

AN ORDINANCE **96122**

REPEALING ORDINANCE NO. 95579, (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, COMMONLY KNOWN AS THE PGA VILLAGE ORDINANCE).

* * * * *

WHEREAS, on July 10, 2002, the City Clerk certified as sufficient the petition seeking the repeal or a referendum on Ordinance No. 95579; and

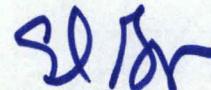
WHEREAS, Article IV, Section 40 of the City Charter provides that a "referred ordinance shall be reconsidered and the Council shall, within thirty days, vote upon the question, 'Shall the ordinance be repealed?'" ; NOW THEREFORE:

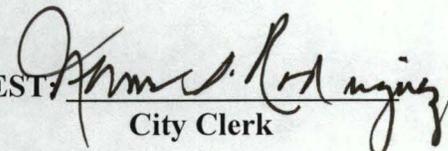
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Ordinance No. 95579 is repealed.

SECTION 2. This ordinance shall take effect ten days from the date of passage.

PASSED AND APPROVED this 1st day of August, 2002.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

02-28

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MEETING OF THE CITY COUNCIL

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - PUBLIC UTILITIES SUPERVISOR
FINANCE- TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT -NEIGHBORHOOD PLNG;
URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: 75A

DATE: AUG 1 2002

MOTION: Perez Moorhouse

ORDINANCE NUMBER: 96122

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: _____

TRAVEL AUTHORIZATION: _____

NAME	ROLL	AYE	NAY
BOBBY PEREZ District 1		✓	
JOHN H. SANDERS District 2	-	✓	
ANTONETTE "TONI" MOORHOUSE District 3		✓	
ENRIQUE "KIKE" MARTIN District 4		✓	
DAVID A. GARCIA District 5		✓	
ENRIQUE M. BARRERA District 6		✓	
JULIAN CASTRO District 7		✓	
BONNIE CONNER District 8		✓	
CARROLL W. SCHUBERT District 9		✓	
DAVID CARPENTER District 10		✓	
EDWARD D. GARZA Mayor		✓	

Request Ord # 95579

02-28

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**CITY OF SAN ANTONIO
CITY ATTORNEY'S OFFICE
INTERDEPARTMENTAL CORRESPONDENCE**

TO: Mayor and City Council

FROM: Andrew Martin, City Attorney, City Attorney's Office

THROUGH: Terry M. Brechtel, City Manager

COPIES TO: File

SUBJECT: An Ordinance repealing Ordinance No. 95579 (PGA Village Ordinance) and a Resolution directing City Clerk to bring an Ordinance to City Council for consideration on August 8, 2002 to submit Ordinance No. 95579 to the electors for approval at an election on November 5, 2002.

DATE: August 1, 2002

SUMMARY AND RECOMMENDATIONS

This Ordinance repeals Ordinance No. 95579, (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, commonly known as the PGA Village Ordinance).

This Resolution directs the City Clerk to bring an Ordinance to the City Council for consideration on August 8, 2002 to submit Ordinance No. 95579 (commonly known as the PGA Village Ordinance) to the electors for approval at an election on November 5, 2002.

BACKGROUND INFORMATION AND POLICY ANALYSIS

On July 10, the City Clerk certified as sufficient the petition seeking the repeal or a referendum on Ordinance No. 95579. Based on her certification, and pursuant to Article IV, Section 39 of the City Charter, "further action [under that ordinance] shall be suspended if it be in effect, until and unless approved by the electors."

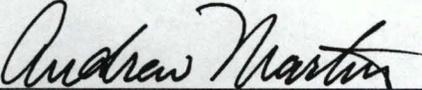
Article IV, Section 40 of the City Charter provides that a "referred ordinance shall be reconsidered and the Council shall, within thirty days, vote upon the question, 'Shall the ordinance be repealed?'" The thirty day deadline established by this section ends August 9, 2002.

Agenda Item 75(A) provides council the opportunity to satisfy the charter requirement of a vote to repeal the ordinance. Although a vote is required, there is no requirement that the ordinance be repealed by the vote.

If Ordinance No. 95579 is *not* repealed by council, Article VI, Section 41 of the City Charter provides that the referred ordinance "shall be submitted to the electors at a special or regular municipal election not less than thirty nor more than ninety days from the date the Council takes its final vote thereon." If Ordinance No. 95579 is not repealed by your vote on Item 75(A), Item 75(B) provides the opportunity for the council to direct the City Clerk to bring back an ordinance to call the referendum election.

COORDINATION

This Request for Ordinance has been coordinated with the City Manager's Office.



ANDREW MARTIN
City Attorney

APPROVED:



TERRY M. BRECHTEL
City Manager

LUMBERMEN'S INVESTMENT CORPORATION

5495 BELTLINE ROAD, SUITE 225 DALLAS, TEXAS 75254 (972) 702-8699 FAX (972)702-8372

JOHN K. PIERRET
Executive Vice President**VIA FAX (210) 207-4168**

August 1, 2002

Mayor Ed Garza
City of San Antonio
P. O. Box 839966
San Antonio, TX 78283-3966

RE: Cibolo Canyon Project

Dear Mayor Garza:

We have been advised by the Professional Golf Association of America ("PGA") that they desire not to proceed with an election on the Cibolo Canyon Conservation and Improvement District No. 1 Project. As such, given that the Development Agreement is contingent upon PGA participation, please consider this correspondence our formal request that the City Council repeal Ordinance No. 95579. I am also attaching a copy of correspondence from the PGA.

PGA has indicated that their preference is still to establish the PGA Village on the Lumbermen's Investment Corporation site, however, without the Taxing District, it will be extremely difficult to provide the PGA with the incentives that they need to be involved in this project. Any assistance you can provide with developing other options will be appreciated.

Please call me if you have any questions regarding the PGA's position or suggestions as to a course of action.

Very truly yours,

John Pierret
Executive Vice President

THE PROFESSIONAL GOLFERS' ASSOCIATION OF AMERICA



August 1, 2002

100 AVENUE OF THE CHAMPIONS
BOX 109601
PALM BEACH GARDENS
FLORIDA 33410-9601

TELEPHONE: (561) 624-8401
FAX: (561) 624-8410

JIM L. AWTRY
Chief Executive Officer

Mr. John K. Pierret
Lumbermen's Investment Corporation
5495 Beltline Road
Suite 225
Dallas, TX 75240

Dear John:

I am writing in response to our telephone conversation concerning recent developments surrounding the special taxing district. As I indicated, the PGA has been supportive of the desire to protect the environment and the aquifer as outlined in the development agreement. We had hoped that all parties were moving toward implementing the agreement previously approved by the San Antonio City Council.

Recent actions, however, have caused us to reevaluate the current position of the PGA toward the Cibolo Canyon Project. While we remain interested in a future relationship with Lumbermen's, we must withdraw our commitment at this time. The PGA does not wish to be involved in an issue that is creating so much controversy and divisiveness within the San Antonio community. If, in the future, an agreement is reached between Lumbermen's and the city of San Antonio regarding the development of the Cibolo Canyon Property, we would be interested in revisiting a PGA Relationship.

Please convey to all parties our belief in the future economic development opportunities in San Antonio.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim L. Awtry".

Jim L. Awtry
Chief Executive Officer