



First Ord 101411
First Rev. 2005-38-36
Last Ord.
Last Rev. None
 RECEIVED
 CITY OF SAN ANTONIO
 CITY CLERK
 101446
 05 SEP 19 AM 8:38

Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
September 22, 2005

The City Council shall hold its regular meetings in the council chamber in the Municipal Plaza Building within the City Hall Complex on Thursday of each week beginning at 9:00 a.m. After the meeting is convened, the City Council shall consider agenda items in the following order and no sooner than the designated times:

- 9:00AM:** Invocation and Approval of Minutes.
- 12:00PM:** Lunch Break
- 1:00PM:** Executive Session*
- 2:00PM:** Public Hearing and Consideration of Amendments to the Neighborhood, Community and Perimeter Plans as Components of the Master Plan and Zoning Cases
- 5:00PM:** Ceremonial Recognitions
- 6:00 PM** 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.

At 7:00 p.m., if the meeting is not yet adjourned, the presiding officer shall entertain a motion to recess the council meeting and reconvene at 9:00 a.m., or any other time designated by Council, on the following day. If no motion is made or if a motion is made and it fails, the meeting will continue until adjourned.

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 City Council of San Antonio will convene in Council Chambers, Municipal Plaza Building in a regular Council Meeting at 9:00 A.M.

1. Invocation by Pastor Dan Allen, Leon Springs First Baptist Church, Guest of Councilmember Art Hall, District 8 and Pledge of Allegiance.
2. Approval of Minutes for the September 8, 2005 City Council Meeting.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

3. An Ordinance approving an update to the Land Use Assumptions Plan and the Water Supply Capital Improvements Plan (the "Plans"), amendments to the Plans, and modifications to the San Antonio Water System water supply impact fee. [Presented by Ben Gorzell, Director, Public Utilities; Melissa Byrne Vossmer, Assistant City Manager]

An Ordinance authorizing execution of necessary contracts to provide third party claims administration and medical cost containment services for the city's self insured workers' compensation and liability program. [Presented by Sharon De La Garza, Director, Human Resources; Frances A. Gonzalez, Assistant City Manager]

5. Consideration of the following Ordinances related to the Carver Community Cultural Center: [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

A. Authorizing the execution of ten (10) professional artistic contracts in an aggregate amount not to exceed \$110,000.00 for performances related to the Carver Community Cultural Center's 2005-2006 season of events; authorizing the execution of professional services agreements for related technical services, and theatre rentals agreements; authorizing the negotiation and execution of agreements with comparable contractors in the event of non-performance of services by an intended contractor; authorizing the execution of letters of intent to reserve, subject to City Council approval, performances for the 2006-2007 season; authorizing the transfer of revenue funds from the Community and Visitor's Facilities Fund, to the Carver Organizational Support Project in the aggregate amount of \$199,000.00; authorizing the use of the ticket price schedule for the 2005-2006 Carver season of events and approving the continued use of said schedule; adopting a budget and approving a personnel complement.

B. Authorizing the acceptance of \$51,000.00 in financial support from the Carver Development Board for the FY 2005/2006 Carver Community Cultural Center season, to be managed in the Organization Support Project; adopting a budget; and approving a personnel complement.

C. Authorizing the execution of a management services contract with the Carver Development Board (CDB) in an amount up to \$55,598.00 for management of the Carver Community Cultural Center (CCCC) for the period ending September 30, 2006.

CONSENT AGENDA

Items Concerning the Purchase of Equipment, Supplies and Services

101418
101417
An Ordinance accepting the bids of various companies to provide the City of San Antonio with various types of commodities and services on an annual contract basis for Fiscal Year 2005-2006 for an estimated combined annual cost of approximately \$571,392.00 including: lubricants; aerial lift truck rental; propane refueling system maintenance and repair; inspection of aerial apparatus and ground ladders; and liquid propane gas (LPG) equipment parts and service. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

101417
An Ordinance accepting the bid submitted by Krug Furniture, Inc., using its local distributor, Herman Miller Workplace Resource, utilizing the Texas Multiple Award Schedules (TXMAS), to provide the City with library furniture for the Maury Maverick Jr. Branch Library for a total cost of \$80,268.49, from 1999 General Obligation Library Bond funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

101418
8. An Ordinance ratifying a contract with Starlight Entertainment to provide the City of San Antonio Convention Center Facilities with approximately 900 feet of lighting truss for the "Vatican Exhibit" for a total cost of \$33,490.00, from 2004 Hotel Motel Tax Subordinate Lien Revenue and Refund Bonds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Capital Improvement Items

101418
An Ordinance amending the General Operating Agency Agreement with the Greater Kelly Development Authority (GKDA) by extending the term of the Agreement by one (1) year to provide for the completion of two (2) street projects at KellyUSA, as part of the 2003 Bond Program. [Presented by Ramiro Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

101420
10. An Ordinance amending the lease agreement with Magik Theatre for Beethoven Hall in HemisFair Park, including changes to the Preservation Fee Schedule and reporting requirements. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

101421
11. An Ordinance authorizing execution of a lease agreement with Property Partners I, Ltd for 4,913 square feet of office space at the Westside Professional Building located at 700 South Zarzamora street for use by the City of San Antonio's Senior Services Division and Office of Elderly Affairs for a two-year term with two one-year renewal periods, beginning October 1, 2005 at a monthly rental of \$5,306.04 for the term of the lease agreement; authorizing the execution of any other necessary documents in connection therewith; and authorizing the payment of the monthly lease rental. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

Miscellaneous Items

- 101422
- 101423
- 101424
- 101440
- 101441
- 101425
- 101442
12. An Ordinance authorizing the acceptance of a continuation grant from the Alamo Area Council of Governments in the amount of \$36,174.00 for use in a Senior Nutrition Evidence-Based Prevention Demonstration Project from October 1, 2005 through September 30, 2006; authorizing the execution of grant agreements in connection therewith; adopting a budget; and appropriating funds. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]
 13. An Ordinance authorizing the acceptance of a grant from the Alamo Area Council of Governments in the amount of \$275,250.00 for the continuation of the Supportive Services for the Elderly Project from October 1, 2005 through September 30, 2006; authorizing the execution of a grant contract in connection therewith; adopting a budget; approving a personnel complement; appropriating funds; authorizing the allocation of carry forward funds; and authorizing the acceptance of supplemental funds, if awarded during the contract period. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]
 14. An Ordinance authorizing the acceptance of a \$500,000.00 grant from the Texas Department of Transportation (TxDOT) for the DWI Selective Traffic Enforcement Program (STEP) for the grant period October 1, 2005, to September 30, 2006, and authorizing an in-kind match of \$39,342.00 and a cash match of \$16,215.00. [Presented Albert A. Ortiz, Chief of Police; Christopher J. Brady, Assistant City Manager]
 15. An Ordinance assigning the obligations as a party to a Tax Phase-In Agreement between the City, PacifiCare Health Care Services and Wells Operating Partnership, L.P. from Wells Operating Partnership, L.P. to Lexington San Antonio L.P. [Presented by Ramiro Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]
 16. An Ordinance authorizing a one year extension of the professional services contract with Sterling's Public Safety, Inc., for a uniform commissary system from October 1, 2005 through September 30, 2006, and providing for an amendment to the contract to require availability of additional uniform items. [Presented by Robert Ojeda, Fire Chief; Christopher J. Brady, Assistant City Manager]
 17. An Ordinance adopting the July 2005 Edition of Chapter 35, titled Unified Development Code (UDC), of the City Code of San Antonio, Texas that incorporates the current active provisions of the 1987 UDC, the 2001 UDC as well as all the amendments to the 2001 UDC approved by City Council ordinance through July 1, 2005 and including non-substantive spelling, numbering and format changes. [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager].
 18. An Ordinance amending the Fiscal Year 2004-2005 Annual Budget by reprogramming previously appropriated Downtown Strategic Plan and Downtown Corridor Revitalization Plans funds in the amount of \$200,000.00 to an industry growth and tourism branding plan, incorporating downtown, entitled Destination SA and authorizing the transfer of \$75,000.00 of these reprogrammed funds to the Convention and Visitors Bureau Operating Budget for the continued development of Destination SA. [Presented by Janis Schmees, Acting Director, Convention & Visitors Bureau; Roland A. Lozano, Assistant to the City Manager]

101426
18. An Ordinance authorizing the City Manager or his designee to join the Alamo Area Council of Governments (AACOG) Alamo Clean Air Partnership (ACAP) on behalf of the City of San Antonio. [Presented by Daniel V. Cardenas, Director, Environmental Services; Melissa Byrne Vossmer, Assistant City Manager].

101427
19. An Ordinance authorizing an agreement with the San Antonio Water System in connection with its Community Education and Environmental Conservation Program known as Golf Fore SA, accepting a \$100,000.00 grant for use in establishing water conservation programs, upgrades, monitoring and education at six San Antonio Golf Courses, and appropriating funds. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

101428
20. An Ordinance authorizing the City Manager or his designee to execute the Third Amendment to the Licensed User Agreement with Ticketmaster, L.L.C. providing for a license to utilize the Ticketmaster AccessManager System, including related software and hardware, installation, training and maintenance in the amount of \$93,067.78; authorizing the expenditure of \$22,564.40 for additional telecommunications infrastructure inside the Alamodome; and providing for payment. [Presented by Michael Abington, Director, Alamodome; Roland A. Lozano, Assistant to the City Manager]

101429
21. An Ordinance approving settlement of the administrative appeal styled *City of San Antonio v Department of Labor*, Case No. 2004-WTW-00003 in the amount of \$80,960.00. [Presented by Martha Sepeda, Acting City Attorney; J. Rolando Bono, City Manager]

22. Confirmation of a Travel Authorization Request from Councilmember Elena Guajardo (District 7) for her attendance at the "International Public Transportation Exposition 2005" in Dallas, Texas on September 26, 2005.

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

101430
23. An Ordinance approving a parade permit and authorizing the temporary closure of portions of certain streets near the SBC Center in connection with the MS 150 Bike to the Beach to be held on Saturday, October 1, 2005 from 5:00 a.m. until 9:30 a.m., sponsored by the Multiple Sclerosis Society. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, City Manager]

101431
24. An Ordinance approving a parade permit and authorizing the temporary closure of portions of certain streets near Benson Library in connection with the St. Anthony Fun Run/Walk being held on Saturday, October 8, 2005 from 7:30 a.m. until 9:30 a.m., sponsored by the St. Anthony Catholic School. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, City Manager]

101432
25. An Ordinance approving a parade permit and authorizing the temporary closure of portions of certain streets near Milam Park in connection with the Light the Night Walk being held on Saturday, October 8, 2005 from 5:30 p.m. until 9:00 p.m., sponsored by the St. Anthony Catholic School. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, City Manager]

27. An Ordinance approving the temporary street closure of Belknap Place between Courtland Drive and Ashby Place on Monday and Tuesday, October 3-4, 2005 from 6:00 p.m. to 11:00 p.m., Wednesday and Thursday, October 12-13, 2005 and Monday, October 24, 2005 from 8:00 a.m. to 11:00 p.m. in connection with the Temple Beth El Annual Church Festival sponsored by Temple Beth El. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, City Manager]

Board, Commissions and Committee Appointments.

28. Consideration of the following Board Appointments: [Presented by Leticia M. Vacek, City Clerk]
- A. An Ordinance appointing Calvin Copeland (District 2) to the South Texas Business Fund Board (Category: Trustee) for a term of office to expire on September 22, 2008.
 - B. An Ordinance appointing Stanley Marshall, Jr. (District 2) to the Commission for Children and Families for a term of office to expire on May 31, 2007.
 - C. An Ordinance appointing Richard Holgin (District 1) and reappointing Roy E. Lee (District 2) to the City Commission on Veterans' Affairs for a term of office to expire on May 31, 2007.
 - D. An Ordinance appointing Jasmine Stewart (District 2) to the San Antonio Youth Commission for a term of office to expire on May 31, 2007.
 - E. An Ordinance reappointing Terry Bates (District 2) to the Disability Access Advisory Committee (Category: Consumer of Handicapped Services) for a term of office to expire on May 31, 2007.
 - F. An Ordinance reappointing Barbara L. Witte-Howell (District 1) to the Parks and Recreation Board for a term of office to expire on May 31, 2007.
 - G. An Ordinance appointing Jay "Scott" Shaver (District 1) to the Electrical Examining and Supervising Board (Category: Layperson) for a term of office to expire on September 22, 2007.

29. City Manager's Report - *None*

THE CITY COUNCIL WILL RECESS FOR LUNCH AT NOON AND RECONVENE AT 1 P.M. TO CONSIDER EXECUTIVE SESSION ITEMS AND ANY UNFINISHED COUNCIL BUSINESS:

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

- ✓ A. Briefing on the City Attorney selection process, pursuant to Texas Government Code Section 551.074 (personnel matters).
- ✓ B. Discuss legal issues related to *Zalman Resources, Inc. and Mark Abdelhak v. City of San Antonio*, Cause No. 2000-CI-00604, pursuant to Texas Government Code Section 551.071. (consultation with attorney)

C. Discuss legal issues related to the selection of providers of third party claims administration and medical cost containment services for the city's self-insured worker's compensation and liability program, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

6:00 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]; [Zoning Cases presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

Continue to Jan 12, 2006
P-1 PLAN AMENDMENT CASE NUMBER 05009: 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 an 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's recommendation is for approval. Planning Commission's recommendation is for approval. (Council District 2) [Presented by Emil R. Moncivais, Director of Planning; Jelynn LeBlanc Burley, Assistant City Manager]

Continue to Jan 12, 2006
Z-1 ZONING CASE #Z2005145 (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 Brown, P. C., Applicant, for Rockhill Partners, Ltd., Owner(s). Staff has recommended approval contingent on plan amendment and Zoning Commission has recommended approval contingent on plan amendment.

Continue to Jan 12, 2006
Z-2 ZONING CASE #Z2005121 (District 2): An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "L" Light Industrial District on Lot 13, 14 and 15, Block 1, NCB 10612, 458 North W. W. White Road as requested by Aggregate Plant Products Company, Applicant, for Aggregate Plant Products Company (BESSER), Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

101443
Z-3 ZONING CASE #Z2005186 (District 2): An Ordinance changing the zoning district boundary from "R-5" Residential Single-Family District to "I-1" General Industrial District on Lot 13A, NCB 12867, 4955 Stout as requested by Robert & Richard Reece, Applicant, for Robert & Richard Reece, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

101444
Z-4 ZONING CASE #Z2005045 A (District 4): An Ordinance changing the zoning district boundary from "C-2" Commercial District to "C-3NA" Commercial, Nonalcoholic Sales District on the east 180.2 feet of Lot 5, Block 10, NCB 8783 and "C-3NA" Commercial Nonalcoholic Sales District to "C-2" Commercial District on the east 180.2 feet of Lot 4, Block 10, NCB 8783 to the east 180.2 feet of Lot 5, Block 10, NCB 8783 and the east 180.2 feet of Lot 4, Block 10, NCB 8783, 727 Bynum Avenue and 731 Bynum Avenue as requested by City of San Antonio, Applicant, for Ricardo Rodriguez and Roland Villarreal, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

101445

Z-5 ZONING CASE #Z2005146 S (District 5): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (S-Child Day Care Center) Residential Single-Family District with Specific Use Permit for a Child Day Care Center on Lot 5, NCB 9611, 158 Darson Marie Drive as requested by Mariana P. Pena-Flores & Ricardo S. Flores, Applicant, for Mariana P. Pena-Flores & Ricardo S. Flores, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

Continue to Oct 6, 2005

Z-6 ZONING CASE #Z2005117 (District 6): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "MF-33" Multi-Family District on Parcel 69 and Parcel 69A, Block 55, NCB 13951; 6406 and 6440 US Highway 90 West as requested by Shelton & Valadez, P. C. c/o Bobby Perez, Applicant, for Highway 90 Joint Venture, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

101446

Z-7 ZONING CASE #Z2005195 (District 10): An Ordinance changing the zoning district boundary from "C-1" Light Commercial District to "C-2" Commercial District on Lot 5, Block 9, NCB 17306, 3338 Oakwell Court as requested by Marmom Mok, L. L. P., Applicant, for Oakwell Physicians, Ltd., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

8:00 P.M. – Ceremonial Recognitions ✓

8:00 P.M. – Citizens to be Heard ✓

ADJOURN

8:00 P.M. – If Council has not yet adjourned, the presiding officer shall entertain a motion to recess the council meeting and reconvene at 9:00 a.m., or any other time designated by Council, on the following day. If no motion is made or if a motion is made and it fails, the meeting will continue until adjourned.