

**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, MAY 2, 2012, AND THURSDAY, MAY 3, 2012, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **May 2, 2012**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Taylor, Ozuna, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** D. Medina.

**1. PRESENTATION ON THE DATA CENTER MARKET AND TREND ANALYSIS COMMISSIONED BY THE SAN ANTONIO ECONOMIC DEVELOPMENT FOUNDATION (EDF) IN PARTNERSHIP WITH THE CITY OF SAN ANTONIO AND CPS ENERGY.**

Rene Dominguez introduced Steve Waters, General Counsel of USAA Real Estate Company representing the San Antonio Economic Development Foundation (EDF). Mr. Waters referred to the study which was very thorough and had identified Data Centers being critical to the City of San Antonio. He noted that San Antonio was poised to be a leader in the industry but must do more to be competitive in this area. Mr. Dominguez indicated that they had provided the full study to the City Council a few weeks ago and introduced Angelos Angelou of Angelou Economics who performed the study.

Mr. Angelou stated that he had over 17 years of experience in Economic Development Strategic Planning Work and Site Selection. He reported that the EDF had engaged Angelou Economics to complete an analysis of current trends affecting the data center industry and San Antonio's competitiveness in attracting data center development. He noted that they had conducted an economic impact analysis and studied the impact on utility providers. He indicated that the recommendations include expanding the data center cluster, creating an implementation matrix and providing performance metrics.

Mr. Angelou outlined economic and fiscal benefits provided by data centers that include expansion of the local tax base and high paying jobs. He stated that the city would also benefit from stronger electric utility and information technology infrastructure. He reported that there were two types of data centers: 1) Enterprise Data Centers that are owned and operated by a single organization; and 2) Co-location Data Centers that are owned and operated by a data center provider that leases data center space to multiple tenants. He indicated that Co-location Data Centers usually create more jobs and have a higher capital investment. He provided economic and fiscal benefits of Enterprise Data Centers totaling \$251.5 million over 10 years and Co-location Data Centers totaling \$778.3 million.

Mr. Angelou presented the major industry themes as: 1) Growth; 2) Energy Efficiency; 3) Sourcing of Clean Energy; 4) Maturation and Diversification; and 5) Competition. He spoke of key trends that include Cloud Computing and Data Center Consolidation and mentioned that Texas attracts 17% of all data centers throughout the country. He recognized John Karras, also of Angelou Economics.

Mr. Karras spoke of San Antonio's Strongest Assets, noting that San Antonio has a large existing cluster of enterprise data centers and back office support facilities in Westover Hills. He mentioned San Antonio's growing role as one of the most important Information Technology (IT) and Cyber Security Regions for the US Government and Military. He stated that San Antonio has an overall high quality of life and that Texas is the leading producer of Wind Energy. He noted that electricity costs are relatively low and that the city has a low risk for natural disasters. He provided maps of the Recycled Water System, High Capacity Transmission Lines, and AT&T Internet Protocol (IP) Network that are also considered great assets.

Mr. Karras outlined San Antonio's Challenges and stated that Westover Hills has only a handful of remaining properties that are suitable for large data centers. Additionally, the geographic distribution of existing property tax abatement zones effectively discourages data centers in some prime data center locations. He indicated that electricity rates are competitive but higher than some key competitors outside of Texas. He added that the warm climate makes the cooling of data center equipment more expensive.

Mr. Karras presented the findings regarding San Antonio Incentives. He stated that positives include the exemption of data centers from minimum employment requirements and noted that data centers fall within the target industry of IT and Cyber Security. He mentioned that the policy requirements are clear and easy to understand and that greater incentives are available for high-profile projects. He stated that challenges are that fewer incentives are available in several prime data center locations and that there is an inconsistent use of incentives for data center projects. He provided an industry score card for San Antonio compared to the Cities of Phoenix, Charlotte, Dallas, Atlanta and Columbus. He noted that San Antonio leads in the area of having access to clean energy but lacks in the successful use of incentives and has relatively high property taxes.

Mr. Angelou concluded by outlining priority recommendations to include creating new data center districts and ensuring that adequate infrastructure is in place over the long-term. He encouraged the development of data centers at Brooks City-Base and leveraging its unique tax-exempt status. He recommended the establishment of an incentive policy that is tailored to data centers and is uniform throughout Bexar County. He added that San Antonio should recognize and promote the benefits of data centers and aggressively pursue new data center development.

Mayor Castro stated that he appreciated the analysis and spoke of the history of incentivization from municipalities. He noted that incentives usually focus on permanent job creation and retention but that does not mean that data centers should be disqualified from incentivization. He spoke of the great benefit due to the CPS Energy Revenue received from data centers and highlighted the Microsoft Data Center that provides San Antonio the opportunity to establish a great relationship with one of the most important technology companies in the world. He noted that San Antonio still has work to do as over 80% of data centers have not located in the urban core of the city.

Councilmember Bernal stated that there were challenges with the perception of what occurs at a data center and that San Antonio was poised to become a leader in Cloud Computing. He spoke of the importance of certificates and training within the industry and asked of the ancillary industries that are created to support data centers. Mr. Angelou replied that it varied from IT, Web Support, and Clean Technology, and that it could bring significant brand recognition for other data center projects.

Councilmember Ozuna asked if the city should be positioning itself to handle redundancies in the market. Mr. Angelou replied that a thorough analysis must be conducted to identify sites outside Westover Hills for data centers at the least cost. Councilmember Ozuna asked of the recommendation of Brooks City-Base. Mr. Angelou stated that they recommended Brooks City-Base due to tax benefits and the ability to accommodate utility infrastructure based on discussions with CPS Energy. Councilmember Ozuna stated that San Antonio was competing for emerging markets and spoke in support of the development of Brooks City-Base.

Councilmember Soules spoke of the Save for Tomorrow Energy Plan (STEP) to save 750 megawatts of energy and asked of national trends in usage of power for data centers. Mr. Angelou responded that data centers typically utilize four percent of electric capacity and San Antonio uses less than that. Tom Long of CPS Energy added that they did not believe that adding data centers would significantly impact the city's electric capacity. Councilmember Soules asked if future data centers warranted the building of a billion dollar gas-powered plant. He stated that he did not have a good understanding of the industry's impact to the city's energy consumption and would like to discuss in further detail.

Councilmember Williams asked of the amounts utilized for comparing electricity costs. Mr. Karras replied that they used the average per kilowatt hour rate and that Charlotte and Columbus were \$1.00 less per kilowatt hour than San Antonio. He noted that large customer rates are established on a case-by-case basis and did not have access to that information. Councilmember Williams stated that ratepayers cannot subsidize the data centers and did not believe that this is a good comparison. Mr. Angelou indicated that no utility would provide them with their negotiated rates. Councilmember Williams asked of connectivity. Mr. Angelou replied that data centers utilized multiple providers of telecom services and San Antonio fared very well on same.

Councilmember Lopez spoke of the importance of reliability and capacity in providing consistent and reliable power which he believes is more valuable than cash incentives. He asked of disadvantages to recruiting operation centers versus data centers. Mr. Angelou replied that he did not believe there was any disadvantage to recruiting one or the other. Councilmember Lopez asked if San Antonio had a gap in the workforce for the jobs needed for data centers. Mr. Dominguez replied that there was a gap and that staff was working with the Alamo Colleges to address same. He noted that some of these projects qualify for the State Skills Development Funds that help create curriculum specific to the industry.

Mayor Castro thanked everyone for the presentation.

## **2. STAFF BRIEFING RELATED TO THE DEVELOPMENT AND IMPLEMENTATION OF A DEPARTMENT STRATEGIC PLAN FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT.**

Dr. Thomas Schlenker presented the San Antonio Metropolitan Health District Strategic Priorities for 2012-2015. He stated that the department budget totaled \$34.5 million with \$11.4 million funded by the General Fund and the remainder being grant funded. He outlined the organizational chart, noting that there were three divisions: 1) Community Health; 2) Operations; and 3) Environmental Safety. He spoke of the sources utilized to create strategic priorities to include the Institute of Medicine, Centers for Disease Control, and SA 2020. He outlined the process in which criteria was utilized to select the priorities and indicated that they had solicited Manager, Expert, and Employee Input. He provided an

overview of the criteria for strategic priorities, noting that they had to address public health issues important to the community.

Dr. Schlenker reported that the first priority was Evidence-Based Teen Pregnancy Prevention with a goal to reduce the Bexar County Teen Birth Rate by 15% by 2015. He stated that first-year objectives include enlisting eight independent school districts and three charter schools to use evidence-based curricula. He provided statistics comparing Bexar County and US Teen Birth Rates noting that there had been a decline in local teen births over the past two years.

Dr. Schlenker stated that the second priority is to Build an Environment for Active Living with a goal to increase Bexar County physical activity by 10% by 2015. He mentioned that first-year objectives include increasing active transportation trips for work and recreation and implementing a Pedestrian Master Plan in targeted neighborhoods.

Dr. Schlenker indicated that the third priority is to promote Neighbors Engaged in Health with a goal of assessing, mapping, and creating action plans to engage 10 neighborhoods in healthy activities. He outlined first-year objectives in which partnerships will be established with other entities already involved in community, asset-based strategies.

Dr. Schlenker outlined the fourth priority to address Blood and Sexually Transmitted Diseases to include HIV, Syphilis, Hepatitis B and Hepatitis C. He stated that the goal is to reduce Congenital Syphilis (CS) by 50% and reverse trends in Syphilis incidence by 2015. He outlined first-year objectives that include engaging all birthing hospitals in historical CS case review and conducting an in-depth investigation of all CS Cases. He added that they would begin research-oriented outreach to special populations, especially teenagers.

Mayor Castro thanked Dr. Schlenker for the presentation and stated that he was pleased with the alignment of goals to SA 2020. He spoke of the success of Siclovia and noted that efforts to make citizens more fit have paid off. He added that he was pleased that teen births had been reduced and hoped to change the mindset of young people.

Councilmember Taylor stated that good health was the foundation for a strong economy and spoke of her efforts to address teen pregnancy. She noted that there were opportunities to address issues with multiple teen births through hospitals and agencies such as Women, Infants and Children (WIC). She mentioned her participation in the neighborhood garden concept and challenged the City Council to fund and support same in the future.

Councilmember Ozuna stated that she was pleased with the objectives. She spoke of the importance of public health and referenced cases of Tuberculosis. Dr. Schlenker stated that Tuberculosis was treated by giving four drugs at once over an extended period of time. He noted that treatment takes a long time and is very costly.

Councilmember Lopez asked of respiratory initiatives. Dr. Schlenker replied that they monitor and participate in efforts to maintain the best possible air standards and participate in Environmental Action Groups. He stated that primary care was provided by the University Health System.

Mayor Castro thanked Dr. Schlenker for the presentation.

## **EXECUTIVE SESSION**

Mayor Castro recessed the meeting at 4:30 pm to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO SEXUALLY ORIENTED BUSINESSES, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 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. 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).**

Mayor Castro reconvened the meeting at 5:30 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

## **CEREMONIALS**

Mayor Castro presented a Proclamation in recognition of Police Week that will be held from May 13-19, 2012, and Peace Officers Memorial Day on May 15, 2012. It was noted that the observance honors the men and women who protect us daily through the enforcement of laws. In conjunction with the recognition, the San Antonio Police Department (SAPD) will hold their annual Police Officers Memorial Ceremony on May 18, 2012 to pay tribute to the 51 members of the SAPD who lost their lives in the line of duty.

Mayor Castro presented a Proclamation to the San Antonio Conservation Society in recognition of Historic Preservation Month that will be observed during the month of May 2012. The theme for this year's celebration is "*Discover America's Hidden Gem.*" It was noted that historic preservation enhances neighborhoods and communities, and provides an opportunity for citizens to share pride in the diverse and unique heritage of the city.

## **CITIZENS TO BE HEARD**

Mayor Castro called upon the individuals registered to speak.

Bill Sinkin stated that he was pleased to have implemented Solar San Antonio in 1999 and spoke of their efforts to educate the community of the benefits of solar energy. He noted that they had developed marketing and financing programs to support the solar industry which has grown tremendously over the past three years. He mentioned that CPS Energy was looking to bring 400 megawatts of solar power to San Antonio and the project would make San Antonio a national leader in the solar industry. He expressed concern that CPS Energy has taken their eyes off the goal of building a sustainable solar industry and has violated promises made to the solar industry to get them to invest in San Antonio. He requested the support of the City Council to encourage CPS Energy to respond to the needs of the solar industry.

Mike Weinnig stated that he was a solar contractor who had relocated from Austin due to the Solar Program implemented by CPS Energy. He expressed concern that CPS Energy was not willing to have an open dialogue with them to plan through the changes that have been proposed to the Solar Program. He requested that they meet to discuss the solar plan, budget, and other details so that he could operate his business accordingly.

Dan Arellano stated that he was an Author and Historian and spoke of the 200<sup>th</sup> Anniversary of the Battle of Medina in 2013. He noted that they had been celebrating the Tejano Declaration of Independence for the last six years and requested that Historical Markers be installed to honor the 327 Tejanos that were beheaded at Military Plaza. He expressed concern that this part of history has been ignored in San Antonio and asked the city to work with the Battle of Medina Society.

Don Dickey stated that he had been serving San Antonio in the solar industry for 20 years. He expressed concern that the CPS Energy Solar Rebate has been abandoned and that hundreds of jobs are in jeopardy. He noted that community shared solar energy has been an overwhelming success story. He indicated that community shared solar energy does not have re-occurring costs and benefits customers. Jamin Wharton stated that they had lost \$100,000 in sales due to the extensive delays of CPS Energy. He noted that CPS Energy had defaulted on two major commitments to them and expressed concern that the rebate program is now obsolete. Mr. Dickey added that the CPS Energy Home Manager Program was not part of the STEP Program but would consume \$30 million in STEP Funds this year.

Kyle Heine with Dow Solar stated that they had selected Texas to offer the Dow Powerhouse Solar Shingle due to the San Antonio Rebate Program. He noted that San Antonio was targeted due to the successful solar market and commitment by the city. He indicated that they would work with local roofing contractors with a goal to increase green, clean-tech jobs in San Antonio with a business model that has staying power. He thanked the City Council for their support of solar energy.

Shelby Ruff representing Solar Community Company thanked the City Council for their support of the solar industry in San Antonio. He expressed concern that they had moved from Austin to create solar jobs and have put a lot of time and effort into the city. He noted that false promises were made to small, local businesses and that the Solar Rebate Program was not well-thought out. He stated that he had to fire individuals due to lack of funds and requested support from the city.

Lanny Sinkin stated that the rebate crisis arose because the San Antonio Solar Industry outgrew the confines of the STEP Program. He noted that solar is only a small part of the STEP Program and that CPS Energy was prepared to let the rebate run out. He indicated that \$6 million in rebates were paid last fiscal year but there were many more projects that would have qualified for \$14 million in rebates. He added that they appreciated the \$8.3 million set aside by CPS Energy for this fiscal year but it is much less than needed.

George Rapier representing Renewable Republic stated that they were a young company. He noted that he was approached to provide solar for 101 affordable homes that would save homeowners almost \$500 per year but could not do it without a rebate. He requested assistance from the City Council.

Craig Overmiller stated that he and his partner had opened a company called Texas Solar Power Company in 1993. He noted that they would be providing services in San Antonio regardless of the rebate but the rebate would make solar more affordable for citizens.

Tony Contreras of CAM Solar stated that they depend on solar business to survive and had moved here from Dallas. He noted that they had become one of the top service providers for CPS Energy and Solar San Antonio but were now at risk of losing their business. He expressed concern that a decision was made to shift from a distributed energy position to a central energy position by CPS Energy. He asked the City Council for their assistance.

Nazirite Ruben Flores Perez stated that CPS Energy had sent individuals to his home to measure the area to install solar panels but never returned. He spoke of the Book of Corinthians in the Bible, noting that it was up to each individual to take care of their family. He asked of the harmony between Christ and Belial.

Robert Ritterbach addressed the City Council and stated that he had written to the City Manager to commend various city employees but had not received a response. He noted that he felt that it was disrespectful that he not been responded to and expressed concern that the City Manager did not attend the Citizens to be Heard portion of the City Council Meetings. He mentioned the \$20,000 bonus received by the City Manager during a budget shortfall and asked where the funding was identified for the bonus. He stated that Doyle Beneby of CPS Energy should be fired for spending so much money on food and hotels.

Faris Hodge, Jr. submitted written testimony regarding injustices against fathers who owe child support. He expressed concern that Police Officers receive a 3% salary increase but City Employees do not receive same. He requested that VIA Metropolitan pay him to advertise since he has been riding buses for 32 years. He asked that the streetlights and sidewalks in the Downtown Area be cleaned and noted that there should be brush pick-up three times a year. He expressed concern with bike lanes throughout the city since the streets are very narrow and indicated that Diabetes has increased in the US. He wrote that water rates should not be increased and asked why CPS Energy Meetings did not have Citizens to be Heard. He asked that more Blacks be hired throughout the various city departments.

## **ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 6:50 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **May 3, 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, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** D. Medina.

**Item 1.** The Invocation was delivered by Reverend Jason T. Roberts, Vicar, Episcopal Church of the Holy Spirit, guest of Councilmember Cris Medina, District 7.

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

**Item 3. MINUTES**

Councilmember Chan moved to approve the Minutes for the March 28-29, 2012 City Council Meetings. Councilmember Lopez seconded the motion.

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

**CONSENT AGENDA ITEMS 4-25B**

Consent Agenda Items 7, 13, 14, and 22 were pulled for Individual Consideration.

Councilmember Saldaña moved to approve the remaining Consent Agenda Items. Councilmember C. Medina seconded the motion.

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

Nazirite Ruben Flores Perez spoke in support of the SAWS Reimbursement in Item 7. He stated that he was in favor of the property acquisition by SAWS in Item 13, noting the importance of keeping streets, drainages, and creeks clean. He expressed support for the park curfew at Woodlawn Lake (Item 18) but noted that the area needed to be better maintained.

Alejandro Soto, President of the Woodlawn Lake Community Association stated that he lives one block from Woodlawn Lake and is in support of the park curfew at Woodlawn Lake (Item 18). He expressed concern with the graffiti and vandalism that occurs in the park late at night and asked that the park be protected.

Jack M. Finger expressed concern with the historic building that was demolished to accommodate a Wal-Mart Store (Item 15) and noted his concern for the street closure. He stated that he was supportive of the curfew at Woodlawn Lake (Item 18) and commended Mr. Soto and the Woodlawn Lake Community Association for their support of same.

Faris Hodge, Jr. submitted written testimony in favor of Items 4-11, and 13-23. He wrote that the El Mercado Building entrance doors and restrooms were not ADA Compliant (Item 12). He also wrote that the Budget Work Session should be broadcast on Channel 21 (Item 24) and that the city should advertise Election Information in small newspapers (Items 25A and 25B). He expressed concern that backup information was not provided for the City Manager's Report.

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

**2012-05-03-0310**

Item 4. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH SIDDON'S FIRE APPARATUS, INC. TO PROVIDE THE SAN ANTONIO FIRE DEPARTMENT WITH 1 QUANTUM AERIAL PLATFORM FIRE TRUCK, FUNDED WITH THE CITY OF SAN ANTONIO'S EQUIPMENT RENEWAL AND REPLACEMENT FUND FOR A TOTAL COST OF \$995,367.00.

**2012-05-03-0311**

Item 5. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$687,249.50 PAYABLE TO BARTEK CONSTRUCTION COMPANY FOR THE RELOCATION OF A 30" SANITARY SEWER UTILITY LINE IN CONNECTION WITH THE PUBLIC SAFETY HEADQUARTERS PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

**2012-05-03-0312**

Item 6. AN ORDINANCE AWARDED A TASK ORDER CONSTRUCTION CONTRACT WITH AUSTIN CONSTRUCTORS, LLC, IN AN AMOUNT NOT TO EXCEED \$3,962,460.00, OF WHICH \$138,500.00 IS TO BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, FOR CONSTRUCTION OF STREET, DRAINAGE, TRAFFIC AND PEDESTRIAN ACCESS RELATED PROJECTS FOR THE 2012-2014 TASK ORDER CONTRACT FOR PUBLIC WORKS MAINTENANCE AND CONSTRUCTION PACKAGE E.

**2012-05-03-0314**

Item 8. AN ORDINANCE AUTHORIZING A FINAL CHANGE ORDER IN THE INCREASED AMOUNT OF \$204,610.53 TO THE \$2,473,167.55 CONSTRUCTION CONTRACT WITH RAY FARIS, INC. FOR THE STREET MAINTENANCE PROGRAM – RECLAMATION CONTRACT, TO RECONCILE ACTUAL COSTS INCURRED FOR PROJECTS LOCATED CITYWIDE, FUNDED BY AUTHORIZED PROJECT CONTINGENCY FUNDS.

Item 9. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO SALADO CREEK HIKE AND BIKE PHASE I PROJECT, A CERTIFICATES OF OBLIGATION AND GENERAL OBLIGATION AND AMERICAN REINVESTMENT AND RECOVERY ACT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2:

**2012-05-03-0315**

- A. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$267,700.00 PAYABLE TO J3 COMPANY, LLC, FOR A PEDESTRIAN BRIDGE FOR THE SALADO CREEK HIKE AND BIKE PHASE I PROJECT.

**2012-05-03-0316**

B. AN ORDINANCE ACCEPTING AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS IN THE AMOUNT OF \$234,905.00.

**2012-05-03-0317**

Item 10. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE LEASE WITH ALLIED AVIATION FUELING COMPANY OF SAN ANTONIO, L.P. TO ENLARGE THE LEASED PREMISES AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

**2012-05-03-0318**

Item 11. AN ORDINANCE AUTHORIZING THE EXECUTION OF A FIVE-YEAR LEASE AGREEMENT EXPIRING MAY 31, 2017 WITH ELLA AUSTIN COMMUNITY CENTER FOR 4.2 ACRES OF LAND AND IMPROVEMENTS LOCATED AT 1023 NORTH PINE STREET AT THE RATE OF \$1.00 ANNUALLY FOR THE ENTIRE TERM.

**2012-05-03-0319**

Item 12. AN ORDINANCE ADDING OWNERS TO LA BOUTIQUE INTERNATIONAL, LA BOUTIQUE I AND DON ROMAN, INC. IN EL MERCADO.

**2012-05-03-0322**

Item 15. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF 0.1127 ACRES OF WEST HUISACHE AVENUE PUBLIC RIGHT OF WAY, LOCATED WEST OF SAINT CLOUD STREET ADJACENT TO NCB 8349, IN COUNCIL DISTRICT 7, AS REQUESTED BY WAL-MART REAL ESTATE BUSINESS TRUST, FOR A FEE OF \$22,150.00.

**2012-05-03-0323**

Item 16. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF FUNDS, UPON AWARD, NOT TO EXCEED \$283,400.00 FOR THE 2012 JUSTICE ASSISTANCE GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR A CHILD WELFARE STRATEGIC ALLIANCE PROGRAM, A CITY/COUNTY PROJECT ADDRESSING CHILD SEXUAL ABUSE/ASSAULT, FOR THE PERIOD OF OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2016; AUTHORIZING AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY REGARDING THE DISTRIBUTION OF GRANT FUNDS AND DESIGNATING BEXAR COUNTY AS THE GRANT FISCAL AGENT; ESTABLISHING A PERSONNEL COMPLEMENT AND APPROPRIATING A BUDGET.

**2012-05-03-0324**

Item 17. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS UPON AWARD, NOT TO EXCEED \$1,600,000.00 FROM THE TEXAS AUTOMOBILE BURGLARY & THEFT PREVENTION AUTHORITY FOR THE GRANT PERIOD OF SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2013; AUTHORIZING AN

INTERLOCAL AGREEMENT WITH THE BEXAR COUNTY SHERIFF'S OFFICE TO FUND TWO (2) DEPUTIES; APPROVING A CASH MATCH OF \$597,874.00 AND AN IN-KIND MATCH OF \$2,123,494.00; AND ESTABLISHING A BUDGET AND PERSONNEL COMPLEMENT.

**2012-05-03-0325**

Item 18. AN ORDINANCE AMENDING CHAPTER 22 OF THE CITY CODE TO IMPLEMENT A PARK CURFEW AT WOODLAWN LAKE PARK, REMOVE THE WOODLAWN LAKE PARK SAILING CLUB BUILDING FROM LIST OF PARK LOCATIONS EXEMPTED FROM ALCOHOL RESTRICTIONS, AND DEFINE THE BOUNDARIES OF THE SAN ANTONIO RIVER WALK EXEMPT FROM PARK CURFEW.

Item 19. 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. APPOINTING BRENT R. ANDERSON (AT-LARGE, CATEGORY: COMMERCIAL BUILDING OWNER/MANAGER/REPRESENTATIVE, ALTERNATE) TO THE BUILDING-RELATED AND FIRE CODES APPEALS AND ADVISORY BOARD
- B. APPOINTING MICHELLE B. SAMANIEGO (DISTRICT 8) TO THE SAN ANTONIO YOUTH COMMISSION.
- C. APPOINTING JUAN A. GARCIA AND MINNIE M. HILL TO THE TAX INCREMENT REINVESTMENT ZONE NUMBER 11, KNOWN AS INNER CITY.
- D. REAPPOINTING JOSE B. RODRIGUEZ (DISTRICT 9) TO THE CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE.
- E. REAPPOINTING FREDERICK J. MCNEALY (DISTRICT 9) TO THE ZONING COMMISSION.
- F. APPOINTING ANTHONY ALCOSER (DISTRICT 3) TO THE SAN ANTONIO HOUSING TRUST.

**2012-05-03-0326**

- G. AN ORDINANCE REAPPOINTING HAROLD "RAY" KNOX (DISTRICT 9) TO THE PARKS AND RECREATION BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2013, AND WAIVING THE CITY CODE RESIDENCY REQUIREMENT IN CHAPTER 2, ARTICLE IX, SEC. 2-529(B) FOR THIS APPOINTMENT.

Item 20. REPORT BY CITY CLERK ON OUTSTANDING FINANCIAL DISCLOSURE REPORTS AND VACATED POSITIONS BY BOARD MEMBERS FOR 2012.

**2012-05-03-0327**

Item 21. AN ORDINANCE AMENDING THE RATES AND CHARGES POLICY FOR USE OF FACILITIES AND SERVICES AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

**2012-05-03-0329**

Item 23. AN ORDINANCE AUTHORIZING AN AMENDMENT AND SECOND ONE-YEAR EXTENSION OF THE PROFESSIONAL SERVICES AGREEMENT WITH GONZABA MEDICAL GROUP, FOR THE ADMINISTRATION AND MANAGEMENT OF THE CITY'S EMPLOYEE HEALTH AND WELLNESS CENTER FOR AN ESTIMATED ANNUAL AMOUNT OF \$240,000.00 FUNDED BY THE EMPLOYEE BENEFITS FUND.

**2012-05-03-0330**

Item 24. AN ORDINANCE SCHEDULING THREE SPECIAL CITY COUNCIL MEETINGS IN AUGUST 2012 FOR BUDGET WORK SESSIONS.

Item 25. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE MAY 12, 2012 BOND AND CHARTER AMENDMENT ELECTION:

**2012-05-03-0331**

A. AN ORDINANCE AMENDING EARLY VOTING AND ELECTION DAY POLLING SITES FOR THE MAY 12, 2012 BOND AND CHARTER AMENDMENT ELECTION.

**2012-05-03-0332**

B. AN ORDINANCE AMENDING THE COST OF THE ELECTION SERVICES CONTRACT WITH BEXAR COUNTY.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2012-05-03-0313**

Item 7. AN ORDINANCE AWARDED A TASK ORDER CONSTRUCTION CONTRACT, PACKAGE VI TO PRONTO SANDBLASTING & COATING, INC. IN AN AMOUNT NOT TO EXCEED \$3,016,350.00, OF WHICH \$11,750.00 IS TO BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, FOR THE AUTHORIZED FY 2012 STREET MAINTENANCE PROGRAM FOR REHABILITATION PROJECTS USING THE PAVEMENT RECLAMATION PROCESS, LOCATED IN COUNCIL DISTRICTS 1, 2, 3, 4, AND 5.

Councilmember Saldaña stated that some of the streets were located in District 4 and requested a timeline for completion.

Councilmember Saldaña moved to adopt the proposed Ordinance. Councilmember Bernal 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:

**2012-05-03-0320**

Item 13. AN ORDINANCE, ON BEHALF OF SAN ANTONIO WATER SYSTEM, AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION, OF SEVEN PERMANENT AND SEVEN TEMPORARY EASEMENT INTERESTS TO PRIVATELY-OWNED REAL PROPERTY LOCATED IN SOUTHWEST BEXAR COUNTY (WITHIN NCBS 11295, 14566 AND 15068) IN COUNCIL DISTRICT 4 FOR THE LEON CREEK WATER RECYCLE CENTER INTERCONNECTION TO THE SOUTHWEST BEXAR SEWER PIPELINE PROJECT; DECLARING IT TO BE A PUBLIC PROJECT AND A PUBLIC NECESSITY FOR THE ACQUISITION.

Councilmember Saldaña moved that the City of San Antonio authorize the use of the power of eminent domain to acquire property for the public use of permanent easements and temporary construction easements for the SAWS Western Watershed Sanitary Sewer Relief Line – Lower Segment Project by acquiring the following property described by the City Clerk and incorporated as part of this Motion. Councilmember Bernal seconded the motion.

City Clerk Vacek read the property description:

The properties are in Southwest Bexar County and being the following: For Permanent sanitary sewer easements, a 0.134 acre tract, a 0.343 acre tract, and a 0.411 acre tract, all out of NCB 15068; a 0.890 acre tract, a 0.292 acre tract, and a 0.154 acre tract, all out of NCB 14566; and a 0.124 acre tract out of NCB 11295; and For Temporary Construction Easements, a 0.316 acre tract, a 1.164 acre tract, and a 1.32 acre tract, all out of NCB 15068; a 0.413 acre tract, a 0.265 acre tract, and a 0.514 acre tract, all out of NCB 14566; and a 0.318 acre tract out of NCB 11295, all in Bexar County, Texas. These properties are more particularly described in Exhibits A1 through A15 attached to the Ordinance and incorporated as part of this 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:

**2012-05-03-0321**

Item 14. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION, ABANDONMENT AND SALE OF 0.648 ACRES OF UNIMPROVED PUBLIC RIGHT OF WAY, LOCATED EAST OF PALO ALTO COLLEGE ON WEST CHAVANEAU ROAD ADJACENT TO NCB 11136 IN COUNCIL DISTRICT 4, AS REQUESTED BY ALAMO COLLEGES, FOR A FEE OF \$35,050.00.

Councilmember Saldaña recused himself from Item 14 by exiting the Council Chambers and noting that he submitted the recusal forms to the City Clerk.

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

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

The City Clerk read the following Ordinance:

**2012-05-03-0328**

Item 22. AN ORDINANCE AUTHORIZING A NEGOTIATED AGREEMENT WITH CLARK CONSTRUCTION GROUP, LLC/THOS. S. BYRNE, A JOINT VENTURE, FOR \$500,000.00 PAYMENT TO THE CITY TO SETTLE ISSUES ASSOCIATED WITH THE CONSTRUCTION OF TERMINAL B AT SAN ANTONIO INTERNATIONAL AIRPORT.

Councilmember Saldaña asked how the \$500,000 funds could be spent by the city. Frank Miller, Aviation Director replied that the funds would be placed in the Capital Improvement Program. Councilmember Saldaña noted that he would like to request an eating establishment outside of the security gates that could be utilized by the Airport Ambassadors.

Councilmember Saldaña moved to adopt the proposed Ordinance. Councilmember Bernal 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.

**Item 26. CITY MANAGER'S REPORT**

**A. RESULTS OF THE AIRPORT BOND REFUNDING TRANSACTION**

Ms. Sculley reported that the comprehensive debt program for the Airport is managed and monitored as a separate debt program. She stated that based on financial market conditions, an opportunity to refinance some existing airport bonds for interest cost savings was identified. She noted that the ratings on the Airport Revenue Bonds were affirmed at "A+" by Fitch Ratings; "A1" by Moody's Investors Services, and "A+" by Standard and Poors. The ratings on the Passenger Facility Bonds were affirmed at "A" by Fitch, "A2" by Moody's, and "A-" by Standard and Poors. She indicated that during the pricing on Tuesday, May 1, 2012, the city had significant demand for the bonds generating \$492 million

in orders. She stated that the combined total gross savings for refinancing both the Revenue and Passenger Facility bonds was \$19.1 million and the total present value savings was \$15.1 million. She added that the refinancing transaction that produced significant interest cost savings was another example of the city's proactive debt management.

## **B. FIESTA RECYCLING RESULTS**

Ms. Sculley also reported that this year, the Fiesta Carnival added recycling containers to the grounds which allowed visitors another opportunity to recycle. The city also increased the amount of recycling containers that were available during NIOSA to 200. She stated that during Fiesta 2012, the amount of trash and recycling containers along the parade routes was increased from 10 to 44 locations and helped reduce the amount of garbage in the streets after the parades. She reported that as a result, the city experienced an increase in the recycling rate by three percent from last year. She added that while the recycling rate increase was not as strong as had hoped, the city would continue to work with the Fiesta Commission, Conservation Society, and other community groups to improve recycling efforts during Fiesta.

## **POINT OF PERSONAL PRIVILEGE**

Mayor Castro recognized Councilmember Chan who was celebrating her birthday today. The City Council joined in singing Happy Birthday to Councilmember Chan. Mayor Castro also recognized students from the McNair Middle School Student Council that were present and thanked them for attending the City Council Meeting.

## **RECESSED**

Mayor Castro recessed the meeting at 9:40 am to recess into Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO SEXUALLY ORIENTED BUSINESSES, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 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. 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).**

## **RECONVENED**

Mayor Castro reconvened the meeting at 2:00 pm and noted that no action had been taken in Executive Session. He addressed the Zoning Items.

## CONSENT ZONING ITEMS

Councilmember Saldaña moved to approve the following Zoning Items: Z-3, Z-7, and Z-9 under Consent Zoning. Councilmember Lopez seconded the motion. It was noted that Item Z-5 was postponed by the applicant and would not be considered.

Mayor Castro called upon the individuals registered to speak.

Jack M. Finger spoke in opposition to the sign variance requested in Item 27, noting that he did not believe that an additional 40 feet was necessary. He stated that he was opposed to the proposed Tattoo Parlor in Items P-1 and Z-1 and that city staff, Zoning and Planning Commissions, Jefferson and Monticello Park Neighborhood Associations, and the Woodlawn Lake Community Association were all opposed. He added that he was against Item Z-5 and that various individuals had indicated that they did not want alcohol served at the location.

Faris Hodge, Jr. submitted written testimony in favor of Items 27 through Z-10.

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

### **2012-05-03-0334**

Item Z-3. **ZONING CASE # Z2012069 CD (District 1):** An Ordinance amending the Zoning District Boundary from "R-4 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 Two-Family Dwelling on a 0.3233 acre tract of land being all of Lot 9 and a triangular portion of Lot 10, Block 3, NCB 761 located at 308 Warren 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: A 0.3233 ACRE TRACT OF LAND OUT OF LOTS 9 AND 10, BLOCK 3, NCB 761 TO WIT: FROM "R-4 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 TWO-FAMILY DWELLING PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

### **POSTPONED BY APPLICANT**

Item Z-5. **ZONING CASE # Z2012080 (District 1):** An Ordinance amending the Zoning District Boundary from "I-1 HS AHOD" General Industrial Historic Significant Airport Hazard Overlay District to "C-2 HS AHOD" Commercial Historic Significant Airport Hazard Overlay District on 0.7105 acres out of Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 and a portion of Lots 20 and 21, Block F, NCB 2564 located at 1735 South Alamo Street. Staff and Zoning Commission recommend approval.

**2012-05-03-0337**

Item Z-7. **ZONING CASE # Z2012030 (District 5):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on 2 acres out of the south 287 feet of Block 2, NCB 8243 located on a portion of the 5700 Block of West Commerce 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: 2.00 ACRES OUT OF THE SOUTH 287 FEET OF BLOCK 2, NCB 8243 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2012-05-03-0338**

Item Z-9. **ZONING CASE # Z2012079 CD (District 7):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Auto Sales on Lot 3, Block 1, NCB 15053 save and except approximately 350 square feet known as Parcel 4 located at 5790 Northwest Loop 410. 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 3, BLOCK 1, NCB 15053 SAVE AND EXCEPT APPROXIMATELY 350 SQUARE FEET KNOWN AS PARCEL 4. TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AUTO SALES PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**[CONSENT ZONING CONCLUDED]**

**INDIVIDUAL ZONING ITEMS**

The City Clerk read the caption for Item 27:

Item 27. CONSIDERATION OF AN APPEAL OF THE BOARD OF ADJUSTMENT'S DECISION TO APPROVE A 10-FOOT VARIANCE FROM THE 40-FOOT MAXIMUM SIGN HEIGHT STANDARD FOR SINGLE-TENANT SIGNS WHEN LOCATED ON AN ARTERIAL TYPE A, IN ORDER TO ALLOW A SIGN HEIGHT NOT TO EXCEED EIGHTY (80) FEET ON THE PROPERTY LOCATED AT 1855 NORTH FOSTER ROAD IN COUNCIL DISTRICT 2.

John Jacks stated that said item was an appeal of a Board of Adjustment decision in which the applicant is requesting approval of an 80-foot sign. He presented a site map and proposed sign provided by the applicant. He reported that the additional height was needed due to trees and overhead power lines on

the west side of the right-of-way. He mentioned that the applicant is requesting an allowance of a minimum of a 60-foot sign. He explained that an 80-foot sign height was not allowed within the city limits and a 60-foot sign height was not allowed on an Arterial Type A Street. He outlined the case findings, noting that granting the variance would not provide a special privilege not enjoyed by others. Additionally, it will not have a substantially adverse impact upon neighboring properties. However; he stated that the request did not comply with Section 28-246(b)(6) and staff recommends denial of the request and upholding the action of the Board of Adjustment.

Mayor Castro called upon Mr. Keith Tully to speak on Item 27.

Mr. Keith Tully stated that the location in question was 13 years old and that a nearby business had since installed a higher sign and trees that blocked their sign. He indicated that due to the sign obstruction, business had decreased over the years. He noted that they had surveyed the location and a 50-foot sign would not be visible from southbound IH-10. He added that the sign would also serve as a wind turbine and would be the first sign of its kind.

Councilmember Taylor asked if the Board of Adjustment had discussed the wind turbine aspect of the sign. Mr. Jacks replied that they had discussed same but were focused on the sign height limitations.

Councilmember Taylor moved to approve the Board of Adjustment's recommendation for a 10-foot variance. Councilmember Williams seconded the motion.

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

Mayor Castro addressed Items P-1 and Z-1 jointly:

**DENIED**

Item P-1. **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. (CONTINUED FROM APRIL 19, 2012)(ASSOCIATED ZONING CASE: #Z2012061)

**DENIED**

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. (Continued from April 19, 2012)

John Jacks presented Items P-1 and Z-1 and reported that Item P-1 would amend the land use plan contained in the Near Northwest Community Plan. For Item Z-1, he stated that of 33 notices mailed; three were returned in favor and none were returned in opposition. He noted that the staff and the Planning and Zoning Commissions recommended denial of Items P-1 and Z-1. He added that the Keystone, Jefferson, and Monticello Park Neighborhood Associations and the Woodlawn Lake Community Association were opposed.

Mayor Castro called upon the citizens registered to speak.

Robert Sipes, President of the Monticello Park Neighborhood Association requested denial of the plan amendment and zoning case. He stated that they had many conversations with the tenant's representatives and were unable to reach a resolution. He expressed concern with changing the zoning in the future if the tenant vacates the property and with enforcement of deed restrictions and hours of operation. He asked the City Council to maintain the current Neighborhood Plan and Zoning.

Bianca Maldonado stated that she was speaking on behalf of the Jefferson/Woodlawn Lake Community Development Corporation in opposition to the plan amendment and zoning change. She read a letter into the record from President Paul Stahl. Mr. Stahl wrote that they had been involved in the strategic planning for the Deco District and Near Northwest Community Plan. He asked the City Council to uphold the voices of the neighbors. Ms. Maldonado added that she had received a letter in opposition to the plan amendment and zoning change from John Davis, President of the Keystone Neighborhood Association. She indicated that the Beacon Hill Neighborhood Association and Monte Vista Historical Association were also in opposition.

Elia Reyna read a letter from Ted Guerra, President of the Jefferson Neighborhood Association in opposition to the plan amendment and zoning change. He wrote that they had actively participated in the creation of the Near Northwest Community Plan and did not want to erode the plan for the Fredericksburg Road Corridor.

Nazirite Ruben Flores Perez expressed concern with the proposed Tattoo Parlor and referenced the Book of Leviticus in The Bible which states that people should not place tattoo markings on their bodies.

Councilmember Bernal stated that he appreciated the time and effort on the plan amendment and zoning case. He noted that the landowner had represented to the tenant that he had the proper zoning for the business. He indicated that he does not believe that Tattoo Parlors are a blight to the community but would uphold the desires of the neighborhood.

Councilmember Bernal moved to deny Items P-1 and Z-1. Councilmember C. Medina seconded the motion.

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

**2012-05-03-0333**

Item Z-2. **ZONING CASE # Z2012033 HL (District 1):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "HL R-5

AHOD" Historic Landmark Residential Single-Family Airport Hazard Overlay District on Lot 1, Block 33, NCB 8569 located at 3510 North Main Avenue. Staff and Zoning Commission recommend approval. (Continued from February 2, 2012)

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 1, BLOCK 33, NCB 8569 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "HL R-5 AHOD" HISTORIC LANDMARK RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

John Jacks presented Item Z-2 and stated that staff and the Zoning Commission recommended approval. He reported that of 40 notices mailed; one was returned in opposition and none were received in favor.

Councilmember Bernal moved to approve Historic Landmark Designation of 3510 North Main Avenue and waive all zoning application fees. Councilmember C. Medina seconded the motion.

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

**2012-05-03-0335**

Item Z-4. **ZONING CASE # Z2012078 CD (District 1):** An Ordinance amending the Zoning District Boundary from "R-4 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 on Lot 3 and the west 10 feet of Lot 2, Block 22, NCB 10487 located at 411 Beryl Drive. 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: LOT 3 AND THE WEST 10 FEET OF LOT 2, BLOCK 22, NCB 10487 TO WIT: FROM "R-4 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 ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-4 and stated that staff and the Zoning Commission recommended approval. He reported that of 34 notices mailed; two were returned in favor and none were received in opposition. He added that the Dellview Neighborhood Association was in favor.

Mayor Castro called upon the individuals registered to speak.

Maggie Jimenez stated that she owns a boutique off Vance Jackson Road and has lived in the neighborhood for many years. She noted that she was not opposed to the parking lot but expressed concern with the alley that would be used as an entrance and exit. She spoke of the many issues with

drainage and asked that the request be denied. She indicated that she had received several surveys from individuals in the Dellview Neighborhood that were in opposition.

Patrick Tijerina stated that he was the owner of 2603 Vance Jackson and clarified that the alley would be accessed by heavy-use vehicles such as garbage trucks. He indicated that he would abide by all of the building codes and requirements when applying for permits.

Councilmember Bernal asked of the conditions. Mr. Jacks replied that staff and the Zoning Commission recommended the following conditions: 1) A Type A (minimum width 10 feet) landscape buffer shall be provided along the west property line; 2) A 6-foot tall solid privacy fence shall be installed and maintained along the west property line; 3) All on-site lighting shall be directed onto the site and point away from any residential uses; 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 (not to exceed three square feet in area); and 5) Allowable hours of operation shall be 12:00 pm to 2:00 am. He added that the site plan would be attached to the Ordinance and development must adhere to the site plan. Councilmember Bernal asked if flooding issues would be addressed. Mr. Jacks responded that a drainage review would be conducted as part of the building permit application process. He stated that if there was an adverse impact on the adjoining property owner; they would have to pursue the issue through civil matters. If there was adverse impact to the city's drainage infrastructure, then the city would be responsible for the improvements. He added that the site plan did not allow access through the alley.

Councilmember Bernal moved to adopt the proposed Ordinance with the conditions as read by Mr. Jacks. Councilmember Taylor seconded the motion.

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

#### **2012-05-03-0336**

Item Z-6. **ZONING CASE # Z2012097 (District 2):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District and "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on a 50.99 acre tract of land out of NCB 12173 and NCB 12174 located at 4050 Eisenhower Road. Staff recommends approval. Zoning Commission recommendation pending the May 1, 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: A 50.99 ACRE TRACT OF LAND OUT OF NCB 12173, NCB 12174 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "O-2 AHOD" HIGH RISE OFFICE AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

John Jacks presented Item Z-6 and stated that the applicant had amended their request to C-2 NA. He reported that staff and the Zoning Commission recommended approval of C-2 NA. He noted that of 92 notices mailed; two were returned in favor and none were received in opposition.

Councilmember Taylor moved to adopt the proposed Ordinance with a C-2 NA Zoning Designation. Councilmember C. Medina seconded the motion.

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

### **POSTPONED**

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 April 19, 2012)

John Jacks presented Item Z-8 and stated that staff and the Zoning Commission recommended approval. He reported that of 11 notices mailed; four were returned in favor and none were received in opposition. He added that the applicant had requested postponement after the cut-off date and would require a vote by the City Council.

Councilmember Lopez moved to postpone Item Z-8. Councilmember Saldaña seconded the motion.

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

### **2012-05-03-0339**

Item Z-10. **ZONING CASE # Z2012087 CD (District 8):** An Ordinance amending the Zoning District Boundary from "C-2 GC-1 MLOD" Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District, "C-2 S GC-1 MLOD" Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District with Specific Use Authorization for a Bar/Tavern and "C-3 GC-1 MLOD" General Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District to "C-2 CD GC-1 MLOD" Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District with a Conditional Use for a Nightclub without cover charge 3 or more nights per week on 0.213 of an acre out of Lot 6, Block 1, NCB 16391 located at 23535 IH 10 West, #1101. Staff recommends approval. Zoning Commission recommendation pending the May 1, 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: 0.213 OF AN ACRE OUT OF NCB 16391 TO WIT: FROM "C-2 GC-1 MLOD" COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY MILITARY LIGHTING OVERLAY DISTRICT,

"C-2 S GC-1 MLOD" COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY MILITARY LIGHTING OVERLAY DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR A BAR/TAVERN AND "C-3 GC-1 MLOD" GENERAL COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY MILITARY LIGHTING OVERLAY DISTRICT TO "C-2 CD GC-1 MLOD" COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY MILITARY LIGHTING OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A NIGHTCLUB WITHOUT COVER CHARGE 3 OR MORE DAYS PER WEEK PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-10 and stated that staff recommended approval and the Zoning Commission recommended approval with the condition that live outdoor music be prohibited from 10:00 pm to 10:00 am. He reported that of two notices mailed; one was returned in favor from the property owner. He added that no response was received from the Cielo Vista Neighborhood Association.

Councilmember Williams moved to adopt the proposed Ordinance with the condition that no outdoor music shall be permitted between 10:00 pm and 11:00 am. Councilmember Chan seconded the motion.

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

**ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 2:47 pm.

**APPROVED**



**JULIÁN CASTRO  
MAYOR**

Attest:



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