

**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, NOVEMBER 30, 2011, AND THURSDAY, DECEMBER 1, 2011, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **November 30, 2011**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Taylor, Ramos, Saldaña, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** D. Medina and Lopez. Mrs. Vacek announced that Councilmember Lopez was out of town.

**1. BRIEFING ON THE ANIMAL CARE SERVICES COMPREHENSIVE RESCUE STRATEGY.**

Erik Walsh, Deputy City Manager, provided an overview of the revised Animal Care Services (ACS) Strategic Plan, noting that staff had conducted research on best practices of other U.S. Cities. He stated that they had identified the need to collaborate with High- Volume Pet Partners to help increase the Live Release Rate and reach a No Kill Goal.

Joe Angelo, Interim ACS Director, provided an overview of the Comprehensive Rescue Strategy, noting the following three priorities: 1) Enhanced enforcement of existing laws and codes; 2) Controlling the stray animal population; and 3) Increasing the Live Release Rate. He stated that for FY 2012, operational improvements had been made that include revising deployment protocols to ensure that high-priority calls are addressed first and updating the dangerous dog administrative hearing process. He reported that they were in the process of updating departmental policies and procedures and deploying a Performance Management System.

Mr. Angelo reported that 1,758 spay/neuter surgeries were performed in 2011, compared to 1,315 surgeries in 2010. He spoke of the block walking events conducted in targeted areas through the Comprehensive Neighborhood Sweeps Initiative. He stated that the definition of Live Release is, "All healthy and/or treatable animals find a home and that the only animals euthanized are so sick or behaviorally impaired as to not be adoptable." He reported a Live Release Rate for the month of November at 50.5%, which was historically higher than in the past.

Mr. Angelo outlined the requirements identified by members of the animal welfare community for High-Volume Partners in which they must demonstrate the ability to rescue and adopt animals. Additionally, they must have clinic and veterinarian functions, as well as real estate and facilities. Mr. Angelo stated that \$250,000 had been included in the FY 2012 Budget to establish these partnerships. He mentioned that they had issued a Request for Information (RFI) to solicit ideas for potential partnerships and had received five responses. He noted that based on RFI feedback, they developed a plan to provide opportunities for all RFI respondents and current rescue partners. He outlined their Planned Live Release Rates from FY 2012-2015 with a goal of 70% by 2015.

Mr. Angelo stated that they had identified a 3-pronged approach to increase the Live Release Rate in which they would partner with the San Antonio Humane Society; American Pets Alive; and Local Rescue Partners. These partnerships would result in an additional 7,000 animals rescued or adopted and

help meet the 70% Live Release Goal earlier than planned. He noted that they would solicit an additional \$100,000 from donors and submit contracts for City Council approval in December.

Mayor Castro thanked staff and partners for their work stating that he was pleased with the increased Live Release Rate. He asked of the certification process for the animals taken by partner agencies. Mr. Angelo replied that each rescue organization signs an agreement with the city outlining their commitments. He stated that they would be responsible for ensuring the health of the animals and that city staff would be able to visit and inspect their locations. He noted that Austin Pets Alive would be physically located within the ACS Facility. Mayor Castro asked of the timeline for soliciting private donations. Mr. Angelo responded that he believed that the interested party would secure their commitment within the next few weeks. Ms. Sculley stated that staff was working to determine the value of having a private business involved.

Councilmember Saldaña stated that he was pleased with the increase in the Live Release Rate and changes within the ACS Department. He asked of the financial commitment over the next few years. Mr. Angelo replied that all cities partnered with other organizations. He added that the funding requested from the City Council would be utilized as start-up funds and that success would depend on fundraising and volunteers. Mr. Angelo spoke of the importance of building an Adoption Network in San Antonio. Councilmember Saldaña asked of the private sale of animals. Mr. Angelo replied that they would recommend a ban on the private sale of animals. He spoke of the rescue process and mentioned that they were looking to provide a \$50 incentive per rescued animal after reaching the baseline of 2,735 rescued animals. Councilmember Saldaña thanked staff for making this a high priority.

## **2. STAFF BRIEFING AND UPDATE ON THE 2012-2017 PROPOSED BOND PROGRAM.**

Peter Zanoni stated that the 2012-2017 Bond Program Election was scheduled for May 2012 and would not include a city property tax rate increase. He reported that the program totaled \$596 million within four categories: 1) Streets, Bridges, Sidewalks - \$340 million; 2) Drainage - \$130 million; 3) Parks - \$65 million; and 4) Facilities and Community Initiatives - \$61 million. He outlined the Rough Proportionality Methodology utilized; noting that areas of the city have different infrastructure needs based on geography and development patterns. He indicated that the selected projects provide rough equal improvement resources throughout the city.

Mr. Zanoni highlighted the Tri-Chairs and Co-Chairs for the four Bond Committees and spoke of the great amount of public input solicited. He stated that the Bond Committees, comprised of 128 Appointees, would finalize a list of recommended projects for City Council consideration. He noted that staff had recommended a list of 131 projects utilizing 12 guiding principles. He indicated that 13% of funding was recommended for Downtown Infrastructure.

Mr. Zanoni mentioned that 12 of 16 public meetings had been conducted and that all information regarding the 2012-2012 Bond Program was available to the public via a dedicated website. Lastly, he provided a final list of projects presented to the City Council in January.

Mayor Castro thanked staff for the presentation and stated that he was pleased that the Bond Committee Meetings had been going well. He reported that a bus tour would occur Saturday. He recognized Mayor Emeritus Lila Cockrell for serving as one of the Tri-Chairs.

Councilmember Bernal thanked staff for being accessible and responsive to the Bond Committees. He stated that this was a good process with a great amount of dialogue.

Mayor Castro thanked everyone for the presentations.

### **EXECUTIVE SESSION**

Mayor Castro recessed the meeting at 3:04 pm to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO REDISTRICTING, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071.**
- B. DELIBERATE THE APPOINTMENT, EMPLOYMENT AND EVALUATION OF PUBLIC OFFICERS OR EMPLOYEES AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.074 (PERSONNEL MATTERS) AND TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- C. 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).**
- D. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND DISCUSS RELATED ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.087 (ECONOMIC DEVELOPMENT) AND TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

**ITEM D WAS NOT ADDRESSED.**

- E. DISCUSS LEGAL ISSUES RELATED TO *CITY OF SAN ANTONIO V. STEARNS, CONRAD, SCHMIDT CONSULTING ENGINEERS, INC. ET AL*, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Castro reconvened the meeting at 4:40 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action. He recessed the meeting at 4:43 pm and announced that the meeting would resume at 6:00 pm for Citizens to be Heard.

### **CITIZENS TO BE HEARD**

Mayor Pro Tem Williams reconvened the meeting at 6:01 pm and called upon the individuals registered to speak.

Stanley Mitchell spoke of CPS Energy's Energy Policy and stated that CPS Energy had not responded to a request for information from the Mayor's Staff. He referenced the Request for Proposals that CPS Energy solicited and expressed concern with the undefined, unquantified and non-measurable add-on for

economic development. He stated that solar energy costs 10 times more than power from the fully depreciated coal plant and asked who was responsible for advising the City Council regarding CPS Energy's Renewable Policy. He mentioned concerns with the Blue Wing Solar Project. He noted that CPS Energy is only accountable to itself and that the CPS Energy Board was appointed; not elected.

Jennifer Hayes read a letter from Gregory Castle, CEO of Best Friends Animal Society in support of the City Council's Plan to partner with proven organizations such as Austin's Pets Alive in order to reach the No Kill Goal for San Antonio. She mentioned that many animals entering the shelter would be saved.

Theresa Berlanga expressed concern with the poor condition of the streets in her neighborhood and asked when the policy addressing streets had changed. She stated that she would be losing half of her driveway due to construction and would not have ADA Access to the sidewalk. She added that she was very disappointed that she was not being listened to.

Nazirite Ruben Flores Perez stated that Jesus was our brother and that Yahweh was our father. He spoke of Babylon the Great and provided a handout regarding the 7-Headed Lion. He referenced the books of Revelations and Daniel in The Bible.

Delma Vela addressed the City Council and stated that she and her priest had been bitten by a stray dog. She expressed concern with the many stray animals in her neighborhood and asked why they were not being picked up by the city. She noted her concerns with the high cost of her hospital bills where she had to receive a rabies shot. She asked why there was not a street light at the intersection of Gardenia Street and Fredericksburg Road.

Mark Perez asked why city officials were not enforcing city policies and ordinances. He expressed concern with the AGE Refinery building located at 7811 S. Presa Street and asked why they were allowed to operate without the proper permits. He noted his concerns with staff of the Fire and Police Departments.

Faris Hodge, Jr. submitted written testimony in support of the consolidation of San Antonio Water System and BexarMet. He requested that the Social Security Office remain in the Downtown Area and that the Meals on Wheels and Senior Nutrition Program be combined. He wrote in opposition to the operation of strip clubs and asked why certain businesses in San Antonio were not required to pay taxes. He wrote that vehicles were the main source of polluted air in San Antonio and asked that there be further review regarding the proposed toll roads. He also wrote in support of the Ordinance to cite individuals that drive without insurance.

## **ADJOURNMENT**

There being no further discussion, Mayor Pro Tem Williams adjourned the meeting at 6:23 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **December 1, 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: Bernal, Taylor, Ramos, Saldaña, D. Medina, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** Lopez. Mrs. Vacek announced that Councilmember Lopez was out of town.

**Item 1.** The Invocation was delivered by Reverend Canon Omar Pitman, Canon Missioner, Episcopal Diocese of West Texas, guest of Councilmember Jennifer V. Ramos, District 3.

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

## **Item 3. MINUTES**

Councilmember Ramos moved to approve the Minutes for the September 28-29, 2011 City Council Meetings. Councilmember Taylor seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez.

## **ITEM PULLED FOR INDIVIDUAL CONSIDERATION**

Mayor Castro addressed Item 11 at this time.

The City Clerk read the caption for Item 11:

### **2011-12-01-0035R**

Item 11. A RESOLUTION CONFIRMING THE NOMINATION OF AND REAPPOINTING EDWARD B. KELLEY (NORTHWEST QUADRANT) TO SERVE A FULL FIVE-YEAR TERM AS A TRUSTEE OF THE CPS ENERGY BOARD OF TRUSTEES FOR A TERM OF OFFICE TO COMMENCE FEBRUARY 1, 2012 AND EXPIRE JANUARY 31, 2017.

Mayor Castro thanked Ed Kelley for his willingness to serve and stated that he was very impressed with his work on the Board thus far.

Mr. Kelley thanked the City Council for their support and stated that he looked forward to serving a full term.

Councilmember Williams thanked Mr. Kelley for stepping in to fill the unexpired term of Charles Foster and recognized him for his work. Councilmember Chan thanked Mr. Kelley for his service and spoke of the importance of staying competitive on economic development matters. Councilmember D. Medina also thanked Mr. Kelley for accepting the appointment and asked that CPS Energy keep rates affordable for low-income families.

Councilmember Williams moved to approve the Resolution. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez.

## **CONSENT AGENDA ITEMS 4-21**

Consent Agenda Items 9 and 17 were pulled for Individual Consideration. Mayor Castro announced that Items 8 and 15 were pulled from the agenda by staff.

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

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

Nazirite Ruben Flores Perez referenced the ordinance prohibiting smoking along the parade routes during Fiesta and stated that he understood the damage that smoking causes to young people.

Steven Schultz with the Associated Builders and Contractors stated that he was in support of the consolidation of building-related codes and boards in Item 9. He noted that they had met with city staff and understood the need for the consolidation. He added that the new board would be more efficient and would not impact construction projects.

Billy Hill with the Independent Electric Contactors thanked city staff for their work with the industry on Item 9. He noted that they were in support of the consolidation of the building-related boards as they would benefit consumers and those in the industry.

Robyn Locke with the San Antonio Board of Realtors thanked staff for their work on Item 9 and recognized Councilmember Ramos for submitting the related Council Consideration Request. She noted that the organization had not taken an official position on the consolidation of the building-related board but were supportive of making operations more efficient and effective.

Les Moynahan with the National Electrical Contractor's Association stated that he was also in support of the consolidation of the building-related boards in Item 9. He recognized staff for their work.

Teri Bilby with the San Antonio Apartment Association also spoke in support of the consolidation of the building-related boards in Item 9. She thanked city staff for reaching out to the affected stakeholders.

Jack M. Finger spoke in opposition to the consolidation of the building-related boards in Item 9 and the campaign contributions received by the City Council from the consulting firms listed in Item 21. He expressed concern with the ordinance prohibiting smoking along the Fiesta Parade Routes (Item 15), noting that this would infringe on smokers' rights. He stated that private property should be excluded from the ordinance. He added that if the city felt that smoking was so hazardous; it should ban the sale of tobacco throughout the city.

A written testimony was received from John Bachman in opposition to Item 13. He expressed concern with the price per spay/neuter surgery were determined during a meeting between the contractors and Animal Care Services Staff. He stated that this should have been solicited through a Request for Proposals (RFP) as there are other organizations that could have submitted a lower bid. He requested that the item be continued for further evaluation and issuance of an RFP.

Faris Hodge, Jr. submitted written testimony in opposition to Items 4, 11, 14, and 15 noting that the city should not establish unit prices (Item 4). He wrote in favor of Items 5, 7, 13, 16, and 18-22. He requested that backup material be provided for the City Manager's Report.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez.

**2011-12-01-0980**

Item 4. AN ORDINANCE AUTHORIZING THE FOLLOWING CONTRACTS ESTABLISHING UNIT PRICES FOR ANNUAL GOODS AND SERVICES FOR AN ESTIMATED COST OF \$1,240,000.00: (A) POWER-LITE INDUSTRIES INC. FOR TRAFFIC SIGNAL STREET POLES, (B) FLINT TRADING, INC. FOR HOT APPLIED THERMOPLASTIC AND PERMANENT PREFABRICATED PAVEMENT MARKINGS, (C) US WHOLESALE PRODUCTS FOR WIPING RAGS, (D) KONICA MINOLTA BUSINESS SOLUTIONS FOR COLOR DIGITAL MULTI-FUNCTION DEVICES, (E) KONICA MINOLTA BUSINESS SOLUTIONS FOR DIGITAL MULTI-FUNCTION DEVICES AND (F) ICL PERFORMANCE PRODUCTS LP FOR PHOS-CHEK FIREFIGHTING FOAM.

**2011-12-01-0981**

Item 5. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICE CONTRACT WITH BEATY PALMER ARCHITECTS, INC., IN THE AMOUNT NOT TO EXCEED \$277,000.00 FOR DESIGN SERVICES PHASE 3 OF THE RIVER WALK CAPITAL IMPROVEMENTS PROJECT, A CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

**2011-12-01-0982**

Item 6. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO F.D. CONCRETE LLC, IN THE AMOUNT OF \$4,152,300.00 TO CONSTRUCT STREET, DRAINAGE, TRAFFIC AND PEDESTRIAN ACCESS RELATED PROJECTS FOR THE 2011-2013 TASK ORDER CONTRACT FOR PUBLIC WORKS INFRASTRUCTURE MAINTENANCE AND CONSTRUCTION PKG. X.

**2011-12-01-0983**

Item 7. AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN AMOUNT NOT TO EXCEED \$372,047.09 FOR A JOB ORDER CONTRACT WITH HORIZON INTERNATIONAL GROUP FOR REPLACEMENT OF THE POWER DISTRIBUTION UNIT AND ASSOCIATED ELECTRICAL AND DATA WIRING AT THE CITY'S INFORMATION TECHNOLOGY SYSTEM DEPARTMENT DATA CENTER LOCATED AT 515 SOUTH FRIO STREET IN COUNCIL DISTRICT 5.

**PULLED FROM THE AGENDA BY STAFF**

Item 8. AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OF FEE SIMPLE TITLE TO 50 SQUARE FEET OF PRIVATELY OWNED REAL PROPERTY LOCATED WITHIN NCB 2396 LOT 19, BLOCK 5 IN COUNCIL DISTRICT 6 FOR THE

ZARZAMORA STREET AND SAN FERNANDO STREET TRAFFIC SIGNAL PROJECT, AN INFRASTRUCTURE MANAGEMENT PROGRAM PROJECT; DECLARING IT TO BE A PUBLIC PROJECT AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$1,500.00 PAYABLE TO THE SELECTED TITLE COMPANY FOR LAND AND ASSOCIATED CLOSING COSTS.

**2011-12-01-0985**

Item 10. AN ORDINANCE AUTHORIZING THE 2012 INTERNATIONAL FIRE CODE ADOPTION WITH AMENDMENTS, ALONG WITH THE BUILDING RELATED CODES AND LOCAL AMENDMENTS AS REVIEWED IN THE TRIENNIAL PUBLICATION OF THE INTERNATIONAL FIRE CODE FOR THE 2012 ADOPTION CYCLE.

Item 12. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2013, 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; OR FOR TERMS AND EFFECTIVENESS AS OTHERWISE INDICATED BELOW:

- A. APPOINTING REBECCA J. VIAGRAN (DISTRICT 1) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN.
- B. APPOINTING DESTINY N. ALVAREZ (DISTRICT 1) AND REAPPOINTING MARK A. VARGAS (DISTRICT 3) TO THE SAN ANTONIO YOUTH COMMISSION.
- C. APPOINTING STEPHEN J. SPEAR (DISTRICT 10) TO THE CITY COMMISSION ON VETERANS AFFAIRS
- D. APPOINTING CECILIA PICAZO (RESIDENT) TO THE WESTSIDE DEVELOPMENT CORPORATION

**2011-12-01-0986**

Item 13. AN ORDINANCE APPROVING CONTRACTS UP TO \$400,000.00, FUNDED BY THE FY 2012 ADOPTED BUDGET, WITH THE SPAY NEUTER ASSISTANCE PROGRAM (\$136,500.00), SPAY NEUTER INJECT PROTECT SAN ANTONIO (\$53,000.00), ANIMAL RESOURCE CENTER, INC. (\$136,500.00), ANIMAL DEFENSE LEAGUE OF TEXAS (\$37,000.00), AND THE HUMANE SOCIETY OF SAN ANTONIO (\$37,000.00) TO PROVIDE FREE SPAY/NEUTER SURGERIES FOR THE COMMUNITY.

**2011-12-01-0987**

Item 14. AN ORDINANCE AUTHORIZING THE EXTENSION OF LINE OF DUTY LEAVE FOR FIRE CAPTAIN GREGORY HENRICKSEN.

**PULLED FROM THE AGENDA BY STAFF**

Item 15. AN ORDINANCE PROHIBITING SMOKING WITHIN OR ALONG THE PARADE ROUTE DURING THE FIESTA PARADES.

**2011-12-01-0988**

Item 16. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT TYLER, D/B/A HEARTLAND NATIONAL TB CENTER (HEARTLAND) TO PROVIDE MEDICAL AND TECHNICAL TUBERCULOSIS CONSULTATION SERVICES TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (METRO HEALTH) AND AUTHORIZING METRO HEALTH TO PARTICIPATE WITH HEARTLAND IN A FELLOWSHIP PROGRAM FOR A PERIOD BEGINNING OCTOBER 1, 2011 THROUGH DECEMBER 31, 2012, WITH THE OPTION TO RENEW FOR TWO YEARS.

**2011-12-01-0990**

Item 18. AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT TO RE-ALIGN FUNDS WITHIN THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES SEXUALLY TRANSMITTED DISEASE (STD)/HIV PREVENTION AND CONTROL GRANT BUDGET AND APPROVE A CHANGE TO THE GRANT PERSONNEL COMPLEMENT WHICH WILL ADD ONE SENIOR MANAGEMENT COORDINATOR POSITION FOR THE TERM JANUARY 1, 2011 THROUGH DECEMBER 31, 2011.

**2011-12-01-0991**

Item 19. AN ORDINANCE AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH HEALTH RESOURCES IN ACTION TO DEVELOP A COMMUNITY HEALTH IMPROVEMENT PLAN FOR BEXAR COUNTY BY INCREASING THE AMOUNT OF THE AGREEMENT FROM \$54,625.00 TO \$59,125.00 AND EXTENDING THE TERM OF THE AGREEMENT THROUGH APRIL 30, 2012.

**2011-12-01-0992**

Item 20. AN ORDINANCE AWARDDING THE FY 2012 TASK ORDER CONTRACT FOR PAVEMENT MARKINGS TO FLASHER EQUIPMENT COMPANY IN THE AMOUNT NOT TO EXCEED \$1,499,446.97 FOR THE COMPLETION OF PAVEMENT MARKINGS AND BIKE LANES TO BE INSTALLED AT NUMEROUS LOCATIONS THROUGHOUT THE CITY.

**2011-12-01-0993**

Item 21. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF TWO ON-CALL PROFESSIONAL SERVICES AGREEMENTS FOR PROGRAMMING AND MASTER PLANNING CONSULTING SERVICES WITH DOUGLAS ARCHITECTS, INC. AND FACILITY PROGRAMMING AND CONSULTING, EACH IN AN AMOUNT NOT TO EXCEED \$500,000.00 PER CONTRACT PERIOD, TO PROVIDE ON-CALL PROFESSIONAL FACILITY PROGRAMMING CONSULTING SERVICES FOR CITY-OWNED FACILITIES AND IMPROVEMENTS, CONSTRUCTION PROJECTS AND PLANNING PROJECTS LOCATED CITY-WIDE.

**[CONSENT ITEMS CONCLUDED]**

## **ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

### **2011-12-01-0984**

Item 9. AN ORDINANCE REPEALING CHAPTER 10, ELECTRICAL, OF THE CITY CODE OF SAN ANTONIO, TEXAS, AND CREATING A NEW CHAPTER 10, BUILDING-RELATED CODES OF THE CITY OF SAN ANTONIO IN ORDER TO CONSOLIDATE THE ADMINISTRATIVE AND TECHNICAL PROVISIONS FOR ALL OF THE BUILDING-RELATED CODES INTO ONE CHAPTER. TO CONSOLIDATE THE FOUR BUILDING-RELATED AND FIRE CODES APPELLATE BOARDS INTO ONE APPEALS AND ADVISORY BOARD, TO ADOPT THE TECHNICAL BUILDING-RELATED CODES AND LOCAL AMENDMENTS, AND TO PROVIDE FOR PENALTIES AND AN EFFECTIVE DATE.

Councilmember Williams requested a presentation by staff.

Rod Sanchez, Development Services Director, presented the three items said ordinance would provide for being: 1) Adopts the referenced national and international building-related codes; 2) Consolidates the administrative chapter of all building related codes into one City Code Chapter; and 3) Consolidates the building related appellate and advisory boards into one balanced board.

Mr. Sanchez provided a summary of significant changes, noting that the current 2009 Energy Conservations Code was not being recommended for update since it complies with Texas Law. He indicated that a Certificate of Occupancy inspection was not required if the building or tenant space does not have a change of use. He outlined the revisions to the 2012 International Building Code; 2012 Existing Building Code; 2012 International Residential Code; 2012 International Mechanical Code; 2011 National Electrical Code; 2011 International Plumbing Code; and 2012 International Fuel Gas Code. He reported that the Electrical Board recommended adoption of the 2011 National Electrical Code with amendments. He stated that the Mechanical Appeals and Advisory Board recommended adoption of the 2012 International Mechanical Code and International Fuel Gas Code with amendments. He noted that the Plumbing and Fuel Gas Appeals and Advisory Board recommended adoption of the 2012 International Plumbing Code and International Fuel Gas Code with amendments. He added that the Building and Fire Codes Board of Appeals recommended adoption of the 2012 International Building Code, International Existing Building Code, and International Residential Code with amendments.

Mr. Sanchez outlined the proposed New Chapter 10 Building-Related Codes and new Appeals and Advisory Board that would consist of 17 members. He mentioned that the Board will also serve as the appellate board for Chapter 11, Fire Code. He indicated that there would be a primary and alternate position for each category with nine members required for a quorum. He spoke of the great amount of coordination that has occurred with stakeholders including the Real Estate Council and Greater San Antonio Builders Association. He stated that the Infrastructure and Growth Council Committee conducted a public hearing on November 16, 2011 and had recommended that the ordinance be forwarded to the full City Council.

Councilmember Williams recognized Councilmember Ramos for initiating the Council Consideration Request Memo for a consolidated board. He thanked the Infrastructure and Growth Council Committee

for their work on said item and stated that this was a success story that needed to be communicated to the community. He noted that many of the revisions made sense due to the challenging economic conditions and did not reduce safety.

Councilmember Ramos stated that she was pleased with the open process that had occurred on said item and thanked the Infrastructure and Growth Council Committee and city staff for their work.

Councilmember Soules commended city staff for their work on the process and thanked them for addressing his concerns.

Mayor Castro asked of the appointment process for board members. Mr. Sanchez replied that they would be appointed At-Large with recommendations from the Infrastructure and Growth Council Committee.

Mayor Castro recognized the following individuals to speak.

George Saldivar asked that the City Council continue said item for 30 days as he felt that members of the Plumbing Trade had not been heard. He stated that the true International Plumbing Code has two sets of standards – one for residential and one for commercial. He added that a difference existed between the Uniform Plumbing Code and International Plumbing Code and they were concerned that codes were misinterpreted by city staff.

John Mata stated that he was opposed to said item and that he had spoken with many mechanical and plumbing contractors that were also in opposition. He expressed concern with having one board consisting of many trades and noted that this was not the way larger cities in Texas operated.

Leonard Aguilar stated that he would like to give his time to George Saldivar. Mr. Saldivar read a letter from Heidi Trimble, Executive Director of the Associated Plumbing-Heating-Cooling Contractors of San Antonio (PHCC-SA) referencing the Request for Council Memo related to Item 9. He stated that the PHCC-SA would like to make note that the supporting organizations presented in the referenced document did not reflect the opinion of the PHCC-SA. The PHCC-SA Chapter Membership did not give an official statement of approval of the Appeals and Advisory Committee and International Plumbing Code, and did not have a membership vote on these issues.

Mayor Castro thanked everyone that spoke on said item. He stated that the ordinance reflected a strong compromise and was in the best interest of the city.

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

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez.

The City Clerk read the following Ordinance:

**2011-12-01-0989**

Item 17. AN ORDINANCE AUTHORIZING A CONTRACT WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO OPERATE AND MAINTAIN A LEAD AMBIENT AIR MONITOR FOR A PERIOD BEGINNING UPON EXECUTION OF THE AGREEMENT THROUGH AUGUST 31, 2012 FOR AN AMOUNT UP TO \$37,511.56 AND APPROVING A SEPARATE SITE ACCESS AGREEMENT WITH TCEQ FOR INSTALLATION OF THE AIR MONITOR ON CITY PROPERTY.

Councilmember Ramos asked of the location of the air monitor. Charles Pruski, Assistant Director of the Health Department stated that it would be located at Stinson Airport on Cadmus Street to monitor the lead emissions from Stinson Airport. He noted that the Texas Commission Environmental Quality (TCEQ) was trying to get a better idea on the amount of lead emissions from smaller airports and that a total of 15 airports had been selected for monitoring. He indicated that that the three criteria for selection included: 1) Over 1,000 pounds of lead estimated to have been emitted in a year; 2) Utilization of one or two main air strips for take off; and 3) Proximity to a neighborhood. He added that they would monitor the lead emissions for one year. Councilmember Ramos stated she was pleased that Stinson Airport was selected and hoped that the data collected could be utilized in the Stinson Master Plan.

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

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez and C. Medina.

## **Item 22. CITY MANAGER'S REPORT**

### **A. GRAFFITI ABATEMENT PROGRAM UPDATE**

Ms. Sculley reported that the 8<sup>th</sup> Annual Graffiti Wipeout Volunteer Days Award Luncheon was held on Saturday, October 8, 2011. She recognized Marc Castro, Assistant Director of the Development Services Department to provide information on the Graffiti Abatement Program.

Mr. Castro stated that the Graffiti Abatement Program consists of city staff that focuses on proactive and responsive graffiti abatement in partnership with the City Council Offices, City Departments, and the community. He spoke of the outreach efforts during the month of September to educate elementary children on the negative effects of graffiti. He noted that in October, over 58,000 square feet of graffiti was abated throughout the city and recognized Council Districts 4, 5 and 7 for having the most volunteers, respectively. He commended Councilmember David Medina for hosting the most graffiti wipeout events for FY 2011. He recognized city employees, and partners from VIA Metropolitan Transit and Keep San Antonio Beautiful, for volunteering. He referenced the Code Enforcement Ranger Volunteer Program that includes a Graffiti Ranger Component in which volunteers can utilize a city-owned truck, van, and equipment to abate graffiti.

### **B. CITY MANAGER'S 5K**

Ms. Sculley reported that the Annual City Manager's 5K Walk/Run would take place on Saturday, December 3, 2011 at 8:30 am at Brackenridge Park. She stated that the event encouraged physical activity and that over 1,000 City Employees, family members, and friends had registered for the event.

She thanked the volunteers that coordinated the race and noted other public entities including CPS Energy and SAWS had been invited to participate.

Mayor Castro thanked staff for their work on the graffiti abatement which greatly impacts the quality of life within neighborhoods. Councilmember D. Medina thanked the Graffiti Abatement Team for their work and stated that he was pleased with the turnaround time for graffiti abatement.

### **EXECUTIVE SESSION**

Mayor Castro recessed the meeting at 10:45 am to convene in Executive Session for the purposes of:

- A. DISCUSS LEGAL ISSUES RELATED TO REDISTRICTING, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071.**
- B. DELIBERATE THE APPOINTMENT, EMPLOYMENT AND EVALUATION OF PUBLIC OFFICERS OR EMPLOYEES AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.074 (PERSONNEL MATTERS) AND TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- C. 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).**
- D. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND DISCUSS RELATED ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.087 (ECONOMIC DEVELOPMENT) AND TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**
- E. DISCUSS LEGAL ISSUES RELATED TO *CITY OF SAN ANTONIO V. STEARNS, CONRAD, SCHMIDT CONSULTING ENGINEERS, INC. ET AL*, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

Items A, B, and E above were not addressed.

Mayor Castro reconvened the meeting at 11:57 am at which time it was noted that the City Council had been briefed on the above-styled matters but took no action. He recessed the meeting at 11:57 am and announced that the meeting would resume at 2:00 pm for Zoning.

### **RECONVENED**

Mayor Castro reconvened the meeting at 2:06 pm and addressed the Zoning Items.

## CONSENT ZONING ITEMS

Councilmember Taylor moved to approve the following Zoning Items: Z-3, Z-4, Z-5, P-3, Z-7, Z-9, Z-10, and Z-11 under Consent Zoning. Councilmember Bernal seconded the motion.

Mayor Castro called upon Jack M. Finger to speak.

Jack Finger spoke in opposition to Item Z-8, noting that there was not enough parking along Hope Drive to accommodate additional residents in the Assisted Living Facility. He stated that staff and the Zoning Commission recommended denial. He expressed opposition to Items P-1 and Z-1 and noted that the location was better suited for office space, not commercial use.

A written testimony was received in support of Item Z-11 from Annalisa Pease, Executive Director of the Greater Edwards Aquifer Alliance. She wrote that they were pleased that the plan includes a reduction in Impervious Cover from the allowed 95% to 60% of the site.

The motion to approve the Consent Zoning Items prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez.

### **2011-12-01-0996**

Item Z-3. **ZONING CASE # Z2011213 (District 3):** An Ordinance amending the Zoning District Boundary from "H I-1 AHOD RIO-5" Mission Historic General Industrial Airport Hazard Overlay River Improvement Overlay District to "H C-2 AHOD RIO-5" Mission Historic Commercial Airport Hazard Overlay District River Improvement Overlay District-5 on Lot 21, NCB 7665 save and except the north 3 feet located at 1007 East Southcross 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: LOT 21, NCB 7665 SAVE AND EXCEPT THE NORTH 3 FEET TO WIT: FROM "H I-1 AHOD RIO-5" GENERAL INDUSTRIAL MISSION HISTORIC AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-5 TO "H C-2 AHOD RIO-5" COMMERCIAL MISSION HISTORIC AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-5.

### **2011-12-01-0997**

Item Z-4. **ZONING CASE # Z2011171 (District 5):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-3 AHOD" Residential Single-Family Airport Hazard Overlay District on the south 75 feet of CIR 1 part of A8, NCB 2569 located at 301 Clay Street. Staff and Zoning Commission recommend approval, pending plan amendment. (Continued from November 3, 2011)

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 75 FEET OF CIR 1 PART OF A8, NCB 2569 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-3 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

**2011-12-01-0998**

Item Z-5. **ZONING CASE # Z2011187 (District 5):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 IDZ AHOD" Commercial Infill Development Zone Airport Hazard Overlay District on Lot 23, Block 10, NCB 2249 located at 407 North Zarzamora. Staff and Zoning Commission recommend approval. (Continued from November 3, 2011.)

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 23, BLOCK 10, NCB 2249 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 IDZ AHOD" COMMERCIAL INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT.

**2011-12-01-0999**

Item P-3. **PLAN AMENDMENT #11063 (District 6):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 3.7031 ACRE TRACT OF LAND OUT OF NCB 17636 GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF CULEBRA ROAD AND MOUNTAIN VIEW DRIVE FROM NEIGHBORHOOD COMMERCIAL LAND USE TO COMMUNITY COMMERCIAL LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2011203)

**2011-12-01-1000**

Item Z-7. **ZONING CASE # Z2011203 (District 6):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on Parcel 2, NCB 17636 located on the 10400 Block of Culebra Road. Staff and Zoning Commission recommend 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: PARCEL 2, NCB 17636 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

**2011-12-01-1001**

Item Z-9. **ZONING CASE Z2011201 S ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "C-2 S ERZD" Commercial Edwards Recharge Zone District with a Specific Use Authorization for an Animal Clinic on 0.113 of an acre out of NCB 16883 located at 8202 North Loop 1604 West, Suites 111 and 112. 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: 0.113 OF AN ACRE OUT OF NCB 16883 TO WIT: FROM "C-3 ERZD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-2 S ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR AN ANIMAL CLINIC PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2011-12-01-1002**

Item Z-10. **ZONING CASE # Z2011209 (District 8):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "MF-33 AHOD" Multi-Family Airport Hazard Overlay District on Tract 8, NCB 11619 located at 7314 Oak Manor 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: TRACT 8, NCB 11619 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

**2011-12-01-1003**

Item Z-11. **ZONING CASE Z2011194 S ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "C-3 ERZD MLOD" General Commercial Edwards Recharge Zone Military Lighting Overlay District to "C-3 S ERZD MLOD" General Commercial Edwards Recharge Zone Military Lighting Overlay District with a Specific Use Authorization for a Car Wash on Lot 27, Block 10, NCB 17600 located at 21040 North US Hwy 281. 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 27, BLOCK 10, NCB 17600 TO WIT: FROM "C-3 ERZD MLOD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE MILITARY LIGHTING OVERLAY DISTRICT TO "C-3 S ERZD MLOD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE MILITARY LIGHTING OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A CAR WASH PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**[CONSENT ZONING CONCLUDED]**

**ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

Item Z-8 was addressed at this time.

**CONTINUED TO DECEMBER 15, 2011**

Item Z-8. **ZONING CASE # Z2011182 CD (District 7):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-5 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for an Assisted Living Facility with no more than 16 residents on Lot 8, Block 1, NCB 11500 located at 208 Hope Drive. Staff and Zoning Commission recommend denial. (Continued from November 17, 2011)

John Jacks stated that staff and the Zoning Commission recommended denial of Item Z-8. He reported that of 16 notices mailed; one was returned in favor and two were returned in opposition. He added that the Woodlawn Hills Neighborhood Association was in opposition.

Councilmember C. Medina moved to continue Item Z-8 to December 15, 2011. Councilmember Chan seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, C. Medina, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez and Soules.

Items P-1 and Z-1 were addressed jointly.

**2011-12-01-0994**

Item P-1. **PLAN AMENDMENT CASE NUMBER 11061 (District 3):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE STINSON AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF AN 0.5207 ACRE TRACT OF LAND LOCATED AT 7222, 7226 AND 7230 BRIAR PLACE FROM LOW DENSITY RESIDENTIAL LAND USE TO COMMUNITY COMMERCIAL LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND DENIAL OF THE REQUEST WITH AN ALTERNATE RECOMMENDATION FOR APPROVAL OF NEIGHBORHOOD COMMERCIAL. (ASSOCIATED ZONING CASE NUMBER: #Z2011204)

**2011-12-01-0995**

Item Z-1. **ZONING CASE # Z2011204 (District 3):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District and "C-1 AHOD" Light Commercial Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on Lots 9, 10, 11 and the south 11.55 feet of Lot 8, Block 3, NCB 9475 located at 7222, 7226 and 7230 Briar Place. Staff recommends denial of the requested "C-2NA" Commercial Nonalcoholic Sales District, with an alternate recommendation of "O-1" Office District. Zoning Commission recommends approval of the zoning request.

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 9, 10, 11 AND THE SOUTH 11.55 FEET OF LOT 8, BLOCK 3, NCB 9475 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

Chris Looney stated that for Item P-1, staff and the Planning Commission recommended denial of the request with an alternate recommendation for approval of Neighborhood Commercial. He noted that for Item Z-1, staff recommended denial of C-2NA with an alternate recommendation of O-1 Office District. Zoning Commission recommended approval of the zoning request. He reported that of 26 notices mailed; four were returned in favor and no responses were returned in opposition.

Councilmember Ramos stated that she had met with the applicant who was a dentist and that the Harlandale Park Neighborhood Association was in favor.

Councilmember Ramos moved to amend the land use plan from low density residential to community commercial for Item P-1 and to amend the zoning district boundary from MF-33 AHOD to C-2NA AHOD for Item Z-1. Councilmember D. Medina seconded the motion.

The motion as amended prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, C. Medina, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez and Soules.

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

#### **CONTINUED TO DECEMBER 15, 2011**

Item P-2. **PLAN AMENDMENT #11064 (District 3):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE HERITAGE SOUTH SECTOR PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 72.546 ACRE TRACT OF LAND OUT OF NCB 10915, GENERALLY LOCATED SOUTH OF SOUTHEAST LOOP 410 BETWEEN SOUTHTON ROAD AND SOUTH PRESA STREET (US HIGHWAY 181) FROM SUBURBAN TIER LAND USE TO AGRIBUSINESS/RIMSE (RESEARCH, INDUSTRIAL, MANUFACTURING, SPORT AND ENTERTAINMENT) TIER LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: Z2011214)

#### **CONTINUED TO DECEMBER 15, 2011**

Item Z-2. **ZONING CASE # Z20110214 (District 3):** An Ordinance amending the Zoning District Boundary from "UD AHOD" Urban Development Airport Hazard Overlay District to "MI-1 AHOD" Mixed Light Industrial Airport Hazard Overlay District on 72.546 acres out of NCB 10915 located on the south side of Southeast Loop 410, between Southton Road and US Highway 181 South. Staff and Zoning Commission recommend approval, pending plan amendment.

Councilmember Ramos moved to continue Items P-2 and Z-2 to December 15, 2011. Councilmember Bernal seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, C. Medina, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez and Soules.

#### **DENIED**

Item Z-6. **ZONING CASE # Z2011196 (District 5):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 AHOD"

Commercial Airport Hazard Overlay District on Lot 30 and Lot 31, Block 6, NCB 2137 located at 1919 and 1921 Lyons Street. Staff and Zoning Commission recommend approval.

John Jacks stated that staff and the Zoning Commission recommended approval of Item Z-6. He reported that of 35 notices mailed; two were returned in favor from the property owner and one was returned in opposition.

Councilmember D. Medina asked if the property was located in a flood zone. Mr. Jacks confirmed that it was located in a flood zone. Councilmember D. Medina asked if the property was located at a dead end. Mr. Jacks confirmed same. He added that the street was a Type A Classification, typical of a residential street. Councilmember D. Medina asked of the types of businesses allowed within the C-2 AHOD Zoning Designation. Mr. Jacks replied that it would permit a tire shop, as well as other general retail shops. Councilmember D. Medina expressed concern that the property was located within a flood plain and at a dead end. He stated that he had met with several neighbors and they had also expressed concerns.

Councilmember D. Medina moved to deny Item Z-6. Councilmember Chan seconded the motion.

The motion to deny prevailed by the following vote: **AYES:** Bernal, Taylor, Ramos, Saldaña, D. Medina, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Lopez, C. Medina and Soules.

**ADJOURNMENT**

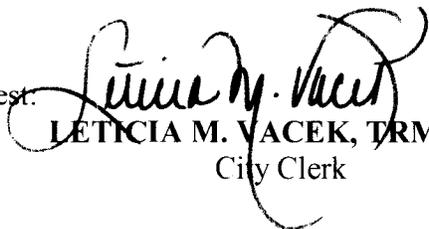
There being no further discussion, Mayor Castro adjourned the meeting at 2:22 pm.

**APPROVED**



**JULIÁN CASTRO**  
MAYOR

Attest.



**LETICIA M. VACEK, TRMC/MMC**  
City Clerk