

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



DRAFT

**Meeting Minutes
City Council A Session**

City Hall Complex
105 Main Plaza
San Antonio, Texas 78205

Thursday, June 22, 2017

9:00 AM

Municipal Plaza Building

The City Council convened in a Special Council Meeting. City Clerk Leticia Vacek took the Roll Call noting the following Councilmembers present:

PRESENT: 10 - Mayor Nirenberg, Treviño, Shaw, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Courage and Perry

ABSENT: 1 - Pelaez

Mrs. Vacek announced that Councilmember Pelaez was testifying in Federal Court and would not be present.

1. The Invocation was delivered by Father Kevin Fausz, Pastor, Holy Redeemer Catholic Church, guest of Councilmember William "Cruz" Shaw, District 2.
2. Mayor Nirenberg led the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA ITEMS

Items 3A&B, 14, 22, 24A-D, and 28A&B were pulled for Individual Consideration. Mayor Nirenberg announced that Item 19 was pulled from the agenda by staff. Councilmember Treviño moved to approve the remaining Consent Agenda Items. Councilmember Viagran seconded the motion.

Mayor Nirenberg called upon the citizens registered to speak on the Consent Agenda Items.

Jack M. Finger spoke in support of the amendment and restating of the Beacon Hill Area Neighborhood Conservation District (Item 14). He expressed opposition to the Resolution in support of the Paris Climate Agreement (Item 22).

Bill Copeland presented a petition to support the Shannon Lee Bridge.

Brett Johnson stated that he was the Regional Manager for Voice Products which provides audio recordings for 9-1-1 Centers. He expressed concern with the selected vendor and stated that he believed there had been a scoring error (Item 4).

Councilmember Shaw thanked Charles C. Butt for the \$1,000,000 donation for improvements to Lincoln Park (Item 11).

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

AYE: 10 - Mayor Nirenberg, Treviño, Shaw, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Courage and Perry

ABSENT: 1 - Pelaez

2017-06-22-0486

4. An Ordinance authorizing an agreement with Digital Markets, Inc., d/b/a Vista Com, for the purchase and installation of logging recorders for the San Antonio Police (SAPD), San Antonio Fire (SAFD), Information Technology Services Department (ITSD), Bexar County and Bexar Met 911 for an initial cost of \$1,009,575.00 funded from the FY 2017 to FY 2022 Capital Improvement Program Budget, authorizing expenditures for maintenance and support for seven additional years for an estimated cost of \$1,087,560.00 and workforce management functionality for a monthly cost of \$7,392.00 funded from the ITSD Operating Fund Budget, for a total contract value of \$2,806,767.00. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2017-06-22-0487

5. An Ordinance authorizing an annual contract with Churchill Navigation, Inc. to provide the Police Department with the purchase of up to four Helicopter Mapping Systems for a total cost of up to \$518,000.00, funded from the 2015 State Homeland Security Program (SHSP). [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2017-06-22-0488

6. An Ordinance accepting the bid from QStar Technology, LLC to provide the Development Services Department with cameras to deter illegal dumping for a total cost of \$66,946.00, funded from the Smart City Project FY 2017 Adopted Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2017-06-22-0489

7. An Ordinance authorizing an amendment to revise the northern project limits from Huebner Road to Fawn Meadows for the Medical Center Infrastructure Improvements along Floyd Curl Project, a Certificates of Obligation and federally funded project, located in Council District 8. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

2017-06-22-0490

8. An Ordinance for the 2017-2018 Reconstruction-Reclamation Contract Package 7, accepting the lowest responsive bid and awarding a contract to J & P Paving Co., Inc. in an amount not to exceed \$3,863,978.96, of which \$97,872.00 will be reimbursed by San Antonio Water System (SAWS) for necessary adjustments to existing infrastructure. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

9. Consideration of the following items related to the Marina Electrical Retrofits Project, a Self-Supporting Certificates of Obligation funded project, located in Council District 1: [Lori Houston, Assistant City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]:

2017-06-22-0491

- 9A. An ordinance amending the FY 2017-2022 Capital Improvements Program and appropriating \$2,635,000.00 in Unissued Self-Supporting Certificates of Obligation to the River Barge Design and Construction capital project, and approving Pre-Design and Design expenses not to exceed \$165,000.00 to be funded in the

capital project.

2017-06-22-0492

- 9B.** An ordinance authorizing a task order to a Job Order Contract, payable to Kencon Constructors Ltd. in the amount not-to-exceed \$1,545,100.00 and authorizing a task order to a Job Order Contract, payable to Davila Construction, Inc. in the amount not-to-exceed \$425,428.00.

2017-06-22-0493

- 10.** An Ordinance authorizing a task order to a Job Order Contract with Alpha Building Corporation in an amount not to exceed \$339,290.20 for the HVAC upgrades to building 1039 at the San Antonio International Airport, an Airport Capital Improvements Funds project, located in District 9. [Carlos Contreras, Assistant City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

2017-06-22-0494

- 11.** An Ordinance accepting \$1,000,000.00 from Charles C. Butt to the City of San Antonio towards improvements to Lincoln Park, a 2017-2022 Bond Project, located in Council District 2 and authorizing the execution of a Donation Agreement between the City of San Antonio, the Tricentennial Celebration Commission and Mr. Charles C. Butt [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

2017-06-22-0495

- 12.** An Ordinance authorizing the acquisition, jurisdiction, control and maintenance of a portion of right-of-way currently known as Avenue B between Newell Avenue and Pearl Parkway in Council District 1 from the Texas Department of Transportation. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Transportation & Capital Improvements]

2017-06-22-0496

- 13.** An Ordinance authorizing the submission of a grant application in the amount of \$50,000.00 to the Fox Theatre Institute Preservation Grant Program for the purpose of purchasing and installing equipment in the Jo Long Theatre and Little Carver Civic Center, accepting funds upon award, providing matching funds and authorizing any necessary agreements. [Carlos J. Contreras III, Assistant City Manager; Michael J. Sawaya, Director, Convention & Sports Facilities]

- 15.** Consideration of the following Board, Commission and Committee appointments for the remainder of unexpired terms of office to expire May 31, 2019, 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 Victoria R. Davis (District 3) to the San Antonio Youth Commission.

B) Reappointing Frederick A. Andis (District 3) to the Building Standards Board.

C) Reappointing Michelle R. Krupa (District 3) to the Brooks Development Authority.

2017-06-22-0029R

16. A Resolution appointing Mayor Ron Nirenberg to the SA Energy Acquisition Public Facility Corporation Board of Directors for the remainder of an unexpired term of office to expire January 31, 2019.[Leticia M. Vacek, City Clerk]

2017-06-22-0030R

17. A Resolution of the City of San Antonio Affirming the Charter for Compassion [María Villagómez, Assistant City Manager; Melody Woosley, Director, Human Services]

2017-06-22-0498

18. An Ordinance authorizing acceptance of a professional services contract with Dr. Ivan Edwards, dba IEME, LLC. to provide medical oversight to the San Antonio Fire Department's Health and Wellness Program for a total contract value of \$276,480.00. [Erik J. Walsh, Deputy City Manager; Charles N. Hood, Fire Chief]

PULLED FROM THE AGENDA BY STAFF

19. An Ordinance authorizing an On Call Solid Waste Consulting Services agreement with Burns & McDonnell Engineering Company, Inc. in an amount not to exceed \$150,000.00 annually, for as-needed projects in various Council Districts, funded by the Solid Waste Operating and Maintenance Fund. [Roderick Sanchez, Assistant City Manager; David W. McCary, Director, Solid Waste Management]

2017-06-22-0499

20. An Ordinance authorizing an extension of a professional services contract with Laboratory Corporation of America Holdings (LabCorp) to provide medical laboratory testing for the San Antonio Fire Department Wellness Center beginning January 1, 2018 through December 31, 2018 in an amount not to exceed \$60,000. [Erik J. Walsh, Deputy City Manager; Charles N. Hood, Fire Chief]

2017-06-22-0500

21. An Ordinance scheduling a City Council meeting for Thursday, June 29, 2017 at 9:00 am. [Leticia M. Vacek, City Clerk]

2017-06-22-0501

23. An Ordinance authorizing the Aviation Director to negotiate and execute an aircraft display agreement between the City of San Antonio and the Witte Museum for the loan of restored Curtiss JN-4D biplane to be displayed at the San Antonio International Airport. [Carlos Contreras, Assistant City Manager; Russell Handy, Director, Aviation]

2017-06-22-0032R

25. Consideration of a Resolution of No Objection to Medio Springs, L.P.'s application to the Texas Department of Housing and Community Affairs for non-competitive 4% housing tax credits for the development of Medio Springs Ranch Apartments, a multifamily affordable housing development located at 1530 Marbach Oaks in unincorporated Bexar County. [Peter Zanoni, Deputy City Manager; Bridgett White, Director, Planning & Community Development]
26. Consideration of the following Ordinances and Resolution relating to the general obligation debt matters of the City of San Antonio, Texas: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2017-06-22-0033R

- 26A. A Resolution establishing the City's intent to reimburse itself for the prior lawful expenditure of funds from the proceeds of one or more series of tax exempt or taxable obligations to be issued by the City for authorized purposes and as further designated by series and federal tax treatment; authorizing other matters incident and related thereto; and providing for an effective date.

2017-06-22-0506

- 26B. An Ordinance authorizing the issuance of the City of San Antonio, Texas Tax Notes, Series 2017, in an aggregate principal amount not to exceed \$25,000,000, and authorizing other matters incident and related thereto.

2017-06-22-0507

- 26C. An Ordinance authorizing the issuance of the City of San Antonio, Texas Combination Tax and Revenue Certificates of Obligation, Series 2017, in an aggregate principal amount not to exceed \$95,000,000, and authorizing other matters

incident and related thereto.

2017-06-22-0508

- 26D.** An Ordinance authorizing the issuance of the City of San Antonio, Texas General Improvement Bonds, Series 2017, in one or more series and in an aggregate principal amount not to exceed \$105,000,000, and authorizing other matters incident and related thereto.

2017-06-22-0509

- 27.** An Ordinance authorizing the City of San Antonio's participation in CPS Energy's SolarHostSA Program for the installation, operation and maintenance of solar installations on City facilities; approval for City departments to enter into a solar license agreement with PowerFin SolarMundo, LLC, for a term of twenty years, with two five-year renewal options; and acceptance of host credits, for City facilities participating in the SolarHostSA Program, on their monthly CPS Energy bill in an amount not to exceed \$0.03 per total kilowatt hours (kWH) of the "Net Electricity" received by CPS Energy from the solar installation. [Roderick Sanchez, Assistant City Manager; Douglas Melnick, Chief Sustainability Officer]

CONSENT ITEMS CONCLUDED

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

Items 3A and 3B were addressed jointly. City Clerk Vacek read the captions for Items 3A and 3B:

- 3.** Consideration of the following items related to annual contracts to provide the San Antonio Fire Department EMS Division with Zoll X-Series 12 Lead Defibrillators, Proprietary and Non-Proprietary Accessories, X-Series Service Plans and Extended Warranty, and Monitor Repair Services: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2017-06-22-0484

- 3A.** An ordinance authorizing acceptance of an offer from MedWheels, Inc. to provide an annual contract for Zoll "X-Series 12 Lead Defibrillator Accessories" for a total estimated annual amount of \$887,000.00 for an initial term of two years, with options to renew for three additional one-year terms, funded from the Fire Department annual General Fund budget.

2017-06-22-0485

- 3B.** An ordinance authorizing acceptance of an offer from Zoll Medical Corporation to provide an annual contract for Zoll “X-Series Manual Monitor/Defibrillators, Ancillary Proprietary Supplies, Service Plans and Extended Warranty, and Monitor Repair Services” for a total estimated annual amount of \$324,000.00 for an initial term of two years, with options to renew for three additional one-year terms, funded from the Fire Department annual General Fund budget.

Councilmember Shaw requested a brief presentation. Troy Elliott provided an overview of the procurement of defibrillators for the Fire Department. He noted that they had conducted two solicitation processes for the X-Series Defibrillators and Accessories. He noted that during the original solicitation; they received two proposals and recommended the award to Zoll Medical Corp. However, the City Council referred the item to the Audit Committee to evaluate alternatives. He explained that there were proprietary and third party items and staff recommended awarding the proprietary items to Zoll. For the third party items, he noted that there were two bidders; Mercy Medical and MedWheels. He indicated that staff recommended awarding the third party items to MedWheels.

Mayor Nirenberg called upon the citizens registered to speak.

Siew Pang stated that she was the Chairwoman for the Hispanic Chamber of Commerce Small Business Committee and they were in support of the award to MedWheels. She stated that she was pleased that the funds would stay local and create jobs.

Grace Gonzales expressed her support for the award to MedWheels noting that it was a big win for the City of San Antonio within the Commodities Category. She added that she hoped the city would consider debundling other contracts to offer opportunities for small businesses.

Michael Berlanga, President of the Christian Chamber of Commerce, addressed the City Council in support of the award to MedWheels. He stated that he was pleased that the city was offering small and minority-owned businesses more opportunities to be part of the procurement process.

Jane Gonzalez, Owner of MedWheels, thanked the City Council and city staff for the recommendation.

Councilmember Shaw asked of parameters that have been implemented to debundle bids to provide an opportunity for small businesses. Mr. Elliott replied that they were working with

the Economic Development Department and stakeholders to look at debundling contracts when possible.

Councilmember Gonzales expressed her support for MedWheels and recognized the Small Business Advocacy Committee for their efforts. Councilmember Saldaña spoke of the process that had been utilized and expressed his support for MedWheels.

Councilmember Viagran and Councilmember Treviño expressed their support and thanks to all for their work. Mayor Nirenberg stated that good things happened when people worked together and expressed his support.

Councilmember Shaw moved to adopt the Ordinances for Items 3A & 3B. Councilmember Gonzales seconded the motion. The motion prevailed by the following vote:

AYE: 10 - Mayor Nirenberg, Treviño, Shaw, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Courage and Perry

ABSENT: 1 - Pelaez

City Clerk Vacek read the caption for Item 14:

2017-06-22-0497

- 14.** An Ordinance amending Chapter 35 of the City Code, specifically 35-335 "NCD" Neighborhood Conservation District, and amending and restating "NCD-5" Beacon Hill Area Neighborhood Conservation District. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

Michael Shannon provided an overview of the Beacon Hill Neighborhood Conservation District (NCD) that was created in 2005 and had experienced different development patterns for multi-family residential projects. He explained that an NCD was a zoning overlay classification that addresses the appropriateness of new construction and renovations through enforceable design standards. He noted that it does not require property owners to rehabilitate existing structures to conform to standards or enforce deed restrictions. He mentioned that they had worked closely with the Beacon Hill Working Groups and drafted the ordinance in coordination with the Neighborhood Association. He added that the change would only affect design standards; not zoning or NCD boundaries. He noted a key change regarding building size and height, as well as a minimum front setback. He provided an overview of commercial design standards noting key changes on fencing and setbacks. He stated that staff recommended approval of the proposed Unified Development Code Amendments regarding changes to the Beacon Hill NCD.

Mayor Nirenberg called upon the citizens registered to speak.

Dawn Hanson stated that she lived in Beacon Hill and was opposed to the revisions. She indicated that the proposed standards could inflate housing costs, increase homelessness, and exacerbate racial and income segregation, limit housing diversity, and choices for renters.

Indica Hanson stated that she was a renter in Beacon Hill and opposed to the revisions. She noted her concern that the standards would make housing less affordable and take away housing variety and choices.

Cynthia Spielman, President of the Beacon Hill Neighborhood Association, spoke in support of the revisions. She thanked Councilmember Treviño and noted the many meetings to gather input on said item.

Councilmember Treviño thanked the Beacon Hill Residents for their work and stated that this was a great example of how to update NCDs. He added that this was a great first step but there was much more work to be accomplished.

Councilmember Courage asked if converted garage or carriage houses were included. Mr. Shannon replied that they were allowed as an accessory dwelling to a single-family zoned property. Councilmember Courage stated that staff should analyze housing affordability as a guideline to help future development.

Councilmember Sandoval expressed her support and asked that staff consider the concerns of renters when updating neighborhood plans in the future.

Councilmember Treviño moved to adopt the Ordinance for Item 14. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

AYE: 9 - Mayor Nirenberg, Treviño, Shaw, Viagran, Saldaña, Gonzales, Brockhouse, Courage and Perry

ABSENT: 2 - Sandoval and Pelaez

Note: Item 14 was reconsidered. Please see page 21 below.

City Clerk Vacek read the caption for Item 22:

2017-06-22-0031R

22. A Resolution of the City of San Antonio in support of the Paris Climate Agreement

[Roderick Sanchez, Assistant City Manager; Douglas Melnick, Chief Sustainability Officer]

Doug Melnick provided an overview of the Resolution in support of the Paris Climate Agreement. He stated that the SA Tomorrow Sustainability Plan was adopted on August 11, 2016 and contained foundational elements of climate action. He noted that they recommended developing a Climate Action Plan and studying future San Antonio specific climate projections. He provided an overview of current Climate Mitigation Programs such as Under 1 Roof, Urban Forestry Program, and VIA Fleet Replacement Program. He spoke of the Paris Climate Agreement, a voluntary, non-binding agreement within the United Nations Framework Convention on Climate Change addressing greenhouse gas emissions. He reported that on June 1, 2017; President Trump announced his intent to withdraw the United States from the agreement. However, December 2019 is the earliest that the United States could officially withdraw from the climate accord. He stated that the Mayor's National Climate Action Agenda (MNCAA) was founded in 2015 by Los Angeles Mayor Eric Garcetti, Former Houston Mayor Annise Parker, and Former Philadelphia Mayor Michael Nutter. Beginning June 1, 2017, the MNCAA requested that Mayors join them to sign on to an MNCAA statement in support of the Paris Climate Accord. He noted that the Resolution will acknowledge the current scientific consensus and impacts of climate change as well as the current steps that San Antonio has taken to reduce greenhouse gas emissions.

Mayor Nirenberg called upon the citizens registered to speak.

Bob Thompson noted that he teaches environmental courses at UTSA and expressed support for the resolution.

Peter Bella stated that he served on the Alamo Area Council of Governments (AACOG) previously and expressed support for the resolution.

Dr. Keith Muhlestein, Scientist at UTSA, stated that he was representing UTSA in support of the Paris Climate Agreement and that UTSA was also trying to reduce its carbon footprint.

Greg Harmon stated that what is done in San Antonio matters to the entire planet and expressed support for the resolution.

Anita Leadbetter stated that she was the Director of Build San Antonio and supportive of the resolution.

David Plylar stated that he was glad that San Antonio was joining many cities in support of

the Paris Climate Agreement.

Meredith McGuire, Co-Chair of the Conservation Committee of the Alamo Group of the Sierra Club, stated that she was representing the Sierra Club in support of the resolution.

Tyler Seiboldt stated that he was also representing UTSA in support of the resolution.

Mark Vargas expressed his support of the Paris Climate Agreement and stated that the city should continue initiatives to protect its future.

Matthew James Baiza noted that he suffered from asthma and was supportive of the resolution.

Dr. Janis Bush, Chair of the Environmental Science and Ecology Department at UTSA, spoke in support of the resolution.

Darla Reid stated that she was an Environmental Scientist at UTSA and supportive of the resolution.

Russell Seal stated that he was a member of the Sierra Club and supportive of the resolution.

Dr. Gwen Young stated that she was a Scientist and Educator at UTSA and supportive of the resolution.

Dr. Matthew Grunstra stated that he was also a Scientist and Engineer at UTSA in support of the resolution.

Julian Chavez stated that he worked as a Research Science Associate in the Environmental Science Department at UTSA and was supportive of the resolution.

Alan Montemayor stated his support of the resolution.

Manuel De La O, Margarita Flores, and Jessica O. Guerrero representing the Vecinos de Mission Trails noted their support of the resolution. Mr. De La O spoke of the importance of protecting the environment. Ms. Flores noted the importance of educating the community on sustainable practices.

Wendell Fuqua stated that he was a member of the Sierra Club in support of the resolution.

Alex Trevino stated that he was a student at UTSA and supportive of the resolution.

Esteban Stipnieks stated that he had studied Environmental Science and spoke of the effects of greenhouse gases. He expressed support for the resolution.

Ruben Martinez stated that San Antonio was his home town and expressed support for the resolution.

Father David Garcia congratulated the City Council for addressing this issue on their first day in office and expressed the need to address climate change.

Councilmember Sandoval stated that the quality of life would increase if greenhouse gases were reduced. She stated that the resolution was a commitment to create new jobs, reduce utility usage, open transportation options, and make the air cleaner. She added that they would be joining many cities throughout the country acknowledging the need for action now.

Councilmember Sandoval moved to approve the Resolution. Councilmember Treviño seconded the motion.

Councilmember Saldaña stated his full support of the resolution and that San Antonio would continue its efforts to protect the environment. He asked of the rationale of the Governor for the line item veto on funding for AACOG. Jeff Coyle replied that the Governor felt that the programs should be locally funded and that funds should be allocated to areas that were already in non-attainment. Councilmember Saldaña stated that the city was reaffirming the smart thing to do on a number of different levels economically and environmentally.

Councilmember Gonzales stated that this was an important resolution but expressed concern that it may overshadow some of the work that the city was already doing. Dr. Colleen Bridger stated that the resolution would affirm that all are working together to address this very important issue. Mr. Melnick confirmed that the resolution was consistent with the current SA Tomorrow Planning Initiatives. Councilmember Gonzales expressed support for the Urban Forestry Program and the resolution.

Councilmember Viagran spoke of the need to continue the work that has been done in the city and stated that the resolution was an affirmation of same. She expressed concern with the potential negative impact of the State Legislature.

Councilmember Treviño expressed his support for the resolution and stated that this was a

great statement to make to State and Federal Governments.

Councilmember Perry stated that he had done a lot of block walking during the campaign and none of his constituents expressed concern with the issue of climate change. He noted that he still had many questions and would like to get more feedback from District 10 Residents.

Councilmember Perry moved to continue Item 22 until August 3, 2017. Councilmember Brockhouse seconded the motion.

Councilmember Courage stated that he was opposed to continuing the item and that the intent of the resolution was not to dictate but to take steps to improve the environment. He noted that this was a public health issue and expressed concern with the potential to reach non-attainment.

Councilmember Brockhouse stated that every Councilmember should have the opportunity to weigh-in on an agenda item and have more time to vet the item if needed. He noted that he would support Councilmember Perry's motion to continue the item in order for him to gather more input from his constituents. However, if that failed; he would vote in favor of the resolution.

Mayor Nirenberg thanked everyone that spoke and stated that this was an issue of San Antonio's place in the world. He recognized the expertise of city staff and the work of Councilmember Sandoval on the issue. He added that he was excited that this was the first statement of the new City Council that recognizes the work that has been done thus far to create jobs and a sustainable environment.

The motion by Councilmember Perry to continue Item 22 until August 3, 2017 failed by the following vote:

AYE: 2 - Brockhouse and Perry

NAY: 8 - Mayor Nirenberg, Treviño, Shaw, Viagran, Saldaña, Gonzales, Sandoval and Courage

ABSENT: 1 - Pelaez

The motion by Councilmember Sandoval to approve the Resolution prevailed by the following vote:

AYE: 9 - Mayor Nirenberg, Treviño, Shaw, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval and Courage

NAY: 1 - Perry

ABSENT: 1 - Pelaez

Items 24A-D were addressed jointly. City Clerk Vacek read the captions for Items 24A-D:

24. Consideration of the following items related to the design and construction of a surface parking lot at the intersection of Broadway and the IH35/US Hwy 281 interchange in Council District 1 & 2. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development and Operations]

2017-06-22-0502

24A. An Ordinance approving an agreement with the Texas Department of Transportation for use of 5.723 acres of State property under IH35 to be developed as a surface parking lot for public use.

2017-06-22-0503

24B. An Ordinance approving a funding agreement between the City of San Antonio and Inner City TIRZ #11 for the amount of \$1,000,000.

2017-06-22-0504

24C. An Ordinance approving a funding agreement between the City of San Antonio and Midtown TIRZ #31 for the amount of \$250,000.

2017-06-22-0505

24D. An Ordinance amending the FY 2017 Capital Improvements Program and appropriating \$1,393,581 to the project, of which \$1,000,000 is available from the Inner City TIRZ, \$250,000 is available from the Parking Fund's FY 2017 Adopted Budget, \$100,000 is available from the SARA Watershed Wise Rebate program, and up to \$43,581 is available from the Midtown TIRZ.

Councilmember Treviño requested a brief presentation. Ramiro Gonzales stated that the project included construction of a public parking facility at Broadway and IH-35. He noted that the request was made by area stakeholders and would include 180 parking spaces, walking trails, green space, and provide a gateway into downtown. He presented maps of the area and reported that two public meetings were held. He noted the project cost and

funding from the Midtown Tax Increment Reinvestment Zone (TIRZ), Inner City TIRZ, SARA Watershed Wise Rebate, and Parking Fund. He outlined the timeline in which the project would be completed by April 2018 and confirmed that there would be no interruption of the Fiesta Broadway Tradition. He noted that staff recommended approval of an agreement with the Texas Department of Transportation (TxDOT) for use of the property; a funding agreement with the Inner City TIRZ #11 in the amount of \$1,000,000; a funding agreement with the Midtown TIRZ #31 in the amount of \$250,000; and approving \$250,000 from the Parking Fund. Councilmember Treviño expressed his support and asked of the preparation for Fiesta San Antonio. Mr. Gonzales replied that it was important to accommodate the tradition as best as possible and that people would continue to set up as they had in the past. Councilmember Treviño highlighted the safety aspects and partnership with TxDOT.

Councilmember Saldaña expressed his support and stated that he was pleased that they would be able to accommodate the Fiesta Tradition.

Councilmember Courage also expressed his support and asked when other phases would be added to the expansion. Mr. Gonzales replied that they would build this one out and then assess the demand and performance for up to a year. He noted that they may conduct another study at that time and finish design if there is additional demand. He confirmed that the lot would be managed by Downtown Parking Enforcement Operations.

Councilmember Shaw asked why the lot would not be free to citizens if paid by the TIRZ. Mr. Gonzales replied that payment was required to sustain maintenance and operation of the lot.

Councilmember Treviño moved to adopt the Ordinances for Items 24A, 24B, 24C, and 24D. Councilmember Shaw seconded the motion.

AYE: 10 - Mayor Nirenberg, Treviño, Shaw, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Courage and Perry

ABSENT: 1 - Pelaez

Items 28A and 28B were addressed jointly. City Clerk Vacek read the captions for Items 28A and 28B:

28. Consideration of the following items related to annexation of approximately 5.9 square miles located within San Antonio's Extraterritorial Jurisdiction (ETJ) in south Bexar County:

2017-06-22-0510

28A. An Ordinance providing for the extension of the City of San Antonio city limits by the annexation of approximately 5.9 square miles, within San Antonio's Extraterritorial Jurisdiction (ETJ) in south Bexar County, generally located south of the southern city limit boundary, west of Pleasanton Road, north of South Loop 1604 West and east of Applewhite Road, adopting a service plan for such area and establishing an effective date of June 22, 2017 and providing for Non-Annexation Development Agreements between the City of San Antonio and 35 property owners. [Peter Zanoni, Deputy City Manager; Bridgett White, Director, Planning & Community Development]

2017-06-22-0511

28B. An Ordinance amending the Zoning District Boundary from "OCL" Outside City Limits to "FR" Farm and Ranch District and "RP" Resource Protection District on approximately 5.87 square miles in Bexar County, being multiple properties generally bounded by Medina Creek to the North, Pleasanton Road to the East, Loop 1604 to the South, and Applewhite Road to the West, as part of the proposed Neal Road Annexation Area. Staff and Zoning Commission recommend Approval. ZONING CASE # Z2017163 [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

Bridgett White stated that the Neal Road Annexation Area was located south of the Medina River, Texas A&M University-SA Campus, and the Toyota Manufacturing Plant. She noted that it included portions of the Land Heritage Institute and was formerly within the City South Management Authority. She indicated that it was primarily agricultural and vacant tracts exempted from a municipal annexation plan because it contained fewer than 100 separate residential tracts. She provided an overview of State Mandates in which cities are required to provide written notification to property owners and public entities as well as hold two public hearings by the City Council. Additionally, they must adopt a final service plan when the annexation ordinance is adopted and provide police, fire, emergency medical service, and solid waste collection. She reported that agricultural exempt tracts were known as Development Agreements and had been offered to 46 owners totaling 2,717 acres. She noted that they had received 35 signed agreements totaling 1,850 acres for 10-year terms. She mentioned that per State Law, property owners may continue a use of land if it is a legal use and in existence on the date annexation proceedings are started or planned before the 90th day before the effective date of annexation.

Ms. White provided an overview of the future land use in which the Heritage South Sector Plan was adopted in 2010. She highlighted the resource protection located south of the

Medina River and in floodplains. She mentioned that the Zoning Commission approved the Zoning Resolution on June 6, 2017. She outlined the 2017 Public Hearing and consideration schedule in which full purpose annexation would be effective on July 13, 2017. She added that staff recommended approval.

Mayor Nirenberg called upon the citizens registered to speak.

Cesar Herrera stated that his family had lived in the area for many generations and they were concerned with the short time frame for the annexation process and expressed opposition.

Amanda Rodriguez expressed opposition to the annexation and spoke of her experience growing up in the area. She expressed concern that many of her neighbors did not understand the process.

Michael Rodriguez spoke in opposition to the annexation and noted concerns with the lack of communication. He added that the forms were unclear and that many residents of the area were confused.

Geneva Rodriguez spoke in opposition to the annexation noting that the process was rushed. She stated that she and her family loved the country life and that she had received signatures from others in the area that were also opposed.

Antonio Rodriguez stated that he was 84-years-old and had lived in the area all of his life. He expressed concern with losing his property and asked that the City Council oppose the annexation.

Michael Rodriguez, Jr. spoke in opposition to the annexation noting concerns with the fast process.

Marina Kincaide spoke in opposition to the annexation noting concerns for her grandfather, Antonio Rodriguez, and the potential for him to lose his land.

Sabrina Minefee spoke in opposition to the annexation and expressed concern with the notification process.

Molly Martinez stated that she had lived in the area for 33 years and was opposed to the annexation.

Lucy Adame-Clark stated that she represented the Bexar County Organized Community

Area South in opposition to the annexation. She expressed concern that many residents of the area were confused and did not want to lose their land.

Councilmember Viagran noted that part of the zoning would allow the area to remain farmland and protect resources. She asked of the concerns regarding clear and timely communications. Ms. White replied that they began notifying property owners on April 20, 2017 and included a schedule of public hearings. Additionally, a development agreement letter with a draft agreement was sent to those that had the agricultural valuation from Bexar County. She added that the Solid Waste Services Department followed up with a letter describing the services they would provide to the area once it was annexed. Andy Segovia stated that all of the notifications were consistent with State Law in terms of annexation and zoning. He added that if the process was delayed today; they would have to begin the entire process again. Councilmember Viagran requested that TCI perform an analysis of the streets in the area.

Councilmember Viagran moved to adopt the Ordinances for Items 28A and 28B. Councilmember Saldaña seconded the motion.

Councilmember Gonzales asked if pigs, chickens and horses would still be allowed if the area was annexed. Shannon Sims replied that pigs would be illegal but permits would be necessary for horses, goats, and sheep. Mr. Segovia added that if they had an agricultural exemption on their property; the Code would not apply. Councilmember Gonzales asked of the Development Agreement. Ms. White replied that the residents that signed a Development Agreement could continue agricultural uses for 10 years. Peter Zaroni added that the properties that are not being annexed would not be subject to city property taxes.

Councilmember Courage expressed concern with the short time frame for the process and that the residents may not completely understand their options.

Councilmember Courage moved to continue Items 28A and 28B. Councilmember Gonzales seconded the motion.

Councilmember Sandoval asked how many property owners would experience an increase in taxes if the annexation was approved. Ms. White replied that she would have to calculate the number of parcels but would include property owners who own half of the 3,776 acres. Councilmember Sandoval requested a number of properties that would pay more taxes, how much they would pay, and when it would become effective. Mr. Zaroni stated that city taxes for a property valued at \$95,000 would increase by \$400. Councilmember Sandoval recommended utilizing best practices moving forward and noted that she would be supporting the annexation in order to protect the health of future residents.

Councilmember Shaw asked how it is determined who receives notification of the annexation. Ms. White replied that the names and addresses of property owners are obtained from the Bexar County Appraisal District. Councilmember Shaw asked if the notices were also mailed in Spanish. Michael Shannon stated that the notices were in English but included Spanish direction on the lower corner of the notice.

Councilmember Treviño asked of circuit breaker application. Ed Guzman explained that circuit breakers occur in other states and that in the State of Texas; exemptions are passed by Constitutional Amendment only. Councilmember Treviño asked that they be looked into in order to help ease the transition.

Councilmember Brockhouse asked of the dates when the notifications were mailed. Ms. White replied that notices were mailed on April 20, 2017 to all property owners with an additional letter sent on April 27, 2017 to those with an agricultural exemption. Councilmember Brockhouse expressed concern with the fast process and noted that staff could do better with regard to education.

Mayor Nirenberg stated that the annexation policy should be reviewed and asked if every homeowner had the opportunity to sign a non-annexation agreement. Mr. Zaroni replied that everyone that qualified was provided that opportunity. Mayor Nirenberg stated that the process had been followed and was consistent with what the City of San Antonio would like to accomplish.

The motion by Councilmember Courage to continue Items 28A and 28B failed by the following vote:

AYE: 3 - Gonzales, Brockhouse and Courage

NAY: 7 - Mayor Nirenberg, Treviño, Shaw, Viagran, Saldaña, Sandoval and Perry

ABSENT: 1 - Pelaez

The motion by Councilmember Viagran to adopt the Ordinances for Items 28A and 28B prevailed by the following vote:

AYE: 10 - Mayor Nirenberg, Treviño, Shaw, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Courage and Perry

ABSENT: 1 - Pelaez

Item 14 was reconsidered at this time.

2017-06-22-0497

- 14.** An Ordinance amending Chapter 35 of the City Code, specifically 35-335 "NCD" Neighborhood Conservation District, and amending and restating "NCD-5" Beacon Hill Area Neighborhood Conservation District. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

Councilmember Treviño moved to reconsider Item 14 in order for Councilmember Sandoval to cast her vote. Councilmember Shaw seconded the motion. The motion to reconsider prevailed by the following vote:

AYE: 10 - Mayor Nirenberg, Treviño, Shaw, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Courage and Perry

ABSENT: 1 - Pelaez

Councilmember Treviño moved to adopt the Ordinance for Item 14. Councilmember Shaw seconded the motion. The motion prevailed by the following vote:

AYE: 10 - Mayor Nirenberg, Treviño, Shaw, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Courage and Perry

ABSENT: 1 - Pelaez

CITY MANAGER'S REPORT

There was no City Manager's Report.

POINT OF PERSONAL PRIVILEGE

Mayor Nirenberg recognized Councilmember Rebecca Viagran who would be celebrating her birthday on June 25th. The City Council wished Councilmember Viagran a Happy Birthday.

EXECUTIVE SESSION

Mayor Nirenberg recessed the meeting into Executive Session at 2:18 pm for discussion on the following:

- A.** Economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).

- B. The purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072 (real property).
- C. Legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Litigation matters involving the City including pending or contemplated litigation or settlement offers pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E. Legal issues related to annexation pursuant to Texas Government Code Section 551.071 (consultation with attorney).

RECONVENED

Mayor Nirenberg reconvened the meeting at 3:57 pm and announced that no action was taken in Executive Session.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg adjourned the meeting at 3:57 pm.

APPROVED

RON NIRENBERG
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/CMC/MMC
CITY CLERK