

**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, FEBRUARY 16, 2011 AND THURSDAY, FEBRUARY 17, 2011, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **February 16, 2011**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Cortez.

1. BRIEFING AND POSSIBLE ACTION REGARDING THE “3 PLUS 9”, THE CITY’S FY 2011 BUDGET AND FINANCE STATUS FOR THE FIRST THREE MONTHS, UPDATED ESTIMATES ON REVENUES AND EXPENDITURES FOR THE REMAINING NINE MONTHS, AND REVIEW OF THE IMPACTS ON THE CITY’S FY 2012 BUDGET FROM THE PROPOSED FY 2012-2013 TEXAS STATE BIENNIAL BUDGET AND UPCOMING FY 2012 FEDERAL BUDGET.

Sheryl Sculley provided a budget status for the First Quarter of FY 2011 and reported that although the economy was growing, it was not enough to dramatically reduce the unemployment rate which was 7.6% in San Antonio. She stated that General Fund Revenues were up \$4.4 million over the adopted budget for the First Quarter. This was attributed to a \$1.3 million increase in Sales Tax for December 2010, and CPS Energy Revenues of \$1.9 million over budget for January 2011. She noted that General Fund Expenditures were within the budgeted amounts and that the preliminary closing of FY 2010 resulted in a \$12 million better than anticipated beginning balance for FY 2011.

Ms. Sculley reported that the FY 2012 Budget Plan projects a \$37 million budget challenge and assumes \$15 million in reductions and revenue proposals which includes increasing the City Property Tax Rate to the Effective Tax Rate. She stated that budget proposals in the upcoming State and Federal Budgets would impact the City’s FY 2012 Budget. She noted that the House Majority released Proposed Continuing Resolution Reductions of \$61 billion to current FY 2011 Federal Spending. Reductions include programs as Supplemental Nutrition Program for Women, Infants and Children (WIC), Head Start, and Community Development Block Grants (CDBG). She mentioned that the FY 2012 Budget as proposed by President Obama includes 211 reductions and savings measures of more than \$33 billion. She added that the total potential impact on San Antonio was a reduction ranging from \$25.2 million to \$39.8 million.

Ms. Sculley further reported that the State of Texas projects a \$27 Billion Biennial Budget gap and could impact the City’s Revenues through decreased reimbursement of the Mixed Beverage Tax and an increase in the Collection Service Fee for Sales Tax Revenue. This would result in an impact ranging from \$1.2 million to \$15.2 million to the City of San Antonio’s FY 2012 Budget. She spoke of the \$5.5 million potential impact to programs such as the Auto Theft Prevention Grant, Tobacco Community Coalition, and Homeless Programs including Haven for Hope. She stated that the overall potential impact of Federal and State Proposed Budgets totaled \$49.2 million to \$78.5 million for the City of San Antonio that did not include potential unfunded mandates.

Maria Villagomez reported that General Fund Revenues were \$4.4 million over projections for the First Quarter and projected an overall positive variance of \$8.8 million for FY 2011. She outlined the year over year change in Sales Tax Revenue, noting that there had been seven months of consecutive increase since June 2010. She stated that there was an estimated positive variance of \$3.2 million in Sales Tax Revenue for FY 2011, as well as \$11,260 for Property Tax Revenue. She reported that staff also projected an increase in CPS Energy Revenues for FY 2011 totaling \$3.2 million. She noted that other General Fund Revenues were \$1.2 million higher than projected for the First Quarter due to additional Vehicle Auction Revenues and Food Establishment Licenses. She added that General Fund Expenditures were estimated to decrease by \$1.3 million for FY 2011.

Ms. Villagomez stated that the FY 2012 Budget Plan projects a \$37 million budget challenge and assumes \$15 million in reductions including: 1) Efficiencies resulting from additional Comprehensive Budget Reviews; 2) Additional revenue by increasing the City Property Tax Rate to the Effective Tax Rate; and 3) Texas Municipal Retirement System (TMRS) Fund Restructuring. She provided a comparable analysis to other Major US Cities and their reduction strategies.

Ms. Villagomez presented an update of FY 2011 Budget Initiatives, noting that 22 new Police Officers were hired and In-Car Video Systems for front-line Police Vehicles were installed. She stated that 30 Firefighters were fully funded at Fire Station 51 and that medical equipment to create five dedicated Advanced Life Support Fire Companies would be purchased during the Second Quarter. She outlined the \$53.5 million Street Maintenance Budget and mentioned that the budget includes \$6.5 million for sidewalks and \$3 million for alley improvements. She noted that 714 spay and neuter surgeries were completed in the First Quarter and that an additional 9,500 would be completed by the end of the fiscal year. She reported that 21 positions had been added at each of the Mission and Parman Libraries. She highlighted the \$1.1 million added in Economic Development Funds, as well as the Green Initiatives that include a re-engineered Brush Collection Program to allow for 100% more recycling.

Ms. Villagomez provided an overview of the Enterprise and Restricted Funds, noting that Hotel Occupancy Tax Collections were lower than projected by \$95,534. Within the Development Services Fund, she reported that new residential permits had decreased by 60% since FY 2007 and reported a negative variance of \$123,422 in revenues for the First Quarter. She stated that Aviation Fund Revenues were \$291,092 higher than projected for the First Quarter and that the FY 2011 Budget projects an increase in 0.3% in Enplanements. She noted that the Solid Waste Fund had experienced a decrease of \$101,633 in First Quarter Revenues and that expenditures were also decreased by \$276,331. She reported a positive variance in Storm Water Fund Revenues of \$7,838 and expenditure savings of \$69,732. She presented an overview of Stimulus Funds, noting that \$134.4 million was managed by the city and \$105 million in expenditures were planned through FY 2011. She added that the material presented today would be available on the city's website and that a Budget Calendar for FY 2012 would be presented in March.

Mayor Castro thanked staff for the presentation and stated that the City was doing well in managing resources. He noted that San Antonio was heading for a challenging Summer based on the State and Federal Budgets and that the decreased level of Social Services would impact the community. He asked of the Property Tax Revenues. Ms. Villagomez replied that Property Tax projections were based on the Certified Tax Rolls received from the Bexar County Appraisal District the last week of July. Councilmember Williams spoke of the Property Tax Revenue and asked of the impact of remaining at the current rate. Ms. Villagomez stated that the difference was less than ½ of a percent.

Councilmember Williams spoke of the importance of quantifying and communicating the information to the public, as increasing the rate could cause some concern. He asked of the Stimulus Funds provided. Ms. Villagomez replied that the funds were provided on a reimbursement basis.

Councilmember Ramos asked of Head Start Funding and number of children impacted. Ms. Villagomez confirmed that if the Federal Government passes the Resolution to reduce funding, there would be a negative impact of \$7.5 million and 1,100 children. Additionally, there could be an impact to 1,600 children if there is a reduction in Stimulus Funds. Councilmember Ramos asked if Delegate Agencies were being informed of the potential 15% budget reductions. Ms. Villagomez stated that they would make agencies aware during the funding process. Councilmember Ramos asked if the city was receiving assistance from the utility companies for alley maintenance. Ms. Sculley stated that the city did not receive assistance with alley maintenance but could have the conversation with the utility companies. She noted that SAWS and CPS Energy pay a percentage of their revenues to the city and may be reluctant to pay more for use of right-of-way. Councilmember Ramos expressed concern with the decrease in Code Compliance Officers assigned to District 3. Marc Castro stated that there were two vacancies and once trained; District 3 should be fully staffed. Councilmember Ramos asked of the status of the ladder truck for Fire Station 21. Chief Hood replied that the ladder truck was temporarily assigned to Fire Station 22 due to space and was working with CIMS on a plan to build a temporary facility. Carl Wedige added that they were working with a consultant to determine feasibility and did not have a timeline for completion.

Councilmember Clamp asked of the Property Tax Rate. Ms. Sculley replied that the Effective Tax Rate only applied to the base value and not growth. She noted that staff was not making a recommendation at this time but that in an effort to collect the same amount of base revenue; the Property Tax Rate would have to increase to the Effective Tax Rate. Councilmember Clamp stated that increasing in the Property Tax Rate should be considered as a last resort. Councilmember Chan asked of the shortfall for the FY 2012 Budget. Ms. Sculley replied that the \$37 million shortfall assumes \$15 million in reduction and revenue proposals for FY 2012 to include increasing the Property Tax Rate to the Effective Tax Rate. Councilmember Chan stated that she would like to see the Property Tax Rate maintained and that staff should identify other reductions or efficiencies.

Councilmember Lopez asked if the Hotel Occupancy Tax was included in the potential Sales Tax Revenue reductions. Ms. Villagomez replied that the projections were exclusive of the Hotel Occupancy Tax. Councilmember Lopez expressed concern with the potential increase in the Collection Service Fee of Sales Tax Revenue and requested that staff stay abreast of same. Councilmember Rodriguez confirmed that the \$37 million deficit for FY 2012 does not take into account the potential State and Federal budget reductions. Ms. Sculley confirmed same. Councilmember Rodriguez asked of the TMRS Fund Restructuring. Ms. Villagomez stated that proposed State Legislation would have a \$3 million impact. Councilmember Rodriguez spoke of the importance of being financially trim and ensuring a sound fiscal base for the future.

The Mayor and City Council thanked staff for the presentation.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 3:38 pm to convene in Executive Session for the purposes of:

- A. Discuss legal issues related to the Fire Collective Bargaining Agreement, pursuant to Texas Government Code Section 551.071 (consultation with attorney).**
 - B. Deliberate the purchase, exchange, lease or value of real property and discuss related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 551.071 (consultation with attorney).**
 - C. Discuss personnel matters and related legal issues pursuant to Texas Government Code Sections 551.074 (personnel matters) and 551.071 (consultation with attorney).**
- ITEM C WAS NOT ADDRESSED.**

Mayor Castro reconvened the meeting at 5:21 pm at which time it was noted that the City Council had been briefed on Items A and B above but took no action. Item C was not addressed.

RECESSED

Mayor Castro recessed the meeting at 5:21 pm and announced that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Castro reconvened the meeting at 6:00 pm called upon Mark Perez to speak.

Mr. Perez expressed concern with the storage of hazardous chemicals at various facilities including the Tetco and Kimberly Clark Facilities. He asked why businesses were not submitting the required Hazardous Material Permit Applications and why the Fire Chief, Director of Development Services and City Attorney's Office were not enforcing same. He spoke to the construction accident that occurred at the University Hospital earlier in the week.

Faris Hodge, Jr. submitted written testimony noting that the main source of the city's polluted air is from vehicles. He expressed concern that CPS Energy does not reconnect service after 5:00 pm. He wrote about the train wreck that occurred on February 12, 2011 and stated that Union Pacific Trains should be rerouted outside of Loop 1604. He also wrote that he was opposed to Quiet Zones. He noted that Park Police and Airport Police Officers should be paid the same as San Antonio Police Officers. He asked why Blacks were being excluded from the Fire Department and wrote that the train in Brackenridge Park is too small for adults.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:05 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **February 17, 2011** at 9:00 am in the City Council Chambers.

ROLL CALL

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. **ABSENT:** None.

Item 1. The Invocation was delivered by Chaplain, Colonel Paul L. Cannon, Joint Base Wing Chaplain, 502D Air Base Wing San Antonio, guest of Mayor Julián Castro.

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

Item 3. MINUTES

Councilmember Cisneros moved to approve the Minutes for the February 3, 2011 City Council Meeting. Councilmember Clamp seconded the motion.

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

At this time, Mayor Castro addressed Item 20. The City Clerk read the following Ordinance:

2011-02-17-0141

Item 20. AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE GOOD SAMARITAN PROPERTY, LOCATED ON THE 1600 BLOCK OF DAKOTA STREET IN COUNCIL DISTRICT 2.

Mayor Castro called upon the citizens registered to speak on the Consent Agenda Items.

Jack M. Finger expressed concern with the settlement of the lawsuit in Item 15 and asked why the city was paying \$187,550 to the individuals that crashed into a garbage truck. He stated that he was against the Resolution of Support for the Sutton Oaks II Apartments for Low Income Housing Tax Credits in Item 18. He asked why the city's endorsement was required. He also spoke in opposition to the funding that would be provided for the Veterans Outreach Center at St. Phillip's College in Item 20, noting that there were already many programs available to assist Veterans.

Nazirite Ruben Flores Perez spoke of the Prophecy and referenced the Book of Timothy in the Bible. He expressed concern with a legislative bill supported by SAWS to provide management of BexarMet.

Deputy City Manager Pat DiGiovanni presented Item 20 and stated the \$2 million had been approved in the FY 2010 Budget for Education/Workforce Development. He noted that the funds were allocated for capital costs associated with providing services and that staff was proposing to acquire the Good Samaritan Building and surrounding properties. He indicated that the city would partner with St. Phillip's College to provide services to Veterans at the location which would reduce long-term costs and meet the needs of the community. He said services that would be provided include a Veteran-Specific Orientation; Identifying and assisting Veterans that are job-ready upon separation from college; and Providing counseling to assist in integration to civilian life.

Mr. DiGiovanni stated that the Good Samaritan Building was built in 1915 as the Corinth Baptist Church. He noted that in 1948, it had been converted to a hospital for African-Americans in response to segregation. He indicated that the building was in distressed condition and required rehabilitation. He reported that the city had been in discussion with the Good Samaritan Property Owner and would work to resolve outstanding entitlement issues.

Councilmember Taylor thanked city staff for their work and introduced Dr. Adena Loston, President of St. Phillip's College who addressed the City Council.

Dr. Loston stated that she was in support of the city's acquisition of the Good Samaritan Property and that the Alamo Colleges served over 4,600 Veterans. She noted that they provide outreach services at Randolph, Lackland, and Fort Sam Houston, as well as referral services, job support, and transitional services on campus. She reported that St. Phillip's College had been recognized as being "Military Friendly" and spoke of their work with the Center for the Intrepid. She added that on March 1, 2011, St. Phillip's College would be celebrating their 113th Birthday.

Councilmember Taylor stated that this was a great collaboration among two public entities and that the services for Veterans were much needed. Councilmember Ramos congratulated Councilmember Taylor on the initiative and recognized representatives of the Alamo Colleges. She spoke of the great amount of work that has been accomplished on the Eastside. Councilmember Medina offered his congratulations for the project and stated that he was pleased to support services for Veterans. Councilmember Cortez expressed his support for the initiative to serve Veterans and stated that it was a great partnership with St. Phillip's College. Mayor Castro thanked Dr. Loston for her partnership and support. He noted that this project would be a great asset for the Eastside and for Veterans.

Councilmember Taylor 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. **NAYS:** None. **ABSENT:** None.

At this time, Mayor Castro addressed the Individual Item.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

Item 4. BRIEFING AND POSSIBLE ACTION ON LEGISLATION FILED IN THE 82ND REGULAR STATE LEGISLATIVE SESSION.

Carlos Contreras presented a 2011 State Legislative Program Session Update and noted that 2,291 bills have been filed. He reported that the House Appropriations Subcommittees met earlier in the week on the House Appropriations Bill (HB 1) and heard testimony from various agencies. He stated that the Senate Finance Committee accepted testimony throughout the week on the Appropriations Bill (SB 1) and that the Senate Select Committee on Redistricting held a hearing on February 16, 2011. He provided a calendar of upcoming hearings and a list of City of San Antonio Initiatives Filed. They include HB 1089 from Representative Martinez Fischer regarding Graffiti; HB 1055 by Representative

Villarreal for a Historic Document Preservation Fee; and numerous bills related to Transportation. He spoke of the bills that were in Legislative Council including Meet and Confer; Texas Municipal Retirement System (TMRS); and San Antonio Fire Department Recruitment. Lastly, he outlined key deadlines and highlighted March 11, 2011 as the deadline for filing bills and May 30, 2011 as the last day of the 82nd Regular Session.

Mayor Castro called upon the individuals registered to speak on Item 4.

Nazirite Ruben Flores Perez stated that he was in support of a Cost of Living Adjustment for Retirees and City Employees, as well as the Meet and Confer Initiative.

Jack M. Finger stated that he was opposed to Meet and Confer Legislation since it was a pro-union initiative and would raise taxes. He spoke of the funding challenges with the education system and recommended that school vouchers be offered. He indicated that the bill sponsored by Senator Wentworth on gas tax diversions did not go far enough and requested that the voters be allowed to decide on a retraction of the 25% of diversions.

Faris Hodge, Jr. submitted written testimony for Item 4 and expressed concern that backup documentation was not provided.

Councilmember Cisneros expressed concern with the tremendous impact that legislation could have on the City of San Antonio, noting the reduced funding and the loss of programs and services. She requested a contingency plan to address the potential budget shortfall and that updates be provided to the City Council. Councilmember Cortez asked of the Graffiti Bill filed by Representative Martinez Fischer. Mr. Contreras replied that the legislation would remove the mandate that cities or counties offer to abate graffiti on private property at no cost. Councilmember Cortez requested an update of any bills that would help deter graffiti. He spoke of the importance of education and asked that staff provide an update of the status of bills related to School Finance. Mr. Contreras stated that he would include School Finance in his updates to the City Council.

Councilmember Rodriguez also spoke of the importance of education and of the Transportation Bill filed by Representative Pickett. Mr. Contreras stated that the bill would allow for the use of Transportation Reinvestment Zones as a financing mechanism for transportation projects. He noted that staff would conduct an analysis of the bill and provide information to the City Council. Councilmember Rodriguez referenced a bill filed by the City of Austin related to reducing utility rates charged to Independent School Districts. Mr. Contreras replied that he would follow up on same.

Councilmember Clamp asked of HB 311 and SB 126 and the testimony by Chief McManus related to Immigration. Mr. Contreras stated that Chief McManus had been invited to speak on a panel regarding the impact of enforcing federal immigration laws by local law enforcement. Councilmember Clamp asked of the Resolution that was adopted by the City Council. Mr. Contreras replied that the Resolution encourages the Governor and Legislature not to pass an Arizona-Style Legislation and also encourages the Federal Government to address Immigration Issues. Councilmember Clamp stated that the city should be careful when sending representatives to discuss Immigration Issues before the Legislature. Ms. Sculley stated that Chief McManus was speaking on the public safety implications that would require local law enforcement to enforce Immigration Laws. Councilmember Clamp stated that Mayor Castro represented the governing body and expressed concern with non-elected officials representing the

City Council. Mayor Castro stated that he was comfortable with having Chief McManus provide information due to his understanding of the costs and impacts related to enforcing Federal Immigration Laws.

Councilmember Medina expressed concern with the potential funding cuts and impact to social service programs. He spoke of the importance of providing homeless services and requested to meet with staff to discuss in further detail. Councilmember Williams referenced a bill filed by Senator Wentworth related to a sales tax increase for counties located within the Edwards Aquifer and expressed concern that the tax was not controlled to a particular expense. He stated that this would greatly affect SAWS and BexarMet and requested that staff monitor the bill closely. Councilmember Ramos requested a list of the bills that have been filed by the Bexar County Delegation.

There was no action required for Item 4.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinances:

Item 7. CONSIDERATION OF THE FOLLOWING ORDINANCES FOR THE ZARZAMORA DRAINAGE #39, PHASE I PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 5:

2011-02-17-0129

- A. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO E-Z BEL CONSTRUCTION, L.L.C. IN THE AMOUNT OF UP TO \$5,950,869.62, OF WHICH \$822,715.59 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$191,366.00 WILL BE REIMBURSED BY CPS ENERGY.

2011-02-17-0130

- B. AN ORDINANCE AWARDED A PUBLIC ART FABRICATION AND INSTALLATION SERVICES AGREEMENT NOT TO EXCEED THE AMOUNT OF \$104,400.00 WITH OSCAR ALVARADO AND DAVID LOZANO TO PROVIDE INTEGRATED STREETScape ENHANCEMENTS FOR THE ZARZAMORA DRAINAGE #39, PHASE I PROJECT.

Councilmember Medina expressed his support for the project and asked of the contractor selection process. Mike Frisbie replied that it was a low bid process and that staff had reviewed the bids to ensure responsiveness.

Councilmember Medina asked of the infrastructure improvements that would be made. Mr. Frisbie stated that a new storm drain system would be installed, as well as curbs, sidewalks, and driveway approaches. Councilmember Medina asked of the public art component of the project. Mr. Frisbie responded that they tried to implement public art in as many projects as possible and that the selected artists were working with the art community to seek approval for their design concepts.

Councilmember Medina moved to adopt the proposed Ordinances for Items 7A and 7B. 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. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2011-02-17-0132

Item 9. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO RELMCO, INC. IN THE AMOUNT OF \$2,161,672.08, OF WHICH \$249,596.95 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$87,425.01 WILL BE REIMBURSED BY CPS ENERGY, FOR TWO PROJECTS TO INCLUDE THE STRUCTURAL BRIDGE REPLACEMENT ON SOUTH LAREDO OVER ALAZAN CREEK, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 5, AND STRUCTURAL ENHANCEMENTS TO THE HAYS STREET BRIDGE, AN AUTHORIZED LOCAL AGENCY MANAGED PROJECT FUNDED PARTLY WITH CERTIFICATES OF OBLIGATIONS AND 2007-2012 GENERAL OBLIGATION BONDS, LOCATED IN COUNCIL DISTRICT 2.

Councilmember Medina highlighted said item that would address public safety issues in the community and asked of the project timeline. Mike Frisbie stated that the bridge would be replaced over a four-month period and that the contractor had an incentive to minimize the closure of the bridge. He added that the work would begin in the Summer when children were out of school.

Councilmember Medina 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. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2011-02-17-0133

Item 10. AN ORDINANCE RATIFYING AN AMENDMENT IN THE INCREASED AMOUNT OF \$46,300.33, OF WHICH \$37,040.26 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, TO THE \$187,894.00 PROFESSIONAL SERVICES AGREEMENT WITH CH2MHILL FOR ADDITIONAL PRIOR PERFORMED PROGRAM MANAGEMENT AND CONSTRUCTION INSPECTION SERVICES FOR THE NOW COMPLETED BLANCO ROAD /CLARK AVENUE /HOT WELLS BOULEVARD METROPOLITAN PLANNING ORGANIZATION SIDEWALK PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGED (LAM) PROJECT, LOCATED IN COUNCIL DISTRICTS 3 AND 9.

Councilmember Ramos expressed concern with the quality of work that has already been completed along Clark Avenue and asked why it had taken so long to close out the project. Mike Frisbie replied that this project had been completed two years ago but was awaiting final reconciliation due to policy questions from the Metropolitan Planning Organization and the Texas Department of Transportation. He stated that the issues had been resolved in December 2010 and that the majority of the projects utilized Federal Funds. Councilmember Ramos requested that staff examine the street along Clark Avenue from Southcross to Hot Wells, noting that it was in poor condition.

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

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

The City Clerk read the following Ordinance:

2011-02-17-0139

Item 17. AN ORDINANCE APPROVING "DISTRICT 2 SENIOR CENTER" AS THE NAME OF THE CITY'S DISTRICT 2 SENIOR MULTI-SERVICE CENTER LOCATED AT 1751 SOUTH W.W. WHITE ROAD IN SAN ANTONIO.

Councilmember Taylor highlighted the new Senior Center in District 2 and invited everyone to attend the Grand Opening on March 11, 2011. Councilmember Cortez congratulated Councilmember Taylor on the new Senior Center and spoke of the importance of serving the senior population.

Councilmember Taylor 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, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Chan.

The City Clerk read the following Resolution:

2011-02-17-0004R

Item 18. A RESOLUTION OF SUPPORT FOR SUTTON OAKS II APARTMENTS FOR LOW INCOME HOUSING TAX CREDIT APPLICATION PROCESS AS REQUIRED BY TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.

Councilmember Taylor asked of staff's reference to low income housing units. Maria Villagomez replied that staff had referenced the State Law requiring the City Council's Resolution of Support for Low-Income Housing. She added that the project would include mixed income levels. She stated that a portion of the units would be greater than 60% of the median family income.

Councilmember Taylor moved to approve the Resolution. 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. **NAYS:** None. **ABSENT:** None.

CONSENT AGENDA ITEMS 5-20

Consent Agenda Items 7, 9, 10, 17, 18, and 20 were pulled for Individual Consideration.

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

Faris Hodge, Jr. submitted written testimony in opposition to Items 5 and 6. For Item 14, he expressed concern with the high cost of light rail. He wrote that he was concerned that more information was not provided for the lawsuit settlement in Item 15. He expressed concern with the operational costs and hours of service for the District 2 Senior Center in Item 20.

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. **NAYS:** None. **ABSENT:** None.

2011-02-17-0127

Item 5. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH RAMTECH BUILDING SYSTEMS, INC. FOR THE PURCHASE, DELIVERY AND INSTALLATION OF A PRE-FABRICATED 52' X 55' MODULAR OFFICE BUILDING FOR THE FIRE DEPARTMENT TRAINING ACADEMY FOR A TOTAL COST OF \$232,181.00, FROM APPROPRIATED HUD GRANT FUNDS.

2011-02-17-0128

Item 6. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE A COOPERATIVE CONTRACT WITH DRIVECAM, INC. FOR THE INSTALLATION OF VEHICLE EVENT RECORDERS AND RELATED SERVICES FOR CITY VEHICLES FOR THE SOLID WASTE MANAGEMENT DEPARTMENT FOR A TOTAL PROJECT COST OF \$174,568.14, FROM THE SOLID WASTE MANAGEMENT DEPARTMENT'S OPERATING FUNDS.

2011-02-17-0131

Item 8. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO E-Z BEL CONSTRUCTION, L.L.C. IN THE AMOUNT OF \$4,526,357.51, OF WHICH \$464,213.20 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$28,318.00 TO AT&T, FOR THE REED ROAD – WEST MILITARY DRIVE TO CULEBRA ROAD PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 6.

2011-02-17-0134

Item 11. AN ORDINANCE AUTHORIZING A CITY REQUESTED CHANGE ORDER TO ADDRESS UNFORESEEN CONSTRUCTION CONDITIONS IN THE INCREASED AMOUNT OF \$50,897.00 TO THE \$3,303,790.00 CONSTRUCTION CONTRACT WITH THE SABINAL GROUP FOR THE MARKET SQUARE AND EL MERCADO BUILDING IMPROVEMENTS PROJECT AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND PROJECT LOCATED IN COUNCIL DISTRICT 1.

2011-02-17-0135

Item 12. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE AGREEMENT WITH OWNER OF PROPERTY AND THE CITY OF SAN ANTONIO FOR THE RENTAL OF 1,520 SQUARE FEET, LOCATED AT 8323 CULEBRA ROAD, SUITE 202, FOR THE COUNCIL DISTRICT 6 CONSTITUENT OFFICE, FOR THE MONTHLY RENTAL AMOUNT OF \$1,500.00.

2011-02-17-0136

Item 13. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A SUPPLEMENTAL GRANT FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE 2008 SAN ANTONIO HIGH INTENSITY DRUG TRAFFICKING AREA IN THE AMOUNT OF \$14,618.00.

Item 14. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR TERMS AND EFFECTIVENESS INDICATED BELOW, 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. REAPPOINTING CARROLL SCHUBERT (AT-LARGE, CATEGORY: BUSINESS COMMUNITY REPRESENTATIVE) TO THE BOARD OF DIRECTORS FOR THE LONE STAR RAIL DISTRICT FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE FEBRUARY 1, 2013.
- B. APPOINTING DAVID SANCHEZ (MAYORAL) TO THE SAN ANTONIO YOUTH COMMISSION.

2011-02-17-0137

Item 15. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *YVONNE SANCHEZ, ET AL VS. CITY OF SAN ANTONIO* FOR THE AMOUNT OF \$187,550.00, FUNDED BY THE SELF INSURANCE LIABILITY FUND.

2011-02-17-0138

Item 16. AN ORDINANCE RESCHEDULING THE MARCH 16, 2011 B SESSION AND MARCH 17, 2011 CITY COUNCIL MEETING.

2011-02-17-0140

Item 19. AN ORDINANCE ADOPTING THE RECOMMENDED FY 2012 BUDGET DEVELOPMENT CALENDAR FOR FOUR HOUSING AND URBAN DEVELOPMENT (HUD) ENTITLEMENT GRANT PROGRAMS: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP GRANT (HOME), EMERGENCY SHELTER GRANT (ESG), AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAMS.

[CONSENT ITEMS CONCLUDED]

Item 21. CITY MANAGER'S REPORT

A. FORT SAM HOUSTON UPDATE

Item A was not addressed.

B. EMPLOYEE PROFESSIONAL DEVELOPMENT UPDATE

Ms. Sculley reported on the City's Employee Professional Development Programs, noting that the Executive Leadership Program had been implemented in 2007. She stated that 34 Executives had

completed the program and 12 were enrolled in this year's program. She reported that in 2010, a Supervisor Academy was developed for front-line supervisors and that this year; a Management Development Institute was being implemented. She mentioned that the three programs were conducted by an outside consultant and funding was provided through an interlocal agreement with the Alamo Colleges.

POINT OF PERSONAL PRIVILEGE

City Clerk Leticia M. Vacek recognized City Archivist Donna Guerra. She stated that Ms. Guerra was a native San Antonian who had lived in Boston for 25 years working at the Harvard Music Library. She noted that Ms. Guerra graduated from Jefferson High School, University of Texas at Austin, and Drexel University (Master's Degree). Ms. Guerra addressed the City Council and was pleased to be back in San Antonio. She spoke of the recent finding of City Surveyor Book #1 produced by the First City Surveyor, Francois Giraud (1847-1853). She noted that the book was extremely important in that it contains the first detailed plat of the Alamo and surrounding areas and is frequently requested by researchers. Ms. Vacek stated that the book was in poor condition and staff was working to digitize it. She added that if HB 1055 is passed; funding would be provided for the restoration of the book (Historic Preservation Fee).

Mayor Castro welcomed Ms. Guerra back to San Antonio and stated that he was pleased with the great discovery of the First City Surveyor Book. Councilmember Cisneros complimented the Office of the City Clerk for the wonderful finding and stated that she was proud of the work to preserve San Antonio's History.

RECESSED

Mayor Castro recessed the meeting at 10:52 am and announced that the City Council would convene in Executive Session at 11:15 for the purpose of:

- C. Discuss personnel matters and related legal issues pursuant to Texas Government Code Sections 551.074 (personnel matters) and 551.071 (consultation with attorney).**

RECONVENED

Mayor Pro Tem Williams reconvened the meeting at 2:10 pm and announced that no action had been taken in Executive Session.

At this time, the Consent Zoning Items were addressed.

CONSENT ZONING ITEMS

Consent Zoning Items Z-1, Z-6, Z-8, Z-11, and Z-13 were pulled for Individual Consideration. Councilmember Clamp moved to approve the remaining Consent Zoning Items. Councilmember Chan seconded the motion.

Mayor Pro Tem Williams called upon Jack M. Finger to speak.

Mr. Finger stated that he was against the proposed RV Park in Item Z-1, noting that it would be a disturbance to those in the area. He expressed concern with the childcare and retail center in Item Z-13, as the local neighborhood association and others within 200 feet were opposed. He noted his opposition to the cell phone tower in Item Z-14 and asked if the residents outside of the 200-foot radius had been contacted.

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

2011-02-17-0142

Item Z-2. **ZONING CASE # Z2011047 CD (District 2):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for a Veterinary Hospital - Small Animals - (No Outside Runs, Pens and Paddocks Permitted) on a 0.092 acre tract out of Lot 24, NCB 8694 located at 1242 Austin Highway (Suite 102). 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 0.092 ACRE TRACT OUT OF LOT 24, NCB 8694 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A VETERINARY HOSPITAL - SMALL ANIMALS - (NO OUTSIDE RUNS, PENS AND PADDOCKS PERMITTED) PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2011-02-17-0143

Item Z-3. **ZONING CASE # Z2011039 (District 3):** An Ordinance amending the Zoning District Boundary from "MR AHOD" Military Reservation Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on 19.291 acres out of NCB 10879 located at the southeast and southwest corners of Inner Circle Drive and Challenger Drive. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 19.291 ACRES OUT OF NCB 10879 TO WIT: FROM "MR AHOD" MILITARY RESERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2011-02-17-0144

Item Z-4. **ZONING CASE # Z2011042 (District 3):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single Family Airport Hazard Overlay District to "O-1 AHOD" Office Airport Hazard Overlay District on the Lot 47, Block 1, NCB 3720 located at 3202 Clark 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 47, BLOCK 1, NCB 3720 TO WIT FROM "R-4 AHOD" RESIDENTIAL SINGLE FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "O-1 AHOD" OFFICE AIRPORT HAZARD OVERLAY DISTRICT.

2011-02-17-0145

Item Z-5. **ZONING CASE # Z2011045 (District 4):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District and "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District on Lots 1D and 16, NCB 11186 and 1.785 acres out of NCB 11186 (formerly a portion of Bobcat Lane) located at 2515 Navajo Street and 7525 Barlite Boulevard. 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 1D AND 16, NCB 11186 AND 1.785 ACRES OUT OF NCB 11186 (FORMERLY A PORTION OF BOBCAT LANE) TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

2011-02-17-0146

Item Z-7. **ZONING CASE # Z2011040 (District 5):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District on the South 91.2 feet of Lot 2, Block 14, NCB 3883 located at 227 Alvarez Place. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE SOUTH 91.2 FEET OF LOT 2, BLOCK 14, NCB 3883 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

2011-02-17-0147

Item Z-9. **ZONING CASE # Z2011041 (District 7):** An Ordinance amending the Zoning District Boundary from "C-1" Light Commercial District and "C-2NA" Commercial Nonalcoholic Sales District to "C-2NA" Commercial Nonalcoholic Sales District on Parcel 16 and Parcel 16B, NCB 15664 located at 11087 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: PARCEL 16 AND PARCEL 16B, NCB 15664 TO WIT: FROM "C-1" LIGHT COMMERCIAL

DISTRICT AND "C-2NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "C-2NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT.

2011-02-17-0148

Item Z-10. **ZONING CASE # Z2010150 (District 9):** An Ordinance amending the Zoning District Boundary from "R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District to "RM-4 NCD-6" Residential Mixed Mahncke Park Neighborhood Conservation District on Lot 13, Block 2, NCB 6090 located at 246 Pershing 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 13, BLOCK 2, NCB 6090 TO WIT: FROM "R-4 NCD-6" RESIDENTIAL SINGLE-FAMILY MAHNCKE PARK NEIGHBORHOOD CONSERVATION DISTRICT TO "RM-4 NCD-6" RESIDENTIAL MIXED MAHNCKE PARK NEIGHBORHOOD CONSERVATION DISTRICT.

2011-02-17-0149

Item Z-12. **ZONING CASE # Z2011034 (District 10):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Parcel 7E, NCB 16582 located at 16103 Nacogdoches 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 7E, NCB 16582 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2011-02-17-0150

Item Z-14. **ZONING CASE # Z2011046 S (District 10):** An Ordinance amending the Zoning District Boundary from "MF-33 IH-1 AHOD" Multi-Family Northeast Gateway Corridor Airport Hazard Overlay District to "MF-33 S IH-1 AHOD" Multi-Family Northeast Gateway Corridor Airport Hazard Overlay District with a Specific Use Authorization for a Wireless Communication System on 0.2296 of an acre out of NCB 14049 northwest of the intersection of Toepperwein Road and IH 35 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: 0.2296 OF AN ACRE OUT OF NCB 14049 TO WIT: FROM "MF-33 IH-1 AHOD" MULTI-FAMILY NORTHEAST GATEWAY CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT TO "MF-33 S IH-1 AHOD" MULTI-FAMILY NORTHEAST GATEWAY CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A WIRELESS

COMMUNICATION SYSTEM PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2011-02-17-0151

Item Z-15. **ZONING CASE # Z2011044 (District 1):** An Ordinance amending the Zoning District Boundary from "H R-4 RIO-1 AHOD" River Road Historic Residential Single-Family River Improvement Overlay Airport Hazard Overlay District to "H RM-4 RIO-1 AHOD" River Road Historic Residential Mixed River Improvement Overlay Airport Hazard Overlay District on Lot 3, Block 5, NCB 6204 located at 708 and 710 East Woodlawn 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 3, BLOCK 5, NCB 6204 TO WIT: FROM "H R-4 AHOD RIO-1" RIVER ROAD HISTORIC RESIDENTIAL SINGLE-FAMILY RIVER IMPROVEMENT OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "H RM-4 AHOD RIO-1" RIVER ROAD HISTORIC RESIDENTIAL MIXED RIVER IMPROVEMENT OVERLAY AIRPORT HAZARD OVERLAY DISTRICT.

[CONSENT ZONING CONCLUDED]

INDIVIDUAL ZONING ITEMS

CONTINUED

Item Z-1. **ZONING CASE # Z2011027 (District 2):** An Ordinance amending the Zoning District Boundary from "I-2 EP-1 AHOD" Heavy Industrial Facility Parking/Traffic Control Airport Hazard Overlay District to "L EP-1 AHOD" Light Industrial Facility Parking/Traffic Control Airport Hazard Overlay District on Lots 1, 2, 3, 5 and 6, Block 7, NCB 1200 and Lots 10, 11, 12 and 13 and the south 60 feet of Lot 9, Block 1, NCB 1199 located at 2403, 2407, 2411, 2415, 2419, 2402, 2406, 2410, 2418 and 2422 Dignowity Street. Staff and Zoning Commission recommend approval. (Continued from January 20, 2011)

Chris Looney presented Item Z-1 and stated that staff and the Zoning Commission recommended approval. He reported that of 35 notices mailed, six had been received in opposition and 11 had been received in favor. He noted that no response had been received by the Government Hill Alliance. He added that due to more than 20% opposition; the case would require nine votes for approval.

Mayor Pro Tem Williams called upon the citizens registered to speak.

Marlene Hawkins, President of the Government Hill Alliance stated that she was in favor of the proposed zoning because it would remove the improper zoning that was in place. She noted that the Light Industrial Zoning Designation was more appropriate for the neighborhood and would provide more flexibility. She added that she was in support of property owner rights to utilize property as they would like and asked the City Council to approve the request.

Marie Stout stated that the Government Hill Alliance was not opposed to the Light Industrial Zoning Designation but did not support an RV or Mobile Home Park in the area.

Patrick W. Christensen stated that he represented Les Hargis, owner of the properties South and West of the requested Zoning and was opposed to an RV Park. He noted that they would support the applicant if he amended his request to I-1 Zoning.

Rob Scott, Applicant, stated that he was willing to amend his request and that he intended to use the property as an office warehouse.

Councilmember Taylor requested additional time to ensure that everyone was in agreement and confirm the allowable uses.

Councilmember Taylor moved to continue said item for 2 weeks. Councilmember Clamp seconded the motion.

Councilmember Chan asked if the request was considered a down zoning. Mr. Looney confirmed that the request was a down zoning and the "L" Designation would remove some of the more intense industrial uses.

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

CONTINUED

Item Z-6. **ZONING CASE # Z2011016 CD (District 5):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "MF-25" Multi-Family District and "C-2 CD" Commercial District with a Conditional Use for a Auto and Light Truck Repair Facility on a 2.28 acre tract of land out Lot 19, NCB 2597 located at 2600 South Flores Street. Staff and Zoning Commission recommend approval. (Continued from January 20, 2011)

Councilmember Cisneros recused herself on Item Z-6 by exiting the Council Chambers and noting that she submitted the recusal forms to the City Clerk.

Chris Looney presented Item Z-6 and stated that staff and the Zoning Commission recommended approval. He reported that of 45 notices mailed, 11 had been received in opposition and two were received in favor. He noted that no response had been received from the Lone Star Neighborhood Association. He added that due to more than 20% opposition; the case would require nine votes for approval.

Councilmember Medina stated that he would be meeting with the neighborhood association and property owner within the next few weeks to discuss specifics of the request.

Councilmember Medina moved to continue said item to April 7, 2011. Councilmember Rodriguez seconded the motion.

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

DENIED

Item Z-8. **ZONING CASE #Z2009165 HL (District 7):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "HL C-2 AHOD" Historic Landmark Commercial Airport Hazard Overlay District (previously known as Historic Significant) on the northeast 522 feet of Lot 6, NCB 8349 located at 3031 West Woodlawn Avenue. Staff and Zoning Commission recommend approval. (Continued from January 20, 2011)

Chris Looney presented Item Z-8 and stated that staff and the Zoning Commission recommended approval. He reported that of 10 notices mailed, one was received in opposition and none were received in favor. He noted that no response had been received from the Donaldson Terrace Neighborhood Association. He added that due to opposition from the property owner; the case would require nine votes for approval.

City Clerk Leticia M. Vacek read a letter from Diana Diaz, President of the Donaldson Terrace Neighborhood Association in opposition to the Historic Designation of 3031 Woodlawn Avenue. She wrote that the money could be better spent on a more functional site and would prefer a business that would help the community. She requested that they be contacted on any rezoning in the area.

Councilmember Rodriguez stated that the case had been delayed a number of times and that the property had changed ownership several times. He noted that various organizations had looked at potential uses for the property but it had been determined that any type of reuse was not economically feasible. He added that it was located in a great commercial corridor and denying the historic designation would provide flexibility for reuse of the property.

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

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

At this time, Item Z-13 was addressed.

CONTINUED

Item Z-13. **ZONING CASE # Z2011043 (District 10):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on Parcel 7, NCB 17790 located northeast of the intersection of Judson Road and Mountain Vista Drive. Staff recommends denial of C-2NA with an alternate recommendation of C-1. Zoning Commission recommends denial.

Chris Looney presented Item Z-13 and stated that staff recommended denial of C-2NA with an alternate recommendation of C-1 and the Zoning Commission recommended denial. He noted that of 27 notices, three had been received in favor and 15 were received in opposition. He added that due to more than 20% opposition; the case would require nine votes for approval.

Councilmember Clamp stated that there were several representatives from the neighborhood present that had not signed up in time to speak.

A representative stated that he had met with the property owner several times and did not support commercialization of the area. He requested that homes be built on the subject property since many commercial properties were already in existence.

Councilmember Clamp stated that the case was not simple and felt that it was necessary to meet one more time with the impacted individuals and neighborhood association.

Councilmember Clamp moved to continue said item to March 3, 2011. Councilmember Chan seconded the motion.

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

CONTINUED

Item Z-11. **ZONING CASE # Z2010009 (District 10):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Tract 1A and 0.937 Acres out of Tract 2, NCB 16587 located at 15602 and 15700 Nacogdoches Road. Staff and Zoning Commission recommend approval. (Continued from January 20, 2011)

Chris Looney presented Item Z-11 and stated that staff and the Zoning Commission recommended approval. He noted that of 11 notices mailed, one was received in favor and none were received in opposition.

Councilmember Clamp moved to continue said item to March 3, 2011. Councilmember Chan seconded the motion.

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

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Williams adjourned the meeting at 2:36 pm.

APPROVED



JULIÁN CASTRO
MAYOR

Attest: 
LETICIA M. VACEK, TRMC/CMC
City Clerk