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First Ord. 99229

First Res. 2004-20-12

Last Ord 99262

Last Res. 2004-21-12

**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
May 27, 2004**

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

Presentation on findings and recommendations from the Convention Center Headquarters Advisory Board on the Convention Center Headquarters Project. [Presented by Christopher J. Brady, Assistant City Manager; Terry M. Brechtel, City Manager]

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. Fineses Flores, Mount Sinai Methodist Church, guest of Councilman Julian Castro, District 7, and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes of the City Council Meeting of March 18, 2004.

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 Ordinances: [Presented by Milo D. Nitschke, Director, Finance; Melissa Byrne Vossmer, Assistant City Manager]

99233. An Ordinance authorizing the issuance of “City of San Antonio, Texas Water System Revenue and Refunding Bonds, Series 2004” in the principal amount of \$84,700,000.00; providing for the payment of the principal of and interest on the bonds by a lien on and pledge of the pledged revenues of the Water System on a parity with certain currently outstanding obligations; providing the terms and conditions of such bonds and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of such bonds, including the approval and distribution of an official statement; stipulating the terms and conditions for the issuance of additional revenue bonds on a parity therewith; authorizing the execution of a paying agent/registrars agreement, an escrow deposit letter, and a purchase contract; complying with the requirements of the Depository Trust Company; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing for an effective date.

99234. An Ordinance authorizing the issuance of “City of San Antonio, Texas Water System Junior Lien Revenue and Refunding Bonds, Series 2004” in the principal amount of \$10,635,000.00; providing for the payment of the principal of and interest on the bonds by a junior lien on and pledge of the net revenues of the City’s Water System on a parity with certain currently outstanding obligations; providing the terms and conditions of such bonds and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of such bonds, including the approval of an application to the Texas Water Development Board; authorizing the execution of a paying agent/registrars agreement, an escrow deposit letter, and an escrow agreement; complying with the requirements of the Depository Trust Company’s Letter of Representations; complying with the regulations promulgated by the Texas Water Development Board; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing for an effective date.

99235. An Ordinance authorizing the issuance of “City of San Antonio, Texas Water System Junior Lien Revenue and Refunding Bonds, Series 2004-A” in the principal amount of \$26,365,000.00; providing for the payment of the principal of and interest on the bonds by a junior lien on and pledge of the net revenues of the City’s Water System on a parity with certain currently outstanding obligations; providing the terms and conditions of such bonds and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of such bonds, including the approval of an application to the Texas Water Development Board; authorizing the execution of a paying agent/registrars agreement, an escrow deposit letter, and an escrow agreement; complying with the requirements of the Depository Trust Company’s Letter of Representations; complying with the regulations promulgated by the Texas Water Development Board; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing for an effective date.

99236 An Ordinance authorizing certain actions relating to outstanding obligations designated as City of San Antonio, Texas Water System Commercial Paper Notes, Series A, including approval of a Revolving Credit Agreement; and enacting other provisions incident and related to the subject and purpose of this ordinance.

Res. # 2004-247-12

A Resolution establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various capital infrastructure improvements to the City's Water Utility System from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing other matters incident and related to thereto.

5. 2:00 P.M. – Public Hearing and Consideration of the following Zoning Cases: [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

99237

ZONING CASE NUMBER Z2004093: The request of Vincent E. Villegas (Creative Concrete Designs), Applicant, for Vincent E. Villegas, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3NA" General Commercial Nonalcoholic Sales District on Parcel 9B, NCB 15894, 6516 Walzem Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 2)

99238

ZONING CASE NUMBER Z2003173-26: The request of City of San Antonio, Applicant, for Gayle, JC, Owner(s), for a change in zoning from "DR" Development Reserve District and "R-6" Residential Single-Family District to "UD" Urban Development District on P-1 (P-32), NCB 18087; and P-1, CB 4285, located at the southwest corner of Loop 410 South and South Zarzamora Street. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

99239

ZONING CASE NUMBER Z2003173-29: The request of City of San Antonio, Applicant, for Multiple Owners, Owner(s), for a change in zoning from "DR" Development Reserve District and "R-4" Residential Single-Family District to "RD" Rural Development District on P-2, P-2A, P-156 C, CB 4012, 16541, 16564, and 16666 Pleasanton Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

99240

ZONING CASE NUMBER Z2003173-30 C: The request of City of San Antonio, Applicant, for Edgar Dodson, Owner(s), for a change in zoning from "UD" Urban Development District to "C-2 C" Commercial District with conditional use for a house moving business on north 470 feet of Tract 14 and Tract 15, and the north 140 feet of Tract 16, NCB 18087; and the south 1,330 feet of Tract 14, south 1,320 feet of Tract 15, and south 1,310 feet of Tract 16, CB 4286, 2432 SW I.H. 410. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

denied
G. ZONING CASE NUMBER Z2004098 S: The request of Sprint Spectrum, Applicant, for James E. Porter. Owner(s), for a change in zoning from "C-3 NA" General Commercial Nonalcoholic Sales District to "C-3 NA S" General Commercial Nonalcoholic Sales District with specific use authorization for a 150 foot communication tower on the east 60 feet of the north 40 feet of Lot 5, Block 1, NCB 7739, 5314 South Flores Street. Staff's recommendation was for denial. Zoning Commission has recommended denial. (Council District 3)

99241
F. ZONING CASE NUMBER Z2003173-28: The request of City of San Antonio, Applicant, for City of San Antonio, Owner(s), for a change in zoning from "MI-1" Mixed Light Industrial District to "RP" Resource Protection District on P-6B and P-7B, CB 4297, property generally located east of State Highway 16 South, along the Medina River, and north to Watson Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

99242
G. ZONING CASE NUMBER Z2004059: The request of Dean E. Dobson, Applicant, for Dean E. Dobson, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "C-3" Commercial District on Lot 345, NCB 11135, near the intersection of Palo Alto Road and the Poteet Jourdanton Freeway. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

99243
H. ZONING CASE NUMBER Z2004092: The request of Joey Lopez, Applicant, for Joey Lopez, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "C-2" Commercial District on 1.8 acres out of NCB 11071, 1232 and 1234 Gillette Boulevard. Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 4)

99244
I. ZONING CASE NUMBER Z2004122: The request of City of San Antonio, Applicant, for The Greater Kelly Development Authority, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on 5.980 Acres out of NCB 13964, 145 Duncan Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

Continued July 20, 2009
J. ZONING CASE NUMBER Z2004034 C: The request of Jerardo Cavazos, Applicant, for Jerardo Cavazos, 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 authorization for a multi-family complex not to exceed 51 units on Lot 21, Block 2, NCB 6776, 1027 Kirk Place. Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 5)

99245
K. ZONING CASE NUMBER Z2004046: The request of JSL Development Corporation, Applicant, for Cable Ranch, Ltd., Owner(s), for a change in zoning from "I-1" General Industrial District and "C-3" Commercial District to "R-5" Residential Single-Family District on 75.679 acres out of NCB 15848, 1400 Block of Cable Ranch Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

90246

L. ZONING CASE NUMBER Z2004074 C: The request of Kaufman & Associates, Inc., Applicant, for South Texas Contracting Partners, Owner(s), for a change in zoning from "C-2 NA C" Commercial Nonalcoholic Sales District with conditional use for a print shop to "C-2 NA C" Commercial Nonalcoholic Sales District with conditional use for a contractors facility with outside storage on Lot 1, Block 4, NCB 16051, 8531 Leslie Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)

99247

M. ZONING CASE NUMBER Z2004096: The request of Julia Rosas, Applicant, for Landmark Contractors by Reynaldo De La Garza, Owner(s), for a change in zoning from R-5 Residential Single-Family District to C-1 Light Commercial District on Lot 83, NCB 11995, 6435 West Commerce Street. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)

Withdrawn

N. ZONING CASE NUMBER Z2003101C S: The request of J. Allen Family Partner, Ltd., Applicant, for Rogers Shavano Ranch, Ltd., Owner(s), for a change in zoning from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 NA ERZD C S" Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a conditional use for a mini-storage facility and a specific use authorization for a mini-storage facility exceeding 2.5 acres on a 5.6-acre tract of land out of NCB 17627, southwest of De Zevala and Old Lockhill-Selma Road (not open for public access). Staff's recommendation was for approval with conditions. Zoning Commission has recommended approval with staff's conditions. (Council District 8)

Continuance
June 10,
2004

O. ZONING CASE NUMBER Z2004049: The request of Dr. Carmen Garza Levcovitz, Applicant, for Dr. Carmen Garza Levcovitz, Owner(s), for a change in zoning from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on P-9, P-10 and P-11A NCB 14615, 8122 Hausman Road. Staff's recommendation was for approval. Zoning Commission has recommended approval of "C-2 NA ERZD" Commercial Nonalcoholic Sales Edwards Recharge Zone District. (Council District 8)

99248

P. ZONING CASE NUMBER Z2004073S: The request of Brown, P. C., Applicant, for Cuthbert Partners, Ltd., et al, Owner(s), for a change in zoning from "BP" Business Park District to "C-3 S" General Commercial District with specific use authorization for an auto paint and body shop on 10.294 acres out of NCB 14862, 11600, 11596, and 11570 IH 10 West. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

Continuance
Aug. 28,
2004

Q. 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, 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)

9 0249
R. ZONING CASE NUMBER Z2004100 S: The request of Kaufman & Associates, Inc., Applicant, for Niland Family Ltd. (Jana Inc.), Owner(s), for a change in zoning from O-2 Office District to O-2 S Office District with specific use authorization for a laboratory - medical or dental on Lot 9, Block 2, NCB 14282, 9600 Datapoint. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

9 9250
S. ZONING CASE NUMBER Z2004075C: The request of Alan Lindskog, Applicant, for Amreit Income & Growth Fund, Ltd., Owner(s), for a change in zoning from C-2 ERZD Commercial Edwards Recharge Zone District to C-2 C ERZD Commercial Edwards Recharge Zone District with conditional use for a nightclub on 0.0918 acres out of NCB 19214, 19210 Huebner Road. Staff's recommendation was for approval. Zoning Commission has recommended approval with the following conditions: 1. No outdoor events or entertainment shall be permitted. 2. Property shall maintain compliance with the City's noise ordinance. 3. Marquee, flashing and blinking signs shall be prohibited 4. All signage shall maintain compliance with the City's sign code. 5. Hours of operation shall be limited to 2 a.m. on everyday save Sunday evening when hours will be prohibited to midnight. (Council District 9)

9 9251
T. ZONING CASE NUMBER Z2004097: The request of 35 O'Connor Road, Ltd., Applicant, for 35 O'Connor Road, Ltd., Owner(s), for a change in zoning from I-1 General Industrial District to C-3 General Commercial District on Lot 7, NCB 17621, 11726 IH 35 North. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 10)

9 8252
6. 3:00 P.M. - Consideration of an Ordinance canvassing the results of the Joint Special Election held on May 15, 2004; and adopting the amendments to the City of San Antonio City Charter. [Presented by Yolanda Ledesma, Acting City Clerk; Erik J. Walsh, Assistant to the City Manager]

7. 3:30 P.M. - Public Hearing and consideration of the following Ordinances: [Presented by Andrew Cameron, Director, Housing and Community Development; Jelynn LeBlanc Burley, Assistant City Manager]

9 9253
A. An Ordinance adopting the 30th Year Community Development Block Grant (CDBG) in the amount of \$14,772,150.00 as contained in the Fiscal Year 2004-2005 Consolidated Plan Annual Budget; authorizing the 30th Year CDBG Program; designating the 30th Year CDBG Program Funds; appropriating 30th Year Program Funds in the amount of \$14,772,150.00; allocating program funds to projects; establishing accounts; delineating program responsibilities; authorizing personnel classifications and pay ranges; establishing a revolving loan account for Neighborhood Housing Services (NHS), San Antonio Alternative Housing Corp. (SAAHC) and the Neighborhood Action Department's Rental Rehabilitation and Owner-Occupied Rehabilitation and Reconstruction Programs; authorizing the reprogramming of CDBG Funds in the amount of \$230,734.93 available from the Neighborhood Commercial Revitalization Program (NCR) Project to Operation Facelift; authorizing the close-out and cancellation of the affected projects and the creation and/or modification of the appropriate project budgets; revising the appropriate project budgets; authorizing the execution and submission of contracts and other documents as necessary in connection therewith; authorizing the appropriation and allocation of said funds to said project; and providing for payment; authorizing the amendment

of the Neighborhood Action Department's Lead Based Paint Hazard Control Program description to address lead based paint hazards in housing units where children with elevated blood lead levels have been identified and referred in coordination with the health department; authorizing the amendment of the Dangerous Structures Determination Board's Historic Structures Stabilization Program to include commercial properties and to cover the cost of professional services; authorizing execution of all required contracts and related documents in connection with said 30th Year CDBG Program, and the projects thereunder; and authorizing the submission of the CDBG Grant to the U.S. Department Of Housing and Urban Development (HUD) for Fiscal Year 2004-2005 Consolidated Plan Annual Budget, certification and other information as required to HUD.

99254 and 78(2) 99255

B. An Ordinance adopting the 13th Year Home Partnership Entitlement Grant (HOME) in the amount of \$7,315,294.00, \$335,700.00 in Fiscal Year 2003-2004 American Dream Downpayment Initiative, \$396,135.00 in Fiscal Year 2004-2005 American Dream Downpayment Initiative and \$100,471.93 in reprogrammed funds as contained in the Fiscal Year 2004-2005 Consolidated Plan Annual Budget; authorizing the reprogramming of HOME funds in the amount of \$100,471.93 available from the San Antonio Housing Trust Neighborhood Revitalization Fund; authorizing the close-out and cancellation of the affected projects and the creation and/or modification of the appropriate project budgets; authorizing the Fiscal Year 2004-2005 Home Partnership Entitlement Grant (HOME) Program; designating the 13th Year Home Program Funds; appropriating 13th Year Program Funds; allocating program funds to projects; establishing accounts; delineating program responsibilities; authorizing personnel classifications and pay ranges; authorizing the execution and submission of contracts and other documents as necessary in connection therewith; authorizing the appropriation and allocation of said funds to said projects; and providing for payment; authorizing execution of all required contracts and related documents in connection with said 13th Year Home Program, and the projects thereunder; and authorizing the submission of the Home Grant to the U.S. Department Of Housing and Urban Development (HUD) for Fiscal Year 2004-2005 Consolidated Plan Annual Budget, certification and other information as required to HUD.

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

99230 An Ordinance accepting the low responsive bid submitted by Donsan Construction, LLC, (MBE) to provide the City of San Antonio Parks and Recreation Department with Springtime Park Improvements for a total amount of \$102,550.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

9.9231
9. 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 FY 2004-2005 for an estimated combined annual cost of \$268,818.00 to include contracts for Ultra OPT/CICS and SQL Back Track for MC SQL SR/BMC maintenance renewal, PC Docs/Fulcrum Enterprise Suite and traffic sign materials. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Capital Improvement Items

9.9232
11. An Ordinance appropriating \$73,500.00 from 1999-2003 Park Bond funds for construction related costs in connection with the Northridge Park Improvements Project in Council District 10; authorizing \$73,400.00 for park construction crew expenses and \$100.00 for mandatory project fees; and amending the project budget. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

Miscellaneous

9.9229
12. An Ordinance authorizing the City Manager or her designee to accept two grants from the Texas Military Preparedness Commission (TMPC) in the total amount of \$369,778.00 to be used for infrastructure grant projects at KellyUSA and Brooks City-Base; authorizing the execution of grant contracts with TMPC; and authorizing the execution of subgrant contracts with the Greater Kelly Development Authority and the Brooks Development Authority for each project. [Presented by Ramiro A. Cavazos, Director, Economic Development; J. Rolando Bono, Deputy City Manager]

ITEMS FOR INDIVIDUAL CONSIDERATION

9.9252
13. An Ordinance selecting Facility Programming, Ltd., d/b/a Facility Programming and Consulting (SBE) to provide programming services in connection with the Emergency Operations Center Project, Phase A, located at Brooks City Base in Council District 3; authorizing the execution of a professional services contract in an amount not to exceed \$118,500.00; authorizing \$11,850.00 for contingency expenses, for a total amount of \$130,350.00 from 2003-2007 General Obligation Public Health and Safety Improvement Bond funds; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

9.9258
14. An Ordinance authorizing the execution of an Interlocal Agreement in connection with Toyota Roadway Infrastructure between the City of San Antonio and Bexar County, in the amount of \$1,094,646.00 to fund a collaborative effort between Bexar County, the City of San Antonio and the Texas Department of Transportation to upgrade the roadways that will serve the Toyota Plant and ratifying the approval of design services. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

99256
15. An Ordinance amending the Northwest Community Plan to update the land use element of the plan, in Council Districts 7 and 8, a component of the Master Plan of the City in an area bounded by Bandera Road and the City of Leon Valley on the Northeast, Grissom Road and Culebra Road on the South, and Loop 1604 on the Northwest. Staff recommends approval. The Planning Commission recommends approval. [Presented by Emil R. Moncivais, Director, Planning; Jelynne LeBlanc Burley, Assistant City Manager]

99259
16. An Ordinance authorizing the waiver and refund of certain Development Fees in the amount of \$6,898.00 for Victory Fellowship located at 1030 S.W. 39th Street in Council District 6; as requested by Councilman Enrique M. Barrera, District 6. Staff recommends denial of all development fee waivers and refunds for this project. [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

99260
17. An Ordinance amending Chapter 6 of the City Code, titled "Building", phasing out all new testing and new licensing of mechanical licenses deferring to State license provisions. [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

99261
18. An Ordinance amending Chapter 10 of the City Code, titled "Electricity", deferring all new testing and new licensing of electricians to the State license provisions; establishing a \$75 annual fee to be included in the city's fee schedule for registration of a state-issued electrical contractor's license or electrical sign contractor's license. [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

99262
19. An Ordinance authorizing the San Antonio Housing Finance Corporation to issue Multi-Family Revenue Bonds not to exceed \$13,000,000.00 to provide financing for the development of the Stonehouse Valley Apartments Project, located near the intersection of Woodstone and Vance Jackson in Council District 8; and enacting other provisions incident and related to the subject and purpose of this ordinance. [Presented by Andrew Cameron, Director, Housing and Community Development; Jelynne LeBlanc Burley, Assistant City Manager]

Travel
20. Travel Authorization for Councilman Christopher "Chip" Haass, District 10, who will travel to Washington, D.C. to meet with Federal agency representatives on San Antonio specific issues and with San Antonio-area Congressional and Texas U.S. Senate delegation members from Monday, June 7, 2004 to Wednesday, June 9, 2004.

21. City Manager's Report.

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

✓ Discuss the lawsuit styled *Charles Pollock and Tracy Pollock, Individually and as Next Friends of Sarah Jane Pollock, a Minor Child, v. City of San Antonio*, Case No. 04-03-00403-CV, pursuant to Texas Government Code Section 551.071 (consultation with attorney).