

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



DRAFT

**Meeting Minutes
City Council A Session**

City Hall Complex
105 Main Plaza
San Antonio, Texas 78205

Thursday, December 17, 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 Father Christopher Robinson, St. Francis Episcopal Church, guest of Councilmember Ron Nirenberg, District 8.
2. Mayor Taylor led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the Regular City Council Meeting of November 12, 2015.

Councilmember Warrick moved to approve the Minutes for the Regular City Council Meeting of November 12, 2015. Councilmember Gallagher 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 Krier recognized Soleil Guckian, Bradley Middle School Student, for receiving the Texas Student Hero Award from the State Board of Education. He stated that she had organized several food drives to benefit the San Antonio Food Bank and was active in the community. He recognized her parents Heather and Jason who were also present and thanked Soleil for her great work.

Mayor Taylor read a letter from the Mayor of Chennai, India, San Antonio's Sister City, regarding the worst flooding their city had ever experienced. Mayor Taylor recognized Kausi Subramanian of the Sister City Alliance Group. Ms. Subramanian stated that they had implemented a Facebook Campaign entitled, "Hats off to Chennai" to raise funds for Chennai due to their great losses. She requested assistance from the City Council and thanked them for their continued support.

Councilmember Viagran recognized students from Legacy Middle School and thanked them for being present. Mayor Taylor welcomed the students to the City Council Meeting.

Mayor Taylor stated that the City Council had received some barbecue ribs from the City of Memphis as the San Antonio Spurs had beat the Memphis Grizzlies in a recent basketball game. Councilmember Treviño spoke of his trip to Memphis and thanked their Mayor and City Council for their hospitality and for the ribs.

INDIVIDUAL ITEMS FOR STAFF BRIEFING

City Clerk Vacek read the caption for Items 4A-4E:

4. Consideration of the following five items relating to the Soccer Field on David Edwards Drive known as "Toyota Field", located in Council District 10: [Carlos Contreras, Assistant City Manager; Michael Sawaya, Director, Convention and Sports Facilities]

2015-12-17-1049

- 4A. An Ordinance authorizing a \$9 million contribution by the City to be used in conjunction with \$9 million in funds from Bexar County for the purchase of Toyota Field through an Earnest Money Contract between the Public Facility Corporation

and Sports and Outdoor Recreation in a cumulative amount of \$18 million; approving the negotiation and execution of ancillary documents necessary to purchase Toyota Field.

2015-12-17-0068R

- 4B.** A Resolution authorizing the creation of a Public Facility Corporation to acquire and hold title to 5106 David Edwards Drive, San Antonio, TX, Bexar County, also known as “Toyota Field”; approving the Bylaws and Articles of Incorporation of the Public Facilities Corporation; approving an Interlocal Cooperation Agreement with Bexar County for its participation in the Public Facility Corporation; and other matters related to the creation of the Public Facilities Corporation.

2015-12-17-1050

- 4C.** An Ordinance authorizing the Public Facility Corporation to enter into a Soccer Stadium Facility Lease Agreement with SA FC for a term of 20 years at an annual rental amount of \$100,000.00; authorizing a \$500,000.00 contribution from the City to the Public Facility Corporation to be used for Public Facility Corporation approved deferred maintenance and facility standard upgrades at Toyota Field, such contribution being contingent upon a \$1 million contribution towards deferred maintenance and facility standard upgrades to Toyota Field from SA FC and a \$500,000.00 contribution from the County for deferred maintenance of the STAR Soccer Complex; approving the negotiation and execution of ancillary documents necessary to lease Toyota Field to SA FC, including a provision providing reimbursement to City and County of a combined \$5 million should no MLS franchise be awarded.

2015-12-17-1051

- 4D.** An Ordinance authorizing a Lease Agreement between the City and SA FC for the STAR Soccer Complex located at 5103 David Edwards Drive, San Antonio, TX, Bexar County, excluding a portion of property to remain leased to Sports and Outdoor Recreation; approving the negotiation and execution of ancillary documents necessary to lease STAR Soccer Complex.

2015-12-17-1052

- 4E.** An Ordinance authorizing a Third Amendment to the Lease Agreement between the City and Sports and Outdoor Recreation to reduce the acreage of leased property at 5103 David Edwards Drive, San Antonio, TX, Bexar County, to approximately four acres to be used as a water park in association with Morgan’s Wonderland.

Carlos Contreras presented a Power Point and stated that Toyota Field had opened in 2013 with 8,300 Seats and 16 Luxury Boxes. He noted that staff was recommending

authorization to purchase the Field for \$18 Million with the City of San Antonio and Bexar County each paying \$9 Million. He stated that they would create a Public Facility Corporation (PFC) to own the Field, and establish a PFC Board consisting of 2 City Staff and 2 County Staff. He noted that the PFC Board would approve Toyota Field and STAR Soccer Complex Improvement Expenditures.

Mr. Contreras reported that the PFC would enter into a Soccer Stadium Facility Lease with SA FC for a term of 20 years to operate and maintain Toyota Field and the STAR Soccer Complex. He stated that they would work to secure a Major League Soccer (MLS) Franchise. He explained that if an MLS Franchise was secured; the City and County would call an election after November 1, 2017 for an expansion to Toyota Field. He noted that the Voter Proposition would fund expansion in a model similar to the AT&T Center (84%/16%). He indicated that if an MLS Franchise was not secured, repayment of \$5 Million would be paid to the City and County beginning in Year 6. He added that staff was also recommending an amendment to the City's Lease with Sports and Outdoor Recreation (SOAR) to reduce the acreage of leased property to four acres to be used as a Water Park for Morgan's Wonderland.

Mayor Taylor called upon the citizens registered to speak.

Mr. Jack M. Finger recognized Gordon Hartman for his work in the community but expressed opposition as he was concerned that taxpayers would fund the \$18 Million purchase of Toyota Field.

Michael Macias stated that he was the Co-Founder of MLS-SA whose mission was to promote San Antonio as the next Major League Soccer City. He expressed support for the staff recommendations and stated that he looked forward to the future of MLS.

Mayor Taylor expressed support for promoting MLS to San Antonio and asked of the financing of the project. Mr. Contreras replied that they would utilize a Capital Reserve Fund which was used for maintenance and improvements.

Councilmember Gallagher expressed his support and stated that he was pleased with the protections to taxpayers. He stated that MLS was part of the City's Future and that there was a great interest in Soccer. He recognized Mr. Gordon Hartman. Mr. Hartman thanked the City Council and stated that they were pleased to continue to support assisting the Special Needs Community and Professional Soccer.

Councilmember Viagran thanked everyone for their work and asked of the number of members of the PFC Board of Directors. Mr. Contreras replied that it would consist of four

members; two City Staff and two County Staff appointed by the City Council. Councilmember Viagran asked if the City would have to contribute financially to MLS. Mr. Contreras stated that if MLS was secured; the City and County would participate in an expansion of the Stadium and the financing would have to be approved by the voters.

Councilmember Warrick stated that this was a great package and asked of the estimated attendance. Mr. Bobby Perez representing Spurs Sports and Entertainment stated that there would likely be 15 games held at Toyota Field this Spring. Councilmember Warrick asked of Economic Development surrounding the Stadium. Mr. Contreras replied that they anticipated a great amount of growth in the area once a Professional Franchise was secured. Councilmember Warrick asked of the expansion that would be needed to accommodate MLS. Mr. Perez stated that was unknown at this time but could range from 10,000-15,000 additional seats.

Councilmember Gonzales asked if the City's contribution of \$9 Million could be used elsewhere. Mr. Sawaya replied that the funds could be used for other Capital Projects. Mrs. Sculley added that they were Restricted Funds that could not be used for General Fund Activities. Councilmember Gonzales asked of the average cost per ticket to an event. Mr. Perez replied that the average ticket price was \$17.

Councilmember Lopez expressed support and stated that this would provide security for Morgan's Wonderland. Councilmember Nirenberg concurred with Councilmember Lopez and stated that there was great potential to bring MLS to San Antonio.

Councilmember Medina also expressed his support and stated that he was pleased with the great partnerships. Councilmember Saldaña stated that he was pleased to also support Morgan's Wonderland and the potential for MLS in San Antonio.

Councilmember Gallagher moved to adopt the proposed Ordinances for Items 4A, 4C, 4D and 4E, and approve the Resolution for Item 4B. Councilmember Lopez 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

CONSENT AGENDA ITEMS

Items 17 and 27A&B were pulled for Individual Consideration. Councilmember Treviño moved to approve the remaining Consent Agenda Items. Councilmember Gallagher seconded the motion.

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

Mr. Jack M. Finger addressed the Council and expressed concern with the lawsuit settlements (Items 23 and 24) and asked if the City Employees responsible were being held accountable. He spoke in opposition to the Tax Abatement Agreement with SRP, LTD and AmeriCredit Financial Services (Item 27).

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

2015-12-17-1053

5. An Ordinance accepting an offer from Sage Pursuits, Inc., dba Envision Technology Partners, Inc., to provide technical support to the San Antonio Metropolitan Health District's Immunization Registry system for an amount not to exceed \$41,000.00 with one year renewal option for a total estimated contract value of \$83,000.00. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2015-12-17-1054

6. An Ordinance authorizing a one year contract with Carahsoft Technology Corp., for an initial cost of \$240,985.00, to provide the Transportation and Capital Improvements Department with a Right of Way Management solution, with a one year renewal option of \$223,125.00, for a total cost of \$464,110.00. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2015-12-17-1055

7. An Ordinance accepting an offer from Kidde Fire Trainers, LLC to provide system upgrades to the existing Kidde Fire Trainer at the San Antonio Fire Department Training Academy for a total cost of \$67,820.00, funded from the General Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2015-12-17-1056

8. An Ordinance accepting the offer from Dailey & Wells Communications, Inc., through the Houston-Galveston Area Council of Governments cooperative contract to provide the San Antonio Police and Fire Departments with portable radios for a total cost of \$6,741,266.35, funded from the FY2015-FY2019 Capital Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2015-12-17-1057

9. An Ordinance authorizing the following contracts establishing unit prices for goods and services for an estimated annual cost of \$370,404.00: (A) Western States Fire

Protection Company for fire sprinkler inspection, maintenance & repair, (B) RCO Construction, L.L.C for paver repairs at Alamodome, (C) Capps Van & Truck Rental for rental of various vehicles, (D) Bio-Rad Laboratories, Inc. for HIV tests and supplies, and (E) West Publishing Corporation d/b/a West, a Thomson Reuters Business for West Publishing Corporation Research licenses and materials. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2015-12-17-1058

10. An Ordinance for the Stone Oak Park Improvement Project awarding a construction contract to ASD Consultants, Inc. in the amount of \$414,500.00, a 2012-2017 Bond-funded Project located in Council District 9. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

2015-12-17-1059

11. An Ordinance for the Oscar Perez Park Improvement Project authorizing a Job Order Contract with Straight Line Management in an amount not to exceed \$205,985.40, a 2012-2017 Bond-funded Project located in Council District 6. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

2015-12-17-1060

12. An Ordinance authorizing the execution of an Advanced Funding Agreement between the City of San Antonio, the Texas Department of Transportation, and Union Pacific Railroad and accepting \$300,000.00 for improvements near Hoefgen Avenue and accepting \$150,000.00 from TxDOT and \$150,000.00 from Union Pacific Railroad for the planned work. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

2015-12-17-1061

13. An Ordinance authorizing a new five year, restaurant lease with DBHO, Inc. dba Guadalajara Grill for use of Building 16 in La Villita. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development & Operations Department]

2015-12-17-1062

14. An Ordinance authorizing an extension of Rainforest Cafe's River Walk patio lease through January 14, 2021. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development & Operations Department]

2015-12-17-1063

15. An Ordinance authorizing an amendment to a ground and building lease agreement with Avis Rent A Car System, LLC to align the performance guarantee requirements

with other lease agreements in the San Antonio Airport System. [Carlos Contreras, Assistant City Manager; Frank Miller, Director, Aviation]

16. Consideration of the following three items relating to the Community Wildfire Protection Plan: [Erik Walsh, Deputy City Manager; Charles N. Hood, Fire Chief]

2015-12-17-1064

- 16A. An Ordinance ratifying the submission of a grant application in an amount up to \$10,000.00 to the Texas Forest Service for funds to be used in the development of a Community Wildfire Protection Plan; and authorizing the acceptance of the funds, upon award.

2015-12-17-1065

- 16B. An Ordinance authorizing an interlocal agreement with the Texas Forest Service to provide for mutual aid assistance during prescribed fire, wildfire, and other all-risk incidents.

2015-12-17-0069R

- 16C. A Resolution supporting the development of a Community Wildfire Protection Plan.

2015-12-17-1067

18. An Ordinance amending City Code, Chapter 13, Article II, Section 13-27 pertaining to the Food Establishment Permit Fee (1-5 Employees) to reflect fee adjustments approved within the FY 2016 Budget Amendments. [Maria Villagomez, Assistant City Manager; Chad Tustison, Interim Director, Management and Budget]

19. 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 Arlene B. Fisher (District 1) to the Capital Improvements Advisory Committee.

B) Reappointing Jane A. Thomas (District 3) to the Small Business Advocacy Committee.

C) Appointing Deborah A. Korinchock, Anita Ledbetter, and Sylvia Montemayor to

the San Antonio Bike Share Board of Directors for the remainder of an unexpired term of office to expire June 21, 2016.

2015-12-17-1068

20. An Ordinance authorizing a concession agreement with Ready Credit Corporation for a Cashless Kiosk in Terminal B of the San Antonio International Airport with a Minimum Annual Guarantee of \$1,500.00. [Carlos Contreras, Assistant City Manager; Frank Miller, Director, Aviation]

2015-12-17-1069

21. An Ordinance authorizing an Interlocal Agreement between the City of San Antonio and CPS Energy for the use of the City's Compressed Natural Gas facilities through September 30, 2016 with the option of two additional one year extensions; and ratifying current month-to-month extensions of the existing Interlocal Agreement with CPS Energy. [Peter Zanoni, Deputy City Manager; Jorge A. Perez, Director, Building and Equipment Services]

2015-12-17-1070

22. An Ordinance authorizing an agreement with the Southwest Texas Regional Advisory Council (STRAC) to provide funding to STRAC in an amount not to exceed \$37,500.00 in support of multiagency funded licenses for Visual Dx and EverBridge software related to public health emergency preparedness activities for Bexar County for a period ending June 30, 2016. [Erik Walsh, Deputy City Manager; Dr. Vincent R. Nathan, Interim Director of Health]

2015-12-17-1071

23. An Ordinance authorizing the settlement of a lawsuit styled Valemas, Inc. v. City of San Antonio, Cause No. 2007-CI-15772, pending in the 166th Judicial District Court for the for an amount up to \$244,569.00. [Martha G. Sepeda, Acting City Attorney]

2015-12-17-1072

24. An Ordinance authorizing the settlement of a lawsuit styled Valemas, Inc. and L. Payne Constructors v. City of San Antonio, Cause No. 2011-CI-00316, pending in State District Court for the for an amount up to \$293,000.00. [Martha G. Sepeda, Acting City Attorney]

2015-12-17-1073

25. An Ordinance authorizing agreements related to the San Antonio Metropolitan Health District's Tuberculosis Prevention and Control Program with the University of Texas Health Science Center at Tyler which includes two agreements in a cumulative amount not to exceed \$417,973.00 for physician services for a period

ending September 30, 2016 with options to renew. [Erik Walsh, Deputy City Manager; Dr. Vincent R. Nathan, Interim Director of Health]

2015-12-17-1074

26. An Ordinance authorizing agreements with Family Services Association and Parent/Child Incorporated for terms ending June 30, 2016 for the San Antonio Metropolitan Health District to provide oral health services to Early Head Start enrollees with options to renew for two additional one-year terms for a cumulative amount, inclusive of renewals, of up to \$27,500.00 and an in-kind match requirement in services totaling \$5,600.00. [Erik Walsh, Deputy City Manager; Dr. Vincent R. Nathan, Interim Director of Health]

CONSENT ITEMS CONCLUDED

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

City Clerk Vacek read the caption for Item 17:

2015-12-17-1066

17. An Ordinance amending City Code Chapter 13 "Food and Food Handlers" establishing provisions related to charitable feeding. [Maria Villagomez, Assistant City Manager; Melody Woosley, Director, Human Services]

Melody Woosley presented a Power Point on the Charitable Feeding Proposed Policy Revisions. She provided a timeline for development of the revisions, noting that they held multiple discussions with Charitable Feeders and Stakeholders for input. She highlighted the revisions to include: 1) Establishing a definition; 2) No permits or fees required; 3) 24-Hour Notification to the Health Department; 4) Require Food Handler or Manager Certification; and 5) Removal of undistributed food, trash, and waste. She added that the policy also clarified the Park and Reservation Process and that staff recommended a six month grace period to provide technical assistance.

Mayor Taylor called upon the citizens to speak on said item.

Pat DiGiovanni, President of Centro San Antonio, spoke in favor of the Ordinance and stated that it was a balanced and equitable solution. He added that Centro stands ready to support the new Outreach Program.

Joan Cheever, Dennis Quinn, and Bill Holler representing The Chow Train, addressed the City Council. Ms. Cheever stated that they were in favor of some of the items included in

the Ordinance but expressed concern that a Food Handler Certification would be required. She also expressed concern with the 24-Hour Notification to the Health Department and the 50-foot rule.

Mayor Taylor asked Martha Sepeda to address the concerns in the letter presented by Joan Cheever from Scott Barnard with Akin Gump. Ms. Sepeda stated that the 50-foot rule has been eliminated and that the Food Handler Certification would only be required where the food was prepared. She noted that they were now asking for a notice to the Health Department 24 hours after feeding in the case that someone becomes sick. She added that a response had been sent to the Attorney late yesterday afternoon.

Councilmember Treviño stated that this was a step in the right direction and asked of the strategy that would be utilized. Ms. Woosley stated that they would be coordinating more with Charitable Feeders to potentially provide social services and perform outreach at said areas.

Councilmember Nirenberg thanked staff for being responsive and acknowledged that it will be reviewed and revised in the future as necessary. Councilmember Viagran thanked everyone for their work and expressed her support for the policy revisions.

Councilmember Krier stated that he was pleased that they had accommodated most of the concerns addressed by Ms. Cheever and requested that a status report be provided to the City Council in the next six months. Ms. Woosley confirmed that said item would be presented at a Council Committee or City Council Meeting. Councilmember Warrick thanked everyone for their work and expressed his support.

Councilmember Treviño moved to adopt the proposed Ordinance. Councilmember Nirenberg 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

City Clerk Vacek read the captions for Items 27A and 27B:

27. Consideration of the following two items relating to the AmeriCredit Financial Services, Inc. (a wholly owned subsidiary of General Motors Financial Company) project located in Council District 6: [Lori Houston, Assistant City Manager; Rene Dominguez, Director, Economic Development]

2015-12-17-1075

27A. A Public Hearing and consideration of an Ordinance designating the AmeriCredit Reinvestment Zone located at N. Ellison Dr. & Westover Link, San Antonio, Texas 78251 in Council District 6.

2015-12-17-1076

27B. An Ordinance approving a 6-year, 50% Tax Abatement Agreement with SRP, LTD as real property owner and AmeriCredit Financial Services as lessee and personal property owner based on a capital investment of \$24.5 million in real and personal property improvements and the creation of at least 490 new full-time jobs.

Rene Dominguez introduced Mike Duskin, Senior Vice President of Corporate for GM Financial and presented information regarding the AmeriCredit Financial Services, Inc. Reinvestment Zone and Tax Abatement Agreement. He reported that AmeriCredit was a wholly owned subsidiary of General Motors with a total global workforce of 7,500 employees. He highlighted the project benefits in which AmeriCredit would build a 100,000 square foot Financial Services Center in the Westover Hills Area. He stated that the company anticipated commencing operations in January 2017 and would create 490 full-time jobs over five years. He noted that the estimated net positive fiscal impact to the City was \$2 Million over 10 years.

Councilmember Lopez stated that he was pleased with the good, quality jobs that would be created and recognized Mario Hernandez of the Economic Development Foundation for all of his work. Councilmember Krier also expressed his support and stated that he was pleased with the significant investment and good jobs that would be created. Mayor Taylor stated that she was excited to welcome the firm and investment to the community.

Councilmember Lopez moved to adopt the proposed Ordinances for Items 27A and 27B. Councilmember Krier 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

28. City Manager's Report**A. FY 2015 Preliminary Year-End Financial Report**

Mrs. Sculley provided a summary of the FY 2015 Preliminary Year-End Financial Report via Power Point. She reported that based on preliminary figures; the General Fund ends \$4 Million better than projected at Budget Adoption. She highlighted the Restricted Funds and stated that the City's Financial Position was strong and well-positioned for FY 2016.

Councilmember Krier mentioned that Healthcare Costs for Uniform Employees was 2 ½ times higher than that of Civilian Employees and asked when that would be three times higher. Maria Villagomez indicated that it could occur in 2018. Councilmember Krier stated that the City could not continue on this path and looked forward to continued Collective Bargaining Negotiations. Mayor Taylor added that she welcomed the opportunity to return to negotiations and resolve the issue in a manner that was fair for all involved. She wished everyone a Happy Holiday Season.

RECESSED

Mayor Taylor recessed the meeting at 11:23 am and announced that the meeting would resume at 2:00 pm for Zoning.

RECONVENED

Mayor Taylor reconvened the meeting at 2:06 pm and addressed the Consent Zoning Items.

CONSENT ZONING ITEMS

Zoning Items 29, Z-2, Z-3, Z-4, Z-5, P-1, Z-6, Z-7, and Z-13 were pulled for Individual Consideration. Councilmember Gallagher moved to approve the remaining Consent Zoning Items. Councilmember Nirenberg seconded the motion.

Mayor Taylor announced that there were no citizens registered to speak on Consent Items. The motion to approve the Consent Zoning Items prevailed by the following vote:

AYE: 10 - Mayor Taylor, Treviño, Warrick, Viagran, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

ABSENT: 1 - Saldaña

2015-12-17-0070R

- 30.** A Resolution to initiate land use and zoning to make the zoning consistent with the current uses of the property for properties generally located along Turbo Drive and Braniff Drive in Council District 9.

2015-12-17-1078

- Z-1.** ZONING CASE # Z2015223 CD (Council District 1): An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District to "C-2NA CD" Commercial District with a Conditional Use for Self-Service Storage Facility on approximately 2.76 acres out of NCB 11687 (formerly known as NCB 11669) located at 4718 Vance Jackson. 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: P-101, P-102, P-103, P-104, NCB 11687 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT TO "C-2 CD" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR SELF-SERVICE STORAGE FACILITY.

2015-12-17-1084

P-2. PLAN AMENDMENT # 16004 (Council District 4) : An Ordinance amending the future land use plan contained in the United Southwest Communities Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of 6.00 acres of land out of NCB 15269 located in the 5500 Block of Ray Ellison Boulevard from "Low Density Residential" to "Community Commercial." Staff and Planning Commission recommend Approval. (Associated Zoning Case Z2016021)

2015-12-17-1085

Z-8. ZONING CASE # Z2016021 (Council District 4): An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on 6.00 acres of land out of NCB 15269, located in the 5500 Block of Ray Ellison Boulevard. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment 16004)

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: 6.00 ACRES OF LAND OUT OF NCB 15269 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2015-12-17-1086

Z-9. ZONING CASE # Z2016008 (Council District 5): An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with Uses permitted in "R-4" Residential Single-Family District and "C-1" Light Commercial District on Lot 13, Block 1, NCB 2181 located at 549 Ruiz Street. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 13, BLOCK 1, NCB 2181 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "C-1" LIGHT COMMERCIAL DISTRICT.

2015-12-17-1087

Z-10. ZONING CASE # Z2016014 (Council District 5): An Ordinance amending the Zoning District Boundary from "I-1 HL AHOD" General Industrial Historic Landmark Airport Hazard Overlay District to "IDZ HL AHOD" Infill Development Zone Historic Landmark Airport Hazard Overlay District with Uses Permitted in "C-2" Commercial District on 0.221 acres of land out of NCB 2302, located at 1617 West Commerce Street. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 5 AND LOT 6, BLOCK 4, NCB 2302 TO WIT: FROM "I-1 HL AHOD" GENERAL INDUSTRIAL HISTORIC LANDMARK AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ HL AHOD" INFILL DEVELOPMENT ZONE HISTORIC LANDMARK AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT.

2015-12-17-1088

P-3. PLAN AMENDMENT # 15091 (Council District 6): An Ordinance amending the future land use plan contained in the West/Southwest Sector Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of 7.08 acres of land out of NCB 18050 and NCB18049 generally located at 7386 and 7416 Grissom Road from "Suburban Tier" to "Specialized Center." Staff and Planning Commission recommend Approval. (Associated Zoning Case Z2015313 S)

2015-12-17-1089

Z-11. ZONING CASE # Z2015313 S (Council District 6): An Ordinance amending the Zoning District Boundary from "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District and "I-1 AHOD" General Industrial Airport Hazard Overlay District to "I-2 S AHOD" Heavy Industrial Airport Hazard Overlay District with Specific

Use Authorization for Metal Recycling Entity with Outside Storage and /or Processing on 7.08 acres out of NCB 18049 and NCB 18050 located at 7386 and 7416 Grissom Road. Staff and Zoning Commission recommend Approval, pending Plan Amendment.(Associated Plan Amendment 15091)

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: 7.08 ACRES OF LAND OUT OF NCB 18050 TO WIT: FROM "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT AND "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "I-2 S AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR A METAL RECYCLING ENTITY WITH OUTSIDE STORAGE AND/OR PROCESSING.

2015-12-17-1090

Z-12. ZONING CASE # Z2015271 (Council District 6): An Ordinance amending the Zoning District Boundary from "R-4 GC-2 AHOD" Residential Single-Family Highway 151 Gateway Corridor Airport Hazard Overlay District to "C-1 GC-2 AHOD" Light Commercial Highway 151 Gateway Corridor Airport Hazard Overlay District on 0.146 acres of land out the South 120 feet of Lots 1 and 2, Block 13, NCB 8997, save and except the five foot (5') portion deeded to the City of San Antonio, located at 258 Ardmore Street. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: SOUTH 120 FEET OF LOT 1 AND LOT 2, BLOCK 13, NCB 8997 TO WIT: FROM "R-4 GC-2 AHOD" RESIDENTIAL SINGLE-FAMILY HIGHWAY 151 GATEWAY CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 GC-2 AHOD" LIGHT COMMERCIAL HIGHWAY 151 GATEWAY CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT.

CONSENT ZONING CONCLUDED

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

2015-12-17-1079

Z-2. ZONING CASE # Z2016009 CD (Council District 1): An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport

Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for a Professional Office on 0.1837 acres of land out of NCB 1997 located at 1406 West French Place. Staff recommends Approval. Zoning Commission recommends 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: LOT 2, BLOCK 5, NCB 1997 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH CONDITIONAL USE FOR A PROFESSIONAL OFFICE.

Catherine Hernandez presented Item Z-2 and stated that staff recommended approval and the Zoning Commission recommended approval with the following conditions: 1) There shall be no exterior display or sign with the exception that a nameplate, not exceeding three square feet in area, may be permitted when attached to the front of the main structure; 2) Business or office hours of operation shall not be permitted before 7:00 am or after 9:00 pm Monday through Saturday; and 3) No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood. She reported that of 44 notices mailed; none were returned in favor or in opposition.

Councilmember Treviño moved to adopt the proposed Ordinance for Item Z-2 with the conditions read by Ms. Hernandez. Councilmember Viagran 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

2015-12-17-1080

Z-3. ZONING CASE # Z2016004 (Council District 2): An Ordinance amending the Zoning District Boundary from "D HE AHOD" Downtown Historic Exceptional Airport Hazard Overlay District and "D AHOD" Downtown Airport Hazard Overlay District to "D AHOD" Downtown Airport Hazard Overlay District on approximately 3.82 acres of land out of NCB 567 located at 1305 East Houston Street and 430 North Cherry Street. Staff recommends Denial. Zoning Commission recommends Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY

CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 3.82 ACRES OF LAND OUT OF NCB 567 TO WIT: FROM "D HE AHOD" DOWNTOWN HISTORIC EXCEPTIONAL AIRPORT HAZARD OVERLAY DISTRICT TO "D AHOD" DOWNTOWN AIRPORT HAZARD OVERLAY DISTRICT.

Catherine Hernandez presented Item Z-3 and stated that staff recommended denial while the Zoning Commission recommended approval. She reported that of 44 notices mailed; three were returned in favor and none were received in opposition. She added that the Dignowity Hill Neighborhood Association had initially submitted a Letter of Opposition but had since spoken at the Zoning Commission Meeting in support of the request.

Mayor Taylor called upon the citizens registered to speak.

Liz Franklin representing the Dignowity Hill Neighborhood Association addressed the City Council in support of Items Z-3 and Z-4. She noted that nearly 40 individuals from the East Side Community had attended a meeting on the two projects and no one expressed opposition. She stated that although they were initially in opposition; they reconsidered their position due to the overwhelming support.

Charles Williams also expressed support for Items Z-3 and Z-4 and stated that removing the Historic Designation would make the Friedrich Building more attractive to developers. He spoke of the importance of economic development on the East Side.

Councilmember Warrick stated that there was overwhelming support for the rezoning and moved to adopt the proposed Ordinance for Item Z-3. 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

2015-12-17-1081

Z-4. ZONING CASE # Z2016005 (Council District 2): An Ordinance amending the Zoning District Boundary from "IDZ HS AHOD" Infill Development Zone Historic Significant Airport Hazard Overlay District with uses for Mixed Use District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses for Mixed Use District on 5.307 acres of land out of NCB 593 and NCB 595 located at 1617 and 1631 East Commerce Street. Staff recommends Denial. Zoning Commission recommends 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: 5.307 ACRES OF LAND OUT OF NCB 593 AND NCB 595 TO WIT: FROM "IDZ HS AHOD" INFILL DEVELOPMENT ZONE HISTORIC SIGNIFICANT AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT.

Catherine Hernandez presented Item Z-4 and stated that staff recommended denial while the Zoning Commission recommended approval. She reported that of 20 notices mailed; four were returned in favor and none were received in opposition. She added that the Denver Heights Neighborhood Association was in support of the request.

Councilmember Warrick moved to adopt the proposed Ordinance for Item Z-4. 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

2015-12-17-1082

Z-5. ZONING CASE # Z2015191 CD (Council District 2): An Ordinance amending the Zoning District Boundary from "C-3NA AHOD" General Commercial Non-Alcoholic Sales Airport Hazard Overlay District to "C-2NA CD AHOD" Commercial Non-Alcoholic Sales Airport Hazard Overlay District with Conditional Use for a Construction Contractor Facility on Lots 1, 2, & 3, Block 5, NCB 12875, located at 9310 Northeast Loop 410. Staff recommends Approval and Zoning Commission recommends 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: LOTS 1, 2, AND 3, BLOCK 5, NCB 12875 TO WIT: FROM "C-3NA AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA CD AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A CONSTRUCTION CONTRACTOR FACILITY.

Catherine Hernandez presented Item Z-5 and stated that staff recommended approval and the Zoning Commission recommended approval with the following conditions: 1) The property shall not be used for parking/storage or maintenance of tractor-trailers (18 wheelers); 2) The property shall not be used for the storage of toxic materials, garbage, or fuel/oil as a primary use; 3) A minimum 10-foot landscape buffer shall be installed on the

northern and eastern property lines as shown on the zoning site plan; 4) Vehicles shall be prohibited from turning right (east) onto Eastgate Road from the subject property; 5) Outdoor light fixtures installed after the effective date of this zoning ordinance on the subject property shall direct light downward and away from single-family residential areas; 6) Vehicle back-up alarms shall be prohibited between the hours of 10:00 pm and 6:00 am; 7) The property owner shall repair and maintain the existing 6-foot wood fence along the southern property line; 8) A Type B Buffer yard along the east property line is required Per Section 35-510; 9) A Type A Buffer yard along the north property line; 10) No outdoor speakers; and 11) Exterior lighting should be downward facing and directed away from adjacent residential properties. She reported that of 15 notices mailed; none were received in favor or in opposition. She added that the Neighborhood Association met with the Applicant and they agreed to the conditions.

Mayor Taylor called upon the citizens registered to speak.

Mr. Earl Cook stated that he lived behind the planned change and was supportive of the request with the conditions noted.

Matthew Timberlake stated that he lived on the Southern Property Line of the property in question and was also supportive of the request with the above-noted conditions.

Councilmember Warrick moved to adopt the proposed Ordinance for Item Z-5 with the conditions read by Ms. Hernandez. 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

Item Z-7 was addressed at this time.

2015-12-17-1083

Z-7. ZONING CASE # Z2016015 S (Council District 3): An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Residential Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with Specific Use Authorization for a Carwash on 0.773 acres of land out of NCB 7589 and NCB 7587, located at 3726 and 3728 South New Braunfels Avenue. Staff and Zoning Commission recommend Approval.

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

DESCRIBED HEREIN AS: 0.7731 ACRES OF LAND OUT OF NCB 7587 AND NCB 7589 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 S AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR A CARWASH.

Catherine Hernandez presented Item Z-7 and stated that staff and the Zoning Commission recommended approval. She reported that of 20 notices mailed; one was returned in favor and none were received in opposition. She added that the Highland Hills Neighborhood Association was in support of the request.

Councilmember Viagran noted the many car crashes that had occurred in the area and asked of the standards for a Traffic Light. Mr. Terry Bellamy stated that they had reviewed the traffic at the intersection and the pedestrian crossing and recommended that a Traffic Signal be installed at the location.

Councilmember Viagran moved to adopt the proposed Ordinance for Item Z-7. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

AYE: 10 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Gonzales, Medina, Nirenberg, Krier and Gallagher

ABSENT: 1 - Lopez

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

CONTINUED UNTIL JANUARY 21, 2016

P-1. PLAN AMENDMENT #15059 (Council District 3): An Ordinance amending the future land use plan contained in the South Central San Antonio Community Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of 0.826 acres out of NCB 7582 located at 218 Betty Jean from "Low Density Residential" to "Community Commercial." Staff and Planning Commission recommend Approval. (Associated Zoning Case Z2015225) (Continued from September 17, 2015)

CONTINUED UNTIL JANUARY 21, 2016

Z-6. ZONING CASE # Z2015225 (Council District 3): An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on 0.826 acres of land out of NCB 7582 located at 218 Betty Jean Street. Staff recommends Approval, pending Plan Amendment. Zoning Commission recommends Denial. (Associated Plan Amendment 15059) (Continued from September 17, 2015)

Catherine Hernandez presented Item P-1 and stated that it would amend the future land use plan contained in the South Central San Antonio Community Plan. She noted that staff and the Planning Commission recommended approval.

For Item Z-6, she stated that staff recommended approval while the Zoning Commission recommended denial. She reported that of 23 notices mailed; one was returned in favor and three were returned in opposition.

Councilmember Viagran moved to continue Items P-1 and Z-6 until January 21, 2016. Councilmember Treviño seconded the motion. The motion prevailed by the following vote:

AYE: 10 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Gonzales, Medina, Nirenberg, Krier and Gallagher

ABSENT: 1 - Lopez

2015-12-17-1091

Z-13. ZONING CASE # Z2015300 S ERZD (Council District 8): An Ordinance amending the Zoning District Boundary from "MPCD GC-1 MLOD AHOD ERZD" Master Planned Community Hill Country Gateway Corridor Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District to "MPCD S GC-1 MLOD AHOD ERZD" Master Planned Community Hill Country Gateway Corridor Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District with Specific Use Authorization for Motor Vehicle Sales on 1.500 acres out of NCB 14853 located in the 5000 Block of Loop 1604 West. 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: 1.500 ACRES OUT OF NCB 14853 TO WIT: FROM "MPCD GC-1 MLOD AHOD ERZD" MASTER PLANNED COMMUNITY HILL COUNTRY GATEWAY CORRIDOR MILITARY LIGHTING OVERLAY AIRPORT HAZARD OVERLAY EDWARDS RECHARGE ZONE DISTRICT TO "MPCD S GC-1 MLOD AHOD ERZD" MASTER PLANNED COMMUNITY HILL COUNTRY GATEWAY CORRIDOR MILITARY LIGHTING OVERLAY AIRPORT HAZARD OVERLAY EDWARDS RECHARGE ZONE DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR MOTOR VEHICLE SALES.

Catherine Hernandez presented Item Z-13 and stated that staff and the Zoning Commission

recommended approval with an Impervious Cover Limitation of 65%. She reported that of two notices mailed; none were returned in favor or in opposition.

Councilmember Nirenberg moved to adopt the proposed Ordinance for Item Z-13 with a 65% Impervious Cover Limitation. Councilmember Warrick 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

2015-12-17-1077

- 29.** An Ordinance amending Chapter 35, Unified Development Code, of the City of San Antonio, Texas, by correcting clerical and formatting items; making major amendments; making minor amendments; clarifying items; and amending definitions; pursuant to Section 35-111 of the Unified Development Code, and providing for publication. [Erik Walsh, Deputy City Manager; Roderick Sanchez, Director, Development Services]

Rod Sanchez presented a Power Point and stated that the Unified Development Code (UDC) was adopted on May 3, 2001. He noted that the UDC allows for a 5-year update and that amendments may be submitted by City Staff, Zoning or Planning Commission, City Council, and others. He reported that as of May 1, 2015; 260 amendments were submitted by 30 internal/external agencies and private citizens. He provided an outline of the process and stated that 33 of the 76 external amendments submitted were determined to meet the criteria of clarification or editing, or neither was applicable. He added that 43 of the 76 external amendments did not meet the UDC Criteria and did not move forward in the process.

Mr. Sanchez stated that the Planning Commission had directed staff to create an Ambulatory Surgical Center Definition with no impact to the Zoning Matrix. He highlighted other amendments and mentioned that they had all been recommended for approval by the Technical Advisory Committee, Planning Commission, Zoning Commission, and City Staff with the exception of three. These include: 1) Allowing the city to place a lien on historic properties to recoup funds spent to correct violations; 2) Requiring the provision of bicycle facilities on all collectors, secondary, and primary arterials; and 3) Definition of Ambulatory Surgical Center.

Mayor Taylor called upon the citizens registered to speak.

Tina Luther stated that she served on the Dreamhill Estates Neighborhood Association Board and expressed concern with the Planned Parenthood Facility located at 2140

Babcock Road. She stated that she was opposed to the proposed definition for Ambulatory Surgical Centers.

Lorie Rojas stated that she also served on the Dreamhill Estates Neighborhood Association Board and expressed concern that representatives of the Planned Parenthood Facility at 2140 Babcock Road had not met with them. She noted that she was opposed to the proposed definition for Ambulatory Surgical Centers.

Alicia Rojas also spoke in opposition to the proposed definition for Ambulatory Surgical Centers.

Janice Flowers addressed the City Council and expressed concern that the Planned Parenthood Facility located at 2140 Babcock Road was so close to the Dreamhill Estates Neighborhood. She stated that she was opposed to the proposed definition for Ambulatory Surgical Centers.

Phil Sevilla stated that he was opposed to the Planned Parenthood Facility located at 2140 Babcock Road and the proposed definition for Ambulatory Surgical Centers.

Carlos Zaldivar expressed concern with the many abortions performed at Planned Parenthood Facilities and asked the City Council not to allow them in the City of San Antonio.

Mathew Martin spoke in opposition to the Planned Parenthood Facility at 2140 Babcock Road and the proposed definition for Ambulatory Surgical Centers.

Paula Moore stated that she was a Pro Life Coordinator for Concerned Women for America and opposed to the proposed definition for Ambulatory Surgical Centers.

Alex Deimel expressed concern with the proximity of the Planned Parenthood Facility at 2140 Babcock Road to the Dreamhill Estates Neighborhood and the proposed definition for Ambulatory Surgical Centers.

Cynthia Serna also expressed concern with the proximity of the Planned Parenthood Facility at 2140 Babcock Road to the Dreamhill Estates Neighborhood and the proposed definition for Ambulatory Surgical Centers.

Bishop John Yanta stated that he had chosen to retire in San Antonio due to its Christian Values. He expressed concern with Planned Parenthood and the proposed definition for Ambulatory Surgical Centers.

Jeff Judson expressed concern with the proposed definition for Ambulatory Surgical Centers and the improper zoning of the Planned Parenthood Facility located at 2140 Babcock Road.

Brad Wheeler stated that he was an Attorney and worked with the San Antonio Family Association. He expressed opposition to the Planned Parenthood Facility at 2140 Babcock Road due to its proximity to the Dreamhill Estates Neighborhood and the proposed definition for Ambulatory Surgical Centers.

Mike Knuffke addressed the City Council in opposition to the Planned Parenthood Facility located at 2140 Babcock Road and the proposed definition for Ambulatory Surgical Centers.

Patrick Von Dohlen stated that he had submitted a number of signatures from the surrounding property owners of 2140 Babcock Road opposed to the UDC Amendments and the proposed definition for Ambulatory Surgical Centers. He expressed concern with various staff of the Development Services Department.

Dennis Drouillard stated that he was an Attorney that had represented various stakeholders in matters related to 2140 Babcock Road. He expressed opposition to the proposed definition for Ambulatory Surgical Centers noting concerns for surrounding residential neighborhoods in which they would be allowed to operate.

Rune Brannstrum stated that he was a Pastor at King Mission Fellowship Church and was opposed to Planned Parenthood. He noted that they should be required to follow the same regulations as other businesses.

Gerald Ripley, Pastor of Abundant Life Church, stated that he was speaking on behalf of many of his colleagues throughout the city in opposition to the Planned Parenthood Facility located at 2140 Babcock Road. He spoke against the proposed UDC Amendment related to Ambulatory Surgical Centers.

Betty Eckert addressed the City Council in opposition to Planned Parenthood and stated that their facilities should not be allowed within residential neighborhoods.

Danny Petri expressed opposition to the proposed definition for Ambulatory Surgical Centers stating that it would not benefit residential neighborhoods. He stated that he had received over 1,200 signatures of individuals opposed to the improper land use of the Planned Parenthood Facility at 2140 Babcock Road.

Charity Farrar, Executive Director of Life Choices Medical Clinic, addressed the City Council in opposition to the proposed definition for Ambulatory Surgical Centers. She spoke of the services offered at the clinic which were free and noted that they would not want to be located within a residential neighborhood due to the traffic and disruptions.

Sharine Galloway read a passage from the Book of Proverbs in The Bible and stated that Abortion Clinics should not be allowed in residential neighborhoods.

Charles Flowers addressed the City Council in opposition to the proposed definition for Ambulatory Surgical Centers.

Celina Garcia also addressed the City Council in opposition to the proposed definition for Ambulatory Surgical Centers.

Rhett Smith addressed the City Council and spoke against the proposed definition for Ambulatory Surgical Centers. He asked that consideration be given to relocating the Planned Parenthood Facility at 2140 Babcock Road.

Nicole Hudgens stated that she was a Policy Analyst for Texas Values Action and opposed to Planned Parenthood, noting concerns with the services they perform. She also spoke against the proposed definition for Ambulatory Surgical Centers.

David Mayorga addressed the City Council in opposition to Planned Parenthood and expressed concern with the abortions they perform.

Ken Brown stated that his firm had submitted an amendment to the UDC to allow an easement on an abutting property in the Quarry District. He noted that it had been recommended for approval by all that reviewed it and requested approval from the City Council.

Mayor Taylor stated that due to the many UDC Amendments; she would ask the City Councilmembers to pull any of them that required further discussion.

Councilmember Gallagher asked to pull UDC Amendment 35-A101 and 35-311 (Table 311-2 Nonresidential Use Matrix Permitted Use) for further discussion. He thanked the many citizens that had spoken in regard to the proposed definition for Ambulatory Surgical Centers. He stated that he had worked with Development Services Staff on the definition for Ambulatory Surgical Centers and would be recommending that a Special Use Designation be required. He noted that this would provide neighborhoods with an

opportunity to learn about a proposed development and allow City Council the final approval.

Councilmember Gallagher moved to approve the following amendments:

- Amend Table 31-2 of Chapter 35 of the UDC to require a Specific Use Authorization for the following use entries and zoning districts:

- o“Medical – Clinic (Physician and/or Dentist)” in NC and C-1

- o“Medical – Chiropractor Office” in NC and C-1

- o“Medical – Laboratory Dental or Medical” in NC and C-1

- o“Reducing Salon” in C-1

- Amend Table 31-2 of Chapter 35 of the UDC adding LBCS Codes 6512 and 6514 to the “Medical – Clinic (Physician and/or Dentist)” Use Matrix Entry in Table 311-2 of Chapter 35 of the UDC.

- Approval of the amendments to the definitions of “Ambulatory Surgical Center” and “Clinic, dental or medical” in Appendix A of Chapter 35 of the UDC, as presented by staff. Councilmember Krier seconded the motion.

Councilmember Saldaña stated that there was not an objective reason that an Ambulatory Surgical Center should not be allowed in a C1 or Neighborhood Commercial Designation; and therefore, he could not support the amendment by Councilmember Gallagher. Councilmember Nirenberg thanked everyone that was involved in the UDC Amendment Process and stated that the amendments would have a significant impact on the growth of the city. He stated that he could not support the amendment by Councilmember Gallagher as it would target one specific type of Ambulatory Surgical Center but impact Medical, Dental, Optometry, and Laboratories that were permitted to operate in Neighborhood Commercial and C-1 Zoned Properties. He added that if approved; the amendment would not impact the facility at 2140 Babcock Road.

Councilmember Gonzales asked if other UDC Amendments would be made once the Comprehensive Plan was completed. Mr. Sanchez replied that it was a possibility. Councilmember Gonzales expressed concern that the amendment by Councilmember Gallagher may make it more difficult for businesses to come into the District due to additional costs and stated that she could not support it.

Councilmember Viagran asked to pull the UDC Amendment related to Section 35-350 Quarry District Operating Standards for further discussion. She asked of the staff recommendation regarding same. Mr. Sanchez replied that it had been recommended for approval but the City Attorney’s Office had a concern regarding enforcement abilities. He

stated that they had worked with Mr. Ken Brown and included language to clarify the city's enforcement ability.

Councilmember Viagran moved to amend the UDC with the following changes to Section 35-350, Quarry District Operating Standards, to modify subsection 2 "Natural Buffer" to maintain the fifty-five foot buffer from public right of ways and provide enforcement capability to the City of San Antonio: "A natural area shall be maintained around the perimeter of the property within the district and no grading, removal, or disturbance of native plant material shall be allowed within fifty-five (55) feet of any perimeter property line of the property within the district or public right-of-way or proposed public right-of-way, except that such natural area may be maintained on an adjacent property in lieu of on the property within the district where the property owner adjacent to the perimeter of the property within the district grants a recorded irrevocable easement for non-development on such adjacent property equal to the buffer area that would otherwise be required, and where such easement is enforceable by both parties and the City of San Antonio. Notwithstanding the foregoing, the ability to maintain the natural area on adjacent property by easement shall not be allowed where the property adjacent to the property within the district is a public easement, right-of-way, or proposed right-of-way. Such easements may contain, as required, berms and fencing and an eighteen-foot-wide access road for the purpose of establishing and maintaining fencing, landscaping, access and/or security patrol." Councilmember Warrick seconded the motion.

Councilmember Krier stated that he felt that Councilmember Gallagher's Amendment was a sincere and thoughtful effort to change the UDC Process to give neighbors a transparent and real opportunity for input.

Councilmember Treviño stated that he could not support Councilmember Gallagher's Amendment because it would create an undue burden on a whole class of businesses. He spoke of the need to bring Medical Centers in Districts 1 and 2 closer to neighborhoods which the amendment would affect.

Councilmember Lopez stated that he had discussed Councilmember Gallagher's Amendment with Mr. Sanchez and confirmed that nothing had changed since that discussion. Mr. Sanchez confirmed that nothing had been changed. Councilmember Lopez stated that he had also discussed the amendment with Health Care Providers and they did not feel that it would greatly affect them. He noted that he was supportive of the amendment by Councilmember Gallagher.

Councilmember Viagran thanked Mr. Rod Sanchez for his hard work and asked of the amendment related to sidewalks. Mr. Sanchez replied that they would not require

Americans with Disabilities Act (ADA) for sidewalks for projects of less than \$50,000.

Councilmember Warrick asked of the amendment related to Neighborhood Market/Urban Farming. Mr. Sanchez stated that what was recommended through the process was an “S” Designation which would require a zoning change if someone wanted to have an Urban Farm. Councilmember Warrick expressed concern with vacant lots in District 2 that could be utilized by Community and Neighborhood Organizations.

Councilmember Warrick moved to amend the UDC with the following changes to Table 311-1 Residential Use Matrix to allow by right a Residential Market Garden in “R-4,” “R-5,” and “R-6.” Councilmember Gallagher seconded the motion.

Councilmember Gallagher asked if the City Council could waive zoning fees for smaller businesses if his amendment was approved. Mr. Sanchez confirmed that the City Council could waive fees. Councilmember Gonzales asked who would be allowed to operate Urban Farms. Mr. Sanchez clarified that Councilmember Warrick’s Amendment would allow anybody in a Single Family Zoning District to operate an Urban Farm.

Councilmember Saldaña asked of the staff recommendation on Councilmember Warrick’s Amendment. Mr. Sanchez stated that they agreed with the Planning and Zoning Commissions that an “S” Designation would be more appropriate for an Urban Garden. Councilmember Saldaña expressed concern that neighboring property owners may want notification of the operation of an Urban Farm and should go through the zoning process.

Councilmember Medina asked if the Planned Parenthood Facility at 2140 Babcock Road had a Certificate of Occupancy. Mr. Sanchez confirmed that they did.

Councilmember Nirenberg stated that he would like to have additional discussions regarding the Urban Farm as this was the first time the issue had been brought up. Councilmember Viagran concurred that she would also like to have additional discussions regarding Urban Farms. Councilmember Warrick noted that Single Family Homes currently had authorization to operate an Urban Farm out of their home and felt that vacant lots should also be allowed.

Mayor Taylor thanked Councilmember Gallagher for his amendment which was in response to concerns voiced by citizens.

Councilmember Treviño moved to adopt the proposed Ordinance for Item 29 with the staff recommendations with the exception of the amendments. Councilmember Warrick 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 motion by Councilmember Gallagher to amend 35-A101 and 35-311 seconded by Councilmember Krier prevailed by the following vote:

AYE: 7 - Mayor Taylor, Warrick, Viagran, Lopez, Medina, Krier and Gallagher

NAY: 4 - Treviño, Saldaña, Gonzales and Nirenberg

The motion by Councilmember Viagran to amend Section 35-350 seconded by Councilmember Warrick prevailed by the following vote:

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

The motion by Councilmember Warrick to amend Table 311-1 seconded by Councilmember Gallagher failed by the following vote:

AYE: 4 - Mayor Taylor, Warrick, Medina and Gallagher

NAY: 6 - Treviño, Saldaña, Gonzales, Lopez, Nirenberg and Krier

ABSTAIN: 1 - Viagran

ADJOURNMENT

There being no further discussion, Mayor Taylor adjourned the meeting at 5:12 pm.

APPROVED

IVY R. TAYLOR
MAYOR

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