

**State of Texas
County of Bexar
City of San Antonio**



FINAL

**Meeting Minutes
City Council A Session**

City Hall Complex
114 W. Commerce
San Antonio, Texas 78205

Thursday, November 6, 2014

9:00 AM

Municipal Plaza Building

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

Present: 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

1. The Invocation was delivered by Reverend Jeffrey Garner, Senior Pastor, New Jerusalem Baptist Church, guest of Councilmember Rebecca J. Viagran, District 3.
2. Mayor Taylor led the Pledge of Allegiance to the Flag of the United States of America.

POINT OF PERSONAL PRIVILEGE

Mayor Taylor recognized the Japanese Delegation and presented a gift to Consul General Takoaka on behalf of the City of San Antonio. Mr. Takoaka thanked the City Council for the recognition and stated that they would like to continue the linkage between the two cities. Sister Margit Nagy also thanked the City Council for the recognition. Councilmember Lopez welcomed the Delegation to San Antonio and spoke of his travels to Japan.

3. Approval of Minutes for the Special Meeting of September 9, 2014 and the Regular Meetings of September 10 - 11, 2014.

Councilmember Gallagher moved to approve the Minutes for the Special Meeting of September 9, 2014 and the Regular Meetings of September 10-11, 2014. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Gonzales

ACTION ITEMS FOR STAFF BRIEFING

The City Clerk read the caption for Item 4:

2014-11-06-0843

4. An Ordinance prohibiting the use of a hand-held mobile communication device to engage in a call, or send, read or write a text message or engage in any other use of the device while operating a moving motor vehicle by repealing Section 19-254 and amending Section 19-255, Article VII of the City Code of San Antonio, Texas, and providing for a fine of up to \$200.00 per violation. [Erik Walsh, Deputy City Manager; William P. McManus, Chief of Police]

Chief McManus presented a Power Point and stated that on August 20, 2014, Councilmember Gallagher had submitted a Council Consideration Request (CCR) requesting a ban on the use of mobile communication devices unless used in a hands-free capacity. He noted that the Governance Committee had forwarded the request to the Public Safety Committee and the Public Safety Committee approved forwarding the request to the full City Council. He stated that hand-held use of a mobile communication device was viewed as the most serious part of the larger public safety issue recognized as Distracted Driving. He reported that there were over 250 vehicle crashes in San Antonio in 2013 directly attributable to cell/mobile phone use. Additionally, in Texas there were 90,378 crashes related to Distracted Driving in 2013 resulting in 18,468 serious injuries and 453 fatalities.

Chief McManus outlined current City Ordinances in which texting while driving and using a mobile device while driving in a School Zone are prohibited. He mentioned that the cities of Austin, Corpus Christi, Amarillo, and El Paso had recently adopted ordinances

prohibiting the use of hand-held mobile devices while operating a motor vehicle on a city street. He reported that 23 cities in Texas had enacted ordinances prohibiting texting while operating a motor vehicle. He stated that current State Law on the use of hand-held mobile devices is limited in scope and provides restrictions while operating a motor vehicle.

Chief McManus highlighted the Proposed Ordinance which states that a person commits an offense if they use a hand-held mobile communication device while operating a motor vehicle on any City Street. The prohibited uses include: Engaging in a call; Sending, reading or writing a text message; Viewing pictures or written text; Engaging in gaming; and Engaging in any other use of the device. He explained that the Proposed Ordinance did not apply to a person that was: Parked on private property or legally parked; Using a hands-free device; Using a GPS Device affixed to the vehicle; Operating an emergency vehicle; Reporting illegal activity; Communicating with Emergency Response Personnel; or Preventing injury to a person or property. He noted that the current ordinance prohibiting use in active School Zones will be repealed as its subject matter will be covered by the new Ordinance. He stated that the Police Department would produce a series of Public Service Announcements, Radio Spots, and Use Social Media to educate the community. He noted that a \$200 fine would be issued to violators and would be enforceable by any Peace Officer. He recommended that the Ordinance be adopted with an effective date of January 1, 2015 followed by a 30-day warnings only period.

Mayor Taylor called upon the citizens registered to speak.

Steve Abrams spoke of the death of his grandson that occurred due to an accident involving a teenager on his cell phone. He asked the City Council to adopt the ordinance.

Troy Abrams played a video regarding the dangers of distracted driving and noted that his son had been killed due to same. He asked the City Council to adopt the ordinance.

Nazirite Ruben Flores Perez spoke in support of the proposed ordinance noting the dangers of using a hand-held device while driving.

Larry Johnson addressed the City Council in support of the ordinance. He stated that he was blind and was concerned for his safety.

Jack M. Finger stated that all cell phone use should be prohibited while driving.

Melinda Cox stated that she was the Parent Sponsor for the Johnson High School Smart Driving Club and was in support of the ordinance.

Peter Kurzon stated that Harvard University had conducted studies and found that hands

free driving was just as distracting as driving with a phone in your hand. He stated that all cell phone use should be banned while driving.

Justin Landon representing the San Antonio Board of Realtors spoke in favor of the proposed ordinance. He stated that they were aware that Realtors spent a great amount of time on the road but needed to ensure the safety of the roadways.

Written testimony was received from Annette Anderson in opposition to the proposed ordinance. She wrote that this would negatively affect her husband who was a courier and received job orders throughout the day.

Councilmember Gallagher thanked everyone that came to speak including the Abrams Family who were victims of Distracted Driving. He asked why this ordinance was necessary. Chief McManus replied that the amount of accidents warranted the ordinance. Councilmember Gallagher spoke of the importance of public safety and noted the dangers of using a hand-held device while driving.

Councilmember Gallagher moved to adopt the proposed Ordinance. Councilmember Nirenberg seconded the motion.

Councilmember Toney acknowledged the Abrams Family for being present. He stated that this was a serious issue; however, he asked of individuals that may not be able to purchase a hands-free device. Chief McManus stated that he was recommending a 30-day grace period before enforcement. Councilmember Toney asked of the potential to have the first violation be a warning instead of a fine. Chief McManus replied that it would be up to the City Council.

Councilmember Viagran thanked everyone that worked on said item and asked of the issue being placed on the State Legislative Program. Mr. Carlos Contreras stated that a Statewide Ban was not currently included but could be added at the direction of the City Council. Councilmember Viagran spoke of the importance of public safety and stated that she did not support a warning for the first violation as there would be a 30-day grace period.

Councilmember Krier thanked Councilmember Viagran for her efforts on the Public Safety Committee and Councilmember Gallagher in bringing said Ordinance forth. He entertained a friendly amendment to have the Police Chief report back to the Council the results and effects of said Ordinance in San Antonio in one year. Councilmember Gallagher accepted the friendly amendment.

Councilmember Gonzales stated that in her district alone; there have been 21 pedestrian fatalities. She indicated that she would like to move toward no cell phone use while driving

in the future due to the importance of pedestrian safety and walkability.

Councilmember Bernal referred to slide 9 and questioned the mechanics and implementation of the ordinance. Chief McManus stated that there would be a 30-day grace period after the ordinance was implemented. Councilmember Bernal stressed the importance of education and outreach to the community.

Councilmember Saldaña spoke in support of placing the issue on the State Legislative Program noting that it was not safe to use hand-held devices while driving in and outside of the City Limits. He asked of laptop computers. Chief McManus replied that laptops were not included in the ordinance and that there was an exception for law enforcement personnel performing official business.

Councilmember Medina commended Councilmember Gallagher for his leadership on the issue and spoke of the importance of public safety. He asked of repeat offenders of the ordinance. Chief McManus replied that they had not looked at repeat offenses but could consider that in the future.

Councilmember Nirenberg felt that the grace period should begin now stating that it would make the current ordinance functionally enforceable which lacks now.

Councilmember Gallagher noted that there is currently an 86-day grace period from today until the time the ordinance is enforced.

Councilmember Lopez expressed concern with the over 3,000 deaths that have occurred on Texas Highways this year. He stated that he looked forward to supporting this ordinance as saving one life would be worth it.

Councilmember Viagran mentioned that she would like to see said item revisited at Public Safety within six months of implementation.

Mayor Taylor thanked the Abrams Family for being present and Councilmember Gallagher for bringing this forward. She spoke of the importance of protecting the community and stated that she looked forward to the results in one year. She added that there must be a robust public education campaign.

The motion with the friendly amendment prevailed by the following vote:

Aye: 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

CONSENT AGENDA ITEMS

Items 7 and 15 were pulled for Individual Consideration. Councilmember Gallagher moved to approve the remaining Consent Agenda Items: 5, 6, 8, 9, 10A, 10B, 10C, 11, 12, 13, 14, 16, 17, 18, and 19. Councilmember Krier seconded the motion.

Mayor Taylor called upon the citizens registered to speak.

Nazirite Ruben Flores Perez addressed the City Council in support of the grant funds received from Workforce Solutions Alamo (Item 17).

Josephine Dow addressed the City Council in support of the closure of a portion of Edgar Drive located between Seguin Street and Dignowity Avenue (Item 15) and thanked Councilmember Toney for meeting with them at the site. She commended the Developer for allowing temporary access; however, she requested a permanent exit onto Seguin Street.

Jack M. Finger addressed the City Council in opposition to the lease agreement with the Guadalupe Cultural Arts Center (Item 12) noting that they only paid \$1 per year to rent the facility. He stated that he was against the waiver of \$84,000 in road closure fees in Item 15.

Faris Hodge, Jr. submitted written testimony in favor of Items 4-16, and 19. He wrote in opposition to Item 18.

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

Aye: 10 - Mayor Taylor, Bernal, Toney, Viagran, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Saldaña

2014-11-06-0844

5. An Ordinance authorizing the purchase of eleven shades from Shade Structures, Inc., in the amount of \$158,022.00 for installation at various existing recreational facilities at multiple park sites, funded by the 2012-2017 Bond Program and located in Council Districts 1 and 6. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

2014-11-06-0845

6. An Ordinance accepting the bid from Waukesha Pearce Industries for original equipment manufacturer replacement parts and service for repairs of motorgraders, excavators, and rollers utilized for street repairs and river maintenance for an

estimated annual cost of \$100,000.00. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2014-11-06-0847

8. An Ordinance for the Woodlawn Lake Park Improvements Project, accepting the lowest responsive qualified bid and awarding a construction contract, including five additive alternates, to Crownhill Builders, Inc. in an amount up to \$655,910.00, a 2012-2017 Bond funded Project, located in Council District 7. Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements Department]

2014-11-06-0848

9. An Ordinance for the Jim Mattox Park Improvements project accepting the lowest responsive bid and awarding a construction contract including one additive alternate in the amount of \$121,166.00 to ASD Consultants, Inc., a 2012-2017 Bond funded project, located in Council District 3. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

10. Consideration of the following three items related to the FY 2015 and FY 2016 Sidewalk Programs included within the FY 2015 through FY 2019 Council Adopted Five-Year Infrastructure Management Program: [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

2014-11-06-0849

- 10A. An Ordinance awarding a task order construction contract to Austin Constructors LLC, in an amount not to exceed \$2,288,087.50, of which \$8,875.00 is to be reimbursed by San Antonio Water Systems, for the construction of sidewalk and pedestrian-related projects.

2014-11-06-0850

- 10B. An Ordinance awarding a task order construction contract to San Antonio Concepts Construction, LLC, in an amount not to exceed \$2,404,094.45, of which \$16,250.00 is to be reimbursed by San Antonio Water Systems, for the construction of sidewalk and pedestrian-related projects.

2014-11-06-0851

- 10C. An Ordinance awarding a task order construction contract to FD Concrete, LLC, in an amount not to exceed \$4,152,777.00, of which \$40,650.00 is to be reimbursed by San Antonio Water Systems, for the construction of sidewalk and pedestrian-related projects.

2014-11-06-0852

11. An Ordinance authorizing Amendment No. 3 to the River Walk Use Fee Agreement with Los Leones, Ltd. (d/b/a Lone Star Cafe) to revise the square footage of the Elevator Premises from 171 square feet to 197 square feet. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development & Operations Department]

2014-11-06-0853

12. An Ordinance authorizing an amendment and renewal of a lease agreement with the Guadalupe Cultural Arts Center for a performing arts theater located at 1301 Guadalupe Street, in Council District 5, for an additional period of 10 years. [Peter Zanoni, Deputy City Manager; Mike Etienne, Director, EastPoint & Real Estate Services Office]

2014-11-06-0854

13. An Ordinance declaring as surplus an approximately 0.17 acre tract of City-owned property located generally at the intersection of Greely Street and Claiborne Way in the City of Alamo Heights and authorizing its sale to Laura Nell and Jesse B. Burton III for a sales price of \$34,750.00. [Peter Zanoni, Deputy City Manager; Mike Etienne, Director, Office of EastPoint & Real Estate Services]

2014-11-06-0855

14. An Ordinance declaring as surplus the City's former Columbia Heights Learning Center, located at 1502 Fitch Street, in Council District 5, an improved 0.66 acre tract of real property including the furniture, fixtures, and equipment currently in the facility and authorizing its sale to the Harlandale Independent School District for \$250,000.00. [Peter Zanoni, Deputy City Manager; Mike Etienne, Director, EastPoint & Real Estate Services Office]

2014-11-06-0857

16. An Ordinance authorizing submission of a grant application to the National Association of City and County Health Officials and the acceptance of funds upon award in an amount up to \$3,500.00 for the Alamo Area Medical Reserve Corps for FY 2015. [Erik Walsh, Deputy City Manager; Dr. Thomas Schlenker, Director of Public Health]

2014-11-06-0858

17. An Ordinance authorizing acceptance of grant funds in an amount up to \$45,670,796.00 from Workforce Solutions Alamo for the FY 2015 Child Care Service Program for the period beginning October 1, 2014 through September 30, 2015; authorizing a budget, which includes \$5,544,610.00 in federal matching grant

funds; and personnel complement; and approving a delegate agency contract with Alamo Area Development Corporation in an amount up to \$520,000.00 for rural child care services for one year, with two renewal options. [Gloria Hurtado, Assistant City Manager; Melody Woosley, Director, Human Services]

2014-11-06-0859

18. An Ordinance approving the following appointments to the WSA Board of Directors as recommended by the Committee of Six on October 22, 2014 for submission to the Texas Workforce Commission: [Carlos Contreras, Assistant City Manager; Rene Dominguez, Director, Economic Development]

A. Roman "Nick" Peña, Place 2, Business, for an unexpired term ending December 31, 2015; and

B. Janel Umphlett, Place 6, Business; Andrea Guajardo, Place 13, Business and Ron Garza, Place 25, Vocational Rehabilitation, each for a term beginning January 1, 2015 and ending December 31, 2017.

2014-11-06-0860

19. An Ordinance authorizing an agreement with Jennifer Meyer Bankler, D.D.S. to serve as the Dental Clinic Director for the San Antonio Metropolitan Health District's Oral Health Program for an amount up to \$120,000.00 for the period beginning November 6, 2014 to September 30, 2015 with two, one-year renewal options. [Erik Walsh, Deputy City Manager; Dr. Thomas L. Schlenker, Director of Public Health]

CONSENT ITEMS CONCLUDED

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 7:

2014-11-06-0846

7. An Ordinance for the West End Park Improvements Project authorizing the execution of a task order to a Job Order Contract in an amount not to exceed \$262,362.82 payable to Alpha Building Corporation, a 2012-2017 Bond funded Project, located in Council District 1. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

Councilmember Bernal highlighted said project and stated that the Park used to be a segregated Park called West End Colored Park. He noted that it has become a symbol of

progress and revitalization.

Councilmember Bernal moved to adopt the proposed Ordinance. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Mayor Taylor, Bernal, Toney, Viagran, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Saldaña

The City Clerk read the caption for Item 15:

2014-11-06-0856

- 15.** An Ordinance closing, vacating, and abandoning an approximately 0.321 acre improved portion of Edgar Drive, located between Seguin Street and Dignowity Avenue in Council District 2, as requested by Richard M. Peacock & Co. and waiving \$84,000.00 in road closure fees while assessing \$2,115.00 in administrative fees. [Peter Zanoni, Deputy City Manager; Mike Etienne, Director, EastPoint & Real Estate Services Office]

Councilmember Toney highlighted said item and asked staff to explain the project. Mike Etienne responded that the request was made to close a portion of Edgar Drive to develop new commercial retail in the EastPoint and Promise Zone Areas. He noted that it was located at the corner of Walters Street and IH-35 directly across from Fort Sam Houston. He stated that if approved, the Developer would replat the property and widen Dignowity Avenue to provide additional access. He indicated that the Developer would provide \$100,000 in Right-of-Way Improvements and \$2.7 Million for Site Improvements. He added that the traffic issues would be addressed during the platting and building permit process. Councilmember Toney stated that entry and exit through Walters Street was not an option because the street was completely blocked. Mr. Etienne confirmed that they would meet with the Developer to ensure adequate access for the community.

Councilmember Toney moved to approve the proposed Ordinance. Councilmember Gallagher seconded the motion. The motion prevailed by the following vote:

Aye: 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

- 20.** City Manager's Report
A. Convention and Visitors Bureau Update
B. Parks Update

C. Health Update

A. Mrs. Sculley reported that the San Antonio Convention & Visitors Bureau (SACVB) hosted its 2014 Annual Meeting on October 20, 2014 at the Tobin Center for the Performing Arts. She stated that during the meeting, the latest numbers and research from the San Antonio Hospitality Economic Impact Study were revealed. She noted that the study was prepared by Richard V. Butler, PhD and Mary E. Stefl, PhD, Professors at Trinity University. She highlighted Tourism Economic Impacts to include \$13.4 Billion in economic impact and 31 million visitors annually to San Antonio. She indicated that the industry provides more than 122,500 local jobs and that from 2003 to 2013; the economic impact has grown by 66%. She thanked the SACVB and community partners.

Mrs. Sculley reported that Luminaria 2014 would take place on November 7–8, 2014 from 6:00 pm to midnight. She stated that the Opening Ceremony would take place at 6:00 pm at the Main Stage off of Richmond, near the Indigo Hotel. She noted that a map of the event would be featured in the Current Newspaper. She mentioned that the map included a schedule of performances, highlighting the musical and visual artists that were participating, as well as information on VIA's Park and Ride. She added that Luminaria Convergence: San Antonio's Festival of Ideas would begin at 10:00 am on November 8, 2014 at Café Commerce. She stated that three forums would be held throughout the day, bringing together artists and civic leaders for a discussion and exploration of hot topics shaping the arts and cultural scene in San Antonio.

B. Mrs. Sculley stated that on Saturday October 25th, 49 volunteers from organizations across the community joined together to plant trees and beautify John James Park in District 2. She noted that the event was part of Make a Difference Day, the nation's largest day of volunteerism, and the result of a continued partnership between the Parks and Recreation Department and the United Way. Volunteers included groups from: Embassy Suites Riverwalk; Padgett Stratemann & Company; Methodist Healthcare Ministries; Trinity University; UTSA; and The Palm Heights Community Center Teen Club. She mentioned that the Parks Department instructed volunteers on tree planting and gave a presentation about park stewardship and the importance of preserving the city's tree canopy. She noted that the United Way assisted in recruiting volunteers and registration on event day and approximately 70 new trees were planted. She thanked the United Way for their partnership and all of the volunteers for helping make John James Park shine.

C. Mrs. Sculley reported that Metro Health was one of 15 organizations throughout the country awarded a \$9.4 Million Healthy Start Grant. She stated that the Federal Grant would span five years and implement the Healthy Start Initiative which aimed to reduce disparities in infant mortality. She noted that with this new funding, the San Antonio Healthy Start Program will contribute to Local, State, Regional and National Prenatal

Initiatives by engaging three distinct high risk areas of San Antonio providing case management to 1,000 participants annually (pregnant women and children) from pregnancy until the baby turns two years old and strengthening Fatherhood Engagement in pregnancy and parenting. She added that she looked forward to the successful implementation and improving the quality of life for residents.

EXECUTIVE SESSION

Mayor Taylor recessed the meeting into Executive Session at 11:01 am to discuss the following:

- A. Deliberations regarding economic development negotiations and discuss related legal issues pursuant to Texas Government Code Sections 551.087 (economic development) and 551.071 (consultation with attorney).
- B. Deliberate the purchase, exchange, lease or value of real property and discuss related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 551.071 (consultation with attorney).
- C. Discuss legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Discuss legal issues related to L. Payne v. City of San Antonio pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E. Discuss legal issues related to an audit of cable franchise and Public Education and Government Access fees pursuant to Texas Government Code Section 551.071 (consultation with attorney).

RECONVENED

Mayor Taylor reconvened the meeting at 2:05 pm and announced that no action was taken in Executive Session. She addressed the Consent Zoning Items.

CONSENT ZONING ITEMS

Items 23, P-2, Z-3, Z-4, Z-11, Z-17, Z-18, Z-19, and Z-22 were pulled for Individual Consideration. Councilmember Gallagher moved to approve the remaining Consent Zoning Items: 21, P-1, Z-1, 22, Z-2, 24, P-3, Z-5, Z-6, Z-7, P-4, Z-8, P-5, Z-9, P-6, Z-10, Z-12, Z-13, Z-14, Z-15, Z-16, Z-20, Z-21, and Z-23. Councilmember Toney seconded the motion.

Mayor Taylor called upon the citizens registered to speak.

Jack M. Finger addressed the City Council in opposition to the Alcohol Variance requested

in Item 23 since it was within 300 feet of Perales Elementary School. He spoke against the Art Gallery requested in Item Z-3 noting issues with parking.

Faris Hodge, Jr. submitted written testimony in opposition to the Alcohol Variance in Item 23, and Items 24, P-2, Z-3, and Z-23. He wrote in favor of Items 22 and Z-4 through Z-22.

Written testimony was received from Carolyn Pike, Vice-President of the Highland Park Neighborhood Association in support of Items P-5 and Z-9.

Written testimony was received from Earl and Wanda Bly in support of Item Z-13.

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

Aye: 9 - Mayor Taylor, Toney, Viagran, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 2 - Bernal and Saldaña

2014-11-06-0861

21. An Ordinance approving the Limited Purpose Annexation of a 36.266 acre undeveloped tract located at 3890 South Loop 1604 and adopting a Limited Purpose Annexation Regulatory Plan. [Peter Zaroni, Deputy City Manager; John Dugan, Director, Department of Planning and Community Development]

2014-11-06-0862

P-1. PLAN AMENDMENT # 14079 (District 3): An Ordinance amending the future land use plan contained in the Heritage South Sector Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of Lot 4, Block 1, CB 4167A located at 3890 South Loop 1604 East from Rural Estate Tier to Specialized Center. Staff and Planning Commission recommend approval. (Associated Zoning Case Z2014261)

2014-11-06-0863

Z-1. ZONING CASE # Z2014261 (District 3): An Ordinance amending the Zoning District Boundary from Newly Annexed Territory to "I-2" Heavy Industrial District on Lot 4, Block 1, CB 4167A located at 3890 South Loop 1604 East. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment 14079)

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 4, BLOCK 1, CB 4167A TO WIT: FROM NEWLY ANNEXED TERRITORY TO "I-2" HEAVY INDUSTRIAL DISTRICT.

2014-11-06-0864

22. An Ordinance approving the extension of the City limits by Full Purpose Annexation of 9.19 acres of land, located at 3610 Valley Road, as requested by the San Antonio Water System (SAWS) and adoption of the Municipal Service Plan. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Department of Planning and Community Development]

2014-11-06-0865

- Z-2. ZONING CASE # Z2014266 (District 3): An Ordinance amending the Zoning District Boundary from Newly Annexed Territory to "L" Light Industrial District on 3.607 acres out of Lot 1, Block 3, CB 4006K and 5.583 acres out of CB 4006-7 P-136 ABS 3 located at 3610 Valley 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: 3.607 ACRES OUT OF LOT 1, BLOCK 3, CB 4006K AND 5.583 ACRES OUT OF CB 4006-7 P-136 ABS 3 TO WIT: FROM NEWLY ANNEXED TERRITORY TO "L" LIGHT INDUSTRIAL DISTRICT.

2014-11-06-0039R

24. A Resolution requesting Development Services Department staff initiate a change in the zoning district boundary of Lot 21, Block 1, NCB 6227 located at 118 Davis Court in Council District 2 to a zoning district compatible with the adopted land use plan, surrounding area, and proposed development; expediting the case to City Council for consideration at the earliest possible date, and waiving all fees associated with the rezoning case.

2014-11-06-0870

- P-3. PLAN AMENDMENT # 14071 (District 2): An Ordinance amending the future land use plan contained in the Government Hill Neighborhood Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of Lot 6, Block 13, NCB 1695 located at 2222 North Interstate Highway 35 from Neighborhood Commercial land use to Community Commercial land use. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014214)

2014-11-06-0871

- Z-5.** ZONING CASE # Z2014214 (District 2): An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lot 6, Block 13, NCB 1695 located at 2222 Interstate Highway 35 North. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment 14071)

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 13, NCB 1695 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2014-11-06-0872

- Z-6.** ZONING CASE # Z2014274 (District 2): An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District and "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lot 19 and Lot 20, NCB 12179 located at 4555 Walzem Road. Staff recommends approval. Zoning Commission recommendation pending the November 4, 2014 public hearing.

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 19 AND LOT 20, NCB 12179 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2014-11-06-0873

- Z-7.** ZONING CASE # Z2014260 (District 2): An Ordinance amending the Zoning District Boundary from "I-2 EP-1" Heavy Industrial Facility Parking/Traffic Control Overlay District to "C-2 EP-1" Commercial Facility Parking/Traffic Control Overlay District on 2.412 acres out of NCB 1195 and NCB 1196 located at 1819, 1812 North Walters Street; 2615, 2619 & 2623 Dignowity; 710, 806 & 820 Seguin 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: 2.412 ACRES OUT OF NCB 1195 AND NCB 1196 TO WIT: FROM "I-2 EP-1" HEAVY INDUSTRIAL FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT TO "C-2 EP-1" COMMERCIAL FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT.

2014-11-06-0874

P-4. PLAN AMENDMENT # 14077 (District 3): An Ordinance amending the future land use plan contained in the Stinson Airport Vicinity Land Use Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of a 25.71 acre tract of land out of NCB 11156 located on a portion of the 5000 Block of Roosevelt Avenue from Mixed Use to Low Density Residential. Staff and Planning Commission recommend approval. (Associated Zoning Case Z2014252)

2014-11-06-0875

Z-8. ZONING CASE # Z2014252 (District 3): An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-2 MC-1 AHOD" Commercial Roosevelt Metropolitan Corridor Airport Hazard Overlay District to "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District and "R-4 MC-1 AHOD" Residential Single-Family Roosevelt Metropolitan Corridor Airport Hazard Overlay District on 25.71 acres out of NCB 11156 located on a portion of the 5000 Block of Roosevelt Avenue. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment 14077)

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: 25.71 ACRES OUT OF NCB 11156 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "C-2 MC-1 AHOD" COMMERCIAL ROOSEVELT METROPOLITAN CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "R-4 MC-1 AHOD" RESIDENTIAL SINGLE-FAMILY ROOSEVELT METROPOLITAN CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT.

2014-11-06-0876

P-5. PLAN AMENDMENT # 14076 (District 3): An Ordinance amending the future land use plan contained in the Highlands Community Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of Lots 18,

19, 20, 21, 22, 23 and 24, Block 2, NCB 3843 located on a portion of the 2300 Block of Nopal Street (aka 2335 Nopal Street) from Low Density Residential land use to High Density Residential land use. Staff and Planning Commission recommend approval. (Associated Zoning Case Z2014242)

2014-11-06-0877

- Z-9.** ZONING CASE # Z2014242 (District 3): An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "MF-18 AHOD" Limited Density Multi-Family Airport Hazard Overlay District on Lots 18 thru 24, Block 2, NCB 3843 located on a portion of the 2300 Block of Nopal Street (also known as 2335 Nopal Street). Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment 14076)

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 THRU 24, BLOCK 2, NCB 3843 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "MF-18 AHOD" LIMITED DENSITY MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

2014-11-06-0878

- P-6.** PLAN AMENDMENT # 14081 (District 3): An Ordinance amending the future land use plan contained in the Heritage South Sector Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of Lots P-2, P-3 and P-100, NCB 11150 and CB 4283 located at 14903 Southwest Loop 410 (aka 720 West Loop 410) from General Urban Tier to Agribusiness/RIMSE Tier. Staff and Planning Commission recommend approval. (Associated Zoning Case Z2014267)

2014-11-06-0879

- Z-10.** ZONING CASE # Z2014267 (District 3): An Ordinance amending the Zoning District Boundary from "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District (2.289 acres), "UD AHOD" Urban Development Airport Hazard Overlay District (38.17 acres) and "RP AHOD" Resource Protection Airport Hazard Overlay District (94.691 acres) to "MI-1 AHOD" Mixed Light Industrial Airport Hazard Overlay District on Lots P-2, P-3 and P-100, NCB 11150 and CB 4283 located at 14903 Southwest Loop 410 (aka 720 West Loop 410). Staff and Zoning Commission recommend approval pending the plan amendment. (Associated plan amendment 14081)

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 P-2, P-3 AND P-100, NCB 11150 AND CB 4283 TO WIT: FROM "C-3NA AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT (2.289 ACRES), "UD AHOD" URBAN DEVELOPMENT AIRPORT HAZARD OVERLAY DISTRICT (38.17 ACRES) AND "RP AHOD" RESOURCE PROTECTION AIRPORT HAZARD OVERLAY DISTRICT (94.691 ACRES) TO "MI-1 AHOD" MIXED LIGHT INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

2014-11-06-0881

Z-12. ZONING CASE # Z2014264 (District 3): An Ordinance amending the Zoning District Boundary from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lot 4, Block 3, NCB 8934 located at 1713 South West Military Drive. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 4, BLOCK 3, NCB 8934 TO WIT: FROM "O-2 AHOD" HIGH-RISE OFFICE AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2014-11-06-0882

Z-13. ZONING CASE # Z2014240 (District 3): An Ordinance amending the Zoning District Boundary from "I-1" General Industrial District to "I-2" Heavy Industrial District on 48.708 acres out of County Block 4136 located on a portion of the 19500 Block of Interstate Highway 37 South (also known as State Highway 81). 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: 48.708 ACRES OUT OF COUNTY BLOCK 4136 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "I-2" HEAVY INDUSTRIAL DISTRICT.

2014-11-06-0883

Z-14. ZONING CASE # Z2014226 (District 3): An Ordinance amending the Zoning District Boundary from "RM-4" Residential Mixed District to "R-5" Residential Single-Family District on 9.064 acres out of NCB 10847 located on portions of the 8800 - 8900 Blocks of Southeast Loop 410. Staff and Zoning Commission recommend approval. (Continued from October 16, 2014)

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: 9.064 ACRES OUT OF NCB 10847 TO WIT: FROM "RM-4" RESIDENTIAL MIXED DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

2014-11-06-0884

Z-15. ZONING CASE # Z2014256 (District 5): An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District and "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lot 1 and Lot 25, Block C, NCB 2533 save and except that portion conveyed to the City of San Antonio in Volume 15569, Page 883, Deed and Plat records of Bexar County, Texas located at 1802 South Zarzamora Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 1 AND LOT 25, BLOCK C, NCB 2533 SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF SAN ANTONIO IN VOLUME 3535, PAGE 58, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT AND "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2014-11-06-0885

Z-16. ZONING CASE # Z2014255 CD (District 5): An Ordinance amending the Zoning District Boundary from "I-2 AHOD" Heavy Industrial 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 the North 67.2 Feet of Lot 15, Block D, NCB 3797 located at 1813 and 1815 South Brazos Street. Staff and Zoning

Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE NORTH 67.2 FEET OF LOT 15 CARDONA SUBDIVISION, BLOCK D, NCB 3797 TO WIT: FROM "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 CD AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AN AUTO AND LIGHT TRUCK REPAIR PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2014-11-06-0887

Z-20. ZONING CASE # Z2014250 (District 8): An Ordinance amending the Zoning District Boundary from "C-2 PUD MLOD-1" Commercial Planned Unit Development Military Lighting Overlay District, "C-2 PUD GC-1 MLOD-1" Commercial Planned Unit Development Hill Country Gateway Corridor Military Lighting Overlay District and "C-2 PUD UC-1 GC-1 MLOD-1" Commercial Planned Unit Development IH-10/FM 1604 Urban Corridor Hill Country Gateway Corridor Military Lighting Overlay District to "C-2 MLOD-1" Commercial Military Lighting Overlay District, "C-2 GC-1 MLOD-1" Commercial Hill Country Gateway Corridor Military Lighting Overlay District and "C-2 UC-1 GC-1 MLOD-1" Commercial IH-10/FM 1604 Urban Corridor Hill Country Gateway Corridor Military Lighting Overlay District on 10.187 acres out of NCB 34732 & NCB 34752 and 4.008 acres out of Lot 901, Block 110, NCB 16386 located on portions of the 22200 through 24400 Blocks of IH 10 West. 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: 10.187 ACRES OUT OF NCB 34732 & NCB 34752 AND 4.008 ACRES OUT OF LOT 901, BLOCK 110, NCB 16386 TO WIT: FROM "C-2 PUD MLOD-1" COMMERCIAL PLANNED UNIT DEVELOPMENT MILITARY LIGHTING OVERLAY DISTRICT, "C-2 PUD GC-1 MLOD-1" COMMERCIAL PLANNED UNIT DEVELOPMENT HILL COUNTRY GATEWAY CORRIDOR MILITARY LIGHTING OVERLAY DISTRICT AND "C-2 PUD UC-1 GC-1 MLOD-1" COMMERCIAL PLANNED UNIT DEVELOPMENT IH-10/FM 1604 URBAN CORRIDOR HILL COUNTRY GATEWAY CORRIDOR MILITARY LIGHTING OVERLAY DISTRICT TO "C-2 MLOD-1" COMMERCIAL MILITARY LIGHTING OVERLAY DISTRICT, "C-2 GC-1 MLOD-1" COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR

MILITARY LIGHTING OVERLAY DISTRICT AND "C-2 UC-1 GC-1 MLOD-1" COMMERCIAL IH-10/FM 1604 URBAN CORRIDOR HILL COUNTRY GATEWAY CORRIDOR MILITARY LIGHTING OVERLAY DISTRICT.

2014-11-06-0888

Z-21. ZONING CASE # Z2014263 (District 8): An Ordinance amending the Zoning District Boundary from "R-20 MSAO-1 MLOD" Residential Single-Family Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District to "O-1 MSAO-1 MLOD" Office Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District on the east 183.2 feet out of Lot 26 & 27, NCB 35733 located at 7177 Oak 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 183.2 FEET OUT OF LOT 26 & 27, NCB 35733 TO WIT: FROM "R-20 MSAO-1 MLOD" RESIDENTIAL SINGLE-FAMILY CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT TO "O-1 MSAO-1 MLOD" OFFICE CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT.

2014-11-06-0889

Z-23. ZONING CASE # Z2014275 (District 10): An Ordinance amending the Zoning District Boundary from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District and "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on 2.56 acres out of NCB 15837 located on a portion of the 12600 Block of Scarsdale. Staff recommends approval. Zoning Commission recommendation pending the November 4, 2014 public hearing.

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: 2.56 ACRES OUT OF NCB 15837 TO WIT: FROM "O-2 AHOD" HIGH-RISE OFFICE AIRPORT HAZARD OVERLAY DISTRICT AND "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

CONSENT ZONING CONCLUDED

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**2014-11-06-0866**

- 23.** An Ordinance waiving the requirements of Sections 4-6(c)(1), 4-6(c)(3), 4-6(c)(4) and a portion of 4-6(e)(1) of the City Code and authorizing the sale of alcoholic beverages at 446 Cupples Road for off-premise consumption at a "Retail – Convenience Store" within three-hundred (300) feet of Perales Elementary, a public education institution in the Edgewood Independent School District, located in Council District 5.

John Jacks presented Item 23 and stated that staff recommended approval of the Alcohol Variance with the following conditions: 1) This authorization shall apply only to the proposed retail convenience store and not transfer to different land uses; and 2) This authorization shall terminate in the event of non-operation or non-use for a period of 12 or more successive calendar months.

Councilmember Gonzales moved to adopt the proposed ordinance with the two conditions read by Mr. John Jacks. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

Aye: 9 - Mayor Taylor, Toney, Viagran, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 2 - Bernal and Saldaña

Items P-2 and Z-3 were addressed jointly.

2014-11-06-0867

- P-2.** PLAN AMENDMENT #14005 (District 1): An Ordinance amending the future land use plan contained in the Midtown Neighborhood Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of the south 44 feet of Lots 5 & 6, Block 48, NCB 1872 located at 115 Michigan Avenue from Low Density Residential and Mixed Use to Mixed Use. Staff and Planning Commission recommend approval. (Associated Zoning Case Z2014230 CD) (Continued from October 2, 2014)

2014-11-06-0868

- Z-3.** ZONING CASE # Z2014230 CD (District 1): An Ordinance amending the Zoning District Boundary from "RM-4 NCD-5 AHOD" Residential Mixed Beacon Hill Neighborhood Conservation Airport Hazard Overlay District to "RM-4 CD NCD-5 AHOD" Residential Mixed Beacon Hill Neighborhood Conservation Airport Hazard

Overlay District with a Conditional Use for an Art Gallery on the south 44 feet of Lots 5 & 6, Block 48, NCB 1872 located at 115 Michigan Avenue. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment Case 14005) (Continued from October 2, 2014)

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 44 FEET OF LOTS 5 & 6, BLOCK 48, NCB 1872 TO WIT: FROM "RM-4 NCD-5 AHOD" RESIDENTIAL MIXED BEACON HILL NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "RM-4 CD NCD-5 AHOD" RESIDENTIAL MIXED BEACON HILL NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AN ART GALLERY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Councilmember Bernal recused himself on Items P-2 and Z-3 by exiting the Council Chambers and noting he had submitted the recusal forms to the City Clerk.

John Jacks presented Item P-2 and stated that it would amend the future land use plan contained in the Midtown Neighborhood Association. He noted that staff and the Planning Commission recommended approval.

For Item Z-3, he reported that staff and the Zoning Commission recommended approval. He reported that of 23 notices mailed; 12 were returned in opposition and 7 were received in favor. He stated that due to the opposition, it would require nine votes for approval.

Mayor Taylor called upon the citizens registered to speak.

Rob Killen representing the Owner and Applicant addressed the City Council and presented a Power Point. He stated that they would keep the base residential zoning and were requesting a conditional use for an Art Gallery. He showed photos of the location and noted that they had previously used the space as an Art Gallery. He indicated that the building was designed with the intent that parking would occur on the street. He added that staff had found no evidence of an adverse impact on the neighboring properties and recommended approval.

Jerry Lockey addressed the City Council in support of the rezoning. He stated that the area was in need of revitalization and that the culture of Beacon Hill would benefit from the Art Gallery.

Celeste Wackenhut stated that she was one of the Applicants for the rezoning and spoke of the long process they had been through. She provided a timeline of the meetings held with the neighborhood, Zoning Commission, and Planning Commission. She expressed concern that they had waited over 15 months to open the facility and had put their lives and business on hold. She stated that they had worked hard to negotiate and find a middle ground with the neighborhood.

William Lambert, Co-Applicant stated that they had been working on this request for a long time and provided a History of the building. He spoke of the numerous zoning and architectural changes over the years and stated that they would like to make it a beautiful, public building again.

June Kachtik stated that she had served on the Midtown Neighborhood Master Plan Team in 2000 and was supportive of the request. She noted that the building was located on an area of Fredericksburg Road that was a neighborhood friendly business area.

Hallie Little addressed the City Council in support of the rezoning. She stated that it was an excellent business that helped students and was environmentally conscious.

Lewis A. Herbeck, Jr. addressed the City Council in opposition to the rezoning. He stated that he lived within 200 feet of the building and expressed concern with increased traffic. He further noted concerns with commercialization of a residential area and stated that they did not want their homes destroyed.

Wayne Dow addressed the City Council in support of the rezoning. He spoke of the long process that the applicants had been through and noted that they were dedicated, young professionals.

Hills Snyder expressed support for the rezoning and stated that he did not feel that there would be any issues with parking.

Barbara Warren addressed the City Council in support of the rezoning. She stated that she had met Mr. Lambert when she worked for him as an Intern and he had allowed her to pursue her goals while attending school. She noted that she was currently employed with him and spoke of the long process they had endured.

Enrique Valdivia speaking on behalf of Aquifer Guardians and Urban Areas (AGUA) addressed the City Council in support of the rezoning. He stated that it would benefit the neighborhood to have an Art Gallery within walking distance from the residences.

Everett Ives stated that he was a resident and Former President of the Beacon Hill Area

Neighborhood Association and supportive of the rezoning. He noted that they had held several meetings to discuss the request and that the community had voted to support the rezoning.

Cosima Colvin addressed the City Council in support of the rezoning. She stated that the majority of the Beacon Hill Area Neighborhood Association had voted to support the request. She noted that it was important to make decisions based on the building, location, and proposed use and not on personalities.

Cynthia Spielman addressed the City Council in support of the rezoning and stated that she lived within walking distance from the Art Gallery. She noted that the request was reasonable and the parking was compatible with the Midtown Plan.

Julio Perez played a video of various individuals expressing opposition to the rezoning noting concerns with parking and traffic.

Rachel Martinez stated that she lived nearby the Art Gallery and was in support of the rezoning. She stated that there had never been an issue with parking and offered parking spaces at her home for use by Art Gallery Patrons.

Monica Fuentes addressed the City Council in opposition to the rezoning. She expressed concern with commercialization of the neighborhood and stated that the building did not have any parking available. She noted concerns with traffic congestion and safety.

Jessica Fuentes addressed the City Council in opposition to the rezoning. She stated that the applicants were in need of the rezoning to stay on the property and should have determined their housing needs prior to entering into a rental agreement. She expressed concern with the noise, traffic, trash, and safety in the area.

Maria Berriozabal addressed the City Council and stated that she lived one block away from the building being discussed. She noted that this was a small piece of what was occurring in the Inner City as incentives, special zoning, and waivers had been provided. She asked of the people that had been there the longest and noted that future discussions should be held regarding these policy issues.

Jessica O. Guerrero addressed the City Council in opposition to the rezoning noting the impacts of displacement.

Dr. Carmen Tafolla stated that she lived in Beacon Hill and was an Artist, Poet, and UTSA Professor. She spoke in opposition to the rezoning noting concerns with commercialization of a residential area, traffic, and safety.

Mayor Taylor thanked everyone that spoke and stated that this was a difficult case reflective of similar conflicts that have recently occurred when changing neighborhoods across the city. She spoke of the need for balanced growth and noted that she would prefer to see new life and use in the building than to let it sit vacant and deteriorate. She added that she hoped that all would find a way to work and live together in Beacon Hill.

Councilmember Saldaña stated that there were a lot of things to take into consideration when making a decision; the most important of which were the merits of the case. He asked of the parking issue. Mr. Jacks replied that because the property was completely occupied by the building; there was no parking available. Councilmember Saldaña asked the opposition if the location should remain residential. Ms. Jessica Fuentes stated that would be their preference and that the building had never been vacant. Councilmember Saldaña stated that he felt this would be a positive addition and investment in the Inner City.

Councilmember Gonzales asked if the zoning would remain residential with a special use. Mr. Jacks replied that it would remain a residential mixed zoning district with a conditional use for an Art Gallery. Councilmember Gonzales asked of the frequency of events and number of attendees. Mr. Lambert stated that they will host four large events per year with approximately 50 people in attendance. Councilmember Gonzales stated that mixed use zoning was not a new concept and allowed people to live and work out of their homes. She noted that the building was not suitable for strictly residential purposes and the Art Gallery would help revitalize the area.

Councilmember Nirenberg expressed his support for the rezoning. He stated that Master Plans exist but get changed over time as appropriate. He noted concerns that the process has taken so long and that the building had operated commercially for seven of the last 14 years.

Councilmember Gallagher thanked everyone that spoke and stated that this had been a difficult zoning case. He noted that he felt that parking was something that the owners could resolve by working with the city and neighbors. He stated that the Beacon Hill Area Neighborhood Association was in support of the request and that the conditional use would protect the neighborhood.

Councilmember Saldaña moved to adopt the proposed ordinance. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Mayor Taylor, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Abstain: 1 - Bernal

2014-11-06-0869

Z-4. ZONING CASE # Z2014257 (District 1): An Ordinance amending the Zoning District Boundary from "H R-4 AHOD" Residential Single Family Monte Vista Historic Airport Hazard Overlay District to "H C-1" Light Commercial Monte Vista Historic Airport Hazard Overlay District on the west 48 feet of Lot 7, NCB 1885 located at 111 West Ashby Place. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE WEST 48 FEET OF LOT 7, NCB 1885 TO WIT: FROM "H R-4 AHOD" RESIDENTIAL SINGLE FAMILY MONTE VISTA HISTORIC AIRPORT HAZARD OVERLAY DISTRICT TO "H R-4 CD AHOD" SINGLE-FAMILY RESIDENTIAL MONTE VISTA HISTORIC AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A PROFESSIONAL OFFICE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-4 and stated that staff and the Zoning Commission recommended approval. He reported that of 18 notices mailed; six were returned in favor and three were received in opposition.

Mayor Taylor called upon the citizens registered to speak.

J.A. Garcia stated that he was the property owner and that the property operated as a Law Office when he purchased it in 1989. He noted that the property had been vacant for four years and had reverted back to residential zoning. He requested to amend his request from C-1 to R-4 HCU with a conditional use for Professional Office. He added that he had worked with the Neighborhood Association and had come to an agreement on hours of operation and signage.

Tony Garcia, President of the Monte Vista Historical Association addressed the City Council and thanked the Applicant for amending his application. He stated that the actions shown by the Applicant express a level of cooperation toward their community and they were supportive of the request.

Councilmember Bernal stated that this was a great example of a Property Owner and

neighborhood working together on a solution.

Councilmember Gallagher asked if there was an issue with notification due to the amended request. Norbert Hart replied that the notification requirements had been met as published.

Councilmember Bernal moved to approve the proposed ordinance with the amended request to R-4 HCU with a conditional use for Professional Office with hours of operation from 7:00 am to 12 midnight. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

Aye: 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

2014-11-06-0880

Z-11. ZONING CASE # Z2014183 CD (District 3): An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District and "MF-40 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District (on 4.929 acres) and "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Auto and Light Truck Repair (on 0.9 of an acre) on 5.829 acres out of NCB 11166 located on a portion of the 9900 Block of Roosevelt Avenue. Staff and Zoning Commission recommend approval with one condition.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 5.829 ACRES OUT OF NCB 11166 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "MF-40 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT (ON 4.929 ACRES) AND "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AUTO AND LIGHT TRUCK REPAIR (ON 0.9 OF AN ACRE) PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-11 and stated that staff and the Zoning Commission recommended approval with the condition that all vehicles be licensed. He reported that of 51 notices mailed; two were returned in favor and none were received in opposition. He added that the Villa Coronado Neighborhood Association was in favor.

Councilmember Viagran moved to adopt the proposed ordinance with the condition that all

vehicles be licensed. Councilmember Bernal seconded the motion. The motion prevailed by the following vote:

Aye: 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

2014-11-06-0886

Z-17. ZONING CASE # Z2014254 S (District 7): An Ordinance amending the Zoning District Boundary from "C-1 AHOD" Light Commercial Airport Hazard Overlay District to "C-3NA S AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Specific Use Authorization for a Human Services Campus on 23.521 acres out of Lots 6, 7 and portions of Lots 5, 10, 11 and 12, Block F, NCB 14658 located at 6487 Whitby 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: 23.521 ACRES OUT OF LOTS 6, 7 AND PORTIONS OF LOTS 5, 10, 11 AND 12, BLOCK F, NCB 14658 TO WIT: FROM "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA CD AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A HUMAN SERVICES CAMPUS PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-17 and stated that staff and the Zoning Commission recommended approval. He reported that of 32 notices mailed; one was returned in favor and none were received in opposition. He added that the Applicant was present to amend his request.

Mayor Taylor called upon the citizens registered to speak.

Tony Saucedo, Engineer for Providence Place stated that they would like to amend their request from C-3NA S to C-2NA CD in cooperation with the Neighborhood Association. He noted that they would be in compliance with all local regulations with the rezoning.

Phillip Manna, Vice-President of the Alamo Farmstead Babcock Road Neighborhood Association addressed the City Council in support of the amended request. He asked the City Council to consider adding a new zoning district specific to Health and Human Services.

Jennifer Sample stated that she was the President and CEO of Providence Place and they had been serving San Antonio and the State of Texas for 119 years. She noted that they were one of the oldest Adoption Agencies in the State and thanked the City Council for their support.

Councilmember Medina thanked all parties for working together and moved to adopt the proposed ordinance with the amended request to C-2NA CD. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

Aye: 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

CONTINUED TO DECEMBER 4, 2014

Z-18. ZONING CASE # Z2014218 (District 8): An Ordinance amending the Zoning District Boundary from "C-1 GC-1 MSAO-1 MLOD-1" Light Commercial Hill Country Gateway Corridor Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District to "C-2 GC-1 MSAO-1 MLOD-1" Commercial Hill Country Gateway Corridor Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District on 2.432 acres out of NCB 35733 located at 21650 Milsa Drive. Staff and Zoning Commission recommend approval.

John Jacks presented Item Z-18 and stated that staff and the Zoning Commission recommended approval. He reported that of eight notices mailed; one was returned in favor and none were received in opposition.

Councilmember Nirenberg stated that he would like to solidify the restrictions for the rezoning and moved to continue Item Z-18 to December 4, 2014. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

Aye: 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

CONTINUED TO DECEMBER 4, 2014

Z-19. ZONING CASE # Z2014120 ERZD (District 8): An Ordinance amending the Zoning District Boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "MF-18 ERZD" Multi-Family Edwards Recharge Zone District on Lot P-8 B, NCB 14615 located on 8130 West Hausman Road. Staff and Zoning Commission recommend approval.

John Jacks presented Item Z-19 and stated that staff and the Zoning Commission recommended approval. He reported that of 13 notices mailed; none were returned in favor or opposition.

Mayor Taylor called upon the citizens registered to speak.

Sue and James May addressed the City Council and stated that they were the property owners. Mrs. May stated that the property was located over the Edwards Aquifer Recharge Zone and restrictions were placed on it after it was purchased. She noted that the property was located outside of the 100-Year Floodplain and that the best use would be Light Commercial and Multi-Family.

Councilmember Nirenberg stated that they were working on development techniques that would be important considering that the area was very close to the 100-Year Floodplain. Scott Halty of SAWS stated that there were some issues that needed further discussion.

Councilmember Nirenberg moved to continue Item Z-19 until December 4, 2014. Councilmember Toney seconded the motion. The motion prevailed by the following vote:

Aye: 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

DENIED

Z-22. ZONING CASE # Z2014080 (District 9): An Ordinance amending the Zoning District Boundary from "R-20" Residential Single-Family District to "NP-10" Neighborhood Preservation District on Lots 1, 2, 3, 4 and 5, Block 1, NCB 11670 located at 11303 and 11327 Dreamland. Staff and Zoning Commission recommend approval. (Continued from October 2, 2014)

John Jacks presented Item Z-22 and stated that staff and the Zoning Commission recommended approval. He reported that of 41 notices mailed; five were returned in favor and 13 were received in opposition. He stated that the Whispering Oaks Homeowners Association was opposed to the request. He added that due to the amount of opposition; the case would require nine votes for approval.

Mayor Taylor called upon the citizens registered to speak.

Patrick Christensen stated that he was representing the Property Owners and spoke of the history of the property which was platted in 1937. He noted that at that time, it was not in the city limits and there was nothing located on either side of the property. He indicated that the property was currently zoned R20 and the properties in front of and behind were

zoned R6. He mentioned that there were numerous issues with the property as it did not have sewer connections and was located at the corner of a busy intersection. He stated that since the last requested rezoning, the Sector North Plan had been approved which designates the property as Suburban Tier allowing the R6 or NP10 Designation. He expressed concern with the high cost of development and added that they had offered deed restrictions that were not agreed to by the Whispering Oaks Homeowners Association.

Wilma Joyce White addressed the City Council in opposition to the rezoning. She stated that she had moved to Dreamland in 1972 and expressed concern with traffic in the area.

Joel Garcia addressed the City Council in opposition to the rezoning. He expressed concern that the developer wanted to carve out nearly 20% of the exiting neighborhood and build a walled in enclave. He stated that this was a dangerous precedent to set and added that they would like to see it developed as currently zoned.

Michael Makowski addressed the City Council in opposition to the rezoning. He expressed concern with several documents presented by Mr. Christensen noting that they were misrepresentations and not official city documents.

Jack Magoire addressed the City Council in opposition to the rezoning noting that it was out of character with the surrounding neighborhoods. He expressed concerns with additional traffic, flooding, and sanitation issues.

Virginia Nilson addressed the City Council in opposition to the rezoning. She stated that she had lived on Dreamland for 42 years and that it was a unique and older neighborhood. She expressed concern that they had been dealing with this issue since 2008 and asked that the integrity and character of the neighborhood be preserved.

Councilmember Krier thanked the residents that spoke and noted that they had been dealing with this since before he was in office. He stated that they had not been able to reach a compromise and felt that all efforts had been exhausted.

Councilmember Krier moved to deny Item Z-22. Councilmember Gallagher seconded the motion. The motion prevailed by the following vote:

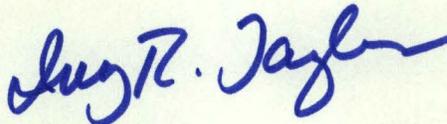
Aye: 10 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Gonzales

ADJOURNMENT

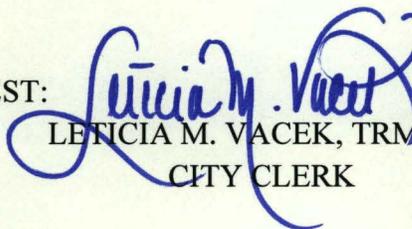
There being no further discussion, Mayor Taylor adjourned the meeting at 4:48 pm.

APPROVED



IVY R. TAYLOR
MAYOR

ATTEST:



LETICIA M. VACEK, TRMC/MMC
CITY CLERK