

**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, MARCH 20, 2013, AND THURSDAY, MARCH 21, 2013, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **March 20, 2013**, 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. A BRIEFING ON THE WESTSIDE REINVESTMENT INITIATIVE THAT RESULTED FROM THE WESTSIDE ECONOMIC DEVELOPMENT SUMMITS.

Lori Houston provided an overview of the efforts that the city has made on the Westside of the city. She stated that the Westside Development Corporation (WDC) was created in 2006 to oversee the redevelopment of the 15-square mile area west of Downtown. She highlighted economic development projects that have been implemented and significant improvements that have been made in the area. She introduced Ray Flores, Executive Director of the WDC.

Mr. Flores presented a Power Point regarding the WDC and stated that they have three full-time and one part-time staff. He noted that they had a 17-member Board of Directors appointed by the City Council. He spoke of the WDC's interaction with city departments to include Center City, Economic Development, and Planning and Community Development. He stated that they had implemented a delegate agency contract with the city and provided quarterly financial reports as well as an annual audit. He indicated that the WDC Area encompasses portions of Districts 1, 5, 6, and 7.

Mr. Flores outlined the WDC Budget for FY 2013 noting Operating Revenues of \$618,000 of which \$272,000 was provided by the city. He stated that Operating Expenses totaled \$450,000 and that 57% of that amount was utilized to fund personnel. He reported the WDC Goals for FY 2013: 1) "Grow West" Business Expansion and Attraction Program; 2) "Look West" Marketing Strategy; 3) Fundraising; 4) Build Organizational Capacity; 5) Advocacy; and 6) Community Connection. He spoke of the "Grow West" Program and stated that \$290,000 was available to provide loans and grants to the community. He outlined the "Grow West" performance measures since 2009 and mentioned that 76 businesses were assisted in FY 2012. He spoke of the Westside Economic Development Summit Meetings held in April, June, August, and October 2011 and reported that five Priority Corridors and 10 Priority Projects had been identified through same. He stated the five Priority Corridors: 1) Buena Vista and Commerce; 2) General McMullen; 3) 36th Street; 4) Frio Street; and 5) Guadalupe Street. He provided an overview of the 10 Priority Projects that include the Union Stockyards, Las Palmas Enhancements, and Westside Parks Development.

Mr. Flores spoke of the Progress Report Community Meeting held on August 18, 2012 to discuss the efforts to date and noted that the next meeting would be held in August 2013. He provided an overview of the Summit Action Plan in which \$3.99 million and 117 Infrastructure and Management Program (IMP) Projects were completed through city funding in FY 2012. He reported that there are \$3.04 million and 68 projects in city funds scheduled for FY 2013. He highlighted the funding for Housing

Initiatives in which the city provided \$1.71 million in FY 2012 and \$896,000 for FY 2013. He stated that Code Compliance Teams had completed an inventory along the five Priority Corridors and that 76 locations have been addressed. He spoke of the Infill Pilot Program in the Los Jardines Neighborhood noting that 10 lots were acquired and four homes were under construction. He highlighted marketing initiatives and indicated that the San Antonio Business Journal would be publishing a Westside Special Insert in April 2013.

Mr. Flores reported that \$35,745,000 in the 2012-2017 Bond Program would impact the WDC Area. He stated that Catalytic Projects included the Westside Multimodal Transit Center, St. Mary's Reinvestment Strategy, Peanut Factory Lofts, and Westside Creeks Restoration Project and provided an overview of each of the projects. He spoke of the Westside Girl Scout Leadership Center, a \$3 million investment by the Girl Scouts over three years. He mentioned the services offered that include the K-12 Robotics Lab, STEM (Science, Technology, Engineering, and Math) Program, and Gamma Sigma Girls Program. He stated that there were other projects being focused on as well that include MILCON Construction LLC on Acme Road and Fire Station #8 located at 2323 Buena Vista. He highlighted special projects such as the Westside Laptop Pilot Program in partnership with the San Antonio Public Library in which there are two laptops available to citizens at Memorial Library with exclusive Job and Small Business Information. He thanked the City Council for their continued support of the WDC.

Councilmember Lopez stated that the WDC was a gem for the Westside and asked of their work with Edgewood Independent School District (ISD). Mr. Flores replied that the Edgewood ISD Superintendent was a member of the WDC Board. He stated that Edgewood ISD was experiencing decreased enrollment which left them with empty real estate. He noted that they have three schools that they lease but that their goal moving forward was to have children in the schools. He added that he believed that the housing strategies would help reach that goal. Councilmember Lopez asked of the status of the Southwest Business Park. Mr. Flores responded that there was a lot of development in the area and that there was one tract left consisting of 40 acres in the area. He indicated that they were looking to bring in a manufacturer to the area. Councilmember Lopez stated that it was a good example of multiple agencies working together.

Councilmember C. Medina commended WDC Staff for their work and asked of the infill development that has been achieved over the past 18-20 months near the Woodlawn/Bandera Area. Mr. Flores replied that the Wal-Mart located at the intersection would be the first of its kind on the Westside. He stated that after announcement of that development, there had been discussions with interested investors and land made available. He noted that there would also be opportunities for small businesses to expand. Councilmember C. Medina asked of the AVANCE Project at 908 West Houston Street. Mr. Flores replied that AVANCE was growing as an organization and that they had previously purchased the building to utilize it as office space. He noted that they hoped to identify the \$1.1 million needed for construction from various sources.

Councilmember D. Medina thanked the WDC for their work and stated that he was pleased with the positive outcomes occurring on the Westside.

Councilmember Bernal stated that he was pleased to see the projects occurring throughout the Westside and thanked everyone for their work. He noted the beautiful rendering of the Westside Multimodal Transit Center.

Councilmember Saldaña asked of fundraising efforts. Mr. Flores replied that they work with banks to refer small business loans and assessed small business needs. He stated that they also worked with local foundations and were looking to identify additional Federal Funding. Councilmember Saldaña asked of their work to build organizational capacity. Mr. Flores stated that they worked on projects in which funds could be revolved and also worked to build capacity as an organization. He indicated that their long-term goal was to build an infrastructure in which they were not dependent on one funding source. Councilmember Saldaña commended staff for their work and stated that he believed they had built a model that could be replicated.

Councilmember Taylor thanked staff for the presentation and congratulated the WDC for their significant progress. She stated that there were various projects that could be emulated on the East Side and spoke of the need to ensure that funding for projects was included in the budget. She asked of potential partnerships for housing in the St. Mary's Revitalization Area to bring more disposable income into the area. Mr. Flores replied that there were challenges with resources but noted that there were strong neighborhoods in the area.

Mayor Castro thanked staff for the presentation and asked of the 24th Street and Commerce Street Area. Mr. Flores replied that they were in discussions with the property owner and hoped they would realize the great amount of public investment that has been made in the area. He noted that they had invited them to numerous meetings to understand the potential of development. Mayor Castro spoke of the importance of the location given its proximity to Our Lady of the Lake University. He highlighted the Westside Creeks Restoration Project and encouraged staff to work with stakeholders in moving the project forward.

2. A BRIEFING REGARDING THE CITY'S INTENT TO APPLY FOR PARTICIPATION IN THE CODE FOR AMERICA PROGRAM.

Hugh Miller presented a video regarding the Code for America (CfA) Program and noted that it was a new non-profit organization consisting of web developers, city experts, and technology industry leaders. He explained that the program would help governments become more connected, lean, and participatory through new opportunities for public service. He presented a video regarding the CfA Fellowships which consist of talented teams of developers, designers, and entrepreneurs with change agents from local governments to address a range of civic challenges. He explained that after applying for the CfA Program, three Fellows would be assigned to work with the selected applicant to address their identified issues. He stated that they were catalysts for innovation and would work to create products and interfaces that were simple and easy to use.

Mr. Miller outlined the costs for the CfA Program noting that they ask each city to fund the direct costs of the Fellows to include stipend, benefits, travel, and lodging. He reported that the average cost was \$180,000 for a team of three and that most cities allocated these costs through a budget appropriation. He indicated that matching funds typically come from an institutional funder or local corporate sponsor. He provided an overview of the CfA Partnership Cities from 2011 through 2013 and mentioned that if selected, the program would begin in January 2014.

Mr. Miller presented three proposed concepts noting that they would like to merge location-based data across several systems via a common portal (Location Data Program). He stated that this would allow citizens the opportunity to explore information from one central place. He noted that another potential

program would centralize a registry of volunteer information and volunteering opportunities to help align community capacity with community needs. The third concept was to identify populations in need of services, map available programs and services, and track consumption of those services. He reported that staff had met with CfA Founder/Executive Director, Jennifer Pahlka and Former CfA Board Director, Tim O'Reilly and discussed the three issues. He stated that they were excited about the Location Data and Volunteerism Programs and had provided positive feedback.

Mayor Castro expressed his support for the CfA Program and asked of the timeline. Mr. Miller replied that the applications were due on March 31, 2013 and that if selected; the program would be implemented in January 2014. Mayor Castro asked of the proposed projects. Mr. Miller replied that applicants provided civic issues and the CfA Program helped determine appropriate solutions. He added that he believed that they wanted to work with San Antonio and that there was a good chance that San Antonio would be selected for 2014.

Councilmember Lopez spoke of the initial assessment that would be conducted and asked if San Antonio was prepared. Mr. Miller replied that he believed that the city was where it needed to be. Councilmember Lopez asked how the CfA Program could leverage other programs and funds. Mr. Miller responded that he believed the Code for America Program would be a catalyst for other projects and that the city had been approached by other large entities regarding partnership opportunities. Councilmember Lopez thanked staff for their work and stated that he looked forward to the future projects that could be implemented.

Councilmember Ozuna expressed her support for the CfA Program and asked of the match cost. Mr. Miller replied that they would like to see other community participation and investment through providing match funds. Councilmember Ozuna asked of the ongoing sustainability of the program. Mr. Miller responded that from a technology perspective, they would select open-source products to develop. He noted that they would work with internal staff to help support the platform that was selected. Councilmember Ozuna asked of the Location Data Project. Mr. Miller replied that they would leverage Geographic Information System (GIS) Tools to identify an indexed address and present information from various mediums to the public. Councilmember Ozuna spoke of the need to address the issue of Human Services Tracking which was not selected as a proposed project.

Councilmember D. Medina expressed his support and asked of the end product. Mr. Miller replied that as the system was developed, they would work to make it configurable for other cities. Councilmember D. Medina stated that he was pleased with the Volunteer Management Component noting the many volunteers in his community.

Councilmember Williams expressed concern with the enterprise-wide system and spoke of the many ITSD Audits they had worked on. He noted that they had worked diligently to address security issues and mentioned the many vacant ITSD Positions. He stated that the project would cost more than \$180,000 and asked of the projects that had been implemented through the CfA Program. Mr. Miller replied that there was a portfolio of 20 projects that were available to other cities. Councilmember Williams asked if San Antonio had looked at implementing any of those projects. Mr. Miller responded that they had reviewed the public safety programs but they were not feasible to integrate at the time. Councilmember Williams expressed concern with the size of the Location Data Project and stated that he did not believe it could be implemented within one year. Mr. Miller replied that the CfA Program would not approve a project that they did not believe could be completed in the one-year timeframe.

Councilmember Bernal expressed his support for the program and asked of the one-year timeline. Mr. Miller replied that he believed that the project could be completed within the timeframe. Councilmember Bernal spoke of the value of the end product and noted that it was worth mentioning to potential investors. He recognized Lorenzo Gomez of the 80/20 Foundation that could be interested in participating in the project.

Councilmember Chan asked of the information requested in the application. Mr. Miller replied that it required a list of persons that would be involved in the project as well as confirmation that funding was secure. He stated that it also asked of the issue that the city would like addressed.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 3:45 pm to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED WORKER'S COMPENSATION BENEFITS PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.071 (CONSULTATION WITH ATTORNEY).**
- B. DISCUSS LEGAL ISSUES RELATED TO CREDIT ACCESS BUSINESSES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 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 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).**

CITIZENS TO BE HEARD

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

Mark Kellman referenced a diagram he had presented regarding urban design boulevard extending from Main Plaza north to the Central Library with a connection to the River. He provided a handout depicting improvements along the River and expressed concern with the parking lot immediately to the rear. He indicated that the San Antonio River Authority had made the improvements they could but more work could be addressed utilizing Bond Funds.

Nazirite Ruben Flores Perez spoke of the darkest hour and stated that the time was coming referencing the Book of Revelations in The Bible. He noted that Passover would be held on March 26, 2013.

David, Linda and Mark Camann representing the LGSM Foundations addressed the City Council. Mr. Mark Camann stated that they were a non-profit organization that provides music instruction to disabled children. He mentioned that they were named after Lillian Gertrude Sims McRitchie who provided

instruction to a disabled child for 11 years at no charge and became a concert pianist. He indicated that non-disabled and disabled students worked side by side and focused on ability rather than disability. He invited everyone to attend their 20th Anniversary Concert they would be participating in at the UTSA Downtown Campus on Sunday, April 7, 2013 at 3:30 pm. He requested a Resolution recognizing the hardworking students for their achievement. Mrs. Camann stated that the students work very hard and had practiced every day during Spring Break. She noted that the students wanted to share their music and bring joy to others and requested that the City Council attend the concert. She added that they could play at special events as requested and encouraged anyone interested to contact them.

Janet Ahmad spoke of four bills that had been filed in the Legislature to protect consumers purchasing a home. She outlined House Bills 1887, 3736, 2526, and 2527 and noted that Bexar County had voted to support the bills. She mentioned that a Texas Residential Construction Commission was created in 2003 by homebuilders that forced homeowners to go through that agency to address issues. She spoke of the many issues of the agency and reported that it was eventually abolished in 2009. She indicated that they have received support for the bills from nine cities and various counties and requested a Resolution from the City of San Antonio for same.

Gizelle Luevano also requested that the City of San Antonio pass a Resolution to help homeowners and to support the bills. She expressed concern with the many issues of her home and stated that she could not attend school due to the issues she was dealing with.

Faris Hodge, Jr. submitted written testimony regarding city buses and vans needing wheel chair ramps. He expressed concern that bike lanes were too narrow and wrote in opposition to increases on CPS Energy Bills. He highlighted Renee D. Green, Director of Public Works for Bexar County and noted the opening of the University Health System Clinical Pavilion at the Robert B. Green Campus. He wrote that Mayor Castro opposes City/County Consolidation as proposed by State Representative Lyle Larson. He expressed concern that the restrooms in the Farmers Market and El Mercado were not ADA Compliant. He wrote that the purchase of administrative sedans was a waste of funds. He noted the Student Aid Saturdays being held to assist students to apply for financial aid and wrote of the adoption of the new Annexation Policy. He wrote of the great weather during the San Antonio Rodeo which helped raise funds for Texas Youth.

Councilmember Bernal announced that the City Council had been briefed in executive session but took no action.

ADJOURNMENT

There being no further discussion, Councilmember Bernal adjourned the meeting at 6:23 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **March 21, 2013**, at 9:00 am in the City Council Chambers.

ROLL CALL

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

Item 1. The Invocation was delivered by Rev. Charles Fredrickson, Pastor, Lutheran Church of the Good Shepherd, guest of Councilmember Leticia Ozuna, District 3.

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

Item 3. MINUTES

Councilmember C. Medina moved to approve the Minutes for the February 13-14, 2013 and the February 20-21, 2013 City Council Meetings. Councilmember Bernal seconded the motion.

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

POINTS OF PERSONAL PRIVILEGE

Councilmember Chan recognized Michael Howard for his leadership in District 9 and stated that he was the Immediate Past President of the North Central Thousand Oaks Neighborhood Association. She noted that he was being appointed to serve on the Building Standards Board and thanked him for his service.

Councilmember Bernal recognized Patricia Gonzalez, the new Director of the Instituto Cultural de Mexico. He spoke of her professional experience noting that she had over 15 years of executive level responsibilities in Finance and the allocation of assets in the Automotive and Real Estate Industries in Mexico. He welcomed Ms. Gonzalez to San Antonio. Mayor Castro stated that the Instituto Cultural was a very important community asset and also welcomed Ms. Gonzalez to the city. Ms. Gonzalez thanked the City Council for their support of the Instituto.

Councilmember C. Medina recognized the members of the Men's and Women's Basketball Teams from St. Mary's University noting that both had great success this past season. He stated that they both were Heartland Conference Champions and made deep runs in the NCAA Division II Tournament. Mayor Castro congratulated the teams on their success.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

Item 4. BRIEFING AND POSSIBLE ACTION ON LEGISLATION FILED IN THE 83RD REGULAR STATE LEGISLATIVE SESSION, AN UPDATE ON THE STATUS OF PROPOSED STATE LEGISLATION AND ITS IMPACT ON THE CITY OF SAN ANTONIO.

Jeff Coyle addressed the City Council related to the bills filed in the 83rd State Legislative Session thus far. He reported that 6,017 bills have been filed and 1,306 had been assigned to departments for analysis. He provided a status of COSA Initiatives including: 1) Hemisfair Redevelopment; 2) Land Bank Amendments; 3) Floodplain Enforcement; 4) Fire Department Eligibility; 5) Removal of Platted Restrictions; and 6) Regulation of Location of Community Homes & Assisted Living Facilities. He outlined the Bills of Interest – Tree Ordinance, Helotes Extra Territorial Jurisdiction (ETJ) Release,

State Water Plan, Fiscal Transparency, Pay Day Lending, Metropolitan Planning Organization (MPO) Board Voting Eligibility, and Knife Ordinance. He highlighted upcoming hearings and key deadlines noting June 16, 2013 was the final day for the Governor to sign or veto bills.

Mayor Castro called upon the individuals registered to speak on Item 4.

Nazirite Ruben Flores Perez stated that he had attended the San Antonio River Authority Board Meeting the previous day and that there were many things coming up. He expressed support for Judge John Bull's reappointment as Presiding Judge of Municipal Court (Item 25). He noted that CPS Energy had installed a Smart Meter in his home and that he needed to find ways to save money.

Nikki Kuhns showed a video of Dr. David Carpenter of Harvard University stating that there was no evidence that Smart Meters were safe and did not have any adverse health effects. He mentioned evidence of radio frequency exposure that increases the risk of cancer, damage to the nervous system, and causes electrosensitivity. Ms. Kuhns provided an article entitled, "Texas House erupts in heated debate over 'smart meters' for electricity" and asked why CPS Energy was being allowed to install digital meters on homes without permission.

Mayor Castro asked of the protection of trees in the ETJ. Mr. Coyle replied that HB 1377 states that the city cannot regulate trees on privately owned property unless they meet the following restrictions: trees must be 10 inches or more; you cannot charge more than \$100 per inch to mitigate; and cities cannot enforce tree ordinances in their ETJ. He noted that there is one exemption in the bill and that is for a community that has a military installation in its ETJ and that would include San Antonio. He noted that they had been meeting with the sponsor of the bill and other stakeholders and that the City of San Antonio would oppose the bill if it preempts the city's local ordinance. Mayor Castro requested that he be kept abreast of the status of the bill and the hearing date once it has been set and noted his opposition.

Councilmember Williams asked of the city's conflict with HB 1858. Mr. Coyle responded that the City's Tree Ordinance applied to the development process and that the concern would be someone using the fire risk to take advantage and get around the ordinance. Councilmember Williams stated that it was important for homeowners to understand that they could do what they wanted on their property. Mr. Coyle indicated that a meeting would be held with the sponsor of the bill on Monday and would get clarification. Councilmember Williams concurred with Mayor Castro regarding opposition to HB 1377 and asked of the exemption for military installations. Mr. Coyle replied that the exemption was to the section regarding tree removal in the ETJ to ensure that the military installation in San Antonio is protected.

Councilmember Lopez thanked staff for their work and asked of the bills related to homeowner protection. Mr. Coyle replied that since 2001, there had been at least one bill filed each session termed as a Homeowner Lemon Law but it has never passed. He stated that this session, there were four smaller bills related to homeowner protection but none of them have been set for a hearing yet. He noted that staff would present them to the Intergovernmental Relations Council Committee next week for a recommendation. Councilmember Lopez asked of the changes to the MPO Board. Mr. Coyle explained that the bill provided that only the 11 Elected Members of the MPO Board would have the opportunity to vote. He stated that it would be reviewed locally for potential revision to the bylaws and added that the bill was still pending in Committee. Councilmember Lopez requested to be kept informed of said bill and stated that would like to provide input.

Councilmember Soules asked if the MPO Bill only applied to Bexar County. Mr. Coyle confirmed that the bill only applied to the Bexar County MPO and that only elected members of the MPO would be able to vote on policy matters before the Board. Councilmember Soules asked if the composition of the Board was being restricted to a certain number. Mr. Coyle replied that he did not believe that there was a specific number included in the bill and would follow up with the City Council.

Councilmember Bernal spoke of his experience testifying before the Legislature and commended the IGR Staff for their work.

Councilmember Ozuna asked of HB 889. Mr. Coyle replied that the bill would require that all open meetings of a government entity be broadcast on the web. He stated that the concern was that it was so broad that it would apply to B Sessions and all Board and Commission Meetings. He noted that they were working with the Texas Municipal League (TML). It was noted that the applicability to all Boards was not the sponsor's intent. He added that there would likely be a Committee Substitute to specify the intent of the bill. Councilmember Ozuna expressed concern that the San Antonio had a significant digital divide between those that have access and those that do not and spoke of unintended consequences. She asked of HB 2437. Mr. Coyle responded that it was a simple bill in that the law referred to a State Agency that no longer exists and there would be a one-line amendment to replace the agency with the Department of Aging and Disability Services (DADS). He stated that DADS would be responsible for enforcing the half-mile distance between Community Homes and Assisted Living Facilities. Councilmember Ozuna asked that staff clarify the qualifiers to be eligible for the half-mile distance. Mr. Coyle replied that it only applied to Assisted Living Facilities registered with the State of Texas.

Councilmember Saldaña asked of Flood Plain Enforcement. Mr. Coyle replied that there were currently 200 violations of the Flood Plain Ordinance and that violation was a Class C Misdemeanor. He explained that the city could only fine a violator \$500 but costs to remove debris in the floodplain costs millions of dollars. He stated that they would like for the city to be able to take civil action and require a property owner to correct the problem and/or pay the city the cost of doing so. Councilmember Saldaña spoke of issues with property owners along Leon Creek. Mr. Coyle replied that the bill would address same.

Councilmember C. Medina asked for clarification of HB 4 and HB 11 related to the State Water Plan. Mr. Coyle replied that they were working with SAWS and that the State Water Plan outlines projects throughout the State to create new water sources and wastewater infrastructure totaling \$54 billion. He stated that the plan was made up of 16 Regional Plans which includes SAWS' Plan. He noted that the Plan would take \$2 billion as seed money to be loaned to local communities which would also be matched by the local communities to execute the projects. He added that the loans would be paid back to the State over time and the \$2 billion would continue to implement the projects in the Plan. Councilmember C. Medina stated that he would like to receive funding for water infrastructure projects and would like to be kept informed of the progress of the bill.

No action was required on Item 4.

The City Clerk read the caption for Item 5:

2013-03-21-0167

Item 5. AN ORDINANCE ADOPTING A LOCAL PREFERENCE PROGRAM FOR SPECIFIC CONTRACTING CATEGORIES.

Ben Gorzell reported that during the last Legislative Session, the Texas Legislature adopted a revision to the law that allows cities to grant contracting preferences to local businesses when price alone determines the winning bid. He stated that the law previously allowed only cities with a population under 200,000 to grant such a preference. He explained that the term "Local" is defined as a bidder whose primary place of business is within the city. He noted that the city may award contracts to local bidders for Personal Property if their bid is: within 5% of the lowest non-local bidder for contracts under \$500,000 and within 3% of the lowest non-local bidder for contracts over \$500,000; for Non-Professional Services if their bid is within 5% of the lowest non-local bidder for contracts under \$500,000; and for Construction Contracts if their bid is within 5% of the lowest non-local bidder for contracts under \$100,000. He reported that Professional Services were governed by Statute in which certain types of Professional Services Contracts must be selected on demonstrated competence and qualifications. These include: Architecture, Engineering, Land Surveying, Landscape Architecture, Professional Nursing, Optometry, Medicine, and Real Estate Appraising. He added that a local preference could be applied to other discretionary solicitations for services not governed by Statute to include Revenue, Concession, and Consulting Contracts.

Mr. Gorzell stated that the definition of a Local Business was that it was headquartered in San Antonio or met the following conditions: 1) An established place of business for at least one year in the incorporated limits of the city; 2) And from which at least 20% of its total full-time, part-time and contract employees are regularly based or a minimum of 100 employees; 3) And from which a substantial role in the business' performance of a commercially useful function or a substantial part of its operations is conducted. He explained that the term "Headquartered" was defined as the place where a business entity's officers direct, control and coordinate the entity's activities. He added that businesses would self-report the information.

Mr. Gorzell outlined the applicability of the Proposed Local Preference Program, noting that it could be applied to Goods/Supplies if their bid was within 3% of the lowest non-local bidder for contracts over \$50,000; Non-Professional Services if their bid was within 3% of the lowest non-local bidder for contracts of \$50,000-\$500,000; Construction Contracts if their bid was within 3% of the lowest non-local bidder for contracts of \$50,000-\$100,000 and did not apply to construction contracts awarded using alternative delivery methods. He added that no local preference would be applied for purchases of Goods and Non-Professional Services under \$50,000.

Mr. Gorzell explained the Professional Services Governed by Statute and Alternative Delivery Construction Methods noting that current practice provides a preference of up to 20 points for knowledge of local conditions where relevant. He stated that criteria was contained in all CIMS Discretionary Solicitations and that weighting was determined by the CIMS Director and City Engineer. He spoke of Other Services Not Governed by Statute and indicated that staff proposed awarding up to 10 points to local bidders in discretionary solicitations for professional service contracts for which a local preference may be applied. He indicated that the Local Preference Program would not apply to: 1) Federally funded programs per the Statute; 2) Purchase of Telecommunications or Information Services;

3) When the Managing Department or City Council determines that it would not be in the best interest of the city; 4) Low Bid Construction Contracts over \$100,000; 5) Construction Services using Alternative Delivery Methods; and 6) Contracts less than \$50,000.

Mr. Gorzell stated that in summary, staff recommends implementing the Local Preference Program on May 1, 2013. He added that staff will incorporate branding the Local Preference Program as well as increasing accountability to the public. Lastly, he stated that quarterly performance reports would be provided to the City Council beginning August 1, 2013.

Mayor Castro called upon citizens registered to speak.

Rob Killen noted that he was speaking on behalf of Brad Rollins and the North Chamber of Commerce in support of the Local Preference Program. He stated that their goal had been to implement such a program for San Antonio and was pleased for the city to promote local businesses. He requested that the City Council consider taking advantage of the full statutory authority to provide preference to local businesses.

Ramiro Cavazos, CEO of the San Antonio Hispanic Chamber of Commerce read a letter to the City Council in support of the ordinance emphasizing the branding component. He spoke of the importance of investing in the local community and increasing underutilization of small businesses.

Jack M. Finger addressed the City Council in opposition to the Local Preference Program. He stated that the idea of low bids was to get the best value for taxpayers and that local bidders should be able to bid the same amount as other bidders.

Mayor Castro thanked staff for the presentation and stated that it was important to help the city get a good deal but also support local businesses. He concurred with the emphasis on a branding component to ensure that businesses understand the benefits of the program.

Councilmember Ozuna expressed her support for the program and stated that it was important to change the profile of the city's promotion of local and small businesses. She reiterated the need for a branding component and quarterly reports to ensure progress.

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

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

CONSENT AGENDA ITEMS 6-32D

Consent Agenda Items 14, 17, 19, 23, 25, and 26 were pulled for Individual Consideration.

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

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

Nikki Kuhns spoke in opposition to the submission of four grant renewal applications from the Texas Commission on Environmental Quality (Item 22). She stated that the objective of the funds was to protect people and the environment from hazardous air pollution. She noted that one of the most dangerous forms of air pollution was being dumped into the water supply known as hydrofluosilicic acid. She expressed concern that the dangers of fluorosis were not being conveyed to mothers.

Jack M. Finger expressed concern with the sale of surplus property (Item 18) noting that the property was assessed twice as much as it was being sold for. He spoke against the funding provided to the Main Plaza Conservancy (Item 26) noting concerns that there was more concrete than foliage in the plaza. He stated his opposition to the local contribution in the amount of \$469,242 for the Events Trust Fund and \$67,905 in Reimbursement Agreements with San Antonio Sports (Items 31A and 31B).

Faris Hodge, Jr. submitted written testimony in opposition to Items 4, 5, 12, 13, and 24. He wrote that potential board members should be interviewed on television (Item 24) and requested that backup information be provided for the City Manager's Report. He wrote in favor of Items 6-11, 14-23, and 25-31.

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

2013-03-21-0168

Item 6. AN ORDINANCE ACCEPTING THE OFFER FROM STERTIL-KONI USA, INC. TO PROVIDE THE SAN ANTONIO FIRE DEPARTMENT WITH FIVE MOBILE COLUMN LIFTS FOR A TOTAL COST OF \$170,727.00, FUNDED WITH THE FIRE DEPARTMENT'S FY2013 ADOPTED GENERAL FUND.

2013-03-21-0169

Item 7. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACT ESTABLISHING UNIT PRICES FOR GOODS AND SERVICES FOR AN ESTIMATED ANNUAL COST OF \$811,000.00: (A) D & A TECHNOLOGY & DEVELOPMENT, LLC. FOR TIRE RUBBER MODIFIED SURFACE SEAL.

2013-03-21-0170

Item 8. AN ORDINANCE ACCEPTING THE OFFER FROM KIDZONE PLAY LLC D/B/A RECREATION CONSULTANTS OF TEXAS FOR THE PURCHASE OF LANDSCAPE STRUCTURES PLAYGROUND EQUIPMENT FOR MILAM PARK FOR THE PARKS AND RECREATION DEPARTMENT FOR A TOTAL COST OF \$68,378.00, FROM THE PARKS AND RECREATION GENERAL FUND OPERATING BUDGET.

Due to a system error; there was no Item 9 on said agenda.

2013-03-21-0171

Item 10. AN ORDINANCE AUTHORIZING THE EXECUTION OF A JOB ORDER CONTRACT IN AN AMOUNT NOT-TO-EXCEED \$147,550.93, PAYABLE TO DAVILA CONSTRUCTION, INC., FOR JOHNSTON LIBRARY BUILDING IMPROVEMENTS, AS PART OF LIBRARY FACILITIES MAINTENANCE IDENTIFIED IN THE FY 2013-2018 CAPITAL IMPROVEMENTS PROGRAM, LOCATED IN COUNCIL DISTRICT 4.

2013-03-21-0172

Item 11. AN ORDINANCE AUTHORIZING AN ADVANCED FUNDING AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND AUTHORIZING PAYMENT IN AN AMOUNT NOT-TO-EXCEED \$75,441.00 TO TXDOT FOR DIRECT OVERSIGHT COSTS AND ACCEPTING REIMBURSEMENT OF AN ESTIMATED \$1,745,608.80 FROM TXDOT RELATED TO CONSTRUCTION COSTS FOR THE 36TH STREET PHASE IIIB PROJECT (BILLY MITCHELL TO GENERAL HUDNELL), A 2012 GENERAL OBLIGATION FUNDED PROJECT INCLUDED IN THE FY 2013-2018 CAPITAL IMPROVEMENT PROGRAM LOCATED IN COUNCIL DISTRICT 5.

2013-03-21-0173

Item 12. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF THREE ON-CALL PROFESSIONAL STRUCTURAL ENGINEERING SERVICES AGREEMENTS, WITH JASTER QUINTANILLA, RSCR, INC. CONSULTING ENGINEERS AND STRUCTURAL ENGINEERING ASSOCIATES, EACH IN THE AMOUNT NOT-TO-EXCEED \$500,000.00 PER YEAR, TO PROVIDE AS-NEEDED STRUCTURAL ENGINEERING SERVICES FOR CITY-OWNED FACILITIES AND IMPROVEMENTS, CONSTRUCTION PROJECTS AND PLANNING PROJECTS LOCATED CITY-WIDE; EACH AGREEMENT IS FOR ONE ONE-YEAR TERM WITH THREE OPTIONAL ONE-YEAR EXTENSIONS.

2013-03-21-0174

Item 13. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF FOUR ON-CALL PROFESSIONAL MECHANICAL, ELECTRICAL AND PLUMBING (MEP) ENGINEERING SERVICES AGREEMENTS, WITH ALDERSON & ASSOCIATES, INC., CLEARY ZIMMERMAN ENGINEERING, CNG ENGINEERING, INC., AND KM NG & ASSOCIATES, INC., EACH IN THE AMOUNT NOT-TO-EXCEED \$500,000.00 PER YEAR, TO PROVIDE AS-NEEDED MEP ENGINEERING SERVICES FOR CITY-OWNED FACILITIES AND IMPROVEMENTS, CONSTRUCTION PROJECTS AND PLANNING PROJECTS LOCATED CITY-WIDE; EACH AGREEMENT IS FOR ONE ONE-YEAR TERM WITH THREE OPTIONAL ONE-YEAR EXTENSIONS.

Item 15. CONSIDERATION OF THE FOLLOWING ACTIONS RELATED TO HOUSTON STREET (AT&T PARKWAY EAST TO IH-10) PROJECT, A LOCAL AREA MANAGEMENT AND 2007-2012 BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 2:

2013-03-21-0176

- A. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$10,662,560.72 PAYABLE TO TEXAS STERLING CONSTRUCTION FOR CONSTRUCTION OF THE HOUSTON STREET (AT&T PARKWAY EAST TO IH-10) PROJECT; OF WHICH, \$5,040,000.00 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), \$544,792.83 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, AND \$654,777.82 WILL BE REIMBURSED BY CPS ENERGY FOR THEIR WORK.

2013-03-21-0177

- B. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PUBLIC ART FABRICATION AND INSTALLATION SERVICES AGREEMENT IN THE AMOUNT NOT-TO-EXCEED \$65,000.00 TO PROVIDE INTEGRATED STREETSCAPE ENHANCEMENTS FOR THE HOUSTON STREET (AT&T PARKWAY EAST TO IH-10) PROJECT.

Item 16. CONSIDERATION OF THE FOLLOWING ACTIONS RELATED TO THE MARKET STREET REALIGNMENT PROJECT, A \$36.3 MILLION DOWNTOWN STREETS RECONSTRUCTION AND HEMISFAIR PARK AREA STREETS REDEVELOPMENT 2012 – 2017 GENERAL OBLIGATION BOND FUNDED PROJECT IN CONNECTION WITH THE CONVENTION CENTER EXPANSION PROJECT, LOCATED IN COUNCIL DISTRICT 1:

2013-03-21-0178

- A. AN ORDINANCE ACCEPTING OF THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT, INCLUDING ONE ADDITIVE ALTERNATE, IN THE AMOUNT OF \$37,352,903.74 TO CAPITAL EXCAVATION COMPANY; OF THIS TOTAL CONTRACT AMOUNT, FUNDS IN AN AMOUNT NOT-TO-EXCEED \$25,180,680.86 WILL BE FUNDED BY THE CITY, FUNDS IN AN AMOUNT NOT-TO-EXCEED \$1,173,974.15 WILL BE REIMBURSED BY CPS ENERGY, FUNDS IN AN AMOUNT NOT-TO-EXCEED \$10,283,833.90 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, FUNDS IN AN AMOUNT NOT-TO-EXCEED \$639,434.83 WILL BE REIMBURSED BY AT&T AND FUNDS IN AN AMOUNT NOT-TO-EXCEED \$74,980.00 WILL BE REIMBURSED BY TIME WARNER FOR JOINT-BID UTILITY WORK; AMENDING THE FY 2013 – 2018 CAPITAL IMPROVEMENT PROGRAM BUDGET WITH THE REALLOCATION OF \$9,000,000.00 IN 2007 BOND SAVING FUNDS; AND, APPROVING A CITY REQUESTED CHANGE ORDER IN THE DECREASED AMOUNT OF \$1,054,320.51 TO THE \$37,352,903.74 CONSTRUCTION CONTRACT WITH CAPITAL EXCAVATION COMPANY FOR THE REALIGNMENT OF MARKET STREET.

2013-03-21-0179

- B. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF TWO REIMBURSEMENT AGREEMENTS, ONE WITH AT&T IN AN AMOUNT NOT-TO-EXCEED \$639,434.83 AND ONE WITH TIME WARNER IN AN AMOUNT NOT-TO-EXCEED \$74,980.00 AND ACCEPTING OF REIMBURSEMENT FUNDS FROM AT&T

AND TIME WARNER FOR JOINT-BID UTILITY WORK ASSOCIATED WITH REALIGNMENT OF MARKET STREET.

2013-03-21-0180

- C. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A MUNICIPAL MAINTENANCE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE ACCEPTANCE OF 10.70 ACRES OF PUBLIC RIGHT-OF-WAY FROM TXDOT, LOCATED NEAR THE IH-37 SOUTHBOUND EXIT RAMP TO CÉSAR CHAVEZ STREET, IN EXCHANGE FOR THE CITY'S FUTURE MAINTENANCE OF TXDOT INTERSECTIONS ALONG IH 37 WITHIN MARKET STREET REALIGNMENT PROJECT LIMITS.

2013-03-21-0182

Item 18. AN ORDINANCE DECLARING AS SURPLUS AN UNIMPROVED CITY-OWNED REAL PROPERTY LOCATED AT 203 TAOS STREET IN COUNCIL DISTRICT 5 AND AUTHORIZING ITS SALE TO NELLY SANCHEZ SILVA FOR \$4,500.00.

Item 20. CONSIDERATION OF THE FOLLOWING ACTIONS RELATED TO CITY OF SAN ANTONIO SERVICE CENTER STRATEGIC PLAN:

2013-03-21-0184

- A. AN ORDINANCE ADOPTING THE CITY OF SAN ANTONIO SERVICE CENTER STRATEGIC PLAN.

2013-03-21-0185

- B. AN ORDINANCE AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE TO APPROXIMATELY 48.824 ACRES OF SAN ANTONIO WATER SYSTEM OWNED REAL PROPERTY AND A 25-FOOT INGRESS/EGRESS/UTILITY EASEMENT CONVEYED FROM PREVIOUS OWNER (HENRY DAUGHTY) TO SAN ANTONIO WATER SYSTEM, AND ANY ADDITIONAL REAL ESTATE NECESSARY, LOCATED IN NCBS 34449 AND 17635 IN COUNCIL DISTRICT 6, FOR THE LESLIE ROAD SERVICE CENTER PROJECT; DECLARING IT TO BE A PUBLIC PROJECT AND AUTHORIZING EXPENDITURES IN AN AMOUNT NOT-TO-EXCEED \$800,000.00 PAYABLE TO THE SELECTED TITLE COMPANY FOR LAND AND ASSOCIATED TITLE FEES; AND, AMENDING THE FY 2013 – 2018 CAPITAL IMPROVEMENT BUDGET WITH THE REALLOCATION OF \$350,000.00 IN NORTHWEST SERVICE CENTER (AT CALLAGHAN ROAD) FUNDS TO BE USED TOWARD PURCHASE OF SUBJECT PROPERTY.

2013-03-21-0186

Item 21. AN ORDINANCE AUTHORIZING THE USE OF CITY COUNCIL PROJECT FUNDS FOR ELIGIBLE PROGRAMS OR PROJECTS SPONSORED BY THE PATHWAYS TO LEADERSHIP SCHOLARSHIP FUND AND THE RAUL JIMENEZ THANKSGIVING DINNER.

2013-03-21-0187

Item 22. AN ORDINANCE AUTHORIZING THE SUBMISSION OF FOUR GRANT RENEWAL APPLICATIONS AND THE ACCEPTANCE OF FUNDS UPON AWARD IN AN AMOUNT UP TO \$627,908.00 FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S PUBLIC CENTER FOR ENVIRONMENTAL HEALTH TO CONTINUE THE OPERATION AND MAINTENANCE OF VARIOUS AIR MONITORS AND AIR SAMPLERS IN THE SAN ANTONIO AREA THROUGH AUGUST 31, 2014.

Item 24. 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 CELINA MORENO (DISTRICT 7) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN.
- B. APPOINTING THOMAS C. MAYES, JR. (DISTRICT 8) TO THE SA2020 COMMISSION ON STRENGTHENING FAMILY WELL-BEING AND THE SA2020 COMMISSION ON EDUCATION AND APPOINTING LAURA THOMPSON (DISTRICT 10) TO THE SA2020 COMMISSION ON EDUCATION.
- C. APPOINTING MICHAEL HOWARD (DISTRICT 9) TO THE BUILDING STANDARDS BOARD.

2013-03-21-0189

- D. AN ORDINANCE APPOINTING ANNE C. LARME (DISTRICT 1) TO THE DISABILITY ACCESS ADVISORY COMMITTEE, AND WAIVING THE CATEGORY REQUIREMENT FOR THIS APPOINTMENT.

2013-03-21-0192

Item 27. AN ORDINANCE APPROVING FINANCIAL UNDERWRITER SYNDICATES SELECTED FROM THE FINANCIAL UNDERWRITING POOL FOR FINANCINGS PLANNED FOR FISCAL YEAR 2013.

2013-03-21-0193

Item 28. AN ORDINANCE AUTHORIZING THE LEASE OF A PATRIOT MEDICAL SYSTEM TRAILER AND ZUMRO SHELTER AWNING SYSTEM TO THE SOUTHWEST TEXAS REGIONAL ADVISORY COUNCIL FOR USE IN PROVIDING EMERGENCY RESPONSE TO DISASTER AREAS IN SOUTH TEXAS.

2013-03-21-0194

Item 29. AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO AMEND A CONTRACT WITH RUDD & WISDOM, INC. FOR ACTUARIAL SERVICES TO INCREASE THE MAXIMUM POSSIBLE EXPENDITURE UNDER THE CONTRACT FROM \$50,000.00 TO \$64,000.00.

2013-03-21-0195

Item 30. AN ORDINANCE AUTHORIZING THE CONTINUATION OF SPORTS LICENSE AGREEMENTS WITH WESTWOOD TERRACE PONY LEAGUE AT LACKLAND TERRACE PARK AND MILLER'S POND YOUTH FOOTBALL LEAGUE AT MILLER'S POND PARK FOR TERMS OF FIVE YEARS COMMENCING ON MAY 1, 2013, IN COUNCIL DISTRICT 4.

Item 31. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO THE EVENTS TRUST FUND:

2013-03-21-0196

A. AN ORDINANCE APPROVING A LOCAL CONTRIBUTION IN THE AMOUNT OF \$469,242.00 TO THE EVENTS TRUST FUND TO QUALIFY FOR REIMBURSEMENT OF ELIGIBLE EXPENSE IN AN AMOUNT UP TO \$3,401,949.00 RELATED TO VARIOUS EVENTS HELD AT THE HENRY B. GONZALEZ CONVENTION CENTER DURING THE MONTHS OF JANUARY, FEBRUARY, MARCH, APRIL AND MAY 2013.

2013-03-21-0197

B. AN ORDINANCE AUTHORIZING THE EXECUTION OF REIMBURSEMENT AGREEMENTS WITH SAN ANTONIO SPORTS FOR REIMBURSEMENT OF EXPENSES TOTALING UP TO \$67,905.00 ASSOCIATED WITH THE STATE REIMBURSEMENT TO THE CITY FOR THE 2013 NCAA FENCING CHAMPIONSHIP AND AUTHORIZING PAYMENT.

Item 32. CONSIDERATION OF THE FOLLOWING RESOLUTIONS ASSOCIATED WITH THE SAN ANTONIO WATER SYSTEM (SAWS):

2013-03-21-0005R

A. A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD IN THE AMOUNT OF \$60,100,000 FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S WATER AND WASTEWATER UTILITY SYSTEM; AUTHORIZING THE SYSTEM'S CO-FINANCIAL ADVISORS, CO-BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF THE APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING FROM ITS CLEAN WATER STATE REVOLVING FUND; AND OTHER MATTERS IN CONNECTION THEREWITH.

2013-03-21-0006R

- B. A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CAPITAL INFRASTRUCTURE IMPROVEMENTS TO THE CITY'S WATER AND WASTEWATER UTILITY SYSTEM FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS NOT TO EXCEED \$60,100,000 TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.

2013-03-21-0007R

- C. A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD IN THE AMOUNT OF \$26,370,000 FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S WATER AND WASTEWATER UTILITY SYSTEM; AUTHORIZING THE SYSTEM'S CO-FINANCIAL ADVISORS, CO-BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF THE APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING FROM ITS DRINKING WATER STATE REVOLVING FUND; AND OTHER MATTERS IN CONNECTION THEREWITH.

2013-03-21-0008R

- D. A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CAPITAL INFRASTRUCTURE IMPROVEMENTS TO THE CITY'S WATER AND WASTEWATER UTILITY SYSTEM FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS NOT TO EXCEED \$26,370,000 TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

Mayor Castro addressed Item 26 at this time followed by Item 14.

2013-03-21-0191

Item 26. AN ORDINANCE APPROVING A FIVE YEAR EXTENSION OF THE AGREEMENT WITH MAIN PLAZA CONSERVANCY TO MANAGE SPECIAL EVENTS, CONCESSIONS, AND GROUNDS MAINTENANCE IN MAIN PLAZA FOR AN ANNUAL AMOUNT NOT TO EXCEED \$505,000.00.

Mayor Castro called upon Mayor Phil Hardberger to speak on Item 26.

Mayor Hardberger addressed the City Council and expressed his support for the agreement with the Main Plaza Conservancy for an annual amount of \$505,000. He stated that Main Plaza was the oldest place in San Antonio and had been a gathering place for many for over 300 years. He spoke of the \$18 million investment and noted that he was pleased with the use of the Plaza. He noted the continued

maintenance that needed to be performed on the Plaza and added that the Plaza was meant to serve the public.

Councilmember Bernal stated that he concurred with Mayor Hardberger that Main Plaza provides a great deal of history. He noted that although a better job could be done in connecting Main Plaza with the Riverwalk, it was very well-visited. He spoke of the great investment that had been made and the need to continue to provide maintenance. He stated that over the next five years, attention should be made on the need for adjustment to the Main Plaza Conservancy and Fundraising Components. He requested annual updates on the progress of programming and maintenance.

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

Councilmember Soules commended Mayor Hardberger for his work on Main Plaza, however; he expressed concern with changing the terms of such an important contract. He asked of the self-sufficiency of the Main Plaza Conservancy on Management and Programs. Jim Mery replied that the \$285,000 for maintenance was to remain consistent and did not have information that it would be self-sustaining. Councilmember Soules read from the agreement noting that the Management Allocation would decrease to zero dollars in the fifth year which was this year. He expressed concern that the Council had not been made aware that the Conservancy was having funding challenges and asked how they had been operating over the past two years. Mr. Mery responded that the Conservancy had submitted a budget in which they would raise funds and receive the amount of funds necessary to operate. He noted that none of the \$505,000 would be used for management. Councilmember Soules stated that his concern was want versus need and asked what would occur if the Conservancy did not meet their fundraising goals. Mr. Mery replied that it would affect the new event they were working on called the Javier DeRichmond Project.

Councilmember Soules moved to approve a one-year contract extension with an amount of \$404,000. Councilmember Chan seconded the motion.

Councilmember Chan commended Mayor Hardberger for his efforts on Main Plaza. She stated that she had not heard funding concerns and had not been given enough time to understand the needs. She asked why only three years of data was provided instead of the five years that the contract had been in effect. Mr. Mery replied that the first year of funding was not a full year and that the first full year was a start up year. Councilmember Chan spoke of the need to be clearer on the budget expenses noting that there were maintenance costs included in the operations budget. She noted the 1,000 events held per year and asked if that was the best way to utilize the funds. She asked if Councilmember Soules' motion maintained the \$285,000 yearly allocation for maintenance. Councilmember Soules confirmed that it included \$285,000 for maintenance.

Councilmember Lopez thanked Mayor Hardberger for his many years of service and commitment to the City of San Antonio. He stated that Main Plaza was a very important part of Downtown and that investments to the Downtown Area were necessary.

Councilmember Saldaña spoke of his visit to Arlington National Cemetery noting that it was a great public asset that did not make any money. He stated that Main Plaza was a tremendous asset for San Antonio and believed that the Conservancy had been doing a good job in raising funds. He asked how

the funds were provided to Main Plaza. Mr. Mery replied that they were included in the Downtown Operations Budget.

Councilmember Williams stated that maintenance was a city obligation and asked of the items that encompass maintenance. Mr. Edward Belmares confirmed that maintenance included the physical cleanliness of the Plaza. Councilmember Williams stated that they needed to be real clear about the management of maintenance and asked if it was included in the maintenance cost. Mr. Mery replied that management of the maintenance was not included in the maintenance cost. Councilmember Williams asked if the Conservancy was supposed to become self-sustaining. Mr. Mery confirmed that the Conservancy was supposed to become self-sustaining and that funds would come from fundraising efforts. Councilmember Williams stated that it was critical to maintain the asset but was unsure of the true maintenance costs.

Mayor Castro thanked Mayor Hardberger for being present and concurred with him that Main Plaza was one of the most important pieces of land in the city. He spoke of the importance of making the necessary investments in Main Plaza and commended the Conservancy for their work.

The motion by Councilmember Soules to approve a one-year contract extension with an amount of \$404,000; and seconded by Councilmember Chan was voted on first.

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

The motion by Councilmember Bernal to adopt the proposed Ordinance recommended by staff; and seconded by Councilmember Saldaña was voted on second.

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

The City Clerk read the caption for Item 14:

2013-03-21-0175

Item 14. AN ORDINANCE AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT AND ACCEPTING \$200,000.00 FROM WAL-MART STORES, INC. FOR CONSTRUCTION OF SIDEWALK IMPROVEMENTS ON FAIRMEADOWS STREET LOCATED IN THE NEIGHBORING SUBDIVISION TO THE NEW WALMART SUPERCENTER BEING CONSTRUCTED IN COUNCIL DISTRICT 4, AND APPROPRIATING FUNDS.

Councilmember Saldaña highlighted said item by stating that it was important to emphasize the investment of infrastructure and spoke of the challenges with funding for sidewalks. He asked of the funding commitment by Wal-Mart. Anthony Chukwudolue replied that Wal-Mart was contributing \$200,000 toward the project. Councilmember Saldaña stated that he was pleased with the commitment by Wal-Mart and thanked them for their contribution.

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

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

The City Clerk read the caption for Item 17:

2013-03-21-0181

Item 17. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION, OF A 4,704.48 SQUARE-FOOT PERMANENT EASEMENT INTEREST OF PRIVATELY-OWNED REAL PROPERTY, LOCATED IN N.C.B. 6436 IN COUNCIL DISTRICT 1, NEEDED FOR THE SAN ANTONIO WATER SYSTEM COMPONENT OF THE KINGS HIGHWAY 8-INCH SANITARY SEWER REPLACEMENT PROJECT, DECLARING IT TO BE A PUBLIC PROJECT AND A PUBLIC NECESSITY FOR THE ACQUISITION.

Mike Etienne stated that the acquisition would enable SAWS to replace 800 feet of existing 8-inch sewer main under Gramercy Road. He noted that it would eliminate potential spills and remove sewer mains under residential structures.

Councilmember Bernal moved that the City of San Antonio authorize the use of the power of eminent domain to acquire property for the public use for the SAWS Kings Highway Sanitary Sewer Project by acquiring the following property described by the City Clerk and incorporated as part of this Motion. Councilmember Ozuna seconded the motion.

City Clerk Vacek read the property description:

The properties consist of the following: Permanent Sanitary Sewer Easement of 0.108 acres or approximately 4,704.48 square feet out of Lots 22, 23, 46 and 47, Block 14, of the Northhaven Subdivision, NCB 6436. These properties are more particularly described in Exhibits A2 and A3 attached to the Ordinance and incorporated as part of this Motion.

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

The City Clerk read the caption for Item 19:

2013-03-21-0183

Item 19. AN ORDINANCE DECLARING AS SURPLUS 9.5 ACRES OF VACANT CITY-OWNED PROPERTY LOCATED IN THE SOUTHWEST BUSINESS AND TECHNOLOGY PARK WITHIN NCB 13940 IN COUNCIL DISTRICT 6; AND, AUTHORIZING ITS SALE TO BAY VALLEY FOODS, LLC FOR \$306,219.00.

Councilmember Chan requested additional information on the process and asked how the appraisal was conducted. Mike Etienne replied that staff followed Chapter 37 of the City Code and Section 272 of the State Local Government Code when disposing of surplus properties. Councilmember Chan asked how staff identified properties for disposition. Mr. Etienne responded that the CIMS Real Estate Office

conducts a comprehensive review of all city-owned properties. Councilmember Chan asked of the criteria of the analysis used to determine that a property should be disposed. Mr. Etienne replied that it must be vibrant for economic development, eliminate blight, and get the property back on the city tax rolls as quickly as possible. He added that they also look to alleviate the city's responsibility of maintaining the property. He indicated that once the review is complete, they canvas the property by sending it to the appropriate departments to see if there is a need for the property. Councilmember Chan asked of the appraisal. Mr. Etienne replied that they had eight independent appraisers on call and worked to get the best appraisal. He mentioned that the next step was to advertise the sale of the property in the newspaper and solicit sealed bids. He stated that the selection was based on the highest and best use of the property. He explained that the Planning Commission had to approve the land use and site plan before it was brought before the City Council.

Councilmember Lopez spoke of the disposition process and noted that the property was located in the Southwest Business Park which was a critical cluster identified through the Westside Development Summit. He stated that the process worked well and that the community was very supportive.

Councilmember Soules requested a visual of the property. Mr. Etienne provided same and noted that the property was located at the intersection of Highway 90 and Highway 151. Councilmember Soules asked of the appraisal and advertisement. Mr. Etienne responded that it was appraised at \$0.80 cents per square foot and was advertised on the City Website and the Hart Beat Publication. Councilmember Soules asked of the circulation of the Hart Beat. Mr. Etienne replied that he was not sure but would follow up with the City Council. Councilmember Soules expressed concern that only one bid was received and stated that he believed the circulation for the publication was very small. He asked if comparables had been conducted within the area. Mr. Etienne confirmed that comparables had been conducted and that prices ranged from \$0.70 cents to \$1.20 per square foot. Councilmember Soules stated that he believed that a better process could have been followed.

Councilmember Chan asked if staff advertised in the same newspapers every time. Mr. Etienne replied that they utilized various newspapers depending on size and value of the property. Councilmember Chan requested that staff develop a more consistent system for advertising and conduct a review for the potential of involving the Planning Department or a City Council Committee. She further requested that staff be more careful when committing to dispose property at a certain price in the future.

Councilmember Soules confirmed that there was not an option agreement and that the city had the ability to market the property for the highest value. Mr. Etienne confirmed same and indicated that it was more of a first right of refusal.

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

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

The City Clerk read the caption for Item 23:

2013-03-21-0188

Item 23. AN ORDINANCE AMENDING ARTICLE I (GENERAL PROVISIONS) AND ARTICLE V (LIMOUSINE SERVICES) OF CHAPTER 33 OF THE SAN ANTONIO CITY CODE TO ADDRESS THE USE OF SMARTPHONE APPLICATIONS TO OBTAIN TAXICAB OR LIMOUSINE SERVICES; AND TO ESTABLISH A MINIMUM FARE OF \$67.50 FOR LIMOUSINE SERVICES.

Councilmember D. Medina asked Chief McManus to provide a briefing on said item. Chief McManus stated that there were two issues that they were trying to address. The first was related to establishing a minimum fee for Limousines and the second was to address rogue Smartphone Applications for taxicab and limousine services. He noted that the issues were brought forth by the industry and noted that they did not believe that any rogue applications were operating in San Antonio. He explained that the rogue applications did not follow Chapter 33 Conditions for Taxi Cab Drivers or for the vehicles. He stated that the rogue application operators were not licensed and their vehicles were not inspected. He noted that they did not have background checks and could be a public safety issue. He reported that they had presented to the Transportation Advisory Board (TAB) in January and two public hearings were conducted. Councilmember D. Medina stated that he believed that the city was taking the proper steps and being proactive regarding said issue.

Mayor Castro called upon the citizens registered to speak.

Robert Gonzales with National Cab stated that he had been in the business for 32 years and that he was an advocate for taxi drivers. He noted that he served on the TAB and had voted in opposition to said item. He indicated that he believed that visitors to the city should be able to utilize the Smartphone Application to request services. He expressed concern that the proposal was brought forth due to competition and not safety. He stated that the applications should be allowed to operate but should register with the Ground Transportation Office and not through a dispatch service.

George Mery with Elegant Limo stated that he had served San Antonio for 20 years. He noted that he believed that there were adequate rules in the City Ordinance enforced by the Ground Transportation Office but they were in jeopardy. He quoted an article in the Austin Business Journal in which the CEO of a rogue application service referenced a lawsuit against the City of Austin. He expressed concern that the Smartphone Application was designed to disrupt, misrepresent and replace the long standing history of reputable, reliable and well-managed transportation services.

John Bouloubasis of Yellow Cab noted that cell phone applications make it easier for people to obtain and collect data, however; the applications being discussed today are designed to cheat and shortcut the city's system. He spoke in support of the Code Amendments noting that they were needed to protect the industry. He stated that licensed drivers and company owners had made a great investment in their business and that everyone should follow the city's rules and regulations. He expressed concern with safety issues and the outrageous fees that were being charged by those operating rogue applications.

Hector Garcia with the Alamo City Taxi Driver's Association stated that he was neutral in the issues being addressed. He expressed concern that competition would be eliminated if rogue applications must go through a dispatch system. He indicated that he would be supportive of the rogue applications going through the Ground Transportation Office to ensure that background checks and other rules were being followed.

Cruz Chavirra addressed the Council and stated that he served on the TAB and was supportive of the Code Amendments. He spoke of the positive changes in the Hospitality Industry over the past 30 years and noted the great investments made by the City of San Antonio. He expressed concern with the rogue applicators that were making money off the San Antonio Industry without following the proper regulations.

Councilmember D. Medina asked if this was the right step in terms of public safety for the citizens of San Antonio. Chief McManus confirmed that he believed that this was the right step.

Councilmember Ozuna stated that there was a need to take action and that the industry had worked very hard to ensure public safety. She noted that they would look at the effectiveness of the dispatching centralization but believed this was the appropriate thing to do at this point in time.

Councilmember Lopez spoke of the importance of street safety and suggested that staff look at the potential of providing a two-minute stop zone for taxicab drivers at the Airport.

Councilmember C. Medina expressed his support for the proposed changes and thanked Councilmember D. Medina for his leadership on the Public Safety Council Committee.

Mayor Castro asked of rogue applications versus legitimate applications. Erik Walsh stated that they had not experienced any applications being utilized in San Antonio. He noted that the larger rogue applications operating in other cities included Uber and Sidecar. Mayor Castro stated that he had an interest in protecting the public but also wanted to ensure that customers had a positive experience. Mr. Bouloubasis stated that they were in confidential communications with three local and one international application service. He noted that they would be tied into the dispatch system that was the key component. Mayor Castro reiterated the importance of not impeding on the consumer and ensuring convenience.

Councilmember Soules thanked everyone that provided input and stated that it was important to balance emerging technology and safety. He asked of the pricing model and current market rates for limousine services. Mr. Walsh replied that the Police Department had surveyed two aspects of the Limousine Industry and had found that the average hourly rate for a town car was \$70.13. He stated that the Luxury Limousine Category had an average of \$85.67 and did not believe they were creating a higher floor than already existed.

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

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

The City Clerk read the caption for Item 25:

2013-03-21-0190

Item 25. AN ORDINANCE REAPPOINTING JOHN BULL AS THE PRESIDING JUDGE OF THE MUNICIPAL COURT OF THE CITY OF SAN ANTONIO.

Mayor Castro commended Judge John Bull for his work at Municipal Court and noted the innovation that had been implemented. He spoke of the great results within Truancy Issues and stated that he appreciated the human interaction with those that come before the courts.

Councilmember Soules complimented Judge Bull on his leadership and stated that he also appreciated the innovation implemented within the Municipal Court.

Judge Bull thanked the City Council for their continued support.

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

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

Mayor Castro announced that there would be no City Manager's Report.

Item 33. CITY MANAGER'S REPORT

A. LUMINARIA 2013

B. GREEN AND HEALTHY HOMES INITIATIVE

C. EMPLOYEE SURVEY

RECESSED

Mayor Castro recessed the meeting at 12:57 pm to break for lunch and announced that the meeting would resume at 2:00 pm.

RECONVENED

Mayor Castro reconvened the meeting at 2:03 pm and addressed the Zoning Items.

CONSENT ZONING ITEMS

Councilmember Saldaña moved to approve the following Zoning Items: 34, Z-5, P-2, Z-6, Z-7, Z-8, P-4, Z-9, Z-10, P-6, Z-12, and Z-13 under Consent Zoning. Councilmember Taylor seconded the motion. John Jacks announced that Items Z-1, Z-4, Z-10 and Z-13 were approved by the Zoning Commission. Mayor Castro announced that Item Z-2 was postponed by the applicant.

Written testimony was received from Sue Snyder, President of the Oakland Estates Neighborhood Association in support of Items P-6 and Z-12.

Faris Hodge, Jr. submitted written testimony in favor of Items 34, Z-2, P-1, Z-5, P-2, Z-6, P-3, Z-7, Z-8, P-4, Z-9 and P-8A-D. He wrote in opposition to Item Z-1 noting that the City Council should vote on one zoning case at a time. He wrote against Items Z-3, Z-4, and Z-14.

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

2013-03-21-0198

Item 34. AN ORDINANCE AMENDING THE MAJOR THOROUGHFARE PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY BY RE-ALIGNING THE EAST/WEST CONNECTOR IN SOUTHWEST BEXAR COUNTY FOR A SEGMENT THAT IS GENERALLY LOCATED BETWEEN LOOP 410 TO THE NORTH, WATSON ROAD TO THE SOUTH, STATE HIGHWAY 16 SOUTH TO THE EAST, AND SOMERSET ROAD TO THE WEST. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.

POSTPONED BY APPLICANT

Item Z-2. **ZONING CASE # Z2012157 (District 1):** An Ordinance amending the Zoning District Boundary from "HS MF-33 NCD-1 AHOD" Historic Significant Multi-Family South Presa Street/South St. Mary's Street Neighborhood Conservation Airport Hazard Overlay District to "HS IDZ NCD-1 AHOD" Historic Significant Infill Development Zone South Presa Street/South St. Mary's Street Neighborhood Conservation Airport Hazard Overlay District with uses permitted in "MF-33" Multi-Family District and "NC" Neighborhood Commercial District on Lot 16, Block 4, NCB 732 located at 206 Sadie Street. Staff and Zoning Commission recommended approval.

2013-03-21-0200

Item Z-5. **ZONING CASE # Z2013063 HL (District 1):** An Ordinance amending the Zoning District Boundary from "R-6 RIO-2 AHOD" Residential Single-Family River Improvement Overlay-2 Airport Hazard Overlay District to "HL R-6 RIO-2 AHOD" Historic Landmark Residential Single-Family River Improvement Overlay-2 Airport Hazard Overlay District on Lot 45, NCB 6539 located at 115 West Josephine 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 45, NCB 6539 TO WIT: FROM "R-6 RIO-2 AHOD" RESIDENTIAL SINGLE-FAMILY RIVER IMPROVEMENT OVERLAY-2 AIRPORT HAZARD OVERLAY DISTRICT TO "HL R-6 RIO-2 AHOD" HISTORIC LANDMARK RESIDENTIAL SINGLE-FAMILY RIVER IMPROVEMENT OVERLAY-2 AIRPORT HAZARD OVERLAY DISTRICT.

2013-03-21-0201

Item P-2. **PLAN AMENDMENT #13011 (District 2):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE SAN ANTONIO INTERNATIONAL AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 0.1653 ACRES OF LAND AT 4530 WALZEM ROAD FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL.

STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2013054) (CONTINUED FROM MARCH 7, 2013)

2013-03-21-0202

Item Z-6. **ZONING CASE # Z2013054 (District 2):** An Ordinance amending the Zoning District Boundary from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "NC AHOD" Neighborhood Commercial Airport Hazard Overlay District on Lot 8, Block 2, NCB 11901 located at 4530 Walzem. Staff and Zoning Commission recommend approval. (Associated Plan Amendment Case # 13011)(Continued from March 7, 2013)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 8, BLOCK 2, NCB 11901 TO WIT: FROM "O-2 AHOD" HIGH-RISE OFFICE AIRPORT HAZARD OVERLAY DISTRICT TO "NC AHOD" NEIGHBORHOOD COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2013-03-21-0204

Item Z-7. **ZONING CASE # Z2013069 (District 2):** An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District and "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-3" General Commercial District and "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lot 3 and 4.1651 acres out of Lot 1, Block 2, NCB 14058 located at 411 and 311 Roland Avenue. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 3 AND 4.1651 ACRES OUT OF LOT 1, BLOCK 2, NCB 14058 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT AND "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT AND "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2013-03-21-0205

Item Z-8. **ZONING CASE # Z2013062 (District 3):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-5 AHOD" Residential Mixed Airport Hazard Overlay District on Lots 11 & 12, Block 20, NCB 9320 located at 503 Grosvenor Boulevard. 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 11 & 12, BLOCK 20, NCB 9320 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "RM-5 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

2013-03-21-0206

Item P-4. **PLAN AMENDMENT #13014 (District 3):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE HIGHLANDS COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 12.801 ACRE TRACT OF LAND LOCATED NORTHEAST OF THE INTERSECTION OF IH-37 AND SOUTH EAST MILITARY DRIVE FROM PARKS/OPEN SPACE, HIGH DENSITY RESIDENTIAL, AND MEDIUM DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2013057)

2013-03-21-0207

Item Z-9. **ZONING CASE # Z2013057 (District 3):** An Ordinance amending the Zoning District Boundary from "R-4" Residential Single-Family District and "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "MF-18" Limited Density Multi-Family District and "MF-18 AHOD" Limited Density Multi-Family Airport Hazard Overlay District on 12.801 acres out of NCB 10865 located on a portion of the parcel located at the northeast corner of Interstate Highway 37 and Southeast Military Drive. Staff and Zoning Commission recommend approval pending the plan amendment and authorization of an eight (8) foot fence on the property pursuant to 35-514(d)(2)(D). (Associated Plan Amendment Case # 13014)

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: 12.801 ACRES OUT OF NCB 10865 TO WIT: FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "MF-18" LIMITED DENSITY MULTI-FAMILY DISTRICT AND "MF-18 AHOD" LIMITED DENSITY MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

2013-03-21-0208

Z-10. **ZONING CASE # Z2013075 S (District 4):** An Ordinance amending the Zoning District Boundary from "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District to "L S AHOD" Light Industrial Airport Hazard Overlay District with a Specific Use Authorization for Truck Repair and Maintenance on Parcel 13B, NCB 14567 located at 9700 South Interstate Highway 35. 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 13B, NCB 14567 TO WIT: FROM "C-3R AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT TO "L S AHOD" LIGHT INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR TRUCK REPAIR AND MAINTENANCE PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2013-03-21-0209

Item P-6. **PLAN AMENDMENT #13017 (District 8):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE OAKLAND ESTATES NEIGHBORHOOD PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 0.8277 ACRE TRACT OF LAND LOCATED AT 5032 AND 5094 PRUE ROAD FROM COMMUNITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2013061)

2013-03-21-0210

Item Z-12. **ZONING CASE # Z2013061 (District 8):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "MF-33" Multi-Family District on Parcel 32B, Block 2 and 0.654 of an acre out of Lot 4 (Parcel 32), NCB 14864 located at 5032 & 5094 Prue Road. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment Case #13017)

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 32B, BLOCK 2 AND 0.654 OF AN ACRE OUT OF LOT 4 (PARCEL 32), NCB 14864 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

2013-03-21-0211

Item Z-13. **ZONING CASE # Z2013051 CD (District 8):** An Ordinance amending the Zoning District Boundary from "MPCD GC-1 MLOD-1" Master Planned Community Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District to "C-2 CD GC-1 MLOD-1" Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District with a Conditional Use for Motor Vehicle Sales (Full Service) on 10.8 acres out of NCB 14858 located on a portion of the 15000 Block of Interstate Highway 10 West. Staff recommends approval. Zoning Commission recommendation pending the March 19, 2013 public hearing.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 10.8 ACRES OUT OF NCB 14858 TO WIT: FROM "MPCD GC-1 MLOD-1" MASTER PLANNED COMMUNITY HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT TO "C-2 CD GC-1 MLOD-1" COMMERCIAL HILL COUNTRY GATEWAY OVERLAY CORRIDOR CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLE SALES (FULL SERVICE) PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

[CONSENT ZONING CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

Items P-5 and Z-11 were addressed jointly at this time.

DENIED

Item P-5. **PLAN AMENDMENT #13012 (District 5):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE KELLY/SOUTH SAN PUEBLO NEIGHBORHOOD PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 0.3819 ACRES OF LAND AT 503 NEW LAREDO HIGHWAY FROM COMMUNITY COMMERCIAL TO BUSINESS PARK. STAFF RECOMMENDS DENIAL. PLANNING COMMISSION RECOMMENDS APPROVAL. (ASSOCIATED ZONING CASE: #Z2013055 S)(CONTINUED FROM MARCH 7, 2013)

DENIED

Item Z-11. **ZONING CASE # Z2013055 S (District 5):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-3 S AHOD" General Commercial Airport Hazard Overlay District with a Specific Use Authorization for Auto Paint and Body on Lot 32, Block 8, NCB 8736 located at 503 New Laredo Highway. Staff recommends denial. Zoning Commission recommends approval, pending the plan amendment. (Associated Plan Amendment Case # 13012)(Continued from March 7, 2013)

Chris Looney presented Item P-5 and stated that it would amend the land use plan contained in the Kelly/South San Pueblo Neighborhood Plan. He reported that staff recommended denial while the Planning Commission recommended approval. For Item Z-11, he stated that staff recommended denial while the Zoning Commission recommended approval. He reported that of 13 notices mailed; three were received in opposition and one was received in favor. He noted that due to more than 20% opposition; the case would require nine votes for approval.

Mayor Castro called upon the individuals registered to speak.

Ms. Cora Alvarado spoke in opposition to the request and stated that she had lived in the area for many years. She noted that she had worked very hard to revitalize the neighborhood and did not understand why progress was being hindered. She expressed concern with the limited space for an auto paint and body shop and added that the fumes would affect the children in the nearby school and parishioners of the church.

Guadalupe Lopez stated that this was a middle to low-income area and spoke of the revitalization occurring at West Southcross Boulevard. She noted that they were not opposed to small businesses but were concerned that the paint and body shop would be an eyesore. She expressed concern with the school and church nearby and requested that the City Council vote against said items.

George Daau stated that he was the owner of the property and that the request was to perform body work indoors. He noted that they would not use paint but the zoning called for a Paint/Body Shop and that could not be changed. He added that they had worked hard to clean up the property and had spoken with the church in the area.

Manuel Hernandez stated that he owns and operates M&M SA Tire Shop on the property and spoke of the services they perform at the location. He noted that they struggled in opening the business and employed 12 individuals. He confirmed that they would not paint any vehicles on the property and requested support for the rezoning.

Salah Diab stated that he was a Consultant Engineer for the applicant and spoke of their work in cleaning up the property. He noted that they had worked with the neighborhood association, church, and Councilmember D. Medina's Office to address their concerns. He confirmed that they would not perform any paint work on the property.

Imelda Arismendez spoke in opposition to the zoning request noting that she works at St. Joseph's Church and was concerned with the fumes. She expressed concern that many individuals in the neighborhood were not informed of the Plan Amendment or zoning request.

Jack M. Finger stated that they were not opposed to body shops or job creation but spoke in opposition to the zoning request. He noted that it would have an adverse impact on the neighborhood and impede neighborhood revitalization in the area. He indicated that there was more than 20% opposition and expressed concern with the fumes and residue. He added that he was opposed to Item Z-14 due to the great amount of opposition received.

Councilmember D. Medina thanked everyone that came to speak on said item and spoke of the transition and revitalization occurring in the area where the property is located. He stated that he was very supportive of small businesses and that the business would be able to continue to operate with their current services. He mentioned that he had received letters of support from the Quintana Neighborhood Association and St. Joseph's Church. He asked if there was a zoning classification for Auto and Body. Mr. Jacks replied that the use was Auto Paint and Body and could not be segregated. Councilmember D. Medina stated that although he was supportive of small businesses, he understood the concerns from the residents and would like to respect the Community Plan.

Councilmember D. Medina moved to deny Items P-5 and Z-11. Councilmember Saldaña seconded the motion.

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

Items P-7 and Z-14 were addressed jointly at this time.

2013-03-21-0212

Item P-7. **PLAN AMENDMENT #13010 (District 9):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE MAHNCKE PARK NEIGHBORHOOD PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 0.4018 ACRES LOCATED AT 149 PERRY COURT, 153 PERRY COURT, 152 BURR ROAD, AND 156 BURR ROAD FROM URBAN SINGLE FAMILY RESIDENTIAL TO COMPACT MULTI FAMILY RESIDENTIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. ASSOCIATED ZONING CASE: #Z2012172) (CONTINUED FROM MARCH 7, 2013)

2013-03-21-0213

Item Z-14. **ZONING CASE # Z2012172 (District 9):** An Ordinance amending the Zoning District Boundary from "R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District to "MF-25 NCD-6" Low Density Multi-Family Mahncke Park Neighborhood Conservation District on Lots 27, 28, 29 and 30, Block 3, NCB 6229 located at 149 and 153 Perry Court and 152 and 156 Burr Road. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment Case # 13010) (Continued from March 7, 2013)

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 27, 28, 29 AND 30, BLOCK 3, NCB 6229 TO WIT: FROM "R-4 NCD-6" RESIDENTIAL SINGLE-FAMILY MAHNCKE PARK NEIGHBORHOOD CONSERVATION DISTRICT TO "MF-25 NCD-6" LOW DENSITY MULTI-FAMILY MAHNCKE PARK NEIGHBORHOOD CONSERVATION DISTRICT.

Chris Looney presented Item P-7 and stated that it would amend the future land use plan contained in the Mahncke Park Neighborhood Plan. He reported that staff and the Planning Commission recommended approval. For Item Z-14, he stated that staff and the Zoning Commission recommended approval. He reported that of 26 notices mailed; 13 responses were received in opposition and seven were returned in favor. He noted that due to more than 20% opposition; the case would require nine votes for approval.

Mayor Castro called upon the individuals registered to speak.

Philip D. Jacobs addressed the City Council against the zoning of the area noting that he resides at 162 Burr Road. He stated that student housing belonged on campus and expressed concern with parking along Perry Court. He referenced the volatile soil in their neighborhood and the high cost of the slabs needed to build their homes. He requested that the City Council deny the request.

Collin Stone stated that he was against the zoning of the area and noted that he lived across the street from the proposed dorm with his 2-year-old son. He showed photos of the area and indicated that the development would have a negative effect on surrounding property owners by increasing traffic. He stated that there should not be a change in the neighborhood plan until a clear goal for Perry Court was in place.

Rob Killen presented a Power Point related to the proposed residential development. He stated that the majority of the property owners in Mahncke Park were opposed to the original plan to build a parking lot and believed the new plan accommodates the concerns. He outlined the map of the area and reported that the University of the Incarnate Word (UIW) was proposing two buildings; one facing Perry Court and the other facing Davis Street. He noted that each building would have five units and would be compatible with the neighborhood.

Councilmember Chan thanked Messrs. Jacobs and Stone for being present and stated that this was a difficult zoning case. She noted that walkability was very important for the neighborhood and asked of the development. Mr. Killen replied that it would be utilized as housing for International Students that

were less likely to have their own vehicle. He stated that they were half a block from the campus and hoped that most would bike or walk to the campus. He noted that 15 parking spaces would be made available. Councilmember Chan thanked Councilmember Taylor for working with them on said item since it would be located in District 2 due to redistricting. She asked of outreach efforts. Mr. Killen replied that Representatives of UIW had block walked and that several meetings were held with the general public and the Mahncke Park Neighborhood Association. Councilmember Chan asked of the position of the Mahncke Park Neighborhood Association. Mr. Killen responded that they had not taken a position. Councilmember Chan asked of the issues regarding height. Mr. Killen replied that the issues on height had been addressed.

Councilmember Taylor thanked everyone involved in the process and stated that she was pleased that they had come to a good solution. She noted that the renderings of the buildings blended well with the neighborhood. She spoke of the need to address long-term parking issues that had been intensified by the development occurring along the Broadway Corridor.

Councilmember Chan moved to approve Items P-7 and Z-14 with the condition to allow an increased fence height not to exceed seven feet tall along the Eastern Property Boundary. Councilmember Taylor seconded the motion.

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

Item Z-3 was addressed at this time.

CONTINUED TO APRIL 4, 2013

Item Z-3. **ZONING CASE # Z2012225 (District 1):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-1 AHOD" Light Commercial Airport Hazard Overlay District on Lots 33A and 34A, the east 10 feet of the north 92.8 feet of Lot 32A, and the north 29 feet of Lot 35A, Block 19, NCB 2083 aka Lots 32-35, Block 19, NCB 2083 located at 1623 North Sabinas. Staff recommends denial. Zoning Commission recommends approval. (Continued from February 21, 2013)

Mayor Castro excused himself from the meeting at this time and Mayor Pro Tem Soules presided over the remainder of the meeting.

John Jacks presented Item Z-3 and stated that staff recommended denial while the Zoning Commission recommended approval. He reported that of 29 notices mailed; two were returned in opposition and none were received in favor.

Councilmember Bernal stated that he would like additional time for the applicant to revise their application.

Councilmember Bernal moved to continue said item until April 4, 2013. Councilmember Lopez seconded the motion.

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

Items P-1 and Z-4 were addressed jointly at this time.

CONTINUED TO APRIL 4, 2013

Item P-1. **PLAN AMENDMENT #13006 (District 1):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE TOBIN HILL NEIGHBORHOOD PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 0.799 ACRE TRACT OF LAND LOCATED AT 211, 215 AND 219 EAST COURTLAND PLACE AND 2003 AND 2011 MCCULLOUGH AVENUE FROM LOW DENSITY MIXED USE TO HIGH DENSITY MIXED USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING #Z20133030)

CONTINUED TO APRIL 4, 2013

Item Z-4. **ZONING CASE # Z2013030 (District 1):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with Multi-Family uses at a density not to exceed 65 units per acre on Lots 3, 4, 5, 6 and 14, Block 3, NCB 1726 located at 211, 215, 219 East Courtland Place, 2003 and 2011 McCullough Avenue. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment Case #13006)

Chris Looney presented Item P-1 and stated that it would amend the land use plan contained in the Tobin Hill Neighborhood Association. He reported that staff and the Planning Commission recommended approval. For Item Z-4, he stated that staff and the Zoning Commission recommended approval. He reported that of 42 notices mailed; none were received in opposition and two responses were received in favor. He added that the Tobin Hill Community Association was in opposition.

Councilmember Bernal expressed concern that the zoning case had gone through many changes.

Councilmember Bernal moved to continue Items P-1 and Z-4 until April 4, 2013. Councilmember Chan seconded the motion.

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

2013-03-21-0203

Item P-3. **PLAN AMENDMENT #13016 (District 2):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE IH-10 EAST CORRIDOR PERIMETER PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 700.9 ACRES OF LAND OUT OF NCB 17322, NCB 17993, NCB 12867, NCB 35098 AND NCB 17992 LOCATED SOUTHWEST OF THE INTERSECTION OF IH-10 EAST AND FOSTER ROAD, WEST OF FOSTER ROAD AND NORTH OF FM 1346, FROM URBAN LIVING, PARKS/OPEN SPACE AND INDUSTRIAL TO BUSINESS PARK, MEDIUM DENSITY RESIDENTIAL AND COMMUNITY COMMERCIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (A ZONING CASE HAS NOT BEEN SUBMITTED AT THIS TIME.)

Chris Looney presented Item P-3 and stated that it would amend the land use plan contained in the IH-10 East Corridor Perimeter Plan save and except 25.5640 acres specifically described as NCB 12867 Parcels 57B and 58A, NCB 17992 Parcel 36A, NCB 17993 Parcel 35B, and NCB 35098 Parcels 36B and 37C due to the fact that the property descriptions were for an easement on the property. He reported that staff and the Planning Commission recommended approval.

Councilmember Taylor moved to adopt the proposed Ordinance with the exceptions of the property descriptions read by staff. Councilmember Bernal seconded the motion.

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

2013-03-21-0199

Item Z-1. **ZONING CASE # Z2013072 HL (District 1 and District 5):** An Ordinance amending the Zoning District Boundary from R-6 AHOD" Residential Single-Family Airport Hazard Overlay District, "R-4 NCD-8 AHOD" Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District, "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District, "MF-33 AHOD" Multi-Family Airport Hazard Overlay District, "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-1 CD" Light Commercial District with a Conditional Use for a Meeting Facility/Reception Hall, "C-2P IDZ AHOD" Commercial Pedestrian Infill Development Zone Airport Hazard Overlay District, "C-2 AHOD" Commercial Airport Hazard Overlay District, "C-3NA S AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Specific Use Authorization for an Auto Paint & Body Shop, "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District, "C-3 AHOD" General Commercial Airport Hazard Overlay District, "I-1 AHOD" General Industrial Airport Hazard Overlay District, "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to Add the "HL" Historic Landmark designation to the existing zoning districts, all other base, special, and overlay districts remain unchanged on NCB 1013, Block 3, Lot 25; NCB 1041, Block 4, Lot 20, the northeast triangular 21 feet of Lot 18, & the east irregular 20.47 feet of Lot 19; NCB 2072, Block 4, Lots 1, 2, & 3; NCB 2158, Block 3, the south 79.87 feet of Lot 24; NCB 2287, Block 2, Lots 18, 19, 20, 21 & 22; NCB 2302, Block 4, the east irregular 42 feet of Lot 5 & the northeast triangular 26 feet of Lot 6; NCB 2316, Block 11, Lots 1 thru 12; NCB 2322, Block 1, Lots 7, 8 & 9; NCB 2324, Block 3, the south 60 feet of Lots 1 & 2; NCB 2332, Block 18, Lot 6 & the west 30 feet of Lot 5; NCB 2342, Block 7, Lot 1; NCB 2349, Block 4, Lots 23 & 24; NCB 2436, Block B, Lot 28B; NCB 2437, Block D, Lots 49, 50, the west 43 feet of Lot 1, the west 43 feet of the north 22.9 feet of Lot 2; NCB 2439, Block 3, Lot 7; NCB 2440, Block 2, Lot 19; NCB 2444, Block 1, Lots 19, 20, the south 37.75 feet of Lots 39 & 40 & the irregular southeast 0.06 acres of Lot 42; NCB 8177, Parcel 102; and NCB 8177, Block 113, Lots 16, 17, 18, 20, 21, Parcel 105 and the east 10 feet of Lot 19 located at 1001 North San Marcos (AKA 401 Arbor Place); 1619, 1623 & 1625 North San Marcos; 1619 West Poplar Street; 1107 Culebra Road; 1617, 2300, 3103 & 3115 West Commerce Street; 115 South Zarzamora; 107 South Elmendorf; 1202, 2322 Buena Vista Street; 215 & 913 South Brazos Street; 1403 Saunders; 1105, 1107 1300, 1302, 1304 & 1601 Guadalupe Street; 816 & 827 South Colorado Street; 1408, 1412 & 1426 El Paso Street; and 429, 433 & 445 Castroville 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: NCB 1013, BLOCK 3, LOT 25; NCB 1041, BLOCK 4, LOT 20, THE NORTHEAST TRIANGULAR 21 FEET OF LOT 18, & THE EAST IRREGULAR 20.47 FEET OF LOT 19; NCB 2072, BLOCK 4, LOTS 1, 2, & 3; NCB 2158, BLOCK 3, THE SOUTH 79.87 FEET OF LOT 24; NCB 2287, BLOCK 2, LOTS 18, 19, 20, 21 & 22; NCB 2302, BLOCK 4, THE EAST IRREGULAR 42 FEET OF LOT 5 & TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT, "R-4 NCD-8 AHOD" RESIDENTIAL SINGLE-FAMILY WOODLAWN LAKE AREA NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT, "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT, "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT, "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A MEETING FACILITY/RECEPTION HALL, "C-2P IDZ AHOD" COMMERCIAL PEDESTRIAN INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT, "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT, "C-3NA S AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR AUTO PAINT & BODY SHOP, "C-3R AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT, "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT, "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT, "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO ADD THE "HL" HISTORIC LANDMARK DESIGNATION TO THE EXISTING ZONING DISTRICTS, ALL OTHER BASE, SPECIAL, AND OVERLAY DISTRICTS REMAIN UNCHANGED.

John Jacks presented Item Z-1 and stated that the request was to add the Historic Landmark Designation to existing zoning. He reported that staff and the Zoning Commission recommended approval. He noted that of 472 notices mailed; none were returned in opposition and one was received in favor.

Councilmember D. Medina asked of the process. Shanon Miller replied that the process began in February 2011 and that staff had been proactive in recognizing significant properties on the West Side. She stated that they had met with many stakeholders and solicited community input. Councilmember D. Medina asked of communication with the property owners. Ms. Miller confirmed that they had communicated with the property owners throughout the process.

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

Susana Segura stated that she had lived in District 5 for 26 years and spoke in support of the historic designation of all of the properties. She noted that she had witnessed the demolition of other historic buildings on the West Side and would like to work with the Office of Historic Preservation to preserve historic buildings on the West Side.

Imelda Arismendez stated that she had grown up on the West Side and spoke in support of the historic designation of the properties. She noted that many of the buildings had historic value for the West Side Community and spoke of the materials used for building structures in the past that were no longer used.

Daniel Gonzalez showed photos of himself and his family growing up in the 1960's and expressed support for the historic designation of the properties. He stated that he was grateful for the effort to

preserve historic structures on the West Side and thanked the organizations that were working on preservation efforts.

Councilmember D. Medina spoke of the importance of preserving history and thanked everyone in the community that had worked on the process.

Councilmember Bernal thanked staff for their work and stated that he was pleased that structures of both architectural and historic significance had been identified.

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

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

Item P-8. CONSIDERATION OF THE FOLLOWING ORDINANCE AND RESOLUTIONS RELATED TO THE ADOPTION AND IMPLEMENTATION OF THE LONE STAR COMMUNITY PLAN.

203-03-21-0214

- A. **PLAN AMENDMENT (Districts 1 and 5):** AN ORDINANCE ADOPTING THE LONE STAR COMMUNITY PLAN AS A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY TO SUPERSEDE THE DOWNTOWN NEIGHBORHOOD PLAN AND THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN FOR A 1.9 SQUARE MILE AREA BOUND BY CESAR E. CHAVEZ BOULEVARD AND A UNION PACIFIC RAILROAD RIGHT-OF-WAY ON THE NORTH, THE SAN ANTONIO RIVER AND INTERSTATE HIGHWAY 37 ON THE EAST, US HIGHWAY 90 ON THE SOUTH, AND INTERSTATE HIGHWAY 35 ON THE WEST. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.

2013-03-21-0009R

- B. A RESOLUTION DIRECTING THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT TO ACT AS COORDINATOR/ FACILITATOR FOR IMPLEMENTATION OF THE LONE STAR COMMUNITY PLAN.

2013-03-21-0010R

- C. A RESOLUTION DIRECTING THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT TO BRING FORWARD TO THE ZONING COMMISSION FOR CONSIDERATION AND CITY COUNCIL FOR FINAL CONSIDERATION: 1) A CHANGE IN THE ZONING DISTRICT BOUNDARY OF PROPERTIES GENERALLY BOUND BY: CESAR E. CHAVEZ BOULEVARD AND A UNION PACIFIC RAILROAD RIGHT-OF-WAY ON THE NORTH, THE SAN ANTONIO RIVER AND INTERSTATE HIGHWAY 37 ON THE EAST, US HIGHWAY 90 ON THE SOUTH, AND INTERSTATE HIGHWAY 35 ON THE WEST TO APPROPRIATE ZONING DISTRICTS CONSISTENT WITH THE LONE STAR COMMUNITY PLAN, AND 2) AMENDMENTS TO SECTION 35-358: AE-1, AE-2, AE-3, AND AE-4 ARTS

AND ENTERTAINMENT ZONING DISTRICTS OF THE UNIFIED DEVELOPMENT CODE.

2013-03-21-0011R

- D. A RESOLUTION DIRECTING THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT TO CONDUCT A CORRIDOR STUDY THAT EMPHASIZES A MULTIMODAL LEVEL OF SERVICE FOR SOUTH FLORES FROM CESAR E. CHAVEZ TO CEVALLOS TO DETERMINE THE IDEAL CROSS-SECTION THAT IS CONSISTENT WITH THE LAND USE PLAN IF FUNDING BECOMES AVAILABLE.

2013-03-21-0012R

- E. A RESOLUTION DIRECTING THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT CITY DESIGN CENTER TO WORK WITH CPS ENERGY STAFF TO DEVELOP POWER POLE AND ASSOCIATED INFRASTRUCTURE PLACEMENT STANDARDS FOR THE LONE STAR COMMUNITY PLAN AREA.

Chris Looney presented a Power Point regarding the Lone Star Community Plan that would become a component of the Comprehensive Master Plan for the city. He provided a map of the area and spoke of the process enhancements they utilized. He explained that they had expanded the project team to allow for innovation and shortening of the planning process. He noted that the Department of Planning and Community Development had built and updated a website to establish and maintain contact with stakeholders. He mentioned that they had engaged the community on public policy objectives and held focus group meetings. He added that city departments and partner agencies were directly entrusted with plan implementation and have committed to actively pursue implementation of the strategies in the time frames provided. He reported that the vision for the Lone Star Plan was adaptive re-use of the city's Industrial Heritage for Arts, Entertainment, and Creative Living Spaces. He stated that the plan provides a balanced approach to redevelopment that maximizes growth while minimizing conflicts between long-time residents and newcomers. He noted that the plan included goals and strategies as well as an implementation matrix.

Councilmember D. Medina stated that during his first term in office, he had looked at the area and believed that it had great potential for redevelopment and revitalization. He spoke of the support and involvement of the community for the community plan and noted that it had been embraced by the neighborhood. He mentioned the growth and transformation of the City of San Antonio and commended staff for their work.

Councilmember D. Medina moved to adopt and implement the Lone Star Community Plan and directed the Department of Planning and Community Development to: a) Coordinate the implementation of the Lone Star Community Plan; b) Bring forward to City Council for consideration the proposed rezoning of properties within the plan boundaries to appropriate zoning districts that are consistent with the future land use plan; c) Bring forward amendments to Section 35-358 of the Unified Development Code regarding the Arts and Entertainment Zoning Districts in order to facilitate infill development and redevelopment that creates a distinct area for Arts and Entertainment Uses; d) Implement strategy TI-2.2 in a manner that is consistent with the proposed land use plan; and e) Utilize the City Design Center to

work with CPS Energy to develop power pole and associated infrastructure placement standards for the plan area. Councilmember Bernal seconded the motion.

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

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Soules adjourned the meeting at 3:42 pm.

APPROVED



JULIÁN CASTRO
MAYOR

Attest:



LETICIA M. VACEK, TRMC/MMC
City Clerk