

AN ORDINANCE 2007-06-14-0677

AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE CITY SOUTH MANAGEMENT AUTHORITY FOR THE CITY TO PROVIDE ZONING AND PLAN AMENDMENT SERVICES WITHIN THE AUTHORITY'S JURISDICTIONAL BOUNDARIES AND TO ESTABLISH RESPONSIBILITIES OF EACH ENTITY IN THE PROCESS.

* * * * *

WHEREAS, both the City and City South Management Authority (CSMA) are authorized to regulate zoning under applicable state law; and

WHEREAS, the City engaged in a comprehensive effort with the residents of the area to develop a City South Community Plan, including a land use plan and zoning districts; and

WHEREAS, the CSMA adopted the City South Community Plan, the land use plan, zoning districts and applicable San Antonio City Code provisions; and

WHEREAS, the Interlocal Cooperation Act, Tex. Gov't. Code Chap. 791 permits the City and the CSMA to enter into a written agreement to implement and achieve the purposes for which the CSMA was created, one of which is the regulation of zoning and plan amendments in the area comprising the CSMA; and

WHEREAS, the governing bodies of the City and the CSMA agree that it is in the best interest of both entities to combine their respective authority and procedures into one seamless operation with each retaining certain responsibilities as provided in said Agreement; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee is hereby authorized to execute an Interlocal Agreement between the City of San Antonio and the City South Management Authority to provide zoning and plan amendment services as applicable within the City South Management Authority's jurisdictional boundaries. A copy of the Agreement appears in substantial form attached hereto as Exhibit "A" and incorporated herein by reference for all purposes.

SECTION 2. This Ordinance shall be effective immediately upon passage with eight affirmative votes otherwise June 24, 2007.

PASSED AND APPROVED this the 14th day of June, 2007.

ATTEST: *Stacia M. Vucet*
CITY CLERK

Phil Hardberger
M A Y O R
PHIL HARDBERGER

APPROVED AS TO FORM: *Susan D. [Signature]*
For City Attorney

STATE OF TEXAS	§ § § §	CITY OF SAN ANTONIO AND CITY SOUTH MANAGEMENT AUTHORITY
COUNTY OF BEXAR	§ §	INTERLOCAL AGREEMENT FOR ZONING AND PLAN AMENDMENTS FOR PROPERTIES WITHIN THE BOUNDARIES OF THE CITY SOUTH MANAGEMENT AUTHORITY

This Interlocal Agreement (“Agreement”) for Zoning and Plan Amendments for properties in the Extraterritorial Jurisdiction of the City of San Antonio is entered into by and between the City of San Antonio (hereinafter referred to as the “City”), a Texas municipal corporation acting by and through its City Manager pursuant to Ordinance No. 2007-06-14-0677, dated June 14, 2007, acting pursuant to the authority granted by the Interlocal Cooperation Act, Texas Government Code, Chapter 791, and the Board of Directors (the “CSMA Board”) for City South Management Authority (hereinafter referred to as the “CSMA”), a defense adjustment management authority and political subdivision of the State of Texas, established by the City of San Antonio pursuant to Chapter 375.301 Subchapter O of the Texas Local Government Code acting by and through its Officer, and acting pursuant to the authority granted by Chapter 375.

WITNESSETH:

WHEREAS, the CSMA consists of the area as set out in **Exhibit A** which includes land inside and outside the full-purpose boundaries of the City of San Antonio; and

WHEREAS, both the City and CSMA are authorized to regulate zoning under applicable state law; and

WHEREAS, the City engaged in a comprehensive effort with the residents of the area to develop a City South Community Plan, including a land use plan and zoning districts; and

WHEREAS, the CSMA adopted the City South Community Plan, the land use plan, zoning districts and applicable San Antonio City Code provisions, and

WHEREAS, the purpose of the Interlocal Cooperation Act, Tex. Gov’t. Code Chap. 791, is to increase the efficiency and effectiveness of local governments by authorizing them to contract, to the greatest extent, with one another and with agencies of the state; and

WHEREAS, Chapter 791 permits the CSMA and the City to enter into a written agreement to implement and achieve the purposes for which the CSMA was created, one of which is the regulation of zoning and plan amendments in the area comprising the CSMA; and

WHEREAS, the governing bodies of the City and the CSMA agree that it is in the best interest of both entities to combine their respective authority and procedures into one seamless operation with each retaining certain responsibilities as provided in this Agreement; and

NOW THEREFORE, the Parties agree as follows:

ARTICLE I
PRINCIPALS AND PURPOSE

1.1 The purpose of this Agreement is to establish and clarify each party's obligations, fees and costs, and the manner and method of regulating zoning for that real property located within the boundaries of City South whether inside or outside the full-purpose boundaries of the City of San Antonio.

1.2 Tex. Loc. Gov't. Code section. 242.0015 mandates that the City and County enter into an interlocal agreement to implement platting in areas located simultaneously in the county and in the City of San Antonio's ETJ. The City of San Antonio and Bexar County entered into such an agreement on May 22, 2003. The CSMA Board agrees to the terms of this Agreement by virtue of its subdivision regulation authority in Tex. Loc. Govt. Code ch. 212 as specified in Tex. Loc. Gov't. Code section 375.312 and the CSMA Board hereby adopts said agreement as if fully copied and incorporated into this Agreement until such time as the CSMA initiates its own platting procedures as authorized.

1.3 The City agrees to notify the CSMA, in writing, of any proposed Council item that would change the boundaries of the City within the CSMA area.

ARTICLE II
TERM

2.1 This Agreement shall take effect on the date of its execution by both parties. The initial term of this Agreement shall be from the date of execution of this Agreement with a termination date of one year later. Thereafter, the Parties shall renew this Agreement on an annual basis beginning July 1, 2008. The annual renewal shall be automatic upon the expiration of the preceding one (1) year term unless one of the Parties gives the other Party written notice of its desire not to renew the Agreement at least ninety (90) days prior to the expiration of the then-current term.

ARTICLE III
ZONING PROCEDURES, CITY SOUTH COMMUNITY PLAN AMENDMENTS,
AND UDC AMENDMENTS FOR CSMA PROPERTY LOCATED
INSIDE THE CITY'S CORPORATE LIMITS AND LIMITED PURPOSE ANNEXED
AREAS

3.1 The City and CSMA Board agree that zoning regulation in the land within the boundaries of the CSMA within the full purpose city limits and the limited purpose annexed areas as set out in **Exhibit A** will be in accordance with the standards and procedures contained in the Unified

Development Code (UDC) of the City, Chapter 35 of the City Code of the City of San Antonio, Texas and the land use regulations and zoning classifications contained in the City South Community Plan adopted by the City, and which has been approved and adopted by the CSMA Board, unless stipulated otherwise in this Agreement.

3.2 The City, by and through its Development Services Department, shall act as the general public's point-of-contact for receipt of all zoning applications and for the collection of all required fees, including but not limited to, any zoning administrative fees established for the CSMA. The City shall retain zoning fees in return for providing this service and shall collect and distribute to the CSMA any other administrative fees adopted by the CSMA Board.

3.3 The City will forward to CSMA staff a copy of zoning applications that are filed to change the zoning of property located within the City South boundaries that is also within the city limits and the limited purpose annexed area as set in **Exhibit A**. Development Services staff, in consultation with Planning and Community Development Department staff and CSMA staff, will review the proposed application and provide a recommendation regarding the proposed zoning for the property.

3.4 A change in zoning request filed by a landowner for property located in the City South area that is also inside the full purpose city limits or the limited purpose annexed area of the City will be presented to both the COSA Zoning Commission and to the CSMA Board for their recommendation.

3.5 In some cases, applications for a zoning change will require a City South Community Plan amendment which will be considered by the City's Planning Commission and the CSMA Board for their recommendation, then to the City Council for their final approval.

3.6 Upon the completion of the review and concurrent recommendations by the City's Zoning Commission and the CSMA Board of a change in zoning request filed by a landowner for property in the City South area that is fully annexed or is in the limited purpose annexed area, the City Council shall be the final zoning authority.

3.7 By and through this Agreement, the parties agree that in the entire City South area (both inside and outside the full purpose city limits) the City shall enforce the zoning districts and classifications and existing regulations by taking appropriate civil action inside the city limits and supporting civil actions taken by the CSMA to the extent of budgetary amounts within the City South Management Authority Department; and that the City will prosecute Class C violations of the zoning and UDC rules and regulations in the City South area to the extent allowed by law.

3.8 The City agrees to notify CSMA at least thirty days prior to the final consideration by the City Council of proposed amendments to the UDC.

3.9 The City of San Antonio has a Board of Adjustment. Any application filed for a special exception, variance, or appeal within the City South area located inside the City's full-purpose boundaries or the limited purpose annexed areas shall follow the procedures as set out in Section

3.2 and 3.3. Notice of these applications shall be sent to the CSMA Board for their input. A decision by the City's Board of Adjustment is final.

3.10 In an effort to preserve the unique characteristics of the land located in the CSMA boundaries and to support the continuance of agricultural operations and preservation of open space as stated in the Community Plan, the CSMA Board may recommend amendments to the Community Plan or UDC in the City South area that is fully annexed or is in the limited purpose annexed areas. The recommended changes shall be approved by the CSMA Board, and shall be forwarded to the City's Planning Commission and/or Zoning Commission, whichever is applicable. Upon review by the appropriate Commission, the CSMA's recommendation shall be forwarded to the City Council for consideration.

ARTICLE IV
ZONING PROCEDURES, CITY SOUTH COMMUNITY PLAN AMENDMENTS, AND
UDC AMENDMENTS FOR CSMA PROPERTY LOCATED
OUTSIDE THE CITY'S CORPORATE LIMITS AND OUTSIDE THE LIMITED
PURPOSE ANNEXED AREAS

4.1 CSMA shall be the final zoning authority for property located within the CSMA boundaries that has been disannexed from limited purpose status and that is not in the corporate full purpose city limits of San Antonio. Since the entire remaining City South area is within the City's ETJ, CSMA agrees that the zoning regulations within the boundaries of CSMA will be in accordance with the standards and procedures contained in the UDC of the City of San Antonio, Chapter 35 of the City Code of the City of San Antonio, as adopted by CSMA Board and will be in compliance with the land use regulations and zoning classifications contained in the City South Community Plan adopted by the City, and which has been approved and adopted by the CSMA Board, unless stipulated otherwise in this Agreement.

4.2 The City, by and through its Development Services Department, in consultation with the Planning and Community Development Department staff and the CSMA staff, shall act as the general public's point-of-contact for receipt of zoning applications, and shall process said applications in accordance with the requirements of Tex. Loc. Gov't Code 211. Additionally, the City shall also serve as the point of contact for the collection of all required fees, including, but not limited to, any zoning administrative fee established for the CSMA. The City shall retain zoning fees as compensation for providing the service and shall collect and distribute to CSMA any other administrative fees adopted by CSMA.

4.3 The City shall forward to the CSMA staff a copy of zoning applications filed within the CSMA boundaries. Development Services staff, in consultation with the Planning and Community Development Department staff and the CSMA staff, will review the application for the proposed zoning change. The CSMA staff will provide a recommendation regarding the proposed zoning for the property to the CSMA Zoning Commission.

4.4 The CSMA Board will appoint a body to be known as the CSMA Zoning Commission which will be comprised of five members of the CSMA Board as its Zoning Commission of record. The City and CSMA staff will process zoning requests to the CSMA Zoning Commission in accordance with the procedures and standards set forth in the UDC for its advice and recommendation to the full CSMA Board.

4.5 Written notice of all zoning change applications shall also be sent to any school district within 200 feet of the property on which the change in classification is proposed.

4.6 In some cases, applications for a zoning change in the CSMA will require a City South Community Plan amendment. All proposed amendments to the City South Community Plan shall be presented first to the CSMA along with a project plan in accordance with the provisions of Section 375.310 of the Texas Local Government Code. If such proposed amendment is approved by the CSMA, that amendment shall be subsequently forwarded to the City's Planning Commission and to the City Council for consideration, provided however, that no such proposed amendment shall advance to the City's Planning Commission or to the City Council without having first received the approval of CSMA. The parties agree that in the event the City Council denies a proposed amendment, the review procedures of Section 4.3 above shall be followed for any proposed resubmission of an application.

4.7 Upon completion of the review by the CSMA Zoning Commission of a change in zoning request filed by a landowner in the CSMA, that does not require a City South Community Plan amendment, said recommendation shall be forwarded to the CSMA Board which shall have the final decision making authority for the zoning request.

4.8 The CSMA Board shall appoint a Board of Adjustment which shall consist of at least 5 members who reside within the CSMA boundaries. No CSMA Board member shall serve on the CSMA Board of Adjustment.

4.9 The procedures set out in 4.2, 4.4, and 4.5 shall apply to any application filed for a special exception, variance or appeal within the City South area located outside the City's full purpose city limits. These applications shall be presented to the City South Board of Adjustment. Any application for a special exception, variance or appeal for review and decision by the City South Board of Adjustment shall also be sent to any school district within 200 feet of the property which is the subject of the application. Upon the final decision by the CSMA Board of Adjustment, an appeal of their decision may be made in accordance with Tex. Loc. Gov't. Code section 211.011.

4.10 In an effort to preserve the unique characteristics of the land located in the CSMA boundaries and to support the continuance of agricultural operations and preservation of open space as stated in the Community Plan, the CSMA Board may recommend amendments to the Community Plan in the City's Master Plan or the UDC in the City South area to the City Council.

ARTICLE V
DISANNEXATION OF AREAS ANNEXED FOR LIMITED PURPOSES

5.1 Except as set out in 5.2, below, within 3 months of the execution of this Agreement, the City shall prepare and submit to the CSMA Board a schedule for consideration of the proposed disannexation of Southside Study Areas 1, 4, and 6.

5.2 The City Council adopted ordinance 2006-06-29-0742 on June 29, 2006, which, among other actions, extended the limited purpose annexation status of approximately 532.59 acres of real property which is located within Southside Study Area 1. Nothing in this Agreement requires the consideration of disannexation of the property subject to ordinance 2006-06-29-0742.

ARTICLE VI
CONSIDERATION

6.1 The Parties agree and understand that each shall be responsible for its own costs and expenses necessary to fulfill its responsibilities under this Agreement.

ARTICLE VII
TEXAS LAW TO APPLY

7.1 This Agreement shall be construed under and in accordance with the laws of the State of Texas and United States, and all obligations of the Parties created hereunder are performable in Bexar County, Texas.

ARTICLE VIII
LEGAL CONSTRUCTION

8.1 In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

ARTICLE IX
AMENDMENTS

9.1 No amendment, modification or alteration of the terms hereof shall be binding unless in writing, dated subsequent to the date of this Agreement and duly authorized by the governing bodies of the City and CSMA.

ARTICLE X
LIAISONS AND NOTICES

10.1 Unless written notification by the CSMA is received by the City, the Director of the CSMA shall be the designated representative of the CSMA responsible for the management of this Agreement.

10.2 Unless written notification by the City is received by the CSMA, the Director of the Development Services Department shall be the designated representative of the City responsible for the management of this Agreement.

10.3 For purposes of this Agreement, all official communications and notices among the Parties, shall be deemed sufficient if in writing and hand-delivered or mailed, registered or certified mail, postage prepaid, to the addresses set forth below:

CITY

City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283
Attn: Roderick Sanchez
Director, Development Services Dept.

CSMA

City South Management Authority
P.O. Box 839966
San Antonio, Texas 78283
Attn: Robert Peche
Director, CSMA

Notice of change of address by either party must be made in writing delivered to the other party's last known address within five (5) business days of such change.

EXECUTED IN DUPLICATE ORIGINALS, EACH OF WHICH SHALL HAVE THE FULL FORCE AND EFFECT OF AN ORIGINAL, ON THIS THE 28th DAY OF July, 2007.

CITY OF SAN ANTONIO, TEXAS

CITY SOUTH MANAGEMENT AUTHORITY

By: [Signature]
Sheryl Sculley
City Manager

By: [Signature]
Edward D. Garza
Presiding Officer

ATTEST:

By: [Signature]
Leticia M. Vaccaro
City Clerk



By: [Signature]
Robert Peche
Dir., Director, CSMA

Approved as to form:

A handwritten signature in black ink, appearing to read "Michael Bernard", written over a horizontal line.

Michael Bernard
City Attorney

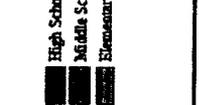
Approved as to form:

A handwritten signature in black ink, appearing to read "Susan C. Rocha", written over a horizontal line.

Susan C. Rocha
Legal Counsel, CSMA



City of San Antonio
Planning and Community
Development Department
1004 North Loop West
San Antonio, Texas 78207
781-351-1000



- Legend**
- City of San Antonio
 - Ammanville Atrium
 - City South Management Authority
 - Limited Purpose Annexation
 - Bexar County
 - Parks
 - Lakes
 - Creeks
 - Highways
 - Railroads
 - Wastewater Treatment Plants
 - Toyota Site
 - High Schools
 - Middle Schools
 - Elementary Schools

**Southside Initiative Expansion
Limited Purpose Annex**

City South Management Authority

Data Revisions

Drawn/Revised	Date	Comments
Approved	February 14, 2007	20070214001
City Council Approval	February 15, 2007	20070215001
City Council Approval	February 15, 2007	20070215002

One Square Mile

Scale: 1" = 1/4 Mile

Map No. 1004-001-001-001

City of San Antonio, Texas 78207

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City South Management Authority