

**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

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**Wednesday, August 6, 2014**

**2:00 PM**

**Municipal Plaza Building**

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The City Council of San Antonio convened in a Work Session in the B Room on August 6, 2014. City Clerk Leticia Vacek took the Roll Call and noted a quorum with the following Councilmembers:

**Present** 9 - Mayor Taylor, Bernal, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier, and Gallagher

**EXECUTIVE SESSION**

Mayor Taylor recessed the meeting into Executive Session at 2:08 pm to discuss the following:

A. Discuss legal issues related to the petitions submitted for amendment of City Charter Section 128, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Taylor reconvened the meeting at 3:10 pm and announced that no action was taken in Executive Session.

Mayor Taylor addressed Item 1.

1. Verification Results of the Petition Submitted related to Streetcars to Amend Section 128 of the City's Charter. [Leticia M. Vacek, City Clerk]

City Clerk Leticia M. Vacek stated that a Petition seeking to amend the City Charter, Section 128 was received on July 8, 2014. She reported that the Petition was signed by 26,739 Individuals representing the Streetcar Vote Coalition. She added that there were a total of 3,260 Petition Pages submitted with Page Number 657 excluded. She mentioned that one Affidavit of Withdrawal was received prior to receipt of the Petition.

The Petition called for the addition of the following language to the City Charter: “No streetcar or other light rail franchise, easement or other transaction involving or in association with granting the right to use any street, highway, alley, park, public place or any other real property of the city, either along, across, over or under the same, shall ever be valid unless expressly approved by a majority vote of the qualified electors of the city in an election distinctly specifying such purpose separate from any other subject or purpose.”

Mrs. Vacek reported that the Office of the City Clerk verified the Petition Pages in coordination with the Bexar County Voter Registrar’s Office utilizing their Votec Elections Management And Compliance System (VEMACS). She stated that VEMACS allowed staff to search and verify by Voter Identification Number, Name, Address, or Date of Birth as well as providing for signature verification. She reported the following results:

RULE DESCRIPTION	TOTAL
Valid	12,138
Valid but No Circulator for Page	8,861
Outside COSA	2,567
No Signature	1,818
Not Registered	1,785
Valid Duplicate on Petition	657
Voter Cancelled	462
Neither VUID or DOB	86
Signature Questionable	76
Signing Date before Registered Date	53
Signing Date Invalid	44
Voter Status Not Registered	7
In City Limit at Time of Signing	1
Withdrew from Petition prior to Submission	1
<b>GRAND TOTAL (Lines)</b>	<b>28,556</b>

Mrs. Vacek stated that a total of 28,556 lines were verified. She added that Section 31.001 of the Texas Election Code designates the Texas Secretary of State (SOS) as the Chief Election Officer that "Shall assist and advise all election authorities with regard to the application, operation, and interpretation of the Code and of Election Laws outside the Code." Mrs. Vacek noted that the Code states that the SOS "Shall maintain an informational service for answering inquiries of election authorities relating to the administration of the Election Laws or the performance of their duties." She stated that she sought advice from the SOS and after receiving it; sought a Legal Opinion from the City Attorney. She reported that based on the City Attorney's Opinion, the petition was invalid with only 12,139 signatures.

Mayor Taylor asked City Attorney Robbie Greenblum to provide a brief overview of his Legal Opinion.

Mr. Greenblum stated that Texas Government Code states that if a petition was signed by the lesser of 20,000 or 5% of all qualified Voters; the City Council would place that item on the ballot for election. He noted that Texas Election Code, Section 277.002 provides guidance for determining the validity of petition signatures. He added that a city with a City Charter should review any Charter Provision related to the issue of evaluating whether or not the petition to amend the City Charter exists in the City Charter. He indicated that Section 37 states, "All petition papers comprising a petition shall be assembled and filed with the City Clerk as one instrument. Within 20 days after a petition is filed, the City Clerk shall determine whether each paper of the petition is signed by a sufficient number of electors, and shall hold any petition paper entirely invalid which does not have attached thereto the statement signed by the circulator thereof." He stated that previous practices were reviewed and staff determined that prior petitions included a circular statement. Lastly, he stated that Section 37 was applicable and each petition paper submitted would require a circulator statement.

Mayor Taylor stated that it was very important to maintain consistency related to any amendments to the City Charter.

Councilmember Saldaña spoke of the importance of the City Charter and asked if the petition lived up to the process interpreted by the City Attorney. Mr. Greenblum replied that it had not lived up to the process as prescribed in the City Charter or as had been done in the past.

Councilmember Bernal stated that it was the responsibility of the City Council to defend the sanctity of the City Charter and this issue was centered on the process to amend the City Charter.

Councilmember Gallagher stated that 20,999 signatures were submitted and this issue should be brought before the voters in November 2014.

Councilmember Krier stated that he supported an Ordinance that would: 1) Reprogram the \$32 Million for the Streetcar Project; and 2) Not place any additional funds into a future Streetcar Project without a Public Vote. He stated that he supported acceptance of the petition signatures as presented. He noted concerns with the ballot language as submitted but a Charter Amendment could be placed on the ballot that would include more suitable language. He stated that an election should occur in November if supported by the majority of Councilmembers or at the recommendation of a Charter Blue Ribbon Committee.

Mayor Taylor asked of the timeline required for placement of an item on the ballot in November 2014. Mr. Greenblum replied that in order to comply with State Law, the City Council would have to call the election prior to August 18, 2014.

Councilmember Viagran expressed concern regarding the existing language of the petition.

Councilmember Nirenberg expressed support for a Charter Amendment that would require a Public Vote on current and future Streetcar Projects. He noted that the petition signatures may not comply with the letter of the law but had achieved a volume that should be recognized and acted upon.

Councilmember Lopez asked of a remedy to bring the petition into compliance with the law. Mr. Greenblum replied that the City Charter provided a remedy which was time to cure. He explained that the Petition Organizers would have 20 additional days to comply with the requirement of circulator signatures. Councilmember Lopez stated that action should be taken to place the petition on the November Ballot.

Councilmember Gonzales asked of the cost to add an item to the November Ballot. Mrs. Vacek replied that a November 2014 Special Election for the District 2 Vacancy had already been called by the Mayor and City Council and adding another item to the ballot may cost up to \$800,000 dependent upon the number of entities having an election in November. She noted that costs were lower for elections held in November because they would be shared with Bexar County and many other entities.

Mayor Taylor summarized that all were in agreement that there should be a vote while assuring consistency of the standards applied to allow changes to the City Charter. She thanked everyone for their work on said item.

2. A briefing on the biennial Community Survey of City services. [Di Galvan, Director, Communications and Public Affairs; Chris Tatham, ETC Institute]

Mrs. Sculley stated that the city had conducted a Biennial Community Survey every two years for the past eight years. She noted that the progress of the performance of the delivery of services had been benchmarked. Mrs. Di Galvan introduced Chris Tatham of the ETC Institute and stated that they have conducted Community Surveys across 48 States.

Mr. Chris Tatham stated that the purpose of the Survey was to provide an objective assessment of how Residents of the City of San Antonio rate the quality of service delivery. He noted that the Survey was designed to provide statistically valid data for each of the 10 City Council Districts. He reported that a random sample of 100 households in each district was selected by Address-Based Sampling. He reported that the data collected indicated that: 1) Residents have a very positive perception of the city; 2) The City of San Antonio was setting the standard for service delivery; and 3) Approval ratings have increased. He stated that 70% of Residents submitted positive ratings. He noted that San Antonio had the highest overall satisfaction rating amongst the Cities of Austin, Dallas, Las Vegas, Boston, San Francisco, Seattle, Oklahoma City, New York and Houston. He mentioned that individual departments received high ratings with the exception of Animal Care Services and Code Enforcement. He reported that the overall quality of Customer Service was 77% which was 32 points above the National Average.

Mr. Tatham noted that Short and Long Term Trends had increased from 69% to 70% and from 66% to 70%, respectively. He stated that a decrease in Long-Term Trends was observed in a number of areas; most notably in Code Enforcement, Animal Care Services, Online Payment Programs, and how quickly potholes were repaired. He stated that residents identified the major categories of services provided by the City that were most important to them as:

- Police
- Streets
- Social Services
- Fire

Mr. Tatham noted that an analysis was performed by combining the level of importance and satisfaction levels to set priorities. He reported that the priorities identified were:

- Streets
- Sidewalks

- Flood Prevention
- Crime Prevention
- Animal Care
- Code Enforcement

Mr. Tatham noted that Streets ranked highest in a number of areas in the Survey. He added that Residents identified Teenage Pregnancy, Obesity, Homelessness, Crime, and Drug Use as issues that should be addressed over the next two years. He noted that the city could positively impact citizen perceptions by investing in Streets, Crime Prevention and providing Social Services to Families and Seniors. He noted that 70% of those surveyed felt that Public Safety Personnel should contribute the same amount for Healthcare as other City Employees.

Mayor Taylor thanked Mr. Tatham for the presentation.

Councilmember Nirenberg asked if data from the top 10 Cities surveyed was included in the Report. Mr. Tatham confirmed that their data was included. Councilmember Gallagher recommended that the Survey Results be made available to the public. Councilmember Lopez recommended that data demonstrating the quality of life be utilized to attract businesses to San Antonio. Councilmember Krier requested the data and findings for each City Council District.

### **EXECUTIVE SESSION**

Mayor Taylor recessed the meeting into Executive Session at 4:22 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).

ITEM A WAS NOT ADDRESSED.

- 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).

ITEM B WAS NOT ADDRESSED.

- C. Discuss legal issues related to Pletz Construction v. City of San Antonio pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Taylor reconvened the meeting at 6:00 pm and announced that no action was taken during the Executive Session. She addressed Citizens to be Heard.

### **CITIZENS TO BE HEARD**

Mayor Taylor called upon the citizens registered to speak.

Dan Arrellano representing Los Bexarenos Genealogical & Historical Society stated that House Resolution (HR) 709 recognizes the existence of Los Bexarenos as the First Republic of Texas was introduced to the 83rd Texas Legislature and approved in 2013. He noted that Los Bexarenos fought for Liberty from the Spanish at the Battle of Medina in 1813. He requested City recognition of Los Bexarenos as the First Republic of Texas and asked of the process by which their flag could be flown at the Spanish Governor's Palace.

County Commissioner Tommy Adkisson expressed support for recognition of Los Bexarenos as the First Republic of Texas. Mary Esther Escobedo also expressed her support for Los Bexarenos and asked the City Council to honor them.

Sallie Scott, President of the Friends of Animal Care Services, requested additional funds in the amount of \$250,000 to support spay/neuter surgeries.

Mark Kellman, Architect, reviewed the central site concept for the Streetcar Project.

Theresa Berlanga expressed concern that House Flippers report non-compliance to Code Enforcement for the properties they are interested in purchasing.

Danny Petri asked the City Council to allow residents to vote on the Streetcar Project in November.

Raymond Desch stated that he was waiting for a response to the Disability Discrimination Complaint he submitted.

Anthony Delgado stated that his Ancestors had survived the first Battle for Independence under the Flag of the Republic Army of the North. He requested that said Flag be flown at the Spanish Governor's Palace.

Juan Macias expressed concern with the drug activity and prostitution which was occurring in his neighborhood. He requested assistance from the City Council.

Fidel Castillo requested that the Indigenous Tribes be included in the History of San Antonio.

Gerald Ripley urged the City Council to deny the two Alcohol Variance Requests that were on the August 7, 2014 City Council Agenda since they were located near schools.

Mark Perez expressed concern for public safety noting that many facilities were operating without the required permits.

Faris Hodge, Jr. submitted written testimony recognizing Mayor Castro on his new position as Secretary of HUD and Chief McManus for his service to the City of San Antonio. He referenced an article in the Express-News which compared Streetcar and Light Rail Systems. He highlighted the Global Cities Initiative and the new look at Travis Park. He mentioned the H&M Store that is being built in the former Joske's Building. He wrote that the City Council should be paid a Living Wage.

#### **ADJOURNMENT**

There being no further discussion, Mayor Taylor adjourned the meeting at 6:48 pm.

APPROVED

IVY R. TAYLOR  
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC  
CITY CLERK