

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



**DRAFT**

**Meeting Minutes**

**City Council B Session**

City Hall Complex  
114 W. Commerce  
San Antonio, Texas 78205

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**Wednesday, January 8, 2014**

**2:00 PM**

**Municipal Plaza Building**

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The City Council of San Antonio convened in the “B” Room with the following Councilmembers present: Bernal, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier, and Mayor Castro. ABSENT: Taylor, Medina, and Soules.

City Clerk Leticia M. Vacek announced that Councilmember Taylor was in Washington, DC on city business.

1. Staff briefing on the proposed Limited Purpose Annexation of South San Antonio Areas 1 – 4, the associated Regulatory Plan, and related Development Agreements In Lieu of Annexation prior to City Council’s consideration of these items at the Thursday, January 9, 2014 City Council meeting. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

John Dugan reported that the City South Management Authority (CSMA) Effectiveness Study identified the key areas of potential economic development on the Southside. He noted that Limited Purpose Annexation (LPA) allows the City to assess fees for services, such as those for building inspections, permits, and Certificates of Occupancy. He noted that LPA would permit residents to vote in Mayoral, Council, and Recall Elections but would exclude them from voting in Bond Elections. He mentioned that Basic Services (Fire, Emergency Medical Services, and Police) would continue to be provided by Bexar

County. He added that LPA would prohibit collection of property or sales tax but would allow for Code Enforcement.

Mr. Dugan stated that residents would be given 90 days or more to comply with the City Code. He indicated that LPA: 1) Regulated the type and character of development through zoning, site development standards, and building codes not available in unincorporated areas; 2) Provided time to plan for the orderly extension of full municipal services; 3) Allowed for capital improvements project planning; 4) Facilitated future development; 5) Helped ensure quality development in the area; and 6) Protected property values by ensuring that high standards were met. He reviewed the key dates in the Annexation Process and reported that numerous stakeholder briefings with the community, economic groups and Government Entities were held between October and December 2013. He reported that individual consultations were held with property owners in areas that were subject to Development Agreements.

Mr. Dugan stated that the four proposed LPA Areas encompassed a total of 32 square miles in size and were located between Interstate Highway (IH) 35 and IH 37, extending south to Loop 1604. He reviewed the maps of each of the four areas and listed the existing businesses contained in each. He stated that the Planning Commission recommended LPA for Areas 1, 2, and the area inside the CMSA, West of IH 37 in Area 3. He reported that the Planning Commission recommended that LPA of Area 4 be denied. He indicated that the proposed LPA of Area 4 was modified due to public concerns regarding City Services and added that a Cost Analysis revealed that a 3rd Fire Station would be warranted unless said area was modified. He stated that the tax base for said area was not sufficient to support the costs of a Fire Station. He reported that the revised LPA Area was 19 square miles and would increase the City Limits from 472 to 491 square miles. He mentioned that State Code required the adoption of a Regulatory Plan that: 1) Identified City Codes applied to the area; 2) Included the date for Full Purpose Annexation within three years; 3) Excluded Storm Water Utility Fees and Services; and 4) Extended the time for compliance to City Codes. He stated that staff recommended to amend said Regulatory Plan by removing the development fees for water and sewer.

Mr. Dugan indicated that State Law required the City to offer a Development or Non-Annexation Agreement to property owners of areas appraised as Agricultural, Wildlife Management, or Timber Management. He explained that if the land owner of said areas declined or did not respond to said offer; the City could annex their property. He added that the Development Agreements would remain in effect for a term of 10 years or less if the property were developed. He noted that the Development Agreements required the property owner's consent to Voluntary Annexation at the end of the term. The agreement allows the City the option to annex at the end of the agreement term. He reviewed and recommended acceptance of the 150 signed Development Agreements and stated that said

agreements reserved the City's ability to extend its boundaries beyond those agreements. He added that the agreements would ensure that the City had the option to annex by request, provided that it was economically viable and allowed the opportunity for the City to extend its Extraterritorial Jurisdiction into the Eagle Ford Shale.

Mr. Dugan stated that the Heritage South Sector Plan and the United Southwest Communities Plan were designed to encourage economic development, preserve existing land uses, and foster compatible development. He noted that staff had nominated a Task Force comprised of residents, businesses, and property owners in Areas 1-4, whose charge was to refine Zoning Areas within the CSMA. He mentioned that the Zoning Commission recommended approval of said Zoning Changes and added that there was no strong opposition expressed by property owners. He stated that each Task Force would ensure that the Development Regulations for Areas 1-4 were compatible with those of the rest of the City. He reported that the proposed dissolution of the CSMA would require: 1) Dissolution of the CSMA Board; 2) Removal of Zoning and Land Use Controls; and 3) Two Public Hearings mandated by State Law to be held. He added that the Dissolution of the CSMA would be submitted for City Council action on January 9, 2014, with an effective date of January 19, 2014. He stated that staff recommended the approval/adoption of: 1) Regulatory Plan; 2) Development Agreements; 3) LPA of Areas #1, #2, #3, and Area #4, as revised except those properties subject to Development Agreements; 4) Proposed amendments to the United Southwest Communities Plan and the Heritage South Sector Plan; and 5) Proposed Zoning except for those properties subject to Development Agreements. He added that upon approval by the City Council, the following actions must be taken: 1) Notify property owners in LPA Areas of their rights and the regulations imposed as a result of LPA; 2) Engage the Task Forces in Zoning Changes; 3) Develop a Land Use Intensity Plan as the basis to provide City Services; 4) Update the City's Long Range Financial Forecast to include the costs of Capital Improvements; 5) Determine areas for Full Service Annexation; and 6) Identify projects to be included in the Capital Improvements Plan (CIP).

Mayor Castro asked of the differences between the original and revised proposed LPA Areas. Mr. Dugan indicated that the primary revisions were made to Areas 1 and 4. He noted that 50-60% of Area 1 was designated as Agricultural and Area 4 was reduced in size based on results of a fiscal analysis and due to resident concerns. Mayor Castro asked of the number of residents and property owners in the original and revised proposed LPA Areas. Mr. Dugan reported that there were 3,000 residents and 2,200 property owners in the original proposed LPA Areas and there were 1,800 residents and 1,100 property owners in the revised proposed LPA Areas. He confirmed that 250 Development Agreements were offered to property owners and 150 of those opted to enter into Development Agreements with the City. Mayor Castro asked of the process once the Development Agreements expire in 10 years. Mr. Dugan indicated that said Development Agreements could be extended, or

property owners could request a continuance of said Agreements. However, the City would not be obligated to extend or accept a request for continuation of a Development Agreement. He added that the City could propose Full Annexation of those areas. Mayor Castro asked of the City's Zoning Authority in the LPA Areas. Mr. Dugan stated that Zoning in said areas was included in the proposed LPA. He indicated that Zoning in areas that have never been zoned to include Extraterritorial Jurisdictions and in the County would be addressed at tomorrow's City Council Meeting.

Councilmember Viagran recognized staff for their hard work. She asked when the City last annexed an area and where that area was located. Mr. Dugan reported that the area last annexed was the property where the Toyota Plant was located and it was annexed in 2006. Councilmember Viagran asked of the number of small businesses in the LPA Area. Mr. Dugan stated that there were approximately two dozen small businesses in said area.

Councilmember Saldaña stated that communication with LPA Residents was very important to avoid misinterpretation of the facts. Mr. Dugan mentioned that frequently asked questions would be provided on the Department Website.

Councilmember Nirenberg cautioned against deferring Annexation to a later date if warranted now.

Councilmember Lopez asked of the City's overall Annexation Plan. Mr. Dugan indicated that an analysis of the Westside, Northside, and Eastside were being conducted and Fiscal Studies and land use options would be presented at the conclusion of said analysis. He stated that the results of the analysis would enable the City to identify properties with an enhanced tax base. He indicated that the City's role was to enhance the City's Tax Base. He noted that staff would present detailed recommendations to the City Council in the Spring of 2014.

Councilmember Krier asked of the impact of the LPA on the Toyota Plant. Mr. Dugan indicated that Toyota requested that areas to their South and West be included in the LPA and were pleased that they were.

Mayor Castro thanked staff for the presentation.

2. Staff briefing on the proposed Downtown Design Guide developed to assist in the design of non-historic infill building/redevelopment in Downtown San Antonio and recommended next steps for City Council adoption. [Peter Zaroni, Deputy City Manager; Mark Brodeur, Assistant Director, Planning and Community Development]

Mark Brodeur thanked the American Institute of Architects (AIA), Peer Cities, and the Infill Development Task Force for their contribution to the Downtown Design Guide (DDG). He indicated that the call for Downtown Design Guidelines was made initially by the City in 1997 in the Master Plan Policies and most recently in the Center City Strategic Framework Implementation Plan of 2012. He stated that the DDG presented addresses private development and would be followed up with a DDG that would address sidewalks, public streets and structures. He reviewed the design criteria of the DDG and noted that the Office of Historic Preservation provided design review control for the existing Historic Districts and the River Improvement Overlay (RIO)-3 District. He noted that a large area in the Downtown Zoning District without existing design review control was the impetus for creation of the DDG. He stated that the purpose for creation of the DDG was to provide: 1) Defensibility; 2) Predictability of outcome; 3) Protection of property values; and 4) Protection of authenticity and brand. He stated that the vision of the DDG was to: 1) Maintain a strong authentic character; 2) Reinforce Downtown's Placemaking efforts; 3) Emphasize the pedestrian realm, with specific attention on the ground floors of buildings, paying particular attention to public spaces in Hotels; 4) Avoid complicated criteria; 5) Use Architecture of the current time and place; and 6) Exhibit vertical and horizontal articulation in buildings.

He reviewed the key principles of the DDG: 1) Use of local materials for authenticity; 2) Emphasis on ground floor treatment; 3) Building articulation; and 4) Downtown sign types. He indicated that process improvements were made to the DDG to ensure expediency. He reported that the DDG would be brought before the Planning and Zoning Commissions in February 2014 and would be presented at an Open House of the Center City Development Office and to the Infrastructure and Growth Council Committee in March 2014. He stated that the DDG would be brought before the full City Council on April 3, 2014 for approval.

Mayor Castro asked of signs selected for inclusion in the DDG. Mr. Brodeur stated that free standing letter, cut metal, neon, and reverse channel lettering signs were selected for inclusion in the DDG. He added that the DDG prohibited the use of internally illuminated can signs. Mayor Castro asked for more detail on the DDG as it related to ground floor treatment. Mr. Brodeur stated that the ground floor treatment would increase transparency at the ground floor. Mayor Castro asked what development this would apply to. Mr. Brodeur replied that it would be applied to new Infill Development. Mayor Castro asked if the requirements would be different for incentivized development. Mr. Brodeur indicated that the Center City Housing Incentive Program (CCHIP) required a higher level of Urban Design and would be in agreement with the DDG.

Councilmember Bernal expressed concern that the DDG may appear burdensome to some developers. Mr. Brodeur explained that the DDG Design Criteria was comprised of broad goals, and standards, and permissive or discretionary language was utilized in a good

portion of the document.

Councilmember Viagran asked of areas under the purview of the Interfill Development Task Force and how members were selected. Lori Houston stated that said Task Force focused on the downtown area and members were selected two years ago by the City Manager and former Deputy City Manager.

Councilmember Krier asked if an existing building would have to adhere to the DDG when making renovations or building additions. Mr. Brodeur replied that it would. He noted that the DDG would be applied to Non-Historic Adaptive Reuse. Councilmember Krier asked what would trigger an application of the DDG. Mr. Brodeur reported that application of the DDG would be triggered by the costs of a project in excess of one half of its original cost.

Mayor Castro thanked staff for the presentation and announced that the Executive Session would not be held. He recessed the meeting at 3:45 pm and stated that the meeting would resume at 6:00 pm for Citizens to be Heard.

- A. 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).

NOT ADDRESSED

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

NOT ADDRESSED

### **CITIZENS TO BE HEARD**

Mayor Castro reconvened the meeting at 6:00 pm and called upon the individuals registered to speak.

Annette Anderson stated that there was a lack of information provided on the proposed Limited Purpose Annexation (LPA). She noted that issues in the City needed to be addressed before annexation occurs.

Roland Alvarado stated that Rosco Red Positive Gear Company provided a program to assist schools in addressing bullying and racism.

Israel Alvarado noted that Rosco Red Positive Gear provided an Anti-Bullying Program to schools at no charge.

Mark Perez expressed concern with the lack of information provided by City Staff. He stated that the city has not enforced the City Code regarding proper permits which has resulted in lost revenue.

Nazarite Ruben Flores Perez stated that false teaching should be avoided.

Michael Furlow spoke of the Schlotzky's Restaurant at IH-10 and De Zavala Road.

Henry Rodriguez spoke of the need for the city to address Adult Literacy and Education.

Julie Oldham spoke of the Eastside CHOICE Program. She expressed concerns with fluoride in the water supply and mold at the Ross Senior Center.

Theresa Berlanga stated that the City should refuse the offer by the State regarding the maintenance of Broadway Street and San Pedro Avenue.

Faris Hodge, Jr. submitted written testimony expressing concern with the \$30 cost of the VIA Monthly Bus Pass. He highlighted the Good Samaritan Kids Cafe sponsored by the San Antonio Food Bank. He commended Councilmember Taylor for her good work and diverse staff. He wrote that the Blood Bank was in need of donations. He expressed concern with the Fire Emergency Medical Services Captains that earned \$400,000 in one year. He expressed concern with the high cost of meals provided to Consultants by CPS Energy.

### **ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 6:27 pm.

APPROVED

JULIÁN CASTRO  
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC  
CITY CLERK