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Agenda  
City Council Meeting  
Municipal Plaza Building  
City Hall Complex  
114 W. Commerce  
San Antonio, TX 78205  
May 14, 2009

RECEIVED  
CITY OF SAN ANTONIO  
CITY CLERK  
09 MAY 11 AM 8:50

The City Council shall hold its regular meetings in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building within the City Hall Complex beginning at 9:00 a.m. After the meeting is convened, the City Council shall consider the following time certain items no sooner than the designated times, but may consider them at a later time.

- 9:00AM: Invocation and Approval of Minutes
- 12:00PM: Lunch Break
- 2:00PM: Neighborhood Plan Amendment
- 5:15PM: Ceremonial Recognitions
- 6:00PM: Citizens to be Heard
- 7:00PM: Adjourn

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) under Chapter 551 of the Texas Government Code.

**DISABILITY ACCESS STATEMENT**

This meeting site is wheelchair accessible. The accessible entrance is located at the Municipal Plaza Building / Main Plaza Entrance. Accessible Visitor Parking Spaces are located at City Hall, 100 Military Plaza, Northside. Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting). For Assistance, Call (210) 207-7245 Voice/TTY.

For additional information on any item on this agenda, please visit [www.sanantonio.gov](http://www.sanantonio.gov) or call 207-7080.

The City Council of San Antonio will convene in the Norma S. Rodriguez Council Chamber, Municipal Plaza Building in a Regular Council Meeting at 9:00 A.M.

1. Invocation by Rev. Ron Hill, Pastor, The Fellowship of San Antonio. Guest of Councilmember Louis Rowe, District 9.
2. Pledge of Allegiance.
3. Approval of Minutes for the April 30, 2009 City Council meeting.

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

**ACTION ITEMS FOR STAFF BRIEFING**

4. An Ordinance canvassing the results of the General Election held on Saturday, May 9, 2009; and establishing early voting and election day polling locations for the Run-off Election, if necessary. [Leticia Vacek, City Clerk]

**2009-05-14-0366**

5. An Ordinance further amending the FY 2009 Annual Operating Budget by: 1) deferring up to \$15.3 million in street-related infrastructure improvements; and/or 2) implementing some or all of the reduction alternatives presented by Staff to Council at its May 14th meeting; and/or 3) some combination of items 1 and 2 as listed above; and ordaining other matters required as a result of the amendments selected. [Sheryl Sculley, City Manager; Peter Zaroni, Director, Management and Budget]

**2009-05-14-0367**

6. A Public Hearing regarding the proposal to fund the CPS Energy conservation and sustainability STEP Program (Save for Tomorrow Energy Plan) through an adjustment in the fuel surcharge. [Pat DiGiovanni, Deputy City Manager, Ben Gorzell, Director, Finance]

7. A Public Hearing and consideration of the following Ordinances relating to the FY 2009-2010 Consolidated Plan Budget: [Frances A. Gonzalez, Assistant City Manager; Jeanetta Tinsley, Grants Manager, Grants Monitoring and Administration]

- A. An Ordinance adopting the 35th year Community Development Block Grant (CDBG) in the amount of \$14,604,704.00 as contained in the FY 2009-2010 Consolidated Plan Annual Budget; authorizing the 35th fiscal year CDBG program; and authorizing the submission of the CDBG Grant to HUD for FY 2009-2010 Consolidated Plan Annual Budget, certification and other information as required to HUD.

**2009-05-14-0368**

- B. An Ordinance adopting the 18th year Home Partnership Entitlement Grant (HOME) in the amount of \$7,079,150.00 as contained in the FY 2009-2010 Consolidated Plan Annual Budget; authorizing the FY 2009-2010 HOME

program; and authorizing the submission of the HOME Grant to the U.S. Department of Housing and Urban Development (HUD) for FY 2009-2010 Consolidated Plan Annual Budget, certification and other information as required to HUD.

2009-05-14-0369

- C. An Ordinance adopting the Housing Opportunities for Persons With Aids Entitlement Grant (HOPWA) in the amount of \$1,064,378.00 as contained in the FY 2009-2010 Consolidated Plan Annual Budget; authorizing the FY 2009-2010 HOPWA program; designation of FY 2009-2010 HOPWA program funds; and authorizing the submission of the HOPWA Grant to the U.S. Department of Housing and Urban Development (HUD) for FY 2009-2010 Consolidated Plan Annual Budget, certification and other information as required to HUD.

2009-05-14-0370

- D. An Ordinance adopting the Emergency Shelter Grant (ESG) in the amount of \$640,466.00 [entitlement] and \$640,466.00 from in-kind match in the FY 2009-2010 Consolidated Plan Annual Budget; authorizing the FY 2009-2010 ESG program; designation of FY 2009-2010 ESG program funds; and authorizing the submission of the ESG Grant to the U.S. Department of Housing and Urban Development (HUD) for FY 2009-2010 Consolidated Plan Annual Budget, certification and other information as required to HUD.

2009-05-14-0371

- 8. A Public Hearing and consideration of an Ordinance closing, vacating, and abandoning segments of Seguin Road, Runnels Avenue, Rullman Avenue, Hines Avenue, and Giddings Avenue, located in Council District 2, for redevelopment of the Sutton Homes multi-family development. [Penny Post oak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-05-14-0372

- 9. Briefing and possible action on legislation filed in the State and Federal Legislative Sessions and potential amendments to the City's Legislative Programs. [A.J. Rodriguez, Deputy City Manager; Carlos Contreras, Director, Intergovernmental Relations]

**Pulled**

**CONSENT AGENDA**

**Purchase of Equipment and Supplies**

- 10. An Ordinance accepting the following bids to provide the City with the following commodities and services on an annual contract basis for FY 2009 for a combined estimated cost of \$1,244,000.00, including: (A) McCombs HFC, Ltd for Ford captive & competitive parts & service; (B) Watts Equipment d/b/a Mustang Equipment (Items 1, 3, and 8), John H. Sorola, Inc. (Items 4, 7 and 9-12), Menco, Inc., dba Menco Turf Equipment (Item 5) for lawn mower, edger & chain saw parts and service; (C) T.A.G. Sales, Ltd. for recreational games and sports equipment; (D) S & S Worldwide for arts and crafts supplies; (E) Allied Fence Co. for purchase and installation of fencing; (F) Alamo Mobility, Inc. for purchase, installation, inspection, maintenance & repair of vehicle wheelchair lifts and electric steps; and (G) Busch Systems Int., Inc. for desk side waste bins and recycling bins. [Sharon De La Garza, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2009-05-14-0373

- 11. An Ordinance accepting the bid from Oldcastle Precast to provide the Public Works Department with a box culvert for a cost of \$61,446.56. [Sharon De La Garza, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2009-05-14-0374

- 12. An Ordinance accepting the bid from Midwest Tape, LLC to provide the San Antonio Public Library with media materials, cataloging and digital processing services for an estimated annual cost of \$1,996,000.00. [Sharon De La Garza, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2009-05-14-0375

- 13. An Ordinance accepting the bid from Selrico Services, Inc. to provide the Parks and Recreation Department with summer food services for a cost of \$1,096,228.00. [Sharon De La Garza, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2009-05-14-0376

- 14. An Ordinance authorizing an interlocal agreement with VIA Metropolitan Transit for cooperative purchasing, and authorizing use of a contract with Texas Propane Energy Company, procured by VIA, to provide the Fleet Maintenance & Operations Department with propane motor fuel for City storage tanks for an estimated annual expenditure of \$164,000.00. [Sharon De La Garza, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2009-05-14-0377

**Capital Improvements**

- 15. Consideration of the following Resolutions for the completion of two (2) bridge projects by the Texas Department of Transportation: [Penny Post oak Ferguson Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

- A. A Resolution authorizing a "Participation Waiver" to direct the City's 10% fund participation requirement for the Ashley Road at Six Mile Creek Project Structure No. 15-015-B015-05-002 to another City bridge project.

2009-05-14-0016R

- B. A Resolution authorizing a "Participation Waiver" to direct the City's 10% fund participation for the Medical Drive at Zazamora Creek Project Structure No. 15-015-B226-35-001 to another City bridge project.

2009-05-14-0017R

- 16. An Ordinance authorizing a construction contract with 3TI, Inc. in the amount of \$260,000.00 to perform construction work for the Cortez Library Improvements Project, an authorized 2007-2012 Bond and Community Development Block Grant (CDBG) funded project located in Council District 4; and appropriating funds. [Penny Post oak Ferguson, Assistant City Manager, Mike Frisbie, Director, Capital Improvements Management Services]

2009-05-14-0378

- 17. An Ordinance approving Change Order Nos. 6,9,10, and 3-SAWS in the amount of

\$306,983.61 to the \$7,221,242.00 construction contract, as changed, with E-Z Bel Construction, Ltd. for additional work, unforeseen conditions, and to reconcile quantities for the Medical Center Intersection Improvements Phases IV, V, and Part I Project, located in Council District 8, from 2007-2012 Bond Program and Certificates of Obligation funds, of which \$53,258.41 will be reimbursed by San Antonio Water System. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-05-14-0379

- 18. An Ordinance approving Change Order No. PW-05 in the amount of \$493,657.22 to the \$5,560,075.18 construction contract, as changed, with E-Z Bel Construction, Ltd., for additional channel improvements for the Military Ditch #65 Project, located in Council District 4, and appropriating funds. [Sharon De La Garza, Assistant City Manager; Majed A. Al Ghafry, Director, Public Works]

2009-05-14-0380

- 19. An Ordinance approving Change Order No. 2 in the amount of \$843,407.01 to the Hot Paver Laid Micro Surface construction contract with Clark Construction of Texas, Inc. for additional work for the FY 2008 & 2009 Street Maintenance Program, located in Council District 7, a FY 2009-2014 Capital Improvement Plan funded project. [Sharon De La Garza, Assistant City Manager; Majed A. Al-Ghafry, Director, Public Works]

2009-05-14-0381

**Grant Applications and Awards**

- 20. An Ordinance authorizing a \$7,860,112.99 contract with Family Service Association for Head Start Early Care and Education Program services for the FY 2009-2010 grant year and contract amendments to adjust funding based upon children served; authorizing memorandums of agreement with local education entities; and authorizing submission of grant applications to, and acceptance of funds upon award from, the U.S. Department of Health and Human Services (HHS) in an amount up to \$9,821,662.00 for additional Head Start program funding for quality improvement, cost-of-living adjustments and additional program slots. [Frances A. Gonzalez, Assistant City Manager; Dennis J. Campa, Director, Community Initiatives]

2009-05-14-0382

- 21. An Ordinance ratifying the submission of a grant application, and authorizing the acceptance of funds upon award in an amount up to \$80,000.00 from the Texas Department of State Health Services (TDSHS) for the Community Diabetes Project of the San Antonio Metropolitan Health District for the period March 30, 2009 through March 29, 2010; and approving two contract amendments with the TDSHS for the TB Prevention and Control Program and the Public Health Emergency Preparedness Lab grant which revise the program budgets. [Frances A. Gonzalez, Assistant City Manager; Dr. Fernando A. Guerra, Director, Health]

2009-05-14-0383

- 22. An Ordinance authorizing the submission of a substantial amendment to the 2009 HUD Consolidated Annual Action Plan and acceptance of funds upon award from the U.S. Department of Housing and Urban Development (HUD) for the Homeless Prevention and Rapid Re-Housing Program (HPRR) in an amount up to \$5,974,286.00; approving a budget and personnel complement; and authorizing the negotiation and execution of any and all contracts in connection with the HPRR Program. [Sheryl Sculley, City Manager; Peter Zaroni, Director, Management and Budget]

2009-05-14-0384

**City Code Amendments**

23. An Ordinance amending Chapter 9, Article III of the City Code of San Antonio, Texas entitled "Discriminatory Housing Practices", to include a prohibition against discrimination in housing based on familial status, establishing procedures for administrative action and enforcement, and establishing penalties and fines for violations; and authorizing the submission of the revised Fair Housing Code for the City of San Antonio to the U. S. Department of Housing and Urban Development. [Frances A. Gonzalez, Assistant City Manager; Dennis J. Campa, Director, Community Initiatives]

2009-05-14-0385

**Boards, Commissions and Committee Appointments**

24. Appointing Noemi Cue, Teresa G. Hernandez, James G. Lifshutz, Marcello D. Martinez, Walter Martinez, and Thomas H. Preston to the Board of Directors for the Tax Increment Reinvestment Zone Number Thirty, known as Westside, for the remainder of unexpired terms of office to expire December 10, 2010. [Leticia M. Vacek, City Clerk]

**Miscellaneous**

25. An Ordinance authorizing a funding agreement with the Main Plaza Conservancy for design and construction of shade structures in Main Plaza and approving \$90,000.00 in matching funds to the Conservancy's privately-raised \$250,000.00. [Penny Post oak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-05-14-0386

26. An Ordinance approving an exception to the City's Incentive Scorecard System Policy by approving a SAWS impact fee waiver in the amount of \$90,240.00 for the Family Violence Prevention Center, Inc. [A.J. Rodriguez, Deputy City Manager / Interim Director, Center City Development Office]

2009-05-14-0387

27. An Ordinance revising the composition, appointments and terms of the Citizen's Environmental Advisory Committee. [Richard Varn, Chief Information Officer; Laurence Doxsey, Director, Office of Environmental Policy]

2009-05-14-0388

28. An Ordinance authorizing the San Antonio Fire Department to enter into an Interlocal Agreement with CPS Energy to provide emergency response services at the Calaveras Power Station, at a cost of \$29,500.00, for the period beginning May 15, 2009 and ending April 30, 2010, and providing for automatic one-year renewals. [Erik J. Walsh, Assistant City Manager; Charles N. Hood, Fire Chief]

2009-05-14-0389

29. Consideration of the following Ordinances authorizing agreements with the State of Texas related to emergency and disaster management: [Erik J. Walsh, Assistant City Manager; Charles Hood, Fire Chief]

- A. An Ordinance authorizing an agreement with the Texas Forest Service to allow qualified city employees to be members of a regional incident management team in order to assist the State of Texas in preparing for, responding to, and recovering from large-scale natural and man-made disasters and incidents.

2009-05-14-0390

- B. An Ordinance authorizing an agreement with the Texas Engineering Extension Service to allow qualified city employees to be members of Texas Task Force One in order to assist the state of Texas and the federal government in urban search and rescue activities.

2009-05-14-0391

- 30. An Ordinance authorizing an agreement between the City of San Antonio and the Texas Department of Transportation for the installation and maintenance of a mural on the IH 410 South frontage road turn-around, south of FM 2536, located in Council District 4. [T.C. Broadnax, Assistant City Manager; David D. Garza, Director, Housing and Neighborhood Services]

2009-05-14-0392

- 31. An Ordinance authorizing a Payment in Lieu of Taxes (PILOT) Agreement with the San Antonio Housing Authority (SAHA) in the amount of \$650,000.00 for the Rosemont at Pleasanton Project; and authorizing a Memorandum of Agreement with the San Antonio Development Agency (SADA) in the amount of \$650,000.00 to perform certain activities related to slum clearance, redevelopment, rehabilitation and conservation. [T.C. Broadnax, Assistant City Manager; David D. Garza, Director, Housing and Neighborhood Services]

2009-05-14-0393

- 32. An Ordinance approving a \$63,550.00 professional services agreement with the ETC Institute to conduct a Community Needs Assessment on behalf of the San Antonio Public Library. [A.J. Rodriguez, Deputy City Manager; Ramiro S. Salazar, Director, Library]

2009-05-14-0394

- 33. An Ordinance approving a youth sports license agreement with the Alamo City Youth Soccer Organization at Culebra Creek Park located in Council District 6. [A.J. Rodriguez, Deputy City Manager; Xavier Urrutia, Director, Parks & Recreation]

2009-05-14-0395

- 34. An Ordinance authorizing the settlement of a lawsuit styled *Dora Arnold v. City of San Antonio, et al* in in the United States District Court, Western District of Texas, San Antonio Division, Civil Action No. SA-07-CV-0877, for the amount of \$250,000.00. [Michael Bernard, City Attorney]

2009-05-14-0396

- 35. An Ordinance authorizing the second amendment and first extension of the audit services contract with Grant Thornton LLP, to provide independent audit services to the City for Fiscal Year 2009, for a total fee not to exceed \$785,000.00. [Pat DiGiovanni, Deputy City Manager; Ben Gorzell, Director, Finance]

2009-05-14-0397

**THE CITY COUNCIL WILL RECESS FOR LUNCH AT NOON AND RECONVENE TO CONSIDER ANY UNFINISHED COUNCIL BUSINESS**

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

- A. Discuss legal issues related to tax abatements and economic development pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.087 (economic development).
- B. Discuss legal issues related to the City South Community Plan Update pursuant to Texas Government Code Section 551.071 (consultation with attorney).

**2:00 P.M. TIME CERTAIN ITEMS (may be heard after this time):** Public Hearing and Consideration of the following Adoption and Amendments of the Neighborhood, Community and Perimeter Plans as Components of the Master Plan. Presented by T.C. Broadnax, Assistant City Manager, Roderick Sanchez, Director, Planning and Development Services.

**P-1. CITY SOUTH COMMUNITY PLAN UPDATE # U09004 (Districts 3 & 4):** An Ordinance amending the City South Community Plan to update the land use plan and text for Area 7 consisting of approximately 4129 acres of land generally bound by the Medina River on the north, Pleasanton Road on the east, Loop 1604 on the south, and Highway 16 on the west, from Agriculture/Light Industry, Agriculture, and Resource Protection/Open Space land use to Agriculture/Light Industry, Rural Estate Living and Resource Protection/Open Space land use and directing staff to review the Unified Development Code for appropriate zoning districts or create a new zoning district to incorporate the elements of the City South Community Plan Update. Staff recommends Approval. Planning Commission recommends that an update is not warranted at this time. City South Management Authority recommends Approval.

*pulled*

**5:15 P.M. (may be heard after this time) –** Ceremonial Recognitions

**6:00 P.M. (may be heard after this time) –** Citizens to be Heard

**ADJOURN**

**7:00 P.M. –** *If the Council has not yet adjourned, the presiding officer shall entertain a motion to continue the council meeting, postpone the remaining items to the next council meeting date, or recess and reconvene the meeting at a specified time on the following day.*