

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MAY 29, 2003.

* * * *

2003-21 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

- A) **Staff Presentation on Status of Mayor and Council Bond Projects and the San Antonio/Bexar County History Center Report.** [Presented by Lou Lendman, Director, Management and Budget; Christopher J. Brady, Assistant City Manager]

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

The "B" Session adjourned at 10:55 A.M.

— — —

2003-21 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, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

— — —

2003-21 Invocation by Reverend Gilbert Perez, Temple of Praise.

— — —

2003-21 Pledge of Allegiance to the flag of the United States.

2003-21 **PRESENTATION OF RESOLUTION OF RESPECT FOR MAURY MAVERICK, JR., SON OF FORMER MAYOR.**

Mayor Garza read the Resolution of Respect in memory of Mr. Maury Maverick, Jr., a former legislator and champion of civil liberties, who passed away on January 28, 2003. The Resolution recognized Mr. Maverick for his contributions to the community and serving those in need.

Mayor Garza requested that a copy of the Resolution be spread upon the minutes of the meeting and that a copy thereof be presented to the family members as a token of sympathy.

A RESOLUTION
NO. 2003-21-23

**RESOLUTION OF RESPECT
MAURY MAVERICK, JR.**

Whereas, On January 28, 2003, life came to a close for Mr. Maury Maverick, Jr.; and

Whereas, Mr. Maverick was a 1938 graduate of the Texas Military Institute; He then earned his Bachelor's Degree from the University of Texas and his law degree from St. Mary's University; In addition to his impeccable academic career, he joined the United States Marines and gallantly served his country during World War II; and

Whereas, Following in the footsteps of his father, a former United States Representative and former Mayor of San Antonio, Mr. Maverick joined the political arena and won a seat in the Texas House of Representatives and served in this capacity from 1950 – 1956; and

Whereas, Mr. Maverick devoted his time and energy to his legal practice, and worked tirelessly to represent the disadvantaged; in 1991, he earned the prestigious "John Minor Wisdom Public Interest and Professional Award" from the American Bar Association; and

Whereas, In addition to his varied roles as an attorney and public servant, Mr. Maverick was a talented writer, and in 1980, he began a long association with the *EXPRESS NEWS* and graced the publication's pages with his popular and thought provoking columns for over 20 years; and

Whereas, Mr. Maverick's commitment to serving the needs of those voices who often went unheard, and his admirable qualities of courage of tenacity will remain a legacy for our generation and future generations to emulate;
NOW, THEREFORE:

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

SECTION 1. that with the death of Mr. Maury Maverick, Jr., the City of San Antonio has lost a valuable asset to its past, present and future.

SECTION 2. that the City Council joins with his family and friends in their sorrow over his death, and extends its sincerest sympathy and prayers of comfort to those who were near him.

SECTION 3. and it is hereby directed that a copy of this Resolution be spread upon the minutes of this meeting and a copy thereof be presented to his family as a token of our deepest sympathy.

* * * *

Councilman Carpenter made a motion to approve the proposed Resolution of Respect. Councilwoman Moorhouse seconded the motion.

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

Mr. Maverick's family members came forward to express their appreciation to the City Council.

Council members commended the Maverick Family for their contributions to the City of San Antonio.

Councilman Castro noted the recent naming of a library in Mystic Park in honor of Mr. Maverick.

— — —

2003-21 PRESENTATION OF PROCLAMATION FOR "AMERICAN ORIGINALS: TREASURES FROM THE NATIONAL ARCHIVES".

Mayor Garza read a Proclamation for the Witte Museum's exhibit "American Originals: Treasures from the National Archives" consisting of various significant historical documents. Mr. Jim McNutt, President and Executive Director of the Witte Museum, came forward to accept the Proclamation. Mr. McNutt provided information on the special exhibit at the Witte Museum, and expressed appreciation for the City's support.

Councilman Sanders expressed his gratitude to the museum staff for bringing the exhibit, to include the Emancipation Proclamation, to San Antonio.

— — —

2003-21 PRESENTATION OF PLAQUES TO OUTGOING COUNCILMEMBERS.

Mayor Garza spoke regarding outgoing Council members and expressed his gratitude for their service to the City of San Antonio. As a gesture of appreciation for their willingness to serve the citizens of the City, Mr. Garza presented plaques to Councilman Bobby Perez - District 1, Councilman John Sanders - District 2, Councilwoman Toni Moorhouse - District 3, Councilman Enrique "Kike" Martin - District 4, Councilwoman Nora Herrera - District 5, Councilwoman Bonnie Conner - District 8, and Councilman David Carpenter - District 10.

— — —

2003-21 ON A POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Councilman Castro called forward Ms. Kathleen Trenchard, Coordinator of the Crockett Club with the Parks Foundation, to honor Councilman Bobby Perez at his last Council meeting.

Ms. Trenchard spoke in gratitude to Councilman Perez for his efforts in procuring funds for improvements to the Crockett Park Master Plan. She presented to Councilman Perez a Crockett Club Certificate as a gesture of appreciation.

Ms. Trenchard also recognized Ms. Judy Babbitt, Mr. Rocky Aranda and Mr. James Story, City employees, for their efforts in the improvements of Crockett Park.

Ms. Angie Ruiz, speaking on behalf of the Tobin Park Hill Association, expressed appreciation to Councilman Perez for all his contributions and accomplishments in the Tobin Park Hill neighborhood.

Councilman Perez thanked the constituents and City employees for their efforts to improve District 1.

Councilman Perez recognized his family members present in the audience.

— — —

2003-21 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 8 through 27G, constituting the Consent Agenda, except for Items 9 and 20, which were pulled for individual consideration. Councilman Carpenter 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, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 97670

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH GIS MAPPING SOFTWARE & MAINTENANCE, W.H.O. BRUSH GRINDER PARTS & SERVICE, FIRST CLASS PRESORT MAIL & STANDARD (A) FLAT MAIL SERVICES, HAND CLEANER AND DAEWOO FORKLIFT PARTS & SERVICE ON AN ANNUAL BASIS FOR FISCAL YEAR 2003-2004 FOR A TOTAL AMOUNT OF APPROXIMATELY \$203,809.00.

* * * *

AN ORDINANCE 97671

APPROPRIATING \$100,000.00 IN FISCAL YEAR 2000/2001 DISTRICT 8 ONE-TIME IMPROVEMENT FUNDS INTO THE SPRING TIME PARK (OXBOW/BABCOCK NORTH PARK) PROJECT BUDGET IN CITY COUNCIL DISTRICT 8 AND INCREASING THE EXPENDITURE CODE FOR PARK CONSTRUCTION CREW EXPENSES IN THE AMOUNT OF \$100,000.00; AND AUTHORIZING PAYMENT.

* * * *

AN ORDINANCE 97672

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$20,804.00 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS PAYABLE TO CHIANG, PATEL & YERBY, INC. FOR ADDITIONAL ENGINEERING EXPENSES IN CONNECTION WITH THE LOCKHILL SELMA FROM WEST AVENUE TO N.W. MILITARY PROJECT, LOCATED IN COUNCIL DISTRICT 9; REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 92135, JULY 27, 2000.)

* * * *

AN ORDINANCE 97673

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$34,017.09 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS PAYABLE TO MAESTAS & BAILEY, INC. (MBE) FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE MAYFIELD FROM I.H. 35 TO ZARZAMORA (MPO) PROJECT, LOCATED IN COUNCIL DISTRICT 4; REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 91828, MAY 25, 2000.)

* * * *

AN ORDINANCE 97674

AUTHORIZING THE TRANSFER OF \$2,355.91 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS TO THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT; ESTABLISHING A FORCE ACCOUNT; AND AUTHORIZING THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE SOUTHCROSS FROM NEW BRAUNFELS TO S. PRESA (MPO) PROJECT, LOCATED IN COUNCIL DISTRICT 3.

* * * *

AN ORDINANCE 97675

AUTHORIZING \$670,147.93 FROM 2001 AND 2002 CERTIFICATES OF OBLIGATION FUNDS PAYABLE TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SHARE OF TWENTY PERCENT (20%) OF CONSTRUCTION COST IN CONNECTION WITH THE SUNSET FROM JONES MALTSBERGER TO TEAK (MPO) PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING \$67,014.79 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES FOR AN OVERALL TOTAL AMOUNT OF \$737,162.72; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 97676

AUTHORIZING FUNDS IN THE AMOUNT OF \$47,481.20 FROM 2003 STREET MAINTENANCE PROGRAM FUNDS AND \$800.00 FROM NEIGHBORHOOD ACTION MOBILITY PROGRAM (NAMP) FUNDS, FOR AN OVERALL TOTAL AMOUNT OF \$48,281.20, PAYABLE TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION COSTS IN CONNECTION WITH THE HILDEBRAND AVENUE FROM I.H. 10 TO BREEDEN PROJECT, LOCATED IN COUNCIL DISTRICT 1; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 97677

AUTHORIZING FIELD ALTERATION NO. 12 IN THE AMOUNT OF \$43,319.79 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND 1994 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS AND FIELD ALTERATION NO. 5 IN THE AMOUNT OF \$28,578.36 IN SAN ANTONIO WATER SYSTEM (SAWS) FUNDS FOR A TOTAL AMOUNT OF \$71,898.15 PAYABLE TO E-Z BEL CONSTRUCTION, LTD. IN CONNECTION WITH THE FULTON AVENUE FROM BLANCO TO N. FLORES PROJECT, LOCATED IN COUNCIL DISTRICT 1; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95079, DECEMBER 20, 2001.)

* * * *

AN ORDINANCE 97678

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A JOINT USE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO WATER SYSTEM (SAWS) IN CONNECTION WITH THE SALADO CREEK HIKE & BIKE PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 2.

* * * *

AN ORDINANCE 97679

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,920.00 FROM 1994 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS TO DUGGER, CANADAY, GRAFE, INC. FOR APPRAISAL SERVICES AND EXPERT TESTIMONY IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS - HAUSMAN TO DEZAVALA PROJECT LOCATED IN COUNCIL DISTRICT 8; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 97680

AUTHORIZING PAYMENT IN THE AMOUNT OF \$500.00 TO LAWYERS TITLE OF SAN ANTONIO FOR TITLE CHARGES IN CONNECTION WITH THE NORTHINGTON - S.W. 36TH TO S.W. 35TH PROJECT, A 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT LOCATED IN COUNCIL DISTRICT 6; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 97681

RELEASING A PORTION OF AN EXISTING DRAINAGE EASEMENT LOCATED BETWEEN I.H. 35 SOUTH AND ZARZAMORA STREET TO S.P. SAN ANTONIO PARTNERSHIP, L.P.

* * * *

AN ORDINANCE 97682

AUTHORIZING AND CONSENTING TO THE ASSIGNMENT OF LEASE NO. 200700 AUTHORIZED BY ORDINANCE NO. 89612 OF APRIL 15, 1999 AT STINSON MUNICIPAL AIRPORT, FROM WILLIAM FOWLER, JR. AND ESTHER FOWLER TO CARLOS P. DELGADO AND ALMA A. RICO, FOR USE OF 715 SQUARE FEET OF RESTAURANT SPACE IN THE STINSON TERMINAL BUILDING AND 2,174 SQUARE FEET OF PATIO GROUND SPACE AT STINSON MUNICIPAL AIRPORT. (AMENDS ORDINANCE NO. 89612, APRIL 15, 1999.)

* * * *

AN ORDINANCE 97683

AMENDING CHAPTER 11 OF THE CITY CODE TO ALLOW LIMITED SALES AND POSSESSION OF FIREWORKS IN THE AREAS ANNEXED FOR LIMITED PURPOSES AND AMENDING THE REGULATORY PLAN FOR THE AREAS TO CONFORM TO THE CHANGES IN CHAPTER 11. (AMENDS CHAPTER 11 OF CITY CODE)

* * * *

AN ORDINANCE 97684

ACCEPTING FUNDS IN THE AMOUNT OF \$1,800.00 FROM THE TEXAS HISTORIC COMMISSION TO CREATE A USER-FRIENDLY BROCHURE FOR OWNERS OF HISTORIC PROPERTIES THAT DESCRIBES BEST PRACTICES FOR RESTORATION AND REHABILITATION, AND TO ASSIST STAFF TO ATTEND THE ANNUAL NATIONAL PRESERVATION CONFERENCE; AND AUTHORIZING A \$1,800.00 MATCH FROM THE CITY'S FINCK BUILDING FUND.

* * * *

AN ORDINANCE 97685

AUTHORIZING THE ACCEPTANCE AND EXECUTION OF TWO (2) CHANGES TO THE CONTRACT BETWEEN THE TEXAS DEPARTMENT OF HEALTH AND THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AS FOLLOWS: 1) ACCEPTANCE OF AN ADDITIONAL \$15,000.00 IN CASH TO AUGMENT THE BIOTERRORISM PREPAREDNESS PROJECT AND 2) ACCEPTANCE OF A

REDUCTION OF FUNDS WHICH WERE PREVIOUSLY PROVIDED FOR THE TUBERCULOSIS PREVENTION AND CONTROL PROJECT IN THE AMOUNT OF \$690.00; AND REVISING THE PROJECT BUDGETS TO REFLECT THESE CHANGES.

* * * *

AN ORDINANCE 97686

CHANGING THE STREET NAME OF CAMINO BLANCO TO FRANK BRYANT LANE; AS REQUESTED BY COUNCILMAN JOHN H. SANDERS, DISTRICT 2.

* * * *

AN ORDINANCE 97687

REAPPOINTING MARGARET J. ROBINSON (DISTRICT 2) TO THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2004.

* * * *

AN ORDINANCE 97688

REAPPOINTING RODRIC E. FITZGERALD (DISTRICT 2) TO THE HOUSING TRUST FUND BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON MAY 30, 2005.

* * * *

AN ORDINANCE 97689

APPOINTING DR. JAN H. VAN DEN HENDE (DISTRICT 10) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON MARCH 31, 2005.

* * * *

AN ORDINANCE 97690

REAPPOINTING MARY M. DENNIS (DISTRICT 2) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 15, 2004.

* * * *

AN ORDINANCE 97691

APPOINTING MAYNARD J. GALLOWAY (DISTRICT 2) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2005.

* * * *

AN ORDINANCE 97692

APPOINTING SCOTT E. HAUSHILL (DISTRICT 1) TO THE BROOKS DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 4, 2004.

* * * *

AN ORDINANCE 97693

APPOINTING ROBERT P. BRAUBACH (DISTRICT 1) AS TRUSTEE TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR A TERM OF OFFICE TO EXPIRE ON MAY 9, 2006.

— — — — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97694

APPROPRIATING \$628,000.00 IN 1999 PARK BOND FUNDS INTO THE CROWNRIDGE CANYON NATURE AREA IMPROVEMENTS PROJECT IN CITY COUNCIL DISTRICT 8 FOR FUTURE PHASE II PROJECT FUNDING.

* * * *

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

Mr. Malcolm Matthews, Director of Parks and Recreation Department spoke to the Crownridge Canyon property in District 8, which was acquired two years ago. He noted that in 1999, District 8 Park Bond Elections included funding for park land north of 1604 and east of Babcock Road. He further noted that in working with Proposition 3, this property is the closest to a residential area. He added that bond funds are being provided that would go to the development of this property for public use.

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97695

AUTHORIZING PAYMENT IN THE AMOUNT OF \$108,100.00 FROM 1999 GENERAL OBLIGATION BONDS TO LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR LONNIE F. LAIRD A/K/A LONNIE FRANKLIN LAIRD AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF ROBERTA J. LAIRD A/K/A ROBERTA S. LAIRD FOR FEE SIMPLE TITLE TO ONE PARCEL (\$106,000.00) AND A RIGHT OF ENTRY AGREEMENT (\$100.00) AND TITLE FEES (\$2,000.00), IN CONNECTION WITH THE JAMES PARK DEVELOPMENT AND HOLBROOK ROAD FLOOD IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. Tom Wendorf, Director, Public Works Department, narrated a presentation on the Holbrook Road Flood Improvement Project. A copy of the presentation is on file with the papers of this meeting.

Mr. Wendorf spoke regarding the project limits to include south of Rittiman Road, to Salado Creek to Woodburn Road in District 2. He identified the property to be acquired at 4202 Parkwood Drive and gave an overview of the goals of the project. Mr. Wendorf stated that the improvement project would include improvements to drainage, roadways and intersections at Rittiman Road. He noted that base and road surface improvements, as well as curbs, driveway approaches, sidewalks, a flood warning system with flashing lights and water depth gauges, and a new culvert under Holbrook Road are planned. Mr. Wendorf explained that the construction would result in protecting the Wilshire Estates from future flooding. He presented the timeline and the fiscal impact associated with the project.

Councilman Sanders presented a video depicting the flood damage to the neighborhood incorporated in the Holbrook Road Project.

The following citizen(s) appeared to speak:

Mr. Lonnie F. Laird, 4202 Parkwood, spoke to the problems he and his family had experienced as a result of the flood damage caused to his property. He noted the years of effort with previous City officials and expressed his gratitude to Councilman Sanders and Mr. Wendorf for the success in planning the Holbrook Road Project. Mr. Laird also noted a delay in the City's inspection and permit process for the construction of new homes in the City. He suggested that City Council give priority to this matter.

* * * *

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97696

AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE DELEGATE AGENCY CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND THE WITTE MUSEUM FOR SERVICES TO BE PERFORMED REGARDING THE RELOCATION OF THE HERTZBERG CIRCUS COLLECTION AND A CURATORIAL ASSESSMENT OF THE ITEMS CONTAINED IN THE SPANISH GOVERNOR'S PALACE IN AN AMOUNT NOT TO EXCEED \$32,000.00; AND

AUTHORIZING PAYMENT TO THE WITTE MUSEUM PURSUANT TO THE AGREEMENT.

* * * *

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

Mr. Malcolm Matthews, gave a briefing on the Hertzberg Library Collections. A copy of this presentation is on file with the papers of this meeting. He explained that the Hertzberg Library Collection contains approximately 20,000 circus pieces that includes documents, artifacts, photos and other items that represent circuses, side shows, las carpas and wild west shows. He also noted that it is a representation of the history of the American circus. Mr. Matthews explained that due to the facility maintenance to the Hertzberg Library, and the need to preserve the collection in the library, the collection needs to be relocated to a climate controlled storage facility. He stated that due to the size and nature of the special handling requirements, it is recommended that the Witte Museum oversee the relocation efforts. In addition to the Hertzberg work, Mr. Matthews stated that the Witte Museum will provide curatorial services for the items contained in the Spanish Governor's Palace.

He further explained that curatorial services will be provided at no cost, and noted the financial impact for the project will total \$32,000.

In response to Councilwoman Conner regarding curatorial services at the Governor's Palace, Mr. Matthews stated that the Witte Museum staff will be in charge of that task and will report upon completion.

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97697

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT FOR TWELVE MONTHS WITH ITW MORTGAGE INVESTMENTS IV, INC. FOR USE BY THE LIBRARY DEPARTMENT OF 5,600 SQUARE FEET OF WAREHOUSE SPACE LOCATED AT 995-B ISOM ROAD, ISOM BUSINESS CENTER FOR TEMPORARY

STORAGE OF THE HERTZBERG COLLECTION AT A MONTHLY RENT OF \$2,520.00 OR AN ANNUAL RENTAL RATE OF \$5.40 PER SQUARE FOOT, AND COMMON AREA CHARGES, TAXES, AND INSURANCE CHARGES AT A MONTHLY RATE OF APPROXIMATELY \$700.00 FOR AN ANNUAL TOTAL OF APPROXIMATELY \$38,640.00, FOR THE PERIOD OF JUNE 1, 2003 TO MAY 31, 2004, AND WITH A RIGHT TO RENEW THE TERM OF THE LEASE AGREEMENT FOR AN ADDITIONAL PERIOD OF TWELVE MONTHS, SUBJECT TO CITY COUNCIL APPROVAL; AND AUTHORIZING PAYMENT TO ITW MORTGAGE INVESTMENTS IV, INC. PURSUANT TO THE LEASE AGREEMENT.

* * * *

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

Mr. Malcolm Matthews, Director of Parks and Recreation Department, gave a briefing on the Ordinance, which would authorize the execution of a lease for storage space for the Hertzberg Library Collection. He outlined details of the facility, services, and terms of the contract, noting that funds for the lease are budgeted through Hotel/Motel funds for a total of \$48,000 per year.

The following citizen(s) appeared to speak:

Ms. Nancy Englebert, 10486 Pine Glade, thanked the outgoing Council members for their contribution to make San Antonio a better place. She spoke regarding the proposed improvements to the Hertzberg Museum, and about her concerns for the care and condition of the museum collection.

* * * *

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

— — —

2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97698

AUTHORIZING AMENDMENT NO. 1 TO THE SAN ANTONIO MUSEUM ASSOCIATION D/B/A THE WITTE MUSEUM TO EXPAND THEIR LEASED PREMISES TO INCLUDE PIONEER HALL AND AMENDING THE TERM OF THE AGREEMENT FOR A TWENTY FIVE (25) YEAR TERM THAT WILL EXPIRE ON SEPTEMBER 7, 2022. (AMENDS ORDINANCE NO. 86520, AUGUST 28, 1997.)

* * * *

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

Mr. Malcolm Matthews, Director, Parks and Recreation Department, narrated a video presentation on the Witte Museum Lease Agreement. A copy of this presentation is on file with the papers of this meeting. He stated this amendment is to address the operation of Pioneer Hall and the future of the entire Witte Museum complex. Mr. Matthews explained background information on Pioneer Hall as part of the agreement between the State of Texas and the City, and how that agreement will continue to stay in place. He noted that under that agreement, the City is to provide a memorial to pioneers, trail drivers and former Texas Rangers. Mr. Matthews stated that all parties involved are interested in improving the operation, exhibits and condition of Pioneer Hall, and negotiations have been ongoing for years. He outlined areas of major improvements to Pioneer Hall including a heating and air conditioning system, weather proofing, access, displays, curation of the museum and inventory of museum pieces. He added that all parties involved seek to continue the special events and continued use of the museum, and continue to seek to develop a master plan for expansion of the Witte Museum and Pioneer Hall.

Mr. Matthews further explained the specifics of the amendment with regard to the Witte Museum's leased area to be expanded, which will include Pioneer Hall for the benefit of the public. He noted the proposed amendment would include for the Witte Museum to develop an operating plan within a specific time frame upon approval by the City Council, adding that if the plan is not developed, the amendment would be terminated. Mr. Matthews also stated that an improvement schedule for Pioneer Hall is to be submitted under the agreement and associated with the capital improvement plan. He further noted the agreement would extend the lease term through September, 2022.

The following citizen(s) appeared to speak:

Mr. Mayo J. Galindo, representing the Pioneers, spoke regarding the relationship between the two organizations and how they will function. He acknowledged a need to improve

the facilities and hopes for a program within 90 days. Mr. Galindo stated that he hoped to enter into serious negotiations with the Witte Museum and with the City to development a special plan that would be satisfactory to both sides, and also stated that it would take an effort between both entities. Mr. Galindo stated that a good mediator would be required to reconcile differences and result in a win-win situation for all.

Mr. F. J. Vollmes, State Association of Texas Pioneers, reiterated the comments by Mr. Galindo and further stated that his organization is willing to negotiate in good faith with the interested parties. He stated that he looks forward to feedback from the Witte Museum staff.

Mr. Jim McNutt, Witte Museum, stated that his organization has put together a good argument, has worked closely with Councilman Schubert and Pioneer Hall, and that they are ready to move forward.

* * * *

Councilman Schubert thanked Mr. Galindo for his comments, and stated that he agrees that a win-win situation is best for all. Councilman Schubert also stated that his efforts to keep alive the memory of the pioneers, trail drivers and former Texas Rangers for visitors to our City so that they can view the history. He noted that the Witte Museum has immense resources to work with the three organizations and to work together on this space.

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

— — —
2003-21 The Clerk read the following Resolution:

A RESOLUTION
NO. 2003-21-24

EXPRESSING CITY COUNCIL'S SUPPORT FOR THE EDWARDS AQUIFER AUTHORITY TO RETAIN AN ACTIVE ROLE IN CREATING AND IMPLEMENTING WATER QUALITY REGULATIONS AS A KEY COMPONENT OF THE CHARGE AND MISSION OF THE AUTHORITY.

* * * *

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

Councilwoman Conner read excerpts from the Resolution that was designed to protect the City's sole source of drinking water, the Edwards Aquifer. She stated that this Resolution is being delivered to legislators in Austin due to our concerns about water quality. She expressed concern that should the bills currently on the legislature floor pass, it will be up to the City of San Antonio to implement regulations. She further stated that it would be incumbent for the new City Council to work with the San Antonio Water System (SAWS) and develop water quality ordinances as quickly as possible.

Mayor Garza thanked Councilwoman Conner and reiterated the significance of this issue for Council to continue to take a stand through this Resolution.

Councilman Sanders thanked Councilwoman Conner for initiating the Resolution and regards it as a necessary measure for protection of the Edwards Aquifer.

Councilman Castro expressed his gratitude to Councilwoman Conner and her efforts over the last four years to protect the Edward Aquifer Recharge Zone. He stated that it is vital for the City of San Antonio through the Edward Aquifer Authority (EAA) to retain the power to control water quality and to protect it. He further stressed the importance to have the EAA protect our water quality.

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97699

APPOINTING ROSS A. RODRIGUEZ AS A PART-TIME MUNICIPAL COURT JUDGE TO SERVE THE UNEXPIRED TERM OF OFFICE ENDING AUGUST 31, 2003 OF FORMER JUDGE DAVID J. RODRIGUEZ AS REQUESTED BY THE CITY COUNCIL QUALITY OF LIFE SUBCOMMITTEE, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT (8) AFFIRMATIVE VOTES.

* * * *

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

Councilman Perez spoke on the Quality of Life Council Committee's selection of Mr. Ross A. Rodriguez as interim Municipal Court Judge. Councilman Perez stated that Mr. Rodriguez is a member of the City's Ethics Review Board and has had the opportunity to work in the Criminal Court. Councilman Perez encouraged his colleagues to also support Mr. Rodriguez.

Mr. Rodriguez thanked the City 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, Herrera, Barrera, Castro, Conner, Carpenter, Garza. **NAYS:** None. **ABSENT:** Schubert.

Mr. Rodriguez was sworn in by Ms. Yolanda Ledesma, Acting City Clerk.

— — —

2003-21 PUBLIC HEARING AND ORDINANCE: REPROGRAMMING OF FUNDS FOR (HOPWA), (SAAHC), AND (SAAF) TO BENEFIT PEOPLE WITH AIDS.

Mayor Garza declared the Public Hearing to be open.

Mr. Henry Ross, Assistant Director, Community Initiatives Department, narrated a presentation on the Housing Opportunities for Persons with AIDS (HOPWA) Re-authorization and Reprogramming. A copy of the presentation is on file with the papers of this meeting.

Mr. Ross discussed the purpose in re-authorizing \$245,648.00 to the San Antonio Alternative Housing Corporation (SAAHC), and \$185,244.09 to the House of Hope in unspent HOPWA funds. He described the plans for construction enhancement and for tenant based rental assistance from these funds.

Mr. Ross spoke to the Housing Opportunities for Persons with AIDS (HOPWA) and the services they provide for low income persons with HIV, AIDS or a related disease and their family members. He identified \$245,638.00 of unspent HOPWA entitlement funds due to required zoning changes and increased cost of construction. Mr. Ross stated that re-programmed funds are planned for construction enhancement for a six-unit complex,

and tenant based rental assistance, which would provide housing subsidy for 16 households.

* * * *

There being no citizens signed to speak to this matter, Mayor Garza declared the Public Hearing to be closed.

The Clerk then read the following Ordinance:

AN ORDINANCE 97700

AUTHORIZING THE REPROGRAMMING OF \$64,887.91 IN 2001 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) FUNDS AVAILABLE FROM THE HOUSE OF HOPE PROJECT; AUTHORIZING THE CLOSE-OUT AND CANCELLATION OF AFFECTED PROJECTS AND THE CREATION AND/OR MODIFICATION OF THE APPROPRIATE PROJECTS AND PROJECT BUDGETS; REVISING THE APPROPRIATE PROJECT BUDGETS; AUTHORIZING THE APPROPRIATION AND ALLOCATION OF \$60,000.00 TO SAN ANTONIO ALTERNATIVE HOUSING CORPORATION (SAAHC) TO SUPPLEMENT PREVIOUS HOPWA AWARDS FOR PROJECT ENHANCEMENTS; AUTHORIZING THE APPROPRIATION AND ALLOCATION OF \$4,887.91 TO THE SAN ANTONIO AIDS FOUNDATION (SAAF) FOR TENANT BASED RENTAL ASSISTANCE (TBRA); AUTHORIZING THE RE-ALLOCATION AND RE-APPROPRIATION OF 2001 HOPWA FUNDS IN THE AMOUNT OF \$185,244.09 TO THE HOUSE OF HOPE FOR THE ACQUISITION OF TWO HOUSES AND AUTHORIZING THE RE-ALLOCATION AND RE-APPROPRIATION OF 2000 HOPWA FUNDS IN THE AMOUNT OF \$245,648.00 TO SAN ANTONIO ALTERNATIVE HOUSING CORPORATION (SAAHC) FOR THE CONSTRUCTION OF A SIX UNIT COMPLEX FOR PERSONS LIVING WITH HIV/AIDS; AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH; AND PROVIDING FOR PAYMENT.

* * * *

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

— — —

2003-21 PUBLIC HEARING AND ORDINANCES: CONSIDERATION OF APPROVAL OF ORDINANCES PERTAINING TO THE AGREEMENT WITH AERO SKY, L.L.C., AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

Mayor Garza declared the Public Hearing to be open.

Mr. Kevin Dolliole, Director, Aviation Department, presented a briefing on the Aero Sky Airport Lease, Designation of Reinvestment Zone and Tax Phase-In. A copy of the presentation is on file with the papers of this meeting. Mr. Dolliole discussed the background to the proposal which Aero Sky plans to expand and enhance its current facilities and operations at the San Antonio International Airport by investing \$2.46 million for various improvements to the Airport. He explained Item A of the Ordinance is to consider an Ordinance for a new lease with Aero Sky at the San Antonio International Airport. He further explained that Aero Sky is a maintenance, repair and overhaul operation that is planning an expansion at the airport. Mr. Dolliole then explained Item B is to conduct a public hearing for an Ordinance of the designation of Aero Sky Reinvestment Zone in District 9. He also spoke to Item C that will consider an Ordinance authorizing execution of a Tax Phase-In agreement with Aero Sky.

Mr. Dolliole gave an overview of Aero Sky's history and purpose at the San Antonio International Airport. He explained the extent of the proposed expansion plans for administrative and maintenance space, as well as demolishing current facilities that will add 40 jobs in the project. He noted that the expected project completion is June, 2005.

Mr. Dolliole then explained details on the extent and effect of the new expansion. A copy of the presentation is on file with the papers of this meeting. He explained that the City's investment is \$1,000,000 in roadway improvements, which had been a pre-planned capital improvement project. He stated that Aero Sky will execute a new 25-year lease for \$645,000 per square foot for a ground lease of 14.8 acres effective June, 2003 with a new ground rental revenue of \$193,000. Mr. Dolliole stated that due to the amount of Aero Sky's investment that they qualified for a 30% ground rental abatement. He explained that the lease terms would be adjusted in 2009 and every five years thereafter.

Mr. Ramiro Cavazos, Director, Economic Development Department, spoke on the purpose of partnering with the Aviation Department to conduct a public hearing to consider approving the designation of the Aero Sky Reinvestment Zone. He stated that an ordinance will also consider authorizing the execution of a Tax Phase-In agreement with Aero Sky for 100% tax phase-in for six years on the estimated \$4.26 million in real property improvements at the San Antonio International Airport.

Mr. Cavazos narrated a slide presentation that depicted the location of the Aero Sky proposed improvements, a copy of which is on file with the papers of this meeting. Mr. Cavazos stated that the project would provide approximately 70 one-time construction jobs for two years. He further stated that the project meets the City's Tax Phase-in Guidelines, certain criteria as an aero space facility and a targeted industry, and that they also meet the living wage requirements. He explained that Aero Sky supports the City's effort to retain and expand this industry and promote continued growth in the aviation industry. He expounded on the health benefits package to be offered by Aero Sky.

Mr. Cavazos then summarized the City's tax revenue over a 12-year period and the total tax abatement over the six years. He spoke to the revenues for the City, the 70 one-time contracting jobs which total over \$14 million, and the City's benefit of 14% of the City Public Service revenue for the expanded facility for a total economic impact of \$32 million. Mr. Cavazos pointed out other taxing entities that would also benefit through the additional sales tax revenues. He discussed the positive activities on the part of Aero Sky to include a full benefits package, training for Federal Aviation Administration (FAA) licensing, and their involvement with United Way agencies.

Mr. Cavazos then introduced Mr. Patrick Deely, attorney for Aero Sky, and thanked his staff for their participation in this project.

* * * *

There being no citizens signed to speak to this matter, Mayor Garza declared the Public Hearing to be closed.

The Clerk then read the following Ordinance:

AN ORDINANCE 97701

AUTHORIZING THE EXECUTION OF A NEW TWENTY-FIVE (25) YEAR LEASE AGREEMENT WITH AEROSKY, L.L.C., AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING THE TERMINATION OF LEASE NO. 122138; AUTHORIZING THE ULTIMATE LEASE OF APPROXIMATELY 645,044 SQUARE FEET OF GROUND SPACE AND TWO (2) BUILDINGS SITUATED THEREUPON FOR AN ANNUAL GROUND RENTAL OF \$193,513.20 AND ANNUAL BUILDING RENTAL OF \$30,405.44; AUTHORIZING RENTAL CREDITS AS REIMBURSEMENT FOR APPROVED COSTS FOR CERTAIN INFRASTRUCTURE IMPROVEMENTS PERFORMED BY AEROSKY; AND DECLARING BUILDING

1800 (HANGAR 4), BUILDING 1850 (HANGAR 3), AND BUILDING 1805 (OFFICES) AS EXCESS AND SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE DEMOLITION OF SUCH BUILDINGS.

* * * *

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

In response to Councilman Schubert with regards to the runway infrastructure, Mr. Dolliole stated that the runway was already in the Capital Improvement Program (CIP) to open up that area to give access for a tenant to use. He explained that initially, another tenant was holding the first option, but opted out, which opened the opportunity for someone else. Mr. Dolliole stated that Aero Sky will be leasing any area that was already a pre-planned area to be opened up to the airfield, and further stated that the project was to open it up to any tenant to take advantage of that site opening to the airfield. He reported that it had been a CIP project for the last 6-7 years.

In response to Councilman Schubert regarding issues about the roadway affecting access to other facilities, Mr. Dolliole stated that this project is a piece of improving access to that side of the airport. He noted that while there were other issues, they are being addressed in a different manner.

Councilman Schubert expounded the importance of the City's investment in the academies and in the target industry, and also stressed the importance of a commitment from those who are allowed tax abatements. He stated that those companies should be considering students from those academies to fill those jobs.

Mr. Cavazos pointed out that in the legal agreement, Aero Sky will be agreeing to make their best efforts to hire as many people that go through the Aerospace Academy.

Councilman Schubert stated that this field is a targeted industry and is aware that a company can market their business and expand for the benefit of all. He thanked staff for their efforts and asked his colleagues to support the Ordinance.

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

* * * *

The Clerk then read the following Ordinance:

AN ORDINANCE 97702

DESIGNATING THE AERO SKY REINVESTMENT ZONE DESCRIBED AS APPROXIMATELY 15 ACRES OF LAND LOCATED IN CITY COUNCIL DISTRICT 9 IN NORTHEAST SAN ANTONIO AT 2030 FIRST AVENUE AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

* * * *

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

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

* * * *

The Clerk then read the following Ordinance:

AN ORDINANCE 97703

APPROVING AND AUTHORIZING THE EXECUTION OF A SIX (6) YEAR AGREEMENT WITH AERO SKY, L.L.C., TO EXEMPT ONE HUNDRED PERCENT (100%) OF APPROXIMATELY \$4,300,000.00 IN REAL PROPERTY IMPROVEMENTS FROM AD VALOREM TAXATION.

* * * *

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

2003-21 **MEETING OF THE BOARD OF DIRECTORS OF THE CITY OF SAN ANTONIO, TEXAS STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION.**

Mayor Garza recessed the regular meeting at 1:45 P.M. in order to convene the meeting of the Board of Directors of the **STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION**. The following members were present: Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

Mr. Chris Brady, Assistant City Manager, gave a presentation on Items 29A & 29B and 30A, 30B & 30C relating to the Starbright Industrial Development Corporation. A copy of this presentation is on file with the papers of this meeting.

Mr. Brady stated that the Ordinances will request a loan from the City of San Antonio for \$1.3 million to purchase 200 acres of land; provide payment to Cox & Smith, as well as to Loeffler, Jonas and Tuggey, LLP., for legal services, and rescind a previous land purchase contract in order to remove the railroad connector tract in order to establish a new purchase land contract. He further provided background on the existing contract and on events that have transpired since the agreement is now about to expire. He stated that since the City of San Antonio does not have the bond funds to purchase the land, the City is proposing to finance the loan by seeking a short-term loan from the City until the bond funds are available in June, 2003. Mr. Brady noted that the City would be reimbursed with interest. He also stated that this action would address payment for legal services for negotiations on the Starbright Industrial Development agreement, and also for assistance on land acquisition transactions.

Regarding the land purchase contract, Mr. Brady pointed out that Toyota Manufacturing has requested that the City not acquire the railroad connector tract at this time. He stated that this would remove 112 acres related to the railroad piece from the previous contract, reducing the contract to 1,726 acres.

Acting City Clerk Ledesma then read the following Resolution of the Board:

A RESOLUTION
SIDC-2003-06

AUTHORIZING RECEIPT OF A LOAN FROM THE CITY OF SAN ANTONIO IN AN AMOUNT UP TO \$1,300,000.00 TO COMPLETE THE ACQUISITION OF APPROXIMATELY 200 ACRES OF LAND PREVIOUSLY APPROVED BY ORDINANCE 97292 AND RESOLUTION SIDC-2003-04, AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE THE TERMS OF SUCH LOAN TO BE

REPAID OUT OF BOND PROCEEDS UPON RECEIPT AND ANY DOCUMENTS FOR SUCH LOAN AND AUTHORIZING OTHER ACTIONS, AS NECESSARY.

* * * *

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

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

* * * *

The Clerk read the following Resolution:

A RESOLUTION
SIDC-2003-07

CONFIRMING THAT PAYMENTS TO THE LAW FIRMS OF COX & SMITH, INCORPORATED, AND LOEFFLER, JONAS & TUGGEY, L.L.P., FOR LEGAL SERVICES AND ASSOCIATED EXPENSES INCURRED IN CONNECTION WITH THE ECONOMIC DEVELOPMENT AGREEMENT WITH TOYOTA MOTOR MANUFACTURING NORTH AMERICA, INC., KNOWN AS THE PROJECT STARBRIGHT AGREEMENT, FOR A TOTAL AMOUNT NOT TO EXCEED \$590,000.00 MAY BE REIMBURSED FROM THE PROCEEDS OF BONDS SOLD BY THE CITY OF SAN ANTONIO, TEXAS, STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION.

* * * *

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

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

Mayor Garza adjourned the meeting of the Board Directors of the City of San Antonio, Texas Starbright Industrial Development Corporation, and reconvened the regular session of the City Council meeting at 2:50 P.M.

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97704

APPROVING A LOAN BY THE CITY TO CITY OF SAN ANTONIO, TEXAS, STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION ("CORPORATION") IN AN AMOUNT NOT TO EXCEED \$1,300,000.00 TO COMPLETE THE ACQUISITION OF APPROXIMATELY 200 ACRES OF LAND TO BE USED TO FULFILL OBLIGATIONS IN THE PREVIOUSLY APPROVED ECONOMIC DEVELOPMENT CONTRACT BETWEEN THE CORPORATION AND THE CITY, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE TERMS OF SUCH LOAN AND ANY DOCUMENTS FOR SUCH LOAN, APPROPRIATING FUNDS, AND AUTHORIZING OTHER ACTIONS, AS NECESSARY; DECLARING THE INTENT TO REIMBURSE THE CITY OUT OF BOND PROCEEDS OBTAINED BY THE CORPORATION AND DECLARING THIS ORDINANCE WILL BE EFFECTIVE IMMEDIATELY IF PASSED BY AT LEAST EIGHT (8) VOTES.

* * * *

Councilwoman Moorhouse made a motion to approve the proposed Ordinance. 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, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97705

AUTHORIZING PAYMENTS TO THE LAW FIRMS OF COX & SMITH, INCORPORATED AND LOEFFLER, JONAS & TUGGEY, L.L.P. FOR LEGAL SERVICES AND ASSOCIATED EXPENSES INCURRED IN CONNECTION THE ECONOMIC DEVELOPMENT AGREEMENT WITH THE TOYOTA MOTOR MANUFACTURING NORTH AMERICA, INC. FOR AN AMOUNT UP TO \$590,000.

* * * *

Councilman Martin made a motion to approve the proposed Ordinance. Councilman Barrera 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, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97706

APPROVING A CONTRACT FOR THE ACQUISITION OF APPROXIMATELY 1,726 ACRES OF LAND FOR A PURCHASE PRICE OF NOT MORE THAN \$16,090,000.00 TO BE USED TO MEET ECONOMIC DEVELOPMENT INCENTIVE OBLIGATIONS CONTAINED IN THE PROJECT STARBRIGHT AGREEMENT, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE CHANGES TO THE CONTRACT AND TO EXECUTE THE CONTRACT, AND APPROPRIATING FUNDS, AUTHORIZING OTHER ACTIONS, AS NECESSARY; DECLARING AN INTENT THAT THE EXPENDITURES AUTHORIZED BY THIS ORDINANCE MAY BE REIMBURSED FROM THE PROCEEDS OF BONDS SOLD BY THE CITY OF SAN ANTONIO, TEXAS, STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION; RESCINDING ORDINANCE 97317 (MARCH 13, 2003) AND PROVIDING THAT THE ORDINANCE WILL BE IMMEDIATELY EFFECTIVE UPON RECEIPT OF EIGHT (8) AFFIRMATIVE VOTES.

* * * *

Councilman Perez made a motion to approve the proposed Ordinance. Councilman Martin 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, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

2003-21 PUBLIC HEARING AND ORDINANCE: CONSIDERATION OF AN ORDINANCE CLOSING, VACATING AND ABANDONING PORTIONS OF MARTIN AND NAVARRO STREETS.

Mayor Garza declared the Public Hearing to be open.

Ms. Rebecca Waldman, Director of Asset Management, narrated a presentation on SBC Services for the closure of 691.67 square feet of subsurface right of way located at the intersection of Morrow and Martin Streets in District 1, a copy of which is on file with the papers of this meeting. She stated that the closure is to obtain ownership of the area for essential telecommunications capacity for a multi-state region.

Mr. Chris Brady, Assistant City Manager, stated that the City will collect \$4,482 for this proposed closure. He noted that the Zoning Commission and staff have recommended approval.

* * * *

There being no citizens signed to speak to this matter, Mayor Garza declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 97707

CLOSING, VACATING AND ABANDONING SUBSURFACE PORTIONS OF MARTIN AND NAVARRO STREETS PUBLIC RIGHTS OF WAY, ADJACENT TO NCB 412, THAT INCLUDES A PORTION OF PETITIONER'S BASEMENT, SEVENTY-TWO (72) 24 - INCH DIAMETER SOLDIER PILES, POWER TRANSFORMER CONNECTION VALET, TRANSFORMER VENTILATION SHAFT AND A TRANSFORMER ACCESS SHAFT, AS REQUESTED BY SBC SERVICES, INC. FOR A TOTAL CONSIDERATION OF \$4,482.00.

* * * *

Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Barrera 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, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97708

AUTHORIZING THE EXECUTION OF A CONTRACT OPTION AND APPROVING AN AMENDMENT TO THE EXISTING CONTRACT WITH THE ORACLE CORPORATION AS PREVIOUSLY APPROVED IN ORDINANCE 95820 TO PROVIDE THE CITY OF SAN ANTONIO WITH PROPRIETARY SERVER AND TUNING MANAGEMENT LICENSES IN AN AMOUNT OF \$670,800.00 PROVIDING FOR ANNUAL SERVICE AND MAINTENANCE FOR FIVE YEARS AT AN INITIAL AMOUNT NOT TO EXCEED \$196,768.00 THROUGH SEPTEMBER 30, 2004; \$147,576.00 IN EACH OF YEARS TWO AND THREE; \$152,003.00 IN YEAR FOUR; AND \$156,564.00 IN YEAR FIVE; APPROPRIATING AND ENCUMBERING FUNDS IN THE AMOUNT OF \$867,568.00 AND AUTHORIZING PAYMENT; AND ASSOCIATED DOCUMENTS FOR A TOTAL VALUE NOT TO EXCEED \$1,471,287.00; EFFECTIVELY IMMEDIATELY IF PASSED BY AT LEAST EIGHT (8) VOTES. (AMENDS ORDINANCE NO. 95820, MAY 30, 2002.)

* * * *

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

Mr. Troy Elliott, Director, ERM Project, gave a presentation on staff's recommendation for approval of additional oracle database licenses. A copy of the presentation is on file with the papers of this meeting. Mr. Elliott discussed the background of the project that entailed purchases of Oracle database licenses and an option for additional licenses to complete the first way of the ERM project. He added that 40 additional licenses are required to support the project. In the summary of costs, Mr. Elliott pointed out a total of \$1.47 million that will include a 61% discount of Oracle products.

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97709

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH THE FIRM OF 3D/INTERNATIONAL TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES IN CONNECTION WITH THE NEW TERMINAL EXPANSION AT SAN ANTONIO INTERNATIONAL AIRPORT FOR AN AMOUNT NOT TO EXCEED \$12,638,227.00; AUTHORIZING \$250,000.00 FOR ARCHITECTURAL CONTINGENCIES; \$50,000.00 FOR ADMINISTRATIVE EXPENSES; APPROPRIATING FUNDS; ESTABLISHING THE BUDGET AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. Kevin Dolliole, Director, Aviation Department, narrated a presentation on the terminal expansion project design services. A copy of the presentation is on file with the papers of this meeting. He explained the proposed professional service contract with 3D/International to provide architectural and engineering services in connection with new terminal expansions project at San Antonio International Airport.

He spoke on the background to the terminal expansion project, and stated that the sizing and development of these facilities is specifically planned for future development for the concourse. He noted that the agreement is divided into four subprojects and those subject projects are further divided into ten construction projects to be awarded individually. He discussed funding sources for a total appropriation of \$12,938,227.00. Mr. Dolliole pointed out that the standard insurance provisions exist, and that the City has asked 3D/International for quotes of additional insurance coverage for \$10 million. He further explained that the concepts of design bridging, its intended uses and advantages, and also described the systems package designs. Mr. Dolliole spoke to comparison rates with other cities in the country, with 8.2% of the overall construction cost fee contemplated in this design package.

In response to Mayor Garza regarding a budget breakdown specifically for the exterior of landscape amenities such as pedestrians, signage, and lighting, Mr. Dolliole stated that he will provide the budgeted amounts for landscaping and beautification on the exterior. He added that figures would also be provided regarding the other items that Mayor Garza cited, but that there are three programs that will accommodate those needs. He spoke of a previous landscape master plan that had been approved by the City Council designed for the entrance areas into the airport and a roadway system. Mr. Dolliole pointed out that plan is tied into the terminal project that will include the garage.

In response to Mayor Garza regarding a time line for a landscaping plan, Mr. Dolliole stated that the plans are currently being developed to include the entrance to the airport into the ring road system. Mr. Dolliole also stated that the plans should be completed in a couple of months. He added that the garage component will be moving into the programming phase and then to the design development, which will be months away.

Mayor Garza stated that as the budget is being approved, a landscaping plan to include signage and lighting amenities be brought back before the City Council. He made a point that the budget will have to be flexible to adjustment if the plan does not meet the goals of the City Council. He commended 3D/International on the job for the interior of the airport and on the two concourses. The Mayor requested information on who the landscape architect will be, as well as their credentials in order to ensure they develop a world-class facility. He reiterated his statements to ensuring that the City Council is briefed on the landscape plans and for flexibility to adjust the budget if it does not meet the City Council's goals. He also stated that he would give direction to staff as the contract is approved.

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97710

ACCEPTING THE PROPOSAL OF INTERNATIONAL DUTY FREE STORES COMPANY; AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD CONCESSION AGREEMENT, PURSUANT THERETO, FOR THE OPERATION OF A DUTY FREE CONCESSION AT SAN ANTONIO INTERNATIONAL AIRPORT, FOR A TERM OF FIVE (5) YEARS AND PROVIDING FOR ANNUAL PAYMENTS TO THE CITY OF SAN ANTONIO OF THE GREATER OF FIFTEEN PERCENT (15%) OF GROSS REVENUES ON SALES UP TO \$500,000.00 AND TWENTY PERCENT (20%) OF GROSS REVENUES ON SALES OVER \$500,000.00, OR A MINIMUM ANNUAL GUARANTEE PAYMENT OF \$125,000.00 PER YEAR.

* * * *

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

Mr. Kevin Dolliole, Director of Aviation Department, discussed the Duty Free Concession for the San Antonio International Airport. A copy of the presentation is on file with the papers of this meeting. Mr. Dolliole discussed the historical events leading to the proposal, for a final re-release of a Request for Proposal in March, 2003 resulting in one response from the International Duty Free Stores Company. Mr. Dolliole reported on the vendor's minimum annual guarantee, and its employment protection language in the event of a catastrophe similar to 9-11. He further stated that International Duty Free is not a local minority participant, but does have a high minority participation rate in its Good Faith Effort Plan.

In response to Councilman Schubert regarding the last response and the amount of money paid to the City for this project, Mr. Dolliole stated that the respondent's proposal is the same at 15% of gross up to \$500,000, or 20% over that with a \$125,000 minimal annual guarantee. He added that the other respondent was a flat 15.25%.

In response to Councilman Schubert regarding international traffic, Mr. Dolliole discussed the trend in employment decline and noted that San Antonio is in a single digit decline, with the international component at about 4 to 5%. He added that the number of available seats has not declined, only the traffic has seen a decline.

In response to Councilman Schubert regarding the number of responses, Mr. Dolliole stated that they received only one bid. He outlined the departments which comprised the Selection Committee noting that the old Airport Advisory Committee had membership on the Selection Committee who also reviewed the bid. A third party manager, Westfield, Inc., reviewed the only responding bid and signed off that it was an acceptable bid.

In response to Mayor Garza regarding the location of the Duty Free Store, Mr. Dolliole stated that it is located at the same location where it is today. He noted that the area will be larger, but it remains across the Mexicana Airlines gate, where the bulk of the international travelers will have access.

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

— — —

She requested that the City Council continue this case until the new City Council is in place.

Mr. Charles English, 807 Canton Street, President of Jefferson Heights Neighborhood Association, also applauded Mr. Richard Alles and Councilwoman Conner for their efforts to protect the Edwards Aquifer. Mr. English voiced his opposition to the rezoning change.

Mr. Elginio Rodriguez, 450 N. San Gabriel, narrated a video presentation and discussed his previous presentation concerning hazardous materials containment over the Edwards Aquifer. He cited a report entitled "Fire and Hazardous Material containment over the Edwards Aquifer" which he previously provided for the City Council. He spoke of contaminants and the \$3 million costs to clean up any pollution to the aquifer. He also noted the Texas Ground Water Protection Committee's report on the Edwards Aquifer.

Mr. Tim McCallum, St. Benedict's Metro Alliance/COPS, and Ms. Diane Dustroft, First Unitarian Church, Metro Alliance, spoke regarding their concerns about the quality of the City's drinking water and in opposition to the zoning change. Ms. Dustroft discussed the original zoning designed to protect the City's water source. She further noted the City Council's active role in developing and implementing water quality regulations. She stated that now is an opportunity for the City Council to act on that support by listening to staff's recommendation to deny the zoning change.

Mr. McCallum spoke regarding his opposition to the zoning change, and stated if this change is approved, the citizens would recognize a conflict without the opportunity to venting their concerns over this issue. He stated that he looked forward to working with the new City Council.

Mr. John Thompson, Tobin Hill Association, 215 El. Park, spoke about the critical water issues and requested the City Council to table this issue for the next City Council to review.

Mr. Allen Townsend, 143 Watton, stated that he agreed with Mr. Thompson to table this item for the next City Council meeting.

* * * *

Councilwoman Conner spoke regarding the suggestion of leaving the item to the new City Council, and expressed her concern about this item being delayed due to comments made on the lack of information. She stated that her work over the last four years has had a goal to protect the recharge zone in terms of water quality and quantity, a goal she believes has been fair and best for public policy. She proceeded to read a letter from the EAA dated March 12, a copy of which is on file with the papers of this meeting. She

reiterated her stand that water protection will be left to the City and to the San Antonio Water System (SAWS) after Texas legislature is passed.

Councilwoman Conner referred to the original commercial zoning on this property in 1990, and noted several types of retail businesses at the same location. She noted that the issue today involves information just received that a small portion is on the tip of the recharge zone. After reviewing a map to identify the exact location, Councilwoman Conner noted that the proposed business is located in the middle of the Edwards Aquifer, and not just the tip as originally thought.

In response to Councilwoman Conner regarding issues on the property, such as the type of business that is being proposed is a car dealership, Mr. Scott Halty, SAWS Director of Resource Protection, stated that was correct. He added that an abandoned well on the property had been plugged, and did not discover any sensitive recharge features. Discussion continued on the planned use for the property and possible contamination, with Mr. Halty stating that it was his understanding that vehicle painting will not be done on this site, and only vehicle maintenance will be conducted.

In response to Councilwoman Conner regarding the kind of chemicals used, Mr. Halty stated that the concerns are the processes being used and the chemicals on site. He also gave an explanation for a spill kit and the process for cleaning up an area.

In response to Councilwoman Conner with regard to gas storage, Mr. Ken Brown, attorney for the applicant, stated that there would not be any gas stored above or below the ground since they are bound by the EAA rules of a total limitation of 110 gallons of regulated materials. He also verified that no paint work would be conducted at the site.

Mr. Halty also clarified that if the City Council does approve the zoning change, SAWS would ask that their recommendations be included as part of the protective measures for the Edwards Aquifer. He also stated that the Texas Commission on Environmental Quality (TCEQ) would be notified for spills over five gallons or more.

Councilwoman Conner made a motion to continue this item for the next City Council, and asked that Mr. Brown hire a hydro geologist for an environmental assessment. She further requested that the SAWS' conditions be addressed and that staff work with SAWS to monitor this zoning change. She stated that rules and regulations needed to be established. Her motion was to continue this rezoning case until the City Council meeting of June 12, 2003. Councilman Perez seconded the motion.

Councilman Sanders stated that he was prepared to vote against the zoning change, and encouraged the next City Council to be involved to protect the Edwards Recharge Zone.

In response to Councilman Castro regarding the reasons why SAWS recommended denial, Mr. Halty stated that there were too many concerns, and by approving the change, it would be increasing the risk beyond a comfortable point. He also spoke to similar requests for this type of business, but they were also denied for the same reasons.

Councilman Castro discussed policies and arguments of philosophies regarding building over the Edwards Recharge Zone.

Discussion continued between Councilman Castro and Mr. Brown regarding Mr. Brown's experiences with the previous UDC Committee and the 1990 reform that allowed for franchise auto dealerships over the Recharge Zone. He further discussed the current situation with this applicant who has complied with all the processes over the last three years in an effort to acquire the zoning change.

In response to Councilman Castro with regard to the incorrect map, Mr. Brown stated that his firm does not generate the maps and stated that the site was submitted with full knowledge that it was directly in the middle of the Recharge Zone.

Councilman Castro stated that the matter is a serious issue and it is important to know exactly how much of the property is over the Recharge Zone. He expressed his concerns and urged the City Council to be diligent about setting a precedent allowing other applicants to use the science and political influence to attempt to obtain votes for an exception to the City's policies.

Mr. Brown stated that he is unaware of any other municipality that strictly prohibits these uses.

Councilwoman Conner stated that it is an issue that will require more information.

In response to Councilwoman Conner regarding SAWS' stand on the issue and impending legislation, General Habiger, SAWS Chief Executive Officer, spoke to a void in terms of enforcement of water quality issues regarding the Edwards Aquifer Recharge Zone. He added that SAWS recently was involved in stormwater drainage problems over the Recharge Zone that the TCEQ was ill prepared to remedy. General Habiger further added his concerns about setting a precedent on an issue that will be difficult to recover from in the future.

Councilwoman Conner restated her motion to continue the case for the June 12 agenda.

After consideration, the motion to continue this case until June 12, 2003, prevailed by the following vote: **AYES:** Perez, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** Sanders. **ABSENT:** Moorhouse.

Zoning Case #Z2003081 was continued to the Council meeting of June 12, 2003.

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97711

ADOPTING VARIOUS AMENDMENTS AND REVISIONS TO THE CITY OF SAN ANTONIO ETHICS CODE AS REQUESTED BY THE CITY COUNCIL GOVERNANCE COMMITTEE, THE MAYOR'S COMMITTEE ON INTEGRITY AND TRUST IN LOCAL GOVERNMENT AND THE ETHICS REVIEW BOARD. (AMENDS ORDINANCE NO. 88874, NOVEMBER 19, 1998.)

* * * *

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

Councilman Castro made a motion to approve the proposed Ordinance. Councilman Barrera seconded the motion.

Ms. Helen Valkavich, Ethics Attorney, City Attorney Office, narrated a presentation on the proposed Ethics Code Revisions as recommended by the Mayor's Integrity Committee, the Ethics Review Board and the Council's Governance Committee. A copy of the presentation is on file with the papers of this meeting.

(Mayor Garza returned to the meeting and presided.)

Ms. Valkavich highlighted the amendments as recommended.

City Attorney Andrew Martin commended Ms. Valkavich for having served as staff support to the Mayor's Integrity Commission, the Ethics Review Board and the Council's Governance Committee.

The following citizen(s) appeared to speak:

Mr. Jeffrey Fuentes, SBC, on behalf of the Business Coalition Force and volunteer with the Greater San Antonio Chamber of Commerce, applauded the intent to restore integrity and trust to the City government. He spoke in opposition to the proposed amendments that would effect a business from seeking to meet with their Councilperson on various

issues. Mr. Fuentes requested the City Council to hold public hearings for individuals to voice their opinions on the proposed amendments. He expressed concern that the public was not made aware in time to know that the City Council would be considering these amendments. Mr. Fuentes further requested postponing a vote on this item, and to allow adequate time for the public and business to give their input on this matter.

Mr. Richard Alles, 233 Meadowbrook Drive, thanked the City Council for initiating the Mayor's Committee on Integrity and Trust. He spoke in support of the revisions to the Ethics Code, with exception to one issue of lobbyists serving on commissions, boards or committees. He stated that Council members are required to recuse themselves from issues, ordinances and amendments that directly affect their clients. Mr. Alles stated that board, commission and committee members should also be required to recuse themselves on issues that directly affect their clients.

* * * *

Mayor Garza thanked the members of the Mayor's Committee on Integrity and Trust for their time for public hearings, interviews with groups with their committees and subcommittees to obtain information.

Mr. Arthur Downey, Chair Ethics Review Board, stated that the Board supports all the changes as they have been proposed.

Mayor Garza stated that the changes as recommended by the Commission on Integrity and Trust and the Ethics Review Board, will improve the Ethics Ordinance as it currently stands. He thanked members who served on those Committees, as well as members from the City Attorney's office. He added that four public hearings had been held, along with several Governance Committee meetings, over a period of several months to identify these issues and considerable public comments were received. He noted that various media has provided information in print, and on the web, regarding the proposed amendments, and also noted that attempts will continue to be made for the public's easy access to the information. Mayor Garza further noted that the amendments would be a step in the right direction, as the Governance Committee dealt with the Ethics Code and issues related to the City Charter. He added that there would be additional changes to be considered by the new City Council that will clarify and strengthen the Ethics Code. Mayor Garza stated that the new City Council would make amendments to the Code as deemed necessary.

Councilman Perez stated that this is the second time the Ethics Code has changed since he became a Councilman, and noted that the document is always subject to change. After thanking the Committee members, Councilman Perez pointed out that the Mayor's Committee on Integrity and Trust was organized after some incidents at City Hall. He

spoke on the need to reflect items regarding policy making, and to insure that they are user applicable, and referred to term limits as an example.

Councilman Perez made a motion to include among the proposed amendments, his recommendations focusing on the gift section and on the lobbyist activity reports section. His motion will encompass all amendments. A copy of the amendments is on file with the papers of this meeting. Councilman Carpenter seconded the motion.

* * * *

THE PORTIONS OF THE ETHIC CODE AMENDMENTS ARE AS FOLLOWS:

The first amendment pertains to Part B, Section 1(a)(5) to read as follows: *(Note: the amended portion is underlined)*

Part B, Section 1 Improper Economic Benefit

- a. **General Rule.** To avoid the appearance and risk of impropriety, a city official or employee shall not take any official action that he or she knows is likely to affect the economic interests of:
 5. the outside employer of the official or employee or of his or her parent, child (unless the child is a minor), or spouse;

* * * *

The second amendment pertains to Part B, Section 3(a)(2), the gift section, to read as follows: *(Note: the amended portion is underlined)*

Section 3 Gifts

- a. **General Rule.**
 2. A city official or employee shall not solicit, accept, or agree to accept any gift or benefit, save and except for items received that are of nominal value and meals in an individual expense of \$50 or less at any occurrence, or meals with no more than a cumulative value of \$500 in a single calendar year, from a single source, from:

* * * *

The third amendment pertains Part B, Section 3(b), the exceptions to the gift restrictions to add following exceptions. *(Note: the amended portion is underlined)*

Section 3 Gifts

(b) Special Applications. Subsections (a)(1) and (a)(2) do not include:

(10) admission to a widely attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, offered by the sponsor of the event, and unsolicited by the City official or employee, if

A) the official or employee participates in the event as a speaker or panel participant by presenting information related to matters before the City; or

B) the official or employee performs a ceremonial function appropriate to that individual's position with the City; or

C) attendance at the event is appropriate to the performance of the official duties or representative function of the official or employee.

{Source: Rules of the House of Representatives Rule XXV, clause 5(a)(3)(Q) and 5(a)(4)(A)}

* * * *

The fourth amendment pertains to Part B, Section 3(e), the definitions of the gift section to add definition of the word sponsor (for charity or widely attended events exception to the gift restrictions. *(Note: the amended portion is underlined)*

Section 3 Gifts

(e) Definitions

(2) **Sponsor.** A sponsor of an event is the person or persons primarily responsible for organizing the event. A person who simply contributes money or buys tickets to an event is not considered a sponsor.

{Source: House of Representatives Handbook page 19.}

* * * *

The fifth amendment pertaining to Ethics Code Part A, Section 2(u), the general definitions section regarding Nominal value was excluded from amendment. *(Note: definition of nominal value is excluded)*

Definitions:

(u) ~~Nominal value is~~

* * * *

An additional amendment pertains to Part E, Section 5(a)(6), regarding the lobbyist activity reports to remain intact: *(Note: the underlined portions reflect the recommendation of the Integrity Committee)*

Part E, Section 5 Lobbyists' Activity Reports

(6) each gift, benefit, or expenditure greater than fifty dollars (\$50) made to, conferred upon, or incurred on behalf of a city official or his or her immediate family by the registrant, or by anyone acting on behalf of the registrant, shall be itemized by date, city official, actual cost, and circumstances of the transaction;

* * * *

An additional amendment pertains to Part E, Section 6(i), regarding the lobbyist restrictions: *(Note: the amended portion is underlined)*

Part E, Section 5 Lobbyists' Activity Reports

(i) **Limitations on Gifts.** A person who lobbies or engages another person to lobby or any other person acting on behalf of such persons, shall not give gifts to a City official or a City employee or his or her immediate family, save and except for items received that are on nominal value and meals in an individual expense of \$50 or less at any occurrence, or meals of with no more than a cumulative value of \$500 in a single calendar year, from a single source.

* * * *

An additional amendment pertains to Part B, Section 8(b), regarding political activity is to remain intact: *(Note: this section will remain intact without revisions)*

Section 8 Political Activity

* * * *

An additional amendment pertains to Part B, Section 11(b), regarding political activity by City Council Aides: *(Note: the amended portion is underlined)*

Section 11 City Council Contract Personnel

(b) personnel employed by a member of the city council shall comply with all obligations imposed by this code of ethics on city employees, except for restrictions on political activity imposed on city employees by the City Charter or the City's Personnel rules under Part B, Section 8 of this Code. Such personnel, though, may not engage in political activity using city resources or during duty hours.

* * * *

In response to Councilman Perez to define nominal value, City Attorney Martin, stated that nominal value does not provide a dollar value for nominal value and leaves it to be determined by the recipient of the gift, i.e., t-shirts, caps, etc. He added that the amendment that was proposed by the Mayor's Commission relating to gifts in general excluded the language about meals and only stipulated that everything has to be a nominal value. He stated that section was added to establish that the nominal value was defined to be \$10 or less. City Attorney Martin noted that with the amendment that was proposed, that reinserts authority to accept meals up to \$50.

Councilman Perez stated that he would like to have the amendment with respects to the Ethics Code, Part A, Section 2U, with the definition of nominal value be accepted on a case by case basis because that would be the assumption that nominal value would be less than \$50. He then directed the City Attorney's office to identify appropriate language.

City Attorney Martin suggested having an amendment excluding the language that defines nominal value from Part A, Section 2U.

For clarification, Councilman Perez reiterated the amendment.

Councilman Perez spoke on the next Amendment to allow Part E, Section 5A (6) regarding the Lobbyists' Activity Report to remain intact, and the language that would

remain in tact regarding expenditures greater than \$50 to be consistent with the House of Representatives. He noted that the approach was to continue to imply what the Commission worked on and to work towards a fair approach to the Ethics ordinance. He asked for support from his colleagues on the aforementioned amendments.

In response to City Attorney Martin with regard to changing the \$10 limitation to a \$50 limitation, Councilman Perez confirmed that the goals of his amendments are to change that \$10 limit and anything that applied to that in the document. He wished to include it in the amendments if passed and that any appropriate language be changed so as to be consistent with the change in those items.

Mayor Garza spoke with regards to supporting all the amendments with exception to Section 1J, Lobbyist Definition of Municipal Question, as it relates to the Planning and Zoning Commissions. If approved, Mayor Garza will request a review of the recommendation and invite the Integrity and Trust Committee to consider the intent of the recommended language change as it relates to the other appointed commissions of the City Council. He noted that during public hearings across the City, Planning and Zoning Commissions were very often a major issue. Mayor Garza gave direction to address the issues that define the municipal question.

Councilman Castro addressed two items pertaining to the proposed amendments by the Committee, the first dealing with Part B, Section 1 as proposed by Councilman Perez; the second item pertaining to the same amendment with regards to what constitutes a municipal question for the purpose of defining who is a lobbyist. Councilman Castro noted that the Ethics Code does not include Planning and Zoning issues as part of what constitutes a municipal question. Councilman Castro spoke on the significance about development is made at the Planning and Zoning level.

In response to Councilman Castro regarding planning and zoning issues being part of the municipal question, City Attorney Martin stated that the key definition for a lobbyist, is a person who communicates with City officials in an effort to persuade the official regarding a municipal question. He noted also that lobbyists would be required to register.

Discussion between Councilman Castro and City Attorney Martin continued on defining a lobbyist and exclusions. Mr. Martin explained the definition as a person who must be compensated by somebody else to represent their interest on a municipal issue in front of a City official.

In response to Councilman Castro regarding the address of any issues the audience may have, Mr. John Prism with the San Antonio Greater Builders Association, spoke about his concerns as to whether he would have to register as a lobbyist in an attempt to obtain a

permit. City Attorney Martin responded that Mr. Prism satisfy the test to register as a lobbyist, since he was hired to build a house.

Councilman Castro made a motion to hold off on this provision, and proceeded with the legalities. He recommended calling the Integrity Committee to come in and address the Governance Committee to review all the issues without being overbearing to the working public, and avoid de-facto lobbyists. He reiterated his motion to hold off on this issue, to continue with municipal question and take it to the committee, as well as have a presentation by the City Attorney for clarification.

Mr. Prism also stated that he would like to get clarification.

Ms. Robin Locke, Realtors Association, requested clarification for realtors who represent clients and, may at times, negotiate with zoning and other groups. She stated the compensation would be the realtors' commission on the transaction.

City Attorney Martin responded that realtors are not being compensated to lobby since the compensation may be dependent on the successful outcome of a transaction.

Councilman Castro reiterated his motion to hold off on the municipal question provision until the issue is taken to the Governance Committee with the advise of the Ethics Review Committee and the Integrity and Trust Committee. Councilman Perez discussed the purpose of his amendment is to return it to staff for possible amendment at a future date, at which time the new City Council may address the issue.

Discussion continued between Councilmen Perez and Castro to clarify the purpose of the proposed amendments.

Councilman Castro then made a motion for a friendly amendment to Councilman Perez motion to specify reconsideration by the Governance Committee without the process of a six-signature memo. Councilman Perez agreed with the motion, and requested that a time certain be included for no more than 45 days pending Mayor Garza's approval.

Councilman Perez then addressed the child gift portion on Part B, Section 1, of the Ethics code and stated that the language is strong, and described his approach to the amendment.

Discussion continued between Councilmen Perez and Castro on their personal understanding of the amendment.

Councilman Castro made a motion that the minor child provision not be added.

In response to Councilwoman Moorhouse regarding any provisions in the Ethics Code that speaks to requiring Council members to wait for a two-year period before acting as a lobbyist, City Attorney Martin responded to the affirmative.

In response to Councilwoman Moorhouse regarding an ethics issue, Ms. Valkavich stated that if a City employee or City Councilperson had an ownership in a business, they could not have an interest in a discretionary contract with the City for one year.

Mayor Garza noted that a vote is required on the friendly amendment and main amendment.

Councilman Schubert thanked Councilman Perez for his efforts on the proposed amendments and review of the Federal and State amendments.

Mayor Garza noted the friendly amendment to main motion to include Part 1J, Section 1, which would remain as is, and that the Governance Committee review the recommendation made by the Ethics Committee.

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

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97712

APPROVING THE PROPOSED TRANSPORTATION PLANNING PROJECTS TO BE SUBMITTED TO THE METROPOLITAN PLANNING ORGANIZATION FOR FUNDING CONSIDERATION IN FISCAL YEARS 2004 AND 2005.

* * * *

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

Mr. Emil Moncivais, Director, Planning Department, narrated a presentation on the proposed transportation planning projects for Metropolitan Planning Organization (MPO) Funding in Fiscal Years 2004-2005. A copy of the presentation is on file with the papers of this meeting.

Mr. Moncivais explained the purpose in setting direction and priority of transportation planning studies. He outlined the various proposed projects that will reflect the City's priorities in the MPO's planning process. Mr. Moncivais stated that the total cost for proposed projects total \$612,000.00. He expanded on each of the projects' scopes, anticipated applications and recommendations for implementation.

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

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97713

AMENDING THE WESTFORT ALLIANCE NEIGHBORHOOD PLAN TO UPDATE THE LAND USE ELEMENT AS A COMPONENT OF THE CITY'S MASTER PLAN AS IT CONFORMS TO THE APPROVAL CRITERIA SET FORTH IN THE UNIFIED DEVELOPMENT CODE, §35-420, PERTAINING TO "COMPREHENSIVE, NEIGHBORHOOD, COMMUNITY, AND PERIMETER PLANS."

* * * *

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

Mr. Emil Moncivais, Director, Planning Department, presented the Westfort Land Use Plan Update. A copy of the presentation is on file with the papers of this meeting.

Mr. Moncivais outlined the purpose of the Ordinance, including background on the adoption of the Westfort Alliance Neighborhood Plan as adopted by City Council on September 25, 1997. He also identified the planning area for the project, and outlined

the planning process for the project. Mr. Moncivais provided an update to the 1997 Land Use Plan, and noted that it is consistent with the City's Master Plan. .

The following citizen(s) appeared to speak:

Mr. Gil Murillo, President of the Westfort Neighborhood Alliance, 306 Brahan, spoke on the history of the organization that located close to the old Butter Krust headquarters and north of Playland Park. He spoke to the neighborhood's concurrence of the project. He also discussed the many accomplishments by the organization to include acquiring monies for sidewalks and curbing. Mr. Murillo added that its successes have been a concerted effort between the organization and the City Council. The neighborhood developed a neighborhood plan that required an updated land use plan every five years with involvement of all stakeholders. He requested the City Council to approve the land use plan.

Mr. Charles Stallcup, member of the Westfort Neighborhood Alliance, stated the plan was carefully considered. He stated his vision was to maintain the neighborhood in a manner that preserves the character for the residential section, while adjoining a revitalized section of Broadway. Mr. Stallcup asked City Council to share in that vision and approve the plan.

In response to Councilman Sanders regarding mixed-use of the Playland property, Mr. Stallcup stated that their understanding of mixed-use applies to a number of properties on Broadway. He stated they took into consideration that the property is in a flood plain area affected by an acequia from Fort Sam Houston. Mr. Stallcup noted that the owners are attempting to sell the property and the neighborhood is in favor of that sale for enhanced use of the property.

Mr. Murillo noted their vision was to create a neighborhood oriented area, but their plan takes into account that commercial development is being planned for the area. He stated that the neighborhood organization is open to work with any developer who will work in the area.

In response to Councilman Sanders regarding other realistic uses other than commercial property given that the area is located in a flood plain, Mr. Murillo stated flexibility is key to the plan and there may be contingencies to consider through the amendment process.

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97714

ACCEPTING A DONATION FROM MR. LADDY DENTON OF APPROXIMATELY 25.0 ACRES OF LAND LOCATED ON DE ZAVALA ROAD IN CITY COUNCIL DISTRICT 8 FOR PARK LAND; ESTABLISHING A PROJECT BUDGET FOR FUTURE ACQUISITION OF ADDITIONAL ADJACENT LAND AND APPROPRIATING \$365,470.00 FROM 1994 PARK BOND FUNDS FOR LAND ACQUISITION FEES.

* * * *

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

Mr. Malcolm Matthews, Director of Parks and Recreation, made a presentation on the proposed Ordinance, a copy of which is on file with the papers of this meeting.

Mr. Matthews discussed the background with 1994 Park Bond issue that approved funding for park land acquisition and development in the Vulcan Quarry area located on DeZavala Road. He noted that the property will be donated by the landowner, Mr. Laddy Denton, contingent upon satisfactory environmental assessment, boundary survey and title investigation.

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97715

APPROVING A LEASE AGREEMENT RENEWAL WITH OPERATION CHANGES WITH THE SAN ANTONIO GUN CLUB FOR USE OF PROPERTY IN OLMOS BASIN PARK IN CITY COUNCIL DISTRICT 9 FOR A TWENTY-FIVE (25) YEAR TERM.

* * * *

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

Mr. Malcolm Matthews, narrated the San Antonio Gun Club Lease Agreement in the Olmos Basin Park. A copy of the presentation is on file with the papers of this meeting. Mr. Matthews explained the background of the Gun Club's lease history that includes 76 acres of park land in Olmos Basin Park since the 1920's. He noted the most recent agreement was approved by City Council on September 1, 1977, with an amendment approved on February 14, 1991, and that the term of the lease expired in August 31, 2002 and is in effect on a month to month lease basis. He further explained the factors considered in the Gun Club renewal agreement that would include impact to residences in the area, hours of operation, and use of leased property. Other factors Mr. Matthews pointed out are lessee responsibilities versus City responsibilities, environmental issues and contract requirement updates. Mr. Matthews also gave a comparison of the previous and the new proposed lease terms.

(Mayor Garza returned to the meeting and presided.)

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

It was noted that Councilman Schubert abstained from voting on this item.

2003-21 The Clerk read a proposed ordinance approving a Dolorosa Street Parking Lot Lease Agreement in Market Square with Market Square Parking, L.L.C., for lease of approximately 14,615 square feet of parking lot space in City Council District 1 for a ten-year term with one five year extension, in consideration of an annual lease amount of \$32,500.00 in Year One to \$42,500.00 in Year 5 with market analysis adjustments thereafter.

Councilman Perez made a motion to continue this item until the City Council meeting of June 5, 2003. Councilman Carpenter seconded the motion.

After consideration, the motion to continue this case until June 5, 2003, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

Item #41 was continued to the Council meeting of June 5, 2003.

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97716

APPROVING THE FIRST PHASE OF THE DEVELOPMENT INCENTIVE TOOLKIT AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ADMINISTRATIVELY APPROVE THE REDUCTION OR WAIVER OF SPECIFIC FEES AND MAKE MINOR REVISIONS TO THE PROJECT SCORECARD, DEVELOPMENT INCENTIVE APPLICATION AND INCENTIVE INVENTORY AS DEEMED NECESSARY BY THE CITY MANAGER FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE DEVELOPMENT INCENTIVE TOOLKIT; AND APPROVING THE POLICIES FOR THE DOWNTOWN HOUSING DEVELOPMENT LOAN AND HISTORIC FAÇADE LOAN PROGRAMS FOR INCLUSION IN THE INCENTIVE TOOLKIT.

* * * *

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

Mr. Trey Jacobson, Assistant Director, Economic Development, gave a briefing on the purpose of the Ordinance, a copy of which presentation is on file with the papers of this meeting. He noted the Ordinance will adopt a project scorecard and the scoring system and priorities for development types, as well as authorize staff to administratively waive or reduce certain development fees for certain projects. Mr. Jacobson explained that the Incentive Toolkit would include new programs subject to City Council approval. He noted that those programs are the Downtown Housing Loan Program and the Historic Façade Loan Program. Mr. Jacobson further noted that the toolkit represents a multi-departmental effort to consolidate information to facilitate desired development.

Mr. Jacobson described the initial phase of the Toolkit, and stated that it was designed to be user friendly, and to minimize subjectivity and prolonged negotiations by establishing specific criteria to quality for each incentive. He also discussed the Toolkit exceptions and single applications, the various incentive types, project scorecard, examples of scoring and authorized fee waivers. He discussed performance and accountability wherein developers agree to reimburse the City for any awarded incentives and to provide the City with any documentation of performance of obligations in their application or scorecard. Mr. Jacobson noted that incentives are to be tracked by development type, target area, and amount for analysis and reporting purposes.

Mr. Jacobson further expounded on the future phases of the Incentives Toolkit that may include new incentives tailored to maximize effectiveness in new target areas, and modified criteria for existing programs to allow more incentives to be awarded through Project Scorecard. He provided information regarding the implementation of the Toolkit, with a proposed effective date of July 7, 2003.

He also discussed the proposed Housing and Redevelopment Initiatives related to the Downtown Housing Loan Program and the Historic Façade Loan Program. He noted the purpose of the Downtown Housing Loan Program is to provide incentives for the development or redevelopment of residential property in the Central Business District (CBD) by providing interest-free financing for approved development costs. He stated it also is designed to attract residential development and increase the tax base by encouraging the development of market rate housing units, citing the program guidelines and program funding.

Regarding the Housing Loan Program, Mr. Jacobson identified the purpose as providing incentives for the redevelopment of historic properties with very low interest financing for historic façade improvements, also noting the program requirements, guidelines and funding.

He recognized Mr. Shawn Eddy from the Asset Management Department for his assistance with the development of the Toolkit.

Mayor Garza thanked staff for their work on this project in developing incentives.

Council members expressed their appreciation to Councilman Perez for his leadership on the Toolkit to gauge potential economic opportunities for the City.

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

— — —
2003-21 The Clerk read the following Resolution:

A RESOLUTION
NO. 2003-21-25

DIRECTING STAFF TO UTILIZE A SIX-SIGNATURE MEMORANDUM DATED MAY 14, 2003, FROM MAYOR ED D. GARZA, SETTING OUT TAX INCREMENT FINANCING (TIF) GUIDELINE GOALS AS A FRAMEWORK FOR

DEVELOPMENT OF REVISIONS TO THE TIF GUIDELINES APPROVED ON OCTOBER 24, 2002, FOR CONSIDERATION BY CITY COUNCIL NO LATER THAN JUNE 26, 2003 AND APPROVING THE 30-DAY SCHEDULE FOR THE REVISION PROCESS.

* * * *

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

Mr. David Garza, Director, Neighborhood Action, outlined the Proposed Tax Increment Financing (TIF) Guidelines Revisions. A copy of the presentation is on file with the papers of this meeting. Mr. Garza discussed consideration of the development of an implementation assessment of each of the proposed changes, as well as the development of a menu of criteria to achieve the goals of Traditional Neighborhood Development (TND's) components that will apply to each eligible area(s). He pointed out issues to be evaluated during the revision process, and the proposed revision process timeline. He stated that upon City Council approval of the revisions, staff would conduct a series of workshops to ensure understanding of the new guidelines.

The following citizen(s) appeared to speak:

Mr. Fred Magee spoke to the outgoing City Council members and thanked them for their time and dedication to the City. He expressed his opposition to giving \$50 million TIFs to developers who build expensive homes in more affluent neighborhoods when those funds could be used in low income neighborhoods.

* * * *

Mayor Garza stated that the next City Council would vote on the Resolution. Mayor Garza then gave staff direction to develop a response on the amendments that have been identified through the six-signature memo. He pointed out that, as it relates to the Edwards Aquifer specifically, he requested staff to provide different options that the City Council may consider. He indicated one option would be no incentives over the Recharge Zone, which include TIFs, tax phase-ins, whatever incentives the City has in the Incentive Toolkit.

A second option Mayor Garza noted would be to allow incentives to be used, but that the City develop and identify consistencies with the guidelines that are in place with the incentives, specifically, the tax phase-in guidelines. The third option he recommended was to allow incentives over the Recharge Zone, but to strengthen the language so that

there is consistency for all of the incentives. Mayor Garza stated that those options could then be brought back in 30 days to the City Council for their consideration.

Mayor Garza also directed staff to provide information through maps that show the Recharge Zone, within the City's jurisdiction of city limits and Extraterritorial Jurisdiction (ETJ) and identify property that is grandfathered from our tree preservation Ordinance and the Water Quality Ordinance.

In regards to the water quality, Mayor Garza suggested using categories 1, 2 and 3 distinctions in terms of applying those to the environmental water quality standards. He stated that as the City looks at those options, it will be important for the new City Council to understand what is being discussed about the Recharge Zone, and how much has been developed or not developed. He pointed out that once a decision is made regarding whether incentives should be used to accomplish public policy goals of environmental protection, that all of the information might be referenced collectively.

Mayor Garza further discussed urban design goals, preferred TND standards and affordability and his interest in developing percentages based in the terms of TIFs. He spoke to increasing the market where there is no market rate housing being built. He stated that while he is not locked into a percentage, he is interested in mixed income in our community. He noted that, as part of the resolution; this is a good opportunity to strengthen TIF guidelines, and to continue to see the benefit of TIFs.

Councilman Castro spoke regarding the extent to which TIFs will or will not be offered for development over the Recharge Zone. He also stated that while he will support a real examination of that issue. He noted the differences between TIFs and tax phase-ins that are used for different types of developments. He noted that TIFs have been used for residential development and have a significantly different impact on the Recharge Zone. The idea of consistency has merit, but it needs to be examined as it relates to using TIFs over the Recharge Zones. Councilman Castro agreed that consistency is crucial to the goals of TIFs in order to create opportunity and development, and to be adamant to that purpose.

He further discussed the possibility of the City Attorney's Office reviewing what the outer limits are under the State statutes as to when TIFs can be used in instances where development would already occur. He stated his support with Mayor Garza to use TIFs as a great opportunity to affect how the City may affect where market rate housing and affordable housing is developed. He noted that there is a need to spread out the housing mix throughout the City. Councilman Castro stated he looked forward to the recommendations on the issue in 30 days.

Mayor Garza spoke regarding policy decisions on the TIFs. He cited examples of TIFs used in various Texas cities in blighted communities where high dollar developments are

built. He noted that TIFs are used in those blighted neighborhoods, but increase a market rate, which provides balance. He compared that to using the same tool in the newer parts of the City for affordable and different types of neighborhood quality. He spoke about other Texas cities that have proven that there is no consistency across the state and how TIFs have been applied. He recommended studying all the examples and some of the changes that are occurring across Texas as a result of TIFs being used more often. Mayor Garza stated that strong guidelines are needed in this effort, and noted his goal is to have San Antonio become a model for TIFs in Texas.

Councilman Martin spoke in agreement with the framework being established on how TIFs would be used. He agreed to bring more affordable housing and to be able to use TIFs in inner City development for affordable housing. He agreed with Mayor Garza to use the tool for providing more economic revenues for the City.

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97717

AN ORDINANCE RELATING TO THE NUMBER AND APPOINTMENT OF COMMISSIONERS FOR THE SAN ANTONIO HOUSING AUTHORITY BOARD OF COMMISSIONERS; AS REQUESTED BY MAYOR EDWARD D. GARZA.

* * * *

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

Mr. Andrew Martin, City Attorney, gave a briefing on the proposed Ordinance that reduces the number of commissioners for the San Antonio Housing Authority from eleven to five immediately upon passage. He noted that as of August 9 the number will increase to seven. He stated that State law provides that the presiding officer of the governing body is the person that makes the appointment of the commissioners. He confirmed that the Ordinance would be effective Monday, June 2, with eight votes.

Mayor Garza expressed concern on issues affecting the San Antonio Housing Authority (SAHA). He added that there have been a number of elected officials on this City Council, as well as Congressman Charlie Gonzalez, and board members that have been involved in the process of sorting through some of the issues at the Housing Authority. He acknowledged having received information, accusations and reports on the SAHA operation. He stated he believes that it's in the City's best interest to reorganize the SAHA Board to a seven-member board with the quadrant system for geographic representatives. He noted that the City has a process to bring in a new board, and has asked the City Clerk to advertise positions and interview nominees in August at the "B" session. Mayor Garza further stated that, collectively, there were some concerns with the current SAHA Board of Directors, and as a result of those concerns, he has taken this action. He pointed out those individuals that are members of that Board have done an excellent job, and they will continue to play their role as SAHA moves forward. Mayor Garza stated he asked all Board Members to step down and has received letters of resignation from all except two. He has been in contact with one of the two individuals who stated that he would be stepping down this week.

In response to Mayor Garza regarding letters of resignation from the resident board members, City Attorney Martin stated that one member's term had expired and the member was serving as a hold over. This would allow Mayor Garza to appoint that member's successor.

Mayor Garza continued that his is a decision that made collectively for the board after consulting with the City Attorney. It is an authority that grants Mayors in the State of Texas, and he has chosen to exercise that right to enact change. He stated it is his focus for change to continue throughout SAHA, and to develop a new culture of doing business at SAHA.

Mayor Garza thanked many of the Council persons, especially Councilwoman Herrera for her leadership.

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke in opposition to SAHA members being asked to resign.

* * * *

Ms. Yolanda Ledesma, Acting City Clerk, read a prepared statement on behalf of Councilwoman Herrera regarding the resignation of SAHA board members. Councilwoman Herrera stated her opposition to Mayor Garza reducing the size of the SAHA board from eleven to seven members. She expressed her disappointment that the letter Mayor Garza had sent the board members was received by the media before it was

received by the City Council. The letter further stated that reducing the number of board members is not a solution for the Mirasol Homes, nor will that protect the Victoria Courts from experiencing similar problems. Councilwoman Herrera noted her vote will not be to reduce the number of board members.

Mayor Garza reiterated his appreciation to Councilwoman Herrera for her leadership, and stated that change is never easy. He noted that the action would help to allow the City to start with a new direction and a new board. He also noted that the board members were told they could reapply to the City Council collectively. Mayor Garza stated that the SAHA Board was doing a good job and needed improvements in other areas.

Councilman Castro stated that the new board is a positive development, but also noted that the SAHA organization in 2003, is dysfunctional and cannot meet the goals of the organization. He concurred with Councilwoman Herrera's reservations about this action, however noted he supports the restructuring of the Board. Councilman Castro did state that there have been some board members on that Commission that have done an excellent job, Lisa Rodriguez from District 7, being one. He credited the SAHA administration as a major source of the problems, and recommended addressing the problem with the administration. He hoped the new board would be an effective way of doing that.

In response to Mayor Garza regarding the authority the City Council may have over the staff of an agency, City Attorney Martin stated that the Mayor's authority under the Statute is that he may appoint members. He noted the Mayor also has the authority to remove members of the Commission for inefficiency and neglect of duty, or misconduct in office. He noted that it sets up an independent board and that the Mayor's responsible to insure that the Commissioners are doing their job, and in turn, their responsibility is to insure that the administrative staff of that authority is doing its job.

Mayor Garza stated that geographic representation is the same concept as the City Public Service Board and the San Antonio Water System. He thanked City Attorney Martin for bringing to his attention the role that the Mayor has, specifically with the accountability of the Housing Authority Board, and how we have continued, over probably several administrations, of appointing the SAHA Board. Mayor Garza noted that the City has been appointing board members in conflict with State law. He expressed his appreciation to knowing the authority he has as Mayor, and the role the City Council can take when it comes to accountability with other agencies.

Councilman Castro spoke regarding the City Council's input through their respective board appointees, and in turn be able to address some of the problems with projects that involve the City. He stated his support on the restructuring and hopes it will lead to more responsiveness.

Councilman Sanders expressed his concern with the new number of board members and the fact that three or four people would constitute a quorum. He voiced his concern that major issues involving the Housing Authority would be in the hands of a minimum of members.

Mayor Garza stated that the board would be comprised of seven members, utilizing the model with SAWS quadrant system.

Councilman Martin appreciated the sentiments of Councilwoman Herrera and Councilman Castro. He gave his colleagues a reminder of the importance of the type of reputation that board members have. He spoke in agreement of reducing the number of board members. He also agreed with accountability being the key as part of the SAHA administration. Councilman Martin spoke of two SAHA board members who have worked diligently for the community. Councilman Martin agreed with the centralization, and to the challenge of the City Council to deal with the administration problems. He noted that he would be supporting Mayor Garza on this issue.

Councilwoman Herrera agreed with Councilman Castro and stated she would like to see SAHA address certain issues that were not in compliance. She noted that from the audit conducted, only the bare minimum of work on the structures were accomplished, and that the architect has failed to provide the standard of care and have performed a disservice to the community.

Mayor Garza thanked Councilwoman Herrera for her convictions on this issue, and stated the City Council will ask tough questions regarding all issues across the board at SAHA.

Councilman Schubert spoke in support of the Mayor's reorganization of the SAHA Board. He stated the importance of appointing board members who will take responsibility of accountability to the residents of public housing.

In response to Councilwoman Moorhouse regarding today's action, Mayor Garza stated that the ordinance would reduce the number of board members on the SAHA Board.

Councilwoman Moorhouse stated that she supports fair representation and citizens' input on the issue.

Councilwoman Conner spoke in support of the ordinance.

Councilman Barrera stated his support to the Mayor's efforts to improve SAHA. He discussed an investigation by the American Construction, Ltd., related to SAHA construction, and the fact that there was no oversight being done with regards to construction of the units. Mr. Barrera expressed concern that the board had some

responsibility to that construction. He stated he will be demanding accountability from the new board for the betterment of the community.

Councilman Perez stated his support of the item, and recognized Mr. Mike Garza, District 1 SAHA appointee.

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97718

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND, PAYABLE TO THE CARVER ACADEMY, TO BE USED TO HELP SUPPORT THE CARVER ACADEMY SCHOLARSHIPS DESIGNED TO BENEFIT PRE-K THROUGH FOURTH GRADE FROM A CULTURALLY DIVERSE COMMUNITY; AS REQUESTED BY MAYOR EDWARD GARZA.

* * * *

Councilman Carpenter made a motion to approve the proposed Ordinance. Councilwoman Conner 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, Herrera, Barrera, Conner, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro, Schubert.

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97719

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND, PAYABLE TO THE SAN ANTONIO SYMPHONY, TO BE USED TO HELP DEFRAY THE COSTS OF THE OPERATING

FUNDS FOR THE MUSICIANS' AND STAFF SALARIES AND RELATED PERFORMANCES; AS REQUESTED BY MAYOR EDWARD GARZA.

* * * *

Councilman Carpenter made a motion to approve the proposed Ordinance. 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, Herrera, Barrera, Conner, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro, Schubert.

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97720

AUTHORIZING THE EXPENDITURE OF \$300.00 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND, PAYABLE TO THE NOT FORGOTTEN COALITION TO ASSIST WITH THE COST OF THEIR FIRST ANNUAL CONFERENCE WHICH WAS HELD ON MAY 1, 2003 FOR ALL SENIORS, THOSE WHO WORK WITH SENIORS AND ALL WHO ARE INTERESTED IN SENIOR ISSUES; AS REQUESTED BY MAYOR EDWARD GARZA.

* * * *

Councilman Carpenter made a motion to approve the proposed Ordinance. 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, Herrera, Barrera, Castro, Conner, Carpenter, Garza. **NAYS:** None. **ABSENT:** Schubert.

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97721

AUTHORIZING THE EXPENDITURE OF \$275.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND TO THE PARKS & RECREATION DEPARTMENT UNDER INDEX NUMBER 015958 TO BE USED TO OFFSET THE COSTS ASSOCIATED WITH THE CHILDREN'S SHELTER OF SAN ANTONIO ON MAY 2, 2003; AS REQUESTED BY COUNCILMAN BOBBY PEREZ.

* * * *

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

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97722

AUTHORIZING THE EXPENDITURE OF \$20,542.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT TO THE DISTRICT 5 ADMINISTRATIVE ASSISTANT ACCOUNT TO ENSURE THAT THE INCOMING COUNCIL MEMBER HAS FUNDS TO COMPENSATE THEIR STAFF THROUGH THE END OF THIS FISCAL YEAR; AS REQUESTED BY COUNCILWOMAN NORA X. HERRERA.

* * * *

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

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

2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97723

AUTHORIZING THE EXPENDITURE OF \$300.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT TO THE MEADOW VILLAGE NEIGHBORHOOD ASSOCIATION TO OFFSET COSTS ASSOCIATED WITH THEIR ANNUAL POTLUCK DINNER AND NATIONAL NIGHT OUT; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

* * * *

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

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97724

AUTHORIZING THE REALLOCATION OF DISTRICT 8 FUNDS FROM THE DISTRICT 8 ONE-TIME PROJECTS BUDGET IN THE AMOUNT OF \$23,000.00 FROM THE COMMUNITY INFORMATION CENTER AT THE NORTHWEST YMCA AND THE TRANSFER OF \$5,000.00 FROM THE DISTRICT 8 CONTINGENCY FUND ACCOUNT FOR AN OVERALL TOTAL AMOUNT OF \$28,000.00 TO THE DISTRICT 8 ADMINISTRATIVE ASSISTANT ACCOUNT; AS REQUESTED BY COUNCILWOMAN BONNIE CONNER.

* * * *

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

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97725

AUTHORIZING THE ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS IN THE AMOUNT OF \$500.00 FROM DISTRICT 1, \$500.00 FROM DISTRICT 3, \$500.00 FROM DISTRICT 5, \$500.00 FROM DISTRICT 6, \$500.00 FROM DISTRICT 7, \$500.00 FROM DISTRICT 8, \$500.00 FROM DISTRICT 9 AND \$500.00 FROM DISTRICT 10 IN SUPPORT OF THE BARSHOP JEWISH COMMUNITY CENTER TO SUPPORT THE SENIOR GAMES OF SAN ANTONIO 2003; AS REQUESTED BY COUNCILWOMAN BONNIE CONNER.

* * * *

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

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

— — —
2003-21 The Clerk read the following Ordinance:

AN ORDINANCE 97726

AUTHORIZING THE TRANSFER OF \$5,000.00 FROM THE DISTRICT 10 CONTINGENCY ACCOUNT FUND TO THE DISTRICT 10 ADMINISTRATIVE ASSISTANT ACCOUNT FUND; AS REQUESTED BY COUNCILMAN DAVID CARPENTER.

* * * *

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, expressed his appreciation and farewell to the outgoing Council members for their years of service.

* * * *

Mayor Garza noted this item as the last official item of this City Council, and thanked the Council members for their service.

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

— — —
2003-21

CITIZENS TO BE HEARD

MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke regarding his earlier presentation on recognizing Armed Forces. He also spoke on various bible verses.

* * * *

MR. CHARLES ENGLISH

Mr. Charles English, Jefferson Heights Association, 807 Canton, spoke to fair representation on the City's Boards and Commissions. He also spoke regarding his opposition to TIFs. Mr. English stated that TIFs do not allow for improvements on the east side of the City. He also spoke on CDBG funds as being targeted for personal projects.

* * * *

MS. PAT RODRIGUEZ

Ms. Pat Rodriguez, Vice President of ARA Neighborhood Association, congratulated the City Council for a job well done. She thanked the outgoing City Council for their dedication to serve San Antonio. Ms. Rodriguez also spoke to San Antonio being a favorable tourist attraction.

Ms. Rodriguez expressed special thanks to Councilwoman Moorhouse for her efforts as a Councilperson.

* * * *

MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, provided a document on the budget for the record. Mr. Hodge spoke on the San Antonio Police Department contract, and several other news items.

* * * *

MR. MICHAEL PEREZ

Mr. Michael Perez, 7333 Potranco, spoke to his concerns regarding graffiti in the City's neighborhood. He offered his services to assist in eliminating the problem.

Ms. Terry M. Brechtel, City Manager, stated that the Parks and Recreation Department will be in contact with Mr. Perez.

* * * *

MS. RITA DAVIS

Ms. Rita Davis, Friends of Jack Finger, petitioned for a proclamation for "Jack Finger Day." She stated that Mr. Finger is currently confined for his attempt to save a child. Ms. Davis expounded on the good works of Mr. Finger.

* * * *

MS. MALLORY MILLER

Ms. Mallory Miller, Friends of Jack Finger, spoke regarding a petition for Jack Finger Day. She is in support of "Jack Finger Day" for all the civic efforts of Mr. Finger in which he participates. Ms. Miller requested the petition be included on a future agenda.

* * * *

MR. NICK CALZONCIT

Mr. Nick Calzoncit, Youth Against Tobacco, spoke regarding expressing his opinions and recommendations on the freedom of speech especially in light of new federal laws on patriotism and recent actions by the City Council. He spoke regarding a meeting with his Councilman on the issue of tobacco control, a project on which he has worked on for over two years. He also spoke about violations with his freedom of speech, and noted that he will be filing a complaint on Ethics violation. Mr. Calzoncit made several requests to the City Council to include a meeting for him with Mr. Nitschke, and to arrange the Citizens To Be Heard session to be televised. He also requested the City Council to not vote on a tobacco control ordinance until September. He also stated his support for Jack Finger Day.

— — —
2003-21 There being no further business to come before the City Council, the meeting was adjourned at 7:50 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