

STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO

A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WERE HELD IN THE MUNICIPAL PLAZA BUILDING, WEDNESDAY, SEPTEMBER 30, 2009 AND THURSDAY, OCTOBER 1, 2009, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 1:00 pm Wednesday, **September 30, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cortez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Medina and Lopez.

1. **AFTER OPENING THE MEETING AND CALLING THE ROLL, CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE:**

DELIBERATE COMPETITIVE MATTERS REGARDING CPS ENERGY'S STRATEGIC ENERGY PLAN AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.086 (COMPETITIVE MATTERS) AND TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

Mayor Castro stated that there had been discussion regarding the CPS Energy Strategic Energy Plan being provided in an open versus closed session. He noted that it was a very important issue and that there should not be any perception that the process was not as open as it should be. He explained that the meeting would be postponed for one week and asked that CPS Energy be precise about the information that needed to be presented in closed session. He thanked the City Council for being in attendance and apologized for the delay in hearing the matter. There being no further discussion, Mayor Castro adjourned the meeting at 1:20 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **October 1, 2009** at 9:00 am in the City Council Chambers.

Item 1. The Invocation was delivered by Rev. Jeff Doria, Pastor, King of Kings Lutheran Church, guest of Councilmember John Clamp, District 10.

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

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro.

Item 3. MINUTES

Councilmember Ramos moved to approve the Minutes for the Budget Worksessions of August 25 and 26, 2009. Councilmember Cisneros seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read Item 4:

2009-10-01-0759

Item 4. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE CLOSING, VACATING, AND ABANDONING OLD MT. CALVARY ADJACENT TO 1133 AUSTIN HWY. IN NCB 9060 LOCATED IN COUNCIL DISTRICT 10, AS REQUESTED BY DON PHILLIP AND MARY T. DYER FOR A FEE OF \$75,174.00.

Marcia Orlandi, Real Estate Manager, presented said item and stated that the petitioners were requesting the closure of 0.514 acres of Old Mount Calvary Right of Way adjacent to Silo Restaurant. She noted that the petitioners owned all of the abutting properties and planned to expand the parking facilities for the restaurant. She reported that the project had been canvassed to all interested city departments and utility agencies and that the Planning Commission had approved the request. She stated that the City would collect \$75,174 for the closure and that staff recommended approval.

Councilmember Clamp stated that staff had been working on said item for over a year and had finally come to a resolution. He noted that the Neighborhood Association was in support of the Planning Commission recommendation. He expressed support for reallocating the funds from the sale of property into a permanent asset account.

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

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

CONSENT AGENDA – Items 5-29

Consent Agenda Items 7, 8A, 8B, 9A, 9B, 10, 11, 19, 21, 22 and 23 were pulled for Individual Consideration.

Mayor Castro called on the individuals registered to speak.

Robert Jalnos, Chair of the Plumbing Appeals and Advisory Board spoke in support of Item 23 regarding the adoption of the International Plumbing Code and the International Fuel Gas Code

with local amendments. He stated that the local amendments were an important part of the adoption process and necessary to help protect the health and safety of the citizens of San Antonio.

Teri Bilby representing the San Antonio Apartment Association spoke in support of the adoption of the 2009 Edition of the International Fire Code (Item 22) and various building-related construction codes with local amendments (Item 23). She noted that members of the San Antonio Apartment Association had worked with city staff and other volunteers to review the codes and thanked all for their input. She thanked Fire Chief Charles Hood and Rod Sanchez for their willingness to include stakeholders in the process.

Jack M. Finger expressed concern that the International Fire Code would lower the standard of fire prevention in the city by not requiring sprinkler systems for various companies (Item 22). He asked of the waiver of City Code residency requirements for Items 25B and 25H.

Diane Hoskins, Executive Director of the Professional Engineers in Private Practice, spoke in support of the adoption of the International Codes in Items 22 and 23. She stated that it was essential to have a fully coordinated group of codes and that the International Codes were flexible and often provided cost savings to owners. She noted that the International Plumbing Code contained standards for green design and thanked all that participated in the process.

Jay Peters, Executive Director of Plumbing, Mechanical and Fuel Gas for the International Code Council, spoke in support of the adoption of the International Codes (Items 22 and 23). He recognized city staff for making it an open process and thanked everyone that participated. He stated that he had traveled the world to speak on sanitation issues and was pleased to see jurisdictions in the United States move toward sustainability and green initiatives. He added that their organization was willing to assist with education, certification, transition and enforcement issues.

Robert Hanley stated that the San Antonio Chapter of the American Institute of Architects was in support of the adoption of the International Plumbing and Fuel Gas Codes. He noted that the Codes were compatible with previously adopted codes developed by the International Code Council and would lead to a fully integrated set of building codes. He commended city staff for their leadership in moving the items forward.

Written testimony was submitted by Carl Bain, Chairman of the Bexar Chapter of the Professional Engineers in Private Practice for Item 23. He wrote in support of the adoption of the 2009 International Plumbing and Fuel Gas Codes, noting that they had been adopted by 250 communities within the state of Texas.

Written testimony was submitted by John Bachman in support of the contract amendment with SpaySA to continue providing spay and neuter services (Item 26). He wrote that although he was in support of the services being provided, he was concerned that the money had not been spent as allocated in FY 2009.

Written testimony was submitted by Faris Hodge, Jr. He wrote that for Item 5, the contract costs should not be estimates. He wrote in favor of the purchase of a portable building for the storage of hazardous material in Item 6. He expressed concern with the purchase of 52 light-duty trucks in Item 7 due to the budget shortfall. He wrote in favor of Items 8-16, as well as Items 18-29. For Item 17, he wrote that the restrooms in Market Square were not ADA compliant.

Councilmember Ramos moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

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

2009-10-01-0760

Item 5. AN ORDINANCE ACCEPTING BIDS FOR THE FOLLOWING CONTRACTS IN THE ESTIMATED ANNUAL AMOUNT OF \$1,237,000.00: (A) DRIVE SHAFTS UNLIMITED FOR AUTOMOTIVE, OFF ROAD & INDUSTRIAL LINE PARTS & SERVICE; (B) SIDDONS FIRE APPARATUS FLEET SERVICES DIVISION, LLC FOR AIRCRAFT RESCUE FIRE FIGHTING VEHICLE PARTS & SERVICE; (C) INDUSTRIAL DISPOSAL SUPPLY FOR TYMCO SWEEPER PARTS & SERVICE; (D) A TO Z TIRE AND BATTERY, INC., AMERICAN TIRE DISTRIBUTORS, TIRE CENTERS AND SOUTHERN TIRE MART FOR TRUCK AND INDUSTRIAL TIRES; (E) PETERSON BROS., INC. FOR BEDDING PLANTS AND (F) AQUSHEN – TRS FOR REGULATORY DATABASE INFORMATION & ENVIRONMENTALLY RELATED MATERIAL.

2009-10-01-0761

Item 6. AN ORDINANCE ACCEPTING THE BID FROM STEP IT UP CONSTRUCTION FOR THE PURCHASE OF A PORTABLE BUILDING FOR THE STORAGE OF HAZARDOUS MATERIAL FOR THE SOLID WASTE MANAGEMENT DEPARTMENT FOR A COST OF \$62,500.00, FUNDED BY THE SOLID WASTE MANAGEMENT OPERATING FUND.

2009-10-01-0767

Item 12. AN ORDINANCE AUTHORIZING CHANGE ORDERS IN THE NET DECREASED AMOUNT OF \$145,669.48 TO THE \$44,425,996.11 CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONTRACTORS, LTD. FOR THE ROADWAY & UTILITIES PROJECT AT THE SAN ANTONIO INTERNATIONAL AIRPORT LOCATED IN COUNCIL DISTRICT 9.

2009-10-01-0768

Item 13. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT AND ACCEPTING \$23,000.00 FROM THE UNIVERSITY OF TEXAS AT SAN ANTONIO FOR THE INSTALLATION OF A FLASHING BEACON AT THE MID-BLOCK CROSSWALK ON FRIO STREET LOCATED IN COUNCIL DISTRICT 1.

PULLED BY STAFF

Item 14. AN ORDINANCE AUTHORIZING THE LEASE ASSIGNMENT FOR THE AIRPORT SHUTTLE CONCESSION CONTRACT FROM SATRANS JOINT VENTURE TO CITY TOURS, INC., AND AMENDING THE CONTRACT BY EXTENDING THE TERM FOR FIVE YEARS.

2009-10-01-0769

Item 15. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION AND/OR CONDEMNATION OF FEE SIMPLE TITLE TO THREE PARCELS OF PRIVATELY OWNED REAL PROPERTY LOCATED IN NCBS 12812 AND 12814 AT THE INTERSECTION OF EWING HALSELL AND LOUIS PASTEUR STREETS IN COUNCIL DISTRICT 8 FOR THE MEDICAL CENTER INTERSECTION IMPROVEMENTS PHASE IV AND V PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AUTHORIZING THE EXPENDITURE OF \$100,000.00 FOR THE ACQUISITION TO BE REIMBURSED BY THE MEDICAL CENTER ALLIANCE; AND AMENDING A REIMBURSEMENT AGREEMENT WITH MEDICAL CENTER ALLIANCE TO INCLUDE THESE PROPERTIES.

2009-10-01-0770

Item 16. AN ORDINANCE AUTHORIZING A 10-YEAR LICENSE AGREEMENT WITH TIME WARNER CABLE FOR USE OF PUBLIC PROPERTY AND RIGHT-OF-WAY FOR A COMMUNICATION CABLE FROM 114 W. COMMERCE STREET TO 100 W. HOUSTON STREET IN COUNCIL DISTRICT 1 FOR A FEE OF \$7,500.00.

2009-10-01-0771

Item 17. AN ORDINANCE AUTHORIZING TWO PATIO LICENSE AGREEMENTS WITH MTC, INC. FOR OUTDOOR PATIO SPACE IN MARKET SQUARE, LOCATED ADJACENT TO LA MARGARITA RESTAURANT AND MI TIERRA RESTAURANT, FOR A 15-YEAR TERM WITH INITIAL RATES OF \$4,056.00 AND \$2,463.00 PER MONTH, RESPECTIVELY.

2009-10-01-0772

Item 18. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS UPON AWARD OF A NATIONAL HISTORIC PUBLICATIONS AND RECORDS COMMISSION GRANT IN THE AMOUNT OF \$86,630.00.

2009-10-01-0774

Item 20. AN ORDINANCE AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF GRANT FUNDS NOT TO EXCEED \$2,046,407.00 FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR A HIGH INTENSITY DRUG TRAFFICKING AREA GRANT, AND ESTABLISH A BUDGET AND PERSONNEL COMPLEMENT FOR TWO YEARS BEGINNING JANUARY 1, 2010.

2009-10-01-0032R

Item 24. A RESOLUTION NOMINATING ROBERT DAVID CARPENTER TO SERVE ON THE BEXAR APPRAISAL DISTRICT BOARD OF DIRECTORS FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2011.

Item 25. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT:

- A. APPOINTING JOHN S. BEAUCHAMP (CATEGORY: DOWNTOWN BUSINESS OWNER WHO IS NOT A LESSEE) AND REAPPOINTING WILLIAM J. LYONS, JR. (CATEGORY: RIVER BEND LESSEE) TO THE RIVERWALK CAPITAL IMPROVEMENTS ADVISORY BOARD FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE DECEMBER 19, 2009 AND DECEMBER 19, 2010 RESPECTIVELY.

2009-10-01-0778

- B. AN ORDINANCE APPOINTING R. SCOTT LARSEN, JAMES (JIM) D. QUINN, AND ROBERT E. THRAIKILL (CATEGORY: SAN ANTONIO HOTEL & LODGING ASSOCIATION) AND REAPPOINTING WILLIAM (BILL) P. BRENDEL, HENRY FELDMAN, RONALD (RON) R. STINSON (CATEGORY: SAN ANTONIO HOTEL & LODGING ASSOCIATION), GEORGE D. ALVA (CATEGORY: TAXICAB INDUSTRY), LOUIS A. BARRIOS (CATEGORY: SAN ANTONIO RESTAURANT ASSOCIATION), MICHAEL D. CORTEZ (CATEGORY: MARKET SQUARE ASSOCIATION), JOHNNY P. HERNANDEZ (CATEGORY: MAYORAL APPOINTMENT), WILLIAM (BILL) J. LYONS, JR. (CATEGORY: PASEO DEL RIO ASSOCIATION), DON MCDANIEL (CATEGORY: SAN ANTONIO TOURISM COUNCIL), CHRISTINE ORTEGA (CATEGORY: AIRLINE INDUSTRY), ROBERT (BOB) W. RAYMOND (CATEGORY: SAN ANTONIO SPORTS FOUNDATION), MARTIN A. BOZER (CATEGORY: THEME PARKS REPRESENTATIVE - SIX FLAGS FIESTA TEXAS), DANIEL DECKER (CATEGORY: THEME PARKS REPRESENTATIVE - SEA WORLD) TO THE CONVENTION AND VISITORS COMMISSION FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011 AND WAIVING THE CITY CODE RESIDENCY REQUIREMENTS FOR THE APPOINTMENTS OF WILLIAM (BILL) P. BRENDEL, JOHNNY P. HERNANDEZ, WILLIAM (BILL) J. LYONS, CHRISTINE ORTEGA, AND MARTIN A. BOZER.

- C. APPOINTING JADE CHANG (DISTRICT 9) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

- D. APPOINTING KEITH PYRON (DISTRICT 9, CATEGORY: COMMUNITY REPRESENTATIVE) AND REAPPOINTING MICHAEL A. HOGAN (DISTRICT 6, CATEGORY: REAL ESTATE/BUILDING INDUSTRY) TO THE CAPITAL

IMPROVEMENTS ADVISORY COMMITTEE FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011

- E. APPOINTING ZACHARY E. HARRIS (DISTRICT 9) AND REAPPOINTING THEODORE N. RITCHIE (DISTRICT 6) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE DECEMBER 22, 2010.
- F. APPOINTING RITA BRAEUTIGAM (DISTRICT 1, CATEGORY: LAYPERSON) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- G. APPOINTING ALIXANDRIA C. ROWE (DISTRICT 1) TO THE SAN ANTONIO YOUTH COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

2009-10-01-0779

- H. AN ORDINANCE REAPPOINTING CARMEN B. ABAD-FITTS (DISTRICT 1, CATEGORY: STRUCTURAL ENGINEER) AND MICHAEL J. LEONARD (DISTRICT 8, CATEGORY: BUILDER) TO THE BUILDING AND FIRE CODE BOARD OF APPEALS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011, AND WAIVING THE CITY CODE RESIDENCY REQUIREMENTS FOR THESE APPOINTMENTS.
- I. APPOINTING RUBEN FLORES (DISTRICT 6) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- J. APPOINTING BRANDON SAN MIGUEL (DISTRICT 6) TO THE LINEAR CREEKWAY PARKS ADVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.
- K. APPOINTING BENNIE J. LUNSFORD (DISTRICT 6) AND REAPPOINTING RICHARD P. HOLGIN (DISTRICT 1) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011.
- L. REAPPOINTING ROBERT E. ENRIQUEZ (DISTRICT 1) TO THE SAN ANTONIO HOUSING TRUST FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2011.

2009-10-01-0780

Item 26. AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT IN THE AMOUNT OF \$150,000.00 WITH THE ANIMAL RESOURCE CENTER D/B/A SPAYSA TO CONTINUE TO PROVIDE SPAY/NEUTER SERVICES UNTIL SEPTEMBER 30, 2010.

2009-10-01-0781

Item 27. AN ORDINANCE AUTHORIZING THE RENEWAL AND AMENDMENT OF THE ADVERTISING, MARKETING AND PUBLIC RELATIONS CONTRACT FOR THE CITY OF SAN ANTONIO CONVENTION AND VISITORS BUREAU WITH BROMLEY COMMUNICATIONS, FOR A TWO-YEAR TERM BEGINNING OCTOBER 1, 2009.

2009-10-01-0782

Item 28. AN ORDINANCE RATIFYING AND AMENDING TWO AGREEMENTS WITH SOLAR SAN ANTONIO TO EXTEND THESE CONTRACTS THROUGH FEBRUARY 28, 2010 AS REQUESTED BY SOLAR SAN ANTONIO.

2009-10-01-0783

Item 29. AN ORDINANCE APPROVING AN ADMINISTRATIVE SERVICES CONTRACT WITH THE FIRE AND POLICE PENSION FUND, SAN ANTONIO, UNDER WHICH THE CITY WILL RECEIVE \$20,000.00 PER YEAR FOR PROVIDING CERTAIN ADMINISTRATIVE SERVICES TO THE PENSION FUND, FOR AN INITIAL TWO-YEAR TERM BEGINNING OCTOBER 1, 2009, WITH TWO (2) TWO-YEAR RENEWAL TERMS.

[CONSENT AGENDA ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2009-10-01-0762

Item 7. AN ORDINANCE ACCEPTING THE BIDS FROM PLANET FORD AND PHILPOTT FORD FOR THE PURCHASE OF FIFTY-TWO LIGHT DUTY TRUCKS (43 REPLACEMENT AND 9 ADDITIONAL) FOR VARIOUS CITY DEPARTMENTS FOR A COST OF \$1,107,606.64, FUNDED FROM THE FY 2010 BUDGET, THE EQUIPMENT RENEWAL AND REPLACEMENT FUND AND THE STORM WATER OPERATING FUND.

Councilmember Williams asked of the nine additional vehicles being purchased. Florencio Peña stated that five vehicles would be utilized for the Parks and Recreation Department to transport restitution workers that provide maintenance services. He noted that the Fire Department had requested three vehicles to transport supplies to various fire stations and the Public Works Department had requested one vehicle to provide Storm Water Operations services. Councilmember Williams asked if there was a plan to reduce the number of vehicles in the city. Mr. Peña confirmed that city staff was reviewing the downsizing of fleet as part of fuel efficiency efforts and that a process was being implemented to require justification for the purchase of all vehicles. Councilmember Williams asked of a goal for downsizing fleet and the number of take home vehicles. Mr. Peña stated that the replacement of vehicles would be reviewed on a case-by-case basis and that there were 189 take home vehicles.

Councilmember Clamp asked of the bid process and local outreach. Janie Cantu stated that Planet Ford and Philpott Ford had withdrawn their bid. She noted that outreach had been provided to local vendors and that Resada Ford and Gunn Chevrolet, two local vendors, had

withdrawn their bid. She mentioned that Grande Ford had submitted a bid but was not the lowest bidder. Councilmember Clamp asked of the balance of the Equipment Replacement Fund and requested that a list of assets purchased for the year and an account balance for the Equipment Replacement Fund be provided for future purchases. Mr. Peña stated that the fund balance was \$12 million. Councilmember Rodriguez asked of the overall fleet purchasing plan. Ms. Sculley stated that through the budget process, staff had identified the hybrid vehicles available for purchase and were in the process of identifying vehicles that could utilize alternative fuels. She noted that staff was reviewing the entire size of the fleet in an effort to downsize and working to reduce the number of take home vehicles. She added that staff would have a plan within six months that would be included in the FY 2011 Budget.

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

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

The City Clerk read the following Ordinances:

Item 8. CONSIDERATION OF THE FOLLOWING ORDINANCES REGARDING CONTRACTS FOR THE PURCHASE OF AIR UNITS AND A CENTRAL POWER SYSTEM AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FUNDED FROM THE FY 2009 CAPITAL BUDGET (2007 PASSENGER FACILITY CHARGE BOND):

CONTINUED

- A. AN ORDINANCE ACCEPTING THE BID FROM INET AIRPORT SYSTEMS, INC. FOR THE PURCHASE OF A 400 HZ CENTRAL POWER SYSTEM FOR A COST OF \$921,163.00.

CONTINUED

- B. AN ORDINANCE ACCEPTING THE BID FROM INET AIRPORT SYSTEMS, INC. FOR THE PURCHASE OF TEN AIR UNITS FOR THE SAN ANTONIO INTERNATIONAL AIRPORT, FOR A COST OF \$652,000.00.

Councilmember Cortez asked of the bid process. Frank Miller replied that staff recommendation was based on the lowest bid. Councilmember Cortez asked of the past performance of INET. Mr. Miller stated that they had performed well and had only experienced one issue with a motor that had to be replaced. Councilmember Cortez asked if consideration was given to local companies as part of the evaluation. Mr. Miller reported that the award was only based on the lowest bid received. Janie Cantu added that it was a competitive sealed bid which required that the bid be awarded to the lowest bidder and that references were verified. Councilmember Cortez stated that it was unfortunate that more local small businesses could not be awarded contracts for this type of work and would like to discuss further.

Ms. Sculley stated that a Disparity Study had just been completed and an ordinance addressing same would be brought before the Council in October/November. She noted that the competitive

low bid process was generally utilized for the purchase of equipment and State Law precluded staff from only awarding to local companies.

Councilmember Rodriguez spoke of small business participation and its importance to the local economy. He expressed concern that information was requested of bidders regarding the percentage of minority participation but was not utilized in the award process. Councilmember Clamp asked for a briefing of the different types of bid scenarios and the need for flexibility to allow local businesses to participate in the bid process. Councilmember Ramos stated that she was supportive of the continuance and also requested information regarding the various types of bid processes that were utilized.

Councilmember Cortez moved to continue Items 8A and 8B for 30 days. Councilmember Rodriguez seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinances:

Item 9. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE COMMERCIAL AVENUE SIDEWALKS PROJECT, AN AUTHORIZED METROPOLITAN PLANNING ORGANIZATION (MPO) AND LOCAL AGENCY MANAGEMENT PROJECT, LOCATED IN COUNCIL DISTRICTS 3 AND 4, AND FUNDED BY ADVANCED TRANSPORTATION DISTRICT AND MPO FUNDS, OF WHICH \$892,976.67 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION:

2009-10-01-0763

- A. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT WITH SALINAS CONSTRUCTION TECHNOLOGIES, LTD. IN THE AMOUNT OF \$1,005,604.37 FOR RECONSTRUCTION OF SIDEWALKS, CURBS AND DRIVEWAYS.

2009-10-01-0764

- B. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$120,000.00 TO THE \$4,825,428.03 PROFESSIONAL SERVICES CONTRACT WITH CH2M HILL FOR PROFESSIONAL ENGINEERING SERVICES.

Councilmember Ramos asked that staff provide an overview of the bid process for the projects and the performance of the contractor. Mike Frisbie stated that Salinas Construction Technologies, Ltd. had performed well in the past and was the lowest bidder for the project. He noted that the low bid was approved by the Texas Department of Transportation and the Federal Highway Administration. Councilmember Ramos asked if the increased amount of \$120,000 to CH2M Hill was within the contingency budget and of a project timeline. Mr. Frisbie replied that the funds were within the project budget and that construction would begin immediately with

scheduled completion in the Spring of 2010. Councilmember Cortez thanked city staff for their work on the project.

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

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

The City Clerk read the following Ordinance:

2009-10-01-0765

Item 10. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO JAMAIL & SMITH CONSTRUCTION IN AN AMOUNT UP TO \$340,462.87, FROM AN AUTHORIZED PROJECT AMOUNT OF \$410,270.77, FOR IMPROVEMENTS TO THE JOHNSTON BRANCH LIBRARY LOCATED AT 6307 SUN VALLEY DRIVE IN COUNCIL DISTRICT 4, FUNDED BY 2007 GENERAL OBLIGATION BOND FUNDS AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS.

Councilmember Cortez asked how the funds would be utilizing and if operating hours would be impacted. Mike Frisbie stated that the project included new sidewalks and a retaining wall in the back of the building. He confirmed that there would be no impact or reduction of service. He noted that construction would begin in October and was scheduled for completion in the Spring of 2010.

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

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

The City Clerk read the following Ordinance:

2009-10-01-0766

Item 11. AN ORDINANCE APPROVING A CPS ENERGY CHANGE ORDER IN THE DECREASED AMOUNT OF \$30,572.00 TO THE \$17,838,505.18 CONSTRUCTION CONTRACT WITH TEXAS STERLING CONSTRUCTION, INC. FOR THE ZARZAMORA DRAINAGE #83A PROJECT, A U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 108 LOAN, 2005 STORM WATER REVENUE BOND AND 2007 GENERAL OBLIGATION BOND PROJECT, LOCATED IN COUNCIL DISTRICT 4.

Mayor Castro stated that in his years of City Council service, he had never seen a decrease change order. Councilmember Cortez asked for an update on the project and noted that this was the second time that a decrease change order had been brought before the City Council for this project. Mike Frisbie reported that Texas Sterling Construction had initiated a \$180,000 deductive change order soon after beginning the project by identifying improved processes and

shortening the project schedule. He stated that CPS Energy had requested that a specialized contractor perform the work on the gas line and that amount was being deducted from Texas Sterling Construction. He noted that the project was progressing well and on schedule. Councilmember Cortez recognized Texas Sterling Construction for their work and spoke of the growth and development in the area. Councilmember Ramos spoke of the detours into the small streets within the neighborhood and asked that the streets be restored to their original condition after project completion.

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

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

The City Clerk read the following Ordinance:

2009-10-01-0773

Item 19. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL \$125,737.00 AND ANY SUPPLEMENTAL FUNDS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE 2009 COMMUNITY SERVICES BLOCK GRANT FOR EMERGENCY SERVICES AND CASE MANAGEMENT.

Councilmember Ramos stated that she was pleased to see an increase in funding and asked if it included Stimulus Funds. Dennis Campa stated that the funds were allocated by the State and must be spent by December 31, 2009. He noted that there were no Stimulus Funds included. Councilmember Ramos asked if the monies could be utilized by the Neighborhood Services Department. Mr. Campa stated that Community Services Block Grant funds could not be used for capital projects. He noted that they would provide prescription drug assistance for Senior Citizens and equipment for Head Start and One-Stop Senior Centers. Councilmember Cisneros asked of the Head Start Centers that would receive computers. Mr. Campa responded that they would be utilized at the centers operated by Family Services Association that were not located in schools.

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

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

The City Clerk read the following Ordinance:

2009-10-01-0775

Item 21. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO POLICE DEPARTMENT AND BEXAR COUNTY; AND THE ACCEPTANCE OF FUNDS FOR A JUSTICE ASSISTANCE GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE UP TO \$395,038.00

FOR THE CONTINUING OPERATION OF THE CHILD WELFARE STRATEGIC ALLIANCE PROGRAM; AND FOR THE PURCHASE OF A SELF-CONTAINED MOBILE BREATH/BLOOD DRIVING WHILE INTOXICATED (DWI) TESTING VEHICLE, AND FOR THE PURCHASE OF A COMPUTERIZED FIREARMS AND TACTICS/USE OF FORCE TRAINING SIMULATOR.

Councilmember Rodriguez asked for additional information regarding the self-contained mobile breath/blood Driving While Intoxicated (DWI) testing vehicle. Deputy Chief Mike Burns presented photos of the vehicle and stated that it would be driven to the scene of a DWI arrest and would allow an Officer to conduct the DWI test and receive results. He mentioned that they would bypass the magistration process and allow Police Officers to return to the streets more quickly. Councilmember Rodriguez asked of other Texas Cities utilizing the same type of vehicle. Chief Burns stated that Houston used the same vehicle and that Dallas had used it in the past but was unsure if they were still doing so. Councilmember Rodriguez expressed his support and highlighted the High Intensity Drug Trafficking Area Grant in the amount of \$2 million that was approved in Item 20. Councilmember Clamp asked of the potential hours in savings for a Police Officer from utilizing the vehicle. Chief Burns stated that they were anticipating that Police Officers would be back in service 30-45 minutes sooner and would track the time once they began utilizing the vehicle.

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

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

The City Clerk read the following Ordinance:

2009-10-01-0776

Item 22. AN ORDINANCE AMENDING CHAPTER 11 (FIRE PREVENTION) OF THE CITY CODE OF SAN ANTONIO, TEXAS, ADOPTING THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE, AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Rod Sanchez, Planning and Development Services Director provided an overview of the City Code Amendments for Items 22 and 23. He stated that building-related codes were updated on a national level every three years and vetted on a national level through an extensive process. He reported that said ordinance would adopt the following building-related codes with local amendments: 1) 2009 International Residential Code; 2) 2009 International Building Code; 3) 2009 International Existing Building Code; 4) International Mechanical Code; 5) International Fire Code; 6) 2009 International Plumbing Code (IPC); and 7) International Fuel Gas Code (IFGC) and would be effective January 1, 2010. He noted that the items had been coordinated along with the City Attorney's Office, Office of Environmental Policy, Fire Marshal's Office, and numerous local organizations.

Mr. Sanchez noted that Public Hearings had been held on the adoption of the amendments and were endorsed by the Building and Fire Code Board of Appeals; Mechanical Appeals and Advisory Board; and the Plumbing Appeals and Advisory Board. He spoke of the advantages to adoption of the International Plumbing Code (IPC), noting that it was developed and maintained through a national government consensus process that excluded special interest and conflicts of interest. He outlined the local and regional municipalities that had already adopted the IPC, as well as the organizational support for the IPC and the IFGC.

Councilmember Medina stated that his question had been answered and moved to adopt the proposed Ordinance for Item 22. Councilmember Cortez seconded the motion.

The motion to approve Item 22 prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2009-10-01-0777

Item 23. CONSIDERATION OF ORDINANCES AMENDING THE CITY CODE BY ADOPTING VARIOUS BUILDING-RELATED CONSTRUCTION CODES WITH LOCAL AMENDMENTS; AND PERMITTING THE ACQUISITION OF AIR CONDITIONING UNIT PARTS FROM CITY-LICENSED MECHANICAL CONTRACTORS.

Councilmember Cortez recognized staff that worked on said item and asked of the public input process. Mr. Sanchez stated that staff had been working on the amendments for many months and held numerous public hearings. He noted that the Plumbing Board had formed a subcommittee that held eight meetings and had ultimately recommended adoption of the IPC. Councilmember Cortez thanked the community members that participated in the process and asked of the timeline for implementation. Mr. Sanchez reported that they would be effective January 1, 2010 and would allow three months for contractors and customers to prepare for the changes. He added that once the codes were adopted, they would provide for a safer city and improved processes.

Mayor Castro called upon Janet Ahmad. Ms. Ahmad stated that she had expected a larger group in attendance but they were unable to take time off from work. She recognized John Mata to speak on her behalf. Mr. Mata stated that he was the Regional Manager for the International Association of Plumbing Mechanical Officials. He noted that there was not a family of codes as had been stated and asked of the Electrical Code. He mentioned that the Uniform Plumbing Code (UPC) had been adopted in the 1960's and that an update would be less costly and more beneficial to the industries and citizens of San Antonio. He stated that if an updated UPC were adopted, their organization would provide the city with the necessary code and educational books.

Councilmember Cortez moved to approve Item 23 with an amendment to section 312 of the International Plumbing Code, the drainage and vent water test, from 10 feet to 3½ feet. Councilmember Chan seconded the motion.

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

CITY MANAGER'S REPORT

A. 2011 NCAA Men's Basketball Southwest Regional

Ms. Sculley stated that the City of San Antonio had been selected to host the 2011 NCAA Men's Basketball Southwest Regional at the Alamodome with the tentative dates scheduled from March 25-27, 2011. She noted that the Alamodome would serve as the NCAA Men's Regional Venue for the fifth time since 1997 and that the Alamodome would also host the 2010 NCAA Women's Final Four and the 2011 NCAA Women's Volleyball Championship. She reported that the economic impact of the 2011 Southwest Regional was estimated at \$10 million.

B. H1N1 Update

Dr. Fernando Guerra provided an update on the H1N1 virus and stated that this particular outbreak began in the Spring, 2009. He noted that it was widespread throughout the world and had a significant impact on the State of Texas and the local community. He spoke of the increase in local rates of influenza-like illnesses and school absentee rates. He stated that it was a significant outbreak and would overlap with the regular seasonal flu. He encouraged individuals to get their regular flu vaccine in an effort to be better prepared as the H1N1 virus continues to increase. He noted that staff was working closely with all City Departments to ensure continuity of operations and asked staff to provide hand sanitizers in public places. He mentioned that they were in the process of planning for H1N1 Immunizations and would be coordinating an H1N1 Working Group consisting of various community partners to provide general recommendations for community response. He spoke of the priority groups that should receive the H1N1 vaccine that included pregnant women, health care workers, and emergency first responders. He noted that the H1N1 vaccine should arrive in San Antonio on October 15, 2009 and that vaccinations would be initiated within 72 hours.

Mayor Castro recognized the Health Department for their work on H1N1. Councilmember Cisneros also commended the Health Department on their coordination and asked of the individuals most at-risk for H1N1. Dr. Guerra stated that the greater burden was among young children, adolescents, and pregnant women. Councilmember Cisneros asked of the Public Health Emergency Response Grants. Dr. Guerra replied that approximately \$3.08 million would be provided to the community. Councilmember Lopez requested information regarding a plan to address a serious event in the city relative to a pandemic or similar issue. Ms. Sculley stated that she would coordinate that with Nim Kidd and that staff had mobilized the Emergency Operations Center with hospital personnel during the Spring for the H1N1 pandemic. Councilmember Ramos encouraged everyone to tour the Emergency Operations Center and spoke of the great collaboration of entities that were co-located at the center. Mayor Castro confirmed that H1N1 was a self-limited illness that did not have a specific treatment.

Mayor Castro recessed the meeting at 11:20 am to break for lunch and noted that the meeting would resume at 2:00 pm for Zoning.

CONSENT ZONING

Mayor Castro reconvened the meeting at 2:08 pm and addressed the Consent Zoning Items.

Councilmember Cisneros 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 against: Z-5, Z-6, Z-7, Z-8, P-4, Z-12, Z-13, Z-14, and Z-15. Councilmember Clamp seconded the motion.

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

2009-10-01-0790

Item Z-5. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "C-3NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES TO "C-3NA S" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH A SPECIFIC USE AUTHORIZATION FOR A VETERINARY HOSPITAL - SMALL ANIMALS (NO OUTSIDE RUNS, PENS AND PADDOCKS PERMITTED) ON LOTS 17, 18, AND 19, BLOCK 17, NCB 7326 LOCATED AT 137 EARL STREET. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 17, 18, AND 19, BLOCK 17, NCB 7326 TO WIT: FROM "C-3NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "C-3NA S" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A VETERINARY HOSPITAL - SMALL ANIMALS (NO OUTSIDE RUNS, PENS AND PADDOCKS PERMITTED) PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2009-10-01-0791

Item Z-6. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5 CD" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A BEAUTY SHOP ON A 0.143 OF AN ACRE TRACT OF LAND OUT OF LOT 8, NCB 10757 LOCATED AT 1817 SOUTH W.W. WHITE 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 0.143 OF AN ACRE TRACT OF LAND OUT OF LOT 8, NCB

10757 TO WIT: FROM "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-5 CD" RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR A BEAUTY SHOP PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2009-10-01-0792

Item Z-7. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "HS I-1" HISTORIC SIGNIFICANT GENERAL INDUSTRIAL DISTRICT ON LOT 1, BLOCK 1, NCB 1360 LOCATED AT 734 NORTH NEW BRAUNFELS AVENUE. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 1, BLOCK 1, NCB 1360 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "HS I-1" HISTORIC SIGNIFICANT GENERAL INDUSTRIAL DISTRICT.

2009-10-01-0793

Item Z-8. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "HS I-1" HISTORIC SIGNIFICANT GENERAL INDUSTRIAL DISTRICT ON LOT 2, BLOCK 1, NCB 1360 LOCATED AT 1502 BURNET STREET. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 2, BLOCK 1, NCB 1360 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "HS I-1" HISTORIC SIGNIFICANT GENERAL INDUSTRIAL DISTRICT.

2009-10-01-0794

Item P-4. AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTH CENTRAL COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE LAND USE ON 0.1731 ACRE LOCATED AT 519 ROCHAMBEAU STREET FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.

2009-10-01-0799

Item Z-12. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA" COMMERCIAL DISTRICT, NONALCOHOLIC SALES ON LOT 29, BLOCK 3, NCB 7900 LOCATED AT 204 WEST HART AVENUE. 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 29, BLOCK 3, NCB 7900 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2NA" COMMERCIAL DISTRICT, NON-ALCOHOLIC SALES.

2009-10-01-0800

Item Z-13. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "MF-33 IDZ" MULTI-FAMILY INFILL DEVELOPMENT ZONE OVERLAY ON LOTS A7, A8 AND A9, BLOCK 100, NCB 273 LOCATED AT 325 COLIMA STREET. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS A7, A8 AND A9, BLOCK 100, NCB 273 TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "MF-33 IDZ" MULTI-FAMILY DISTRICT INFILL DEVELOPMENT ZONE OVERLAY.

2009-10-01-0801

Item Z-14. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT ON PARCEL-18C, NCB 18080 LOCATED ON THE 8400 BLOCK OF REED 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: PARCEL-18C, NCB 18080 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

2009-10-01-0802

Item Z-15. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT ON LOT 8D, BLOCK B, NCB 11507 LOCATED AT 1213 BANDERA ROAD. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 8D, BLOCK B, NCB 11507 TO WIT: FROM "R-5"

RESIDENTIAL SINGLE-FAMILY DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

2009-10-01-0784

Item P-1. AN ORDINANCE AMENDING THE MAJOR THOROUGHFARE PLAN, A COMPONENT OF THE CITY OF SAN ANTONIO MASTER PLAN, BY DE-DESIGNATING A SEGMENT OF HARDY ROAD GENERALLY LOCATED IN SOUTHEAST BEXAR COUNTY, SOUTH OF LOOP 1604, EAST OF I-37, AND WEST OF THE BEXAR COUNTY LINE.

Trish Wallace presented the Plan Amendment and stated that it would amend the major thoroughfare plan to re-designate a segment of Hardy Road. She noted that the segment was generally located in southeast Bexar County and would protect the SAWS Aquifer Storage Facility in the area. She reported that the facility was a major component of the SAWS Water Management Plan and that land use in the area was restricted to agricultural and ranching uses.

Councilmember Ramos expressed her support and moved to adopt the Plan Amendment. Councilmember Clamp seconded the motion.

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

2009-10-01-0785

Item P-2. AN ORDINANCE AMENDING THE MAJOR THOROUGHFARE PLAN, A COMPONENT OF THE CITY OF SAN ANTONIO MASTER PLAN, BY DE-DESIGNATING A SEGMENT OF THE NORTH & SOUTH CONNECTOR AND DESIGNATING A NEW ALIGNMENT TO EXTEND RETAMA PARKWAY BOTH GENERALLY LOCATED IN NORTHEAST BEXAR COUNTY, EAST OF NE LOOP 1604, NORTH OF I-35, SOUTH OF NACOGDOCHES ROAD, AND WEST OF EVANS ROAD.

Trish Wallace presented Item P-2 and stated that it would amend the major thoroughfare plan to de-designate a segment of the north and south connector and add a new designation of Retama Parkway. She noted that the caption incorrectly stated that it was located east of Northwest Loop 1604 but should read Northeast Loop 1604. She explained that the de-designation was necessary because a subdivision was built in the City of Selma that made the alignment no longer feasible. She reported that it would be resolved by removing the segment of the north and south connector where the subdivision exists and add a segment that would extend Retama Parkway up to Nacogdoches Road. She stated that it would provide a future all-weather alternative to Evans Road which is currently a two-lane road with steep slopes that has been known to flood. She added that it would increase future circulation and safety for school buses and emergency vehicles.

Councilmember Clamp expressed his support and moved to adopt the Plan Amendment. Councilmember Chan seconded the motion.

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

CONTINUED TO DECEMBER 3, 2009

Item Z-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.

Chris Looney presented the proposed Zoning Case and stated that it would amend the zoning district boundary from "C-3" General Commercial District to "HS C-3" Historic Significant General Commercial District. He noted that staff recommended approval and that the Zoning Commission had failed to pass a motion for the case and therefore; moved forward as a recommendation for denial.

Jack M. Finger spoke in opposition to Z-1, noting that they had been working on the case for over a year and the property owner was against the historic designation. He stated that he was against the duplex that would be built on Dora Street for Item Z-3 because it was not consistent with the definition of low density residential contained in the North Central Neighborhood Community Plan. He noted his opposition to the office referenced in Item Z-9 since it was contrary to the goals of the Highland Community Plan. Lastly, he spoke in opposition to the hotel that would be built over the aquifer in Item Z-18.

Richard Brownlee, Property Owner for Item Z-1, stated that he would not have purchased the property if he had known it was going to be designated as historic. He noted that his intention was to initiate a mixed-use development that would not be allowed under historic designation. He expressed concern with the cost to historically restore the property and stated that they were working to get the house relocated. He requested an extension of six months.

A written testimony was received for Item Z-1 from Rollette Schreckenghost, President of the San Antonio Conservation Society. She requested an extension of said item and wrote that they had been working with the property owner, District 1 Staff, the Office of Historic Preservation, and the neighborhood to identify a solution.

Councilmember Cisneros moved to continue said item for 60 days (December 3, 2009). Councilmember Clamp seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Rodriguez.

Item Z-2. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "I-2" HEAVY INDUSTRIAL DISTRICT, "I-1" GENERAL INDUSTRIAL DISTRICT, "C-3" GENERAL COMMERCIAL DISTRICT, "C-3 R" GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOL SALES, "C-3 NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES, "O-2" HIGH-RISE OFFICE DISTRICT, "C-2" COMMERCIAL DISTRICT, "C-2 NA CD" COMMERCIAL DISTRICT, NON-ALCOHOLIC SALES WITH A CONDITIONAL USE FOR AUTO REPAIR AND "C-1" LIGHT COMMERCIAL DISTRICT TO "L" LIGHT INDUSTRIAL DISTRICT, "C-2" COMMERCIAL DISTRICT, "C-2 P" COMMERCIAL PEDESTRIAN DISTRICT, "C-2 CD" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AUTO REPAIR, "C-2 CD" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A BAR/TAVERN, "C-2 CD" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A NIGHTCLUB, "C-2 CD" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AN OFFICE WAREHOUSE, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR TIRE REPAIR AND MUFFLER SALES AND INSTALLATION, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR A LARGE SCALE PRINTER, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR A CONSTRUCTION TRADES CONTRACTOR, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR AUTO REPAIR, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR AUTO SALES, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR AUTO PAINT AND BODY, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR A MINI WAREHOUSE/SELF SERVICE STORAGE, "C-1" LIGHT COMMERCIAL DISTRICT, "C-1 S" LIGHT COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A NON-COMMERCIAL PARKING LOT, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AUTO SALES, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A TATTOO PARLOR/STUDIO, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A CONVENIENCE STORE WITH GASOLINE, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AUTO REPAIR, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A CAR WASH, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR TIRE REPAIR, "O-1" OFFICE DISTRICT, "NC" NEIGHBORHOOD COMMERCIAL DISTRICT, "MF-40" MULTI-FAMILY DISTRICT, "MF-25" LOW DENSITY MULTI-FAMILY DISTRICT, "RM-4" RESIDENTIAL MIXED DISTRICT, "RM-4 CD" RESIDENTIAL MIXED DISTRICT WITH A CONDITIONAL USE FOR A DAY CARE CENTER, "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT, ON MULTIPLE PROPERTIES GENERALLY LOCATED ALONG WEST AVENUE (APPROXIMATELY WITHIN 750 FEET OF THE CENTERLINE OF WEST AVENUE), BOUND BY JACKSON-KELLER ROAD TO THE NORTH AND INTERSTATE HIGHWAY 10 (IH-10) TO THE SOUTH. 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: MULTIPLE PROPERTIES GENERALLY LOCATED ALONG WEST AVENUE (APPROXIMATELY WITHIN 750 FEET OF THE CENTERLINE OF WEST AVENUE), BOUND BY JACKSON-KELLER ROAD TO THE NORTH AND INTERSTATE HIGHWAY 10 (IH-10) TO THE SOUTH TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT , "I-1" GENERAL INDUSTRIAL DISTRICT, "C-3" GENERAL COMMERCIAL DISTRICT, "C-3 R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOLIC SALES DISTRICT, "C-3 NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT, "O-2" HIGH-RISE OFFICE DISTRICT, "C-2" COMMERCIAL DISTRICT, "C-2 NA CD" COMMERCIAL NON-ALCOHOLIC SALES DISTRICT WITH A CONDITIONAL USE FOR AUTO REPAIR AND "C-1" LIGHT COMMERCIAL DISTRICT TO "L" LIGHT INDUSTRIAL DISTRICT, "C-2" COMMERCIAL DISTRICT, "C-2 P" COMMERCIAL PEDESTRIAN DISTRICT, "C-2 CD" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AUTO REPAIR, "C-2 CD" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A BAR/TAVERN,"C-2 CD" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A NIGHTCLUB,"C-2 CD" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AN OFFICE WAREHOUSE, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR TIRE REPAIR AND MUFFLER SALES AND INSTALLATION, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR A LARGE SCALE PRINTER, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR A CONSTRUCTION TRADES CONTRACTOR, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR AUTO REPAIR, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR AUTO SALES, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR AUTO PAINT AND BODY, "C-2 P CD" COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR A MINI WAREHOUSE/SELF SERVICE STORAGE, "C-1" LIGHT COMMERCIAL DISTRICT, "C-1 S" LIGHT COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A NON-COMMERCIAL PARKING LOT, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AUTO SALES, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A TATTOO PARLOR/STUDIO, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A CONVENIENCE STORE WITH GASOLINE, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AUTO REPAIR, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A CAR WASH, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR TIRE REPAIR, "NC" NEIGHBORHOOD COMMERCIAL DISTRICT, "MF-40" MULTI-FAMILY DISTRICT, "MF-25" LOW DENSITY MULTI-FAMILY DISTRICT, "RM-4 CD" RESIDENTIAL MIXED DISTRICT WITH A CONDITIONAL USE FOR A DAY CARE CENTER, "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented the proposed Zoning Case and stated that it was a request for a comprehensive rezoning case to change property from "I-2", "I-1", "C-3", "C-3R", "C3NA", "O-2", "C-2", "C-2 NA CD" and "C-1" Districts to multiple different zoning districts. He noted that the properties were generally located along West Avenue. He mentioned that the comprehensive zoning case was intended to make the zoning compatible with existing uses and into conformance with the Greater Dellview Area Community Plan. He stated that staff and the Zoning Commission recommended approval and that the Northwest Los Angeles Heights Neighborhood Association was in favor. He added that they had not received a response from the Greater Dellview Area Neighborhood Association or the North Central Neighborhood Association.

Councilmember Cisneros stated that in 2005, three different neighborhood associations in the Greater Dellview Area had taken a concerted effort to develop a vision for their community. She noted that over 350 stakeholders had participated in the creation of a comprehensive master plan. She mentioned that she had asked staff to evaluate the West Avenue corridor and bring it in line with the adopted Master Plan with the intent to give the Plan validity through the power of regulation. She thanked City Staff, residents and business owners for their participation in the rezoning efforts. She read several letters in favor of the down-zoning into the record from the following: Dellview Area Neighborhood Association; North Central Neighborhood Association; Northwest Los Angeles Neighborhood Association; The Stevens Group; Martin Rios; and Charles Dove.

Mayor Castro called on the individuals registered to speak.

Paul Rolfs stated that he was the property owner of 2801 West Avenue and in support of the community development plan for West Avenue. He recognized the Neighborhood Associations, City Staff and Police Department for their efforts to improve the area.

D. Freiling stated that both sides of his family had moved into the West Avenue area in the 1920's. He thanked Councilmember Cisneros for addressing their concerns and expressed his support.

Patrick Christensen of Brown and Ortiz expressed their support for said item and recognized staff for their efforts.

Carol Lagutchik of Bill Miller Barbecue stated that she was speaking on behalf of the Miller Brothers. She noted that their property was located at 2114 Jackson Keller and asked that their property not be re-zoned from "C-3" to "C-2" as it would decrease the property value.

Leonard Smith stated that he was speaking on behalf of 87 North Lamar Limited and Star Tech First Limited, the owner of two tracts of land on West Avenue. He noted that the first property was located at 3819 West Avenue and currently zoned as "C-2". He expressed support for the proposed "C-2 P" zoning designation. He stated that for the second property located at 2514 West Avenue, the property owner was requesting that the recommended "C-1" zoning be changed to "C-2 P" to be consistent with the Greater Dellview Area Community Plan.

Jason Oliver also spoke on behalf of the property owner of 2514 West Avenue. He stated that there were several "C-2" zoning designations that had been rezoned to "C-2 P" just north of the property in question and asked that same be considered for 2514 West Avenue.

Councilmember Cisneros moved to adopt the proposed Zoning Item with the following conditions: 1) Staff initiate a comprehensive plan amendment process to a land use category appropriate for: 819 Venice Street, legally described as the west 25 feet of Lot 17, Block 210, NCB 9663 in order to allow for "C-1" Light Commercial District; 3103 West Avenue legally described as Lot 2, NCB 11682 in order to allow for "C-3NAS" General Commercial, Non-alcoholic Sales District with a Specific Use Authorization for a Human Services Campus; and 5032 West Avenue, legally described as Lot 50, NCB 11688 in order to allow for "I-1" Light Industrial District with a Specific Use Authorization for Metal Products Fabrication; 2) Save and except the following properties and request reconsideration with an amended staff recommendation by the Zoning Commission and City Council: 1819 Alhambra; 1820 El Monte Boulevard; 1819 and 1820 Mardell Street; 2801, 2802, 3723, 3910, and 4300 West Avenue; 3) To approve "C-1" Light Commercial District for 222 Salem Drive, legally described as Lot 10, Block 10, NCB 10382; 4) Save and except 2401 West Avenue, legally described as Lot 55, Block 2, NCB 8417. Councilmember Ramos seconded the motion.

The motion with conditions prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Rodriguez and Clamp.

2009-10-01-0787

Item P-3. AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NORTH CENTRAL NEIGHBORHOODS COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE LAND USE ON 0.1791 ACRES LOCATED AT 126 DORA STREET FROM LOW DENSITY RESIDENTIAL LAND USE TO MEDIUM DENSITY RESIDENTIAL LAND USE. STAFF RECOMMENDS DENIAL. PLANNING COMMISSION RECOMMENDS APPROVAL.

Nina Nixon-Mendez presented the Plan Amendment and stated that it would amend the Land Use Plan contained in the North Central Neighborhood Community Plan. She noted that staff recommended denial and the Planning Commission recommended approval.

Councilmember Cisneros stated that her office had met with the zoning applicant and the North Central Neighborhood Association regarding the Plan Amendment. She noted that a petition of support for the zoning case had been submitted to her office from various residents along Dora Street. She mentioned that the applicant had committed to maintain the property; add a landscaping buffer; and work with the neighborhood association to address concerns that may arise in the future.

Councilmember Cisneros moved to adopt the Plan Amendment. Councilmember Cortez seconded the motion.

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

2009-10-01-0788

Item Z-3. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-18" MULTI-FAMILY DISTRICT ON THE SOUTH 104.7 FEET OF LOTS 35, 36 AND 37, BLOCK 24, NCB 7330 LOCATED AT 126 DORA STREET. STAFF RECOMMENDS DENIAL. ZONING COMMISSION RECOMMENDS APPROVAL PENDING THE PLAN AMENDMENT.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE SOUTH 104.7 FEET OF LOTS 35, 36 AND 37, BLOCK 24, NCB 7330 TO WIT: FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-18" MULTI-FAMILY DISTRICT.

Chris Looney presented the proposed Zoning Case and stated that it was a request for a change from "R-5" Residential Single-Family District to "MF-18" Multi-Family District. He noted that staff recommended denial and the Zoning Commission recommended approval pending the Plan Amendment that had just been approved.

Margaret Valdez addressed the Council and spoke in opposition to said item. She expressed concern with the heavy traffic on Dora Street and problems getting out of their drive-ways. She stated that many of the neighbors were also in opposition but was unsure if they had mailed in their letters.

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

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

2009-10-01-0789

Item Z-4. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "C-1 S" LIGHT COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A NON-COMMERCIAL PARKING LOT ON 0.293 OF AN ACRE OUT OF NCB 14987 LOCATED AT 666 FREILING DRIVE & 6800 PARK TEN 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: 0.293 OF AN ACRE OUT OF NCB 14987 TO WIT: FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "C-1 S" LIGHT COMMERCIAL DISTRICT WITH A

SPECIFIC USE AUTHORIZATION FOR A NON-COMMERCIAL PARKING LOT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented the proposed Zoning Case and stated that it would amend the zoning district boundary from "C-1" Light Commercial District to "C-1 S" Light Commercial District with a Specific Use Authorization for a non-commercial parking lot. He noted that staff and the Zoning Commission recommended approval with the following two conditions: 1) All on-site lighting be directed onto the site and point away from any residential zoning or uses using 90 degree or less cut-off fixtures; and 2) There shall be no ingress or egress onto Freiling Drive. He added that the Dellview Area Neighborhood Association was in favor.

Councilmember Cisneros stated that her office had worked with the applicant and the Dellview Area Neighborhood Association regarding said item and thanked them for their willingness to work together.

Councilmember Cisneros moved to adopt the proposed Zoning Item with the following two conditions: 1) All on-site lighting be directed onto the site and point away from any residential zoning or uses using 90 degree or less cut-off fixtures; and 2) There shall be no ingress or egress onto Freiling Drive. Councilmember Ramos seconded the motion.

The motion with conditions prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Rodriguez and Clamp.

DENIED

Item Z-9. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4 CD" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE TO ALLOW A PROFESSIONAL OFFICE ON LOT F, BLOCK 100, NCB 3368 LOCATED AT 1044 BAILEY AVENUE. STAFF RECOMMENDS DENIAL. ZONING COMMISSION RECOMMENDS APPROVAL WITH CONDITIONS.

Chris Looney presented the proposed Zoning Case and noted that it was a change from "R-4" Residential Single-Family District to "R-4 CD" Residential Single-Family District with a conditional use to allow a Professional Office. He stated that staff recommended denial and the Zoning Commission recommended approval with the following ten conditions: 1) No more than 600 square feet of the structure can be used for the operation of the business; 2) A maximum of two employees; 3) No construction features will be permitted which would place the structure out of character with the surrounding neighborhood; 4) The hours of operation shall be from 8:00 am to 5:00 pm Monday through Friday; 5) There can be no signage; 6) No on-street parking is permitted; 7) The required minimum off-street parking must be provided; 8) The property must be brought into compliance with all applicable commercial codes; 9) The remaining 2,086 square feet of the structure continue to be used as a residence; and 10) Any increase or decrease to the impervious cover depicted in the site plan submitted by the applicant comply with Section 35-423 of the Unified Development Code. He reported that the Highland Park Neighborhood

Association was in support; however, opposition constituted more than 20% of the property within 200 feet and would require nine votes for approval.

Cynthia Munoz, Property Owner, stated that she had requested to utilize 600 square feet of the property for office space. She noted that she was born and raised in the Highland Park area and that the request was part of community reinvestment and redevelopment for the neighborhood. She thanked the Highland Park Neighborhood Association and 150 individuals in her neighborhood that had expressed their support. She recognized Councilmember Ramos and District 3 Staff for guiding her through the process and listening to her concerns. She asked for approval of her request for a conditional use.

Amelia Devena stated that she had lived in the neighborhood for 30 years and was in opposition to the zoning case. She noted that vehicles had already begun parking in the area and blocking the street.

Former Councilmember Helen Dutmer addressed the Council and spoke in opposition to the zoning case. She expressed concern with actions of the Zoning Commission and noted the need for their role to be re-examined. She stated that her objection was due to the fact that the zoning would stay with the land and could be sold as commercial property at any time. She noted that the property in question was located within a stable residential area and that there were no other commercial properties within five blocks. She mentioned that a vote had not occurred at a Highland Park Neighborhood Association and that the letter of support had only been endorsed by the President who had been appointed and not elected. She expressed concern with the intimidation and threats that had occurred due to said zoning case. She asked the City Council to deny the zoning case.

Alfred E. Yanez spoke in opposition to the rezoning noting that the area was residential. He stated that there was limited parking in the area and expressed concern that individuals would begin parking in his front yard.

Councilmember Ramos thanked everyone that came to speak on said item and noted that they had been working on the zoning case since April. She stated that they had been unable to reach an agreement with the neighborhood association and the neighbors in the area.

Councilmember Ramos moved to deny the proposed Zoning Item. Councilmember Clamp seconded the motion.

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

At this time, Items P-5, P-6 and Z-11 were addressed.

2009-10-01-0795

Item P-5. AN ORDINANCE AMENDING THE STINSON AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF 1) A 0.5920-ACRE TRACT OF LAND LOCATED AT 3779 ROOSEVELT AVENUE

AND A 1.1853-ACRE TRACT OF LAND LOCATED AT 3783 ROOSEVELT AVENUE FROM HIGH DENSITY RESIDENTIAL TO MIXED USE LAND USE; 2) A 0.5310-ACRE TRACT OF LAND LOCATED AT 3727 ROOSEVELT AVENUE, A 1.4905-ACRE TRACT OF LAND LOCATED AT 3623 ROOSEVELT AVENUE, A 3.4309-ACRE TRACT OF LAND LOCATED AT 3705 ROOSEVELT AVENUE, A 0.8919-ACRE TRACT OF LAND LOCATED AT 3715 ROOSEVELT AVENUE, AND A 0.8767- ACRE TRACT OF LAND LOCATED AT 3601 ROOSEVELT AVENUE FROM NEIGHBORHOOD COMMERCIAL TO COMMUNITY COMMERCIAL LAND USE; AND 3) A 0.9500-ACRE TRACT OF LAND LOCATED AT 4849 ROOSEVELT AVENUE, A 0.4030-ACRE TRACT OF LAND LOCATED AT 4709 ROOSEVELT AVENUE, A 0.2650-ACRE TRACT OF LAND LOCATED AT 4715 ROOSEVELT AVENUE, A 0.2020-ACRE TRACT OF LAND LOCATED AT 4719 ROOSEVELT AVENUE, A 0.2296-ACRE TRACT OF LAND LOCATED AT 4729 ROOSEVELT AVENUE, A 0.2296-ACRE TRACT OF LAND LOCATED AT 4803 ROOSEVELT AVENUE, A 2.7713-ACRE TRACT OF LAND LOCATED AT 4805 ROOSEVELT AVENUE, A 1.1413-ACRE TRACT OF LAND LOCATED AT 4841 ROOSEVELT AVENUE, AND A 0.3627-ACRE TRACT OF LAND LOCATED AT 4705 ROOSEVELT AVENUE FROM NEIGHBORHOOD COMMERCIAL TO MIXED USE LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.

2009-10-01-0796

Item P-6. AN ORDINANCE AMENDING THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 0.2296-ACRE TRACT OF LAND LOCATED AT 505 ROOSEVELT AVENUE, A 0.1862-ACRE TRACT OF LAND LOCATED AT 511 ROOSEVELT AVENUE, A 0.7483-ACRE TRACT OF LAND LOCATED AT 541 ROOSEVELT AVENUE, A 0.3267-ACRE TRACT OF LAND LOCATED AT 615 ROOSEVELT AVENUE, A 0.0861-ACRE TRACT OF LAND LOCATED AT 621 ROOSEVELT AVENUE, A 0.3449-ACRE TRACT OF LAND LOCATED AT 508 GROVE AVENUE, A 0.3192-ACRE TRACT OF LAND LOCATED AT 200 YELLOW STONE STREET, AND A 0.0680-ACRE TRACT OF LAND LOCATED AT 507 WEST HIGHLAND BOULEVARD FROM LOW DENSITY RESIDENTIAL TO MIXED USE LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.

2009-10-01-0798

Item Z-11. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM MULTIPLE ZONING DISTRICTS TO MULTIPLE ZONING DISTRICTS WITH THE APPLICATION OF THE ROOSEVELT AVENUE METROPOLITAN CORRIDOR OVERLAY DISTRICT (MC-1) ON MULTIPLE LOTS GENERALLY LOCATED WITHIN 200 FEET OF ROOSEVELT AVENUE BETWEEN THE TERMINUS OF ST. MARY'S STREET AND SOUTHEAST MILITARY DRIVE AND 300 FEET OF ROOSEVELT AVENUE BETWEEN SOUTHEAST MILITARY DRIVE AND SOUTHEAST 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: MULTIPLE LEGAL DESCRIPTIONS FOR PROPERTY GENERALLY LOCATED WITHIN 200 FEET OF ROOSEVELT AVENUE BETWEEN THE TERMINUS OF ST. MARY'S STREET AND SOUTHEAST MILITARY DRIVE AND 300 FEET OF ROOSEVELT AVENUE BETWEEN SOUTHEAST MILITARY DRIVE AND SOUTHEAST LOOP 410 TO WIT: FROM MULTIPLE ZONING DISTRICTS TO MULTIPLE ZONING DISTRICTS TO ADOPT THE ROOSEVELT AVENUE METROPOLITAN CORRIDOR OVERLAY DISTRICT (MC-1).

Patrick Howard presented Items P-5, P-6, Z-10 and Z-11. He stated that a Resolution passed on March 5, 2009 had directed staff to undertake land use and other background studies necessary to recommend a corridor overlay zoning district along Roosevelt Avenue and a comprehensive rezoning of properties generally located within the boundaries of the overlay district. He noted that the South Central San Antonio Community Plan and Stinson Airport Plan identified corridor enhancement as goals. He spoke of the District 3 Library and Mixed-Use Complex; San Antonio River Improvements Project; Stinson Airport Expansion; and the Mission Drive-In TIRZ.

Mr. Howard outlined the public process, noting that three public meetings had been held and two additional Open House Sessions were held at the request of the Zoning Commission. He spoke of the reinvestment strategies and stated that the Plan Amendments included adjustments to the future land use plans contained in the Stinson Airport Vicinity Land Use Plan and South Central San Antonio Community Plan. He noted that adjustments were minor and supported the comprehensive rezoning and redevelopment plan. He mentioned that Item Z-10 would approve the rezoning of Corridor Parcels that would align the zoning in the area to the future land use plan created by the community. He added that Item Z-11 would adopt an overlay district with design standards for new construction that had been created with significant input from the community.

Mayor Castro called on the individuals registered to speak.

Bebe Francis representing ICP Industries addressed the Council in support of said items. He stated that ICP Industries was a significant employer at its facility in the area directly benefitted by the overlay. He noted that ICP Industries had invested millions in its facility and planned to expand in the future. He requested that the Council approve Item Z-10 and the design criteria and guidelines to allow for consistency of redevelopment along Roosevelt.

Garry Nelson stated that he owned a business at 5119 Roosevelt in opposition to said items. He noted that the area between Loop 410 and Military Drive was different from any other part of the corridor and expressed concern that businesses would not want to locate into the area due to the extra restrictions. He mentioned that he was a member of the Planning Commission and they had not participated in discussions regarding the down-zoning.

Rene Luna, President of the Symphony Lane Neighborhood Association stated that he had been a resident of the neighborhood on the South side of Roosevelt for 15 years and very optimistic of the future development in the area.

Gerrit Dinkla stated that he was a lifelong resident of District 3 and had served on the Roosevelt Corridor Planning Team. He recognized Councilmember Ramos and District 3 Staff for their work on the Roosevelt Reinvestment Plan. He noted that said zoning items would strengthen the community at large and enhance development in the area. He spoke of the many benefits that would be provided to the business owners along Roosevelt and the tourism that would come to the area.

Carol Lagutchik representing Bill Miller Barbecue stated that their property was located at 3511 Roosevelt and requested that they keep their "C-3" zoning designation and not be down-zoned to "C-2".

James Barden stated that he owned a Lube Oil Repair Shop at 3783 Roosevelt and had operated the business for 49 years. He spoke in opposition to the re-zoning and noted that it would negatively affect small businesses in the area. He expressed concern with the current economic conditions and the increased crime and graffiti in the area. He stated that funds should be utilized to address drainage issues in the Roosevelt Corridor.

Wayne Hawley stated that he owned property located at 3779 Roosevelt and had purchased it in 1973. He noted that since that time, he had purchased two additional properties in the area. He asked of the building specifications that would be required and spoke of security concerns. He stated that he was in support of beautification but concerned with too many restrictions.

Robert Anguiano representing the San Jose Neighborhood Association spoke in support of said items. He spoke of the many investments and developments occurring in the area and the great economic impact to the city.

Chris Stubbs stated that he was the property owner at 2214 Roosevelt and in support of the rezoning.

Arthur Garcia, Co-owner of Nicha's Restaurant spoke in support of the rezoning. He stated that the business had been in operation for 33 years and that they had implemented many improvements including landscaping and enhanced lighting. He noted that the rezoning would provide guidance to other businesses in the area and spoke of the many developments occurring on the South Side.

Councilmember Ramos thanked everyone that came to speak on said items. She stated that they had been working on the rezoning for eight months and recognized city staff for their work. She noted that many discussions had occurred with property owners in the area in an effort to communicate the potential for growth and development. She spoke of the need to ensure newer and better opportunities for all of the residents of the area and the responsibility and accountability that should be provided by business owners and neighborhoods. She noted that over one million individuals visited the Missions each year and spoke of the need for revitalization. She mentioned the many developments occurring on the South Side including the Texas A&M University at San Antonio and Mission Drive-In. She reported that she had received letters from five neighborhood associations including Mission del Lago; Father David

Garcia who oversees the Old Spanish Mission; and Cindy Taylor, President of the South San Antonio Chamber of Commerce in support of the rezoning.

Councilmember Cortez recognized Councilmember Ramos for her efforts and expressed his support. He noted that the rezoning would attract more businesses and families to the South Side. Councilmember Williams expressed his support and commended Councilmember Ramos for her work. He stated that the Roosevelt Corridor was a great place and a treasure of the city. Councilmember Medina thanked Councilmember Ramos for meeting with the businesses and constituents in the area and noted that the South Side was moving in the right direction. Councilmember Ramos asked of the property owners and continued uses. Mr. Howard stated that if a property became nonconforming as a result of the rezoning, the property would be able to continue to operate. He noted that if the property was out of business for a period of 12 months or if the property was damaged beyond 50% of replacement value, then the property would no longer be deemed nonconforming and be subject to the new zoning requirements.

Mayor Castro expressed his support and recognized Councilmember Ramos for her efforts. He spoke of the growth and development on the South Side but noted that there was still a lot of work to be done.

Councilmember Ramos moved to adopt the Plan Amendments (P-5 and P-6) and Item Z-11. Councilmember Cisneros seconded the motion.

The motion for Items P-5, P-6 and Z-11 prevailed by the following vote: **AYES:** Cisneros, Ramos, Cortez, Medina, Lopez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** Taylor. **ABSENT:** Rodriguez.

2009-10-01-0797

Item Z-10. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "C-2" COMMERCIAL DISTRICT, "C-3" GENERAL COMMERCIAL DISTRICT, "C-3 RIO-4" GENERAL COMMERCIAL RIVER IMPROVEMENT OVERLAY DISTRICT-4, "C-3NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT, "C-3NA RIO-4" GENERAL COMMERCIAL NONALCOHOLIC SALES RIVER IMPROVEMENT OVERLAY DISTRICT-4, "C-3R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES DISTRICT, "H C-2 RIO-5" COMMERCIAL MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H C-3" GENERAL COMMERCIAL MISSION HISTORIC DISTRICT, "H C-3 CD RIO-5" GENERAL COMMERCIAL MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5 WITH A CONDITIONAL USE FOR ON PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES, "H C-3 RIO-5" GENERAL COMMERCIAL MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H C-3NA" GENERAL COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC DISTRICT, "H C-3NA CD" GENERAL COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC DISTRICT WITH A CONDITIONAL USE FOR A PACKING PLANT, "H C-3NA CD RIO-5" GENERAL COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5 WITH A CONDITIONAL USE FOR A WHOLESALE FOOD DISTRIBUTOR, "H C-3NA RIO-4" GENERAL COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC RIVER IMPROVEMENT

OVERLAY DISTRICT-4, "H C-3NA RIO-5" GENERAL COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H C-3R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES MISSION HISTORIC DISTRICT, "H C-3R RIO-5" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES MISSION HISTORIC DISTRICT RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H I-1" GENERAL INDUSTRIAL MISSION HISTORIC DISTRICT, "H O-2 RIO-5" OFFICE MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H R-4" RESIDENTIAL SINGLE FAMILY MISSION HISTORIC DISTRICT, "H R-5" RESIDENTIAL SINGLE FAMILY MISSION HISTORIC DISTRICT, "I-1" GENERAL INDUSTRIAL DISTRICT, "HS I-1 RIO-4" HISTORIC SIGNIFICANT GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY DISTRICT-4, "I-1 RIO-4" GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY DISTRICT-4, "O-2 RIO-4" OFFICE RIVER IMPROVEMENT OVERLAY DISTRICT-4, "R-4 RIO-4" RESIDENTIAL SINGLE FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-4 TO "HS C-2 RIO-4" HISTORIC SIGNIFICANT COMMERCIAL RIVER IMPROVEMENT OVERLAY DISTRICT-4, "C-2 RIO-4" COMMERCIAL RIVER IMPROVEMENT OVERLAY DISTRICT-4, "C-2" COMMERCIAL DISTRICT, "H C-2NA RIO-4" COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-4, "C-2NA RIO-4" COMMERCIAL NONALCOHOLIC SALES RIVER IMPROVEMENT OVERLAY DISTRICT-4, "C-2NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT, "H C-2NA" COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC DISTRICT, "H C-2 RIO-5" COMMERCIAL MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H C-2" COMMERCIAL MISSION HISTORIC DISTRICT, "H C-2NA RIO-5" COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H C-3" GENERAL COMMERCIAL MISSION HISTORIC DISTRICT, "H IDZ" INFILL DEVELOPMENT MISSION HISTORIC DISTRICT WITH USES PERMITTED IN "MF-33" MULTI-FAMILY AND "C-2" COMMERCIAL DISTRICTS, "H MF-33 RIO-5" MULTI-FAMILY MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H O-1 RIO-5" OFFICE MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H R-6 RIO-5" RESIDENTIAL SINGLE FAMILY MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "MF-18 RIO-4" MULTI-FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-4, "MF-25" MULTI-FAMILY DISTRICT, "MF-33 RIO-4" MULTI-FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-4, "MF-33" MULTI-FAMILY DISTRICT, "O-1 RIO-4" OFFICE RIVER IMPROVEMENT OVERLAY DISTRICT-4, "R-4 RIO-4" RESIDENTIAL SINGLE FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-4, "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT, "R-6 RIO-4" RESIDENTIAL SINGLE FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-4 ON MULTIPLE LOTS GENERALLY LOCATED WITHIN 200 FEET OF ROOSEVELT AVENUE BETWEEN THE POINT WHERE ST. MARY'S STREET AND ROOSEVELT AVENUE INTERSECT AND SOUTHEAST MILITARY DRIVE AND 300 FEET OF ROOSEVELT AVENUE BETWEEN SOUTHEAST MILITARY DRIVE AND SOUTHEAST LOOP 410 AND REMAINING PORTIONS OF SAID PROPERTY LOCATED OUTSIDE OF SAID DISTANCE FROM ROOSEVELT AVENUE. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL WITH CONDITIONS PENDING PLAN AMENDMENTS.

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: MULTIPLE LEGAL DESCRIPTIONS FOR PROPERTY GENERALLY LOCATED WITHIN 200 FEET OF ROOSEVELT AVENUE BETWEEN THE TERMINUS OF ST. MARY'S STREET AND SOUTHEAST MILITARY DRIVE AND 300 FEET OF ROOSEVELT AVENUE BETWEEN SOUTHEAST MILITARY DRIVE AND SOUTHEAST LOOP 410 AND REMAINING PORTIONS OF SAID PROPERTY LOCATED OUTSIDE OF TO WIT: FROM "C-2" COMMERCIAL DISTRICT, "C-3" GENERAL COMMERCIAL DISTRICT, "C-3 RIO-4" GENERAL COMMERCIAL RIVER IMPROVEMENT OVERLAY DISTRICT-4, "C-3NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT, "C-3NA RIO-4" GENERAL COMMERCIAL NONALCOHOLIC SALES RIVER IMPROVEMENT OVERLAY DISTRICT-4, "C-3R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES DISTRICT, "H C-2 RIO-5" COMMERCIAL MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H C-3" GENERAL COMMERCIAL MISSION HISTORIC DISTRICT, "H C-3 CD RIO-5" GENERAL COMMERCIAL MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5 WITH A CONDITIONAL USE FOR ON PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES, "H C-3 RIO-5" GENERAL COMMERCIAL MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H C-3NA" GENERAL COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC DISTRICT, "H C-3NA CD" GENERAL COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC DISTRICT WITH A CONDITIONAL USE FOR A PACKING PLANT, "H C-3NA CD RIO-5" GENERAL COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5 WITH A CONDITIONAL USE FOR A WHOLESALE FOOD DISTRIBUTOR, "H C-3NA RIO-4" GENERAL COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-4, "H C-3NA RIO-5" GENERAL COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H C-3R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES MISSION HISTORIC DISTRICT, "H C-3R RIO-5" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES MISSION HISTORIC DISTRICT RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H I-1" GENERAL INDUSTRIAL MISSION HISTORIC DISTRICT, "H MF-33 RIO-5" MULTI-FAMILY MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H O-2 RIO-5" OFFICE MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H R-4" RESIDENTIAL SINGLE FAMILY MISSION HISTORIC DISTRICT, "H R-5" RESIDENTIAL SINGLE FAMILY MISSION HISTORIC DISTRICT, "I-1" GENERAL INDUSTRIAL DISTRICT, "HS I-1 RIO-4" HISTORIC SIGNIFICANT GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY DISTRICT-4, "I-1 RIO-4" GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY DISTRICT-4, "O-2 RIO-4" OFFICE RIVER IMPROVEMENT OVERLAY DISTRICT-4, "R-4 RIO-4" RESIDENTIAL SINGLE FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-4 TO "C-1" LIGHT COMMERCIAL DISTRICT, "HS C-2 RIO-4" HISTORIC SIGNIFICANT COMMERCIAL RIVER IMPROVEMENT OVERLAY DISTRICT-4, "C-2 RIO-4" COMMERCIAL RIVER IMPROVEMENT OVERLAY DISTRICT-4, "C-2" COMMERCIAL DISTRICT, "H C-2NA RIO-4" COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC RIVER

IMPROVEMENT OVERLAY DISTRICT-4, "C-2NA RIO-4" COMMERCIAL NONALCOHOLIC SALES RIVER IMPROVEMENT OVERLAY DISTRICT-4, "C-2NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT, "H C-1" LIGHT COMMERCIAL MISSION HISTORIC DISTRICT, "H C-2NA" COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC DISTRICT, "H C-2 RIO-5" COMMERCIAL MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H C-2" COMMERCIAL MISSION HISTORIC DISTRICT, "H C-2NA RIO-5" COMMERCIAL NONALCOHOLIC SALES MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H C-3" GENERAL COMMERCIAL MISSION HISTORIC DISTRICT, "H IDZ" INFILL DEVELOPMENT MISSION HISTORIC DISTRICT WITH USES PERMITTED IN "MF-33" MULTI-FAMILY AND "C-2" COMMERCIAL DISTRICTS, "H MF-33 RIO-5" MULTI-FAMILY MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H MF-33" MULTI-FAMILY MISSION HISTORIC DISTRICT, "H O-1 RIO-5" OFFICE MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "H R-6 RIO-4" RESIDENTIAL SINGLE FAMILY MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-4, "H R-6 RIO-5" RESIDENTIAL SINGLE FAMILY MISSION HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT-5, "MF-18 RIO-4" MULTI-FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-4, "MF-25" MULTI-FAMILY DISTRICT, "MF-33 RIO-4" MULTI-FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-4, "MF-33" MULTI-FAMILY DISTRICT, "O-1 RIO-4" OFFICE RIVER IMPROVEMENT OVERLAY DISTRICT-4, "R-4 RIO-4" RESIDENTIAL SINGLE FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-4, "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT, "R-6 RIO-4" RESIDENTIAL SINGLE FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-4.

Councilmember Ramos moved to adopt Item Z-10 with the condition that the properties located at 1018 E. Southcross and 2833 Roosevelt be exempt. Councilmember Chan seconded the motion.

The motion with conditions prevailed by the following vote: **AYES:** Cisneros, Ramos, Cortez, Medina, Lopez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** Taylor. **ABSENT:** Rodriguez.

2009-10-01-0803

Item Z-16. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "C-2" COMMERCIAL DISTRICT TO "C-2 S" COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A PRIVATE UNIVERSITY OR COLLEGE ON 5.926 ACRES OUT OF NCB 14939 (PER DEED VOLUME 14010 PAGE 1280-1282) LOCATED AT 10000 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: 5.926 ACRES OUT OF NCB 14939 (PER DEED VOLUME 14010 PAGE 1280-1282) TO WIT: FROM "C-2" COMMERCIAL DISTRICT TO "C-2 S"

COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A PRIVATE UNIVERSITY OR COLLEGE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented the proposed zoning case and stated that it would amend the Zoning District Boundary from "C-2" Commercial District to "C-2 S" Commercial District with a Specific Use Authorization for a private university or college.

Larry Horn, President of the Art Institute of Houston spoke in support of said item and stated that they would like to create a branch campus in San Antonio. He noted that they had experienced a great amount of growth and spoke of the impact they would have on the city. He mentioned that they were founded in 1965 as the Houston School of Commercial Art and their focus was to transform lives through education. He stated that they had joined the Art Institute in 1978 and the Houston Campus was accredited by the Commission of Southern College Associations and Schools. He spoke of the great enrollment within their Austin and Houston Campuses and the opportunity for talented individuals in San Antonio.

Councilmember Williams expressed his support and moved to adopt the proposed Zoning Item. Councilmember Cisneros seconded the motion.

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

CONTINUED TO OCTOBER 15, 2009

Item Z-17. 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 AND ZONING COMMISSION RECOMMEND APPROVAL.

Chris Looney presented the proposed Zoning Case and stated that it would amend the Zoning District Boundary to "MPCD ERZD MLOD-1" Master Planned Community Edwards Recharge Zone Camp Bullis Military Lighting Overlay District-1. He reported that the applicant had modified their request from the time it was initially submitted and had removed some acreage. He noted that the new acreage was now 385.39 acres out of NCB 19221. He added that staff and the Zoning Commission recommended approval.

Ms. Vacek read written testimony from Dr. and Mrs. Kenneth E. Hummel on Item Z-17. They wrote that they did not approve of the rezoning of the 389 acres called Steubing Ranch as it was located over the sensitive Edwards Aquifer Recharge Zone and within the proposed Camp Bullis Military Lighting Overlay District. They wrote that it was important to protect the water supply

and attract businesses to San Antonio. They urged the Council to vote against the zoning change.

Councilmember Chan stated that the zoning case had attracted a lot of attention due to its size and location. She noted that from the land use perspective, it was a good Master Plan Community District Plan. She mentioned that the property owner had made great efforts to work with the surrounding neighbors and agreed to three deed restrictions to address their issues. She noted that in regard to the Edwards Aquifer Recharge Zone, the rezoning would increase the impervious cover by 13% and the benefits justified the increase. She stated that much progress had been made in addressing previous concerns with traffic and the military but a concern had just been expressed by the military regarding the endangered species study submitted to U.S. Fish and Wildlife.

Councilmember Chan moved to continue Item Z-17 to October 15, 2009. Councilmember Clamp seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Cisneros, Taylor, Cortez, Medina, Lopez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Ramos and Rodriguez.

2009-10-01-0804

Item Z-18. AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARY FROM "R-6" ERZD RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-3" ERZD GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT (6.284 ACRES) AND "C-2" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT (4.942 ACRES) ON 11.226 ACRES OUT OF NCB 18218, LOCATED ON THE 23000 BLOCK OF US HIGHWAY 281 NORTH. 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: 11.226 ACRES OUT OF NCB 18218 TO WIT: FROM "R-6" ERZD RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-3" ERZD GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT (6.284 ACRES) AND "C-2" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT (4.942 ACRES).

Chris Looney presented the proposed Zoning Case and stated that it would amend the Zoning District Boundary from "R-6" ERZD Residential Single-Family Edward Recharge Zone District to "C-3" ERZD General Commercial Edwards Recharge Zone District on 6.284 acres, and "C-2" ERZD Commercial Edwards Recharge Zone District on 4,942 acres. He noted that staff and the Zoning Commission recommended approval with the condition that the applicant erect an 8-foot tall fence along the northern property line. He mentioned that the property was located within the Camp Bullis Awareness Zone Military Influence Area and that staff had provided the military with a copy of the rezoning request for review and comment. He stated that the

military's concern on the proposed development's compatibility with the Camp Bullis Installation would be addressed if the developer provided appropriate documentation of the recent endangered species surveys conducted by a professional biological consultant and that the surveys be sent to the U.S. Fish and Wildlife Service in Austin. He noted that the Winchester Hills Homeowners Association was in support of the request.

Councilmember Chan stated that the land would be better utilized as commercial property and asked if the developer planned to submit the Endangered Species Study. Patrick Christensen of Brown and Ortiz confirmed that they had already provided it to City Staff and would be submitting it to the U.S. Fish and Wildlife Department. Councilmember Chan thanked the applicant for working with staff.

Councilmember Chan moved to adopt the proposed Zoning Item with the condition that the applicant erect an 8-foot fence along the northern property line and with deed restrictions as follows:

1. Uses: Declarant agrees that the following uses shall not be permitted on the Property:
 - a. Sexually Oriented Businesses;
 - b. Nightclubs, Dance Halls, Stand-alone Bars or Brewpubs, however Bars/Taverns are permitted as an associated use for any Hotel (alcohol sales are permitted in restaurants but limited to a maximum of 50% of total sales);
 - c. Tattoo Parlors (permanent makeup services are not restricted when associated with spa, beauty service shops, or as administered by medical professionals);
 - d. Massage Parlors (massage services are not restricted when associated with spa, beauty service shops, or as administered by medical professionals);
 - e. Body Piercing Shops (ear piercing services are not restricted when an accessory service within jewelry or other retail stores);
 - f. Amusement and/or Theme Parks with Outdoor Rides;
 - g. Auto Glass and Upholstery Sales and Installation;
 - h. Billiard or Pool Halls;
 - i. Bingo Parlors;
 - j. Indoor Dog Training Facilities (unless incidental to the operation of a business whose use is not prohibited hereunder);
 - k. Taxi Service;
 - l. Bookbinding;
 - m. Punch Concrete Mixing and Production;
 - n. Commercial Athletic Fields;
 - o. Golf Driving Range;
 - p. Indoor/Outdoor Flea Markets;
 - q. Warehousing (unless incidental to the operation of a business whose use is not prohibited hereunder); and
 - r. Tamale Preparation (unless incidental to the operation of a business whose use is not prohibited hereunder).
2. Building Setback: The Declarant agrees that all buildings within the Property shall be set back a minimum of 100 feet from the Northern property line adjacent to the Winchester Hills Neighborhood.

3. Landscape Buffer: The Declarant agrees to provide a 50-foot landscape buffer within the Property along the portion of the Northern property line adjacent to the Winchester Hills Neighborhood.
4. Fencing: The Declarant agrees to construct and maintain an eight-foot fence within the Property along the Northern property line adjacent to the Winchester Hills Neighborhood. Such fence to be constructed of treated wood or other long-lasting material, but shall not be constructed of chain-link, poultry netting or similar type materials. Such fence to be constructed concurrently with any building construction on the Property.
5. Trash Containers: The Declarant agrees to locate all trash containers a minimum of 200 feet from the Northern property line adjacent to the Winchester Hills Neighborhood. The Declarant further agrees to limit the trash collection times to 8:00 am to 6:00 pm Monday through Friday and 9:00 am to 5:00 pm Saturday through Sunday.
6. Tree Preservation: The Declarant agrees to preserve all existing trees and landscaping within the 50-foot landscape buffer in number 3 above.
7. Parking: The Declarant agrees that all parking areas within the Property shall be located a minimum of 50 feet from the Northern property line adjacent to the Winchester Hills Neighborhood.
8. Hours of Construction: The Declarant agrees to limit the times for construction activity on the Property to 7:00 am to 9:00 pm Monday through Friday and 6:00 am to 8:00 pm Saturday through Sunday. Notwithstanding the foregoing, no heavy construction work, defined as including grading, cement truck assembly and pouring, blasting, trenching, rock drilling or sawing, framing, or roofing shall commence before 8:00 am on any day of the week.
9. Height: The Declarant agrees to limit the height of any improvement built on the Property to 35 feet from the foundation of any improvement built on the C-3 zoning and 25 feet from the foundation of any improvement built on the C-2 zoning, regardless of setback bonuses or other exemptions that may apply to height limitations in the City's Unified Development Code.
10. Lighting: The Declarant agrees that all lighting shall comply with the City Military Lighting Overlay District as outlined in the current Unified Development Code. The Declarant agrees that no lighting shall be placed within 50 feet of the Northern Property Lines adjacent to the Winchester Hills Neighborhood.
11. Improvements: The Declarant agrees to use its best efforts to construct all improvements to match surrounding residential and commercial architectural improvements which would require the use of natural colors and earth tones in exposed construction materials and the consideration of surrounding improvements in any new improvement constructed.
12. Signage: The Declarant agrees to limit any signage within the portion of the Property south of the Winchester Hills Neighborhood to not exceed 10 feet in height or width for each commercial building, and to limit any light and lighting for such signage to that allowed by the City Military Lighting Overlay District as outlined in the current Unified Development Code. Any signage located in the portion of the Property not located south of the Winchester Hills Neighborhood but adjacent to US Highway 281 shall comply with the current City Sign Ordinance.

13. Noise: The Declarant agrees that it shall not have, construct, permit or allow external sound systems or live music on the Property. Declarant agrees to limit all noise emitted by any chillers or other mechanical equipment to a level below 70 decibels.
14. Swimming Pool and Spa: The Declarant agrees to limit the times within which any person may swim, rest, relax or congregate around or in any swimming pool or spa to times starting no sooner than 6:00 am Central Standard Time and ending no later than 10:00 pm Central Standard Time.
15. Attorneys Fees and Costs Escrow Account: The Declarant agrees to create and deposit three thousand dollars into an interest bearing account (Enforcement Escrow Account), to be used solely to help fund any attorney fees or related costs associated with enforcement proceedings by the Association for this Declaration. The Enforcement Escrow Account, and any interest earned thereon, shall not be returned or refunded to the Declarant absent the consent of the Association or termination of the account as provided herein, and this covenant, and all other covenants herein, shall run with the land. The Enforcement Escrow Account shall terminate and cease to exist exactly one year after the construction of all improvements on the Property has been completed. Absent extension of its termination date by a court, if any funds remain in the Enforcement Escrow Account on its termination date, such funds shall be refunded to the Declarant.

Councilmember Clamp seconded the motion.

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

Mayor Castro recessed the meeting at 4:10 pm and noted that the meeting would resume at 5:15 pm for Ceremonial Items. Mayor Pro Tem Medina reconvened the meeting at 5:18 pm and addressed the Ceremonial Items.

CEREMONIALS

Mayor Pro Tem Medina recognized the Annual "National Night Out" (NNO) event that will be held on Tuesday, October 6, 2009, throughout the State of Texas. NNO is sponsored by the National Association of Town Watch and is designed to heighten crime awareness, generate support, and increase participation in local anti-crime programs.

Mayor Pro Tem Medina and Mayor Castro presented a proclamation for the 13th Annual Green Team Challenge hosted by the Real Estate Council of San Antonio, Keep San Antonio Beautiful, CPS Energy, San Antonio Water System and Milberger Landscaping and Nursery. The competition targets elementary schools selected from each Council District. It encourages students to improve their schools through cleanup activities and environmental awareness. Each school submitting an application is eligible to receive two trees donated by CPS Energy which must be incorporated into their project.

Mayor Pro Tem Medina and Mayor Castro presented a proclamation for the 19th Annual San Fernando Health and Safety Fair that will be held on Saturday, October 3, 2009. More than 50 physicians and dentists, nearly 300 health care professionals, and over 150 volunteers will join to offer screenings of cholesterol, blood pressure, vision, dental, dermatology, podiatry, prostrate

and Diabetes. The Health Fair will take place on the grounds of the San Fernando Cathedral from 8:00 am-1:00 pm and all services are free of charge.

CITIZENS TO BE HEARD

Mayor Castro called on the individuals registered to speak.

Gerardo Renteria expressed concern with the shelter eviction of a female and her three children. He stated that there should be more assistance provided to homeless individuals and spoke of other incidents in which individuals had been evicted while desperately needing assistance.

Rhett Smith spoke of a meeting regarding nuclear energy that had been held at La Villita Assembly on Monday. He expressed concern with the treatment of individuals by law enforcement and the violation of civil rights.

Nazirite Ruben Flores Perez spoke of the seven-headed dragon and the Book of Revelations.

Damon Mason stated that he had grown fond of San Antonio since his arrival in 2002 and wanted the city to prosper. He spoke of open areas throughout the city that could be used as flower gardens, parks or plazas. He requested that Mayor Castro and Judge Wolff meet with Governor Perry, and representatives of the cities of Corpus Christi and Galveston regarding desalination of water from the Gulf of Mexico.

Theresa Berlanga expressed concern regarding a water usage fee of \$300 at 1840 Santa Monica for water that was never used. She stated that she had hired an individual that had been trained by CPS Energy to trim trees and had paid \$900 for the services provided. She noted that CPS Energy staff had trimmed the trees further and could not understand why they had done so. She requested the City's assistance in resolving her issues with SAWS and CPS Energy. She recognized Mayor Castro for walking door-to-door to encourage youth to go back to school.

Nick Calzoncit stated that transparency should prevail in city-related meetings and that the City should consider creating a department of Peace and Non-Violence to work directly with school districts. He expressed concern with violence that stemmed from Diabetes and referenced a book entitled, "Forgotten Children: A True Story of How Politicians Endanger Children" that addressed said issue. He recognized Grammy Winner Little Joe Hernandez for his donation of \$100,000 and hosting a benefit concert for children with Diabetes.

Alice Canestaro-Garcia representing Energia Mia expressed concern that she was denied entrance to the CPS Energy Board Meeting held on Monday to discuss nuclear energy and the fact that individuals were required to have their bags checked. She asked the City Council to vote against nuclear energy and spoke in support of alternative renewable energy sources.

Antonio Diaz requested a meeting with Mayor Castro and Police Chief McManus to address violations of the Fifth Amendment that occurred at the magistrate detention center. He stated that he had spoken with Assistant City Manager Erik Walsh but that the issues had not been resolved. He expressed concern with the five Police Officer shootings that had occurred in the

month of September and the death of an individual due to the use of a taser. He invited all to attend a Human Rights March that would be held on October 10, 2009.

David Katakalos stated that the Atomic Safety and Licensing Office had found that the South Texas Project Nuclear Operating Company had failed to analyze the impact that the project was having on water. He noted that the South Texas Nuclear Project was currently leaking 5,700 acre-feet out of its main cooling reservoir annually and spoke of its dangerous impact to the water supply.

Faris Hodge, Jr. expressed concern that he had submitted an Open Records Request regarding the Police and Fire Pension Fund and could not obtain the information. He also expressed concern that information regarding the Baby Moses Law was not posted outside Fire Stations and that the Fire Department was not conducting inspections of fire extinguishers at schools. He stated that the CPS Energy Board of Directors should be investigated and spoke in opposition to nuclear energy. He expressed concern with the outcome of the Crosspoint rezoning case, noting that there were already too many issues with gang violence on the Eastside.

Raymond Zavala spoke in opposition to nuclear energy and asked of assistance that would be provided to ratepayers once the fee increases were implemented. He noted that the number of nuclear power plants built by Toshiba was unclear and asked that CPS Energy be held accountable. He requested information regarding the travel and lodging fees for individuals that traveled to speak at the meeting on Monday on behalf of CPS Energy.

Mark Perez expressed concern with the waiver of UDC code regulations provided by Planning and Development Services staff. He spoke against the permits approved for I-1 zoning for Tetco and Kimberly Clark.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Medina adjourned the meeting at 6:42 pm.

A P P R O V E D



JULIÁN CASTRO
MAYOR

Attest: 
LETICIA M. VACEK
City Clerk