

**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, OCTOBER 3, 2012, AND THURSDAY, OCTOBER 4, 2012, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **October 3, 2012**, Municipal Plaza Building, with the following Councilmembers present: Bernal, Taylor, Ozuna, Saldaña, D. Medina, Lopez, C. Medina, Williams, Chan, Soules, and Mayor Castro. **ABSENT:** None.

1. A BRIEFING BY THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT ON A PROPOSED UPDATED ANNEXATION POLICY.

John Dugan outlined the benefits of an Annexation Policy noting that it would facilitate proactive planning for future orderly growth and development. He presented an Extraterritorial Jurisdiction (ETJ) Map and stated that strategies for annexation would include the promotion of economic growth and facilitation of long-range planning. He outlined the Policy Categories: 1) Projected Growth; 2) Ability to provide Municipal Services; 3) Need to protect Public Health, Safety, and Welfare; 4) Intergovernmental Relations Strategies to protect current and future interests; 5) Fiscal impact of Annexing and not Annexing; and 6) Non-Annexation Agreement Conditions.

Mr. Dugan reported that projected growth included a planned regional growth center, anticipated development; and undeveloped land. He stated that they would review the annexation of areas that benefit from a level of service calibrated for a suburban versus rural area. He added that services to existing areas should not be adversely affected and may allow for more efficient future services. He noted that building codes, land use and zoning regulations would be enforced and that development regulations would be extended to protect environmentally sensitive areas.

Mr. Dugan stated that Intergovernmental Strategies would include protecting the ability to expand and opposing new political bodies that may negatively impact the city. He highlighted factors for the release of ETJ or corporate limits: 1) Equal exchange; 2) Adequate land use control in the released area; 3) Help clarify service delivery boundaries; 4) No negative fiscal impact; and 5) Cumulative effect of individual releases. He indicated that a Fiscal Impact Analysis would be conducted for all proposed annexation and that they would annex to capture revenue from the growing population surrounding the city. He explained that Non-Annexation Agreements must be offered on land with Agricultural Exemptions and should be listed in the Annexation Program.

Mr. Dugan presented the following New Proposed Evaluation Categories: Level of Development; Intergovernmental Relations; and Non-Annexation Agreement Conditions. He stated that categories carried forward from the current policy are: Ability to Provide Municipal Services; Protection of Public Health, Safety and Welfare; and Fiscal Conditions. He noted that the Annexation Program should identify areas where the city may choose to initiate annexation proceedings. He stated that it should be projected for a 10-Year Period and estimate the proposed year for each annexation. He added that inclusion would not obligate the city to annex and that exclusion would not prohibit an area from being annexed.

Mr. Dugan stated that preparation of the Annexation Program would be a multi-department approach. He outlined each of the steps that include collecting and analyzing data, drafting an Annexation Program, and following the public process. He noted that property owners in the city and ETJ would be involved in the creation of an Annexation Program and that public comment would be sought for annual updates. He indicated that there were three types of Annexation Plans: 1) Full Purpose; 2) Limited Purpose; and 3) General Provision. He explained that Full Purpose Annexation provides full city services, extends all regulations and requires a three-year Municipal Annexation Plan. He stated that Limited Purpose Annexation extends some city regulations but no city services are provided. He noted that it requires a Planning Study and Regulatory Plan and includes proposed areas planned for future Full Purpose Annexation. He stated that a Comprehensive Plan outlines growth scenarios that can be implemented through Annexation and provides context for creating an Annexation Program. Additionally, it articulates where municipal services may be needed to meet future needs. He recommended that the Annexation Policy Document be presented to the City Council for adoption and that a 10-Year Annexation Program be developed in FY 2013.

Mayor Castro thanked staff for the presentation and asked of the evaluation of the criteria for annexation of an area. Mr. Dugan replied that it was important to identify where people would live and work and should be based on infrastructure and transportation. He noted that the current policy indicates that growth should occur within existing boundaries of the city and that studies would identify where in the ETJ new development should occur. He added that other items to consider include environmental criteria, capacity of land, and adjacent communities. Mayor Castro spoke of the annexation of areas being commercially developed without being overly burdened in providing services. He noted that it was important for individuals to be aware that annexation may occur in the future.

Councilmember Saldaña spoke of the potential annexations on the Southwest Side of the City. Mr. Dugan stated that it was his experience that annexation should occur in anticipation of growth. Councilmember Saldaña asked of the three-year mandatory delay. Mr. Dugan replied that the three-year time period gave both sides the opportunity to negotiate and work through any issues. He noted that voluntary annexation did not require a three-year waiting period.

Councilmember Williams stated that the city had Planning Authority in the ETJ and mentioned that the City's Tree Ordinance is enforced in the ETJ. He stated that he did not want to lose the right to plan in the ETJ if the city did not have an Annexation Plan. Mr. Dugan stated that every city in Texas had ETJ Authority and nobody wanted to lose that authority. Councilmember Williams asked of Agriculture Exemptions. Mr. Dugan replied that State Law authorized properties used for Agriculture Use to be exempt from Annexation. Councilmember Williams spoke of the need for complementary and not competing service delivery and stated that options should be reviewed including potentially contracting for services. He asked of City South. City Manager Sculley replied that a B Session would be held to discuss the analysis conducted of City South. Councilmember Williams spoke of the importance of identifying a different service delivery model for Fire/EMS in order to move forward with annexation.

Councilmember Chan asked how public input would be incorporated. Mr. Dugan replied that city staff would identify priority areas within the first three or four months into the process and provide to the

Executive Team and City Council. Thereafter; they would present the recommendations to the public for their input.

Councilmember Soules stated that there was a great number of annexation criteria and asked if there was a scorecard. Mr. Dugan replied that having a scorecard was an option but currently; one criteria was not weighted more than another. He stated that staff would provide their best assessment and clearly spell out the criteria utilized. He noted that they hoped to have the assessment completed within four to five months. Councilmember Soules asked if the recommendations would be phased in over the 10-year period. Mr. Dugan replied that it was the plan to phase-in recommendations and added that having a plan would not commit the city to move forward. Councilmember Soules requested a briefing on the surrounding cities and their growth plans. Mr. Dugan replied that he would provide a briefing and reported that Converse, Elmendorf, Somerset, and Fair Oaks Ranch all wanted ETJ Releases while the community of Sandy Oaks would like to incorporate.

Councilmember Lopez asked of Level of Service Analysis that would be conducted. Mr. Dugan replied that an area to be annexed cannot have less service than what is already offered in the city. Councilmember Lopez asked if Police and Fire Services were provided in the County. Ms. Sculley replied that only annexed areas could receive those services. Councilmember Lopez asked if there were areas within the County that should be studied in which services could be provided without annexing. He referenced Government Canyon and a nearby area susceptible to flooding that was not controlled by the city. He also noted concerns with the headwaters which he believed were a major issue. He asked if the city had received any non-annexation requests. Mr. Dugan replied that they had not received any non-annexation requests.

2. A BRIEFING BY THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT ON THE COMPREHENSIVE PLAN BEST PRACTICES.

John Dugan stated that the purpose of creating a Comprehensive Plan was to update 1997 Master Plan Policies and help implement the goals of SA2020. He noted that it would also articulate the form of future physical growth and guide strategic decision making for annexation and transportation planning. He indicated that the Comprehensive Plan would complement SA2020 through promoting active living through walkable neighborhoods and complete streets to encourage biking and walking. He added that it would connect new employment centers to housing locations to decrease work commute times and overall vehicle miles traveled.

Mr. Dugan mentioned that World Class Cities provide high quality of life and urban design, as well as attract people to visit. He outlined strategies in which the plan would ensure that transportation plans support land use and that noted that coordination would occur with the military. He spoke of the legal basis for Comprehensive Plans in Texas, noting that a municipality may adopt a Comprehensive Plan for its long-range development. He provided a comparison of adopted plans in other cities including Austin, Fort Worth, El Paso and Dallas. He highlighted common elements of the Comprehensive Plans to include: Housing, Transportation, Community Facilities, Economic Development, and Historic Preservation. He mentioned that Garland, San Marcos, Waco and Denton were other cities in Texas in the process of implementing Comprehensive Plans.

Mr. Dugan outlined Best Practices that incorporate a Community Design Manual, Annexation Program, Fiscal Sustainability, and Frequent Updating of Plans. He reported that the First Master Plan

was adopted in San Antonio in 1933 and updated in 1951, 1980, and 1997. He mentioned that the city had overarching policy documents and highlighted Functional Plans such as the Major Thoroughfare Plan and Historic Preservation Plan. He noted that General Plans include the North Sector Plan and the West/Southwest Sector Plans and that Specific Plans include the River North Neighborhood Plan. He spoke of the evaluation of current plans noting that there was limited coordination among plans. He stated that there were inconsistent growth assumptions and no implementation strategy to achieve overall policy goals.

Mr. Dugan highlighted key elements of a Proposed Comprehensive Plan such as Existing Conditions, Trend Indicators, Preferred Growth Scenario, and Annexation Policies. He outlined beneficial outcomes in which new growth would occur within all sectors of the city and market demand for future services would be determined. He stated that an emphasis would be made on Multi-Departmental and City Partner Cooperation and that they would coordinate Growth Scenario Planning with the Metropolitan Planning Organization 2040 Plan.

Councilmember Taylor asked how long it would take to develop the Comprehensive Plan. Mr. Dugan replied that it would be based on resources but estimated a two-year time frame. He spoke of the great amount of work already accomplished through SA2020 that provided a good framework. Councilmember Taylor noted the importance of having involvement from institutional stakeholders and creating a relevant plan that could be used for decision making. She stated that it was important to be strategic since there was not enough money to address all of the needs in the city. She added that performance measures should be identified throughout the process to ensure success.

Councilmember C. Medina stated that it was important to keep in mind that Commands change within military institutions and asked how coordination would occur. Mr. Dugan replied that all of the military institutions would be engaged and noted that he had toured all of the military bases in the city. He recommended a joint, all-base assessment of how the various institutions interrelate with each other and with the city.

Councilmember Soules stated that he was pleased with the comprehensive review that would occur and the need to plan for the future.

Councilmember Chan stated that it was important to involve the members of the Planning Commission in the process. She asked of the changes that would be made to the Unified Development Code (UDC). Mr. Dugan replied that zoning was key to implementing a plan and that zoning districts must be designed to implement planning ideas.

Councilmember Bernal asked of the incorporation of new ideas into the Comprehensive Plan. Mr. Dugan replied that some states have laws in which the plan can only be revised a specific number of times per year. Councilmember Bernal asked of collaboration and input from private entities referencing the example of Santa Rosa Hospital not providing adult care in the Downtown Area. Mr. Dugan stated that it was the decision of the City Council to determine the policies and noted that health would be a key component of the plan.

Mayor Pro Tem Saldaña thanked staff for the presentation.

EXECUTIVE SESSION

- A. 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).**
- B. DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.072 (REAL PROPERTY) AND 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Pro Tem Saldaña announced that an Executive Session would not be held. He recessed the meeting at 4:10 pm and stated that the meeting would resume at 5:15 pm for Ceremonials.

CEREMONIALS

Mayor Pro Tem Saldaña reconvened the meeting at 5:20 pm and addressed the Ceremonial Items.

Mayor Pro Tem Saldaña presented a Citation for the 95 Lion's Futball Club who won 1st Place at the 2012 Keele International Cup in Staffordshire, England. It was noted that over 250 teams from more than 20 nations competed in the tournament. The 95 Lions consist of junior and senior grade boys, and is the first Lions Boy's Team to receive a 1st Place standing in the history of the organization.

Mayor Pro Tem Saldaña presented a Proclamation to the Office of the City Clerk in recognition of National Archives Month that will be celebrated during the month of October 2012. It was mentioned that various dates will be utilized for an Open House at the Municipal Archives & Records Facility to showcase a myriad of San Antonio's Historical Treasures. It was also noted that staff will be on hand to provide training on how to search and access documents from the Office of the City Clerk Website and answer questions on the history and preservation of the Official City Documents.

Mayor Pro Tem Saldaña presented a Proclamation to the Air Force Cyber Command who will observe National CyberSecurity Awareness Month during the month of October 2012. It was noted that this year's theme is "Our Shared Responsibility." It was further noted that the primary goal of the observance is to bring awareness to what home users, schools, businesses and governments can do to make their online lives safe and secure.

Mayor Pro Tem Saldaña recessed the meeting at 5:40 pm and announced that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Pro Tem Saldaña reconvened the meeting at 6:00 pm and called upon the individuals registered to speak.

Nazirite Ruben Flores Perez stated that the time was coming when he would be taking over. He expressed concern with the mosquitoes at Our Lady of the Lake University. He referenced Revelations

Chapter 12 Verse 3 and Revelations Chapter 14 in The Bible and spoke of the seven-headed dragon. He invited everyone to attend a meeting that would be held at JFK High School.

Mark Perez spoke of environmental concerns and noted that the Environmental Protection Agency was cracking down on the City of San Antonio due to the high pollutants. He stated that laws were being broken and highlighted the Stinson Overlay District. He noted his concerns with NuStar Energy and mentioned that staff from various city departments had not responded to his requests.

Gizelle Luevano, Stablewood Homeowner stated that the City Council had passed an ordinance to protect consumers regarding Payday Loan Agencies and asked why City Council would not help them as homeowners. She spoke of the issues with her home and noted that D R Horton had built faulty homes in Cibolo. She expressed concern that she had not been able to schedule a meeting with Mayor Castro or City Manager Sculley.

Gilbert Luevano, Stablewood Homeowner spoke of the physical, medical and mental health issues they are enduring due to the faulty homes built by D R Horton. He expressed concern that D R Horton had not disclosed that the homes were built over a former sewer plant.

Esmeralda Perez, Stablewood Homeowner stated that she had been proud to purchase her home but now was concerned with the health issues that she and her children suffered from. She showed photos of the cracks and foundation issues with her home. She asked the City Council to hold D R Horton accountable.

Genevieve Perez, Stablewood Homeowner stated that her home smelled like toxic waste and asked the City Council for their assistance.

Pedro Diaz, Stablewood Homeowner stated that he was not aware that the home was built over a former sewer plant. He noted that his granddaughter used to live with him but could no longer live there due to health issues.

Felix Perez, Stablewood Homeowner, requested that the City Council assist them to have D R Horton buy the homes back. He stated that they worked hard for their homes.

Janet Ahmad asked the City Council to listen to the Stablewood Homeowners and help them resolve their issues. She expressed concern that the developers are stealing from the homeowners by selling faulty products and noted that they have been waiting for a long time to meet with the City Manager. She added that the City Council is elected and should address constituent issues and asked for their assistance.

Paula Arias showed a photo of her daughter Allyson and spoke of the unfair treatment that she and her daughter had received at the Texas Department of Health and Human Services. She noted that her daughter suffered from a rare disease and expressed concern that Allyson could not receive assistance from Medicaid noting that treating her condition was very expensive.

Heriberto Barrientes expressed concern with the process in requesting a second meter on his property which he had been working on for over 20 years. He stated that he was 62 years old and had a clean record. He noted that it had taken him 22 years to get his second meter approved by the city but CPS

Energy was not providing him service. He mentioned that he had lost rental revenue for the 22 years that the City had not approved his permit and was considering legal retribution.

Will McLeod spoke in opposition to the Pre-K 4 SA Initiative noting that he did not believe that he should bear the burden. He stated that although Mayor Castro had received 80% of the vote in the last election, he only received 37,000 votes. He expressed concern with the new Administrative Hearing Officers within the Municipal Court Department that were on the City Council Agenda for October 5th and asked of their salaries.

Pastor Gerald Ripley stated that a color needed to be elected and spoke of the color red that was bright and cheery. He noted that it would not be fair to only vote on the color red since there were other colors. He stated that the push to put the Pre-K 4 SA Initiative on the ballot in November was like electing the color red. He noted that citizens would make the best decision when they had all sides presented.

Faris Hodge, Jr. submitted written testimony recognizing Southwest Airlines for relocating and expanding their Customer Support and Services Facility in San Antonio. He referenced Passport Day that would be hosted by the Office of the City Clerk on November 3, 2012. He expressed concern with the San Antonio Police Contract that he did not believe was fair to other city employees. He submitted an article entitled "Junk food in our schools harms military readiness" published in the Express News and a poem written by Mother Theresa. He wrote that the city needed two more Council Districts and thanked Councilmember C. Medina for contributing \$1,000 to the MLK Scholarship Fund. He wrote of the \$5.4 million grant that St. Philip's College would be receiving from the US Department of Education. He requested that the city hire a Wildlife Biologist to address pigeons in the Downtown Area and that the Alamodome be named after him.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:47 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **October 4, 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 Father Francis McHugh, Pastor, St. Pius X Catholic Church, 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 C. Medina moved to approve the Minutes for the August 28, 2012 City Council Budget Worksession and the August 29-30, 2012 Regular City Council Meetings. 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.

CONSENT AGENDA ITEMS 4-17

Consent Agenda Items 4, 11, 12, and 13C were pulled for Individual Consideration.

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

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

Nazirite Ruben Flores Perez stated that he was supportive of the District 4 Health Fair (Item 9). He noted that he would keep an eye on the Health Department and referenced the appointment of Dr. Schlenker as the Health Authority for the City of San Antonio (Item 17). He invited everyone to attend a meeting that would be held at JFK High School.

Nikki Kuhns spoke in opposition to the appointment of Dr. Schlenker as the Health Authority for the City of San Antonio (Item 17). She stated that she had met with Dr. Schlenker several times and he had avoided questions and concealed information. She noted that she was an advocate for safe drinking water and opposed to adding any carcinogens to the water supply.

Jack M. Finger expressed opposition to the ratification of the expenditure of \$15,000 in City Council Project Funds used for the District 4 Back to School Fair (Item 9). He spoke against the appointment of Dr. Schlenker as the Health Authority for the City of San Antonio (Item 17) and noted that 51% of children still have cavities.

Will McLeod spoke in opposition to the \$15,000 spent on the District 4 Back to School Fair (Item 9) noting that he did not believe that free haircuts and backpacks should be provided to the community. He stated that he was against the hiring of Administrative Hearing Officers for Municipal Court (Item 12) and believed that more city positions were going to be eliminated not added. He asked how much it would cost to hire the Administrative Hearing Officers.

Faris Hodge, Jr. submitted written testimony in opposition to Items 4, and 12-14. He wrote in favor of Items 7, 8, and 9.

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.

2012-10-04-0773

Item 5. AN ORDINANCE AUTHORIZING THE SAN ANTONIO WATER SYSTEM TO TRANSFER THE USE, BENEFIT, AND CONTROL TO THE CITY OF SAN ANTONIO OF A VACANT PARCEL CONSISTING OF 0.3724 OF AN ACRE OUT OF NCB 11166, AS A SITE FOR A FUTURE PUBLIC RIGHT-OF-WAY TO SERVE MISSION DEL LAGO, LOCATED WITHIN CITY SOUTH AND COUNCIL DISTRICT 3.

2012-10-04-0774

Item 6. AN ORDINANCE AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE TO 131,986.80 SQUARE FEET (3.03 ACRES) OF PRIVATELY-OWNED REAL PROPERTY LOCATED IN NCB 18081 IN COUNCIL DISTRICT 6, FOR A STREET RECONSTRUCTION PROJECT BETWEEN MEADOW LAWN AND MABE ROAD, A 2008 CERTIFICATES OF OBLIGATION FUNDED PROJECT; AND, DECLARING IT TO BE A PUBLIC PROJECT AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$100,000.00 PAYABLE TO THE SELECTED TITLE COMPANY FOR LAND AND ASSOCIATED TITLE FEES.

2012-10-04-0775

Item 7. AN ORDINANCE DECLARING AS SURPLUS 8.67 ACRES OF VACANT CITY-OWNED PROPERTY KNOWN AS 851 ACME ROAD LOCATED WITHIN THE SOUTHWEST BUSINESS AND TECHNOLOGY PARK WITHIN NCB 13940 IN COUNCIL DISTRICT 6 AND AUTHORIZING ITS SALE TO MILCON CONSTRUCTION, LLC FOR \$345,672.36.

2012-10-04-0776

Item 8. AN ORDINANCE AUTHORIZING A TEMPORARY CONSTRUCTION EASEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE BROOKS DEVELOPMENT AUTHORITY (BDA) FOR THE USE OF BDA PROPERTY (NCB 10879 AND NCB 10921) ON LYSTER ROAD, BETWEEN AVIATION LANDING AND S. NEW BRAUNFELS AVENUE ALONG CHENNAULT PATH FOR THE CONSTRUCTION OF A TEMPORARY ROADWAY LOCATED IN DISTRICT 3.

2012-10-04-0777

Item 9. AN ORDINANCE RATIFYING EXPENDITURES UP TO \$15,000.00 IN CITY COUNCIL PROJECT FUNDS IN SUPPORT OF THE DISTRICT 4 BACK TO SCHOOL HEALTH FAIR.

2012-10-04-0778

Item 10. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$44,719,640.00 WHICH INCLUDES \$4,812,202.00 IN FEDERAL MATCHING GRANT FUNDS; AUTHORIZING AN AGREEMENT WITH WORKFORCE SOLUTIONS ALAMO FOR THE FY 2013 CHILD CARE SERVICES PROGRAM; AUTHORIZING A PERSONNEL COMPLEMENT OF 57 POSITIONS; AND AUTHORIZING A DELEGATE AGENCY CONTRACT WITH ALAMO AREA DEVELOPMENT CORPORATION IN THE AMOUNT OF UP TO \$574,452.00 TO SERVE 11 RURAL COUNTIES IN THE ALAMO WORKFORCE DEVELOPMENT AREA.

Item 13. 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 ALEXANDRIA MORENO (DISTRICT 1), CYNTHIA M. ALMANZA (DISTRICT 2), AND ERICA M. LANG (DISTRICT 2) TO THE SAN ANTONIO YOUTH COMMISSION.

- B. APPOINTING CHARLOTTE BROUSSARD (DISTRICT 2, CATEGORY: CONSUMER OF HANDICAPPED SERVICES) TO THE DISABILITY ACCESS ADVISORY COMMISSION.

- D. APPOINTING INIGO ARZAC (MAYORAL, CATEGORY: FINANCIAL) AND MARGARET W. ANAGLIA (DISTRICT 2, CATEGORY: REAL ESTATE) TO THE BROOKS DEVELOPMENT AUTHORITY.

- E. APPOINTING DIRK ELMENDORF (MAYORAL) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE AUGUST 13, 2013 AND REAPPOINTING ASHLEY HIXON (MAYORAL) AND PAUL FOSTER (MAYORAL) FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE AUGUST 13, 2016 TO THE HEMISFAIR PARK AREA REDEVELOPMENT CORPORATION.

2012-10-04-0781

Item 14. AN ORDINANCE AUTHORIZING A CONTRACT WITH CTR SYSTEMS PARKING, INC. IN THE AMOUNT OF \$3,764,273.00 TO PROVIDE A PARKING REVENUE CONTROL SYSTEM FOR THE SAN ANTONIO INTERNATIONAL AIRPORT.

2012-10-04-0782

Item 15. AN ORDINANCE AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES CUSTOMS AND BORDER PROTECTION AND THE CITY OF SAN ANTONIO AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

2012-10-04-0783

Item 16. AN ORDINANCE AUTHORIZING THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT UP TO \$686,500.00 WITH SAP PUBLIC SERVICES, INC. TO DEPLOY SAP'S PERSONNEL EXPENDITURE PLANNING MODULE TO ENHANCE THE CITY'S ANNUAL BUDGET PREPARATION PROCESS.

2012-10-04-0784

Item 17. AN ORDINANCE AUTHORIZING THE APPOINTMENT OF THOMAS L. SCHLENKER, M.D., M.P.H., DIRECTOR OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT, AS HEALTH AUTHORITY FOR THE CITY OF SAN ANTONIO AND SUBMISSION OF SUCH APPOINTMENT TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES, AND AUTHORIZING AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY AND LOCAL MUNICIPALITIES TO DESIGNATE DR. SCHLENKER, AS THEIR HEALTH AUTHORITY.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 4:

2012-10-04-0772

Item 4. AN ORDINANCE ACCEPTING THE BIDS FROM PHILPOTT MOTORS, GUNN CHEVROLET, GRAPEVINE DODGE CHRYSLER JEEP, GRANDE TRUCK CENTER AND CALDWELL COUNTRY FORD TO PROVIDE THE CITY OF SAN ANTONIO WITH 77 VARIOUS LIGHT DUTY TRUCKS AND VANS FOR A TOTAL COST OF \$2,090,586.93; FUNDED WITH THE FY 2012 EQUIPMENT RENEWAL AND REPLACEMENT FUND, FY 2012 PUBLIC WORKS STORM WATER OPERATIONS FUND, FY 2012 SOLID WASTE MANAGEMENT OPERATING FUND AND FY 2012 AVIATION OPERATION AND MAINTENANCE FUND.

Councilmember Williams asked of the status of the Fleet Management Study and if the city had the right number of vehicles. Jorge Perez replied that the new Assistant Director for the Building and Equipment Services Department was tasked with the assignment and stated that staff was working with individual city departments to determine their needs.

Councilmember Chan asked of the impact of delaying the vote on said item. Mr. Perez stated that some of the items being purchased were new equipment for Development Services and Aviation and that the impact would be to the vehicles that would need additional maintenance if not replaced. Councilmember Chan asked of a timeline for the Fleet Management Study. Mr. Perez replied that he estimated having a report within the next six months. Ben Gorzell added that they would provide an update through the Mid-Year Budget Report.

Councilmember Soules asked of the urgency in purchasing the vehicles. Mr. Perez replied that all of the vehicles would not be purchased immediately and that it was critical to purchase the new vehicles for the Development Services and Aviation Departments. Mr. Gorzell added that they recommended moving forward with the purchase and then could adjust the fleet size once the report was completed. Councilmember Soules requested a 90-day update on the Fleet Management Study.

Councilmember Lopez asked of the number of vehicles purchased per year and the amount spent per year. Mr. Perez replied that in FY 2010, the city purchased 102 light duty vehicles at a cost of \$2.1 million. In FY 2011, 91 light duty vehicles were purchased at a cost of \$2.8 million. He added that approximately \$40 million was spent on an annual basis for vehicles and equipment for all city departments.

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

The City Clerk read the caption for Item 11:

2012-10-04-0779

Item 11. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO KABOOM! AND THE ACCEPTANCE UPON AWARD OF A NEW PLAYScape, AT AN ESTIMATED VALUE OF \$100,000.00, FOR STINSON PARK LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ozuna stated that she had participated in one of the planning sessions for the playscape that would serve multiple generations of families in District 3. She noted that she was pleased with the key partnerships that made parks successful. Xavier Urrutia added that the city was partnering with Five Diamonds and have been very successful in leveraging city funds. He noted that Kaboom worked with the community and utilized volunteers to build the playscapes.

Mayor Castro stated that he had the opportunity to attend several Kaboom Events and was pleased with the community participation to build the playscapes.

Councilmember Ozuna 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 caption for Item 12:

2012-10-04-0780

Item 12. AN ORDINANCE AMENDING CHAPTER 20 OF THE CITY CODE OF SAN ANTONIO, ESTABLISHING ADMINISTRATIVE ADJUDICATION HEARING PROCEDURES FOR CERTAIN CITY ORDINANCE VIOLATIONS; ESTABLISHING A PENALTY RANGE NOT TO EXCEED \$1,000.00 PER DAY FOR CERTAIN VIOLATIONS; PROVIDING FOR ADMINISTRATIVE HEARING OFFICERS TO CONDUCT AND IMPOSE PENALTIES FOR PARKING AND SPECIFIC CITY ORDINANCE VIOLATIONS AT MUNICIPAL COURT; AND DIRECTING THE CITY CLERK TO PUBLISH NOTICE.

Councilmember Chan requested a detailed presentation on said item. Judge John Bull stated that they had worked closely with the City Attorney's Office and Code Compliance to create an Administrative Hearing Process. He indicated that this was a trend that many courts are moving toward and was a civil process as opposed to a criminal process. He explained that City Code Enforcement Inspectors would identify and cite Code Violations and violators would have a court date within 10-14 days. An Administrative Hearing Officer would serve under the direction of the Presiding Judge of Municipal

Court and would determine if a Code Violation occurred. He mentioned that they may assess a penalty of not more than \$1,000 per violation with a minimum penalty of \$20 for the first violation; \$250 for a second violation; and \$500 for a third and subsequent violations. He added that a process would be identified to assist indigent violators who are unable to rehabilitate their properties and that \$20 of each penalty assessed would be utilized to fund same. Councilmember Chan thanked the departments that worked on said item and stated she was pleased that the Code Violation Process would be streamlined. She asked if the issue of abandoned signs could be addressed by the Administrative Hearing Officer. Michael Bernard replied that under Chapter 54, the Administrative Hearing Officer could hear any case regarding the condition, use or appearance of property which would include abandoned signs. Rod Sanchez stated that they would like to pilot the program for three months with trash, debris, and illegal dumping and then potentially take larger issues to the Building Standards Board. Councilmember Chan confirmed that the funds for hiring the Administrative Hearing Officer were included in the budget. Judge Bull confirmed same. Councilmember Chan commended Councilmember D. Medina for his leadership on the Public Safety Council Committee for said item.

Councilmember D. Medina stated he was pleased with the collaborative efforts that would expedite the process and improve the quality of life for the citizens. He asked of the increase in the number of cases that would be heard using the new process. Judge Bull replied that they would hear 5,000-15,000 more cases.

Councilmember Soules thanked Development Services, Municipal Court, and the City Attorney's Office for their coordinated efforts and commended the work of the Public Safety and Quality of Life City Council Committees.

Mayor Castro also thanked the various departments that coordinated said effort and commended the Public Safety Committee for their work. He spoke of the importance of addressing Code Violations.

Councilmember Soules 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 13C:

Item 13. 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:

C. APPOINTING ZACHARY HARRIS (AT-LARGE) TO THE PLANNING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 6, 2013 AND APPOINTING KEVIN W. LOVE (AT-LARGE) AND GEORGE W. PECK (AT-LARGE) AND REAPPOINTING LYNDA BILLA-BURKE (AT-LARGE), ANDREA R. RODRIGUEZ (AT-LARGE), AND ROBERTO R. RODRIGUEZ (AT-LARGE) TO THE

PLANNING COMMISSION FOR TERMS OF OFFICE TO COMMENCE OCTOBER 13, 2012 AND TO EXPIRE ON OCTOBER 12, 2014.

Councilmember Williams stated that the Infrastructure and Growth Council Committee (I&G) had interviewed and ranked 15 applicants. He noted that city staff had performed their due diligence in processing the applications but had been informed a few days ago that Ms. Lynda Billa Burke had moved and was no longer a resident of the City of San Antonio. City Attorney Michael Bernard stated that the Planning Commission was created by the City Charter and required that members of the Planning Commission be residents of the City of San Antonio and that a residency waiver was not allowed. Councilmember Williams stated that the I&G Committee had ranked the applicants and that there were two individuals tied for the next position: Marcello Martinez and Ryan Sweeney. He explained that Messrs. Martinez and Sweeney would be considered for the one slot to serve the remainder of an unexpired term of office to expire October 6, 2013.

Councilmember Ozuna commended Ms. Lynda Billa Burke for her service and stated that the I&G Committee would continue a transparent appointment process.

Councilmember Williams and Mayor Castro thanked Ms. Lynda Billa Burke for her work on the Planning Commission.

Councilmember Williams moved to appoint Zachary Harris, Kevin Love, and George Peck and reappoint Andrea Rodriguez and Roberto Rodriguez to the Planning Commission for a term of office to begin October 13, 2012 and ending on October 12, 2014. 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.

Item 18. CITY MANAGER'S REPORT

A. PUBLIC SAFETY HEADQUARTERS UPDATE

Ms. Sculley reported that in September 2007, the City Council had approved an \$86.3 million Public Safety Headquarters Project and that the programming and master plan for the Public Safety Headquarters was approved by the City Council in November 2008. She stated that in January 2011, City Council approved a professional services agreement with Ford, Powell & Carson, Architects and Planners for developing the bridging design documents for the Public Safety Headquarters. Subsequently in December 2011, City Council approved the awarding of a design-build services agreement to Hensel Phelps Construction Company. She noted that the Public Safety Headquarters is six stories and encompasses 260,000 square feet. She mentioned that the State-of-the-Art Leadership in Energy and Environmental Design (LEED) Silver Facility would house the Fire and Police Administration and Investigation Units. She reported that the Fire and Police Departments had completed their relocation to the new facility and that a ribbon cutting would be held on October 19, 2012. She added that the current Police Headquarters Building was scheduled for demolition in January 2013.

Mayor Castro thanked staff for ensuring that the project was delivered on time and on budget. He stated that he looked forward to the ribbon cutting and was pleased with the benefits that would be provided to first responders and the public.

RECESSED

Mayor Castro recessed the meeting at 10:22 am to break for lunch and announced that the meeting would resume at 2:00 pm for Zoning.

RECONVENED

Mayor Castro reconvened the meeting at 2:10 pm and addressed the Zoning Items.

CONSENT ZONING ITEMS

Councilmember Williams moved to approve the following Zoning Items: Z-2, Z-5, P-1, Z-6, P-2, Z-7, and Z-9 under Consent Zoning. Councilmember Bernal seconded the motion.

Mayor Castro called upon Mr. Robert Shearer to speak on Item Z-2.

Mr. Robert Shearer stated that they were proposing to amend the zoning for a small property at the corner of Grayson and Broadway Streets and believed that the IDZ Zoning was more appropriate than I-1 Zoning.

Written testimony was received from Theodore C. Trakas, President of the Vance Jackson Neighborhood Association, Inc. in favor of Item Z-9. Mr. Trakas also provided a copy of the deed restrictions between the Association and the property owner, Mr. Donald E. Wratlaw.

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.

2012-10-04-0786

Item Z-2. **ZONING CASE # Z2012188 (District 2):** An Ordinance amending the Zoning District Boundary from "I-1 RIO-2 AHOD" General Industrial River Improvement Overlay-2 Airport Hazard Overlay District to "IDZ RIO-2 AHOD" Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District with uses allowed in "C-2" Commercial District, coffee roasting, microbrewery, alcohol distillery, ice cream and candy manufacturing, commercial gymnasium, bar and nightclub uses on Lot 1 and the south 3.5 feet of Lot 2, Block 20, NCB 977 located at 1900 Broadway. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 1 AND THE SOUTH 3.5 FEET OF LOT 2, BLOCK 20, NCB 977 TO WIT: FROM "I-1 RIO-2 AHOD" GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY-2 AIRPORT HAZARD OVERLAY DISTRICT TO "IDZ RIO-2 AHOD" INFILL DEVELOPMENT ZONE RIVER

IMPROVEMENT OVERLAY-2 AIRPORT HAZARD OVERLAY DISTRICT WITH USES ALLOWED IN "C-2" COMMERCIAL DISTRICT, COFFEE ROASTING, MICROBREWERY, ALCOHOL DISTILLERY, ICE CREAM AND CANDY MANUFACTURING, COMMERCIAL GYMNASIUM, BAR AND NIGHTCLUB USES.

2012-10-04-0788

Item Z-5. **ZONING CASE # Z2012189 (District 4):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "O-1.5 AHOD" Mid-Rise Office Airport Hazard Overlay District on Lot 11, Block 9, NCB 15507 located at 426 Altitude Drive. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 11, BLOCK 9, NCB 15507 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "O-1.5 AHOD" MID-RISE OFFICE AIRPORT HAZARD OVERLAY DISTRICT.

2012-10-04-0789

Item P-1. **PLAN AMENDMENT #12066 (District 5):** AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN CONTAINED IN THE DOWNTOWN NEIGHBORHOOD PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF 0.21 ACRES LOCATED AT 807 NORTH SAN MARCOS FROM PUBLIC INSTITUTIONAL TO LOW DENSITY MIXED USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE: #Z2012185)

2012-10-04-0790

Item Z-6. **ZONING CASE # Z2012185 (District 5):** An Ordinance amending the Zoning District Boundary from "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District allowing a fence up to 8 feet in height in the front, rear, and side yards in accordance with Section 35-514(d)(2)(D) of the Unified Development Code; on the west 164.45 feet of Lot 23, Block 2, NCB 2182 located at 807 North San Marcos. Staff and Zoning Commission recommend approval pending the Plan Amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE WEST 164.45 FEET OF LOT 23, BLOCK 2, NCB 2182 TO WIT: FROM "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

2012-10-04-0791

Item P-2. **PLAN AMENDMENT #12065 (District 5):** AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF AN 1.389 ACRE TRACT OF LAND LOCATED AT 311 ROOSEVELT FROM PARKS/OPEN SPACE TO MIXED USE. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE # Z2012184)

2012-10-04-0792

Item Z-7. **ZONING CASE # Z2012184 (District 5):** An Ordinance amending the Zoning District Boundary from "H O-2 MC-1 RIO-4 AHOD" High Rise Office Mission Historic Roosevelt Avenue Metropolitan Corridor Overlay River Improvement Overlay-4 Airport Hazard Overlay District to "H C-2 MC-1 RIO-4 AHOD" Commercial Mission Historic Roosevelt Avenue Metropolitan Corridor Overlay River Improvement Overlay-4 Airport Hazard Overlay District on 1.389 acres out of NCB A19 and NCB A20 located at 311 Roosevelt Avenue. Staff and Zoning Commission recommend approval pending the plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 1.389 ACRES OUT OF NCB A19 AND NCB A20 TO WIT: FROM "H O-2 MC-1 RIO-4 AHOD" HIGH RISE OFFICE MISSION HISTORIC ROOSEVELT AVENUE METROPOLITAN CORRIDOR OVERLAY RIVER IMPROVEMENT OVERLAY-4 AIRPORT HAZARD OVERLAY DISTRICT TO "H C-2 MC-1 RIO-4 AHOD" COMMERCIAL MISSION HISTORIC ROOSEVELT AVENUE METROPOLITAN CORRIDOR OVERLAY RIVER IMPROVEMENT OVERLAY-4 AIRPORT HAZARD OVERLAY DISTRICT.

2012-10-04-0793

Item Z-9. **ZONING CASE # Z2012152 CD (District 8):** An Ordinance amending the Zoning District Boundary from "O-2" High Rise Office District, "C-2" Commercial District and "C-2NA" Commercial Nonalcoholic Sales District to "C-2 CD" Commercial District with a Conditional Use for Motor Vehicle Sales allowing a fence up to 8 feet in height along the northeast property line in accordance with Section 35-514(d)(2)(D) of the Unified Development Code; on Lot 12, Block 24, NCB 13559 located at 9451 Interstate Highway 10 West. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 12, BLOCK 24, NCB 13559 TO WIT: FROM "O-2" HIGH RISE OFFICE DISTRICT, "C-2" COMMERCIAL DISTRICT AND "C-2NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "C-2 CD" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLE SALES PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

[CONSENT ZONING CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

2012-10-04-0785

Item Z-1. **ZONING CASE # Z2012165 HL (District 2):** An Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "HL RM-4 AHOD" Historic Landmark Residential Mixed Airport Hazard Overlay District on Lot 9, Block 2, NCB 1411 located at 711 South Palmetto (also known as 719 South Palmetto). Staff recommends approval. Zoning Commission recommends 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 9, BLOCK 2, NCB 1411 TO WIT: FROM "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT TO "HL RM-4 AHOD" HISTORIC LANDMARK RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

John Jacks presented Item Z-1 and stated that staff recommended approval and the Zoning Commission recommended denial. He reported that of 36 notices mailed; one was returned in favor and none were returned in opposition.

Councilmember Taylor stated that she had reviewed the Statement of Significance from the Office of Historic Preservation and that the property owner was interested in bringing the property back to life.

Councilmember Taylor 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.

CONTINUED TO NOVEMBER 15, 2012

Item Z-3. **ZONING CASE # Z2012168 (District 3):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-1 AHOD" Light Commercial Airport Hazard Overlay District on Lots 46, 47 and 48, Block 11, NCB 3806, save and except that portion of Lot 48 conveyed to the City of San Antonio in Volume 8526, Page 1836 of the Real Property Records of Bexar County, Texas located at 2547 Steves Avenue. Staff and Zoning Commission recommend approval.

John Jacks presented Item Z-3 and stated that staff and the Zoning Commission recommended approval. He reported that of 45 notices mailed; two were returned in opposition and one was returned in favor. He noted that the Highland Park Neighborhood Association was in favor.

Mayor Castro called upon the individuals registered to speak.

Richard Medellin stated that he owned property near the proposed zoning change and provided a history of his family who had lived on the property for 80 years. He expressed concern that there was a cinder block structure at the front of the lot in which a store was being operated out of compliance.

He indicated that beer sales through the drive-up window account for an overwhelming amount of business conducted and was opposed to the sale of alcoholic beverages to people in cars in his neighborhood. He stated that the store had other violations and that there were other neighbors also opposed to the zoning change.

Fariq Mehmood stated that his brother had purchased the property in February and that the business had been operated by a different owner since 1942. He noted that the property was not in compliance but should now be properly zoned. He indicated that they had cleaned up the property and addressed lighting issues. He stated that he was not sure why the concerns were just now being brought up since the business had operated for many years. He added that he had obtained 125 signatures of support from customers within a two-hour time frame.

Councilmember Ozuna stated that the property had been out of compliance for a long time and requested that the property owner meet with the Highland Park Neighborhood Association and Mr. Medellin to address their concerns.

Councilmember Ozuna moved to continue said item until November 15, 2012. Councilmember Bernal 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.

2012-10-04-0787

Item Z-4. **ZONING CASE # Z2012147 (District 4):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lots 1 through 23, the east 180 feet of the west 1,461.8 feet of Tracts 1D through 7D, the east 240 feet of the west 1,281.8 feet of Lot K, and the east 30 feet of the west 1,041 feet of Lots 1D through 7D, NCB 11139; and Parcels 100 and 100A, NCB 11143; save and except 10 acres out of Lot 11, NCB 11139 located at portions of the 800, 900, 1100, 1200, and 1300 Blocks of West Chavaneaux 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: LOTS 1 THROUGH 23, THE EAST 180 FEET OF THE WEST 1,461.8 FEET OF TRACTS 1D THROUGH 7D, THE EAST 240 FEET OF THE WEST 1,281.8 FEET OF LOT K, AND THE EAST 30 FEET OF THE WEST 1,041 FEET OF LOTS 1D THROUGH 7D, NCB 11139; AND PARCELS 100 AND 100A, NCB 11143; SAVE AND EXCEPT 10 ACRES OUT OF LOT 11, NCB 11139 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT AND "C-3NA AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

Councilmember Saldaña stated that he appreciated the input from the Gillette Area Neighborhood Association.

Councilmember Saldaña reiterated the following: 1) The C-2 District does not allow stand alone bars, tattoo parlors, or storage of chemicals or hazardous materials; 2) The subject properties' proximity to established residential zoning and residential uses does not meet the distance requirements that would allow Sexually Oriented Businesses; and 3) Section 35-510 of the UDC requires a 15-foot Type B Landscape Buffer when the C-2 District abuts properties zoned R-4 Residential Single-Family District.

Councilmember Saldaña moved to adopt the proposed ordinance. Councilmember Taylor seconded the motion.

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

DENIED

Item Z-8. **ZONING CASE # Z2012164 (District 5):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-6 AHOD" Residential Mixed Airport Hazard Overlay District on Lot 2, Block 76, NCB 3672 located at 3622 West Travis Street. Staff recommends denial. Zoning Commission recommends approval. (Continued from September 20, 2012)

John Jacks presented Item Z-8 and stated that staff recommended denial and the Zoning Commission recommended approval. He reported that of 29 notices mailed; five were returned in opposition and one was returned in favor. He noted that the Prospect Hill Neighborhood Association was not opposed and that the case would require nine votes to approve.

John Flores stated that he lived down the street from the property and was opposed to the zoning request. He expressed concern with drugs and prostitution on the property and noted that it was not properly maintained.

Irma A. Garcia stated that she lived one house away from the property and had witnessed bad activity since the home had become a rental property. She noted that it was not safe for the children and Seniors that live in the area. She stated that she was opposed to the zoning request.

Manuel Aguilar stated that he was opposed to the zoning request due to the drug trafficking and prostitution that occurred on the property. He noted that he was concerned for the safety of his grandchildren, nephews, and nieces. He expressed concern that the property was not properly maintained and added that he had lived in the neighborhood for 25 years.

Maria del Carmen Aguilar stated that she was also opposed to the zoning request and did not feel that it was safe. She noted that the house needed to be cleaned up and expressed concern with the robberies and pollution in the neighborhood.

Yolanda Garcia expressed opposition to the zoning request noting concerns with drugs, prostitution, and violence on the property. She stated that it was documented through Police Reports and that the

property owner had not maintained the property. She added that they were a poor neighborhood but proud homeowners.

Councilmember D. Medina thanked the citizens that spoke and stated that he and his staff would continue to work with residents in the neighborhood to address their concerns. He added that safety for the residents of the area was a priority.

Councilmember D. Medina moved to deny the zoning request. Councilmember Bernal seconded the motion.

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

Items P-3 and Z-10 were addressed jointly:

CONTINUED FOR TWO WEEKS

Item P-3. **PLAN AMENDMENT #12053 (District 8):** 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 5.513 ACRE TRACT OF LAND LOCATED AT 24165 WEST INTERSTATE HIGHWAY 10 FROM RURAL ESTATE TIER TO SUBURBAN TIER. THE STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. (ASSOCIATED ZONING CASE #Z2012137) (CONTINUED FROM SEPTEMBER 6, 2012)

CONTINUED FOR TWO WEEKS

Item Z-10. **ZONING CASE # Z2012137 (District 8):** An Ordinance amending the Zoning District Boundary from "C-1 PUD GC-1 MSAO-1 MLOD" Planned Unit Development Light Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Sound Attenuation Overlay Military Lighting Overlay District to "C-2 GC-1 MSAO-1 MLOD" Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Sound Attenuation Overlay Military Lighting Overlay District on Parcel 5, NCB 34754 located at 24165 West IH 10. Staff and Zoning Commission recommend approval pending the plan amendment. (Continued from September 6, 2012)

Chris Looney presented Items P-3 and Z-10 and stated that Item P-3 would amend the land use plan contained in the North Sector Plan. He stated that staff and the Planning Commission recommended approval. For Item Z-10, he reported that staff and the Zoning Commission recommended approval. He noted that of four notices mailed; one was received in favor and none were received in opposition.

Councilmember Williams moved to continue Items P-3 and Z-10 for two weeks. Councilmember Soules seconded the motion.

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

CONTINUED TO NOVEMBER 1, 2012

Item Z-11. **ZONING CASE # Z2012172 CD (District 9):** An Ordinance amending the Zoning District Boundary from "R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District to "R-4 CD NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District with a Conditional Use for a Non-Commercial Parking Lot on Lots 27, 28, 29 and 30, Block 3, NCB 6229 located at 149 and 153 Perry Court and 152 and 156 Burr Road. Staff and Zoning Commission recommend denial.

John Jacks presented Item Z-11 and stated that staff and the Zoning Commission recommended denial. He reported that of 27 notices mailed; 12 were returned in opposition and seven were returned in favor. He added that nine votes were required for approval and that the Mahncke Park Neighborhood Association was in favor.

Councilmember Chan moved to continue Item Z-11 to November 1, 2012. Councilmember Soules seconded the motion.

Mayor Castro called upon the citizens to speak.

Dee Barfield stated that she was a member of the Mahncke Park Neighborhood Association Board and they had shifted their position regarding the zoning request. She explained that a Special Meeting of the Board was called the previous day by four members and they elected Sara Christiansen as President Pro Tem. Following the board meeting, the general membership of the Mahncke Park Neighborhood Association met with more than 10% present and ratified the votes taken at the Special Board Meeting.

Collin Stone stated that he was originally in support but had changed his position as he believe there were items that needed further discussion. He noted that he was in favor of continuing said item.

Mark Fassold stated that he was opposed to both the zoning request and the continuance. He reported that the first survey indicated that 89% of the residents within 200 feet were opposed and a second survey indicated that 81% were opposed. He noted that city staff had twice recommended denial and that granting a conditional use would have an adverse impact on the neighborhood. He expressed concern with the increased traffic and added that great efforts had been taken to create the Mahncke Park Neighborhood Plan. He stated that a petition opposing the zoning request had been signed by 134 individuals and he was not aware of any petition in support of the request. He added that he did not believe that a continuance was necessary and that the Mahncke Park Neighborhood Association was in opposition to the zoning request.

Moses Aguilar stated that he owns the property across the street from the proposed parking lot and is opposed to the zoning request. He noted that he believed it would create drainage issues and that it was not the best use of the property.

Justin Arcchi stated that he had lived in Mahncke Park for 18 years and was Past President of the Neighborhood Association. He spoke of the Master Planning Process for neighborhoods and expressed concern with the expansion of an institution into a neighborhood. He noted that he hoped

that there would be a good faith effort from the University to respect the residential quality of their neighborhood.

Sara Christiansen stated that she was speaking as the Pro Tem President of the Mahncke Park Neighborhood Association and that an emergency board meeting had been held the day before. She noted that a new vote had taken place and they opposed the zoning request.

Angela Olsen expressed opposition to the zoning request and asked why the University had not found a better solution to their problem. She presented several alternatives that include utilizing other modes of transportation including the zip car. She spoke of utilizing bicycles noting that it would alleviate parking issues.

Paul Vaughn spoke of the Mahncke Park Neighborhood Plan that was adopted in 1983 and reviewed again in 2001. He stated that the Master Plan Process was very thorough and opposed this type of development. He added that city staff and the Zoning Commission recommended denial and he was not in favor of a continuance.

Nancy Avellar, President of the San Antonio Conservation Society spoke in opposition to the zoning request. She stated that they concurred with the Zoning Staff recommendation to deny the request noting that the land use for the area was Low Density Residential. She noted the importance of maintaining the residential character of Mahncke Park. She indicated that the northern end of the Conservation District has suffered enough from needless demolition of housing and encroachment of commercial and institutional uses.

Ruth Galaz stated that she lived at 132 Perry Court and was opposed to the zoning request. She noted that the residents of the neighborhood do not want to move from their homes because they carefully selected them as special places in which to live. She expressed concern with the traffic and hazards that the parking lot would bring to the neighborhood.

Scott Day spoke in opposition to the zoning request noting that they were concerned with the aesthetics that the parking lot would create for the neighborhood. He stated that they were in favor of positive growth in the area and encouraged a walkable neighborhood. He presented a map of the area and indicated that the University of the Incarnate Word had the option to build a parking structure behind the Watson Enrollment Center. He added that there were other opportunities within the campus and spoke of the need to revitalize the Broadway Corridor and not encroach into the neighborhood.

Amy Estes stated that she and her family had bought their home in Mahncke Park because of the Master Plan and Guidelines. She expressed opposition to the zoning request noting that she did not want to see a parking lot in front of her home. She asked why 33 parking spaces were worth the many issues caused to the neighborhood and stated that she could support parking lots and structures that were immediately adjacent to their use.

George Grimes stated that he lived at 415 Garland Place and expressed opposition to the zoning request and continuance. He noted that he was on the Planning Team that created the first Neighborhood Plan in 1983 and the Planning Team for the Neighborhood Conservation District in

2001. He spoke of his concerns with parking lots encroaching into residential neighborhoods and urged the City Council not to approve the zoning request. He asked the City Council to protect their walkable neighborhood and not to continue the item.

Dave Evans stated that he was joining his neighbors in opposition to the parking lot and to the continuance. He noted that the University of the Incarnate Word did not need the parking lot and that utilizing the Broadway Corridor for transportation would be a better use. He spoke of utilizing bicycles to ease issues with emissions and traffic.

Henrietta Dominguez stated that she lived on Davis Court and owned three lots within 200 feet of the proposed zoning. She noted that they were drawn to the area due to its potential and were supportive of the development occurring along Broadway Street. She added that she and her family were opposed to the zoning request.

Francille L. Radmann stated that she had lived in the area since 1978 and served on the first and second Mahncke Park Planning Teams. She noted that parking lots belong in the commercial corridor and not in a residential area. She expressed concern that the University of the Incarnate Word was proposing a parking lot well away from its own campus and encroaching on the homes of citizens. She asked the City Council to maintain the commercial/residential separation so that Mahncke Park can retain its Neighborhood Conservation District.

Joyce Felter stated that she was opposed to the zoning request and continuance. She noted that they had worked very hard on their neighborhood plan and Neighborhood Conservation District and added that they had rules regarding driveways and parked cars in front of their homes.

Councilmember Chan thanked everyone that was present and stated that they had tried contacting the neighborhood when they became aware that a continuance was being requested. She noted that it was a complicated zoning case and that the Mahncke Park Neighborhood Association had changed their position several times. She mentioned that the case was being continued in an effort to sort out any confusion and that the applicant should be able to present their side.

Councilmember Taylor stated that she and Councilmember Chan shared responsibility for representing the area and offered her assistance to having a productive dialogue over the next 30 days. She thanked everyone for taking their time to come to the meeting and express their opinions.

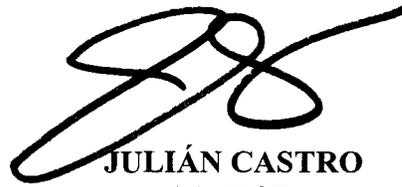
Mayor Castro also thanked everyone that spoke and stated that he appreciated the opportunity to hear their testimony.

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.

ADJOURNMENT

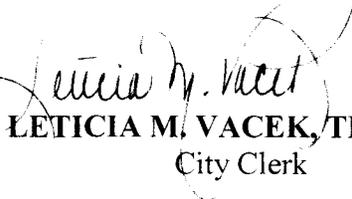
There being no further discussion, Mayor Castro adjourned the meeting at 3:43 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest:



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