

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WERE HELD IN THE MUNICIPAL PLAZA BUILDING, WEDNESDAY, JANUARY 18, 2012, AND THURSDAY, JANUARY 19, 2012, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **January 18, 2012**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** None.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 2:07 pm to convene in Executive Session for the purpose of:

A. DISCUSS LEGAL ISSUES RELATED TO REDISTRICTING, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

Mayor Castro reconvened the meeting at 4:55 pm at which time it was noted that the City Council had been briefed on the above-styled matter and took no action. He recessed the meeting at 4:55 pm and announced that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Castro reconvened the meeting at 6:00 pm and called upon the individuals registered to speak.

Nazirite Ruben Flores Perez addressed the Council and spoke to several Bible Passages. He noted how individuals were put to death for not following the Ten Commandments.

Erin Coffee, Michelle Petty, Lambert Campbell, Representatives from San Antonio Move to Amend addressed the Council and spoke against the Supreme Court ruling in Citizen's United v. FEC. It was noted that communities across the United States were in support of a Constitutional Amendment regulating corporate contributions made to political campaigns. They provided the City Council a copy of a proposed resolution that would limit corporate contributions. Ms. Petty highlighted the impact of corporate political contributions on local legislation and the quality of life. She stated that corporate contribution limits would level the playing field and allow the voice of citizens to be heard. Ms. Petty requested that the City Council approve a resolution that closes the loop-holes via Citizen's United v. FEC.

Robin Cantor, San Antonio Move to Amend, addressed the Council and requested support for a resolution limiting corporate campaign contributions. She read the proposed resolution.

Antonio Diaz requested that the City Council approve a resolution recognizing October 12th as Indigenous People's Day. He invited the Council to attend Occupy the Courts Day which is scheduled for January 20, 2012.

Mark Perez addressed the Council and expressed concerns with businesses not adhering to local building codes and not having valid Certificates of Occupancy. He stated that the NuStar Facility did not have the proper permits to operate.

Douglas Stedman addressed the Council and spoke on the 150th Anniversary of the Hays Street Bridge. He provided the City Council with a history of the bridge and events scheduled to commemorate the anniversary.

Faris Hodge, Jr. submitted written testimony regarding the six city electric vehicle charging stations. He requested that topless bars be better regulated and expressed concern that the Fire Department is not inspecting the fire extinguishers at local schools. He referenced the child seat belt law passed in 2009 and noted that the school dropout issue affects everyone. He mentioned the proposed privatization of the Bexar County Jail and asked why the National Football League did not want to come to San Antonio. He requested that the Meals on Wheels and Senior Nutrition Programs be combined. He expressed concern with the \$0.25 cent cost per copy at city libraries. He referenced an article in the Express News regarding the Houston City Council voting on a red-light camera ban.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:35 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **January 19, 2012** at 9:00 am in the City Council Chambers.

ROLL CALL

Deputy City Clerk Leticia Y. Saenz took the Roll Call and noted a quorum of the Council with the following present: Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** None.

Item 1. The Invocation was delivered by Rick Christensen, Bishop, St. Cloud Ward, The Church of Latter Day Saints, guest of Councilmember Cris Medina, District 7.

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

Item 3. MINUTES

Councilmember Chan moved to approve the Minutes for the November 30, 2011 and December 1, 2011 City Council Meetings. Councilmember Ozuna seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

ITEMS FOR INDIVIDUAL CONSIDERATION

Mayor Castro addressed Item 5 at this time.

2012-01-19-0021

Item 5. AN ORDINANCE AUTHORIZING AGREEMENTS ACCEPTING DONATIONS FROM THE PETCO FOUNDATION (FOUNDATION) AND PETCO ANIMAL SUPPLIES STORES, INC. (PETCO) IN A CUMULATIVE AMOUNT OF \$1,000,000.00 TO BE PAID OVER THE NEXT FIVE YEARS BEGINNING ON FEBRUARY 1, 2012 AND ENDING ON FEBRUARY 1, 2017 FOR ANIMAL WELFARE AND RESCUE EFFORTS; WAIVING REQUIREMENTS OF CHAPTER 6 OF THE CITY CODE REGARDING THE NAMING OF FACILITIES; NAMING FACILITIES IN RECOGNITION OF THE FOUNDATION AND PETCO DONATIONS; AND ACCEPTING AND APPROPRIATING DONATED FUNDS.

Joe Angelo, Interim Director of Animal Care Services (ACS) stated that the PETCO Foundation raises the quality of life for pets and that Paul Jolly had served as the Foundation Executive Director since 1978.

Mr. Angelo indicated that the PETCO Foundation would provide \$500,000 to the city over the next five years in the amount of \$100,000 per year. He mentioned that the city would name the adoption facility the "Paul Jolly Center for Animal Adoptions" in recognition of the donation and the name would remain as long as the facility remains an adoption facility. The city will name the spay/neuter facility the "PETCO Spay and Neuter Facility" and the pavilion the "PETCO Pavilion" in recognition of the donation. He added that the ACS Department would use the \$200,000 received in FY 2012 as follows: 1) \$100,000 to offset the additional cost of the High Volume Pet Partner (HVPP) Initiative; 2) \$50,000 for additional spay/neuter surgeries associated with the anticipated increase in live outcome; and 3) \$50,000 for additional HVPP opportunities that may arise. He recognized Reggie Holden, Vice President of Finance for PETCO.

Mr. Holden stated that the PETCO Corporation and Foundation were pleased to make the donations to ACS in support of the city's goal to become a no-kill community. He noted that they were committed to making positive contributions to their new hometown.

Mayor Castro called upon the individuals registered to speak.

Nazirite Ruben Flores Perez stated that this was a blessing and thanked PETCO for the donations. He spoke of his allergies to cats and noted that he took medication for same. He mentioned that the San Antonio River Authority held two meetings the previous day and added that Jesus died on a tree.

Sallie Scott, Chair of the ACS Board, and Board Members Mona Thaxton and Bill White addressed the City Council. Ms. Scott spoke of the design of the new animal shelter at Brackenridge Park and stated that she had recommended various architects for the project. She noted that she was extremely pleased with the donation from PETCO.

Jack M. Finger stated that the \$1,000,000 donation from PETCO was a good thing but expressed concern with waiving the requirements of Chapter 6 of the City Code regarding the naming of facilities. He noted that the facilities belong to the citizens of San Antonio and wanted the renaming process to be followed. He spoke in opposition to the Edwards Aquifer Authority (EAA) Fee, noting that he was concerned that more rights were given to animals than human beings.

Mayor Castro recognized Mr. Holden and thanked PETCO for their investment in San Antonio. He thanked the ACS Board Members for their service to the city. He spoke of the new jobs that would be

created and the great economic benefit for San Antonio. He added that he looked forward to making progress and ensuring that more pets end up in homes.

Councilmember Lopez thanked PETCO for their donation and partnership. He spoke of the need to educate the community and asked of outreach efforts. Mr. Angelo replied that the ACS Department had implemented the Neighborhood Sweeps Initiative that focused efforts on the areas with the highest stray animal population and bite cases. He stated that they offered free spay/neuter services and walked door-to-door to educate the community. He mentioned the increased adoptions and new marketing campaign focused on: 1) Enforcement; 2) Controlling the stray animal population; and 3) Increasing the Live Release Rate.

Councilmember Saldaña expressed his support and stated that he was pleased with the increased number of pet adoptions. He spoke of the community outreach efforts and the support of the ACS Board. He asked of the new opportunities for spay/neuter surgeries. Mr. Angelo replied that they had been successful with offering spay/neuter surgeries during neighborhood outreach events such as the one held at Miller's Pond and were exploring opportunities to provide same in other communities. He mentioned that they could set up a MASH Unit to provide the spay/neuter surgeries on the spot and that many vets were seasoned in working in this type of environment. Councilmember Saldaña stated that he was pleased with bringing spay/neuter opportunities to the community.

Mayor Castro thanked the ACS Board Members for their work.

Councilmember Williams moved to adopt the proposed Ordinance. Councilmember Saldaña seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

Mayor Castro addressed Items 6A and 6B.

The Deputy City Clerk read the caption for Item 6:

Item 6. CONSIDERATION OF THE FOLLOWING ORDINANCES AUTHORIZING CONTRACTS BETWEEN THE CITY'S ANIMAL CARE SERVICE DEPARTMENT (ACS) AND HIGH VOLUME PET PARTNERS:

2012-01-19-0022

- A. AN ORDINANCE APPROVING A CONTRACT WITH THE SAN ANTONIO HUMANE SOCIETY, A HIGH VOLUME PET PARTNER, TO INCREASE ACS'S LIVE RELEASE RATE BY UP TO 2,000 RESCUES IN THE AMOUNT OF \$100,000.00 FOR A PERIOD OF UP TO ONE YEAR.

2012-01-19-0023

- B. AN ORDINANCE APPROVING A CONTRACT WITH SAN ANTONIO PETS ALIVE, A HIGH VOLUME PET PARTNER, TO INCREASE ACS'S LIVE RELEASE RATE BY UP TO

4,000 RESCUES/ADOPTIONS IN THE AMOUNT OF UP TO \$200,000.00 FOR A PERIOD OF UP TO ONE YEAR.

Joe Angelo recognized distinguished guests from the High Volume Pet Partnerships (HVPP) and introduced Nancy May, Executive Director of the San Antonio Humane Society. Ms. May thanked the City Council for their support of the partnerships.

Mr. Angelo stated that the primary goal of ACS was to protect the health and safety of the citizens and their pets. He outlined the department metrics for FY 2011 and FY 2012, noting that the calls for service, animals impounded, and animal bite calls had increased. He mentioned positive results in that the number of spay/neuter surgeries performed and Live Release Rate had greatly increased thus far in FY 2012. He provided data regarding the Comprehensive Neighborhood Sweeps Initiative in which many volunteers have participated in and a great number of homes have been educated. He highlighted the 58.89% Live Release Rate, noting that they had surpassed the 38% goal.

Mr. Angelo reported that the HVPP Initiative was three-fold: 1) Partner 1 – San Antonio Humane Society; 2) Partner 2 – San Antonio Pets Alive; and 3) Partner 3 – Local Rescue Partners. He indicated that the city would provide \$100,000 to the San Antonio Humane Society to rescue up to 2,000 additional animals and utilize Building #1 at the ACS Facility as a staging area for rescues. He stated that San Antonio Pets Alive would receive \$200,000 to provide 4,000 animal rescues and adoptions and would have a presence on the ACS Campus to facilitate same. He noted that \$50,000 would be provided to local rescue partners to provide 1,000 rescues/adoptions per year. He mentioned that full funding was available to fund the High Volume Pet Partners due to the donation by PETCO and spoke of the increase to the projected Live Release Rate.

Mayor Castro recognized Mr. Angelo for his leadership at ACS and applauded the efforts of the ACS Department. He stated that he was pleased with the many partnerships that had been developed.

Mayor Castro called upon the individuals registered to speak.

Rachel Battaglia spoke in support of Items 6A and 6B and stated that she was pleased with the efforts to address issues with stray animals. She noted her work on animal rescues and the positive outcomes. She thanked the City Council for their support of the partnerships and added that the City of San Antonio could quickly become a model that other cities could look to for guidance.

Sallie Scott, Chair of the ACS Board stated that they were very excited with the partnerships to increase the Live Release Rate and thanked the City Council for their support.

Renee Nank spoke of the partnerships that would marry the expertise of ACS with the grass roots efforts of PetsAlive. She stated that the efforts would help the city achieve the goal of no-kill and thanked the City Council for their support.

Dr. Ellen Jefferson of San Antonio Pets Alive stated that she felt that San Antonio would become the largest no-kill city in the country and that the efforts here in San Antonio were different and better than in Austin. She noted that she was excited to work with ACS Staff and they were very committed to achieving the no-kill goal. She thanked the City Council for their support.

Councilmember Saldaña stated that he was pleased with the public/private partnerships and recognized the model being utilized for San Antonio.

Councilmember Bernal stated that he was excited that the partnership was not being entered into to save money but to increase capacity. He thanked the partner entities and city staff for their work.

Councilmember Bernal moved to adopt the proposed Ordinances for Items 6A and 6B. Councilmember Lopez seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

Mayor Castro addressed Item 7 at this time.

The Deputy City Clerk read the caption for Item 7:

Item 7. PRESENTATION ON THE 2012 EDWARDS AQUIFER AUTHORITY (EAA) IMPOSED FEE FOR THE EDWARDS AQUIFER RECOVERY IMPLEMENTATION PLAN (EARIP) TO BE PASSED THROUGH BY SAWS TO ITS WATER AND WASTEWATER CUSTOMERS BEGINNING ON APRIL 1, 2012.

Ben Gorzell stated that the 2012 Edwards Aquifer Recovery Implementation Plan (EARIP) had been discussed during the recent San Antonio Water System (SAWS) Rate Increase and that SAWS had received new information since that time. He reported that per City Ordinance, SAWS is authorized to pass through the fees charged by the Edwards Aquifer Authority (EAA) to its customers. He indicated that city staff reviews the calculation of the pass through fees to ensure that SAWS is only recovering the cost that they incur from the EAA.

Robert Puente, SAWS President and CEO presented the Edwards Aquifer Recovery Implementation Plan (EARIP). He stated that the EARIP provided protection and reliability of the water supply and that that it was a win-win-win for Aquifer Pumpers, Downstream Interests, and Endangered Species. He provided a history of the Edwards Issue, noting the 1950's Drought of Record. He reported that Senate Bill 1477 created the EAA in 1993 in response to the Sierra Club Lawsuit to regulate pumping from the Edwards Aquifer. He referenced Senate Bill 3 that clarified the sum of all Edwards permits as 572,000 acre/feet per year, averting a cost of at least \$500 million to San Antonio. He noted that Senate Bill 3 enacted tighter critical period drought stages and required the EARIP.

Mr. Puente indicated that water-related departments were consolidated into SAWS in 1992. He reported that they had implemented innovative and successful water conservation programs and built the largest direct recycled water system in the nation. He outlined the Edwards Aquifer Levels from December 31, 2010 through December 31, 2011, noting that it was highest in December, 2010. He spoke of the Aquifer Storage and Recovery (ASR) Program that helped stabilize and manage the water supply.

Mr. Puente spoke of the EARIP, noting that it would protect endangered species, balance regional interests, and provide protection for aquifer pumpers. He outlined the Habitat Conservation Plan (HCP) Cost Estimates, noting that the annual average cost over 15 years was \$17.4 million. He stated that the previous estimate of \$4.04 monthly rate impact was reduced to \$3.04 monthly due to an agreement with EAA to exclude the HCP-related rebate, saving ratepayers a total of \$6 million. He mentioned next

steps that include the EAA Board adoption of HCP 2012 funding in March. He reported that the EARIP increase would be passed through to SAWS and BexarMet Special Project Customers in April.

Mayor Castro thanked everyone that has been involved in the process. He expressed that nobody wanted a fee increase but there was a need for same.

Mayor Castro called upon the citizens registered to speak.

Mr. Nazirite Ruben Flores Perez expressed concern with the additional fees and stated that Biblical Law did not require humans to go above and beyond to take care of the minnows in the water. He requested that fluoride be removed from the water supply and that the City Council not support additional rate increases.

Councilmember Williams spoke of the long process and thanked SAWS for their work. He stated that he was pleased that the citizens would avoid \$6 million annually. He recognized Dr. Robert Gulley, EARIP Program Manager.

Mr. Gulley stated that the EARIP was historic in that it would provide certainty with regard to the accessibility of a valuable resource. He noted that the success of the program was due to the stakeholders and efforts of SAWS and believed that this was a good plan. He spoke of the need to bring downstream interests to share in the costs.

Councilmember Williams asked of the EAA Aquifer Management Fee estimates referenced on Slide 12. Doug Evanson of SAWS replied that the annual cost was \$17 million and SAWS would pay 65%. Councilmember Williams stated that it was imperative to keep an eye on the costs on behalf of ratepayers. Mr. Evanson outlined the calculation of the EAA Fee, noting that it was shown on each bill and that SAWS was authorized to adjust the pass-through rate. Councilmember Williams asked city staff of their recommendation. Mr. Gorzell replied that the projected costs were accurate. Councilmember Williams recognized SAWS for their leadership but expressed concern that this only buys time and that additional water supplies need to be identified. Mr. Puente highlighted various projects that would diversity the water supply including the Brackish Desalination, Gonzalez County, and Regional Carrizo Projects. Councilmember Williams thanked SAWS for ensuring that the EAA is run efficiently and identifying potential savings.

Councilmember Williams moved to approve a Resolution to support the EAA pass through fee. Councilmember Saldaña seconded the motion.

Councilmember Soules stated that he supports the overall concept of protecting water sources but was separating that from the rate increase. Councilmember Soules stated that the cost per gallon of the pass through fee was \$50 per acre-foot and that his calculations amounted to less than the \$1.78 EARIP HCP Increase listed on Slide 14. Mr. Evanson replied that there were discrepancies because they calculate by meter usage as opposed to pumped water. Mr. Puente added that they were replacing older meters to ensure correct calculations. Councilmember Soules stated that based on his calculations and the \$7 million that would be reimbursed by the EAA, the pass through would total \$6 million; not \$13 million. He expressed concern that the figures presented could not be clarified and could not support the fee today. He asked of the relationship between the Aquifer Storage and Recovery (ASR) and the EARIP Habitat Conservation Plan and asked of alternatives. Mr. Puente stated that prior to discussions on utilizing the ASR; they had discussed the potential of utilizing quarries, new reservoirs, and pumping

reductions. The ASR has become a solution and SAWS will be reimbursed for that usage. Councilmember Soules asked why the reimbursement was reduced from \$9 million to \$7 million. Mr. Puente replied that he was not familiar with that negotiation.

Councilmember Soules asked of the interest rate being paid on the bonds for the ASR. Mr. Gorzell replied that it was roughly 4.5-5%. Mr. Evanson added that the payment was \$12.5 million annually. Mr. Puente noted that the ASR was a good investment for the ratepayers. Councilmember Soules stated that he had many questions regarding the ASR. Dr. Calvin Finch of SAWS explained that of the \$7 million in reimbursements from the EAA; \$5 million was payment for leases in the region and was not paid to SAWS. He stated that \$2 million was for actual costs of the use of the ASR and no money was provided to cover depreciation. Councilmember Soules stated that there were too many questions that needed to be answered and would like to see more details.

Councilmember Williams stated that this was a dynamic process in that there were many variables. He noted that it was worth the time to gain an understanding of how the ASR works. He withdrew his motion and Councilmember Saldaña withdrew his second.

Councilmember Saldaña asked of the consequences of non-compliance regarding payment of the EAA Fee. Mr. Puente replied that SAWS was required to pay the regulatory fee and would have to identify a method to pay for same. He added that he believed in the fee because it provided certainty for the city and predictability for how much water could be used. He noted that it was important to implement the EARIP and that SAWS has protected its ratepayers from the beginning of this process. Councilmember Saldaña asked of the \$6 million that would be avoided as referenced on Slide 13. Mr. Puente replied that they worked with the EAA and that Mr. Evanson had explained that the rebate issue was not cost effective for SAWS. Additionally, the EAA had agreed to provide reimbursement of the use of the ASR. Councilmember Saldaña asked of the city staff recommendation. Mr. Gorzell explained the calculation of the EAA Fee, noting that it was based on a projection of the sale of water from April through December of the calendar year. He stated that it was adjusted the following year based on the over/under recovery from the prior 12-month collections. He added that he was comfortable with the fee proposed by SAWS.

Councilmember Chan stated that she agreed with the approach taken by SAWS but there were concerns related to costs. She noted that she would like for all of the Councilmembers to be comfortable with the numbers as presented. She asked what the City Council would be required to vote on. Mr. Gorzell explained that the City Council was not required to vote on the pass through fee. Councilmember Chan stated that she would like to meet with staff to gather additional information.

Councilmember D. Medina stated that he would like to have the information provided in advance so that he can convey it to his constituents. He asked to meet with staff to gather additional information.

Mayor Castro thanked SAWS for their work and stated that the fee that will be imposed is in the best interest of San Antonio and the Edwards Aquifer Region. He announced that no action was required for Item 7.

Mayor Castro addressed Item 4 at this time.

CONTINUED TO FEBRUARY 2, 2012

Item 4. AN ORDINANCE APPOINTING THE CITY INTERNAL AUDITOR OF THE CITY OF SAN ANTONIO.

Councilmember Williams stated that he would like to postpone said item to allow Councilmembers to ask questions and gather additional information.

Councilmember Williams moved to continue Item 4 until February 2, 2012. Councilmember Soules seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

CONSENT AGENDA ITEMS 8-22F

Consent Agenda Items 12, 15B, and 17 were pulled for Individual Consideration. Mayor Castro announced that Item 10 was pulled from the agenda by staff.

Councilmember Bernal moved to approve the remaining Consent Agenda Items. Councilmember D. Medina seconded the motion.

Mayor Castro called upon the individuals registered to speak on the Consent Agenda.

Nazirite Ruben Flores Perez stated that he was pleased with the work of ACS at Brooks City-Base (Item 13). He noted the VIA Board Appointment (Item 15B) and spoke of the importance of addressing transportation issues. He referenced the smoke-free areas along the Fiesta Parade Routes (Item 17), noting that he used to be a chain smoker. He indicated that Scriptures say that individuals should stay away from contamination.

Jack M. Finger spoke of the sale of city-owned property and asked if the \$10,000 was fair market value (Item 14). He stated that he was pleased that the Ordinance regarding the smoke-free areas along the Fiesta Parade Routes had been revised to remove private property. He asked if there was evidence that second-hand smoke was dangerous (Item 17). He expressed opposition to the additional \$350,000 that would be provided to CPS Energy for the Better Buildings Program (Item 18), noting that there were issues related to green energy proposals.

Faris Hodge, Jr. submitted written testimony in support of Items 4-6B, 8-16, and 18. He wrote in opposition to Items 7, 17, and 22. He asked why backup documents were not provided for the City Manager's Report.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Soules.

2012-01-19-0024

Item 8. AN ORDINANCE ACCEPTING THE BIDS FROM GRANDE FORD TRUCK SALES, INC., FREIGHTLINER OF SAN ANTONIO, LTD AND WASTEQUIP MFG. CO., LLC, TO PROVIDE THE SOLID WASTE MANAGEMENT DEPARTMENT WITH A TOTAL OF 81 UNITS

CONSISTING OF TRACTORS, TRAILERS, ROLL OFF CONTAINERS, ¾ TON PICKUP TRUCKS, CAB AND CHASSIS WITH ROLL OFF TILT FRAME HOIST AND TARP SYSTEM, PASSENGER VANS AND 1 TON STAKE BED TRUCK FOR A TOTAL COST OF \$4,660,559.10, FUNDED WITH THE EQUIPMENT RENEWAL AND REPLACEMENT FUND, MUNICIPAL LEASE AND BY THE SOLID WASTE MANAGEMENT DEPARTMENT TO INCLUDE BUDGET IMPROVEMENTS CONSISTENT WITH THE FISCAL YEAR 2012 ADOPTED BUDGET FOR THE SECOND BULKY COLLECTION AND TWO DROP-OFF CENTERS.

2012-01-19-0025

Item 9. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH ADJACENT TECHNOLOGIES, INC. TO INDEX AND DIGITIZE APPROXIMATELY 126,000 PLANS, IN THE AMOUNT OF \$150,000.00, FUNDED FROM THE DEVELOPMENT SERVICES DEPARTMENT FY2012 BUDGET.

PULLED FROM THE AGENDA BY STAFF

Item 10. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$393,545.00 TO THE CONTRACT WITH THYSSENKRUPP AIRPORT SYSTEMS, INC. FOR THE INSTALLATION OF PASSENGER BOARDING BRIDGES AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

2012-01-19-0026

Item 11. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION MANAGER AT RISK CONTRACT WITH SPAW GLASS CONTRACTORS, INC. IN THE AMOUNT NOT TO EXCEED \$24,300,000.00 FOR THE TERMINAL A RENOVATIONS PROJECT, A GENERAL AIRPORT REVENUE BOND, TAX NOTE AND AIRPORT IMPROVEMENT AND CONTINGENCY FUNDED PROJECT, LOCATED AT THE SAN ANTONIO AIRPORT IN COUNCIL DISTRICT 9.

2012-01-19-0028

Item 13. AN ORDINANCE TO AUTHORIZE THE NEGOTIATION AND EXECUTION OF AN AMENDMENT TO AN EXISTING LEASE WITH BROOKS DEVELOPMENT AUTHORITY TO EXTEND THE USE OF THE EXISTING ANIMAL CARE SERVICES KENNELS LOCATED AT 2614 ENOS STREET IN COUNCIL DISTRICT 3 FOR AN ADDITIONAL 16 MONTHS.

2012-01-19-0029

Item 14. AN ORDINANCE TO AMEND AN EXISTING CONTRACT WITH BAY VALLEY FOODS, LLC AND EXTEND AN OPTION PERIOD FOR ONE YEAR TO SELL 10 ACRES OF VACANT CITY-OWNED PROPERTY WITHIN THE SOUTHWEST BUSINESS AND TECHNOLOGY PARK LOCATED SOUTH OF 5301 WEST OLD HIGHWAY 90 BETWEEN SOUTH CALLAGHAN ROAD AND STATE HIGHWAY 151 IN CITY COUNCIL DISTRICT 6 FOR A FEE OF \$10,000.00.

Item 15. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2013, 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:

A. APPOINTING ROBERT MARK ROGERS (DISTRICT 10, CATEGORY: PERFORMING ARTIST/MUSICIAN) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE.

2012-01-19-0030

Item 16. AN ORDINANCE AUTHORIZING A CONTRACT WITH PET SHOTZ, INC., IN THE AMOUNT OF UP TO \$145,000.00 TO PROVIDE ANIMAL CARE SERVICES WITH ADDITIONAL IN-HOUSE SPAY AND NEUTER SURGERY SERVICES.

2012-01-19-0032

Item 18. AN ORDINANCE AUTHORIZING AN AMENDMENT TO AN INTERAGENCY PARTICIPATION AGREEMENT WITH CPS ENERGY, IN AN INCREASED AMOUNT OF \$350,000.00, FOR A TOTAL CONTRACT VALUE OF \$782,152.48, TO INCREASE STAFFING LEVELS AT CPS ENERGY TO MEET PROGRAM DEMAND FOR THE BETTER BUILDINGS PROGRAM, FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 THROUGH THE DEPARTMENT OF ENERGY.

2012-01-19-0033

Item 19. AN ORDINANCE AUTHORIZING AN AMENDMENT TO A CONTRACT WITH SAN ANTONIO BIKE SHARE, IN AN INCREASED AMOUNT OF \$15,645.00, FOR A TOTAL CONTRACT VALUE OF \$1,260,746.00, TO PROCURE ADDITIONAL BIKE SHARE BICYCLES, STATIONS, AND RELATED COSTS FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 THROUGH THE CENTERS FOR DISEASE CONTROL COMMUNITIES PUTTING PREVENTION TO WORK INITIATIVE.

2012-01-19-0034

Item 20. AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT WITH TOWNE & COUNTRY OPTIMIST LITTLE LEAGUE AT OLMOS BASIN PARK IN CITY COUNCIL DISTRICT 1.

2012-01-19-0035

Item 21. AN ORDINANCE AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TXP, INC. IN THE AMOUNT UP TO \$150,000.00 TO PREPARE AN EFFECTIVENESS STUDY AND ECONOMIC DEVELOPMENT STRATEGIC PLAN FOR CITY SOUTH MANAGEMENT AUTHORITY.

Item 22. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE EXTENSION OF LINE-OF-DUTY LEAVE FOR SIX UNIFORMED FIRE DEPARTMENT EMPLOYEES.

2012-01-19-0036

- A. AN ORDINANCE EXTENDING THE LINE-OF-DUTY LEAVE FOR FIREFIGHTER JESUS BARAJAS.

2012-01-19-0037

- B. AN ORDINANCE EXTENDING THE LINE-OF-DUTY LEAVE FOR FIREFIGHTER JULIAN PEREZ.

2012-01-19-0038

- C. AN ORDINANCE EXTENDING THE LINE-OF-DUTY LEAVE FOR FIRE ENGINEER REYNALDO MARTINEZ.

2012-01-19-0039

- D. AN ORDINANCE EXTENDING THE LINE-OF-DUTY LEAVE FOR FIRE ENGINEER VENTURA CALDERON JR.

2012-01-19-0040

- E. AN ORDINANCE EXTENDING THE LINE-OF-DUTY LEAVE FOR FIRE ENGINEER JOSEPH JARMON.

2012-01-19-0041

- F. AN ORDINANCE EXTENDING THE LINE-OF-DUTY LEAVE FOR FIRE ENGINEER BRAD KOERBER.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The Deputy City Clerk read the following Ordinance:

2012-01-19-0027

Item 12. AN ORDINANCE RELEASING PORTIONS OF PUBLIC-STREET RIGHT-OF-WAY EASEMENT ON EAST LAUREL STREET, LOCATED AT MCCULLOUGH AVENUE AND PASCHAL STREET, BETWEEN NCB 393 AND NCB 842 IN COUNCIL DISTRICT 1, AS REQUESTED BY METROPOLITAN METHODIST HOSPITAL, FOR A FEE OF \$27,694.00.

Councilmember Bernal thanked everyone that worked on the project. He recognized Trey Jacobson of Golden Steves.

Mr. Jacobson stated that he was representing the Methodist Healthcare System on the project and that they would build a new state-of-the-art Intensive Care Unit (ICU) with 24 ICU Rooms at the Metropolitan Methodist Hospital. He mentioned that they were currently landlocked and had requested to expand up and over East Laurel Street. He noted that they had worked with the neighborhood to address their concerns and thanked Councilmember Bernal for his leadership.

Councilmember Bernal spoke of the economic development and services that would be brought to the area. He noted that there were more opportunities for partnerships and was pleased with the outcome on the project.

Councilmember Bernal moved to adopt the proposed Ordinance. Councilmember C. Medina seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The Deputy City Clerk read the caption for Item 15B:

Item 15B. APPOINTING KATHERINE THOMPSON-GARCIA OR GWENDOLYN MCMAHAN (AT-LARGE, CATEGORY: UNION REPRESENTATIVE) TO THE VIA METROPOLITAN TRANSIT AUTHORITY BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 31, 2013, AND APPOINTING ONE MEMBER TO SERVE AS THE REPRESENTATIVE FOR THE TRANSPORTATION DISADVANTAGED.

Councilmember Williams stated that the Infrastructure and Growth Council Committee had interviewed the two individuals and recommended Ms. Katherine Thompson-Garcia to serve on the VIA Metropolitan Transit Authority Board of Trustees. He thanked the two individuals for their willingness to serve.

Mayor Castro thanked Ms. Thompson-Garcia for her interest in serving on the VIA Board and stated that their work was important to the transportation future of the city.

Councilmember Williams moved to appoint Katherine Thompson-Garcia to the VIA Metropolitan Transit Authority Board of Trustees (Union Representative) and to serve as the representative for the Transportation Disadvantaged. Councilmember Lopez seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The Deputy City Clerk read the following Ordinance:

2012-01-19-0031

Item 17. AN ORDINANCE AMENDING CHAPTER 36 OF THE SAN ANTONIO MUNICIPAL CODE TO REQUIRE SMOKE-FREE AREAS WITHIN THE PUBLIC RIGHT OF WAY, AND ANY SEATS WITHIN THE PUBLIC RIGHT OF WAY OR ON CITY PROPERTY, ALONG THE PARADE ROUTES DURING THE FIESTA CAVALIERS' RIVER PARADE, FIESTA BATTLE OF

FLOWERS PARADE AND FIESTA FLAMBEAU PARADE, WITH THE EXCEPTION OF LEASED PATIO SPACE ALONG THE RIVER PARADE ROUTE.

Councilmember Williams asked if the Fiesta Commission had the authority to designate non-smoking seats along the Fiesta Parade Route. Frank Burney stated that the Fiesta Commission controlled the sale of the parade seats but would not initiate any changes without the consent of the City Council. He stated that they had worked collectively with city staff on the non-smoking initiative. Councilmember Williams asked if individuals that were smoking and walking within the parade right-of-way would receive a ticket. Michael Bernard confirmed that this would be a violation of the ordinance. Councilmember Williams stated that it is important to educate the community and help them understand that the city is trying to control behavior that is damaging to others. He referenced a study provided by the Health Department. Dr. Thomas Schlenker, Director of the Metro Health Department stated that he concurred with the results of the study. Councilmember Williams mentioned that outdoor smoke dissipated in a shorter amount of time than indoor smoke. He stated that the city was infringing on what people perceive is a personal right but had an obligation to protect citizens. He added that he was not convinced that the risks from outside smoke were the same as those of indoor smoke.

Mayor Castro stated that said item was continued a few weeks ago and that the ordinance had been tailored more narrowly since that time. He noted that individuals could not choose who they sit next to during a parade and was concerned with the families and children that would be affected. He stated that the ordinance should be supported based on the research regarding secondhand smoke and the fact that smoking was only being regulated in the public right-of-way.

Councilmember D. Medina stated that said item had been thoroughly discussed at the Public Safety Council Committee Meeting and they had worked through the challenges related to private property. He noted that he would like to see language included in the ordinance stating that private property was excluded and that this would be a benefit to everyone that attended the Fiesta Parades.

Councilmember D. Medina moved to adopt the proposed Ordinance with verbiage that private property was excluded. Councilmember Soules seconded the motion.

Councilmember Bernal stated that he did not believe that any amount of secondhand smoke was acceptable. He noted that it was incumbent upon the City Council to protect individuals from toxic chemicals. He asked of the enforcement of the Ordinance. Chief McManus stated that Police Officers would use discretion when enforcing the policy and would be discussed during each roll call prior to the Fiesta Parades.

Councilmember Chan asked if there was a smoking ban at city parks. Mr. Bernard replied that smoking was prohibited within playgrounds and pavilions at city parks but not in open park areas. Councilmember Chan stated that she would support the ordinance and did not want to negatively affect children.

Mayor Castro asked of the timeframe for when the ordinance would be enforced. Mr. Bernard stated that it would be enforced during the parade. Mayor Castro entertained a friendly amendment to include verbiage that enforcement would occur two hours before and one hour after the parades. Councilmembers D. Medina and Soules accepted the friendly amendment.

Councilmember Soules stated that he had concerns related to private property and was pleased that it was removed from the ordinance.

Councilmember Ozuna stated that children did not have a choice on where they sit during the parades and would support the measure today.

The motion with conditions prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

23. CITY MANAGER'S REPORT

A. SOLID WASTE MANAGEMENT UPDATE - CHANGE IS IN THE BAG CAMPAIGN

Ms. Sculley stated that the Solid Waste Management Department was participating in an 18-month Pilot Program with five area retail establishments to increase the recycling of plastic bags and encourage the use of reusable bags. She reported first quarter results that indicate a 26% increase in the recycling of plastic bags but no reduction in the consumption of plastic bags. She spoke of the outreach efforts to include web banner advertisements, billboards, and public service announcements. She added that they were working with local schools to educate children so that they become recyclers and help their parents be more effective recyclers.

B. OFFICE OF THE CITY MANAGER UPDATE - T.C. BROADNAX

Ms. Sculley recognized T.C. Broadnax for his work as Assistant City Manager over the past five years. She reported that he had been appointed as the City Manager in Tacoma, Washington and wished him well on his future endeavors. She highlighted various projects that Mr. Broadnax provided oversight for during his time in San Antonio.

Mayor Castro and the City Council commended Mr. Broadnax for his work and offered him best wishes for his future.

RECESSED

Mayor Castro recessed the meeting at 12:15 pm to break for lunch and announced that the meeting would resume at 2:00 pm.

RECONVENED

Mayor Castro reconvened the meeting at 2:07 pm and addressed the Zoning Items.

CONSENT ZONING ITEMS

Councilmember Bernal moved to approve the following Zoning items: Z-1, Z-2, Z-3, Z-4, Z-5, Z-6, Z-8, Z-10, Z-11, Z-12, P-1, Z-14, Z-15, Z-16, Z-17, P-2, and Z-18 under Consent Zoning. Councilmember Lopez seconded the motion.

Mayor Castro called upon the individuals registered to speak.

Jack M. Finger spoke in opposition to the alcohol variance in Item 25 due to the close proximity to a school. He stated that he was against Item Z-19 since it would operate as a Used Car Lot.

Frederica Kushner expressed support for the Historic Landmark Designation in Item Z-5. She stated that she had requested that the owner move forward with historic designation even though it is not located in a Historic District due to its architecture and visual interests. She indicated that the inside of the house was well-preserved and in pristine shape.

Mike DeNuccio stated that he was the representing the applicant for Item Z-19 and requested a continuance.

Written testimony was received from Veronica Gonzalez, President of the Oak Meadow Neighborhood Association in support of the zoning request for Item Z-18.

The motion to approve the Consent Zoning Items prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

2012-01-19-0043

Item Z-1. **ZONING CASE # Z2012018 (District 1):** An Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "C-2P AHOD" Commercial Pedestrian Airport Hazard Overlay District on Lot 12, Block 4, NCB 830 located at 311 McLane Drive. 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 12, BLOCK 4, NCB 830 TO WIT: FROM "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT TO "C-2P AHOD" COMMERCIAL PEDESTRIAN AIRPORT HAZARD OVERLAY DISTRICT.

2012-01-19-0044

Item Z-2. **ZONING CASE # Z2012028 S (District 1):** An Ordinance amending the Zoning District Boundary from "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Medical-Hospital and "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Medical-Hospital with a maximum height of 111.53 feet to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Medical-Hospital with a maximum height of 105.43 on a 0.241 acre tract of land out of Lot 9, Block 9, NCB 842 and Lot 17, Block 20, NCB 393 located at 1310 McCullough Avenue and 308 East Evergreen Court. 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: A 0.241 ACRE TRACT OF LAND OUT OF LOT 9, BLOCK 9, NCB 842 AND LOT 17, BLOCK 20, NCB 393 TO WIT: FROM "C-2 S AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY

DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A MEDICAL-HOSPITAL AND "C-2 S AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A MEDICAL-HOSPITAL WITH A MAXIMUM HEIGHT OF 111.53 FEET TO "C-2 S AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A MEDICAL-HOSPITAL WITH A MAXIMUM HEIGHT OF 105.43 ON A 0.241 ACRE TRACT OF LAND OUT OF LOT 9, BLOCK 9, NCB 842 AND LOT 17, BLOCK 20, NCB 393 PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2012-01-19-0045

Item Z-3. **ZONING CASE # Z2012029 HL (District 1):** An Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "HL RM-4 AHOD" Historic Landmark Residential Mixed Airport Hazard Overlay District on the east 30 feet of Lot 14 and the west 30 feet of Lot 15, Block B, NCB 2559 located at 117 Sweet Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE EAST 30 FEET OF LOT 14 AND THE WEST 30 FEET OF LOT 15, BLOCK B, NCB 2559 TO WIT: FROM "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT TO "HL RM-4 AHOD" HISTORIC LANDMARK RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

2012-01-19-0046

Item Z-4. **ZONING CASE # Z2012036 HL (District 1):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "HL C-3 AHOD" Historic Landmark General Commercial Airport Hazard Overlay District on Lot 1, Block 2, NCB 2216 located at 1124 Perez 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 1, BLOCK 2, NCB 2216 TO WIT: FROM "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "HL C-3 AHOD" HISTORIC LANDMARK GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2012-01-19-0047

Item Z-5. **ZONING CASE # Z2012034 HL (District 1):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "HL MF-33 AHOD" Historic Landmark Multi-Family Airport Hazard Overlay District on Lots 10 and 11, Block 7, NCB 1729 located at 823 Ogden 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 10 AND 11, BLOCK 7, NCB 1729 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "HL MF-33 AHOD" HISTORIC LANDMARK MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

2012-01-19-0048

Item Z-6. **ZONING CASE # Z2012031 (District 1):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District and "MF-33 IDZ AHOD" Multi-Family Infill Development Zone Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with Single-Family Residential uses and live-work units at a density not to exceed 25 units per acre on 0.4434 of an acre out of Lots 7, 8 and 9, Block 11, NCB 1749 located at 623 Ogden Street, 120 East Myrtle Street and part of 619 Ogden 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: A PORTION OF LOTS 7, 8 AND 9, BLOCK 11, NCB 1749 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "MF-33 IDZ AHOD" MULTI-FAMILY INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH SINGLE-FAMILY RESIDENTIAL USES AND LIVE-WORK UNITS AT A DENSITY NOT TO EXCEED 25 UNITS PER ACRE.

2012-01-19-0049

Item Z-8. **ZONING CASE # Z2012035 HL (District 1):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "HL I-1 AHOD" Historic Landmark General Industrial Airport Hazard Overlay District on Lots 18, 19 and 20, Block 3, NCB 2105 located at 1402 North Zarzamora. 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 18, 19 AND 20, BLOCK 3, NCB 2105 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "HL I-1 AHOD" HISTORIC LANDMARK GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

2012-01-19-0050

Item Z-10. **ZONING CASE # Z2012010 (District 1):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "O-1 IDZ AHOD" Office Infill Development Zone Airport Hazard Overlay District on Lot 5, Block 11, NCB 368 located at 324 West Cypress Street. Staff and Zoning Commission recommend approval.

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

CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 5, BLOCK 11, NCB 368 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "O-1 IDZ AHOD" OFFICE INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT.

2012-01-19-0051

Item Z-11. **ZONING CASE # Z2012012 (District 2):** An Ordinance amending the Zoning District Boundary from "I-1 EP-1" General Industrial Facility Parking/Traffic Control Overlay District to "C-1 EP-1" Light Commercial Facility Parking/Traffic Control Overlay District on Lot 18 and Lot 17 and the west 10 feet of Lot 16, NCB 6907 located at 2941 East Houston 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 18 AND LOT 17 AND THE WEST 10 FEET OF LOT 16, NCB 6907 TO WIT: FROM "I-1 EP-1" GENERAL INDUSTRIAL FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT TO "C-1 EP-1" LIGHT COMMERCIAL FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT.

2012-01-19-0052

Item Z-12. **ZONING CASE # Z2012021 (District 2):** An Ordinance amending the Zoning District Boundary from "I-2 EP-1" Heavy Industrial Facility Parking/Traffic Control Overlay District to "R-4 EP-1" Residential Single-Family Facility Parking/Traffic Control Overlay District on Lot 16, Block 50, NCB 1242 located at 431 Muegge. 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 16, BLOCK 50, NCB 1242 TO WIT: FROM "I-2 EP-1" HEAVY INDUSTRIAL FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT TO "R-4 EP-1" RESIDENTIAL SINGLE-FAMILY FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT.

2012-01-19-0054

Item P-1. **PLAN AMENDMENT #12003 (District 5):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NOGALITOS/SOUTH ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 0.1481 ACRE TRACT OF LAND LOCATED AT 616 AND 618 SOUTH PARK BOULEVARD FROM LOW DENSITY RESIDENTIAL LAND USE TO MEDIUM DENSITY RESIDENTIAL LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2011212) (CONTINUED FROM DECEMBER 15, 2011)

2012-01-19-0055

Item Z-14. **ZONING CASE # Z2011212 (District 5):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-6 AHOD" Residential Mixed Airport Hazard Overlay District on Lot 5, Block 38, NCB 6281 located at 618 South Park Boulevard. Staff and Zoning Commission recommend approval, pending plan amendment. (Continued from December 15, 2011)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 5, BLOCK 38, NCB 6281 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "RM-6 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

2012-01-19-0056

Item Z-15. **ZONING CASE # Z2012026 (District 5):** An Ordinance amending the Zoning District Boundary from "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District on Lot 1, Block 2, NCB A-62 located at 2618 South Zarzamora 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 1, BLOCK 2, NCB A-62 TO WIT: FROM "C-3NA AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT TO "C-3R AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES AIRPORT HAZARD OVERLAY DISTRICT.

2012-01-19-0057

Item Z-16. **ZONING CASE # Z2012022 (District 6):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lot 1, Block 64, NCB 15369 located at 7801 and 7805 West Military Drive. 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 1, BLOCK 64, NCB 15369 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2012-01-19-0058

Item Z-17. **ZONING CASE # Z2012016 (District 8):** An Ordinance amending the Zoning District Boundary from "C-3R" General Commercial Restrictive Alcoholic Sales District and "C-3" General Commercial District to "C-3" General Commercial District on Lots 49 and 51, NCB 14862 located on a portion of the 10900 Block of Fredericksburg 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: LOTS 49 AND 51, NCB 14862 TO WIT: FROM "C-3R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES DISTRICT AND "C-3" GENERAL COMMERCIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

2012-01-19-0059

Item P-2. **PLAN AMENDMENT #11045 (District 8):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SAN ANTONIO INTERNATIONAL AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF AN 18.02 ACRE TRACT OF LAND LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF HUEBNER ROAD AND NORTHWEST MILITARY HIGHWAY FROM NEIGHBORHOOD COMMERCIAL LAND USE TO MIXED USE LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2011167ERZD)

2012-01-19-0060

Item Z-18. **ZONING CASE # Z2011167 ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD MLOD ERZD" General Commercial Airport Hazard Overlay Camp Bullis Military Lighting Overlay Edwards Recharge Zone District to "C-2 AHOD MLOD ERZD" Commercial Airport Hazard Overlay Camp Bullis Military Lighting Overlay Edwards Recharge Zone District and "MF-25 AHOD MLOD ERZD" Multi-Family Airport Hazard Overlay Camp Bullis Military Lighting Overlay Edwards Recharge Zone District on Lots 1, 2 and 4, Block 4, NCB 17851 located at the northeast corner of the intersection of Huebner Road and Northwest Military Highway. Staff and Zoning Commission recommend approval pending the plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 1, 2 AND 4, BLOCK 4, NCB 17851 TO WIT: FROM "C-3 AHOD MLOD ERZD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY EDWARDS RECHARGE ZONE DISTRICT TO "C-2 AHOD MLOD ERZD" COMMERCIAL AIRPORT HAZARD OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY EDWARDS RECHARGE ZONE DISTRICT AND "MF-25 AHOD MLOD ERZD" MULTI-FAMILY AIRPORT HAZARD OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY EDWARDS RECHARGE ZONE DISTRICT.

[CONSENT ZONING CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

Items 25, Z-7, and Z-9 were addressed jointly.

CONTINUED TO FEBRUARY 2, 2012

Item 25. AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 4-6(C) OF THE CITY CODE AND AUTHORIZING A VARIANCE REQUEST TO ALLOW MICHAEL HYATT, D/B/A QUINCY'S DELI AND TAVERN, LOCATED AT 1012 NORTH FLORES STREET, TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION AS A FOOD SERVICE ESTABLISHMENT WITH ALCOHOL SALES WITHIN THREE HUNDRED (300) FEET OF THE AUSTIN ACADEMY, A PUBLIC EDUCATIONAL INSTITUTION LOCATED IN COUNCIL DISTRICT 1.

CONTINUED TO FEBRUARY 2, 2012

Item Z-7. **ZONING CASE # Z2012033 HL (District 1):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "HL R-5 AHOD" Historic Landmark Residential Single-Family Airport Hazard Overlay District on Lot 1, Block 33, NCB 8569 located at 3510 North Main Avenue. Staff and Zoning Commission recommend approval.

CONTINUED TO FEBRUARY 2, 2012

Item Z-9. **ZONING CASE # Z2012005 (District 1):** An Ordinance amending the Zoning District Boundary from "C-1 AHOD" Light Commercial Airport Hazard Overlay District, "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District, "C-2 AHOD" Commercial Airport Hazard Overlay District and "O-2 AHOD" High Rise Office Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "MF-50" Multi-Family District and "C-2" Commercial District on Lots 3, 4, 5 and 6, Block 24, NCB 374; Lot 14, Block 33, NCB 376; and Lots 14 and 15, Block 23, NCB 377 located at 204 West Evergreen Court; 611 and 621 Howard Street; and 1405, 1425 and 1509 North Main Avenue. Staff and Zoning Commission recommend approval.

Councilmember Bernal moved to continue Items 25, Z-7, and Z-9 to February 2, 2012. Councilmember Taylor seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

2012-01-19-0042

Item 24. AN ORDINANCE AUTHORIZING THE RENAMING OF MANN WEIMER WAY AND MOZLEY RISE TO WEIMER WAY BETWEEN RANDOLPH BOULEVARD AND THE INTERSECTION OF EAST QUEENS CROWN, WEST QUEENS CROWN, AND POMEROY CIRCLE LOCATED IN CITY COUNCIL DISTRICT 10, SAN ANTONIO, TEXAS.

Councilmember Soules stated that the change was being made due to a public safety issue in that there were multiple names for a very short section of a street.

Councilmember Soules moved to adopt the proposed Ordinance. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

2012-01-19-0053

Item Z-13. **ZONING CASE # Z2012037 HL (District 3):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "HL R-6 AHOD" Historic Landmark Residential Single-Family Airport Hazard Overlay District on Lot 18, Lot 19 and Lot 20, Block 335, NCB 9428 located at 435 West Hutchins 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 18, LOT 19 AND LOT 20, BLOCK 335, NCB 9428 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "HL R-6 AHOD" HISTORIC LANDMARK RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

Councilmember Ozuna moved to waive the zoning application fee of \$770 and to approve staff's recommendation for Historic Landmark Designation for the property at 435 West Hutchins Place. Councilmember Williams seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

CONTINUED TO FEBRUARY 2, 2012

Item Z-19. **ZONING CASE # Z2012024 CD (District 10):** 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 a Conditional Use for Motor Vehicle Sales on Lot 14, Block 37, NCB 11837 located at 1638 Northeast Loop 410. Staff and Zoning Commission recommend approval.

John Jacks stated that staff and the Zoning Commission recommended approval of Item Z-19. He reported that of 15 notices mailed; eight were returned in favor and one was returned in opposition.

Councilmember Soules stated that a meeting had occurred among the applicant, neighborhood association, and surrounding parties but an agreement had not been reached.

Councilmember Soules moved to continue Item Z-19 to February 2, 2012. Councilmember Chan seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 2:22 pm.

APPROVED



JULIÁN CASTRO
MAYOR

Attest:



LETICIA Y. SAENZ
Deputy City Clerk