

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, JANUARY 23, 2003.

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2003-03 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following item(s):

- A) **Staff Briefing on the results from the Downtown Housing Market & Demand Analysis.** (Presented by Ramiro A. Cavazos, Director, Economic Development; Christopher Brady, Assistant City Manager.)

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

The "B" Session adjourned at 11:15 A.M.

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2003-03 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Pro-Tem Bonnie Conner, with the following members present: Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Conner, Schubert, Carpenter. ABSENT: Garcia, Garza.

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2003-03 Invocation by Reverend Roger Box, Medical Center Methodist Church.

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2003-03 Pledge of Allegiance to the flag of the United States.

Fair" to be held on Saturday, January 25, 2003 at Westlakes Mall, a copy of which is on file with the papers of this meeting.

Dr. Harrington explained that Allied Health is the team of health care workers that brings the expertise that physicians and dentists depend on. She discussed the types of services that will be available ranging from clinical lab scientists for diabetes screening, respiratory therapists, pulmonary testing, physical therapy, occupational therapy, dental laboratory technology and dental hygiene. Dr. Harrington noted that the workers' goal is to help, inform and empower the citizens of San Antonio to maintain their own health. She thanked the City Council for their support.

Councilman Barrera reiterated the importance of these free services available at the Community Health Fair and noted the 57 agencies, organizations and departments that will be providing information and services free to the public. He thanked Dr. Harrington and the UTHSCSA.

Mayor Pro Tem Conner thanked Councilman Barrera for his efforts on this project.

The Clerk then read the following Ordinance:

AN ORDINANCE 97064

AUTHORIZING THE TRANSFER OF \$3,500.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND, TO THE METROPOLITAN HEALTH DISTRICT, TO BE USED TO HELP DEFRAY THE COSTS ASSOCIATED WITH THE DISTRICT 6 "COMMUNITY HEALTH FAIR" TO BE HELD ON SATURDAY, JANUARY 25, 2003 AT WESTLAKES MALL; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

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

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2003-03 At this time, reference was made to Item #22.

At this time, Councilwoman Moorhouse made a motion to bring Item #22 forward. Councilman Martin seconded the motion.

The motion, to consider this Item at this time, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Barrera, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Perez, Garcia, Garza.

The Clerk then read a proposed ordinance authorizing the creation of a Neighborhood Empowerment Zone totaling 125,000 square feet or 2.86 acres in NCB 10979, near the intersection of S.E. Military Drive and Goliad Road, and granting authorization to the City Manager to negotiate and execute a Sales Tax Rebate Agreement with Development Strategies, Inc. and Target Stores, Inc. for the partial rebate of sales taxes generated at a proposed Target store in an amount not to exceed \$1,463,000.00 for a ten (10) year period commencing upon the earlier of either store opening or January 1, 2004; as requested by Councilwoman Antoniette Moorhouse, District 3.

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Councilwoman Moorhouse then made a second motion to Table this item till a future Council meeting. Councilman Martin seconded the motion.

Councilwoman Moorhouse made a request to address Item #22. She stated that she and the Mayor would like to meet with the City Manager and others involved with this project to consider additional opportunities and alternatives to make this project a success. She stated that she will continue to support this project with the help of her colleagues. Councilwoman Moorhouse thanked those individuals in the audience and welcomed their comments on this project. She then called Mr. Robert Cruz, 925 San Pedro, COPS/Metro Alliance, as the first speaker.

As a point of order, Councilman Schubert noted that after her motion to table Item #22, that there is no such item on the agenda. He recommended that those citizens sign up for the 5pm Citizens To be Heard session.

City Attorney Andrew Martin ruled that Councilman Schubert's point of order is correct and ruled that this procedure be followed.

After consideration, the motion to Table this Item, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Barrera, Castro, Conner, Carpenter. **NAYS:** Schubert. **ABSENT:** Perez, Garcia, Garza.

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2003-03 CONSENT AGENDA

Councilman Carpenter made a motion to approve Agenda Items 6 through 15, constituting the Consent Agenda. Councilman Martin seconded the motion.

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

AN ORDINANCE 97065

ACCEPTING A PROPOSAL FROM MARKHURD TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION TECHNOLOGY SERVICES WITH AN ANNUAL CONTRACT FOR HIGH-RESOLUTION DIGITAL ORTHOPHOTOGRAPHY FOR AN ESTIMATED COST OF \$197,375.00.

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AN ORDINANCE 97066

APPROVING A CONTRACT WITH INFOUSA TO PROVIDE THE CITY OF SAN ANTONIO LIBRARY DEPARTMENT WITH DATABASE SERVICES FOR AN ESTIMATED ANNUAL COST OF \$30,025.00 FOR A ONE YEAR TERM, WITH AN OPTION TO RENEW FOR THREE ADDITIONAL ONE YEAR TERMS.

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AN ORDINANCE 97067

ACCEPTING THE LOW OFFER FROM IKON OFFICE SOLUTIONS, INC., A QUALIFIED INFORMATION SYSTEM VENDOR, TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH A SIXTY-MONTH LEASE OF A NETWORK PRINTER FOR AN ESTIMATED COST OF \$3,788.00 PER MONTH.

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AN ORDINANCE 97068

AUTHORIZING PAYMENT IN THE AMOUNT OF \$394,741.59 FROM 2002 CERTIFICATES OF OBLIGATION TO THE TEXAS DEPARTMENT OF

TRANSPORTATION FOR CONSTRUCTION COSTS IN CONNECTION WITH THE RITTIMAN ROAD FROM AUSTIN HIGHWAY TO HARRY WURZBACH (MPO) PROJECT LOCATED IN COUNCIL DISTRICT 10; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97069

AUTHORIZING PAYMENT IN THE AMOUNT OF \$155,953.56 FROM 2002 CERTIFICATES OF OBLIGATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION COSTS IN CONNECTION WITH THE NEW BRAUNFELS FROM I.H. 35 TO GRAYSON (MPO) PROJECT LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97070

AUTHORIZING THE PAYMENT OF \$26,311.00 TO THE AIRPORTS COUNCIL INTERNATIONAL (ACI), NORTH AMERICA FOR 2003 ANNUAL DUES AND MEMBERSHIP FEES.

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AN ORDINANCE 97071

AUTHORIZING ACCEPTANCE OF A GRANT FROM STATE FARM INSURANCE COMPANY IN THE AMOUNT OF \$10,000.00 TO UPGRADE THE CURRENT NETWORK INFRASTRUCTURE AND BANDWIDTH CAPABILITY AT THE CITY OF SAN ANTONIO'S ST. MARY'S LEARNING AND LEADERSHIP DEVELOPMENT CENTER (LLDC) FOR THE PERIOD FEBRUARY 1, 2003 THROUGH DECEMBER 10, 2003; APPROVING A BUDGET; AND AUTHORIZING THE EXECUTION OF ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH.

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AN ORDINANCE 97072

AUTHORIZING ACCEPTANCE OF A GRANT FROM THE DEPARTMENT OF DEFENSE IN THE AMOUNT OF \$149,950.00 FOR THE PROCUREMENT

TECHNICAL ASSISTANCE CENTER; AUTHORIZING A \$306,605.00 PROPOSED BUDGET WITH A PERSONNEL COMPLEMENT AND \$156,655.00 CITY CONTRIBUTION VIA IN-KIND SERVICES FOR THE PERIOD BEGINNING JANUARY 1, 2003 THROUGH DECEMBER 31, 2003.

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AN ORDINANCE 97073

AMENDING ORDINANCE NO. 96931, PASSED AND APPROVED ON DECEMBER 19, 2002, WHICH SUBMITTED A \$63,910.00 GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, BY SPECIFYING THE GRANT'S AUTHORIZED OFFICIAL, REDUCING AND SPECIFYING THE CITY MATCH, AND INCLUDING NEW LANGUAGE AS REQUIRED BY THE TEXAS ADMINISTRATIVE CODE, SUBCHAPTER D, SECTION 3.2021. (AMENDS ORDINANCE NO. 96931, DECEMBER 19, 2002.)

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AN ORDINANCE 97074

APPROVING A HOSTING OBLIGATION FOR THE MEETING PROFESSIONALS INTERNATIONAL (MPI) ANNUAL PROFESSIONAL EDUCATION CONFERENCE (PEC), SCHEDULED FOR JANUARY 18-20, 2004 IN SAN ANTONIO, REQUIRING THE CITY OF SAN ANTONIO TO HOST THE DELEGATE LUNCHEON DURING THE 2003 MPI-PEC; AUTHORIZING PAYMENT TO MPI IN AN AMOUNT NOT TO EXCEED \$65,000.00 FOR SAID HOSTING OBLIGATION; AND PROVIDING FOR PAYMENT.

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2003-03 CERTIFICATE PRESENTED TO RAYMOND LOZANO, SENIOR PLANNER FOR THE CITY OF SAN ANTONIO.

Mayor Pro Tem Conner called upon Mr. Raymond Lozano, Senior Planner with the Planning Department, to recognize him with a Certificate for 36 years of dedicated service as an employee of the City of San Antonio. Council members expressed their gratitude to Mr. Lozano for all his hard work, and wished him the best of retirement.

Ms. Terry M. Brechtel, City Manager, also expressed her congratulations and gratitude to Mr. Lozano.

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2003-03 ZONING HEARINGS

4A.) CASE NUMBER #Z2002219 - The request of Tomas & Amalia Guerrero, Applicant, for Tomas Guerrero and Amalia Guerrero, Owners, for a change in zoning from "C-2" Commercial District to "R-6 C" Residential Single Family District with a conditional use for a maximum of two (2) Manufactured Homes on the premises known as Lot 1B and 1C, NCB 15666, 12132 Highway 281 South. Staff's recommendation was for approval.

Zoning Commission has recommended denial of "MH". (Council District 3)

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

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

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

AN ORDINANCE 97075

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 1B AND 1C, NCB 15666, 12132 HIGHWAY 281 SOUTH, FROM "C-2" COMMERCIAL DISTRICT TO "R-6 C" RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR A MAXIMUM OF TWO (2) MANUFACTURED HOMES ON THE PROPERTY.

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4B.) CASE NUMBER #Z2002268 - The request of City of San Antonio, Applicant, for Heatherwilde Estates Housing, L.P., Owner, for a change in zoning from "C-3 R" Commercial District Restrictive Alcoholic Sales to "MF-25" Multi-Family District on 15.00 acres out of NCB 14491, 10400 Block of Old Pearsall Rd. 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 noted that there were citizens who had signed to speak on this zoning case, and for better clarity he requested a presentation.

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

The following citizen(s) appeared to speak:

Mr. Ken Brown, representing the owner of the property, gave some background on this zoning change and stated that the building permits are in order and that the work site has begun on the property. Mr. Brown read a letter from the Plan Review Manager, stating that their permits had been submitted and that the site has proper zoning venues. He stated also that the developers fully intended to develop the property as an affordable family complex. Mr. Brown discussed the proposal at length, noting that the staff has recommended approval. He noted that one issue is the school taxes, and that the developers have drafted a pilot agreement in lieu of the payment of taxes during construction. Mr. Brown stated that he has a petition with 500 signatures in support of the project, and asked the City Council to approve this proposal. He also presented a video on a proposed zoning change project in Dallas, Texas.

Mr. Dario Chapa, 653 W. Woodlawn, Chairman of the Bexar County Housing Authority, spoke in favor of this project and emphasized that it is not a Section 8 project where vouchers or certificates are involved. He added that the federal government is allowing investors to invest in this type of housing development provided that they are structured so that families of different incomes may live in decent housing, with special consideration being given to the senior citizens. Mr. Chapa further expounded on studies that have proven that extended families may begin saving money to eventually invest in their own homes by living in this complex.

Mr. Jose Gallegos, 214 Academy, spoke in favor of this zoning change. He stated that as many as 200 families will be impacted by this development, which will provide a comfortable living environment, and requested that the City Council approve this zoning change.

Mr. David Fernandez, thanked both Mr. Chapa and Mr. Gallegos for their input, but noted that they are not familiar with the neighborhood. Mr. Fernandez stated that there are too many negative issues on this zoning case and expressed his opposition to the zoning change.

Mr. Ron Warkentin, 9110 Alpine Trail, spoke in favor of the Heatherwilde project.

Mr. Luis Cisneros, 11914 Durango, representative of the Superintendent of the Southwest Independent School District (SWISD), reaffirmed their opposition to this project. He noted that the three area elementary schools are now at their capacity, and with the anticipated influx of prospective new students living in the project, it would be impossible for the school district to accommodate them. Mr. Cisneros added that the development at this time, at this location, would have a negative impact on current student achievement. He noted that SWISD is not opposed to progress, but for them to deliver quality educational services, it is critical to have the proper facilities to accommodate the new students. He requested accurate, complete and timely information on behalf of SWISD, and stated that it is difficult to plan for new students if information is not shared. Mr. Cisneros noted that a financial agreement was received six days prior by SWISD. He requested that City Council not approve this zoning change.

Mr. Richard R. Whicher, 7818 Dempsey Drive, spoke in opposition of this item. He stated that this change would increase the property tax in the area, as well as increase the number of students in the area schools.

Mr. Josi Holland, 9022 Wood View, spoke in opposition of this zoning change.

Ms. Carol Abitz, Vice President of the Southwest Community Association, requested that the City Council deny this zoning change. She presented background on the process to this proposal. She noted that the neighborhood association is against this zoning change because more commercial development is needed in this area, rather than more rental properties. Secondly, Ms. Abitz stated that the property taxes would increase because of the increase in the number of schools as a result of this zoning change. In addition, she stated that a petition with 1,497 signatures will also be submitted in opposition to this item, and expressed her frustration with the process of this item.

Mr. Jack M. Finger, P.O. Box 12048, spoke to his frustration over the delays on this zoning change.

Ms. Sylvester Vasquez, SWISD School Board, spoke to the school board's opposition of any planning and construction of any type that has not involved the community or the SWISD school administration from the beginning. He added that the current area schools are presently at a maximum in student enrollment. Mr. Vasquez stated that the school

district is not equipped with the proper facilities or transportation for an influx of students, especially when the school is not consulted of any planned development in the area. He concluded by stating that the school board is not for the project at this time, and recommended better communication between all entities involved in a proposed development.

Mr. John Adams, 5947 Bowsprit, President of the Southwest Community Association, spoke in opposition to this zoning case. He also stated his dissatisfaction with the process taken to notify the neighborhoods about this project. Mr. Adams noted that their neighborhood is at a point where services and businesses are making progress now that the Pearsall Road improvements are close to completion. He added that should this zoning case be approved, it would be detrimental to the success of the neighborhood.

Mr. Bill Fisher, Southwest Housing Development (SWHD), read a letter from Ms. Laura Miller, Mayor of Dallas to Mayor Ed Garza, regarding affordable housing built by this developer in Dallas. Mr. Fisher noted that the developer successfully worked with, and developed a partnership among the various community groups, and has the support of the PACE Community Association. He entered into the record, Ms. Miller's letter and a letter of support from the National President of the League of United Latin American Citizens (LULAC) local chapter. Mr. Fisher noted that Heatherwilde housing was planned, as directed, with low density, high quality construction, and mixed-income families in mind. He added that the development is in line with the Mayor's southside initiative by providing a safe, gated community. He stated that it is a comprehensive plan that will be beneficial to the community, whereby the developer will meet their promises and pay the school taxes.

Mr. Nick Pena, 530 Ware, read a letter from the National President of LULAC for the Southwest, Rosa Rosales, in support of the zoning case (a copy of this letter is on file with the papers of this meeting). He discussed the benefits of private investments that will develop certain areas of the City. He noted the Mayor's twelve points to encourage the City's growth including the south side initiative. Mr. Pena requested that City Council approve this zoning case.

Mr. Jim L. Myers, 5539 Cool Valley, President of PACE Homeowners Association, spoke in favor of the zoning change, adding that the issue is a highly emotional process. He stated that the association's board assessed the need, and concluded that two major apartment complexes are 95% occupied. After visiting the Dallas project, Mr. Myers and the other association members, consider the construction to be of good quality. On the issue of the ad valorem taxes, Mr. Myers read a letter he wrote to Mr. Mike Frazier, President of the School Board, in which it was recommended that the school district assume a neutral position in this matter since the taxes are to be paid to the SWISD. He discussed some chronological events that pertained to information and meeting dates with the SWISD on this issue.

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

Mr. Manuel Diaz Garza, 414 Remolino, spoke of acknowledging a petition by the residents who are in favor of the development, and stated that he met with those residents as well as business owners about the process and anticipation of the development. He cited the tremendous support from that community for the development, and recognized that the people are for growth in their neighborhood.

Father Phil Henning, Pastor, Divine Providence Catholic Church, 5667 Old Pearsall Road, spoke of gathering over 400 signatures in opposition to this project, and noted the concerns of the community and their lack of input towards this project. He stated that other concerns included additional tax burdens, additional schools in the area and poor quality construction in this project. He noted the tension that this zoning change has caused, and requested that the City Council vote against the project.

(Mayor Pro Tem Conner returned to the meeting and presided.)

Mr. Ken Brown spoke in rebuttal to remind Council members that the Zoning Commission approved this development and the required building permits have been obtained, as well as a letter from the City for proper zoning and are at a point where the property is being cleared. Mr. Brown stated that they have worked with communities to answer questions regarding this project, and hopes to continue working toward a better understanding of the project that will benefit the community. He asked the City Council for their support on this project.

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In response to Councilman Martin regarding any misconceptions about ad valorem taxes, Mr. Bill Fisher stated that the project is not a Section 8 development, but rather a mixed income and conventional mortgage development funded through federal law.

In response to Councilman Martin regarding as to whether the SWISD has taken any action on the tax issue, Mr. Luis Cisneros stated that the request has not come before the school board to date.

In response to Councilman Martin to clarify on the taxes and revenues being paid to the school, Mr. Ken Brown highlighted on the annual taxes, and summarized the payment agreement. Mr. Brown stated that the construction is anticipated to begin in the next sixty days and is expected to be completed in 12-14 months. He added that the complex is expected to be 100% rented within 18-24 months.

Councilman Martin stated that the development is geared to first-year professionals that would not be in a position to buy a new home, but would want to live in a safe apartment complex. He spoke to the success of the villas of Casa Dorado, a new housing development on Old Pearsall Road, that is a sample of what is being considered with this development.

Councilman Martin thanked Councilman Barrera for setting precedence for this type of project.

In response to Councilman Castro regarding claims that there are large accumulations of Section 8 housing in this area, Ms. Carol Abitz responded that her information was a result of figures provided by District 4, and that while her association is not against helping low income people, there is a large concentration of Section 8 rentals in that area. Ms. Abitz stated that attempts to locate more low-income families in the same area is detrimental to the neighborhood.

In response to Councilman Castro regarding criminal background checks for prospective renters, Ms. Abitz stated that her association has never indicated that poor people are more prone to crime, but rather that their concerns stemmed out of how the issue was processed, what laws may have been violated, the input that was not given, in addition to any misinformation. She added that she has no questions regarding the quality of construction, and approves background checks for all potential residents, but noted that there are more important issues such as their opposition of the development.

In response to Councilman Castro regarding any violations regarding procedures, City Attorney Andrew Martin stated that he had not heard any dispute about the procedures under State law, and that the public hearings have been held and notices had been given. He noted that Ms. Abitz has complained about the public hearings held by the Bexar County Housing Authority, and that he is working on a report to her regarding that matter. City Attorney Martin also stated that a resolution is not required from the City of San Antonio for this project because this project is not one undertaken by the Bexar County Housing Authority.

Ms. Abitz further spoke regarding the percentage of partnership with Bexar County. She also noted some correspondence to the City concerning the Bexar County Housing Authority to which she has yet to receive a response.

In response to Councilman Castro regarding the pilot agreement to pay school taxes to the SWISD, Mr. Bill Fisher stated that the school district has never signed a pilot agreement on this development or the other development discussed previously. He explained that the County Commissioner's put a covenant in a loan agreement on our bond development across the Palo Alto College that specifies exactly what is called for in

the pilot agreement. Mr. Fisher stated that the pilot agreement is signed and had been sent to the lawyer for the school district.

In response to Councilman Castro regarding residents' fear of an influx of student and SWISD's statements that they will not be able to handle that influx, Mr. Fisher stated that five separate school studies have been conducted by two professors in demographics and economics. He stated that these studies determined that while there will be a lot of children, not all will be of school age, and those who are, will be equally dispersed. He explained the demographics of the anticipated student population.

In response to Councilman Castro regarding social support for the residents in the complex, Mr. Fisher explained that it is a major factor in the comprehensive plan and a legal requirement of the state, that Southwest Housing Development (SWHD), partnered with the social services provider, to include various social services to the residents, from incentives for school attendance to drug and alcohol counseling. He added that it is the mission of affordable housing to provide stability for families and education, activities area, and computer labs to provide a family oriented, stabilizing force in the community.

In response to Councilman Sanders regarding state credit designation on this project, City Attorney, Andrew Martin stated that the City of San Antonio would lose as a result of federal credits being distributed among thirteen regions.

In response to Councilman Perez to discuss the mixed market rate, Mr. Bill Fisher explained that all income spectrums are covered and broke down the percentages of units for various income levels. He stated that SWHD attempts to charge the market rate where the resident generally would not have to meet income eligibility guidelines. He noted that in response to what the City of San Antonio's housing guidelines are, they have conformed to serve all income spectrums, met the family unit needs, provided a low density development with social services, and overall met every item on the City's check list in this development. Mr. Fisher discussed the percentage range of 176 units with the median income set at \$45,000 per year, and that the range should be 30% of the 30% of median income.

Councilman Perez discussed SWHD's payment of taxes to the school district and the fact that SWHD does not presently have any agreement with the school district, and asked Mr. Fisher what type of assurance can be made that the ad valorem taxes will be paid. Mr. Fisher stated that the covenants drawn up require the developer to do that as a zoning authorization in the restrictions that are outlined to implement the loan agreement. He added that SWHD is open to whatever legal mechanism the City Attorney would require, and that they would be obligated to honor the agreement or pilot agreement that was presented to SWHD.

Councilman Perez continued discussion on the issue of the school district's preference not to have this project or zoning, and who does not want to sign a pilot agreement. Mr. Fisher responded that there would be an arch of performance on the commitment to pay taxes as contained in the agreement.

In response to Councilman Perez on how to resolve the issue of the school district's contention of receiving the tax proposal other than in a timely basis, Mr. Fisher stated that was an inaccurate representation, and offered a letter regarding some of the meetings set with the school superintendent that had been attended by a third party. The letter signed by Mr. Kermit Black, Texas A&M University, confirmed a meeting between Superintendent Pete Anthony and Assistant Superintendent of Finance, Mr. James Shelton, in September, 2002 (a copy of this letter is on file with these papers). Mr. Fisher also noted that Father Henning attended a meeting with SWHD in November, 2002 regarding this issue, and pointed out that SWHD's attorney, Mr. Patrick Christensen had repeatedly sent e-mails to the school district on the pilot agreement. He concluded that there is no doubt of his company's efforts to propose a pilot agreement and to get feedback from the school district on its language.

Councilman Perez discussed the project as a strong housing land use perspective, and supports it as a member of the Urban Affairs Committee and as a Councilman. He noted his basic concerns and whether by amendment to the motion, in order for him to seriously merit consideration, he will require that these taxes to the school district be paid and that there be a binding mechanism to that condition. Councilman Perez added that he will require that the affordability mix be locked in, especially in the upper tiers, and that it be a conditional part of the zoning. He would also require that the market rate tiers and the upper 50% of that tier not be modified or altered in any way through the life of the project. Another requirement would pertain to the back 15 acres, or the back portion of the property be contemplated and planned as a Hike and Bike Trail to be completed by the developer as a condition of zoning. Councilman Perez concluded by stating that these requirements would be the basis for his support to this item.

In response to Mayor Pro Tem Conner as to the date, Mr. Cisneros stated that when he received the document in which Mayor Garza stated his opposition to the zoning change, Mr. Cisneros confirmed that it was received Friday afternoon, January 17, not by the developer, but from the PACE Home owners Association, Mr. James Myers, an association outside of the district. Mayor Pro Tem Conner then read the letter written by Mayor Garza for the record.

Mayor Pro Tem Conner stated that she will be in support of Councilman Perez's requirements for this particular zoning case.

In response to Councilman Schubert regarding the role of the public school system, Mr. Cisneros stated that the school district is a public education system that is not opposed to

progress or any development, but noted that lack of information does not allow SWISD to make long range plans in order to serve the students. Mr. Cisneros added that they would like accurate, timely and complete information that they had not been privileged to before, and noted that meetings with the superintendent and assistant superintendent did not include any information on the pilot agreement.

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

In response to Councilman Schubert asking if Mr. Cisneros recalled earlier discussions regarding school taxes, Mr. Cisneros stated that he recalled those discussions pertaining to the Primrose Project, and not the Heatherwilde project. Mr. Cisneros then proceeded to outline the chronological events that led to the school district's first preview of the pilot agreement.

In response to Councilman Schubert regarding their position if the taxes are paid, Mr. Cisneros stated that the administration feels that it would be detrimental because SWISD does have the facilities to educate students at that location, and noted that while more students equal more money for students, money was not the issue. Mr. Cisneros reiterated that the school district is mainly concerned about receiving accurate and timely information on these projects when they are in the development stage to allow for planning time to come up with a solution.

In response to Councilman Schubert's statement that he disagrees with the school district's opinion, that they should dictate land use planning in this district, Mr. Cisneros stated that it was never the intention of the SWISD to oppose the project.

Councilman Castro stated that both the neighborhood associations and the school districts have a role to play in this project, and after all other considerations, he was in complete agreement with this project.

(Mayor Pro Tem Conner returned to the meeting and presided.)

In response to Councilman Castro regarding the payment of ad valorem taxes, Mr. Fisher explained the issue of serving residents of the 30% - 40% of area median income is what raises issues of the ad valorem programs. He explained the fair market rate in the higher income level units subsidizing the lower income units. He discussed the details of their obligation to pay under the pilot agreement, and the full assessed taxes as determined by the Bexar Appraisal Tax District's evaluation method.

In response to Councilman Castro regarding the notification process to the school district, Mr. Fisher stated that Mr. Cisneros' comments were inaccurate. He noted that the developer had met with the SWISD lawyer and noted that they have worked with pilot

agreements with the school district, and that e-mails had been sent. He referred to a previous and similar development agreed upon with the school district, stating that SWISD had made a commitment that the development was making an improvement to the community. Mr. Fisher stated that SWISD has worked with pilot agreements with school districts in the past, and it has been a challenging issue to work with them. Mr. Fisher also stated that it is a mischaracterization of the developer, who sought Mr. Jim Myers to act as a third party and deliver the document to SWISD.

In response to Councilman Carpenter's request for clarification that on a land use permit, the developer can proceed and build a development without any commitment to the school district, City Attorney Martin stated that was their position.

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

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

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

AN ORDINANCE 97076

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 15.00 ACRES OUT OF NCB 14491, 10400 BLOCK OF OLD PEARSALL RD., FROM "C-3 R" COMMERCIAL DISTRICT RESTRICTIVE ALCOHOLIC SALES TO "MF-25" MULTI-FAMILY DISTRICT.

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— — —
2003-03 At this time, reference was made to Item #16.

Councilman Perez made a motion to bring Item #16 up for discussion at this time. Councilman Sanders seconded the motion.

The motion, to consider this Item, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Garza.

The Clerk then read the following Resolution:

A RESOLUTION
NO. 2003-03-03

MANIFESTING THE CITY COUNCIL'S CONCURRENCE IN THE NOMINATION OF CLAYTON GAY TO SERVE A SECOND TERM AS A TRUSTEE OF THE CITY PUBLIC SERVICE BOARD (SOUTHEAST QUADRANT - MAYOR) FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 31, 2008.

* * * *

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

Councilman Sanders spoke in favor of Mr. Clayton Gay's reappointment.

Councilwomen Conner and Moorhouse noted Mr. Gay's accomplishments and his desire to continue serving on the City Public Service Board.

Mr. Milton Lee, General Manager, City Public Service Board, commented on their appreciation of the City Council's support of Mr. Gay's reappointment.

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

— — —
2003-03 At this time, reference was made to Case Number 4C.

4C.) CASE NUMBER #Z2002214 - The request of City of San Antonio, Applicant, for Multiple property owners, Owner(s), for a change in zoning from "MF-33" Multi-Family District, "C-2" Commercial District, "I-1" General Industrial District, "I-2" Heavy Industrial District to "R-4" Residential Single Family District, as per exhibit map on an area generally bounded by N. and S. San Jacinto to the west, W. Poplar to the north, Comal and N. San Marcos to the east, and W. Durango to the south. 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.

The following citizen(s) appeared to speak:

Mr. George Mery, 123 N. Medina; and Mr. Jose Castillo, III, 1448 W. Poplar both thanked the City Council for tabling this item.

Councilman Martin made a motion to continue this rezoning case until the City Council meeting of March 13, 2003. Councilwoman Moorhouse seconded the motion.

After consideration, the motion to continue this case until March 13, 2003, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Garza.

Zoning Case #Z2002214 was continued to the Council meeting of March 13, 2003.

— — —

4D.) CASE NUMBER #Z2002222 - The request of Earl & Brown, P.C., Applicant, for Dittmar Family Partnership, Ltd.; Attn: Joseph E. Dittmar, Owner(s), for a change in zoning from "C-3" Commercial District and "C-3R" Commercial District, Restrictive Alcoholic Sales to "RM-4" Residential Mixed District on Parcels P-7 and P-10, NCB 17872, 1300 Block of Horal Drive. 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.

The following citizen(s) appear to speak:

Ms. Nancy Englebert, 10486 Pine Glade, spoke in favor of this zoning change. She also wished Mr. Raymond Lozano, Senior Planner, Planning Department, a happy retirement.

* * * *

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

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

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

AN ORDINANCE 97077

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 PARCELS P-7 AND P-10, NCB 17872, 1300 BLOCK OF HORAL DRIVE, FROM "C-3" COMMERCIAL DISTRICT AND "C-3R" COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOLIC SALES TO "RM-4" RESIDENTIAL MIXED DISTRICT.

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— — —
2003-03 At this time, reference was made to Item #31.

At this time, Councilman Martin made a motion to bring forward Item #31 for consideration. Councilman Sanders seconded the motion.

The motion, to consider this Item, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Barrera, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Garza.

The following citizen(s) appeared to speak:

Ms. Nancy Englebert, 8310 Running Horse, spoke in favor of this item to keep open the swimming pool as a safe recreation place for the neighborhood children.

Ms. Mary Lee Buettner spoke in favor of this item.

* * * *

The Clerk then read the following Ordinance:

AN ORDINANCE 97078

AUTHORIZING THE EXPENDITURE OF \$6,000.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE HERITAGE NEIGHBORHOOD ASSOCIATION, TO BE USED TO HELP DEFRAY THE COST OF REPAIRING AND MAINTAINING THE HERITAGE NEIGHBORHOOD SWIMMING POOL; AS REQUESTED BY COUNCILMAN ENRIQUE "KIKE" MARTIN.

* * * *

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

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

— — —
2003-03 At this time, reference was made to Case Number 4E.

4E.) CASE NUMBER #Z2002195 - The request of Joe Nix, Applicant, for Dallas Daughtry & Associates, Owner(s), for a change in zoning from "O-2" Office District to "C-1" Commercial District on Lot 25, NCB 18230, 9599 Braun 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.

Councilman Castro made a motion for approval with the inclusion of the Declaration of Restrictive Covenants as listed below. Councilman Perez 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, Barrera, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garcia, Garza.

AN ORDINANCE 97079

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 25, NCB 18230, 9599 BRAUN ROAD, FROM "O-2" OFFICE DISTRICT TO "C-1" COMMERCIAL DISTRICT ON THE PROPERTY.

* * * *

Declaration of Restrictive Covenants:

1. **Residential Protection Buffer** - Declarant agrees that a thirty foot (30') buffer shall be maintained along the north property line of the Property for the purpose of protecting adjacent residential property owners. Within the residential protection buffer, the following restrictions exist:
 - a) Parking shall be limited to owners, operators, and employees of uses on the Property. No parking for customers, clients, or other visitors shall be permitted.
 - b) No buildings greater than one (1) story in height shall be permitted.
 - c) Delivery vehicles shall not be permitted, nor shall any deliveries be made within the buffer area.
 - d) No trash receptacles shall be permitted.
 - e) No freestanding exterior pole lighting shall be permitted. Lighting attached to buildings, and lighting for security purposes shall be permitted, provided that the source of such light is shielded from adjacent residential properties.

2. **Landscape Area** - Declarant agrees that a landscaped area shall be maintained on the Property between the Property area designated Historic through Zoning Case Z2002229 and other commercially developed areas on the property. Said Landscape Area shall be maintained along the boundary line of the Historic designation area. The intent of the Landscape Area is to delineate the Historic Area from other commercial development on the Property; therefore, no minimum width shall be required for the Landscape Area. Landscaping in this area may consist of a combination of natural vegetation and other plant materials appropriate for this purpose.

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4F.) CASE NUMBER #Z2002229 - The request of City of San Antonio, Applicant, for Dallas Daughtry, Owner, for a change in zoning to designate Historic Exceptional on 1.998 acres out of Lot 25, NCB 18230, 9599 Braun 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.

Councilman Castro made a motion for approval of this zoning case with the following staff amendments. Councilman Carpenter seconded the motion.

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

AN ORDINANCE 97080

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 1.998 ACRES OUT OF LOT 25, NCB 18230, 9599 BRAUN ROAD, TO DESIGNATE A FINDING OF HISTORIC EXCEPTIONAL ON THE PROPERTY.

* * * *

STAFF'S RECOMMENDATION:

The staff recommends a finding of Historic Significance for this property. The buildings meet the following criteria for designation as historically significant:

- (1) the farm buildings are particularly fine examples of utilitarian structures (35-607, B-6);
- (2) the farm buildings have physical characteristics that make it an established and familiar visual feature (35-607, B-7);
- (3) the farm buildings have integrity of location, design, materials and workmanship (35-607, B-8);
- (4) the farm buildings constitute a particular and unique example of an architectural type and historic period (35-607, C-1c);
- (5) the complex has come to represent a part of San Antonio's cultural heritage for at least twenty-five years (35-607, C-2a); and
- (6) the farm buildings physically and spatially comprise a specific historical and architectural environment, representing farming practices for 19th century Texas farms (35-607, C-3a);

Mayor Pro Tem Conner thanked the staff for their work on this zoning case.

* * * *

4G.) CASE NUMBER #Z2002239S - The request of Misra Enterprises, L.P., Applicant, for Misra Enterprises, L.P., Owner, for a change in zoning from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2NA S ERZD" Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a specific use authorization for a gymnasium on 4.49 acres of land out of NCB 19217, 21000 Block of Hardy Oak Boulevard. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

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

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

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

AN ORDINANCE 97081

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 4.49 ACRES OF LAND OUT OF NCB 19217, 21000 BLOCK OF HARDY OAK BOULEVARD, FROM "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-2NA S ERZD" COMMERCIAL NON-ALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A GYMNASIUM ON THE PROPERTY.

* * * *

2003-03 INDIVIDUAL CONSIDERATION – CITIZEN COMMENTS

Mr. Jack M. Finger, P.O. Box 12048, spoke to Item #22 and the fact that it was pulled for individual consideration. He also spoke to Item #20 and any nominations for that position.

Mr. Charles English, President of Jefferson Heights Association, spoke to Item #29 and commended Councilwoman Moorhouse for her diligence on this item. He also spoke to Item #21 and requested the Jefferson Heights neighborhood be included in the revitalization funds allocation.

Councilman Sanders noted various neighborhood associations who have received funds from their councilperson for their neighborhoods.

— — —
2003-03 At this time, reference was made to Item #26.

At this time, Councilman Carpenter made a motion to bring forward Item #26 for consideration. Councilman Schubert seconded the motion.

The motion, to consider this Item, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Barrera, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Martin, Garcia, Garza.

The Clerk then read the following Ordinance:

AN ORDINANCE 97082

AUTHORIZING THE TOTAL EXPENDITURE OF \$2,000.00 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND AND FROM VARIOUS CITY COUNCILMEMBERS CONTINGENCY ACCOUNT FUNDS, PAYABLE TO THE SAN ANTONIO SAINT PATRICK'S DAY PARADE COMMISSION, TO BE USED TO OFFSET EXPENSES ASSOCIATED WITH THE SAINT PATRICK'S DAY PARADE TO BE HELD ON SATURDAY, MARCH 15, 2003; AS REQUESTED BY MAYOR EDWARD D. GARZA.

* * * *

Councilman Perez made a motion to approve the proposed Ordinance with additional funds from the following districts: District 1 - \$500; District 3 - \$500; District 8 - \$500. Councilwoman Moorhouse seconded the motion.

The following citizen(s) appeared to speak:

Ms. Mary Marshall, President of the St Patrick's Day Parade, expressed her gratitude for the support given to this event.

* * * *

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

— — —
2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97083

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EQUIPMENT/LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BANC OF AMERICA LEASING & CAPITAL, LLC AT AN INTEREST RATE OF 2.71% FOR A TERM OF 60 MONTHS FOR \$4,465,000.00 FOR THE PURCHASE OF EQUIPMENT ITEMS TO INCLUDE STREET MAINTENANCE EQUIPMENT, TRACTOR TRAILERS, AND LIBRARY AUTOMATION SYSTEM, AND TO PAY THE COSTS OF FINANCING; AND ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE.

* * * *

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

Mr. Milo Nitschke, Director, Finance Department, narrated a presentation on tax-exempt lease purchase financing, a copy of which is on file with the papers of this meeting.

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

— — —
2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97084

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO ACCEPT A ONE (1) YEAR "CREATING A CULTURE OF INTEGRITY" GRANT IN THE AMOUNT OF \$114,011.00, FOR THE PERIOD FROM SEPTEMBER 1, 2002, TO AUGUST 31, 2003, FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY

ORIENTED POLICING SERVICES TO FUND A RACIAL PROFILING AND USE OF FORCE DATA STUDY; ESTABLISHING A BUDGET AND PERSONNEL COMPLEMENT.

* * * *

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

Chief Albert Ortiz, San Antonio Police Department, made a presentation on accepting a one (1) year "Creating a Culture of Integrity" grant, outlining background information, and proposed grant initiatives, (a copy of this presentation is on file with the papers of this meeting).

Councilman Sanders commended Chief Ortiz and the Police Department for their work on this item.

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

— — —
2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97085

RATIFYING THE SUBMISSION OF A CONTINUATION GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE AMOUNT OF \$44,229,262.00 FOR THE OPERATION OF THE HEAD START-EARLY CHILD CARE PROGRAM FOR THE PERIOD FEBRUARY 1, 2003 THROUGH JANUARY 31, 2004 AND AUTHORIZING THE ACCEPTANCE OF SAID GRANT IN AN AMOUNT NOT TO EXCEED THE FOREGOING SUM WHEN AWARDED; ESTABLISHING A BUDGET; APPROVING A PERSONNEL COMPLEMENT; AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH PARENT/CHILD, INCORPORATED IN THE AMOUNT OF \$43,866,430.00 TO OPERATE SAID PROGRAM.

* * * *

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

Mr. Dennis Campa, Director, Department of Community Initiatives (DCI), presented a continuation grant for 2003 Head Start, a copy of which is on file with the papers of this meeting. He discussed the purpose, background, early childhood care & education, high quality early education, raising early education standards, accountability measures, and the average monthly children in care.

In response to Councilman Schubert regarding a required dollar match, Mr. Campa explained that DCI is responsible for that match, and that the budget for this fiscal year has been defined, but after that, it would depend on whether the Department of Health and Human Services decides to go. He added regarding the state budget, that it will be a challenge to provide matching monies to keep up with the tremendous need in the community.

In response to Councilman Perez and what the role is of an inhouse auditor, Mr. Campa explained that DCI monitors the heavily audited program. He noted that the City's Internal Review office conducts a fiscal monitoring program, along with DCI, to oversee the large grant.

In response to Mayor Pro Tem Conner regarding advanced training, Mr. Campa stated that students may attend any four-year institution around the country, and presently DCI is working with the University of Texas at San Antonio for such a program where tuition reimbursement will be an incentive to the students.

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

— — —
2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97086

ACCEPTING THE RESIGNATION OF COUNCILMAN DAVID A. GARCIA FROM COUNCIL DISTRICT 5; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON EIGHT (8) AFFIRMATIVE VOTES.

* * * *

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

— — —
2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97087

ADOPTING THE OPERATING BUDGET FOR THE CITY OF SAN ANTONIO'S HOUSING ASSET RECOVERY PROGRAM (HARP) FOR FY 2002-2003; APPROVING THE HARP WORKPLAN; AND RATIFYING THE EXECUTION OF A CONTRACT RENEWAL AND PROVIDING FOR PAYMENT BETWEEN THE CITY OF SAN ANTONIO AND THE FANNIE MAE CORPORATION FOR THE PROVISION OF PROPERTY DISPOSITION SERVICES AND RENOVATION SERVICES FOR SINGLE-FAMILY HOMES FOR THE PERIOD BEGINNING DECEMBER 11, 2002 TO DECEMBER 10, 2003 IN CONNECTION WITH THE HARP PROGRAM.

* * * *

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

Mr. David Garza, Director, Neighborhood Action, made a presentation on the Housing Asset Recovery Program (HARP), a copy of which is on file with the papers of this meeting. He discussed the proposed Ordinance, goals, City's role, the National Property Disposition Center's role, and Fannie Mae's role. He further outlined the acquisition strategy, RFI timeline, San Antonio Development Agency's role, first acquisition timeline, and partnerships, additional acquisition efforts and property assessment. He expounded on the program administration, proposed program work plan, proposed budget for FY 2002-2003, and HARP line of credit.

Councilman Perez stated that the positive report puts the City of San Antonio in a position for success, and requested that staff keep the City Council updated on the project's progress.

Councilman Sanders complimented Councilman Perez and other committee members for heading this project as a part of new revitalization.

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

— — —
2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97088

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SAN ANTONIO FOOD BANK, INC. IN THE AMOUNT OF \$28,771.00 FOR THE PROVISION OF NUTRITIOUS FOOD AND RELATED PRODUCTS TO CHARITABLE ORGANIZATIONS THAT PROVIDE FOR NEEDY INDIVIDUALS AND FAMILIES IN SAN ANTONIO; AND AUTHORIZING THE ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS FROM DISTRICT 2 IN THE AMOUNT OF \$5,100.00, DISTRICT 3 IN THE AMOUNT OF \$5,100.00, DISTRICT 6 IN THE AMOUNT OF \$7,371.00, DISTRICT 8 IN THE AMOUNT OF \$1,000.00, DISTRICT 9 IN THE AMOUNT OF \$5,100.00 AND DISTRICT 10 IN THE AMOUNT OF \$5,100.00, IN CONNECTION THEREWITH.

* * * *

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a presentation on the San Antonio Food Bank, Inc, a copy of which is on file with the papers of this meeting. He gave a briefing on the purpose, background information, program information, FY 2003 HOPE plan, and accountability measures.

In response to Councilman Barrera on why some districts were omitted, Mr. Campa stated that some chose not to make a donation.

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

— — —
2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97089

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE ALAMO AREA COUNCIL, BOY SCOUTS OF AMERICA IN THE AMOUNT OF \$60,753.00 FOR THE PROVISION OF EDUCATIONAL PROGRAMS FOR BOYS, GIRLS AND YOUNG ADULTS; AND AUTHORIZING THE ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS FROM DISTRICT 1 IN THE AMOUNT OF \$5,000.00, DISTRICT 3 IN THE AMOUNT OF \$1,253.00, DISTRICT 4 IN THE AMOUNT OF \$15,000.00, DISTRICT 6 IN THE AMOUNT OF \$15,000.00, DISTRICT 7 IN THE AMOUNT OF \$12,500.00, DISTRICT 8 IN THE AMOUNT OF 2,000.00 AND DISTRICT 9 IN THE AMOUNT OF \$10,000.00, IN CONNECTION THEREWITH.

* * * *

Councilman Perez made a motion to approve the proposed Ordinance with additional funds added by the following districts: District 1 - \$5,000; District 3 - \$1,253; District 4 - \$15,000; District 6 - \$15,000; District 7 - \$12,500; District 8 - \$2,000; District 9 - \$10,000. Councilman Martin seconded the motion.

Mr. Dennis Campa, Director of Community Initiatives, presented a briefing on the Alamo Area Council, Boy Scouts of America, outlining the purpose, program information, and accountability measures, a copy of which is on file with the papers of this meeting.

Mayor Pro Tem Conner added \$2000 from District 8.

The following citizen(s) appeared to speak:

Ms Clarissa Escalante, 2226 NW Military, thanked the City Council for their support. Councilman Barrera endorsed the program.

Mr. Jaime Gutierrez, Boys Scout of America, thanked Council for their support.

* * * *

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

— — —
2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97090

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE ALAMO AREA RESOURCE CENTER IN THE AMOUNT OF \$6,100.00 FOR GENERAL OUTREACH SUPPORT IN CONNECTION WITH JENNIFER'S CAMP, A CAMP FOR CHILDREN AFFECTED BY AIDS AND THEIR CAREGIVERS AND SIBLINGS; AND AUTHORIZING THE ALLOCATION AND EXPENDITURE OF 1) HUMAN DEVELOPMENT SERVICES FUNDS FROM DISTRICT 5 IN THE AMOUNT OF \$1,000.00, DISTRICT 6 IN THE AMOUNT OF \$1,000.00, DISTRICT 7 IN THE AMOUNT OF \$500.00, DISTRICT 8 IN THE AMOUNT OF \$500.00, DISTRICT 9 IN THE AMOUNT OF \$500.00, AND DISTRICT 10 IN THE AMOUNT OF \$500.00 AND 2) CONTINGENCY ACCOUNT FUNDS FROM DISTRICT 1 IN THE AMOUNT OF \$500.00, DISTRICT 3 IN THE AMOUNT OF \$600.00 AND THE MAYOR IN THE AMOUNT OF \$1,000.00, IN CONNECTION THEREWITH; AS REQUESTED BY COUNCILMEMBER ENRIQUE BARRERA.

* * * *

Councilman Perez made a motion to approve the proposed Ordinance with additional funds added by the following districts [*Human Development Services Funds, ▲Contingency Funds]: ▲District 1 - \$500; ▲District 3 - \$600; *District 5 - \$1,000; *District 6 - \$1,000; *District 7 - \$500; *District 8 - \$500; *District 9 - \$500; *District 10 - \$500; ▲District 11 (Mayor) - \$1,000. Councilwoman Moorhouse seconded the motion.

Mr. Dennis Campa, Director of Community Initiatives, narrated a presentation on the Alamo Area Resource Center, outlining the purpose, program information, accountability measures, a copy of which is on file with the papers of this meeting.

The following citizen(s) appeared to speak:

Ms. Sandy Levy, Jennifer's Camp/AARC, thanked the Council members for their donation towards this cause.

* * * *

Council members thanked Ms. Levy for her efforts to help affected children.

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

2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97091

AUTHORIZING THE EXPENDITURE OF \$1,000.00 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND, \$300.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, \$500.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND, \$200.00 FROM THE DISTRICT 7 CONTINGENCY ACCOUNT FUND, AND \$500.00 FROM THE DISTRICT 8 CONTINGENCY ACCOUNT FUND, PAYABLE TO SOLAR SAN ANTONIO, TO BE USED TO OFFSET EXPENSES ASSOCIATED WITH SOLAR FEST 2003, AN EDUCATIONAL EVENT TO SHOWCASE THE WIDESPREAD USE OF RENEWABLE ENERGY AND ENERGY CONSERVATION, TO BE HELD ON SATURDAY, MAY 17, 2003 AT MAVERICK PARK; AS REQUESTED BY MAYOR EDWARD D. GARZA.

* * * *

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

— — —
2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97092

AUTHORIZING THE TRANSFER OF \$550.00 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND TO THE PARKS AND RECREATION DEPARTMENT FOR COSTS TO BE INCURRED IN ASSOCIATION WITH THE RENTAL OF A MOBILE STAGE FOR THE ST. LAWRENCE CATHOLIC CHURCH ANNUAL PARISH SPRING FESTIVAL TO BE HELD ON MAY 3, 2003; AS REQUESTED BY COUNCILWOMAN ANTONIETTE MOORHOUSE.

* * * *

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

— — —
2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97093

AUTHORIZING THE EXPENDITURE OF \$600.00 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE HIGHLAND PARK NEIGHBORHOOD ASSOCIATION, TO BE USED FOR SANITATION, SECURITY, BOOTH, DISC JOCKEY AND SOUND STAGE RENTAL FOR THE SPRING FESTIVAL HELD ON APRIL 6, 2002; AS REQUESTED BY COUNCILWOMAN ANTONIETTE MOORHOUSE.

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

The following citizen(s) appeared to speak:

Ms. Rachel Cywinski, President, Highland Park Neighborhood Association, explained the reasons behind their request for support to the 2002 spring festival. She hopes the festival will continue to be reflective of the excellent relationship with the Highland Park Neighborhood Association and the City of San Antonio. She then thanked Councilwoman Moorhouse and the other Council members for their support.

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

— — —
2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97094

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND, PAYABLE TO SUNSHINE COTTAGE SCHOOL FOR DEAF CHILDREN, TO BE USED TO PURCHASE BOOKS AND MATERIALS TO SUPPORT THE YEAR OF READING PROGRAM; AS REQUESTED BY COUNCILWOMAN ANTONIETTE MOORHOUSE.

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

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

— — —
2003-03 The Clerk read the following Ordinance:

AN ORDINANCE 97095

AUTHORIZING THE EXPENDITURE OF \$100.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE ADAMS HILL C.O.P, TO BE USED TO REPLACE WORN AND FADED CELLULAR ON PATROL (C.O.P.) SIGNS IN THE ADAMS HILL NEIGHBORHOOD; AS REQUESTED BY COUNCILMAN ENRIQUE MARTIN.

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

2003-03

CITIZENS TO BE HEARD

MR. CHARLES ENGLISH

Mr. Charles English, President, Jefferson Heights Association, spoke to communication difficulties between District 2 and his neighborhood association.

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MS. SHERRY GILFORD

Ms. Sherry Gilford, 7402 Weybridge, spoke to problems communicating with her state representative regarding structural problems with her home.

Mayor Pro Tem Conner asked Ms. Gilford to leave her home phone and someone from her staff will contact her.

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MS. MARIA DOMINGUEZ

Ms. Maria Dominguez, spoke to problems with her home needing repairs.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to Items #26, #28 and #31, noting his opposition to giving money to these organizations.

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MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke to his opposition to the San Antonio Police Officers Association (SAPOA) contract. He also spoke to several newspaper articles on different subjects. He also added his request to have the Alamodome named after him.

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MR. JACK FINGER

Mr. Jack Finger, P. O. Box 12048, spoke to the SAPOA contract, and his opposition to the agreement. He also spoke to his background, and the fact that he came from a working middle class family who never accepted welfare, or special considerations.

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MR. RICHARD ALLES

Mr. Richard Alles, Citizens' Tree Coalition, presented a slide presentation regarding the review of the Tree Preservation Ordinance. He gave some background on the Ordinance, and thanked Councilwoman Moorhouse for her diligence on this project. Mr. Alles provided a copy of a letter from Mayor Pro Tem Conner on the modification of this Ordinance. He noted that the Ordinance is far from a compromise and is not enforceable. Mr. Alles requested better communication on the progress of this project. He also requested that this original committee review the comments of the stakeholders, and then expeditiously relay those comments to the Zoning Committee, which should then be forwarded with the comments to the City Council.

Mayor Pro Tem Conner stated that she would contact Mr. Alles regarding this issue.

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MR. DON W. CASTILLO

Mr. Don W. Castillo, 910 N. Frio Street, spoke to bringing back to Texas the Pledge of Allegiance and prayer. He spoke to his opposition of several social problems in the world.

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MR. ELGINIO RODRIGUEZ

Mr. Elginio Rodriguez, 450 N. San Gabriel Avenue, spoke to the protection of the Edwards Aquifer and other similarly sensitive areas. He provided a copy of a letter to the Mayor and Council members on this issue (a copy of which is on file with these papers).

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MS. LAURA ZUNIGA

Ms. Laura Zuniga, 3903 Killarney, spoke requesting City Council to allow an incentive agreement for Target to be built on the southeast side of the City.

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MS. RACHEL CYWINSKI

Ms. Rachel Cywinski, President, Highland Pak Neighborhood Association, spoke of her opposition to tax incentives proposed for a Target store at S. E. Military Drive and Goliad Road.

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2003-03 EXECUTIVE SESSION

The City Council recessed its regular session at 7:00 P.M. in order to convene in Executive Session for the purpose of:

A) Attorney-client consultation pursuant to Sec. 551.071 of the Texas Government Code, to discuss legal issues related to collective bargaining negotiations with the San Antonio Police Officers Association.

B) Attorney-client consultation pursuant to Sec. 551.071 of the Texas Government Code, to discuss legal issues regarding the use of right-of-way by El Paso Natural Gas.

The City Council adjourned the Executive Session at 7:19 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

2003-03 There being no further business to come before the City Council, the meeting was adjourned at 7:20 P.M

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



YOLANDA L. LEDESMA
Acting City Clerk