

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, APRIL 17, 2013, AND THURSDAY, APRIL 18, 2013, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, April 17, 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 OF THE CITY'S 2013-2014 FEDERAL LEGISLATIVE PROGRAM FOR THE 113TH U.S. CONGRESS.

Jeff Coyle, Intergovernmental Affairs Director presented an overview of the 2013-2014 Federal Legislative Program. He stated that the 113th Congress began on January 3, 2013 and will extend through January 3, 2015. He noted that the City's 113th Federal Legislative Program was aligned with both sessions of the 113th Congress. He reported that preparation of the Legislative Program was a collaborative effort between the Intergovernmental Relations Department (IGR), City Departments, and the City's Federal Consultant Team. He indicated that the proposed 113th Federal Legislative Program contains eight Priorities and nine Funding and Policy Categories. He added that as they would advise the City Council and seek direction regarding funding and grant opportunities that may develop.

Tom Downs of Patton Boggs presented Fiscal Year (FY) 2013 Appropriations, noting that the Year-End Continuing Resolution was passed in late March and effective through September 30, 2013. He stated that federal agencies were adjusting to lower spending limits under sequestration pursuant to the Budget Control Act of 2011. He reported that the White House/Office of Management and Budget (OMB) has advised federal agencies to realign funds through reprogramming or transfer authority in order to protect operational priorities. He added that OMB has directed agencies to work with State and Local Governments to reduce administrative burdens in order to alleviate impacts of sequestration.

Mr. Downs provided an overview of the FY 2014 Budget Process in which the US House's Resolution would seek a balanced budget within 10 years through \$4.6 trillion in spending cuts without new revenues. He reported that the US Senate's Resolution would reduce the deficit by \$1.85 trillion over 10 years through a combination of spending cuts and increased revenue. He indicated that the President's FY 2014 Budget mirrors the Senate-Passed Resolution. He spoke of the FY 2014 Appropriations Process, noting that the House and Senate Appropriations Committees were prepared to mark up the required 12 Annual Appropriations Bills. He added that the temporary moratorium on Congressionally Directed Spending (Earmarks) remains in place.

Mr. Coyle outlined the City of San Antonio Federal Priorities: 1) Funding for the new San Antonio Federal Courthouse; 2) Funding for Early Childhood Education Programs; 3) Funding for San Antonio's Brownfields Program; 4) Advocate to position San Antonio in a beneficial position for a future Base Realignment and Closure (BRAC); 5) Support initiatives to strengthen export growing in San Antonio; 6) Advocate for continued funding of the Urban Areas Security Initiatives and Fusion Center Funding; 7) Oppose changes to the tax-exempt status of municipal bonds; and 8) Seek clarification of the Fair

Housing Act Requirements relating to San Antonio location of boarding homes operating in a residential district. He stated that the Legislative Program focuses on nine categories aligned with City Interests: 1) Economic Development; 2) Education & Workforce; 3) Environmental & Sustainability; 4) Housing & Neighborhoods; 5) Protection of Municipal Interests; 6) Public Safety; 7) Telecommunications; 8) Transportation; and 9) Travel & Tourism. He added that next steps would include individual Council Briefings and approval by the City Council on May 2, 2013.

Mayor Castro thanked everyone for the presentation and stated that he was pleased with the City's Priorities. He asked of the funding for the Federal Courthouse. Mr. Downs replied that historically, the President would request \$800-900 million from the Federal Buildings Fund. He noted that due to Federal Budget Challenges, spending has been cut to \$50 million the last two years. He stated that President Obama requested \$816 million this year and although the Federal Courthouse was not included; there would be an opportunity to review the funding requests. Mayor Castro asked of expanded funding for Pre-Kindergarten. Mr. Downs responded that the Senate Budget did not go into detail regarding Pre-Kindergarten Funding but noted that the President's Budget includes \$75 billion over 10 years funded by a \$0.94-cent per pack tobacco tax. Mayor Castro asked of municipalities and school districts accessing State Funds. Mr. Coyle replied that State Pass Through funds would be available and that State and Federal Legislative efforts would be merged. Mayor Castro recognized Councilmember Lopez for his leadership on the IGR Council Committee.

Councilmember Lopez thanked Patton Boggs and City Staff for their work. He spoke of the impact of having key staff talk to legislators regarding the use of funds. He asked how the funds could be released for the Federal Courthouse. Mr. Coyle replied that the first phase of Design should be completed in June and that it was important to have the project fully designed and ready to implement. He indicated that they would work with the GSA to have the money released for the project.

Councilmember Chan thanked everyone for their work and stated that long-term goals needed to have strategies. She asked of next steps to take advantage of the International Export and Trade Program. Mr. Downs replied that the Economic Development Administration within the Department of Commerce would take the lead on the project. He stated that \$12 million was available and could be distributed to 12 communities. He noted that the Brookings Metropolitan Export Initiative was working with seven communities throughout the country to include San Antonio and was funded by Goldman Sachs. He added that he hoped this would put San Antonio in a solid place and if funded; would be available after October 1, 2013.

Councilmember Saldaña thanked everyone for their work and asked if any of the three proposed budgets included funding for capital projects within Health and Human Services (HHS). Mr. Downs replied that they would review same but did not believe anything had been proposed for HHS in the President's Budget.

2. A BRIEFING REGARDING THE PROPOSED AMENDMENTS TO THE ETHICS CODE AND CAMPAIGN FINANCE.

Michael Bernard presented proposed revisions to the Ethics Code and Municipal Campaign Finance Code. He stated that it was recommended that the City Auditor conduct a compliance review of campaign reports and financial disclosure documents to identify conflicts of interest associated with the city's solicitation for high-profile discretionary contracts. He noted that the Auditor would also conduct

a random sampling of contracts, and must report his findings to the Compliance Officer and the Ethics Review Board (ERB) for appropriate action. He explained that the ERB will recommend a Compliance Officer for employment by the City Manager. The Compliance Officer will serve as staff for the ERB and may be removed for cause. He provided an overview of the creation, powers, and appointment of Compliance Officers of other major cities.

Mr. Bernard stated that currently, City Officers may have a financial interest in a contract with an entity to which the City Council selects or nominates members of its governing body. He reported that a proposed revision would prohibit the Mayor and Councilmembers from having a direct or indirect contract with entities to which they select or nominate board members. He noted that the prohibition would apply to the individual Councilmember making an appointment without Council Action or to the whole Council if the selection or nomination was by Council Action. He stated that a City Official or Employee serving on behalf of the city on another entity must recuse themselves from any action by that entity on an item pertaining to the City, if the City Official or Employee is involved in the negotiation, development or implementation of that item for the City.

Mr. Bernard reported that currently, persons seeking a discretionary contract with the city must disclose the identity of all contractors, subcontractors, parent entities and subsidiary entities. He indicated that the recommendation was that there be additional disclosure of Executive Committee Members, Officers, and Directors of the entity seeking the contract. He noted that other City Policies were changed to address disclosure issues. In regard to the Municipal Campaign Finance Code, he stated that current limitations apply to contributions in support of a candidate or measure. The proposed amendment will extend limits to contributions to oppose a candidate or measure. He reported that Campaign Finance Reports must be filed by 5:00 pm on the due dates and the proposed amendment will extend the time to midnight. He stated that Campaign Finance Reports timely filed may be corrected or amended. He noted that there is not a violation of the Code if the corrections or amendments are completed within 10 business days of notification or discovery of errors. He mentioned that the City Clerk verifies amendments or corrections. He stated that subsequent failure to file timely or correct bank statements and campaign reports within a two-year period may be the basis of a complaint. He noted that the ERB may issue a letter of reprimand regardless of whether the second or subsequent violation was made knowingly by the filer.

Mayor Castro thanked Mr. Bernard for the presentation and stated that the proposed changes were important to ensure transparency. He noted that he believes that the Compliance Officer will serve the ERB and play a role in educating the City Council. He added that this was the third time he had proposed Ethics Improvements and believed these changes were on the right track.

Councilmember Williams stated that Ethics Rules should continually be looked at and that the responsibility should be on the individual. He spoke of the importance of training and noted that the Compliance Officer should serve as a Training Resource for the City Council. He noted that there should be an "Ethics First" Culture and that training should help identify conflicts of interest.

Councilmember Saldaña spoke in support of the recommendations and stated that he welcomed the assistance. He asked of the role of the Compliance Officer. Mr. Bernard replied that in the past, staff had been reactive and that the Compliance Officer would be proactive. He noted that they would help on day-to-day items and monitor the required filings. He added that they would staff the ERB and that they did not recommend that the revisions regarding the Compliance Officer take effect until October 1,

2013. He stated that the Compliance Officer would not know everything about each Councilmember but could help identify potential issues. Councilmember Saldaña asked how the Compliance Officer would be hired. Mr. Bernard replied that the ERB would recommend an individual to the City Manager and the City Manager would either approve or deny the recommendation. He added that the Compliance Officer could be removed for cause.

Councilmember Taylor stated that she appreciated the context and was supportive of increasing public confidence. She noted that her questions were related to how it would work and expressed concern with increasing expectations. She asked of the distinction between the Compliance Officer and the City Auditor, as well as the role of City Staff and the Office of Municipal Integrity (OMI). City Manager Sculley stated that the OMI investigated issues of fraud, abuse and misconduct by city employees. She reported that city employees were required to receive Ethics Training on a bi-annual basis. Mr. Bernard added that the Compliance Officer's duties were outlined in the Code and that the City Attorney would not serve as the Compliance Officer. He stated that the Auditor would review high profile contracts and financial disclosures to see if there were conflicts and would report those conflicts to the Compliance Officer. He noted that employee issues addressed administratively would not be considered a violation of the Ethics Code. He mentioned that another change was that the ERB will be allowed to defer action if an issue was in the process of being investigated by another agency.

Councilmember Chan stated that she agreed with the need for training. She noted that she would be asking questions and referring to the page numbers and sections in the red-line version of the Ethics Code. She asked of Section 2-52(c) and the rule regarding interest in contracts. Mr. Bernard stated that the proposed revision would prohibit the Mayor and Councilmembers from having a direct or indirect contract with entities to which they select or nominate board members. He explained that the prohibition would be to the individual Councilmember making the appointment without Council Action or to the whole Council if the selection or nomination was by Council Action. Councilmember Chan asked of the types of contracts that were prohibited. Mr. Bernard replied that it would apply to any agreement with a financial interest. Councilmember Chan asked when recusal forms would be sufficient. Various scenarios were discussed such as serving on a Non-Profit Board or having your spouse's company bid on a project.

Councilmember Chan referenced Section 2-59 related to Persons Seeking Discretionary Contracts and asked of the term "discretionary." Mr. Bernard stated that the best way to describe it was a contract in which a low bid process was not utilized. He noted that staff evaluated proposals at their discretion and involved subjectivity. Ms. Sculley added that it would involve contracts in which a committee would convene to discuss proposals. Councilmember Chan asked if the disclosure requirement would apply to contracts utilizing the new local preference policy. Mr. Bernard stated that it would not apply to those contracts as they would not be reviewed by a committee. Councilmember Chan spoke of the potential to include disclosure requirements when awarding incentives and making collective decisions. She spoke of the Travel Reporting Requirements in Section 2-76 and asked about disclosing trips that were not related to city business. Mr. Bernard replied that information regarding trips that were not related to city business was not required to be disclosed. Councilmember Chan stated that there were instances in which something could be considered personal but later becomes city business.

Councilmember Chan asked of administrative matters referenced in Section 2-82(b). Mr. Bernard stated that it applied to any employee matter. Councilmember Chan asked if the rule was being relaxed in regard to fixing reporting errors. Mr. Bernard replied that it would allow the ERB not to hold a meeting

if corrections were made within the 10-day period. Councilmember Chan asked if there were other areas this could apply to. Mr. Bernard responded that they could review same. Art Downey, Chair of the ERB stated that they had consistently followed the policy that corrections made in a timely manner were not a violation of the Code. Councilmember Chan asked of the budget impact of the Compliance Officer and if existing resources could be utilized. Mr. Bernard replied that it would be a new position and would be discussed during the budget process. Councilmember Chan asked of the responsibility for evaluating the performance of the Compliance Officer. Mr. Bernard replied that the ERB would have the responsibility for evaluation and that the City Attorney would likely have input. He stated that the evaluation would be forwarded to the City Manager. Councilmember Chan asked why the Compliance Officer could not report to the City Auditor. Mr. Bernard explained that the City Charter defines the role of the City Auditor as primarily financial. Councilmember Chan recommended that the Compliance Officer be an elected position. She also asked of the need to recuse herself from voting on funding for the Economic Development Foundation. Mr. Bernard replied that she would need to request a specific opinion from the City Attorney's Office. Discussion ensued regarding city staff serving on boards of city-funded organizations. Ms. Sculley indicated that the purpose of city staff serving on such boards was to ensure that city funds were well spent.

Councilmember Soules expressed concern that the City Council would vote on the proposed revisions in two weeks. He spoke of the creation of the OMI in 1985 due to a scandal regarding kickbacks from building permits. He noted that it was a full department reporting to the Office of Internal Audit which became the City Auditor's Office. He mentioned that OMI now consists of two employees that report to the Human Resources Department. Ms. Sculley stated that changes were made because it was set up in a negative environment and that it had since been strengthened. Councilmember Soules stated that at one point in time; OMI reported to an Internal Auditor. Ms. Sculley stated that when she arrived at the City of San Antonio, OMI did not handle ethics issues. Councilmember Soules asked why the employee list referenced on Page 7 was updated by the Human Resources Department without further action by the City Council. Mr. Bernard stated that this was done due to department names being changed and that the City Council could be informed of changes during the budget process. Councilmember Soules referenced Page 9 and asked of the major change regarding Non-Profit Boards. Mr. Bernard stated that this would allow an official or employee to be a voting member of a Non-Profit Board. Councilmember Soules asked of the change on Page 39 regarding reporting a gift received in excess of \$100 noting concerns due to the affect it could have on personal relationships. Mr. Bernard explained that it would be based on prior relationships and that staff would review the revision in further detail.

Councilmember Soules asked of the terms of office of ERB Members. Mr. Bernard stated that ERB Members could serve three 2-year terms. Councilmember Soules stated that there were four members of the ERB that had served for more than six years. Mr. Bernard replied that a Constitutional Provision allowed for them to serve in a holdover capacity. Councilmember Soules noted that under the qualifications provision, ERB Members could not have been found in violation of any provision of the Ethics Code. He referenced Page 44 (b)(2) which notes that the ERB will not consider an alleged violation regarding an employee matter that has been administratively resolved. He expressed concern with the jurisdictional change and asked of the distinction between city employees and the City Council in this regard. Mr. Bernard stated that the City Council did not have an employer to provide disciplinary action while city employees were disciplined by the City Manager. Mr. Bernard indicated that the ERB would be informed of the result of OMI Cases but an alleged complaint regarding same would not be reviewed by the ERB.

Councilmember Soules expressed support for having a Compliance Officer but was not comfortable moving forward without the details. He asked who would perform the search for the Compliance Officer. Mr. Bernard replied that it would be done in collaboration by the ERB and the City Manager. Councilmember Soules stated that he was concerned with moving forward without knowing the logistics of the hiring process. He asked that this information be tightened up prior to the vote. He referenced Section 2-90 regarding the Annual Report of the ERB and asked why it had not been submitted to the City Council. Mr. Bernard replied that the ERB had provided annual reports to the City Attorney's Office but he was unsure if they had been forwarded to the Mayor and Council. Mr. Downey added that the procedure that the ERB followed was to submit the Annual Report to the City Attorney's Office and that the Annual Report for 2012 had not yet been completed. Mr. Bernard stated that his office was responsible for placing the reports on the website and stated that they would be placed online the next business day. Councilmember Soules asked of the Auditor Review under Section 2-93. Mr. Bernard replied that the intent was not for the Compliance Officer and Auditor to duplicate efforts. Councilmember Soules asked that the compliance report be provided to the Audit Committee. Mr. Bernard stated that he believed that was a good suggestion. Councilmember Soules referenced Section 2-94 (d) which states that the City Attorney will notify the Compliance Officer regarding significant changes to the Ethics Code. He stated that he was supportive of strengthening the Ethics Code but believes that more information needs to be flushed out. He added that he was not comfortable voting on same on May 2, 2013.

Councilmember Bernal stated that the autonomy of the Compliance Officer was important. He noted that City Council Training was important but wanted to ensure that city employees were provided the same training so that all were on the same page. He indicated that the Compliance Officer would be the authority but that staff also had a role in identifying potential issues. He cautioned that on the travel component, he did not want to disclose personal information to the public such as visiting a sick relative. He stated that they needed guidance on the day-to-day issues that they dealt with as Councilmembers.

Councilmember Ozuna stated that the focus should be on building a culture of ethical behavior and that rules must be refreshed on a regular basis. She spoke of the need for refresher courses and figuring out a way to measure compliance. She mentioned that there were individuals that were "gaming" the Ethics Code and cautioned defining behavior of trivial violations. She stated that processes related to Ethics should be reviewed and enhanced.

Mayor Castro thanked Mr. Bernard for the presentation.

EXECUTIVE SESSION

Mayor Castro announced that the Executive Session items would not be addressed.

- A. DISCUSS LEGAL ISSUES RELATED TO SANITARY SEWER OVERFLOWS PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- B. 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).**

**C. 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).**

Mayor Castro recessed the meeting at 5:05 pm and announced that the meeting would resume at 5:15 pm for Ceremonials.

CEREMONIALS

Mayor Pro Tem Soules presented a Proclamation to the San Antonio Conservation Society in recognition of "A Night in Old San Antonio" (NIOA) April 23-26, 2013. It was noted that the four-night event, held in the La Villita National Historic District, celebrates San Antonio's diverse cultural heritage. It was further noted that NIOA showcases 15 ethnic-themed areas, more than 250 food and drink booths, and over 20 regional bands and dance troops, to provide entertainment to nearly 85,000 revelers.

The Centro San Antonio Amigos presented their 2013 Fiesta Medal to the Mayor and Council. It was stated that the Amigos help accommodate the growing residential population through the efforts of the Public Improvement District to position Downtown as a premier convention and visitor's destination. It was also noted that the Amigos serve as Goodwill Ambassadors by assisting downtown users and giving extra attention to the overall appearance of Downtown.

Mayor Pro Tem Soules presented a Proclamation in recognition of the 65th Annual Fiesta Flambeau Parade that will be held on Saturday, April 27, 2013. It was noted that the parade is sponsored by the Fiesta Flambeau Parade Association and this year's theme is "Celebrating San Antonio."

CITIZENS TO BE HEARD

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

Nazirite Ruben Flores Perez spoke of laser weapons that were deployed by the Navy in the Persian Gulf. He stated that he used to represent the Navy at Southwest Research Institute and had studied antennas and laser weapons. He mentioned that a great earthquake was coming and all should be aware.

Rhett Smith stated that he was a candidate for Mayor and noted his concerns with gas stations located over the Aquifer. He spoke of the oil refinery that had existed in San Antonio for many years and expressed concern with the effect on the environment. He asked the City Council to support an Ordinance regarding Human Rights.

Mark Perez stated that San Antonio was not prepared to handle an emergency such as the one that occurred in Boston. He expressed concern with the refinery that was up for a Title 5 Permit and asked why they had been issued a Certificate of Occupancy. He spoke of businesses that were operating without the proper permits.

Faris Hodge, Jr. submitted written testimony noting that the oil boom has produced 4,000 new jobs in San Antonio. He wrote that DWI Prevention Efforts have increased and noted that Big Brothers/Big

Sisters has launched a Search and Reunite Alumni Campaign. He provided an article entitled, "SAWS wants outdoor watering to be cut in half immediately." He requested that Bexar County have a Regional Water District in Bexar County and that the Social Security Office remain in the Downtown Area. He highlighted the B-Cycle Program and asked the city to pay him to advertise for the city. He wrote of the Austin360 Amphitheater that opened in Austin. Lastly, he reported that a landfill would supply power to CPS Energy.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:15 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **April 18, 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 Pastor Jim Rion, Westover Hills Assembly of God-Northwest, guest of Councilmember Ray Lopez, District 6.

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

Item 3. MINUTES

Councilmember Saldaña moved to approve the Minutes for the April 3-4, 2013 City Council Meetings. Councilmember Lopez 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.

ITEMS FOR INDIVIDUAL CONSIDERATION

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.

Mayor Castro announced that said item would not be addressed.

CONSENT AGENDA ITEMS 5-18B

Consent Agenda Items 6, 7, 8, and 17 were pulled for Individual Consideration. Mayor Castro announced that Item 9 was pulled from the agenda by staff.

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

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

Rhett Smith spoke in opposition to the Texas Department of State Health Services Oral Health Program (Item 13) noting the dangers of fluoride in the drinking water for small children.

George Alejos and Nikki Kuhns addressed the City Council in opposition to the Texas Department of State Health Services Oral Health Program (Item 13). A video was presented of Dr. Yolanda Whyte, Primary Care Pediatrician who spoke of the dangers of fluoridation for babies. Mr. Alejos stated that it was not in the best interest of the city to spend money on fluoride varnish. He noted that fluoride was toxic for children and that the League of United Latin American Citizens (LULAC) would consider filing a class action lawsuit against the city.

Nazirite Ruben Flores Perez stated that he was opposed to fluoride and gave the remainder of his time to Nikki Kuhns. Ms. Kuhns spoke of concerns with fluoride in the water supply for babies and expressed concern that the Federal Drug Administration had not approved the use of fluoride varnish.

Jack M. Finger stated that he was supportive of the fluoride concerns noted by Ms. Kuhns and Mr. Alejos. He spoke in opposition to the Design/Build Services Agreement with Byrne Construction Services, Inc. (Item 7) and asked why the project was not bid. He stated that he was against the installation of employee showers. He also spoke in opposition to the fee waivers that would be provided for the Villa Espada Project (Item 12). He added his concern with the funds used to provide English as a Second Language (Item 15) and asked if the students were legally in the United States.

Fidel Castillo addressed the City Council and spoke of the psychotropic drug provided to his son with no medical assessment. He stated that he was in the process of conducting a study with other children that have also been given the drug. He referenced a bill being sponsored by Senator Van de Putte.

Ernest Zamora addressed the City Council in support of the recording studio that would be built in the Plaza de Armas Building (Item 7). He stated that he was a public access producer and that he and many other had been waiting for almost a decade for a new studio.

Faris Hodge, Jr. submitted written testimony in favor of Items 5-13, and 15-19.

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

2013-04-18-0265

Item 5. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF THREE ON-CALL BUILDING COMMISSIONING & LEED MONITORING SERVICES AGREEMENTS, WITH CLEARY ZIMMERMAN, JASMINE ENGINEERING, INC. AND LACKEY DE CARVAJAL CX, EACH IN THE AMOUNT NOT-TO-EXCEED \$500,000.00 PER YEAR, TO ASSIST WITH GENERAL BUILDING COMMISSIONING OF CITY-OWNED FACILITIES AS-NEEDED; EACH

AGREEMENT IS FOR A ONE-YEAR TERM WITH OPTION TO RENEW EACH AGREEMENT FOR THREE, ONE-YEAR EXTENSIONS AT THE CITY'S DISCRETION.

ITEM 9 - PULLED FROM THE AGENDA BY STAFF

Item 9. AN ORDINANCE AUTHORIZING A 10-YEAR TERM LICENSE AGREEMENT WITH CRITERION BROADWAY LP TO USE 1,436 SQUARE FEET (.03296 OF AN ACRE) OF THE SOUTH SIDE OF EAST GRAYSON STREET PUBLIC RIGHT OF WAY LOCATED BETWEEN ALAMO AND BROADWAY STREETS WITHIN NCB 1765 FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF A CURB CUT TO ALLOW FOR SIX PARKING SPACES LOCATED IN COUNCIL DISTRICT 2 FOR A TOTAL FEE OF \$8,650.00.

2013-04-18-0269

Item 10. AN ORDINANCE AUTHORIZING THE CONTINUATION OF A SPORTS LICENSE AGREEMENT WITH MISSION CITY YOUTH SOCCER ORGANIZATION AT BROOKS PARK FOR A TERM OF TWO YEARS COMMENCING ON MAY 1, 2013 IN COUNCIL DISTRICT 3.

2013-04-18-0270

Item 11. AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF 0.021 ACRES OF AN ALLEY PUBLIC RIGHT OF WAY, LOCATED BETWEEN DWYER AVENUE AND AUBREY STREET AND ADJACENT TO NCB 928, IN COUNCIL DISTRICT 1, FOR A FEE OF \$26,521.00.

2013-04-18-0271

Item 12. AN ORDINANCE AUTHORIZING EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM GRANT AGREEMENT IN A CUMULATIVE AMOUNT NOT TO EXCEED \$1,696,446.70, WHICH INCLUDES \$56,970.00 IN CITY FEE WAIVERS AND \$552,000.00 IN SAWS IMPACT FEE WAIVERS, TO 210 DEVELOPERS, L.L.C. FOR PROJECT COSTS RELATED TO THE VILLA ESPADA PROJECT.

2013-04-18-0272

Item 13. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF FUNDS AND SUPPLIES FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES ORAL HEALTH PROGRAM FOR AN AMOUNT UP TO \$72,129.00 TO EXPAND THE REACH OF THE CITY'S EXISTING SCHOOL-BASED ORAL HEALTH PREVENTION PROGRAM FOR A SHORT-TERM PILOT PROJECT, WHICH WILL CONCLUDE ON JULY 31, 2013.

2013-04-18-0273

Item 14. AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE SAN ANTONIO CITY CODE, CHAPTER 6, ENTITLED "BUILDINGS", ARTICLE VIII, SECTION 6-155.1, ENTITLED "BUILDING STANDARDS BOARD ESTABLISHED AND AUTHORITY" AND SECTION 6-155.2,

ENTITLED "BUILDING STANDARDS BOARD ADMINISTRATION", TO MAKE CHANGES TO BOARD MEMBERSHIP REQUIREMENTS.

2013-04-18-0274

Item 15. AN ORDINANCE AUTHORIZING MEMORANDA OF AGREEMENTS WITH EDUCATION SERVICE CENTER-REGION 20 AND THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT TO PROVIDE ADULT EDUCATION SERVICES AT THE CITY'S COMMUNITY LEARNING CENTERS THROUGH SEPTEMBER 30, 2014, WITH THE OPTION TO EXTEND EACH FOR AN ADDITIONAL YEAR.

2013-04-18-0275

Item 16. AN ORDINANCE AUTHORIZING AGREEMENTS TRANSFERRING THE TITLE OF SEVEN CITY-OWNED VEHICLES TO THE BOYS AND GIRLS CLUBS OF SAN ANTONIO; GOOD SAMARITAN COMMUNITY SERVICES; VETERANS OF FOREIGN WARS OF THE UNITED STATES, SAM HOUSTON, POST 76; BETHEL NEIGHBORHOOD COUNCIL, INC.; AND SELRICO SERVICES, INC. IN SUPPORT OF COMMUNITY PUBLIC SERVICES.

Item 18. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO UNIFIED PLANNING WORK PROGRAM FUNDING FROM THE BEXAR COUNTY - METROPOLITAN PLANNING ORGANIZATION:

2013-04-18-0277

A. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT FOR UNIFIED PLANNING WORK PROGRAM FUNDING AND AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF AN AMOUNT UP TO \$550,000.00 FROM THE BEXAR COUNTY METROPOLITAN PLANNING ORGANIZATION FOR FISCAL YEAR 2014-2015.

2013-04-18-0278

B. AN ORDINANCE AUTHORIZING A CHANGE IN SCOPE TO THE FISCAL YEAR 2012-2013 UNIFIED PLANNING WORK PROGRAM FOR THE TRAFFIC SIGNAL RE-TIMING PROJECT IN AN AMOUNT NOT TO EXCEED \$300,000.00.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 6:

2013-04-18-0266

Item 6. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$448,110.62 AUTHORIZED PAYABLE TO

SAN ANTONIO CONSTRUCTORS, LTD, FOR THE CONSTRUCTION OF LORD ROAD (SEMLINGER TO LOOP 410), A 2007 BOND SAVINGS FUNDED PROJECT, AND A PARKING LOT EXTENSION IN COPERNICUS PARK, A 2012 - 2017 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2; OF THIS AMOUNT, \$59,709.96 WILL BE REIMBURSED BY THE SAN ANTONIO WATER SYSTEM AND \$53,691.00 WILL BE REIMBURSED BY CPS ENERGY.

Councilmember Taylor asked for additional information on the project. Mike Frisbie, CIMS Director stated that it was a 2007 Bond Savings Project coupled with funds from the 2012 Bond Program. He noted that the project would help address parking issues at Copernicus Park and that the connection on Lord Road from Semlinger to Loop 410 would address traffic concerns. Councilmember Taylor noted that the connection on Lord Road was included in the Eastern Triangle Community Plan and was pleased that it was being implemented. She asked of the concerns of the individuals that lived along Lord Road. Mr. Frisbie responded that they were working with the Public Works Department regarding appropriate signage and traffic calming devices. He added that they would work with the residents to address their concerns.

Councilmember Taylor 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.

2013-04-18-0267

Item 7. AN ORDINANCE AUTHORIZING AN AMENDMENT TO A DESIGN/BUILD SERVICES AGREEMENT WITH BYRNE CONSTRUCTION SERVICES, IN THE INCREASED AMOUNT NOT-TO-EXCEED \$2,025,000.00, FOR ADDITIONAL DESIGN AND CONSTRUCTION IMPROVEMENTS TO REHABILITATE THE HISTORIC PLAZA DE ARMAS BUILDING, LOCATED IN COUNCIL DISTRICT 1; AND, AMENDING THE FY 2013-2018 CAPITAL IMPROVEMENT BUDGET WITH THE APPROPRIATION OF AN ADDITIONAL \$976,240.00 IN PUBLIC EDUCATION GOVERNMENT FUNDS AND \$430,994.00 IN CERTIFICATES OF OBLIGATION FUNDS TO THE PLAZA DE ARMAS PROJECT; FUNDS IN THE AMOUNT OF \$617,766.00 ARE AVAILABLE IN THE PROJECT'S BUDGET FOR THIS AMENDMENT.

Councilmember Bernal asked of the break-down specifically related to the roof and the funds in the amount of \$617,766. Mike Frisbie outlined the five new elements noting that the locker room and showers would cost \$225,000. Councilmember Bernal stated that he was supportive of health and wellness for city employees but was concerned with the high cost of the showers and lockers.

Mayor Castro asked of the locker rooms. Mr. Frisbie stated that they would be located in the basement of the Plaza de Armas Building and needed excavation to install the plumbing. Ms. Sculley added that it was a historic building that had deteriorated and more expensive to renovate.

Councilmember Bernal moved to approve said item without the locker room and showers. Councilmember Soules seconded the motion.

Mayor Castro stated that it was a worthy project but expressed concern with the cost. He requested that staff bring forth recommendations for locker room/showers using a different approach.

Councilmember Soules expressed concern with the roof replacement and asked why that had not been previously identified. Mr. Frisbie replied that they had hired an Architect to work with staff before the Design/Build but given the history of the building; they were not aware of the make-up of the roof. Councilmember Soules stated that he was supportive of the project but believed that the locker room and showers were a luxury and not a necessity.

Councilmember Williams asked of the second floor finish out. Mr. Frisbie replied that it would house staff of the Creative and Cultural Development Department which would free up space that could be leased at the International Center Building. Councilmember Williams cautioned staff on the use of the Design/Build Process for certain projects.

Councilmember Saldaña expressed support for saving money on the project but noted that some city employees would be disappointed that the locker room and showers would not be installed. He stated that he appreciated the fact that staff would look at other options to provide same.

Councilmember Lopez asked how the space would be used since the locker room and showers would not be installed. Mr. Frisbie responded that it could be used for storage since it was in the basement but would not be finished out. Councilmember Lopez asked of a bid alternate. Mr. Frisbie stated that it was too late for bid alternates at this point and that a guaranteed maximum price would be locked in based on Council action.

Councilmember C. Medina asked of Value Engineering. Mr. Frisbie replied that staff uses Value Engineering 100% of the time to maximize project funds. Councilmember C. Medina stated that he was supportive of the project.

Councilmember Ozuna asked of public accessibility to the studio. Ms. Dı Galvan stated that the facility would be available to the public from 9:00 am to 6:00 pm. Councilmember Ozuna stated that she was pleased with the additional functionality and capabilities for the community and would like to discuss the availability further to ensure that the public was aware of same.

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.

2013-04-18-0268

Item 8. AN ORDINANCE AUTHORIZING TWO INTERLOCAL AGREEMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE CITY TO OPERATE AND MAINTAIN TEN TXDOT OWNED TRAFFIC SIGNALS IN THE CITY OF LEON VALLEY AND ACCEPTING AN AMOUNT NOT TO EXCEED \$28,088.60 ANNUALLY FOR FIVE YEARS FOR A TOTAL OF \$140,443.00; AND FOR THE CITY TO MAINTAIN AND OPERATE ONE TXDOT OWNED TRAFFIC SIGNAL IN THE CITY OF WINDCREST AND ACCEPTING AN AMOUNT NOT TO EXCEED \$2,808.86 ANNUALLY FOR FIVE YEARS FOR A TOTAL OF \$14,044.30.

Councilmember C. Medina requested an overview of the project. Majed Al-Ghafry, Public Works Director stated that said item would authorize interlocal agreements with the Texas Department of Transportation (TxDOT) for the City of San Antonio to operate and maintain 10 traffic signals in Leon Valley and one traffic signal in Windcrest. He noted that this would provide the city with better coordination and integration and would be good for motorists. Councilmember C. Medina thanked staff for their work on the project.

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

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

2013-04-18-0276

Item 17. AN ORDINANCE AUTHORIZING THE PURCHASE OF (A) EXCESS LIABILITY INSURANCE FROM STARR INDEMNITY INSURANCE COMPANY FOR A ONE YEAR TERM BEGINNING MAY 1, 2013 FOR A COST OF \$325,100.00, AND (B) AIRCRAFT HULL AND LIABILITY INSURANCE FROM ACE USA INSURANCE COMPANY FOR A ONE YEAR TERM BEGINNING MAY 1, 2013 FOR A COST OF \$136,640.00, FROM THE LIABILITY SELF-INSURANCE FUND IN FY 2013.

Councilmember Soules asked if there were three actions on the agenda and if the city was removing coverage for Worker's Compensation. He also asked of the process for removing coverage.

Mr. Joe Angelo stated that it had become increasingly more expensive to have a lower level of Self-Insurance Retention. He explained that Self-Insurance Retention was the city's responsibility prior to the insurance coverage. He stated that the amount had been \$500,000 and last year, increased to \$1 million. He noted that this year, it was increasing to \$3 million and that is why it was being removed. He indicated that 98% of the Worker's Compensation Claims were less than \$50,000 and the remaining 2% were between \$50,000 and \$500,000. He added that there would not be an impact to city employees.

Councilmember Williams stated that claims administration is key when self insured and asked that someone oversee this for the city's best interest. He noted that there are a lot of small claims that must be well-managed in order not to become larger claims.

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

Item 19. CITY MANAGER'S REPORT

A. AMBASSADOR PROGRAM

Item A was not addressed.

B. MENTOR PROTÉGÉ AND BONDING ASSISTANCE PROGRAMS

Ms. Sculley reported that the Mentor Protégé and Bonding Assistance Programs were launched in Spring 2011. She explained that the first phase for participants in either program consists of a set of eight business courses conducted by Alamo Colleges. The course topics include Business Plan Writing, Business Plan Financials, Quickbooks, and Accessing Capital. She noted that businesses in the Mentor Protégé Program transition into a mentor relationship with a leader in their industry. She spoke of the importance of pairing mentors and protégés and mentioned that 28 protégés have already been paired with mentors. She reported that the Bonding Assistance Program helps participants become eligible for lines and letters of credit through Accion Texas to increase their bonding capacity. She reported that to date; there are 66 Small, Minority, Women, and Veteran Owned businesses participating in both programs. She highlighted the city's commitment to help local, small, minority and women-owned businesses to grow.

RECESSED

Mayor Castro recessed the meeting at 10:35 am to break for lunch and announced that the meeting would resume at 2:00 pm for Zoning Items.

RECONVENED

Mayor Castro reconvened the meeting at 2:07 pm and addressed the Zoning Items.

CONSENT ZONING ITEMS

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

Faris Hodge, Jr. submitted written testimony in favor of all of the Zoning Items.

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

2013-04-18-0279

Item Z-1. **ZONING CASE # Z2012221 (District 2):** An Ordinance amending the Zoning District Boundary from "IDZ H AHOD" Infill Development Zone Dignowity Hill Historic Airport Hazard Overlay District with uses permitted in "NC" Neighborhood Commercial District and "RM-6" Residential Mixed District to "IDZ H AHOD" Infill Development Zone Dignowity Hill Historic Airport Hazard Overlay District with single-family residential and live work uses, not to exceed 25 units per acre on Lots 8 and 9, Block 22, NCB 537 located at 503, 507 Burnet Street and 710 North Cherry 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: LOTS 8 AND 9, BLOCK 22, NCB 537 TO WIT: FROM "IDZ H AHOD" INFILL DEVELOPMENT ZONE DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "NC" NEIGHBORHOOD COMMERCIAL DISTRICT AND "RM-6" RESIDENTIAL MIXED DISTRICT TO "IDZ H AHOD" INFILL DEVELOPMENT ZONE DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH SINGLE-FAMILY RESIDENTIAL AND LIVE WORK USES, NOT TO EXCEED 25 UNITS PER ACRE.

2013-04-18-0283

Item Z-4. **ZONING CASE # Z2013082 (District 3):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District on the north 50 feet of Lot 168, Block 15, NCB 11111 located at 335 Moursund 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: THE NORTH 50 FEET OF LOT 168, BLOCK 15, NCB 11111 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

2013-04-18-0284

Item Z-5. **ZONING CASE # Z2013080 (District 4):** An Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "MF-25 AHOD" Low Density Multi-Family Airport Hazard Overlay District on Lot 7, Block 7, NCB 15416 located on a portion of 500 Tomar Drive. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 7, BLOCK 7, NCB 15416 TO WIT: FROM "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT TO "MF-25 AHOD" LOW DENSITY MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

2013-04-18-0285

Item Z-6. **ZONING CASE # Z2013079 (District 5):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District, "C3NA AHOD" General Commercial Non-Alcoholic Sales Airport Hazard Overlay District, "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District, and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-1 AHOD" Light Commercial Airport Hazard Overlay District on 0.0464 of an acre out of Lot 13, 0.0139 of an acre out of Lot 27, and all of

Lots 14, 15, 28, 29 & 30, Block 3, NCB 6675 located at 371, 375 Hawthorne Street and 360 Teresa Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.0464 OF AN ACRE OUT OF LOT 13, 0.0139 OF AN ACRE OUT OF LOT 27, AND ALL OF LOTS 14, 15, 28, 29 & 30, BLOCK 3, NCB 6675 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT, "C-3NA AHOD" GENERAL COMMERCIAL NON-ALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT, "C-3R AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT, AND "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2013-04-18-0287

Item P-3. **PLAN AMENDMENT #13021 (District 8):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE NORTH SECTOR PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE FUTURE LAND USE OF APPROXIMATELY 16.07 ACRES OUT OF NCB 14859, ADDRESSED AT 15502 BABCOCK DRIVE FROM "MIXED USE TIER" TO "GENERAL URBAN TIER". (ASSOCIATED ZONING CASE: N/A)

[CONSENT ZONING CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

2013-04-18-0280

Item P-1. **PLAN AMENDMENT #13019 (District 2):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE EASTERN TRIANGLE COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE FUTURE LAND USE OF APPROXIMATELY 41.51 ACRES OF LAND ADDRESSED AS 3131 SOUTHEAST LOOP 410, FURTHER DESCRIBED AS NCB 10780 LOT 6; 4530 SINCLAIR ROAD, FURTHER DESCRIBED AS NCB 10780 LOT 1/ED 1 AND 3 C.O.; 4546 SINCLAIR ROAD, FURTHER DESCRIBED AS NCB 10780 TRACT 4; 4614 SINCLAIR ROAD, FURTHER DESCRIBED AS NCB 10780 LOT 5; 4622 SINCLAIR ROAD, FURTHER DESCRIBED AS NCB 10780 N 286.4 FT OF S IRR 525.33 FT OF 15; 4626 SINCLAIR ROAD, FURTHER DESCRIBED AS NCB 10780 IRR 293.19 FT OF 15; 4626 SINCLAIR ROAD, FURTHER DESCRIBED AS NCB 10780 LOT 25 EXCLUDING N 6.99 ANTHONY GUAJARDO UT 4; 4630 SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 LOT 24 EXCLUDING NW 6.99 FT; 4636 SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 LOT 23 EXCLUDING N 6.77 ANTHONY GUAJARDO UT 4; 4646 SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 S 260.47 FT OF N 267.24 FT OF 18; 4694 SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 S 292 FT OF 18; 4744 SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 S 24.84 FT OF N 291.58 FT OF 18; SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 BLOCK P-400 AND P-401; 4818

SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 LOT 22 EXCLUDING N 6.22' ANTHONY GUAJARDO UNIT 3; 4848 SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 LOT 19 EXCLUDING N 6.22 FT; 4902 SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 S 137.8 FT OF 20; 4906 SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 LOT 29 RAMOS CABINETS SUBDIVISION; 4914 SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 LOT 30 TALAMANTES SUBDIVISION; 4916 SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 P-400A; AND 4916 SINCLAIR ROAD FURTHER DESCRIBED AS NCB 10780 P-401A FROM "URBAN LIVING" AND "NEIGHBORHOOD COMMERCIAL" TO "COMMUNITY COMMERCIAL." STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: N/A)

Rudy Niño presented Item P-1 and stated that it would amend the future land use plan contained in the Eastern Triangle Community Plan. He noted that staff and the Planning Commission recommended approval.

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

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

CONTINUED UNTIL JUNE 6, 2013

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

John Jacks presented Item Z-2 and stated that staff and the Zoning Commission recommended approval. He reported that of 16 notices mailed; none were returned in opposition and one was returned in favor. He added that the Eastern Triangle Implementation and Management Group was opposed to said item.

Mayor Castro called upon Mr. James Allan Boldt to speak on Item Z-2.

Mr. James Allan Boldt stated that there were ongoing issues and was in support of continuing Item Z-2.

Councilmember Taylor moved to continue Item Z-2 until June 6, 2013. 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.

Mayor Castro addressed Items P-2 and Z-3 jointly.

2013-04-18-0281

Item P-2. **PLAN AMENDMENT #12064 (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 FUTURE LAND USE OF APPROXIMATELY 12.25 ACRES IDENTIFIED AS NCB 10934 P-104A FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012175)

2013-04-18-0282

Item Z-3. **ZONING CASE # Z2012175 (District 3):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "MF-33 AHOD" Multi-Family Airport Hazard Overlay District on 12.25 acres out of Parcel 104, NCB 10934 located on a portion of 6402 South New Braunfels Avenue. Staff and Zoning Commission recommend approval, pending the plan amendment. (Associated Plan Amendment Case # 12064)

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: 12.25 ACRES OUT OF PARCEL 104, NCB 10934 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "MF-25 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

Rudy Niño presented Item P-2 and noted that it would amend the future land use plan contained in the Highlands Community Plan. He reported that for Item Z-3, staff and the Zoning Commission recommended approval. He stated that of nine notices mailed; none were returned in opposition and one was returned in favor. He added that the Highland Hills and Hot Wells Neighborhood Associations were both in support.

Written testimony was received from Liz Trainor, President of the Highland Hills Neighborhood Association in support of the zoning request with the condition that it be revised to include an MF-25 designation and not MF-33.

Councilmember Ozuna moved to approve Items P-2 and Z-3 with a zoning designation of MF-25. 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.

2013-04-18-0286

Item Z-7. **ZONING CASE # Z2013078 (District 6):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District and "O-2" High-Rise Office Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lots 16 & 17, Block 1, NCB 15586 located at 2303 & 2307 Westward Drive. Staff and Zoning Commission recommended approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 16 & 17, BLOCK 1, NCB 15586 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "O-2" HIGH-RISE OFFICE AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

John Jacks presented Item Z-7 and stated that staff and the Zoning Commission recommended approval. He reported that of 21 notices mailed; none were returned in opposition or in favor. He added that the Lackland Terrace Neighborhood Association and the Cable Westwood Association were in favor contingent upon a Non-Alcoholic Sales Designation being added to the base zoning district.

Mayor Castro called upon Mr. Sia Sayyadi to speak on said item.

Mr. Sia Sayyadi stated that he was the engineer on the project and was available to answer any questions.

Councilmember Lopez stated that there had been a lot of dialogue on said request and was pleased with the communication among the developer and neighborhood associations.

Councilmember Lopez moved to adopt the proposed Ordinance with a Non-Alcoholic (NA) Sales Designation. 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.

2013-04-18-0288

Item Z-8. **ZONING CASE # Z2012149 ERZD (District 10):** An Ordinance amending the Zoning District Boundary from "C-1 PC-1 ERZD" Light Commercial Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District and "C-1 ERZD" Light Commercial Edwards Recharge Zone District to "R-6 PC-1 ERZD" Residential Single-Family Bulverde Road Preservation Corridor Overlay Edwards Recharge Zone District and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District on 12.7 acres out of NCB 34910, NCB 34919 and NCB 34921, and 15.301 acres out of NCB 34919 and NCB 34921 located on a portion of the 21000 Block of Bulverde Road. Staff recommends denial. Zoning Commission recommends approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 12.7 ACRES OUT OF NCB 34910, NCB 34919 AND NCB 34921, AND 15.301 ACRES OUT OF NCB 34919 AND NCB 34921 TO WIT: FROM "C-1 PC-1 ERZD" LIGHT COMMERCIAL BULVERDE ROAD PRESERVATION CORRIDOR EDWARDS RECHARGE ZONE DISTRICT AND "C-1 ERZD" LIGHT COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "R-6 PC-1 ERZD" RESIDENTIAL SINGLE-FAMILY BULVERDE ROAD PRESERVATION CORRIDOR EDWARDS

RECHARGE ZONE DISTRICT AND "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT.

John Jacks presented Item Z-8 and stated that staff and the San Antonio Water System (SAWS) recommended denial while the Zoning Commission recommended approval. He reported that of 20 notices mailed; none were returned in opposition or in favor.

Mayor Castro called upon Jack M. Finger to speak.

Mr. Jack M. Finger spoke in opposition to Item Z-8 and expressed concern that it was located over the Edwards Aquifer Recharge Zone. He stated that staff recommended denial and that he was against the 38% impervious cover that would be allowed.

Councilmember Soules stated that the property was currently zoned C-1 and the property owner is allowed to have more than 60% impervious cover. He noted that the downzoning to R-6 would reduce the impervious cover to 38% and that three neighborhood associations were in favor. He added that the applicant had agreed to a buffer plan for Black Bat Cave.

Councilmember Soules moved to adopt the owner's application as submitted with 38% impervious cover provided that the property owner complies with the SAWS ten site specific recommendations and provides a buffer of 120 feet from the Black Bat Cave with a masonry fence as depicted on the Ravello buffer plan, which is attached to the Ordinance. Councilmember Chan seconded the motion.

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

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 2:24 pm.

APPROVED



JULIÁN CASTRO
MAYOR

Attest:



LETICIA M. VACEK, TRMC/MMC
City Clerk