

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



**Meeting Minutes  
City Council A Session**

City Hall Complex  
105 Main Plaza  
San Antonio, Texas 78205

**Thursday, December 12, 2019**

**9:00 AM**

**Municipal Plaza Building**

**ROLL CALL**

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

**PRESENT:** 11 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry

1. The Invocation was delivered by Lead Pastor Dr. David Miracle, with the Watershed Church, guest of Councilmember Clayton Perry, District 10.
2. Mayor Nirenberg led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the City Council Regular Meeting of October 17, 2019, the Regular Meetings of October 30 - 31, 2019, and the Special Meeting of October 31, 2019.

Councilmember Treviño moved to approve the City Council Regular Meeting of October 17, 2019, the Regular Meetings of October 30 - 31, 2019, the Special Meeting of October 31, 2019. Councilmember Andrews-Sullivan seconded the motion. The motion prevailed by the following vote:

**AYE:** 11 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry

## **CONSENT AGENDA ITEMS**

Items 27, 38, and 40 were pulled for Individual Consideration. Mayor Nirenberg announced that Item 26 was pulled by staff and would not be considered.

Rudy Nino, Assistant Director of Planning provided a statement regarding Items 43 and Z-1. He noted that the Planning Commission and Zoning Commission Meeting Minutes, along with the Resolution, have been provided to the Council and to the City Clerk. Further, he added that the Public Comment Portion of the Public Hearing related to the Consent Agenda will allow an opportunity to speak, for those interested on Items 42 and Z-1.

Mayor Nirenberg called upon the individuals registered to speak on the Consent Agenda. He added that Items 43 and Z-1 remain on the Consent Agenda.

Jack M. Finger spoke in support of Item 27 amending Chapter 35 of the UDC and in opposition to Item 41 regarding the Alameda Theater. He noted that as new development occurs tall homes are being built next to smaller homes creating a disparity. He added that he was thankful for the UDC amendment that limits the height of new houses.

Councilmember Viagran highlighted Item 16 regarding a pedestrian refuge island with a marked crosswalk on South New Braunfels as part of her Vision Zero commitment. She noted that a Senior Living Facility and new Multifamily Units were being built across the street from each other. Councilmember Viagran highlighted her appointment of Maria L. Alvarado to the City Commission on Veterans Affairs. She added that Ms. Alvarado was the second woman to serve on the Veteran Affairs Committee. Councilmember Viagran highlighted Item 36 approving the first amendment to the Echo East Chapter 380 Economic Development Grant Agreement, noting support for Councilmember Andrews-Sullivan taking the lead on the project.

Councilmember Andrews-Sullivan highlighted Item 19 Accepting a property donation from the San Antonio Housing Authority in District 2. She noted that the property located at 723 Arthur Street will soon become a park. She thanked the Housing Authority for the land donation. Councilmember Andrews-Sullivan highlighted Item 33 ratifying an agreement with Judith Grant to provide Fetal Infant Mortality Review and Maternal Morbidity; adding that San Antonio had one of the highest Infant Mortality and Maternal Morbidity rates among African American Females.

Councilmember Perry highlighted Item 14 approving a construction project on Harry Wurzbach Road and Austin Highway in District 10. He noted that this was a single point urban intersection that was a modified type of intersection. He added that this was a two-year project and included TxDot and SAWS.

Councilmember Treviño highlighted Item 41 regarding renovation of the Alameda Theater. He thanked the stakeholders, the Cortez family, and Lori Houston. He added that this was an amazing project for the West Side of Downtown.

Councilmember Rocha Garcia highlighted Item 23 which provides an extension of the lease agreement for the use of the Willie Cortez Senior Center in District 4. She recognized State Representative Phil Cortez who was instrumental in the establishment of the Cortez Senior Center. She noted that this was the only senior center in District 4 and that the center provides meals, computer classes, exercise, and health related services and programs. Councilmember Rocha Garcia added over the past 10 years, the center has served

over 17,000 seniors and provided services to approximately 110 seniors daily.

Councilmember Gonzales highlighted Item 34, an agreement with the Bexar County Hospital District at University Health System to establish the Institute for Trauma-Informed Care. She added that the care was related to the Metropolitan Health District's Adverse Childhood Experience (ACEs) Program. She noted that this was a topic of discussion during the Budget Worksession. Dr. Bridger stated that this was the first in the nation for a City Hospital Partnership to bring together the best research on how to deal with childhood trauma and how to become trauma informed.

Councilmember Sandoval expressed excitement for the Alameda Theater moving forward noting she and her parents frequented the Theater as a child. She congratulated Councilmember Gonzales and Dr. Bridger on the Trauma Informed Care Project. Councilmember Sandoval recognized Ms. Doris Griffin, her appointee to the City and County Joint Commission on Elderly Affairs. Councilmember Sandoval noted that a Senior Center was named after Ms. Griffin in District 7.

Councilmember Courage highlighted Items 20 and 21 noting that both Items are for the sale of properties that are owned by the City. He proposed that future funds from land acquisitions help fund affordable housing projects. Councilmember Courage requested an analysis of all property owned by the City and the property values to be used for consideration by the Council. He noted said data could be utilized to allocate funding for affordable housing.

Mayor Nirenberg thanked Councilmember Courage for suggesting potential revenue streams for affordable housing. He requested City Manager Walsh to follow-up on the request of City owned property valuations that could potentially find creative revenue streams for affordable housing.

Councilmember Andrews-Sullivan moved to approve the remaining Consent Agenda Items. Councilmember Treviño seconded the motion. The motion prevailed by the following vote:

**AYE:** 11 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry

**2019-12-12-1030**

5. Ordinance approving a contract with esd Limited dba esd and Associates for an estimated total cost of \$105,000.00, including an estimated annual cost of \$2,500.00 for maintenance and support of the Head Start & Early Head Start website and establishing hourly rates for customization and website configuration to be used on an as needed basis for an estimated annual cost of \$15,000.00, funded from the Federal Head Start and Early Head Start Grant. The initial term of the agreement shall begin upon the effective date of the ordinance awarding this contract or February 1, 2020, whichever is later, and terminate on January 31, 2023, with four additional, one-year renewal periods at City's option. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2019-12-12-1031**

6. Ordinance approving a contract with Siddons Martin Emergency Group to provide the Fire Department with thirteen (13) Pierce Velocity Pumper Trucks for a total cost of \$10,372,302.00 over a two-year period. Funding for two (2) pumper trucks in FY 2020 in the amount of \$1,628,250.00 will be paid through previously authorized General Fund appropriations. Funding for the remaining eleven (11) pumper trucks in FY 2021 is subject to City Council

approval of the annual budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2019-12-12-1032**

7. Ordinance accepting a contract with Lenco Industries, Inc. for one armored tactical vehicle for the San Antonio Police Department for a cost of \$308,178.00, funded through the 2019 Urban Area Security Initiative Grant. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2019-12-12-1033**

8. Ordinance approving a capital improvement expenditure with Hussey Seating in an amount not to exceed \$11,325,599.43 for the purchase and installation of MXP Telescopic Seating at the Alamodome for the Convention and Sports Facilities Department. Funding in an amount not to exceed \$11,325,599.43 is available from the Alamodome Improvement and Contingency Fund included in the FY 2020 - FY 2025 Capital Improvement Program. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2019-12-12-1034**

9. Ordinance approving the following contracts establishing unit prices for goods and services for an estimated annual cost of \$715,525.00:
- (A) MB Dustless Air Filter Company LLC for HVAC filter replacements;
  - (B) Lopez Print & Marketing LLC dba Lopez Printing for business card printing services;
  - (C) Genuine Parts Company dba NAPA Auto Parts for automotive ignition parts;
  - (D) Nueces Power Equipment for parts to repair Wirtgen reclaimer and milling machine equipment;
  - (E) Productivity Apex for maintenance & support of the Inspector Route Optimization and Inspector Mobile Application System;
  - (F) an amendment to the Everbridge, Inc. contract for Aviation emergency notification subscription services; and
  - (G) an amendment to the Office Depot, Inc. contract for office supplies.
- [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2019-12-12-1035**

10. Ordinance approving a task order to a Job Order Contract with Alpha Building Corporation in an amount not to exceed \$208,787.14 for the repair to the skylights in the long-term parking garage at the San Antonio International Airport funded from the Airport Operating and Maintenance Fund. [Carlos Contreras, Assistant City Manager; Russell Handy, Director, Aviation]

**2019-12-12-1036**

11. Ordinance approving a task order to a Job Order Contract with Jamail & Smith Construction, LP in an amount not to exceed \$589,000.00 for capital improvements to the food and beverage area near the West Lobby Bridge (El Puente) at the Henry B. Gonzalez Convention Center, a Hotel Occupancy Tax Improvement and Contingency Fund funded project; and amending the FY 2020 - FY 2025 Capital Improvement Program to include this project. [Carlos Contreras, Assistant City Manager; Patricia Muzquiz Cantor, Director, Convention and Sports Facilities]

**2019-12-12-1037**

12. Ordinance approving a task order to a Job Order Contract with Con-Cor, Inc. in an amount not to exceed \$138,642.00 to seal and waterproof the building envelope of the Cliff Morton Development and Business Services Center (One Stop) at 1901 S Alamo. Funding is available in the Development Services Fund FY 2020 Adopted Budget. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

**2019-12-12-1038**

13. Ordinance approving a change order, on behalf of the Port Authority of San Antonio, in the increased amount of \$166,660.06 and authorizing payment to J3 Company, LLC to increase the capacity of an electrical duct bank for the Port San Antonio Project, a 2017 Bond funded drainage project. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-12-12-1039**

14. Ordinance approving a construction contract to Capital Excavation Company in an amount not to exceed \$22,575,600.40 of which funds in an amount not to exceed \$1,300,847.61 will be reimbursed by San Antonio Water System; an amount not to exceed \$726,276.00 will be reimbursed by CPS Energy and an amount not to exceed \$15,218,822.00 will be reimbursed by the Texas Department of Transportation for construction of the Harry Wurzbach Road/Austin Highway Connectors Project, a federally and 2017 Bond funded project. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-12-12-1040**

15. Ordinance approving a task order to a Job Order Contract with Amstar, Inc. in an amount not to exceed \$248,470.00 to dewater Lambert Beach area of the San Antonio River as part of the Brackenridge Park project, a 2017 Bond funded project. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-12-12-1041**

16. Ordinance authorizing the execution of a Funding Agreement between LDG Copper Point, LP and the City of San Antonio in the amount of \$139,536.64 for the acceptance of these funds from LDG Copper Point, LP for their share of construction related expenses for the installation of a pedestrian refuge island with a marked crosswalk at 6410 South New Braunfels Avenue located in Council District 3. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-12-12-1042**

17. Ordinance approving four Task Order Contracts with Austin Constructors, LLC, Cal-Tex Interiors; E-Z Bel Construction, LLC; and Jarvis Moore, Inc., each in an amount not to exceed \$980,000.00 for a term of eighteen months, of which \$85,325.00 will be reimbursed by San Antonio Water System and \$3,100.00 will be reimbursed by CPS Energy for as needed construction services for flatwork and street improvement projects. Funding for these projects may include, but is not limited to, FY 2020-2021 Neighborhood Access and Mobility Program (NAMP) and the FY 2020-2021 Infrastructure Management Program (IMP). [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

18. Approving the following five construction contracts totaling \$37,364,970.00 to complete the

street maintenance projects identified in the FY 2020 Infrastructure Management Program. Funding for these contracts is included and available in the FY 2020-2025 Capital Improvements Program Budget: [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-12-12-1043**

- 18A. Ordinance accepting the lowest responsive bid and awarding 2020 Micro Surface Task Order Contract Package 1 to Intermountain Slurry Seal, Inc. in an amount not to exceed \$3,474,533.50 of which \$37,200.00 will be reimbursed by San Antonio Water System (SAWS) for necessary adjustments to its existing infrastructure.

**2019-12-12-1044**

- 18B. Ordinance accepting the lowest responsive bid and awarding 2020 Micro Surface Task Order Contract Package 2 to Intermountain Slurry Seal, Inc. in an amount not to exceed \$3,486,407.00 of which \$37,200.00 will be reimbursed by San Antonio Water System (SAWS) for necessary adjustments to its existing infrastructure.

**2019-12-12-1045**

- 18C. Ordinance accepting the lowest responsive bid and awarding 2020 Street Rehabilitation Package 4 to J&P Paving Co., Inc. in an amount not to exceed \$15,847,765.20 of which \$326,040.00 will be reimbursed by San Antonio Water System (SAWS) and \$42,000.00 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure.

**2019-12-12-1046**

- 18D. Ordinance accepting the lowest responsive bid and awarding 2020 Street Rehabilitation Package 5 to Clark Construction of Texas, Inc. in an amount not to exceed \$4,880,786.30 of which \$141,375.00 will be reimbursed by San Antonio Water System (SAWS) and \$7,500.00 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure.

**2019-12-12-1047**

- 18E. Ordinance accepting the lowest responsive bid and awarding the 2020 Street Rehabilitation Package 7 to H.L. Zumwalt Construction, Inc. in an amount not to exceed \$9,675,478.00 of which \$255,040.00 will be reimbursed by San Antonio Water System (SAWS) and \$20,000.00 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure.

**2019-12-12-1048**

19. Ordinance approving the acceptance of a property donation from the San Antonio Housing Authority of 0.728 acres of land to serve as a neighborhood park located at 723 Arthur Street, in Council District 2. Funding in the amount of \$1,000 for closing cost is available in the FY 2020 Parks & Recreation General Fund Adopted Budget. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Homer Garcia III, Interim Director, Parks and Recreation]

**2019-12-12-1049**

20. Ordinance approving the closure, vacation and abandonment of the improved Karnes Street Public Right-of-Way north of Newell as requested by Rio Perla Properties, LP for a fee of \$487,650.00 to be deposited into the General Fund. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-12-12-1050**

21. Ordinance approving the closure, vacation and abandonment of an improved portion of Burwood Lane Public-Right-of-Way, as requested by Somerset Academy, Inc. for a fee of \$21,100.00 to be deposited into the General Fund. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-12-12-1051**

22. Ordinance approving a lease with Brass LeftOut, LLC for 36,400 square feet of office space in Council District 7, at 4402 West Piedras Street to be used for the Texas Anti-Gang Initiative at an initial monthly rent of \$66,190.44 increasing to \$69,726.23 per month in the final year of the five year term. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development and Operations].

**2019-12-12-1052**

23. Ordinance approving the Second Amendment and Extension to Lease Agreement with Cronus Enterprises LLC, for the continued use of the property located at 5512 SW Military Drive, in City Council District 4, as the Willie Cortez Senior Center, for an additional ten-year term. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development and Operations]

**2019-12-12-1053**

24. Ordinance approving the application and acceptance of approximately \$213,000.00 in grants to fund activities such as recycling education, and organics education, as well as waste reduction efforts from the Texas Commission on Environmental Quality for Regional Solid Waste Pass-Through Grants for Fiscal Years 2020 and 2021 through the Alamo Area Council of Governments. [Roderick J. Sanchez, Assistant City Manager; David W. McCary, Director, Solid Waste Management]

**2019-12-12-1054**

25. Ordinance approving the submission of an application and acceptance of funds from the U. S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration in an amount not to exceed \$200,000.00 for the HIV Prevention Navigator Program grant to provide services to those at highest risk for HIV and substance use disorders for a term beginning August 31, 2020 through August 30, 2021 and authorizing a personnel complement. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Jennifer Herriott, MPH, Interim Director, Health]
28. Approving the following Board, Commission and Committee appointments for the remainder of unexpired terms to expire May 31, 2021 or for the terms shown below. Appointments are effective immediately if eight affirmative votes received, or ten days after appointment if passed with less than eight affirmative votes. [Leticia M. Vacek, City Clerk]
- A) Appointing Maria L. Alvarado (District 3) to the City Commission on Veterans Affairs.
  - B) Reappointing Geraldine Garcia (District 5) to the Mayors Commission on the Status of Women.
  - C) Appointing Jeanette Honermann (Mayoral) to the Parks and Recreation Board.
  - D) Reappointing Edna D. Griffin (District 7) to the City and County Joint Commission on Elderly Affairs.
  - E) Reappointing Christine Alderete (District 7) to the San Antonio Port Authority.

**2019-12-12-1056**

29. Ordinance approving the Air Service Incentive Program for the San Antonio International Airport to increase nonstop scheduled air service and passenger traffic and to sustain this service. This program is funded from the Airport Operating and Maintenance Fund. [Carlos Contreras, Assistant City Manager; Russell Handy, Director, Aviation]

**2019-12-12-1057**

30. Ordinance approving an amendment to the Downtown San Antonio River Barge Concession Contract with Go Rio San Antonio, LLC to include upgrading of the barge fleet and marinas, adjusting taxi services and appropriating funding for use in FY2020. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development and Operations Department]

**2019-12-12-1058**

31. Ordinance approving the settlement of a lawsuit styled Maria Salazar v. City of San Antonio, Cause Number 2017-CI-12466, pending in 131st Judicial District Court, Bexar County, Texas in the total amount of \$100,000.00 paid from the Self-Insurance Liability Fund. [Andrew Segovia, City Attorney]

**2019-12-12-1059**

32. Ordinance approving a contract with Pick-N-Pull, Inc. for removal and disposition of junked vehicles for the Development Services Department. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

**2019-12-12-1060**

33. Ordinance ratifying an agreement with Judith Grant to provide Fetal Infant Mortality Review and Maternal Morbidity and Mortality Review data abstraction and family interviewing services for the San Antonio Metropolitan Health District in an amount up to \$24,999.00 for a period beginning September 1, 2019 and ending March 31, 2020 with options to renew for four, one year terms, for a total amount up to \$124,995.00 inclusive of renewals. Funding is available from the Healthy Start Grant. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Jennifer Herriott, MPH, Interim Director, Health]

**2019-12-12-1061**

34. Ordinance approving an agreement with the Bexar County Hospital District d/b/a University Health System to establish the Institute for Trauma Informed Care related to the San Antonio Metropolitan Health District's Adverse Childhood Experiences (ACEs) program for an amount up to \$606,972.00 commencing December 1, 2019 and terminating on September 30, 2020, with options to renew for four, one-year terms. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Jennifer Herriott, MPH, Interim Director, Health]

**2019-12-12-1062**

35. Ordinance approving an agreement with the Culinary Health Education for Families, ("CHEF") and the acceptance of compensation from CHEF in the amount of \$6,500.00 for epidemiological services provided by the San Antonio Metropolitan Health District for the data analysis of the CHEF Bites curriculum in elementary schools, for a term beginning January 1, 2020 and ending December 31, 2020, with options to renew for two, one-year terms for a total compensation amount of \$19,500.00 inclusive of renewals. Revenue received through this agreement will be



deposited into the Neighborhoods Medicaid 1115 Waiver project fund. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Jennifer Herriott, MPH, Interim Director, Health]

**2019-12-12-1063**

36. Ordinance approving the First Amendment to the Echo East Chapter 380 Economic Development Grant Agreement with the George Gervin Youth Center, Inc. in City Council District 2 to incorporate an affordable housing component into the project and authorizing the allocation of tax credits. [Lori Houston, Assistant City Manager; Verónica R. Soto, AICP, Director, Neighborhood and Housing Services]

**2019-12-12-0070R**

37. Resolution of No Objection for Franklin Development Properties, LTD's application to the Texas Department of Housing and Community Affairs Non-Competitive 4% Housing Tax Credits program for the construction of Greenline North, a 292 unit affordable multi-family rental housing development, located at 7402 S. New Braunfels Avenue in Council District 3. [Lori Houston, Assistant City Manager; Verónica R. Soto, Director, Neighborhood and Housing Services]

**2019-12-12-1065**

39. Ordinance approving a professional service contract with Alcohol and Drug Tests, Inc. to provide the San Antonio Police Department with random and reasonable suspicion drug testing and post-accident testing for a three year term beginning January 1, 2020, and ending December 31, 2022, with two one-year renewal options in an amount not to exceed \$240,000.00. Funding for this contract is available in the FY 2020 Police General Fund Budget with additional funding for future fiscal years subject to City Council appropriation. [María Villagómez, Deputy City Manager; William P. McManus, Chief of Police]
41. Approving the following items related to the renovation of the Alameda Theater: [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development and Operations]

**2019-12-12-1067**

- 41A. Ordinance amending the Alameda Theater capital project in the amount of \$1,731,213.00 with funds in the amount of \$1,400,000.00 from City of San Antonio's Tax Increment Reinvestment Zone #9 ("Houston St. TIRZ") and \$331,213.00 from the Inner City Incentive Fund ("ICIF"); approving a funding agreement with Texas Public Radio and the Alameda Theater Conservancy for environmental monitoring and remediation expenses, in an amount not to exceed \$900,000.00 to Texas Public Radio and in an amount not to exceed \$500,000.00 to Alameda Theater Conservancy for expenses related to their joint restoration of the historic Alameda Theater complex; and approving a reimbursement agreement with Texas Public Radio in an amount not to exceed \$331,213 for emergency repairs made to the Alameda Theater complex.

**2019-12-12-1068**

- 41B. Approving a Chapter 380 Grant Agreement with the Alameda Theater Conservancy for operating expenses in FY 2020 in the amount of \$300,000.00 and in FY 2021 in the amount of \$250,000.00, funded by the City of San Antonio's Tax Increment Reinvestment Zone #9 (Houston St. TIRZ).
42. Approval of the following four items relating to financial matters of the San Antonio Water

System. [Ben Gorzell Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

**2019-12-12-1069**

- 42A. Ordinance authorizing the issuance of obligations designated as “City of San Antonio, Texas Water System Junior Lien Revenue and Refunding Bonds, Series 2020A (No Reserve Fund)” (Series 2020A) in an amount not to exceed \$306,205,000 to i) currently refund outstanding City of San Antonio, Texas Water System Revenue Bonds for debt service savings; ii) refund currently outstanding Tax-Exempt Commercial Paper Notes; iii) provide new money to fund a portion of the Capital Improvements Program of SAWS; and iv) pay the cost of issuance.

**2019-12-12-1070**

- 42B. Ordinance authorizing the issuance of obligations designated as “City of San Antonio, Texas Water System Junior Lien Revenue Bonds, Series 2020B” (Series 2020B), in an amount not to exceed \$25,285,000 to be sold to the Texas Water Development Board (TWDB) through the Clean Water State Revolving Fund Program.

**2019-12-12-0071R**

- 42C. Resolution authorizing the submittal of an application requesting financial assistance under the Texas Water Development Board’s Drinking Water State Revolving Fund Program in the amount not to exceed \$11,805,000 for funding of certain qualified water projects.

**2019-12-12-0072R**

- 42D. Resolution establishing the City’s intention to reimburse itself for the prior lawful capital expenditures of funds from the proceeds of tax-exempt obligations not to exceed \$11,805,000.

**2019-12-12-1071**

43. Ordinance extending the City limits by full purpose annexation of approximately 2,194.3 acres of land, as consented to by the property owners, which are contiguous to the city limits and located within the City of San Antonio (City)'s Extraterritorial Jurisdiction (ETJ) in south Bexar County, and establishing an effective date of December 31, 2019, near City Council Districts 3 and 4. [Lori Houston, Assistant City Manager; Bridgett White, Director, Planning Department]

**2019-12-12-1072**

- Z-1. ZONING CASE #Z-2019-10700294 (Council Districts 3 & 4): Assigning zoning to property generally bound by Southwest Loop 410 to the north, Old Pearsall Road to the west, I-37 South to the east and South Loop 1604 to the south currently located Outside the City Limits by applying zoning overlay districts “AHOD” Airport Hazard Overlay District, “MLOD-2” Lackland Military Lighting Overlay District, “MLR-1” Lackland Military Lighting Region-1 and “MLR-2” Lackland Military Lighting Region-2 as applicable and “DR” Development Reserve District on P-68, P-68C, P-68D, P70A, P98, P98A, CB 4010; P-3 ABS 1044, CB 4135; P-3 ABS 129, CB 4136; Lot 5, Block 1, CB 4167A; P-20 (200.935AC) & P-21 (1068.521 AC) ABS 12, CB 4295; P-1 ABS 188, CB 4203; P-13E ABS 579 (REF 04204-000-0139), CB 4204; P-8E ABS 421 (NON-ADJACENT REMAINS--CEMETERY), CB 4298; P-68 (4.459) & P-4B (3.848), CB 4301; P-4C (8.287) & P-68 (7.401), NCB 14493; P-5, P-5A, P-5B, ABS 738, CB 5161 and to “FR” Farm and Ranch District on P-2A&2E ABS 196 9.75, CB 4187; P-2H ABS 168 11.48, CB 4188; P-6 (5.33 AC) & P-7 (17.252 AC), P-7A (.272 AC) ABS 374, CB 4296; P-1 ABS 13, CB 4297 save and except those areas currently within the City of San Antonio. Staff recommends Approval. Zoning Commission recommendation pending the December 3, 2019

public hearing.

## **CONSENT ITEMS CONCLUDED**

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Rocha Garcia highlighted the 2019 Valero Alamo Bowl to be held on December 31, 2019 at the Alamodome noting that the Alamo Bowl concluded the 2019 Football Season.

Councilmember Rocha Garcia encouraged everyone to attend the Alamo Bowl and noted that over 4 million viewers watched the 2017 game between TCU and Stanford. She added that this year's Alamo Bowl will be played between the Texas Longhorns and Utah Utes. She noted that she was a proud UT Austin Alum and would be dressed in burnt orange and shouted "Hook-Em Horns!"

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

City Clerk Vacek read the caption for Items 4A and 4B.

4. Approving two ordinances relating to the Dockless Vehicle Program: [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development and Operations]

#### **2019-12-12-1028**

- 4A. Ordinance amending Chapter 19, Article XIX, titled "Motor-Assisted Scooters, Electric Bicycles, and Bicycles Equipped with GPS" related to the Dockless Vehicle Program consistent with terms for operation and permitting as developed through the RFP process and negotiated agreements with selected entities.

#### **2019-12-12-1029**

- 4B. Ordinance authorizing the negotiation and execution of Permit and Revenue agreements with Lime, Razor, and Bird for the exclusive right to deploy and operate dockless vehicles on City right-of-way for a two year term beginning on January 12, 2020; amending the Fiscal Year 2020 General Fund Revenue budget in the amount of \$529,191.00 and appropriating \$529,191.00 in the Center City Development and Operations General Fund Budget, to be used for program related expenses; creating four positions to oversee and administer the dockless vehicle program; and, reserving \$105,168.00 for transportation related initiatives.

Mr. John Jacks provided a presentation on Items 4A and 4B. He noted that an RFP was issued last summer and then an evaluation committee was formed. He added that there were nine applicants to the RFP and that the evaluation committee narrowed that down to five companies. Of the five companies interviewed three companies were recommended for award. He added that the Council was briefed October, 2019 B Session.

Mr. Jacks noted that Lift had withdrawn their proposal which means that Bird moved up to third place. He added that the three companies recommended for award are Bird, Lime, and Razor. He noted that the contract was a two-year contract with the option for a one-year renewal. Mr. Jacks stated that the initial fleet size for each company will be a maximum of 1,000 vehicles per company. He added that if the need or demand was there, an option to increase the fleet could be considered. He noted that included a potential demand in another area of town; the City could issue additional permits if deemed necessary.

Mr. Jacks explained the proposed revenue and programs costs:

Anticipated Program Revenue	Year 1	Year 2	Year 3
Per Vehicle Fee	\$ 30,000	\$ 30,900	\$ 31,827
Revenue Share	\$424,121	\$582,460	\$599,424
Infrastructure Fee	\$ 75,000	-	-
<b>Total</b>	<b>\$529,121</b>	<b>\$613,360</b>	<b>\$631,251</b>

Mr. Jacks reported that the program costs for FY 2020 was projected to be \$428, 973 and the FY 2021 recurring program expense was projected to be \$413,759. He added that one Senior Management Analyst would be hired for contract monitoring and program coordination. Three Parking Enforcement Officers would be hired to address fallen vehicles in sensitive area of downtown and to document violations. He noted that funding for nine hours of SAPD Enforcement each day would be overtime shifts and \$55,000 was allocated for rider education initiatives and \$75,000 was allocated for infrastructure improvements in Year 1. He added that some key contract components included geo-fencing, equity programs, parking framework, rider safety education, and user behavior.

Mayor Nirenberg called upon Jack Finger whom was registered to speak.

Jack M. Finger spoke in opposition of Items 4A and 4B. He noted that the scooters that were initially implemented had good intentions that have manifested to scooters being littered all over downtown creating problems for pedestrians.

Councilmember Courage expressed that the three proposed contract finalist agreed to put an instruction card with all the rules on the front and center of each scooter. He added that the instruction card would help alleviate confusion and provide the rules up front.

Councilmember Courage asked Mr. Jacks to breakdown the revenue share. Mr. Jacks reported that the last six months of scooter ride data was reviewed to determine how many rides per month occurred to make an assumption on what the average monthly ridership would be to calculate the revenue share. Mr. Jacks added that a 3% growth was added over the three year period applied to the 1,000 scooters per vendor at \$10 per scooter added to the infrastructure fee of \$25,000 per company. Mr. Jacks added that each vendor would pay 25 cents per ride and that 160,000 rides were anticipated.

Councilmember Courage asked about the program expenses. Mr. Jacks reported that four temporary employees were working on issues regarding scooters, primarily relocating scooters that were in violation. Additionally, some program expenses were for print material and painting decals on the sidewalks. Mr. Jacks noted that some of the program expense paid SAPD overtime to conduct enforcement, when needed. Mr. Jacks stated that approximately \$154,000 in expenses was incurred during the six month pilot phase of the program.

Councilmember Courage asked how the proposed \$429,000 program expense was derived. Mr. Jacks reported that was comprised of the salaries of the new positions being created which is for one Senior Management Analyst, three parking enforcement officers, nine hours of SAPD enforcement each day, \$55,000 for rider education, and \$75,000 for parking infrastructure.

Councilmember Courage questioned clauses in the contract regarding not fulfilling their obligations or the process that are in place; can the contract be terminated. Councilmember Courage asked if there was an appeal process in place.

Mr. Jacks reported that the first option in most contracts was to cure problems that arise and that the City notifies the entity of violations. He added that there are monetary penalties in place that the City can pursue and/or the City can terminate the contract if needed.

Councilmember Courage noted that with regards to equity, are there mechanisms in place for consumers that do not have mobile phones to use dockless vehicles. Mr. Jacks reported that concern was discussed several times during the process and that all three companies have other alternatives in place to allow all consumers to use the dockless vehicles. Mr. Jacks provided an example of the consumer using a card that was provided by the vendor to unlock the device instead of using a phone.

Councilmember Treviño noted that he was able to drive around the downtown area and surrounding neighborhoods to look for residential spaces in the right of way to create potential parking spaces for dockless vehicles. He thanked the Mr. Jacks and his team for riding along with him to identify parking spaces that are safe for residents and consumers of dockless vehicles. Mr. Jacks reported that there are two potential primary parking areas; one is on-street parking spaces where a parking corral can be created. Mr. Jacks noted that TCI was working on a potential design concept on a parking corral to ensure that are safe and functional. Mr. Jacks added that the parking corral could be added to on one end of the on-street parking area. Mr. Jacks noted that another option was to create a parking corral on a one block area that had adequate amount of room and was a popular destination. He added that the parking coral concept was in early stages of discussion and needed additional consideration on the design concept and placement on-street. Councilmember Treviño asked if the parking corral concept was similar too bike racks and Mr. Jacks that was similar but designed different in order to hold handlebars to prevent them from falling over.

Councilmember Treviño requested that the dockless vehicle be added and available on the 311 SA App. Mr. Jacks reported that could take place after the three operators were awarded the contract and that he would work with Paula Stallcup and the three operators on refining the 311 SA App.

Councilmember Treviño requested that the nighttime ban on dockless vehicles be removed. Mr. Jacks reported that could be an option and would be considered once they determine how to monitor the use of dockless vehicles after dark. Councilmember Treviño asked about community outreach regarding dockless vehicles and rider safety educational programs. Mr. Jacks reported that eight community outreach programs were required per year. He added that the three operators could take advantage of existing events downtown to provide instruction and education on the rules for riding, safety, parking, and tips on how to use the dockless vehicles. Mr. Jacks added that the three operators could hand out free helmets to users. Mr. Jacks noted that helmets were not required but highly encouraged.

Councilmember Perry questioned the recurring revenue that was projected to be \$428,000 in FY2020 then \$413,000 recurring each year thereafter. Councilmember Perry added that Mr. Jacks indicated the total revenue was over \$600,000; where is the additional \$200,000 going. Mr. Jacks reported that if the program generated enough revenue; \$200,000 could be allocated for a transportation initiative such as adding more bike lanes or parking infrastructure at the direction by Council. Councilmember Perry noted his concern with allowing the program to operate and be successful. Mr. Jacks reported that the three companies negotiated with the City and all parties have agreed on the revenue shares. Mr. Jacks added that the alternative was a high permit fee and that during the negotiation process, they all settled in a

revenue share as opposed to permit fees. Councilmember Perry noted that he was opposed to this project becoming a money-making venture for the City. Councilmember Perry added that he agreed that the City should be reimbursed for cost but should not make a profit.

Councilmember Perry questioned parking enforcement and asked how many officers were patrolling downtown. Mr. Jacks reported that depended on the season and events going on but on average 20-30 parking enforcement officers patrolled the downtown area and that eight additional officers were out in the community conducting parking enforcement. Councilmember Perry questioned that need for three additional parking enforcement officers. Mr. Jacks reported that three additional positions were required to cover shifts to work seven days per week and 24-hour parking enforcement. Mr. Jacks added that different shifts were needed to cover 24-hours parking enforcement.

Councilmember Pelaez noted that he reviewed the contract and there was a conflict on the records retention. He added that one area required documents to be retained for four years and another page for three years. Councilmember Pelaez noted that they should be the same either three years or four. Councilmember Pelaez added that proprietary information was vaguely addressed in the contract and requested that stronger language be added to address proprietary information. Councilmember Pelaez noted that the contract did not require the three operators to conduct an audit and provide same to the City. He added that the contract says the City would conduct an audit. Councilmember Pelaez requested that language be changed to require the three operator's responsibility to have audits conducted to meet the City's needs. Mr. Segovia noted that the contract would be corrected to ensure the same records retention period. Mr. Segovia added that the audit language was intended to be broad in scope to protect the City.

Councilmember Sandoval asked if City Code changes were being changed today with the approval on the Ordinance or if Code changes would occur later. Mr. Jacks reported that the Code changes would be done with the approval of the Ordinance. Councilmember Sandoval noted that the City Code language was not part of the Agenda Packet for review by Council. Mr. Jacks reported that was Item 4A amending Chapter 19 of the City Code. Councilmember Sandoval noted that she agreed with the proposed ADA suggestion, but she requested clarification regarding the curfew. Mr. Jacks reported that currently nighttime riding was prohibited and that the action was to lift that prohibition so that dockless vehicles could be available 24-hours per day. Mr. Jacks noted that he was recommending deploying dockless vehicles 24-hours per day and then analyze the data after a six-month period to determine what was best for the City and then recommend a permanent ban or reinstate 24-hour use of dockless vehicles. Mr. Jacks reported that after the 6-month period, they would take the Item back to the Transportation Committee for consideration. Councilmember Sandoval was supportive of the Item going back to the Transportation Committee, but she was opposed to the Center City Development and Operations (CCDO) Director having the ability to administratively make that decision. Councilmember Sandoval stated that was why she wanted to review the City Code language. Mr. Jacks reported that he would make the change instead of giving him that administrative authority. He would add language with the action taken today to include the Transportation Committee briefing after 6-months and then full City Council approval. Councilmember Sandoval agreed that was sufficient and reiterated that City Council amends the City Code.

Mayor Nirenberg noted for the record that the process will be to come back to City Council before any change to the curfew would be made. Mr. Jacks reported that effective with the change today the City Code would be permanently amended to lift the curfew. Then in six months, the project will be analyzed and presented to the Transportation Committee then full City Council if needed. Councilmember Sandoval noted that dockless vehicles may end up being a vital mode of transportation for some third-shift

workers and that needed to be a policy decision made by the Council.

Councilmember Gonzales noted that she was not supportive of the idea or the RFP going through CCDO and should have gone through the Transportation Council Committee. She added that this was a transportation issue and should be seriously considered a transportation alternative and not a contract for downtown entertainment.

Mayor Nirenberg thanked John Jacks and Lori Houston for the great job on this project. He noted that he was impressed on the accomplishment's achieved for all stakeholders. Mayor Nirenberg agreed with Councilmember Gonzales and the points that she made. He added that the issue will not be resolved until the public was serious about building micro mobility infrastructure across the City.

Councilmember Treviño moved to approve Items 4A and 4B with conditions. Councilmember Pelaez seconded the motion to approve with conditions. The motion prevailed by the following vote:

AYE: 10 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Cabello  
Havrda, Sandoval, Pelaez, Courage, and Perry

NAY: 1 - Gonzales

City Clerk Vacek read the caption for Item 27.

**2019-12-12-1055**

27. Ordinance amending the City Code of San Antonio, Texas, Chapter 35, Unified Development Code (UDC), Section 35-310-01 Table 310-1 Lot and Building Dimensions Table, relating to Lot and Building Dimensions in "RM" and "MF" districts and providing for publication.  
[Roderick Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

Mr. Mike Shannon provided a brief presentation MF-33 & RM-4 Zoning Designations. He noted that that Item was continued from the last City Council Meeting. He added that Councilmember Treviño submitted a Council Consideration Request (CCR) two years ago which triggered the proposed action today. Mr. Shannon noted that the main dilemma was how can the City modify the UDC to ensure development can occur and remain compatible with existing neighborhoods. Mr. Shannon provided the timeline and added the Planning and Community Development Council Committee discussed the item a few days ago.

Mr. Shannon noted that the three main subjects were the height, setbacks, and street orientation. He noted that the MF33 Zoned Property today can build to 45 feet height. He added that the key feature was that could lead to four-story structures; as opposed to the typical two and a half or three-story structure. Mr. Shannon noted that the proposed change would reduce the height of the development from 45 feet to 35 feet if they are adjacent to an existing home. Mr. Shannon added that the proposed front setback be modified to a minimum 10 feet and that the street orientation has the same consistent development pattern.

Mr. Shannon noted that the Planning and Community Development Council Committee discussed the item on Monday and approved the proposed the following language: "the height limit shall apply to properties abutting a vacant property." He added that if the property was a vacant residential zoned property, the new height limit would add that protection as the neighborhood continued to develop.

Mayor Nirenberg exited the meeting, Mayor Pro Tem Sandoval presided over the meeting.

Mayor Pro Tem Sandoval called upon the individuals was registered to speak.

Cynthia Spielman spoke in support of the of the proposed UDC Amendment. She noted that there was an assumption that the more density we take, the more affordable housing. She added that was flawed and cited studies discrediting that idea. She added that the market rate expensive housing that drives up land values and displacement making the income segregation worse. She noted that Manhattan, San Francisco, and Chicago were all very dense and very expensive. She added that if we build affordable places in our transportation corridors and regional centers and concentrate on building on empty abandoned lots there would be enough affordable housing to meet the projected needs for housing which was outlined in the SA Tomorrow Comprehensive Plan.

Cullen Jones spoke in support of the proposed UDC Amendment. He noted that compatible density of neighborhoods will be an issue until outward sprawl was addressed. He added that neighborhoods were needed to create an artificial need to densify. He noted that the City lacked geographic requirements and responsible land use plans to force natural density. He added that protecting neighborhoods, cultural, social, and historical centers will erroneously be perceived as hurdles to a dense metropolitan city.

Mayor Nirenberg returned to preside over the meeting and called upon the individuals registered to speak.

Irma Hofmann spoke in support of the proposed UDC Amendment. She asked City Council to help protect neighborhoods by approving the changes presented. She noted that many homeowners needed help rebuilding or repairing their homes. She added that many homes have been passed down from great grandparents, to grandparents, to aging parents on fixed incomes.

Tammy Kegley, Vice President of the Alta Vista Neighborhood Association spoke in support of the proposed UDC Amendment. She noted that she was there in 2017 when the CCR was drafted and the Task Force was created to address negative impacts created as a result of the 2001 UDC Conversion Process. She added that the UDC Conversion had the effect of creating incompatible zoning issues in the oldest and most vulnerable neighborhoods. She noted that Councilmember Treviño was attempting to reverse ambiguous language regarding vacant lots which was presented by Mr. Shannon today.

Jack M. Finger spoke in support of the proposed UDC Amendment. He noted that there was a disparity of a normal residential house next door to a monstrosity of a giant building. He thanked Ms. Spielman and other members of the Beacon Hill Neighborhood Association for being involved and providing input.

Anisa Schell, Member of the Tier 1 Neighborhood Coalition spoke in support of the proposed UDC Amendment. She read a short statement on behalf of the Steering Committee. She asked the Mayor and Council to support the RM/MF recommendation with the modification of Note 11 to clarify the height limit abutting the vacant properties. Limiting the height of multifamily structures next to a single-family zone vacant lot can de-incentivized the demolition of single-family homes within a neighborhood. She noted that if a developer can build a higher structure next to a vacant lot, then there was a reward for demolishing a home. Ms. Schell added that the new proposed language provides neighborhoods real protections and is in keeping with the intent of Councilmember Treviño's CCR.

Mary Johnson, President of the Monte Vista Terrace Neighborhood Association spoke in support of the proposed UDC Amendment. She noted that there was a lot of give and take on both sides of the issues.



She added that this was not about the preservation of the character of the neighborhood rather it was about the preservation of affordable housing in San Antonio.

Councilmember Treviño thanked Mr. Shannon and his team for his work on the project and dedication to the City. He thanked the neighborhood leaders and city staff who worked together for months to review the UDC to come up with solutions. Councilmember Treviño noted that in 2017 he authored a CCR based on input from constituents facing issues regarding new developments. He added that the proposed amendment offers protection to neighborhoods from out of character development, specifically focused on the height limit regardless if there was a single-family home or a vacant lot. Councilmember Treviño noted the orientation of homes on the same block should face the entry on the street. He added that regarding the setback of homes; development must maintain the same setback as other in the same neighborhood and not be farther back or closer to the street than other homes.

Councilmember Gonzales noted that the Planning and Community Development Council Committee had a lively discussion on the proposed UDC changes. She added that the issues were vetted and that concerns were addressed at the Committee. Councilmember Gonzales noted that issues regarding people's homes were very important to her. She added that constituents have approached her and stated that they could not afford to repair their older homes and commented that it was cheaper to demolish the home and build a new one. Councilmember Gonzales stated that she looked forward to having dialogue about how to prevent the demolition of old homes.

Councilmember Courage questioned the height and how that might affect other zoning above or below MF33 and does that height restriction affect MF40 or MF18 if they are next to a residential neighborhood. Mr. Shannon reported that it did not matter if the neighbor was commercial, multifamily, or industrial zoning; if the single-family home was within 50-feet then the 35 feet height limit would be imposed.

Councilmember Pelaez noted that it was proposed that 1.1 million people were moving to San Antonio within the next two decades and that it was incumbent for Council to plan accordingly.

Councilmember Andrews-Sullivan noted that many properties in District 2 were historic properties. She added that District 2 had the highest number of displaced families. She noted that families were being uprooted because of an increase of land values and property taxes which has tripled over the last couple of years. Councilmember Andrews-Sullivan added that she supports uniformity within the community.

Councilmember Treviño made a motion to approve Item 27 with the changes that were presented by staff. Councilmember Sandoval seconded the motion. The motion prevailed by the following vote:

AYE: 10 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Rocha Garcia, Gonzales, Cabello  
Havrdá, Sandoval, Pelaez, Courage, and Perry

ABSENT: 1 - Viagran

Mayor Nirenberg recessed the meeting at 11:43.

Mayor Nirenberg reconvened the meeting at 12:34 pm.

City Clerk Vacek read the caption for Item 40.

**2019-12-12-1066**

40. Ordinance establishing a Technical and Community Advisory Committee and a Climate Equity Advisory Committee to implement the SA Climate Ready Plan and sunseting the Citizens Environmental Advisory Committee. [Roderick Sanchez, Assistant City Manager; Doug Melnick, Chief Sustainability Officer]

Doug Melnick provided a brief presentation on the proposed SA Climate Ready Climate Action & Adaptation Plan Advisory Committee. He noted that the proposed action stems from the adoption of the SA Climate Ready Plan in October 2019 and includes two potential actions. He added that the Citizens Environmental Advisory Committee would be dissolved. Mr. Melnick stated that two new advisory committees would be established which are the SA Climate Ready Technical and Community Advisory Committee and the Climate Equity Advisory Committee.

Mr. Melnick described the Mission of the SA Climate Ready Technical & Community Advisory Committee. He noted that the Mission was to advise City Staff and City Council on the implementation of the Climate Plan. He added that individuals were being sought that had expertise in air, water, and other environmental issues. The Technical & Community Advisory Committee will be comprised of 21 Members, 15 At-large Members and 6 Organizational Members appointed by the Mayor and Council.

Mr. Melnick described the Mission of the Climate Equity Advisory Committee. He noted that the Mission was to provide input on the implementation of the Climate Action & Adaptation Plan to ensure and equity-centered approach and equitable outcomes. He added that the Climate Equity Advisory Committee will be comprised of 11 Members appointed by the Mayor and Council.

Councilmember Sandoval suggested casting a wide net in order to obtain qualified applicants for both Boards. She also suggested contact be made with individuals that completed a Climate survey to ensure they were aware of the opportunity to serve on the two new Boards.

Councilmember Courage asked what the charge will be for both Boards and he requested that the duties and responsibilities be shared with Council. Mr. Melnick reported that he would share that information once the Boards were formed and the members were selected. Councilmember Courage asked if the two Board Meetings would be televised. Mr. Melnick reported that was the intent.

Councilmember Sandoval made a motion to approve Item 40. Councilmember Andrews-Sullivan seconded the motion. The motion prevailed by the following vote:

AYE: 9 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Rocha Garcia, Gonzales, Cabello  
Havrda, Sandoval, Pelaez, and Courage

NAY: 1 - Perry

ABSENT: 1 - Viagran

City Clerk Vacek read the caption for Item 38.

**2019-12-12-1064**

38. Ordinance authorizing the City Manager to negotiate and execute a development agreement and to deliver the City's consent to the formation of two Fresh Water Supply Districts to be converted to Water Control and Improvement Districts regarding the development of 1019.6

acres of land owned by the Red Bird Legacy Ranch, L.P. located at the northwest intersection of State Highway 211 and Potranco Road in West Bexar County and east Medina County. If the development agreement is not fully negotiated and executed by January 10, 2020 then the City Manager may negotiate and execute agreements to release an area from the City's Extra-Territorial Jurisdiction related to the development described above. [Roderick Sanchez, Assistant City Manager; Bridgett White, Director, Planning]

Rudy Nino provided a brief presentation on the formation of two Fresh Water Supply Districts to be converted to Water Control and Improvement Districts. He noted that the project consists of a 1,000 plus planned community that is two-thirds within Medina County and one-third within Bexar County. He added that the development of the project is to include approximately 27 single-family homes, 700 multifamily units, and 100-plus acres of commercial property.

Mr. Nino stated that the owners of the property, Red Bird Legacy Ranch had filed two petitions with the City Clerk. He noted that the first request was for the City to consent to the operation of a Fresh Water Supply District. He added that these districts would allow the developer to be reimbursed for costs associated with the development and maintenance of public-serving infrastructure. Mr. Nino noted the second petition relates to the consideration of releasing the property from the ETJ. Mr. Nino added that if the property evaluation was not favorable to the creation of the District, the petitioner requests that the City remove the property from the ETJ. Mr. Nino stated that the petitioner has provided that, should the property be developed, the petition should serve as a request to be brought back into the City of San Antonio's ETJ.

Mr. Nino noted that given the nature of the two separate petitions, City Staff finds that the request is not consistent with the current adopted City policy. He added that it is recommended that the Planning Department continue to conduct further analysis and recommend to the City Manager the path most advantageous to the City by January 6, 2020. Mr. Nino stated that an approval by City Council today would authorize the City Manager to negotiate and execute agreements related to the requested Water District or by January 10, 2020 negotiate and execute agreements to release the area from the City ETJ.

Mr. Nino noted that City Staff recommendation includes the following conditions which are negotiated as part of additional considerations by the City for taking this additional action, which would apply to both options:

- Petitioner shall impose restrictive covenants on and throughout the subject property requiring any development on the subject property to meet the City's current development standards including the City's current tree preservation requirements.
- The property owner or any successor(s) will enter into a Development Agreement to establish a contractual obligation to continue to meet the City's development and tree preservation standards should the subject property be brought back into the City of San Antonio's ETJ in the future. If a Special District is created, the property owner will cause the district to enter into a Strategic Partnership Agreement with the City, providing for the limited purpose annexation and subsequent consensual full purpose annexation.
- The property owner or any successor(s) will donate three (3) acres of land along the future State Highway 211 to the City of San Antonio for future development of a fire station.
- The property owner or any successor(s) will donate forty-seven acres of land to Bexar County to allow for the development and extension of the future State Highway 211, as delineated on the City's Major Thoroughfare Plan.

- The property owner or any successor(s) will cause the development of a portion of Galm Road be at a standard beyond that which has been adopted in the City's Major Thoroughfare Plan.

The property owner or any successor(s) will support efforts to adjoin adjacent properties necessary to facilitate the future strategic annexation of current special districts in the county, should it be deemed an appropriate action in the future.

Additionally, the Planning Department looks forward to discussing the development and ongoing annexation policy with the Council Committee in January.

Mayor Nirenberg called upon Ken Brown whom was registered to speak. Mr. Brown noted that the owner of the property was present to answer questions as well as a financial expert and their engineer.

Councilmember Gonzales asked what was meant by the potential creation of a water district. Mr. Nino reported that as part of the request for development, there is always the request by the property owner to initiate the development of a water district. Mr. Nino explained the way the water district would work is that they would first be the creation, thus the consent requested here. Mr. Nino noted that it would go to the County to establish the District. He added that it would be the consent to form two fresh water supply districts and a fresh water supply district really was a district that is a financing mechanism to finance public infrastructure. Mr. Nino stated that it was necessary in order to establish what then would be called a water control and improvement district.

Councilmember Perry asked what the staff recommendation was. Mr. Nino reported that staff recommendation was to authorize the City Manager to be able to negotiate one of the two options for the City. Councilmember Perry asked what the deadline was. Cara Tacket with Pape-Dawson reported that the developer has been working with the City for over a year now and that the terms, concessions by the developer, the development standards, guidelines, and process under either mechanism have been negotiated. Ms. Tacket added that the Council authorization is to allow the legal department and the City Manager to conclude which path was most advantageous for the City to pursue. Ms. Tacket stated that their timeline is the developer does have a home builder under contract who's ready to proceed with construction. She added that until they receive clarity on how that is going to move forward, that action cannot happen.

Mayor Nirenberg recessed the meeting at 1:22 pm to convene in Executive Session.

- Economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).
- The purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072 (real property).
- Legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- Legal issues related to litigation involving the City pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Nirenberg reconvened the meeting at 1:41 pm and announced that no action was taken in Executive Session.

Councilmember Perry asked what the amenities or the things were that the developer agreed to implement. Mr. Nino reported that first should the property be released from our ETJ, they agree to apply the Deed Restrictions, they agree to apply all the developments through Deed Restrictions. Mr. Nino added that the developer agrees to apply our City Codes and Regulations including our Tree Preservation Ordinance et certa. Mr. Nino explained that the property owner would enter into a development agreement should the property be brought back into the City of San Antonio's ETJ which would reestablish that they are following the current City Code and Regulations, including our Tree Ordinance. Additionally, should the property be brought back in the City of San Antonio ETJ, they would also enter into a strategic partner agreement with the City of San Antonio; allowing the City of San Antonio can apply our Sales Tax on Commercial Property within the District. Mr. Nino noted that within that Sales Tax, they have agreed to a revenue sharing with the development of 75% for the City, 25% for the District.

Mr. Nino noted that the property owner had agreed to dedicate land for the continued development of Highway 211. He added that 47 acres of land would be set aside for Highway 211 and additional 3 acres set aside for the City of San Antonio should the City annex that property in the future. Mr. Nino stated that along that major arterial along Highway 211, there would be a location for a future Fire Station.

Councilmember Perry asked what the approximate cost was for all the amenities that the developer agreed to. Ms. Tacket noted it was a significant number, but they have not gone through what the cost was for complying with the 2010 Tree Ordinance versus the 2003 Ordinance that they were vested with. Mr. Tacket listed several concessions that the developer agreed to such as the donation of 47 acres to State Highway 211 was valued over \$3 million based upon evaluations over the last six months; the potential fire station add \$7 million in cost for the construction of Guam Road. She noted that 137 acres of Parks, open space, trails, will bring additional costs all total double digit million-dollar figures that is part of this agreement.

Councilmember Cabello Havrda noted that support of this item does not constitute urban sprawl. She noted that this was privately owned land and that the City would benefit from the development. She added that asking the developer to agree to our 2010 Tree Ordinance, the 2018 Military Lighting Overlay District, taking advantage of the development of 211 would greatly alleviate congestion on 1604. Councilmember Cabello Havrda added that the City would ultimately benefit from receiving 75% of the Sales Tax on the commercial property.

Councilmember Courage asked for the portion of the Sales Tax to be explained. Ms. Tacket reported that the strategic partnership agreement allows a mechanism where once commercial property was developed, the City can Limited Purpose Annex that property. She added that through that Limited Purpose Annexation between the District and the City of San Antonio, the agreement allows for sharing of Sales Tax Revenue collected by the District and what the District has agreed to the Developer would be 75% allocation of that Sales Tax to the City and 25% to remain within the District for maintenance within its limits.

Councilmember Courage noted that part of the discussion has been that the City could bring the entire district into the City without objection from the property owner. He added that if that were to happen, the City would get 100% of the Sales Tax because it would be part of the City of San Antonio, regardless of

any agreement that was made.

Councilmember Perry made a motion to approve Item 40. Councilmember Andrews-Sullivan seconded the motion. The motion prevailed by the following vote:

AYE: 10 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Rocha Garcia, Gonzales, Cabello  
Havrda, Sandoval, Pelaez, Courage, and Perry

ABSENT: 1 - Viagran

**PULLED BY STAFF NOT CONSIDERED**

26. Ordinance amending Chapter 35 of the City Code of San Antonio, Texas, the Unified Development Code (UDC), Section 35-111, relating to UDC Amendments, to require a Cost Impact Analysis be submitted with UDC Amendment requests. [Roderick Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

44. City Manager's Report

City Manager Walsh recognized Russ Handy as he was retiring from the City of San Antonio at the end of December 2019. He thanked Mr. Handy for his service to the City and wished him well.

City Manager Walsh recognized Mike Etienne for 10 years of service with the City of San Antonio. He noted that Mr. Etienne accepted a position as Assistant City Manager with the City of Victoria, Texas. He thanked Mr. Etienne for his service to the City.

City Manager Walsh recognized the Health Department for becoming accredited. He thanked Dr. Bridger and Jennifer Herriott for earning the badge of honor for the City of San Antonio.

Mayor Nirenberg recessed the meeting at 2:08 pm to convene in Executive Session. He noted that the Executive Session was not completed after B Session on Wednesday, December 11, 2019.

Mayor Nirenberg reconvened the meeting at 4:03 pm and announced that no action was taken in Executive Session.

**ADJOURNMENT**

There being no further discussion, Mayor Nirenberg adjourned the meeting at 4:04 pm.

**APPROVED**

**RON NIRENBERG**  
MAYOR

Attest:

**LETICIA M. VACEK, TRMC/CMCMMC**  
City Clerk

DRAFT