

**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 15, 2012, AND THURSDAY, FEBRUARY 16, 2012, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **February 15, 2012**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Taylor, Ozuna, Saldaña, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** D. Medina.

Mayor Castro addressed Item 2.

2. BRIEFING AND DISCUSSION ON THE CITY COUNCIL FUNDING PRIORITIZATION INPUT FOR THE FY 2013 AND FY 2014 CONSOLIDATED FUNDING PROCESS FOR THE HUMAN AND WORKFORCE DEVELOPMENT AGENCY SERVICES.

Gloria Hurtado, Human Services Director provided an overview of the Consolidated Funding Process (CFP) and ballot results for FY 2013 and FY 2014. She reported that the city currently contracts \$22.3 million with 70 agencies for Human and Workforce Development Services. She stated that they combine multiple fund sources into one CFP that includes: 1) General Fund; 2) Community Development Block Grant (CDBG) – Public Service; 3) Emergency Shelter Grant (ESG); and 4) Housing Opportunities for Persons with AIDS (HOPWA). She reported that the amount of General Funds allocated would be determined during the Budget Process and that ESG and HOPWA Funds must be used for specific services. She stated that 15% of the City’s CDBG Funds are allocated for Public Service Activities and noted that the FY 2013 CDBG Budget has been reduced by 12.6% from FY 2012.

Ms. Hurtado outlined the proposed FY 2013 Investment Categories that would align with the SA2020 Goals: 1) Education; 2) Family Well-Being; 3) Community Safety Net; and 4) Economic Competitiveness. Within the Education Category, she stated that the goal was to raise education and skill levels in San Antonio. The goal of the Family Well-Being Category is to promote financial security and address issues of hunger and homelessness. She spoke of the Homeless Transformation contract with Haven for Hope, Inc. totaling \$6.5 million. She mentioned that the goal of the Community Safety Net Category was to provide a community safety net that expands and supports community awareness. She added that the goal of the Economic Competitiveness Category was to ensure that families have the skills and support to provide a standard quality of living.

Ms. Hurtado presented the Ballot Results, noting that the Education Category was increased by 3% equivalent to \$660,000. She reported that within the Family Well-Being Category, there was an increase of 1% totaling \$220,000. She stated that there was no change to the Community Safety Net Category while the Economic Competitiveness Category was decreased by 4% totaling \$880,000. She presented a timeline noting that contracts would be implemented on October 1, 2012.

Mayor Castro thanked staff for the presentation and stated that he was pleased with the emphasis on education and requested an emphasis on Early Childhood Education and College Readiness. He spoke

of the funding provided to Project Quest and asked what changes have been made to improve the use of the funds.

Councilmember Soules requested to see the administrative costs per agency and percentage of funds they receive from private sources included in their proposal. Ms. Hurtado noted that the agencies are required to submit their budgets and funding sources when submitting a proposal.

Councilmember Saldaña spoke to the importance of funding Early Childhood Education, noting the great impact on young children. He asked of the After School Challenge Program. Ms. Hurtado replied that there were not consistent performance measures or data reported. She noted that the city will require specific benchmarks as part of this application process. Councilmember Saldaña asked of the outsourcing of after school programs by the school districts. Ms. Hurtado replied that it varies by district and some districts have a more rigid program than others. Councilmember Saldaña asked of the role of the P16 Council. Ms. Hurtado stated that they had requested that the P16 Council develop elements for a successful After School Program. She reported that they are utilizing Trinity Students to perform research to develop benchmarks.

Councilmember Ozuna referenced the decrease within Economic Competitiveness and asked of the funding for Project Quest. Ms. Hurtado replied that Project Quest was currently receiving \$2 million due to the long-term training they provide and that the other agencies within this category were provided short-term funding. Councilmember Ozuna requested additional information regarding Project Quest.

Councilmember Williams stated that education is very important and that there should be more discussion with the Alamo Colleges, as they provide some of the same services as Project Quest. He spoke of the need to have a full-time representative from the Alamo Colleges at Café College and mentioned the Alamo Academies that help students prepare for high technology jobs. He added that he would also like to see the changes that have occurred within Project Quest and potential collaboration with the Alamo Colleges.

Mayor Castro noted that he would like to see student enrollment increase within four-year colleges and universities and there should be a balance among the Alamo Colleges.

Councilmember Saldaña referenced the four Satellite Café College Campuses funded in FY 2011 and spoke of the one located at Southwest High School in which they partnered with the Alamo Colleges. He noted that it is important not to lower the bar on education and that a certain level of attainment should be expected from everyone. He added that he would welcome discussion regarding the Alamo Academies. Ms. Sculley clarified that the city did not fund the four satellite campuses. Ms. Hurtado noted that the San Antonio Education Partnership funded the four satellite campuses.

Mayor Castro spoke of the importance of metrics and measuring the return on investment of the after school programs. Ms. Sculley stated that some schools may not be funded equally based on their performance metrics.

Councilmember Lopez stated that the city should set the expected outcomes for the delegate agencies and spoke of the agency updates provided to the Educational Excellence Council Committee.

Councilmember Williams stated that he does not recommend lowering aspirational goals but wants to clarify that the Alamo Colleges provide a clear path for individuals interested in specific industries.

Councilmember Bernal stated that the city must articulate the role that the community colleges play if they receive city funds.

Ms. Hurtado requested direction on the Family Well-Being Category. Councilmember Ozuna stated that she supported an increase in funding and believed it would be a good investment. Mayor Castro added that funding for delegate agencies would be based on the amount of General Funds available during the budget process and thanked staff for the presentation.

1. STAFF BRIEFING AND POSSIBLE ACTION ON THE RECOMMENDED FY 2013 BUDGET CALENDAR.

Maria Villagomez, Budget Director presented the proposed FY 2013 Budget Calendar, noting that the Six Plus Six Budget and Finance Report would be presented to the City Council on May 16, 2012. She recommended that four Community Budget Input Hearings be held from May 21-24, 2012, with a Council Budget Goal Setting Session on June 6, 2012. She indicated that the City Manager's Proposed Budget would be presented on August 9, 2012 and that Budget Adoption was scheduled for September 13, 2012.

Ms. Villagomez referenced the community input that could be received through the Budget Input Box Initiative and noted that employee focus groups would be held from April through May. She indicated that up to six work sessions would be held with the City Council to provide in-depth analysis and discussion on proposed budget initiatives. She mentioned the budget video and highlights that would be printed in the newspaper and added that two public hearings would be held on August 29th and September 5th. She indicated that the final FY 2013 Recommended Budget Calendar would be provided to the City Council on Friday, February 17th.

Councilmember Soules requested that prior to the department budget work sessions; the City Council should determine specific items for city staff to address.

Councilmember Lopez asked when the City Council would receive their budget ballot, as he would like to discuss with District 6 Leaders. Ms. Sculley replied that they would provide it to the City Council on May 16, 2012.

Mayor Castro thanked staff for the presentation.

EXECUTIVE SESSION

Mayor Castro recessed the meeting at 3:02 pm to convene in Executive Session for the purposes of:

A. DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.087 (ECONOMIC DEVELOPMENT) AND TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

CITIZENS TO BE HEARD

Councilmember Bernal reconvened the meeting at 6:07 pm and announced that no action was taken in Executive Session. He called upon the individuals registered to speak.

Stanley Mitchell addressed the City Council and stated that when conditions upon which a policy was formulated change; the policy should be changed. He stated that the CPS Energy Policy driven by Global Warming should be reviewed and expressed concern with the entertainment expenses by CPS Energy Executives. He asked why the issue was brought to light by the media and not city staff. He noted that CPS Energy is out of control and the City Council cannot audit their operations. He asked why he could not receive cost information regarding Windtricity and other renewable energy sources from CPS Energy.

Larry Whitfield stated that he started the San Antonio Junior Golf Foundation at Pecan Valley Golf Course 11 years ago and over 7,000 youth have participated in the program. Due to the closing of Pecan Valley, he has moved the program to Woodlake. He reported that many of the youth that participated in his program are now playing golf at Incarnate Word, Trinity, and Our Lady of the Lake University. He spoke of his work to help at-risk youth and noted that the closure of Pecan Valley has had a negative impact.

Charles Bartlett stated that he has lived in the Pecan Valley Neighborhood for 37 years and expressed concern with the closure of Pecan Valley Golf Course. He noted that the neighborhood supports wounded warriors and that many residents are Veterans. He spoke of the issues with Salado Creek and noted that the golf course is located in a flood plain. He added that the 200 acres of open space were historical and that the space should be preserved.

Mark Perez expressed concern with the services provided by Development Services, Fire Department, Office of the City Clerk, and City Attorney's Office. He asked why specific-use permits were not being submitted to the city and noted violations by DPT Laboratories and NuStar Refinery. He spoke of unauthorized emissions and their impact to the safety of school children.

Dan Pedrotti, Owner and Operator of Pecan Valley Golf Course stated that he has conducted business in the city with honesty and integrity. He noted that it was a difficult decision to close the Pecan Valley Golf Course and expressed concern with the lack of dialogue with the City Council. He asked the City Council to keep an open mind when making a decision.

Chip Puhl stated that he is a former Golf Pro and has been involved in Councilmember Ozuna's request to protect the Pecan Valley Golf Course. He mentioned that he was not opposed to the plan to help wounded warriors but the plan does not work for this particular golf course. He spoke of the mission that he participated in to bring the AT&T Headquarters to San Antonio and added that they had expressed an interest in the Pecan Valley and Brackenridge Golf Courses.

Henry Rodriguez stated that he was representing LULAC Concilio Zapatista 4383 and spoke in support of the Latinos in Action National Sports Association. He noted that Latinos in Action raises scholarship funds for deserving students through two major programs that include the National Hispanic Sports Hall of Fame and Cinco de Mayo National Hispanic Basketball Tournament. He requested a waiver of the fees to utilize two city gyms for the basketball tournament, noting that the funds could be used for

scholarships. Raul Zuniga added that they have been hosting the tournament for 30 years and thanked the City Council for their support.

Nazirite Ruben Flores Perez referenced an article in the San Antonio Express News regarding whooping cranes that are flying to other states due to issues with San Antonio Bay. He stated that federal laws were not being followed. He spoke of the lion with seven heads that represents false religion entangling with the federal government. He added that the Book of David explains what animals represent.

Robert Allen stated that he is a small business owner that works with youth in La Vernia and Adkins. He requested that the Pecan Valley Golf Course remain a golf course and recognized Larry Whitfield for his work teaching golf to youth. He expressed concern that college students no longer have access to the Pecan Valley Golf Course and that the golf course is located in a flood zone.

Former Councilmember Antoinette Moorhouse stated that she is a resident of the Pecan Valley Neighborhood Association and they are in support of keeping the Pecan Valley Golf Course Open. She noted that the proposed project for wounded veterans was very worthy but was located in the wrong area. She spoke of the caliber of championships and tournaments held at the Pecan Valley Golf Course and indicated that the golf course is held in high esteem. She expressed concern that it is located in a flood plain and added that the historic golf course should be preserved.

Reba Malone stated that she lives in the Pecan Valley Neighborhood and expressed support for keeping the Pecan Valley Golf Course a golf course. She spoke of the importance of making golf accessible to children and noted the history and caliber of players that have used the course. She expressed concern with the flooding issues in the area and added that the San Antonio Southeast Business Women's Club was chartered there in 1974.

Jesse Garza, Jr. stated that he was a representative of the Pan American Golf Association and had received many emails and phone calls expressing concern with the closing of the Pecan Valley Golf Course. He noted that he does not understand why the golf course has been closed and that many golfers use this course on the weekends. He asked that the Pecan Valley Golf Course remain as a golf course.

Nikki Kuhns thanked Councilmember Bernal for allowing staff to meet with her and LULAC Representatives regarding fluoridation issues. She expressed concern that the City Charter would be amended in May, noting that it would be two years before it could be changed again. She stated that other issues were more worthy to address in the City Charter such as a safe drinking water amendment requiring that no chemical be added to the water that violates the Safe Drinking Act. She expressed concern with tap water being given to infants up to six months old and elderly individuals.

Faris Hodge, Jr. submitted written testimony noting that the City Council approved the HemisFair Master Plan. He referenced articles in the Express News regarding the River Walk Lights and Kodak's camera days ending. He wrote of CPS Energy rewriting their policy regarding spending on dinners and alcoholic beverages. He noted that the Bexar Metropolitan Water District no longer exists and that the McNay Art Museum received a \$5 million bequest. He wrote of Mayor Emeritus Lila Cockrell celebrating her 90th Birthday and referenced the 100,000 individuals that participated in the 25th Anniversary MLK March. He expressed concern with the San Antonio Police Officers under investigation for covering up an incident by a 20-year veteran of the Police Department.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 7:00 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **February 16, 2012**, 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, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** None.

Item 1. The Invocation was delivered by Reverend Doug Roberts, Pastor, Calvary Temple Assembly of God, guest of Councilmember Carlton Soules, District 10.

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

Item 3. MINUTES

Councilmember Saldaña moved to approve the Minutes for the January 11-12, 2012 City Council Meetings. Councilmember D. Medina seconded the motion.

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

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

Mayor Castro addressed Item 21 at this time.

The City Clerk read the caption for Item 21:

2012-02-16-0002R

Item 21. A RESOLUTION OF INTENT TO ENTER INTO A LEASE WITH PORT SAN ANTONIO FOR CITY LAND FOR THE EXCLUSIVE USE AND SUB-LEASE TO THE AIR FORCE.

Councilmember Saldaña recognized Wayne Alexander, Chair of the Port Authority of San Antonio and Bruce Miller, President and Chief Executive Officer of the Port Authority of San Antonio.

Mr. Wayne Alexander stated that he was very excited about the Resolution and spoke of the growth and success that has occurred at Port San Antonio. He mentioned their great support of the Air Force and indicated that there would be additional opportunities for growth.

Mr. Bruce Miller stated that this was a great opportunity for the city and would provide expansion opportunities for Lackland. He thanked the City Council for their support of the Port Authority.

Mayor Castro thanked Messrs. Alexander and Bruce for their leadership and spoke of the great work and job growth at the Port Authority. He stated that he was pleased to provide expansion opportunities for Lackland that would help prepare for a potential Base Realignment and Closure (BRAC).

Ed Davis stated that staff was recommending a Resolution of Intent to enter into a lease with Port San Antonio for approximately 495 acres of city-owned land located west of Kelly Field for exclusive sub-lease to the Air Force and eventual conveyance. He provided information regarding Lackland Air Force Base, noting that there are over 54,000 military, civilian, contractors and dependents on site. He noted that the Air Force occupies two million square feet and over 7,000 personnel at Port San Antonio. He reported that Port San Antonio provides a \$4.2 billion economic impact and supports the employment of 25,000 direct and indirect jobs.

Mr. Davis mentioned that Port San Antonio has identified 12 land parcels west of Kelly Field with the potential to accommodate existing and future military missions. He stated that Port San Antonio proposes to assemble the 12 parcels and offer the Air Force an initial no-cost, long-term lease with an option to acquire the land in five years. He noted that of the 584 acres of land, only 131 acres are developable. He outlined the terms in which the city would retain continued, unrestricted access to the city's car pound at no cost. He indicated that the Air Force must give the city 12 months notice to vacate. He stated that the Air Force must accept the city property "as is" and assume any future environmental liability. He added that the Secretary of Defense has requested that Congress consider implementing two more rounds of BRAC that could begin in 2013. Lastly, he noted that this would position the community for another round of BRAC and indicates the city's willingness to promote the military industry in San Antonio.

Councilmember Chan thanked Messrs. Alexander and Miller for their leadership and stated that she was pleased with the economic impact of the Port Authority. She noted that the Resolution would help the military presence in San Antonio and added that she was pleased with the role the Port Authority has played in International Economic Development.

Councilmember D. Medina commended the Port Authority for building a strong relationship with the Air Force. He noted their economic development efforts and transformation of the property.

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

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the captions for Items 4 and 19:

2012-02-16-0099

Item 4. AN ORDINANCE CALLING THE CITY OF SAN ANTONIO'S 2012 – 2017 GENERAL OBLIGATION BOND PROGRAM ELECTION FOR \$596 MILLION TO BE CONSIDERED BY THE VOTERS ON MAY 12, 2012 WITHIN FIVE PROPOSITIONS.

2012-02-16-0113

Item 19. AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 12, 2012 IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS FOR THE PURPOSE OF AMENDING THE CHARTER OF THE CITY OF SAN ANTONIO TO PROVIDE FOR THE FILLING OF VACANCIES ON CITY COUNCIL BY SPECIAL ELECTION.

Assistant City Manager Peter Zanoni and City Clerk Leticia M. Vacek presented a PowerPoint. Mr. Zanoni outlined the five ballot propositions for the Bond Program Election to be held on May 12, 2012: 1) Streets, Bridges, and Sidewalks; 2) Drainage and Flood Control; 3) Parks, Recreation, and Open Space; 4) Library, Museum, and Cultural Arts Facilities; and 5) Public Safety Facilities. He stated that the program included 140 projects totaling \$596 million. He noted that the City Council had approved the final project list on January 12, 2012 and staff had worked with Outside Bond Counsel and the State Attorney General's Office on the Ordinance and Ballot Language. He reported that the Ordinance includes specific language stating that no bond funds will be used for the VIA Street Car Project. He mentioned that the Ordinance also includes specific street and park scope of work for three downtown projects: Downtown Streets, HemisFair Park Area Streets Redevelopment, and HemisFair Park.

Mr. Zanoni outlined the projects within each of the five propositions. He mentioned that the Bond Program would impact the City's General Fund due to new libraries, senior center, and park improvements. He spoke of the public input process, noting that 20 Bond Committee Meetings were held. He reported that within the 2007 Bond Program, 95% of the projects are complete or under construction. He stated that \$47 million was identified in program savings and was allocated to 26 projects. He added that staff recommended continuing the utilization of a Citizen Bond Oversight Commission and that outreach would be provided to the public through a Voter's Guide; City Website; and informational presentations by city staff.

City Clerk Vacek stated that the Ordinance would officially call the Bond and Charter Amendment Elections for Saturday, May 12, 2012 from 7:00 am to 7:00 pm. She noted that voters would have the opportunity to vote on five Bond Propositions and one Charter Amendment Proposition. She reported that the Ordinance would authorize the city to enter into an agreement with Bexar County Elections to conduct the Election; establish Early and Election Day Voting Sites; and provide for the required public notice.

Mrs. Vacek reported that 29 Early Voting and 255 Election Day Polling Sites were anticipated to be utilized and that sites were subject to change by the Bexar County Elections Administrator. She stated that based on the current estimate of polling sites and number of entities that may have elections; the City's Election is estimated to cost up to \$500,000 and funds are included in the FY 2012 Budget. She outlined the Election Calendar and added that staff had coordinated said item with the City Attorney's Office and the Bexar County Elections Office.

Mayor Castro recognized the Bond Committee Tri-Chairs and Members and thanked Mayor Emeritus Lila Cockrell for her work and leadership.

Mayor Cockrell stated that the role of the Tri-Chairs was to supervise the Bond Committees on behalf of the public. She indicated that the process was impeccable and that the projects selected were representative of the entire city. She commended the Bond Committee Members for their work and thanked the City Council for their support.

Mayor Castro called upon the individuals registered to speak.

Dr. Delia Bara addressed the Council and requested that youth initiatives be included in the 2012 Bond Program. She stated that it was important to provide recreational and exercise opportunities to help youth become healthy and productive adults.

Victor Ruiz stated that he was 19 years-old and had dropped out of high school. He noted that he is a participant at the George Gervin Youth Center and will be graduating from the program in May. He added that he was pleased to be able to help his mom pay the bills and asked the City Council to support the George Gervin Youth Center.

Luis Gomez, Sr. addressed the Council and requested support for youth programs via the 2012 Bond Program. He stated that he was a Construction Instructor at the George Gervin Youth Center and a small business owner. He spoke of the great need to help the youth in the community and requested support from the City Council.

Barbara Hawkins, Executive Director of the George Gervin Youth Center addressed the Council and requested that the City Council fund youth programs via the 2012 Bond Program. She provided examples of how funding allocations could assist youth of the community. She noted that the Center had leveraged funding for the balance of needs not met from Bond allocations and asked the City Council to seriously consider their request.

Nazirite Ruben Flores Perez addressed the Council and spoke of the issues caused by the train at the intersection of Zarzamora and Frio City Road. He stated that the trains negatively impact the quality of life for citizens.

Jerry Baker from the George Gervin Youth Center addressed the Council and spoke in support of the funding request made by Ms. Hawkins. She noted that she wanted youth to have a purpose in life and that Bond Funds could assist in that mission.

Abraham Dominguez spoke to the importance of the City investing in youth programs. He stated that the City would have to create several Café College locations to keep up with the demand.

Jack M. Finger addressed the City Council in opposition to the 2012 Bond Program. He provided examples of how Bond Funds would support gay initiatives, the VIA Streetcar Program, and Occupy SA Protestors. He also spoke against funding youth initiatives.

Written testimony was received from James Rodarte in opposition to Item 4. He wrote that he did not believe that the Bond Election would truly represent the citizens and expressed concern that many projects did not have the opportunity to be added to the list.

Councilmember D. Medina provided an overview of the bond process utilized and the importance of prioritizing the needs of the community. He thanked everyone that participated in the development of the Bond Projects. He highlighted improvements made with Bond Funds and noted that future Bond Programs would continue the progress achieved.

Councilmember Taylor thanked everyone that participated in the Bond process and recognized Mayor Emeritus Lila Cockrell and District 2 Representatives. She spoke in support of the Bond Projects

incorporated in the 2012 Bond Program and provided examples of how 2012 Bond Projects support youth services. She indicated that the core mission of the city was to address basic infrastructure needs for the entire community and requested support from other organizations in filling the funding gap.

Councilmember Bernal thanked everyone that participated in the bond process.

Mayor Castro called upon Jesse Hereford with the Hispanic Chamber of Commerce.

Mr. Jesse Hereford addressed the Council in favor of the Charter Amendment Proposition. He stated that the Hispanic Chamber was supportive of providing a democratic process to fill a vacant Council Office and conducting a Special Election for same.

City Clerk Vacek presented and stated that the City Charter currently provides for the appointments to fill vacancies on the City Council by majority vote of the remaining members of the Council. She noted that a change from the appointment process to an election would require a Charter Amendment Election. She reported that a Council Consideration Request (CCR) had been submitted by Councilmember Soules seeking a Charter Amendment Election in May, 2012. The Charter Amendment would modify the current process by which the city fills a vacancy on the City Council from appointment to a Special Election in a Council District when the unexpired term of the vacant Council Office has more than 270 days remaining.

Mrs. Vacek outlined the CCR, noting that it requested that the City Council call a Charter Amendment Election to adopt provisions similar to State Law Requirements for a municipality such as Houston. She mentioned that State Election Law requires all city elections to be held on State Uniform Election Days in only May and November. She reported that the Governance Committee had considered the CCR and recommended presentation to the full City Council in order to include the Charter Amendment with the May 2012 Special Election. Lastly, she added that the current replacement process would remain in place when 270 days or less remain in a vacated Council Position.

Mayor Castro thanked staff for the presentations and commended Councilmember Soules for bringing the issue to the attention of the City Council.

Councilmember Soules spoke in support of the Charter Amendment Election. He noted that the proposed amendment was an enhancement to the current process of selecting replacement Councilmembers and highlighted the importance of citizens participating in the electoral process.

Councilmember D. Medina noted the importance of allowing citizens to elect their Councilmember when a vacancy occurs.

Councilmember Bernal moved to adopt the proposed Ordinances for Items 4 and 19. Councilmember Chan seconded the motion.

The motion to approve Items 4 and 19 prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **NAY:** None. **ABSENT:** None.

CONSENT AGENDA ITEMS 6-22

Consent Agenda Items 6, 10, and 17 were pulled for Individual Consideration.

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

Nazirite Ruben Flores Perez spoke in support of the Sister City Agreement with the City of Wuxi (Item 5), noting that it would connect us spiritually and physically.

Jack M. Finger spoke in opposition to the Sister City Agreement with the City of Wuxi (Item 5), noting his concern that China was a Communist, Socialist Country. He stated that Christians are persecuted in China and that he did not see the benefits of the agreement. He expressed concern that the disclosure statements from Marriott Hotel Services, Inc. were not included in the backup documents (Item 15).

Faris Hodge, Jr. submitted written testimony in favor of Items 4-22.

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

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

2012-02-16-0102

Item 7. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION MANAGER AT RISK CONTRACT WITH GUIDO BROTHERS CONSTRUCTION COMPANY, INC. IN THE AMOUNT NOT-TO-EXCEED \$2,300,000.00 FOR THE RIVER WALK CAPITAL IMPROVEMENTS PHASE 3 PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION AND RIVER WALK CAPITAL IMPROVEMENTS FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1.

2012-02-16-0103

Item 8. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO R.L. JONES LP IN THE AMOUNT OF \$1,229,760.93, OF WHICH \$191,077.93 WILL BE REIMBURSED BY CITY PUBLIC SERVICE ENERGY, FOR THE CARSON STREET WATERLINE PROJECT, AN AUTHORIZED TAX NOTES AND U.S. DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION GRANT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2.

2012-02-16-0104

Item 9. AN ORDINANCE AWARDED A TASK ORDER CONSTRUCTION CONTRACT WITH J3 EXCAVATION COMPANY, LLC, IN AN AMOUNT UP TO \$6,547,650.00 TO CONSTRUCT STREET, DRAINAGE, TRAFFIC AND PEDESTRIAN ACCESS-RELATED PROJECTS FOR THE 2012-2014 TASK ORDER CONTRACT FOR PUBLIC WORKS MAINTENANCE AND CONSTRUCTION PACKAGE C PROJECTS.

2012-02-16-0106

Item 11. AN ORDINANCE AWARDDING A CONSTRUCTION CONTRACT TO F.D. CONCRETE, LLC, IN AN AMOUNT UP TO \$4,140,778.25 TO CONSTRUCT STREET, DRAINAGE, TRAFFIC AND PEDESTRIAN ACCESS RELATED PROJECTS FOR THE 2012-2014 TASK ORDER CONTRACT FOR PUBLIC WORKS MAINTENANCE AND CONSTRUCTION PACKAGE D.

2012-02-16-0107

Item 12. AN ORDINANCE AUTHORIZING TWO 10-YEAR LICENSE AGREEMENTS WITH NUSTAR LOGISTICS, L.P. FOR USE OF PUBLIC RIGHT-OF-WAY, LOCATED UNDER OLD CORPUS CHRISTI ROAD (BETWEEN NCB 10927 AND NCB 10879) AND UNDER SHANE ROAD (IN NCB 10915) TO INSTALL PIPING UNDER THE ROADWAY FOR ITS SAN ANTONIO REFINERY CRUDE PIPELINE PROJECT LOCATED IN COUNCIL DISTRICT 3.

2012-02-16-0108

Item 13. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND MARRIOTT HOTEL SERVICES, INC., AS MANAGER FOR CCMH RIVERWALK LLC FOR 1,700 SQUARE FEET OF RIVER WALK PATIO SPACE.

2012-02-16-0109

Item 14. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS FOR A FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT IN AN AMOUNT UP TO \$9,000,000.00 FOR THE CONTINUATION OF THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM WITH THE CITY PROVIDING MATCHING FUNDS IN THE AMOUNT OF \$1,948,000.00 FROM 2010 AIRPORT PASSENGER FACILITY CHARGE BONDS AND \$302,000.00 FROM 2007 PASSENGER FACILITY CHARGE BONDS.

2012-02-16-0110

Item 15. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR, AND ACCEPTANCE, UPON AWARD, OF, UP TO \$300,000 FROM THE OFFICE OF THE TEXAS DIVISION OF EMERGENCY MANAGEMENT FOR THE 2012 EMERGENCY MANAGEMENT PREPAREDNESS GRANT (EMPG) TO PREVENT, RESPOND TO, AND RECOVER FROM ACTS OF TERRORISM AND NATURAL DISASTERS; AUTHORIZING AN IN-KIND MATCHING CONTRIBUTION OF UP TO \$150,000.00; AND AUTHORIZING A PERSONNEL COMPLEMENT OF 4 POSITIONS.

2012-02-16-0111

Item 16. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF AGRICULTURE-FOOD & NUTRITION SERVICE AND ABT ASSOCIATES TO ENHANCE LOVING SUPPORT PEER COUNSELING PROGRAMS IN THE WOMEN, INFANTS AND CHILDREN (WIC) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM AND AUTHORIZING THE ACCEPTANCE OF FUNDS UPON AWARD OF AN

AMOUNT UP TO \$40,000.00 FOR A PERIOD BEGINNING JUNE 1, 2012 THROUGH SEPTEMBER 30, 2013.

Item 18. 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 MOLLY A. MORENO (DISTRICT 4) TO THE SAN ANTONIO COMMISSION ON LITERACY.
- B. APPOINTING CRISTIAN E. LAMAS (DISTRICT 10) TO THE SAN ANTONIO YOUTH COMMISSION

2012-02-16-0114

Item 20. AN ORDINANCE AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE BEXAR COUNTY ELECTIONS OFFICE AND OTHER GOVERNMENTAL ENTITIES PARTICIPATING IN THE MAY 12, 2012 JOINT ELECTION, AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR ELECTION SERVICES WITH THE BEXAR COUNTY ELECTIONS OFFICE.

2012-02-16-0115

Item 22. AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH GOODWILL INDUSTRIES OF SAN ANTONIO WHICH WILL PROVIDE UP TO FOURTEEN (14) WORKERS FOR DATA ENTRY AND OTHER GENERAL OFFICE SERVICES TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT THROUGH JANUARY 1, 2015.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2012-02-16-0101

Item 6. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT UP TO \$1,414,000.00 TO PSE CONTRACTING, LLC, FOR CONSTRUCTION OF AN OUTDOOR PLAZA AREA FOR THE MISSION MARQUEE OUTDOOR PLAZA PROJECT, A HOUSING AND URBAN DEVELOPMENT 108 LOAN PROGRAM, STORM WATER OPERATING AND TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) NONPOINT SOURCE PROGRAM (319 GRANT) FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 3; AND, AMENDING THE CAPITAL IMPROVEMENT BUDGET WITH THE APPROPRIATION OF \$194,750.00 IN TCEQ

NONPOINT SOURCE PROGRAM (319 GRANT) FUNDS TO MISSION SITE DEVELOPMENT PROJECT.

Mike Frisbie stated that the project encompassed 26 acres and that said item would award the contract to the low bidder. He reported that the project would take three to four months to complete.

Councilmember Ozuna stated that she was pleased with the development of the project and applauded staff for their efforts.

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

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

TIME CERTAIN ITEM – 11:15 AM

Mayor Castro addressed Item 5 at this time.

The City Clerk read the following Ordinance:

2012-02-16-0100

Item 5. AN ORDINANCE APPROVING A SISTER CITY AGREEMENT WITH THE CITY OF WUXI, JIANGSU PROVINCE, THE PEOPLE'S REPUBLIC OF CHINA.

Mayor Castro recognized Councilmember Chan for leading the effort regarding the Sister City Agreement with the City of Wuxi. He stated that he had the opportunity to visit Wuxi and was very impressed with the economic development and research that is occurring there.

Councilmember Chan thanked Mayor Castro for his leadership and recognition of the importance of a global economy. She recognized the officials representing the City of Wuxi and welcomed them to San Antonio. She spoke of the City of Wuxi and stated that it was rich in history and natural beauty. She mentioned that they had a population of 6.2 million and highlighted their thriving economy. She added that the City of San Antonio is targeting business ties with the City of Wuxi in the areas of Real Estate, Renewable Energy, Biosciences, Healthcare, Oil and Gas, and Professional Services.

Mayor Castro recognized Deputy Mayor Fong, City of Wuxi.

Mr. Fong stated that it was an honor to visit the City of San Antonio. He noted that San Antonio has a good base and was pleased to enhance the relationship between the two cities. He mentioned that they enjoyed attending the San Antonio Rodeo and the welcome they had received from everyone in San Antonio. He stated that he hoped that the friendship among the two cities would become a model between the United States and China.

Councilmember Soules thanked the City of Wuxi Delegation for their hospitality during the visit by the San Antonio Delegation. He spoke of the benefits of the agreement that include exchanges among the industries highlighted by Councilmember Chan, as well as the Agriculture Industry.

Councilmember Williams thanked the Delegation from the City of Wuxi for visiting San Antonio and stated that he looked forward to future exchanges of commerce and friendship.

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

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

The City Clerk read the following Ordinance:

2012-02-16-0105

Item 10. AN ORDINANCE AWARDED A TASK ORDER CONSTRUCTION CONTRACT TO ALAMO CITY CONSTRUCTORS, INC. IN AN AMOUNT UP TO \$2,743,395.00, \$25,000.00 OF WHICH IS TO BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, FOR AUTHORIZED FY 2012 STREET MAINTENANCE PROGRAM PROJECTS LOCATED IN COUNCIL DISTRICTS 1, 6, 7, 8, AND 9 TO BE REHABILITATED USING THE PAVEMENT RECLAMATION PROCESS.

Councilmember C. Medina asked for the timeline. Majed Al-Ghafry replied that the project would begin in March and end in September. Councilmember C. Medina mentioned a leak issue that had to be addressed prior to commencement of the project. Mr. Al-Ghafry confirmed that the contract provided the flexibility to address the leak prior to pavement reclamation.

Councilmember C. Medina moved to adopt the proposed Ordinance. Councilmember Bernal seconded the motion.

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

The City Clerk read the following Ordinance:

2012-02-16-0112

Item 17. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS UPON AWARD NOT TO EXCEED \$200,000.00, FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE FOR AN INTELLECTUAL PROPERTY THEFT ENFORCEMENT PROGRAM GRANT AND ESTABLISHING A BUDGET FOR THE GRANT PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013.

Councilmember D. Medina asked of Intellectual Property Crimes in San Antonio. Chief McManus stated that the majority of these types of crimes were related to counterfeiting items such as t-shirts and purses. He added that this activity usually occurs on street corners and flea markets. Councilmember D. Medina asked of the number of police officers that would be hired through the grant. Chief McManus replied that the grant would provide for overtime to be paid and includes funds for operations, administration and street work to bring the cases to court.

Councilmember D. Medina moved to adopt the proposed Ordinance. Councilmember Saldaña seconded the motion

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

RECESSED

Mayor Castro recessed the meeting at 11:13 am to break for lunch and announced that the meeting would resume at 2:00 pm.

RECONVENED

Mayor Castro reconvened the meeting at 2:02 pm and addressed the Zoning Items.

CONSENT ZONING ITEMS

Councilmember C. Medina moved to approve the following Zoning Items: P-1A, P-1B, Z-2, Z-3, Z-5, Z-8, Z-11, P-5, and Z-12 under the Consent Zoning. Councilmember Saldaña seconded the motion. Mayor Castro announced that Item 23 was withdrawn by the applicant and no action would be necessary.

Mayor Castro called upon Jack M. Finger to speak.

Mr. Jack M. Finger stated that he was opposed to the alcohol waiver in Item 23 due to its proximity to a school. He spoke against the hospital proposed in Item Z-1 due to the negative impacts of traffic and lighting. He expressed opposition to Items P-3 and Z-7, noting that the Industrial Use was too intense and that city staff and the Planning and Zoning Commissions recommended denial.

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

WITHDRAWN BY APPLICANT

Item 23. AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 4-6(C), SECTION 4-6(D)(1), SECTION 4-6(D)(6), AND SECTION 4-6(E)(1) OF CITY CODE AND AUTHORIZING A VARIANCE TO SELL ALCOHOLIC BEVERAGES AT 102 WEST JOSEPHINE STREET, WITHIN THREE HUNDRED FEET OF HAWTHORNE ACADEMY, A PUBLIC EDUCATIONAL INSTITUTION LOCATED IN COUNCIL DISTRICT 1.

Item P-1. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE ADOPTION OF THE WALZEM ROAD AREA BUSINESS DISTRICT STRATEGIC REVITALIZATION PLAN AS A SUPPLEMENT TO AN EXISTING NEIGHBORHOOD PLAN AND LAND USE PLAN:

2012-02-16-0116

- A. **PLAN AMENDMENT #12016 (DISTRICT 2):** AN ORDINANCE AMENDING THE CAMELOT I NEIGHBORHOOD PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY ADDING THE WALZEM ROAD AREA BUSINESS DISTRICT STRATEGIC REVITALIZATION PLAN AS A SUPPLEMENT TO THE NEIGHBORHOOD PLAN. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.

2012-02-16-0117

- B. **PLAN AMENDMENT #12017 (DISTRICTS 1, 2, 9, 10):** AN ORDINANCE AMENDING THE SAN ANTONIO INTERNATIONAL AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY ADDING THE WALZEM ROAD AREA BUSINESS DISTRICT STRATEGIC REVITALIZATION PLAN AS A SUPPLEMENT TO THE LAND USE PLAN. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.

2012-02-16-0118

Item Z-2. **ZONING CASE # Z2012014 (District 1):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-6 AHOD" Residential Mixed Airport Hazard Overlay District on Lot 17, Block 5, NCB 2048 located at 234 Princeton 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 17, BLOCK 5, NCB 2048 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "RM-6 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

2012-02-16-0119

Item Z-3. **ZONING CASE # Z2012038 (District 2):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "MF-18 AHOD" Limited Density Multi-Family Airport Hazard Overlay District on Lots 44, 45, 46, 47, 50 and 55, NCB 984 located at 1530 and 1542 North Alamo Street. The "HS" Historic Significant zoning designation shall remain unchanged. 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 44, 45, 46, 47, 50 AND 55, NCB 984 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT AND "HS I-1 AHOD" HISTORIC SIGNIFICANT GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "MF-18 AHOD" LIMITED DENSITY MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "HS MF-18 AHOD" HISTORIC SIGNIFICANT LIMITED DENSITY MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

2012-02-16-0121

Item Z-5. **ZONING CASE # Z2012048 (District 4):** An Ordinance amending the Zoning District Boundary from "C-3 R MAOZ-1 AHOD" General Commercial Restrictive Alcohol Sales Military Airport Overlay Zone 1 Airport Hazard Overlay District and "I-1 MAOZ-1 AHOD" General Industrial Military Airport Overlay Zone 1 Airport Hazard Overlay District to "L MAOZ-1 AHOD" Light Industrial Military Airport Overlay Zone 1 Airport Hazard Overlay District on 0.94 acres out of Lots 4, 5 and 6, Block 3, NCB 11263 located at 7500 New Laredo Highway. 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: 0.94 ACRES OUT OF LOTS 4, 5 AND 6, BLOCK 3, NCB 11263 TO WIT: FROM "C-3 R MAOZ-1 AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES MILITARY AIRPORT OVERLAY ZONE 1 AIRPORT HAZARD OVERLAY DISTRICT AND "I-1 MAOZ-1 AHOD" GENERAL INDUSTRIAL MILITARY AIRPORT OVERLAY ZONE 1 AIRPORT HAZARD OVERLAY DISTRICT TO "L MAOZ-1 AHOD" LIGHT INDUSTRIAL MILITARY AIRPORT OVERLAY ZONE 1 AIRPORT HAZARD OVERLAY DISTRICT.

2012-02-16-0125

Item Z-8. **ZONING CASE # Z2012046 (District 5):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-1 IDZ AHOD" Light Commercial Infill Development Zone Airport Hazard Overlay District on the west 59.6 feet of the east 100 feet of Lot 1 and the west 59.6 of the east 100 feet of the north 10.15 feet of Lot 2, NCB 2860 located at 317 Probandt Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE WEST 59.6 FEET OF THE EAST 100 FEET OF LOT 1 AND THE WEST 59.6 OF THE EAST 100 FEET OF THE NORTH 10.15 FEET OF LOT 2, NCB 2860 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 IDZ AHOD" LIGHT COMMERCIAL INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT.

2012-02-16-0128

Item Z-11. **ZONING CASE # Z2012019 ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "C-2 ERZD MLOD-1 AHOD" Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District to "MF-18 ERZD MLOD-1 AHOD" Limited Density Multi-Family Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District on 2.872 acres out of Parcel 16, NCB 17700 located northwest of the intersection of North Loop 1604 West and Northwest Military Highway. 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: 2.872 ACRES OUT OF PARCEL 16, NCB 17700 TO WIT: FROM "C-2 ERZD MLOD-1 AHOD" COMMERCIAL EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "MF-18 ERZD MLOD-1 AHOD" LIMITED DENSITY MULTI-FAMILY EDWARDS RECHARGE ZONE CAMP BULLIS MILITARY LIGHTING OVERLAY AIRPORT HAZARD OVERLAY DISTRICT.

2012-02-16-0129

Item P-5. **PLAN AMENDMENT #12015 (District 10):** AN ORDINANCE AMENDING THE SAN ANTONIO INTERNATIONAL AIRPORT VICINITY LAND USE PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF LOT 13, NCB 15689 LOCATED AT 12311 NACOGDOCHES FROM COMMUNITY COMMERCIAL LAND USE TO REGIONAL COMMERCIAL LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012047)

2012-02-16-0130

Item Z-12. **ZONING CASE # Z2012047 (District 10):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District, "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lot 13, NCB 15689 located at 12311 Nacogdoches Road. Staff and Zoning Commission recommend approval, pending plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 13, NCB 15689 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT, "C-3R AHOD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT AND "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

[CONSENT ZONING CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 24:

2012-02-16-0003R

Item 24. A RESOLUTION TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY FOR PROPERTY ADDRESSED AT 4700 PECAN VALLEY FROM "MF-33" MULTI-FAMILY DISTRICT AND "C-3" GENERAL COMMERCIAL DISTRICT TO "G" GOLF COURSE AIRPORT HAZARD OVERLAY DISTRICT, AS REQUESTED BY COUNCILWOMAN OZUNA DISTRICT 3.

Councilmember Ozuna moved to approve the Resolution to initiate rezoning of the Pecan Valley Golf Course at 4700 Pecan Valley from MF-33 Multi-Family and C-3 General Commercial to "G" Golf Course District, waiving the entire or a portion of the City's rezoning case fees and providing a time line to present the case within 45 days to the Zoning Commission followed by a presentation to City Council for consideration on May 1, 2012. Councilmember Bernal seconded the motion.

Mayor Castro called upon the citizens registered to speak on Item 24.

Dan Pedrotti stated that he was the President and Founder of Foresight Golf which was created 15 years ago to provide access to golf that was affordable and utilizes recycled water. He mentioned that the Buckhorn Golf Course was their first project and spoke of their work at Pecan Valley Golf Course. He expressed concern that the Pecan Valley Golf Course cost them a great deal and they have not made a profit. He spoke of their proposed project called the Valor Club and mentioned that they would work to alleviate flooding issues. He indicated that there would be several components to the project which would provide opportunities for wounded Veterans.

Bill Kaufman stated that he was representing the property owner and expressed concern that the issues were not addressed prior to the item coming before the City Council. He noted that the golf course was privately owned and had operated at a loss for many years. He indicated that they would not be abandoning golf on the property but operating a special type of golf. He spoke to the components of the project and added that they were committed to working with Councilmember Ozuna on a solution.

Mike Coyle stated that he was President of Coyle Engineering and had been developing projects in San Antonio for 30 years. He spoke in support of the project proposed by Mr. Pedrotti, noting that he was always striving to do more than required. He mentioned that they had been working on the Valor Club Project for many months and that it would improve the drainage conditions in the area.

Reba Malone stated that she lives in the Pecan Valley Neighborhood and expressed support for keeping the Pecan Valley Golf Course a golf course. She spoke of the importance of making golf accessible to children and noted the history and caliber of players that have used the course. She mentioned that the San Antonio Southeast Business Women's Club was chartered there in 1974 and expressed concern that she had heard that the golf course was closed in the newspaper.

Tomi Sue Beechman, Nancy Jackson & Donna Kemp representing the San Antonio Building Owners and Managers Association (BOMA) addressed the City Council in opposition to the Resolution. Ms. Jackson stated that they strongly objected to the City Council's procedural efforts to downzone the properties in Districts 3 and 9. She noted that approval of the Resolution would send an unfortunate message to commercial real estate owners and developers regarding property rights. She indicated that the City Council was elected to represent all constituents and not a select few. She added that fast tracking the downzoning of the properties will have a chilling effect on the struggling business climate in the city.

David Ogrin stated that he was an avid golfer and friend of Mr. Pedrotti. He mentioned that Mr. Pedrotti had been running the Pecan Valley Golf Course in a normal business manner and had done the best he could. He asked the City Council to delay the vote or deny the downzoning request.

Jose Santiago-Gonzalez addressed the City Council as a wounded veteran in support of the Valor Club Project. He stated that it would be a good place for disabled veterans to participate in recreational activities and would generate new jobs.

Dean Bundrick of the Real Estate Council of San Antonio spoke in opposition to the downzoning of the properties in Districts 3 and 9. He stated that zoning ordinances should benefit everyone and both properties had been zoned for 35 years without concern. He expressed concern that property rights were being violated and added that many jobs would be created at the proposed Wal-Mart. He spoke to the benefits of the Valor Club Project for Veterans.

Bart Koontz spoke in opposition to the downzoning of the properties and spoke of his work to create a tax base and provide jobs through the Real Estate Industry. He expressed concern with the negative message that would be sent if the downzoning was approved and added that it would curtail development in the city.

Robert Wilmore recognized wounded veterans for their service to the country. He stated that although he was supportive of a project to help wounded Veterans, he believed that the issue should be decided by the Zoning Commission. He noted that the destruction of the Pecan Valley Golf Course would only benefit the developer and asked that the project be implemented at another location.

Jim Leonard of the San Antonio Builders Association spoke in support of the Valor Club Project. He stated that the city should support wounded veterans and outlined components of the project which include handicap accessible apartments and a nine-hole golf course. He spoke of a similar type project that Professional Golfer Jack Nicklaus helped design in Tacoma, Washington and added that San Antonio should be proud to have such a facility.

Michael D. Moore stated that he was in the real estate industry and has been living in San Antonio since 1981. He spoke in support of the Valor Club Project, noting that the Pecan Valley Golf Course has not operated successfully to make a profit. He noted that this was an issue of property rights and that the proposed project would benefit wounded warriors.

Jesse Pacheco stated that he was representing the South Central Alliance of Neighborhoods in support of the Resolution to keep Pecan Valley Golf Course. He stated that the golf course lies within the Salado Creek Floodplain and that development would destroy the historic trees and habitat of the area.

Irene Keller stated that she was a resident of the Pecan Valley Neighborhood and did not believe that the developers were concerned with the neighborhood. She spoke in support of the Resolution to maintain the Pecan Valley Golf Course and indicated that changing its use would be detrimental to the area. She added that the Valor Club Project was admirable but should be developed in another location.

John T. Crone stated that he was a commercial real estate broker and expressed opposition to the downzoning of the properties. He noted that doing so would set a dangerous precedent and threaten commercial and multi-family development. He added that he was surprised that the city would oppose a project for wounded veterans.

John Hyland stated that he was a wounded veteran and supportive of the Valor Club Project. He noted that he fought for the rights of citizens and spoke to the issue of property rights. He added that wounded veterans needed a place to gather and socialize.

Matthew Miles stated that he was a wounded veteran and would like to have access to a facility that would benefit him. He noted that this was an issue of property rights and that he had chosen to live in the city because he believed it to be military-friendly. He asked that the zoning for the Pecan Valley Golf Course remain as it was currently designated.

Richard Pollock spoke in support of the Valor Club Project, noting that it was a \$200 million investment. He stated that his family has been in the city since the 1800's and had served in the military. He mentioned that he is a wounded veteran and expressed concern with being able to keep up with the pace on regular golf courses. He added that this was a property rights issue and asked the City Council to vote against the Resolution to downzone the property.

Ken Eakes addressed the City Council in support of the Valor Club Project and spoke of the benefits of the project. He expressed concern that ideas had not been exchanged by both sides prior to today's City Council Meeting and that only one side was conveyed to the neighborhood. He added that the project would help address drainage issues and assist wounded veterans.

Jonathan Wheeler stated that he was a wounded veteran in support of the Valor Club Project. He spoke of his values that include commitment, honor and integrity and noted his challenging experiences while playing on regular golf courses. He mentioned that this type of project was greatly needed and thanked the developer for having the foresight to protect neighboring property values.

Josh Kinser stated that he was the Field Activities Director for the Military Warrior Support Foundation. He expressed concern with the lack of dialogue among the two sides of the issue and noted that property issues were being violated. He spoke in support of the Valor Club Project, noting that it was a good alternative to the current situation of the property.

Richard W. Smidt, Jr. stated that he is a business person and would like to have fair and open communication on said issue. He spoke in support of the Valor Club Project and would like for the Councilmember to meet with the property owner. He expressed concern with the precedent that would be set if the property is downzoned and asked that the item be continued.

Robert Allen stated that he appreciates wounded warriors but was supportive of keeping Pecan Valley Golf Course. He spoke of the many students that use the golf course and noted that students from Texas A&M University would be able to use the golf course as well. He showed photos of the children that have used the golf course for tournaments and asked that the Valor Club Project be implemented at another location.

Chip Poole stated that he was a former writer for the Express News and that this was a social issue. He noted that the Pecan Valley Community was very involved and supportive of the Resolution to downzone the property. He mentioned the high caliber of tournaments and players at Pecan Valley Golf Course and added that there were programs in place for wounded warriors at Fort Sam Houston.

Liz Trainor stated that the neighbors of Pecan Valley were angry and sad when they learned that the golf course was being closed. She expressed concern with the lack of communication from the developer and asked that the Pecan Valley Golf Course remain a golf course.

Charles Bartlett stated that he was a member of the Pecan Valley Neighborhood and was speaking on behalf of the surrounding property owners in support of the downzoning. He mentioned the issues with flooding and drainage and asked that the historic golf course be preserved.

Christel Villarreal stated that she was a resident of District 3 and expressed concern with the lack of communication regarding the closure of the Pecan Valley Golf Course. She noted that she was in support of the Resolution to downzone the property so that it remain a golf course and provided a letter for the record from Bexar County Commissioner Tommy Adkisson who had to leave the meeting.

Commission Tommy Adkisson wrote in support of the Resolution to downzone the Pecan Valley Golf Course, noting that it could not be replaced. He noted the magnificent pecan trees and historical marker that designates the location of a rest stop on the original Goliad Road. He mentioned the PGA America Championship, Texas Open, and USGA National Championship that had been played on the course. He added that in 2011, Pecan Valley was ranked as the #25 Golf Course in the State of Texas by Golf Digest Magazine.

Leroy Sisco addressed the City Council in support of the Valor Club Project. He stated that profit was not the issue and expressed concern with the great amount of opposition. He noted that wounded veterans did not have a place to play golf and that the programs at Fort Sam Houston were limited.

Ethel Nelson stated that she had served in the military for over 26 years and was supportive of the downzoning of the Pecan Valley Golf Course. She mentioned that she was a resident of the area and an avid golfer. She added that she believed that building a nine-hole golf course for wounded warriors was condescending because they deserved better.

Mitsuko Ramos addressed the City Council in support of the Valor Club Project, noting that she had been working with Bill Kaufman and Mr. Pedrotti on the project. She stated that the project would help address flooding issues and promote economic development through the creation of jobs. She noted that the project was consistent with the surrounding character of the area and that wounded warriors were deserving of the project.

City Clerk Vacek noted that 434 written testimonies were received in support of the Resolution and are on file with the Office of the City Clerk. Written testimony in opposition to the Resolution was received from the following: Rebecca Kary; Tom Rohde; Laurie Griffith; John Taylor; Jeff Smithers; Jim Daniell; Sherrie Skeans; Dean Bundrick; Phil Crane; Tim Swan; Sylvia Gangel; Patrick McCaffrey; Alan Goss; Ron Smith; Teresa Tuma; George Peck; Greg Gibson; Marcia McKinley; Brian Biggs; Coy Armstrong; Mychel Jordan; Chelsea Kane Lietz; Jennifer Bailey; and Carolyn Monroe.

Councilmember Ozuna stated that there had been a pattern of information not being disclosed in relation to this project and that the site had significant historical and archeological value. She noted that San Antonio was military friendly and very welcoming to veterans. She indicated that she did not want to lose the PGA Golf Course on the Southside that was host to world class events and added that she had received over 300 petitions in support of maintaining the golf course.

Councilmember Soules stated that he had supported the CCR due to the lack of information provided on the project and the fast timeline. He noted that he was in favor of slowing down the process and would like for all parties to come together on a solution.

Councilmember Lopez spoke of his memories playing on the Pecan Valley Golf Course and asked of the challenges to development in the area. Rod Sanchez replied that the property was located in a flood plain. He stated that staff will begin gathering information on the property and the case will be heard before the Zoning Commission. Councilmember Lopez stated that there is room for negotiation and compromise and asked if either side would have an advantage if the item was delayed. Michael Bernard stated that either side could have an advantage with a delay; Councilmember Lopez made a friendly amendment that the item be presented to the Zoning Commission in 45 days. Councilmember Ozuna accepted the friendly amendment.

Councilmember Williams commended Councilmember Ozuna for taking on this difficult task and expressed concern with the lack of respect that she had received on the dais. He stated that there should be more communication among the two sides and that three issues should be addressed: 1) Validity of the golf course; 2) Flooding problem; and 3) Determine if it is a good project for veterans. He added that he hoped that all parties could come to a mutual agreement.

Councilmember Taylor recognized Councilmember Ozuna for representing the interests of the neighborhoods in relation to the zoning case. She stated that she supports open dialogue between the two sides and expressed her disappointment that this has been framed as opposition to wounded veterans. She noted that a few weeks ago, the City Council had allocated \$2 million to establish a Veterans Outreach Center at the former Good Samaritan Hospital.

Mayor Castro thanked everyone that spoke on the issue and stated that he hoped that a compromise could be reached that will benefit the property owners and neighborhood.

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

The City Clerk read the caption for Item 25:

2012-02-16-0004R

Item 25. A RESOLUTION TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY FOR THE APPROXIMATELY 19 ACRE PROPERTY LOCATED SOUTHWEST OF THE INTERSECTION OF BLANCO ROAD AND WURZBACH PARKWAY FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT, REQUESTED BY COUNCILWOMAN CHAN DISTRICT 9.

John Jacks stated that the Resolution was initiated through a CCR from Councilmember Chan. He noted that it was scheduled to be heard by the Zoning Commission on March 20, 2012 and brought to the City Council on April 19, 2012.

Mayor Castro recognized the citizens registered to speak.

Russell Seal addressed the City Council and spoke of his personal experiences with Tort Law. He stated that the City Council and its citizens are fortunate to have the right to zone land to prevent nuisances that interfere with the enjoyment of parks. He added that the City Council is elected to make hard decisions and balance the needs of both sides.

Andrea Gault, Wayne Fagan and Jim Schulman representing the North Castle Hills Homeowners Association addressed the City Council in support of the Resolution. Mr. Fagan stated that he had devoted his career to bring jobs to San Antonio. He spoke of the process that had been followed in which several meetings were held with representatives of Wal-Mart and he had attended as the official representative for the neighborhood association. He mentioned that they had questions and concerns regarding crime, security, and traffic and that Wal-Mart Representatives were not being responsive. He indicated that they were not opposed to Wal-Mart; they were opposed to the development plan that was submitted. He added that they were still willing to have a dialogue with Wal-Mart Representatives but were supportive of the Resolution today.

Benjamin Youngblood stated that he was the attorney for the property owner in question and they had purchased the property in 1976 as an investment. He noted that the property had always been zoned as commercial and a portion of it had been condemned due to the construction of Wurzbach Parkway. He indicated that the property does not share a border with the park or neighborhood and asked that the property not be downzoned. He added that this would send a negative message to the development community and dramatically affect the value of the property.

Chuck Saxer thanked the City Council for their support of Hardberger Park and spoke to the importance of protecting the area. He stated that Hardberger Park was a historical site and highlighted the opportunities for urban ecology, nature studies, and education. He said that development must be compatible with the surroundings and added that over 4,000 citizens had signed petitions opposing the Wal-Mart Development. He expressed concern that Wal-Mart has not shown a willingness to work with either Hardberger Park or the neighborhoods and that the store is being placed in the wrong location.

Ann Parish, Secretary of the Phil Hardberger Park Conservancy Board stated that the neighborhood was concerned with their property values and spoke to the importance of parks. She noted that the location of Wurzbach Parkway was a unique situation and that this location was not appropriate for a Wal-Mart. She added that the commercial zoning designation was good for the area but the development should be something that will be of benefit to the surrounding neighborhoods.

John Linehart of the Northside Neighborhoods for Organized Development (NNOD) spoke in favor of the Resolution to downzone the property. He stated that NNOD supported the Phil Hardberger Park Conservancy's Resolution opposing the proposed Wal-Mart and spoke to the widespread concern with the development. He noted that the development was not appropriate for the area as it would increase traffic and crime, and decrease quality of life and property values. He spoke to the great investment that the city had made in Hardberger Park and asked that it be preserved.

Bob Sult of the USAA Real Estate Company stated that he was opposed to the Resolution. He noted that the downzoning of the property was an assault on property rights and misuse of power. He expressed concern with the message that would be sent to investors, noting that downzoning the property would be a significant deterrent to investment.

Scott Thurman with the Responsible Growth Alliance spoke in opposition to the downzoning of the property. He stated that Wal-Mart employs 4,800 individuals in San Antonio at wages averaging \$13.00 per hour. He noted that they would bring 300 jobs to the area and mentioned the high unemployment rate in the city.

Jim Leonard of the San Antonio Builders Association spoke of the importance of protecting property rights and stated that the property in question had always been zoned commercial. He noted that the City Council should promote job creation and expressed concern with the diminished property values due to downzoning.

Michael D. Moore stated that he had been in the Real Estate Industry in San Antonio for over 30 years and spoke in opposition to the downzoning of the property. He expressed concern that constitutional rights were being violated and noted that the property in question has always been zoned commercial. He mentioned his support for Hardberger Park and spoke to his work on the North Sector Planning Committee. He added that the value of the property would be greatly diminished if it is downzoned.

Andrew Koebel stated that he was a resident of Vista del Norte and would like to protect the value of his property. He spoke in opposition to the Wal-Mart, noting his concerns with increased crime and traffic.

Lorraine Harrison commended Councilmember Chan for listening to the concerns of the residents. She stated that jobs and economic development could be supported without supporting Wal-Mart. She added that this was an issue related to quality of life and that the land should be preserved.

John T. Crone stated that he was a Commercial Real Estate Broker and opposed to the downzoning of the property. He noted that said action was a threat to development and would send a negative message to potential lenders.

Eleanor Jane Guenther stated that she was a resident of Vista del Norte in support of the Resolution to downzone the property. She noted that this was not a good location for a Wal-Mart Store and would negatively affect property values.

Patricia Seyfarth spoke in favor of the Resolution to downzone the property and expressed concern with the impact to local citizens. She noted that the jobs that would be created by Wal-Mart did not coincide with the per capita income in the area. She added that although the property had always been zoned commercial, many changes had occurred that no longer support the current land use.

City Clerk Vacek noted that two written testimonies were received in support of the Resolution from Julia Hummel and Richard Alles. Written testimony in opposition to the Resolution was received from the following individuals: Laurie Griffith; John Taylor; Jeff Smithers; Cary Barton; Jim Daniell; Tom Rohde; Sherri Skeans; Dean Bundrick; Phil Crane; Tim Swan; Sylvia Gangel; Tom Chandler; Patrick McCaffrey; Alan Goss; Ron Smith; Teresa Tuma; George Peck; Greg Gibson; Marcia McKinley; Brian Biggs; Coy Armstrong; Mychel Jordan; Chelsea Kane Lietz; Jennifer Bailey; and Carolyn Monroe.

Councilmember Chan stated that she appreciates the difference of opinions regarding the property in question. She noted that the property was located near Hardberger Park in which the city has made a great amount of investments. She indicated that the issue was not related to Wal-Mart but to concerns with compatibility. She stated that she values property rights but believes that all parties can come to an acceptable solution. She mentioned the overwhelming amount of opposition to the proposed development from District 9 Residents and stated that it was her responsibility to slow down the process and re-examine the case. She reported that she had met with representatives from Wal-Mart and they indicated that they would like to work with the neighborhood on a potential solution.

Councilmember Williams thanked all of the parties for being respectful in the process. He stated that the issue was related to proper land use and that many did not want to see a Wal-Mart Store in the neighborhood. He noted that the C-2 zoning designation allowed for a Wal-Mart to be built at this location and expressed concern with the violation of property rights.

Councilmember Bernal stated that he has had to deal with similar issues in District 1 and spoke to the importance of developers working with the neighborhood prior to development.

Councilmember Ozuna stated that it was important to respect the neighborhoods and that it was the responsibility of the City Council to give a voice to all affected parties.

Councilmember Chan moved to approve the Resolution to initiate rezoning of approximately 19 acres at the southwest corner of Blanco Road and Wurzbach Parkway from C-2 AHOD Commercial Airport Hazard Overlay District to C-1 AHOD Light Commercial Airport Hazard Overlay District and waiving all or a portion of the city's rezoning case fees. Councilmember D. Medina seconded the motion.

The motion prevailed by the following vote: **AYES:** Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Chan, and Mayor Castro. **NAY:** Williams. **ABSTAIN:** Soules.

Items P-2 and Z-1 were addressed jointly.

CONTINUED UNTIL MARCH 1, 2012

Item P-2. **PLAN AMENDMENT CASE #12009 (District 1):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NORTH SECTOR PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 3.83 ACRE TRACT OF LAND LOCATED AT 4330 VANCE JACKSON STREET FROM SUBURBAN TIER LAND USE TO REGIONAL CENTER LAND USE. STAFF RECOMMENDS DENIAL. PLANNING COMMISSION RECOMMENDS APPROVAL. (ASSOCIATED ZONING CASE: #Z2011197)

CONTINUED UNTIL MARCH 1, 2012

Item Z-1. **ZONING CASE # Z2011197 (District 1):** An Ordinance amending the Zoning District Boundary from "'C-1" Light Commercial District and "C-1 S" Light Commercial District with a Specific Use Authorization for a Hospital to "C-3" General Commercial District on 3.83 acres out of Lots 11 and 14, NCB 11687 located at 4330 Vance Jackson. Staff recommends denial, with an alternate recommendation of "C-2 S" Commercial District with a Specific Use Authorization for a Hospital. Zoning Commission recommends approval, pending plan amendment.

Councilmember Bernal moved to continue Items P-2 and Z-1 until March 1, 2012. Councilmember Ozuna seconded the motion.

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

2012-02-16-0120

Item Z-4. **ZONING CASE # Z2011157 CD (District 4):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-1 CD AHOD" Light

Commercial Airport Hazard Overlay District with a Conditional Use for Auto Repair on 0.53 of an acre out of Lots 68 and 102, Block 3, NCB 11260 located at 7325 New Laredo Highway. Staff and Zoning Commission recommend approval, with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.53 OF AN ACRE OUT OF LOTS 68 AND 102, BLOCK 3, NCB 11260 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-1 CD AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AUTO REPAIR PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks stated that staff and the Zoning Commission recommended approval of Item Z-4 with the following conditions: 1) All vehicle repair and service work shall be conducted inside the building; 2) There shall be no more than six vehicle service bays; 3) Hours of operation shall be limited to between 7 am and 8 pm; and 4) A six-foot tall, solid screen fence shall be installed and maintained along the west and north property lines. A six-foot tall, predominantly open fence shall be permitted along the east and south property lines, including within the front yard of the lot. Barbed-wire shall not be permitted. Clear vision areas shall be maintained at all points of ingress/egress. He reported that of 20 notices mailed, two were returned in favor from the property owner and none were received in opposition.

Councilmember Saldaña moved to adopt the proposed Ordinance with the conditions as noted by staff. Councilmember Bernal seconded the motion.

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

2012-02-16-0122

Item Z-6. **ZONING CASE # Z2012039 CD (District 4):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Professional Office on Lot 17, Block 30, NCB 15859 located at 9910 Kents Store. Staff and Zoning Commission recommend denial.

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 17, BLOCK 30, NCB 15859 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "R-6 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A PROFESSIONAL OFFICE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks stated that staff and the Zoning Commission recommended denial of Item Z-6. He reported that of 17 notices mailed; two were returned in opposition and none were returned in favor. He added that the Heritage Neighborhood Association supports the request for the conditional use.

Robbie Robinette, President of the Heritage Neighborhood Association spoke in support of the zoning request for the conditional use. She stated that the zoning would remain R-6 and would enhance the entrance to the Heritage Subdivision. She noted that she did not believe that parking would be an issue and added that the District 4 Zoning Commissioner had voted in favor of the request.

Maria Riza Bell stated that she was the property owner and would be using the home as a Real Estate Office. She noted that she would not create any traffic and that she would maintain the original look of the home. She added that she had been working with city staff to ensure that the site plan meets city standards.

Councilmember Saldaña thanked the individuals that spoke for waiting four hours to address the City Council. He stated that he was pleased that the applicant and neighborhood association had reached an agreement.

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

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

Items P-3 and Z-7 were addressed jointly.

2012-02-16-0123

Item P-3. **PLAN AMENDMENT #12013 (District 5):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE KELLY/SOUTH SAN PUEBLO PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF 1.33 ACRES OF LAND LOCATED AT 417 MENEFFEE BOULEVARD AND 419 MENEFFEE BOULEVARD, AND FURTHER DESCRIBED AS NCB 3694 BLOCK 33 ARBITRARY BLOCK 35 LOT S IRR 308.4 FT OF W 1/2 OF 40 AND NCB 3694 BLOCK 33 ARBITRARY BLOCK 35 LOT S IRR 319.6 FT OF 39, FROM LOW DENSITY RESIDENTIAL LAND USE TO REGIONAL COMMERCIAL LAND USE. STAFF AND PLANNING COMMISSION RECOMMEND DENIAL. (ASSOCIATED ZONING CASE: #Z2012032S)

2012-02-16-0124

Item Z-7. **ZONING CASE # Z2012032 S (District 5):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-3 S AHOD" General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Contractor Facility on 1.33 acres out of Lots 39 and Lot 40, Block 35, NCB 3694 located at 417 and 419 Menefee Boulevard. Staff and Zoning Commission recommend denial.

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: 1.33 ACRES OUT OF LOTS 39 AND LOT 40, BLOCK 35, NCB 3694 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 S AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE

AUTHORIZATION FOR A CONTRACTOR FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney stated that staff and the Planning Commission recommended denial of Items P-3 and Z-7. He reported that of 18 notices mailed; three responses were received in favor and one response was received in opposition.

Daniel Dickson stated that he was speaking on behalf of the applicant who was a small business owner and that they had positively impacted the neighborhood by employing individuals from the area.

Councilmember D. Medina stated that he was pleased that the small business has employed residents of the area and had a positive impact on the neighborhood.

Councilmember D. Medina moved to adopt the proposed Ordinance. Councilmember Chan seconded the motion.

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

Councilmember Chan excused herself from the meeting at this time.

Item P-4 was addressed.

2012-02-16-0127

Item P-4. **PLAN AMENDMENT #12011 (District 6):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE WEST/SOUTHWEST SECTOR PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 2.752 ACRE TRACT OF LAND LOCATED NORTHEAST OF THE INTERSECTION OF TOWN CENTER DRIVE AND HIGHWAY 151 FRONTAGE ROAD MORE SPECIFICALLY DESCRIBED AS LOTS 3 AND 5, BLOCK 50, NCB 17642 FROM GENERAL URBAN TIER LAND USE TO REGIONAL CENTER LAND USE. STAFF RECOMMENDS DENIAL. PLANNING COMMISSION RECOMMENDS APPROVAL. (ASSOCIATED ZONING CASE: #Z2012041S)

Chris Looney presented Item P-4 and stated that staff recommended denial of the Plan Amendment while the Planning Commission recommended approval.

Councilmember Lopez moved to adopt the proposed Ordinance. Councilmember C. Medina seconded the motion.

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

2012-02-16-0126

Item Z-9. **ZONING CASE # Z2012023 (District 6):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single Family Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on 0.3227 of an acre out of Lots 45 and 46, Block 33, NCB 8115 located at 743 Cupples 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: 0.3227 OF AN ACRE OUT OF LOTS 45 AND 46, BLOCK 33, NCB 8115 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

John Jacks stated that staff and the Zoning Commission recommended approval of Item Z-9. He reported that of 15 notices mailed; none were returned in favor and three were returned in opposition. He added that it would require nine votes of the City Council for approval.

Councilmember Lopez stated that the community had reached an agreement on said item and was satisfied that the zoning was conducive to the area.

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

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

CONTINUED FOR 30 DAYS

Item Z-10. **ZONING CASE # Z2012049 (District 7):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD NCD-8" Residential Single-Family Airport Hazard Overlay Woodlawn Lake Area Neighborhood Conservation District to "RM-4 AHOD NCD-8" Residential Mixed Airport Hazard Overlay Woodlawn Lake Area Neighborhood Conservation District on Lot 5, Block 32, NCB 1974 located at 1719 West Craig Place. Staff recommends approval. Zoning Commission recommends denial.

John Jacks stated that staff recommended approval and the Zoning Commission recommended denial of Item Z-10. He reported that of 27 notices mailed; none were returned in favor and three were returned in opposition. He added that the Woodlawn Lake Community Association was opposed to the request.

Councilmember C. Medina moved to continue Item Z-10 for 30 days. Councilmember Williams seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Mayor Castro recognized Councilmember Ozuna’s daughter Nina who was celebrating her 11th birthday. The City Council joined in singing happy birthday to Nina.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:06 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest:



**LÉTICIA M. YACEK, TRMC/MMC
City Clerk**