



**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
April 4, 2002**

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:

Staff presentation on Overhead to Underground Utility Conversion. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]

- 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 the Rev. Dennis Darilek, Our Lady of Good Counsel Catholic Church, and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes of the Regular Council Meeting of March 14, 2002.

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/TDD for assistance. Closed captioning is available on broadcasts of the Council meetings on 21-CHIC.

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. 3:00 P.M. – Public Hearing and Consideration of an Ordinance adopting the Highlands Community Plan as a component of the City’s Master Plan as it conforms to the approval criteria set forth in the Unified Development Code, Section 35-420, pertaining to Comprehensive, Neighborhood, Community and Perimeter Plans. [Presented by Emil R. Moncivais, Director of Planning; Christopher J. Brady, Assistant City Manager]
5. 5:00 P.M. – Citizens to Be Heard.
6. 6:00 P.M. – Public Hearing on and Consideration of an Ordinance approving a Development Agreement among the City of San Antonio, the proposed Cibolo Canyon Conservation and Improvement District No. 1, Bexar County, Texas and Lumbermen’s Investment Corporation on the terms and conditions set out therein, providing for, and conditioned upon, ratification of the proposed agreement by the district’s governing body upon its formation, and providing for the execution of all necessary documents required pursuant to the Development Agreement. [Presented by Christopher Brady, Assistant City Manager; Terry M. Brechtel, City Manager]

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 bid submitted by BWI-Schulenburg, Inc. to provide the City of San Antonio Parks & Recreation Department with fertilizer, and application services, for a total sum of \$64,132.80. [Presented by Janie B. Cantu, Director of Purchasing & General Services; Travis M. Bishop, Assistant City Manager]
8. An Ordinance ratifying services of Gator, Inc. d/b/a Dodson House Moving in providing the City of San Antonio Neighborhood Action Department with the removal and relocation of eight (8) structures, and authorizing the execution of a contract in connection therewith for a total sum of \$82,544.00. [Presented by Janie B. Cantu, Director of Purchasing & General Services; Travis M. Bishop, Assistant City Manager]
9. An Ordinance accepting the single source bid from Medtronic Physio-Control Corp. to provide the City of San Antonio Fire Department with defibrillators and battery support systems for a total sum of \$233,101.00. [Presented by Janie B. Cantu, Director of Purchasing & General Services; Travis M. Bishop, Assistant City Manager]
10. An Ordinance accepting the low bid submitted by Santex Truck Center Ltd. to provide the City of San Antonio Parks & Recreation Department with dump trucks for a total sum of \$822,550.00. [Presented by Janie B. Cantu, Director of Purchasing & General Services; Travis M. Bishop, Assistant City Manager]

Capital Improvement Items

11. An Ordinance authorizing the execution of Field Alteration No. 1 in the amount of \$682,465.00 to the contract with Yantis Company for the East Air Cargo Expansion Phase 2 at San Antonio International Airport; accepting the proposal from Professional Service Industries, Inc. in the additional amount of \$2,000.00; revising the budget; and providing for payment. [Presented by Kevin C. Dolliole, Aviation Director; Christopher J. Brady, Assistant City Manager]
12. An Ordinance appropriating 1999 General Obligation Drainage Improvement Bond funds in an amount not to exceed \$70,000.00 and authorizing the City of San Antonio Public Works Department to provide construction services in connection with the Busby and Flamingo Drainage Project, located in Council District 9. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]
13. An Ordinance appropriating 1999 General Obligation Street funds in an amount not to exceed \$452,133.42 and authorizing the City of San Antonio Public Works Department to provide construction services in connection with the Rice Road from W.W. White Road to Semlinger Project, located in Council District 2. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]
14. An Ordinance appropriating 2001 Certificates of Obligation Bond funds in an amount not to exceed \$134,090.44 and authorizing the City of San Antonio Public Works Department to provide construction services in connection with the Sams Street from 700 Block to 1000 Block Sidewalk Project, located in Council District 3. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]
15. An Ordinance appropriating \$681,699.77 from General Obligations of the City and authorizing drainage maintenance services to be performed by the Public Works Department Storm Water Operations Division in connection with the Davis Lake Desilting Project, located in Council District 3. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]
16. An Ordinance approving Field Alteration No. 1 in the amount of \$30,698.50, funded from General Obligations of the City, payable to R.L. Jones Company, Inc. for construction expenses in connection with the Blossom/Woodbury #1007, Phases I & II Project, located in Council District 10; appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]

17. Consideration of the following Ordinances: [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]
- A. An Ordinance authorizing the execution of a Landscape Construction and Maintenance Agreement between the Texas Department of Transportation and the City of San Antonio in connection with the Spur 537 (San Pedro Avenue) from E. Ramsey to Granada Project, located in Council District 9, and the I.H. 35 near Durango Blvd. Project, located in Council District 5.
 - B. An Ordinance authorizing a separate Landscape Maintenance Agreement with Greater Harmony Hills, a neighborhood association, in connection with the Spur 537 (San Pedro Avenue) from E. Ramsey to Granada Project.
18. An Ordinance amending a professional services contract by authorizing additional funds in the amount of \$5,042.00 from General Obligations of the City, payable to Vickrey & Associates, Inc., for professional engineering services in connection with the Bobolink Drainage 96A Project, located in Council District 1, appropriating funds; and providing for payment. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]
19. An Ordinance authorizing the execution of an On-Call Professional Services Agreement for environmental consulting services in an amount not to exceed \$80,000.00 with Operational Technologies Corporation, with an option to extend the contract for two additional one-year periods with the approval of the Director of Environmental Services; and providing for payment. [Presented by Daniel V. Cárdenas, Director of Environmental Services; Melissa Byrne Vossmer, Assistant City Manager]

Items Concerning the Purchase, Sale or Lease of Real Property

20. An Ordinance approving the assignment of an eight (8) year standard form El Mercado Lease Agreement from Mary Rogers to Violeta Duran in the City of San Antonio's El Mercado at Market Square in City Council District 1. [Presented by Malcolm Matthews, Director of Parks and Recreation; Melissa Byrne Vossmer, Assistant City Manager]
21. An Ordinance approving the assignment of an eight (8) year standard form El Mercado Lease Agreement from Al and Mary Alice Medina to Maria Robledo in the City of San Antonio's El Mercado at Market Square in City Council District 1. [Presented by Malcolm Matthews, Director of Parks and Recreation; Melissa Byrne Vossmer, Assistant City Manager]

22. An Ordinance authorizing a five (5) year Lease Agreement with Landry's Seafood House for approximately 1,550 square feet of River Walk sidewalk space in City Council District 1 to be used for outdoor dining purposes for annual rent of \$27,900.00 in Year One, \$28,644.00 in Year Two, \$29,388.00 in Year Three, \$30,132.00 in Year Four, and \$30,876.00 in Year Five. [Presented by Malcolm Matthews, Director of Parks and Recreation; Melissa Byrne Vossmer, Assistant City Manager]
23. An Ordinance authorizing the San Antonio Water System (SAWS) to file lawsuits, when deemed necessary, against the owners of the following described properties for the purposes of surveying, appraising and environmental testing of the properties in connection with the Aquifer Storage and Recovery Project, to wit: County Block 4008-1, Parcel P-11A, Abstract 4, Bexar County, Texas and County Block 4008-5, Parcel P-9, Abstract 4, Bexar County, Texas; authorizing the expenditure of SAWS funds in an amount necessary to pay for the prosecution of lawsuits against the owners of the aforementioned properties; authorizing the President/Chief Executive Officer and the SAWS Board's counsel to pursue any necessary litigation through final judgment and all necessary appeals to obtain access to the aforementioned properties; finding the ordinance to have been considered pursuant to the laws governing open meetings; and establishing an effective date. [Presented by Thomas G. Wendorf, Director of Public Works; Melissa Byrne Vossmer, Assistant City Manager]
24. An Ordinance authorizing and consenting to the Assignment and Assumption of a Car Rental Lease and Concession Agreement authorized by Ordinance No. 87847 of May 21, 1998, at San Antonio International Airport, from Brazell Transportation, Inc. d/b/a Thrifty Car Rental to Clearwater Transportation, Inc. [Presented by Kevin C. Dolliole, Aviation Director; Christopher J. Brady, Assistant City Manager]

Miscellaneous

25. An Ordinance accepting the proposal of Facility Concession Services, Inc. d/b/a Spectrum ("Spectrum") for food and beverage concessions at the Municipal Auditorium and authorizing the execution of a contract, with the primary term commencing April 15, 2002 and expiring April 30, 2004, with two additional one (1)-year renewal options, which provides for payment to the City of 32.5 percent of all Spectrum's receipts, after sales taxes, generated thereunder with projected annual revenue of \$26,010.00. [Presented by Edward C. Garcia, Convention Facilities Director; Roland A. Lozano, Assistant to the City Manager]

26. An Ordinance authorizing the renewal of a License Agreement in the amount of \$5,000.00 between the City of San Antonio and Monroe County, New York for the San Antonio Metropolitan Health District to continue to use certain licensor's broadcast products in connection with the *Not Me, Not Now* Abstinence-Based Teenage Pregnancy Prevention Campaign; approving the execution of the agreement with Monroe County; and authorizing licensing fee payment to Metrix Marketing, Inc. [Presented by Dr. Fernando A. Guerra, Director of Health; Melissa Byrne Vossmer, Assistant City Manager]
27. An Ordinance authorizing the negotiation and execution of a professional services contract in the amount of \$55,000, said funding originating under the Neighborhood Heritage Initiative Program, with artist, Bernice Williams, for development and placement of two projects in the Dignowity Hills Historic District, said projects to be known as "Blue Star on East Commerce/Inside and Outside" and "Historical Markers" [Presented by Felix Padron, Director of Cultural Affairs; Roland A. Lozano, Assistant to the City Manager]

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

28. An Ordinance approving the parade permit and authorizing the temporary closure of portions of certain streets near the Alamodome in connection with the Susan G. Komen Foundation's Race for the Cure to be held on Saturday, April 13, 2002, from 7:00 A.M. until 10:30 A.M. [Presented by Travis M. Bishop, Assistant City Manager; Terry M. Brechtel, City Manager]
29. An Ordinance authorizing the temporary closure of certain streets in connection with the 2002 Fiesta San Antonio Celebration; approving the locations, dates and times for the Fiesta Carnival and official Fiesta events; and related requirements and conditions; approving the Fiesta Parade Routes; and amending Ordinance No. 93719, passed on April 5, 2001 to reflect such changes; providing for a fine or not more than two hundred dollars (\$200.00) for violation of this Ordinance, Ordinance No. 88270, and Ordinance No. 93719. [Presented by Travis M. Bishop, Assistant City Manager; Terry M. Brechtel, City Manager]
30. **Board, Commissions and Committee Appointments.** [Presented by Norma Rodriguez, City Clerk, Travis M. Bishop, Assistant City Manager]
 - A. An Ordinance appointing Charles J. Barnes (Layman/Consumer Category, District 2) to the Plumbing Appeals and Advisory Board for a term of office to expire on March 20, 2004.
 - B. An Ordinance appointing Dorinda B. Rolle (District 2) to the Small Business Economic Development Advocacy Advisory Committee for a term of office to expire on November 20, 2003.
 - C. An Ordinance reappointing Oscar R. Williams (District 2) to the Board of Adjustment for a term of office to expire on February 22, 2004.

- D. An Ordinance reappointing Patricia Ann Casey (District 2) to the Airport Advisory Committee for a term of office to expire on December 15, 2003.
- E. An Ordinance reappointing Belvin Steward (District 2) to the Greater Kelly Development Authority for a term of office to expire on November 30, 2003.
- F. An Ordinance appointing Roy Lee (District 2) to the City Commission on Veterans Affairs for a term of office to expire on June 11, 2003.
- G. An Ordinance appointing Stephanie Allen (District 6) to the San Antonio Youth Commission for a term of office to expire on June 1, 2003.
- H. An Ordinance appointing Betty Lynn Allen (District 8) to the Commission for Children and Families for a term of office to expire on June 27, 2004.
- I. An Ordinance reappointing Catherine Torres-Stahl (Mayor) to the Mayor's Commission on the Status of Women for a term of office to expire on December 15, 2003.

ITEMS FOR INDIVIDUAL CONSIDERATION

- 31. A Resolution setting the dates, times and location for ten (10) public hearings on the proposed Redistricting Plan. [Presented by Norma Rodriguez, City Clerk, Travis M. Bishop, Assistant City Manager]
- 32. An Ordinance regulating the rates for electric and gas service through the San Antonio Electric and Gas Systems operated by the City Public Service Board of the City of San Antonio (CPS) by approving CPS' new multiple delivery point (MDP) rate; amending the scope of Rider E1, industrial high voltage service, to include the MDP rate; and amending Rider E5, customer-owned distributed generation renewable energy service, to expand the scope of renewable energy sources and allow CPS to credit customers for any net energy input into the CPS system. [Presented by Ben Gorzell, Public Utilities Supervisor/Assistant Director of Finance; Terry M. Brechtel, City Manager]
- 33. An Ordinance amending Ordinance No. 93883, which adopted the 1999-2009 Capital Improvements Plan and Maximum Impact Fee calculations for water, water supply and sanitary sewer systems, to include a plan for awarding credits; finding that there are no credits due from any impact fees paid under the current plan or during the review period; further finding that the amendments to Chapter 395 of the Local Government Code and the amendments to the Capital Improvements Plan shall not affect the City's Impact Fee Reduction and Waiver Policies; and directing City staff to submit to the Attorney General written certification signed by the Mayor that the City has complied with the requirements of Chapter 395 of the Local Government Code. [Presented by Ben Gorzell, Public Utilities Supervisor/Assistant Director of Finance; Terry M. Brechtel, City Manager]

34. An Ordinance amending Chapter 35 of the City Code of San Antonio (Unified Development Code) as recommended by the Planning and Zoning Commissions: Amendment "A" – Replacing various Unified Development Code (UDC) sections pertaining to floodplain administration with crossreferences to Appendix F; Amendment "B" – Reenacting a provision from the former UDC that permits the moving and relocation of buildings and structures; Amendment "C" – Revising setback provisions for reverse corner lots such that the side setback adjacent to the street will not have to meet the front setback for the lot to the rear; Amendment "D" – Adding clarification to address ancillary or accessory uses in the "O-1" and "O-2" office zoning districts; Amendment "E" – Correcting typographical errors in Table 311-1 relative to the Resource Protection ("RP") residential zoning district, including relabeling a column heading and adding a one-family detached dwelling as a permitted use in the "RP" zoning district; Amendment "F" – Correcting typographical errors in the Bed and Breakfast section of the UDC, including adjusting the number of guest rooms permitted per establishment in each zoning district and adding bed and breakfasts as a permitted use in multifamily zoning districts; Amendment "G" – Adding detailed design specifications for irrigation systems in areas where San Antonio Water System is the service provider; Amendment "H" – Deleting ambiguous language regarding the scope of Neighborhood, Community, and Perimeter Plans that are recognized as components of the City's Master Plan to provide consistency between zoning and the Master Plan in accordance with Chapter 211 of the Local Government Code, and correcting the date of adoption of the South Central San Antonio Community Plan to reflect the date at which the City Council officially adopted it in 1999; Amendment "I" – Correcting the submittal requirements for rezoning with a specific use permit by deleting the requirement to submit a stormwater management plan; and providing for notification. [Presented by Christopher J. Brady, Assistant City Manager; Terry M. Brechtel, City Manager]
35. A Resolution supporting a License Agreement with the Dallas Cowboys Football Club to hold its 2002 Training Camp at the Alamodome from July 26, 2002 through August 23, 2002, including the assumption by the Club of all procurement and expenses related to field installation, maintenance and removal as well as local expenses including lodging, meals and transportation. [Presented by Michael Abington, Director, Alamodome; Roland A. Lozano, Assistant to the City Manager]
36. Travel Authorization for Mayor Ed Garza to travel to Charleston, South Carolina from Tuesday, April 9, 2002 through Saturday, April 13, 2002 to attend the 30th Annual Session of Mayor's Institute on City Design.
37. An Ordinance authorizing the expenditure of \$800.00 from the District 3 Contingency Account Fund, payable to Harlandale Little League, to be used to defray costs associated with the purchase of uniforms; as requested by Councilwoman Antoniette Moorhouse.

38. An Ordinance authorizing the expenditure of \$1,000.00 from the District 3 Contingency Account Fund, payable to the Thelka Neighborhood Association, to be used to defray the costs of paint and supplies needed by students to paint a mural on the Probandt Street Bridge; as requested by Antoniette Moorhouse.
39. An Ordinance authorizing the total expenditure of \$900.00 from the District 1 (\$300.00), District 5 (\$300.00) and District 7 (\$300.00) Contingency Account Funds, in the amounts indicated, to be used to assist the San Antonio Teachers Council with its annual "Teacher Day" celebration to be held on Friday, May 3, 2002, in order to promote pride in the community and to show appreciation for the teachers of the San Antonio Independent School District; as requested by Councilmembers Bobby Perez, David A. Garcia and Julian Castro.
40. An Ordinance authorizing the expenditure of \$500.00 from the District 10 Contingency Account Fund, payable to MacArthur High School Project Graduation, to assist with the cost of its annual safe, drug-free party held for seniors, on their graduation night; as requested by David Carpenter.
41. Travel authorization for Councilman John H. Sanders who will attend the Texas Department of Housing and Community Affairs Public Hearing on Friday, April 5, 2002 in Austin, Texas.
42. City Manager's Report.
43. Executive Session: Consultation concerning attorney-client matters (real estate, litigation, contracts, personnel and security) may be discussed.
 - A. Attorney-client consultation regarding the status of the negotiations of a Development Agreement on the terms and conditions of the possible donation to the City of San Antonio of certain real property and the terms and conditions of the acquisition by the City of San Antonio of certain real property by purchase, exchange, lease or value of real property as a component of the Development Agreement between the City of San Antonio and the proposed Cibolo Canyon Conservation and Improvement District No. 1, Bexar County, Texas.
 - B. Attorney-client consultation regarding the lawsuit styled Gina Montemayor v City of San Antonio and Local 624 of the International Association of Fire Fighters, Cause No. SA-98-CA-0615-EP/ Docket No. 00-5-681, Fifth Circuit Court of Appeals.
 - C. Attorney-client consultation regarding collective bargaining negotiations with the International Association of Firefighters, Local 624.