

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

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE MUNICIPAL PLAZA BUILDING ON THURSDAY, SEPTEMBER 6, 2012.**

The Council B Session and Citizens to be Heard normally scheduled for Wednesday, September 5, 2012 was cancelled.

The San Antonio City Council convened in a Regular Meeting on Thursday, **September 6, 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, D. Medina, Lopez, C. Medina, Williams, Chan, and Soules. **ABSENT:** Saldaña and Mayor Castro. Mrs. Vacek announced that Mayor Castro and Councilmember Saldaña were out of the State.

In the absence of Mayor Castro and Mayor Pro Tem Saldaña, Councilmember Chan presided over the meeting.

**Item 1.** The Invocation was delivered by Dr. Doug Diehl, Senior Pastor, Crossroads Baptist Church, guest of Councilmember Cris Medina, District 7.

**Item 2.** Mayor Pro Tem Chan led the Pledge of Allegiance to the Flag of the United States of America.

**POINT OF PERSONAL PRIVILEGE**

Councilmember Soules recognized Civics Students from the Family Education Alliance of South Texas that are home schooled and thanked them for their attendance.

**Item 3. MINUTES**

Councilmember Lopez moved to approve the Minutes for the August 8-9, 2012 City Council Meetings. Councilmember Williams seconded the motion.

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

**CONSENT AGENDA ITEMS 4-24B**

Consent Agenda Items 11, 16, 18, 23, and 24A&B were pulled for Individual Consideration. Mrs. Vacek read a correction to the term of the agreement for Item 20. She noted that the agreements would be effective through January 31, 2014.

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

Mayor Pro Tem Chan called upon the individuals registered to speak on the Consent Agenda.

Nazirite Ruben Flores Perez stated that he had spoken in support of SEIU during the meeting of August 8, 2012 and referenced his request for a VIA Bus Pass for Retired City Employees. He noted that he was opposed to the funding provided to Haven for Hope (Item 13). He expressed concern with the division being created among employees at VIA Metropolitan (Item 24).

Nikki Kuhns spoke in opposition to the agreement with Delta Dental Insurance Company (Item 21). She expressed concern with dental fluorosis and noted that a Harvard Study showed that fluoride lowers IQ in children. She indicated that the only way to fix dental fluorosis is to cover it with expensive veneers that must be replaced four to five times over a life time. She stated that the contract with Delta Dental would not cover dental fluorosis and asked that information not be concealed from City Employees.

Jack M. Finger expressed opposition to the agreement with the University of Texas at San Antonio (UTSA) in Item 16, noting that the city could have contracted greater events if improvements had been made to the Alamodome. He spoke against Hotel Occupancy Tax Funding for the San Pedro Playhouse included in the FY 2013 Budget and noted his concern with the play "Corpus Christi" that portrays Jesus Christ as a Homosexual.

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

**2012-09-06-0665**

Item 4. AN ORDINANCE AUTHORIZING A CONTRACT TO PROVIDE THE CITY WITH SERVICES ON AN ANNUAL BASIS FOR THE TERM OF THE CONTRACT, WITH 3M COMPANY FOR 3M LIBRARY SYSTEMS SERVICE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF \$273,000.00.

**2012-09-06-0666**

Item 5. AN ORDINANCE AUTHORIZING THIRD AND FINAL EXTENSION AND AMENDMENT OF THE FIRE DEPARTMENT UNIFORM COMMISSARY CONTRACT WITH GALLS, LLC, FOR AN AMOUNT UP TO \$829,000.00, TO PROVIDE UNIFORM ITEMS TO FIRE DEPARTMENT PERSONNEL.

**2012-09-06-0667**

Item 6. AN ORDINANCE AUTHORIZING A THIRD AND FINAL EXTENSION AND AMENDMENT FOR THE PERSONAL PROTECTIVE CLOTHING CONTRACT FOR FIREFIGHTERS WITH MORNING PRIDE MANUFACTURING, LLC BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013, FOR AN AMOUNT UP TO \$523,182.00 UTILIZING THE FY 2013 GENERAL FUND.

**2012-09-06-0668**

Item 7. AN ORDINANCE ACCEPTING THE LOWEST QUALIFIED RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT TO SALINAS CONSTRUCTION TECHNOLOGIES IN THE AMOUNT OF \$4,074,498.18, OF WHICH \$444,104.68 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, \$537,209.37 WILL BE REIMBURSED BY CITY PUBLIC SERVICES AND \$2,474,547.16 WILL BE REIMBURSED BY THE FEDERAL HIGHWAY ADMINISTRATION, FOR THE CONSTRUCTION OF MISSION TRAILS PACKAGES 4 & 5 PROJECT, AN AUTHORIZED METROPOLITAN PLANNING ORGANIZATION, CERTIFICATES OF OBLIGATION, AND 2007 BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICTS 1, 3, AND 5; AND, AMENDING THE FY 2012 – 2017 CAPITAL IMPROVEMENT PROGRAM BUDGET WITH THE REALLOCATION OF \$2,000,000.00 IN 2007 GENERAL OBLIGATION FUND BALANCE FUNDS TO MISSION TRAIL PACKAGES 4 & 5 PROJECT.

**2012-09-06-0669**

Item 8. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$215,995.00 TO THE PROFESSIONAL SERVICES AGREEMENT WITH GREG GOMEZ I ENGINEERS FOR ADDITIONAL ENGINEERING DESIGN SERVICES FOR WURZBACH PARKWAY-SKYPLACE EXTENSION, A 2007-2012 BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICTS 9 AND 10.

**2012-09-06-0670**

Item 9. AN ORDINANCE ACCEPTING A PROPOSAL AND AUTHORIZING AN AMOUNT NOT-TO-EXCEED \$176,267.14 AUTHORIZED AND PAYABLE TO JAMAIL & SMITH CONSTRUCTION UTILIZING THE JOB ORDER CONTRACTING DELIVERY METHOD, FOR INTERIOR RENOVATIONS TO THE SECOND FLOOR OF FRANK D. WING MUNICIPAL COURT BUILDING, A PROJECT LOCATED IN COUNCIL DISTRICT 1 FUNDED THROUGH THE FACILITY SERVICES FUND.

**2012-09-06-0671**

Item 10. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN AN INCREASED AMOUNT NOT TO EXCEED \$685,505.00 TO THE EXISTING TASK ORDER CONTRACT WITH ALAMO CITY CONSTRUCTORS, INC. FOR PROJECTS TO BE REHABILITATED USING THE PAVEMENT RECLAMATION PROCESS AS PART OF THE FY 2013 STREET MAINTENANCE PROGRAM.

**2012-09-06-0673**

Item 12. AN ORDINANCE AUTHORIZING THE SALE OF CITY-OWNED SURPLUS REAL PROPERTY LOCATED AT 3510 NORTH MAIN IN COUNCIL DISTRICT 1 AND AUTHORIZING ITS SALE TO AHS LIVE OAK C/O DR. HUGH SCOTT CAMPBELL FOR \$270,000.00; AND, AUTHORIZING THE ALLOCATION OF NET PROCEEDS OF THIS SALE INTO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

**2012-09-06-0674**

Item 13. AN ORDINANCE AUTHORIZING AMENDMENTS TO CONTRACTS WITH SAN ANTONIO HOUSING AUTHORITY AND SAN ANTONIO METROPOLITAN MINISTRIES, INC. FOR THE PROVISION AND MANAGEMENT OF 88 SINGLE ROOM OCCUPANCY UNITS AT THE HAVEN FOR HOPE CAMPUS FOR HOMELESS INDIVIDUALS; AND AUTHORIZING THE ACCEPTANCE OF UP TO \$104,808.00 IN ADDITIONAL RENTAL ASSISTANCE PAYMENTS FROM SAN ANTONIO HOUSING AUTHORITY FOR A TOTAL CONTRACT AMOUNT OF \$518,760.00, FOR THE U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOUSING ASSISTANCE PAYMENT PROGRAM FOR THE PERIOD OF SEPTEMBER 17, 2011 TO DECEMBER 16, 2012.

**2012-09-06-0675**

Item 14. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NATIONAL NETWORK OF PUBLIC HEALTH INSTITUTES FOR THE QUALITY IMPROVEMENT AWARD PROGRAM AND AUTHORIZING THE ACCEPTANCE OF FUNDS UPON AWARD FOR AN AMOUNT NOT TO EXCEED \$5,000.00 FOR A PERIOD BEGINNING DECEMBER 1, 2012 THROUGH JULY 31, 2013.

Item 15. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2013, TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT; OR FOR TERMS AND EFFECTIVENESS AS OTHERWISE INDICATED BELOW:

- A. REAPPOINTING LINDA N. LIBBY (DISTRICT 5) TO THE SAN ANTONIO COMMISSION ON LITERACY.
- B. APPOINTING NORMAN T. DUGAS, JR. (DISTRICT 3, CATEGORY: REAL ESTATE/BUILDING INDUSTRY) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE.
- C. REAPPOINTING VICTOR H. SALAS (DISTRICT 3, CATEGORY: PUBLIC ART/ART HISTORY) TO THE HISTORIC DESIGN AND REVIEW COMMISSION.

**2012-09-06-0677**

Item 17. AN ORDINANCE AUTHORIZING EXTENDED AND AMENDED TEMPORARY UTILITY SERVICES LICENSE AGREEMENTS WITH EDLEN ELECTRICAL EXHIBITION SERVICES OF TEXAS, INC., FREEMAN DECORATING SERVICES, INC., AND ASSOCIATED OPERATIONS, INC. DBA HARPER WOOD ELECTRIC CO. TO PROVIDE TEMPORARY UTILITY SERVICES FOR EVENTS AT THE HENRY B. GONZALEZ CONVENTION CENTER, ALAMODOME, AND THE CARVER COMMUNITY CULTURAL CENTER FOR THE FIRST OF TWO. TWO-YEAR RENEWAL OPTIONS THROUGH SEPTEMBER 14, 2014.

**2012-09-06-0679**

Item 19. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH TRI-STARR PERSONNEL, LLC FOR "AS NEEDED" STAFFING AT THE SAN ANTONIO FIRE DEPARTMENT WELLNESS CENTER FOR A PERIOD BEGINNING UPON CONTRACT EXECUTION THROUGH SEPTEMBER 30, 2015, WITH TWO ONE-YEAR EXTENSIONS.

**2012-09-06-0680**

Item 20. AN ORDINANCE AUTHORIZING AGREEMENTS WITH PARENT/CHILD INCORPORATED FOR AN AMOUNT UP \$11,194.00 AND CENTER FOR NEW COMMUNITIES FOR AN AMOUNT UP TO \$12,611.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE DENTAL SERVICES FOR CHILDREN FROM BIRTH TO THREE YEARS OF AGE AND EXPECTANT MOTHERS ENROLLED IN THE PCI & CENTER FOR NEW COMMUNITIES EARLY HEAD START PROGRAMS FOR THE TERM SEPTEMBER 1, 2012 THROUGH JANUARY 31, 2014.

**2012-09-06-0681**

Item 21. AN ORDINANCE AUTHORIZING PROFESSIONAL SERVICES AGREEMENTS WITH DELTA DENTAL INSURANCE COMPANY/ALPHA DENTAL PROGRAMS, INC., FOR THE ADMINISTRATION AND MANAGEMENT OF THE CITY'S VOLUNTARY DENTAL PROGRAM FOR CIVILIAN EMPLOYEES AND ELIGIBLE DEPENDENTS IN AN ESTIMATED ANNUAL AMOUNT OF \$662,294 FUNDED BY THE EMPLOYEE BENEFITS FUND.

**2012-09-06-0682**

Item 22. AN ORDINANCE AUTHORIZING THE FIRST EXTENSION OF THE CONTRACT WITH FORT DEARBORN LIFE INSURANCE COMPANY TO PROVIDE GROUP BASIC TERM LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT AND VOLUNTARY TERM LIFE INSURANCE COVERAGE UNDER THE CITY'S SELF-FUNDED HEALTH BENEFITS PROGRAM.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

Mayor Pro Tem Chan addressed Item 23 at this time.

The City Clerk read the caption for Item 23:

**2012-09-06-0683**

Item 23. AN ORDINANCE AUTHORIZING THE NAMING OF GREENWAY TRAILS TO HOWARD W. PEAK GREENWAY TRAILS SYSTEM.

Xavier Urrutia stated that a request had been received from Councilmember Williams to authorize the naming of the City's Greenway Trails System to Howard W. Peak Greenway Trails System. He noted

that the request was presented to the Governance Committee on June 20, 2012 and the Committee directed staff to proceed through the public process. He reported that a Committee was established to hold a public hearing and that notice of the public hearing was advertised on the Parks and Recreation Website, newspaper, and direct mail. He stated that 64 notices were received by mail in favor and five were received in opposition to the naming. He noted that a public hearing was held on August 6, 2012 in which 29 individuals expressed support and one expressed opposition to the naming. He stated that after public input, the Committee discussed the naming and voted unanimously to recommend to the City Council that the Greenways be named "Howard W. Peak Greenway Trails System."

Mayor Pro Tem Chan called upon the citizens registered to speak.

Former Councilmember Bonnie Conner stated that she felt very passionate about the issue and spoke of her work on Parks Issues with Mayor Peak since the late 1980's. She mentioned that Mayor Peak had assisted in the development of Walker Ranch in 1997 and had accomplished so much for the City of San Antonio. She noted that this was a wonderful project and was great for the city.

John Linkhart addressed the Council and stated that the Greenway Trail System provided convenient access to the parks and connects many of the parks through a trail way system. He compared the system to a pearl necklace in which the parks are the pearls and the trail way system is the string that ties them together. He spoke of Mayor Peak's persistence, vision and leadership to create a network of trails around the city.

Councilmember Lopez stated that Mayor Peak was worthy of the recognition and commended him for his vision. He noted that this was a gemstone for the city and was supportive of the naming.

Councilmember C. Medina also commended Mayor Peak for his vision and leadership and stated that he was pleased to see many individuals utilizing the Greenway Trails.

Councilmember Soules thanked Councilmember Williams for bringing said item forward and stated that it was much deserved by Mayor Peak. He spoke of Mayor Peak's leadership and steadfastness in making the project a reality and stated that he looked forward to continued protection and enhancement of the Parks System.

Councilmember Bernal thanked Mayor Peak for his vision and stated that the Parks System has become a signature part of the city.

Mayor Pro Tem Chan congratulated Mayor Peak for his continued efforts and stated that this was a great addition to the city. She noted that providing access to biking and walking trails enhances the quality of life for the citizens of San Antonio and that Mayor Peak was very worthy of the recognition.

Councilmember Williams stated that he was pleased to support the naming of the Greenway Trail System in honor of Mayor Howard Peak. He noted that the trail system provides mobility and recreation but also defines a community.

Mrs. Vacek stated that written testimony was received from Jack Sutcliffe in support of the naming.

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

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

Mayor Pro Tem Chan recognized Mayor Howard Peak at this time.

Mayor Howard Peak stated that this was a great day for him and thanked the City Council for their support. He recognized Councilmember Williams for taking the lead on said item and noted that he would continue to work on the project in the future. He stated that he believed that it was a waste of natural creeks to become dumping grounds and that they could be better used as trails. He added that he was honored and humbled and looked forward to completing the system as quickly as possible.

Councilmember D. Medina added his congratulations to Mayor Peak and thanked him for his dedication to the Greenway Trail System. He noted that he was pleased to create opportunities for healthier lifestyles and looked forward to the completion of the entire system.

The City Clerk read the caption for Item 11:

**2012-09-06-0672**

Item 11. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A 12 FOOT-WIDE ALLEY PUBLIC RIGHT OF WAY CONSISTING OF 0.004 OF AN ACRE LOCATED BETWEEN KEY AND LOUISE STREET WITHIN THE PROPERTY LOCATED AT 1414 FREDERICKSBURG ROAD ADJACENT TO NCB 2742 IN COUNCIL DISTRICT 1, AS REQUESTED BY THE ESTATE OF MARGARETHE S. METZER, KENNETH A. WISE, INDEPENDENT EXECUTOR AND RAMON T. CARDENAS FOR A FEE OF \$4,100.00.

Councilmember Bernal stated that the miniature golf course was a great treasure for the city and was pleased that there was a willing and committed buyer for the property. He recognized the property owner.

Paul Ritter, Realtor for the Property Owner, Dr. Andrew, addressed the City Council. He stated that Dr. Andrew would be rebuilding the Cool Crest Miniature Golf Course and bring historic value back to the property.

Councilmember C. Medina stated that the Cool Crest Miniature Golf Course borders Districts 1 and 7 and was pleased that the property would serve as a catalyst for redevelopment of the area.

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

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

The City Clerk read the caption for Item 16:

**2012-09-06-0676**

Item 16. AN ORDINANCE AUTHORIZING A REVISED AND RESTATED ALAMODOME LICENSE AGREEMENT WITH THE UNIVERSITY OF TEXAS AT SAN ANTONIO (UTSA) TO HOST ITS FOOTBALL GAMES AT THE ALAMODOME THROUGH 2035.

Councilmember Lopez asked staff to make a brief presentation. Mike Sawaya presented the terms of the revised and restated license agreement with UTSA. He stated that the amendment extends the agreement through December 15, 2035 and that UTSA will reimburse the city for staffing costs and other expenses per game. Additionally, UTSA will retain all ticket, souvenir and program sales, as well as receive temporary advertising rights during its games. He noted that UTSA would also retain all associated advertising sales revenue to include field sponsorship opportunities. He reported that UTSA has the right to sell 50 suites and retain all ticket revenue and that the city retain two suites at no cost. He stated that the city would retain all concessions and catering sales commissions and provide 300 parking spaces per game to UTSA at no cost. He added that the agreement was expected to generate \$864,000 annually in net revenue for the Alamodome.

Councilmember Lopez stated that the program has been an incredible contribution to the city and recognized UTSA Athletic Director Lynn Hickey.

Ms. Lynn Hickey stated that they were pleased to partner with the city and that the first year of the program had been an unbelievable experience. She noted that they looked forward to future collaboration and changing the academic face for the young people in San Antonio.

Councilmember C. Medina stated that he was proud to be a UTSA Alumni and expressed his support for the great partnership.

Councilmember Williams commended UTSA for their work on the Football Program and spoke of the tremendous amount of growth that they have experienced. He stated that this was a great use of the Alamodome and looked forward to continued partnership opportunities.

Councilmember D. Medina congratulated UTSA for its success and expressed his support for extending the agreement. He stated that the partnership brings the entire city together and allows everyone to be a part of the football experience.

Councilmember Bernal stated that he was excited to cheer for UTSA and that the partnership was a tremendous asset to the Downtown Area.

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

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

The City Clerk read the caption for Item 18:

**2012-09-06-0678**

Item 18. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE APPROVING THE LEVY OF A SPECIAL ASSESSMENT FOR THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT (PID); MAINTAINING AN ASSESSMENT LEVY RATE FOR FISCAL YEAR 2013 AT \$0.12 PER \$100.00 VALUE OF REAL PROPERTY IN THE PID AND \$0.09 PER \$100.00 VALUE OF RESIDENTIAL CONDOMINIUMS; AND APPROVING THE FISCAL YEAR 2013 SERVICES AND ASSESSMENT PLAN FOR THE PID.

Mayor Pro Tem Chan declared the Public Hearing open.

Jim Mery stated that the ordinance provided for levy of a special assessment for the Downtown Public Improvement District (PID) at \$0.12 per \$100 valuation for commercial properties and \$0.09 per \$100 value of real property for condominiums. He noted that it would also approve the Annual Service and Assessment Plan for the PID. He explained that the PID was created in 1999 for an initial five-year period and reauthorized in 2004 and 2009 for additional five-year terms. He stated that the purpose of the PID was to supplement services in the Downtown Area and enhance the overall appearance of the area. He noted that the city contracts with Centro San Antonio Management Corporation (Centro SA) to provide PID Services.

Mr. Mery reported that Centro SA develops an annual plan that details the level of service for each program. He stated that the plan includes a Financial Plan/Program Budget and sets the Assessment Rate. He noted that it must be approved annually according to Chapter 372 of the Local Government Code and that the Centro Board approved the plan on August 21, 2012. He highlighted FY 2012 Accomplishments that include 38 million square feet of sidewalks power washed and assisting 926,373 Downtown Guests with service needs. He reported that the total estimated value of real property in the PID is \$1.8 billion. He added that VIA Metropolitan contributes \$160,000 annually for cleaning of their Bus Stops and Bexar County contributes \$30,000 annually for contract services around the Courthouse and Justice Center. Mayor Pro Tem Chan asked if anyone was present to comment on the proposed ordinance. There being no further comments, Mayor Pro Tem Chan closed the Public Hearing.

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

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

The City Clerk read the caption for Items 24A and 24B:

Item 24. CONSIDERATION OF THE FOLLOWING MATTERS IN CONNECTION WITH USE BY OUTSIDE PARTIES OF THE CITY'S COMPRESSED NATURAL GAS (CNG) REFUELING FACILITY:

**2012-09-06-0684**

- A. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH VIA METROPOLITAN TRANSIT FOR JOINT USE OF CNG FACILITIES FOR A TERM OF FIVE YEARS.

**2012-09-06-0685**

- B. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH MARTIN MARIETTA MATERIALS SOUTHWEST, INC. FOR THE TEMPORARY USE OF THE CITY'S CNG FACILITIES THROUGH NOVEMBER 30, 2012.

Councilmember C. Medina asked if the city had plans to partner with other entities. Jorge Perez replied that they would be partnering with others in the future and that the city was entering into the agreement with VIA Metropolitan to provide a contingency plan in the event that the city loses its Compressed Natural Gas (CNG) Facility at the Toolyard. He explained that Martin Marietta is currently conducting studies regarding the potential to create a CNG Fleet for their vehicles and the city's CNG Facility is the only facility of its size within the San Antonio Metropolitan Area. He noted that staff was working with CPS Energy and others that are interested in creating alternate fuel opportunities. Councilmember C. Medina asked if CNG would be expanded to the new Northwest Service Center. Mr. Perez confirmed that the infrastructure for CNG was being built at the new Northwest Service Center. Councilmember C. Medina stated that he would like to see revenue projections from partners and to invest in expanding the program.

Councilmember Williams stated that fleet fueling was very important and asked if the agreements were for convenience purposes. Mr. Perez confirmed that they were. Councilmember Williams requested that staff look for longer term fleet opportunities as opposed to contracts of convenience.

Councilmember C. Medina moved to adopt the proposed Ordinances for Items 24A and 24B. Councilmember Bernal seconded the motion.

The motion to approve Items 24A and 24B prevailed by the following vote: **AYES:** Bernal, Ozuna, D. Medina, Lopez, C. Medina, Williams, Chan, and Soules. **NAY:** None. **ABSENT:** Taylor, Saldaña, and Mayor Castro.

**RECESSED**

Mayor Pro Tem Chan recessed the meeting at 10:30 am to move into the B Room to hear presentations relative to Items 25A&B. She announced that the City Council would reconvene in the Council Chambers at 2:00 pm to address the Zoning Items.

Item 25. STAFF PRESENTATION ON THE FY 2013 PROPOSED BUDGET FOCUSING ON, BUT NOT LIMITED TO, THE FOLLOWING BUDGET MATTERS:

**A. HOTEL OCCUPANCY TAX RELATED DEPARTMENTS**

**B. OVERVIEW OF DEPARTMENTAL BUDGETS WITHIN THE FY 2013 PROPOSED BUDGET**

Ms. Sculley reported that she had provided the City Council with potential amendments to the Proposed FY 2013 Operating and Capital Budget.

## **CONVENTION AND VISITORS BUREAU (CVB)**

Casandra Matej presented an overview of the Hotel Occupancy Tax (HOT) Fund noting that it supports San Antonio's Tourism, Convention, and Arts&Cultural Programs through transfers to the CVB, Community and Visitors Facilities Fund, and Cultural Affairs Fund. She stated that allocation of HOT Revenue is regulated by State Tax Code as follows: "Must be spent on Convention and Tourism Activities; not more than 15% can be spend on the Arts; and not more than 15% can be spent on History and Preservation." She noted that the HOT Rate is 16.75% and the city received 7% of that amount. She stated that they estimated collecting \$55 million in FY 2013. She added that 35% is allocated to the CVB; 35% to Convention Facilities; 15% to Arts; and 14% to History and Preservation.

Ms. Matej provided an overview of the CVB and stated that their mission was to promote and market San Antonio as a premier leisure visitor and convention/meeting destination for the purpose of positively affecting the city's economy. She noted that the CVB represents an industry that contributes to building quality of life for San Antonio with an economic impact of \$11 billion. She highlighted FY 2012 Accomplishments that include booking more than 848,000 room nights in FY 2012 and launching "Remember the \_\_\_\_" Campaign. She spoke of the CVB's efforts on the first "People en Español" Festival held in San Antonio over Labor Day Weekend. She mentioned the great national and international media exposure and noted that the event promoted San Antonio as a multi-cultural destination. She reported that the CVB continues to work with Economic Development to proactively attract conventions such as HOLT CAT, XENEX, and NASCO to San Antonio.

Ms. Matej outlined the department budget history over the past 10 years and stated that the FY 2013 would be reduced by \$100,000. She spoke of FY 2013 Priorities and Initiatives that include dedicating a Trade Marketing and Communications Team to the Convention Center Expansion Project and enhancing International Marketing Efforts.

Councilmember Bernal commended CVB Staff for their work and stated that he was pleased with the "Remember the \_\_\_\_" Campaign and the "People en Español Festival." He spoke of the importance of marketing events to local residents.

Mayor Pro Tem Chan recognized CVB Staff for their work and spoke of capitalizing and stretching funds by collaborating. She stated that she was pleased with the success of social media and asked of the media budget. Ms. Matej replied that the Advertising and Communications for FY 2013 was \$7.5 million. Councilmember Chan asked what the CVB was doing to capitalize on Mayor Castro's Speech at the Democratic National Convention. Ms. Matej responded that they were trying to track the response through social media and stated that it was a great commercial for San Antonio. Mayor Pro Tem Chan stated that there was a great window of opportunity for San Antonio. She asked of the Certified Tourism Ambassador (CTA) Program. Ms. Matej replied that it was a national certification program and that there were 80 destinations that had this as part of their community. She noted that it consisted of four modules and a four-hour class and was targeted to those that interact with visitors such as taxi cab drivers. Mayor Pro Tem Chan thanked staff for the presentation.

## **CONVENTION, SPORTS & ENTERTAINMENT FACILITIES (CSEF)**

Michael Sawaya provided an overview of the CSEF Department noting that they oversee the operation and maintenance of the Henry B. Gonzalez Convention Center; Lila Cockrell Theater; Alamodome; and

Carver Community Cultural Center. He stated that they manage leases for Nelson Wolff Stadium; Universidad Nacional Autonoma de Mexico (UNAM); Instituto Cultural de Mexico; and the Grand Hyatt Hotel. He highlighted FY 2012 Accomplishments that include hosting over 600,000 delegates at the Convention Center in 2012 and completing the Convention Center Exterior Renovation Project. He noted that the Alamodome hosted one million attendees through major events such as the UTSA Roadrunners Football Games and Valero Alamo Bowl.

Mr. Sawaya reported that the FY 2013 Proposed Budget includes resources to enhance staffing levels and address deferred maintenance needs at the Carver Community Cultural Center. He outlined the State Major Events Trust Fund that enables the city to recover up to 86% of approved costs related to hosting Conventions and Sporting Events. He mentioned that the city has received \$53 million in net rebates since FY 2004. He stated that the Alamodome and Convention Center had received \$22 million and \$27 million, respectively, in Capital Improvements since 2004.

Mr. Sawaya stated that the FY 2013 Proposed Budget would be increased by \$1.5 million. He reported that the Convention Center Rental Rate would be adjusted and was the final phase of recommended adjustments from the 2008 Rate Study. He explained that the Rent Per Net Square Foot would increase from \$0.23 cents to \$0.25 cents and that the Equipment Rental Rates would also be increased. He indicated that even with the increase, San Antonio would remain among the lowest cities per square foot for Exhibit Halls. He noted that the increases would provide \$50,000 in revenue for FY 2013. He added that in 2013, the CSEF Department would focus on the Convention Center Expansion Project and develop a long-range capital plan for the Alamodome.

Mayor Pro Tem Chan asked of the percentage of the transfer of \$11.3 million from the HOT Fund. Maria Villagomez replied that it was 35% of the total HOT provided to the city. Mayor Pro Tem Chan thanked staff for the presentation.

### **OFFICE OF CULTURAL AFFAIRS (OCA)**

Felix Padron presented an overview of OCA noting that they provide leadership and support for arts and cultural organizations to enhance the quality of life for San Antonio Residents and Visitors. He stated that they develop arts funding and public art policies and guidelines as well as ensure compliance for funding awards. He highlighted FY 2012 Accomplishments in which they hosted Luminaria in May 2012 and the Americans for the Arts Annual Convention in June 2012/ He reported that a Public Art Element was approved as part of the 2012 Bond Program. He spoke of their efforts to advance the film community through a Neighborhood Film Competition and Local Film Grant. He indicated that they had entered into a partnership with SA2020 as the lead for the Arts and Culture Vision.

Mr. Padron stated that they estimated promoting 1,400 Arts and Cultural Events by the end of FY 2012. He reported that the FY 2013 Proposed Budget would be increased by \$300,000 and that 12 positions were being transferred to OCA. He explained that San Antonio Film Commission Staff would support local film activities and continue to seek motion picture production in San Antonio. He noted that the Downtown Operations Staff being transferred to OCA would evaluate current program and event activities to enhance the historical and cultural heritage of La Villita, Spanish Governor's Palace and other Downtown Facilities. He mentioned that in FY 2013, OCA would be re-branded to the Department for Culture & Creative Development and would continue development of Cultural Zones.

Mr. Padron provided an update on the Arts Agency Funding for FY 2013 noting that it was the second year of a 2-year funding cycle. He reported that there was no Request for Proposal (RFP) Process and that funding levels for Non City-Owned Facilities would remain constant. He stated that the new funding process for FY 2014 would begin in March 2013. He noted that additional HOT Collections in FY 2013 would allow for \$650,000 in additional funding for five projects.

Mayor Pro Tem Chan thanked staff for the presentation and for their work in promoting the Arts. She asked of the Arts Agency Funding. Ms. Sculley reported that the contract for the \$440,531 in capital improvements for the Plaza de Armas Building was recently approved by the City Council. Mr. Padron added that \$150,000 had been allocated to Texas A&M San Antonio at the last City Council Meeting and that the \$182,500 was new funding recommended for the Opera Theater of San Antonio. He added that the Cultural Arts Board had recommended funding in the amount of \$650,000 in one-time funds. Mayor Pro Tem Chan thanked OCA Staff for their continued interaction with International Partners.

Councilmember Bernal thanked staff for their great work and asked of the dotted line between Arts and Cultural Facilities and the Downtown Operations Department. Mr. Padron replied that OCA would take over the management of La Villita, Market Square, and the Spanish Governor's Palace but would continue to collaborate with Downtown Operations. Councilmember Bernal spoke of the challenges with Luminaria but stated that he looked forward to building a larger event in the future. He expressed support for the Film Making Efforts and noted the importance of ensuring that delegate agencies were aware of the funding process.

Councilmember Lopez spoke of his recent trip to Mexico and asked of San Antonio becoming a World Heritage Destination. Mr. Padron replied that they were not directly involved in that process but that it would take a collective effort to make San Antonio a World Heritage Destination. Carlos Contreras noted that the effort was being led by Bexar County. Councilmember Lopez stated that it would be a great opportunity for San Antonio and spoke of the success of the Sister Cities Initiative and the CASA Program.

Mayor Pro Tem Chan thanked staff for the presentation.

### **RECESSED**

Mayor Pro Tem Chan recessed the meeting at 12:00 noon and announced that the meeting would resume at 2:00 pm for Zoning.

### **RECONVENED**

Mayor Pro Tem Chan reconvened the meeting at 2:13 pm and addressed the Zoning Items.

### **CONSENT ZONING ITEMS**

Councilmember Bernal moved to approve the following Zoning Items: 27, 28, Z-1, Z-2, Z-3, P-1, Z-6, Z-8, and Z-9 under Consent Zoning. Councilmember Lopez seconded the motion.

Mayor Pro Tem Chan called upon Jack M. Finger to speak.

Mr. Jack M. Finger spoke in opposition to the alcohol variance requested in Item 26 noting that it was located within 300 feet of the Hawthorne Academy. He spoke in favor of Item Z-1 and stated that the Beacon Hill Neighborhood Association was in support of the Historic Designation. He expressed opposition to the zoning request in Item Z-9 due to the historic significance of Old Fredericksburg Road. He spoke against Items Z-8 and Z-10 because of the high impervious cover that would be allowed.

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

**2012-09-06-0035R**

Item 27. A RESOLUTION REQUESTING THAT STAFF INITIATE AN AMENDMENT TO THE LAND USE PLAN CONTAINED IN THE NORTH CENTRAL NEIGHBORHOODS COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY; AND A CHANGE IN THE ZONING DISTRICT BOUNDARY OF LOT 1, BLOCK 33, NCB 8569 LOCATED AT 3510 NORTH MAIN AVENUE. (DISTRICT 1)

**2012-09-06-0036R**

Item 28. A RESOLUTION REQUESTING THE DEVELOPMENT SERVICES DEPARTMENT CONSIDER AND INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY OF PROPERTIES TOTALING APPROXIMATELY 300 ACRES LOCATED WITHIN THE FOREST OAK, MACARTHUR PARK AND MARYMONT NEIGHBORHOODS, GENERALLY BOUND BY NACOGDOCHES ROAD TO THE NORTH AND EAST, STARCREST DRIVE TO THE EAST AND NORTHEAST LOOP 410 TO THE SOUTH TO PROMOTE CONSISTENCY WITH THE SAN ANTONIO INTERNATIONAL AIRPORT VICINITY LAND USE PLAN, EXISTING LAND USES AND EXISTING INDIVIDUAL LOT SIZES. (DISTRICT 10)

**2012-09-06-0687**

Item Z-1. **ZONING CASE # Z2012148 HL (District 1):** An Ordinance amending the Zoning District Boundary from "R-6 NCD-5 AHOD" Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District to "HL R-6 NCD-5 AHOD" Historic Landmark Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District on Lots 6, 7, 8 and 9, Block 44, NCB 1852 located at 932 West Woodlawn. Staff and Zoning Commission recommends approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 6, 7, 8 AND 9, BLOCK 44, NCB 1852 TO WIT: FROM "R-6 NCD-5 AHOD" RESIDENTIAL SINGLE-FAMILY BEACON HILL NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "HL R-6 NCD-5 AHOD" HISTORIC LANDMARK RESIDENTIAL SINGLE-FAMILY BEACON HILL NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT.

**2012-09-06-0688**

Item Z-2. **ZONING CASE # Z2012173 HL (District 1):** An Ordinance amending the Zoning District Boundary from “IDZ RIO-2 AHOD” Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District with uses permitted in “C-3” General Commercial District, “MF-50” Multi-Family District, “D” Downtown District and the additional uses of Beverage manufacture or microbrewery (alcohol or non-alcohol) and water distillation, purification and bottling; Fabrication and manufacturing of artisan goods and products including furniture, cabinetry, wood products, metalwork and metal products, bread, candy and other food products, leather products, clothing, glass and tile; and the fabrication and manufacturing of prototypes developed or conceived by any college, university, trade school, institute or other educational facility located on the property to “HL IDZ RIO-2 AHOD” Historic Landmark Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District with uses permitted in “C-3” General Commercial District, “MF-50” Multi-Family District, “D” Downtown District and the additional uses of Beverage manufacture or microbrewery (alcohol or non-alcohol) and water distillation, purification and bottling; Fabrication and manufacturing of artisan goods and products including furniture, cabinetry, wood products, metalwork and metal products, bread, candy and other food products, leather products, clothing, glass and tile; and the fabrication and manufacturing of prototypes developed or conceived by any college, university, trade school, institute or other educational facility located on the property on Lot 2, Block 2, NCB 14164 located at 604 Avenue A (also known as 602 Avenue A). 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 2, BLOCK 2, NCB 14164 TO WIT: FROM “IDZ RIO-2 AHOD” INFILL DEVELOPMENT ZONE RIVER IMPROVEMENT OVERLAY-2 AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN “C-3” GENERAL COMMERCIAL DISTRICT, “MF-50” MULTI-FAMILY DISTRICT, “D” DOWNTOWN DISTRICT AND THE ADDITIONAL USES OF BEVERAGE MANUFACTURE OR MICROBREWERY (ALCOHOL OR NON-ALCOHOL) AND WATER DISTILLATION, PURIFICATION AND BOTTLING; FABRICATION AND MANUFACTURING OF ARTISAN GOODS AND PRODUCTS INCLUDING FURNITURE, CABINERY, WOOD PRODUCTS, METALWORK AND METAL PRODUCTS, BREAD, CANDY AND OTHER FOOD PRODUCTS, LEATHER PRODUCTS, CLOTHING, GLASS AND TILE; AND THE FABRICATION AND MANUFACTURING OF PROTOTYPES DEVELOPED OR CONCEIVED BY ANY COLLEGE, UNIVERSITY, TRADE SCHOOL, INSTITUTE OR OTHER EDUCATIONAL FACILITY LOCATED ON THE PROPERTY TO “HL IDZ RIO-2 AHOD” HISTORIC LANDMARK INFILL DEVELOPMENT ZONE RIVER IMPROVEMENT OVERLAY-2 AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN “C-3” GENERAL COMMERCIAL DISTRICT, “MF-50” MULTI-FAMILY DISTRICT, “D” DOWNTOWN DISTRICT AND THE ADDITIONAL USES OF BEVERAGE MANUFACTURE OR MICROBREWERY (ALCOHOL OR NON-ALCOHOL) AND WATER DISTILLATION, PURIFICATION AND BOTTLING; FABRICATION AND MANUFACTURING OF ARTISAN GOODS AND PRODUCTS INCLUDING FURNITURE, CABINERY, WOOD PRODUCTS, METALWORK AND METAL PRODUCTS, BREAD, CANDY AND OTHER FOOD PRODUCTS, LEATHER PRODUCTS, CLOTHING, GLASS AND TILE; AND THE FABRICATION AND MANUFACTURING OF PROTOTYPES DEVELOPED OR CONCEIVED BY ANY COLLEGE, UNIVERSITY, TRADE SCHOOL, INSTITUTE OR OTHER EDUCATIONAL FACILITY LOCATED ON THE PROPERTY.

**2012-09-06-0689**

Item Z-3. **ZONING CASE # Z2012163 (District 1):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-1 AHOD" Light Commercial Airport Hazard Overlay District on 0.5019 of an acre out of Block 34, NCB 6896 located at 441, 443, 445 and 447 West Hildebrand 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: 0.5019 OF AN ACRE OUT OF BLOCK 34, NCB 6896 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2012-09-06-0690**

Item P-1. **PLAN AMENDMENT #12055 (District 3):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE HIGHLANDS COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 0.2152 ACRE TRACT OF LAND LOCATED AT 2547 STEVES AVENUE FROM LOW DENSITY RESIDENTIAL LAND USE TO NEIGHBORHOOD COMMERCIAL LAND USE. THE DEPARTMENT AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012168)

**2012-09-06-0692**

Item Z-6. **ZONING CASE # Z2012156 CD (District 7):** An Ordinance amending the Zoning District Boundary from "R-5 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 an Assisted Living Facility with no more than 16 residents on Lot 8, Block 1, NCB 11500 located at 208 Hope Drive, with the condition for a maximum of 10 residents. 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 8, BLOCK 1, NCB 11500 TO WIT: FROM "R-5 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 AN ASSISTED LIVING FACILITY WITH NO MORE THAN 16 RESIDENTS PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2012-09-06-0693**

Item Z-8. **ZONING CASE # Z2012121 S ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "C-2 S ERZD" Commercial Edwards Recharge Zone District with a Specific Use Authorization for an Animal Clinic on 0.105 of an acre out of Lot 4, Block 20, NCB 16883 located at 8202 North Loop 1604 West. 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: 0.105 OF AN ACRE OUT OF LOT 4, BLOCK 20, NCB 16883 TO WIT: FROM "C-3 ERZD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-2 S ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR AN ANIMAL CLINIC PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2012-09-06-0694**

Item Z-9. **ZONING CASE # Z2012027 (District 8):** An Ordinance amending the Zoning District Boundary from "PUD C-2 MLOD-1" Planned Unit Development Commercial Camp Bullis Military Lighting Overlay District, "PUD C-2 GC-1 MLOD-1" Planned Unit Development Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District and "H C-3 GC-1 MLOD-1" Leon Springs Historic General Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District to "MF-18 MLOD-1" Limited Density Multi-Family Camp Bullis Military Lighting Overlay District, "MF-18 GC-1 MLOD-1" Limited Density Multi-Family Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District and "H MF-18 GC-1 MLOD-1" Leon Springs Historic Limited Density Multi-Family Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District on 21.279 acres out of NCB 34732 and NCB 34752 located southeast of the intersection of Interstate 10 West and Boerne Stage Road, along Old Fredericksburg 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: 21.279 ACRES OUT OF NCB 34732 AND NCB 34752 TO WIT: FROM "PUD C-2 MLOD-1" PLANNED UNIT DEVELOPMENT COMMERCIAL CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT, "PUD C-2 GC-1 MLOD-1" PLANNED UNIT DEVELOPMENT COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT AND "C-3 GC-1 MLOD-1" GENERAL COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT TO "MF-18 MLOD-1" LIMITED DENSITY MULTI-FAMILY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT AND "MF-18 GC-1 MLOD-1" LIMITED DENSITY MULTI-FAMILY HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT.

**[CONSENT ZONING CONCLUDED]**

**ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the caption for Item 26:

**2012-09-06-0686**

Item 26. AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 4-6(C), SECTION 4-6(D)(1), SECTION 4-6(D)(6), AND SECTION 4-6(E)(1) OF THE CITY CODE AND AUTHORIZING

A VARIANCE TO ALLOW TACOLAND STUDIOS, LLC, LOCATED AT 103 WEST GRAYSON STREET, TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION AT A "BAR/TAVERN" WITHIN THREE HUNDRED (300) FEET OF THE HAWTHORNE ACADEMY, A PUBLIC EDUCATIONAL INSTITUTION LOCATED IN COUNCIL DISTRICT 1.

Councilmember Bernal stated that Tacoland was the second most well-known bar in the city and had also operated as a music venue. He noted that the distance from property line to property line was 280 feet but measured 500 feet from door to door. He indicated that the Tobin Hill Neighborhood Association was supportive and that the developer was doing the best he could to redevelop the area.

Councilmember Bernal moved to adopt the proposed Ordinance with the following conditions: 1) The authorization 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 of the identified establishment for a period of twelve or more successive calendar months. Councilmember Lopez seconded the motion.

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

#### 2012-09-06-0691

Item Z-4. **ZONING CASE # Z2012169 (District 5):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and Alcohol Distillation on Lot 1, Block 3, NCB 2582 located at 1902 South Flores Street (also known as 110 East LaChappelle). 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 1, BLOCK 3, NCB 2582 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND ALCOHOL DISTILLATION.

John Jacks presented Item Z-4 and stated that staff and the Zoning Commission recommended approval. He reported that of 26 notices mailed; none were returned in opposition and five were returned in favor.

Councilmember D. Medina clarified that this would be a down zoning and asked if it was in-line with the Community Plan. Mr. Jacks confirmed same. Councilmember D. Medina asked the property owner to provide additional information on the potential development. The property owner stated that the facility would be 2,650 square feet and would like to take advantage of the Infill Development Zone (IDZ). He noted that it would operate as a micro distillery for whiskey and confirmed that tasting would be permitted. On-site retail sale or consumption would not be authorized. Mr. Jacks confirmed that city staff was aware of the State Law that prohibits on-site retail sales or consumption.

Councilmember Williams commended Councilmember D. Medina for his work on the project and stated that alcohol could not be sold at the distillery.

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

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

**CONTINUED TO SEPTEMBER 20, 2012**

Item Z-5. **ZONING CASE # Z2012142 (District 5):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lots 11 through 15 and Lots 62, 63 and 64, Block 7, NCB 11247 located at 411 Las Palmas Drive. Staff and Zoning Commission recommend approval.

John Jacks presented Item Z-5 and stated that staff and the Zoning Commission recommended approval. He reported that of 49 notices mailed; two were returned in opposition and three were returned in favor.

Mayor Pro Tem Chan recognized Yolanda Garcia who registered to speak on said item.

Yolanda Garcia addressed the City Council and expressed concern with the heavy traffic that would be caused by the facility. She stated that she understood that the access would be off General McMullen and not going into Las Palmas Court. She expressed concern with increased traffic due to the elementary school and HEB Center in the vicinity.

Councilmember D. Medina stated that he was familiar with the area and thanked Ms. Garcia for being present to express her concern. He called upon the applicant and asked if there would be an entrance or exit from the rear of the facility. Mr. Buck Benson stated that he was representing the applicant and that their preference was to access the facility only from General McMullen. He noted that the facility would serve as a Dialysis Center and that they would rehabilitate the existing structure. Mr. Jacks added that staff believed that there was sufficient access off General McMullen and would not need additional access to the facility. He noted that a traffic review would be conducted as part of the building permit process. Councilmember D. Medina asked Ms. Yolanda Garcia if she would support the request with the applicant's commitment to utilize General McMullen as the entrance and exit. Ms. Garcia replied that she was supportive of the Dialysis Center. She reiterated her concern with the increased traffic along General McMullen and recommended a traffic light off Charbin Street.

Councilmember D. Medina moved to continue Item Z-5 until September 20, 2012. Councilmember Bernal seconded the motion.

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

**CONTINUED TO SEPTEMBER 20, 2012**

Item P-2. **PLAN AMENDMENT #12061 (District 6):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF 5.468 ACRES

OUT OF NCB 17636 LOCATED ALONG THE EAST SIDE OF LOOP 1604, APPROXIMATELY 6,000 FEET NORTH OF CULEBRA ROAD FROM REGIONAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL. THE STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE # Z2012171)

Chris Looney presented Item P-2 and stated that it would amend the land use plan contained in the Northwest Community Plan. He reported that staff and the Planning Commission recommended approval.

Councilmember Lopez moved to continue Item P-2 until September 20, 2012. Councilmember C. Medina seconded the motion.

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

Mayor Pro Tem Chan addressed Items P-3 and Z-7 jointly.

#### **CONTINUED TO OCTOBER 4, 2012**

Item P-3. **PLAN AMENDMENT #12053 (District 8):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NORTH SECTOR PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 5.513 ACRE TRACT OF LAND LOCATED AT 24165 WEST INTERSTATE HIGHWAY 10 FROM RURAL ESTATE TIER TO SUBURBAN TIER. THE STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE # Z2012137)

#### **CONTINUED TO OCTOBER 4, 2012**

Item Z-7. **ZONING CASE # Z2012137 (District 8):** An Ordinance amending the Zoning District Boundary from "C-1 PUD GC-1 MSAO-1 MLOD" Planned Unit Development Light Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Sound Attenuation Overlay Military Lighting Overlay District to "C-2 GC-1 MSAO-1 MLOD" Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Sound Attenuation Overlay Military Lighting Overlay District on Parcel 5, NCB 34754 located at 24165 West IH 10. Staff and Zoning Commission recommend approval pending the plan amendment.

Chris Looney presented Items P-3 and Z-7 noting that Item P-3 would amend the land use plan contained in the North Sector Plan. He reported that staff and the Planning Commission recommended approval. For Item Z-7, he stated that staff and the Zoning Commission recommended approval. He reported that of four notices mailed; none were received in opposition and one was received in favor.

Councilmember Williams moved to continue Items P-3 and Z-7 to October 4, 2012. Councilmember Soules seconded the motion.

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

**2012-09-06-0695**

Item Z-10. **ZONING CASE # Z2012102 ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "PUD R-6 MLOD ERZD" Planned Unit Development Residential Single-Family Military Lighting Overlay Edwards Recharge Zone District to "C-2 MLOD ERZD" Commercial Military Lighting Overlay Edwards Recharge Zone District on 1.223 acres out of NCB 19216 located northwest of the intersection of Heights Boulevard and Wilderness Oak. 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: 1.223 ACRES OUT OF NCB 19216 TO WIT: FROM "PUD R-6 MLOD ERZD" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY MILITARY LIGHTING OVERLAY EDWARDS RECHARGE ZONE DISTRICT TO "C-2 MLOD ERZD" COMMERCIAL MILITARY LIGHTING OVERLAY EDWARDS RECHARGE ZONE DISTRICT.

John Jacks presented Item Z-10 and stated that staff and the Zoning Commission recommended approval. He noted that SAWS was recommending approval with a maximum of 65% impervious cover. He reported that of 41 notices mailed; none were returned in opposition and two were returned in favor. He added that the Wilderness Oak Alliance was in support of the request.

Councilmember Williams moved to approve Item Z-10 with a variance to allow construction of an 8-foot fence at the rear of the property. Councilmember Soules seconded the motion.

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

**RECESSED**

Mayor Pro Tem Chan recessed the meeting at 2:45 pm and announced that the meeting would reconvene at 6:00 pm for the Public Hearing on the City's FY 2013 Proposed Budget.

**6:00 P.M. TIME CERTAIN ITEM**

Mayor Pro Tem Chan reconvened the meeting at 6:00 pm and addressed Item 29 by declaring the Public Hearing open.

The City Clerk read the caption for Item 29:

Item 29. CONSIDERATION OF THE FOLLOWING MATTERS RELATED TO THE CITY'S FY 2013 PROPOSED BUDGET:

- A. SECOND PUBLIC HEARING ON THE CITY'S FY 2013 PROPOSED AD VALOREM TAX RATE.**
- B. SECOND PUBLIC HEARING ON THE CITY'S FY 2013 PROPOSED BUDGET.**

Mayor Pro Tem Chan welcomed everyone to the combined Second Budget Public Hearing and First Tax Rate Public Hearing to be conducted by the City Council in connection with the adoption of the City's FY 2013 Budget and the setting of the City's Tax Rate for Tax Year 2012. She stated that the time was 6:00 pm and declared the Public Hearing open. She called upon the individuals registered to speak.

Sarah Keith, Christina Salazar and Rose Gonzalez Perez representing the Girl Scouts of Southwest Texas addressed the City Council in support of their funding request. Ms. Keith spoke of her experiences as a Girl Scout and stated that she is 16 years-old and proud of what she has accomplished. She noted that they look forward to the opening of the new Westside Leadership Center. She also spoke of her struggles growing up that the Girl Scouts helped her deal with. Ms. Salazar spoke of her experiences as a Girl Scout and noted that she has served as a member of the Communications Team. She stated that she volunteers at her church, Food Bank and Girl Scout Events and thanked the Girl Scouts for the many opportunities provided to her. Ms. Perez and Jackie Gorman stated that she is a Board Member and a Girl Scout and that they were excited about the partnership with the city. She thanked the City Council for their support.

Faris Hodge, Jr. stated that they would like to keep Dance Therapy at the Kenwood Community Center for another year. He expressed concern that the restrooms at El Mercado and Farmers Market are not ADA Compliant. He noted that there was a terrible smell in the Downtown Area. He requested assistance for Disabled Seniors and mentioned that city vans that provide transportation are not ADA Compliant. He stated that he was pleased that the public hearing was being held at 6:00 pm.

Yolanda Arrellano, Steve Malaga and Amanda Garcia representing the San Antonio Restaurant Association addressed the City Council. Ms. Arrellano stated that they were concerned with the recommended reductions to the Health Department Budget. Mr. Malaga requested that the two Food Safety Inspector Positions not be eliminated. He spoke of the importance of the Safety Inspectors and the many restaurants and food establishments throughout the city.

Fidel Castillo stated that he was the Resource Developer for the Advocates Boxing Youth Program and requested funding for their Safety Net Initiative in the amount of \$1 million. He noted that the program would offer boxing training sessions, case management, community meetings, and jail diversion. He asked the City Council to meet with their organization regarding their proposal and spoke of the great need for services on the West Side.

Pamela Taylor, Valerie Robinson, Lupe Allgood, and Pat Macune representing Dress for Success addressed the City Council. Ms. Taylor stated that they had received a \$1 million grant from Valero for a building located directly across from Haven for Hope. She noted that the funding they were requesting from the city would be used for programming and would like to double the amount of individuals they serve. Linda Guerrero stated that she was a participant in Dress for Success and stated that she was pleased with the services they provided her. Sonia Johnson, also a participant, stated that she would not be in school if not for Dress for Success. Ms. Allgood stated that she was honored to be present and had moved to San Antonio from Houston. She noted that she had been evacuated from Houston during Hurricane Ike and was homeless. She spoke of the resources including computer classes and a food pantry that Dress for Success provided for her. She mentioned that she was working part-time with Bexar County and self-employed as a housekeeper. Ms. Taylor added that they serve men and Veterans and have been doing so for many years. She noted that they provided a variety of services and that 75% were homeless individuals. She thanked the City Council for their work and support.

Jack M. Finger stated that he was not asking for any funding and would prefer that funds be taken away from various programs. He spoke of the funding provided to San Pedro Playhouse and expressed concern with the content of the productions that were being performed including "Corpus Christi" which featured Jesus Christ as a Homosexual.

Angie Mock, CEO of Boys and Girls Clubs of San Antonio stated that they had just completed their fiscal year and reported that average daily attendance had increased by 15%. She noted that the children that participate in their programs would achieve academic success and lead healthy lifestyles. She stated that 95% of their participants were promoted to the next grade on time and 94% of graduating Seniors were attending college.

Keith McMullen stated that he was a volunteer tutor with Each One Teach One and requested that their organization be funded by the city. He noted that many adult students could not support their families due to their educational level. He indicated that the demand for services was high while the amount of volunteers was limited.

Mayor Pro Tem Chan asked if Each One Teach One partnered with the City's Adult Learning Centers. Mr. McMullen replied that the classes offered by the city were at set times and it was challenging to meet those times.

Raymond Zavala expressed concern with the continued funding for Haven for Hope and believed that funding should be provided to other delegate agencies or Seniors. He stated that the city should not be providing child support and believed that was what was being provided to Haven for Hope. He requested that funds be allocated for additional Police Officers and equipment.

Anthony E. Hargrove, Executive Director of the Ella Austin Community Center stated that he had submitted written testimony and requested \$95,000 for Early Childhood Development and \$100,000 for Youth Services. He thanked the City Council for their consideration.

Mark Perez spoke of the federal grants provided to the city and the laws and regulations that must be followed. He stated that an audit should be conducted of the Fire Department and expressed concern with the businesses receiving Hazmat Permits. He indicated that the performance of the Fire Chief was not acceptable and that City Ordinances were not being adhered to.

Mayor Pro Tem Chan stated that the City Council would formally consider and adopt the FY 2013 Budget and vote on the Proposed Tax Rate for Tax Year 2012 at its meeting on Thursday, September 13, 2012 which begins at 9:00 am and will be held in the Council Chambers. Mayor Pro Tem Chan declared the Public Hearing closed.

**ADJOURNMENT**

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

**APPROVED**



**ELISA CHAN  
MAYOR PRO TEM**

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