

**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, AUGUST 1, 2012, AND THURSDAY, AUGUST 2, 2012, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **August 1, 2012**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Taylor, Ozuna, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** D. Medina.

1. STAFF BRIEFING ON PRE-K 4 SA TO INCLUDE REVIEW OF THE OPERATING AND CAPITAL PROGRAM BUDGETS, RESPONSES TO JUNE 20TH "B" SESSION CITY COUNCIL QUESTIONS, TARGET POPULATION ANALYSIS AND THE DRAFT MEMORANDUM OF UNDERSTANDING WITH AREA SCHOOL DISTRICTS FOR THE EDUCATION EXCELLENCE CENTERS.

Mayor Castro recognized General Joe Robles, USAA who served as Chair of the Task Force. General Robles spoke of the importance of children participating in high-quality full-day Pre-K Classes.

City Manager Sheryl Sculley outlined the four components that would be addressed: 1) Detailed capital and operating budgets as proposed; 2) Answers to the questions asked at the June 20, 2012 B Session; 3) Target Population to be served; and 4) Draft MOU. She recognized staff and key leaders that have been involved in the plan including Dr. John Folks.

Assistant City Manager Peter Zanoni presented the Business Plan and Budget for Pre-K 4 SA and listed the individuals that served on the Business Plan and Budget Team. He stated that the program was originally labeled the Brainpower Initiative and the goal was to improve the quality and quantity of pre-kindergarten education in San Antonio. He noted that the program would utilize a 1/8 of One Percent City Sales Tax to fund the majority of Pre-K 4 SA pending voter approval. He reported that they recommended an eight-year program consisting of three years of implementation and five years of full program delivery. He explained that the Governance Structure enabled by State Law would create an Education Corporation with 11 members appointed by the City Council.

Mr. Zanoni stated that the program year would be July 1-June 30 to align with the school fiscal year. He indicated that operating expenses incurred between now and June 1, 2013 would be loaned from city resources and repaid with interest. He reported that the sales tax would fund all program operating and capital expenses with the exception of \$12 million in current City Capital Funds for facility finish out and tenant improvements. He spoke of the target population in which 5,700 four-year-olds are not benefitting from a full-day Pre-K Program. He provided an overview of the model centers that would be operated and managed by the city. He indicated that Pre-K Programming would be partially funded through instructional learning provided by Independent School Districts, Charter Schools, Archdioceses, and Non-Profit Provider Campuses. He reported that the recommended service model would include a total of four model centers initially serving 350 students with ramp up to 500 per center. He noted that grant awards to the outside providers would begin year four with 3,700 served annually in the last five years of the program.

Mr. Zanoni outlined the Operating Revenues that consist of: 1) 1/8 of One Percent Sales Tax; 2) State Match; 3) Special Education Federal Reimbursement; 4) Meal Reimbursement; and 5) Sliding Scale Tuition. He stated that capital needs would be addressed through existing City Capital Funds and a portion of the 1/8-Cent Sales Tax. He indicated that 96 months of sales tax would be collected for the program with an average annual growth rate of 3%. He noted that revenue was estimated at \$31 million over eight years and would cost the median household \$7.81 annually.

Mr. Zanoni spoke of the Operating Expenditures that would include: 1) Administration; 2) Model Centers; 3) Competitive Grant Awards; 4) Professional Development; 5) Program Assessment; and 6) Capital Expenses. He reported that expenditures would range from \$15.3 million in 2014 to \$42.3 million in 2021. He outlined the direct services that would be provided at the model centers in which there would be one teacher and one teacher aide per 20 children. He indicated that each center would teach up to 500 students in a full-day Pre-K Program at a cost of \$9,900 per student in Year 1 to \$11,200 in Year 8. He noted that transportation funding was not included but would be further studied. He explained that after three years of Model Center Experience, additional students would be served through a Competitive Grant Awards Program.

Rebecca Flores, Education Policy Administrator spoke of the In-Service and Professional Development designed by national leaders in early childhood that would be provided to teachers. She reported that in Year 3-4, the centers may consider developing partnerships with higher learning institutions to provide student teaching assignments, practicum and classroom observation activities. She stated that they would provide more intensive support to a select group of teachers with the greatest need and that teachers participating in classroom training with a Master Teacher would be assigned a coach. She explained that coaches would plan with teachers and assist with curricular differentiation for specific student needs. She noted that they would also provide feedback to principals to assist with teacher growth and share resources and ideas to support teacher development.

Ms. Flores stated that school leaders and staff would select an assessment tool to be utilized in both centers. She noted that it should be a web-based system with an integrated parent component. She indicated that they would utilize the Texas Primary Reading Inventory (TPRI) in Kindergarten through Second Grade to get student achievement data. She reported that they would issue a Request for Proposals (RFP) for an independent study of Pre-K 4 SA by a top university or researcher. She highlighted key results they hoped to achieve to include that by the Third Grade, Kindergarten Students from the centers should have attained at least 10% closing of achievement gap in STAAR Reading and Math Assessments.

Michael Bernard stated that they were operating under a specific provision of the local government code that allows municipalities to create early childhood development programs through the creation of a Municipal Development Corporation. He noted that if the Municipal Development Corporation was approved, the City Council would appoint an 11-member Board of Directors. He mentioned that a Memorandum of Understanding (MOU) would be drafted between the Municipal Development Corporation and participating Independent School Districts (ISD) to address general framework and obligations of each party with enough flexibility to adapt to the needs of the program. He mentioned that the MOU was discussed with and provided to area ISD Superintendents and discussed with the Brainpower Task Force.

Mr. Bernard reported that the MOU provides that the Municipal Development Corporation will establish up to four centers serving up to 500 children in each center. The Municipal Development Corporation will also be responsible for selecting sites, maintaining the facilities, hiring and managing staff. He indicated that participating ISDs will be responsible for identifying eligible children and coordinating a lottery to determine which children will attend the centers. He added that the ISDs would agree to send State Funding they receive to the Centers for each eligible child attending.

Mayor Castro stated that he was pleased with the work of city staff on the Plan and that there would be a good number of checks and balances on the program. He asked of the revised number of children not currently served in Pre-K. Mr. Zanoni replied that they had utilized several sources of information to ensure accuracy and began with the 2010 Census and American Community Survey. He stated that there were 20,000 four-year-olds in San Antonio and that 16,500 were eligible for State Pre-K Funding. He noted that the State had identified that 10,800 of these children were currently enrolled in full-day Pre-K Programs. Mayor Castro asked of the higher cost per child at the model learning centers. Ms. Sculley replied that the centers would serve as learning labs and provide in-service for other teachers during the summer. She stated that they would operate extended hours and teach for 220 days per year compared to 187 days. Mayor Castro stressed the importance of teacher training, noting the need to maintain gains through third grade.

Mayor Castro referenced the transportation issue on Slide 32 and stated that the centers would be located near major highways and have access to bus lines. Mr. Zanoni added that the issue would be further studied and could be addressed by the \$8 million Fund Balance at the end of Year 8. Mayor Castro asked of children with special needs. Mr. Zanoni replied that every special needs child was assessed by a committee in the school district to determine how best to serve that child. He stated that the model centers would utilize the same concept to ensure that the child is best served. Mayor Castro highlighted the 20%-40% reduction of special education and grade retention, noting that this investment would help avoid further costs by seeing fewer students repeating a grade and more students graduating from high school. Ms. Flores stated that research shows that high quality Pre-K Programs help reduce Special Education and increase High School Graduation rates. Mayor Castro recognized Dr. Folks, former Superintendent of Northside ISD.

Dr. Folks stated that he had been involved in education for over 42 years and believed that this program would greatly improve the education levels in San Antonio. He spoke of funding challenges of ISDs and believed that there would be great buy-in for the program from the ISDs. He commended everyone that worked on the initiative and added that all school districts would like to better serve their students. Mayor Castro thanked Dr. Folks for his work on the Task Force.

Mayor Castro recognized Former Mayor Ed Garza who also serves as Chairman of the SAISD Board of Trustees. Mayor Garza spoke of the significant demand for Pre-K Services in San Antonio and noted the benefits of a full-day program versus a half-day program. He added that Pre-K 4 SA was an excellent way to utilize the sales tax funds and would provide a great return on investment. He indicated that the SAISD Board of Trustees had approved a Resolution of Support and that any outstanding issues would be resolved after the sales tax was approved.

Councilmember Saldaña stated that he was excited about Pre-K 4 SA and that it was important to provide quality Pre-K Services. He mentioned the benefit of professional development and asked of the incentives for instructors. Ms. Flores replied that school districts spend only 1% of their budget on

professional development and that Pre-K through Third Grade instructors would receive additional professional development at no charge through the model learning centers. Councilmember Saldaña asked of the budget cuts made by school districts. Ms. Flores responded that professional development would likely be cut first and spoke of her experiences in the Houston ISD. She noted that Pre-K 4 SA would provide professional development and would be working with the ISDs to ensure that they are providing useful training. Councilmember Saldaña asked of the challenges noted by school districts regarding the impact to their average daily attendance. Ms. Flores indicated that there could be a positive impact in that ISDs would have the capacity to serve more three-year-old children. She noted that they are currently prioritizing services for four-year-olds. Councilmember Saldaña asked of the assessment that would be conducted. Ms. Flores replied that they would issue a Request for Proposals (RFP) for an independent third party to evaluate the program. Councilmember Saldaña stated that the program would provide long-term benefits as supported by a great amount of research.

Councilmember Taylor asked of the definition of Pre-K. Ms. Flores replied that Pre-K 4 SA would focus on a one-year program for four-year-olds. Councilmember Taylor asked of the sliding scale fee. Ms. Flores noted that 10% of the slots would be provided on a sliding scale fee for students that do not meet the six criteria for free services. Councilmember Taylor asked how the benefits of professional development would be tracked. Ms. Flores replied that the children entering the centers would officially be enrolled in the school district and be assigned an identification number. This identification number will assist in tracking their progress through the Third Grade. Councilmember Taylor stressed the importance of outreach to Informal Community Providers. She stated that this program was a great investment in education and was pleased that the city was partnering with the ISDs and service providers on the initiative.

Councilmember Ozuna thanked everyone for their work on the program thus far and stated that it would be important to solicit the public's trust regarding the investment that would be made. She provided statistics of the population of District 3, noting that 30% was under the age of 19. She asked of the concept of curriculum alignment. Ms. Flores replied that Kindergarten Curriculum had to be adjusted due to the high level of the children that attend full-day Pre-K Programs. She stated that they would address this through professional development. Councilmember Ozuna asked of the Annual Cash Flow. Mr. Zanoni explained that although some of the Program Years showed a negative Annual Cash Flow, the budget was sustainable due to beginning fund balances. Councilmember Ozuna asked of the Texas Primary Reading Inventory (TPRI). Ms. Flores replied that the TPRI was utilized by most school districts in San Antonio and was an assessment tool from Kindergarten through Second Grade. She noted that it was free and efficient and would be utilized to measure achievement.

Councilmember Williams thanked staff for their work on the Plan and stated that there were two deliverables that he was waiting on: 1) Students that will come out of each of the ISDs; and 2) Cash Flow Statement.

Councilmember Chan referenced Slide 12 and asked if Pre-K 4 SA would be able to serve all 5,700 eligible children even after the 8th Year of the program. Mr. Zanoni replied that they only had the capacity to serve 3,700 eligible children per year in Year 4 of the program. Ms. Sculley added that those not served by Pre-K SA could be served by other institutions. Councilmember Chan asked of the lottery system. Mr. Zanoni replied that the ISDs would develop the lottery system to determine the utilization of the slots at the model centers. Mr. Bernard stated that each school district has different needs and that staff wanted to give the districts local control over how the students were selected. He added that the

city would inform the school districts of the number of slots they had available but not specify how to fill them. Councilmember Chan asked of the timeline for the RFP for assessment of the program. Ms. Flores replied that experts would be hired to operate the model centers and they would have to participate in the RFP Process. She noted that the Board of Directors would be appointed by the City Council and would provide input on the RFP scheduled to be issued in early 2013.

Councilmember Chan asked of the baseline that would be utilized for the evaluation. Ms. Flores replied that the first three years of the evaluation would be focused on the program. Subsequently, they would track the progress of the students that attended the model centers through Third Grade. Councilmember Chan asked of the teachers that would receive in-service training. Ms. Flores replied that funding was available for training for 1,000 Pre-K Teachers; 1,000 Kindergarten Teachers; and 1,000 First, Second and Third Grade Teachers. Councilmember Chan asked of the Municipal Development Corporation. Mr. Bernard replied that a Resolution would be approved by the City Council to create the corporation and subsequently create and approve by-laws. Councilmember Chan asked of the students eligible for the Pre-K Program whose ISD is not participating. Ms. Sculley replied that they would have the opportunity to attend the model centers through open slots.

Councilmember Lopez spoke of a conference he attended with other large cities in Texas where education was considered a high priority. He stated that while the city was not involved in Kindergarten through 12th Grade, they should have input on Pre-K and college education. He noted that this initiative needs to move forward sooner than later and that other cities are looking toward San Antonio as a model. He spoke of the importance of professional development for teachers at the model centers as well as in the school districts. He stated that this program would greatly benefit children who would enter school ready to learn and that it was a great investment for San Antonio.

Councilmember C. Medina thanked everyone that worked on the program and asked of the ballot language. Mr. Bernard replied that it was being drafted and would be included with the ordinance available on Friday, August 3, 2012. Councilmember C. Medina asked of the lottery system. Ms. Flores replied that each school district would be allocated a percentage of slots based on the percentage of eligible children. She stated that each school district would define the parameters of their lottery. Councilmember C. Medina asked of the capital costs, noting that it was important to keep them low in order to spend more funding on direct services to children. Mr. Zanoni replied that staff was reviewing the potential to reuse an existing facility and also looking at the cost of new construction. Councilmember C. Medina commended Mayor Castro for his leadership and stated that he looked forward to support the program next week.

Councilmember Soules asked how the Brainpower Task Force concluded that the city should address Pre-K Education. Mr. Zanoni replied that they had conducted research and performed site visits regarding best practices. They concluded that the biggest impact would be made by providing quality access to Pre-K. Dr. Folks added that the Task Force believed that providing quality Pre-K Education would best move the needle of education in the city. Councilmember Soules asked of the number of children that attend half-day Pre-K at Charter Schools. Mr. Zanoni replied that 282 children attended half-day Pre-K Programs at Charter Schools. Councilmember Soules stated that he had contacted the Texas Education Agency and they confirmed that 1,869 children attended full and half-day Pre-K Programs in San Antonio. He referenced the 10% national average of children attending private or home school and asked if staff was confident that it applied to Pre-K. Mr. Zanoni replied that staff believed it was an accurate number. Councilmember Soules stated that he had spoken with the

American Council of Private Education and the 10% was for Pre-K through 12th Grade. They indicated that nationally, far more children are enrolled in Pre-K than in any other grade.

Councilmember Soules asked of the strategy for reaching the children that are home-schooled. Mr. Zaroni replied that funding was available for outreach and could be accomplished through various mediums. Ms. Sculley added that they would work with the school districts to ensure that the parents of children attending half-day Pre-K were aware of the full-day Pre-K that would now be available. Councilmember Soules spoke of the success of children attending half-day Pre-K Programs. He asked of the significant decrease in the number of children that would have been served through the model centers over eight years. Mr. Zaroni replied that after reviewing the business plan, they believed that it was important to ensure that the program was being administered well in the first three years of implementation. Councilmember Soules asked of the lottery system. Ms. Sculley replied that the goal is to serve all children in the community and expect all of the school districts to participate.

Mayor Castro thanked staff for the presentation.

EXECUTIVE SESSION

The City Council did not address Executive Session.

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

CITIZENS TO BE HEARD

Mayor Castro called upon the individuals registered to speak.

Jason Mata and Shirley Gonzales representing the Advocates Boxing Youth spoke of their program that has helped at-risk, low-income youth and offers free boxing lessons. He noted that they have been providing services since 1999 and requested funding assistance from the city. Ms. Gonzales stated that she was the strength and conditioning coach. She stated that their boxing program helps motivate youth and that they deserve access to a nice facility and exercise opportunities. She noted that exercise increases brainpower and requested \$136,000 in city funds. A youth spoke of his positive experience with the program adding that he had wanted to drop out of school but changed his mind due to the boxing program. Mr. Mata thanked the City Council for their support.

Mark Kellman, Architect provided a photo of the world's largest swimming pool from a resort in Chile that was constructed to utilize ocean water. He stated that the San Antonio River is very clean but becomes less clean when flowing through the city. He also showed a photo of urban design in Shanghai, China noting that their government has designed all of the elements at one time. He indicated that these two concepts could be applied in San Antonio.

James Rodarte provided an article entitled, "Shale boom has rails rolling at Port SA" and spoke of his concerns regarding traffic delays caused by trains at Frio City Road and Zarzamora Street. He highlighted the great increase in the number of trains and requested funding from the City Council to address same.

Nikki Kuhns provided a press release from Reuters in which Harvard University Researchers "support the possibility of adverse effects of fluoride exposures on children's neurodevelopment." She stated that adding a neurotoxin to the water supply was not congruent with the goals of the Brainpower Initiative. She noted that infants should not drink formula mixed with fluoridated tap water and expressed concern that Dr. Schlenker did not agree to warn mothers in San Antonio. She requested that public service announcements be created to warn that fluoride is a neurotoxin until it can be removed from the water supply.

Janet Ahmad showed a photo of a cracked foundation from a two-year-old home in the Stablewood Farms Subdivision. She expressed concern that the Federal Government was conducting an investigation on D R Horton due to their failure to fill out compliance forms by homebuilders. She stated that they were committing a crime and asked how the city could assist.

Gizelle Luezano stated that she was a Stablewood Homeowner and requested assistance from the City Council. She spoke of her family's health issues due to their home being built over a previous sewer plant.

George Alejos stated that he was representing LULAC District 15 in support of the Stablewood Homeowners. He expressed concern that their homes could not be sold and that they needed assistance from the City Council. He noted that D R Horton falsified documents and spoke of the negative effects on the children that live in the neighborhood.

Mark Perez stated that he had been advocating for a clean environment for a long time and expressed concern with corruption among various city employees. He asked why ordinances were not being enforced and noted his concerns with DPT Laboratories. He spoke of the challenges with the San Antonio Fire, Police, and Development Service Departments. He expressed concern with the underground storage tanks authorized in District 2.

Gary Houston expressed concern with the Alamo Brewery that was being recommended and the tables and chairs that would be placed on the Hays Street Bridge. He stated that he did not believe that the brewery was the catalytic project for the East Side.

Nazirite Ruben Flores Perez showed photos of Elmendorf Lake at Our Lady of the Lake University and expressed concern that the water was blocked by trees and foliage and believed it was contaminated.

Ruth Theresa Berlanga read a letter she received from Home Service requesting that she purchase exterior water line insurance from their company and asked if they had authorization from the city.

Joe Huizar, Haven for Hope Resident stated that the diagrams from Florida, Nebraska and Ohio have gone up and spoke of the diagrams that he observed while growing up in San Antonio. He noted that the diagrams in San Antonio need to be prayed down.

Esmeralda Perez stated that she was a Stablewood Homeowner and has three children with health issues. She noted that she was not made aware of the fact that the homes were built over a previous sewer plant prior to purchasing her home. She added that she cannot sell the home without disclosing same. She spoke of the cracks throughout her home and the terrible smell throughout the neighborhood and requested assistance from the City Council.

Faris Hodge, Jr. submitted written testimony expressing concern that a budget input box had not been placed at the Kenwood Community Center. He wrote that more food should be provided to senior citizens and expressed concern with the increase in Diabetes throughout the US. He requested that no additional city funding be provided for Hardberger Park and that only one zoning case be voted on at a time. He highlighted Mayor Castro's Summer Reading Club and requested additional funding for the Summer Youth Employment Program. He asked that water bills not be increased and noted that 60% of air quality problems are created by vehicle emissions. He requested that libraries stay open until 7 pm seven days per week. He asked why several Executive Leadership Team Members and Directors have not hired more black individuals. He commended the Office of the City Clerk for hosting Passport Days on several Saturdays during the summer. He recommended that the Police Department create a tiered auditing process that does not require expensive equipment or consulting services. He referenced the proactive approach taken by the Fire Department regarding the elimination of adult patient services at Christus Santa Rosa Hospital-City Centre. He highlighted Mayor Castro's Light Up Downtown Holiday Contest and commended Keith Parker for his leadership of VIA Metropolitan Transit.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 7:15 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **August 2, 2012** at 9:00 am in the City Council Chambers.

ROLL CALL

City Clerk Leticia M. Vacek took the Roll Call and noted a quorum of the Council with the following present: Bernal, Taylor, Ozuna, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** D. Medina.

Item 1. The Invocation was delivered by Reverend Bob Clark, Pastor, Epworth United Methodist Church, guest of Councilmember Leticia Ozuna, District 3.

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

Item 3. MINUTES

Councilmember Taylor moved to approve the Minutes for the May 30-31, 2012 City Council Meetings. Councilmember Ozuna seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Soules recognized Boy Scout Troop 345 from District 10 and their Assistant Scout Master Dan Crowley that were in attendance. He noted that the Boy Scouts were working on their citizenship in the community merit badge and thanked them for being present.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Items 4A, 4B and 4C:

Item 4. CONSIDERATION OF THE FOLLOWING MATTERS IN CONNECTION WITH THE ISSUANCE, SALE, AND DELIVERY OF THE 2012 BONDS, 2012 CERTIFICATES, AND 2012 NOTES:

2012-08-02-0541

- A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$175,000,000 "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS, SERIES 2012"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

2012-08-02-0542

- B. AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$35,000,000 "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2012"; PROVIDING FOR THE PAYMENT OF THE CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING THE CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES; PROVIDING THE TERMS AND CONDITIONS OF THE CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF THE CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING

WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

2012-08-02-0543

- C. AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$20,000,000 "CITY OF SAN ANTONIO, TEXAS TAX NOTES, SERIES 2012", LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE NOTES; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE NOTES INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; DELEGATING THE AUTHORITY TO CERTAIN CITY OFFICIALS AND MEMBERS OF THE CITY STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE NOTES; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ben Gorzell presented a briefing on the sale of \$148,600,000 in General Improvement Bonds; \$19,430,000 in Combination Tax and Revenue Certificates of Obligation; and \$18,105,000 in Tax Notes. He provided a sale and delivery schedule noting that delivery and final closing would occur on August 29, 2012. He outlined the bond ratings as follows: 1) Fitch – "AAA"; 2) Moody's – "Aaa"; and 3) Standard & Poor's – "AAA". He indicated that the ratings were reaffirmed due to the city's strong financial management policies, as well as procedures and reserve levels. He provided a transaction summary and mentioned that the General Improvement Bonds Series 2012 Projects include the 2007 and 2012 Bond Authorization Projects. He reported that Animal Care Facilities, Plaza de Armas Building Improvements, and Riverwalk Improvements were included within the Combination Tax and Revenue Certificates of Obligation Projects. He stated that the transactions would be led by underwriting syndicates Piper Jaffray & Company and Wells Fargo Securities with various Co-Managers.

Mayor Castro commended staff for San Antonio's great financial position. He called upon Nazirite Ruben Flores Perez to speak.

Mr. Nazirite Ruben Flores Perez stated that he was in support of the transactions and that he would be keeping an eye on city funds.

Councilmember Saldaña moved to adopt the proposed Ordinances for Items 4A, 4B and 4C. Councilmember Bernal seconded the motion.

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

CONSENT AGENDA ITEMS 5-30D

Consent Agenda Items 5, 6, 17, 25, 27, 28, 29A&B, and 30A-D were pulled for Individual Consideration.

Councilmember Chan moved to approve the remaining Consent Agenda Items. Councilmember C. Medina seconded the motion.

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

Jack M. Finger addressed the Council and expressed opposition to the Alamo Beer Microbrewery Project (Items 30A-D). He stated that there were 18 individuals registered to speak in opposition and that developers were utilizing resources that the citizens were maintaining with their taxes. He noted that the Hays Street Bridge was funded with tax dollars and was concerned that the tables and chairs that would be placed on the bridge would block access for pedestrians.

Faris Hodge, Jr. submitted written testimony in favor of Items 4-19, and 21-28. He wrote in opposition to Items 29A and 29B noting that the city should not provide SAWS Impact Fee Waivers to the Scorpions Soccer Stadium and the UTSA Park West Athletic Complex Phase I Project. He wrote against Item 30.

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

2012-08-02-0546

Item 7. AN ORDINANCE REQUESTED AND FUNDED BY SAN ANTONIO WATER SYSTEM (SAWS) AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$62,700.00 TO THE \$1,560,952.72 JOINT BID PROFESSIONAL SERVICES AGREEMENT WITH BAIN MEDINA BAIN, INC., FOR ADDITIONAL SAWS DESIGN SERVICES FOR MARBACH ROAD FROM MEADOW WAY TO LOOP 410, A 2007-2012 BOND PROGRAM FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 6.

2012-08-02-0547

Item 8. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONSTRUCTION AND MAINTENANCE AGREEMENT IN AN AMOUNT NOT TO EXCEED \$86,188.00 WITH UNION PACIFIC RAILROAD FOR IMPROVEMENTS AT THE CLAUSSEN CROSSING IN CONJUNCTION WITH THE DISTRICT 10 AUSTIN #1 QUIET ZONE.

2012-08-02-0548

Item 9. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH, AND ACCEPTANCE OF AN AMOUNT UP TO \$9,735.68 ANNUALLY FOR FIVE YEARS FOR A TOTAL OF \$48,678.40 FROM, THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CITY OF SAN ANTONIO TO OPERATE AND MAINTAIN FOUR TRAFFIC SIGNALS ON LOOP 345 (FREDERICKSBURG RD) LOCATED WITHIN THE CITY OF BALCONES HEIGHTS.

2012-08-02-0549

Item 10. AN ORDINANCE AUTHORIZING A FIVE YEAR LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND JOE'S CRAB SHACK TEXAS, INC. FOR 98.87 SQUARE FEET OF RIVER WALK PATIO SPACE.

2012-08-02-0550

Item 11. AN ORDINANCE AUTHORIZING A FIVE YEAR LICENSE AGREEMENT WITH PARADIGM HOTEL SA RIVER WALK LP DBA WYNDHAM GARDEN RIVER NORTH HOTEL FOR ENCROACHMENTS ONTO 573 SQUARE FEET OF PUBLIC PROPERTY WITHIN THE URBAN SEGMENT OF THE RIVER WALK'S MUSEUM REACH.

2012-08-02-0551

Item 12. AN ORDINANCE AUTHORIZING A LEASE AND A MEMORANDUM OF UNDERSTANDING ALLOWING THE SAN ANTONIO FIRE MUSEUM SOCIETY TO USE PART OF OLD FIRE STATION #1 AT 801 E. HOUSTON ST. FOR CONVERSION INTO A FIRE DEPARTMENT MUSEUM AND, UNTIL THE MUSEUM OPENS, TO USE OLD FIRE STATION #7 AT 604 ALAMO ST. FOR RECONSTRUCTING ANTIQUE FIRE APPARATUS AND COLLECTING AND STORING ANTIQUE FIRE ITEMS AND HISTORICAL RECORDS FOR A TERM ENDING NO LATER THAN JULY 31, 2013.

2012-08-02-0552

Item 13. AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT WITH NORTHSIDE SUBURBAN LITTLE LEAGUE, INC. AT O.P. SCHNABEL PARK LOCATED IN CITY COUNCIL DISTRICT 8.

2012-08-02-0553

Item 14. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF LAND AND A LEASE AGREEMENT AND AMENDMENTS TO THE FUNDING AND ESCROW AGREEMENTS WITH SPORTS OUTDOOR AND RECREATION PARK FOR THE STAR SOCCER COMPLEX.

2012-08-02-0554

Item 15. AN ORDINANCE AMENDING THE COOPERATIVE AGREEMENT WITH THE TRANSPORTATION SECURITY ADMINISTRATION TO INCREASE THE AMOUNT FROM \$300,500.00 TO \$363,500.00 ANNUALLY FOR CONTINUED PARTICIPATION IN THE NATIONAL EXPLOSIVES DETECTION CANINE TEAM PROGRAM LOCATED AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

2012-08-02-0555

Item 16. AN ORDINANCE AUTHORIZING THE SUBMISSION AND THE ACCEPTANCE OF A GRANT APPLICATION OF UP TO \$2,295,941.00, UPON AWARD, FROM THE FEDERAL

AVIATION ADMINISTRATION FOR RUNWAY AND TAXIWAY IMPROVEMENTS AT SAN ANTONIO INTERNATIONAL AIRPORT.

2012-08-02-0557

Item 18. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF FUNDS FROM THE DEPARTMENT OF HOMELAND SECURITY IN AN AMOUNT NOT TO EXCEED \$100,000.00 FOR INFRASTRUCTURE SUPPORT FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S PUBLIC HEALTH LABORATORY.

Item 19. CONSIDERATION OF THE FOLLOWING ITEMS CONCERNING THE RUNWAY 14-32 REHABILITATION PROJECT AT STINSON MUNICIPAL AIRPORT:

2012-08-02-0030R

- A. A RESOLUTION IN SUPPORT OF THE PROJECT WITH AN ESTIMATED COST OF \$3,675,000.00, NAMING THE TEXAS DEPARTMENT OF TRANSPORTATION AS THE CITY'S AGENT FOR GRANT AND PROJECT ADMINISTRATION; AND THE CITY PROVIDING 10% OF THE TOTAL PROJECT COST, ESTIMATED AT \$367,500.00.

2012-08-02-0558

- B. AN ORDINANCE AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE ACCEPTANCE OF FUNDS, UPON GRANT APPROVAL, THE AMOUNT OF \$328,500.00 FOR THE DESIGN AND LAND ACQUISITION OF THE PROJECT; AUTHORIZING MATCHING FUNDS FROM THE STINSON REVOLVING FUND IN THE AMOUNT OF \$216,500.00 WITH THE APPROVAL OF THE FISCAL YEAR 2013 BUDGET, AND AUTHORIZING EXECUTION OF ALL NECESSARY GRANT DOCUMENTS.

Item 20. 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 JULIAN A. CASTELLANO (DISTRICT 1) TO THE SAN ANTONIO YOUTH COMMISSION.
- B. APPOINTING MONA MEIKLE (DISTRICT 9) TO THE CITY COMMISSION ON VETERANS AFFAIRS.

2012-08-02-0559

Item 21. AN ORDINANCE AUTHORIZING A SECOND AMENDMENT FOR AN INCREASED AMOUNT OF \$180,895.00 TO THE EXECUTED MEMORANDUM OF AGREEMENT BETWEEN THE FEDERAL AVIATION ADMINISTRATION AND THE CITY OF SAN ANTONIO FOR THE RUNWAY 3/21 EXTENSION PROJECT FOR A NEW TOTAL AMOUNT OF \$ 782,082.45.

2012-08-02-0560

Item 22. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AUTHORIZING AND APPROVING A SUBSTANTIAL AMENDMENT TO THE CITY'S FISCAL YEAR 2012 ANNUAL ACTION PLAN TO INCLUDE THE REPROGRAMMING OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HUD SECTION 108 LOAN FUND PROGRAM FUNDS IN THE AMOUNT OF \$2,225,000.00 TO FUND THE ACQUISITION OF THE RED BERRY ESTATE PROPERTY AND TO REDIRECT FUNDS TO THE CITY'S FAÇADE IMPROVEMENT AND HISTORIC ACQUISITION, REHABILITATION, AND RESALE PROGRAMS.

2012-08-02-0561

Item 23. AN ORDINANCE AUTHORIZING A CHAPTER 380 GRANT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO ALTERNATIVE HOUSING CORPORATION IN AN AMOUNT UP TO \$119,000.00 FOR ECONOMIC DEVELOPMENT RELATED TO THE CONSTRUCTION OF EIGHT AFFORDABLE HOMES IN THE FIVE POINTS AREA OF DISTRICT 1 AS PART OF THE INFILL PILOT PROGRAM.

2012-08-02-0031R

Item 24. A RESOLUTION CONSENTING TO A REQUEST BY CITY BANK TO FILE AN APPLICATION FOR A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR AN 850-ACRE TRACT LOCATED ALONG FM 1283 IN MEDINA COUNTY, INSIDE THE CITY'S EXTRATERRITORIAL JURISDICTION, OUTSIDE THE SAWS' CCN, AND ON THE EDWARDS AQUIFER RECHARGE ZONE.

2012-08-02-0563

Item 26. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE SOUTHWEST TEXAS REGIONAL ADVISORY COUNCIL (STRAC) TO PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$40,000.00 IN SUPPORT OF A MULTIAGENCY (METRO HEALTH, STRAC, AND TEXAS DEPARTMENT OF STATE HEALTH SERVICES) FUNDED LICENSE FOR VISUAL DX SOFTWARE FROM LOGICAL IMAGES INC. FOR BEXAR COUNTY.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

Mayor Castro addressed Items 30A-30D at this time.

The City Clerk read the caption for Items 30A-30D:

Item 30. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE ALAMO BEER MICROBREWERY PROJECT LOCATED AT 803 N. CHERRY STREET AND 415 BURNETT IN COUNCIL DISTRICT 2:

2012-08-02-0568

- A. AN ORDINANCE AUTHORIZING A MASTER ECONOMIC DEVELOPMENT AGREEMENT WITH ALAMO BEER COMPANY, LLC AND THE INNER CITY TAX INCREMENT REINVESTMENT ZONE #11 BOARD FOR THE ALAMO BEER MICROBREWERY PROJECT IN AN AMOUNT UP TO \$794,000.00.

2012-08-02-0569

- B. AN ORDINANCE AUTHORIZING THE SALE OF 803 N. CHERRY STREET TO ALAMO BEER COMPANY, LLC FOR \$295,000.00.

2012-08-02-0570

- C. AN ORDINANCE AUTHORIZING THREE LICENSE AGREEMENTS WITH ALAMO BEER COMPANY, LLC.

2012-08-02-0571

- D. AN ORDINANCE AUTHORIZING AMENDMENTS TO THE PROJECT PLAN AND FINANCE PLAN FOR INNER CITY TAX INCREMENT ZONE #11 TO INCLUDE THE ALAMO BEER MICROBREWERY PROJECT

Lori Houston, Assistant Director of Center City Development Office stated that the Alamo Beer Company was proposing an \$8,030,000 Microbrewery that includes a microbrewery, restaurant/beer garden, indoor/outdoor venue, and an outdoor activity area. She reported that the project includes landscaping improvements for publicly owned right-of-way, as well as street, drainage, and sidewalk improvements to Lamar and Cherry Streets. She indicated that the project would create 30 full-time jobs within seven years of its opening. She reported the Hays Street Bridge was built in 1881 and rehabilitated in years 1910 and 2010. She stated that it was a Historic American Engineering Landmark and City of San Antonio Local Landmark. She added that the Hays Street Bridge had been restored in 2010 utilizing funding from the Texas Department of Transportation's (TxDOT) Statewide Enhancement Project and in-kind contributions from Union Pacific, Hays Street Bridge Restoration Group, and Certificates of Obligation issued by the city. She mentioned that the city entered into an agreement with TxDOT in June 2002 and staff was reviewing the details to ensure that it did not prohibit the proposed license with Alamo Beer Company.

Ms. Houston reported that in March 2012, the Alamo Beer Company, LLC submitted a formal request for economic incentives to defer costs associated with the project. She stated that staff developed a Master Incentive Agreement after reviewing the project which includes: 1) Chapter 380 Grant in an amount not to exceed \$794,000; 2) Conveyance of the property located at 803 North Cherry Street; and 3) Various city license agreements associated with the use and operation of the project. She noted that the Inner City Tax Increment Reinvestment Zone (TIRZ) Board, City of San Antonio and the Alamo Beer Company, LLC would be parties to the grant agreement.

Ms. Houston stated that the Alamo Beer Company, LLC is requesting that the city declare as surplus and sell a vacant parcel of land located at 803 North Cherry Street which consists of 1.69 acres. She noted that the Alamo Beer Company plans to construct a microbrewery on the site and that the property is appraised at \$295,000. She indicated that the subject property was donated to the City of San Antonio in 2007 by BudCo. Ltd. and that the only restrictive covenant was, "If the property is used by Grantee as a park, Grantee must name the park The Berkley V. and Vincent M. Dawson Park until December 31, 2027. This requirement does not entitle Grantor to a reverter or right of reentry, but Grantor may seek to enjoin a breach in a court of competent jurisdiction." Ms. Houston reported that staff had received emails from Vincent Dawson stating that he and his brother were supportive of the project and that the property donation did not include any restrictions on its use.

Ms. Houston explained that Alamo Beer Company, LLC was requesting three license agreements: 1) 23,191 square feet of land under the Hays Street Bridge that will be used for outdoor activities and events; 2) Skywalk connecting to the Hays Street Bridge (365 square feet) that will connect the brewery to the bridge approach; and 3) Bridge deck license (1,190 square feet) that will be used for tables and chairs and will remain open to the public. She reported that San Antonio for Growth on the East Side (SAGE) and the Dignowity Hill Neighborhood Association had passed Resolutions of Support for the project. She added that the Inner City TIRZ Board approved to commit the tax increment earned from the project to the Developer. Additionally, the Planning Commission had approved the conveyance of the parcel of land and the three license agreements. Lastly, Ms. Houston indicated that staff recommended a Master Economic Incentive Agreement in an amount up to \$794,000; conveyance of a vacant parcel of city-owned land located at 803 N. Cherry Street; three license agreements requested; and an amendment to the Inner City TIRZ Project and Finance Plans to include the Alamo Beer Microbrewery Project.

Mayor Castro called upon the individuals registered to speak.

Trey Jacobson stated that he was representing the Alamo Beer Company and presented a Power Point highlighting their project. He noted that the Alamo Beer Company was a local company but its signature product was brewed in Blanco, Texas and distributed throughout the State of Texas. He reported that they were proposing a three-component, mixed-use development that would include a microbrewery, restaurant, and visitor destination facility. He indicated that the economic impact of the first phase of the project was \$7.5 million and that 30 full-time jobs would be created within seven years. He spoke of the infrastructure improvements that would be made in the area and noted that it would become a visitor destination for tourists. He presented renderings of the project and added that they were working with the Historic Design and Review Commission and Texas Historical Commission to ensure compliance. He stated that Alamo Beer Company had agreed to maintain the bridge and preserve it for the long-term. He noted that they had been working on the project for 14 months and had provided opportunities for community input.

Jackie Gorman, SAGE Executive Director read a Resolution of Support for the Alamo Beer Company Microbrewery Project approved by the SAGE Board of Directors. She noted that the Dignowity Hill Neighborhood Association was supportive of the project and requested that the City Council approve the project.

Juan A. Garcia stated that he was a resident of Dignowity Hill and was supportive of the project. He stated that they had received many letters of support from neighbors and believed that the Alamo Beer Company Microbrewery would be a catalytic project for the area.

Willie Mitchell stated that he was a property owner in the area and supports the project. He spoke of the great improvements that would be made and noted that it was important for development to occur in the area. He commended Councilmember Taylor for her leadership and requested the support of the City Council.

Tony Castro stated that he had lived in the area for two years and was in support of the project. He stated that the microbrewery would provide opportunities for the East Side and would increase safety in the area.

John Yoggerst thanked the individuals that had been involved in the project but noted that he had some concerns. He asked why TxDOT had not been notified sooner of the request for placement of tables and chairs on the Hays Street Bridge since they had provided funding for restoration of the bridge. He expressed concern with the potential danger of allowing multiple uses of the bridge. He stated that he believed that the other incentives were needed but commended the developer for attracting visitors to the East Side.

Douglas Steadman stated that he was a Structural Engineer and had spent over 10 years working on the restoration of the Hays Street Bridge. He noted that he believed that the property should remain as public use and spoke of the work of the Hays Street Bridge Restoration Group to solicit funding. He expressed opposition to the requested skywalk, noting that it would become a part of the historic structure. He added that he did not believe that a restaurant with an outdoor seating area would be successful.

Erik Bosse showed a video of individuals expressing their opposition to development on the Hays Street Bridge. He noted that they were concerned with potential bottlenecks on the bridge and requested that it remain as public space.

Nettie Hinton stated that she was born and raised in the Dignowity Hill Area and was 73 years old. She noted that she was a community advocate and historic preservationist and was opposed to the project. She indicated that the property was supposed to be used for a park and was astounded by the lack of transparency and community input. She spoke of the work of the Hays Street Bridge Restoration Group and expressed concern that no substantive discussions had occurred with TxDOT. She stated that development was greatly needed on the East Side but this was not the appropriate location. She added that they had received signatures from many individuals in the area that were opposed to the project.

Lynn Knapik stated that she was a Real Estate Broker in District 2 and serves on the Housing Accountability Committee for Councilmember Taylor. She noted that she believes that the Hays Street Bridge and Alamo Brewery are catalytic projects that would bring people to the area. She spoke of potential projects that could occur once the Alamo Brewery was in place and added that it would provide vision for the area.

John M. Wilkins stated that he lived three blocks away from the bridge and was in support of the project. He noted that there were already four parks in the area and believed that the Alamo Brewery

would bring people to the bridge and to the East Side. He spoke of the jobs that would be created and the economic development and tourism that would occur in the area.

Jim Campbell stated that he owned property in Dignowity Hill and was supportive of the project. He noted that his property at the corner of Lamar and Cherry Streets was across the street from the proposed project and would be the most affected residential property. He mentioned that he did not believe that a park would be the best use of the property and believed that the Alamo Brewery was a good example of public/private investment.

Robert Laginski stated that he lives in Dignowity Hill and is supportive of the project. He noted that he believed that the Alamo Brewery would bring excitement to the East Side and thanked the developer for his investment.

Lola Desmond stated that she was a resident of Dignowity Hill and believed that the Alamo Brewery was a great project. She noted that she loves the Hays Street Bridge but does not see many people utilizing it. She urged the City Council to support the project.

Patty Tighe stated that she lives in Dignowity Hill and is supportive of the project. She noted that she has visited the Hays Street Bridge and believes that it has great potential.

Clarence Tighe stated that he lives in Dignowity Hill is also supportive of the project.

Leo Gomez stated that he serves as Chair of the SAGE Board and Vice President of Public and Government Affairs for Spurs Sports and Entertainment and is supportive of the project. He noted that the Hays Street Bridge was a great asset and thanked everyone that played a role in its preservation. He indicated that the project was a win-win-win for historical preservation, small business development, and economic development on the East Side. He added that he was pleased that the developer had persevered and looked forward to positive development in the area.

Elva Perez Trevino stated that she was an Attorney and volunteer at the Esperanza Peace and Justice Center in opposition to the project. She noted that there were too many questions that needed to be answered and spoke of the efforts of the Hays Street Bridge Restoration Group. She mentioned that the property was accepted by the city and was supposed to be used as a park. She stated that the city had fiduciary responsibilities to the taxpayers and expressed concern with the liabilities that the city would incur. She added there were ADA Requirements that would have to be met when connecting the skywalk and historic bridge.

Richard Thelen stated that he believed that the project would attract businesses and residents to the Inner City and asked the City Council for their support.

Brian Dillard stated that he was born and raised on the East Side and was very supportive of the project. He noted that he had served in the military and was now in the process of purchasing his home a few blocks from the Hays Street Bridge. He indicated that he loved the area and commended the Hays Street Restoration Group for their work. He thanked the developer for making a great investment in the neighborhood.

Beatrice Valadez stated that she lives at the foot of the Hays Street Bridge and is opposed to the project. She noted that she had lived in the area for over 60 years and has enjoyed the peace and quiet of the neighborhood. She expressed concern with the many people that would come to the area due to the Alamo Brewery and believed that the bridge would be better utilized by walkers and runners. She stated that she was also concerned for her safety and that many of her neighbors had the same concerns.

Leticia Vela stated that she was been working on community issues for a long time and was concerned that public property was being conveyed to a developer. She noted that she had conducted research on the project and that Councilmember Taylor had expressed her support for the project over a year ago. She indicated that the area would become a destination for all kinds of people and that was a concern for the neighbors.

Irma Rosas stated that she was speaking for the children of San Antonio and expressed concern with the size of the parks located in District 2. She provided an inventory of City Parks and noted the low acreage of the parks in the area.

Robert Rivard stated that he was the Publisher of the Rivard Report and founder of the Third Street Grackles, the city's largest independent cycling team. He noted that he was supportive of the project and the developer, Eugene Simor. He mentioned that he had known Mr. Simor for more than 20 years and commended him for his continued investment on the East Side. He stated that the project was locally designed by Lake Flato and would be built by Zach Harris who had worked on the Pearl Brewery and was familiar with Inner City Redevelopment.

Michelle Jacob stated that she lives in Dignowity Hill approximately three blocks from the Hays Street Bridge and was supportive of the project. She noted that she was an Artist and Architecture Student that utilized the bridge daily for bicycling and running. She mentioned that many people do not utilize the bridge and believed that this development would add safety, beautification and mixed uses to the area. She added that revitalization of the neighborhood was in line with the vision of SA2020 and requested that the City Council approve the investment on the East Side.

Fabian Jacob stated that he lives on Nolan Street and uses the bridge daily since he commutes to work at the Pearl Brewery. He spoke of the negative activity that occurs under the bridge and believes that development will deter said activity. He noted the potential of the Alamo Brewery to attract tourists to the area and added that he believed that there was plenty of space for multiple uses on the Hays Street Bridge.

Susanna Segura spoke in opposition to the project and stated that she did not agree with privatizing a portion of the Hays Street Bridge. She noted that the bridge had taken 14 years to restore and that the community had solicited the donation of the land with the understanding that it would used as a park. She expressed concern with the agreement between the city and TxDOT in which the city was responsible for maintenance. She added that the Hays Street Bridge was the catalytic project for the area and not the brewery.

Marisol Cortez stated that she was with the Esperanza Peace and Justice Center and was opposed to the project. She noted that they were against the privatization of the bridge and the sale of the land. She showed a video of various individuals in opposition to the Alamo Brewery.

Gary W. Houston stated that he was a member of the Hays Street Bridge Restoration Group and introduced Tito Bradshaw, a leader of the Downtown Highlight Bicycle Club. Mr. Houston noted that the bicycle group did not believe that the bridge should be privatized. He indicated that the Hays Street Bridge was the catalyst for the area and that the Alamo Brewery was not. He stated that the bridge should not be compared to the Riverwalk and requested that the item be continued for further review and discussion.

Ben Brewer, President of the Downtown Alliance stated that he was also speaking on behalf of the Centro Partnership in support of the Alamo Microbrewery Project. He noted that the project was very important to Downtown and referenced HR&A Advisors' statement in the Center City Implementation Plan regarding the disposition of public land to spur catalytic projects in the Center City. He added that he was pleased with the economic development that would occur due to the brewery moving to San Antonio from Blanco, Texas.

Brenda Davis stated that she was a resident of District 2 and a member of the newly formed East Side Historic Preservation Group in opposition to the project. She noted that they had received over 800 signatures of individuals also opposed to the brewery of which 200 had already been submitted. She spoke of the many individuals that utilize the Hays Street Bridge and added that she did not believe that there were too many parks in the area.

One written testimony was received in favor of Items 30A-30D from Charles R. Bear. Another written testimony was received in opposition to Items 30A-30D from Heather Ferguson.

Councilmember Taylor thanked everyone that came to speak on said item and stated that she was pleased with the interest regarding activity on the East Side. She commended the Hays Street Bridge Restoration Group for their commitment and dedication to raising the necessary funds for preservation of the bridge. She asked of the status of communications with TxDOT. Ms. Houston replied that staff has been in communications with TxDOT since June and do not believe that the license agreement and conveyance of land are prohibited in the agreement. Councilmember Taylor asked of public access on the bridge. Ms. Houston indicated that pedestrians, runners and bicyclists would not be affected and that the bridge would remain open to the public at all times. Councilmember Taylor asked if any traffic studies had been conducted in the area. Ms. Houston replied that they were still working on the design and did not want to move forward with any traffic studies until conveyance of the property. Councilmember Taylor asked of the payment for the bridge deck space. Ms. Houston explained that it is free of charge for 10 years as part of the incentive package and staff could negotiate a lease rate after that time.

Councilmember Taylor spoke of the East Side Revitalization that has been occurring over the past two years and outlined several catalytic projects identified. She stated that development was critical for the area and was long overdue. She noted that the developer would assist with the maintenance and enhancement of the Hays Street Bridge and that it would be a great destination for tourists. She spoke of the enhancements that had recently been made to city parks in the area. She indicated that many community meetings had been held and that they had relied on the Dignowity Hill Neighborhood Association a great deal. She mentioned that change was occurring in the neighborhood and that she would be willing to engage in discussions to protect the history, heritage and culture of the neighborhood.

Councilmember Bernal commended the Hays Street Restoration Group for their work. He expressed support for the project, noting that the city had received support from the land donor. He stated that the skywalk would connect to the concrete and not the bridge. He noted that the public space on the bridge was adequate and that adjustments could be made in the future. He added that everyone wanted what was best for the East Side and respects the spirit in which this was being done.

Mayor Castro thanked everyone that came to speak today and commended Councilmember Taylor for her tenacity on East Side Revitalization. He stated that this was a good project that would enhance the neighborhood and believed that the plan was respectful of historic space.

Councilmember Taylor moved to adopt the proposed Ordinances for Items 30A-D. Councilmember Bernal seconded the motion.

The motion to approve Items 30A-D prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** D. Medina.

RECESSED

Mayor Castro recessed the meeting at 12:04 pm to break for lunch and announced that the meeting would resume at 1:45 pm.

RECONVENED

Mayor Castro reconvened the meeting at 1:50 pm and continued to address the items pulled for individual consideration.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION (CONTINUED)

The City Clerk read the caption for Item 5:

2012-08-02-0544

Item 5. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR ANNUAL GOODS AND SERVICES FOR AN ESTIMATED ANNUAL COST OF \$719,000.00: (A) DODGE-PLYMOUTH PARTS & SERVICE (SPRINTER VANS) AND (B) STORM WATER STRUCTURAL CONTROL DEVICES.

Councilmember Williams asked of the cost for van maintenance. Troy Elliot, Finance Director confirmed that the cost averaged \$1,000 per month. Councilmember Williams expressed concern with the high maintenance cost and asked of the number of bids received. Mr. Elliott replied that there was only one bid received from Mercedes Benz and that they were commercial, heavy-duty vehicles. Councilmember Williams asked of the current cost for routine maintenance. Mr. Elliot reported that the it costs \$80,000 annually for ten vans.

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

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

The City Clerk read the caption for Item 6:

2012-08-02-0545

Item 6. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT FOR GENERAL PARK IMPROVEMENTS WITH ONE ADDITIVE ALTERNATE BID FOR INSTALLATION OF A PEDESTRIAN BRIDGE AND FOUNDATION PIERS IN THE AMOUNT OF \$206,600.00 PAYABLE TO SHANNON-MONK, INC. FOR THE SGT. MATTHEW E. MENDOZA USMC PARK IMPROVEMENTS PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ozuna stated that she had pulled the item to demonstrate the city's commitment to preserving the memory of Veterans and asked of the park details. Mike Frisbie replied that the city was making a \$206,600 investment at Matthew E. Mendoza USMC Park that would include concrete walkways, a prefabricated pedestrian bridge, picnic units, and fountains. He added that construction would begin later this month and completed by the end of the year. Councilmember Ozuna stated that Sergeant Mendoza had played in this park as a young man and was a member and coach of the Pop Warner Football League. She added that he played high school football, was a Marine and has a young son. She noted the service and sacrifice of Sergeant Mendoza.

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

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

The City Clerk read the caption for Item 17:

2012-08-02-0556

Item 17. AN ORDINANCE AUTHORIZING SUBMISSION OF THE PERSONAL RESPONSIBILITY EDUCATION PROGRAM GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO ASSIST THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT WITH IMPLEMENTING AN EVIDENCE-BASED TEEN PREGNANCY AND STD/HIV PREVENTION PROGRAM AND AUTHORIZING THE ACCEPTANCE OF FUNDS UPON AWARD FOR AN AMOUNT NOT TO EXCEED \$2,700,000.00 FOR A PERIOD BEGINNING SEPTEMBER 30, 2012 THROUGH SEPTEMBER 29, 2015.

Councilmember Bernal asked Dr. Schlenker to highlight the grant. Dr. Schlenker stated that the purpose of the grant was to work with the San Antonio Independent School District (SAISD) to implement a Department of Health and Human Services approved school-based teen pregnancy and STD/HIV Prevention Program. He spoke of the high teen pregnancy rate in San Antonio, noting that the number has decreased but remains well above the national average. He indicated that the grant would allow the

Health Department to extend their evidence based curriculum to 17 new middle schools in SAISD. He spoke of the success of the program at Tafolla and Wheatley Middle Schools and mentioned that the curriculum is designed to help 6th, 7th and 8th Grade Students postpone sexual activity. He added that they hoped to reach 2,000 youth per year over the next three years. Councilmember Bernal thanked the Health Department for their work on teen pregnancy prevention, specifically at Tafolla and Wheatley Middle Schools.

Councilmember Lopez also thanked staff for their work and asked of the number of second pregnancies. Dr. Schlenker indicated that 25% of teen pregnancies are second or third pregnancies and noted that there was much more work to be done.

Mayor Castro stated that he was pleased with the decline in the number of local teen pregnancies but concurred that there is still much work to be done. He recognized Councilmember Taylor for her work with Healthy Futures.

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

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

Mayor Castro announced that he would address the Zoning Items at this time and return to the Items Pulled for Individual Consideration thereafter.

CONSENT ZONING ITEMS

Councilmember Chan moved to approve the following Zoning Items: Z-3, Z-4, Z-6, Z-7, P-1, Z-9, Z-11, Z-14, Z-15, Z-16, Z-17, Z-18, Z-19, Z-20, Z-21, Z-22, P-4, Z-23, Z-24, P-5, and Z-25 under Consent Zoning. Councilmember Lopez seconded the motion.

Mayor Castro called upon Jack M. Finger to speak on the Zoning Items.

Mr. Jack M. Finger spoke in opposition to Item Z-2 noting that four people had attended the Zoning Commission Meeting to express their opposition due to the allowance of alcohol sales. He stated that he was against Item Z-4 due to the allowance of alcohol sales and mentioned that five individuals had spoken in opposition at the Zoning Commission Meeting. He noted that staff and the Zoning Commission had recommended denial of Item Z-5 and noted the lack of room for buffers, increased noise, lighting and traffic. He also expressed concern with the commercial encroachment in Items P-2 and Z-12.

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

2012-08-02-0573

Item Z-3. **ZONING CASE # Z2012106 (District 1):** An Ordinance amending the Zoning District Boundary from "C-3 RIO-2 AHOD" General Commercial River Improvement Overlay-2 Airport Hazard Overlay District to "IDZ RIO-2 AHOD" Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and "MF-33" Multi-Family District on Lots 9 and 10, Block 18, NCB 975 located at 302 E. Josephine 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 9 AND 10, BLOCK 18, NCB 975 TO WIT: FROM "C-3 RIO-2 AHOD" GENERAL COMMERCIAL RIVER IMPROVEMENT OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ RIO-2 AHOD" INFILL DEVELOPMENT ZONE RIVER IMPROVEMENT OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT.

2012-08-02-0574

Item Z-4. **ZONING CASE # Z2012080 (District 1):** An Ordinance amending the Zoning District Boundary from "I-1 HS AHOD" General Industrial Historic Significant Airport Hazard Overlay District to "C-2 HS AHOD" Commercial Historic Significant Airport Hazard Overlay District on 0.7105 acres out of Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 and a portion of Lots 20 and 21, Block F, NCB 2564 located at 1735 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: 0.7105 ACRES OUT OF LOTS 9 THROUGH 19 AND A PORTION OF LOTS 20 AND 21, BLOCK F, NCB 2564 TO WIT: FROM "I-1 HS AHOD" GENERAL INDUSTRIAL HISTORIC SIGNIFICANT AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 HS AHOD" COMMERCIAL HISTORIC SIGNIFICANT AIRPORT HAZARD OVERLAY DISTRICT.

2012-08-02-0575

Item Z-6. **ZONING CASE # Z2012128 (District 1):** An Ordinance amending the Zoning District Boundary from "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 and Live/Work uses at a density not to exceed 40 units per acre on Lots 13, 14, 15, 16, 17 and 18, Block 5, NCB 1727 located at 119, 121 and 123 East Dewey Place and 911, 913 and 915 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 13, 14, 15, 16, 17 AND 18, BLOCK 5, NCB 1727 TO WIT: FROM "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 AND LIVE/WORK USES AT A DENSITY NOT TO EXCEED 40 UNITS PER ACRE.

2012-08-02-0576

Item Z-7. **ZONING CASE # Z2012131 (District 1):** 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 Residential and Live/Work uses at a density not to exceed 40 units per acre on Lot 15, Block 24, NCB 374 located at 225 West Laurel 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 15, BLOCK 24, NCB 374 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 RESIDENTIAL AND LIVE/WORK USES AT A DENSITY NOT TO EXCEED 40 UNITS PER ACRE.

2012-08-02-0578

Item P-1. **PLAN AMENDMENT #12043 (District 2):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SAN ANTONIO INTERNATIONAL AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 2.47 ACRES LOCATED AT 5731 AND 5807 RITTIMAN PLAZA FROM COMMUNITY COMMERCIAL TO LIGHT INDUSTRIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012111)

2012-08-02-0579

Item Z-9. **ZONING CASE # Z2012111 (District 2):** An Ordinance amending the Zoning District Boundary from "C-3 CD AHOD" General Commercial Airport Hazard Overlay District with a Conditional Use for Manufacturing - Plastic Extrusion to "L AHOD" Light Industrial Airport Hazard Overlay District on Lots 5 and 6, Block 1, NCB 16374 located at 5731 and 5807 Rittiman Plaza. 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 5 AND 6, BLOCK 1, NCB 16374 TO WIT: FROM "C-3 CD AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR MANUFACTURING - PLASTIC EXTRUSION TO "L AHOD" LIGHT INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

2012-08-02-0581

Item Z-11. **ZONING CASE # Z2012124 (District 3):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-6 AHOD" Residential Mixed Airport Hazard Overlay District on Lot 12, Block 70, NCB 9352 located at 1003 West Harding Boulevard. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 12, BLOCK 70, NCB 9352 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "RM-6 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

2012-08-02-0585

Item Z-14. **ZONING CASE # Z2012141 (District 4):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2P AHOD" Commercial Pedestrian Airport Hazard Overlay District on the east 147 feet of Lot 13, NCB 9725 located at 2131 Southwest 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: THE EAST 147 FEET OF LOT 13, NCB 9725 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2P AHOD" COMMERCIAL PEDESTRIAN AIRPORT HAZARD OVERLAY DISTRICT.

2012-08-02-0586

Item Z-15. **ZONING CASE # Z2012084 (District 5):** 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 21 (Tract 21) and the west 61 feet of Lot 20 (Tract 20), Block 4, NCB 8730 located at 123 Fay Avenue. Staff and Zoning Commission recommend approval. (Continued from June 21, 2012)

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 21 (TRACT 21) AND THE WEST 61 FEET OF LOT 20 (TRACT 20), BLOCK 4, NCB 8730 TO WIT: FROM "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT TO "C-2P AHOD" COMMERCIAL PEDESTRIAN AIRPORT HAZARD OVERLAY DISTRICT.

2012-08-02-0587

Item Z-16. **ZONING CASE # Z2012132 (District 5):** An Ordinance amending the Zoning District Boundary from "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "C-2 IDZ AHOD" Commercial Infill Development Zone Airport Hazard Overlay District on 0.269 of an acre out of Lots 4

and 5, Block 5, NCB 2584 located at 134 and 136 Ellis Bean. 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: 0.269 OF AN ACRE OUT OF LOTS 4 AND 5, BLOCK 5, NCB 2584 TO WIT: FROM "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 IDZ AHOD" COMMERCIAL INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT.

2012-08-02-0588

Item Z-17. **ZONING CASE # Z2012117 (District 5):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with Single-Family Residential Uses on Lot 6, Block 2, NCB 6112 located at 1916 Guadalupe 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 6, BLOCK 2, NCB 6112 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH SINGLE-FAMILY RESIDENTIAL USES.

2012-08-02-0589

Item Z-18. **ZONING CASE # Z2012122 (District 5):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-1 IDZ AHOD" Light Commercial Infill Development Zone Airport Hazard Overlay District on Lot 53, NCB 2189 located at 810 North 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 53, NCB 2189 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 IDZ AHOD" LIGHT COMMERCIAL INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT.

2012-08-02-0590

Item Z-19. **ZONING CASE # Z2012127 (District 5):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2 IDZ AHOD" Commercial Infill Development Zone Airport Hazard Overlay District on Lots 23 and 24, Block 9, NCB 3128 located at 2501 South Presa 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 23 AND 24, BLOCK 9, NCB 3128 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 IDZ AHOD" COMMERCIAL INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT.

2012-08-02-0591

Item Z-20. **ZONING CASE # Z2012130 (District 5):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and Storage - Outside (Under Roof and Screened) on Lots 12 and 13, NCB A-16 located at 1518 South Flores Street and 116 Clay 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 12 AND 13, NCB A-16 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND STORAGE - OUTSIDE (UNDER ROOF AND SCREENED).

2012-08-02-0592

Item Z-21. **ZONING CASE # Z2012145 (District 5):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "MF-25" Low Density Multi-Family District and "C-2NA" Commercial Nonalcoholic Sales District on 0.2009 of an acre out of Lot 3, Block 5, NCB 2569 located at 236 East Cevallos 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: 0.2009 OF AN ACRE OUT OF LOT 3, BLOCK 5, NCB 2569 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ AHOD" INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT WITH USES PERMITTED IN "MF-25" LOW DENSITY MULTI-FAMILY DISTRICT AND "C-2NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT.

2012-08-02-0593

Item Z-22. **ZONING CASE # Z2012112 (District 6):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on Parcels 19A and 19B,

NCB 18049 located at 8500 Block of Culebra 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: PARCELS 19A AND 19B, NCB 18049 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

2012-08-02-0594

Item P-4. **PLAN AMENDMENT #12047 (District 6):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE WEST/SOUTHWEST SECTOR PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 0.445 ACRE TRACT OF LAND LOCATED AT 5645 MT. HELEN DRIVE FROM RURAL ESTATE TIER TO SUBURBAN TIER. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012115-CD)

2012-08-02-0595

Item Z-23. **ZONING CASE # Z2012115 CD (District 6):** An ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "NP-15 CD" Neighborhood Preservation District with a Conditional Use for Three Dwelling Units on Lot 8, Block 2, NCB 17637 located at 5645 Mt. Helen Drive. 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: LOT 8, BLOCK 2, NCB 17637 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "NP-15 CD" NEIGHBORHOOD PRESERVATION DISTRICT WITH A CONDITIONAL USE FOR THREE DWELLING UNITS PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2012-08-02-0596

Item Z-24. **ZONING CASE # Z2012113 (District 6):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District and "C-1 AHOD" Light Commercial Airport Hazard Overlay District to "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District on Lots 86, 87, 88, and 89, NCB 8239 located at the southwest corner of South San Joaquin and Monterey 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 86, 87, 88 AND 89, NCB 8239 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD

OVERLAY DISTRICT TO "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

2012-08-02-0597

Item P-5. **PLAN AMENDMENT #12045 (District 7):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE HUEBNER/LEON CREEKS COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 2.0 ACRE TRACT OF LAND OUT OF LOT 9 NCB 17946 LOCATED AT 8682 BANDERA ROAD FROM MEDIUM DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012118)

2012-08-02-0598

Item Z-25. **ZONING CASE # Z2012118 (District 7):** 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 2 acres of land out of Lot 9, NCB 17946 located at 8682 Bandera 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: 2 ACRES OUT OF LOT 9, NCB 17946 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

[CONSENT ZONING CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

2012-08-02-0572

Item Z-1. **ZONING CASE # Z2012125 CD (District 1):** An Ordinance amending the Zoning District Boundary from "O-1.5 AHOD" Mid-Rise Office Airport Hazard Overlay District to "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Auto and Light Truck Repair on Lots 18 and 21 and the north 4.61 feet of Lot 22, Block 50, NCB 8806 located at 1206 West Avenue. Staff and Zoning Commission recommend approval and authorization of an eight (8) foot fence on the east side of the property pursuant to 35-514(d)(2)D.

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 AND 21 AND THE NORTH 4.61 FEET OF LOT 22, BLOCK 50, NCB 8806 TO WIT: FROM "O-1.5 AHOD" MID-RISE OFFICE AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 CD AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AUTO AND LIGHT TRUCK REPAIR PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-1 and stated that staff and the Zoning Commission recommended approval and authorization of an eight-foot fence on the east side of the property pursuant to 35-514(d)(2)D. He reported that of 42 notices mailed; one was returned in favor and none were returned in opposition. He noted that the Los Angeles Heights Neighborhood Association was in favor.

Councilmember Bernal moved to approve the zoning request authorizing up to an eight-foot tall fence along the eastern property line. Councilmember C. Medina seconded the motion.

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

CONTINUED TO SEPTEMBER 20, 2012

Item Z-2. **ZONING CASE # Z2012116 (District 1):** An Ordinance amending the Zoning District Boundary from "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lot 23, Block 4, NCB 8410 located at 1304 Gardina Street. Staff and Zoning Commission recommend approval.

John Jacks presented Item Z-2 and stated that staff and the Zoning Commission recommended approval. He reported that of 196 notices mailed; two were returned in favor and 55 were returned in opposition. He added that the Los Angeles Heights Neighborhood Association was in favor but has requested additional time to review the case.

Mayor Castro called upon Diane Smilgin to speak.

Ms. Diane Smilgin stated that she was the President of the Homeowners Association for the Villa del Sol Condominiums across the street of the subject property. She noted that the C-3R Zoning was overzoned but did not allow on-premise consumption of alcohol. She indicated that the C-2 Zoning would allow the selling of alcohol for off-premise consumption and they were against anything that would be consumed on-premise.

Councilmember Bernal moved to continue Item Z-2 to September 20, 2012. Councilmember Lopez seconded the motion.

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

DENIED

Item Z-5. **ZONING CASE # Z2012123 (District 1):** An Ordinance amending the Zoning District Boundary from "O-1 AHOD" Office Airport Hazard Overlay District and "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lot 28, Block 21, NCB 2084 located at 918 Culebra Road. Staff and Zoning Commission recommend denial.

John Jacks presented Item Z-5 and stated that staff and the Zoning Commission recommended denial. He reported that of 27 notices mailed; three were returned in favor and one was returned in opposition.

Councilmember Bernal moved to deny Item Z-5. Councilmember Chan seconded the motion.

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

2012-08-02-0577

Item Z-8. **ZONING CASE # Z2012143 CD (District 1):** 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 a Conditional Use for a Professional Office on the south 132.5 feet of Lot 9, Block 60, NCB 7210 located at 1006 Fresno. Staff and Zoning Commission recommend approval with conditions

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 SOUTH 132.5 FEET OF LOT 9, BLOCK 60, NCB 7210 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A PROFESSIONAL OFFICE PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-8 and stated that staff and the Zoning Commission recommended approval. He reported that of 35 notices mailed; none were returned in favor or in opposition.

Councilmember Bernal moved to approve Item Z-8 accepting the amended site plan which reflects the corrected parking requirements. Councilmember Soules seconded the motion.

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

2012-08-02-0580

Item Z-10. **ZONING CASE #Z2012140 (District 2):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lot 6, NCB 12168 located at 2818 Northeast Loop 410. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 6, NCB 12168 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

John Jacks presented Item Z-10 and stated that staff and the Zoning Commission recommended approval. He reported that of three notices mailed; none were returned in favor or in opposition.

Councilmember Soules asked of the name of the bar. Mr. Jacks replied that it was the Double XX Bar. Councilmember Soules asked for the change from I-1 to C-3. Mr. Jacks explained that bars are no longer permitted in I-1 Zoning and must be rezoned to C-3. Councilmember Soules asked if the C-3 allowed a sexually oriented business. Mr. Jacks replied that sexually oriented business would have to meet distance criteria from regulated uses. The property owner confirmed that he would not operate a live entertainment business.

Councilmember Taylor stated that she had spoken with the nearby neighborhood association and they were not in opposition. She added that the property owner had agreed to address the concerns of the neighbors related to trash.

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

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

2012-08-02-0582

Item P-2. **PLAN AMENDMENT #12044 (District 3):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 2.032 ACRES LOCATED AT 2002 SOUTHCROSS FROM LOW DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL. STAFF RECOMMENDS DENIAL. PLANNING COMMISSION RECOMMENDS APPROVAL. (ASSOCIATED ZONING CASE: #Z2012119)

Chris Looney presented Item P-2 and stated that it would amend the land use plan contained in the South Central San Antonio Community Plan. He noted that staff recommended denial while the Planning Commission recommended approval.

Councilmember Ozuna stated that the site was a former apartment complex that had burned down and was located off a major transportation corridor. She noted that it falls under historic zoning and that there had been no opposition from the neighborhood association.

Councilmember Ozuna moved to adopt the proposed Ordinance. Councilmember Lopez seconded the motion.

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

2012-08-02-0583

Item Z-12. **ZONING CASE # Z2012119 (District 3):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on 2 acres out of Lots 1, 2, 3, and 33, Block 1, NCB 7586 located at 2002 East Southcross Boulevard. Staff recommends denial. Zoning Commission recommends 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: 2 ACRES OUT OF LOTS 1, 2, 3, AND 33, BLOCK 1, NCB 7586 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

Chris Looney presented Item Z-12 and stated that staff recommended denial while the Zoning Commission recommended approval. He reported that of 40 notices mailed; none were returned in favor or in opposition.

Councilmember Ozuna moved to approve Item Z-12. Councilmember Bernal seconded the motion.

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

CONTINUED TO SEPTEMBER 20, 2012

Item P-3. **PLAN AMENDMENT #12042 (District 3):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF 0.4594 ACRES LOCATED AT 5608 SOUTH FLORES STREET FROM MIXED USE TO REGIONAL COMMERCIAL. STAFF AND PLANNING COMMISSION RECOMMEND DENIAL. (NO ASSOCIATED ZONING CASE)

Chris Looney presented Item P-3 and stated that it would amend the land use plan contained in the South Central San Antonio Community Plan. He noted that staff and the Planning Commission recommended denial.

Councilmember Ozuna moved to continue Item P-3 to September 20, 2012. Councilmember C. Medina seconded the motion.

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

2012-08-02-0584

Item Z-13. **ZONING CASE # Z2011076-C CD (District 3):** An Ordinance amending the Zoning District Boundary from "C-3 H MC-2 AHOD" General Commercial Mission Historic South Presa Metropolitan Corridor Overlay Airport Hazard Overlay District, "I-1 H AHOD" General Industrial

Mission Historic Airport Hazard Overlay District, and "NP-10 H AHOD" Neighborhood Preservation Mission Historic Airport Hazard Overlay District to "R-5 H CD MC-2 AHOD" Residential Single-Family Mission Historic South Presa Metropolitan Corridor Overlay Airport Hazard Overlay District with a Conditional Use for a Grocery Store and "R-5 H CD AHOD" Residential Single-Family Mission Historic Airport Hazard Overlay District with a Conditional Use for a Grocery Store on P7B out of NCB 10918 also known as 4.79 acres out of Tract 2 NCB 10918 located at 9077 South Presa 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: PARCEL 7B, NCB 10918 TO WIT: FROM "C-3 H MC-2 AHOD" GENERAL COMMERCIAL MISSION HISTORIC SOUTH PRESA METROPOLITAN CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT, "I-1 H AHOD" GENERAL INDUSTRIAL MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT AND "NP-10 H AHOD" NEIGHBORHOOD PRESERVATION MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT TO "R-5 H CD MC-2 AHOD" RESIDENTIAL SINGLE-FAMILY MISSION HISTORIC SOUTH PRESA METROPOLITAN CORRIDOR OVERLAY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A GROCERY STORE AND "R-5 H CD AHOD" RESIDENTIAL SINGLE-FAMILY MISSION HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A GROCERY STORE PROVIDED ANY CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-13 and stated that staff and the Zoning Commission recommended approval. He reported that of six notices mailed; none were returned in favor or in opposition.

Councilmember Ozuna moved to adopt the proposed Ordinance with the condition waiving the site plan requirement in Section 35(b)11 of Chapter 35. Councilmember Soules seconded the motion.

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

Mayor Castro addressed Item 25 at this time.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION (CONTINUED)

The City Clerk read the caption for Item 25:

2012-08-02-0562

Item 25. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AN INTERLOCAL AGREEMENT WITH THE SAN ANTONIO RIVER AUTHORITY TO PROVIDE A FLOOD FORECASTING SYSTEM CALLED FLOODWORKS TO THE CITY OF SAN ANTONIO OFFICE OF EMERGENCY MANAGEMENT FOR AN ANNUAL COST OF \$21,300.00.

Councilmember C. Medina stated that he would like additional information on the program noting that there are flooding issues in District 7. Lawrence Treviño stated that flooding was the number one hazard in San Antonio and that said item would help provide advanced flood warning and forecasting in

the city through modeling. He noted that the system would warn citizens six to eight hours prior to a flood and ensure that city staff was prepared with the necessary equipment. Councilmember C. Medina stated that he was very supportive and requested that staff provide community outreach.

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

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

The City Clerk read the caption for Item 27:

2012-08-02-0564

Item 27. AN ORDINANCE AUTHORIZING MEMORANDA OF AGREEMENT WITH LONGORIA GROCERY AND GRILL, NUEVO LEON MEAT MARKET, RANDALL FOOD MART, SHELL FOOD MART AND CHAVEZ FOOD MART, TO PROVIDE REFRIGERATION UNITS AND OTHER RESOURCES IN A TOTAL AMOUNT THAT WILL NOT EXCEED \$12,500.00 AS PART OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S COMMUNITIES PUTTING PREVENTION TO WORK AND HEALTHY KIDS, HEALTHY COMMUNITIES GRANT PROGRAM'S "HEALTHY SELECTIONS FOR NEIGHBORHOOD CONVENIENCE STORES" INITIATIVE FOR A TERM BEGINNING AUGUST 9, 2012 AND ENDING ON AUGUST 8, 2013.

Councilmember C. Medina asked how staff could expand the program. Dr. Thomas Schlenker responded that the program was a part of the Communities Putting Prevention to Work (CPPW) Grant and had selected the sites due to their synergy with other programs. He stated that they would like to expand the program but did not have the necessary funding at this time. He added that other grant funds could be solicited and that funding could be identified from other sources.

Councilmember Soules asked if the program had already been implemented. Dr. Schlenker replied that the program had been implemented in two grocery stores for the past year. Councilmember Soules asked if sales data was available. Dr. Schlenker replied that the two stores previously sold little to no vegetables and were now selling 3,000 pounds per month. Councilmember Soules asked of compliance measures. Dr. Schlenker replied that there were compliance measures stipulating how the coolers could be used but was only valid for one year. Councilmember Soules stated that it was a good program but would like to see sales data in six months.

Mayor Castro stated that the program was implemented to provide access to certain foods for the identified communities and looked forward to future updates.

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

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

The City Clerk read the caption for Item 28:

2012-08-02-0565

Item 28. AN ORDINANCE AUTHORIZING THE SECOND ONE-YEAR EXTENSION OF A PROFESSIONAL SERVICES AGREEMENT OF AN APPROXIMATE AMOUNT OF \$3,200,000.00 WITH GREENSTAR NORTH AMERICA FOR RECYCLING PROCESSING SERVICES TO ACCEPT, PROCESS, AND MARKET RECYCLABLE MATERIALS COLLECTED BY THE CITY'S RESIDENTIAL CURBSIDE RECYCLING PROGRAM.

Councilmember Williams asked if there was another renewal. David McCary replied that there was one renewal remaining if this one was approved and that there would be an opportunity to release a Request for Proposals (RFP) in mid-September or early October. Councilmember Williams asked if there would be a provision for a bidder to extract plastic bags. Mr. McCary confirmed that the provision would be included in the RFP. Councilmember Williams asked of the percentage of residual. Mr. McCary replied that residual ranged from 20-22% depending on the month. Councilmember Williams spoke of the importance of community outreach and educating regarding the negative effects of residual that costs the city \$53,000 per month.

Councilmember Soules asked if residual was contaminated material. Mr. McCary confirmed same and noted that the residual in brown carts was lower at only 5%. Councilmember Soules asked of the contamination percentage in the contract. Mr. McCary replied that Greenstar North America will accept 15% residual and the city was responsible for transporting the remainder to the landfill.

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

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

The City Clerk read the caption for Items 29A and 29B:

Item 29. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO SAWS IMPACT FEE WAIVERS AND EXCEPTIONS TO THE GUIDELINES:

2012-08-02-0566

- A. AN ORDINANCE APPROVING A WAIVER OF \$100,000.00 FOR THE SCORPION'S SOCCER STADIUM PROJECT LOCATED AT 5106 DAVID EDWARDS DR., IN COUNCIL DISTRICT 10

2012-08-02-0567

- B. AN ORDINANCE APPROVING A WAIVER OF \$100,000.00 FOR THE UTSA PARK WEST ATHLETIC COMPLEX PHASE 1 PROJECT LOCATED AT THE UTSA MAIN CAMPUS, IN COUNCIL DISTRICT 8.

Councilmember Saldaña asked of exceptions for fee waivers. Lori Houston replied that exceptions were provided if there was a community benefit, community use, an affordable component, and review other

funds that are being leveraged. She reported that the two projects recommended for fee waivers are receiving bond funds and will benefit the community. Councilmember Saldaña referenced an individual that was requesting fee waivers to build an indoor soccer field and asked that staff work with him to see if there were tools that could be utilized to make the project work.

Councilmember Williams stated that Bexar County and the city had invested a great amount in the projects. He noted that UTSA had incurred additional expenses to address traffic issues and added that both projects were available for public use.

Councilmember Saldaña moved to adopt the proposed Ordinances for Items 29A and 29B. Councilmember Williams seconded the motion.

The motion to approve Items 29A and 29B prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** D. Medina.

Item 31. CITY MANAGER'S REPORT

A. UPDATE ON CITY INITIATIVES

Ms. Sculley reported that in July, San Antonio was selected from 120 Communities to receive an All-America City Award for its ambitious plan to ensure that more children are reading at grade level by the end of the Third Grade. She stated that each year, the National Civic League (NCL) recognizes 10 communities for outstanding civic accomplishments and this year's award focused on community plans to improve grade-level reading. Earlier this year, the City of San Antonio submitted a community plan to address grade-level reading on behalf of a coalition of school districts, business leaders, and community organizations. She reported that the San Antonio Plan builds on multiple community wide efforts to improve educational success for children including SA 2020, Pre-K 4 SA, and Eastside Promise Neighborhood. She mentioned that the city and its coalition partners already manage several existing initiatives that target school readiness, attendance, and summer learning. She added that San Antonio was last recognized as an All-America City in 1984.

Ms. Sculley stated that International Travel into San Antonio International Airport has increased 144.2% over last fiscal year, which has led to longer lines in the Customs Area for those entering into the United States. She reported that in July, the city learned that San Antonio would receive two Global Entry Kiosks as part of the Global Entry Program managed by US Customs and Border Protection. She noted that the program allows US, Mexican and Dutch Citizens or Permanent Residents expedited clearance upon arrival in the United States. She stated that due to efforts by Mayor Castro, US Senator Kay Bailey Hutchinson, Aviation Staff and the Travel Industry, San Antonio has received the two kiosks and they will be operational by the end of August. She mentioned that once a passenger is approved for the program, they will be able to use their passport at any kiosk and bypass wait lines in the Customs Area. She noted that eligible passengers pay a \$100 fee that is valid for five years and will be interviewed by Customs. She added that interested residents can go online to apply for the program at www.globalentry.gov.

Lastly, she reported on the Midnight Basketball League, a Police Athletic League (PAL) Program coordinated by Central SAFFE Officers Daniel Zamora and Todd Slaughter. She noted that the idea for

the league was developed by Chief McManus and community members as one aspect of an overall strategy to reduce violent crime, particularly among young men in their late teens and early twenties. She mentioned that the league started in early June 2012 at a kick-off event and the championship game was scheduled for Saturday, August 4, 2012 at 8:30 pm. She indicated that the program has 11 teams and 135 participants from the ages of 17-23. She reported that the league is completely funded by donations from the YMCA, United Way and Generations Credit Union. She stated that the PAL Officers and SAFFE Sergeants are planning to meet after the season's end to evaluate what went well and what can be improved for future years.

Mayor Castro thanked city staff for applying for the All America City Award. He stated that he was pleased with the Global Entry System that would be operating at the Airport by the end of the month.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 3:04 to convene in Executive Session to discuss:

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

Mayor Pro Tem Chan reconvened the meeting at 4:28 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Chan adjourned the meeting at 4:28 pm.

APPROVED


JULIÁN CASTRO
MAYOR

Attest: 
LETICIA M. VACEK, TRM/C/MMC
City Clerk