

**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, June 3, 2021

9:00 AM

Municipal Plaza Building

The City Council convened in a Regular Meeting. City Clerk Tina J. Flores 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 Pastor Donte Banks of GodChasers Community Church, guest of Councilmember Perry, Council District 10.
2. Mayor Nirenberg led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes from the City Council Meetings of April 29, 2021, and May 5, 2021.

Councilmember Viagran moved to approve the Minutes of April 29, 2021 and May 5, 2021.

Councilmember Andrews-Sullivan seconded the motion. The motion prevailed by the following vote:

AYE: 9 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Sandoval, Courage, and Perry

ABSENT: 2 - Cabello Havrda and Pelaez

POINT OF PERSONAL PRIVILEGE

Mayor Nirenberg expressed that Fiesta was a party with a purpose, but the City's purpose was diverted to other things over the last two years, to make sure that we save the lives of our neighbors and loved ones and protect each other from the COVID-19 Pandemic. He noted that for the second time in the City's history, Fiesta was cancelled in 2020 and was postponed in 2021. He stated that he was proud of Metro Health leaders and staff, and everyone in the community who had enabled the community to put the pandemic behind us. He reported that the City had one of the highest vaccination rates despite challenges of getting the vaccine. He added that Fiesta was fun to attend and benefited many non-profit organizations in the City.

Walter Serna, Fiesta Commission Chair, thanked the Mayor and City Council for their leadership. He noted that Fiesta 2020 was only the second time in Fiesta's history that the event was cancelled. He reported that there were over 110 participating member organizations that greatly contributed to the community. He stated that in coordination with Metro Health, vaccinations would be available at certain sites. He added that Fiesta would bring the community together following the pandemic and he urged everyone to attend because the funds go to a good cause.

Steve Rosenauer, Executive Director of the Fiesta Commission, noted that Fiesta had a great impact on the community and the goal for 2021 was to make sure Fiesta was safe. He thanked everyone for their support.

Councilmember Viagran thanked Mr. Serna and Mr. Rosenauer for their work. She thanked Miss Fiesta Calista Burns for participating at the vaccination hub where over 134 individuals were vaccinated.

Councilmember Gonzales spoke of the family of Donna Pacheco that resided in Council District 5 and had attended Fiesta events every year and expressed her hope that they attend this year. She stated that the funds raised by Fiesta events went to very good causes.

Councilmember Andrews-Sullivan thanked Mr. Serna for making Juneteenth a Fiesta event and making sure that everyone was included.

Councilmember Rocha Garcia noted that she was a recipient of a Rey Feo Scholarship and looked forward to partnering with the Fiesta Commission and continuing the work for local students. She thanked Mr. Serna and Mr. Rosenauer for keeping the community safe.

Councilmember Courage stated that Fiesta symbolized the diversity of the community and the harmony of the community when everyone come together to have fun.

Councilmember Pelaez noted that after 2020, everyone could use something uplifting and a reason to smile and that was Fiesta. He thanked everyone for their generosity and thanked Mr. Serna for his time and efforts.

Councilmember Perry stated that he had been involved with Fiesta for many years and worked in a beer and fajita booth. He acknowledged that everyone was excited to get Fiesta going again.

Councilmember Treviño spoke of the importance of community and getting together during events such as Fiesta.

Mr. Serna recognized his fellow board members of the Fiesta Commission and asked them to stand and be recognized.

POINT OF PERSONAL PRIVILEGE

Councilmember Viagran spoke of the passing of Ramon Quintero who dedicated his life to improving the quality of life of San Antonians, especially those in Council District 3. She reported that he was instrumental in the founding of the Sunny Slope and Pasadena Heights Neighborhood Associations and led efforts for a gym at the Southside Lions Community Center. She indicated that he was a World War II Veteran and listed the numerous awards and recognition awarded to Mr. Quintero. She indicated that she submitted a Council Consideration Request (CCR) to rename the Southside Lions Community Center and Gym to the Ramon Quintero Community Center and Gym in recognition of his selfless work. She thanked the Quintero family for all of their work and dedication to the community.

Mayor Nirenberg thanked the Quintero family for attending and asked them to stand and be recognized.

Mr. Quintero's son thanked the City of San Antonio, the City Council, and Councilmember Viagran for the recognition of his father who would be very proud. He noted that his grandchildren could see everything that he accomplished.

Mr. Quintero's daughter thanked Councilmember Viagran and everyone for recognizing her father. She stated that her father was dedicated to the community in Council District 3.

Mr. Quintero's grandson thanked everyone for honoring such a wonderful man.

Mayor Nirenberg highlighted Mr. Quintero's legacy and noted the imprint he made on the City was permanent.

POINT OF PERSONAL PRIVILEGE

Councilmember Gonzales honored and congratulated Dr. Norma Cantu for her appointment as Chair of the U.S. Commission on Civil Rights (USCCR) which was created by the Civil Rights Act of 1957. She stated that the USCCR's mission was to inform the development of national civil rights policy and enhance enforcement of Federal Civil Rights Laws. She noted that Dr. Cantu was the first Latina to serve in the position. She provided information on Dr. Cantu's background and invited her to address the City Council on her work and her future endeavors with the USCCR.

Dr. Norma Cantu stated that the nation had already moved forward in civil rights education and the fight for stronger programs in higher education, employment, and health. She noted that the USCCR was a bipartisan commission and members worked together on the mission to uphold civil rights. She reported that the USCCR had 50 voluntary Advisory Committees, one for each state, and had added Advisory Committees for the U.S. Territories of Guam, Puerto Rico, and the U.S. Virgin Islands. She stated that anyone who wished to volunteer on one of the Advisory Committees could contact.

Councilmember Sandoval stated that the work of the USCCR was important to ensure that Civil Rights Legislation was upheld in our country. She noted that the City was proud to have the first Mexican American Civil Rights Institute.

Councilmember Andrews-Sullivan stated that to acknowledge all individuals as humans in the United States was something that we continued to fight for and noted that citizens were fighting for voting rights.

Councilmember Viagran thanked Dr. Cantu for her work and stated that she herself would be volunteering on the Advisory Committee.

Councilmember Courage stated that we should not have to distinguish between color, religion, or any way individuals lived their lives. He commended Dr. Cantu for her role in supporting civil rights.

Mayor Nirenberg thanked Dr. Cantu for her presence and noted that so much of San Antonio's history was interwoven in the story of Civil Rights in America. He added that knowing Dr. Cantu represented Civil Rights for our Nation was important. He asked Dr. Cantu to make sure President Biden and the Administration understood that the first ever Mexican American Civil Rights Institute was launched in the City of San Antonio.

POINT OF PERSONAL PRIVILEGE

Councilmember Viagran highlighted the work of the Office of Historic Preservation partners that looked for creative ways and solutions to maintain the City's story. She thanked Shanon Shea Miller for her efforts regarding legacy businesses, skills, and trades.

CONSENT AGENDA ITEMS

Mayor Nirenberg announced that Items 4, 16, P-1, Z-1, Z-4, P-3, Z-7, Z-8, Z-16, and Z-17 were pulled for Individual Consideration. Mayor Nirenberg announced that Item Z-9 was pulled by staff and would not be considered.

Councilmember Andrews-Sullivan highlighted Item Z-5 which would change an area from light industrial to commercial for the purpose of constructing two, three story buildings for Humana that included an insurance building and a medical office building. She stated that this would change lives in an area that had no medical buildings or hospital developments.

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

AYE: 9 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Sandoval, Pelaez, Courage, and Perry

ABSENT: 2 - Gonzales and Cabello Havrda

2021-06-03-0391

5. Ordinance approving a contract with Goodwill Industries of San Antonio to provide the Department of Human Services with landscaping, irrigation maintenance, and repair services at designated locations for an estimated annual cost of \$153,098.39, beginning July 1, 2021 and ending June 30, 2024, with two, one year renewal options. Funding in the amount of \$149,709.95 is from the FY 2021 General Fund budget, and \$3,388.44 from the Head Start Federal Grant. Funding for subsequent fiscal years is subject to City Council approval of the annual budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2021-06-03-0392

6. Ordinance approving a contract with KONE, Inc., to provide the Convention & Sports Facilities Department with elevator modernization and escalator replacement with a handrail sterilization system at the Alamodome for a total cost of \$3,727,786.00. Funds from the Alamodome Improvements Project are included in the FY 2021-2026 Capital Improvements Plan. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2021-06-03-0393

7. Ordinance approving a contract with Business Management Systems, Inc., to provide scheduling software for the San Antonio Public Library for a total estimated cost of \$220,000.00, for a three-year period with two additional one-year renewal options. Funding for the initial implementation fee and first year subscription costs in the amount of \$50,000.00 is available in the FY 2021 Information Technology Services Capital Budget as included in the FY 2021 - FY 2026 Capital Improvement Program. Funding for subscription costs in the subsequent fiscal years is subject to City Council approval of the annual budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2021-06-03-0394

8. Ordinance authorizing a five-year agreement with Axon Enterprise, Inc. (AXON), to provide the City with replacement of taser equipment. The annual contract amount is \$824,180.00 for a total five-year amount of \$4,120,900.00. The City would have the option to extend this contract for an additional five-year extension and receive the most up-to-date taser model at an annual amount of \$1.1 million. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2021-06-03-0395

9. Ordinance approving the following contracts establishing unit prices for goods and services for an estimated annual cost of \$1,557,606.00, included in the respective department's FY 2021 Adopted Budget: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]
- (A) San Antonio Lighthouse for the Blind and Nestle Waters North America, Inc., for bottled water services;
 - (B) Hearst Corp, dba San Antonio Express-News, and SA Legal News, LLC, dba The Hart Beat, for official and other newspaper advertising;
 - (C) Consolidated Traffic Controls, Inc., for steel traffic signal poles; and
 - (D) Konica Minolta Business Solutions U.S.A., Inc., for an amendment to the annual contract for a print management solution for the San Antonio Public Library.

2021-06-03-0396

10. Ordinance approving contracts with Big Tex Contractors, LLC, Ida Ponce, dba A+ Lawn Service, Maverick Turnkey Construction Group, LLC, Michael Ramirez dba Top Notch Services, and Raul Cerda, dba Raul's Landscape Service, to provide as needed dangerous premises abatement, lot clearing services and securing of structures for a one-year period, with the option to renew each contract for four additional one-year periods, in the estimated cumulative amount of \$436,594.00 annually. Funding in the amount of \$436,594.00 is from the FY 2021 General Fund

Adopted Budget and funding for future years is subject to City Council approval of the annual budget. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

2021-06-03-0397

11. Ordinance approving the renewal of five La Villita Lease Agreements with DBHO, Inc. d/b/a Guadalajara Grill, Orthodox Ecumenical Church, Inc. d/b/a Little Church of La Villita, Bobby J. and Claudia I. Brown d/b/a Villa Tesoros, Bird and Pear, LLC, and Karla Benavides d/b/a Huipil Market. Revenue of \$344,251.93 generated from these renewals will be deposited into the General Fund. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development & Operations]

2021-06-03-0398

12. Ordinance approving the temporary closure of certain streets for the 2021 Fiesta San Antonio celebration; approving the locations, dates and times for the Fiesta Carnival and official Fiesta events with related requirements and conditions, including a limited exception of Municipal Code Section 32-30; and approving amendments to Market Square and La Villita events. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development & Operations]

2021-06-03-0399

13. Ordinance approving the submission of a grant application and the acceptance of funds upon award of approximately \$20,820.00 for reimbursement of allowable costs for Interlibrary Loan services from the Texas State Library and Archives Commission for the period of August 1, 2020 - July 31, 2021. [David W. McCary, CPM, Assistant City Manager; Ramiro Salazar, Director, Library]

2021-06-03-0400

14. Ordinance accepting, upon award, a grant in the amount of \$73,729,453.00 for the period beginning October 1, 2021 through September 30, 2022 for managing the Child Care Services program in the 13 County Alamo Workforce Development Area; approving a full year budget in the amount of \$77,352,240.00 which includes program income of \$500.00 and an in-kind match of \$3,622,287.00; approving a personnel complement of 59 positions; and accepting up to 20% additional funding if awarded and matching funds are available in the City's budget. [Lori Houston, Assistant City Manager; Melody Woosley, Director, Human Services]

2021-06-03-0401

15. Ordinance approving the settlement of litigation styled Texas Sterling Construction Co. v. City of San Antonio; Cause No. 2018-CI-05823; in the 225th Judicial District Court, Bexar County, Texas in the amount of \$1,999,500.00. [Andy Segovia, City Attorney]

2021-06-03-0403

17. Ordinance extending the South Breeze Tower lease agreement with American Tower, L.P. in support of the Enhanced Digital Access Communication System used by the City of San Antonio's Police and Fire Departments, Bexar County and surrounding participating agencies. The overall operational increase is \$5,395.68 from April 22, 2021 to April 21, 2024, for an overall total cost of \$171,498.32. The recurring monthly fee under this agreement shall increase from \$4,188.41 to \$4,500.00 on April 22, 2021, for an annual cost of \$51,912.38 for FY 2021. Funding

for FY 2021 is from the FY 2021 Information Technology Services Fund Budget and funding for future years is subject to City Council approval of the annual budget. [Ben Gorzell, Chief Financial Officer; Craig Hopkins, Chief Information Officer, Information Technology Services]

2021-06-03-0031R

18. Resolution of No Objection for Streamline Advisory Partners and Mission DG's application to the Texas Department of Housing and Community Affairs Non-Competitive 4% Housing Tax Credits program for the construction of SoSA at Palo Alto, a 336-unit affordable multi-family rental housing development, located at the SE Corner of Hwy 16 and Loop 410. [Lori Houston, Assistant City Manager; Verónica R. Soto, FAICP, Director, Neighborhood and Housing Services]

2021-06-03-0404

19. Ordinance amending the Major Thoroughfare Plan, a component of the City of San Antonio Master Plan, by realigning a proposed segment of East & West Connector, a Secondary Arterial Type A requiring 86 feet of right-of way, between existing Graytown Road and existing Abbott Road, and designating an existing segment of Abbott Road as a Secondary Arterial Type A, requiring 86 feet right-of-way, between approximately 3,250 feet north of the existing intersection of Graytown Road & Abbott Road and existing FM 1346. [Roderick Sanchez, Assistant City Manager; Tomika Monterville, Director, Transportation]

2021-06-03-0405

20. Ordinance amending the Major Thoroughfare Plan, a component of the City of San Antonio Master Plan, by realigning a proposed segment of Graytown Road, a Secondary Arterial Type A requiring 86 feet of right-of way, between approximately 3,290 feet northwest of the existing intersection of Graytown Road and Freudenburg Road and approximately 1,240 feet southwest of the existing intersection of Graytown Road and Freudenburg Road; and realigning a proposed segment of East & West Connector, a Secondary Arterial Type A requiring 86 feet of right-of way, between approximately 4,840 feet east of existing Schuwirth Road and existing Graytown Road. [Roderick Sanchez, Assistant City Manager; Tomika Monterville, Director, Transportation]

2021-06-03-0406

21. ALCOHOL VARIANCE # AV2021-003 (Council District 2): Ordinance waiving the application requirements of City Code 4-6 and granting a variance authorizing the sale of alcoholic beverages to Do Soo Kim for Familia Mota LLC dba Mariscos Don Charly, applicant, on Lot 1, Block 30, NCB 10629, located at 515 South WW White Road for on-premise consumption within three-hundred (300) feet of WW White Elementary, a public education institution in San Antonio Independent School District.

2021-06-03-0407

- Z-2. ZONING CASE Z-2021-10700064 HL (Council District 1): Ordinance amending the Zoning District Boundary from "R-6 NCD-5 AHOD" Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District to "R-6 HL NCD-5 AHOD" Residential Single-Family Historic Landmark Beacon Hill Neighborhood Conservation Airport Hazard Overlay District on Lot 41, Lot 42 and Lot 43, Block 41, NCB 1850, located at 1109 West Craig 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: Lot 41, Lot 42 and Lot 43, Block 41, NCB 1850. TO WIT: From "R-6 NCD-5 AHOD" Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District to "R-6 HL NCD-5 AHOD" Residential Single-Family Historic Landmark Beacon Hill Neighborhood Conservation Airport Hazard Overlay District.

2021-06-03-0408

- Z-3.** ZONING CASE Z-2021-10700074 (Council District 1): Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-5 AHOD" Residential Mixed Airport Hazard Overlay District on Lot 20, Block 6, NCB 3170, located at 301 Princeton Avenue. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot 20, Block 6, NCB 3170. TO WIT: From "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-5 AHOD" Residential Mixed Airport Hazard Overlay District.

2021-06-03-0409

- Z-5.** ZONING CASE Z-2021-10700075 (Council District 2): Ordinance amending the Zoning District Boundary from "L MLOD-3 MLR-1 AHOD" Light Industrial Martindale Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District to "C-3 MLOD-3 MLR-1 AHOD" General Commercial Martindale Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District on Lot 6, Block 2, NCB 17993, generally located in the 6100 Block of Interstate IH-10 East. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot 6, Block 2, NCB 17993. TO WIT: From "L MLOD-3 MLR-1 AHOD" Light Industrial Martindale Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District to "C-3 MLOD-3 MLR-1 AHOD" General Commercial Martindale Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

2021-06-03-0410

- P-2.** PLAN AMENDMENT CASE PA-2021-11600031 (Council District 2): Ordinance amending the Government Hill Neighborhood Plan, a component of the Comprehensive Master Plan of the City, by changing the land use classification from "Low Density Residential" to "Low Density Mixed Use" on Lot 1, Block 2, NCB 992, located at 429 East Carson. Staff and Planning Commission recommend Approval. (Associated Zoning Case Z-2021-10700081)

2021-06-03-0411

- Z-6.** ZONING CASE Z-2021-10700081 (Council District 2): Ordinance amending the Zoning District Boundary from "R-6 HS AHOD" Residential Single-Family Historic Significant Airport Hazard Overlay District to "IDZ-1 HS AHOD" Limited Intensity Infill Development Zone Historic

Significant Airport Hazard Overlay District with uses permitted for three (3) dwelling units on Lot 1, Block 2, NCB 992, located at 429 East Carson Street. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment Case PA2021-11600031)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot 1, Block 2, NCB 992. TO WIT: From "R-6 HS AHOD" Residential Single-Family Historic Significant Airport Hazard Overlay District to "IDZ-1 HS AHOD" Limited Intensity Infill Development Zone Historic Significant Airport Hazard Overlay District with uses permitted for three (3) dwelling units.

PULLED BY STAFF

- Z-9.** ZONING CASE Z-2021-10700048 (Council District 5): Ordinance amending the Zoning District Boundary from "D H AHOD" Downtown Cattleman Square Historic Airport Hazard Overlay District and "D H HS AHOD" Downtown Cattleman Square Historic Significant Airport Hazard Overlay District to "D AHOD" Downtown Airport Hazard Overlay District, on Lot 10, Lot 12A, Lot 13, Block 25, NCB 285, and 0.6146 acres out of NCB 285, located at 821 West Commerce Street. Staff recommends Denial. Zoning Commission recommendation pending the June 1, 2021 hearing.

2021-06-03-0414

- Z-10.** ZONING CASE Z-2021-10700053 (Council District 5): Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "IDZ-1 AHOD" Limited Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "MF-18" Limited Multi-Family District, "C-1" Light Commercial District, and "O-1" Office District on Lots 16, 17 and 18, Block 4, NCB 3531, located at 721, 723 and 725 Probandt 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: Lots 16, 17 and 18, Block 4, NCB 3531. TO WIT: From "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "IDZ-1 AHOD" Limited Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "MF-18" Limited Multi-Family District, "C-1" Light Commercial District, and "O-1" Office District.

2021-06-03-0415

- Z-11.** ZONING CASE Z-2021-10700057 (Council District 5): Ordinance amending the Zoning District Boundary from "R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District on Lot 13 and Lot 14, Block 6, NCB 8886, located at 2602 Lombrano Street. Staff and Zoning Commission recommend Approval.

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

AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot 13 and Lot 14, Block 6, NCB 8886. TO WIT: From "R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.

2021-06-03-0416

Z-12. ZONING CASE Z-2021-10700071 (Council District 5): Ordinance amending the Zoning District Boundary from "R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "IDZ-1 MLOD-2 MLR-2 AHOD" Limited Intensity Infill Development Zone Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted for three (3) units on 0.20 acres out of NCB 2590, save and except the east 7 feet of Lot 75, located at 311 Dowdy 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: 0.20 acres out of NCB 2590, save and except the east 7 feet of Lot 75. TO WIT: From "R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "IDZ-1 MLOD-2 MLR-2 AHOD" Limited Intensity Infill Development Zone Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted for three (3) units

2021-06-03-0417

Z-13. ZONING CASE Z-2021-10700054 CD (Council District 7): Ordinance amending the Zoning District Boundary from "R-5 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District to "C-2 CD MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales (Full Service) on Lots A, B, C and D, Block 2, NCB 11991, located at 6719 West Commerce Street. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lots A, B, C and D, Block 2, NCB 11991. TO WIT: From "R-5 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District to "C-2 CD MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales (Full Service).

2021-06-03-0418

Z-14. ZONING CASE Z-2021-10700025 (Council District 8): Ordinance amending the Zoning District Boundary from "C-3 MLOD-1 MLR-2" General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 District, "C-2 MLOD-1 MLR-2" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 District, "C-3 UC-1 MLOD-1 MLR-2" General Commercial Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay

Military Lighting Region 2 District and "MF-50 MLOD-1 MLR-2" Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 District to "MF-33 MLOD-1 MLR-2" Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 District and "MF-33 UC-1 MLOD-1 MLR-2" Multi-Family Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District on 19.048 acres out of NCB 15825, generally located in the 14000 Block of Vance Jackson Road. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 19.048 acres out of NCB 15825. TO WIT: From "C-3 MLOD-1 MLR-2" General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 District, "C-2 MLOD-1 MLR-2" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 District, "C-3 UC-1 MLOD-1 MLR-2" General Commercial Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District and "MF-50 MLOD-1 MLR-2" Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 District to "MF-33 MLOD-1 MLR-2" Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 District and "MF-33 UC-1 MLOD-1 MLR-2" Multi-Family Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District.

2021-06-03-0419

Z-15. ZONING CASE Z-2021-10700026 (Council District 8): Ordinance amending the Zoning District Boundary from "C-2 CD MLOD-1 MLR-2" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 District with a Conditional Use for a Dance Hall with Live Entertainment, "C-3 GC-1 MLOD-1 MLR-2" General Commercial Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District, "C-2 CD GC-1 MLOD-1 MLR-2" Commercial Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District with a Conditional Use for a Dance Hall with Live Entertainment and "MF-50 GC-1 MLOD-1 MLR-2" Multi-Family Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District to "MF-50 MLOD-1 MLR-2" Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 District and "MF-50 GC-1 MLOD-1 MLR-2" Multi-Family Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District on 3.739 acres out of NCB 15825, generally located in the 5000 Block of UTSA Boulevard. 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: 3.739 acres out of NCB 15825. TO WIT: From "C-2 CD MLOD-1 MLR-2" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 District with a Conditional Use for a Dance Hall with Live Entertainment, "C-3 GC-1 MLOD-1 MLR-2" General Commercial Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District, "C-2 CD GC-1 MLOD-1 MLR-2" Commercial Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District with a Conditional Use for a Dance Hall with Live Entertainment and "MF-50 GC-1 MLOD-1 MLR-2" Multi-Family Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District to "MF-50 MLOD-1 MLR-2" Multi-Family Camp Bullis Military Lighting Overlay Military

Lighting Region 2 District and "MF-50 GC-1 MLOD-1 MLR-2" Multi-Family Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District.

2021-06-03-0420

Z-18. ZONING CASE Z-2021-10700068 CD (Council District 8): Ordinance amending the Zoning District Boundary from "C-3NA" General Commercial Nonalcoholic Sales District to "C-2 CD" Commercial District with a Conditional Use for Auto Paint and Body- Repair with Outside Storage of Vehicles and Parts on Lot 9, Block 4, NCB 14688, located at 8803 Oakland Road. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot 9, Block 4, NCB 14688. TO WIT: From "C-3NA" General Commercial Nonalcoholic Sales District to "C-2 CD" Commercial District with a Conditional Use for Auto Paint and Body- Repair with Outside Storage of Vehicles and Parts.

2021-06-03-0421

Z-19. ZONING CASE Z-2021-10700072 S (Council District 10): Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for Sport Courts (Outdoor Permitted) on Lot P-3 and Lot P-21, NCB 17812, located at 14630 Judson Road. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: Lot P-3 and Lot P-21, NCB 17812. TO WIT: From "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for Sport Courts (Outdoor Permitted)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Clerk Flores read the caption for Item 4.

- 4.** Briefing on legislation filed and passed in the 87th Regular State Legislative Session and its impact on the City of San Antonio. [Jeff Coyle, Assistant City Manager]

Assistant City Manager Jeff Coyle thanked and acknowledged Mayor Nirenberg for his efforts during the Texas Legislative Session. He reported that the Mayors of all the major Texas cities attended a virtual meeting or teleconference every other week throughout the Legislative Session and Mayor Nirenberg's involvement was so significant that the group named him the leader for the next year or two. He thanked Councilmember Pelaez, Chair of the Intergovernmental Relations (IGR) Council Committee, for his support during the Legislative Session and thanked the members of the IGR Council Committee, Councilmembers Viagran, Rocha Garcia, and Perry. He acknowledged Christine Wright for her efforts.

Mr. Coyle reported that Governor Abbot announced on a radio show that an additional Special Session

would be held prior to the Special Session scheduled for the Fall of 2021 to address Legislation that did not pass during the regular session. He stated that of the Legislation that did not pass, the Governor specifically noted the Elections Bill and other items to be named at a later time.

Mr. Coyle stated that a total of 7,148 bills were filed and 1,110 of those passed. He noted that 1,772 bills were tracked by the City and the Governor had until June 20, 2021 to either sign or veto the bills passed. He reported that the Biennial Budget of just under \$250 billion passed and included \$30 million for the Defense Economic Adjustment Assistance Grant Program, funding for the San Antonio State Hospital, full funding for education, and \$50 million for the General Land Office for the preservation and upkeep of the Alamo and Alamo complex. He added that transportation funding through the voter approved Propositions 1 and 7 was preserved.

Mr. Coyle indicated that the City supported Legislation to increase transparency and accountability to improve trust among residents and better protect the community, to include:

- HB 1563 – Permitting the release of all disciplinary records, not just those resulting in suspension
- HB 1087 – Authorizing the Police Chief to discipline Officers within 180 days of discovering misconduct
- HB 1940 – Limiting an Arbitrator or civil service commission from reducing discipline as determined by the Police Chief
- HB 1561 – Encourage new Officers to live in the City which they serve

Mr. Coyle reported that none of these four House Bills made it through the process. He stated that the George Floyd Act Legislation and several other bills related to police reform died at the Legislature. He noted that Senate Bill 69 which would prohibit chokeholds and create a duty to intervene in cases of excessive force, and HB 1938 which was a grant program for body worn camera video storage did pass.

Mr. Coyle stated that the City supported an increase in State funding for core public health infrastructure and essential public health services to maintain a healthy workforce and community. He noted that the City was not successful in requesting an exemption for the Department of State Held Services. He reported that HB 4 which would expand telemedicine, telehealth, and technology-related healthcare services did pass. He indicated that HB 3 would have codified the Governor's preemption of local health authorities in a pandemic and curbed the Governor's authority and give the legislature more oversight, but it did not pass.

Mr. Coyle reported that the City supported Medicaid expansion to provide health insurance for up to 1.5 million low-income Texans but that the associated HB4 had not passed. He indicated that HB 133 passed which would provide Medicaid eligibility to certain women after pregnancy. He stated that HB 2658 passed and would expand Medicaid coverage for young people under the age of 19 who would lose coverage six months after turning 18 and extend it for another six months under certain conditions.

Mr. Coyle stated that the City supported full funding (\$152 million) to complete the construction of the San Antonio State Hospital. He noted that the City supported the development of a state strategic plan, to include trauma-informed practices that addressed Adverse Childhood Experiences (ACEs) and that bill (HB 3493) did not pass.

Mr. Coyle reported that the City supported Legislation to close the digital divide by ensuring availability, connectivity, and affordability of broadband internet service for residents not currently receiving

broadband internet service and funding to develop a state broadband plan to qualify for matching Federal funds. He noted that HB 5 which addressed this was passed.

Mr. Coyle stated that the City supported funding for the Defense Economic Adjustment Assistance Grant, the Texas Military Value Revolving Loan Fund and other programs that added military value to missions in San Antonio. He indicated that the bills supporting this (SB1, SB 1441, SB 780) all passed.

Mr. Coyle reported that the City supported legislation that allowed Brooke Army Medical Center (BAMC), a military treatment facility, to be fully reimbursed by Texas Medicaid for services provided to civilian patients. He noted that HB 2365 supported this and was passed. He stated that the City opposed legislation that threatened military missions, including legislation that undermined the City's Ordinances that ensured compatible development. He indicated that HB 1168 prohibited fees and fines in the Extraterritorial Jurisdiction (ETJ) if an election had already been held and exempted military protection areas passed. He noted that SB 1992/HB 3519 which would have allowed any areas including military buffer zones to release themselves from the Extraterritorial Jurisdiction (ETJ) did not pass.

Mr. Coyle stated that the City opposed any restrictions or limitations on the ability of cities to advocate on behalf of the San Antonio community. He noted that the related bills (SB 10, HB 749/SB 234) to restrict or limit advocating did not pass.

Mr. Coyle reported that the City supported the continued ability of local elected officials, the level of government closest to the people, to pass Ordinances to meet the unique needs of the community and issue orders that would address emergencies. He stated that the related bills included:

- HB 1869 – Debt financing limits (passed)
- HB 1900 – Police defunding consequences (passed)
- SB 1261 – Prohibiting local regulation of Greenhouse Gases (GHG) emissions (failed)
- HB 610 – Judicial review of local occupational regulations (failed)

Mr. Coyle indicated that the following bills failed:

- HB 1877 – Prohibiting requirements for repairs to vacant buildings
- HB 1885 – Municipal regulation in ETJ
- HB 782 – Ballot language review by Secretary of Stated
- SB 14 – Prohibiting local employment regulations/benefits

Mr. Coyle stated that the City supported efforts, in partnership with the Collaborative Commission on Domestic Violence (CCDV), to prevent and eliminate domestic violence and enhance the protection of survivors/victims. He reported that the related bills included:

- SB 1 - Additional funding for rape crisis centers and domestic violence shelters (passed)
- SB 343 – Statewide database for Conditions of Bond (failed)
- HB 1253/SB 283/HB 210 – Surrender of firearms by those convicted of domestic violence offenses (failed)
- HB 39 – Reducing barriers to filing and enforcement of protective orders (passed)

Mr. Coyle indicated that the City supported legislation that would promote economic recovery, including

assistance for small businesses and education and workforce development for residents. He reported that the related bills included:

- SB29/HB 4042, HB 1458, HB 4043, SB 373 – Transgender student participation in sports (failed)
- HB 1472, SB 1155 – Major Events Reimbursement Program expansions (passed)
- SB 1524 – Tax incentives for hiring apprentices (passed)
- SB 678 – Creating a small business recovery loan program (passed)

Mr. Coyle stated that the City supported education funding which at a minimum, should be adequate to protect/cover HB 3 (86R), as well as creating sustainable revenue sources to ensure public education was fully funded. He indicated that SB 1 which addressed the full funding for public education had failed.

Mr. Coyle noted that the City supported enhanced funding for institutions of higher education and allowing Tuition Review Bonds to be utilized for capital projects. He reported that the related bill (HB 1530) Tuition Revenue Bonds failed.

Mr. Coyle reported that HB 619 which required development of a strategic plan to improve the quality of the child-care workforce and HB 1792 for Texas Rising Star Program improvements passed.

Mr. Coyle reported that the City supported legislation that would allow for flexible and innovative solutions to create local funding options to increase the supply of affordable housing for low and moderate income families. He stated that the related bills included:

- HB 191 – Prohibition of housing discrimination because of sexual orientation or gender identity (failed)
- HB 1295 – Tax credits to developments in close geographical areas (failed)
- HB 2027 – Removing census tract limitation for housing developments (failed)

Mr. Coyle stated that the City supported legislation that encouraged homeownership through targeted tax policy and HB 746 which would have expanded eligibility for installment payments on property tax failed.

Mr. Coyle indicated that the City supported legislation that allowed for a fee exception for all homeless individuals to obtain a certified birth certificate. He reported that the related bills included:

- HB 1196/HB 874/SB 110777 – birth records, driver's licenses, identifications for homeless individuals (failed)
- HB 1925 – Prohibiting camping in public places (passed)
- HB 1803/SB 646 – Requiring County approval of City purchase/conversion of property to house homeless individuals (failed)
- SB 796 – Hearing and notice requirements of City purchase/conversion of property to house homeless individuals (failed)

Mr. Coyle reported that the City supported legislation that protected residents' personal information given when receiving utility emergency assistance and legislation which would protect the municipal utility model and opposed legislation with any negative impact on municipally-owned CPS Energy and SAWS. He indicated that the related bills included:

- HB 872 – Excluding certain utility customer information from PIA requests (passed)
- SB 3 – Weather emergency preparation and response (passed)
- SB 182 – Customer choice for MOUs (failed)
- SB 387 – Appeal of increased water rates

Mr. Coyle stated that the City supported legislation that would enhance pedestrian safety and continued to support safety initiatives, such as Vision Zero, by allowing more flexibility to reduce speed limits and local streets. He noted that the related bills included:

- HB 442 – Prima facie speed limit (failed)
- HB 443 – Stop and yield to pedestrians (failed)
- HB 554 – Requirements for passing a vulnerable road user (failed)
- SB 1055 – Penalties for accidents at crosswalks (passed)

Mr. Coyle indicated that the City supported legislation that would give the San Antonio Municipal Court the flexibility to electronically record and preserve records and HB 1685 which would allow the San Antonio Municipal Court to use electronic recording device failed.

Mr. Coyle stated that additional bills addressed included:

- HB 1927 – Open carry without a license (passed)
- HB 1818 – Source of animals at pet stores (failed)
- HB 652 – Shelter disease notification requirements (failed)

Mr. Coyle reported that Lieutenant Governor Patrick called for a special session in June 2021 to address:

- SB 29 – Transgender issues
- SB 10 – Lobbying limitations
- SB 12 – Prohibiting social media from banning certain users or content

Mr. Coyle added that a Fall Special Session would be called to address redistricting and Federal recovery funds and SB 7 (voting restrictions) and HB 20 (Bail reform).

Councilmember Pelaez recognized the efforts of State Representative Trey Martinez-Fisher and the GPA team.

Councilmember Viagran thanked the GPA team, partners at Bexar County and Walter Serna for their efforts.

Mayor Nirenberg thanked Councilmember Viagran for her efforts in the intergovernmental relations process. He stated that the debate would continue on SB 7 and looked forward to the engagement of the City Council and the community. He asked if the results related to the Military had been communicated to the Pentagon. Mr. Coyle stated that he would work with Major General Juan Ayala to communicate that.

City Clerk Flores read the caption for Item 16.

- 16.** Ordinance approving a Mutual Termination Agreement of an economic development agreement with Petco Animal Supplies, Inc (Petco). [Alejandra Lopez; Assistant City Manager and Interim Director, Economic Development]

Councilmember Cabello Havrda entered the meeting at this time.

Councilmember Perry stated that City Council approved an agreement with Petco in December 2020. He stated that the terms of the 2020 agreement included a 10-year, 100% tax abatement, a \$650,000 economic development incentive fund grant, and \$100,000 in training credits.

Assistant City Manager Alejandra Lopez reported that as part of the agreement, Petco was obligated to invest \$5 million and actually invested \$21.8 million. She explained that Petco fell short on the jobs creation requirement to create 400 jobs, reaching its peak in 2015 with 389 jobs; and currently, jobs created were at 250. She noted that Petro met all wage requirements with 96% of their paying at the current industry wage of \$17.37 hourly.

Susanne Kogut, President and Executive Director of Petco Love, stated that Petco Foundation changed its name to Petco Love, which reflected the core of its commitment to the health and wellness of pets that needed Petco most in each community where Petro members lived and worked in its corporate centers. She reported that when Petco moved to San Antonio in 2013, it contributed \$1 million to the City's adoption center in conjunction with Mayor Castro's announcement and commitment of the City as a no kill, or lifesaving, community. She highlighted that Petco invested in organizations that made an impact and since 2013, Petco had donated an additional \$2.5 million in the City's partner organizations to help save pet lives. She added that Petco recently made a \$2 million commitment to support local military veterans in need of service animals. She reported that Petco's commitments extended well into the future and went beyond funding and highlighted that Petco employees volunteered and fostered locally. She added that she had personally fostered approximately 100 animals from the City's Animal Care Services (ACS) Department. Ms. Kogut stated that Petco would continue to partner with the City and was available to assist in times of disasters.

Assistant City Manager Lopez noted Petco's extraordinary level of community support and added that Petco currently had 20 job positions available. She recommended a mutual termination of the agreement.

Mayor Nirenberg asked if any City had ever enacted a clawback clause, or provision that reversed a payment or distribution of funds, for a City partner's failure to fulfill its specific contractual obligations. Assistant City Manager Lopez confirmed that the City had enacted contractual clawback clauses in the past upon a review of the specific circumstances, and she would provide further data on those contracts. Deputy City Attorney Ray Rodriguez added that in some instances, the City was able to engage in negotiations with the organizations on recovery amounts. He added that one organization was non-communicative, which led to a potential tax lien and potential closure of the business until the contracted amount due was paid in full.

Councilmember Treviño asked how much of the 100% tax abatement had been ultimately received by Petco at the end of the contract. He voiced his concern that Petco did not meet its contractual obligation to the City's taxpayers and did not agree with waiving the obligation because of Petco's philanthropic contributions to the community. Assistant City Manager Lopez reported that the tax abatements for

Petco were scaled down to \$277,000, with \$40,000 not accessed due to Petco not meeting the jobs creation requirement. She reiterated that Petco received \$250,000 in an Economic Development Incentive Fund Grant, which was reduced from \$650,000 in the original agreement terms.

Councilmember Pelaez stated that Petco had gone above and beyond the City's expectations. He added that Petco contributed \$2 million to the K-9s for Warriors campus that was currently under construction in Council District 8. He indicated that the generous contribution enabled the organization to expand its campus. He emphasized now Petco gave back to local taxpayers in many ways and chose to keep donating funds locally which helped create jobs.

Councilmember Gonzales asked for further information on Petco's \$1 million in grants for the City's Animal Care Services Programs and noted that Petco exceeded the City's expectations. She noted the dramatic improvements the City had made to reduce its kill rate, and the promotion of pet ownership education and spay/neuter programs. Ms. Kogut explained that Petco's approach was to target effective organizations with trusted leadership; thereafter, Petco intentionally did not dictate what the funds could be used for to address gaps in an organization's resources. She added that Petco had invested in and locally launched Petco Love Lost, which was a national database for lost and found pets that helped to reduce the intake of animals at ACS by reuniting local residents with their pets.

City Manager Walsh highlighted that the \$1 million in naming rights that Petco contributed for the pavilion and Paul Jolly Adoption Center was used by the City as the seed money to fund the first five years of the City's Rescue Program and had led to the current improvements made to the Program.

Heber Lefgren, Director, Animal Care Services (ACS) Department, reported that when the City first partnered with Petco almost ten years ago, the ACS life release rate was approximately 30%; thereafter, almost every initiative that Petco funded helped the City achieve its current live release rate of 92%.

City Manager Walsh recognized Petco for quadrupling its requirement to invest from \$5 million to \$21.8 million, as well as exceeding the wage requirement, which affirmed staff's perspective that Petco's total investments exceed the requirements. He thanked Petco for a great partnership.

Councilmember Courage credited Petco for the many great accomplishments achieved through its investment in the community. He noted that the City's great partnerships were important in showing what kind of community San Antonio was. He asked what the percentage was of the \$277,000 tax abatements granted to Petco. He noted that the original agreement called for \$650,000 in economic development tax incentives which was reduced to \$250,000 and asked why that occurred. Assistant City Manager Lopez reported that Petco received 100% of the tax abatement for the one or two years that it met the job creation requirement and the amount was proportionally reduced for the remaining years on the contract, which came out to \$43,000 in abatements that Petco was ineligible for. She explained that the original agreement called for economic incentives to be paid out in connection with contributions that would be made, but that part of the agreement was removed, and that portion of the grant was cancelled. She added that this had not negatively impacted Petco's community contributions in any way, as they had exceeded contribution expectations.

Councilmember Courage noted that the City had contracted with many good community partners such as Whataburger and USAA, with both sides expecting each to meet their contractual obligations. He stated that the City needed to uphold its contracts going forward and many future contracts that were pending

City Council approval perhaps included incentives which had not been earned. He expressed his appreciation for all that Petco did and knew they would continue to be a valuable partner but stated that he would not vote in support of the staff recommendation today.

Councilmember Viagran noted that each economic incentives grant was awarded on a case-by-case basis and each contract was different, with some containing clawback clauses and others did not. She stated that the mutual termination agreement with Petco was to be considered on an individual basis. She recognized the investments that Petco had made in the local community and the opportunities created for ACS to create new programs like Microchipping.

Councilmember Cabello Havrda asked if there was a clause in the contract to account for any breach or failure. She observed that the parties were still abiding by the contract terms by including and following the breach clause. She stated that she did not think it was fair to discount all the good work that Petco had done for the community, especially in Council District 6, where the Petco Corporate office was located and where Petco had continually contributed to area development. Assistant City Manager Lopez confirmed that breach clauses were always included in City contracts.

Councilmember Pelaez asked City Attorney Andy Segovia for clarification of the City's Legal Department's role with the staff recommendation of a mutual termination agreement with Petco. City Attorney Segovia stated that it was the role of the attorney to inform the client of what the legal rights were under the four corners of a contract; and that it was the job of the client to take that advice in the context of all facts and circumstances, including the relationship with the contracting party, as it was the client that understood how that working relationship would better the City. He noted that during his career with the City, he always informed clients that the greatest predictor of how well a contract would work out was not whether a contract was only 10 pages long or 100 pages long, but if the parties had a strong working relationship.

Councilmember Perry stated that Item 16 was not an emotional issue, but a contract issue concerning a shortage of 150 jobs. He added that to forgive the contract and not enact the clawback clause was a dangerous precedent for future contracts. He noted that all philanthropic contributions had tax advantages. He suggested that philanthropy clauses be added to future contracts if philanthropy was more important.

Councilmember Sandoval stated that Petco created only 250 jobs currently out of the 400 it promised and met and exceeded the investment. She noted that the abatement was provided in proportion to the number of jobs created and the incentive grant was paid once the economic investment was made, which far exceeded the expectation. She observed that the contract worked as designed and asked why it was recommended for termination. Assistant City Manager Lopez stated that the contract allowed for a recapture phase at the end of the 10-year period. She explained that Petco sold their location and was leasing it back, which inherently changed the ownership and required a change to the agreement. She added that once Petco notified staff of the change of ownership, the contract was evaluated holistically and a recommendation for termination was made.

Councilmember Sandoval asked Ms. Kogut what happened to the other 150 jobs that Petco promised in its contract with the City. She asked for the two issues of job creations and economic incentives to be considered separately and not as a quid-pro-quo. She asked if Petco considered the potential enactment of the contract's clawback clause and asked why they were not present today if they knew this item was to

be considered by the City Council. Ms. Kogut explained that she was the President of the Petco Love Foundation, which was a non-profit organization, and she was not the most appropriate person to speak on job creation. She stated that Petco had taken an overall look at restructuring of its retail operations to determine how to most effectively meet the needs of the organization and did have to pull back on some local job positions. Assistant City Manager Lopez noted that during the negotiation phase of the agreement, Petco was encouraged to be very realistic about the number of jobs it could create; and in 2015, Petco came close to its goal, but did make some changes to its operations that reduced the number of jobs in San Antonio. She stated that Petco was headquartered in San Diego and staff was in constant communication with them. Assistant City Manager Lopez added that Petco was aware that the item was to be heard today by the City Council and staff did not necessarily ask them to be present at today's City Council meeting.

City Manager Walsh observed that the Economic & Workforce Development Council Committee would meet next week to confer on proposed changes to required amendments for City Council approval. He recommended that the Committee consider strengthening pro-rata reductions, abatement pro-ratas, and whether or not there should be a period of reconciliation during a contract's timeframe. He noted that the Petco 10-year agreement was a very long time and many changes occurred during the term of the contract.

Councilmember Sandoval noted that 250 jobs were gained through the Petco contract and enacting claw backs may disincentivize other organizations from investing in the City.

Mayor Nirenberg asked if a pro-rata scaling back of the incentives was provided, then why was there also a clawback provision at the end of the contract. He noted that the clawback provision was essentially enacted as the parties moved forward through the contract and was calibrated annually. Assistant City Manager Lopez stated that flexibility was provided during the term of the agreement to allow for ebbs and flows an organization may experience; but what the organization committed to would still be highlighted at the conclusion of the agreement. City Attorney Segovia added that enacting a clawback clause at the end of a contract also disincentivized a company from moving after they fulfilled the first part of their agreement.

Councilmember Viagran moved to approve Item 16. Councilmember Pelaez seconded the motion. The motion prevailed by the following vote:

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

NAY: 2 - Pelaez and Courage

CONTINUED UNTIL AUGUST 5, 2021

P-1. PLAN AMENDMENT CASE PA-2021-11600010 (Council District 1): Ordinance amending the Greater Dellview Area Community Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use from "Public Institutional" to "Community Commercial" on the west 337.28 feet of the east 482.28 feet of Lot TR-1, NCB 7172 and the east 5 feet of Lot 21, Block 205, NCB 9723, located at 1846 Basse Road. Staff and Planning Commission recommend Approval. (Associated Zoning Case Z-2021-10700031 S) (Continued from the May 20, 2021 meeting)

CONTINUED UNTIL AUGUST 5, 2021

- Z-1.** ZONING CASE Z-2021-10700031 S (Council District 1): Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Car Wash on the west 337.28 feet of the east 482.28 feet of Lot TR-1, NCB 7172 and the east 5 feet of Lot 21, Block 205, NCB 9723, located at 1846 Basse Road. Staff recommends Approval, pending Plan Amendment. Zoning Commission recommends Denial. (Associated Plan Amendment PA 2021-11600010) (Continued from the May 20, 2021 meeting)

Melissa Ramirez, Assistant Director, Development Services Department noted that 21 notices were mailed, zero received in favor, and two were opposed.

Councilmember Treviño moved to continue P-1 and Z-1 until August 5, 2021. 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

Ms. Ramirez noted that 39 notices were mailed, zero received zero in favor, and zero were opposed.

CONTINUED UNTIL JUNE 17, 2021

- Z-4.** ZONING CASE Z-2021-10700061 CD (Council District 2): Ordinance amending the Zoning District Boundary from "R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-4 CD MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for Two (2) Dwelling Units on Lot 13, Block 2, NCB 1420, located at 219 North Gevers Street. Staff and Zoning Commission recommend Approval.

Councilmember Andrews Sullivan moved to continue Z-4 until June 17, 2021. Councilmember Viagran 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

2021-06-03-0412

- P-3.** PLAN AMENDMENT CASE PA-2021-11600026 (Council District 3): Ordinance amending the Heritage South Sector Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use from "Agribusiness Tier" and "Suburban Tier" to "Suburban Tier" on 177.51 acres out of CB 4007 and CB 4069B, located at 11418 Blue Wing Road and 4345 Mickey Road. Staff and Planning Commission recommend Approval. (Associated Zoning Case Z-2021-10700022)

2021-06-03-0413

- Z-7.** ZONING CASE Z-2021-10700022 (Council District 3): Ordinance amending the Zoning District Boundary from "DR AHOD" Development Reserve Airport Hazard Overlay District, "DR" Development Reserve District and "R-20 AHOD" Residential Single-Family Airport Hazard

Overlay District to "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District and "R-4" Residential Single-Family District on 120.31 acres out of CB 4007, located at 11418 Blue Wing Road. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 120.31 acres out of CB 4007. TO WIT: From "DR AHOD" Development Reserve Airport Hazard Overlay District, "DR" Development Reserve District and "R-20 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District and "R-4" Residential Single-Family District.

Ms. Ramirez noted that 21 notices were mailed, zero received in favor, and one was opposed.

Councilmember Viagran moved to approve Items P-3 and Z-7. 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

WITHDRAWN BY APPLICANT

Z-8. ZONING CASE Z-2021-10700023 (Council District 3): Ordinance amending the Zoning District Boundary from "C-3NA MLOD-2 MLR-2 AHOD" General Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "C-3 MLOD-2 MLR-2 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District on 0.0361 acres out of NCB 11155, located at 3822 Pleasanton Road. Staff and Zoning Commission recommend Approval.
(Continued from the May 20, 2021 hearing)

Ms. Ramirez noted that Item Z-8 had been withdrawn by the applicant and would not be considered.

CONTINUED UNTIL JUNE 17, 2021

Z-16. ZONING CASE Z-2021-10700062 ERZD (Council District 8): Ordinance amending the Zoning District Boundary from "C-3 UC-1 MLOD-1 MLR-2 ERZD" General Commercial IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District to "MF-40 UC-1 MLOD-1 MLR-2 ERZD" Multi-Family IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District on Lot 23, Block 1, NCB 14859, save and except 0.05 acres out of NCB 14859, located at 6919 North Loop 1604 West. Staff and Zoning Commission recommend Approval.

Ms. Ramirez noted that six notices were mailed, zero received in favor, and one opposed.

Council Member Pelaez moved to continue Item Z-16. Councilmember Rocha Garcia 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

CONTINUED UNTIL AUGUST 19, 2021

Z-17. ZONING CASE Z-2021-10700066 ERZD (Council District 8): Ordinance amending the Zoning District Boundary from "R-6 UC-1 MLOD-1 MLR-2 ERZD" Residential Single-Family IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District to "NC UC-1 MLOD-1 MLR-2 ERZD" Neighborhood Commercial IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District on Lot 2, Block 13, NCB 14768, located at 15719 Babcock Road. Staff and Zoning Commission recommend Approval.

Ms. Ramirez noted that 10 notices were mailed, one received in favor, and two opposed.

Councilmember Pelaez moved to continue Item Z-17 until August 19, 2021. Councilmember Rocha Garcia 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

CITY MANAGER'S REPORT

22. City Manager's Report

City Manager Erik Walsh announced that the Connected Beyond the Classroom Project Program was recognized 2021 Smart 50 Award recipient. He stated that the award recognized Global Smart City Projects that stood out for innovation and influential work. He thanked the Innovation and Technology Council Committee for their work.

City Manager Walsh reported that Information Technology Services Department Assistant Director Kevin Goodwin for being awarded the Innovator of the Year category and was nominated by the City's Open City partners for the work completed on the City's COVID-19 web portal. He noted that the judging panel found that Mr. Goodwin and the ITSD team's contributions to civic engagement and the use of data was best in category.

City Manager Walsh stated that in honor of Pride Month he offered a message of support for the City's employees and residents who identified as part of the LGBTQ Community. He played the spotlight video in recognition of Memorial Day to recognize those who lost their lives in service to our country and in honor of the City employees that were impacted and their service to the country.

Councilmember Viagran thanked the City Manager for highlighting Memorial Day and reminded everyone that the runoff election was Saturday, June 5, 2021.

Councilmember Perry encouraged everyone to visit the Fort Sam National Cemetery during the Memorial Day weekend.

Councilmember Andrews-Sullivan recognized the 101st Screaming Eagles due to the loss of several service members due to a helicopter collision.

Councilmember Courage stated that there were so many who had served this country in the military and we needed to remember the sacrifices they made.

Mayor Nirenberg stated that Veterans, those who lost their lives in service of our country, and those who had lost a member of the family that served in the military would be remembered this week.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg adjourned the meeting at 12:00 pm.

APPROVED

RON NIRENBERG
Mayor

Attest:

TINA J. FLORES
City Clerk