

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



DRAFT

**Meeting Minutes
City Council B Session**

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

Wednesday, October 7, 2015

2:00 PM

Municipal Plaza Building

The City Council of San Antonio convened in the “B” Room of the Municipal Plaza Building. City Clerk Leticia Vacek took the Roll Call with the following Councilmembers present:

PRESENT: 11 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier, and Gallagher

EXECUTIVE SESSION

Mayor Taylor recessed the meeting into Executive Session at 2:10 pm to discuss the following:

- A. Deliberations regarding economic development negotiations and discuss related legal issues pursuant to Texas Government Code Sections 551.087 (economic development) and 551.071 (consultation with attorney).

- B. Deliberate the purchase, exchange, lease or value of real property and discuss related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 551.071 (consultation with attorney).

- C. Discuss legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Discuss legal issues relating to a lawsuit styled Anthony Ortega, et al v. City of San Antonio, Texas pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E. Discuss legal issues relating to litigation involving property at 2140 Babcock, San Antonio, Texas pursuant to Texas Government Code Section 551.071 (consultation with attorney).

RECONVENED

Mayor Taylor excused herself from the meeting at 3:15 pm. Mayor Pro Tem Krier presided over the meeting and announced that no action was taken in Executive Session.

POINT OF PERSONAL PRIVILEGE

Mayor Pro Tem Krier recognized City Clerk Leticia Vacek who was celebrating her birthday today. The City Council sang Happy Birthday to Mrs. Vacek.

- 1. Briefing on the current status of the City of San Antonio's three growth-related plans including the Comprehensive Plan, the Strategic Multi-Modal Transportation Plan, and the Sustainability Plan collectively named "SA Tomorrow." [Peter Zaroni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

Bridgett White, Assistant Director of Planning and Community Development stated that the Comprehensive Plan Steering Committee had held a number of meetings regarding the SA Tomorrow Plan. She noted that the Steering Committee was made up of Three Tri-Chairs, 9 Working Group Chairs, a VIA Board Member, and Three City of San Antonio Planning Commissioners. She reported that they had reviewed the Draft Goals and Policies from the Plan Element Working Group. She highlighted the work of the Citizen Planning Institute and the Plan Element Working Groups.

Ms. White spoke of City Form and how it relates to the Planning Process. She explained

that City Form was a combination of Density, Land Use, and Placemaking. She provided an overview of the Spectrum of Neighborhood and Center Types to include Open Space, Single and Multi-Family Residential, and Downtown Areas. She stated that San Antonio's Land Use and Urban Design Policies would dramatically affect the form of the City's Growth, the success of Multimodal Transportation Options, and Water Use and Conservation.

Ms. White highlighted Goals of the Working Elements noting that within Growth and Urban Form, they would encourage and support enhanced educational access and performance in San Antonio. Within Transportation and Connectivity, a new goal is to support a safe and well-connected Multimodal Transportation System in San Antonio. She noted that one of the Housing Goals was to encourage the development of a variety of types of housing at a variety of price and rent levels. She highlighted a Military Goal to improve communication and coordination between local jurisdictions, communities, and the military to develop a strong regional approach to compatibility issues. She reported that the new goal for Jobs & Economic Competitiveness was to increase San Antonio's presence, role, and economic activity in the region, nationally, and internationally. Within Natural Resources & Environmental Sustainability, she stated that they would work to improve Air Quality to meet or exceed national standards. She added that a new goal within Historic Preservation was to continue existing and develop new tools and approaches for the protection and promotion of the World Heritage Missions of San Antonio. Lastly, she outlined next steps that include Steering Committee and Citizens Planning Institute Meetings in October and an SA Tomorrow Community Workshop in January 2016.

Mayor Pro Tem Krier asked of the goal to increase San Antonio's presence, role and economic activity in the region, nationally, and internationally. Ms. White replied that they would be working with the Economic Development Department and that they had been working on the goal for some time. She noted that they would work to refine the focus on Regional and International Components. Mayor Pro Tem Krier recommended reaching out to the City of Austin to get their input.

Councilmember Warrick asked of the goal to encourage and support enhanced educational access and performance in San Antonio. Ms. White replied that Education was a common theme throughout all of the working groups and that they planned to host an Educational Summit for the Working Group Members to further discuss same. Councilmember Warrick asked of the adaptive reuse of Educational Facilities. Mr. Dugan stated that would be addressed later and that depending on the amount of growth; they may want to re-open and rehabilitate the schools. Councilmember Warrick asked how they would keep more people in current affordable homes as prices increased in the Inner City Neighborhoods. Mr. Dugan stated that it was the focus of the New Housing Commission and would work to

define how to mitigate gentrification and redeveloping neighborhoods without destroying them. Councilmember Warrick asked of the future Regional Airport. Mr. Dugan stated that it was a major topic that should be addressed and noted the importance of planning around the airport.

Councilmember Nirenberg spoke of the importance of addressing Air Quality. Councilmember Gallagher asked of the active duty installations versus one like Brooks City Base or former Kelly Field. Ms. White stated that general discussion had occurred and that they would develop more detailed policies specific to a base or citywide. Councilmember Gallagher concurred with the long-range planning that should occur regarding a Regional Airport. Councilmember Treviño added that he concurred with Councilmember Nirenberg regarding the importance of addressing Air Quality.

Doug Melnick presented information on the Sustainability Plan noting that it was a roadmap to enhance a community's quality of life and build overall resilience. He noted that they were currently in Phase III in which they were Evaluating Strategy and Prioritizing. He indicated that Phase IV would include the Draft and Final Plan and would be completed in January 2016. He spoke of the great amount of public engagement and input that had occurred which included a San Antonio Sustainability Forum. He highlighted the Top 5 Characteristics of a Sustainable City that were identified: 1) Healthy Air & Water Resources; 2) Thriving Economy; 3) Inclusive and Fair Community; 4) Walkable Community; and 5) Resilience.

Mr. Melnick spoke of the responses received from the SA Tomorrow Survey conducted this year in which individuals were asked about the area that needs the most work to be ready for one million people. The results indicated that Transportation (34%), Natural Resources (17%), and Land Use & Sprawl (17%) were the top three responses. He mentioned that they had requested feedback from the Executive Team and they indicated that San Antonio should be a leader in Sustainability amongst other Large Cities. He noted that the public had referenced the importance of community gardens and growing local food. He added that next steps would include a Sustainability Plan Steering Committee Meeting in October.

Terry Bellamy outlined the Strategic Multi-Modal Plan Transportation Goals that include managing congestion on San Antonio Roadways and providing a safe transportation network for all users and abilities. He stated that they had been reviewing corridors that could be developed or re-used throughout the Study Area. He noted that they utilized the following Corridor Selection Principles: 1) Improve Connectivity; 2) Enhance Multimodal Options; 3) Improve Safety; 4) Stimulate Economic Development; 5) Promote Livability; and 6) Increase Mobility. He reported that they had identified 12 Corridors and showed a map of same. He spoke of the Corridor Assessment they conducted in which they reviewed

land uses, speed limits, transit facilities, other agency plans, challenges, and opportunities. He stated that they would continue to assess sample corridors, develop a project prioritization tool, and evaluate the Major Thoroughfare Plan. Additionally, they will develop Pedestrian, Bike, Transit, Roadway, Rail, and Freight Elements of the Plan. He highlighted the great amount of outreach that had already occurred and would continue over the next few months.

Councilmember Nirenberg asked of the timeline of all of the Plans. Mr. Bellamy stated that they were creating the prioritization tool for the Transportation Plan and would ensure consistency with the Sustainability Plan and Comprehensive Plan. Mr. Melnick stated that there had been a great amount of coordination on the three plans and hoped that the timelines would all coincide. Mr. Dugan responded that the Comprehensive Plan was scheduled for completion in April/May 2016 and would provide time for the other two plans to be completed. He stated that they would incorporate the recommendations into the policies of the Comprehensive Plan.

Councilmember Gonzales asked of the goals of the Transportation Plan and if they were listed in order of priority. Mr. Bellamy replied that they were not listed in order of priority. Councilmember Gonzales requested that the numbers be removed so that there is no confusion.

Councilmember Saldaña asked of the timeline for the Multimodal Plan. Mr. Bellamy replied that it would be completed in February. Councilmember Saldaña stated that it was important to continue meeting the needs of the community in the interim and would like to discuss VIA Metropolitan Transit Goals before February.

Councilmember Medina stated that he was surprised that Bandera Road was not included as a Corridor and asked how it could be added. Mr. Bellamy stated that a great amount of work had occurred in partnership with the Texas Department of Transportation (TxDOT) on Bandera and that there was not community buy-in from the City of Leon Valley. He noted that they could discuss it in the final draft because it was a unique corridor that needs additional capacity.

Mayor Pro Tem Krier thanked staff for the presentation.

2. Briefing on the current air quality status of San Antonio and an overview of proposed air pollution reduction measures. [Peter Zaroni, Deputy City Manager; Douglas Melnick, Chief Sustainability Officer, Office of Sustainability]

Brenda Williams, Director of Natural Resources of the Alamo Area Council of Governments (AACOG) stated that AACOG was a Planning Council that covered a 13-County Region including San Antonio and Bexar County. She noted that they assisted Local Governments with their Planning Functions such as Air Pollution and had been addressing Regional Air Quality Planning since the mid 1990's. She explained that ozone was formed by the reaction of pollutants in heat and sunlight. She provided a comparison of the ozone levels among Texas Urban Areas and spoke of the Revised Ozone Standard and Area Design Values. She outlined the 2015 Ozone Standard Adoption and Implementation Timeline in which the Environmental Protection Agency will determine Attainment or Non-Attainment in October 2017. She stated that the Attainment Deadline for Marginal Areas was December 31, 2020; while the Attainment Deadline for Moderate Areas was December 31, 2023.

Ms. Williams spoke of the Air Improvement Resources (AIR) Committees that had been formed which include AIR Executive, AIR Advisory, AIR Technical, and AIR Public Education Committees. She stated that Councilmember Nirenberg served as the Chair of the AIR Executive Committee and thanked him for his service. She noted that AACOG had received funding from a number of sources to perform Air Quality Work and highlighted technical projects such as Ozone Monitoring, Emissions Inventory, and Photochemical Modeling. She presented a map of the location of Regional Ozone Monitors noting that some were monitored and operated by the Texas Commission on Environmental Quality (TCEQ) and others were monitored and operated by AACOG.

Ms. Williams provided an overview of AACOG's Air Quality Outreach and Education Programs and highlighted new projects for 2016-2017. These include a Public Opinion Survey, Additional Advertising, and a Regional Strategic Plan. She presented a chart of Predicted 8-Hour Ozone Design Values, 2018, a chart of Emissions by Source for 2012, 2018, and 2023, as well as a chart of MSA Contribution to the Ozone by Source Category, 2018.

Dr. Vincent Nathan stated that the current Air Pollution Ordinance was added to the City Code in 1959 and last updated in 1982. He noted that it did not reference the Texas Clean Air Act and therefore; Municipal Court could not enforce the current Code. He highlighted the Proposed Air Pollution Ordinance that would adopt the rules and regulations of the Texas clean Air Act, Chapter 382 of the Texas Health and Safety Code. He mentioned that the New Ordinance would adhere to all businesses with air pollution emissions and would be enforceable in Municipal Court.

Dr. Nathan explained that they would utilize a 3-Phase Approach in which Phase I would be Registration; Phase II would include Education; and Phase II would implement

Regulatory Inspections. He provided statistics of Asthma Prevalence in Adults for the San Antonio Metropolitan Statistical Area (MSA) for 2010 and 2013, as well as Asthma Prevalence in Adults in Bexar County for 2010 and 2012. He highlighted Trends in Asthma Hospital Patients Less than 18 Years of Age in Bexar County, as well as All Ages in Bexar County. He further presented maps of the Rate per 1,000 Breathing Problems by School District, Rate of Asthma Hospital Patients All Ages by School Districts in Bexar County from 2011-2013, and Rate of Asthma Hospital Patients All Ages by Zip Code in Bexar County from 2011-2013.

Doug Melnick stated that there was a Three Tired Approach to Air Quality with the City of San Antonio, the Community, and Regional Partners. He highlighted the final Report on Potential Emission Control Strategies Available for the City of San Antonio prepared for TCEQ. He outlined the Top Pollution Reduction Measures identified such as increasing the use of Non-Motorized Travel, implement Commuter Trip Reduction Programs, and Restrict Long Term Idling. He spoke of some of the Pollution Reduction Measures that have already been implemented and some that are under evaluation. He mentioned that they would have an Anti-Idling Policy and Health Department Ordinance Update in December 2015 and would work on Employee Commuter Benefits Policies from February through August 2016.

Mayor Pro Tem Krier asked why Austin was maintaining their Air Quality and San Antonio was not. Mr. Melnick replied that there were different geographic implications in terms of weather patterns. Ms. Williams added that there were clear differences between Austin and San Antonio and that Austin was a smaller community. She stated that they had fewer vehicles and had proactively adopted strategies such as emissions testing for vehicles and an Anti-Idling Ordinance several years ago. Mayor Pro Tem Krier asked of not allowing 18-wheelers on certain highways. Mrs. Sculley replied that they would look into that option. Mayor Pro Tem Krier asked if there was an impact to air quality from Eagle Ford Shale. Ms. Williams stated that anything that had the capacity to burn fuels could potentially impact ozone levels depending on weather conditions. She noted that they were studying the situation to better understand the impact. Mayor Pro Tem Krier asked when an official designation would be made from the Federal Government. Ms. Williams replied that they would make that designation in 2017 and that penalties would depend on the level of non-compliance.

Councilmember Nirenberg asked if the plan was aggressive enough. Mr. Melnick replied that this was a good start and that there was much more to be done. Councilmember Nirenberg stated that they needed to develop a regional strategy and should look to other cities to collaborate on improving Air Quality. He asked of point source versus mobile source. Mr. John Dugan stated that the point use was most important to address such as

Land Use Patterns that generate most of the emissions.

Councilmember Gallagher spoke of the emissions by source and asked of the potential court action against the Environmental Protection Agency (EPA) for things that cities do not have control over. Ms. Williams stated that they did not know but could look into it. Councilmember Gallagher mentioned the issue with Asthma and it was due to pollen and mold emanating from the Hill Country. Dr. Nathan replied that Asthma could be exacerbated by weather as well as heat from the ozone and particulate matter. Councilmember Gallagher asked why the Non-Regulating Monitors did not EPA Standards. Ms. Williams replied that it was done on purpose and that they did not have the number of quality assurance checks required. She added that the data could not be used against the San Antonio Region to demonstrate Attainment or Non-Attainment.

Councilmember Lopez spoke of the Asthma Issues and noted that it was important to discuss effects of pollutants. He mentioned that San Antonio was in a geographic negative position and asked what was being done to monitor and understand the ozone impacts of Eagle Ford Shale. Ms. Williams stated that some studies have been conducted in regard to Eagle Ford Shale but findings have not been completed. Councilmember Lopez spoke of the importance of measuring and monitoring and ensuring that the city is doing everything possible to address Air Quality.

Councilmember Warrick asked of what was being done with the city's fleet. Mr. Melnick replied that they were looking at the Anti-Idling Ordinances and reviewing electrification of fleet. He stated that they were discussing costs and other additional impacts of same. Councilmember Warrick asked if they had looked at diverting 16-Wheeler Traffic to Rail Container Cars. Mr. Melnick stated that they had not but it was something they could evaluate. Councilmember Warrick asked of the statistics on Asthma and if there were disparities between race or if it was a poverty issue. Dr. Nathan replied that there was not a big difference and that Non-Hispanic Black and Hispanic Individuals experienced more Asthma than Non-Hispanic White Individuals. He added that the San Antonio Independent School District and Edgewood Independent School District had higher numbers of breathing problems and they were underperforming schools with higher minority populations.

Councilmember Treviño asked how ozone was created. Mr. Melnick replied that it was created from the combustion of fossil fuels with the inclusion of volatile organic compounds and heat. Councilmember Treviño stated that a major component was heat and that cities were hotter than underdeveloped areas. He asked of the Heat Island Effect. Mr. Melnick stated that it referred to the fact that during the day all of the pavement and buildings soak up heat and radiate it throughout the evening. Councilmember Treviño

stated that San Antonio was larger than Austin and took up much more area. He asked if any studies had been conducted on the Heat Island Effect of Austin. Mr. Melnick replied that he did not know but would find out. Councilmember Treviño mentioned programs such as the White Roof Initiative to cool buildings and asked of the highest amount of emission in San Antonio. Mr. Melnick replied that it was point source. He stated that there was a definite link between land use, transportation and air quality and that it was important to provide transportation options other than single occupancy vehicles.

Mayor Pro Tem Krier thanked everyone for the presentation.

RECESSED

Mayor Pro Tem Krier recessed the meeting at 5:21 pm and announced that the meeting would resume in the Council Chambers.

RECONVENED

Mayor Pro Tem Krier reconvened the meeting at 5:23 pm and addressed the Ceremonial Items.

CEREMONIALS

Mayor Pro Tem Krier presented a Proclamation in recognition of the O’Krent Abbey Flooring Center 100th Anniversary of its founding. It was noted that this year’s 13th Annual Arthur O’Krent Golf Classic was expected to pass the \$1 Million mark benefiting the American Heart Association and United Way. A few of the O’Krents other philanthropic causes include: Susan G. Komen, Boysville, San Antonio Public Library Foundation, NEISD, Cancer Therapy and Research, and the San Pedro Playhouse.

Mayor Pro Tem Krier presented a Proclamation in recognition of The Lions Clubs International 100th Anniversary of its founding. It was noted that the Centennial Celebration was a service challenge, designed to engage every Lions Member, every Lions Club, in every country and geographic area, to serve 100 million people. It was also noted that Local Lions Club Programs include Lighthouse for the Blind, Lions Field and its Senior Center, Texas Lions Camp for Disabled Children, and Eyeglass Purchase Assistance.

Mayor Pro Tem Krier presented a Citation in recognition of the San Antonio Public Library and Muñoz & Company being honored by the American Institute of Architects and the American Library Association for the Architectural Design of the Mission Branch Library. It was noted that the Jury Comments included: “This project merges the clean, elegant lines of modern architecture with the historical sensibilities of South Texas. The building is intrinsically connected to its location through its use of local materials, and outstanding attention to detail executed by local artisans employing traditional design motifs and

old-world craftsmanship.”

PUBLIC HEARING

City Clerk Vacek read the caption for Item 3:

3. Second public hearing for the proposed Limited Purpose Annexation of the IH-10 West Area, consisting of 14.94 square miles (9,560 acres), generally located north of NW Loop 1604, extending to areas on the east and west side of IH-10 West, and south of Kendall County line in the northern portion of San Antonio's Extraterritorial Jurisdiction and Bexar County. [Peter Zaroni, Deputy City Manager; John M. Dugan, Director, Department of Planning and Community Development]

Mayor Pro Tem Krier opened the Public Hearing on the limited purpose annexation of the IH-10 West Area and called upon the citizens registered to speak.

Michael Wood expressed opposition to annexation noting concern for home values in the area.

Joseph Winslow stated that more than 50% of neighborhood residents were opposed to annexation and cited superior educational opportunities in nearby areas.

Emily Chlebowski expressed opposition to annexation and commented on reliance on the Edwards Aquifer.

Scott Smith expressed opposition to annexation and discussed SAWS Buffer Zones.

Shanda Evans presented petitions of over 1,000 signatures in opposition to annexation.

Tom Angotti stated his affiliation with Limestone Ranch Home Owners Association and expressed opposition to annexation.

Elizabeth Vines noted her opposition to annexation and expressed concern that San Antonio would not be able to provide full services to annexed areas.

Douglas Casement expressed opposition to annexation and stated concern for increased taxes.

Melissa Kitchens stated that her neighborhood received quality services from Bexar County

and expressed opposition to annexation.

Gregory Drollinger expressed opposition to annexation and commented on the need for a public vote.

Mike Stewart stated that annexation should not happen without representation by the people affected.

Nazirite Ruben Flores Perez expressed concern for chemical pollution in the City and areas proposed for annexation.

Bruce Nedelka expressed opposition to annexation and discussed his right to live outside the City Limits.

Jeremiah Nichols expressed opposition to annexation without representation by the people affected.

Robin Perrin expressed opposition to annexation and stated concern that increased taxes would be used primarily for Inner City Development.

Jon Perrin expressed opposition to annexation noting the negative impact to targeted neighborhoods.

Virgil Garrett expressed opposition to annexation and commented on the need to cut taxes.

Joseph Hummel expressed opposition to annexation and stated the City Services were not needed.

Crystal Palucci expressed opposition to annexation and stated that it was her decision to live beyond the City Limits.

Genevieve Allison expressed opposition to annexation and concern for rising taxes.

Karen Owens expressed concern for additional taxes and stated her opposition to annexation.

Destinee Serdina expressed opposition to annexation.

Carolyn Walker commented on the need for changes to the current annexation plan.

Written testimony was received in opposition to the proposed Limited Purpose Annexation from Susan Vogel, Christia Mathre-Adams, Nicole Lechner, John Hawley, and Matt Ross.

Having heard all comments from those citizens wishing to be heard, Mayor Pro Tem Krier closed the Public Hearing on the limited purpose annexation of the IH-10 West Area.

CITIZENS TO BE HEARD

Mayor Pro Tem Krier called upon the citizens registered to speak under Citizens to be Heard.

Karen Wheeler commented on the use of low impact alternatives such as rain water capture and storm water reuse to the Vista Ridge Project.

Bryan McKinley expressed the need for a public vote regarding annexation. He referenced annexations in Houston that impacted emergency services for annexed areas.

Mark Perez expressed concern for businesses operating illegally in San Antonio and subsequent environmental impacts.

Meredith McGuire petitioned the City Council to consider the social impact of the SAWS Rate Structure. She expressed concern that large corporations were not being adequately incentivized to lower their consumption of water.

Danny Petri asked the City Council to consider the residents of Dreamhill Estates in the illegal zoning of the Planned Parenthood Facility located at 2140 Babcock Road. He expressed concern for the independent review of the Facility.

Patrick Von Dohlen noted the negative impact to the residents of Dreamhill Estates regarding the zoning of the Planned Parenthood Facility located at 2140 Babcock Road. He expressed concern for amendments to the Unified Development Code.

Marian Thompson expressed opposition to the zoning of the Planned Parenthood Facility located at 2140 Babcock Road. He spoke of the need for public comment from the residents of Dreamhill Estates.

David Klar expressed support for Councilmember Nirenberg's motion to establish a timeline regarding the vote on the SAWS Rate Structure. He petitioned the City Council to delay a vote until all information had been made public and reviewed.

Victor Gonzalez commented on tax issues and concerns with the Bexar Appraisal District.

Bryan Hummel discussed efforts by ancient societies to preserve and protect water resources.

Ellen Berky expressed concern for water report inaccuracies based on computer models. She expressed concern for the financial impact of raising rates to low income families.

Nazirite Ruben Flores Perez expressed concern for religious holidays and teachings in school.

Terry Burns expressed support for a delay of the vote on the SAWS Rate Structure and commented on growth and annexation policies.

Alan Montemayor expressed opposition to the Vista Ridge Project and petitioned the City Council to cancel the Project.

Patti Irwin submitted Written Testimony expressing her opposition to the proposed annexations and subsequent increase in taxes.

Faris Hodge, Jr. submitted written testimony to include newspaper articles on the following topics: Body Cameras for Police Officers, Cybersecurity Threat, San Antonio Wages among the lowest in the State, and Prison rape toll on taxpayers. He wrote that it was time to raise the State Gas Tax and highlighted the creation of a DWI Court Docket by Bexar County.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Krier adjourned the meeting at 7:27 pm.

APPROVED

IVY R. TAYLOR
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/CMC/MMC
CITY CLERK