

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



**FINAL
Meeting Minutes
City Council A Session**

City Hall Complex
105 Main Plaza
San Antonio, Texas 78205

Thursday, April 11, 2019

9:00 AM

Municipal Plaza Building

The City Council convened in a Regular Meeting. City Clerk Leticia Vacek took the Roll Call noting a quorum with the following Councilmembers present:

PRESENT: 10 - Mayor Nirenberg, Treviño, Hall, Saldaña, Gonzales, Brockhouse, Sandoval, Pelaez, Courage, and Perry

ABSENT: 1 - Viagran

Mrs. Vacek announced that Councilmember Viagran was attending the Women in the World Summit.

1. The Invocation was delivered by Pastor Carl E. Garmon, Emmanuel African Methodist Episcopal Church, guest of Councilmember Art A. Hall, District 2.
2. Mayor Nirenberg led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes of the City Council Regular Meetings of March 6 - 7, 2019.

Councilmember Treviño moved to approve the minutes of the City Council Regular Meetings of March 6-7, 2019. Councilmember Hall seconded the motion. The motion to approve prevailed by the following vote:

AYE: 10 - Mayor Nirenberg, Treviño, Hall, Saldaña, Gonzales, Brockhouse, Sandoval, Pelaez, Courage, and Perry

ABSENT: 1 - Viagran

POINTS OF PERSONAL PRIVILEGE

Mayor Nirenberg observed a moment of silence for Dick Cole, the last of the legendary Doolittle Raiders, who passed away at the age of 103. He also observed a moment of silence for Charlie Conner, Community Leader and Neighborhood Activist, who also passed away this past week. He offered condolences to the Cole and Conner Families.

Councilmember Perry recognized the Military Month of the Child and expressed his support for Military Families. Ms. Phipps representing Lackland, Randolph, and Fort Sam Houston Independent School Districts, stated that there were over 35,000 Military Students throughout the San Antonio Area. She thanked everyone for their support of Military Families. The City Councilmembers expressed their support.

Mayor Nirenberg recognized Jeffrey Arndt, CEO, and Hope Andrade, Board Chair, of VIA Metropolitan Transit. Mr. Arndt and Ms. Andrade presented Councilmember Saldaña with the Friend of Transit Award from the Texas Transit Association. They highlighted Councilmember Saldaña's great work to further VIA Metropolitan Transit. The City Council congratulated Councilmember Saldaña on his award. Councilmember Saldaña stated that he was honored by the recognition.

CONSENT AGENDA ITEMS

Items 13, 16, and 20 were pulled for Individual Consideration. Councilmember Courage moved to approve the remaining Consent Agenda Items. Councilmember Hall seconded the motion.

In accordance with Robert's Rules of Order, Section 35, Councilmember Brockhouse gave notice that at the next meeting, he would make a motion to bring forth reconsideration of the amendment to the adopted Ordinance 2019-03-21-0221; related to the Food, Beverage and Retail Prime Concession Agreement with Paradies Lagardère @ SAT, LLC for over 10,000 square feet in Terminal A at the San Antonio International Airport with a minimum annual guarantee of \$2,165,000.00 for the purpose of rescinding the amendment to the staff recommendation.

Mayor Nirenberg called upon the citizens registered to speak on Consent Agenda Items.

Lynn Bobbitt, Executive Director of the Brackenridge Park Conservancy, spoke in support of the SA Parks System Plan (Item 21).

George Grimes spoke in favor of the amendments to the Mahncke Park Neighborhood Conservation District (Item 14).

Michael Lockridge stated that he was supportive of the amendments to the Mahncke Park Neighborhood Conservation District but requested that multi-family properties be exempted (Item 14).

Jack M. Finger spoke in opposition to the amendment to Chapter 36 of the City Code to expand smoke free and tobacco free areas in city parks and public plazas (Item 16).

Connie Shipley, Member of the Mahncke Park Neighborhood Association spoke in support of the amendments to the Mahncke Park Neighborhood Conservation District (Item 14).

Homer Hayes also spoke in support of the amendments to the Mahncke Park Neighborhood Conservation District (Item 14).

Councilmember Perry highlighted the UDC Amendment to the Habitat Compliance Form noting its importance to our Military Bases (Item 15).

Councilmember Hall introduced District 2 Council Candidate Denise Gutierrez-Homer. He also highlighted the UDC Amendments to Mahncke Park (Item 14).

Councilmember Sandoval highlighted the grant application to the Centers for Disease Control (Item 10) and the Voluntary Airport Low Emissions Grant (Item 11).

Councilmember Saldaña recognized Parks and Recreation Employee Sandy Jenkins and thanked her for her work to identify a \$1 million grant from Texas Parks and Wildlife.

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

AYE: 10 - Mayor Nirenberg, Treviño, Hall, Saldaña, Gonzales, Brockhouse, Sandoval, Pelaez, Courage, and Perry

ABSENT: 1 - Viagran

2019-04-11-0298

5. Ordinance approving a contract with CCG Systems, Inc. dba Faster Asset Solutions for an upgrade and continued maintenance and support to the City's Fleet Management System for an estimated total cost of \$1,074,770.81 over a five year period. Project implementation costs are estimated to be \$489,441.00 in Year 1 and will be funded through the FY 2019 Equipment Renewal Replacement Fund Budget. Funding for maintenance and support in the amount of \$585,329.81 over the contract term is subject to City Council approval of the annual budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2019-04-11-0299

6. Ordinance approving a contract with Silsbee Ford Inc. to provide two replacement sport utility vehicles for the San Antonio Police Department for a total cost of \$80,990.24. Funding is available from the FY 2019 Equipment Renewal and Replacement Fund Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2019-04-11-0300

7. Ordinance approving the following contracts establishing unit prices for goods and services for an estimated annual cost of \$1,868,000.00, available and included in the respective department's FY 2019 Adopted Budget:
- (A) Cellisco, Inc. dba Accu-print, Lopez Print & Marketing LLC, Rush American Printing, Inc., and Smith Print for supplemental printing services;
 - (B) Vermeer Texas - Louisiana for Vermeer equipment parts & repair services;
 - (C) CATO Electric Company for drilling wood & steel pole foundations;
 - (D) Mergent, Inc. for Mergent database subscriptions; and
 - (E) T & W Tire, LLC for tires for emergency vehicles.
- [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2019-04-11-0301

8. Ordinance approving a change order to the existing \$1,879,278.29.00 construction contract with E-Z Bel Construction, LLC in an amount not to exceed \$132,862.34 for additional construction services; and acceptance of funds and amending of FY 2019 Capital Improvement Budget in the amount of \$100,000.00 from Stantec Consulting Services, Inc. for design revisions for the Belfast Drive and Janda Susan Road Area Drainage Phase 2 Project, a 2017-2022 General Obligation Bond funded project, located in Council District 1. [Peter Zanoni, Deputy City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

2019-04-11-0302

9. Ordinance awarding a construction contract in the amount of \$1,698,757.64 payable to Jerdon Enterprise, L.P. for the Buena Vista Corridor (Frio Street to Santa Rosa Street) Project, a 2012-2017 Bond funded Project, located in Council Districts 1 and 5. [Peter Zanoni, Deputy City Manager; Razi Hosseini, Interim Deputy Director]

2019-04-11-0303

10. Ordinance approving the submission of a grant application to the Centers for Disease Control and Prevention for an award to improve health, prevent chronic diseases and reduce health disparities among racial and ethnic populations and authorizing the acceptance of up to \$792,000.00 for the term ending September 28, 2020; and authorizing the submission of subsequent grant year applications for the period beginning September 29, 2020 and ending September 28, 2023 and authorizing the acceptance of up to \$792,000.00 each year upon award; and authorizing a personnel complement. [Colleen M. Bridger, MHP, PhD, Interim Assistant City Manager; Jennifer Herriot, MPH, Interim Director, Health]

2019-04-11-0304

11. Ordinance approving the submission of a grant application and the acceptance of grant funds for a Federal Aviation Administration (FAA) Voluntary Airport Low Emissions grant in an amount up to \$3,200,000.00 for the Electrification of Ground Support Equipment For Emissions Reduction project. The total project is an anticipated \$4,266,667.00 with the City's share of \$1,066,667.00 funded from Airport Improvement and Contingency Fund. [Carlos Contreras, Assistant City Manager; Russell Handy, Director, Aviation]

2019-04-11-0305

12. Ordinance amending Chapter 19 of the City Code of San Antonio, Texas to update the Traffic Control Schedules of Devices to add 72 locations city-wide where new installations of traffic control devices have occurred and remove 11 locations in four City Council Districts where devices have been altered or removed. [Peter Zanoni, Deputy City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

2019-04-11-0307

14. Ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas to update Section 35-335 "NCD" Neighborhood Conservation District including amendments to "NCD-6" Mahncke Park Neighborhood Conservation District. [Roderick Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

2019-04-11-0308

15. Ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas, by amending Section 35-B133 - Habitat Compliance Form. [Roderick Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services Department]
17. Appointing Tiffanni L. Chelpaty and reappointing Linda Lopez-George to the Goal Setting Committee for terms of office effective April 11, 2019 to expire April 10, 2020. [Leticia M. Vacek, City Clerk]

2019-04-11-0310

18. Ordinance approving a professional services agreement with Andrew J. Bores for on-call airport fire protection consulting services for the San Antonio Airport System in an amount not to exceed \$142,000.00 funded by the Airport Operating and Maintenance Fund. The initial term is for three years with two, one year options. [Carlos Contreras, Assistant City Manager; Russell Handy, Director, Aviation]

2019-04-11-0311

19. Ordinance amending the professional services agreement with THC, Inc., the Acoustical Treatment Consultant that manages the Federal Aviation Administration-sponsored Residential Acoustical Treatment Program, to correct an inaccuracy in the originally specified grant amount and increase the contract value by an additional \$207,000.00 to a total increase of \$6,267,000.00. Funding was budgeted and is available. This amendment corrects the contract amount approved by Ordinance No. 2017-06-29-0519. [Carlos Contreras, Assistant City Manager; Russell Handy, Director, Aviation]

2019-04-11-0312

21. Ordinance adopting the SA Parks System Plan. There is no fiscal impact associated with this ordinance. [Dr. Colleen Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks and Recreation]

2019-04-11-0313

22. Ordinance approving amendments to professional services contracts with Klotz Associates, Inc. dba RPS Infrastructure, Inc. for \$122,285.00, Brown & Gay Engineers, Inc. for \$247,585.00, and Slay Engineering Company, Inc. for \$124,990.00 in a total amount not-to-exceed \$494,860.00 for Civil Engineering Design Services for the Storm Water Regional Master Plan Phase III Project, a Citywide Storm Water Regional Facilities funded project. [Peter Zanoni, Deputy City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

23. Approval of the following two items relating to financial matters of the City Public Service Board: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2019-04-11-0314

- 23A. Ordinance for CPS Energy, approving up to \$700,000,000 in City of San Antonio, Texas Electric and Gas Systems Commercial Paper Notes, providing replacement liquidity for expiring credit facilities, updating the Commercial Paper Notes Program Components to allow future issuance flexibility, authorizing contracts and agreements in connection with the foregoing, and approving an Offering Document.

2019-04-11-0315

- 23B. Ordinance authorizing the issuance of obligations designated as City Of San Antonio, Texas Electric and Gas Systems Revenue Refunding Bonds, in one or more series and in an aggregate amount not to exceed \$765,000,000.

CONSENT ITEMS CONCLUDED

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

Mayor Nirenberg addressed Item 20 at this time. City Clerk Vacek read the caption for Item 20:

2019-04-11-0032R

20. Resolution consenting to the request from Emergency Services District No. 8 to incur debt, not in excess of \$4,353,750.00, for the construction of a fire station and purchase of a ladder truck. [Carlos Contreras, Assistant City Manager; Jeff Coyle, Director, Government & Public Affairs]

Councilmember Hall moved to approve the Resolution for Item 20. Councilmember Treviño seconded the motion. The motion to approve prevailed by the following vote:

AYE: 9 - Mayor Nirenberg, Treviño, Hall, Saldaña, Gonzales, Brockhouse, Sandoval, Courage, and Perry

ABSENT: 1 - Viagran

ABSTAIN: 1 - Pelaez

ACTION ITEMS FOR STAFF BRIEFING

City Clerk Vacek read the captions for Items 4A and 4B:

4. Consideration of the following items from the San Antonio Water System: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]
- 4A. Briefing by the San Antonio Water System on Impact Fees.

2019-04-11-0297

- 4B. Ordinance scheduling a public hearing date for May 16, 2019 to consider adoption of the Land Use Assumptions Plan, the Capital Improvements Plan and updated impact fees for the service territory of the San Antonio Water System.

Mike Frisbie of San Antonio Water System (SAWS) presented an update on the Capital Project Impact Fee. He reported that the fee was a one-time payment made by new development at time of connection and that SAWS had been charging the fee since 1990. He noted that the fees varied based on location. He provided an overview of the Impact Fee Review Process and recognized Mr. Dan Kossel, Member of the Capital Improvement Advisory Committee (CIAC), who recently passed away. He outlined the Maximum Impact Fee Calculation and highlighted the community outreach. He presented a timeline in which the Updated Impact Fees would be effective June, 2019.

Mayor Nirenberg called upon Mr. Jack M. Finger to speak.

Jack M. Finger expressed concern with the various Impact Fees paid by developers.

Councilmember Treviño called upon Ms. Amy Hardberger to speak to the work of the SAWS CIAC. Ms. Hardberger stated that they had consensus among the Committee for their recommendations.

Councilmember Perry spoke of Mr. Kossel and stated that he would be greatly missed by the various organizations he served. He asked of the comparison to other Texas Cities related to the impact fee recommendations. Mr. Frisbie presented a slide noting that San Antonio had some of the highest Impact Fees in the state. Councilmember Perry expressed concern that the high fees could be deterring businesses to move to San Antonio and asked that they push back the decision on same until the 2019-2021 City Council was elected.

Councilmember Gonzales spoke of the need for more density in the community and stated that she looked forward to additional discussion prior to approval of the new fees.

Councilmember Pelaez announced that today's action would not approve the new fees and that they would only be scheduling a public hearing.

Councilmember Sandoval thanked the CIAC for their work and requested that SAWS provide the fee schedules for various types of development prior to the public hearing.

Councilmember Hall stated that he would like for the current City Council to resolve as many issues as possible and expressed support for following the current schedule.

Councilmember Courage noted that they would be foregoing revenue by not assessing the maximum. Mr. Frisbie replied yes and noted that they were recommending a hybrid.

Mayor Nirenberg thanked the CIAC for their work.

Councilmember Treviño moved to adopt the Ordinance for Item 4B. Councilmember Pelaez seconded the motion. The motion to approve prevailed by the following vote:

AYE: 9 - Mayor Nirenberg, Treviño, Hall, Saldaña, Gonzales, Sandoval, Pelaez, Courage, and Perry

ABSENT: 2 - Viagran, and Brockhouse

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

City Clerk Vacek read the caption for Item 13:

2019-04-11-0306

- 13.** Ordinance amending the Unified Development Code, Chapter 33 Appendix H Storm Water Design Criteria Manual, to incorporate updated rainfall data for drainage and floodplain design from the federal Atlas 14 Rainfall Study. [Peter Zaroni, Deputy City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

Councilmember Sandoval stated that the information was very important and asked for a staff presentation. Nefi Garza outlined the proposal to amend the UDC, Chapter 35 Appendix H, to incorporate Atlas 14, Volume 11 Rainfall Data. He noted that the Federal Study was published in September 2018 and included data from 3,900 rain gauges throughout Texas. He reviewed Atlas 14 versus current standards, and outlined potential

implications and stakeholder engagement. He stated that staff recommended approval to amend UDC Chapter 35, Appendix H to: 1) Adopt Atlas 14, Volume 11; 2) Establish 5 Precipitation Areas; and 3) Replace rainfall data tables. Councilmember Sandoval thanked staff for their work and proactive outreach in the community. She asked of the Community Rating System (CRS). Mr. Garza replied that CRS was a voluntary program and that if a community could prove that it was going above and beyond FEMA Standards; individuals with flood insurance would be eligible for a discount based on the rating.

Councilmember Courage asked of updated flood maps. Mr. Garza stated that they were working with the San Antonio River Authority (SARA) and FEMA and they projected them to be ready in 2021. Councilmember Courage noted that there were several flood control projects in his district and asked for updates from staff.

Councilmember Perry asked of impacts to existing homeowners and businesses with the new floodplains. Mr. Garza replied that their initial evaluation showed that areas with high elevation had minor increases while flat areas had a higher increase than anticipated. He noted that it varied based on the amount of vegetation. He added that SARA was working with a number of engineering teams to update the Flood Maps. Councilmember Perry expressed concern with the associated cost and requested that information from staff.

Councilmember Gonzales stated that she was pleased with the Town Hall Meetings that were occurring.

Councilmember Sandoval moved to adopt the Ordinance for Item 13. Councilmember Treviño seconded the motion. The motion to approve prevailed by the following vote:

AYE: 9 - Mayor Nirenberg, Treviño, Hall, Gonzales, Brockhouse, Sandoval, Pelaez, Courage, and Perry

ABSENT: 2 - Viagran, and Saldaña

City Clerk Vacek read the caption for Item 16:

2019-04-11-0309

- 16.** Ordinance amending Chapter 36 of the City Code of San Antonio, Texas entitled "Smoking" to expand smoke free and tobacco free areas in City parks and public plazas. [Colleen M. Bridger, Interim Assistant City Manager; Jennifer Herriott, MPH, Interim Director, Health]

Councilmember Sandoval requested a staff presentation. Jennifer Herriott presented on the implementation of Tobacco Free Parks and Public Plazas. She noted that tobacco use was

the leading cause of preventable disease, disability, and death in the United States. She outlined the proposed revisions to Chapter 36 of the City Code which would restrict the use of all tobacco products in all City Parks and Public Plazas. She stated that the Woodlawn Lake Community had initiated the request through a petition signed by 400 individuals. She noted that they had held various community feedback sessions and received strong stakeholder support. She added that the fine for violations of tobacco use in parks playgrounds and pavilions would remain unchanged and that staff recommended approval. Councilmember Sandoval expressed her support and thanked the Woodlawn Lake Association for their work. She asked of public education. Xavier Urrutia stated that staff proposed an implementation date of June 1, 2019 and staff would work on an education plan and new signage.

Councilmember Hall expressed his support. Mayor Nirenberg also expressed support and thanked everyone for their work.

Councilmember Sandoval moved to adopt the Ordinance for Item 16. Councilmember Treviño seconded the motion. The motion to approve prevailed by the following vote:

AYE: 9 - Mayor Nirenberg, Treviño, Hall, Gonzales, Brockhouse, Sandoval, Pelaez, Courage, and Perry

ABSENT: 2 - Viagran, and Saldaña

24. City Manager's Report

Mr. Walsh presented the results of the City's 2018 External Audit. He stated that the audit was conducted by Grant Thornton and presented at the last Audit and Accountability Council Committee Meeting. He noted that an external audit was required to be conducted annually by an independent Certified Public Accountant under the provisions of the City Charter and State Statute. He mentioned that the results of this year's audit were an example of a well-run financial organization and a testament to superior financial reporting. He reported that the City's External Auditors did not identify any findings or adjustments for the financial audit. He added that given the size and complexity of the City Organization; this was an extraordinary accomplishment. He recognized and thanked the Finance Department for such a great achievement.

POINT OF PERSONAL PRIVILEGE

The City Council sang Happy Birthday to Mayor Ron Nirenberg who was celebrating his birthday today.

EXECUTIVE SESSION

Mayor Nirenberg recessed the meeting at 12:03 pm to continue the previous day's Executive Session on the following items:

- A. Economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).
- B. The purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072 (real property).
- C. Legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Litigation related to opioid manufacturers, distributors, and promoters pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E. Settlement offer in a lawsuit styled Roseanne Rocha v. City of San Antonio pursuant to Texas Government Code Section 551.071 (consultation with attorney).

RECONVENED

Mayor Nirenberg reconvened the meeting at 2:33 pm and announced that no action was taken in Executive Session.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg adjourned the meeting at 2:33 pm.

APPROVED

RON NIRENBERG
MAYOR

ATTEST:

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