



First Ord. 101076
First Rev. 2005-29-32
Last Ord 101098
Last Rev. None

05 JUN 27 AM 8:46
L.V.

**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
June 30, 2005**

At 1 p.m. or 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 9:00 A.M.
 1. Invocation by Deacon Paul Gustowski, St. Helena's Catholic Church, guest of Councilman Christopher "Chip" Haass, District 10, and Pledge of Allegiance.
 - Swearing in of Councilman Art A. Hall, District 8, as Mayor Pro Tem.
 2. Approval of the minutes of the Regular City Council meeting of June 9, 2005.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

An Ordinance appointing J. Rolando Bono as City Manager of the City of San Antonio; as requested by Councilman Roger O. Flores, District 1.

4. Consideration of the following Ordinances:

- A. An Ordinance authorizing the second draw on the 2005 Master Lease Purchase Agreement with Banc of America Leasing and Capital, LLC, for \$629,396.00 for the acquisition of one fire truck at a rate of 3.26% for a 60 month term to pay the costs of the transaction; and enacting other provisions incident and related to the subject and purpose of this ordinance. [Presented by Milo D. Nitschke, Director, Finance; Melissa Byrne Vossmer, Assistant City Manager]
- B. An Ordinance accepting the offer submitted by Siddons Fire Apparatus, Inc., utilizing the Texas BuyBoard contract, to provide the City of San Antonio Fire Department with thirteen Pierce-manufactured apparatus, including ten aerial ladder trucks, one platform truck and two pumpers, for a total of \$7,160,818.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

5. An Ordinance authorizing and ratifying a professional services contract with Miller, Canfield, Paddock and Stone, and Spiegel and McDiarmid, with Tillman L. Lay as the principal legal consultant, in an amount not to exceed \$72,000.00, to provide legal advice and services related telecommunications and cable issues. [Presented by Ben Gorzell, Jr., Director/Supervisor, Public Utilities; Melissa Byrne Vossmer, Assistant City Manager]

6. An Ordinance authorizing the acceptance of a grant from the Alamo WorkForce Development Inc. d/b/a Alamo WorkSource (AWS) in an amount up to \$1,151,901.00 for the administration of the higher education and long-term occupational skills training aspects of the San Antonio Youth Opportunity Program for the period July 1, 2005 through June 30, 2006; acknowledging a modification to the Youth Opportunity Grant Contract with the AWS approved by Ordinance No. 91983 in connection therewith; adopting a budget; and authorizing the execution of all necessary documents. [Presented by Dennis J. Campa, Director, Community Initiatives; Frances A. Gonzalez, Assistant City Manager]

CONSENT AGENDA

Items Concerning the Purchase of Equipment, Supplies and Services

7. 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 \$250,244.00, including: TexShare database annual membership fee; Texas criminal and traffic law manual; surfcontrol software license and maintenance; John Deere consumer equipment parts & service; Smeal 1250 GPM pumper truck parts & service; and two-part epoxy material. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Capital Improvement Items

8. An Ordinance accepting the low, responsive bid in the amount of \$1,661,800.00 by Amstar Construction, Inc. (SBE/MBE/WBE) to provide construction services in connection with the Woodlawn Lake Park Gym ADA Modifications and Park Improvements Project, located in Council District 7; authorizing the execution of a construction contract; authorizing \$122,081.84 for construction contingency expenses; authorizing \$1,600.00 for bid advertising and printing expenses, for a total amount of \$1,785,481.64; appropriating \$271,400.00 from 1999-2004 Park Bond funds; appropriating \$500,000.00 from 2002 Certificates of Obligation, and \$1,014,081.64 from 2003-2007 Park Bond funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

9. An Ordinance approving Field Alteration No. 7 (Final) and authorizing payment in the amount of \$41,971.03 to R.L. Jones, L.P., in connection with the Evergreen Street from McCullough Avenue to E. Euclid Avenue and Evergreen Court from Evergreen Street to N. St. Mary's Street Community Development Block Grant (CDBG) Project, located in Council District 1; revising the project budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

10. An Ordinance approving Field Alteration No. 8 (\$16,352.24) and Field Alteration No. 9 (\$11,829.40) and authorizing payment in the amount of \$28,181.64 to Accord General Contracting, Inc. in connection with the Fire Station No. 25 Project, located in Council District 4; authorizing \$6,818.36 for Construction Contingency expenses, for a total amount of \$35,000.00; comprised of transferring the amount of \$25,000.00 from the Fire Station No. 48 Construction Contingency fund and \$10,000.00 from the Fire Station No. 45 Construction Contingency fund into the Fire Station No. 25 Construction Contingency fund; revising the project budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

11. An Ordinance selecting Greg Gomez, Inc. d/b/a G.G.I. Engineers, Inc. (MBE) to provide professional engineering services in connection with the Menger Creek Channel Recapitalization Project, located in Council District 2; authorizing the negotiation and execution of a professional services contract in an amount not to exceed \$67,924.38; authorizing \$6,792.44 for Design Contingency expenses; authorizing \$5,230.18 for Capital Administration costs; authorizing \$1,500.00 for Environmental Services; authorizing \$2,000.00 for Advertising Expenses, for a total amount of \$83,447.00 from 2005 Storm Water Revenue Bond funds; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

12. An Ordinance selecting CWS Architects (MBE/SBE) to provide professional architectural services in connection with the Temporary Fire Stations Project, located in newly annexed areas throughout the city; authorizing the negotiation and execution of a professional services contract in an amount not to exceed \$100,725.00; authorizing \$15,000.00 for Design Contingency expenses; authorizing \$7,050.00 for Capital Administration costs; authorizing \$2,000.00 for Advertising Expenses, for a total amount of \$124,775.00 reimbursable from 2006 Certificates of Obligation; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

13. An Ordinance amending a professional services agreement and authorizing payment in the amount of \$19,166.00 to Rosin-Johnson, Inc. formerly Rosin Group, Inc., for additional engineering services in connection with the sidewalk projects on Blanco from Lockhill-Selma to Patricia, Clark from Southcross to Hot Wells and Hot Wells from I.H. 37 to New Braunfels, included in the 2003 MPO Side Project, located in Council Districts 3 and 9; authorizing \$1,834.00 for additional engineering contingency expenses, for a total amount of \$21,000.00 from 1999-2004 General Obligation Street Improvement Bond funds; revising the project budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

14. An Ordinance appropriating funds, authorizing solicitations for bids, and authorizing the purchase of two (2) fifty foot traffic poles and two (2) sixty five foot traffic poles for an amount not to exceed \$47,000.00 from 1994 General Obligation Drainage Bond funds in connection with the Goliad Road (Pecan Valley to Military), Phase I Project, located in Council District 3 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

15. An Ordinance granting a license agreement to 146 Jacobs Street Joint Venture to restore and maintain an existing porch, two (2) canopies and supporting pillars at the adjacent Pedrotti Brothers Building, located at 146 Jacobs Street within NCB 2979 in Council District 1, for a ten (10) year term, for the total consideration of \$1,250.00, which includes a seventy five percent (75%) reduction of the license fee as provided by the City's Incentive Scorecard. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

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16. An Ordinance authorizing the execution of Supplemental Agreement No. 1 with U.S. Department of Transportation – Federal Aviation Administration (Lease No. DTFA07-01-L-00400) for use of ground space at the San Antonio International Airport, for the installation, operation and maintenance of a Precision Approach Path Indicator Site for Runway 30R sites and associated rights of way necessary for installation of underground cable routes. [Presented by Roland A. Lozano, Interim Director, Aviation; J. Rolando Bono, Interim City Manager]
 17. An Ordinance authorizing the execution of Supplemental Agreement No. 1 with U.S. Department of Transportation – Federal Aviation Administration (Lease No. DTFASW-05-L-00040) for use of ground space at the San Antonio International Airport, for the installation, operation and maintenance of a Precision Approach Path Indicator site for Runway 30L sites and associated rights of way necessary for installation of underground cable routes. [Presented by Roland A. Lozano, Interim Director, Aviation; J. Rolando Bono, Interim City Manager]
 18. An Ordinance authorizing the execution of Supplemental Agreement No. 3 with U.S. Department of Transportation – Federal Aviation Administration (Lease No. DTFA07-97-L-01147) for use of ground space at the San Antonio International Airport, for the installation, operation and maintenance of a Precision Approach Path Indicator site for Runway 3 sites and associated rights of way necessary for installation of underground cable routes. [Presented by Roland A. Lozano, Interim Director, Aviation; J. Rolando Bono, Interim City Manager]
 19. An Ordinance extending and amending the current license agreement with the Boys and Girls Club of San Antonio for use of Peter D. Reed Baseball Field in Elmendorf Park in Council District 5 to add 2.967 acres of City property located at Apache Creek Park, also in Council District 5, and to extend the term for five (5) years to end January 31, 2011. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
 20. An Ordinance authorizing the execution of an extension and amendment of lease agreement with Ms. Barbara Garrett d/b/a Originals for use of 672 square feet of craft exhibit and retail space in Building No. 7, located in La Villita in Council District 1, for the lease amount of \$7,966.33 in year one and \$8,056.08 in year two. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
 21. An Ordinance authorizing the Interim City Manager or his designee to negotiate and approve: (a) a Nelson Gardens Landfill sublease agreement between San Antonio LGP, L.L.C., (SALGP) and Synchro Energy, Ltd. (Synchro); (b) further amendment to the original Gas Rights Agreement between the City and SALGP; and (c) eventual assignment of the Master Lease from SALGP to Synchro; thereby approving negotiation of a reduction in the supplemental site rental amount from ten percent (10%) of the actual gross revenues, received from the sale of energy, to five percent (5%) of the actual gross revenues to facilitate the construction and operation of a facility for processing landfill gas into electricity for sale to CPS Energy. [Presented by Daniel V. Cárdenas, Director, Environmental Services; Melissa Byrne Vossmer, Assistant City Manager]

Miscellaneous

- 101090
22. An Ordinance authorizing the execution of a contract amendment with the Texas Commission on Environmental Quality (TCEQ) which will provide an additional \$39,167.00 to support the San Antonio Metropolitan Health District (SAMHD) Public Center for Environmental Health (PCEH) in the operation and maintenance of air monitors in the San Antonio area and which will extend the contract period from August 31, 2005 through December 31, 2005; and authorizing the execution of a contract amendment with the TCEQ which will provide an additional \$30,000.00 to support the SAMHD PCEH in the operation and maintenance of three PM 2.5 Air Monitors that TCEQ established in the San Antonio area as well as two additional monitors, and extending the contract period from August 31, 2005 through August 31, 2006; revising the program budgets; and revising the personnel complements. [Presented by Dr. Fernando Guerra, Director of Health; Frances A. Gonzalez, Assistant City Manager]

Board, Commissions and Committee Appointments.

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

101091

An Ordinance appointing Joe G. Farias (District 3) to the Zoning Commission for a term of office to expire on June 30, 2007.

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

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

- 101081
- 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 related to the lawsuit styled *Jesus Sandoval v City of San Antonio*, Cause No 2004-CI-07464, 131st Judicial District, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
 - C. 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).

25. **2:00 P.M.** – Public Hearing and consideration of an Ordinance increasing the geographic area of Reinvestment Zone Number Eleven, City of San Antonio, Texas (The “Zone”) to include the parcel located at 600 E. Market Street; adopting amendments to the final project and financing plans for the Zone to incorporate the increase in area and to approve the payment of incremental ad valorem taxes generated from the upper condominium units in the added parcel into the tax increment fund. [Presented by Christopher J. Brady, Assistant City Manager; J. Rolando Bono, Interim City Manager]

26. **5:00 P.M.** – Ceremonial Items.

27. **6:00 P.M.** - Citizens to Be Heard.

28. City Manager's Report.

*Introduction of new Asst City Mgr/CIO -
Michael Armstrong*

29. **7:00 P.M.** – The presiding officer shall entertain a motion to recess the council meeting. If no motion is made or if a motion is made and it fails, the meeting will continue until adjourned. If a motion is made and it passes, the presiding officer shall recess the Council meeting at 7:00 p.m. and reconvene the meeting at 9:00 a.m. on the following day.