

**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, JUNE 5, 2013, AND THURSDAY, JUNE 6, 2013, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **June 5, 2013**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Taylor, Viagran, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** Saldaña.

**1. A MONTHLY UTILITY BRIEFING BY SAWS RELATING TO ITS SANITARY SEWER OVERFLOW REDUCTION PROGRAMS, THE PROPOSED SELECTION AND STRUCTURE OF ITS RATES ADVISORY COMMITTEE, AND A PRESENTATION OF A PROPOSED SCHEDULE FOR STRATEGIC INITIATIVES OCCURRING OVER THE NEXT 12 TO 18 MONTHS.**

Robert Puente, SAWS President and CEO provided an overview of the presentation. He highlighted the efforts to address the Sewer Spill Reduction Program. He spoke of the Environmental Protection Agency (EPA) Consent Decree noting that public comments would be received in July and August. He estimated that the Agreement would become binding in early September. He presented 2013 First Quarter Results of the Sewer Spill Reduction Program and stated that their efforts were working.

Mr. Puente outlined the Regional Carrizo Project which would provide up to 17,000 acre-feet from Gonzales County in a partnership with Schertz/Seguin. He reported that the project would help SAWS avoid \$88 million in capital costs and that the project would be on-line by the end of 2013. He stated that the Regional Water Supply Project would provide up to 50,000 acre-feet per year of water by 2018. He noted that the project was a long-term water supply solution. He indicated that revised proposals for the project were due on June 14, 2013 and that a recommendation would be provided to the City Council during the 4<sup>th</sup> Quarter of the year. He highlighted the operational review that was being conducted by Consultant Kaizen noting that an internal team had been created to conduct continuous reviews. He reported that they had identified a reduction in fleet of 126 vehicles. He stated that the Consultant's 90-day Review was still in progress and that interviews with the Councilmembers were being scheduled. He added that they would be performing a comprehensive review of pension, health, and other benefits programs.

Doug Evanson of SAWS stated that the Rates Advisory Committee (RAC) was a special purpose advisory group that provides input to the Board of Trustees and SAWS Staff. He noted that they assist staff in the selection of the Rate Study Consultant and with the establishment and prioritization of pricing objectives. He indicated that they review and analyze the results of the Rate Study as well as provide input regarding potential changes to the existing rate and fee structure. He explained that the RAC consists of 15 Members; 10 Nominated by Councilmembers and 5 At-Large appointed by the SAWS Board of Trustees. He noted that the 5 Members appointed by the Board would ensure representation from the SAWS Customer Base. He stated that RAC Members could be a ratepayer, resident, property owner, Business Association, or Business Operator served by SAWS. He reported that the RAC would disband at the conclusion of the Rate Study which should occur in the 3<sup>rd</sup> Quarter of

2014. He spoke of the anticipated rate drivers for 2014 that include the EPA Consent Decree, Integration Pipeline, and Regional Carrizo Project.

Mr. Puente concluded the presentation by outlining the Major Initiatives Timeline for 2013 and 2014.

Mayor Castro thanked SAWS for the presentation and stated that he was pleased with the external review being conducted to identify efficiencies. He asked of the structure of the RAC. Mr. Evanson replied that they were modeling the RAC after the CPS Energy Citizens Advisory Committee. He stated that they wanted to ensure that the City Council was able to make their recommendations and ensure representation from various user groups. Mayor Castro asked of the timeframe. Mr. Evanson replied that they would like to have the nominations by the end of the month. Mayor Castro stated that it was important to have strong citizen input and that the individuals that would serve on the RAC should be independent and diligent.

Councilmember Williams spoke of the EPA Agreement and noted that there was not a dollar cap but a process that would have to be adhered to. Mr. Puente replied that there were requirements of SAWS to clean, televise, and inspect pipes and estimated that it would cost \$1.1 billion over the next 10-12 years. He stated that rate increases would be necessary to address same. He added that SAWS would perform self-inspections and report to the EPA. Councilmember Williams referenced the lift stations and noted that they could not be completely eliminated but could be upgraded. Mr. Steve Clouse of SAWS replied that they had eliminated some lift stations and were currently operating 160 lift stations. Councilmember Williams spoke of the Aquifer Storage and Recovery (ASR) Program that was a great asset. He stated that he was pleased that SAWS was utilizing an external consultant to identify efficiencies. He asked of savings due to BexarMet. Mr. Evanson replied that they did not have an exact number but there were only 100 Employees working on the BexarMet Special Project. He reported that the remaining BexarMet Employees had been placed in vacant SAWS Positions. Councilmember Williams stated that he was supportive of having a new RAC.

Councilmember Soules thanked SAWS for the presentation and stated that there were many variables that had to be taken into consideration. He requested that SAWS provide cost estimates provided by the Consultant to his office. He commended SAWS on the Consent Decree and stated that he felt better than he had six weeks ago. He expressed concern with the SAWS Board appointing five members of the RAC and asked of the specific user groups that were being targeted. Mr. Puente outlined the various groups to include residential, commercial, multi-family, and noted that many wanted to be a part of the RAC. Councilmember Soules cautioned using too many specific user group representatives and asked if the City Council would be able to review the five RAC Members proposed by the SAWS Board. Mr. Puente responded that they would be open to same and would only request that the various classes of ratepayers be equally represented on the RAC.

Councilmember Bernal spoke of the issues related to Sewer Spills and asked of the role of the RAC. Mr. Puente replied that they did not have a say regarding the amount of increases but how the services were charged. Councilmember Bernal stated that rates had been estimated for the next five years and did not understand how the RAC could affect same. Mr. Evanson replied that the RAC Process was separate and apart from any rate increases. He stated that they would break down the costs to provide a service and help develop the rate structure. He noted that they would look for members that were dedicated and could understand the rate models. Councilmember Bernal thanked SAWS for the presentation.

Councilmember Chan thanked SAWS for the presentation. She stated that she was supportive of having representation from various interest groups on the RAC but said appointments should be made by the City Council. She clarified that the RAC would only help develop the rate structure and not the rate increases. She asked of the Integration Pipeline. Ms. Kelley Neumann replied that the cost for Phase I was \$100 million and had been designed but there was no funding for construction. She confirmed that additional rate increases would be required for construction. She stated that the cost for Phase II was \$55 million. Councilmember Chan asked of the rate impact due to the Regional Waster Supply Project. Mr. Evanson replied that the rate impact would occur in 2018. Councilmember Chan stated that Sanitary Sewer Overflow (SSO) Issues must be addressed, however; SAWS should continue to identify additional sources of water.

Councilmember D. Medina thanked SAWS for the presentation. He recommended that the five members appointed to the RAC by the SAWS Board be brought to the City Council for review and discussion.

Councilmember Chan referenced the BexarMet Special Project and asked of the water portion of the rate. Mr. Puente confirmed that it had not been increased.

Councilmember Viagran thanked SAWS for the presentation and requested a map of the SSOs.

Mayor Castro thanked SAWS for the update and stated that he looked forward to the development of the RAC.

**2. A BRIEFING TO PROVIDE AN UPDATE ON THE UPCOMING 2013 PEOPLE EN ESPAÑOL FESTIVAL, WHICH WILL OCCUR OVER LABOR DAY WEEKEND, AUGUST 31-SEPTEMBER 1, 2013 AT THE ALAMODOME AND THE HENRY B. GONZALEZ CONVENTION CENTER.**

Casandra Matej presented an overview of the 2013 People en Español Festival (Festival) and played a video of what attendees could expect to see. She spoke of Time Inc., the largest branded media organization in the world that supports live events. She stated that Festival was established in San Antonio last year and was modeled after the Essence Festival in New Orleans. She noted that they had one full year of planning for this year's event as opposed to only four months last year. She mentioned that they had developed a robust Media Plan with the longer lead time. She reported that 30,000 people attended Festival in 2012 of which 26% were not San Antonio Residents. She stated that Total Impressions garnered by Festival in 2012 were estimated at 1.2 billion. She added that attendance was expected to double this year. She introduced Iliana Carlo, Associate Publisher, Marketing for People en Español.

Ms. Carlo recognized the Advisory Board and Sponsors of the event. She highlighted the 2013 Evening Concert Line Up as well as Daytime Talent Activities. She stated that the "Renuevate Zone" was aligned with SA2020 and would provide health and wellness opportunities. She reported that four scholarships would be granted in 2013 and that an Education Zone would feature Café College. She mentioned that Festival has supported the Arts Community and many local artists will be a part of Festival in 2013.

Ms. Carlo provided a list of media completed to date that included Print, Television, and Radio Advertisements and highlighted their efforts to market the event throughout the State of Texas. She

further recognized their efforts to build national excitement for the event utilizing digital media. She spoke of the newly designed website for the 2013 Festival and noted the various events leading up to Festival such as South by Southwest and the Tejano Music Awards. She added that they had partnered with VIA Metropolitan Transit to market the event and increased DJ Chatter Promotions. She invited everyone to attend the 2013 People en Español Festival.

Mayor Castro thanked everyone for the presentation and stated that he was pleased that People en Español had invested in San Antonio.

Councilmember Bernal thanked everyone for the presentation and expressed his support for the event. He stated that he would like for the City Council to view this event as an opportunity for international appeal. He spoke of the great International Talent that would be performing and noted that it was important to get the word out on the event.

Councilmember D. Medina stated that he had attended last year's event and was pleased with the outcome. He asked that more outreach be conducted to the local community as well as to others throughout the State and Country. He spoke of the outreach efforts that could be made within the Boxing and Faith Communities.

Councilmember Viagran stated that she was excited about the event and had attended a panel last year. She also spoke of the need for additional outreach to specific interest groups. She mentioned the connections that could be made with places in the community such as the Missions.

Councilmember Taylor stated that she was also excited for the second year of the event and spoke of the need to promote the event through creative avenues. She concurred with Councilmember D. Medina regarding outreach to the Faith Community.

Councilmember Chan thanked everyone for the presentation and stated that she believed that the event could help provide an identity for San Antonio. She requested that more marketing occur in South Texas and asked if ads were being purchased in magazines. Ms. Carlo replied that the magazines listed on Slide 18 were part of Time, Inc. and there were ads placed in each of them. Councilmember Chan requested the overall budget for marketing the event. Ms. Carlo replied that it cost millions of dollars. Councilmember Chan stated that she would be interested in understanding the budget for the entire event.

Councilmember Soules stated that he was looking forward to the event. He congratulated the CVB on their work to tie in the projects in the Broadway Corridor. Ms. Matej stated that for \$44, visitors could enjoy seven amenities along Broadway.

Councilmember Bernal spoke of the involvement of Emilio Esteban in the event. Ms. Carlo stated that Mr. Esteban had attended the summit with Chris Perez last year and was now producing Chris Perez's CD. She added that Mr. Esteban was known as the Godfather of the Festival.

Mayor Castro thanked everyone for the presentation.

## **EXECUTIVE SESSION**

Mayor Castro recessed the meeting at 3:42 pm to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO 2012-2017 BOND PROGRAM PROJECT CONTRACTS PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- B. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.087 (ECONOMIC DEVELOPMENT) AND 551.071 (CONSULTATION WITH ATTORNEY).**
- C. DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.072 (REAL PROPERTY) AND 551.071 (CONSULTATION WITH ATTORNEY).**

### **CITIZENS TO BE HEARD**

Mayor Pro Tem Bernal reconvened the meeting at 6:05 pm and announced that no action was taken in Executive Session. He called upon the individuals registered to speak.

Robert Salcido addressed the City Council in support of the proposed Non-Discrimination Ordinance. He stated that he was associated with a corporation that had approved same and urged the City Council to vote in favor of the Ordinance.

Bradley Carvajal Veloz addressed the City Council in support of the proposed Non-Discrimination Ordinance. He stated that he was advocating for same in an effort to make San Antonio a better place to live. He noted that no one should be discriminated against and that all should be treated equally. He added that he and his partner were dedicated residents of San Antonio.

David Plylar addressed the City Council in support of the proposed Non-Discrimination Ordinance. He stated that he was a Retired School Teacher and an Air Force Veteran. He noted that the city had already made significant strides in reducing discrimination against the Lesbian, Gay, Bi-Sexual, Transgender (LGBT) Community and the proposed Ordinance would further reduce such discrimination.

Lauryn Farris addressed the City Council in support of the proposed Non-Discrimination Ordinance. She stated that she was a transgender individual who was also a spouse, parent, and successful member of society. She asked the City Council to support the Ordinance that had already been passed by other municipalities and entities.

Charles Flowers stated that he was a Local Pastor and addressed the City Council in opposition to the proposed Sexually Oriented Regulations. He stated that he was not supportive of adding the distinction of sexual orientation and gender identity as protected classes since he believed these individuals had chosen a specific lifestyle. He noted that discrimination was a powerful word and that it was important to be able to discern differences. He added that the City of San Antonio should be a leader and not follow others.

Janice Flowers addressed the City Council in opposition to the proposed Sexually Oriented Regulations. She stated that she cannot change her race, creed or national origin but those that led a LGBT Lifestyle

had a choice. She noted that they should not be provided special rights and that marriage was between a man and a woman.

Janet Grigsby addressed the City Council in support of the proposed Non-Discrimination Ordinance. She stated that her son was gay and did not want him to be discriminated against. She spoke of her work with the disenfranchised in the community for over 40 years and thanked Mayor Castro and Councilmember Bernal for their support.

George Rodriguez, Dick Slife, and Mrs. Dick Slife representing the South Texas Alliance addressed the City Council in opposition to the proposed Non-Discrimination Ordinance. Mr. Rodriguez stated that the State of Texas had defined marriage as the union between a man and a woman. He noted that the proposed Ordinance curtails the free speech and religious liberties of the majority of citizens of San Antonio. He expressed concern that Veterans were included in the Ordinance and asked that they be excluded. He referenced the various lawsuits that had been filed in other States due to their Non-Discrimination Policies.

Henrietta LaGrange addressed the City Council and commended Councilmember C. Medina for being out in the community to assess the damage caused by recent flooding. She thanked the city workers that she witnessed during the floods and noted that she did not believe in privatizing city jobs. She stated that she supports equality for everyone.

Shannon Perez, Gabriel Rodriguez, and Thomas Stowers representing SEIU Texas addressed the City Council regarding Animal Care Services (ACS) Management. Mr. Rodriguez stated that he had been an Animal Care Officer for six years and expressed concern that their working conditions have worsened over the past two years. He indicated that they were dangerously understaffed and spoke of the thousands of calls that are going unanswered. He stated that the number of animal bites in the community has grown and that there were more stray dogs than ever. He noted that he did not believe that leadership was focused on public safety and was concerned that there were only 13 ACS Officers to address deployment calls throughout the city. Mr. Stowers stated that he had been an ACS Officer for five years and was also concerned with the small amount of Officers that were responsible for responding to issues throughout the city. He expressed concern that many individuals were not being responded to and that there were many stray animals throughout the city. He asked the City Council and the community to treat the growing stray dog problem as a public safety issue. Ms. Perez added that the majority of ACS Employees had signed a petition expressing serious concerns about staffing, policies, procedures, workplace safety, and overall management.

Philip Sevilla addressed the City Council in opposition to the proposed Non-Discrimination Ordinance and the proposed Human Rights Commission. He stated that the initiative was not about discrimination but about the advancement of a specific political and social agenda. He spoke of the Human Rights Campaign Headquarters located in Washington, DC and noted that they were forcing cities to comply with their agenda to change State Laws and Policies. He expressed concern with the negative consequences that have already occurred due to implementation of Non-Discrimination Policies.

Natalie Hardy spoke in opposition to the City Council advancing the homosexual agenda and the inclusion of Veteran Status into the Non-Discrimination Ordinance. She requested that Veterans be given the option to be included in the proposed Ordinance. She asked what other groups would be classified as a protected class and be given preferential treatment.

Jennifer Falcon with GetEQUALTX addressed the City Council in favor of the proposed Non-Discrimination Ordinance and noted how individuals would be empowered to be true to themselves. She described situations where members of the Lesbian/Gay/Bi-Sexual/Transgender/Queer (LGBTQ) Community faced discrimination and violence.

Peter Ortega expressed concern with the inclusion of Veterans in the Non-Discrimination Ordinance. He thanked Councilmember Bernal for clarifying the manner in which groups would be included in the final ordinance.

Gerald Ripley spoke in opposition to the proposed Non-Discrimination Ordinance. He spoke of historical figures that followed Bible teachings and believed in being accountable to God for our words and actions. He stated that the proposed ordinance would negatively impact businesses as well as infringe upon an individual's freedom of speech and religion. It was noted that the proposed ordinance was not necessary as individuals already receive protection in the area of public accommodations, public housing, employment, contracting, and volunteering on Boards.

David Mayorga expressed concern with the proposed Non-Discrimination Ordinance being presented to the City Council without the Governance Committee discussing it. He recommended that the City request an Advisory Opinion from the Attorney General. He spoke of the negative impact the ordinance would have on small businesses.

Alyssa Estrada spoke in support of the enactment of a Human Rights Ordinance and noted that members of the Council were elected to represent all individuals equally.

Daniel Graney addressed the City Council and spoke of the importance of treating everyone fairly and equally. He noted that other Texas Cities had already taken action to update their Non-Discrimination Ordinances and requested that the City of San Antonio do the same.

Ann Marie Schroeder spoke in support of the proposed Non-Discrimination Ordinance and requested that City leaders take necessary action to promote equality and protect the rights of all. She stated that members of the LGBT Community were outstanding citizens and deserved to be treated as such.

Mike Knuffke expressed concern with the proposed Non-Discrimination Ordinance and spoke of its negative impact on families. He stated that religious freedoms and liberties would be lost and provided examples of how faith-based organizations have had to cut services once similar policies were adopted by the local government. He requested that the Ordinance be presented to the electorate for a vote.

Daniel Petri spoke against the proposed Non-Discrimination Ordinance. He provided a handout which noted that Exxon Mobile Stockholders had voted against implementing Equal Employment Opportunity Policies as the organization already had measures in place to deter discrimination. He noted that small businesses would suffer negatively with the passage of the Non-Discrimination Ordinance.

Patrick Van Dohlen read comments previously made by Archbishop Gustavo Garcia-Siller which opposed the City of San Antonio providing health benefits to domestic partners of city employees. Mr. Van Dohlen stated that creating special classifications for individuals based on sexual orientation would weaken the marriage bond and family unit. He asked that the City Council encourage the prosecution of individuals who violate the rights of members of the LGBT Community.

Juan Macias addressed the City Council and spoke on crime in his neighborhood. He expressed concern that action had not been taken regarding the drugs and violence that continues to occur in his neighborhood.

James Dean Steger spoke in support of the proposed Non-Discrimination Ordinance and noted that the Federal Government had already implemented similar legislation. He detailed studies which identified differences in brain patterns between heterosexual and homosexual males.

Paul Comeaux expressed concern with the passage of the proposed Non-Discrimination Ordinance and stated that members of the City Council should seek God's guidance.

Caylin Wenzel spoke on the importance of tolerance and acceptance. She noted that no one had the right to discriminate and that God's love was unconditional. She stated that similar Non-Discrimination Policies have been enacted in Fortune 500 Companies.

Antonio Diaz spoke in support of equality and fairness for all. He detailed how he and his family had encountered racial discrimination.

Rhett Smith addressed the City Council and spoke in support of the proposed Non-Discrimination Ordinance. He expressed concern with using the church as a defense to deny freedoms to all citizens.

Robert Matthey spoke in support of the proposed Non-Discrimination Ordinance as it would end inequality and injustice. He noted that it was the responsibility of government to protect the rights of everyone.

Juan Gaona noted that the Mayor and Council would be accountable to God for the decision made on the proposed Non-Discrimination Ordinance.

Ana Perez spoke in support of the Human Rights Ordinance and detailed the positive implications it would have on children and families.

Faris Hodge, Jr. submitted written testimony noting that more wind power was heading CPS Energy's way and that the CPS Energy rate increase had been delayed. He requested that the Social Security Office remain in the Downtown Area. He wrote that SAWS wants outdoor water to be cut in half immediately. He expressed concern that the State of Texas has lost its say over air quality. He asked why CPS Energy does not reconnect power after 5:00 pm. He wrote that the Downtown Area does not need a grocery store. He noted that the DWI Court Docket would help the city and expressed support for a hotel in HemisFair Park. He wrote that he was pleased that the Bexar County Tax Office was open until 6:30 pm on Wednesdays and that SAISD Students received new textbooks. He requested that City Employees receive a 10% pay raise and that the City Council receive an annual living wage. He added that he was pleased with the agreement approved between the City and the American Society for the Prevention of Cruelty to Animals. He highlighted executive session items and recent lawsuits on the City Council Agenda.

## **ADJOURNMENT**

There being no further discussion, Mayor Pro Tem Bernal adjourned the meeting at 8:42 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **June 6, 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, Viagran, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** None.

**Item 1.** The Invocation was delivered by Drew Witt, Pastor, The Gathering Church, guest of Councilmember Diego Bernal, District 1.

**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 May 15-16, 2013 City Council Meetings. Councilmember Bernal seconded the motion.

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

### **POINTS OF PERSONAL PRIVILEGE**

Councilmember C. Medina recognized the Young Women's Leadership Academy for receiving a Number 1 Ranking in the State of Texas by Children at Risk. Ms. Delia McClerran, Principal, thanked the City Council for the recognition and stated that they were committed to having 100% of their students graduate College-Ready. Mayor Castro added his congratulations and stated that he was proud of their hard work.

Councilmember Saldaña recognized Rudy Martinez, Student at Lanier High School who received a Gates Millennium Scholarship. He highlighted the many activities that Rudy participated in and noted that he was ranked 3<sup>rd</sup> in his class. He noted that although she could not be present; Jaclyn Muñoz, Student at Fox Tech High School also received the Gates Millennium Scholarship. He reported that Rudy and Jaclyn would both attend the University of Texas at Austin's McCombs School of Business. Mayor Castro congratulated the students on their scholarships.

Mayor Castro recognized Valerie Vacek, Daughter of City Clerk Leticia M. Vacek, for receiving 1st Place in Level 3-Latin Literature at the Texas Junior Classical League Convention. Representing San Antonio, she will again compete at the National Junior Classical League Convention in July as she currently holds a gold medal. Mayor Castro wished her the best as she will attend Southwestern University in Georgetown in the Fall. He congratulated Valerie on all of her achievements.

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the caption for Item 4:

**2013-06-06-0382**

Item 4. AN ORDINANCE APPROVING FISCAL YEAR 2013 AND 2014 ANNUAL OPERATING BUDGETS FOR THE "PRE-K 4 SA" PROGRAM AS ADOPTED BY THE SAN ANTONIO EARLY CHILDHOOD EDUCATION MUNICIPAL DEVELOPMENT CORPORATION IN THE RESPECTIVE AMOUNTS OF \$828,684.00 AND \$22,877,981.00.

Peter Zaroni presented the Pre-K 4 SA FY 2014 and FY 2014 Proposed Budgets. He stated that they were adopted by the Pre-K 4 SA Board on April 16, 2013 and would be considered by the City Council for approval on June 6, 2013. He reported that Local Government Code Chapter 379A that allows for Pre-K 4 SA requires that the city collect taxes and remit to the Corporation. He explained that the Pre-K 4 SA Board adopts rules to govern the Pre-K 4 SA Program. In addition, the Board accepts grants or loans, and employs necessary personnel. He stated that the City Council approves the Board's budget and amends the budget during the fiscal year with 2/3rds approval. He spoke of the Pre-K 4 SA Bylaws in which the Pre-K 4 SA Board adopts the budget prior to May 1<sup>st</sup>. The Board prepares and presents financial statements, as well as financial quarterly reports to the City Council.

Mr. Zaroni reported that the initial Pre-K 4 SA Budget and Business Plan was developed in July and August of 2012 by a Budget Development Team that included City Staff and Outside Experts. He mentioned that the presentation today includes updated budget assumptions and amounts since August 2012. He stated that the proposed forecast and adopted budget reflects an updated business model based on best practices and additional services such as personnel and transportation.

Mr. Zaroni stated that the purpose of Pre-K 4 SA was to improve the quality and quantity of Pre-K Childhood Education to four-year-olds citywide. He noted that 22,000 children would be served over eight years and that the program was funded by 1/8 cent sales tax. He presented an 8-Year Financial Forecast and outlined the number of positions by Fiscal Year. He stated that the FY begins July 1<sup>st</sup> and ends June 30<sup>th</sup> and that two Pre-K Centers would open in FY 2014. He noted that two additional Centers would open in FY 2015 and that extended day service would be provided at the Centers free of charge. He mentioned that family support services, transportation, breakfast, lunch and snacks would be provided.

Mr. Zaroni spoke of the FY 2013 Revenue totaling \$7.3 million in Sales Tax noting that Sales Tax Collection began on April 1, 2013. He reported a FY 2013 Budget of \$828,684 for Marketing, Curriculum, Consultant Services, and Hiring of Initial Staff Members. He stated that the FY 2014 Expenditure Budget totaled \$32 million and would be used to serve 700 children at two Centers. He added that the amount included Staffing; Funding for two leases and tenant finish out for two additional centers; Professional Development; Transportation; and a Program Assessment.

Mayor Castro thanked staff for the presentation and called upon the individuals registered to speak.

Jack M. Finger spoke in opposition to the Pre-K 4 SA Program noting his concerns that a small percentage of the budget would be used for program delivery. He mentioned the 1-2% that would be used to evaluate the program and asked if that would be sufficient.

Nazirite Ruben Flores Perez spoke in favor of Pre-K 4 SA noting the importance of education for young children.

Mayor Castro thanked staff for the presentation and commended everyone that has worked on Pre-K 4 SA. He recognized the Board Members for their many hours of service and spoke of their great progress. He asked if the projections for the collection of sales tax revenue were on track. Mr. Zaroni confirmed that they were slightly above budget for the first two months of collection.

Councilmember Lopez thanked everyone for their work on Pre-K 4 SA and asked of the curriculum and assessment. Mr. Zaroni replied that Frog Street Press had been selected to provide the curriculum which is used by many school districts in San Antonio. He stated that a Bridge Study would be utilized to compare progress with those school districts that use a different curriculum. Councilmember Lopez spoke of the importance of having a good assessment tool.

Councilmember Chan asked if the \$2 million in State Pre-K Pass Through Funds was based on the number of children enrolled. Mr. Zaroni replied that it was based on 630 eligible children enrolled. Councilmember Chan asked of the location of the two new centers. Mr. Zaroni responded that they had issued a Request for Proposals (RFP) and the two preferred locations were 4900 Lord Road on the East Side and 5103 Old Hwy 90 West on the West Side. He explained that the Board included the preferred sites in the RFP but noted that alternate sites could be proposed as long as they were within the geographic boundaries prescribed. Councilmember Chan expressed concern that preferred locations had been identified and asked of the timeline. Mr. Zaroni replied that proposals were due by Tuesday, June 11, 2013 and should have a recommendation by the third week in June. Councilmember Chan asked of the purchase of the land. Mr. Zaroni stated that the city had the two preferred sites under contract. Ms. Sculley stated that having a preferred site would ensure that there was a balance in the community and that numerous sites had been evaluated based on specific criteria. Councilmember Chan asked of the Evaluation Team. Mr. Zaroni responded that the team consisted of himself, Mike Etienne, Razi Hosseini, and Kathy Bruck.

Councilmember Viagran asked of the utilization of transportation. Mr. Zaroni replied that based on pre-enrollment, they projected that 54% of the students would utilize transportation services. Councilmember Viagran asked of the status of the Southside Center. Mr. Zaroni reported that it was 70% complete and on schedule to open in August.

Councilmember D. Medina asked for a map of the Center Locations. Mr. Zaroni replied that he did not have a map with him but that the West Side Site was located at Old Highway 90 and Highway 151. Councilmember D. Medina asked about the area between Highway 151 and Interstate 35. Mr. Zaroni indicated that the area would be considered within the geographic location for West Side Center. He stated that 33 potential sites had been presented to the Board. Councilmember D. Medina asked of the criteria utilized. Mr. Zaroni replied that they used a 100-point scale to include location, access to highways and to other city assets and bus lines. Councilmember D. Medina expressed concern with the preferred location and spoke of the importance of outreach to the community to include meeting notices in La Prensa and other local publications.

Councilmember Soules asked of the issuance of the RFP. Mr. Zaroni stated that they worked with Providence Realty and had sent the RFP to developers as well as published in the Express-News and La Prensa. Councilmember Soules asked of the scoring matrix. Mr. Zaroni replied that 20 points would be awarded for experience; 40 points for the proposed plan; and 40 points for the price. Councilmember Soules asked of the financials for building the center versus leasing. He noted that costs for operating would not change regardless of leasing or owning the building. Mr. Zaroni stated that it would cost equal or more for the city to develop and own the property. Councilmember Soules stated that the city

would own the asset. Mr. Zanoni stated that the program would go back to the voters in eight years and that the Center Locations may change based on need. Councilmember Soules again asked of the financial perspective. Mr. Zanoni replied that it was less based on financials and had more to do with the uncertainty of the business model. Councilmember Soules stated that he needed to understand the financial decision to lease versus purchase the building. Mrs. Sculley stated that it was a judgment call and that the Business Plan had been approved by the City Council in August. She noted that the term of the program was eight years and that the Board had concluded that a lease arrangement was better given the uncertainty of the continuation of the program. Councilmember Soules stated that his question was not answered and expressed concern that the same developer had been used for the North and South Centers. He requested that staff provide him with a viable business reason why the city should lease instead of purchase the building. Mrs. Sculley replied that they would provide a financial analysis to the City Council.

Mayor Castro thanked City Staff, Elaine Mendoza as Chair of the Pre-K 4 SA Board, and the entire Pre-K 4 SA Board for their work.

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

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

#### **CONSENT AGENDA ITEMS 5-21**

Consent Agenda Items 11, 20, and 21 were pulled for Individual Consideration.

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

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

Jack M. Finger spoke in opposition to the amendment to the Tower of the America's Lease (Item 11) due to the campaign contributions received by the City Council. He stated that he was against the funding for local arts and cultural organizations (Item 17) and noted his concerns with the agencies that support homosexuality and abortion. He expressed concern with the lawsuit settlements (Items 18 and 19).

Nazirite Ruben Flores Perez spoke in support of the contract with Arrow Energy, Inc. to provide jet-a fuel to the city (Item 6).

Faris Hodge, Jr. submitted written testimony in favor of Items 4-13, 15, 17, and 21. He wrote against Item 14 noting that he did not believe that the University of the Incarnate Word should receive a tax break. He expressed opposition to the Residential Permit Fees being authorized (Item 16) and the lawsuit settlements (Items 18 and 19). He wrote that the City Council Budget Meetings should be broadcast on television (Item 20). He requested that backup material 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, Viagran, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

**2013-06-06-0383**

Item 5. AN ORDINANCE ACCEPTING THE OFFER FROM DALLAS DODGE CHRYSLER JEEP TO PROVIDE 16 TURNKEY TYPE I AMBULANCES FOR A TOTAL COST OF \$2,725,000.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

**2013-06-06-0384**

Item 6. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR GOODS AND SERVICES FOR AN ESTIMATED ANNUAL COST OF \$750,000.00: (A) ARROW ENERGY, INC. FOR BULK JET-A FUEL, (B) 3M LIBRARY SYSTEMS FOR LIBRARY RADIO FREQUENCY IDENTIFICATION TAGS, (C) OVERDRIVE, INC. FOR DIGITAL LIBRARY RESERVE ACCESS AGREEMENT AND (D) RECORDED BOOKS FOR RECORDED LIBRARY BOOKS.

**2013-06-06-0385**

Item 7. AN ORDINANCE AUTHORIZING A CONTRACT WITH THE WINVALE GROUP TO PROVIDE THE OFFICE OF THE CITY MANAGER WITH AN INTEGRATED AGENDA AND LEGISLATIVE MANAGEMENT SOLUTION FOR AN INITIAL FY 2013 COST OF \$47,468.70 AND AN ESTIMATED AMOUNT OF \$54,480.48 ANNUALLY THEREAFTER FOR CONTINUED HOSTING AND SUPPORT WITH THE CONTRACT VALUE NOT TO EXCEED \$165,509.74 THROUGH NOVEMBER 2015.

**2013-06-06-0386**

Item 8. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT, INCLUDING THREE ADDITIVE ALTERNATES, IN THE AMOUNT OF \$1,367,489.55 AUTHORIZED PAYABLE TO EZ BEL CONSTRUCTION LLC, FOR CONSTRUCTION OF THE TEZEL ROAD INTERSECTION IMPROVEMENTS PROJECT, A 2007 BOND SAVINGS FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 7; OF THIS AMOUNT, \$205,683.07 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, AND \$70,287.00 WILL BE REIMBURSED BY CITY PUBLIC SERVICES FOR ITS WORK; AND, AMENDING THE FY 2013–2018 CAPITAL IMPROVEMENT BUDGET WITH THE REALLOCATION OF \$700,000.00 IN 2007-2012 GENERAL OBLIGATION BOND FUNDS TO THE TEZEL ROAD INTERSECTION IMPROVEMENTS PROJECT.

**2013-06-06-0387**

Item 9. AN ORDINANCE AUTHORIZING PAYMENT IN THE AMOUNT OF \$162,196.90 TO TEXAS HERITAGE TITLE, AS ESCROW AGENT FOR TITLE ON A CONSERVATION EASEMENT, FOR LAND, DUE DILIGENCE AND CLOSING COSTS ON A 317-ACRE TRACT OF LAND KNOWN AS THE MARTIN FAMILY RANCH LOCATED IN MEDINA COUNTY, TEXAS, AS PART OF THE EDWARDS AQUIFER PROTECTION PROGRAM.

**2013-06-06-0388**

Item 10. AN ORDINANCE APPROVING A RENEWAL AND EXTENSION OF A LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND CREEKVIEW GARDEN OFFICES, LTD. FOR THE CONTINUED LEASE OF APPROXIMATELY 4,507 SQUARE FEET OF OFFICE SPACE FOR CITY USE LOCATED AT 8600 WURZBACH ROAD, SUITE 802 FOR A TERM ENDING JUNE 30, 2018, AT AN ANNUAL RENTAL RATE OF \$57,387.00 DURING THE FIRST THREE YEARS OF THE RENEWAL TERM, INCREASING TO \$62,604.00 DURING THE FINAL TWO YEARS OF THE RENEWAL TERM, PLUS REIMBURSEMENT OF TENANTS PRORATED SHARE OF OPERATING EXPENSES OVER A BASE YEAR.

**2013-06-06-0390**

Item 12. AN ORDINANCE AUTHORIZING A FIVE-YEAR AGREEMENT WITH SUBWAY REAL ESTATE, LLC TO OPERATE A SUBWAY RESTAURANT FROM 240 E. HOUSTON, LOCATED AT STREET LEVEL WITHIN THE HOUSTON STREET PARKING GARAGE.

**2013-06-06-0391**

Item 13. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE NATIONAL WESTERN ART FOUNDATION LEASE AGREEMENT FOR DEVELOPMENT OF THE BRISCOE ART MUSEUM AT 210 W. MARKET STREET, THE FORMER MAIN LIBRARY AND HERTZBERG MUSEUM LOCATED IN DISTRICT 1.

**2013-06-06-0392**

Item 14. AN ORDINANCE AUTHORIZING THE PUBLIC USE AGREEMENT WITH THE UNIVERSITY OF THE INCARNATE WORD AND THE BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS ALSO KNOWN AS THE INNER CITY TIRZ FOR UP TO \$831,797.00.

**2013-06-06-0393**

Item 15. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF DEFENSE OFFICE OF ECONOMIC ADJUSTMENT IN THE AMOUNT OF APPROXIMATELY \$314,180.00, AND ACCEPTANCE OF FUNDS UPON AWARD, TO SUPPORT THE FUNCTIONS AND ON-GOING PROJECTS OF THE OFFICE OF MILITARY AFFAIRS.

**2013-06-06-0394**

Item 16. AN ORDINANCE AMENDING NEW RESIDENTIAL PERMIT FEES.

**2013-06-06-0395**

Item 17. AN ORDINANCE AWARDING \$5,105,799.00 FISCAL YEAR 2014 OPERATIONAL SUPPORT FUNDS TO VARIOUS LOCAL ARTS AND CULTURAL ORGANIZATIONS BY EXTENDING THE OPERATIONAL AWARDS UNDER THE FISCAL YEAR 2012 ARTS FUNDING PROGRAM AND AUTHORIZING THE EXECUTION OF CONTRACTS WITH THE VARIOUS LOCAL ARTS AGENCIES.

**2013-06-06-0396**

Item 18. An ORDINANCE AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *DANIEL AND GLORIA THOMAS, ET AL V. CITY OF SAN ANTONIO, ET AL*, CIVIL ACTION NUMBER SA-08-CA-0891, IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION, FOR A PAYMENT IN THE AMOUNT OF \$180,000.00.

**2013-06-06-0397**

Item 19. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *NATASHA BROWN V. CITY OF SAN ANTONIO*, CAUSE NUMBER 2010-CI-13453 IN THE 37TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS FOR PAYMENT IN THE AMOUNT OF \$175,000.00 FROM THE SELF-INSURANCE LIABILITY FUND.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the caption for Item 11:

**2013-06-06-0389**

Item 11. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE TOWER OF THE AMERICA'S LEASE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY AND WILLIE G'S POST OAK, INC. DBA LANDRY'S RESTAURANTS, INC. FOR RELOCATION OF THE TOWER OF THE AMERICA'S PARKING LOT AND REVISION TO WALKWAY LICENSE; AN AMENDED AND RESTATED INGRESS AND EGRESS EASEMENT AGREEMENT, A PARKING AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND UNIVERSITY OF TEXAS AT SAN ANTONIO WHICH IDENTIFIES THE CITY'S OBLIGATIONS TO UTSA IN EXCHANGE FOR THE EXPANDED USE OF UTSA'S DRIVEWAY INTO HEMISFAIR PARK FROM CESAR CHAVEZ BOULEVARD; AND, A ONE-TIME PAYMENT OF \$48,000.00 AUTHORIZED PAYABLE TO UTSA FOR EXPANDED USE OF AN EASEMENT DURING CONSTRUCTION OF THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT LOCATED IN COUNCIL DISTRICT 1.

City Clerk Leticia Vacek announced that Councilmember Saldaña had submitted recusal forms for Item 11 and had excused himself from the Council Chambers.

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

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

The City Clerk read the caption for Item 20:

**2013-06-06-0398**

Item 20. AN ORDINANCE SCHEDULING CITY COUNCIL MEETINGS AS NECESSARY AND RESCHEDULING ALL THE JULY 2013 CITY COUNCIL MEETINGS TO THE NEXT AVAILABLE DATE.

Councilmember Chan asked of the meetings that were being scheduled for June 25-26, 2013. Leticia Vacek replied that staff was asked to keep the meetings scheduled in case the City Council needed to meet. Mayor Castro confirmed that meetings would not occur on June 25 and 26, 2013.

Councilmember Chan moved to adopt the proposed Ordinance with the exception of the meetings on June 25-26, 2013. Councilmember Soules seconded the motion.

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

The City Clerk read the caption for Item 21:

**2013-06-06-0399**

Item 21. AN ORDINANCE SELECTING RIVER RECYCLING LLC, D/B/A RECOMMUNITY, AND AWARDING A CONTRACT TO PROVIDE THE SOLID WASTE MANAGEMENT DEPARTMENT WITH RESIDENTIAL RECYCLING PROCESSING SERVICES, FOR AN INITIAL TERM OF TEN YEARS WITH TWO, FIVE YEAR RENEWAL OPTIONS, WITH AN ESTIMATED \$11.5 MILLION NET REVENUE TO THE SOLID WASTE OPERATING AND MAINTENANCE FUND DURING THE INITIAL TEN YEAR PERIOD, AND COMMENCING ON AUGUST 1, 2014.

Councilmember Williams asked of the recycling of plastic bags. David McCary stated that under said contract, plastic bags would be recycled in the blue carts. Councilmember Williams spoke of the challenges of plastic bags throughout the world. He stated that he was pleased to get a commercial solution to the issue and that the proposal was a good one from a cost standpoint.

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

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

**Item 22. CITY MANAGER'S REPORT**

**A. COMMUNITY BUDGET HEARINGS**

Mrs. Sculley reported that the Fiscal Year 2014 Budget Process had begun and staff was seeking input from the community. She stated that beginning on June 10<sup>th</sup>, five city-wide community meetings would be held across the city to include the Southeast, Southwest, Northwest, North Central, and Northeast Areas. She noted that a brief video would be shown to highlight the major city services. Following the video, residents will participate in small group discussions to prioritize service areas for FY 2014. She mentioned that input received at the meetings would be summarized and provide to the City Council at the June 25<sup>th</sup> Budget Goal Setting Session.

## **B. BOARDING HOMES UPDATE**

Mrs. Sculley reported on the status of the new Boarding Homes Program approved in December. She stated that the program includes seven new positions staffed across multiple departments including Development Services, Fire, Metro Health, Human Services, and the City Attorney's Office. She noted that all positions had been hired, trained and deployed. She reported that since the Ordinance went into effect on March 1, 2013; the city had received 36 applications. She stated that all properties have been inspected and one property has been permitted. She reported that three of the properties were closed due to significant health and life safety violations. She noted that city staff worked closely with the State's Adult Protective Services to find housing for the displaced residents. She indicated that over 55 Boarding Homes have safe living conditions as a result of the Program. She added that the remaining properties were working on compliance and that staff continued to look for additional boarding homes. She reported that since the first of March; the Boarding Homes Team has investigated an additional 362 properties. Of these; 14 were found to be Boarding Homes. Notices of violation have been issued to 12 properties that have not applied for a permit. She added that quarterly stakeholder group meetings were being held for Strategic Information Exchange.

## **C. SOLID WASTE UPDATE**

Mrs. Sculley provided an update on the two Bulky Waste Collection Centers. She stated that they were both opened this year; one at 1800 W. Bitters and the other at 1531 Frio City Road. She noted that the Centers were established to provide residents with additional opportunities to dispose of unwanted items and help deter illegal dumping across the city. She reported that to date, a combined 1,407 tons had been collected from 7,676 residents at both Centers. She mentioned that during FY 2011 and FY 2012, the Solid Waste Management Department collected over 1,800 tons of illegal dumping. She stated that city staff is currently working on two additional Bulky Collection Centers that will open in FY 2014.

Mayor Castro invited all city residents to attend the budget meetings and provide their input.

## **POINT OF PERSONAL PRIVILEGE**

Councilmember Soules stated that San Antonio was known as Military City USA and wanted to recognize June 6<sup>th</sup> which was the Anniversary of the Invasion of France known as D-Day. Mayor Castro added that he was pleased that San Antonio had been ranked as the Number One City for being Military Friendly.

## **RECESSED**

Mayor Castro recessed the meeting at 11:00 am and announced that the meeting would resume at 2:00 pm for Zoning.

## **RECONVENED**

Mayor Pro Tem Soules reconvened the meeting at 2:05 pm.

## POINT OF PERSONAL PRIVILEGE

Councilmember Bernal recognized Boy Scout Troop 87 sponsored by St. Mark's United Methodist Church. He stated that he had been a Weebelo in Troop 87 many years ago. He noted that the Scout Master was Toni Alvarado and there were five Boy Scouts in the Troop. He mentioned that they were in attendance to fulfill their Citizenship in the Community Badge Requirement and thanked them for being present. Mayor Pro Tem Soules recognized one of the Boy Scouts that would be receiving his Eagle Scout Designation and thanked the Boy Scouts for their attendance.

## CONSENT ZONING ITEMS

Mayor Pro Tem Soules announced that Item Z-6 was postponed by the applicant and would not be addressed.

Councilmember Bernal moved to approve the following Zoning Items: Z-3, Z-5, Z-7, Z-8, P-1, Z-9, and Z-11 under Consent Zoning. Councilmember Saldaña seconded the motion.

A letter of support was received for Item Z-11 from Jimmy Turner, Board Member of the Vance Jackson Neighborhood, Inc.

Faris Hodge, Jr. wrote in favor of all of the Zoning Cases (Items Z-1 through Z-13).

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

### **2013-06-06-0401**

Item Z-3. **ZONING CASE # Z2013035 (District 2):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lot 1, Block 1, NCB 14057 located at the northwest corner of Interstate Highway 10 and Roland Avenue. Staff and Zoning Commission recommend approval. (Continued from May 16, 2013)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 1, BLOCK 1, NCB 14057 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

### **2013-06-06-0403**

Item Z-5. **ZONING CASE # Z2013107 S (District 3):** An Ordinance amending the Zoning District Boundary from "RP" Resource Protection District to "RP S" Resource Protection District with a Specific Use Authorization for a Manufactured Home on 1 acre out of County Block 4012 and County Block 4180 located on a portion of the 16000 Block of Laredo 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: 1 ACRE OUT OF COUNTY BLOCK 4012 AND COUNTY BLOCK 4180 TO WIT: FROM "RP" RESOURCE PROTECTION DISTRICT TO "RP S" RESOURCE PROTECTION DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A MANUFACTURED HOME PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**POSTPONED BY APPLICANT**

Item Z-6. **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. (Continued from May 2, 2013)

**2013-06-06-0404**

Item Z-7. **ZONING CASE # Z2013106 (District 5):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-5 AHOD" Residential Mixed Airport Hazard Overlay District on Lots 25 & 26, Block 3, NCB 8291 located at 639 North San Augustine. 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 25 & 26, BLOCK 3, NCB 8291 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "RM-5 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

**2013-06-06-0405**

Item Z-8. **ZONING CASE # Z2013104 (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 5 & 6, Block 2, NCB 2307 located at 1416, 1420, 1424, 1428, and 1430 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 5 & 6, BLOCK 2, NCB 2307 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2013-06-06-0406**

Item P-1. **PLAN AMENDMENT #13027 (District 6):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE WEST/SOUTHWEST SECTOR PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE FUTURE LAND USE OF A 0.8396 ACRE TRACT OUT OF NCB 8669 LOCATED AT 2702 CASTROVILLE ROAD FROM CIVIC CENTER TO GENERAL URBAN TIER. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE # Z2013097 CD)

**2013-06-06-0407**

Item Z-9. **ZONING CASE # Z2013097 CD (District 6):** An Ordinance amending the Zoning District Boundary from "C-1 AHOD" Light Commercial Airport Hazard Overlay District to "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for a Funeral Home on Lot 11, NCB 8669 located at 2702 Castroville Road. Staff and Zoning recommend approval pending the plan amendment. (Associated Plan Amendment Case # 13027)

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 11, NCB 8669 TO WIT: FROM "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA CD AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A FUNERAL HOME PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2013-06-06-0409**

Item Z-11. **ZONING CASE # Z2013126 CD (District 8):** An Ordinance amending the Zoning District Boundary from "C-3NA" General Commercial Nonalcoholic Sales District and "O-2" High-Rise Office District to "C-2NA CD" Commercial Nonalcoholic Sales District with a Conditional Use for Motor Vehicle Sales (full service) on 4.2844 acres and "C-2NA" Commercial Nonalcoholic Sales District on 0.3662 of an acre on 4.6506 acres out of Lot 93, NCB 11630 located on a portion of 8333 IH 10 West. Staff and Zoning Commission recommend approval and authorization of an eight (8) foot fence on the property pursuant to 35-514 (d)(2)(D).

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: 4.6506 ACRES OUT OF LOT 93, NCB 11630 TO WIT: FROM "C-3NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT AND "O-2" HIGH-RISE OFFICE DISTRICT TO "C-2NA CD" COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLE SALES (FULL SERVICE) ON 4.2844 ACRES AND "C-2NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT ON 0.3662 OF AN ACRE PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**[CONSENT ZONING CONCLUDED]**

## ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

### CONTINUED TO JUNE 20, 2013

Item Z-1. **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. (Continued from April 18, 2013)

John Jacks presented Item Z-1 and stated that staff and the Zoning Commission recommended approval. He reported that of 15 notices mailed; one was returned in favor and none were received in opposition. He noted that the Eastern Triangle Implementation and Management Group was in opposition.

Councilmember Taylor moved to continue said item for two weeks to give Councilmember Viagran the opportunity to speak with the applicant and community. Councilmember Bernal seconded the motion.

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

### 2013-06-06-0400

Item Z-2. **ZONING CASE # Z2013108 CD (District 2):** An Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "RM-4 CD AHOD" Residential Mixed Airport Hazard Overlay District with a Conditional Use for a Non-Commercial Parking Lot on Lot 8, the north 48.62 feet of Lot 10, and the north 48.62 feet of Lot 11, Block 3, NCB 661 located at 724 Indiana Street and 909 South Pine Street. 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: LOT 8, THE NORTH 48.62 FEET OF LOT 10, AND THE NORTH 48.62 FEET OF LOT 11, BLOCK 3, NCB 661 TO WIT: FROM "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT TO "RM-4 CD AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A NON-COMMERCIAL PARKING LOT PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-2 and stated that Staff and the Zoning Commission recommended approval with the following conditions in lieu of the conditions required by Section 35-422(e)(3): 1) A 10-foot Type A landscape buffer shall be provided along the property boundaries abutting a single family residential zoning or use; 2) Any on-site lighting shall be directed onto the site and point away from surrounding residential zoning or uses; 3) 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; 4) The parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed; and 5) The hours of operation shall be limited to the hours of operation of the facility being served. He reported that of 52 notices mailed; none were received in favor and one was returned in opposition.

Councilmember Taylor moved to adopt the proposed Ordinance with the conditions outlined by staff. Councilmember Williams seconded the motion.

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

**2013-06-06-0402**

Item Z-4. **ZONING CASE # Z2013115 CD (District 3):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales on Lots 11, 12, and 13 and the south 11 feet of Lot 10, Block 83, NCB 9365 located at 2619 Commercial Avenue. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 11, 12, AND 13 AND THE SOUTH 11 FEET OF LOT 10, BLOCK 83, NCB 9365 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA CD AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLE SALES PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-4 and stated that staff and the Zoning Commission recommended approval. He reported that of 21 notices mailed; one was returned in favor and none were received in opposition.

Councilmember Viagran moved to adopt the proposed Ordinance with the "N/A" Designation. Councilmember Chan seconded the motion.

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

**2013-06-06-0408**

Item Z-10. **ZONING CASE # Z2013103 ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "C-2" Commercial District, "C-3" General Commercial District and "C-3 ERZD" General Commercial Edwards Recharge Zone District to "MF-33" Multi-Family District on 16.884 acres out of Lot 1, Block 1, NCB 17333 located on a portion of the 11000 Block of Huebner 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: 16.884 ACRES OUT OF LOT 1, BLOCK 1, NCB 17333 TO WIT: FROM "C-2" COMMERCIAL DISTRICT, "C-3" GENERAL COMMERCIAL DISTRICT AND "C-3 ERZD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

John Jacks presented Item Z-10 and stated that staff, the Zoning Commission, and San Antonio Water Systems recommended approval. He reported that of 56 notices mailed; one was returned in favor and none were received in opposition.

Councilmember Williams stated that said item was not in the Recharge Zone after verifying with San Antonio Water Systems and moved to adopt the proposed ordinance. Councilmember Chan seconded the motion.

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

**2013-06-06-0410**

Item Z-12. **ZONING CASE # Z2013081 ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "C-3 ERZD MLOD-1" General Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay District and "C-3 ERZD MLOD-1 UC-1" General Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay IH-10/FM 1604 Urban Corridor District to "MF-33 ERZD MLOD-1" Multi-Family Edwards Recharge Zone Camp Bullis Military Lighting Overlay District and "MF-33 ERZD MLOD-1 UC-1" Multi-Family Edwards Recharge Zone Camp Bullis Military Lighting Overlay IH-10/FM 1604 Urban Corridor District on 16.07 acres out of NCB 14859 located at 15502 Babcock Road. Staff and Zoning Commission recommend approval. (Continued from May 16, 2013)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 15.931 ACRES OUT OF NCB 14859 TO WIT: FROM "C-3 ERZD MLOD-1" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT AND "C-3 ERZD MLOD-1 UC-1" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY IH-10/FM 1604 URBAN CORRIDOR DISTRICT TO "MF-33 ERZD MLOD-1" MULTI-FAMILY EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT AND "MF-33 ERZD MLOD-1 UC-1" MULTI-FAMILY EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY IH-10/FM 1604 URBAN CORRIDOR DISTRICT.

John Jacks presented Item Z-12 and stated that staff and the Zoning Commission recommended approval. He noted that San Antonio Water Systems recommended approval with a maximum impervious cover of 62%. He reported that of 20 notices mailed; one was returned in favor and none were received in opposition.

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

James Dye representing Red Robin HOA addressed the City Council in support of the zoning request. He stated that they had worked with the developers, staff and local attorneys to reach an agreement. He commended Councilmember Williams for his service on the City Council.

James Harnish representing Hills and Dales HOA addressed the City Council in support of the zoning request. He stated that they had worked hard to come to an agreement and thanked Councilmember Williams for his service.

Letters of support were received from Joe and Lita Salazar; James Harnish, President of the Hills and Dales Neighborhood Association; and Brian S. Miller, President of the Red Robin Homeowners Association.

Councilmember Williams stated that the affected neighborhoods were very unique and was pleased that everyone was able to come to an agreement. He noted that he was pleased with the 62% impervious cover requested by San Antonio Water Systems and recognized James Griffin. Mr. James Griffin reported that they had amended their request to reduce the acreage to 15.931 acres from 16.07.

Councilmember Williams moved to adopt the proposed Ordinance with the reduced acreage. Councilmember Chan seconded the motion.

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

#### **CONTINUED TO JUNE 20, 2013**

Item Z-13. **ZONING CASE # Z2013112 CD (District 10):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-2 MC-3 AHOD" Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Auto and Light Truck Repair and "C-2 CD MC-3 AHOD" Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Airport Hazard Overlay District with a Conditional Use for Auto and Light Truck Repair on 1.212 acres out of Lots 23 and 24, Block A, NCB 8695 located at 1331 Austin Highway. 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 nine notices mailed; none were received in favor or in opposition.

Councilmember Chan moved to continue said item to June 20, 2013. Councilmember Williams seconded the motion.

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

#### **POINT OF PERSONAL PRIVILEGE**

Councilmember Lopez recognized residents Ambrose and Bertha Hernandez for bringing a business to District 6. He stated that he was pleased that they were able to work with the community and wished them luck on their new endeavor.

Councilmember Saldaña recognized the San Antonio Spurs and wished them luck on the championship game that would be held this evening.

**ADJOURNMENT**

There being no further discussion, Mayor Pro Tem Soules adjourned the meeting at 2:25 pm.

**APPROVED**



**JULIÁN CASTRO**  
MAYOR

Attest:



**LETICIA M. VACEK, TRMC/MMC**  
City Clerk