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**State of Texas  
County of Bexar  
City of San Antonio**



**FINAL  
Meeting Minutes  
City Council A Session  
City Hall Complex  
114 W. Commerce  
San Antonio, Texas 78205**

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Thursday, November 7, 2013

9:00 AM

Municipal Plaza B

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The San Antonio City Council convened in a Regular Meeting. The City Clerk conducted the Roll Call as follows:

**Present:** 10 – Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg and Soules

The Councilmember for District 9 was appointed during this meeting (Item 6).

1. The Invocation was delivered by Father David Garcia, Mission Concepcion, guest of Councilmember Rebecca Viagran, District 3.
2. Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the Budget Work Session of September 3, 2013 and the September 4-5, 2013 City Council Meetings.

Councilmember Saldaña moved to approve the minutes for the Budget Work Session of September 3, 2013 and the September 4-5, 2013 City Council Meetings. Councilmember Medina seconded the motion. The motion prevailed by the following vote:

**Aye:** 9 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina and Nirenberg

**Abstain:** 1 - Soules

4. Councilmember Rey Saldaña will be sworn-in as Mayor Pro-Tem serving the term November 9, 2013 through January 18, 2014.

City Clerk Leticia M. Vacek administered the Oath of Office to Councilmember Saldaña to serve as Mayor Pro Tem beginning November 9, 2013 through January 18, 2014.

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Nirenberg recognized Linda Hardberger and Angela Hartsell representing the Green Spaces Alliance of South Texas Community Gardens Program. Mrs. Hardberger thanked the City Council for the recognition and continued financial support of the Program. She recognized the Gardeners of the Program that were present and provided the City Council with fresh vegetables that have been grown from the Community Gardens throughout the city. Mayor Castro thanked Mrs. Hardberger and the Community Gardens Representatives for their work throughout the city and for the vegetables.

### **ACTION ITEMS FOR STAFF BRIEFING**

The City Clerk read the following captions:

#### **2013-11-07-0735**

5. CPS Energy Proposed Electric and Gas Base Rate Adjustments [Ben Gorzell, Chief Financial Officer]

Ben Gorzell presented a Power Point and stated that Public Utilities Staff had conducted a comprehensive review of CPS Energy that focused on the following: 1) Economic/Rate Model; 2) Revenue Requirements; 3) Capital Budget; 4) Operations & Maintenance Budget; 5) Financing Plan; 6) Affordability Programs; 7) Off-System Sales; 8) Credit Considerations; and 9) Sales Forecast. He noted that staff recommended approval of the proposed 4.25% system-wide increase in CPS Energy Electric and Gas Base Rates effective February 1, 2014. He added that staff recommended that CPS Energy commit to working collaboratively with the City to study CPS Energy's Pension and Benefits Plans and associated costs. Additionally, they should continue to enhance their Capital Project Prioritization Process and address Customer Service Issues. Lastly, he noted that the estimated net impact to the city if the rate is effective February 1, 2014 is \$5.5 Million.

Doyle Beneby presented information on the 2014-2015 Base Rate Adjustment Request. He stated that the 4.25% increase would help support more than \$1 Billion in improvements to

their Electric and Gas Infrastructure over the next two years. He noted that they would continue advancements in developing a balanced generation fleet that supports building a low carbon and renewable based economy in San Antonio. He indicated that they would increase Affordability Program Enrollment and Low Income Assistance Funding by at least 25% over the next two years.

Mr. Beneby outlined the outreach they had conducted and concerns that had been identified. He reported that as a result; they had reduced their Bonus Program Payout for 2015 and 2016 Payout Cycles by 50%. He stated that they would implement proactive phone call and bill insert outreach to potential qualifying low-income residents on available resources. He highlighted long-term follow-up items that include working with the City to analyze and benchmark CPS Energy Pension and necessary adjustments moving forward. Lastly, he stated that CPS Energy was formally requesting City Council approval of the Base Rate Adjustment of 4.25% effective with the February 2014 Billing Cycle.

Mayor Castro called upon the individuals registered to speak.

Bob Martin, President of the Homeowners Taxpayer Association addressed the City Council in opposition to the rate increase. He also noted concerns with the bonuses paid to CPS Energy Executives.

Richard Perez, President and CEO of the Greater San Antonio Chamber of Commerce addressed the City Council in support of the rate increase.

Tom Shaw, President of the South San Antonio Chamber of Commerce addressed the City Council in support of the rate increase.

Ramiro Cavazos, President of the San Antonio Hispanic Chamber of Commerce addressed the City Council in support of the rate increase.

Ricardo Romo, President of the University of Texas at San Antonio (UTSA) spoke of the great research and working relationship between UTSA and CPS Energy. He stated that the rate increase would help continue the partnership and would provide a net benefit to the community.

Gabe Farias, President of the West San Antonio Chamber of Commerce addressed the City Council in support of the rate increase.

Yolanda Arrellano stated that she was the Retired Director for the San Antonio Restaurant Association and that the Board of Directors was in support of the rate increase.

Jack M. Finger addressed the City Council in opposition and stated that the increase would negatively impact customers and expressed concern with bonuses provided to CPS Energy Executives.

Rob Killen, Chair-Elect of the North San Antonio Chamber of Commerce addressed the City Council in support of the rate increase.

Written testimony was received from Howard G. Rogers, Chairman of the San Antonio Manufacturers Association in support of the rate increase.

Mayor Castro thanked CPS Energy and city staff for their work and spoke of the process for rate increases. He stated that although nobody liked a rate increase; it was necessary to keep up with growing demands. He noted that they were mindful of the effect of the increase on the average household and that CPS Energy would increase funding to the Affordability Programs. He added that CPS Energy had been responsive to the Council's concerns and believed the rate increase was reasonable.

Councilmember Lopez thanked CPS Energy for their outreach in the community and asked of the potential to increase standards for air quality. Mr. Beneby replied that they had shifted to Low Carbon Technologies in 2010 and utilized natural gas as fuel. He stated that the coal plants meet the technological requirements of the Environmental Protection Agency.

Councilmember Saldaña spoke of the challenges of a rate increase but noted that it was important to invest in infrastructure to ensure balanced growth. He stated that he was pleased with the increase to Affordability Programs and asked CPS Energy to look at utilizing community groups for outreach prior to hiring a Third Party Consultant.

Councilmember Medina stated that rate increases were difficult for everyone but felt that this one was necessary. He thanked CPS Energy for their transparency and listening to the concerns of the City Council.

Councilmember Nirenberg also noted the challenges of a rate increase but thanked CPS Energy for their due diligence in addressing concerns. He asked that they continue to work on the STEP Program Goals and the Employee Incentive Program.

Councilmember Bernal stated that he understands the need for the rate increase but noted concerns with individuals on a fixed income. He spoke of the potential for CPS Energy and SAWS to implement a single payment or flat rate for both utilities for households that need assistance.

Councilmember Taylor thanked CPS Energy for listening to the concerns of the City Council and stated that it was important to invest in the utility to meet the demands of future growth. She asked that CPS Energy continue to work on Affordability.

Councilmember Soules commended CPS Energy for their work but noted that he would like to have more discussions before moving forward with a rate increase. He expressed concern with the dependence of the City's General Fund on CPS Energy Funding.

Councilmember Gonzales asked of the Infrastructure Investments in older neighborhoods. Mr. Beneby stated that their infrastructure investments were two-fold; one is on the Generation Side with upgrading Power Plants. The second is modernizing the grid and installing Smart Meters. He noted that some facets of the Home Manager Program required certain levels of modernization to homes but Smart Meters did not. Councilmember Gonzales stated that she would support the rate increase but also would be making various requests to include implementing a fixed rate for Seniors.

Councilmember Viagran thanked CPS Energy and stated that she looked forward to working with them on the Affordability Programs. She expressed concern with the many residents in District 3 that were already enrolled in various Affordability Programs and the impact of a further rate increase.

Councilmember Lopez moved to adopt the proposed ordinance. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

**Aye:** 8 - Mayor Castro, Bernal, Taylor, Saldaña, Gonzales, Lopez, Medina and Nirenberg

**Nay:** 2 - Viagran and Soules

#### **2013-11-07-0736**

6. An Ordinance appointing a replacement City Councilmember for District 9. [Leticia M. Vacek, City Clerk]

Mrs. Vacek announced the three finalists selected for the District 9 City Council Vacancy: Paula McGee, Joseph Krier, and Arthur Downey and stated that all were present.

Mayor Castro announced that each of the three finalists would be provided three minutes to address the City Council. He called upon Mr. Joseph Krier.

Mr. Joseph Krier thanked the City Council for the process and stated that it had given him the opportunity to re-engage with the city. He spoke of his 20-year experience as President and Chief Executive Officer of the Greater San Antonio Chamber of Commerce. He stated that he had been a part of all of the major job decisions and projects in such capacity. He provided a letter of support from Carlos Cordova, President of his Neighborhood Association (Cadillac Drive Neighborhood Association).

Mrs. Paula McGee stated that she had lived in San Antonio for 29 years and would be honored to serve as the District 9 Councilmember. She noted that what she lacked in Civic Experience she more than made up in Life Experience and would be dedicated to serving the interests of District 9 on a full-time basis. She indicated that she would bring a fresh perspective to the issues faced by District 9.

Mr. Arthur Downey stated that he would be a very active City Councilmember if appointed. He commended the other two applicants and noted that all of them brought positive things to the table. He mentioned that he had the unique perspective of dealing with Homeowner Associations and added that he had worked with a great number of city staff on implementing programs through his board service.

Mayor Castro called upon the individuals registered to speak.

Cristina Bazaldua-Salazar representing the San Antonio Hispanic Chamber of Commerce stated that they respectfully recommended the appointment of Joe Krier as the Councilmember for District 9.

Mike Beldon stated that all three applicants would serve District 9 well but was supporting the appointment of Joe Krier. He noted that Mr. Krier had been a close friend of his for many years and had worked on almost every major issue the city had faced over the last 20-25 years.

Annette Anderson spoke of the issues of the Non-Discrimination Ordinance and stated that she would like to see a District 9 Councilmember that could work with all groups involved.

Mayor Castro thanked all of the Applicants and stated that he was impressed with the three Finalists. He noted that serving as a Councilmember was a dual role in that you must represent your district but also the entire city. He stated that he would be supporting Joe Krier as the Councilmember for District 9 and believed he would do a great job.

City Clerk Leticia M. Vacek administered a Roll Call Vote:

Mayor Castro – Joseph Krier  
Councilmember Bernal – Joseph Krier  
Councilmember Taylor – Arthur Downey  
Councilmember Viagran – Joseph Krier  
Councilmember Saldaña – Joseph Krier  
Councilmember Gonzales – Joseph Krier  
Councilmember Lopez – Joseph Krier  
Councilmember Medina – Joseph Krier  
Councilmember Nirenberg – Joseph Krier  
Councilmember Soules – Arthur Downey

Councilmember Bernal moved to adopt the proposed Ordinance appointing Joseph Krier as the City Councilmember for District 9. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

**Aye:** 10 – Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg and Soules

Mrs. Vacek administered the Statement of Appointed Officer and Oath of Office to newly appointed Councilmember Joseph Krier for District 9.

Mayor Castro congratulated Councilmember Krier on his appointment. Councilmember Krier thanked the City Council for his appointment and stated that he looked forward to serving.

City Clerk Leticia M. Vacek took the Roll Call and noted a quorum of the Council with the following present: Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier, Soules, and Mayor Castro.

Mayor Castro addressed the Consent Agenda Items.

#### **CONSENT AGENDA ITEMS**

Items 15, 24, and 34 were pulled for Individual Consideration.

Mayor Castro called upon Jack M. Finger to speak on the Consent Agenda Items.

Mr. Jack M. Finger expressed concern with the lawsuit settlement (Item 29) and the extension of Fiesta (Item 34).

Paris Hodge, Jr. submitted written testimony in opposition to Items 5, 6, 14, 23, 29, 30, and 35. He requested that Board Appointments be made individually (Item 23). For Item 29, he stated that there was not enough information regarding the lawsuit. He asked for additional details regarding the revisions to the City Council Project Fund Guidelines (Item 30). He wrote in favor of Items 7-13, 15-22, 24-28, and 31-34.

Councilmember Saldaña moved to approve the remaining Consent Agenda Items. Councilmember Taylor seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

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**2013-11-07-0737**

7. An Ordinance authorizing the following contracts establishing unit prices for goods and services for an estimated annual cost of \$2,082,000.00: (A) HD Supply Facilities Maintenance, Ltd. for maintenance, repair and operating supplies, (B) Grande Truck Center for Sterling Parts & Service, (C) Genuine Parts Co., Safeway Supply Inc. and Full Service Auto Parts for automotive shop supplies, (D) Kelly-Moore Paint Co. for recycled paint, (E) Air Jirh Services, Air Kon Service, Inc. and Tamez Refrigeration and Air Conditioning for preventive maintenance and repair services of HVAC systems citywide, (F) Cengage Learning for Gale online subscriptions and hosting services, (G) Kidde Fire Trainers for structural FireTrainer T-2000 maintenance and support services and (H) HD Supply Facilities Maintenance, Ltd. for janitorial supplies. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2013-11-07-0738**

8. An Ordinance accepting the bid from Triad Marine & Industrial Supply Inc. to provide the Fire Department with 2 rescue boats, outboard motors and trailers for a total cost of \$50,999.96, funded through the 2011 State Homeland Security Program. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2013-11-07-0739**

9. An Ordinance accepting the offer from Chastang Enterprises, Inc. to provide 33 automated side load refuse trucks to the City of San Antonio for a cost of \$10,197,627.00, from the Equipment Renewal and Replacement Fund and the Solid Waste Management Department Equipment Acquisition Fund, contingent upon execution of a lease program schedule. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2013-11-07-0740**

10. An Ordinance accepting the lowest responsive bid and awarding a construction contract, including four additive alternates, in an amount up to \$437,661.00 to HSC Electric, Inc., for improvements in Pittman-Sullivan Park, a 2012-2017 General Obligation Bond funded Project, located in Council District 2. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

**2013-11-07-0741**

11. An Ordinance authorizing a civil engineering services contract in an amount up to \$610,966.10 to CAS Consulting & Services, Inc. to provide project design services for Menger Creek Drainage, a 2012-2017 General Obligation Bond funded project, located in Council District 2. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

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**2013-11-07-0742**

12. An Ordinance awarding a Task Order Contract to San Antonio Constructors for an amount not to exceed \$3,991,800.00 and authorizing payments subject to the availability and appropriation of funds for a two-year contract to provide as needed construction of street, sidewalk, drainage, traffic and park projects located City Wide. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

**2013-11-07-0743**

13. An Ordinance awarding a task order construction contract to Flasher Equipment Company in an amount not to exceed \$1,070,013.00, the installation and maintenance of pavement markings for the FY 2014 Task Order Contract for Pavement Markings. [Peter Zanoni, Deputy City Manager; Anthony Chukwudolue, Interim Director, Public Works]

**2013-11-07-0744**

14. An Ordinance authorizing a funding agreement and the acceptance of funds in the amount up to \$102,000.00 from H/M Wilderness Oak, LTD. to assist in funding the design and construction of infrastructure improvements, to include a new traffic signal, at the intersection of Hardy Oak and Wilderness Oak. [Peter Zanoni, Deputy City Manager; Anthony Chukwudolue, Interim Director, Public Works]

**2013-11-07-0746**

16. An Ordinance declaring as surplus and authorizing the San Antonio Water System to dispose of a 5.96 acre tract of land with improvements, a former Albertson's, located generally at State Highway 151 and Potranco Road (NCB 15329) in Council District 6. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

17. Consideration of the following ordinances authorizing the declaration as surplus and disposition of three real properties by the Office of Urban Redevelopment. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development Office]

**2013-11-07-0747**

- A) An Ordinance declaring as surplus and authorizing the disposition of an approximately 0.0808 acre tract of land at 214 Stark in Council District 1.

**2013-11-07-0748**

- B) An Ordinance declaring as surplus and authorizing the disposition of an approximately 0.0781 acre tract of land at 1819 Hackberry in Council District 2

**2013-11-07-0749**

C) An Ordinance declaring as surplus and authorizing the disposition of an approximately 0.1194 acre tract of land at 8523 Big Creek in Council District 4.

**2013-11-07-0750**

18. An Ordinance closing, vacating, and abandoning a 0.110 acre segment of 12-foot-wide alley, located between Culebra Road and Carter Street near Zarzamora, (NCB 1924) in Council District 1, as requested by GFR-Hercules Properties, LLC, for a fee of \$19,250.00. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

**2013-11-07-0751**

19. An Ordinance closing, vacating, and abandoning a 0.64 acre unimproved portion of 38th Street between Commerce Street and Pharis Street (NCB 8244 and NCB 8245) in Council District 6 as requested by IDEA Public Schools. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

**2013-11-07-0752**

20. An Ordinance authorizing a Temporary Closure Multi-Year Agreement with the Texas Department of Transportation allowing the temporary street closure of specified State right of way along the San Antonio Rock 'n' Roll Marathon & 1/2 Marathon route. [Peter Zanoni, Deputy City Manager; Anthony Chukwudolue, Interim Director, Public Works]

**2013-11-07-0753**

21. An Ordinance awarding City Council Project Funds in the amount of \$18,000.00 to Citizens on Patrol for the purchase of radar guns and speed trailers to be used in Council District 10, \$15,000.00 to various organizations in support of Mayor Castro's Light Up Downtown Holiday Contest, and \$10,000.00 to the Pathways to Leadership Scholarship Fund. [Edward Benavides, Chief of Staff; Chris Callanen, Assistant to City Council]

**2013-11-07-0754**

22. An Ordinance authorizing a Grant Agreement with San Antonio Sports for funding in connection with The Coca-Cola Foundation Grant for fitness and health initiatives. [Gloria Hurtado, Assistant City Manager; Xavier Urrutia, Director, Parks & Recreation]

- 23.** Consideration of the following Board, Commission and Committee appointments for the remainder of unexpired terms of office to expire May 31, 2015, to be effective immediately upon the receipt of eight affirmative votes, or, in the event eight affirmative votes are not received, ten days after appointment; or for terms and effectiveness as otherwise indicated below: [Leticia M. Vacek, City Clerk]
- A) Appointing Joe Carmack (District 2) to the Parks and Recreation Board.
  - B) Reappointing Ernest M. Gonzales (District 1) to the Arts and Cultural Committee.
  - C) Appointing Shirley N. Ellis (District 2) to the Affirmative Action Advisory Committee.
  - D) Appointing Cristina Bazaldua-Salazar (District 7) to the SA2020 Commission on Education.
  - E) Reappointing Jacob Valenzuela (District 7) to the Historic and Design Review Commission (General Category).
  - F) Appointing John Thomas (District 10) to the City Commission on Veteran Affairs.
  - G) Appointing John Alvarez (District 10) to the SA2020 Commission on Strengthening Family Well-being.
  - H) Appointing Gabrielle Alls (District 10) to the San Antonio Youth Commission.
  - I) Reappointing Jean L. Brady (District 1) and Gloria M. Malone (District 2) to the San Antonio Public Library Board of Trustees.
  - J) Appointing Sallie C. Scott (District 2) and Gloria Zamora (District 5) to the City/County Joint Commission on Elderly Affairs.
  - K) Appointing Julie Ann Cornelius (District 2) to the Citizens' Environmental Advisory Committee.
  - L) Appointing Keith A. Toney (District 2) and John M. Battiato (District 10) to the San Antonio Housing Trust.
  - M) Reappointing Daniel D. Kossl (District 10) to the Capital Improvements Advisory Committee.
  - N) Appointing Maria R. Cruz (District 5) to the Zoning Board of Adjustment.

O) Reappointing Anne-Marie Grube (District 1) to the Small Business Advocacy Committee.

P) Reappointing Marisol L. Perez (District 1) to the Mayor's Commission on the Status of Women.

Q) Appointing William H. Shaw, III (District 2) to the Zoning Commission.

**2013-11-07-0776**

R) Reappointing Melvin L. Braziel, Laura D. Dixon, Juan A. Garcia, Minnie M. Hill, Larry Joseph Keller, Mario M. Salas, and Kathleen Weir Vale to the Tax Increment Reinvestment Zone No. 11 - Inner City TIRZ; and waiving the city code residency requirement for the appointment of Larry Joseph Keller.

**2013-11-07-0756**

25. An Ordinance approving a local contribution in an amount up to \$24,698.00 to the Events Trust Fund in anticipation of reimbursement of up to \$179,056.00 from the State Comptroller for eligible expenses related to 2013 USA Track and Field National Junior Olympic Cross Country Championships, authorizing the execution of a Partnership Agreement with San Antonio Local Organizing Committee providing for reimbursement of Event expenses totaling up to \$154,358.00, contingent upon State reimbursement, and authorizing payment upon the receipt of such funds from the Events Trust Fund. [Ed Belmares, Assistant City Manager; Casandra Matej, Director, Convention & Visitors Bureau]

**2013-11-07-0757**

26. An Ordinance authorizing a one-year Professional Service Agreement, in an amount not to exceed \$200,000.00 with San Antonio Sports to assist the San Antonio Convention and Visitors Bureau in the solicitation of select amateur regional, national and international sporting events. [Ed Belmares, Assistant City Manager; Casandra Matej, Director, Convention & Visitors Bureau]

**2013-11-07-0758**

27. An Ordinance authorizing an agreement with Susan M. Wolfe and Associates, L.L.C. to provide grant evaluation services for the San Antonio Metropolitan Health District's Healthy Start Program for a total amount not to exceed \$54,000.00 for a three year term with an option to renew for one year. [Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Director of Public Health]

**2013-11-07-0759**

28. An Ordinance authorizing an agreement with the Texas Department of State Health Services (DSHS) for a total amount not to exceed \$95,800.00 for a term beginning November 1, 2013 and ending on June 30, 2015, for DSHS to conduct additional interviews and questions for the 2014 Behavioral Risk Factor Surveillance System survey. [Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Director of Public Health]

**2013-11-07-0760**

29. An Ordinance authorizing the settlement of a lawsuit styled Lisandro Ramirez v. City of San Antonio, et al, Civil Action Number 5:12-CV-00810-ORG, in the United States District Court, Western District, San Antonio Division for the amount of \$175,000.00. [Michael Bernard, City Attorney]

**2013-11-07-0761**

30. An Ordinance adopting improvements to the City Council Project Fund Guidelines established by Ordinance 2011-12-08-1011; and providing for an effective date of December 1, 2013. [Edward Benavides, Chief of Staff; Chris Callanen, Assistant to City Council]

**2013-11-07-0762**

31. An Ordinance approving a Collocation License Agreement for the City's Tower located at 601 South Frio Street, San Antonio, Texas 78237 with STX Wireless Operations, LLC. [Ben Gorzell, Chief Financial Officer; Hugh Miller, Chief Technology Officer]

**2013-11-07-0763**

32. An Ordinance approving two Sprint Spectrum L.P., Tower Lease Amendments for City's Towers located at the Bitters Road site and at the Zarzamora site. [Ben Gorzell, Chief Financial Officer; Hugh Miller, Director, Information Technology Services]

**2013-11-07-0764**

33. An Ordinance authorizing the execution of Amendments to the Bexar County Venue Tax Projects License Agreements with McAllister Park Little League, Inc., Classics Soccer Academy, and Southeast Boys Baseball, Inc. continuing the term of each agreement for a five year period beginning November 1, 2013, and amending reporting requirements. [Gloria Hurtado, Assistant City Manager; Xavier Urrutia, Director, Parks & Recreation]

**2013-11-07-0038R**

35. A Resolution creating the HemisFair Park Public Facilities Corporation. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development]

**CONSENT ITEMS CONCLUDED****ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following captions:

**2013-11-07-0745**

15. An Ordinance, on behalf of SAWS, authorizing the acquisition, through negotiation or condemnation, of interests in land sufficient for the San Antonio River Outfall Sanitary Sewer Project purposes of approximately 44 parcels of privately-owned real property located generally near the intersection of Interstate 37 and Loop 410 in the southern portion of the City, in County Blocks 4007, 4011, 4143, 5158, 5161, and 5162, and NCB 10916, 10917, 10918, 10919, 10920, located in Council District 3; declaring it to be a public use project. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

Councilmember Viagran asked of the outreach conducted with the 44 property owners. Mike Etienne replied that SAWS had sent certified letters to all property owners with an offer and met with them individually. He stated that SAWS continued to negotiate with the property owners to reach an agreement. He noted that all offers were based on appraised value and fair market value.

Councilmember Viagran moved that the City of San Antonio authorize the use of the power of eminent domain to acquire property for public use for the San Antonio Water System /San Antonio River Outfall Pipeline Project by acquiring the following property described by the City Clerk and incorporated as part of this Motion. Councilmember Bernal seconded the motion.

Mrs. Vacek read the property description:

The properties consist of permanent sewer easements and/or temporary construction easement interests of privately-owned real property and being a 4.7 mile alignment, located in County Blocks 4007, 4011, 4143, 5158, 5161, 5162 and New City Blocks 10916, 10917, 10918, 10919, 10920, 13602. These properties are more particularly described in Exhibits A2 and A3 attached to the Ordinance and incorporated as part of this Motion.

The motion prevailed by the following vote:

**Aye:** 8 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Lopez, Nirenberg and Soules

**Absent:** 3 - Gonzales, Medina and Krier

**2013-11-07-0755**

- 24.** An Ordinance authorizing the execution of an agreement with ACCION-Texas in an amount not to exceed \$1,000,000.00 for the operation and management of Café Commerce located at the Central Library for a time period of October 2013 to September 2018, with three five-year renewal options. [Gloria Hurtado, Assistant City Manager; Rene Dominguez, Director, Economic Development]

Councilmember Bernal recused himself by exiting the Council Chambers and announced that he had submitted the recusal forms to the City Clerk.

Mayor Castro highlighted the project and stated that it was a great investment and partnership with ACCION-Texas to launch Café Commerce at the Central Library.

Councilmember Saldaña moved to adopt the proposed ordinance. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

**Aye:** 9 - Mayor Castro, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg and Krier

**Absent:** 1 - Soules

**Abstain:** 1 - Bernal

**2013-11-07-0765**

- 34.** An Ordinance authorizing an amendment to the Fiesta San Antonio Commission contract to authorize the carnival concession be awarded for up to seven years, to alter the Fiesta 2014 event dates to avoid conflicting with the Easter Holiday, and to include contract language regarding recycling at events [Ed Belmares, Assistant City Manager; Jim Mery, Interim Director, Downtown Operations].

Councilmember Bernal stated that Fiesta was not being extended but fell during Easter Week and would like to ensure that the two events do not conflict.

Councilmember Nirenberg asked if there was a way to formalize the process moving forward when Fiesta and Easter Week overlap in the future. Jim Mery replied that they would look at that for the future.

Councilmember Viagran thanked staff for their work with the Fiesta Organizations that were being affected and stated that she was pleased that City Traditions were being respected.

Councilmember Lopez asked of the contract. Mr. Mery replied that the City was requesting an additional \$50,000 per year from the Fiesta Commission and requested that they adhere to recycling requirements at Fiesta Events. Councilmember Lopez asked of the two-year extension. Mr. Mery responded that the Fiesta Commission recommended the two-year extension with the Carnival Operator based on their new leadership and costs associated with issuing a Request for Proposals (RFP). Councilmember Lopez spoke of the importance of including minority participation in the RFP Process. He asked of the potential for a one-year extension instead of two years. Mr. Frank Burney representing the Fiesta Commission replied that the Fiesta Carnival was the highest priority Fiesta Event and spoke of the importance of ensuring that the event was safe, clean and affordable. Councilmember Lopez thanked the Fiesta Commission for the additional funding that would be provided to the city and for their recycling efforts.

Councilmember Medina thanked the Fiesta Commission for recognizing Holy Week and adjusting the Fiesta Events. He asked why one year was not sufficient for an RFP to be issued. Mr. Mery replied that the Fiesta Commission was issuing the RFP and they had presented a case for the need for two years for the process. Councilmember Medina asked of the length of time the City utilizes for an RFP. Mrs. Sculley replied that it varied but there was a minimum of 30 days.

Councilmember Krier stated that he was pleased with the additional recycling efforts and asked if they would be tracked. Mr. Mery replied that they would provide a report on all of the recycling efforts.

Councilmember Medina moved to adopt the proposed ordinance with a one-year extension on the Carnival Operator. Councilmember Bernal seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 – Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

- 36. City Manager's Report**  
A. Aviation Update  
B. Riverwalk Update

The City Manager's Report was not addressed.

**RECESSED**

Mayor Castro recessed the meeting at 11:40 am into Executive Session to discuss the following:

**A. Discuss legal issues related to outdoor advertising pursuant to Texas Government Code Section 551.071 (consultation with attorney).**

**B. Discuss legal issues relating to boarding houses pursuant to Texas Government Code Section 551.071 (consultation with attorney).**

**C. Discuss legal issues related to an audit of cable franchise and Public Education and Government Access fees pursuant to Texas Government Code Section 551.071 (consultation with attorney).**

**D. 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).**

**E. 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 2:07 pm and announced that no action was taken in Executive Session. He addressed the Zoning Items.

**CONSENT ZONING ITEMS**

Councilmember Taylor moved to approve Items Z-3, Z-4, Z-5, Z-6 and Z-8 under Consent Zoning. Councilmember Saldaña seconded the motion.

Mayor Castro called upon the individuals registered to speak.

Mr. Faris Hodge, Jr. expressed opposition to the alcohol variances requested near schools (Items 37 and 38). He stated that he did not support Ammunition Manufacturing within the City Limits (Item Z-2). He noted that he did not believe that Cattleman's Square was Historic (Item Z-6). He asked that staff be diligent about building in the Camp Bullis Area (Item Z-9). He asked that Item P-1 be postponed until more information can be provided.

Mr. Jack M. Finger expressed concern with the alcohol variances requested in Items 37 and 38. He stated that many individuals had spoken in opposition to Item Z-1 at the Zoning Commission Meeting. He spoke against the Ammunition Manufacturing Facility in Item Z-2 and asked the City Council to deny Items Z-6 and Z-7.

The motion to approve the Consent Zoning Items prevailed by the following vote:

**Aye:** 11 – Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

**2013-11-07-0768**

**Z-3.** ZONING CASE # Z2013190 (District 2): An Ordinance amending the Zoning District Boundary from "RM-4 HS AHOD" Historic Significant Residential Mixed Airport Hazard Overlay District to "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District on Lots 11 and 12, Block 26, NCB 674 located at 1115 South Olive 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 11 AND 12, BLOCK 26, NCB 674 TO WIT: FROM "RM-4 HS AHOD" HISTORIC SIGNIFICANT RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT TO "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

**2013-11-07-0769**

**Z-4.** ZONING CASE # Z2013200 HL (District 2): An Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "RM-4 HL AHOD" Historic Landmark Residential Mixed Airport Hazard Overlay District on Lot 53, Block 4, NCB 1602 located at 649 Delmar 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 53, BLOCK 4, NCB 1602 TO WIT: FROM "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT TO "RM-4 HL AHOD" HISTORIC LANDMARK RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

**2013-11-07-0770**

**Z-5.** ZONING CASE # Z2013199 HL (District 3): An Ordinance amending the Zoning District Boundary from "IDZ MC-2 AHOD" Infill Development Zone South Presa Metropolitan Corridor Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and "RM-4" Residential Mixed District to "HL IDZ MC-2 AHOD" Historic Landmark Infill Development Zone South Presa

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Metropolitan Corridor Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and "RM-4" Residential Mixed District on Lot C6 and the south irregular 66.98 feet of the north 189.66 feet of the east irregular 242 feet of Lot A6, Block 3, NCB 2978 located at 3203 South Presa 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 C6 AND THE SOUTH IRREGULAR 66.98 FEET OF THE NORTH 189.66 FEET OF THE EAST IRREGULAR 242 FEET OF LOT A6, BLOCK 3, NCB 2978 TO WIT: FROM "IDZ MC-2 AHOD" INFILL DEVELOPMENT ZONE SOUTH PRESA METROPOLITAN CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "RM-4" RESIDENTIAL MIXED DISTRICT TO "HL IDZ MC-2 AHOD" HISTORIC LANDMARK INFILL DEVELOPMENT ZONE SOUTH PRESA METROPOLITAN CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "RM-4" RESIDENTIAL MIXED DISTRICT.

**2013-11-07-0771**

**Z-6.** ZONING CASE # Z2013201 (District 5): An Ordinance amending the Zoning District Boundary from "I-2 H HS AHOD" Historic Significant Heavy Industrial Cattleman Square Historic Airport Hazard Overlay District, "I-1 H HS AHOD" Historic Significant General Industrial Cattleman Square Historic Airport Hazard Overlay District, and "I-1 H AHOD" General Industrial Cattleman Square Historic Airport Hazard Overlay District to "D H HS AHOD" Historic Significant Downtown Cattleman Square Historic Airport Hazard Overlay District and "D H AHOD" Downtown Cattleman Square Historic Airport Hazard Overlay District on Lots 3, 4, 7, 8, 9, 10, 13, 14, Block 76, NCB 263 and Lot 3, Block 79, NCB 247 located at 904 and 910 West Travis Street, 915, 921 West Houston Street and 923 West Houston Street and 230 and 123 North Medina. 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 3, 4, 7, 8, 9, 10, 13, 14, BLOCK 76, NCB 263 AND LOT 3, BLOCK 79, NCB 247 TO WIT: FROM "I-2 H HS AHOD" HISTORIC SIGNIFICANT HEAVY INDUSTRIAL CATTLEMAN SQUARE HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, "I-1 H HS AHOD" HISTORIC SIGNIFICANT GENERAL INDUSTRIAL CATTLEMAN SQUARE HISTORIC AIRPORT HAZARD OVERLAY DISTRICT, AND "I-1 H AHOD" GENERAL INDUSTRIAL CATTLEMAN SQUARE HISTORIC AIRPORT HAZARD OVERLAY DISTRICT TO "D H HS AHOD" HISTORIC SIGNIFICANT

**DOWNTOWN CATTLEMAN SQUARE HISTORIC AIRPORT HAZARD OVERLAY DISTRICT AND "D H AHOD" DOWNTOWN CATTLEMAN SQUARE HISTORIC AIRPORT HAZARD OVERLAY DISTRICT.**

**2013-11-07-0773**

**Z-8.** ZONING CASE # Z2013196 HL (District 7): An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-5 HL AHOD" Historic Landmark Residential Single-Family Airport Hazard Overlay District on Lot 15, Block 4, NCB 12474 located at 307 Lakeridge Drive. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 15, BLOCK 4, NCB 12474 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-5 HL AHOD" HISTORIC LANDMARK RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

**CONSENT ZONING ITEMS CONCLUDED**

**ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

**2013-11-07-0766**

**37.** An ordinance waiving the variance requirements of Section 4-6(c); Section 4-6(d)(6); and a portion of Section 4-6(e)(1) of the City Code and authorizing a variance request to sell alcoholic beverages at 1902 South Flores for on and off premise consumption within three hundred (300) feet of Briscoe Academy, a San Antonio Independent School District public educational institution located in Council District 5.

Councilmember Gonzales moved to adopt the ordinance with the following conditions: 1) the authorization shall not transfer to a different land use other than a Microdistillery; and 2) the authorization shall terminate in the event of non-operation or non-use for a period of 12 or more successive calendar months. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 – Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

**2013-11-07-0767**

**38.** An ordinance waiving the variance requirements of Section 4-6(c), waiving Section 4-6(d)(6) and 4-6(e)(1) of the City Code and authorizing a variance request to sell

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alcoholic beverages at 838 Bandera Road for off-premise consumption within three-hundred (300) feet of James Madison Elementary School, a Public Educational Institution, located in Council District 7.

John Jacks read the staff recommended conditions: 1) The Variance for the sale of alcoholic beverages shall not transfer to future proprietors, future property owners, or to different land uses; and 2) The Variance shall terminate in the event of non-operation or non-use of the identified establishment for a period of twelve (12) or more successive calendar months.

Councilmember Medina stated that they had worked with the property owner and believed there was a sufficient amount of buffer between the convenience store and the school.

Councilmember Medina moved to approve the ordinance with the conditions read by staff. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 – Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

#### **DENIED**

**Z-1.** ZONING CASE # Z2013154 CD (District 1): An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Professional Office on Lot, 1, Block 7, NCB 10006 located at 2802 Vance Jackson (also known as 275 Future Drive). Staff recommends approval with conditions and Zoning Commission recommends denial.

John Jacks presented Item Z-1 and stated that staff recommended approval with the following conditions: 1) There shall be no exterior display or sign with the exception that a nameplate, not exceeding three square feet in area, may be permitted when attached to the front of the main structure; 2) No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood; 3) Business hours of operation shall not be permitted before 7:00 am or after 6:00 pm; and 4) A 6-foot tall solid screen fence shall be maintained where the subject property abuts single-family residential zoning or uses. He noted that the Zoning Commission recommended denial. He reported that of 30 notices mailed; seven were received in favor and three were returned in opposition.

Mayor Castro called upon the individuals registered to speak.

Mario Elizondo addressed the City Council in favor of the zoning request noting that he was supportive of Women, Minority, Small Business Owners.

Luisa Narvaez, Applicant, addressed the City Council in support of her request. She stated that she was now living on the property and had proof that her Voter Registration Card had been updated. She noted that her small business needed the rezoning in order to survive and asked the City Council to vote in favor.

Councilmember Bernal asked if individuals were allowed to operate a business out of their home. Mr. Jacks replied that the City Code included a provision for Home Occupations provided the individual is self-employed and did not have any employees.

Councilmember Bernal stated that they had spent quite a bit of time on the case and could not reach an agreement between the Property Owner and the Neighborhood Association.

Councilmember Bernal moved to deny the zoning request. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 – Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

#### **CONTINUED**

**Z-2.** ZONING CASE # Z2013180 S (District 2): An Ordinance amending the Zoning District Boundary from "I-1" General Industrial District, "I-1 AHOD" General Industrial Airport Hazard Overlay District, "I-2" Heavy Industrial District and "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "I-2 S" Heavy Industrial District with a Specific Use Authorization for Ammunition Manufacturing, Loading and Storage and "I-2 S AHOD" Heavy Industrial Airport Hazard Overlay District with a Specific Use Authorization for Ammunition Manufacturing, Loading and Storage on 2.01 acres out of NCB 12867 located at 4818 Interstate Highway 10 East. Staff recommends approval. Zoning Commission recommends denial. (Continued from November 7, 2013)

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

Mayor Castro called upon Mr. James McNamara to speak.

Mr. James McNamara spoke in opposition to the rezoning and stated that he believed the Ammunition Manufacturing Facility presented safety issues in the community. He noted that the facility would invite terrorism and criminality within an already historically violent community. He indicated that the Unified Development Code was not designed to consider a business of this nature nor did it provide tools for the negotiation of agreements and limitations. He added that approving the request would compromise the City's efforts to become a World Class City and urged the City Council to deny the request.

Councilmember Taylor stated that the case raised questions and concerns about public safety in general and that they were still working through some issues.

Councilmember Taylor moved to continue Item Z-2 until January 16, 2014. Councilmember Soules seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 – Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

**2013-11-07-0772**

**Z-7.** ZONING CASE # Z2013203 CD (District 5): An Ordinance amending the Zoning District Boundary from "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for a Carwash to "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales on Lot 21, Block 26, NCB 10553 located at 3684 Culebra Road. Staff and Zoning Commission recommends 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 21, BLOCK 26, NCB 10553 TO WIT: FROM "C-2NA CD AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A CARWASH TO "C-2NA CD AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLE SALES PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-7 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 adjacent residential zoning or uses; and 2) Outdoor speaker and paging systems shall be prohibited. He reported that of 25 notices mailed; one was returned in favor and one was received in opposition.

Councilmember Gonzales moved to adopt the proposed ordinance with the conditions read by staff. Councilmember Nirenberg seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 – Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

**CONTINUED**

**Z-9.** ZONING CASE # Z2013132 ERZD (District 9): An Ordinance amending the Zoning District Boundary from "R-6 MSAO-1 MLOD-1 ERZD" Residential Single-Family Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay Edwards Recharge Zone District to "C-2NA MSAO-1 MLOD-1 ERZD" Commercial Nonalcoholic Sales Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay Edwards Recharge Zone District on Lot 28, Block 31, NCB 19215 located on a portion of the 22000 Block of Wilderness Oak. Staff and Zoning Commission recommend approval. (Continued from November 7, 2013)

John Jacks presented Item Z-9 and stated that staff and the Zoning Commission recommended approval. He reported that of 26 notices mailed; none were returned in favor and five were received in opposition. He added that SAWS recommended a maximum impervious cover of 50%.

Mayor Castro called upon Ms. Beate Hall to speak.

Ms. Beate Hall stated that she lived adjacent to the proposed Child Care Facility and was opposed to the rezoning. She noted that the intent of the property was residential and spoke of the potential health and safety issues due to increased traffic. She expressed concern with flooding issues and asked the City Council to deny the request.

Councilmember Krier stated that he had not had the opportunity to get familiar with the request and would like additional time to meet with the developer and neighborhood.

Councilmember Krier moved to continue Item Z-9 until November 21, 2013. Councilmember Bernal seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 – Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

Items P-1 and Z-10 were addressed jointly.

**2013-11-07-0774**

**P-1.** PLAN AMENDMENT #13046 (District 10): An Ordinance amending the future land use plan contained in the Northeast Inner Loop Neighborhood Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of a 2.308 acre tract of land located at southwest corner of Harry Wurzbach Road and Urban Crest Drive from High Density Residential to Medium Density Mixed Use. Staff and Planning Commission recommend approval. (Associated Zoning Case: #Z2013171) (Continued from October 17, 2013)

**2013-11-07-0775**

**Z-10.** ZONING CASE # Z2013171 (District 10): An Ordinance amending the Zoning District Boundary from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District and "O-2 MC-3 AHOD" High-Rise Office Austin Highway/Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with Single-Family Residential uses not to exceed 25 units per acre and "IDZ MC-3 AHOD" Infill Development Zone Austin Highway/Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District with Single-Family Residential uses not to exceed 25 units per acre on Lot 13, Block 10, NCB 11851 located on a portion of the 3800 Block of Harry Wurzbach Road. Staff and Zoning Commission recommend approval, pending the plan amendment. (Associated Plan Amendment Case # 13046) (Continued from October 17, 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 13, BLOCK 10, NCB 11851 TO WIT: FROM "O-2 AHOD" HIGH-RISE OFFICE AIRPORT HAZARD OVERLAY DISTRICT AND "O-2 MC-3 AHOD" HIGH-RISE OFFICE AUSTIN HIGHWAY/HARRY WURZBACH METROPOLITAN CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH SINGLE-FAMILY RESIDENTIAL USES NOT TO EXCEED 25 UNITS PER ACRE AND "IDZ MC-3 AHOD" INFILL DEVELOPMENT ZONE AUSTIN HIGHWAY/HARRY WURZBACH METROPOLITAN CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH SINGLE-FAMILY RESIDENTIAL USES NOT TO EXCEED 25 UNITS PER ACRE.

John Jacks presented Item P-1 and stated that it would amend the future Land Use Plan contained in the Northeast Inner Loop Neighborhood Plan. He noted that staff and the Planning Commission recommended approval. For Item Z-10, he stated that staff and the Zoning Commission recommended approval. He reported that of 22 notices mailed; five were returned in favor and none were received in opposition.

Mayor Castro called upon Mr. Jack Calhoun to speak.

Mr. Jack Calhoun stated that he was representing St. Pius X Church and that they had worked out the parking issues related to the project. He noted that they were supportive of the project due to the agreement that had been signed that morning related to limitations and restrictions of parking signage. However, he noted that St. Pius X Church was not a party in the agreement and requested that they be included.

Mr. James Griffin representing the Developer stated that they would amend the agreement to include St. Pius X Church as a party and would adhere to their conditions.

Councilmember Soules thanked everyone that worked on the project and moved to adopt the proposed ordinances for Items P-1 and Z-10 as stated by Mr. Griffin. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 – Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

**RECESSED**

Mayor Castro recessed the meeting at 2:40 pm into Executive Session to discuss the following:

**A. Discuss legal issues related to outdoor advertising pursuant to Texas Government Code Section 551.071 (consultation with attorney).**

**B. Discuss legal issues relating to boarding houses pursuant to Texas Government Code Section 551.071 (consultation with attorney).**

**C. Discuss legal issues related to an audit of cable franchise and Public Education and Government Access fees pursuant to Texas Government Code Section 551.071 (consultation with attorney).**

**D. 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).**

**E. 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).**

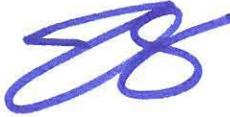
**RECONVENED**

Mayor Castro reconvened the meeting at 3:32 pm and announced that no action was taken in Executive Session.

**ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 3:32 pm.

APPROVED



JULIÁN CASTRO  
MAYOR

ATTEST:



LETICIA M. VACEK, TRMC/MMC  
CITY CLERK