

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



DRAFT

**Meeting Minutes
City Council A Session**

City Hall Complex
105 Main Plaza
San Antonio, Texas 78205

Thursday, June 30, 2016

9:00 AM

Municipal Plaza Building

The City Council convened in a Regular City Council Meeting. 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

1. The Invocation was delivered by Father Rogelio Martinez, OFM, Pastor, Mission San Jose, guest of Councilmember Rebecca J. Viagran, District 3.
2. Mayor Taylor led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the Regular City Council Meetings of May 18 - 19, 2016

Councilmember Warrick moved to approve the Minutes for the Regular City Council Meetings of May 18-19, 2016. Councilmember Gallagher seconded the motion. The motion prevailed by the following vote:

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

POINTS OF PERSONAL PRIVILEGE

Councilmember Saldana recognized Tyler Schrader, Manager of State and Local Operations for the Boeing Company. Mr. Schrader addressed the City Council and stated that Boeing would be turning 100 Years Old on July 15, 2016. He noted that Boeing was the World's Largest Aerospace Company and Leading Manufacturer of Commercial Jet Liners in Defense, Space, and Security Systems. He invited everyone to attend their Centennial Celebration and thanked the City Council for their leadership.

Councilmember Medina recognized District 7 Students participating in "Councilmember for a Day" Program and welcomed them to the City Council Meeting.

Councilmember Treviño recognized Bob Comeaux on his appointment to the VIA Transit Authority Board of Trustees Union Representative Category (Item 22D). Mr. Comeaux thanked the City Council for the appointment and highlighted his family that was present.

CONSENT AGENDA ITEMS

Items 5, 14, 17, 18, 19, 20, 21, 28, 34, and 38 were pulled for Individual Consideration. Mayor Taylor announced that Item 16 was pulled from the agenda by staff. Councilmember Krier moved to approve the remaining Consent Agenda Items. Councilmember Treviño seconded the motion.

Mayor Taylor called Mr. Jack M. Finger to speak.

Mr. Jack M. Finger addressed the City Council and asked if a study had been conducted on the effects of air pollution from vehicles idling more than five minutes (Item 20). He expressed concern with the SAWS Board Appointments due to the increases in water rates over the last several years (Items 25A and 25B). He noted that various City Councilmembers had received campaign finance contributions from City Tours, Inc. (Item 27).

Faris Hodge, Jr. submitted written testimony in favor of Items 4-21, 24-36, 38, 39A, and 39B.

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

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

2016-06-30-0501

4. An Ordinance ratifying a contract with Turbomeca USA, Inc. for emergency repair services to a Police Helicopter for a total cost of \$104,952.39, funded from the FY2016 Police Department Operating and Maintenance Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2016-06-30-0503

6. An Ordinance accepting the offer from Coban Technologies, Inc. to provide replacement in-car video cameras to the City's Police Department in an amount not to exceed \$2,000,000.00, funded from the FY2016 Tax Notes. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2016-06-30-0504

7. An Ordinance accepting the offers from Doggett Freightliner of South Texas, LLC and Mac Haik Dodge Chrysler Jeep Ram to provide a replacement Mobile Command Vehicle and a Rapid Deployment Vehicle to the City's Police Department for a total cost of \$762,153.00, funded from the Equipment Renewal and Replacement Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2016-06-30-0505

8. An Ordinance authorizing the following contracts establishing unit prices for goods and services for an estimated annual cost of \$302,000.00: (A) Fire & Life Safety America, Inc. for fire sprinkler inspections, maintenance and repair for Convention and Sports Facilities, (B) Aluminum Lamps & Patio Furniture for decorative metal chairs and benches, (C) Remier Distributing, Inc. for gelled electrolyte solar batteries, (D) Propane Specialty Services LLC for propane refueling system maintenance and repair, and (E) Unifirst Corporation for an amendment to the work uniform rental and laundry service contract. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2016-06-30-0506

9. An Ordinance for the new City South Annexation Fire Stations 52 and 53 in City Council Districts 4 and 3, respectively, awarding construction contracts in the total amount of \$1,959,800.00 to Allbrite Constructors of Texas, Inc. and appropriating \$1,065,000.00 from FY 2016 Tax Notes. [Erik Walsh, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

2016-06-30-0507

10. An Ordinance for the Beautification of Tower of America's Way Turn-around under Interstate 37 Project authorizing a task order to a Job Order Contract with Davila Construction, Inc. to provide hardscape and landscape improvements, in an amount not to exceed \$290,503.42, a 2012–2017 General Obligation Bond-funded Project, located in Council Districts 1 and 2. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

2016-06-30-0508

11. An Ordinance for Pearsall Park, a 2012-2017 General Bond Obligation Project located in City Council District 4, authorizing a change order in the amount not to exceed of \$300,000.00 payable to MJ Boyle General Contractor, Inc. for additional park lighting, shade structures and garbage and recycling bins utilizing project balances from the Deferred Maintenance Fund and appropriated funds from the General Fund fund balance resulting from remaining tax increment revenues within the recently closed Ridgestone Tax Increment Reinvestment Zone located in City Council District 4. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

12. Consideration of the following Ordinances related to the FY 2016 - FY 2021 Aviation Capital Budget for projects in the San Antonio Airport System: [Carlos R. Contreras, Assistant City Manager; Noel T. Jones, Director, Aviation]

2016-06-30-0509

- 12A. An Ordinance amending the FY 2016 Aviation Capital Budget to include four new projects including Airplane Displays, Pet Relief Area, Upper Level Roadway Repair and Improvements to the Northern Blvd and Airport Blvd Intersection; establishing their project budgets; and, appropriating funds in the total amount of \$1,126,877.00 for FY 2016.

2016-06-30-0510

- 12B. An Ordinance appropriating additional funds in the total amount of \$349,858.00 for two projects, Parking Improvements to Red, Green, Purple Lots and Airport Integrated Control Center.

2016-06-30-0511

13. An Ordinance declaring an approximately 0.801 acre improved tract of land located at 889 East Market Street in Council District 1 as surplus and authorizing the negotiation and execution of real estate contracts, deeds and other associated

instruments to complete the sale of the tract to HMH Rivers L.P. for a total not less than \$6,000,000.00. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development and Operations]

2016-06-30-0513

15. An Ordinance authorizing a lease guaranty agreement with Riverbend Garage, LLC obligating the City of San Antonio under the terms of the lease to guarantee the timely payment of rent to be paid by Tenant, United Service Organization, Inc., for 5,130 square feet of retail space at the privately owned Riverbend Garage Building, located at 210 N Presa Street, in City Council District 1, for a term ending September 30, 2020. [Lori Houston, Assistant City Manager, John Jacks, Interim Director, Center City Development]

PULLED FROM THE AGENDA BY STAFF

16. An Ordinance authorizing the conditional closure, vacation and abandonment of approximately 0.929 acres of Quincy Street and Schiller Street, improved portions of public right of way in Council District 1, as requested by Broadway SA Investors GP, LLC for an amount of \$411,524.00. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development & Operations]

22. Consideration of the following Board, Commission and Committee appointments for the remainder of unexpired terms of office to expire May 31, 2017, 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 Anjelica E. Molina (District 6) and Jada A. Rodgers (District 6) to the San Antonio Youth Commission.

B) Appointing Maria M. Benavides (District 6) to the San Antonio Arts Commission.

C) Appointing Henry Rodriguez (Mayoral) to the Zoning Board of Adjustment.

D) Appointing Stephen Colley (Mayoral) to the Capital Improvements Advisory Committee.

23. Appointing Robert L. Comeaux (Union Representative Category) to the VIA Transit Authority Board of Trustees for the remainder of an unexpired term of office to expire December 31, 2017. [Leticia M. Vacek, City Clerk]

24. Appointing Richard Acosta, Jay C. Gragg, Edward P. Magallanes, Seth Teel, and reappointing Jeffrey M. Finlay and Paul E. Klein to the Zoning Board of Adjustment (Alternate Category) for the remainder of unexpired terms of office to expire May 31, 2017. [Leticia M. Vacek, City Clerk]

2016-06-30-0022R

25. A Resolution reappointing individuals to each of the following positions on the San Antonio Water System Board of Trustees: [Leticia M. Vacek, City Clerk]

A) Reappointing Patricia Jasso (South Sector) for the remainder of an unexpired term of office to expire May 31, 2020.

B) Reappointing Heriberto Guerra, Jr. as Chairman of the Board for a term to expire May 31, 2017.

2016-06-30-0519

26. An Ordinance authorizing the amendment to the professional services agreement with AlliedBarton Security Services, LLC for secured area access management and monitoring services for the San Antonio International Airport to increase the contract value in the amount not to exceed \$3,900,000.00 for additional security services. [Carlos R. Contreras, Assistant City Manager; Noel T. Jones, Director, Aviation]

2016-06-30-0520

27. An Ordinance authorizing an extension for one year to the Downtown Shuttle Concession agreement with City Tours, Inc. at the San Antonio International Airport and establishing a minimum annual guarantee in the amount of \$180,000.00. [Carlos R. Contreras, Assistant City Manager; Noel T. Jones, Director, Aviation]

2016-06-30-0023R

29. A Resolution requesting The National League of Cities to hold its 2019 City Summit in San Antonio, Texas. [Lori Houston, Assistant City Manager; Casandra Matej, Executive Director, Convention & Visitors Bureau.]

2016-06-30-0522

30. An Ordinance authorizing a professional services agreement for the City of San Antonio, Development Services Department to provide owner-requested Construction Document Review and Construction Inspections for Microsoft Corporation data center located in Bexar and Medina Counties, outside of the City's jurisdiction and authorizing five positions in the Development Services Fund. [Erik

Walsh, Deputy City Manager; Roderick J. Sanchez, Director, Development Services]

2016-06-30-0523

31. An Ordinance authorizing the San Antonio Economic Development Corporation to undertake an economic development project with Parlevel Systems, Inc. in the amount of \$100,000.00; as such authorization is required by the SAEDC Investment Guidelines approved by City Council. [Carlos Contreras, Assistant City Manager; Rene Dominguez, Director, Economic Development]

2016-06-30-0524

32. An Ordinance authorizing proposed updates to the SAWS Quadrant Map that is used to appoint members of the SAWS Board of Trustees. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

2016-06-30-0525

33. An Ordinance authorizing the extension of the Professional Services Agreement For EMS Billing And Collection with Medical-Dental-Hospital Bureau of San Antonio, Inc. d/b/a Business And Professional Service for one available two-year renewal term that begins October 1, 2016 and ends September 30, 2018, and amending the agreement to reduce the compensation paid by the City to the Contractor and to reduce the Guaranteed Net Effective Collection Rate without negatively impacting departmental revenue. [Erik J. Walsh, Deputy City Manager; Charles N. Hood, Fire Chief]

2016-06-30-0526

35. An Ordinance authorizing eight service provider agreements in a cumulative amount of \$1,504,760.00 related to the 2016-2017 City of San Antonio Early Head Start – Child Care Partnership Program, associated amendments and memoranda of understanding, and authorizing an amendment to the 2015-2016 Funding Application to reduce the City's in-kind match. [María Villagómez, Assistant City Manager; Melody Woosley, Director, Human Services]

2016-06-30-0527

36. An Ordinance authorizing the City to continue to utilize the State of Texas Department of Information Resources contracts for an additional amount up to \$46,606,637.00 to provide the City with information technology hardware, software, professional and technical services, telecommunication services, and maintenance and support services. [Ben Gorzell, Chief Financial Officer; Hugh Miller, Director, Information Technology Services]

2016-06-30-0528

37. An Ordinance authorizing the execution of an Interlocal Agreement in the amount of \$869,089.60 with the San Antonio Water System utilizing 2010 Proposition 2 Sales Tax Venue funds for hike and bike trail improvements along Apache Creek associated with the Westside Creek Restoration Project, located in Council District 5. [María Villagómez, Assistant City Manager; Janet A. Martin, Interim Director, Parks & Recreation]
39. Consideration of the following items related to the Hemisfair Park Area Redevelopment Corporation (HPARC): [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development and Operations]

2016-06-30-0530

- 39A. An Ordinance authorizing an Agreement to Use Funds with HPARC to provide for an annual disbursement of \$1,687,000.00 for operating expenses subject to annual appropriation, \$3 million for the conceptual design of Civic Park; \$18.1 million in the issuance of public debt for utility infrastructure; and \$2.4 million for housing incentives in the NW Quadrant P3 Development.

2016-06-30-0531

- 39B. An Ordinance authorizing amendments to the HPARC Articles of Incorporation to provide for an additional Ex Officio Board Member, provide voting rights to Ex Officio Board Members and to allow non-HPARC board members to serve on HPARC committees.

CONSENT ITEMS CONCLUDED**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

City Clerk Vacek read the caption for Item 5:

2016-06-30-0502

5. An Ordinance accepting the offer from Facility Solutions Group, Inc. dba FSG Lighting to provide and install lighting poles and install LED fixtures at Kelly Area and Vidaurri Parks for the City's Parks and Recreation Department for a total cost of \$164,844.24, funded from the FY2016 Budget Amendment for District 5 Park Improvements. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

Councilmember Gonzales highlighted said item that would provide additional lighting.

Janet Martin stated that they would install seven poles and 14 fixtures at Kelly Area Park and 14 poles with 28 fixtures at Vidaurri Park. She noted that they would light up the interior along the pathways and the lights would stay on until 11:00 pm.

Councilmember Gonzales moved to adopt the Ordinance for Item 5. Councilmember Medina seconded the motion. The motion prevailed by the following vote:

AYE: 10 - Mayor Taylor, Treviño, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

ABSENT: 1 - Warrick

City Clerk Vacek read the caption for Item 14:

2016-06-30-0512

- 14.** An Ordinance authorizing the sale and disposition of City-owned property at 307 Dwyer Avenue, located in Council District 1, to Landbridge Partners for the sum of \$800,000.00. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development and Operations]

Councilmember Treviño requested a presentation. John Jacks presented information regarding the property located at 307 Dwyer. He stated that it was previously utilized as a Center for Transitional Housing but the services were moved to Haven for Hope in 2010. He noted that a P3 was approved in 2014 but the course was changed to a Direct Sale in 2016. He indicated that the current land value in the Bexar County Appraisal District was \$896,000 and it was being sold to Landbridge for \$800,000. He stated that it would be Deed-Restricted for Housing and that proceeds from the sale would benefit the Haven for Hope Endowment Fund. He outlined the sale price factors and noted that they would demolish the building within 9 months. He noted that they would incorporate the adjacent Heritage Plaza Property into the mixed-use project that would include 272 Market-Rate Units.

Councilmember Treviño stated that the deed restrictions would help encourage more housing downtown and that he was confident that the city had exercised its due diligence on the sale.

Councilmember Saldaña asked of the flexibility for affordable housing units. Lori Houston stated that they were unable place the project within a Public Facilities Corporation for an affordable project. She noted that this was a disposition of property but the Developer agreed to Deed Restrictions for Housing. Councilmember Saldaña expressed concern that they were selling the property for less than it was appraised in 2012.

Councilmember Viagran asked of the potential for the property to be deed restricted as a Mixed Income Property. Mrs. Houston replied that there was not enough financing for the project to work as a Mixed Income Property.

Councilmember Gonzales asked if the property was of Historical Significance. Mrs. Houston replied that it was not. Councilmember Gonzales asked what the development would have to comply with. Mrs. Houston stated that they would have to follow the Downtown Design Guidelines as well as a Landscape Buffer and Maintenance Requirement after the property is demolished.

Councilmember Saldaña expressed concern that the project would not include Affordable Housing and stated that he could not support the project.

Mayor Taylor confirmed that the project could not support Affordable Housing. Mrs. Houston stated that was correct. Mayor Taylor stated that they should have more discussions about the logistics of vetting opportunities on development deals.

Councilmember Treviño moved to adopt the Ordinance for Item 14. Councilmember Gallagher seconded the motion. The motion prevailed by the following vote:

AYE: 8 - Mayor Taylor, Treviño, Warrick, Gonzales, Lopez, Medina, Nirenberg and Gallagher

NAY: 1 - Saldaña

ABSENT: 1 - Krier

ABSTAIN: 1 - Viagran

City Clerk Vacek read the caption for Item 17:

2016-06-30-0514

17. An Ordinance awarding a City Council Project Fund grant allocation in an amount not to exceed \$42,000.00 for the purchase of school safety equipment for the District 9 School Zone Safety Program. [John Peterek, Assistant to the City Manager; Chris Callanen, Assistant to City Council]

Councilmember Krier asked for a presentation. Chris Callanen stated that the funds would be used to purchase Safety Vests, Traffic Cones, Hand-Held Stop Signs, Light Up Arm Bands, and Patrol Belts for 18 Schools in District 9. He noted that they would impact an

estimated 17,000 students at 13 Elementary and 5 Middle Schools. Councilmember Krier recognized Councilmember Gonzales for her efforts on Vision Zero and stated that he was pleased to help address safety issues in School Zones.

Councilmember Gonzales thanked Councilmember Krier for his efforts and asked of School Crossing Guards. Chief McManus stated that they would complete an evaluation to determine if one was needed and assign someone to the intersection if warranted.

Councilmembers Viagran, Warrick, Gallagher, and Saldaña expressed their support and congratulated Councilmember Krier for his efforts. Councilmember Krier recognized staff members Frances Collins and Chris Parrish who contacted numerous Principals to provide assistance. Mayor Taylor also commended Councilmember Krier for his leadership on the issue.

Councilmember Krier moved to adopt the Ordinance for Item 17. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

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

City Clerk Vacek read the caption for Item 18:

2016-06-30-0515

18. An Ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas, by increasing the minimum size of Zoning Notification Signs and providing for corresponding fee adjustments. [Erik Walsh, Deputy City Manager; Roderick Sanchez, Director, Development Services Department]

Councilmember Medina asked of the increase in size of Zoning Notification Signs. Rod Sanchez responded that they would increase the signs to 24 by 36 and they would have one side in English and the other in Spanish. He stated that the distance requirement would remain at 200 feet of the property in question.

Councilmember Viagran stated that this was a step forward in the notification process and was pleased to see that it would be in Spanish as well. Councilmember Gallagher thanked staff for their work on this effort and stated that he was pleased that the city was working to improve the notification process.

Councilmember Medina moved to adopt the Ordinance for Item 18. Councilmember Gallagher seconded the motion. The motion prevailed by the following vote:

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

City Clerk Vacek read the caption for Item 19:

2016-06-30-0516

19. An Ordinance amending Chapter 19 of the City Code of San Antonio, Texas to create a new Article XVIII relating to automated traffic enforcement devices on school buses, and creating a civil offense and penalty for violations. [Erik Walsh, Deputy City Manager; William McManus, Chief of Police]

Chief McManus presented information on the amendment to Chapter 19 of the City Code relating to Automated Traffic Enforcement Devices on School Buses. He noted that Councilmembers Warrick and Lopez had submitted a Council Consideration Request (CCR) to research Best Practices among Texas Cities. He reported that in the last three years, a total of 418 citations had been issued for said offense. He stated that from August 2012 through May 2013 in the Northeast Independent School District (NEISD); 7 school buses were equipped with cameras and 598 violations were captured. He highlighted the Adjudication Process and noted that staff recommended adoption of the Ordinance to provide a \$300 Civil Penalty for School Bus Stop-Arm Violations. He added that individual School Districts would have the authority to determine interest and establish the program.

Mayor Taylor recognized Nolan Anderson who registered to speak on said item.

Mr. Anderson stated that he was representing Dr. Brian Gottardy, Superintendent of NEISD, in support of the Ordinance. He noted that the installation of cameras on school buses would enhance the safety of their students.

Councilmember Warrick recognized Wallace McCampbell, Police Chief for NEISD. Mr. McCampbell stated that they were supportive of said item that would educate the community and ensure the safety of students. Councilmember Warrick thanked Mayor Taylor for her support to ensure the item was brought before the City Council in time to implement for the next school year. He provided Letters of Support from Southwest ISD, East Central ISD, and Judson ISD. He asked of the City's Role. Chief McManus replied that they would enforce the violation on the street. Councilmember Warrick asked staff to determine how other School Districts were using the funds collected from fines.

Councilmember Lopez asked of the district student population and ridership. Mr. Anderson responded that they had 68,000 students and transported 26,000 each day, twice per day.

Councilmember Lopez commended NEISD for their leadership and stated that he was pleased to support this effort.

Councilmember Viagran expressed support and stated that she was pleased that they were moving this forward in time for School Districts to prepare for the upcoming school year. Councilmember Krier commended Councilmembers Warrick and Lopez for their leadership on the effort and stated that he hoped more School Districts would take advantage of the opportunity.

Councilmember Nirenberg asked how the revenue would be utilized. Mr. Erik Walsh stated that it would be up to each School District to determine and the City could only recommend that it be used toward School Safety. Councilmember Nirenberg spoke of the importance of ensuring that the funds are used to advance School Safety Efforts.

Councilmember Warrick moved to adopt the Ordinance for Item 19. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

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

City Clerk Vacek read the caption for Item 20:

2016-06-30-0517

- 20.** An Ordinance limiting the idling of heavy-duty vehicles to five minutes within specific areas of San Antonio's city limits, allowing for exemptions of certain vehicles; establishing an administrative penalty fee; appropriating funds from the Energy Efficiency Fund fund balance for public outreach efforts; and, establishing an effective date of January 1, 2017. [Peter Zaroni, Deputy City Manager; Douglas Melnick, Chief Sustainability Officer]

Doug Melnick presented information regarding the Anti-Idling Ordinance for Heavy Vehicles. He provided a 2015 Ozone Standard Adoption and Implementation Timeline noting that the Environmental Protection Agency would determine Attainment or Non-Attainment on October 1, 2017. He outlined the MSA Contribution to Ozone by Source Category, 2018. He explained that the Anti-Idling Policy would apply to Heavy Duty Vehicles weighing more than 14,000 pounds. He stated that there would be a five-minute idling limit city-wide and that the policy had been adopted in 44 Texas Communities. He noted that trucks providing refrigeration, military & emergency vehicles, and buses would be exempt from the policy. He mentioned that enforcement would include a restriction on vehicles with sleeper berths from idling within 1,000 feet of sensitive areas. He reported that 94% of stakeholders were in support of the Ordinance, while 3% were in

opposition and 3% were indifferent. He added that if adopted; the Ordinance would become effective on January 1, 2017.

Mayor Taylor called the citizens registered to speak.

Krystal Henagan stated that she was the Texas Field Organizer for Moms Clean Air Force and was supportive of the Ordinance. She noted that her passion about air quality stemmed from the fact that her son suffers from asthma and air pollution exacerbates his condition.

Russell Seal addressed the City Council and commended the City Council for being proactive about air quality issues. He noted that this was an important first step but there was still much education and outreach to be done.

Councilmember Nirenberg stated that the city was still in attainment but would soon be designated in Non-Attainment. He noted that this was an Economic and Public Health Issue and the Ordinance was a good first step.

Councilmember Lopez stated that they must address the issue of air quality from a Regional Perspective. He spoke of the need for incident management on highways noting the idling that occurs when traffic is backed up due to accidents. Chief McManus stated that they worked with the Texas Department of Transportation (TxDOT) to include accident information on their signage. He added that they instructed those that called in about an accident to remove their vehicles from the freeways when possible. Councilmember Lopez spoke of the potential for a Courtesy Patrol to help remove vehicles in a timely manner.

Councilmember Krier stated that he was supportive of the Ordinance but asked how it would be determined that someone had been idling for more than five minutes. Chief McManus replied that an Officer would have to witness a vehicle idling for that length of time. Mr. Melnick added that enforcement was a challenge but education was an important component. Councilmember Krier asked that staff determine additional options to address air quality.

Councilmember Medina stated that this was a significant step in helping protect air quality and asked of the education and outreach. Mr. Melnick replied that they would leverage resources with Bexar County and conduct training for staff. He added that the Ordinance would not be implemented until January 1, 2017.

Councilmember Treviño expressed support and stated that this was a great step in the right direction. Mayor Taylor stated that this was a good start but there was more work to be done. She commended Councilmember Lopez for his leadership on the issue.

Councilmember Nirenberg moved to adopt the Ordinance for Item 20. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

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

City Clerk Vacek read the caption for Item 21:

2016-06-30-0518

21. An Ordinance in the City of San Antonio City limits banning Coal Tar Sealant Pavement Products; establishing an administrative penalty fee; and, authorizing an effective date of January 1, 2017. [Peter Zanoni, Deputy City Manager; Douglas Melnick, Chief Sustainability Officer]

Doug Melnick presented information on Coal Tar Sealant Pavement Products. He stated that Councilmember Nirenberg had issued a Council Consideration Request (CCR) regarding the use of the products and city staff performed an assessment of Policies and Best Practices. He noted that they also performed Stakeholder Outreach to gather feedback. He stated that they recommended that, “No person shall apply or allow to be applied a coal tar sealant product with the City of San Antonio.” He reported that when soliciting feedback from Stakeholders: 36% were in Support; 9% were in Opposition; 20% were Indifferent; and 35% did not respond.

Mr. Melnick highlighted Scientific Findings and quoted the National Institute of Environmental Health Sciences, “Coal tars and coal tar pitches are known to be human carcinogens.” He mentioned that opposing views felt there was no risk to aquatic life, no health risk, and that the policy was based on Local Science. He stated that next steps would be to educate the Pavement Industry and Property Owners. He noted that TCI and SAWS would investigate complaints and enforcement would occur through Municipal Court. He added that if approved; the Ordinance would be effective in January 2017.

Mayor called the citizens registered to speak.

Tom Ennis addressed the City Council in support of the ban on Coal Tar Sealant Pavement Products. He stated that 30 Peer-Reviewed Scientific Independent Organizations had come to the same conclusion that the products were a problem. He noted that this was an issue of Air Quality, Water Quality, and Human Health.

Ann LeHuray, Executive Director of the Pavement Coatings Technology Council, addressed the City Council in opposition to the ban on Coal Tar Sealant Pavement Products.

She stated that there was no scientific reasoning or data to support the ban and noted that people should have the option to choose whether or not to use the products.

Ellen Berky addressed the City Council in support of the ban on Coal Tar Sealant Pavement Products and stated that this was a step in the right direction.

Annalisa Peace stated that she was speaking on behalf of the Greater Edwards Aquifer Alliance in support of the ban on Coal Tar Sealant Pavement Products. She expressed concern with the potential effect on water quality and stated that she was pleased with the great value that the City of San Antonio placed on its water supply.

Jim Craven stated that there was a disparity of interpretation of the facts and that the Centers for Disease Control found that people who make, apply, and supply the sealer do not have an elevated risk of cancer. He noted many businesses and organizations that utilize Coal Tar Sealant Pavement Products and expressed concern that current actions have devalued his business.

Rebecca Reeves stated that she was a Water Quality Scientist with the San Antonio River Authority (SARA) and had studied the sources of contaminants to the river for 28 years. She noted that the SARA Board of Directors had passed a Resolution in support of the City's Ordinance to ban Coal Tar Sealant Pavement Products.

Jason Brown stated that he was a Manufacturer in San Antonio of an alternative sealer called Pitch Black. He noted the negative effects of Coal Tar Sealant Pavement Products and that his product was eco-friendly and comparable in price.

Councilmember Nirenberg stated that science demands that they adjust public policy when necessary, especially when it relates to public health. He asked of the studies that were consulted for making this recommendation. Mr. Melnick replied that the only studies that they looked at that did not show a link between Coal Tar Based Sealants and Polycyclic Aromatic Hydrocarbons (PAH) Contamination were the Industry Studies. He stated that all of the other independent studies confirmed that there was a link and that staff had looked at 80 studies. Councilmember Nirenberg stated that the issue was not only with regard to the effect on the Edwards Aquifer but with the tributaries in the community that were already impaired. He noted that there were affordable alternative sources available and that there was a clear link to the science.

Councilmember Treviño stated that the fact that there were alternatives was a demonstration that there were better options and asked of the lighter colors of Asphalt Based Sealants available. Mr. Melnick stated there were lighter colors available and that they would

evaluate various options before moving forward. Councilmember Treviño stated that this was a great first step that would serve as a great model.

Councilmember Gallagher stated that he was concerned with the negative impact that banning Coal Tar Based Sealant Products would have on small businesses throughout the community. He asked if staff was recommending not to drink SAWS Water. Mr. Melnick stated that he did not recommend that and that there was not an issue with anything being transported into the Water System. Scott Halty of SAWS stated that they tested their wells on a regular basis and performed full sweeps of things such as PAH. He noted that they had never seen PAH in their well or distribution water. Councilmember Gallagher asked if the Federal Aviation Administration (FAA) required the use of Coal Tar Based Sealant Products. Mr. Steve Southers of the Airport stated that the FAA did not require them to use Coal Tar Based Sealant Products but suggested its use in the past due to its durability. Councilmember Gallagher asked if the Environmental Protection Agency (EPA) or Occupational Safety and Health Administration (OSHA) had issued regulations regarding the use of Coal Tar Based Sealant Products. Mr. Melnick replied that there were no formal regulations. Councilmember Gallagher asked that they delay the vote on said item until there is more information available.

Councilmember Viagran asked of the impact of runoff into storm drains. Art Reinhardt stated that the driving force behind this initiative was the storm water quality aspect and not drinking water. He confirmed that PAH's were not water soluble chemicals and would not be found in the water in the Aquifer. However, they did bind to sediments and impacted water quality within streams and the surrounding habitat.

Written testimony was received in favor of Item 21 from Anjum Hanafi, Executive Director of the Texas Chapter of Physicians for Social Responsibility.

Councilmember Nirenberg moved to adopt the Ordinance for Item 21. Councilmember Treviño seconded the motion. The motion prevailed by the following vote:

AYE: 9 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Gonzales, Lopez, Medina and Nirenberg

NAY: 2 - Krier and Gallagher

City Clerk Vacek read the caption for Item 28:

2016-06-30-0521

28. An Ordinance authorizing an Economic Development Incentive Agreement with Crockett Urban Ventures LLC in an amount up to \$7,440,973.00 for the

redevelopment of the Witte and Fish Market Buildings. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development & Operations Department]

Lori Houston presented information regarding the agreement with Crockett Urban Ventures LLC for the redevelopment of the Witte and Fish Market Buildings. She stated that the total investment would be \$68 Million and that Crockett Urban Ventures would restore two Historic Buildings and activate two prominent downtown corners. She mentioned that the Witte Building was built in 1893 and had been neglected and underutilized. She noted that the proposed redevelopment for the Witte Building included \$7.5 Million for four housing units, river level retail, and banquet space. With regard to the Fish Market Building, she noted that it was built in 1860 but had been vacant for over 30 years. She stated that it was in severe disrepair and attracted vagrancy. She outlined development challenges such as site constraints, parking, and market conditions. She noted that the proposed redevelopment totaled \$60 Million and would be operated as an 18-story Hilton Canopy Hotel with 195 rooms.

Mrs. Houston outlined the incentive recommendations for the Witte: 1) \$21,000 City Fee Waiver; 2) \$137,910 SAWS Impact Fee Waiver; 3) \$1,045,186 Right of Way Capital Improvements Grant; and 4) \$112,000 Forgivable Loan. For the Fish Market, she recommended an \$800,000 Historic Rehabilitation Grant. Additionally, a 15-Year Grant from the Houston Street Tax Increment Reinvestment Zone (TIRZ) in an amount up to \$5,324,877. She highlighted agreement terms in which an Annual Report would be required to demonstrate employee compensation in the top quartile among similar hotels. She noted that they would preserve employee rights to unionize and that the developer would maintain, operate, and grant public easement for public use of the Stairway and Elevator.

Mayor Taylor called the citizens registered to speak.

Christine Miller, Hirrah Barlas, and Gregory Fox addressed the City Council in opposition to the agreement. Ms. Miller stated that she was a former worker at the Grand Hyatt Hotel and now served as an Organizer for Unite Here, the Hotel Workers Union in San Antonio. She expressed concern with the operator of the proposed Hilton Hotel, White Lodging, and stated that she was shocked with the lack of transparency regarding the Incentive Package. Ms. Barlas added that she was concerned with the actions of White Lodging in the City of Austin and noted that they had been involved in a multi-year labor dispute. She mentioned that they were not paying the prevailing wages that were agreed upon and referenced other issues of White Lodging in various U.S. Cities.

Alfonso DeLeon, Nohemi Acosta, and Dana Scheider addressed the City Council in

opposition to the agreement. Ms. Acosta expressed concern with the impact to the VIA Bus Stops that would be affected by the development. Mr. DeLeon stated that he was a Bartender at the Hyatt Regency and served on the Union Organizing Committee. He expressed concern with the treatment of workers by White Lodging and with the amount of incentives being offered.

Andrea Flores, Francesca Caraballo, and Uriel Rios addressed the City Council in opposition to the agreement. Mr. Rios stated that he was a Gay Man and proud member of the Lesbian, Bi-Sexual, Gay, and Transgender (LGBT) Community. He expressed concern with the incentives that White Lodging would receive and noted that their founder, Dean White, was Anti-LGBT.

Councilmember Treviño stated that this was a complex project but would be a catalyst for the area. He recognized Frank Burney. Mr. Burney stated that he was representing Chris Hill, Developer for the Project. He spoke of the work of Mr. Hill and his family and commended them for their Civic Involvement. He confirmed that Mr. Hill was the Developer and Owner of the project; not White Lodging. He highlighted the process that they have been through to include four presentations to the Historic Design and Review Commission (HDRC). He mentioned that Mr. Hill conducted numerous interviews for the operator of the hotel and outlined the good work of White Lodging. He noted that they were working closely with VIA to address the issue with bus stops affected by construction. Mr. Chris Hill addressed the City Council and stated that he was a big believer in Downtown San Antonio. He stated that White Lodging was one of the best operators in the United States and felt they had done a great job. Ray Rodriguez of the City Attorney's Office added that the incentives were broken up to provide for defaults and repayment of the funds. He noted that the largest portion would be distributed annually and only if the Developer has paid their taxes and complied with the agreement.

Councilmember Treviño moved to adopt the Ordinance for Item 28. Councilmember Gallagher seconded the motion.

Councilmember Gonzales asked of the number of employees that would work at the Hotel. Mrs. Houston replied that there would be 100 employees. She noted that there would be a restaurant, coffee shop, and bar in the hotel. Councilmember Gonzales asked of White Lodging. Mrs. Houston responded that the agreement would be with Crockett Urban Ventures LLC and they would have an agreement with White Lodging to operate the hotel. Councilmember Gonzales expressed concern that they had received the agreement terms late last night and she had not had sufficient time to review the agreement in further detail.

Councilmember Gonzales moved to continue Item 28 until August 4, 2016.

Councilmember Lopez seconded the motion.

Councilmember Warrick asked if any of the Small Business Economic Development Advocacy (SBEDA) Vendors would be part of the project. Mr. Burney noted that he was not aware of their Minority Hiring Program but that they would be engaged with a great deal of Local Contractors. Mrs. Houston stated that the Incentive Agreement did not include SBEDA Requirements but there was a Good Faith Effort.

Councilmember Lopez asked of the barriers of development. Mrs. Houston replied that the market conditions had not been able to support this type of development in the past and that there were issues with the requirements of Historic Preservation. Councilmember Lopez stated that he supported the project in general but understood that others may need more time to better understand the details. He noted that he was concerned with some of the issues brought up with regard to White Lodging. Mr. Hill noted that he would ensure that the Operator adheres to their agreement with Crockett Urban Ventures LLC and expressed concern with the financial impact of a delay in the project.

Councilmember Krier stated that he was pleased that the area would be developed and recognized Mr. Hill for his great work in the community. He confirmed that the agreement was between the City of San Antonio and Crockett Urban Ventures LLC; not White Lodging. He expressed concern with a delay in the project and stated that he would like to move forward.

Councilmember Saldaña stated that he understood the importance of revitalization of the area in question but wanted to hear from the Unite Here regarding the potential delay. Dana Scheider, Organizer/Director for Unite Here stated that they felt the City of San Antonio should be more cautious with regard to any grants they provide. She noted that the process was rushed and that they had not seen the details of the Operating Agreement between Crockett Urban Ventures LLC and White Lodging. Councilmember Saldaña asked of the wage requirements. Mrs. Houston replied that they agreed to pay the top 25% of wages in the Hotel Industry to their employees and this would be incorporated into the Operating Agreement. Councilmember Saldaña asked of the requirements of the Capital Improvement Grant and Forgivable Loan. Mrs. Houston explained that the Riverwalk was in great need of Capital Improvements to include an elevator and staircase. She noted that the loan was funded through the CCHIP and was eligible due to housing and retail development.

Councilmember Nirenberg asked of the enforceability of the contract provisions. Mr. Rodriguez stated that if there was a default; there would be a period of time to place the agreement in suspension and no payments would be made during that time. He noted that they would investigate to see if there was non-compliance and if so; they would have an

opportunity to cure same. He added that if they did not do so in the given timeframe, the City would have the right to terminate the agreement.

Councilmember Medina stated that although the area was in much need of improvement, he did not have enough information to approve the agreement at this time. He noted that he would like more time to gain assurance that the items in question will be addressed.

Councilmember Viagran asked of the funding that would be provided through the TIRZ. Mrs. Houston explained that when they paid their first tax bill, they would submit an invoice to the City of San Antonio with a letter stating the amount of taxes they paid. She noted that if they were in compliance with the agreement, the Houston Street TIRZ would reimburse the amount of taxes paid back to the Developer.

Councilmember Krier commended all that spoke on the project. He expressed concern with the negative impact that a delay would have on the project. Mayor Taylor thanked everyone for sharing their perspectives but noted that she was satisfied with the due diligence that had occurred on the project. She stated that concessions had been made in order to address some of the concerns and thanked Mr. Hill for his commitment to the Downtown Area.

The motion to continue failed by the following vote:

AYE: 5 - Viagran, Saldaña, Gonzales, Medina and Nirenberg

NAY: 6 - Mayor Taylor, Treviño, Warrick, Lopez, Krier and Gallagher

The motion to approve Item 28 prevailed by the following vote:

AYE: 9 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Lopez, Nirenberg, Krier and Gallagher

NAY: 2 - Gonzales and Medina

City Clerk Vacek read the caption for Item 34:

DENIED

- 34.** A Resolution to initiate historic landmark designation for 255 Brahan located in Council District 2. [Lori Houston, Assistant City Manager; Shanon Shea Miller, Director, Office of Historic Preservation]

Shanon Miller presented information on the initiation of Historic Landmark Designation for

255 Brahan. She stated that the building was a Craftsman Bungalow built circa 1916 and designed by Charles T. Boelhauwe. She noted that it was located on a prominent corner in an eligible Historic District. She mentioned that the request for Review of Historic Significance was initiated by a Westfort Neighborhood Resident. She stated that the HDRC had concurred with the finding of Historic Significance on June 15, 2016. She noted that a potential buyer wants to demolish the building. She added that the Westfort Neighborhood was eligible for designation as a Local Historic District and that staff recommended approval to move forward with the Historic Designation Process.

Mayor Taylor called Janet Dietel to speak.

Ms. Janet Dietel, President of the San Antonio Conservation Society, addressed the City Council in support of the Historic Landmark Designation for 255 Brahan. She stated that the building was of Historic Significance and that its connection to the San Antonio Brewing Association was noteworthy. She added that the owner could take advantage of the Historic Homeowner Tax Incentive if it was designated as a Landmark.

Councilmember Warrick asked of the stake of the applicant in the process. Mrs. Miller stated that the applicant in this case was the HDRC and that a Demolition Permit was requested by the potential purchaser of the property. Councilmember Warrick asked of the oversight on future development on the property. Mrs. Miller replied that there would be no design review associated with the property. Councilmember Warrick stated that he could see the Historic Merit of the building but there were 80 to 90 other Historic Properties that were maintained and of good quality. He added that the neighborhood should move forward with some type of designation in order to have oversight on projects such as these.

Councilmember Warrick moved to deny the Resolution. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

AYE: 10 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg and Gallagher

ABSENT: 1 - Krier

City Clerk Vacek read the caption for Item 38:

2016-06-30-0529

- 38.** An Ordinance extending the Transportation Network Company Agreements with Uber, Lyft and Get Me under Ordinance No. 2015-08-13-0864 until October 31, 2016. [Erik Walsh, Deputy City Manager; William McManus, Chief of Police]

Mayor Taylor called the citizens registered to speak.

Robert Gonzales stated that he had been in the Industry for 36 years and expressed support for the extension of the agreements. He noted that there were public safety issues that needed to be considered and that drivers with Criminal Records should not be allowed to provide services.

Carol Mendoza stated that she was the daughter of an 80-year old Cab Driver and was also speaking on behalf of 24 Small Business Owners who had been unduly burdened. She noted that they were in support of the extension of the agreements and spoke of the importance of safety and background checks.

Councilmember Treviño asked of the action being taken. Mr. Steve Baum stated that they were aligning the contracts with three Transportation Network Companies (TNCs) so that all will expire simultaneously in October. He noted that this would give staff time to work with the Industry and develop a long-term resolution to the Operating Agreements.

Councilmember Viagran thanked Mr. Gonzalez and Ms. Mendoza for being present and stated that she agreed that they should be very thorough moving forward.

Councilmember Nirenberg asked of an incident that occurred in Alamo Heights. Mr. Baum stated that he was not aware but would gather additional information.

Councilmember Treviño moved to adopt the Ordinance for Item 38. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

AYE: 10 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg and Gallagher

ABSENT: 1 - Krier

40. City Manager's Report
A. All-America City Award

Mrs. Sculley reported that the City of San Antonio, with the assistance of its community partners, was designated as an All-America City by the National Civic League. She stated that the City of San Antonio was one of 10 cities to receive this distinction. She noted that this year's award was provided to those communities across the country that demonstrated Community-Wide Efforts in Developing Innovative Solutions to ensure all children are healthy and supported to succeed in school and in life. She mentioned the criteria for

winning an All-America City Award to include: Impact to Community, Inclusiveness, Public Engagement, and the Use of Collaborative Problem-Solving Strategies Linking Private, Public, and Non-Profit Entities. She indicated that this was the 5th All-America Recognition that the City of San Antonio has received since the award was established in 1949. She reported that the City's Human Services, Library, and Health Departments, along with Pre-K 4 SA, collaborated with the United Way, P16 Plus Council, KLRN, San Antonio Sports and other partner agencies to demonstrate to the National Civic League how San Antonio is identifying and addressing barriers to school success from Pre-K to College while promoting healthy lifestyles. She stated that the City's Application highlighted three approaches to improving children's success in San Antonio: 1) Improving School Readiness; 2) Preparing Children for Healthy Lives; and 3) Engaging Youth in Educational Achievement and Success. She added that the award was the most prestigious community recognition that a city could achieve for its civic accomplishments.

EXECUTIVE SESSION

Mayor Taylor recessed the meeting into Executive Session at 1:55 pm to continue discussion on 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).

D. Discuss legal issues relating to ongoing litigation in Frio Nevado Corporation d/b/a Go Professional Environmental Management v. City of San Antonio, Cause Number 2016 CI 08174 in the 285th Judicial District, Bexar County, Texas pursuant to Texas Government Code Section 551.071 (consultation with attorney).

E. Deliberate issues related to the San Antonio Public Safety Radio System pursuant to Texas Government Code Section 551.076 (security devices and audits) and 551.071 (consultation with attorney).

F. Deliberate the appointment, employment, and duties of a public officer or employee and discuss legal issues pursuant to Texas Government Code Section 551.074 (personnel matters) and Texas Government Code Section 551.071 (consultation with attorney).

RECONVENED

Mayor Taylor reconvened the meeting at 3:37 pm and announced that no action was taken

in Executive Session.

ADJOURNMENT

There being no further discussion, Mayor Taylor adjourned the meeting at 3:37 pm.

APPROVED

IVY R. TAYLOR
MAYOR

ATTEST:

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