



Fruit Ordinance 98092
Fruit Resolution 2003-31-28
Last Ordinance: 98127
Last Resolution: None

RECEIVED
 CITY OF SAN ANTONIO
 CITY CLERK
 7:03 SEP -4 AM '03

**Agenda
 City Council Meeting
 Municipal Plaza Building
 City Hall Complex
 103 Main Plaza
 San Antonio, Texas 78205
 September 4, 2003**

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:

Budget Work Session. [Presented by Louis A. Lendman, Director, Management & Budget; Christopher J. Brady, Assistant City Manager]

- Convention/Tourism Industry/Community & Visitors Facilities Fund
- Convention Facilities
- Convention & Visitors Bureau
- International Affairs
- Cultural Affairs
- Alamodome/Wolff Stadium

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 Pastor Statt Riddlebarger, Pearsall Road Southern Baptist Church, and Pledge of Allegiance.

2. Ceremonial Items.

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:

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2:00 P.M. – Public Hearing to discuss the levying of a Supplemental Special Assessment to fund services and improvements for the Public Improvement District (PID) in the downtown area and consideration of an Ordinance approving the San Antonio Downtown Public Improvements Special Assessment District FY 2004 Service and Assessment Plan as recommended by the Centro San Antonio Management Corporation Board; and authorizing the payment of special assessment revenues to Centro San Antonio Management Corporation, a Texas non-profit entity, for services under the plan. [Presented by Melissa Byrne Vossmer, Assistant City Manager; Terry M. Brechtel, City Manager]

No ordinance
4. 3:00 P.M. – Public Hearing on the Proposed Tax Rate of 57.854 cents per \$100.00 valuation for the tax year beginning January 1, 2003 and ending December 31, 2003. [Presented by Louis A. Lendman, Director, Management & Budget; Christopher J. Brady, Assistant City Manager]

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

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6. An Ordinance accepting the low qualified bids from Casco Industries, Inc., items 1, 5 and 6; Municipal Emergency Services, items 3 and 4; Armored Textiles, Inc. item 7; and Ferrara Fire Apparatus, items 8 and 9 to provide the City of San Antonio Fire Department with fire hose for a total amount of \$66,252.60. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Travis M. Bishop, Assistant City Manager]

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7. An Ordinance accepting the offer of M. J. Boyle General Contractor, Inc. to provide emergency repairs to the HemisFair Park garage parking deck for a total amount of \$31,713.00, and ratifying services provided in connection therewith. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Travis M. Bishop, Assistant City Manager]

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8. An Ordinance accepting the bids of various companies to provide the City of San Antonio with the following items and services on an annual contract basis for Fiscal Year 2003-2004 for an estimated annual cost of \$106,641.00: children's books; large print books; ER mapper licenses and maintenance; and wire rope. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Travis M. Bishop, Assistant City Manager]

Capital Improvement Items

98093 3 An Ordinance approving Field Alteration No. 1 in the amount of \$40,658.18 payable to San Antonio Constructors, Ltd., for construction expenses in connection with the Emmett Street from Block #500 to Block #700 Community Development Block Grant (CDBG) Project, located in Council District 3; authorizing the reimbursement from San Antonio Water System (SAWS) in the amount of \$40,658.18; appropriating funds; revising the project budget; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98094 4 An Ordinance approving Field Alteration No. 1-Final in the decreased amount of \$28,567.20 to the construction contract with E-Z Bel Construction, Ltd., in connection with the Dempsey from Farr to Gwenda Lea Community Development Block Grant (CDBG) Project, located in Council District 4; and revising the project budget. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98095 5 An Ordinance authorizing the transfer of \$4,365.97 from 1987 G.O. Drainage Improvement Bond funds to the City of San Antonio Public Works Department; establishing a force account; and authorizing the City of San Antonio Public Works Department to provide construction services in connection with the Culebra Drainage #58F Phase I Project, located in Council District 7. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98116 126 An Ordinance authorizing the City Manager or her designee to execute agreements with the Texas Department of Transportation for advance funding for the installation of spread spectrum radio systems at the intersections of SH 16 (Bandera Road) at Braun Road, Tezel/Prue Road, and Old Prue and Quincy Lee/Stonecroft Street; and authorizing \$25,540.74 from the Traffic Signal Installation/Upgrades Program 2000-2001 to be paid to TXDOT for this signal system coordination improvements project in Council Districts 7 and 8; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98096 6 An Ordinance authorizing the City Manager or her designee to execute agreements with the Texas Department of Transportation (TXDOT) for the furnishing and installation of traffic signal equipment and intelligent transportation system equipment by City of San Antonio forces associated with the following MPO and TXDOT projects: A) Houston Street from Pine Street to Walters Street for an amount not to exceed \$86,275.00; B) Loop 13 (S.W. and S.E. Military Drive) from I.H. 35 to Goliad Road for an amount not to exceed \$100,000.00; C) Thousand Oaks from U.S. 281 to Jones Maltsberger Road for an amount not to exceed \$5,725.00; D) U.S. 87 (Roland Avenue) from I.H. 10 to Rigsby Avenue for an amount not to exceed \$5,725.00; and E) Bitters Road from West Avenue to Heimer for an amount not to exceed \$40,275.00, for an overall total estimated amount of \$238,000.00 to be reimbursed to the City by TXDOT; and authorizing City staff to acquire and install the traffic signal equipment and intelligent transportation system equipment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

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14. An Ordinance authorizing the acquisition of one (1) Permanent Drainage Easement and authorizing the expenditure of \$144,000.00 payable to Lawyers Title of San Antonio as escrow agent for Meadowlawn Memorial Park, Inc. for such acquisition and title fees in connection with the Eastgate Drainage Improvements Community Development Block Grant (CDBG) Project, located in Council District 2; appropriating funds; revising the project budget; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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15. An Ordinance declaring the Laddie Place Detention Pond Project ("Project") to be a public project; declaring a public necessity for the acquisition of fee simple title to two (2) parcels of real property out of Lots 35 and 46, NCB 8406, both in the City of San Antonio, Bexar County, Texas, for a public purpose as part of the project; establishing just compensation for the property; appropriating funds in the amount of \$113,500.00 from Storm Water Detention Funds for the project and miscellaneous expenses associated with the project such as appraisals and attorney's fees; authorizing the City staff and/or its designated representatives to negotiate with and to acquire the property from the owners on the approved terms; authorizing the City Attorney and/or designated special counsel to file eminent domain proceedings, if necessary. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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16. An Ordinance authorizing payment in the amount of \$5,101.25 to Davidson & Troilo, P.C., for legal services in connection with Babcock Road/Leon Creek Improvements – Hausman to DeZavala Project (\$3,588.55) and the Bitters Road – West Avenue at Heimer MPO Project (\$1,512.70); revising the budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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17. An Ordinance authorizing payment in the amount of \$37,019.33 to Bracewell & Patterson, L.L.P., for legal services in connection with Basse Road and San Pedro Intersection MPO Project (\$56.00), Escalon Street #1008 Drainage Project (\$72.00), Hi-Lions Drainage Project #80, Phases III & V (\$1,548.00), Hildebrand Avenue – I.H. 10 to Breeden MPO Project (\$29,567.60), Octavia Drainage #63, Phase II, Part I Project (\$1,062.00), San Pedro Avenue – Quincy to Romana MPO Project (\$78.00), W.W. White Phase I – Rigsby to Lord Road Project (\$225.00), Western Avenue Drainage #74, IIIA Project (\$3,707.23), and the Wurzbach Road at I.H. 10 and Ironside Intersections Project (\$703.50); revising the budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

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18. An Ordinance authorizing payment in the amount of \$795.75 to Bracewell & Patterson, L.L.P., for legal services in connection with Chico-Knox & Margil Community Development Block Grant (CDBG) Project and for legal services in connection with the Fay Phase I Community Development Block Grant (CDBG) Project, located in Council District 5; revising the project budget; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98100 An Ordinance authorizing payment in the amount of \$116,600.00 from 1994 G.O. Drainage Improvement Bond funds to Lawyers Title of San Antonio as escrow agent for Alejandro Torres, Individually and as Independent Executor of the Estate of Erika Torres, for fee simple title to one parcel (\$115,000.00), a Right of Entry Agreement (\$100.00), and Title Fees (\$1,500.00) in connection with the James Park Development and Holbrook Road Flood Improvements – Phase I Project located in Council District 2; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98101 An Ordinance authorizing payment in the amount of \$800.00 from 1999 G.O. Street Improvement Bond funds to Lawyers Title of San Antonio for title charges in connection with the McCullough – UPRR to Basse Project, located in Council District 1; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98102 An Ordinance authorizing payment in the amount of \$1,400.00 from 1999 G.O. Street Improvement Bond funds to Dugger, Canaday, Grafe, Inc. for appraisal services in connection with the Nakoma – U.S. 281 to Warfield Project, located in Council District 9; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

98103 An Ordinance declaring as surplus to the City of San Antonio's Right of Way needs an unused 0.276 of an acre, more or less, tract of land, (12,045 square feet) being a portion of Loop 13, located at the northeast corner of S.E. Military Drive (Loop 13) and Old U. S. 81 (South Presa Street), adjacent to the remaining portion of Lot 8, NCB 10930, which is owned and controlled by the State of Texas; and requesting that the State of Texas, acting by and through its Texas Transportation Commission, declare such tract to be surplus to the needs of the State of Texas, and sold to Mr. R.J. Keller, the abutting landowner. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

98104 An Ordinance authorizing a ten (10) year term License Agreement with Glen Rock Holding Corp., a subsidiary of Prime Hospitality Corp., to use Public Right of Way adjacent to the San Antonio River for an existing disabled access ramp located along the Riverwalk behind the AmeriSuites Hotel at 601 S. St. Mary's Street for the total License Fee of \$5,000.00. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Miscellaneous

98105 An Ordinance appropriating \$528,283.00 as matching funds for the Federal Aviation Administration Grant No. 46; and revising the budget for the Perimeter Road Reconstruction at San Antonio International Airport Project. [Presented by Kevin Dolliole, Director, Aviation; Christopher J. Brady, Assistant City Manager]

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25. An Ordinance approving proposed amendments to the existing Bylaws of the City of San Antonio Veterans Affairs Commission that were previously adopted by City Council on April 12, 2001, specifying that the purpose for the "Annual" meeting shall be to elect officers and establish the process for the nomination, election and installation of officers. [Presented by Ramiro A. Cavazos, Director, Economic Development; Christopher J. Brady, Assistant City Manager]

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26. An Ordinance authorizing the renewal and amendment of a Merchant Banking Services Contract with Paymentech, L.L.C., for authorization, capture, processing and settlement of credit cards, debit cards, stored value cards, and other non-cash payment card transactions for a three (3) year period beginning on October 1, 2003 through September 30, 2006. [Presented by Milo D. Nitschke, Director, Finance; Melissa Byrne Vossmer, Assistant City Manager]

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27. An Ordinance authorizing the City Manager or her designee to accept a grant in the amount of \$239,342.00 from the Texas State Library and Archives Commission, to be used for operation of the San Antonio Interlibrary Loan Center, for the period September 1, 2003 through August 31, 2004; establishing a budget; and authorizing the personnel complement. [Presented by Aubrey George, Interim Director, Library; Frances A. Gonzalez, Assistant to the City Manager]

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28. An Ordinance authorizing the City Manager or her designee to accept a grant in the amount not to exceed \$645,154.00 from the Texas State Library and Archives Commission, to be used for public library development in the Alamo Area Library System, for the period September 1, 2003 through August 31, 2004; establishing a budget; and authorizing a personnel complement. [Presented by Aubrey George, Interim Director, Library; Frances A. Gonzalez, Assistant to the City Manager]

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

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29. An Ordinance approving the parade permit and authorizing the temporary closure of certain streets in the downtown area in connection with Chuys Children Giving to Children Parade to be held on Saturday, December 6, 2003 from 7:00 A.M. until 12:30 P.M. [Presented by Roland A. Lozano, Assistant to the City Manager; Terry M. Brechtel, City Manager]

Board, Commissions and Committee Appointments.

30. Consideration of the following board appointments: [Presented by Yolanda Ledesma, Acting City Clerk; Travis M. Bishop, Assistant City Manager]

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A. An Ordinance appointing Roger Morin (District 5) to the Affirmative Action Advisory Committee for a term of office to expire on January 31, 2004.

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B. An Ordinance appointing George Lynn Britton, Jr. (District 4) and Tim Draves (District 10) to the Open Space Advisory Board for terms of office to expire on August 29, 2004 and August 29, 2005, respectively.

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C. An Ordinance reappointing Roger Enriquez (District 5) to the Tax Phase-In Advisory Committee for a term of office to expire on May 18, 2005.

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An Ordinance appointing James G. Lifshutz (Mayor) and reappointing Loyce Ince (District 9) to the San Antonio Public Library Board of Trustees for terms of office to expire on September 30, 2005.

ITEMS FOR INDIVIDUAL CONSIDERATION

98121
An Ordinance granting a request submitted by Joseph and Maria Foley for waiver of the Interim Development Controls adopted on February 6, 2003 (Ord. No. 97173) as it applies to Lot 1, CB 4005 also known as 11249 Apple White Road. Staff recommends approval. [Presented by Emil R. Moncivais, Director, Planning; Jelyne LeBlanc Burley, Assistant City Manager]

98122
An Ordinance authorizing payment in the amount of \$635,460.20 to Gerry Rickhoff, County Clerk, for fee simple title to one parcel in Condemnation Cause No. 2000-ED-0018, City of San Antonio v. The Bertetti Family Limited Partnership, et al, in connection with the Babcock Road/Leon Creek Improvements – Hausman to DeZavala Project located in Council District 8; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

approved
no ordinance
33. Travel Authorization for Councilman Julian Castro, District 7, who will travel to Dallas, Southlake, Colleyville, Irving, Addison, Frisco, Stoneridge Ranch, Plano and Plum Creek to tour Tax Increment Reinvestment Zones (TIRZ) from Friday, September 5, 2003 to Sunday, September 7, 2003.

34. City Manager's Report.

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

A. Discuss the lawsuit styled *City of San Antonio v. The Bertetti Family Limited Partnership, et al*, Condemnation Cause No. 2000-ED-0018, pursuant to Texas Government Code Sections 551.072 (deliberations involving real property) and 551.071 (consultation with attorney).

B. Discuss the lawsuit styled *Matthew J. Jackson, et al, and other Similarly Situated Persons vs. City of San Antonio*, Cause No. 2002-CI-18233, 408th Judicial District Court, Bexar County, Texas, and legal issues related to collective bargaining negotiations with the San Antonio Police Officers Association, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

C. Discuss legal issues related to a proposed development identified as Shavano Ridge Unit 7, near the intersection of Rogers Parkway and De Zavala Road, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

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III. The City Council will convene in a "B" Session at 7:00 P.M. or at the conclusion of the Council Meeting for a Budget Work Session.

- Elderly Services/Human Development/Youth Services
- Community Initiatives/Delegate Agencies
- Health
- Employee Benefits and Employee Compensation

} *Postponed to Sept 9, 2003*
5:30 PM