

**MEMORANDUM OF UNDERSTANDING
BETWEEN
FORT SAM HOUSTON, TEXAS
AND
CITY OF SAN ANTONIO, TEXAS**

This Memorandum of Understanding (hereinafter "MOU") is entered on this 9th day of December, 2008, by and between the City of San Antonio, Texas (hereinafter "COSA"), a municipal corporation and Fort Sam Houston, inclusive of Camp Bullis and Camp Stanley (hereinafter "FSH").

WHEREAS, COSA and FSH acknowledge that on August 7, 2008, COSA approved a strategy to address, support, and protect Camp Bullis and Camp Stanley, and that both agree with and support the strategy, which is described below.

WHEREAS, FSH is required by the Army Installation Compatible Use Zone (ICUZ) program (DODI 4165.57, 1977, Air Installations Compatible Use Zones; DoDI 4715.13 DoD Noise Program, November 15, 2005; and Army Regulation 200-1, Environmental Protection and Enhancement, 13 December 2007) to make comments to local governmental jurisdictions on land use issues that may affect FSH's installations, and desires a more formal system to make such comments.

WHEREAS, the strategy includes a new notification plan for development applications for property located within a Military Influence Area (hereinafter "MIA") surrounding Camp Bullis and Camp Stanley. COSA and FSH agreed that the Camp Bullis MIA is subject to change and such change will be recognized in a letter from FSH addressed to the COSA Mayor, City Manager, and offices of the City Council districts within which the Camp Bullis MIA is located.

I. Notifications

COSA and FSH agree that various notifications for development applications will be provided for parcels within the Camp Bullis MIA. The Camp Bullis MIA is defined as that area within five (5) miles of Camp Bullis and Camp Stanley, except tracts less than ten (10) acres and property south of North Loop 1604, provided that notification will be provided for development on any property, of any size, adjoining Camp Bullis or Camp Stanley.

COSA and FSH agree all notifications will be provided via e-mail. Upon deeming an application complete, COSA staff will notify the Mayor, City Manager, and the City Council Member in whose district the proposed development is located. For development projects located within the COSA Extraterritorial Jurisdiction ("ETJ"), staff will notify the closest affected City Council District Offices. All notifications will be provided to the Mayor, City Manager, and City Council Member(s) one working day before notice is provided to FSH.

COSA staff will notify the Office of Military Affairs, FSH and Camp Bullis, by the close of business on the second workday following initial notifications. FSH and Camp Bullis will be notified at campbullisnotifications@conus.army.mil.

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Development applications affected include:

- Requests to Rezone Property
- Preliminary Development Meetings
- Requests for a Zoning Variance or Special Exception
- Subdivision Plats
- Master Development Plans (MDPs)
- Planned Unit Developments (PUDs)
- Local Government Code, Chapter 245 Determinations
- Annexations
- Municipal and ETJ Boundary Adjustments
- Requests to Incorporate within the ETJ
- Agreements for Services In-Lieu of Annexation (Non-annexation agreements)

COSA and FSH agree that from the date on which FSH is notified, a response from FSH will be provided within five (5) working days for minor plats and within ten (10) working days for all other applications. FSH staff will forward responses to the Mayor's Office, the City Manager's Office, and the City Council Office within the district where the subject property is located.

COSA and FSH agree that all notifications will be provided to the offices and/or agencies listed in Exhibit "A" attached to this MOU.

COSA and FSH agree and understand that FSH development application responses are advisory in nature and that COSA cannot require an applicant to meet recommendations that COSA does not have the legal authority to enforce. If FSH makes a recommendation that COSA does have the legal authority to enforce, the COSA Planning Commission and/or City Council has discretion regarding addition of the recommendation to the development proposal prior to approval.

II. Communication and Training

COSA and FSH agree to the following with regard to staff communication and training:

- The COSA Planning and Development Services Department will hold meetings with staff to educate them about the strategies and procedures described within this MOU, as well as the importance of this MOU.
- Development applications and processes will be amended to reflect new coordination efforts between the U.S. Department of Fish and Wildlife, FSH, and Camp Bullis.
- The COSA Planning and Development Services Department will post maps online, recognizing the Camp Bullis MIA.

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- Standard Operating Procedures will be modified to include the Camp Bullis MIA development application notification plan.
- Staff who will conduct the notifications work in the offices and/or agencies identified on Exhibit “A”, and will be instructed to copy their supervisors and managers on e-mail notifications.

III. Utilities

COSA and FSH agree to the following with regard to utility providers:

- The San Antonio Water System (hereinafter “SAWS”) and City Public Service Energy (hereinafter “CPS”) will follow the same notification procedures outlined above on any Utility Service Agreements requested for property located within the Camp Bullis MIA. The utility companies will copy the COSA Planning and Development Services Department on their initial e-mail notifications.
- CPS Energy and the Planning and Development Services Department will coordinate their efforts to implement effective downward lighting requirements within three (3) miles of Camp Bullis.
- COSA agrees to request that Bexar Metropolitan Water District follow the same notification procedures outlined above on any Utility Service Agreements requested for property located within the Camp Bullis MIA. The utility companies will copy the COSA Planning and Development Services Department on their initial e-mail notifications.

IV. U.S. Fish and Wildlife

COSA agrees to recommend to development applicants that they coordinate their projects with the U.S. Fish and Wildlife Service (“USFW”) regarding environmental studies. Development applications will include a check box for applicants to acknowledge their understanding of the need to coordinate with USFW.

V. Planning Commission

COSA and FSH agree to the following with regard to Planning Commission Recommendations:

- FSH will provide written remarks to the project developer regarding Endangered Species Act issues and dark sky lighting issues.
- Developer will provide a written response to the FSH remarks.
- COSA staff will indicate that FSH comments are a recommendation and a hold will not be placed on plats and plans associated with the FSH recommendation.

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- COSA will provide points of contacts to the project developer for:
 - United States Fish and Wildlife
 - Fort Sam Houston Installation
 - Bexar County Environmental Engineer

This MOU is executed in duplicate originals this 9th day of December, 2008.

City of San Antonio

By: _____

Name: _____

Title: _____

Department of the Army

Headquarters, U.S. Army Medical Department Center
and School and Fort Sam Houston

2250 Stanley Road

Fort Sam Houston, Texas 78234-6100

By: _____

Name: RUSSELL J. CZERNY

Title: Major General, US Army
Commander

APPROVED AS TO FORM:

Paul W. W. Assistant City Attorney, For
City Attorney

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Texas

Exhibit A

Office of the Mayor

P.O. Box 839966
San Antonio, TX 78283
Phone: 210-207-7060/7107
Fax: 210-207-4168

Office of the City Manager

P.O. Box 839966
San Antonio, Texas 78283
Phone: 210-207-7080
Fax: 210-207-4217

Office of Military Affairs

P.O. Box 839966
San Antonio, TX 78283-3966
Phone: 210-207-2712
Fax: 210-207-8151

City Council District 8

P.O. Box 839966
San Antonio, TX 78283
Phone: 210-207-7086
Fax: 210-207-6943

City Council District 9

P.O. Box 839966
San Antonio, TX 78283
Phone: 210-207-7325

San Antonio Water System

2800 U.S. Hwy 281 North
P.O. Box 2449
San Antonio, TX 78298-2449
Phone: 210-704-7297

City Public Service Energy

P.O. Box 1771
San Antonio, TX 78296
Phone: 210-353-2000

Bexar Metropolitan Water District

2047 West Malone
San Antonio, TX 78225
Phone: 210-354-6500