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Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
114 W. Commerce
San Antonio, TX 78205
December 10, 2009

The City Council shall hold its regular meetings in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building within the City Hall Complex beginning at 9:00 a.m. After the meeting is convened, the City Council shall consider the following time certain items no sooner than the designated times, but may consider them at a later time.

- 9:00AM:** Invocation and Approval of Minutes
- 12:00PM:** Lunch Break
- 2:00PM:** Neighborhood Plan and Zone Amendments
- 6:00PM:** 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.

DISABILITY ACCESS STATEMENT

This meeting site is wheelchair accessible. The accessible entrance is located at the Municipal Plaza Building / Main Plaza Entrance. Accessible Visitor Parking Spaces are located at City Hall, 100 Military Plaza, Northside. Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting). For Assistance, Call (210) 207-7245 Voice/TTY.

For additional information on any item on this agenda, please visit www.sanantonio.gov or call 207-7080.

The City Council of San Antonio will convene in the Norma S. Rodriguez Council Chamber, Municipal Plaza Building in a Regular Council Meeting at 9:00 A.M.

- 1. Invocation by Rev. David Trawick, Pastor, Northwest Hills United Methodist Church. Guest of Councilmember Ray Lopez, District 6.
- 2. Pledge of Allegiance.
- 3. Approval of Minutes for the October 29, 2009 City Council meeting.

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

ACTION ITEMS FOR STAFF BRIEFING

- 4. Briefing and consideration of an Ordinance adopting the recommendations of the Mayor's Subcommittee on Corporate Retention and Recruitment regarding economic development activity in the City of San Antonio; and authorizing the negotiation of a contract in the amount of \$500,000.00 with the Economic Development Foundation. [A.J. Rodriguez, Deputy City Manager; Subcommittee Co-Chairs: Wayne Peacock, USAA; David Zachry, Zachry Corporation]

2009-12-10-0995

- 5. Public Hearing and consideration of an Ordinance amending the City of San Antonio's Neighborhood Stabilization Program Substantial Amendment to the Consolidated Plan and Annual Action Plan to incorporate a first mortgage option for multi-family projects; revise the maximum allowable cost of single-family rehabilitation; clarify single-family financial mechanisms; increase the product delivery cost; revise the budget; and amend the Action Plan to reflect these changes. [T.C. Broadnax, Assistant City Manager; Nina Nixon-Mendez, Interim Grants Administrator, Grants Monitoring and Administration]

2009-12-10-0996

- 6. Public Hearing and consideration of Ordinances amending the boundaries of the following City-Initiated Tax Increment Reinvestment Zones: [Pat DiGiovanni, Deputy City Manager / Interim Director, Center City Development]

A. River North 2009-12-10-0997

B. Westside 2009-12-10-0998

C. Midtown

D. Mission Drive-In 2009-12-10-0999

2009-12-10-1000

CONSENT AGENDA

Purchase of Equipment and Supplies

- 7. An Ordinance accepting bids for the following contracts in the estimated annual amount of \$1,412,000.00: (A) Structural Reclamation Contractors for maintenance of natural creekways; (B) Night Eyes Protective Services, Inc. for armored car service; (C) Dustless

Air Filter Co. for air conditioning filters; (D) Centro San Antonio Management Corp. for riverwalk sanitation services and (E) ServiceWear Apparel, Inc. for uniforms. [Penny Postoak Ferguson, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2009-12-10-1001

- 8. An Ordinance accepting the bid from Modular Connections, LLC to install a pre-fabricated modular concrete restroom at the Southside Lions Park for the amount of \$74,687.00, from the FY 2009 Budget, and authorizing an Interlocal Agreement with The Interlocal Purchasing System (TIPS) to use contracts competitively procured through TIPS. [Sharon De La Garza, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2009-12-10-1002

- 9. An Ordinance accepting the bid from Siddons Fire Apparatus, Inc., utilizing a state contract, for the purchase of 1 Pierce manufactured fire truck for a total cost of \$760,726.00, funded through the Equipment Renewal & Replacement Fund and the FY 2010 Budget. [Erik J. Walsh, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2009-12-10-1003

Capital Improvements

- 10. An Ordinance authorizing a professional service agreement with Foster CM Group, Inc. in an amount up to \$1,500,000.00 for design review, construction inspection, and testing services related to the San Antonio International Airport's Residential Acoustical Treatment Program, funded by FAA Airport Improvement Grant funds and the FY 2010 Budget. [Penny Postoak Ferguson, Assistant City Manager; Frank Miller, Director, Aviation]

2009-12-10-1004

- 11. An Ordinance awarding a construction contract to Mike Larson, Co. in the amount of \$233,908.39, of which \$28,320.00 will be reimbursed by SAWS, for the Ave Maria Outfall Project, a 2007-2012 Bond Funded Project, located in Council District 1. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-12-10-1005

- 12. An Ordinance awarding a construction contract to Lyda Swinerton Builders, Inc. in the amount of \$4,336,774.00 for the Parman Library at Stone Oak Project, an authorized 2007-2012 Bond and Certificates of Obligation funded project, located in Council District 9. [Sharon De La Garza, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-12-10-1006

- 13. An Ordinance accepting the Guaranteed Maximum Price for total Construction Phase Services Contract with F.A. Nunnally Company for up to \$11,631,446.29 for the Property and Evidence Management Facility, a Certificate of Obligation funded project, located in Council District 5. [Erik J. Walsh, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-12-10-1007

- 14. An Ordinance authorizing an amendment in the amount of \$74,910.00 to the \$557,377.00 professional services agreement with Kell Munoz Architects for additional services for a master grading plan as part of the Mission Drive-In Site Development Project, a Community

Development Block Grant funded project located in Council District 3. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-12-10-1008

15. An Ordinance authorizing two change orders totaling \$161,306.20 adding to the \$12,333,213.10 construction contract with Texas Sterling Construction, LP, of which \$103,908.96 will be reimbursed by the Texas Department of Transportation (TxDOT) and \$31,420.00 will be reimbursed by San Antonio Water Systems (SAWS), for rectifying the type of material used and replacement of a waterline for the Callaghan - Bandera to Ingram Project, a Housing and Urban Development 108 and Local Agency Management funded project, located in Council District 7. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-12-10-1009

16. An Ordinance authorizing a San Antonio Water Systems (SAWS) change order in the amount of \$27,655.00 to the \$4,195,324.60 construction contract with Texas Sterling Construction, L.P., all of which will be reimbursed by SAWS, for the Nacogdoches - Loop 410 to Danbury Project, an authorized Local Agency Management (LAM) funded project located in Council District 10. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-12-10-1010

17. An Ordinance authorizing a Supplemental Contractual Agreement with the Texas Department of Transportation (TxDOT) in an amount up to \$8,123,164.00 for the Wurzbach Parkway / Arterial Connector Project, a Certificates of Obligation and General Obligation Street Improvement Bond Project, part of the \$12.57 million 2007-2012 Bond Project to match the \$130 million approved by the Texas Transportation Commission in November 2009. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-12-10-1011

18. An Ordinance awarding a construction contract to Alpha Building Corporation in the amount of \$237,380.00 and approving a change order of \$35,875.00 for the Alamodome Restroom Remodel, funded by the Hotel Occupancy Tax Renewal & Improvement Contingency Fund, located in Council District 1. [Penny Postoak Ferguson, Assistant City Manager; Mike Sawaya, Director, Convention, Sports & Entertainment Facilities]

2009-12-10-1012

19. An Ordinance authorizing a construction contract with V.K. Knowlton Construction & Utilities in the amount of \$538,471.80 to construct authorized FY 2009 Alley Maintenance Program projects located citywide. [Sharon De La Garza, Assistant City Manager; Majed A. Al-Ghafry, Director, Public Works]

2009-12-10-1013

Acquisition, Sale or Lease of Real Property

20. Consideration of the following Ordinances authorizing a Concession Agreement in Terminal 2 and a pilot program in Terminal 1 at the San Antonio International Airport located in Council District 9: [Penny Postoak Ferguson, Assistant City Manager; Frank Miller, Director, Aviation]

- A. An Ordinance authorizing a short-term Retail Concession Agreement with Lorna J. Smith dba Shannon Smith's Enterprises for a concession in Terminal 2.

2009-12-10-1014

- B. An Ordinance authorizing a Pilot Program with Sean Carden dba Baggage Shield for a baggage wrap service in Terminal 1.

2009-12-10-1015

- 21. An Ordinance authorizing the purchase of an aquifer-protection conservation easement on the Young Ranch, Medina County, Texas for \$1,835,530.74 as part of the Proposition One Edwards Aquifer Protection Venue Project. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-12-10-1016

PULLED

- 22. An Ordinance authorizing a five-year lease renewal to San Antonio Fighting Back for space at the Barbara Jordan Community Center, located in Council District 2 for an annual rental of \$1.00. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

- 23. An Ordinance authorizing a fourth amendment to the Henry B. Gonzalez Convention Center (Business Center) lease agreement with The UPS Store, Inc., amending and extending the agreement for a 5-year period beginning January 1, 2010, and providing for renewal options, for total minimum revenue to the City of \$169,056.00 over the amended term. [Penny Postoak Ferguson, Assistant City Manager; Michael J. Sawaya, Director, Convention, Sports & Entertainment Facilities]

2009-12-10-1017

- 24. An Ordinance authorizing a lease agreement with the San Antonio Bowl Association, promoter of the annual Alamo Bowl, for office space inside the Alamodome, for a 10-year term beginning January 1, 2010, with renewal options. [Penny Postoak Ferguson, Assistant City Manager; Michael J. Sawaya, Director, Convention, Sports & Entertainment Facilities]

2009-12-10-1018

- 25. An Ordinance authorizing the acquisition, through negotiation and/or condemnation of approximately 57 acres of land located in NCB 16515, NCB 16931, and NCB 18083, in City Council Districts 6 and 7 along Leon Creek for the Linear Creekway Development Project, all properties being in the City of San Antonio, Bexar County, Texas; declaring the Linear Creekway Development Project on Leon Creek to be a public project; declaring a public necessity for the acquisition of privately owned real property and authorizing the City Attorney and/or designated special counsel to file eminent domain proceedings. [Sharon De La Garza, Assistant City Manager; Xavier Urrutia, Director, Parks & Recreation]

2009-12-10-1019

Grant Applications and Awards

- 26. An Ordinance ratifying the submission of a grant application for an amount up to \$53,212.00 from the U.S. Department of Housing and Urban Development; authorizing the acceptance and appropriation of funds upon award, including supplemental funds awarded during the grant period; and authorizing a program budget and personnel complement for two positions for the Housing Counseling program for a one-year period beginning October 1, 2009. [Peter Zanoni, Interim Assistant City Manager; Dennis J. Campa, Director, Community Initiatives]

2009-12-10-1020

27. An Ordinance authorizing the submission of a 2010 Community Services Block Grant (CSBG) application, and acceptance of funds up to \$1,777,581.00 upon award, including supplemental funds, if awarded, from Texas Department of Housing and Community Affairs; appropriating funds and approving a budget and personnel complement of 25 positions for the operation of the Community Action Programs funded through the CSBG. [Peter Zanoni, Interim Assistant City Manager; Dennis J. Campa, Director, Community Initiatives] 2009-12-10-1021

28. An Ordinance accepting up to \$100,000.00 from Ford Motor Company and up to \$13,000.00 from Family Violence Prevention Services, Inc. for use as match money in the Individual Development Account (IDA) Working Family Vehicle Purchase Program; appropriating funds; authorizing the allocation of carry forward funds and approving a program budget of \$200,000.00. [Peter Zanoni, Interim Assistant City Manager; Dennis J. Campa, Director, Community Initiatives] 2009-12-10-1022

29. An Ordinance authorizing the submission of a grant application and acceptance of funds upon award up to \$100,000.00 from the Texas Department of Transportation (TXDOT) for the Selective Traffic Enforcement Program (STEP)-Impaired Driving Mobilization Grant. [Erik Walsh, Assistant City Manager; William P. McManus, Police Chief] 2009-12-10-1023

30. An Ordinance authorizing the submission of grant applications for project funding consideration under the Transportation Enhancement Program from the Texas Department of Transportation (TxDOT). [Sharon De La Garza, Assistant City Manager; Majed A. Al Ghafry, Director, Public Works] 2009-12-10-1024

City Code Amendments

31. An Ordinance amending Chapter 37 of the City Code of San Antonio, Texas, relating to the acquisition, disposition, and use of City property, including changing fees, updating numerous sections, and better defining the processes applicable to private uses of City property. [Penny Post oak Ferguson, Assistant City Manager, Mike Frisbie, Director, Capital Improvements Management Services] 2009-12-10-1025

PULLED
 32. An Ordinance amending Chapter 35 (Unified Development Code) of the City Code of San Antonio, Texas, by limiting commercial and multi-family building heights located within 100 feet of single family residential properties. [T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Planning and Development Services]

33. An Ordinance amending Chapter 35 (Unified Development Code) of the City of San Antonio, Texas relating to notification procedures for Board of Adjustment cases involving the revocation of a certificate of occupancy. [T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Planning and Development Services]

2009-12-10-1026

Boards, Commissions and Committee Appointments

34. A Resolution casting the City's 1,046 votes for Robert David Carpenter to serve on the Bexar Appraisal District Board of Directors for a term of office to begin on January 1, 2010, and expire on December 31, 2011. [Leticia M. Vacek, City Clerk]

2009-12-10-0036R

35. Consideration of Board, Commission and Committee appointments for the remainder of an unexpired term of office to expire May 31, 2011, or as specified below; to be effective immediately upon the receipt of eight affirmative votes, or, in the event eight affirmative votes are not received, ten days after appointment: [Leticia M. Vacek, City Clerk]

A. Reappointing John J. Beauchamp (At-Large, Category: Downtown Business Owner/Not a Lessee), William R. Grinnan (At-Large, Category: River Bend Lessee), and Joan M. Korte (At-Large, Category: Downtown Resident/Not a Lessee) to the RiverWalk Capital Improvements Advisory Board for terms of office to commence December 20, 2009 and expire December 19, 2011.

B. Appointing Michael C. Connor (District 4, Category: General) to the Historic Design and Review Commission for the remainder of an unexpired term of office to expire October 31, 2010.

Miscellaneous

36. ^{Resolution} ~~An Ordinance~~ authorizing various amendments to the HemisFair Park Area Redevelopment Corporation Articles of Incorporation and Bylaws. [Pat DiGiovanni, Deputy City Manager / Interim Director, Center City Development]

2009-12-10-0037R

37. An Ordinance authorizing the San Antonio Water System (SAWS) to add a "State-Imposed TCEQ Fee" line item to each customer's bill, in order to recover all fees and charges assessed by the TCEQ on SAWS for the general supervision and oversight of wastewater systems and water utilities. [Pat DiGiovanni, Deputy City Manager; Ben Gorzell, Chief Financial Officer]

2009-12-10-1027

38. An Ordinance consenting to (A) a sublease from Haven for Hope of Bexar County to Haven Support, Inc.; (B) the sale of six campus buildings from Haven for Hope of Bexar County to Haven Support, Inc.; (C) the lease from Haven Support, Inc. back to Haven for Hope of Bexar County; and (D) Haven Support, Inc.'s pledge of six campus buildings and its leasehold interest as collateral for a NMTC loan from Community Development Entities at the Haven for Hope Campus in order to facilitate a New Market Tax Credit Transaction for the benefit of campus development; and authorizing amendments to existing contracts with Haven for Hope of Bexar County to reflect agreements related to consent. [Peter Zaroni, Interim Assistant City Manager; Dennis J. Campa, Director, Community Initiatives]

2009-12-10-1028

39. An Ordinance authorizing an agreement with CPS Energy and issuance of utility assistance credits in a projected amount of \$170,750.00 for the Project Winter Assistance Relief Mobilization (WARM) Plan and issuance of utility assistance credits in a projected amount

of \$1,160,000.00 for the Residential Energy Assistance Partnership (REAP) Utility Assistance Project for Calendar Year (CY) 2010; authorizing contracts with local non-profit agencies for distribution of WARM and REAP credits to CPS Energy ratepayers and appropriating funds. [Peter Zaroni, Interim Assistant City Manager; Dennis J. Campa, Director, Community Initiatives]

2009-12-10-1029

40. An Ordinance authorizing a contract with the San Antonio Education Partnership for an amount up to \$1,852,952.00 for college access and scholarship services benefiting area high school graduates for the period ending September 30, 2010. [Peter Zaroni, Interim Assistant City Manager; Dennis J. Campa, Director, Community Initiatives]

2009-12-10-1030

41. An Ordinance authorizing an agreement with the San Antonio Water System (SAWS) to provide up to \$100,000.00 in utility assistance credits to eligible ratepayers for the Project Agua Plan; authorizing the acceptance of \$120,341.00 from SAWS to administer the \$1.4 million dollar Affordability Discount Program (ADP) for Calendar Year 2010; appropriating funds; approving the budget and personnel complement of two positions; and authorizing contracts with agencies to implement the AGUA Plan and the ADP. [Peter Zaroni, Interim Assistant City Manager; Dennis J. Campa, Director, Community Initiatives]

2009-12-10-1031

42. A Resolution authorizing the creation of the San Antonio Housing Trust Public Facility Corporation pursuant to Chapter 303 of the Local Government Code to act on behalf of the City of San Antonio; approving the articles of incorporation; appointing initial directors; and approving the related certificate of formation and bylaws. [T.C. Broadnax, Assistant City Manager; Nina Nixon-Mendez, Interim Grants Administrator, Grants Monitoring and Administration]

2009-12-10-0038R

43. An Ordinance authorizing the FY 2009-2010 Administrative Services Budget of the San Antonio Housing Trust Foundation, Inc. in the amount of \$227,500.00; authorizing a 1-year contract for services beginning October 1, 2009; and authorizing a personnel complement. [T.C. Broadnax, Assistant City Manager; Nina Nixon-Mendez, Interim Grants Administrator, Grants Monitoring and Administration]

2009-12-10-1032

44. An Ordinance authorizing a license agreement with CPS-Energy to permit the installation, by the City, of antenna systems for the Traffic Signal System Modernization Project on CPS-Energy towers, for an estimated annual cost of \$47,032.32, funded by the ITSD Operations Budget. [Richard Varn, Chief Information Officer; Hugh Miller, Director, Information Technology Services]

2009-12-10-1033

45. An Ordinance authorizing a contract for consulting services in an amount of \$200,000.00 with Matrix Design Group, Inc. to create a Comprehensive Land Use Plan for Camp Bullis, funded by grant funds from the Department of Defense, Office of Economic Adjustment in an amount of \$180,000.00 with a local match from the City in the amount of \$20,000.00. [T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Planning & Development Services]

2009-12-10-1034

46. An Ordinance authorizing a professional services agreement with Matrix Consulting Group in an amount up to \$164,790.00 for the Organizational and Operational Review of the San

Antonio Police Department. [Erik Walsh, Assistant City Manager; William P. McManus, Police Chief] 2009-12-10-1035

47. An Ordinance authorizing the Office of Environmental Policy to enter into a memorandum of understanding and a related Interlocal Agreement for the establishment and operation of the Mission Verde Center, a project supported by Energy Efficiency and Conservation Block Grant funds that will help enable the operational costs of a multi-purpose sustainability center to coordinate local and regional sustainability efforts with partner agencies. [Richard Varn, Chief Information Officer; Laurence Doxsey, Director, Office of Environmental Policy] 2009-12-10-1036

48. Consideration of the following Ordinances related to the federal economic stimulus plan of the American Recovery and Reinvestment Act of 2009 (ARRA): [Peter Zanoni, Interim Assistant City Manager]

A. An Ordinance ratifying acceptance of \$12,897,000.00 and appropriating \$6,448,500.00 in Energy Efficiency Conservation Block Grant funds from the Department of Energy. 2009-12-10-1037

B. An Ordinance authorizing submission of an application for an Energy Efficiency Conservation Block Grant (EECBG) Energy Efficiency Retrofit Grant from the Department of Energy of up to \$20,000,000.00. 2009-12-10-1038

C. An Ordinance authorizing submission of an application for a Building Efficiency and Retrofit Revolving Loan Program for up to \$10,000,000.00 as part of the State Energy Conservation Office Retrofit Revolving Loan Program funded by the Department of Energy. 2009-12-10-1039

D. An Ordinance accepting and appropriating funds for a \$256,050.00 Comprehensive Nutrition Project Award through the Alamo Area Council of Governments funded by the Department of Health and Human Services. 2009-12-10-1040

PULLED

49. Resolution considering a vote of no confidence for CPS Energy Board of Trustee Chair Aurora Geis and Boardmember Stephen S. Hennigan.

50. City Manager's Report

- A. Preliminary FY 2009 Closing Report
- B. Retirement of Dennis J. Campa

THE CITY COUNCIL WILL RECESS FOR LUNCH AT NOON AND RECONVENE TO CONSIDER ANY UNFINISHED COUNCIL BUSINESS

2:00 P.M. TIME CERTAIN ITEMS (may be heard after this time): Public Hearing and Consideration of the following Adoption and Amendments of the Neighborhood, Community and Perimeter Plans as Components of the Master Plan and Zoning Cases. Planning and Zoning Cases

presented by T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Planning and Development Services.

P-1. COMPREHENSIVE PLANNING PROGRAM (City-wide): An Ordinance adopting the Comprehensive Planning Program as a component of the Master Plan of the City, which replaces the Community Building and Neighborhood Planning Program. All plans, plan updates, and plan amendments adopted prior to the policy revision would remain in effect. Staff and Planning Commission recommend approval.

2009-12-10-1041

Z-1. ZONING CASE # Z2009063 (District 8): An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on 1.556 acres out of NCB 14702 located at 9545 Huebner Road. Staff and Zoning Commission recommend approval.

continued

6:00 P.M. (may be heard after this time) – Citizens to be Heard

ADJOURN

7:00 P.M. – If the Council has not yet adjourned, the presiding officer shall entertain a motion to continue the council meeting, postpone the remaining items to the next council meeting date, or recess and reconvene the meeting at a specified time on the following day.