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AGENDA
City Council Meeting
Municipal Plaza Building
City Hall Complex
114 W. Commerce
San Antonio, TX 78205
December 13, 2012
9:00 A.M.

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
- 6:00PM:** Adjourn

At any time during the meeting, the City Council may meet in executive session for consultation concerning attorney-client matters under Chapter 551 of the Texas Government Code.

Citizens may appear before the City Council to speak for or against any item on this agenda, in accordance with procedural rules governing City Council meetings. Questions relating to these rules may be directed to the Office of the City Clerk at (210) 207-7253.

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, north side. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-7245 or 711 (Texas Relay Services for the Deaf).

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 Elder Manny Alaniz, Site Director, Redeemer Presbyterian Church – Westover Hills, guest of Councilmember Ray Lopez, District 6.
2. Pledge of Allegiance.
3. Approval of Minutes for the October 31 - November 1, 2012 City Council meetings.
4. Councilmember Cris Medina will be sworn-in as Mayor Pro-Tem, serving the term of January 6 - March 17, 2013.

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

ACTION ITEMS FOR STAFF BRIEFING

5. Consideration of the following matters in connection with Pre-K 4 SA: [Peter Zaroni, Deputy City Manager]
 - A. An Ordinance appointing the Chairperson and ten members to the Board of Directors of the Early Childhood Education Municipal Development Corporation.
2012-12-13-0964
 - B. An Ordinance authorizing the execution of a contract with Ligature Partners, an executive recruiting firm selected to identify qualified candidates for executive leadership positions within the Pre-K 4 SA program, for an amount of up to \$175,000, and the acceptance of a financial contribution from Raise Your Hand Texas for an amount of up to \$175,000 to contribute to the cost of executive recruiting services.
2012-12-13-0965
 - C. An Ordinance approving the imposition of a one-eighth cent sales and use tax to fund Pre-K 4 SA as previously approved by the voters in the November 6, 2012 election.
2012-12-13-0966
6. Staff briefing and update on the status of the City of San Antonio's five-year Contracting Diversity Action Plan. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]
7. An Ordinance authorizing a Chapter 380 Economic Development Program Grant Agreement with OCI Solar Power in the amount of \$380,000.00 subject to OCI Solar Power LLC

locating its corporate headquarters in downtown San Antonio and creating 76 corporate jobs. [Carlos Contreras, Assistant City Manager; Rene Dominguez, Director, Economic Development]

2012-12-13-0967

8. Public Hearing and consideration of the following Ordinances relating to economic development incentives for Nexolon, America, LLC. [Carlos Contreras, Assistant City Manager; Rene Dominguez, Director, Economic Development]

A. A public hearing and Ordinance designating the Brooks City-Base Reinvestment Zone at Brooks City-Base

2012-12-13-0968

B. An Ordinance approving a 10-year, 100% ad valorem tax abatement on Nexolon's personal property to be located at Brooks City-Base.

2012-12-13-0969

C. An Ordinance approving a Chapter 380 Economic Development Program Grant Agreement with Nexolon in an amount not to exceed \$400,000 over 3 years and approving a waiver of SAWS sewer/water impact fees up to \$500,000 for the Nexolon Project subject to Nexolon creating 404 jobs and investing approximately \$115 million at Brooks City-Base.

2012-12-13-0970

D. A commitment to use the City's best efforts to provide \$12 million in future funding for public infrastructure improvements at Brooks City-Base to facilitate future economic development projects. The proposed funding would come from multiple sources such as new CPS Energy revenue from the Nexolon project and the City's best efforts to obtain funding in a future bond election.

9. Consideration of the following items relating to the permitting and inspection of boarding homes [David Ellison, Assistant City Manager, Roderick Sanchez, Director, Development Services]

A. An Ordinance amending Chapter 16, Licenses and Business Regulations of the City Code of the City of San Antonio by adopting Article XX entitled "Boarding Homes" establishing the inspection, registration and permitting of boarding homes.

2012-12-13-0971

B. An Ordinance amending Chapter 35, Unified Development Code of the City Code of San Antonio, Texas by adopting new provisions and definitions for boarding homes and related facilities.

2012-12-13-0972

C. An Ordinance authorizing an agreement with the Texas Department of Family and Protective Services for coordination and support of the City's Boarding Homes program.

2012-12-13-0973

CONSENT AGENDA

Purchase of Equipment and Supplies

10. An Ordinance authorizing a contract with Smith and Wesson Corp. for acquisition of new handguns for City of San Antonio law enforcement agencies for an expenditure of funds of approximately \$26,671.00 through a trade-in program. [Erik J. Walsh, Deputy City Manager; William McManus, Police Chief]

2012-12-13-0974

11. An Ordinance authorizing the City to utilize a cooperative contract with Philpott Motors to provide the San Antonio Police Department with up to two hundred forty 2013 model Ford Police Interceptor Utility All Wheel Drive vehicles for a total cost of up to \$6,388,180.80, of which \$5,270,249.16 will be funded by the Equipment Renewal & Replacement Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2012-12-13-0975

Capital Improvements

12. An Ordinance approving a change order in the increase amount not-to-exceed \$201,846.00 for a total contract amount of \$1,618,245.00 and authorizing payment to PSE Contracting, LLC, for construction of additional Low Impact Development Best Management Practice features for Mission Drive-In Site Development Project, an authorized Housing and Urban Development (HUD) 108 Loan Program, Storm Water Operating and Texas Commission on Environmental Quality (TCEQ) Nonpoint Source Program (319 Grant) funded project located in Council District 3; and, amending FY 2013 – 2018 Capital Improvement Budget with the appropriation of an additional \$325,689.00 in reimbursable TCEQ Nonpoint Source Program 319 Grant funds and the allocation of \$20,000.00 in Storm Water Operating funds to the Mission Drive-In Site Development project. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2012-12-13-0976

13. An Ordinance authorizing a change order in the increased amount not to exceed \$92,100.00 to the Task Order Contract for Traffic Signal Equipment Modifications with EZ Bel Construction, LLC, for as-needed construction services in the installation of traffic signal equipment city-wide. [Peter Zanoni, Deputy City Manager, Majed A. Al-Ghafry, Director, Public Works]

2012-12-13-0977

Acquisition, Sale or Lease of Real Property

14. An Ordinance authorizing the acquisition through negotiation or condemnation, of privately owned real property located in the northeastern section of the CPS Energy Service Territory near the intersection of IH 35 and FM 3009, for the expansion and operation of City of San Antonio Gas and Electric Systems; and, declaring it to be a public project and a public

2012-12-13-0978

necessity for the acquisition. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2012-12-13-0978

15. An Ordinance authorizing a 10-year License Agreement with VIA Metropolitan Transit Authority for use of 5,500 square-feet of public right-of-way under the Commerce Street Union Pacific Railroad overpass, located on West Commerce Street between Medina and Salado (NCB 247), to use as a staging area during construction of the VIA West Side Multimodal Transit Center and then employee parking upon construction completion, for a total fee of \$8,237.00. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2012-12-13-0979

16. An Ordinance authorizing a five (5)-year lease agreement between the City of San Antonio and Dick's Last Resort of Texas, Inc. for 786.93 square feet of River Walk patio space. [Ed Belmares, Assistant City Manager; Jim Mery, Interim Director, Downtown Operations Department]

2012-12-13-0980

17. An Ordinance approving the assignment of a lease agreement in Farmers Market from Little Bit of Texas to Maria Rivera Bustos dba Turqueza. [Ed Belmares, Assistant City Manager; Felix Padron, Director, Culture and Creative Development]

2012-12-13-0981

18. Consideration of the following Ordinances authorizing the declaration as surplus and disposition of seven real properties owned by the San Antonio Water System: [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

A. An Ordinance declaring as surplus and authorizing the disposition of an approximate 0.0706 acre portion of two tracts of land located at 163 Babcock Road in NCB 8403, within Council District 1.

2012-12-13-0982

B. An Ordinance declaring as surplus and authorizing the disposition of a 0.3201 acre tract of land located at 2400 Henderson Court in NCB 10927, within Council District 3.

2012-12-13-0983

C. An Ordinance declaring as surplus and authorizing the disposition of an approximate 0.0561 acre tract of land located at 452 Furnish Avenue in NCB 3127, within Council District 5.

2012-12-13-0984

D. An Ordinance declaring as surplus and authorizing the disposition of two platted residential lots located at 855 Old Highway 90 West in NCB 8989, within Council District 6.

2012-12-13-0985

E. An Ordinance declaring as surplus and authorizing the disposition of a tract of land

approximately 0.846 acres located at 149 Faith Drive in NCB 11505, within Council District 7.

2012-12-13-0986

F. An Ordinance declaring as surplus and authorizing the disposition of a platted residential lot located at 15619 White Fawn in NCB 14771, within Council District 8.

2012-12-13-0987

G. An Ordinance declaring as surplus and authorizing the disposition of a tract of land approximately 39.929 acres located on FM 3175 and south east of the City of Lytle in Atascosa County.

2012-12-13-0988

19. Consideration of the following Ordinances authorizing the declaration as surplus and disposition of twelve real properties owned by the San Antonio Water System: [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

A. An Ordinance declaring as surplus and authorizing the disposition of a platted residential lot located at 922 Vickers Avenue, approximately .4304 acre within NCB 8011, located in Council District 4.

2012-12-13-0989

B. An Ordinance declaring as surplus and authorizing the disposition of a portion of a platted residential lot approximately 0.0834 acre located at 607 Carlisle Avenue (formerly 611 Carlisle Avenue) within NCB 7651, located within Council District 5.

2012-12-13-0990

C. An Ordinance declaring as surplus and authorizing the disposition of two platted residential lots located at 426 Carlisle Avenue within NCB 7917, approximately .1618 acre, located within Council District 5.

2012-12-13-0991

D. An Ordinance declaring as surplus and authorizing the disposition of three platted residential lots located at 428 Carlisle Avenue within NCB 7917, approximately .2428 acre, located within Council District 5.

2012-12-13-0992

E. An Ordinance declaring as surplus and authorizing the disposition of a residential lot located at 713 Patton Boulevard within NCB 8114, approximately .5014 acre, located within Council District 6.

2012-12-13-0993

F. An Ordinance declaring as surplus and authorizing the disposition of a residential lot located at 719 Patton Boulevard within NCB 8114, approximately .5014 acre, located within Council District 6.

2012-12-13-0994

G. An Ordinance declaring as surplus and authorizing the disposition of a residential lot located at 1214 Morey Peak within NCB 13516, approximately 0.3162 acre, located within Council District 9.

2012-12-13-0995

H. An Ordinance declaring as surplus and authorizing the disposition of one residential lot located at 1302 Morey Peak within NCB 11781, approximately .3250 acre, located within Council District 9.

2012-12-13-0996

I. An Ordinance declaring as surplus and authorizing the disposition of an approximate 0.022 acre tract of land located at 1050 Lockhill-Selma Road within County Block 5004F in Castle Hills.

2012-12-13-0997

J. An Ordinance declaring as surplus and authorizing the disposition of two platted residential lots located at 1314 Big Oak Drive in County Block 4163B, approximately .7580 acres, located within the Extraterritorial Jurisdiction line.

2012-12-13-0998

K. An Ordinance declaring as surplus and authorizing the disposition of an approximate 0.6767 acre tract of land located at 3185 Cenizo within County Block 4010C, located within the Extraterritorial Jurisdiction line.

2012-12-13-0999

L. An Ordinance declaring as surplus and authorizing the disposition of three platted residential lots located at 1143 Shalimar Drive in Poteet (Atascosa County), Texas.

2012-12-13-1000

Grant Applications and Awards

20. An Ordinance authorizing the submission of the 2013 Community Services Block Grant (CSBG) application for the period of January 1, 2013 through December 31, 2013 and acceptance upon award of up to \$1,857,650.00 from the Texas Department of Housing and Community Affairs; appropriating funds and approving a budget and personnel complement of 25 positions for the operation of programs funded through the CSBG. [Gloria Hurtado, Assistant City Manager; Melody Woosley, Interim Director, Human Services]

2012-12-13-1001

21. An Ordinance authorizing acceptance of a grant from The American Beverage Foundation for a Healthy America in an amount up to \$5,000,000.00 for use in a 2013 Wellness Challenge between the City of San Antonio and the City of Chicago. [Ben Gorzell, Chief Financial Officer; Joe Angelo, Chief Human Resources Officer]

2012-12-13-1002

22. An Ordinance authorizing a contract amendment with Servidyne Systems, LLC, dba SCienergy, Inc., to allocate an amount of \$200,000.00 for additional lighting assessments, lighting retrofits, and/or solar window film installation at 19 City-owned facilities and seven downtown parks and pedestrian walkways, for a total contract value not to exceed \$3,700,000.00. [David Ellison, Assistant City Manager; Laurence Doxsey, Director, Office of Sustainability]

2012-12-13-1003

23. Consideration of the following Ordinances authorizing the following related to the Peanut Factory Lofts Project in City Council District 5: [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development Office]

A. An Ordinance conveying a City-owned parcel of land located at 905 South Frio Street in District 5 to South Frio Parking, LLC for the amount of \$98,350.00.

2012-12-13-1004

B. An Ordinance approving a Chapter 380 Economic Development Program Loan in the amount of \$400,000.00 to South Frio Development, LLC.

2012-12-13-1005

City Code Amendments

24. An Ordinance amending Chapters 16 and 35 of the City Code of San Antonio, Texas, by clarifying and strengthening Chapter 16 provisions relating to salvaging and recycling operations, harmonizing Chapter 35 land use requirements with Chapter 16 and providing for penalties, publication and an effective date. [David Ellison, Assistant City Manager, Roderick Sanchez, Director, Development Services]

2012-12-13-1006

25. Consideration of the following Ordinances relating to the San Antonio Police Department Alarm Permit Program: [Erik J. Walsh, Deputy City Manager; William McManus, Police Chief]

A. An Ordinance amending Chapter 25 of the San Antonio City Code to provide for a collection fee for past due false alarm fees.

2012-12-13-1007

B. An Ordinance authorizing a revenue contract for an annual amount of at least \$2,500,000.00 with AOT Public Safety Corporation dba Public Safety Corporation to administer the Alarm Permit Program for the San Antonio Police Department for an initial term of four years, with two one-year extension options.

2012-12-13-1008

Boards, Commissions and Committee Appointments

26. An Ordinance appointing Joe Candia, Dr. Charles Hood, Glenda Raichlen, Gene Vinson, Claude Hester, Rosa Gonzalez, Eleanor Sprowl, Frank Anaya, Frederick Williams, and Janis Myer to the Citizen Advisory Action Board. [Erik Walsh, Deputy City Manager; William P. McManus, Police Chief]

2012-12-13-1009

27. Consideration of the following Board, Commission and Committee appointments for the remainder of unexpired terms of office to expire May 31, 2013, 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; or for terms and effectiveness as otherwise indicated

below: [Leticia M. Vacek, City Clerk]

- A. Appointing Barbara Witte-Howell (District 1) to the Joint City/County Commission on Elderly Affairs

APPROVED

- B. Reappointing Reba Malone (District 3) and appointing Jesse Hereford (District 10) to the Brooks Development Authority for the remainder of an unexpired term of office to expire May 31, 2013.

APPROVED

- C. Appointing David A. Armendariz (District 1) to the Ethics Review Board for the remainder of an unexpired term of office to expire April 25, 2013.

APPROVED

Miscellaneous

- 28. An Ordinance authorizing the settlement of a lawsuit styled *Lindsey Bishop and Carolyn Clark v. City of San Antonio, et al*, Civil Case No. SA-09-CA-0751OG in the United States District Court, Western District of Texas, San Antonio Division for the amount of \$145,000.00. [Michael D. Bernard, City Attorney]

2012-12-13-1010

- 29. An Ordinance waiving the requirements of Section 4-6(c) and 4-6(d)(6) of the City Code and authorizing a variance request to sell alcoholic beverages at 1012 North Flores Street for on-premise consumption within three hundred (300) feet of the Austin Academy, a public educational institution located in Council District 1.

2012-12-13-1011

- 30. An Ordinance authorizing the execution of a contract with Soria, Inc. dba Corporate Payroll Administrators, Inc., to provide payroll services to the Office of the Mayor and City Council for elected officials contract employees in an amount not to exceed \$130,000.00 over the course of four years. [Edward Benavides, Chief of Staff; Chris Callanen, Assistant to City Council]

2012-12-13-1012

- 31. An Ordinance authorizing an agreement with VIA Metropolitan Transit Authority for the City of San Antonio to remove three parking spaces in downtown to accommodate new bus service. [Ed Belmares, Assistant City Manager; Jim Mery, Interim Director, Downtown Operations]

2012-12-13-1013

- 32. An Ordinance approving the Adoption of Tax Abatement Guidelines for the period of January 1, 2013 – December 31, 2014. [Carlos Contreras, Assistant City Manager; Rene Dominguez, Director, Economic Development]

2012-12-13-1014

- 33. An Ordinance approving the Workforce Solutions Alamo (WSA) Board Plan and Budget for 2012 – 2013 and the appointments to two positions on the WSA Board. [Carlos Contreras,

2012-12-13-1015

Assistant City Manager; Rene Dominguez, Director, Economic Development]

- 34. A Resolution to adopt the Effectiveness Study and Economic Development Strategic Plan for City South Management Authority and to accept the recommendation of Option 2 to phase out the City South Management Authority in coordination with the adoption and implementation of the City's Revised Annexation and Land Use Control Policies, and authorizing the CSMA Board of Directors and the City Manager to submit the study to the Texas Legislature prior to December 31, 2012. [David Ellison, Assistant City Manager; John Dugan, Director, Planning and Community Development]

2012-12-13-0045R

- 35. An Ordinance authorizing an agreement with the Association of Public Health Laboratories, Inc. for the San Antonio Metropolitan Health District to receive Centers for Disease Control and Prevention Laboratory Information Management System Integration Program funding in an amount not to exceed \$10,000.00 for a term beginning upon execution of the agreement through June 30, 2013. [Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Director of Public Health]

2012-12-13-1016

- 36. An Ordinance accepting the offer of Clear Channel Outdoor, Inc. to provide billboard advertisements for a purchase price of up to \$99,230.00 for the Ticketing Aggressive Cars and Trucks Public Information and Education Program. [Erik J. Walsh, Deputy City Manager; William McManus, Police Chief]

2012-12-13-1017

- 37. Consideration of the following Ordinances to facilitate the dissolution of the River North Tax Increment Reinvestment Zone (TIRZ) # 27 and to expand the Board of Directors and boundary of the Midtown TIRZ #31 effectively merging the two TIRZs. [David Ellison, Assistant City Manager; John Dugan, Director, Planning and Community Development]

- A. An Ordinance approving the Tax Investment Reinvestment Zone #27 (River North TIRZ) Project Plan and Finance Plan as approved by the River North TIRZ Board of Directors and terminating River North TIRZ #27.

2012-12-13-1018

- B. An Ordinance approving the Tax Investment Reinvestment Zone #31 (MidTown TIRZ) Project Plan and Finance Plans as approved by the MidTown TIRZ Board of Directors on December 3rd, 2012 and subsequently approving amendments to those plans also approved by the MidTown TIRZ Board of Directors on December 5th, 2012.

2012-12-13-1019

- C. An Ordinance amending the boundaries of the Tax Increment Reinvestment Zone #31 (MidTown TIRZ).

2012-12-13-1020

- D. An Ordinance revising Tax Increment Reinvestment Zone #31 (MidTown TIRZ)

designating Ordinance 2008-12-11-1134 by extending the term of the MidTown TIRZ to September 30, 2031, expanding the Board to 15 Board Members, and increasing the City's tax participation rate from 90% to 100%.

2012-12-13-1021

38. City Manager's Report

- A. FY 2012 Year End Financial Report
- B. San Antonio Fire Department Hurricane Sandy Response

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

Adjourn

6:00 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.