

The City Council spoke in appreciation to Rev. Hayes and the Commission's efforts to continue recognizing the goals and legacy of Reverend King.

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2004-02 Minutes for the City Council meeting of November 6, 2003 were approved as presented.

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2004-02 **CONSENT AGENDA - CITIZEN'S COMMENTS**

Councilman Perez made a motion to approve Agenda Items 6 through 15, constituting the Consent Agenda, except for Items 6, 7, 8, and 9 which were pulled for individual consideration. Councilman Haass seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P. O. Box 12048, spoke regarding his opposition to Item 9. He stated the ordinance pertains to a contract between the City and the firm of Carter and Burgess in which \$11,031.00 is to be authorized from 1999 General Obligation Streets Funds for the McCullough Street/Union Railroad Tracks. He noted that the firm of Carter and Burgess had made several campaign contributions to City Council members, and requested those Council members abstain from voting on Item 9.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 98700

AUTHORIZING THE EXECUTION OF A TAKE-OVER AGREEMENT WITH CUMBERLAND CASUALTY & SURETY COMPANY FOR THE COMPLETION OF THE FIRE STATION NO. 5 RENOVATION PROJECT, LOCATED AT 1011 MASON STREET, LOCATED IN COUNCIL DISTRICT 2; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT VOTES.

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AN ORDINANCE 98701

AUTHORIZING TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) CHANGE ORDER NO. 7 IN THE AMOUNT OF \$8,737.64 AND TXDOT CHANGE ORDER NO. 9 IN THE AMOUNT OF \$4,305.15, FOR A TOTAL AMOUNT OF

\$13,042.79 FROM CERTIFICATES OF OBLIGATION, PAYABLE TO TXDOT IN CONNECTION WITH THE PLEASANTON ROAD FROM SOUTHCROSS TO MAYFIELD MPO PROJECT, LOCATED IN COUNCIL DISTRICT 3; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98702

AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$42,828.53 FROM CERTIFICATES OF OBLIGATION PAYABLE TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION CONTINGENCY AND ENGINEERING COSTS IN CONNECTION WITH THE SOUTHCROSS FROM NEW BRAUNFELS TO PRESA MPO PROJECT, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98703

AUTHORIZING PAYMENT IN THE TOTAL AMOUNT OF \$10,450.00 FROM 2002 CERTIFICATES OF OBLIGATION FUNDS TO LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT FOR FEE SIMPLE TITLE TO ONE (1) PERMANENT EASEMENT IN THE AMOUNT OF \$9,950.00 AND TITLE FEES IN THE AMOUNT OF \$500.00 IN CONNECTION WITH THE MISSION TRAILS PACKAGE IV PROJECT, LOCATED IN COUNCIL DISTRICTS 1, 3 AND 5; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98704

DECLARING THE AVONDALE – NEW BRAUNFELS TO I.H. 37 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS BEING ALL OR PORTIONS OF THE PROPERTIES BEING DESCRIBED AS: (1) 0.052 ACRE TRACT OF LAND OUT OF THE NORTH AND EAST SIDE OF LOT 20, BLOCK 2, NCB 7578; (2) 0.009 ACRE TRACT OF LAND OUT OF THE NORTHWEST 71.00 FEET OF LOT 20, BLOCK 2, NCB 7578; (3) 0.007 ACRE TRACT OF LAND OUT OF THE NORTHWEST IRREGULAR 67.12 FEET OF LOT 21, BLOCK 2, NCB 7578; (4) 0.007 ACRE TRACT OF LAND OUT OF THE WEST 757.55 FEET OF THE NORTH 141.8

FEET OF LOT 22, BLOCK 2, NCB 7578; (5) 0.017 ACRE TRACT OF LAND OUT OF LOT 23, BLOCK 2, NCB 7578; (6) 0.008 ACRE TRACT OF LAND OUT OF THE EAST 67.12 FEET OF LOT 24, BLOCK 2, NCB 7578; (7) 0.008 ACRE TRACT OF LAND OUT OF THE WEST 67.12 FEET OF LOT 24, BLOCK 2, NCB 7578; (8) 0.008 ACRE TRACT OF LAND OUT OF THE EAST 67.12 FEET OF LOT 25, BLOCK 2, NCB 7578; (9) 0.008 ACRE TRACT OF LAND OUT OF THE WEST 67.12 FEET OF LOT 25, BLOCK 2, NCB 7578; (10) 0.009 ACRE TRACT OF LAND OUT OF THE WEST 74.24 FEET OF LOT 26, BLOCK 2, NCB 7578; (11) 0.017 ACRE TRACT OF LAND OUT OF THE WEST 64 FEET OF LOT 27 AND THE EAST 70.24 FEET OF LOT 27, BLOCK 2, NCB 7578; (12) 0.026 ACRE TRACT OF LAND OUT OF THE NORTH 157.50 FEET OF LOT 28 AND NORTH IRREGULAR 74.24 FEET OF LOT 29, BLOCK 2, NCB 7578; (13) 0.008 ACRE TRACT OF LAND OUT OF THE WEST 60 FEET OF THE NORTH 142.5 FEET OF LOT 29, BLOCK 2, NCB 7578; (14) 0.017 ACRE TRACT OF LAND OUT OF THE NORTH 150 FEET OF LOT 31, BLOCK 2, NCB 7578; (15) 0.008 ACRE TRACT OF LAND OUT OF LOT 32A, BLOCK 2, NCB 7578; (16) 0.007 ACRE OUT OF THE EAST IRREGULAR 39.56 FEET OF THE NORTH 150 FEET OF LOT 34 AND THE WEST 67.12 FEET OF THE NORTH 150 FEET OF LOT 33, BLOCK 2, NCB 7578; (17) 0.007 ACRE TRACT OF LAND OUT OF THE SOUTH 175.5 FEET OF THE WEST 62.7 FEET OF LOT 6, BLOCK 1, NCB 7581; (18) 0.013 ACRE TRACT OF LAND OUT OF THE EAST 62.6 FEET OF LOT 6 AND THE SOUTH 175.3 FEET OF THE WEST 62.1 FEET OF LOT 7, BLOCK 1, NCB 7581; (19) 0.008 ACRE TRACT OF LAND OUT OF THE EAST 74.36 FEET OF THE SOUTH 175.2 FEET OF LOT 9, BLOCK 1, NCB 7581; (20) 0.005 ACRE TRACT OF LAND OUT OF THE WEST 49.8 FEET OF THE SOUTH 140 FEET OF LOT 10, BLOCK 1, NCB 7581; (21) 0.005 ACRE TRACT OF LAND OUT OF THE WEST 49.8 FEET OF THE EAST 74.6 FEET OF THE SOUTH 140 FEET OF LOT 10, BLOCK 1, NCB 7581; (22) 0.005 ACRE TRACT OF LAND OUT OF THE EAST 24.8 FEET OF THE SOUTH 140 FEET OF LOT 10 AND THE WEST 24.9 FEET OF THE SOUTH 140 FEET OF LOT 11, BLOCK 1, NCB 7581; (23) 0.005 ACRE TRACT OF LAND OUT OF THE WEST 49.8 FEET OF THE EAST 99.6 FEET OF THE SOUTH 140 FEET OF LOT 11, BLOCK 1, NCB 7581; (24) 0.005 ACRE TRACT OF LAND OUT OF THE SOUTH 140 FEET OF THE EAST 49.8 FEET OF LOT 11, BLOCK 1, NCB 7581; (25) 0.013 ACRE TRACT OF LAND OUT OF LOT 12, BLOCK 1, NCB 7581; (26) 0.006 ACRE TRACT OF LAND OUT OF THE WEST 62.3 FEET OF LOT 13, BLOCK 1, NCB 7581; (27) 0.006 ACRE TRACT OF LAND OUT OF THE EAST 62.3 FEET OF LOT 13, BLOCK 1, NCB 7581; (28) 0.007 ACRE TRACT OF LAND OUT OF THE WEST 62.75 FEET OF LOT 14, BLOCK 1, NCB 7581; (29) 0.006 ACRE TRACT OF LAND OUT OF THE EAST 62 FEET OF LOT 14, BLOCK 1, NCB 7581; (30) 0.008 ACRE TRACT OF LAND OUT OF THE WEST 74.8 FEET OF LOT 15, BLOCK 1, NCB 7581; (31) 0.008 ACRE TRACT OF LAND OUT OF THE EAST 50 FEET OF LOT 15 AND THE WEST 31 FEET OF LOT 16, BLOCK 1, NCB 7581; (32) 0.010 ACRE TRACT OF LAND OUT OF THE EAST 93.89 FEET OF LOT 16, BLOCK 1, NCB 7581; (33) 0.007 ACRE TRACT OF LAND OUT OF THE WEST 62.45 FEET OF LOT 17, BLOCK 1, NCB 7581; (34) 0.007 ACRE TRACT OF LAND

OUT OF THE EAST 62.45 FEET OF LOT 17, BLOCK 1, NCB 7581; (35) 0.013 ACRE TRACT OF LAND OUT OF LOT 18, BLOCK 1, NCB 7581; (36) 0.013 ACRE TRACT OF LAND OUT OF THE SOUTH IRREGULAR 323.19 FEET OF LOT 19, BLOCK 1, NCB 7581; (37) 0.013 OF AN ACRE OUT OF LOT 42, BLOCK 1, NCB 7581; ALL IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$125,245.00 FOR THE PROPERTY AND THE PROJECT INCLUDING MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE AND ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.

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2004-02 Agenda Item 15 being a proposed Ordinance authorizing the City Manager or her designee to negotiate and execute twenty-two (22) agreements in connection with the Arts in the Community Program for community-based art projects in a total amount of \$220,500.00; authorizing the use of Arts in the Community Program fund balances from City Council Districts 6, 7, 9 and 10 totaling \$40,025.00 to support a Graffiti Abatement Mural Program; establishing a Graffiti Abatement Mural Program as part of the Arts in the Community Program; approving a funding process and criteria for a Graffiti Abatement Mural Program; and providing for payment was pulled from the agenda.

Item 15 was pulled from the agenda.

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2004-02 The Clerk read the following Ordinance:

AN ORDINANCE 98705

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY CKS HYDRO SERVICES INC. TO PROVIDE THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH RUBBER AND PAINT DEPOSIT REMOVAL FOR A TOTAL AMOUNT OF \$34,900.00.

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

In response to Councilman Perez, Mr. Kevin Dolliole, Director, Aviation Department, explained the process of using special equipment and chemicals to remove rubber from the airport runways. He further explained that the Federal Aviation Administration (FAA) sets friction levels and testing requirements on all airport runways, and conducts annual inspections to insure compliance. He also noted that certification by professionals limits the City of San Antonio's liability.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams.

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2004-02 The Clerk read the following Ordinance:

AN ORDINANCE 98706

AUTHORIZING THE APPROPRIATION OF \$14,052.81 IN SUPPORT OF INSTALLING NEW HANGAR DOORS IN CONJUNCTION WITH THE RENOVATIONS OF HANGARS 5 AND 6 PROJECT AT STINSON MUNICIPAL AIRPORT; APPROPRIATING FUNDS; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

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

In response to Councilman Perez, Mr. Kevin Dolliole, Director, Aviation Department, stated the hangar is one of the older facilities at the San Antonio International Airport, and the entrance does not accommodate large corporate jets. He further stated the new doors will be taller, automated and easier to maintain.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT** Segovia, Castro.

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2004-02 The Clerk read the following Ordinance:

AN ORDINANCE 98707

AUTHORIZING \$17,243.40 PAYABLE TO HNTB CORPORATION FOR THE INVESTIGATION AND PREPARATION OF A NATIONAL ENVIRONMENTAL POLICY ACT ENVIRONMENTAL ASSESSMENT DOCUMENT UNDER AN EXISTING STAND-BY PROFESSIONAL SERVICES AGREEMENT, APPROVED BY CITY COUNCIL IN ORDINANCE NO. 97613, MAY 15, 2003, NECESSARY TO THE MCCULLOUGH FROM UNION PACIFIC RAILROAD TRACKS TO BASSE MPO PROJECT, A 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT, LOCATED IN COUNCIL DISTRICT 1; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to Councilman Perez, Ms. Terry M. Brechtel, City Manager, stated that staff plans to present a finalized report by the end of January regarding Capital Improvement Project fund balances. She also stated the report will include the intended uses of the balances.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Segovia.

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2004-02 The Clerk read the following Ordinance:

AN ORDINANCE 98708

AMENDING A PROFESSIONAL SERVICE CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$11,103.00 PAYABLE TO CARTER & BURGESS, INC. FOR ADDITIONAL PROFESSIONAL SERVICES IN CONNECTION WITH THE MCCULLOUGH FROM UNION PACIFIC RAILROAD TRACKS TO BASSE MPO PROJECT, A 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT, LOCATED IN COUNCIL DISTRICT 1; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to Councilman Perez, Mr. Ben Gorzell, Public Utilities Supervisor, stated that communication has been made with City Public Service and the engineering consultant in an attempt to expedite the project. He added it will also be necessary to conduct redesigning infrastructure and utility relocation that may take eight to twelve months to complete before actual construction begins.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Segovia.

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2004-02 The Clerk read the following Ordinance:

AN ORDINANCE 98709

ADOPTING AMENDMENTS AND REVISIONS TO THE PROVISIONS OF THE CITY'S ETHICS CODE PERTAINING TO THE ANNUAL LOBBYIST REGISTRATION FEE.

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Councilman Williams made a motion to approve the main motion as amended. Councilman Hall seconded the motion.

Ms. Helen Valkavich, City Attorney's Office, narrated a presentation regarding a reduction in the amount of the current lobbyist registration fee under the Ethics Code. A copy of the presentation is on file with these papers. She defined certain terminology in regards to the current registration process. She also itemized registration exemptions, and noted that annual registrations must be filed by January 31 of each year once lobbying begins. She discussed the current annual registration fee for lobbyists as a \$1,000.00 flat fee regardless of the number of issues or clients. She expounded on the proposed revisions to the Ethics Code, to include a reduction in the amount of the annual registration fee.

In response to Councilman Castro, Ms. Valkavich stated that \$300.00 is the recommended fee for the lobbyist registration fee. She further stated that currently there are seventeen (17) registered lobbyists, and that number may fluctuate between twenty (20) and twenty-two (22).

Councilman Castro stated that by broadening the definition of Municipal Question, and lowering the registration fee, more individuals may be identified as lobbyists.

Ms. Valkavich explained the current registration requirements for firms that have multiple lobbyists, as opposed to the new recommended process.

Councilman Castro made a motion to set the registration fee to \$300.00 and to require that firms with multiple lobbyists pay a fee for each person.

In response to Councilman Haass regarding future monitoring of the proposed change, Ms. Valkavich stated that the Office of the City Clerk posts registered lobbyists, their issues and clients on the internet. She also stated that information regarding any portion of the proposed change would be available in the City Clerk's Office regarding annual registration, quarterly and activity reports.

Councilman Haass stated he would support Councilman Castro's motion.

Councilman Perez stated he supported, and seconded that portion of Councilman Castro's motion with regard to insuring that everyone who is a lobbyist be required to register separately.

Discussion ensued between Councilman Perez and Ms. Brechtel regarding the costs for the City to provide services versus the revenue generated by the registration fees. Ms. Brechtel stated that by the end of the fiscal year, and at a time when it is determined how many lobbyists have registered, a recommendation will be submitted as part of the budget process.

In response to Councilman Perez, Ms. Valkavich stated that the registration fee is a one-time fee. She gave an explanation regarding slide 6 of the presentation regarding the requirement for firms to file a separate registration for each client.

Councilman Hall concurred with the concept that every individual should pay the fee, but expressed that reducing the fee would not necessarily encourage more individuals to register as lobbyists. He stated he is not in favor of lowering the registration fee, but would rather keep it at the current level.

In response to Councilman Schubert, Acting City Clerk Yolanda Ledesma, explained the main motion and the proposed amendment.

Discussion ensued between Councilman Schubert and Ms. Valkavich regarding quarterly reports as a result of registration. She also explained the minimum requirements for those individuals who wish to register as lobbyists.

In response to Councilman Barrera, Ms. Valkavich clarified the exemptions and noted that non-profit agencies are exempt from the registration fee.

Councilman Barrera noted that the purpose of providing a service, and setting the requirements of registration is not intended to cover administrative costs, or as a source of revenue.

In response to Councilman Schubert, Ms. Valkavich clarified that if a neighborhood association, or non-profit association, hired an individual as a lobbyist, the individual would have to register.

Councilman Flores spoke regarding the City Council's intent to ensure that those individuals who are acting as lobbyists register accordingly. He stated he concurs with any ordinance that would promote a healthy relationship with lobbyists.

Councilman Castro made a motion to amend the proposed ordinance, requiring law firms to identify each lobbyist and pay a fee of \$300.00 for each person. Councilman Haass seconded the motion.

After consideration of the amendment, requiring law firms to identify each lobbyist and pay a fee of \$300.00 for each person. The motion, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

After consideration, the main motion as amended, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Haass, Garza. **NAYS:** Hall. **ABSENT:** Schubert.

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2004-02 The Clerk read the following Ordinance:

AN ORDINANCE 98710

AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTHSIDE INITIATIVE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY BY CHANGING THE USE OF APPROXIMATELY 890 ACRES OF LAND, 14885 WATSON RD. AND 15895 STATE HIGHWAY 16, NORTHWEST OF THE INTERSECTION OF THE STATE HIGHWAY 16 AND THE MEDINA RIVER FROM AGRICULTURE TO RURAL LIVING. STAFF'S RECOMMENDATION IS FOR APPROVAL. PLANNING COMMISSION RECOMMENDATION IS FOR APPROVAL. (COUNCIL DISTRICT 4)

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

Mr. Emil Moncivais, Director of Planning Department, narrated a slide presentation on the Master Plan Amendment 03012 for the Southside Initiative Community Plan. A copy of which is part of these papers. He identified the plan as adopted and as amended, and included a flexible development plan concept. Mr. Moncivais provided an analysis criteria, lane use, and transportation network. He stated the conserved open space and riparian area allows the residential use to be connected by a green belt, linking Medina River Park and the Land Heritage Institute.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro.

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2004-04 ZONING CASE-CITIZENS COMMENTS

Mr. Jack M. Finger, P. O. Box 12048, spoke in opposition to the two zoning cases pertaining to southside of the City. He stated that no traffic impact studies were conducted in consideration of the proposed changes.

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2004-02 ZONING CASES

4A.) CASE NUMBER Z2003173-12: The request of City of San Antonio, Applicant, for Alan Madden and Presto Tierra, L.L.C., (Owners), for a change in zoning from "DR" Development Reserve District to "RD" Rural Development District on CB 4296 P-10, CB 4297 P-4, and CB 4298 P-15B and P-17, located at 15895 South State Hwy 16 and 14885 Watson Road, save and except the eastern 1,000 feet of Tract B fronting on State Hwy 16 which is changed from "DR" Development Reserve District to "MI-1" Mixed Light Industry District. Staff's recommendation was for approval.

Zoning Commission has recommended Approval. (Council District 3)

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

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

Councilman Perez noted for the record, that there are racetracks located across Watson Road to the north. He further noted that as the area develops and residents begin to move in, they should be aware of the possible noise elements that may be occurring on certain weekends.

In response to Councilwoman Radle regarding traffic impact studies, Mr. Jacks stated that the property is part of a recent annexation by the City of San Antonio. He added that a traffic impact analysis is not required because the property was until recently, outside the city limits. He further added that the Development Services Department has not conducted a traffic study of the area.

Mr. Emil Moncivais, Planning Department Director, stated that once a formal application is received for this property, a Traffic Impact Analysis will be conducted to determine the type of system needed to move traffic in the area.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro.

AN ORDINANCE 98711

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS CB 4296 P-10 ABS 374; CB 4297 P-4 ABS 13, AND CB 4298 P-15B AND P-17 ABS 421, ABS 42110.739 WHICH IS CHANGED FROM "RD" RURAL DEVELOPMENT DISTRICT, SAVE AND EXCEPT THE EASTERN 1,000 FEET OF TRACT B TO BE REZONED "MI-1" MIXED LIGHT INDUSTRY DISTRICT

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2004-02 CASE NUMBER Z2003173-12 being a proposed Ordinance request of City of San Antonio, Applicant, for Reed S. Lehman Grain Co., Owner, for a change in zoning from "DR" Development Reserve District to "FR" Farm and Ranch on CB 5161 P-5 and all of CB 5162 generally located north and south of Southton Road and northwest of Blue Wing Road was postponed. Staff's recommendation was for approval.

Zoning Commission has recommended Approval.

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

Councilman Segovia made a motion for a thirty (30) day continuance to allow the developer to coordinate with the Planner, Mr. Jacks suggested to postpone this case and re-advertise the zoning case Councilman Perez seconded the motion.

Mr. Moncivias stated this was a property that was being extended in terms of interim development control. He also stated it will be considered for a plan amendment and a zoning case, and will be presented to the City Council as soon as possible.

After consideration, the motion to postpone, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Castro, Haass.

Zoning Case Number Z2003173-22 was continued for 30 days.

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(Mayor Garza was obliged to leave the meeting at 2:22 P.M. Mayor Pro Tem Patti Radle presided.)

2004-02 The Clerk read then read the following Resolution:

A RESOLUTION
2004-02-01

APPROVING THE ISSUANCE OF ADJUSTABLE RATE DEMAND REVENUE REFUNDING BONDS IN THE AMOUNT OF \$4, 180, 000.00 BY THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR THE PHASE I DORMITORY PARTNERSHIP, A TEXAS GENERAL PARTNERSHIP, AND APPROVING OTHER MATTERS RELATED THERETO.

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

Mr. Trey Jacobson, Assistant Director of Economic Development Department, narrated a slide presentation on the Education Facilities Corporation (EFC) Refunding Bonds for University of Texas at San Antonio (UTSA) Phase I Dormitory Project. A copy of which is on file with these papers. He provided an overview of the ordinance and background to the EFC. He identified the EFC Board of Directors, and stated that EFC has approved

9 bond issuances for college/university projects in a total amount of \$127 million. He discussed the EFC financed project to include local universities. Mr. Jacobson discussed financing requirements, and highlighted UTSA Phase 1 Dormitory and its related previous EFC financing. He stated that in December, 2003, EFC Board of Directors authorized the issuance of \$4.18 million in tax-exempt revenue refunding bonds for the project. He provided a summary of EFC Financing.

In response to Councilman Perez, Mr. Jacobson stated that the nature of the transaction had changed from what had been presented to the City Council in December. He added that the amount of the bond is now actually lower than what was on the agenda in December.

Discussion continued between Councilman Hall and Mr. Jacobson regarding clarification on the purpose of the proposed Ordinance. Mr. Jacobson reiterated the background of the Education Facilities Corporation and the existing tax debt issue.

In response to Councilman Hall, Mr. Ramiro Cavazos, Director of Economic Development Department, stated that the University of Texas at San Antonio (UTSA) can access its own Board of Regents to seek some tax exempt bond assistance. He stated the mechanism on financing for education exists in order to keep education costs lower in San Antonio. He also stated that the refunding bonds will provide housing at a lower rate for freshman students at UTSA at a lesser rate over the next few years. He added that for private institutions, it accesses the tax exempt market at a lower interest rate. He further noted that it supports the economic development efforts by providing an educated work force. He stated there is no liability on the part of the City of San Antonio, and that the bond is a revenue bond that is expected to pay off in November, 2015.

Mr. Jacobson discussed the underwriting fees and added that the borrower selects their own underwriters. He further added that a team exists with the bond consultant who is selected through the City Attorney's Office and Coastal Securities who will act as the ECF's financial advisor.

(Mayor Garza returned to the meeting at 2:29 p.m.)

Councilman Hall spoke regarding other means of refunding for educational issues, and the importance of promoting education in San Antonio.

Councilman Barrera spoke regarding the City of San Antonio's initiatives toward promoting education, and looking at EFC as another way of strengthening the relationship with high education institutions.

In response to Councilman Schubert regarding fees, Mr. Jacobson stated that the developer, Century Development, will be paying all the fees associated with this transaction, and that no fees will be paid by the taxpayers.

Councilman Schubert clarified that the ordinance is basically a way to facilitate the transaction for UTSA and other institutions to get a lower rate on money for improvements on their campuses. He also noted that the EFC have been authorized by the Texas Legislature for other municipalities. He further noted that citizens are to understand that the City is providing a service that will not be costing taxpayers any additional monies.

In response to Councilman Hall, Mr. Jorge Rodriguez, financial advisor, stated that the actual transaction is issued as variable and then switched into a synthetic fixed rate on the bonds.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Castro.

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2004-04 STAFF BRIEFING: STATUS OF THE CONSOLIDATED HUMAN DEVELOPMENT SERVICES FUNDING PRIORITIES AND PROCESS.

Mr. Dennis Campa, Director of Community Initiatives Department, presented a Staff Briefing and slide presentation on the status of the Consolidated Human Development Services Funding Priorities and Process. (A copy of the presentation is on file with these papers.)

Mr. Campa discussed the purpose and overview of the funding priorities, and included background information on human development proposals. He stated that in fiscal year 2003, the Economic and Human Development Committee directed staff to implement a consolidated funding process for human development services. He outlined the recommendations set out by the Committee. Mr. Campa noted the investment priorities include family strengthening, youth and workforce development, and a community safety net. He identified funding sources for FY 2005/2006. He noted that unrestricted funding sources include monies that the City Council may move between categories, and are not required by the funding source to be spent on certain activities. He further noted restricted funding sources that are available may only be utilized for eligible activities. He explained the priorities that have been set regarding ballot data for approval on January 29, 2004. He discussed the coordination for human development services and stated that a contract for one year with a one-year renewal option are based on performance and funding availability. Mr. Campa highlighted the process for Requests for Proposals that will include introducing a master contract to improve management of COSA investments. He added other grantors such as Bexar County, United Way, AACOG, AWD and Casey and Kronkosky Foundations will serve on evaluation committees as well. He discussed a time line beginning on January 29, 2004 when the

City Council adopts investment priorities, to October 1, 2004 with the contract implementation.

In response to Councilman Perez, Mr. Campa stated the ballots are all the same.

Discussion ensued between Councilman Perez and Mr. Campa regarding the consolidation process. Mr. Campa stated that the intent of the consolidation process is that the City Community Block Grant (CDBG) standards must still be met, and that there is no dilution occurring in delivering services. He suggested one way to avoid diluting the CDBG goals would be for the City Council to set funding priorities, that would ultimately change investments.

Mr. Campa stated he would provide a listing to Councilman Perez of the percentages that have historically been given to various entities.

Councilman Perez and Mr. Campa continued their discussion regarding the percentages on the maximum limits as depicted on slide 19 of the presentation.

Mr. Campa noted that the City Council had directed staff to come back to the recommendation that would limit the City's investment in agencies. He also noted that there was concern that some agencies were, in essence, a City department, due to the majority of City funding. He discussed the recommendation to transition organizations into the consolidation process. He noted that rather than going to 50% in 2005, the recommendation is 65% in the first year, thus lessening the impact on those organizations and giving them more opportunity to consider alternative resources. He added that in 2006, the recommendation would be 50%, as a response to City Council direction.

In response to Councilman Perez regarding the recommended percentages, Mr. Campa stated it will be an issue the next time the consolidated approach to investments is brought back to City Council.

In response to Councilman Williams regarding the consolidated approach, Mr. Campa stated Mr. Andrew Cameron, Director Housing and Community Development, would continue to manage CDBG issues, and Mr. Campa would continue to manage those funds for which DCI is responsible. He stated that this coordination will reduce duplication of efforts.

Discussion continued between Councilman Williams and Mr. Campa regarding restricted and unrestricted investment funding priorities. Mr. Campa stated that under unrestricted priorities, there will be much more competition to provide services. He further stated that those service providers who submit proposals will be aware of the City Council's funding priorities in advance.

In response to Councilman Williams, Mr. Campa stated that the City Council has continued access to staff that can provide better feedback by communicating with one person regarding the progress of the organization.

Discussion ensued between Councilman Williams and Mr. Campa regarding evaluation committees, and the staff's role in those committees.

Mr. Campa stated the intent is to have both staff, as well as the Boards and Commissions appointed by the City Council, and other investors become part of the subject matter expert group that makes recommendations to the City Council. He explained that City employees would be managing the process, and would be participating in the committee. He added that after the City Council sets priorities, the committee would review the proposals received. Mr. Cameron and Mr. Campa would then submit their recommendations based on the committee's recommendations.

Councilman Williams stated he accepted the report as presented, and looks forward to continued dialogue. He added he would approach this particular process with some hesitation and reservation due to the committee's involvement with the process.

Councilman Hall stated he concurred with the annual percentage limitations imposed on the delegate agencies, and considers the recommended percentages a step in the right direction.

In response to Councilwoman Radle regarding the timeline as it relates to Council approval, Mr. Campa gave highlights on an anticipated timeline, and stated that the decision-making cycle may be addressed in June when DCI returns to the City Council.

In response to Councilman Haass, Mr. Campa explained the purpose of the ordinance and provided additional background and the need for the services purchased by the City from outside organizations. He stated the two lead departments would be Housing and Community Development and DCI for optimum coordination.

Discussion ensued between Councilman Haass and Mr. Campa regarding continued efforts to avoid duplication of services.

In response to Councilman Haass regarding potential changes or adjustments, Mr. Campa stated that the City's contracts with the agencies are always subject to funding availability.

(Mayor Garza was obliged to leave the meeting at 3:10 P.M. Mayor Pro Tem Patti Radle presided.)

In response to Councilman Flores, Mr. Campa discussed the benefits of a two-year program over a one-year term. He stated that not only would the City Council not have

to consider funding during an election year, but it would also allow time to review the City's investments. He also noted that some of the outcomes take more than one year to achieve, such as life changes, great progression, high school and job training completion. He added that service providers do not have to pursue funding as often, and may focus their time and energy to provide their services to the community. He further added that it would allow the City less time to be engaged in the budget process and more time to provide technical assistance to, and monitoring of, the organizations.

Councilman Barrera spoke regarding the recent efforts towards consolidation of funding, and stated that the City Council now has the opportunity to prioritize services in an efficient and effective manner. He concurred with the proposed percentages as presented by Mr. Campa that will assist in directing services to the community in terms of their purchase and the City's investment. He recognized the opportunity for the City's role in dealing with the delegate agencies, but stated that the City is not a foundation or in a position to fund agencies as in the past. He also spoke regarding the evaluation committees, and suggested that the City Council seek advice from the stakeholders on the evaluation of the proposals. He reiterated the City's responsibility to establishing and coordinating efforts for the betterment of the community, and added his support to staff's recommendation.

In response to Councilman Castro regarding the significant change for the delegate agencies, Mr. Campa explained the City's involvement with assisting the agencies in learning the competitive process and to positively ensure the transition. He stated it is the City's intent to work with agencies that are providing needed services and the desired outcomes in the community.

In response to Councilman Williams regarding those agencies outside the realm of the RFP process, Mr. Campa stated that the City Council would have the authority to approve exceptions to the list of approved delegate agencies.

Councilman Williams reiterated his concerns regarding the evaluation committees, and suggested participation by members of the City Council.

Mr. Campa described the schematic of the evaluation process, and stated he expects to present a better format of the process to the City Council by January 29, 2004.

In response to Councilman Haass regarding the program's role directing funds to delegate agencies, Mr. Campa stated he was confident that the program will achieve the City Council's direction to ensure that organizations have a broad-based community support, and that the City is active in leveraging that investment. He reiterated staff's recommendation of the percentages for the phase-in process which would be 65% of an agency's budget in 2005 derived from City funds, and that no more than 50% of City funds in the year 2006.

In response Councilwoman Radle, Mr. Campa explained the role of the Community Action Board in following the Federal guidelines to administer the Community Development Block Grant monies.

Discussion ensued between Councilman Williams and Mr. Campa regarding a two-year cycle in terms of funding.

Councilman Williams noted his support to those low-budgeted agencies that have a small number of volunteers, but nonetheless are successful in serving the community.

Councilman Haass suggested reviewing each on a case-by-case basis to determine which agencies may be taking advantage of the City. He stated the program may prove to be a positive tool in the future.

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2004-02 The Clerk read the following Ordinance:

AN ORDINANCE 98712

REVISING THE APPROVED INTRAJURISDICTIONAL AGREEMENT BETWEEN THE SAN ANTONIO WATER SYSTEM (SAWS) AND THE CITY OF SAN ANTONIO (COSA) FOR THE TRANSFER OF APPROXIMATELY 1,916 ACRES OF LAND IN BEXAR COUNTY, TEXAS, FROM SAWS TO COSA IN EXCHANGE FOR THE IMPOSITION OF CONSERVATION EASEMENTS ON OTHER PROPERTIES INCLUDING APPROXIMATELY 710 ACRES (THE CHRIS HILL CONSERVATION EASEMENT) AND APPROXIMATELY 855 ACRES TO BE ACQUIRED (THE LAUDER CONSERVATION EASEMENT) IN FAVOR OF SAWS AND THE ASSUMPTION BY COSA OF CERTAIN OBLIGATIONS FOR PAYMENT OF THE ACQUISITION OF THE LAUDER PROPERTY AND FURTHER AUTHORIZING THE SUBSEQUENT TRANSFER OF APPROXIMATELY 637 ACRES OUT OF THE 1,916 ACRES TO THE CITY OF SAN ANTONIO, TEXAS, STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION TO BE USED TO FULFILL A PORTION OF THE REQUIREMENTS OF THE PROJECT STARBRIGHT AGREEMENT.

Councilman Segovia made a motion to approve the proposed Ordinance. Councilman Williams seconded the motion.

Mr. Christopher Brady, Assistant City Manager, narrated a slide presentation regarding the revised intrajurisdictional agreement between the City and the San Antonio Water System (SAWS), a copy of which part of these papers. He stated the purpose for the

ordinance includes that the SAWS Board be authorized to execute the revised intrajurisdictional agreement to convey the property to the City on December 16, 2003. He added that the City Council approved the original agreement on October 9, 2003. He provided additional background to the property transfer and highlighted fiscal information relative to the property value upon completion of transfer.

In response to Councilman Hall, Mr. Brady explained conservation easement versus transfer of property.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, , Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Perez, Barrera, Castro, Schubert, Garza.

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2004-02 The Clerk read the following Ordinance:

AN ORDINANCE 98713

AUTHORIZING AN EXCHANGE OF APPROXIMATELY 6.5 ACRES OF REAL PROPERTY OBTAINED BY THE CITY OF SAN ANTONIO FROM SAWS TO BEXAR METROPOLITAN WATER DISTRICT FOR APPROXIMATELY 2.0 ACRES, PURSUANT TO THE PROJECT STARBRIGHT AGREEMENT.

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Councilman Williams made a motion to approve the proposed Ordinance. Councilman Flores seconded the motion.

Mr. Christopher Brady, Assistant City Manager, gave a briefing on the exchange of property to Bexar Metropolitan Water District for the purpose of complying with a Starbright Industrial Development Corporation Agreement requirement that this property be acquired, and easement to be eliminated, prior to the site conveyance to Toyota Manufacturing.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Radle, Hall, Haass. **NAYS:** None. **ABSENT:** Perez, Barrera, Castro, Schubert, Garza.

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2004-03

CITIZENS TO BE HEARD

MR. FARIS HODGE, JR.

Mr. Farias Hodge, Jr , 150 Dora Street, spoke regarding his self-improvement program with weight loss. He also discussed information regarding child support and racial profiling.

MRS. MARIA DOMINGUEZ

Mrs. Maria Dominguez (no address) spoke regarding her opposition to the proposed City Council members' salaries and to discretionary funds allocated to the Council members.

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2004-02 There being no further business to come before the City Council, the meeting was adjourned at 5:09 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