

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, APRIL 4, 2002.

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2002-14 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: AYES: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

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2002-14 Invocation by Rev. Dennis Darilek, Our Lady of Good Counsel Catholic Church.

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2002-14 Pledge of Allegiance to the flag of the United States.

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2002-14 **PRESENTATION OF U.S. FLAG TO MOTHER OF 9-11 VICTIM**

Mayor Garza stated this was a special presentation to Mrs. Mattie Wagner, mother of Lt. Col. Karen Wagner who was serving on the Army Staff in the Office of the Deputy Chief of Staff for Personnel at the Pentagon in Washington D.C., and had lost her life on September 11, 2001. He further spoke of Lt. Col. Wagner's distinguished career, and presented Mrs. Wagner with the American Flag, which had been flown, over the capitol in Washington, D.C.

Members of the City Council extended their heartfelt sympathy to Mrs. Wagner, and further commended Lt. Col. Wagner's service, and those of all servicemen and women who have sacrificed their lives and service to their country.

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**2002-14 PRESENTATION OF PROCLAMATION FOR NATIONAL CRIME
VICTIMS RIGHTS WEEK**

Mayor Garza invited District Attorney Susan Reed and Police Chief Albert Ortiz to the podium, and read a Proclamation in honor of National Crime Victims Rights Week. He then presented the Proclamation to Ms. Reed and Chief Ortiz.

Ms. Susan Reed spoke of the outstanding contributions of all individuals and agencies involved with the victims' rights observance and activities. She acknowledged the myriad of services provided by the City and County agencies to assist the community when affected by crimes. She especially recognized the family of slain officer Hector Garza and commended City Council and Chief Ortiz for their continuing efforts and support.

Chief Ortiz spoke of the training that police officers go through with regard to the sensitivity that the officers must demonstrate to the victims' families involved, and further commended the City Council for their support and District Attorney Reed.

Members of the City Council commended Chief Ortiz and District Attorney Reed for the outstanding work that each provide to the families during their difficult times. They further recognized the hundreds of volunteers and community organizations for their work to alleviate the pain and distress of victims and families.

**2002-14 PRESENTATION OF PROCLAMATION FOR SENIOR GAMES OF
SAN ANTONIO**

Mayor Garza spoke of the Senior Games of San Antonio to take place during April 7-14, 2002, noting how it would showcase the outstanding athletic ability of athletes 50 years of age and older in various sports. He then read a Proclamation in honor of the Senior Games in San Antonio and presented it to Ms. Cathy Pottorf, Senior Games Director.

Ms. Pottorf stated this year represented the 13th year that the games had been sponsored and held throughout Texas and the surrounding states, adding that the games were officially authorized by the U.S. National Senior Sports Organization. Ms. Pottorf then presented commemorative t-shirts to members of the City Council.

AN ORDINANCE 95540

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.

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AN ORDINANCE 95541

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.

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AN ORDINANCE 95542

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. (AMENDS ORDINANCE NO. 93025, DECEMBER 14, 2000).

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AN ORDINANCE 95543

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.

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AN ORDINANCE 95544

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.

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AN ORDINANCE 95545

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.

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AN ORDINANCE 95546

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.

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AN ORDINANCE 95547

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. (AMENDS ORDINANCE NO. 95402, MARCH 7, 2002.)

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AN ORDINANCE 95548

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.

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AN ORDINANCE 95549

AUTHORIZING A SEPARATE LANDSCAPE MAINTENANCE AGREEMENT WITH GREATER HARMONY HILLS NEIGHBORHOOD ASSOCIATION IN CONNECTION WITH THE SPUR 537 (SAN PEDRO AVENUE) FROM E. RAMSEY TO GRANADA PROJECT.

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AN ORDINANCE 95550

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. (AMENDS ORDINANCE NO. 81995, APRIL 6, 1995.)

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AN ORDINANCE 95551

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 (2) ADDITIONAL ONE (1) YEAR PERIODS WITH THE APPROVAL OF THE DIRECTOR OF ENVIRONMENTAL SERVICES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 95552

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.

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AN ORDINANCE 95553

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.

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AN ORDINANCE 95554

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.

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AN ORDINANCE 95555

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.

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AN ORDINANCE 95556

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.

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AN ORDINANCE 95557

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% OF ALL SPECTRUM'S RECEIPTS, AFTER SALES TAXES, GENERATED THEREUNDER WITH PROJECTED ANNUAL REVENUE OF \$26,010.00.

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AN ORDINANCE 95558

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.

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AN ORDINANCE 95559

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 HILL HISTORIC DISTRICT, SAID PROJECTS TO BE KNOWN AS THE "BLUE STAR ON EAST COMMERCE/INSIDE AND OUTSIDE" AND "HISTORICAL MARKERS".

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AN ORDINANCE 95560

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.

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AN ORDINANCE 95561

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 OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF THIS ORDINANCE, ORDINANCE NO. 88270, AND ORDINANCE NO. 93719. (AMENDS ORDINANCE NO. 93719, APRIL 5, 2001.)

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AN ORDINANCE 95562

APPOINTING CHARLES J. BARNES TO THE PLUMBING APPEALS AND ADVISORY BOARD (LAYMAN/CONSUMER CATEGORY, DISTRICT 2) FOR A TERM OF OFFICE TO EXPIRE ON MARCH 20, 2004.

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AN ORDINANCE 95563

APPOINTING DORINDA B. ROLLE TO THE SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY ADVISORY COMMITTEE (DISTRICT 2) FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 20, 2003.

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AN ORDINANCE 95564

REAPPOINTING OSCAR R. WILLIAMS TO THE BOARD OF ADJUSTMENT (DISTRICT 2) FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 22, 2004.

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AN ORDINANCE 95565

REAPPOINTING PATRICIA ANN CASEY TO THE AIRPORT ADVISORY COMMITTEE (DISTRICT 2) FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2003.

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AN ORDINANCE 95566

REAPPOINTING BELVIN STEWARD TO THE GREATER KELLY DEVELOPMENT AUTHORITY (DISTRICT 2) FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 30, 2003.

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AN ORDINANCE 95567

REAPPOINTING ROY LEE TO THE CITY COMMISSION ON VETERANS AFFAIRS (DISTRICT 2) FOR A TERM OF OFFICE TO EXPIRE ON JUNE 11, 2003.

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AN ORDINANCE 95568

APPOINTING STEPHANIE ALLEN TO THE SAN ANTONIO YOUTH COMMISSION (DISTRICT 6) FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2003.

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AN ORDINANCE 95569

APPOINTING BETTY LYNN ALLEN TO THE COMMISSION FOR CHILDREN AND FAMILIES (DISTRICT 8) FOR A TERM OF OFFICE TO EXPIRE ON JUNE 27, 2004.

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AN ORDINANCE 95570

REAPPOINTING CATHERINE TORRES-STAHN TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN (MAYOR) FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2003.

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2002-14 **INDIVIDUAL ITEMS- CITIZEN COMMENTS**

Mr. Jack M. Finger, P.O. Box 12048, spoke to the lack of back-up documents, and cited Item 37 with regard to the contingency funds.

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2002-14 The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-14-15

SETTING THE DATES, TIMES AND LOCATIONS FOR TEN (10) PUBLIC HEARINGS ON THE PROPOSED REDISTRICTING PLAN.

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Ms. Moorhouse made a motion to approve the proposed Resolution. Mr. Perez seconded the motion.

City Clerk Norma S. Rodriguez noted the correction on the location for the Redistricting public hearing for District 3.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro.

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2002-14 The Clerk read the following Ordinance:

AN ORDINANCE 95571

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.

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Mr. Perez made a motion to approve the proposed Ordinance. Ms. Moorhouse seconded the motion.

Mr. Ben Gorzell, Public Utilities Supervisor, explained the proposed Ordinance, the objective of the new multiple delivery point (MDP) rate, and how it would promote efficient energy usage through development of desirable high load factors. He then introduced Mr. Steve Bartley, Director of Regulatory Relations, City Public Service who would further detail the Ordinance.

Mr. Bartley, narrated a slide presentation of the Multiple Delivery Point rate, a copy of which presentation is on file with the papers of this meeting. He outlined the MDP rate background, rate applicability, the proposed pricing structure, and the potential savings to MDP customers. He further detailed the administrative change to Rider E1 high voltage service, the Rider E5, the first Distributed Generation program, the customer benefits and pricing, and the condition of service.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Castro.

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2002-14 The Clerk read the following Ordinance:

AN ORDINANCE 95572

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.

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Ms. Moorhouse made a motion to approve the proposed Ordinance. Mr. Sanders seconded the motion.

Mr. Ben Gorzell, Public Utilities Supervisor, explained the proposed Ordinance regarding the amendment to the Capital Improvements Plan. He then introduced Mr. Dwayne Rathburn, San Antonio Water System, who would delineate the proposed issues.

Mr. Rathburn, narrated a slide presentation on the proposed amendment to the 1999-2009 Capital Improvements Plan, a copy of which presentation is on file with the papers of this meeting. He presented an overview of Senate Bill 243, its key provisions which changed the definition of equivalent dwelling unit (EDU), other issues with respect to the impact fees and mandates to award a credit for double charging.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro.

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2002-14 The Clerk read the following Ordinance:

AN ORDINANCE 95573

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 CROSS-REFERENCES 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.

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Ms. Moorhouse made a motion to approve the proposed Ordinance. Mr. Sanders seconded the motion.

Mr. Roderick Sanchez, Assistant Director of Development Services, narrated a slide presentation on the proposed changes to the Unified Development Code, a copy of which presentation is on file with the papers of this meeting. He outlined each of the amendments, A through I, individually, explaining the purpose of each.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro.

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2002-14 The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-14-16

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 ORGANIZATION OF ALL PROCUREMENT AND EXPENSES RELATED TO FIELD INSTALLATION, MAINTENANCE AND REMOVAL AS WELL AS LOCAL EXPENSES INCLUDING LODGING, MEALS AND TRANSPORTATION.

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Mr. Perez made a motion to approve the proposed Resolution. Mr. Martin seconded the motion.

Mr. Michael Abington, Director of Alamodome, narrated a slide presentation on the proposed license agreement with the Dallas Cowboys Football Club, a copy of which presentation is on file with the papers of this meeting. He outlined the details of the contract negotiation, the infrastructure changes for the indoor and outdoor football fields, other negotiations regarding the expenses for the Cowboys and for the Alamodome facility operation. He further delineated the revenues and expenses, and projections of the net revenue by attendance.

Members of the City Council commended City staff for the tremendous work expended on this effort.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to the issue regarding the renaming of the Alamodome in his honor.

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After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Castro, Conner.

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2002-14 TRAVEL AUTHORIZATION - Granted:

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.

Ms. Moorhouse made a motion to approve the proposed Travel Authorization. Mr. Schubert seconded the motion.

After consideration, the motion, carrying with it the passage of the Travel Authorization, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Garcia, Barrera, Schubert, Garza. **NAYS:** None. **ABSENT:** Perez, Martin, Castro, Conner, Carpenter.

2002-14 The Clerk read the following Ordinance:

AN ORDINANCE 95574

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 TEAM UNIFORMS; AS REQUESTED BY COUNCILWOMAN ANTONIETTE MOORHOUSE.

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Ms. Moorhouse made a motion to approve the proposed Ordinance. Mr. Garcia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Garcia, Barrera, Conner, Schubert, Garza. **NAYS:** None. **ABSENT:** Perez, Martin, Castro, Carpenter.

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2002-14 The Clerk read the following Ordinance:

AN ORDINANCE 95575

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 COUNCILWOMAN ANTONIETTE MOORHOUSE.

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Mr. Garcia made a motion to approve the proposed Ordinance. Ms. Moorhouse seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Garcia, Barrera, Conner, Schubert, Garza. **NAYS:** None. **ABSENT:** Perez, Martin, Castro, Carpenter.

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2002-14 The Clerk read the following Ordinance:

AN ORDINANCE 95576

AUTHORIZING THE TOTAL EXPENDITURE OF \$1,500.00 FROM THE DISTRICT 1 (\$300.00), DISTRICT 4 (\$300.00), AND DISTRICT 5 (\$300.00) AND DISTRICT 7 (\$300.00) AND MAYOR (\$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 COUNCIL MEMBERS BOBBY PEREZ, DAVID A. GARCIA AND JULIAN CASTRO.

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Mr. Garcia made a motion to approve the proposed Ordinance with additional funds from the following districts: Mayor - \$300; District 4 - \$300. Ms. Conner seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse, Martin, Castro.

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2002-14 The Clerk read the following Ordinance:

AN ORDINANCE 95577

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 10 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE 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 COUNCILMAN DAVID CARPENTER.

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Mr. Garcia made a motion to approve the proposed Ordinance. Mr. Sanders seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse, Martin, Castro.

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2002-14 TRAVEL AUTHORIZATION - Granted:

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.

Mr. Garcia made a motion to approve the proposed Travel Authorization. Mr. Barrera seconded the motion.

After consideration, the motion, carrying with it the passage of the Travel Authorization, prevailed by the following vote: **AYES:** Sanders, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse, Martin, Castro.

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2002-14 CITY MANAGER'S REPORT

City Manager Terry M. Brechtel, announced to the City Council that the members of the Executive Team would be attending a retreat on Friday, April 5, 2002. She further added that a memo would be distributed to the City Council to apprise them of who to contact should they need any assistance during this time.

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The meeting recessed for five minutes before the 3:00 P.M. time certain.

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2002-14 PUBLIC HEARING AND ORDINANCES: HIGHLANDS COMMUNITY PLAN.

Mayor Garza declared the Public Hearing to be open.

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation on the proposed Highlands Community Plan, a copy of which presentation is on file with the papers of this meeting. He outlined the purpose, plan area, significance of the adopted plan, the planning process, community outreach, plan elements, and goals for the neighborhood.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke in support of the neighborhood plan, and stated there was a need for additional playground equipment and programs for the children.

Ms. Mary Wallace, commended City staff for the tremendous work on this effort, and urged the City Council to adopt the plan.

Mr. Chris Villarreal, stated there was a need for a more livable neighborhood, more pedestrian walkways, and spoke in support of the plan.

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There being no further citizens to speak the Mayor declared the Public Hearing to be closed.

Ms. Moorhouse commended all the individuals who worked on this project from its inception, noting that this was a good plan for the community.

The Clerk read the following Ordinance:

AN ORDINANCE 95578

ADOPTING THE HIGHLANDS COMMUNITY PLAN AS A COMPONENT OF THE CITY'S MASTER PLAN.

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Mr. Perez made a motion to approve the proposed Ordinance. Mr. Sanders seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Castro, Garza.

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2002-14 EXECUTIVE SESSION

The City Council recessed its regular session at 3:15 P.M. in order to convene in Executive Session for the purpose of:

- 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 vs. 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.

The City Council adjourned the Executive Session at 3:49 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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Mayor Garza stated that the City Council had been briefed in Executive Session, however no action had been taken. Meeting recessed until 5:00 P.M. for Citizens to Be Heard.

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2002-14 Mayor Pro tem Moorhouse presided in the temporary absence of the Mayor.

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2002-14 **CITIZENS TO BE HEARD**

MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke to the Council about various contract issues and referred to the power of the people granted by the Texas Constitution.

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MR. ROBERT L. BELTRAN

Mr. Robert Beltran, 1639 E. Highland Blvd., spoke to the City Council about education issues in San Antonio and his particular concerns about educational administrators being hired at high salaries yet their credentials are not validated.

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MS. MILDRED E. GARNER

Ms. Mildred E. Garner, 529 E. Craig Place, spoke to the City Council against the PGA project and suggested that this area be developed into City parks instead with swimming pools.

2002-14 The meeting was recessed at 5:28 p.m., and reconvened at 6:00 p.m. for the Public Hearing.

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2002-01 PUBLIC HEARING AND ORDINANCES: CONSIDERATION OF ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMONG THE CITY OF SAN ANTONIO, CIBOLO CANYON CONSERVATION AND IMPROVEMENT DISTRICT NO. 1 BEXAR COUNTY.

Mayor Garza declared the Public Hearing to be open.

City Manager Terry Brechtel, stated this had been an unprecedented process. She spoke of the legislative action, which allowed the creation of the District, the requirement of the City Council approval, and the negotiation that took place by state lawmakers and other officials. She spoke of the three drafts of the development agreements, two for the golf courses, and the draft of the Development agreement, which had been placed on the web site for the public to view. She stated that there had been numerous meetings held since then, including a public forum in the respective districts, outside legal counsel has been reviewing the agreement, in addition to the engagement of a geologic team who presented a report to the City Council. She further noted there have been 8 months of discussion and debate, and that City Council has met with the various interest groups in efforts to address the many concerns brought forward by the citizens, and issues regarding open space. She then asked Mr. Chris Brady, Assistant City Manager to begin the presentation.

Chris Brady, Assistant to the City Manager, narrated a slide presentation, on the proposed Agreement, a copy of which presentation is on file with the papers of this meeting. He outlined the details of the location of the proposed District, noting the boundaries and acreage involved, the legislative authority which allowed such a creation, the allowed taxes and fees which can be imposed by the District. He delineated the development rights, terms of the property tax collections, requirements with respect to the land use restrictions, geologic map of sensitive recharge features, the letter of intent from PGA, the criteria for the development documents, and hotel commencement and completion. He further expounded on the public improvements required by the District and the developer, benefits to the City on certain projects, improvements to Evans Road and drainage to be made by Bexar County, other infrastructure improvements to be completed by the developer and District and proposed land use. He amplified on the donation of

open space tracts, golf course tracts, land use restrictions and enforcement, and geologic assessment.

Mr. Scott Halty, San Antonio Water Systems, narrated a slide presentation on the Environmental Management Plan, a copy of which presentation is on file with the papers of this meeting. He delineated criteria with respect to maintenance of water quality, and golf course management plan.

Mr. Milo Nitschke, Director of Finance, narrated a slide presentation on the financial issues, a copy of which presentation is on file with the papers of this meeting. He outlined the financial objectives, bondholder security, financing, and the priority of cash flow.

Mr. Brady, further addressed the annexation issues, termination events, restrictions on expansion of district, cost/benefit analysis, tax rates, total estimated revenue sources through FY 2018, noting with most conservative numbers for the 1st hotel and 2 golf courses, debt service, estimated total community benefits accumulation, such as for the school districts, hospital districts and Bexar County accumulated through 2018. He further detailed the City revenues upon annexation in FY 2019, and the additional benefits to the City following the annexation in FY 2019, and the living wage – varying on the opening date of the hotel.

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The following citizens appeared to speak for and against the proposed development agreement:

Representatives of METRO/COPS organization, spoke regarding the necessary safeguards to protect the Aquifer and (against any tax giveaways), employee wages and benefits, urging the Council to let the citizens vote on the issue.

Marty Wender, Carl Raba, Jr., and Representatives of the Greater San Antonio Chamber of Commerce, spoke of the many jobs provided by approval of the PGA, which promotes environmentally sound use of property, conservative water usage, open space, represents a world-class project with hundreds of new jobs for the community, tax contribution from the project, and attraction of new businesses.

Mr. Berto Guerra, Jr., and Representatives of the San Antonio Hispanic Chamber of Commerce, spoke in support of the PGA agreement, and commended the Mayor for his leadership, which resulted in a better proposal for the citizens. He also commended the other members of the City Council for their hard work to further improve this proposal.

He stated that the Hispanic Chamber strongly endorses this project and sees it as a positive economic boost to the community.

Ms. Kathy Hill also spoke in favor of the PGA agreement and spoke to the positive impact to the tourism industry and the number of business opportunities, which will open to all businesses, large and small.

Other representatives also spoke about the positive effects of controlled and regulated development over the Aquifer.

Mr. Aaron Seaman, reiterated previous statements made by the representatives of the Hispanic Chamber.

Representatives of the North San Antonio Chamber of Commerce, Scott Thomas and Jeff Webster commended the Mayor and City Council for their leadership in developing and enhancing the proposal for the citizens of San Antonio.

Henry Feldman, San Antonio Hotel/Motel Association, spoke in favor of the living wages paid by the hotel and stated that more than 70 percent of the employees with the hotel proposed for the PGA will be paid more than the living wage.

Mr. Steve Varga, representing numerous employers, spoke in support of the PGA, and commended members of the City Council. He spoke in favor of the proposed development rather than having thousands of residential homes with no regulations in place to safeguard the water.

Mr. Jeff Webster, former City Council member, spoke of the responsibility of the Council in making this decision. He also mentioned the many projects approved during his tenure in City Council for the benefit of the City as a whole, and urged the present members of Council to support what was good for San Antonio.

Mr. Harold Oliver, South San Antonio Chamber of Commerce, spoke of the economic benefits derived through the PGA development.

Ms. Analisa Peace, Smart Growth Coalition, spoke in opposition to the PGA development, and addressed certain concerns regarding the green space, the public improvements schedule, water rights with regard to the drought management plan, and the issue of tax abatements.

Mr. Henry Valdivia, spoke in opposition to the taxing district.

Representatives of Smart Growth Coalition, spoke against the tax giveaways, in support of the development of residential homes over the proposed area, and urged the City Council to allow the citizens of San Antonio to vote on the issue.

Mr. George Rice, expressed concern on the contamination of the City's water supply.

Mrs. Maria Antonietta Berriozabal, representing neighborhood and environmental groups, spoke in opposition to the establishment of the taxing district, and expressed concern on the safety of our water supply.

Ms. Virginia Geis, Esperanza, Peace and Justice Center, spoke in opposition to the PGA.

Mr. Rudolfo Rosales, stated he is a lifelong resident of San Antonio, and spoke in opposition to any development over the Edwards recharge zone, and against the PGA, and addressed issues regarding minimum wage jobs, traffic problems, and urged the City Council to vote no.

Ms. Gloria Rivas, expressed concern on the water quality for the City's future, and the water shortages, and urged the City Council not to approve the development.

Representatives from Agua es Vida Coalition, cited names of citizens residing in the various Council Districts who were in opposition to the PGA development.

(At this time Mayor Garza was obliged to leave the meeting. Councilwoman, Mayor Pro Tem Moorhouse presided.)

(Mayor Garza returned to the meeting and presided.)

Representatives of San Antonio Coalition for Peace and Justice, expressed concern on the developers' promises that would ultimately hurt the future of San Antonio, and dangers of contamination of the City's water supply, and urged the City Council to allow the citizens to vote on this issue.

Representatives of Arte Escuela, commended Councilmembers Sanders and Castro for their stance in announcing that they would be voting no against the project, and spoke in opposition to the PGA development, and the safeguarding of the City's water supply, and urged the Council to allow the citizens of San Antonio to vote on the issue.

Mr. Alonzo Avila, Esperanza Center, urged the City Council to place the PGA up for a public vote.

Ms. Fay Sinkin, spoke on the contamination of the City's water supply, expressing concern on the clean-up efforts. She urged the City Council to allow a public vote on this issue. She also spoke in favor of Proposition 3 and urged the City Council to acquire the land over the Aquifer.

Mr. Jerry Pohl, expressed concern on the process of negotiation for the agreement, and urged the City Council to listen to the voice of the citizens.

Mrs. Helen Dutmer, expressed concern on the safeguarding of the City's water, and the issue of employee wages, urging the City Council to allow the public to vote on the PGA.

Mr. Dale Wood, representing membership of San Antonio Restaurant Association, spoke in support of the PGA development, which he felt would benefit the City of San Antonio. He stated that the project would provide the necessary means to protect the Aquifer.

Mr. Jerry Morrisey, Sierra Club, expressed concern on the protection of the Aquifer recharge zone, and urged City Council to vote no to the PGA, and to allow the citizens to vote on this issue.

Ms. Mary Bradshaw, spoke in opposition to the PGA, expressed concern on the use of recycled water, noting that the PGA would only generate additional development which would further endanger the water supply.

Mr. Benjamin Bradshaw, also spoke in opposition.

(At this time Mayor Garza was obliged to leave the meeting. Councilwoman, Mayor Pro Tem Moorhouse presided.)

Mr. Elginio Rodriguez, expressed concern on the contamination of the City's water supply.

Ms. Martha Mangum, Executive Director of Real Estate Council, stated the PGA represented responsible development, that would protect the water quality through stringent regulations, provide positive economic growth vital to the growth and tax base of the City, new jobs created will provide a much needed economic generator. She urged the City Council to vote in favor of the PGA.

Mr. Rick Montelongo, small business owner, and member of Greater San Antonio Builders Association, urged the City Council to approve the PGA, citing the economic opportunities available through the PGA.

Mr. Steven Schultz also spoke in favor of the PGA project as a positive economic impact to the City Council.

Mr. Tony Garza, 423 Northtrail Road, stated that this issue should be one that is placed on the ballot for a vote by the people.

Mr. Ramon Hernandez, Tap Pilam Coahuiltecan Nation, spoke against the PGA project and spoke of his concerns with the safeguarding of the Edwards Aquifer. He urged the City Council to allow the citizens to vote and decide on this issue.

(Mayor Garza returned to the meeting and presided.)

Mr. Ramon Vasquez y Sanchez, American Indians in Texas, stated that more development was needed in other areas of the City, and urged the City Council to place the issue to a vote.

Representatives of American Indians in Texas spoke in opposition.

Ms. Patricia Castillo, spoke in opposition to tax giveaways, and urged the Council to allow a public vote.

Mr. Ramon Vasquez, spoke of the dangers of contaminating the water supply, and urged the City Council to allow the public to vote.

Mr. Jack M. Finger, P.O. Box 12048, spoke in favor of allowing the citizens to vote on this issue, and took exception to allowing only two days for the citizens to view the development agreement.

Mr. Marco Barros, San Antonio Tourism Council, spoke of the benefits derived with the approval of the PGA, citing the tax dollars.

Mr. Leon Thomas, stated that SAWS had violated the UDC, by encroaching the Salado Creek, and addressed the issue of floodplains, adding that SAWS could not be regulating the water quality, and urged Council to vote no for the PGA.

Ms. Helen Ballew, Smart Growth Coalition, expressed concern on the safety of the water supply.

Mr. Blair Richter, spoke in opposition to the PGA development.

Mr. David Ribble, spoke in opposition to the PGA development due to the degradation of the natural resources

Ms. Maria Dominguez, spoke in favor of terms limits for the legislators, and also addressed the wages proposed by the PGA.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to the health hazards of water contamination.

Ms. Joleen Garcia, spoke in opposition to the proposed PGA agreement, and urged the Council to allow the citizens to vote on the issue.

Mr. Faris Hodge, Jr., 140 Dora, spoke against the PGA development, and urged the City Council to listen to the voice of the citizens.

(At this time Mayor Garza was obliged to leave the meeting. Councilwoman, Mayor Pro Tem Moorhouse presided.)

Mr. Peter Monod, Archdiocesan Justice and Peace Commission, read an excerpt from the letter of Archbishop Patrick Flores urging the members of the Catholic Church not to vote for the PGA. He stated he represented the Commission who was in opposition to the PGA.

(Mayor Garza returned to the meeting and presided.)

Mr. Clinton T. Vitousek, spoke in opposition to the PGA, and urged the Council to allow the citizens to vote on the issue.

Mr. Alfred Rocha, stated that the City of San Antonio was not ready for a PGA., and of the need for more infrastructure, noting there were many other important issues facing the City of San Antonio.

Mr. Antonio Diaz, expressed concern on any development over the recharge zone.

Mr. John Crone, stated the PGA development would allow the City to have more control over the Aquifer area, noting the number of golf courses already over the recharge zone. He added that the City of San Antonio was not giving any tax money away, citing that the City would benefit upon annexation, and the jobs that would be created through the PGA development.

Mr. Jerry Green, urged the City Council to protect the Aquifer, and vote no to the PGA.

Mr. Armando Vasquez, spoke in opposition to the PGA development.

Ms. Jill Souter, President of San Antonio Conservation Society, urged the Council not to approve the PGA, which would contaminate the water supply. She noted the work expended by City Council and City staff, however stating that water protection was a high priority.

Mr. Bob Neal, expressed concern on contamination of the City's water supply.

Mr. Carl Casey, spoke of his experience as an environmental specialist, and the dangers of water contamination.

Mr. Stephen Colley, licensed architect, while he supports City growth, he expressed concern on the proper monitoring of the water quality.

Ms. Julie Iris Oldham, spoke in opposition to the development, and urged the City to protect the City's water.

Ms. Linda Loomis, spoke in opposition to the PGA.

Ms. Carol Aquero Trevino, expressed concern on any development over the recharge zone and the contamination of the City's drinking water.

Mr. Andy Arellano, spoke in opposition to the PGA development

Mr. Chris Brown, spoke to the lack of public hearings and more time to review the development agreement, and also urged the City Council to train police officers how to treat the citizens of San Antonio. He urged the City Council to place this item for a public vote.

Mr. David McQuade Leibowitz, spoke in opposition to the agreement. He spoke to the living wage, stating there should be a provision to have the wages reviewed every 3 years. He urged the City Council to have Lumbermen take responsibility for the clean up should there be any contamination.

Mr. Michael Llamas, expressed concern on the safety of the City's water, and spoke to the development already taking place in the area.

Ms. Beth Thomas, expressed concern on the pesticides that would contaminate the water supply, and addressed the issue of water fluoridation.

Ms. Nikki M. Kuhns, spoke in opposition to the PGA, the taxing district, and the risk for contamination of the Edwards Aquifer. (She also submitted a prepared statement, which is on file with the papers of this meeting.)

Ms. Leticia Vela, Beacon Hill Area Neighborhood Association, requested an explanation on the benefits to be derived for the citizens in the area. The Association approved a Resolution in opposition to the PGA, and urged the City Council not to approve the encroachment by the PGA.

A member of the Beacon Hill Area Neighborhood Association, cited the crimes taking place in this area.

Mr. Ricardo Martinez, spoke in opposition to the PGA, noting the dangers of contamination of the water. He urged the Council to initiate balanced growth for the City.

Mr. Neils Christensen, spoke to the attitudes of the City's police officers, stating the citizens of San Antonio have a right to assemble to express their concerns.

Mr. Mike Yates, spoke to the political process, and expressed concern on citizens not being able to speak to this issue, and encouraged the City Council allow the citizens to vote.

Mr. Richard Pratt, stated that the City does not need another golf course, and in opposition to the development over the recharge zone.

Ms. Betty Eckert, expressed concern on the process for the negotiation.

Mr. John Pierret, Lumbermen's Investment Corp., thanked the City Council for the opportunity to offer the PGA in San Antonio.

Mr. Gene Dawson, stated he appreciated the efforts of the past few months, cited the benefits to be derived through the PGA, and urged the City Council to approve the project.

Mr. Bill Kaufman, spoke of the public forums allowed to allow debate, however, noted there were still several issues that needed to be addressed.

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There being no further citizens to speak the Mayor declared the Public Hearing to be closed.

The Clerk then read the following Ordinance:

AN ORDINANCE 95579

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.

* * * *

Ms. Moorhouse made a motion to approve the proposed Ordinance. Mr. Carpenter seconded the motion.

Mayor Garza stated this represented a critical vote for the City Council, and that the total of 1/6 of 1% of the Edwards Recharge Zone has generated such focus and debate. He urged that such energy continue in order to protect the Aquifer. He added that the City is currently buying land and will continue to do so, however it was still a small portion. He reiterated the importance of proper management and planning for the Aquifer, and that such a momentum must move forward in a proactive way in order to be successful. He stated that the focus and main goal was the development agreement, and when the proposal came forward, it was not definite if it was good for San Antonio, however after much public debate, investigation, and compromise, all stakeholders are still committed to making the development agreement a good one for San Antonio. He further delineated the issues presented by the Manager's Office with respect to the restrictions and policies which must be adhered to by the developer and the District, issues on the recycled water, termination rights, limits on expansion by the District, geologic assessment, water use,

terms of bonds and financing, the living wage, annexation terms, process for election, and open space.

In response to Mayor Garza, regarding the issue of liability and transfer of liability, Wayne Choate, City's outside counsel stated that Lumberman Investment Corporation cannot transfer liability to the City.

Assistant City Manager reiterated Mr. Choate's comments regarding environmental contamination.

In response to a Council question regarding specific language regarding the Referendum - Acting City Attorney Steve Arronge stated that the agreement states that it's subject to the referendum and that no district election can take place until the referendum has run its course.

Mr. Castro spoke to the PR campaign mounted by Lumberman's representatives that they would build 9,060 homes on this property if the PGA project would not go through. He took issue with this statement in view of the number of acres involved. Mr. Dawson noted that the statement was that there would be multi-family homes equivalent of 9060 EdU's.

Mr. Castro stated that under the present regulations, the City has a significant hand under the Water Quality Ordinance. He also stated that a cost benefit analysis – quantification of how many times people fertilize their lawns and oil changes and if that is riskier than what is being proposed here today. He stated that there are other options and these options should be looked at. He spoke about this taxing district being created as a hybrid district purposely created. He referred to the many Intergovernmental hearings held in Austin about abuses of taxing districts. While he agrees that the PGA would be good for San Antonio, however, other cities have rejected taxing districts. He commended the Mayor for the work he has done on this project but there are many issues and with the monies involved, he feels that the voters of San Antonio should decide on whether they want this or not. He stated that the many elections involving water in San Antonio prove that the citizens of San Antonio are interested in the Edwards Aquifer. He then moved to place this item on a future agenda. Mr. Sanders seconded the motion.

Mr. Barrera stated that he is in support of the proposal and that the development agreement has adequate and proper safeguards, which are enforceable.

In response to Councilman Schubert's question, Mr. Kaufmann stated that if this agreement doesn't get approved, he spoke of what development can take place on property already owned by Lumberman's. Under current laws, they can pump as much

water from the Trinity wells as they can pump out. Mr. Schubert spoke about what he sees the PGA bringing to the City of San Antonio. He is also concerned about the monies to purchase the property as some have proposed. He stated that the City Council has brought SAWS into the equation in order that the monitoring is done and done correctly. He took exception about statements being made about San Antonio being is a poor city, and gave his reasons why he feels that San Antonio is a rich City. He is very concerned that people have a misconception of what is being proposed and that there are no taxpayer monies being used to finance this project.

Ms. Moorhouse thanked all the persons involved in this issue. She commended the Mayor, Councilmembers Perez and Conner for their work as well as the Councilmembers and staff. She then spoke in favor of the Ordinance

Mr. Martin commended the staff and those involved in putting together this agreement. He further stated that without this development agreement, the developer can build without any oversight. He spoke about the taxing district and how it will work to ultimately benefit the citizens of San Antonio, specifically citing the revenue to be collected by the City upon its annexation.

Mr. Sanders thanked everyone for the interest and commitment, and those that worked on the agreement. One of the perceptions is that this is coming to an end, however there still are questions unanswered. He spoke to the contract negotiation of BIH, and his years of service on the Edwards Aquifer which were very beneficial. He noted a future restriction on the water usage, mandatory usage, region wide, from Uvalde to San Marcos. He added that regarding the land use development, Mr. Blackburn stated it was important to note the sensitive areas of the recharge area, to date the City does not have this information. He cited the major shortcomings, no design plan, water pollution abatement plan, stormwater prevention plan, integrated pest management plan. These will be submitted to SAWS after approval of the plan. He stated there currently is no drought management plan in place. He stated his decision was based on the agreement, citing that there were numerous assessments not yet completed. Mr. Sanders added that the expenses on the golf course management plan, another area where vital protection should have been included is not, because they are not developed yet. He noted he would second the motion made by Mr. Castro.

Mayor Garza stated he respected his Councilman Sanders' concerns on environmental issues, however he pointed out, the first memorandum of Mr. Blackburn that outlined process to review geologic features through geologic assessment, and laid out a second alternative to the process, and that a three member geologic arbitration committee be formed, by City, SAWS, and developer to review recharge potential, and other sensitive areas. All ten features have been analyzed, the city could monitor and follow. This

three-member team will be submitted to SAWS for approval and before construction to assure plans can conform to what is being brought to date.

Ms. Conner, stated that this is a difficult issue. She stated she was a detailed person that read everything, and having read the agreement, feels it is a good document. She noted there were issues on the water quality plan, however, noted there was a complete study on water quality ordinance, and that these are all regulations being utilized as required. SAWS is working on that. City is aware, and will use the necessary tools to accomplish this. She stated she was aware of the needs of the City, and she has worked, and will continue to work on this issue. She stated she believed it is the best decision for the City by proceeding with the development agreement.

In response to Ms Conner, Mr. Dawson stated the golf course plan is developed, taking geologic features into consideration, noting they would work with the powers that be on fish and wildlife as in every project.

Mr. Garcia stated that the PGA experience has been a long and difficult experience, and commended his colleagues for hours expended on this effort. He further commended Assistant City Manager Brady specifically for the amount of work put forth on this effort. He thanked the citizens of San Antonio for their involvement for participating and attending the public forums. He cited the community groups opposed to the agreement, COPS/METRO, and took issue with the manner in which they have shown their opposition which he feels doesn't represent District 5. He spoke to various issues on the agreement, such as the tax abatements, benefits derived by the City at time of annexation. He stated that protection of the Aquifer was one of his biggest concerns.

In response to Mr. Garcia, Mr. Brady stated that if there are contaminants, the project would be halted.

Mr. Garcia assured that if this would to occur, City Council, and SAWS would take proper measures to halt the project. He cited the health district taxes that could address health concerns in the community. He stated he would vote for the PGA agreement, adding that he would not support Mr. Castro's motion because they as elected officials were placed in office to make the decisions.

Ms. Conner stated she had gone through the masterplan, looked at the names that worked on project, noting the City needs to utilize the masterplan. She added she would seek assistance from the Council's Environmental Committee and Water Quality Committee to work on rules, and will ask Development Services Department, Public Works, and Planning to work on this project.

Mr. Perez, recognized the Mayor's work and leadership on this plan, and Councilwoman Conner for her work on this project. He commended the leadership of the City Manager, and staff in development of this plan. Council's job is to balance all issues, jobs versus regulation, balance acquisition of acreage or no more green space. The plan represents tax revenue for the County, to support infrastructure, services, working families programs. He took exception to certain comments made by the audience. He noted he would take all the information, and make the best decision possible for the City of San Antonio. He stated there has been criticism of the developer, yet the developer did sign waivers for Councilman Castro to participate.

Ms. Moorhouse, stated she appreciated Ms. Conner's plan of action. She recognized there were problems with the water plan adopted by previous Councils, in that respect, and added she would like to read an excerpt, from SAWS stormwater and water quality inspection record, 200 inspections per month, recognized as best in class by environmental protection agency. She recognized the outstanding record of SAWS.

Mayor Garza, closed will not support Mr. Castro's motion for a vote. He noted that fluoride and Applewhite were voted by the public due to petitions mandated by the citizens. When he entered into discussions of the agreement, he committed to bring all parties together, and try to come up with an agreement that would protect the water, and that was what he was putting forth - the agreement and he would vote for it. He respects the referendum process, but will not vote for it. He cited the 1970's controversial mall, and noted that the debate is over a small percentage over the recharge zone, but most importantly the management of the Aquifer. He noted that development still occurred, and that whatever happened today, it was important not to lose focus on water quality protection, and the recharge zone.

After further discussion, Ms. Moorhouse made a motion to approve the proposed Ordinance. Mr. Carpenter seconded the motion.

Mr. Castro made a motion to call for a roll call vote on the issue. Mr. Sanders seconded the motion.

The substitute motion as presented by Councilman Castro failed by the following roll call vote: **AYES:** Sanders, Castro. **NAYS:** Perez, Moorhouse, Martin, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **ABSENT:** None.

After consideration, the main motion, prevailed by the following vote: **AYES:** Perez, Moorhouse, Martin, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** Sanders, Castro. **ABSENT:** None.

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2002-14 There being no further business to come before City Council, the meeting was adjourned at 2:17 A.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AAE
City Clerk