

**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, SEPTEMBER 19, 2012, AND THURSDAY, SEPTEMBER 20, 2012, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **September 19, 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.

**1. BRIEFING AND DISCUSSION ON THE SELECTION CRITERIA AND PROCESS FOR SELECTING THE DESIGN CONSULTANT FOR THE CONSOLIDATED RENTAL CAR FACILITY AT THE SAN ANTONIO INTERNATIONAL AIRPORT.**

Frank Miller, Aviation Director, provided the City Council with an update on the selection process and overview of action taken by the Council and City staff to date. He noted that the City had collected between \$750,000 and \$850,000 in Customer Facility Charges (CFC) since April 1, 2012 and funds would be used to pay for the planning, design, and construction of the Consolidated Rental Car Facility (CONRAC). Mr. Miller referenced a Parking Study previously conducted that estimated construction costs to be \$128 million. It was noted that construction of the CONRAC would allow for the City to better serve customers while enhancing operational efficiency. Additional benefits include reducing shuttle operations, improving air quality, and alleviating curbside congestion. Mr. Miller spoke of the Design Criteria to be utilized and noted that the design would incorporate findings from traffic and environmental impact studies as well as input from key stakeholders.

Mike Frisbie, CIMS Director, presented on the scoring criteria for the Project and noted that the mandatory minimum SBEDA goal for sub-consulting was set at 35%. He spoke on the Construction Manager At-Risk component of the Project and noted that SBEDA goals would be determined by the Goal Setting Committee. It was noted that the Project would take approximately 4 years to complete with Design estimated to take 18-20 months and Construction 24 months. Mr. Frisbie concluded by highlighting next steps to be taken.

Mayor Castro requested clarification on the number of car rental areas to be available. It was noted that the City currently had 9 vendors, and planned to include spaces for 10 vendors. Mr. Miller expanded on the placement of the CONRAC in relation to the Terminals and stated that it would be located near Terminal A.

The Mayor and Council thanked Mr. Miller for the update on the Consolidated Rental Car Facility.

**EXECUTIVE SESSION**

Mayor Castro recessed the meeting at 2:35 pm to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY) RELATING TO BOARDING HOUSES.**
- 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. 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).**

Mayor Castro reconvened the meeting at 4:30 pm and announced that no action was taken in Executive Session on the above-styled matters. He reconvened the meeting at 5:15 pm for Ceremonials.

### **CEREMONIALS**

Mayor Castro presented a Proclamation in recognition of the 29<sup>th</sup> Annual National Night Out (NNO) that will be held on Tuesday, October 2, 2012 for the State of Texas. It was noted that NNO is sponsored by the National Association of Town Watch and is designed to generate support and participation in local anti-crime programs, strengthen community-police partnerships and foster neighborhood spirit.

Mayor Castro presented a Proclamation in the 12<sup>th</sup> Annual Buddy Walk San Antonio which will be held on Saturday, September 29, 2012 at Heroes Stadium. It was noted that Buddy Walk is a worldwide event developed by the National Down Syndrome Society to promote the acceptance of individuals with Down Syndrome, and provide information and support to their families and friends.

Mayor Castro presented a Proclamation in recognition to the No More Falls Coalition who will observe September 22, 2012 as National Falls Prevention Awareness Day. It was noted that the event will help raise awareness of preventive measures to reduce the frequency of fall-related injuries in Older Americans.

Mayor Castro recessed the meeting at 5:45 pm and noted that the meeting would resume at 6:00 pm for Citizens to be Heard.

### **CITIZENS TO BE HEARD**

Mayor Castro called upon the individuals registered to speak.

Stan Mitchell addressed the Council and spoke in opposition to "Pre-K 4 SA." He referenced studies conducted on early childhood programs.

Brent Forke spoke on the challenges he has encountered with getting a permit for his mobile advertising company.

Mark Kellman addressed the Council and spoke on the development along Broadway as part of the River North TIRZ.

James Rodarte extended an invitation to the Council to attend events scheduled for September 27, 2012 at Port SA. He also requested funding for an environmental study to be conducted of the area.

Nazirite Ruben Flores Perez spoke on Biblical passages from Revelations.

Theresa Berlanga requested assistance with property damage resulting from road construction in the Skyline Subdivision. She provided recommendations on how the City could fix inner city streets as they were being neglected.

Gizelle Luevano highlighted the construction flaws in her Stablewood home.

Eva Luevano gave her time to another citizen who spoke on the Stablewood Farms Subdivision. Information was presented on the environmental quality of the soil in their neighborhood. She noted that a sink hole was developing in her backyard. She also reported on the various ailments she and her children have developed as a result of the contaminated soil.

Gilbert Luevano stated that homes in the Stablewood Farms Subdivision were making them sick. He listed medical conditions that homeowners have been diagnosed with.

Esmeralda Perez requested assistance from the Council in getting their home builder of the Stablewood Farms Subdivision to rectify the construction flaws in her home. She listed medications she has been prescribed to alleviate the medical conditions she has been diagnosed with.

Faris Hodge, Jr. submitted written testimony and highlighted various charitable campaigns which provide assistance to individuals in need and law enforcement efforts targeting crime and drunk driving. He expressed concern with action being undertaken by federal and local governmental agencies to include Housing and Urban Development (HUD), VIA, Bexar County, the Alamo Regional Mobility Authority, CPS Energy, SAWS, and the City of San Antonio.

## **ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 6:42 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **September 20, 2012**, at 9:00 am in the City Council Chambers.

## **ROLL CALL**

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

**Item 1.** The Invocation was delivered by Father Carlos B. Velazquez, Pastor, Holy Spirit Catholic Church, guest of Councilmember Elisa Chan, District 9

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

**Item 3. MINUTES**

Councilmember Saldaña moved to approve the Minutes for the August 21-23, 2012 City Council Meetings. Councilmember Chan 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 captions for Items 4 & 5:

**2012-09-20-0711**

Item 4. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A DESIGN-BUILD SERVICES AGREEMENT IN THE AMOUNT NOT-TO-EXCEED \$304,800,000.00, OVER THE NEXT 5 YEARS IN ACCORDANCE WITH THE ADOPTED BUDGET EACH YEAR, AUTHORIZED PAYABLE TO HUNT-ZACHRY, A JOINT VENTURE, FOR THE DESIGN AND CONSTRUCTION OF THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT.

**2012-09-20-0712**

Item 5. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN ON-CALL PROFESSIONAL SERVICE AGREEMENT, WITH PROJECT CONTROL OF TEXAS, INC., IN THE AMOUNT NOT-TO-EXCEED \$8,000,000.00 FOR A FOUR-YEAR TERM WITH TWO ONE-YEAR EXTENSION OPTIONS, TO AUGMENT CITY STAFF, ON AN AS-NEEDED BASIS, ON PROGRAM, CONSTRUCTION AND DESIGN MANAGEMENT, ENVIRONMENTAL AND CULTURAL ASSESSMENTS, PROJECT CONTROLS, OFFICE MANAGEMENT, MATERIAL TESTING, CONSTRUCTION INSPECTIONS AND PUBLIC RELATIONS FOR THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT.

Mike Frisbie, CIMS Director, provided the City Council with background information on the Project to include Project Scope, Evaluation and Scoring Process, Scoring Criteria, and SBEDA Goals. It was noted that the Expansion of the Convention Center would increase exhibit space from 426,000 to 500,000 square feet, add a multipurpose room and other exhibit space, and improve the City's competitive national ranking from 22<sup>nd</sup> to within the top 10. Other benefits highlighted include the installation of way-finding signs and energy efficiency devices as well as redesign of food service facilities. It was noted that the Project would also allow for the expansion of HemisFair Park in accordance with the HemisFair Park Master Plan.

Mr. Frisbie provided an overview of the 2-step Scoring Process and noted that 4 of the 19 firms submitting proposals were invited to present to the Scoring Committee. He spoke on the Scoring Criteria utilized and highlighted points allocated to each firm in each of the categories. It was noted that based on the final scoring, the team of Hunt-Zachry Joint Venture received the highest score and was

being recommended to be awarded the Design-Build Contract. Mr. Frisbie highlighted the Project's Timeline and noted that the City was anticipating to be completed before the July 2016 Target Completion date.

Mayor Castro thanked Mr. Frisbie and CIMS staff for their work and spoke to the importance of the Project. Mayor Castro asked the City Manager to address the Scoring and Selection Process in light of recent events alluding to a conflict of interest by a member of the Scoring Committee. City Manager Sheryl Sculley stated that the process utilized for said Project was conducted with integrity and professionalism. She provided background information on the Solicitation Process, Scoring Committee Representation, and Scoring Criteria. Ms. Sculley noted that she reviewed the recommendations and concurred with selecting Hunt-Zachry based on the Selection Committee's scoring. It was noted that the lessons learned for this Project would enhance the Scoring and Selection Process for future projects.

Mayor Castro spoke in support of the process utilized and the Selection Committee's recommendation to award the contract to Hunt-Zachry.

Councilmember Lopez asked Mr. Frisbie to address submission of change orders. Mr. Frisbie spoke to the importance of selecting a knowledgeable and skilled team to manage the Project, maintaining open communication between the City and Hunt-Zachry, and developing a solid contract which would limit the submission of change orders. It was noted that change orders were possible based on the size and scope of the Project, however; the intent was to limit them as much as possible. If change orders were needed, City staff would present to the City Council in a timely manner.

Jack M. Finger spoke to the Convention Center Expansion Project and referenced an article which determined that previous expansion efforts did not result in increased tourism or revenue for the City of San Antonio. He recommended that several members of Council recuse themselves as they have received campaign contributions for Hunt-Zachry. Mr. Finger spoke in support of Item 29 and thanked Councilmember Bernal for bringing forth this item.

Councilmember Williams voiced his concern with the perception of a conflict of interest occurring during the Selection Process and asked Mr. Frisbie to address the Selection and Scoring Process. Mr. Frisbie spoke on the dynamics and diversity of the Selection Committee and stated that members individually scored the proposals before any group discussion took place. He noted that the current process utilized to identify and select committee members was designed to limit influence and favoritism.

Councilmember Chan spoke in support of the Selection Process utilized and asked of the process for informing City Council of change orders. Mr. Frisbie responded that CIMS staff would be providing the City Council with periodic Project updates. Councilmember Chan commented on the role typically played by the Program Manager in negotiating a contract with the Design Company. Mr. Frisbie noted that City staff and an outside consultant assisted with developing and negotiating the Professional Services Agreement with Hunt-Zachry. Lastly, a status on the hiring of 8 City positions to manage the Project was provided.

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

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

The City Clerk read the captions for Items 6A-6E:

ITEM 6. CONSIDERATION OF THE FOLLOWING MATTERS IN CONNECTION WITH THE ISSUANCE, SALE, AND DELIVERY OF THE CITY OF SAN ANTONIO, TEXAS PUBLIC FACILITIES CORPORATION IMPROVEMENT AND REFUNDING LEASE REVENUE BONDS, SERIES 2012 (CONVENTION CENTER REFINANCING AND EXPANSION PROJECT):

**2012-09-20-0037R**

- A. A RESOLUTION APPROVING AN AMENDMENT TO THE ARTICLES OF INCORPORATION AND BYLAWS OF THE CITY OF SAN ANTONIO, TEXAS PUBLIC FACILITIES CORPORATION TO LIMIT THE PURPOSE OF THE CORPORATION TO ASSISTING THE CITY WITH FINANCING AND REFINANCING THE CITY'S CONVENTION CENTER FACILITIES.

**2012-09-20-0713**

- B. AN ORDINANCE AMENDING THE CITY'S CAPITAL IMPROVEMENT PLAN FOR THE CONVENTION CENTER FACILITIES TO INCORPORATE A MAJOR EXPANSION GENERALLY LOCATED EAST OF THE EXISTING CONVENTION CENTER FACILITIES TOWARDS INTERSTATE 37.

**2012-09-20-0038R**

- C. A RESOLUTION APPROVING AND ADOPTING THE CITY'S HOTEL OCCUPANCY TAX FUNDS FINANCIAL POLICY IN CONNECTION WITH THE CONVENTION CENTER EXPANSION PROJECT.

**2012-09-20-0714**

- D. AN ORDINANCE REQUESTING THE CITY OF SAN ANTONIO, TEXAS PUBLIC FACILITIES CORPORATION (THE "CORPORATION") TO ISSUE UP TO \$585,000,000.00 IN PRINCIPAL AMOUNT OF CITY OF SAN ANTONIO, TEXAS PUBLIC FACILITIES CORPORATION IMPROVEMENT AND REFUNDING LEASE REVENUE BONDS, SERIES 2012 (CONVENTION CENTER REFINANCING AND EXPANSION PROJECT) FOR THE PURPOSE OF REFUNDING ALL OUTSTANDING HOTEL OCCUPANCY TAX BONDS ISSUED BY THE CITY TO FINANCE AND REFINANCE THE CITY'S EXISTING CONVENTION CENTER AND FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A MAJOR EXPANSION TO THE CONVENTION CENTER AND THE RENOVATION AND DEMOLITION OF CERTAIN PORTIONS OF THE EXISTING CONVENTION CENTER; APPROVING THE FORM AND EXECUTION OF A LEASE AGREEMENT, AN ESCROW AGREEMENT, AND A PURCHASE CONTRACT IN CONNECTION THEREWITH; APPROVING THE FORM OF A BOND RESOLUTION TO BE ADOPTED BY THE CORPORATION, AND CONSENTING TO THE EXECUTION AND DELIVERY BY THE CORPORATION OF A TRUST AGREEMENT, SUCH LEASE AGREEMENT, ESCROW AGREEMENT AND PURCHASE CONTRACT, AND ALL OTHER RELATED DOCUMENTS AND AGREEMENTS, ALL IN CONNECTION WITH THE ISSUANCE BY THE CORPORATION OF SUCH LEASE REVENUE BONDS; CALLING CERTAIN OUTSTANDING HOTEL OCCUPANCY TAX REVENUE BONDS FOR REDEMPTION; APPROVING AND AUTHORIZING THE EXECUTION BY THE

CITY OF ALL OTHER DOCUMENTS AND AGREEMENTS RELATED TO THE ISSUANCE OF SUCH LEASE REVENUE BONDS; AUTHORIZING OTHER NECESSARY ACTIONS RELATING THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

**2012-09-20-0039R**

- E. A RESOLUTION APPROVING THE FORM, CONTENT, AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE ISSUANCE, SALE AND DELIVERY OF UP TO \$585,000,000.00 IN PRINCIPAL AMOUNT OF CITY OF SAN ANTONIO, TEXAS PUBLIC FACILITIES CORPORATION IMPROVEMENT AND REFUNDING LEASE REVENUE BONDS, SERIES 2012 (CONVENTION CENTER REFINANCING AND EXPANSION PROJECT); COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; AUTHORIZING THE PREPARATION AND DISTRIBUTION OF A FINAL OFFICIAL STATEMENT, AUTHORIZING THE CITY'S STAFF AND THE CO-FINANCIAL ADVISORS, CO-BOND COUNSEL AND UNDERWRITERS RELATED TO SUCH BONDS TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH BONDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Ben Gorzell, Chief Financial Officer, provided background information on the issuance of revenue bonds via the Public Facilities Corporation (PFC) and noted that the total amount to be refinanced would be based on market conditions at the time of pricing. He briefed the Council on the use of consultants to determine funding options and develop a 30-year Funding Plan. It was noted that said Funding Plan developed by the Financial Advisors was based on the utilization of HOT tax funds to finance the Expansion Project. Mr. Gorzell noted that the City of San Antonio would maintain ownership and operational control of the Convention Center with the PFC issuing lease revenue bonds for the repayment of the debt. An overview of the Flow of Funds and Financial Plan was provided. It was noted that the Financial Plan included utilizing a portion of the annual growth from HOT taxes over a 30-year period along with remaining funds from Convention Center Headquarters Hotel rebates. Mr. Gorzell stated that a key component of the Financial Plan allowed for the City to annually update its funding plan based on economic conditions. An overview on the timeline for the sale and delivery of bonds was provided. It was noted that the City anticipated selling bonds on October 10, 2012 with delivery on October 31, 2012. He stated that as part of the PFC Governance Structure, a Pricing Committee comprised of 2 members of the PFC Board would be created to approve the final terms of the bond after the sale. Lastly, Mr. Gorzell highlighted next steps to be taken by the City.

Councilmember Williams asked Mr. Gorzell to elaborate on financial studies completed by the Financial Advisors regarding the funding of the Project. Mr. Gorzell provided an overview of the studies conducted and noted that the models indicated that the City was financially stable enough to fund the project via HOT taxes.

Councilwoman Chan spoke in support of the financing mechanism to be utilized to fund the Convention Center Expansion Project. She asked of the timeline for issuing Certificates of Obligations. Mr. Gorzell noted that the City planned on issuing \$585,000,000 on October 10, 2012. He spoke to the benefits of issuing the debt at once which included locking in a low interest rate and having money readily available for procurement purposes. It was noted that a portion of the funds would be immediately deposited into the Construction Account with the balance being placed in an escrow account.

Councilmember Saldaña moved to approve the Resolutions for Items 6A, 6C, and 6E and adopt the proposed Ordinances for Items 6B and 6D. Councilmember Williams seconded the motion.

The motion to approve Items 6A-6E prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

*At this time, the City Council recessed and convened as the City of San Antonio, Texas Public Facilities Corporation Board of Directors to consider the following:*

City Clerk Vacek read the captions for Items 6F, 6G, and 6H:

**PFC-2012-09-20-0001R**

- F. A RESOLUTION OF THE CITY OF SAN ANTONIO, TEXAS PUBLIC FACILITIES CORPORATION APPROVING AN AMENDMENT TO THE CORPORATION'S ARTICLES OF INCORPORATION TO LIMIT THE PURPOSE OF THE CORPORATION TO ASSISTING THE CITY OF SAN ANTONIO WITH FINANCING AND REFINANCING THE CITY'S CONVENTION CENTER FACILITIES, AND APPROVING THE BYLAWS OF THE CORPORATION.

**PFC-2012-09-20-0002R**

- G. A RESOLUTION OF THE CITY OF SAN ANTONIO, TEXAS PUBLIC FACILITIES CORPORATION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF UP TO \$585,000,000.00 IN PRINCIPAL AMOUNT OF CITY OF SAN ANTONIO, TEXAS PUBLIC FACILITIES CORPORATION IMPROVEMENT AND REFUNDING LEASE REVENUE BONDS, SERIES 2012 (CONVENTION CENTER REFINANCING AND EXPANSION PROJECT) FOR THE PURPOSE OF REFUNDING ALL OUTSTANDING HOTEL OCCUPANCY TAX BONDS ISSUED BY THE CITY OF SAN ANTONIO TO FINANCE AND REFINANCE ITS EXISTING CONVENTION CENTER FACILITIES AND FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A MAJOR EXPANSION TO THE CITY'S CONVENTION CENTER FACILITIES AND THE RENOVATION AND DEMOLITION OF CERTAIN PORTIONS OF THE EXISTING CONVENTION CENTER; APPROVING THE FORM AND EXECUTION OF A TRUST AGREEMENT, A LEASE AGREEMENT, AN ESCROW AGREEMENT, AND A PURCHASE CONTRACT IN CONNECTION THEREWITH; DELEGATING AUTHORITY TO A PRICING COMMITTEE TO APPROVE ALL FINAL TERMS OF THE BONDS; AND AUTHORIZING OTHER NECESSARY ACTIONS RELATED THERETO.

**PFC-2012-09-20-0003R**

- H. A RESOLUTION OF THE CITY OF SAN ANTONIO, TEXAS PUBLIC FACILITIES CORPORATION APPROVING THE FORM, CONTENT, AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE ISSUANCE, SALE AND DELIVERY OF UP TO \$585,000,000.00 IN PRINCIPAL AMOUNT OF CITY OF SAN ANTONIO, TEXAS PUBLIC FACILITIES CORPORATION IMPROVEMENT AND REFUNDING LEASE REVENUE BONDS, SERIES 2012 (CONVENTION CENTER REFINANCING AND EXPANSION PROJECT); COMPLYING WITH THE

REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; AUTHORIZING THE PREPARATION AND DISTRIBUTION OF A FINAL OFFICIAL STATEMENT; AND AUTHORIZING THE CITY'S STAFF AND THE CO-FINANCIAL ADVISORS, CO-BOND COUNSEL AND UNDERWRITERS RELATED TO SUCH BONDS TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH BONDS.

Director Williams moved to approve the Resolutions for Items 6F, 6G, and 6H. Director Chan seconded the motion.

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

*At this time, the Public Facilities Corporation Board of Directors adjourned and the City Council of San Antonio reconvened and addressed Item 7.*

The City Clerk read the caption for Item 7:

**2012-09-20-0715**

Item 7. AN ORDINANCE ADOPTING A REDISTRICTING PLAN THAT ESTABLISHES NEW CITY COUNCIL DISTRICT BOUNDARIES.

David Mendez of Bickerstaff Health Delgado Acosta LLP., provided the Council with a history of actions taken to date and highlighted the methodology and legal requirements utilized to develop the boundaries. He noted that the maps incorporated recommendations made by City Council and citizens and illustrated a deviation of 9.8%. Mr. Mendez stated that he would work with the City Attorney's Office to submit the information to the U.S. Department of Justice and would ensure approval in time for the May 2013 City Council Election.

Mayor Castro thanked Mr. Mendez and City Staff for working with the Council to ensure that communities of interest remained intact to the extent possible.

Nazirite Ruben Flores Perez requested that the City Council consider expanding to 12 Council Districts. He spoke to the benefits of having more Council Districts and provided biblical references to the number "12".

Councilmember Soules thanked Mr. Mendez for his assistance and spoke of the continued growth of the City to the North. He recommended that the Council develop a Charter Committee to research the effectiveness of having 12 Council Districts.

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

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

## **POINT OF PERSONAL PRIVILEGE**

Councilmember Lopez announced a Point of Personal Privilege on Item 24. He spoke in support of the work being done by the Office of the City Clerk and thanked the City Clerk for ensuring the preservation of the City's Cultural History.

## **CONSENT AGENDA ITEMS 8-45**

Consent Agenda Items 14, 19A&B, 22A, and 29 were pulled for Individual Consideration.

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

Nazirite Ruben Flores Perez spoke in support of Item 27. He requested that the City investigate allegations of City employees being prohibited from working at police sub-stations.

Todd Kinloch with Kinloch Equipment & Supply, Inc. stated that his company was being awarded a contract for street sweepers and spoke on the customer service offered by his company.

John Calhoun with the Texas Wing of Civil Air Patrol spoke in support of the City extending the organization's lease at Stinson Municipal Airport.

Faris Hodge, Jr. submitted written testimony in favor of Items 4-6, 9-14, 16, 20-33, 36, and 44-45. He wrote in opposition to 7, 8, 34, and 35. Mr. Hodge requested additional information for the City Manager's Report.

Nikki Kuhns submitted written testimony in opposition to Item 38. She addressed the negative health implications of fluoride in the City's drinking water.

Councilmember Lopez 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, D. Medina, Lopez, C. Medina, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Soules.

### **2012-09-20-0716**

Item 8. AN ORDINANCE AUTHORIZING A CONTRACT WITH KINLOCH EQUIPMENT & SUPPLY, INC. AND INDUSTRIAL DISPOSAL SUPPLY TO PROVIDE THE DEPARTMENT OF PUBLIC WORKS AND AVIATION DEPARTMENT WITH 12 STREET SWEEPERS FOR A TOTAL COST OF \$2,462,374.00, FUNDED BY THE EQUIPMENT RENEWAL AND REPLACEMENT FUND AND THE AIRPORT OPERATIONS FUND.

### **2012-09-20-0717**

Item 9. AN ORDINANCE AUTHORIZING A CONTRACT WITH GRANDE TRUCK CENTER TO PROVIDE THE DEPARTMENT OF PUBLIC WORKS WITH 1 VACUUM, HIGH VELOCITY HYDRAULIC SEWER AND CATCH BASIN CLEANER MOUNTED ON A TRUCK CAB AND

CHASSIS FOR A TOTAL COST OF \$317,404.00, FUNDED FROM THE DEPARTMENT OF PUBLIC WORKS TUNNEL MAINTENANCE FUND.

**2012-09-20-0718**

Item 10. AN ORDINANCE ACCEPTING THE BID FROM BIGBELLY SOLAR TO PROVIDE THE PARKS & RECREATION DEPARTMENT WITH UP TO 25 SOLAR POWERED TRASH COMPACTORS AND RECYCLING DUAL RECEPTACLES FOR A TOTAL COST OF UP TO \$209,399.90; FUNDED THROUGH THE FY 2012 AND FY 2013 SOLID WASTE OPERATING FUND.

**2012-09-20-0719**

Item 11. AN ORDINANCE AUTHORIZING A CONTRACT WITH ZOLL MEDICAL CORPORATION TO PROVIDE THE EMS DIVISION OF THE FIRE DEPARTMENT WITH 125 AUTOMATED EXTERNAL DEFIBRILLATORS FOR A TOTAL COST OF \$400,771.68; FUNDED WITH THE FIRE DEPARTMENT'S FY2012 ADOPTED GENERAL FUND OPERATING BUDGET.

**2012-09-20-0720**

Item 12. AN ORDINANCE AUTHORIZING A CONTRACT WITH PHILPOTT MOTORS TO PROVIDE THE SAN ANTONIO POLICE DEPARTMENT WITH 10 GASOLINE/ELECTRIC POWERED HYBRID ADMINISTRATIVE SEDANS FOR A TOTAL COST OF \$240,780.00.

**2012-09-20-0721**

Item 13. AN ORDINANCE AUTHORIZING A CONTRACT WITH LEICA GEOSYSTEMS, INC., FOR THE PURCHASE OF A 3D C10 LEICA SCANNING SYSTEM, TO INCLUDE ON-SITE TRAINING AND CUSTOMER CARE MAINTENANCE, FOR THE USE OF THE SAN ANTONIO POLICE DEPARTMENT, FOR A TOTAL OF \$135,236.95, FUNDED FROM THE CONFISCATED PROPERTY FUND.

**2012-09-20-0723**

Item 15. AN ORDINANCE AUTHORIZING A CONTRACT WITH SAP PUBLIC SERVICES, INC. FOR THE PURCHASE OF SAP'S SMART WORK MANAGER MOBILE APPLICATION PLATFORM FOR THE CITY OF SAN ANTONIO INFORMATION TECHNOLOGY SERVICES DEPARTMENT FOR A TOTAL OF UP TO \$335,500.00.

**2012-09-20-0724**

Item 16. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO CGC GENERAL CONTRACTOR'S, INC. IN AN AMOUNT NOT TO EXCEED \$1,915,000.00 IN CONNECTION WITH THE SALADO CREEK GREENWAY - HARDBERGER PARK TO WALKER RANCH PARK (WEST AVENUE), A 2005 PROPOSITION 2 SALES TAX INITIATIVE FUNDED PROJECT LOCATED IN COUNCIL DISTRICTS 8 AND 9; AND AUTHORIZING AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION TO ALLOW FOR THE CONSTRUCTION AND MAINTENANCE OF SALADO CREEK GREENWAY TRAIL IMPROVEMENTS WITHIN THEIR RIGHTS-OF-WAY.

**2012-09-20-0725**

Item 17. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN ON-CALL BUILDING SYSTEMS TESTING ADJUSTING AND BALANCING SERVICES AGREEMENT WITH PHI SERVICE AGENCY, INC., IN THE AMOUNT NOT-TO-EXCEED \$500,000.00 PER YEAR, TO PROVIDE AS-NEEDED HEATING, VENTILATION AND AIR-CONDITIONING SYSTEMS TESTING, ADJUSTING AND BALANCING SERVICES FOR CITY-OWNED FACILITIES LOCATED CITY-WIDE.

**2012-09-20-0040R**

Item 18. A RESOLUTION AUTHORIZING A REQUEST FOR WAIVER FROM TEXAS DEPARTMENT OF TRANSPORTATION OF THE LOCAL MATCH FUND PARTICIPATION REQUIREMENT ON THE OFF-SYSTEM BRIDGE PROGRAM: SOMERSET ROAD AT LEON CREEK PROJECT MANAGED BY TXDOT, LOCATED IN DISTRICT 4.

**2012-09-20-0728**

Item 20. AN ORDINANCE AUTHORIZING A 50-YEAR LEASE AGREEMENT WITH THE TEXAS WING OF CIVIL AIR PATROL FOR GROUND SPACE AT STINSON MUNICIPAL AIRPORT AT NO COST.

**2012-09-20-0729**

Item 21. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH RIVER VALLEY INVESTORS, LLC THAT WILL EXTEND THE CITY'S USE OF A 28,242 SQUARE FOOT OFFICE BUILDING THROUGH SEPTEMBER 30, 2019 FOR A FACILITY LOCATED AT 1400 SOUTH FLORES STREET IN COUNCIL DISTRICT 5 FOR VARIOUS CITY DEPARTMENTS AT A RENTAL AMOUNT OF \$45,305.00 PER MONTH THROUGHOUT THE TERM.

Item 22. CONSIDERATION OF THE FOLLOWING ORDINANCE RELATED TO THE LINEAR CREEKWAY DEVELOPMENT PROJECT.

**2012-09-20-0731**

- B. AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OF APPROXIMATELY 850 ACRES OF LAND LOCATED IN COUNCIL DISTRICTS 2, 3, 6, 8 AND 9, ALONG SAN ANTONIO CREEKWAYS FOR THE LINEAR CREEKWAY DEVELOPMENT PROJECT, A 2010 PROPOSITION 2 SALES TAX INITIATIVE FUNDED PROJECT.

**2012-09-20-0732**

Item 23. AN ORDINANCE AUTHORIZING A TEMPORARY CLOSURE MULTI-YEAR AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ALLOWING THE TEMPORARY STREET CLOSURE OF SPECIFIED STATE RIGHT OF WAY ON BROADWAY STREET FROM PARLAND PLACE TO 4<sup>TH</sup> STREET AND THE TEMPORARY CLOSURE OF THE CITY'S RIGHT OF WAY ON 4<sup>TH</sup> STREET FROM BROADWAY STREET TO ALAMO PLAZA IN

CONNECTION WITH THE SÍCLOVÍA EVENT SCHEDULED FOR OCTOBER 7, 2012, LOCATED IN COUNCIL DISTRICT 1.

**2012-09-20-0733**

Item 24. AN ORDINANCE AUTHORIZING THE OFFICE OF THE CITY CLERK TO SUBMIT THREE GRANT APPLICATIONS TO THE NATIONAL HISTORICAL PUBLICATION AND RECORDS COMMISSION, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, NATIONAL ENDOWMENT FOR THE HUMANITIES AND THE SAN ANTONIO CONSERVATION SOCIETY AND AUTHORIZING THE ACCEPTANCE OF FUNDS UPON AWARD FOR THE CUMULATIVE AMOUNT OF UP TO \$265,000.00.

**2012-09-20-0734**

Item 25. AN ORDINANCE AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE NATIONAL ASSOCIATION OF CITY AND COUNTY HEALTH OFFICIALS AND AUTHORIZING THE ACCEPTANCE OF FUNDS UPON AWARD FOR AN AMOUNT NOT TO EXCEED \$5,000.00 FOR THE ALAMO AREA MEDICAL RESERVE CORPS FOR A TERM BEGINNING JANUARY 5, 2013 TO JULY 31, 2013.

**2012-09-20-0735**

Item 26. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE URBAN OUTDOOR RECREATION GRANT AND ACCEPTANCE OF UP TO \$220,000.00 UPON AWARD FROM THE TEXAS PARKS AND WILDLIFE DEPARTMENT AS PART OF THE LOCAL PARK GRANT PROGRAM FOR STONE OAK PARK, A 2012-2017 BOND PROGRAM FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 9.

**2012-09-20-0736**

Item 27. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS UP TO \$464,537.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE COMPREHENSIVE DRIVING WHILE INTOXICATED SELECTIVE TRAFFIC ENFORCEMENT PROGRAM FOR THE GRANT PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013; AND AUTHORIZING AN IN-KIND MATCH OF \$164,539.00 AND A CASH MATCH OF \$300,000.00.

Item 28. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE SAN ANTONIO B-CYCLE BIKE SHARE SYSTEM:

**2012-09-20-0737**

- A. AN ORDINANCE AUTHORIZING A MEMORANDUM OF AGREEMENT WITH SAN ANTONIO HOUSING AUTHORITY (SAHA), SAN ANTONIO BIKE SHARE, AND THE OFFICE OF ENVIRONMENTAL POLICY TO FORMALIZE A COLLABORATIVE RELATIONSHIP TO PROVIDE SUBSIDIZED MEMBERSHIPS TOTALING \$10,000.00 FROM THE COMMUNITIES PUTTING PREVENTION TO WORK GRANT FOR SAN ANTONIO B-CYCLE MUNICIPAL BIKE SHARING TO RESIDENTS OF SAHA.

**2012-09-20-0738**

- B. AN ORDINANCE AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION PAUL S. SARBANES TRANSIT IN PARKS GRANT PROGRAM FOR A GRANT UP TO \$300,000.00 FOR THE DEVELOPMENT OF THE MISSION REACH B-CYCLE BIKE SHARE EXPANSION-PHASE 2 (MISSION REACH-PHASE 2) AT OR NEAR SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK AND ACCEPTANCE OF FUNDS UPON AWARD.

**2012-09-20-0740**

Item 30. AN ORDINANCE AMENDING CHAPTER 33, ARTICLE VIII (TAXICAB) OF THE CITY CODE OF SAN ANTONIO BY PROPOSING TO EXTEND THE SERVICE TIME FOR WHEELCHAIR ACCESSIBLE VEHICLES (WAV); CLEARLY DEFINE PURPOSE FOR WAV; CLARIFY ISSUANCE OF AIRPORT OPERATING PERMITS FOR WAV; AND PRECLUDE TAXICAB DRIVERS FROM PAYING TO OBTAIN FARES.

**2012-09-20-0741**

Item 31. AN ORDINANCE AWARDED A CONTRACT TO SECURITYPOINT MEDIA, LLC FOR SECURITY BINS ADVERTISING AT THE SAN ANTONIO INTERNATIONAL AIRPORT, RESULTING IN AT LEAST \$24,000.00 OF NON-AIRLINE REVENUE OVER THE FIVE YEAR TERM.

**2012-09-20-0742**

Item 32. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF FUNDING AGREEMENTS WITH SAN ANTONIO SPORTS AND SOUTHWEST, NORTHEAST AND SAN ANTONIO INDEPENDENT SCHOOL DISTRICTS IN THE AMOUNT OF UP TO \$500,000.00 FOR THE SPARK SCHOOL PARK PROGRAM, A CITY COUNCIL DISTRICT 8 CERTIFICATES OF OBLIGATION FUNDED PROJECT LOCATED IN COUNCIL DISTRICTS 1, 2, AND 4.

**2012-09-20-0743**

Item 33. AN ORDINANCE APPROVING THE PROPOSED FY 2013 BUDGET FOR THE SAN ANTONIO ECONOMIC DEVELOPMENT CORPORATION.

**2012-09-20-0744**

Item 34. AN ORDINANCE AUTHORIZING THE APPROVAL OF PROPOSED RATES FOR LED STREETLIGHTS.

**2012-09-20-0745**

Item 35. AN ORDINANCE APPROVING AN INVESTMENT POLICY AND STRATEGY FOR THE CITY OF SAN ANTONIO, TEXAS, IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS PUBLIC FUNDS INVESTMENT ACT, AS AMENDED, FOR CITY COUNCIL TO ANNUALLY REVIEW AND APPROVE THE CITY'S INVESTMENT POLICY AND STRATEGY;

DESIGNATING CERTAIN EMPLOYEES AS INVESTMENT OFFICERS FOR THE CITY OF SAN ANTONIO; AND PROVIDING AN EFFECTIVE DATE.

**2012-09-20-0746**

Item 36. AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 101687 (ITSELF AMENDED BY ORDINANCE NO. 2006-04-13-0474); AUTHORIZING THE ISSUANCE OF SHORT TERM OBLIGATIONS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000,000 TO PROVIDE INTERIM FINANCING TO PAY PROJECT COSTS FOR ELIGIBLE PROJECTS FOR THE SAN ANTONIO WATER SYSTEM ("SAWS"); APPROVING AND AUTHORIZING CERTAIN AUTHORIZED OFFICERS AND EMPLOYEES TO ACT ON BEHALF OF THE CITY AND SAWS, WITHIN THE LIMITATIONS AND PROCEDURES SPECIFIED HEREIN; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, SECURITY, AND DELIVERY OF SUCH SHORT TERM OBLIGATIONS, INCLUDING THE APPROVAL OF THE REVOLVING CREDIT AGREEMENTS; APPROVING THE USE OF AN OFFERING MEMORANDUM IN CONNECTION WITH THIS MATTER; AND AUTHORIZING OTHER MATTERS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE.

**2012-09-20-0747**

Item 37. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE SOUTH TEXAS REGIONAL AREA COUNCIL TO PROVIDE SATELLITE RADIO SERVICES TO THE CITY OF SAN ANTONIO DURING EMERGENCIES FOR AN ESTIMATED ANNUAL AMOUNT UP TO \$25,200.00.

**2012-09-20-0748**

Item 38. AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT TO AN AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO DENTAL SCHOOL TO PROVIDE AN ADDITIONAL \$42,420.00 BRINGING THE TOTAL CUMULATIVE AMOUNT OF COMPENSATION TO \$202,420.00 FOR THE PROVISION OF DENTAL SERVICES DURING THE TERM OF SEPTEMBER 1, 2012 TO AUGUST 31, 2013.

**2012-09-20-0749**

Item 39. AN ORDINANCE AUTHORIZING THE EXTENSION OF INTERLOCAL AGREEMENTS WITH BEXAR COUNTY FOR ANIMAL CARE SERVICES, FOOD, ENVIRONMENTAL AND HEALTH SERVICES, LIBRARY SERVICES AND RENEWAL OF FORENSIC SCIENCE AND MEDICAL EXAMINER'S SERVICES; THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE FOR CONTRABAND FORFEITURE AND FORFEITURE OF GAMBLING PROPERTY AND PROCEEDS; THE BEXAR COUNTY SHERIFF'S OFFICE FOR SERVICE OF PROCESS IN CERTAIN CASES; AND UNIVERSITY HEALTH SYSTEM FOR CERTAIN PUBLIC HEALTH SERVICES.

**2012-09-20-0750**

Item 40. AN ORDINANCE AUTHORIZING AMENDMENT NO. 2 TO THE FOOD AND BEVERAGE CONTRACT TO EXTEND THE TERM TO DECEMBER 31, 2013 AND AMENDMENT NO. 1 TO THE SOFTBALL LEASE AND MANAGEMENT AGREEMENT TO FACILITATE ADMINISTRATIVE CORRECTIONS, WITH SAN ANTONIO AMATEUR SOFTBALL ASSOCIATION.

**2012-09-20-0751**

Item 41. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT WITH CPS ENERGY IN AN AMOUNT UP TO \$154,000.00 FROM THE FY 2012 PARKS AND RECREATION DEPARTMENT GENERAL FUND OPERATING BUDGET FOR THE PURPOSE OF ESTABLISHING AND UPGRADING ELECTRICAL FACILITIES AT THE SAN ANTONIO BOTANICAL GARDEN IN COUNCIL DISTRICT 9.

**2012-09-20-0752**

Item 42. AN ORDINANCE AUTHORIZING THE SAN ANTONIO POLICE DEPARTMENT TO NEGOTIATE AND RENEW A CONTRACT WITH THE NATIONAL SECURITY AGENCY (NSA) TO PROVIDE PERIMETER PATROL FOR NSA AND DEPARTMENT OF DEFENSE PROPERTIES LOCATED IN SAN ANTONIO.

**2012-09-20-0753**

Item 43. AN ORDINANCE AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH THE YMCA OF GREATER SAN ANTONIO, AND ACCEPTING FUNDS UP TO \$15,000.00 AS REIMBURSEMENT FOR COSTS RELATED TO SUPPORT OF THE OCTOBER 2012 SÍCLOVÍA EVENT.

**2012-09-20-0754**

Item 44. AN ORDINANCE AUTHORIZING AN AMENDMENT TO EXTEND THE CONTRACT TERM WITH NEW EARTH, INC. FOR ONE YEAR WITH A CANCELATION OPTION, TO PROCESS THE ORGANIC MATERIALS COLLECTED IN THE SOLID WASTE MANAGEMENT DEPARTMENT'S RESIDENTIAL CURBSIDE ORGANICS RECYCLING PILOT PROGRAM.

**2012-09-20-0755**

Item 45. AN ORDINANCE SELECTING CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. AND AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION, CHARACTERIZATION, PACKAGING, TRANSPORTATION AND DISPOSAL SERVICES, IN AN AMOUNT NOT TO EXCEED \$1,125,000.00 ANNUALLY, TO ASSIST THE CITY'S HOUSEHOLD HAZARDOUS WASTE PROGRAM AND MOBILE EVENTS, IN VARIOUS COUNCIL DISTRICTS, FUNDED BY THE SOLID WASTE OPERATING AND MAINTENANCE FUND.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

Item 29 was addressed at this time.

The City Clerk read the following Ordinance:

**2012-09-20-0739**

Item 29. AN ORDINANCE ADDING NEW ARTICLE XVI, "CREDIT ACCESS BUSINESSES" TO THE CITY CODE OF SAN ANTONIO, TEXAS; ESTABLISHING A REGISTRATION PROGRAM FOR CREDIT ACCESS BUSINESSES; IMPOSING RESTRICTIONS ON CREDIT ACCESS BUSINESSES; ESTABLISHING VIOLATIONS; PROVIDING AN EFFECTIVE DATE FOR JANUARY 1, 2013; AND PROVIDING FOR PUBLICATION.

City Attorney Bernard noted that said item was initiated as a result of a City Council Consideration Request (CCR) submitted by Councilmember Bernal and presented to the Governance Committee for review. It was noted that the Ordinance requires Credit Access Business (CAB) to register and pay a fee; maintain business records and documents; limit the number of cash advances; limit the number of installment payments; provide terms of loan in understandable terms to customers; and refer customers to consumer education and counseling courses. Mr. Bernard expanded on each of these provisions and noted that penalties for non-compliance include a fine of up to \$500 for each violation and for every day which a violation is committed, permitted, or continued. He briefly highlighted the differences between the City's Credit Access Business requirements and those imposed by Dallas and Austin.

Mayor Castro called upon the individuals registered to speak on Item 29.

Julia Castellano-Hoyt with AARP spoke in favor of the proposed Ordinance. She presented data which reflected that 1 in 5 Payday Lender Customers were 50 years old and older.

Rob Norcross with Consumer Service Alliance of Texas (CSAT) spoke on the requirements that credit access businesses must follow in order to be licensed by the Texas Finance Commission and the Office of Consumer Credit Commissioner. He noted that the mandates imposed by the State in 2011 were very comprehensive and prevented consumers from being trapped by debt.

Deacon Pat Rodgers, Director of Communications for the San Antonio Archdiocese, read a prepared letter written by Archbishop Gustavo Garcia-Siller. Archbishop Garcia-Siller spoke in support of the proposed ordinance and addressed the high interest rates charged by loan companies.

Carol Rodriguez with the National Association for Latino Community Asset Builders spoke in support of the ordinance and noted that the industry needed to be regulated.

Deborah Reyes with Advance America spoke on the types of services offered by Credit Access Businesses and noted that said businesses serve a portion of the population that has been denied loans by banks. She provided the Council with a profile of the typical customer and highlighted the high satisfaction rate received. Ms. Reyes stated that the industry should be regulated by the State due to uniformity of regulations.

Felipe Luna with Loanstar Title Loans spoke of the types of customers his business served and highlighted the industry's ability to provide short-term loans to customers with little to no credit history. He stated that the ordinance would have an undue burden on small business owners who rely on his company to fund projects.

Maria Aguilar, a Dallas Area Manager with Loanstar Title Loans, addressed the council and clarified that her company was not a “predatory lender.” She noted that most clients were repeat customers and were very appreciative of the services offered.

Leticia Canning with Ace Cash Express highlighted the negative impact the ordinance would have on customers. She noted that her company assisted customers with securing loans as individuals were denied by banks.

Landon Bishop stated that the regulations outlined in the proposed ordinance would make it more difficult for customers to apply for a loan. He referenced situations in which his Austin Customers applied for loans. Lastly, he noted that his company was providing a good service to the community.

Maria Reyes with Ace Cash Express referenced emergency situations in which customers applied for loans.

Ruben Maldonado, General Manager with Ace Cash Express, spoke on the company’s ability to provide short-term loans to individuals in a financial crisis.

Giovanni Garibay presented a video which highlighted situations in which customers in the Cities of Austin and Dallas typically applied for loans. The individuals chronicled in the video highlighted situations which required them to apply for loans and addressed the negative financial impact the newly imposed regulations have had on them and their families.

Jerry Allen, Councilmember for the City of Dallas, stated that Dallas recently passed a similar ordinance and noted that Dallas Credit Access Businesses were not adversely impacted by the new regulations as they continue to serve customers and loan money. He noted that the Dallas City Council continues to receive letters of support and that the City of San Antonio would be making a positive impact with the passage of this ordinance.

Jeff Rodriguez, Austin Area District Manager with Ace Cash Express, spoke against the proposed ordinance and noted that customers should have choices regarding how to spend their own money. He spoke of other methods in which customers could seek loans which are not regulated.

Gloria Delgado, President and CEO of Consumer Credit Counseling Service of San Antonio, highlighted the benefits of using payday lenders and noted that her customers frequently utilized short-term loans to assist with managing personal debt.

Ann Baddour with Texas Apple Seed presented statistics showing that 75% of borrowers have difficulty paying back loans. She stated that the ordinance would allow for customers to successfully pay off the principal of the loan.

M.H. Levine, Executive Director of Jewish Family Services, provided an example of a customer who paid \$7,200 in interest over a 6-year period for a \$525 loan. Mr. Levine requested passage of the ordinance as it would protect individuals.

Written Testimony was submitted by Carolyn Monroe in opposition to Item 29. She addressed the negative implications the ordinance would have if approved.

## **RECESSED**

Mayor Castro recessed the meeting at 11:43 pm to break for lunch and announced that the meeting would resume at 1:30 pm.

## **RECONVENED**

Mayor Castro reconvened the meeting at 1:35 pm and called upon the balance of citizens signed up to speak on Item 29.

Tom Heger, a Presbyterian Pastor, referenced biblical passages which addressed loaning money and requested passage of the ordinance.

Jesse Anderson, Vice President of Lonestar Title Loans, spoke on the importance of providing quality customer service and addressed reasons customers utilized payday lenders. He requested that the Council postpone voting on the Ordinance until speaking with customers.

Gwen Robinson, Executive Director of the Alamo City Black Chamber of Commerce, read a prepared letter written by the Chamber's Board of Directors which supported the passage of the ordinance. It was noted that the provisions outlined within the Ordinance allowed for individuals to pay back loans sooner and with less interest.

Councilmember Bernal explained that the intent of the ordinance was to protect customers from financial hardship by creating a safety net. He added that the state legislation imposed in 2011 was not extensive enough. Councilmember Bernal highlighted provisions of the proposed ordinance and associated benefits to the community.

Mayor Castro thanked Councilmember Bernal for his leadership and addressed the fairness of the ordinance to both the customer and industry. He noted that the City of San Antonio should not wait for the State to impose regulations.

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

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

Item 22A was addressed at this time.

**Item 22. CONSIDERATION OF THE FOLLOWING ORDINANCE RELATED TO THE LINEAR CREEKWAY DEVELOPMENT PROJECT.**

The City Clerk read the property description for Item 22A:

**2012-09-20-0730**

- A. AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF APPROXIMATELY 8.986 ACRES OF LAND LOCATED ON W. MILITARY DRIVE IN NCB 11493 IN COUNCIL DISTRICT 6 ALONG LEON CREEK FOR THE LINEAR CREEKWAY DEVELOPMENT PROJECT, A 2005 PROPOSITION 2 SALES TAX INITIATIVE FUNDED PROJECT; PROPERTY BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; DECLARING THE LINEAR CREEKWAY DEVELOPMENT PROJECT ON AFOREMENTIONED WATERWAYS TO BE A PUBLIC PROJECT FOR PUBLIC USE; DECLARING PUBLIC NECESSITY FOR THE ACQUISITION OF PRIVATELY OWNED REAL PROPERTY; AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS.

Councilmember Lopez 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 Linear Creekway Development Project by acquiring the following property described by the City Clerk and incorporated as part of this Motion. Councilmember Soules seconded the motion.

City Clerk Leticia Vacek read that the properties consist of 8.986 total acres out of Lot P-52A, NCB 11493. These properties are more particularly described in Exhibit B attached to the Ordinance and incorporated as part of this Motion.

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

Item 19 A and B was addressed at this time.

The City Clerk read the following Ordinances:

Item 19. CONSIDERATION OF THE FOLLOWING ORDINANCES FOR THE BROADWAY/HILDEBRAND DRAINAGE PROJECT:

**2012-09-20-0726**

- A. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO TEXAS STERLING CONSTRUCTION COMPANY IN THE AMOUNT OF \$15,530,861.05 FOR THE BROADWAY/HILDEBRAND DRAINAGE PROJECT, A 2007-2012 GENERAL OBLIGATION BOND PROJECT LOCATED IN COUNCIL DISTRICT 9.

**2012-09-20-0727**

- B. AN ORDINANCE AMENDING THE \$1,380,026.89 PROFESSIONAL SERVICES AGREEMENT WITH FREES AND NICHOLS, INC. FOR ADDITIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$203,531.00, FOR THE BROADWAY/HILDEBRAND DRAINAGE PROJECT.

Mike Frisbie provided a brief history of the Project and spoke of the financial implications associated with rebidding the project followed by construction delays. He noted that the change in scope provided

for water to drain underground in a more effective manner decreasing the potential for flooding of the intersection and surrounding area.

Councilmember Taylor moved to adopt the proposed Ordinances for Items 19A and 19B. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ozuna, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** Bernal. **ABSENT:** D. Medina.

Item 14 was addressed at this time.

The City Clerk read the following Ordinance:

**2012-09-20-0722**

Item 14. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR GOODS AND SERVICES FOR AN ESTIMATED COST OF \$1,341,200.00: (A) WASTE MANAGEMENT OF TEXAS, INC. FOR COMMERCIAL GARBAGE DISPOSAL SERVICES AMENDMENT, (B) MID-AMERICA RECYCLING LLC DBA GREENSTAR FOR RECYCLING OF COMMERCIAL GARBAGE DISPOSAL SERVICES AMENDMENT, (C) HONEYWELL BUILDING SOLUTIONS FOR THE MAINTENANCE AGREEMENT FOR CONVENTION SPORTS AND ENTERTAINMENT FACILITIES ENTERPRISE BUILDING INTEGRATOR SYSTEM, (D) TRACTOR CITY FOR JOHN DEERE AGRICULTURE TRACTOR PARTS AND SERVICES, (E) RENAISSANCE INDUSTRIES, INC. DBA PREFERRED LANDSCAPING & LIGHTING LLC. FOR RIVER WALK LED LIGHTS - INSTALLATION AND REMOVAL AND (F) UNGERBOECK SYSTEMS INTERNATIONAL, INC. FOR UNGERBOECK EVENT BOOKING MANAGEMENT SYSTEM (EBMS) MAINTENANCE AND SUPPORT.

Councilmember Soules asked for clarification on Item E. Jim Mery, Downtown Operations Director, explained that City staff would be responsible for installing and removing lights up to 15 feet. From that height and above, the vendor would be responsible for installing additional lights on about 200 trees, draping the tree canopy with lights, and removing the same lights.

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

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

**Item 46. CITY MANAGER'S REPORT**

**A. 2012 ROCK 'N' ROLL MARATHON UPDATE**

**B. PUBLIC SAFETY HEADQUARTERS UPDATE**

Said items were not addressed.

## **CONSENT ZONING ITEMS**

Mayor Castro called upon the individuals registered to speak.

Roger Jimenez spoke on Item Z-1 and noted that he was requesting a zoning change so that he could apply for a beer license. He stated that he has owned and operated the restaurant for over 13 years and planned on closing by 10:30 pm.

Councilmember Williams moved to approve the following Zoning Items: 47, Z-1, Z-2, Z-3, P-2, Z-5, Z-6, Z-10, P-4, Z-12, P-5, and Z-13 under Consent Zoning. Councilmember Lopez seconded the motion.

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

### **2012-09-20-0041R**

Item 47. A RESOLUTION REQUESTING THAT STAFF INITIATE AN AMENDMENT TO THE LAND USE PLAN CONTAINED IN THE NEAR NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY; AND A CHANGE IN THE ZONING DISTRICT BOUNDARY OF 0.943 OF AN ACRE OUT OF TRACTS 21 AND 22, BLOCK G, NCB 8394 LOCATED AT 1518 HILLCREST DRIVE.

### **2012-09-20-0756**

Item Z-1. **ZONING CASE # Z2012116 (District 1):** An Ordinance amending the Zoning District Boundary from "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lot 23, Block 4, NCB 8410 located at 1304 Gardina Street. Staff and Zoning Commission recommend approval. (Continued from August 2, 2012)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 23, BLOCK 4, NCB 8410 TO WIT: FROM "C-3R AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

### **2012-09-20-0757**

Item Z-2. **ZONING CASE # Z2012182 (District 1):** An Ordinance amending the Zoning District Boundary from "C-2 NCD-1 AHOD" Commercial South Presa/South St. Mary's Streets Neighborhood Conservation Airport Hazard Overlay District to "RM-5 IDZ NCD-1 AHOD" Residential Mixed Infill Development Zone South Presa/South St. Mary's Streets Neighborhood Conservation Airport Hazard Overlay District on 0.1723 of an acre out of NCB 2962 located at 1117 South Presa Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.1723 OF AN ACRE OUT OF NCB 2962 TO WIT: FROM "C-2 NCD-1 AHOD" COMMERCIAL SOUTH PRESAS/SOUTH ST. MARY'S STREETS NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "RM-5 IDZ NCD-1 AHOD" RESIDENTIAL MIXED INFILL DEVELOPMENT ZONE SOUTH PRESAS/SOUTH ST. MARY'S STREETS NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT.

**2012-09-20-0758**

Item Z-3. **ZONING CASE # Z2012174 HL (District 1):** An Ordinance amending the Zoning District Boundary from "R-6 NCD-2 AHOD" Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District to "HL R-6 NCD-2 AHOD" Historic Landmark Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District on Lot 13 and the west 25 feet of Lot 14, Block 29, NCB 1841 located at 527 West Woodlawn. 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 13 AND THE WEST 25 FEET OF LOT 14, BLOCK 29, NCB 1841 TO WIT: FROM "R-6 NCD-2 AHOD" RESIDENTIAL SINGLE-FAMILY ALTA VISTA NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "HL R-6 NCD-2 AHOD" HISTORIC LANDMARK RESIDENTIAL SINGLE-FAMILY ALTA VISTA NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT.

**2012-09-20-0761**

Item P-2. **PLAN AMENDMENT #12034 (District 3):** AN ORDINANCE 1) AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE STINSON AIRPORT VICINITY LAND USE PLAN, BY CHANGING THE USE OF A 70.882 ACRES TRACT OF LAND LOCATED IN NCB 10879 FROM REGIONAL COMMERCIAL TO LIGHT INDUSTRIAL, AND 2) TO ADD "I-1" GENERAL INDUSTRIAL ZONING DISTRICT AS A RECOMMENDED ZONING DISTRICT TO THE LIGHT INDUSTRIAL LAND USE CATEGORY. STAFF RECOMMENDS APPROVAL. PLANNING COMMISSION RECOMMENDATION PENDING PUBLIC HEARING ON SEPTEMBER 12, 2012. (ASSOCIATED ZONING CASE: Z2012170 S)

**2012-09-20-0762**

Item Z-5. **ZONING CASE # Z2012170 S (District 3):** An Ordinance amending the Zoning District Boundary from "MR AHOD" Military Reservation Airport Hazard Overlay District to "I-1 S AHOD" General Industrial Airport Hazard Overlay District with a Specific Use Authorization for Electronic Component Manufacturing on 70.882 acres out of NCB 10879 located along Dave Erwin Drive east of Boyle Road, and south of the intersection of Welch Way and Challenger Drive. Staff recommends approval, pending plan amendment. Zoning Commission recommendation is pending the September 18, 2012 public hearing.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 70.882 ACRES OUT OF NCB 10879 TO WIT: FROM "MR AHOD" MILITARY RESERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "I-1 S AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR ELECTRONIC COMPONENT MANUFACTURING PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2012-09-20-0763**

Item Z-6. **ZONING CASE # Z2012153 (District 4):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "MF-25 AHOD" Low Density Multi-Family Airport Hazard Overlay District on 2.7026 acres out of NCB 15416 and NCB 15417 located at the northwest corner of Bertetti Drive and Tarasco Drive. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 2.7026 ACRES OUT OF NCB 15416 AND NCB 15417 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "MF-25 AHOD" LOW DENSITY MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

**2012-09-20-0766**

Item Z-10. **ZONING CASE # Z2012180 (District 5):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lot 51, Block 13, NCB 8252 located at 4627 West Commerce Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 51, BLOCK 13, NCB 8252 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2012-069-20-0768**

Item P-4. **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) (CONTINUED FROM SEPTEMBER 6, 2012)

**2012-09-20-0769**

Item Z-12. **ZONING CASE # Z2012171 (District 6):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District to "MF-33" Multi-Family District on 5.468 acres out of NCB 17636 located along the east side of Loop 1604, approximately 5,000 feet north of Culebra Road. Staff and Zoning Commission recommend approval pending the plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 5.468 ACRES OUT OF NCB 17636 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

**2012-09-20-0770**

Item P-5. **PLAN AMENDMENT #12056 (District 8):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 2.592 ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST CORNER OF BANDERA ROAD AND TEZEL ROAD AND LEGALLY DESCRIBED AS NCB 18006 LOT P-105 FROM NEIGHBORHOOD COMMERCIAL TO COMMUNITY COMMERCIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012155)

**2012-09-20-0771**

Item Z-13. **ZONING CASE # Z2012155 (District 8):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on 2.592 acres out of Parcel 105, NCB 18006 located on a portion of the 10000 Block of Bandera Road. Staff and Zoning Commission recommend approval, pending the plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 2.592 ACRES OUT OF PARCEL 105, NCB 18006 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

**[CONSENT ZONING CONCLUDED]**

**ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

Mayor Castro addressed items P-1 and Z-4:

**2012-09-20-0759**

Item P-1. **PLAN AMENDMENT CASE #12054 (District 1):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NORTH CENTRAL NEIGHBORHOODS COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 0.3671 ACRE TRACT OF LAND CONSISTING OF A 0.1889 ACRE TRACT AND A 0.1791 ACRE TRACT LOCATED AT 829 AND 830 WESTWOOD STREET, RESPECTIVELY, FROM PARKS/OPEN SPACE TO LOW DENSITY RESIDENTIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012150 CD)

**2012-09-20-0760**

Item Z-4. **ZONING CASE # Z2012150 CD (District 1):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Non-Commercial Parking Lot on the east 63 feet of the west 68 feet of Lot 20, Block 17, NCB 7264 and the east 60 feet of the west 65 feet of Lot 5, Block 24, NCB 7265 located at 829 and 830 Westwood. Staff and Zoning Commission recommend approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE EAST 60 FEET OF THE WEST 65 FEET OF LOT 5, BLOCK 24, NCB 7265 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A NON-COMMERCIAL PARKING LOT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented P-1 and Z-4 and stated that Item P-1 was a request to amend the future Land Use Plan outlined within the North Central Neighborhood Community Plan for 2 tracts of land that comprise a total of .3671 of an acre. The request was to change the Land Use from Parks Open Space to Low Density Residential. As it relates to Item Z-4, it was noted that the request for approval of non-conforming land use was for a parking lot on the same properties denoted in Item P-1. Mr. Looney noted that approval was recommended for Item Z-4 with the following conditions: a ten foot Type-A landscape buffer along property lines abutting single family residential zoning or uses; on-site lighting shall be directed on-site and pointed away from residential zoning or uses; no advertising signs shall be permitted on the parking lot other than signs indicating property owner or the lease holder of the lot and to provide parking instructions; the parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility is closed; and that hours of operation be limited to the hours of operation of the abutting businesses along Blanco Rd.

It was noted that a total of 9 votes would be needed to approve said item as the opposition constituted more than 20% of the property within 200 feet of the business.

Esther DeLeon spoke in support of the proposed zoning change and highlighted the benefits said change would have on the community.

Rudy O. Moreno, President of the local neighborhood association, spoke to the importance of having adequate business parking. He noted that the proposed parking area would not encroach on the residential neighborhood.

Olga M. Hernandez highlighted the amenities that would be erected and installed to buffer the parking area from homeowners and to alleviate area flooding.

Liz Ann Aguilar and Enriqueta Aguilar voiced concern with the current parking situation and highlighted benefits of the proposed zoning change.

April Maldonado referenced sections of the North Central Community Plan which spoke against the creation of parking lots for nonresidential purposes in a residential zoning district. She recommended that the business owner wait to build the parking area to assess parking needs as she did not want an abandoned parking lot in the community.

Councilmember Bernal moved to adopt the proposed Plan Amendment denoted in P-1, to approve the zoning change denoted in Z-4 for 830 Westwood with conditions; and to deny the zoning change denoted in Z-4 for 829 Westwood. Councilmember Chan seconded the motion.

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

#### **CONTINUED TO OCTOBER 18, 2012**

Item P-3. **PLAN AMENDMENT #12042 (District 3):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF 0.4594 ACRES LOCATED AT 5608 SOUTH FLORES STREET FROM MIXED USE TO REGIONAL COMMERCIAL. STAFF AND PLANNING COMMISSION RECOMMEND DENIAL. (NO ASSOCIATED ZONING CASE) (CONTINUED FROM AUGUST 2, 2012)

Councilmember Ozuna moved to continue the zoning item to October 18, 2012. Councilmember Soules seconded the motion.

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

#### **2012-09-20-0764**

Item Z-7. **ZONING CASE # Z2012129 CD (District 5):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales on 0.1469 of an acre out of Lots 10 and 11, Block, 17, NCB 3775 located at 1838 Culebra Road. Staff and Zoning Commission recommend approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS:

0.1469 OF AN ACRE OUT OF LOTS 10 AND 11, BLOCK, 17, NCB 3775 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA CD AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLE SALES PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented on Z-7 and noted that approval was recommended with the following conditions: on-sight lighting shall be directed towards the property and pointed away from any adjacent residential zoning or uses and outdoor speakers and paging systems shall be prohibited.

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

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

#### **2012-09-20-0765**

Item Z-8. **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. (Continued from September 6, 2012)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 11 THROUGH 15, 62, 63 AND 64, BLOCK 7, NCB 11247 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

Chris Looney presented on Z-8 and noted that a total of 9 votes were needed to approve said item.

Yolanda Garcia spoke in support of the zoning change as the business owner has committed to implementing resident recommendations. Said recommendations include requiring motorists to enter and exit along General McMullen, erecting a 6-foot curb wall with a black rot iron fence to block motorists from entering or exiting on to Las Palmas Drive, installing additional lighting, limiting parking on Las Palmas Drive Monday through Friday, making available additional trash dumpsters, and installing traffic devices from Charben Street to General McMullen.

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

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

**CONTINUED TO OCTOBER 4, 2012**

Item Z-9. **ZONING CASE # Z2012164 (District 5):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-6 AHOD" Residential Mixed Airport Hazard Overlay District on Lot 2, Block 76, NCB 3672 located at 3622 West Travis Street. Staff recommends denial. Zoning Commission recommends approval.

Yolanda Garcia spoke in opposition to the zoning change due to the high crime rate of the area.

Councilmember D. Medina moved to continue said item to October 4, 2012. Councilmember Bernal seconded the motion.

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

**2012-09-20-0767**

Item Z-11. **ZONING CASE # Z2012179 CD (District 5):** An Ordinance amending the Zoning District Boundary from "R-5 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Duplex to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Professional Office on the west 102.77 feet of Lots 5 and 6, Block 3, NCB 8313 located at 511 Northwest 36th Street. Staff and Zoning Commission recommend approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE WEST 102.77 FEET OF LOTS 5 AND 6, BLOCK 3, NCB 8313 TO WIT: FROM "R-5 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A DUPLEX TO "R-4 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A PROFESSIONAL OFFICE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented on Z-11 and noted that approval was being recommended with the following additional conditions: office use shall be limited to a single unit with a certificate of occupancy and outside lighting shall be directed to the site and away from surrounding residential uses.

Councilmember D. Medina moved to adopt the proposed Ordinance with the stated conditions. Councilmember Soules seconded the motion.

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

**DENIED**

Item Z-14. **ZONING CASE # Z2012139 (District 10):** An Ordinance amending the Zoning District Boundary from "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay

District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on 0.521 of an acre out of Tract 3, Block 2, NCB 13802 located at 5170 Randolph Boulevard. Staff recommends denial. Zoning Commission recommends approval. (Continued from August 16, 2012)

Chris Looney presented on Z-14 and noted that staff recommended denial of said zoning change request.

Ron Ray, property owner, spoke in support of the zoning change and noted that the intent of the zoning change was to remove restrictions placed on the property as the surrounding area already had a C-3 zoning designation.

Juan Ayala, property renter, spoke in support of the zoning change and noted that the intent was to sell beer and wine at the restaurant he owns on said property.

Councilmember Soules asked of the possibility of the property owner accepting a C-2 Zoning with fees being waived upon submission of a new application. Mr. Ray stated that said recommendation was noted acceptable as potential renters needed a zoning classification of C-3 to operate.

Councilmember Soules moved to deny the item. Councilmember Taylor seconded the motion.

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

### **ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 2:58 pm.

**APPROVED**



**JULIÁN CASTRO**  
MAYOR

Attest:



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