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AGENDA
City Council Meeting
Municipal Plaza Building
City Hall Complex
114 W. Commerce
San Antonio, TX 78205
June 10, 2010
9:00 A.M.

VIDEOCONFERENCE NOTICE: This meeting of the City Council will include participation via remote videoconference. A quorum of the City Council will be present in the City Council Chambers in San Antonio, Texas while Councilmember Elisa Chan participates in a portion of the meeting via videoconference from Shanghai, China. The videoconference location is Shanghai Times Square Office, Room 2306, Huaihai Zhong Road, Shanghai, China, and is open to the public.

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.

0020-01-00-0105

- 9:00AM:** Invocation and Approval of Minutes
- 12:00PM:** Lunch Break
- 2:00PM:** SAWS Rate Structure Presentation and Public Hearing
- 6:00PM:** Citizens to be Heard and Public Hearing on Proposed Smoking Ordinance Revisions
- 7:00PM:** Adjourn

0020-01-00-0105

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.

0020-01-00-0105

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 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. Dr. Dale Trenper, Executive Director, Corazon Ministries, Travis Park United Methodist Church. Guest of Councilmember Mary Alice P. Cisneros, District 1.
2. Pledge of Allegiance.
3. Approval of Minutes for the May 17 and May 18, 2010 Special City Council meetings.

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

ACTION ITEMS FOR STAFF BRIEFING

4. Consideration of the following related to Kohl's Department Stores: [A.J. Rodriguez, Deputy City Manager/Interim Director, International and Economic Development]

A. A Public Hearing and consideration of an Ordinance designating the Kohl's Reinvestment Zone, located at 10000 Rogers Run, San Antonio, Texas, in Council District 6.

2010-06-10-0499

B. An Ordinance approving a Tax Abatement Agreement with Kohl's Department Stores, abating 50% of ad valorem taxes for 6 years on new real and personal property improvements of approximately \$18 million in the Kohl's Reinvestment Zone.

2010-06-10-0500

C. A Resolution nominating Kohl's Department Stores for designation as a Texas Enterprise Project.

2010-06-10-0028R

CONSENT AGENDA

Purchase of Equipment and Supplies

5. An Ordinance accepting bids for the following contracts in the estimated annual amount of \$1,120,000.00: (A) Bikeworld for bicycle repair parts and accessories, (B) San Antonio Belting & Pulley Co. for industrial hose & fittings: hydraulic, air, water and fuel, (C)

Hesselbein Tire Southwest, A to Z Tire and Battery, Inc., Southern Tire Mart, Southern Tire Mart (Alternate), GCR Tire Centers and T & W Tire, LLC for truck and industrial tires, (D) Southwest Wheel for mud flaps and (E) Tutor.com, Inc. for internet tutoring services. [Erik Walsh, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2010-06-10-0501

- 6. An Ordinance accepting the offer from GT Distributors, Inc. to provide 100 Conductive Energy Devices (TASER®) and accessories to the San Antonio Police Department for a total cost of \$101,545.83, funded by the Confiscated Property Federal Account Fund. [Erik Walsh, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2010-06-10-0502

Capital Improvements

- 7. An Ordinance authorizing a change order in the increased amount of \$59,032.69 to the \$470,602.91 construction contract with M.J. Boyle General Contractor, Inc. for the Spanish Governor's Palace Improvements Project, an authorized 2007-2012 General Obligation Bond funded project located in Council District 1, using prior approved project contingency funds. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvement Management Services]

2010-06-10-0503

- 8. An Ordinance authorizing a change order in the increased amount of \$161,666.52 to the contract with 3TI, Inc for the CD 7 Swimming Facilities Improvements and Joe Ward Bath House Project, an authorized 2007-2012 General Obligation Bond funded project, located in Council District 7, using prior approved project contingency funds. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvement Management Services]

2010-06-10-0504

- 9. An Ordinance awarding a construction contract to E-Z Bel Construction LLC in the amount of \$1,191,979.72, of which \$45,711.26 will be reimbursed by San Antonio Water Systems and \$21,749.00 will be reimbursed by CPS Energy, for the Oak Glen/Haskin Low Water Crossing, Phase I project, an authorized 2007-2012 General Obligation Bond funded project located in Council District 10. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2010-06-10-0505

- 10. An Ordinance authorizing an amendment in the increased amount of \$150,053.00 to the \$1,560,952.72 professional services agreement with Bain Medina Bain, Inc., all of which will be reimbursed by San Antonio Water System (SAWS), for additional SAWS design services within the project area for the Marbach Drainage, Phase II A (Military to west of Rawhide) project, an authorized 2007-2012 General Obligation Bond project located in Council District 6. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2010-06-10-0506

- 11. Consideration of the following Ordinances related to the Phil Hardberger Park Project, located in Council Districts 8 and 9: [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

A. An Ordinance awarding a construction contract to the Sabinal Group, LLC in the amount of \$1,739,000.00 for the Phil Hardberger Park Phase 1B project, an authorized 2007-2012 General Obligation Bond funded project with additional funding from a prior authorized Texas Parks and Wildlife Department Grant.

2010-06-10-0507

B. An Ordinance authorizing a change order in the decreased amount of \$25,988.88 to the \$1,665,669.83 construction contract with Shorty, Inc. dba Charlie & Company for the Phil Hardberger Park Phase II project, an authorized 2009 Tax Notes funded project.

2010-06-10-0508

C. An Ordinance authorizing an easement agreement between the City of San Antonio and Southwestern Bell Telephone Company to relocate existing above ground telephone lines below ground in the Phil Hardberger Park Parcel off NW Military Hwy.

2010-06-10-0509

12. Consideration of the following Ordinances related to the Wurzbach Parkway/Arterial Connector Project, located in Council Districts 9 and 10, funded through the 2007-2012 Bond Program: [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2010-06-10-0510

A. An Ordinance authorizing the acquisition, through negotiation or condemnation of fee simple title or right of way easement interest to all or part of various parcels of property along the proposed Wurzbach Parkway extension in NCBs 17055, 11790, 12057, 8644, 13733, 12064 and 13734 for the Wurzbach Parkway/Arterial Connector Project; declaring it to be a public project; declaring a public necessity for the acquisition; and authorizing the expenditure of \$8,169,814.19 from the 2007-2012 Bond Program funds for the acquisition, of which 50% of allowable costs will be reimbursed by the Texas Department of Transportation.

2010-06-10-0510

B. An Ordinance selecting GGI Engineers for the negotiation and execution of a professional services agreement for the design of the airport access roadway portion of the Wurzbach Parkway/Arterial Connector Project.

2010-06-10-0511

13. An Ordinance awarding a construction contract in the amount of \$152,788.04 to ASD Consultants, Inc. to perform construction work for the District 7 Affordable Showcase of Homes Project, a Community Development Block Grant (CDBG) funded project. [T.C. Broadnax, Assistant City Manager; David D. Garza, Director, Housing and Neighborhood Services]

2010-06-10-0512

Acquisition, Sale or Lease of Real Property

14. An Ordinance authorizing the closure, vacation, and abandonment of a portion of Edenbridge Boulevard right of way intersecting northerly from Richland Hills Drive adjacent to NCB 15329, in Council District 6, as requested by Copt Westpointe 3A, L.P. and Copt Westpointe 4, L.P. for a fee of \$68,300.00. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2010-06-10-0513

15. Consideration of the following Ordinances related to the closure, vacation and abandonment of the following rights of way to allow for the expansion of the University Health System Center Downtown, located in Council District 5: [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

1530-01-00-0105

A. An Ordinance authorizing the closure, vacation and abandonment of Leona St. Right of Way located between Martin and Perez Streets adjacent to NCB 295, as requested by Bexar County Hospital District (University Health System) for a fee of \$118,774.25.

2010-06-10-0514

B. An Ordinance authorizing the closure, vacation and abandonment of a triangular portion of right of way located at Perez and Pecos-La Trinidad Streets adjacent to NCB 258, as requested by Bexar County Hospital District (University Health System) for a fee of \$22,274.25.

3300-01-2010-00-10-0515

16. Consideration of the following Ordinances related to real estate transactions with Brooks Development Authority at Brooks City-Base located in Council District 3. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

A. An Ordinance authorizing a Purchase and Sale Agreement and acceptance of a deed to acquire up to seven acres of land on the 8000 Block of Challenger Drive at City-Base for the sum of \$1.00 plus economic concessions related to other City leasehold interests at City-Base valued at \$1,940,734.00.

2010-06-10-0516

B. An Ordinance authorizing a lease amendment for space located at 8220 Lindbergh Landing for use by the Fleet Maintenance and Operations and Capital Improvements Management Services Departments that will extend the existing lease through June 30, 2015 at the rate of \$9,313.00 per month plus common area maintenance expenses of \$2,739.00 per month increasing to \$3,268.54 per month effective October 1, 2010.

2010-06-10-0517

C. An Ordinance authorizing a lease amendment for space located at 8700 Challenger Drive for use by Public Works' Storm Water Division that will extend the existing lease through March 30, 2013 at the monthly rate of \$13,750.00 throughout the term and amending the lease to make the City responsible for utility services to the building.

2010-06-10-0518

D. An Ordinance authorizing a superseding lease for the office space located at 3319 Sidney Brooks which will continue to be used as the Council District 3 field office at the monthly rate of \$468.00 for a term that will expire April 30, 2014.

2010-06-10-0519

E. An Ordinance authorizing a lease for warehouse space located at 8350 Laser Drive for use by the Information Technology Services Department at the monthly rate of \$210.00 for a term that will expire September 30, 2011.

2010-06-10-0520

F. An Ordinance authorizing a ground lease amendment with Brooks Development Authority for an 8.23 acre parcel located at 8130 Inner Circle which has been developed for use as the City's Emergency Operations Center to allow modification of the restricted use language prohibiting certain development within 500 feet of the facility.

2010-06-10-0521

Grant Applications and Awards

17. An Ordinance authorizing the acceptance of a Special Initiative Grant in the amount of \$437,342.00 from the Office of the Governor, Criminal Justice Division, for the purchase and implementation of software and data source integration services for law enforcement intelligence sharing, to support the Regional Fusion Center, for the grant period of May 1, 2010 through September 30, 2010. [Erik J. Walsh, Assistant City Manager; William McManus, Police Chief]

2010-06-10-0522

Boards, Commissions and Committee Appointments

18. Consideration of Board, Commission and Committee appointments, to be effective immediately upon the receipt of eight affirmative votes, or, in the event eight affirmative votes are not received, ten days after appointment: [Leticia M. Vacek, City Clerk]

A. Westside Development Corporation. Appointing to At-Large positions: Joseph A. Carreon (Category: Resident) and Curtis A. Rodriguez (Category: Small Business), and reappointing to At-Large positions: Janie Barrera (Category: Financial Institution), Moses M. Hernandez (Category: Small Business), Christopher R. Martinez (Category: Small Business) and Stephen J. O'Donnell (Category: Large Business), for the remainder of unexpired terms of office to expire November 28, 2011; and reappointing to an At-Large position Henry Flores (Category: University Representative - St. Mary's University), for the remainder of an unexpired term of office to expire November 28, 2010.

2010-06-10-0108 Approved

B. Reappointing Elizabeth B. Melson (District 7) to the Ethics Review Board for the remainder of an unexpired term of office to expire April 25, 2012.

Approved

C. Reappointing Shannon R. Espy (District 2, Category: Veterinarian) and John E. Bellett (District 9) to the Animal Care Services Advisory Board.

Approved

D. Appointing Richard Burton (At-Large, Category: Zone Resident) to the Empowerment Zone Governance Board.

2010-06-10-0108 Approved

E. Reappointing Alexander E. Briseno (North Quadrant) to the San Antonio Water System Board of Trustees for the remainder of an unexpired term of office to expire May 31, 2014, and concurring with the Mayor's appointment of Mr. Briseno as chair

0520-06-10-0108

for the remainder of an unexpired term of office to expire May 31, 2011.

Approved

Miscellaneous

19. An Ordinance authorizing an agreement between San Antonio Water System (SAWS) and the City of San Antonio which will allow SAWS to use 1.816 acres of City property for sewer pipeline construction as part of the SAWS Medina River Sewer Outfall Project with the City receiving a one time payment of \$9,350.00 for use of property and associated title fees. [Peter Zanoni, Assistant City Manager, Mike Frisbie, Director, Capital Improvements Management Services]

2010-06-10-0523

20. An Ordinance authorizing changes to the Final Project Plan and Finance Plan for the Brooks City Base TIRZ and amending the Development Agreement between the City of San Antonio, the Brooks Development Authority and the Board of Directors of TIRZ #16. [Pat DiGiovanni, Deputy City Manager / Interim Director, Center City Development]

2010-06-10-0524

21. An Ordinance calling a Special Election to be held on November 2, 2010 which would extend the current 1/8th Sales Tax for the Edwards and Creeksways Programs. [Leticia M. Vaccaro, City Clerk]

2010-06-10-0525

22. Consideration of the following Ordinances related to the Issuance of General Improvement Bonds, Certificates of Obligation and Tax Notes: [Sheryl Scalley, City Manager, Ben Gorzell, Jr., Chief Financial Officer]

A. An Ordinance authorizing the issuance of up to \$225,000,000.00 City of San Antonio, Texas General Improvement Bonds, Series 2010A"; levying a continuing direct annual ad valorem tax for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the provisions of the depository trust company's letter of representations; delegating the authority to certain City officials and members of the City staff to execute certain documents relating to the sale of the bonds; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing for an effective date.

2010-06-10-0526

B. An Ordinance authorizing the issuance of up to \$225,000,000.00 City of San Antonio, Texas General Improvement Bonds, Taxable Series 2010B (Direct Subsidy - Build America Bonds)"; levying a continuing direct annual ad valorem tax for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the provisions of the depository trust company's letter of representations; delegating the authority to certain City officials and members of the City staff to execute certain documents relating to the sale of the bonds; enacting other provisions incident and related to the subject and purpose of this ordinance; and

providing for an effective date.

C. An Ordinance authorizing the issuance of up to \$46,000,000.00 "City of San Antonio, Texas Combination Tax and Revenue Certificates of Obligation, Series 2010"; providing for the payment of the certificates by the levy of an ad valorem tax upon all taxable property within the city and further securing the certificates by a lien on and pledge of the pledged revenues; providing the terms and conditions of the certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of the certificates, including the approval and distribution of an official statement; authorizing the execution of a paying agent/registrars agreement and a purchase contract; complying with the provisions of the depository trust company's letter of representations; delegating the authority to certain City officials and members of the City staff to execute certain documents relating to the sale of the bonds; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing for an effective date.

2010-06-10-0528

23. Revised Resolutions of support for Montabella Senior Apartments and San Juan Square Phase III for Low Income Housing Tax Credit application process as required by Texas Department of Housing and Community Affairs. [T.C. Broadnax, Assistant City Manager, Nina Nixon-Mendez, Grants Administrator, Grants Monitoring and Administration]

2010-06-10-0029R and 2010-06-10-0030R

24. An Ordinance authorizing six (6) as-needed professional services contracts, each for an amount up to \$350,000.00, with Watson Consolidated, Hadar Construction Services, L.L.C., TLI & Environmental Services, Inc., Bolado Environmental and Construction Services, L.L.C., JGG Integrated Construction, L.L.C., and South West Texas Environmental Contractors, Inc., to provide lead hazard control work for various Housing and Neighborhood Services Department housing programs for a one year term, with renewal options, funded by CDBG and HOME grants, or any other funds received during the term. [T.C. Broadnax, Assistant City Manager, David D. Garza, Director, Housing and Neighborhood Services]

2010-06-10-0529

25. An Ordinance authorizing the City to enter into an Economic Development Grant Agreement with HOLT CAT in the amount of \$50,000.00 for facility improvements in order to relocate 50 jobs from Brooks City-Base to an abandon property in Council District 2. [A.J. Rodriguez, Deputy City Manager/ Interim Director, International and Economic Development]

2010-06-10-0530

26. City Manager's Report
A. Edwards Aquifer Program Update

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

2:00 P.M. (may be heard after this time): SAWS Rate Structure Presentation and Public Hearing. [Councilmember Elisa Chan will participate in this portion of the meeting via videoconference from Shanghai, China]

6:00 P.M. (may be heard after this time) – Citizens to be Heard and Public Hearing on the Proposed Smoking Ordinance Revisions

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.