

**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, MAY 1, 2013, AND THURSDAY, MAY 2, 2013, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **May 1, 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 BY VIA METROPOLITAN TRANSIT ON VIA'S MODERN STREETCAR PROJECT.

Lori Houston introduced Brian Buchanan, VIA Metropolitan Transit (VIA) Chief Development Officer. Mr. Buchanan presented an update on the Modern Streetcar Project. He provided an overview of the project schedule, noting that it was scheduled to begin operating in 2017. He highlighted the Alternatives Analysis Schedule that includes 10% Conceptual Design and mentioned that they had been working on alternatives since November, 2012. He outlined the major steps in the Alternatives Analysis that will lead to the final adoption of the Locally Preferred Alternative (LPA). He indicated that thus far; staff has only completed the conceptual screening process and were looking for input to determine the Final LPA.

Kyle Keahey of VIA spoke of the conceptual screening process. He stated that the initial investment would be made in the Downtown Core and would function as two routes. He noted that they had considered a universe of potential alternative routes and service through Downtown as well as the relationship to other transit services. He mentioned the streets that were eliminated in the conceptual screening to include Commerce-Market, Houston Street, and St. Mary's Street north of Fourth Street. He indicated that they recommended the addition of Cesar Chavez Street to the detailed alternatives and added that there was potential to travel through Hemisfair Park. He reported that all alternatives connect similar destinations on the periphery of Downtown but the key difference was how each alternative traveled through Downtown. He detailed the six alternative routes and presented maps of each of the routes.

Mr. Keahey provided an overview of the detailed screening methodology that would be utilized. He stated that they had identified primary and secondary evaluation criteria such as capital costs, operations & maintenance costs, and ensuring there was no duplication of transit services. He noted that they would gather input from Stakeholders, Governmental Agencies, and the General Public and hoped to have a Final LPA by August, 2013.

Mayor Castro thanked VIA Staff for the presentation and asked of the input process that has been utilized thus far. Mr. Buchanan replied that 300 individuals had attended two public meetings and that they had received input via email. He stated that they would be speaking to various groups throughout the community such as Centro San Antonio and the Conservation Society. He noted that they had received positive feedback and were trying to address issues via the proposed alternatives. Mayor Castro stated that he wanted to ensure that the routes were well-utilized and spoke of the housing units along Broadway. He requested that VIA survey and conduct outreach to those individuals. He stated

that he did not believe that the streetcar should travel in front of The Alamo. He mentioned that he had received feedback from the Hemisfair Park Area Redevelopment Corporation (HPARC) regarding the potential for the streetcar to travel through Hemisfair Park. He asked of the role of the bus circulator. Mr. Buchanan replied that the bus circulator was moving forward as planned and would operate using the same route that the Primo was operating today. Mayor Castro asked of future federal funding requests. Mr. Buchanan replied that they would continue to look for opportunities for federal funding to build and expand the system. Mayor Castro confirmed that no decision was being made today and thanked VIA for the presentation.

Councilmember Bernal stated that he was excited about the project and concurred with Mayor Castro that the streetcar should not travel in front of The Alamo. He noted that he was not opposed to the streetcar traveling through Hemisfair Park. He stated that they should keep the Downtown Grocery Store in mind when finalizing a route. He mentioned Route 6 and noted that it was a more aspirational route that could not be implemented in Phase I. Mr. Buchanan confirmed that it could not be implemented in the first phase. Councilmember Bernal spoke in support of the route traveling along Cesar Chavez Boulevard.

Councilmember Soules concurred with Mayor Castro and Councilmember Bernal regarding the streetcar not traveling in front of The Alamo. He asked that the comments made today be relayed to the VIA Board. Mr. Buchanan replied that they convey the information and noted that a decision would not be made by the Board until June or July. Councilmember Soules asked if there were any other streets that were considered for the South Route. Mr. Buchanan replied that there were not.

Councilmember Taylor requested that more outreach be conducted and stated that it was important to incorporate community input in the process. She asked of the variance among the various routes related to costs for labor, vehicles, maintenance facility, equipment and infrastructure. Mr. Buchanan replied that it was calculated on how the vehicles run and then they determine how many man hours are needed. He stated that it was also based on the length of the route. Councilmember Taylor asked of the analysis for economic potential. Mr. Buchanan responded that they had looked at their plans and reviewed projects that are in the pipeline. He noted that they were looking at the incentives that had been provided and had also spoken with developers. Councilmember Taylor asked of expansion to future neighborhoods. Mr. Buchanan referenced a map and believed they were presenting a plan that would allow them to expand.

Councilmember Williams thanked VIA for their work on the Primo Bus Service and spoke of the importance of tying the streetcar project to the bus system. He spoke of the importance of connectivity to the Westside Multi-Modal Center and Robert Thompson Transit Center. He concurred with all regarding shifting the route away from The Alamo and stated that he was pleased with the work along Market Street. He noted that he believed that adding Cesar Chavez was a good plan and thanked VIA for moving the streetcar route further from the bus circulator. He added that he liked Alternatives 5 and 6 and did not want the project to go through Hemisfair Park.

Councilmember D. Medina concurred that he did not want the streetcar to operate in front of The Alamo. He requested that VIA provide more information to the neighborhood and asked if there were opportunities to communicate the alternatives to bus riders. Mr. Buchanan indicated that the Primo Buses had the capability to do so and would look at other options to communicate same.

Councilmember Ozuna expressed support for Alternative 6. She spoke of the importance to provide access south of Main Plaza and stated that she was pleased that they would avoid sensitive sites such as Alamo Plaza. She noted that operating through Hemisfair would present some complexities. She referenced potential extensions on Slide 8 and requested that mass transit be opened up toward the Southeast. She stated that she was pleased with Alternatives 5 and 6 and added that there should be more input from bus riders.

Councilmember Chan asked when the screening would be completed. Mr. Buchanan replied that it was scheduled for completion by the end of May. Councilmember Chan asked if additional public hearings would be conducted. Mr. Buchanan confirmed that there would be additional opportunities for input.

Councilmember Lopez asked when they would receive information on ridership density. Mr. Buchanan indicated that it would be provided within the next month and a half.

Mayor Castro thanked VIA for the presentation.

2. A BRIEFING BY THE SAN ANTONIO RIVER AUTHORITY ON THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT.

Lori Houston provided an overview of the San Antonio River Improvements Project (SARIP) and introduced Suzanne Scott, San Antonio River Authority (SARA) General Manager. Ms. Scott presented an update on the Mission Reach Ecosystem Restoration Project. She reported that six miles of the Mission Reach Project had been completed and was open to the public. She stated that two miles remain under construction with a Grand Opening Celebration scheduled for August 2013. She noted that operations and maintenance agreements had been finalized and hoped to have them approved at the City Council Meeting tomorrow. She outlined the Mission Reach and SARIP Funding Commitment from various entities totaling \$384.1 million. She indicated that Phases I and II were complete and that Phase III was scheduled for completion by August 31, 2013.

Ms. Scott outlined the Tree and Shrub Planting that had been completed and mentioned that final planting was scheduled for completion in Fall 2014. She reported that organized events were scheduled in the area on the 2nd and 4th Saturdays and that 20 events were scheduled in 2013. She stated that the City, Bexar County and SARA were developing operational plans for the River South Management Plan to address security, economic development, and emergency spill response. She mentioned that they were coordinating with the city on the operations and maintenance to include landscape, trails, and hardscape maintenance. She indicated that they would amend the maintenance agreement to clarify the roles and responsibilities of the City and SARA.

Mayor Castro thanked Ms. Scott for the presentation and commended SARA for their work. He stated that the project was a jewel for the city and that he had received numerous compliments.

Councilmember Ozuna expressed her support for the project and stated that she was pleased with the progress. She noted that the River South Project was located in some individuals' backyard and spoke of being sensitive to security issues. She mentioned that she was pleased with the collaboration between SARA and the City and asked of the Educational Center. Ms. Scott stated that they were pursuing the development of an Educational Center located at Confluence Park. She stated that the San Antonio River Foundation had helped them purchase the land and would build an Educational Center to educate the community about the importance of ecosystem restoration.

Councilmember Chan thanked SARA for the presentation and noted that it was a great project. She stated that she was pleased that many individuals were taking advantage of River South. She asked of the collaboration regarding the World Heritage Designation. Ms. Scott replied that they worked very closely with the Convention and Visitors Bureau and specifically; the World Heritage Designation. Councilmember Chan asked of the fees collected for special events. Ms. Scott replied that they would make the process seamless for those scheduling the events but would distribute among the various entities as required.

Councilmember Williams spoke of the great collaboration on the project among various entities. He stated that he understood concerns related to adjacent neighborhoods but believed they could be addressed utilizing the same method as was used on the hike and bike trails in the Northside. He mentioned that it had increased property values and provided opportunities for neighborhood groups. He asked that the Educational Center reach out to students in Elementary and Junior High in addition to High Schools. Ms. Scott spoke of the security office that would be utilized by the Park Police Officers and funded by Bexar County.

Councilmember D. Medina expressed his support for the project and stated that he was pleased to see the many Park Police in the area. He asked if schools would be charged for utilizing the area. Ms. Scott replied that they would review fees with city staff and implement the fee structure in 2014.

Mayor Castro thanked Ms. Scott for the presentation.

EXECUTIVE SESSION

Mayor Castro announced that the Executive Session would be held on Thursday, May 2, 2013 following the morning portion of the meeting. He recessed the meeting at 3:45 pm and announced that the meeting would resume at 5:15 pm for Ceremonials.

CEREMONIALS

Mayor Castro presented a Proclamation to the San Antonio Police Department who will hold their annual "Police Officer Memorial Day" on May 14, 2013 to honor the 53 members of the SAPD who lost their lives in the line of duty.

Mayor Castro presented a Proclamation to the San Antonio Conservation Society in recognition of National Historic Preservation Month that will be observed during the month of May 2013. It was noted that historic preservation enhances neighborhoods and communities, and provides an opportunity for citizens to share pride in the diverse and unique heritage of the city.

Mayor Castro presented a Proclamation to the Bexar County Metropolitan Planning Organization for hosting their annual "Walk & Roll to Work Day" on May 2, 2013. It was noted that commuters were encouraged to improve their health, create a cleaner environment, save on gas and reduce traffic congestion by parking their cars and walking, busing, wheeling or pedaling their way to work.

Mayor Castro presented a Proclamation to the San Antonio Convention and Visitors Bureau who will join the U.S. Travel Association in celebrating National Travel and Tourism Week May 4-12, 2013. It

was noted that the CVB will utilize the week-long observance to share the importance of travel and hospitality with its industry partners, local business leaders, legislature and media.

3. CITIZENS TO BE HEARD AND TIME CERTAIN ITEM

THE FIRST OF TWO SCHEDULED PUBLIC HEARINGS FOR THE DEVELOPMENT OF THE CITY'S FY 2014 HOUSING AND URBAN DEVELOPMENT ENTITLEMENT GRANT PROGRAMS AND BUDGET INCLUDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP GRANT, EMERGENCY SOLUTIONS GRANT (ESG), AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDES (HOPWA) GRANT.

Mayor Castro opened the Public Hearing at 6:00 pm.

John Dugan presented a Power Point outlining the FY 2014 Entitlement Grants Strategy. He stated that it included funding from Community Development Block Grants (CDBG), Home Investment Partnership Grants (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with Aids (HOPWA). He explained that funding would be available on October 1, 2013 and that the Federal Budget Sequester will impact grant funds through a 5% reduction. He outlined the FY 2014 Budget Allocation among the four grants that totaled \$16,877,216. He reported that the FY 2014 Action Plan and Budget were due to the Department of Housing and Urban Development by August 15, 2013. He provided an overview of the funding strategy in which they would fulfill existing debt service obligations and honor the second year of the 2-Year Public Service Obligations. He highlighted the proposed target areas to include: 1) Edgewood; 2) University Park-West/Blueridge Area; 3) Palm Heights; 4) Harlandale; and 5) Wheatley. He indicated that the strategic investments in the target areas would include façade improvements, catalytic projects, owner-occupied rehabilitation, and the Homebuyer Incentive Program.

Mayor Castro called upon Ms. Amanda Haas to speak.

Ms. Amanda Haas spoke on behalf of the Esperanza Peace and Justice Center in support of the Rinconcito Project. She stated that they had invested capital funds for the past few years and had received CDBG Funding in 2010. She requested that the funding criteria be expanded so that they could qualify for additional funding. She highlighted their work in the West Side Community and shared photos of the status of the project.

Councilmember Bernal asked if they would be able to meet with City Staff to discuss the funding allocations. Mr. Dugan confirmed that they would meet with the City Council to discuss same.

There being no other individuals registered to speak; Mayor Castro closed the Public Hearing at 6:13 pm.

CITIZENS TO BE HEARD

Mayor Castro called upon the individuals registered to speak under Citizens to be Heard.

Rozina Kanchwala, Sarah Mills, and Lanny Sinkin representing Solar San Antonio addressed the City Council. Mr. Sinkin stated that they had polled 19 solar companies in San Antonio and spoke of the loss of jobs and funds due to the CPS Energy Sun Credit Program. He expressed concern with the

uncertainty that the project has placed on the community. He reported that the Solar San Antonio Board had passed a Resolution requesting that CPS Energy extend the discussion period to February 2014 and grandfather existing applications. He asked the City Council to do same. He requested that the City Council appoint a broad-based Citizens Advisory Committee to address the issues raised by the Sun Credit Program. He added that there were complex issues involved and expressed concern that CPS Energy was operating like a private entity.

Clark McChesney stated that he lives in Schertz but owns a solar energy system tied to CPS Energy. He noted that they had grandfathered his system but expressed concern that CPS Energy would change their mind. He added that he had invested in solar energy for environmental and economic reasons.

Commissioner Tommy Adkisson requested that the City Council encourage CPS Energy to expand the discussion period until February 2014 and grandfather all applications completed within that period under the existing Net Metering Program. He stated that they had a good relationship with CPS Energy and thanked the City Council for making San Antonio a Green City.

Steve Hixon stated that he had been a San Antonio Resident for 40 years and had installed solar panels on his home to help create a clean environment at a cost of \$46,528. He expressed concern that the Sun Credit Program would extend his payback another 10 years.

Don Dickey, Jamin Wharton, Andrew Wood representing Advanced Solar addressed the City Council. Mr. Dickey expressed concern that their 30 employees may lose their jobs due to the Sun Credit Program and spoke of the payback that would be extended 20 years for solar customers. He stated that they serve average families and that distributed solar energy was the most affordable way for CPS to deliver energy to customers. He asked why solar customers were being penalized and requested assistance from the City Council to uphold their commitment to their customers.

Daniel Moyer spoke in opposition to the Sun Credit Program and expressed concern that solar customers would no longer have warranty coverage when companies were forced out of business. He stated that the solar program was intended to reduce peak loads and asked that CPS Energy spend their money more wisely.

Michael Weinnig stated that he was with a San Antonio Based Clean Energy Developer and that they specialized in solar energy systems for local businesses. He noted that they had established their business in San Antonio in 2010 and were led to believe that the SA2020 Program was the vision for the future of San Antonio to include distributed solar energy.

Alan Rader stated that he was a homeowner and had been encouraged by CPS Energy to install solar panels on his home. He expressed concern that he would be penalized due to the Sun Credit Program and believed he was being discriminated.

Brandon Mathis stated that he concurred with everything that had been stated thus far regarding the negative effects of the Sun Credit Program. He expressed concern with the way the change was being presented.

Gustavo Mendoza stated that he had invested in solar energy for financial reasons and expressed concern that he may have to close his small business. He noted that CPS Energy had made a commitment to make San Antonio a Green City through the development of SA2020.

Anthony Regino stated that he worked with CVI Technology and served as the Project Manager of the Renewable Division. He noted that they had developed the Downtown Network Maps for CPS Energy and highlighted the area of the grid that was affected. He expressed concern that CPS Energy was making a profit behind closed doors.

Roger Pratt expressed concern with CPS Energy practices that would be detrimental to local businesses. He asked why they were taking back their commitment to providers and citizens. He stated that if customers did not buy solar energy; solar energy companies would go out of business.

Matthew Thomas stated that he was a new resident to San Antonio and spoke of the incentives he had received from CPS Energy when he installed solar panels on his home. He noted that he had received a letter stating that he would be grandfathered in the current program but expressed concern that CPS Energy may change their mind in the future.

Ann Marie King-Wethern stated that she agreed with all of the comments made thus far regarding CPS Energy. She noted that she has installed solar panels as part of her retirement planning and expressed concern that the program was not well-thought by CPS Energy.

Shelby Ruff expressed concern with CPS Energy practices that he believed were illegal. He noted further concerns with the solar energy jobs that would be lost due to the Sun Credit Program. He added that the solar industry could not survive the changes.

John Greenberg of Border Media spoke in opposition to the Sun Credit Program. He stated that he was pleased to live in San Antonio but expressed concern with the solar companies that advertised with his business that would be negatively affected. He spoke of the many jobs that would be lost and the homeowners that would also be affected.

David Dixon, Gary Royal, Chad Williams representing NATIVE addressed the City Council in opposition to the Sun Credit Program. Mr. Dixon referenced the City's STEP Program which helped customers lower their utility bills. He expressed concern that CPS Energy valued solar energy much lower than Austin which was only 90 miles away. He presented a sample bill in which the Sun Credit Program would increase bills and noted that it was a discriminatory program. Mr. Williams added that he would like to relocate to San Antonio and asked the City Council for their support.

Tony Contreras stated that he owned a solar company that had moved here from Dallas and spoke of his investment in the city. He stated that San Antonio plays a national role as a Solar Energy Leader.

Stu Ware stated that he had solar panels installed on his home and that he pays CPS Energy for every kilowatt that he uses. He expressed concern that CPS Energy wanted to charge him for energy he produced and asked if the funds would be used for employee bonuses.

William Sibley recognized the company that installed solar panels on his home and expressed concern with the many jobs that would be lost due to the Sun Credit Program. He asked why he was being penalized for his investment in solar energy.

Brian Burke stated that he was a concerned citizen and spoke of the contract that must be signed with CPS Energy for customers that install solar panels on their home. He expressed concern that CPS Energy estimated their cost at 5.6 cents which was much lower than many other cities.

Michael Arroyo expressed concern with the Sun Credit Program and its negative effects on his family. He spoke of his work with a small solar company located South of Austin. He stated that the Sun Credit Program had the potential to kill the solar program and the idea of solar energy.

Dr. Ronald Brown stated that he was a strong proponent of solar energy and had solar panels installed on his home. He noted that he had convinced his church to purchase and install solar panels and asked why consumers were being penalized.

Nikki Kuhns stated that she agreed with the individuals that were speaking in opposition to the Sun Credit Program. She thanked Councilmember Chan for supporting consumers and stated that she was supportive of the concerns that would be stated by Ms. Janet Ahmad. She gave the remainder of her time to Ms. Ahmad. Ms. Ahmad expressed concern that they had no where else to turn and noted that they had met with the City Manager who had not been able to assist them. She stated that she did not believe this was a private matter and that the city should assist the homeowners. She asked why the City Council had not supported legislative bills to protect homeowners.

Gizelle Luevano stated that she was a Stablewood Homeowner who had been asking the city for help. She spoke of the faulty homes that D R Horton built and noted that they had testified at the Legislative Session. She urged the City Council to assist them.

Robert Baker spoke in opposition to the Sun Credit Program. He expressed concern with the loss of jobs in the solar industry and requested more time to dialogue with CPS Energy.

Steve Sholin stated that he and his wife were founders of a small non-profit and had installed solar panels on their building. He noted that the City Council had oversight of CPS Energy and requested that solar panels be installed throughout the city.

John Wright and Josephine Steinbach gave their time to Lanny Sinkin. Mr. Sinkin stated that they need more time before implementing the Sun Credit Program. He noted that the issue was very complex and that there were still many questions that remained unanswered. He requested that the City Council convene a Citizen Advisory Committee to address the issues.

Matt King stated that he was the co-founder of a small solar business and spoke of the negative impact that the Sun Credit Program would have on his business. He expressed concern that he had moved employees to San Antonio because he believed in the city's commitment to solar energy. He added that he would have to leave the city if the Sun Credit Program was implemented.

Billy Hill spoke in opposition to the Sun Credit Program. He stated that he had installed solar panels on his small business and requested that CPS Energy go back to the drawing board and develop a better program.

Jennifer Ney spoke of issues with his landlord noting that he was operating the Pecan Valley Reserve in violation of the Fire Code. He expressed concern with the hazing and hate crimes he had endured from the San Antonio Police Officers.

Helen & Felipe Campos expressed concern with the redistricting process. Mr. Campos stated that he had been a resident on the North East Side of the city for 45 years. He noted that he was opposed to becoming a resident of District 2 since he had always been a resident of District 10. He indicated that there was a business park nearby in which the District 10 Councilmember owned various properties that had remained in District 10. Mrs. Campos also expressed concern that they were now District 2 Residents and asked why the homes in front of their property remained in District 10. She noted that Councilmember Soules owned three properties nearby that remained in District 10.

Bobby Bahrami gave his time to Anthony Regino. Mr. Regino spoke of the research they are conducting on the Net Metering Program that would be affected by the Sun Credit Program. He mentioned that there were many industries that would also be negatively affected by the Sun Credit Program and had letters from others regarding their concerns.

Nathan Hansen of Brenntag Southwest spoke in opposition to the staff recommendation regarding the contract for water treatment for municipal pools which was Item 6 on the City Council Agenda the following day. He stated that they were the lowest bidder and were more than qualified to provide the service.

Rhett Smith expressed concern that more Councilmembers were not present and noted that citizens were concerned with CPS Energy. He gave the remainder of his time to Mr. Lanny Sinkin. Mr. Sinkin expressed concern that CPS Energy would be charging them 9.9 cents and stated that the change should require City Council Approval.

Esmeralda Perez expressed concern with the quality of her Stablewood Home. She asked the City Council to support the Legislative Bill regarding the Home Lemon Law. She stated that she and her family were experiencing illnesses due to their home.

Gilbert Luevano stated that he lived in the Stablewood Subdivision and expressed concern that his home was built over a former sewer plant. He asked the City Council to support the Legislative Bills to support homeowners. He added that he believed it was a public matter and not a private matter.

Larry Forbrich spoke of asbestos problems in his business and with the homes on the 4400 block of Meeks Avenue. He asked how the issues could be addressed.

Mark Perez spoke of the explosion that occurred in West, Texas and expressed concern with the businesses operating without the proper permits to include DPT Laboratories, NuStar Refinery, and Kimberly Clark.

Genevieve Perez expressed concern with her Stablewood Home that was built over a former sewer plant. She noted that her driveway was cracked and she could not afford to fix it. She asked the City Council to help get D R Horton to buy the homes back.

Written testimony was received from The Renewable Republic Solar Installer requesting that the existing program remain in place for the next two years. They requested that the Feed In Tariff of Germany be looked at since it had stimulated the private sector.

Faris Hodge, Jr. submitted written testimony regarding the creation of a DWI Court Docket. He expressed support for a hotel to be built in HemisFair Park and wrote that the Youth Curfew Ordinance should be renewed to help keep youth off the streets. He wrote that he was pleased that the Tax Office was open until 6:30 pm on Wednesdays and that more than 8,000 SAISD Students received brand new books. He highlighted the \$20 million gift to the Children's Hospital and Hardberger Park receiving \$500,000. He wrote that it was time to pay the City Council a living wage and noted that the Bexar County Sheriff received the Pioneer Award. He wrote that SAWS wants outdoor watering cut in half immediately and expressed concern that the funding for Bexar County Substance Abuse was too low. He wrote that there was local support for a Lone Star Rail District.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 7:45 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **May 2, 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 Brent Saathoff, City Church-Bandera Road Campus, guest of Councilmember Cris Medina, District 7.

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 10-11, 2013 City Council Meetings. Councilmember Ozuna seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Mayor Castro presented a Citation to Senator Leticia Van De Putte for being elected as Governor for the Day. He noted that Senator Van De Putte has represented San Antonio very well over the years and expressed appreciation for her work. Alisa Narro of Senator Van De Putte's Office accepted the Citation on behalf of Senator Van De Putte.

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 presented on the ongoing State Legislative Session and outlined Dates of Interest. He reported that the last day for the House to consider Local House Bills was May 17, 2013 and the last day for the Senate to consider Local Senate Bills and all Third Reading Senate Bills was May 22, 2013. He highlighted Bills of Interest that include HB 397/SB 1761 which would allow the City of Helotes to take Extra Territorial Jurisdiction (ETJ) without the consent of the City of San Antonio. He stated that city staff had reached an agreement on a recommended ETJ Release which would be placed on the May 9, 2013 City Council Agenda. He noted that Senator Uresti would pull down the bill. He spoke of HB 3589 which would intervene in a dispute between the City of San Antonio and the developer of Mission Del Lago. He expressed concern that this would undo agreements on all 24 existing Tax Increment Reinvestment Zones (TIRZ). He noted that it was set on the House Local and Consent Calendar today and that there was no Senate Sponsor to date.

Mr. Coyle reported that HB 1377 related to the Tree Ordinance was voted out of the Urban Affairs Committee on April 24, 2013 and remains in the Calendars Committee. He stated that staff was closely monitoring said bill. He mentioned that Senate Bills 1918 and 1919 related to Vested Rights and Eminent Domain would prohibit the expiration of Vested Rights and require that cities buy property if more than 55% is kept as a conservation easement. He added that the hearing scheduled for today was postponed. He stated that SB 1247 related to Pay Day Lending had passed the Senate with numerous amendments and no preemption of the City's Ordinance. He mentioned that HB 2908 and 2953 would preempt municipalities on a wide variety of ordinances. He stated that HB 11 would dedicate \$2 billion from the Rainy Day Fund to implement the State Water Plan. He indicated that the bill was sent back to Committee due to point of order on the House Floor. He mentioned that HB 3664 related to Transportation would increase the vehicle fee by \$30 and was being considered by the House Calendar Committee.

Mr. Coyle provided an update on City of San Antonio Initiatives. He stated that in regard to HB 2018 and SB 930 related to Hemisfair Park; the Senate Bill was voted favorably out of Committee on May 1, 2013 and could be heard by the full Senate on Monday. He noted that the House Bill was pending in the Calendars Committee. He reported that HB 1553 related to Replatting had passed the House and the companion bill, SB 773 was referred to the Senate Administration Committee on April 29, 2013. He mentioned that HB 1554 in regard to Floodplain Enforcement had passed the House and the companion bill (SB 1087) would be heard in the Senate IGR Committee on May 8, 2013. He stated that HB 2896 regarding the Fire Eligibility List was left pending in the House Urban Affairs Committee on April 17, 2013 and SB 1355 related to same was left pending in the Senate IGR Committee on April 10, 2013. He reported that HB 2437 in regard to Community Homes had been scheduled for a Human Services Committee Hearing on April 23, 2013 and that the sponsor had pulled down the bill. He added that HB 3447 on Land Banking was scheduled on the House Calendar today at noon.

Mayor Castro thanked staff for their work and stated that he was pleased that the Hemisfair Bill was moving forward. He expressed concern with the bill that would undo agreements on the 24 existing TIRZ and noted that it was a very troubling piece of legislation. He asked that the city do everything possible to ensure that the bill does not move forward. He asked of the Tree Preservation Bill. Mr. Coyle replied that it remains in the Calendars Committee in which there is a large backlog of bills. He stated that it had been pending there for two weeks and that there was a significant amount of opposition

to the bill. He noted that staff would continue to monitor the bill closely. Mayor Castro asked of the bill related to the City of Helotes. Mr. Coyle stated that he was not sure if Senator Uresti had pulled the bill down yet but did not believe there was any interest in moving it forward due to the agreement reached.

Councilmember Williams asked of the bill related to the City of Helotes. John Dugan stated that the City of Helotes had requested to expand their ETJ into the one mile area that it is allowed by State Law for towns of that size. He noted that they were also looking for an extension along Bandera Road of a mile-and-a-half to two miles from their city limits. He indicated that they had been reviewing the request and would brief the City Council the following week. He added that their main concern was to protect the Government Canyon Area. Councilmember Williams asked if the one-mile ETJ stretched into Rancho Diana or Government Canyon. Mr. Dugan confirmed that it did not. Councilmember Williams spoke of the importance of protecting the sensitive areas that the city had invested in. He thanked staff for their work on the Tree Preservation Bill and stressed the importance of maintaining the City's Tree Ordinance.

Councilmember Saldaña expressed concern with the bill that would undo agreements on the 24 existing TIRZ. Mr. Coyle explained the bill noting that as part of a TIRZ Agreement, a city may not require a developer to waive their vested rights or to maintain 20% open space in the community. Councilmember Saldaña asked of SB 1918 related to Vested Rights. Mr. Coyle responded that the bill was drafted due to a property issue in Travis County and a dispute over development. He stated that they had asked that the bill be bracketed down to address that specific issue and not affect the entire State.

Councilmember Bernal thanked staff for their work on the Legislative Session. He spoke in opposition to the Pay Day Loan Bills and asked of the Hemisfair Bill. Mr. Coyle replied that the goal of the bill was to give the City Council the opportunity to decide the land uses within the redeveloped park. He stated that there would be a guarantee of a minimum of 18 acres of usable open public park land and that if a hotel was built in the park; it could take up no more than 20% of the total square footage of the development in the park.

Councilmember Ozuna thanked staff for their work. She expressed concern with HB 3589 related to undoing agreements on the 24 existing TIRZ. She stated that it would set up an environment of instability and doubt and was not in the best interest of the City of San Antonio. She expressed concern with the five elements that they were looking to disallow and requested that staff continue to monitor the bill.

Councilmember Lopez thanked staff for their work and stated that he was pleased with the agreement reached with the City of Helotes. He asked of the communication with others regarding the City's Annexation Policy. City Manager Sculley stated that staff had recently updated the Annexation Policy and had begun discussions with surrounding areas for annexation. Mr. Dugan added that they had started dialogue in the City South Area and would work clockwise and look at priorities for each area. Councilmember Lopez asked of the timeline for staff to present recommendations to the City Council. Mr. Dugan replied that they hoped to provide information over the summer. Councilmember Lopez asked of HB 2437 related to Community Homes. Mr. Coyle replied that the sponsor had pulled down the bill and that staff would convene post-session with all of the groups that had concerns to see what could be done in the future.

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

Nazirite Ruben Flores Perez stated that there should be 10% or more trees and more reservoirs. He noted that he was pleased that the United States and China were getting along well. He spoke of the importance of water and reservoirs.

Fidel Castillo stated that today was National Day of Prayer and requested a moment of silence for children that have died from uses of psychotropic drugs in America. He spoke of the unfair practices of the juvenile system and the drugs that his son was forced to take while incarcerated. He noted that Senator Van De Putte was sponsoring a bill to address same and requested support.

Nikki Kuhns stated that shoddy homebuilders should be held responsible and requested that the City Council support a Home Lemon Law. She thanked Councilmember Chan for her support of taxpayers and gave her time to Janet Ahmad. Ms. Ahmad spoke of the Stablewood Homeowners that had their homes built on a former sewer plant. She stated that Ms. Sculley and Mr. Bernard had met with them and they believed that the city would support legislative bills related to protecting homeowners. She expressed concern that support was not received by the city and that the reason given was that consumer legislation was not necessary. She indicated that this was not a private matter and the bills to protect homeowners were necessary.

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

The City Clerk read the caption for Item 5:

2013-05-02-0289

Item 5. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND ACQUISITION OF REAL ESTATE FOR THE DISTRICT 9 NEW BRANCH LIBRARY INCLUDED WITHIN THE VOTER APPROVED 2012-2017 BOND PROGRAM THROUGH A FEE SIMPLE TITLE TO AN EXISTING 8,000 SQUARE FOOT FACILITY RESIDING ON 5.5 ACRES OF PRIVATELY-OWNED REAL PROPERTY LOCATED AT 2515 E. EVANS ROAD IN N.C.B. 17600 IN COUNCIL DISTRICT 9; AND AUTHORIZING EXPENDITURES IN AN AMOUNT NOT TO EXCEED \$4,225,000.00 PAYABLE TO THE SELECTED TITLE COMPANY FOR LAND, STRUCTURE AND ASSOCIATED TITLE FEES.

At this time, Councilmember Chan excused herself from the meeting.

Ramiro Salazar, Library Director presented a profile of the District 9 Library Service Area. Mike Frisbie, CIMS Director provided an overview of the site selection process that began in May 2012. He spoke of the initial nine sites reviewed and indicated that the top five sites had been further reviewed. He indicated that from that review; the top three sites were identified. He reported that the recommended site was located at 2515 E. Evans Road. He presented an aerial view of the property and highlighted Unitech Consulting Engineers owned by Councilmember Chan located adjacent to the recommended site. He spoke of the Business Association that oversees the area and mentioned that Councilmember Chan's Husband Clifford Hew served on the Architectural Review Committee but would recuse himself from any votes related to the property.

Mr. Frisbie mentioned the three most valued reasons for the selection of the Evans Site: 1) Maximum Library Size; 2) Significantly Reduced Schedule; and 3) Significantly Less Construction Impact. He

noted that the second appraisal came in at \$50,000 less and staff has approached the seller. The seller has agreed to reduce the price by \$25,000 for a total purchase price of \$4,175,000. He noted that due diligence and closing costs totaled \$50,000. He stated that the City Council could decide to issue a Request for Proposals to solicit partnerships to provide a Library; select another site; or approve the staff recommendation to acquire the site at 2515 E. Evans Road.

Mayor Castro called upon the citizens registered to speak.

Nazirite Ruben Flores Perez asked the City Council for a vote of approval on said item.

Jean Brady, President of the San Antonio Library Board asked the City Council to vote in favor of the staff recommendation. She stated that the Library Board believes they performed due diligence on said item and that this was an underserved area of the city.

Jack M. Finger addressed the Council in opposition to said item. He expressed concern with the process and stated that there were still many problems associated with the property. He spoke of Mr. Hew serving on the Architectural Review Board and asked why the city was paying a higher price than the appraisal.

City Clerk Vacek read written testimony from Mrs. Loyce Ince, Secretary of the San Antonio Public Library Board of Trustees. Mrs. Ince wrote that she was in full support of the acquisition of real property located at 2515 East Evans Road for the new District 9 Branch Library. She wrote that the preferred site was located in the target service area identified by the Board and utilized the criteria in the Library's Strategic Plan. She added that the existing building provides an opportunity for adaptive reuse which will shorten the project timeline and simplifies the building process. She mentioned that the existing building would also provide more square footage than could be built from the ground up with the current budget.

Mayor Castro asked of the original scoring process for the top three sites. Mr. Frisbie stated that the recommended property had originally come in second due to an assessment of various factors conducted by a Private Consultant Architect. He explained that the cost of the property was originally \$6 million and that was one of the reasons for the low score. He spoke of the benefits of the recommended property noting that easements were not an issue since the site was already developed. He added that there was a small amount of demolition that would need to occur at the Adobe Café and that was another reason for a lower score. Mayor Castro asked of the consequence of the second appraisal. Mr. Frisbie stated that the first appraisal was \$4 million and the second appraisal was \$3,950,000. He noted that there was a \$50,000 difference and the seller had agreed to reduce their price by \$25,000. Mayor Castro asked of the timeline. Mr. Frisbie reported that the timeline will still be met if approved today with a Grand Opening in October 2015. Mayor Castro asked how future projects will be handled knowing that said item would have gone much smoother if disclosures had been made. Mr. Frisbie apologized to the City Council for the disclosure oversight and stated that they had implemented a standard weekly process to share information with staff leadership. He noted that they would discuss potential issues early in processes.

Councilmember Ozuna thanked staff for the briefing and asked if any points were awarded regarding environmental impact to include not contributing impervious cover over the Recharge Zone. Mr. Frisbie replied that a consultant had conducted the analysis and did not believe it included anything specific to the environmental impact. Councilmember Ozuna asked of the square footage and if it would be greater

than building a new site. Mr. Frisbie responded that was correct and reported that the two vacant sites would only be 7,000 square feet in size while the Adobe Café would provide 10,000 square feet of space.

Councilmember Soules stated that he was pleased that everyone had the opportunity to review said item in greater detail and noted that the Library Board was still strongly supportive of the staff recommendation.

Councilmember Soules moved to adopt the proposed Ordinance as recommended by staff. Councilmember Taylor seconded the motion.

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

CONSENT AGENDA ITEMS 6-18C

Consent Agenda Items 9, 11, and 14 were pulled for Individual Consideration. Mayor Castro announced that Items 18A, 18B and 18C were pulled from the agenda by staff.

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

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

Nathan Hansen of Brenntag Southwest spoke in opposition to the contract for water treatment for municipal pools in Item 6B. He stated that they were the lowest bidder and would save the city \$100,000-\$160,000 over the life of the contract. He noted that they were not awarded the bid because they did not have all of the necessary information related to their small business participation. He asked if the item could be continued or re-bid.

Jane L. Dubel, President of the Thunderbird Hills Neighborhood Association spoke in favor of Item 11 regarding the park that was being built in their neighborhood. She stated that they had been working on said item for 12 years and thanked Councilmember C. Medina for his support.

Jack M. Finger asked of the Early Childhood Education Funds being requested through the Federal Legislative Program (Item 15). He spoke in opposition to the reprogramming of HUD Section 108 Funds (Item 16) and stated that he was concerned with shifting funds due to a proposed Downtown Grocery Store.

Faris Hodge, Jr. submitted written testimony in opposition to Items 4 and 16 noting that a grocery store was not needed Downtown (Item 16). He wrote in favor of Items 5-15, 17, and 18. He wrote that he was pleased with the grant from the Texas Department of Transportation (Item 13). He requested that backup information be provided for the City Manager's Report.

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

2013-05-02-0290

Item 6. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR GOODS AND SERVICES FOR AN ESTIMATED ANNUAL COST OF \$333,000.00: (A) AIRGAS USA, LLC FOR LABORATORY, MEDICAL, WELDING GASES AND WELDING SUPPLIES AND (B) COMMERCIAL CHEMICAL PRODUCTS, INC. D/B/A POOLSURE FOR WATER TREATMENT FOR MUNICIPAL POOLS.

2013-05-02-0291

Item 7. AN ORDINANCE AUTHORIZING A CONTRACT WITH AJ COMMERCIAL SERVICES, INC. DBA ASC PAVING IN THE AMOUNT OF \$329,780.63 FOR CIVIL IMPROVEMENTS RELATED TO THE PARKING REVENUE CONTROL SYSTEM PROJECT, AN AIRPORT IMPROVEMENT & CONTINGENCY FUNDED PROJECT, FOR THE SAN ANTONIO INTERNATIONAL AIRPORT.

2013-05-02-0292

Item 8. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT WITH BMP 1604 DEVELOPERS, LTD. IN THE AMOUNT NOT TO EXCEED \$3,200,000.00 FOR THE BULVERDE ROAD (LOOP 1604 TO REDLAND ROAD AND CLASSEN ROAD) PROJECT, A 2012-2017 BOND AND 2007 BOND SAVINGS FUNDED PROJECT THAT TOTALS AN ESTIMATED \$9,916,103.80 WITH DEVELOPER'S FINANCIAL PARTICIPATION LOCATED IN COUNCIL DISTRICT 10.

2013-05-02-0294

Item 10. AN ORDINANCE AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE OPERATIONS AND MAINTENANCE AGREEMENT OF THE SAN ANTONIO CHANNEL IMPROVEMENT PROJECT ASSIGNING ADDITIONAL AREAS OF MAINTENANCE RESPONSIBILITY TO THE SAN ANTONIO RIVER AUTHORITY.

2013-05-02-0296

Item 12. AN ORDINANCE AUTHORIZING PARTICIPATION IN THE ADVANCED SURVEILLANCE PROGRAM OF THE TRANSPORTATION SECURITY ADMINISTRATION, A REIMBURSABLE GRANT PROGRAM NOT REQUIRING CITY MATCHING FUNDS, FOR UP TO \$4,993,515.00 TO ENHANCE THE SECURITY CAPABILITIES AT SAN ANTONIO INTERNATIONAL AIRPORT.

2013-05-02-0297

Item 13. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS, UPON AWARD, NOT TO EXCEED \$30,000.00, FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A CLICK IT OR TICKET SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT FOR THE PERIOD MAY 20, 2013, THROUGH JUNE 2, 2013.

2013-05-02-0299

Item 15. AN ORDINANCE APPROVING THE CITY OF SAN ANTONIO'S FEDERAL LEGISLATIVE PROGRAM FOR THE 113TH CONGRESS, WHICH BEGAN JANUARY 3, 2013.

2013-05-02-0300

16. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF U.S. HOUSING AND URBAN DEVELOPMENT SECTION 108 INTEREST INCOME FUNDS IN THE AMOUNT OF \$1,000,000.00 FROM THE DOWNTOWN GROCERY STORE PROJECT TO THREE ELIGIBLE INFRASTRUCTURE MANAGEMENT PROGRAM STREET IMPROVEMENT PROJECTS; AUTHORIZING A SUBSTANTIAL AMENDMENT TO THE FY 2013 CONSOLIDATED ANNUAL ACTION PLAN; ALLOCATING \$1,000,000.00 IN GENERAL FUNDS TO THE DOWNTOWN GROCERY STORE PROJECT; AND REVISING THE BUDGETS AND PROVIDING FOR PAYMENT.

2013-05-02-0301

Item 17. AN ORDINANCE AUTHORIZING THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO WAIVE THE TEMPORARY FOOD ESTABLISHMENT PERMIT REQUIREMENT, INCLUDING FEES AND REQUIRED INSPECTIONS, FOR LOCAL CHILDREN AND YOUTH PARTICIPATING IN LEMONADE DAY ON MAY 5, 2013.

Item 18. CONSIDERATION OF THE FOLLOWING FINANCIAL MATTERS RELATING TO CPS ENERGY:

PULLED FROM THE AGENDA BY STAFF

- A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S ELECTRIC AND GAS SYSTEMS JUNIOR LIEN REVENUE BONDS, SERIES 2013 ("BONDS"), IN A PRINCIPAL AMOUNT NOT TO EXCEED \$400 MILLION, AND OTHER FINANCIAL MATTERS AS NECESSARY; AND THE DISTRIBUTION OF AN OFFICIAL STATEMENT RELATING TO THE BONDS.

PULLED FROM THE AGENDA BY STAFF

- B. AN ORDINANCE AUTHORIZING AN AMENDMENT AND EXTENSION OF TWO OF THE NOW EXISTING REVOLVING CREDIT AGREEMENTS (BEING THOSE AGREEMENTS PROVIDING LIQUIDITY TO THE CITY'S \$450,000,000 ELECTRIC AND GAS SYSTEMS COMMERCIAL PAPER NOTES SERIES B AND SERIES C, RESPECTIVELY), BRINGING THE LIQUIDITY SUPPORT EQUAL TO THE COMMERCIAL PAPER AUTHORIZED CAPACITY OF \$600,000,000; AND THE DISTRIBUTION OF AN UPDATED OFFERING MEMORANDUM RELATING TO THE COMMERCIAL PAPER.

PULLED FROM THE AGENDA BY STAFF

- C. A RESOLUTION AUTHORIZING A CASH DEFEASANCE OF CERTAIN OF THE CITY'S ELECTRIC AND GAS SYSTEMS REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$100 MILLION AND THE EXECUTION OF AN ESCROW AGREEMENT.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 9:

2013-05-02-0293

Item 9. AN ORDINANCE AWARDING A CONTRACT WITH HAMP'S CONSTRUCTION, LLC IN AN AMOUNT NOT TO EXCEED \$598,311.00 FOR EDWARD'S AQUIFER LAND PROPERTY PROTECTION, A PROPOSITION 3 EDWARDS AQUIFER RECHARGE ZONE FUNDS PROJECT LOCATED IN COUNCIL DISTRICT 8.

Councilmember Williams stated that this was an important piece of property and asked of the purpose of the fence. Xavier Urrutia replied that there were new developments that abut the protected land and that the fence would help deter encroachment and protect endangered species. Councilmember Williams asked why the low bidder was not selected. Mr. Urrutia replied that they were non-responsive to the small business requirement. Councilmember Williams expressed support for the program but noted concerns with the price and requested that staff save money when possible. Mr. Urrutia explained that the costs were higher due to the remoteness of the properties noting that there were no roads to access the parkland. He stated that there were challenges with the terrain and due to the endangered species on the property. Councilmember Williams requested that staff save money when possible.

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

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

The City Clerk read the caption for Item 11:

2013-05-02-0295

Item 11. AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OF FEE SIMPLE INTEREST TO 277,042 SQUARE FEET (6.360 ACRES) OF PRIVATELY-OWNED REAL PROPERTY LOCATED AT 4719 CALLAGHAN ROAD IN N.C.B. 16029 IN COUNCIL DISTRICT 7 FOR THE THUNDERBIRD HILLS PARK PROJECT, A 2012-2017 BOND PROGRAM PROJECT; AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$510,000.00, PAYABLE TO THE SELECTED TITLE COMPANY FOR LAND AND CLOSING COSTS.

Councilmember C. Medina thanked Jane and Bill Dubel for their tireless and hard work in the Thunderbird Hills Neighborhood. He stated that they had been working on getting a park in the area for many years and was pleased that the project was coming to fruition.

Councilmember Bernal commended Councilmember C. Medina for his work on the project. Mayor Castro thanked Councilmember C. Medina and the Dubel Family for their work in the Thunderbird Hills Neighborhood.

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

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

The City Clerk read the caption for Item 14:

2013-05-02-0298

Item 14. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND THE ACCEPTANCE OF UP TO \$1,945,134.00, UPON AWARD, FROM THE TEXAS AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY FOR THE REGIONAL AUTO CRIMES TEAM PROJECT; AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE BEXAR COUNTY SHERIFF'S OFFICE RELATED TO THE GRANT APPLICATION; AND APPROVING A CASH MATCH CONTRIBUTION OF \$603,338.00 AND AN IN-KIND MATCH CONTRIBUTION OF \$2,094,994.00.

Councilmember Chan stated that she was very excited about the program and asked for detailed information. Chief McManus replied that the Regional Auto Crimes Team (ReACT) Unit was staffed with 30 individuals to include four Bexar County Sheriff's Deputies that were part of the team. He explained that ReACT works on different programs to prevent auto theft and vehicle burglaries. He reported that burglary of vehicles was down 23% this year and vehicle theft was down 12%. Councilmember Chan asked if staff would be added. Chief McManus replied that the grant had been awarded for 21 years and funded 13 of the 30 staff. He stated that they were requesting funding to add vehicles and increase staff by four Detectives.

Councilmember Chan 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.

Item 19. CITY MANAGER'S REPORT

A. VITA PROGRAM RESULTS

Ms. Sculley reported that Volunteer Income Tax Assistance Program (VITA) recently wrapped up another successful year of tax preparation. She stated that VITA was sponsored by the Internal Revenue Service and provides free tax preparation services to individuals or families earning less than \$55,000 in annual household income. She noted that the program has over 40 years of success in San Antonio thanks to the Alamo City Coalition for Economic Self-Sufficiency (ACCESS). She indicated that they partner with more than 30 organizations and this year; the Coalition managed 24 VITA Sites across Bexar County. She mentioned that the City's Department of Human Services operated 18 of the 24 Sites and one Mobile Team. She reported that recent data shows that local VITA Sites served 30,313 taxpayers returning more than \$56 million to the San Antonio Economy. She indicated that VITA efforts would continue year-round at the Neighborhood Place VITA Office in order to complete the prior year and amended returns.

B. BOND TRANSACTIONS

Ms. Sculley provided results of the Municipal Drainage Utility System Revenue Bond Refinancing that occurred on Wednesday, April 28th for interest cost savings. She reported that the bonds were rated "AA", "AA2", and "AA+" by Fitch Ratings, Moody's Investor Services, Inc., and Standard and Poor's Ratings, respectively. She noted that the ratings were affirmed on April 18th for the bond refinancing. She mentioned that bonds in the amount of \$70,685,000 were priced on April 28th by a syndicate led by Stifel, Nicolaus & Company, Inc. who served as Senior Book Running Manager and Cabrera Capital Markets, LLC; Loop Capital Markets, LLC; and Samco Capital Markets, Inc. She mentioned that during the pricing; there was significant demand in the market for the bonds, generating \$184,300,000 in orders. She stated that the refunding transaction produced a total savings of \$13,931,712 with savings in FY 2013 of \$1,251,949 and annual savings thereafter of \$745,000. She stated that net present value savings on the transaction was \$11,402,885 and that the true interest cost on the bond transaction was 2.58%. She noted that the completion of the refunding transaction provides an opportunity to utilize the savings in the Stormwater Operating Fund to assist in the financing of the Leslie Road Service Center.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 11:15 am to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO SANITARY SEWER OVERFLOWS PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- B. DISCUSS LEGAL ISSUES RELATED TO *PAUL CHANCE KINNISON V. CITY OF SAN ANTONIO* 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).**

RECONVENED

Mayor Castro reconvened the meeting at 2:05 pm.

POINT OF PERSONAL PRIVILEGE

Mayor Castro presented an Honorary Citizen Certificate to Eduardo Rivera Perez, Mayor of Puebla. He welcomed Mayor Perez to San Antonio. Mayor Perez thanked the City Council for the recognition and spoke of the many similarities between the Cities of San Antonio and Puebla. He stated that he looked forward to forming an alliance with the City of San Antonio. Councilmembers Chan, Ozuna and Lopez also welcomed Mayor Perez to San Antonio and stated that they looked forward to a successful

relationship between the two cities. Mayor Castro presented a gift to Mayor Perez on behalf of the City of San Antonio.

CONSENT ZONING ITEMS

Councilmember Williams moved to approve the following Zoning Items: P-2, P-3, Z-4, Z-6, Z-7, Z-9, Z-10, Z-11, P-4, and Z-14 under Consent Zoning. Councilmember Saldaña seconded the motion. Staff reported that Item Z-3 had been withdrawn by the applicant and would not be addressed.

Mayor Castro called upon Jack M. Finger to speak.

Mr. Jack M. Finger addressed the Council in opposition to Item Z-2 due to commercial encroachment and noted that staff and various citizens were opposed. He spoke against Item Z-3 and reported that two neighborhood associations were in opposition to same. He stated that he was opposed to Item Z-5 due to the great amount of opposition from the neighbors. He noted that he was also opposed to Item Z-8 since staff and the Zoning Commission recommended denial.

Faris Hodge, Jr. submitted written testimony in favor of Items P-1, Z-3, P-2, P-3, Z-5, Z-6, Z-10, Z-11, Z-12, Z-13, and Z-15. He wrote in opposition to Items Z-1, Z-2, Z-4, and Z-8.

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.

WITHDRAWN BY APPLICANT

Item Z-3. **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. (Continued from April 4, 2013)

2013-05-02-0304

Item P-2. **PLAN AMENDMENT #13020 (District 2):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE I-10 EAST CORRIDOR PERIMETER PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE FUTURE LAND USE OF A 6.25 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF EAST HOUSTON STREET BETWEEN LOOP 410 AND NORTH FOSTER ROAD FROM PARKS/OPEN SPACE TO INDUSTRIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (CONTINUED FROM APRIL 4, 2013)

2013-05-02-0305

Item P-3. **PLAN AMENDMENT #13023 (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 FUTURE LAND USE OF A 1.88 ACRE TRACT OF LAND OUT OF NCB 16374 LOCATED AT 5703 AND 5719 RITTIMAN PLAZA FROM COMMUNITY COMMERCIAL TO LIGHT INDUSTRIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE # Z2013083)

2013-05-02-0306

Item Z-4. **ZONING CASE # Z2013083 (District 2):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "L AHOD" Light Industrial Airport Hazard Overlay District on 1.88 acres out of Lots 3 & 4, Block 1, NCB 16374 located at 5719 and 5703 Rittiman Plaza. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment Case # 13023)

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 3 & 4, BLOCK 1, NCB 16374 TO WIT: FROM "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "L AHOD" LIGHT INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

2013-05-02-0307

Item Z-6. **ZONING CASE # Z2013091 (District 4):** An Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "C-1 AHOD" Light Commercial Airport Hazard Overlay District on 0.359 of an acre out of Lot 70, Block 3, NCB 11260 located on a portion of 7331 New Laredo Highway. 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: 0.359 OF AN ACRE OUT OF LOT 70, BLOCK 3, NCB 11260 TO WIT: FROM "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2013-05-02-0308

Item Z-7. **ZONING CASE # Z2013086 (District 5):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lots 35 & 36, Block 14, NCB 8253 located at 4519 West Commerce Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 35 & 36, BLOCK 14, NCB 8253 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT

HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2013-05-02-0309

Item Z-9. **ZONING CASE # Z2013096 (District 5):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-6 AHOD" Residential Mixed Airport Hazard Overlay District on Lot 26, Block 11, NCB 8891 located at 2351 Rivas 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 26, BLOCK 11, NCB 8891 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "RM-6 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

2013-05-02-0310

Item Z-10. **ZONING CASE # Z2013088 (District 6):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on 4 acres out of Parcel 1E, NCB 18820 located on a portion of the 9600 Block of Westover Hills 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: 4 ACRES OUT OF PARCEL 1E, NCB 18820 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2013-05-02-0311

Item Z-11. **ZONING CASE # Z2013095 (District 6):** An Ordinance amending the Zoning District Boundary from "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District and "C-3NA GC-2 AHOD" General Commercial Nonalcoholic Sales Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District and "C-3 GC-2 AHOD" General Commercial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District on Lot 6, Block 3, NCB 15329 located at 8203, 8211 & 8219 State Highway 151. 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 6, BLOCK 3, NCB 15329 TO WIT: FROM "C-3NA AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT AND "C-3NA GC-2 AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES HIGHWAY 151 GATEWAY

CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "C-3 GC-2 AHOD" GENERAL COMMERCIAL HIGHWAY 151 GATEWAY CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT.

2013-05-04-0313

Item P-4. **PLAN AMENDMENT #13024 (District 9):** 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 FUTURE LAND USE OF A 4.4565 ACRE TRACT OF LAND LOCATED AT 1438 E. SANDALWOOD LANE, 353 W. SUNSET ROAD AND 331 W. SUNSET ROAD FROM MEDIUM DENSITY RESIDENTIAL AND MIXED USE TO HIGH DENSITY RESIDENTIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2013093)

2013-05-02-0314

Item Z-14. **ZONING CASE # Z2013093 (District 9):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District and "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "MF-50 AHOD" Multi-Family Airport Hazard Overlay District on Lots 92, 93, 94 & 95, NCB 11884 located on portions of the 300 Block of West Sunset Road, the 500 Block of Everest Avenue, and the 1400 Block of East Sandalwood Lane. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment Case # 13024)

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 92, 93, 94 & 95, NCB 11884 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "MF-50 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

[CONSENT ZONING CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

Mayor Castro addressed Items P-1 and Z-1 jointly.

2013-05-02-0302

Item P-1. **PLAN AMENDMENT #13026 (District 1):** AN ORDINANCE AMENDING THE FUTURE 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 0.2578 ACRE TRACT OF LAND LOCATED AT 405, 409, 411 KENDALL STREET FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL AND AMENDING THE TEXT AND ZONING TABLE FOR THE MEDIUM DENSITY RESIDENTIAL

LAND USE CATEGORY. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.
(ASSOCIATED ZONING CASE: Z2013065)

2013-05-02-0303

Item Z-1. **ZONING CASE # Z2013065 (District 1):** An Ordinance amending the Zoning District Boundary from "H MF-33 AHOD" Multi-Family Tobin Hill Historic Airport Hazard Overlay District and "H IDZ AHOD" Infill Development Zone Tobin Hill Historic Airport Hazard Overlay District with uses permitted in "MF-33" Multi-Family District to "H IDZ AHOD" Infill Development Zone Tobin Hill Historic Airport Hazard Overlay District with Single-Family Residential and Live-work units uses not to exceed 16 units per acre on Lots 8, 9 & 10, Block 12, NCB 1744 located at 405, 409 and 411 Kendall Street. Staff and Zoning Commission recommend approval, pending the plan amendment. (Associated Plan Amendment Case # 13026)

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, 9 & 10, BLOCK 12, NCB 1744 TO WIT: FROM "H MF-33 AHOD" MULTI-FAMILY TOBIN HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT AND "H IDZ AHOD" INFILL DEVELOPMENT ZONE TOBIN HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "MF-33" MULTI-FAMILY DISTRICT TO "H IDZ AHOD" INFILL DEVELOPMENT ZONE TOBIN HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH SINGLE-FAMILY RESIDENTIAL AND LIVE-WORK UNITS USES NOT TO EXCEED 16 UNITS PER ACRE.

Chris Looney presented Item P-1 and stated that it would amend the future land use plan contained in the Tobin Hill Neighborhood Plan. He explained that the text and Zoning Table for the Medium Density Residential Land Use Category would be amended. He stated that the land use description would include the following text: "IDZ as a base zoning district should be for residential use only and should not exceed 17 dwelling units per acre." He noted that staff and the Planning Commission recommended approval. For Item Z-1, he reported that staff and the Zoning Commission recommended approval. He stated that of 33 notices mailed; three were returned in favor and none were received in opposition. He added that the Tobin Hill Neighborhood Association was supportive of the request.

Mayor Castro recognized Mr. Richard Moore to speak on said item.

Mr. Richard Moore addressed the City Council and stated that he had lived in the neighborhood for 45 years. He noted that he had come to the City Council Meeting to oppose the request but had since discussed his concerns with Councilmember Bernal. He stated that he was pleased that he would be able to meet with the developer due to the many empty lots in the neighborhood. He added that he was an Architect and would like to maintain the quality of life in the area.

Councilmember Bernal thanked Mr. Moore for being present. He stated that the developer had gone through all of the proper processes and thanked him for his willingness to meet with Mr. Moore.

Councilmember Bernal moved to adopt the proposed Ordinances for Items P-1 and Z-1. Councilmember Williams seconded the motion.

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

CONTINUED UNTIL JUNE 20, 2013

Item Z-2. **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 April 4, 2013)

John Jacks presented Item Z-2 and stated that staff recommended denial while the Zoning Commission recommended approval. He reported that of 29 notices mailed; none were returned in favor and two were received in opposition.

Councilmember Bernal stated that the owner needed additional time and moved to continue Item Z-2 until June 20, 2013. Councilmember Saldaña seconded the motion.

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

CONTINUED UNTIL JUNE 6, 2013

Item Z-5. **ZONING CASE # Z2013089 (District 4):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District to "MF-40 AHOD" Multi-Family Airport Hazard Overlay District on Lots 36 & 37, Block 3, NCB 15176 located on portions of the 2900 Block of Southwest Loop 410 and the 7700 Block of West Highway 90. Staff and Zoning Commission recommend approval.

John Jacks presented Item Z-5 and stated that staff and the Zoning Commission recommended approval. He reported that of 33 notices mailed; none were returned in favor and 13 were received in opposition.

Councilmember Saldaña moved to continue Item Z-5 until June 6, 2013. Councilmember D. Medina seconded the motion.

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

DENIED

Item Z-8. **ZONING CASE # Z2013064 (District 5):** An Ordinance amending the Zoning District Boundary from "C-2P AHOD" Commercial Pedestrian Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District on Lot 24, Block 1, NCB 7944 located at 418 Somerset Road. Staff and Zoning Commission recommend denial.

John Jacks presented Item Z-8 and stated that staff and the Zoning Commission recommended denial. He reported that of 29 notices mailed; one was returned in favor and none were returned in opposition.

Mayor Castro called upon Ms. Socorro Alvarado to speak on Item Z-8.

Ms. Socorro Alvarado addressed the Council and stated that she lived on Fitch Street. She noted that she had spoken with the owners and they had not finalized their plans. She expressed concern with parking issues and asked for assistance.

Councilmember D. Medina stated that staff, the Zoning Commission and various residents had expressed opposition to the zoning request. He noted that there were already various tire shops in the area and he would like to see different types of commercial development.

Councilmember D. Medina moved to deny Item Z-8. Councilmember Williams seconded the motion.

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

2013-05-02-0312

Item Z-12. **ZONING CASE # Z2013092 CD (District 8):** An Ordinance amending the Zoning District Boundary from "R-6 MLOD-1" Residential Single-Family Camp Bullis Military Lighting Overlay District to "R-6 CD MLOD-1" Residential Single-Family Camp Bullis Military Lighting Overlay District with a Conditional Use for a Noncommercial Parking Lot on Lots 2D, 3A & 3B, Block 9, NCB 14719 located at 4101 Sleepy Hollow Drive. Staff and Zoning Commission recommend approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 2D, 3A & 3B, BLOCK 9, NCB 14719 TO WIT: FROM "R-6 MLOD-1" RESIDENTIAL SINGLE-FAMILY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT TO "R-6 CD MLOD-1" RESIDENTIAL SINGLE-FAMILY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A NONCOMMERCIAL PARKING LOT PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-12 and stated that staff and the Zoning Commission recommended approval with the following conditions: 1) All on-site lighting shall be directed onto the site and point away from any residential zoning or uses; 2) No advertising signs shall be permitted on the parking lot other than signs indicating the owner or lessee of the lot and to provide parking instructions; and 3) Hours of operation for the noncommercial parking lot shall be limited to the hours of operation of the facility served. He reported that of 20 notices mailed; five were returned in favor and two were returned in opposition. He added that the Vance Jackson Neighborhood Association, Inc. was opposed to the zoning request.

Councilmember Williams stated that the Orsinger Lane Homeowners Association was supportive of the zoning request.

Councilmember Williams moved to adopt the proposed Ordinance with the three conditions read by city staff noted above as well as two additional conditions: 1) A 4-foot tall predominantly open wooden fence shall be installed and maintained along the front property line; and 2) Landscaping shall be planted and maintained to include shrubs that will grow to a minimum height of four feet at maturity as shown in the site plan attached to said Ordinance. Councilmember Chan seconded the motion.

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

DENIED

Item Z-13. **ZONING CASE # Z2013084 CD (District 8):** An Ordinance amending the Zoning District Boundary from "RM-6 MLOD-1" Residential Mixed Camp Bullis Military Lighting Overlay District to "RM-6 CD MLOD-1" Residential Mixed Camp Bullis Military Lighting Overlay District with a Conditional Use for a Professional Office on 0.6756 of an acre out of Lots 3 & 4, Block 16, NCB 14726 located at 12107 Orsinger Lane and 4023 Sleepy Hollow Drive. Staff and Zoning Commission recommend approval.

John Jacks presented Item Z-13 and stated that staff and the Zoning Commission recommended approval. He reported that of 10 notices mailed; two were returned in favor and none were received in opposition. He stated that the Vance Jackson Neighborhood Association was in opposition to the request.

Councilmember Williams stated that the Vance Jackson Neighborhood Association, Woodland Manor Subdivision, and Orsinger Lane Homeowners Association were opposed to the zoning request.

Councilmember Williams moved to deny Item Z-13. Councilmember Chan seconded the motion.

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

2013-05-02-0315

Item Z-15. **ZONING CASE # Z2013067 ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "C-1 ERZD MLOD-1 AHOD" Light Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District to "C-2 ERZD MLOD-1 AHOD" Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District on 13.693 acres out of Parcel 4C, NCB 17701 located on a portion of the 17500 Block of Northwest Military Highway. 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: 13.693 ACRES OUT OF PARCEL 4C, NCB 17701 TO WIT: FROM "C-1 ERZD MLOD-1 AHOD" LIGHT COMMERCIAL EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 ERZD MLOD-1 AHOD" COMMERCIAL EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY AIRPORT HAZARD OVERLAY DISTRICT.

John Jacks presented Item Z-15 and stated that staff and the Zoning Commission recommended approval of the SAWS recommendation that the impervious cover not exceed 65%. He reported that of 23 notices mailed; four were returned in favor and one was returned in opposition.

Councilmember Chan stated that the request was for a private school development and they needed C-2 Zoning because the building would exceed the 5,000 square foot requirement under C-1 Zoning.

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

2013-05-02-0316

Item Z-16. **ZONING CASE # Z2013094 CD (District 10):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District and "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Office/Warehouse on 0.94 acres out of Lot 13, NCB 15685 located at 12022 Nacogdoches Road. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 13, NCB 15685 TO WIT: FROM "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA CD AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AN OFFICE/WAREHOUSE.

John Jacks presented Item Z-16 and stated that staff and the Zoning Commission recommended approval. He reported that of 13 notices mailed; two were returned in favor and none were received in opposition.

Councilmember Soules moved to approve C-2NA CD Commercial Nonalcoholic Sales District with a Conditional Use for Office/Warehouse, and authorizing an 8-foot tall fence along the perimeter of the subject property. Councilmember Williams seconded the motion.

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

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 2:45 pm to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO SANITARY SEWER OVERFLOWS PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).
- B. DISCUSS LEGAL ISSUES RELATED TO *PAUL CHANCE KINNISON V. CITY OF SAN ANTONIO* 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).

RECONVENED

Mayor Castro reconvened the meeting at 3:55 pm and announced that the City Council had been briefed on the above-styled matters but did not take any action.

ADJOURNED

There being no further discussion, Mayor Castro adjourned the meeting at 3:55 pm.

APPROVED


JULIÁN CASTRO
MAYOR

Attest:


LETICIA M. VACEK, TRMC/MMC
City Clerk