

SPECIAL MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
MONDAY, MAY 9, 1994.

* * * *

94-23 The special meeting was called to order at 1:45 P.M. by the Presiding Officer, Mayor Nelson W. Wolff, with the following members present: PEREZ, McCLENDON, BILLA BURKE, AVILA, SOLIS, THORNTON, PEAK, WOLFF. Absent: AYALA, ROSS, LARSON.

94-23 City Clerk Norma S. Rodriguez asked that the canvassing of the vote from the May 7, 1994 Bond Election be delayed in order for a proper re-check of some six polling places might be completed, per court order.

94-23 PRESENTATION BY 2050 WATER COMMITTEE

On a Point of Personal Privilege, Mayor Wolff asked that the City Council grant time on today's agenda for a presentation by the 2050 Water Committee. After discussion, it was the consensus of City Council members present to grant approval for such a presentation, based upon the memorandum prepared by the City Attorney, a copy of which is made a part of the papers of this meeting.

Mayor Wolff spoke briefly to the presentation by the 2050 Water Committee, noting that no debate will be considered relative to this issue at this time, although questions from Council members are permitted, after which the City Council may give direction on how to proceed with this matter.

Mr. Jack Willome, speaking for Committee Chairman Weir Labatt, who is out of town today, asked 2050 Water Committee members present in the audience to stand and be recognized. He noted that the committee has held some 20 meetings in order to develop a plan that would satisfy Bexar County's water needs through the year 2050. He spoke to an overview of the committee's discussions and its ground rules, along with other pertinent information on the committee's proceedings, narrating an overhead-projected presentation for City Council and the audience. A hard-copy of the overhead transparencies used in the presentation are made a part of the papers of this meeting.

Mr. Willome then spoke to four "key committee findings": (1) Judge Bunton's ruling and the Endangered Species Act limits out access

to the Edwards Aquifer; (2) Given constraints beyond our control, SB 1477 is the best aquifer management plan we have available; (3) Availability of adequate water is a threat to local bases with the 1995 Base Closure & Realignment Commission; and (4) Applewhite permit expires 12/94.

Mr. Joe Aceves, President, San Antonio Water System, then presented SAWS' "Recommended Water Resource Plan". A hard-copy of overhead transparencies used in this presentation are made a part of the papers of this meeting. Phase I recommendations included conservation, local re-use, irrigation lease option, downstream trades/Applewhite/re-use, and recharge dams. Phase II recommendations included (1) complete all feasibility studies on augmentation, (2) consider all projects that have been identified by different sources, (3) continue all studies related to water resources development, (4) utilize criteria for selection of alternatives based on cost, certainty, water quality, environmental considerations, and time required to implement.

Mr. Willome then spoke to the 2050 Water committee's four recommendations, listed above, and asked City Council to support those recommendations.

Mayor Wolff thanked members of the 2050 Water Committee for their hard work, and spoke to its diversity. He asked the City Council to set a time for a Public Hearing to be held on this issue. He further noted that an election on this matter could not be held this November on an established election-date because of constraints under the Election Code (Section 41.003) which authorizes November elections in even-numbered years, on the date of the general election for state and county officers, only under seven narrow parameters, none of which fits this situation. He noted that, in order to have an election on this matter prior to expiration of the Applewhite permit at the end of the year, the City Council must decide if it wants to call an election for the August election-date provided by the Election Code; and, if so, that election call must come by May 19, 1994 to provide adequate time for elections planning and notification of the Department of Justice for pre-clearance of that election.

Mr. Peak thanked members of the committee and SAWS staff for a very complete briefing on this matter.

In response to a question by Mr. Peak, Mr. Aceves spoke to the need for additional revenue for SAWS via rate increases, if this proposed water plan is adopted.

Mr. Aceves then discussed a recent report on water augmentation and its recommendations, and he spoke to his concerns for the estimated high costs involved in implementing such a plan. He also discussed inter-basin water transfers.

Mr. Peak spoke to change recommendations over the last two years, and spoke in support for the SAWS proposal.

Mr. Thornton spoke to certain elements of the recommendations, and the need for citizen acceptance by vote on the Applewhite issue. He asked that detractors to this proposed plan offer alternatives to that plan.

Ms. McClendon spoke to the need to move on this issue, inasmuch as the Applewhite permit expires at the end of December of this year.

Ms. McClendon made a motion giving staff direction to set a Public Hearing on this matter for 7:00 P.M. Thursday, May 12, 1994, during a Special City Council meeting, and at 3:00 P.M. Thursday, May 19, 1994, with proposed Council action to follow the May 19th hearing. Mr. Solis seconded the motion.

After discussion, the motion giving staff direction prevailed by the following vote: AYES: Perez, McClendon, Avila, Solis, Thornton, Peak, Wolff. NAYS: None. ABSENT: Billa Burke, Ayala, Ross, Larson.

94-23 CANVASS OF MAY 7, 1994 BOND ELECTION RESULTS

Members of City Council and City staff canvassed the available results of the May 7, 1994 Bond Election, except for returns from Precinct 1041 (St. Clare Church); Precincts 4076, 4063 and 4156 (Park Village Elementary); Precincts 4045, 4134, and 4135 (East Terrell Hills Elementary); Precinct 2005 (Peacock Center); and Precincts 2055, 2095, 2101 and 2117 (Alamo Stadium Gym), all of which, are in the process of having their results re-read.

94-23 City Council recessed its Special Meeting regular session in order to convene in Executive Session at 3:22 P.M. for a Staff Briefing on the announcement by the Texas Natural Resources Conservation Commission (TNRCC) and the legal implications of the announcement on the City's remediation contracts and pending contemplated litigation. City Council reconvened in regular session at 4:08 P.M.

94-23 CANVASS OF MAY 7, 1994 BOND ELECTION (CONTINUED)

At this time, City Clerk Norma S. Rodriguez read for the record both the 'old reading' from voting machines in the previously-stated voting precincts and locations, delivered after the close of voting on May 7, 1994, and the 'new reading', obtained from a re-reading of the voting totals from the previously-stated voting precincts and locations today. Copies of the comparisons and

corrections made, as necessary, in those returns are made a part of the papers of this meeting, for the record.

Those changes were as follows:

PRECINCT 1041 (St. Clare Church)

| | OLD READING | NEW READING |
|-----------------|-------------|-------------|
| Proposition #1: | For: 59 | For: 69 |
| | Against: 54 | Against: 19 |

PRECINCTS 4076, 4063 AND 4156 (Park Village Elementary)

| | OLD READING | NEW READING |
|-----------------|-------------|--------------------|
| Proposition #1: | For: 58 | For: 54 |
| | Against: 23 | Against: No change |

PRECINCTS 4045, 4134 AND 4135 (East Terrell Hills Elementary)

| | OLD READING | NEW READING |
|-----------------|-------------|--------------------|
| Proposition #1: | For: 123 | For: 103 |
| | Against: 36 | Against: No change |

| | OLD READING | NEW READING |
|-----------------|-------------|--------------------|
| Proposition #3: | For: 88 | For: 87 |
| | Against: 50 | Against: No change |

| | OLD READING | NEW READING |
|-----------------|-------------|--------------------|
| Proposition #4: | For: 85 | For: 93 |
| | Against: 45 | Against: No change |

PRECINCT 2005 (Peacock Center)

No changes.

PRECINCTS 2055, 2095, 2101 AND 2117 (Alamo Stadium Gym)

| | OLD READING | NEW READING |
|-----------------|-------------|--------------------|
| Proposition #1: | For: 49 | For: 44 |
| | Against: 13 | Against: No change |

The official canvass of the returns from the May 7, 1994 Bond Election was then completed by City Council and City staff.

City Clerk Norma S. Rodriguez read the following Ordinance:

AN ORDINANCE NO. 80129

CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A BOND ELECTION HELD ON MAY 7, 1994; AND OTHER MATTERS IN CONNECTION THEREWITH.

* * * *

WHEREAS, on February 10, 1994, the City Council of the City of San Antonio, Texas (the City) ordered an election to be held on May 7, 1994, for the purpose of determining whether the resident, qualified electors of the City would authorize the issue of general obligation bonds by the City; and

WHEREAS, the City Council has reviewed and investigated all matters pertaining to this election, including the ordering, notices, election officers, holding, and returns thereof; and

WHEREAS, the City Council hereby canvasses the returns of this election, at which there was submitted to all resident, qualified electors of the City for their action thereupon, the following propositions:

PROPOSITION NO. 1

"Shall the City Council of the City of San Antonio, Texas, be authorized to issue and sell general obligation bonds of the City in the principal amount of \$25,600,000.00 for the purpose of making permanent public improvements and for public purposes, to wit, constructing street improvements and drainage incidental thereto, with respect to:

STREET PROJECTS

Apple Valley (Haven Valley to Ray Ellison)
Navajo Area Street (Navajo, Hutchins, Barlite)
N.W. 19th (Perez to Culebra)
Arbor (Trinity to San Marcos)
34th Street
Babcock Road Reconstruction & Bridges (Hausman to DeZavala)
Boehmer (Burbank Loop to S. Flores)
Contour Drive Street Improvements
Coopwood Street
El Monte
Emory (Kentucky to Waverly)
Essex
Fairdale (Rittiman to Bloomdale)
Guadalupe Gardens
Higgins Road
Hobart Street

Kentucky Avenue (Emory to Wilson)
King's Crown Road

Lake Blvd. (Woodlawn to Donaldson)
Las Palmas (Charben to 26th)
Leal
Leonhardt Road
Lockhill-Selma Improvements - ROW at Wurzbach
Los Jardines Sidewalks
Miscellaneous Sidewalks
Montezuma (S. Zarzamora to Hamilton)
Morales Street (S. Zarzamora to 24th)
Nacogdoches (Broadway to New Braunfels/ROW only
Prince Valiant/Castle Knight/King Arthur-Dis. Acc.
San Carlos (Navidad to S. Zarzamora)
Sidewalks/Guilbeau from Old Tezel to Wickersham
Sidewalks/Abe Lincoln from Pembroke to Eckhart
Sidewalks/Tezel Rd. from Wickersham to Braun
Stahl Rd. #1038 - Phase I (Bell to Bulverde)
Streets Around Woodlawn Lake Park
Thorain
Valley Hi Drive
Waverly
Woodlawn from St. Cloud past Lake Blvd.
Yucca (Amanda to Railroad Tracks)

and after making due provision therefor the City Council, in its discretion, may use any excess funds for constructing other street improvements and drainage incidental thereto: such bonds to mature serially or otherwise not more than forty (40) years from their issued date; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of said City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

PROPOSITION NO. 2

"Shall the City Council of the City of San Antonio, Texas, be authorized to issue and sell general obligation bonds of the City in the principal amount of \$34,400,000.00 for the purpose of making

permanent public improvements and for public purposes, to wit, constructing facilities for the removal of, and protection from harmful excesses of water and the acquisition of lands and rights-of-way necessary thereto, with respect to:

DRAINAGE PROJECTS

Benrus/Witt #1059
Blossom/Woodbury #1007 (near Nacogdoches)
Elsmere/Gramercy #57 (W. Kings Hwy., Michigan, Lynnwood, San Pedro)
Escalon St. #1008
Observation Street #1003 (near Bronco)
Wingate/Oriental/Floyd #1050
36th & Growdon Drainage
Bobolink 96A (Storeywood to Deneice)
Braniff (near San Pedro)
Callaghan Drainage Improvements (at Little Lane)
Calle Morelia Drainage (Driftwood)
Castle Trail/Midcrown Intersection
Chipinque Drainage (Driftwood)
Drainage Studies
Duval (Pierce to Seguin/Seguin to Walters)
Goliad - Pecan Valley to Military
Hazel Drainage
Hollyhock at Huebner Creek Drainage Structure
Janda Susan/Ridgecrest
Kentucky
Kentwood Manor - Springhill at Pipestone
Larkspur
Leon Creek Drainage Improvements
Leon Creek Drainage Watershed Study
Marcum Drainage
Martinez Creek Drainage
Mission Trails
N. Flores/Breeden/Beacon Outfall
Oakwood 58 BY
Octavia #63 - Phase I
Prosperity Drainage (Acme to S.W. 40th St.)
Queen Ann/Elmhurst Drainage
Queretaro Drainage (Driftwood)
Quintana Triangle
Ray Bond/Galahad Intersection Surface Channel
Rittiman & Holbrook
Roselawn Drainage
Science Park #58 H, I, & J - Phase III
Shady Oaks - Encino Grande Improvements
Stonegate - Notre Dame Wake Forest & Duke
Sunshine (E. of Hillcrest) Drainage Structure
Upper Olmos Creek Drng. Impr. & Detention Ponds
Upper Six Mile Creek #83F (S.W. Military to

Zarzamora)
W.W. White Road - Phase I
Whitby at Huebner Creek Drainage Structure

and in providing for the above improvements, the City Council shall have the option to utilize other funds available for such purposes, including excess funds from the 1987 drainage bond issue, and after making due provision for the above projects, the City Council, in its discretion, may use any excess funds from this bond issue for constructing other facilities for the removal of harmful excesses of water and the acquisition of lands and rights-of-way necessary thereto: such bonds to mature serially or otherwise not more than forty (40) years from their issued date; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of said City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

PROPOSITION NO. 3

Shall the City Council of the City of San Antonio, Texas, be authorized to issue and sell general obligation bonds of the City in the principal amount of \$41,600,000.00 for the purpose of making permanent public improvements and for public purposes, to wit, constructing park improvements and making park additions, with respect to:

PARK PROJECTS

"J" St. Park

Alderete Park
Apache Creek Parks (Cassiano, Escobar, Amistad)
Arnold Park/Ramirez Community Center
Blossom Park
Botanical Center Improvements
Brackenridge Park Rehabilitation
Buckeye Park
Camelot/Park Village
Collins Garden Park
Columbus Park

Comanche Lookout Acquisition & Initial Development
Commander's House/Senior Citizen Center
Concepcion Park
Copernicus Park and Community Center
Crockett Park
Cuellar Park and Community Center
Dawson Park and Community Center
Denver Heights Park and Community Center
District 9 Park Land Acquisition
Elmendorf Park Improvements
Friedrich Park Improvements
Friesenhahn Park
Garza Park and Community Center
Government Canyon
Guadalupe Arts Center/School
Harlandale Park and Community Center
Haskin Park
Highland Park and Community Center
Historic Civic Center Project
James Park
Joe Ward Park and Community Center
John Tobin Community Center
Kingsborough Park
Lackland Terrace Park and MH/MR Center
Lady Bird Johnson Park/Lou Hamilton Comm. Ctr.
Lakeside Park Development
Lee's Creek Park
Lincoln Park and Community Center
Lion's Field Park & Senior/Adult Center
Mahncke Park Development
Martin Luther King Park Improvements
Martinez Park
Mateo Camargo Park
McAllister Park Improvements
Meadowcliff Community Center
Millers Pond Park and Community Center
Mitchell Lake Wetlands
Monterrey Park and Community Center
Museum of Art (Latin American Exhibit Hall)
Normoyle Park

Northridge Park
Northwest Park Land Acquisition
Northwood Area Park
O.P. Schnabel Park
Olmos Basin Park/Devine Road
Olmos Sports Center
Olympia Park
Open Sp. Dev./Leon Ck. Area (Rochelle & Schnabel)
Palm Heights Park and Community Center
Palo Alto Park
Palo Alto Terrace Park
Park Development at Detention Ponds
Park Land Acquisition
Pickwell Park
Quarry
Roosevelt Park

Rosedale Park
San Antonio Natatorium
San Fernando Gym
San Pedro Park Rehabilitation
Skyline Park
Southcross Park
Southside Lions Park and Community Center
Spicewood Park Development
Stinson Park
Van de Walle Park
Vidaurri Park
Westwood Village Land Acquisition
Witte Museum Improvements
Woodlawn Lake Park Improvements

and after making due provision therefor the City Council, in its discretion, may use any excess funds for constructing park facilities and improvements and the acquisition of lands for park additions, such bonds to mature serially or otherwise not more than forty (40) years from their issued date; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of said City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable

property in said City, sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

PROPOSITION NO. 4

"Shall the City Council of the City of San Antonio, Texas, be authorized to issue and sell general obligation bonds of the City in the principal amount of \$8,100,000.00 for the purpose of making permanent public improvements and for public purposes, to wit, constructing a central police substation for public safety purposes, and after making due provision therefor the City Council, in its discretion, may use any excess funds for constructing other public safety improvements; such bonds to mature serially or otherwise not more than forty (40) years from their issued date; and any issue or

series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of said City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"; and

WHEREAS, the City Council has diligently inquired into the poll lists and the official election returns which were duly and lawfully made to this City Council by the judges and clerks holding and conducting such election and which show separately the votes cast in the election; and

WHEREAS, from these returns, the City Council hereby finds in accordance with the provisions of the Texas Election Code, as amended (the Code), that the following votes were cast in the election by voters who were resident, qualified electors of the

City;

PROPOSITION NO. 1

"The issuance of \$25,600,000.00 of General Obligation Bonds for constructing street improvements and drainage incidental thereto"

| | <u>For</u> | <u>Against</u> |
|--------------|--------------|----------------|
| Election Day | 15,968 | 6,680 |
| Early Voting | <u>7,657</u> | <u>3,723</u> |
| TOTAL | 23,625 | 10,403 |

PROPOSITION NO. 2

"The issuance of \$34,400,000.00 of General Obligation Bonds for constructing facilities for removal of and protection from harmful excesses of water and the acquisition of lands and rights-of-way necessary thereto"

| | <u>For</u> | <u>Against</u> |
|--------------|--------------|----------------|
| Election Day | 14,694 | 7,639 |
| Early Voting | <u>6,917</u> | <u>4,323</u> |
| TOTAL | 21,611 | 11,962 |

PROPOSITION NO. 3

"The issuance of \$41,600,000.00 of General Obligation Bonds for constructing park improvements and additions"

| | <u>For</u> | <u>Against</u> |
|--------------|------------|----------------|
| Election Day | 14,813 | 7,540 |

| | | |
|--------------|--------------|--------------|
| Early Voting | <u>6,643</u> | <u>4,570</u> |
| TOTAL | 21,456 | 12,110 |

PROPOSITION NO. 4

"The issuance of \$8,100,000.00 of General Obligation Bonds for constructing public safety improvements, to wit, a central police substation"

| | For | Against |
|--------------|--------------|--------------|
| Election Day | 15,503 | 6,849 |
| Early Voting | <u>7,393</u> | <u>3,845</u> |
| TOTAL | 22,896 | 10,694 ;and |

WHEREAS, the City Council hereby finds and determines that the canvassing of the election returns has been conducted in accordance with the provisions of the Code, the City's Home Rule Charter (the Charter), and applicable law; NOW THEREFORE; BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council of the City officially finds, determines, and declares that the election was duly and properly ordered, that proper legal notice of such election was duly given in the English language and the Spanish language, that proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all resident, qualified electors of the City were permitted to vote at the election, that due returns of the results of the election have been made and delivered, and that the City Council of the City has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America, the Charter, and the ordinance calling the election.

SECTION 2. The City Council of the City officially finds, determines, and declares that a MAJORITY of the resident, qualified electors of the City voting in such election voted FOR the authorization and issuance of \$109,700,000.00 of bonds and the levy and pledge of the tax in payment thereof, as submitted in the Propositions; that the Propositions carried at the election; and that the City Council is hereby accordingly authorized to issue and sell general obligation bonds in accordance with the authority granted in the Propositions and with law.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 4. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provisions of this Ordinance or the application thereof to any person or circumstances shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas law.

SECTION 8. This Ordinance shall be in force and effect from and after its final passage as provided by the provisions of the Charter.

* * * *

Mr. Peak made a motion to approve the proposed Ordinance. Mr. Avila seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Avila, Solis, Peak, Wolff; NAYS: None; ABSENT: Billa Burke, Ayala, Ross, Thornton, Larson.

94-23 There being no further business to come before the Council, the meeting was adjourned at 4:14 P.M.

A P P R O V E D

Robert W. Wolff
M A Y O R

Attest:

Norma S. Rodriguez
C i t y C l e r k