



First Ord. 99703A
First Res. 2004-33-27
Last Ord. 99752
Last Res. None
RECEIVED
CITY OF SAN ANTONIO
2004 SEP 16 A 10:08

**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
September 16, 2004**

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).

- I. The City Council will convene in Council Chambers, Municipal Plaza Building in a Regular Council Meeting at 1:00 P.M.
 1. Invocation by Chaplin Col. Edward Maney, Fort Sam Houston, and Pledge of Allegiance.
 2. Ceremonial Items.
 3. Approval of the minutes of the City Council Meeting of June 10, 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:

- 99725
- 99726
- 99727
- 99728
- 99729
- 99730
- 99731
- 99732
- 99733
4. 3:00 P.M. – Second Public Hearing on the Fiscal Year 2004-2005 Proposed Budget and consideration of the following Ordinances: [Presented by Peter Zaroni, Acting Director, Management & Budget; Erik J. Walsh, Assistant to the City Manager]
 - A. An Ordinance adopting the Annual Consolidated Operating and Capital Budgets for the City of San Antonio for Fiscal Year 2004-2005, beginning October 1, 2004 and ending September 30, 2005; approving the FY 2005 through FY 2010 Capital Improvements Program for the City of San Antonio; appropriating funds and authorizing personnel positions in accordance with said budget; setting the FY 2004-2005 Holiday Schedule and Pay Plan for City employees; authorizing contracts with outside agencies and amending Ordinance No. 99374, passed on June 24, 2004, in connection therewith; and setting City Council District Budgets and City Council Human Development Services Budgets.
 - B. An Ordinance authorizing the submission of the U.S. Department of Housing & Urban Development (HUD) 108 Loan Program application to HUD; authorizing the acceptance of funds in an amount not to exceed \$57,000,000.00 upon award by HUD; approving the HUD 108 Loan Program Budget; and authorizing the negotiation and execution of any and all documents in connection therewith.
 - C. An Ordinance setting the ad valorem tax rate for Maintenance and Operation (M&O) of the City government of the City of San Antonio at 36.704 cents per \$100.00 of taxable valuation for the tax year beginning on January 1, 2004, and ending on December 31, 2004.
 - D. An Ordinance setting the ad valorem tax rate to pay the principal and interest on the funded debt of the City of San Antonio at 21.150 cents per \$100.00 of taxable valuation for the tax year beginning on January 1, 2004, and ending on December 31, 2004.
 - E. An Ordinance establishing new fees for Asset Management services, transferring certain existing funds, and amending the corresponding sections of the City Code to reflect such changes.
 - F. An Ordinance amending and establishing fees associated with Code Compliance enforcement, and amending the corresponding sections of the City Code to reflect such changes.
 - G. An Ordinance establishing and amending fees charged for Development Services related inspections, review and permitting, and amending the corresponding sections of the City Code to reflect such changes.
 - H. An Ordinance establishing new fees for Economic Development services provided to outside agencies, and amending the corresponding sections of the City Code to reflect such changes.
 - I. An Ordinance amending and eliminating various fees associated with the Finance Department licensing and treasury services, and amending the corresponding sections of the City Code to reflect such changes.

99734 ✓
An Ordinance establishing and amending various fees associated with the provision of Fire protection and prevention services, and amending the corresponding sections of the City Code to reflect such changes.

99735 ✓
An Ordinance amending various fees charged for the provision of health inspections, services and records through the San Antonio Metropolitan Health District, and amending the corresponding sections of the City Code to reflect such changes.

99736 ✓
An Ordinance amending the fee charged for participation in the San Antonio Export Leaders Program, provided by the International Affairs Department, and amending the corresponding section of the City Code to reflect this change.

99737 ✓
An Ordinance establishing and amending various fees associated with the provision of library materials and services through the Library Department, and amending the corresponding sections of the City Code to reflect such changes.

99738 ✓
An Ordinance amending the Parking Booting Fee, monitored by Municipal Courts, and amending the corresponding sections of the City Code to reflect such changes.

99739 ✓
An Ordinance amending various fees charged for parks and recreation related programs, services, facilities and classes through the Parks and Recreation Department, and amending the corresponding sections of the City Code to reflect such changes.

99740 ✓
An Ordinance establishing and amending various fees charged for historic and planning services through the Planning Department, and amending the corresponding sections of the City Code to reflect such changes.

99741 ✓
An Ordinance establishing and amending various fees charged for ground transportation, vehicle storage, records and public safety services through the San Antonio Police Department, and amending the corresponding sections of the City Code to reflect such changes.

99742 ✓
An Ordinance amending the fee charged for street and sidewalk closures for development through the Public Works Department, and amending the corresponding sections of the City Code to reflect such changes.

99743 ✓
An Ordinance amending fees charged for parking at the San Antonio International Airport, resulting in additional revenue to the Aviation Fund, and amending the corresponding sections of the City Code to reflect such changes.

99744 ✓
An Ordinance amending fees charged by the Alamodome Department for Alamodome and Wolff Stadium parking and establishing an Alamodome Renewal and Improvement Facility Fee, resulting in additional revenue to the Community and Visitor Facilities Fund, and amending the corresponding sections of the City Code to reflect such changes.

99745 ✓ U. An Ordinance establishing and amending various fees in the Convention Facilities Department charged for Convention Facility room and equipment rentals, resulting in additional revenue to the Community and Visitor Facilities Fund and amending the corresponding sections of the City Code to reflect such changes.

99746 ✓ V. An Ordinance establishing and amending various fees associated with the provision of Emergency Medical Services, resulting in additional revenue to the Emergency Medical Services Fund and amending the corresponding sections of the City Code to reflect such changes.

99747 ✓ W. An Ordinance amending the structure and rates for various fees associated with the provision of Golf activities and equipment, resulting in additional revenue to the Golf Fund and amending the corresponding sections of the City Code to reflect such changes.

99748 ✓ An Ordinance establishing and amending fees associated with the provision of Information Technology Services, resulting in additional revenue to the Information Technology Services Fund and amending the corresponding sections of the City Code to reflect such changes.

99749 ✓ Y. An Ordinance amending rental fees for the International Center, resulting in additional revenue to the International Center Fund; authorizing the Director of Asset Management, as designee of the City Manager to administratively approve the waiver of catering fees for events held in the International Center Conference or Meeting Room; and amending the corresponding sections of the City Code to reflect such changes.

99750 ✓ Z. An Ordinance amending various fees charged for parks and recreation facilities resulting in additional revenue to the Otto Koehler Fund, and amending the corresponding sections of the City Code to reflect such changes.

99751 ✓ AA. An Ordinance establishing a \$3 per vehicle parking fee associated with the Frio Street Parking Lot, resulting in additional revenue and amending the corresponding sections of the City Code to reflect such changes.

99752 ✓ BB. An Ordinance amending fees charged for interment and disinterment services at the San Jose Cemetery, resulting in additional revenue to the San Jose Burial Fund and amending the corresponding sections of the City Code to reflect such changes.

5. 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

- 99718
- 99703A
6. An ordinance accepting the low responsive bids submitted by Edwards Holdings, Inc. d/b/a Texas Equipment (WBE), items 1A, 1B, 2B, 3 and 4; Utility Truck and Equipment Company, Inc., item 2A; Northwest Mfg. & Dist. Inc., item 6; and Bergkamp Inc., item 7 to provide the City of San Antonio Parks and Recreation, Public Works, Purchasing, Health and the Environmental Services Departments with truck bodies for a total amount of \$291,361.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]
 7. 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 FY2004-2005 for an estimated combined annual cost of \$2,550,419.00 to include contracts for temperature management control system maintenance at San Antonio International Airport, automatic temperature control systems for police facilities, Host Computer Operation System Software License Renewal, Enterprise license agreement, general packet radio and enhanced data evolution service, maintenance and repair of CSI temperature control system and I/Net 2000 software at police headquarters dispatch center, manhole rings, covers, grates and risers, Tuffy trailer parts and service, personal computer services, pedestrian countdown timers, bonding glass beads, janitorial supplies, radiators, fuel tanks, heater cores, coolers and evaporator unit parts and service, floor care products, and water treatment service for the municipal swimming pools. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Capital Improvement Items

- 99719
- 99720
8. An Ordinance accepting the low responsive bid of Restek, Inc., in the amount of \$797,300.00 for the construction of Renovations to Existing Parking Garage – Bid Package 2 at San Antonio International Airport; authorizing execution of a construction contract; authorizing \$79,730.00 for construction contingencies, for a total amount of \$877,030.00; appropriating funds; and providing for payment. [Presented by Kevin Dolliole, Director, Airport; J. Rolando Bono, Deputy City Manager]
 9. An Ordinance amending the professional services agreement with the firm of Booz Allen Hamilton, Inc., to provide planning services in connection with Phase 2 of the Environmental Impact Statement for San Antonio International Airport pursuant to the National Environmental Policy Act of 1969 and the Council on Environmental Quality for an amount not to exceed \$1,634,560.00; authorizing \$86,000.00 for contingency fees for a total amount of \$1,720,560.00; appropriating \$500,000.00 as matching funds for Grant No. 3-48-0192-46-03; revising the budget; and providing for payment. [Presented by Kevin Dolliole, Director, Airport; J. Rolando Bono, Deputy City Manager]

- 99704
10. An Ordinance approving Texas Department of Transportation (TXDOT) Change Order Numbers 16, 18, 19 and 20 in the total amount of \$27,296.48 payable to TXDOT from Certificates of Obligation in connection with the Pleasanton Road - Southcross to Mayfield (MPO) Project, located in Council District 3; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

- 99705
11. An Ordinance authorizing the execution a lease agreement between the City of San Antonio and the San Antonio Sports Foundation for 6,650 square feet of office space at the Alamodome and fifteen (15) parking spaces for a period of ten (10) years, with one (1) additional five (5) year renewal option, commencing October 1, 2004 and expiring September 30, 2014, for a monthly payment to the City of \$4,046.30, based on utilities and telecommunications usage. [Presented by Michael Abington, Director, Alamodome; Roland A. Lozano, Assistant to the City Manager]
 12. An Ordinance granting a six (6) foot wide by 350 linear foot sanitary sewer easement within an existing Public Right of Way drainage easement located between John H. Wood Middle School and Eagle Run Street adjacent to NCBs 17153, 17999 and 17800 in Council District 10, as requested by the Petitioner, the Northeast Independent School District, for the total consideration of \$2,066.00. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Miscellaneous

- 99707
13. An Ordinance authorizing the acceptance of a contract in an amount not to exceed \$40,000.00 from Christus Santa Rosa Health Care ("CSRHC") in order for the San Antonio Metropolitan Health District to provide patient care management, outreach, education and facilitation of community coalition activities in support the CSRHC Mobile Mammography Program for the period October 1, 2004 through September 30, 2006; and authorizing the execution of the contract with CSRHC. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]
 14. An Ordinance authorizing the City Manager or her designee to execute a Joint Funding Agreement with the United States Department of the Interior, U.S. Geological Survey, Water Resources Division; authorizing payment to same from the Storm Water Regional Facilities Fund in the amount of \$28,850.00 for services performed in connection with surface-water data collection activities; and appropriating funds. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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- 99712
15. An Ordinance authorizing the Aviation Director to renew contracts, as they come due, for placement of San Antonio International Airport Information and Diagrams in local and surrounding community telephone directories published by SBC Communications, Verizon, Sprint, Double D, and Kerrville Telephone Companies; and authorizing payment in an amount not to exceed \$57,000.00 for the placement of these advertisements. [Presented by Kevin Dolliole, Director, Airport; J. Rolando Bono, Deputy City Manager]
 16. An Ordinance amending City Ordinance No. 96269, dated August 29, 2002, by authorizing the City Manager or her designee to extend the programming services contract with Open Systems Group, Inc. (OSG) for a period of twelve (12) months, for continued professional services to finalize the implementation of the Police Field Entry Reporting System including entry, retrieval, and electronic storage of all police reports, implementing a Report Management System, and incorporating the necessary software interface to existing proprietary programming applications through licenses from OSG for the period beginning November 1, 2004, and ending October 31, 2005. [Presented by Albert A. Ortiz, Police Chief; Christopher J. Brady, Assistant City Manager]
 17. An Ordinance authorizing the City Manager or her designee to accept a donation in the amount of \$3,751.61 from the Association of Records Managers and Administrators to the San Antonio Police Department's Sex Crimes Unit, to be used to buy stuffed animals for the Care Bear Program. [Presented by Albert A. Ortiz, Police Chief; Christopher J. Brady, Assistant City Manager]
 18. An Ordinance authorizing the submission of a grant application in the amount of \$146,076.00 to the Texas Department of Public Safety, Division of Emergency Management, which, if awarded, will be used to offset administrative costs of the San Antonio Fire Department's Emergency Management Office in its efforts to continually plan for natural disasters, manmade disasters, technological disasters, and acts of terrorism involving weapons of mass destruction, for the grant period of October 1, 2004 through September 30, 2005. [Presented by Robert Ojeda, Fire Chief; Christopher J. Brady, Assistant City Manager]
 19. An Ordinance ratifying the acceptance of a grant in the amount of \$440,408.00 from the U.S. Department of Homeland Security (DHS), through the Office of Domestic Preparedness (ODP), distributed through the State of Texas, which will provide the City with items necessary to expand its emergency preparedness capabilities and allow for a greater range of preparedness activities, including the purchase of anti-terrorism and weapons of mass destruction incident-related equipment, pharmaceuticals, and supplies, for the FY 2004 grant period December 1, 2003 to November 30, 2005. [Presented by Robert Ojeda, Fire Chief; Christopher J. Brady, Assistant City Manager]

99713
20. An Ordinance consenting to the assignment of an existing legal services contract from Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend for assistance with post construction claims resulting from the Henry B. Gonzalez Convention Center Expansion Project to the law firm of Ford, Nassen & Baldwin; authorizing payment in the additional amount of \$77,647.81 for services previously rendered in connection with a claim made by Clark/JT Construction on behalf of Todd-Ford and Lewis and Lambert, and related matters; approving a budget of \$55,000.00 for additional legal services needed to close-out the Project; and providing for payment. [Presented by Andrew Martin, City Attorney; Terry M. Brechtel, City Manager]

99722
21. An Ordinance approving a third amendment of the Automated Teller Machine (ATM) License Agreement between the City of San Antonio and the San Antonio City Employee Federal Credit Union for the placement of ATM machines on City property, adding one new location at the Henry B. Gonzalez Convention Center, for a total of fifteen (15), all locations providing a license fee to City of \$200.00 per month plus forty percent (40%) of all foreign and alternate transaction fees collected. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

99714
22. An Ordinance consenting to the assignment of alcohol beverage concession service rights at the Henry B. Gonzalez Convention Center from San Antonio Concessions, Inc., to R.K. Group d/b/a Catering by Rosemary, Inc. as listed on the alcoholic beverage license. [Presented by Michael J. Sawaya, Director Convention Facilities; Roland A. Lozano, Assistant to the City Manager]

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

99715
23. An Ordinance approving a parade permit and authorizing the temporary closure of East Grayson between Isletta and Avenue A and Karnes Street between Josephine Street and East Grayson on September 18, 24-25, October 1, 2, 8-10, 15-17, 21-30 and October 31, 2004 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; Terry M. Brechtel, City Manager]

99716
24. An Ordinance approving a parade permit and authorizing the temporary closure of portions of certain streets near MacArthur High School (2923 Bitters Road) in connection with the Spirit Parade to be held from 5:30 P.M. until 7:00 P.M. on Wednesday, September 29, 2004, sponsored by MacArthur High School. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

99717
25. An Ordinance approving a parade permit and authorizing the temporary closure of portions of certain streets near Brooks City Base (SW Military & Goliad) in connection with the MS 150 Bike to the Beach to be held from 5:00 A.M. until 9:00 A.M. on Saturday, October 2, 2004, sponsored by the Multiple Sclerosis Society. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

ITEMS FOR INDIVIDUAL CONSIDERATION

26. Consideration of the following ordinances: [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

99723
99723
A. An Ordinance approving an Agreement for Transfer of Use, Benefit and Control of Property to the City of San Antonio from the San Antonio Water System ("SAWS") of the SAWS' present corporate headquarters located at 1001 E. Market Street and the historic Yturri House at 1020 E. Commerce Street, along with the non-exclusive use by the City of a perpetual right of access, appurtenant to the property being transferred, for joint use with SAWS in consideration of the sum of \$7,730,000.00 for the future Convention Center expansion; approving the execution of a Joint Use Agreement; appropriating the sum of \$7,730,000.00 from Hotel Occupancy Tax Revenue Bond funds for such purchase, subject to the terms of the Agreement for Transfer of Use, Benefit and Control of Property, including the appropriation of the sum of \$250,000.00 payable to Chicago Title Company as an Earnest Money Deposit for such transfer; and appropriating an amount not to exceed \$50,000.00 for due diligence expenses.

99724
99724
B. An Ordinance approving a Reconciliation Agreement with the San Antonio Water System ("SAWS"); authorizing the payment to SAWS of the sum of \$2,142,471.00 from Hotel Occupancy Tax Revenue Bond funds, representing the difference between (1) the Adjusted Exchange Value of \$3,158,400.00 for the 1.297-acre La Semana Property bounded by Market Street, Water Street/Bowie Street, and I.H. 37, the use and control of which property was released by SAWS to the City in 1999 for the Convention Center Expansion Project, and (2) the Water Rights Exchange Value of \$1,095,929.00, for approximately 1,174 acre feet of water relating to four wells located on the former "Van de Walle Property", the use and control of which water rights were released by the City to SAWS in 1999, including in the \$2,142,471.00 amount the sum of \$80,000.00 payable to SAWS for sealing the wells, all in accordance with the terms of that certain Intra-jurisdictional Agreement between the City and SAWS, approved by City Ordinance No. 90005 on June 24, 1999.

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

Pulled
A. Deliberate the appointment and employment of an Interim City Manager effective October 1, 2004, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Section 551.071 (consultation with attorney).

2:39 pm
B. Discuss legal issues related to *Minella v. City of San Antonio*, et al., CA SA-03-CA-246-FB, in the United States District Court for the Western District of Texas, San Antonio Division, pursuant to Texas Government Code Section 551.071 (consultation with attorney).