

**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, JUNE 20, 2012, AND THURSDAY, JUNE 21, 2012, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **June 20, 2012**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Taylor, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** Ozuna. Mrs. Vacek announced that Councilmember Ozuna was out of town.

**1. BRIEFING ON THE BRAINPOWER INITIATIVE TASK FORCE'S RECOMMENDATION FOR COUNCIL CONSIDERATION IN AUGUST 2012 OF A BALLOT MEASURE FOR THE USE OF 1/8-CENT SALES TAX ON NOVEMBER 6, 2012 TO FUND EARLY CHILDHOOD EDUCATION PROGRAMS ACROSS SAN ANTONIO.**

Mayor Castro opened the presentation and spoke of the investment in improving the educational outcomes of young people in the city. A video was shown of a Living Mayors Event sponsored by the Greater Chamber of Commerce. Mayor Castro thanked the members of the Brainpower Task Force for their service and introduced Maj. Gen. (Ret.) Joe Robles, Chair of the Brainpower Initiative and CEO of USAA.

General Robles spoke of the importance of education and the challenges to finding skilled and educated workers to fill positions. He reported that in May 2011, Mayor Julián Castro assembled a task force of concerned business and education leaders to determine if a targeted, financial investment could move the needle to improve San Antonio's educational trajectory. He noted that the Task Force visited high-quality, Pre-Kindergarten Programs in the cities of Houston, Perth Amboy, and Seattle. He stated that after more than a year of studying best practices and evidence-based outcomes, there was clear data to support early childhood education initiatives. He indicated that children are more likely to read by the third grade and succeed in school when they enter Kindergarten ready to learn. He spoke of the need for a results-based framework in which an investment is made in results. He mentioned the importance of specific milestones for measuring progress and the return on investment which can be as high as \$7 for every \$1 invested. He introduced Gillian Williams of The Rensselaerville Institute.

Ms. Williams stated that there are 20,000 four-year-olds in San Antonio and that between 14,000-18,000 are eligible for State or Federally funded Pre-K based on income, military, or foster care status. She noted that of those eligible; 4,000 are not currently serviced in a full-day public Pre-K or Head Start Program. She spoke of the key investment strategies of the Brainpower Initiative in which two model early learning centers would be established to act as learning labs for all Pre-K Teachers and serve 700 students. She indicated that in the third year, additional exemplary centers would be developed to serve 800 more children. She noted that the goal would be to raise student achievement in exiting Pre-K Classes through professional development and support using model centers as learning labs. She added that they hoped to create additional high-quality, full-day spaces throughout the city for 3,800 children of which 500 would be served through a sliding scale fee.

Ms. Williams reported that providers with a proven track record would compete for funding to include \$10-11 million in State Early Education Funding that is currently available. She stated that in order to receive additional funding in future years, providers must demonstrate a record of success. She noted that over five years, the Brainpower Initiative will provide high quality Pre-K to 19,275 four-year-olds. She outlined four factors that predict success: 1) Intense academic focus on Reading and Math; 2) High quality Pre-K Teachers and Leaders; 3) Assessments and Data Use; and 4) Parental/Family Engagement.

Assistant City Manager Peter Zanoni presented the source and use of funds, as well as a facility analysis. He stated that sales tax is regulated by the State and there is a maximum levy cap of 8.25%. He noted that San Antonio currently has 1/8-cent capacity before reaching the State-imposed cap. He outlined the sales tax distribution in which the State receives 6.25% and the remainder is divided amongst the City, VIA Metro, VIA Advanced Transportation District, Aquifer&Creekways, and the potential Brainpower Initiative. He indicated that the proposed sales tax rate would be 8.25% and the cost to the median household for the 1/8-cent increase totaled \$7.81 per year. A projected 1/8-cent sales tax collection over five years was reported totaling \$146.5 million in addition to \$10-11 million in State Funding.

Mr. Zanoni reported that city staff and outside real-estate professionals were evaluating lease and purchase options and that a point scale has been developed to evaluate sites objectively. He noted that construction budgets have been determined based on national building costs adjusted to the San Antonio Market. He provided the site selection criteria that includes cost to acquire the site, easy access to major highways, and proximity to a bus line. He indicated that the City Council would establish a Municipal Corporation and that sales tax revenue collection would begin on April 1, 2013.

General Robles concluded the presentation by stating that the outcome of the Brainpower Initiative is to dramatically and sustainably raise achievement for local students as measured by the Third Grade State Tests in Reading and Math.

Mayor Castro thanked General Robles for his work and recognized Councilmember Lopez as Chair of the Educational Excellence Council Committee.

Councilmember Lopez stated that he was impressed with the quality and commitment of the members of the Task Force. He spoke of the children born this year that will be attending third grade in Year 2020 and stressed the importance of inner city revitalization that cannot occur until the quality of education is improved. He noted that the Brainpower Initiative was inclusive and would be a great investment that would change the community in the long-term.

Councilmember Saldaña commended the Task Force for their work and spoke of his support for the Brainpower Initiative. He stated that this was a tremendous opportunity and investment for the City of San Antonio.

Councilmember Bernal expressed his support for the Brainpower Initiative and spoke of the current funding of public schools that is based on property taxes. He noted that it has nothing to do with a student's ability or potential and that the Brainpower Initiative has a sincere element of justice. He referenced the 2012 High School Graduating Class Size on Slide 13 and mentioned the need to ensure that the numbers become equivalent to the number of freshmen. He added that he believes that the appropriate questions have been asked and answered and would like to move forward on the Brainpower Initiative.

Councilmember D. Medina commended everyone involved in the Brainpower Initiative and noted the great impact it would have on the city. He spoke of his personal experience in his home through his mother's Day Care Program which helped him become a successful adult. He mentioned the importance of helping youth and added that the Brainpower Initiative will help build the future leaders of the city.

Councilmember Soules thanked everyone that served on the Brainpower Task Force. He asked of the number of children that are not served by a half-day Pre-K Program. Ms. Williams replied that she did not have that information but that half-day Pre-K Programs were predominantly offered on the north side where space was a concern. She added that data shows that there is a great difference between children who attend full-day and half-day Pre-K Programs. Councilmember Soules stated that Northside and Northeast Independent School Districts (ISD) were the only two school districts in San Antonio that did not provide full-day Pre-K Programs and that they accounted for 3,500 children. Ms. Williams replied that not all of those 3,500 were included in the 4,000 that are not currently served in a full-day public Pre-K or Head Start Program and would follow up on the data requested. Councilmember Soules asked of the children not being served. Ms. Williams replied that there were children that were not served due to lack of available slots and noted that there were parents that were not aware of the services provided. She stressed the importance of full-day, quality Pre-K Programs.

Councilmember Soules asked of the \$11 million in State Early Education Funding that is currently left on the table. Ms. Williams replied that it was State ADA Funding for children of active military, foster care, special needs, income, and due to language need. Councilmember Soules asked of the funds that were not being utilized. Ms. Williams replied that there were families that were not aware of the services and therefore; did not request a placement. Mayor Castro spoke of the challenges with half-day Pre-K Programs and the immense value of full-day Pre-K Programs. Councilmember Soules asked of the slots for the two learning centers that would be created. Mr. Zanoni replied that it was still being worked on but planned on it being a city-wide lottery system. He noted that they would partner with the school districts and city employees. Councilmember Soules asked if transportation would be provided. Mr. Zanoni replied that there would be limited transportation and they were still finalizing the details.

Councilmember Soules asked of the curriculum at each of the two Learning Centers. Ms. Williams replied that each center would have a distinct curriculum and would be based on best practices from throughout the country. Councilmember Soules spoke of the total cost of \$9,200 per student at the two learning centers which is significantly higher than other programs. Ms. Williams stated that they would be world class centers and serve as models for others to learn from. Councilmember Soules noted that they did not include capital funds for the centers. Mr. Zanoni replied that the proposal provides for the City Council to utilize General Fund Resources to fund construction. Councilmember Soules asked of the \$5 million allocated for educator recruitment and training. Ms. Williams replied that it was still under development but included training for Pre-K Teachers and Leaders, as well as Kindergarten Teachers and Leaders. She added that it would be hands-on training similar to a mentoring program. Councilmember Soules asked of the dropout rate in San Antonio. Mr. Zanoni replied that they would provide that information to the City Council.

Councilmember Chan commended General Robles and the Task Force Members for their work. She spoke of the importance of education and noted that it was a big challenge for the City of San Antonio. She stated that investment in the Brainpower Initiative should be clear since the entire city would be funding the initiative. She requested information regarding the benefits of full-day versus half-day Pre-K Programs. She asked of the assessment that would be utilized and the current passing rate for third grade students. Ms. Williams stated that the city would not be creating a new assessment and that a new

State Test called the STAAR Assessment was piloted this Spring. She noted that the results were not official yet but would be used as a baseline for future goals. Dr. Ana “Cha” Guzman spoke of the students that attend Palo Alto College and noted that 75% of students are not prepared to attend college. She stated that research shows that Early Childhood Development has the best return on investment.

Councilmember Chan referenced Page 19 of the report and the benchmark regarding Kindergarten Readiness. Ms. Williams replied that there currently was not a city-wide assessment tool for Pre-K and that one would be purchased. Councilmember Chan asked of the funding for additional family services. Mr. Zanoni replied that funding for the services at the two centers would be provided through the sales tax, matching State Funds, and General Funds. Councilmember Chan asked how success of the initiative would be determined. Ms. Williams replied that the goal was to have more children ready for Kindergarten and achieve a Third Grade Reading Level. Councilmember Chan asked of the development of the budget. Mr. Zanoni replied that the Task Force had developed the budget and that there was a greater need for services than what would be provided. He stated that the 1/8-cent sales tax would only be approved for five years. Councilmember Chan asked how parents would be engaged in the program. Ms. Williams replied that there were milestones that were required by the providers and would not receive their funding if they did not meet them. Mr. Jay Clingman, Task Force Member explained that it was difficult to enforce parent involvement but had learned that there were champion parents within a school who would help engage other parents.

Councilmember Williams stated that he was not opposed to education but there was still a lot of work to be done on the Brainpower Initiative. He noted that they had not defined the population that would be served and where they were located. He spoke of the issues that still need to be resolved including the managing of contracts and employees. He requested a monthly cash flow analysis from city staff noting that funds would be spent on the Brainpower Initiative prior to the sales tax election in November.

Councilmember Taylor thanked everyone for their work and stated that she looked forward to continued discussion on the Brainpower Initiative. She spoke of the need to close the gap in relation to the many questions that are still out there. She noted that the city paid one way or the other such as the criminal justice system and mentioned her concerns with the students that attend the Alamo Colleges without the necessary skills or knowledge. She highlighted the parental engagement and family support components that were critical to success. She asked if additional slots would be open to private providers. Ms. Williams replied that they would be open to private providers but they would have to offer a high-quality, full-day, Pre-K Program and could not leverage State Funding. Councilmember Taylor stated that it was important to ensure that the program had public support and added that this was a great opportunity to make a significant impact within education.

Mayor Castro thanked everyone for their work on the Brainpower Initiative and noted the great impact that could be made in the community. He spoke of the importance of having a good governing board and asked that the City Council put San Antonio first when making a decision regarding the Brainpower Initiative.

## **EXECUTIVE SESSION**

Mayor Castro recessed the meeting at 4:55 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. DELIBERATE REGARDING A PROSPECTIVE GRANT AGREEMENT AND DISCUSS LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.073 (GIFT OR DONATION CONTRACT) AND 551.071 (CONSULTATION WITH ATTORNEY).**
- D. DISCUSS LEGAL ISSUES RELATED TO SEXUALLY ORIENTED BUSINESSES, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- E. DISCUSS LEGAL ISSUES RELATED TO SANITARY SEWER OVERFLOWS PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

### **CITIZENS TO BE HEARD**

Councilmember Bernal reconvened the meeting at 6:00 pm and called upon the individuals registered to speak. He announced that the City Council had been briefed in Executive Session but did not take any action.

Nazirite Ruben Flores Perez referenced an article in the newspaper regarding the discontinuation of food stamps and expressed concern for those that would lose their benefits. He stated that Iran was the fourth world power that had overthrown Babylon and that something would be happening soon.

Columba Wilson spoke in support of allocating a portion of the funding from the Brainpower Initiative for students with special needs. She noted that she was the grandparent of a special needs child. She expressed concern that only three Councilmembers were present at Citizens to be Heard.

Mark Perez expressed concern with the lack of response received from the San Antonio Fire Department regarding the fire at Mission Petroleum. He asked why the City Manager was not present during Citizens to be Heard. He noted that DPT Laboratories was operating without the proper permits and asked why city staff was not following up on his concerns.

Otis Thompson stated that he was the founder of the Freedom Foundation whose goal was to establish Martin Luther King Park as a cultural and tourist destination. He spoke of the great amount of tourism in San Antonio and noted that there were no tourist destinations on the East Side. He indicated that they wanted tourist amenities and economic development on the East Side.

Nettie Hinton expressed concern with the sale of land adjacent to the Hays Street Bridge. She noted that the request to declare the land as surplus had failed at the Planning Commission Meeting and asked why the city would allow the bridge and licensing to again be addressed by the Planning Commission. She asked of the legality of selling alcoholic beverages on a historic bridge and spoke of issues with drunk driving. She reported that the Hays Street Bridge Restoration Group had raised \$200,000 and did not support the brewery that was proposed for development as the Hays Street Bridge was historic.

Sean Encino, Robert Garcia and Jessica Guerrero representing the Fuerza Unida Youth Program addressed the City Council. Mr. Encino stated that their organization worked to educate youth on important political issues and become empowered. Mr. Garcia stated that he had been a part of the program for over a year and it had changed the life of many youth. He thanked Councilmember Saldaña for his support. Ms. Guerrero stated that there were 14 youth enrolled in the program and that they were downtown today to see how the city works.

Esmeralda Perez stated that she lives in the Stablewood Subdivision and she and her children are suffering from health issues. She noted that it was difficult for her to attend the meeting due to her illnesses but felt strongly that the builder should be held accountable for not disclosing the fact that their homes were built over a sewer plant.

Lesley Lancon stated that she also lives in the Stablewood Subdivision and spoke of the medical issues that she and her family suffer from. She noted that there are cracks and nails protruding through the walls. She mentioned the terrible smell in the neighborhood and requested the assistance of the City Council.

Genevieve Perez stated that she is a teacher who lives in the Stablewood Subdivision. She spoke of the foul smell in her neighborhood and noted that she cannot even mow her yard. She stated that she would like to have clean soil and air and asked the City Council for their assistance.

Gizelle Luevano stated that she lives in the Stablewood Subdivision and invited everyone to visit their neighborhood to experience the foul smell and see the cracks in their foundation. She noted that they were living in filth and toxic waste and requested that DR Horton buy the homes back from the homeowners.

Ken Brown stated that he was speaking on behalf of DR Horton and read a letter on behalf of James Kyle, Division President. He noted that DR Horton had purchased the lots in the subdivision in 2002 from a developer 10 years after the closing of a Waste Water Treatment Plant. He mentioned that in the summer of 2011, DR Horton had responded to questions from concerned homeowners and that the Texas Commission on Environmental Quality (TCEQ) and the Environmental Protection Agency (EPA) initiated investigations. He stated that both the TCEQ and the EPA had closed their files on the matter with no recommendations or suggestions for changes or remediation. He added that the satisfaction of the homeowners was a top priority and encouraged homeowners to contact them if they have concerns with their home.

Arthur Rakowitz stated that he was speaking on behalf of the Independent People Party, an organized political party. He noted that they were concerned with young adult males wearing their pants below their buttocks and that several cities had implemented actions to outlaw this behavior in the general public. He indicated that San Antonio is a family-oriented city of moral values and many citizens detest this type of apparel. He requested that the City Council evaluate and implement an ordinance such as Lewd Act to prohibit sagging pants and other inappropriate apparel.

Janet Ahmad stated that she was pleased that DR Horton had sent a representative to speak on their behalf. She noted that there had been many housing issues in the past and that there needs to be more consideration regarding who is allowed to build homes and how they will be built. She requested that a committee of consumers and city employees be convened to streamline solutions to building concerns.

Tricia Mattison stated that she was speaking on behalf of the Stablewood Homeowners and expressed concern that they were getting sick due to their poorly built homes. She noted that several years ago she had addressed the City Council regarding construction defects in her home and asked that DR Horton buy the homes back from the homeowners.

Kenneth Russell stated that he lived in the Fairhaven Subdivision in Schertz but was present to support the Stablewood Homeowners. He read a San Antonio Express News article entitled "US Attorney asks FBI to evaluate builder certifications." He spoke of the issues related to the Stablewood and Fairhaven Subdivisions and showed photos of cracks in his home's foundation.

Sherry Clark stated that she also lives in the Fairhaven Subdivision in Schertz and that her home has foundation issues. She noted that she was speaking on behalf of the Stablewood Homeowners and asked the City Council to assist them.

Theresa Berlanga stated that she was going to speak on construction based on the concerns of the Stablewood Homeowners. She noted that homeowners were required to disclose issues with their home prior to selling them or they could be subject to a lawsuit. She mentioned that the work to her home was almost complete and praised the contractors for their great work.

Faris Hodge, Jr. submitted written testimony noting that child support is getting out of hand and that people should have other options for payment of same. He requested that a regional water district be created and that a more effective complaint process be implemented at the Police Department. He asked why many of the Councilmembers and Executive Leadership Team Members have not hired Black Individuals and why more Black Individuals had not been hired in the Fire and Police Departments. He commended the Office of the City Clerk for hosting Passport Day on June 9, 2012. He asked the City Council to ban the practice of Police Officers asking individuals to consent to a search when there is lack of probable cause. He requested that the Mayor, City Council and City Manager set an example for city employees and take a drug test. He wrote that residents oppose a CPS Energy Rate Increase.

## **ADJOURNMENT**

There being no further discussion, Councilmember Bernal adjourned the meeting at 6:55 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **June 21, 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, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** Ozuna. Mrs. Vacek announced that Councilmember Ozuna was out of town.

**Item 1.** The Invocation was delivered by Minister Mary Hymon, Associate Minister, Greater Corinth Baptist Church, guest of Councilmember Ivy R. Taylor, District 2.

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

### **Item 3. MINUTES**

Councilmember Saldaña moved to approve the Minutes for the May 16-17, 2012 City Council Meetings. Councilmember D. Medina seconded the motion.

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

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the caption for Item 4:

#### **2012-06-21-0456**

ITEM 4. A PUBLIC HEARING AND ORDINANCE ADOPTING THE 38TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) IN THE TOTAL AMOUNT OF \$12,641,892.00; THE 21ST YEAR HOME INVESTMENT PARTNERSHIPS PROGRAM ENTITLEMENT GRANT (HOME) IN THE TOTAL AMOUNT OF \$4,522,708.00; THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS ENTITLEMENT GRANT (HOPWA) IN THE TOTAL AMOUNT OF \$1,187,881.00; AND THE EMERGENCY SOLUTIONS GRANT (ESG) IN THE TOTAL AMOUNT OF \$1,145,362.00 AS EACH GRANT IS CONTAINED IN THE FY 2012-2013 CONSOLIDATED ANNUAL ACTION PLAN/BUDGET AND AUTHORIZING THE SUBMISSION OF THE GRANTS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

Peter Zanoni presented the recommendations for four Housing and Urban Development (HUD) Grant Programs: 1) Community Development Block Grant (CDBG); 2) Home Investment Partnerships Program (HOME); 3) Emergency Solutions Grant (ESG); and 4) Housing Opportunities for Persons with AIDS (HOPWA). He reported a proposed FY 2013 Budget of \$19,497,842, a decrease of \$4,746,903 from FY 2012. He stated that \$12.6 million would be allocated for CDBG with \$4.7 million of those funds being a HUD Section 108 Loan Repayment. He noted that \$2 million would be used for Education Facilities and \$500,000 would be provided to Ella Austin Community Center for facility improvements. Additionally, \$257,192 would partially fund quiet zone safety improvements at 12 railroad crossings in the Austin Subdivision and \$125,000 was allocated for the Commercial Façade Improvement Program. He added that \$1.8 million would be used for public services and \$1.4 million would be utilized for housing activities.

Mr. Zanoni outlined the HOME funding recommendations totaling \$4.52 million which include funds for SAHA-San Juan Phase III; Habitat for Humanity Infill Housing; Multi-Family Tax Credit Set Aside; and Administration. He stated that FY 2013 ESG Funding was increased to \$1,145,362 and HOPWA Funding was increased to \$1,187,881. He noted that the agencies that would receive ESG and HOPWA Funding would be finalized in August, 2012. He indicated that for FY 2013, two filled and six vacant city staff positions would be reduced.

Mr. Zanoni reported that staff anticipates reprogramming Neighborhood Stabilization Program (NSP) Funds in the amount of \$1.2 million that could be utilized for Land Banking for the Choice Neighborhood Area and a Vacant Community Center Revitalization Project. He indicated that the city had received official notification that all findings from prior year audits had been cleared with HUD. He mentioned that the CDBG, HOME, ESG and HOPWA Budgets would be submitted to HUD on August 15, 2012.

Mayor Castro called upon the citizens registered to speak on said item.

Anthony Hargrove, Executive Director of the Ella Austin Community Center spoke in support of the funding recommendations. He stated that the improvements at the center would consist of the removal and replacement of a fire alarm system, roof, HVAC System, and new windows. He added that they were located in the Promise Neighborhood Area and thanked the City Council for their support.

Shanna Salazar, Executive Director of the Society of St. Vincent De Paul requested consideration of their request for CDBG Funding. She stated that they had served the community for more than 140 years through 11 programs. She noted that they had prevented 421 individuals from becoming homeless through their Homeless Prevention Program in the past five months.

Nazirite Ruben Flores Perez stated that he was in support of the homes that would be repaired. He expressed concern that the Food Stamp Program may be eliminated and that he had not been contacted by CPS Energy regarding his request for funding for solar panels for his home.

Debra Guerrero stated that she was representing the NRP Group in support of the funding recommendations and thanked staff for the process. She noted that the Low Income Housing Tax Credit Program brings millions of dollars to the State and San Antonio applications have been very competitive.

Natalie Griffith, Lorena Tovar and Stephanie Wiese representing Habitat for Humanity spoke in support of the funding recommendations. Ms. Griffith stated that the funds would be utilized to acquire land and build the infrastructure for their infill project in the Inner City Reinvestment Infill Policy (ICRIP) Area. She noted that they leverage the city's funding with community support and spoke of the many families they assist. Ms. Tovar stated that she was a Habitat for Humanity Homeowner and spoke of the many challenges she overcame to own a home. She noted that Habitat for Humanity has empowered her and provided hands-on training. She asked that the city continue to fund the organization to help other families that need homes. Ms. Wiese thanked the City Council for consideration of their funding request. She spoke of their partnership with the San Antonio Independent School District and noted that they work with many other community partners.

Jack M. Finger stated that government should not be in the business of providing housing opportunities for the poor or people with AIDS and that it should be done by the private sector. He expressed concern with the \$2 million that was allocated for education facilities related to the sales tax increase initiative and asked what would happen if the voters oppose the measure in November.

Kathy McCormick of the San Antonio Housing Authority spoke in support of their request for funding the San Juan Homes Phase III. She stated that the funds would be leveraged with another \$27 million in private revenue. She noted that the project included 252 housing units and 51 of the units would be affordable for individuals with very low income.

Councilmember Bernal expressed his support for the funding recommendations and stated that he believed the programs were a great use of the funds. Mayor Castro thanked all of the speakers and stated that the programs were great investments for the community.

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

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

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Lopez recognized representatives from Amigos Foods and thanked them for their investment in District 6 (Item 49). He stated that he was pleased with the revitalization that would occur due to their expansion.

### **CONSENT AGENDA ITEMS 5-65B**

Consent Agenda Items 12, 13, 17, 29, 36A, 36B, 45, 47, 55, 61, and 64 were pulled for Individual Consideration.

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

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

Jackie Gorman spoke in support of the purchase of the Red Berry Estate (Item 29) noting that it was a catalytic project for the area. She stated that the property could be used for a variety of projects and would provide great opportunities for the East Side.

Jack M. Finger expressed concern with the closure of a historic portion of Fredericksburg Road (Items 36A and 36B) noting that he believed in the history of San Antonio. He stated that the property had not been properly maintained by the State or the city but it should not be closed to benefit developers. He asked of the golf fund deficit (Item 45) and of the forgivable loans in the Center City Housing Incentive Policy (Item 47). He asked why \$111,000 was being provided to school facilities for physical activity resources (Item 61).

Faris Hodge, Jr. submitted written testimony in favor of Items 4 and 7-65B. He requested that backup information be provided for the City Manager's Report.

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

### **2012-06-21-0457**

Item 5. AN ORDINANCE AUTHORIZING THE FIRE DEPARTMENT TO PURCHASE TWENTY WIRELESS VITAL SIGNS MONITORS AND MOUNTING BRACKETS FROM SARTIN SERVICES, INC. FOR A TOTAL COST OF \$98,860.00, FUNDED THROUGH A 2010 METROPOLITAN MEDICAL RESPONSE SYSTEM GRANT.

**2012-06-21-0458**

Item 6. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR ANNUAL GOODS AND SERVICES: (A) ALAMO INDUSTRIAL GROUP DBA ACE WELDING & TRAILER CO. FOR FIRE AND PUMPER VEHICLE BODY REPAIR SERVICE AND (B) FORD AUDIO VIDEO SYSTEMS, L.L.C. FOR PAGING AND SPEAKER SYSTEM SUPPORT AND MAINTENANCE AT SAN ANTONIO INTERNATIONAL AIRPORT.

**2012-06-21-0459**

Item 7. AN ORDINANCE AUTHORIZING A CONTRACT WITH MIDWEST MEDICAL SUPPLY, LLC TO PROVIDE THE FIRE AND POLICE DEPARTMENTS, THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AND OTHER CITY DEPARTMENTS WITH MEDICAL SUPPLIES FOR AN ESTIMATED ANNUAL COST OF \$1,316,000.00, FUNDED BY THE DEPARTMENTS' ADOPTED BUDGET APPROVED BY CITY COUNCIL.

**2012-06-21-0460**

Item 8. AN ORDINANCE ACCEPTING THE OFFERS FROM PHILPOTT MOTORS AND TOM BENSON CHEVROLET TO PROVIDE UP TO 33 GASOLINE/ELECTRIC HYBRID POWERED ADMINISTRATIVE SEDANS FOR AN AMOUNT NOT TO EXCEED \$728,704.00, OF WHICH \$595,912.00 WILL BE FUNDED THROUGH THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

**2012-06-21-0461**

Item 9. AN ORDINANCE AUTHORIZING A CONTRACT WITH PROGRESSIVE EMERGENCY PRODUCTS LLC TO PROVIDE THE SAN ANTONIO FIRE DEPARTMENT, OFFICE OF EMERGENCY MANAGEMENT, WITH 1 TURNKEY CUSTOM SEMI-TRAILER WITH 2 INFLATABLE AWNINGS FOR USE BY SOUTH TEXAS REGIONAL ADVISORY COUNCIL FOR A TOTAL COST OF \$717,198.80, FUNDED BY THE 2010 URBAN AREA SECURITY INITIATIVE GRANT.

**2012-06-21-0462**

Item 10. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE PET REGISTRATION SERVICES CONTRACT WITH PETDATA, INC., TO ALLOW FOR COMPENSATION COMMENSURATE WITH INCREASED VOLUME OF PET REGISTRATIONS, FUNDED BY LICENSE FEES COLLECTED BY THE CITY.

**2012-06-21-0463**

Item 11. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,367,500.00 AUTHORIZED PAYABLE TO F.A. NUNNELLY COMPANY, FOR CONSTRUCTION OF THE FRIO CITY ROAD BULKY WASTE RESIDENTIAL DROP-OFF CENTER PROJECT, A SOLID WASTE MANAGEMENT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 5; AND, AMENDING THE CAPITAL IMPROVEMENT BUDGET WITH THE APPROPRIATION OF \$1,771,870.00 IN SOLID WASTE

MANAGEMENT OPERATING FUNDS TO THE FRIO CITY ROAD BULKY WASTE RESIDENTIAL DROP-OFF CENTER PROJECT.

**2012-06-21-0466**

Item 14. AN ORDINANCE ACCEPTING THE LOWEST, RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT TO PSE CONTRACTING, LLC IN THE AMOUNT OF \$333,000.00 FOR THE CARVER BRANCH LIBRARY PARKING LOT EXPANSION PROJECT, A U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2.

**2012-06-21-0467**

Item 15. AN ORDINANCE AUTHORIZING THE EXECUTION OF A JOB ORDER CONTRACT IN AN AMOUNT NOT TO EXCEED \$246,532.48 PAYABLE TO F.A. NUNNELLY COMPANY IN COMMUNITY DEVELOPMENT BLOCK GRANT AND CERTIFICATES OF OBLIGATION BOND FUNDS FOR THE CLAUDE BLACK COMMUNITY CENTER KITCHEN RENOVATION PROJECT LOCATED IN COUNCIL DISTRICT 2.

**2012-06-21-0468**

Item 16. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE \$1,724,752.84 MARBACH ROAD AND DRAINAGE, PHASE II A PROJECT FOR THE INCREASED AMOUNT OF \$242,428.47 TO THE PROFESSIONAL SERVICES AGREEMENT WITH BAIN MEDINA BAIN, INC. FOR ADDITIONAL ENGINEERING DESIGN SERVICES FOR MARBACH ROAD FROM MEADOW WAY TO LOOP 410 THE LIMITS OF WHICH WERE INITIALLY INCLUDED IN THE ORIGINAL SCOPE OF THIS 2007-2012 BOND PROGRAM FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 6.

**2012-06-21-0470**

Item 18. AN ORDINANCE AMENDING THE FY 2012-2017 CAPITAL IMPROVEMENTS PROJECT BUDGET BY REALLOCATING \$107,000.00 FROM THE PROPERTY ACQUISITION-OPEN SPACE DISTRICT 4 PROJECT TO THE SPICEWOOD PARK TRAIL PROJECT AND TO THE FIRE STATION #25 WALKING TRAIL PROJECT.

**2012-06-21-0471**

Item 19. AN ORDINANCE AUTHORIZING AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE ACCEPTANCE OF REIMBURSEMENT IN AN AMOUNT UP TO \$1,200,000.00 FOR ELIGIBLE EXPENDITURES ASSOCIATED WITH THE \$1,500,000.00 INTELLIGENT TRANSPORTATION SYSTEM OPERATIONAL IMPROVEMENTS FOR THE SCHOOL FLASHER COMMUNICATIONS UPGRADE PROJECT LOCATED THROUGHOUT THE CITY.

**2012-06-21-0472**

Item 20. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) ALLOWING THE CITY OF SAN ANTONIO TO OPERATE AND MAINTAIN THE TRAFFIC SIGNAL ON MARSHALL ROAD AND US 281 AND TXDOT WILL PAY THE CITY AN AMOUNT NOT TO EXCEED \$9,735.68 EACH YEAR FOR FIVE YEARS FOR A TOTAL OF \$48,678.40.

**2012-06-21-0473**

Item 21. AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH SOUTHWEST RESEARCH INSTITUTE FOR THE COMPLETION OF INFRASTRUCTURE IMPROVEMENTS AT THE INTERSECTION OF CULEBRA ROAD AND OAK HILL ROAD, LOCATED IN COUNCIL DISTRICT 6.

**2012-06-21-0474**

Item 22. AN ORDINANCE AUTHORIZING THE FIRST AMENDMENT TO AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY TO ESTABLISH THE TERMS AND CONDITIONS FOR THE MANAGEMENT OF THE FLOOD CONTROL PROJECTS WITHIN THE SAN ANTONIO CITY LIMITS AS PART OF THE BEXAR COUNTY FLOOD CONTROL CAPITAL IMPROVEMENT PROGRAM.

**2012-06-21-0475**

Item 23. AN ORDINANCE AUTHORIZING A CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) TO ALLOW THE CITY, THROUGH CPS ENERGY, TO CONSTRUCT AND MAINTAIN ILLUMINATION IMPROVEMENTS WITHIN TXDOT RIGHTS-OF-WAY LOCATED AT LOOP 368 (BROADWAY) AND E. GRAYSON LOCATED IN COUNCIL DISTRICT 1.

**2012-06-21-0476**

Item 24. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT AMONG THE CITY OF SAN ANTONIO, TEXAS, THE SAN ANTONIO RIVER AUTHORITY, AND BEXAR COUNTY, TEXAS, ACCEPTING FUNDS IN THE AMOUNT OF \$400,000.00 FOR THE RE-DEVELOPMENT OF SOUTH ALAMO STREET BETWEEN PROBANDT STREET AND ADAMS STREET, A PROJECT LOCATED IN COUNCIL DISTRICT 1.

Item 25. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO THE CITY'S FIRE AND POLICE COMMUNICATIONS / 9-1-1 EMERGENCY SERVICES AND RESPONSE CENTER PROJECT, A MUNICIPAL FACILITIES CORPORATION REVENUE BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 3:

THE CITY COUNCIL OF SAN ANTONIO RECESSED AND CONVENEED AS THE CITY OF SAN ANTONIO, TEXAS MUNICIPAL FACILITIES CORPORATION BOARD OF DIRECTORS TO CONSIDER THE FOLLOWING:

**MFC 2012-06-21-0001R**

- A. A RESOLUTION OF THE CITY OF SAN ANTONIO TEXAS MUNICIPAL FACILITIES CORPORATION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$590,900.00 PAYABLE TO MJC INDUSTRIES, INC. FOR THE CONSTRUCTION OF A PARKING LOT, SITE UTILITIES AND FENCING RELATED TO COMMUNICATIONS / 9-1-1 EMERGENCY SERVICES AND RESPONSE CENTER PROJECT.

THE MUNICIPAL FACILITIES CORPORATION BOARD OF DIRECTORS ADJOURNED AND THE CITY COUNCIL OF SAN ANTONIO RECONVENED TO CONTINUE THE MEETING AND CONSIDER:

**2012-06-21-0477**

- B. AN ORDINANCE CONSENTING TO THE AWARD BY THE CITY OF SAN ANTONIO TEXAS MUNICIPAL FACILITIES CORPORATION A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$590,900.00 PAYABLE TO MJC INDUSTRIES INC. FOR THE CONSTRUCTION OF A PARKING LOT, SITE UTILITIES AND FENCING RELATED TO COMMUNICATIONS / 9-1-1 EMERGENCY SERVICES AND RESPONSE CENTER PROJECT.

**2012-06-21-0478**

Item 26. AN ORDINANCE AUTHORIZING A JOINT USE AGREEMENT AND A TEMPORARY CONSTRUCTION EASEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO WATER SYSTEM FOR THE USE OF CITY-OWNED PROPERTY ON THE WEST SIDE OF O'CONNOR ROAD, BETWEEN NACOGDOCHES ROAD AND FOUNTAINWOOD STREET ADJACENT TO NCB 16674, FOR THE INSTALLATION OF A WATER PIPELINE AS PART OF THE REGIONAL CARRIZO PROJECT WATER DELIVERY PIPELINE PROJECT IN COUNCIL DISTRICT 10 FOR A TOTAL FEE OF \$1,000.00.

**2012-06-21-0479**

Item 27. AN ORDINANCE DECLARING AS SURPLUS THE CITY'S FORMER FIRE STATION NO. 27 LOCATED AT 1518 HILLCREST DRIVE WITHIN NCB 8394 IN COUNCIL DISTRICT 7 AND AUTHORIZING ITS SALE TO CUNNINGHAM WALTERS PROPERTIES, LLC (WALGREENS), FOR A FEE OF \$451,500.00.

**2012-06-21-0480**

Item 28. AN ORDINANCE AUTHORIZING THE GIFT OF A VACANT PARCEL OF CITY-OWNED REAL PROPERTY LOCATED, AT 244 QUINTA STREET BETWEEN CHICKERING AVENUE AND HICKS AVENUE WITHIN NCB 10787, IN COUNCIL DISTRICT 3 TO SAN ANTONIO AFFORDABLE HOUSING, INC.

**2012-06-21-0482**

Item 30. AN ORDINANCE AUTHORIZING A RENEWAL OF THE LEASES BETWEEN THE CITY OF SAN ANTONIO AND THE MAGIK THEATRE, WHICH OPERATES AT BEETHOVEN HALL AND THE KAMPMANN HOUSE IN HEMISFAIR PARK.

**2012-06-21-0483**

Item 31. AN ORDINANCE AMENDING THE PATIO LEASE AGREEMENTS IN MARKET SQUARE TO ALLOW FOR THE USE OF A DUMPSTER AND RECYCLED MATERIALS RECEPTACLE AND AMENDING A LEASE AGREEMENT IN FARMERS MARKET TO ASSIGN A SHOP TO A NEW OWNER.

Item 32. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE REALIGNMENT OF MISSION ROAD FOR THE MISSION TRAILS PROJECT, A CERTIFICATES OF OBLIGATION FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 5:

**2012-06-21-0484**

A. AN ORDINANCE AUTHORIZING A CONTRACT EXCHANGING 0.394 ACRES OF CITY-OWNED REAL PROPERTY AT THE SOUTHWEST CORNER OF ROOSEVELT AND GROVE AVENUE FOR 0.488 ACRES OF PRIVATELY-OWNED REAL PROPERTY OWNED BY MARTIN LINEN SUPPLY COMPANY TO ACCOMMODATE THE REALIGNMENT OF MISSION ROAD AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$140,000.00 PAYABLE TO A SELECTED TITLE COMPANY FOR INCURRED FEES AND ASSOCIATED CLOSING COSTS, AS REQUESTED BY THE CITY OF SAN ANTONIO.

**2012-06-21-0485**

B. AN ORDINANCE CLOSING, VACATING AND ABANDONING 0.594 ACRES OF IMPROVED SEGMENTS OF GROVE AVENUE AS REQUESTED BY THE CITY OF SAN ANTONIO.

**2012-06-21-0486**

C. AN ORDINANCE AUTHORIZING THE ISSUANCE OF A \$177,000.00 JOB ORDER TO KELLOGG, BROWN AND ROOT, LLC FOR THE CONSTRUCTION OF A 13,000 SQUARE FOOT ASPHALT PARKING LOT WITH FENCING SURROUNDING THE SUBJECT PROPERTY THAT IS TO BE CONVEYED FROM THE CITY TO MARTIN LINEN TO REPLACE AN EXISTING PARKING AREA.

**2012-06-21-0487**

Item 33. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF 0.169 ACRES OF AN IMPROVED PORTION OF AVENUE B STREET PUBLIC RIGHT OF WAY LOCATED SOUTH OF THE INTERSECTION OF MCCULLOUGH AVENUE AND AVENUE B STREET ADJACENT TO NCB 431 IN COUNCIL DISTRICT 1, AS REQUESTED BY THE FIRST BAPTIST CHURCH OF SAN ANTONIO, FOR A FEE OF \$147,757.64.

**2012-06-21-0488**

Item 34. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF 0.4938 ACRES OF LENARD STREET PUBLIC RIGHT OF WAY, LOCATED NORTH OF BERLIN AVENUE ADJACENT TO NCB 13372, IN COUNCIL DISTRICT 4, AS REQUESTED BY METHODIST HEALTHCARE MINISTRIES OF SOUTH TEXAS, INC., FOR A FEE OF \$6,250.00 WHICH HAS BEEN RECOMMENDED TO BE CREDITED TO METHODIST HEALTHCARE MINISTRIES OF SOUTH TEXAS, INC. TO BE USED TOWARDS RE-PLATTING AND BUILDING PERMIT FEES ASSOCIATED WITH CONSTRUCTION OF THE HEALTH CENTER.

**2012-06-21-0489**

Item 35. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF 0.710 ACRES OF OAKTREE DRIVE AND BRACKENRIDGE AVENUE PUBLIC RIGHTS OF WAY, LOCATED NORTH OF FORT SAM HOUSTON ARMY BASE AND ADJACENT TO NCB 9019, IN COUNCIL DISTRICT 2, AS REQUESTED BY EMBREY PARTNERS, LTD., FOR A FEE OF \$92,897.00.

**2012-06-21-0492**

Item 37. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF FUNDS FROM THE U.S DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES & SERVICES ADMINISTRATION FOR THE ANNUAL SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S *HEALTHY START INITIATIVE* GRANT FOR AN AMOUNT UP TO \$750,000.00 FOR A ONE YEAR PERIOD BEGINNING JUNE 1, 2012 THROUGH MAY 31, 2013.

**2012-06-21-0493**

Item 38. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE HIV PREVENTION PROJECT AND AUTHORIZING THE ACCEPTANCE OF FUNDS UPON AWARD FOR AN AMOUNT NOT TO EXCEED \$700,000.00 FOR A TERM BEGINNING JANUARY 1, 2013 FOR A PERIOD OF 12 MONTHS.

**2012-06-21-0494**

Item 39. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A HEAD START RE-COMPETITION GRANT APPLICATION TO THE U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) FOR UP TO \$35,073,584.00 FOR THE 2013 – 2014 PROGRAM YEAR AND EXECUTION OF MEMORANDUMS OF AGREEMENT WITH PROPOSED CONTRACTORS AND LOCAL HEAD START GRANT CONSORTIUM MEMBERS.

**2012-06-21-0495**

Item 40. AN ORDINANCE RATIFYING THE SUBMISSION OF A PHASE I FINANCIAL EMPOWERMENT CENTERS GRANT APPLICATION TO THE LIVING CITIES' CITIES FOR FINANCIAL EMPOWERMENT FUND.

**2012-06-21-0496**

Item 41. AN ORDINANCE ACCEPTING SUPPLEMENTAL FUNDS IN THE AMOUNT OF \$179,880.00 AWARDED BY WORKFORCE SOLUTIONS ALAMO FOR THE \$47,249,545 CHILD CARE SERVICES PROGRAM FOR THE PERIOD OF OCTOBER 1, 2011 TO SEPTEMBER 30, 2012.

**2012-06-21-0028R**

Item 42. A RESOLUTION IN SUPPORT OF THE SAN ANTONIO HOUSING AUTHORITY'S 2012 EASTSIDE CHOICE NEIGHBORHOOD IMPLEMENTATION GRANT PROPOSAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

**2012-06-21-0497**

Item 43. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND ACCEPTANCE OF FUNDS UPON AWARD, UP TO THE AMOUNT OF \$289,500 BY THE OFFICE OF MILITARY AFFAIRS ON BEHALF OF THE CITY OF SAN ANTONIO TO THE DEPARTMENT OF DEFENSE OFFICE OF ECONOMIC ADJUSTMENT FOR THE COMMUNITY-MILITARY PARTNERSHIP PROJECT, LACKLAND AFB JOINT LAND USE STUDY IMPLEMENTATION, AND OPERATIONAL SUPPORT FOR THE PERIOD FROM OCT 1, 2012 TO SEP 30, 2013.

**2012-06-21-0498**

Item 44. AN ORDINANCE APPOINTING ROSA SANTANA TO THE WORKFORCE SOLUTIONS ALAMO BOARD OF DIRECTORS, PLACE 2, BUSINESS COMMERCE CATEGORY FOR THE REMAINDER OF A TERM TO EXPIRE ON DECEMBER 31, 2012, AND A FULL TERM FROM JANUARY 1, 2013 TO DECEMBER 31, 2015.

**2012-06-21-0500**

Item 46. AN ORDINANCE AUTHORIZING AGREEMENTS WITH SAN ANTONIO HUMANE SOCIETY AND THE ANIMAL DEFENSE LEAGUE FOR AN ALTERNATIVE ANIMAL HOUSING PILOT PROGRAM FOR STRAY ANIMALS IN AN EFFORT TO INCREASE STRAY ANIMAL INTAKE CAPABILITIES.

**2012-06-21-0502**

Item 48. AN ORDINANCE AMENDING THE AGREEMENT WITH SAN ANTONIO FOR GROWTH ON THE EASTSIDE ALLOCATING \$100,000.00 FROM THE INNER CITY INCENTIVE FUND TO PROVIDE ADDITIONAL FUNDING FOR THE STORE-FRONT GRANT PROGRAM.

**2012-06-21-0503**

Item 49. AN ORDINANCE APPROVING AN AMENDMENT TO THE WDC FUNDING AGREEMENT; AND APPROVING AN ECONOMIC DEVELOPMENT GRANT OF \$100,000 TO THE WESTSIDE DEVELOPMENT CORPORATION FOR A LOAN TO AMIGOS FOODS FOR OPERATIONS EXPANSION.

**2012-06-21-0504**

Item 50. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF TWO LAWSUITS STYLED *REED S. LEHMAN GRAIN LTD. VS. THE CITY OF SAN ANTONIO, TEXAS* AND *R. BROOKS HARDEE, TRUSTEE OF THE FARMCO TRUST, JOHN SCHAEFER, AND RICHARD SCHAEFER V. CITY OF SAN ANTONIO* AND ACCEPTING PAYMENT OF \$275,000.00 TO THE CITY.

**2012-06-21-0505**

Item 51. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH PREMIER PARTNERSHIPS IN AN AMOUNT NOT TO EXCEED \$78,500.00 TO DEVELOP A COMMERCIAL SPONSORSHIP PROGRAM FOR THE HENRY B. GONZALEZ CONVENTION CENTER AND THE ALAMODOME.

**2012-06-21-0506**

Item 52. AN ORDINANCE AUTHORIZING A THREE-YEAR INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND PORT SAN ANTONIO USA (PORT AUTHORITY), WITH TWO ADDITIONAL ONE-YEAR EXTENSIONS EFFECTIVE AUGUST 8, 2012 AND EXPIRING AUGUST 8, 2017, TO ALLOW INDEPENDENT PLAN REVIEWS AND ISSUANCE OF PERMITS WITH THE EXCEPTION OF HEALTH, FIRE, STORMWATER DRAINAGE, AND HISTORIC PRESERVATION REVIEWS.

**2012-06-21-0507**

Item 53. AN ORDINANCE APPROVING THE RENEWAL OF AN INTERLOCAL AGREEMENT WITH ALAMO COMMUNITY COLLEGE DISTRICT EFFECTIVE SEPTEMBER 1, 2012, TO ADMINISTER FUNDS FOR EDUCATION AND TRAINING PROGRAMS IN ACCORDANCE WITH THE ACCD SETTLEMENT AGREEMENT; AND APPROVING RELATED AGREEMENTS.

**2012-06-21-0508**

Item 54. AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO AND THE TEXAS SOUTH-INTERNATIONAL ALLIANCE.

**2012-06-21-0510**

Item 56. AN ORDINANCE AUTHORIZING THE EXTENSION OF THE CPS ENERGY WINDTRICITY PROGRAM AS A PERMANENT SERVICE OFFERING AND CHANGING THE PROGRAM NAME TO THE RENEWABLE ENERGY PROGRAM.

**2012-06-21-0511**

Item 57. AN ORDINANCE AUTHORIZING AN EXTENSION AND AMENDMENT TO THE EMERGENCY RESPONSE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE CITY OF HILL COUNTRY VILLAGE FOR A PERIOD OF 10 YEARS, EFFECTIVE OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2023.

**2012-06-21-0512**

Item 58. AN ORDINANCE ADOPTING THE ALAMO AREA COUNCIL OF GOVERNMENTS REGIONAL HAZARD MITIGATION PLAN WHICH IS DESIGNED TO PROTECT PEOPLE AND PROPERTY FROM THE EFFECTS OF NATURAL AND HUMAN-CAUSED HAZARDS.

**2012-06-21-0513**

Item 59. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE ASSOCIATION OF PUBLIC HEALTH LABORATORIES, INC. FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO RECOVER EXPENSES ASSOCIATED WITH PARTICIPATION IN THE INTEGRATED CONSORTIUM OF LABORATORY NETWORKS SURGE CAPACITY EXERCISE FOR AN AMOUNT NOT TO EXCEED \$15,500.00 FOR A TERM BEGINNING JULY 23, 2012 THROUGH SEPTEMBER 4, 2012.

**2012-06-21-0514**

Item 60. AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR TITLE V CHILD DENTAL HEALTH SERVICES TO ACCEPT AN ADDITIONAL \$57,000.00 IN FUNDING, BRINGING THE TOTAL CUMULATIVE AMOUNT OF THE CONTRACT TO \$257,000.00; AND AUTHORIZING A CONTRACT AMENDMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO DENTAL SCHOOL TO PROVIDE AN ADDITIONAL \$45,600.00 BRINGING THE TOTAL CUMULATIVE AMOUNT OF THE CONTRACT TO \$205,600.00 FOR THE PROVISION OF DENTAL SERVICES DURING THE TERM OF SEPTEMBER 1, 2011 TO AUGUST 31, 2012.

**2012-06-21-0516**

Item 62. AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT FOR HEAD START DENTAL SERVICES WITH MICHELLE LANDRUM, R.D.H. TO INCREASE THE COMPENSATION BY \$53,000.00 BRINGING THE NEW CUMULATIVE AMOUNT TO \$161,832.00 AND EXTENDING THE TERM THROUGH SEPTEMBER 30, 2013.

**2012-06-21-0517**

Item 63. AN ORDINANCE AUTHORIZING A THREE-YEAR CONTRACT WITH SELECTION WORKS, LLC, FOR THE PREPARATION OF VALIDATED, WRITTEN EXAMINATIONS AND VIDEO-BASED ASSESSMENTS FOR POLICE PROMOTIONAL EXAMINATIONS FOR THE SAN ANTONIO POLICE DEPARTMENT, FOR AN ESTIMATED ANNUAL COMPENSATION IN THE AMOUNT OF \$143,375.00 FOR THE FIRST CONTRACT YEAR, \$79,770.00 FOR THE SECOND CONTRACT YEAR, AND \$102,415.00 FOR THE THIRD CONTRACT YEAR, WITH AN ADDITIONAL \$3,230 PER TEST FOR APPEAL HEARINGS, IF NECESSARY, FUNDED BY THE GENERAL FUND.

Item 65. CONSIDERATION OF THE FOLLOWING MATTERS IN CONNECTION WITH AUTHORIZATION TO EXECUTE AN AMENDMENT PROVIDING FOR AN EXTENSION TO THE EXISTING MERCHANT BANKING SERVICES CONTRACT AND A NEW CONTRACT FOR MERCHANT BANKING SERVICES TO BE PROVIDED TO THE CITY OF SAN ANTONIO:

**2012-06-21-0519**

- A. AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FOURTH AMENDMENT, SECOND RENEWAL AND EXTENSION OF THE MERCHANT BANKING SERVICES CONTRACT WITH BANK OF AMERICA, N.A. TO PROVIDE MERCHANT BANKING SERVICES TO THE CITY OF SAN ANTONIO UNDER THE SAME TERMS AND CONDITIONS FOR UP TO FOUR (4) ADDITIONAL TERMS OF ONE (1) MONTH EACH TO ALLOW FOR TRANSITION AND IMPLEMENTATION OF SERVICES TO A NEW PROVIDER.

**2012-06-21-0520**

- B. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH CHASE PAYMENTECH, LLC TO PROVIDE MERCHANT BANKING SERVICES AND RELATED FINANCIAL SERVICES TO THE CITY OF SAN ANTONIO FOR A PERIOD OF THREE (3) YEARS, COMMENCING ON JULY 1, 2012, AND ENDING ON JUNE 30, 2015, WITH AN OPTION TO RENEW FOR ONE (1) ADDITIONAL TWO (2) YEAR PERIOD.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the caption for Item 12:

**2012-06-21-0464**

Item 12. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,104,985.73 PAYABLE TO J. SANCHEZ CONTRACTING, INC., FOR THE SAFE ROUTES TO SCHOOL PROJECT, A TEXAS DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL GRANT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 7.

Councilmember C. Medina highlighted the project and expressed his support. He thanked former Councilmember Justin Rodriguez for his hard work on the project, as well as the school district representatives that provided their support. He asked of the project timeline. Mike Frisbie replied that the project would begin in July and be completed in the Fall. Councilmember Saldaña stated that this was a great project and asked how other school districts could receive funding. Mr. Frisbie replied that the Texas Department of Transportation conducts a call for projects but there was currently no funding.

Councilmember C. Medina moved to adopt the proposed Ordinance. Councilmember Lopez seconded the motion.

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

The City Clerk read the caption for Item 13:

**2012-06-21-0465**

Item 13. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF TWO ON-CALL FACILITATOR AND PARTNERING CONSULTATION SERVICES AGREEMENTS, WITH SMITH AND ASSOCIATES CONSULTING, LLC AND XIMENES & ASSOCIATES, INC., EACH IN THE AMOUNT NOT TO EXCEED \$150,000.00 PER YEAR, TO PROVIDE AS-NEEDED PARTNERING FACILITATING CONSULTING SERVICES FOR HIGH-PROFILE DESIGN AND CONSTRUCTION PROJECTS LOCATED CITY-WIDE.

Councilmember Chan asked if the city had solicited this type of consultant contract in the past. Mike Frisbie replied that he was not aware of this type of solicitation in the past five years. Councilmember Chan asked of the scope of the contract. Mr. Frisbie replied that they would assist with the partnering sessions that would occur prior to construction kick-off for 2012-2017 Bond Projects. He stated that they would also assist with public relations and community involvement for high profile projects. Councilmember Chan asked if there was any duplication of services. Mr. Frisbie indicated that they would serve as on-call consultants (as needed) and would likely involve them on projects with a great amount of public interaction.

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

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

The City Clerk read the caption for Item 17:

**2012-06-21-0469**

Item 17. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE ADDITIVE AMOUNT OF \$198,769.50 TO YANTIS COMPANY ASSOCIATED WITH THE \$3,193,788.11 INDIAN CREEK CHANNEL IMPROVEMENTS PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT, AND THE WAR CLOUD PROJECT, AN AUTHORIZED HOUSING AND URBAN DEVELOPMENT 108 FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 4.

Councilmember Saldaña asked of the change order. Mike Frisbie explained that the design consultant had miscalculated the amount of excavated materials. He noted that it was estimated at 67,000 but came in at 96,000 and should have been caught in the design process. He stated that they had initially called for the delivery to be sent to one site and hauling costs had increased due to the number of trips to send materials to multiple sites. Councilmember Saldaña asked of the contingency funds and project timeline. Mr. Frisbie replied that the contingency funds would cover the difference and that the project was on track for completion in July, 2012.

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

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

The City Clerk read the caption for Item 29:

**2012-06-21-0481**

Item 29. AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE RED BERRY ESTATE FOR A TOTAL COST OF \$2,250,000.00 LOCATED AT 856 GEMBLER ROAD IN DISTRICT 2.

Pat DiGiovanni stated that the Red Berry Estate was identified as a catalytic project during the 2010 East Side Summit Meetings. He noted that the Red Berry Estate was one of the largest contiguous developable tracts on the East Side. He explained that acquisition of the Red Berry Estate would include: 1) 827 Richland – only the 50'x50' Water Well Site; 2) 856 Gemblor Road; and 3) 4007 East Interstate 10. He outlined the conveyance which includes the 14,000 square foot mansion, 12-acre lake, water rights, and 25-acre pecan orchard. He reported that property acquisition would allow for catalytic mixed-use development to include housing and potential expansion of park land. He indicated that the city would utilize a formalized process for redevelopment of the property. He stated that the city had negotiated an acquisition price of \$2,250,000 and the property is appraised at \$2,700,000. He added that staff recommended approval of the request.

Councilmember Taylor thanked the City Council and staff for their support and work on East Side Revitalization. She stated that acquiring the Red Berry Estate would allow the city to promote and control a key redevelopment opportunity for the East Side where there has been little desirable new development in many years. She noted that the city would release an RFP for developers to implement the community's vision for the property.

Mayor Castro commended Councilmember Taylor for her tenacity and advocacy of East Side Initiatives. Councilmember Williams also commended Councilmember Taylor for her efforts. He stated that he was supportive of good deals and believed that this was a good deal for the city. He noted that it was a great location with many opportunities for redevelopment and was pleased that there would be an open process for developers.

Councilmember Soules congratulated Councilmember Taylor for her work on the project. He asked of the RFP Process. Mr. DiGiovanni replied that they would work with Councilmember Taylor to ensure that the public was aware that the city acquired the property. Thereafter, they would develop a Request for Qualifications (RFQ) or RFP and ensure that the responses are consistent with community values and interest in the property. Councilmember Chan commended Councilmember Taylor for her leadership and continued efforts to redevelop the East Side.

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

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

The City Clerk read the caption for Items 36A and 36B:

Item 36. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO CLOSURE, VACATION AND ABANDONMENT OF PUBLIC RIGHTS OF WAY IN COUNCIL DISTRICT 8, AS REQUESTED BY FINANCIAL RESOURCES, LTD AND LEON CREEK, LTD FOR A FEE OF \$209,266.00:

**2012-06-21-0490**

- A. AN ORDINANCE AUTHORIZING A REQUEST TO TEXAS TRANSPORTATION COMMISSION ONTO TEXAS DEPARTMENT OF TRANSPORTATION TO DECLARE AS SURPLUS 2.946 ACRES OF OLD FREDERICKSBURG ROAD AND BOERNE STAGE ROAD AND RELEASE FROM THE TEXAS HIGHWAY SYSTEM.

**2012-06-21-0491**

- B. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF 2.946 ACRES OF OLD FREDERICKSBURG ROAD AND BOERNE STAGE ROAD, LOCATED ADJACENT TO NCB 34732.

Mike Etienne stated that Financial Resources, Ltd. and Leon Creek, Ltd. had requested that the city close and abandon 2.946 acres of Old Fredericksburg Road and Boerne Stage Road. He noted that the closure would allow the developer to combine properties to allow for a cohesive, planned mixed-use development and that abutting property owners consented to the closure. He provided photos of the area and a conceptual site plan. He spoke of the Old Spanish Trail and noted that closure of Old Fredericksburg Road and Boerne Stage Road represent less than .0001% of the total trail. He indicated that the developer was willing to memorialize the Old Spanish Trail with signage and plaques where appropriate. He reported that three signs were posted and 15 notices were mailed to property owners within a 500-foot radius of the proposed closure. He stated that no notices were returned in favor or in opposition.

Mr. Etienne stated that Old Fredericksburg Road and Boerne Stage Road were part of the Texas Highway System and must be declared as surplus by the Texas Department of Transportation (TxDOT). He noted that as part of the process, TxDOT requires that the city formally request that TxDOT release the affected street segments from the State Highway System. He mentioned that the city would collect \$209,266 for the closure which would be deposited in the General Fund. He added that the Planning Commission approved the request at its regular meeting on June 13, 2012 and staff recommended approval.

Mayor Castro called upon the citizens registered to speak.

J.R. Flournoy expressed opposition to the closure and stated that he had not received any information on the request until after June 13, 2012. He noted that he was the only private property owner living in the Leon Springs immediate area and had lived there for over 50 years. He indicated that providing sufficient parking for the developer was not a good reason for the street closures. He added that the road would be better used by the public after the redirection of traffic and noted the school, church, and businesses that would be greatly affected by the street closures.

Marlene Richardson stated that she had co-authored a book on the history of Leon Springs and asked that Leon Springs not be confused with Leon Valley as many people do. She presented a map of the Leon Springs Area by Boerne Stage Road and expressed concern with the streets proposed for closure. She quoted two sentences from the City Website regarding the three buildings in that area that have had

significant impact on the architectural and cultural history of the surrounding hill country. She stated that this segment of the Old Spanish Trail was an important remnant of history that is vanishing and in jeopardy of being engulfed by development. She spoke of the additional traffic congestion that would occur due to the road closures and asked if the closures could be delayed until after traffic improvements are made by TxDOT.

Jennifer Nottingham stated that she was the President of the Boerne Stage Alliance and requested a delay on the vote concerning the Old Spanish Trail which is known as Old Fredericksburg Road. She referenced House Bill 1499 which designates the Scenic Loop Road, Boerne Stage Road, and Toutant Beauregard Road, a Historic Corridor. She requested that the vote on the street closure be delayed since she believes the Old Spanish Trail deserves to be a vital and integral part of Leon Springs.

Bebe Fenstermaker, Vice Chair of the Hill Country Planning Association stated that they were a group of member organizations strongly opposed to closing Old Fredericksburg Road known as the Old Spanish Trail. She expressed concern that only 15 notices were mailed to nearby property owners and asked that a vote be delayed until all impacted residents have a chance to better understand the matter. She spoke of the great amount of traffic already in the area and noted that it would worsen with the street closures. She asked why the road was not currently maintained and added that it was not surplus land to those that use it.

Virginia Van Cleave read a letter from Nancy Avellar, President of the San Antonio Conservation Society. She stated that the Conservation Society fully supports keeping a portion of Old Fredericksburg Road through downtown Leon Springs open to vehicular traffic. The position is consistent with their policy to oppose the closure of streets within the original 36 square mile boundary of the city. She noted that the road and historic buildings situated therein stand as Leon Springs' visible testimony to the progression of local history and transportation modes for the past two centuries.

Bill Kaufman stated that he was representing the developer and both property owners. He presented a map of the area and noted that Old Fredericksburg Road is dangerous due to the fact that many individuals use it as a shortcut. He indicated that Gilmore Gaston, Traffic Engineer with Pape-Dawson was present to answer traffic-related questions. He stated that they had met with Charlotte Kahl and had reached an agreement on how to memorialize the Old Spanish Trail. He noted that the three historic buildings would remain and that access would be improved.

Councilmember Williams stated that they had been working on the project for a long time and thanked Charlotte Kahl and other individuals that had met with him regarding the project. He noted that they had tried to incorporate something that was very important from a historical perspective into a new development. He mentioned the great amount of growth that has been difficult to manage in the area and the work with TxDOT to address same. He encouraged area residents to attend an open house by TxDOT on June 26, 2012 to provide input. He read a section of the ordinance for the record that states that the city recognizes that the right-of-way subject to this closure, vacation, and abandonment possibly includes or abuts the Old Spanish Trail. He explained that there has been a great amount of discussion on exactly where the trail is located. He noted that the ordinance further includes verbiage that Financial Resources, Ltd. and its successors and assigns will reasonably delineate the historical pathway with signs within the closed right-of-way and will not construct any buildings on the historical pathway.

Councilmember Soules asked if the owners of the buildings were part of the discussion. Mr. Kaufman replied that 100% of the owners that abut Old Fredericksburg Road were parties to the agreement.

Mayor Castro asked of the average size of the properties in the area. Mr. Etienne replied that there was one house per half-acre. Mayor Castro stated that the issue of the Old Spanish Trail impacts more people than just those that abut the street. He asked if a traffic study had been conducted. Mr. Etienne replied that the developer had conducted a traffic study. Mayor Castro asked of the suggestion that the streets remain open until traffic improvements are made. Mr. Kaufman stated that they could not wait on the street closures due to safety concerns and that the traffic count on Old Fredericksburg Road was very small at 45 trips per peak hour. He indicated that TxDOT would not fund the improvements until 2015 and the project would take one year to design. Mayor Castro asked of the total traffic count per day. Gilmer Gaston provided a list of traffic counts and indicated that the analysis was collected in March, 2011.

Mayor Castro requested that staff work on a better notification method since many interested parties did not live within the required notification area. He asked of the method of appraisal. Mr. Etienne replied that they had utilized a comparable sales method in which an independent appraiser reviewed other properties of the same size and determined a value. Mayor Castro asked of other appraisal methods. Mr. Etienne replied that the two most commonly used methods are comparable sale and replacement value. Mayor Castro stated that it was important to ensure that the City of San Antonio receives the highest value for the property and requested to review the appraisal report. He spoke of the care that should be taken when property has extraneous significance that includes historic and monetary value. He asked if staff was confident that the appraiser would not have found any more significance in terms of monetary value due to the historic nature of the property. Mr. Etienne replied that they were confident that the appraisal was appropriate. Mayor Castro asked of the need for the public land. Mr. Kaufman replied that people were currently parking on the access road which was very dangerous and acquiring said property would provide parking behind the current buildings. He added that their hope was to provide an atmosphere similar to that of the Quarry with multi-family housing and retail space.

Councilmember Bernal recognized Mr. J.R. Flournoy. Mr. Flournoy asked why the city would settle for \$200,000 when the land is valued greater than that. He stated that he was not opposed to development but was concerned with the road closures. He added that the traffic study was inaccurate and that there were many more vehicles that accessed the area.

Councilmember Williams moved to adopt the proposed Ordinances for Items 36A and 36B. Councilmember Soules seconded the motion.

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

The City Clerk read the caption for Item 45:

**2012-06-21-0499**

Item 45. AN ORDINANCE APPROVING AN AMENDMENT TO THE MANAGEMENT AGREEMENT WITH THE MUNICIPAL GOLF ASSOCIATION – SA ADJUSTING THE REVENUE SHARING PROVISIONS TO PROVIDE FOR THE RETIRING OF THE GOLF FUND DEFICIT.

Pat DiGiovanni stated that the Municipal Golf Association-San Antonio (MGA SA) was a Texas Non-Profit formed to enhance and operate San Antonio's Municipal Golf Courses. He noted that in 2006, the

eight municipal golf courses were in poor condition and losing money. A working group was formed in January 2007 and they drafted the framework for a management agreement with the City of San Antonio (COSA). He reported that the 10-year term with two, 5-year extensions was approved by the City Council in May 2007 with the following conditions: MGA-SA has the sole right to control green fees; employs all individuals; is a 501(c)(3); pays COSA 50% of excess net revenues; has sole right to schedule events; cannot change its bylaws without COSA approval; and has a three-year transition period. He mentioned that all furniture, fixtures and equipment were included in the transition.

Mr. DiGiovanni reported that on May 31, 2007, MGA-SA and COSA entered into a funding agreement for capital improvements. He stated that the five-year term indicated that \$9.4 million would be provided by COSA and \$3.3 million would be matched by MGA-SA. He noted that MGA-SA accepted the responsibilities and duties necessary to fully implement and manage the capital improvements. He mentioned that MGA-SA was requesting to amend the management agreement to allow MGA-SA to generate the necessary financial capacity to complete capital improvements while eliminating the Golf Fund Deficit Balance. He reported that the current Golf Fund Deficit Balance was \$1,795,859. He stated that MGA-SA will pay COSA an annual lease payment of \$150,000 for five years and COSA will contribute funding to eliminate the Golf Fund Deficit Balance in five years. He outlined the Capital Needs Plan totaling \$15.1 million which includes irrigation replacement at Mission del Lago and Willow Springs, as well as parking lot resurfacing projects at all courses.

Councilmember Chan asked of the deficit. Mr. DiGiovanni confirmed that the deficit was incurred prior to MGA-SA taking over operation of the municipal courses and totaled \$1,795,859. Councilmember Chan asked of the status of the \$3.3 million that was to be provided by MGA-SA for capital improvements. Jim Roschek, Executive Director of MGA-SA stated that they have made \$1.7 million in leasehold improvements and have received a loan for \$1.185 million totaling almost \$2.7 million. Mr. DiGiovanni further explained that the amendment provides that any excess revenues must be utilized for capital improvements. He added that there was a total of \$15.1 million in improvements that needed to be made to the municipal golf courses.

Councilmember Soules asked of the amount of excess revenue that the city has received. Mr. DiGiovanni replied that the city has received \$300,000 over the past three years. Councilmember Soules asked if the amount would increase, decrease or stabilize. Mr. DiGiovanni replied that the golf course business was very challenging but the condition of the courses has improved and play is increasing. Councilmember Soules requested that staff begin looking at rezoning the municipal golf courses to a "G" Zoning.

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

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

The City Clerk read the caption for Item 47:

**2012-06-21-0501**

Item 47. AN ORDINANCE APPROVING THE CENTER CITY IMPLEMENTATION PLAN AND THE CENTER CITY HOUSING INCENTIVE POLICY.

Mayor Castro called upon the citizens registered to speak.

Frank Russell stated that he was representing Aqualand Development in support of the Center City Housing Incentive Policy. He noted that the Aqualand Development had received a contract to redevelop the old Lone Star Brewery Property near the River South Area. He mentioned that they were in the process of creating a master plan for a mixed-use development that would include 700 residential units as well as retail and office components. He added that they believe that the new policy will create an even playing field and enable out-of-town developers to seek incentives on equal footing with long-time local developers.

Henry Rodriguez representing LULAC Concilio Zapatista 4383 stated that infill development was challenging and expensive. He noted that developers and their lobbyists know how to play the game and did not believe that incentives should be provided to them. He mentioned that the Vidorra and Grand Hyatt Hotel had many condos that had not been sold and expressed concern with the boarded up homes that were donated to the San Antonio Housing Authority.

Ben Brewer, President of the Downtown Alliance spoke in support of the Center City Implementation Plan and Center City Housing Incentive Policy. He stated that great cities have great Downtowns and the implementation plan and housing incentive policy will lead the way to making San Antonio's Downtown great. He noted that once housing is created, there will be a demand for retail, office and supportive services and the area will be more secure and clean. He read a Resolution of Support for the Center City Implementation Plan adopted by the Centro Partnership Board of Directors.

Councilmember Chan moved to vote on the Center City Implementation Plan and Housing Incentive Policy separately. Councilmember Soules seconded the motion.

Councilmember Bernal stated that he believed that the Center City Implementation Plan and Center City Housing Incentive Policy were the same but would support the motion as a courtesy. Councilmember Saldaña asked that the policy be revisited in three months and asked of future monitoring. Pat DiGiovanni stated that they would monitor the policy on a monthly basis and that a housing study would be conducted in three years.

Mayor Castro thanked the many individuals that had worked on the Implementation Plan and spoke of the many changes that would be occurring in the urban core in the next few years. He noted that the policy would impact other areas outside of Downtown and believed that the Implementation Plan and Housing Incentive Policy were one and the same. Councilmember D. Medina added that the Implementation Plan and Housing Incentive Policy would benefit every part of San Antonio. He stated that he was excited about the redevelopment and improvements that would be made and believed this was a step in the right direction.

The motion to vote on the Center City Implementation Plan and Housing Incentive Policy separately prevailed by the following vote: **AYES:** Bernal, Taylor, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Ozuna.

Councilmember Chan moved to adopt the Center City Housing Incentive Policy. Councilmember Bernal seconded the motion.

Councilmember Chan stated that she was pleased with the recommendations on the Center City Housing Incentive Policy and that the cash grants from the General Fund have been eliminated. She noted that the cash grants that would be provided would be funded by the Tax Increment Reinvestment Zone (TIRZ) and that the type of projects that could take advantage of the incentives had been expanded. Councilmember Soules thanked staff for revisiting the issues and stated that he was in support of the Center City Housing Incentive Policy as recommended.

Councilmember Bernal stated that developmental velocity was greatly needed in the Downtown Area and that it was important to be able to move quickly on projects. He noted that the policy was predictable and sends a message that San Antonio is open for business. Councilmember Saldaña asked of the number of housing units since the program's inception. Mr. DiGiovanni replied that there were 1,500 units online or under construction. Councilmember Saldaña reiterated the importance of maintaining the momentum and revisiting the Housing Incentive Policy within three months. Mayor Castro commended Councilmember Bernal for his leadership on the issues.

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

Councilmember Bernal moved to adopt the Center City Implementation Plan. Councilmember Taylor seconded the motion.

Councilmember Soules stated that he was not comfortable moving forward with the Center City Implementation Plan at this time due to the major capital investments included in the Strategic Framework Plan. Councilmember Williams asked for clarification of the vote. Mr. DiGiovanni replied that the Center City Implementation Plan was the city's portion of executing the Framework Plan created by Centro Partnership. He stated that the Framework Plan included a list of immediate and long-term priorities for public investment to further improve the Downtown Area. Mayor Castro added that the city would adopt the plan but would not vote to fund any of the projects.

The motion to adopt the Center City Implementation Plan prevailed by the following vote: **AYES:** Bernal, Taylor, Saldaña, D. Medina, Lopez, C. Medina, and Mayor Castro. **NAYS:** Williams, Chan, and Soules. **ABSENT:** Ozuna.

### **RECESSED**

Mayor Castro recessed the meeting at 12:09 pm to break for lunch and announced that the meeting would resume at 2:00 pm.

### **RECONVENED**

Mayor Castro reconvened the meeting at 2:00 pm and stated that the City Council would address the Zoning Items. He explained that nine votes were required for approval of Items Z-5, and P-5 with its zoning case Z-9. Mrs. Vacek stated that the zoning report was not included in the packets due to the meeting having occurred only two days prior but the Zoning Commission Minutes were provided.

## **ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

**2012-06-21-0526**

Item Z-5. **ZONING CASE # Z2012107 (District 2):** An Ordinance amending the Zoning District Boundary from "R-4 EP-1" Residential Single-Family Facility Parking/Traffic Control Overlay District to "RM-6 EP-1" Residential Mixed Facility Parking/Traffic Control Overlay District on Lot 4, Block 17, NCB 10253 located at 214 Cardiff. 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 6, BLOCK 1, NCB 17487 TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

John Jacks presented Item Z-5 and stated that staff and the Zoning Commission recommended approval. He reported that of 28 notices mailed; one was returned in favor from the property owner and six were received in opposition.

Councilmember Taylor stated that the neighborhood association was in support and that the duplex was already in existence. She noted that some of the neighbors were concerned with negative activity at the property and the owner has agreed to make some improvements.

Councilmember Taylor moved to adopt the proposed Ordinance. Councilmember D. Medina seconded the motion.

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

Items P-5 and Z-9 were addressed jointly.

**2012-06-21-0531**

Item P-5. **PLAN AMENDMENT #11060 (District 5):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NOGALITOS/SOUTH ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF 1.1524 ACRES OF LAND OUT OF NCB 7895, LOCATED AT 718 AND 722 STONEWALL AVENUE, 1022 COMMERCIAL AVENUE, AND S IH 35 TX, FROM LOW DENSITY RESIDENTIAL LAND USE AND NEIGHBORHOOD COMMERCIAL LAND USE TO REGIONAL COMMERCIAL LAND USE. STAFF RECOMMENDS DENIAL. PLANNING COMMISSION RECOMMENDS APPROVAL OF NEIGHBORHOOD COMMERCIAL FOR THE ENTIRE PLAN AMENDMENT AREA. (ASSOCIATED ZONING CASE: #Z2011193) (CONTINUED FROM JUNE 7, 2012)

**2012-06-21-0532**

Item Z-9. **ZONING CASE # Z2011193 (District 5):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-1 AHOD" Light Commercial Airport Hazard Overlay District to "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District on 1.132 acres out of Lots 54, 55, 56, 97 and Tract

55. NCB 7895 located at 1022 Commercial Avenue, 718 and 722 Stonewall. Staff and Zoning Commission recommend denial. (Continued from June 7, 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: 1.132 ACRES OUT OF LOTS 54, 55, 56, 97 AND TRACT 55, NCB 7895 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA CD AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLE SALES PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented Items P-5 and Z-9 and stated that the plan amendment would amend the land use plan contained in the Nogalitos/South Zarzamora Community Plan. He reported that staff recommended denial and the Planning Commission recommended approval of Neighborhood Commercial for the entire plan amendment area. He noted that for Item Z-9, staff and the Zoning Commission recommended denial. He reported that of 21 notices mailed; none were received in favor and five were returned in opposition. He indicated that the case would require nine votes for approval due to more than 20% opposition from property owners within 200 feet.

Mayor Castro called upon the citizens that registered to speak.

Herman Ford stated that he was the property owner and had lived in San Antonio for 40 years. He noted that he owned a successful automobile business and that a great amount of work had already been put into the property in question. He indicated that the property was an ideal location for a car lot and that it would be in the best interest of the community.

Benny Velasquez stated that he was the General Manager of Bill's Auto Sales which was owned by Mr. Herman Ford. He presented a list of employees and highlighted the potential income for employees at the new car lot.

Roger W. Parker stated that he had been associated with Mr. Herman Ford since 2006 and served as his banker since 2009. He noted that Mr. Ford was one of his most respected customers and has a good credit history.

John Boggess stated that Mr. Herman Ford has been his brother-in-law for 21 years and is a good family man and car business owner. He noted that Mr. Ford had worked his way up at Red McCombs Enterprises and served as the Chief Operating Officer. He spoke of Mr. Ford's outreach to the community regarding the proposed car lot and mentioned that great amount of property tax that would be provided to the Harlandale School District.

Jesus Tejeda stated that he had lived in the area for 62 years and was supportive of the zoning request. He noted that it would improve the community and asked for the support of the City Council.

Marcus Garza stated that the property consists of five tracts and he had begun purchasing the properties in 2004. He noted that three of the properties were purchased from the city as surplus and taxes had not been paid on them for 40 years since the highway was constructed. He presented a site plan and

indicated that he had received a letter of support from Pollard Church located just north of the property. He stated that their intent was to develop a beautiful facility that will operate three businesses including automobile sales, insurance, and tax preparation services. He provided letters of support from seven of the immediate neighbors within 200 feet, Stonewall PTA President, Stonewall Elementary School, various School Board Members, and 25 others neighbors located on side streets. He noted that they averaged six customers per day which would not increase traffic and that they would plant additional trees. He added that they would not utilize a PA System and would point all lighting toward the site.

Alfredo Flores stated that he was in support of the project.

Diane Lang expressed concern that there were 16 car lots located on a 2.2-mile stretch of IH-35 and noted the many car lots located along Nogalitos Street. She stated that zoning changes should only be authorized for good cause and believed there could be better development on the property.

Allen Townsend, President of the Nogalitos/South Zarzamora Coalition stated that they were in opposition to the request. He expressed concern that the letters of support provided by Mr. Marcus Garza were dated in 2007 and noted that the zoning request had already been denied by the Planning and Zoning Commissions, and City Council in the past. He stated that they did not want another used car lot in their neighborhood and urged the City Council to deny the request.

Consuelo Perez stated that she lived at 726 Stonewall and was opposed to the project. She noted that she had received 300 signatures from neighborhood residents against the project. She expressed concern that 1022 Commercial could not be paved as Mr. Marcus Garza presented. She mentioned that they were in support of business in the area but not a used car lot.

Gloria Galvan stated that her mother owned the property adjacent to the proposed site and they were opposed to the project. She noted that it would be a traffic hazard and was an inappropriate business for the area.

Jason Galvan stated that he was a lifelong resident of the South Side and was in support of the project. He noted that other services would be provided at the location and that the Harlandale School District would greatly benefit from the property taxes that would be generated.

Jack M. Finger stated that the residents of District 5 were tired of being a dumping ground for used car lots and that the Planning and Zoning Commissions were opposed to the requests. He asked that the Resolution to initiate an amendment to the Nogalitos/South Zarzamora Community Plan (Item 67) be delayed in an effort to better understand the impact of the proposed Solid Waste Department Storage Site. He expressed concern with the truck repair shop requested (Items P-3 and Z-6) noting that it was too intense for the area.

Councilmember D. Medina thanked everyone that came to speak on said items. He stated that they had met with the community neighborhood association, residents, stakeholders, property owner and developer to address concerns and reach consensus on the project. He noted that they worked with the Public Works Department to resolve traffic concerns along Commercial Avenue. He asked if a traffic study was conducted. John Jacks replied that a traffic analysis was not required due to the small size of the property and the type of use which does not generate a great deal of traffic. Councilmember D. Medina asked of the concerns that would be addressed by the developer. Mr. Herman Ford stated that they would ensure that lighting was directed to the display area and highway and not toward the back of

the building. He noted that they would place a wooden privacy fence to buffer the noise and lighting and that an exterior PA System would not be used. Councilmember D. Medina stated that he believed that this was an opportunity to provide a good quality product and create economic development in the area.

Councilmember Soules asked if the site plan was realistic. Mr. Jacks replied that they had worked with the applicant to ensure that the site plan complied with city codes. Councilmember Soules asked of the maximum number of parking spaces available. Mr. Jacks replied that the minimum number of parking spaces was 13.3 and the maximum was 24.4. He stated that the numbers did not include the used vehicles that would be displayed and that the site plan met all of the parking requirements.

Councilmember Lopez stated that he was pleased with the negotiation that had occurred and that it seemed to be a worthy project that would benefit the community.

Councilmember D. Medina moved to approve a Community Commercial land use designation and "C-2NA CD AHOD" with a Conditional Use for Motor Vehicle Sales with the following conditions: 1) All outdoor lighting shall be directed onto the site, away from surrounding residential properties; and 2) Outdoor sound and speaker systems shall not be permitted. Councilmember Williams seconded the motion.

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

### **CONSENT ZONING ITEMS**

Councilmember Chan moved to approve the following Zoning Items: Z-1, Z-3, Z-4, P-4, Z-10, Z-11, P-6, Z-12, P-7 and Z-13 under Consent Zoning. Councilmember D. Medina seconded the motion.

Letters of support were received for Item Z-13 from Francine Sanders Romero, Vice-President of the Friends of Friedrich Wilderness Park, and from the Crownridge Board of Directors.

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

### **2012-06-21-0521**

Item Z-1. **ZONING CASE # Z2012110 S (District 1):** An Ordinance amending the Zoning District Boundary from "C-2 NCD-8 AHOD" Commercial Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District to "C-2 S NCD-8 AHOD" Commercial Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District with a Specific Use Authorization for a Carwash on Lots 7, 8 and the east 29 feet of Lot 9, Block 17, NCB 2069 located at 1431 Culebra Road. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 7, 8 AND THE EAST 29 FEET OF LOT 9, BLOCK 17, NCB 2069 TO WIT: FROM "C-2 NCD-8

AHOD" COMMERCIAL WOODLAWN LAKE AREA NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 S NCD-8 AHOD" COMMERCIAL WOODLAWN LAKE AREA NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A CARWASH PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2012-06-21-0524**

Item Z-3. **ZONING CASE # Z2012092 (District 2):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District, "C-3 AHOD" General Commercial Airport Hazard Overlay District, "PUD I-1 AHOD" Planned Unit Development General Industrial Airport Hazard Overlay District, "PUD C-3 AHOD" Planned Unit Development General Commercial Airport Hazard Overlay District and "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on 31.941 acres out of NCB 16817 and NCB 16060 located at 6500 IH-35 North. 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: 31.941 ACRES OUT OF NCB 16817 AND NCB 16060 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT, "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT, "PUD I-1 AHOD" PLANNED UNIT DEVELOPMENT GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT, "PUD C-3 AHOD" PLANNED UNIT DEVELOPMENT GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2012-06-21-0525**

Item Z-4. **ZONING CASE # Z2012120 (District 2):** An Ordinance amending the Zoning District Boundary from "I-2" Heavy Industrial District to "MF-33" Multi-Family District on Lot 6, Block 1, NCB 17487 located at 3644 Binz-Engleman Road. Staff recommends approval. Zoning Commission recommendation pending the June 5, 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: LOT 6, BLOCK 1, NCB 17487 TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

**2012-06-21-0529**

Item P-4. **PLAN AMENDMENT #12052 (District 4):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE NOGALITOS/SOUTH ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 7.662 ACRE TRACT OF LAND LOCATED AT 1406

FITCH STREET, 1201 LENARD STREET, 303 THROUGH 323 BERLIN AVENUE, 419 BERLIN AVENUE, AND PORTIONS OF LENARD AND ELLA STREETS FROM LOW DENSITY RESIDENTIAL TO PUBLIC/INSTITUTIONAL. STAFF RECOMMENDS APPROVAL. PLANNING COMMISSION RECOMMENDATION PENDING JUNE 13, 2012 PUBLIC HEARING. (ASSOCIATED ZONING CASE: #Z2012138 S)

**2012-06-21-0533**

Item Z-10. **ZONING CASE # Z2012088 CD (District 6):** 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 Motor Vehicle Sales on 0.5 acres out of Lot 160, NCB 8237 located at 555 Old US Highway 90. Staff recommends approval. Zoning Commission recommendation pending the June 5, 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: 0.5 ACRES OUT OF LOT 160, NCB 8237 TO WIT: 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 MOTOR VEHICLE SALES PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2012-06-21-0534**

Item Z-11. **ZONING CASE # Z2012103 (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 and "I-1 GC-2 AHOD" General Industrial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District to "C-3 GC-2 AHOD" General Commercial Highway 151 Gateway Corridor Airport Hazard Overlay District on Lot 4, Block 3, NCB 15329 located at 8327 State Highway 151. 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 4, BLOCK 3, NCB 15329 TO WIT: FROM "C-3 GC-2 AHOD" GENERAL COMMERCIAL HIGHWAY 151 GATEWAY CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT AND "I-1 GC-2 AHOD" GENERAL INDUSTRIAL HIGHWAY 151 GATEWAY CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 GC-2 AHOD" GENERAL COMMERCIAL HIGHWAY 151 GATEWAY CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT.

**2012-06-21-0535**

Item P-6. **PLAN AMENDMENT #12040 (District 8):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE HUEBNER/LEON CREEKS COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 5.667

ACRE TRACT OF LAND LOCATED AT 10560 BANDERA ROAD FROM COMMUNITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012104)

**2012-06-21-0536**

Item Z-12. **ZONING CASE # Z2012104 (District 8):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District to "MF-33" Multi-Family District on Parcel 5C, NCB 19142 located at 10630 aka 10560 E Bandera Road. Staff and Zoning Commission recommend approval, pending the plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: PARCEL 5C, NCB 19142 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

**2012-06-21-0537**

Item P-7. **PLAN AMENDMENT #12039 (District 8):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NORTH SECTOR PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 19.212 ACRES LOCATED AT THE INTERSECTION OF LUSKEY BOULEVARD AND BABCOCK ROAD FROM RURAL ESTATE TIER TO SUBURBAN TIER. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012105)

**2012-06-21-0538**

Item Z-13. **ZONING CASE # Z2012105 (District 8):** An Ordinance amending the Zoning District Boundary from "R-6 MSAO-1 MLOD" Residential Single-Family Camp Bullis Military Sound Attenuation Overlay Military Lighting Overlay District and "MF-25 MSAO-1 MLOD" Low Density Multi-Family Camp Bullis Military Sound Attenuation Overlay Military Lighting Overlay District to "MF-18 MSAO-1 MLOD" Limited Density Multi-Family Camp Bullis Military Sound Attenuation Overlay Military Lighting Overlay District on Lot 4, Block 11, NCB 18333 and Parcel 2, NCB 34720 located at at the northeast and southeast corners of Luskey Boulevard and Babcock Road. Staff recommends approval. Zoning Commission recommendation pending the June 19, 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: LOT 4, BLOCK 11, NCB 18333 AND PARCEL 2, NCB 34720 TO WIT: FROM "R-6 MSAO-1 MLOD" RESIDENTIAL SINGLE-FAMILY CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY MILITARY LIGHTING OVERLAY DISTRICT AND "MF-25 MSAO-1 MLOD" LIMITED DENSITY MULTI-FAMILY CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY MILITARY LIGHTING OVERLAY DISTRICT TO "MF-18 MSAO-1 MLOD" LIMITED DENSITY MULTI-FAMILY CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY MILITARY LIGHTING OVERLAY DISTRICT.

**[CONSENT ZONING CONCLUDED]**

**ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION (CONTINUED)**

The City Clerk read the caption for Item 67:

**2012-06-21-0029R**

Item 67. A RESOLUTION TO INITIATE AN AMENDMENT TO THE NOGALITOS/SOUTH ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY; AND A CHANGE IN THE ZONING DISTRICT BOUNDARY FOR NCB 6253 BLOCK 10 LOTS 1 THROUGH 8 LOCATED AT 611 ORIENTAL AVENUE LOCATED IN CITY COUNCIL DISTRICT 5.

Councilmember D. Medina moved to approve the Resolution authorizing staff to amend the Nogalitos/South Zarzamora Community Plan and change the zoning for property addressed at 611 Oriental Avenue to allow the storage facility and to waive the required plan amendment and rezoning fees to get this item to City Council by August 2, 2012. Councilmember Lopez seconded the motion.

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

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

**2012-06-21-0522**

Item P-1. **PLAN AMENDMENT #12049 (District 2):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE ARENA DISTRICT/ EASTSIDE COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 1.2 ACRE TRACT OF LAND LOCATED AT 2527 EAST COMMERCE STREET FROM MEDIUM DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL TO MIXED USE. STAFF RECOMMENDS APPROVAL. PLANNING COMMISSION RECOMMENDATION PENDING JUNE 13, 2012 PUBLIC HEARING. (ASSOCIATED ZONING CASE: #Z2012126)

**2012-06-21-0523**

Item Z-2. **ZONING CASE # Z2012126 (District 2):** An Ordinance amending the Zoning District Boundary from "AE-2 S EP-1 AHOD" Arts and Entertainment-2 Facility Parking/Traffic Control Overlay Airport Hazard Overlay District with a Specific Use Authorization for a School - Private University or College to "AE-1 EP-1 AHOD" Arts and Entertainment-1 Facility Parking/Traffic Control Overlay Airport Hazard Overlay District on Lot 27, Block 10, NCB 1435 located at 2527 East Commerce Street. Staff recommends approval. Zoning Commission recommendation pending the June 19, 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: LOT 27, BLOCK 10, NCB 1435 TO WIT: FROM "AE-2 S EP-1 AHOD" ARTS AND ENTERTAINMENT-2 FACILITY PARKING/TRAFFIC CONTROL OVERLAY AIRPORT HAZARD OVERLAY

DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A SCHOOL - PRIVATE UNIVERSITY OR COLLEGE TO "AE-1 EP-1 AHOD" ARTS AND ENTERTAINMENT-1 FACILITY PARKING/TRAFFIC CONTROL OVERLAY AIRPORT HAZARD OVERLAY DISTRICT.

Chris Looney presented Items P-1 and Z-2 and stated that the plan amendment would amend the future land use plan contained in the Arena District/Eastside Community Plan. He reported that staff and the Planning Commission recommended approval. He noted that for Item Z-2, staff and the Zoning Commission recommended approval. He reported that of 43 notices mailed; one was returned in favor and none were received in opposition. He added that the Jefferson Heights Association was opposed to the request.

Mayor Castro called upon the citizens registered to speak.

Jackie Gorman stated that she was in support of the request and spoke of the great investment made by the University of the Incarnate Word. She noted the new jobs that would be created and the much needed optometry services that would be provided to the East Side Community.

Robert Sosa spoke on behalf of the University of the Incarnate Word and stated that they had received the necessary funding for the project and were ready to begin construction. He thanked the City Council for their continued support.

Charles English representing the Jefferson Heights Association spoke in opposition to the request and expressed concern that there had not been a public hearing for the HUD 108 Funds that were provided for the project. He stated that the Planning Commission violated Robert's Rules of Order as they approved the item after stating that it would be tabled. He noted that they were not aware of the environmental impact and had not seen the proposed design for the facility. He requested that the item be continued for further discussion.

William Harper stated that he was the Secretary/Treasurer of the Jefferson Heights Association and expressed concern with the lack of information that has been provided by the University of the Incarnate Word. He noted that ophthalmology services were needed in the area but they were concerned with the lack of public input. He also requested that the item be continued to discuss in further detail.

Councilmember Taylor thanked the individuals that spoke and stated that she was in support of the plan amendment and zoning change. She noted that the city had provided CDBG and TIRZ Funding for the project and that it would provide new development, jobs and optometry services in the area. She stated that the University of the Incarnate Word had worked diligently on community outreach and had attended various events in the community. She requested that they continue to work with the neighborhood to address concerns.

Mayor Castro commended Councilmember Taylor for her leadership on the project and thanked the University of the Incarnate Word for their commitment. Councilmember Bernal expressed his support for the project and spoke of the great need for optometry services on the East Side.

Councilmember Taylor moved to adopt the proposed Ordinances for Items P-1 and Z-2. Councilmember Bernal seconded the motion.

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

**DENIED**

Item P-2. **PLAN AMENDMENT #12022 (District 2):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE EASTERN TRIANGLE COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE LAND USE OF AN APPROXIMATELY 13.9 ACRE TRACT OF LAND LOCATED AT 2922, 2926, 2930, 2934, 2940, 2950, AND 2954 SOUTHEAST LOOP 410 AND P-17B AND P-17D OF NCB 10777 FROM COMMUNITY COMMERCIAL AND PARKS/OPEN SPACE TO LIGHT INDUSTRIAL. STAFF RECOMMENDS DENIAL. PLANNING COMMISSION RECOMMENDS APPROVAL. (NO ASSOCIATED ZONING CASE) (CONTINUED FROM MAY 17, 2012)

Chris Looney presented Item P-2 and stated that the plan amendment would amend the future land use plan contained in the Eastern Triangle Community Plan. He noted that staff recommended denial and the Planning Commission recommended approval.

Mayor Castro called upon the individuals registered to speak.

James McNamara stated that he was the President of his homeowner association and they were in opposition to the plan amendment. He noted that the original plan had received great praise from the Planning Commission and City Council and they did not feel the need to change it. He indicated that the new designation would alter the flow of community businesses that exist in the corridor and added that city staff recommended denial.

Michael Pogue, President of the Lower Southeast Side Association read a statement for the record in opposition to the Plan Amendment. He stated that non-buffered, industrial zoning does not enhance the neighborhood and detracts from the quality of life of surrounding communities. He noted issues with heavy truck traffic, noise and air pollution and asked the City Council to deny the request.

Joy McGhee, President of the Jupy Manor Neighborhood Association and Board Member of the Eastern Triangle spoke in opposition to the plan amendment. She stated that she had attended the meetings of the Eastern Triangle and that there was great attendance. She noted that they wanted standards upheld in their neighborhood and urged the City Council to deny the request.

Allan Boldt stated that the Eastern Triangle Plan consisted of a large portion of District 2 and was accepted by the City Council after at least 50 community meetings were held. He noted that they had worked with the applicants but did not trust the deregulated job market.

Chuck Christian stated that they were unaware that there was a community plan for the area and found that the future land use had been changed to C-2. He submitted five letters of support from the surrounding property owners, as well as a letter of support from Dan Martinez who had helped initiate the Eastern Triangle Community Plan. He expressed concern that many people had invested their life savings in the industrial buildings with the intention to lease them out and could not do so.

Dennis Oloteo stated that he was the property owner of 2940 S.E. Loop 410 and distributed photos of the property and surrounding area. He noted that they had built the building for industrial use and

operated an agriculture and construction equipment business. He mentioned that he was not aware of the community plan for the area and had not heard of the Eastern Triangle. He expressed concern that the current zoning would deter him from selling the property.

Gerard Van Babadaal stated that he has owned Alamo Trailers and Alamo Trucks since 1984. He stated that he had purchased property in the area and was not aware that the future land use would be changed to a C-3. He noted that the property was in poor condition when he purchased it and he had cleaned it up. He expressed concern that removing the I-1 Zoning would hurt his business and asked the City Council to maintain the current zoning.

Terry Gawlik stated that he was shocked since he had only heard of the zoning change the previous day. He noted that he had used his life savings to purchase a small piece of property in the area and requested to maintain the I-1 Zoning. He noted that the area was known as an industrial area and he did not want his livelihood taken from him.

Councilmember Taylor clarified that the request was to amend the Eastern Triangle Plan and was not a change in zoning. She expressed concern that business owners in the area were not aware of the Eastern Triangle Plan and asked staff of the outreach conducted. Mr. Looney replied that there had been extensive outreach and that notices had been mailed to all property owners regarding the community meetings that were held. Councilmember Taylor encouraged business owners to take an active interest in what is occurring around them. She stated that she had worked with the applicant and interested community members to reach a resolution but had not been successful. She noted that there were several neighborhood associations that were opposed to the plan amendment and she could not support it today. She added that there would be an opportunity for further dialogue between the property owners and neighbors and would be working on matching the zoning with the plan.

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

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

Items P-3 and Z-6 were addressed jointly.

**2012-06-21-0527**

Item P-3. **PLAN AMENDMENT #12041 (District 2):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE IH-10 EAST CORRIDOR PERIMETER PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 13.004 ACRE TRACT OF LAND LOCATED AT 8810 IH-10 EAST FROM URBAN LIVING TO INDUSTRIAL. STAFF RECOMMENDS DENIAL. PLANNING COMMISSION RECOMMENDS APPROVAL. (ASSOCIATED ZONING CASE NUMBER: #Z2012108 )

**2012-06-21-0528**

Item Z-6. **ZONING CASE # Z2012108 (District 2):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "I-1 AHOD" General Industrial Airport Hazard Overlay District on a 13.004 acre tract of land out of NCB 16567 and

CB 5089 located at 8810 Interstate Highway 10 East. Staff recommends denial. 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: A 13.004 ACRE TRACT OF LAND OUT OF NCB 16567 AND CB 5089 TO WIT: FROM "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

Chris Looney presented Items P-3 and Z-6 and stated that the plan amendment would amend the land use plan contained in the IH-10 East Corridor Perimeter Plan. He reported that staff recommended denial and the Planning Commission recommended approval. For Item Z-6, he noted that staff recommended denial and the Zoning Commission recommended approval. He reported that of six notices mailed; four were returned in favor and none were returned in opposition. He added that the East Gate Neighborhood Association was in support of the request.

Mayor Castro called upon the citizens registered to speak for Items P-3 and Z-6.

Sylvia Elguezabal, East Gate Neighborhood Association President addressed the Council and stated that she was in favor of the zoning change. She noted that she had met with Trey Jacobson and understood the need for the change. She mentioned that she was trying to help a business owner that had been in operation for 20 years and was supportive of the request to expand the business.

Trey Jacobson addressed the Council and stated that he was representing Rush Truck Centers of Texas. He presented the subject property area and noted that they had been operating on the property for 40 years. He indicated that they had purchased additional property for the purpose of expanding their facility and that the surrounding properties were zoned either Industrial or C-3. He added that it was a rural area of the city and believed that the land use was appropriate.

Councilmember Taylor moved to adopt the proposed Ordinances for Items P-3 and Z-6. Councilmember Soules seconded the motion.

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

Mayor Castro addressed items P-8 and Z-14 jointly at this time.

**2012-06-21-0539**

Item P-8. **PLAN AMENDMENT #12050 (District 9):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE SAN ANTONIO INTERNATIONAL AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 15.2364 ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 3, NCB 16161 LOCATED SOUTHWEST OF THE INTERSECTION OF WURZBACH PARKWAY AND BLANCO ROAD FROM MIXED USE TO PARKS/ OPEN SPACE. STAFF RECOMMENDS APPROVAL. PLANNING COMMISSION RECOMMENDATION PENDING JUNE 13, 2012 PUBLIC HEARING. (ASSOCIATED ZONING CASE: #Z2012133 CD)

**2012-06-21-0540**

Item Z-14. **ZONING CASE # Z2012133 CD (District 9):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District to "RP AHOD" Resource Protection Airport Hazard Overlay District (on 15.2364 acres), "C-1 AHOD" Light Commercial Airport Hazard Overlay District (on 1.1282 acres) and "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Storage - Outside (Under Roof and Screened) with Outdoor Display of Merchandise (on 25.0486 acres) on 41.4123 acres out of Lot 1, Block 3, NCB 16161 located at the southwest corner of Blanco Road and Wurzbach Parkway and rescinding Resolution 2012-02-16-0004R. Staff recommends approval pending the plan amendment. Zoning Commission recommendation pending the June 19, 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: 41.4123 ACRES OUT OF LOT 1, BLOCK 3, NCB 16161 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "RP AHOD" RESOURCE PROTECTION AIRPORT HAZARD OVERLAY DISTRICT (ON 15.2364 ACRES), "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT (ON 1.1282 ACRES) AND "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR STORAGE - OUTSIDE (UNDER ROOF AND SCREENED) WITH OUTDOOR DISPLAY OF MERCHANDISE (ON 25.0486 ACRES) PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Items P-8 and Z-14 and stated that the plan amendment would amend the future land use plan contained in the San Antonio International Airport Vicinity Land Use Plan. He noted that staff and the Planning Commission recommended approval. For Item Z-14, he noted that staff and the Zoning Commission recommended approval. He reported that of 33 notices mailed; three were returned in favor and none were returned in opposition. He added that the North Castle Hills Homeowners Association was in favor.

Bill Kauffman, Representing the property owner commended Councilmember Chan for her efforts on the project. He stated that an agreement had been reached and sent to the title company for enforcement. He noted that the zoning case would downzone the multi-family zoning abutting the neighborhood to Resource Protection, Light Commercial, and Commercial with conditional use for outside storage. He requested approval by the City Council. Ken Brown representing Wal-Mart stated that they had come to a good agreement with the neighborhood and conservancy. He noted that there would be a 300-foot buffer and that 16 acres of the land and the trees on the property would be preserved. He further noted there would be a fence along the property line and that they had limited the hours of operation and size of the building. He asked the City Council to approve the plan amendment and zoning request and to rescind the Council Consideration Request (CCR).

Mayor Castro called upon the citizens registered to speak.

Wayne Fagan, Pat Major and Jim Schulman addressed the City Council in support of the plan amendment and zoning change. Mr. Fagan stated that he was the attorney for the North Castle Hills Homeowners Association and a resident of North Castle Hills. He commended Councilmember Chan

for her leadership on said items and noted that he was pleased that they had been provided the opportunity to do something good for the neighborhood. He indicated that their goal was that the 41 acres would become part of Hardberger Park but wanted the best use for the area once they knew that this would not occur. He acknowledged city staff, noting that they are jewels to the city and have been an integral part of the process. He stated that the seller and Wal-Mart were also to be commended for their contributions. Ms. Major thanked everyone that worked on the project and stated that they were in support of the initiative. She spoke of the many meetings that had occurred and added that they were pleased that the historic majestic trees would be preserved.

Chuck Saxer representing the Phil Hardberger Park Conservancy and Northside Neighborhoods for Organized Development (NNOD) stated that they were in support of the project. He commended Councilmember Chan for her efforts and spoke of the dedication of the stakeholders, buyer, seller, and neighborhood.

John Linkhart stated that he was in support of the plan amendment and zoning request. He commended Councilmember Chan for her leadership and the many stakeholders that had worked together to reach consensus.

Councilmember Chan thanked everyone that worked on the project and stated that it was a good example of how all interested parties could work together and come up with a compromise. She noted that 75% of the trees would be preserved and that Wal-Mart had agreed to reduce the size of the store and hours of operation. She commended Wal-Mart for being accommodating and addressing the concerns of the neighborhood. She mentioned that detailed deed restrictions had been signed and would be held by North Castle Hills, Parks Conservancy, and NNOD. She recognized the seller for their cash and land donations. She provided letters of support from Chuck Saxer representing NNOD and the Phil Hardberger Park Conservancy, and Andrea Gault, President of the North Castle Hills Homeowners Association, Inc.

Councilmember Taylor commended Councilmember Chan for her strong leadership on a very difficult issue. Councilmember Soules also commended Councilmember Chan for her leadership on the issue and congratulated the community for working together on a solution.

Councilmember Chan moved to approve Plan Amendment #12050 and Zoning Case #Z2012133 CD for 41.4123 acres located at the southwest corner of Blanco Road and Wurzbach Parkway; authorizing two eight-foot fences as depicted in the zoning site plan; the first fence generally following the rear of the property to be zoned C-2 CD from Wurzbach Parkway south to Vista View Drive and the second fence along the southwest property line of the property being zoned RP abutting the rear property lines of the houses along Tarton Lane and rescinding Resolution 2012-02-16-0004R. Councilmember Bernal seconded the motion.

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

Mayor Castro addressed Item Z-7 at this time.

**2012-06-21-0530**

Item Z-7. **ZONING CASE # Z2012138 S (District 4):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District, "MF-33 AHOD" Multi-Family Airport Hazard Overlay District and "C-2" AHOD" Commercial Airport Hazard Overlay District to "MF-33 S AHOD" Multi-Family Airport Hazard Overlay District with a Specific Use Authorization for a Daycare Center (on 2.312 acres) and "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District (on 5.35 acres) on 7.662 acres out of Lots 13, 14, 15, 16, 21, 22, 23 and 24, Block 108, NCB 7973 and Lots 1, 2 and 3, Block 1, NCB 13372 and portions of Lenard and Ella Street located at 1201 Lenard (also known as 1406 and 1418 Fitch), 419, 323, 319, 311, 307 and 303 Berlin Avenue, and portions of Lenard and Ella Street. Staff recommends approval, pending plan amendment. Zoning Commission recommendation is pending the June 19, 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: LOTS 13, 14, 15, 16, 21, 22, 23 AND 24, BLOCK 108, NCB 7973; LOTS 1, 2 AND 3, BLOCK 1, NCB 13372 AND PORTIONS OF LENARD AND ELLA STREET TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT, "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "C-2" AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "MF-33 S AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A DAYCARE CENTER (ON 2.312 ACRES) AND "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT (ON 5.35 ACRES) PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-7 and stated that staff and the Zoning Commission recommended approval. He reported that of 107 notices mailed; none were returned in favor or in opposition. He added that the applicant was requesting approval of up to an 8-foot fence for property surrounding the day care.

Councilmember Bernal moved to approve the public institutional land use designation and the zoning change as requested including a fence up to eight feet in height to be located around the proposed day care center. Councilmember Taylor seconded the motion.

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

**CONTINUED TO AUGUST 2, 2012**

Item Z-8. **ZONING CASE # Z2012084 (District 5):** An Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "C-2P AHOD" Commercial Pedestrian Airport Hazard Overlay District on Lot 21 (Tract 21) and the west 61 feet of Lot 20 (Tract 20), Block 4, NCB 8730 located at 123 Fay Avenue. Staff and Zoning Commission recommend approval.

John Jacks presented Item Z-8 and stated that staff and the Zoning Commission recommended approval. He reported that of 15 notices mailed; two were returned in favor and none were returned in opposition.

Councilmember D. Medina moved to continue Item Z-8 to August 2, 2012. Councilmember Chan seconded the motion.

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

**INDIVIDUAL ITEMS PULLED FOR INDIVIDUAL CONSIDERATION (CONTINUED)**

The City Clerk read the caption for Item 55:

**2012-06-21-0509**

Item 55. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT INCENTIVE FUND GUIDELINES TO ALIGN WITH THE CITY'S INNER CITY REINVESTMENT/INFILL POLICY, SA 2020 GOALS AND TAX ABATEMENT GUIDELINES.

Councilmember Chan requested a staff presentation. Rene Dominguez presented the proposed amendments to the Economic Development Incentive Fund (EDIF) Guidelines and noted that they had been presented to the Economic and Community Development Council Committee (ECDC). He stated that the EDIF Guidelines had been approved in November, 2008 but were now in need of revision. He outlined key changes that include a simplified and flexible formula for determining grant offers for projects. Additionally, the new guidelines will provide more opportunity for grants outside of the ICRIP on a per-job basis and allow grants and loans for projects over the Recharge Zone if the project is located in an existing facility and does not increase impervious cover. He further noted that the new guidelines define the Targeted Investment Area as the ICRIP and any future modifications approved by Council.

Councilmember Chan thanked the Councilmembers that serve on the ECDC and staff for their work. She stated that she was pleased with the new policy that would provide tools for attracting development in the Inner City, as well as other parts of the city.

Councilmember Bernal thanked staff for their work and stated that he was excited to be moving forward. Councilmember Lopez spoke of the importance of companies providing access to healthcare for their employees and finding a way to track its effectiveness.

Councilmember Bernal moved to approve the guidelines and directed staff to present expansion options to the ICRIP boundaries at the next ECDC Meeting. Councilmember Chan seconded the motion.

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

The City Clerk read the caption for Item 61:

**2012-06-21-0515**

Item 61. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT (DISTRICT) IN AN AMOUNT NOT TO EXCEED \$111,000.00 FOR IMPROVEMENTS AND RENOVATION OF DISTRICT PROPERTIES TO BE

USED FOR THE PURPOSE OF INCREASING ACCESS TO PHYSICAL ACTIVITY RESOURCES FOR RESIDENTS OF THE CITY OF SAN ANTONIO AND BEXAR COUNTY.

Councilmember D. Medina asked of the locations and school districts affected. Christine Rutherford-Stuart replied that there were five locations within the San Antonio Independent School District located in Council Districts 1, 3, 5 and 7: 1) Rhodes Middle School; 2) Lowell Middle School; 3) Young Women's Leadership Academy; 4) Rogers Middle School; and 5) Maverick Elementary. She stated that the program would provide public access to school facilities to utilize for physical activity. Councilmember D. Medina asked of the improvements that would be made at Lowell Middle School. Ms. Rutherford-Stuart replied that they would be removing old basketball and tennis courts and installing new ones and that they would be available for public use during non-school hours.

Councilmember D. Medina moved to adopt the proposed Ordinance. Councilmember Bernal seconded the motion.

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

The City Clerk read the caption for Item 64:

**2012-06-21-0518**

Item 64. AN ORDINANCE ADOPTING REVISIONS TO THE AFFORDABLE SHOWCASE OF HOMES SITE SELECTION CRITERIA TO DISCONTINUE THE CITY'S ROLE AS PROJECT DEVELOPER AND INSTEAD CREATE PARTNERSHIPS THROUGH A MEMORANDUM OF AGREEMENT WITH PRIVATE DEVELOPERS WHO HAVE HOUSING DEVELOPMENT PROJECTS WITH VACANT LOTS FOR SALE TO THE CITY FOR A PERCENTAGE AT MARKET RATE.

Councilmember Chan stated that it was a good idea for the city to discontinue its role as project developer and asked how the program would work. Assistant City Manager David Ellison stated that the city would continue to work with the same set of partners and that the Greater San Antonio Builders Association (GSABA) would serve as the umbrella organization. He explained that as part of the Memorandum of Agreement, GSABA would conduct a lottery draw in which nonprofit and independent housing builders compete for the opportunity to build houses. He noted that the city will no longer develop raw land but would direct the program toward already developed lots within Tax Increment Reinvestment Zone (TIRZ) Districts to better leverage public investment in existing infrastructure. Councilmember Chan asked of the qualifications of the home builders. Mr. Ellison replied that they would be determined by GSABA but they must meet the city's standards for building quality and code compliance. Councilmember Chan asked if there were other partners. Mr. Ellison noted that other partners include CPS Energy, SAWS, San Antonio Realtors Association, and Bexar County. Councilmember Chan asked of the Request for Proposal (RFP) Process. Mr. Ellison replied that it was a new process being implemented and that the program would be reassessed after this cycle. He noted that developers that have put the infrastructure in place would be respondents to the RFP.

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

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

**Item 66. CITY MANAGER’S REPORT**

- A. EMERGENCY NOTIFICATION SYSTEM UPDATE**
- B. BLOOMBERG PHILANTHROPIES: INNOVATIVE CITIES CHALLENGE**

The City Manager’s Report was not addressed.

**POINT OF PERSONAL PRIVILEGE**

Mayor Castro recognized City Attorney Michael Bernard who would be celebrating his birthday on July 28<sup>th</sup> during the City Council break. The City Council wished Mr. Bernard a Happy Birthday.

**ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 5:10 pm.

**APPROVED**

  
for  
**JULIÁN CASTRO**  
MAYOR

Attest:   
**LETICIA M. YACEK, TRMC/MMC**  
City Clerk