

**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, FEBRUARY 1, 2012, AND THURSDAY, FEBRUARY 2, 2012, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **February 1, 2012**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Taylor, Ozuna, Saldaña, D. Medina, C. Medina, Chan, Soules, and Mayor Castro. **ABSENT:** Lopez and Williams.

1. BRIEFING AND POSSIBLE ACTION ON THE FY 2013 AND FY 2014 CONSOLIDATED FUNDING PROCESS FOR HUMAN AND WORKFORCE DEVELOPMENT SERVICES.

Gloria Hurtado, Human Services Director provided an overview of the Consolidated Funding Process (CFP) and recommendations for FY 2013 and FY 2014. She reported that the city currently contracts \$22.3 million with 70 agencies for Human and Workforce Development Services. She stated that they combine multiple fund sources into one CFP that includes: 1) General Fund; 2) Community Development Block Grant (CDBG) – Public Service; 3) Emergency Shelter Grant (ESG); and 4) Housing Opportunities for Persons with AIDS (HOPWA). She indicated that one Request for Proposals (RFP) was issued every two years.

Ms. Hurtado stated that the City Council determines funding priorities and an RFP will be issued on March 1, 2012 based on the identified priorities. She noted that proposals are due on April 2, 2012 and will be reviewed by panels that include community representatives. She indicated that public meetings would be held in March and June and that recommendations would be presented to the City Council during the Budget Process. She reported that the amount of General Funds allocated would be determined during the Budget Process and that ESG and HOPWA Funds must be used for specific services. She stated that 15% of the City's CDBG Funds are allocated for Public Service Activities and noted that the FY 2013 CDBG Budget has been reduced by 12.6% from FY 2012.

Ms. Hurtado outlined the proposed FY 2013 Investment Categories that would align with the SA2020 Goals: 1) Education; 2) Family Well-Being; 3) Community Safety Net; and 4) Economic Competitiveness. Within the Education Category, she stated that the goal was to raise education and skill levels in San Antonio. The goal of the Family Well-Being Category is to promote financial security and address issues of hunger and homelessness. She spoke of the Homeless Transformation contract with Haven for Hope, Inc. totaling \$6.5 million. She mentioned that the goal of the Community Safety Net Category was to provide a community safety net that expands and supports community awareness. She added that the goal of the Economic Competitiveness Category was to ensure that families have the skills and support to provide a standard quality of living.

Ms. Hurtado recommended that agencies awarded Human Services Funds outside of the CFP be included in the RFP Process. These include the After School Challenge Program, P16 Plus Council, and Generation TX. She outlined the ballot process, noting that the City Council would utilize ballots to determine their priorities and complete them by February 10, 2012. She indicated that results would be presented at the B Session of February 15, 2012. She provided a current ballot allocation by category

totaling \$10.00 and requested that the City Council provide their proposed budget for FY 2013 by category. She added that contracts would be implemented in October, 2012.

Mayor Castro thanked staff for their work and asked of the funding priorities. Ms. Hurtado replied that she was excited that the priorities were aligned with the goals of SA2020 and that there were defined benchmarks and performance measures.

Councilmember Chan asked of the programs that were not included in the CFP as noted on Slide 13. Ms. Hurtado replied that the three agencies were funded with Human Services Funds and recommends that they be included in the CFP for FY 2013. Councilmember Chan asked how other agencies could request funding. City Manager Sculley replied that agencies could submit a proposal through the RFP Process and would be able to compete for funds based on priorities.

Councilmember Saldaña confirmed that there was no guarantee that agencies that are currently funded would receive funding in FY 2013. Ms. Sculley confirmed same. Councilmember Saldaña asked of the categories for funding. Ms. Hurtado replied that agencies apply within a specific category and are required to explain their qualifications and capacity in their proposal.

Councilmember D. Medina asked of the 50% funding allocated for a delegate agency. Peter Zanoni replied that the policy was revised to accommodate one agency. Ms. Hurtado stated that agencies receiving funding of less than \$1 million could receive up to 50% of their budget, while agencies receiving more than \$1 million could receive 35% of their budget. Ms. Sculley noted that the policy was revised so that agencies would not rely solely on the city for funding and that there was not a limit on the number of years that agencies could be funded. Ms. Hurtado spoke of the monitoring of contracts and noted that contracts have been terminated for agencies not meeting the terms. Mr. Zanoni added that funding is provided on a reimbursement basis and agencies are required to meet performance measures.

Councilmember Chan asked of agencies that do not follow the CFP. Ms. Hurtado replied that the Head Start Program did not follow the CFP. Rene Dominguez stated that the Alamo Academies are approved by the City Council through an annual Interlocal Agreement.

Councilmember Soules requested that staff compile a spreadsheet that includes the overall size of the organization; total budget; public vs. private funding; and administrative costs. Ms. Hurtado replied that staff could provide the information when making recommendations for funding.

Mayor Castro thanked staff for the presentation.

2. BRIEFING ON HIGH PROFILE CONTRACT – INDEPENDENT AUDIT SERVICES.

Ben Gorzell, Chief Financial Officer stated that the Independent Audit Services Contract was identified as a high profile contract initiative during the November 2, 2011 B Session Presentation. He indicated that contract initiatives are identified as high profile if they have an estimated value over \$1 million; have a high level of community interest or other exceptional interest; or are highly complex or technical in nature, or have contract terms and conditions that are non-standard or complex. He noted that the Independent Audit Contract meets all three conditions.

Mr. Gorzell reported that a Request for Proposals (RFP) was selected as the solicitation type for the procurement of an Independent Audit Contract. He explained that an External Audit ensures that the city's records are properly maintained and provides a true and fair view of the financial statements of the city. He stated that an External Independent Audit was required under the provisions of the City Charter and by State Statute. He provided a history of the Audit Firm Contracts awarded by the city since 1988.

Mr. Gorzell stated that Grant Thornton LLP was selected as the Prime Contractor with four Sub-Contractors in December, 2006. He noted that the contract term was for a two-year period with three, one-year extensions. He reported that a 50% SBEDA Participation Level was met by utilizing the following audit subcontractors: 1) Robert J. Williams; 2) Britts and Associates; 3) Webb Watch; and 4) Martinez, Rosario and Company. He added that the third and final contract extension was approved in April, 2011 and FY 2011 Audit Results will be completed and released to the City Council in March, 2012.

Mr. Gorzell recommended that the City Council approve the continued utilization of a Prime Contractor with mandatory Sub-Contractor Participation. He indicated that there should be a five-year maximum term comprised of a three-year contract with two, one-year extensions. He stated that there was no regulatory requirement for Governmental Entities to rotate audit firms but staff recommends continuing the city policy of a mandatory partner/firm rotation every five years. He mentioned that they further recommend resuming the use of the City Auditor's Office support at levels ranging from 0-1,000 hours per year depending on availability of staff and the City Auditor's Office Audit Plan. He noted that utilizing the Auditor's Staff.

Mr. Gorzell stated that meeting or exceeding the SBEDA eligible subcontractor participation level is mandatory for organizations to be deemed responsive to the RFP. He reported that the Goal Setting Committee recommends utilizing a Small Business Enterprise (SBE) Subcontracting Level of 30%. He outlined the scope of services that include Independent Audit Services and Quality Control Reviews. He mentioned that the Finance Department will be responsible for the preparation of the Comprehensive Annual Financial Report; Financial and Compliance Reports on Federal and State Grants "Single Audit Reports"; and the Passenger Facility Audit Report. He provided an overview of the evaluation criteria and award analysis and added that the firm would be selected in May, 2012.

Mayor Castro asked if the Prime Contractor would select their Subcontractors. Mr. Gorzell confirmed that the Prime Contractor would submit a proposal with the names of their Subcontractors and be evaluated as a complete package. Mayor Castro asked if Grant Thornton could serve as the lead partner. Mr. Gorzell replied that Grant Thornton would be eligible to submit a proposal but would be required to rotate off the current engagement partner. Ms. Sculley added that while it would be ideal to have a new lead firm; there were few firms that conduct public sector audits. Mayor Castro asked of the SBEDA Goal. Rene Dominguez replied that the SBE Subcontracting Level of 30% was due to the Prime Contractor taking responsibility for execution of the contract. He noted that the new SBEDA Ordinance requires that firms reside in the San Antonio Metropolitan Statistical Area to be eligible. Mayor Castro expressed concern that opportunities are not being produced as expected for Small, Minority, and Women-Owned Businesses.

Councilmember Chan spoke of the importance of engaging more small firms as subconsultants and expressed concern that availability was only based on firms that were registered in the Central Vendor Registration System. She noted concerns that there was no criteria in the RFP that encouraged more than a 30% SBE Subcontracting Level. She asked of the number of hours and cost of the contract. Mr.

Gorzell replied that it was approximately 7,000 hours and the previous contract cost was \$922,000. Ms. Sculley noted that the Audit Committee had recommended utilizing the City Auditor's Office to keep costs down and that it would affect SBE Participation. Mr. Dominguez added that the Goal Setting Committee had reduced the SBE Subcontracting Level to 30% due to the work that would be provided by the City Auditor's Office. Councilmember Chan requested that SBE Participation be scored as part of the criteria.

Councilmember Saldaña expressed support for encouraging more small business participation. He stated that he was not aware that small firms would be negatively affected by utilizing the City Auditor's Office to perform some of the work on the contract. He asked of the idea for using the City Auditor's Office. Interim City Auditor Kevin Barthold replied that there would be cost savings and efficiencies and that city staff would benefit from Training and Professional Development.

Councilmember Bernal asked if the SBEDA Ordinance was Race Neutral. Michael Bernard replied that the Ordinance includes Race Conscious Tools that are not being utilized until there is enough data to justify their use. Councilmember Bernal stated that race was only one of many factors that could be considered, as some businesses were small or women-owned. Mr. Gorzell stated that they could revise the SBE Subcontracting Levels based on utilization of the City Auditor's Office.

Mayor Castro stated that he was frustrated with the process and asked that a more thorough review by the Audit and Economic Development Council Committees be made before bringing it to the full Council for consideration.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 3:55 pm to convene in Executive Session for the purposes of:

- A. 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).**
- B. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND DISCUSS RELATED ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.087 (ECONOMIC DEVELOPMENT).**
- C. DELIBERATE COMPETITIVE MATTERS REGARDING CPS ENERGY AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.086 (COMPETITIVE MATTERS) AND TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY) – SAID ITEM WAS NOT DISCUSSED.**
- D. CONSULTATION WITH ATTORNEY REGARDING LEGAL ISSUES RELATED TO CITY CHARTER AMENDMENT AND ELECTIONS PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Castro reconvened the meeting at 5:15 pm at which time it was noted that the City Council had been briefed on the above-styled matters and took no action. He addressed the Ceremonial Items.

CEREMONIALS

Mayor Castro presented a Proclamation in recognition of the 63rd Annual San Antonio Stock Show and Rodeo that will be held February 9-26, 2012, at the AT&T Center and Freeman Coliseum. It was noted that the famous daily rodeo is followed by great line-up events including the Calf Scramble, Mutton Bustin, Xtreme Bull Riding, Horse Show, and nightly concerts and carnival.

Mayor Castro presented a Proclamation to the American Heart Association (AHA) for sponsoring their Annual *Go Red for Women Day* on February 3, 2012. It was noted that the goal of the event is to encourage citizens (especially women) to learn the warning signs of heart attack and stroke. Many other events are planned throughout the month of February to support the AHA's fight against heart disease.

Mayor Castro presented a Proclamation for the 18th Annual Basura Bash that will be held on Saturday, February 28, 2012. It was mentioned that the Basura Bash is the largest community-wide effort to clean up the banks of the San Antonio River and its tributaries. Over the years, more than 24,500 volunteers have collected and sorted nearly 350 tons of trash and recyclable waste.

CITIZENS TO BE HEARD

Mayor Castro called upon the individuals registered to speak.

Nazirite Ruben Flores Perez provided an article from the Express News published on January 22, 2012 entitled, "In tough times, pressure to tax church." He stated that the churches in Italy were being taxed since they owned a great number of commercial properties. He expressed concern that this would be implemented throughout the world.

Theresa Berlanga stated that no one should believe anything that is said about her. She spoke of the San Antonio Stock Show and Rodeo and mentioned that her father was a lifetime member of the San Antonio Livestock Association. She expressed concern with CPS Energy, noting that she receives a bill even though her house is empty.

Anthony Rogers thanked the City Council and city staff for their work, noting that he had witnessed the city grow tremendously. He stated that he was very grateful for the work of the City Council and pleased to serve as a Board Member. He commended the Office of the City Clerk for processing passport applications. He spoke of the excellent service that he and his wife received when applying for passports for their 40th anniversary trip to Greece. He stated that the San Antonio Police and Fire Departments were the best in the nation and added that he was pleased with the 3-1-1 Services that were available to citizens.

Maria Torres stated that she would like to meet with Mayor Castro on behalf of her mother and thanked Councilmember Taylor for her service.

Faris Hodge Jr. submitted written testimony and expressed concern that the Fire Department does not inspect the fire extinguishers at elementary, middle and high schools. He wrote that vehicles are the main source of the city's polluted air and that Pope Benedict called on Catholics not to cast stones. He expressed concern with the cost of copies at local libraries and requested that Social Security Offices remain in the Downtown Area. He wrote that new meters would help CPS Energy Customers control

power use and that CPS Energy was requesting that schools conserve energy. He referenced the Office of the City Clerk Newsletter and recognized City Clerk Vacek for her efforts.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:12 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **February 2, 2012**, at 9:00 am in the City Council Chambers.

ROLL CALL

City Clerk Leticia M. Vacek took the Roll Call and noted a quorum of the Council with the following present: Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** None.

Item 1. The Invocation was delivered by Dr. Paul Parks, D.Min., Executive Director, Ecumenical Center for Religion & Health, guest of Councilmember W. Reed Williams, District 8.

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

Item 3. MINUTES

Councilmember D. Medina moved to approve the Minutes for the December 7-8, 2011 City Council Meetings. Councilmember Bernal seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2012-02-02-0061

Item 4. AN ORDINANCE APPOINTING THE CITY INTERNAL AUDITOR OF THE CITY OF SAN ANTONIO.

Councilmember Williams, Chair of the Audit Council Committee stated that it was important to recognize previous City Auditor, Park Pearson, for his work. He noted that Mr. Kevin Barthold had performed well in his role as Interim City Auditor and asked that he state his qualifications for the position of City Auditor. Mr. Barthold stated that he had received a Bachelor's Degree with a concentration in Accounting from the University of Texas at San Antonio. He indicated that he was a Certified Public Accountant (CPA), Certified Internal Auditor (CIA), and Certified Information Systems Auditor (CISA). He noted that he has been auditing for 22 years and has performed many different types of audits. He spoke of his work experience, noting that he had worked at USAA for 20 years, as well as San Antonio Credit Union and the Argo Group. Councilmember Williams asked of the external peer review conducted. Mr. Barthold responded that the Association of Local Government Auditors had

conducted same in September and the city was in full compliance with the standards that they are required to follow. He stated that he had implemented the use of Microsoft Project to better track and monitor audits. Councilmember Williams thanked the Audit Council Committee and asked of the compensation that would be provided to the City Auditor. Sharon DeLaGarza replied that based on a salary survey conducted nationally and within Texas; staff recommended a salary of \$150,000 per year. Additionally, staff recommends that he continue to receive a monthly \$500 car allowance and \$70 phone allowance.

Councilmembers Chan, D. Medina, Soules and Taylor thanked Councilmember Williams for his leadership on the Audit Council Committee and look forward to working with Mr. Barthold.

Mayor Castro thanked Mr. Barthold for his work thus far and noted that the position was very important in that the City Internal Auditor represents the keeper of public trust.

Councilmember Williams moved to adopt the proposed Ordinance appointing Kevin Barthold as the City Internal Auditor of the City of San Antonio. Councilmember Chan seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Lopez recognized students of the Government Class from Northwest Vista College and their Professor, Dr. Robert Marbut that were present.

The City Clerk read the caption for Item 5:

Item 5. DISCUSSION AND POSSIBLE ACTION ON THE 2012 EDWARDS AQUIFER AUTHORITY (EAA) IMPOSED FEE FOR THE EDWARDS AQUIFER RECOVERY IMPLEMENTATION PLAN (EARIP) TO BE PASSED THROUGH BY SAWS TO ITS WATER CUSTOMERS BEGINNING ON APRIL 1, 2012.

Ben Gorzell stated that said item was a follow-up from the previous week. He noted that the Edwards Aquifer Authority (EAA) assesses fees to finance their administrative expenses and programs. He indicated that the Management Fee was based on the amount of water that a permit holder is permitted to withdraw and that the San Antonio Water System (SAWS) has historically been assessed a fee. He reported that the City Council had approved Ordinance 87042 in December 1997 that authorized SAWS to administratively pass EAA Fees to its water customers without further City Council Action. He mentioned that the fee is shown as a separate line item on the SAWS Bill and has been discussed as part of the SAWS Rate Plan.

Mr. Gorzell reported that in December 2011, the EAA proposed a new fee to fund the Edwards Aquifer Recovery Implementation Program (EARIP). He stated that the EARIP was developed to protect federally endangered species of the Comal and San Marcos Springs and to preserve the interest of permit holders who pump water from the Edwards Aquifer. He noted that SAWS anticipates being assessed a fee of \$9.6 million for the period between April through December 2012. He indicated that SAWS plans to recover the fee from its customers over the same time period and outlined the formula utilized to calculate EAA Fees.

Robert Puente, SAWS President and CEO spoke of the importance of protecting San Antonio's primary water supply. He indicated that the EARIP would help protect endangered species and balance regional interests. He noted that it would also provide protection for aquifer pumpers through a permit issued by the Federal Government tied to a properly implemented protection plan. He outlined the annualized implementation costs of the EARIP, noting a total cost of \$20,416,847 for the first year. He stated that the EAA would lease up to 50,000 acre-feet in the Aquifer Storage and Recovery (ASR) for use during a drought of record. He indicated that the ASR/Habitat Conservation Plan water would go directly to SAWS Customers and that SAWS would be paid for the incremental cost to store and recover this water.

Mayor Castro thanked SAWS for their leadership and recognized Dr. Robert Gulley, EARIP Program Manager for his work. He stated that this impacts the entire Edwards Aquifer Region and was very important to the future of the water supply.

Mayor Castro called upon the individuals registered to speak.

Nazirite Ruben Flores Perez stated that endangered species were not protected by the law of heaven. He noted that he served on the Kelly Restoration Advisory Committee and San Antonio River Authority Board.

Jack M. Finger spoke in opposition to the EAA Fee increase and commended Councilmember Soules for asking detailed questions about the fee. He expressed concern that ratepayers had funded the ASR and that it would now be used to preserve endangered species. He stated that ratepayers should not have to pay more and asked why animals have more rights than humans.

Margaret Martinez spoke in support of the reprogramming of HOME Investment Partnership Funds to Habitat for Humanity (Item 15).

Councilmember Soules thanked SAWS Staff for working with him and answering his questions. He asked if there was a point where expenditures could be reduced. Mr. Karl Dreyer of SAWS explained that there were actions that had to be taken based on climate conditions and that costs would vary. He stated that the Reserve Fund was capped at \$46 million and that once that amount is reached; the additional funds collected will be used to reduce the subsequent year's Aquifer Management Fee. Councilmember Soules requested that SAWS provide the City Council Semi-Annual Reports to demonstrate the use of the funds. Mr. Drayer replied that they would be happy to do so and that monthly financial reports will be provided to the City Council.

Councilmember Williams thanked everyone involved in the process. He stated that this was not a definitive process and had many variables. He spoke of the ASR, noting that there was more capacity than expected and that the water would be available during a time of drought. He indicated that the process takes time and experience and that water and transportation were very important to the community. He added that the City Council should review the policy that allows SAWS to assess pass through fees without City Council Authorization.

Mayor Castro thanked Councilmember Williams for his leadership on said item.

There was no action required for Item 5.

CONSENT AGENDA ITEMS 6-22C

Consent Agenda Items 8, 15, 21A, and 21B were pulled for Individual Consideration.

Councilmember Lopez recognized Glazer's Distributors for their investment and creation of 100 new jobs in Item 22.

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

Nazirite Ruben Flores Perez spoke in support of the San Antonio River Water Treatment Project (Item 10) and the Edwards Aquifer Protection Program (Item 16).

Natalie Griffith representing Habitat for Humanity spoke in favor of the reprogramming of HOME Investment Partnership Funds to Habitat for Humanity (Item 15). She highlighted their work in the community to revitalize neighborhoods and stated that affordable housing is very important. She noted that the families they serve are very dedicated and are required to work a minimum of 300 hours on their home. She thanked the City Council for their support.

Stephanie Wiese also representing Habitat for Humanity spoke in support of Item 15. She stated that many volunteers from throughout the city would assist on the construction of the single-family homes in District 5 and thanked the City Council for their support.

Jack M. Finger spoke in opposition to the SAWS Fee Waiver for the Metropolitan Methodist Hospital Expansion in Item 18. He stated that he was opposed to the tax abatement for Glazer's Distributors in Item 22A, noting that they would only create 100 new jobs. He thanked them for their contributions to various charities but stated that he would like for them to provide the donations without receiving tax incentives. He spoke of the land that would be sold to Glazer's and asked if it was a fair price.

Faris Hodge, Jr. submitted written testimony for Item 4 and asked of the salary of the City Auditor. He wrote in opposition to the Edwards Aquifer Authority Fee in Item 5, noting that citizens already pay too much for water. He wrote in favor of Items 6-17, and 19-22. He wrote in opposition to Item 18.

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

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

2012-02-02-0062

Item 6. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR ANNUAL GOODS AND SERVICES: (A) MUNICIPAL EMERGENCY SERVICES INC. FOR FIRE HOSES, (B) FIRE PANEL, LLC FOR VEHICULAR FIRE PROTECTION PANELS, (C) INFAX, INCORPORATED FOR MULTI-USER FLIGHT INFORMATION DISPLAY SYSTEM (MUFIDS) MAINTENANCE AND SUPPORT AND (D) MUNICIPAL EMERGENCY SERVICES INC. FOR SCBA REPLACEMENT PARTS.

2012-02-02-0063

Item 7. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN AN AMOUNT OF \$469,491.00 WITH EAS CONTRACTING, LP FOR PHASE II OF AIRFIELD LIGHTING SYSTEM UPGRADE AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

2012-02-02-0065

Item 9. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$116,669.60 TO THE \$3,453,488.51 CONSTRUCTION CONTRACT WITH SAN ANTONIO CONSTRUCTORS, LTD. FOR THE RECONSTRUCTION OF SOUTHCROSS BOULEVARD FROM COMMERCIAL AVENUE TO MARNEY PLACE ALSO KNOWN AS THE RIP RAP 69, PHASE 2C PART 4 PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 3.

2012-02-02-0066

Item 10. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,489,559.00 TO SHANNON-MONK, INC. FOR THE SAN ANTONIO RIVER WATER TREATMENT PROJECT, AN AUTHORIZED PROJECT LOCATED IN CITY COUNCIL DISTRICT 9 AND FUNDED WITH CERTIFICATES OF OBLIGATIONS, STORM WATER REVENUE BONDS, AND STORM WATER OPERATING FUNDS.

2012-02-02-0067

Item 11. AN ORDINANCE AUTHORIZING THE ACQUISITION OF EASEMENT INTEREST BY DEDICATION FROM BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM OF TWO PARCELS OF PRIVATELY OWNED REAL PROPERTY LOCATED WITHIN NCB 13663 AT THE INTERSECTION OF VON SCHEELE DRIVE AND MEDICAL DRIVE FOR THE MEDICAL CENTER INTERSECTION IMPROVEMENTS, PHASE VIII PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$1,500.00 TO THE SELECTED TITLE COMPANY FOR TITLE AND ASSOCIATED CLOSING COSTS.

2012-02-02-0068

Item 12. AN ORDINANCE AUTHORIZING THE SUBMISSION OF 21 GRANT APPLICATIONS AND RENEWALS AND THE ACCEPTANCE OF FUNDS UPON AWARD IN AN AMOUNT UP TO \$14,170,721.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES AND THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR PUBLIC HEALTH FUNCTIONS OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD OF JULY 1, 2012 THROUGH DECEMBER 31, 2013 AND APPROVING ASSOCIATED PROFESSIONAL SERVICE CONTRACTS.

2012-02-02-0069

Item 13. AN ORDINANCE AUTHORIZING A GRANT APPLICATION TO, AND ACCEPTANCE OF GRANT FUNDS UPON AWARD FROM, THE OFFICE OF NATIONAL DRUG CONTROL POLICY IN AN AMOUNT UP TO \$2,055,535.00 TO SUPPORT THE SOUTH TEXAS HIGH

INTENSITY DRUG TRAFFICKING AREA SAN ANTONIO INITIATIVE FOR THE PERIOD JANUARY 1, 2012, TO DECEMBER 31, 2013.

Item 14. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2013, TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT; OR FOR TERMS AND EFFECTIVENESS AS OTHERWISE INDICATED BELOW:

- A. APPOINTING SYDNEY L. MUENSTER (AT-LARGE) TO THE MUNICIPAL GOLF ASSOCIATION - SA FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 2, 2013.
- B. APPOINTING GARRETT N. JACKSON (DISTRICT 7) TO THE SAN ANTONIO YOUTH COMMISSION.
- C. APPOINTING CARL C. HANEL (DISTRICT 6) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE.
- D. APPOINTING KEVIN O. GRANT (DISTRICT 6) TO THE PARKS AND RECREATION BOARD.
- E. APPOINTING ANNE-MARIE GRUBE (DISTRICT 1) TO THE SMALL BUSINESS ADVOCACY COMMITTEE.
- F. APPOINTING MARISOL L. PEREZ (DISTRICT 1) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN.

2012-02-02-0071

Item 16. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF CONTRACTS WITH BEXAR LAND TRUST, INC. DBA GREEN SPACES ALLIANCE OF SOUTH TEXAS AND THE NATURE CONSERVANCY IN AN AMOUNT NOT TO EXCEED \$2,500,000.00 FOR PROFESSIONAL SERVICES ASSOCIATED WITH APPROXIMATELY \$90,000,000.00 IN PROPERTY ACQUISITION FOR THE VOTER-APPROVED 2010 SALES TAX FUNDED PROPOSITION 1 EDWARDS AQUIFER PROTECTION PROGRAM.

2012-02-02-0072

Item 17. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT WITH BULVERDE MARKETPLACE PARTNERS IN THE AMOUNT UP TO \$1,200,000.00 FOR THE BULVERDE ROAD (LOOP 1604 TO REDLAND ROAD) PROJECT, A 2007 BOND SAVINGS PROJECT LOCATED IN COUNCIL DISTRICT 10.

2012-02-02-0073

Item 18. AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT GRANT AGREEMENT IN THE AMOUNT OF \$1,812,142.60 AND A SAWS FEE WAIVER OF \$500,000.00 FOR THE METROPOLITAN METHODIST HOSPITAL EXPANSION, LOCATED IN COUNCIL DISTRICT 1.

2012-02-02-0074

Item 19. AN ORDINANCE AUTHORIZING THE ASSIGNMENT, ASSUMPTION AND AMENDMENT OF A CONTRACT AND IN-KIND LEASE AGREEMENT WITH THE CITY OF SAN ANTONIO FIRE DEPARTMENT FROM GALLS, AN ARAMARK COMPANY LLC TO GALLS, LLC, NOW OWNED BY CI CAPITAL PARTNERS LLC.

2012-02-02-0075

Item 20. AN ORDINANCE AUTHORIZING THE ISSUANCE OF A JOB ORDER CONTRACT IN AN AMOUNT UP TO \$382,761.26 WITH SABINAL GROUP FOR THE REPLACEMENT OF HEATING, VENTILATION AND AIR-CONDITIONING UNITS TO IMPROVE ENERGY EFFICIENCY OF NINE CITY-OWNED FACILITIES, AN AUTHORIZED AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

Item 22. CONSIDERATION OF THE FOLLOWING ECONOMIC DEVELOPMENT INCENTIVES RELATED TO THE EXPANSION OF GLAZER'S DISTRIBUTORS INCLUDING A CAPITAL INVESTMENT OF \$32 MILLION, THE CREATION OF 100 NEW JOBS AND THE RETENTION OF 350 JOBS:

2012-02-02-0078

- A. AN ORDINANCE APPROVING: (1) AN AMENDMENT TO THE EXISTING TAX ABATEMENT AGREEMENT TO CHANGE THE TERM START DATE AND ADD NEW INVESTMENT AND 225 RETAINED JOBS; AND (2) AN INCREASE IN THE SAWS IMPACT FEE WAIVER FROM \$300,000.00 TO \$400,000.00 BASED ON ADDITIONAL INVESTMENT;

2012-02-02-0079

- B. AN ORDINANCE DECLARING AS SURPLUS THE SALE OF AN ADDITIONAL 9.37 ACRES OF CITY-OWNED LAND AT THE SOUTHWEST BUSINESS AND TECHNOLOGY PARK (SWBTP) LOCATED AT THE SOUTHEAST CORNER OF STATE HIGHWAY 151 AND S. CALLAGHAN ROAD IN CITY COUNCIL DISTRICT 6 AND AUTHORIZING ITS SALE TO GLAZER'S DISTRIBUTORS FOR \$399,999.00; AND

2012-02-02-0080

- C. AN ORDINANCE APPROVING A DONATION AGREEMENT FOR \$75,000.00 OVER 3 YEARS TO THE CITY FOR THE BENEFIT OF TARGETED AREA REDEVELOPMENT, SUCH AS THE WESTSIDE.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2012-02-02-0064

Item 8. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$393,545.00 TO THE CONTRACT WITH THYSSENKRUPP AIRPORT SYSTEMS, INC. FOR THE INSTALLATION OF PASSENGER BOARDING BRIDGES AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

Frank Miller stated that the change order would change six of the nine loading bridges included in the contract with ThyssenKrupp Airport Systems, Inc. He reported that they had not taken into consideration the elevation changes on some of the gate locations and the purchased gates would not accommodate the aircraft in six locations. He noted that they had negotiated with ThyssenKrupp to provide the bridges without a profit or markup of 12%.

Councilmember Williams stated that it was important to outline the need for the change order and was pleased that staff was able to negotiate a price without a profit.

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

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

The City Clerk read the following Ordinance:

2012-02-02-0070

Item 15. AN ORDINANCE AUTHORIZING THE REPROGRAMMING AND ALLOCATION OF AVAILABLE HOME INVESTMENT PARTNERSHIP FUNDS IN THE AMOUNT OF \$857,000.00 TO HABITAT FOR HUMANITY FOR AN AFFORDABLE HOME PROJECT; AND AUTHORIZING THE SALE OF CITY OWNED PROPERTY TO HABITAT FOR HUMANITY TO CONSTRUCT SINGLE-FAMILY AFFORDABLE HOMES.

Councilmember D. Medina asked for a presentation of said item. Assistant City Manager Peter Zaroni stated that city staff recommended the reprogramming of HOME Funds to Habitat for Humanity to build 14 single-family, affordable homes at Harriman Place Property. He reported that they serve families that are at or below 60% of the Area Median Income. He noted that the city would remove existing blighted facilities and convey the land to Habitat for Humanity at a nominal fee. He stated that the city owns 2.5 acres of property in District 5 and had previously listed the property for sale with limited interest. He indicated that the proposed project had received support from the San Antonio Independent School District and that the project would be completed in April, 2013.

Councilmember D. Medina thanked the residents and Habitat for Humanity for their support and partnership. He stated that the neighborhood was in great need of revitalization and that the community had indicated that they would like to see residential homes built in the area. He noted that the project

was in-line with the goals of the Westside Economic Development Summit and was pleased that Habitat for Humanity was also providing funding for the project. He added that this was a public safety issue and thanked the City Council for their support.

Councilmember Bernal expressed his support and noted the transformation of lives for families that receive a home from Habitat for Humanity. He recognized Councilmember D. Medina for his leadership on the project.

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

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

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

Item 21. CONSIDERATION OF TWO ASSIGNMENTS OF CONTRACTS AT THE SAN ANTONIO INTERNATIONAL AIRPORT:

2012-02-02-0076

A. AN ORDINANCE CONSENTING TO THE ASSIGNMENT OF AN ANNUAL CONTRACT WITH VANDERLANDE INDUSTRIES, INC. TO SAN ANTONIO AIRLINES CONSORTIUM, INC.

2012-02-02-0077

B. AN ORDINANCE CONSENTING TO THE ASSIGNMENT OF AN ANNUAL CONTRACT WITH ISS FACILITY SERVICES, INC. TO SAN ANTONIO AIRLINES CONSORTIUM, INC.

Councilmember Chan stated that these items were more than just an assignment and asked of the costs for each contract. Frank Miller stated that the Vanderlande Industries, Inc. contract totaled \$2 million and the ISS Facility Services, Inc. Contract totaled \$500,000. Councilmember Chan asked of the structure of the Consortium. Mr. Miller replied that five airlines have created a Consortium to provide oversight of activities that had previously been provided by the city to help lower operating costs. He noted that the model was utilized at other airports throughout the country. Councilmember Chan asked of the role of the City of San Antonio. Mr. Miller responded that the Consortium was allowed under the lease agreements executed with the airlines. He stated that there was a Board comprised of a representative from each of the five airlines and that the city had a representative on that Board. He noted that the city had the authority to terminate the Consortium with a 90-day notice. Councilmember Chan asked of the procurement process utilized by the Consortium. Mr. Miller stated that they had hired AvAirPro to manage the contracts for them and they had utilized a Request for Proposal (RFP) Process. He noted that the city could recommend necessary changes and could strongly encourage local business participation through the RFP Process.

Councilmember Chan asked of the liability for the services performed. Mr. Miller replied that the Consortium was liable and that AvAirPro was an agent managing their contracts. He explained that if the Consortium was not in place, the airport would absorb the operational costs and liability. Councilmember Chan asked if language could be included in the contract with the Consortium regarding

procurement. Ms. Sculley replied that they could renegotiate with the airlines but the airlines pay 100% of the contract costs. Councilmember Chan expressed concern that local businesses may not have the opportunity to bid for the services.

Mayor Castro stated that he would also like to ensure that local companies have the opportunity to provide the services and was pleased that city employees would not lose their jobs.

Councilmember Saldaña moved to adopt the proposed Ordinances for Items 21A and 21B. Councilmember Lopez seconded the motion.

The motion to approve Items 21A and 21B prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

Item 23. CITY MANAGER'S REPORT

A. PLACEMAKING PLAN FOR ALAMO PLAZA

Ms. Sculley spoke of the community planning process for Alamo Plaza, noting that it was located in the vicinity of the Alamo, the top tourist attraction in San Antonio. She reported that the Center City Development Office has contracted with Project for Public Spaces (PPS) to develop a concept plan for the historic plaza while utilizing community input. She noted that PPS had conducted a community workshop on January 18, 2012 to identify opportunities to improve the historic location and that 103 individuals had been in attendance. She mentioned that PPS would conduct another meeting on March 7, 2012 and that a final plan would be presented in early Spring. She added that \$1.2 million was included in the proposed 2012-2017 Bond Program for Alamo Plaza.

B. SAN ANTONIO RIVER WALK UPDATE

Ms. Sculley reported that the City received an International Downtown Association Merit Award and Two American Advertising Federation San Antonio Awards for the R.H.H. Hugman San Antonio Riverwalk Tour. She spoke of the bronze plaques installed along the Riverwalk in May, 2011 that identify the original Hugman Design Features. She noted that near each plaque there was an interpretive panel with a Quick Response Code to access the tour from a Smartphone or mobile device. She outlined the locations of the interpretive panels and noted that this was the only free, interactive, self-guided tour to the San Antonio Riverwalk.

C. VOLUNTEER INCOME TAX ASSISTANCE (VITA) UPDATE

Ms. Sculley also reported that the Volunteer Income Tax Assistance Program (VITA) had been implemented to assist individuals that earn less than \$55,000 per year file their tax returns. She stated that VITA was provided through a partnership of more than 30 entities known as the Alamo City Coalition for Economic Self-Sufficiency (ACCESS). She noted that last year, 30,000 tax returns were filed through the VITA Program with returns totaling \$65 million. She mentioned that there were 24 sites available and would operate through April 17, 2012. She reported that Federal Student Aid Assistance was co-located with VITA at Café College, St. Philip's College, and Palo Alto College. She added that the program operated with 400 volunteers and invited the public to participate in the program.

Mayor Castro stated that he was pleased that the community was participating in the planning of Alamo Plaza. He noted that he was also pleased that the city was participating in the VITA Program and that Federal Student Aid Assistance would be available at three sites.

RECESSED

Mayor Castro recessed the meeting at 11:20 am to break for lunch and announced that the meeting would resume at 2:00 pm for the Zoning Items.

RECONVENED

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

INDIVIDUAL ZONING ITEMS

The City Clerk read the following Ordinance:

DENIED

Item 24. AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 4-6(C) OF THE CITY CODE AND AUTHORIZING A VARIANCE REQUEST TO ALLOW MICHAEL HYATT, D/B/A QUINCY'S DELI AND TAVERN, LOCATED AT 1012 NORTH FLORES STREET, TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION AS A FOOD SERVICE ESTABLISHMENT WITH ALCOHOL SALES WITHIN THREE HUNDRED (300) FEET OF THE AUSTIN ACADEMY, A PUBLIC EDUCATIONAL INSTITUTION LOCATED IN COUNCIL DISTRICT 1.

Mayor Castro called upon Jack M. Finger to speak.

Mr. Finger spoke in opposition to the alcohol variance in Item 24, noting that it was located too close to a school. He asked why the application fee for Historic Designation was not paid in Item Z-1 and expressed opposition to the used car lot in Item Z-4.

Councilmember Bernal stated that the vendor has not received support from the School, Parent Teacher Association, or School District.

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

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

CONTINUED TO MAY 3, 2012

Item Z-1. **ZONING CASE # Z2012033 HL (District 1):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "HL R-5 AHOD" Historic Landmark Residential Single-Family Airport Hazard Overlay District on Lot 1, Block 33, NCB 8569 located at 3510 North Main Avenue. Staff and Zoning Commission recommend approval. (Continued from January 19, 2012)

John Jacks stated that staff and the Zoning Commission recommended approval of Item Z-1. He noted that of 40 notices mailed; one was returned in opposition and none were received in favor.

Councilmember Bernal moved to continue Item Z-1 until May 3, 2012. Councilmember Taylor seconded the motion.

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

2012-02-02-0081

Item Z-2. **ZONING CASE # Z2012005 (District 1):** An Ordinance amending the Zoning District Boundary from "C-1 AHOD" Light Commercial Airport Hazard Overlay District, "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District, "C-2 AHOD" Commercial Airport Hazard Overlay District and "O-2 AHOD" High Rise Office Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "MF-50" Multi-Family District and "C-2" Commercial District on Lots 3, 4, 5 and 6, Block 24, NCB 374; Lot 14, Block 33, NCB 376; and Lots 14 and 15, Block 23, NCB 377 located at 204 West Evergreen Court; 611 and 621 Howard Street; and 1405, 1425 and 1509 North Main Avenue. Staff and Zoning Commission recommend approval. (Continued from January 19, 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: LOTS 3, 4, 5 AND 6, BLOCK 24, NCB 374; LOT 14, BLOCK 33, NCB 376; AND LOTS 14 AND 15, BLOCK 23, NCB 377 TO WIT: FROM "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT, "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT, "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "O-2 AHOD" HIGH RISE OFFICE AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "MF-50" MULTI-FAMILY DISTRICT AND "C-2" COMMERCIAL DISTRICT.

John Jacks stated that staff and the Zoning Commission recommended approval of Item Z-2. He reported that of 35 notices mailed; three were returned in opposition and none were received in favor.

Councilmember Bernal stated that all of the interested parties had come to an agreement on said item.

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

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

2012-02-02-0082

Item Z-3. **ZONING CASE # Z2012004 (District 4):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Non Commercial Parking Lot on a 0.257 acre tract of land out of NCB 9729 located at 1215 Rayburn Drive. Staff and Zoning Commission recommend approval with one condition.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.257 OF AN ACRE OUT OF NCB 9729 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A NON-COMMERCIAL PARKING LOT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks stated that staff and the Zoning Commission recommended approval of Item Z-3 with the condition that business or office hours of operations shall not be permitted before 7:00 am or after 9:30 pm. He reported that of 16 notices mailed; eight were returned in opposition and one was received in favor.

Councilmember Saldaña expressed concern that the property could be utilized as a Used Car Sales Lot. Mr. Jacks replied that the Conditional Use was for a Non-Commercial Parking Lot in which individuals will not pay to park there. He stated that it would be defined in the Certificate of Occupancy that is issued for the property and that operating a Used Car Sales Lot would be a violation of the zoning.

Councilmember Saldaña moved to adopt the proposed Ordinance with the following stipulations: 1) The existing fence will be replaced with a new 6-foot wooden privacy fence once a building permit is received from the City and they can begin construction. 2) Per the site plan submitted, they will add numerous 5-gallon shrubs, several 30-gallon accent trees, groundcover and grass throughout. They will create a 15-foot landscape buffer between the parking lot and the new residential wooden privacy fence. They will also add an irrigation system to the property and tie the maintenance of the property into the landscaping contract they currently have on their retail store. The landscaping will be installed once the property owner receives their building permit from the City; after construction; and once the parking lot is paved. 3) Their facilities group will power wash, repair, and/or replace the damaged fence pickets if affected by graffiti as they would with any of their retail properties. Councilmember Bernal seconded the motion.

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

2012-02-02-0083

Item Z-4. **ZONING CASE # Z2012024 CD (District 10):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales on Lot 14, Block 37, NCB 11837 located at 1638 Northeast Loop 410. Staff and Zoning Commission recommend approval. (Continued from January 19, 2012)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 14, BLOCK 37, NCB 11837 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY

DISTRICT WITH A CONDITIONAL USE FOR A MOTOR VEHICLE SALES PROVIDED ALL THE CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks stated that staff and the Zoning Commission recommended approval of Item Z-4. He reported that of 15 notices mailed; eight were received in favor and one was received in opposition.

Councilmember Soules stated that the neighborhood was initially opposed to the zoning request but had worked with the property owner. He recognized Mike DeNuccio, Representative for the Property Owner. Mr. DeNuccio stated that they had met with the neighborhood and agreed to the following conditions: 1) Lighting – All lighting will be directed lighting to cause no artificial light to spill over onto the adjacent residential properties. 2) Parking – The number of vehicles displayed for sale by the motor vehicle sales establishment shall not exceed 35 vehicles. No vehicles displayed for sale shall be parked within a street or alley. 3) Loud Speakers – No external loud speaker shall be installed on the property. 4) Streamers – Inflatable figures/devices, pennants, and streamers shall not be permitted. 5) Fencing – A six-foot opaque fence shall be generally located as shown on the Site Plan.

Councilmember Soules asked of the opaque fence. Mr. DeNuccio replied that the definition of opaque was outlined in the Unified Development Code and must be solid.

Councilmember Soules moved to adopt the proposed Ordinance with the five conditions as noted by Mr. DeNuccio. Councilmember D. Medina seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Mayor Castro recognized City Manager Sculley. Ms. Sculley introduced the newly appointed Planning Director, John Dugan. She spoke of his experience and noted that he would begin working for the City of San Antonio on Monday, February 6, 2012.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 2:27 pm.

APPROVED



JULIAN CASTRO
MAYOR

Attest.



LENCIA M. VACEK, TRMC/MMC
City Clerk