

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

A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WERE HELD IN THE MUNICIPAL PLAZA BUILDING, WEDNESDAY, APRIL 18, 2012, AND THURSDAY, APRIL 19, 2012, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **April 18, 2012**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** None.

Item 2 was addressed first.

2. A BRIEFING BY THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT ON ANNEXATION.

John Dugan, Planning and Community Development Director presented an overview on Annexation Program Development by the City of San Antonio. He reported that the original city limits were created at the time of incorporation and expanded over time through annexation. He provided growth trends from 1940-2030 and highlighted growth in unincorporated areas in the amount of 259,129 individuals in 2010. He spoke of the legal requirements related to annexation, noting that the land must be contiguous to the city; located in the Extra-Territorial Jurisdiction (ETJ); and city services must be provided. He mentioned the annexation that occurred in the Houston, Galveston, Dallas and Fort Worth Areas.

Mr. Dugan indicated that State Law was revised in 1999 which makes it more difficult to annex. He reported that the City must adopt a 3-Year Annexation Plan and there must be extensive community outreach. He outlined the two types of annexation, noting that the most common for city-initiated annexation is Full Purpose in which full municipal services are extended. He indicated that Limited Purpose Annexation is only good for three years and extends City Codes to include Zoning and Building Codes. There are no city taxes or city services provided in Limited Purpose Annexation.

Mr. Dugan outlined the city's current annexation policy: 1) Preserve the city's range of annexation options; 2) Promote orderly growth and provision of municipal services; 3) Enhance the city's fiscal position; 4) Preserve the integrity of the city and its ETJ; and 5) Maintain a systematic annexation process. He stated that the policies were last revised by the City Council in 2002. He noted that they had reviewed Annexation Plans for the cities of Fort Worth, Austin, El Paso, Dallas, and Houston, with Fort Worth having a Best Practice Plan. He mentioned that potential key elements of a new policy would include policy framework and assumptions that offer specific, objective, and prescriptive guidance. Additionally, the Annexation Program should include a proactive process for identifying areas and clear parameters for a Fiscal Impact Analysis.

Mr. Dugan highlighted the criteria for Annexation Program Development that includes a Fiscal Impact Analysis, Location Identification, Economic Development Opportunities, and Utility Coordination. He stated that Bexar County was conducting a study regarding potential annexation to include incorporations and use of special districts. He recommended that the city prepare revisions to the San Antonio Annexation Policy based on City Council Direction. He reported that a B Session would be held in August 2012 to discuss Comprehensive Plan Best Practices to provide context for projected

growth and strategic decision making. He added that they would consider implications of the Bexar County Study once it was complete.

Councilmember Lopez stated that there should also be a plan for non-annexation or de-annexation. He asked of the timeframe once an Annexation Plan is created and approved. Mr. Dugan replied that an Ordinance would have to be approved along with a Service Plan and would become effective on the 37th month after approval. Councilmember Lopez asked of the Bexar County Study. Mr. Dugan responded that he was serving on the Committee to select the consultant and that the city would participate and provide data for the study. Councilmember Lopez asked if SAWS and CPS Energy would have input on the study. Mr. Dugan confirmed that they would be contacted by the consultant. Councilmember Lopez stated that other entities such as Camp Bullis and Lackland Air Force Base would be affected by annexation. Mr. Dugan stated that this would be a regional plan and that stakeholders would help create the plan. Councilmember Lopez asked of the city's requirement or obligation to annex Sandy Oaks. Mr. Dugan replied that once an area petitions to be incorporated, there is a six-month period for the city to respond.

Councilmember Ozuna stated that it would be important to establish criteria for the Annexation Plan and would like to ensure that public health issues are addressed.

Councilmember Soules expressed concern with incorporations and asked of the parameters for incorporation. Mr. Dugan replied that once a petition for incorporation is filed with the city, the city may decide not to annex the area. He indicated that the process was simple but costly and that areas that want to incorporate must be within the City's ETJ. Councilmember Soules asked if annexation affected funding received from the Texas Department of Transportation. Mr. Dugan replied that if funding was based on per capita income, the city would have additional revenues due to annexation. Ms. Sculley added that they would have to review each petition for annexation or de-annexation on a case-by-case basis.

Councilmember Williams asked of the required service standards for an incorporated area. Mr. Dugan replied that he did not believe that they would have to be at the city's service levels. Councilmember Williams requested data regarding areas that wanted to incorporate but did not receive voter approval. He asked that said item be routed to the Infrastructure and Growth City Council Committee.

Councilmember Chan asked of areas that are successfully incorporated. Mr. Dugan confirmed that the City of San Antonio would lose that portion of its ETJ. Michael Bernard added that the City of San Antonio would have input on the ETJ.

Councilmember Taylor stated that this will be an evolving conversation and spoke of the importance of balanced growth. She asked of the strategic planning process. Mr. Dugan replied that it consists of looking at criteria and evaluating geographies that could be annexed. He noted that a fiscal and land use analysis would be conducted and presented to the City Council. Ms. Sculley stated that staff would review the ordinances in place and revise the Annexation Policy. She noted that they would come back to the City Council with recommendations and options in August, 2012.

Mayor Castro entered the meeting at this time.

Councilmember Saldaña asked if the Fort Worth Model would provide direction on the two examples listed on Slides 31 and 32. Mr. Dugan replied that the Fort Worth Model took a simplistic approach that

would conduct a Fiscal Impact Analysis. He indicated that the two examples provided for the City of San Antonio were negative.

Mayor Castro thanked staff for the presentation and stated that the City Council would review the Annexation Policy in further detail.

1. A BRIEFING BY THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT ON THE PROJECT STATUS OF THE CITY SOUTH MANAGEMENT AUTHORITY EFFECTIVENESS STUDY AND THE ECONOMIC DEVELOPMENT STRATEGIC PLAN.

Chris Looney, Assistant Director of Planning and Community Development presented and stated that the City South Management Authority (CSMA) Effectiveness Study was required by Senate Bill 1493. He reported that the objectives of the study were to compare utility and infrastructure development between the CSMA and the City. Additionally, it will identify methods for improving development, limitations and impediments, methods to improve accountability, and opportunities. He noted that the first study was due by December 31, 2012.

Mr. Looney reported that in addition to the Effectiveness Study, they would like to include an Economic Development Strategic Plan for the next five years. The plan would: 1) Develop a vision statement, goals, strategies and an action plan; 2) Address the areas challenges; 3) Leverage existing activity; 4) Build a plan among the five most marketable nodes; and 5) Identify funding sources and creative tools. He reported that the consultant, TXP, Inc. was hired in January and data collection occurred in February and March. The data focused on utilities and infrastructure; demographic and economic trends; and plans and policies. He indicated that they are in the Analysis Phase which consists of identifying the most marketable assets and target industries. Additionally, they will benchmark to national models and conduct two community meetings. He stated that the development of the Effectiveness Study and Economic Strategic Plan would occur from June through August with presentations to the City Council in September. He added that the final report would be submitted to the Texas State Legislature by December 31, 2012.

Councilmember Ozuna stated that she had met with the consultants regarding CSMA Governance and a prognosis for short-term development. Councilmember Saldaña requested a follow-up meeting with staff after each of the community meetings.

Mayor Castro thanked staff for the presentation and stated that he looked forward to the analysis. He noted that there had been a great amount of discussion surrounding the CSMA and that it was important to ensure that the area is prosperous.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 3:15 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 LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.087 (ECONOMIC DEVELOPMENT) AND 551.071 (CONSULTATION WITH ATTORNEY).**
- C. DISCUSS LEGAL ISSUES RELATED TO SEXUALLY ORIENTED BUSINESSES, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

CEREMONIALS

Mayor Pro Tem Ozuna reconvened the meeting at 5:15 pm and announced that no action was taken in Executive Session. She addressed the Ceremonial Items.

Mayor Pro Tem Ozuna presented a Proclamation to the San Antonio Conservation Society who will host "A Night in Old San Antonio" (NIOA) from April 24-27, 2012. It was noted that the four-night event is held in the La Villita National Historic District and celebrates San Antonio's diverse cultural heritage.

Mayor Pro Tem Ozuna presented a Proclamation in recognition of the 64th Annual Fiesta Flambeau Parade that would be held on Saturday, April 28, 2012. This year's theme is "*Saturday Night at the Movies*" and American Film Actress Willow Shields will serve as the Grand Marshall. It was noted that the Flambeau is one of the premier events of Fiesta and has been called America's largest Illuminated Night Parade.

The University of Texas Co-op Society presented their 2012 Fiesta Medal. It was stated that the Co-op is an association owned by students, faculty, and staff to furnish books, supplies, and clothing at discounted prices to its members. Since the year 2000, the Co-op has provided over \$30 million in gifts, grants and rebates.

The Centro San Antonio Amigos presented their 2012 Fiesta Medal. It was noted that the Amigos serve as goodwill ambassadors by assisting downtown users and paying additional attention to the overall appearance of Downtown.

CITIZENS TO BE HEARD/PUBLIC HEARING FOR THE CITY'S FY 2013 HUD ENTITLEMENT GRANT PROGRAMS AND BUDGET INCLUDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP GRANT, EMERGENCY SOLUTIONS GRANT (ESG), AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) GRANT

Mayor Pro Tem Ozuna called upon the individuals registered to speak for both the Public Hearing and Citizens to be Heard. She declared the Public Hearing open for the development of the City's FY 2013 HUD Entitlement Grant Programs and Budget including the Community Development Block Grant (CDBG), HOME Investment Partnership Grant, Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) Grant.

Stephanie Wiese of Habitat for Humanity addressed the City Council in support of their Infill Project totaling \$1.3 million from HOME Funds. She stated that the funds would be used to acquire land and build 38-40 homes in District 5. She spoke of the many low-income families that they assist and the

partnerships with organizations throughout the community. She thanked the City Council for their continued support.

Cathy Valdez spoke in support of CDBG Funds for Project MEND. She stated that Project MEND accepts donations of gently used medical equipment and refurbishes them for low-income individuals with disabilities. She noted that their clients were either uninsured or underinsured and Project MEND was the only agency in San Antonio that provides these services. She thanked the City Council for their support.

David Casso of the San Antonio Housing Authority requested HOME Funds for Phase III of the San Juan Homes Project in the amount of \$1.3 million. He indicated that they have completed two phases and would like to build another 252 units.

Angela Garcia spoke in support of funding for the Re-entry Program and ceded the remainder of her time to Steve Huerta. Mr. Huerta noted that they provide services to 31 zip codes and work to get youth back into the school system. He spoke of the issues with truancy, noting that many of the youth live in single-parent homes. He indicated that although there has been a decline in juvenile crime in San Antonio, there is still a great amount of work to be done. He added that they have applied for funds to reduce youth arrests, incarceration, and school drop-outs.

Juan Macias expressed concern with the drug dealing and vandalism occurring in his neighborhood. He stated that his property had been vandalized and had provided evidence to the Federal Bureau of Investigation (FBI). He noted that he deserved to have a nice life and requested assistance from the City Council.

Stanley Mitchell spoke of the CPS Energy/City Charging Station Program and expressed concern that the payback period was 9,980 years. He stated that the primary market for the charging stations is the Nissan Leaf and that the Chevrolet Volt was cheaper to charge from home. He noted that the market was basically non-existent and that the \$600,000 funds could have been better used.

Theresa Berlanga stated that she was waiting to hear if she would receive assistance to repair her home. She spoke of the great work of the United States Postal Service and noted that their jobs should be saved.

Anthony Hargrove requested CDBG Funds in the amount of \$505,000 for the Ella Austin Community Center, adding that they were a neighborhood-based social service agency on the East Side. He stated that they would use the funds to repair an old school house and thanked the City Council for their many years of support.

Faris Hodge, Jr. submitted written testimony regarding the start of Fiesta 2012 and the four new events. He wrote of the Primary Election that would be held on May 29, 2012 and referenced the bike stalls that were installed and then uninstalled in the Downtown Area. He wrote of the tourism boost for the city during Spring Break and referenced an article in which the Houston Mayor canceled a scheduled vote to regulate the feeding of homeless people in Houston. He requested that the City Manager and Police Chief hire more Black People on the Police Force. Lastly, he asked that the Alamodome be named the Faris Hodge, Jr. Dome.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Ozuna closed the Public Hearing and adjourned the meeting at 6:33 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **April 19, 2012** at 9:00 am in the City Council Chambers.

ROLL CALL

City Clerk Leticia M. Vacek took the Roll Call and noted a quorum of the Council with the following present: Bernal, Taylor, Ozuna, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** D. Medina.

Item 1. The Invocation was delivered by Reverend Robert E. Glenn, Pastor, Bethel United Methodist Church, guest of Councilmember Ray Lopez, District 6.

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

POINT OF PERSONAL PRIVILEGES

Councilmember Chan recognized Martin Andjaba, Namibia's Ambassador to the United States. She stated that Mr. Andjaba had served in his capacity since September 2010 and had visited San Antonio three times to promote collaborative relationships. Mr. Andjaba commended Councilmember Chan for meeting with him and stated that he hopes to develop an official relationship between the cities of Windhoek, Namibia, and the City of San Antonio. He noted that he was present to explore economic development opportunities and invited the City Council to visit Namibia. Mayor Castro thanked Mr. Andjaba for his visit to San Antonio and stated that he looked forward to great economic development collaboration with Namibia.

Mayor Castro read and presented a Proclamation regarding the Valero Texas Open 90th Anniversary. He recognized Mike Crownover, Chairman of the Valero Texas Open. Mr. Crownover thanked Mayor Castro for the recognition and stated that the tournament had raised \$76 million over the past 90 years. He spoke of the great exposure for San Antonio and noted that some of the funds are used to help children's charities. Mayor Castro thanked them for their work and stated that the tournament was very important to San Antonio. Councilmember Williams added that Valero is headquartered in District 8 and they bring talented employees to the city.

Item 3. MINUTES

Councilmember Taylor moved to approve the Minutes for the March 14-15, 2012 City Council Meetings. Councilmember Bernal seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

Item 4. A PRESENTATION ON A DOWNTOWN MOBILE FOOD TRUCK PILOT PROGRAM AND CITY COUNCIL ENDORSEMENT.

Mark Brodeur, Center City Development Office (CCDO) Director presented a Power Point related to the Downtown Mobile Food Truck Pilot Program. He stated that the Mobile Food Trucks make urban living desirable for individuals and improve neighborhood walkability. He noted that they would offer a variety of local food options and generate interest in the area. He outlined vending issues for Downtown Mobile Food Trucks, noting that the major concerns were lack of access to restrooms for truck employees and the background checks required. He indicated that the vendors must identify on their application where employees will gain access to restrooms near the site. He recommended that a two-part background check be permitted so that State and Local Checks can be conducted immediately and Federal Checks can be conducted at a later date.

Mr. Brodeur reported that the city has identified three downtown locations where mobile food vending will be permitted during the pilot: 1) HemisFair Park along Goliad; 2) Maverick Park along East Jones or Alamo; and 3) Annex Parking Lot between Dolorosa and Nueva Streets. He stated that vendors could propose other locations and times and the proposals will be reviewed by a Committee. He noted that the pilot would take place from May 1-October 31, 2012 and that no City Code changes were required. He mentioned that applicants must submit an application supplied by Downtown Operations which will require photos and specifications of the kitchen on wheels; proposed menu; and preferred location. The applications will be reviewed to ensure restroom availability, background check, proof of Commercial General Liability Insurance, payment of \$225, and agreement to terms of the Pilot Program. He added that the Committee will select participants based on truck appearance, food choices, and variety to avoid duplication.

Mayor Castro expressed his support for the Downtown Mobile Food Truck Pilot Program and stated that he believed that the food trucks would make the Downtown Area more lively. He called upon the citizens registered to speak on Item 4.

Jon Lindskog, Owner of Cheesy Jane's stated that he had served on the Task Force and spoke in favor of the Downtown Mobile Food Truck Pilot Program. He expressed concern with the required background check for food truck employees, noting that background checks were not required for restaurant employees.

Jason Dady, Local Restaurateur also spoke in favor of the Downtown Mobile Food Truck Pilot Program. He stated that the concept was very exciting for San Antonio and would provide opportunities for small businesses. He noted that great cities have great downtowns and requested support from the City Council.

Marjory Newman of Artpace spoke in support of the Downtown Mobile Food Truck Pilot Program and stated that they had a food truck on site every Friday called Taco Friday. She noted that it was very successful and helped support their organization.

Jack M. Finger spoke against the Downtown Mobile Food Truck Pilot Program and expressed concern that the Mobile Food Vendors will not pay property taxes that fund Police and Fire Services. He asked who the customers would complain to if they get sick from consuming food from a mobile truck. He noted concerns with garbage and added that the trucks could be a nuisance for pedestrians.

Gylan Jackson expressed support for the Downtown Mobile Food Truck Pilot Program, noting that his family operates a Mobile Food Truck offering Louisiana Cuisine. He stated that food trucks today serve cuisine that rivals some of the top restaurants in San Antonio and uphold high standards of operation. He asked the City Council to consider the two-stage background check and to support the Pilot Program.

Councilmember Soules stated that they had received a presentation on Mobile Food Courts at the Infrastructure and Growth Council Committee the previous day. He asked of the current number of food truck permits. Mr. Brodeur confirmed that there were 800 permitted trucks of which 290 were mobile food kitchens. Councilmember Soules requested that staff conduct a more comprehensive review of the rules and regulations and that stakeholders be allowed to provide input.

Councilmember Bernal expressed his support for the Downtown Mobile Food Truck Pilot Program and stated that it was a step in the right direction toward creating a viable downtown. He noted that the mobile trucks would add to the overall array of restaurant choices and that San Antonio has a sizeable yet underserved population.

Councilmember Ozuna stated that the Mobile Food Trucks were a great idea that could provide an incubator for start-up businesses. Additionally, they would allow experimental locations so that food that may not work in one location could be moved to a new location. She concurred that the policies should be revisited to ensure that needs and requirements are met.

Councilmember Williams stated that many changes have occurred regarding Mobile Food Service that could cause confusion. He noted that he liked the idea of incenting entrepreneurs but requested that there be outreach and education to the industry and the community.

Councilmember Bernal moved to endorse the Downtown Mobile Food Truck Pilot Program. Councilmember Lopez seconded the motion.

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

CONSENT AGENDA ITEMS 5-23

Mayor Castro announced that Item 8 would be pulled in order to read the property description and Item 20B was pulled from the agenda by staff.

Mayor Castro called upon Jack M. Finger to speak on the Consent Agenda.

Mr. Jack M. Finger spoke in opposition to the sale of confiscated and forfeited eight-liner video machines, noting that they are illegal and promote gambling in an unnecessary fashion (Item 19A). He stated that he was against the agreements related to the Department of Energy's SunShot Initiative (Items 22A-22D) and asked that the city wait for solar and wind initiatives to prove themselves before spending more money.

Faris Hodge, Jr. submitted written testimony in favor of Items 4-20.

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

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

2012-04-19-0272

Item 5. AN ORDINANCE AUTHORIZING A CONTRACT WITH RAE SYSTEMS, INC. TO PROVIDE THE SAN ANTONIO FIRE DEPARTMENT HAZMAT TEAM WITH 2 AREA RAE RAPID DEPLOYMENT KITS FOR A TOTAL COST OF \$123,222.00, FUNDED FROM THE 2010 UASI HOMELAND SECURITY PROGRAM GRANT FUND.

2012-04-19-0273

Item 6. AN ORDINANCE RATIFYING A CONTRACT WITH M&Z BRANDT ENGINEERING CO., LLC IN THE TOTAL AMOUNT OF \$138,901.65 FOR EMERGENCY REPAIR SERVICES TO THE TRITURATOR FACILITIES, WHICH RECEIVE THE LAVATORY WASTE FROM AIRPLANES AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FROM AVAILABLE FUNDS WITHIN THE AIRPORT'S OPERATING BUDGET.

2012-04-19-0274

Item 7. AN ORDINANCE AUTHORIZING THE ISSUANCE OF TWO JOB ORDER CONTRACTS IN AN AMOUNT UP TO \$286,993.47 WITH DAVILA CONSTRUCTION, INC., AND IN AN AMOUNT UP TO \$123,733.16 WITH F.A. NUNNELLY CO., FOR THE REPLACEMENT OF HEATING, VENTILATION AND AIR-CONDITIONING UNITS TO IMPROVE ENERGY EFFICIENCY OF ELEVEN CITY-OWNED FACILITIES, FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM AND THE CITY OF SAN ANTONIO ENERGY EFFICIENCY FUND.

2012-04-19-0276

Item 9. AN ORDINANCE AUTHORIZING A SIX YEAR LEASE AGREEMENT WITH TEXSPRESSIONS LLC TO OPERATE A COFFEE AND CAFE SHOP AT THE HOUSTON STREET PARKING GARAGE, 240 E. HOUSTON.

2012-04-19-0277

Item 10. AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH SAN ANTONIO TENNIS ASSOCIATION FOR APPROXIMATELY 289 SQUARE FEET OF OFFICE SPACE AT MCFARLIN TENNIS CENTER FOR A THREE-YEAR TERM BEGINNING APRIL 1, 2012, LOCATED IN CITY COUNCIL DISTRICT 1.

2012-04-19-0278

Item 11. AN ORDINANCE ACCEPTING \$407,647.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SUPPORTIVE HOUSING PROGRAM FOR THE PROVISION OF HOMELESS CHILDCARE SERVICES FOR THE PERIOD OF FROM JULY 1, 2012 THROUGH AUGUST 31, 2013.

2012-04-19-0279

Item 12. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND ACCEPTANCE OF FUNDS UPON AWARD, FROM THE TEXAS DEPARTMENT OF AGRICULTURE FOR \$1,337,865.13 TO FUND THE 2012 SUMMER FOOD SERVICE PROGRAM OPERATED BY THE PARKS AND RECREATION DEPARTMENT FOR THE PERIOD OF JUNE 18, 2012 THROUGH AUGUST 17, 2012.

Item 13. CONSIDERATION OF THE APPOINTMENT OF GRACE PADRON-GONZALES (DISTRICT 7) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM 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.

2012-04-19-0280

Item 14. AN ORDINANCE REALLOCATING HOTEL OCCUPANCY TAX FUNDS AWARDED TO THE SAN ANTONIO OPERA AND THE CHAMBER ORCHESTRA OF SAN ANTONIO IN THE FISCAL YEAR 2012 BUDGET TO LUMINARIA, IN THE AMOUNT OF \$50,000.00, AND TO THE OPERA THEATER OF SAN ANTONIO, IN THE AMOUNT OF \$45,500.00; AND AUTHORIZING ASSOCIATED FUNDING AGREEMENTS.

2012-04-19-0281

Item 15. AN ORDINANCE AUTHORIZING SELF-MONITORING STANDARDS FOR THE PARKS AND RECREATION DEPARTMENT'S YOUTH RECREATION PROGRAMS TO COMPLY WITH TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES REGULATIONS.

2012-04-19-0282

Item 16. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE BEXAR COUNTY HOSPITAL DISTRICT, D/B/A UNIVERSITY HEALTH SYSTEM (UHS) TO EXTEND THE TERM OF THE AGREEMENT AND AUTHORIZE THE ACCEPTANCE OF COMPENSATION FROM UHS IN THE AMOUNT OF \$79,486.00 FOR THE PERIOD MAY 1, 2012 THROUGH SEPTEMBER 30, 2012.

2012-04-19-0283

Item 17. AN ORDINANCE AUTHORIZING EXECUTION OF CONTRACTS WITH WITTIGS OFFICE INTERIORS, JONES AND COOK STATIONERS, CAPROCK GROUP LLC DBA TEXAS

WILSON, AND WORKPLACE RESOURCE LLC DBA WORKPLACE RESOURCE TO PROVIDE AND INSTALL FURNITURE, FIXTURES AND EQUIPMENT FOR A TOTAL COST OF \$3,397,536.19 FOR THE PUBLIC SAFETY HEADQUARTERS BUILDING, LOCATED IN COUNCIL DISTRICT 1 AT 315 SOUTH SANTA ROSA.

2012-04-19-0284

Item 18. AN ORDINANCE AUTHORIZING THE EXPENDITURE OF GRANT FUNDS FROM THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, TICKETING AGGRESSIVE CARS AND TRUCKS GRANT, IN AN AMOUNT NOT TO EXCEED \$80,180.00 FOR A TRAFFIC SAFETY PUBLIC INFORMATION AND EDUCATION CAMPAIGN TO PURCHASE BILLBOARD ADVERTISEMENT FROM CLEAR CHANNEL OUTDOOR, INC.

Item 19. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE SALE OF EIGHT-LINER VIDEO MACHINES:

2012-04-19-0285

- A. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A BID IN THE AMOUNT OF \$8,000.00, SUBMITTED BY CDN SYSTEMS, LLC, TO PURCHASE FROM THE CITY 378 CONFISCATED AND FORFEITED EIGHT-LINER VIDEO MACHINES AND PAYMENT OF \$3,200.00 TO THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE IN ACCORDANCE WITH AN AGREEMENT BETWEEN THAT OFFICE AND THE CITY RELATING TO THE SALE OF FORFEITED PROPERTY.

2012-04-19-0286

- B. AN ORDINANCE AUTHORIZING AN AGREEMENT FOR FUTURE SALES OF FORFEITED EIGHT-LINER VIDEO MACHINES.

Item 20. CONSIDERATION OF THE FOLLOWING MATTERS IN CONNECTION WITH AUTHORIZATION TO EXECUTE CONTRACTS PROVIDING FOR DEPOSITORY BANKING, LOCKBOX, AND MERCHANT BANKING SERVICES TO BE PROVIDED TO THE CITY OF SAN ANTONIO:

2012-04-19-0287

- A. AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A CONTRACT WITH FROST NATIONAL BANK TO PROVIDE DEPOSITORY BANKING AND LOCKBOX SERVICES AND RELATED FINANCIAL SERVICES TO THE CITY OF SAN ANTONIO FOR A PERIOD OF THREE YEARS, COMMENCING ON JULY 1, 2012, AND ENDING ON JUNE 30, 2015, WITH AN OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR PERIOD; AND AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.

ITEM 20B – PULLED FROM THE AGENDA BY STAFF

- B. AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A CONTRACT WITH PAYMENTECH, LLC TO PROVIDE MERCHANT

BANKING SERVICES AND RELATED FINANCIAL SERVICES TO THE CITY OF SAN ANTONIO FOR A PERIOD OF THREE YEARS, COMMENCING ON JULY 1, 2012, AND ENDING ON JUNE 30, 2015, WITH AN OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR PERIOD; AND AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.

Item 21. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO PARKS AND RECREATION AGREEMENTS:

2012-04-19-0288

- A. AN ORDINANCE AUTHORIZING THE RENEWAL OF A LICENSE AGREEMENT WITH ALAMO CITY RUGBY FOOTBALL CLUB, INC. AT BROOKS PARK, LOCATED IN COUNCIL DISTRICT 3.

2012-04-19-0289

- B. AN ORDINANCE AUTHORIZING THE RENEWAL OF A LICENSE AGREEMENT WITH MISSION CITY YOUTH SOCCER ORGANIZATION, INC. AT BROOKS PARK, LOCATED IN COUNCIL DISTRICT 3.

2012-04-19-0290

- C. AN ORDINANCE AUTHORIZING THE RENEWAL OF A LICENSE AGREEMENT WITH SOUTHSIDE LITTLE COWBOYS POP WARNER FOOTBALL AT STINSON PARK, LOCATED IN COUNCIL DISTRICT 3.

Item 22. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE DEPARTMENT OF ENERGY'S SUNSHOT INITIATIVE:

2012-04-19-0291

- A. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN IN AN AMOUNT UP TO \$91,873.00 TO COOPERATE AND SHARE EXPERTISE AND RESOURCES IN ORDER TO EFFICIENTLY DEVELOP AND IMPLEMENT THE DEPARTMENT OF ENERGY'S SUNSHOT INITIATIVE.

2012-04-19-0292

- B. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF HOUSTON IN AN AMOUNT UP TO \$106,201.00 TO COOPERATE AND SHARE EXPERTISE AND RESOURCES IN ORDER TO EFFICIENTLY DEVELOP AND IMPLEMENT THE DEPARTMENT OF ENERGY'S SUNSHOT INITIATIVE.

2012-04-19-0293

- C. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SOLAR SAN ANTONIO, INC., IN AN AMOUNT UP TO \$33,500.00 TO PROVIDE TECHNICAL SERVICES TO DEVELOP AND IMPLEMENT THE DEPARTMENT OF ENERGY'S SUNSHOT INITIATIVE.

2012-04-19-0294

- D. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE METROPOLITAN PARTNERSHIP FOR ENERGY, D/B/A BUILD SAN ANTONIO GREEN, IN AN AMOUNT UP TO \$25,000.00 TO PROVIDE TECHNICAL SERVICES TO DEVELOP AND IMPLEMENT THE DEPARTMENT OF ENERGY'S SUNSHOT INITIATIVE.

2012-04-19-0295

Item 23. AN ORDINANCE AUTHORIZING A 10 YEAR AGREEMENT WITH THE SAN ANTONIO CONSERVATION SOCIETY TO CONDUCT THE ANNUAL NIGHT IN OLD SAN ANTONIO EVENT IN LA VILLITA FOR THE PERIOD 2013-2022, WITH AN OPTION TO EXTEND FOR UP TO 10 YEARS.

[CONSENT ITEMS CONCLUDED]

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

2012-04-19-0275

Item 8. AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF FEE SIMPLE TITLE TO 17 PARCELS OF PRIVATELY-OWNED REAL PROPERTY LOCATED IN NCBS 9108, 9109, 9081 AND 9082 FOR THE SEELING CHANNEL DRAINAGE PROJECT, A 2007-2012 BOND PROGRAM FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 7; AND, DECLARING IT TO BE A PUBLIC USE PROJECT AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$700,000.00 PAYABLE TO THE SELECTED TITLE COMPANY.

Councilmember C. Medina asked of the negotiation process. Mike Frisbie explained that they have a fair process in working with the property owners and ensure that they receive fair market value for their properties.

Councilmember C. Medina moved that the City of San Antonio authorize the use of the power of eminent domain to acquire property for the public use for the Seeling Channel Improvements Phase I Project by acquiring the following property described by the City Clerk and incorporated as part of this Motion. Councilmember Taylor seconded the motion.

City Clerk Vacek read the property description:

The properties consist of 1.0891 total acres out of Lots 14, 15, 16, 17 and 18, Block 9, NCB 9108; Lots 19 and 20, Block 2, NCB 9081; Lots 7, 8, 9 and 10, Block 10, NCB 9109; and all of Lots 13, 14, 19, 20 and 21, Block 3, NCB 9082. These properties are more particularly described in Exhibits A1 through A18 attached and incorporated in the Ordinance as part of this Motion.

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

Item 24. CITY MANAGER'S REPORT

A. VOLUNTEER INCOME TAX ASSISTANCE (VITA) PROGRAM UPDATE

Ms. Sculley reported that April 17th marked the completion of another successful year of the Volunteer Income Tax Assistance Program (VITA). She stated that in San Antonio, 24 free Tax Assistance Sites operated from January 18-April 17, 2012 and served over 34,000 taxpayers. She noted that VITA has returned \$65 million to the San Antonio Economy and thanked community partners and the Department of Human Services for making the program a success.

B. GOVERNMENT FINANCE OFFICERS ASSOCIATION AWARD

Ms. Sculley also reported that the city was awarded the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA) for the quality of the FY 2012 Adopted Budget. She stated that it was the highest form of recognition in governmental budgeting and was the city's 29th Distinguished Budget Presentation Award. She added that the city received the award since the budget serves as an operations guide for the city; provides a financial plan; and serves as a communications device.

C. FIESTA RECYCLING INITIATIVE

Ms. Sculley stated that the city would be kicking off Fiesta today and would like to promote a Fit, Green, and Smoke-Free Fiesta. She reported that as part of this year's Official Fiesta Events, there were several walks and runs, as well as a Healthy Choices Seminar, to encourage fitness and wellness. She noted that in addition to participating in healthy activities and enjoying parades free of second-hand smoke, the city continues to encourage fiesta participants to recycle plastic and aluminum items by disposing them in the receptacles provided by the City's Solid Waste Management Department. She mentioned that during the parades, individuals would have access to 44 recycling and garbage containers and that recycling containers would be added to Night in Old San Antonio (NIOA). She indicated that the city's goal was to increase the recycling rate for Fiesta 2012 by 50%.

Mayor Castro thanked the Fiesta Partners for helping enhance the recycling rate and commended the Budget Office for receiving the Distinguished Budget Presentation Award.

RECESSED

Mayor Castro recessed the meeting at 10:26 am and announced that the meeting would resume at 2:00 pm for Zoning.

RECONVENED

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

CONSENT ZONING ITEMS

Councilmember Lopez moved to approve the following Zoning Items: P-1, Z-2, Z-4, P-3, Z-5, P-4, Z-8, P-5, P-6, and Z-10 under Consent Zoning. Councilmember Lopez seconded the motion. It was noted that Items Z-3 and Z-7 were withdrawn by the applicants thus, would not be considered.

Mayor Castro called upon Jack M. Finger to speak.

Mr. Jack M. Finger spoke in opposition to the alcohol variances in Items 25 and 26 due to their proximity to a school. He stated that he was against the Tattoo Parlor proposed in Items P-2 and Z-1, noting that city staff, the Planning and Zoning Commissions, and three neighborhood associations were opposed. He expressed concern with increased traffic and pedestrian safety if the zoning was approved.

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

2012-04-19-0298

Item P-1. **PLAN AMENDMENT #12028 (District 1):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE NEAR NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 0.2670 ACRE TRACT OF LAND LOCATED AT 1206 WEST AVENUE FROM OFFICE TO NEIGHBORHOOD COMMERCIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (A ZONING CASE HAS NOT BEEN SUBMITTED AT THIS TIME.)

2012-04-19-0299

Item Z-2. **ZONING CASE # Z2012072 HL (District 1):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "HL C-3 AHOD" Historic Landmark General Commercial Airport Hazard Overlay District on Lot 21, Block 3, NCB 2208 located at 235 Monclova. 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 21, BLOCK 3, NCB 2208 TO WIT: FROM "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "HL C-3 AHOD" HISTORIC LANDMARK GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

WITHDRAWN BY APPLICANT

Item Z-3. **ZONING CASE # Z2012074 CD (District 1):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 AHOD CD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Dental Lab on the south 132.5 feet of Lot 6, Block 59, NCB 7193 located at 1118 Fresno. Staff and Zoning Commission recommend approval.

2012-04-19-0300

Item Z-4. **ZONING CASE # Z2012070 (District 1):** An Ordinance amending the Zoning District Boundary from "MF-33 HS H AHOD" Multi-Family Historic Significant Tobin Hill Historic Airport Hazard Overlay District to "O-1 HS H AHOD" Office Historic Significant Tobin Hill Historic Airport

Hazard Overlay District on Lot 4 and the west 9.39 feet of Lot 5, Block 10, NCB 1750 located at 215 East Park Avenue. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 4 AND THE WEST 9.39 FEET OF LOT 5, BLOCK 10, NCB 1750 TO WIT: FROM "MF-33 HS H AHOD" MULTI-FAMILY HISTORIC SIGNIFICANT TOBIN HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT TO "O-1 HS H AHOD" OFFICE HISTORIC SIGNIFICANT TOBIN HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT.

2012-04-19-0301

Item P-3. **PLAN AMENDMENT #12025 (District 2):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE IH-10 EAST CORRIDOR PERIMETER PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE LAND USE OF A 1.8485 TRACT OF LAND LOCATED AT THE NORTHWEST CORNER OF BICENTENNIAL DRIVE AND INTERSTATE HIGHWAY 10 EAST MORE SPECIFICALLY DESCRIBED AS NCB 17980 P-13C AND NCB 17980 BLOCK 1 LOT 6 AND 5930 BICENTENNIAL DRIVE, FROM PARKS/OPEN SPACE AND INDUSTRIAL TO INDUSTRIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.(CONTINUED FROM APRIL 5, 2012)(ASSOCIATED ZONING CASE: #Z2012060S)

2012-04-19-0302

Item Z-5. **ZONING CASE #Z2012060 S (District 2):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "I-2 S AHOD" Heavy Industrial Airport Hazard Overlay District with a Specific Use Authorization for a Bulk Plant or Terminal on Parcels 13B and 13C, NCB 17980 and Lots 5 and 6, Block 1, NCB 17980 located northwest of the intersection of IH 10 East and Bicentennial Drive. Staff and Zoning Commission recommend approval pending the plan amendment. (Continued from April 5, 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: PARCELS 13B AND 13C, NCB 17980 AND LOTS 5 AND 6, BLOCK 1, NCB 17980 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT AND "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "I-2 S AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A BULK PLANT OR TERMINAL PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

WITHDRAWN BY APPLICANT

Item Z-7. **ZONING CASE # Z2012049 (District 7):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD NCD-8" Residential Single-Family Airport Hazard Overlay Woodlawn Lake Area Neighborhood Conservation District to "RM-4 AHOD NCD-8" Residential Mixed Airport

Hazard Overlay Woodlawn Lake Area Neighborhood Conservation District on Lot 5, Block 32, NCB 1974 located at 1719 West Craig Place. Staff recommends approval. Zoning Commission recommends denial. (Continued from April 5, 2012)

2012-04-19-0303

Item P-4. **PLAN AMENDMENT #12030 (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 LAND USE OF A 29.594 ACRE TRACT OF LAND OUT OF NCB 16325 LOCATED AT WEST AVENUE FROM PARKS/OPEN SPACE AND PUBLIC/INSTITUTIONAL TO MEDIUM DENSITY RESIDENTIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012063)

2012-04-19-0304

Item Z-8. **ZONING CASE # Z2012063 (District 9):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD MLOD" Residential Single-Family Airport Hazard Overlay Military Lighting Overlay District, "MF-25 AHOD MLOD" Multi-Family Airport Hazard Overlay Military Lighting Overlay District "MF-33 AHOD MLOD" Multi-Family Airport Hazard Overlay Military Lighting Overlay District and "C-2 AHOD MLOD" Commercial Airport Hazard Overlay Military Lighting Overlay District to "MF-18 AHOD MLOD" Limited Density Multi-Family Airport Hazard Overlay Military Lighting Overlay District on a 29.594 acre tract of land out of NCB 16325 located on West Avenue. Staff and Zoning Commission recommend approval pending the plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: A 29.594 ACRE TRACT OF LAND OUT OF NCB 16325 TO WIT: FROM "R-6 AHOD MLOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT, "MF-25 AHOD MLOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT "MF-33 AHOD MLOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT AND "C-2 AHOD MLOD" COMMERCIAL AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT TO "MF-18 AHOD MLOD" LIMITED DENSITY MULTI-FAMILY AIRPORT HAZARD OVERLAY MILITARY LIGHTING OVERLAY DISTRICT.

2012-04-19-0305

Item P-5. **PLAN AMENDMENT #12032 (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 APPROXIMATELY 1.94 ACRES ADDRESSED AT 526 EVEREST AND 538 EVEREST FROM MEDIUM DENSITY RESIDENTIAL TO MIXED USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012075)

2012-04-19-0307

Item P-6. **PLAN AMENDMENT #12033 (District 10):** 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 LAND USE OF 38.5 ACRES OF LAND LOCATED ON THE NORTHEAST SIDE OF THOUSAND OAKS NORTH OF THE INTERSECTION WITH WETMORE ROAD: BOUND ON THE NORTHWEST BY COUNTRY MORNING AND ON THE SOUTHEAST BY THE NORTHEASTERN AND SOUTHEASTERN LOT LINES OF NCB 15679 BLOCK 2 LOT 19, FROM NEIGHBORHOOD COMMERCIAL AND LOW DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2011052)

2012-04-19-0308

Item Z-10. **ZONING CASE # Z2011052 (District 10):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District, "C-3 AHOD" General Commercial Airport Hazard Overlay District and "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lots 7, 8, 9 and 10, NCB 13740 and Parcels 38, 128A, 128B, 128C and 128D, NCB 15679 located on portions of the 3100, 3500, and 3700 Blocks of Thousand Oaks. 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, 9 AND 10, NCB 13740 AND PARCELS 38, 128A, 128B, 128C AND 128D, NCB 15679 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT, "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "C-3R AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

[CONSENT ZONING CONCLUDED]

INDIVIDUAL ZONING ITEMS

Items 25 and 26 were addressed together.

2012-04-19-0296

Item 25. AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 4-6(C), 4-6(D)(6) AND 4-6(E)(1) OF THE CITY CODE AND AUTHORIZING A VARIANCE REQUEST TO ALLOW CITY BASE WEST, LP, D/B/A EL MARIACHI CAFÉ & BAKERY LOCATED AT 2511 SOUTHEAST MILITARY DRIVE, TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION AS A "FOOD SERVICE ESTABLISHMENT WITHOUT COVER CHARGE 3 OR MORE DAYS PER WEEK (WITH OR WITHOUT ACCESSORY LIVE ENTERTAINMENT)" WITHIN THREE HUNDRED (300) FEET OF THE SEIDEL LEARNING CENTER, A PUBLIC EDUCATIONAL INSTITUTION LOCATED IN COUNCIL DISTRICT 3.

2012-04-19-0297

Item 26. AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTIONS 4-6(C), 4-6(D)(6) AND 4-6(E)(1) OF THE CITY CODE AND AUTHORIZING A VARIANCE REQUEST TO ALLOW CITY BASE WEST, L.P., D/B/A THE FLYING TIGER SPORTS BAR, LOCATED AT 2619 SE MILITARY DRIVE, SUITE 111, TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION AS A "FOOD SERVICE ESTABLISHMENT WITHOUT COVER CHARGE 3 OR MORE DAYS PER WEEK (WITH OR WITHOUT ACCESSORY LIVE ENTERTAINMENT)" WITHIN THREE HUNDRED (300) FEET OF THE SEIDEL LEARNING CENTER, A PUBLIC EDUCATIONAL INSTITUTION LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ozuna stated that the Siedel Learning Center was an adult learning environment and moved to approve Items 25 and 26 with the conditions as follows: 1) The authorization for the sale of alcoholic beverages shall not transfer to future property owners or to different land uses; and 2) Such authorization shall terminate in the event of non-operation or non-use for a period of 12 months. Councilmember Lopez seconded the motion.

The motion to approve Items 25 and 26 prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** D. Medina.

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

CONTINUED TO MAY 3, 2012

Item P-2. **PLAN AMENDMENT #12010 (District 1):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NEAR NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE LAND USE OF A 0.4132 ACRE TRACT OF LAND LOCATED AT 1726 FREDERICKSBURG ROAD FROM NEIGHBORHOOD COMMERCIAL TO COMMUNITY COMMERCIAL. STAFF AND PLANNING COMMISSION RECOMMEND DENIAL. (CONTINUED FROM APRIL 5, 2012)(ASSOCIATED ZONING CASE: #Z2012061)

CONTINUED TO MAY 3, 2012

Item Z-1. **ZONING CASE # Z2012061 CD (District 1):** An Ordinance amending the Zoning District Boundary from "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-2NA CD AHOD " Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for a Tattoo Parlor/Studio on Lots 12, 13 and 14, Block 50, NCB 2744 located at 1726 Fredericksburg Road. Staff and Zoning Commission recommend denial. (Continued from April 5, 2012)

Rudy Niño presented Items P-2 and Z-1 and stated that for Item P-2, staff and the Planning Commission recommended denial. He reported that 20 notices were mailed to property owners within 200 feet; 21 notices were mailed to members of the Planning Team; and notices were mailed to the Keystone and Jefferson Neighborhood Associations, and the Woodlawn Lake Community Association. For Item Z-1, he stated that staff and the Planning Commission recommended denial of the request for a Tattoo Parlor. He reported that of 33 notices mailed to property owners within 200 feet; three were returned in favor and one was returned in opposition. He added that the Keystone and Jefferson Neighborhood Associations and the Woodlawn Lake Community Association were also opposed to the requests.

Mayor Castro called upon individuals registered to speak.

Bianca Maldonado addressed the Council and stated that she was speaking on behalf of the Jefferson/Woodlawn Lake Development Corporation in opposition to the Plan Amendment and zoning change. She expressed concern that changing the Plan Amendment would result in change to the future development of the entire corridor which was planned as Neighborhood Commercial. She noted that it was important to maintain the integrity and continuity of the corridor and requested that the Near Northwest Community Plan be upheld.

Elia Reyna addressed the City Council on behalf of the President of the Jefferson Neighborhood Association in opposition to the Plan Amendment and zoning change. She stated that the change was not compatible with the Near Northwest Community Plan and would have a negative effect on the Deco District Corridor. She noted that the zoning request was discouraged in the Plan and asked that the community be protected.

Robert Sipes, President of the Monticello Homeowners Association stated that they were in opposition to the Plan Amendment and zoning changes. He expressed concern with the future impact to the area and spoke of their work to welcome businesses in the area. He stated that they would like to maintain the corridor as it is and encouraged sustained improvements.

Councilmember Bernal stated that he was concerned with the many empty storefronts in the corridor and believed that a well-run, art-based tattoo parlor would not bring the neighborhood down. He asked if the neighborhood associations had met with the applicant. James Griffin responded that they were close to a compromise and needed a little more time to finalize. Mr. Sipes added that they were concerned that if they made the change for one tenant, it could have an unraveling effect and other tenants may request a change. Ms. Maldonado stated that there were concerns with hours of operation and loitering, and hoped that the applicant would consider a down zone with a conditional use for a tattoo parlor.

Councilmember Bernal stated that there were still more discussions to be had among the affected parties.

Councilmember Bernal moved to continue Items P-2 and Z-1 to May 3, 2012. Councilmember C. Medina seconded the motion.

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

CONTINUED TO MAY 3, 2012

Item Z-6. **ZONING CASE # Z2012041 S (District 6):** An Ordinance amending the Zoning District Boundary from "C-3 GC-2 AHOD" General Commercial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District to "C-3 S GC-2 AHOD" General Commercial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District with a Specific Use Authorization for a Helistop on a 0.268 of an acre tract of land being out of Lot 3, Block 50, NCB 17642 located at 10811 Town Center Drive. Staff and Zoning Commission recommend approval. (Continued from April 5, 2012)

John Jacks presented Item Z-6 and stated that staff and the Zoning Commission recommended approval.

Councilmember Lopez moved to continue Item Z-6 until May 3, 2012. Councilmember Chan seconded the motion.

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

2012-04-19-0306

Item Z-9. **ZONING CASE # Z2012075 CD (District 9):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for a Construction Trades Contractor Facility on 1.006 acres out of Lots 32 and 34, NCB 11880 located at 526 Everest Avenue. Staff and Zoning Commission recommend approval pending the plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 1.006 ACRES OUT OF LOTS 32 AND 34, NCB 11880 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A CONSTRUCTION TRADES CONTRACTOR FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-9 and stated that staff and the Zoning Commission recommended approval pending the Plan Amendment. He reported that of 19 notices mailed; three were returned in favor and seven were returned in opposition. He indicated that due to more than 20% opposition; the case would require nine votes for approval.

Councilmember Chan stated that the property in question was surrounded by C-3 or Office Zoning. She noted that the Lawncare and Landscape Company was thinking of adding an office building and storage space and believed it would be compatible with the area. She added that the negative opposition was from one property owner.

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

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

2012-04-19-0309

Item Z-11. **ZONING CASE # Z2012058 CD (District 10):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-3NA CD AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for a Batching Plant on Parcels 4 and 90, NCB 15686 located at 11939 Nacogdoches 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: PARCELS 4 AND 90, NCB 15686 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-3NA CD AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A BATCHING PLANT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-11 and stated that staff and the Zoning Commission recommended approval. He reported that of 16 notices mailed; none were received in favor or in opposition.

Councilmember Soules recognized James Griffin. Mr. Griffin read the following conditions into the record: 1) Egress from the site onto Bulverde Road shall be left-turn only and onto Nacogdoches shall be right-turn only. 2) Signage stating turning direction shall be placed on the site at the points of egress. 3) Egress and signage requirements shall meet UDC requirements and shall be subject to approval by City of San Antonio Traffic Engineers at the time of permitting.

Councilmember Soules moved to adopt the proposed Ordinance with the conditions read into the record by Mr. Griffin. Councilmember Bernal seconded the motion.

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

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 2:35 pm.

APPROVED



JULIÁN CASTRO
MAYOR

Attest



LETICIA M. VACEK, TRMC/MMC
City Clerk