

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WERE HELD IN THE MUNICIPAL PLAZA BUILDING, WEDNESDAY, MARCH 17, 2010 AND THURSDAY, MARCH 18, 2010, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **March 17, 2010**, Municipal Plaza Building with the following Councilmembers present: Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Cisneros. Mrs. Vacek noted that Councilmember Cisneros was out on personal business.

1. PRESENTATION BY THE SAN ANTONIO WATER SYSTEM ON THE RESULTS OF AN UPDATED COMPREHENSIVE COST OF SERVICE AND RATE DESIGN STUDY

Deputy City Manager Pat DiGiovanni provided an overview of the development of the HemisFair Park Area Redevelopment Corporation (HPARC) and introduced Madison Smith, Chairman of the HPARC. Mr. Smith introduced the Board Members in attendance and stated that they were preparing to launch a new vision for HemisFair Park. He provided background information on HemisFair Park, noting that the six-month fair had taken place in 1968 and that the area had remained dormant until 2008. He provided photos of the '68 World's Fair and spoke of the planning efforts and construction. He noted the effects of HemisFair that included the participation of 25 countries, 6.5 million visitors, and the Riverwalk coming to life with restaurants and retail.

Mr. Smith reported that many ideas for use of the space had been submitted after the fair including the possibility of creating a park surrounded by office buildings and paving the entire area to be utilized for 6,000 additional surface parking spaces. He mentioned that the area was disconnected from the historic street grid and cut off from Downtown. He stated that the area consisted of 75 acres and that there was additional land potential on the Southside of Durango. He noted that the property was owned by the City of San Antonio, the University of Texas at San Antonio, Federal Government, and the San Antonio Independent School District, and that the tax revenue potential was untapped.

Mr. Smith stated that in the Fall of 2008, Mayor Hardberger and the City Council had created an Ad Hoc Committee to advise the City on the redevelopment of HemisFair Park. In the Spring of 2009, the committee drafted a Vision Statement, Guiding Principles, and recommended the formation of a Local Government Corporation. He noted that in August of 2009, Mayor Castro and the City Council created the HPARC to provide oversight for HemisFair's redevelopment. He spoke of the vision in which they would like to create a vital mixed use area, centered on a city park to maintain and revitalize the historic buildings and reconnect the area. He added that the HPARC would assist with acquiring property, planning, developing, constructing, managing, and financing projects within the park and adjacent or nearby areas.

Mr. Smith spoke of the importance of reconnecting to Downtown and the potential for extending the Riverwalk into HemisFair. He noted that they would recommend connecting the Convention Center and HemisFair Park, as well as ensuring that the area is an anchor for the Street Rail System. He stated that they would create green space through a dedicated park and protect and enhance historic structures within the area. He added that they would introduce mixed-use development and create a model for environmental, social, and economic sustainability. He provided an overview of the processes and schedule that would be adhered to in which a Master Plan would be formulated prior to the 2012 Bond Election. He mentioned that they would research best practices throughout the country and solicit public input.

Mayor Castro thanked the members of the HPARC for their work and spoke of the importance of HemisFair Park. He stated that he was pleased with the timeline and the public input that would be solicited. He asked of the streetcar route recommended by VIA. Mr. Andres Andujar replied that they had met with VIA Representatives and were excited with the proposed streetcar alignment along HemisFair Park. Mayor Castro stated that the area should fundamentally remain public but there was a way to integrate mixed-use development. Mr. Smith responded that they were in the initial stages of the planning process but would build upon the historic roots of the park. Ms. Sue Ann Pemberton added that there was great potential and that many of the historic structures on the western end would create a gateway into HemisFair Park. Councilmember Ramos thanked the HPARC Members and specifically Former Councilmember Debra Guerrero for their work. She noted that it was a vital project for Downtown and was pleased that the needs of the area would be addressed.

2. BRIEFING BY THE HEMISFAIR PARK AREA REDEVELOPMENT CORPORATION (HPARC) REGARDING THE HISTORY OF HEMISFAIR PARK, HPARC'S ACTIONS TO DATE, AND THE NEXT STEPS

Robert Puente, San Antonio Water System (SAWS) President, provided an overview of the 2010 Rate Structure and noted that San Antonio leads the nation in managing water demand. He reported that from 1984-2009, SAWS was serving 67% more customers with 0% more water. He stated that during that time, 120,000 acre-feet of water had been saved and that deferred alternative water supplies would have cost up to \$3.3 billion. He spoke of the success of water diversification through an investment of over \$600 million, and noted San Antonio's challenges with extreme weather conditions.

Mr. Puente stated that a tiered rate structure was one of the many tools currently utilized to manage peak water demands. He noted that tiered rate structures were an industry standard commonly used by other water utilities and four blocks had been used in San Antonio since the 1990's. He mentioned that the rate structure was reviewed every five years and last been reviewed in 2004. He introduced Doug Evanson, SAWS Chief Financial Officer.

Mr. Evanson stated that a Rates Advisory Committee (RAC) had been created and assisted in the selection of a Rate Study Consultant. He noted that they had reviewed and analyzed the rate structure, fee structure, and other charges. He explained that the rate design was based on cost of service and had been revised with community input. He outlined the RAC priorities: 1)

Conservation/Demand Management; 2) Financial Sufficiency; and 3) Rate Stability, and spoke of the peak demand for residential, commercial, and irrigation uses.

Mr. Evanson provided a summary of the proposed rate structure within the Residential, Commercial, and Irrigation categories. He spoke of the current Residential Rate Structure in which four blocks were utilized to determine the Water Delivery Fee and then added to the Water Supply Fee. He mentioned that the proposed Residential Rate Structure would reward low use and discourage high discretionary use. The structure would also extend the seasonal rate from four to six months in an effort to manage peak demand. He noted that the single rate for the Water Supply Fee would be eliminated and a tiered rate structure would be implemented. He added that through the proposed residential bill adjustments, 93% of customer bills would realize a reduction up to 8.3%.

Mr. Evanson outlined the proposed Irrigation Rate Structure and stated that it included the added cost of obtaining future water supply sources for high peak demand. He noted that the elimination of a single rate for the Water Supply Fee ensures that irrigation usage is charged equitably among residential and irrigation customers. He spoke of the proposed Commercial Rate Structure, noting that commercial customer use is non-discretionary in that there will be no seasonal rate and the Water Supply Fee will continue to be a flat rate. He added that discretionary water use is billed through an irrigation meter in which a seasonal rate and tiered Water Supply Fee will apply.

Karen Guz, Director of Conservation spoke of the SAWS Conservation Programs, noting that low income neighborhoods receive complete conservation retrofits. She provided examples of efficient water use and noted challenges within Commercial Irrigation. She stated that irrigation scheduling and maintenance was important and that SAWS Staff was dedicated to communicating with sites on the irrigation problems that were reported.

Keith Kindle, Chair of the RAC spoke of the successful work of the committee and noted that the process had been open and transparent. He spoke of the importance of conservation and urged the City Council to consider the recommendations presented by SAWS. Lastly, Mr. Puente presented a timeline proposed by the RAC and noted that City Council action on the recommendations would take place on April 15, 2010.

Mayor Castro thanked SAWS Staff and the RAC for their work, noting that they had developed a rate structure that incentivizes water conservation. He asked of the timelines for both the rate structure and rate increase. Mr. Puente stated that they would work to bring both items forward in June and ensure that the process was transparent. Councilmember Rodriguez commended SAWS for their water conservation and outreach efforts and noted that the rate structure would change behavior. He recognized the RAC for their work and asked if any feedback had been solicited from the Chambers of Commerce. Mr. Puente replied that they had presented the rate structure to the Greater Chamber and the Hispanic Chamber and had provided information to the smaller Chambers of Commerce. Councilmember Rodriguez expressed his support for bringing the rate structure and rate increase at the same time.

Councilmember Williams thanked SAWS for their work and spoke of the water supply fee. He asked how the funds had been spent over the time that they had been collected and how they had been utilized to diversify the water supply. Mr. Puente referenced the graph on slide 8 that outlined the water supply and stated that under industry standards, the ASR Underground Storage and Recycled Water are considered to be other sources than the Edwards Aquifer. He noted that he would provide the requested information. Councilmember Williams expressed concern with moving forward with a rate structure before knowing the rate requirement and noted that they should take place at the same time. He added that more work was necessary on the proposed irrigation rates and referenced concerns from the Apartment Association.

Councilmember Clamp thanked SAWS for their work and stated that he was supportive of bringing the rate structure and revenue requirements forward in the Fall. He noted that he would like to schedule work sessions with the public to gather input and ensure transparency. Councilmember Chan thanked SAWS for their work and noted that she was in support of implementing the rate increase and rate structure at the same time and after summer. She expressed concern that implementing the rate structure first would confuse ratepayers and stated that it was important to have knowledge of the rate requirement prior to a new rate structure. She clarified that she was in support of water conservation and asked of irrigation meters. Mr. Puente responded that a few residential customers also had irrigation meters but most commercial customers had both.

Councilmember Ramos expressed support for bringing forth the rate structure and rate increase at the same time but in October. She referenced the letter that the Councilmembers had received from the Apartment Association and asked that SAWS take the feedback into consideration for the rate increase. Mr. Puente stated that they had met with a representative and were working to decrease their water usage. Councilmember Ramos noted the importance of regular updates from the utilities. Ms. Sculley stated that staff would provide rotating SAWS and CPS Energy updates on the second Thursday of the month during the Council Meeting at 2:00 pm.

Councilmember Lopez asked of the infrastructure investment for recycled water and distribution and of the irrigation pipeline. Steve Clouse, SAWS Chief Operating Officer stated that the information provided today did not include infrastructure investment and that the SAWS lines were connected up to the property line. He noted that the customer was responsible for any extension requirements and confirmed that there were different distribution systems for recycled and regular water. Temporary Acting Councilmember Cantu asked of the calculation of SAWS Bills. Mr. Evanson replied that the Water Delivery Fee was calculated on an inverted block structure whereby the first block of usage costs nine cents per 100 gallons and increases up to 32 cents per 100 gallons for the fourth block. He noted that the Water Supply Fee was a flat fee of 15 cents per 100 gallons but was being proposed as a tiered rate structure. He added that Wastewater Charges were based on the average winter consumption with three months of billing between November 15th and March 15th. He mentioned that the Edwards Aquifer Authority Fee was a pass through fee based on water consumption. Temporary Acting Councilmember Cantu asked if residential and commercial customers paid the same amount for irrigation. Mr. Evanson responded that under the proposal, residential and commercial customers would pay the same amount to irrigate.

Ms. Sculley asked if there was consensus that the rate structure and rate increase be brought forth together and in the Fall. Councilmembers were in agreement to bring the rate structure and increase in the Fall. Mr. Puente noted that they had already begun working on the process and would work with city staff to present information to the City Council in June with implementation after the summer peak time. Mayor Castro asked that all work toward a June timeframe and that the Council would decide when the issues would be addressed.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 4:11 pm to convene in Executive Session for the purposes of:

- A. DISCUSS PERSONNEL MATTERS RELATED TO THE OFFICE OF THE CITY AUDITOR, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.074 (PERSONNEL MATTERS)
- B. DELIBERATIONS REGARDING INFORMATION RELATED TO ECONOMIC DEVELOPMENT NEGOTIATIONS AND THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY, AND RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.072 (REAL PROPERTY), 551.087 (ECONOMIC DEVELOPMENT), AND 551.071 (CONSULTATION WITH ATTORNEY)

Mayor Castro reconvened the meeting at 5:07 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action. There being no further discussion, Mayor Castro adjourned the meeting at 5:07 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **March 18, 2010** at 9:00 am in the City Council Chambers.

ROLL CALL

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Cisneros. She noted that Councilmember Cisneros was out on personal business.

Item 1. The Invocation was delivered by Rev. Israel A. Moreno, Pastor, Praise Chapel, guest of Councilmember Jennifer Ramos, District 3.

Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.

Item 2. OATH OF OFFICE – MAYOR PRO TEM

City Clerk Leticia M. Vacek administered the Oath of Office to Councilmember John G. Clamp, District 10, whose term as Mayor Pro-Tem becomes effective March 30, 2010 through June 8, 2010.

POINT OF PERSONAL PRIVILEGE

Councilmember Rodriguez wished Councilmember Ramos Happy Birthday. He recognized Boy Scout Pack 829 and Pack Leader Rhett Shelton, noting that they were in attendance to receive their civic leadership badge. He also recognized CJ Medina, son of Cris Medina of the District 7 Office. Mayor Castro welcomed Pack 829 and also wished Councilmember Ramos a Happy Birthday.

Item 3. MINUTES

Councilmember Ramos moved to approve the Minutes for the March 4, 2010 City Council Meeting. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read Item 4:

Item 4. BRIEFING ON THE FOLLOWING ITEMS REGARDING SAN ANTONIO RIVER IMPROVEMENTS PROJECT (SARIP):

- A. BRIEFING BY THE SAN ANTONIO RIVER AUTHORITY ON THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT (SARIP).
- B. STAFF BRIEFING ON THE PROPOSED COOPERATIVE MANAGEMENT PLAN AROUND THE MISSION REACH.

Suzanne Scott of the San Antonio River Authority (SARA) presented an overview of the San Antonio River Improvements Project and spoke of the partners and budget totaling \$384 million. She reported that Phase 1 of the Mission Reach was scheduled for completion in Spring, 2010 and that the construction contract for Phase 2 had been awarded in December. She mentioned that construction would take 14 months and that Phase 3 construction would be completed in 2013. She spoke of the habitat and recreation features of the Mission Reach that include 113 acres of aquatic habitat and 15 miles of trails. She stated that Phase 1 of the Mission Reach was a 1.25 mile section from Lone Star Boulevard to the confluence with San Pedro Creek. She noted that Phase 2 covered one mile from the confluence to Mission Road and included the Theo Street Realignment. She added that Phase 3 encompassed a 5.75 mile section from Mission

Road to Mission Espada. She reported that SARA was finalizing property acquisition and would begin the solicitation process this month.

Ms. Scott spoke of the Museum Reach Park Segment, noting that the trail connection from the Urban Segment under US Hwy 281 had been completed. She reported that they were in the process of landscaping installation and completing the trail connection north along Avenue B to Brackenridge Park. She stated that they were coordinating additional trails along Mulberry Street and that the remaining improvements were currently under design.

Councilmember Ramos thanked everyone for their work on the projects and stated that the San Antonio River was the reason we were here today. She spoke of the many individuals that she had witnessed frequenting the River and noted that it would be returned to its natural state. She recognized Bexar County for their contributions and dedication to the project, as well as the SARA Board Members for their work. Councilmember Medina recognized Robert Rodriguez and Ruben Perez for their work on the project and spoke of the great investment for the city. He asked of the historic significance of the park within the Theo Street Realignment. Ms. Scott reported that there would be opportunities to celebrate the history of the area through signage along the trail. Councilmember Medina thanked Ms. Scott for the continued updates. Mayor Castro also thanked Ms. Scott and the work of SARA on the project.

Nazirite Ruben Flores Perez addressed the Council and stated that he was in support of pay increases for city employees. He spoke in support of the river connection but expressed concern with any effects to the habitat within the park.

Lori Houston, Center City Development Office presented Item 4B and stated that the proposed study area encompasses eight miles of the Mission Reach from Alamo Street to Loop 410 South and takes into consideration the adopted plans in the area, Tax Increment Reinvestment Zones (TIRZ), and other zoning efforts. She provided demographics of the area, noting that population density was lower than the city as a whole and that over 20% of the population within the plan lives in poverty.

Ms. Houston noted that adopted plans within the area include the South Central San Antonio Community Plan, Stinson Airport Vicinity Land Use Plan; and Roosevelt Corridor Reinvestment Plan. She outlined the Zoning Initiatives and TIRZ, and spoke of the maintenance and security activities that would be provided by the partnering entities. She stated that a boundary study would be conducted to determine if the existing boundary provides adequate protection and preservation of the natural, historic, cultural, scenic and recreational resources integral to the park. She added that a land protection plan would identify the land that must be protected by the boundary study and analyze each parcel to determine the best protection strategy. Lastly, she spoke of next steps which included returning to the City Council with a final plan in September, 2010.

Mayor Castro recognized all of the partners for their work on the project and noted that it was a re-engineering of the entire corridor. Councilmember Ramos spoke of the zoning and planning that will affect the area and asked if the final plan would consolidate the current individual plans within the area. Ms. Houston replied that the individual plans would remain in place and that the

final plan would coordinate all of the necessary recommendations to move forward in the area. She confirmed that rezoning would take place along the River. Councilmember Williams thanked everyone involved in the project and recognized the Parks Service for their work at Stinson Airport.

There was no action required for Items 4A and 4B.

The City Clerk read Item 5:

Item 5. A PUBLIC HEARING AND CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO ALLSTATE INSURANCE COMPANY:

2010-03-18-0201

- A. AN ORDINANCE ESTABLISHING THE ALLSTATE REINVESTMENT ZONE, LOCATED AT 12238 SILICON DRIVE, SAN ANTONIO, TEXAS IN CITY COUNCIL DISTRICT 8.

2010-03-18-0202

- B. AN ORDINANCE APPROVING A TAX ABATEMENT AND GRANT AGREEMENT WITH ALLSTATE INSURANCE COMPANY ABATING 65% OF AD VALOREM TAXES FOR 6 YEARS ON REAL AND PERSONAL PROPERTY IMPROVEMENTS IN THE ALLSTATE REINVESTMENT ZONE AND GRANTING UP TO \$30,000.00 FROM THE ECONOMIC DEVELOPMENT INCENTIVE FUND FOR REIMBURSEMENT OF PERMITTING AND DEVELOPMENT SERVICES FEES.

2010-03-18-0017R

- C. A RESOLUTION NOMINATING ALLSTATE INSURANCE COMPANY FOR DESIGNATION AS A TEXAS ENTERPRISE PROJECT.

Mayor Castro opened the public hearing.

Ed Davis presented the items and stated that they would designate the Allstate Reinvestment Zone; provide for a 65% Tax Abatement and economic development program grant agreement up to \$30,000; and nominate Allstate Insurance Company for a Texas Enterprise Project Designation. He noted that they would create 598 new jobs by June, 2011 and provide a capital investment of \$11.5 million. He reported that the annual economic impact would total \$150,826,032.

Mr. Davis mentioned that Allstate was founded in 1931 and was the largest publicly held personal lines insurer. He stated that they ranked 81 on the Fortune 100 in 2009 and their annual revenues exceeded \$29 billion. He reported that the State had provided Allstate a \$1,100,000 Texas Enterprise Fund Grant and that Bexar County had offered Allstate a six-year, 40% tax abatement. He noted that staff was recommending a six-year, 65% tax abatement and \$30,000 economic development grant to Allstate if the company created 598 new jobs, invested \$11.5 million, and met the minimum wage requirements. He added that the six-year term of the agreement would begin on January 1, 2011.

Mr. Davis reported that staff was recommending that Allstate be nominated for a State Enterprise Designation. He noted that Allstate qualified under the Tax Abatement Guidelines as an exceptional project and that if designated, Allstate would be eligible to apply for a refund of up to \$1,250,000 in state sales and use taxes. He added that Allstate was locating in a non-qualifying State Census Tract and must hire up to 35% of its employees from qualifying census tracts or hire economically disadvantaged to receive the maximum state benefit.

Mayor Castro recognized Allstate for their investment in San Antonio and thanked Mario Hernandez and the Economic Development Foundation for their work on the project. Councilmember Williams asked if the tax abatement was for the equipment. Mr. Davis replied that it was on real property improvements and personal property but the property that was currently on the tax rolls would not be abated. Councilmember Williams noted the importance to recognize the investment that had already been made by the developer would be taxed. Councilmember Rodriguez stated that he was supportive of the effort and asked of the hiring of employees. Mr. Davis responded that the State monitored and controlled the hiring efforts and that Allstate was required to file job reports with the State.

Jack M. Finger addressed the Council and in opposition to the tax abatement. He noted that small businesses were not afforded the same opportunities as large corporations.

Mayor Castro closed the public hearing.

Councilmember Williams moved to adopt the Ordinances for Items 5A and 5B and approve the Resolution for Item 5C. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

The City Clerk read Item 6:

2010-03-18-0203

Item 6. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$8,718,820.29, HOME INVESTMENT PARTNERSHIP GRANT (HOME) FUNDS IN THE AMOUNT OF \$3,141,407.31, AND NEIGHBORHOOD STABILIZATION PROGRAM (NSP) FUNDS IN THE AMOUNT OF \$2,000,000.00 FOR A TOTAL REPROGRAMMING AMOUNT OF \$13,860,227.60 AVAILABLE FROM CITY-WIDE PROJECT COMPLETIONS, PROGRAM INCOME AND, CANCELLED PROJECTS TO ADDRESS EXISTING PROJECT SHORTFALLS AND NEW PROJECTS.

Mayor Castro opened the public hearing.

Nina Nixon Mendez presented said item and stated that a public hearing was being held to reprogram Community Development Block Grant (CDBG), HOME, and Neighborhood

Stabilization Program (NSP) Funds. She noted that funds were used to address low to moderate income needs of the community, as well as previously approved projects with short falls or emergency initiatives. She reported that the city could not carry an available fund balance of more than 1.5 times its annual entitlement and that HUD encouraged the reprogramming as soon as possible. She outlined the City Project Initiatives within each fund, noting that \$8.7 million was available in CDBG Funds; \$3.1 million in HOME Funds; and \$2 million in NSP Funds. She added that staff recommended that Line Item 30 "Minor Repair Program" of CDBG Funds be amended to allocate \$98,582.34 to Weatherization/Code Compliance, and \$100,000 to Senior Citizen Repair.

Councilmember Ramos asked if a policy had been developed for the Reinvestment Area Projects. Ms. Nixon-Mendez replied that the Redevelopment Task Force was working on criteria to evaluate projects and coordinating with city departments and hoped to complete it next month. Councilmember Ramos expressed support for the investment in Senior Citizens and helping them with minor repairs and acknowledged the Cevallos Lofts Apartment Project. In response to Councilmember Ramos, Ms. Nixon-Mendez stated that the housing policy requires that individuals only receive one-time assistance and their intent is to serve as many individuals as possible.

Councilmember Taylor thanked staff for their work and stated that she was pleased with the direction of the reprogramming of funds. She noted that they had to be strategic in their criteria for projects in the reinvestment area due to the limited amount of funds. She also recognized the Cevallos Lofts Apartments Project. Councilmember Medina thanked everyone for their support of the Cevallos Lofts Apartments Project and stated that he was pleased that Minor Repairs Program Funds would be allocated to Senior Citizens.

The City Clerk read a letter into the record from Councilmember Cisneros. She wrote that the NSP provides the inner city with an opportunity for meaningful development that can mitigate the effects of the economic crisis. She noted that in submitting the application to HUD, the city had made a commitment to single family acquisition and redevelopment, and should be mindful of the commitment. She asked staff to work with City Council Offices, non-profit housing providers, as well as neighborhood associations located in eligible areas to focus on single family structures with the greatest potential for redevelopment. She requested that city staff return to the City Council as soon as possible with a plan for distribution of funds to the non-profit housing developers and for staff to re-evaluate the five home maximum limitation that has been placed on non-housing providers participating in the program. She also asked that city staff seek input from the non-profit affordable housing providers to see if the limitation prohibits their ability to achieve economies of scale and participate in the program. She requested that staff commit all unobligated funds to date to single family-related activities.

Ms. Nixon-Mendez stated that staff shared the concerns of Councilmember Cisneros related to the NSP and were required to obligate funds by September, 2010. She noted that the reprogramming action would provide \$1 million to the Cevallos Lofts Multi-Family Project that would provide an income stream and when repaid, could be utilized for single family projects.

Bert Pfeister of Respite Care addressed the Council and expressed support for the reprogramming of funds. He stated that Respite Care was a licensed shelter for children with special needs that was created 15 years ago. He mentioned that the shelter was the only facility of its kind in the State of Texas and designed to serve children with special needs. He noted that they would create additional space to keep siblings together and serve the entire community. He spoke of four siblings that had been brought to the shelter and have recently been adopted together. He thanked the City Council for their support.

Mayor Castro closed the public hearing.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember Medina seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

CONSENT AGENDA-ITEMS 7-30

Consent Agenda Items 10, 11, 12C, 14, 16, 21, 22, and 28D were pulled for Individual Consideration. Councilmember Ramos moved to approve the remaining Consent Agenda Items. Councilmember Rodriguez seconded the motion.

Mayor Castro called upon the individuals registered to speak on the Consent Agenda.

Jack M. Finger expressed concern with Item 12, noting that the Mayor and Councilmembers had received campaign contributions. He spoke in opposition to the grant application for \$250,000 that would be utilized for signage in the St. Paul Square Area. He expressed opposition to the bond issuances for the Cevallos Lofts Apartments Project (Item 21) and the Mirabella Senior Housing Project (Item 22). He spoke against the CDBG and HOME policy revisions in Item 23 that would allow heirs to make payment arrangements and provide less stringent credit requirements.

Faris Hodge, Jr. submitted written testimony in opposition to the Tax Abatement for Allstate Insurance Company (Item 5), noting that citizens were required to pay taxes. He wrote in favor of Items 6, 8-26, and 28-30. For Item 7, he expressed concern that the costs were estimates. He wrote that the city should cease installing water line pipes in alleys (Item 27).

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

2010-03-18-0204

Item 7. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING CONTRACTS IN THE ESTIMATED ANNUAL AMOUNT OF \$380,000.00: (A) UTEC-PLUS FOR TRUCK BODY ACCESSORY PARTS & SERVICE; (B) PMI STEEL PIPE & SUPPLY FOR CARBON STEEL PIPE; (C) CANTU CONTRACTING, CARINO'S TREE SERVICE AND GREEN

GRASS, INC. FOR LANDSCAPE MAINTENANCE FOR POLICE, PURCHASING & GENERAL SERVICES, PARKS AND RECREATION AND BRANCH LIBRARIES; (D) NORTEX MODULAR SPACE FOR LEASE OF MODULAR OFFICE BUILDING FOR THE SAN ANTONIO INTERNATIONAL AIRPORT.

2010-03-18-0205

Item 8. AN ORDINANCE ACCEPTING THE BID FROM FLEXITURF, LLC TO PROVIDE THE PARKS AND RECREATION DEPARTMENT WITH THE REMOVAL OF EXISTING RUBBER TILES AND WITH THE INSTALLATION OF A NEW POURED-IN-PLACE RUBBER SAFETY SURFACE FOR LION'S FIELD PARK LOCATED IN COUNCIL DISTRICT 1 FOR A TOTAL COST OF \$53,576.00 FUNDED THROUGH THE FY 2010 GENERAL FUND.

2010-03-18-0206

Item 9. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH HONEYWELL INTERNATIONAL, INC. TO PROVIDE THE CONVENTION, SPORTS AND ENTERTAINMENT FACILITIES, HENRY B. GONZALEZ CONVENTION CENTER WITH BUILDING MANAGEMENT SYSTEM UPGRADES TO INTEGRATE THE CONVENTION CENTER'S HVAC, LIGHTING, FIRE SAFETY AND SECURITY SYSTEMS FOR A TOTAL COST OF \$1,165,000.00; AND AUTHORIZING EXPENDITURE FROM THE CONVENTION CENTER BUILDING SYSTEM IMPROVEMENTS PROJECT.

Item 12. CONSIDERATION OF THE FOLLOWING ORDINANCES FOR THE SALADO CREEK HIKE AND BIKE PHASE II PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT (LAM) PROJECT LOCATED IN COUNCIL DISTRICT 2 AND FUNDED BY METROPOLITAN PLANNING ORGANIZATION (MPO), THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA), AND CERTIFICATES OF OBLIGATION:

2010-03-18-0209

- A. AN ORDINANCE ACCEPTING THE ARRA FUNDS, ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$2,005,429.50 PAYABLE TO K-BAR SERVICES, INC., OF WHICH \$1,704,343.60 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION.

2010-03-18-0210

- B. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$34,000.00 TO THE \$524,507.00 PROFESSIONAL SERVICES CONTRACT WITH LOCKWOOD, ANDREWS & NEWNAM, INC. FOR CONSTRUCTION PHASE SERVICES.

2010-03-18-0212

Item 13. AN ORDINANCE AUTHORIZING CONVEYANCE TO THE SAN ANTONIO RIVER AUTHORITY AN ADDITIONAL 12.665 ACRES OF PARK LAND IN ACEQUIA PARK LOCATED IN COUNCIL DISTRICT 3.

2010-03-18-0214

Item 15. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND THE ACCEPTANCE OF UP TO \$10,000.00, FROM THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS FOR THE PERIOD JANUARY 22, 2010 THROUGH JULY 31, 2010.

Item 17. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011, TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT; OR FOR TERMS AND EFFECTIVENESS AS OTHERWISE INDICATED BELOW:

- A. REAPPOINTING LORETTA VAN COPPENOLLE (DISTRICT 8) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 22, 2011.
- B. APPOINTING LARRY C. MURPHY (DISTRICT 10, CATEGORY: MEMBER HOTEL/MOTEL ASSOCIATION) TO THE TRANSPORTATION ADVISORY BOARD.
- C. APPOINTING FRANCES CADENA (DISTRICT 5) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS.

2010-03-18-0216

Item 18. AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$5,747,832.00 FROM THE HOTEL OCCUPANCY TAX (HOT) CAPITAL FACILITIES FUND AND THE HOT TAX IMPROVEMENT & CONTINGENCY FUND TO COMPLETE ELIGIBLE CAPITAL IMPROVEMENTS, RELATED FACILITY UPGRADES, AND ELIGIBLE EQUIPMENT PURCHASES IN PREPARATION FOR, AND IN ANTICIPATION OF REIMBURSEMENT THROUGH THE EVENTS TRUST FUND.

2010-03-18-0217

Item 19. AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A SECURITIES LENDING AGREEMENT WITH FROST NATIONAL BANK TO PROVIDE THE CITY WITH SECURITIES LENDING SERVICES.

2010-03-18-0218

Item 20. AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$34,500,000.00 IN PRINCIPAL AMOUNT OF CITY OF SAN ANTONIO, TEXAS TAX NOTES, SERIES 2010; AUTHORIZING THE LEVYING OF A TAX FOR THE PAYMENT THEREOF; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE CONTRACT, AND AN INVESTMENT LETTER.

2010-03-18-0221

Item 23. AN ORDINANCE APPROVING THE PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP PROGRAM HOUSING POLICY REVISIONS AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

2010-03-18-0222

Item 24. AN ORDINANCE AMENDING A CONTRACT WITH ALLIED SECURITY, LLC D/B/A ALLIED BARTON SECURITY SERVICES TO INCREASE THE HOURLY PAY RATE FOR SECURITY OFFICERS STATIONED AT CITY HALL AND MUNICIPAL PLAZA, AND TO PROVIDE FOR CHANGES IN DUTIES, HOURS AND UNIFORMS.

2010-03-18-0223

Item 25. AN ORDINANCE RE-APPOINTING THE SAN ANTONIO MUNICIPAL COURT FULL-TIME JUDGES FOR A NEW TERM BEGINNING MAY 1, 2010.

2010-03-18-0224

Item 26. AN ORDINANCE APPROVING AN AGREEMENT FOR SERVICES IN LIEU OF ANNEXATION WITH THE PROPERTY OWNERS OF THE ESPADA SPECIAL IMPROVEMENT DISTRICTS NOS. 1, 2 AND 3, ESA RESIDENTIAL DEVELOPMENT, INC., E-TM LAND INVESTMENT, LTD. AND TERRAMARK COMMUNITIES, LTD.; AND REINSTATING THE CITY'S CONDITIONAL CONSENT TO THE CREATION OF EACH SPECIAL IMPROVEMENT DISTRICT.

2010-03-18-0225

Item 27. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT AND ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$23,968.00 FROM SAN ANTONIO WATER SYSTEMS (SAWS) FOR THE ADJUSTMENT OF SAWS FACILITIES FOR THE FY 2009 ALLEY MAINTENANCE PROGRAM.

Item 28. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO STIMULUS FUND CONTRACTS:

2010-03-18-0226

- A. AN ORDINANCE AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF \$6,448,500.00 IN ENERGY EFFICIENCY CONSERVATION BLOCK GRANT FUNDS (EECBG).

2010-03-18-0227

- B. AN ORDINANCE AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF \$433,000.00 IN AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, AND \$100,000.00 IN CASH AND \$20,000.00 IN SERVICES FROM CPS ENERGY TO INSTALL 48 KILOWATTS OF SOLAR POWER GENERATION CAPACITY AT THE MISSION VERDE CENTER.

2010-03-18-0228

C. AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) PROGRAM FUNDS IN THE AMOUNT OF \$238,366.00; AND CREATING/CANCELLING CERTAIN PROJECTS.

2010-03-18-0230

Item 29. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR FINANCIAL ADMINISTRATION MANAGEMENT SERVICES WITH MICHAEL G. MORONEY & ASSOCIATES, INC. BY INCREASING THE CONTRACT AMOUNT BY UP TO \$140,000.00 AND EXTENDING THE TERM THROUGH SEPTEMBER 30, 2010.

2010-03-18-0231

Item 30. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION IF NECESSARY, OF A TEMPORARY LEASE OF REAL PROPERTY LOCATED AT 1013 RITTIMAN ROAD, FOR THE WOMEN, INFANT AND CHILDREN'S CLINIC, LOCATED IN COUNCIL DISTRICT 2, AND DECLARING THE PUBLIC NECESSITY FOR THIS ACQUISITION.

[CONSENT AGENDA ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-03-18-0207

Item 10. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO YANTIS COMPANY IN THE AMOUNT OF \$2,484,575.25, OF WHICH \$30,766.00 WILL BE REIMBURSED BY CPS ENERGY AND \$449,069.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FOR THE INDIAN CREEK CHANNEL IMPROVEMENTS PROJECT, AN AUTHORIZED GENERAL OBLIGATION BOND FUNDED PROJECT, AND THE WAR CLOUD PROJECT, AN AUTHORIZED HOUSING AND URBAN DEVELOPMENT (HUD) 108 FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 4.

Temporary Acting Councilmember Cantu asked when the city utilizes a low-bid process and when a Request for Qualifications (RFQ) is utilized. Debbie Sittre replied that the delivery method was based on the type of project and that it was not based on the cost of the contract. Temporary Acting Councilmember Cantu also asked of the monitoring of the contracts to ensure that they are meeting the SBEDA requirements. Ms. Sittre stated that staff monitored all contracts and reviewed a list of the subcontractors that have been paid on a monthly basis.

Councilmember Chan recognized Temporary Acting Councilmember Cantu's sensitivity to small businesses and noted the importance of ensuring that they are paid in a timely manner. She asked how the SBEDA Ordinance was applied. Ms. Sittre stated that Yantis was the prime contractor and they had submitted a good faith effort plan in which they proposed to utilize 21% of small business enterprises; 17% minority owned enterprises; and 2% women owned

enterprises. Councilmember Chan asked of the standard goals for construction projects and how they would they would be met. Ms. Sittre responded that there was a 50% goal for small business participation; 17% goal for minority owned participation; and 7% for women-owned participation. She noted that since this was a low-bid contract, they were not required to meet the goals but must submit a good faith effort plan. Councilmember Chan noted that it was important to engage small businesses at the beginning of the project in an effort to increase participation. Ms. Sittre mentioned that CIMS Staff attends the pre-bid conference and provides outreach to small businesses.

Temporary Acting Councilmember Cantu moved to adopt the proposed Ordinance. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

The City Clerk read the following Ordinance:

2010-03-18-0208

Item 11. AN ORDINANCE AUTHORIZING CHANGE ORDERS IN THE INCREASED AMOUNT OF \$690,008.56 TO THE \$12,291,962.80 CONSTRUCTION CONTRACT WITH SAN ANTONIO CONSTRUCTORS, LTD. FOR THE RIP RAP #69 PHASE II D PROJECT, AN AUTHORIZED 2007 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ramos asked of the contingency amount of the contract. Debbie Sittre stated that the original contract amount was \$11.7 million and that 10% was utilized as contingency. She mentioned that due to economic conditions, they had received better bid prices. Councilmember Ramos noted that the project was slightly over the 10% contingency threshold but still within budget. Councilmember Ramos asked that there be no more change orders on the project. Ms. Sittre reported that said project will be completed in August and that the street would be reconstructed rather than provide an overlay.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember Rodriguez seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

The City Clerk read the following Ordinance:

2010-03-18-0211

Item 12C. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$211,000.00 TO THE \$5,330,413.00 PROFESSIONAL SERVICES CONTRACT WITH CH2M HILL FOR CONSTRUCTION PROGRAM MANAGEMENT SERVICES, OF WHICH \$168,800.00 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION.

Councilmember Chan recused herself on Item 12C by exiting the Council Chambers and noting that she submitted the recusal forms to the City Clerk.

Councilmember Clamp moved to adopt the proposed Ordinance for Item 12C. Councilmember Ramos seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros. **ABSTAIN:** Chan.

The City Clerk read the following Ordinance:

2010-03-18-0213

Item 14. AN ORDINANCE AMENDING THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE GREATER SAN ANTONIO BUILDERS ASSOCIATION AND APPROVING THE FORM OF THE AMENDMENT; AUTHORIZING THE SALE OF THIRTY-ONE (31) PARCELS OF CITY-OWNED PROPERTY LOCATED IN THE TIERRA DEL SOL SUBDIVISION TO THE GREATER SAN ANTONIO EDUCATION FOUNDATION FOR THE DISTRICT 7 AFFORDABLE SHOWCASE OF HOMES PROJECT FOR THE SUM TOTAL OF \$91,500.00.

Councilmember Rodriguez asked of the project timeline. David Garza replied that construction would begin next month and that all 31 units would be completed by December, 2010. Councilmember Rodriguez spoke of the issue regarding illegal dumping and for a status. Mr. Garza stated that they were working with Municipal Court to identify opportunities to recoup the funds. Councilmember Rodriguez noted that it was a great project and thanked Councilmember Cortez for his cooperation.

Councilmember Rodriguez moved to adopt the proposed Ordinance. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

The City Clerk read the following Ordinance:

2010-03-18-0215

Item 16. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION, AND AUTHORIZING ACCEPTANCE OF UP TO \$250,000.00 FROM THE PRESERVE AMERICA GRANT.

Councilmember Ramos asked of the grant notification and the placement of signage. Shannon Wasielewski replied that she expected notification of the grant award in June. She noted that they would expand the signage package that has been funded by the Convention and Visitors Bureau and provide a connection among various historic sites. She added that part of the

package would include historic district identification signage. Councilmember Ramos expressed her support and noted that signage would be provided for the Dignowitty Hill Neighborhood in District 2. Councilmember Taylor also expressed support for the grant application and increased signage to the Eastside.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember Taylor seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

The City Clerk read the following Ordinance:

2010-03-18-0229

Item 28D. AN ORDINANCE AUTHORIZING ISSUANCE OF A JOB ORDER TO JAMAIL & SMITH CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$185,228.22 FOR ROOF AND HVAC REPLACEMENT FOR THE GILBERT GARZA COMMUNITY CENTER, A COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) PROJECT, LOCATED AT 1450 MIRA VISTA IN COUNCIL DISTRICT 7.

Councilmember Rodriguez asked if a complete assessment had been conducted to determine that said HVAC needed replacement. Xavier Urrutia confirmed that an assessment identified three HVAC units at the Gilbert Garza Community Center. He reported that the unit over the gym had been replaced within the last five years but two units on top of the roof were leaking and in need of replacement. He noted that when replaced, they would be placed at ground level. Councilmember Rodriguez asked of the timeline for park improvements. Mr. Urrutia replied that preparation for the playground work would begin next week and that work on the community center would be completed by June. Mayor Castro thanked staff for their work on the project.

Councilmember Rodriguez moved to adopt the proposed Ordinance for Item 28D. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 10:58 am to convene in Executive Session for the purposes of:

DISCUSS REAL ESTATE AND RELATED LEGAL ISSUES REGARDING AGENDA ITEMS 21 AND 22.

ITEM 21. AN ORDINANCE APPROVING A BOND ISSUANCE FOR THE CEVALLOS LOFTS APARTMENTS PROJECT AS REQUIRED BY THE TEXAS

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, AND AUTHORIZING THE PARTICIPATION OF THE SAN ANTONIO HOUSING TRUST PUBLIC FACILITY CORPORATION.

ITEM 22. AN ORDINANCE APPROVING A BOND ISSUANCE FOR THE MIRABELLA SENIOR HOUSING PROJECT AS REQUIRED BY TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.

Mayor Castro reconvened the meeting at 11:31 am at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

At this time, Items 21 and 22 were addressed.

The City Clerk read the following Ordinances for Items 21 and 22:

2010-03-18-0219

Item 21. AN ORDINANCE APPROVING A BOND ISSUANCE FOR THE CEVALLOS LOFTS APARTMENTS PROJECT AS REQUIRED BY THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, AND AUTHORIZING THE PARTICIPATION OF THE SAN ANTONIO HOUSING TRUST PUBLIC FACILITY CORPORATION.

2010-03-18-0220

Item 22. AN ORDINANCE APPROVING A BOND ISSUANCE FOR THE MIRABELLA SENIOR HOUSING PROJECT AS REQUIRED BY TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.

Councilmember Medina spoke in support of the Cevallos Lofts Apartments Project and noted that it was located in District 5 but bordered Districts 1 and 3. He stated that they had discussed the project at many Quality of Life Council Committee Meetings and that it was a good project that would provide affordable housing for the inner city. Councilmember Rodriguez expressed support for both the Cevallos Lofts Apartments and Mirabella Senior Housing Projects. He stated that it was important to provide housing projects inside Loop 410 and thanked all that participated in community meetings on the Mirabella Senior Housing Project including Former Councilmember Debra Guerrero. Councilmember Ramos also expressed support for the two Housing Projects. She noted that the Cevallos Lofts Apartments Projects had the ability to transform the area. She also recognized Former Councilmember Debra Guerrero and John Kinney for their work on the projects. Mayor Castro recognized Councilmembers Medina and Rodriguez for their leadership on the two housing projects.

Councilmember Medina moved to adopt the proposed Ordinances for Items 21 and 22. Councilmember Ramos seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

Item 31. CITY MANAGER'S REPORT

A. \$30 MILLION CIP/IMP AMENDMENT STATUS REPORT

Ms. Sculley provided a status report of the \$30 million Capital Improvement and Infrastructure Management Programs and reported that the 93 projects were divided into three categories. She stated that the 2007 Bond Program Project Augmentation category totaled \$12.3 million for 11 projects and 53% of funds had been spent. She noted that there were 62 projects totaling \$10.6 million within the Public Works Managed Improvements category, with 17% of the funds being spent. She mentioned that the Other Projects category totaled \$7.1 million for 20 projects and 36% of the funds had been spent. She added that by February 2010; 36% of all funds had been spent and that 22 projects were completed; 38 projects were under contract; 27 projects were under design; and 6 projects were in the pre-design phase. She mentioned that the majority of the projects would be completed by the end of the calendar year.

Mayor Castro thanked Ms. Sculley and the Public Works Department for their work on the projects.

RECESSED

Mayor Castro recessed the meeting at 11:40 am to break for lunch and noted that the meeting would resume at 2:00 pm for Zoning.

RECONVENED

Mayor Castro reconvened the meeting at 2:05 pm and addressed the Zoning Items.

The City Clerk read the following Resolution for Item 32:

2010-03-18-0018R

Item 32. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO DEVELOP AND BRING FORWARD TO THE ZONING COMMISSION AND CITY COUNCIL A CORRIDOR OVERLAY DISTRICT FOR AN AREA ALONG SOUTH PRESA STREET BETWEEN IH-10 AND LOOP 410 AND TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARIES OF THE PROPERTIES WITHIN THE AREA TO ADOPT THE CORRIDOR OVERLAY DISTRICT AND TO AMEND THE BASE ZONING DISTRICT BOUNDARIES TO ZONING DISTRICTS THAT WILL ALLOW FOR DEVELOPMENT OPPORTUNITIES AS REQUESTED BY COUNCILWOMAN RAMOS, DISTRICT 3.

Councilmember Ramos expressed her support and stated that there was still much work to be done. She spoke of the importance of working with the community and asked of the timeline. Patrick Howard replied that the Corridor Overlay District Plan would be brought to the City Council in the Fall.

Councilmember Ramos moved to approve the Resolution. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

CONTINUED TO APRIL 15, 2010

Item Z-1. **ZONING CASE #Z2009165 HS (District 7):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "HS C-2 AHOD" Historic Significant Commercial Airport Hazard Overlay District on the northeast 522 feet of Lot 6, NCB 8349 located at 3031 West Woodlawn Avenue. Staff and Zoning Commission recommend approval.

Chris Looney presented said item and stated that they had received one notice in opposition which they believed to be from the former property owner. He noted that they had not received a response from the University Park Neighborhood Association. He mentioned that they had not received notice from the new property owner and would require nine votes for approval.

Councilmember Rodriguez stated that they were still working with the new property owner and moved to continue said item to April 15, 2010. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

2010-03-18-0233

Item Z-3. **ZONING CASE #Z2010029 CD ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "C-2 ERZD AHOD MLOD-1" Commercial Edwards Recharge Zone Airport Hazard Overlay Military Lighting Overlay District-1 to "C-2 CD ERZD AHOD MLOD-1" Commercial Edwards Recharge Zone Airport Hazard Overlay Military Lighting Overlay District-1 with a Conditional Use for Storage - Outside (Screening from Public Rights-of-Way and Adjacent Property Required) on Lot 2, Block 73, NCB 16334 located at 1623 Loop 1604 West. Staff and Zoning Commission recommend approval with one condition.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 2, BLOCK 73, NCB 16334 TO WIT: FROM "C-2 ERZD AHOD MLOD-1" COMMERCIAL EDWARDS RECHARGE ZONE AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT-1 TO "C-2 CD ERZD AHOD MLOD-1" COMMERCIAL EDWARDS RECHARGE ZONE AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT-1 WITH A CONDITIONAL USE FOR STORAGE - OUTSIDE (SCREENING FROM PUBLIC RIGHTS-OF-WAY AND ADJACENT PROPERTY REQUIRED) PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented said item and stated that staff and the Zoning Commission recommended approval with the screening as shown on the applicant site plan. Additionally, with the condition that outside storage is limited to Class 2 storage which includes lawn furniture and lawn accessories. He noted that they had not received a response from the Waters of Deerfield Neighborhood Association.

Mayor Castro called upon Jack M. Finger to speak on all zoning items.

Mr. Finger expressed opposition to the Payday Loan Agency in Item Z-2. He spoke against Item Z-3 noting that it was located over the Edwards Aquifer Recharge Zone and stated that there should not be more than 15% impervious cover. He also spoke against Item P-4, noting that staff and the Planning Commission had recommended denial and that the zoning was too intense for the area. Lastly, he expressed opposition to Item Z-5 and stated that there was not a buffer between the commercial and residential area.

Councilmember Chan clarified that the property had the proper zoning but the owner was requesting a conditional use to display outdoor furniture.

Councilmember Chan moved to adopt the proposed Ordinance with C-2 Zoning with a conditional use for Outside Class 2 Storage with approval of screening by a six-foot transparent fence on the front of the structure as shown on the site plan approved with the zoning district. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

CONTINUED TO APRIL 1, 2010

Item P-1. **PLAN AMENDMENT #10009 (District 1 & 7):** An Ordinance amending the land use plan contained in the Near Northwest Community Plan, a component of the Master Plan of the City, by changing the use of multiple parcels and including a supplement to the text of the Land Use section of the Near Northwest Community Plan for an area generally located along the east and west sides of West Avenue between Gardina and Wildwood from Neighborhood Commercial to Community Commercial, and for a parcel located between Alamos and Lee Hall from Urban Low Density Residential to Neighborhood Commercial, and for multiple properties located on the east side of West Avenue between Fresno and Santa Monica from Neighborhood Commercial to Office Land Use. Staff recommends approval. The Planning Commission held a public hearing and voted to continue the public hearing until March 10, 2010. (Associated Zoning Case: Z2010031 CD S)

Andrea Gilles presented Item P-1 and stated that staff and the Planning Commission recommended approval.

Councilmember Taylor stated that Councilmember Cisneros had asked that Items P-1, Z-4, P-2, and Z-5 all be continued to April 1, 2010 in order for her to be present for the discussion and vote.

Mayor Castro recognized the individuals that had registered to speak.

Theresa Berlanga stated that she was the property owner at 1840 Santa Monica and had owned the property for 17 years. She spoke in opposition to the rezoning to a C-1 Zoning, noting that when she purchased the property, it was zoned as B-2 C-2. She mentioned that many of the business owners along West Avenue had expressed opposition to the rezoning. She added that there was a concern due to murders that had occurred at two bars in the area and that the Texas Alcoholic Beverage Commission should be involved.

Michael I. Campos also addressed the Council and stated that he owned property at 503 West Avenue, 807 West Avenue, 811 West Avenue, and 821 West Avenue and expressed opposition to the rezoning of the properties from C-3R and R-4. He noted that the residential zoning would prevent him from operating a business and would affect his source of income.

Councilmember Taylor moved to continue Items P-1, Z-4, P-2, and Z-5 to April 1, 2010. Councilmember Clamp seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

CONTINUED TO APRIL 1, 2010

Item Z-4. **ZONING CASE #Z2010031 CD S (Districts 1 & 7):** An Ordinance amending the Zoning District Boundary from "I-1 S AHOD" General Industrial Airport Hazard Overlay District with a Specific Use Authorization for a communication transmission tower, "I-1 AHOD" General Industrial Airport Hazard Overlay District, "C-3 R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District, "C-3 NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District, "C-2 AHOD" Commercial Airport Hazard Overlay District, "C-2 NA CD AHOD" Commercial Airport Hazard Overlay District with a conditional use for storage of vehicles awaiting repair, "C-2 NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District, "C-1 AHOD" Light Commercial Airport Hazard Overlay District, "O-2 AHOD" High-Rise Office Airport Hazard Overlay District, "MF-33 AHOD" Multi-Family Airport Hazard Overlay District, "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District, "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District, and "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Wireless Communication System, "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for a Contractor Facility, "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Electric Repair-Heavy Equipment, "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Uniform Supply, "C-2 AHOD" Commercial Airport Hazard Overlay District, "C-1 S AHOD" Light Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Noncommercial Parking Lot, "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales, "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Auto and Light Truck Repair, "C-1 CD AHOD" Light Commercial Airport Hazard Overlay

District with a Conditional Use for a Convenience Store with Gasoline, "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for an Office Warehouse, "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for a Secondhand Merchandise Retail, "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Appliance Retail, "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Food Service Equipment Supply, "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for a Janitorial Service, "C-1 AHOD" Light Commercial Airport Hazard Overlay District, "NC AHOD" Neighborhood Commercial Airport Hazard Overlay District, "O-1.5 AHOD" Mid-Rise Office Airport Hazard Overlay District, "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for an Office, "R-5 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for an Office, "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Day Care Center, "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District, and "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District on multiple properties generally located within approximately 400 feet of the center line of West Avenue, bound by IH-10 to the north and Hildebrand Avenue to the south. Staff and Zoning Commission recommend approval, pending the plan amendment.

CONTINUED TO APRIL 1, 2010

Item P-2. **PLAN AMENDMENT #10008 (District 1):** An Ordinance amending the land use plan contained in the Greater Dellview Community Plan, a component of the Master Plan of the City, by changing the use of multiple parcels of an area generally located along the east and west sides of West Avenue between Jackson Keller and Glen Ivy from Community Commercial to Light Industrial, and for parcels located between Mackey and Venice from Community Commercial to Public Institutional and from Low Density Residential to Neighborhood Commercial Land Use. Staff and Planning Commission recommend approval. (Associated Zoning Case: Z2010041 S)

CONTINUED TO APRIL 1, 2010

Item Z-5. **ZONING CASE #Z2010041 S (District 1):** An Ordinance amending the Zoning District Boundary from "C-3NA" General Commercial Nonalcoholic Sales District to "I-1 S" General Industrial District with a Specific Use Authorization for Metal Products Fabrication on Lot 50, NCB 11688 located at 5032 West Avenue; from "C-3 R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District, "C-2 AHOD" Commercial Airport Hazard Overlay District, and "R-5 AHOD" Residential Single Family Airport Hazard Overlay District to "C-3 NA S AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Specific Use Authorization for a Human Services Campus on Lot 2, NCB 11682 located at 3103 West Avenue; and from "C-3 R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District to "C-1 AHOD" Light Commercial Airport Hazard Overlay District on the west 25 feet of Lot 17, Block 210, NCB 9663 located at 819 Venice Street. Staff and Zoning Commission recommend approval, pending the plan amendment.

DENIED

Item P-4. **PLAN AMENDMENT #10006 (District 4):** An Ordinance amending the land use plan contained in the Kelly/South San PUEBLO Community Plan, a component of the Master Plan of the City, by changing the use of a 0.1492 acre tract of land at 827 Fenfield Avenue from Low Density Residential land use to Medium Density Residential land use. Staff and Planning Commission recommend denial.

Andrea Gilles presented Item P-4 and stated that staff and the Planning Commission recommended denial.

Temporary Acting Councilmember Cantu moved to deny the proposed Ordinance. Councilmember Rodriguez seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

2010-03-18-0237

Item Z-8. **ZONING CASE #Z2010054 CD S (District 3):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District, "H MF-33 AHOD" Multi-Family Mission Historic Airport Hazard Overlay District, "H C-2 AHOD" Commercial Mission Historic Airport Hazard Overlay District, "H C-3 AHOD" General Commercial Mission Historic Airport Hazard Overlay District, "H C-3 R AHOD" General Commercial Restrictive Alcohol Sales Mission Historic Airport Hazard Overlay District, and "H C-3 NA AHOD" General Commercial Nonalcoholic Sales Mission Historic Airport Hazard Overlay District to "H R-6 AHOD" Residential Single-Family Mission Historic Airport Hazard Overlay District, "H MF-18 AHOD" Multi-Family Mission Historic Airport Hazard Overlay District, "H MH AHOD" Manufactured Housing Mission Historic Airport Hazard Overlay District, "H NC AHOD" Neighborhood Commercial Mission Historic Airport Hazard Overlay District, "H C-1 AHOD" Light Commercial Mission Historic Airport Hazard Overlay District, "H C-1 S AHOD" Light Commercial Mission Historic Airport Hazard Overlay District with a Specific Use Authorization for a Non-Commercial Parking Lot, "H C-2 AHOD" Commercial Mission Historic Airport Hazard Overlay District, "H C-2 CD AHOD" Commercial Mission Historic Airport Hazard Overlay District with a Conditional Use for a Stone Monument - Retail and Wholesale, "H C-2 CD AHOD" Commercial Mission Historic Airport Hazard Overlay District with a Conditional Use for an Auto Body & Paint Shop, and "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for an Auto Body & Paint Shop on properties fronting on a segment of Mission Road bound by East Southcross to the north and East Huff to the south. Staff and Zoning Commission recommend approval, pending the plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: PROPERTIES FRONTING ON A SEGMENT OF MISSION ROAD BOUND BY EAST SOUTHCROSS TO THE NORTH AND EAST HUFF TO THE SOUTH. TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT

HAZARD OVERLAY DISTRICT, "H MF-33 AHOD" MULTI-FAMILY MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H C-2 AHOD" COMMERCIAL MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H C-3 AHOD" GENERAL COMMERCIAL MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H C-3 R AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, AND "H C-3 NA AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT TO "H R-6 AHOD" RESIDENTIAL SINGLE-FAMILY MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H MF-18 AHOD" MULTI-FAMILY MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H MH AHOD" MANUFACTURED HOUSING MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H NC AHOD" NEIGHBORHOOD COMMERCIAL MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H C-1 AHOD" LIGHT COMMERCIAL MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H C-1 S AHOD" LIGHT COMMERCIAL MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A NON-COMMERCIAL PARKING LOT, "H C-1 CD AHOD", "H C-2 AHOD" COMMERCIAL MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H C-2 CD AHOD" COMMERCIAL MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A STONE MONUMENT - RETAIL AND WHOLESALE, "H C-2 CD AHOD" COMMERCIAL MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AN AUTO BODY & PAINT SHOP, AND "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AN AUTO BODY & PAINT SHOP PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented Item Z-8 and stated that the rezoning would conform the zoning of the South Central San Antonio Community Plan. He noted that staff and the Zoning Commission recommended approval and that no written response had been received by the Mission San Jose or the Riverside South Neighborhood Associations.

Ellen Garza addressed the Council and stated that she owned property at 2826 Mission Road and operated third-generation family businesses. She added that they had been in operation for over 100 years and would support the zoning if it allowed them to keep their status.

Councilmember Ramos asked if Ms. Garza would be able to continue to operate her businesses. Mr. Looney replied that the proposed rezoning of her property would allow current business operations.

Councilmember Ramos thanked staff for their work and moved to adopt the proposed Ordinance. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

CONSENT ZONING ITEMS

Councilmember Ramos made a motion to approve the following rezoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no citizens had registered to speak against: Z-2, Z-6, Z-7, P-3, P-5, Z-9, Z-10, and Z-11. Councilmember Medina seconded the motion.

The motion to approve the Consent Zoning Items prevailed by the following vote: **AYES:** Taylor, Ramos, Cantu, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cisneros.

2010-03-18-0232

Item Z-2. **ZONING CASE #Z2010044 S (District 8):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Pay Day Loan Agency/Check Cashing Facility on 0.461 of an acre out of NCB 12789 located at 1701 Babcock Road. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.461 OF AN ACRE OUT OF NCB 12789 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 S AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A PAY DAY LOAN AGENCY/CHECK CASHING FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2010-03-18-0234

Item Z-6. **ZONING CASE #Z2010046 (District 1):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "I-1 AHOD" General Industrial Airport Hazard Overlay District on Lot 7, Block 4, NCB 2154 located at 524 Delgado Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 7, BLOCK 4, NCB 2154 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

2010-03-18-0235

Item Z-7. **ZONING CASE #Z2010043 (District 2):** An Ordinance amending the Zoning District Boundary from "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "I-1 AHOD" General Industrial Airport Hazard Overlay District on Lot 25, NCB 10664 located at 4103 Factory Hill Drive. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 25, NCB 10664 TO WIT: FROM "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

2010-03-18-0236

Item P-3. **PLAN AMENDMENT #10007 (District 3):** An Ordinance amending the land use contained in the South Central San Antonio Community Plan a component of the Master Plan of the City, by changing the use of an area of approximately 9.62 acres located on the east and west sides of Mission Road bound by Belden Avenue to the north and Huff Street to the south from Low Density Residential land use to Mixed Use land use and to Neighborhood Commercial land use. Staff and Planning Commission recommend approval. (Associated Zoning Case Number: Z2010054 CD S)

2010-03-18-0238

Item P-5. **PLAN AMENDMENT #10005 (District 4):** An Ordinance amending the land use plan contained in the Nogalitos/S. Zarzamora Community Plan., a component of the Master Plan of the City, by changing the use of 0.8512 acres of land located at 6318 South Zarzamora, 1578 West Gerald, 1574 West Gerald, 815 Wagner, and 807 Wagner Streets from Low Density Residential to Neighborhood Commercial land use. Staff and Planning Commission recommend approval. (Associated Zoning #Z2010038)

2010-03-18-0239

Item Z-9. **ZONING CASE #Z2010038 (District 4):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "O-1 AHOD" Office Airport Hazard Overlay District on Lots 2, 3, 4, 17, 18, 19, 20, 21 and 22, Block 63, NCB 8025 located at 1574 and 1578 West Gerald and a portion of the 800 Block of Wagner Avenue. Staff and Zoning Commission recommend approval pending the plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 2, 3, 4, 17, 18, 19, 20, 21 AND 22, BLOCK 63, NCB 8025 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "O-1 AHOD" OFFICE AIRPORT HAZARD OVERLAY DISTRICT.

2010-03-18-0240

Item Z-10. **ZONING CASE #Z2009156 (District 5):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-1 AHOD" Light Commercial Airport Hazard Overlay District on Tract B, Block 4, NCB 3731 located at 519 Rochambeau Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: TRACT B, BLOCK 4, NCB 3731 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2010-03-18-0241

Item Z-11. **ZONING CASE #Z2010042 CD (District 5):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single Family Airport Hazard Overlay District to "R-5 CD AHOD" Residential Single Family Airport Hazard Overlay District with a Conditional Use to allow a non-commercial parking lot on Lots 73, 74, 75 and 76, Block 10, NCB 8298 located at 504 North San Eduardo. Staff and Zoning Commission recommend approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 73, 74, 75 AND 76, BLOCK 10, NCB 8298 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-5 CD AHOD" RESIDENTIAL SINGLE FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE TO ALLOW A NON-COMMERCIAL PARKING LOT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

[CONSENT ZONING ITEMS CONCLUDED]

CEREMONIALS

Mayor Castro presented a citation to Dorothy Smith Lucas and recognized Holly Grasso, for being awarded the Congressional Gold Medal on March 10, 2010, at the United States Capitol. The two women are former Women Airforce Service Pilots (WASP) whose unheralded work was key to helping the United States' effort in World War II. WASP was created in 1942 as a corps of female pilots who were able to fill all types of flying jobs; thus, freeing male military pilots to travel to the front lines. Fewer than 300 WASP members are still living, and Lucas and Grasso are the only living pilots from San Antonio.

Mayor Castro presented a proclamation in recognition of the 16th Annual Basura Bash that will be held on Saturday, March 27, 2010. The Bash is the largest community-wide effort to clean up the banks of the San Antonio River. The event began as a single 10-mile clean-up along the Mission Reach of the River and has grown to include a portion that runs along Brackenridge Park, Woodlawn Lake, and the Alazan Apache, Olmos, Leon, Salado, Indian and Zarzamora Creeks.

Mayor Castro presented a proclamation in honor of the 14th Annual Cesar E. Chavez March for Justice that will be held on Saturday, March 27, 2010. Thousands of citizens will come together to celebrate the legacy and life of an outstanding American. Mr. Chavez founded the National

Farm Workers Association and persevered to ensure that farm workers received the benefits they deserved. It was noted that Mayor Castro would serve as the Grand Marshal for the march.

CITIZENS TO BE HEARD

Mayor Castro called upon the individuals registered to speak.

John Schneider stated that he was a resident of the Hills of Rivermist Subdivision and lives across the street from the retaining wall that collapsed. He expressed concern that the homeowners had not been included in meetings among the City of San Antonio and Pulte/Centex. He spoke of issues with the security assigned to the area and the deteriorating home values in the neighborhood. He noted that he had asked to speak but the only response has been the attorneys. He expressed concern with an email sent by the builder stating that homes continued to sell within the community at similar prices as before the soil movement. He asked if the builder would fully disclose issues with the homes that were bought back to future buyers. He asked the City Council to please help the homeowners.

Nazirite Ruben Flores Perez spoke of Jaweh and referenced bible verses regarding love and kindness from Genesis.

Charles A. Cervantes stated that he lived on Treewell Glen in the Hills of Rivermist Subdivision and expressed concern with Pulte/Centex's response to build a new wall. Also, to purchase 27 of the homes back at low offers. He spoke of a homeowner that had moved into an apartment and had been robbed within four days of moving in. He also read an email from the son of a homeowner whose kidney operation had to be postponed due to the wall failure and wrote of his mother's recent stroke. He mentioned the many hardships that the homeowners have had to endure. He also expressed concern with the new homes being built within the subdivision. He asked that the homeowners be included in the decision-making process for their subdivision. He invited all to join them at a prayer vigil that would be held the following week at the San Fernando Cathedral.

Mark Perez expressed concern with the Planning and Development Services Department and the lack of response to his requests for information. He spoke of the Kimberly Clark Facility that was storing hazardous chemicals without a Certificate of Occupancy. He expressed concern with the closure of Livingstone Church that was providing housing services, noting that they had a Certificate of Occupancy. He requested information regarding requirements for hazardous chemical storage.

Mark Kellman spoke of the River Oversight Committee Meeting that was held the previous week and noted that he had addressed the Committee regarding issues related to the Museum Reach. He stated that the River North Master Plan and the Rio Improvement Overlay Rules addressed the issue of ensuring green space along the river but the solutions were administrative. He mentioned that discussion had occurred regarding the possibility of designing a project of seating for a group that gathers to watch the bat population along the river. He spoke in support of a transportation terminal that would include river taxis and trolleys which should be included in

VIA's long-range plan. He added that slopes along the Museum Reach that are very steep should be identified for future planning purposes.

Damon Mason spoke of issues with his desktop computer and expressed concern that he had to take seven buses to get to the Best Buy store all due to a VIA bus operator.

Mrs. Vacek read a letter from Kris Becker of the Hills of Rivermist Subdivision. She expressed concern with the evacuation of her home on January 24, 2010 and had moved in with her parents in Bulverde. After three weeks, she was given the option to move into an apartment by Pulte/Centex and moved into the Broadstone Apartment Complex. She wrote that within four days of moving, her apartment was broken into and many things were stolen. She expressed concern that her laptop, 2009 income tax forms, and her social security number had been stolen. She mentioned that her insurance deductible was 1% of her home price and would not cover her stolen jewelry. She noted that she was considering the offer from Pulte/Centex to buy back her home but would have to purchase a new home and insurance policy.

Nick Calzoncit spoke in support of the creation of a city department for peace. He expressed concern that Harlandale Independent School District had not agreed to change the name of Stonewall Elementary School to Cesar E. Chavez Elementary School. He asked the Mayor and Council to sign the petition for the name change and expressed concern that he was not able to bring a sign into the Council Chambers.

Henry Rodriguez requested that the City Council help the homeowners of the Hills of Rivermist Subdivision in any way possible. He noted that they were hard-working families that should not have to live in deplorable conditions. He expressed concern that City Inspectors did not report discrepancies by the builder. He also spoke of the Cesar Chavez March for Justice that would be held on March 27, 2010.

Leticia Vela spoke of noise issues due to the outdoor sound system that was installed at her neighbor's house. She noted that there was a lack of quiet time in the neighborhood and presented a calendar to the City Council denoting the days and times in which the noise was too loud. She expressed concern that the excessive noise occurred on a daily basis and that she has had no relief for over a year.

Rose Leske expressed support for the creation of a department of peace for the City of San Antonio and spoke of the negative effects of war. She noted the trauma it caused to soldiers, their children, and the environment.

Lakieka James stated that she was a resident of the Rivermist Subdivision at the bottom of the hill and lives across the street from the issues related to the wall. She noted that she does not believe that the wall can be repaired and requested the Council's support in rectifying the situation. She mentioned that she had experienced tremors in her home that were unexplainable which happened on a regular basis. She expressed concern that she and her five-year old daughter no longer feel safe in their home.

Jaime Martinez stated that he was in support of the homeowners of the Hills of Rivermist Subdivision and spoke of the importance of progress and prosperity for the community. He asked the City Council to help restore the pride and dignity of the homeowners.

JoAnn Gallegos stated that she lives in the Rivermist Subdivision but is affected by the issues at the Hills of Rivermist Subdivision. She provided photos that were taken from her front yard and noted the homes that have been abandoned. She asked that Certificates of Occupancy not be re-issued to the builder for the 27 homes that they are proposing to buy back. She presented photos of her poorly built home, noting nail pops and cracks throughout the home and issues with her garage and air conditioning. She also spoke of cracks in the ceiling and pillars and requested that the City Council help in any way possible.

Mary Jane Scarsdale stated that she lives five houses away from the failed retaining wall and asked for the support of the City Council to rectify the issues with the builder. She noted that her family does not feel safe and could use help during this time of need.

Marco Lopez stated that he also lives across the street from the failed retaining wall and was frustrated with having to show his identification to access his home. He asked how much longer they would be in this situation and noted that his safety had been compromised. He expressed concern that there had been no communication among Pulte/Centex and the homeowners and spoke of the soil that continues to shift. He asked that Pulte/Centex buy the homes back from the owners.

Andrew Allen stated that he lives two streets away from the retaining wall and had purchased his home three years ago. He noted that there had been a mutual trust between the buyer and the seller and thought that the homes were built on solid ground. He expressed concern that their home values were greatly affected and that the rebuilt wall would fail again. He asked that the builder buy the homes back and for the city to assist in any way possible.

Faris Hodge, Jr. asked of the status of Lucky (the Elephant) at the San Antonio Zoo. He stated that city officials should not hire their relatives and expressed concern with the appointment of a Temporary Acting Councilmember for District 4. He noted that the city should purchase the homes from the Hills of Rivermist. He mentioned that the Pope had denounced attacks on women and had talked and prayed with sex abuse victims. He requested that the Alamodome be named after him and noted that he would be implementing a television show entitled "Faris TV Show Wake up and Smell the Coffee." He asked of the status of the Haven for Hope Campus.

Joykutty John stated that he had written a letter to the Mayor and City Council and spoke of the tragic death of his wife due to motorcycle racing in the neighborhood. He noted that he was a single parent with two children and worked hard to provide for his family. He spoke of the many issues with his home in the Hills of Rivermist Subdivision. He read a letter from his 12-year-old son regarding the landslide that occurred at his subdivision and expressed safety concerns with his home. He spoke of the challenging process to access his home and asked for a remedy.

Mayor Castro stated that the efforts of the individuals that had come to speak over the past few weeks regarding the Hills of Rivermist had been heard and the he and Councilmember Williams would be willing to speak with individuals after the Council Meeting.

Janet Ahmad stated that the stories of the homeowners of the Hills of Rivermist Subdivision kept worsening and encouraged the City Council to tour the community. She asked what could be done to resolve the issues of the homeowners.

Raymond Zavala asked that the homes of the Hills of Rivermist Subdivision be bought back from the owners and utilized as homeless shelters. He expressed concern with an individual that was panhandling at the intersection of Commerce and Frio Streets. He asked that CPS Energy provide an itemized financial statement to the public. He thanked Code Compliance for taking immediate action on the concern he had expressed the previous week. He also requested that an ordinance be created to address the issue of wearing pants too low and excessive noise issues. He expressed concern with the tow truck drivers that were not allowed to work due to having received a Driving While Intoxicated (DWI) conviction many years ago.

Theresa Berlanga expressed concern that all Councilmembers were not present at Citizens to be Heard. She spoke of issues related to the Edwards Aquifer and provided photos to the City Council of various areas along Loop 1604 from Stone Oak to Bitters noting that the area had been bulldozed to lower Loop 1604. She stated that the heavy rains of 1998 had caused erosion to the development and that the wall was not stable.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 7:18 pm.

APPROVED



JULIÁN CASTRO
MAYOR

Attest: 
for **LETICIA M. VACEK, TRMC/CMC**
City Clerk

