

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



**DRAFT
Meeting Minutes
City Council A Session**

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

Thursday, August 13, 2015

9:00 AM

Municipal Plaza Building

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

PRESENT: 11 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

1. The Invocation was delivered by Sister Jane Ann Slater, CDP, PhD, Chancellor of the Archdiocese of San Antonio, guest of Councilmember Shirley Gonzales, District 5.
2. Mayor Taylor led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the City Council Meetings of June 10 - 11, 2015 and the City Council Meetings of June 17 - 18, 2015.

Councilmember Warrick moved to approve the Minutes for the City Council Meetings of June 10-11, 2015 and the City Council Meetings of June 17-18, 2015. Councilmember

Treviño seconded the motion. The motion prevailed by the following vote:

AYE: 11 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

POINTS OF PERSONAL PRIVILEGE

Councilmember Warrick recognized Lynn Bobbitt, Executive Director of the Brackenridge Park Conservancy. Ms. Bobbitt addressed the City Council in support of the Lease Agreement with the City of San Antonio (Item 11). She spoke of their close work with the Parks and Recreation Department to preserve and protect Brackenridge Park. Councilmember Warrick thanked them for their work.

Councilmember Treviño recognized Janet Dietel, President of the San Antonio Conservation Society. Ms. Dietel introduced Susan Bevins, Vice-President of the San Antonio Conservation Society. Ms. Bevins read a letter of support for the Landmark Designation of 130 Davis Court (Item 22). She stated that the property was an excellent stylistic representation of Early 20th Century Development in the early northern suburbs of San Antonio.

Councilmember Medina recognized Jane Dubel and stated that he was pleased that the Thunderbird Hills Park was being renamed to Jane Dubel Park (Item 19). Ms. Dubel stated that she served as President of the Thunderbird Hills Neighborhood Association and thanked the City Council for the honor. She spoke of her work over the past 12 years to get playground equipment for the Park noting that she had raised funds and received a grant. Councilmember Medina stated that he had received letters of support from State Representatives Justin Rodriguez and Trey Martinez Fischer, as well as Congressmen Joaquin Castro and Lloyd Doggett and thanked Ms. Dubel for her work.

Councilmember Nirenberg recognized Kathy Flinn, Blue Star Mother and District 8 Resident. Ms. Flinn stated that her son served in the military and spoke of her work in placing yellow ribbons around oak trees for the past 10 ½ years. She noted that the yellow ribbons served as a reminder that the US was at war and many servicemen and women were paying the price for our freedom. She thanked the City of San Antonio for their cooperation and noted that she had just removed the last yellow ribbons at City Hall as combat mission has ended. Councilmember Nirenberg commended Ms. Flinn for her work.

INDIVIDUAL ITEM FOR STAFF BRIEFING

The City Clerk read the caption for Item 4:

2015-08-13-0684

4. An Ordinance authorizing the City Manager to enter into a temporary operating agreement with Lyft, and other Transportation Network Companies (TNCs) for a period of nine months. [Erik Walsh, Deputy City Manager; Anthony L. Treviño, Interim Chief of Police]

Erik Walsh presented a Power Point regarding the Proposed Operating Agreement with Lyft and other Transportation Network Companies (TNCs). He stated that Mayor Taylor had requested that staff work on a framework for an agreement and address safety issues and transportation options. He provided an overview of the agreement noting that it would be effective for a nine-month term. He spoke of the background checks in which riders would have the option to select a driver based on whether or not they had a background check performed based on their Driver Profile. He reported that the agreement requires TNCs to conduct initial and annual Third Party Criminal Background and Driver History Background Checks which are part of their normal business process. He noted that House Bill (HB) 1733 was approved by the Texas Legislature earlier this year that established Automobile Insurance Requirements for TNCs and their drivers. He indicated that it would be effective on January 1, 2016 and Lyft had agreed to meet the requirements.

Mr. Walsh reported that there was a Zero Tolerance Policy on drug and alcohol use, harassment, and discrimination included in the agreement. He outlined the Inspection Process noting that vehicles will be required to be inspected prior to becoming a Lyft Vehicle. He stated that the agreement also allows the City of San Antonio to conduct random visual inspection of drivers and vehicles while they are operating on the platform. He mentioned that Lyft has agreed to provide transportation and use data to the city each quarter. Additionally, Lyft has agreed to pay \$18,750 for an Operating Permit for the nine-month term as well as \$1 to the Airport for every trip that originates from the Airport. He stated that Lyft has agreed to participate in two Town Hall Meetings to gather feedback from the public.

Mr. Walsh stated that the City of San Antonio and Police Department would encourage drivers to receive the 10-Print Background Check and ask riders to check the driver profile. He noted that SAPD Staff would utilize the \$18,750 received from Lyft to perform Background Checks at no charge to the drivers. He mentioned that the drivers that passed the City Background Check would receive a City Identification (ID) Card and could post the ID Number on their profile. He reported that they would immediately notify Lyft if a driver did not pass the City Background Check. He spoke of next steps noting that they would prepare for the re-launching of Lyft Operations and continue to finalize agreements with other TNCs.

Mayor Taylor thanked staff for the presentation and called upon the citizens registered to speak.

Nazirite Ruben Flores Perez spoke in support of the agreement with Lyft but noted that restrictions were needed.

Brad Parscale representing Tech Bloc addressed the City Council in support of the agreement with Lyft. He stated that he understood the public safety issue but felt it was important to move forward and that TNCs would support future technology efforts in the city.

April Mims representing Lyft spoke in support of the agreement. She stated that they had created a safe platform and reported that 79% of the drivers that applied for Lyft did not meet the requirements. She noted that it was important to provide transportation options to residents and they looked forward to providing safe and affordable rides in the near future.

T.C. Calvert representing Neighborhoods First Alliance addressed the City Council in opposition to the agreement with Lyft. He expressed concern that they would not be required to have 10-Print Background Checks and added that the TNCs and Taxis should be on a level playing field.

Miguel Guevara stated that he was a member of the Taxicab Industry and expressed concern that TNC Drivers did not have to pass a 10-Print Background Check. He noted concerns with the negative impact to Taxi Drivers.

Mary Jane Ortiz showed a video depicting Uber Drivers throughout the country that were charged with sexual assault, rape, and kidnapping. She stated that there should be clear rules and a focus on driver safety.

Donna Emmons addressed the City Council in opposition to the agreement with Lyft and stated that TNCs should follow the same rules as Taxi Drivers.

Robert Gonzales stated that he was a representative of the Taxicab Industry and was opposed to the agreement. He expressed concern that there was no transparency when drafting the agreement and with the fact that 10-Print Background Checks were voluntary for TNCs.

Wayne Peretz stated that he was a Taxi Driver and opposed to the agreement. He noted that it was unfair that TNCs were changing the rules and did not have to adhere to the same

requirements as Taxi Drivers.

Alonzo Pena, Former Deputy Director for Immigration Customer Enforcement, addressed the City Council and noted concerns that TNC Drivers were not required to have a 10-Print Background Check. He added that there was not a system in place to deter false documents and spoke of concerns for public safety.

George Alva stated that he was a representative of the Taxicab Industry and was opposed to the agreement. He noted that he did not feel that 10-Print Background Checks would be encouraged and expressed concern with public safety.

John Bouloubasis of Yellow Cab addressed the City Council in opposition to the agreement. He stated that the 10-Print Background Check was critical and should be required of TNC Drivers. He noted that TNCs and Taxicabs should be on a level playing field and that the greatest concern was for public safety.

Marvin Peretz stated that he was a Taxi Driver and concerned that the rules and regulations were being changed for the TNCs. He expressed concern with public safety and the lack of transparency.

Andrea Neve representing the San Antonio Hotel Lodging Association addressed the City Council and stated that public safety was their highest priority. She noted that they were in support of maintaining a 10-Print Background Check and welcomed all TNCs to operate in San Antonio.

Agrora Carrasco stated that she was an Uber Driver and supportive of the agreement with Lyft. She noted that she was a Taxi Driver for 14 ½ years but felt safer as an Uber Driver. She added that she was a safe driver and provided good service at a good price.

Jack M. Finger addressed the City Council and asked why TNC Drivers did not have to meet the same standards as Taxi Drivers.

Melissa McGehee addressed the City Council in opposition to the agreement. She spoke of issues with TNCs in other cities and stated that 10-Print Background Checks should be required.

Dee Villarubia stated that she was a frequent Lyft Passenger and spoke in support of the agreement. She showed a video of herself utilizing Lyft and noted that she always felt safe when using the service.

Richard Lorbieski spoke of his time as a Taxi Driver and noted that he was opposed to the agreement. He stated that the TNCs and Taxicabs were not on a level playing field and expressed concern with public safety.

Pete Medina addressed the City Council in opposition to the agreement noting that rules should be followed and that public safety was the highest priority.

Robert Lemons stated that he was a Taxi Driver and opposed to the agreement. He stated that there were already many large companies in San Antonio and did not feel that TNCs would bring more to the city.

Mayor Taylor expressed her appreciation for everyone that attended to speak and commended Councilmember Treviño and Erik Walsh for their work on the agreement. She stated that the agreement could be a model for expanding choice and utilizing technology to provide better information to consumers. She noted that the agreement adhered to the goals of embracing innovation and public safety. She added that she looked forward to working on an agreement with other TNCs.

Councilmember Treviño thanked Mayor Taylor for her leadership on said item and recognized staff for their help in creating the agreement. He asked Mr. Walsh to explain the fees that would be paid by Lyft. Mr. Walsh reported that their operating fee had been prorated from \$25,000 for nine months and noted that they had added the ability to operate at the Airport. He stated that they would pay the same fee that others paid at the Airport which was \$1 per trip generating at the Airport. He reported that the insurance guidelines approved via the State Legislature have also been included in the agreement. Councilmember Treviño asked the Police Chief if he felt this was a collaborative agreement. Interim Police Chief Anthony Treviño stated that they have worked through the concerns diligently and taken into account the issues of public safety and consumer choice. He noted that they had selected a nine-month agreement because it included peak periods and critical events such as the Holiday Season, Rodeo, and Fiesta. He added that when TNCs were operating previously; there were no incidents.

Councilmember Treviño moved to adopt the proposed ordinance for Item 4. Councilmember Saldaña seconded the motion.

Councilmember Saldaña recognized Lorenzo Gomez to speak. Mr. Gomez stated that great cities provided options for their residents and he was supportive of the agreement. He noted that there had been a reduction in the number of Driving While Intoxicated (DWI) incidents in the cities in which TNCs operated and spoke of the importance of consumer choice. Councilmember Saldaña expressed his support for the agreement and congratulated Lyft for

coming to the table. He asked if the Taxicab Industry had a perfect record with regard to public safety issues. Mr. John Bouloubasis stated that incidents had occurred but there were checks and balances when using the 10-Print Background Check and provided an example. He noted that the Taxicab Industry wanted to have a level playing field. Councilmember Saldaña stated that the Taxicab Industry had evolved in a way that has been positive for the community but there was now an opportunity to expand an option for transportation. He added that this was a consumer choice option and hoped that the majority of Lyft Drivers chose to undergo the 10-Print Background Check.

Councilmember Gallagher stated that he was strongly opposed to Item 4 and expressed concern that a vast number of people have not had the opportunity to hear and be part of the discussions. He asked why the 10-Print Background Check was so important. Mr. Walsh stated that it was very important but the agreement was about consumer choice. Councilmember Gallagher asked if there was a possibility that none of the Lyft Drivers would undergo a 10-Print Background Check. Mr. Walsh replied that it was a possibility. Councilmember Gallagher asked if that requirement would be eliminated for the Taxicab Industry for the next nine months. Mr. Walsh responded that it would be the decision of the City Council. Councilmember Gallagher asked how a visually impaired or drunk person would utilize the system. Mr. Walsh stated that they would encourage drivers to utilize the Driver Profile.

Councilmember Gallagher moved to delay the vote on said item until the Public Transportation Industry and the public has had formal input into the recommended changes. Councilmember Lopez seconded the motion.

Councilmember Medina asked of the 10-Print Background Check. Chief Treviño stated that they would promote Lyft Drivers to get a 10-Print Background Check and that the information would be provided on the Driver Profile. He noted that the consumer will have a choice in selecting their driver. Councilmember Medina asked of other cities that require the 10-Print Background Check. Mr. Walsh replied that Houston was the only major city that requires the 10-Print Background Check. He stated that Austin did not require it but was currently reviewing their operating agreements and drafting a new ordinance. Councilmember Medina stated that he could not compromise public safety; therefore, he could not support said item.

Councilmember Viagran asked when the agreement was expected to begin. Ms. April Mims of Lyft stated that there was not a specific date and that they were focused on getting the policy right. Councilmember Viagran asked why staff could not currently gather data. Mr. Walsh replied that there was no data because TNCs were not currently operating in the city. Councilmember Viagran asked if New York City was using the 10-Print Background

Check. Ms. Mims replied that the platform in New York City was one in which they use Commercial Drivers that required the 10-Print Background Check. Councilmember Viagran asked what offenses were being looked for. Mr. Walsh replied that they would look at driving violations over the past three years, as well as any felony or drug related offense. Additionally, they looked for sexual offenses and whether or not the individual has been arrested or convicted of violent crimes. Councilmember Viagran asked of the Zero Tolerance Policy and how it would be enforced. Mr. Walsh responded that Lyft would be responsible for enforcing the policy. Councilmember Viagran asked who would be inspecting the vehicles before operating and what they would look for. Mr. Walsh read a list of items that would be inspected by Lyft to include the foot brake, parking brake, windshield wipers, horns, and condition of tires. Councilmember Viagran asked if there would be a cap of people coming onto the platform and how many were anticipated. Mr. Walsh replied that had not been discussed and was not included in the agreement. Ms. Mims added that they did not have an estimated number of drivers at this time.

Councilmember Viagran asked what sort of information and metrics would be gathered during the nine-month period. Mr. Walsh stated that they will measure complaints, solicit feedback from the two town hall meetings, receive transportation and use data by zip code, and gain a better understanding of transportation needs. Councilmember Viagran asked if it was possible to have a disclosure statement pop up on the application screen that the City of San Antonio strongly encourages 10-Print Background Check Drivers. Ms. Mims responded that once the drivers were matched with the riders; the screen would show if the driver has received the 10-Print Background Check. Councilmember Viagran noted that the City Council had voted to keep the 10-Print Background Check in place in December and March and asked why it was now an option. Chief Treviño replied that the operating agreement would allow for consumer choice.

Councilmember Lopez stated that this was an issue of economics and safety and spoke of other issues they had addressed in the past to include the Nuclear Deal and Banning Smoking in Bars and Restaurants. He noted concerns with the unknown volume of drivers and asked of the number of staff that would be used to perform inspections. Chief Treviño responded that it would be determined during the nine-month process based on the number of drivers on the platform. Councilmember Lopez asked Lyft if they would make the 10-Print Background Check mandatory since the city was providing the service for free. Ms. Mims replied that there was not an appetite for that and they did not want to disincentivize people from applying for the platform. She added that they utilized a Third Party to perform background checks which was their preferred method. Councilmember Lopez asked of the biggest difference between the Third Party and 10-Print Background Checks. Chief Treviño responded that the 10-Print Background Check had a wrap-back feature which would report if an individual was arrested after passing the original

background check. Councilmember Lopez stated that he was in support of delaying the vote in order to receive more input from the public.

Councilmember Nirenberg thanked Mayor Taylor and Councilmember Treviño for their work on the agreement. He stated that the transportation industry was evolving and that the public safety issue was about choice. He spoke of the lack of transportation options that increase congestion, cost jobs, and make San Antonio Roads more dangerous. He asked if other TNCs would have the same authority to enter into an agreement with the city using the same framework as Lyft. Mr. Walsh replied that they could as long as the agreement was materially and substantively the same. He added that anything materially different would have to come back to the City Council for approval. Councilmember Nirenberg stated that consumers had a choice whether or not to patronize a business and expressed concern with providing obstacles for businesses to thrive.

Councilmember Warrick asked if the Airport Fee was the same for Taxis. Mr. Walsh confirmed that it was and that all of the funds could only be used at the Airport. Councilmember Warrick stated that he was strongly in support of the Ordinance as it was temporary and noted the great amount of change that would occur due to new industries and innovation. He stated that he was in support of re-looking at Chapter 33 in order to level the playing field.

Councilmember Gonzales stated that she wants TNCs to operate in San Antonio but there are rules that must be followed. She noted that the Taxicab Industry had been following the rules for many years and were subject to a 10-Print Background Check. She stated that rules should not be changed for a new company and expressed concern that almost 80% of Lyft Applicants did not meet the requirements. She asked of the Insurance Requirements. Mr. Walsh replied that the HB 1733 was approved which set the insurance requirements for TNCs and their drivers. He noted that the law would be effective on January 1, 2016.

Councilmember Krier commended Mayor Taylor for her leadership and thanked Councilmember Treviño for his efforts. He stated that this was an innovative approach to the issue and spoke of the importance of consumer choice. He noted that government could not protect everybody from everything and asked if Lyft coming into the marketplace would diminish public safety. Chief Treviño replied that he did not feel that public safety would be diminished and that they would be able to establish a baseline over the next nine months. Councilmember Krier stated that he was pleased that information on whether the driver was a Veteran would be provided to consumers via the Driver Profile. He noted that if the agreement was approved today, they would have to meet with the Traditional Provider Industry to make adjustments to their regulations.

Councilmember Viagran thanked everyone and recognized Lyft for their willingness to participate in the nine-month pilot and allowing independent contractors to participate in the 10-Print Background Check. However, she expressed concern that there would not be a motivation for drivers to participate in the 10-Print Background Check if it was not required. She spoke of public safety concerns and noted that there were still too many unanswered questions such as not knowing when they will begin operations and the unknown number of drivers. She added that she was advocating for women and citizen public safety which was not an option.

Councilmember Treviño stated that this was a great road map for how they should look at all City Regulations. He noted that he was supportive of re-looking at Chapter 33 and added that this was a step in the right direction.

The motion by Councilmember Gallagher to delay the vote on Item 4 seconded by Councilmember Lopez failed by the following vote:

AYE: 4 - Viagran, Lopez, Medina and Gallagher

NAY: 7 - Mayor Taylor, Treviño, Warrick, Saldaña, Gonzales, Nirenberg and Krier

The motion by Councilmember Treviño to adopt the proposed ordinance seconded by Councilmember Saldaña prevailed by the following vote:

AYE: 6 - Mayor Taylor, Treviño, Warrick, Saldaña, Nirenberg and Krier

NAY: 5 - Viagran, Gonzales, Lopez, Medina and Gallagher

RECESSED

Mayor Taylor recessed the meeting at 12:35 pm to break for lunch and announced that the meeting would resume at 1:30 pm.

RECONVENED

Mayor Taylor reconvened the meeting at 1:35 pm and addressed the Consent Agenda Items.

CONSENT AGENDA ITEMS

Items 9, 22, 23, and 24 were pulled for Individual Consideration. Councilmember Medina moved to approve the remaining Consent Agenda Items. Councilmember Treviño

seconded the motion.

Mayor Taylor called upon the citizens registered to speak.

William Dubel spoke of his wife, Jane Dubel and expressed support for the renaming of Thunderbird Hills Park to Jane Dubel Park. He reiterated on her efforts to acquire the park equipment and commended her for her efforts.

Written testimony was received from John Bachman in opposition to the reappointment of Rita Braeutigam to the Animal Care Services Advisory Board (Item 13).

Faris Hodge, Jr. submitted written testimony in support of Items 4-7, and 22-24.

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

AYE: 11 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

2015-08-13-0685

5. An Ordinance ratifying a contract with Alterman, Inc. for services rendered during the replacement of the electrical bus ducts at the Alamodome for a total cost of \$225,791.00, funded from the FY2015 Convention and Sports Facilities Operating Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2015-08-13-0686

6. An Ordinance accepting an offer from Southwest Solutions Group to purchase equipment and complete turnkey installation services for warehouse and storage equipment for the SAPD's Asset Seizure Unit for a total cost of \$82,198.23, funded from the Certificate of Obligations Capital Project's Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2015-08-13-0687

7. An Ordinance authorizing the following contracts establishing unit prices for goods and services for an estimated annual cost of \$680,000.00: (A) Arnett Marketing, LLC for holiday lighting, (B) Cortez Liquid Waste Services, Inc. for portable chemical toilets, and (C) AskReply d/b/a B2GNOW for maintenance and support for B2GNOW software. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2015-08-13-0688

8. An Ordinance establishing project funding and oversight agreements for the Presa Ramps at Hwy 90 project to include authorizing the execution of an Advanced Funding Agreement between the City of San Antonio and the Texas Department of Transportation, accepting reimbursement in an estimated amount of \$9,128,240.00 from TxDOT for construction-related expenses and authorizing payment in the amount of \$122,444.00 to TxDOT for state oversight costs for construction, a \$7,000,000.00 2012-2017 General Obligation Bond and Local Agency Managed Project located in Council District 3. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

2015-08-13-0690

10. An Ordinance authorizing an amendment to extend the term of the Phil Hardberger Park Caretaker Lease Agreement with Dale Chumbley through September 30, 2017, and modifying the leased premises from approximately 3.0 acres to 1.643 acres. [Xavier D. Urrutia, Interim Assistant City Manager; Janet A. Martin, Acting Director, Parks and Recreation]

2015-08-13-0691

11. An Ordinance authorizing a Lease Agreement with the Brackenridge Park Conservancy for three years, beginning on September 1, 2015, and ending on September 30, 2018, with the option to exercise two, one-year administrative renewal periods for the use of the former reservation building at Brackenridge Park for the purpose of operational and meeting space for administrative operations. [Xavier D. Urrutia, Interim Assistant City Manager; Janet A. Martin, Acting Director, Parks & Recreation]
12. Consideration of the following Board, Commission and Committee appointments for the remainder of unexpired terms of office to expire May 31, 2017, to be effective immediately upon the receipt of eight affirmative votes, or, in the event eight affirmative votes are not received, ten days after appointment; or for terms and effectiveness as otherwise indicated below: [Leticia M. Vacek, City Clerk]
- A) Reappointing Kamala Platt (District 5) and Thursten D. Simonsen (District 10) to the Citizens' Environmental Advisory Committee .
- B) Reappointing John F. Kent (District 9) and Sherri Dugas (District 10) to the Linear Creekway Parks Advisory Board.

C) Appointing Ileana Gonzalez (District 8) and reappointing Sam D. Millsap, Jr. (District 9) to the Ethics Review Board .

D) Reappointing Wayne S. Alexander (District 9) to the Port Authority of San Antonio.

E) Reappointing Jesus Rodriguez (District 5) and Martin Gomez, Jr. (District 10) to the Small Business Advisory Committee.

F) Reappointing Jack Judson (District 10) to the Historic and Design Review Commission.

G) Reappointing Maryann Jarrell (District 10) to the SA2020 Commission on Education.

H) Reappointing Daniel D. Kossel (District 10) to the Capital Improvements Advisory Committee.

I) Reappointing Charlotte D. Broussard (District 2) and Donald J. Malik (District 10) to the Disability Access Advisory Committee.

J) Appointing Patricia Gibbons (District 9) to the San Antonio Housing Trust.

2015-08-13-0692

13. An Ordinance reappointing Rita C. Braeutigam (District 4) to the Animal Care Services Advisory Board for the remainder of an unexpired term of office to expire May 31, 2017 and waiving the City Code residency requirement in Chapter 2, Article IX, Sec. 2-529(B). [Leticia M. Vacek, City Clerk]

2015-08-13-0693

14. An Ordinance authorizing an amendment to the professional services agreement with InterVISTAS Consulting Inc. to increase the contract value in the amount of \$124,000.00 to support air service at San Antonio International Airport. [Carlos Contreras, Assistant City Manager; Frank Miller, Director, Aviation]

2015-08-13-0694

15. An Ordinance scheduling a Special City Council Meeting for Thursday, August 27, 2015. [Leticia M. Vacek, City Clerk]

2015-08-13-0695

16. An Ordinance authorizing an amendment to the Revised and Restated License Agreement with UTSA to host its football games in the Alamodome. [Carlos Contreras, Assistant City Manager; Michael J. Sawaya, Director, Convention & Sports Facilities]

2015-08-13-0696

17. An Ordinance authorizing a Reimbursement Agreement with San Antonio Local Organizing Committee, in an amount not to exceed \$144,582.40, for eligible expenses incurred for the National Collegiate Athletic Association 2014 Men's Basketball 2nd and 3rd Round Games. [Lori Houston, Assistant City Manager; Casandra Matej, Director, San Antonio Convention & Visitors Bureau]

2015-08-13-0697

18. An Ordinance authorizing the extension of line-of-duty injury leave for San Antonio Fire Department Fire Captain William Bochat. [Erik J. Walsh, Deputy City Manager; Charles N. Hood, Fire Chief]

2015-08-13-0698

19. An Ordinance authorizing the renaming of Thunderbird Hills Park to Jane Dubel Park in Council District 7. [Xavier D. Urrutia, Interim Assistant City Manager; Janet A. Martin, Acting Director, Parks & Recreation]

2015-08-13-0699

20. An Ordinance authorizing a broker agreement with Air Flight, Inc. to market two SAPD used helicopters for a commission of 8.5% of the sales price, and contracts with Sikorsky Commercial, Inc. and Helico Consultants s.e.n.c. for the purchase of the two helicopters for the price of \$240,000.00 and \$235,000.00, respectively. [Erik Walsh, Deputy City Manager; Anthony Trevino, Interim Chief of Police]

2015-08-13-0053R

21. An Ordinance authorizing and approving amendments to the Bylaws of the San Antonio Tricentennial Celebration Commission and appointing co-chairs and Board Members. [Edward Benavides, Chief of Staff; Ed Belmares, Director, Tricentennial Office]

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

The City Clerk read the caption for Item 9:

2015-08-13-0689

9. An Ordinance for the Mainland and Bandera Intersection Improvements Project authorizing the acquisition of approximately 3,603 square feet of privately owned real property, through negotiation or condemnation; declaring it be a public use project and authorizing expenditures not to exceed \$100,000.00 to the selected title company, for land, relocation, litigation expenses and associated title fees, an Advanced Transportation District funded project located in Council District 7. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

Councilmember Medina moved that the City of San Antonio authorize the use of the power of eminent domain to acquire Right-of-Way interest for a public use project for the Mainland and Bandera Intersection Improvements Project relating to the property described by the City Clerk and incorporated as part of this Motion. Councilmember Viagran seconded the motion.

The City Clerk read the property description: The properties consist of a combined total of 3,603 square feet out of Lots 3 and 4, Block 2, New City Block 18572, Real Property Records of Bexar County, Texas. These properties are depicted in Exhibit A and more particularly described in Exhibits B and C attached to the ordinance and incorporated as part of this Motion.

The motion prevailed by the following vote:

AYE: 11 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Items 22 and 24 were addressed jointly. The City Clerk read the captions for Items 22 and 24:

DENIED

22. A Resolution initiating landmark designation for 130 Davis Ct located in Council District 2. [Lori Houston, Assistant City Manager; Shanon Shea Miller, Office of Historic Preservation]

DENIED

24. A Resolution initiating landmark designation for 825 E Grayson St located in Council District 2. [Lori Houston, Assistant City Manager; Shanon Shea Miller, Office of Historic Preservation]

Councilmember Warrick requested to hear the citizens for Item 22 first.

Mayor Taylor called upon the citizens registered to speak on Item 22.

Laura Dixon stated that she was the property owner and opposed to the Landmark Designation for 130 Davis Ct. She noted that she had purchased the property because it was not located in a Historic District and had followed the direction of City Staff on the development of the property.

Mac Riddick spoke against the Landmark Designation and stated that there should be a balance between Historic Preservation and Government Regulations. He noted that the Unified Development Code (UDC) was vague and subjective and that the property owner should be able to decide what occurs on their property.

Gary Cox spoke in opposition to the Landmark Designation for 130 Davis Ct. and 825 E. Grayson Street. He stated that the Landmark Designation ordinance was flawed and that the property owner should be able to develop their own property.

Christina Benacci addressed the City Council in opposition to the Landmark Designation for 130 Davis Ct. She expressed concern with the criteria in the UDC and with the lack of property owner rights.

Jim Bastoni of Imagine Homes addressed the Council and stated that he had been working with Ms. Dixon on development of the property. He spoke of their experiences noting that other properties in the immediate area had been demolished. He expressed concern with the difficulties they had encountered and asked the City Council to deny the request.

Michael Lockridge addressed the Council in opposition to Landmark Designation for 130 Davis Ct. He expressed concern with the process that has changed several times and that private property rights were being denied.

Melissa Weiner addressed the City Council in opposition to the Landmark Designation. She expressed concern that an individual other than the homeowner was able to make a decision regarding a property. She noted concerns with the process and added that there were other homes in the area in need of repair.

Donna Liston stated that she was Owner and Resident of The Lambermont and was opposed to the Landmark Designation of 825 E. Grayson Street. She noted that the home should have been saved 20 years ago and spoke of the importance of developing the neighborhood.

Rose Hill, President of the Government Hill stated that they were not against change and work very hard to protect the historic neighborhood. She noted that 50% of the neighborhood was supportive of the Landmark Designation.

Steve Mazuira stated that he lived in Government Hill and was supportive of the Landmark Designation. He noted that he was opposed to the demolition of the home as other homes in the neighborhood may also be torn down.

Marie Stout spoke in opposition to the demolition of the home at 825 E. Grayson Street. She stated that she served on the Government Hill Neighborhood Association and they work hard to keep their neighborhood clean. She added that the home was built in 1886 and was part of the History of the area.

John Friesenhahn spoke in opposition to the Landmark Designation of 130 Davis Ct. He expressed concern that Laura Dixon, Property Owner, was treated as a regular citizen and was not given the same amount of time to speak as the individual that applied for Landmark Designation at the Historic Design Review Commission Meeting.

Derek Elliott stated that he lives on Davis Ct. and expressed concern that the home at 130 Davis Ct. was not being maintained. He noted that he had a vested interest as a resident of the area and was supportive of the Landmark Designation.

Christina Benacci read a statement in opposition to the request for Landmark Designation from Mark Fassel who lives one street over from 130 Davis Ct. and could not be present today.

Shanon Miller presented information on the Resolution for Landmark Designation noting that it would begin the process to make the home Historic. She showed a photo of the home and stated that it was the first home built on Davis Ct. in 1916. She noted that the home was a unique example of a Craftsman Bungalow and had intact significant architectural features. She reported that the review for Historic Significance was initiated by a neighboring property owner on Davis Ct. She stated that the HDRC found the property to be eligible for Landmark Designation and instructed the Office of Historic Preservation (OHP) to seek a Council Resolution to proceed with the designation process. She noted that the potential buyer of the property would like to demolish the building but a Historic District Designation was pending for Davis Ct. She added that Historic Designation would require review by HDRC for any proposals and provide incentives for rehabilitation. She outlined the steps in the process noting that if the Resolution was denied; the Designation Process would not continue and the building may be demolished.

Councilmember Warrick asked if the property was located in a Historic District or Neighborhood Conservation District. Mrs. Miller replied that it was in a Neighborhood Conservation District. Councilmember Warrick asked if the Mahncke Park Neighborhood Association had made that decision. Mrs. Miller replied that they had selected to become a Neighborhood Conservation District. Councilmember Warrick asked how often this type of disagreement occurred. Mrs. Miller responded that it was very rare and had only happened once or twice over the past eight years. Councilmember Warrick asked of the implications if the area was Historic. Mrs. Miller explained that the UDC outlines the criteria that must be met in order to receive approval for demolition. She added that a demolition permit would not be issued until there were replacement plans and proof of financial means to complete the project.

Councilmember Warrick asked Ms. Laura Dixon to explain the burden related to the demolition process for the property. Ms. Dixon explained that she had spent \$12,000 in unexpected costs related to the property and attended over 30 meetings. She confirmed that she was opposed to Landmark Designation of her home.

Councilmember Warrick requested the staff presentation for Item 24 related to 825 E. Grayson Street.

Mrs. Miller presented a Power Point regarding 825 E. Grayson Street which is in the same situation. She showed a photo of the home and noted that it contributes to the development pattern of Government Hill. She noted that the home was associated with Fort Sam Houston's Military History and considered a unique example of a 19th Century Victorian Residential Structure. She reported that the review for Historic Significance was initiated by a citizen who lives in the Government Hill Neighborhood. She stated that the HDRC found the property to be eligible for Landmark Designation and instructed the Office of Historic Preservation (OHP) to seek a Council Resolution to proceed with the designation process. She noted that the potential buyer of the property would like to demolish the building and that Historic Designation would require review by HDRC for any proposals and provide incentives for rehabilitation.

Councilmember Warrick called upon Patrick Christensen. Mr. Christensen and Patrick Trenay, Property Owner, addressed the City Council. Mr. Trenay stated that he had reviewed the Neighborhood Plan and Zoning prior to purchasing the property. He noted that this process had cost him an additional \$10,000 and hoped the Landmark Designation would be denied.

Councilmember Warrick stated that although he was supportive of Historic Preservation, he

was concerned that a third party could initiate the Landmark Designation process without approval from the property owner. He noted that he had met with all sides of the issue and would be denying the Landmark Designation requests for both cases.

Councilmember Gonzales asked if a plan must be in place in order for a demolition to be approved. Mrs. Miller replied that it depended on the situation but in the two cases being considered at this time; there were no requirements to have replacement plans in place.

Councilmember Warrick moved to deny the proposed ordinances for Items 22 and 24. Councilmember Treviño seconded the motion. The motion prevailed by the following vote:

AYE: 11 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

The City Clerk read the caption for Item 23:

DENIED

- 23.** A Resolution to proceed with landmark designation for 2202 Fredericksburg Road located in Council District 1. [Lori Houston, Assistant City Manager; Shanon Shea Miller, Office of Historic Preservation]

Shanon Miller stated that this process was different in that the Finding of Historic Significance was initiated by the Office of Historic Preservation. She showed a photo of the building located at 2202 Fredericksburg Road noting that it was built circa 1940's. She stated that it was adjacent to the Monticello Park Historic District and represented a Moderne/Deco Style Gas Station. She indicated that the building exemplified the cultural, economic, and social trends distinctive to San Antonio's Early Automobile Suburbs. She added that it had been a physical landmark along Fredericksburg Road for the last 70 years and one of the few representations of the 1940-1950's Sinclair Station. She reported that the HDRC found the property eligible for Landmark Designation and instructed OHP to seek a Council Resolution to proceed with the designation process. She noted that the potential buyer of the property would like to demolish the building and that Historic Designation would require review by HDRC for any proposals and provide incentives for rehabilitation.

Mayor Taylor called upon the citizens registered to speak.

Frederica Kushner read a letter of support from the San Antonio Conservation Society for Landmark Designation for 2202 Fredericksburg Road.

Bill Kaufman representing Mike Kepke, Property Owner, showed an aerial of the site of the

property. He noted that the property had operated as a garage for over 40 years and was zoned Commercial. He mentioned that it was located in the Los Angeles Heights Area and they had not entered any opposition. He stated that the glass panels and front panels were not the original ones and had been replaced numerous times. He spoke of their work with Councilmember Treviño and noted that they had developed a plan to maintain historical elements of the roof.

Bianca Maldonado, President of Monticello Park Neighborhood Association, distributed two letters of support for the Landmark Designation from the Monticello Park Neighborhood Association and the Jefferson/Woodlawn Lake Community Development Corporation. She asked that they delay the case in order for the public to have more input.

Councilmember Treviño explained that he had visited the building numerous times and it was in great need of repair. He stated that this was one development that they would not like to see become vacant and commended the developer for working to maintain architectural appropriateness of the area. He stated that the Red Dome, Circular Platform directly beneath the Red Dome, and the Octagonal Structure directly beneath the Circular Platform shall be removed in a structurally preserving manner, stored, rehabilitated, and reinstalled on a new structure or support. He noted that prior to the issuance of a building permit for the site, the Historical Elements shall be shown on the plans and specifications submitted to the City of San Antonio for the new structure at a location as reasonably close to the current location as possible, subject to approval by the Development Services Department. He added that the Applicants would satisfy the Development Services Department of its ability to complete construction of a new structure evidenced by a letter or other satisfactory documentation from a financial institution indicating the Applicant's ability to complete the proposed project. He thanked everyone that worked on the project and stated that this was a step in the right direction.

Councilmember Medina thanked everyone for their work and noted that the property and development would have an impact on District 7. He spoke of the importance of developing the area and noted that he was not supportive of Landmark Designation for the property.

Councilmember Treviño moved to deny the proposed ordinance for Item 33 initiating Landmark Designation with conditions incorporated into a requested demolition permit for the main structure. Councilmember Warrick seconded the motion. The motion prevailed by the following vote:

AYE: 9 - Mayor Taylor, Treviño, Warrick, Viagran, Gonzales, Lopez, Medina, Nirenberg and Gallagher

ABSENT: 2 - Saldaña and Krier

25. City Manager's Report
A. Community Budget Meetings
B. Neighborhood Leadership Academy

The City Manager's Report was not addressed.

ADJOURNMENT

There being no further discussion, Mayor Taylor adjourned the meeting at 3:10 pm.

APPROVED

IVY R. TAYLOR
MAYOR

ATTEST:

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