

**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, APRIL 4, 2012, AND THURSDAY, APRIL 5, 2012, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **April 4, 2012**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** None.

1. A BRIEFING TO PROVIDE AN OVERVIEW OF BROWNFIELDS AND THE ECONOMIC AND COMMUNITY BENEFITS TO THE BROWNSFIELDS PROGRAM.

Lori Houston, Center City Development Office (CCDO) Assistant Director stated that Brownfields are abandoned or underutilized properties where expansion or redevelopment is complicated by environmental contamination. She mentioned potential Brownfields in San Antonio that include the Friedrich Building in District 2 and the Lone Star Brewery in District 5. She noted that contaminants are not always visible and include underground storage tanks, asbestos, lead paint and abandoned salvage yards. She spoke of the negative impacts of Brownfields through decreased property values and city tax revenues and potential threats to human health and the environment.

Ms. Houston outlined the benefits of Brownfields Redevelopment noting that they could revitalize communities and create jobs. She indicated that they help increase local tax revenue and protect the environment. She reported that every \$1 invested leverages \$18 in redevelopment. She added that of the 10 Largest US Cities; San Antonio was the only one that did not have a Brownfields Program.

Ms. Houston highlighted the success of Brownfields in Houston that have resulted in more than \$722 million in new investment for cleanup and redevelopment. She spoke of the successful Brownfields Projects in Austin that have increased the assessed tax value from \$7.3 million to \$57.8 million for projects completed. She mentioned the goals for the San Antonio Brownfields Program are Environmental Stewardship; Job Creation; and Redevelop challenging sites into community assets.

Ms. Houston reported that the CCDO was working with a developer on the Blue Star Project to identify incentives for redevelopment. She stated that they have submitted a grant application to the US Environmental Protection Agency for \$400,000 and have established a relationship with the Brownfields Program in the City of Austin to develop a formal program for San Antonio. She noted that they have hired a Senior Planner to work on program development and have created a City Technical Team comprised of 10 city departments to assist with redevelopment efforts. She indicated that an inventory of vacant structures and lots has been conducted along inner city corridors and city-owned property. She added that they are conducting meetings with public and private stakeholders and are in the process of creating an evaluation system to select the most suitable sites for the program.

Ms. Houston recommended that an incentive tool kit be created for Brownfields Redevelopment for assessment, cleanup activities, and project development. She stated that they would develop an education and outreach program to educate neighbors and other stakeholders on the impact of Brownfields and encourage their participation. She also recommended the creation of an advisory

committee similar to the Austin Community Forum that is comprised of outside stakeholders and experts to assist with developing strategic partnerships and creating environmentally related economic development policies.

Mayor Castro stated that he was pleased that there would be communication with the neighborhoods on the impact of Brownfields and identifying sites for redevelopment.

Councilmember Lopez asked how projects would be prioritized. Ms. Houston replied that they are in the process of creating an evaluation system and would identify factors they would like to see for redevelopment such as job creation and addressing health issues. Councilmember Lopez spoke of the importance of grants and referenced a project in which a contaminated landfill was converted into a solar farm. He added that the Brownfields Program would provide a great opportunity to put properties back on the tax roll and have them cleaned up.

Councilmember D. Medina stated that he was pleased that eyesores in the community would be addressed. He spoke of the importance of receiving input from the community and encouraged their participation. He added that this would be a great economic development opportunity for the city.

Councilmember Taylor asked how the Brownfields Program would be different from what the city is currently doing. Ms. Houston replied that a formal Brownfields Program would help the city obtain more funding and allow staff to be proactive in identifying properties. Mr. DiGiovanni added that by having a formal program, the city would be able to bring a list of priorities for funding since some projects may not meet guidelines for funding from the Inner City Reinvestment Infill Policy (ICRIP). Councilmember Taylor spoke of a vacant tract of land that was a previous dump site and asked if staff could review reuse of those types of properties. Ms. Houston confirmed that they could review those properties. Ms. Sculley added that they would prioritize recommendations and provide them to the City Council.

Councilmember Soules stated that he was pleased that the program was moving forward and spoke of the challenges with vacant and abandoned properties. He recommended that the priorities be vetted through a Council Committee and that the Council Committee provide input on formation of a policy. He added that it would be important to manage public perception of the Brownfields Program.

Councilmember Ozuna referenced the Discovery Green Redevelopment in Houston and noted that it was important to look at the cost since it was a public/private partnership. She stated that it reinvigorated the area and was a great economic generator for the entire city. She added that strategic partnerships should be explored for San Antonio and that there should be a reward for early investors.

Councilmember Williams added that staff should keep agricultural use in mind for Brownfields Properties.

Councilmember C. Medina asked if a list of projects had already been developed. Ms. Houston replied that they had worked with Code Compliance to identify vacant properties and lots and the CIMS Department to identify city-owned properties. She noted that they were currently inventorying properties in the Central Business District and would work on creating a formal evaluation system. Councilmember C. Medina stated that he had some recommendations for properties in District 7.

Councilmember Bernal stated that there must be some accountability from negligent property owners and asked how that situation would be addressed. Mr. DiGiovanni spoke of the Blue Star in which the current property owners did not pollute the property; the previous owners had done so. He explained that it was a policy issue and that a process must be developed. Councilmember Bernal stated that he would like to see how other cities are addressing the issue.

Mayor Castro thanked staff for the presentation.

2. A BRIEFING TO UPDATE THE CITY COUNCIL ON THE INFILL PILOT PROGRAM.

Mark Brodeur, CCDO Director outlined the organizational structure for the Infill Pilot Program in which the City of San Antonio administers the program and then it is filtered through the Office of Urban Redevelopment (OUR SA) and San Antonio Affordable Housing Inc. (SAAH). He provided background information on OUR SA, noting that it was established by voter referendum in 1957 as the San Antonio Development Agency and now operated under the name OUR SA. He reported that in February 2010, the city approved the ICRIP with a goal to establish a Land Bank. In September 2010, \$1.5 million was allocated to support land banking activities. The Infill Pilot Program was created in February 2011 to provide economic revitalization through the construction of affordable housing. A Memorandum of Understanding was approved that directed OUR SA to manage the land banking activities.

Mr. Brodeur reported that the Infill Pilot Program targeted 38 properties in Los Jardines in District 6. He stated that 12 properties were contracted for acquisition with one property not expected to close while 11 lots are reserved by builders for development. Within Sunny Slope in District 3, he reported that nine properties were contracted for acquisition. One property is not expected to close while eight lots have been reserved by builders for development. He noted that they had initially targeted seven properties in Five Points located in District 1. None of the properties were contracted for acquisition due to excessive asking prices; clouded titles; or an unwillingness to sell. He indicated that as an alternative, staff is proposing an agreement with an established non-profit builder that will provide the program with eight affordable new homes.

Mr. Brodeur spoke of the Infill Pilot Program Builder Incentives, noting that they are proposed to expedite construction and reduce construction costs and selling price. The incentives include a Discounted Lot Price; Builder Ready Lots; Fee Waivers; Interim Financing; and Construction Cost Reduction Grants. He outlined the Homebuyer Incentives that include: Reduced Mortgage; Green Building Construction; Proposed HOPE Program for City Employees; and Use of Federal Funds for Down Payment Assistance. He reported that the Infill Pilot Program FY 2012 Balance totals \$239,000. He mentioned that OUR SA has purchased 14 properties, with five more properties to close within the next 30 days. He indicated that builder members of the Greater San Antonio Builders Association have committed to the purchase and construction of affordable housing on all lots based on the incentives proposed by the program. He stated that Infill Pilot Program Homes will be affordable for those buyers at 80% of the average median income for a family of four. He added that they would be requesting approval of revisions to the ICRIP to include housing initiatives.

Councilmember Saldaña thanked staff for the presentation and asked of the ending balance. Mr. Brodeur replied that the \$239,000 ending balance was what remained from the budget of \$1.5 million.

Councilmember Saldaña asked if the funds were exclusively for properties in the ICRIP Area. Mr. Brodeur confirmed that was correct.

Councilmember Chan stated that she was very supportive of the Infill Program and believed that the cluster approach was a good concept. She spoke of the importance of compatibility with the neighborhoods and asked of the design guidelines. Mr. Brodeur replied that they worked with a committee of the builders and utilize existing design guidelines from other areas in the city. He noted that they had worked to ensure that they did not create too much additional cost to the builder. Councilmember Chan asked if the design guidelines vary by neighborhood. Mr. Brodeur replied that they did not differ much but focused on the materials utilized. Councilmember Chan asked how the homebuilders were selected. Mr. Brodeur replied that the marketing was provided by the Greater San Antonio Builders Association and they provide a list of qualified builders to the city. Ms. Sculley stated that they had worked with the City Councilmembers from the three selected districts to identify the Pilot Sites. She noted that they would discuss future sites with the City Council.

Councilmember Lopez stated that the incentives are similar to the Good Neighbor Program that provides incentives to Firefighters, Police Officers and Teachers to move into certain neighborhoods. He noted that there must be significant incentives and modern design to entice individuals to move into the neighborhood. He spoke of the challenges with sprawl and added that this program was a step in the right direction.

Councilmember Bernal stated that he agreed with the importance of incenting homebuyers and was supportive of the program. He spoke of the challenges with Five Points, noting that there was a great amount of slum landlords in the area. He asked of the individuals eligible to purchase the homes. Mr. Brodeur replied that the individual that purchases the home must live there for a minimum of five years. Councilmember Bernal asked if the Historic Designation of Five Points would prohibit their participation in this program. Mr. Brodeur replied that he did not believe that it would disqualify them for the program.

Councilmember Taylor stated that she was excited to see the program moving forward and expanding it in the future. She noted that she had discussed the program with other employers in the area and would have liked to include the Base Realignment and Closure (BRAC) for those working at Fort Sam Houston. She asked that in the future, this program piggy back off other meaningful investments and development projects occurring to maximize the impact. She mentioned that the houses cannot be too affordable that they do not attract people with disposable income and that homes with special amenities and characteristics should be provided. She asked of the activities provided by SAAH. Mr. Brodeur replied that they were using SAAH as a vehicle to purchase the properties.

Councilmember Soules spoke of the difference between redevelopment and infill and asked if staff had looked at rehabilitation. Mr. Brodeur replied that there could be a triple threat program to first work on vacant homes that are the number one signal of blight. The second step would be to implement a Neighborhood Improvement Program that would provide low-cost loans to homeowners to make visual improvements to the exterior of their homes. The third step would be to purchase foreclosed homes and rehabilitate them for the Infill Program. Councilmember Soules stated that he would like to discuss further. Ms. Sculley added that Planning Director John Dugan was reviewing the housing program so that the funding can complement land bank efforts.

Councilmember Ozuna stated that she was pleased with the city's efforts on the Inner City but noted that there are many challenges in older neighborhoods. She spoke of the need for a clearinghouse of information on vacant or foreclosed homes within a neighborhood. She expressed support for the Infill Pilot Program, noting that it was a concerted and well-thought out effort.

Councilmember Saldaña asked how the city could move forward on a policy regarding existing housing stock and requested to discuss ICRIP Criteria with staff.

Mayor Castro stated that he was pleased that the program was progressing and looked forward to expanding the program in the future. He noted that HOME Funds have been decreasing significantly and believes this type of program will have a significant impact on neighborhoods. He thanked staff for the presentation.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 3:48 pm to convene in Executive Session for the purposes of:

- A. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.087 (ECONOMIC DEVELOPMENT) AND 551.071 (CONSULTATION WITH ATTORNEY).**
- B. DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.072 (REAL PROPERTY) AND 551.071 (CONSULTATION WITH ATTORNEY).**
- C. DISCUSS LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY) RELATED TO BOARDING HOUSES.**
- D. DISCUSS LEGAL ISSUES RELATED TO THE CLAIM FILED BY SILVERADO BROTHERS CONSTRUCTION COMPANY, INC., PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- E. DISCUSS LEGAL ISSUES RELATED TO *JANEL WISSMAN V. CITY OF SAN ANTONIO*, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

CEREMONIAL ITEMS

Mayor Castro reconvened the meeting at 5:30 pm and announced that no action was taken in Executive Session. He addressed the Ceremonial Items.

Mayor Castro presented a Proclamation to the Fiesta Commission in recognition of Fiesta San Antonio, an 11-day celebration that will be held April 19-29, 2012. The President, Officers and Staff of the Fiesta Commission presented their Official 2012 Fiesta Medal to the Mayor and City Council. It was noted that Fiesta takes place every April to honor the memory of the Heroes of the Alamo and Battle of San Jacinto.

Mayor Castro presented a Proclamation to the Texas Cavaliers who introduced Tom Green, King Antonio XC (90). It was noted that this new member of royalty will reign over the Texas Cavaliers River Parade to be held on Monday, April 23, 2012. During his year-long reign, King Antonio will visit schools, hospitals, nursing homes, local businesses and community groups. Through the Texas Cavaliers Charitable Foundation, funds are disbursed to support children's charities in the community. King "Tony" presented the Mayor and Council with his official Fiesta Medal.

Mayor Castro presented a Proclamation to the LULAC Council #2 who introduced Richard Ojeda, El Rey Feo LXIV (64). It was noted that this member of royalty will represent the LULAC Scholarship Committee during Fiesta 2012. The mission of the committee is to financially support the aspirations of deserving high school seniors to obtain a college education. "The Ugly King" presented his official Fiesta Medal to the Mayor and City Council.

CITIZENS TO BE HEARD

Mayor Castro called upon the individuals registered to speak.

Lucy Padilla stated that she suffers from a chemical imbalance and has been in contact with the Disability Access Office regarding bus stops near facilities that service the disabled and elderly. She referenced bus stops at the 10,000 block of Nacogdoches and the 5400 block of Midcrown that do not have access to chairs while waiting to board buses. She expressed concern that she was struck by a vehicle while trying to access the bus stop due to its dangerous location on Midcrown and requested that the bus stop be relocated.

Nazirite Ruben Flores Perez referenced Nissan 13 and 14 and stated that he was born to die. He noted that Ye-Shua is Jesus the Messiah and asked that everyone be careful on Easter Sunday. He asked what a rabbit had to do with Easter Eggs and expressed concern that celebrating same was considered Paganism.

Fidel Castillo stated that he was the Historian for the National Alliance for Education and was hoping to bring the Hispanic Medal of Honor Exhibit to San Antonio. He invited everyone to the Aztec Theatre the following day at 1:00 pm to review the vision presentation he would be making to a Steering Committee.

Nick Calzoncit stated that his presentation was dedicated to Willie Velasquez and referenced a newspaper article regarding the decline in National Hispanic Voter Registration. He expressed concern that millions of people were no longer registered to vote and noted that he had registered 800 individuals within the Harlandale Area to vote.

Theresa Berlanga stated that she did not mean to offend anyone with her comments and spoke of an issue in which a friend of hers had asked her why a Democrat was locating her business in a highly Republican Area. She noted that several individuals had succeeded in closing her business down and expressed concern with the damage caused to her vehicle by Republicans.

Victor H. Prieto stated that he was a vendor in Alamo Plaza and asked how the 32 vendors would fit into the new plan for Alamo Plaza. He noted that they had not received any information from city staff and asked who he could contact for more information. He expressed concern that they had been working in

Alamo Plaza for 35 years and may no longer be able to do so. He asked the City Council to keep them and their families in mind when making decisions that could greatly affect their lives.

Faris Hodge, Jr. submitted written testimony regarding the high attendance at the San Antonio Stock Show and Rodeo. He wrote that Councilmember Williams will not seek a third term for City Council. He noted that hours were added to many school zones. He also wrote that the Community of Churches for Social Action were seeking justice regarding the death of Trayvon Martin. He noted that Apple Inc. would be adding 3,600 jobs in Austin. He wrote of the four new events added to Fiesta and highlighted free parking in the Downtown Area on Tuesdays. Lastly, he noted that the San Antonio Police Department was looking for new recruits.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:30 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **April 5, 2012** 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: Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** None.

Item 1. The Invocation was delivered by Reverend Kent Kinard, Pastor, Chapel Hill United Methodist Church, guest of Councilmember Rey Saldaña, District 4.

Item 2. Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.

Item 3. MINUTES

Councilmember Lopez moved to approve the Minutes for the February 29, 2012 through March 1, 2012 City Council Meetings. Councilmember Saldaña seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

2012-04-05-0238

Item 4. AN ORDINANCE AUTHORIZING A THREE-YEAR HOSTING OBLIGATION AGREEMENT, WITH ONE TWO-YEAR RENEWAL OPTION, WITH TI LIVE EVENTS INC. TO HOST THE PEOPLE EN ESPAÑOL FESTIVAL; APPROPRIATING PAYMENT OF \$500,000.00 FROM THE HOTEL OCCUPANCY FUND AS A HOSTING OBLIGATION; AND AUTHORIZING

CORRESPONDING LICENSE AGREEMENTS FOR THE ALAMODOME AND THE HENRY B. GONZALEZ CONVENTION CENTER.

Casandra Matej, Director of the Convention and Visitors Bureau (CVB) presented said item requesting authorization of a hosting obligation agreement with TI Live Events Inc., (Time, Inc.) to host the People en Español Festival in San Antonio. She noted that they support a similar event entitled the Essence Music Festival in New Orleans which is known as the largest and most influential African-American entertainment, empowerment and cultural event in the country.

Ms. Matej reported that Time, Inc. would produce a two-day, two-night celebration of the Hispanic Culture, Community and Entertainment over Labor Day Weekend beginning in 2012. She stated that attendance is estimated between 40,000-70,000 for the first year and projected to grow to over 100,000 annually. She noted that the event would provide a great opportunity for national and international media exposure for San Antonio.

Ms. Matej indicated that Time, Inc. would secure the talent for the event, as well as promote the event to Mexico. She stated that they would also promote the event through radio advertisements in cities with heavy Hispanic Populations domestically and via a national television campaign. She reported that Time, Inc. would utilize social media and magazines and would be required to produce a post event annual economic impact study. She noted that the CVB would provide \$500,000 from the Hotel Occupancy Tax and would leverage its existing Marketing and Advertising Budget to promote and market the event. She added that the Alamodome and Convention Center would retain concession and parking revenues and that rental and event costs would be provided at no charge by the city. She added that staff estimated that the city would receive over \$3 million in media value for the first year of the event.

Mayor Castro thanked staff for their work on the event and stated that he was excited about the new partnership with Time, Inc. He called upon the citizens registered to speak on Item 4.

Travis E. Wiltshire addressed the City Council in support of the People en Español Festival. He stated that to African-Americans, Essence was the festival to attend. He spoke of the popularity of the Essence Festival and the enthusiasm generated by the event.

Rusty Wallace spoke in support of the People en Español Festival and stated that he believed that Labor Day Weekend was a good time to celebrate. He noted that the event could be a huge success for San Antonio and asked the City Council for their support.

Tom Netting stated that he was the General Manager of the Grand Hyatt Hotel and had worked in New Orleans in the past. He spoke of the great impact of the Essence Festival and noted that hosting the People en Español Event would be great for the City of San Antonio.

Marco Barros, President of the San Antonio Tourism Council addressed the City Council in support of the People en Español Festival, noting that the event would have a great economic impact for San Antonio. He spoke of the 33% growth in Mexican Visitors to the city and stated that it made sense to bring more Hispanic Events to San Antonio.

Jack M. Finger addressed the City Council in opposition to the People en Español Festival and expressed concern that taxpayer dollars would be utilized to fund same. He asked why the city would host an event geared toward Hispanics and why there were no events for other ethnicities.

Mayor Castro expressed his support for the festival and stated that it was a perfect fit for San Antonio. He noted that it was important to create something unique for the city and the People en Español Festival was a good building block.

Councilmember Bernal stated that he was very excited about the festival and that utilization of the Hotel Occupancy Tax was appropriate. He noted that San Antonio has demonstrated that there is an appetite for the arts and thanked Time, Inc. for their investment in the city.

Councilmember Taylor expressed her support for the festival and spoke of the great opportunities created by the Essence Festival in New Orleans. She noted that the People en Español Festival would provide a strong opportunity for San Antonio to project incredible branding for the city across the nation.

Councilmember Ozuna stated that she was supportive of the People en Español Festival and that there was a great opportunity for it to grow in San Antonio due to the great amount of young people in the city.

Councilmember Williams stated that this was an economic issue and asked of the revenues and expenses related to the event. Ms. Matej replied that the expenses would range from \$600,000-800,000 and that revenues were projected at \$720,000. She added that the City of San Antonio would receive national and international media value totaling \$3-4 million. Councilmember Williams noted that this was a slow time for the economy and that the festival would be good for the city's economy.

Councilmember D. Medina noted that Hotel Occupancy Tax Funds would be utilized to fund the People en Español Festival and that the event would have a great economic impact on the city. He spoke of the great Latino Culture in San Antonio and added that it would be important to have local business and neighborhood participation.

Councilmember Chan stated that she was very supportive of this project and that it was important to continue to increase San Antonio's name identification.

Councilmember Soules commended the CVB for their efforts to generate economic opportunities for the City of San Antonio.

Councilmember C. Medina added that the event would greatly benefit the city and thanked Time Inc., for recognizing that San Antonio is the ideal city in which to host the festival.

Councilmember Saldaña moved to adopt the proposed Ordinance. Councilmember Lopez seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

CONSENT AGENDA ITEMS 6-18

Consent Agenda Items 11 and 17 were pulled for Individual Consideration.

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

Jack M. Finger expressed concern with the settlement in Item 14 regarding the underpayment to Silverado Brothers Construction Co. and asked if the city employee that failed to provide the funds would be reprimanded. He spoke in opposition to the \$75,000 settlement in Item 15, noting that the back up documents did not indicate who was at fault. He asked why the city was providing \$100,000 to Morgan's Wonderland (Item 18).

Faris Hodge, Jr. submitted written testimony in favor of Items 4-12, and 14-18. He wrote against Item 13 and noted that back up documents should be provided for the City Manager's Report.

Councilmember Chan moved to approve the remaining Consent Agenda Items. Councilmember Lopez seconded the motion.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Williams.

2012-04-05-0240

Item 6. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR ANNUAL GOODS AND SERVICES: (A) SOUTHWEST WHEEL FOR TRAILER PARTS & SERVICE (B) TOTER, INCORPORATED FOR REFUSE CONTAINERS-TWO WHEEL CARTS AND (C) AMENDING THE CURRENT CONTRACT FOR SECURITY SYSTEM EQUIPMENT, INSTALLATION & MAINTENANCE TO INCLUDE INTERTECH SECURITY GROUP, LLC., WITH NO CHANGE TO THE ORIGINAL CONTRACT COST.

2012-04-05-0241

Item 7. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT, IN AN AMOUNT NOT TO EXCEED \$2,500,000.00, WITH URS CORPORATION TO PROVIDE ENGINEERING SERVICES, CONSTRUCTION PLANS, DETAILS, SPECIFICATIONS, AND BID DOCUMENT FOR ROAD CONSTRUCTION, SANITARY SEWER/ STEAM/CHILLED WATER LINES, AT&T LINES AND CPS UNDERGROUND ELECTRICAL, COORDINATION WITH OTHER AFFECTED AGENCIES SUCH AS TXDOT, VIA, UTILITIES, AND THE CONVENTION & VISITORS BUREAU AND CONSTRUCTION MANAGEMENT SERVICES FOR THE DOWNTOWN MARKET STREET REALIGNMENT PROJECT, A CERTIFICATES OF OBLIGATION AND GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

2012-04-05-0242

Item 8. AN ORDINANCE RATIFYING TWO CHANGE ORDERS IN THE TOTAL ADDITIVE AMOUNT OF \$461,093.73 AND AUTHORIZING PAYMENT TO CAPITAL EXCAVATION

COMPANY, FOR THE COMMERCIAL TRIBUTARY DRAINAGE CHANNEL RECONSTRUCTION PHASE II (PETALUMA BOULEVARD TO IH-35) PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICTS 3 AND 4; OF WHICH \$263,903.73 WILL BE REIMBURSED BY THE SAN ANTONIO WATER SYSTEM.

2012-04-05-0243

Item 9. AN ORDINANCE AUTHORIZING THE EXECUTION OF A FIVE YEAR PARKING SPACE LEASE AGREEMENT WITH SERENE LODGING, INC. FOR THE USE OF A 13,146 SQUARE FOOT CITY-OWNED LOT LOCATED AT 302 W. HOUSTON STREET IN COUNCIL DISTRICT 1 FOR THE TERM COMMENCING APRIL 1, 2012 THROUGH MARCH 31, 2017 AT THE RATE OF \$4,750.00 PER MONTH.

2012-04-05-0244

Item 10. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH CENTERVIEW MARKETPLACE, LP, FOR USE OF 6,163 SQUARE FEET OF OFFICE SPACE AT 4335 PIEDRAS DRIVE IN COUNCIL DISTRICT 7 FOR THE PURPOSES OF HOUSING SOLID WASTE MANAGEMENT DEPARTMENT AT THE INITIAL MONTHLY RATE OF \$8,603.00 INCREASING TO \$9,630.00 PER MONTH IN THE FINAL YEAR OF THE TERM WHICH WILL COMMENCE UPON OCCUPANCY BY THE DEPARTMENT AND EXPIRE ON JULY 31, 2017.

2012-04-05-0246

Item 12. AN ORDINANCE APPROVING THE TEMPORARY CLOSURE OF CERTAIN STREETS FOR THE 2012 FIESTA SAN ANTONIO CELEBRATION; APPROVING THE LOCATIONS, DATES AND TIMES FOR THE FIESTA CARNIVAL AND OFFICIAL FIESTA EVENTS WITH RELATED REQUIREMENTS AND CONDITIONS AND APPROVING THE FIESTA PARADE ROUTES.

Item 13. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2013, 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 JAMES E. MONTGOMERY, VICTORIA OUTLAW, AND ROBERT J. WORTHAM TO THE TAX INCREMENT REINVESTMENT ZONE NUMBER 4, KNOWN AS HIGHLAND HEIGHTS.
- B. REAPPOINTING EDWARD R. CAMPOS, LANCE F. ELLIOTT, DANNY C. MCKNIGHT, AND DALE E. SLINKARD TO THE TAX INCREMENT REINVESTMENT ZONE NUMBER 24, KNOWN AS PALO ALTO.

C. APPOINTING JOHN B. SHAVER AND REAPPOINTING ANGEL J. GONZALEZ, GLORIA S. MARTINEZ, ROD J. RADLE, AND MICHAEL W. WHITE TO THE TAX INCREMENT REINVESTMENT ZONE NUMBER 2, KNOWN AS ROSEDALE.

2012-04-05-0247

Item 14. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF CLAIMS BROUGHT BY SILVERADO BROTHERS CONSTRUCTION CO. IN THE AMOUNT OF \$96,000.00, PAID FROM THE SELF INSURANCE FUND.

2012-04-05-0248

Item 15. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *JANEL WISSMAN V. CITY OF SAN ANTONIO* FOR THE AMOUNT OF \$75,500.00, PAID FROM THE SELF-INSURANCE LIABILITY FUND.

2012-04-05-0249

Item 16. AN ORDINANCE AUTHORIZING THE PURCHASE OF (A) EXCESS GENERAL LIABILITY AND EXCESS WORKERS' COMPENSATION INSURANCE FROM STAR INSURANCE COMPANY FOR A TERM FROM MAY 1, 2012 TO MAY 1, 2013 AT AN ANNUAL PREMIUM OF \$493,640.00 AND (B) AIRCRAFT HULL AND LIABILITY INSURANCE FROM ACE USA INSURANCE COMPANY FOR A TERM FROM MAY 1, 2012 TO MAY 1, 2013, AT AN ANNUAL PREMIUM OF \$136,640.00, FUNDED BY THE FY 2012 BUDGET.

2012-04-05-0251

Item 18. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT WITH SPORTS OUTDOOR AND RECREATION (SOAR) PARK FOR THE EXPENDITURE OF UP TO \$100,000.00 FROM THE GENERAL FUND FOR THE OPERATIONS OF MORGAN'S WONDERLAND LOCATED IN CITY COUNCIL DISTRICT 10.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2012-04-05-0245

Item 11. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A 0.683 ACRE PORTION OF IMPROVED PUBLIC RIGHT-OF-WAY LOCATED ON BRYN MAWR DRIVE BETWEEN NCB 9059 AND NCB 11762 IN COUNCIL DISTRICT 10, AS REQUESTED BY MOUNT CALVARY LUTHERAN CHURCH FOR A FEE OF \$74,569.00.

Councilmember Soules thanked city staff for their work on the project and stated that he was pleased that the church and the neighborhood had worked together to improve Austin Highway.

Councilmember Soules moved to adopt the proposed Ordinance. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** D. Medina.

The City Clerk read the following Ordinance:

2012-04-05-0250

Item 17. AN ORDINANCE ACCEPTING DONATIONS AND PLEDGES IN THE AMOUNT OF \$90,000.00 FROM THE SAN ANTONIO PUBLIC LIBRARY FOUNDATION AND THE SAN ANTONIO HISPANIC CHAMBER OF COMMERCE TO THE SAN ANTONIO PUBLIC LIBRARY TO BRING THE JASON PROJECT TO THE CENTRAL LIBRARY.

Councilmember Chan stated that she wanted to highlight the exciting project and thanked everyone that contributed to the project. She recognized Eddie Aldrete of IBC Bank and Past Chair of the Hispanic Chamber of Commerce.

Mr. Aldrete stated that more jobs in the economy are moving toward Science, Technology, Engineering and Math (STEM) and that there are not enough qualified individuals to meet the needs. He noted that the JASON Project would provide an outside of the classroom experience for students to see themselves in the role of an Astronaut, Oceanographer, or Engineer. He spoke of the system that would consist of flat screen televisions, computers and a web camera that would allow students to communicate with Oceanographer, Dr. Robert Ballard. He added that there were only 17 of these command consoles in the US and that this one would be the only one in the State of Texas.

Rudy Reyna of the Hispanic Chamber stated that this project was critical to San Antonio and spoke of their hosting of the STEM Expo. He noted that they were pleased to help with the JASON Project and commended Mayor Castro for his leadership on Education.

Councilmember Chan stated that she was pleased that anyone that would like to participate in the JASON Project could do so. She recognized Jean Brady and Kay Lennox.

Ms. Brady thanked the Hispanic Chamber and everyone involved in the JASON Project. Ms. Lennox added that they were pleased to participate in the project that would provide a wonderful opportunity for the community.

Mayor Castro thanked everyone involved in the JASON Project and stated that it was great that the San Antonio Project was the only one in the State of Texas.

Councilmember Bernal moved to adopt the proposed Ordinance. Councilmember Ozuna seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

Item 19. CITY MANAGER'S REPORT

A. CONVENTION AND VISITORS BUREAU UPDATE

Ms. Sculley reported that the city's new marketing campaign had been announced last week and was developed by the CVB and Proof Advertising. She stated that the campaign was based on insights from consumer research which revealed that potential travelers are aware of The Alamo and the River Walk, but have little knowledge of San Antonio's other offerings such as Arts, Culture, and the Culinary Scene. She noted that the campaign is called, "Remember The..." and that locals and visitors would fill in the blank. Ms. Matej added that the campaign would build upon what San Antonio was known for and that advertisements would be based on San Antonio Memories.

B. GRAFFITI WIPEOUT PROGRAM UPDATE

Ms. Sculley reported that in FY 2011, the city abated over three million square feet of graffiti. She stated that as part of the Graffiti Ranger Volunteer Program, the Code Enforcement Division has acquired two vehicles that will offer volunteers greater flexibility to plan and complete volunteer graffiti abatement projects throughout the city. She noted that the vehicles feature a brightly colored wrap to alert the community of the volunteer efforts and to encourage residents interested in learning more about the program to contact city staff. She added that the vehicles will be stocked with paint, brushes and rollers to proactively abate graffiti.

Mayor Castro thanked Ms. Sculley for the updates and recognized the CVB for their great efforts to market San Antonio.

POINT OF PERSONAL PRIVILEGE

Mayor Castro recognized Councilmember Williams who would be celebrating his birthday on April 10th. The City Council sang Happy Birthday to Councilmember Williams.

RECESSED

Mayor Castro recessed the meeting at 10:43 am and announced that the meeting would resume at 11:30 am to address Item 5 on the reappointment of the Municipal Court Judges.

RECONVENED

Mayor Castro reconvened the meeting at 11:30 am and addressed Item 5.

TIME CERTAIN ITEM – 11:30 AM

The City Clerk read the following caption:

2012-04-05-0239

Item 5. AN ORDINANCE REAPPOINTING FULL-TIME MUNICIPAL COURT JUDGES FOR A TERM EFFECTIVE MAY 1, 2012 TO APRIL 30, 2014; AND ESTABLISHING JUDICIAL SALARIES AND BENEFITS.

Presiding Judge John Bull thanked the City Council for their support of Municipal Court. He presented the Full-Time Judges for reappointment:

Clarissa Chavarria
Linda H. Conley
Daniel Guerrero
James Daniel Kassahn
Christine Dauphin Lacy
Robert F. Lipo, Jr.
Carla Obledo
Alfredo M. Tavera
Peter Andrew Zamora

Judge Bull commended the Judges for their great work and highlighted each of their accomplishments. He recognized Fred Garcia, Municipal Court Administrator. Mr. Garcia stated that he was pleased that the Judges were being reappointed and indicated that they all worked well together.

Mayor Castro and the City Council thanked the Municipal Court Judges for their efficiencies and great work. Mayor Castro announced that a luncheon was being held to recognize the Judges.

City Clerk Vacek administered the Statement of Appointed Officer and Oath of Office to the Full-Time Municipal Court Judges that were present.

Councilmember Bernal moved to adopt the proposed Ordinance. Councilmember Williams seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

RECESSED

Mayor Castro recessed the meeting at 12:05 pm and stated that the Council would break for lunch and return at 2:00 pm to address the Zoning Items.

RECONVENED

Mayor Castro reconvened the meeting at 2:00 pm and addressed the Zoning Items.

CONSENT ZONING ITEMS

Mayor Castro called upon Jack M. Finger to speak.

Mr. Jack M. Finger spoke in opposition to the alcohol variances requested in Items 20 and 21 due to their close proximity to a school. He stated that he was against the Tattoo Parlor being requested in Items P-2 and Z-1, noting that city staff and the Planning and Zoning Commissions recommended denial. He added that he was opposed to the parking lot requested next to the flea market in Item Z-5.

Councilmember Saldaña moved to approve the following Zoning Items: P-1, Z-4, P-4, and P-5 under Consent Zoning. Councilmember Lopez seconded the motion.

The motion to approve the Consent Zoning Items prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

2012-04-05-0254

Item P-1. **PLAN AMENDMENT CASE # 12023 (District 1):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE NEAR NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 0.457 ACRE TRACT OF LAND LOCATED AT 1302 GARDINA STREET FROM HIGH DENSITY RESIDENTIAL LAND USE TO COMMUNITY COMMERCIAL LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ZONING CASE HAS NOT BEEN SUBMITTED AT THIS TIME.)

2012-04-05-0256

Item Z-4. **ZONING CASE # Z2012065 S (District 3):** An Ordinance amending the Zoning District Boundary from "H I-2 AHOD" Mission Historic Heavy Industrial Airport Hazard Overlay District to "H C-2 S AHOD" Mission Historic Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Party House/Reception Hall/Meeting Facility on a 0.9240 of an acre tract of land out of NCB 11176 located at 1319 March Avenue. 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: A 0.9240 OF AN ACRE TRACT OF LAND OUT OF NCB 11176 TO WIT: FROM "H I-2 AHOD" MISSION HISTORIC HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "H C-2 S AHOD" MISSION HISTORIC COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A PARTY HOUSE/RECEPTION HALL/MEETING FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2012-04-05-0258

Item P-4. **PLAN AMENDMENT #12026:** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE HERITAGE SOUTH SECTOR PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 120.06 ACRES LOCATED AT THE SOUTHEAST CORNER OF FISCHER ROAD AND IH-35, AND FURTHER DESCRIBED AS CB 4301 P-45 AND P-46 ABS 6, LOCATED WITHIN CITY SOUTH MANAGEMENT AUTHORITY AND CLOSEST TO COUNCIL DISTRICT 4, FROM REGIONAL CENTER AND SUBURBAN TIER TO AGRIBUSINESS/RIMSE TIER. STAFF, CITY SOUTH MANAGEMENT AUTHORITY, AND PLANNING COMMISSION RECOMMEND APPROVAL. (A ZONING APPLICATION HAS NOT BEEN SUBMITTED AT THIS TIME.)

2012-04-05-0259

Item P-5. **PLAN AMENDMENT #12021 (District 5):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE DOWNTOWN NEIGHBORHOOD PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE LAND USE OF A 0.4189 ACRE TRACT OF LAND LOCATED AT 701 SOUTH FRIO STREET FROM RESIDENTIAL TO MIXED USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012062)

[CONSENT ZONING CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2012-04-05-0252

Item 20. AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 4-6, 4-6(D)(6) AND 4-6(E)(1) OF THE CITY CODE AND AUTHORIZING A VARIANCE REQUEST TO ALLOW CITY BASE WEST, LP, D/B/A CITY BASE DINER LOCATED AT 2619 SOUTHEAST MILITARY DRIVE, SUITE 117, TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION AS A "FOOD SERVICE ESTABLISHMENT WITHOUT COVER CHARGE 3 OR MORE DAYS PER WEEK (WITH OR WITHOUT ACCESSORY LIVE ENTERTAINMENT)" WITHIN THREE HUNDRED (300) FEET OF THE SEIDEL LEARNING CENTER, A PUBLIC EDUCATIONAL INSTITUTION LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ozuna stated that the Seidel Learning Center primarily serves adults in the community and that there was a great amount of empty space between the Café and the Learning Center.

Councilmember Ozuna moved to approve a variance for the sale of alcoholic beverages within 300 feet of Seidel Learning Center for the property located at 2619 Southeast Military Drive, Suite 117 and waiving the requirements of City Code Sections 4-6(c), 4-6(d)(6) and the language in 4-6(e)(1) citing sales for on premise consumption of alcoholic beverages that exceed more than 30 percent of the annual gross revenues of the establishment of a violation, thus allowing the sale of alcoholic beverages with the conditions that the authorization for the sale of alcoholic beverages shall not transfer to future property owners or to different land uses and that such authorization shall terminate in the event of non-operation or non-use for a period of 12 months. Councilmember Soules seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2012-04-05-0253

Item 21. AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTIONS 4-6, 4-6(D)(6) AND 4-6(E)(1) OF THE CITY CODE AND AUTHORIZING A VARIANCE REQUEST TO ALLOW MURPHY OIL USA, INC – D/B/A MURPHY EXPRESS #8679, LOCATED AT 2519 SOUTHEAST MILITARY DRIVE, TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION

AT A "CONVENIENCE STORE WITH GASOLINE" WITHIN THREE-HUNDRED (300) FEET OF THE SEIDEL LEARNING CENTER, A PUBLIC EDUCATIONAL INSTITUTION LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ozuna moved to approve a variance for the sale of alcoholic beverages within 300 feet of Seidel Learning Center for the property located at 2519 Southeast Military Drive and waiving the requirements of City Code Sections 4-6(c), 4-6(d)(6) and the language in 4-6(e)(1) citing sales for off-premises consumption as a violation, thus allowing the sale of alcoholic beverages with the conditions that the authorization for the sale of alcoholic beverages shall not transfer to future property owners or to different land uses and that such authorization shall terminate in the event of non-operation or non-use for a period of 12 months. Councilmember Williams seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

Items P-2 and Z-1 were addressed jointly.

CONTINUED TO APRIL 19, 2012

Item P-2. **PLAN AMENDMENT #12010 (District 1):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NEAR NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE LAND USE OF A 0.4132 ACRE TRACT OF LAND LOCATED AT 1726 FREDERICKSBURG ROAD FROM NEIGHBORHOOD COMMERCIAL TO COMMUNITY COMMERCIAL. STAFF AND PLANNING COMMISSION RECOMMEND DENIAL. (ASSOCIATED ZONING CASE: #Z2012061)

CONTINUED TO APRIL 19, 2012

Item Z-1. **ZONING CASE # Z2012061 CD (District 1):** An Ordinance amending the Zoning District Boundary from "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-2NA CD AHOD " Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for a Tattoo Parlor/Studio on Lots 12, 13 and 14, Block 50, NCB 2744 located at 1726 Fredericksburg Road. Staff and Zoning Commission recommend denial.

Chris Looney presented and stated that Item P-2 would amend the land use plan contained in the Near Northwest Community Plan and that staff and the Planning Commission recommended denial. He noted that for Item Z-1, staff and the Zoning Commission recommended denial. He reported that of 33 notices mailed; three responses were returned in favor from the property owner and one was received in opposition. He added that the Jefferson and Keystone Neighborhood Associations were opposed.

Mayor Castro called upon the individuals registered to speak on Items P-2 and Z-1.

Elia Reyna, Vice-President of the Jefferson Homeowners Association spoke against the plan amendment and zoning request. She stated that the plan amendment was not compatible with the Near Northwest Community Plan and would have a negative affect on the corridor. She noted that the Near Northwest Community Plan discouraged certain businesses from locating within the planning area including day labor sites, pawn shops, and tattoo parlors.

Ferne Burney expressed opposition to Items P-2 and Z-1, noting that city staff and the Planning and Zoning Commissions had recommended denial. She spoke of the improvements that have been made along Fredericksburg Road and added that it has become a walkable, friendly community.

Robert Sipes, President of the Monticello Neighborhood Association spoke in opposition to Items P-2 and Z-1. He stated that their historic neighborhood begins at the corner of Donaldson and Fredericksburg Road which is in close proximity to the requested Tattoo Parlor. He noted that the request was not compatible with the area in that it is not located at a major intersection and would increase traffic on surrounding residential streets. He expressed concern that the commercial designation would permit late night activity and added that the change would not encourage pedestrian activity.

John B. Davis, Treasurer of the Keystone Neighborhood Association spoke in opposition to the plan amendment. He stated that he and various other citizens had created the Near Northwest Community Plan and that the Neighborhood Commercial Designation was the only one appropriate for this area.

Charlotte Kahl stated that she had served on the Planning Task Force that created the Near Northwest Plan and that they had devised the plan to make it compatible with the neighborhoods along Fredericksburg Road. She requested that it remain zoned as Neighborhood Commercial.

Councilmember Bernal stated that this was a very difficult case and explained that the property in question was a family-owned business. He noted that the property was located in an area that was not thriving economically and could utilize additional business. He stated that he had spoken with law enforcement and they did not believe that tattoo parlors were a magnet for illegal activity or a downward spiral for a neighborhood. He asked that the property owner and neighborhood associations meet to discuss the concerns.

Councilmember Bernal moved to continue Items P-2 and Z-1 until April 19, 2012. Councilmember D. Medina seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Soules.

2012-04-05-0255

Item Z-2. **ZONING CASE # Z2012066 S (District 1):** An Ordinance amending the Zoning District Boundary from "C-3NA H AHOD" General Commercial Nonalcoholic Sales Tobin Hill Historic Airport Hazard Overlay District to "IDZ S H AHOD" Infill Development Zone Tobin Hill Historic Airport Hazard Overlay District with uses permitted in the "C-2NA" Commercial Nonalcoholic Sales District, Laboratory - Testing and Research, Cosmetics Manufacturing and Processing and a Specific Use Authorization for Biomedical Products-Manufacturing on Lot 8, Block 13, NCB 1734 located at 620 East Dewey Place. Staff recommends approval of "IDZ" with uses permitted in "C-2NA" with Laboratory - Testing and Research and denial of the request for Cosmetics Manufacturing and Processing and the Specific Use Authorization for Biomedical Products Manufacturing. Zoning Commission recommends 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 8, BLOCK 13, NCB 1734 TO WIT: FROM "C-3NA H AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES TOBIN HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ S H AHOD" INFILL DEVELOPMENT ZONE TOBIN HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN THE "C-2NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT, WITH LABORATORY - TESTING AND RESEARCH, COSMETICS MANUFACTURING AND PROCESSING AND A SPECIFIC USE AUTHORIZATION FOR BIOMEDICAL PRODUCTS-MANUFACTURING PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-2 and stated that staff recommended approval of IDZ with uses permitted in C-2NA with Laboratory – Testing and Research and denial of the request for Cosmetics Manufacturing and Processing and the Specific Use Authorization for Biomedical Products Manufacturing. He noted that the Zoning Commission recommended approval. He reported that of 36 notices mailed; six were returned in favor and none were returned in opposition. He added that the Tobin Hill Community Association was not opposed.

Mayor Castro called upon Martin Kushner to speak on Item Z-2.

Mr. Kushner read a statement on behalf of the Tobin Hill Community Association. He stated that members of their board had met with the prospective buyer and buyer's agent regarding the zoning change. He indicated that since the change was in compliance with the Tobin Hill Neighborhood Plan and was a down-zoning, they did not object to the requested zoning change.

Councilmember Bernal stated that the affected parties were in support of the zoning request and moved to adopt the proposed Ordinance. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

Items P-3 and Z-3 were addressed jointly.

CONTINUED TO APRIL 19, 2012

Item P-3. **PLAN AMENDMENT #12025 (District 2):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE IH-10 EAST CORRIDOR PERIMETER PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE LAND USE OF A 1.8485 TRACT OF LAND LOCATED AT THE NORTHWEST CORNER OF BICENTENNIAL DRIVE AND INTERSTATE HIGHWAY 10 EAST MORE SPECIFICALLY DESCRIBED AS NCB 17980 P-13C AND NCB 17980 BLOCK 1 LOT 6 AND 5930 BICENTENNIAL DRIVE, FROM PARKS/OPEN SPACE AND INDUSTRIAL TO INDUSTRIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012060S)

CONTINUED TO APRIL 19, 2012

Item Z-3. **ZONING CASE #Z2012060 S (District 2):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "I-2 S AHOD" Heavy Industrial Airport Hazard

Overlay District with a Specific Use Authorization for a Bulk Plant or Terminal on Parcels 13B and 13C, NCB 17980 and Lots 5 and 6, Block 1, NCB 17980 located northwest of the intersection of IH 10 East and Bicentennial Drive. Staff and Zoning Commission recommend approval pending the plan amendment.

Chris Looney stated that staff and the Planning and Zoning Commissions recommended approval of Items P-3 and Z-3. He reported that of 12 notices mailed; four were returned in favor from the property owner and none were received in opposition.

Councilmember Taylor moved to continue Items P-3 and Z-3 to April 19, 2012. Councilmember Chan seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

2012-04-05-0257

Item Z-5. **ZONING CASE # Z2012073 (District 3):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on 4.433 acres out of NCB 11128 located at 331 West Buchanan Boulevard and 300 West Villaret Boulevard. Staff recommends denial of C-2NA with an alternate recommendation of "R-4 CD" Residential Single-Family District with a Conditional Use for a Non-Commercial Parking Lot. Zoning Commission recommendation pending the April 3, 2012 public hearing.

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: 2.928 ACRES OUT OF NCB 11128 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A NON-COMMERCIAL PARKING LOT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-5 stating that the request had been amended at the Zoning Commission Meeting on Tuesday from R-6 AHOD to R-4 CD and removed the request to rezone 331 West Buchanan Boulevard. He reported that staff and the Zoning Commission recommended approval with the following conditions: 1) A 15-foot Type B landscape buffer shall be provided along the property boundaries abutting single-family residential zoning or uses; 2) All onsite lighting shall be directed onto the site and point away from any residential zoning or uses; 3) The parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed; and 4) No advertising signs shall be permitted on the parking lot other than signs indicating the owner or lessee of the lot and to provide parking instructions. He noted that of 15 notices mailed; one was returned in favor and seven were returned in opposition. He added that due to more than 20% opposition, nine votes would be needed for approval.

Councilmember Ozuna spoke of the significant challenges with parking and congestion in the neighborhood and noted that they were working closely with city staff, the owner, and the neighborhood to address the situation.

Mayor Castro recognized the individuals registered to speak.

Bobby Perez stated that there were many individuals present in support of the zoning case but they would not all speak. He noted that they were requesting support for the staff recommendation with the conditions as presented by city staff. He provided photos of the Mission Open Air Flea Market that had been operating for 25 years and is considered a landmark for the southern section of the city. He noted that they used to have a lease agreement for spillover parking but it was no longer in effect. He indicated that they lost 200 parking sites in the lease agreement and the new site would hold 316 vehicles. He mentioned that individuals representing the Veterans Community were in attendance and supportive of the zoning change. He stated that the owners of the Mission Open Air Flea Market are committed to the neighborhood and that the proposed lot would only be used on Sundays. He outlined the traffic safety plan and added that they had received signatures from 2,747 people in support of their request.

Irma Camarillo stated that she owned the property that used to be leased for parking but the applicant terminated the lease in December. She expressed concern that there is not a fence between the two properties and asked that the applicant install one. She spoke of the issues with dumping, trash, parking and congestion in the area and requested that the affected parties work on a solution.

Sergio Paredes stated that he was 15 years old and opposed to the requested zoning change. He noted that he was originally opposed only to the parking lot but was now against the flea market. He expressed concern that his family was not made aware of the zoning change since they did not live within 200 feet of the property but live in the neighborhood. He noted concerns with pollution from the flea market and added that it was operating in an area zoned residential.

Wilburn Day stated that he was a Commercial Real Estate Appraiser and expressed concern that the property in question did not meet the highest standards or best uses. He noted that the area was zoned residential and that those that lived in the area hoped that the city would protect their interests. He expressed concern that many individuals that signed the petition in support of the zoning change did not live in the area.

Ruben Gonzales stated that he was from the South Side and that his father used to sell items at the flea market. He noted that they were not opposed to the flea market but were concerned with the commercial zoning in a residential area. He mentioned that many individuals that signed the petition did not live in the area and that other properties could be utilized for parking. He spoke of the challenges with traffic and parking and expressed concern with the reduction in property values.

Domingo Maldonado stated that he owned several acres next to the flea market and could not develop them due to the pollution, dust, and trash caused by the flea market. He asked the City Councilmembers to visit the area on a Sunday morning between 10:00 am and 2:00 pm to witness the eyesore before taking a vote.

Louis B. Castillo stated that he had purchased property on Buchanan Street but did not live within 200 feet of the proposed zoning. He noted that he was a patron of the flea market but expressed concern that it has grown too much and there are many issues with parking and traffic.

Antonio Paredes spoke in opposition to the zoning change and indicated that many nearby property owners were also opposed. He expressed concern that there was not a fire hydrant in the vicinity and with the lack of lighting. He stated that there were other options and asked the City Council to vote no to the request.

Bobby Perez reiterated that the zoning would remain residential and the property would only be used for non-commercial parking.

Councilmember Ozuna stated that this was a difficult case in trying to balance a business and traffic issues in a neighborhood. She noted that the parking problem needed to be addressed today and would work with city staff to develop better traffic flow for the area.

Councilmember Ozuna moved to adopt the proposed Ordinance with an R-4 CD AHOD Residential Single-Family Airport Hazard Overlay District with a conditional use for a Non-Commercial Parking Lot with conditions as follows: 1) A 15-foot Type B landscape buffer shall be provided along the property boundaries abutting single-family residential zoning or uses; 2) All onsite lighting shall be directed onto the site and point away from any residential zoning or uses; 3) The parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed; and 4) No advertising signs shall be permitted on the parking lot other than signs indicating the owner or lessee of the lot and to provide parking instructions. Councilmember Soules seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

2012-04-05-0260

Item Z-6. **ZONING CASE # Z2012062 S (District 5):** An Ordinance amending the Zoning District Boundary from "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "C-2P S AHOD" Commercial Pedestrian Airport Hazard Overlay District with a Specific Use Authorization for a Bail Bond Agency on a 560.78 square feet out of Lots 1, 2 and 3, Block 96, NCB 271 located at 701 South Frio Street. Staff recommends approval. Zoning Commission recommends denial.

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: A 560.78 SQUARE FEET OUT OF LOTS 1, 2 AND 3, BLOCK 96, NCB 271 TO WIT: FROM "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2P S AHOD" COMMERCIAL PEDESTRIAN AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A BAIL BOND AGENCY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-6 and stated that staff recommended approval and the Zoning Commission recommended denial. He reported that of 15 notices mailed; one was returned in favor and none were returned in opposition.

Councilmember D. Medina stated that staff recommended approval and that other similar types of businesses were located in the area.

Councilmember D. Medina moved to adopt the proposed Ordinance with conditions as follows: 1) Signage: Declarant agrees to limit his use of exterior neon lettering or signage, or flashing lights in his exterior lettering or signage in his best efforts to be consistent with and complementary to the professional buildings near the property. Declarant further agrees to make his best efforts to use exterior lettering and signage of colors and hues consistent with and complementary to the professional buildings near the property. 2) Building Façade: Declarant agrees that in renovating the building façade to make his best efforts to create and maintain a professional appearance for the building façade that complement now-existing exterior facades of the professional buildings near the property. 3) Tenant: Declarant agrees that the zoning change that is being proposed is supported by the tenant for this tenant only and that should the tenant break, terminate, or transfer his current lease in connection with the property, or otherwise no longer be the tenant on the property, the Declarant will no longer operate or allow the specific use for a Bail Bonding Agency on the property. The Declarant further agrees to inform any potential tenant that he will not support any new owner's operation of Bail Bond Agency and will consider such operation in violation of this covenant. Councilmember Bernal seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

2012-04-05-0261

Item Z-7. **ZONING CASE # Z2012068 (District 5):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District and "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District on Lot 16, Block 51, NCB 199 located at 804 North San Marcos. Staff and Zoning Commission recommend approval and authorization of a seven (7) foot fence on all sides of the property pursuant to 35-514(d)(2)D.

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 16, BLOCK 51, NCB 199 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT AND "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3NA AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

John Jacks presented Item Z-7 and stated that staff and the Zoning Commission recommended approval. He reported that of 16 notices mailed; three were returned in favor and none were received in opposition.

Councilmember D. Medina moved to adopt the proposed Ordinance authorizing a seven (7) foot fence on all sides of the property pursuant to 35-514(d)(2)D. Councilmember Lopez seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

CONTINUED TO APRIL 19, 2012

Item Z-8. **ZONING CASE # Z2012041 S (District 6):** An Ordinance amending the Zoning District Boundary from "C-3 GC-2 AHOD" General Commercial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District to "C-3 S GC-2 AHOD" General Commercial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District with a Specific Use Authorization for a Helistop on a 0.268 of an acre tract of land being out of Lot 3, Block 50, NCB 17642 located at 10811 Town Center Drive. Staff and Zoning Commission recommend approval. (Continued from March 15, 2012)

John Jacks presented Item Z-8 and stated that staff and the Zoning Commission recommended approval. He reported that of nine notices mailed; four were returned in favor and none were received in opposition.

Councilmember Lopez moved to continue Item Z-8 until April 19, 2012. Councilmember Bernal seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

CONTINUED TO APRIL 19, 2012

Item Z-9. **ZONING CASE # Z2012049 (District 7):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD NCD-8" Residential Single-Family Airport Hazard Overlay Woodlawn Lake Area Neighborhood Conservation District to "RM-4 AHOD NCD-8" Residential Mixed Airport Hazard Overlay Woodlawn Lake Area Neighborhood Conservation District on Lot 5, Block 32, NCB 1974 located at 1719 West Craig Place. Staff recommends approval. Zoning Commission recommends denial. (Continued from March 15, 2012)

John Jacks presented Item Z-9 and stated that staff recommended approval and the Zoning Commission recommended denial. He reported that of 27 notices mailed; none were returned in favor and three were returned in opposition. He added that the Woodlawn Lake Community Association was opposed to the request.

Mayor Castro called upon Geneva Bailey, Nes Sayag and Irma Correra, representing The Fuller Center for Greater Housing to speak.

Ms. Bailey stated that their organization provides affordable housing and assists people that need repairs to their homes. She noted that she supported the zoning change and that staff recommended approval. She mentioned that they utilize the property to place individuals that are referred from various agencies and requested that they be authorized to upgrade the property and keep it safe. Mr. Sayag addressed the City Council and stated that he ran a business with 15 employees and had purchased the property in question. He noted that he paid multi-family taxes and had upgraded the property by cleaning it up and building a fence. Ms. Correra added that she lived and owned properties in the area. She spoke of the

issues with receiving permits in the Woodlawn Lake Area and stated that they should be zoned RM-4. She expressed concern that they are trying to fix their properties and are encountering problems.

Councilmember C. Medina moved to continue Item Z-9 until April 19, 2012. Councilmember Chan seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** D. Medina.

2012-04-05-0262

Item Z-10. **ZONING CASE # Z2012007 ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "C-2 ERZD AHOD MLOD" Commercial Edwards Recharge Zone Airport Hazard Overlay Military Lighting Overlay District, "C-1 ERZD AHOD MLOD" Light Commercial Edwards Recharge Zone Airport Hazard Overlay Military Lighting Overlay District, "MF-25 ERZD AHOD MLOD" Multi-Family Edwards Recharge Zone Airport Hazard Overlay Military Lighting Overlay District, "R-6 ERZD AHOD MSAO MLOD" Residential Single-Family Edwards Recharge Zone Airport Hazard Overlay Military Sound Attenuation Overlay Military Lighting Overlay District and "R-6 ERZD AHOD MLOD" Residential Single-Family Edwards Recharge Zone Airport Hazard Overlay Military Lighting Overlay District to "PUD R-6 ERZD AHOD MLOD" Planned Unit Development Residential Single-Family Edwards Recharge Zone Airport Hazard Overlay Military Lighting Overlay District on 191.202 acres, "PUD R-6 ERZD AHOD MSAO MLOD" Planned Unit Development Residential Single-Family Edwards Recharge Zone Airport Hazard Overlay Military Sound Attenuation Overlay Military Lighting Overlay District on 11.733 acres and "C-2 ERZD AHOD MLOD" Commercial Edwards Recharge Zone Airport Hazard Overlay Military Lighting Overlay District on 1.574 acres on 204.509 acres out of NCB 17701 and NCB 16334 located northeast of the intersection of Northwest Military Highway and North Loop 1604 West. Staff recommends approval of "PUD R-6" on the 11.733 acre tract and approval of "C-2" on the 1.574 acre tract and denial of "PUD R-6" on the 191.202 acre tract. Zoning Commission recommends 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: 204.509 ACRES OUT OF NCB 17701 AND 16334 TO WIT: FROM "C-2 ERZD AHOD MLOD" COMMERCIAL EDWARDS RECHARGE ZONE AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT, "C-1 ERZD AHOD MLOD" LIGHT COMMERCIAL EDWARDS RECHARGE ZONE AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT, "MF-25 ERZD AHOD MLOD" MULTI-FAMILY EDWARDS RECHARGE ZONE AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT, "R-6 ERZD AHOD MSAO MLOD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE AIRPORT HAZARD OVERLAY MILITARY SOUND ATTENUATION OVERLAY MILITARY LIGHTING OVERLAY DISTRICT AND "R-6 ERZD AHOD MLOD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT TO "PUD R-6 ERZD AHOD MLOD" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT ON 191.202 ACRES, "PUD R-6 ERZD AHOD MSAO MLOD" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE AIRPORT HAZARD OVERLAY MILITARY SOUND

ATTENUATION OVERLAY MILITARY LIGHTING OVERLAY DISTRICT ON 11.733 ACRES AND "C-2 ERZD AHOD MLOD" COMMERCIAL EDWARDS RECHARGE ZONE AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT ON 1.574 ACRES.

John Jacks presented Item Z-10 and stated that staff recommended approval of PUD R-6 on the 11.733 acre tract and approval of C-2 on the 1.574 acre tract and denial of PUD R-6 on the 191.202 acre tract. He reported that the Zoning Commission recommended approval of the applicant's request and SAWS recommends approval provided that the impervious cover shall not exceed 30% for the overall acreage and the impervious cover for the 11.733 acre tract shall not exceed 30% and shall not be transferred to the 191.202 acre tract. He noted that of 42 notices mailed; four were returned in favor and one was received in opposition.

Councilmember Chan stated that this was a down zoning case and that the property was grandfathered as a Category 1 which allows the developer 100% impervious cover. She noted that the developer has agreed to follow the SAWS recommendation not to exceed 30% impervious cover. She indicated that the military was in support of the down zoning and believed it was better for the environment to reduce the imperious cover.

Mayor Castro asked of the 30% impervious cover and how SAWS arrived at that percentage. Scott Halty responded that it was for the properties that were vested as Category 1 under the Aquifer Quality Ordinance for residential. He noted that they utilize that as a guideline and assess the property. He added that this property had one area with three or four features and had placed buffers on those areas. He outlined the sensitive features that include: a linear solution that is 6-8 feet long; a sinkhole that is in line with that; and another solution cavity feature. He mentioned that there was another singular sinkhole that was 80-100 feet away and would be buffered. Mayor Castro asked of the average impervious cover for development in instances as this. Mr. Halty responded that it varied from 35%-36% on average for residential.

Councilmember Ozuna asked for clarification of the four sensitive features and how they would be protected. Mr. Halty indicated that the features did not have a large area of drainage into them and were considered sensitive but not significant. He stated that the features sit on the side of a hill and did not witness a surface expression. He noted that they would require the engineer to determine the slope of the feature and the required buffer would be based on the slope.

Councilmember Bernal asked what buffers look like. Mr. Halty replied that it was a vegetated filter that protects that quality of water that goes into the feature. He stated that a loading of pollutants could enter the feature if it was not buffered and could contaminate the aquifer.

Councilmember Chan stated that this is a down zoning from C-1 and C-2 to residential. She added that usually a commercial zoned development is allowed 60-70% impervious cover and in this case; it is best for the city that 30% impervious cover be allowed. She added that the traffic will be reduced by 50% due to the down zoning.

Councilmember Chan moved to adopt the proposed Ordinance. Councilmember Soules seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** D. Medina.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 3:57 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest:



**LETICIA M. VACEK, TRMC/MMC
City Clerk**