

**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, December 5, 2013

9:00 AM

Municipal Plaza Building

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

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

Mayor Castro was absent for a portion of the Council Meeting as he was en route to San Antonio from Mexico. Mayor Pro Tem Saldaña presided over the meeting.

1. The Invocation by Father Cesar A. Betancourt, St. Alphonsus Catholic Church, guest of Councilmember Shirley Gonzales, District 5.
2. Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the September 18 - 19, 2013 City Council Meetings.

Councilmember Nirenberg moved to approve the Minutes for the September 18-19, 2013 City Council Meetings. Councilmember Lopez seconded the motion.

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The motion prevailed by the following vote:

**Aye:** 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

**Absent:** 1 - Mayor Castro

**POINTS OF PERSONAL PRIVILEGE**

Mayor Pro Tem Saldaña recognized Frank Burney representing the US Army All American Bowl. Mr. Burney announced that this would be the 13th Annual Event that would be held at the Alamodome and spoke of the great partnership with the US Army. He invited everyone to attend the game that would be held on January 4, 2014.

Councilmember Lopez recognized Joe Ramandaban who is leading an initiative to help residents of the Philippines that were affected by the Typhoon that occurred on November 8, 2013. Mr. Ramandaban stated that two days after the typhoon, they initiated a group called Philippines Environmental Disaster Relief Organization (PEDRO) to help people in his hometown of Tamabilata. He spoke of their efforts to raise funds to send goods and financial assistance to those in need.

**CONSENT AGENDA ITEMS**

Items 14, 25, 30, 33, and 35 were pulled for Individual Consideration. Councilmember Nirenberg moved to approve the remaining Consent Agenda Items. Councilmember Bernal seconded the motion.

Mayor Pro Tem Saldaña called upon the individuals registered to speak on the Consent Agenda.

Steven Cote spoke in opposition to the ordinance prohibiting registered sex offenders from having a residence within 1,000 feet of a city park and from entering city parks (Item 25). He stated that 98% of tickets were assessed to non-sex offenders and expressed concern that the Sex Offender Registration Office was within the prohibited area.

Columba Wilson spoke in favor of the ordinance prohibiting registered sex offenders from having a residence within 1,000 feet of a city park and from entering city parks (Item 25). She stated that she was the Grandmother of a child that was sexually abused and asked that the ordinance be approved.

Neisha DeHoyos spoke in opposition to the ordinance prohibiting registered sex offenders from entering city parks (Item 25). She expressed concerns that her husband was a Registered Sex Offender due to something that occurred when he was 17 years old; thus, would no longer be able to take their children to the park.

Mary Sue Molnar spoke in opposition to the ordinance prohibiting registered sex offenders from having a residence within 1,000 feet of a city park and from entering city parks (Item 25) noting that there could be unintended consequences.

John A. Ervin spoke in support of the ordinance adopting a Veteran-Owned Small Business Preference Program for specific contracting categories (Item 35).

Jack M. Finger asked how the ordinance prohibiting sex offenders from entering city parks would be enforced (Item 25). He spoke in opposition to the amendment to the City Manager's Employment Agreement (Item 29) and asked why citizens had not received any tax cuts due to the savings by the City Manager.

Annette Anderson spoke in opposition to the proposed Annexation (Item 47). She stated that the individuals that lived in the area did not want to be annexed and that the annexation would negatively impact individuals on fixed incomes.

Faris Hodge, Jr. submitted written testimony in opposition to Items 6-8, 10, 19, 23, 24, 26, and 29. He wrote that the City Attorney should be interviewed on television (Item 6) and that the city should not establish unit prices (Item 7). He expressed concern with the \$690,000 contract with Selrico Services, Inc. (Item 8). He wrote that the city should not allow an art installation on the River Walk (Item 19). He expressed concern with the Tax Phase-In Agreement (Item 23) since citizens were required to pay taxes. He requested that Board Members be interviewed on television (Item 26). He wrote in favor of Items 9, 11-18, 20, 22, 25, 28, and 30-41.

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

**Aye:** 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

**Absent:** 1 - Mayor Castro

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**2013-12-05-0836**

7. An Ordinance authorizing the following contracts establishing unit prices for goods and services for an estimated annual cost of \$2,034,000.00: (A) T & W Tire for emergency tires, (B) Estrada Landscape, Due Amicis, Inc. d/b/a Green Landscaping and Goodwill Industries of San Antonio for lawn maintenance for downtown locations, parks, and trailheads, (C) ClientTrack, Inc. for ClientTrack for the Department of Human Services, (D) Innovative Interfaces, Inc. for millennium software maintenance & support, (E) ZOLL Medical Corporation for X Series equipment and supplies for the Fire Department and (F) Bound Tree Medical LLC and ZOLL Medical Corporation for X Series supplies for the Fire Department. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2013-12-05-0837**

8. An Ordinance authorizing a contract with Selrico Services, Inc. to provide custodial services for La Villita, Market Square, Centro Information Center, Botanical Garden and San Antonio Garden Center for an estimated annual amount of \$690,000.00, funded through the General Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2013-12-05-0838**

9. An Ordinance accepting the bid from Digital Display Solutions, Inc. to provide the San Antonio Fire Department Emergency Operations Center with a digital audio visual system upgrade from the current analog system for a total cost of \$335,077.00, funded with 2011 State Homeland Security Program grant. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2013-12-05-0839**

10. An Ordinance amending the contract with Invensys Operations Management for the Public Works San Antonio River Walk Distributed Control System increasing the cost by \$71,930.00, funded with Department of Public Works FY 2014 Storm Water Operating Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2013-12-05-0840**

11. An Ordinance extending a contract between the City of San Antonio and DOCUmentation, Inc. for photocopying and public internet printing service at all Library locations. [Gloria Hurtado, Assistant City Manager; Ramiro Salazar, Director, Library]
12. Consideration of the following ordinances related to the purchase of light duty trucks: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

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**2013-12-05-0841**

A) An Ordinance accepting the bids from Grande Truck Center, Caldwell Country Ford, Silsbee Ford and Gunn Chevrolet to provide various City departments with 136 light duty trucks for a cost of \$2,891,196.16, from the Equipment Renewal and Replacement Fund and General Fund.

**2013-12-05-0842**

B) An Ordinance authorizing a \$134,113.00 change order to a \$2,286,442.00 contract with Grande Truck Center for the purchase of 7 additional light duty trucks, from the Equipment Renewal and Replacement Fund.

**2013-12-05-0843**

13. An Ordinance for Bitters Road Brush Recycle Crew Quarters authorizing the execution and negotiation of a construction contract in the amount not-to-exceed \$535,000.00, payable to Vertex Corporation, a Solid Waste Contingency funded project, located in Council District 10; and, amending the FY 2014 – 2019 Capital Improvement Budget with the appropriation of \$268,775.00 in Solid Waste Improvement Contingency funds to the Bitters Road Brush Recycle Crew Quarters Project. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

**2013-12-05-0845**

15. An Ordinance for construction of the District Five Parks Improvement Projects (Normoyle, Collins Garden and Palm Heights) accepting the lowest responsive bid and awarding a construction contract, including one (1) additive alternate, in the amount of \$783,000.00 authorized payable to Amstar, Inc., a 2012-2017 General Obligation Bond funded Projects. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

**2103-12-05-0846**

16. An Ordinance for bicycle lane pavement markings and signage services awarding a task order construction contract to Flasher Equipment Company in an amount not to exceed \$957,420.00. [Peter Zaroni, Deputy City Manager; Anthony Chukwudolue, Interim Director, Public Works]

**2013-12-05-0847**

17. An Ordinance authorizing the 1st Amendment to a five-year Lease Agreement between the City of San Antonio and Brass Centerview 2012, LLC. for 1,108 square feet of office space located at 4414 Centerview Dr. in Council District 7, for the continued operation of a Constituent Field Office. [Ben Gorzell, Chief Financial Officer; Jorge Perez, Director, Building and Equipment Services]

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**2013-12-05-0848**

18. An Ordinance authorizing a lease agreement with Texas Air Museum, Inc for 76,154 square feet for ground space and 32,964 square feet for building space at Stinson Municipal Airport, generating a minimum annual guarantee of \$1,800.00. [Ed Belmares, Assistant City Manager; Frank Miller, Director, Aviation]

**2013-12-05-0849**

19. An Ordinance authorizing an art installation agreement with the Briscoe Western Art Museum to place a sculpture on the River Walk. [Ed Belmares, Assistant City Manager; Jim Mery, Interim Director, Downtown Operations]

**2013-12-05-0850**

20. An Ordinance authorizing a five year River Walk Patio Lease Agreement between the City of San Antonio and Cajun Riverport, Inc. d/b/a Boudro's Restaurant for use of 184.81 square feet of patio space along the River Walk. [Ed Belmares, Assistant City Manager; Jim Mery, Interim Director, Downtown Operations]

**2013-12-05-0851**

21. An Ordinance authorizing an amendment to the Antenna License Agreement between the City of San Antonio and Belo Corporation, Inc. d/b/a KENS 5 TV to extend the term of the agreement for an additional five year period commencing January 1, 2014. [Ed Belmares, Assistant City Manager; Jim Mery, Interim Director, Downtown Operations]

**2013-12-05-0852**

22. An Ordinance awarding \$25,000.00 in City Council Project Funds to the Northeast Corridor Revitalization Committee in support of revitalization efforts located in City Council District 10. [Edward Benavides, Chief of Staff; Chris Callanen, Assistant to City Council]

**2013-12-05-0853**

23. An Ordinance authorizing the First Amendment to the Tax Phase-In Agreement and Economic Development Grant Agreement between the City and Lowe's Home Centers, LLC. [Carlos J. Contreras, Assistant City Manager, Rene Dominguez, Director, Economic Development]

**2013-12-05-0854**

24. An Ordinance authorizing the application and acceptance of approximately \$160,000.00 from the Texas Commission on Environmental Quality for Regional Solid Waste Pass-Through Grants for Fiscal Years 2014 and 2015, through the Alamo Area Council of Governments to fund activities such as recycling education, recycling program expansion and solid waste stream reduction. [Peter Zanoni, Deputy City Manager; David W. McCary, Director, Solid Waste Management]

26. 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) Reappointing Debra D. Nicholas (District 8) to the Arts and Cultural Advisory Committee.

B) Reappointing Andrew M. Ozuna (District 8) to the Zoning Board of Adjustment.

**2013-12-05-0856**

27. An Ordinance authorizing two professional services agreements for On-Call General Engineering Consulting services with URS Corporation and Reynolds, Smith and Hills, Inc., each in the amount not-to-exceed \$5,000,000.00 for up to five years for projects in the San Antonio Airport System. [Ed Belmares, Assistant City Manager; Frank Miller, Director, Aviation]

**2013-12-05-0857**

28. An Ordinance authorizing an amendment to the concession agreement with Generations Federal Credit Union to allow the closure of the branch location in the San Antonio International Airport and the continuation of payment of its Minimal Annual Guarantee rent of \$6,000.00 through May 31, 2015. [Ed Belmares, Assistant City Director; Frank Miller, Director, Aviation]

**2013-12-05-0858**

29. An Ordinance approving an amendment to the City Manager's employment agreement. [Michael D. Bernard, City Attorney]

**2013-12-05-0860**

31. A Public Hearing and Ordinance authorizing the reprogramming of FY 2014 Home Investment Partnership (HOME) funds in the amount of \$908,762 and Community Development Block Grant Funds (CDBG) in the amount of \$507,685 available from City-wide project savings and cancelled projects to new projects; amending the FY 2014 Consolidated Action Plan and Budget; authorizing the close out and cancellation of affected projects and the creation of new projects and project budgets; and authorizing the execution and submission of contracts and other documents as necessary. [Peter Zaroni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

**2013-12-05-0861**

32. An Ordinance authorizing the appropriation of an amount not to exceed \$600,000.00 in FY 2014 Home Investment Partnership Grant (HOME) funds to the Merchant's Ice Lofts Project; and authorizing the negotiation and execution of related documents and contracts. [Peter Zaroni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

**2013-12-05-0863**

34. An Ordinance authorizing a contract for the collection of delinquent property taxes with the law firms of Linebarger Goggan Blair & Sampson, LLP and Escamilla & Poneck, LLP for an initial five year term beginning January 1, 2014 and ending December 31, 2018, with an optional five year renewal term. [Ben Gorzell, Jr, Chief Financial Officer; Troy Elliott, Director of Finance.]

**2013-12-05-0865**

36. An Ordinance adopting an amendment to the local preference program for specific contracting categories. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2013-12-05-0866**

37. An Ordinance approving the extension of the City of San Antonio Financial Advisor Services Contracts with Coastal Securities, Inc. and Estrada Hinojosa & Company, Inc. for Financial Advisor or Co-Financial Advisor Services in connection with the City's financings, for a two year term beginning January 1, 2014 and ending December 31, 2015, under the same terms and conditions. [Ben Gorzell, Jr., Chief Financial Officer; Troy Elliott, Director, Finance]

**2013-12-05-0867**

38. An Ordinance by the City Council of the City of San Antonio, Texas authorizing the issuance of up to \$20,900,000 "City of San Antonio, Texas Revenue Notes, Taxable Series 2013A" and the pledge of lawfully available revenues, subject to annual appropriation, as security therefor; prescribing the form, terms, conditions and resolving other matters incident and related to the issuance, sale, and delivery of the Notes; authorizing the execution of a Paying Agent Agreement, a Financing Agreement, and a Purchase and Investment Letter; complying with the provisions of the Depository Trust Company's letter of representations; delegating the authority to certain City officials and members of the City staff to execute certain documents relating to the sale of the Notes; enacting other provisions incident and related to the subject and purpose of this Ordinance; and providing for an effective date. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2013-12-05-0868**

39. An Ordinance authorizing an amendment and second extension of the contract with United Healthcare Insurance Company, in an estimated annual amount of \$4,368,318 to provide Third Party Administration for the City's self-funded medical plans, Health Savings Account, Flexible Spending Account, Prescription Benefit Management services, subcontracting services of health miles program through Virgin Pulse, Healthy Rewards telephonic coaching and reporting, Preferred Provider Organization, Total Health Management, and one additional onsite health coach. [Ben Gorzell, Chief Financial Officer; Joe Angelo, Chief Human Resources Officer]

**2013-12-05-0869**

40. An Ordinance authorizing a Interlocal Agreement with VIA Metropolitan Transit for the purchase of VIA EZ Rider Program Passes for City Employees for a total estimated expenditure of \$600,000.00. [Ben Gorzell, Chief Financial Officer; Joe Angelo, Chief Human Resources Officer]

**2013-12-05-0870**

41. An Ordinance approving the extension of the contract with Allied Barton Security Services for two additional years and amending the hourly wage rate for commissioned and non-commissioned security personnel and access control officers for approximately \$79,000, with an annual expenditure of approximately \$3,000,000.00. [Ben Gorzell, Chief Financial Officer; Hugh Miller, Director, Information Technology Services]

**2013-12-05-0871**

42. An Ordinance authorizing a boundary amendment and term extension for Tax Increment Reinvestment Zone Number Eleven known as the Inner City TIRZ and requisite amendments to the Project and Finance Plans. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

43. Consideration of the following Ordinances related to the Transportation Enhancement Program: [Edward Benavides, Chief of Staff; Mary Hammer, Interim Director, Office of Sustainability]

**2013-12-05-0872**

- A) An Ordinance authorizing the acceptance and appropriation of \$1,114,076.00 in Transportation Enhancement Program grant funds from the Texas Department of Transportation for the "Bicycle Safe Resources for 8 to 80-year-olds" and "B-Cycle Urban Core Expansion" projects, approving local matching funds, and the negotiation and execution of an Advance Funding Agreement for each project.

**2013-12-05-0873**

B) An Ordinance authorizing the acceptance and appropriation of \$870,807.00 in Transportation Enhancement Program grant funds from the Texas Department of Transportation for the Low Impact Landscaping around Downtown Freeway Entrances, approving local matching funds, and the negotiation and execution of an Advance Funding Agreement.

**2013-12-05-0874**

C) An Ordinance authorizing and approving an amendment to the contract with San Antonio Bike Share to increase funding in the amount of \$1,168,474.00, for a total contract value of \$4,125,994.00, to be used for the "B-Cycle Urban Core Expansion" project and extending the term for two years with an option for the City to renew for two additional one-year periods.

**2013-12-05-0875**

D) An Ordinance authorizing a three year lease extension with San Antonio Bike Share for their continued use of Building 203, located in Hemisfair Park.

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

The City Clerk read the following captions:

**2013-12-05-0844**

14. An Ordinance for the construction of City Council District One Park Improvements Projects (Dellview, Kenwood and Los Angeles Heights) accepting the lowest responsive bid and awarding a construction contract, including two (2) additive alternates, in the amount of \$427,833.00 authorized payable to The GFP Group, a 2012-2017 General Obligation Bond funded Projects. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

Councilmember Bernal highlighted the project and stated that he was pleased with the investment to Los Angeles Heights Park.

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

**Aye:** 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

**Absent:** 1 - Mayor Castro

**2013-12-05-0855**

25. An Ordinance amending City Code Chapter 22 by creating a new Article XI, entitled "Park Safety Zones", to prohibit registered sex offenders from having a permanent or temporary residence within 1000 feet of a City park, prohibiting their entry in City parks, and prohibiting loitering within 300 feet of City parks; and adopting penalties for violations. [Erik J. Walsh, Deputy City Manager; William McManus, Police Chief]

Councilmember Soules thanked staff for their work and noted that the item had been addressed by the Public Safety Council Committee several times. He asked of the exemptions. Chief McManus replied that there would be exemptions for: 1) Minors; 2) Individuals already living in the restricted zone; and 3) Individuals could ask a Court of Jurisdiction or Police Chief for an exemption on a case-by-case basis. Councilmember Soules confirmed that the ordinance would not be enforced until March 1, 2014 and that over 100 municipalities had adopted a similar ordinance.

Councilmember Soules moved to adopt the proposed ordinance. Councilmember Viagran seconded the motion.

Councilmember Bernal thanked Councilmember Soules for his leadership on said item and made a friendly amendment for the downtown Riverwalk to only prohibit registered sex offenders from being present on the River Level of the Riverwalk; amending Section 22-162 to delete the exception for "the section of the Riverwalk that is South of Lexington Avenue and North of South Alamo Street." Additionally, that Section 22-163 be amended by adding section 2 as follows: "The residence restriction of this section does not apply to the section of the Riverwalk on the street level only, which is South of Lexington Avenue and North of South Alamo Street and move the current Section 2 to Section 3; and to amend Section 22-164 to add a new section 3 to read: "The entry and loitering restrictions of this section do not apply to the section of the Riverwalk, on the street level only, which is South of Lexington Avenue and North of South Alamo Street." Councilmember Soules accepted the friendly amendment.

Councilmember Nirenberg thanked the Public Safety Council Committee for their work and said item. He spoke of the challenges in the community with Domestic Violence and

Sexual Abuse and stated there should be a larger discussion regarding same.

Councilmember Saldaña asked if someone could ask for an exemption prior to the effective date of the ordinance. City Attorney Bernard confirmed that they could.

The motion with the friendly amendment prevailed by the following vote:

**Aye:** 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

**Absent:** 1 - Mayor Castro

#### 2013-12-05-0859

30. An Ordinance awarding \$32,000.00 in Texas Commission on the Arts funds to local arts and cultural projects. [Ed Belmares, Assistant City Manager; Felix Padron, Director, Culture and Creative Development]

Councilmember Medina asked of the allocation of funds. Felix Padron stated that the \$32,000 was provided by the State and that funds were requested by 18 agencies. He noted that they reviewed and scored each of the applications by criteria and that those that received 75 points or more were eligible for funding. He reported that there were seven agencies recommended for funding by the Cultural Arts Board. Councilmember Medina stated that there were many non-profits in District 7 that were in need of funds and thanked staff for their work.

Councilmember Taylor acknowledged Fred Williams for his work on the Symposium with the Library and stated that she would like more information on the funding process.

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

**Aye:** 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

**Absent:** 1 - Mayor Castro

#### 2013-12-05-0862

33. An Ordinance approving a Chapter 380 Economic Development Loan Agreement with the Board of Tax Increment Reinvestment Zone Number Eleven, Inner City TIRZ, and Merchants Ice Lofts LP in the amount of \$700,000.00 and amending the Inner City TIRZ Project and Finance Plans for the Merchant Ice Lofts Project.

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[Carlos J. Contreras, III, Assistant City Manager; Lori Houston, Director, Center City Development Office].

Councilmember Taylor highlighted the project and requested additional information. Lori Houston provided an overview of the project noting that it was an adaptive reuse project of the Merchants Ice Building. She noted that it had been vacant since 1999 and would be developed as a mixed-income project. She added that there would be 262 housing units and would be tax-exempt for 20 years. She spoke of the incentives that would be provided that include a loan for environmental abatement. Councilmember Taylor thanked everyone involved in the project and stated that she was pleased with the market rate housing that would be provided on the East Side.

Councilmember Bernal expressed his support for the project and commended everyone for their work.

Councilmember Krier stated that he was interested in the area and asked of the timeframe for the project. Ms. Houston replied that they hoped to have a groundbreaking in the Spring 2014 and would take 18-20 months to construct.

Councilmember Viagran expressed her support for the project and thanked the developer for their investment.

Councilmember Saldaña added his support for the project and congratulated the residents of District 2.

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

**Aye:** 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

**Absent:** 1 - Mayor Castro

#### **2013-12-05-0864**

- 35.** An Ordinance adopting a Veteran-Owned Small Business preference program for specific contracting categories. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

Councilmember Soules requested additional information on the program. Troy Elliott stated that the program was initiated due to a Council Consideration Request submitted by Councilmember Soules. He reported that they reviewed three areas: 1) Veteran-Owned Small Business Goal; 2) Assure that Veteran-Owned Small Businesses are solicited on bids

for which they may be suited; and 3) Assure that participation by Veteran-Owned Small Businesses is factored into the evaluation of proposals for services, goods or supplies. He noted that they performed research and provided recommendations to the Governance Council Committee on September 18, 2013. He stated that they would perform expanded outreach to Veteran-Owned Small Businesses and that the program would apply to contracts over \$50,000 in value. He mentioned that it would apply to discretionary contracts for goods, services and concessions and utilized when selection criteria was not limited by State or Federal Law. He added that it would be effective for solicitations issued after January 15, 2014. Councilmember Soules thanked staff for their work and noted that San Antonio would be the first large municipality in Texas to adopt such a program. He asked of the outreach that would be conducted. Mr. Elliott replied that they would work with the Local Chambers and the Office of Military Affairs to reach out to Military-Affiliated Agencies.

Councilmember Medina expressed his support for the program and commended Councilmember Soules for his leadership. He spoke of the importance of outreach and ensuring awareness of the program throughout the community.

Councilmember Krier thanked Councilmember Soules for his leadership on said item and concurred with Councilmember Medina regarding the importance of outreach to the community. He asked of the additional points that would be awarded. Mr. Elliott replied that there would be five preference points awarded to Veteran-Owned Small Businesses that were prime contractors.

Councilmember Viagran added her support for the program and also thanked Councilmember Soules for his leadership.

Written testimony was received from Duncan McGhee of the Veteran Entrepreneur Program in support of said item.

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

**Aye:** 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Soules

**Absent:** 1 - Mayor Castro

### **EXECUTIVE SESSION**

Mayor Pro Tem Saldaña recessed the meeting into Executive Session at 10:46 am to discuss the following:

A. 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).

B. Deliberate the purchase, exchange, lease or value of real property and discuss related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 551.071 (consultation with attorney).

C. Deliberations regarding economic development negotiations and discuss related legal issues pursuant to Texas Government Code Sections 551.087 (economic development) and 551.071 (consultation with attorney).

### **RECONVENED**

Mayor Castro reconvened the meeting at 11:23 am and announced that no action was taken in Executive Session.

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Bernal recognized a Delegation of Artisans from Taiwan noting that they were visiting San Antonio to display their crafts and sponsor a Workshop in La Villita. He thanked them for being present and commended them for their work. Mr. Steve Hsia thanked the City Council for the recognition and for the warm welcome. He presented the City Council with various gifts and stated that he hoped they would demonstrate a long-term friendship between Taiwan and San Antonio. Mayor Castro thanked the Delegation for their work and commitment to the City of San Antonio.

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

The City Clerk read the following captions:

4. Consideration of the following items associated with HEB Grocery Company L.P.: [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development]

#### **2013-12-05-0831**

A) An Ordinance approving the closure, vacation and abandonment of an improved portion of S. Main (Street or Ave) Public Right of Way consisting of 1.478 acres (64,372 square feet) located between E. Arsenal Street and E. Cesar Chavez Boulevard adjacent to New City Blocks 927 and 929.

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2013-12-05-0832

B) An Ordinance approving a development agreement that would facilitate the expansion of HEB's headquarters to include a 10,000 square foot grocery store and construction of public improvements.

Councilmembers Saldaña and Nirenberg exited the meeting and noted that they had provided their recusal forms to the City Clerk.

Lori Houston presented Items 4A and 4B and stated that they would authorize the closure, vacation, abandonment and conveyance of an improved portion of South Main. Additionally, it would approve a development agreement that would facilitate the expansion of HEB's Headquarters to include a 10,000 square foot grocery store and construction of public improvements. She stated that the HEB Master Plan Goal was to grow by 800 Employees by 2020 and an additional 800 Employees by 2030. She noted that they would invest \$75 Million in the Campus by 2020. She introduced Mr. Todd Piland, Vice-President of Real Estate for HEB.

Mr. Piland provided an overview of the proposed Headquarters Expansion Project and Downtown Grocery Store. He showed existing and future photos of the site and stated that with the exception of the Commander's House; HEB owns and used almost the entire Arsenal. He reported that HEB plans to add 1,600 Employees by 2030 of which the majority will be new positions. He spoke of the Main Avenue Closure which would expand the HEB Campus and provide for future growth and employment. He highlighted HEB Area Investments which include a Culinary School and Test Kitchen. He mentioned that HEB would make traffic improvements and arrange for a VIA Trans Drop-Off at the Commander's House. He outlined the Flores Market, a 10,000 square foot community grocery store. He noted the community outreach that had been conducted with the King William Association, Main Access Group, San Antonio Conservation Society, and other interested individuals.

Ms. Houston spoke of the coordination that had occurred among various entities and noted that the Petitioner had agreed to comply with all of the conditions. She mentioned that Traffic Impact Analysis and the Data Collection and highlighted the pedestrian and bicyclist improvements. She reported that HEB would construct a 10,000 square foot grocery store that would operate for no less than five years and ensure that its design was complimentary to the Commander's House and Park. Additionally, HEB will assume landscaping and maintenance responsibility of the Commander's House Grounds for 20 years. They will provide an improved entrance off Flores Street to the Commander's House and will restore the road on the Commander's House Grounds. They will dedicate public improvements and rights of way to the city and construct traffic calming and public improvements as identified in the Traffic Impact Analysis. She reported that the city would provide a special use authorization for the gas station and close and convey South Main Avenue. She noted that the city would deduct the value of the traffic mitigation improvements, agreed upon

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public improvements, and value of the right of way to be conveyed to the city from the appraised value.

Mayor Castro called upon the speakers registered to speak.

Anthony Piazzzi stated that he was representing Centro San Antonio in support of said item. He noted that the City and HEB had come to a balanced solution and that it would support job growth.

Ramiro Cavazos, President of the San Antonio Hispanic Chamber of Commerce addressed the City Council in support of said item. He stated that it would create new jobs and be a great investment for the Downtown Area.

Richard Perez, President of the Greater San Antonio Chamber addressed the City Council in support of said item. He noted the jobs that would be created and the improvements that would be made in the Downtown Area.

Charlotte Luongo addressed the City Council in opposition to said item. She stated that she was a Downtown Resident and concerned with the lack of access that would occur with the street closure.

James Rodriguez addressed the City Council in opposition to said item. He stated that it would negatively impact him since he lives in the area and expressed concern with the lack of transparency.

Michael Nye addressed the City Council in opposition to said item. He stated that his family lived one block from the HEB Headquarters and expressed concern with the loss of public access.

Naomi Nye addressed the City Council in opposition to said item. She stated that she was pleased with the grocery store that would be built but concerned with the traffic issues.

John Howard addressed the City Council in opposition to said item. He stated that he lived one block from the street closure and asked that the surplus property on Main Avenue be auctioned off through a sealed bid process.

J. Alice Garcia addressed the City Council in opposition to said item. She stated that she owns six properties in the area and that only those that live in the area truly understood the negative impacts.

Mari B. Feist addressed the City Council in opposition to said item. She stated that she has lived in the area all of her life and was concerned with the lack of access due to the street closure.

Henry Botello addressed the City Council in opposition to said item. He stated that he lived at the corner of East Arsenal and Main and expressed concern with the decrease in land value that would occur.

Cherise Bell addressed the City Council in support of said item. She stated that she was the Executive Director of the King William Association and that they were pleased with the \$3.5 Million in improvements that would be made by HEB.

Roselyn Cogburn addressed the City Council in opposition to said item. She stated that she was concerned with the traffic impact noting that there was already a great amount of traffic in the area.

Carlos Manzanillo representing Spurs Sports and Entertainment addressed the City Council in support of said item. He read a letter of support from Rich Pych noting that they were pleased with the great investments that would be made in the area.

Rachel Holland addressed the City Council in support of said items. She stated that she lives in the King William Area and was confident that HEB had explored all of their options.

Jack M. Finger addressed the City Council in opposition to said item noting that various portions of Main Avenue had already been closed.

Lety Vela addressed the City Council in opposition to said item and expressed concern with the lack of transparency.

State Representative Mike Villarreal addressed the City Council in support of said items with the qualification that there be proper consideration and addressing the impact to local residents. He asked that the residents be included on the Oversight Committee that would be created and that construction be sped up if possible. He commended HEB for the jobs that would be created and for the great investment that would be made in the area.

Sue Ann Pemberton, President of the Conservation Society addressed the City Council in support of said item. She stated that it would create an opportunity for the Historic Arsenal Property to be stitched back together as a unit and would bring prominence back to the Commander's House.

Mayor Castro thanked everyone involved in the project and stated that it would provide a full scale revitalization of the Downtown Area. He noted his appreciation for the voice and perspective of everyone that had critiqued the project and spoke of the great amount of

compromise that had occurred. He stated that a Downtown Grocery Store would be a catalyst for the area and worth the investment to close a portion of Main Street. He added that they must do what is in the best interest of the city and commended Councilmember Bernal for his leadership.

Councilmember Bernal stated that the project had greatly evolved since it had first been presented. He noted that he was excited about the great amount of investment and the new jobs that would be created.

Councilmember Gonzales asked of the rebuild of the 1601 Nogalitos Street Store. Mr. Piland replied that they were working on the plan and that they hoped to construct a building twice the size. Councilmember Gonzales stated that she was pleased with the attention to pedestrians and cyclists.

Councilmember Krier expressed his support for said item and spoke of the great work that HEB has performed in San Antonio.

Councilmember Taylor expressed her support for said item and stated that she was pleased with HEB's continued investment in the community.

Councilmember Viagran expressed her support for said item and thanked Councilmember Bernal for his leadership of said item.

Councilmember Bernal moved to adopt the proposed ordinances for Items 4A and 4B. Councilmember Taylor seconded the motion. The motion prevailed by the following vote:

**Aye:** 9 - Mayor Castro, Bernal, Taylor, Viagran, Gonzales, Lopez, Medina, Krier and Soules

**Abstain:** 2 - Saldaña and Nirenberg

### **RECESSED**

Mayor Castro recessed the meeting at 1:20 pm to break for lunch. He announced that the meeting would resume at 2:15 pm.

### **RECONVENED**

Mayor Castro reconvened the meeting at 2:20 pm and addressed the Zoning Items.

**CONSENT ZONING ITEMS**

Councilmember Soules moved to approve the following items under Consent Zoning: 44, 45, 46, Z-2, Z-3, Z-5, Z-7, Z-8, Z-9, Z-11, Z-12, P-5, Z-14, and Z-16. Councilmember Taylor seconded the motion.

Mayor Castro announced Item P-3 was pulled from the agenda by staff and Item Z-4 was withdrawn by the applicant.

Mayor Castro called upon Jack M. Finger to speak.

Jack M. Finger addressed the City Council in opposition to the alcohol waiver requested in Item 49. He noted that he was against the gas station proposed in Item Z-1. He asked the City Council to deny Item Z-2 due to the small lots in the area. He spoke in opposition to the Commercial Offices requested in Items P-1 and Z-6.

Councilmember Soules recognized Carol Ghanbar and thanked her for working with District 10 on Zoning Case Z-16.

John Jacks announced that the Zoning Commission recommended approval of Items Z-1, Z-2 and Z-14.

Faris Hodge, Jr. submitted written testimony in support of Items 44-48, Z-3, Z-4, Z-5, P-1, Z-6, P-2, Z-7, Z-8, Z-9, Z-11, and Z-15. He wrote against Item 49 and requested that the city increase the distance between a school and the sale of alcoholic beverages to 3,000 feet. He wrote that the street should not be closed and the name should not be changed under Item Z-1.

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

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

**Absent:** 1 - Medina

**2013-12-05-0876**

44. An Ordinance authorizing the execution of the Third Amendment to the "Agreement to Extend Limited Purpose Annexation and to Fix the Date for Full Purpose Annexation" for the Crosswinds at South Lake Special Improvement District located in Council District 4. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

**2013-12-05-0877**

45. An Ordinance authorizing the First Amendment to the September 2007 Agreement with Cumberland Potranco Joint Venture, Cumberland 211, Ltd., Navigators Stevens Ranch L.P., KD CIRI I, L.L.C., CIRI Land Development Company and Cumberland 90, Ltd. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

**2013-12-05-0043R**

46. A Resolution directing the Department of Planning and Community Development to prepare a Service Plan as requested by the Texas Parks and Wildlife Department regarding the annexation of approximately 1,905 acres of Government Canyon State Natural Area. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

**2013-12-05-0880**

- Z-2.** ZONING CASE # Z2014032 CD (District 1): An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-5 CD AHOD" Residential Single-Family District with a Conditional Use for Two Dwelling Units on Lots 26 and 27, Block 6, NCB 7293 located at 401 Dora Street. Staff recommends approval. Zoning Commission recommendation pending the December 3, 2013 public hearing.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 26 AND 27, BLOCK 6, NCB 7293 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-5 CD AHOD" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR TWO DWELLING UNITS PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2013-12-05-0881**

- Z-3.** ZONING CASE # Z2014010 (District 1): An Ordinance amending the Zoning District Boundary from "C-3NA CD UC-4 AHOD" General Commercial Nonalcoholic Sales North St. Mary's Street Urban Corridor Overlay Airport Hazard Overlay District with a Conditional Use for Outside Storage of Equipment & Materials to "IDZ UC-4 AHOD" Infill Development Zone North St. Mary's Street Urban Corridor Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and "MF-25" Low Density Multi-Family District on Lots

1 and 2, Block 1, NCB 6789, save and except that portion conveyed in Volume 12369, Page 1060, Deed Records, Bexar County, Texas located on a portion of the 2100 block of North St. Mary's 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 1 AND 2, BLOCK 1, NCB 6789, SAVE AND EXCEPT THAT PORTION CONVEYED IN VOLUME 12369, PAGE 1060, DEED RECORDS, BEXAR COUNTY, TEXAS TO WIT: FROM "C-3NA CD UC-4 AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES NORTH ST. MARY'S STREET URBAN CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR OUTSIDE STORAGE OF EQUIPMENT & MATERIALS TO "IDZ UC-4 AHOD" INFILL DEVELOPMENT ZONE NORTH ST. MARY'S STREET URBAN CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "MF-25" LOW DENSITY MULTI-FAMILY DISTRICT.

**2013-12-05-0882**

**Z-5.** ZONING CASE # Z2014003 (District 1): An Ordinance amending the Zoning District Boundary from "I-1 RIO- 2 AHOD" General Industrial River Improvement Overlay-2 Airport Hazard Overlay District and "I-1 RIO- 2 UC-2 AHOD" General Industrial River Improvement Overlay-2 Broadway Urban Corridor Overlay Airport Hazard Overlay District to "IDZ RIO-2 AHOD" Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and a Bar And/Or Tavern Without Cover Charge 3 or More Days per Week and "IDZ RIO-2 UC-2 AHOD" Infill Development Zone River Improvement Overlay-2 Broadway Urban Corridor Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and a Bar And/Or Tavern Without Cover Charge 3 or More Days per Week on Lots 11, 12, 13, 14 and 15, Parcel 100 and the south 40.5 feet of Lot 10, NCB 969 located at 401 Pearl Parkway. 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, 13, 14 AND 15, PARCEL 100 AND THE SOUTH 40.5 FEET OF LOT 10, NCB 969 TO WIT: FROM "I-1 RIO- 2 AHOD" GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY-2 AIRPORT HAZARD OVERLAY DISTRICT AND "I-1 RIO- 2 UC-2 AHOD" GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY-2 BROADWAY URBAN CORRIDOR OVERLAY

AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ RIO-2 AHOD" INFILL DEVELOPMENT ZONE RIVER IMPROVEMENT OVERLAY-2 AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND A BAR AND/OR TAVERN WITHOUT COVER CHARGE 3 OR MORE DAYS PER WEEK AND "IDZ RIO-2 UC-2 AHOD" INFILL DEVELOPMENT ZONE RIVER IMPROVEMENT OVERLAY-2 BROADWAY URBAN CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND A BAR AND/OR TAVERN WITHOUT COVER CHARGE 3 OR MORE DAYS PER WEEK.

**2013-12-05-0883**

**Z-7.** ZONING CASE # Z2014002 (District 2): An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District, "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District, "C-3 AHOD" General Commercial Airport Hazard Overlay District, and "I-1 AHOD" General Industrial Airport Hazard Overlay District to "I-1 AHOD" General Industrial Airport Hazard Overlay District on 3.578 acres out of Lots 12, 13, 14, 15 and 16, Block 1, NCB 13801 located on portions of the 5100 and 5200 Blocks of Randolph Boulevard. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 3.578 ACRES OUT OF LOTS 12, 13, 14, 15 AND 16, BLOCK 1, NCB 13801 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT, "C-3R AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES AIRPORT HAZARD OVERLAY DISTRICT, "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT, AND "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2013-12-05-0884**

**Z-8.** ZONING CASE # Z2013209 (District 4): An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on 0.20 acres out of NCB 11167 located on a portion of 1655 West Villaret Boulevard and a portion of the 2800 Block of the Poteet Jourdanton Freeway. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.2 OF AN ACRE OUT OF NCB 11167 TO WIT: FROM "R-4AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2013-12-05-0885**

**Z-9.** ZONING CASE # Z2013192 (District 5): An Ordinance amending the Zoning District Boundary "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-1 AHOD" Light Commercial Airport Hazard Overlay District on Lots 9, 10 and 11, Block 51, NCB 8004 located at 6103 South Zarzamora 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 9, 10 AND 11, BLOCK 51, NCB 8004 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2013-12-05-0886**

**Z-11.** ZONING CASE # Z2014001 (District 5): An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and Alcohol Distillation on 0.081 of an acre out of Lot 3, Block 1, NCB 2580 located at 111 East LaChappelle. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.081 OF AN ACRE OUT OF LOT 3, BLOCK 1, NCB 2580 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND ALCOHOL DISTILLATION.

**2013-12-05-0887**

**Z-12.** ZONING CASE #Z2014008 (District 7): An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-5 AHOD" Residential Mixed Airport Hazard Overlay

District on Lot 11, Block 44, NCB 9604 located at 2459 Cincinnati Avenue. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 11, BLOCK 44, NCB 9604 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "RM-5 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

**2013-12-05-0890**

**P-5.** PLAN AMENDMENT #13054 (District 8): An Ordinance amending the future land use plan contained in the North Sector Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of a 12.203 acre tract of land located at 6970 and 7080 Oak Drive and 6975 Huermann Road from Suburban Tier to General Urban Tier. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2013218)

**2013-12-05-0891**

**Z-14.** ZONING CASE # Z2013218 (District 8): An Ordinance amending the Zoning District Boundary from "R-20 GC-1 MSAO-1 MLOD-1" Residential Single-Family Hill Country Gateway Corridor Overlay Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District, "R-20 MSAO-1 MLOD-1" Residential Single-Family Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District and "R-6 GC-1 MSAO-1 MLOD-1" Residential Single-Family Hill Country Gateway Corridor Overlay Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District to "MF-25 GC-1 MSAO-1 MLOD-1" Low Density Multi-Family Hill Country Gateway Corridor Overlay Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District and "MF-25 MSAO-1 MLOD-1" Low Density Multi-Family Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District on 12.203 acres out of NCB 35733 located at 6975 Heuermann Road, 6970 and 7080 Oak Drive. Staff recommends approval pending the plan amendment. Zoning Commission recommendation pending the December 3, 2013 public hearing. (Associated Plan Amendment Case # 13054)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 12.203 ACRES OUT OF NCB 35733 TO WIT: FROM "R-20GC-1 MSAO-1 MLOD-1" RESIDENTIAL SINGLE-FAMILY HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY SOUND ATTENUATION

OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT, "R-20 MSAO-1 MLOD-1" RESIDENTIAL SINGLE-FAMILY CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT AND "R-6 GC-1 MSAO-1 MLOD-1" RESIDENTIAL SINGLE-FAMILY HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT TO "MF-25 GC-1 MSAO-1 MLOD-1" LOW DENSITY MULTI-FAMILY HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT AND "MF-25 MSAO-1 MLOD-1" LOW DENSITY MULTI-FAMILY CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT.

**2013-12-05-0893**

**Z-16.** ZONING CASE # Z2014012 (District 10): An Ordinance amending the Zoning District Boundary from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "MF-18 AHOD" Limited Density Multi-Family Airport Hazard Overlay District on Lot 4, NCB 17467 located on a portion of the 10500 Block of Wayward 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 4, NCB 17467 TO WIT:FROM "O-2 AHOD" HIGH-RISE OFFICE AIRPORT HAZARD OVERLAY DISTRICT TO "MF-18 AHOD" LIMITED DENSITY MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

**CONSENT ZONING ITEMS CONCLUDED**

**ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

- 47. Second Public hearing regarding the Limited Purpose Annexation of South San Antonio Areas 1 – 4. [Peter Zaroni, Deputy City Manager; John Dugan, Director, Planning and Community Development]
  
- 48. Second Public Hearing on Dissolution of City South Management Authority. [Peter Zaroni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

Mayor Castro declared the Public Hearings open for Items 47 and 48.

John Dugan presented a Power Point and stated that this was the second public hearing on Limited Purpose Annexation (LPA) proposed for the Southside Areas of 1, 2, 3, and 4, and the dissolution of the City South Management Authority (CSMA). He noted that Senate Bill 1493 became effective in September 2011 and required a study of the CSMA's effectiveness. He indicated that the Effectiveness Study recommended studies of certain areas for Annexation and the dissolution of the CSMA once said areas were annexed. He reported that said areas were located along Interstate Highway (IH) 35, IH 37, and IH 410. He noted that the significant land use in said areas included: 1) Union Pacific Railroad Multi Mobile Facility along IH 35; 2) Eagle Ford Shale along IH 37; and 3) Toyota and Texas A&M University located within the CSMA Area. He stated that staff recommends LPA for said areas. He indicated that LPA would not require: 1) Full Purpose Annexation; 2) Taxation; and 3) City services to be provided. He stated that LPA would enable the City to: 1) Prevent incompatible land use; 2) Ensure safe habitable structures; and 3) Protect environmental resources.

He noted that LPA would provide for an extension of City Development and Safety Codes. He mentioned that LPA would not extend the current Extraterritorial Jurisdiction (ETJ) and those residing in said areas could vote in Standard or Recall Elections but could not vote in Bond or Municipal Elections. He added that those in said areas would not be eligible to be a candidate for Municipal Office. He indicated that the City must develop agreements for Agricultural Areas which would enable them to opt out. He stated that State Law requires a Planning Study which must be available to the Public at least 10 days prior to the first Public Hearing. He stated that the Planning Study was published and distributed as required in multiple locations for the applicable time period. He described the location and size of Areas 1-4 and reviewed the key dates for the FY 2014 LPA and CSMA Dissolution. He added that no action was required at this time.

Mayor Castro called upon the individuals registered to speak.

Colleen Schneider addressed the City Council in opposition to the proposed Annexation. She stated that she lived in Area 4 and did not want to live inside the city.

Peggy Oppelt of the Land Heritage Institute stated that there were requirements for the transfer of ownership of said property which were to promote wildlife preservation, serve as stewards of historic buildings and Archeological Sites and to provide recreational areas and trails. She indicated that under the proposed Annexation, the stated requirements would be in conflict with City Code.

Jaclyn Lopez, Carlos Lopez, and Albert Silva representing Area 3 addressed the City Council in opposition to the proposed Annexation. Ms. Lopez stated that her family had lived on the property for 20 years and that her brother owned a Motorcycle Shop in the area for 10 years. She expressed concern with the taxes and fees they would have to pay.

Mary Jane Martinez stated that she lived on indigenous land that was protected and expressed opposition to the proposed Annexation.

T. Simon Martinez stated that he and his wife lived in Area 4 and were opposed to Annexation. He noted that the neighbors he had spoken to also did not support Annexation and recommended that a more sensitive approach be taken.

Eiginio Rodriguez addressed the City Council in opposition to the proposed Annexation and expressed concern with the impact to low income families.

Janie Martinez, Gracie Prado and Aurelina Prado representing the South Bexar Residents addressed the City Council in opposition to the proposed Annexation. Ms. Gracie Prado stated that she had moved out to the country to raise her children and did not want to be part of the city. Ms. Martinez stated that she lived in Area 4 and enjoyed living in the county. Ms. Aurelina Prado noted concerns with the lack of information provided to area residents and stated that she had received 437 signatures in opposition to the Annexation.

Dawn Wood addressed the City Council in opposition to the proposed Annexation and noted concerns for Veterans, Seniors and Low Income Families.

Roger Gray, Jesse Chacon, and Theresa Chacon addressed the City Council. Mr. Gray stated that he had been involved in said issue for many years and expressed concern with the lack of growth in City South. He asked why the areas were being proposed for Annexation and noted that the citizens could have legal recourse if they feel they have been negatively affected.

Dierdra McDonald, Karen McDonald, and Glen Pluchinsky addressed the City Council in opposition to the proposed Annexation. Ms. Dierdra McDonald stated that their small tire company was located in the area and expressed concern with the Code Compliance issues they would face if annexed. Mr. Pluchinsky added that he had moved to the county to work on cars and was pleased that there were no restrictions where he lived.

Sam Alvarado addressed the City Council in opposition to the proposed Annexation. He stated that he understood that the city had the right to annex property but expressed concern that the individuals living in the area had not been more informed throughout the process.

Ruben Delgado, Jr. expressed concern that more City Councilmembers had not attended the public hearing the previous evening.

Henry Rodriguez spoke against the proposed Annexation and noted that District 5 has been neglected. He suggested that the City take care of its current Districts before annexing other areas.

Ernest Chacon stated that part of his family's land was in the three mile buffer zone of Toyota and could not be developed. He added that the City should buy the land from them.

Lucy Adame Clark expressed opposition to the proposed Annexation. She stated that the information provided to the affected residents at a public meeting held on November 5, 2013 was very limited.

Robert Worley stated that his family owned property in Area 4 and they were opposed to the proposed Annexation. He noted that many individuals that had addressed the Planning Commission and City Council were also in opposition.

James Nation, Al Silva and Carlos Lopez addressed the City Council in opposition to the proposed Annexation. Mr. Nation stated that they owned property in Area 3 and operated Carlos' Motorcycle Shop. He expressed concern with the taxes and fees that they would be required to pay if annexed.

Darrell Willoughby urged the City Council to vote according to the Planning Commission's recommendation and oppose the proposed Annexation of a portion of Area 3 and Area 4.

Harry Pehl, Preston Pehl, and Felton Coston addressed the City Council in opposition to the proposed Annexation. Mr. Coston stated that he was representing the Car Corral, a small, family-owned used car dealership in Area 3. He expressed concern with the additional fees and taxes they would be required to pay. Mr. Pehl stated that they had been in operation for 37 years and also expressed concern with the additional fees they would have to pay.

Leslie Bettis Sr., Leslie Bettis Jr., and Jody Bettis addressed the City Council in opposition to the proposed Annexation. Mr. Bettis Jr. expressed concern with a high water bill that he had received in error and would have to pay if the area was annexed. He noted that the individuals living in the area had not been given enough notice and asked the City Council to follow the recommendation of the Planning Commission. Mr. Jody Bettis stated that he was the owner of the Car Corral and also expressed concern with the high water bills and other fees they would be required to pay.

Paul Carter addressed the City Council in opposition to the proposed Annexation. He stated that he owned property on the boundary line of Area 4 and asked the City Council to follow the recommendation of the Planning Commission to exclude their area.

Crystal Vargas stated that she was a small business owner in District 5 but had lived in South Bexar County for many years. She noted that she and many others in the area were opposed to the proposed Annexation and asked that more time be given to address their concerns.

There being no one else to speak, Mayor Castro thanked everyone that spoke and closed the Public Hearings.

**2013-12-05-0878**

49. An Ordinance waiving the requirements of Sections 4-6(c)(1), 4-6(c)(3), 4-6(c)(4), 4-6(d)(6) and 4-6(e)(1) of the of the City Code and authorizing the sale of alcoholic beverages on Lot 14, Block 33, NCB 376, currently addressed as 1515 North Main Avenue, for on-premise consumption within three-hundred (300) feet of San Antonio College located in Council District 1.

Councilmember Bernal stated that the requester was Luther's Restaurant and that they were a great business.

John Jacks stated that staff recommended two conditions if approved: 1) That the alcohol variance apply only to 1515 North Main Avenue Suite 103; and 2) That the authorization shall not transfer to different land uses other than the food service establishment.

Councilmember Bernal moved to adopt the proposed ordinance with the conditions read by Mr. Jacks. Councilmember Taylor seconded the motion. The motion prevailed by the following vote:

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

**Absent:** 2 - Krier and Soules

**2013-12-05-0879**

- Z-1. ZONING CASE # Z2014033 S (District 1): An Ordinance amending the Zoning District Boundary from "D RIO-4 AHOD" Downtown River Improvement Overlay-4 Airport Hazard Overlay District to "D S RIO-4 AHOD" Downtown River Improvement Overlay-4 Airport Hazard Overlay District with a Specific Use Authorization for a Gasoline Filling Station (Without Repair or Carwash) on 0.633 of an acre out of Lot 3, Block 3, NCB 929 located on a portion of the 100 Block of Cesar Chavez Boulevard and a portion of the 500 Block of South Flores Street as requested by Owner, HEB Grocery Company LLP. Staff recommends approval. Zoning Commission recommendation pending the December 3, 2013 public hearing.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.633 OF AN ACRE OUT OF LOT 3, BLOCK 3, NCB 929 TO WIT: FROM "D RIO-4 AHOD" DOWNTOWN RIVER IMPROVEMENT OVERLAY-4 AIRPORT HAZARD OVERLAY DISTRICT TO "D S RIO-4 AHOD"

DOWNTOWN RIVER IMPROVEMENT OVERLAY-4 AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A GASOLINE FILLING STATION (WITHOUT REPAIR OR CARWASH) PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Councilmembers Saldaña and Nirenberg exited the meeting and noted that they had provided their recusal forms to the City Clerk.

John Jacks presented Item Z-1 and noted that staff recommended approval and the Zoning Commission recommended approval with the following conditions subject to TCEQ Approval: 1) Gasoline storage tank(s) shall be double-walled and constructed of fiberglass material, and include a leak monitor within the interstitial space between the tank walls. 2) Underground fuel piping, from the fuel tank to each dispenser, shall be doubled walled. 3) Sumps shall be installed under each gasoline dispenser, including a liquid alarm sensor and dispenser cut-off safety system. 4) An anti-leak liner shall be installed within the gasoline storage tank hole and pipe chase area(s) to protect against fuel leakage into natural ground. 5) Each fuel tank shall be anchored to the ground with four concrete "deadmen" anchoring devices and permanent straps to secure each and to ensure that they remain in stable location. 6) All anti-leak monitors, once activated, shall disable the respective fuel dispenser or system until resolved, and notify monitoring personnel at HEB corporate offices.

He reported that of 11 notices mailed; none were returned in favor or in opposition.

Councilmember Bernal moved to adopt the proposed ordinance with the conditions recommended by the Zoning Commission and read by Mr. Jacks. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

**Aye:** 7 - Mayor Castro, Bernal, Taylor, Viagran, Gonzales, Lopez and Medina

**Absent:** 2 - Krier and Soules

**Abstain:** 2 - Saldaña and Nirenberg

#### WITHDRAWN BY APPLICANT

**Z-4.** ZONING CASE # Z2012157 (District 1): An Ordinance amending the Zoning District Boundary from "HS MF-33 NCD-1 AHOD" Historic Significant Multi-Family South Presa Street/South St. Mary's Street Neighborhood Conservation Airport Hazard Overlay District to "HS IDZ NCD-1 AHOD" Historic Significant Infill Development Zone South Presa Street/South St. Mary's Street Neighborhood Conservation Airport Hazard Overlay District with uses permitted in "MF-33" Multi-Family District and "NC" Neighborhood Commercial District on Lot 16, Block 4, NCB 732 located at 206 Sadie Street. Staff and Zoning Commission recommend approval.  
(Continued from October 17, 2013)

Items P-1 and Z-6 were addressed jointly:

**CONTINUED UNTIL DECEMBER 19, 2013**

**P-1.** PLAN AMENDMENT #13051 (District 1): An Ordinance amending the future land use plan contained in the Near Northwest Community Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of a 2.0131 acre tract of land located at 244 and 250 Sherwood Drive from Urban Low Density Residential land use to Community Commercial land use. Staff recommends denial and Planning Commission recommends approval. (Associated Zoning Case # Z2013211)

**CONTINUED UNTIL DECEMBER 19, 2013**

**Z-6.** ZONING CASE # Z2013211 (District 1): An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on Lots 51, 52 and the east 12 feet of Lot 9, Block 2, NCB 8417 located at 244 and 250 Sherwood Drive. Staff recommends denial. Zoning Commission recommends approval, pending the plan amendment. (Associated Plan Amendment Case # 13051)

John Jacks presented Item P-1 and stated that it would amend the future land use plan contained in the Near Northwest Community Plan. He reported that staff recommended denial with an alternate recommendation of Neighborhood Commercial and the Planning Commission recommended approval. For Item Z-6, he stated that staff recommended denial and the Zoning Commission recommended approval. He reported that of 19 notices mailed; four were returned in favor and none were received in opposition. He added that the Los Angeles Heights Neighborhood Association was in support of the request.

Councilmember Bernal moved to continue Items P-1 and Z-6 until December 19, 2013. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

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

**Absent:** 3 - Saldaña, Krier and Soules

**DENIED**

**P-2.** PLAN AMENDMENT #13052 (District 1): An Ordinance amending the future land use plan contained in the Near Northwest Community Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of a 0.8368

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acre tract of land located at 256 Sherwood Drive from Urban Low Density Residential land use to Community Commercial land use. Staff recommends denial and Planning Commission recommends approval. (Continued from November 21, 2013)

John Jacks presented Item P-2 and stated that it would amend the future land use plan contained in the Near Northwest Community Plan. He reported that staff recommended denial with an alternate recommendation of Neighborhood Commercial while the Planning Commission recommended approval.

Councilmember Bernal moved to deny Item P-2. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

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

**Absent:** 3 - Saldaña, Krier and Soules

#### **DENIED**

**Z-10.** ZONING CASE # Z2013219 (District 5): An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-4 IDZ AHOD" Residential Mixed Infill Development Zone Airport Hazard Overlay District on the east 50 feet of the west 250 feet of Lot 6 or Lot A-10, NCB A-16 located at 222 Clay Street. Staff recommends approval. Zoning Commission recommends denial.

John Jacks presented Item Z-10 and stated that staff recommended approval and the Zoning Commission recommended denial. He reported that of 22 notices mailed; two were returned in favor and seven were received in opposition.

Mayor Castro called upon the individuals registered to speak.

Martha Sandoval addressed the City Council in opposition to the request noting that the space was too small for a four-plex. She noted that the street was too narrow and that there would be issues with parking if approved.

Michelle Cruz addressed the City Council in opposition to the request and stated that she was concerned with the encroachment on all sides of the setbacks. She noted that the street was too narrow and would create an unsafe pedestrian area.

Carlos Cruz addressed the City Council in opposition to the request. He stated that they were excited with the development occurring in the area but concerned with the Zoning Process. He mentioned that the Zoning Commission had noted concerns with four units being placed on the narrow plot of land.

Councilmember Gonzales moved to deny Item Z-10. Councilmember Bernal seconded the motion. The motion prevailed by the following vote:

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

**Absent:** 3 - Taylor, Krier and Soules

#### **PULLED FROM THE AGENDA BY STAFF**

**P-3. MAJOR THOROUGHFARE PLAN AMENDMENT 13002:** An Ordinance amending the Major Thoroughfare Plan, a component of the City of San Antonio Master Plan, by: (1) Realigning a proposed segment of the North/South Connector, a Secondary Arterial Type A requiring 86 feet of right-of-way, between Potranco Road and Marbach Road on the Major Thoroughfare Plan; and (2) Realigning a proposed segment of Marbach Road, a Secondary Arterial Type A requiring 86 feet of right-of-way, on the Major Thoroughfare Plan between Grosenbacher Road and Highway 211, generally located in west Bexar County.

Items P-4 and Z-13 were addressed jointly.

#### **2013-12-05-0888**

**P-4. PLAN AMENDMENT #13053 (District 8):** An Ordinance amending the future land use plan contained in the North Sector Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of a 6.75 acre tract of land located at 4949 Hamilton Wolfe from Regional Center to Mixed Use Center. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014007)

#### **2013-12-05-0889**

**Z-13. ZONING CASE # Z2014007 (District 8):** An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District and "C-3R" General Commercial Restrictive Alcoholic Sales District to "MF-40" Multi-Family District allowing a fence up to eight (8) feet in height surrounding the subject property in accordance with Section 35-514 (d)(2)(D) of the Unified Development Code on Lot 10, Block 3, NCB 17171 located at 4949 Hamilton Wolfe. Staff and Zoning Commission recommend approval, pending the plan amendment. (Associated Plan Amendment Case # 13053)

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 10, BLOCK 3, NCB 17171 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT AND "C-3R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES DISTRICT TO "MF-40" MULTI-FAMILY DISTRICT.

John Jacks presented Item P-4 and stated that it would amend the future land use contained in the North Sector Plan. He noted that staff and the Planning Commission recommended approval. For Item Z-13, he stated that staff and the Zoning Commission recommended approval. He reported that of 272 notices mailed; four were returned in favor and 37 were received in opposition.

Mayor Castro called upon Deborah Wright to speak.

Ms. Deborah Wright spoke in opposition to said items and stated that she was one of the 272 property owners that lived in the condominiums neighboring the property. She expressed concern with the additional density and indicated that the three additional buildings would make the area an eyesore due to their immense size. She added that she collected signatures from 56 property owners in opposition .

Councilmember Nirenberg asked of the material change to the height. Mr. Bill Kaufman replied that under the existing zoning, they could go up to the 52 feet required due to the setbacks. Councilmember Nirenberg asked of the communication that had occurred with the community. Mr. Kaufman responded they met with the 165 Association, Garden Condominiums, and mailed 225 letters asking for input. Councilmember Nirenberg asked of the units per acre that would be built. Mr. Kaufman replied the commitment was not to build more than 37 units per acre. Councilmember Nirenberg asked of the fence height. Mr. Kaufman replied that they were requesting authorization to build an 8-foot fence and would work with the community to address their concerns. Councilmember Nirenberg stated that the property was adjacent to the Medical Center and in need of quality housing.

Councilmember Nirenberg moved to adopt the proposed ordinances with the conditions agreed to by the developer not to build more than 37 units per acre and an 8-foot fence dependent on community conversation. 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

**2013-12-05-0892**

**Z-15.** ZONING CASE # Z2013172 ERZD (District 8): An Ordinance amending the Zoning District Boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "PUD R-5 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District on 25.8 acres out of Lots 9, 10, 11, 12, 13 and 14, NCB 18047 located on a portion of the 11600, 11700 and 11800 Blocks of South Hausman 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: 25.8 ACRES OUT OF LOTS 9, 10, 11, 12, 13 AND 14, NCB 18047 TO WIT: FROM "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "PUD R-5 ERZD" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT.

John Jacks presented Item Z-15 and stated that staff and the Zoning Commission recommended approval. He noted that SAWS recommended a maximum impervious cover of 30%. He reported that of 36 notices mailed; five were returned in favor and none were received in opposition.

Councilmember Nirenberg moved to adopt the proposed ordinance. Councilmember Medina 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

Mayor Castro addressed Items 5A and 5B at this time.

The City Clerk read the following captions:

5. Consideration of the following items related to redevelopment of Hemisfair Park: [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development]

**2013-12-05-0833**

A) A public hearing and Ordinance declaring a change in use of portions of parkland located in Hemisfair Park consistent with the Hemisfair Park Redevelopment Project Framework and Master Plan approved by City Council pursuant to Ordinance 2012-02-09-0084 and dedicating no less than 18 acres of public squares and park land at Hemisfair Park in accordance with the requirements of Texas Local Government Code Section 379C.014.

**2013-12-05-0834**

B) An Ordinance adopting an Urban Land Bank Demonstration Program for Hemisfair Park, approving the Hemisfair Park Public Facilities Corporation as a land bank entity in accordance with Texas Local Government Code Section 379C.014 Land Used for World Exposition, and transferring portions of Hemisfair Park property to the Corporation, subject to restrictive covenants limiting hotel development imposed by the City pursuant to Ordinance 2013-10-17-0711.

Assistant City Manager Carlos Contreras presented on the Park Dedication in Hemisfair Park and Establishment of a Land Bank. He stated that staff recommended that the City Council declare a change in the use of existing 14.97 acres of Parkland and dedicate 18.47 acres of Public Square and Parkland at Hemisfair Park. Additionally, staff requested adoption of an Urban Land Bank Demonstration Program and approval of the Hemisfair Park Public Facilities Corporation (PFC) as the Land Bank. He noted that they further request transfer of 14.45 acres to the Land Bank subject to restrictive covenants approved by the City Council.

Mr. Contreras stated that the City Council would convene as the Hemisfair Park PFC to approve Bylaws, and appoint Officers. He noted that they would acknowledge approval of the PFC as a Land Bank and accept the deed to 14.45 acres within Hemisfair Park. He explained that the Hemisfair Park Redevelopment Framework and Master Plan was unanimously approved by the City Council in February 2012. He reported that the 83rd Legislature approved a bill which provides the City Council with the authority to sell, lease or transfer land in Hemisfair if the land is conveyed to a Land Bank prior to January 1, 2014; and that at least 18 acres of land in Hemisfair are dedicated as Park. He added that the actions by the City Council and Hemisfair Park PFC support the ongoing redevelopment of Hemisfair Park as envisioned by the City Council when it adopted the Hemisfair Park Redevelopment Project Framework and Master Plan.

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

Michael Berrier addressed the City Council and stated that the Lavaca Neighborhood Association was in support of the staff recommendations.

Mary Torres representing the San Antonio Mission Indigenous Lineal Descendants addressed the City Council in opposition to said items. She expressed concerns with the parking lot at Hemisfair built over sacred grounds and noted that it was an archeological site.

Curtis Bowers stated that he had been a resident of the Lavaca Neighborhood for seven years and was in support of the staff recommendations. He noted that the redevelopment of Hemisfair would strengthen the community and revitalize the Downtown Area.

Lewis T. Tarver, Chairman of the Tres Sentorias Foundation addressed the City Council in support of the staff recommendations. He stated that they were a tax-exempt foundation organized to provide civic space for major internationally recognized sculptures. He mentioned that during Hemisfair '68, many art pieces were brought to San Antonio but did not remain.

Lance Aaron addressed the City Council in opposition to the staff recommendations and noted his concern that 18.5 acres was not sufficient Parkland. He spoke of the construction that had occurred at Hemisfair and noted concerns that an appropriate survey of the area had not been conducted.

Mary Jane Martinez addressed the City Council and asked that their sacred land be preserved.

Nancy Avellar, Former President of the San Antonio Conservation Society addressed the City Council in support of the Land Bank (Item 5B). She stated that on October 16, 2013, their Board had approved the acceptance of a Declaration of Restrictive Covenant limiting the amount of hotel usage permitted in Hemisfair.

Susana Segura, Marisol Cortez, and Itza Carbajal of the Esperanza Peace and Justice Center addressed the City Council. Ms. Cortez spoke of the use of the Urban Land Bank to affect changes in land use required to develop Hemisfair Park as a residential and urban core. She indicated that Land Banks should be used to create affordable housing and not tools for specific developments. She requested that the item be tabled until a Land Bank can be created to address the issue of affordable Downtown Housing.

Bill Shown of the Hemisfair Park Area Redevelopment Corporation addressed the City Council in support of the staff recommendations. He stated that they had been working on the project for four years and had performed a great amount of community outreach.

Richard Rosen, Executive Director of the Magik Theatre addressed the City Council in support of the staff recommendations. He stated that they were committed to Hemisfair Park and were excited about the future.

Mayor Castro thanked everyone for their work on said items and stated that this was a great day for Hemisfair Park. He noted his hope was to create one of the most spectacular Urban Parks in the United States.

Councilmember Bernal stated that he was pleased with the increase in usable green space at Hemisfair Park. He noted that he would like to ensure that the Park's original purpose and spirit is honored and thanked everyone for their work.

Councilmember Krier stated that he was pleased with the great amount of work and input on the proposal and asked how it was different from previous proposals for Hemisfair Park. Mr. Andres Andujar replied that they had support from the 2012 Bond and noted the great investment in the Convention Center Expansion Project.

Councilmember Bernal moved to adopt the proposed ordinances for Items 5A and 5B. 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

Mayor Castro recessed the San Antonio City Council Meeting and convened the Hemisfair Park Public Facilities Corporation to consider the following:

**HPPFC 2013-12-05-0001R**

C) A Resolution adopting Bylaws for and appointing officers of the Hemisfair Park Public Facilities Corporation

**HPPFC 2013-12-05-0002R**

D) A Resolution acknowledging the approval by the City Council of the Hemisfair Park Public Facilities Corporation as a land bank in accordance with Texas Local Government Code Section 379C.014, accepting title to portions of Hemisfair Park owned by the City of San Antonio, subject to restrictive covenants, and other matters necessary and incidental to the foregoing.

Director Viagran moved to approve the resolutions for Items 5C and 5D. Director 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

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*Mayor Castro adjourned the Hemisfair Park Public Facilities Corporation Meeting and reconvened the San Antonio City Council Meeting.*

**2013-12-05-0835**

6. An Ordinance confirming the appointment of Robbie Greenblum as the City Attorney of the City of San Antonio. [Sheryl Sculley, City Manager]

City Manager Sculley stated that she recommended the confirmation of the appointment of Robbie Greenblum as the City Attorney for the City of San Antonio. She noted that they had advertised for the position and received 43 applications. She mentioned that a Committee of Executive Staff reviewed the applications and selected five candidates to interview. She stated that a panel which included her had interviewed five candidates and recommended Robbie Greenblum.

Mayor Castro called upon Mr. Jack M. Finger to speak.

Mr. Jack M. Finger spoke in opposition to the appointment of Robbie Greenblum as City Attorney and stated that Mr. Greenblum had not practiced law for five years immediately preceding his appointment.

Mayor Castro commended City Attorney Michael Bernard for his work and asked of the requirement of practicing law prior to appointment. Mr. Bernard stated that the Charter required the practice of law the proceeding three years. He noted that the rendering of legal advice or providing a legal opinion was considered a practice of law and Robbie had done so over the past four years. Mayor Castro stated that he was pleased to support the appointment of Robbie Greenblum as the City Attorney.

The City Council expressed support for the appointment of Robbie Greenblum as City Attorney and spoke of his great work. The Council commended Michael Bernard for his work and wished him well in his future endeavors.

Councilmember Bernal moved to adopt the proposed ordinance appointing Robbie Greenblum as the City Attorney for the City of San Antonio. 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

Mrs. Vacek administered the Statement of Appointed Officer and Oath of Office to Robbie Greenblum, City Attorney.

Mr. Greenblum thanked the City Council and stated that he looked forward to representing the city in the same manner of integrity, dedication, and intelligence as Mr. Bernard had done.

Mayor Castro presented an Official Citation to Michael Bernard and thanked him for his service. Mr. Bernard thanked his family, staff and City Council for their support during his service as City Attorney. He wished Mr. Greenblum well on his appointment and stated that the city was lucky to have him as City Attorney.

**ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 6:20 pm.

APPROVED



JULIÁN CASTRO  
MAYOR

ATTEST:



LETICIA M. VACEK, TRMC/MMC  
CITY CLERK