

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, OCTOBER 24, 2002.

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2002-39 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.) **Discussion of Proposed Improvements to Tax Increment Financing (TIF) Program including Revisions to the TIF Guidelines and Implementation of a TIF Staffing Unit to be paid from Proposed Application and Processing Fees.** (Presented by David Garza, Director, Neighborhood Action Department; Jelynn LeBlanc Burley, Assistant City Manager.)

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

The "B" Session recessed at 11:14 A.M. to convene in Executive Session.

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2002-39 **EXECUTIVE SESSION**

The City Council recessed its "B" Session at 11:15 A.M. in order to convene in Executive Session for the purpose of:

- A.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code to discuss legal issues related to annexation and economic development proposals in areas proposed for annexation.

The City Council adjourned the Executive Session at 11:45 A.M. and reconvened its "B" Session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters, but had taken no official action.

2002-39 At 11:46 A.M. Mayor Garza reconvened the "B" Session with the following members present: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. NAYS: None. ABSENT: Castro.

B.) **Staff Briefing on Agreement between the City of San Antonio and Lumbermen's Investment Corporation for Services in Lieu of Annexation concerning the Lumbermen's property in Bexar County, Texas.**
(Presented by Christopher J. Brady, Assistant City Manager; Terry M. Brechtel, City Manager.)

The "B" Session adjourned at 12:15 P.M.

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2002-39 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

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2002-39 Invocation by Rabbi Arnold Scheinberg, Congregation Rodfei Solom.

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2002-39 Pledge of Allegiance to the flag of the United States.

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2002-39 **PRESENTATION OF CERTIFICATE FOR RARAMURI INDIANS**

Mayor Garza welcomed the delegation from the Northwest Chihuahua region known as the Raramuri Indians, and read a Proclamation in celebration of the month of Chihuahua.

Mr. Guadalupe Espino, Governor of Norogachi spoke of the activities taking place during the observance, and invited the City Council and members of the community to speak.

Members of the City Council extended a warm welcome and best wishes to the visitors.

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2002-39 PRESENTATION OF AWARD TO THE PURCHASING DEPARTMENT

Mayor Garza presented the Achievement of Excellence in Procurement Award to Ms. Janie Cantu, Director of Purchasing Department. He added that the National Purchasing Institute issued this award for organizational excellence in public procurement.

Ms. Cantu thanked the City Council for the recognition, and further spoke of the staff's outstanding work and dedication.

Members of the City Council congratulated Ms. Cantu and the departmental staff for the distinguished honor and national recognition.

City Manager Terry M. Brechtel, further congratulated Ms. Cantu, the Assistant Directors and the staff for their work, noting that she was very proud of the diligent work and dedication.

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2002-39 PRESENTATION OF PROCLAMATION FOR CPS 60TH ANNIVERSARY

Mayor Garza read a Proclamation in celebration of the 60th anniversary of ownership by the City of San Antonio. Mr. Milton Randle spoke on behalf of Mr. Milton Lee, and thanked the City Council for the recognition, and the hard work to the community that is accomplished by the staff. He then presented a gift to the Mayor.

Members of the City Council congratulated City Public Service for the extraordinary work for the betterment of the community while keeping the rates competitively priced, and extended best wishes for continued success.

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2002-39 ON A POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, the Mayor and City Council members congratulated Councilman Enrique Barrera of District 6, on his birthday.

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2002-39 **SWEARING-IN OF NEW MAYOR PRO TEM**

The City Clerk Norma S. Rodriguez administered the Oath of Office to the incoming Mayor Pro Tem, Mr. David A. Garcia.

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2002-39 Minutes of the regular City Council meeting of August 29, 2002 and September 19, 2002 were approved.

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2002-39 **CONSENT AGENDA – CITIZEN COMMENTS**

Mr. Faris Hodge, Jr., 140 Dora, spoke to various items on the consent agenda, noting that certain purchases should be placed on hold due to the budget deficit.

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2002-39 **ADDITIONAL REMARKS REGARDING THE 60TH ANNIVERSARY OF THE CITY PUBLIC SERVICE**

At this point, Mayor Garza recognized Mr. Milton Lee, City Public Service.

Mr. Lee spoke to the significant importance and decision of the City of San Antonio in purchasing the rights for ownership of the City Public Service facility. He recognized the number of electric and gas customers serviced by CPS, noting that CPS is the largest municipally owned combined electric and natural gas utility in the United States. He further recognized members of the CPS board, and members of the staff.

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2002-39 **CONSENT AGENDA – CITIZEN COMMENTS (CONTINUED):**

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to Item 30.

Mr. Jack M. Finger, P.O. Box 12048, spoke to various items on the agenda, specifically citing Item 18, and the campaign contributions presented to members of the City Council.

2002-39 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 6 through 35D constituting the Consent Agenda, with exception of item 7, which was pulled. 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, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 96571

ACCEPTING THE LOW QUALIFIED BID FROM GRANDE TRUCK FORD SALES, INC., BID NO. 3, TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH TRACTOR TRAILER COMBINATION UNITS FOR A TOTAL COST OF \$610,925.00, AUTHORIZING THE EXECUTION OF A LEASE PURCHASE AGREEMENT OR OTHER FINANCIAL OBLIGATIONS OR TRANSFER OF FUNDS, AS NECESSARY.

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AN ORDINANCE 96572

APPROVING FIELD ALTERATION NO. 1 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$363,487.50 FROM 1987 AND 1999 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS TO DAYCO CONSTRUCTION CO. FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE CULEBRA DRAINAGE #58F PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 7; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 94979, DECEMBER 13, 2001.)

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AN ORDINANCE 96573

APPROVING CHANGE ORDER NO. 14 IN THE AMOUNT OF \$27,508.10 TO THE CONTRACT WITH RAY FARIS, INC., REPRESENTING PAYMENT FROM 2000

PARKING REVENUE BOND FUNDS TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE ST. MARY'S STREET PARKING GARAGE PROJECT, LOCATED IN COUNCIL DISTRICT 1; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96574

APPROVING CHANGE ORDER NO. 9 IN THE AMOUNT OF \$9,995.58 AND CHANGE ORDER NO. 10 IN THE AMOUNT OF \$618.09, TOTALING \$10,613.67 TO THE CONTRACT WITH DEAN WORD COMPANY, LTD., REPRESENTING PAYMENT FROM 1985 GENERAL OBLIGATIONS OF THE CITY TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE S. FLORES FROM DURANGO TO FRANCISCAN METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICTS 1, 3 AND 5; APPROPRIATING FUNDS; AND PROVIDING FOR SAID PAYMENT. (AMENDS ORDINANCE NO. 91667, APRIL 27, 2000.)

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AN ORDINANCE 96575

AUTHORIZING PAYMENT IN THE AMOUNT OF \$618,236.67 FROM CERTIFICATES OF OBLIGATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SHARE OF TWENTY PERCENT (20%) OF CONSTRUCTION COST IN CONNECTION WITH THE HOUSTON FROM BOWIE TO PINE METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICTS 1 AND 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96576

AUTHORIZING PAYMENT IN THE AMOUNT OF \$403,541.10 FROM GENERAL OBLIGATIONS OF THE CITY TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SHARE OF TWENTY PERCENT (20%) OF CONSTRUCTION COST IN CONNECTION WITH THE ISOM FROM RAMSEY TO U.S. 281 METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN

COUNCIL DISTRICT 9; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96577

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN AN AMOUNT NOT TO EXCEED \$21,175.00 PAYABLE TO CIVIL ENGINEERING CONSULTANTS FOR ADMINISTRATIVE SERVICES IN CONNECTION WITH THE GLIDER & LANDING - GUNSMOKE TO LOOP 410 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 6; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 87782, MAY 14, 1998.)

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AN ORDINANCE 96578

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT DISPOSAL RATE PROPOSALS AND TO EXECUTE SPECIAL WASTE DISPOSAL AGREEMENTS WITH WASTE MANAGEMENT, INC., AND BROWNING FERRIS, INC., IN AMOUNTS OF \$201,500.00 AND \$200,000.00, RESPECTIVELY, FOR LANDFILL DISPOSAL OF REGULATED MATERIALS GENERATED BY THE DAVIS-LAKE DE-SILTING PROJECT, LOCATED IN CITY COUNCIL DISTRICT 3; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96579

DECLARING A 100 FOOT BY 100 FOOT (0.230 ACRE) TEXAS DEPARTMENT OF TRANSPORTATION CHANNEL DRAINAGE EASEMENT SURPLUS TO THE CITY'S NEEDS AND, CONCURRENTLY, ACCEPTING A 15 FOOT BY 138 FOOT (0.0478 ACRE) CHANNEL DRAINAGE EASEMENT ADJACENT TO AND EASTERLY OF BLANCO ROAD, FROM BLANCO MARKET LIMITED PARTNERSHIP.

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AN ORDINANCE 96580

AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE TO ONE (1) PARCEL IN THE AMOUNT OF \$24.00 AND AUTHORIZING THE EXPENDITURE OF \$100.00 FOR A RIGHT OF ENTRY AGREEMENT, FOR A TOTAL SUM OF \$124.00, PAYABLE TO BPP LUBBOCK, INC., A TEXAS CORPORATION, IN CONNECTION WITH THE BAETZ - MOURSUND TO PLEASANTON COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96581

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF ONE (1) FEE SIMPLE TITLE OF PRIVATELY OWNED REAL PROPERTY CONTAINING 117.90 SQUARE FEET BEING OUT OF LOT 6, BLOCK 6, NEW CITY BLOCK 8902, SOUTH SAN ANTONIO SUBDIVISION, SAN ANTONIO, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, NAMELY THE CONSTRUCTION OF FAY - PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 5; AND AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS.

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ORDINANCE 96582

AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,173.90 TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS - HAUSMAN TO DEZAVALA PROJECT (\$87.00), BASSE ROAD AND SAN PEDRO INTERSECTION METROPOLITAN PLANNING ORGANIZATION PROJECT (\$165.70), BITTERS ROAD - WEST AVENUE AT HEIMER METROPOLITAN PLANNING ORGANIZATION PROJECT (\$918.00), SALADO CREEK GREENWAY (HIKE & BIKE) PROJECT (\$567.20), SOUTHCROSS BLVD. - NEW BRAUNFELS TO PRESA METROPOLITAN PLANNING ORGANIZATION PROJECT (\$274.00), AND THE THOUSAND OAKS INTERSECTIONS METROPOLITAN PLANNING ORGANIZATION PROJECT

(\$162.00); REVISING THE PROJECT BUDGETS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96583

AUTHORIZING THE EXECUTION OF AN RENEWAL AND EXTENSION OF THE LEASE AGREEMENT ORIGINALLY APPROVED BY ORDINANCE NO. 86833, DATED OCTOBER 23, 1997, AND PREVIOUSLY RENEWED AND EXTENDED FOR TWO YEARS PURSUANT TO ORDINANCE NO. 92772, DATED OCTOBER 26, 2000, WITH WASHINGTON PLACE JOINT VENTURE D/B/A WASHINGTON PLACE TO RENT APPROXIMATELY 6,050 SQUARE FEET OF OFFICE SPACE LOCATED AT 215 S. SAN SABA STREET FOR A PERIOD OF SIXTY (60) MONTHS BEGINNING NOVEMBER 1, 2002 AND ENDING OCTOBER 31, 2007, AT A TOTAL COST OF \$339,912.00 FOR AN AVERAGE ANNUAL COST OF \$67,982.40 FOR THE TERM, WITH AN OPTION TO FURTHER RENEW FOR AN ADDITIONAL FIVE (5) YEARS, SUBJECT TO CITY COUNCIL APPROVAL. (AMENDS ORDINANCE NOS. 86833, OCTOBER 23, 1997; ORDINANCE NO. 92772, OCTOBER 26, 2000.)

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AN ORDINANCE 96584

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LEASE AGREEMENT ORIGINALLY APPROVED BY ORDINANCE NO. 90813, DATED NOVEMBER 4, 1999, WITH SAN ANTONIO BUSINESS TECHNOLOGY CENTER, L.P. FOR THE USE OF AN ADDITIONAL 1,871 SQUARE FEET OF OFFICE SPACE LOCATED AT 301 SOUTH FRIO FOR A PERIOD OF TWENTY-EIGHT (28) MONTHS BEGINNING AUGUST 8, 2002 AND ENDING NOVEMBER 30, 2004, AT A TOTAL COST OF \$78,717.69 FOR AN AVERAGE ANNUAL COST OF \$33,736.15. (AMENDS ORDINANCE NO. 90813, NOVEMBER 4, 1999.)

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AN ORDINANCE 96585

ACCEPTING A DONATION OF 188 LOTS IN THE WHEATLEY HEIGHTS SUBDIVISION ALONG SALADO CREEK AND APPROXIMATELY 62 ACRES OF PROPERTY LOCATED NEAR HUEBNER ROAD AND SALADO CREEK, FROM

RICHARD SCHAEFER, JOHN SCHAEFER AND THE FARMCO TRUST IN CONNECTION WITH A PREVIOUSLY APPROVED COMPROMISE AND SETTLEMENT AGREEMENT; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS, AS FIRST REVIEWED AND APPROVED BY THE CITY ATTORNEY, TO FACILITATE SUCH ACCEPTANCE.

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AN ORDINANCE 96586

AUTHORIZING THE EXECUTION OF A ONE (1) YEAR LEASE AGREEMENT WITH IMEF, A.C., AS LESSOR, FOR APPROXIMATELY 1,613 SQUARE FEET OF OFFICE SPACE AT 3422 LAZARO CARDENAS AVE., SUITE 604, IN GUADALAJARA, JALISCO, MEXICO FOR CASA SAN ANTONIO AT A MONTHLY RENTAL RATE OF \$11,500 PESOS, WHICH IS CURRENTLY EQUIVALENT TO \$1,150.00 U.S. DOLLARS, INCLUSIVE OF THE FIFTEEN PERCENT VALUE-ADDED TAX, FOR THE PERIOD COMMENCING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96587

AUTHORIZING A FIVE (5) YEAR LEASE AGREEMENT WITH CAJUN RIVERPORT, INC. D/B/A BOUDRO'S RESTAURANT FOR APPROXIMATELY 185.85 SQUARE FEET OF RIVERWALK SIDEWALK SPACE IN CITY COUNCIL DISTRICT 1 TO BE USED FOR OUTDOOR DINING PURPOSES FOR ANNUAL RENT OF \$3,880.55 IN YEAR ONE, \$3,969.76 IN YEAR TWO, \$4,058.96 IN YEAR THREE, \$4,170.47 IN YEAR FOUR, AND \$4,281.98 IN YEAR FIVE.

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AN ORDINANCE 96588

AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND THE FREE TRADE ALLIANCE SAN ANTONIO IN THE AMOUNT OF \$150,000.00 FOR THE FISCAL YEAR 2002-2003.

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AN ORDINANCE 96589

AMENDING ORDINANCE NO. 92274, PASSED ON AUGUST 10, 2000, WHICH ACCEPTED A GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE, TO ACCEPT FOURTH YEAR FUNDING IN THE AMOUNT OF \$13,294.27, TO ASSIST IN THE PURCHASE OF BALLISTIC VESTS FOR LAW ENFORCEMENT PERSONNEL. (AMENDS ORDINANCE NO. 92274, AUGUST 10, 2000.)

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AN ORDINANCE 96590

AUTHORIZING THE CITY MANAGER, OR HER DESIGNATED REPRESENTATIVE, TO ACCEPT A \$5,300.00 SUPPLEMENTAL GRANT FOR THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) DIRECTOR'S ADMINISTRATIVE SUPPORT ELEMENT FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY ("ONDCP") FOR THE GRANT PERIOD FROM JANUARY 1, 2002 THROUGH DECEMBER 31, 2002.

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AN ORDINANCE 96591

AUTHORIZING THE CITY MANAGER, OR HER DESIGNATED REPRESENTATIVE, TO ACCEPT A \$49,536.00 SUPPLEMENTAL GRANT FOR THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) MULTI-AGENCY DRUG COURIER & APPREHENSION TASK FORCE FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY ("ONDCP") TO FUND LEASE AND UTILITY CHARGES FOR THE U.S. CUSTOMS OFFICE ELEMENT FOR THE GRANT PERIOD FROM JANUARY 1, 2002 TO DECEMBER 31, 2002. (AMENDS ORDINANCE NO. 95481, MARCH 21, 2002.)

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AN ORDINANCE 96592

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A FUNDING CONTRACT WITH THE WITTE MUSEUM PROVIDING FUNDING IN THE AMOUNT OF \$400,000 FOR CAPITAL IMPROVEMENTS TO

UPGRADE EXHIBITION SPACE TO ENABLE THE WITTE TO PRESENT "AMERICAN ORIGINALS: TREASURES FROM THE NATIONAL ARCHIVES" FROM MAY 31 TO SEPTEMBER 1, 2003; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96593

AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL \$18,574.93 IN CASH FROM THE NATIONAL OPINION RESEARCH CENTER TO EXTEND FUNDING OF THE UNITED STATES DEPARTMENT OF JUSTICE ARRESTEE DRUG ABUSE MONITORING PROGRAM CONDUCTED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT THROUGH SEPTEMBER 30, 2002; AUTHORIZING EXECUTION OF THE SUBCONTRACT MODIFICATION WITH THE NATIONAL OPINION RESEARCH CENTER; AND REVISING THE PROJECT BUDGET ESTABLISHED THROUGH ORDINANCE NO. 94848 PASSED AND APPROVED ON NOVEMBER 1, 2001.

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AN ORDINANCE 96594

AUTHORIZING THE ACCEPTANCE OF AN AMOUNT NOT TO EXCEED \$800.00 IN CASH FROM GLAXOSMITHKLINE PHARMACEUTICALS BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PARTICIPATE IN A HAVRIX(R) VACCINE STUDY FOR THE PREVENTION OF HEPATITIS A IN CHILDREN FROM AUGUST 15, 2002 THROUGH NOVEMBER 21, 2002; AUTHORIZING THE EXECUTION OF THE AGREEMENT; ESTABLISHING THE PROJECT FUND; ADOPTING THE PROGRAM BUDGET; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 96595

ACCEPTING TWO (2) TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, FORMERLY TEXAS NATURAL RESOURCE CONSERVATION COMMISSION, REGIONAL SOLID WASTE PASS-THROUGH GRANTS, TOTALING \$167,407.00 FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS FOR FY 2003;

AUTHORIZING ACCEPTANCE OF ANY AMENDED ALLOCATIONS OF FY 2002 AND FY 2003 GRANT MONIES THAT MAY BECOME AVAILABLE.

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AN ORDINANCE 96596

AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$10,000.00 FROM 1996 HOTEL OCCUPANCY TAX REVENUE BONDS WITH GEORGE C. BALDWIN, ATTORNEY AT LAW OF LLOYD, GOSSELINK, BLEVINS, ROCHELLE, BALDWIN & TOWNSEND, P.C. FOR THE REVIEW AND ANALYSIS OF CLAIMS SUBMITTED BY TODD-FORD, A SUBCONTRACTOR FOR CLARK CONSTRUCTION, IN ASSOCIATION WITH PHASE 1C OF THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT; RATIFYING SERVICES PREVIOUSLY PERFORMED; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96597

AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$73,000.00 FROM 1996 HOTEL OCCUPANCY TAX REVENUE BONDS WITH 3D/INTERNATIONAL (3D/I) FOR THE FORMAL CLAIMS RESOLUTION PROCESS REGARDING TODD-FORD, A SUBCONTRACTOR FOR CLARK CONSTRUCTION, IN ASSOCIATION WITH PHASE 1C OF THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT; RATIFYING SERVICES PREVIOUSLY PERFORMED; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96598

AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO EXECUTE A LICENSE AGREEMENT FOR THE AMERICAN CANCER SOCIETY'S USE OF HEMISFAIR PARK FOR THE 2002 CATTLE BARON'S GALA, A FUNDRAISING EVENT, IN CONSIDERATION OF A RENTAL FEE OF \$1,500.00; AND AUTHORIZING THE TEMPORARY STREET CLOSURE OF A PORTION OF SOUTH ALAMO STREET ON SATURDAY, NOVEMBER 9, 2002.

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AN ORDINANCE 96599

REAPPOINTING MARIANNA CHANDLER JONES TO THE HISTORIC AND DESIGN REVIEW COMMISSION (DISTRICT 7) FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 31, 2004.

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AN ORDINANCE 96600

APPOINTING TITO ESCOBAR TO THE SAN ANTONIO YOUTH COMMISSION (DISTRICT 7) FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2004.

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AN ORDINANCE 96601

APPOINTING CYNTHIA CHATELAINE TO THE SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY ADVISORY COMMITTEE (DISTRICT 10) FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 20, 2004.

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AN ORDINANCE 96602

APPOINTING JENNIFER M. MORIARTY (DISTRICT 10) AND BRAXTON T. SISCO (DISTRICT 8) AS TRUSTEES TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR TERMS OF OFFICE TO EXPIRE ON MAY 9, 2005.

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96603

ADOPTING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND LUMBERMEN'S INVESTMENT CORPORATION FOR SERVICES IN LIEU OF ANNEXATION CONCERNING THE LUMBERMEN'S PROPERTY IN BEXAR COUNTY, TEXAS, INCLUDING THE EXHIBITS TO THE AGREEMENT WHICH

INCLUDE PROPERTY DESCRIPTIONS, MAPS, A DECLARATION OF RESTRICTIVE COVENANTS (WITH AN INCORPORATED GOLF COURSE ENVIRONMENTAL MANAGEMENT PLAN), A FIREFIGHTING SERVICES AGREEMENT, A LANDOWNER'S CONSENT TO ANNEXATION AND A WAGE STANDARDS AGREEMENT, AMONG OTHER DOCUMENTS, AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS TO IMPLEMENT THE AGREEMENT AND AMENDING THE THREE-YEAR ANNEXATION PLAN IN ACCORDANCE WITH THE TERMS OF THE AGREEMENT.

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

Mr. Chris Brady, Assistant City Manager, narrated a slide presentation on the agreement between the City of San Antonio and Lumbermen's Investment Corporation. He outlined the annexation schedule, annexation of LIC tracts, consent to annexation, declaration of restrictive covenants, Geologic Assessment Committee. He also outlined the appointment of the Compliance Review Team, development regulation, issues on impervious cover, and the 500 acres for use of golf courses or open space. He expounded on fire protection services, conservation easements, issues on political subdivisions, noting that no public improvement districts with power to tax or issue debt without the City's written consent could be established. He expounded on the amendment to the major thoroughfare plan, vested rights, cause for termination, and the golf course environmental management plan. He further spoke of a cost benefit analysis based on sensitivity, other taxing entity benefits over the next 15 years, wage standard, summarizing on the public presentations.

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

Mr. Scott Halty, SAWS, presented the environmental management plan, identified concerns, and the established criteria for the protection of the Aquifer. He outlined the design, main revisions to the plan with regard to impervious cover requirement, water quality monitoring plan, stormwater construction plan, materials management including storage tanks, on-site septic facilities, integrated pest management plan, nutrient management for irrigation, monitoring schedule by SAWS, which represents one of the most restrictive plans, corrective actions to maintain safe drinking water standards and Texas Surface water quality standards.

(Mayor Garza returned to the meeting and presided.)

Ms. Kelly Neuman, SAWS, spoke on the provisions of water for the Lumbermen's tracts. She expounded on the provision agreements noting SAWS will own and operate Trinity wells, and that the wells will be operated in accordance to SAWS, and at SAWS standard rates. She stated the most significant change was the use of Trinity wells under SAWS.

The following citizen(s) appeared to speak:

Sister Gabrielle Lohan, Metro Alliance, spoke to the protection of the Edwards Aquifer, noting that the Council must assure that all protections are put in place as soon as possible.

Father Walter Deehan, Sacred Heart Church, COPS, spoke to the current PGA agreement, and the living wage, noting that it was a major improvement and accomplishment, and commended Mayor Garza for the efforts to assure this was included in the current agreement. He then read a prepared statement from Archbishop Patrick Flores with regard to the water safety and the living wage, and commended the organizations working together to accomplish this endeavor, and urged the Council to address and implement the concerns of Mr. Blackburn to protect the recharge zone, as well as to the citizens of San Antonio.

In response to Mayor Garza regarding the time allowed to speak as an organization, City Attorney Andrew Martin, stated that the Mayor could establish rules for the speakers.

The Greater San Antonio Chamber of Commerce representatives:

Ms. Barbara Burn Hawkins, on behalf of business coalition group of 18 members, noting the organizations who comprise the organization spoke in support, adding that the dialogue was important to allow citizens to speak for and against the issue. She stated that economic development is the life of any City, and it is important to San Antonio, urging the City Council to vote in support of the PGA.

Mr. Henry Cisneros, commended members of the City Council for allowing the openness and allowing the citizens to address this issue, and the Mayor for his leadership, and due diligence. He spoke of the issues brought forward, and the Blackburn report, and stated that he believed that what has been formulated will protect the Aquifer, the monitoring, and continued attention will protect the water supply. He added that the second important issue is the agreement, and the wage commitment, a voluntary concession on behalf of PGA and the hotel, noting it was now in writing and a commitment. He further noted that in the final analysis, it is important to bring the City back together to bring all elements together, an important advance to San Antonio, the internationally sought facility to San Antonio, which will set the precedent for other developers.

Mr. Joel Karin, spoke in regard to the new Commission and the results to be presented to the community, and expressed concern on the development over the Aquifer, and in opposition to the PGA development.

Mr. Rene Saenz, and Joleen Garcia, representing Save Our Aquifer, urged the Council to do the right thing, and reject the Lumbermen's non-annexation agreement or let the citizens exercise the voting right earned. Mr. Saenz spoke of the petition process and the 107,000 petitioners.

Mr. Joleen Garcia spoke on the grandfathering and exemption from developing limited ordinances. She further expressed concern on the accelerated growth in the area with adoption of the PGA village plan, noting the poor safety and environmental record of Lumbermen's and Temple-Inland, adding that the non-annexation was bad business.

Mr. Elginio Rodriguez, noted there were no rules or policies for fire protections services; noted issues that were brought up during the petition process, citing various contamination incidences.

Mr. George Rice, expressed concern on the degradation of the Aquifer with the PGA development.

Ms. Maria Antonietta Berriozabal, spoke of the petition process, the number of signatures collected, and the Council ignoring the wishes of the citizens. She added that lobbyists come before the Council and get what they want, and yet the 107,000 signatures of the citizens are ignored.

Ms. Margaret Greco, spoke in opposition to the PGA development, and urged for protection of the Aquifer.

Mr. Faris Hodge, Jr., 140 Dora, expressed concern on the lobbyists, and the taxes that should be paid by LIC.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, cited the state constitution, and the rights of the people, and the right to vote.

Mr. Jerry Green, Edwards Aquifer Authority, spoke in opposition to the PGA, and stated that it was a risk to the Aquifer and noted he would continue to work for the protection of the recharge zone.

Mr. Jim Koch, District 7 resident, spoke in opposition to the PGA, and urged the Council to vote in opposition.

Mr. Jack M. Finger, P.O. Box 12048, spoke to the petition process, and urged the Council not to approve the PGA agreement.

Mr. Jeff Farar, representing Neighborhoods near Evans Rd and Bulverde Rd., stated it was the right choice for the City of San Antonio, and urged Council to approve the proposed ordinance

Mr. Charles English, Jefferson Heights, urged the Council to allow the citizens to vote on this issue, citing the 107,000 signatures collected by the citizens.

Mr. Tom Pryblyloski, representing homeowners in the community, applauds the efforts of San Antonio, and spoke in support of the PGA project.

Ms. Leticia Vela, spoke of the contributions received by City Council, citing some of the firms who have made contributions.

Ms. Nancy Englebert, spoke in support of the PGA development, which will be good for the City of San Antonio.

Ms. Mary Lee Buettinger, urged the Council to vote for the PGA.

* * * *

Mayor Garza stated he was pleased to have the vote on the non-annexation agreement, which has been debated for over a year, noting the pros and cons, issues and concerns that exist within the community which have been addressed. He noted it was now the decision of elected officials, and stated he was confident that the agreement represents the issues and concerns and priorities of the City. He added that because of concerns of the Council, and citizens the issue of a taxing district were terminated, but at no time was there a strong opposition to bringing PGA to San Antonio. He stated that members of the Council and staff looked at options that articulated issues of the community, such as aquifer protection, an issue debated and one which will continue to be debated, the challenge of EAA to become more active and aggressive. He acknowledged the issue of bringing economic development, environmental concerns, and the assistance to the working families. He stated the referendum process was a great effort, however took exception for those individuals that claim to represent every individual who signed the petition. He further recognized COPS, which has been willing to address in positive ways those issues and concerns of the citizens. He stated he believed that the non annexation agreement was good public policy, that the merits of non annexation agreement will address and build standards that are not in place today, and hopefully will address all of the recharge zone. He emphasized that the Council strongly believes in the living wage, as it is in the budget for City employees, adding that PGA, hotels, and LIC

have mutually accepted a living wage agreement. He applauded COPS, and the Chamber for their support, adding that the citizens want to see some movement in a positive way, where economic development, the living wage, and safety issues are addressed. He urged Council colleagues to vote in favor of this Ordinance.

Mr. Garcia, spoke of the new plan before the Council, stated that while a vote would be here for the citizens of San Antonio, a lot of people would still be excluded, those citizens that live adjacent to the subject area, noting they would not have the opportunity to vote. He stated that a vote would leave out so many people that do not live in the City, but live over the Aquifer, and it would not be fair to those individuals. He commented on COPS/Metro, being in favor, in addition to Archbishop Patrick Flores, adding that the majority of the citizens of his district were in support of the PGA development. He spoke of the restrictions that guarantee the protection of the Aquifer, restrictions above the norm for the Aquifer. He stated this is a financial good deal, and will not cost the City and taxpayers anything, but over the years when the PGA starts making money, millions of dollars will go to the University Health System, which will benefit the residents of District 5 and the community. He stated that ACCD will also be receiving monies, in addition to the jobs that will provide a living wage, and the monies to benefit the City. He reiterated that a vote in the City of San Antonio would not be fair because of the number of citizens in the County and being directly affected.

In response to Councilman Sanders, Mr. Scott Halty, SAWS spoke to the present standard of the quality of water.

Councilman Sanders stated that he would be in favor of this agreement if the present standard of the City's present quality of water would be in place. He also urged that a corrective action be included as originally presented in the agreement.

In response to Councilman Sanders, Mr. Halty spoke to the number of persons who will be responsible for the enforcement aspects of this agreement.

Councilman Sanders also asked that the plan have a review and endorsement of the Edwards Aquifer authority as well as the Texas Water Quality Board (formerly TNRCC); and asked for Council concurrence.

Councilwoman Conner spoke of the demeanor of the citizens, noting the lack of information to the public. She spoke of the documents presented.

In response to Councilwoman Conner regarding the proposed issue to be voted upon, Mr. Brady stated the vote will be on the agreement between the City and LIC for services and does include the golf course, environmental protection plan, and the restricted covenants that must be abided by.

Mr. John Pierret, LIC, stated there are minor wording changes, but nothing substantive to the agreement.

Councilwoman Conner spoke of Mr. Blackburn's letter, there are still issues with regard to standards, lowering of water quality, presently it is not as high as present aquifer levels, and would like to see that change. She added that EAA is not in the document, and would like to have them as part of assessment, in terms of water quality, and there still needs to be some improvements.

In response to Councilwoman Conner regarding issues at year 16, Mr. Halty, stated that the sampling, surface water sampling will continue as long as the golf course is in operation. He stated that for ground and surface water, no funding will have to be picked up by SAWS or the City. He further amplified that homeowners and hotels can only use organic and biological means, deed restrictions will be in place and will have enforcing authority by SAWS. He added there was a master plan last year and would be altered based on the plan approved today. He further spoke on the monitor wells, one which was in the southern Edwards portion, and that they were spread out in the development.

In response to Councilwoman Conner, Mr. Brady, stated there is a list of services that the City will provide in year 16, noting that the UDC in this development plan must be followed, the only time or condition is if for some reason they terminate the agreement before the hotel completion.

Councilwoman Conner stated her goal is to protect the Aquifer, and noted the PGA was good for the City, although citing the first agreement as better, would support, however there are some things that need to be reviewed and changed. She noted she would like to see any changes made by all parties before the agreement is signed. She made a motion for amendment that subject to SAWS and LIC, executing approval of the water provision agreement before any signatures are affixed. Additionally that before the City Manager's signature is placed on the development agreement, Council receives a full written report on any and all changes that have occurred in the preparation of the final agreement. Councilwoman Moorhouse seconded the motion.

Councilman Castro noted that San Antonio will continue to be an attractive site for business, as a City of over 1 million people, especially with the biotechnology and military presence, its proximity to the Mexican border, and bilingual/bicultural community. He cited Toyota as an example business who has expressed its interest to San Antonio. He added that San Antonio has so much going for it and will continue to do so, with all that it has to offer. He expressed concern on the lack of time to review important issues in the agreement, and the need to have opportunity to review the documents.

In response to Councilman Castro regarding the monitoring of fertilizer use, Mr. Halty elaborated on the monitoring stations, and the role that SAWS will play outlining the grab sampling, the use of monies for the monitoring, adding that if there is a problem, there will be a continuing sampling, strong enforcement and a surveillance unit. He stated he was confident that staff will be able to pinpoint any problems, further citing enforcement through deed restrictions which was written in the document, and although the surveillance is not in writing, but is considered as monitoring. He further spoke to the restrictions of septic tanks.

In response to Councilman Castro on the conservation easements, Mr. Brady spoke of the acreage requirements. Mr. Brady further explained the termination rights, stating that if the developer terminates, the agreement will go back to permitted uses today.

Councilman Castro cited some minor changes to the agreement, noting the SMBDE goals and whether there was any language inclusion in the agreement.

Mr. Bryan Choate, stated this issue was presently under review by the Attorney's Office, and not yet determined.

Mr. Bill Kaufman, representing LIC, sated this issue was never negotiated, as it is a non-annexation, however noted the City guidelines could be imposed on the construction agreement.

In response to Councilman Castro with regard to SMBDE goals, and whether LIC is willing to include meeting the SME goals that is included in every agreement that has some public subsidy, Mr. John Pierret, LIC, stated in principle there is no problem and believes it can be incorporated into the document within 24 hours.

Councilman Barrera stated he was in favor of development with regulation over the recharge zone, even though this area is not in the City. He spoke in favor of controlled development where a wage standard was also included, and that it will follow with increases, noting this was commendable. He cited the benefits for the other entities, however was concerned with Mr. Blackburn's statement on the effects of development over the recharge zone. He added this should not be taken lightly and voiced his support of Ms. Conner's amendment.

In response to Councilman Schubert regarding the monitoring of pesticides over the recharge zone, Mr. Halty stated there are provisions for monitors in five different locations over the recharge zone, other than that there is nothing else, noting some of the residences have been there over 25 years. He stated they would try to watch for violations through citizens' complaints. With regard to industrial monitoring, he stated

that staff looks at industries and discharges, and that there is nothing else like this over the recharge zone.

In response to Councilman Schubert regarding recycling, Mr. Brady clarified issues on events of recycling. He added that after the 15 years, there will be taxes, which can cover the monitoring, and that revenues will increase the fund flow.

Councilman Schubert stated that since November of last year, there has been countless hours to hear the citizens' concerns on water quality, environmental protection, hundreds of communications have taken place, noting that every citizen has had the opportunity to voice their opinion, while there may not be in agreement. He stated that from an economic standpoint, this is a great opportunity for the community, job opportunities, increase in hub business, tourism industry, noting it was not the same agreement, however cited the petition process, the choice of whether to rescind or have the vote. He stated that the ordinance was rescinded.

Councilman Martin emphasized one most important issue, that this area is not in the purview of San Antonio. He stated he has always advocated to not have more annexation because of the services that need to be provided, however cited the environmental controls that would be in place to protect the Aquifer. He added he wants to make sure that everything is reviewed before final approval.

Councilman Perez reiterated on the debates and when they first began, noting this land was on the ETJ, and was land that is owned by private parties, where development would occur. He stated there needs to be opportunity to regulate development over the ETJ, and to make efforts to regulate this area.

Councilman Carpenter commended City staff who has worked diligently on this agreement, noting that the document was late because of negotiations that were still ongoing. He recognized the Mayor on getting the living wage resolved, adding that although it was not perfect, and there were still some issues to be reviewed, this was a great opportunity for the City and would bring much revenue to the community. He further encouraged the Edwards Aquifer Authority to step up and be the responsible one for protection of the Aquifer.

The amendment to the motion as presented by Councilwoman Conner was approved by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** Castro. **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.

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(At this point, Mayor Garza was obliged to leave the meeting. Mayor Pro Tem Carpenter presided.)
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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96604

AUTHORIZING THE ALLOCATION AND EXPENDITURE FROM HUMAN DEVELOPMENT SERVICES FUNDS AND THE EXECUTION OF AN AGREEMENT WITH SAN ANTONIO GATEWAY CORRIDOR, INC. FOR THE DEVELOPMENT OF A COMPUTER ANIMATED PRESENTATION ILLUSTRATING VARIOUS MODIFICATIONS IN THE SAN ANTONIO ZOO AREA; AND PROVIDING FOR PAYMENT, AS REQUESTED BY COUNCILMAN CARROLL W. SCHUBERT, DISTRICT 9.

* * * *

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

Mr. Henry Ross, Assistant Director of Community Initiatives, introduced Mr. John Thurman from the San Antonio Gateway Corridor who made the presentation.

Mr. John Thurman, representing the Gateway Corridor Commission, narrated a slide presentation, a copy of which is on file with the papers of this meeting. He noted the mission of the organization was to create a beautiful gateway between the San Antonio Airport and downtown, capturing the dynamic spirit of the City and showcasing the San Antonio Zoo through its portrayal of wildlife and contemporary three dimensional art. He stated that the project they were proposing had not been done anywhere else in the world.

Councilman Schubert thanked Council colleagues for their support, and noted that after he met with the people involved and saw the sketches, it was apparent to him that this unique project has the ability to transform what 281 would look like.

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

— — —
2002-39 The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-39-38

ACKNOWLEDGING USE OF THE MATRICULAR CONSULAR ISSUED BY THE MEXICAN CONSULATE AS A FORM OF IDENTIFICATION FOR CITY PURPOSES.

* * * *

Councilman Sanders made a motion to approve the proposed Resolution. Councilman Barrera seconded the motion.

Mr. Andrew Martin, City Attorney, acknowledged that the Matricula Consular was a form of identification issued by Mexican Consulates throughout the country and available to Mexican nationals who reside in the United States. He noted that this resolution would authorize and direct the City Manager to determine for which City services this identification would be appropriate.

Councilman Garcia stated he had met with the Mexican Consul, and concurred this would be helpful to the citizens of Mexico who are here working or visiting, and that it would also be helpful to the citizens of San Antonio. He urged Council to move forward with this item.

Councilman Barrera recognized the Mexican Consul General, Carlos Vidali who was present in the audience. Councilman Barrera further expressed his approval of the Matricula Consular, and noted that it would serve law enforcement and banking institutions at a time when national security is very important.

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

2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96605

AUTHORIZING THE EXECUTION OF THE FOLLOWING TWO (2) AGREEMENTS WITH CENTRO ALAMEDA, INC., A TEXAS NON-PROFIT CORPORATION: 1) AN AMENDMENT TO THE LEASE AGREEMENT ("MASTER LEASE") TO MODIFY THE COMPLETION DATE FOR THE PLANNED IMPROVEMENTS TO THE ALAMEDA THEATER FROM OCTOBER 2003 TO DECEMBER 2005; AND 2) A CAPITAL IMPROVEMENTS FUNDING AGREEMENT NO. 2 WHICH OUTLINES THE PROVISIONS FOR THE RELEASE OF CITY FUNDS FOR THIS PROJECT, LOCATED IN THE 300 BLOCK OF WEST HOUSTON STREET.

* * * *

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

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation on the planned improvements to the Alameda Theater, a copy of which is on file with the papers of this meeting. She noted that the purpose of this Ordinance is to amend the lease agreement, and modify the completion date and milestones for the Alameda Theatre improvements. Following the slide presentation, Ms. Waldman called upon Mr. Henry Munoz, III to further expand upon their project.

Mr. Henry Munoz III, Board Member of Central Alameda Inc., thanked the Council for their ongoing support of the project. He noted how busy the group has been, and how careful they have been in progressing through the project and planning the future of the Alameda.

Mr. Bob Krindon, Vice-President of the Board of the Alameda and President of Project Control, spoke about the future of the Alameda and detailed the history of the study of the Alameda, which eventually turned into the "Master Plan." He noted that as a result of the Master Plan, they moved towards a theatre study called "next steps." He stated that they worked closely with Asset Management, and simultaneously, with the help of the City and a Kronkowski Grant that they worked on an operations plan. He added that they hired an independent consultant named Herb Sprouse who has worked on renovations of theatres and historic houses throughout the country, and recently completed his study on the Alameda. Mr. Krindon stated that they have begun reviewing this completed study with the Kennedy Center, and it will serve as the basis of how they will move forward with the theatre.

Mr. Munoz indicated that this was the first formal partnership with the Kennedy Center, which has given birth to their art program. He noted that the City is doing something that other cities have not been able to accomplish. He further detailed grants that had been given to them for this project.

Councilman Perez thanked Mr. Munoz for the presentation, and noted how this project will make this portion of the City more beautiful.

Councilman Garcia thanked Mr. Munoz and Mr. Krindon for their work on this project, and stated that this project would help the City.

Councilman Sanders concurred with Councilman Garcia, and thanked City staff for their work on the lease agreement. He commended Mr. Munoz' and Mr. Krindon's ability to communicate their message to make this project a reality.

Councilman Barrera thanked Mr. Munoz for his leadership and for what the Alameda will do for the City.

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

2002-39 ZONING CASES - CITIZEN COMMENTS

Mr. Faris Hodge, Jr., 140 Dora, spoke to various zoning cases.

Mr. Jack M. Finger, P.O. Box 12048, spoke to various zoning cases.

2002-39 ZONING CASES

4A.) CASE NUMBER #Z2002108CS - The request of Jerry Arredondo, Applicant, for Dean Foods/Southern Foods Group L.P. (aka Oak Farms)- Hugo Andrade, Owner(s), for a change in zoning from "R-4" Residential Single Family District and "C-3R" Commercial District Restrictive Alcoholic Sales to 1. "R-4 C" Residential Single Family District with a conditional use permit for a non-commercial parking lot on the

north 30 feet of Lots 4, 14, 15, 16, 17, 18, 19 and the north and west 30 feet of Lots 5 and 13, and the north 30 feet of the west 30 feet of Lot 20, Block 1, NCB 3243 2, "I-1 S" General Industrial District with a specific use authorization for bottling and processing of milk and cream products on Lots 4, 5, and 13 through 21, save and except the north 30 feet of Lots 4, 14, 15, 16, 17, 18, 19 and the north and west 30 feet of Lots 5 and 13, and the north 30 feet of the west 30 feet of Lot 21, Block 1, NCB 3243 on Lots 4, 5, 13, 14, 15, 16, 17, 18, 19, 20, and 21, Block 1, NCB 3243. 211, 219, & 225 Moberly and 1418 & 1424 West Summit Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Perez requested to hear from the opposition.

The following citizen(s) appeared to speak:

Mrs. Iris Metzger indicated that she was in opposition to the proposed zoning problem, because of the noise, adding that the wall would not help her much because her house sits above sea level.

Mrs. Charlotte Kahl spoke in favor of the zoning case, and urged Council to approve it.

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Councilman Perez recognized a representative from State Representative Mike Villarreal's office, who was present in the audience, and noted that Mr. Villarreal's office got involved in many of the negotiations. He said that this was a case that they took up two weeks ago, where he gave direction to the applicant and the neighborhood associations to go back and make written modifications to the agreement to ensure that all neighborhood associations signed off on it. This document was made part of the record. He also stated that Oak Farms would be a "good neighbor," and made a motion to approve the proposed Ordinance. Councilman Garcia 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, Garcia, Barrera, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Castro, Garza.

AN ORDINANCE 96606

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 THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "R-4 C" RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE PERMIT FOR A NON-COMMERCIAL PARKING LOT ON THE NORTH 30 FEET OF LOTS 4, 14, 15, 16, 17, 18, 19, THE NORTH AND WEST 30 FEET OF LOTS 5 AND 13, AND THE NORTH 30 FEET OF THE WEST 30 FEET OF LOT 20, BLOCK 1, NCB 3243; AND "I-1 S" GENERAL INDUSTRIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR BOTTLING AND PROCESSING OF MILK AND CREAM PRODUCTS ON LOTS 4, 5, AND 13 THROUGH 21, SAVE AND EXCEPT THE NORTH 30 FEET OF LOTS 4, 14, 15, 16, 17, 18, 19, THE NORTH AND WEST 30 FEET OF LOTS 5 AND 13, AND THE NORTH 30 FEET OF THE WEST 30 FEET OF LOT 20, BLOCK 1, NCB 3243 ON LOTS 4, 5, 13, 14, 15, 16, 17, 18, 19, 20, AND 21, BLOCK 1, NCB 3243, 211, 219, & 225 MOBERLY AND 1418 & 1424 WEST SUMMIT AVENUE,

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SECTION 2: The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

SECTION 3: The City Council approves this Special Use Permit subject to the following conditions:

- 1) A Type C Buffer described in Section 35-510 shall be constructed and maintained along the north property line of Lots 4, 14, 15, 16, 17, 18, 19, the north and west property line of Lots 5 and 13, and the north 15 feet of the west 15 feet of Lot 20. Security lighting shall be placed within the landscaped buffer and directed in a manner that promotes the safety of the surrounding residences.
- 2) A building permit for the construction or expansion of any industrial use on the property shall not be issued until a 12 foot high screening wall and noise barrier is erected along the boundary of the buffer 15 feet from the north property line of Lot 13, and 15 feet from the north 15 feet of the west 15 feet of Lot 20. The noise barrier shall be constructed in accordance with the standards for a residential noise barrier contained in the latest edition of the Texas Department of Transportation Guidelines for Analysis and Abatement of Highway Traffic Noise. The noise barrier will be maintained with climbing vines to improve the aesthetic quality of the barrier. The existing wall paralleling the north property line of Lots 4 and 5 and the west property line of Lot 5 shall also be maintained with climbing vines.

3) Primary ingress/egress to and from the site shall be from the Interstate Highway 10 frontage road.

4) Lighting shall be placed within the landscaped buffer and directed in a manner that promotes the safety of the surrounding residences.

SECTION 4: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 – 491.

SECTION 5: The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

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4B.) CASE NUMBER #Z2002182 - The request of Kaufman & Associates, Inc., Applicant, for Samuel Panchevre - 2730 N.W. Loop 410 L.L.C., Owner(s), for a change in zoning from "R-4" Residential Single-Family District and "O-2" Office District to "C-2 NA" Commercial Non Alcoholic Sales District on Lots 21 and 23, Block 62, NCB 10591, 2730 N.W. Loop 410. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Perez made a motion to approve the proposed rezoning. Councilman Garcia 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, Garcia, Barrera, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Castro, Garza.

AN ORDINANCE 96607

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 21 AND 23, BLOCK 62, NCB 10591, 2730 N.W.

LOOP 410, FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "O-2" OFFICE DISTRICT TO "C-2 NA" COMMERCIAL NON ALCOHOLIC SALES DISTRICT.

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4C.) CASE NUMBER #Z2002184 - The request of City of San Antonio, Applicant, for City of San Antonio, Owner(s), for a change in zoning from "C-3 HS NA " Commercial Historical Significance Non Alcoholic Sales District to "IDZ HS" Infill Development Zone Historical Significance with uses permitted in "C-1" Commercial District, and "MF-25" Multi-Family District on Lots 1 and 2, Block A, NCB 2556, 1102 South Flores Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Perez made a motion to approve the proposed rezoning. Councilman Garcia 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, Garcia, Barrera, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Castro, Garza.

AN ORDINANCE 96608

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 AND 2, BLOCK A, NCB 2556, 1102 SOUTH FLORES STREET, FROM "C-3 HS NA" COMMERCIAL HISTORICAL SIGNIFICANCE NON ALCOHOLIC SALES DISTRICT TO "IDZ HS" INFILL DEVELOPMENT ZONE HISTORICAL SIGNIFICANCE WITH USES PERMITTED IN "C-1" COMMERCIAL DISTRICT, AND "MF-25" MULTI-FAMILY DISTRICT.

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4D.) CASE NUMBER #Z2002185 - The request of San Antonio Housing Authority-Diana Kinlaw, Applicant, for San Antonio Housing Authority, Owner(s), for a change in zoning from "MF-33" Multi-Family District to "IDZ" Infill Development Zone with uses defined in Exhibit "C" on 36.502 acres. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Perez made a motion to approve the proposed rezoning. Councilman Garcia 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, Garcia, Barrera, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Castro, Garza.

AN ORDINANCE 96609

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 36.502 ACRES, FROM "MF-33" MULTI-FAMILY DISTRICT TO "IDZ" INFILL DEVELOPMENT ZONE WITH USES DEFINED IN EXHIBIT "C", A MAP AND FIELD NOTES DESCRIBING THE ABOVE MENTIONED TRACT ARE CONTAINED IN EXHIBIT "B" AND EXHIBIT "C".

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4E.) CASE NUMBER #Z2002076A - The request of City of San Antonio, Applicant, for Theissen Family LTD Partnership, Rosillo Creek Inc., Owner(s), for a change in zoning from "I-1" General Industrial District to "C-2" Commercial District, Lot 6 save and except the northwest 100 feet, Block 1, NCB 17322 and P-32, NCB 17322, P-34, P-32D, P-32B save and except the northwest 100 feet, NCB 17322, P-

33, NCB 17992, P-32A, save and except the northwest 100 feet, NCB 17992, P-32C, P-34, P-34B, P-34C, P-63, save and except the northwest 100 feet, NCB 17993, from "I-1" General Industrial District to "R-6" Residential Single Family District, P-38, P-38B and P-36B, NCB 12867, on I.H. 10 East Expressway Corridor. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Sanders requested for a 30-day continuance.

In response to Councilman Sanders' request, Mr. Lozano noted that 30 days for a continuance would be insufficient time.

Councilman Sanders made a motion to continue this rezoning case until the City Council meeting of November 14, 2002. Councilman Garcia seconded the motion.

After consideration, the motion to continue this case until November 14, 2002, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

Zoning Case #Z2002076A was continued to the Council meeting of November 14, 2002.

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4F.) CASE NUMBER #Z2002157 - The request of Standage Partnership, Applicant, for Standage Partnership, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-3 NA S" Commercial District, Nonalcoholic Sales with specific use authorization for a mini-warehouse site over 2.5 acres on Lots 1B thru 13B, Block 6B, NCB 10614, north side of East Houston Street approximately 515 feet east of W.W. White Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

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

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

AN ORDINANCE 96610

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 1B THRU 13B, BLOCK 6B, NCB 10614, NORTH SIDE OF EAST HOUSTON STREET APPROXIMATELY 515 FEET EAST OF W.W. WHITE ROAD, FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3 NA S" COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH SPECIFIC USE AUTHORIZATION FOR A MINI-WAREHOUSE SITE OVER 2.5 ACRES ON THE PROPERTY.

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4G.) CASE NUMBER #Z2002158 S - The request of Viola Morris, Applicant, for A. Bernard Devers I, Owner(s), for a change in zoning from "RM-4 HD" Residential Mixed Historic District to "RM-4 HD S" Residential Mixed Historic District with a specific use authorization for a group day care home on Lot 8 and the west 4 feet of Lot 7, Block L, NCB 1668, 1110 Nolan Street. Staff's recommendation was for denial.

Zoning Commission has recommended denial. (Council District 2)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Ms. Viola Morris spoke in opposition to the proposed zoning case, and further stated that she disagreed with the findings of the Zoning Commission.

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

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

AN ORDINANCE 96611

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 8 AND THE WEST 4 FEET OF LOT 7, BLOCK L, NCB 1668, 1110 NOLAN STREET, FROM "RM-4 HD" RESIDENTIAL MIXED HISTORIC DISTRICT TO "RM-4 HD S" RESIDENTIAL MIXED HISTORIC DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A GROUP DAY CARE HOME.

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4H.) CASE NUMBER #Z2002169 - The request of COSA - Ann McGlone, HPO, Applicant, for Edward L Clark, Owner(s), for a change in zoning to designate Historic Significance on Lot 7, Block 8, NCB 650, 318 Virginia Blvd. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

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

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

AN ORDINANCE 96612

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 7, BLOCK 8, NCB 650, 318 VIRGINIA BLVD., FOR A CHANGE IN ZONING TO DESIGNATE HISTORIC SIGNIFICANCE.

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4I.) CASE NUMBER #Z2002181 - The request of R. Edward Corral, Applicant, for John G. Govind, Owner(s), for a change in zoning from "C-2" Commercial District to "C-2 NA S" Commercial District, Nonalcoholic Sales with specific use authorization for a carwash on .69 acres out of Lot 38, Block 41, NCB 15156, the north side of Medina Base Road approximately 235 feet northwest of S.W. Loop 410. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Martin thanked the staff for their work on this case. He also thanked Mr. Jim Meyer for his work and motioned for an approval. Councilman Garcia seconded the motion.

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

AN ORDINANCE 96613

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 .69 ACRES OUT OF LOT 38, BLOCK 41, NCB 15156, THE NORTH SIDE OF MEDINA BASE ROAD APPROXIMATELY 235 FEET NORTHWEST OF S.W. LOOP 410, FROM "C-2" COMMERCIAL DISTRICT TO "C-2

NA S" COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH SPECIFIC USE AUTHORIZATION FOR A CARWASH.

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4J.) CASE NUMBER #Z2002177 S - The request of Cordi-Marian Sisters, Applicant, for Cordi-Marian Sisters, Owner(s), for a change in zoning from "MF-33" Multi-Family District to "MF-33 S" Multi-Family District with a specific use authorization for a Day Care Center on NCB 6368, Block 5, Lots 19 through 28, 2910 Morales Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 5)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Garcia recognized Sister Matilda, and thanked her along with several Council members for their help on this project, which would be great for the community.

Councilman Garcia 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:** Sanders, Moorhouse, Garcia, Barrera, Conner, Carpenter. **NAYS:** None. **ABSENT:** Perez, Martin, Castro, Schubert, Garza.

AN ORDINANCE 96614

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 19 THROUGH 28, BLOCK 5, NCB 6368, 2910 MORALES STREET, FROM "MF-33" MULTI-FAMILY DISTRICT TO "MF-33 S" MULTI-FAMILY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A DAY CARE CENTER.

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4K.) CASE NUMBER #Z2002127 - The request of Jimmie Leal, Applicant, for Jimmie Leal, Owner(s), for a change in zoning from "C-3 NA" Commercial Non-Alcoholic Sales District to "C-3 R" Commercial Restricted Alcohol Sales District on Lot 19, Block 1, NCB 13598, 4421 Culebra. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 6)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Ms. Rosemary Perez indicated that her neighborhood association wasn't initially involved when this item went to zoning in July. She stated that they do not feel it's appropriate because of the alcohol, even if it's off the premise. She explained to Council how the neighborhood is inundated with off premise and on premise alcohol sales, and how her neighborhood association is for businesses that are more family oriented.

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Councilman Barrera spoke to the association being very active, and thanked them for their leadership but recommended denial. Councilman Garcia seconded the motion.

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

Zoning Case Z2002127 was denied.

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4L.) CASE NUMBER #Z2002148 - The request of Big Fish Development, Applicant, for F. Turner Bowman, 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 Parcel 26F and Parcel 27, NCB 15363, Meadow Way Drive, south of Meadow Trail. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Barrera made a motion to approve the proposed rezoning. Councilman Garcia seconded the motion.

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

AN ORDINANCE 96615

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 PARCEL 26F AND PARCEL 27, NCB 15363, MEADOW WAY DRIVE, SOUTH OF MEADOW TRAIL, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-6 PUD" RESIDENTIAL SINGLE FAMILY PLANNED UNIT DEVELOPMENT DISTRICT.

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4M.) CASE NUMBER Z2002179 - The request of Robert P. Braubach, Applicant, for Robert P. Braubach and Rene Mestdagh, Owner(s), for a change in zoning from "0-2" Office District to "MF-25" Multi-Family District on 3.5397 acres out of NCB 14656, 6039 Whitby Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Barrera made a motion to approve the proposed rezoning. Councilwoman Moorhouse seconded the motion.

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

AN ORDINANCE 96616

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 3.5397 ACRES OUT OF NCB 14656, 6039 WHITBY ROAD, FROM "O-2" OFFICE DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

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4N.) CASE NUMBER #Z2002163 - The request of Jerry Arredondo, Applicant, for George E. Strauch Trust ETAL c/o Joan Seitert, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on north irregular 376.74 of Lot 4, Block 2, NCB 14702, 9093-9097 Huebner Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilwoman Conner 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, Moorhouse, Martin, Barrera, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Perez, Garcia, Castro, Garza.

AN ORDINANCE 96617

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 NORTH IRREGULAR 376.74 OF LOT 4, BLOCK 2, NCB 14702, 9093-9097 HUEBNER ROAD, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

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4O.) CASE NUMBER #Z2002180 C - The request of Oak Hills Properties, Applicant, for Oak Hills Properties, Owner(s), for a change in zoning from "C-2" Commercial District to "C-2 C" Commercial District with a conditional use for an automobile repair shop on Lot 13, Block 1, NCB 13914, 6502 Callaghan Rd. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilwoman Conner made a motion to continue this rezoning case until the City Council meeting of November 14, 2002. Councilman Martin seconded the motion.

After consideration, the motion to continue this case until November 14, 2002, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Barrera, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Perez, Garcia, Castro, Garza.

Zoning Case #Z2002180C was continued to the Council meeting of November 14, 2002.

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4P.) CASE NUMBER #Z2002166C - The request of City of San Antonio, Applicant, for Anthony Ferro, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "R-4 C" Residential Single Family District with a conditional use for a four-plex on Lots 10 and 11, Block B, NCB 10110, 116 Nova Mae Drive. Staff's recommendation was for approval.

Zoning Commission has recommended (pending Zone Commission recommendation on Oct. 15) (Council District 9)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

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

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

AN ORDINANCE 96618

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 10 AND 11, BLOCK B, NCB 10110, 116 NOVA MAE DRIVE, FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4 C" RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR A FOUR-PLEX.

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4Q.) CASE NUMBER #Z2002183C - The request of Kaufman & Associates, Inc., Applicant, for Arthur S. Sitterle Jr., Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "R-5 C" Residential Single-Family District with conditional use for an Administrative Services Office on Lot 10 and 11, Block 22, NCB 13037, 734/738 Sprucewood Lane. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

Councilman Schubert questioned whether or not the conditions were of record.

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

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

AN ORDINANCE 96619

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 10 AND 11, BLOCK 22, NCB 13037, 734/738 SPRUCEWOOD LANE, FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH CONDITIONAL USE FOR AN ADMINISTRATIVE SERVICES OFFICE.

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2002-39 The Clerk read the following Ordinance

AN ORDINANCE 96620

AUTHORIZING THE ACCEPTANCE OF FUNDING IN THE AMOUNT OF \$725,000.00 FROM THE DEPARTMENT OF THE AIR FORCE TO CONTINUE ONGOING SUPPORT FOR THE PUBLIC CENTER FOR ENVIRONMENTAL HEALTH, WHICH IS OPERATED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PURPOSE OF INVESTIGATING THE HEALTH IMPACTS FROM POTENTIAL EXPOSURE TO ENVIRONMENTAL CONTAMINATION RELATED TO THE RELEASE OF HAZARDOUS SUBSTANCES AT THE FORMER KELLY AIR FORCE BASE, FOR THE PERIOD OCTOBER 1, 2002 THROUGH SEPTEMBER 30, 2003; ESTABLISHING A FUND; ADOPTING A BUDGET; APPROVING A PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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

Mr. Frank Blalock, Assistant Director of Health Department, narrated a slide presentation regarding the additional funding for the Public Center for Environmental Health, a copy of which is on file with the papers of this meeting. He detailed a session that they held at Our Lady of the Lake University, where they developed a vision and set goals to address the contamination issues related to Kelly Air Force Base. He spoke to the meetings they've had with many of the citizens in the past few months, where they were able to ask questions and get screened. He further explained the operational process, and discussed the public center and the staff. He discussed FY 2002 activities and how a professor at A&M assisted in the study. He noted they are in the process of coordinating with SAWS. He discussed the different studies that they will be focusing on in FY 2003, and also mentioned what the funds would provide.

Mr. Charles English spoke in favor of this Ordinance, however noting that it would take too much time to educate, and suggested that they address the issues as soon as possible. He urged the Council to listen to the people and their concerns, and further urged Council to speed the process up yet spoke against waiting until 2003.

Councilman Garcia stated that this was a great project, but he didn't understand why people are waiting since this has been an ongoing process. He noted the entire Council has been briefed about Kelly contamination, which was years in the process to the citizenry of Districts 4, 5 and 6. He added that there was medical care for the citizens, and that they were looking to handle the problem efficiently and effectively. He further acknowledged that it was great that the Air Force would be funding this project since they were the ones who originally caused the problem. He spoke to the Center being there so that people can get the medical care that they needed. He urged the Council to accept the money, since it was for a great purpose.

Councilman Barrera thanked Councilman Garcia, and clarified that they were not waiting for 2003 and that this was ongoing.

In response to Councilman Barrera regarding the connection to the Las Palmas Clinic, Mr. Blalock stated that the clinic works with the Center, but its funding was separate, and described the different ways they received funding.

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

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96621

AMENDING THE CITY'S TAX INCREMENT FINANCING (TIF) GUIDELINES AS AMENDED AND APPROVED BY ORDINANCE NUMBER 92710 ON OCTOBER 12, 2000; APPROVING A SCHEDULE OF FEES FOR THE APPLICATION AND PROCESSING OF THE APPLICATIONS AS WELL AS THE ADMINISTRATION OF REINVESTMENT ZONES; ESTABLISHING ONE CENTRAL TIF UNIT WITHIN THE NEIGHBORHOOD ACTION DEPARTMENT TO ADMINISTER ALL RESIDENTIAL AND NEW COMMERCIAL TIF PROJECTS; ESTABLISHING A FUND AND APPROVING A BUDGET; APPROVING A STAFFING COMPLEMENT

FOR THE TIF UNIT FOR A FIRST-YEAR COST OF \$432,350.00; AMENDING THE FY 2002-2003 ADOPTED BUDGET; AND AMENDING THE CITY CODE OF SAN ANTONIO, TEXAS, CHAPTER 6, BUILDINGS, ARTICLE XII, SECTION 6-301 BY ADDING A NEW SUBPARAGRAPH (B) (5) TO INCLUDE TAX INCREMENT FINANCING IN A TAX INCREMENT REINVESTMENT ZONE ESTABLISHED IN ACCORDANCE WITH THE TAX INCREMENT FINANCING ACT. (AMENDS ORDINANCE NO. 92710, OCTOBER 12, 2000.)

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

Mr. David Garza, Director, Neighborhood Action Department, narrated a slide presentation regarding the proposed revisions and improvements to tax increment-financing guidelines, a copy of which is on file with the papers of this meeting. He gave an overview of Tax Increment Financing (TIF), and detailed the current TIF process and explained the steps involved. He further discussed the TIF scrub Team, current status and revised goals. He elaborated on the proposed revisions, including annexation, mixed use requirement, construction and operating costs, commercial use of maximum front setback requirement, detailed illustrations of proposed revision, and the average length of blocks.

Councilman Carpenter mentioned that they had a briefing on this in B session, and looked forward to bringing forth these recommendations.

Councilman Perez thanked Mr. Garza and his staff for their work on this task, and said it was evident that they had spent a lot of time on it. He asked him to clarify if they were new guidelines, and if it would apply to a new application.

In response to Councilman Perez regarding clarification of the new guidelines and application, Mr. Garza stated that they were new, and that it would also apply to current applications as well.

Councilman Perez asked if it would be appropriate to strike certain provisions as they apply because of the phase an application may be in. He pointed out to Council that this would also apply to Tax Increment Funding packets filed in the last 6 months, and asked them to embrace these projects. He stated that it was the right step to take in order to make residential more appealing.

Councilman Garcia concurred with Councilman Perez, and noted that TIF's were great tools, at least for inner cities. He stated that this would work as a great tool to give

incentives to homebuilders and developers, and emphasized that these guidelines are flexible.

Councilman Martin thanked Mr. Garza for his work, and concurred with Councilman Perez. He noted that the new process would make it easier to track projects. He expressed his approval on this project, and stated that he looked forward to future TIF's, that are vital to inner City development.

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

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96622

SELECTING TURNER COLLIE AND BRADEN, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) 2002 FLOOD BUYOUT PROGRAM; AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$36,000.00 FROM STORMWATER OPERATING FUNDS; AUTHORIZING \$3,600.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation regarding the federal emergency management agency 2002 flood buyout, a copy of which is on file with the papers of this meeting. He detailed background information regarding the buyout program, and noted that staff is preparing a formal application to include both the "work element," as well as properties that have been determined as necessary in order to mitigate some of the flooding issues. He further discussed the scope of services of the Turner Collie & Braden, Inc. (TC&B), and discussed the properties to be assessed by TC&B via an illustrated map per each district affected. He stated that this was a one-time capital improvement expenditure.

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

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96623

AN ORDINANCE AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2002 IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$75,000,000; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12, INCLUDING THE APPROVAL AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENTS PERTAINING TO THE ISSUANCE OF SUCH OBLIGATIONS AND APPROXIMATELY \$107,350,000 CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT AND REFUNDING BONDS, SERIES 2002, AND APPROXIMATELY \$24,265,000 CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT FORWARD REFUNDING BONDS, SERIES 2003; AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS, AND CO-BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH OBLIGATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Milo Nitschke, Director of Finance, presented this item, a copy of the power point presentation authorizing publication of the Notice of Intention for the issuance of City of San Antonio Texas Combination Tax and Revenue Certificates of Obligation - Series 2002, Texas General Improvement and Refunding Bonds - Series 2002, and the General Improvement Forward Refunding Bonds - Series 2003, is on file with the papers of this meeting. He spoke to the approval of the notice of publication, offering documents, and other actions related to the sale of bonds and certificates of obligation. He also discussed various proposed findings, and the tentative bond sale and delivery schedule.

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

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2002-39 The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-39-39

A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURES OF FUNDS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES DESIGNATED AS "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2003" AND ANTICIPATED GENERAL OBLIGATION BONDS AS APPROVED AT A FUTURE ELECTION; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

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Councilman Perez made a motion to approve the proposed Resolution. Councilman Garcia seconded the motion.

Mr. Milo Nitschke, Director of Finance, stated that this Resolution would allow the City to reimburse itself with a future bond issue, in the event that we would have to undertake a capital improvement program.

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

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96624

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY SPECIFYING IN SECTION 35-107, RULES OF CONSTRUCTION, WHEN WORKING DAYS AND CALENDAR DAYS APPLY TO THE TECHNICAL REVIEW PROCESS.

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

Mr. Roderick Sanchez, Assistant Director of Development Services, narrated a slide presentation regarding the Unified Development Code (U.D.C.) major plat amendment, a copy of which is on file with the papers of this meeting. He described how the plat process worked, and discussed the issue regarding the current UDC in certain parts, and how it makes references to days without specifying whether they are calendar or working days.

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

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96625

AUTHORIZING PAYMENT TO MARATHON TITLE COMPANY IN THE AMOUNT OF \$1,309,950.00 AS ESCROW AGENT FOR FEE SIMPLE PURCHASE OF A 145.50 ACRE TRACT OF LAND SITUATED BETWEEN THE KYLE SEALE PARKWAY AND BABCOCK ROAD NORTH OF LOOP 1604 IN NORTHWEST BEXAR COUNTY, TEXAS, UNDER THE AUSPICES OF THE PROPOSITION THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT; AUTHORIZING ACCEPTANCE OF A 14.85 ACRE DONATION TRACT ALONG SALADO CREEK FOR THE SALADO CREEK GREENWAY SYSTEM UNDER THE AUSPICES OF THE PROPOSITION THREE CREEKWAY LINEAR PARKS

PROJECT; AUTHORIZING PAYMENT OF \$13,095.00 TO THE BEXAR LAND TRUST FOR ITS SERVICES IN NEGOTIATING, INVESTIGATING AND PURCHASING SAID PROPERTY; AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT TO ACCOMPLISH SAID PURCHASE.

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

Ms. Susan Valis Crane, Special Projects Manager ASLA, narrated a slide presentation regarding the Medallion Tract, a copy of which is on file with the papers of this meeting. She indicated it was in an area of rapid development, and further discussed the illustrations/photos and the acquisition cost and program totals. She noted that upon approval, the closing date is set for November 2002.

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

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96626

AUTHORIZING PAYMENT TO CHICAGO TITLE IN THE AMOUNT OF \$500,450.00 AS ESCROW AGENT FOR FEE SIMPLE PURCHASE OF A 78.39 ACRE TRACT OF LAND SITUATED BETWEEN THE THRIFT RANCH PRESERVE AND MENCHACA ROAD IN NORTHWEST BEXAR COUNTY, TEXAS, UNDER THE AUSPICES OF THE PROPOSITION THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT WITH THE LAND COSTS PAID FROM THE EDWARDS AQUIFER AUTHORITY AND THE SAN ANTONIO WATER SYSTEMS IN EXCHANGE FOR CONSERVATION EASEMENTS ON THE 78.39 ACRE TRACT; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO AND SAN ANTONIO WATER SYSTEM PROVIDING FOR THE JOINT PURCHASE OF A FUTURE PROPERTY MEETING REQUIREMENTS OF BOTH AGENCIES EDWARD'S AQUIFER PROTECTION PROGRAMS; AUTHORIZING PAYMENT OF \$5,000.00 TO THE BEXAR LAND TRUST FOR ITS SERVICES IN NEGOTIATING,

INVESTIGATING AND PURCHASING SAID PROPERTY; AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT TO ACCOMPLISH SAID PURCHASE.

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

Ms. Susan Valis Crane, Special Project Manager ASLA, narrated a slide presentation regarding Thrift Ranch Tract, a copy of which is on file with the papers of this meeting. She briefed Council on the status of acquisitions, and further detailed acquisition maps. She described the various photos of the area.

Councilwoman Conner thanked Susan and her staff, and said that this would be a wonderful place in the near future.

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

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96627

AUTHORIZING PAYMENT TO ALAMO TITLE COMPANY IN THE AMOUNT OF \$284,450.00 AS ESCROW AGENT FOR FEE SIMPLE PURCHASE OF A 50 ACRE TRACT OF LAND SITUATED BETWEEN THE MAYBERY RANCH AND HIGHWAY 211 IN NORTHWEST BEXAR COUNTY, TEXAS, UNDER THE AUSPICES OF THE PROPOSITION THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT; AUTHORIZING PAYMENT OF \$2,840.00 TO THE NATURE CONSERVANCY FOR ITS SERVICES IN NEGOTIATING, INVESTIGATING AND PURCHASING SAID PROPERTY; AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT TO ACCOMPLISH SAID PURCHASE.

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

Ms. Susan Valis Crane, Special Project Manager, ASLA, narrated a slide presentation regarding the Hampton Tract, a copy of which is on file with the papers of this meeting. She discussed the location of the area and the status of acquisitions, and the acquisition costs of the Edwards program and the program totals. She noted that upon approval, the closing date is set for November 2002.

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

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96628

AUTHORIZING THE ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS TO THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO DENTAL SCHOOL (UTHSC) FOR THE PROVISION OF COMPREHENSIVE DENTAL CARE SERVICES TO UNDERSERVED CHILDREN, PREGNANT WOMEN AND TEENAGE MOTHERS AT THE RICARDO SALINAS PUBLIC HEALTH CLINIC OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; ACCEPTING DENTAL EQUIPMENT FROM UTHSC IN CONNECTION WITH THE PROVISION OF SUCH SERVICES; AND AUTHORIZING THE EXECUTION OF ANY AND ALL AGREEMENTS WITH UTHSC IN CONNECTION WITH THE FOREGOING; AS REQUESTED BY COUNCILWOMAN BONNIE J. CONNER AND COUNCILMAN ENRIQUE BARRERA.

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

Mr. Frank Blalock, Assistant Director of the Health Department, narrated a slide presentation regarding the Ricardo Salinas Clinic Dental Program Partnership, a copy of which is on file with the papers of this meeting. He detailed background information regarding the facility, and stated that the dental school would provide services to

underserved children, pregnant women, and teenage mothers from throughout San Antonio. He discussed the projected timelines, and noted that this was a unique delivery model.

Members of the City Council praised the project, noting that this was a phenomenal program, which would benefit all of the City of San Antonio.

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

2002-39 The Clerk read a proposed ordinance accepting the low bid submitted by BFI Waste Services of Texas, L.P. to provide the City of San Antonio with garbage disposal service on an annual contract basis for an estimated amount of \$370,000.00 annually.

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

The City Clerk noted the abstention of Councilman Perez.

Ms. Janie Cantu, Director of Purchasing, narrated a slide presentation regarding the annual contract for Garbage disposal services, a copy of which is on file with the papers of this meeting. She discussed the background of the annual contract, and further discussed the history of the current contract. She discussed the bid summary regarding the competitive sealed bids, and discussed the bid evaluation. She noted that in bid evaluations, the bids were tabulated and vendors were contacted for clarification of bid responses during this phase. She stated that a representative from Waste Management did admit to an oversight in the completion of the bid, so the bid was deemed non-responsive and was disqualified because it was incomplete. Ms. Cantu recommended approval for the low qualified bidder, BFI.

Mr. Joe Ramos, Waste Management, explained the bid they submitted. He stated Waste Management is familiar with the bid process, and that their bid was the lowest qualified bid. He noted that after the bids were open, the Purchasing Department called Waste Management to discuss the bid they submitted, and they came up with ultimate value that they deemed was the lowest bid. He stated the Purchasing Director sent them a letter regarding the decision not to accept their bid. Mr. Ramos clarified that they did not

change their overall bid price, they only clarified it. He further noted that no where did it state that every line item had to be filled in. He urged Council to support opposition, and noted that their bid would be the most advantageous to the City.

In response to Councilman Carpenter, Ms. Cantu indicated the dollar figure was \$6,000. She further stated that the buyer went through and clarified all of the bids. Ms. Cantu informed the Council that Waste Management said that they inadvertently left that blank out, but Ms. Cantu said that they felt it would be unfair to the other vendors because it would have seemed they allowed Waste Management to change their bid, and they cannot make assumptions as to what the bids for the people are. Ms. Cantu further explained the bid process.

In response to Councilman Carpenter's question on whether there was assistance, Ms. Cantu stated that she wouldn't call it "assistance," but rather, verifying the bid.

In response to Councilman Carpenter regarding the bid review and pricing, Ms. Cantu explained that under the terms and conditions, the unit price is the governing price, and only the extensions could be corrected, which is what they go through with the vendors. She further stated that they do not allow the vendors to change their unit price.

Councilman Sanders said he could not support BFI because of all of the violations they have committed. He spoke about an incident that occurred with a family member of his who was awarded a contract, but then was withdrawn. He expressed his disapproval with BFI, and said he could not support them. He acknowledged that he would love to have Waste Management, or anyone else except BFI.

In response to Councilman Garcia on the cost, Ms. Cantu stated that the figure did not change, but said that there was no way for them to determine what Waste Management's bid was because of the figure they left out.

Councilman Garcia recalled a situation that occurred in the past about garbage trucks, and further stated he learned a whole lot about how the bid process works. He commented that the bidding process was either an art or the luck of the draw. He further noted that it was subjective as to who handles that bid, whether they would call to verify something. He applauded their work, but said that it might be something they want to look at.

In response to Councilman Garcia on the bid from Waste Management, Ms. Cantu stated that Waste Management's bid was incomplete.

Mr. Travis Bishop, Assistant City Manager, elaborated on the blank that Waste Management left out on the bid form. He stated that by leaving it blank, they could not tell what they meant, whether it was blank or a zero.

Ms. Cantu explained that it was a competitive sealed bid, not a discretionary bid, so it must be awarded to the lowest bidder. She noted that staff cannot make assumptions with the bids.

Councilman Garcia indicated he understood, but based on his experience with the garbage trucks incident, he noted that there appeared to be a problem with the lowest bid.

In response to Councilman Garcia on the next steps to be taken, Ms. Cantu stated that City Council can either agree with this contract, or they can reject all bids, however noted that there was an issue in regards to timing.

Ms. Lauren O'Conner, Assistant City Attorney, stated that it was a competitive sealed bid, and price was a material factor. She acknowledged that staff did not have the power to waive an irregularity. She explained the bid process, noting that bids are publicly opened. She further stated that if it is ambiguous, then the bid is non-responsive. She further added that if all bids are rejected, she recommended that they go into executive session to discuss the situation.

Ms. Cantu noted the bid was issued September 9, 2002.

Councilman Garcia noted that due to the time constraint, he would be abstaining.

Ms. Cantu further expounded on the bid process.

Councilman Schubert asked about the bid tabulations and the process, and asked Ms. Cantu if staff did the multiplication for the bidders. He further asked specific details about the bids that were submitted, and if their unit price was their bid price. He stated that it was subjective to go back and re-add things for people. He noted this process doesn't make sense to him, and it seemed we were helping people bid on one hand, and not helping them bid on the other hand.

In response to Councilman Schubert on the bid tabulation, process and unit prices, Ms. Cantu noted that staff totaled it out to see what the contract is worth, and in order to do that, they just use the unit price. She then suggested the possibility of just using the unit price, and taking out all other extensions, and this would be their bid price. She explained that the multiplications and extensions are just used to determine what their contract is worth, and that the totals are revealed only after the bids have been opened.

Councilman Carpenter recommended a review of the procedures bring utilized. He further noted that he could not support moving forward with this item.

After discussion, the motion failed by the following vote: **AYES:** Conner, Schubert. **ABSTAIN:** Perez, Garcia. **NAYS:** Sanders, Moorhouse, Barrera, Carpenter. **ABSENT:** Martin, Castro, Garza.

City Manager Terry M. Brechtel, stated that City staff would come back next week with an emergency item so that the services would not be interrupted.

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96629

AUTHORIZING THE EXPENDITURE OF \$550.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT, TO BE USED TO DEFRAY THE COST OF RENTING A SHOW-MOBILE TRAILER FOR THE ST. BONAVENTURE FESTIVAL HELD ON APRIL 7, 2002 IN SAN ANTONIO, TEXAS; AS REQUESTED BY COUNCILMAN ENRIQUE "KIKE" MARTIN, DISTRICT 4.

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

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

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96630

AUTHORIZING THE EXPENDITURE OF \$1,000.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE SOUTH SAN BOBCATS ASSOCIATION TO BE USED TO HELP DEFRAY THE COST OF SUPPLYING THE TEAM WITH NEW JERSEYS AND FOOTBALL PANTS FOR THE POP WARNER FOOTBALL TEAM; AS REQUESTED BY COUNCILMAN ENRIQUE "KIKE" MARTIN, DISTRICT 4.

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

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

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96631

AUTHORIZING THE EXPENDITURE OF \$550.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE PARKS AND RECREATION DEPARTMENT, FOR THE USE OF ONE (1) SHOWMOBILE, WITH SOUND SYSTEM, FOR RESURRECTION OF THE LORD CATHOLIC CHURCH'S ANNUAL FESTIVAL THAT WAS HELD ON JUNE 2, 2002; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

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

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

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96632

AUTHORIZING THE EXPENDITURE OF \$200.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND, PAYABLE TO MAKING A DIFFERENCE, TO BE USED TO HELP DEFRAY THE COST OF FOOD AND SUPPLIES FOR ITS ANNUAL SENIOR JUBILEE TO BE HELD ON SATURDAY, NOVEMBER 16, 2002; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

* * * *

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

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

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2002-39 The Clerk read the following Ordinance:

AN ORDINANCE 96633

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 8 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE SAN ANTONIO SYMPHONY, TO BE USED TO SUPPORT THE YOUNG PEOPLE'S CONCERTS EDUCATIONAL PROGRAM BENEFITING THE CHILDREN OF DISTRICT 8 AND

SAN ANTONIO; AS REQUESTED BY COUNCILWOMAN BONNIE J. CONNER,
DISTRICT 8.

* * * *

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

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

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2002-39

CITIZENS TO BE HEARD

MR. CHARLES ENGLISH

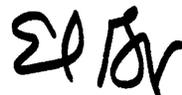
Mr. Charles English indicated that Mr. Peter Holt did not want to hear him out regarding issues he wanted to discuss with him in relation to the Jefferson Heights Neighborhood Association. He thanked City Manager Terry Brechtel and Councilman John Sanders for registering the Jefferson Heights Neighborhood Association, and further thanked Council for the neighborhood sweep. He noted that Mr. Leo Gomez should allow Jefferson Heights to have a vote on issues affecting their community. He expressed his concern regarding high voltage boxes in the SBC Center area, and stated that he was disturbed that he was not here for the last meeting to vote on important issues that affected his neighborhood. He further stated the people of District 2 support Councilman Sanders.

Councilman Schubert clarified that most of the issues presented were directed more for the County and not with the City.

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2000-39 There being no further business to come before the City Council, the meeting was adjourned at 7:55 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC, AAE
City Clerk