

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MAY 8, 2003.

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2003-18 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

- A) **Staff Presentation on City-Wide Project Selection and Resource Allocation for 2003 General Obligation Bond Program.** (Presented by Lou Lendman, Director, Management and Budget; Christopher J. Brady, Assistant City Manager.)

The Council members present were: Perez, Sanders, Moorhouse, Martin, Barrera, Conner, Schubert, Carpenter, Garza. ABSENT: Herrera, Castro.

The "B" Session adjourned at 11:54 A.M.

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2003-18 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Pro Tem Bonnie Conner, in the absence of Mayor Ed Garza, with the following members present: Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

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2003-18 Invocation by Reverend John V. Foster, Bethesda Temple.

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2003-18 Pledge of Allegiance to the flag of the United States.

2003-18 PRESENTATION OF PROCLAMATION FOR "SAN ANTONIO POLICE OFFICERS' MEMORIAL DAY."

Mayor Garza read a Proclamation acknowledging San Antonio Police Officers' Memorial Day. He stated that May 11-17, 2003 was designated as National Policemen's Week, and May 15, 2003 as Peace Officer's Memorial Day by the President of the United States. He asked Deputy Chief Tyrone Powers to come forward and give more details regarding the upcoming observance.

Deputy Chief Powers thanked the Mayor and Council on behalf of Chief Albert Ortiz, for the Proclamation and recognition of this momentous event. During the occasion, he noted that a presentation would be given honoring the fallen officers, and invited the Mayor and Council to this special memorial.

The City Council extended their appreciation to the Police Department for their selfless acts of bravery. They also thanked the officers' families for their sacrifice and gave recognition to the memory of all fallen officers. They noted that because of the bravery of our police officers, San Antonio is now a safer place for both the citizens and the tourists. The Council stated that they looked forward to joining the academy in honoring the officers.

2003-18 PRESENTATION OF PROCLAMATION FOR "DRINKING WATER WEEK."

Mayor Garza called forward Mr. Leonard Young, SAWS representative, and presented a Proclamation recognizing this week as "Drinking Water Week."

Mr. Young introduced the Water Action Team who had accompanied him to the Council meeting. The team was comprised of students representing area high schools throughout San Antonio. He noted that 1998 was a critical turning point in monitoring water quality and that the team had played a vital part in the involvement of SAWS education to the community.

The members of the City Council thanked and congratulated the members of the Water Action Team for their hard work and commended SAWS for their involvement with this critical issue. They further congratulated the SAWS team program for their work on this project.

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2003-18 PRESENTATION OF PROCLAMATION FOR "TEEN PREGNANCY PREVENTION MONTH."

Mayor Garza read a Proclamation acknowledging the month of May as "Teen Pregnancy Prevention Month" and invited Dr. Janet Realini to come forward. Dr. Realini asked members from various groups who had collaborated with her on this project to step forward.

Dr. Realini noted that there were members of Project Worth & Pregnancy Prevention on hand to give insight into the project. She stated that Project Worth and its community project partner '98.5 the Beat' have combined efforts for the 3rd Annual Teen Health Action Fair on Saturday, May 10th from 2-5 P.M. at South Park Mall. She noted that because of their efforts over the last 8 years, abstinence had decreased the ratio of teen pregnancy to 25%.

The broadcast station manager of 98.5 the Beat, spoke to the influence that the station has on the community, and noted that they take this responsibility very seriously. He acknowledged the positive influence that the pregnancy prevention projects have had on the teen pregnancy ratio and commended the groups for their efforts on behalf of the youth.

Councilman Sanders commended the group's efforts, community training & the local facilities available for teen mothers. He also emphasized the advantages of Project Worth that spearheaded the hardships of teen pregnancy. He spoke of the importance of this issue, and urged the community to support these groups.

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2003-18 ON A POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Councilman Sanders asked for a moment of silence in acknowledgement of the demise of Ms. Mayme Bailey Williams, District Director of Public Funding and Contract Administration for Alamo Community College District (ACCD), on this past Friday, May 2, 2003. He noted that Ms. Williams coordinated applications for all publicly funded grants for the district's four colleges. He noted that she had also worked as a grant writer for St. Philips College for five years. He

acknowledged her tremendous contribution to the community, and further spoke to her work with the ACCD for the past nine years.

Councilman Sanders extended his highest regards to Ms. Williams for her outstanding church and civic activities in various parts of the community. He denoted her character as one of a diligent servant whose civic involvement catapulted her into national prominence. He applauded Ms. Williams' many efforts during her employ at ACCD and stated that Ms. Williams depicted diligence in every effort in every phase of her career. He stated that San Antonio had suffered a great lose and extended his heartfelt condolences to her family and friends.

Mayor Garza depicted Ms. Williams as a public servant in every sense of the word. He noted that her contributions had been seen throughout the community. He emphasized her many endeavors on behalf of the citizens of San Antonio. He mentioned the significance of her voice on behalf of the community through her countless visits to the Council, and her numerous trips to Washington advocating in their behalf. Mayor Garza extended his condolences to her family and thanked them for their sacrifice.

Councilwoman Moorhouse noted Ms. Williams' countless efforts community wide. She spoke to Ms. Williams' endless support to the community. She also spoke to the many projects that she worked with throughout the City. She applauded her sacrificial endeavors and numerous efforts on behalf of her community, and extended heartfelt condolences to Ms. Williams' family members.

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2003-18 Minutes of the Regular City Council Meeting of April 10, 2003 were approved.

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2003-18 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 7 – 22E, constituting the Consent Agenda, except for Items 9, 11, 13, 16, and 19, which were pulled for individual consideration. Councilwoman Moorhouse seconded the motion.

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

AN ORDINANCE 97569

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH INFLUENZA VACCINE, ANTIVIRUS SOFTWARE & LICENSE FOR EXCHANGE SERVER, LOMBARDINI ENGINE PARTS & SERVICE, PRENTICE GRAPPLER PARTS & SERVICE, KUBOTA TRACTOR PARTS & SERVICE, AND HAND WIPES ON AN ANNUAL BASIS FOR FISCAL YEAR 2003-2004 FOR A TOTAL COST OF APPROXIMATELY \$270,202.00.

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AN ORDINANCE 97570

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 9 FOR THE ADDITIONAL AMOUNT OF \$67,902.00 TO FURNISH AND INSTALL INFRASTRUCTURE NECESSARY TO SUPPORT A PUBLIC ADDRESS SYSTEM IN CONNECTION WITH THE CONTRACT WITH CONSTRUCTORS & ASSOCIATES, INC. FOR THE TERMINAL IMPROVEMENTS AT SAN ANTONIO INTERNATIONAL AIRPORT PACKAGE 3; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NOS. 95686, APRIL 25, 2002; ORDINANCE NO. 96698, NOVEMBER 14, 2002.)

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AN ORDINANCE 97571

SELECTING PAPE-DAWSON ENGINEERS, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH PRE-DEVELOPMENT LAND ACTIVITIES AT THE SOUTHWEST BUSINESS AND TECHNOLOGY PARK; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$161,288.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97572

ACCEPTING THE LOW BASE BID OF DONSAN CONSTRUCTION, L.L.C., IN THE TOTAL AMOUNT OF \$47,969.00 FOR CAPITAL IMPROVEMENTS TO THE CITY'S HIGHLAND PARK WALKING TRAIL PROJECT IN CITY COUNCIL DISTRICT 3; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; ESTABLISHING THE PROJECT'S BUDGET; AUTHORIZING THE TRANSFER OF \$99,620.08 IN 1999 PARK G.O. BOND FUNDS INTO THE PROJECT BUDGET; AUTHORIZING \$7,190.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$1,500.00 FOR PERMIT FEES AND \$42,961.08 FOR PARK CONSTRUCTION CREW EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97573

APPROVING FIELD ALTERATION NO. 2 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$29,261.69 FROM THE NEIGHBORHOOD ACCESS AND MOBILITY PROGRAM (NAMP) DISTRICT 10 FUND TO CLARK CONSTRUCTION, COMPANY, INC. IN CONNECTION WITH THE ROYAL RIDGE SUBDIVISION ALLEY RESURFACING WITHIN THE 2002 SINGLE COURSE BITUMINOUS SLURRY SEAL STREET MAINTENANCE PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95707, MAY 2, 2002.)

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AN ORDINANCE 97574

APPROVING FIELD ALTERATION NO. 2 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$185,157.00 TO CLARK CONSTRUCTION COMPANY, INC. FOR ADDITIONAL CONSTRUCTION EXPENSES IN CONNECTION WITH RANDOLPH BOULEVARD FROM CRESTWAY TO ROYAL RIDGE STREET WITHIN THE 2003 STREET ASPHALT RECYCLING AND OVERLAY MAINTENANCE CONTRACT; AUTHORIZING \$30,228.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING THE TRANSFER OF \$19,000.00 TO A CITY FORCE ACCOUNT FOR INSTALLATION OF A VIDEO IMAGING VEHICLE DETECTION SYSTEM, FOR A TOTAL AMOUNT OF

\$234,385.00 FROM VARIOUS FUNDING SOURCES; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 97232, FEBRUARY 20, 2003.)

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AN ORDINANCE 97575

APPROVING FIELD ALTERATION NO. 3 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$53,929.10 FROM COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO CLARK CONSTRUCTION COMPANY, INC. IN CONNECTION WITH THE 2003 ASPHALT RECYCLING AND OVERLAY MAINTENANCE CONTRACT; AUTHORIZING \$5,392.91 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES FOR A TOTAL AMOUNT OF \$59,322.01; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 97232, FEBRUARY 20, 2003.)

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AN ORDINANCE 97576

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A RAILROAD CROSSING IMPROVEMENT AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY (UPRC) AND AUTHORIZING \$34,867.00 FROM STREET MAINTENANCE AND IMPROVEMENT FUNDS PAYABLE TO UPRC FOR IMPROVEMENTS TO THE EXISTING RAILROAD CROSSING SURFACE ON WURZBACH ROAD IN COUNCIL DISTRICT 8; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97577

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A RAILROAD CROSSING IMPROVEMENT AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY (UPRC) AND AUTHORIZING \$29,916.00 FROM STREET MAINTENANCE AND IMPROVEMENT FUNDS PAYABLE TO UPRC FOR IMPROVEMENTS TO THE EXISTING RAILROAD CROSSING SURFACE ON

DREAMLAND DRIVE IN COUNCIL DISTRICT 8; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97578

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A RAILROAD CROSSING IMPROVEMENT AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY (UPRC) AND AUTHORIZING \$23,194.00 FROM STREET MAINTENANCE AND IMPROVEMENT FUNDS PAYABLE TO UPRC FOR IMPROVEMENTS TO THE EXISTING RAILROAD CROSSING SURFACE ON ORSINGER LANE IN COUNCIL DISTRICT 8; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97579

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A RAILROAD CROSSING IMPROVEMENT AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY (UPRC) AND AUTHORIZING \$79,454.00 FROM STREET MAINTENANCE AND IMPROVEMENT FUNDS PAYABLE TO UPRC FOR IMPROVEMENTS TO THE EXISTING RAILROAD CROSSING SURFACE ON SOUTHCROSS BOULEVARD IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97580

AUTHORIZING PAYMENT IN THE TOTAL AMOUNT OF \$24,238.00 FROM 1999 G.O. DRAINAGE IMPROVEMENT BOND FUNDS TO KEI, INC. FOR ON-CALL ENVIRONMENTAL ENGINEERING REMEDIATION SERVICES UNDER AN EXISTING ENVIRONMENTAL PROFESSIONAL SERVICE CONSULTING CONTRACT IN CONNECTION WITH THE S. FLORES FROM MALONE TO OCTAVIA PROJECT, LOCATED IN COUNCIL DISTRICTS 3 AND 5; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97581

AUTHORIZING THE ACCEPTANCE OF AN AMOUNT NOT TO EXCEED \$64,350.00 FROM GLAXOSMITHKLINE PHARMACEUTICALS FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PARTICIPATE IN A FOLLOW-ON TWINRIX(R) VACCINE STUDY FOR THE PREVENTION OF HEPATITIS A AND HEPATITIS B IN HEALTHY ADULTS 18 YEARS OF AGE OR OLDER FROM MARCH 28, 2003 THROUGH MARCH 27, 2005; AUTHORIZING THE EXECUTION OF THE AGREEMENT; ESTABLISHING THE PROJECT FUND; ADOPTING THE PROJECT BUDGET; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 97582

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT NOT TO EXCEED \$51,000.00 WITH SOUTHWEST RESEARCH INSTITUTE TO CONDUCT THE FRUIT AND NUT SURVEY PHASE II: ASSESSMENT OF HOMEGROWN PRODUCE FOR VOLATILE ORGANIC COMPOUND CONTAMINATION IN CONNECTION WITH THE PUBLIC CENTER FOR ENVIRONMENTAL HEALTH, WHICH IS OPERATED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PURPOSE OF INVESTIGATING, ASSESSING AND OTHERWISE ADDRESSING ENVIRONMENTAL HEALTH CONCERNS RELATED TO POTENTIAL ENVIRONMENTAL EXPOSURES TO FORMER KELLY AIR FORCE BASE EMPLOYEES AND THE COMMUNITY FOR THE PERIOD MAY 1, 2003 THROUGH DECEMBER 31, 2003; AND AUTHORIZING PAYMENTS FOR SERVICES.

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AN ORDINANCE 97583

APPROVING REVISIONS TO THE RENTAL OF INTERNATIONAL CENTER MEETING ROOMS, TERRACES, AND OTHER SPACES USAGE POLICY, INCLUDING MODIFICATIONS TO THE CATERING AGREEMENT; AND ALLOWING THE FEE FOR CUSTODIAL SERVICES TO INCREASE FROM \$10 PER HOUR TO \$15 PER HOUR.

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AN ORDINANCE 97584

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF A DESIGNATED FUND AGREEMENT WITH THE SAN ANTONIO AREA FOUNDATION ("FOUNDATION") SO THAT THE FOUNDATION MAY RECEIVE AND DISTRIBUTE FUNDS RAISED BY THE CITY TO SUPPORT THE DEVELOPMENT OF THE OFFICE OF CULTURAL AFFAIRS' COMMUNITY CULTURAL PLAN TITLED *THE CULTURAL COLLABORATIVE: A COMMUNITY PLAN FOR SAN ANTONIO'S CREATIVE ECONOMY* ("CULTURAL PLAN").

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2003-18 The Clerk read the following Ordinance:

AN ORDINANCE 97585

ACCEPTING THE LOW BID OF TRUE FLAVORS CULINARY PLANNERS (MBE) TO PROVIDE THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH A SUMMER FOOD SERVICE PROGRAM FOR A TOTAL OF \$743,529.15, AUTHORIZING THE EXECUTION OF SAID CONTRACT SUBJECT TO THE TIMELY SUBMISSION BY TRUE FLAVORS CULINARY PLANNERS OF THE REQUIRED PERFORMANCE BOND, OR IN THE EVENT SUCH BOND IS NOT TIMELY SUBMITTED, IN THE ALTERNATIVE, ACCEPTING THE SECOND LOW QUALIFIED BID AND AWARDING A CONTRACT FOR THESE SAME SERVICES, TO SELRICO SERVICES, INC. FOR THE AMOUNT OF \$773,709.30; AND PROVIDING FOR AN EFFECTIVE DATE.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Perez seconded the motion.

Ms. Janie Cantu, Director of Purchasing, narrated a power point presentation on the San Antonio Parks & Recreation Summer Food Service Program, a copy of which is on file with the papers of this meeting. She expounded on details of the program, which has been in operation since 1969. She noted that True Flavors was chosen out of a total of 3

bidders who submitted letters of intent along with their bids. She noted that the provider would be catering to children 18 years and under providing them with snack type lunches along with a snack at 90 different lunch sites throughout San Antonio.

Councilwoman Moorhouse stated that she was uncomfortable with this contract because there had been many problems in the past with this provider concerning the senior nutrition centers. She asked what was the criteria for the selection of bids and wondered whether anything other than dollar amount was considered.

Ms. Cantu stated that several things including state requirements and guidelines, nutrition standards, and the variety of the types of foods offered set up the criteria. She added that it was an entirely different type of meal being offered, as opposed to the standard hot meal, which proved hazardous during transport because of temperature changes. She noted also that it was a different type of contract.

In response to Councilwoman Moorhouse's questions as to the type of lunches and the amount of lunches that would be served, Ms. Cantu stated that on a daily basis throughout the length of the program 7,000 children would be served a sack type lunch consisting of a sandwich, milk, cookie and a fruit.

In response to Councilwoman Moorhouse's question regarding the bond qualifications, Ms. Cantu stated that if True Flavors is unable to come through within 10 days with the bond qualifications, then the next bidder would be awarded the bid. Ms. Cantu stated that a recommendation would have to be given to reject all of the bids. She also stated that there was a choice of language used in the contract because of the urgency and the time frame involved. She added that they had a deadline of June 9 to work with, thus the reason for the wording of the contract. She also stated that upon request, the bonding company for True Flavors' submitted a letter of intent adhering to their original intent.

Councilwoman Moorhouse reemphasized that she wasn't comfortable with the choice of the vendors, and expressed concern on the lateness to bring this agenda item forward. She also noted that she was against making a decision in such a short time. She emphasized that it should've been handled differently.

In response to Councilman Martin's question regarding the number of locations, Ms. Cantu stated there were 90 different locations that would be serviced.

Councilman Martin concurred with Councilwoman Moorhouse's concern with the choice of vendors. He noted that the numerous locations would take sufficient manpower and questioned their ability to handle this amount. He asked Mr. Dennis Campa, Director of

Community of Initiatives to come forward to address the problems that the senior nutrition centers experienced in the past when the vendor was handling them. Councilman Martin emphasized that this vendor was unable to serve the meals at senior sites in a timely manner and he did not want to encounter the same problem with the youth program.

Discussion ensued between Councilman Martin and Mr. Campa regarding the process of revamping the procedure so that the meals are served by more than one vendor so that they are not overwhelmed.

Mr. Campa stated that the taste test had been completed yesterday by a panel. He anticipated presenting a set of recommendations to the City Manager within the next week or two, followed by the Economic and Human Development Committee within another 30 days, and bringing the final recommendations before the City Council.

Councilman Martin stated that he would rather take the appropriate steps to get the panel's recommendations on exactly how many sites the vendors could actually handle prior to making a decision on this item. He recognized that the vendor may have responsible individuals, and that they would do everything possible to cater to their patrons but he would still much rather know exactly how many sites the vendor could handle comfortably. He noted that adding more sites when the vendor is already having difficulty would be problematic for him. He stated that he could not support this item until he was certain that the problems involving the senior nutrition centers were resolved.

Councilman Sanders asked a representative from True Flavors who was present in the audience to come forward to address the questions of the products offered, and the schedule of their servings with reference to them offering the lowest bid. He further requested information on the products served and its relation to their budget.

The representative from True Flavors stated that initially, the bid process was to follow the outlined 11-day menu cycle provided by the state. He addressed their concerns regarding the program and the volume of the sites that they will be serving. He stated that the "summer food" program is entirely different, as Ms. Cantu mentioned earlier because there is no cooking involved, which makes it less complex and adds different dimensions to the process. He voiced that this contract is a completely different entity from the senior program. He noted that this project would have a completely different building with new employees. He then spoke to their concerns with the senior meals program, noting that True Flavors addressed those things that are in their control but the things that were not were addressed by Community Initiatives. He stated that they have

addressed everything that has been brought before them and re-emphasized that the "summer food program" products would not be prepared in the same facility used for the senior centers.

Councilman Sanders spoke to certain incidents that have occurred with True Flavors. He spoke to the contents of the lunch, complaints that had been received, and numerous other situations regarding the incidents. He voiced his concern that the seniors were not satisfied with the amount of food served. He spoke to the different foods that the lunch consisted of, the distribution of the food and spoke regarding the internal audit that the seniors performed. He noted that a 4-oz beverage/serving wasn't enough. He further stated that he didn't quite know exactly what the state recommended as acceptable. He stated that he hoped that the same issues in the senior program would not resurface in the "summer food" program.

The representative from True Flavors clarified the 4-oz as mentioned by Councilman Sanders to actually be 6 oz. He explained that the bid specifically requested this given amount.

Councilman Martin stated that he took exception to the statement made by the vendor that the nutrition centers had taken something out of context.

In response to Councilman Barrera's, on how they had done the summer meal program, Mr. Campa stated that they get a grant each year. Mr. Campa added that they take the grant, and the City awards a bid each year based on the requirements that the state provides. He noted that the bids were awarded based on the specifications, and services provided as listed by the state. He also stated that there were no costs to the City for this service and added that this has been the protocol since 1969.

Councilman Barrera addressed the meals for the elderly. He inquired on how long they had been serving meals to the elderly, before they actually started the contract with True Flavors.

Mr. Campa made reference to Councilman Barrera's inquiries regarding the elderly centers, and explained the process that has taken place for the last 30 years regarding preparing meals for the elderly. He emphasized the fact that this is the first time that a provider had been chosen, yet as in all new processes there are obstacles to overcome. He noted that this process has been on a trial basis that has taken a period of 9-10 months of observation and feedback from a panel of seniors, his staff, City Manager, and the Council. He stated that he felt that the provider had been very responsive in the start-up contract by serving 3700 meals daily, and reiterated they followed up on all of the

feedback received and the appropriate action was always taken. He also noted that his office continually made efforts to work with the contractor regarding the need for improvement.

Councilman Barrera requested clarification on whether specification of portion sizes was part of the bid information received by the vendors. He stated that the feedback aided in the improvement of services that may be lacking.

In retrospect, Mr. Campa stated that there were also advantages to having the provider. He noted that in the previous 30 years, they hadn't been serving as many seniors. In reference to the kitchens on site, he stated that there were some disadvantages to those as well. He noted that the kitchens did not emphasize portions, nor the recommendations relating to these portions. He stated that the specifications helped the vendor be cognizant to the health challenges faced by the elders such as diabetes, heart disease, and such.

Councilman Barrera stated that the City knows the capability of True Flavors and with the feedback they have made adjustments to combat past issues.

Councilwoman Moorhouse stated that she made intentional surprise visits to the sites to monitor firsthand the problems that were reported, and found incidents that she was not pleased with. She noted that the City has two valued resources, the children and the seniors, and she would hate to think that they would pass on the problem at the senior site to the youth with the "summer food" program, and noted the youth were just important as the seniors.

Discussion ensued between Councilman Castro and Mr. Campa regarding a review of the contract, clarification on an additional contract, and the contrast of the different meal system.

Councilman Castro stated that one of the big issues with the first contract in respect to the meals was in the review that they conducted. He noted they had been rating improvement since the changeover. He also inquired if there had been another review conducted.

At the direction of the Council, Mr. Campa reiterated that they have been conducting monthly surveys. He stated that this was a different contract that came from the Department of Human Services. Prior to last August, he noted that overall rating is fairly good, and the rating from centers rated the quality closer to fair. He stressed that the rating has shown improvement since the changeover.

In response to Councilman Castro's question as to whether there has been a steady improvement in the rating of the contractors performance and whether the improvement had been consistent, Mr. Campa responded in the affirmative.

In reference to Councilman Castro's question as to whether he was confident with the food quality of True Flavors in comparison to the other programs, Mr. Campa stated that he was.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** Sanders, Moorhouse, Martin. **ABSENT:** Herrera.

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2003-18 The Clerk read the following Ordinance:

AN ORDINANCE 97586

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FIVE-YEAR AGREEMENT WITH ARAMARK SPORTS AND ENTERTAINMENT SERVICES OF TEXAS, INC. FOR THE OPERATION OF FOOD, BEVERAGE AND CATERING SERVICES AT THE ALAMODOME.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Perez seconded the motion.

Mr. Mike Abington, Director, Alamodome, narrated a slide presentation regarding the Alamodome food and beverage service agreement, and the negotiation and execution of a five year agreement with Aramark Sports and Entertainment Services, Inc. for the operation of food beverage, and catering services at the Alamodome, a copy of which is on file with the papers of this meeting. He expounded on the background of the Alamodome food & beverage service, and noted that since the Alamodome opened in 1993, the Alamodome concessions have been operated by the San Antonio Spurs, dba San Antonio Concessions, Inc., and that agreement will terminate in May 2003. He

further spoke to the fiscal impact of the agreement, and noted that staff was recommending approval.

Councilman Perez spoke to the minority business contract side with Aramark, and questioned how they could ensure there is compliance.

Mr. Abington stated that the contracts would be monitored closely by Economic Development. He further noted that all the contractors were satisfied with their selection of the area in the business.

Councilman Perez wanted to make sure that the compliance side was easy to maintain, even though Aramark was the only bidder, and therefore didn't want them to think that they are not excused or omitted from these regulations.

Mr. Abington noted that they are marginally bound and have frequent meetings with the Economic Development Department.

Councilman Martin addressed the subject of customer service. He stated that he was leery of a contract that has been in effect for this length of time. He questioned how many vendors applied, and asked how the City tracked customer service for this contractor.

Mr. Abington stated there was only one proposal received. He stated there were provisions for customer service and noted that Aramark was world renowned for their excellent customer service. He stated that they have also been profitable for the dome. He added that they are also the concessionaires' for the Spurs at the SBC arena. Out of a country wide search, he stated that the Spurs chose them because of their first rate performance.

Councilman Sanders thanked Councilman Perez for his remarks, and noted that this was a long contract, which covers a long period of time and lots of monies, but would be uplifting for the community and beneficial to many local businesses.

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

2003-18 ZONING CASES

4A.) CASE NUMBER #Z2003053 S - The request of Southside Credit Union, Applicant, for Southside Credit Union, Owner(s), for a change in zoning from "H RM-4" Historic Residential Mixed Historic District to "H NC S" Historic Neighborhood Commercial District with specific use authorization for a bank without a drive-through facility on Lot 5, Block 3, NCB 744, 1017 South Alamo Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Perez made a motion to approve the proposed rezoning. Councilman Martin seconded the motion.

The following citizen(s) appeared to speak:

Mr. Raymond Garcia representing the Southside Credit Union spoke to their request for a zone change. He noted that the only improvement that would be made was a parking lot in the rear. He clarified the only reason that they were trying for this area is because there is no financial institution in this area.

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Councilman Perez noted his comments and stated that he had made a motion for approval on the proposed rezoning based on these comments, and the recommendation of the Zoning Commission. Councilman Martin seconded the motion.

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

AN ORDINANCE 97587

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY

DESCRIBED HEREIN AS LOT 5, BLOCK 3, NCB 744, 1017 SOUTH ALAMO STREET, FROM "H RM-4" HISTORIC RESIDENTIAL MIXED HISTORIC DISTRICT TO "H NC S" HISTORIC NEIGHBORHOOD COMMERCIAL DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR A BANK WITHOUT A DRIVE-THROUGH FACILITY.

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4B.) CASE NUMBER #Z2003056 - The request of City of San Antonio, Historic Preservation Officer, Applicant, for San Antonio Housing Trust Investment Corporation, Owner(s), for a change in zoning from "I-1" General Industrial District, "R-4" Single-Family District and "O-2" Office District to (HS) "I-1" Historic Significant General Industrial District, (HS) "R-4" Historic Significant Single-Family Residential District and (HS) "O-2" Historic Significant Office District to designate Historic Significance on Lot 23, Block A, NCB 8800, 2515 Blanco Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Perez made a motion to approve the proposed rezoning. Councilman Martin seconded the motion.

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

AN ORDINANCE 97588

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 23, BLOCK A, NCB 8800, 2515 BLANCO ROAD, FROM "I-1" GENERAL INDUSTRIAL DISTRICT, "R-4" SINGLE-FAMILY DISTRICT AND "O-2" OFFICE DISTRICT TO (HS) "I-1" HISTORIC SIGNIFICANT

GENERAL INDUSTRIAL DISTRICT, (HS) "R-4" HISTORIC SIGNIFICANT SINGLE-FAMILY RESIDENTIAL DISTRICT AND (HS) "O-2" HISTORIC SIGNIFICANT OFFICE DISTRICT ON THE PROPERTY.

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4C.) CASE NUMBER #Z2003057 - The request of City of San Antonio, Historic Preservation Officer, Applicant, for Richard and Ruth Vasquez, Owner(s), for a change in zoning from "MF-33" Multifamily to "HS MF-33" Historic, Significant Multifamily to designate Historic Significance on West 39.3 Ft. of the East 73.0 Ft. of Lots 1, 2 & 3, NCB 680, 721 West Poplar Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Perez made a motion to approve the proposed rezoning. Councilman Sanders seconded the motion.

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

AN ORDINANCE 97589

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS WEST 39.3 FT. OF THE EAST 73.0 FT. OF LOTS 1, 2 & 3, NCB 680, 721 WEST POPLAR STREET, FROM "MF-33" MULTIFAMILY TO "HS MF-33" HISTORIC, SIGNIFICANT MULTIFAMILY ON THE PROPERTY.

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4D.) CASE NUMBER #Z2003065 - The request of City of San Antonio, Applicant, for Multiple Property Owners, Owner(s), for a change in zoning to establish a Neighborhood Conservation District 2 (NCD-2) Overlay District on an area generally bounded by West Myrtle to the south, San Pedro to the east, Hildebrand to the north and the Union Pacific Railroad tracks to the west. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Perez made a motion to approve the proposed Ordinance. Councilman Martin seconded the motion.

The following citizen(s) appeared to speak:

Mr. Rene Balderas, President of Alta Vista Neighborhood Association, read the Resolution that the Alta Vista Association passed, which designated Alta Vista as an official conservation district.

Ms. Loretta Huddleston, San Antonio Conservation Society, read a statement from Ms. Jill Souter, President of San Antonio Conservation Society, who commended the staff for rezoning this area.

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Councilman Perez thanked everyone who supported this project. He noted that they worked hard for the neighborhoods, and this is the second neighborhood conservation district. He urged Council to give their support on this.

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

AN ORDINANCE 97590

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304 OF THE CITY CODE OF SAN ANTONIO, TEXAS TO ESTABLISH NEIGHBORHOOD CONSERVATION DISTRICT 2 (NCD-2) OVERLAY DISTRICT LOCATED IN THE ALTA VISTA NEIGHBORHOOD AS DESCRIBED HEREIN AND TO PROVIDE FOR A NEIGHBORHOOD CONSERVATION PLAN.

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4E.) CASE NUMBER #Z2003067 - The request of City of San Antonio, Applicant, for Lansdowne Investments Ltd., Edgar K and Maxine M Markwardt, Arthur Veltman Jr, James and Patricia Doolittle, Eileen B. Biering et al, Betty Jean Baumgardner, Greenhill Enterprises Inc., Hospitalite Suisse Inc., Equity Inn Partnership LP, Gal-Tex Crockett Inc c/o Gal-Tex Hotel Corporation, Keystone-Texas Property Holding Corporation, Olga Donovan, Russell Noe, John H White et al c/o DB Harrell Mgmt. Inc., Owner(s), for a change in zoning to designate the Alamo Viewshed Protection District on 300 Alamo Plaza by amending the City Code of San Antonio, Texas Chapter 35, Unified Development Code, Section 35-337, Viewshed Protection District, to establish an Alamo Viewshed Protection District, VP-1, generally bounded by East Houston Street and Bonham Street on the north, Interstate Highway 37 on the east, East Crockett Street on the south, and Alamo Plaza on the west. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Perez made a motion to approve the proposed rezoning. Councilman Martin seconded the motion.

The following citizen(s) appeared to speak:

Ms. Jill Souter, President of the San Antonio Conservation Society, spoke in support of this Ordinance. She read a letter, which was presented to the Council, a copy of which is on file with the papers of this meeting.

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

AN ORDINANCE 97591

AMENDING THE CITY CODE OF SAN ANTONIO, TEXAS CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-337, VIEWSHED PROTECTION DISTRICT, BY ESTABLISHING AN ALAMO VIEWSHED PROTECTION DISTRICT, VP-1, FOR THE PROTECTION, PRESERVATION, AND ENHANCEMENT OF THE VIEW AND VISTA OF THE ALAMO AND BY AMENDING SECTION 35-504 THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY.

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4F.) CASE NUMBER #Z2003044 - The request of Placid Investments, Applicant, for Placid Investments, Owner(s), for a change in zoning from "NP-10" Neighborhood Preservation District to "R-4" Residential Single-Family District on 0.159 acres out of NCB 16552, 6470 FM 1516. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 2)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Sanders made a motion to approve the proposed rezoning. Councilman Martin seconded the motion.

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

AN ORDINANCE 97592

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 0.159 ACRES OUT OF NCB 16552, 6470 FM 1516, FROM "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT TO "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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4G.) CASE NUMBER #Z2003049 - The request of Exxon Mobil Oil Corp. c/o Civil Engineering Consultants, Applicant, for George Harris DBA Harris Park, Owner(s), for a change in zoning from "I-1" General Industrial District to "C-3" General Commercial District on .32 acres out of NCB 10616, 4430 IH 10 East. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Sanders made a motion to approve the proposed rezoning. Councilman Martin seconded the motion.

(At this point, Mayor Garza was obliged to leave the meeting. Mayor Pro Tem Perez presided.)

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

AN ORDINANCE 97593

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS .32 ACRES OUT OF NCB 10616, 4430 IH 10 EAST, FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

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4H.) CASE NUMBER #Z2003036 - The request of Earl & Brown, P.C., Applicant, for RR Group, Ltd., Contact: Israel Fogiel, President, Owner(s), for a change in zoning from "MF-33" Residential Multi-Family District, "C-3 R" Commercial Restrictive Alcoholic Sales District, and "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on 46.04 acres out of NCB 18159, and from "R-6" Residential Single-Family District to "C-2" Commercial District on 12.06 acres out of NCB 18159, on the south side of Marbach Road between Hunt Lane and South Ellison Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case. He then read a letter from a constituent in the district, a copy of which was made part of the official papers of this meeting.

Councilman Martin made a motion to approve the proposed rezoning. Councilman Sanders seconded the motion.

The following citizen(s) appeared to speak:

Mr. Bob Graham, 9618 Caney Creek, expressed concern with the smaller homes. He spoke to the overcrowding in schools, and noted the problems hadn't been addressed. He urged Council to continue to resolve this issue.

Ms. Nancy Englebert, Heritage Neighborhood Association, presented Council a map of the neighborhood, in conjunction with the item in question. She noted that they were entirely shut out of this deal. She expressed concern on the method of voting by the association. She stated they were invited by one of the members of the association, but were thrown out of the meeting. She noted various factors regarding Adams Hills, and questioned whether 10 years from now she would be in Heritage. She then turned her time over to Ms. Lee Buettner.

Ms. Lee Buettner, 10334 Old Farm Rd., spoke to the chronological happenings. She noted they were not given a heads up on this case ahead of time, and stated that when they questioned why they were not involved, they were told it wasn't any of their concern. She wanted their voices to be heard. She stated that they went to planning and zoning, and thanked Mr. Henry Avila, who gave them time to notify Adams Hill NA. She stated that they were not afforded a meeting with them until they started asking questions. She spoke to R6 zoning, and noted that everyone in San Antonio should have a larger home. She stated that she has owned her home for years and it has never changed in value.

Mr. Ken Brown, representing the applicant, noted that they got caught in the middle of two neighborhood groups. He noted the property is multi-family and in R6, and they were asking for a R5. He spoke to the builders, and what the neighborhood centers would entail. He spoke to traffic, and noted that they would make improvements required in the ordinance. He spoke to the recommendations they received, and urged Council to support the ordinance.

* * * *

Councilman Martin thanked the Heritage Neighborhood Association and Mr. Bob Graham. He noted that this had been a long process. He presented the tallies of the votes on this, and noted he had a letter that was sent to the Zoning Commission and to his office. He read the letter, which was made part of the official papers of this meeting. He then moved to accept the staff and Zoning Commission's recommendation.

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

AN ORDINANCE 97594

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 58.10 ACRES OUT OF NCB 18159, ON THE SOUTH SIDE OF MARBACH ROAD BETWEEN HUNT LANE AND SOUTH ELLISON DRIVE, FROM "MF-33" RESIDENTIAL MULTI-FAMILY DISTRICT, "C-3 R" COMMERCIAL RESTRICTIVE ALCOHOLIC SALES DISTRICT, AND "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE SOUTHERN 46.04 ACRES, AND FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT ON THE NORTHERN 12.06 ACRES ON THE PROPERTY.

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4I.) CASE NUMBER #Z2003054 - The request of JRJAHA, Ltd. Attn: John W. Feik, Applicant, for John W. Feik, Owner(s), for a change in zoning from "C-2" Commercial District, "C-3" Commercial District and "MF-33" Multi-Family District to "R-5" Residential Single-Family District on 39.431 acre tract of land out of NCB 15228, 7900 block of I.H. 410 Southwest and 5800 block of Ray Ellison Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Martin made a motion to approve the proposed rezoning. Councilman Sanders seconded the motion.

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

AN ORDINANCE 97595

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 39.431 ACRE TRACT OF LAND LYING AND BEING SITUATED IN THE MARIA F. RODRIGUEZ SURVEY NO. 4, ABSTRACT 16, C.B. 4303, LUAS MONOS SURVEY NO. 86, ABSTRACT 488, C.B. 4310, SAN ANTONIO, BEXAR COUNTY, TEXAS, OUT OF NCB 15228, 7900 BLOCK OF I.H. 410 SOUTHWEST AND 5800 BLOCK OF RAY ELLISON DRIVE, FROM "C-2" COMMERCIAL DISTRICT, "C-3" COMMERCIAL DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY.

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4J.) CASE NUMBER #Z2002258 - The request of City of San Antonio, Applicant, for WOH Holdings Inc. c/o Charles Martin Wender, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 PUD" Residential Single-Family Planned Unit Development District on 92.34 acre tract of land out NCB 17642, 4100 Block of Wiseman Road. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 6)

Councilman Barrera made a motion to continue this rezoning case until the City Council meeting of June 12, 2003. Councilman Carpenter seconded the motion.

After consideration, the motion to continue this case until June 12, 2003, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Barrera, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Herrera, Castro, Garza.

Zoning Case #Z2002258 was continued to the Council meeting of June 12, 2003.

(Mayor Garza returned to the meeting and presided.)

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4K.) CASE NUMBER #Z2002256 A - The request of City of San Antonio, Applicant, for Jefferson United Methodist Church, Owner(s), for a change in zoning from "R-6" Single Family Residence to "H R-6" Historic Family Residence to designate properties as part of the Monticello Park Historic District on Lots 1-7 and 12-18, NCB 9074, 758 Donaldson Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Castro made a motion to approve the proposed rezoning. Councilman Carpenter seconded the motion.

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

AN ORDINANCE 97596

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1-7 AND 12-18, NCB 9074, 758 DONALDSON AVENUE, FROM "R-6" SINGLE FAMILY RESIDENCE TO "H R-6" HISTORIC SINGLE FAMILY RESIDENCE ON THE PROPERTY.

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4L.) CASE NUMBER #Z2003021AC - The request of City of San Antonio, Applicant, for Sonya F. Nerio and Gloria R. Guarnero, Owner(s), for a change in zoning from "MF-33" Multi-family District to "R-6 C" Residential Single-Family District with a conditional use to allow a two-family dwelling (duplex) on Lot 2, Block 10, NCB 9260, 2646 Menchaca Street, on the south side of Menchaca Street east of 29th Street. Staff's recommendation was for denial of R-6 C; approval of R-6.

Zoning Commission has recommended approval of R-6 C, to allow a two-family dwelling. (Council District 7)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Castro made a motion to approve the proposed rezoning. Councilman Carpenter seconded the motion.

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

AN ORDINANCE 97597

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 2, BLOCK 10, NCB 9260, 2646 MENCHACA STREET, ON THE SOUTH SIDE OF MENCHACA STREET EAST OF 29TH STREET, FROM "MF-33" MULTI-FAMILY DISTRICT TO "R-6 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE TO ALLOW A TWO-FAMILY DWELLING (DUPLEX) ON THE PROPERTY.

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4M.) CASE NUMBER #Z2003021 B C - The request of City of San Antonio, Applicant, for Sergio M & Enfrocina Garcia, Owner(s), for a change in zoning from "MF-33" Multi-Family District and "I-1" Industrial District to "R-6 C" Residential Single-Family District with a conditional use to allow a weight-loss clinic on Lot 16, Block 5, NCB 9255, 643 Blue Ridge Street, on the north side of Blue Ridge Street east of North General McMullen. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

Councilman Castro made a motion to continue this rezoning case until the City Council meeting of May 22, 2003. Councilman Carpenter seconded the motion.

After consideration, the motion to continue this case until May 22, 2003, prevailed by the following vote: **AYES:** Sanders, Barrera, Castro, Conner, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse, Martin, Herrera, Schubert.

Zoning Case #Z2003021 was continued to the Council meeting of May 22, 2003.

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4N.) CASE NUMBER #Z2003033 C - The request of Barbara Brown, Applicant, for Gene & Barbara Brown, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-2 NA C" Commercial Nonalcoholic Sales District with a conditional use to allow auto repair on .851 of an acre out of NCB 16051, 8203 Leslie Road. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilwoman Conner made a motion to approve the proposed rezoning. Councilman Schubert seconded the motion.

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

AN ORDINANCE 97598

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS .851 OF AN ACRE OUT OF NCB 16051, 8203 LESLIE

ROAD, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2 NA C" COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH A CONDITIONAL USE TO ALLOW AUTO REPAIR ON THE PROPERTY.

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Declaration of Restrictive Covenants:

- Site Design.** Declarant agrees to blend structures on the property into the natural environment, which shall include: the use of rock, brick or other masonry on exteriors facing public roadways; minimizing the removal of existing native trees; and the use of landscaping to soften the impact of property development.
- Site Layout** Building will be sited so that overhead garage doors will not face roadway.
- Signage:** Declarant agrees that signage not attached to a structure on the property shall be limited to monument signage. Notwithstanding the foregoing, incidental signs shall be permitted. "Incidental sign" shall mean a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, and shall include directional signs, parking signs, etc.
- Landscaping** Declarant agrees that landscaping on the property will be done with shrubs and plants native to San Antonio Hill Country Area.
- Lighting** Declarant agrees that lighting used to illuminate the parking areas, signs, and other areas of the property shall be arranged so that the lights do not shine away from the property.
- Outdoor music** Declarant agrees that the property shall have no outdoor music or public address system.
- Parking:** Declarant agrees that parking in the front "yard" will limited to the number of parking spaces required to receive a building permit.

Setback: Declarant agrees to a 50' setback front the property line.

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40.) CASE NUMBER #Z2003055 - The request of Housing 2000, Inc, Applicant, for Huebner Land Partnership, Ltd, Owner(s), for a change in zoning from "C-3 ERZD" General Commercial Edwards Recharge Zone District and "I-1 ERZD" General Industrial Edwards Recharge Zone District to "MF-25 ERZD" Multi-Family Edwards Recharge Zone District on 16.821 acres out of P-25, NCB 14857, 12000 Block of Vance Jackson Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Ms. Amelia Lopez Phelps, representing the applicant, thanked Councilwoman Conner and her staff who were extremely helpful in allowing them to present their case.

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Councilwoman Conner commented on the board as presented by Ms. Phelps regarding the buffering and deed restrictions, the ingress and egress, and the entrance on the property. She noted that the staff worked very closely with the developers and voiced apprehension to the possible obstruction of the entrance and the egress but later noted that there was plenty of room to prevent stacking. She then made a motion to approve the proposed rezoning. Councilman Martin seconded the motion.

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

AN ORDINANCE 97599

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 16.821 ACRES OUT OF P-25, NCB 14857, 12000 BLOCK OF VANCE JACKSON ROAD, FROM "C-3 ERZD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT AND "I-1 ERZD" GENERAL INDUSTRIAL EDWARDS RECHARGE ZONE DISTRICT TO "MF-25 ERZD" MULTI-FAMILY EDWARDS RECHARGE ZONE DISTRICT.

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4P.) CASE NUMBER #Z2003050 - The request of City of San Antonio, Applicant, for multiple property owners, for a change in zoning from "R-6" Residential Single-Family District and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "RE" Residential Estate District and "RE ERZD" Residential Estate Edwards Recharge Zone District generally located on Cadillac Drive between Blanco Road and Lake Bridge. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Schubert made a motion to approve the proposed rezoning. Councilman Carpenter seconded the motion.

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

AN ORDINANCE 97600

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY

CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OFFICIAL ZONING MAP, OF THE CITY CODE OF SAN ANTONIO, TEXAS IS AMENDED SO THAT IT SHALL INCLUDE THE FOLLOWING DESCRIBED CHANGES OF ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY:

THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "RE" RESIDENTIAL ESTATE DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:

ALL OF NCB 17862, SAVE AND EXCEPT LOTS 18B, 40, 41, AND 47

ALL OF NCB 17863, SAVE AND EXCEPT LOT 4, BLOCK 1

LOT 39, NCB 17864

ALL OF NCB 17861, SAVE AND EXCEPT LOTS 40 THROUGH 42, 43A, 43B-2, AND 43C

ALL OF NCB 17860, SAVE AND EXCEPT LOTS 33 THROUGH 39 AND THE SOUTH 118.1 FEET OF TRACT 2

THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "RE" RESIDENTIAL ESTATE DISTRICT AND "RE ERZD" RESIDENTIAL ESTATE EDWARDS RECHARGE ZONE DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:

LOT 4, BLOCK 1, NCB 17863

ALL OF NCB 17864, SAVE AND EXCEPT LOT 39

LOTS 40 AND 41, NCB 17861

THE REZONING AND THE RECLASSIFICATION OF PROPERTY FROM "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "RE ERZD" RESIDENTIAL ESTATE EDWARDS RECHARGE ZONE DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:

LOTS 42, 34A, 43B, 43B-2, AND 43C, NCB 17861

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4Q.) CASE NUMBER #Z2003035 C - The request of David Pleasant, Applicant, for David Pleasant, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 C" Residential Single-Family District with conditional use for a real estate office on Lot 16, Block 2, NCB 12452, 418 Haverford Drive. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 10)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Carpenter made a motion to approve the proposed rezoning. Councilman Martin seconded the motion.

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

AN ORDINANCE 97601

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 16, BLOCK 2, NCB 12452, 418 HAVERFORD DRIVE, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH CONDITIONAL USE FOR A REAL ESTATE OFFICE.

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2003-18 The Clerk read the following Ordinance:

AN ORDINANCE 97602

AMENDING CHAPTER 35 OF THE CITY CODE OF SAN ANTONIO, TEXAS BY AMENDING SECTION 35-523, TREE PRESERVATION, REGARDING TREE PROTECTION REQUIREMENTS, TREE RETENTION RATIO, TREE ROOT PROTECTION ZONE, TREE WARRANTY REQUIREMENTS AND RENUMBERING TABLES 523-2 AND 523-3 AND REFERENCES AND BY AMENDING SECTION 35-511, LANDSCAPING, REGARDING UNDERSTORY PRESERVATION AND PARKING LOT SHADING.

* * * *

Councilman Sanders made a motion to approve the proposed Ordinance. Councilman Carpenter seconded the motion.

Mr. Florencio Pena, Director of Development Services, narrated a slide presentation regarding the issues relating to significant trees as set forth in this amendment, a copy of which is on file with the papers of this meeting. He cited the issue of hindrances regarding significant trees under 6" DBH, tree protection during construction, protective barriers, grading, general maintenance regarding heritage and mitigation trees, and also landscaping. He noted the limitations of tree stacking, canopy, definition of significant trees, minimum tree preservations, 100-year flood plain, and calculation of shade areas. He detailed the tree ordinance as amended on May 2, 2003 and concluded by explaining the comparison matrix that was given to Council regarding such.

The following citizen(s) appeared to speak:

A representative of the Greater San Antonio Builders Association, spoke to the issue of platted lots. He noted that the ordinance currently includes cedar trees, and his experience has been that homeowners have removed the trees. He encouraged Council to require at least 10% to be mitigated.

Mr. Ed Barrin, Greater San Antonio Builders Association, spoke to the 35% proposal that will be saved on each lot. He stated that this was extremely high and that it would have a severe impact on a number of different type of housing developments. He urged City Council to bring this proposal down to 30% or less.

Ms. Kathleen Trenchard, Scenic San Antonio, spoke to the disadvantages of cutting down trees, and urged for a stronger tree ordinance. She spoke of not being able to find shaded trees, especially on sweltering hot days, and noted that the City has lost almost 50% of canopy in the last 15 years as a result of not having a stronger tree ordinance in place. She urged Council to pass an enforceable tree ordinance so that there will be something to preserve in the next 15 years.

Ms. Judith Infante, Scenic San Antonio, spoke to the latest amendments to the ordinances. She stated that a healthy tree canopy decreases pollution, and further outlined other advantages of healthy trees. She noted that a family buying a home should be able to enjoy the trees. She noted the Council's decision would be felt for years to come.

Ms. Heather Degrella, Scenic San Antonio, spoke to the importance of trees, and how they were beneficial for a variety of reasons. She narrated a slide presentation, and spoke to the importance of trees and what they could do for the community. She noted that trees absorb high frequency noise, which is the most distressing frequency range for humans. She quoted various tree activists and their comments regarding the importance of trees, and how they save the environment. She stated that trees provide savings for homeowners, and further expounded on the various economic benefits of trees. She stated that it was the Council's call to action to ensure that San Antonio has safe and healthy trees. She stated that the amendments weakened the ordinance, and urged Council to bring the ordinance back up to a decent level. She concluded by noting that trees will survive history, but they will not survive destruction.

Ms. Martha Magnum, The Real Estate Council of San Antonio, stated that they had been active participants in the tree Ordinance. She stated that the revisions proposed would encourage developers to go outside the City. She noted that the Council is considering something very stringent, and further noted that the City is trying to stop or limit development. She urged Council to delay adopting the recommendations for this ordinance.

Mr. A.J. Rodriguez, 602 E. Commerce, spoke to the tree revisions, and noted the details were made public 24 hours ago. He stated that this ordinance would have potentially dangerous ramifications, and noted that the Chamber could not support the ordinance, and requested more time to review it. He urged Council to seek more input from the public, and emphasized there should be more public hearings.

Ms. Marlys Dietrick, 706 E. Guenther St., thanked the Mayor and Council for their work on this effort. She concurred that this has been a difficult course. She inquired on the

percentage for residential compared to commercial. She expressed concern on seeing trees lost and noted that one of the concerns was the 25,000 acres that isn't protected by this ordinance. She stated this ordinance should apply city-wide.

Ms. Mariana Ornelas, 526 Freiling Dr., stated that she was dismayed with the inclusion of only 12% of trees on significant lots. She expressed concern on the 88% destruction on subdivision plats. She urged Council to reject developers, and to make meaningful improvements on the tree ordinance.

Ms. Angela Wright, 134 E. Palfrey St., spoke to a stronger tree ordinance. She noted that trees are necessary for the quality of life, thus bringing better air quality. She spoke to bad floods, and how trees were essential for flood control. She added that trees were also necessary for environmental protection.

Ms. Michele Petty, Global Renaissance Alliance, expressed her concern about the 35%, which she noted wasn't an improvement at all. She noted root protection was essential and noted that it was important to have trees for cleaner air. She spoke to the health of children, and how they could not outgrow asthma anymore because of the poor quality of air.

Ms. Deborah Levoy, Highland Park, stated that the loopholes that Council was providing was not protecting the trees. She urged City Council to preserve at least 50% of the trees, and to support a stronger tree ordinance.

Mr. Mike Phillips, Co-Chair of Metro Alliance, spoke to the benefits of a strong tree ordinance. He emphasized that a strong ordinance would be an ordinance without the loopholes, and stated that a strong ordinance would not allow developers to pay a small fee to avoid the penalty allowed for tree preservation.

A representative from Metro Alliance spoke to the drainage improvements and noted that a strong ordinance is not only about trees, but the health of our community.

Mr. George Rice, 414 E. French, urged City Council to support a strong tree ordinance, and stated that Council would be doing the best thing for San Antonians that would be here for years to come.

Ms. Ann Morris, resident of District 1, encouraged City Council to protect the tree root zones. She stated they wanted to have healthy citizens, which they get from having healthy air.

Ms. Joan Carabin, 210 Lavaca, spoke to her visits to various cities, and that the dreariest was Atlanta. She stated that she hoped Council would not bring them a tree ordinance that would lead them to look like Atlanta. She stated that children would grow up with little knowledge of trees, and referenced a college student who didn't know bananas came from trees. She further noted that developers were good people, but they couldn't represent the health and beauty of the City.

Mr. Richard Alles, Citizens Tree Coalition, narrated slide presentation of Bexar County and the loss of trees over a period of time. He pointed to the scientific studies that showed the downfalls of not having a proper tree ordinance in effect. He noted that the recent construction damage of Victoria Courts killed numerous trees, and added that construction created root damage that resulted in canopy loss. He spoke to the issue of root protection zone, and voiced concern about not providing root protection. He spoke to developers receiving credit on trenched trees, and spoke to the severe decline of trees through trenching which stunts the growth of trees. He stated that if they could do anything to this ordinance, they could have some level of root protection.

Mr. David Klar, from Sierra Club, encouraged City Council to pass a strong tree ordinance. He stated that San Antonio has one of the weakest tree ordinances. He noted that some of the amendments had been strengthened, but others had left loopholes. He stated that the development communities are professionals who could work something out with this ordinance. He encouraged Council to vote for a stronger tree ordinance.

Ms. Jill Souter, San Antonio Conservation Society, stated that the society had hired two consultants from Austin and Texas to help with the tree ordinance and technicalities. After three long years of much public debate and input, she noted that it was time for San Antonio to pass a strong tree ordinance. She noted that other cities had stronger tree ordinances. She further noted that the ordinance still allows for 90% of the site to be cleared, and stated that they needed to preserve as many trees as possible. She noted that the minimum tree preservation requirement should not include easements. She stated that trees added to the quality of life, the charm and the beauty of the citizens and the city. She voiced that tree protection is what San Antonio wants, and stated that tree protection would give the City sustainable growth, and it would be their gift to the future of San Antonio. She concluded that citizens want something that is real -- a livable community for all.

Mr. Larry Clark, concurred with Ms. Souter and noted that amendments are better, but the heart of the ordinance was the requirement for the preservation of trees. He stated that the percentage was too high, noting that the tree ordinance should be about saving trees. He stated that removing easements in the rights of way gives significance to the

ordinance itself. He further stated that there was a disregard of contractors for trees, noting that they must have at least a minimal level of care. He addressed the changes to the landscape ordinance, noting that people are willing to follow the rules if they are mandatory. He concluded by stating that it was now time to pass amendments.

Mr. Keith Lyons, Citizens for Ethical Government, stated that they had been following with appreciation the Mayor's committee on trust and local government. He referenced the Charter Review Commission, and noted that voters in San Antonio were not supporting business as usual in San Antonio. He stated that it might be better to defer this issue for the new Council coming in the next month.

Mr. Stephen Colley, architect, stated that he would not dwell on root protection but urged Council to look at the big picture. He stated that tree removal destroys summer habitat, and has other detrimental affects. He spoke to first time homebuyers and their inability to purchase a home because of the specifics of the tree.

Mr. Rene Balderas, 521 W. Gramercy, stated he worked in the architectural field, and expressed concern on why arguments had to be waged to save trees. He noted that large trees are such an important asset, which has taken years to develop. He expressed concern that he is afraid that the ordinance is not strong enough, and noted that it can be made stronger. He suggested postponing for the best possible ordinance for maximum preservation.

Mr. Art Downey, President of Keep San Antonio Beautiful, voiced support for a strong tree ordinance for the City. He stated that they heard from quite a few people, noting there seems to be a polarization of some degree of opinion, indicating the ordinance was not strong enough. He noted that the Keep San Antonio Beautiful Association has partnered over the years with the Real Estate Council. He stated that they needed to work together, and further complemented the developers who have done that. He referenced various slide presentations, which showed various examples of developers who saved trees. He stated that the amendments and the original ordinance have been a great step forward.

Ms. Jaline Garcia, spoke on behalf of Green Party, urged for stronger root protection. She also urged developers to be smarter in their development. She referenced exempt land and the percentage that would be exempt, and spoke to commercial development. She narrated a slide presentation on behalf of the Bexar County green party.

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Mayor Garza stated that this issue was approved by Ordinance back in March, and noted that they did talk about having amendments being brought back. He spoke to the implementation and enforcement of the Ordinance, and noted that additional meetings had been held, and through the process, he noticed that it had been difficult to come up with a language in which a consensus could be reached. He stated that the Council had taken this very seriously, and emphasized that it was being pushed. He stated that they should focus on creating good public policy. He spoke to the issue of grandfathering, and emphasized that this Ordinance does not affect grandfathering in any way, and noted that Council urged staff to develop a strategy for grandfathering. He spoke to revisions made as late as yesterday, and stated that the changes are fair and that they will be enforced. He thanked Councilwoman Conner for her work. He made reference to the discussion on the root protection zone, and stated that explaining it on the ordinance would not be good public policy. He noted that after listening to a lot of conversation on this, that they still needed to work on the root protection zone, and it would not be adopted in this ordinance today. He noted that amendments do reach a balance, and in looking overall at the percentages, he further noted that these are minimum numbers. He stated that they need to listen to both sides and various issues and try and incorporate that into the language of the law. He noted that these were minimum guidelines of what would be acceptable as they saw problems develop. Overall, he stated that several objectives had been achieved in moving the amendments forward in that trees are being protected, while still promoting quality growth in the City of San Antonio. He voiced confidence in the amendments because they would strengthen the tree ordinance, make it better enforceable, and easier to understand. He noted that this would allow flexibility for the applicant to fall under the tree preservation ordinance and once it has been committed, he stated that the City would hold that application to that process for its duration. He stated that several objectives had been reached and urged Council to support the proposed amendments, and expressed appreciation to those who have given time to this effort.

Councilwoman Conner thanked everyone who worked on this effort. She stated that they could not reach a consensus, so they tried to establish the best public policy possible. She made reference to Mayor Garza's mention of grandfathering the property and added that it doesn't apply because legally, they cannot do it. She agreed that other cities have a much stronger ordinance, but noted that his was a major step forward for the City. She spoke to the problems in Atlanta, being due to rapid growth, noting that they took out a lot of trees, and they've had many problems ever since then. She challenged real estate industries and urged them to set up a mission statement about what they could do instead of what Council can do. She noted that she had been involved in the development community and understood the issues that they faced. In terms of good public policy, she knew that this was something that they needed to do. She read the various sections to the code for amendment as follows: 35-23(e); 35-523(i), & (j); 35-523(i)2; 35-523(e); 35-

511; 35-511(e)2. She referenced the new Council, but noted that the new Council might not want this as their new task. She thanked everyone who had done some work on this and noted that when homebuilders work together, they work better. She then made the motion for approval of amendments to the proposed Ordinance. Councilman Barrera seconded the motion.

In light of the new developments, Councilman Sanders, noted that they were in favor of a strong tree ordinance. He stated that he liked to see the percentage of heritage trees increase and various other trees protected. He noted that he was also in favor of a stronger tree ordinance.

Councilman Castro thanked the Mayor and Councilwoman Conner who worked on this issue. He stated that it had been a long detailed process. He also stated that everyone who worked on it for the last two or three years, helped to bring in line with much of the rest of the nation so that it doesn't impede development, and noted that he thinks that they achieved that today.

Councilman Martin echoed Councilwoman Conners' remarks and stated that it was an issue that they had worked on tirelessly, and acknowledged that it was an issue that wouldn't make everyone happy. He noted that it took a lot of input from the citizenry, and that they wanted to make San Antonio a better place, a place that cares about the trees while not stifling the growth that is also needed. He thanked Councilwoman Conner, noting that she had done a great job.

Councilman Schubert stated that he had questions that he needed answers to before he voted on this ordinance. He then asked Mayor Garza whether this ordinance was complete with these amendments, and if he could live with these amendments.

Mayor Garza stated that he could live with this ordinance, and further stated that in time, there might be revisions to the ordinance.

Councilman Schubert noted that if they kept changing the ordinance, that they would not be able to see if it worked or not. He asked the Mayor if he as the leader and the driving force behind it, was going to have a final ordinance that they could make work, and not end up having something unworkable. He stated this would be a better solution rather than having it constantly changed.

Mayor Garza stated that by having stakeholders involved, this would give oversight as to what worked from both perspectives, and if there are still issues, then at that time, the Council can make recommendations. He stated that they needed to lay out a specific

implementation plan so that they can see if provisions met the interpretation that they would be voting on today. He noted that there could be no finalization at this meeting because there were still so many other issues to meet on such as compliance with the ordinance, interpretation of the ordinance, and a number of other subjects that still needed to be discussed.

In response to Councilman Schubert's question regarding interpretation on the section of the ordinance regarding permits, Ms. Leilah Powell, Assistant to the Mayor, stated this was a legal issue and referred him to City Attorney representative, Norbert Hart.

Mr. Hart noted that there would be a suspension of the issuance of permits to a developer who does not replace a tree.

In response to Councilman Schubert on whether this clause would cause current projects that the vendor is working on to stop, Mr. Hart answered no, but it would prevent the start of new projects until the current fine is taken care of and dismissed.

Discussion ensued between Councilman Schubert and City Attorney representative Hart on section 523f, pertaining to mitigation and the different methods of mitigation.

In response to Councilman Schubert regarding the difference in the existing trees and new trees under the calculation of the parking lot shaded area, Ms. Powell stated that it was actually in the section of the landscaping ordinance that relates to the preservation of the existing tree. She stated that the impulse was to encourage the saving of existing trees and incorporating them into the landscaping, adding to the benefits. She noted that the other levels of benefits are based on the location. She added that a tree that is adjacent would give shade more times of the day, but this requirement focused specifically towards preserving the existing trees.

Councilman Schubert stated that he would be supporting this ordinance. He noted that he didn't approve of the lengthy process, and stated it was a very important issue. He emphasized that important issues such as this should take priority and suggested having a better process in the future. Overall, he thought that it defined what Council had talked about today and touched on some of the basis of the issues they had discussed. He also concurred with Councilman Sanders on his concerns with affordable housing in the City as it pertains to this issue.

In response to Councilman Schubert on whether most of this ordinance applied to the Southside Initiative because most of the land was not platted, Mayor Garza stated that it did. Mayor Garza also added that it applied within city limits. He noted that Mr.

Christopher Brady, Assistant City Manager, had stated that it was not platted so it would apply to the Toyota site.

Mayor Garza noted that the issue process was one to highlight, because it has been a 6-year progress. He pointed out aspects and aspirations of the Builders Association, because they came ready to talk about solutions. He noticed that as they got closer to specific amendments, it became a complicated issue and they tried to come up with something fair. He noted that all of them have opportunity to engage the community, listen to groups, and come up with amendments. He stated they would take it from there and would monitor this and hear from the citizens to see if this is working. He noted that he wanted a community that looked different and attracted families and individuals to reside here.

Councilman Castro added that this was a process that drew itself out over a course of years. He stated that it was a detailed ordinance and that the Council had heard many voices. He noted there was a way to monitor the ordinance to see whether or not it worked. He added that if there was anything weak in the ordinance, then Council needed to look at this very intensely. He recommended not to set arbitrary deadlines, which did not make good public policy.

Councilwoman Moorhouse stated she didn't support the process followed, adding the majority of them were not there the last 6 years to go through the process. She stated they would challenge staff and encouraged the City Manager to improve the process, and work with the Mayor to come to some type of conclusion to this issue. She stated that she didn't approve the last minute changes, and stressed that it doesn't allow adequate time to listen to the citizens. She voiced concern to the Southside Initiative and further encouraged more notice to precede the process.

The amendment to the motion as presented by Councilwoman Conner was approved by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

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

2003-18 PUBLIC HEARING AND ORDINANCE: CANVASS OF THE REGULAR AND JOINT ELECTION HELD ON MAY 3, 2003; ORDERING A RUN-OFF ELECTION FOR THE CITY COUNCIL ON MAY 27, 2003; ESTABLISHING POLLING LOCATIONS FOR THE RUN-OFF ELECTION.

Mayor Garza declared the Public Hearing to be open.

Acting City Clerk, Yolanda Ledesma, narrated a slide presentation regarding the report on the canvassing of the May 3, 2003 Joint and Special Election, a copy of which is on file with the papers of this meeting. She expounded on the number of votes received by each of the candidates for each district, and announced the number of under votes and over votes, and the total number of vote's cast, overall. She further stated that due to the lack of majority votes of Districts 1, 2, 3, 4, 5, and 8 that Council would have to call for a Run-off election for those respective districts. She noted that May 27, 2003 had been designated as the date for the Run-off Election, and adding that the attachments denoted the early voting and election day sites with the respective times for voting.

The Clerk then read the following Ordinance:

AN ORDINANCE 97603

DECLARING THE RESULTS OF THE CANVASS OF THE REGULAR AND JOINT ELECTION HELD ON MAY 3, 2003; ORDERING A RUN-OFF ELECTION FOR THE CITY COUNCIL TO BE HELD ON MAY 27, 2003; AND ESTABLISHING EARLY VOTING AND ELECTION DAY POLLING LOCATIONS FOR THE RUN-OFF ELECTION.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Martin seconded the motion.

(At this point, Mayor Garza was obliged to leave the meeting. Mayor Pro Tem Perez presided.)

RESULTS OF CANVASSING RETURNS:

FOR MEMBER OF COUNCIL, PLACE NO. 1:

“FOR”	Joe F. Garcia	158 votes
“FOR”	Richard Gonzales	67 votes

FOR MEMBER OF COUNCIL, PLACE NO. 1: (CONTINUED)

“FOR”	Gerard X. Ponce	20 votes
“FOR”	Jon Thompson	905 votes
“FOR”	Daniel Monreal	344 votes
“FOR”	Roger Flores, Jr.	2268 votes
“FOR”	Rene Balderas	1006 votes
“FOR”	Thomas R. Aguillon	933 votes

FOR MEMBER OF COUNCIL, PLACE NO. 2:

“FOR”	John H. Sanders	1078 votes
“FOR”	Joel Williams	1475 votes
“FOR”	Linn Waiters	88 votes
“FOR”	Sandra Martinez	677 votes
“FOR”	Ron Wright	183 votes
“FOR”	Floria M. Fox	26 votes

FOR MEMBER OF COUNCIL, PLACE NO. 3:

“FOR”	Joe Farias	1240 votes
“FOR”	Antoniette “Toni” Moorhouse	1621 votes
“FOR”	Ron Segovia	1480 votes
“FOR”	Jerry Clancy	120 votes
“FOR”	Martin R. Cordero	76 votes

FOR MEMBER OF COUNCIL, PLACE NO. 4:

“FOR”	John Clinton Freeman	195 votes
“FOR”	David Fernandez	505 votes
“FOR”	Philip “Phil” Cortez	1486 votes
“FOR”	Joe Montoya	138 votes
“FOR”	Richard Perez	1413 votes

FOR MEMBER OF COUNCIL, PLACE NO. 5:

“FOR”	Javier Pena Martinez	111 votes
“FOR”	Patti Radle	2011 votes
“FOR”	Don Wilkins Castillo	29 votes
“FOR”	Bill “Guillermo” Leffler	25 votes

FOR MEMBER OF COUNCIL, PLACE NO. 5: (CONTINUED)

“FOR”	Tom Lopez	1561 votes
“FOR”	Henry Rosales	332 votes
“FOR”	Raymond Zavala	50 votes

FOR MEMBER OF COUNCIL, PLACE NO. 6:

“FOR”	Brad Clear	841 votes
“FOR”	Enrique M. Barrera	1694 votes

FOR MEMBER OF COUNCIL, PLACE NO. 7:

“FOR”	Julian Castro	2005 votes
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FOR MEMBER OF COUNCIL, PLACE NO. 8:

“FOR”	Jo Ann Gonzalez	714 votes
“FOR”	Fanny Mayahuel	39 votes
“FOR”	Jesse Arriaga	52 votes
“FOR”	Art A. Hall	1611 votes
“FOR”	Federico Roman Ng	114 votes
“FOR”	Bert Cecconi	1661 votes
“FOR”	Josh Copeland	587 votes
“FOR”	Joe E. Groff	72 votes

FOR MEMBER OF COUNCIL, PLACE NO. 9:

“FOR”	Carroll Schubert	2574 votes
“FOR”	Tony R. Garza	747 votes

FOR MEMBER OF COUNCIL, PLACE NO. 10:

“FOR”	John Clamp	2431 votes
“FOR”	Chip Haass	2843 votes

FOR MEMBER OF COUNCIL, PLACE NO. 11 (MAYOR):

“FOR”	Shirley Thompson	9897 votes
“FOR”	Ed Garza	26456 votes

FOR MEMBER OF COUNCIL, PLACE NO. 11 (MAYOR): (CONTINUED)

“FOR”

Michael Idrogo

2410 votes

The City Clerk then issued the statement of elected officer to those candidates declared winners of the election, including Councilman Enrique Barrera, Councilman Julian Castro, Councilman Carroll Schubert, Mr. Christopher Haas, and Mayor Garza.

The City Clerk then administered the Oaths of Office to the declared winners of the election for 2003.

(Mayor Garza returned to the meeting and presided.)

The Mayor then presented the certificates of election to the candidates.

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

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2003-18 The Clerk read the following Ordinance

AN ORDINANCE 97604

SUPPORTING A LICENSE AGREEMENT WITH THE DALLAS COWBOYS FOOTBALL CLUB ("DALLAS COWBOYS") TO HOLD ITS 2003 TRAINING CAMP AT THE ALAMODOME FROM THE APPROXIMATE DATES OF JULY 24, 2003 THROUGH AUGUST 20, 2003, IN WHICH THE DALLAS COWBOYS WILL ASSUME THEIR LOCAL EXPENSES INCLUDING LODGING, MEALS AND TRANSPORTATION, THE ALAMODOME WILL RETAIN REVENUES FOR CONCESSIONS AND PARKING FOR ALL TRAINING CAMP EVENTS, AND THE DALLAS COWBOYS WILL PAY THE ALAMODOME \$2.00 FOR EACH TICKET SOLD FOR A SCRIMMAGE GAME WITH THE HOUSTON TEXANS TO BE HELD AT THE ALAMODOME DURING THE 2003 TRAINING CAMP; AUTHORIZING A FEE TO THE DALLAS COWBOYS OF \$400,000 OF REALLOCATED PAN AMERICAN RESERVE FUNDS TO OFFSET THE PROCUREMENT AND

EXPENSES ASSOCIATED WITH THE FOOTBALL FIELD; AND PROVIDING FOR PAYMENT.

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Councilman Perez made a motion to approve the proposed Ordinance. Councilman Martin seconded the motion.

Mr. Michael Abington, Director of the Alamodome, narrated a slide presentation regarding the license agreement with the Dallas Cowboys Football club ("Dallas Cowboys"), a copy of which was made part of the official papers of this meeting. He noted that the Dallas Cowboys will assume their local expenses including lodging, meals and transportation, and the Alamodome will retain revenues for concessions and parking from all training camp events. He highlighted the benefits of having the Dallas Cowboys in San Antonio, and spoke on the background of the 2002 Dallas Cowboys training camp.

The following citizen(s) appeared to speak:

Mr. Rene Balderas urged the Council not to sell themselves short. He stated that this was a great City and noted that they had a lot of things that they could be proud of. He applauded Councilman Castro for his stand.

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In response to Mayor Garza's question as to how much the City spends on promoting and marketing the City of San Antonio, Mr. Roland Lozano, Assistant to the City Manager, stated the amount was about \$6 million dollars on the direct advertisement for the City.

Mayor Garza requested that Mr. Lozano break down the amount to get a better perspective on what the City actually spent to promote San Antonio.

In response to Mayor Garza, Mr. Lozano stated that the \$6 million would include the target for fiscal years, developing the creative work, and the print that goes into a magazine. He clarified that it was the placement of the advertisement that generated incoming assets. He stated that they are not as effective on television and radio thus the majority of the outgoing monies are spent on print media. He emphasized that print media generates a better feedback from the public.

Mayor Garza discussed the breakdown of the monies collected. He stated that \$35 million was collected from hotel/motel tax fund, \$6 million spent for advertising, the cultural arts program which is approximately \$2.4 million dollars, \$8.5 million for administrative support, \$1 million for the international affairs office, and the remainder of the monies pay about \$18 million on the operation of convention facility. He further noted that \$18 million goes to the office that supports tourism in San Antonio. He then reiterated the breakdown, and stated the reason he discussed the breakdown was to look at how these dollars would be spent if the City wasn't using them for the Dallas Cowboys. He noted that they are trying to bring in attractions that will draw visitors. Overall, he stated that what they are trying to do is find ways to bring in more visitors, and noted other benefits for bringing in the team.

Mayor Garza stated that the City could accomplish the goal of promoting the City, and encouraged family activity, which would be an opportunity to promote the City and allow the citizens free of charge the dollars we invest from hotel/motel dollars. He stated this was the closest that the City will get to having a major football team. He confirmed that he attended one of the camps, and stated he got the full impact of having the training camp in San Antonio. He further stated that this proposal allows the City to make an investment and allows the citizens the benefit as well. He noted that he would be supporting this ordinance today.

Councilwoman Moorhouse expressed her appreciation to Mr. Lozano and his staff for their hard work, and noted that she appreciated their efficiency. She stated she wasn't comfortable with the agreement and thought they could find better projects that were more constructive to spend this money on. She voiced that it would be smart to be frugal with any money from the hotel tax fund, and spend it in a way that benefits more citizens of the community. She noted that if it had been at any other time, except a hard economic time, she might support it. She addressed the importance of looking at more constructive ways to spend money. She stated that HOT tax money couldn't be used for the public works project, but it could be used with other projects associated with the tourism industry. She concluded that she wouldn't be supporting this ordinance.

Councilman Castro stated that San Antonians loved the Dallas Cowboys, and he thought that the issue wasn't whether they like the Cowboys, but the issue is what will be the costs. He noted the City was grossly overpaying them.

(At this point, Mayor Garza was obliged to leave the meeting. Mayor Pro Tem Perez presided.)

Councilman Castro spoke to the amount of money left over to get the Pan Am games. He expounded on the sequence of events regarding the Cowboys deal, and referenced the details. He discussed the revenue of \$35,000 expected back from the anticipated sales, and mentioned another incident in which a local reporter called the City Manager in Wichita Falls and asked how much they had paid for the Cowboy's training camp when they were there, and noted the Manager confirmed they had reimbursed them between \$30 – \$50,000 dollars. He noted that 8 out of 11 Councilmen were ready to vote in favor of the \$650,000 deal for 1 year until this new information was revealed. He noted that after staff did research, and the new figures came to light, everyone backed off and went back into the negotiation stage again. He noted that in theory, it would be nice to have the Cowboys, but the issue in public policy revolves around money. He referenced the \$210,000 given to the Houston Oilers for 4 years to have their camp at Trinity University versus the \$400,000 given to the Dallas Cowboys for 1 year. He noted that for whatever reason, the hotel occupancy collections dropped during the Cowboys stay here, which shows that the Cowboys didn't have the tremendous impact they anticipated. He affirmed that there are a lot of Dallas Cowboy fans in San Antonio. However, he concurred with Councilwoman Moorhouse that there were other ways that the City could spend money through the hotel occupancy tax fund that would offer both entertaining and educational experience for the children that will enrich and enhance their lives. He noted that the hotel tax fund, could be spent on children, for preservation of buildings, programs at library, the symphony, etc. He stated that he didn't understand what the fascination was with professional sports, although it would have community value, but using the money other ways would enhance the community. He stated that they have invested in many events and have gotten various returns from the different economic impacts. He noted that although it was of community value, it may not necessarily be of community enhancement. He stated that they are passing up a way to use this money that could do a lot more for the City. He concurred that the Cowboys would mean media exposure, but they've had discussions and the typical Cowboys fan is not necessarily the male oriented 15 year old, and noted this wasn't even the market target either. He added that the actual value of a lot of the numbers should be scaled down according to the figures in contrast to the actual target.

(Mayor Garza returned to the meeting and presided.)

Mr. Lozano noted that the \$5.9 million identified was of a direct economic impact.

Councilman Castro reiterated that this was an event that they were paying too much money for. He stated that the City would have to come to grips with whether or not there will be a professional football team here in the City of San Antonio. He stated that in 1999, there was estimation that the Alamodome would be NFL ready. He noted that although the Alamodome is not being used primarily for sports, that this was the

purposed intent. He stated that the reality is that San Antonio may never get a NFL football team. He stated that for the next 25 year they should spend money carefully in these tough budget times. He touched on the mistakes made by City staff and in conclusion noted that it would be better to save money because this is what they needed.

Mayor Garza noted that Councilman Castro had stated that he would support it if it were in the \$250,000 range. He noted that they had gone through a lot of different scenarios but that the disagreement came in with the amount in the figures. He confirmed that this is a one-year contract, and a one-time expenditure. He referenced the San Antonio Symphony, and noted that they gave the Symphony \$325,000 on an annual basis to aid them in their crisis. He clarified that the amount that they were talking about was only a one-time deal. He noted that although they have not been able to garner a NFL team, they have had positive events at the Alamodome, and there is a value that the City should put into effect while it is available.

Councilman Martin stated that this was a pure business economic venture that the City would pay a lot of money on, but noted that the term 'investment' speaks of long term. He then requested clarification on the monies involved.

In response to Councilman Martin's request for an explanation of the HOT tax, Mr. Lozano expounded on the HOT tax, and dissected the dollar amount. He stated \$325,000 was allocated to the symphony. With regard to the amount set aside from the Pan Am games, Mr. Lozano stated it was \$4.88 million dollars. He added that the City had a portion that was due for the cost of the facilities, for the security at the Pan Am games and just out-of-pocket fees in general. He further confirmed the amount spent on solicitation to secure the Pan Am games was \$750,000.

Councilman Martin commented that the amount seemed to be a pretty good investment to go after. He touched on the amount of money given to the Oilers when they were here during 91 – 95. He questioned whether the amount of the expenses that the City incurred in the dome facility at that time would be the same. He spoke to the revenue realized in the summer of 2001 during the time the Cowboys were here. He stated that the difference in the revenues at that time could be attributed to September 11th which had an tremendous impact on tourism. He noted that one of the things that Convention and Vistors Bureau (CVB) did was to promote getting folks out to restaurants, the Hemisfair, the Alamo and such. He stated that this local turnout would help regenerate those lost revenues.

Discussion ensued between Councilman Martin and Mr. Lozano in regards to tax dollars, the revenues coming from travelers and taxpayers dollars. Mr. Lozano noted that a very small percentage came from taxpayers as opposed to the amount received from travelers.

Councilman Martin noted that the discussion thus far has been in reference to costs. He cited examples from the Alamodome, and spoke to the impact of having the Cowboys here for 21 days. He concurred with his colleague's comments regarding the hopes of having an NFL team, but noted that they were talking about a relationship with an organization in which the City has a facility they could use which would benefit San Antonio. He noted that the idea was to bring about a long term deal so they could get creative with the City, to come up with events such as cheerleading camps, working with the youth. He noted that the longer they stayed here, the more creative they would get.

Mr. Lozano concurred that there were maintenance issues in regards to upkeep. He noted that this was always the case whenever the City has a team that is looking at San Antonio.

Councilman Martin stated that in regards to the relationship, it was based on what can they do for the City. He spoke about community impact, and saw a whole bunch of kids who would otherwise have never had an opportunity to come that close to a professional sports team. He spoke to the family element and touched on the field cost while emphasizing the privilege to own a field like that. He concluded that it was worth the investment.

In response to Councilman Barrera's question regarding the actual turf that was rented throughout the duration of the camp, Mr. Lozano confirmed that it was. He discussed the cost of the turf, and explained that the amount would be for setting up and the general maintenance of it.

In response to Councilman Barrera's question regarding what other games besides Alamo Bowl had been played there, Mr. Lozano cited them. He noted that one of the things that they are going back after is the Big 12. He stated that one of the key things also is high school football. He conferred that there was 31 regular high school or playoff games played there this year. He noted that it is a football facility and a number of high schools have played in the building. He cited examples of games and different events that have taken place in the Dome. He also referenced various other events that were already scheduled to take place. He spoke to the flexibility and work of the staff at the Dome. He noted that the building had generated a large economic impact, and cited comparison to the SBC and the Verizon. He stated that staff is constantly looking for new events to bring to the Alamodome.

In response to Councilman Barrera's question of whether it had been self-sufficient, Mr. Lozano answered that it had been.

Councilman Barrera did note that it was an excellent facility and concurred with Councilman Castro that they needed to increase the use of the facility. He stated that he would be in support of the ordinance.

Councilman Perez made reference to slide 13. He noted the amount seemed enormous for a one-year training camp contract for 21 days with 2 events each day. He emphasized that they had gotten reports that have raised concern about their current turf. He noted that for this scrimmage game, the City would get two dollars for each ticket sold plus parking. He pointed out that many might not know that the HOT tax has restrictions. He noted that it was an issue of whether or not it was fair. He spoke to slide 22 regarding past events and City funding and cited the comparison of one-day events. He stated that people that went to these events could afford to go to them, but pointed out that the event that they are talking about today is free. He spoke to the value of having a free event for 21 days that poor people could attend. He stated that it is a question of balance, and affordability versus good investment. He also expressed his appreciation of everyone's different opinions. He touched on the issue of Councilwoman Moorhouse and the target markets for advertising, and how this may not fit the model. He stated that after 9/11, City staff was quick to react, and funneled \$1 million into a drive market event and the City has seen the benefits of that. He noted that the drive market event saw a turnout of 130 - 140,000 people, 67% that were local. He spoke to the issue of why fans are fascinated with sports and how kids see them as role models. He noted that the hotels had been opposed to this but when they did a recap on the actual ratio of the dollar amount of \$400,000 their opposition changed. He expressed belief that there was a majority acceptance of this today for no more than the simple fact that there are opportunities for dollar amounts. He stated he was also in agreement with setting aside a fund of \$400,000 for a football field at the Alamodome. He stated that there are challenges with the facility but it has been peaked in its performance by always operating in the black. He noted that this regular performance in the black was due to the superb management of the facility. He asked that the public keep in mind the balance perspective, doing community events beneficial to the community. He noted that if Council moved forward with this issue, it would be a good event and a benefit to the community.

Councilwoman Herrera questioned her colleagues mention of the \$800,000, and asked that Mr. Lozano clarify the \$1.5 million set aside for the event development.

In response to Councilwoman Herrera's question as to what is the next step if this ordinance does not go through today, Mr. Lozano stated that the dollars would be added into an escrow account. Mr. Lozano expounded on the hidden costs not mentioned in the ordinance, and offered his comments and suggestions, the understanding that the City would work with the Cowboys regarding the weblink between the Cowboys and CBV.

He noted other key things that were important to ensure the Cowboys outreach to the community. He noted that the City would be asking the Cowboys to do things such as working closely with the YMCA, and groups that do a lot of athletics.

In response to Councilman Schubert's question on the amount for installation of a new field at the Alamodome, Mr. Lozano noted that it would be between a million and a million in half. Mr. Lozano confirmed that the turf replacement was a priority.

Councilman Schubert stated that he felt that the Alamodome could probably be used another year. He stated that the facility is heavily used in terms of football. He stated that a lot of people would come but noted that the City needed to note exactly how much money they are willing to spend. He noted that not every event would generate the same revenue. He discussed the number involved and stated that he believed that it was too much money to pay. He stated they should not pay more than \$250,000, and added he could not support this ordinance.

Councilman Castro referenced the figures involved and questioned the deal of the Houston Oilers in comparison to the deal with the Cowboys.

Mr. Lozano clarified that it was \$250,000 for all 4 years combined.

Councilman Castro cited the amounts paid and stated that it was too much money. He stated that it was creating a culture of greedy expectations. He cited an outstanding amount that a high school football team was now requesting, and stated that it was outlandish.

Councilman Castro noted that if the City continued to put up money that it would be grossly out of proportion with other cities. He stated that it would cost the City more money in the long run with all of the fanfare of the Spurs and other events, but his point was that it was interesting that they would express the idealism of helping poor people, yet spending so measly on homelessness. He stated that they do not need to over debate on this issue.

Councilman Sanders noted that questions had been raised and e-mails had been generated on spending money in the symphony and that this money cannot be used. He stated that the HOT tax is not the citizen's tax but it is a tax borne out of tourism. He noted that there are a lot of folks who believe that it is their tax money, but clarified that it wasn't. He applauded the efforts of Councilmen Perez and Schubert. He stated that the citizens have expressed displeasure on the amount of money that the City is using. He concluded he would not support the ordinance.

Councilman Carpenter questioned slide 8, citing the comparisons. He noted that the one-year deal wasn't a bad deal, and cited that Wichita Falls did not get a better deal. He noted that the Alamodome is a huge issue, and stated that they had better start looking to find ways to utilize the Dome.

Councilwoman Conner stated that there was not one single constituent in her district that wanted to do this, and therefore could not support it for that very reason.

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

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2003-18

CITIZENS TO BE HEARD

MS. SUZANNE LOZANO

Ms. Suzanne Lozano, Smoke Free S.A. Coalition, spoke to the benefits of a smoke free community.

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MR. DAVID PENA

Mr. David Pena, representing the American Heart Association, as a national health organization, spoke of the benefits of a smoke-free environment. He spoke to a study that showed secondhand smoke as being a health issue. He urged Council to pass a strong ordinance.

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MS. ROSE DELGADO

Ms. Rose Delgado, representative of American Cancer Society, stated that going smoke free would cost the City nothing. She noted that studies have shown that ordinances restricting smoking have no impact on revenues.

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MR. RICHARD KOTTLE

Mr. Richard Kottle, 13406 Heights Lane, spoke to the benefits of a smoke-free environment and the perceived fears of economic loss. He further discussed the issues of smoker's rights, and losses in the economy.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, pledged to the kingdom of god, and noted that in the future, he may run for office. He referenced the minutes that Council approved today and Item 6, and spoke to the process of elimination. He stated that he brought division, and spoke of being against a strike.

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MS. RACHEL CYWINSKI

Ms. Rachel Cywinski, President of Highland Park Neighborhood Association, urged the Council to reconsider the protection of root protection.

(At this point, Mayor Garza was obliged to leave the meeting. Mayor Pro Tem Perez presided.)

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MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, referenced the newspaper article that urged him to run for mayor. He spoke against spending money for the Dallas Cowboys, and noted that the Mayor doesn't have any blacks in his staff and neither did Judge Wolff. He referenced various newspaper articles, including the expenses of the Mayor and Council and questioned the amount spent.

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MR. JOE PEREZ

Mr. Joe Perez commended Councilman Martin for his thoughts and his perspective on the Cowboys deal.

2003-18 There being no further business to come before the City Council, the meeting was adjourned at 7:02 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



YOLANDA L. LEDESMA
Acting City Clerk