

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

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE MUNICIPAL PLAZA BUILDING, THURSDAY, JUNE 7, 2012.**

The San Antonio City Council convened in a Regular Meeting on Thursday, **June 7, 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 Dr. B.S. Kasinath, Professor of Nephrology, University of Texas Health Science Center at San Antonio, guest of Mayor Julián Castro.

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

**Item 3. MINUTES**

Councilmember Chan moved to approve the Minutes for the May 2-3, 2012 City Council Meetings. Councilmember Williams 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.

**CONSENT AGENDA ITEMS 4-17B**

Consent Agenda Items 5, 6, 10, 16, and 17A and 17B were pulled for Individual Consideration.

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

Nazirite Ruben Flores Perez expressed concern regarding Item 6; the San Antonio River Authority for Project Management of 2012 Sales Tax. He extended an invitation to everyone to attend a get-together at Elmendorf Lake in District 5 which is the district where he resides. He complained to the manager of the River Authority about the brush in Elmendorf Lake. He stated that the manger told him that was part of the environment. He added that birds from the South were flying in, creating problems for the lake. Lastly, he expressed appreciation that the bond issue was approved by voters and stated that the funds would be used for area creeks.

Ramiro Cavazos President of the Hispanic Chamber of Commerce spoke in support of appointing Chad Taylor to the Convention and Visitors Commission (CVC). He added that Mr. Taylor was a strong business advocate and served in the Air Force for five years and possesses the Kuwaiti Liberation Medal. Mr. Taylor also has served on the Steering Committee of Leadership of San Antonio and

presently serves on the San Antonio Hispanic Chamber of Commerce. He stated that Mr. Taylor would do an admirable job serving on the CVC.

Councilmember Chan thanked Mr. Cavazos and the Hispanic Chamber of Commerce for assisting with economic development and the growth of small businesses. She spoke with all three appointees at the Economic and Community Development Committee (ECDC) Meeting and throughout her conversation with Mr. Taylor he had a perspective of business and an understanding of the downtown area. She also thanked the Alamo American-Asian Chamber and Larry Anthis who was also appointed June 7, 2012 to serve on the CVC Commission.

Faris Hodge, Jr. submitted written testimony in favor of Items 4-6, and 11-17. He wrote in opposition to Item 7 noting that the city should not spend any more money on Phil Hardberger Park. He requested that backup information be provided for the City Manager's Report.

Councilmember Williams moved to approve the remaining Consent Agenda Items. Councilmember Lopez seconded the motion.

The motion to approve the remaining Consent Agenda 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.

**2012-06-07-0397**

Item 4. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF FIVE ON-CALL ARCHITECTURAL SERVICES AGREEMENTS, WITH BEATY PALMER ARCHITECTS, WESTEAST DESIGN GROUP, LLC, ALVIDREZ ARCHITECTS, INC., CHESNEY MORALES & ASSOCIATES, INC. AND DEBRA J. DOCKERY ARCHITECT, P.E., EACH IN THE AMOUNT NOT TO EXCEED \$500,000.00 PER YEAR, TO PROVIDE AS-NEEDED ARCHITECTURAL CONSULTING SERVICES FOR CITY-OWNED FACILITIES AND IMPROVEMENTS, CONSTRUCTION PROJECTS AND PLANNING PROJECTS LOCATED CITY-WIDE.

Item 7. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE PHIL HARDBERGER PARK PHASE 3 URBAN ECOLOGY CENTER PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION, 2012 PARKS, RECREATION AND OPEN SPACE IMPROVEMENTS BOND AND TEXAS PARKS AND WILDLIFE DEPARTMENT GRANT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICTS 8 AND 9:

**2012-06-07-0400**

- A. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT WITH EIGHT ADDITIVE ALTERNATES IN AN AMOUNT NOT-TO-EXCEED \$6,378,000.00 PAYABLE TO GUIDO BROTHERS CONSTRUCTION CO, INC. FOR THE PHIL HARDBERGER PARK PHASE 3 URBAN ECOLOGY CENTER PROJECT

**2012-06-07-0401**

- B. AN ORDINANCE AUTHORIZING THE APPROVAL OF AN INTERAGENCY PARTICIPATION AGREEMENT WITH SAN ANTONIO WATER SYSTEM (SAWS) IN WHICH THE CITY WILL RECEIVE UP TO \$100,000.00 FROM SAWS FOR DESIGN AND

CONSTRUCTION RELATED TO WATER CONSERVATION AND STORM WATER MANAGEMENT FEATURES AT THE PHIL HARDBERGER PARK URBAN ECOLOGY CENTER

Item 8. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE DEMOLITION OF THE FORMER SAN ANTONIO WATER SYSTEM HEADQUARTERS BUILDING, A CERTIFICATES OF OBLIGATION AND 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1:

**2012-06-07-0402**

- A. AN ORDINANCE AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$527,000.00 PAYABLE TO HUNTER DEMOLITION & WRECKING CORP. FOR THE DEMOLITION OF THE FORMER SAN ANTONIO WATER SYSTEM HEADQUARTERS BUILDING.

**2012-06-07-0403**

- B. AN ORDINANCE AMENDING THE ON-CALL PROFESSIONAL SERVICES AGREEMENT WITH TLI ENVIRONMENTAL SERVICES, INC. FOR ASBESTOS ABATEMENT AND RELATED CONSTRUCTION SERVICES TO INCREASE THE CONTRACT CAPACITY IN AN AMOUNT NOT TO EXCEED \$150,000.00 FOR THE CURRENT YEAR FOR A TOTAL AMOUNT NOT TO EXCEED \$480,000.00.

**2012-06-07-0404**

Item 9. AN ORDINANCE AUTHORIZING THE RENEWAL OF TWO GROUND LEASE AGREEMENTS PRESENTLY IN FORCE WITH THE GREATER SAN ANTONIO CHAMBER OF COMMERCE, FOR LAND OWNED BY THE CITY LOCATED AT 602 EAST COMMERCE STREET IN COUNCIL DISTRICT 1 FOR RENEWAL TERMS THAT WILL TERMINATE JULY 31, 2038 AT NO CHARGE FOR RENT.

**2012-06-07-0406**

Item 11. AN ORDINANCE AUTHORIZING TEN 10-YEAR LICENSE AGREEMENTS WITH NUSTAR LOGISTICS, L.P. FOR USE OF PUBLIC RIGHT-OF-WAY, LOCATED UNDER BINZ-ENGLEMAN ROAD (NCB 12201), INTERSTATE DRIVE (NCB 17501), SPRINGFIELD ROAD (NCB 10599), CORNER PARKWAY (NCB 10597), CENTERPIECE DRIVE (NCB 10597), COTTON BELT ROAD (NCB 18010), DIETRICH ROAD (NCB 18010), LULA MAE DRIVE (NCB 12865), STOUT DRIVE (NCB 16776), AND POP GUNN DRIVE (NCB 12867) TO INSTALL COMMON CARRIER PIPING UNDER THE ROADWAY FOR ITS SAN ANTONIO SUPPLY EXPANSION PIPELINE PROJECT LOCATED IN COUNCIL DISTRICT 2, FOR A TOTAL FEE OF \$50,387.18.

**2012-06-07-0407**

Item 12. AN ORDINANCE APPOINTING KAUSI S. SUBRAMANIAM AND LARRY S. ANTHIS AS AT-LARGE, BUSINESS COMMUNITY/CHAMBER REPRESENTATIVES, AND CHAD D. TAYLOR AS AN AT-LARGE, GENERAL COMMUNITY REPRESENTATIVE, TO THE CONVENTION AND VISITORS COMMISSION FOR THE REMAINDER OF UNEXPIRED TERMS

OF OFFICE TO EXPIRE MAY 31, 2013, EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT; AND WAIVING THE CITY CODE RESIDENCY REQUIREMENT IN CHAPTER 2, ARTICLE IX, SEC. 2-529(B) FOR MS. SUBRAMANIAM'S APPOINTMENT.

**2012-06-07-0408**

Item 13. AN ORDINANCE AWARDED A CITY COUNCIL PROJECT FUNDS ALLOCATION TO THE MARTIN LUTHER KING, JR. SCHOLARSHIP FUND IN AN AMOUNT UP TO \$13,700.00.

**2012-06-07-0409**

Item 14. AN ORDINANCE APPROVING A CONSENT AGREEMENT AND AMENDMENT TO THE WALZEM ROAD REDEVELOPMENT MASTER ECONOMIC INCENTIVE AGREEMENT AMONG THE CITY OF WINDCREST, THE WINDCREST ECONOMIC DEVELOPMENT CORPORATION, WINDCREST ECONOMIC DEVELOPMENT COMPANY, L.L.C., BEXAR COUNTY, THE CITY OF SAN ANTONIO AND RACKSPACE US, INC DBA RACKSPACE HOSTING.

**2012-06-07-0410**

Item 15. AN ORDINANCE APPROVING AN AMENDMENT TO THE COMPETITIVE MATTER MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND CPS ENERGY AS AUTHORIZED BY ORDINANCE NO. 99907 ON OCTOBER 21, 2004, ALLOWING FURTHER PRICING FLEXIBILITY TO CPS ENERGY IN PURSUING CERTAIN WHOLESALE OFF-SYSTEM SALES.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the caption for Item 5:

**2012-06-07-0398**

Item 5. AN ORDINANCE RATIFYING AN OWNER-REQUESTED CHANGE ORDER FOR ADDITIONAL CONSTRUCTION WORK COMPLETED BEYOND ORIGINAL PROJECT LIMITS IN THE TOTAL INCREASED AMOUNT OF \$553,084.12 TO THE PREVIOUSLY ALLOCATED \$9,273,553.83 CONSTRUCTION CONTRACT WITH BALLENGER CONSTRUCTION COMPANY FOR THE DEZAVALA ROAD (BABCOCK TO COGBURN) PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 8.

Councilmember Williams requested details on what the original project limits were and how the City was able to extend the limits of the project and avoid an overrun.

Mike Frisbie, Capital Improvements Management Services (CIMS) Director stated that the initial scope of the project run was from Babcock to Cogburn, which is about an eighth of a mile short of Interstate

10. He noted that the project has been under construction for approximately 18 months and was near completion. He stated that funding was left in contingency and would be utilized for additional paving to complete the project all the way to Interstate 10.

Councilmember Williams stated that when the project was unveiled to the citizens the first thing they asked was why the project was stopping short of Interstate 10. He added that he made a commitment to the citizens. Should the project be completed on time and costs were managed properly; he would try extending the project to cover the eighth of a mile that was short.

Councilmember Chan asked how the process occurred that there are additional funds remaining. Additionally, how the decision was made to use the contingency funds to extend the road to further enhance the project. She further asked who comes up with the decision and what kind of decision process was done.

Mike Frisbie noted that typically a 10% contingency fund is setup for things that arise outside of the project scope. He added that in this case, the paving operation was about to conclude and final meetings were conducted with Councilmember Williams and the community. During those final meetings questions were raised about completing the project up to Interstate 10. City staff negotiated a reasonable price with the contractor and the funds were used for the extension of the project to Interstate 10. The final approval is the Council action to move the project budget out of contingency and into the construction contract.

Councilmember Chan asked if there were funds left over on any other project; could said funds be redistributed with Council input to use for whatever the desire was for that district. Mike Frisbie stated that he would work closely with the Council and identify additions desired by the community; to be considered. Mr. Frisbie added that change orders require Council approval.

City Manager Sheryl Sculley stated that each project would be reviewed on a case-by-case basis to ensure what makes sense for each specific project. She noted that Mike Frisbie reviews projects monthly and that she also meets with the Capital Improvement Project Team monthly. She added that from the beginning of this project it was known that the scope was short an eighth of a mile and needed to be extended to Interstate 10.

Councilmember Williams stated that this was an alternative use of a contingency. He added that if the project got out of hand cost-wise then the extension would not be possible. He added that the limits of the project were identified at the beginning of this project.

Councilmember Williams 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.

The City Clerk read the caption for Item 6:

**2012-06-07-0399**

Item 6. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE SAN ANTONIO RIVER AUTHORITY FOR PROJECT MANAGEMENT OF 2010 SALES TAX VENUE – GREENWAY PROJECT FOR HIKE AND BIKE TRAIL IMPROVEMENTS IN ASSOCIATION WITH THE WESTSIDE CREEKS RESTORATION PROJECT LOCATED IN CITY COUNCIL DISTRICTS 1, 3, 5 AND 7, AS WELL AS THE 2012 BOND PROJECT AND 2012 STORMWATER REGIONAL FACILITIES PROJECT FOR PARK AND STORMWATER IMPROVEMENTS IN THE ELMENDORF LAKE PARK AREA LOCATED IN CITY COUNCIL DISTRICT 5, FOR A TOTAL CONTRACT COST NOT TO EXCEED \$15,116,980.00 TO BE LEVERAGED WITH A PROJECTED \$7,000,000.00 IN BEXAR COUNTY FLOOD CONTROL FUNDING TO ENHANCE WATER QUALITY OF THE LAKE AND FLOOD CONTROL ENHANCEMENTS OF THE ASSOCIATED TRIBUTARY.

Xavier Urrutia, Parks & Recreation Director presented a Power Point on said project. He stated that the San Antonio River Authority (SARA) would serve as the City's Project Manager in two major components. The first being the West Side Creek Restoration Project which was funded with 2010 Proposition Two Greenway Funds. The second component was to enhance Elmendorf Lake Park and the surrounding area. He added that SARA duties would include coordinating with stakeholders and ensure that the trails and improvements are consistent with the overall vision of the West Side Creek Restoration Project.

Councilmember David Medina stated that since he took office; park improvements have been a priority for District 5 and throughout the West Side. He added that this project shows his commitment in making improvements for District 5. He noted that Proposition Two funding combined with the 2012 Bond funding totals approximately \$7.5 million commitment from City sources. He stated that was a testament that the City of San Antonio supports park improvements.

Councilmember Chan congratulated Councilmember David Medina and his leadership on said project and noted that this project will be a great addition to the city. She expressed her excitement on the plan presented.

Councilmember Bernal stated that he appreciates the collaboration between governmental entities. He noted that council members always advocate for their own districts, however, this council looks at the city as a whole. He stated that this project will be tremendous in moving San Antonio in the right direction. He congratulated Councilmember David Medina for his efforts.

Mayor Castro thanked Xavier Urrutia and Suzanne Scott, and congratulated Councilmember David Medina for his leadership on said project. He also thanked former Councilmember Bonnie Conner and Mayor Howard Peak and the SARA Board Members that worked on said project. He stated that Mayor Peak and Bonnie Conner had a great vision for the City in the late 1990s. He thanked the voters who agreed with that vision and approved the West Side Creek Restoration Project. Mayor Castro thanked Bexar County for making a significant investment and particularly Commissioner Elizondo who recognized the importance of said project.

Councilmember David 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.

The City Clerk read the caption for Item 10:

**2012-06-07-0405**

Item 10. AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES IN A PORTION OF FIVE PARCELS OF PRIVATELY-OWNED REAL PROPERTY LOCATED IN NCBS 2533 AND 2534 IN COUNCIL DISTRICT 5 FOR THE SOUTH ZARZAMORA AND CERALVO INTERSECTION IMPROVEMENT PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; AND A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$200,000.00 PAYABLE TO THE SELECTED TITLE COMPANY FOR LAND AND ASSOCIATED CLOSING COSTS.

Councilmember David Medina stated that Zarzamora Street was a major corridor that spans through District 7, District 1, District 5, and District 4. He added that the intersection of South Zarzamora and Ceralvo Street was very dense and requires improvements to widen the street and add a center turning lane.

Mike Frisbie, Capital Improvements Management Services Director stated that the plan was to acquire adjacent right-of-way streets to enable right and left-turn bays onto Ceralvo Street. He added that the improvements would make it safer for pedestrians and motorist. He indicated that the project was scheduled to begin October 2012 and should be completed June 2013.

Councilmember David Medina moved that the City of San Antonio authorize the use of the power of eminent domain to acquire property for the public use for the Zarzamora and Ceralvo Intersection Improvements Project by acquiring the following property described by the City Clerk and incorporated as part of this Motion. Councilmember Bernal seconded the motion.

City Clerk Vacek read the property description:

“The properties consist of 0.1105 total acres out of Lots 24, 25, 26, and 27, Block “D”, NCB 2534; and Lots 1, 13, and 43, Block “C”, NCB 2533. These properties are more particularly described in Exhibits A1 through A5 attached and incorporated as part of the Ordinance and this 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 captions for Items 16, 17A and 17B:

**2012-06-07-0411**

Item 16. AN ORDINANCE AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE URBAN RENEWAL AGENCY FOR THE CITY OF SAN ANTONIO DBA THE OFFICE OF URBAN REDEVELOPMENT SAN ANTONIO TO CONDUCT ACTIVITIES IN CONJUNCTION WITH THE CITY’S INFILL PILOT PROGRAM.

Item 17. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE USE OF CHAPTER 380 LOAN AND GRANT AGREEMENTS FOR RESIDENTIAL HOUSING AS PART OF THE CITY'S INNER-CITY REINVESTMENT/INFILL PROGRAM:

**2012-06-07-0412**

- A. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM LOAN AND GRANT AGREEMENT WITH DAVID ANDERSON HOMES IN AN AMOUNT UP TO \$823,500.00.

**2012-06-07-0413**

- B. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM LOAN AND GRANT AGREEMENT WITH WHITECAP WAVES INC. DBA GREENBORO HOMES IN AN AMOUNT UP TO \$823,500.00.

Councilmember Lopez stated that the captions for the three Agenda Items did not fully explain the points concerning the three projects and requested additional information.

Mark Brodeur, Center City Development Director stated that the Agenda Items were related to one another. He added that said Items would allow the City to go beyond typical land banking that the State of California and Texas currently permits. The State of Texas currently allows the acquisition, maintenance, and disposition of private property. He stated that he tried unsuccessfully to have the State Legislature make the statute more robust. He stated that the three Agenda Items will incorporate land banking and economic incentives to build houses and control the design of homes and control the affordability rate at which those homes are sold. The second part of said Items is a Chapter 380 Agreement which will put into place the incentives for developers to come forward. He added that he met with fifteen developers of which two builders were interested in moving the program forward.

Councilmember Lopez stated that the Council had a very good dialogue on what they want the project to look like in three to five years and ultimately what the City should look like in the year 2020. He added that neighborhood revitalization can be accomplished with incentives and improve the quality of life. He stated that they now have a cooperative of builders who are willing to reinvest into an area that needs revitalization.

Councilmember Bernal stated that what's really significant is adding neighborhood revitalization to rescue neighborhoods that are older and that have been ignored. He indicated that this was a pilot program and the first step to accomplish revitalization on a larger scale in the future. He stated that we often distill quality of life into broad qualities such as amenities, parks, and libraries.

Councilmember Chan thanked her Council colleagues who said it very well about conforming a neighborhood. She stated that said Item was about the quality of life and providing opportunities to revitalize neighborhoods. She encouraged her Council colleagues to look into expanding the program especially downtown and the inner city to include adding additional funding to the program. She asked staff if said Item would give the City flexibility for the program to expand to boarded-up housing. Mark Brodeur replied that said agenda Item would allow building and housing rehabilitation and that he would seek to expand boarded-up properties that are 20-30 years old through the next Legislative Session.

Councilmember Taylor echoed the sentiments of her Council colleagues and expressed excitement for having additional tools to use for revitalization. She requested to be included in the discussion related to vacant housing and policies related to infill housing.

Councilmember Lopez moved to adopt the proposed Ordinances for Items 16, 17A and 17B. 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.

## **Item 18. CITY MANAGER'S REPORT**

### **A. 2012-2017 BOND KICK OFF AND REQUEST FOR QUALIFICATIONS PRE-SUBMISSION CONFERENCE**

Mrs. Sculley reported that the City will host a Bond Kick-Off and Request for Qualifications (RFQ) Pre-Submission Conference Friday, June 8, 2012. She stated that as result of the voter approved \$596 Million Bond Program there are 140 projects of which 94 projects require architectural design consultants. The City released three RFQ's for Architects, Landscape Architects, and Engineer's. The topic of approach was discussed at the City Council B Session held May 30, 2012. The RFQ Kick-Off will be hosted at the Henry B. Gonzalez Convention Center in Room 217. The Pre-Submission Conference is intended for design consultants and sub-consultants that are interested in working on the 2012 Bond Program Projects. Topics covered will include the mass selection of design firm's process; lessons learned from the 2007 Bond Program, utility coordination, and the importance of completing projects on time, of quality nature, and within budget. The City's new portal system prime link will also be discussed along with solicitation project timelines and due dates. She stated that approximately 500 people were expected to attend the Pre-Submission Conference due to extensive advertising.

### **B. NATIONAL CIVIC LEAGUE 2012 ALL AMERICA CITY AWARD**

Mrs. Sculley also reported on the status of the National Civic League's (NLC) competition process for the 2012 All American Finalist Award. The City of San Antonio is a finalist out of 32 cities of which over 120 cities and counties applied for the distinction. The award recipients will be announced July 2, 2012. NLC recognizes ten communities each year for outstanding civic accomplishments. This year's award focuses exclusively on community efforts increasing the number of low-income children reading in the third grade level. NLC is partnering with the campaign for grade level reading, a national coalition of funders, business and community stakeholders united around the importance of mastering reading levels for elementary schoolchildren. San Antonio's Community Solutions Action Plan was submitted by the City on behalf of a coalition that included the City Departments of Human Services, Library, and Municipal Court; along with the United Way, Generation Texas, University of Texas at San Antonio, Avance San Antonio, Family Service Association, The P-16 Council, and other community organizations. The application for the award focused on the collaborative effort of four key areas aimed at improving third grade reading levels. The four key areas are the school readiness through programs like Head Start; our Public Libraries Every Child Ready to Read Program; student attendance through Judge Bull Municipal Truancy Court; and the East Side Promise Parent Engagement Program through the Mayor's Summer Reading Club, the Scholastic Caravan Program, and third grade reading through S.A. Tutors and the early literacy program. City executives were also challenged with taking on and

working with a child over the course of a year to help with reading; thus, we are participating as an organization personally and professionally. The full grade level reading community network will gather June 30, 2012 in Denver for the selection of the 2012 All America City Award.

### **C. AMERICANS FOR THE ARTS CONFERENCE**

Mrs. Sculley reported that the City of San Antonio was selected above other major cities to host the 2012 Americans for the Arts Conference which begins in San Antonio on June 7, 2012. San Antonio has not hosted the conference for 39 years thus, it is exciting to have the conference back in San Antonio. The conference includes national leading non-profit organizations for advancing the arts/education. The conference leads a network of organizations and individual artists to cultivate, promote, sustain, and support the arts in America. The City of San Antonio Office of Cultural Affairs is the official host for the conference held at the Grand Hyatt Hotel over the next three days.

### **Item 19. EXECUTIVE SESSION**

The City Council did not recess for Executive Session or address the following items.

**A. 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).**

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

### **RECESSED**

Mayor Castro recessed the meeting at 10:20 am and announced that the meeting would resume at 2:00 pm for Zoning Items.

### **RECONVENED**

Mayor Castro reconvened the meeting at 2:07 pm and asked for Individual Zoning Items to be pulled from the Consent Zoning Agenda. Zoning Items Z-4, Item 20, P-1, and Z-6 were pulled for Individual Consideration.

### **ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

Item Z-4 was addressed at this time.

**2012-06-07-0417**

Item Z-4. **ZONING CASE # Z2012081 (District 3):** An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District to G Golf Course District on 59.216 acres out of Block 1, NCB 13485 and 42.011 acres out of Block 2, NCB 13486 located at 3600 East Southcross Boulevard

(also known as 4700 Pecan Valley Drive). Staff recommends approval. Zoning Commission recommendation pending the June 5, 2012 public hearing.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 59.216 ACRES OUT OF BLOCK 1, NCB 13485 AND 42.011 ACRES OUT OF BLOCK 2, NCB 13486 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT TO G GOLF COURSE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Mayor Castro called upon the citizens registered to speak.

Cristel Villarreal, Secretary of the Highland Hills Neighborhood Association addressed the Council in opposition of the zoning request. Ms. Villarreal held up a stack of papers which represent a total 2,380 signatures of which 1,080 were collected from Council District 3 residents while the remaining signatures were from other Council Districts. She noted that the signatures were collected before May 26, 2012. She expressed concern that approximately May 26, 2012 zoning letters were received by area residents and included what she called an altered map. Ms. Villarreal added that the altered map had two eastern parcels that do not have a zoning designation while all other parcels on said map have zoning designations. She further commented that without zoning designations on two parcels the map was misleading. She stated that the process was flawed and urged a vote against said zoning request.

John Elder addressed the Council in support of the zoning request. He stated that he has lived in the area for 33 years and was Past President of Highland Park and currently a Member of the Board. He recommended approval of the zoning case.

Tom Shaw, President of the South San Antonio Chamber of Commerce spoke on the spirit of the venture. He stated that the zoning case was very complex which he calls the perfect storm because the issue was highly emotional and painful but necessary. He expressed that resolve was a very powerful word and that finding the right way to move forward was more powerful than the word try. He noted that walking the hard path today will ensure unity rather than division.

Noel White addressed the Council and noted that he lived in Southeast Bexar County. He stated that the events taking place on East Southcross were very upsetting. The Pecan Valley Golf Course had been at the same location for a very long time but as all things time catches up. He stated that the owners have come up with new plans and presented the plans to the community and is willing to invest on the East Side of town which is commendable. He does not understand how a bunch of misinformed people wanted to deny the zoning change.

Charles M. Bartlett with the Pecan Valley Neighborhood Association and stated that he resides to the immediate East of the Golf Course. He spoke of the danger of the floodplain development and stated that his property was on the banks of the Salado Creek which had a bad flood in 1998 and 2002. He explained 500 year floodplain events and flooding that occurred in the mid 1990s to 2002 to present in various Council Districts along the Salado Creek. He stated that the problem associated with the golf plan was that the entire eastern area marked in red on the proposed zoning map would require 15 feet of fill to raise the course out of the floodplain so a recycling center and community center could be built. The site plan calls for the construction of a five acre lake to provide fill soil and the construction of a dam or spillway on the Salado Creek. He noted that any plan to dam the Salado Creek was ill conceived

and dangerous. Lastly, he stated that the golf course should be preserved in its current state as part of urban green space which is part of the SA2020 Program.

Molly Gruenke addressed the Council and noted that there was more to life than making money such as taking pride in the community to make it a better place to live. Pecan Valley is that place in her community and preserving the history of the Salado Creek was equally important. She expressed opposition to building apartments in the area and commented on burglaries in the area. She urged the Council to keep the current Pecan Valley Golf Course.

Former District 3 Councilmember Lynda Billa Burke addressed the Council in favor of the zoning request. She resides on the back side of the Golf Course and stated that her father-in-law built the Golf Course. She stated that the flood had both positive and negative effects in the area. Speaking on the positive; areas were identified that needed improvement and the negative; some damage did take place. She indicated that the zoning case was a great opportunity for the Southside and will support Mayor Castro's SA2020 vision of hike and bike trails. She noted that the recent Bond Projects will take care of flooding issues. Lastly, she compared this zoning case to the Brooks Air Force Base project which was highly contested on both sides; the end result was a thriving community.

Mayor Castro excused himself from the Meeting and Mayor Pro-Tem Chan presided.

Bill Kaufman addressed the Council and stated that he was the previous owner of the Golf Course. The current owner is now his client and has continually lost money with the Golf Course. He noted that it was unfortunate comments have been made about drainage when the zoning case does not deal with draining. He stated that there was no Dam being built and has communicated same to the local neighborhood groups. He thanked Councilmember Ozuna for bringing the zoning case to the table and added that his client agreed to a number of concessions outline by Councilmember Ozuna.

Dan Pedrotti, Jr. President of Foresight Golf addressed the Council and thanked Councilmember Ozuna for her tenacity, intelligence, ability to grasp a very complicated issue and most important, suggesting concessions that were agreeable to both parties. He stated that as a businessman in District 3 he was committed to the future of District 3. He proceeded to show a video clip of the proposed Golf Course to be built. The video showed a nine hole Golf Course named American Lake in Tacoma Washington that was built on Veterans Administration property in 1955. American Lake is the only Golf Course in the Country designated for use by Disabled Veterans. He stated that his goal was to make Pecan Valley Golf Course a place for Disabled Veteran's to play golf in San Antonio.

Mike Coyle, President of Coyle Engineering addressed the Council on the drainage issues that residents have brought forward. He stated that in San Antonio businesses are not allowed in the regulated floodplain unless they can prove the development will have no adverse impact to downstream property. He submitted the most current map of the Salado Creek of which San Antonio Unified Development Code (UDC) mandates the runoff water be mitigated via other on-site or off-site developments. Anything that is built will have to go through the City of San Antonio approval process to ensure compliance with the UDC. He reassured the Council that there were no plans to build a Dam. He noted that there is a lake in the project which is optional and will be a hole in the ground and not part of the Salado Creek. Lastly, he stated that he was the Civil Engineer on the Republic Golf Course built on the Salado Creek which was a dramatic improvement to the creek.

Ken Thomas stated that he was a Licensed Professional Engineer and Registered Public Surveyor in practice for 42 years in Central and South Texas. He stated that he is a member of the Watershed Commission and has been interested in the Golf Course Project since conception. He described the process of developing property within a floodplain. He stated that the development plan must adhere to both State and Federal Regulations and San Antonio established regulations and conform to the UDC. A determination must be made of the jurisdictional limits of the Waters of the United States. If the planned improvements are inside the federal limits, then the owner must obtain a Section 404 Permit that is administered through the Army Corps of Engineers. Said process creates a review by a number of State and Federal Agencies such as the EPA, U.S. Fish and Wildlife, and Texas Parks and Wildlife. Each agency has their own rules and regulations that must be adhered to and the process can take one to several years to get approval and obtain the required Section 404 Permit. He noted that the City cannot move forward on the floodplain development until the Section 404 Permit is issued.

Tommy Adkisson County Commissioner Precinct 4 thanked the Mayor and Council for their service to the City of San Antonio. He stated that the Zoning Commission recommended denial of the Parcel G Zoning that was brought forward two days prior. He noted that San Antonio had the distinction of the only PGA Championship ever played which was on the Pecan Valley Golf Course. He added that the Golf Course was also the Old Goliad Road Passing which was the major North and South corridor until railroads came to town in the mid 1800s. He stated that he was sworn in as County Commissioner in October 1998 during the wake of a historic 500 Year Flood where the water was of Biblical Proportions around the Salado Creek. He described how the water jumped the banks of the Salado Creek and carried a grandmother, mother, and baby to their deaths and the community felt the wrath of Mother Nature. He stated that it was important to note a precedent to rezoning the area to G Zoning classification. Recently with sponsorship of then Councilmember Clamp and Mayor Hardberger; City Council adopted an Ordinance on May 7, 2009 establishing a G Zoning designation for new Golf Courses. The Ordinance was approved with a unanimous vote of the Council. The only objection to the G Zoning classification was owner of Northern Hills Golf Course. He stated that given the unanimity of rezoning Northern Hills Golf Course with Pecan Valley Golf Course makes you wonder how two parts can be treated so differently. Northern Hills was not in a flood zone and was planned for residential development yet it was rezoned to G Zoning classification. He stated that the process was flawed and urged the Council to rezone all of the Pecan Valley Golf Course to G Zoning classification the same as the Northern Hills Golf Course.

Christopher Franklin addressed the Council as a concerned citizen. He stated that he comes from a long line of veterans and supports the military and disabled military housing at Fort Sam. He urged the Council to move forward and vote in favor of the rezoning case.

Shelton Spears stated that he resides next door to what was the 8<sup>th</sup> Fairway of the Pecan Valley Golf Course and had lived there for 39 years. He attended a meeting upon the announcement that the golf course was closing. The topic was rezoning the entire area to G Zoning classification to preserve the golf course and living environment as they have known it for decades. The initiative was never perceived as a property rights issue but rather a method to maintain the quality of life of homeowners and residents of the area. He added that on May 25, 2012 he received a standard letter from Development Services asking residents where they stood either in support or opposition of the zoning change. On May 26, 2012 he received a subsequent letter from Development Services stating that revisions by the Councilmember Ozuna were made. The revised initiative changed the G Zoning classification to only a center strip of land along the Salado Creek and included development of the outer reaches of the golf course. He stated that receiving two conflicting notices confused him as well

as the entire neighborhood and that he still did not understand the changes and could not support the rezoning case.

Carmen Meyer addressed the Council and stated that she was not trying to change anyone's way of life in the neighborhood but noted that changes were evident. She added that she did not want property owners to lose money or have investment problems. She stated that she simply would like to maintain the quality of life as they know it prior to the golf course closing. She stated that the process was flawed and that people feel abandoned due to misinformation.

Patrick Kenny addressed the Council and noted that he contributes to the Wounded Warrior Project which he calls one of the best run operations. As a golfer but not a veteran, he expressed appreciation that the rezoning case will bring together wounded veterans and golf. He felt that the proper civil engineers and the developer were engaged and stated that he supports the rezoning case.

John Pierce addressed the Council and stated that he was a resident of Windcrest and did not have a dog in this fight but was concerned for the residents of Pecan Valley Golf Course. He noted that he has played in the Amateur Golf Club all over the country and described Pecan Valley Golf Course as a jewel highly ranked statewide. He had heard that the previous owners lost money. He stated that Jerry, the previous owner, stated that he received an unsolicited proposal to purchase the golf course which he could not refuse. He stated that the current state of the Pecan Valley Golf Course is that it has dead grass and dilapidated needing repairs.

Chip Puhl addressed the Council and stated that for 50 years Pecan Valley has been a beacon of hope and a destination for golfers all over the world. He noted that it has the potential to attract championship and amateur events. He stated that Pecan Valley was selected by the University Scholastic League to host the 2012 Championships but could not happen if the rezoning case was approved. He noted that San Antonio could secure a bid to host the 2019 or the 2020 NCAA National Golf Amateur Championship that would coincide with the Mayor's 2020 Initiative. He noted that he was a former member of the Junior Championship Committee and Executive Board Member of the Senior Tour Event at the Dominion. He stated that he had a responsibility and a mission to stay current with Pecan Valley Golf Course. Lastly, he stated that he provided a packet of material to each Councilmember on the operation and management of Pecan Valley. He urged the Council to vote against rezoning Pecan Valley and preserve the property as is.

Jesse Garza addressed the Council and noted that he was a long time member of the Pan American Golf Association which has 24 Chapters in 9 States. Over the last 50 years Pan Am hosted many tournaments at Pecan Valley. He stated that San Antonio and South Texas has approximately a quarter million golfers that will no longer be able to play at Pecan Valley Golf Course. He compared Pecan Valley to the Riverwalk and the Zoo and noted that San Antonio treasures must be preserved as an 18 Hole Golf Course.

Liz Trainor addressed the Council and stated that she is President of Highlands Hills Neighborhood Association and a Member of the Coalition to save Pecan Valley Golf Course. She added that they have tried to communicate with Councilmember Leticia Ozuna with little success. She stated that on April 18, 2012, she and a group of people went to Councilmember Ozuna's Field Office to show their resolve for the Golf Course and push for rezoning the entire Golf Course. She added that the crux of the matter was the way the maps were labeled and presented. She stated that the process was flawed from the beginning to the end. She added that the zoning notice indicated only a portion of property was labeled

G Zoning. Lastly, she stated Pecan Valley used to be a beautiful Golf Course and it has awkwardly transformed into an unsightly pasture of grazing land.

Dorothy Moy stated that she has lived in the area for 33 years and that on behalf of the Pecan Valley Association; she is opposed to the G Zoning as represented on the notice received May 26, 2012. She added that from the first map/plan that was presented they were in support of the G Zoning which originally included 187 acres. The acreage has now been reduced and the association no longer supports the rezoning case. She stated that the Golf Course has historic significance as the Battle of the Salado and the Kings Highway to Goliad. Pecan Valley was also known as a PGA Golf Course and a well known sports venue. She added that the Golf Course was prone to flooding which occurred in 1998 and 2012 because it's located on the floodplain. She stated that the golf course needed to be preserved as urban green space. She reiterated that the Pecan Valley Association is against the G Zoning.

Barbara Meza addressed the Council and stated that she purchased her home in 2010 mainly for the quite neighborhood and the backyard view of the Golf Course. If she had known there were plans to develop more apartments and demolish the Golf Course she would never had purchased the home. She asked what future development will bring to the Southeast side of town specifically for this area.

John Hyland, Retired Sergeant United States Navy thanked the Council for listening to both sides. He was wounded in Iraq on September 11, 2007 and lost his left leg below the knee; has a spinal cord injury and loss the use of his right foot. But, through the grace of God he stands today in support of the Zoning Case. He stated that one of the greatest aspects of his physical therapy for the last four years has been golf. Golf gives him the opportunity to use his body in many ways and is great physical and mental exercise. He added that he volunteers for the Disabled Veterans Golf Program and that Foresight has worked with them to have 24 tee times per month. He stated that the rezoning case will allow the disabled community to have an opportunity to play golf and bring disabled Solo Riders onto the course, greens, and bunkers. He added that the Valor Club will also give them an opportunity to talk and play with WWII Veterans. Lastly, he stated that new apartments would be built for disabled veterans and will include disabled Paralympics Venues.

Jonathan Wheeler addressed the Council and stated the he was a combat medic in Iraq and now a disabled veteran of 17 years. He added that he teaches golf and that the Valor Club would allow him to continue his mission of helping other combat veterans. He currently teaches a nine year old girl with one leg how to play golf. He stated that the Valor Club also welcomes disabled children and future generations of people with deformities and spinal cord injuries. He added that he was not from San Antonio originally and would continue his service to the Valor Club.

Teri Bilby stated that she came from a family of veterans and urged the Council to vote in favor of the recommended zoning case.

Don Jones addressed the Council and stated that he is a retired disabled officer and has lived in San Antonio for 25 years. He stated that he supports his disabled colleagues and appreciates the efforts of Councilmember Ozuna in reaching a compromise that will make the Valor Club possible.

Ginger Miller stated that she has lived in San Antonio for 35 years. She added that her Dad retired in San Antonio due to San Antonio embracing the Military and its Veterans. She stated that she was in support of the zoning case and noted that the Valor Club would be an asset to San Antonio.

Kelley Liserio stated that she has lived in San Antonio all of her life. She encouraged the Council to support the Valor Club and noted the opportunity it represents for veterans, wounded warriors, and others with physical challenges.

Terry Boyd addressed the Council and stated that he is a resident of Pecan Valley and a coalition member trying to save Pecan Valley. He stated that the coalition was not trying to deny veterans a place to enjoy sports activities. The coalition was opposed to the G Zoning designation for just one section of property. He noted that the original plan was 182 acres but that has since changed. The coalition is concerned about the growth of apartments and flood control problems that already exist along the Salado Creek. Lastly, he proposed that the owners of the property meet with homeowners and work together to reach an agreement.

Leroy Sisco addressed the Council and stated that he was with a foundation and they have given 182 homes away in the last 14 months. He noted that he would do anything to help our heroes. He added that every Golf Pro that he had talked with; stated that the Valor Club was a great idea and that they would like to come and play with our heroes. He urged the Council to support our heroes.

Mike Hogan, owner of Hogan Real Estate Services addressed the Council and stated that he was asked to come in as a development partner with Forsyte Golf to provide high quality transitional housing to the Valor Club. He stated that the re-use of the current Golf Course made sense to him so he and 13 others partnered to form the Southside Chamber of Commerce. He added that he chaired the first southern sector task for Mayor Henry Cisneros on Target 90 and was first to bring industrial development to the East Side. He stated that if said property is rezoned today; based on the concession, it does not do away with Pecan Valley and guarantees part of the property will remain a Golf Course. He urged the Council to vote unanimous and support the zoning case.

Todd Beebe stated that he has resided in San Antonio since 1972 and supports the zoning case. He added that he is a Vietnam Veteran and a golfer and is familiar with Pecan Valley which he calls his home course. He added that everyone he has spoken to within the golf profession has agreed that the Valor Club is great for San Antonio and urged the Council to support the project.

Senator Leticia Van de Putte submitted written testimony in support of the zoning case.

Patricia Gonzales, Senior Vice President for William C. Velasquez Institute also submitted written testimony in support of the zoning case.

Milton Guess of Guess Enterprises submitted written testimony in support of the zoning case.

Reba Malone resident of Highland Hills submitted written testimony in support of the zoning case.

Dee Sanchez resident of Highland Park submitted written testimony in support of the zoning case.

Ruffin Moore former operator of Pecan Valley Golf Course submitted written testimony in opposition of the zoning case

Trey Stiles former Regional Director of American Golf Corporation submitted written testimony in opposition of the zoning case.

Matt Landreau former Regional Director of American Golf Corporation from 1990-1999, submitted written testimony in opposition of the zoning case.

James E. Roschek President & CEO of Municipal Golf Association San Antonio submitted written testimony in opposition of the zoning case.

Rod Sanchez Director of Development Services explained the process of said zoning case and stated that the City followed the process.

Michael Bernard City Attorney spoke of Northern Hills Golf Course which was a neighborhood that built a golf course with the hopes of selling more homes in contrast to Pecan Valley Golf Course.

Councilmember Soules stated that the Northern Hills Golf Course was located in District 10 which he represents. He added that Pecan Valley Golf Course is much different than Northern Hills. He added that the proponents of the Pecan Valley down zoning are arguing two issues which are preservation and flooding. He stated that City and County Engineers would not allow anything to be built that would cause harm to people downstream. He added that Northern Hills was a Master Planned Golf Community and folks pay more to live on the Fairways and pay higher taxes based on higher property valuations. Northern Hills was built to lure people to buy into the development.

Councilmember Bernal stated that the Council must solve complex issues within legal parameters. He added that a compromise was reached and equal responsibility to all parties involved. He further stated that Councilmember Ozuna has done a remarkable job given how hard and tedious the situation was; she inherited the issue and reached a compromise.

Councilmember Taylor expressed the same sentiment to the position Councilmember Ozuna finds herself in. She added that Councilmember Ozuna worked very hard to reach a compromise and thanked her for a job well done. Councilmember Taylor also thanked the residents that expressed concern and asked them to continue the dialogue to ensure development continues.

Michael Bernard City Attorney stated that he wanted the Council to be clear that they do not have a choice to call it the 18 Hole G Zoning or the 9 Hole G Zoning as the public comments have eluded. He added that the vote will be either For or Against the Item as posted on the Agenda.

Councilmember Ozuna moved to adopt the proposed Ordinance with 101 acres as G zoning with deed restrictions as follows: 1) Delineate and preserve approximately 101 acres of golf, open space, athletic facilities and a public building; 2) Not oppose a City initiated zoning case which would rezone approximately 101 acres G; 3) Dedicate a South Salado Creek Hike & Bike Trail Extension (Trails). A Site Plan will reflect how public access to the Trails will be achieved; 4) Agree to file restrictive covenants in the deed records of Bexar County, Texas, prohibiting certain uses on the property as listed in Exhibit "A" attached to Ordinance Number 2012-06-07-0417. These restrictive covenants shall apply to the entire property regardless of when such is developed; 5) Agree to limit overall density on the property to an average of less than 20 units per acre for 80 acres (current zoning allows for 33 units per acre for over 180 acres); 6) Limit development adjacent to existing single family residences to golf course/open space. Councilmember Williams seconded the motion.

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

## **CONSENT ZONING ITEMS**

Councilmember Soules moved to approve the following Zoning Items: Z-1, Z-2, Z-3, Z-5, Z-7 and Z-8 under Consent Zoning. Councilmember Williams seconded the motion.

Mayor Pro-Tem Chan called upon the individuals registered to speak on the Consent Zoning Items.

Faris Hodge, Jr. submitted written testimony in favor of Items 20, and Z-2 through Z-8.

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, and Soules. **NAY:** None. **ABSENT:** Mayor Castro.

### **2012-06-07-0414**

Item Z-1. **ZONING CASE # Z2012090 (District 1):** An Ordinance amending the Zoning District Boundary from "C-2 RIO-2 AHOD" Commercial River Improvement Overlay Airport Hazard Overlay District to "C-2 IDZ RIO-2 AHOD" Commercial Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District on the east 98.93 feet of the north 66.7 feet of Lot 13, Block 18 (also known as Block 2 and as Block 7), NCB 964 located at 400 Pearl Parkway. 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 EAST 98.93 FEET OF NORTH 66.7 FEET OF LOT 13, BLOCK 18, NCB 964 TO WIT: FROM "C-2 RIO-2 AHOD" COMMERCIAL RIVER IMPROVEMENT OVERLAY 2 AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 IDZ RIO-2 AHOD" INFILL DEVELOPMENT ZONE COMMERCIAL RIVER IMPROVEMENT OVERLAY 2 AIRPORT HAZARD OVERLAY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

### **2012-06-07-0415**

Item Z-2. **ZONING CASE # Z2012083 (District 2):** An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "O-1 IDZ AHOD" Office Infill Development Zone Airport Hazard Overlay District on a 0.14 of an acre out of Lots 19 and 20, Block 4, NCB 487 located at 128 Mason 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: 0.136 OF AN ACRE OUT OF LOTS 19 AND 20, BLOCK 4, NCB 487 TO WIT: FROM "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "O-1 IDZ AHOD" OFFICE INFILL DEVELOPMENT ZONE AIRPORT HAZARD OVERLAY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

**2012-06-07-0416**

Item Z-3. **ZONING CASE # Z2012094 (District 2):** An Ordinance amending the Zoning District Boundary from "MF-33 EP-1 AHOD" Multi-Family Facility Parking/Traffic Control Overlay Airport Hazard Overlay District and "O-2 EP-1 AHOD" High-Rise Office Facility Parking/Traffic Control Overlay Airport Hazard Overlay District to "RM-4 IDZ EP-1 AHOD" Residential Mixed Infill Development Zone Facility Parking/Traffic Control Overlay Airport Hazard Overlay District on 2.379 acres out of NCB 1355, NCB 1354, NCB 1352 and including portions of Hudson and Poinsettia (also known as Nolan) streets located northwest of the intersection of North Walters Street and Eross 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: 2.379 ACRES OUT OF NCB 1355, NCB 1354, NCB 1352 AND INCLUDING PORTIONS OF HUDSON AND POINSETTIA (ALSO KNOWN AS NOLAN) STREETS TO WIT: FROM "MF-33 EP-1 AHOD" MULTI-FAMILY FACILITY PARKING/TRAFFIC CONTROL OVERLAY AIRPORT HAZARD OVERLAY DISTRICT AND "O-2 EP-1 AHOD" HIGH-RISE OFFICE FACILITY PARKING/TRAFFIC CONTROL OVERLAY AIRPORT HAZARD OVERLAY DISTRICT TO "RM-4 IDZ EP-1 AHOD" RESIDENTIAL MIXED INFILL DEVELOPMENT ZONE FACILITY PARKING/TRAFFIC CONTROL OVERLAY AIRPORT HAZARD OVERLAY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

**2012-06-07-0418**

Item Z-5. **ZONING CASE # Z2012091 (District 3):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on the south 377.83 feet of Lot 8, Block 7, NCB 9572 located at 107 through 133 Goliad 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: THE SOUTH 377.83 FEET OF LOT 8, BLOCK 7, NCB 9572 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

**2012-06-07-0419**

Item Z-7. **ZONING CASE # Z2012099 (District 9):** An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on the north 294.82 feet of the west 72.6 feet of Lot 21, NCB 11887 located at 155 West Sunset 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: THE WEST 72.6 FEET OF LOT 21, NCB 11887 TO WIT: FROM "R-5 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

**2012-06-07-0420**

Item Z-8. **ZONING CASE # Z2012098 (District 9):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lot 65, Block 7, NCB 11971 located at 10100 Reunion Place. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 65, BLOCK 7, NCB 11971 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

**[CONSENT ZONING CONCLUDED]**

**ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

Item 20 was addressed at this time.

**2012-06-07-0016R**

Item 20. A RESOLUTION TO INITIATE AN AMENDMENT TO THE NOGALITOS/SOUTH ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY; AND A CHANGE IN THE ZONING DISTRICT BOUNDARY FOR 7.662 ACRES OUT OF LOTS 13, 14, 15, 16, 21, 22, 23 AND 24, BLOCK 108, NCB 7973; LOTS 1, 2 AND 3, BLOCK 1, NCB 13372 AND PORTIONS OF LENARD AND ELLA STREET; LOCATED AT 1201 LENARD (ALSO KNOWN AS 1406 FITCH), 419, 323, 319, 311, 307 AND 303 BERLIN AVENUE, AND PORTIONS OF LENARD AND ELLA STREET, AS REQUESTED BY COUNCILMAN SALDAÑA DISTRICT 4.

Councilmember Saldaña moved to approve the Resolution with fee waivers. Councilmember Williams seconded the motion.

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

Mayor Pro-Tem Chan addressed Items P-1 and Z-6 jointly.

**CONTINUED**

Item P-1. **PLAN AMENDMENT #11060 (District 5):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NOGALITOS/SOUTH ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE

USE OF 1.1524 ACRES OF LAND OUT OF NCB 7895, LOCATED AT 718 AND 722 STONEWALL AVENUE, 1022 COMMERCIAL AVENUE, AND S IH 35 TX, FROM LOW DENSITY RESIDENTIAL LAND USE AND NEIGHBORHOOD COMMERCIAL LAND USE TO REGIONAL COMMERCIAL LAND USE. (ASSOCIATED ZONING CASE: #Z2011193) (CONTINUED FROM MAY 17, 2012)

**CONTINUED**

Item Z-6. **ZONING CASE # Z2011193 (District 5):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-1 AHOD" Light Commercial Airport Hazard Overlay District to "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District on 1.132 acres out of Lots 54, 55, 56, 97 and Tract 55, NCB 7895 located at 1022 Commercial Avenue, 718 and 722 Stonewall. Staff and Zoning Commission recommend denial. (Continued from May 17, 2012)

Mayor Pro-Tem Chan called upon the citizens registered to speak:

Doug Vair Vice President of the Coalition stated that the Coalition formed in 2004 to work with the Planning Commission to create a Community Plan. The Coalition represents 19,000 homeowners, businesses, and neighborhood associations. He stated that the intent of the plan was to restrict car lots and payday loan businesses. He added that the rezoning request was out of compliance with the Coalition's plan and stakeholders oppose the rezoning case. He respectfully requested that the rezoning case be denied.

Maria Cruz addressed the Council and stated that she opposes the request because of the car lot. She added that the neighborhood does not need another car lot and stated that she supports any other type of business opening except the car lot.

Consuelo Perez addressed the Council and stated that she opposes the request because the area already has 24 car lots. She added that car lots are an eyesore and eventually become abandoned. She stated that the property was only 175 feet by 190 feet wide and there is no way they can have 15 employees and 75 cars parked on the lot. Lastly, she added the car alarms will be a nuisance and the neighborhood dogs will bark non-stop at the traffic.

Catalina Gloria Galvan addressed the Council and stated she resides adjacent to said property. She added that she collected 300 signatures from residents that oppose the rezoning. She stated that area residents are against the used car lot encroaching on residential property. The Zoning Commissioners recommended denial in 2007 and again February 2012. Both times they deemed this type of businesses inappropriate for the area. Lastly, she stated that the traffic was a potential hazard for the school down the street as well as area residences.

Councilmember D. Medina moved to continue both Items P-1 and Z-6 for two weeks. Councilmember Lopez seconded the motion.

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

**ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 4:35 pm.

**APPROVED**



**JULIÁN CASTRO  
MAYOR**

Attest:



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