

First Ordinance 2007-02-01-0108
Last Ordinance 2007-02-01-0147

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Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 S. Main Ave
San Antonio, TX 78205
February 1, 2007

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 and Zone Amendments
- 5:30PM: 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 is wheelchair accessible. The accessible entrance is located at 103 S. Main Ave. 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 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.

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

- 1. Invocation by Rev. Lee Young, Pastor, CrossRoads Community Church of the Nazarene. Guest of Councilmember Richard Perez, District 4.
- 2. Pledge of Allegiance.
- 3. Approval of Minutes for the January 11, 2007 City Council meeting.

ACTION ITEMS FOR STAFF BRIEFING

4. Consideration of the following Ordinances relating to the Main Plaza Redevelopment Project: [Presented by Thomas Wendorf, Director, Public Works; Jelynn LeBlanc Burley, Deputy City Manager]

A. An Ordinance establishing the \$10,000,000 budget for the Main Plaza Redevelopment Project, comprised of the following monetary commitments: \$5,000,000 from the City of San Antonio, \$2,500,000 from Bexar County, and \$2,500,000 from private donations.

2007 - 02 - 01 - 0108

B. An Ordinance approving the first phase of construction for a total estimated amount of \$2,556,427.82 to include awarding a construction contract in the amount of \$2,338,872.20 to Jerdon Enterprise, L.P., of which \$1,019,839 will be reimbursed by San Antonio Water System and \$51,059 will be reimbursed by CPS Energy, in connection with the Main Plaza Redevelopment Project, an authorized Certificate of Obligation and Bexar County funded Project located in District 1, and appropriating funds.

2007 - 02 - 01 - 0109

5. Consideration of the following Ordinances related to the Infrastructure Management Program: [Presented by Thomas Wendorf, Director, Public Works; Jelynn LeBlanc Burley Deputy City Manager]

A. An Ordinance adopting an Infrastructure Management Program that will be used to identify projects and develop schedules for Street Maintenance, Drainage Maintenance, Sidewalks, and Traffic Signals.

2007 - 02 - 01 - 0110

B. An Ordinance approving the projects included in the FY2007-FY2011 Rolling 5-Year

Infrastructure Management Plan. 2007-02-01-0111

CONSENT AGENDA

Purchase of Equipment, Supplies and Services

6. An Ordinance accepting the offer submitted by Caldwell Country Chevrolet, utilizing the Houston-Galveston Area Council of Governments contract, to provide 15 pickup trucks for the City for a cost of \$233,123.00, from the Development Services Special Revenue Fund. [Presented by Florencio Peña, Director, Administrative Services; Sharon De La Garza, Assistant to the City Manager] 2007-02-01-0112

7. An Ordinance accepting an offer from Landscape Structures, Inc., utilizing a U.S. Communities contract, to provide custom playground equipment for Palm Heights Park for a cost of \$54,922.75, from HUD 108 Loan Program Funds. [Presented by Florencio Peña, Director, Administrative Services; Sharon De La Garza, Assistant to the City Manager] 2007-02-01-0113

Capital Improvements

8. Consideration of the following four change orders amending the FY 2006 & FY 2007 Street Maintenance Program: [Presented by Thomas Wendorf, Director, Public Works; Jelynn LeBlanc Burley, Deputy City Manager]

A. An Ordinance approving Change Order No. 2 in the amount of \$874,395.47 to the construction contract, as changed, with Clark Construction of Texas, LTD for additional asphalt recycling and overlay work. 2007-02-01-0114

B. An Ordinance approving Change Order No. 2 in the deductive amount of \$160,742.31 to the construction contract, as changed, with Clark Construction of Texas, LTD for reduced hot paver-laid micro surface work. 2007-02-01-0115

C. An Ordinance approving Change Order No. 1 in the amount of \$2,114,108.19 to the construction contract with Clark Construction of Texas, LTD for asphalt overlay work. 2007-02-01-0116

D. An Ordinance approving Change Order No. 1 in the amount of \$115,517.51 to the construction contract with Clark Construction of Texas, LTD for micro surface work. 2007-02-01-0117

9. An Ordinance approving Change Order No. 5 in the amount of \$408,341 to the \$3,008,839 construction contract, as changed, with MAC, Inc. for additional work and increases in channel excavation quantities, hauling, and disposing, in connection with the Beitel Creek

Environmental Restoration Project, located in District 2, and appropriating funds.[Presented by Thomas Wendorf, Director, Public Works; Jelynne LeBlanc Burley, Deputy City Manager]

2007-02-01-0118

10. An Ordinance authorizing payment in the amount of \$192,500 to Ameripoint Title Company, as Escrow Agent for Inez Cindy Gabriel, for fee simple title to two tracts of land and accepting permanent easement dedication of two tracts of land out of NCB 1779 and NCB 6405, respectively, for widened public right of way along Blanco Road in connection with the Blanco Road-Hildebrand to Summit Phase I, located in District 1; Appropriating funds and providing for payment. [Presented by Thomas Wendorf, Director, Public Works; Jelynne LeBlanc Burley, Deputy City Manager]

2007-02-01-0119

11. An Ordinance approving a \$200,000 amendment to an indefinite delivery professional engineering and construction administration services agreement with HNTB Corporation for additional as needed services in connection with City-Wide Sidewalk, Street and Neighborhood Improvement Projects. [Presented by Thomas Wendorf, Director, Public Works; Jelynne LeBlanc Burley, Deputy City Manager]

2007-02-01-0120

12. An Ordinance selecting Fugro Consultants, L.P. and Raba-Kistner Consultants, Inc for negotiation and execution of two professional consulting services agreements each in an amount not to exceed \$200,000 for indefinite delivery professional construction material testing services on an as-needed basis, in connection with Metropolitan Planning Organization and Local Agency Managed Projects on a city-wide basis. [Presented by Thomas Wendorf, Director, Public Works; Jelynne LeBlanc Burley, Deputy City Manager]

2007-02-01-0121

Purchase, Sale or Lease of Real Property

13. An Ordinance declaring surplus to the City's needs and authorizing sale of approximately 3,039 cubic feet of air rights over the San Antonio River, Market, and Navarro Streets and approximately two square feet of public right of way at the intersection of Navarro and Market Streets, adjacent to NCB 107, District 1, to Silver Rio Limited Partnership, for \$5,440.00. [Presented by Shawn Eddy, Director, Asset Management; Pat DiGiovanni, Deputy City Manager]

2007-02-01-0122

14. An Ordinance authorizing a five-year renewal of the Panchito's lease in the Plaza de Armas Building, the annual rental being approximately \$24,884.88. [Presented by Shawn Eddy, Director, Asset Management; Pat DiGiovanni, Deputy City Manager]

2007-02-01-0123

Grants Applications and Awards

15. An Ordinance authorizing the execution of a contract change with the Texas Department of State Health Services in the amount of \$15,991.12 which will increase the total contract amount from \$33,841.02 to \$49,832.14 to augment support for the ongoing Title X Family

Planning Program of the San Antonio Metropolitan Health District for the period September 1, 2006 through August 31, 2007; and revising the program budget. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]

2007-02-01-0124

- 16. An Ordinance authorizing acceptance of a FY2007 Loan Star Libraries grant award in the amount of \$87,187.00 from the Texas State Library and Archives Commission to be used for replacing outdated public desktop computer workstations throughout the San Antonio Public Library system. [Presented by Ramiro S. Salazar, Director, Library; Frances A. Gonzalez, Assistant City Manager]

2007-02-01-0125

Miscellaneous Items

- 17. An Ordinance authorizing the reallocation of \$15,361.22 from the District 10 One Time Funds to the Library and the Parks and Recreation Departments for the purchase of books and computers for the Julia Yates Semmes Branch Library and purchase and installation of a swing set in the Comanche Park playground next to the Julia Semmes Branch Library, as requested by Councilman Chip Haass, District 10.

2007-02-01-0126

- 18. An Ordinance expanding the authorization of the Director of Public Works to make decisions regarding acceptable project types and the appropriate alternative delivery method for City projects to include the Construction Manager at Risk Alternative Delivery Method as regulated and limited by the Texas Local Government Code; authorizing the Construction Manager at Risk process for implementation in connection with the Construction Manager at Risk Services – Terminal Expansion Program at the San Antonio International Airport and amending the Small Business Economic Development Advocacy Program to include this alternative delivery method. [Presented by Mark Webb, Director, Aviation; Penny Post oak Ferguson, Assistant City Manager]

2007-02-01-0127

- 19. An Ordinance authorizing a settlement related to the lawsuit styled *Advanced Long Term Care Corp. – Perrin Beitel v. City of San Antonio*; Cause No. 2002-ED-13194, currently pending in the 288th District Court, Bexar County, Texas. [Presented by Michael Bernard, City Attorney; Sheryl Sculley, City Manager]

2007-02-01-0128

- 20. An Ordinance waiving the ninety (90) day maximum time period for public hearing established by Chapter 2, Article VI, City Code of San Antonio, for the renaming of facilities and streets and authorizing the renaming of two sections of "De Zavala Road" located in Council District 8 to "Bamberger Way" and "Bamberger Trail". [Presented by Roderick Sanchez, Interim Director, Development Services; Jelynn LeBlanc Burley, Deputy City Manager]

2007-02-01-0129

- 21. An Ordinance waiving the ninety (90) day maximum time period for public hearing established by Chapter 2, Article VI, City Code of San Antonio, for the renaming of facilities and streets and authorizing the renaming of "Amerisuites Drive" located in Council District 8 to "Hyatt Place Drive." [Presented by Roderick Sanchez, Interim Director, Development

Services; Jelynn LeBlanc Burley, Deputy City Manager]

2007-02-01-0130

- 22. An Ordinance approving a permit for a fireworks display on February 16, 2007, at about 7:30 p.m. at 6900 N. Loop 1604 to celebrate the UTSA Rowdy Rumpage Homecoming, as requested by The University of Texas at San Antonio and Western Enterprises, Inc. [Presented by Robert Ojeda, Fire Chief; Erik J. Walsh, Assistant City Manager]

2007-02-01-0131

- 23. An Ordinance adopting revisions to the existing City of San Antonio Community Development Housing Policy Guide to incorporate annual updates mandated by the U.S. Department of Housing and Urban Development (HUD) for utilization in connection with the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs administered by the City. [Presented by Rose U. Arredondo, Acting Director, Grants Monitoring and Administration; T.C. Broadnax, Assistant City Manager]

2007-02-01-0132

- 24. An Ordinance authorizing the execution of an Interlocal Services Agreement totaling \$32,000.00 with Texas Cooperative Extension of the Texas A&M University System to provide assistance in designing, implementing and evaluating a nutrition and prenatal education program for the period March 1, 2006 through August 31, 2007. [Presented by Dr. Fernando A. Guerra, Director, Health; Assistant City Manager, Frances A. Gonzalez]

2007-02-01-0133

- 25. An Ordinance approving an Agreement for Services in Lieu of Annexation of the Timberwood Park Area between the City of San Antonio and the representatives appointed by the Bexar County Commissioners to represent the Timberwood Park Area and authorizing the implementation of the agreement. [Presented by Emil R. Moncivais, Director, Planning and Community Development; T.C. Broadnax, Assistant City Manager]

2007-02-01-0134

- 26. An Ordinance approving an addendum to the City of San Antonio's Legislative Plan for the 80th Regular Session of the Texas Legislature that was adopted on October 19, 2006. [Presented by Andrew Smith, Director, Intergovernmental Relations; Erik J. Walsh, Assistant City Manager]

2007-02-01-0135

Boards, Commissions and Committee Appointments

- 27. Confirming the reappointment by the City Manager of Elmer F. Williams and Greg A. Trimble to the Fire Fighters' and Police Officers' Civil Service Commission to serve the remainder of unexpired terms of office to expire December 19, 2007 and December 19, 2008 respectively, and the appointment of Alfred Q. Gonzales for the remainder of an unexpired term of office to expire December 19, 2009. [Presented by Leticia M. Vacek, City Clerk]

- 28. Consideration of District Board, Commission and Committee Appointments: [Presented by Leticia M. Vacek, City Clerk]

- A. Reappointing Elsa Sixtos (District 5) to the City of San Antonio, Texas Education Facilities Corporation for the remainder of an unexpired term of office to expire December 15, 2008.
- B. Reappointing Dr. Harold Lee Timboe (District 4) to the Brooks Development Authority (Category: Technology/Research) for the remainder of an unexpired term of office to expire November 4, 2007.
- C. Appointing Sylvia G. Rodriguez (District 7) to the Port Authority of San Antonio for the remainder of an unexpired term of office to expire November 30, 2008.

29. City Manager's Report

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. Deliberate the management, purchase, exchange, lease, or value of certain real properties and discuss related legal issues pursuant to Texas Government Code Sec. 551.072 (real property) and Texas Government Code Sec. 551.071 (consultation with attorney).
- B. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, 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 and Zoning Cases. [Land Use Plan Amendments presented by Emil R. Moncivais, Director, Planning & Community Development; T.C. Broadnax, Assistant City Manager; and Zoning Cases presented by Roderick Sanchez, Interim Director, Development Services; Jelynn LeBlanc Burley, Deputy City Manager]

P-1. PLAN AMENDMENT CASE # 05009 (District 2): An Ordinance amending the land use plan contained in the Arena District/Eastside Community Plan, a component of the Master Plan of the City, by changing the use of a 16.43 acre tract of land located at 3841 Commerce Street East from High Density Multi-Family Residential land use to Light Industrial land use. Staff and Planning Commission recommend Approval. **Associated Zoning Case #Z2005145.**

Z-1. ZONING CASE # Z2006272 CD (District 7): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-4" (CD- Duplexes) Residential Single Family District with a Conditional Use for duplexes with density not exceeding 12

units per gross acre on Lot P-119, NCB 15664 (8.004 acres out of NCB 15664), 11100 Block of Bandera Road. As requested by Duran Investments, Inc., Applicant, for Marlin and Gabriel Biefing, Owner. Staff recommends Approval. Zoning Commission recommends Denial.

Continued for 2wks

Z-2. **ZONING CASE # Z2006274 (District 10):** An Ordinance changing the zoning district boundary from "C-3" General Commercial District and "I-1" General Industrial District to "R-4" Single-Family Residential District on 28.769 acres out of NCB 14049 and "MF-25" Multi Family District on 26.932 acres out of NCB 14049, 13900 Block of Lookout Road, as requested by Tesoro Homes Ltd., Applicant, for Cosas Claras Ltd., Owner. Staff recommends Denial. Zoning Commission recommends Approval.

Denied

Z-3. **ZONING CASE #Z2007008 (District 2):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "I-2" Heavy Industrial District on 8.013 acres out of NCB 10597, 4000 Block of Corner Parkway as requested by John M. Sheesley, Applicant, for John M. Sheesly, Owner. Staff and Zoning Commission recommend Approval.

Continued for 30 days

Z-4. **ZONING CASE # Z2007043 (District 2):** An Ordinance amending the zoning district boundary from "RM-4" Residential Mixed District to "RM-4" HS Residential Mixed Historic Significance District on Lots 27, 28, and the East irregular 73 feet of Lot 26, and the North 75 feet of the East 2 feet of Lot 25, Block 54, NCB 1629, 321 Essex Street as requested by City of San Antonio, Planning Department Historic Preservation Officer, Applicant, for San Antonio Housing Authority, Owner.

Continued for 2wks

Z-5. **ZONING CASE # Z2006222 CD (District 2):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "R-4" (CD - Dwelling, Two-Family) Residential Single-Family District with a Conditional Use for a Two-Family Dwelling not exceeding 13 units per acre on Lot 30, Block D, NCB 1161, 409 Coleman Street, as requested by HTG Real Property Management, Inc., Applicant, for HTG Real Property Management, Inc., Owner. Staff and Zoning Commission recommend Approval.

Continued for 30 days

Z-6. **ZONING CASE # Z2005145 CD (District 2):** An Ordinance changing the zoning district boundary from "R-5 EP-1" Residential Single-Family Event Parking District and "C-2 EP-1" Commercial Event Parking District to "L EP-1" Light Industrial Event Parking District on 16.432 acres out of NCB 10578, 3841 East Commerce Street as requested by Drenner & Golden Stuart Wolff, LLP, Applicant for Rockhill Partners, Ltd., Owner. Staff and Zoning Commission recommend approval pending Plan Amendment.

5:30 P.M. (may be heard after this time) – Ceremonial Recognitions

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

JOURN

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.