

**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

Thursday, October 17, 2013

9:00 AM

Municipal Plaza Building

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

Present: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Lopez, Medina, Nirenberg, Chan and Soules

Absent: 1 - Gonzales

1. The Invocation was delivered by Sister Veronica Cahill, Sisters of the Holy Spirit, guest of Councilmember Ivy R. Taylor, District 2.
2. Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the August 28 - 29, 2013 City Council meetings.

Councilmember Saldaña moved to approve the minutes for the August 28-29, 2013 City Council Meetings. Councilmember Lopez seconded the motion.

The motion prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Lopez, Medina, Nirenberg, Chan and Soules

Absent: 1 - Gonzales

POINT OF PERSONAL PRIVILEGE

Mayor Castro congratulated Councilmember Gonzales who gave birth to her son Ian early this morning.

ACTION ITEMS FOR STAFF BRIEFING

The City Clerk read the following caption:

2013-10-17-0711

- 4.** An Ordinance authorizing a restrictive covenant limiting hotel development for the Hemisfair Park site. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development]

Michael Bernard presented a Power Point related to the Hemisfair Park Restrictive Covenants. He reported that the City Council created the Hemisfair Park Area Redevelopment Corporation (HPARC) in September 2009 to assist the City with planning, developing, constructing and financing projects within the Hemisfair Site. He stated that the 83rd Texas Legislature enacted Texas Local Government Code 379C.014, which authorizes the city to convey the Hemisfair Site to a Land Bank subject to any deed restrictions the city may adopt. He explained that the city was proposing to restrict property it owns in the Hemisfair Site to limit hotel development in the following manner: 1) The combined floor area of all hotels may not exceed 400,000 square feet; 2) The floor area of a single hotel may not exceed 200,000 square feet; 3) Floor area circulation will include all rooms, restaurants, bars, kitchens, meeting space, parking garage (except public parking), whether in one or more buildings.

Mr. Bernard stated that the City of San Antonio and the San Antonio Conservation Society each have the right, acting jointly or independently, to enforce the restrictive covenants. He noted that the restrictive covenants would not apply to residential condominiums or common areas or facilities not available for use by hotel guests. He added that the restrictive covenants would apply to land the city may acquire in the Hemisfair Area for the purpose of redevelopment. Mayor Castro called upon the citizens registered to speak.

State Representative Mike Villarreal addressed the City Council in support of the restrictive covenants. He stated that this was an excellent solution for a difficult problem and that it balances competing interests. He thanked everyone that participated in the process.

John Clamp representing the San Antonio Hotel & Lodging Association addressed the City Council and stated that the Association had supported the Bill through the Legislature. He noted that they wanted the revitalization of Hemisfair to be successful but expressed concern that they were not involved in discussions regarding deed restrictions. He requested that the City Council continue said item for one week in order for discussions to occur.

Bill Shown, Vice Chair of HPARC addressed the City Council in support of the restrictive covenants. He stated that parkland clarity was critical for the vision to become a reality and thanked everyone involved in the process.

Omar Gonzalez of HPARC addressed the City Council in support of the restrictive covenants. He stated that the mission of HPARC was to expand the park and improve its quality. He thanked the City Council for their continued support.

Mayor Castro stated that there had been a great amount of discussion on the restrictive covenants and thanked everyone for their participation. He spoke of the importance of the revitalization of Hemisfair and stated that he was pleased with the compromise.

Councilmember Lopez thanked the Intergovernmental Relations Staff for their work during the Legislative Session and stated that he was pleased with the outcome. He asked of the process for a variance. Mr. Bernard replied that it would be very difficult and would require concurrence of 51% of the Property Owners, Conservation Society, and the City of San Antonio.

Councilmember Bernal thanked the individuals involved in the process and stated that the restrictive covenants reflect the intent of the Legislation. He noted that the compromise would maintain the overall spirit and purpose of the space and was pleased with the revitalization that would occur in the area.

Councilmember Nirenberg commended Representative Villarreal for his efforts and spoke of the importance of local control. He stated that the use of restrictive covenants was very appropriate and would help achieve the vision of Downtown and Hemisfair Park. Councilmember Viagran thanked everyone for their work on the process and asked of the Parkland dedicated by the city. Mr. Bernard replied that once the 18 acres of Parkland are dedicated by the City; that cannot be changed. He added that those parcels would be made very clear.

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

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Lopez, Medina, Nirenberg, Chan and Soules

Absent: 1 - Gonzales

CONSENT AGENDA ITEMS

Items 6, 12F, and 21 were pulled for Individual Consideration.

Mayor Castro announced that there were no citizens registered to speak on the Consent Agenda.

Faris Hodge, Jr. submitted written testimony in favor of Items 4-7, 9-11, and 14-21. He wrote in opposition to Item 8 noting that the restrooms in Market Square are not ADA Compliant. He indicated that Board Members should be interviewed on television (Item 12) and wrote in opposition to the rescheduled City Council Meetings (Item 13).

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

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Lopez, Medina, Nirenberg, Chan and Soules

Absent: 1 - Gonzales

2013-10-17-0712

- 5.** An Ordinance authorizing the following contracts establishing unit prices for goods and services for an estimated annual cost of \$4,435,000.00: (A) Vulcan Materials, Co. for asphalt and paving materials, (B) Voss Electric Supply d/b/a Voss Lighting for electrical and lighting parts and supplies and (C) Lutron Services Co., Inc. for Lutron lighting system for Convention Sports and Entertainment Facilities. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2013-10-17-0715

7. An Ordinance authorizing the acceptance of approximately 7.25 acres from Sotano Partners for additional park land at Panther Springs Park in Council District 9. [Gloria Hurtado, Assistant City Manager; Xavier Urrutia, Director, Parks & Recreation]

2013-10-17-0716

8. An Ordinance approving the following Market Square related contractual actions: a lease amendment with La Condesa in El Mercado; a lease amendment with Budweiser Souvenirs in Farmers Market; and a new lease agreement with Ana Corona dba Marmalade and Spice in Farmers Market. [Ed Belmares, Assistant City Manager; Felix Padron, Director, Culture and Creative Development]

2013-10-17-0717

9. An Ordinance authorizing submission of a grant application to the National Association of City and County Health Officials and the acceptance of funds in the amount of \$5,000.00 for the Alamo Area Medical Reserve Corps for a term beginning January 5, 2014 to July 31, 2014. [Gloria Hurtado, Assistant City Manager; Dr. Thomas Schlenker, Director of Public Health]

2013-10-17-0718

10. An Ordinance authorizing the submission of a Head Start grant application to the U.S. Department of Health and Human Services and acceptance upon award of an amount up to \$20,671,248.00 for the period of February 1, 2014 – January 31, 2015; authorizing a budget, including an in-kind match of up to \$5,167,812.00, and a personnel complement of 87 positions for the Department of Human Services; authorizing the negotiation and execution of four service provider contracts for the grant award period in an amount up to \$14,753,712; authorizing the execution of contract amendments based on additional Head Start grant awards and/or program improvements; and authorizing the negotiation and execution of Memorandums of Understanding with local education and early childhood intervention agencies, and other community organizations to collaborate as required by the Head Start Act. [Gloria Hurtado, Assistant City Manager; Melody Woosley, Interim Director, Department of Human Services]

2013-10-17-0719

11. An Ordinance authorizing the submission of a grant application to KaBoom! and the acceptance upon award of a new playscape, at an estimated value of \$100,000.00, for Brooks Park located in Council District 3. [Gloria Hurtado, Assistant City Manager; Xavier Urrutia, Director, Parks & Recreation]

2013-10-17-0720

13. An Ordinance rescheduling City Council Meetings in October, November, and December 2013, and January 2014. [Leticia M. Vacek, City Clerk]

2013-10-17-0721

14. An Ordinance authorizing the Renewal Agreement and Third Amendment to the License Agreement with LS Talons SA LLC, owner of the San Antonio Talons Arena Football League team, to host its 2014 season home football games at the Alamodome. [Ed Belmares, Assistant City Manager; Michael J. Sawaya, Director, Convention and Sports Facilities]

2013-10-17-0722

15. An Ordinance approving the Workforce Solutions Alamo Interim Annual Operating Budget and approving the Appointments to the Workforce Solutions Alamo Board of Directors as recommended by the Committee of Six. [Carlos Contreras, Assistant City Manager; Rene Dominguez, Director, Economic Development]

2013-10-17-0723

16. An Ordinance authorizing the issuance of "City of San Antonio, Texas Public Property Finance Contractual Obligations, Series 2013" in an amount not to exceed \$17,500,000, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the contractual obligations; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the contractual obligations; authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase and Investment Letter; complying with the requirements imposed by the Letter of Representations previously executed with the Depository Trust Company; and providing an effective date. [Sheryl Sculley, City Manager, Ben Gorzell, Jr., Chief Financial Officer]

2013-10-17-0724

17. An Ordinance authorizing an agreement with Urban Strategies, Inc. which will provide compensation in an amount not to exceed \$20,000.00 for a term ending on February 28, 2014, for the completion of a Health Impact Assessment for the Wheatley Choice Neighborhood Project. [Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Director of Public Health]

2013-10-17-0725

18. An Ordinance authorizing an agreement with the Southwest Texas Regional Advisory Council to provide funding in an amount not to exceed \$40,000.00 in support of a multiagency (Metro Health, Office of Emergency Management, STRAC, and Texas Department of State Health Services) funded license for Visual Dx

Software from Logical Images Inc. for Bexar County. [Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Public Health Director]

2013-10-17-0726

19. An Ordinance authorizing an Interlocal Agreement to grant the San Antonio River Authority access to City property and/or rights-of-way for the installation of flood monitoring telemetry rain gauges to forecast flood conditions. [Peter Zaroni, Deputy City Manager, Anthony Chukwudolue, Interim Director, Public Works]

2013-10-17-0727

20. An Ordinance selecting Texas Landfill Management, LLC, and awarding a contract for Mulch Transport and Reuse services, with an estimated \$55,000.00 in annual revenue to the Solid Waste Operating and Maintenance Fund, for an initial term of five years with two additional five-year renewal options. [Peter Zaroni, Deputy City Manager; David W McCary, Solid Waste Management Department]

CONSENT ITEMS CONCLUDED

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following captions:

6. Consideration of the following actions related to the University of Texas at San Antonio (UTSA) Boulevard (Babcock Road to Edward Ximenes Drive) Project, a Metropolitan Planning Organization, Tax Notes and Certificates of Obligation funded project located in Council District 8: [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2013-10-17-0713

A) An Ordinance authorizing the negotiation and execution of an Engineering Design Services Agreement with Vickrey & Associates, in an amount not-to-exceed \$1,100,000.00, to provide engineering design and construction administration services for UTSA Boulevard (Babcock Road to Edward Ximenes Drive) Project.

2013-10-17-0714

B) An Ordinance authorizing an Advanced Funding Agreement between the City of San Antonio and the Texas Department of Transportation and authorizing payment in the amount not-to-exceed \$86,158.00 to TxDOT for direct oversight costs and accepting reimbursement in the estimated amount of \$10,266,608.00 from TxDOT related to construction costs for the UTSA Boulevard (Babcock Road to Edward Ximenes Drive) Project. Councilmember Nirenberg stated that he wanted to highlight the project. Mike Frisbie presented a brief summary and stated that they had received \$8 million in Federal Funds for the project. He added that they hoped to

begin construction next year. Councilmember Nirenberg asked of the Hausman Project and the timeline overlap between the two projects. Mr. Frisbie replied that there would be an eight month overlap and that they would work diligently on educating the community to keep the corridors moving. Councilmember Nirenberg thanked the City Council for their support of the project.

Councilmember Nirenberg moved to adopt the proposed ordinances for Items 6A and 6B. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Lopez, Medina, Nirenberg, Chan and Soules

Absent: 1 - Gonzales

12. Consideration of the following Board, Commission and Committee appointments for the remainder of unexpired terms of office to expire May 31, 2015, to be effective immediately upon the receipt of eight affirmative votes, or, in the event eight affirmative votes are not received, ten days after appointment; or for terms and effectiveness as otherwise indicated below: [Leticia M. Vacek, City Clerk]

A) Appointing Paul B. Martin, Jr. (District 8) to the San Antonio Housing Trust.

B) Reappointing David A. Armendariz (District 1) to the Ethics Review Board for the remainder of an unexpired term of office to expire April 25, 2015.

C) Appointing Rebecca Sibley (District 8) to the Citizens' Environmental Advisory Committee.

D) Reappointing Frank A. Quijano, Jr. (District 1) to the Zoning Board of Adjustment.

E) Appointing Edward E. Collins, III and Moises A. Cruz to the Joint City/County Citizen Bond Oversight Commission

F) Appointing six members to the Municipal Golf Association-SA (MGA-SA).

Councilmember Chan moved to appoint Theodore E. Davis, Jr., Gabriel D. Farias, Jeff Harvey, Lou Miller, Michelle Pair, and Ricardo D. Villasenor to the Municipal Golf Association-SA as recommended by the Quality of Life Council Committee. Councilmember Soules seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Lopez, Medina, Nirenberg, Chan and Soules

Absent: 1 - Gonzales

RECESSED

Mayor Castro recessed the meeting at 10:10 am and announced that the meeting would resume at 2:00 pm.

RECONVENED

Mayor Castro reconvened the meeting at 2:00 pm and addressed Items P-2 and Z-2 jointly.

2013-10-17-0730

P-2. PLAN AMENDMENT #13045 (District 1): An Ordinance amending the future land use plan contained in the San Antonio International Airport Vicinity Land Use Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of an 0.7774 acre tract of land located at 9503 Lorene Street from Low Density Residential to Community Commercial. Staff recommended Denial. Planning Commission recommended approval. (Associated Zoning Case # Z2013193 CD)

2013-10-17-0731

Z-2. ZONING CASE # Z2013193 CD (District 1): An Ordinance amending the Zoning District Boundary from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales on Lot 1, Block 4, NCB 11714 located at 9503 Lorene. Staff recommends denial. Zoning Commission recommends approval. (Associated Plan Amendment Case #13045)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 1, BLOCK 4, NCB 11714 TO WIT: FROM "O - 2 AHOD" HIGH-RISE OFFICE AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA CD AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLE SALES PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item P-2 and stated that it would amend the future land use plan contained in the San Antonio International Airport Vicinity Land Use Plan. He reported

that staff recommended denial and the Planning Commission recommended approval. For Item Z-2, he stated that staff recommended denial and the Zoning Commission recommended approval. He noted that should the City Council recommend approval of the requested zoning change, staff recommended the following conditions: 1) A 15 foot Type B Landscape Buffer shall be provided along property boundaries abutting single family residential zoning or uses; 2) All on-site lighting shall be directed onto the site and point away from any residential zoning or uses; and 3) The display/parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed. He added that of 13 notices mailed; two were received in favor and none were returned in opposition.

Councilmember Bernal moved to adopt the proposed Ordinances for Items P-2 and Z-2 with the conditions read by staff. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

Aye: 9 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Lopez, Nirenberg, Chan and Soules

Absent: 2 - Gonzales and Medina

CONTINUED

Z-3. 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)

Councilmember Bernal moved to continue Item Z-3 until December 5, 2013. Councilmember Taylor seconded the motion. The motion prevailed by the following vote:

Aye: 9 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Lopez, Nirenberg, Chan and Soules

Absent: 2 - Gonzales and Medina

CONTINUED

Z-5. ZONING CASE # Z2013159 CD (District 5): An Ordinance amending the Zoning District Boundary from "NC AHOD" Neighborhood Commercial Airport Hazard Overlay District to "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales allowing a fence up to six (6) feet in height along the front yard in accordance with Section 35-514 (d)(2)(D) of the Unified Development Code on Lots 9 and 10, Block 49, NCB 7982 located at 906 Berlin Avenue. Staff and Zoning Commission recommend denial. (Continued from October 17, 2013)

John Jacks presented Item Z-5 and stated that staff and the Zoning Commission recommended denial. He reported that of 25 notices mailed; two were returned in favor and none were received in opposition.

Councilmember Saldaña moved to continue Item Z-5 until January 16, 2014. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

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

Absent: 3 - Bernal, Gonzales and Medina

2013-10-17-0733

Z-6. ZONING CASE # Z2013194 CD (District 8): An Ordinance amending the Zoning District Boundary from "R-20 UC-1 GC-1 MSAO-1 MLOD-1" Residential Single-Family IH-10/FM 1604 Urban Corridor Overlay Hill Country Gateway Corridor Overlay Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District and "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 to "C-2 CD UC-1 GC-1 MSAO-1 MLOD-1" Commercial IH-10/FM 1604 Urban Corridor Overlay Hill Country Gateway Corridor Overlay Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District with a Conditional Use for Motor Vehicles Sales and "C-2 CD GC-1 MSAO-1 MLOD-1" Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District with a Conditional Use for Motor Vehicles Sales on 3.991 acres out of Lots 8A and 8B, NCB 35733 located at 6930 and 6910 Oak Drive. Staff and Zoning Commission recommend approval with one condition.

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: 3.991 ACRES OUT OF LOTS 8A AND 8B, NCB 35733 TO WIT: FROM "R-20 UC-1 GC-1 MSAO-1 MLOD-1" RESIDENTIAL SINGLE-FAMILY IH-10/FM 1604 URBAN CORRIDOR OVERLAY HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT AND "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 TO "C-2 CD UC-1 GC-1 MSAO-1 MLOD-1" COMMERCIAL IH-10/FM 1604 URBAN CORRIDOR OVERLAY HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLES SALES AND "C-2 CD GC-1 MSAO-1 MLOD-1" COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLES SALES PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-6 and stated that staff and the Zoning Commission recommended approval with the condition that there be no outdoor speakers. He reported that of 11 notices mailed; four were returned in favor and none were received in opposition.

Councilmember Nirenberg moved to adopt the proposed Ordinance with the staff condition. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

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

Absent: 3 - Bernal, Gonzales and Medina

Items P-3 and Z-8 were addressed jointly.

2013-11-07-0774

P-3. PLAN AMENDMENT #13046 (District 10): An Ordinance amending the future land use plan contained in the Northeast Inner Loop Neighborhood Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of a 2.308 acre tract of land located at southwest corner of Harry Wurzbach Road and Urban Crest Drive from High Density Residential to Medium Density Mixed Use. Staff and Planning Commission recommend approval. (Associated Zoning Case: #Z2013171) (Continued from October 17, 2013)

2013-11-07-0775

Z-8. ZONING CASE # Z2013171 (District 10): An Ordinance amending the Zoning District Boundary from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District and "O-2 MC-3 AHOD" High-Rise Office Austin Highway/Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with Single-Family Residential uses not to exceed 25 units per acre and "IDZ MC-3 AHOD" Infill Development Zone Austin Highway/Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District with Single-Family Residential uses not to exceed 25 units per acre on Lot 13, Block 10, NCB 11851 located on a portion of the 3800 Block of Harry Wurzbach Road. Staff and Zoning Commission recommend approval, pending the plan amendment. (Associated Plan Amendment Case # 13046) (Continued from October 17, 2013)

John Jacks presented Item P-3 and stated that it would amend the Northeast Inner Loop Neighborhood Plan. He reported that staff and the Planning Commission recommended approval. For Item Z-8, he stated that staff and the Zoning Commission recommended approval. He reported that of 22 notices mailed; five were received in support and none were returned in opposition.

Councilmember Soules stated that they were still working on signage issues and would like additional time to address same.

Councilmember Soules moved to continue Items P-3 and Z-8 until November 7, 2013. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

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

Absent: 3 - Bernal, Gonzales and Medina

CONSENT ZONING ITEMS

Councilmember Saldaña moved to approve the following Zoning Items: P-1, Z-1, Z-4 and Z-7 under Consent Zoning. Councilmember Taylor seconded the motion. The motion to approve the Consent Zoning Items prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Lopez, Medina, Nirenberg, Chan and Soules

Absent: 1 - Gonzales

2013-10-17-0728

- P-1.** PLAN AMENDMENT #13037 (District 1): An Ordinance amending the future land use plan contained in the Midtown Neighborhood Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of multiple tracts of land totalling 1.66 acres of land located at 1310, 1316, 1322, 1326, 1334 West Ashby Place and 329 Cincinnati Avenue from Mixed Use and Low Density Residential to Public Institutional. Staff and Planning Commission recommend approval. (Associated Zoning Case: #Z2013148 S)

2013-10-17-0729

- Z-1.** ZONING CASE # Z2013148 S (District 1): An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "O-1 AHOD" Office Airport Hazard Overlay District on Lots 5, 6, 7, 8 and 9, Block 10, NCB 2021 and "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Meeting Facility on Lots 10, 11 and 12, Block 10, NCB 2021 on Lots 5, 6, 7, 8, 9, 10, 11 and 12, Block 10, NCB 2021 located at 1310, 1318, 1322, 1326 and 1334 West Ashby Place. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment Case # 13037)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 5, 6, 7, 8, 9, 10, 11 AND 12, BLOCK 10, NCB 2021 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "O-1 AHOD" OFFICE AIRPORT HAZARD OVERLAY DISTRICT ON LOTS 5, 6, 7, 8 AND 9, BLOCK 10, NCB 2021 AND "C-2 S AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A MEETING FACILITY ON LOTS 10, 11 AND 12, BLOCK 10, NCB 2021 PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2013-10-17-0732

- Z-4.** ZONING CASE # Z2013189 CD (District 5): An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Professional Office allowing a fence up to six (6) feet in height along the front yard in accordance with Section 35-514 (d)(2) (D) of the Unified Development Code on 0.0886 acres out of Lot 4, Block C, NCB 2875 located at 306 Forrest Avenue. Staff and Zoning Commission recommend approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED

HEREIN AS: 0.0886 OF AN ACRE OUT OF LOT 4, BLOCK C, NCB 2875 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-6 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A PROFESSIONAL OFFICE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2013-10-17-0734

Z-7. ZONING CASE # Z2013183 (District 8): An Ordinance amending the Zoning District Boundary from "C-1 AHOD" Light Commercial Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on 0.965 of an acre out of Lot 25, NCB 12830 located at 8214 Wurzbach 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: 0.965 OF AN ACRE OUT OF LOT 25, NCB 12830 TO WIT: FROM "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

CONSENT ZONING ITEMS CONCLUDED

Mayor Castro addressed Item 22 at this time.

22. City Council Presentation on SAWS Rate Design and the SAWS FY14 Rate Adjustments and other information requested by City Council. [Robert R. Puente, President and CEO, SAWS]

Robert Puente presented an overview of the 2014 and 2015 SAWS Rate Request. He stated that the Average Monthly Residential bill would increase by 5.1% in 2014 and 5.3% in 2015. He noted that the 2014 and 2015 Rate Increases would be primarily used to support the Water Supply and Sewer System. He outlined the Water Management Plan noting a reduced reliance on the Edwards Aquifer. He highlighted Water Management Strategies to include the Regional Carrizo and Brackish Groundwater Desalination Plant that would accommodate the growing economy. He indicated that the Integration Pipeline was key to bringing the Brackish Groundwater Desalination Plant online. He provided a map of the Integration Pipeline and stated that it would provide maximum flexibility in drought conditions. Mr. Puente added that the two-year rate request would ensure that efficiencies and long term commitments were met.

Doug Evanson presented the objectives of the Rate Design and stated that it would allow the utility to meet its revenue requirements. He noted that it would also recover the portion of the costs attributable to each category of customers. He outlined the Customer Categories: Residential, General, Wholesale, and Irrigation and reported that more than 90% of SAWS Customer Connections were Residential. He indicated that the Increasing Block Structure was

designed to send price signals. He provided a Residential Comparison among other major Texas Cities noting that SAWS was among the lowest.

Mr. Puente concluded the presentation by stating that the Average SAWS Residential Bills would remain among the lowest in Texas. He stated that the two-year rate request would be used to address mandated wastewater efforts and needed water supply. He added that the 2015 increase would not exceed 5.3% which would allow them to identify additional efficiencies. He thanked the City Council for their support.

Mayor Castro thanked staff for the presentation.

Councilmember Chan thanked SAWS for identifying efficiencies and asked of the oversight of the Two-Year Rate Increases. Mr. Puente replied that the SAWS Board would have to approve the increases and would coordinate with City Staff in the Finance Department. He noted that they could also present information to the City Council as requested. He added that the second year increase could not exceed 5.3%. Councilmember Chan asked when a new Rate Structure would be reviewed. Mr. Puente stated that they hoped to have a process in place by Mid-2014.

Councilmember Soules stated that SAWS was moving in the right direction but expressed concern with the Proposed Two-Year Rate Increase. He noted that there was great work to be done on the Rate Structure and asked of Apartments versus Residential Homes. Mr. Evanson replied that there was not a separate multi-family rate but would look at that during the Rate Review.

Councilmember Nirenberg stated that he would like to better understand the rationale for the Two-Year Rate Increase and asked of the Consent Decree. Mr. Puente replied that the Rate Increases would help address the Wastewater System Issues and have already seen a great decrease in the amount of spills. Councilmember Nirenberg asked of the timeline for the Rate Advisory Committee. Mr. Puente responded that the rates are reviewed every five years and that they would convene the Committee in 2014. He stated that they would begin to gather input and work to educate the community during 2014. Councilmember Nirenberg stated that he looked forward to discussions regarding Non-Revenue Water and Advanced Technology.

Councilmember Viagran thanked SAWS for their work but expressed concern with the Proposed Two-Year Rate Increase. She spoke of the importance of ensuring that Assistance Programs are available to customers that need it.

Mayor Castro called upon Ms. Meredith McGuire to speak.

Ms. Meredith McGuire representing the Alamo Group of the Sierra Club provided a petition to SAWS and the City of San Antonio regarding the Proposed Rate Increase. She stated that they were posing various questions regarding the increases because they felt it promoted unsustainable growth that brings risks and costs not matched by benefits. She provided recommendations to protect water quality and promote conservation efforts.

No action was required for Item 22.

Mayor Castro addressed Item 21 at this time.

2013-10-17-0037R

- 21.** A Resolution acknowledging the resignation of Councilmember Elisa Chan, District 9, and initiating procedures to select an interim replacement Councilmember. [Leticia M. Vacek, City Clerk]

Leticia Vacek presented a Power Point regarding the procedures to select an Interim Replacement Councilmember for District 9. She stated that the Notice of Vacancy would be posted online by close of business on Friday, October 18, 2013. She noted that the Notice of Vacancy would be published in the Express-News and La Prensa on Sunday, October 20, 2013. She reported that Application Packets to include an Application, Letter of Interest, Resume, and Financial Disclosure Documents would be accepted from October 21, 2013 through 5 pm on Friday, November 1, 2013 in the Office of the City Clerk. She indicated that the documents would be forwarded to the City Council for their review.

Mrs. Vacek added that the Mayor and City Council would interview applicants on Wednesday, November 6, 2013 during the B Session and would select up to three finalists to interview the following day. She noted that the three finalists would be interviewed at the Regular City Council Meeting on Thursday, November 7, 2013 and an appointment would be made by the City Council. She noted that the Appointee would be immediately sworn-in. Lastly, she mentioned that a Special Election would be held on Saturday, May 10, 2014 to fill the vacancy.

Mayor Castro presented a Plaque of Appreciation to Outgoing Councilmember Elisa Chan. Mayor Castro and the City Council thanked Councilmember Chan for her service to District 9 and the City of San Antonio. Councilmember Chan thanked the voters of District 9 for giving her the privilege to serve. She thanked Mayor Castro and the City Council for all of their accomplishments.

Councilmember Soules moved to approve the Resolution. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

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

Absent: 3 - Saldaña, Gonzales and Medina

POINT OF PERSONAL PRIVILEGE

Mayor Castro recognized Councilmember Bernal who would be celebrating his birthday on October 19, 2013. The City Council sang Happy Birthday to Councilmember Bernal.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 3:45 pm.

APPROVED

JULIÁN CASTRO
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC
CITY CLERK