

**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, DECEMBER 5, 2012, AND THURSDAY, DECEMBER 6, 2012, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **December 5, 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. REVIEW AND DISCUSSION OF THE CITY'S SINGLE-FAMILY RESIDENTIAL 10-YEAR RECYCLING PLAN AND OPTIONS FOR POSSIBLE ADJUSTMENTS TO THE PLAN AND/OR ALTERNATIVE RECYCLING GOALS.

David McCary, Solid Waste Management Director stated that on June 2, 2010, the department had proposed a Recycling Plan for 2020 that included: 1) Increasing the single-family residential recycling rate from 18% to 40%; and 2) Expanding access to Commercial Recycling. He noted that the Recycling Plan was developed with input from Customer Focus Groups, Third Party Peer Review, and Best Practices & Comparative Research. He reported that after reviewing the Plan, the City Council recommended increasing the recycling goal to 60%. He reported that on June 24, 2010, the City Council approved the 10-Year Recycling and Resource Recovery Plan to increase the single-family recycling rate to 60% and expand access to commercial recycling. He stated that the department developed a financial and operations model comparing several different recycling rate goal options: Current Plan: 60% Recycling Rate Goal by 2020; Scenario 1: 40% Recycling Goal Rate by 2020; Scenario 2: 50% Recycling Rate Goal by 2020; and Scenario 3: 60% Recycling Rate Goal by 2025. He indicated that the scenarios show the impact of various recycling goals by estimating operational and waste reduction impact; program collection & capital cost; and estimated monthly rate impact to customers.

Mr. McCary outlined the current plan in which Organics Recycling is mandatory and includes a progressive variable rate pricing structure. He noted that the annual operating cost for the SWMD Fund under said plan is \$109.2 million. For Scenario 1, he explained that there would be a subscription-based Organics Recycling Program with a moderate variable rate pricing structure. He noted that the estimated annual operating cost for the SWMD Fund under Scenario 1 was \$97.8 million. Under Scenario 2, the Organics Recycling Program would be mandatory and includes a moderate variable rate pricing structure. He indicated that \$109.8 million was the estimated annual operating cost for the SWMD Fund. He stated that Scenario 3 would extend the initial 10-Year Plan by five years for program implementation. He noted that more incentives would be utilized over the next two years for yard waste recycling management. He mentioned that Organics Recycling would be subscription-based and that a moderate to progressive variable rate pricing structure would be implemented in 2017. He added that the estimated annual operating cost for the SWMD Fund for Scenario 3 was \$107.9 million.

Mr. McCary provided an overview of the benefits of Scenario 3, reaching a 60% Recycling Rate by 2025 that includes developing an annual community waste recycling profile. He stated that it would provide a total of seven years rather than two years to allow customers more time to understand and evaluate the various service options available to them. He noted that they would conduct an annual

review of solid waste service operations including recycling goals with the Infrastructure and Growth Council Committee. He added that depending on City Council Input, they would amend the 10-Year Plan and FY 2013 Budget at a City Council Meeting in January, 2013.

Mr. McCary spoke of the Recycling Processing Request for Proposals (RFP) noting that the current Recycling Processing Contract with Greenstar N.A. expires in July 2014. He explained that the department would pay a per-ton processing fee and would ask for a percentage of the recycling revenue. He stated that the initial contract term would be for 10 years with the potential for two 5-year renewals. He highlighted the RFP Scoring Criteria that would include: 1) Experience and Qualifications = 20 points; 2) Project Plan = 50 points; and 3) Pricing Structure = 30 points. He noted that the RFP would be released on December 7, 2012 with contracts being awarded on March 1, 2013. He added that service would not begin until August 1, 2014 to allow for facility construction and development.

Mayor Castro thanked staff for the presentation and stated that he was excited with the city's progress in recycling. He noted that Scenario 3 represents a good compromise to meet the 60% Recycling Rate Goal. He stated that he was pleased that it would introduce variable rate pricing which will incent individuals to recycle.

Councilmember Bernal thanked everyone for their work and commended Mayor Castro for his leadership on said item. He stated that he was pleased that Scenario 3 does not sacrifice the 60% goal and is very proud of the outcome.

Councilmember Saldaña stated that the policy was a proxy for the City Council's confidence of residents being more conscientious of recycling. He noted that residents would pay less to recycle and asked of the outreach component. Mr. McCary replied that the extra five years to reach the goal would provide opportunities for residents to understand the program and evaluate their options. He noted that education would also be provided to school-age children. He spoke of the work of route inspectors who were knocking on doors and providing information regarding contamination to residents. Councilmember Saldaña stated that community outreach was the most important component to reaching the city's recycling goal.

Councilmember Lopez stated that he was pleased to maintain a 60% Recycling Rate Goal and believed the additional time in Scenario 3 would help educate residents on their options.

Councilmember Soules stated that he appreciated the hard work dedicated to said item and believed that Scenario 3 was a good compromise. He thanked Mayor Castro and the Council Committees that addressed said item.

Councilmember Williams stated that he was pleased that citizens would have options and be able to make decisions based on their needs. He noted that goals were good to have but he was not tied to a specific percentage. He spoke of his concern with plastic bags and requested that staff award 10 points instead of five points for a company's ability to recycle plastic bags within the RFP.

Councilmember Ozuna stated that she appreciated the efforts of staff on said item and was pleased that Scenario 3 incorporated all of the suggestions of the City Council.

Councilmember C. Medina expressed his appreciation to staff and stated that he was pleased to maintain the 60% Recycling Rate Goal. He asked if Small Business Economic Development Advocacy (SBEDA) points would be awarded. Mr. McCary replied that there were no SBEDA Goals included in the RFP due to the lack of laborers since it is an automated system. Councilmember C. Medina stated that he would like to continue the dialogue regarding commercial recycling.

Councilmember D. Medina stated that he was pleased with the progress made within recycling and was in support of maintaining the 60% Recycling Rate Goal.

Mayor Castro thanked staff for the presentation.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 2:55 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).**
- D. DELIBERATIONS RELATING TO THE IMPLEMENTATION OF THE SBEDA ORDINANCE PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (ATTORNEY CONSULTATION). ITEM D WAS NOT ADDRESSED.**

Mayor Castro reconvened the meeting at 4:46 pm at which time it was noted that the City Council had been briefed on the above-styled matters with the exception of Item D which would be addressed the following day. He noted that no action was taken in Executive Session. He recessed the meeting at 4:46 pm and announced 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.

Dan Suttin addressed the City Council and requested that the city obtain traveling rings for San Antonio. He showed photos of the traveling rings and stated that there were only a handful of traveling ring sets in the world. He noted that they would provide good exercise for children and were considered an art. He added that he had discussed the idea with city staff and they had recommended placing the rings at Pearsall Park in District 4.

Hector Gomez, Shannon Perez and Richard Solis representing SEIU Local 5 addressed the City Council. Mr. Gomez stated that he had worked in the Solid Waste Department for 22 years as a driver with a

Commercial License. He expressed concern that many of his co-workers had left the city to work for private companies since they were not paid the market rate for professional drivers. He noted that there were challenges to reaching the city's recycling goals due to the lack of good drivers. Mr. Solis stated that he was a professional employee of the City of San Antonio and was hired in 2008. He spoke of the hardships he has endured due to the recession. He noted that the pay for professionals was based on Employee Performance Evaluations which is unfair. He indicated that he had received high evaluations since being employed yet has only been awarded one raise based on performance. He expressed concern with the integrity of the evaluation system and noted that there should be a step-based system for salary increases. Dalia Rivas stated that she works with the San Antonio Police Department and has been employed with the city for 14 years. She also expressed concern with the Employee Performance Evaluation System noting that it should be a reflection of her work and not based on the budget.

Nazirite Ruben Flores Perez expressed concern with Christmas Trees and referenced the Book of Jeremiah in The Bible. He spoke of an article in the San Antonio Express News regarding St. Nicholas who was a Catholic Saint. He noted his concerns with carbon dioxide in the environment.

James Rodarte expressed concern with train delays at Zarzamora and Frio City Road. He stated that they had gained support from various entities including the San Antonio Independent School District. He requested that the city work with County and State Officials to develop a solution.

Mark Perez noted concerns with city staff that had not responded to his requests. He stated that laws were not being followed and expressed concern with the NuStar Refinery Building. He spoke of various facilities that were operating without the proper permits.

Rhett Smith spoke of the Americans United for the Separation of Church and State and noted that they were important to the concept of democracy. He mentioned the violation of First Amendment Rights in the Medina Valley School District and noted that they were on probation for 10 years.

Jose A. Perez stated that he had been incarcerated two months ago due to a false alarm report and had spent a year-and-a-half in jail. He noted that he had pleaded not guilty and that his charges had been dismissed. He expressed concern that he had not been given the opportunity to plead his case before a Judge and that the charges were dismissed since the Police Officer could not be located. He added that he was homeless and needed assistance.

Randy Reina stated that he was representing USA Track and Field and that one of his main priorities was to bring back the Masters Competitions for Track and Field. He mentioned that he would like to participate on the Mayor's Fitness Council and was excited to get young people involved in the running community. He added that he would like to bring a Master National Championship to San Antonio.

Antonio Diaz stated that he was speaking on Indigenous Identity and requested that the word "Indigenous" be included in the Department of Interior's Initiative to recognize the Missions as a World Heritage Site. He noted that Indigenous People had built and maintained the Missions for over 100 years. He indicated that the city had a representative on the Advisory Committee and he would like to have input on same. He requested that the city approve a Resolution to designate October 12th as Indigenous People's Day.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:32 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **December 6, 2012**, at 9:00 am in the City Council Chambers.

ROLL CALL

City Clerk Leticia M. Vacek took the Roll Call and noted a quorum of the Council with the following present: Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** C. Medina. Mrs. Vacek announced that Councilmember Cris Medina was out due to a family medical emergency.

Item 1. The Invocation was delivered by Reverend Jimmy Robles, Pastor, Last Chance Ministries, guest of Councilmember David Medina, Jr., District 5.

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

Item 3. MINUTES

Councilmember Bernal moved to approve the Minutes for the October 17-18, 2012 City Council Meetings. Councilmember Saldaña 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.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

Item 4. THE SAN ANTONIO WATER SYSTEM WILL CONDUCT A BRIEFING FOR FURTHER DISCUSSION ON ITS FY 2013 PROPOSED RATES.

Robert Puente, SAWS President and CEO stated that SAWS' Vision was to be a leader in delivering responsible water services for life. He spoke of SAWS' long-term water plan and noted that SAWS Bills were among the lowest in Texas. He highlighted the four core services of SAWS: 1) Water Supply; 2) Water Delivery; 3) Wastewater; and 4) Heating and Cooling. He stated that rate drivers for core services included the Capital Improvements Program (CIP), as well as Operations and Maintenance (O&M). He reported that the average residential bill increase totaled 11.3% for 2013.

Steve Clouse, SAWS Senior VP and Chief Operating Officer provided a map of the 2009-2012 Sewer Spills and spoke of the importance of complying with the Clean Water Act. He outlined the comprehensive approach to reduce sewer spills that include cleaning, videotaping, and inspecting sewer lines. He noted that they would work to prevent grease from reaching lines and repair problems causing sewer spills. He mentioned that they would further clean the right pipe at the right time, noting that

cleaning requires a challenging physical removal process. He explained that they would clean siphons which are points where pipelines go under a river or some other low point. He reported that they would also clean lift stations which lift sewage to a higher elevation to return to gravity flow conditions. He indicated that they would conduct an assessment of the system conditions through proofing, pole cams, and video taping pipes with closed circuit television. He stated that a physical inspection of 97,000 manholes and 160 force mains would be conducted.

Mr. Clouse spoke of the Capacity Modeling Program in which sewer pipeline would be evaluated to handle increases in flow during specified rainfall events. He explained the Capacity Constraint Program that would investigate each Sanitary Sewer Overflow (SSO) associated with rainfall events to determine if cause is capacity, maintenance, or condition-driven. He stated that they would utilize a Program Manager for technical support on sewer spill reduction strategies and to provide staffing support to meet program requirements. He mentioned that 20 additional SAWS positions would be needed at a cost of \$1,274,000. He spoke of their work to determine if pipe replacement was required and indicated that highest ranking would be handled as immediate repairs and other would be handled as planned replacements. He added that all Edwards Aquifer Recharge Zone Pipes must be televised every five years and defects must be repaired within one year.

Kelly Neumann, SAWS Senior VP stated that SAWS managed 6,100 miles of water main and 5,200 miles of sewer main. She provided an overview of the CIP Planning Process in which SAWS reviews all projects on their five-year plan during the first quarter of each year. She stated that projects were ranked using a risk assessment model and that those that rank low and/or exceed the budget are moved to a later year. She provided the historical CIP Budget from 2000-2013 noting that the \$350 million for 2013 was the largest CIP Budget in SAWS' History. She spoke of the SAWS Sewer System that included five sewersheds and three treatment plants. She presented an overview of the Wastewater Capital Projects totaling \$159.9 million.

Ms. Neumann highlighted the Western Watershed Sewer Relief Line Project 2 that would add capacity to accommodate increased flows due to growth in the Western Sewershed and would cost \$14,745,900 in 2013. She reported that the total project would replace eight miles of sewer main phased over six consecutive CIP construction years at an estimated cost of \$85 million. She provided an overview of the following projects: C-13 Broadway Corridor Project from Josephine to South Alamo; C-33 Broadway Corridor Project from Carnahan to Mulberry; and Lift Station 11 and 111 Elimination Projects. She outlined the \$67 million that was allocated for Main Replacement and Repair and the \$118.9 million allocated for Water Supply Capital Projects. She highlighted the 2013 Desal Capital Costs totaling \$98,034,496 and the Water Delivery Capital Projects totaling \$65.2 million. She mentioned that Governmental Capital Projects totaled \$18.7 million for sewer and \$16.5 million for water. She added that the time from project identification to finishing construction may be 10 years due to prioritization and funding constraints.

Doug Evanson provided an overview of the Water Supply Sources and Uses from 2001-2012 which totaled \$1.1 billion. He reported that Water Supply O&M totaled \$431 million from 2001-2012 and highlighted costs by project. He spoke of the support services totaling \$159.6 million and capital spending of \$726 million during the same period. He mentioned that \$175.8 million in Water Supply Funds were available as of October 2012. He presented a 2013 Proposed Budget of \$494.2 million of which \$245.6 million was allocated for O&M. He indicated that \$13.6 million of the O&M increase was attributed to addressing SSOs. He reported that refinancings in the last 20 months had saved \$96

million. He stated that SAWS was proposing to increase the average monthly residential bill by 11.3% and that funding for the SAWS Affordability Program would be increased by 20% to assist with the increase. Lastly, he provided a Five-Year SAWS Residential Bill Projection in which fees would increase each year ranging from 6.4% to 14.2%.

Mayor Castro called upon the citizens registered to speak.

Nazirite Ruben Flores Perez stated that he understood the need for the rate increase but asked that it be worked on in the future. He expressed concern with the many increases he was experiencing.

Jack M. Finger spoke in opposition to the rate increase and referenced several articles in the Express-News related to SAWS. He stated that one of the articles indicated that SAWS should better manage its water.

Mayor Castro thanked SAWS for the presentation and stated that although nobody wants to see rate increases; they are sometimes necessary. He asked of the action SAWS was taking above and beyond previous measures to address SSOs. Mr. Puente replied that they had been working to address the issues but were at a plateau. He indicated that a large number of SSOs were attributed to more reporting. Mr. Clouse added that they had been incrementally expanding their programs to address SSOs and had been looking at other city's best practices. Mayor Castro referenced an SSO that occurred on the Northeast Side and asked why ratepayers should care about same. Mr. Clouse replied that people should care because of the affect of SSOs to the environment and noted that it was a public health issue. Mayor Castro stated that only 1.7% of the rate increase was attributed to the water supply. Mr. Evanson indicated that there were some funds allocated toward the water supply that had not been spent and had tried to drive that amount down to be sensitive to the overall increase. Mayor Castro noted that no action would be taken today and that there would be additional opportunities for the City Council to ask questions before taking action in January.

Councilmember Soules asked of the adoption of the 2013 SAWS Budget which occurred earlier in the week. Mr. Puente replied that they had approved a budget without a rate increase and that the budget would have to be amended if the rate increase was approved by the City Council. Councilmember Soules requested a breakdown of the budget. Mr. Evanson stated that he would provide same to the City Council. Councilmember Soules referenced Slide 23 from a Power Point that was previously presented to the SAWS Board and expressed concern that adopted budget amounts were presented instead of actuals for 2011 and 2012. Mr. Evanson replied that they could provide the actuals in the future and that overcollected impact fees could be used to cash fund their CIP the following year. Councilmember Soules asked of the underestimated capital recovery fees. Mr. Evanson indicated that they had been conservative on certain assumptions but would not make a big difference in the 2013 Budget. Councilmember Soules stated that it was important to show accurate figures and a proper assessment of financial performance when looking at rate increases. Mr. Evanson replied that the debt service was budgeted as if all debt would be issued on January 1st and spoke of the need to maintain a two times debt ratio.

Councilmember Soules asked of the Contractual Professional Services and the negative \$14 million for 2011. Mr. Evanson explained that it was due to the settlement payment that was received from the Lower Colorado River Authority (LCRA) and was a one-time event. Councilmember Soules expressed concern that the 2013 Estimate presented a few weeks ago was \$13 million and it had increased to \$23

million. Mr. Evanson replied that some of the funds needed to reduce SSOs were not included in the previous estimate. Councilmember Soules asked how the investment of line cleaning was identified. Mr. Evanson replied that it was not shown separately as a line item in the budget. Councilmember Soules asked how the investment in line cleaning would be benchmarked. Mr. Clouse responded that they had doubled the activity level and dedicated more crews to line cleaning activities. Councilmember Soules asked of the amount spent over the last few years on line cleaning. Mr. Evanson stated that he would provide that information to the City Council. Councilmember Soules expressed concern that the need to increase the rate of cleaning pipes was not previously conveyed to the City Council.

Councilmember Lopez referenced the Historical CIP Program/Budget and asked why SAWS was not investing in the system five years ago. Ms. Neumann stated that a rate increase was not welcomed and that SAWS pushed this as far as possible but must now be implemented. Councilmember Lopez asked of enforcement by the Environmental Protection Agency (EPA). Mr. Clouse replied that they have been in discussions with the regulatory agencies and it was still not clear when a settlement agreement would be reached.

Councilmember Bernal expressed frustration with the rate increase and asked if it was discretionary. Mr. Puente confirmed that it was not. Councilmember Bernal noted that this was something that must be done to comply with the law and that the obligations to abide by that law run well before 2007. He expressed concern that the last time that SAWS came to the City Council for a rate increase; at no point did anyone say that there would be double digit rate increases in each of the next few years. He expressed concern with the projected rate increases presented last year that were much lower than those presented today. He stated that there was an accountability gap and requested commitment from SAWS to assist the vulnerable population.

Mayor Castro announced that Item 22 would be addressed at this time.

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 22:

2012-12-06-0939

Item 22. AN ORDINANCE AUTHORIZING AN ALAMODOME LICENSE AGREEMENT, WITH TWO TWO-YEAR EXTENSION OPTIONS, WITH RYAN/SANDERS BASEBALL TO HOST TWO MAJOR LEAGUE BASEBALL EXHIBITION GAMES IN THE ALAMODOME BETWEEN THE TEXAS RANGERS AND THE SAN DIEGO PADRES ON MARCH 29-30, 2013.

Mike Sawaya presented a Power Point outlining the Ryan-Sanders Baseball (RSB) License Agreement. He stated that staff had been in negotiations with RSB to host professional baseball exhibition games at the Alamodome. He noted that Nolan Ryan was the Owner, President, and CEO of the Texas Rangers, as well as a principle in the RSB Partnership. He reported that RSB was the ownership group for the Corpus Christi Class AA Hooks and AAA Round Rock Express Minor League Baseball Teams. He stated that RSB would host a Major League Baseball Exhibition Game Weekend on March 29-30, 2013 at the Alamodome featuring the Texas Rangers versus the San Diego Padres. He indicated that the Padres were the Major League Baseball Affiliate for the San Antonio Missions.

Mr. Sawaya outlined key provisions of the license agreement in which RSB would retain all event revenue. He stated that the city would retain 100 parking spaces at no charge and receive two complimentary suites. He noted that RSB would invest an estimated \$1 million to provide custom artificial turf suitable for baseball. He mentioned that the term was for one year with two 2-year extension options. He reported that RSB would pay the city up to \$65,000 per game as a Building License Payment to cover Alamodome event expenses. He added that a bonus per game would be paid based on attendance. He introduced JJ Gottsch to speak on behalf of the Ryan Family.

Mr. Gottsch thanked the City Council for their support and recognized city staff for their work. He further thanked Dave Elmore, Owner of the San Antonio Missions Baseball Team for allowing them to host this unique event. He stated that he was very excited about the event and presented Mayor Castro with an Official Texas Rangers Jersey with his name on it.

Councilmember Saldaña stated that he was very excited about the event and was pleased with the amazing opportunity for young children and athletes to see a Major League Baseball Game. Mayor Castro added his thanks to RSB and noted that he believed there would be a great amount of support for the games from the San Antonio Community.

Mayor Castro called upon Jack M. Finger to speak.

Mr. Jack M. Finger spoke against Item 22 and asked how much money the city would lose due to hosting the event. He stated that he felt deceived as he had been informed that the Alamodome was not configured to host baseball games. He spoke in support of the Sexually Oriented Businesses (SOB) Ordinance (Item 16) but expressed concern with the full frontal nudity displayed at the San Pedro Playhouse.

Councilmember Saldaña moved to adopt the proposed Ordinance. Councilmember Lopez 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.

RECESSED

Mayor Castro recessed the meeting at 11:50 am to break for lunch and announced that the meeting would resume at 1:00 pm.

RECONVENED

Mayor Castro reconvened the meeting at 1:00 pm and continued with Item 4. He called upon Councilmember Williams to speak.

Councilmember Williams stated that he appreciated the process and that it was important for citizens to understand the need for the rate increase. He added that the right thing must be done and that SAWS' credibility must be regained.

Councilmember Chan spoke of the importance of reducing SSOs through implementing effective programs. She requested detailed information on the SSO Reduction Projects. Mr. Clouse introduced Jeff Haby who would be heading up SAWS' SSO Reduction Program. He reported that their first efforts to address SSOs began in 2008 and that the programs had evolved on a yearly basis. He explained that they would adjust line cleaning schedules as necessary and continue to engage with their consultants. He indicated that the amount of crews had been increased annually since 2008. Councilmember Chan asked of the number and volume of SSOs. Mr. Clouse presented a chart outlining the annual SSOs per 100 miles from 2007-2012. Councilmember Chan asked of the locations of the SSOs. Mr. Clouse replied that there were some hot spots but there were SSOs throughout the city. Councilmember Chan asked why action had not been taken earlier. Mr. Clouse replied that SAWS had taken action in a cost-effective manner and had brought on consultants to assist. He indicated that the next step would be to engage consultants more aggressively and implement programs to the maximum extent possible. Councilmember Chan requested a detailed break down of the funds spent by SAWS to address the SSO Issue. She stated that revenues should not come solely from the rate increase but also through cutting expenses. She asked SAWS to communicate and bring forth to the City Council key issues in the future.

Councilmember Saldaña asked of the investment history for the water supply and wastewater. Mr. Puente replied that it went back to the time that the sewer system was part of the City of San Antonio and noted that it did not receive much funding back then. He stated that SAWS was eventually created and subsequently; State Legislation was passed mandating that SAWS reduce the amount of water pumped from the Edwards Aquifer. He noted that when he arrived in 2008, he became aware of the issues with SSOs and had discussed with previous City Councilmembers. Councilmember Saldaña asked what would occur if no action was taken to address SSOs. Mr. Puente replied that it was a health and safety issue and was required to be addressed by the Federal Government. Councilmember Saldaña asked why the issue had not been conveyed to the City Council. Mr. Puente responded that they had explained the EPA and SSO issues with the current and previous City Council. He stated that they had been negotiating with the EPA and had implemented programs to address the issues. Councilmember Saldaña requested quarterly updates on the funds spent and programs implemented to address SSOs.

Councilmember D. Medina expressed concern with the impact of the rate increase to low-income families and stated that he looked forward to future discussions.

Councilmember Soules asked of the staffing. Mr. Haby replied that there were 20 individuals within the Planning Team. Mr. Clouse added that they would need 21 more employees but was not sure at this time if they would be contract or full-time SAWS Employees. Councilmember Soules asked of the EPA communications with SAWS. Mr. Clouse replied that the EPA had sent consultants to audit SAWS' Programs.

Councilmember Chan asked if there were any SAWS Employees that had been through the SSO Issue. Mr. Puente confirmed that they did not have any employees with this expertise. Councilmember Chan added that the expertise is lacking and that SAWS should bring experienced consultants on board. She further stated that SAWS is asking to increase the number of engineering staff and asked how SAWS would cut expenses. She asked of the LCRA-Net of Cash Recovery Project. Mr. Evanson replied that the \$25.2 million was due to the cumulative expenses, less the recording of the expense. Councilmember Chan requested additional details on all of the Inactive Water Supply Projects listed on Slide 65.

Mayor Castro thanked SAWS Staff for the presentation and announced that there was no action required for Item 4.

CONSENT AGENDA ITEMS 5-26B

Mayor Castro announced that Item 17D was pulled from the agenda by staff. Councilmember Lopez moved to approve the remaining Consent Agenda Items. Councilmember Chan seconded the motion.

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

Robert Birnbaum spoke in opposition to Item 16 and stated that he was an attorney speaking on behalf of the Adult Video Megaplex. He referenced a previous ordinance passed by the city in December 2004 noting that Adult Video Megaplex had sued the city and a settlement agreement was reached. He provided the City Council a copy of the Settlement Agreement and stated that their two stores should be grandfathered.

Denise Pohl, Sr. Rosann Ruiz and Sr. Theresa Sironi representing St. John Bosco Church spoke in favor of the ordinance regarding SOBs (Item 16). Ms. Pohl applauded the efforts of the City Council to regulate these types of businesses and stated that they were in support of limiting the contact between harmful influences and their children. She spoke of the negative impact of SOBs to the community and noted the criminal incidents that have already occurred. Sr. Rosann Ruiz added that the city was blessed with intelligence and asked the City Council to support, promote and defend justice and virtue.

James O. Deegear, H. Kouroumousis and Michael Boutsis representing the San Antonio Club Coalition addressed the City Council in opposition to Item 16. Mr. Deegear spoke on behalf of the group and expressed concerned with the process since there had been no industry involvement or public hearings. He noted that attempting to regulate all SOBs would result in litigation and have unintended consequences. He asked that the City Council table said item.

Frederick Magee spoke against the Pre-K 4 SA Sites (Item 10) which he stated were selected prior to the election. He expressed concern with the Medical Center Location that was mostly commercial and noted that there were many areas that have a greater need. He also mentioned that accepting contributions from Southwest Airlines could be a violation of the City's Ethics Code.

Faris Hodge, Jr. submitted written testimony in opposition to Items 4, 5, 16, and 22. He wrote that water bills should not be increased (Item 4) and that annual costs should not be estimated (Item 5). He expressed concern with the operation of topless clubs (Item 16) and requested that the Alamodome be named after him (Item 22). He wrote in favor of Items 6-15, 18-21, and 23-26B. He noted that all city vans and buses should be ADA Compliant (Items 11 and 12) and that the Bikeshare Program was operating well in the Downtown Area (Item 13). He requested that backup documents be provided for the City Manager's Report.

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

2012-12-06-0920

Item 5. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACT ESTABLISHING UNIT PRICES FOR GOODS AND SERVICES FOR AN ESTIMATED ANNUAL COST OF \$337,000.00: (A) ADJACENT TECHNOLOGIES, INC. FOR DEVELOPMENT SERVICES LARGE SCALE IMAGE SCANNING SERVICES.

2012-12-06-0921

Item 6. AN ORDINANCE ACCEPTING THE BID FROM PETROLEUM SOLUTIONS, INC. TO PROVIDE THE FIRE DEPARTMENT WITH A FLUID DISTRIBUTION SYSTEM FOR A TOTAL COST OF \$80,003.30, FUNDED THROUGH THE FIRE DEPARTMENT'S FY2013 ADOPTED GENERAL FUND OPERATING BUDGET AND A CARRY FORWARD FROM THE PRIOR YEAR.

2012-12-06-0922

Item 7. AN ORDINANCE ACCEPTING THE BID FROM MOORE SUPPLY, CO. TO PROVIDE THE AVIATION DEPARTMENT WITH FOUR DOUBLE-WALLED GREASE INTERCEPTORS FOR THE SAN ANTONIO INTERNATIONAL AIRPORT FOR A TOTAL COST OF \$62,756.00; FUNDED WITH THE FY 2013 AIRPORT OPERATING AND MAINTENANCE FUND.

Item 8. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE FY 2013 STREET MAINTENANCE PROGRAM, A COMPONENT OF PUBLIC WORKS' INFRASTRUCTURE MANAGEMENT PROGRAM:

2012-12-06-0923

- A. AN ORDINANCE AUTHORIZING ASPHALT OVERLAY WITH RUBBER – PACKAGE II CONTRACT CHANGE ORDER NO. 3 TO A CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, INC., IN THE INCREASED AMOUNT OF \$970,967.90 FOR THE ADDITION OF FIVE PROJECTS TO THE ORIGINAL SCOPE OF THE CONTRACT.

2012-12-06-0924

- B. AN ORDINANCE AUTHORIZING HOT PAVER-LAID MICRO-SURFACE WITH RUBBER – PACKAGE IV CONTRACT CHANGE ORDER NO. 4 TO A CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, INC. IN THE INCREASED AMOUNT OF \$750,192.24 FOR THE ADDITION OF THREE PROJECTS TO THE ORIGINAL SCOPE OF THE CONTRACT.

2012-12-06-0925

Item 9. AN ORDINANCE AUTHORIZING RENEWAL OF AN EXISTING LEASE FOR SUSHI ZUSHI RESTAURANT IN THE INTERNATIONAL CENTER, WITH THE RENT TO BEGIN AT \$4,500 MONTHLY AND TO ESCALATE THEREAFTER ACCORDING TO A PRESCRIBED SCHEDULE, AND TO CONSENT TO ASSIGNMENT OF THE LEASE FROM THE FORMER OWNER OF THE RESTAURANT TO THE CURRENT ONE.

Item 10. CONSIDERATION OF THE FOLLOWING REAL ESTATE MATTERS IN CONNECTION WITH PRE-K 4 SA:

2012-12-06-0926

- 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.

2012-12-06-0927

- 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.

2012-12-06-0928

Item 11. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A SENIOR NUTRITION PROGRAM GRANT IN THE AMOUNT OF \$1,790,970.00 FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) AND A TOTAL PROGRAM BUDGET OF \$5,670,586.00 WHICH INCLUDES THE GRANT FUNDS FROM AACOG, \$3,455,276 IN MATCHING FUNDS FROM THE FY 2013 GENERAL FUND AND \$100,000.00 IN CLIENT DONATIONS FOR SENIOR NUTRITION SERVICES FROM OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013; APPROPRIATING \$262,000.00 CARRIED FORWARD FROM THE FY 2012 GENERAL FUND BUDGET AND \$62,340.00 REDIRECTED FROM THE SUPPORTIVE SERVICES FOR THE ELDERLY (SSEP) MEDICAL TRANSPORTATION PROGRAM; AND AUTHORIZING A PERSONNEL COMPLEMENT OF 51 POSITIONS IN THE DEPARTMENT OF HUMAN SERVICES.

2012-12-06-0929

Item 12. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A SENIOR TRANSPORTATION PROGRAM GRANT IN THE AMOUNT OF \$251,126.00 FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) AND AUTHORIZING A TOTAL SENIOR TRANSPORTATION PROGRAM BUDGET OF \$333,771.00 WHICH INCLUDES GRANT FUNDS FROM AACOG, \$80,895.00 IN MATCHING FUNDS FROM THE FY 2013 GENERAL FUND BUDGET AND \$1,750.00 IN CLIENT DONATIONS FOR SENIOR TRANSPORTATION SERVICES FROM OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013; AND AUTHORIZING A PERSONNEL COMPLEMENT OF 8 POSITIONS IN THE DEPARTMENT OF HUMAN SERVICES.

2012-12-06-0930

Item 13. AN ORDINANCE AUTHORIZING AN AMENDMENT TO A CONTRACT WITH SAN ANTONIO BIKE SHARE, IN AN INCREASED AMOUNT OF \$1,050,000.00, FOR A TOTAL

CONTRACT VALUE OF \$2,661,746.00, TO PROCURE ADDITIONAL BIKE SHARE BICYCLES, STATIONS, AND RELATED COSTS IN THE URBAN CORE FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ENERGY EFFICIENCY CONSERVATION BLOCK GRANT.

2012-12-06-0931

Item 14. AN ORDINANCE ACCEPTING A SUPPLEMENTAL INCREASE FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY IN THE AMOUNT OF \$90,000.00 FOR THE 2011 SOUTH TEXAS HIGH INTENSITY DRUG TRAFFICKING AREA SAN ANTONIO INITIATIVE GRANT.

2012-12-06-0932

Item 15. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS TO REVISE THE HISTORIC DISTRICT DESIGNATION PROCESS AND PROVIDING AN EFFECTIVE DATE.

Item 16. CONSIDERATION OF THE FOLLOWING ORDINANCES AMENDING PROVISIONS OF THE CITY CODE OF SAN ANTONIO, TEXAS RELATING TO SEXUALLY ORIENTED BUSINESSES:

2012-12-06-0933

- A. AN ORDINANCE AMENDING CHAPTER 21, ARTICLE IX OF THE CITY CODE TO REFLECT CHANGES TO PROVISIONS OF THE HUMAN DISPLAY ESTABLISHMENT ORDINANCE INCLUDING REVISING DEFINITIONS AND RENAMING IT AS THE SEXUALLY ORIENTED BUSINESS ORDINANCE; DELETING CHAPTER 16, ARTICLE V; MERGING CHAPTER 21, ARTICLE I, SECTION 21-22 (ADULT ARCADES) WITH CHAPTER 21, ARTICLE IX; REVISING THE PENALTY FOR VIOLATIONS OF SEXUALLY ORIENTED BUSINESS ORDINANCE; AMENDING LICENSING SCHEME FOR SEXUALLY ORIENTED BUSINESSES; AND PROVIDING FOR PUBLICATION.

2012-12-06-0934

- B. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY OF SAN ANTONIO, TEXAS BY AMENDING PROVISIONS REGARDING SEXUALLY ORIENTED BUSINESSES; AMENDING DEFINITIONS; AND PROVIDING FOR PUBLICATION.

Item 17. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2013, TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT; OR FOR TERMS AND EFFECTIVENESS AS OTHERWISE INDICATED BELOW:

- A. APPOINTING JULISSA CARIELO (DISTRICT 9) TO THE SMALL BUSINESS ADVOCACY COMMITTEE.
- B. APPOINTING AMANDA REYES (DISTRICT 3), CHLOE A. CORDERO AND AISHA JANAI COUNTS (DISTRICT 10) TO THE SAN ANTONIO YOUTH COMMISSION.
- C. APPOINTING J. ROLANDO BONO (DISTRICT 1), REAPPOINTING CHRIS D. ALDERETE (DISTRICT 7), VICTOR A. LANDA (DISTRICT 6), AND VICTORIA M. GARCIA (DISTRICT 4) TO THE PORT AUTHORITY OF SAN ANTONIO.

PULLED FROM THE AGENDA

- D. APPOINTING ONE CANDIDATE (AT LARGE) TO THE JOINT CITY/COUNTY CITIZENS BOND OVERSIGHT COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2014.

2012-12-06-0935

Item 18. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH FAITH GROUP, LLC. IN THE AMOUNT NOT TO EXCEED \$164,175.00 FOR IT DESIGN SERVICES FOR THREE IT AND SECURITY PROJECTS AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FUNDED BY AIRPORT CAPITAL IMPROVEMENT FUNDS.

2012-12-06-0936

Item 19. AN ORDINANCE AUTHORIZING AN AMENDMENT TO EXTEND THE PROFESSIONAL SERVICE AGREEMENT WITH RICONDO & ASSOCIATES, INC. THROUGH SEPTEMBER 30, 2015 AND TO INCREASE THE CONTRACT AMOUNT BY \$500,000.00 FOR A TOTAL AMOUNT UP TO \$1,400,000.00 FOR AIRPORT FINANCIAL CONSULTING SERVICES FOR THE SAN ANTONIO AIRPORT SYSTEM.

2012-12-06-0937

Item 20. AN ORDINANCE AWARDDING A FOUR-YEAR CONTRACT TO XIP CONSULTING, INC. IN THE AMOUNT NOT TO EXCEED \$550,000.00, FUNDED FROM AIRPORT OPERATING AND MAINTENANCE AND CAPITAL IMPROVEMENT FUNDS, FOR IT MASTER PLANNING FOR THE SAN ANTONIO AIRPORT SYSTEM.

2012-12-06-0938

Item 21. AN ORDINANCE RESCHEDULING CERTAIN CITY COUNCIL MEETINGS IN DECEMBER 2012 TO JANUARY 2013.

2012-12-06-0940

Item 23. AN ORDINANCE APPROVING A LOCAL CONTRIBUTION IN THE AMOUNT OF \$255,049.00 TO THE EVENTS TRUST FUND TO QUALIFY FOR REIMBURSEMENT OF ELIGIBLE EXPENSE IN AN AMOUNT UP TO \$1,849,071.00 RELATED TO VARIOUS EVENTS

HELD AT THE ALAMODOME AND HENRY B. GONZALEZ CONVENTION CENTER DURING THE MONTHS OF OCTOBER, NOVEMBER, AND DECEMBER 2012.

2012-12-06-0941

Item 24. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH AEHS, INC., CLEAN ENVIRONMENTS, INC. AND PROFESSIONAL SERVICE INDUSTRIES, INC. IN AN AMOUNT UP TO \$130,000.00 EACH, FOR HEALTHY HOMES CONSULTANT SERVICES TO INCLUDE OVERSIGHT FOR LEAD, MOLD AND ASBESTOS PROJECTS.

2012-12-06-0942

Item 25. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE SOUTHWEST TEXAS REGIONAL ADVISORY COUNCIL (STRAC) TO PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$40,000.00 IN SUPPORT OF A MULTIAGENCY (METRO HEALTH, STRAC, AND TEXAS DEPARTMENT OF STATE HEALTH SERVICES) FUNDED LICENSE FOR VISUAL DX SOFTWARE FROM LOGICAL IMAGES INC. FOR BEXAR COUNTY.

Item 26. CONSIDERATION OF AMENDMENTS TO TWO PROFESSIONAL SERVICES AGREEMENTS RELATING TO THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM AT THE SAN ANTONIO INTERNATIONAL AIRPORT:

2012-12-06-0943

- A. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH THC, INC. IN THE INCREASED AMOUNT OF \$9,700,000.00 AND EXTENDING THE CONTRACT FOR TWO YEARS.

2012-12-06-0944

- B. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH FOSTER CM GROUP IN THE INCREASED AMOUNT OF \$300,000.00.

[CONSENT ITEMS CONCLUDED]

Item 27. CITY MANAGER'S REPORT

- A. MUNICIPAL RETROFITS**
- B. BETTER BLOCK UPDATE**

Due to time constraints, the City Manager did not provide a report.

CONSENT ZONING ITEMS

Councilmember Saldaña moved to approve the following Zoning Items: Z-1, P-1, Z-2, Z-6, P-5, Z-8, Z-9, P-6, Z-10, Z-12, P-7 and Z-14 under Consent Zoning. Councilmember Lopez seconded the motion.

Mayor Castro called upon Jack M. Finger to speak.

Mr. Jack M. Finger expressed opposition to the alcohol variance requested near Alamo Academy (Item 29) and the used car lot (Items P-2 and Z-3).

Faris Hodge, Jr. submitted written testimony in support of Items 28, 29, P-1, Z-5, P-6, Z-12, Z-13, and Z-14. He wrote in opposition to Items Z-6, Z-10 and Z-11.

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

2012-12-06-0945

Item Z-1. **ZONING CASE # Z2012218 HL (District 1):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "HL C-2 AHOD" Historic Landmark Commercial Airport Hazard Overlay District and "HL C-3 AHOD" Historic Landmark General Commercial Airport Hazard Overlay District on Lots 20, 21, 22, 23, 24, 25, 26 and the southeast 9 feet of Lot 19, Block 52, NCB 2746 located at the northeast corner of Fredericksburg Road and West Lynwood. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 20, 21, 22, 23, 24, 25, 26 AND THE SOUTHEAST 9 FEET OF LOT 19, BLOCK 52, NCB 2746 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "HL C-2 AHOD" HISTORIC LANDMARK COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "HL C-3 AHOD" HISTORIC LANDMARK GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2012-12-06-0946

Item P-1. **PLAN AMENDMENT #12075 (District 1):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE MIDTOWN NEIGHBORHOODS PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 0.2006 ACRE TRACT OF LAND LOCATED AT 120 PRINCETON STREET FROM MIXED USE, TRANSIT ORIENTED DEVELOPMENT AND LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE NUMBER: #Z2012207)

2012-12-06-0947

Item Z-2. **ZONING CASE # Z2012207 (District 1):** An Ordinance amending the Zoning District Boundary from "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District to "RM-5 AHOD" Residential Mixed Airport Hazard Overlay District on Lot 17, Block 4, NCB

2047 located at 120 Princeton. 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 17, BLOCK 4, NCB 2047 TO WIT: FROM "C-3NA AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT TO "RM-5 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

2012-12-06-0954

Item Z-6. **ZONING CASE # Z2012159 (District 2):** An Ordinance amending the Zoning District Boundary from "AE-4 EP-1" Arts and Entertainment-4 Facility Parking/Traffic Control Overlay District to "L EP-1" Light Industrial Facility Parking/Traffic Control Overlay District on Tract 7A, NCB 10234 located at 3363 East 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: TRACT 7A, NCB 10234 TO WIT: FROM "AE-4 EP-1" ARTS AND ENTERTAINMENT-4 FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT TO "L EP-1" LIGHT INDUSTRIAL FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT.

2012-12-06-0955

Item P-5. **PLAN AMENDMENT #12081 (District 3):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE STINSON AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE FUTURE LAND USE OF APPROXIMATELY 8.84 ACRES OF LAND OUT OF LOT 5B, NCB 10931 LOCATED AT THE SOUTHWEST CORNER OF SOUTH PRESA STREET AND SOUTHEAST MILITARY DRIVE FROM COMMUNITY COMMERCIAL TO LIGHT INDUSTRIAL LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2013002)

2012-12-06-0956

Item Z-8. **ZONING CASE # Z2013002 (District 3):** An Ordinance amending the Zoning District Boundary from "C-2 H RIO-6 AHOD" Commercial Mission Historic River Improvement Overlay-6 Airport Hazard Overlay District and "C-2 H MC-2 RIO-6 AHOD" Commercial Mission Historic South Presa Metropolitan Corridor Overlay River Improvement Overlay Airport Hazard Overlay District to "L H RIO-6 AHOD" Light Industrial Mission Historic River Improvement Overlay-6 Airport Hazard Overlay District and "L H MC-2 RIO-6 AHOD" Light Industrial Mission Historic South Presa Metropolitan Corridor Overlay River Improvement Overlay-6 Airport Hazard Overlay District on 8.84 acres out of Tract 5B, NCB 10931 located on a portion of the 7600 Block of South Presa 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: 8.84 ACRES OUT OF TRACT 5B, NCB 10931 TO WIT: FROM "C-2 H RIO-6 AHOD" COMMERCIAL MISSION HISTORIC RIVER IMPROVEMENT OVERLAY-6 AIRPORT HAZARD OVERLAY DISTRICT AND "C-2 H MC-2 RIO-6 AHOD" COMMERCIAL MISSION HISTORIC SOUTH PRESA METROPOLITAN CORRIDOR OVERLAY RIVER IMPROVEMENT OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "L H RIO-6 AHOD" LIGHT INDUSTRIAL MISSION HISTORIC RIVER IMPROVEMENT OVERLAY-6 AIRPORT HAZARD OVERLAY DISTRICT AND "L H MC-2 RIO-6 AHOD" LIGHT INDUSTRIAL MISSION HISTORIC SOUTH PRESA METROPOLITAN CORRIDOR OVERLAY RIVER IMPROVEMENT OVERLAY-6 AIRPORT HAZARD OVERLAY DISTRICT.

2012-12-06-0957

Item Z-9. **ZONING CASE # Z2012220 (District 4):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "NP-15 AHOD" Neighborhood Preservation Airport Hazard Overlay District on 0.49 of an acre out of Parcel 1C, NCB 18044 located on a portion of 8050 Coval. 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: 0.49 OF AN ACRE OUT OF PARCEL 1C, NCB 18044 TO WIT: FROM "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "NP-15 AHOD" NEIGHBORHOOD PRESERVATION AIRPORT HAZARD OVERLAY DISTRICT.

2012-12-06-0958

Item P-6. **PLAN AMENDMENT #12073 (District 5):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE DOWNTOWN NEIGHBORHOOD PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 7.53 ACRES LOCATED AT 354, 401, AND 415 BLUE STAR FROM RESIDENTIAL TO MIXED USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #ZZ2012198)

2012-12-06-0959

Item Z-10. **ZONING CASE # Z2012198 (District 5):** An Ordinance amending the Zoning District Boundary from "I-1 RIO-4 AHOD" General Industrial River Improvement Overlay-4 Airport Hazard Overlay District to "IDZ RIO-4 AHOD" Infill Development Zone River Improvement Overlay-4 Airport Hazard Overlay District with uses permitted in "MF-50" Multi-Family District and "C-1" Light Commercial District on 7.53 acres out of NCB A-14 located on portions of the 300 and 400 Block of Blue Star and the 300 Block of Barbe 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: 7.534 ACRES OUT OF NCB A-14 TO WIT: FROM "I-1 RIO-4 AHOD" GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY-4 AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ RIO-4 AHOD" INFILL DEVELOPMENT ZONE RIVER IMPROVEMENT OVERLAY-4 AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "MF-50" MULTI-FAMILY DISTRICT AND "C-1" LIGHT COMMERCIAL DISTRICT.

2012-12-06-0960

Item Z-12. **ZONING CASE # Z2013004 (District 5):** An Ordinance amending the Zoning District Boundary from "HS I-2 AHOD" Historic Significant Heavy Industrial Airport Hazard Overlay District to "HS MF-33 IDZ AHOD" Historic Significant Multi-Family Infill Development Zone Airport Hazard Overlay District on Lot A1, Block 102, NCB 274 located within the 1000 Block of South Frio 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 A1, BLOCK 102, NCB 274 TO WIT: FROM "HS I-2 AHOD" HISTORIC SIGNIFICANT HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "HS MF-33 IDZ AHOD" HISTORIC SIGNIFICANT MULTI-FAMILY INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT.

2012-12-06-0962

Item P-7. **PLAN AMENDMENT #12080 (District 9):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SAN ANTONIO INTERNATIONAL AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 1.377 ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 3, NCB 16161 LOCATED APPROXIMATELY 350 FEET WEST OF THE INTERSECTION OF BLANCO ROAD AND WURZBACH PARKWAY FROM NEIGHBORHOOD COMMERCIAL TO MIXED USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE # Z2012224)

2012-12-06-0963

Item Z-14. **ZONING CASE # Z2012224 (District 9):** 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 1.377 acres out of Lot 1, Block 3, NCB 16161 located on a portion of the northwest corner of Wurzbach Parkway and Blanco 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: 1.377

ACRES OUT OF LOT 1, BLOCK 3, NCB 16161 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

[CONSENT ZONING CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

2012-12-06-0044R

Item 28. A RESOLUTION REQUESTING THAT STAFF INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY OF LOT 22, BLOCK 6, NCB 11379 LOCATED AT 5707 STATE HIGHWAY 151.

Councilmember Lopez moved to approve the Resolution with the condition that all of the rezoning fees be waived. Councilmember Bernal seconded the motion.

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

CONTINUED TO JANUARY 17, 2013

Item 29. AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 4-6(C) AND 4-6(D)(6) OF THE CITY CODE AND AUTHORIZING A VARIANCE REQUEST TO SELL ALCOHOLIC BEVERAGES AT 1012 NORTH FLORES STREET FOR ON-PREMISE CONSUMPTION WITHIN THREE HUNDRED (300) FEET OF THE AUSTIN ACADEMY, A PUBLIC EDUCATIONAL INSTITUTION LOCATED IN COUNCIL DISTRICT 1.

Councilmember Bernal moved to continue Item 29 until January 17, 2013. Councilmember D. Medina seconded the motion.

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

Items P-2 and Z-3 were addressed jointly.

2012-12-06-0948

Item P-2. **PLAN AMENDMENT #12057 (District 2):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE ARENA DISTRICT EASTSIDE COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 2.166 ACRES LOCATED AT 3011 EAST COMMERCE STREET FROM MIXED USE TO LIGHT INDUSTRIAL. STAFF RECOMMENDS DENIAL AND PLANNING COMMISSION RECOMMENDS APPROVAL. (ASSOCIATED ZONING CASE: #Z2012158)

2012-12-06-0949

Item Z-3. **ZONING CASE # Z2012158 (District 2):** An Ordinance amending the Zoning District Boundary from "AE-3 S EP-1" Arts and Entertainment-3 Facility Parking/Traffic Control Overlay District with a Specific Use Authorization for Motor Vehicle Sales (full service) to "L EP-1" Light Industrial Facility Parking/Traffic Control Overlay District on Tract 2 and Lot 4, NCB 10233 located at 3011 East Commerce Street. Staff recommends denial. Zoning Commission recommends 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: TRACT 2 AND LOT 4, NCB 10233 TO WIT: FROM "AE-3 S EP-1" ARTS AND ENTERTAINMENT-3 FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR MOTOR VEHICLE SALES (FULL SERVICE) TO "L EP-1" LIGHT INDUSTRIAL FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT.

Chris Looney presented Item P-2 and stated that it would amend the future land use plan contained in the Arena District Eastside Community Plan. He noted that staff recommended denial while the Planning Commission recommended approval. For Item Z-3, he stated that staff recommended denial while the Zoning Commission recommended approval pending the Plan Amendment. He reported that of 13 notices mailed; one was received in favor and none were received in opposition.

Councilmember Taylor stated that a number of meetings had been held with the applicant and the associations and that they had been able to reach an agreement.

Councilmember Taylor moved to adopt the proposed Ordinances for Items P-2 and Z-3. Councilmember Williams seconded the motion.

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

Items P-3 and Z-4 were addressed jointly.

2012-12-06-0950

Item P-3. **PLAN AMENDMENT #12059 (District 2):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE ARENA DISTRICT EASTSIDE COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 7.55 ACRES LOCATED AT 158 COCA COLA PLACE FROM MIXED USE TO LIGHT INDUSTRIAL. STAFF RECOMMENDS DENIAL AND PLANNING COMMISSION RECOMMENDS APPROVAL. (ASSOCIATED ZONING CASE: #Z2012160)

2012-12-06-0951

Item Z-4. **ZONING CASE # Z2012160 (District 2):** An Ordinance amending the Zoning District Boundary from "AE-3 S EP-1" Arts and Entertainment-3 Facility Parking/Traffic Control Overlay

District with a Specific Use Authorization for Warehousing to "L EP-1" Light Industrial Facility Parking/Traffic Control Overlay District on 7.558 acres out of Lot 15, NCB 10233 located at 185 Coca Cola Place. Staff recommends denial. Zoning Commission recommends 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: 7.558 ACRES OUT OF LOT 15, NCB 10233 TO WIT: FROM "AE-3 S EP-1" ARTS AND ENTERTAINMENT-3 FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR WAREHOUSING TO "L EP-1" LIGHT INDUSTRIAL FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT.

Chris Looney presented Item P-3 and stated that it would amend the future land use plan contained in the Arena District Eastside Community Plan. He noted that staff recommended denial while the Planning Commission recommended approval. For Item Z-4, he stated that staff recommended denial while the Zoning Commission recommended approval pending the Plan Amendment. He reported that of 10 notices mailed; one was received in favor and none were received in opposition.

Councilmember Taylor acknowledged residents that were present that had been involved in the zoning process.

Councilmember Taylor moved to adopt the proposed Ordinances for Items P-3 and Z-4. 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.

Items P-4 and Z-5 were addressed jointly.

2012-12-06-0952

Item P-4. **PLAN AMENDMENT #13003 (District 2):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE DIGNOWITY HILL NEIGHBORHOOD PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 6.64 ACRE TRACT OF LAND LOCATED AT 1) 830 NOLAN STREET, 910 NOLAN STREET, 705 NORTH PINE STREET AND 702 NORTH PINE STREET FROM NEIGHBORHOOD COMMERCIAL TO LOW DENSITY MIXED USE; 2) 1109 NOLAN STREET FROM PUBLIC INSTITUTIONAL TO LOW DENSITY RESIDENTIAL; 3) 507 BURNET STREET, 430 LAMAR STREET, 424 LAMAR STREET, 502 LAMAR STREET, 504 LAMAR STREET, 506 LAMAR STREET, 508 LAMAR STREET, 509 LAMAR STREET, 511 LAMAR STREET, 513 LAMAR STREET, 916 NORTH HACKBERRY STREET, 1003 NORTH HACKBERRY STREET, 1010 NORTH HACKBERRY STREET, 1011 NORTH HACKBERRY STREET, 1012 NORTH HACKBERRY STREET, 1017 NORTH HACKBERRY STREET, 1021 NORTH HACKBERRY STREET AND THE PROPERTY LEGALLY DESCRIBED AS LOT A15, BLOCK 17, NCB 515 FROM LOW DENSITY RESIDENTIAL TO LOW DENSITY MIXED USE; AND, 4) 509

BURLESON STREET FROM NEIGHBORHOOD COMMERCIAL TO LOW DENSITY RESIDENTIAL. (ASSOCIATED ZONING CASE: #Z2013012 CD)

2012-12-06-0953

Item Z-5. **ZONING CASE # Z2013012 CD (District 2):** An Ordinance amending the Zoning District Boundary from “H C-1 AHOD” Light Commercial Dignowity Hill Historic Airport Hazard Overlay District, “H C-2 AHOD” Commercial Dignowity Hill Historic Airport Hazard Overlay District, “H C-3 AHOD” General Commercial Dignowity Hill Historic Airport Hazard Overlay District, “H MF-33 AHOD” Multi-Family Dignowity Hill Historic Airport Hazard Overlay District, “H MF-33 AHOD S” Multi-Family Dignowity Hill Historic Airport Hazard Overlay District with a Specific Use Authorization for a Private Club, “H O-2 AHOD” Office Dignowity Hill Historic Airport Hazard Overlay District, “R-6 H AHOD” Single-Family Dignowity Hill Historic Airport Hazard Overlay District, “H RM-4 AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District, “H RM-4 HS AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay Historic Significant District, “H RM-4 AHOD CD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for a Two-Family Dwelling, “H RM-4 AHOD CD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for a Three-Family Dwelling, “H RM-4 AHOD CD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for a Four-Family Dwelling, “H RM-4 AHOD CD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for a Two-Family Dwelling and a Residence, “H RM-4 AHOD CD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for a Four-Family Dwelling and a Two-Family Dwelling, to “H NC AHOD” Neighborhood Commercial Dignowity Hill Historic Airport Hazard Overlay District, “H R-4 AHOD” Single-Family Residential Dignowity Hill Historic Airport Hazard Overlay District, “H R-5 AHOD” Single-Family Residential Dignowity Hill Historic Airport Hazard Overlay District, “H R-6 AHOD” Single-Family Residential Dignowity Hill Historic Airport Hazard Overlay District, “H R-6 AHOD” Single-Family Residential Dignowity Hill Historic Airport Hazard Overlay Historic Significant District, “H RM-4 AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District, “H RM-5 AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District, “H RM-6 AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District, “H RM-5 HS AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay Historic Significant District, “H IDZ AHOD” Infill Development Zone Dignowity Hill Historic Airport Hazard Overlay District with uses permitted in “NC” and “RM-6”, “H IDZ AHOD” Infill Development Zone Dignowity Hill Historic Airport Hazard Overlay District with uses permitted in “NC” and “MF-18”, “H IDZ AHOD CD” Infill Development Zone Dignowity Hill Historic Airport Hazard Overlay District with uses permitted in “NC” and “RM-6” and the Second Hand Merchandise Store use on 140.9 acres for the properties generally bounded by North Cherry Street to the west, Sherman Street to the north, North Palmetto Street to the east, and Dawson Street to the south.

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: MULTIPLE PROPERTIES BOUND BY NORTH CHERRY STREET TO THE WEST, SHERMAN STREET TO THE NORTH, NORTH PALMETTO STREET TO THE EAST AND DAWSON STREET TO THE SOUTH. TO WIT: FROM “H C-1 AHOD” LIGHT COMMERCIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT , “H C-2 AHOD” COMMERCIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, “H C-3 AHOD” GENERAL COMMERCIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, “H O-2 AHOD” OFFICE DIGNOWITY HILL

HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H I-1 AHOD" GENERAL INDUSTRIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H MF-33 AHOD" MULTI-FAMILY DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H MF-33 AHOD S" MULTI-FAMILY DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A PRIVATE CLUB, "H RM-4 AHOD" RESIDENTIAL MIXED DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H RM-4 AHOD CD" RESIDENTIAL MIXED DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A TWO-FAMILY DWELLING , "H RM-4 AHOD CD" RESIDENTIAL MIXED DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A THREE-FAMILY DWELLING . "H RM-4 AHOD CD" RESIDENTIAL MIXED DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A FOUR-FAMILY DWELLING, H RM-4 AHOD CD" RESIDENTIAL MIXED DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A TWO-FAMILY DWELLING AND A BOARDING HOUSE, "H RM-4 HS AHOD" RESIDENTIAL MIXED DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY HISTORIC SIGNIFICANT DISTRICT TO "H R-6 AHOD" SINGLE-FAMILY RESIDENTIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H R-6 HS AHOD" SINGLE-FAMILY RESIDENTIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY HISTORIC SIGNIFICANT DISTRICT, "H R-5 AHOD" SINGLE-FAMILY RESIDENTIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H R-5 HS AHOD" SINGLE-FAMILY RESIDENTIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY HISTORIC SIGNIFICANT DISTRICT, "H R-4 AHOD" SINGLE-FAMILY RESIDENTIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H RM-6 AHOD" RESIDENTIAL MIXED DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H RM-5 AHOD" RESIDENTIAL MIXED DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H RM-4 AHOD" RESIDENTIAL MIXED DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H MF-33 AHOD" MULTI-FAMILY RESIDENTIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H IDZ AHOD" INFILL DEVELOPMENT ZONE DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "NC" AND "RM-6", "H IDZ AHOD" INFILL DEVELOPMENT ZONE DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "NC" AND "MF-18", "H NC AHOD" NEIGHBORHOOD COMMERCIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "H NC AHOD CD" NEIGHBORHOOD COMMERCIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE PERMITTED FOR A SECOND HAND MERCHANDISE STORE.

Chris Looney presented Item P-4 and stated that it would amend the future land use plan contained in the Dignowity Hill Neighborhood Plan. He reported that staff recommended approval and the Planning Commission recommended approval save and except 916, 1003, 1007, 1010, 1011, 1012, 1017, and 1021 North Hackberry and 424, 430, 502, 504, 506, 508, 509, 511, and 513 Lamar Street. He stated that for Item Z-5, staff and the Zoning Commission recommended approval save and except for the properties located at: 300 Lamar Street, 302 Lamar Street, Two Tracts addressed at 419 Burleson Street, 1129 North Hackberry Street, 1127 North Hackberry Street, and 1123 North Hackberry Street. He reported that staff and the Zoning Commission recommended approval. He added that of 805 notices mailed: one notice was received in favor and four were received in opposition.

Mayor Castro called upon the individuals registered to speak.

Valerie Cortez, Alicia F. Gomez and Julie Maldonado addressed the City Council in opposition to the Plan Amendment and Zoning. Ms. Cortez stated that she was a resident of District 2 and had lived on Lamar Street since she was four-years-old. She stated that she did not want to see commercial

properties within her residential neighborhood. She indicated that the streets could not facilitate the traffic that would increase due to businesses in the area. She noted that many of the neighbors did not have driveways and were forced to park in the street. She added that improvements were needed in the area such as street lights and sidewalks. She expressed concern that many of her neighbors did not understand what was occurring. Ms. Gomez stated that she had purchased her home in the neighborhood in 1956 and was supportive of Ms. Cortez's comments. She noted that she was opposed to commercial businesses in the area and would like to keep it residential. Ms. Maldonado added her opposition to commercial business in the area and expressed concern with the increased people and traffic.

Councilmember Taylor thanked the residents of Lamar Street that were present and recognized staff for their work on Dignowity Hill. She stated that this was an effort to implement a neighborhood plan that was adopted a few years ago in the Dignowity Hill Area. She noted that the idea for the rezoning was to closely review the option to bring back residential uses yet also provide an opportunity for different types of development. She asked of the IDZ Area. Mr. Looney replied that the area at the intersection of Hackberry and Lamar Streets has a future land use classification of low-use residential with many vacant lots. He stated that the zoning would encourage flexibility and mixture of uses that serve the community and would not have a detrimental effect to the neighborhood. Councilmember Taylor asked of the timeline of the process. Mr. Looney responded that staff had worked on said item for over a year with multiple meetings occurring with the Dignowity Hill Neighborhood Association and community at-large. Councilmember Taylor stated that she believed it allowed for a balance of protecting the residential component with flexibility for neighborhood scale commercial uses.

Councilmember Taylor moved to adopt the proposed Ordinances for Items P-4 and Z-5. Councilmember Chan seconded the motion.

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

CONTINUED TO JANUARY 17, 2013

Item Z-7. **ZONING CASE # Z2012215 CD (District 2):** An Ordinance amending the Zoning District Boundary from "R-5" Residential Single-Family District to "C-1 CD" Light Commercial District with a Conditional Use for Tire Repair - Auto and Small Truck (Sale and Installation Only, No Mechanical Service Permitted) on 1.852 acres out of Parcel 112, NCB 10832 located at 2710 Rigsby Avenue. Staff and Zoning Commission recommended approval.

John Jacks presented Item Z-7 and stated that staff and the Zoning Commission recommended approval.

Councilmember Taylor moved to continue Item Z-7 until January 17, 2013. Councilmember Chan seconded the motion.

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

CONTINUED TO JANUARY 17, 2013

Item Z-11. **ZONING CASE # Z2012211 (District 5):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "R-6" Residential Single-Family District and a Day Care Center on Lot 4, Block A, NCB 2873 located at 113 Furnish. Staff recommends denial. Zoning Commission recommends approval pending the plan amendment.

John Jacks presented Item Z-11 and stated that staff recommended denial while the Zoning Commission recommended approval. He reported that of 27 notices mailed; none were returned in favor or in opposition.

Councilmember D. Medina moved to continue Item Z-11 until January 17, 2013. Councilmember Chan seconded the motion.

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

2012-12-06-0961

Item Z-13. **ZONING CASE # Z2012167 S ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "C-2 CD ERZD MLOD" Commercial Edwards Recharge Zone Military Lighting Overlay District with a Conditional Use for a Theater - Indoor Permitting Over 2 Screens and/or Stages to "C-2 S ERZD MLOD" Commercial Edwards Recharge Zone Military Lighting Overlay District with a Specific Use Authorization for Tire Repair - Auto and Small Truck (Sales and Installation Only, No Mechanical Service Permitted) on 0.242 of an acre out of NCB 18218 located at the southeast corner of Marshall Road and US Highway 281. 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: 0.242 OF AN ACRE OUT OF NCB 18218 TO WIT: FROM "C-2 CD ERZD MLOD" COMMERCIAL EDWARDS RECHARGE ZONE MILITARY LIGHTING OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A THEATER - INDOOR PERMITTING OVER 2 SCREENS AND/OR STAGES TO "C-2 S ERZD MLOD" COMMERCIAL EDWARDS RECHARGE ZONE MILITARY LIGHTING OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR TIRE REPAIR - AUTO AND SMALL TRUCK (SALES AND INSTALLATION ONLY, NO MECHANICAL SERVICE PERMITTED) PROVIDED ALL CONDITIONS IMPOSED BY THE CIT COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-13 and stated that staff and the Zoning Commission recommended approval. He reported that SAWS also recommended approval with an impervious cover not to exceed 65%. He noted that of two notices mailed; both were returned in favor. He added that the Winchester Hills Homeowners Association (HOA) was in support.

Mayor Castro called upon Michael Parker to speak.

Mr. Michael Parker stated that he was the attorney representing the Winchester Hills HOA and was in support of the zoning case. He noted that he was very thankful to Councilmember Chan and her staff who had worked very closely with the HOA. He recognized Mr. James Griffin who worked on behalf of the developer to address the issues of the HOA.

Councilmember Chan thanked Mr. Parker for being present to express support for the zoning case.

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

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

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 2:53 pm to convene in Executive Session for the purposes of:

D. DELIBERATIONS RELATING TO THE IMPLEMENTATION OF THE SBEDA ORDINANCE PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (ATTORNEY CONSULTATION).

Mayor Castro reconvened the meeting at 4:00 pm and announced that the City Council had been briefed on the above-styled matters but did not take any action.

ADJOURNMENT

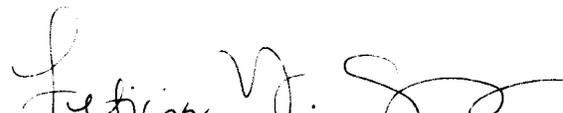
There being no further discussion, Mayor Castro adjourned the meeting at 4:00 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest:



LETICIA M. VACEK, TRMC/MMC
City Clerk