

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



**FINAL
Meeting Minutes
City Council A Session**

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

Thursday, April 3, 2014

9:00 AM

Municipal Plaza Building

The City Council of San Antonio convened in a Regular Meeting. The City Clerk took the Roll Call as follows:

Present: 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

1. The Invocation was delivered by Reverend Matthew Scott, Associate Pastor, Alamo Heights United Methodist Church, guest of Councilmember Joe Krier, District 9.
2. Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the February 6, 2014 City Council Meeting.

Councilmember Nirenberg moved to approve the Minutes for the February 6, 2014 City Council Meeting. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

Aye: 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

POINT OF PERSONAL PRIVILEGE

Councilmember Saldaña stated that April was Child Abuse Awareness Month and introduced Kim Abernathy, President and CEO of Child Safe. Ms. Abernathy showed a video highlighting the Cardboard Kids Campaign. She stated that each Cardboard Kid represented a victim of child abuse and that they were made by volunteers. She asked that photos of the Cardboard Kids be posted on Social Media to help bring awareness of this serious issue to the community. Mayor Castro thanked Ms. Abernathy for attending the meeting and stated that it was important to provide information on Child Abuse to the community.

CONSENT AGENDA ITEMS

Agenda Items 4, 6, 12, and 16 were pulled for Individual Consideration. Councilmember Saldaña moved to approve the remaining Consent Agenda Items. Councilmember Bernal seconded the motion.

Mayor Castro called upon Mr. Jack M. Finger to speak:

Mr. Jack M. Finger expressed concern with the Downtown Design Guide (Item 10) that would require costly changes to buildings in the Downtown Area. He spoke in opposition to the Industry Technical Representative Services for the Consolidated Rental Car Facility Project at the Airport (Item 13). He asked of the Multi-Family Funds being provided to the NRP Group, LLC (Item 16).

Faris Hodge, Jr. submitted written testimony in favor of Items 4-9, 13, and 16. He wrote in opposition to Items 10-12 and asked that Board Appointees be interviewed on television.

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

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg and Gallagher

Absent: 1 - Krier

2014-04-03-0202

5. An Ordinance authorizing a construction contract with J3 Company, LLC in an amount not to exceed \$841,383.00 for Taxiway Romeo Charlie Extension at the San Antonio International Airport. [Ed Belmares, Assistant City Manager; Frank Miller, Director, Aviation]

2014-04-03-0203

7. An Ordinance authorizing the submission of a FY 2014 and FY 2015 Comprehensive Housing Counseling Grant application to the U.S. Department of Housing and Urban Development for the period of October 1, 2013 to March 31, 2016 and acceptance of funds upon award of up to \$70,000.00; and approving the budget. [Gloria Hurtado, Assistant City Manager; Melody Woosley, Director, Human Services]

2014-04-03-0204

8. An Ordinance authorizing the submission of an AmeriCorp VISTA grant application to the Corporation of National and Community Services and the acceptance upon award of a grant providing up to 10 VISTA members for the period of August 16, 2014 through August 15, 2015; and approving a cash match budget of up to \$22,704.00. [Gloria Hurtado, Assistant City Manager; Melody Woosley, Director, Human Services]

2014-04-03-0205

9. An Ordinance authorizing the submission of a grant application and acceptance of funds upon award provided through the Texas Commission on the Arts for programming for the San Antonio Public Library's Summer Reading Club in an amount not to exceed \$1,925.00 for the period June 1, 2014 to August 30, 2014. [Gloria Hurtado, Assistant City Manager; Ramiro Salazar, Director, Library]

2014-04-03-0206

10. An Ordinance amending the City Code of San Antonio, Texas, by adopting the Downtown Design Guide as an appendix to Chapter 35, Unified Development Code, providing for procedures and definitions to implement the Downtown Design Guide and harmonizing the definition of Downtown Business District in Chapters 13, 16, 22 and Chapter 35 of the City Code. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning & Community Development]
11. Consideration of the following Board, Commission and Committee appointments for the remainder of unexpired terms of office to expire May 31, 2015, to be effective immediately upon the receipt of eight affirmative votes, or, in the event eight affirmative votes are not received, ten days after appointment; or for terms and effectiveness as otherwise indicated below: [Leticia M. Vacek, City Clerk]

A) Appointing Vanessa L. Martinez (District 5) to the Mayor's Commission on the Status of Women.

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

C) Reappointing Dirk Elmendorf (Mayoral) to the HemisFair Park Area Redevelopment Corporation.

D) Appointing David H. Delgado (District 3) to the Building Standards Board.

E) Reappointing Mary K. Luna (District 4) to the Parks and Recreation Board.

F) Reappointing Dr. Anthony L. Rogers, Jr. (District 4) to the Affirmative Action Advisory Committee.

G) Appointing Tamara Tapman (District 9) to the Brooks Development Authority.

2014-04-03-0207

13. An Ordinance authorizing the reimbursement of funds, not-to-exceed \$250,000.00 from the Customer Facility Charge Fund to the rental car agencies, for industry technical representative services for the Consolidated Rental Car Facility project at the San Antonio International Airport; and, recognizing the City of San Antonio as the project manager of the project. [Ed Belmares, Assistant City Manager; Frank Miller, Director, Aviation]

2014-04-03-0208

14. An Ordinance approving an election services contract with Bexar County for the May 10, 2014 special City election to fill the vacancy in Council District 9. [Leticia M. Vacek, City Clerk]

2014-04-03-0209

15. An Ordinance establishing a public hearing date of May 8, 2014 to consider the Land Use Assumptions Plan, the Capital Improvements Plan and updated impact fees for the service territory of the San Antonio Water System. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

CONSENT ITEMS CONCLUDED

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

2014-04-03-0198

4. An Ordinance accepting the bid from BiblioCommons, Inc., to provide a library

specific mobile application implementation and mobile application services for the San Antonio Public Library System for an estimated amount of \$166,600.00, funded with the FY 2014 Adopted Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

Councilmember Gallagher requested a brief presentation. Ramiro Salazar stated that a Mobile Application was being created for the Library that would allow access to Library Resources as well as allow Patrons to check their Library Accounts. He noted that they had worked with ITSD and Library Staff regarding the process. He reported that they issued a Request for Bids and that the initial cost of \$77,000 would be used to develop, customize, and implement the product. He added that three years of support was included in the contract to ensure that the vendor updates the Mobile Application as needed.

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

Aye: 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

The City Clerk read the caption for Item 6:

2014-04-03-0199

6. An Ordinance accepting the lowest responsive bid and awarding a construction contract for construction of the Goliad Road Drainage Project (Southeast Military Drive to Loop 410) in an amount not to exceed \$9,794,929.10 to Texas Sterling Construction, a voter approved 2012 General Obligation Bond-funded Drainage Project, located in Council District 3; of this amount, \$1,015,042.00 will be reimbursed by San Antonio Water Systems and \$520,455.37 will be reimbursed by CPS Energy. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

Councilmember Viagran asked of the Community Outreach that would be conducted. Mike Frisbie replied that they had hosted a Community Meeting during the Design Phase and had identified residents, businesses and schools in the area. He stated that they would host another meeting with the selected contractor and the community prior to construction.

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

Aye: 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Mayor Castro

The City Clerk read the caption for Item 12:

2014-04-03-0200

- 12.** Appointment of Pamela E. Ray (City Council District 2), Richard Perez (City Council District 4), Lucy Hall (City Council District 6), Dr. Shari Albright (City Council District 8), and Dr. Linda G. Foster (City Council District 10) to the eleven member Board of Directors for the City of San Antonio's Early Childhood Education Municipal Development Corporation (Pre-K 4 SA) as recommended by the respective City Council District Council Members for a two year term from June 1, 2014 through May 31, 2016. [Peter Zanoni, Deputy City Manager; Kathy Bruck, CEO, Pre-K 4 SA]

Councilmember Nirenberg recognized Bob Bevard (who was not present) and served as the District 8 Representative on the Pre-K 4 SA Board. He thanked him for his service. He also welcomed Dr. Shari Albright who would serve as the new District 8 Representative and stated that she would bring a great amount of knowledge in the Education Industry to the Board.

Councilmember Lopez recognized Lucy Hall who will serve as the District 6 Representative on the Pre-K 4 SA Board and thanked her for her willingness to serve. He stated that Dave Force, the current District 6 Representative, would be recognized at a later date and thanked him for his service.

Mayor Castro expressed his appreciation to the Pre-K 4 SA Board Members for their service and welcomed the two new Board Members.

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

Aye: 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

The City Clerk read the caption for Item 16:

2014-04-03-0201

- 16.** An Ordinance authorizing the award of funds in an amount not to exceed \$750,000.00 in FY 2014 Home Investment Partnerships Program multi-family set aside funds to NRP Group, LLC as gap financing for the Emerald Village Project located in City Council District 9. [Peter Zanoni, Deputy City Manager; John Dugan,

Director, Planning and Community Development]

Councilmember Gallagher stated that said area had moved from District 10 to District 9 during the Redistricting Process and that he and Councilmember Krier had concerns.

Councilmember Krier requested additional information on the project. Mr. John Dugan explained that the Emerald Village Project was located at Loop 1604 and Redland Road and that the NRP Group, LLC had requested \$750,000 in HOME Funds for the project. He stated that they would develop 141 units of Mixed-Income, Multi-Family Housing with 21% at Market Rate and 79% Affordable Housing. He mentioned that it was zoned C2 and was located over the Edwards Recharge Zone District. Mr. Dugan indicated that even with utilizing the \$15 Million in Texas Department of Housing and Community Affairs (TDHCA) Housing Tax Credits, there was still a \$750,000 financing gap. He reported that the Quality of Life Committee recommended that the full City Council approve the funding request. Councilmember Krier asked of additional policy discussion. Mr. Dugan replied that they would bring a policy regarding changes in the TDHCA Allocation of Tax Credit Funds that would open up other areas for Tax Credit Projects. Councilmember Krier stated that he was not sure that the incentives were needed for Private Sector Competitive Apartments in the area.

Councilmember Taylor stated that it was important for affordable housing to be disbursed throughout the city. She noted that the funding gap should be provided in order to reduce the cost for working class people to afford the units.

Councilmember Lopez stated that affordable housing had gone through a significant transition over the last few Legislative Sessions. He noted that instead of providing vouchers directly to individuals, they provide funds to developers to lower their cost of development which lowers rent. He stated that the city was responsible for providing housing stock and asked of the input from Home Owner Associations (HOAs). Mr. Dugan replied that the State had developed an Incentive Program to engage communities and that there was a point system to allocate funds. He stated that if developers wanted more points; they could solicit Letters of Support from HOAs adjacent or nearby their projects. Councilmember Lopez stated that it was a disincentive for developers to look at urban settings as they did not receive additional points. Mr. Dugan indicated that they could include community support in the criteria used by the City Council to score projects.

Councilmember Taylor stated that it was not a disincentive for developers to build in urban settings but there were challenges with the educational component. She noted a lawsuit related to accessing quality education.

Councilmember Bernal asked if it was a Section 8 Development. Mr. Dugan confirmed that

it was not. Councilmember Bernal asked of the Market Rate Units. Mr. Dugan replied that 21% of the units would be Market Rate. Councilmember Bernal spoke of the background checks required for applicants and residents and noted that they would have to demonstrate the ability to pay their rent. Mr. Dugan stated that NRP had a good track record. Councilmember Bernal asked of the impact of denying the request. Mr. Dugan replied that the project would be discussed by the TDHCA the following week and they could decide to reallocate the funds to another project. Councilmember Bernal expressed concern that the city would lose an opportunity for funding and stated that he was supportive of the project.

Councilmember Gallagher expressed concern that the project was located over the Edwards Recharge Zone District.

Mayor Castro thanked staff for the presentation and stated that although the project was located over the Recharge Zone, he felt the project was necessary.

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

Aye: 9 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina and Nirenberg

Nay: 2 - Krier and Gallagher

POINT OF PERSONAL PRIVILEGE

Mayor Castro noted the tragedy that occurred at Fort Hood the previous day and expressed his condolences. He stated that Retired Sergeant Santiago Erevia and Master Sergeant Jose Rodela who were recently awarded the Medal of Honor by President Obama could not be present today but wanted to recognize them for their service. He noted that they received the award due to their Heroism during the Vietnam War and that he was proud that they called San Antonio their home. Councilmember Lopez congratulated the two individuals for receiving the Medal of Honor and thanked them for their service.

RECESSED

Mayor Castro recessed the meeting at 9:55 am. He announced that the meeting would resume at 2:00 pm for Zoning.

RECONVENED

Mayor Castro reconvened the meeting at 2:05 pm and addressed the Consent Zoning Items.

CONSENT ZONING ITEMS

Councilmember Gallagher moved to approve the following Items under Consent Zoning:

Z-1, P-1, Z-2, P-2, Z-3, Z-4. Councilmember Bernal seconded the motion.

Mayor Castro called upon the individuals registered to speak:

Mr. Jack M. Finger spoke in opposition to the Cell Phone Tower (Item Z-5) and stated that two neighborhood associations were also in opposition. He stated that he was against Item Z-6 as it was located over the Edwards Aquifer and the impervious cover was too high.

Barbara Lamar stated that she was supportive of the Historic Designation for Item Z-1 but wanted to ensure that it did not encompass the vacant lot to the West of the building.

Faris Hodge, Jr. submitted written testimony in support of Items Z-1, P-1, Z-2, Z-3, Z-4, Z-5, and Z-6. He wrote in opposition to Item P-2.

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

Aye: 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

2014-04-03-0210

Z-1. ZONING CASE #Z2014082 HL (District 1): An Ordinance amending the Zoning District Boundary from "MF-33 NCD-2 AHOD" Multi-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District, "C-2 NCD-2 AHOD" Commercial Alta Vista Neighborhood Conservation Airport Hazard Overlay District and "O-2 NCD-2 AHOD" High-Rise Office Alta Vista Neighborhood Conservation Airport Hazard Overlay District to "MF-33 HL NCD-2 AHOD" Historic Landmark Multi-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District, "C-2 HL NCD-2 AHOD" Historic Landmark Commercial Alta Vista Neighborhood Conservation Airport Hazard Overlay District and "O-2 HL NCD-2 AHOD" Historic Landmark High-Rise Office Alta Vista Neighborhood Conservation Airport Hazard Overlay District on 0.879 of an acre out of Lots 6, 7, 8, 14, 15 and 16, Block 10, NCB 1890, a portion of 602 and 606 West French Place. 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: 0.879 OF AN ACRE OUT OF LOTS 6, 7, 8, 14, 15 AND 16, BLOCK 10, NCB 1890 TO WIT: FROM "MF-33 NCD-2 AHOD" MULTI-FAMILY ALTA VISTA NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT, "C-2 NCD-2 AHOD" COMMERCIAL ALTA VISTA NEIGHBORHOOD

CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT AND "O-2 NCD-2 AHOD" HIGH-RISE OFFICE ALTA VISTA NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "MF-33 HL NCD-2 AHOD" HISTORIC LANDMARK MULTI-FAMILY ALTA VISTA NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT, "C-2 HL NCD-2 AHOD" HISTORIC LANDMARK COMMERCIAL ALTA VISTA NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT AND "O-2 HL NCD-2 AHOD" HISTORIC LANDMARK HIGH-RISE OFFICE ALTA VISTA NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT.

2014-04-03-0211

P-1. PLAN AMENDMENT # 14026 (District 2): An Ordinance amending the land use plan contained in the Dignowity Hill Neighborhood Plan, a component of the Master Plan of the City, by changing the use of an 1.2020 acre tract of land located at 301, 305, 309, 313, 315, 319, 323, and 327 North Olive Street from Low Density Residential land use to Low Density Mixed Use land use. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014094 S)

2014-04-03-0212

Z-2. ZONING CASE # Z2014094 S (District 2): An Ordinance amending the Zoning District Boundary from "RM-4 H AHOD" Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District and "RM-4 CD H AHOD" Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for a Triplex to "C-1 S H AHOD" Light Commercial Dignowity Hill Historic Airport Hazard Overlay District with a Specific Use Authorization for a Parking Lot - Noncommercial Parking Lot Requiring Demolition of a Dwelling Unit on Lots 2, 3, 4, 5, 6, 7, and the east 72.33 feet of Lots 8 and 9, the east 1/2 of Block 7, NCB 584 located at 301, 305, 309, 313, 315, 319, 323, & 327 North Olive Street. Staff and Zoning Commission recommend approval, pending plan amendment. (Associated Plan Amendment # 14026)

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 2, 3, 4, 5, 6, 7, AND THE EAST 72.33 FEET OF LOTS 8 AND 9, THE EAST 1/2 OF BLOCK 7, NCB 584 TO WIT: FROM "RM-4 H AHOD" RESIDENTIAL MIXED DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT AND "RM-4 CD H AHOD" RESIDENTIAL MIXED DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A TRIPLEX TO "C-1 S H AHOD" LIGHT COMMERCIAL DIGNOWITY HILL HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A

SPECIFIC USE AUTHORIZATION FOR A PARKING LOT - NONCOMMERCIAL
REQUIRING DEMOLITION OF A DWELLING UNIT.

2014-04-03-0213

- P-2.** PLAN AMENDMENT # 14024 (District 2): An Ordinance amending the land use plan contained in the IH-10 East Corridor Perimeter Plan, a component of the Comprehensive Master Plan of the City, by changing the use of approximately 10.88 acres of land out of NCB 16554, a portion of the 6600 Block of North Graytown Road, from Neighborhood Commercial to Low Density Residential. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014076)

2014-04-03-0214

- Z-3.** ZONING CASE # Z2014076 (District 2): An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District, "MF-33 AHOD" Multi-Family Airport Hazard Overlay District, "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for a Mini-warehouse and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District on 61.9746 acres out of NCB 17699 and NCB 16554, portions of the 6600 Block of North Graytown Road. Staff and Zoning Commission recommend approval, pending plan amendment. (Associated Plan Amendment # 14024)

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: 61.9746 ACRES OUT OF NCB 17699 AND NCB 16554 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT, "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT, "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A MINI-WAREHOUSE AND "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

2014-04-03-0215

- Z-4.** ZONING CASE # Z2014092 (District 5): An Ordinance amending the Zoning District Boundary from "I-1 HS AHOD" Historic Significant General Industrial Airport Hazard Overlay District to "IDZ HS AHOD" Historic Significant Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and "MF-33" Multi-Family District on the north 54 feet of Lot A1 and the north 54 feet of the west 25 feet of Lot A2, NCB 2569 located at 1502

South Flores 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: THE NORTH 54 FEET OF LOT A1 AND THE NORTH 54 FEET OF THE WEST 25 FEET OF LOT A2, NCB 2569 TO WIT: FROM "I-1 HS AHOD" HISTORIC SIGNIFICANT GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ HS AHOD" HISTORIC SIGNIFICANT INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT.

CONSENT ZONING CONCLUDED

INDIVIDUAL ZONING ITEMS

DENIED

Z-5. ZONING CASE # Z2013074 S ERZD (District 8): An Ordinance amending the Zoning District Boundary from "C-2 ERZD MLOD-1 AHOD" Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District to "C-2 S ERZD MLOD-1 AHOD" Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District with a Specific Use Authorization for a Wireless Communication System on 0.0689 of an acre out of Lot 4, Block 3, NCB 17843 located on a portion of 14440 Huebner Road. Staff and Zoning Commission recommend approval.

Councilmembers Lopez and Krier recused themselves on Item Z-5 by exiting the Council Chambers and noting that they submitted the recusal forms to the City Clerk.

John Jacks presented Item Z-5 and stated that staff and the Zoning Commission recommended approval. He reported that SAWS recommended a maximum impervious cover of 15%. He noted that of 11 notices mailed; one was returned in favor and none were received in opposition.

Mayor Castro called upon the individuals registered to speak:

Patrick Christensen, Bebb Francis and Doak Leggett representing Skyway Towers addressed the City Council. Mr. Christensen stated that they were required to request a Specific Use Authorization since the property was located over the Edwards Recharge Zone. He noted that City Staff, SAWS, and the Zoning Commission all recommended approval. Mr. Francis stated that this was an opportunity to solve a significant coverage

gap for three of the four major wireless carriers. He spoke of the importance of seamless wireless connectivity and showed maps of the current and improved coverage area. He referenced three documents that had been provided to the City Council which include a Letter to Councilmember Nirenberg outlining specifics and parameters of the Zoning Request and two emails confirming that alternate sites do not meet the criteria for a Cell Site. Mr. Leggett added that he was responsible for property acquisition and spoke of the reasons why other sites were not acceptable including parking requirements and having a specific size tower.

Henry Ortega stated that he was a resident of Hunter's Creek North and was opposed to the zoning request. He spoke of the importance of the aesthetics in their neighborhood and the negative effects that the tower would have on property values.

Linda Lopez George, President of the Hunter's Creek Neighborhood Association addressed the City Council in opposition to the zoning request. She spoke of the preservation of the natural environment in their neighborhood and asked the City Council to protect the investment of the homeowners in the area.

Councilmember Nirenberg stated that the neighborhoods in the area were opposed to the request and that it was the City Council's responsibility to determine land use. He noted that he was in receipt of a recommendation by the Northside Neighborhoods for Organized Development (NNOD) which represents 10,000 homes in the area in opposition to the request.

Councilmember Gallagher stated that it was the responsibility of the City Council to protect the investments of their residents and would support denial of the request.

Councilmember Nirenberg moved to deny Item Z-5. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

Aye: 9 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Medina, Nirenberg and Gallagher

Abstain: 2 - Lopez and Krier

CONTINUED TO MAY 1, 2014

Z-6. ZONING CASE # Z2014038 ERZD (District 9): An Ordinance amending the Zoning District Boundary from "R-6 ERZD MLOD-1" Residential Single-Family Edwards Recharge Zone Camp Bullis Military Lighting Overlay District and "C-2NA ERZD MLOD-1" Commercial Nonalcoholic Sales Edwards Recharge Zone Camp Bullis Military Lighting Overlay District to "O-1.5 ERZD MLOD-1" Mid-Rise Office Edwards Recharge Zone Camp Bullis Military Lighting Overlay District on

6.636 acres out of NCB 17586 located on a portion of the 19000 Block of Redland Road. Staff and Zoning Commission recommended approval.

John Jacks presented Item Z-6 and stated that staff and the Zoning Commission recommended approval. He noted that SAWS recommended a maximum impervious cover of 50%. He reported that of 29 notices mailed; five were returned in favor and eight were received in opposition.

Mayor Castro called upon Ashley Farrimond to speak:

Ms. Ashley Farrimond of Kaufman and Killen stated that they represented the applicant and were working with the Encino Park Neighborhood Association on deed restrictions. She requested a four week continuance.

Councilmember Krier moved to continue Item Z-6 until May 1, 2014. Councilmember Nirenberg seconded the motion. The motion prevailed by the following vote:

Aye: 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 2:37 pm.

APPROVED

JULIÁN CASTRO
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC
CITY CLERK