State of Texas
County of Bexar
City of San Antonio

FINAL

Meeting Minutes

City Council A Session

City Hall Complex
105 Main Plaza
San Antonio, Texas 78205

Thursday, April 28, 2016	9:00 AM	Municipal Plaza Building

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

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

ABSENT: 1 - Saldaña

Mrs. Vacek announced that Councilmember Saldaña was out of town for previously scheduled travel from April 26-May 2, 2016.

1. The Invocation was delivered by Pastor Brent Saathoff, Bandera Road City Church, guest of Councilmember Cris Medina, District 7.

2. Mayor Taylor led the Pledge of Allegiance to the Flag of the United States of America.

3. Approval of Minutes for the Regular City Council Meetings of March 9 - 10, 2016

Councilmember Gallagher moved to approve the Minutes for the Regular City Council Meetings of March 9-10, 2016. Councilmember Warrick seconded the motion. The motion prevailed by the following vote:

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

ABSENT: 1 - Saldaña

POINT OF PERSONAL PRIVILEGE

Mayor Taylor recognized The Honorable Jochen Partsch, Lord Mayor of Darmstadt, Germany. She stated that they would be signing a Friendship City Agreement on Friday, April 29th. She presented an Alcalde Certificate to Honorable Partsch and welcomed him and the delegation to San Antonio. Honorable Partsch thanked the City Council for the recognition and stated that he was pleased to be here in San Antonio. Councilmember Viagran thanked the delegation for their hospitality while she was in Germany and welcomed them to San Antonio.

ACTION ITEMS FOR STAFF BRIEFING

City Clerk Vacek read the captions for Items 4A and 4B:

4. Consideration of the following two items for contracts related to the River Barges and related concessions contract: [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development]

2016-04-28-0291

4A. An Ordinance approving a professional services agreement with METALAB in an amount not to exceed $400,000.00 to complete construction documents for watercraft design of a new river barge fleet and fabrication of a prototype barge.

2016-04-28-0292

4B. An Ordinance approving an amendment to the River Barge Concession Contract to extend the contract term through September 30, 2017 and to adjust ticket prices and percentage payment to the City effective May 1, 2016.

John Jacks presented a Power Point related to Items 4A&B. He outlined the process used for the River Barge Design Contest noting that three Finalists were selected by the Jury of 11 Professionals. He indicated that the Evaluation Criteria consisted of 60%

Constructability, Functionality and Maintenance, while 40% was rated for Design & Innovation. He reported that Metalab Design was selected due to the following: 1) Versatility; 2) Modular; 3) Single-Level Deck; 4) ADA with Companion Seating; 5) Durable Materials; 6) Minimal Maintenance; 7) San Antonio Branding; and 8) Increased capacity. He stated that the City of San Antonio had requested an All-Electric Fleet with a 12-hour Battery Life. He outlined the agreement with Metalab which would include $183,108 for Design Development; $160,400 for the Barge Prototype; and $55,704 for Fleet Construction Administration.

Mr. Jacks highlighted the extension with Rio San Cruises through September 30, 2017 and stated that they would increase the ticket prices effective May 1, 2016. He outlined the ticket price increases and noted that they would still be comparable to other Downtown Attractions. He spoke to the Barge Operator Request for Proposals (RFP) which they would release on May 23, 2016 and outlined the entities that would provide a representative on the Evaluation Committee. He stated that the Scope of the RFP would include Daily Service, Transportation, River Walk Fund, and Payment Options. He noted the Evaluation Criteria to include Experience, Economic Terms, and Small Business Economic Development Advocacy (SBEDA). He added that the RFP was due July 25, 2016 with the award occurring on October 20, 2016.

Mayor Taylor called upon Nazirite Ruben Flores Perez to speak.

Mr. Nazirite Ruben Flores Perez spoke in favor of the River Barge Contract and stated that he had learned a great deal when serving on the San Antonio River Authority Board of Directors.

Councilmember Treviño stated that this was a very important project for the City of San Antonio and he was pleased with the innovation regarding the Design Competition. He asked of the accessibility submitted by Metalab. Mr. Jacks stated that they had incorporated ADA Accessibility through the use of a single deck and modular seating that could be removed and rearranged as needed. Councilmember Treviño asked of the different uses for the barges. Mr. Jacks replied that they could be used for many other activities such as exercise, live music, or cocktail dining. Councilmember Treviño spoke of the need to attract locals and asked of the All-Electric Fleet. Mr. Jacks responded that they were currently using Compressed Natural Gas (CNG) as fuel for the motors which created a lot of noise. He stated that the All-Electric Motor was almost silent and that Metalab had experience in other projects where electric motors were involved. Councilmember Treviño thanked Rio SA Cruises for their great work over the years and for their collaboration.

Councilmember Viagran spoke to the importance of the barges and asked of the current

electric barge. Mr. Pat Boone of Rio SA Cruises stated that it was not used on a daily basis; however, they used the same electric motor proposed by Metalab. Councilmember Viagran noted concerns with the peak season and having an All-Electric Fleet. Mr. Jacks stated that they would build a prototype and ensure that the battery life would last 12 hours. Councilmember Viagran asked of the responsibility of the barges. Mr. Jacks replied that the City would own the barges and they would be leased to the selected operator. He noted that operators would be required to perform maintenance which would be outlined in the RFP. Councilmember Viagran requested that residents from outside of the Downtown Area also be considered to serve on the Evaluation Committee.

Councilmember Gallagher also noted concerns with an All-Electric Fleet and asked if they could be implemented gradually. Mr. Jacks replied that they could install a CNG Motor on the electric fleet if necessary but were committed to ensuring that the All-Electric Fleet was functional and durable. Councilmember Gallagher asked if additional charging stations would be needed. Mr. Jacks responded that they would need to upgrade the two marinas to accommodate the All-Electric Fleet. Councilmember Gallagher asked if other cities operated anything similar. Mr. Jacks replied that All-Electric Boats were being used throughout the world but San Antonio was unique due to the frequency and volume of the operation.

Councilmember Gonzales asked of the cost and funding source to upgrade the marina. Mr. Jacks stated that they would utilize the funding from increased ticket prices to offset the cost for marina upgrades. Councilmember Gonzales asked of the potential to utilize Solar Energy. Mr. Jacks replied that Solar Energy was considered in some of the submittals but it was difficult to operate on the river all day. He noted that there could be an opportunity in the future to add a canopy that would have solar panels on the roof.

Councilmember Warrick asked of the future of the batteries and any impact to the barges. Mr. Jacks replied that the batteries were getting smaller and that there would not be an impact to the barge capacity. Councilmember Warrick asked if the current operator would make any changes over the next 17 months. Mr. Jacks stated that they did not foresee any changes to operations with the exception of the ticket prices.

Councilmember Krier referenced a previous incident that occurred when too many people were gathered on one end of the barge. Mr. Jacks stated that Metalab worked with Nautical Engineers on their design and were confident they would not have that issue occur in the future. Councilmember Krier asked of the Evaluation Committee. Mr. Jacks replied that there were only two City Staff on the Committee and the remainder were from the River Authority, Tourism Industry, Conservation Society, and Downtown Residents.

Councilmember Treviño moved to adopt the proposed Ordinances for Items 4A and 4B. Councilmember Warrick seconded the motion. The motion prevailed by the following vote:

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

ABSENT: 1 - Saldaña

CONSENT AGENDA ITEMS

Items 16 and 17 were pulled for Individual Consideration. Councilmember Medina moved to approve the remaining Consent Agenda Items. Councilmember Viagran seconded the motion.

Mayor Taylor called upon Nazirite Ruben Flores Perez to speak.

Mr. Nazirite Ruben Flores Perez spoke of the Head Start Program (Item 12) and expressed concern with some of the traditions and holidays that were being taught. He stated that the city should be investing and providing oversight of the Aquifer (Item 17).

Councilmember Viagran highlighted Ordinances related to the Air Traffic Control Tower Project at Stinson Municipal Airport (Items 14A&B). She stated that they held a Design Competition to ensure that the Tower reflected the community and Stinson. She thanked everyone that worked on the project. Councilmember Treviño expressed his support and also thanked everyone involved in the project.

Faris Hodge, Jr. submitted written testimony in favor of Items 4-14, 16, and 17.

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

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

ABSENT: 1 - Saldaña

2016-04-28-0293

5. An Ordinance authorizing the purchase of the following insurance policies for a period beginning May 1, 2016 through September 30, 2017 for a total cost of $1,910,213.00, funded from the Liability Insurance Fund: (A) medical professional liability from Homeland Insurance Company of New York d/b/a OneBeacon

Insurance Group; (B) airport owners and operators liability from Commerce and Industry Insurance Company; (C) aircraft hull and liability from Commerce and Industry Insurance Company; (D) crime liability from National Union Fire Insurance Company of Pittsburg; (E) fine arts liability from AXA Insurance Company; (F) property/equipment breakdown from Factory Mutual Insurance Company; and (G) inland marine from XL Specialty Insurance Company. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2016-04-28-0294

6. An Ordinance authorizing a contract with Due Amicis, Inc. dba Green Landscaping to provide landscaping, irrigation maintenance and repair services to the City's Human Services Department for an estimated amount of $71,000.00 annually, funded from the FY2016 Operating Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2016-04-28-0295

7. An Ordinance accepting the offer from Vermeer Texas-Louisiana, Inc. to provide one replacement trailer mounted self-feeding brush chipper to the City's Transportation & Capital Improvements (TCI) Department, Stormwater Division for a total cost of $81,575.00, funded from the Equipment Renewal and Replacement Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2016-04-28-0296

8. An Ordinance authorizing an amendment to the Magna equipment service agreement with Roche Diagnostics Corporation extending the term for an additional three year period for an annual cost of $12,150.00. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2016-04-28-0297

9. An Ordinance authorizing a task order to a Job Order Contract with Con-Cor, Inc., in an amount not to exceed $122,142.52 for sewer line replacement at the Central Police Substation, a FY 2016 Deferred Maintenance Program funded project, located in Council District 5. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

2016-04-28-0298

10. An Ordinance authorizing an amendment to an existing lease with the North American Development Bank for office space located in the City-owned International Center building at 203 South Saint Mary's Street in Council District 1. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development & Operations]

2016-04-28-0299

11. An Ordinance authorizing the 6th Renewal and Extension of Lease Agreement with Burkhart, Shannon and Holmes, dba Washington Place, for approximately 6,050 square feet of office space, located at 215 South San Saba in Council District 1, for the continued use by the San Antonio Police Department's Regional Auto Crime Team program for a five-year term. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development & Operations]

2016-04-28-0300

12. An Ordinance authorizing the submission of an Early Head Start - Child Care Partnership grant application to the U.S. Department of Health and Human Services and acceptance upon award of $2,656,800.00 for the period August 1, 2016 to July 31, 2017, a budget of $3,321,000.00, which includes an in-kind match of $664,200.00, and a personnel complement of 20 positions. [María Villagómez, Assistant City Manager; Melody Woosley, Director, Human Services]

2016-04-28-0301

13. An Ordinance authorizing the submission of a grant application in an amount up to $865,211.00 to the Texas Automobile Burglary and Theft Prevention Authority for the Regional Auto Crimes Team Project; authorizing the acceptance of funds, upon award; authorizing an interlocal agreement between the City of San Antonio and the Bexar County Sheriff's Office related to the grant application; and approving a cash matching contribution of $554,233.00 and an in kind matching contribution of $2,136,944.00. [Erik Walsh, Deputy City Manager; William McManus, Chief, Police]

14. Consideration of two Ordinances related to the Air Traffic Control Tower project at Stinson Municipal Airport: [Carlos R. Contreras, Assistant City Manager; Noel T. Jones, Director, Aviation]

2016-04-28-0302

14A. An Ordinance authorizing an amendment increasing the total amount to a grant with the Texas Department of Transportation to $573,990.00 for the design of the project; increasing the local matching share from $53,763.00 to $135,115.00; and, appropriating an additional $81,351.20 from the Airport Capital Improvement Fund.

2016-04-28-0303

14B. An Ordinance authorizing an amendment increasing the total amount to a grant with the Texas Department of Transportation to $4,4,337,740.18 for the construction of

the project; increasing the local matching share from $2,135,649.00 to $2,776,615.18; and, appropriating an additional $640,966.18 from the Airport Capital Improvement Fund

15. Consideration of the following Board, Commission and Committee appointments for the remainder of unexpired terms of office to expire May 31, 2017, to be effective immediately upon the receipt of eight affirmative votes, or, in the event eight affirmative votes are not received, ten days after appointment; or for terms and effectiveness as otherwise indicated below: [Leticia M. Vacek, City Clerk]

A) Appointing Frederick A. Andis (District 3) to the Building Standards Board.

B) Appointing L.J. Cott (District 10) to the City/County Joint Commission on Elderly Affairs.

C) Appointing Edward A. Garza (District 3) to the Historic and Design Review Commission.

D) Reappointing Ruben J. De Leon (District 3) to the Ethics Review Board for the remainder of an unexpired term of office to expire April 25, 2018.

2016-04-28-0019R

18. A Resolution authorizing the Department of Planning and Community Development to prepare a Service Plan regarding the voluntary annexation of the Nabors Property, approximately 202.79 acres located along Old Corpus Christi Highway and South IH 37, adjacent to the City limits and located in the southeast part of San Antonio's Extraterritorial Jurisdiction and Bexar County. [Peter Zanoni, Deputy City Manager; Bridgett White, Interim Director, Planning and Community Development]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the captions for Items 16 and 17 and were addressed jointly:

2016-04-28-0304

16. An Ordinance authorizing the negotiation and execution of contracts with Bexar Land Trust, Inc. d/b/a Green Spaces Alliance of South Texas and The Nature Conservancy not to exceed an aggregate of $2,500,000.00 for real estate services under the 2015 Venue Sales Tax - Edwards Aquifer Protection Program, for an estimated period of five years. [María D. Villagómez, Assistant City Manager; Janet A. Martin, Interim Director, Parks and Recreation]

2016-04-28-0305

17. An Ordinance authorizing the execution of an Interlocal Agreement in the amount of $476,901.00 with the San Antonio River Authority for project management and evaluation of the Edwards Aquifer Protection Program's $10 million earmarked for recharge and water quality initiatives in Bexar County. [María D. Villagómez, Assistant City Manager; Janet A. Martin, Interim Director, Parks and Recreation]

Mr. Homer Garcia of the Parks and Recreation Department presented a summary of Items 16 and 17 noting that voters had renewed Proposition 1 to protect the Edwards Aquifer. Councilmember Nirenberg stated that the City of San Antonio had been successful in protecting the Edwards Aquifer and good stewards of water resources and land. He noted that this was the most successful voter initiative undertaken by the City and thanked everyone for their great work.

Councilmember Krier asked when the Demonstration Projects would be implemented. Mr. Garcia replied that if approved today; the San Antonio River Authority would be issuing a Request for Information (RFI) on May 16, 2016. He stated that they hoped to implement the shovel-ready projects this Fall. Councilmember Krier requested that staff inform him when the RFI was issued so he could publish the information in the District 9 Newsletter.

Councilmember Nirenberg moved to adopt the proposed Ordinances for Items 16 and 17. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

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

ABSENT: 1 - Saldaña

19. City Manager's Report
A. Fiesta Recycling Update

Mrs. Sculley reported that City Staff, in conjunction with the Fiesta Commission and the Conservation Society, worked diligently to make Sustainability a priority for Fiesta 2016. She stated that 45 Fiesta Events had received the City's Green Events Certification including Oyster Bake, NIOSA, the King William Fair and the Battle of Flowers Parade. She noted that to receive a Green Events Certificate, an event needs to offer recycling and meet certain Sustainability Initiatives such as making available public transportation, bike amenities, or having a reduction in paper use. She reported that this year, City Staff implemented a new strategy in Waste Reduction Efforts through distribution of over 2,000

reusable water bottles. She stated that the Solid Waste Management Department introduced Organics Recycling for the first time during the parades for items such as pizza boxes, soiled napkins, and paper plates. She stated that while the impact was small, it was received well by parade-goers and will be expanded in the future. She noted that NIOSA also introduced Organics Recycling this year, offering vendors the opportunity to compost fruit scraps. She mentioned that City Staff, along with Keep San Antonio Beautiful, distributed 15,000 yellow mesh recycling bags during the parades for recycling of items such as plastic bottles, plastic cups, glass bottles and aluminum cans. She noted that parade-goers that provided a full bag of clean recyclables to Recycling Ambassadors were awarded a 2016 Recycling Fiesta Medal. She stated that the Solid Waste Management Department adopted the slogan "Recycle San Antonio - Stay Classy Do Not Be Trashy" and the slogan ran on billboards, radio commercials, newspaper ads, and social media. She reported that during the Battle of Flowers and Fiesta Flambeau Parades; there was an increase in the recycling rate reaching 23%. She stated that this year, the city collected 55 tons of non-recyclable garbage which is approximately 30 tons less garbage than what was collected last year. She added that San Antonio continues to improve on recycling efforts each year and will continue to work with the Fiesta Commission and Conservation Society to improve Recycling and "Greening" Efforts during Fiesta.

EXECUTIVE SESSION

Mayor Taylor recessed the meeting into Executive Session at 10:40 am to discuss the following items continued from the previous day:

A. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.087 (ECONOMIC DEVELOPMENT) AND 551.071 (CONSULTATION WITH ATTORNEY).

B. DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.072 (REAL PROPERTY) AND 551.071 (CONSULTATION WITH ATTORNEY).

C. DISCUSS LEGAL ISSUES RELATED TO COLLECTIVE BARGAINING PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

E. DISCUSS LEGAL ISSUES RELATING TO THE CONVENTION AND VISITORS BUREAU TRANSITION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

RECONVENED

Mayor Taylor reconvened the meeting at 2:05 pm and announced that the Executive Session would resume after the Zoning Portion of the City Council Meeting.

CONSENT ZONING ITEMS

Zoning Items Z-7, P-2, and Z-8 were pulled for Individual Consideration. Councilmember Nirenberg moved to approve the remaining Consent Zoning Items. Councilmember Gallagher seconded the motion.

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

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

ABSENT: 1 - Saldaña

2016-04-28-0306

Z-1. ZONING CASE # Z2016035 (Council District 1): An Ordinance amending the Zoning District Boundary from "C-2 H HS AHOD" Commercial King William Historic Significant Airport Hazard Overlay District to "C-2NR IDZ H HS AHOD" Commercial Noise Restrictive Infill Development Zone King William Historic Significant Airport Hazard Overlay District on 0.14 of an acre out of NCB 935 located at 1036 South Alamo 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: 0.14 OF AN ACRE OUT OF NCB 935 TO WIT: FROM "C-2 H HS AHOD" COMMERCIAL KING WILLIAM HISTORIC SIGNIFICANT AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NR IDZ H HS AHOD" COMMERCIAL NOISE RESTRICTIVE INFILL DEVELOPMENT ZONE KING WILLIAM HISTORIC SIGNIFICANT AIRPORT HAZARD OVERLAY DISTRICT.

2016-04-28-0307

P-1. PLAN AMENDMENT # 16025 (Council District 2): An Ordinance amending the future land use plan of the Government Hill Neighborhood Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of 0.47 acres out of NCB 488, located at 1604 North Hackberry Street from "Neighborhood Commercial" to "High Density Residential." Staff and Planning Commission

recommend Approval. (Associated Zoning Case Z2016087)

2016-04-28-0308

Z-2. ZONING CASE # Z2016087 (Council District 2): An Ordinance amending the Zoning District Boundary from "C-1 AHOD" Light Commercial Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with Single-Family Homes not to exceed 33 units per acre on 0.47 acres out of NCB 488 located at 1604 North Hackberry Street. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment 16025)

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: 0.47 ACRES OUT OF NCB 488 TO WIT: FROM "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH SINGLE-FAMILY HOMES NOT TO EXCEED 33 UNITS PER ACRE.

2016-04-28-0309

Z-3. ZONING CASE # Z2016003 CD (Council District 2): An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with Conditional Use for Manufactured Home/Oversized Vehicle Sales, Service and Storage on 5.421 acres of land out of NBC 13811 located at 5315, 5319, and 5331 Sherri Ann 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: 5.421 ACRES OF LAND OUT OF NBC 13811 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH CONDITIONAL USE FOR MANUFACTURED HOME/OVERSIZED VEHICLE SALES, SERVICE AND STORAGE.

2016-04-28-0310

Z-4. ZONING CASE # Z2016104 (Council District 2): An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Single-Family Residential Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay

District on Lot P-22, NCB 15894, located at 7004 Walzem 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-22, NCB 15894 TO WIT: FROM "R-6 AHOD" SINGLE-FAMILY RESIDENTIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2016-04-28-0311

Z-5. ZONING CASE # Z2016101 (Council District 3): An Ordinance amending the Zoning District Boundary from "MR AHOD" Military Reservation Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on 11.816 acres of land out of NCB 10879, generally located at the 3800 Block of Lyster Road at the intersection of Goliad 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: 11.816 ACRES OF LAND OUT OF NCB 10879 TO WIT: FROM "MR AHOD" MILITARY RESERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

2016-04-28-0312

Z-6. ZONING CASE # Z2016103 CD (Council District 3): An Ordinance amending the Zoning District Boundary from "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for a Health and Wellness Center to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Professional Office on Lot 7, Block 32, NCB 9642, located at 527 Offer 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 7, BLOCK 32, NCB 9642 TO WIT: FROM "R-4 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH CONDITIONAL USE FOR A HEALTH AND WELLNESS CENTER TO "R-4 CD

AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A PROFESSIONAL OFFICE.

2016-04-28-0313

Z-9. ZONING CASE # Z2016100 S (Council District 10): An 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 Specific Use Authorization for Convenience Store with Gasoline and Carwash on Lot P-3B, NCB 16592 located 15311 Lookout 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-3B, NCB 16592 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 S AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR CONVENIENCE STORE WITH GASOLINE AND CARWASH.

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

CONTINUED TO MAY 19, 2016

Z-7. ZONING CASE # Z2016081 CD (Council District 3): An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for a Professional Office on the East half of Lot 11 and Lot 12, Block 48, NCB 3316 located at 646 East Rigsby Avenue. Staff and Zoning Commission recommend Approval. (Continued from April 7, 2016)

Catherine Hernandez presented Item Z-7 and stated that staff and the Zoning Commission recommended approval. She reported that of 24 notices mailed; none were returned in favor or opposition.

Councilmember Viagran moved to continue Item Z-7 until May 19, 2016. Councilmember Warrick seconded the motion. The motion prevailed by the following vote:

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

ABSENT: 1 - Saldaña

Mayor Taylor announced that Items P-2 and Z-8 would be addressed jointly.

P-2. PLAN AMENDMENT # 16029 (Council District 8): An Ordinance amending the future land use plan contained in the North Sector Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of 6.142 acres of land out of NCB 17204, 29.711 acres of land out of NCB 14862, and Lot 9, Block 2, NCB 14862, generally located in the 6400 Block of Babcock Road and 6300 Block of Melissa Ann Street from "Suburban Tier" and "Civic Center" to "Suburban Tier." Staff recommends Approval. Planning Commission recommends Denial. (Associated Zoning Case Z2016097)

Z-8. ZONING CASE # Z2016097 (Council District 8): An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family Residential District to "RM-4" Residential Mixed District on 27.031 acres of land out of NCB 14862 and 6.142 acres of land out of NCB 17204 and to "C-2" Commercial District on 2.6800 acres of land out of NCB 14862, generally located in the 6400 Block of Babcock Road and the 6300 Block of Melissa Ann Street. Staff recommends Approval, pending Plan Amendment. Zoning Commission recommends Denial. (Associated Plan Amendment 16029)

Catherine Hernandez presented Item P-2 and stated that it would amend the future Land Use Plan contained in the North Sector Plan. She reported that staff recommended approval while the Planning Commission recommended denial.

For Item Z-8, she stated that staff recommended approval while the Zoning Commission recommended denial. She reported that of 109 notices mailed; 44 were returned in favor and 10 were received in opposition. She noted that the Jade Oaks Homeowners Association was in favor of said items. She stated that 40 letters of support were received from residents outside of the 200-feet requirement. She added that letters of opposition were received from the Greater SA Builders Association, SA Apartment Association, SA Chamber of Commerce, The Real Estate Council of San Antonio, and the SA/S Texas CCIM Chapter. She stated that the case would require nine votes for approval due to opposition from the Property Owner.

Mayor Taylor called upon the citizens registered to speak.

Richard Perez, President and CEO of the San Antonio Chamber of Commerce, addressed the City Council in opposition to the proposed zoning request. He stated that the property

was zoned appropriately and that approval would send the wrong message in terms of growth and development.

Ramiro Cavazos, President and CEO of the San Antonio Hispanic Chamber of Commerce, addressed the City Council in support of the staff recommendation. He stated that the owner was made aware that the property was being rezoned before they purchased it and that increased traffic and congestion in the area would affect current businesses.

Brian Biggs, President of the Real Estate Council of San Antonio, addressed the City Council in opposition to the zoning request. He stated that downzoning the property against the owner's wishes would set a dangerous precedent and have a chilling effect on companies and lenders who want to do business in the area.

Duane Wilson, President and CEO of the North San Antonio Chamber of Commerce, addressed the City Council in opposition to the zoning request. He stated that their Board of Directors had overwhelmingly voted against the downzoning and read a letter of opposition from Chairman Gary Hoyack.

Mary Brogan stated that she was a resident in District 1 but supportive of the zoning request.

Cynthia Stevens stated that she was the Senior Vice-President of Koontz Development and was opposed to the zoning request. She noted that the Zoning and Planning Commissions had voted against the proposal and that investors and lenders required a predictable level of certainty in development.

Marcela Davis stated that she was a resident of District 8 and owned a home on Babcock Road. She noted that she was in support of the zoning request and thanked Councilmember Nirenberg for his efforts to protect homeowners and neighborhoods.

Julia O'Meara stated that she had lived in the Oakmont Downs Subdivision since 2004 and had served as their Representative on the Northside Neighborhoods for Organized Development (NNOD). She spoke in favor of the zoning request and stated that it was important to vote in the best interest of constituents.

Ken Brown stated that he was representing the Property Owner and they were opposed to the zoning request. He expressed concern that the process was flawed and noted that the RM-4 Zoning Use was incompatible with the surrounding areas. He stated that the downzoning violated basic comprehensive planning principles and that it would not solve Code Compliance or Traffic Issues. He noted that they tried to work with the

Neighborhood Association but they had not come to an agreement. He added that if the property was downzoned; the City would not know the name of the developer, product type, layout, or design. He asked the City Council to deny the downzoning of the property.

Michael Moore addressed the City Council in opposition to the zoning request. He stated that he had been involved in the Development Business for over 30 years and that there were many limitations on the site for Single-Family Development.

Carlos Madero, President of the Tanglewood Residents Association, stated that they were in favor of the rezoning. He spoke of the great amount of growth that has already occurred and noted that the schools in the area were at maximum capacity. He expressed concern with the current traffic and congestion that cause long delays.

Trevor Whitney representing the Greater San Antonio Builders Association addressed the City Council in opposition to the zoning request. He expressed concern that these types of cases create uncertainty and economic loss, as well as discourage development in the City of San Antonio.

Barney Tearney stated that he lived in the Oakland Estates Neighborhood and read a letter of support from Sue Schneider, President of the Oakland Estates Neighborhood Association.

Laura Burress stated that she lived in the Tanglewood Neighborhood and was supportive of the rezoning. She expressed concern with the existing traffic and congestion in the area.

Karen Yurconic addressed the City Council in support of the rezoning. She expressed concern with flooding and traffic issues in the area, as well as concerns for the wildlife being forced out.

John Thornton addressed the City Council in favor of the rezoning. He expressed concern that an apartment complex would greatly reduce property values in the area.

James Griffin stated that he was also representing the Property Owner in opposition to the rezoning. He spoke of the flawed process and referenced the thoroughly negotiated Restrictive Covenants that had been agreed to in 2008.

John Crone, III stated that he had been involved in Real Estate since 1957 and was opposed to the downzoning. He expressed concern with the policy that would deter lenders and investors and could have unintended consequences.

Ross Laughead stated that he was a Volunteer Attorney for the Oakland Estates Neighborhood Association and was supportive of the zoning request. He expressed concern that District 8 had the most apartment complexes in the city and noted the great amount of traffic and drainage issues.

Ken Montgomery stated that he lived in the Tanglewood Neighborhood and was in favor of the zoning request. He noted that the development of an apartment complex would not be beneficial and expressed concern with the traffic congestion in the area.

Susan Storrie stated that she has been a resident of the Tanglewood Neighborhood for 32 years and was supportive of the zoning request. She noted the maximum capacity of the schools in the area and concerns with the decrease in property values.

Lucio Cantu stated that he was representing CCIM San Antonio South Texas Chapter, a Commercial Real Estate Organization, in opposition to the zoning request. He noted that this would set a negative precedent and was an issue of property rights.

Randy Bales, Senior Pastor of University Baptist Church, addressed the City Council in opposition to the rezoning. He stated that they have been adjacent to the property in question since the mid 1970's and expressed concern with changing the designation to a Commercial District. He noted that the businesses could be counter to the purposes and objectives of the church.

George Vann stated that he lives closest to the property in question and was opposed to the rezoning. He noted that he believed in property rights and that the developer should have the opportunity to rezone it in the future if necessary.

Virginia Frazier addressed the City Council in support of the zoning request. She stated that the land should be preserved to protect the character of the neighborhoods and to reflect existing development and environmental conditions.

Sherry Montgomery stated that she was a resident of the Tanglewood Neighborhood and was supportive of the zoning request.

James Vale stated that he was a resident of District 8 and a Real Estate Agent. He expressed support for the rezoning, noting that there were already concerns with traffic congestion in the area.

Elizabeth Taylor stated that she was representing NNOD in favor of the zoning request. She noted concerns with public safety, traffic congestion, and overcrowding of schools in

the area.

Gordon Ivers stated that he lived in the Oakland Estates Neighborhood and was in support of the zoning request.

Eric Lamkin, President of the Jade Oaks Homeowner Association, addressed the City Council in support of the zoning request. He stated that he did not feel that the rezoning would dampen future development or affect the certainty of business developers in the community.

Tom Moore stated that he was a Member of the Board of the Jade Oaks Homeowner Association and was in support of the rezoning. He expressed concern that the existing infrastructure in the area had not kept pace with the developments to include numerous multi-family units.

A Written Testimony was noted by the City Clerk as received from Marianne Kestenbaum who registered in Favor of the zoning case.

Councilmember Nirenberg thanked everyone involved and asked if the City Council had the authority to make this change. Susan Guinn confirmed that rezoning of property whether it was an upzoning or downzoning was within the legislative authority of the City Council. Councilmember Nirenberg asked if they met the legal notice requirements before, during, and after the sale of the property. Ms. Guinn replied that they had followed the legal requirements and extended courtesy notices above and beyond what was required. Councilmember Nirenberg asked how this case was different from other similar cases such as the Pecan Golf Course. Ms. Guinn stated that the other cases referenced were already owned by individual property owners or corporations. However, the case in question today was initiated when the property was owned by the United States Government. Councilmember Nirenberg asked of the notices regarding the zoning process and at the Property Auction on January 21, 2016. Ms. Gayle McDaniel stated that she had reached out to the Property Manager prior to the auction of the property and provided a copy of the Resolution approved by the City Council. She indicated that copies of the Resolution were made available at the auction and that an announcement was made by the Auctioneer with regard to the potential rezoning of the property prior to the bidding process.

Councilmember Nirenberg asked if the neighbors supported the zoning change to MF-33 in 2008. Mr. Tom Moore stated that they had agreed not to oppose the zoning change to MF-33 in order to negotiate Deed Restrictions. Councilmember Nirenberg asked if the Jade Oaks Homeowners Association would be willing to amend the Restrictive Covenants to conform with an RM-4 Zoning Designation. Mr. Moore confirmed that they would.

Councilmember Nirenberg asked of the buyer on record. Mr. Norbert Hart stated that it was Babcock Riverwalk, LLC who purchased the property from San Antonio Properties, LLC as the high bidder. He noted that they were a Delaware Corporation and could not confirm that they were registered to conduct business in the State of Texas. Councilmember Nirenberg asked how staff arrived at the RM-4 Designation for the property. Mr. Rod Sanchez stated that the property was surrounded by three Single Family Neighborhoods and felt the RM-4 Designation on the back was the most appropriate for the property. He added that it has frontage on Babcock Road and C-3 was an appropriate zoning for that portion of the property.

Councilmember Nirenberg moved to approve Items P-2 and Z-8. Councilmember Gonzales seconded the motion.

Councilmember Treviño stated that he was grateful for all of the input received in this case and that the issue was about fairness. He noted that nine votes were required for approval which spoke to the importance of the decision being made. He stated that the City of San Antonio would need to allocate significant resources to address future traffic congestion in the surrounding area. He spoke of the need for the City to demonstrate a public interest that outweighs the rights of the property owner when initiating a rezoning. He added that he could not support burdening a property owner to take the fall for an existing traffic problem.

Councilmember Gallagher stated that this was a very difficult case and thanked everyone that came to speak. He asked of the impact with changing the zoning from MF-33 to RM-4. Mr. Rod Sanchez replied that it was difficult to say as RM-4 would allow Single Family, Duplex, Triplex, and Quadruplex Developments which could yield up to 1,000 residents. Councilmember Gallagher asked of the allowed businesses under the C-2 Zoning. Mr. Sanchez stated that it would include retail, convenience stores, and restaurants. Councilmember Gallagher expressed concern with the potential impact but noted that he would support Councilmember Nirenberg.

Councilmember Krier stated that he could not support Councilmember Nirenberg at this time for several reasons. He noted that consistency was important and essential for the business community. He spoke to the issue of precedence and expressed concern with the extensive change to deed restrictions that were implemented in 2008. He added that he did not feel that the downzoning of the property was the best decision for the city.

Councilmember Viagran asked if the deed restrictions remained with the property. Mr. Hart confirmed that they did and that the Jade Oaks Neighborhood Association was responsible for enforcing them. Councilmember Viagran stated that she understood the traffic concerns;

however, she was not sure if downzoning the property was the best approach.

Councilmember Gonzales stated that she was grateful to all of the individuals that came to speak today and that she would support Councilmember Nirenberg's decision. She spoke of her experience with traffic congestion several years back when traveling from UTSA to the Downtown Area and noted that measures should be taken to improve transportation.

Councilmember Warrick stated that he appreciated both sides of the argument but could not support the downzoning without the owner's consent. He noted that this was not the best way to address traffic congestion and that it should be done through the Bond or Budget Process.

Councilmember Nirenberg recognized the neighbors in attendance and stated that he was committed to ensuring that the proper attention was given to the infrastructure in the area. He noted that the City Council had the authority to downzone the property and that he did not feel this was an issue of property rights. He stated that he had received 61 letters of support and that he was speaking for the interest of the neighbors.

Mayor Taylor stated that she had been trained as a Planner and felt that planning was a way to create a better future for the community and address many of the concerns articulated. She noted that although she appreciated what Councilmember Nirenberg was trying to accomplish; she could not in good faith support the downzoning. She stated that if the process was not followed, they would run the risk of depriving property owners of their rights. She indicated that as policymakers, they had the responsibility to balance a variety of interests, needs, and furtherance of community goals. She stated that they should work together to determine the best way to address traffic congestion in the area.

The motion to approve the downzoning failed by the following vote:

AYE: 3 - Gonzales, Nirenberg and Gallagher

NAY: 7 - Mayor Taylor, Treviño, Warrick, Viagran, Lopez, Medina and Krier

ABSENT: 1 - Saldaña

RECESSED

Mayor Taylor recessed the meeting at 4:08 pm to continue the Executive Session.

RECONVENED

Mayor Taylor reconvened the meeting at 4:46 pm and announced that no action was taken

in Executive Session.

ADJOURNMENT

There being no further discussion, Mayor Taylor adjourned the meeting at 4:46 pm.

APPROVED

IVY R. TAYLOR
MAYOR

ATTEST:

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