

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

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, JUNE 18, 2009.

The San Antonio City Council convened in a Regular Meeting on Thursday, **June 18, 2009** at 9:00 am in the City Council Chambers.

Item 1. The Invocation was delivered by Rev. Hector J. Grant, Pastor, East St. Paul United Methodist Church, guest of Councilmember Sheila McNeil, District 2.

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

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **ABSENT:** Clamp. Ms. Vacek reported that Councilmember Clamp was out of town and would not be in attendance.

Item 3. MINUTES

Councilmember Cibrian made a motion to approve the Minutes for the June 4, 2009 Regular City Council Meeting. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

CONSENT AGENDA: Items 4 – 34

Consent Agenda Items 6, 7, 10, 18, 21, 27, 30, 32 and 34 were pulled for Individual Consideration. Councilmember McNeil moved to approve the remaining Consent Agenda Items. Councilmember Rodriguez seconded the motion.

Nazirite Ruben Flores Perez spoke in support of the renovations to the Las Palmas Branch Library (Item 6A) and the New Braunfels Street Renovations (Item 7). He spoke in favor of the Camp Bullis Joint Land Use Study Final Report (Item 32) and the development of the flood buyout property (Item 33).

Antonio Diaz spoke in opposition to Item 32 regarding the Camp Bullis Joint Land Use Study stating that individuals had the right to determine land use. He expressed concern with the renaming of a section of Perez Street to Medina Street (Item 34) noting that Casanova Perez was one of the founding families of San Antonio. He stated that the process in renaming a section of Perez Street to Hardberger Way had not been followed.

Jack M. Finger expressed concern with the settlement of the lawsuits referenced in Items 25 and 26. He spoke in opposition to the professional services agreement with Say Si (Item 28). He spoke in favor of the Camp Bullis Joint Land Use Study Final Report (Item 32) and the renaming of a section of Perez

Street to Hardberger Way (Item 34). He expressed concern with the renaming of a section of Perez Street to Medina Way, as it happened to be the name of the incoming Councilmember for District 5.

Rhett Smith stated that rights of individuals that owned property around Camp Bullis should be respected.

Michael D. Moore expressed his support for the Camp Bullis Joint Land Use Study and thanked the City Council for allowing him to serve on the Executive Committee. He stated that the results were successful and allowed the protection of property rights and the mission of the Military.

Julie Iris Oldham spoke in opposition to renaming a section of Perez Street to Hardberger Way (Item 34).

Terry Britton, Senior Vice-President of Real Estate Development at Fort Sam Houston spoke in support of the submission of a grant application to the Office of Economic Adjustment for a Growth Management Plan of Lackland Air Force Base (Item 18).

Rumel Bohannobey, Project Manager at Lackland Air Force Base also spoke in support of the grant application for a Growth Management Plan of Lackland. He stated that the Growth Management Plan would ensure that anti-terrorism and force protection standards were met and that Port San Antonio would grow as it was intended.

Ms. Vacek read written testimony from Faris Hodge, Jr. who wrote that the Alamodome should be re-named after him and that individuals should be recognized for their achievements and efforts to help the community before they pass on. Mr. Hodge expressed concern with the contract estimates in Item 4 and wrote that the purchases referenced in Items 5, 6, 8, 27 and 30 should be delayed due to the budget shortfall. Mr. Hodge wrote in favor of Items 7,9,10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 28, 29, 31, 32 and 33. He expressed concern with the lawsuits referenced in Items 25 and 26.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

2009-06-18-0504

Item 4. AN ORDINANCE ACCEPTING THE FOLLOWING BIDS TO PROVIDE THE CITY WITH THE FOLLOWING COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2009 FOR A COMBINED ESTIMATED COST OF \$767,000.00, INCLUDING: (A) HUTTON COMMS., INC. FOR ANTENNAS; (B) TIMELESS SOLUTIONS FOR CLEANING AND SANITATION OF EMERGENCY VEHICLE INTERIORS; (C) CT INTERNATIONAL FOR MEDICAL VACCINES AND BIOLOGICALS; (D) BRACKEN COLLISION CENTERS FOR FIRE AND PUMPER VEHICLE BODY REPAIR; (E) TIBH INDUSTRIES, INC. AND WORLD TECHNICAL SERVICES, INC. FOR GROUNDS MAINTENANCE FOR STORM WATER OPERATIONS; AND (F) TREE WISE MEN FOR TREE AND PALM MAINTENANCE; AND AMENDING THE BUDGET FOR THE SSF RUNWAY 9-27 OVERLAY/EXTENSION PROJECT CURRENTLY APPROVED IN THE FY 2009- FY 2014 CAPITAL IMPROVEMENTS PROGRAM.

2009-06-18-0505

Item 5. AN ORDINANCE APPROVING CHANGE ORDER NO. 7 IN THE INCREASED AMOUNT OF \$80,384.00 TO THE \$10,599,699.00 CONSTRUCTION CONTRACT, WITH F. A. NUNNELLY COMPANY TO ADD FIRE DAMPERS AND RELOCATE ELECTRICAL PANELS AND TRANSFORMERS FOR THE ANIMAL CARE FACILITY PROJECT, AN AUTHORIZED 2003 GENERAL OBLIGATION BOND PROJECT, LOCATED IN COUNCIL DISTRICT 6.

2009-06-18-0509

Item 8. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$3,396,675.00 WITH JOURNEYMAN CONSTRUCTION, INC. FOR THE SALADO CREEK GREENWAY PROJECT'S CENTRAL SEGMENT (MCALLISTER PARK TO LOOP 410) LOCATED IN COUNCIL DISTRICTS 9 AND 10.

2009-06-18-0510

Item 9. AN ORDINANCE AUTHORIZING A THREE-YEAR LEASE WITH ALAMO HELICOPTER TOURS SAN ANTONIO, LLC FOR 416 SQUARE FEET OF SPACE AT THE STINSON MUNICIPAL AIRPORT TERMINAL FOR ANNUAL RENTALS OF \$5,703.36.

2009-06-18-0512

Item 11. AN ORDINANCE AUTHORIZING A ONE-YEAR LEASE WITH JOE AND ELIZABETH RODRIGUEZ TO OPERATE A CAFÉ AT STINSON MUNICIPAL AIRPORT WITH GUARANTEED ANNUAL RENTALS OF \$1,440.00.

2009-06-18-0513

Item 12. AN ORDINANCE AUTHORIZING THE TERMINATION OF THE LEASE WITH SKY SAFETY AND AUTHORIZING A FIVE-YEAR LEASE WITH SPECIALED SOLUTIONS, DBA RED WING AERIAL PHOTOGRAPHY FOR HANGAR 6 AT STINSON MUNICIPAL AIRPORT.

2009-06-18-0514

Item 13. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE RENEWAL AT 345 W. COMMERCE, LOCATED IN COUNCIL DISTRICT 1, FOR CONTINUED USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AT AN INITIAL MONTHLY RENT OF \$9,275.00.

2009-06-18-0515

Item 14. AN ORDINANCE AUTHORIZING AN AMENDMENT TO AN EXISTING LEASE WITH AMERICAN TOWER, INCREASING THE ANNUAL AMOUNT FROM \$15,000.00 TO \$27,120.00, FOR THE INSTALLATION OF AN ANTENNA SYSTEM ON THE 23706 SOUTH BREEZE TOWER.

2009-06-18-0516

Item 15. AN ORDINANCE AUTHORIZING A MUNICIPAL BOUNDARY ADJUSTMENT TO RELEASE THREE TRACTS OF LAND FROM THE CITY OF SAN ANTONIO MUNICIPAL BOUNDARIES TO THE CITY OF KIRBY (APPROXIMATELY 37.1 ACRES); AND ACCEPT TWO TRACTS OF LAND FROM THE CITY OF KIRBY INTO THE CITY OF SAN ANTONIO MUNICIPAL BOUNDARIES (APPROXIMATELY 1.10 ACRES) LOCATED IN COUNCIL DISTRICT 2.

2009-06-18-0517

Item 16. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS UPON AWARD IN AN AMOUNT UP TO \$225,000.00 FROM THE INTERNAL REVENUE SERVICE FOR THE VOLUNTEER INCOME TAX ASSISTANCE PROGRAM FOR THE 2010 TAX SEASON AND APPROVING A CONTRACT FOR UP TO \$225,000.00 WITH CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO INC. TO PROVIDE FREE TAX PREPARATION ASSISTANCE TO LOW INCOME INDIVIDUALS.

2009-06-18-0518

Item 17. AN ORDINANCE AUTHORIZING CONTRACTS WITH DELEGATE AGENCIES IN A COMBINED AMOUNT UP TO \$5,256,988.00 TO SUPPORT THE 2008 CONTINUUM OF CARE HOMELESS ASSISTANCE SUPPORTIVE HOUSING PROGRAM (SHP); AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND TECHNICAL SUBMISSIONS, AND ACCEPTANCE UPON AWARD OF A GRANT UP TO \$6,181,364.00, FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE 2009 SHP.

2009-06-18-0520

Item 19. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS UPON AWARD FOR APPROXIMATELY \$75,562.50 FROM THE ECONOMIC DEVELOPMENT ADMINISTRATION IN ORDER TO IMPLEMENT ELECTRONIC PLAT AND PLAN REVIEW.

2009-06-18-0521

Item 20. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS UPON AWARD IN THE AMOUNT OF \$174,876.00 FROM THE BALLISTIC VEST PARTNERSHIP PROGRAM, U.S. DEPARTMENT OF JUSTICE, FOR THE PURCHASE OF ADDITIONAL BALLISTIC VESTS.

Item 22. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT, UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR IN THE EVENT EIGHT AFFIRMATIVE VOTES IS NOT RECEIVED, TEN DAYS AFTER APPOINTMENT:

- A. APPOINTING STEPHEN H. KALE (DISTRICT 10) TO THE CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- B. REAPPOINTING STEPHEN J. SPEAR (DISTRICT 10) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- C. REAPPOINTING JO E. JEPSON (DISTRICT 10) TO MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- D. REAPPOINTING JOE C. SOULES, JR. (DISTRICT 10) TO THE PARKS AND RECREATION BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

- E. REAPPOINTING NICHOLAS D. ORTEGA (DISTRICT 10) TO THE SAN ANTONIO YOUTH COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- F. REAPPOINTING KELLI LARSEN (DISTRICT 10) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- G. REAPPOINTING JAN H. VAN DEN HENDE (DISTRICT 10: CATEGORY - PERFORMING ARTIST/ MUSICIAN) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- H. REAPPOINTING CLIFFORD W. WHITTINGSTALL (DISTRICT 10: CATEGORY: ARCHITECT) TO THE BUILDING AND FIRE CODE BOARD OF APPEALS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

2009-06-18-0523

Item 23. AN ORDINANCE EXPANDING THE BOARD OF DIRECTORS FOR TAX INCREMENT REINVESTMENT ZONE NUMBER THIRTY (WESTSIDE TIRZ) TO SEVEN MEMBERS; APPOINTING CITY COUNCILMEMBERS OF DISTRICTS 1 AND 5 AS EX-OFFICIO VOTING MEMBERS TO THE TIRZ BOARD WITH A TWO-YEAR TERM OF OFFICE TO COINCIDE WITH THE CITY COUNCILMEMBER'S TERM OF OFFICE.

2009-06-18-0524

Item 24. AN ORDINANCE AUTHORIZING FOUR AS-NEEDED PROFESSIONAL ARCHITECTURAL AGREEMENTS WITH BEATY PALMER ARCHITECTS, INC., CHESNEY MORALES & ASSOCIATES, INC., DEBRA J. DOCKERY ARCHITECTS, P.C., AND REHLER VAUGHN & KOONE, INC., EACH IN AN AMOUNT UP TO \$350,000.00 PER YEAR FOR PROFESSIONAL ARCHITECTURAL SERVICES.

2009-06-18-0525

Item 25. AN ORDINANCE AUTHORIZING A SETTLEMENT IN A STATE LAWSUIT STYLED *HUGO MENDEZ AND MARIA MENDEZ MARTINEZ, INTERVENORS V. CITY OF SAN ANTONIO* IN THE 407TH JUDICIAL DISTRICT COURT, CAUSE NO. 2008-CI-06869, FOR THE AMOUNT OF \$209,000.00.

2009-06-18-0526

Item 26. AN ORDINANCE AUTHORIZING A SETTLEMENT IN A STATE LAWSUIT STYLED *VANESSA SAMUDIO, PLAINTIFF V. CITY OF SAN ANTONIO* IN THE 407TH JUDICIAL DISTRICT COURT, CAUSE NO. 2008-CI-06869, FOR THE AMOUNT OF \$227,500.00.

2009-06-18-0528

Item 28. AN ORDINANCE AUTHORIZING A TWO-YEAR PROFESSIONAL SERVICES AGREEMENT IN AN ANNUAL AMOUNT UP TO \$70,000.00 WITH SAY SI TO IMPLEMENT, OPERATE AND PROMOTE A CITY-WIDE ARTS EDUCATION PLAN AND ARTS EDUCATION SCHOLARSHIPS, FUNDED BY HOTEL OCCUPANCY TAX REVENUES.

2009-06-18-0529

Item 29. AN ORDINANCE APPROVING LEASE AMENDMENTS WITH TWENTY TWO (22) TENANTS OF THE LA VILLITA HISTORIC ARTS VILLAGE TO PROVIDE FOR AN ADDITIONAL ONE-YEAR TERM ENDING ON JUNE 30, 2010 AND A RENTAL RATE INCREASE; AND APPROVING AN AMENDMENT TO A PROMOTION FUNDING AND USE AGREEMENT WITH THE LA VILLITA TENANTS ASSOCIATION TO PROVIDE FOR A ONE-YEAR EXTENSION OF THE FUNDING AGREEMENT THROUGH JUNE 30, 2010.

2009-06-18-0531

Item 31. AN ORDINANCE AUTHORIZING TWO AS-NEEDED PROFESSIONAL SERVICES AGREEMENTS WITH ENVIRONMENTAL/OCCUPATIONAL SOLUTIONS CORPORATION AND AEHS, INC., EACH FOR AN AMOUNT UP TO \$100,000.00, TO PROVIDE LEAD TRAINING FOR A ONE-YEAR TERM FOR VARIOUS HOUSING AND NEIGHBORHOOD SERVICES DEPARTMENT HOUSING PROGRAMS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

2009-06-18-0532

Item 33. AN ORDINANCE AUTHORIZING A FIVE-YEAR LICENSE AGREEMENT WITH EASTSIDE CHRISTIAN ACTION GROUP FOR THE DEVELOPMENT OF A SPORTS COMPLEX IN MARTIN LUTHER KING PARK AND WHEATLEY HEIGHTS FLOOD BUYOUT PROPERTY LOCATED IN COUNCIL DISTRICT 2.

[CONSENT ITEMS CONCLUDED]

POINT OF PERSONAL PRIVILEGE

Councilmember McNeil recognized City of Kirby Mayor Johnny Duffek, Jr. and City Manager Zina Tedford regarding Item 15. She stated that the item would help clear the lines between the City of San Antonio and the City of Kirby. Mayor Duffek stated that the boundaries had become inconsistent and thanked Councilmember McNeil and City Staff in moving said item forward.

At this time, Mayor Castro addressed Item 32.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Resolution:

2009-06-18-0021R

Item 32. A RESOLUTION ACCEPTING THE CAMP BULLIS JOINT LAND USE STUDY (JLUS) FINAL REPORT AND ENDORSING AND SUPPORTING THE STRATEGIES THEREIN AS RECOMMENDED BY THE CAMP BULLIS JLUS EXECUTIVE COMMITTEE.

General Robert Murdock, Office of Military Affairs presented said item and stated that the purpose of the Joint Land Use Study (JLUS) was to ensure the viability of current and prospective missions at Camp Bullis, while sustaining the economic viability of the community. He noted that the JLUS had commenced in July, 2008 and that Executive and Advisory Committees consisting of numerous community leaders and stakeholders had been formed. He reported that there were a total of 65 recommendations that concerned communications with Fort Sam Houston to ensure a viable network of communication regarding future land development and its potential impact to Camp Bullis, as well as

issues with lighting, noise, land use, vertical obstructions, safety, and endangered species. He spoke of the seven Military Sustainment Initiatives proposed by Former Mayor Hardberger and noted that an eighth initiative had been added.

General Murdock summarized the JLUS Strategies recommended for Immediate Implementation as follows: 1) Establish a JLUS Implementation Committee; 2) Implement Local Government Code 241 – Establish a Joint Airport Zoning Board for Combat Assault Landing Strip; 3) Develop a Comprehensive Land Use Plan for the Extra-Territorial Jurisdiction and strengthen existing regulations and ordinances; and 4) Develop an Acquisition Program for lands critical to the sustainment of military missions. He added that the JLUS Executive Committee recommended that the City Council accept the JLUS Report and endorse the recommendations and strategies.

Councilmember Cibrian recognized all involved in the development of the JLUS and thanked Mayor Castro and Former Mayor Hardberger for their support. She requested information regarding the JLUS process and funding. General Murdock explained that two years ago, Fort Sam Houston had applied for a JLUS from the Department of Army Headquarters. Upon approval, the Office of Military Affairs requested a grant from the Office of Economic Adjustment in the Department of Defense to conduct the JLUS. A statement of work was developed and the City solicited a Request for Proposals. The Matrix Group was selected and has worked closely with the Military, City Staff, and Community Stakeholders to gather data and make recommendations. General Murdock reported that the grant amount was \$350,000 and that a total of \$3.2 million in grants and other funding had been received. Councilmember Cibrian noted that the City had also received a grant in the amount of \$1.3 million from Texas Parks and Wildlife to implement a Regional Habitat Conservation Plan.

Deputy City Manager Pat DiGiovanni provided an overview of the eight Military Sustainment Initiatives. Mayor Castro expressed his support and spoke of the importance of protecting Camp Bullis from encroachment that is not compatible with its mission. Councilmember McNeil expressed her support for the recommendations and thanked Councilmember Cibrian for her efforts. She recognized all involved in the process for their work.

Jim Cannizzo, Environmental Attorney for Camp Bullis recognized the City of San Antonio for their timely work on the JLUS. He spoke in support of the Downward Lighting Ordinance and mitigation efforts. He stated that most of the pressures threatening Camp Bullis could be resolved if the major recommendations were implemented and thanked all involved in the process.

Leon Thomas requested that the City support the efforts of Fort Sam Houston and noted that there were numerous infrastructure needs in the area. He recognized Councilmember McNeil for her work over the past four years and expressed his support for an increase in salary for the City Council.

Councilmember Cibrian moved to approve the proposed Resolution. Councilmember Ramos seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

The City Clerk read the following Ordinances for Items 6A and 6B:

Item 6. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO LIBRARY IMPROVEMENTS FOR LAS PALMAS BRANCH LIBRARY AND WESTFALL BRANCH LIBRARY:

2009-06-18-0506

- A. AN ORDINANCE AUTHORIZING ISSUANCE OF A \$360,444.56 JOB ORDER TO JAMAIL & SMITH CONSTRUCTION FOR IMPROVEMENTS TO THE LAS PALMAS BRANCH LIBRARY, A CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 5.

2009-06-18-0507

- B. AN ORDINANCE AUTHORIZING ISSUANCE OF A \$260,420.53 JOB ORDER TO JAMAIL & SMITH CONSTRUCTION FOR IMPROVEMENTS TO THE WESTFALL BRANCH LIBRARY, A CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

Councilmember Galvan expressed her support for the improvements to the Las Palmas Branch Library. She stated that there should be continued funding for the Libraries since they are greatly utilized and provide numerous educational services. Mike Frisbie noted that construction on the Las Palmas and Westfall Branch Libraries would commence in June and be completed in October. Councilmember Cisneros thanked the staff for their work regarding the library renovations that were greatly needed at both locations. She recognized the Dellview Neighborhood Association for their support of the Westfall Branch Library.

Councilmember Lopez asked of the process for identifying necessary renovations for libraries throughout the City. Mr. Frisbie stated that a study of 21 libraries had been approved in the previous budget to assess facility needs and a facility strategy would be developed for the future. He noted that 11 libraries were included in the 2007 Bond Program.

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

The motion to approve Items 6A and 6B prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

The City Clerk read the following Ordinance:

2009-06-18-0508

Item 7. AN ORDINANCE AUTHORIZING AMENDMENTS TO THE DEVELOPMENT AGREEMENT BETWEEN THE BROOKS DEVELOPMENT AUTHORITY, THE BOARD OF DIRECTORS OF THE BROOKS CITY-BASE TAX INCREMENT REINVESTMENT ZONE NUMBER SIXTEEN AND THE CITY OF SAN ANTONIO TO ACCOMMODATE THE DESIGN AND CONSTRUCTION OF THE BROOKS CITY-BASE SOUTH NEW BRAUNFELS ROAD PROJECT LOCATED IN COUNCIL DISTRICT 3, AND AUTHORIZING AN INITIAL CERTIFICATES OF OBLIGATION FUNDED PROJECT IN AN AMOUNT UP TO \$10,455,000.00.

Councilmember Ramos requested additional information regarding said project. David Garza stated that the project included five phases and that Phase I would be completed by July, 2009. He reported that Phase II would be completed by August, 2009; Phase III by June, 2013; and Phases IV and V in November, 2012.

Donald Jakeway, Brooks Development Authority President and CEO stated that he was pleased with the partnership with the City of San Antonio and thanked the Council for their continued support.

Councilmember Cibrian recognized Councilmember Ramos for her continued leadership and advocacy for Brooks City-Base. She asked for additional information regarding the agreement. Mr. Jakeway stated that the agreement dated back to 2001 and was an effort to strengthen the position of Brooks City-Base. He noted that the conveyance of property had occurred in 2002 and the Brooks Development Authority was created. He spoke of the infrastructure improvements that would help make Brooks City-Base a premiere world class research and development park. Councilmember Lopez asked of the funding source. Ben Gorzell stated that funding was being provided through Certificates of Obligation that were secured through the revenue of the Tax Increment Financing (TIF).

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember Cibrian seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

The City Clerk read the following Ordinance:

2009-06-18-0511

Item 10. AN ORDINANCE AUTHORIZING A THREE-YEAR LEASE WITH ALAMO COLLEGES FOR 4476 SQUARE FEET OF SPACE AT THE STINSON MUNICIPAL AIRPORT TERMINAL FOR ANNUAL RENTALS OF \$20,000.00.

Councilmember Ramos asked of the partnership with Alamo Colleges. Tim O’Krongley stated that the three-year lease with the Alamo Colleges would be utilized for the Palo Alto Aviation Program. He noted that they had utilized the facility for flight training through another tenant but would be moving the entire program to Stinson Municipal Airport. Councilmember Ramos stated that she was pleased with the numerous leases at Stinson and thanked staff for their work.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember Cortez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

Mayor Castro excused himself from the meeting at this time and Councilmember Cortez presided.

The City Clerk read the following Ordinance:

2009-06-18-0519

Item 18. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS UPON AWARD IN THE AMOUNT OF \$685,500.00 FROM THE OFFICE OF ECONOMIC ADJUSTMENT FOR A GROWTH MANAGEMENT PLAN OF LACKLAND AIR FORCE BASE AND SURROUNDING AREA; AND AUTHORIZING THE REQUIRED 10% MATCH OF LOCAL FUNDS.

Councilmember Cortez spoke in support of the grant application and asked for additional information regarding the study. General Robert Murdock reported that there was much growth in the area due to the 2005 BRAC and that the Cyber Command would be established at Lackland Air Force Base (AFB). He stated that there were currently 49,000 Military, Civilian, and Contract Personnel at Lackland AFB and anticipated 2,000 more as a result of BRAC. He noted that community stakeholders would be involved in the process and that the five major study areas included: 1) Traffic; 2) Drainage; 3) Air Cargo and Future Air Operation Expansion; 4) Growth; and 5) Community. He explained that a Request for Proposals would be solicited for each study area and that funding was anticipated to be \$685,000. He added that the Office of Economic Adjustment required a 10% grant match that would be provided through In-Kind Support. Councilmember Cortez noted that there would be no impact to the City Budget and thanked City Staff for their efforts.

Councilmember Cibrian recognized Councilmember Cortez for his work on said item and spoke of the great efforts of the City of San Antonio in identifying the need for Growth Management Plans. Councilmember Lopez asked of possible funding areas adjacent to Port San Antonio. General Murdock reported that a Statement of Work would be developed and staff would work closely with the Council to determine the neighborhood organizations and stakeholders that should be included.

Councilmember Cortez moved to adopt the proposed Ordinance. Councilmember Cibrian seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Lopez, Rodriguez, Cibrian, and Chan. **NAY:** None. **ABSENT:** Galvan, Clamp and Mayor Castro.

The City Clerk read the following Ordinance:

2009-06-18-0522

Item 21. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY AMENDING THE FORM BASED ZONING DISTRICT, ADOPTING PROVISIONS FOR INFILL DEVELOPMENT REGULATIONS AND ADOPTING THE FORM BASED ZONING DISTRICT AS AN OPTION AVAILABLE CITY WIDE.

Councilmember Cortez requested additional information on said item. Rod Sanchez reported that a Form Based Zoning District (FBZD) Code was in existence but only applicable to City South. He explained that the goal of an FBZD was to provide compact, walkable, mixed-use and mixed-income development focused on form rather than on use. He stated that the ordinance included a Sustainable Building Component and a comprehensive public input process for Infill Development. He noted that Light Industrial Uses would be permitted and that the FZBD process would be integrated with existing procedures.

Councilmember Cisneros expressed her support and recognized staff for their work. Councilmember Ramos asked of the zoning for the City South Area. Mr. Sanchez replied that City South utilized both the FBZD and the Flex Zoning, noting that the FBZD focused on form and the Flex focused on design and did not mandate mixed-use. Councilmember McNeil asked if the FBZD was mandated. Mr. Sanchez stated that it was a zoning option that was available for development and had only been mandated for the Verano Development.

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

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, and Chan. **NAY:** None. **ABSENT:** Clamp and Mayor Castro.

The City Clerk read the following Ordinance:

2009-06-18-0527

Item 27. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$156,770.00 WITH JOHNSON CONTROLS, INC. TO CONDUCT AN ENERGY AUDIT OF ALAMODOME, CONVENTION CENTER, HEMISFAIR PARK, STINSON AIRPORT, AND SAN ANTONIO INTERNATIONAL AIRPORT FACILITIES.

Councilmember Cisneros recused herself on Item 27 by exiting the Council Chambers and noting she had submitted the recusal forms to the City Clerk.

Councilmember Ramos asked of the possibility of utilizing SAWS and CPS Energy for audits. Jim Mery stated that the audit performed by Johnson Controls, Inc. would take a holistic approach and include the entire water and electrical systems. He noted that there was a guaranteed energy cost savings and that costs associated would be recovered in a short amount of time. Councilmember Ramos asked of similar audits for other City Facilities and if they would be performed by Johnson Controls, Inc. Richard Varn stated that there were different requirements for each project. Laurence Doxsey reported that he had been working with CPS and SAWS on lighting and water audits, respectively, and that the contract with Johnson Controls, Inc. could be utilized for additional evaluation of properties in terms of Heating, Ventilation and Air Conditioning. Mr. Varn noted that through the use of Stimulus Funds, additional audits would be scheduled for City Facilities in the future.

Councilmember Rodriguez asked of next steps upon receipt of the audit. Mr. Mery stated that the audit would include recommendations for savings and seek funding from the State Energy Conservation Office to implement recommendations that were accepted. Mr. Varn noted that Johnson Controls, Inc. utilized advanced modeling software and had performed such audits all over the world.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember McNeil seconded the motion.

The motion prevailed by the following vote: **AYES:** McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, and Chan. **NAY:** None. **ABSTAIN:** Cisneros. **ABSENT:** Clamp and Mayor Castro.

The City Clerk read the following Ordinance:

20090618
LV/lvs

2009-06-18-0530

Item 30. AN ORDINANCE APPROVING FUNDING IN AN AMOUNT UP TO \$100,000.00 AND AUTHORIZING THE CITY TO REIMBURSE GRANDE COMMUNICATIONS FOR COSTS RELATED TO THE CPS ENERGY OVERHEAD UTILITY CONVERSION PROJECT IN THE AREA SURROUNDING THE BASILICA OF THE NATIONAL SHRINE OF THE LITTLE FLOWER.

Councilmember Cisneros recognized Grande Communications, Time Warner Cable and AT&T for working together on the infrastructure improvements that they had been working on for over a year. She thanked all involved in the project for their efforts and participation.

Councilmember Cisneros moved to adopt the proposed Ordinance. Councilmember Rodriguez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, and Chan. **NAY:** None. **ABSENT:** Clamp and Mayor Castro.

The City Clerk read the following Ordinance:

2009-06-18-0533

Item 34. AN ORDINANCE RENAMING TWO SECTIONS OF PEREZ STREET LOCATED IN COUNCIL DISTRICT 1, TO HARDBERGER WAY AND MEDINA STREET, AND WAIVING PROCEDURAL REQUIREMENTS.

Councilmember Galvan asked of the proposed name change. Rod Sanchez stated that it had been recommended by City Staff. Councilmember Galvan expressed concern with the process that had been utilized and that it had not been coordinated with District 5. She stated that she was in support of the renaming of a section of Perez Street to Hardberger Way in recognition of Former Mayor Phil Hardberger's efforts to end homelessness and hunger.

Councilmember Cisneros expressed her support for the renaming of Perez Street to Hardberger Way and recognized Bill Greehey and Patti Radle for their efforts on Haven for Hope. Councilmember Cibrian also expressed her support and recognized Former Councilmember Robert Marbut for his work on Haven for Hope. Councilmember Cortez recognized Councilmembers Cisneros and Galvan for their leadership on the Haven for Hope Project and expressed his support for the renaming of Perez Street to Hardberger Way.

Councilmember Galvan moved to approve the renaming of a portion of Perez Street to Hardberger Way and that the other proposed portion of Perez Street to be renamed follow the required renaming process. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, and Chan. **NAY:** None. **ABSENT:** Clamp and Mayor Castro.

Item 35. CITY MANAGER'S REPORT

A. Federal Stimulus Update

Ms. Sculley provided an update on the Federal Economic Stimulus Plan noting that San Antonio had been awarded \$110 million to date and was awaiting notification on additional applications for funding. She reported that funds would be distributed based on population and demographics of the community and others would be provided through the State. She noted that the City had not received any funds to date and would continue to provide updates to the City Council.

Councilmember McNeil asked if the Stimulus Funds affected the City's Budget. Ms. Sculley explained that Stimulus Funds could not be utilized to support existing programs and would be used primarily for capital construction projects to stimulate the economy.

At this time, Councilmember Ramos announced that Item P-1 had been pulled from the zoning agenda by staff as a courtesy to those persons that were waiting in the audience for said item.

Councilmember Cortez recessed the meeting at 11:52 am and stated that the meeting would resume at 2:00 pm. Mayor Castro reconvened the meeting at 2:15 pm and addressed the Zoning Items.

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

DENIED

Item 36. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A ZONING DISTRICT BOUNDARY CHANGE TO DESIGNATE A PORTION OF 1130 BROADWAY AS HISTORIC SIGNIFICANT (DISTRICT 2). STAFF AND HISTORIC AND DESIGN REVIEW COMMISSION RECOMMEND APPROVAL.

Ms. Shannon Wasielewski, Historic Preservation Officer, spoke of the history of the property noting that it had been one of many car dealerships located on Broadway in the 1940's. She stated that the structure was built in the mid-century modern-style and met four of the criteria required by the Unified Development Code (UDC) for landmark status. She added that it had been identified in the River North Development as a potential historic property and that the case had been initiated due to the owner's application for demolition. She stated that only the front portion of Building Two had been found historically significant but Buildings One and Three had not. Finally, she reiterated that the resolution would not designate the property as historic but would initiate the designation process.

Mr. Bobby Perez, representative of the property owner, noted that car dealerships were no longer located in the area and that the property was underutilized. He stated that the property was not a culture icon and therefore; did not meet the historical designation requirement. He stated that if the building was to be demolished, the land could be used as a gateway to the river. He added that it would be very costly for the owners to rehabilitate the front portion of the building and bring it up to code.

Ms. Barbara Witte-Howell, San Antonio Conservation Society, read a letter on behalf of Society President Marcie Ince in support of the resolution. Ms. Ince wrote that the modern-style building at the front of the property reflected a time in the years after World War II when car dealerships thrived in an area known as "Automobile Row" on Broadway. She wrote of the unique curving façade of the showroom and the pylon blade sign and that rehabilitation and preservation of the building would be a fine compliment to the area.

Mr. Mitch Meyer, representative of the property owner, noted that he had served on a number of commissions in an attempt to improve the quality of development downtown. He urged the Council to deny said resolution.

Ms. Bianca Maldonado spoke in support of said resolution. She noted the building's prominence in the corridor and the historical features including signage and window curvature.

Councilmember McNeil thanked Ms. Wasielewski for the presentation. She noted that the resolution would not designate the property as historically significant, only direct staff to initiate the process. She spoke of the costs associated with maintaining the current structure and noted that there was support from the River North Group for denial of the resolution. She asked that the property owners keep the design of the building in mind for future development.

Mayor Castro asked staff of other buildings along the corridor built in the same style. Ms. Wasielewski stated that there were not many buildings of the modern-style along the corridor and that the building on said property was possibly the best example in the City. She added that staff was awaiting recommendations from the consultants, but hoped to present a strategic historic preservation plan for the corridor in August. Mayor Castro referenced the cost to the owner associated with rehabilitation and asked how the number was derived. Mr. Mike Miller, Owner, stated that it was the total cost for new electrical utilities, roofing, and plumbing. Mr. Perez noted that a forensic engineer would also be needed to demolish part of the building while preserving the remainder.

Councilmember McNeil moved to deny the proposed Resolution. Councilmember Cisneros seconded the motion.

The motion to deny prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

2009-06-18-0022R

Item 37. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A ZONING DISTRICT BOUNDARY CHANGE TO DESIGNATE 1102 FREDERICKSBURG ROAD AS HISTORIC SIGNIFICANT (DISTRICT 1). STAFF AND HISTORIC AND DESIGN REVIEW COMMISSION RECOMMEND APPROVAL.

Ms. Wasielewski noted that the resolution would initiate the process for historic designation. She stated that the building was of the modern-style, built in the 1940s, with an awning and parapet. She explained that the building was unique because of its location at the intersection of Fredericksburg Road and IH-10. She noted that it met three of the criteria needed for historical designation.

Ms. Barbara Witte-Howell, San Antonio Conservation Society, read a letter on behalf of Society President Marcie Ince in support of the resolution. She wrote that the 1940 Art Modern Style Jiffy Ice Store was an important icon of the City's history and a testament to the longstanding significance of Fredericksburg Road as a major corridor out of Downtown San Antonio. She wrote that with the revival of the Fredericksburg Corridor due to Bus Rapid Transit, the important icon should be given the opportunity to contribute to multiple layers of historic significance of Fredericksburg Road.

Ms. Bianca Maldonado thanked Councilmember Cisneros for her efforts, along with the San Antonio Police Department, in cleaning up the day labor service near the building. She stated that it had been a

key issue since the building was vacant and unsecured. She spoke of Bus Rapid Transit and noted that it was a great opportunity for adaptive reuse.

Councilmember Rodriguez noted that the property was located in District 1 but near District 7. He expressed support for said item and added that once the building was revitalized, it would make a magnificent gateway to the Deco District.

Councilmember Cisneros moved to approve the Resolution. Councilmember Rodriguez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

PULLED BY STAFF

Item P-1. **CITY SOUTH COMMUNITY PLAN UPDATE # U09004 (Districts 3 & 4):** An Ordinance amending the City South Community Plan to update the land use plan and text for Area 7 consisting of approximately 4129 acres of land generally bound by the Medina River on the north, Pleasanton Road on the east, Loop 1604 on the south, and Highway 16 on the west, from Agriculture/Light Industry, Agriculture, and Resource Protection/Open Space land use to Agriculture/Light Industry, Rural Estate Living and Resource Protection/Open Space land use and directing staff to review the Unified Development Code for appropriate zoning districts or create a new zoning district to incorporate the elements of the City South Community Plan Update. Staff recommends Approval. Planning Commission recommends that an update is not warranted at this time. City South Management Authority recommends Approval.

CONSENT ZONING

Councilmember Rodriguez made a motion to approve the following re-zoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no Citizens had registered to speak: P-2, Z-6, Z-8, P-4, Z-9, Z-10, Z-16 and Z-17. Councilmember Cisneros seconded the motion.

Emil R. Moncivais, Town Planning and Design, spoke on behalf of Port San Antonio in support of Item P-3. He stated that Port San Antonio would be involved with the continuation of the Plan Amendment and noted the opportunity for revitalization in the area.

Jack M. Finger spoke against Item Z-10 due to the allowance of alcohol sales. He stated that many people were in opposition to Item Z-11 because the zoning designation was inconsistent with the area. He expressed concern with encroachment issues for Item Z-13 and noted that the zoning for Item Z-14 was too intense for the area. He spoke of a lack of commercial and residential balance for Item Z-15.

Mr. Robert J. Wandrisco noted that he was representing the owner on Item Z-8 and was in favor of said item.

Ms. Socorro Alvarado thanked the property owners for their concern with the rezoning in Item Z-5 and noted that it would eliminate bars, car lots, and junkyards from the area.

The motion to approve the Consent Zoning Items prevailed by the following vote: **AYES:** Cisneros, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** McNeil and Clamp.

2009-06-18-0537

Item P-2. **PLAN UPDATE # U09007 (District 4):** An Ordinance amending the land use plan in the Nogalitos/S. Zarzamora Community Plan, a component of the Master Plan of the City, by updating the use of approximately 5.22 acres of land generally bound by Flanders on the north, Packard and Kyle on the east, Berlin to the south, and S. Zarzamora on the west. Staff and Planning Commission recommend Approval. (Associated Zoning Case # Z2009081)

2009-06-18-0540

Item Z-6. **ZONING CASE # Z2009074 (District 5):** An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District and "I-1" General Industrial District to "C-1" Light Commercial District on the north irregular 537.9 feet of Lot 16, Block 4, NCB 8324 located at 5317 West Commerce 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 IRREGULAR 537.9 FEET OF LOT 16, BLOCK 4, NCB 8324 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-1" LIGHT COMMERCIAL DISTRICT.

2009-06-18-0542

Item Z-8. **ZONING CASE # Z2009090 (District 6):** An Ordinance amending the Zoning District Boundary from "C-3NA" General Commercial District, Nonalcoholic Sales, "C-3R" General Commercial District, Restrictive Alcohol Sales and "C-3" General Commercial District to "MF-33" Multi-Family District on 8.077 acres out of NCB 18056 located at the 7800 Block of Culebra Road and 7700 Block of Pipers Creek. 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: 8.077 ACRES OUT OF NCB 18056 TO WIT: FROM "C-3NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES, "C-3R" COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOL SALES AND "C-3" GENERAL COMMERCIAL DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

2009-06-18-0543

Item P-4. **PLAN AMENDMENT # 09009 (District 7):** An Ordinance amending the land use plan in the Huebner/Leon Creeks Community Plan, a component of the Master Plan of the City, by changing the use of a 2.77 acre tract of land located southeast of the intersection of Bristlecone Drive and Woods End Drive from Community Commercial to Low Density Residential land use. Staff and Planning Commission recommend Approval. (Associated Zoning Case Z2009070)

2009-06-18-0544

Item Z-9. **ZONING CASE # Z2009070 (District 7):** An Ordinance amending the Zoning District Boundary from "O-1" Office District to "R-5" Residential Single-Family District on 2.777 acres out of

NCB 17948 located at the 8500 Block of Bristlecone Drive. Staff and Zoning Commission recommend Approval, pending plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: A 2.777 ACRE TRACT OF LAND OUT OF NCB 17948 TO WIT: FROM "O-1" OFFICE DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

2009-06-18-0545

Item Z-10. **ZONING CASE # Z2009096 (District 7):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District, "C-3 NA" General Commercial District, Nonalcoholic Sales and "MF-33" Multi-Family District to "C-3" General Commercial District on Lot 3, Block 2, NCB 17120 located at 5055 NW Loop 410. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 3, BLOCK 2, NCB 17120 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT, "C-3 NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES AND "MF-33" MULTI-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

2009-06-18-0549

Item Z-16. **ZONING CASE # Z2009072 S (District 10):** An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District to "R-6 S" Residential Single-Family District with a Specific Use Authorization for Licensed Child Care on Lot 13, Block 17, NCB 16410 located at 15043 Kamary Lane. Staff and Zoning Commission recommend Approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 13, BLOCK 17, NCB 16410 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT TO "R-6 S" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR LICENSED CHILD CARE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2009-06-18-0550

Item Z-17. **ZONING CASE # Z2009092 (District 10):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District to "I-1" General Industrial District on a 0.472 acre tract out of Lot 9, Block 1, NCB 17210 located at 12200 Bulverde 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: A 0.472 ACRE TRACT OF LAND OUT OF LOT 9, BLOCK 1, NCB 17210 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "I-1" GENERAL INDUSTRIAL DISTRICT.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION CONTINUED

CONTINUED TO SEPTEMBER 17, 2009

Item Z-1. **ZONING CASE # Z2009032 (District 1):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District to "HS C-3" Historic Significant General Commercial District on the east 114.6 feet of Lot 14, Block 3, NCB 1726 located at 2011 McCullough Avenue. Staff recommends Approval. Zoning Commission failed to pass a motion for this case; therefore it moves forward to City Council as a recommendation for Denial.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Cisneros noted that staff had been actively working for a solution in respect to the historic integrity of the structure. She recognized Mr. Ernest Bromley, the Tobin Hill Community Association, the Historic Preservation Association, and the San Antonio Conservation Society for their cooperation and efforts. She added that additional time was needed to finalize the project.

Councilmember Cisneros moved to continue said item to September 17, 2009. Councilmember Cibrian seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

2009-06-18-0534

Item Z-2. **ZONING CASE # Z2009095 CD (District 1):** An Ordinance amending the Zoning District Boundary from "I-1" General Industrial District to "C-2 NA CD" Commercial District, Nonalcoholic Sales with a Conditional Use for Motor Vehicle Sales on the south 54.9 feet of the north 108.9 feet of Lots 13, 14 and 15, Block 24, NCB 2094 located at 1506 North Zarzamora. Staff recommends Approval with conditions. The Zoning Commission recommendation pending June 16, 2009 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: THE SOUTH 54.9 FEET OF THE NORTH 108.9 FEET OF LOTS 13, 14 AND 15, BLOCK 24, NCB 2094 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-2 NA CD" COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH A CONDITIONAL USE FOR MOTOR VEHICLE SALES PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Mr. Chris Looney presented the proposed Zoning Case and noted the following conditions as recommended by staff and the Zoning Commission: 1) A six-foot tall solid screen fence be maintained where the property abuts residential zoning or uses; 2) A fifteen-foot Type B landscaping buffer be required where the property abuts residential zoning or uses; 3) All on site lighting must be directed onto the site and point away from any residential zoning or uses; 4) Hours of operation not permitted before 7:00 am or after 7:00 pm; and 5) No more than ten vehicles be on site for sale at any time.

Rudy Rivas noted his support for said item and recognized Adam Greenup, Micah Diaz, and Michael Westheimer for their assistance. He stated that the current zoning for said item was too intense and spoke of the surrounding area that had been zoned for a variety of commercial uses.

Councilmember Cisneros thanked Mr. Rivas for working with staff on a compromise. She noted that Mr. Jason Mata had been contacted by phone and was also in favor of the zoning.

Councilmember Cisneros moved to adopt the proposed Zoning Item with the conditions as presented by Mr. Looney. Councilmember Galvan seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Cortez and Clamp.

2009-06-18-0535

Item Z-3. **ZONING CASE # Z2009097 (District 2):** An Ordinance amending the Zoning District Boundary from "R-5" Residential Single-Family District and "C-3" General Commercial District to "C-3" General Commercial District (15.124 acres) and "MF-33" Multi-Family District (12.116 acres) on 27.24 acres out of NCB 10675, 10677, 13143 and 13144 located at 3860 IH 10 East. Staff recommends Approval. Zoning Commission recommendation is pending for the June 16, 2009 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: 27.24 ACRES OUT OF NCB 10675, NCB 10677, NCB 13143, AND NCB 13144 TO WIT: FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "C-3" GENERAL COMMERCIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT (15.124 ACRES) AND "MF-25" MULTI-FAMILY DISTRICT (12.116 ACRES).

Mr. Chris Looney presented the proposed Zoning Case noting that the applicant had formally amended the second half of the request from MF-33 to MF-25 and that with eight affirmative votes, the ordinance would become effective immediately.

Rev. Dr. Ronald Benson, Pastor of Bethany First Baptist Church, spoke in favor of said item. He recognized the Eastern Triangle Planning Team and all that worked on the project for their ability to work together. He stated that they were thankful for the amendment to the request and the restrictive covenants.

Vivian Olivares, Eastern Triangle Planning Team, noted that they were in support of said item with the amendment to an MF-25 designation and restrictive covenants.

Councilmember McNeil thanked those that spoke in favor of said item and noted that it would be part of a bigger development involving an amateur sports field for the East Side. She added that it would provide other commercial and residential opportunities.

Councilmember McNeil moved to adopt the proposed Zoning Item with the second half of the request amended to MF-25 with the following restrictive covenants:

1. **Sexually Oriented Businesses:** Declarant agrees to prohibit sexually oriented businesses, as defined by the City of San Antonio (COSA) Unified Development Code (UDC), from operating on the property.
2. **Bars/Taverns:** Declarant agrees to prohibit free-standing bars and/or taverns from operating on the premises. As defined by the COSA UDC, a bar or tavern shall be defined as any use

in which 75% or more of gross revenue is derived from the on-premise sale and consumption of alcoholic beverages. Declarant further agrees to prohibit the operation of any bar, tavern and/or club that allows patrons to bring alcoholic beverages, purchased off-premise, into the bar, tavern or club for consumption on premise. This provision shall in no way prevent bars or taverns from operating on the Property that are operated ancillary to the main use of the premise, such as a bar/tavern located in a hotel or restaurant.

3. **Multi-Family Housing Tract:** Declarant agrees to not develop the multi-family housing on the property with the assistance of federal tax credits. Such credits shall include, but not be limited to, tax credits received for low income housing pursuant to the Federal Low Income Housing Tax Credit Program.
4. **Multi-Family Housing – Lighting and Fencing:** Declarant agrees to provide lighting similar to other multi-family apartments in the area, and fencing around the Multi-Family Housing Tract. Additionally, the ingress and egress points into the Multi-Family Housing Tract shall be gated.
5. **Zoning Case Support:** In consideration for the restrictions granted in this Declaration, the Association shall agree not to oppose, and to support, Declarant's application for rezoning of the Property in zoning case number Z2009097 that is pending before the City of San Antonio's Zoning Commission and City Council. This Declaration shall not be effective or recorded unless and until the Multi-Family Housing Tract is rezoned to MF-25 and the remainder of the Property is rezoned to C-3. Councilmember Ramos seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

2009-06-18-0536

Item Z-4. **ZONING CASE # Z2009098 (District 2):** An Ordinance amending the Zoning District Boundary from "PUD R-6" Planned Unit Development Residential Single Family District to "MF-25" Multi-Family District on 4.281 acres out of Tract 16 and Tract 17, NCB 8694 located on the 6400 Block of North Vandiver 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: 4.281 ACRES OUT OF TRACT 16 AND TRACT 17, NCB 8694 TO WIT: FROM "PUD R-6" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

Mr. Chris Looney presented the proposed Zoning Case.

Garrett Nikolaus, Wiltshire Village Neighborhood Association President, noted that the Neighborhood Association was against the rezoning. He spoke of water run off and drainage issues on the southern portion of the property. He stated that the homes in the area were one story, but the development was three stories and the developer was asking for a height requirement waiver in order to build additional floors. Lastly, he expressed concern for the increase in traffic for their subdivision.

Patrick Christenson submitted a petition in support of the zoning case. He noted that Fort Sam Houston would bring 12,000-14,000 permanent jobs to the area and it would be beneficial for the individuals working at Fort Sam Houston to live as close as possible. He stated that the only way to correct the

drainage and traffic concerns was to develop the property. He added that the Northwest Inner Loop Neighborhood Plan, which was adopted in 2001, zoned the property up to MF-50.

Gilbert Hernandez spoke in favor of said zoning item.

Calvin Glover noted that he was a resident of the area and spoke in favor of said zoning item. He stated that Austin Highway had been in decline and the area attracted a lot of crime. He added that new development would improve the neighborhood and that the proximity to the highway was ideal for apartments.

Janice Null stated that when she had purchased her home twenty-seven years ago, she was told that said property was in a flood plain and would never be developed. She expressed her belief that the property was designated as green space since there were two natural springs in the area supporting wildlife. She noted that it would be appropriate for the apartments to be built on Austin Highway, but not inside the neighborhood.

Margie Willingham Murray noted that her family had been residents of the area for over fifty years. She stated that the two homes that had been previously built on the property had been washed away during a flood in the 1960's.

Tracy Winter stated that she was in support of the zoning because it was important to clean up the Austin Highway Corridor.

Kristen Bragg spoke in favor of the rezoning. She stated that she knew the developer and was confident that the structure would be high quality and properly maintained.

Beverly Monestier stated that the Wiltshire Neighborhood Association was in favor of postponing said zoning item until the new Councilmember took office. She highlighted the future use map and stated that staff had based their recommendation for MF-25 on information that was inaccurate and inconsistent. She expressed concern with public notification of the zoning. She noted that the neighborhood was not part of the Base Realignment and Closure (BRAC) but had made many concessions for other types of development and did not want to make any more.

Stephen Temple, Terrell Heights Neighborhood Association, spoke in opposition to the zoning item. He stated that the issue that concerned him the most was valuing quantity over quality. He noted issues with the decisions made by the Zoning and Planning Departments since their neighborhood was not on the BRAC Plan Map.

Craig Blount noted that he was an Architecture Professor at the University of Texas. He spoke of the importance of utilizing the formula of: Commercial; High Density Residential; followed by Single Family Residential; to increase green space. He stated that in this situation, High Density Residential was being placed over the only existing green space left and overcrowded the area.

Judith Temple, Terrell Heights Neighborhood Association Vice President, stated that three story apartment complexes would tower over the existing single story residences and eliminate their privacy. She expressed concern with said zoning due to previous property value decreases related to the addition of apartments in the area. She reported that at the Zoning Commission Meeting, the vote for MF-25 was

not unanimous and Ms. Barbara Hawkins, District 2 Zoning Commissioner, had stated that multi-family use should not be permitted.

Jim Neil, Southwest Preparatory School, stated that school staff and parents were concerned with the increase in traffic. He noted that the school already required a Police Officer to direct traffic at the end of the school day to address traffic issues. He spoke of other apartment complexes that had been proposed in the immediate area that would cause additional congestion.

Mona George spoke in favor of said item noting that there was a significant amount of crime in the underdeveloped area.

Patrick Dudley spoke in favor of said item. He stated that his wife worked in the area would be thankful for the development. He noted that Mr. Randy Smith, Head of Real Estate for Rackspace, was in also in favor of the development.

Clark Boddy expressed his support for said item and noted that he utilized Austin Highway to travel to work. He stated that any improvements to Austin Highway and the adjacent buffer zones would be beneficial.

Julius Knight, Wiltshire Neighborhood Association Treasurer, submitted petitions in opposition to said item. He noted that he had been a twenty-five year resident of Terrell Heights and was former Vice-President of the Austin Highway Revitalization Project. He stated that he had not witnessed any vagrancy on the property. He spoke of the history of said property and the Austin Highway Corridor. He added that Mr. Mark Deeds had asked him to communicate his opposition to said item.

John Colglazier stated that he did not have any personal interest in the property but had grown up in the Alamo Heights/Terrell Hills Area and traveled it frequently. He spoke in support of the development and noted that multi-family was the most appropriate use for the property.

Ruby Polanco spoke in opposition to said item and noted that her home was located directly behind the vacant lot. She stated that when she had purchased the property, the plan for the vacant lot was to build eight high-end homes. She expressed concern with the loss of privacy, increased traffic, and water runoff. She added that she was not against development but would be in favor of townhomes.

Ms. Vacek reported that there were 14 written testimonies in opposition to said item and summarized eight as follows.

William Burmeister wrote that the rezoning would have an impact on traffic and crime.

Joann Bennett wrote that she had lived in the neighborhood for over 50 years and was in favor of single family residences, but not apartments.

Scott Mauldin wrote that he was concerned with the loss of privacy, and issues with increased traffic, noise and crime.

Julie Cornelius wrote that she was against the increased traffic, lights, and noise.

Cesar Ramos wrote that he was against the zoning due to the additional traffic.

Colette Lopez wrote that she had lived in the area for 38 years and had been attracted to her property because of the proximity to the flood plain which could not be developed. She wrote of the loss of privacy and green space due to said development.

Patricia Fitzsimmons wrote that a 300-unit complex had already been built across the street from her and traffic was a major concern.

Deborah Reid wrote that the project was not compatible with the NEIL Plan and would create traffic congestion and drainage issues.

Councilmember McNeil stated that she had a responsibility to do what was in the best interest of the entire community. She noted that many individuals had appeared to speak against said item, but she had a petition in favor of the zoning. She stated that without change, the community would continue to have traffic, drainage, and crime issues. She added that with development, these problems could be corrected. Finally, she stated that the property owner would have to obtain building permits which would require the owner to address the neighborhood concerns.

Councilmember McNeil moved to adopt the proposed Zoning Item. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

2009-06-18-0538

Item P-3. **PLAN UPDATE # U09006 (Districts 4 & 5):** An Ordinance amending the land use plan in the Kelly/S. San PUEBLO Community Plan, a component of the Master Plan of the City, by updating the land use of approximately 89.26 acres of land generally bound by Centennial and Fay on the north, S. Zarzamora on the east, Linden, Gerald and W. Southcross to the south, and New Laredo Highway, Lyell, and Wabash on the west. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2009081 CD)

Ms. Nina Nixon-Mendez presented the proposed Plan Amendment.

Councilmember Galvan moved to adopt the proposed Plan Amendment save and except 2250 West Southcross which she moved to rezone as Community Commercial Land Use. Councilmember Cisneros seconded the motion.

The motion as amended prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

2009-06-18-0539

Item Z-5. **ZONING CASE # Z2009081 CD (Districts 4 & 5):** An Ordinance amending the Zoning District Boundary from: "R-4" Residential Single-Family District, "R-6" Residential Single-Family District, "MH" Manufactured Housing District, "O-2" Office District, "C-2" Commercial District, "C-3NA" General Commercial District, Nonalcoholic Sales, "C-3R" General Commercial District, Restrictive Alcohol Sales, "C-3" General Commercial District, "I-1" General Industrial District, "I-2" Heavy Industrial District, and "I-2 S" Heavy Industrial District with a Specific Use Authorization for a Bulk Plant

and Terminal, to: "R-4" Residential Single-Family District, "R-6" Residential Single-Family District, "RM-4" Residential Mixed District, "RM-6" Residential Mixed District, "O-1" Office District, "NC" Neighborhood Commercial District, "NC CD" Neighborhood Commercial District with a Conditional Use for a Noncommercial Parking Lot, "C-1" Light Commercial District, "C-2P" Commercial Pedestrian District, "C-2" Commercial District, and "L" Light Industrial District on multiple addresses located along Nogalitos Street, South Zarzamora, Somerset Road, New Laredo Highway, and Southcross Boulevard. Staff and Zoning Commission recommend Approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: TO WIT: FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT, "MH" MANUFACTURED HOUSING DISTRICT, "O-2" OFFICE DISTRICT, "C-2" COMMERCIAL DISTRICT, "C-3NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT, "C-3R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOLIC SALES DISTRICT, "C-3" GENERAL COMMERCIAL DISTRICT, "I-1" GENERAL INDUSTRIAL DISTRICT, "I-2" HEAVY INDUSTRIAL DISTRICT, AND "I-2 S" HEAVY INDUSTRIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A BULK PLANT AND TERMINAL TO "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RM-4" RESIDENTIAL MIXED DISTRICT, "RM-6" RESIDENTIAL MIXED DISTRICT, "O-1" OFFICE DISTRICT, "NC" NEIGHBORHOOD COMMERCIAL DISTRICT, "NC CD" NEIGHBORHOOD COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A NONCOMMERCIAL PARKING LOT, "C-1" LIGHT COMMERCIAL DISTRICT, "C-2P" PEDESTRIAN COMMERCIAL DISTRICT, "C-2" COMMERCIAL DISTRICT, AND "L" LIGHT INDUSTRIAL DISTRICT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Mr. Chris Looney presented the proposed Zoning Case noting that staff and the Zoning Commission recommended the following amendments: 1) 2250 West Southcross Boulevard be zoned C-2 Commercial District; and 2) 1502 West Southcross Boulevard be removed from the Zoning Case.

Councilmember Galvan moved to adopt the proposed Zoning Item with the recommended amendments. Councilmember Cibrian seconded the motion.

The motion with the amendments prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, and Mayor Castro. **NAY:** None. **ABSENT:** Chan and Clamp.

2009-06-18-0541

Item Z-7. **ZONING CASE # Z2009073 S (District 6):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District to "C-3 NA S" General Commercial District, Nonalcoholic Sales with a Specific Use Authorization to allow a cabinet shop on Lots 14 and 15, Block 12, NCB 16522 located at 6402 and 6406 Tahoka Boulevard. Staff recommends Denial. Zoning Commission recommends Approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS

14 AND 15, BLOCK 12, NCB 16522 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "C-3 NA S" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH A SPECIFIC USE AUTHORIZATION TO ALLOW A CABINET SHOP PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Mr. Chris Looney presented the proposed Zoning Case noting that the Zoning Commission recommended the following conditions: 1) Hours of Operation be between 7:00 am and 7:00 pm Monday through Friday and between 8:00 am and 5:00 pm on Saturday; 2) All onsite lighting be directed onto the site; 3) Dumpsters be enclosed and screened from public view; 4) A six-foot tall solid fence be maintained where the property abuts residential zoning or uses; and 5) No outside storage be permitted.

William L. Lowry spoke in support of said item.

Councilmember Lopez moved to adopt the proposed Zoning Item with the Zoning Commission's recommended conditions. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

2009-06-18-0546

Item Z-11. **ZONING CASE # Z2008014 (District 8):** An Ordinance amending the Zoning District Boundary from "R-20 MLOD-1" Residential Single Family, Camp Bullis Military Lighting Overlay District-1 to "C-2 NA MLOD-1" Commercial, Camp Bullis Military Lighting Overlay District-1, Nonalcoholic Sales (16.108 acres), "C-2 MLOD-1" Commercial, Camp Bullis Military Lighting Overlay District-1 (44.535 acres) and "O-1.5 MLOD-1" Mid-rise Office, Camp Bullis Military Lighting Overlay District-1 (43.621 acres) all on 104.264 acres out of CB 4780 (NCB 34780) located at 5914 Old Camp Bullis Road. Staff recommends Denial. Zoning Commission recommends 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: 104.264 ACRES OUT OF CB 4780 (NCB 34780) TO WIT: FROM "R-20 MLOD-1" RESIDENTIAL SINGLE FAMILY, CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 TO "C-2 NA MLOD-1" COMMERCIAL, NONALCOHOLIC SALES, CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 (16.108 ACRES), "C-2 MLOD-1" COMMERCIAL, CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 (44.535 ACRES) AND "O-1.5 MLOD-1" MID-RISE OFFICE, CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 (43.621 ACRES).

Mr. Chris Looney presented the proposed Zoning Case.

Jim Cannizzo, Fort Sam Houston/Camp Bullis/Camp Stanley, stated that restrictive covenants had been worked out through the Forest Crest Neighborhood Association that satisfied the military's compatibility concerns. He noted that endangered species issues concerning birds in the area had also been addressed.

Habib Erkan, Applicant's Representative, noted that the property had been owned by the family since 1955. He stated that if the rezoning was denied, the applicant would have the ability to develop 117 homes on the property. He reported that the applicant would work closely with the Neighborhood

Association and Army in regard to any issues with the project. He noted that the Army had requested that they not build any of the following: 1) Single-family or Multi-family residential; 2) Hotel or Motel; or 3) Any development where people would stay overnight. Lastly, he provided an overview of the deed restrictions.

Tom Murray stated that he had lived in the area for almost fifty years. He spoke of the history of the property, noting that it had been a dairy farm in the 1950's before being parceled into tracts of four to nineteen acres and sold. He stated that he was in favor of improving the property as long as it was done lawfully and did not infringe on other's rights. He noted the following concerns: 1) 35% of the property was in a flood plain; 2) No public access to the land locked area; and 3) Adjacent land was on hold for development due to wildlife and lighting concerns.

Mr. Bobby Perez, Attorney for the Forest Crest Neighborhood Association, noted that they had spent a great amount of time working with the developer to establish restrictive covenants which had been completed earlier in the day. He stated that they were in favor of said item subject to the restrictive covenants.

Mr. David Earl, Applicant's Representative, addressed issues including drainage, buffers, Old Camp Bullis Road, and electrical towers. He stated that the project had been deed restricted with the Military and the neighborhood to address the concerns.

Councilmember Cibrian stated that she had been working on said item for two years and felt they had reached a good compromise for the protection of the neighborhood and Camp Bullis. She thanked all involved for their efforts.

Councilmember Cibrian moved to adopt the proposed Zoning Item with deed restrictions as follows:

1. The Property shall not be used for the following purposes: *a)* Residential use; *b)* Hotel, motel; *c)* Gasoline or diesel fuel sales; *d)* Auto sales, auto repair or maintenance services; *e)* Convenience stores; *f)* Transit center; or *g)* Commercial parking lot (this does not prohibit parking ancillary to commercial, retail, or office use).
2. All exterior lighting installed on the Property, whether free-standing or attached to a building, structure or other site improvement, shall have directional shielding to prevent direct illumination toward the sky and shall follow the requirements set forth in the City of San Antonio Camp Bullis Military Lighting Overlay District, April 2009.
3. On site storm water detention facilities shall be oversized 20% above that which would be required by the City of San Antonio's 2009 Unified Development Code.
4. Signage within the development shall not extend beyond eight feet from average grade.
5. Water and sewer services shall be provided by San Antonio Water Systems and all existing water wells shall be capped and development shall not be served by septic.
6. A 100-foot wide buffer shall be placed along the western boundary of the parameter of the property. No building or parking facility may be constructed within this buffer area.
7. Declarants shall be prohibited to use Old Camp Bullis Road to serve any business, office, retail store, restaurant or any other structure constructed as a result of the approval of Zoning Case No. 22008014, provided further that this prohibition shall not be effective should: *a)* The City requires access to Old Camp Bullis Road as part of its development approval process and the United States Army expressly approves such access as expressly stated herein.
8. Five acres shall be set aside as a "Habitat Conservation Area" under the terms and conditions and for the duration as follows:

a) Purpose. The purpose of this Habitat Conservation Area is protect and preserve trees and other natural vegetation within an area that the United States Army has advised may be habitat for the Golden Cheek Warbler "Dendroica chrysoparia" and/or Black Cap Vireo "Vireo atricapilla" (hereinafter collectively referred to as "endangered species").

b) Duration. This Habitat Conservation Area shall remain effective until such time as a bird survey is completed by a professional biological consultant, using IAW USFWS protocols, that shows that no "endangered species" are present within the Habitat Conservation Area. Upon receipt of written acknowledgement by the United States Army that such bird survey has been completed showing no Endangered Species within the Habitat Conservation Area Grantor may file in the Bexar County deed and plat records an affidavit, attesting that the bird survey showed no "endangered species" present within the Habitat Conservation Area. A copy of the bird survey attached and the United States Army's written acknowledgement must be attached as exhibits to the affidavit. Upon the Grantor's filing of such an affidavit all the right, title, and interest in and to the Habitat Conservation Area, including any improvements thereto, shall revert to and revest in Grantor, or his heirs or assigns, fully and completely as if this instrument had not been executed.

c) Tree Preservation and Protection. The removal or damaging of any species of tree is hereby expressly prohibited anywhere within the boundaries of the Five Acres as a restriction of this Habitat Conservation Area.

d) Prohibited Uses. Any activity on or use of the Five Acres inconsistent with the purpose of this Habitat Conservation Area is hereby prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited: **i.** Construction or placing of commercial signs, billboards, or other commercial advertising on or above the ground; **ii.** Dumping or placing any trash, waste or unsightly or offensive materials; **iii.** Removing or destroying any protected trees; **iv.** Excavating or mining any gravel, soil, rock or other material substance in such a manner as to affect the surface.

e) Reserved Rights. Grantor reserves unto themselves, and their successors and assigns, all rights accruing from their ownership of the Five Acres, including the right to engage in or permit or invite others to engage in all uses of the Five Acres that are not expressly prohibited herein and that are not inconsistent with the purposes of the Habitat Conservation Area.

9. Any provision to the contrary notwithstanding, the above use restrictions found in sections 1 through 7 shall only apply to new development that shall be permitted as a result of the rezoning of the property. It is not the intent of the parties to prohibit the use of water wells or septic tanks or limit access to Old Camp Bullis Road for the existing uses of the property. Moreover, as to Section (7)(a) above, it is the intent of the parties that any access to Old Camp Bullis Road required by the City shall be emergency access only (with a gate in place when no emergency exists) and that primary access to the Property must be by La Cantera Parkway or other publicly dedicated street, road or highway. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Lopez, Rodriguez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSTAIN:** Galvan. **ABSENT:** Clamp.

Councilmember Rodriguez excused himself from the meeting at this time.

2009-06-18-0547

Item Z-12. **ZONING CASE # Z2008180 (District 8):** An Ordinance amending the Zoning District Boundary from "C-2 MLOD-1" Commercial Camp Bullis Military Lighting Overlay District-1 "C-2 GC-1 MLOD-1" Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting

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Overlay District-1 "C-3 MLOD-1" General Commercial Camp Bullis Military Lighting Overlay District-1 and "C-3 GC-1 MLOD-1" General Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District-1 to "MPCD MLOD-1" Master Planned Community Camp Bullis Military Lighting Overlay District-1, "MPCD GC-1 MLOD-1" Master Planned Community Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District-1 on 89.367 acres out of Lot 5, Block 1, NCB 14858 located in the southeast quadrant of Interstate Highway 10 and Loop 1604 West with frontage on Presidio Parkway and Vance Jackson Road. Staff recommends Approval. Zoning Commission recommendation pending June 16, 2009 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: 89.367 ACRES OUT OF LOT 5, BLOCK 1, NCB 14858 TO WIT: FROM "C-2 MLOD-1" COMMERCIAL, CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1, "C-2 GC-1 MLOD-1" COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY, CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1, "C-3 MLOD-1" GENERAL COMMERCIAL CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 AND "C-3 GC-1 MLOD-1" GENERAL COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY, CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 TO "MPCD MLOD-1" MASTER PLANNED COMMUNITY DISTRICT, CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 AND "MPCD GC-1 MLOD-1" MASTER PLANNED COMMUNITY DISTRICT HILL COUNTRY GATEWAY CORRIDOR OVERLAY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1.

Mr. Chris Looney presented the proposed Zoning Case noting that the Zoning Commission recommended approval with a reduction of open space as requested by the applicant in exchange for a list of amenities as agreed to by the applicant.

Councilmember Cibrian thanked individuals with Fulcrum Properties and the Barajas Family for their efforts on said item.

Councilmember Cibrian moved to adopt the proposed Zoning Item with the Zoning Commission's recommendation. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp and Rodriguez.

2009-06-18-0548

Item Z-13. **ZONING CASE # Z2009066 (District 8):** An Ordinance amending the Zoning District Boundary from "PUD MF-25 GC-1 MLOD-1" Planned Unit Development Multi-Family Hill Country Gateway Corridor Military Lighting Overlay District-1 and "PUD C-3 GC-1 MLOD-1" Planned Unit Development General Commercial Hill Country Gateway Corridor Military Lighting Overlay District-1 to "PUD MF-33 GC-1 MLOD-1" Planned Unit Development Multi-Family Hill Country Gateway Corridor Military Lighting Overlay District-1 (on 10.85 acres) and "PUD C-3 GC-1 MLOD-1" Planned Unit Development General Commercial Hill Country Gateway Corridor Military Lighting Overlay District-1 (on 0.2445 of an acre) all on 11.0945 acres out of Lot 2, Block 3, NCB 16390 located at 25111 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: 10.5345 ACRES OUT OF LOT 2, BLOCK 3, NCB 16390 TO WIT: FROM "PUD MF-25 GC-1 MLOD-1" PLANNED UNIT DEVELOPMENT MULTI-FAMILY HILL COUNTRY GATEWAY CORRIDOR OVERLAY, CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 AND "PUD C-3 GC-1 MLOD-1" PLANNED UNIT DEVELOPMENT GENERAL COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY, CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 TO "PUD MF-33 GC-1 MLOD-1" PLANNED UNIT DEVELOPMENT MULTI-FAMILY HILL COUNTRY GATEWAY CORRIDOR OVERLAY, CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 (ON 10.29 ACRES) AND "PUD C-3 GC-1 MLOD-1" PLANNED UNIT DEVELOPMENT GENERAL COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY, CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT-1 (ON 0.2445 OF AN ACRE).

Mr. Chris Looney presented the proposed Zoning Case.

Jim Cannizzo, Fort Sam Houston/Camp Bullis/Camp Stanley, thanked the developers for their proactive efforts in addressing Camp Stanley's concerns. He stated that they had agreed to incorporate the dark sky lighting into the development and would conduct a traffic study.

Stephen Drenner noted that the property did not have direct access to the Neighborhood Association and had a very large buffer. He stated that the property was intended to be a mixed-use location. He thanked the Council for their support.

Michelle Olivarez, Stage Run Homeowners Association, spoke in support of said item.

Councilmember Cibrian thanked all involved for their efforts and recognized Dale Schuparra, Principal of Rialto Village, for his willingness to work with the community. She also recognized Jim Cannizzo, Phil Reidinger, Chuck Saxer, Michael Shackelford, and Drenner & Golden Stuart Wolff for their work on said item.

Councilmember Cibrian moved to adopt the proposed Zoning Item with restrictive covenants as follows:

- 1. General.** Subject to the terms of Paragraph E.8 of the Declaration of Restrictive Covenants,
 - a)** The Property shall be developed as an upscale, mixed use project containing retail, office and residential (multi-family, condominium or townhome) components and
 - b)** All development on the Property must comply with: **i.** All applicable rules and regulations of the City of San Antonio, including, without limitation, those governing drainage, lighting, building materials and development adjacent to IH-10; **ii.** The Declaration of Restrictive Covenants filed at Book 9461, Page 533-539 of the Real Property Records of Bexar County, Texas; and **iii.** The restrictions as set forth in this Declaration.
- 2. Building Stories, Height and Roofing Materials.** No building that has multi-family residential units as its principal use ("Multi-Family Building") shall have more than four stories, not including any sub-grade or partially sub-grade parking, and no Multi-Family Building adjacent to the western or southern boundary lines of the Property shall **a)** Have a height more than sixty-five feet, as measured in the Code; **b)** Utilize brightly colored roofing materials in any areas that are generally visible from the residential areas identified on the Survey; and **c)** Utilize any brightly colored wall materials in any areas that are generally visible from the residential areas

identified on the Survey; provided, however, the foregoing restriction on wall colors shall restrict only the dominant color on a wall and shall not be applicable to any accent or decorative features. It is the intent of the foregoing restrictions regarding roofing materials and wall colors that nothing herein shall restrict any color of roofing materials or walls unless the color of such roofing materials or walls would generally be considered garish and incompatible with the remainder of the development on the Property.

3. Number of Multi-Family Units. There shall be no greater than 319 multi-family units constructed on the Property (i.e., 29 units per acre, although such limitation shall only apply to the total multi-family units, and shall not be measured on an acre-by-acre basis).

4. Parking. In the event that any Multi-Family Building located within 150 feet of the western or southern boundary lines of the Property shall utilize surface parking on the western or southern sides of such Multi-Family Building, such surface parking must be screened to a reasonable degree from the views of the residential areas identified on the Survey. Fencing, landscaping (including existing landscaping) or any other method that is consistent with the rules and regulations of the City of San Antonio may accomplish such screening.

5. Vehicular Access. Direct vehicular access to and from the Property shall be limited to Ralph Fair Road, the access road of West IH-10 and the commercial properties that are adjacent to the Property, or any combination of such access points. The purpose of this restriction is to insure that there is no direct vehicular access to the residential streets identified on the Survey.

6. Fences. Subject to applicable laws, ordinances, or regulations, Owner shall construct and maintain fencing at a height of six feet generally along the western and southern boundary lines of the Property, as shown on the Survey.

7. Dust Control. Commercially reasonable efforts shall be made to provide dust controls during construction to minimize off-site effects.

8. Trees. Declarant shall utilize the services of a licensed arborist to determine the existing trees that can be preserved (or possibly transplanted) on the Property, and commercially reasonable efforts shall be made to preserve healthy and mature existing trees on the Property; provided, however, it is acknowledged that some existing trees shall be removed as part of the development of the Property.

9. Signage. No pole-mounted or billboard signage shall be allowed on the Property at any point further than 150 feet from the boundary of West IH-10, and the face of any digital billboards, flashing or scrolling signs shall not be visible from the residential areas shown on the Survey. Nothing herein shall restrict the use of any architectural towers on any buildings within the Property from being used for signage purposes; provided that such towers do not contain digital billboards, flashing or scrolling signs that are visible from the residential areas shown on the Survey. Councilmember Cortez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp and Rodriguez

FAILED

Item Z-14. **ZONING CASE # Z2009088 (District 8):** An Ordinance amending the Zoning District Boundary From "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District-1 and "R-6 GC-1 MLOD-1" Residential Single-Family Hill Country Gateway Corridor Overlay Military Lighting Overlay District-1 to "C-3 MLOD-1" General Commercial Military Lighting Overlay District-1 and "C-3 GC-1 MLOD-1" General Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District-1 on 3.584 acres out of NCB 34761 also known as CB 4761 and 0.29 of an acre out of NCB

34780 also known as CB 4780, and 0.104 of an acre out of CB 4761 all located at 6194 Old Camp Bullis Road. Staff recommends Denial. Zoning Commission recommendation pending June 16, 2009 hearing.

Mr. Chris Looney presented the proposed Zoning Case.

Dan Jacobs provided an overview of the site noting that it was bordered by IH-10 and surrounded by the Rim Shopping Center. He stated that he was requesting C-3 rather than C-2S because a site plan was required for C-2S and due to the irregularity of the lot, it was not practical. He noted that he had met with the Military Base and had conducted an Endangered Species Study.

Jim Cannizzo, Fort Sam Houston/Camp Bullis/Camp Stanley, thanked Councilmembers Cibrian and McNeil noting their efforts to address Military concerns. He stated that the applicant had agreed to use Old Camp Bullis Road only for emergencies and that they had agreed to utilize Dark Sky Lighting.

Tom Murray spoke in opposition to said item.

David Murray thanked Councilmember Cibrian and Michael Shackelford for their service to District 8.

Bobby Perez, Representative for Ms. Kathleen Murray confirmed that restrictive covenants had been agreed upon and that Ms. Murray's issues had been addressed.

Ken Brown spoke in opposition to said item on behalf of The Rim. He stated that the use was not the issue; the issue was that The Rim was heavily invested in the area and the applicant would not provide a site plan. He noted that City Staff and the Zoning Commission recommended denial of the zoning case.

Councilmember Chan asked why the C-2S zoning was not acceptable to the developer. Mr. Looney replied that the C-2S zoning would allow for a hotel and require the applicant to submit a site plan. Mr. Jacobs noted that a general site plan was not acceptable for a property with conditional use because it did not allow for any changes to the plan. If changes were necessary, the property would lose its conditional use and have to be rezoned. He stated that they had instead requested a C-3 zoning and agreed to deed restrictions that would not authorize C-3 uses that were objectionable.

Councilmember Cibrian asked of changes to a site plan. Mr. Rob Killen confirmed that minor changes would be allowed, but the set backs could not change. Councilmember Cibrian thanked Mr. Jacobs for his willingness to address all issues in relation to Camp Bullis.

Councilmember Chan expressed concerns over the community opposition to said item, as well as ingress and egress issues. She stated that she could not support the item at this time and was in favor of a continuance.

Councilmember Cibrian asked of the ingress and egress. Mr. Killen noted that the Military's primary concern was access to Old Camp Bullis Road. He stated that when Talavera Ridge had been platted, a thirty-foot wide strip of land had been left between the property to be rezoned and the right-of-way, creating a question regarding access. He noted that that they would continue to work on the access issue and that the zoning should be considered separately.

Mayor Castro noted that passage of said item would require nine votes in favor and suggested a motion for continuance. Councilmember Cibrian stated that she was agreeable to a continuance unless other Councilmembers wanted to move forward with said item at this time.

Councilmember Cortez noted that Councilmember Cibrian had been working on said item for a long time and that there was an agreement in place.

Councilmember Cortez moved to adopt the proposed Zoning Item. Councilmember Cibrian seconded the motion.

The motion failed by the following vote: **AYES:** Ramos, Cortez, Lopez, Cibrian, and Chan. **NAY:** Cisneros and Galvan. **ABSTAIN:** McNeil and Mayor Castro. **ABSENT:** Rodriguez and Clamp.

Said item was reconsidered at a later time during the meeting; refer below.

CONTINUED TO AUGUST 6, 2009

Item Z-15. **ZONING CASE # Z2009076 ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "NP-10 ERZD MLOD-1" Neighborhood Preservation Edwards Recharge Zone Camp Bullis Military Lighting Overlay District-1 and "QD S ERZD MLOD-1" Quarry Edwards Recharge Zone Camp Bullis Military Lighting Overlay District-1 with a Specific Use Authorization for Blasting to "MPCD ERZD MLOD-1" Master Planned Community Edwards Recharge Zone Camp Bullis Military Lighting Overlay District-1 on 389.53 acres out of NCB 19221 located at 19101 North US Highway 281 and 19300 Classen Crest. Staff recommends Denial. Zoning Commission recommendation pending the June 16, 2009 public hearing.

Councilmember Chan moved to continue said item to August 6, 2009. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Lopez, Cibrian, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Rodriguez and Clamp.

RECONSIDERED

Item Z-14. **ZONING CASE # Z2009088 (District 8):** An Ordinance amending the Zoning District Boundary From "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District-1 and "R-6 GC-1 MLOD-1" Residential Single-Family Hill Country Gateway Corridor Overlay Military Lighting Overlay District-1 to "C-3 MLOD-1" General Commercial Military Lighting Overlay District-1 and "C-3 GC-1 MLOD-1" General Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District-1 on 3.584 acres out of NCB 34761 also known as CB 4761 and 0.29 of an acre out of NCB 34780 also known as CB 4780, and 0.104 of an acre out of CB 4761 all located at 6194 Old Camp Bullis Road. Staff recommends Denial. Zoning Commission recommendation pending June 16, 2009 hearing.

Councilmember Lopez moved to reconsider said item. Councilmember McNeil seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Lopez, Cibrian, Chan and Mayor Castro. **NAY:** Galvan. **ABSENT:** Rodriguez and Clamp.

CONTINUED TO AUGUST 6, 2009

Item Z-14. **ZONING CASE # Z2009088 (District 8):** An Ordinance amending the Zoning District Boundary From "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District-1 and "R-6 GC-1 MLOD-1" Residential Single-Family Hill Country Gateway Corridor Overlay Military Lighting Overlay District-1 to "C-3 MLOD-1" General Commercial Military Lighting Overlay District-1 and "C-3 GC-1 MLOD-1" General Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District-1 on 3.584 acres out of NCB 34761 also known as CB 4761 and 0.29 of an acre out of NCB 34780 also known as CB 4780, and 0.104 of an acre out of CB 4761 all located at 6194 Old Camp Bullis Road. Staff recommends Denial. Zoning Commission recommendation pending June 16, 2009 hearing.

Councilmember McNeil moved to continue said item until August 6, 2009. Councilmember Cibrian seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Lopez, Cibrian, Chan and Mayor Castro. **NAY:** Galvan. **ABSENT:** Rodriguez and Clamp.

At this time, Mayor Castro excused himself from the meeting as Councilmember Cortez presided over the remainder of the meeting.

CEREMONIAL ITEMS

Councilmember Cortez presented a proclamation to the Shriners International Group in recognition of their 135th Imperial Council Session being held in San Antonio July 5-9, 2009. An estimated 6,000 Shriners from 191 Shriner Temples in the United States, Mexico, Canada and the Republic of Panama will be in attendance. Shriners International supports Shriner Hospitals for Children. This non-profit international health care system operates 22 hospitals, and has treated over one million children free of charge.

Councilmember Cortez presented a Citation to the Stinson Municipal Airport for being awarded the 2009 Reliever Airport of the Year by the Texas Department of Transportation. Reliever airports are defined as large General Aviation Airports located in metropolitan areas that serve to offload small aircraft traffic from hub airports in the region. Stinson is the primary reliever for general aviation traffic for the San Antonio International Airport. This is the second time it has been awarded this honor.

Councilmember Cortez presented a proclamation to the Animal Care Services Department in celebration of Dog Awareness Week July 6-12, 2009. The observance is being held to emphasize the message of responsible pet ownership and will coincide with the 2009 River City Cluster of Dog Shows to be held at the Henry B. Gonzalez Convention Center July 8-12, 2009. The highlight of the event will be an appearance by Cesar Millan, The Dog Whisperer.

POINT OF PERSONAL PRIVILEGE

Councilmember Galvan recognized the following individuals that were in attendance: Henry Rodriguez of LULAC; her sisters-Gloria Ann, Irma, Corina, Cathy, Gloriana, Gracie, Anita and Mimi; her mother Mary Montes; her father; her newly adopted son Eliseo; and Jackie Guerra.

Councilmember McNeil thanked the City for the opportunity to serve and recognized her staff for their help and support throughout the years. She also recognized her family and constituents for their

support. She recognized Councilmembers Cibrian and Galvan for their work and welcomed the newly elected Councilmembers. She thanked Ms. Vacek and Mr. Bernard for their work over the years.

Councilmember Cibrian thanked the Mayor and Councilmembers for their hard work and service to the community. She stated that it had been a great honor to serve the City of San Antonio and recognized her family for their support. She thanked City Staff for their great work.

Councilmember Chan thanked Councilmembers McNeil, Galvan and Cibrian for their leadership and hard work and stated that it had been an honor and a privilege to serve alongside them. Councilmember Cisneros spoke of the friendships and leadership among the dais. Councilmember Ramos thanked Councilmembers McNeil, Galvan and Cibrian for their leadership, mentoring and support. She stated that she appreciated their vote of support in filling the unexpired term for District 3. Councilmember Galvan recognized the City Council and City Staff for their work and support.

Ms. Vacek recognized Councilmembers McNeil, Galvan, and Cibrian for their work and dedication and noted that it had been a pleasure to serve on their behalf at various events. She provided an overview of the Special Council Meeting that would be held on June 19, 2009 to canvass the results of the Run-off Election and establish Mayor Pro Tem terms. Councilmember Cortez thanked Councilmembers McNeil, Galvan, and Cibrian for their work and service to the City of San Antonio.

CITIZENS TO BE HEARD

Nazirite Ruben Flores Perez spoke of the Run-off Election in District 5 noting that slanderous campaigns were unnecessary.

Mark Perez expressed concern with a facility owned by Tetco and a Kimberly Clark Facility that had been operating without the proper permits.

Damon Mason expressed concern with the attitude and behavior of the security guards assigned to the City Council Chambers. He stated that he had provided suggestions to the Metropolitan Planning Organization regarding the City's Growth Management Plan.

Raymond Zavala stated that he was in support of honoring Mayor Hardberger, but spoke against the cost associated with renaming streets. He noted that it was not necessary for staff to travel to other countries in order to attract more businesses to San Antonio. He spoke of the need for preventative street maintenance and stated that the creek at Our Lady of the Lake University needed to be cleared of algae and fungus.

Joe Thomas Santiara spoke of singer and songwriter Jesse Belvin and noted that he had sold more records than Elvis Presley in the 1950's and 1960's. He requested that Mr. Belvin receive some acknowledgment by the City.

Michael Thomas Clancey stated that Mayor Cisneros had heard him sing "New York, New York" many years ago and had inspired him to re-word the song utilizing "San Antonio." He sang "I Love San Antonio" and "My Kind of Town" for the City Council.

Faris Hodge, Jr. spoke of issues with racial profiling at City Hall. He sang "This Land is My Land" and "If I Had a Hammer" to the City Council.

ADJOURNMENT

There being no further business to discuss, Councilmember Cortez adjourned the meeting at 7:19 pm.

A P P R O V E D



**JULIÁN CASTRO
MAYOR**

Attest:



LETICIA M. VACEK
City Clerk