

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

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE MUNICIPAL PLAZA BUILDING, THURSDAY, FEBRUARY 4, 2010.**

The San Antonio City Council convened in a Regular Meeting on Thursday, **February 4, 2010** 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: Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, Clamp, and Mayor Castro. **ABSENT:** Medina and Williams.

**Item 1.** The Invocation was delivered by Reverend Kristine Franke Hill, Pastor, Shepherd King Lutheran Church, guest of Councilmember Elisa Chan, District 9.

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

**Item 3. MINUTES**

Councilmember Rodriguez moved to approve the Minutes for the Regular City Council Meeting of January 14, 2010. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Medina and Williams.

**POINT OF PERSONAL PRIVILEGE**

Councilmember Lopez recognized Former Councilmember Robert Marbut and his Government Students from Northwest Vista College who were in attendance. Councilmember Cortez recognized Ramiro Cavazos and Eddie Pete Rodriguez for their service as District 4 Representatives to the Brooks Development Authority and Transportation Advisory Board, respectively.

**ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Resolution:

**2010-02-04-0007R**

**Item 4. A RESOLUTION ADOPTING THE CITY OF SAN ANTONIO "MISSION VERDE" SUSTAINABILITY STRATEGY.**

Richard Varn and Laurence Doxsey presented said item. Mr. Varn stated that the Mission Verde Sustainability Plan had been presented to the City Council at a B Session but not formally adopted. He outlined the 10 Mission Verde Initiatives that include a Green Jobs Program; Green Retrofit Program;

and a Green One-Stop Center. He noted that proposed enhancements would include waste reduction, recycling, re-use, low-impact development, and locally-produced food. He reported that all City Departments would participate within the resources available and that the Office of Environmental Policy (OEP) would track and monitor the programs. He added that minimum use and maximum benefit of energy and water would be supported and that distributed sources should be utilized when feasible and practical.

Mr. Varn stated that building code improvements would lead to net zero carbon in 2030 and spoke of the importance of the rehabilitation and reuse of existing buildings. He spoke of the Community Outreach efforts and the importance of the City leading by example. He stated that there were many benefits and that the City would realize reductions within energy consumption; water consumption; greenhouse gas emissions; and utility costs.

Mr. Doxsey spoke of the Mission Verde actions to date and reported that CPS Energy had implemented the Save for Tomorrow Energy Plan (STEP) and the Advanced Meter Initiative. He stated that a Feasibility Study had been completed and Fund Managers had been selected for the creation of a multi-tech venture capital fund in San Antonio. He noted that the Mission Verde Center had been opened at Cooper Middle School and that a Green Jobs Leadership Council had been created. He mentioned that the Economic Development Incentive Fund and Tax Abatement Policies support Green Technology and that extra incentives were available for improvements that receive green building certifications. He reported that the City Council had adopted changes to energy and water codes for new buildings that require an energy reduction of 15% below existing code. He spoke of the Case Verde SA Low Income Weatherization Assistance Program, CPS Energy Weatherization, and AACOG Weatherization Programs that were federally funded, and outlined planned programs such as the Owner-Occupied Rehabilitation Rebate Program and Tree Planting Program.

Mr. Doxsey stated that the Mayor's Task Force on Sustainable Transportation had provided recommendations for the creation of an integrated, efficient, multi-modal transportation system for the city. He reported that the City was addressing sustainability and resource efficiency across City Facilities and Departments through initiatives such as recycling; use of recycled materials; use of cleaner alternative fuels; and an employee bike sharing program. He added that lighting and water audits had been conducted within high priority City Facilities and that all Parks and Recreation, Library, and Community Facilities had been surveyed for energy savings through tree plantings.

Mayor Castro expressed support for adopting the Mission Verde Sustainability Strategy and spoke of the great strides made by the City of San Antonio. He noted that San Antonio could become a leader in sustainability initiatives and that there were economic and environmental benefits. Councilmember Cisneros recognized Mayor Hardberger for his initial work and thanked Mayor Castro for moving forward on the Mission Verde Initiative. She stated that she was in full support of the adoption of Mission Verde Sustainability Strategy and that it would provide for sustainability and responsible growth and development. She asked of the impact to the General Fund. Mr. Varn stated that there was no impact to the General Fund at this time, but if buildings were made more energy efficient, there would be an impact. Councilmember Cisneros asked of the grants received. Mr. Doxsey reported that the City had been awarded \$26 million in grant funding. Councilmember Cisneros asked of the participation of other stakeholders. Mr. Varn stated that CPS Energy was participating through the STEP Program and other initiatives, and that SAWS had been a leader in water conservation for many years.

Councilmember Cisneros asked how the issue of ozone non-attainment would be addressed. Mr. Doxsey stated that all energy improvements would help meet emission requirements. Councilmember Ramos expressed her support for Mission Verde and recognized Mayor Castro for his leadership on the initiative. She thanked City Staff for seeking grant funding for the initiatives and asked of collaboration with CPS Energy. Mr. Varn stated that the strategy encourages city utilities to consider and adopt resolutions in support of the sustainability goals of Mission Verde. Councilmember Ramos asked of the multi-tech venture capital fund. Mr. Varn stated that the fund would be utilized to assist high-tech and green-tech businesses relocate or grow within the city. Councilmember Ramos spoke of discussions with Texas A&M University San Antonio regarding the possibility of creating a "Green Jobs" Degree Program and recognized the Verano Project on their implementation of green initiatives.

Councilmember Rodriguez recognized Mayor Castro and the City Council for their support of Mission Verde and asked of the selection process for Fund Managers. Mr. Varn stated that there had been an open process conducted by the Economic Development Department and would provide the information to the City Council. Councilmember Rodriguez asked if services were being provided at the Mission Verde Center. Mr. Varn replied that the location was not yet operational as a one-stop but the Office of Environmental Policy was responsible for serving as a point of contact. Councilmember Rodriguez requested that a B Session be held on said item for moving Mission Verde policies forward. Councilmember Lopez thanked everyone that worked on Mission Verde and noted that the community was moving in the right direction. He asked of the coordination of "green" curriculum. Mr. Varn stated that it was challenging but had asked the Center for Adult and Experiential Learning to partner with local educational institutions regarding training, sequencing, and model curriculum.

Councilmember Clamp recognized everyone involved in moving Mission Verde forward and expressed his support for the Resolution. He stated that he was also in support of a B Session to review the framework for managing the program. Councilmember Chan stated that she was pleased to be a part of the Council adopting the Mission Verde Plan and with the direction of the city in moving toward sustainability. She asked of the Green Jobs Leadership Council. Mr. Doxsey stated that he would provide additional information after their next meeting. Councilmember Chan asked if there was an incentive fund and tax abatement policy specifically for green jobs. Mr. Varn confirmed that there was and that it was part of the ten-cluster strategy that had been identified as eligible for certain incentives and fee waivers. Councilmember Chan stated that she would like to have a better understanding of how businesses or technologies in the green sector were incentivized.

Councilmember Cortez recognized everyone that worked in the Mission Verde Initiative and thanked Mayor Castro for his leadership. He asked of the retrofitting of existing homes and buildings. Mr. Doxsey replied that there were three programs: the Case Verde SA Low Income Weatherization Assistance Program; CPS Energy Weatherization; and the AACOG Weatherization Program. He noted that they provided free upgrades to homes for residents that were at 200% of the poverty level or less and could be accessed by renters or owners. He added that the Property Assessed Clean Energy (PACE) Program would be open to everyone but was pending changes in legislation. Councilmember Taylor recognized Mayor Castro for moving forward with the initiative as well as Councilmember Cisneros for requesting formal adoption of the Mission Verde Plan. She stated that she was in full support and that San Antonio could be a leader in the green economy.

Mayor Castro called upon the individuals registered to speak.

Diane Lang stated that she was the Chair of the Citizens Environmental Advisory Board whose purpose was to promote Mission Verde and provide recommendations to the City Council. She noted that the Board was comprised of active and dedicated citizens that wholeheartedly support the Mission Verde Initiatives. She also spoke in support of the Safe Passing Ordinance (Item 18).

Rhett Smith stated that he appreciated the efforts on Mission Verde. He expressed concern with the two young children that were killed by their mother the previous day.

Jack M. Finger spoke against the approval of the Mission Verde Sustainability Strategy and expressed concern with the fiscal impact to citizens and CPS Energy ratepayers. He also spoke in opposition to the Inner City Reinvestment Policy (Item 5).

Councilmember Cisneros moved to approve the Resolution. Councilmember Rodriguez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina and Williams.

The City Clerk read the following Ordinance:

**2010-02-04-0084**

Item 5. AN ORDINANCE APPROVING THE INNER CITY REINVESTMENT/INFILL POLICY DEVELOPED TO PROMOTE GROWTH AND DEVELOPMENT IN AREAS OF THE CITY OF SAN ANTONIO THAT ARE CURRENTLY SERVED BY PUBLIC INFRASTRUCTURE AND TRANSIT, BUT UNDERSERVED BY RESIDENTIAL AND COMMERCIAL REAL ESTATE MARKETS.

Pat DiGiovanni stated that the Inner City Reinvestment/Infill Policy would facilitate reinvestment and development in the inner city. He noted that fees would be waived in the City core target area and that greater incentives would be provided for economic development. He mentioned that the policy would align other funding sources to support inner city revitalization and that a specialized team would be created to assist with development.

Mr. DiGiovanni outlined the policy goals, noting that new development on vacant lots and redevelopment of underutilized buildings and sites would be increased. He noted that the policy would provide for additional rehabilitation, upgrade, and adaptive reuse of existing buildings, as well as increase business recruitment and assistance. He outlined the Targeted Area that included the following: 1) Community Revitalization Action Group (CRAG); 2) Westside Development Corporation (WDC); Fort Sam Houston Growth Management Plan Area; 4) Reinvestment Plan Areas; 5) TIRZ; 6) Neighborhood Commercial Revitalization Districts; 7) City South; and 8) Port San Antonio.

Mr. DiGiovanni stated that development within the targeted area would receive a waiver of: 1) SAWS Fees; 2) Public Works Fees; 3) Planning and Development Services Department Fees; and 4) CIMS Fees. He noted that in regard to development incentives, the policy would provide for Economic Development Grants/Loans; Tax Abatements; and Down Payment Assistance and Housing Rehab through CDGB/HOME Funds. He spoke of the Land Banking that would identify for acquisition,

management, and disposition of real property within the targeted area. He noted that it would stimulate development; facilitate affordable and market-rate housing; and reduce the total number of abandoned or vacant properties in the city. He added that through the Center City Development Office, staff would facilitate project development and permitting.

Mr. DiGiovanni outlined the Implementation Plan in which the SAWS Impact Fee Guidelines and the City/County Joint Tax Abatement Guidelines will be revised. He noted that a preference for CDBG allocations for the target area will be included in the new 5-Year Consolidated Plan and 1-Year Action Plan.

Mayor Castro called upon the individuals registered to speak.

Nazirite Ruben Flores Perez stated that he was in support of growth but expressed concern with too much growth. He noted that he was in favor of tax abatements.

Nick Mireles stated that he was in support of said item but requested that his neighborhood located near St. Mary's University also be considered in the Target Area. He noted that there were flooding issues and a great need for revitalization of the area.

Mayor Castro expressed his support for the Inner City Reinvestment/Infill Policy and stated that it was being implemented to revitalize the urban core of the city. He noted that the growth and success of the city was tied to having a stronger urban core and spoke of the importance of working with CPS Energy, SAWS, and the development community on specific projects. Councilmember Taylor noted that the policy was a step in the right direction to promote revitalization and spoke of its positive impact toward redevelopment efforts for the Eastside. She mentioned that the policy was designed to strengthen neighborhoods and recognize the residents and business owners that have stayed in the older neighborhoods over the years. She added that she was honored to be serving on such a progressive City Council and mentioned that the Mayor had sparked reinvestment on the East Side.

Councilmember Ramos thanked staff in adding City South to the initiative and recognized Mayor Castro for his leadership on addressing issues within the inner city. She noted that the policy would bring much needed development to the inner city and attract individuals into the inner core neighborhoods. She asked staff to communicate with CPS Energy regarding the Overhead Conversion Projects within the planned areas. She spoke of the importance of marketing the policy to businesses and asked of the collaboration with the Economic Development Department. Mr. DiGiovanni stated that they would begin to market the policy to the development community, investor groups, and banks to gain synergy and enthusiasm. He added that they were working with the Real Estate Division to work with developers regarding prime areas for redevelopment. Councilmember Ramos asked of the staff for the Center City Department. Mr. DiGiovanni replied that there were approximately 15 employees in the department.

Councilmember Cisneros recognized Mayor Castro for his leadership on this very important initiative and spoke of her commitment to promoting development inside Loop 410. She thanked Silver Ventures for their investment in the Pearl Brewery, as well as the Tobin Hill Neighborhood Association for taking redevelopment of their neighborhood to new levels. She spoke of the great potential within the inner city and noted that the River North Area was master-planned and ripe for development. She stated that the Base Realignment and Closure would provide additional growth and create opportunities for

redevelopment. She commended the stakeholders who participated in the process. Councilmember Lopez spoke of the importance of keeping along the path of revitalization across the entire region with a focus on the inner city. He recognized the need to work with community partners such as the Westside Development Corporation and thanked Mayor Castro for his leadership.

Councilmember Rodriguez thanked staff for their efforts to rebuild the urban core of the city and recognized Nick Mireles for being present to support the neighborhood revitalization efforts in the St. Mary's University area. He asked if staff was working with small businesses in the urban core. Mr. DiGiovanni replied that they recognized that 80% of job creation came from small business and would work with Economic Development to ensure that small business assistance matches up with the reinvestment policy. Councilmember Chan expressed her support for incentivizing the urban core and noted that the plan was well-structured. She stated that the inner city was important for everyone including regional and international economic development. She asked that programs be structured so that small businesses can take advantage of them.

Councilmember Clamp stated that incentives were needed for inner city development and asked of the Land Bank. Mr. DiGiovanni replied that it was a work in progress and that there was an urban renewal agency (SADA) already in place. He noted that it had been decommissioned to some extent but would bring back recommendations to possibly revitalize it. He noted that the Land Bank would include land that the city may need to dispose of or that the urban renewal agency owns and could transfer to the city. It could include the acquisition of land in key spots of the reinvestment areas to market to potential developers. Councilmember Clamp asked of properties burdened with tax liens. Mr. DiGiovanni stated that he was unsure of Texas Law but would follow up with the information. Councilmember Clamp asked if the Austin Highway Revitalization Project qualified for the incentive plan. Patrick Howard stated that it was not an existing active neighborhood commercial revitalization district but staff could revisit the idea of making it active in the future and include it as part of the target area. Councilmember Clamp spoke of the importance of small business incentives and a concentrated effort toward same. Councilmember Cortez recognized Mayor Castro and Councilmember Taylor for their leadership on said item and noted that inner city redevelopment impacted the entire city.

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

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina and Williams.

The City Clerk read the following Ordinance:

**2010-02-04-0085**

Item 6. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) IN THE AMOUNT OF \$293,641.17 FROM THE COUNCIL DISTRICT 4 AFFORDABLE SHOWCASE OF HOMES PROJECT TO THE COUNCIL DISTRICT 7 TIERRA DEL SOL AFFORDABLE SHOWCASE OF HOMES PROJECT.

Mayor Castro opened the Public Hearing and called upon staff for the presentation.

Nina Nixon-Mendez stated that the ordinance would approve the reprogramming of Community Development Block Grant (CDBG) funds in the amount of \$293,641.17 from City Council District 4 to the City Council District 7 Affordable Showcase of Homes Project. She noted that the Affordable Showcase of Homes was established in 1995 to revitalize inner city neighborhoods and provide high-quality homes. She added that the Housing and Neighborhood Services Department acquires land for development and partners with the Greater San Antonio Builder's Association (GSABA) through lots being sold to member builders and the builders constructing affordable single-family homes.

Ms. Nixon-Mendez explained that due to unexpected land development costs, District 7 had experienced a shortfall in their project budget. She stated that \$91,500 was projected to be generated from the sale of lots to GSABA and would be reprogrammed to District 4. She reported that a suitable site for acquisition in District 4 had not been identified thus loss of funding was possible. She stated that the transfer of funds would create additional affordable housing opportunities and there would be no impact to the General Fund.

Mayor Castro stated that there were no citizens registered to speak, thus, closed the Public Hearing. Councilmember Cortez asked when the funding would be returned to District 4. Ms. Nixon-Mendez replied that the funds would be reprogrammed in the Annual FY 2011 Budget. Councilmember Cortez expressed his support in assisting District 7 and noted that he looked forward to moving aggressively with the District 4 Showcase of Homes once a site was identified. Councilmember Rodriguez thanked Councilmember Cortez for his support and noted that a portion of the shortfall was attributed to illegal dumping by a contractor. He asked that staff continue to pursue recouping said funds.

Councilmember Rodriguez moved to adopt the proposed Ordinance. Councilmember Cortez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina and Williams.

### **RECESSED**

Mayor Castro recessed the meeting for lunch at 12 noon and stated that the meeting would resume at 1:45 pm and that Item 18 would be addressed at that time.

### **RECONVENED**

Mayor Castro reconvened the meeting at 1:48 pm and called upon the individuals registered to speak on the Consent Items.

### **CONSENT AGENDA-Items 7-19**

Consent Agenda Items 12B, 15, 18, and 19 were pulled for Individual Consideration. It was noted that Item 17i was pulled from the agenda by City Staff. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Chan seconded the motion.

Nazirite Ruben Flores Perez spoke in favor of the construction contract with LVA Construction for Elmendorf Lake Park Improvements (Item 10).

Jack M. Finger addressed the Council in opposition to the Safe Passing Ordinance (Item 18). He stated that it favored bicyclists, runners, and skateboarders and noted that streets were made for motorists.

Faris Hodge, Jr. submitted written testimony in opposition to the Mission Verde Plan referenced in Item 4 due to the lack of information. He wrote that the city did not need toll roads (Item 5) and that the Public Hearing in Item 6 should be held at 6:00 pm. He wrote in favor of Items 7-11. He wrote in opposition to the skate parks in Items 12A and 12B, and also Item Z-8.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Medina and Williams.

**2010-02-04-0086**

Item 7. AN ORDINANCE AUTHORIZING THE CITY TO UTILIZE THE GSA ADVANTAGE COOPERATIVE CONTRACT WITH SAP PUBLIC SERVICES INC. TO PROVIDE IMPLEMENTATION SERVICES TO DEPLOY SAP'S PROCUREMENT FOR PUBLIC SECTOR (PPS) SOLUTION FOR UP TO \$2,675,703.00, FUNDED THROUGH THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT'S ADOPTED CAPITAL BUDGETS.

**2010-02-04-0087**

Item 8. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO FRANCISCO SUAREZ-PELLA, DBA GREEN GRASS INC., FOR UP TO \$220,000.00 FOR THE AIRPORT LANDSCAPING PROJECT AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FUNDED BY AIRPORT REVENUE BONDS.

**2010-02-04-0088**

Item 9. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO D&D CONTRACTORS, INC. FOR UP TO \$265,833.58 FOR THE DISTRICT 6 AREA PEDESTRIAN MOBILITY & TRAFFIC CALMING INITIATIVES WESTOVER HILLS PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT.

**2010-02-04-0089**

Item 10. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO LVA CONSTRUCTION FOR UP TO \$284,000.00 FOR THE ELMENDORF LAKE PARK IMPROVEMENTS PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND PROJECT LOCATED IN COUNCIL DISTRICT 5.

**2010-02-04-0090**

Item 11. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT TO DEGAND CONTRACTING, INC., DBA SOUTH TEXAS INTERIORS, FOR UP TO \$186,630.00 FOR THE OSCAR PEREZ PARK IMPROVEMENTS PROJECT, AN AUTHORIZED 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 6.

Item 12. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE VISTA VERDE PROJECT IN COUNCIL DISTRICT 5, THE ROOSEVELT PARK PLAYGROUND IN

COUNCIL DISTRICT 5 AND THE SKATEPARKS DESIGN-BUILD PACKAGE IN COUNCIL DISTRICTS 4, 5, AND 7, ALL 2007-2012 GENERAL OBLIGATION BOND FUNDED PROJECTS.

**2010-02-04-0091**

- A. AN ORDINANCE AMENDING THE FY 2010 CAPITAL BUDGET, CANCELLING THE VISTA VERDE 2007-2012 BOND PROJECT AND REALLOCATING PROJECT FUNDS IN THE AMOUNT OF \$100,000.00 TO ROOSEVELT PARK PLAYGROUND AND \$147,363.14 TO ROSEDALE PARK SKATEPARK, TWO EXISTING DISTRICT 5 2007-2012 BOND PROJECTS.

**2010-02-04-0093**

Item 13. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KLOTZ ASSOCIATES, INC. IN THE AMOUNT OF \$237,105.65 AND AUTHORIZING \$220,000.00 FOR MANDATORY FEES FOR THE UV WATER DISINFECTION FACILITY PROJECT, AN AUTHORIZED STORMWATER REVENUE BOND PROJECT LOCATED IN COUNCIL DISTRICT 9.

**2010-02-04-0094**

Item 14. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A DONATION FROM KB HOMES OF APPROXIMATELY 7.117 ACRES LOCATED EAST OF REDLAND ROAD AND NORTH OF LOOP 1604 IN COUNCIL DISTRICT 10 TO BE DESIGNATED FOR PARK LAND.

**2010-02-04-0096**

Item 16. AN ORDINANCE AMENDING CHAPTER 13 (FOOD AND FOOD HANDLERS) OF THE CITY CODE OF SAN ANTONIO, TEXAS TO ESTABLISH AN ANNUAL SCHOOL FOOD ESTABLISHMENT FEE OF \$215.00 PER SCHOOL FOR CAFETERIA OPERATIONS AND OTHER FOOD SERVICE ON SCHOOL CAMPUSES.

Item 17. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011, 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 JANE S. GONZALEZ (AT-LARGE, CATEGORY: SAN ANTONIO FOR GROWTH ON THE EASTSIDE (SAGE)), JUAN A. GARCIA (AT-LARGE, CATEGORY: NEIGHBORHOOD ASSOCIATION, DIGNOWITY HILL), PHILLIP A. REIDINGER (AT-LARGE, CATEGORY: FORT SAM HOUSTON REPRESENTATIVE) AND CHARLES H. HOOD (AT-LARGE, CATEGORY: AT-LARGE REPRESENTATIVE) AND REAPPOINTING C. DOUG EARLE AND AL MARIN (AT-LARGE, CATEGORY: CLERGY), LEO GOMEZ (AT-LARGE, CATEGORY: MILITARY TRANSFORMATION TASK FORCE (MTTF) REPRESENTATIVE), AND BENJAMIN P. VIERVILLE (AT-LARGE, CATEGORY: TENANT/RENTER) TO THE FORT SAM HOUSTON COMMUNITY ADVISORY BOARD.

- B. APPOINTING VICTOR G. GUEVARA (DISTRICT 5) TO THE ETHICS REVIEW BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE APRIL 25, 2011.
- C. APPOINTING VICENTE A. GARCIA, JR. (DISTRICT 2) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS.
- D. APPOINTING LILLIE M. HARRIS (DISTRICT 2, CATEGORY: PROVIDER OF HANDICAPPED SERVICES) TO THE DISABILITY ACCESS ADVISORY COMMITTEE.
- E. REAPPOINTING MANUEL A. PELAEZ (DISTRICT 9, CATEGORY: ACADEMIC INSTITUTION) AND RAMIRO CAVAZOS (DISTRICT 4, CATEGORY: ACADEMIC INSTITUTION) TO THE BROOKS DEVELOPMENT AUTHORITY FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE NOVEMBER 4, 2011.
- F. APPOINTING TRACEY A. CURRAN-HERMAN (DISTRICT 9, CATEGORY: PATRON OF THE ARTS) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE.
- G. APPOINTING AMY L. MIDDLETON (DISTRICT 9) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN.
- H. REAPPOINTING LOYCE J. INCE (DISTRICT 9) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2011.

**ITEM 17i – PULLED FROM AGENDA BY STAFF**

- I. APPOINTING CRAIG A. MULLENBACH, ARTHUR CAMPOS, JR., AND TOM LOZZI AND REAPPOINTING JESSE F. JENKINS, EDWARD D. GARZA, AND ORLANDO SALAZAR TO THE CITY SOUTH MANAGEMENT AUTHORITY BOARD OF DIRECTORS FOR A TERM OF OFFICE WHICH BEGAN JANUARY 1, 2010 AND EXPIRES DECEMBER 31, 2011.
- J. APPOINTING EDDIE PETE RODRIGUEZ (DISTRICT 4, CATEGORY: HORSE CARRIAGE/LIMOUSINE INDUSTRY) TO THE TRANSPORTATION ADVISORY BOARD.
- K. APPOINTING KARINA C. CANTU (MAYORAL) TO THE SAN ANTONIO HOUSING AUTHORITY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE AUGUST 26, 2010.
- L. APPOINTING BECKY M. BARRERA (MAYORAL) TO THE SAN ANTONIO COMMISSION ON LITERACY.
- M. APPOINTING BRENNNA G. NAVA (MAYORAL) TO THE ZONING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JUNE 30, 2010.
- N. REAPPOINTING COUNCILMEMBER JOHN G. CLAMP (ELECTED OFFICIAL) TO THE LONE STAR RAIL DISTRICT BOARD OF DIRECTORS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE FEBRUARY 1, 2012.

**[CONSENT AGENDA ITEMS CONCLUDED]**

## ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the caption for Item 18 Ordinance:

**2010-02-04-0097**

Item, 18. AN ORDINANCE AUTHORIZING SAFE PASSING REQUIREMENTS FOR VULNERABLE ROAD USERS.

Richard Varn presented said item and stated that the Safe Passing Ordinance sets a requirement of safe passing by motor vehicles for vulnerable road users. He noted that it also establishes a duty of due care and the requirement of a motor vehicle operator not to interfere with vulnerable users' legal use of the road. He explained that safe passing distance was defined as three feet for cars and six feet for commercial or large trucks that only applies when road conditions allow. He added that violation of the ordinance would be punishable as a Class C misdemeanor and a fine not to exceed \$200.

Mr. Varn stated that the ordinance would provide a foundation for an education campaign of tolerance and acceptance of active forms of alternative transportation and further the City's goals as a Bicycle Friendly Community. He reported that Safe Passing Legislation had been passed in the State Legislative Session but subsequently vetoed by the Governor. He noted that Safe Passing Ordinances had been adopted by the cities of Austin and Helotes and were being considered by numerous other cities in the state. He reported that over 6,900 individuals in the State of Texas had signed a petition calling for more explicit safe passing legislation and spoke of the importance of educating bicyclists and car drivers about traffic laws and safety. He noted that the Office of Environmental Policy had hosted a summit in November on becoming a bicycle friendly community and that Safe Passing Legislation was a top recommendation by local business, community and political leaders.

Mr. Varn reported that the Governance Committee endorsed passage of the version passed by the Legislature and vetoed by Governor Perry. He stated that it endorses the languages and compromises that have already been vetted and adopted at the State Level. It provides a basis for passage of legislation at the State Level during the next Legislative Session; sets a standard for safe passing by defining safe passing distance; and promotes a uniform approach to locally adopted safe passing ordinances. He added that a Request for Proposals (RFP) for a \$60,000 safety awareness media campaign will be issued in February and that a \$300,000 grant has been submitted to the Texas Department of Transportation for an advertising campaign.

Mayor Castro called upon the individuals registered to speak.

Doug Tolbird thanked Councilmember Lopez for his work on said item and stated that he was in full support of the ordinance. He noted that it would make the city safer and requested that there be an ordinance requiring children to wear a helmet when bicycling, rollerblading, and performing other such activities.

John Mayfield also thanked the Council for their work on said item and expressed his support for a Safe Passing Ordinance. He stated that the roads were very dangerous and referenced five schools near Judson Road with over 7,000 students that shared the road with 40,000 vehicles and had no bicycle lanes.

Charlotte Kahl expressed her support for a Safe Passing Ordinance and noted that there were several individuals from the MPO and Bicycle Enthusiasts attending a Trails Conference in Austin that were also in support of the Ordinance. She requested that the Ordinance be adopted giving three feet to all vulnerable road users with the wording worked out by State Representative Gutierrez.

George Longoria stated that he had been an urban cyclist for over 15 years and expressed support for the Safe Passing Ordinance. He spoke of the countless accidents that he had been involved in or witnessed, noting that carelessness, indifference, and malicious intent were the causes. He noted that traffic safety laws should be passed for all road users and that although many laws are unenforceable, they should still exist.

JD Simpson stated that she was an employee of Bike World and had served as President of San Antonio Wheelmen that has over 600 bicyclists as members. She spoke in support of the Safe Passing Ordinance and noted that it was difficult to share the road and feel safe.

Pete Broderick stated that he was an avid cyclist and runner in support of the Safe Passing Ordinance. He noted that he would like to feel safe when operating a bicycle or running in compliance with the prescribed code of conduct. He spoke of the importance of supporting a healthy community and the environmental benefits of riding a bicycle. He added that having a community that embraces a healthy lifestyle would encourage job creation.

Mark Stine stated that he was a Special Projects Coordinator for Bike Texas that represents the interests of cyclists in the state. He noted that he was also a certified bike safety instructor and in support of the Safe Passing Ordinance. He added that in order to make greater strides in reducing the amount of injuries and deaths on the road, the city should adopt a traffic safety culture similar to the industrial safety culture.

Rob Kane stated that he would like for the Safe Passing Ordinance to be approved.

Ashley Rosilier stated that she was one of the owners of Run Gear Run and spoke of the history of fitness problems within the city. She spoke in support of the Safe Passing Ordinance and thanked the Mayor and Councilmembers for their support.

Brain Wohlrabe spoke in support of the Safe Passing Ordinance and stated that he had been hit by a vehicle while riding his bike last week. He noted that he would appreciate anything that the city could do to bring awareness of cyclists on the road to drivers.

Mayor Castro thanked everyone and stated that it was a significant step to raise awareness of the responsibilities of motorists and others that use the road in keeping the roadway safe. Councilmember Lopez expressed support for the Safe Passing Ordinance and spoke of the importance of educating the community. He noted that through a bike ride he had taken, he had come to realize the vulnerability of bicyclists. Councilmember Rodriguez thanked everyone that spoke on the Safe Passing Ordinance and expressed his support for the ordinance. He recognized State Representative Roland Gutierrez for his work on Safe Passing Legislation and spoke of the importance of making the roadway safer for all.

Councilmember Cisneros stated that through adoption of the Safe Passing Ordinance, the City of San Antonio was making great strides in promoting a healthier and more livable community. She read an email from the Beacon Hill Neighborhood Association in support of the Safe Passing Ordinance. Councilmember Clamp expressed concern that the Safe Passing Ordinance had not been presented to the Public Safety Council Committee and asked of the reason for the veto by Governor Perry. Mr. Varn stated that the veto message was that Governor Perry was concerned with the conflicts among various sections of Texas Law and the legislation. He reported that the legislation would be reintroduced in the next Legislative Session.

Councilmember Clamp spoke of the importance of educating the community and asked how the ordinance would be enforced. Mr. Varn stated that a Police Officer would have to observe the violation and a ticket would be issued. Councilmember Cortez asked for additional information on the awareness campaign. Mr. Varn stated that the safety awareness media campaign in the amount of \$60,000 would begin in the Spring and that if the \$300,000 grant was received, funds would be available in late Summer or early Fall. He added that they would be selecting a consultant to assist with selecting the best methods for community outreach. Councilmember Cortez asked of the enforcement of the Safe Passing Ordinance. Chief McManus stated that any violations of the ordinance would be enforced by the San Antonio Police Department and must be observed.

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

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Medina and Williams. **ABSTAIN:** Clamp.

The City Clerk read the caption for Item 12B Ordinance:

**2010-02-04-0092**

Item 12B. AN ORDINANCE AUTHORIZING A DESIGN/BUILD CONTRACT WITH GRINDLINE SKATEPARKS, INC. FOR UP TO \$996,727.00 FOR THE SKATEPARKS DESIGN-BUILD PACKAGE PROJECTS LOCATED AT LACKLAND TERRACE PARK IN COUNCIL DISTRICT 4, ROSEDALE PARK IN COUNCIL DISTRICT 5 AND NANI FALCONE PARK IN COUNCIL DISTRICT 7.

Councilmember Cortez requested additional information and asked of the public input process. Mike Frisbie stated that the contract would provide for the design and building of three skate parks located at Lackland Terrace Park; Rosedale Park; and Nani Falcone Park. He noted that the community would be involved in the process through social networking tools and that the construction timeline would be negotiated with the design-build team. Councilmember Rodriguez asked if all three skate parks would be designed and built within the same timeframe. Mr. Frisbie confirmed that the design-build team would work on all three concurrently.

Councilmember Cortez moved to adopt the proposed Ordinance for Item 12B. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina and Williams.

The City Clerk read the caption for Item 15 Ordinance:

**2010-02-04-0095**

Item 15. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF UP TO \$250,000.00, UPON AWARD, FROM PETSMAST CHARITIES FOR CONTINUATION OF AN INNOVATIVE PET SPAY/NEUTER VOUCHER PROGRAM FOR THE PERIOD OF FEBRUARY 2010 THROUGH APRIL 2011.

Councilmember Cortez asked of the grant and how the funds would be utilized. Gary Hendel stated that he was optimistic that they would receive the grant and would utilize it for vouchers for spay and neuter services. He noted that they would like to work with private veterinarians to provide the services and that the amount of the voucher would depend on the sex and size of the animal. Councilmember Cortez asked of the mobile spay/neuter unit. Mr. Hendel reported that the vehicle had been involved in an accident and was currently out of commission. He reported that it had been transported out of state as provided under the warranty. Councilmember Cortez expressed concern with the length of time that the unit was out of commission and that it was not available to provide much needed spay and neuter services in the community. Councilmember Ramos asked how the vouchers would be dispersed. Mr. Hendel stated that they would market the vouchers via target mailers, churches, and neighborhood associations and would contact all veterinarians throughout the city.

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

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Medina, Williams and Clamp.

The City Clerk read the caption for Item 19 Ordinance:

**2010-02-04-0098**

Item 19. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT IN THE AMOUNT OF \$50,000.00 WITH THE SAN ANTONIO-BEXAR COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO) TO COMPLETE A STUDY OF FUTURE POTENTIAL PROJECTS ALONG US 281 AND LOOP 1604, FUNDED BY THE ADVANCED TRANSPORTATION DISTRICT FUND.

Councilmember Ramos asked about the study and the city's contribution. Majed Al-Ghafry explained that funding is needed to create a plan for projects in the US 281 and Loop 1604 area to include toll and non-toll options and the city would provide \$50,000 for same. He noted that Bexar County has agreed to provide funding in an amount up to \$125,000. Councilmember Ramos thanked staff for identifying funds and stated that this was a step in the right direction. Councilmember Lopez asked of the focus of the study. He noted that Highway 16 and 151 were also in need of a study and asked if additional funding was available. Mr. Al-Ghafry replied that the original expectation was to study US 281 from Loop 1604 up to Marshall Road but that the MPO Policy Board felt the need to look at Loop 1604 up to 151. He stated that it was important for the study to be completed in a timely manner so as not to

disrupt construction. He noted that staff would monitor savings from existing projects and was hopeful that additional funds would be identified for other studies.

Councilmember Clamp asked of the outcome of the study. Mr. Al-Ghafry stated that the Engineering Report would provide a side-by-side comparison of the toll versus non-toll plan to include a traffic model. He noted that the consultants would be required to identify a financing mechanism and explore all opportunities for a non-toll option. Councilmember Clamp spoke in support of the study noting that there was a great need. Mr. Al-Ghafry added that the report should be completed within three months.

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

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina and Williams.

### **CONSENT ZONING ITEMS**

Councilmember Rodriguez made a motion to approve the following zoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no citizens had registered to speak against: Z-1, Z-2, Z-3, Z-5, Z-6, and Z-9. Councilmember Clamp seconded the motion.

Nazirite Ruben Flores Perez addressed the City Council and stated that he was a Board Member of the Kelly Restoration Group. He noted that the individuals that had cleaned up Building 171 had done a good job and expressed concern with the storage of hazardous chemicals.

Jack M. Finger spoke in opposition to the zoning for a Pay Day Loan Agency in Item Z-3 and the Bail Bond Agency in Item Z-4. He expressed opposition to the historical designation in Item Z-7, noting that the property owner was against the designation.

Christel Villarreal, Secretary of the Highland Hills Neighborhood Association submitted a letter in support of Item Z-2, the rezoning to Historic Significant Infill Development Zone Mission Historic Airport Hazard Overlay Roosevelt Metropolitan Corridor Overlay District.

The motion to approve the Consent Zoning Items prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina and Williams.

#### **2010-02-04-0099**

Item Z-1. **ZONING CASE # Z2010021 (District 2):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lots 75, 76 and 77, Block 3, NCB 16060 located on the 6400 Block of IH 35 North. 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 75, 76 AND 77, BLOCK 3, NCB 16060 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-

FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2010-02-04-0100**

Item Z-2. **ZONING CASE # Z2010022 HS (District 3):** An Ordinance amending the Zoning District Boundary from "H IDZ AHOD MC-1" Infill Development Zone Mission Historic Airport Hazard Overlay Roosevelt Metropolitan Corridor Overlay District to "H HS IDZ AHOD MC-1" Historic Significant Infill Development Zone Mission Historic Airport Hazard Overlay Roosevelt Metropolitan Corridor Overlay District on 25.962 acres out of NCB 7675 located at 3100 Roosevelt Avenue. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 25.962 ACRES OUT OF NCB 7675 TO WIT: FROM "H IDZ AHOD MC-1" INFILL DEVELOPMENT ZONE MISSION HISTORIC AIRPORT HAZARD OVERLAY ROOSEVELT METROPOLITAN CORRIDOR OVERLAY DISTRICT TO "H HS IDZ AHOD MC-1" HISTORIC SIGNIFICANT INFILL DEVELOPMENT ZONE MISSION HISTORIC AIRPORT HAZARD OVERLAY ROOSEVELT METROPOLITAN CORRIDOR OVERLAY DISTRICT.

**2010-02-04-0101**

Item Z-3. **ZONING CASE # Z2010028 S (District 4):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-3 S AHOD" General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Pay Day Loan Agency on Lot 13, Block 5, NCB 8935 located at 1801 SW Military 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 13, BLOCK 5, NCB 8935 TO WIT: FROM "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 S AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A PAY DAY LOAN AGENCY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2010-02-04-0102**

Item Z-5. **ZONING CASE # Z2010025 (District 7):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "MF-18 AHOD" Multi-Family Airport Hazard Overlay District on Parcel 79, NCB 14618 located at 6500 Eckhert 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: PARCEL 79, NCB 14618 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY

AIRPORT HAZARD OVERLAY DISTRICT TO "MF-18 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

**2010-02-04-0103**

Item Z-6. **ZONING CASE # Z2010020 (District 9):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District on Lot 6, Block 19, NCB 17569, located at 3422 Ridge Smoke. 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 6, BLOCK 19, NCB 17569 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "RM-4 AHOD" RESIDENTIAL MIXED AIRPORT HAZARD OVERLAY DISTRICT.

**2010-02-04-0105**

Item Z-9. **ZONING CASE # Z2010024 (District 1):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "R-3 AHOD" Residential Single-Family Airport Hazard Overlay District on Lot K, NCB 863 located at 3110 North St. Mary's Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT K, NCB 863 TO WIT: FROM "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "R-3 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

**[ZONING CONSENT ITEMS CONCLUDED]**

**INDIVIDUAL ZONING ITEMS**

**CONTINUED FOR TWO WEEKS**

Item Z-4. **ZONING CASE # Z2010013 S (District 5):** An Ordinance amending the Zoning District Boundary from "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "R-4" Residential Single-Family District and "C-2" Commercial District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2 NA S" Commercial District, Nonalcoholic Sales with a Specific Use Authorization for a Bail Bond Agency on 0.2201 of an acre out of NCB 2267 located at 213, 215, 219 North San Marcos Street. Staff and Zoning Commission recommend approval.

Chris Looney presented said item and stated that it would amend the Zoning District Boundary from "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "R-4" Residential Single-Family District and "C-2" Commercial District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2 NA S" Commercial District, Nonalcoholic Sales with a Specific Use Authorization for a Bail Bond Agency. He noted that staff and

the Zoning Commission recommended approval and that the Prospect Hill Neighborhood Association was in favor.

Councilmember Taylor moved to continue said item for two weeks. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina and Williams.

**CONTINUED TO APRIL 1, 2010**

Item Z-7. **ZONING CASE # Z2009032 (District 1):** An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "HS C-3 AHOD" Historic Significant General Commercial Airport Hazard Overlay District on the east 114.6 feet of Lot 14, Block 3, NCB 1726 located at 2011 McCullough Avenue. Staff recommends approval. Zoning Commission failed to pass a motion for this case; therefore it moves forward to City Council as a recommendation for denial.

Chris Looney presented Item Z-7 and stated that it would amend the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "HS C-3 AHOD" Historic Significant General Commercial Airport Hazard Overlay District. He noted that staff recommended approval but the Zoning Commission recommended denial. He added that since the property owner was in opposition, it would require nine votes of the City Council for approval.

Councilmember Cisneros stated that they had been working on a resolution for some time and asked that they be given additional time to resolve the issues. She noted that significant strides had been made and would continue working with the Grants Monitoring and Administration Department, Office of Historic Preservation, and Tobin Hills Neighborhood Association on relocation of the structure.

Councilmember Cisneros moved to continue said item until April 1, 2010. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina and Williams.

**2010-02-04-0104**

Item Z-8. **ZONING CASE # Z2010023 H (District 1):** An ordinance amending the Zoning District Boundary from "R-4 AHOD RIO-1" Residential Single-Family Airport Hazard Overlay River Improvement Overlay District-1, "HS R-4 AHOD RIO-1" Historic Significant Residential Single-Family Airport Hazard Overlay River Improvement Overlay District-1, "R-4 AHOD RIO-1 CD" Residential Single-Family Airport Hazard Overlay River Improvement Overlay District-1 with a Conditional Use for two dwelling units, "R-4 AHOD RIO-1 CD" Residential Single-Family Airport Hazard Overlay River Improvement Overlay District-1 with a Conditional Use for four dwelling units, "R-4 AHOD RIO-1 CD" Residential Single-Family Airport Hazard Overlay River Improvement Overlay District-1 with a Conditional Use for six dwelling units, "MF-33 AHOD RIO-1" Multi-Family Airport Hazard Overlay River Improvement Overlay District-1, "C-2 AHOD RIO-1" Commercial Airport Hazard Overlay River Improvement Overlay District-1 to "H R-4 AHOD RIO-1" Residential Single-Family River Road Historic Airport Hazard Overlay River Improvement Overlay District-1, "H

HS R-4 AHOD RIO-1" Historic Significant Residential Single-Family River Road Historic Airport Hazard Overlay River Improvement Overlay District-1, "H R-4 AHOD RIO-1 CD" Residential Single-Family River Road Historic Airport Hazard Overlay River Improvement Overlay District-1 with a Conditional Use for two dwelling units, "H R-4 AHOD RIO-1 CD" Residential Single-Family River Road Historic Airport Hazard Overlay River Improvement Overlay District-1 with a Conditional Use for four dwelling units, "H R-4 AHOD RIO-1 CD" Residential Single-Family River Road Historic Airport Hazard Overlay River Improvement Overlay District-1 with a Conditional Use for six dwelling units, "H MF-33 AHOD RIO-1" Multi-Family River Road Historic Airport Hazard Overlay River Improvement Overlay District-1, "H C-2 AHOD RIO-1" Commercial River Road Historic Airport Hazard Overlay River Improvement Overlay District-1 on multiple properties in the area generally bound by Trail, Anastacia, and Allison Road to the north, US Hwy 281 to the west, East Craig Place to the south, and River Road to the east. 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: MULTIPLE PROPERTIES GENERALLY BOUND BY TRAIL, ANASTACIA, AND ALLISON ROAD TO THE NORTH, US HWY 281 TO THE WEST, EAST CRAIG PLACE TO THE SOUTH, AND RIVER ROAD TO THE EAST. TO WIT: FROM "R-4 AHOD RIO-1" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1, "HS R-4 AHOD RIO-1" HISTORIC SIGNIFICANT RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1, "R-4 AHOD RIO-1 CD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1 WITH A CONDITIONAL USE FOR TWO DWELLING UNITS, "R-4 AHOD RIO-1 CD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1 WITH A CONDITIONAL USE FOR FOUR DWELLING UNITS, "R-4 AHOD RIO-1 CD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1 WITH A CONDITIONAL USE FOR SIX DWELLING UNITS, "MF-33 AHOD RIO-1" MULTI-FAMILY AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1, "C-2 AHOD RIO-1" COMMERCIAL AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1 TO "H R-4 AHOD RIO-1" RESIDENTIAL SINGLE-FAMILY RIVER ROAD HISTORIC AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1, "H HS R-4 AHOD RIO-1" HISTORIC SIGNIFICANT RESIDENTIAL SINGLE-FAMILY RIVER ROAD HISTORIC AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1, "H R-4 AHOD RIO-1 CD" RESIDENTIAL SINGLE-FAMILY RIVER ROAD HISTORIC AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1 WITH A CONDITIONAL USE FOR TWO DWELLING UNITS, "H R-4 AHOD RIO-1 CD" RESIDENTIAL SINGLE-FAMILY RIVER ROAD HISTORIC AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1 WITH A CONDITIONAL USE FOR FOUR DWELLING UNITS, "H R-4 AHOD RIO-1 CD" RESIDENTIAL SINGLE-FAMILY RIVER ROAD HISTORIC AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1 WITH A CONDITIONAL USE FOR SIX DWELLING UNITS, "H MF-33 AHOD RIO-1" MULTI-FAMILY RIVER ROAD HISTORIC AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1, "H C-2 AHOD RIO-1" COMMERCIAL RIVER ROAD HISTORIC AIRPORT HAZARD OVERLAY RIVER IMPROVEMENT OVERLAY DISTRICT-1.

Larry DeMartino addressed the Council and thanked Councilmember Cisneros for her leadership on said item. He stated that he had purchased his home on River Road in 1970 and that it was the oldest neighborhood association that was not a historic district. He noted that they had a Master Plan and Planning Team and were very supportive of the effort for historic designation.

Barbara Witte-Howell representing the San Antonio Conservation Society read a letter on behalf of Rollette Schreckenghost, Conservation Society President. She stated that the Conservation Society was in support of a change in zoning for the River Road Neighborhood to Historic Significant. She noted that consistency of physical characteristics of the neighborhood made it unique and worthy of a historic designation. Ms. Witte-Howell added that as a resident of the River Road Neighborhood, she was thankful for the historic designation and that more than 51% of the neighborhood was in support.

Councilmember Cisneros stated that the residents had taken great pride in their neighborhood and thanked them for their efforts to preserve a piece of San Antonio History. She recognized Richard Reid, President of the River Road Neighborhood Association for his advocacy, and thanked Mr. DeMartino and Ms. Witte-Howell for their work.

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

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina and Williams.

#### **POINT OF PERSONAL PRIVILEGE**

Councilmember Cortez recognized Celeste Rodriguez, Senior Administrative Assistant for the City Council for her work and noted that Ms. Rodriguez would be moving to Houston. Councilmember Chan thanked Ms. Rodriguez for all of the assistance she provided to the City Council. Councilmember Ramos also thanked Ms. Rodriguez for her help and wished her good luck in her future endeavors.

Mayor Castro recessed the meeting at 3:39 pm until 5:15 pm for Ceremonials. The meeting was reconvened at 5:30 pm.

#### **CEREMONIALS**

Mayor Castro presented a Proclamation to the American Heart Association who will promote awareness of cardiovascular disease in women during the month of February. Many events and activities are planned throughout their "Go Red for Women Month" to encourage citizens to learn the warning signs of heart attack and stroke. City Departments will participate in the "National Wear Red Day" on February 5th to show their support for the fight against heart disease.

Mayor Castro presented a Proclamation in recognition of Black/African American History Month, celebrated during the month of February to honor the history, accomplishments and contributions of African Americans. During this month-long observance, public libraries, universities, military bases and places of worship will hold events and activities to remember how great the struggle for racial justice has been and renew efforts to fight for equal rights for all Americans.

Mayor Castro presented a Proclamation to recognize the start of the Chinese New Year on February 14, 2010. Unlike western calendars, the Lunar Chinese New Year falls on the second new moon after the winter solstice. The Chinese New Year is the longest and most important of the traditional Chinese Holidays and influences its geographic neighbors, as well as cultures with whom the Chinese have extensive interaction.

### CITIZENS TO BE HEARD

Charles Cervantes asked the City Council for their assistance in regard to the recent housing issues with the Hills of Rivermist Development. He stated that the wall has a history of failure and they have lost trust in the builder. He expressed concern that new homes would be constructed on the site of the collapse and that the retaining wall would fail again. He asked that Pulte/Centex buy back the homes from the owners with the Stimulus Funds they received. He recognized City Staff for their quick response.

Shelly Kick spoke of a new non-profit organization called *Pressing On* that works with individuals with spinal chord injury, traumatic brain injury and stroke victims. She noted that they had made great progress with the individuals they served and presented a video highlighting their work. She added that they would be hosting a Grand Opening soon and all would be invited.

Tanya Garduno spoke of the Community Jobs Bill and expressed concern with the unemployment rate in San Antonio. She noted the importance of job creation in San Antonio.

Dr. Sharon Skrobarcek, Dr. Bruce Winders, and Mary Carmack representing the Daughters of the Republic of Texas addressed the Council regarding a fundraiser that they would be hosting on February 23, 2010 to inaugurate their new membership program "The Allies of the Alamo." She noted that the Daughters of the Republic of Texas had been the custodians of the Alamo for over 100 years and asked that all become Allies of the Alamo. Dr. Winders spoke of the importance of the Alamo, noting that it was the history of the city. He stated that they would be enhancing their website to reach out to individuals and referenced an archway preservation effort in the facility.

Nick Calzoncit requested that the city create a department on peace and non-violence and spoke of the School of the Americas that trained soldiers to commit violent crimes. He noted that football was a violent activity and not a game, and referenced several football games that resulted in violence and numerous deaths.

Damon Mason expressed concern that citizens could not utilize the north entrance to the City Council Chambers and that Commerce Street had three different names as individuals traveled East.

At this time, Councilmember Williams entered the meeting.

Faris Hodge, Jr. expressed concern with the furnace at City Hall and asked that the City Manager look into said issue. He spoke in opposition to the lease agreement with San Antonio Fighting Back for \$1.00 and requested that the Alamodome be named after him. He asked that the Council vote no to nuclear energy.

Mark Perez expressed concern that he had not received responses to his requests from the Planning and Development Services Department. He noted that high ozone levels had caused the still-born deaths of his twins and spoke against the permits authorized for Kimberly Clark and Tetco due to their illegal storage of tanks.

Raymond Zavala expressed concern with the political signage that had not yet been removed. He noted that he had sent an email to the City Council in opposition to panhandling. He spoke in opposition to nuclear energy and the proposed rate increase requested by CPS Energy. He noted that there were still too many stray animals throughout the City and that two homeless individuals had been struck by a City Vehicle earlier in the day.

Karen Maxwell, Elsa Gonzalez, Janet Ahmad, and Vanessa Valdez addressed the Council regarding the recent housing issues with the Hills of Rivermist Development. Ms. Maxwell stated that she was a realtor that lived in Rivermist and spoke of the loss of the value of the homes in the subdivision. She noted that there were still many safety concerns and that individuals in the area would have issues with selling their homes in the future. Ms. Gonzalez stated that she also lived in Rivermist and could see the many structurally unsound homes in the neighborhood. She noted that it was in the best interest of all involved for Pulte/Centex to buy the homes back from the owners. Ms. Ahmad recognized Councilmember Williams for his efforts and thanked the City for their quick response in getting people out of their homes. She expressed concern that 76% of the homes never received the proper inspections and that the foundation was not installed correctly. Ms. Valdez expressed concern with the Rivermist development issues and noted that her children did not feel safe in their home. She asked for the city's assistance in encouraging Pulte/Centex to buy back the homes from the owners.

**ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 6:51 pm.

**APPROVED**



**JULIÁN CASTRO  
MAYOR**

Attest:



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