

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



**FINAL
Meeting Minutes
City Council B Session**

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

Wednesday, November 18, 2015

1:00 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: 9 - Mayor Taylor, Treviño, Warrick, Viagran, Saldaña, Gonzales, Nirenberg, Krier, and Gallagher

ABSENT: 2 - Lopez, and Medina

Mrs. Vacek announced that Councilmember Lopez was attending a Trade Mission in Japan while Councilmember Medina was in Washington, D.C.

1. A Briefing on the Disparity Study conducted by National Economic Research Associates, Inc. [Lori Houston, Assistant City Manager; Rene Dominguez, Director, Economic Development] Anticipated Time 1:00 PM - 2:00 PM

Rene Dominguez highlighted the Disparity Study Timeline and noted that the results indicated that the utilization of Minority and Women-Owned Businesses increased nearly 50% since the last Study. He reported that Minority and Women-Owned Businesses make up nearly 43% of all available firms. He stated that disparities still exist in the broader San Antonio Marketplace and that they recommend continuation of the Small Business

Economic Development Advocacy (SBEDA) Program with potential modifications. He introduced Franklin Lee of Tydings & Rosenberg LLC.

Mr. Lee stated that NERA had served as the Prime Consultant on the Disparity Study and introduced Dr. Jon Wainwright, Senior Vice President of NERA. Dr. Wainwright outlined the Disparity Study Objectives: 1) Compile and evaluate evidence necessary to meet San Antonio's Constitutional and Regulatory Requirements; 2) Suggest recommendations to narrowly tailor program elements; and 3) Increase opportunities for full and fair competition by Minorities and Women in City of San Antonio Contracting. He spoke of legal standards utilized and noted that they had collected and analyzed data on 2,265 Prime Contracts and 3,831 Associated Subcontracts. He reported that 78% of awards during the study went to firms with establishments in the San Antonio Metropolitan Statistical Area (MSA) and 89% in the State of Texas.

Dr. Wainwright spoke of the Minority/Women-Owned Business Enterprise (M/WBE) Availability and Market-Based Disparities. He stated that they had tested for disparities in Wages, Business Owner Earnings, and Business Information Rates. He outlined Capital Market Disparities and noted that significant disparities were observed between availability and utilization in many City Contracting Activities.

Mr. Dominguez added that staff was recommending an extension of the SBEDA Ordinance and noted that the SBEDA Ordinance would be amended in March 2016.

Mayor Taylor thanked everyone for the presentation and asked how staff was addressing issues identified for M/WBE's. Ms. Alex Lopez stated that they were working with them on Bid Bonding and have changed some of their processes. She added that they were breaking down the contracts to a smaller scale so M/WBE's could participate. Mayor Taylor requested that staff work with the Chambers of Commerce and the community to address barriers for M/WBE's.

Councilmember Warrick expressed concern with the loan applications of MBE's being denied and asked how other cities had addressed the issue. Mr. Dominguez stated that locally, they were working with Frost Bank and a consortium of other local banks on loan processes. Councilmember Warrick asked of the framework that staff utilized for setting goals on contracts. Ms. Lopez stated that they perform a Contract Specific Review to determine if there should be a goal and what the goal should be.

Councilmember Treviño asked of the debundling of contracts in the Architecture and Engineering (A&E) Category so smaller firms could participate. Ms. Lopez replied that it was more difficult to break contracts down; however, TCI hired on-call consultants which

allowed smaller firms to perform this type of work as a Prime Contractor. Mike Frisbie added that there was a greater amount of small businesses performing A&E Services in the 2012 Bond Program.

Councilmember Viagran spoke to the applicability of Local Preference and SBEDA Requirements. Mr. Dominguez replied that SBEDA Requirements were not applicable to: 1) Contracts less than \$50,000; 2) When DBE was already applied; and 3) Due to lack of availability of firms. Mr. Troy Elliott added that Local Preference was applicable to Invitations for Bid and set by State Statute. He noted that the City Council approved Local Preference for Professional Services using a point structure.

Councilmember Gonzales asked if the Anecdotal Evidence was weighed against more Concrete Evidence. Dr. Wainwright stated that it was important for the data to be consistent and that their survey for collecting Anecdotal Evidence was subject to a great amount of quantitative and statistical analysis.

2. A Briefing on the City's efforts in negotiating a recommended long-term funding agreement with the Lone Star Rail District for an intermunicipal rail project. [Peter Zaroni, Deputy City Manager] Anticipated Start Time 2:00 PM (or immediately following prior item) - 3:00 PM

Mayor Taylor announced that Item 2 had been pulled from the agenda by staff and would not be addressed.

3. A Briefing by City and VIA Metropolitan Transit Staff on the City's Advanced Transportation District Sales Tax allocation and alternative use options. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements; Jeffrey C. Arndt, President and CEO, VIA Metropolitan Transit] Anticipated Start Time 3:00 PM (or immediately following prior item) - 4:00 PM

Mike Frisbie presented a Power Point regarding the Advanced Transportation District (ATD) and stated that $\frac{1}{4}$ cent of the sales tax collected was dedicated toward same. He noted that it was approved by voters in 2004 and was split among the City of San Antonio (25%), Texas Department of Transportation (TxDOT)/County (25%), and VIA Metropolitan Transit (50%). He stated that the purpose and objectives of the ATD were to improve traffic flow at busy intersections, minimize highway congestion by expediting State Projects, and offer more transit options, passenger facilities, and other rider conveniences. He reported that in FY 2016; \$16 Million in ATD Revenues were allocated

toward Sidewalks, Traffic Signals, Intersections, and City Staff Positions. He stated that Councilmember Saldaña proposed reallocating the City's entire ATD to VIA which would result in eliminating 130 ATD Funded Projects and 24 City Staff Positions; or reduce General Fund Dollars to continue funding the projects and positions.

Jeff Arndt presented information on VIA noting their Budget Revenue and highlighted their Use of Funds. He reported ATD Funded Expenses to include Bus Service, Vanpool, and IT Services. He presented a map of existing ATD Service and outlined the Geographic Distribution of County/TxDOT ATD Share. He highlighted the Express Routes, Primo Service and Additional Primo Service Corridors. He explained that if the City's ATD Share was allocated to VIA; they could use the funds to implement additional Primo Routes, increase service efficiency and frequency, or a combination. He stated that the determination of actual usage would be dependent on results from the SA Tomorrow and Vision 2040 Long-Range Planning Efforts. He added that the City's ATD Share would be used to cover operating expenses and that future capital funding would need to be identified as projects developed. He spoke of their capital needs to include additional fleet, route improvements, and technology.

Mr. Frisbie mentioned that the Sales Tax Revenue they receive is less than other major Texas Cities and that the City's ATD Revenue would result in a 7% increase in revenue for VIA.

Mayor Taylor asked if the voters had approved specific allocations. Martha Sepeda replied that the voters had approved the City receiving 25% and utilizing funding for the construction of streets, sidewalks, and other ATD Purposes. She noted that there was some flexibility but it was not without risk. Mayor Taylor asked of the impact to Vision Zero. Mr. Frisbie confirmed that if the funds were cut; there would be a great impact to infrastructure which would significantly impact Vision Zero.

Councilmember Saldaña spoke of the importance of discussing public transportation and stated that it was a good time due to the SA Tomorrow and Vision 2040 Plans. He mentioned the challenges of the current VIA Bus Service and his personal experience riding the bus. He stated that it was a tough policy discussion but important to have in order to create a well running bus system.

Councilmember Viagran expressed concern with the lack of Bus Routes South of Loop 410 and Loop 1604 and asked how existing Express Routes were identified. Mr. Arndt stated that the current routes had existed for a great period of time but new routes were based upon Planning Work completed through Travel Demand Forecasting along corridors. Councilmember Viagran noted the need to work together more efficiently and effectively.

Councilmember Krier stated that he would work to find ways to get additional funding for the Transit Agency and appreciated what VIA had done with limited revenue. However, he expressed concern with not utilizing the funding as the voters approved.

Councilmember Nirenberg stated that he concurred with Councilmember Krier and the need to ensure that San Antonio has a well-funded Public Transit Authority.

Councilmember Gonzales asked of the increased number of bus riders if the City provided their ATD Funds to VIA. Mr. Arndt replied that they would not have that information until the 2040 Plan was complete. Councilmember Gonzales spoke of the need for continued discussion and analysis noting the importance of Vision Zero to eliminate all traffic fatalities.

Councilmember Gallagher also expressed concern with not using the ATD Funds as voters approved and spoke of identifying other sources of revenue. He stated that they should work with the Legislature and mentioned a potential review of the Gas Tax and High Occupancy Vehicle Lanes.

Councilmember Warrick asked if there was a bus stop at Toyota. Mr. Arndt replied that they had not addressed bus service to Toyota but were working with them on same. Councilmember Warrick spoke of the individuals employed within the Promise Zone and the need to have access to viable public transportation.

Carl Morgan, City VIA Representative addressed the City Council and stated that VIA was more than just a bus system. He spoke of their work to serve the Disabled Population and noted that there was a greater need.

Councilmember Saldaña added that VIA was an underfunded Transit System and stated that it was important to improve service.

Mayor Taylor thanked everyone for the presentation and asked that a timeline be created regarding the potential use of ATD Funds.

EXECUTIVE SESSION

Mayor Taylor recessed the meeting into Executive Session at 4:08 pm for discussion on the following:

- A. Deliberations regarding economic development negotiations and discuss related legal
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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).

RECONVENED

In the absence of Mayor Taylor, Mayor Pro Tem Gallagher presided over the meeting. He reconvened the meeting at 6:00 pm and announced that no action was taken in Executive Session.

City Clerk Vacek announced that Mayor Taylor was attending a meeting with Vice-President Joe Biden, Councilmember Treviño was ill, Councilmember Lopez was attending a Trade Mission in Japan, and Councilmember Medina's flight was delayed when returning from Washington, D.C.

SECOND PUBLIC COMMENT/CITIZENS TO BE HEARD

City Clerk Vacek read the caption for Item 4:

- 4. Second public comment event for the final San Antonio Water Policy Study developed by Texas A&M Institute of Renewable Natural Resources. [Peter Zaroni, Deputy City Manager; John Dugan, Planning and Community Development]

Mayor Pro Tem Gallagher called upon the citizens registered to speak on the Water Policy Study and Citizens to be Heard.

Lesley Wenger provided a Resolution of Protest against the Vista Ridge Pipeline Project from the City of Castle Hills.

Margaret Day highlighted increasing costs, rising poverty levels, and the lack of affordability programs. She urged the City Council to vote against the SAWS Rate Restructuring and Proposed Increases.

Gianna Rendon highlighted community group efforts and provided signatures against the SAWS Rate Restructuring.

Alan Montemayor petitioned the City Council to utilize water reports in voting for the SAWS Rate Restructuring and expressed concern that other communities could oppose the Vista Ridge Pipeline in the future.

SA Saint represented by Saul Apicelli, Ana Crawford, and Richard Owen addressed the City Council. Dr. Owen expressed support for San Antonio becoming a Sanctuary City. He provided a Resolution from the Bexar County Democratic Party outlining available efforts to achieve Sanctuary City status.

Eliza Perez read an excerpt from “Yanaguana, the Land We Now Call San Antonio,” a poem written by Gianna Rendon.

Terry Burns petitioned the City Council to reject the SAWS Rate Restructuring and consider other alternatives.

Cheryl Hamilton discussed the long term yield of the Vista Ridge Water Supply. She referenced a Geo-Hydrology Analysis and petitioned the City Council to reject the SAWS Rate Restructuring.

Arturo Trejo expressed concern for economic injustice in the community and noted opposition to the SAWS Rate Plan and Proposed Increases.

Jessica Guererro, representing Fuerza Unida, noted their mission and highlighted the need for community trust and relationships. She urged the City Council to consider community concerns and vote no on the SAWS Rate Restructuring.

James Spickard expressed concern that the proposed rate structure would not encourage conservation and would disproportionately impact low and medium income households.

Meredith McGuire petitioned the City Council to require SAWS to adjust its Proposed Rate Structure to address community concerns.

Mark Perez expressed concern for chemical facilities operating without proper permits.

Danny Petri expressed opposition to the revised definition of Ambulatory Surgical Center in the Unified Development Code. He petitioned the City Council to reject the redefinition

based on the impact to community neighborhoods.

Michael Knuffke expressed opposition to the Planned Parenthood Facility located at 2140 Babcock. He petitioned the City Council to extend greater oversight into City Departmental Operations.

Marianne Kestenbaum spoke of the need for community trust in considering the vote for the SAWS Rate Restructuring.

Julie Iris Oldham expressed concern for illegal activities occurring in the City of San Antonio.

Juan Hernandez expressed concern that rising water rates would increase the struggle of young adults to establish financial independence and stability.

Susana Segura provided examples of sustainable practices undertaken by community members and expressed concern for rising water costs amid low income households. She petitioned the City Council to reject the SAWS Rate Restructuring and the Vista Ridge Pipeline.

Kamala Platt read an excerpt of a sonnet describing the impact of rate hikes on the community.

Rachel Jennings expressed opposition to the Vista Ridge Pipeline based on the lack of conservation efforts and the impact to working class citizens.

Elizabeth Delgado described the experience of working class people and the impact of the SAWS Rate Increase on people living at or below the poverty line.

Wendell Fuqua stated that the City's paradigm for supplying water would need to change in the future based on the need to conserve water.

Jose Cuellar petitioned the City Council to reject the removal of a barrier for food trucks and established food businesses which would be addressed at the next City Council Meeting.

Deborah Parrish urged the City Council to postpone the vote on the SAWS Rate Restructuring based on the impact to the community quality of life and the necessity of water.

Nadia Gaona petitioned the City Council to reject the SAWS Rate Restructuring based on research available on the Vista Ridge Pipeline Project. She urged the City Council to consider more sustainable alternatives.

Alice Canestaro-Garcia expressed concern for the lack of time to address the City Council regarding Indigenous Peoples' Day and the Vista Ridge Pipeline.

Ellen Berkey submitted data on the Vista Ridge Pipeline Project and petitioned the City Council to halt development of the Project.

Araceli Herrera expressed concern for the quality of life for low income households based on rising costs. She urged the City Council to vote no on the SAWS Rate Restructuring.

Bryan Hummel described the role of water resources in the History of Texas and regional communities. He outlined sustainable alternatives for managing the City's water supply.

Joseph Windham spoke on government transparency and accountability and urged the City Council to vote no on the SAWS Rate Restructure.

Amanda Haas provided a story of the experience of a family having their water supply shut off.

Victor Dousten discussed community outreach efforts to spur civic engagement and improve quality of life.

Maria Luisa Rodriguez expressed opposition to the SAWS Rate Restructuring and noted the impact to elderly residents.

Guadalupe Lopez discussed the income disparity in the City of San Antonio.

Brian Christopher expressed opposition to the Vista Ridge Pipeline based on the lack of public understanding of the issue.

Ruby Jaimes provided a list of citizens opposed to the Vista Ridge Pipeline Project and the SAWS Rate Restructuring.

Faris Hodge, Jr. submitted written testimony highlighting various projects and programs throughout the City including Uber, Texas A&M San Antonio Educational and Cultural Arts Center, Library System, Mission Drive-In, and May 2015 Mayoral Race.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Gallagher adjourned the meeting at 8:03 pm.

APPROVED

IVY R. TAYLOR
MAYOR

ATTEST:

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