contracts with two optional one year renewals. [Presented by Malcolm Matthews, Director, Parks and Recreation; Melissa Byrne Vossmer, Assistant City Manager]

12. An Ordinance ratifying additional services performed, approving the terms and conditions related to the fiscal closeout for services associated with the Instituto de Mexico, formerly known as the Mexican Cultural Institute, and the Expansion and Renovation of the Henry B. Gonzalez Convention Center; authorizing the final payment in the amount of \$196,574.67 payable to Kell Muñoz Architects, Inc.; and providing for payment. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

13. An Ordinance authorizing the execution of two (2) Right-of-Way Easement Agreements with the Texas Department of Transportation at San Antonio International Airport in connection with the Laying Out, Constructing and Reconstructing of the intersection of Northeast Loop 410 and U.S. Highway 281 for a total compensation to the City of \$1,046,200.00. [Presented by Kevin Dolliole, Director, Aviation; Christopher J. Brady, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

14. An Ordinance authorizing the execution of a lease agreement with Check-Six Aviation, Inc. ("Check-Six") consisting of 10,222 square feet of ground space at Stinson Municipal Airport for a term to begin on September 1, 2003 and continue on a month-to-month basis for a term not to extend beyond September 30, 2005, for a cost of \$42.59 for one month in Fiscal Year 2003, \$715.54 for Fiscal Year 2004 and \$919.98 for Fiscal Year 2005. [Presented by Kevin Dolliole, Director, Aviation; Christopher J. Brady, Assistant City Manager]

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15. An Ordinance authorizing the execution of the Second Modification and Ratification of the Lease Agreement with TCP Las Palmas Partners, Ltd., as Landlord, for use by the San Antonio Police Department, originally approved by Ordinance No. 66511 on February 4, 1988, which relocates a Police Field Office at 803 Castroville Road from Suite 125, consisting of 1,050 square feet of office space to Suite 134, consisting of 854 square feet for a monthly rental of \$200.00 for nineteen and a half months with the term having commenced March 15, 2003 to continue through September 30, 2004. [Presented by Albert A. Ortiz, Police Chief; J. Rolando Bono, Deputy City Manager]

98059
16. An Ordinance authorizing the execution of a Lease Agreement with Capital Foresight Limited Partnership, acting by and through Netanel Saidoff, its general partner, as Landlord, for the use by the San Antonio Metropolitan Health District of 6,000 square feet of general office and/or clinic space at 6723 S. Flores, Suite #101 beginning September 1, 2003 and ending August 31, 2013 at a rental rate of \$5,940.00 for months 1 through 24 after the rent commencement date (RCD), \$6,600.00 for months 25 through 48 after the RCD, \$6,900.00 for months 49 through 72 after the RCD, \$7,200.00 for months 73 through 96 after the RCD, and \$7,500.00 for month 97 after the RCD through lease expiration and additional rent of \$1,260.00 per month for Common Area (CAM) charges from September 1, 2003 through December 31, 2004, to be adjusted thereafter, in connection with the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); and approving payments to the landlord in connection therewith. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant to the City Manager]

98060
Miscellaneous

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17. An Ordinance authorizing the acceptance of additional cash support totaling \$143,304.00 from the Texas Department of Health (TDH) to extend the Inner-City School Immunization Program of the San Antonio Metropolitan Health District from August 31, 2003 through December 31, 2003; approving the execution of a change to the contract with TDH; and revising the budget of the Public Health State Support Project 2002/2003 – State Account. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant to the City Manager]

98062
18. An Ordinance authorizing the City Manager or her designee to accept a grant in the amount of \$50,000.00 from the National Endowment for the Arts for the production of the Third Annual International Accordion Festival; authorizing the City Manager or her designee to execute an agreement with the International Accordion Festival, a Texas Non-Profit organization, to produce the event; and providing for payment of \$50,000.00 to the International Accordion Festival for producing the event. [Presented by Felix Padrón, Director, Cultural Affairs; Roland A. Lozano, Assistant to the City Manager]

19. An Ordinance authorizing the execution of a contract amendment with the Texas Association of Child Care Resource & Referral Agencies (TACCRRA) in connection with the Department of Community Initiatives, Children's Resources Division, Resource & Referral Section (KidCare) Program, which extends the contract through March 15, 2004; authorizing the acceptance of additional grant funds in the amount of \$25,195.00 for operation of the program; and adopting a revised program budget reflecting the additional funds. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

20. An Ordinance ratifying submission of a continuation grant application and authorizing the acceptance of \$101,500.00 from the Texas Education Agency (TEA) to continue the English Literacy - Civics Education Project at the Margarita Huantes and Willie Velasquez Learning and Leadership Development Centers for the period July 1, 2003 through June 30, 2004; and approving a budget and personnel complement. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

21. An Ordinance authorizing payment in the amount of \$85,000.00 as the full and final settlement of the claim filed by Mary McNary with the City of San Antonio. [Presented by Andrew Martin, City Attorney; Terry M. Brechtel, City Manager]

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

22. An Ordinance approving the parade permit and authorizing the temporary closure of certain streets near Hidden Forest Elementary in connection with the Racquetball & Fitness 5K to be held on Saturday, October 11, 2003 from 7:30 A.M. until 10:00 A.M. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

23. An Ordinance approving the parade permit and authorizing the temporary closure of certain streets near O.P. Schnabel Park in connection with the Northwest YMCA 5K Run/Walk to be held on Saturday, December 20, 2003 from 8:00 A.M. until 10:30 A.M. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

Board, Commissions and Committee Appointments.

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

A. An Ordinance appointing Shannon D. Lee (District 2) to the Affirmative Action Advisory Committee for a term of office to expire on January 31, 2005.

B. An Ordinance reappointing Peggy A. Muhammad (District 2) to the Commission for Children and Families for a term of office to expire on June 27, 2005.

C. An Ordinance appointing Enedina C. Vasquez (District 5) to the San Antonio Public Library Board of Trustees for a term of office to expire on September 30, 2004.

D. An Ordinance appointing Daniel Lopez (District 5) as Director and Trustee to the San Antonio Local Development Company for terms of office to expire on May 9, 2005 and May 9, 2006, respectively.

E. An Ordinance reappointing Roy Lee (District 2) to the City Commission on Veterans Affairs for a term of office to expire on June 11, 2005.

ITEMS FOR INDIVIDUAL CONSIDERATION

25. An Ordinance authorizing the appropriation of funds in the amounts of \$1,210,000.00 for unix servers; \$713,000.00 for NT Servers; \$604,000.00 for Citrix (Terminal Emulation) and backup software; \$166,000.00 for network improvements; \$153,000.00 for associated items; amending the Information Technology Services Fund Budget in the amount of \$451,000.00 for additional network improvements; for a total amount of \$3,297,000.00 and accepting the bids of various companies to provide the City of San Antonio with hardware and software on an annual contract basis for Fiscal Year 2003-2004 and required for the ERM Project implementation; effective immediately if passed by at least eight votes. [Presented by Troy Elliott, ERM Project Manager; Travis M. Bishop, Assistant City Manager]

26. An Ordinance authorizing the appropriation of \$80,000.00 of Proposition 3 Linear Parks Project funds into the Leon Vista Park Improvements Project budget in City Council District 7 for park construction expenses; as requested by Councilman Julian Castro, District 7. [Presented by Malcolm Matthews, Director, Parks and Recreation; Melissa Byrne Vossmer, Assistant City Manager]

27. An Ordinance granting a request submitted by David L. Earl on behalf of John Schafer for waiver of the Interim Development Controls adopted on February 6, 2003 (Ord. No. 97173) as it applies to 119.096 acre tract of land (Hunters Pond Subdivision) located east of Loop 410 and State Highway 16. Staff recommends approval. [Presented by Emil R. Moncivais, Director, Planning; Jelynne LeBlanc Burley, Assistant City Manager]

28. An Ordinance granting a request submitted by David L. Earl on behalf of John Schafer for waiver of the Interim Development Controls adopted on February 6, 2003 (Ord. 97173) as it applies to 429 acre tract of land (Southton Park Subdivision) located west of Southton Road and Blue Wing Road. Staff recommends denial. [Presented by Emil R. Moncivais, Director, Planning; Jelynne LeBlanc Burley, Assistant City Manager]

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

A. An Ordinance acknowledging a unilateral modification to the Alamo Area Child Care Delivery System (CCDS) contract with Alamo Workforce Development, Inc. de-obligating direct child care funds in the amount of \$65,837.00 earmarked for the Welfare-to-Work (WtW) program and awarding additional funds in the amount of \$300,000.00 for CCDS program operations, respectively; authorizing the acceptance of the additional funds; and adopting a revised CCDS program budget; effective immediately if passed by at least eight votes.

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B An Ordinance acknowledging a unilateral modification to the Quality Improvement Activities (QIA) contract with Alamo Workforce Development, Inc. awarding additional funds in the amount of \$350,000.00; authorizing acceptance of this funding; and adopting a revised program budget for Fiscal Year 2003; effective immediately if passed by at least eight votes.

98090
30. An Ordinance authorizing the execution of a contract with Alamo Workforce Development, Inc. (AWD) for operation of the Alamo Child Care Delivery System (CCDS) and Quality Improvement Activities (QIA) programs for the period September 1, 2003 through August 31, 2005; authorizing the acceptance of a first year allocation grant funds in the amount of \$32,760,234.00 for the operation of these programs for fiscal year 2003-2004; authorizing the execution of delegate agency contracts with Alamo Area Development Corporation (AADC) and Family Service Association of San Antonio (FSA) in the amount of \$701,955.00 and \$409,951.00, respectively, in connection with the operation of the Alamo CCDS and QIA programs; and approving a budget and personnel complement; effective immediately if passed by at least eight votes. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant to the City Manager]

98090
31. Travel Authorization for Councilman Enrique M. Barrera, District 6, who will travel to Dallas, Southlake, Colleyville, Irving, Addison, Frisco, Stoneridge Ranch, Plano and Plum Creek to tour Tax Increment Reinvestment Zones (TIRZ) from Friday, September 5, 2003 to Saturday, September 6, 2003.

98090
32. City Manager's Report. —

98090
33. Executive Session: Consultation concerning attorney-client matters (real estate, litigation, contracts, personnel and security) may be discussed.

Discuss legal issues regarding cable issues, including, the status of the franchise renewal negotiations with Time Warner Cable and the re-opener process with Grande Communications, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

III. The City Council will convene in a "B" Session at 7:00 P.M. or at the conclusion of the Council Meeting for a Budget Work Session.

➤ Environmental Services