

**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, NOVEMBER 14, 2012, AND THURSDAY, NOVEMBER 15, 2012, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **November 14, 2012**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Ozuna, Saldaña, D. Medina, Lopez, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** Taylor and C. Medina. Mrs. Vacek announced that Councilmembers Taylor and C. Medina were out of town on city business.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 2:05 pm to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO *LINDSEY BISHOP, ET AL V. CITY OF SAN ANTONIO, ET AL* PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- B. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.087 (ECONOMIC DEVELOPMENT) AND 551.071 (CONSULTATION WITH ATTORNEY).**
- C. 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 3:00 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action. He addressed Item 1 at this time.

- 1. THE SAN ANTONIO WATER SYSTEM WILL PRESENT ITS REVENUE REQUIREMENTS, PROPOSED RATES AND THE CUSTOMER BILL IMPACTS TO ITS FY 2013 BUDGET AND PROVIDE UPDATES RELATING TO ITS WATER MANAGEMENT PLAN AND THE DROUGHT ORDINANCE.**

Steve Clouse, Senior Vice President and Chief Operating Officer of SAWS highlighted 2012 Accomplishments that include the seamless integration of BexarMet. He reported that SAWS was named one of San Antonio's Top Workplaces for the second year in a row. He stated that they had added 10,000 acre-feet to the Aquifer Storage and Recovery (ASR) Facility and saved \$96 million through bond refinancing. He spoke of the water operations growth and service requirements in which there are 460,845 water customers with a service area of 927 square miles. He noted that there were 411,184 wastewater customers with a service area of 722 square miles.

Mr. Clouse provided an overview of the SAWS System Challenges related to infrastructure, performance, and water supply. He stated that there were regulatory constraints and higher costs related

to procuring diverse water supplies. He noted that there was increased maintenance and aging infrastructure to be replaced. He reported that in March 2007, SAWS was orally notified by the Environmental Protection Agency (EPA) of alleged failures to comply with the Clean Water Act due to the occurrence of Sanitary Sewer Overflows (SSOs). He indicated that negotiations with the EPA and the Department of Justice were ongoing and that SAWS was aggressively working toward reducing SSOs. He presented the number of SSOs annually per 100 miles from 2007-2012 and noted that SAWS was performing at an average of seven SSOs per 100 miles. He spoke of the SSO Reduction Program that was recommended by industry experts and modeled after top performing utilities in the US. He stated that grease and debris are the major drivers of SSOs and spoke of the importance of cleaning and inspecting. He noted that preventing grease from reaching pipes was also key.

Mr. Clouse highlighted the line cleaning performed by SAWS and noted that annual work had doubled since 2007. He reported that Collection System Capital Investments from 2002-2006 totaled \$36.7 million, while investment from 2008-2012 totaled \$90.4 million. He outlined 2013 Capital Projects that include: Infrastructure Renewal & Replacement, Pipeline Rehabilitation, and Lift Station Elimination.

Doug Evanson, Senior Vice President and Chief Financial Officer of SAWS provided an overview of the revenue requirements. He reported that the 2013 Proposed Budget totaled \$500.6 million which was an increase from the 2012 Budget of \$459.5 million. He stated that \$13.8 million of the increase was attributed to an accelerated SSO Reduction Program. He noted that other operating cost increases included salary adjustments of 2.5% and utility costs for the Regional Carrizo Water Supply Project. He mentioned that in 2012, there were a combined 1,829 employees among SAWS and BexarMet. He indicated that this was a reduction from 2,083 since 2009. He reported that there had been a 21.9% improvement in customer connection to employee ratio from 2004-2012.

Mr. Evanson spoke of the Operations and Maintenance (O&M) Costs from 2005-2013 and stated that the Compounded Annual Growth Rate totaled 4.70%. He presented an overview of the refinancings completed in the last 20 months to save \$96 million. He outlined the Water Supply Capital Projects that include Brackish Desal Plant Construction (\$98.2 million), Edwards Aquifer Rights Acquisition (\$11 million), and Integration Pipeline Easements (\$5.8 million). He further stated that Water Delivery Capital included Production R&R (\$22.1 million), Governmental Projects (\$16.5 million), Main Replacements (\$11.7 million), and Distribution Growth/Other Projects (\$14.9 million). He indicated that Wastewater Capital Projects would include Infrastructure Renewal and Replacement (\$62.3 million), Governmental Sewer Projects (\$18.7 million) and Other System Improvements (\$25.7 million). He added that the SSO Reduction Program Capital Projects included Pipeline Rehabilitation (\$30.1 million), Manhole Rehabilitation (\$2 million), and the System Capacity Program (\$2.8 million).

Mr. Evanson reported that the 2013 Rate Adjustment would increase the average residential bill by 11.3%. He presented a 2013 Bill Projection in which the monthly bill will increase from \$49.72 to \$54.65. He compared the average residential wastewater bill from 1991 to 2013 and noted that the SAWS Bill was the second lowest in Texas.

Karen Hansen of the Law Firm of Beveridge and Diamond spoke of the EPA Process and stated that the EPA's position was that all SSOs were illegal. She noted that SAWS was required to report all SSOs in their system and that many other communities throughout the US were in the same position as SAWS. She indicated that negotiations with the EPA were sensitive and that all details could not be provided at

this time. She mentioned that the costs to reduce SSOs were significant and that the goal in the process was to ensure that the solutions identified would reduce the number of SSOs.

Mayor Castro thanked SAWS Staff for the presentation and asked of the large amount of infrastructure needs. Mr. Puente replied that SAWS and the city had not invested enough in the sewer system in the past. He stated that they had directed a great amount in the 1990's on alternative water sources as they could no longer rely solely on the Edwards Aquifer. He indicated that all SSOs were not previously reported and that they are now required to be reported. Mayor Castro stated that there were SSOs throughout the city and asked why it was necessary to address them. Mr. Puente replied that all SSOs were illegal and could pose a health issue. Mayor Castro asked if the detailed costs of the wastewater projects were available. Mr. Puente replied that they would provide it to the City Council.

Councilmember Soules requested a detailed plan to reduce SSOs and asked of Leon Creek. Mr. Clouse provided a map of the area and noted that a section of the line had recently collapsed. He indicated that the pipe was installed many years ago next to the creek and the creek has moved over time. He mentioned that the project was intended to be a capacity enhancing project but were now addressing a portion of it on an emergency basis. Kelley Neumann added that they model their collection system and that projects are identified for growth. She stated that if the pipe was not in good condition; there would be some replacement work performed and some capacity added. She noted that the project was awarded last month. Councilmember Soules expressed concern that \$12 million was allocated for Phase I of the project for 2012 yet the contract was just awarded. Councilmember Soules asked of the status of the Broadway Project. Ms. Neumann replied that the project had not been implemented. Councilmember Soules asked of the 2013 Wastewater Capital Improvement Budget. Ms. Neumann replied that it totaled \$159 million and that they planned to spend a large amount of money on Collection Renewal and Replacement. Councilmember Soules requested a copy of the 2013 Budget. Mr. Evanson replied that they would provide it to the City Council and would also provide a budget with the assumption that there would not be a rate increase. Councilmember Soules asked of the Water Supply Fee. Mr. Evanson replied that there was not an O&M Increase to the Water Supply Fee and that it was driven by an increase in the debt service charges. Councilmember Soules requested detailed data regarding the Water Supply Fee noting that it was required by City Ordinance.

Councilmember Bernal expressed concern with the proposed rate increase and noted the sizable amount of vulnerable individuals in the community. He stated that the rate increase was not gentle and noted concerns with future projected increases.

Councilmember Ozuna stated that nobody liked rate increases and spoke of the importance of actively identifying efficiencies. She expressed concern with the lack of infrastructure investment by SAWS and stated that they were at an impasse. She spoke of the legal reality and the consequences to not committing the necessary resources to become compliant.

Councilmember Chan stated that she believed the issues could have been addressed over the years and expressed concern with the large rate increase. She asked of the amounts of line cleaning that were reported. Mr. Clouse replied that it was the actual amount of pipeline that would be cleaned each year. Councilmember Chan asked when cleaning would be completed. Mr. Clouse replied that there was a cleaning cycle and that different types of pipes had to be cleaned more often. He noted that 50% of the entire system has been cleaned. Councilmember Chan asked of the televising process. Mr. Clouse stated that they typically did not televise the same line and that they had televised 25% of their lines

since 2009. Councilmember Chan asked of the percentage of the sewer system that would be cleaned. Mr. Clouse replied that 100% of the sewer system would be cleaned. He spoke of the need to utilize assessment tools during the cleaning process. Ms. Neumann indicated that there were some portions of the sewer line that were very old and some that were recently installed. Councilmember Chan asked of the main reason for SSO's. Mr. Clouse replied that 75% of SSO's were attributed to grease and debris. Councilmember Chan asked if capital project funds could be moved among categories. Mr. Evanson replied that there was a portion of the Water Delivery Fee that could be transferred to the Water Supply Category. Councilmember Chan asked of the amount of funds generated by Impact Fees. Mr. Evanson responded that their budget included \$22 million in Impact Fees. Councilmember Chan asked of the SAWS Budget. Mr. Evanson replied that they would have their budget adopted by the SAWS Board the following month without the rate increase and would not include the capital projects discussed.

Councilmember Soules stated that SAWS was required to present their budget at least 60 days prior to the fiscal year. He spoke of the 2011 increase which was favorable by \$17 million and that it would be important to look at the amounts for 2012 and 2013.

Councilmember Chan asked of the total amount of the Brackish Desal Project. A SAWS Representative replied that the total project cost was \$296 million. Councilmember Chan requested additional details on the Brackish Desal Project.

Robert Puente, President and CEO of SAWS presented the 2012 Water Management Plan. He stated that since 2004, SAWS had a 39% increase in their water supplies. He noted successful projects added over the last few years including the ASR which was one of the most successful projects that had been a great tool for water management. He spoke of the supply in which the Edwards Aquifer was heavily restricted during times of drought. He indicated that there would be a demand increase of 20,000 people per year. He outlined the strategies to fill the supply gap to include additional Edwards Supplies, Expanding Local Carrizo Aquifer, and Brackish Groundwater Desalination.

Mr. Puente stated that over 14,000 acre-feet of Edwards Aquifer Rights were available. He reported that geology and preliminary feasibilities indicated that up to 21,000 acre-feet of production would be available through the Local Carrizo Aquifer. He outlined the Brackish Desalination Project that would be implemented over three phases and totaled \$296.8 million. He highlighted the Integration Pipeline Program that would provide transport flexibility at a total cost of \$182 million. He noted that SAWS would pursue permanent reductions in outdoor water use with an expected yield of 16,500 acre-feet per year by 2020. He provided recommended strategies to address a future drought of record and stated that additional water sources were needed to accommodate demands associated with growth. He added that it was important to reduce the reliance on the Edwards Aquifer and that the Water Management Plan requires a balanced approach of conservation as well as new supplies.

Karen Guz, Director of Water Conservation presented an update to the Drought Ordinance. She spoke of the year-round efficiency standards and stated that the standards were formulated with stakeholder input. She noted that the standards included efficiencies with pool construction, commercial laundry machines, and irrigation systems. She mentioned that consumer choice would be included in new deed restrictions and should not require irrigation systems or a landscape dominated by grass. She highlighted drought triggers noting that they would enter into drought stages based on the 10-day rolling average of the level of the Edwards Aquifer. She indicated that there would be an option to end Stage One or move to a higher stage 15 days after the aquifer hits the trigger level.

Ms. Guz provided an overview of the proposed landscape irrigation in which outdoor spray irrigation would be allowed from 7:00-11:00 am and 7:00-11:00 pm on designated days during Stages Two through Four. She noted that home car washing would be allowed on Saturday and Sunday at any hour and that Commercial Car Wash Certification would be required for operation in Stage Three. She spoke of the basic variance for residential and small commercial fountains. She highlighted the stakeholder input which included SAWS Citizen Committees, Trade Associations, and Outreach Meetings. She noted that next steps would include seeking SAWS Board Approval on December 6, 2013 and City Council Action in January, 2013.

Mayor Castro thanked staff for the presentation and stated that he would like to further discuss the issue of fountains. He spoke of the importance of maintaining a culture of conservation and stated that he was pleased with the work on the Water Management Plan.

Councilmember Soules stated that he had received various complaints regarding the landscape irrigation hours and asked of the savings. Ms. Guz stated that they had discussed the issue with citizen committees and consulted with Texas A&M University Representatives regarding the evapo-transpiration levels. She noted that they were assured that the evapo-transpiration rate began to drop by 5:00-6:00 pm. Councilmember Soules asked of variance requests for residential and small commercial fountains. Ms. Guz replied that they had never charged a fee for variances and that requests were submitted electronically.

Mayor Castro announced that the Executive Session would be continued the next day. He recessed the meeting at 5:21 pm and stated that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Castro reconvened the meeting at 6:00 pm and called upon the individuals registered to speak.

Brent Forke, Curtis Murray and Melody Murray representing b-RADS addressed the City Council. Mr. Murray stated that b-RADS was a mobile marketing platform that utilized flat screen televisions on a three-wheeled bicycle. He noted that it operated on green energy battery banks. He expressed concern because he was informed by city staff that he was in violation of the City's Sign Ordinance. He indicated that he had been working to resolve the issues and felt he had upheld the law. He noted that other similar companies were stealing his business and he had lost a tremendous amount of money. He provided options to help him address his concerns to include granting b-RADS a variance for one year to study the impact on safety.

Nazirite Ruben Flores Perez referenced a potential law that would be enacted regarding drug testing individuals prior to providing financial assistance and stated he was supportive of same.

Dominica Castillo, Maria T. Gomez and Laura Sanguino representing Cinco Puntos-Five Points Community Organization addressed the City Council. Ms. Sanguino stated that she lived in the Five Points Neighborhood and was opposed to Historic Designation. She noted that of 205 properties; only 32 were considered as high integrity. She mentioned that the homes that favored Historic Designation could apply directly with the Office of Historic Preservation. Ms. Castillo stated that she also lived in the neighborhood and was opposed to Historic Designation of the area. She reiterated that individual

homes could apply directly for Historic Designation. She noted that the process was defective and that the department had forced them to collect three separate forms in opposition to Historic Designation. She asked the City Council to honor the majority vote and deny the request for Historic Designation. An individual read an email from Juan Pedro Cristan who lives in the district and was opposed to the Historic Designation of the Five Points Neighborhood. Ms. Gomez stated that she lived in the Five Points Neighborhood and was opposed to Historic Designation. She expressed concern with the process noting that the majority of neighborhood representatives were in opposition.

Melissa Caddell, Brittany Thompson and Rhiannon Vasquez representing the Bridges of Hope DBA Live Loud addressed the City Council. Ms. Caddell spoke of their work in the community to decrease youth violence in Bexar County. She invited the City Council to attend the Dance for Life Event benefitting the Little Fighter Foundation on December 7, 2012 at 7:00 pm. Ms. Thompson spoke of the dance performances that would take place and noted that the event would be broadcast on the Internet. Ms. Vasquez added that Pre-K Students would also be performing and requested support from the City Council.

Mark Perez referenced DPT Laboratories that was operating without the proper permits. He expressed concern with NuStar Refinery and noted that many city employees were not addressing his concerns. He spoke of an Ethanol Facility with hazardous chemicals in District 2.

Faris Hodge, Jr. submitted written testimony regarding the Texas Rangers' investigation on Sheriff Amadeo Ortiz. He requested that additional driving requirements for elderly individuals be implemented and that the Social Security Office remain in the Downtown Area. He referenced an article in the San Antonio Express News regarding the 10th West Nile Virus Case reported in Bexar County. He wrote of the mobile food trucks in the Downtown Area and noted that Susan Pamerlau was the first woman elected as Bexar County Sheriff. He noted that residents were opposed to increases in CPS Energy Bills and expressed concern that the State of Texas has the most inmates.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:29 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **November 15, 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, Ozuna, Saldaña, D. Medina, Lopez, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** Taylor and C. Medina. Mrs. Vacek announced that Councilmembers Taylor and C. Medina were out of town on city business.

Item 1. The Invocation was delivered by Rene Maciel, President, Baptist University of the Americas, guest of Councilmember Rey Saldaña, District 4.

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

Item 3. MINUTES

Councilmember Chan moved to approve the Minutes for the October 10–11, 2012 City Council Meetings. Councilmember Saldaña seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Bernal recognized students from Instructor Sylvia DeLeon’s Public Administration Class at San Antonio College and thanked them for being present.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

2012-11-15-0887

Item 4. AN ORDINANCE CANVASSING THE RESULTS OF THE SPECIAL SALES TAX ELECTION HELD ON TUESDAY, NOVEMBER 6, 2012.

City Clerk Leticia M. Vacek presented the Council with the total votes cast for and against Proposition No. 1 of the Special Sales Tax Election held on Tuesday, November 6, 2012. She reported that there were 16,715 Under Votes from machine and paper ballots, as well as five Over Votes from paper ballots. She reported that Late Mail-In (Over-Seas) and Provisional Paper Ballots would be added to the final vote count. She stated that there were 381,405 total votes cast out of a total 691,308 Registered Voters representing a 55.17% voter turnout. She indicated that next steps would include providing a certified copy of the Canvassing Ordinance and City of San Antonio Map to the State Comptroller’s Office. She mentioned that the first quarter of the effective Sales Tax was April 1, 2013.

SALES AND USE TAX FOR THE “PRE-K 4 SA” EARLY CHILDHOOD EDUCATION PROGRAM (PROPOSITION 1): “Shall the City Council of the City of San Antonio, Texas be authorized to assess, levy, and collect a sales and use tax of one-eighth of one percent within the City of San Antonio for a maximum period of eight years for the purpose of financing authorized programs for early childhood development and education services for the development of math, reading, and life long learning skills and the promotion of literacy skills to be implemented and developed by the San Antonio Early Childhood Education Municipal Development Corporation pursuant to Chapter 379A, Texas Local Government Code.”

| | | |
|-----------|---------|--------|
| “FOR” | 195,307 | 53.55% |
| “AGAINST” | 169,378 | 46.45% |

Mayor Castro thanked Mrs. Vacek for the presentation and called upon Nazirite Ruben Flores Perez to speak.

Mr. Nazirite Ruben Flores Perez stated that he was pleased with the results of the election and was supportive of Pre-K 4 SA.

Mayor Castro stated that he was pleased with the election results and that residents had made a decision to invest in the education of young people. He thanked the many supporters of the initiative including the City Council, Business Community, Brainpower Task Force, Chambers of Commerce, and other individuals that participated. He also thanked city staff for presenting the facts and participating in informational meetings. He noted that Pre-K 4 SA would help ensure that children will finish high school and have the opportunity to attend college.

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

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

The City Clerk read the caption for Item 5C:

Item 5. CONSIDERATION OF THE FOLLOWING MATTERS IN CONNECTION WITH PRE-K 4 SA:

PULLED FROM AGENDA

- A. AN ORDINANCE AUTHORIZING THE EXECUTION AND ASSIGNMENT OF A LEASE FOR THE NORTHWEST MODEL CENTER TO BE LOCATED AT 3635 MEDICAL DRIVE, FOR AN EIGHT-YEAR TERM COMMENCING UPON COMPLETION OF IMPROVEMENTS TO THE CURRENT 30,000 SQ. FT. BUILDING, SCHEDULED FOR AUGUST 1, 2013 TO BE EXPANDED TO 50,000 SQ. FT. BY AUGUST 1, 2014.

PULLED FROM AGENDA

- B. AN ORDINANCE AUTHORIZING THE EXECUTION AND ASSIGNMENT OF A LEASE FOR THE SOUTHEAST MODEL CENTER TO BE LOCATED AT 2535 SE MILITARY DRIVE, A NEWLY CONSTRUCTED AND BUILT TO SUIT 50,000 SQUARE FOOT BUILDING FOR AN EIGHT-YEAR TERM COMMENCING UPON COMPLETION OF IMPROVEMENTS, SCHEDULED FOR AUGUST 1, 2013.

2012-11-15-0042R

- C. A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FROM THE PROCEEDS OF ONE OR MORE SERIES OF TAX EXEMPT OR TAXABLE OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES AND AS FURTHER DESIGNATED BY SERIES AND FEDERAL TAX TREATMENT, AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO, AND PROVIDING AN EFFECTIVE DATE.

Mayor Castro announced that Items 5A and 5B were pulled from the agenda by staff and would not be addressed.

Assistant City Manager Peter Zanoni presented Item 5C and stated that the FY 2013 Capital Budget included \$12 million for Pre-K 4 SA Model Centers. He noted that the city is planning to fund \$10

million of the budgeted amount through the issuance of Tax Notes which are anticipated to be sold in Spring 2013. He reported that approval of the Reimbursement Resolution would enable the city to reimburse itself for project expenditures to be funded by the issuance of Tax Notes but expended prior to the issuance.

Councilmember Lopez stated that the Educational Excellence Council Committee had reviewed said item and recognized its importance.

Councilmember Williams asked if the \$12 million would be returned to the city. Ms. Sculley stated that it would not be returned to the city.

Mayor Castro called upon the individuals registered to speak.

Nazirite Ruben Flores Perez spoke in support of Pre-K 4 SA.

Jack M. Finger spoke in opposition to Item 5. He stated that the Pre-K 4 SA Initiative was not about educating children but about the city reimbursing itself for prior expenses and funding construction companies, engineers and lawyers.

Councilmember Chan asked if funds would be spent by the new Municipal Corporation. Mr. Zanoni replied that the \$12 million on the debt side would be spent by the city. He stated that the budget for the \$30 million in sales tax revenue would be developed by the Corporation and approved by the City Council. Ben Gorzell added that said item was being brought forth due to a timing issue and would allow the city to make tenant improvements under the leases. Mr. Zanoni explained that some expenses have already been incurred such as the voters guide and those expenditures will be reimbursed by sales tax dollars beginning June 2013.

Councilmember Lopez recognized Mayor Castro for his leadership on the Pre-K 4 SA Initiative and noted the many children that would be positively affected.

Councilmember Lopez moved to approve the Resolution for Item 5C. Councilmember Saldaña seconded the motion.

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

CONSENT AGENDA ITEMS 6-26

Consent Agenda Items 11, 12, 15, 16, 18, and 26 were pulled for Individual Consideration.

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

Mayor Castro called upon Jack M. Finger to speak.

Mr. Jack M. Finger expressed concern with Haven for Hope and stated that he was opposed to the transfer of \$767,163 from the sale of the SAMM Shelter to Haven for Hope (Item 22). He noted that

there were issues with drugs, prostitution, and assaults and that calls for Police had increased by 42% since their opening two years ago.

Faris Hodge, Jr. submitted written testimony in opposition to Items 5A-C, 18, 19, and 25. For Item 18 he expressed concern that he was not aware of the Planning Commission Applicants. He wrote that the Stinson Municipal Airport Master Plan (Item 19) and the City's 2013 State Legislative Program (Item 25) were not provided to the citizens.

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

2012-11-15-0888

Item 6. AN ORDINANCE AUTHORIZING A CONTRACT WITH KONE, INC. TO PROVIDE THE CONVENTION SPORTS AND ENTERTAINMENT FACILITIES DEPARTMENT WITH ELEVATOR AND ESCALATOR PREVENTATIVE MAINTENANCE SERVICES FOR AN ESTIMATED ANNUAL AMOUNT OF \$391,000.00, FUNDED BY THE COMMUNITY AND VISITOR FACILITIES FUND.

2012-11-15-0889

Item 7. AN ORDINANCE AUTHORIZING A CONTRACT WITH SCHINDLER ELEVATOR CORP. TO PROVIDE THE SAN ANTONIO AIRPORT SYSTEM WITH ELEVATOR AND ESCALATOR PREVENTIVE MAINTENANCE FOR AN ESTIMATED ANNUAL COST OF \$199,700.00, FROM THE AVIATION FUND.

2012-11-15-0890

Item 8. AN ORDINANCE ACCEPTING THE BID FROM W.W. CANNON, INC. FOR THE PURCHASE AND INSTALLATION OF A SHELVING AND PALLET RACK SYSTEM FOR THE NEW FIRE SERVICES FACILITY FOR A TOTAL COST OF \$66,050.50 FROM THE FIRE DEPARTMENT'S FY 2013 ADOPTED GENERAL FUND OPERATING BUDGET.

2012-11-15-0891

Item 9. AN ORDINANCE ACCEPTING THE BID FROM AMERICAN SEATING CO. FOR THE PURCHASE AND INSTALLATION OF NEW STADIUM SEATING AND THE REMOVAL AND DISPOSAL OF EXISTING STADIUM SEATING AT WOLFF STADIUM FOR A TOTAL COST OF \$271,545.75, FROM THE CONVENTION, SPORTS & ENTERTAINMENT FACILITIES FY 2013 WOLFF STADIUM BUILDING FUND.

2012-11-15-0892

Item 10. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR GOODS AND SERVICES FOR AN ESTIMATED ANNUAL COST OF \$165,000.00: (A) SAT RADIO COMMUNICATIONS, LTD DBA INDUSTRIAL

COMMUNICATIONS FOR REPAIRS AND PURCHASE OF FIRECOM SYSTEMS AND HEADSETS AND (B) SIEMENS INDUSTRY, INC. FOR FULL MAINTENANCE AND REPAIR OF COMPUTER ROOM AIR CONDITIONING UNITS AT THE INFORMATION TECHNOLOGY SYSTEMS DEPARTMENT AND EMERGENCY OPERATIONS CENTER.

Item 13. CONSIDERATION OF THE FOLLOWING ACTIONS RELATED TO THE TERMINAL A RENOVATIONS AND REFURBISHMENTS PROJECT, A GENERAL AIRPORT REVENUE BONDS, PASSENGER FACILITY CHARGES, TAX NOTE AND AIRPORT IMPROVEMENT AND CONTINGENCY FUNDED PROJECT, LOCATED AT THE SAN ANTONIO INTERNATIONAL AIRPORT:

2012-11-15-0895

- A. AN ORDINANCE AUTHORIZING AN AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT WITH REYNOLDS, SMITH AND HILLS, INC., IN THE INCREASED AMOUNT NOT-TO-EXCEED \$207,918.00 FOR A TOTAL CONTRACT AMOUNT OF \$4,439,871.00 FOR ADDITIONAL DESIGN SERVICES RELATED TO THE TERMINAL A RENOVATIONS AND REFURBISHMENTS PROJECT; AND, AMENDING CAPITAL IMPROVEMENT BUDGET WITH THE APPROPRIATION OF \$207,918.00 IN GENERAL AIRPORT REVENUE BOND FUNDS TO THE TERMINAL A RENOVATIONS AND REFURBISHMENTS PROJECT.

2012-11-15-0896

- B. AN ORDINANCE AUTHORIZING AN OWNER-REQUESTED CHANGE ORDER IN THE INCREASED AMOUNT OF \$5,592,082.00 FOR A TOTAL CONTRACT AMOUNT OF \$29,892,082.00 AND AUTHORIZING PAYMENT TO SPAWGLASS CONTRACTORS, INC., FOR THE TERMINAL A RENOVATIONS AND REFURBISHMENTS PROJECT; AND, AMENDING CAPITAL IMPROVEMENT BUDGET WITH THE APPROPRIATION OF \$5,592,082.00 IN GENERAL AIRPORT REVENUE BONDS AND PASSENGER FACILITY CHARGE BONDS TO THE TERMINAL A RENOVATIONS AND REFURBISHMENTS PROJECT.

Item 14. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE HAUSMAN ROAD (LOOP 1604 TO IH 10) PROJECT, A 2012-2017 GENERAL OBLIGATION BOND-FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 8:

2012-11-15-0897

- A. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A DESIGN-BUILD SERVICES AGREEMENT IN AN AMOUNT NOT-TO-EXCEED \$62,000,000.00 AUTHORIZED PAYABLE TO SUNDT CONSTRUCTION, INC. FOR THE DESIGN AND CONSTRUCTION OF THE HAUSMAN ROAD (LOOP 1604 TO IH 10) PROJECT; AND, OF THIS TOTAL CONTRACT AMOUNT, FUNDS IN THE AMOUNT UP TO \$36,000,000.00 WILL BE FUNDED BY CITY, FUNDS IN THE AMOUNT UP TO \$16,800,000.00 WILL BE REIMBURSED BY BEXAR COUNTY, FUNDS IN THE AMOUNT UP TO \$5,200,000.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM (IN

ACCORDANCE WITH ORDINANCE 2012-10-11-0795) AND FUNDS IN THE AMOUNT UP TO \$4,000,000.00 WILL BE REIMBURSED BY CPS ENERGY FOR THEIR WORK.

2012-11-15-0898

- B. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY AND AUTHORIZING RECEIPT OF FUNDS FROM BEXAR COUNTY IN CONNECTION WITH BEXAR COUNTY FLOOD CONTROL PROJECTS LC-9 AND LC-10 LOCATED WITHIN THE PROJECT LIMITS OF THE CITY'S HAUSMAN ROAD (LOOP 1604 TO IH 10) PROJECT.

2012-11-15-0899

- C. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A REIMBURSEMENT AGREEMENT WITH CPS ENERGY AND ACCEPTANCE OF REIMBURSEMENT FUNDS FOR JOINT-BID UTILITY WORK ASSOCIATED WITH THE HAUSMAN ROAD (LOOP 1604 TO IH 10) PROJECT.

2012-11-15-0902

Item 17. AN ORDINANCE AMENDING THE TRAFFIC CONTROL DEVICES SCHEDULES FOR THE CITY OF SAN ANTONIO, ESTABLISHED IN CHAPTER 19, SECTION 68 OF THE CITY CODE, TO INCLUDE NEW TRAFFIC CONTROL DEVICES AND DELETE PREVIOUS ENTRIES FROM THE SCHEDULES THAT ARE IN CONFLICT WITH CURRENT TRAFFIC CODE REGULATIONS AND CREATING SCHEDULE H (J) ENTITLED "STOPPING, STANDING, OR PARKING PROHIBITED 12 AM TO 5 AM"; PROVIDING FOR CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS.

2012-11-15-0903

Item 19. AN ORDINANCE APPROVING THE STINSON MUNICIPAL AIRPORT MASTER PLAN.

2012-11-15-0904

Item 20. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT WITH BQR ADVERTISING AND PUBLIC RELATIONS, INC. TO EXPAND MARKETING AND ADVERTISING SERVICES FOR THE SAN ANTONIO INTERNATIONAL AIRPORT FROM THE CURRENT AIR SERVICE DEVELOPMENT AND CONCESSIONS MARKETING PROGRAMS.

2012-11-15-0905

Item 21. AN ORDINANCE AUTHORIZING THE RENEWAL OF THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND PROVIDENCE COMMERCIAL REAL ESTATE SERVICES, INC. TO PROVIDE REAL ESTATE BROKERAGE SERVICES ON AN AS NEEDED BASIS IN CONNECTION WITH THE CITY'S ACQUISITION, DISPOSITION AND LEASING OF REAL ESTATE FOR CITY NEEDS, FOR A TWO-YEAR PERIOD BEGINNING DECEMBER 21, 2012.

2012-11-15-0906

Item 22. AN ORDINANCE AUTHORIZING THE TRANSFER OF \$767,163.00 IN NET PROCEEDS FROM THE SALE OF THE SAMM SHELTER TO FUND HAVEN FOR HOPE CAMPUS OPERATIONS THROUGH A FUNDING AGREEMENT WITH HAVEN FOR HOPE OF BEXAR COUNTY

2012-11-15-0907

Item 23. AN ORDINANCE APPROVING THE PROPOSED FY 2013 SAN ANTONIO ECONOMIC DEVELOPMENT FOUNDATION (“EDF”) ACTION PLAN AS ENDORSED BY THE CITY COUNCIL ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE ON NOVEMBER 6, 2012, AND AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE EDF TO MODIFY THE QUARTERLY DISBURSEMENT OF FUNDS.

2012-11-15-0043R

Item 24. A RESOLUTION NOMINATING VALERO SERVICES, INC. FOR CONSIDERATION AND DESIGNATION AS A STATE ENTERPRISE PROJECT QUALIFYING THE COMPANY FOR A POTENTIAL REFUND OF UP TO \$1,250,000.00 OVER 5 YEARS IN STATE SALES AND USE TAXES BASED ON PROJECT INVESTMENT OVER \$5 MILLION AND THE RETENTION OF 500 JOBS.

2012-11-15-0908

Item 25. AN ORDINANCE APPROVING THE CITY'S 2013 STATE LEGISLATIVE PROGRAM FOR THE 83RD STATE LEGISLATIVE SESSION.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 11:

2012-11-15-0893

Item 11. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$909,271.17 TO J. SANCHEZ CONTRACTING TO MAKE IMPROVEMENTS TO THE SALADO GREENWAY TRAILS SYSTEM IN THE AREA OF MCALLISTER PARK, A 2005 PROPOSITION 2 SALES TAX INITIATIVE FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 9, AND AUTHORIZING AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO ALLOW FOR THE CONSTRUCTION AND MAINTENANCE OF SALADO CREEK GREENWAY TRAIL IMPROVEMENTS WITHIN THEIR RIGHT-OF-WAY.

Councilmember Soules asked of the connection to the Texas Department of Transportation (TxDOT) Trails. Xavier Urrutia presented a map of McAllister Park and explained that the trails were in existence and crossed at the light at Starcrest into Airport Property. He stated that they continued along the Salado Creek to Lady Bird Johnson Park. He noted that the connection was severed due to the work being

conducted at Wurzbach Parkway and that a temporary connection had been created. He indicated that the contract being approved would build and reconnect McAllister to the Greenway System, as well as connect the Greenway System to Wurzbach Parkway. He reported that TxDOT would create hike and bike trails along Wurzbach Parkway to Walker Ranch. He added that through a separate project, Hardberger Park would be connected to Walker Ranch. Councilmember Soules expressed his support and thanked staff for working with TxDOT.

Councilmember Chan thanked staff for their work and stated that she was pleased with the solution. She commended Councilmember Soules for his leadership and noted that constituents in Districts 9 and 10 would greatly benefit from the park.

Councilmember Saldaña asked of the creation of the calendar for areas under Proposition 2. Mr. Urrutia replied that staff works with the Linear Creek Advisory Board to develop a plan of recommended segments for implementation. He stated that they review factors such as existing trails, connectivity, and viability of the route. Councilmember Saldaña expressed concern with the challenges on the Southwest Side that are not being addressed and asked for information regarding the Medina Creek Project. Mr. Urrutia replied that he would follow up on the concerns and provide an update.

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

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

The City Clerk read the caption for Item 12:

2012-11-15-0894

Item 12. AN ORDINANCE AUTHORIZING THE EXECUTION OF THREE PROFESSIONAL SERVICES CONTRACTS WITH BAIN MEDINA BAIN, INC., TERRA DESIGN GROUP, INC., AND JASTER-QUINTANILLA SAN ANTONIO, LLP FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES IN AN AGGREGATE AMOUNT OF UP TO \$918,195.30 FROM THE PARKS DEVELOPMENT & EXPANSION FUND – 2010 VENUE FOR LINEAR GREENWAY TRAILS PROJECTS AND AMENDING THE FY 2013-2018 CAPITAL IMPROVEMENT PLAN TO APPROPRIATE \$205,000.00 FROM 2010 PARKS DEVELOPMENT & EXPANSION FUNDS.

Councilmember Soules asked for details related to the Fort Sam Houston connection. Xavier Urrutia stated that they were exploring additional options relating to the design and noted that there were challenges due to Base integrity and security. He noted that they were sensitive to the demands of the US Army but believe there is public interest in the full Greenway Trail connection.

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

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

The City Clerk read the caption for Item 15:

2012-11-15-0900

Item 15. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION, OF 58,480 SQUARE FEET (1.343 ACRES) FOR PERMANENT EASEMENT INTEREST AND 205,847 SQUARE FEET (4.726 ACRES) FOR TEMPORARY CONSTRUCTION EASEMENT INTEREST OF PRIVATELY-OWNED REAL PROPERTY LOCATED IN NCB 17639, NEEDED FOR THE WESTOVER VALLEY DRAINAGE PROJECT, LOCATED IN COUNCIL DISTRICT 6; AND DECLARING IT TO BE A PUBLIC PROJECT AND A PUBLIC NECESSITY FOR THE ACQUISITION AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$200,000.00, PAYABLE TO THE SELECTED TITLE COMPANY FOR LAND AND CLOSING COSTS.

Councilmember Lopez moved that the City of San Antonio authorize the use of the power of eminent domain to acquire two parcels of real property for the Westover Valley Drainage Project in NCB 17639 for the public use and necessity of permanent easements and temporary construction easements. Councilmember Bernal seconded the motion.

City Clerk Vacek read the property description:

The properties are out of Lots P213-B and P214, out of the G.W. Louis Survey No. 189, Abstract No. 441, County Block 4416, NCB 17639.

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

The City Clerk read the caption for Item 16:

2012-11-15-0901

Item 16. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO KABOOM! AND THE ACCEPTANCE UPON AWARD OF A NEW PLAYSCAPE, AT AN ESTIMATED VALUE OF \$100,000.00, FOR JIM MATTOX PARK LOCATED IN COUNCIL DISTRICT 3 AND AMENDING THE FY 2013-2018 CAPITAL IMPROVEMENT PLAN TO APPROPRIATE \$11,584.75 FROM FEES IN LIEU OF PARKLAND DEDICATION AS PROVIDED IN THE UNIFIED DEVELOPMENT CODE TO THE PARKS PLAYGROUND REPLACEMENT PROJECT.

Councilmember Ozuna asked that staff outline the application for KABOOM! Xavier Urrutia replied that KABOOM! had been a partner with the city for a number of years and were looking to increase opportunities for children to play. He stated that they identify funding partners and review community engagement and involvement. Councilmember Ozuna stated that there were plenty of service hour opportunities for the community to participate.

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

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

The City Clerk read the caption for Item 18:

Item 18. APPOINTING A MEMBER TO THE PLANNING COMMISSION FOR THE REMAINDER OF A TERM TO EXPIRE OCTOBER 6, 2013.

Councilmember Williams moved to appoint Marcello Martinez to the Planning Commission for the remainder of a term to expire October 6, 2013. Councilmember Lopez seconded the motion.

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

The City Clerk read the caption for Item 26:

2012-11-15-0909

Item 26. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE MUNICIPAL WRECKER SERVICES AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND TEXAS TOWING BY PROVIDING TWO ADDITIONAL ONE-YEAR RENEWAL OPTIONS COMMENCING ON JANUARY 1, 2013.

Councilmember D. Medina asked that Chief McManus highlight the steps leading to said item. Chief McManus stated that Texas Towing was originally awarded a three-year contract and was provided 2 one-year extensions. He noted that the extension being requested would bring the timeline of Texas Towing's contract in line with the other towing companies' contracts that the city is working with. He added that Texas Towing had been performing well and that is the reason the extension was being requested.

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

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

Item 27. CITY MANAGER'S REPORT

A. HAVEN FOR HOPE UPDATE

Ms. Sculley reported that since 2007, the city has contributed significant capital, operating, and departmental resources to Haven for Hope to include \$18 million in capital budget support and \$24 million in General Fund and Grants to support campus operations. She stated that the Haven for Hope Campus opened in May 2010 and serves as a multi-service, transformational campus for over 1,500 homeless men, women and family members daily. She noted that 895 individuals have graduated and

are living in permanent housing. Additionally, 693 individuals have been placed in jobs and the downtown homeless count has decreased by over 50% since the opening of the campus. She reported that an additional \$1,000,000 has been allocated to enhance services and increase capacity at the Prospects Courtyard at Haven for Hope. She mentioned that the primary medical health clinic at the Courtyard will open in January 2013. She highlighted the construction of the Terraces at Haven for Hope, a 140-unit affordable apartment complex. She noted that construction would be completed by November 30, 2012. She indicated that the Department of Human Services has implemented revised monitoring procedures for Haven for Hope and service provider contracts to include monthly on-site monitoring to validate reported data. She thanked all involved in helping to achieve these accomplishments.

B. B-CYCLE EXPANSION UPDATE

Ms. Sculley also reported that the City's Municipal Bike Share Program, San Antonio B-Cycle, would launch six new stations that service San Antonio National Historical Park and the San Antonio River Improvements on Friday, November 16 at 9:00 a.m. at the San Jose Visitor Center, 6701 San Jose Drive. She stated that along with Mayor Castro, partners from the B-Cycle, National Park Service, and the San Antonio River Authority would be on hand to announce the new phase of Bike Sharing. She noted that Father David Garcia would be present to bless the bikes. She reported that there were 30 stations near popular destinations around downtown and that residents and visitors could check the bikes out for a nominal charge. She stated that the alternate form of transportation was good for air quality and for personal health. She noted that to date, users have cumulatively logged over 59,000 trips with a daily average of over 400 miles. She indicated that the system is maintained and operated by the 501(c)3 Corporation San Antonio Bike Share in partnership with the City's Office of Sustainability. She reported that the San Antonio B-Cycle has been recognized for its contribution to enhance the quality of life in the city and has won several awards. She added that having a bicycle and pedestrian friendly community enhances quality of life and makes the city an attractive place to work and play. She recognized Laurence Doxsey who would be retiring at the end of the year.

Mayor Castro stated that he was pleased with the utilization of the Bike Share Program and with the opportunities being created at the Haven for Hope Campus.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 10:24 am to convene in Executive Session for the purposes of:

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).

RECONVENED

Mayor Pro Tem Bernal reconvened the meeting at 2:08 pm and announced that the City Council had been briefed in Executive Session but did not take any action. He addressed the Zoning Items.

CONSENT ZONING ITEMS

Councilmember Lopez moved to approve the following Zoning Items: Z-2, Z-5, P-1, Z-6, Z-7, Z-8, P-2, Z-9, and Z-10 under Consent Zoning. Councilmember D. Medina seconded the motion.

Faris Hodge, Jr. submitted written testimony in support of Items Z-1, Z-2, Z-3 and Z-4.

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

2012-11-15-0910

Item Z-2. **ZONING CASE # Z2012217 (District 1):** An Ordinance amending the Zoning District Boundary from "HL C-3 AHOD" Historic Landmark General Commercial Airport Hazard Overlay District to "HL IDZ AHOD" Historic Landmark Infill Development Zone Airport Hazard Overlay District with Single-Family Residential Uses on Lot 21, Block 3, NCB 2208 located at 235 Monclova. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 21, BLOCK 3, NCB 2208 TO WIT: FROM "HL C-3 AHOD" HISTORIC LANDMARK GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "HL IDZ AHOD" HISTORIC LANDMARK INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH SINGLE-FAMILY RESIDENTIAL USES.

2012-11-15-0912

Item Z-5. **ZONING CASE # Z2012203 (District 5):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lot 7, Block 3, NCB 14598 located at 1102 Barclay Street. Staff and Zoning Commission recommended 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 7, BLOCK 3, NCB 14598 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2012-11-15-0913

Item P-1. **PLAN AMENDMENT #12078 (District 5):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE GUADALUPE/WESTSIDE COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 17.306 ACRES LOCATED AT 2001 SOUTH

ZARZAMORA AND 300 GANTE WALK FROM HIGH DENSITY RESIDENTIAL TO MIXED USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012208)

2012-11-15-0914

Item Z-6. **ZONING CASE # Z2012208 (District 5):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District, "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District and "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "MF-33" Multi-Family District and "C-2" Commercial District on Lot 14, Block 12, NCB 12692; and 7.109 acres out of NCB A-62 located at the 2000 Block of South Zarzamora Street. 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: LOT 14, BLOCK 12, NCB 12692 AND 7.109 ACRES OUT OF NCB A-62 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT, "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT AND "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "MF-33" MULTI-FAMILY DISTRICT AND "C-2" COMMERCIAL DISTRICT.

2012-11-15-0915

Item Z-7. **ZONING CASE # Z2012216 (District 6):** An Ordinance amending the Zoning District Boundary from "PUD R-4 AHOD" Planned Unit Development Residential Single-Family Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on Parcel 7, NCB 34393 located on a portion of the 1400 Block of North Ellison 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: PARCEL 7, NCB 34393 TO WIT: FROM "PUD R-4 AHOD" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

2012-11-15-0916

Item Z-8. **ZONING CASE # Z2012210 HL (District 7):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "HL C-2 AHOD" Historic Landmark Commercial Airport Hazard Overlay District on Lot 1A, Block 36, NCB 1929 save and except the northwest triangular 16 feet and the southeast triangular 5 feet located at 1815 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: LOT 1A, BLOCK 36, NCB 1929 SAVE AND EXCEPT THE NORTHWEST TRIANGULAR 16 FEET AND THE SOUTHEAST TRIANGULAR 5 FEET TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "HL C-2 AHOD" HISTORIC LANDMARK COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2012-11-15-0917

Item P-2, **PLAN AMENDMENT #12079 (District 7):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NEAR NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF AN 0.8413 ACRE TRACT OF LAND LOCATED AT 1518 HILLCREST DRIVE FROM MIXED USE TO COMMUNITY COMMERCIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE #Z2012222)

2012-11-15-0918

Item Z-9. **ZONING CASE # Z2012222 (District 7):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on 0.828 acres out of Lots 21 and 22, Block G, NCB 8394 located at 1518 Hillcrest Drive. 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: 0.828 ACRES OUT OF LOTS 21 AND 22, BLOCK G, NCB 8394 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2012-11-15-0919

Item Z-10. **ZONING CASE # Z2012003 (District 8):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD MLOD-1" General Commercial Airport Hazard Overlay Camp Bullis Military Lighting Overlay District, "C-3 GC-1 MLOD-1" General Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District, "C-3 MLOD-1" General Commercial Camp Bullis Military Lighting Overlay District, "MF-50 CD MLOD-1" Multi-Family Camp Bullis Military Lighting Overlay District with a Conditional Use for Multi-Family Dwellings not to exceed 100 units per acre, and "MF-50 CD GC-1 MLOD-1" Multi-Family Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District with a Conditional Use for Multi-Family Dwellings not to exceed 100 units per acre to "MPCD" Master Planned Community District, all overlay district boundaries remain unchanged on 52.2 acres out of NCB 14858 and NCB 15825 located along the north and south sides of Presidio Parkway between Interstate Highway 10 and Vance Jackson. Staff and Zoning Commission recommend approval with a reduction in the open space requirement as shown on the MPCD site plan and in accordance with UDC Section 35-345(i)(2).

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: 52.2 ACRES OUT OF NCB 14858 AND NCB 15825 TO WIT: FROM "C-3 AHOD MLOD-1" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT, "C-3 GC-1 MLOD-1" GENERAL COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT, "C-3 MLOD-1" GENERAL COMMERCIAL CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT, "MF-50 CD MLOD-1" MULTI-FAMILY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT WITH A CONDITIONAL USE FOR MULTI-FAMILY DWELLINGS NOT TO EXCEED 100 UNITS PER ACRE, AND "MF-50 CD GC-1 MLOD-1" MULTI-FAMILY HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT WITH A CONDITIONAL USE FOR MULTI-FAMILY DWELLINGS NOT TO EXCEED 100 UNITS PER ACRE TO "MPCD AHOD MLOD-1" MASTER PLANNED COMMUNITY AIRPORT HAZARD OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT, "MPCD GC-1 MLOD-1" MASTER PLANNED COMMUNITY HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT, AND "MPCD MLOD-1" MASTER PLANNED COMMUNITY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT.

[CONSENT ZONING CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

DENIED

Item Z-1. **ZONING CASE # Z2012194 H (District 1):** An Ordinance amending the Zoning District Boundary from multiple zoning districts to add the "H" Five Points Historic District to all existing zoning districts; all other overlay districts remain unchanged on properties generally bound by Interstate Highway 35, Interstate Highway 10, West Poplar Street, Jackson, West Euclid Avenue and North Flores Street. Staff and Zoning Commission recommended approval.

Mr. John Jacks presented Item Z-1 and stated that staff and the Zoning Commission recommended approval. He reported that of 293 notices mailed; 90 were returned in opposition and 23 were returned in favor. He noted that due to more than 20% opposition, it would require nine votes for approval.

Mayor Pro Tem Bernal called upon the citizens registered to speak on Item Z-1.

Maria T. Gomez spoke in opposition to the Historic Designation of the Five Points Neighborhood and stated that the majority of the neighborhood was opposed. She expressed concern with the processes utilized by the city and noted that she did not believe the properties in the area were of historic significance.

Laura Sanguino stated that she was also in opposition to the Historic Designation of the Five Points Neighborhood. She noted that the area had a lot of history but the architectural history no longer existed. She indicated that individual property owners that were in favor of Historic Designation could

apply for same through the Office of Historic Preservation. She expressed concern that those that favored the designation did not live in the neighborhood.

Dominica Castillo stated that she lived in the Five Points Neighborhood and was opposed to the Historic Designation of the area. She noted that they would like to create a more appealing area for homeowners and renters and that the money spent on the Historic Designation Process could have been spent on items such as improved lighting and sidewalks. She added that the residents of the area were in opposition to the Historic Designation.

Richard Moore, President of the Tobin Hill Neighborhood Association addressed the Council in opposition to the Historic Designation of the Five Points Neighborhood. He stated that he was pleased that residents of the area had joined together to oppose the process utilized by the Office of Historic Preservation. He noted that there were no significant homes in the Five Points Neighborhood and asked the City Council to oppose the Historic Designation.

Mayor Pro Tem Bernal stated that he was not supportive of Historic Designation for the Five Points Neighborhood. He noted that the Historic Designation Process was being changed and was pleased that neighbors had joined together to address the issues in the neighborhood.

Councilmember Chan moved to deny the proposed Ordinance. Councilmember Williams seconded the motion.

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

2012-11-15-0911

Item Z-3. **ZONING CASE # Z2012168 (District 3):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-1 AHOD" Light Commercial Airport Hazard Overlay District on Lots 46, 47 and 48, Block 11, NCB 3806, save and except that portion of Lot 48 conveyed to the City of San Antonio in Volume 8526, Page 1836 of the Real Property Records of Bexar County, Texas located at 2547 Steves Avenue. Staff and Zoning Commission recommend approval. (Continued from October 4, 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 46, 47 AND 48, BLOCK 11, NCB 3806, SAVE AND EXCEPT THAT PORTION OF LOT 48 CONVEYED TO THE CITY OF SAN ANTONIO IN VOLUME 8526, PAGE 1836 OF THE REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

Mr. John Jacks presented Item Z-3 and stated that staff and the Zoning Commission recommended approval. He reported that of 45 notices mailed; two were returned in opposition and one was received in favor. He stated that the Highland Park Neighborhood Association was in favor.

Mayor Pro Tem Bernal called upon Richard Medellin to speak.

Mr. Richard Medellin spoke in opposition to the proposed zoning noting that he did not want a commercial business within his residential neighborhood. He expressed concern for the safety of his children and referenced the neighborhood plan that was in place. He indicated that the business owners did not live in the neighborhood and noted zoning and code violations on the property.

Councilmember Ozuna thanked Mr. Medellin for his presence and stated that the property was located in an older residential area where there had been a high definition of mixed-use zoning. She stated that there were limited options and that she looked to the Neighborhood Association to help determine the best choice in terms of safeguarding the neighborhood and maintaining the quality of life.

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

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

DENIED

Item Z-4. **ZONING CASE # Z2012162 CD (District 5):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-3 CD IDZ AHOD" Residential Single-Family Infill Development Zone Airport Hazard Overlay District with a Conditional Use for Three Dwelling Units on Lots 47 and 48, Block 7, NCB 2889 located at 2803 Vera Cruz Street. Staff and Zoning Commission recommend approval. (Continued from November 1, 2012)

Mr. John Jacks presented Item Z-4 and stated that staff and the Zoning Commission recommended approval. He reported that of 55 notices mailed; one was returned in opposition and none were returned in favor.

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

Sandra Gonzalez, Margarita Ojeda, and Eunice C. Calderon spoke in favor of the zoning change. Ms. Gonzalez stated that she was the property owner and was requesting a zoning change for a multi-family unit. She stated that she was raised in the community and spoke of her participation in St. Timothy's Church. She expressed concern that she was being accused of operating prostitution and drugs from the property and introduced several tenants. Ms. Ojeda stated that she was 50 years old and had lived at the residence for four years. Ms. Calderon stated that she was surprised to hear in being accused of drugs and prostitution and that she just wanted to live in peace. Rosendo Villarreal stated that he lives on property and was learning to take responsibility for his actions. He noted that he was no longer into drugs and was offended that people were implying that he was still involved in same. Ms. Gonzalez added that she had received signatures from residents in the area in support of the zoning request.

Mayor Castro entered the meeting at this time.

Rodrigo Rendon, Jesse Ramos and Elva Rendon representing St. Timothy Neighborhood COPS/Metro addressed the City Council. Mr. Rendon presented a petition in opposition to the zoning request and

stated that multi-family units belong in the outer areas of a neighborhood. He expressed concern that previous zoning cases have allowed multi-family units to migrate into the neighborhood. He spoke of concerns with parking due to the small lots and the lack of property maintenance.

Mr. Rosendo Villarreal added that he grew up in the neighborhood and was thankful that he was still alive. He spoke of the challenges in paying higher rent and could attest to the good character of the property owners.

Councilmember D. Medina thanked everyone that spoke and stated that the community had been facing challenges in terms of criminal activity. He noted that they had been working with the San Antonio Police Department and held numerous community meetings to address the concerns. He referenced the 150 signatures he received in opposition to the zoning request due to the negative impact to the neighborhood. He referenced a raid that had occurred on the property and noted that they had reviewed data from 2010 in which 18 incidents had been reported. He stated that due to the drugs, firearms and burglary that had been reported on the property, he could not support the request.

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

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

City Manager Sheryl Sculley reported that Deputy City Manager Pat DiGiovanni would be leaving the city and that this was his last City Council Meeting. Mayor Castro and the City Council thanked Mr. DiGiovanni for his service and many hours put into the City of San Antonio.

Councilmember Saldaña entered the meeting at this time.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 3:09 pm.

APPROVED


JULIAN CASTRO
MAYOR

Attest: 
LENCIA M. VACEK, TRMC/MMC
City Clerk