

**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

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**Thursday, August 21, 2014**

**9:00 AM**

**Municipal Plaza Building**

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

**Present:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Aguirre-Rodriguez, Nirenberg, Krier and Gallagher

1. The Invocation was delivered by Dr. Steven Branson, Pastor, Village Parkway Baptist Church, guest of Councilmember Ray Lopez, District 6.
2. Mayor Taylor led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the Regular Meetings of June 11 - 12, 2014.

Councilmember Saldaña moved to approve the Minutes of the Regular Meetings of June 11-12, 2014. Councilmember Krier seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Aguirre-Rodriguez, Nirenberg, Krier and Gallagher

**CONSENT AGENDA ITEMS**

Items 14, 31, 34, 35, 36A, 36B and 36C were pulled for Individual Consideration. Councilmember Gallagher moved to approve Items 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19A, 19B, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, and 33 under the Consent Agenda. Councilmember Lopez seconded the motion.

Mayor Taylor called upon Jack M. Finger to speak.

Mr. Jack M. Finger expressed concern with the funding provided to Port San Antonio (Item 27). He spoke in opposition to the Agreement with UTSA (Item 31) to provide an assessment of the Teen Pregnancy Prevention Program. He asked of the Red Berry Estate and the development of the Multi-Family Housing Units being conveyed to the San Antonio Housing Trust Public Facility Corporation (Item 36).

Faris Hodge, Jr. submitted written testimony in favor of Items 4-10, 12-18, 20-28, and 31-36. He wrote in opposition to Items 11, 19A, 19B, 29, and 30.

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

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Aguirre-Rodriguez, Nirenberg, Krier and Gallagher

**2014-08-21-0584**

4. An Ordinance accepting the offer from Intergraph Corporation to provide resident system administrator services for the San Antonio Police Department Automated Field Reporting and Records Management systems, in a cumulative amount up to \$512,366.00, funding will be available from the Regional Interoperability System and CAD Project fund and the FY2016 and FY2017 IT Public Safety Budget contingent upon budget appropriations. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2014-08-21-0585**

5. An Ordinance accepting the bid from Trinity Graphic & Packaging Solutions, LLC, to provide Recycling Cart Stickers for placement on the resident's residential, blue recycling carts for a cost of \$73,500.00, funded with the Solid Waste Management Department's Operating Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2014-08-21-0586**

6. An Ordinance accepting the offer from Lakeshore Equipment Company d/b/a Lakeshore Learning Materials to purchase 193 Learning Kits in the Science, Technology, Engineering and Math subjects, art consumables and early education materials for the Department of Human Services, funded with the Child Care Block Grant with Federal Matching Funds in 2014 calendar year. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2014-08-21-0587**

7. An Ordinance authorizing a contract with Siddons-Martin Emergency Group for the purchase of two Pierce Velocity Hazmat Technical Vehicles for a total cost of \$1,971,490.00, funded with the Public Property Finance Contractual Obligations, Series 2013 Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2014-08-21-0588**

8. An Ordinance accepting the bid from Grande Truck Center for the purchase of four half ton trucks for the Fire Department for a total cost of \$76,916.00, from the Public Property Finance Contractual Obligations, Series 2013 Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2014-08-21-0589**

9. An Ordinance authorizing the following contracts establishing unit prices for goods and services for an estimated annual cost of \$2,803,000.00: (A) Galaxie Body Works, Inc. for fire-emergency medical services vehicle body repair service, (B) Midwest Medical Supply, Co., LLC for medical supplies, and (C) Hertz Equipment Rental Corporation for rental of construction equipment. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2014-08-21-0590**

10. An Ordinance authorizing a task order to a Job Order Contract, for improvements to perimeter fence at the Japanese Tea Gardens, in an amount not to exceed \$153,965.24, payable to Alpha Building Company; a 2012-2017 Bond funded Project, located in Council District 2. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

**2014-08-21-0591**

11. An Ordinance authorizing the negotiation and execution of On-Call Professional Landscape Architectural Services Agreements with four firms: Bender Wells Clark Design; Coltrane, Fernandez, Zavala Group; GarzaBury, LLC; and Terra Design Group, Inc., each in the amount not to exceed \$500,000.00 per year, to provide
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as-needed professional landscape architectural consulting services for City-owned facilities and improvements, construction projects and planning projects located City-wide for an initial one-year term and at the City's discretion, two, one-year extensions under the same terms and conditions. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

**2014-08-21-0592**

12. An Ordinance for the Barbara Jordan Center, accepting the lowest responsive construction bid and awarding a construction contact including six alternates in the amount of \$417,696.00 to F.A. Nunnelly Company, a 2014 Tax Notes funded Project, located in Council District 2. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

**2014-08-21-0593**

13. An Ordinance accepting the lowest responsive bid and awarding a construction contract including one additive alternate in the amount of \$603,000.00 to Allbrite Constructors of Texas, Inc. for construction of the Municipal Court Redesign Project located in Council District 1, funded through Municipal Court and Building Maintenance funds and amending the Capital Budget. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

**2014-08-21-0595**

15. An Ordinance accepting the lowest qualified bid and awarding a construction contract to CGC General Contractors, Inc. in the amount of \$265,000.00 for construction of the Laurens Lane Hike and Bike Trail Connection Project from Ira Lee Road to Salado Creek Greenway, located in Council District 10 and funded as part of the Council District 10 Infrastructure Improvements Project from Certificates of Obligation and Tax Notes. [Gloria Hurtado, Assistant City Manager; Xavier D. Urrutia, Director, Parks and Recreation]

**2014-08-21-0596**

16. An Ordinance for the Olmos Creek Restoration Project authorizing the execution of a Project Participation Agreement with the U.S. Army Corps of Engineers committing a 35% local contribution including an estimated \$152,875 cash match; authorizing the negotiation and execution of Interlocal Cooperative Agreements with the City of Alamo Heights for use of property within its jurisdictions and the San Antonio River Authority for project management in an amount not to exceed \$200,000.00. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Transportation and Capital Improvements; John Dugan, Director, Planning and Community Development]

**2014-08-21-0597**

17. An Ordinance to declare as surplus the City's former Fire Station No. 28, located 815 El Monte Boulevard, in Council District 1, and authorizing its sale to Each One Teach One for \$15,000.00. [Peter Zanoni, Deputy City Manager; Mike Etienne, Director, EastPoint & Real Estate Services Office]

**2014-08-21-0598**

18. An Ordinance authorizing the declaration as surplus and disposition of five real properties owned by the San Antonio Water System: An approximate 0.43 of an acre tract of land known as 228 Thelka Street, in Council District 3; an approximate 0.365 of an acre of Lot 12 located between 13801 Somerset Road and 13839 Somerset, in Council District 4; an approximate 0.1377 of an acre tract of land known as 335 Azucena Street, in Council District 5; an approximate 0.17217 of an acre tract of land known as 604 E. Hart Street, in Council District 5; and an approximate 8.620 acre tract of land known as 6375 Rigsby Avenue. [Peter Zanoni, Deputy City Manager; Mike Etienne, Director, EastPoint & Real Estate Services Office]

19. Consideration of the following ordinances associated with two conservation easements totaling 2,517 acres over the Edwards Aquifer Contributing Zone. [Peter Zanoni, Deputy City Manager; Mike Etienne, Director, EastPoint & Real Estate Services Office]

**2014-08-21-0599**

- 19A. An Ordinance authorizing payment for land, due diligence and closing costs on a 1,847-acre tract of land known as the Hutzler Ranch located in Uvalde County, Texas, in the amount of \$2,297,721.63, to Texas Heritage Title Company, as escrow agent for title on a conservation easement.

**2014-08-21-0600**

- 19B. An Ordinance authorizing payment for land, due diligence and closing costs on a 670-acre tract of land known as the Wylesta Ranch located in Uvalde County, Texas, in the amount of \$2,475,194.45, to Garner Abstract and Land Company, as escrow agent for title on a conservation easement.

**2014-08-21-0601**

20. An Ordinance authorizing the acceptance of supplemental funding, in an amount up to \$312,764.00, from the Alamo Area Council of Governments for the Senior Nutrition Program for the period of October 1, 2013 to September 30, 2014. [Gloria Hurtado, Assistant City Manager; Melody Woosley, Director, Human Services]

**2014-08-21-0602**

- 21. An Ordinance authorizing the submission of a grant application and the acceptance of up to \$1,000,000.00 upon award from the Texas Parks and Wildlife Department as part of the Local Park Grant Program for the implementation of the Botanical Garden Master plan in Council District 2. [Gloria Hurtado, Assistant City Manager; Xavier Urrutia, Director, Parks and Recreation]

**2014-08-21-0603**

- 22. An Ordinance ratifying the submission of a grant application to the Centers for Disease Control and Prevention National Center for Immunization and Respiratory Diseases and authorizing the acceptance of grant funds upon award in an amount up to \$544,500.00 for Immunization – Capacity Building Assistance for Infrastructure Enhancements to Meet Interoperability Requirements for a two-year period anticipated to begin in September 2014. [Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Director of Public Health]

**2014-08-21-0604**

- 23. An Ordinance authorizing the submission of a grant application to the March of Dimes Texas Chapter and the acceptance of grant funds upon award in an amount up to \$10,000.00 for prematurity and infant mortality prevention activities for a period commencing February 1, 2015 and ending January 31, 2016. [Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Director of Public Health]

- 24. Consideration of the following Board, Commission and Committee appointments for the remainder of unexpired terms of office to expire May 31, 2015, 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: [Leticia M. Vacek, City Clerk]

A) Appointing Patryck Z. Banks (District 10), Luis A. Hernandez, Jr. (District 7), Isabella M. Rodriguez (District 3) to the San Antonio Youth Commission.

B) Reappointing Susan P. Powers (District 5) to the Linear Creekway Parks Advisory Board.

C) Reappointing Hilario Henry Garcia (District 5) to the City Commission on Veteran Affairs.

**2014-08-21-0605**

25. An Ordinance authorizing a Third Amendment to the Grant and Development Agreement between the City of San Antonio, Bexar County, and The Bexar County Performing Arts Center Foundation to provide a contribution from the City and the County of up to \$5,000,000.00 each towards construction of a parking garage to serve the Tobin Performing Arts Center. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development & Operations]

**2014-08-21-0606**

26. An Ordinance approving revisions to the Official City Store Ticket Consignment Policy and Official City Store Ticket Consignment Agreement to include consignment tickets of local museums and motorized tours for the purpose of resale to visitors at the Official Visitor Information Center. [Ed Belmares, Assistant City Manager; Casandra Matej, Director, Convention and Visitors Bureau]

**2014-08-21-0607**

27. An Ordinance amending the Agreement to Pledge Structural Reserve Funds between the City and Port San Antonio to eliminate the structural reserve requirement; and redirecting \$3.7 million in the FY2014 budget from street improvements at Port San Antonio to the payment of a Housing and Urban Development (HUD) 108 loan. [Carlos Contreras, Assistant City Manager; Rene Dominguez, Director, Economic Development]

**2014-08-21-0608**

28. An Ordinance authorizing the extension of line-of-duty leave for Fire Engineer Margaret Flores. [Erik J. Walsh, Deputy City Manager; Charles N. Hood, Fire Chief]

**2014-08-21-0609**

29. An Ordinance authorizing the extension of line-of-duty leave for Fire Engineer Robert Fullerton. [Erik J. Walsh, Deputy City Manager; Charles N. Hood, Fire Chief]

**2014-08-21-0610**

30. An Ordinance authorizing a Memorandum of Agreement with Texas A&M University Health Science Center to provide online public health courses to San Antonio Metropolitan Health District employees for the purpose of obtaining a Public Health Certificate in an amount up to \$25,000.00 for the period ending August 31, 2015. [Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Public Health Director]

**2014-08-21-0612**

- 32. An Ordinance authorizing an amendment and extension of the contract with Dearborn National Life Insurance Company, in an estimated annual amount of \$1,060,197.00, to provide Group Basic Term Life, Accidental Death and Dismemberment, and Voluntary Term Life Insurance coverage under the City's Self-Funded Health Benefits Program. [Ben Gorzell, Chief Financial Officer; Lori Steward, Interim Director, Human Resources]

**2014-08-21-0613**

- 33. An Ordinance authorizing an amendment and month-to-month extension of the professional services agreement with Gonzaba Medical Group, for the administration and management of the City's Employee Health and Wellness Center for a period of no longer than twelve months, and an amount not to exceed \$250,000.00, which is the amount already budgeted for the center in the Employee Benefits Fund [Ben Gorzell, Chief Financial Officer; Lori Steward, Interim Director, Human Resources]

**CONSENT ITEMS CONCLUDED**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the caption for Item 14:

**2014-08-21-0594**

- 14. An Ordinance for the District 9 New Branch Library Project selecting Davila Construction, Inc. for negotiation and execution of a Construction Contract in an amount not to exceed \$1,513,220.00, a 2012 - 2017 General Obligation Bond funded Project. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

Councilmember Krier asked of the timeline. Razi Hosseini, Assistant Director of TCI stated that construction would begin in September and should be completed in April 2015.

Councilmember Lopez stated that he was in support of the project and commended Davila Construction, Inc. for their great work in the community.

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

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Aguirre-Rodriguez, Nirenberg, Krier and Gallagher

The City Clerk read the caption for Item 31:

**2014-08-21-0611**

- 31.** An Ordinance authorizing agreements with the University of Texas at San Antonio for grant evaluation services in a cumulative amount up to \$90,000.00 for terms ending July 31, 2015. [Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Director of Public Health]

Mayor Taylor excused herself from the meeting and noted that she had filed the recusal forms with the City Clerk.

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

**Aye:** 10 - Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Aguirre-Rodriguez, Nirenberg, Krier and Gallagher

**Abstain:** 1 - Mayor Taylor

The City Clerk read the caption for Item 34:

**2014-08-21-0614**

- 34.** An Ordinance authorizing an extraterritorial jurisdiction agreement with the City of Fair Oaks Ranch for the release of approximately 134.060 acres from the City of San Antonio to the City of Fair Oaks Ranch with certain conditions to include \$100,000 payment from the City of Fair Oaks Ranch in compensation for future potential property tax revenue. [Peter Zaroni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

Councilmember Nirenberg introduced Mayor Cheryl Landman and City Administrator Marcus Johns of Fair Oaks Ranch. He stated that Fair Oaks Ranch was the city's partner on the Metropolitan Planning Organization (MPO) and highlighted the Regional Comprehensive Transportation Plan. Mayor Landman thanked the City of San Antonio and stated that she was pleased with the regional approach to water.

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

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Aguirre-Rodriguez, Nirenberg, Krier and Gallagher

The City Clerk read the caption for Item 35:

**2014-08-21-0615**

- 35.** An Ordinance authorizing the submission of an application to the Alamo Area Metropolitan Planning Organization for five projects for funding consideration under the Transportation Alternatives Program; and the acceptance of approximately \$11.5 million in federal funds if awarded [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

Councilmember Krier asked of the funds that would be used within school zones. Terry Bellamy, Assistant Director of TCI stated that the work would include the installation of missing links to ensure ADA Accessibility and a safe route to school. He added that one Middle School would be directly impacted by the funding.

Councilmember Lopez spoke of the work of the MPO and the various transportation modes throughout the city.

Councilmember Nirenberg stated that it was important to review all school zones and make improvements where possible. He noted that he was pleased with the improvements that would be made in the Medical Center.

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

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Aguirre-Rodriguez, Nirenberg, Krier and Gallagher

The City Clerk read the captions for Items 36A, 36B and 36C:

- 36.** Consideration of the following ordinances related to the Red Berry Estate P3 project: [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development and Operations]

**2014-08-21-0616**

- 36A.** An Ordinance authorizing the conveyance of the real property known as the Red Berry Estate, comprising approximately 84 acres of land area owned by the City of San Antonio, located at 856 Gemblar Rd, legally described as NCB 10578 Lot 1, P-2

& P-4; 4007 E. IH 10, legally described as NCB 10578 Lot P-3; and a lot at 827 Richland, legally described as NCB 10577 Lot NE 50x53 ft of TR 5 or P-100 for the development of the 66 modern townhomes, renovation of the Red Berry Estate and over 300,000 square feet of office, medical, retail, dining and entertainment venues and the parcels to be used for the development of the 600 multi-family housing units to be conveyed to the San Antonio Housing Trust Public Facility Corporation.

**2014-08-21-0617**

- 36B.** An Ordinance authorizing conveyance of 80 acre feet of water rights located at 827 Richland and valued at approximately \$400,000.00.

**2014-08-21-0618**

- 36C.** An Ordinance authorizing a Chapter 380 Economic Development Grant with the development team in an amount not to exceed \$8,457,580.00 from City of San Antonio ad valorem tax increment for the commercial portion of the project that will be rebated over a 20-year period from the Inner City TIRZ.

Councilmember Toney asked for a presentation. Lori Houston presented a Power Point and outlined the Development Concept and Principles of the Red Berry Estate Public-Private Partnership. She provided an overview of the schedule noting that work on the project began in February 2013. She reported that the city would convey 84 acres of the Red Berry Estate and 80 acre-feet of water rights located at 827 Richland to the San Antonio Housing Trust Public Facilities Corporation (PFC). She noted that upon completion of design, receipt of financing, and a survey; the PFC would convey the necessary acreage for the commercial component, public right-of way, and public amenities to the appropriate development entity. She added that the PFC would retain the necessary property for the Multi-Family Housing Component. She mentioned the Chapter 380 Economic Development Grant in an amount not to exceed \$8,456,580. She stated that the City of San Antonio would haul up to 420,000 cubic yards of fill to the Red Berry Estate.

Mayor Taylor thanked staff for the presentation and called upon the citizens registered to speak.

Jackie Gorman, Executive Director of San Antonio for Growth on the Eastside (SAGE) addressed the City Council in support of the project. She stated that it was a catalytic project for the Eastside which would provide much needed housing stock in the community.

Sue Calberg stated that she owned property along Gemblar Road and was supportive of the project. However, she expressed concern with the concept of filling in the flood plain. She spoke of the potential flooding that exists on the West Bank and noted that many elderly individuals live in the area.

Councilmember Toney asked of the impact of the fill and of the environmental perspective. Mrs. Houston replied that Phase II required 420,000 cubic yards of fill that would have to be tested before being utilized. Art Reinhardt, Assistant Director of TCI stated that an Adverse Impact Study would have to be provided for any fill that is placed in the flood plain. Councilmember Toney thanked staff for their work.

Councilmember Gonzales asked of the density of the project. Mrs. Houston replied that there was 300,000 square feet of Commercial Space with 65,000 square feet dedicated toward a Medical Office. She noted that they were working with AT&T on potential restaurants and shuttle service to the facility. She added that the 600 Multi-Family Units would be phased-in with the first 300 units completed in 2017 and the remaining 300 units completed in 2019.

Councilmember Krier stated that he was pleased with the proposal and asked of the concerns raised by Ms. Calberg. Mr. Reinhardt stated that the city had an engineering team responsible for reviewing the plans submitted for the project. He noted that drainage issues would be reviewed and that studies would be conducted to ensure that there would not be an impact to surrounding properties.

Mayor Taylor commented that this area is a hidden jewel and that this will be a catalyst project for the area. She stated that the process began in 2010 at the Eastside Summit in which various projects were identified. She thanked the Development Team and added that she was pleased with the new housing and amenities that would be provided in the area.

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

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Aguirre-Rodriguez, Nirenberg, Krier and Gallagher

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

Mayor Taylor recognized Councilmember Gallagher who was celebrating his Birthday on August 22, 2014. The City Council sang Happy Birthday to Councilmember Gallagher.

#### **RECESSED**

Mayor Taylor recessed the meeting into Executive Session at 9:59 am to discuss the following:

A. DISCUSS LEGAL ISSUES RELATED TO ANNEXATION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

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

C. 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).

D. DISCUSS LEGAL ISSUES RELATED TO COLLECTIVE BARGAINING PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

### **RECONVENED**

Mayor Taylor reconvened the meeting at 2:07 pm and announced that no action was taken in Executive Session.

### **CONSENT ZONING ITEMS**

Items P-2, Z-3, and Z-7 were pulled for Individual Consideration. Councilmember Toney moved to approve Items Z-1, P-1, Z-2, P-3, Z-4, Z-5, Z-6, Z-8, P-4, Z-9, Z-10, P-5, Z-11, Z-12, P-6, Z-13, and Z-14 under Consent Zoning. Councilmember Gallagher seconded the motion.

Mayor Taylor called upon the citizens registered to speak.

Jack M. Finger expressed concern with Items P-3 and Z-4 noting that at least one individual had spoken in opposition to the zoning request at the Zoning Commission Meeting. He stated that there was not sufficient parking for the eating establishment requested in Item Z-7. He expressed opposition to the Boy Scout Park in Item Z-10.

Alma Lopez addressed the City Council in support of Item Z-6.

John Jacks stated that Items P-1 and Z-2 were expedited to the City Council and that the Planning and Zoning Commission had recommended approval of both items.

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

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Aguirre-Rodriguez, Nirenberg, Krier and Gallagher

**2014-08-21-0619**

**Z-1.** ZONING CASE # Z2014190 (District 1): An Ordinance amending the Zoning District Boundary from "R-6 NCD-2 AHOD" Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District to "RM-5 NCD-2 AHOD" Residential Mixed Alta Vista Neighborhood Conservation Airport Hazard Overlay District on Lots 13, 14 and the west 10 feet of Lot 15, Block 3, NCB 6425 located at 415 West Elsmere Place. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 13, 14 AND THE WEST 10 FEET OF LOT 15, BLOCK 3, NCB 6425 TO WIT: FROM "R-6 NCD-2 AHOD" RESIDENTIAL SINGLE-FAMILY ALTA VISTA NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "RM-5 NCD-2 AHOD" RESIDENTIAL MIXED ALTA VISTA NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT.

**2014-08-21-0620**

**P-1.** PLAN AMENDMENT #14041 (District 2): An Ordinance amending the future land use plan contained in the Eastern Triangle Community Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of 6.884 acres out of NCB 35132 located on a portion of the 6200 Block of US Highway 87 and the 2700 - 2800 Blocks of Foster Meadows Drive, from Community Commercial land use to Low Density Residential land use. Staff recommends approval. The Planning Commission recommendation is pending the August 13, 2014 public hearing. (Associated Zoning Case # Z2014145)

**2014-08-21-0621**

**Z-2.** ZONING CASE # Z2014145 (District 2): An Ordinance amending the Zoning District Boundary from "C-2" Commercial District to "R-4" Residential

Single-Family District on 6.884 acres out of NCB 35132 located on portions of the 6200 Block of US Highway 87 and the 2700 - 2800 Blocks of Foster Meadows Drive. Staff recommends approval pending the plan amendment. Zoning Commission recommendation pending the August 19, 2014 public hearing. (Associated Plan Amendment 14041)

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: 6.884 ACRES OUT OF NCB 35132 TO WIT: FROM "C-2" COMMERCIAL DISTRICT TO "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT.

**2014-08-21-0624**

**P-3.** PLAN AMENDMENT #14047 (District 2): 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 a Lots 8 and 9, Block 1, NCB 16374 located at 5835 and 5911 Rittman Plaza from Community Commercial land use to Light Industrial land use. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014162) (Continued from August 7, 2014)

**2014-08-21-0625**

**Z-4.** ZONING CASE # Z2014162 (District 2): An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "L AHOD" Light Industrial Airport Hazard Overlay District on Lots 8 and 9, Block 1, NCB 16374 located at 5835 and 5911 Rittman Plaza. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment 14047) (Continued from August 7, 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: LOTS 8 AND 9, BLOCK 1, NCB 16374 TO WIT: FROM "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "L AHOD" LIGHT INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2014-08-21-0626**

**Z-5.** ZONING CASE # Z2014192 CD (District 2): An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District and "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional

Use for Auto and Truck Parts/Accessory Installation – No Mechanical Service Permitted on 2 acres out of Parcel 18, NCB 17990 located at 8265 IH-10 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: 2 ACRES OUT OF PARCEL 18, NCB 17990 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "NP-10 AHOD" NEIGHBORHOOD PRESERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AUTO AND TRUCK PARTS/ACCESSORY INSTALLATION – NO MECHANICAL SERVICE PERMITTED PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2014-08-21-0627**

**Z-6.** ZONING CASE # Z2014156 (District 2): An Ordinance amending the Zoning District Boundary from "R-5" Residential Single-Family District to "C-2" Commercial District on 2 acres out of Tract 2 (also known as Lot 2C), NCB 10757 located at 1825 (also known as 1845) South W.W. White 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: 2 ACRES OUT OF TRACT 2 (ALSO KNOWN AS LOT 2C), NCB 10757 TO WIT: FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

**2014-08-21-0628**

**Z-8.** ZONING CASE # Z2014165 (District 2): An Ordinance amending the Zoning District Boundary from "MH AHOD" Manufactured Housing Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on 3.653 acres out of Lot 23 and 1.85 acres out of Lot 25, NCB 13811 located at 5315, 5319 & 5331 Sherri Ann Road. Staff and Zoning Commission recommend approval. (Continued from August 7, 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: 3.653 ACRES OUT OF LOT 23 AND 1.85 ACRES OUT OF LOT 25, NCB 13811 TO WIT: FROM "MH AHOD" MANUFACTURED HOUSING AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2014-08-21-0629**

**P-4.** PLAN AMENDMENT # 14060 (District 3): An Ordinance amending the future land use plan contained in the Stinson Airport Vicinity Land Use Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of a 1.629 acre tract of land out of Lot 7, 8, and 9, Block 3, NCB 10922 located on a portion of the 8800-8900 Blocks of South Presa Street from Neighborhood Commercial to Community Commercial. Staff and Planning Commission recommend approval.

**2014-08-21-0630**

**Z-9.** ZONING CASE # Z2014194 (District 4): An Ordinance amending the Zoning District Boundary from "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on 1.181 acres out of Lot 8, NCB 12328 located on a portion of the 7400 Block of South Zarzamora 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: 1.181 ACRES OUT OF LOT 8, NCB 12328 TO WIT: FROM "I-2 AHOD" HEAVY INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2014-08-21-0631**

**Z-10.** ZONING CASE # Z2014199 S (District 4): An Ordinance amending the Zoning District Boundary from "RP" Resource Protection District and "RP AHOD" Resource Protection Airport Hazard Overlay District to "RP S" Resource Protection District with a Specific Use Authorization for a Private Recreation Facility and "RP S AHOD" Resource Protection Airport Hazard Overlay District with a Specific Use Authorization for a Private Recreation Facility on Lot 1, Block 3, NCB 16458 save and except the southwest irregular 934.2 feet located outside the City Limits of San Antonio located at 3445 Fest Road (also known as 3012 Jett 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 3, NCB 16458 SAVE AND EXCEPT THE SOUTHWEST IRREGULAR 934.2 FEET LOCATED OUTSIDE THE CITY LIMITS OF SAN ANTONIO TO WIT: FROM "RP" RESOURCE PROTECTION DISTRICT AND "RP AHOD" RESOURCE PROTECTION AIRPORT HAZARD OVERLAY DISTRICT TO "RP S" RESOURCE PROTECTION DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A PRIVATE RECREATION FACILITY AND "RP S AHOD" RESOURCE PROTECTION AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A PRIVATE RECREATION FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2014-08-21-0632**

**P-5.** PLAN AMENDMENT # 14051 (District 7): An Ordinance amending the future land use plan contained in the West/Southwest Sector Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of Lot 12, NCB 11635 located at 5033 Callaghan Road from General Urban Tier Land Use to Agribusiness Tier Land Use. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014168) (Continued from August 7, 2014)

**2014-08-21-0633**

**Z-11.** ZONING CASE # Z2014168 (District 7): An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "L AHOD" Light Industrial Airport Hazard Overlay District on Lot 12, NCB 11635 located at 5033 Callaghan Road. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment Case 14051) (Continued from August 7, 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: LOT 12, NCB 11635 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "L AHOD" LIGHT INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

**2014-08-21-0634**

**Z-12.** ZONING CASE # Z2014175 (District 7): An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District on Lots 70 and 71, Block 22, NCB 7508 located at 4738 Pettus Street. Staff and Zoning Commission recommend approval. (Continued from August 7, 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: LOTS 70 AND 71, BLOCK 22, NCB 7508 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

**2014-08-21-0635**

**P-6.** PLAN AMENDMENT #14062 (District 10): 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 13.135 acres of land out Parcel 3, NCB 15911 located on portions of the 11100 and 11200 Blocks of Interstate Highway 35 North from Regional Center land use to Agribusiness Tier land use. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014191)

**2014-08-21-0636**

**Z-13.** ZONING CASE # Z2014191 (District 10): An Ordinance amending the Zoning District Boundary from "C-3 IH-1 AHOD" General Commercial Northeast Gateway Corridor Airport Hazard Overlay District to "L IH-1 AHOD" Light Industrial Northeast Gateway Corridor Airport Hazard Overlay District on 13.135 acres out of Parcel 3, NCB 15911 located on portions of the 11100 - 11200 Blocks of Interstate Highway 35 North. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment 14062)

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: 13.135 ACRES OUT OF PARCEL 3, NCB 15911 TO WIT: FROM "C-3 IH-1 AHOD" GENERAL COMMERCIAL NORTHEAST GATEWAY CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT TO "L IH-1 AHOD" LIGHT INDUSTRIAL NORTHEAST GATEWAY CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT.

**2014-08-21-0637**

**Z-14.** ZONING CASE # Z2014193 (District 10): An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lots 1, 2, 8, 9, 10, and 11, Block 1, NCB 12571 and Lot 5, Block 5, NCB 12575 located at 8800 -

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8856 Broadway, 8705 - 8745 and 8706 Botts Lane. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 1, 2, 8, 9, 10, AND 11, BLOCK 1, NCB 12571 AND LOT 5, BLOCK 5, NCB 12575 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT AND "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

### **CONSENT ZONING CONCLUDED**

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

Items P-2 and Z-3 were addressed jointly.

#### **2014-08-21-0622**

**P-2.** PLAN AMENDMENT #14052 (District 2): An Ordinance amending the future land use plan contained in the I-10 East Corridor Perimeter Plan, a component of the Comprehensive Master Plan of the City, by changing the future land use of 0.5736 of an acre of land out of NCB 16549 located on a portion of 9003 IH-10 East, from Parks Open Space land use to Industrial land use. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2014173)

#### **2014-08-21-0623**

**Z-3.** ZONING CASE # Z2014173 (District 2): 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 "I-1 AHOD" General Industrial Airport Hazard Overlay District on 0.5736 of an acre out of NCB 16549 located on a portion of 9003 Interstate Highway 10 East. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment 14052)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY

DESCRIBED HEREIN AS: 0.5736 OF AN ACRE OUT OF NCB 16549 TO WIT: FROM "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT AND "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT.

John Jacks presented Item P-2 and stated that it would amend the future land use plan contained in the Eastern Triangle Community Plan. He noted that staff and the Planning Commission recommended approval.

For Item Z-3, he stated that staff and the Zoning Commission recommended approval. He reported that of four notices mailed; one was returned in favor and none were received in opposition.

Councilmember Toney asked of the reason for the zoning change. Mr. Jacks stated that the Truck Sales Company was requesting the zoning change to allow them to move an Electric Fence to the front of the property for security reasons. He noted that there were provisions in Chapter 10 of the Building Code that required safety measures to prevent someone from accidentally touching the fence. He added that there would be two fences installed with the first one being a Non-electrified Fence which would have to be crossed to get to the Electric Fence.

Mayor Taylor called upon Ms. Sylvia Alaniz to speak.

Ms. Sylvia Alaniz stated that she had served on the IH-10 Perimeter Planning Team and was concerned with the 18-Wheelers parked along the IH-10 Frontage Road. She noted further concerns with parking and with the large size of the fence.

Councilmember Toney asked of the 18-Wheelers referenced by Ms. Alaniz. Mr. Jacks replied that the vehicles were parked on the property near the Frontage Road. He added that if approved, the I-1 Zoning would allow for 18-Wheelers to be parked in front of the property.

Councilmember Toney moved to approve Items P-2 and Z-3. Councilmember Bernal seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Aguirre-Rodriguez, Nirenberg, Krier and Gallagher

**DENIED**

**Z-7.** ZONING CASE # Z2014225 CD (District 2): An Ordinance amending the Zoning District Boundary from "R-4 NCD-6" Residential Single Family Neighborhood Commercial District to "R-4 NCD-6 CD" Residential Single Family Neighborhood Commercial District with a Conditional Use for a Food Service Establishment without cover charge 3 or more days per week on Lot 21, Block 1, NCB 6227 located at 118 Davis Court. Staff recommends approval, with conditions. The Zoning Commission recommendation is pending the August 19, 2014 public hearing.

John Jacks presented Item Z-7 and stated that staff and the Zoning Commission recommended approval with the following conditions: 1) There shall be no exterior display or sign with the exception that a nameplate, not exceeding three square feet in area, may be permitted when attached to the front of the main structure; 2) No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood; 3) Business or office hours of operations shall not be permitted before 7:00 am or after 6:00 pm and shall be limited to Monday through Friday; 4) Outside speakers shall be prohibited; and 5) There shall be strict enforcement of light pollution from signage and landscape lights. He reported that of 23 notices mailed; three were returned in favor and four were received in opposition. He stated that due to 20.56% of the surrounding property owners; the request would require nine votes for approval. He added that the Mahncke Park Neighborhood Association was opposed to the request.

Councilmember Toney noted that he had received concerns from residents in the area and that an administrative error had been made by staff 30 years ago. He noted that there was not a guarantee that another business would not move into the area which was the concern of the residents.

Mayor Taylor called upon the citizens registered to speak.

Joan Brooks stated that she was a resident of Davis Court and expressed concern that the administrative error had a long-term impact on the community. Additionally, she was concerned with another food establishment that could move into the property. She added that the only entrance to the facility was on Davis Court which was already congested with limited parking.

Jorge Herrera stated that he had purchased the property in February and that it was listed as Commercial Property. He noted that he had pulled all of the proper permits and then was informed that the city had made a mistake and it was Residential Property. He expressed concern that he had spent over \$250,000 retrofitting the property and showed photos of the renovations. He indicated that he had tried to meet with the Mahncke Park Neighborhood

Association on various occasions but they had not responded to his requests.

Councilmember Toney asked of the conditional use. Mr. Jacks replied that conditional use was tied to the property and not the owner. He noted that they would be subject to the same conditions.

Councilmember Saldaña asked of the future of the property. Councilmember Toney stated that the property would be returned to Residential Use.

Councilmember Gallagher asked of the neighborhood association. Mr. Jacks replied that the Mahncke Park Neighborhood Association was opposed to the request.

Councilmember Bernal expressed concern with the incorrect information that was provided to the Property Owner and asked of the recourse of the Property Owner. Mr. Jacks replied that they could: 1) Return the property to Residential Use; 2) Wait one year and apply for a zoning change at that time; or 3) Appeal the City Council's Decision to District Court. Councilmember Bernal requested that they work with the Property Owner on next steps.

Councilmember Gonzales also expressed concern for the Property Owner noting that she was a Small Business Owner and understood the challenges.

Councilmember Nirenberg asked if there was a procedural way to deal with the request of allowing a Conditional Use but providing safety for the neighborhood. Mr. Rod Sanchez responded that the Zoning Change remained with the property and that conditions could be included in the zoning.

Councilmember Lopez asked if a continuance would help. Councilmember Toney stated that he had received letters of opposition and discussed the case with the Neighborhood Association and a continuance would not make a difference.

Mayor Taylor asked that checks and balances be implemented within the Development Services Department to prevent this from occurring in the future.

Councilmember Toney moved to deny Item Z-7. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Aguirre-Rodriguez, Nirenberg, Krier and Gallagher

**ADJOURNMENT**

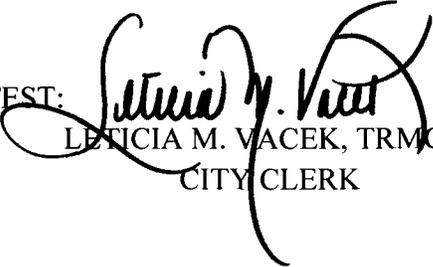
There being no further discussion, Mayor Taylor adjourned the meeting at 2:45 pm.

APPROVED



IVY R. TAYLOR  
MAYOR

ATTEST:



LETICIA M. VACEK, TRMC/MMC  
CITY CLERK