

**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, December 4, 2013

2:00 PM

Municipal Plaza Building

The City Council of San Antonio convened in the “B” Room of the Municipal Plaza Building at 2:00 PM with the following Councilmembers present: Bernal, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, and Krier. ABSENT: Taylor, Soules, and Mayor Castro.

In the absence of Mayor Castro, Mayor Pro Tem Saldaña presided over the meeting.

1. Staff briefing on the City Council adopted San Antonio Bike Plan 2011 & Implementation Strategy to include an overview of the Plan and its implementation results to date. [Edward Benavides, Chief of Staff; Julia Murphy, Bike Coordinator, Office of Sustainability; Anthony Chukwudolue, Interim Director, Public Works]

Deputy City Manager Peter Zanoni reviewed the history of the San Antonio Bikes Program and called upon Julia Murphy, Bicycle Project Manager in the Office of Sustainability.

Ms. Julia Murphy stated that the Office of Sustainability has taken the lead on bicycle initiatives and created a Comprehensive Bicycle Master Plan entitled the San Antonio Community Bike Plan 2011 Implementation Strategy. She noted that the goals of said Program were to increase bike ridership for daily travel and improve cycling safety by making the bike network accessible, direct, and continuous. She indicated that said strategy: 1) Incorporated extensive public and technical input; 2) Built upon previous plans

and linked together other ongoing efforts related to bicycling; 3) Guided City Council, other citizen boards, the development community, and City Staff in collectively moving forward in a prioritized and cost-effective way; 4) Presented a unified vision of where the City wanted to be regarding cycling in the next 10 to 20 years; 5) Identified where bicycle facilities are needed to create a system that is accessible, direct, and continuous; and 6) Spoke to the importance of encouragement, education, and enforcement to help all users of roadways travel safely.

Ms. Murphy noted that the 2011 Bike Plan recommended that a 1,718 mile network of bike lanes be added. She reported that the City maintains 300 miles of bike lanes in the City's Network. She stated that SAPD distributed bike lights and fitted helmets for adults and children. She mentioned that maps were provided and that the 4th Edition Bike Map & Greenway Trails Companion would be distributed soon. She indicated that in 2010 the Safe Passing Ordinance and the Bike Light Ordinance were passed to increase safety and were enforced by SAPD. She reviewed the San Antonio B-Cycle Program and its use since its inception in March 2011 and highlighted the benefits of bike use for the community.

Anthony Chukwudolue stated that new bicycle facilities have been installed via the Infrastructure Management Program (IMP), Advanced Transportation District (ATD), Bike IMP, Street Maintenance IMP, Pavement Marking IMP, Bond Programs, and Metropolitan Planning Organization (MPO) funded projects. He indicated that on average; \$1 Million is allocated by the City Council through the IMP.

Mayor Pro Tem Saldaña asked how older neighborhoods were being approached as it related to said Program. Mr. Chukwudolue replied that staff held community meetings where the Program was discussed with residents.

Councilmember Gonzales suggested that signage and wayfinders be placed for those utilizing the Program for transportation. She asked if the number of accidents increased or decreased as a result of the addition of bike lanes. Chief McManus stated that he would provide that information to the City Council. He spoke of a sting operation in which the Safe Passage Ordinance was reinforced. He stated that so far this year, 13 citations were issued for violation of said ordinance.

Councilmember Viagran asked of the violation for bicyclists who do not wear helmets. Chief McManus indicated that the violation was a Class C Misdemeanor. Councilmember Viagran asked for data on VIA Bus Routes where the highest number of bicycles were loaded onto the buses and asked if those routes correlated with the Master Plan. She asked of the number of attendees at the four City Sector Meetings. Ms. Murphy stated that she would provide that information to the City Council. Councilmember Viagran asked of parking in bike lanes. Ms. Murphy stated that prohibiting parking in bike lanes would

require passage of an ordinance.

City Manager Sheryl Sculley stated that the subject of parking on bike lanes creates a policy question on how the City should proceed since safety issues exist. Councilmember Nirenberg stated that the inconsistency that exists related to No Parking Signs should be addressed.

Mayor Pro Tem Saldaña suggested that the topic be brought before the Infrastructure and Growth Council Committee. Councilmember Bernal noted that prohibiting parking on bike lanes could have a significant impact on businesses with roadside parking.

Councilmember Medina asked if enough was being done to protect riders and pedestrians. Chief McManus stated that SAPD was very sensitive to that issue and is committed to doing whatever needs to be done to increase safety and awareness. Councilmember Medina asked of the B-Cycle Program moving to the west. Ms. Murphy noted that the next round of funding in 2014 the Program would be expanded to the west in two phases.

Councilmember Bernal stated that he sees the B-Cycle Program as another mode of Transportation. He asked if smaller arterial streets could be used in said Program. Ms. Murphy stated that the Gold Standard for a Bike Facility is for it to be part of a roadway or an off-road path. She noted that the B-Cycle Program should not be used as a substitute for travelling in an automobile and that staff would look at using acceptable parallel routes.

Councilmember Nirenberg requested the lane miles by District and asked if the lane miles referred to in the Master Plan included bike paths in the Linear Creekway System. Ms. Murphy replied that it did not and noted that there were 45 miles of Greenway Trails. Councilmember Nirenberg stated that he would like to see connectivity between this project and the Greenway Trails. He asked of the type of citation a cyclist would receive for a traffic violation. Chief McManus stated that the rules for motorists and cyclists are the same.

Councilmember Lopez asked if a Traffic Impact Analysis (TIA) included bicycle mobility. Ms. Murphy replied that it did not. Councilmember Lopez suggested that VIA Transfer Stations be included.

Councilmember Krier stated that with increased bicycle ridership in Austin, there was an increase in fatalities. He recommended that as the city increases the ease of cycling, safety must be addressed.

Mayor Pro Tem Saldaña thanked staff for the presentation.

2. Staff briefing on Animal Care Services Initiatives. [Erik Walsh, Deputy City Manager; Kathy Davis, Director, Animal Care Services]

Kathy Davis reported that the Animal Care Services (ACS') Strategic Plan was revised in September 2011. She noted that the three priorities of the Plan were: 1) Enhanced Enforcement; 2) Controlling the stray population; and 3) Increasing the Live Release Rate. She reported that at the end of November 2013 the Live Release Rate was 79%. She indicated that ACS' ability to impound pets is dependent upon the facility's kennel capacity. She reviewed the key external factors that controlled ACS' Capacity. She reported that over the last few years, ACS developed the following strategies to maintain capacity: 1) Opened a new Brackenridge Adoption Center in October 2013 operated by San Antonio Pets Alive! (SAPA); and 2) Worked with the community to ensure funding in the 2012 Bond Program to provide additional capacity.

Ms. Davis reported that City Code currently required all stray pets to be housed for a minimum of three days not including the day of impoundment. She added that the number of days increases to five if an implanted microchip is discovered. She stated that the current Ordinance requires ACS to house a pet for over six days even if an adopter was identified on Day 1 due to: 1) Spay/Neuter Surgery and other medical services that cannot occur until after the designated hold period; and 2) The waiting time for pets to be picked up the adopter/rescuer/foster. She stated that ACS was requesting to reduce the stray hold period from three to two days for pets with a live outcome only.

Ms. Davis indicated that reduction of the stray hold period would allow ACS to increase capacity by 770 pets annually, and would assist in meeting the FY 2014 intake goal of 33,500 pets. She added that this initiative was recommended and presented to the ACS Advisory Board and the Quality of Life Council Committee. She noted that ACS would continue to use the stray hold period to reunite the pet with its original owner and the current process ensures that pets are not euthanized prior to the minimum three day period.

Ms. Davis stated that the City leased the Brooks Facility in 2010 which helped to increase capacity by over 6,000 annually. She noted that the 2012-2017 Bond Program approved \$2.2 million to increase the kennel capacity. She stated that in 2013, a 25-year contract was awarded to the Animal Defense League (ADL) for the design and construction of a kennel facility on their property. She indicated that said contract requires ADL to increase the City's capacity by rescuing 3,184 additional pets annually. She mentioned that construction was scheduled for completion in November 2014. She stated that to bridge the gap, ACS is proposing a new lease of the Brooks Facility for a period of 10 months. She added that staff proposes amending Chapter 5 to reduce the stray hold period by one day for pets with a live

outcome and to renew the Brooks Facility Lease for 10 months. She indicated that said lease would be presented for approval to the Brooks Development Authority (BDA) on December 17, 2013 and both items were scheduled for City Council approval on December 19, 2013.

Councilmember Viagran asked if there would be a loss of capacity space. Ms. Davis replied that the kennels were larger and no capacity would be lost. Councilmember Viagran expressed concern that ACS might be losing capacity, euthanizing more pets, or picking up fewer pets.

Councilmember Bernal noted that since the Brooks Facility was never intended to be permanent; the transition was a good one.

Councilmember Nirenberg asked where ACS was in the process of issuing citations. Ms. Davis replied that said process had not been fully implemented but would be in the next two weeks. She reported that the Standard Operating Procedure (SOP) for issuing citations was currently in draft form. She added that the next step would be to hold a question and answer session with Officers.

Mayor Pro Tem Saldaña thanked staff for the presentation.

The Executive Session was not addressed. It was noted that it would be addressed at the Council Meeting on December 5, 2013 following the business portion of the meeting.

- A. Discuss legal issues related to an audit of cable franchise and Public Education and Government Access fees pursuant to Texas Government Code Section 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. 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).
- D. Discuss legal issues related to worker's compensation benefits pursuant to Texas

Government Code Sections 551.071 (consultation with attorney).

- E. Discuss legal issues related to Michael Cuellar v. City of San Antonio, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- F. Deliberate the appointment, evaluation and duties of public officers and discuss legal issues pursuant to Texas Government Code Section 551.074 (personnel matters) and Texas Government Code Section 551.071 (consultation with attorney).

RECESSED

Mayor Pro Tem Saldaña recessed the meeting at 4:05 pm. He announced that the meeting would resume at 6:00 pm for the Public Hearings on Limited Purpose Annexation and the Dissolution of the City South Management Authority.

RECONVENED

Mayor Pro Tem Saldaña reconvened the meeting at 6:00 pm.

- 3. First public hearing regarding the Limited Purpose Annexation of South San Antonio Areas 1 – 4, consisting of 36 square miles generally located south of Loop 410, between Old Pearsall Road and State Highway 181 in the southern portion of San Antonio's Extraterritorial Jurisdiction and Bexar County. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

Mayor Pro Tem Saldaña opened the First Public Hearing regarding the Limited Purpose Annexation of South San Antonio Areas 1-4, consisting of 36 square miles generally located south of Loop 410, between Old Pearsall Road and State Highway 181 in the southern portion of San Antonio's Extraterritorial Jurisdiction and Bexar County.

John Dugan stated that this was the first of two public hearing on Limited Purpose Annexation (LPA) proposed for the Southside Areas of 1, 2, 3, and 4, and the Dissolution of the City South Management Authority (CSMA). He noted that Senate Bill 1493 became effective in September 2011 and required a study of the CSMA's effectiveness. He indicated that the Effectiveness Study recommended studies of certain areas for Annexation and the Dissolution of the CSMA once said areas were annexed. He reported that said areas were located along Interstate Highway (IH) 35, IH 37, and IH 410. He noted that the significant land use in said areas included: 1) Union Pacific Railroad Multi Mobile Facility

along IH 35; 2) Eagle Ford Shale along IH 37; and 3) Toyota and Texas A&M University located within the CSMA Area. He stated that staff recommends LPA for said areas. He indicated that LPA would not require: 1) Full Purpose Annexation; 2) Taxation; and 3) City services to be provided. He stated that LPA would enable the City to: 1) Prevent incompatible land use; 2) Ensure safe habitable structures; and 3) Protect environmental resources.

He added that LPA would provide for an extension of City Development and Safety Codes. He mentioned that LPA would not extend the current Extraterritorial Jurisdiction (ETJ) and those residing in said areas could vote in Recall Elections but could not vote in Bond or Sales Tax Elections. He added that those in said areas would not be eligible to be a candidate for Municipal Office. He indicated that the City must develop agreements for Agricultural Areas which would enable them to opt out. He stated that State Law requires a Planning Study which must be available to the Public at least 10 days prior to the first Public Hearing. He stated that the Planning Study was published and distributed as required in multiple locations for the applicable time period. He described the location and size of Areas 1-4 and reviewed the key dates for the FY 2014 LPA and CSMA Dissolution.

Mayor Pro Tem Saldaña called upon the citizens registered to speak.

T. Simon Martinez stated that he and his wife lived in Area 4 and were opposed to Annexation. He noted that the neighbors he had spoken to also did not support Annexation and recommended that a more sensitive approach be taken.

Amalia Martinez complained of the smell in Area 4 and asked the City Council to vote against Annexation. She noted that the Planning Commission suggested that a section of Area 3 and all of Area 4 not be annexed.

Gracie Prado noted that she formerly lived near a Recycling Facility and that the areas proposed for Annexation were contaminated and polluted.

James Nation stated that the City has not maintained its own areas and expressed opposition to the proposed Annexation. He asked that the residents of the areas proposed for Annexation vote on same.

Aurelina Prado stated that she has gathered petitions from individuals in opposition to the proposed Annexation. She expressed concern with the negative impacts of Annexation and asked why the areas were selected.

Henry Rodriguez spoke against the proposed Annexation and noted that District 5 has been neglected. He suggested that the City take care of its current Districts before annexing

other areas.

Ruben Delgado, Jr. stated that he does not support the proposed Annexation. He noted that the District he lives in has the second highest tax rate in Bexar County and he cannot afford more taxes.

Felton Costin stated that Annexation would place a burden on businesses such as his Father-in-Law's that were located in the area of the proposed Annexation. He expressed concern that Annexation would decrease their property values.

Juan B. Garza stated that those on a fixed income would be severely impacted by Annexation of their property and asked the City Council to vote in opposition.

Darrell Willoughby urged the City Council to vote according to the Planning Commission's recommendation and oppose the proposed Annexation of a portion of Area 3 and Area 4.

Alex Vasquez stated that the property owners of the proposed Annexation should have the right to vote on said Annexation.

Rosa Navarro addressed the City Council in opposition to the proposed Annexation noting that it would have a negative impact to her family.

Maria Angela Cavazos stated that residents of South Bexar County spend their money in the City of San Antonio and would no longer do so if they were annexed.

Jacqueline Mitchell stated that she opposes the proposed Annexation and that many of her questions remained unanswered.

Lucy Adame Clark expressed opposition to the proposed Annexation. She stated that the information provided to the affected residents at a public meeting held on November 5, 2013 was very limited.

Janie Adame addressed the City Council in opposition to the proposed Annexation.

Leonardo Hernandez expressed opposition to the proposed Annexation and did not understand why the areas were selected.

Gilda Worley expressed opposition to the proposed Annexation and stated that many residents of the area proposed for Annexation were Veterans on a fixed income.

Lawrence Zamora stated that he was opposed to the proposed Annexation in South Bexar County and expressed concern with the new fees they would have to pay.

Robert Worley, Jr. stated that he represented Area 4 Residents and indicated that LPA was not needed at this time.

Ernest Chacon stated that part of his family's land was in the three mile buffer zone of Toyota and could not be developed. He noted that the City could buy the land from them.

Martha Fernandez expressed concern with the various City Permits that would be required as a result of the proposed Annexation and asked the City Council to vote against it.

Harry Pehl stated that he owns a small business which has been in his family for 37 years. He expressed concern with the water bill he received in 2009 for \$403.79 that included a Stormwater Charge for City Businesses and Homeowners. He indicated that said charge was dropped because his business was located in the County, but would be reinstated once they were annexed.

Leslie Bettis stated that he resides in Area 3 which is the area east of IH 37. He indicated that the businesses located in the area of the proposed Annexation were built there because they could not afford City Fees and Licenses.

Mark Gonzalez spoke in support of the proposed Annexation in South Bexar County noting that the City has always focused on and supported growth on the Northside.

Janie Martinez stated that the proposed Annexation would cause the residents of the area to pay more taxes and new fees. She requested that the City Council let the affected residents vote on same.

Pam Miller stated that she and her husband chose to live in South Bexar County because it is quiet. She expressed concern that many residents in the proposed Annexation Area were on a fixed income and asked that they be allowed to vote on the matter.

Peggy Oppelt of the Land Heritage Institute stated that there were requirements for the transfer of ownership of said property which were to promote wildlife preservation, serve as stewards of historic buildings and Archeological Sites and to provide recreational areas and trails. She indicated that under the proposed Annexation, the stated requirements would be in conflict with City Code.

Barbara Boehland stated that she opposed the proposed Annexation and expressed concern that many families were low income and could not afford the taxes.

Mayor Pro Tem Saldaña closed the Public Hearing on the Proposed Annexation.

4. First Public Hearing on the Dissolution of City South Management Authority. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

Mayor Pro Tem Saldaña opened the First Public Hearing on the Dissolution of City South Management Authority. He announced that there were no citizens registered to speak and closed the Public Hearing.

CITIZENS TO BE HEARD

Mayor Pro Tem Saldaña called upon the individuals registered to speak under Citizens to be Heard.

Linda Brewster announced that the San Antonio Coffee Festival would be held on December 14, 2013 in La Villita and invited the City Council to attend.

Deborah Wright spoke against Rezoning Case Number Z2014007 which the City Council would vote on the next day. She noted that the rezoning would have an adverse impact to the residents of the Cinnamon Creek Subdivision due to the four-story residential buildings that would be developed.

Raymond Desk asked of the process for receiving services from the Fair Housing Program. He expressed concern that no one had responded to a complaint he submitted and asked someone to please respond.

Mark Perez expressed concern with hazardous chemical companies operating without the proper permits. He recommended that a historical review of permit issuance by the City be performed.

Ralph Wagner spoke in support of the City's Local Artists and stated that the license fee for Artists should be decreased.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Saldaña adjourned the meeting at 8:14 pm.

APPROVED

JULIÁN CASTRO
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC
CITY CLERK