



First Ord. 100663
First Res. 2005-16-12
Last Ord. 100712
Last Res. 2005-16-14
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CITY OF SAN ANTONIO
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**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
April 14, 2005**

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 or a "B" Session in the B Room of the Municipal Plaza Building at 10:00 A.M. for the following:

Staff presentation on Community Infrastructure and Economic Development (CIED) Fund. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

The City Council may recess into executive session to discuss the following:

Deliberate the offer of financial or other incentives related to economic development negotiations with the Texas A&M University System, Faulkner USA, and one or more business prospects, including the possible acquisition and disposition of an interest in real property, pursuant to Texas Government Code Section 551.087 (deliberation regarding economic development negotiations) and Texas Government Code Section 551.072 (deliberation regarding real property); and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

- 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 Dr. David Miracle, Northridge Park Baptist Church, District 10, and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes of the Special City Council meeting of March 23 and March 30, 2005.

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:

- 4. **1:30 P.M.** – Consideration of the following items: [Presented by Milo D. Nitschke, Director, Finance; Melissa Byrne Vossmer, Assistant City Manager]
 - A. Public Hearing relating to the issuance by the City of San Antonio, Texas Convention Center Hotel Finance Corporation of its Contract Revenue Empowerment Zone Bonds, Series 2005A, and Contract Revenue Bonds, Taxable Series 2005B to provide a portion of the funds required to develop, construct, equip and open of a full-service hotel located adjacent to the City's convention center which initially will be owned by Hotel Investments, L.P., a Texas limited partnership.
 - B. An Ordinance designating and reserving up to \$130,000,000.00 of the City's \$230,000,000.00 capacity to issue empowerment zone bonds for the Convention Center Hotel Project.
 - C. An ordinance modifying the City of San Antonio's Economic Development Program, as revised by Ordinance 99308 on June 3, 2004, to permit grants and/or loans for economic development purposes or projects pursuant to Chapter 380 of the Texas Local Government Code, with the authorization of City Council.
 - D. An Ordinance requesting and authorizing the City of San Antonio, Texas Convention Center Hotel Finance Corporation (the "Issuer") to issue up to \$130,000,000 of its Contract Revenue Empowerment Zone Bonds, Series 2005A, and up to \$100,000,000 of its Contract Revenue Bonds, Taxable and potential Tax-Exempt bonds (collectively, the "Bonds"), the proceeds of which will be loaned to Hotel Investments, L.P., a Delaware limited partnership (the "Developer"), and used to provide a portion of the funds required to develop, construct, equip, furnish and open a full-service hotel and related parking to be initially owned by the Developer and located adjacent to the City's convention center on land owned by the City and initially leased or licensed from the City to the Developer.

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E. An Ordinance approving and authorizing the execution of all agreements and instruments to which the City is a party related to leasing or licensing real property to Hotel Investments, L.P., a Delaware limited partnership (the "Developer") and developing, constructing, equipping, furnishing, operating and financing a Convention Center Hotel Project, including but not limited to a ground lease and license agreement, project agreement, site access agreement, room blocking agreement, economic development agreement, equity funding agreement, and continuing disclosure agreement, approving the form and distribution of a preliminary official statement related to the issuance of Contract Revenue Bonds being issued by the *City of San Antonio, Texas Convention Center Hotel Finance Corporation* to finance a portion of the costs of the Convention Center Hotel Project, authorizing the closure, vacation and abandonment of a portion of Bowie Street Public Right of Way adjacent to the Project subject to the dedication by plat and construction of an approved realignment of Bowie Street; and authorizing City officials, City staff, co-financial advisors and co-bond counsel to take all other actions deemed necessary in connection with developing, constructing, operating and financing the Convention Center Hotel Project.

100687

F. An Ordinance approving the form of, and consenting to the City of San Antonio, Texas Convention Center Hotel Finance Corporation (the "Issuer") entering into, all agreements and instruments to which the Issuer is a party in connection with the issuance of up to \$130,000,000 of its Contract Revenue Empowerment Zone Bonds, Series 2005A, and up to \$100,000,000 of its Contract Revenue Bonds, Taxable and potential Tax-Exempt bonds (collectively, the "Bonds"), including but not limited to an indenture of trust, loan agreement, economic development agreement, lock box and cash management agreement, equity funding agreement, and continuing disclosure agreement, and authorizing the Issuer and its professional advisors to take all other actions deemed necessary in connection with the issuance of the Bonds.

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G. An Ordinance approving the selection of additional underwriters to the Financial Underwriting Syndicate for the proposed issuance by the City of San Antonio, Texas Convention Center Hotel Finance Corporation of up to \$130,000,000 of its Contract Revenue Empowerment Zone Bonds, Series 2005A, and up to \$100,000,000 of its Contract Revenue Bonds, Taxable and potential Tax-Exempt bonds, for the Convention Center Hotel Project.

The City Council will recess the meeting of the City Council and will convene as the Board of Directors of the City of San Antonio, Texas Convention Center Hotel Finance Corporation to consider the following:

2005-12-CC-HFC

4.1. A Resolution approving the bylaws of the City of San Antonio, Texas Convention Center Hotel Finance Corporation; electing and appointing corporate officers and agents; and approving other administrative procedures of the Corporation.

2005-13-CC-HFC

4.2. A Resolution approving the form, content and distribution of the preliminary official statement pertaining to the issuance, sale and delivery by the Corporation of up to \$130,000,000 of its Contract Revenue Empowerment Zone Bonds, Series 2005A, and up to \$100,000,000 of its Contract Revenue Bonds, Taxable and potential Tax-Exempt bonds for the Convention Center Hotel Project.

4.3. Adjourn.

The City Council will reconvene to consider the following:

5. **2:00 P.M.** - Public Hearing and Consideration of the following Amendments to 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; Jelynn LeBlanc Burley, Assistant City Manager]

5.1A. **PLAN AMENDMENT CASE NUMBER 05002:** An Ordinance amending the land use plan contained in the South Central San Antonio Community Plan, a component of the Master Plan of the City, by changing the use of an 10 acre tract of land located at 3403 Mission Road, 1115 Military Drive and 3454 Roosevelt Avenue from Low Density Residential land use to Neighborhood Commercial/Medium-High Density Residential land use. Staff's recommendation is for approval. Planning Commission's recommendation is for approval. (Council District 3)

5.1B. **PLAN AMENDMENT CASE NUMBER 05004:** An Ordinance amending the land use plan contained in the South Central San Antonio Community Plan, a component of the Master Plan of the City, by changing the use of a 27.558 acre tract of land located at northwest corner of 6711 South New Braunfels Avenue from Public / Institutional land use to High Density Residential land use. Staff's recommendation is for approval and Planning Commission recommended approval. (Council District 3)

Zoning Cases: [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

5B. **ZONING CASE NUMBER Z2005054:** The request of Brown, P. C., Applicant, for State of Texas, San Antonio State Hospital, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "MF-25" Multi-Family District on 27.558 acres out of NCB 10934 (6711 New Braunfels). Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 3)

5C. **ZONING CASE NUMBER Z2005035 C:** The request of Margaret and Nathan James, Applicant, for Margaret and Nathan James, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-1" C Commercial District with a conditional use for a lawnmower sales and service on Lot 6 and Lot 7, Block 10, NCB 12906 (2414 and 2418 Ravina Drive). Staff's recommendation was for denial. Zoning Commission has recommended approval with the following conditions: 1) A fifteen (15) foot buffer with Type B plant materials (as required in the UDC) shall be constructed along the south property line adjoining Lot 8, Block 10, NCB 12906; 2) A ten (10) foot buffer with Type A plant materials (as required in the UDC) shall be constructed along the west property line adjoining Ravina Drive; and 3) A six-foot solid fence shall be maintained along the south property line adjoining Lot 8, Block 10, NCB 12906. (Council District 2)

Postponed
5D. **ZONING CASE NUMBER Z2004222:** The request of State of Texas (San Antonio State Hospital), Applicant, for State of Texas, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "MF-33" Multi-Family District on 14.000 acres out of NCB 10934 (6711 South New Braunfels Avenue). Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 3)

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5E. **ZONING CASE NUMBER Z2005048:** The request of Mshiful Bhuiyain, Applicant, for Carlos and Rosa Perez, Owner(s), for a change in zoning from "C-2NA" Commercial, Nonalcoholic Sales District to "C-2" Commercial District on Lot 413, Block 55, NCB 11092 (3604 Commercial Avenue). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

100694
5F. **ZONING CASE NUMBER Z2004210 C:** The request of John L. Santikos, Applicant, for John L. Santikos, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-2" C Commercial District with conditional use for home improvement center on 38.344 acres and "C-2" C Commercial District with conditional use for office/warehouse on 42.919 acres out of NCB 34362 on 81.26 acres at the intersection of Potranco Road and Seascape Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

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5G. **ZONING CASE NUMBER Z2005008:** The request of Continental Homes, Applicant, for Air Force Village Foundation c/o Leo M. Cutcliff Jr., Owner(s), for a change in zoning from "C-1" Commercial District to "R-5" Residential Single-Family District on 43.48 acres out of NCB 15148 at the intersection of Ray Ellison Drive and Valley Hi Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

100696
5H. **ZONING CASE NUMBER Z2005045:** The request of Ricardo Rodriguez, Applicant, for Ricardo Rodriguez, Owner(s), for a change in zoning from "C-2" Commercial District to "C-3NA" General Commercial District, Non-alcoholic Sales on the east 180.2 feet of Lot 4, NCB 8783 (727 Bynum). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

100697
5I. **ZONING CASE NUMBER Z2005049:** The request of Debra Guerrero, Applicant, for San Antonio Housing Authority (John Shaver), Owner(s), for a change in zoning from "I-1" General Industrial District, "MF-33" Multi-Family District to "IDZ" Infill Development Zone District on 14.877 acres out of NCB A-62 at the intersection of South Zarzamora Street and Ceralvo Street. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 5)

CO. time to 5-12-05
5J. **ZONING CASE NUMBER Z2004099:** The request of Royal Properties, Applicant, for Roy Barrera, Owner(s), for a change in zoning from "C-3" ERZD General Commercial Edwards Recharge Zone District to "MF-33" ERZD Multi-Family Edwards Recharge Zone District on 4.455 acres out of NCB 14865 on the west side of Babcock Road approximately 215 feet north of West Hausman Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

Withdrawn
5K. **ZONING CASE NUMBER Z2004167:** The request of Ken Brown, Inc., Applicant, for Educational Development Co. of America, L. L. C., Owner(s), for a change in zoning from "C-3" ERZD General Commercial Edwards Recharge Zone District to "MF-25" ERZD Multi Family Edwards Recharge Zone District on P-200B, NCB 14859 (15502 Babcock Road). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

100698
5L. **ZONING CASE NUMBER Z2004211-A:** The request of City of San Antonio, Applicant, for Boerne Stage Crossing Limited Partnership, Owner(s), for a change in zoning from "MF-25" "GC-1" Multi-Family Hill Country Gateway Corridor District to "C-2" "GC-1" Commercial Hill Country Gateway Corridor District Corridor 1 District on 16.45 acres out of NCB 16390 (14549 IH 10 West). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

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5M. **ZONING CASE NUMBER Z2005036:** The request of Dr. Ramon Reyes, Applicant, for Truman and Patricia Hall, Owner(s), for a change in zoning from: C-1 ERZD Commercial Edwards Recharge Zone District to "C-2" ERZD Commercial Edwards Recharge Zone District on Lot 1, Block 5, NCB 14760 in the 7500 Block of Loop 1604. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

100700
5N. **ZONING CASE NUMBER Z2005040 C:** The request of Noemi Smithroat, Araceli Trejo & Menetta Lopez, Applicant, for Noemi Smithroat, Araceli Trejo and Menetta Lopez, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6" C Residential Single-Family District with conditional use for a daycare center on Lot 1, Block 21, NCB 16810 (7450 Prue Road). Staff's recommendation was for approval. Zoning Commission has recommended approval with the following conditions: 1) There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure; 2) No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood; 3) Business or office hours of operations shall not be permitted before 7:00 a.m. or after 7:30 p.m.; and 4) Left turn lane for ingress and egress. (Council District 8)

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5O. **ZONING CASE NUMBER Z2005044:** The request of Joseph Conrad, Applicant, for Joseph Conrad, Owner(s), for a change in zoning from: R-6 Residential Single-Family District to C-3 General Commercial District on Lot 1, Block 3, NCB 14687 and C-3R Commercial District, Restrictive Alcoholic Sales, on Lot 14, Lot 13 and the north 1/2 of Lot 12, Block 3, NCB 14687, (5719 Babcock Road). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

100702
5P. **ZONING CASE NUMBER Z2005053:** The request of Charles Martin Wender, Applicant, for Morton Enterprises, Ltd., Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "MF-25" Multi-family District on P-1E and P-100, NCB 17721 (14960 Blanco Road). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

6. **3:00 P.M.** – Staff presentation and Public Hearing to consider the proposed designation of a Defense Adjustment Management Authority (DAMA) whose boundaries may be all or any portion of the property generally described as: that land within Loop 410 to the north, I.H. 35 to the west, a line 1,350 feet south of the centerline of the Medina River to the south and including an area to the south generally between State Highway 16 and Pleasanton Road; the southern boundary of the area following and then parallel to S. Loop 1604 for an approximate distance of 4.85 miles to Pleasanton Road and continuing along 1,350 feet south of the Medina River to the east boundary line of I.H. 37, and contains approximately 63 square miles; and to consider the proposed powers of the DAMA, as authorized by the Texas Local Government Code, Chapter 375, Subchapter 0. [Presented by Jelynn LeBlanc Burley, Assistant City Manager; J. Rolando Bono, Interim City Manager]

7. **3:30 P.M.** – Public hearing and consideration of (A) an Ordinance designating the Karta Technologies Reinvestment Zone at property located at 5555 Northwest Parkway, described as a 4.0 acre tract of land known as Lot 32, N.C.B. 14862, Karta Technology Subdivision, City of San Antonio, Bexar County, Texas according to plat recorded at Volume 9533, Page 193, Deed and Plat records of Bexar County, Texas; and (B) an Ordinance approving the terms and authorizing execution of a Tax Phase-In Agreement with lessee Karta Technologies, Inc. (“Karta”), and its lessor, Gur Parsaad, Ltd., to exempt one hundred percent (100%) of ad valorem taxes for six (6) years on real property improvements in the amount of \$1,800,000.00. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley Assistant City Manager]

8. **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

An Ordinance accepting the low, responsive bid submitted by BWI Schulenburg to provide the City of San Antonio Parks and Recreation Department with fertilizer for a total cost of \$48,360.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

10. An Ordinance accepting the offer submitted by Fisher Scientific Company, LLC, utilizing the Houston-Galveston Area Council of Governments contract, to provide the City of San Antonio Fire Department with escape hoods for a total cost of \$42,057.84 from Homeland Security Grant Funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

11. An Ordinance ratifying the emergency purchase of pharmaceuticals from Supply Service Center for the City of San Antonio Fire Department for a total cost of \$176,657.04 from Homeland Security Grant Funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

12. An Ordinance accepting the offer submitted by Texas Bus Sales, utilizing the Houston-Galveston Area Council of Governments contract, to provide the City of San Antonio Aviation Department with three (3) replacement passenger shuttle buses for a total cost of \$162,459.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

13. An Ordinance accepting the bids of various companies to provide the City of San Antonio with the various types of commodities and services on an annual contract basis for Fiscal Year 2005-2006 for an estimated combined annual cost of \$411,981.00 to include contracts for Learning Express Library online subscription renewal, Honda motorcycle parts and service, Depo-Provera pharmaceuticals, and police pursuit tires. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

14. An Ordinance accepting the low, responsive bid submitted by Dell Marketing, LP utilizing the Texas Department of Information Resources "Go Direct" program, to provide the City of San Antonio Police Department with seven GIS/EOC workstation computers for a total cost of \$32,697.00 from Law Enforcement Terrorism Prevention Program Grant Funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

15. An ordinance accepting the low, responsive bid submitted by Dell Marketing, LP, utilizing the Texas Department of Information Resources "Go Direct" program, to provide the City of San Antonio Police and Information Technology Services Departments with mobile device servers for a total cost of \$48,070.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Capital Improvement Items

16. An Ordinance authorizing the execution of a Bond Funding Agreement with the San Antonio Zoological Society for the cost of up to \$1,450,000.00 from 2003-2007 Park Bond funds for San Antonio Zoo facility improvements, located in Council District 9; and appropriating funds. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

17. An Ordinance authorizing the execution of a Funding Agreement with the Witte Museum for the cost of up to \$250,000.00 from Certificates of Obligation funds for capital infrastructure improvements at the Witte Museum, located in Council District 9; and appropriating funds. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

18. An Ordinance approving the execution of a HemisFair Park Lease Agreement with the Bexar County Master Gardeners for the use of approximately 971 square feet of space, located at 331 Goliad Street and identified as Building 514 a/k/a the Max Schultze House for a five (5) year term with an option to renew for an additional five (5) year term, for the continued operation of a gift store and training facility on horticultural topics and in lieu of monetary rental payments providing general maintenance of the Max Schultze House and volunteer services to the City, specifically the San Antonio Botanical Center general garden and children's garden, continued maintenance of a model garden adjacent to the leased premises and maintenance of three (3) additional planting areas located within HemisFair Park. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Miscellaneous

19. An Ordinance authorizing the execution of an agreement with the Texas Migrant Council, Inc. (TMC) Migrant Head Start Program in order for the San Antonio Metropolitan Health District (SAMHD) to provide physical examinations on a reimbursable fee-for-service basis in an amount not to exceed \$8,000.00 for approximately forty (40) children enrolled in The TMC Migrant Head Start Program for the period February 1, 2005 through January 31, 2007; authorizing the execution of an agreement with the TMC Migrant Head Start Program in order for the SAMHD to provide dental evaluations on a reimbursable fee-for-service basis in an amount not to exceed \$8,000.00 for approximately forty (40) children enrolled in the TMC Migrant Head Start Program for the period February 1, 2005 through January 31, 2007; authorizing the SAMHD as a certified Medicaid, Medicare, and third party medical and dental claims provider to submit bills for services rendered and to receive payments and reimbursements for these services in the approximate amount of \$3,860.00; adopting the program budget; approving the personnel complement, and authorizing payments for contractual services. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]
20. An Ordinance authorizing the acceptance of Texas Block Grant funds in the amount of \$450,000.00, when offered, in support of 2005 Airport Improvements at Stinson Municipal Airport; appropriating funds and authorizing payment to the Texas Department of Transportation (TXDOT) of an amount not to exceed \$50,000.00 for the City's ten percent (10%) matching share; appropriating funds; and providing for payment of such funds to TXDOT. [Presented by Kevin C. Dolliole, Director, Aviation; Roland A. Lozano, Assistant to the City Manager]
21. An Ordinance authorizing the acceptance of a Gates "Staying Connected" Computer Replacement Program Grant in the amount of \$40,278.00 from the Bill & Melinda Gates Foundation through the Texas State Library and Archives Commission, which will be used to replace thirty two (32) public access computers originally provided by the Foundation in low-income communities with replacement "Gates Model" computers; authorizing a match of \$20,138.00; and appropriating funds. [Presented by Ramiro S. Salazar, Director, Library; Frances A. Gonzalez, Assistant City Manager]

22. An Ordinance authorizing the execution of an amendment to the professional services agreement with The Segal Company to provide a new actuarial valuation of the Fire and Police Retiree Healthcare Fund ("Fund") for a cost not to exceed \$25,000.00, and additional contingent consulting services related to the Fund for a cost not to exceed \$15,000.00. [Presented by Ben Gorzell, Director/Public Utilities Supervisor, Office of Public Utilities; Melissa Byrne Vossmer, Assistant City Manager]

23. An Ordinance selecting Watson Consolidated, Hadar Construction Services, L.L.C., Texas Lead Inspection & Environmental Services, Sinclair Construction, Bolado Environmental & Construction Services, L.L.C. and Asbestos & Demolition Contracting to provide on-call lead hazard control work in connection with various Neighborhood Action Department housing programs for an amount not to exceed \$250,000.00 for each contract, for a total amount of \$1,500,000.00 in Community Development Block Grant (CDBG) and U.S. Department Of Housing And Urban Development lead grant funds; authorizing the negotiation and execution of the environmental service contracts; appropriating funds; and providing for payment. [Presented by David D. Garza, Director, Neighborhood Action; Jelynn LeBlanc Burley, Assistant City Manager]

24. An Ordinance authorizing the acceptance of a \$149,950.00 grant from the U.S. Department of Defense for the Procurement Technical Assistance Center for the grant period of January 1, 2005 through December 31, 2005; and approving a budget and a personnel complement. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

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

25. An Ordinance approving the temporary closure of Gillette Boulevard between Poteet Jourdanton Freeway (State Highway 16) and Palo Alto Road from 8:00 A.M. until 11:59 P.M. on Sunday, May 1, 2005 for St. Bonaventure Catholic Church's Annual School Festival. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]

26. An Ordinance approving the temporary closure of Castleridge between Pinn Road and Military Drive West from 7:00 A.M. until 11:00 P.M. on Sunday, June 5, 2005 for Resurrection of the Lord Catholic Church's Annual Festival. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]

27. An Ordinance approving the parade permit and authorizing the temporary closure of East Olmos Drive near Olmos Park from 5:00 A.M. until 10:30 A.M. on Saturday, May 14, 2005 for the Great Strides: Taking Steps to Cure Cystic Fibrosis Run/Walk sponsored by the Cystic Fibrosis Foundation. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]

Board, Commissions and Committee Appointments.

28. Consideration of An Ordinance reappointing Roy R. Botello (District 5) to the Parks and Recreation Board for a term of office to expire on December 31, 2006. [Presented by Leticia M. Vacek, City Clerk]

ITEMS FOR INDIVIDUAL CONSIDERATION

Pushed

29. An Ordinance appointing a City Manager; establishing an effective date to assume the office; and authorizing the execution of an employment agreement; as requested by Mayor Edward D. Garza.

30. Consideration of the following Board appointments: [Presented by Leticia M. Vacek, City Clerk]

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A. An Ordinance appointing Councilman Christopher "Chip" Haass, District 10, as an Alternate Member, and Councilman Richard Perez, District 4, as a Member of the Committee of Six that oversees the Alamo Workforce Development Board for terms of office expire with their Council terms.

B. An Ordinance appointing Councilman Art A. Hall, District 8, to the Community Action Advisory Board for a term of office to expire with his Council term.

31. An Ordinance appointing ten (10) members to the new Charter-created Ethics Review Board for staggered terms, with six members to serve an initial term of two years and five members to serve an initial term of three years, determined after appointment by lottery. [Presented by Leticia M. Vacek, City Clerk]

- Nominees:**
- Charles Codd (District 1)
 - Dolores Lott (District 2)
 - August Stephen Johnson (District 4)
 - Emilio Silvas (District 5)
 - Richard Bird (District 6)
 - Elizabeth Melson (District 7)
 - Benjamin F. Youngblood III (District 8)
 - Arthur J. Downey (District 9)
 - Jason Zehner (District 10)

2005-16-14

32. A Resolution supporting a Memorandum of Understanding between the City of San Antonio and Major League Soccer for the potential relocation or expansion of a Major League Soccer team to San Antonio in 2006 which sets forth the primary business points for a lease for the use of the Alamodome and conditions for the placement of an Major League Soccer team in the City. [Presented by Michael Abington, Director, Alamodome; Roland A. Lozano, Assistant to the City Manager]

2005-16-14

33. Staff briefing on the status of the City's State Legislative Program for the 79th Legislative Session. [Presented by Christopher J. Brady, Assistant City Manager; J. Rolando Bono, Interim City Manager]

100708
34. An Ordinance approving the form, content, and distribution of the Preliminary Official Statement pertaining to the issuance, sale and delivery of approximately \$42,895,000.00 in principal amount of City of San Antonio, Texas Passenger Facility Charge and Subordinate Lien Airport System Revenue Improvement Bonds, Series 2005; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and authorizing the City's staff, co-financial advisors and bond counsel to take all actions deemed necessary in connection with the sale of such bonds. [Presented by Milo D. Nitschke, Director, Finance; Melissa Byrne Vossmer, Assistant City Manager]

100709
35. An Ordinance authorizing a Competitive Matter Memorandum of Understanding between the City and City Public Service to allow CPS Energy to implement flexible pricing strategies for certain gas sales. [Presented by Ben Gorzell, Jr., Director, Public Utilities; Melissa Byrne Vossmer, Assistant City Manager]

100710
36. An Ordinance authorizing the execution of an Agreement to Use Funds with Rio Perla Properties, L.P., in an amount not to exceed \$90,000.00, for the sole purpose of helping defray the cost of consultant services to be provided by the Culinary Institute of America regarding the potential development of a culinary school at the Pearl Brewery properties; appropriating funds; and providing for payment; as requested by Mayor Edward D. Garza. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

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37. An Ordinance authorizing the Interim City Manager to execute an Agreement with the Brooks Development Authority ("BDA") for a combination loan and grant from the City's Economic Development Incentive Fund (EDIF) in a total amount not to exceed \$1,500,000.00 to help finance the construction of two facilities and related road infrastructure improvements in connection with the expansion of DPT Laboratories at Brooks City-Base; and amending the City's Economic Development Program to permit loans, as well as grants, under the Economic Development Incentive Fund ("EDIF") Guidelines. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

100712
38. Consideration of the Request for Annexation submitted by the City of Timberwood Park Committee and establishing a schedule for public hearings, if necessary. [Presented by Emil Moncivais, Director, Planning; Jelynn LeBlanc Burley, Assistant City Manager]

39. City Manager's Report. *None*

40. City Council will recess into an executive session to discuss the following:

- A. Deliberate the duties, appointment, and employment of the City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

- B. Deliberate the offer of financial or other incentives related to economic development negotiations with the Texas A&M University System, Faulkner USA, and one or more business prospects, including the possible acquisition and disposition of an interest in real property, pursuant to Texas Government Code Section 551.087 (deliberation regarding economic development negotiations) and Texas Government Code Section 551.072 (deliberation regarding real property); and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C. Discuss legal issues and, upon a good faith determination by City Council that the subject matter relates to competitive activity, competitive matters related to a CPS Energy's ability to implement flexible pricing strategies for certain gas sales, pursuant to Texas Government Code Section 551.071 (consultation with attorney) and 551.086 (certain public power utilities: competitive matters).
- D. Discuss legal issues related to the lawsuit styled *City of San Antonio v. the University of the Incarnate Word*, Cause No. 2003-CI-01943, 408th Judicial District, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E. Discuss legal issues related to negotiation of service agreements with representatives of areas included in the City's Three Year Annexation Plan, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- F. Discuss legal issues related to a pending request for annexation submitted by the City of Timberwood Park Committee, pursuant to Texas Government Code Section 551.071 (consultation with attorney).