



Just Ord 100928  
Just Rev. 2005-23-25  
Just Ord. 100965  
Just Rev. 2005-23-25

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CITY OF SAN ANTONIO  
CITY CLERK

05 MAY 23 PM 12:41

**Agenda  
City Council Meeting  
Municipal Plaza Building  
City Hall Complex  
103 Main Plaza  
San Antonio, Texas 78205  
May 26, 2005**

*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 in the B Room of the Municipal Plaza Building at 11:00 A.M. and recess into executive session for the following:

Deliberate the evaluation and duties of Patricia Major, City Auditor, and Leticia M. Vacek, City Clerk, pursuant to Texas Government Code Section 551.074 (personnel matters).

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 Liz Vega, Stacie Lopez, and Roy Lucio, Inner City Development Students, guests of Councilwoman Patti Radle, District 5, and Pledge of Allegiance.

2. Ceremonial Items.

3. Approval of the minutes of the Regular City Council Meeting of May 5, 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 WILL BE CONSIDERED AT THE TIMES INDICATED:**

4. **2:00 P.M.** - Public Hearing and Consideration of the following Amendments to the neighborhood, community and perimeter plans as components of the Master Plan and Zoning Cases:

**Land Use Plan Amendment:** [Presented by Emil R. Moncivais, Director, Planning; Jelynne LeBlanc Burley, Assistant City Manager]

- 4.1A. **PLAN AMENDMENT CASE NUMBER 05006:** An Ordinance amending the land use plan contained in the Huebner / Leon Creeks Community Plan, a component of the Master Plan of the City, by changing the use of a 5.37-acre tract of land located at 8603 Huebner Road from Public/Institutional land use to Community Commercial land use. Staff's recommendation is for approval. Planning Commission's recommendation is for approval. (Council District 7) [Presented by Emil R. Moncivais, Director of Planning; Jelynne LeBlanc Burley, Assistant City Manager]

100946

**Zoning Cases:** [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

- 4.2A. **ZONING CASE NUMBER Z2005072:** The request of Fellowship Bible Church of San Antonio, Applicant, for Fellowship Bible Church of San Antonio, Owner(s), for a change in zoning from "RE" Residential Estate District to "C-2" Commercial District (1.079 acres) and "C-2NA" Commercial, Nonalcoholic Sales District (4.273 acres) on Lot 4, NCB 14657 (8603 Huebner Road). Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 7)

Continued

- 4.2B. **ZONING CASE NUMBER Z2005089:** The request of Sandra Gomez, Applicant, for Jesus Castillon, Owner(s), for a change in zoning from "L" S Light Industrial District to "C-3" Commercial District on the north 60 feet of the east 100 feet of Lot 53, NCB 11153, 4647 Roosevelt. Staff's recommendation was for approval. Zoning Commission has recommended approval of "C-3NA". (Council District 3)

100949

- 4.2C. **ZONING CASE NUMBER Z2005074 C:** The request of Carlos D. Terrazas, Applicant, for Carlos D. Terrazas, Owner(s), for a change in zoning from "MF-33" Multi-Family District to "C-1" C Commercial District with conditional use for a auto and light truck repair on Lots 9, 10 and 11, Block 1, NCB 8963 (726, 730 and 734 Division Avenue). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 5)

100947

- 4.2D. **ZONING CASE NUMBER Z2005080:** The request of Jerry R. Musquiz, Applicant, for Jerry R. Musquiz, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "MF-25" Multi-Family District on Lot 45, 46 and 47, Block 4, NCB 7490 (131 Dolores Avenue). Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 7)

100948

100950

4.2E. **ZONING CASE NUMBER Z2004099:** The request of Royal Properties, Applicant, for Roy Barrera, Owner(s), for a change in zoning from “C-3” ERZD General Commercial Edwards Recharge Zone District to “MF-33” ERZD Multi-Family Edwards Recharge Zone District on 4.455 acres out of NCB 14865 on the west side of Babcock Road approximately 215 feet north of West Hausman Road. Staff’s recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

100951

4.2F. **ZONING CASE NUMBER Z2005067 S:** The request of GAKJR, Ltd., Applicant, for Boat & RV Super Storage Inc., Owner(s), for a change in zoning from “R-6” “GC-1” Residential Single Family Gateway Corridor Overlay District and “R-20” “GC-1” Residential Single Family Gateway Corridor Overlay District to “MF-25” “GC-1” Multi-Family Gateway Corridor Overlay District on 23.56 acres out of NCB 18333, and from “R-20” “GC-1” Residential Single Family Gateway Corridor Overlay District to “C-2” S “GC-1” Commercial Gateway Corridor Overlay District with a specific use authorization for a motel on 5.49 acres out of NCB 34760 (20865 IH 10 West and 6932 Heuermann Road). Staff’s recommendation was for approval. Zoning Commission has recommended denial. (Council District 8)

100952

4.2G. **ZONING CASE NUMBER Z2005098:** The request of H. M. Dominion Ridge Ltd., Attn: Jay Hanna, Applicant, for Cielo Vista Associates & Cielo Nepton Joint Venture, Attn: Corky Ingraham, Owner(s), for a change in zoning from “R-6” Residential Single-Family District, “R-20” Residential Single-Family District, “MF-33” Multi-Family District, “ED” Entertainment District and “RM-4” Residential Mixed District to “R-6” PUD Residential Single Family Planned Unit Development District and “C-3” General Commercial District on 35.65 acres out of NCB 18335, NCB 18338, and NCB 34034; and 221.7 acres out of NCB 34034, on the north and west of the intersection of Heuerman Road and Milsa Drive. Staff’s recommendation was for approval. Zoning Commission recommended approval. (Council District 8)

100953

4.2H. **ZONING CASE NUMBER Z2005099:** The request of Methodist Hospital, Applicant, for Methodist Health Care, Owner(s), for a change in zoning from “C-1” Commercial District to “C-3” General Commercial District on Lots 2 & 4, Block 4, NCB 12814 (7700 Floyd Curl & 4450 Medical Drive). Staff’s recommendation was for approval. Zoning Commission recommended approval. (Council District 8)

100954

4.2I. **ZONING CASE NUMBER Z2005091 S:** The request of Fritzi Fredrick, Applicant, for Warmack-Texas Limited Partnership, Owner(s), for a change in zoning from “O-2” Office District to “C-2” S Commercial District with specific use authorization for a ballroom/catering on 1.83 acres out of Lot 1, NCB 14088 (9315 Broadway). Staff’s recommendation was for approval. Zoning Commission recommended approval. (Council District 10)

5. **3:00 P.M.** – Public Hearing and consideration of the following Ordinances: [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

A. An Ordinance designating a 5.01 acre tract of land located at 2455 Northeast Loop 410 as the CEDRA Clinical Research Reinvestment Zone.

B. An Ordinance approving the terms and conditions and authorizing execution of a Tax Phase-In Agreement with CEDRA Clinical Research, L.L.C. (“CEDRA”) to exempt 100% of ad valorem taxes for 6 years on real property improvements in the amount of \$3,400,000.00.

6. **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**

7. An Ordinance accepting the low, responsive bid submitted by Horiba ABX Diagnostics, Inc. to provide the City of San Antonio Health Department with hematology analyzer laboratory equipment for a total cost of \$29,500.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

8. An Ordinance accepting the bid submitted by GTSI Corp., utilizing the U.S. Communities Cooperative contract, to provide the City of San Antonio with a security system network for a total cost of \$53,194.36 from the Urban Areas Security Initiatives Grant fund. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

9. 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 \$1,337,055.00, to include contracts for: Caterpillar earthmoving, construction & paving equipment parts & service; heavy duty Volvo/White/GMC and medium heavy duty Ford truck parts & service; grass sod; Oracle database software and service; Brown mower parts; purchase & repair of Federal APD parts for parking garages; and New Holland products, Howse, Terrain King mechanical mower, Okada, Bradco & Morbark chipper & Fiat-Allis equipment parts & service. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

10. An Ordinance accepting the low, responsive bids submitted by Holt Cat, Inc., Item 1B for a total of \$283,076.00; Texana Machinery Ltd., Items 2 and 4 for a total of \$392,400.00; Four Seasons Equipment, Inc., Item 3 for a total of \$78,940.00; and Cooper Equipment Co., Item 5 and 6 for a total of \$554,382.00 to provide the City of San Antonio Public Works Storm Water Division and Street Maintenance Division with heavy equipment for a combined total cost of \$1,308,798.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

## Capital Improvement Items

- 100938
- 100939
- 100940
11. An Ordinance accepting the low, responsive bid in the amount \$310,219.00 of DonSan Construction, L.L.C. (SBE/MBE) to provide construction services in connection with the Lackland Terrace Park Improvements Project, located in Council District 4; authorizing the execution of a construction contract; authorizing \$3,271.63 for construction contingency expenses; authorizing \$9,607.00 for engineering fees; authorizing \$2,700.00 for mandatory project fees; authorizing \$2,650.00 for bid advertising and printing expenses, for a total amount of \$328,447.63; appropriating \$149,366.00 from 1999-2004 Park Bond funds and \$179,081.63 from 2003-2007 Park Bond funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
  12. An Ordinance accepting the low, responsive bid in the amount \$118,400.00 of LVA Construction (SBE/MBE) to provide construction services in connection with the Palo Alto Park Improvements Project, located in Council District 4; authorizing the execution of a construction contract; authorizing \$18,950.00 for construction contingency expenses; authorizing \$5,000.00 for engineering fees; authorizing \$1,650.00 for bid advertising and printing expenses, for a total amount of \$144,000.00; transferring \$1,000.00 from within the project budget and appropriating \$143,000.00 from 1999-2004 Park Bond funds; and providing for payment. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
  13. An Ordinance accepting the low, responsive bid in the amount \$829,000.00 of Amstar, Inc. (SBE/MBE/WBE) to provide construction services in connection with the District 6 Park Improvements Package for Oscar Perez and Tom Slick Community Parks; authorizing \$26,494.26 for construction contingency expenses; amending the project budget; appropriating \$830,188.26 from 2003-2007 Park Bond funds and \$25,306.00 from revenues collected for UDC fees in lieu of park land dedication; 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

- 100930
- 100941
14. An Ordinance approving the first amendment to a current lease agreement with the YMCA for their use of Panther Springs Park in order to extend the lease term for fifteen (15) years to create a remaining term of twenty seven (27) years and become eligible for Bexar County bond funds. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]
  15. An Ordinance approving the assignment of a Probationary Lease Agreement from Joe and Joanne Gonzales d/b/a Marie's Creations to Trinidad Traylor d/b/a Little Bit of Texas in the City of San Antonio's Farmer's Market at Market Square in Council District 1; and amending the agreement to reflect current lease terms and conditions. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

100942  
16. An Ordinance approving the Second Renewal and Extension of Lease Agreement between Riverview Tower Partners, Ltd., a Texas Limited Partnership, as Landlord, and the City of San Antonio, as Tenant, for use by the Enterprise Resource Management Project at the rent rate of \$14.50 per gross square foot per year, or \$18,038.00 per month, in a building at 111 Soledad Street known as the Riverview Office Building, in Council District 1, for six months commencing on June 1, 2005. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

100943  
17. An Ordinance approving the Second Renewal and Extension of Lease Agreement between Riverview Tower Partners, Ltd., a Texas Limited Partnership, as Landlord, and the City of San Antonio, as Tenant, for the use of approximately 14,920 gross square feet of office space described as Suite 1000, for use by the City Attorney's Office and the Human Resources Department at the rent rate of \$14.50 per gross square foot per year, or \$18,028.33 per month, in a building at 111 Soledad Street known as the Riverview Office Building, in Council District 1, for a one (1) year term commencing on July 1, 2005, with the option to terminate without cause with sixty (60) days written notice to Landlord. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

#### Miscellaneous

100944  
18. An Ordinance allocating \$300,000.00 from 1999 General Obligation Library Bond funds for the purchase of furniture, fixtures and equipment for the Julia Yates Semmes Branch Library at Comanche Lookout Park, located at 15060 Judson Road in City Council District 10. [Presented by Ramiro S. Salazar, Director, Library; Frances A. Gonzalez, Assistant City Manager]

100945  
19. An Ordinance allocating \$300,000.00 from 1999 General Obligation Library Bond funds for the purchase of furniture, fixtures and equipment for the Maury Maverick Branch Library, located at 8700 Mystic Park between Bandera and Guilbeau Roads in City Council Districts 7 and 8. [Presented by Ramiro S. Salazar, Director, Library; Frances A. Gonzalez, Assistant City Manager]

100937  
20. An Ordinance authorizing the execution of an agreement with Denton, Navarro, Rocha & Bernal, P.C. to provide legal services in connection with the collective bargaining negotiations between the City of San Antonio ("City") and the Local 624 International Association of Fire Fighters ("Local 624"), for an amount not to exceed \$100,000.00 for the term of the negotiations. [Presented by Martha Sepeda, Acting City Attorney; J. Rolando Bono, Interim City Manager]

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

100932  
21. An Ordinance approving the parade permit and authorizing the temporary closure of portions of streets located in the vicinity of the Avenida Guadalupe Plaza from 7:30 A.M. until 10:00 A.M. on Saturday, June 4, 2005 for the Corazon Y Familia Mural 5K Run/Walk sponsored by the San Anto Cultural Arts, Inc. [Presented by Roland A. Lozano, Assistant to the City Manager; J. Rolando Bono, Interim City Manager]

**Board, Commissions and Committee Appointments.**

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

100933  
A An Ordinance appointing Roger Garza (Mayor) as Trustee to the South Texas Business Fund for a term of office to expire on May 9, 2006.

100934  
B An Ordinance reappointing James L. Myers (District 4) to the Greater Kelly Development Authority for a term of office to expire on November 30, 2006.

100935  
23. An Ordinance approving the appointment of Rachel Major to the Alamo Workforce Development Board a/k/a Alamo Worksource, to fill an unexpired term in the Literacy Council Category. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynne LeBlanc Burley, Assistant City Manager]

**ITEMS FOR INDIVIDUAL CONSIDERATION**

100936  
24. Staff briefing on the status of the City's State Legislative Program for the 79th Legislative Session. [Presented by Christopher J. Brady, Assistant City Manager; J. Rolando Bono, Interim City Manager]

100937  
25. Briefing on the City South Master Planning services performed under contract with Kell-Munoz Architects and the lead planning and design firm of Duany Plater-Zyberk. [Presented by Emil R. Moncivais, Director, Planning; Jelynne LeBlanc Burley, Assistant City Manager]

100938  
26. An Ordinance amending the annual salary paid and leave accrual to Patricia Major, City Auditor, to \$116,698.94 per year, effective May 28, 2005, as requested by Mayor Ed Garza.

100939  
27. An Ordinance amending the annual salary paid to Leticia Vacek, City Clerk, to \$100,857.76 per year, effective May 28, 2005, as requested by Mayor Ed Garza.

100940  
28. An Ordinance adopting the thirty-eight (38) strategies outlined in the Cultural Collaborative: a Plan for San Antonio's Creative Economy, a Community Cultural Plan; and authorizing the ten-year implementation of the strategies in order to support the growth and recognition of San Antonio's Creative Economy. [Presented by Felix Padron, Director, Cultural Affairs; Roland A. Lozano, Assistant to the City Manager]

100961  
29. Consider an ordinance authorizing: (1) a full and final settlement agreement with the University of the Incarnate Word in the lawsuit styled City of San Antonio v. the University of the Incarnate Word, Cause No. 2003-CI-01943, 408<sup>th</sup> Judicial District, Bexar County, concerning title to property commonly known as Pioneer Park, located on Hildebrand Avenue on the east side of the San Antonio River; and (2) an agreement with SBC to resolve disputes concerning title to real property immediately south of Pioneer Park; and, pursuant to both agreements, securing the city's title to Pioneer Park, acquiring and conveying city-owned real property at the northeast corner of Hildebrand Avenue and Devine Road, conveying the city's interest in real property immediately south of Pioneer Park, and relocation of portions of Mt. Erin Pass, east of Devine Road. [Presented by Martha Sepeda, Acting City Attorney; J. Rolando Bono, Interim City Manager]

30. An Ordinance authorizing the execution of a ten (10) year License Agreement with Rio San Antonio Cruises, Inc., to operate the San Antonio River Barge Concession. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

31. An Ordinance considering a proposed fuel surcharge for taxicab companies: amending Section 33-981 of the San Antonio City Code to include fuel surcharge adjustment for taxi cab companies, if necessary. [Presented by Albert Ortiz, Police Chief; Christopher J. Brady, Assistant City Manager]

32. An Ordinance accepting the resignation of part-time Municipal Court Judge Gloria Cabrera and appointing Jack (John) Pasqual III to serve the unexpired term ending January 17, 2006. [Presented by Martha Sepeda, Acting City Attorney; J. Rolando Bono, Interim City Manager]

33. A Resolution amending the City of San Antonio's Three-Year Annexation Plan by adding the Timberwood Park Area and certain adjacent property that consist of approximately 4,354 acres. [Presented by Emil R. Moncivais, Director, Planning; Jelynn LeBlanc Burley, Assistant City Manager]

34. An Ordinance appropriating and authorizing payment of \$100,000.00 from the Economic Development Incentive Fund to the fiscal agent for the establishment and operations of a healthcare and bioscience marketing entity to be created by the Greater San Antonio Chamber of Commerce, to foster the growth of this targeted industry by coordinating community marketing efforts and to heighten awareness of the impressive array of world-class health care and biotechnology assets and services in San Antonio; and authorizing the negotiation and execution of a grant agreement in connection therewith; as requested by Mayor Edward D. Garza. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

35. An Ordinance authorizing a loan of \$300,000.00 from the Economic Development Incentive Fund to Park Centre Towers, Ltd. (the "Developer"), for the Park Centre Project to provide marketing and other pre-development efforts to promote development of two mid-rise condominium towers and town homes on the near eastside of downtown; appropriating and authorizing payment contingent upon the Developer securing title to the property from VIA Metropolitan Transit; granting a variance to the Economic Development Incentive Fund; and authorizing the negotiation of an agreement setting out the terms and conditions of the loan; as requested by Mayor Edward D. Garza. [Presented by Ramiro A. Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

36. An Ordinance authorizing the amendment of Ordinance No. 97053, passed and approved January 16, 2003, to revise the City of San Antonio Housing Policy Guide to reflect the changes in the repayment provisions in connection with Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funded housing programs administered by the City. [Presented by Andrew Cameron, Director, Housing and Community Development; Jelynn LeBlanc Burley, Assistant City Manager]

100965  
37. An Ordinance closing out the Old Corpus Christi Road Sewer Lateral Project and reallocating \$9,050.00 from the District 3 FY 2004-2005 One-Time Project funds designated to the Project for the following: \$3,000.00 to the Environmental Services Department for additional brush pickup; \$2,250.00 to the Parks and Recreation Department to help offset the cost for a showmobile for St. Leo the Great Festival held on September 5, 2004, San Juan Capistrano Church Festival held on October 16, 2004 and the St. Lawrence Catholic Church Festival held on May 7, 2005; \$1,300.00 to the United States Military Veterans Parade Association to offset the cost for barricade expenses in connection with its annual parade held on November 6, 2004; and \$2,500.00 to the American Opportunity for Housing, Inc., to be used as capital for sole purpose of a child care facility at the Reserve at Pecan Valley Apartment Complex; as requested by Councilman Ron Segovia, District 3.

Approved  
38. Travel Authorization for Councilman Richard Perez, District 4, who will travel to Washington, D.C. for the Chamber's "SA to DC XXVII" trip from Saturday, June 11, 2005 to Wednesday, June 15, 2005.

39. City Manager's Report. - *None*

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

AM Deliberate the evaluation and duties of Patricia Major, City Auditor, and Leticia M. Vacek, City Clerk, pursuant to Texas Government Code Section 551.074 (personnel matters).