



First Ord 101324
 First Rev. 2005-35-34
 Last Ord 101348
 Last Rev. None

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**Agenda
 City Council Meeting
 Municipal Plaza Building
 City Hall Complex
 103 Main Plaza
 San Antonio, Texas 78205
 September 1, 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.
- 9:30AM:** Abandon portions of certain streets for construction of aircraft hangers
- 11:00AM:** Library Board Presentation of the FY 2006
- 12:00PM:** Lunch Break
- 1:00PM:** Executive Session*
- 3:00PM:** FY05-06 Proposed Budget Worksession- Capital Budget and Debt Management Plan
- 5:00PM:** Ceremonial Recognitions
- 6:00PM:** Citizens to be Heard & FY06 Ad Valorem Tax Rate Public Hearing
- 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-TVS

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 Ramon Vasquez y Sanchez, Elder, Tap Pilam, Coahuiltecan Nation, Guest of Councilmember Patti Radle, District 5 and Pledge of Allegiance.
2. Swearing-In of Councilmember Roger Flores – Mayor Pro Tem.
3. Approval of Minutes for the August 18, 2005 City Council Meeting.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

4. 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 Phil Hardberger.

5. **9:30 A.M. TIME CERTAIN:** Public hearing and consideration of an Ordinance closing, vacating, and abandoning portions of Northern Boulevard, Nimitz Street, and five 20-foot wide alleys located in the southern portion of the San Antonio International Airport in Council District 9 for the construction of aircraft hangers as requested by the City's Aviation Department. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

6. Municipal Marketing Partnership Program Policy items: [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

A) An Ordinance approving the Municipal Marketing Partnership Program Policy which establishes guidelines and procedures for the development, implementation and management of the Program.

B) A briefing regarding staff's recommendation to continue to utilize the services of Active Public Enterprise Group, Inc. (APEG) for the implementation of the Municipal Marketing Partnership Program.

7. An Ordinance amending Section 33-981 of the San Antonio City Code to provide for a taxicab fare fuel surcharge. [Presented Albert A. Ortiz, Chief of Police; Christopher J. Brady, Assistant City Manager]

8. An Ordinance approving the final project and financing Plans for Tax Increment Reinvestment Zone Number Twelve, City of San Antonio, Texas ("Zone") known as the Plaza Fortuna TIRZ; authorizing the payment of all incremental ad valorem taxes in the Zone into the Zone's Tax Increment Fund; and authorizing the City Manager to negotiate and execute Interlocal Agreements with the Board of Directors for the Zone ("Board"), Bexar County and the Alamo Community College District and a Development Agreement with the Board and HLH Development L.P. [Presented by David D. Garza, Director, Neighborhood Action; Jelynn LeBlanc Burley, Assistant City Manager]

9. An Ordinance authorizing payment of \$186,650.00 for appraisal services obtained through the San Antonio Development Agency as part of the project to acquire real property necessary to establish the Texas A&M University System Campus in San Antonio, authorizing subsequent

reimbursement of the amount expended from other funds such as the sale of certificates of obligations or the Community Infrastructure Economic Development Fund. [Presented by Andrew W. Cameron, Director of Community Development Department; Jelynn LeBlanc Burley, Assistant City Manager]

10. An Ordinance establishes the National Incident Management System (NIMS) as directed by the Secretary of the Department of Homeland Security, through Homeland Security Presidential Directive (HSPD) 5, in efforts to provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. [Presented by Robert Ojeda, Fire Chief; Christopher J. Brady, Assistant City Manager]

not heard
11. **11:00 A.M. TIME CERTAIN-** Library Board Presentation of the FY 2006 Library Proposed Budget [Presented by John Nicholas, Chair, Library Board of Trustees; Frances Gonzalez, Assistant City Manager]

CONSENT AGENDA

Items Concerning the Purchase of Equipment, Supplies and Services

12. An Ordinance accepting the bid from Equipment Depot to provide the Alamodome Department with two forklifts for a total cost of \$100,894.00, from the State Final Four Sales Tax Refund. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

13. An Ordinance accepting the bids from Alamo Ag-Con Equipment, items 1, 3, 4, 5A-B, 6 and 7; and C & M Golf and Grounds Equipment, item 2 to provide the Parks and Recreation and Public Works Departments with replacement mowers for a total cost of \$529,103.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

14. 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 \$1,098,884.00 including: printing of business cards, flares, window cleaning services-Library facilities, floor maintenance, automotive parts for pumper and ladder trucks, rental of asphalt paver, aircraft rescue and fire fighting vehicles prevention maintenance; grass seed; lamps and lighting items, lamp ballasts, back support belts, and custodial paper products. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Capital Improvement Items

15. An Ordinance authorizing the execution of an "Advance Funding Agreement" in an amount not to exceed \$72,161.60 payable to TXDOT from the FY 2005 Signal Installation and Signal Upgrade Program funds and an "Agreement for the Furnishing of Traffic Signal Equipment by a Municipality" in an amount not to exceed \$15,125 payable to the City of San Antonio by TXDOT for the purposes of installing and furnishing equipment for two traffic signals at the intersections of Bulverde Road at Classen Road and Bulverde Road at Loop 1604 within Council District 10; and

providing for payment. [Presented by Thomas G. Wendorf, P.E., Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

16. An Ordinance selecting Lloyd Walker Jary & Associates, Inc. to provide architectural services in connection with the Fire Department Services Facility Renovation Project; authorizing the negotiation and execution of a professional services agreement in an amount not to exceed \$278,842.00; authorizing \$19,000.00 for project contingency; and \$2,000.00 for advertising expenses; appropriating funds; and providing for payment, from 2002 Certificates of Obligation. [Presented by Thomas G. Wendorf, P.E., Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

17. An Ordinance accepting a proposal for an amendment to a professional services agreement with Poznecki, Camarillo and Associates, Inc., a MBE firm in the amount of \$24,755.00 for additional engineering services in connection with the Commerce Street – Railroad to S. Palmetto Project an authorized 2003-2007 General Obligation Street Improvement Bond project located in Council District 2, appropriating funds and providing for payment. [Presented by Thomas G. Wendorf, P.E., Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

18. An Ordinance accepting the lowest, responsive bid of Magro Air Conditioning and Heating (SBE/MBE) in the amount of \$135,472.00 in connection with the Frank Garrett Center HVAC Upgrades, an approved Community Development Block Grant (CDBG) Project, located in Council District 1; authorizing \$6,528.00 for project contingency expenses, for a total amount of \$142,000.00; appropriating funds, revising the project budget and providing for payment. [Presented by Thomas G. Wendorf, P.E., Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

19. An Ordinance authorizing and appropriating compensation of \$4,250.00 to Andre P. Cannon, owner of property at 1122 Rice Road in Council District 2, for removal and replacement of four brick columns that collapsed in connection with the Rice Road Reconstruction: W.W. White to Semlinger Project, payment to be contingent on the owner's delivery of a release to the City, from 1999 General Obligation Street Improvement Bond Funds. [Presented by Thomas G. Wendorf, P.E., Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

20. An Ordinance selecting Joshua Engineering Group, Inc. (SBE/MBE) to provide engineering services in connection with the San Fernando Gymnasium HVAC Improvements Community Development Block Grant (CDBG) Project, in City Council District 1; authorizing the negotiation and execution of a professional services contract in an amount not to exceed \$37,384.00; authorizing \$5,000.00 for miscellaneous engineering contingency expenses; authorizing \$1,500.00 for bid and advertising expenses; authorizing \$8,000.00 for mandatory project fees, for a total amount of \$51,884.00; appropriating funds; revising the project budget; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

21. An Ordinance authorizing the sale of 17.2 acres, more or less, of City-owned property at the Southwest Business and Technology Park to the San Antonio Food Bank, Inc. for a price not less than the greater of (a) \$34,488 an acre or (b) appraised value and, in connection therewith,

authorizing execution and delivery of a sales contract providing for payment of certain sales expenses. [Presented by Rebecca Waldman, Director, Department of Asset Management; Erik J. Walsh, Assistant to the City Manager]

Miscellaneous Items

22. An Ordinance authorizing the City Manager to accept an award in the amount of \$750,000.00 from the Department of Health and Human Services, Health Resources & Services Administration (HRSA) for the San Antonio Metropolitan Health District (SAMHD) to continue the Healthy Start Initiative for the period June 1, 2005 through May 31, 2006, adopt the project budget, approve the personnel complement, and authorize payments for contractual services. [Presented by Fernando A. Guerra, MD, Director of Health; Frances A. Gonzalez, Assistant City Manager]

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

23. An Ordinance authorizing the temporary closure of East Grayson between Isletta and Avenue A and Karnes Street between Josephine Street and East Grayson on September 30, October 1, 7-9, 14-16, and 20-31, 2005 from 6:00 p.m. to 12:00 midnight for the Annual Nightmare On Grayson event sponsored by Tribra Enterprises, Inc. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, City Manager]

24. An Ordinance approving a parade permit and authorizing the temporary closure of portions of streets in the general vicinity of Memorial Stadium on Saturday, September 17, 2005 from 7:30 a.m. until 12:00 noon in connection with the 30th Annual Cultural Arts Parade, sponsored by the Harlandale Independent School District. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, City Manager]

25. An Ordinance approving a parade permit and authorizing the temporary closure of portions of San Jose, Napier, Padre and Mission Parkway near Mission San Jose on Sunday, September 18, 2005 from 6:30 a.m. until 10:00 a.m. in connection with the Mission Heritage 5k run, sponsored by Mission San Jose. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, City Manager]

26. An Ordinance approving a parade permit and authorizing the temporary closure of portions of W. Military, N. Ellison, and Wiseman and Hunt Lane near Sea World of Texas on Sunday, September 18, 2005 from 6:00 A.M. until 9:30 A.M. in connection with the Splash Triathlon at Sea World, sponsored by Roger Soler's Sports. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, City Manager]

Board, Commissions and Committee Appointments.

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

A. An Ordinance appointing Eddie Masson (District 5) to the Transportation Advisory Board for a term of office to expire on September 1, 2007.

B. An Ordinance appointing Rene I. Dominguez (District 9) to the Small Business Advocacy Committee (Category: Consumer) for a term of office to expire on May 31, 2007.

28. 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:

29. The 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. Discuss legal issues and strategies related to the use of right-of-way by telecommunications, cable and video service providers, pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.072 (deliberation regarding real property).
- C. Discuss legal issues related to *Allstar's, PT's, Sugar's, XTC, Jane Roe I, and Jane Roe II v. City of San Antonio and Ed Garza*, Cause No. SA-03-CA-356-FB, pursuant to Texas Government Code Section 551.071. (consultation with attorney)
- D. Discuss legal issues related to *Mario A. Telles, v. City of San Antonio and San Antonio Police Department*, Cause No. 2004-CI-14612, pursuant to Texas Government Code Section 551.071. (consultation with attorney)

30. 3:00 P.M. TIME CERTAIN – FY 2006 Proposed Budget Work Session:

- Capital Budget
- Debt Management Plan

5:00 P.M. – Ceremonial Recognitions

6:00 P.M. – Citizens to be Heard and Public Hearing on the FY 2006 Proposed Ad Valorem Tax Rate for the FY 2006 Proposed Budget and the tax year beginning on January 1, 2005 and ending December 31, 2005.

ADJOURN

7:00 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.