

TCEQ - Office of the Chief Clerk  
MC-105 Attn: SOAH Docket Clerk  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: Green Valley Special Utility District  
TCEQ Docket Number: 2022-0091-MWD  
Notice of Hearing

### AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §  
COUNTY OF: BEXAR §

Before me, the undersigned authority, on this day personally appeared  
Geena Garza, who being by me duly  
*(name of newspaper representative)*

sworn, deposes and says that (s)he is the Bookkeeper  
*(title of newspaper representative)*

of the San Antonio Express-News; that said newspaper is  
*(name of newspaper)*

regularly published or generally circulated in Bexar  
*(county/counties)*

County/Counties, Texas; that the attached notice was published in said newspaper on the  
following date(s): June 2, 2022  
*(date(s))*

*geena garza*  
Newspaper Representative's Signature

Subscribed and sworn to before me this the 3rd day of June,  
20 22, to certify which witness my hand and seal of office.

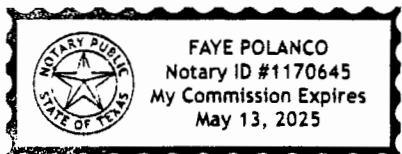
*Faye Polanco*

Notary Public in and for the State of Texas

Faye Polanco  
Print or type Name of Notary Public

My Commission Expires 05/13/2025

(Seal)





## Legal Notices

### Legals/Public Notices

AT&T Mobility, LLC is proposing to modify an existing wireless telecommunications facility on a building at 7039 San Pedro Avenue, San Antonio, Bexar County, TX 78216. The modifications will consist of removing and installing new antennas at centerline heights of 105ft and 111ft on an the 94ft building. Any interested party wishing to submit comments regarding the potential effects the proposed facility may have on any historic property may do so by sending such comments to: Project 6122004372 - MAB EBI Consulting, 6876 Susquehanna Trail South, York, PA 17403, or at (617) 909-9035.

### Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain

To: All interested Agencies Federal, State, and Local, Groups and Individuals

This is to give notice that the HUD under part 50 has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under Section 221(d)(4) of the National Housing Act. The proposed HUD insured Project is located at South-eastern Corner of South Hausman Road and Champion Gate within a residential area of San Antonio, Bexar County, Texas. The subject property consists of 9.4-acres of collateral land occupied by a residence and outbuildings and approximately one acre of a non-collateral easement owned by the City of San Antonio.

The proposed development will consist of a multi-family apartment complex with four three-story, garden style residential buildings containing a total of 169 units, a clubhouse, leasing offices, landscaped courtyards, a dog park, a resort-style swimming pool, outdoor kitchens, grilling stations, perimeter fencing, and parking. The non-collateral subject property area is proposed for the installation of a storm drain outlet and eight-inch sewer line to serve the multi-family residential complex.

According to FEMA FIRM Community Panel Number 48029C0220G, dated September 29, 2010, the proposed collateral property, storm drain outlet, and northern portion of the northern sewer line appear to be located in Zone X, an area located outside of the 100-year and 500-year floodplains also referred to as an area of minimal flood hazards. The southern portion of the proposed sewer line appears to be located within Flood Zone AE, which is an area subject to a 1-percent annual chance of flooding, also referred to as the 100-year floodplain and Special Flood Hazard Area (SFHA). The base flood elevation of Zone AE is between 918 and 920 feet.

A Letter of Map Revision dated May 16, 2013, partially decreased a portion of the AE Zone to Flood Zone X in the area of the proposed sewer line. However, approximately 476-linear feet of the proposed eight-inch sanitary sewer line remains within the SFHA. The total limits of disturbance within the SFHA consist of approximately 0.18-acres.

The activities associated with utility line

### Legals/Public Notices

Attention: Mike Buis, Technical Branch Chief. A full description of the project may also be reviewed from 8:00 a.m. to 4:30 p.m. Monday through Friday at the above address. Comments may also be submitted via email at [Michael.A.Buis@hud.gov](mailto:Michael.A.Buis@hud.gov).

Date: June 2, 2022

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING  
GREEN VALLEY SPECIAL UTILITY DISTRICT  
SOAH Docket No. 582-22-2394  
TCEQ Docket No. 2022-0091-MWD  
Permit No. WQ0015917001

#### APPLICATION.

Green Valley Special Utility District, P.O. Box 99, Marion, Texas 78124, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015917001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 400,000 gallons per day. TCEQ received this application on August 31, 2020.

The facility will be located at 4060 Stapper Rd., Saint Hedwig, in Bexar County, Texas 78152. The treated effluent will be discharged to Womans Hollow Creek, thence to Martinez Creek, thence to the Lower Cibolo Creek in Segment No. 1902 of the San Antonio River Basin. The unclassified receiving water use is limited aquatic life use for Womans Hollow Creek. The designated uses for Segment No. 1902 are primary contact recreation and high aquatic life use. In accordance with 30 Texas Administrative Code (TAC), Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice: <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=->

### Legal Bids & Proposals

NOTICE TO BIDDERS Statewide Airport Maintenance Project Golf TxDOT Solicitation No.: NTB-4221SAMCG-00000

A "Notice to Bidders" is issued for construction of airport improvements for Statewide Airport Maintenance Project Golf to rehabilitate and mark airfield pavements at the following airports: Castroville Municipal Airport, Castroville, TX; Beeville Municipal Airport, Beeville, TX; Bishop Municipal Airport, Bishop, TX; and Rooke Field Airport, Refugio, TX. Sealed bids need to be addressed and delivered to Annette Trevino, TxDOT Aviation, 6230 E. Stassney, Austin, TX 78744. Bids will be received until 2:00PM, July 21, 2022, then publicly opened and read. Any bid received after closing time will be returned unopened. The bid opening can be listened to by calling 469-998-6045, Conference ID: 172 627 128#. Alternatively, interested parties can watch the bid opening virtually by emailing [cwhitfield@wlochner.com](mailto:cwhitfield@wlochner.com) to request a Microsoft Teams Meeting link.

Bidders may print free plan sets from Plans Online <http://www.txdot.gov/inside-txdot/division/support/plans-online.html>. Or bidders may buy plan sets from the Reproduction companies listed on the website.

Questions concerning specifications and plans should be directed to Chris Whitfield, PE with H.W. Lochner, Inc., at 214-373-7873. Visit the Aviation website <http://www.txdot.gov/inside-txdot/division/aviation/projects.html> or contact Annette Trevino, TxDOT, Aviation, 5 12-416-4500, [Annette.Trevino@txdot.gov](mailto:Annette.Trevino@txdot.gov) for bid information.

#### REQUEST FOR PROPOSAL

The Guadalupe-Blanco River Authority (GBRA) is seeking competitive sealed proposals for the construction of a new copper sulfate storage and feed system, including new CMU building, chemical feed skid, high density polyethylene chemical storage tanks, and piping to deliver copper sulfate to the raw water intake pipes, as well as the removal and offsite disposal of sediment and zebra mussels from existing infrastructure. All qualified firms including Small, Minority, and Women Owned Businesses are encouraged to submit proposals in response to this request for proposals.

Proposals shall be electronically submitted until 2:00 PM, on Friday, July 1, 2022 and shortly thereafter will be opened publicly and read aloud. Proposal forms and specifications may be obtained via GBRA's CivCast USA portal at <https://www.civcastusa.com/publishers/5f6c9d9ba94a51df8a1e23c>.

The Guadalupe-Blanco River Authority reserves the right to accept or reject any and all proposals at its option and to waive any formalities.

#### REQUEST FOR QUALIFICATIONS (RFQ)

Request for Qualifications - Executive Program Manager for the Terminal Development Program (RFQ 22-093; 6100015571)

The City of San Antonio is soliciting a Request for Qualifications (RFQ) for the San Antonio Airport System. The City is seek-

## FOOD

### From page B1

creases, Vilsack said. That will be driven by "the combination of the supply chain being smoothed out from the pandemic and the ability of funding from this program to begin to expand capacity."

Vilsack plans to focus on moving U.S. food supplies away from the dominance of a few highly concentrated businesses while addressing climate change challenges in a new "framework" for strengthening supply chains.

He announced initiatives including \$600 million in assistance for independently owned supply-chain infrastructure such

as cold storage and refrigerated trucks. That aid will come on top of funding Biden announced earlier this year to help independent processors expanded in the highly concentrated meatpacking industry.

The U.S. Department of Agriculture also announced \$400 million to create regional food business centers to support small- and mid-sized farms and food processors, \$300 million to assist farms transitioning to organic production and a \$155 million increase for a program to promote healthy options in "food deserts" in low-income areas underserved by grocery stores.

The funding is from the

\$1.9 trillion stimulus package President Joe Biden signed into law in 2021. The department will provide \$375 million for organic and urban agriculture, \$900 million to expand food-processing capacity, \$550 million for local food distribution programs and food waste reduction, and \$370 million to expand access to healthy food.

Vilsack said that the \$2.1 billion alone would not be enough to create lasting change in the food system. Congress, he said, should build upon the investments in the 2023 farm bill, which sets agriculture and food policy and is typically renewed every five years.

*The New York Times contributed to this report.*



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Sam Owens/Staff file photo

The activities associated with utility line installation include the removal of vegetation, use of heavy machinery within the limits of disturbance, and backfilling the trench. Following construction activities, the 0.18 acres of the sewer line easement within the SFHA will require occasional maintenance and vegetative management, potentially involving mowing. Stormwater flow patterns and storage capabilities could be affected by the proposed floodplain impacts. Furthermore, the functions and values of the floodplain to be impacted by the sewer line installation may include the loss and/or alteration of floodplain habitat, including overstory and understory vegetation, reducing vegetative water uptake capabilities. There is a potential for sediment runoff during construction activities; however, erosion control and stormwater best management practices will be utilized.

HUD has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

1.) Avoidance and Alternatives: The project utilizes as much upland area as possible. The sanitary sewer main line passes through the southwestern corner of the proposed project site within the 100-year floodplain of French Creek. As such, connecting the sanitary sewer line of the proposed activity to the main line will require impact to the floodplain. A potential alternative to the proposed design to minimize but not completely negate floodplain impact, would require sewer line expansion along South Hausman Road. According to the San Antonio Water System, this alternative would be even more problematic despite the minimization of floodplain impact, due to the potential implications of bypass pumping over the Edwards Aquifer Recharge Zone. The proposed activity utilizes a site that has zoning potential for multi-family development; has good access; and provides adequate buildable area with minimal impacts to the floodplain. If the proposed activity does not receive HUD funding assistance, the site would remain as is, no new construction would begin and no impacts to floodplain areas would occur at the subject property. The no action alternative would not achieve any of the benefits attributed to the proposed activities. It would not satisfy the current need for residential housing in this area.

2.) Mitigation and Minimization: Due to the minimal size (0.18-acres) of temporary impact to the SFHA in relation to the overall floodplain in the vicinity of the subject property, the potential loss of functions and values of the floodplain at the subject property are not expected to impact long-term function of the floodplain within the analysis area. By disallowing impervious surfaces and improvements in and around the floodplain, aside from 476-feet of sanitary sewer line, the construction will have minimal effects on water resources. Furthermore, construction activities will comply with applicable local and state erosion and sediment control plan requirements, including the placement of silt fencing along the perimeter of the limits of construction. In addition, a permit application was submitted to the U.S. Army Corps of Engineers (USACE) for the installation of the proposed sewer line within French Creek and its unnamed tributary. Approval of qualification for NWP 58 was received from the USACE on April 26, 2022.

Societal resources were also considered during the design process. The designs of the proposed development are meant to

bappviewer/index.html?id=db5bac44af6468bbddd360f8168250f&marker=-98.1904%2C29.4705&level=12>. For the exact location, refer to the application.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at St. Hedwig City Hall, 13065 Farm-to-Market Road 1346, St. Hedwig, Texas.

**CONTESTED CASE HEARING.** Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. - July 6, 2022

To join the Zoom meeting via computer: <https://soah-texas.zoomgov.com/>  
Meeting ID: 161 881 6252  
Password: 9AuZk9

or  
To join the Zoom meeting via telephone: (669) 254-5252 or (646) 828-7666  
Meeting ID: 161 881 6252  
Password: 424711

Visit the SOAH website for registration at: <http://www.soah.texas.gov/> or call SOAH at 512-475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on February 28, 2022. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied. To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH."

**INFORMATION.** If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 800 687 4040. General information about the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

Further information may also be obtained from Green Valley Special Utility District at the address stated above or by calling Mr. Pat Allen at 830-914-2330.

quest for qualifications (RFQ) for the San Antonio Airport System. The City is seeking an experienced firm with demonstrated technical capabilities and aviation experience to provide Program Management support services for the Terminal Development Program.

Questions concerning this RFQ should be directed to Marisol Amador, Procurement Specialist III, [marisol.amador@sanantonio.gov](mailto:marisol.amador@sanantonio.gov).

The City of San Antonio has implemented the San Antonio eProcurement System, (SAePS). To receive a copy of this RFQ vendors must first register online at: <http://www.sanantonio.gov/purchasing/SAePS.aspx>.

Pre-Submittal Conference: The conference will be held at the Northeast Service Center, 10303 Tool Yard Building 1, San Antonio, TX 78284 at 2:00 p.m., Central Time, on Friday, June 10, 2022. Attendance is optional, but highly encouraged. Respondents may also attend via WebEx call:

Toll Free Number: 1-415-655-0001  
Meeting number (access code): 246 272 66041  
Meeting password: COSA

All proposals must be received no later than 11:00 a.m., Central Time on July 1, 2022, and submitted electronically through the City SAePS system.

Troy Elliott, Deputy Chief Financial Officer  
Finance Department

## TABC Notices LEGAL NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Malt Beverage Retailer's On-Premise Permit by Bakudan BP LLC dba Bakudan Ramen to be located at 11309 Bandera Rd Suite 111, San Antonio, Bexar County Texas, 78250) Officers of corp are: Bakudan BP LLC, Hoang Le - Principal

## Public Notice Q&A

### What is a public notice?

It's information about important government activities. Notice in the newspaper is required for a good reason — to make sure it's NOTICED. It's crucial to government transparency...and government accountability

## A new 2022 Tundra truck leads 400 Toyota team members down the factory floor at Toyota Motor Manufacturing Texas in San Antonio in December.

Sam Owens/Staff file photo

## TOYOTA From page B1

Pandemic-related lockdowns in Chinese cities that manufacture car components have crimped auto production. And factories in Ukraine that make automotive wiring mostly for German automakers have shut down since Russia's invasion in late February. Both come atop a worldwide shortage of computer chips — which are used in systems throughout vehicles — that's still hampering industries around the world.

In April, Toyota's global production declined by 9 percent from a year earlier.

The supply of new vehicles for sale in the U.S. stood at 1.13 million at the beginning of May. Two years ago in May, there were nearly three times as many new vehicles for sale nationwide at 3.3 million.

"May results reflect a

continuation of what has become the norm for the U.S. new-vehicle sales environment," said Thomas King, president of data and analytics at consumer research firm J.D. Power. "The industry sales pace is being dictated by how many units are delivered to retailers during the month, and demand far exceeds supply."

The dearth of new vehicles for sale has resulted in rapidly rising prices. The average transaction price for a new vehicle topped \$46,500 in April, up 13 percent from a year earlier, according to Kelley Blue Book.

By comparison, auto prices increased by between 2 percent and 3 percent each year between 2012 and 2018, King said.

The average price paid for a Toyota vehicle this year has risen 10 percent to just north of \$40,000, according to Cox Automotive.

Increasing interest rates on auto loans has also dented affordability.

Cox estimated the typical monthly car payment rose to \$698 in April, a record high.

Fuel prices are also pushing up costs for car owners. The average price for a gallon of gasoline hit nearly \$4.30 in Texas on Wednesday, up 11 percent from a month ago and up 60 percent from this time last year, according to AAA Texas.

J.D. Power's King said he expects auto production to pick up in the second half of the year. More vehicles for sale and higher interest rates should slow the increase in vehicles prices, he said.

Elevated prices haven't deterred car shoppers so far this year.

"Even at these record pricing levels, vehicles continue to sell quickly and a significant number of vehicles are being ordered—or purchased—by buyers before they arrive at the dealership," he said.

[diego.mendoza-moyers@express-news.net](mailto:diego.mendoza-moyers@express-news.net)

## INDIGO From page B1

ly face the Indigo. It believes the vents are connected to a kitchen exhaust system the defendants use to operate one or more restaurants.

Smoke blows out of the vents when the restaurants are open during

with Boerne's Phoenix Hospitality Group. They are the plaintiffs in the case.

The Indigo alleges the "smoke damage" began in April 2021, that Thompson representatives knew of the problem and allowed it to continue.

In June 2021, Phoenix proposed the installation of a "vertical chase" to re-

solved the problem.

Thompson representatives acknowledged the continued odors the next day and said they would close the grill, Indigo says. The grill was shut down May 13 but resumed operations Thursday.

The "smoke and odors immediately recommenced," Indigo says. "Defendants took this unilateral

struction. In addition, a permit application was submitted to the U.S. Army Corps of Engineers (USACE) for the installation of the proposed sewer line within French Creek and its unnamed tributary. Approval of qualification for NWP 58 was received from the USACE on April 26, 2022.

Societal resources were also considered during the design process. The designs of the proposed development are meant to complement the natural features of the area and to be aesthetically pleasing structures. Efforts have been made to preserve existing trees on the site. In addition, due to the addition of impervious surfaces outside of the floodplain on the collateral portion of the subject property, the project design has incorporated a stormwater detention pond on the southeastern portion of the collateral property to mitigate for any potential changes in stormwater runoff flow.

HUD has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

A 7-calendar day comment period will begin the day after the publication and end on the 8th day after the publication. Written comments must be received by the HUD at the following address on or before June 9, 2022: (HUD, Fort Worth Regional Office, 307 West 7th Street, Suite 1000, Fort Worth, Texas 76102,

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 800 687 4040. General information about the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

Further information may also be obtained from Green Valley Special Utility District at the address stated above or by calling Mr. Pat Allen at 830-914-2330.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Issued: May 18, 2022

Laurie Gharis, Chief Clerk  
Texas Commission on  
Environmental Quality

VMS, INC  
1431 N. COMAL  
SA, TX 78207  
(210) 967-3190  
Texas Vehicle Storage  
License Number 0651668V5F

**5 DAY NOTICE**

Pursuant to provisions of TX. Transportation Code, Chapter 683, 684 and Occupational Code 2303 and Property Code 70.005. This Notice to the owner and Lien holder of the following Vehicles to reclaim the vehicle within 45 days and pay all fees. Failure to do so shall be a waiver of all rights, title, interest and consent to sell the vehicle at Public Sale.

YR/MAKE: 2018/KARAVAN TRAILER  
VIN: 5KTUS1419JF549239  
LP: NO PLATES  
(P1357195) Accepted 05/25/22  
Total due as of 06/01/22 = \$578.88

**What makes newspapers  
the best source for  
public notice?**

Newspapers are read both in print and online.  
So are the public notices we publish. And after  
they're published, we archive them. Forever.

**What is a public notice?**

It's information about important government activities. Notice in the newspaper is required for a good reason — to make sure it's NOTICED. It's crucial to government transparency...and government accountability.

Your local paper is the most visible, independent source for this crucial service. We not only print notices in the paper, but post them on our website and a statewide website at no extra charge. And they're archived forever, so there's a permanent and unalterable record.

Texas newspapers have published public notices since 1836. As your hometown paper, we're proud to provide this service to our communities.

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Newspapers are independent, credible, and can guarantee readership. Newspaper readers pay attention to what's going on in the community.

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Since 1836, Texans have relied on their newspapers to provide public notices. They still do...for lots of good reasons.

connected to a kitchen exhaust system the defendants use to operate one or more restaurants.

Smoke blows out of the vents when the restaurants are open during lunch and dinner, Indigo says. No restaurant is identified by name in the complaint. However, Landrace, a restaurant located in the 20-story Thompson, operates a wood-burning grill.

"You can smell Landrace's wood-burning grill from across the river, announcing that this is Texas food, from ranch to table," Express-News restaurant critic Mike Sutter wrote in October. Landrace is not a defendant in the lawsuit.

The Thompson includes a Hyatt-affiliated hotel with 162 rooms and 33 suites. It also has 59 condominium units known as the Arts Residences.

The Indigo is affiliated with IHG and Hilton and features 149 rooms. The building is owned by 830 N. St. Mary's Hotel Ltd. and an entity affiliated

with the Thompson representatives knew of the problem and allowed it to continue.

In June 2021, Phoenix proposed the installation of a "vertical chase" to reroute the smoke, but the suit says the defendants rejected the option because it would cost more than \$200,000. The defendants also didn't want the smoke blowing on their own pool deck, the suit adds.

**Short-lived fixes**

The Thompson suggested it could solve the problem by "cleaning the scrubber filters" in its kitchen exhaust system, Indigo says.

"The smoke appeared to dissipate after each cleaning but then returned and continued blowing onto and into the Indigo just days later," the suit alleges.

The Indigo says that after it notified its neighbor of its intent to sue two weeks ago, they proposed switching to "smokeless logs" in the grill. But Indigo says that has not re-

solved the problem. The grill was shut down May 13 but resumed operations Thursday.

The "smoke and odors immediately recommenced," Indigo says. "Defendants took this unilateral action intentionally, despite knowing that doing so inevitably would cause (the Phoenix entity) and the Indigo substantial damages over the Memorial Day holiday weekend."

The plaintiffs' claims in its suit, filed Friday in state District Court in San Antonio, include negligence and nuisance. Many guests have posted negative online reviews of the Indigo because of the smoke issues, resulting in room cancellations and hurting its reputation, the hotel says.

"I'm hopeful they're going to agree to shut the grill down until they get it fixed," Matheson said. "That's the goal here. We're not trying to punish anybody. We just want them to fix the thing, and to stop the smoke in the meantime."

*pdanner@express-news.net*  
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