

**State of Texas
County of Bexar
City of San Antonio**



**FINAL
Meeting Minutes
City Council A Session**

City Hall Complex
114 W. Commerce
San Antonio, Texas 78205

Thursday, June 5, 2014

9:00 AM

Municipal Plaza Building

The City Council convened in a Regular Meeting. City Clerk Leticia Vacek took the Roll Call with the following Councilmembers present:

Present: 11 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Mrs. Vacek announced that Councilmember Medina was on his way as he was attending his Son's Graduation.

1. The Invocation was delivered by Pastor J. Brown, St. Mark's United Methodist Church, guest of Councilmember Diego Bernal, District 1.
2. Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the April 16 - 17, 2014 City Council Meetings.

Councilmember Gallagher moved to approve the minutes for the April 16 and 17, 2014 City

Council Meetings. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher

Absent: 1 - Medina

- Councilmember Shirley Gonzales will be sworn-in as Mayor Pro-Tem, serving the term of June 10, 2014 through August 19, 2014.

City Clerk Leticia M. Vacek administered the Oath of Office to Councilmember Shirley Gonzales to serve as Mayor Pro Tem beginning June 10, 2014 through August 19, 2014.

POINT OF PERSONAL PRIVILEGE

Councilmember Viagran invited everyone to attend the free Paletas y Poesia Event that would be held on Saturday, June 7, 2014 from 4:00-9:00 pm at the Mission Marquee Plaza.

CONSENT AGENDA ITEMS

Items 6, 7, 9, 14 and 15 were pulled from the Consent Agenda. Councilmember Taylor moved to approve the remaining Consent Agenda Items. Councilmember Viagran seconded the motion.

Mayor Castro announced that there were no citizens registered to speak.

Faris Hodge, Jr. submitted written testimony in favor of Items 5, 6, and 8-15. He wrote in opposition to Items 16A and 16B. He requested that backup information be provided for the City Manager's Report.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher

Absent: 1 - Medina

2014-06-05-0384

- An Ordinance accepting the low bid and awarding a three year Indefinite Delivery Contract to Allied Fence & Security for fencing installation and repairs at city owned facilities in an amount not-to-exceed \$250,000.00. [Gloria Hurtado, Assistant

City Manager; Xavier D. Urrutia, Director, Parks & Recreation]

2014-06-05-0387

8. An Ordinance authorizing an acquisition of a 1,251-acre tract of land located in Uvalde County, Texas for the Proposition 1 Edwards Aquifer Protection Venue Program in the amount of \$1,154,977.30 made payable to Texas Heritage Title Company, as escrow agent for title on a conservation easement, for land, due diligence and closing costs. [Peter Zanoni, Deputy City Manager; Mike Etienne, Officer, EastPoint & Real Estate Services Office]

2014-06-05-0389

10. An Ordinance authorizing the disposition of real property comprising approximately 0.2583 acres of land area owned by the City of San Antonio located at 531 North Center Street legally described as New City Block 583, Block 8, Lots 16 and 17 in Council District 2. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development and Operations]

2014-06-05-0390

11. An Ordinance authorizing the closure, vacation and abandonment of a 0.218 acre, 22-foot wide alley Public Right of Way, located between North Brazos Street and Fredericksburg Road (NCB 2022), in Council District 1, as requested by Higgs Carter King GT Charter Academy, for a fee of \$25,100.00. [Peter Zanoni, Deputy City Manager; Mike Etienne, Officer, EastPoint & Real Estate Services Office]

2014-06-05-0391

12. An Ordinance accepting a grant award up to \$264,219.00 for the FY14 Justice Assistance Grant from the U.S. Department of Justice, Bureau of Justice Assistance and authorizing an Interlocal Agreement with Bexar County regarding the distribution of funds and designating Bexar County as the grant fiscal agent. [Erik Walsh, Deputy City Manager; William McManus, Chief of Police]

2014-06-05-0392

13. An Ordinance approving the submission of a grant application to the U.S. Department of Health and Human Services, Health Resources & Services Administration and authorizing the acceptance of bridge funds upon award for the Healthy Start Initiative grant for an amount up to \$180,750.00 for a three-month period beginning June 1, 2014 through August 31, 2014. [Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Director of Public Health]

16. Consideration of the following items related to the Foreign Trade Zone: [Carlos Contreras, Assistant City Manager; Rene Dominguez, Director, Economic

Development]

2014-06-05-0020R

- 16A.** A Resolution authorizing the submission of an application to the U.S. Foreign Trade Zones Board to transition Foreign Trade Zone #80 to the Alternative Site Framework.

2014-06-05-0395

- 16B.** An Ordinance authorizing the City Manager to execute future Foreign Trade Zone Operator Agreements pertaining to Foreign Trade Zone #80.

CONSENT ITEMS CONCLUDED

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 6:

2014-06-05-0385

- 6.** An Ordinance related to the Hausman Road Project (Loop 1604 to IH 10), a 2007 and 2012 General Obligation Bond funded project, located in Council District 8, increasing the total construction contract as a result of the project now being fully designed as compared to it being only partially designed when the original contract was approved; authorizing an amendment in the increased amount of \$9,568,000.00 to the \$62,000,000.00 Design-Build Services Agreement with Sundt Construction, Inc. for the design and construction services to reflect actual known design and construction conditions; of which \$4,800,000.00 will be reimbursed by San Antonio Water System and \$800,000.00 will be reimbursed by CPS Energy; and, an adjustment to the spending plan to accelerate FY 2015 allocated Linear Creekway Park Trails Program funds in amount of \$910,000.00 to FY 2014, for the construction of the Huesta Creek Greenway trail. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

Councilmember Nirenberg asked for a brief presentation noting that this was the largest voter approved project in the City's History. Razi Hosseini provided an overview of the project and noted that they had decided to utilize the Design/Build Method in order to reduce the timeline. He stated that they were coordinating with SAWS and CPS Energy and that the project was on schedule and budget. Councilmember Nirenberg asked of the amount in reimbursements from SAWS And CPS Energy. Mr. Hosseini confirmed that there was \$5.6 Million in reimbursements, as well as \$3 Million in Contingency Funds that could be utilized. He explained that they had worked with Bexar County to combine their projects on Hausman Road with the City's Projects to reduce the timeline. Councilmember

Nirenberg asked of the delay with the agreements with the University of Texas at San Antonio (UTSA). Mr. Hosseini replied that they were working with UTSA on the approval of easements but noted that it did not affect the projected completion date of December 2015.

Councilmember Nirenberg moved to adopt the proposed ordinance. Councilmember Gallagher seconded the motion. The motion prevailed by the following vote:

Aye: 9 - Mayor Castro, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher

Absent: 2 - Bernal and Medina

The City Clerk read the caption for Item 7:

2014-06-05-0386

7. An Ordinance for right-of-way acquisition of 0.904 acres of land for the Hausman Road (Loop 1604 to IH-10) 2012 – 2017 Bond Program Project authorizing the acquisition through negotiation or condemnation located in NCBs 14615, 14861, 14890, 16331, and 18919, located in Council District 8; and declaring it to be a public use project for the acquisition and authorizing expenditures not to exceed \$385,000.00, payable to the selected title company, for land, relocation, litigation expenses and associated title fees. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

Councilmember Nirenberg 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 Hausman Road (Loop 1604 to IH 10) Project by acquiring the following property described by the City Clerk and incorporated as part of this Motion. Councilmember Viagran seconded the motion.

City Clerk Leticia Vacek read the property description: The properties consist of the following properties all along Hausman Road: A total of approximately 0.904 acres for interests in real property located in New City Blocks 14615, 14861, 14890, 16331, and 18919. These properties are specifically shown on the Site Map attached hereto as Exhibit A and more particularly described by metes and bounds in Exhibits B through I, attached and incorporated to the Ordinance as part of this Motion.

The motion prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher

Absent: 1 - Medina

The City Clerk read the caption for Item 9:

2014-06-05-0388

9. An Ordinance authorizing the acquisition, through negotiation or condemnation of 0.399 acres, approximately (17,371 square feet) of interest in land, in a portion of one parcel of privately-owned real property located in NCB 17636, for the construction of the Developer Participation Shaenfield Road Extension Project in connection to the 2012-2017 General Obligation Bond funded Citywide Bridge Program (Shaenfield Road Bridge) Project located in Council 6 District; and, declaring it to be a public use project for the acquisition. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

Councilmember Lopez 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 Citywide Bridge Program-Shaenfield Road Project and Shaenfield Road Extension by acquiring the following property described by the City Clerk and incorporated as part of this Motion. Councilmember Nirenberg seconded the motion.

The City Clerk read the property description: The property consists of 17,371 square feet, 0.399 Acres, out of a 6.0484 acre tract of land, J.M. Ross Survey No. 229, Abstract 648, County Block 4448, New City Block 17636, City of San Antonio, Bexar County, Texas. This property is specifically shown on the Site Map as Exhibit A and more particularly described by metes and bounds in Exhibit B, both attached hereto and incorporated to the Ordinance as part of this Motion.

The motion prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher

Absent: 1 - Medina

The City Clerk read the caption for Item 14:

2014-06-05-0393

14. An Ordinance authorizing an amendment to the Chapter 380 Economic Development Program Grant Agreement with MiniMed Distribution Corporation, a subsidiary of Medtronic, Inc. [Carlos Contreras, Assistant City Manager; Rene Dominguez, Director, Economic Development]

Councilmember Nirenberg requested a brief presentation. Rene Dominguez reported that staff recommended an amendment to the City's Economic Development Grant Agreement with MiniMed Distribution Corporation dated May 21, 2009. He stated that the Grant Agreement required a capital investment of \$23 Million and the creation of 1,300 new full-time jobs within five years. He noted that the Grant Agreement included a \$2.33 Million Grant disbursed over a 5-year period and a rebate of 100% of property taxes over a 10-year period. He indicated that to date, the company had exceeded all job creation and capital investment requirements.

Mr. Dominguez reported that MiniMed was requesting an amendment to reduce the required number of full-time jobs from 1,300 to 1,116 based on the current outlook and changing healthcare landscape. He indicated that MiniMed expects to exceed and maintain 1,300 full-time jobs within a slightly longer timeframe than originally anticipated. He stated that the amendment would allow the city to retain the final \$330,000 Grant Disbursement. He noted that MiniMed was a world leader in Integrated Diabetes Management Systems, Insulin Pump Therapy, Continuous Glucose Monitoring Systems, and Therapy Management. He added that amending the Grant Agreement would provide a more favorable grant recovery and reduced property tax rebate remedies for the city than could be achieved otherwise under the Agreement.

Councilmember Nirenberg asked if the recommendation was made in cooperation with MiniMed. Mr. Dominguez confirmed that it was and that they worked with companies to address issues to help them be successful. Councilmember Nirenberg asked of the current number of employees. Mr. Dominguez replied that it was 1,100 and that all received at least a Living Wage per the contract. Councilmember Nirenberg thanked MiniMed for their work and noted their \$30 Million Impact to the community.

Councilmember Lopez thanked MiniMed for their work and stated that it was important to ensure an effective Agreement for both parties. Councilmember Krier stated that he was pleased to support the BioMed Industry and noted the good corporate citizenship of MiniMed. Mayor Castro thanked MiniMed for their investment in San Antonio and stated that he looked forward to more investment in the future.

Councilmember Lopez moved to adopt the proposed ordinance. Councilmember Nirenberg seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher

Absent: 1 - Medina

The City Clerk read the caption for Item 15:

2014-06-05-0394

- 15.** An Ordinance authorizing Amendment No. 2 to the lease agreement with Sports Outdoor and Recreation Park for the South Texas Area Regional Soccer Complex. [Gloria Hurtado, Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation].

Councilmember Gallagher stated that he was proud of the project and asked for a brief presentation. Xavier Urrutia stated that the City of San Antonio owned the property that the Star Soccer Complex is located on and that Sports, Outdoor and Recreation Park (SOAR) received funding to create the Soccer Complex. He noted that SOAR owned and operated Morgan's Wonderland, a Special Needs Park which was located next door. He reported that staff was recommending that approximately three acres of the Soccer Complex be incorporated as part of Morgan's Wonderland. He noted that it was consistent with the Bond Language regarding the Soccer Complex and Special Needs Park.

Councilmember Gallagher stated that he was impressed with Morgan's Wonderland and its affiliation with the Soccer Complex.

Councilmember Krier concurred with Councilmember Gallagher and commended Mr. Gordon Hartman for his commitment to the Soccer Complex and Special Needs Park.

Councilmember Gallagher moved to adopt the proposed ordinance. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher

Absent: 1 - Medina

- 17.** City Manager's Report
A. Office of Management and Budget Update
B. VISTA Volunteer Update

A. Mrs. Sculley reported that the City of San Antonio had received the Distinguished Budget Presentation Award for the FY 2014 Operating and Capital Budget. She stated that the award was presented by the Government Finance Officers Association (GFOA) and was the highest form of recognition in Governmental Budgeting. She noted that State and Local

Governments that were awarded the recognition had prepared Budget Documents of the very highest quality, reflecting budgeting best practices and transparency to the public. She indicated that the Award reflected the city's commitment to continue to develop a budget that served as a financial and operations plan for the City of San Antonio, reflecting the City Council and Community Priorities. She commended the Office of Management and Budget for their work.

B. Mrs. Sculley reported that the Corporation for National and Community Service had awarded the City of San Antonio 10 AmeriCorps VISTA Volunteer Positions. She noted that AmeriCorps VISTA was a National Service Program designed to fight poverty. She mentioned that Volunteers worked on policy research and development projects to help build the organizational, administrative, and financial capacity of agencies that assist low-income communities. She stated that the Department of Human Services would coordinate the City's 10 Volunteers and help serve: 1) The City's Financial Empowerment Centers, Head Start Program, and Senior Nutrition Program; 2) The Library's Adult Digital Literacy Program; 3) Metro Health's Community Diabetes Program; 4) Pre-K 4 SA's Parent Engagement and Outreach Efforts; and 5) SA2020, Helping with Opportunity Partner Management. She mentioned that five additional VISTA Volunteers would work with Eastpoint Projects as a result of the Eastside Promise Zone Designation, for a total of 15 City-Coordinated VISTA Members. She reported that recruitment for the positions would run through July and posted on the City's Website, AmeriCorps VISTA Outlets, and Other Media. She noted that each program would interview and select their respective VISTAs and begin their work assignments on August 16th. She stated that VISTA Volunteers were paid a living stipend of just over \$11,000 per year; of which the city provides 20%, as well as mileage reimbursement and incidental expenses.

Mayor Castro commended the Office of Management and Budget on the Award by the Government Finance Officers Association.

EXECUTIVE SESSION

Mayor Castro recessed the meeting into Executive Session at 9:51 am to discuss the following:

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).

C. Discuss process to fill possible vacancies on City Council and related legal issues pursuant to Texas Government Code Section 551.074 (personnel) and Section 551.071 (consultation with attorney).

D. Discuss legal issues related to Silverado Brothers v. City of San Antonio, Pursuant to Texas Government Code Section 551.071 (consultation with attorney).

E. Discuss legal issues related to Diego Martinez v. City of San Antonio, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

F. Discuss legal issues related to Maria Elena Rodriguez v. City of San Antonio, pursuant to Texas Government Code Section 551.071 (consultation with Attorney).

He announced that the meeting would resume at 2:00 pm for Zoning.

RECONVENED

In the absence of Mayor Castro, Mayor Pro Tem Medina presided over the Zoning Portion of the meeting. He reconvened the meeting at 2:10 pm and announced that no action was taken in Executive Session. He addressed the Consent Zoning Items.

CONSENT ZONING ITEMS

Councilmember Bernal moved to approve the following items under Consent Zoning: Z-1, P-1, Z-2, P-2, Z-3, Z-5, Z-6, and Z-7. Councilmember Taylor seconded the motion.

Mr. John Jacks announced that the Zoning Commission recommended approval of Item Z-1 at their meeting on June 3, 2014.

Mayor Pro Tem Medina announced that there were no individuals registered to speak on the Consent Zoning Items.

Faris Hodge, Jr. submitted written testimony in opposition to Items Z-1, Z-2, Z-3, Z-4, and Z-10. He wrote in favor of Items P-1, P-2, Z-6, Z-7, Z-8, Z-7, P-4, P-5, and Z-11.

The motion to approve the Consent Zoning Items prevailed by the following vote:

Aye: 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Mayor Castro

2014-06-05-0396

- Z-1.** ZONING CASE # Z2013131 S (District 2): An Ordinance amending the Zoning District Boundary from "C-3NA S AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Specific Use Authorization for a Cemetery to "I-2 S AHOD" Heavy Industrial Airport Hazard Overlay District with a Specific Use Authorization for a Metal Recycling Entity with Outside Storage and/or Processing on 6.25 acres out of NCB 12867 located on a portion of the 5600 Block of East Houston Street (FM 1346). Staff recommends approval. Zoning Commission recommendation pending the June 3, 2014 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: 6.25 ACRES OUT OF NCB 12867 TO WIT: FROM "C-3NA S AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A CEMETERY TO "I-2 S AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A METAL RECYCLING ENTITY WITH OUTSIDE STORAGE AND/OR PROCESSING PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2014-06-05-0397

- P-1.** PLAN AMENDMENT #14037 (District 2): An Ordinance amending the future land use plan contained in the IH-10 East Corridor Perimeter Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of approximately 138.73 acres of land out of NCB 16580, NCB 16581 and CB 5081, located in the 5200 through 5900 Block of East Loop 1604 North and approximately 4,000 feet north of Interstate Highway 10, from Parks/Open Space to Light Industrial. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014131)

2014-06-05-0398

- Z-2.** ZONING CASE # Z2014131 (District 2): An Ordinance amending the Zoning District Boundary from "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District to "L AHOD" Light Industrial Airport Hazard Overlay District on 68.79 acres out of NCB 16580 and NCB 16581 located on portions of the 5200 through 5900 Blocks of East Loop 1604 North. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment #14037)

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: 68.79 ACRES OUT OF NCB 16580 AND NCB 16581 TO WIT: FROM "NP-10 AHOD" NEIGHBORHOOD PRESERVATION AIRPORT HAZARD OVERLAY DISTRICT AND "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "L AHOD" LIGHT INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

2014-06-05-0399

P-2. PLAN AMENDMENT #14036 (District 3): An Ordinance amending the future land use plan contained in the South Central San Antonio Community Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of approximately 0.35 acres of land out of NCB 8615 located at 108 Linda Lou Drive from Low Density Residential land use to Business Park land use. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014086 CD)

2014-06-05-0400

Z-3. ZONING CASE # Z2014086 CD (District 3): An Ordinance amending the Zoning District Boundary from "C-2 MC-2 AHOD" Commercial South Presa Metropolitan Corridor Airport Hazard Overlay District, "C-2 AHOD" Commercial Airport Hazard Overlay District, "MF-33 MC-2 AHOD" Multi-Family South Presa Metropolitan Corridor Airport Hazard Overlay District and "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 CD MC-2 AHOD" Commercial South Presa Metropolitan Corridor Airport Hazard Overlay District with a Conditional Use for Food And Food Products - Processing and "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Food And Food Products - Processing on Lots A and B, Block 8, and Lots C, C-1 and 1, NCB 8615 located at 4602 and 4606 South Presa Street and a portion of the 100 Block of Linda Lou Drive. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment 14036)

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 A AND B, BLOCK 8, AND LOTS C, C-1 AND 1, NCB 8615 TO WIT: FROM "C-2 MC-2 AHOD" COMMERCIAL SOUTH PRESA METROPOLITAN CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT, "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT, "MF-33 MC-2

AHOD" MULTI-FAMILY SOUTH PRESA METROPOLITAN CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT AND "MF-33 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 CD MC-2 AHOD" COMMERCIAL SOUTH PRESA METROPOLITAN CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR FOOD AND FOOD PRODUCTS - PROCESSING AND "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR FOOD AND FOOD PRODUCTS – PROCESSING PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2014-06-05-0402

Z-5. ZONING CASE # Z2014135 (District 5): An Ordinance amending the Zoning District Boundary from "O-1 AHOD" Office Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Lot 34, NCB 8133 located at 1303, 1307 and 1309 Castroville 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: LOT 34, NCB 8133 TO WIT: FROM "O-1 AHOD" OFFICE AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2014-06-05-0403

Z-6. ZONING CASE # Z2014134 (District 6): An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District and "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on 10.243 acres out of NCB 17172 located on a portion of the 8600 Block of Waters Edge 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: 10.243 ACRES OUT OF NCB 17172 TO WIT: FROM "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

2014-06-05-0404

- Z-7.** ZONING CASE # Z2014137 S (District 7): An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Specified Financial Institution on Lot 15, Block 1, NCB 15650 located at 6330 Wurzbach 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: LOT 15, BLOCK 1, NCB 15650 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 S AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A SPECIFIED FINANCIAL INSTITUTION PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

CONSENT ZONING ITEMS CONCLUDED**INDIVIDUAL ZONING ITEMS****2014-06-05-0401**

- Z-4.** ZONING CASE #Z2013130 CD S (District 3): An Ordinance amending the Zoning District Boundary from "R-5" Residential Single-Family District, "RM-4" Residential Mixed District, "C-2" Commercial District, "O-2" High-Rise Office District, "C-3R" General Commercial Restrictive Alcohol Sales District, "C-3" General Commercial District, "C-3 S" General Commercial District with a Specific Use Authorization for a Communication Tower and "I-1" General Industrial District to "RE" Residential Estate District, "R-20" Residential Single-Family District, "NP-15" Neighborhood Preservation District, "NP-10" Neighborhood Preservation District, "NP-8" Neighborhood Preservation District, "R-6" Residential Single-Family District, "O-1" Office District, "C-1" Light Commercial District, "C-1 CD" Light Commercial District with a Conditional Use for Tire Repair - Auto and Small Truck (Sale and Installation Only, No Mechanical Service Permitted), "C-1 CD" Light Commercial District with a Conditional Use for Plumbing Fixtures – Retail, "C-1 CD" Light Commercial District with a Conditional Use for Motor Vehicle Sales, "C-1 CD" Light Commercial District with a Conditional Use for a Funeral Home or Undertaking Parlor, "C-1 CD" Light Commercial District with a Conditional Use for Limousine Service – Dispatch And Office Use Only No Servicing Of Vehicles

Onsite, "C-1 CD" Light Commercial District with a Conditional Use for Self Service Storage, "C-2" Commercial District, "C-2 S" Commercial District with a Specific Use Authorization for a Bar And/Or Tavern Without Cover Charge 3 or More Days Per Week, "C-2 CD" Commercial District with a Conditional Use for Veterinary Hospital – Large and Small Animal and "C-2 S" Commercial District with a Specific Use Authorization for a Carwash on approximately 341 acres located in the Comanche Community and Lower Southeast Side neighborhoods; generally bound by Roland Avenue and Salado Creek to the west, Rigsby Avenue to the north, South WW White Road to the east, and the intersection of Roland Avenue and South WW White Road to the south. Staff and Zoning Commission recommend approval. (Continued from May 1, 2014)

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: MULTIPLE LOTS TO WIT: FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RM-4" RESIDENTIAL MIXED DISTRICT, "C-2" COMMERCIAL DISTRICT, "O-2" HIGH-RISE OFFICE DISTRICT, "C-3R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES DISTRICT, "C-3" GENERAL COMMERCIAL DISTRICT, "C-3 S" GENERAL COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A COMMUNICATION TOWER AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "RE" RESIDENTIAL ESTATE DISTRICT, "R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT, "NP-15" NEIGHBORHOOD PRESERVATION DISTRICT, "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT, "NP-8" NEIGHBORHOOD PRESERVATION DISTRICT, "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT, "O-1" OFFICE DISTRICT, "C-1" LIGHT COMMERCIAL DISTRICT, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR TIRE REPAIR - AUTO AND SMALL TRUCK (SALE AND INSTALLATION ONLY, NO MECHANICAL SERVICE PERMITTED), "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR PLUMBING FIXTURES – RETAIL, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLE SALES, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A FUNERAL HOME OR UNDERTAKING PARLOR, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR LIMOUSINE SERVICE – DISPATCH AND OFFICE USE ONLY NO SERVICING OF VEHICLES ONSITE, "C-1 CD" LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR SELF SERVICE STORAGE, "C-2" COMMERCIAL DISTRICT, "C-2 S" COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A BAR AND/OR TAVERN WITHOUT COVER CHARGE 3 OR MORE DAYS PER WEEK, "C-2 CD" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR VETERINARY HOSPITAL – LARGE AND

SMALL ANIMAL AND “C-2 S” COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A CARWASH PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

John Jacks presented Item Z-4 and stated that staff and the Zoning Commission recommended approval. He reported that of 547 notices mailed; one was returned in favor and two were returned in opposition.

Mayor Pro Tem Medina called upon Mr. Marc Lopez to speak.

Mr. Marc Lopez stated that he had been a resident and business owner in the Eastern Triangle for 30 years. He noted that although he was supportive of the residential rezoning; he was concerned with the commercial buildings and vacant lots that were overgrown. He added that it was important to maintain the Commercial Zoning in the area.

Councilmember Viagran asked of the measures taken by staff to communicate to residential and business owners of the process. Mr. Jacks replied that prior to the zoning process being implemented; two community meetings were held. He stated that notices were mailed to all property owners within the Zone, in addition to property owners located within 200 feet of the area. He noted that there were also meeting notices mailed. Councilmember Viagran asked of the Certificates of Occupancy of various Business Owners. Mr. Jacks replied that anyone that submitted a Building Application which includes a Certificate of Occupancy within 10 days would be grandfathered and eligible for Nonconforming Rights. Councilmember Viagran asked if there would be an impact to Property Taxes. Mr. Jacks replied that zoning did not impact property values; however, the use of the property may impact property values. Councilmember Viagran thanked everyone that participated in the process and stated that she had received letters of support from Joy McGhee and James McNamara of the Eastern Triangle Implementation and Management Group.

Councilmember Taylor thanked Councilmember Viagran for moving said item forward. She noted that the Eastern Triangle Community Plan had been adopted in 2009 and encouraged business owners in the area to stay involved.

Councilmember Viagran moved to adopt the proposed ordinance for Item Z-4. Councilmember Taylor seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Mayor Castro

2014-06-05-0405

Z-8. ZONING CASE # Z2014141 (District 8): An Ordinance amending the Zoning District Boundary from "MPCD MLOD-1 AHOD" Master Planned Community Camp Bullis Military Lighting Overlay Airport Hazard Overlay District and "MPCD MLOD-1" Master Planned Community Camp Bullis Military Lighting Overlay District to "C-2 MLOD-1 AHOD" Commercial Camp Bullis Military Lighting Overlay Airport Hazard Overlay District and "C-2 MLOD-1" Commercial Camp Bullis Military Lighting Overlay District on 2.768 acres out of NCB 15825 located on a portion of the 5500 Block of Presidio 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: 2.768 ACRES OUT OF NCB 15825 TO WIT: FROM "MPCD MLOD-1 AHOD" MASTER PLANNED COMMUNITY CAMP BULLIS MILITARY LIGHTING OVERLAY AIRPORT HAZARD OVERLAY DISTRICT AND "MPCD MLOD-1" MASTER PLANNED COMMUNITY CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT TO "C-2 MLOD-1 AHOD" COMMERCIAL CAMP BULLIS MILITARY LIGHTING OVERLAY AIRPORT HAZARD OVERLAY DISTRICT AND "C-2 MLOD-1" COMMERCIAL CAMP BULLIS MILITARY LIGHTING OVERLAY DISTRICT.

John Jacks presented Item Z-8 and stated that staff and the Zoning Commission recommended approval. He reported that of five notices mailed; three were returned in favor and none were received in opposition.

Councilmember Nirenberg moved to adopt the proposed ordinance for Item Z-8. Councilmember Bernal seconded the motion. The motion prevailed by the following vote:

Aye: 9 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg and Krier

Absent: 2 - Mayor Castro and Gallagher

Items P-3 and Z-9 were addressed jointly.

CONTINUED TO JUNE 19, 2014

P-3. PLAN AMENDMENT #14021 (District 8): An Ordinance amending the future land use plan contained in the North Sector Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of approximately 20.552

acres of land out of NCB 18333, located on the south side of Heuermann Road between Milsa Drive and IH-10 West from Rural Estate Tier to General Urban Tier. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014057)

CONTINUED TO JUNE 19, 2014

Z-9. ZONING CASE # Z2014057 (District 8): An Ordinance amending the Zoning District Boundary from "C-2 UC-1 GC-1 MSAO-1 MLOD-1" Commercial IH-10/FM 1604 Urban Corridor Hill Country Gateway Corridor Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District, "C-2 GC-1 MSAO-1 MLOD-1" Commercial Hill Country Gateway Corridor Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District and "C-2 MSAO-1 MLOD-1" Commercial Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District to "MF-25 UC-1 GC-1 MSAO-1 MLOD-1" Low Density Multi-Family IH-10/FM 1604 Urban Corridor Hill Country Gateway Corridor Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District, "MF-25 GC-1 MSAO-1 MLOD-1" Low Density Multi-Family Hill Country Gateway Corridor Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District and "MF-25 MSAO-1 MLOD-1" Low Density Multi-Family Camp Bullis Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay District on 20.552 acres out of Lot 2, Block 3, NCB 18333 located on a portion of the 6800 Block of Heuermann Road. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment Case 14021)

John Jacks presented Item P-3 and stated that it would amend the future land use plan contained in the North Sector Plan. He noted that staff and the Planning Commission recommended approval.

For Item Z-9, he stated that staff and the Zoning Commission recommended approval. He reported that of 14 notices mailed; none were returned in favor and one was received in opposition.

Councilmember Nirenberg stated that they had received signed covenants from the Friends of Friedrich Park from 2005 and that no opposition was received from the Cresta Bella Auto Group and Ultra Vision. He asked James Griffin of the proposed replat that was filed. Mr. Griffin stated that they were working with the Consultant for Cresta Bella as well as the Property Owner to the West and they had expressed concern regarding the drainage. He noted that the developer would address the drainage issues with the development and they were supportive of the project. Councilmember Nirenberg stated that he would like to have Letters of Support prior to moving forward.

Councilmember Nirenberg moved to continue Items P-3 and Z-9 until June 19, 2014. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Mayor Castro

Items P-4 and Z-10 were addressed jointly.

2014-06-05-0406

P-4. PLAN AMENDMENT #14014 (District 8): An Ordinance amending the future land use plan contained in the North Sector Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of approximately 3.565 acres of land out NCB 14697 located at the Southeast corner of Huebner Road and Research Drive from Mixed Use Center land use to Regional Center land use. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014051)

2014-06-05-0407

Z-10. ZONING CASE # Z2014051 (District 8): An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District to "C-3" General Commercial District on 3.565 acres out of NCB 14697 located on a portion of 4932 Research Drive. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment 14014)

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: 3.565 ACRES OUT OF NCB 14697 AND NCB 17310 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

John Jacks presented Item P-4 and stated that it would amend the future land use plan contained in the North Sector Plan. He noted that staff and the Planning Commission recommended approval.

For Item Z-10, he reported that staff and the Zoning Commission recommended approval. He stated that of 21 notices mailed; two were returned in favor and none were received in opposition. He added that the Open Estates Neighborhood Association was in support of the request.

Councilmember Nirenberg noted that he had received a Letter of Support from Sue Schneider of the Open Estates Neighborhood Association. Councilmember Nirenberg moved to adopt the proposed ordinances for Items P-4 and Z-10. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Mayor Castro

Items P-5 and Z-11 were addressed jointly.

CONTINUED TO JUNE 19, 2014

P-5. PLAN AMENDMENT #14029 (District 9): An Ordinance amending the future land use plan contained in the San Antonio International Airport Vicinity Land Use Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of approximately 14.596 acres of land out of NCB 15009, located on the east side of Bitters Road between Loop 1604 and Ashton Village drive from Public Institutional to Community Commercial land use. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014103 ERZD)

CONTINUED TO JUNE 19, 2014

Z-11. ZONING CASE # Z2014103 ERZD (District 9): An Ordinance amending the Zoning District Boundary from "MF-33 PUD ERZD MLOD-1 AHOD" Multi-Family Planned Unit Development Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District to "C-2 ERZD MLOD-1 AHOD" Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District on 9.66 acres and "O-1 ERZD MLOD-1 AHOD" Office Edwards Recharge Zone Camp Bullis Military Lighting Overlay Airport Hazard Overlay District on 4.936 acres allowing a fence up to eight (8) feet in height along the eastern boundary of the 4.936 acre tract of land in accordance with Section 35-514 (d)(2)(D) of the Unified Development Code on 14.596 acres out of NCB 15009 located on a portion of the 2900 Block of West Bitters Road. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment Case 14029)

John Jacks presented Item P-5 and stated that it would amend the future land use plan contained in the San Antonio International Airport Vicinity Land Use Plan. He noted that staff and the Planning Commission recommended approval.

For Item Z-11, he reported that staff and the Zoning Commission recommended approval.

He stated that SAWS recommended approval with a Maximum Impervious Cover of 65% and that a revised SAWS Report for Item Z-11 had been provided to the City Council. He noted that the Applicant was requesting authorization for an 8-foot fence along the Eastern Boundary of the 4.936-acre tract of land. He reported that of 58 notices mailed; four were returned in favor and one was received in opposition.

Councilmember Krier stated that they had some minor details to work on and moved to continue Items P-5 and Z-11 until June 19, 2014. Councilmember Saldaña seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Mayor Castro

2014-06-05-0408

Z-12. ZONING CASE # Z2014140 (District 10): An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on Lot 1, Block 24, NCB 16587 located at 14590 Toepperwein 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: LOT 1, BLOCK 24, NCB 16587 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-2NA AHOD" COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY.

John Jacks presented Item Z-12 and stated that staff and the Zoning Commission recommended approval. He reported that of 35 notices mailed; none were returned in favor and one was received in opposition.

Mayor Pro Tem Medina called upon the individuals registered to speak.

Mary Ann Bekken stated that she lived directly behind the property and had been there for 25 years. She expressed concern with the Motorcycle Shop due to noise issues including gun shots, motorcycles, and safety.

Carlos Reyes stated that he also lived behind the property and had been there for 10 years.

He expressed safety concerns with the Motorcycle Shop.

Councilmember Gallagher thanked Ms. Bekken and Mr. Reyes for being present. He stated that he would address gunshot issues with Chief McManus but did not see a problem with the proposed zoning.

Councilmember Gallagher moved to adopt the proposed ordinance for Item Z-12. Councilmember Taylor seconded the motion. The motion prevailed by the following vote:

Aye: 10 - Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

Absent: 1 - Mayor Castro

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Medina adjourned the meeting at 2:35 pm.

APPROVED

JULIÁN CASTRO
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC
CITY CLERK