

**CITY COUNCIL GOVERNANCE COMMITTEE MEETING
MINUTES
WEDNESDAY, FEBRUARY 18, 2015
1:00 P.M.
CITY HALL, MEDIA BRIEFING ROOM**

Council Present:	Mayor Ivy R. Taylor, <i>Chair</i> Councilmember Rebecca Viagran, <i>District 3</i> Councilmember Rey Saldaña, <i>District 4</i> Councilmember Ron Nirenberg, <i>District 8</i> Councilmember Joe Krier, <i>District 9</i>
Staff Present:	Councilmember Mike Gallagher, <i>District 10</i> ; Sheryl Sculley, <i>City Manager</i> ; Martha Sepeda, <i>Interim City Attorney</i> ; Leticia Vacek, <i>City Clerk</i> ; Edward Benavidez, <i>Chief of Staff</i> ; Chris Hebner, <i>Asst. City Attorney</i> ; Bob Murdock, <i>Director</i> ; James Palomo, <i>Asst. City Attorney</i> ; Jeff Coyle, <i>Intergovernmental Affairs</i> ; John Peterek, <i>City Manager's Office</i> ; Liza Meyer, <i>Sustainability</i> ; Douglas Melnick, <i>Chief Sustainability Officer</i>
Others Present	Cole Ruiz, <i>SARA-Intergovernmental Affairs</i> ; Robert Murdock, <i>Office of Military Affairs</i> ; Jesus Garza, <i>Office of Military Affairs</i> ; Caitlin Buchanan, <i>City Managers Office</i> ; T.J. Mayes, <i>Council Aide D8</i> ; James Doughty, <i>Council Aide D9</i> ; Mario Hune, <i>Council Aide D10</i> ; Ruben Lizalde, <i>Council Aide D3</i> ; Lauren Sides, <i>Council Aide D10</i> ; Justin Renteria, <i>Council Aide D9</i> ; Jed Maebius, <i>Council Aide D1</i> ; Tim Salas, <i>Council Aide D4</i> ; Francesca Caballero, <i>Mayors Office</i>

CALL TO ORDER

Mayor Taylor called the meeting to order.

1. Approval of minutes from the January 28, 2015 Governance Committee Meeting.

Council Member Krier moved to approve the minutes of the January 28, 2015 Governance Committee Meeting as submitted. Council Member Saldaña seconded the motion. The motion prevailed unanimously.

2. Report on items considered by City Council Committees between January 24, 2015 and February 13, 2015.

Mayor Taylor asked City Manager Sculley about the City Council B and A Sessions of March 18, 2015 and March 19, 2015.

City Manager Sculley replied that the City Council B and A Sessions meetings were be rescheduled for April 1st and 2nd respectfully.

Individual Briefings

- 3. Briefing and possible action on a request from Councilman Nirenberg, District 8, requesting staff to consider a prohibition on coal tar-based sealants during the development of the comprehensive water study. [Edward Benavides, Chief of Staff; Douglas Melnick, Chief Sustainability Officer]**

Mr. Douglas Melnick referenced that the City Council Consideration Request (CCR), authored by Council Member Nirenberg and signed by Council Members Gallagher, Saldaña, Gonzales and Lopez. The CCR requests consideration of the prohibition of coal tar-based sealants which is part of a larger comprehensive water policy initiative, approved by City Council on October 9th to conduct a study recommending policies to maintain and improve water supply, flow, and quality.

Mr. Melnick said the CCR is in response to a Citizens Environmental Advisory Committee (CEAC) recommendation. The recommendation, dated June 6, 2014, informed City Council Members on the negative impacts of coal tar-sealants. The CEAC is an eleven-member committee of City Council Appointees.

Mr. Melnick said the coal tar-based sealant is the black liquid sprayed or painted on many parking lots, driveways, and playgrounds. There has been considerable research done on coal tar based sealants, one of which was from done by the U.S. Department of the Interior that found coal tar-sealants to contain harmful carcinogens. Other studies by the U.S. Geological Survey have demonstrated a relationship between storm water runoff and certain health and environmental concerns.

Mr. Melnick said that as a result, numerous municipalities have taken action. Fifteen Municipalities, two Counties and four States have enacted some type of ban. Several national and regional hardware and home improvement retailers have voluntarily discontinued the sale of coal tar based driveway sealer products.

Mr. Melnick reported that the Pavement Coating Technology Council and the Pavement Industry have said that the policy research is flawed; thus, will provide the best recommendation possible.

Mr. Melnick reiterated the storm water implications that such sealant has on the environment and health of the community. He said the chemical pollutants, such as PAH's and other wastes impact waterways and oxygen levels, nutrient balances needed by native fish, plants, and animal survival. Polluted runoff also poses risks to drinking water. While systems and controls are in place to help mitigate this risk; runoff water quality continues to be an important issue and priority in the overall health of our drinking water.

Mr. Melnick stated that the City's Comprehensive "Water Policy Study" was to provide an overview/summary of literature on the subject and legislative responses by other municipalities and states. The Water Policy Study is scheduled for City Council consideration in May or June 2015. Any further action by City staff such as conducting additional scientific/policy analysis will occur after the acceptance of the report by City Council.

Mr. Melnick reported that the future fiscal impact cannot be determined until the "Water Policy Study" is approved by City Council; however, if the City Council approves City Staff to proceed with implementation of code amendments banning coal tar-sealants, fiscal resources may be required to fund policy enforcement and provide public outreach.

Council Member Nirenberg noted that he is not asking for a policy recommendation for a ban of coal tar-sealant at this time. He asked Staff to bring forward the scientific analysis forward in order to preserve our water source and to protect humans from its dangerous affects. He stated that communities in Europe have been doing this for forty years and there are other communities over the Edwards Aquifer Recharge zone that have already taken steps as it relates to coal tar-sealants.

Council Member Viagran asked if Transportation and Capital Improvements Department is currently using coal tar-sealants.

Mr. Melnick replied that the City of San Antonio does not use coal tar-sealants. He mentioned that there are alternatives to coal tar-sealant, but those products are more expensive and the alternatives still contain the same chemicals but with a smaller concentration.

Council Member Krier asked what will be used in place of coal tar-sealants.

Mr. Melnick replied that there are alternatives but are more expensive. He added that Lowes and Home Depot have begun to remove coal tar products from their inventory.

Ms. Liza Meyers reported that the City uses another product that is comparable in cost and overall the same look in the finished product.

Council Member Nirenberg moved to forward said item to staff. Council Member Krier seconded the motion. The motion prevailed, unanimously.

- 4. Briefing and possible action on a request from Council Member Gallagher, District 10, for a resolution requesting the Texas Legislature for assistance in projecting missions at Joint Base San Antonio (JBSA) Randolph. [Carlos Contreras, Assistant City Manager; Robert Murdock, Director, Office of Military Affairs]**

Mr. Robert Murdock reported that Council Member Gallagher requested a Resolution requesting the Texas Legislature support protecting Missions at Joint Base San Antonio (JBSA) Randolph Air Force Base (RAFB). He noted that the major issues:

- The future development around Rafb may not be compatible with flight operations in the clear zones, accident potential zones, and high noise areas.
- Safety zones extend 15,000 feet (three miles) from the departure end of the runway and are subject to increased accident potential and/or high levels of aircraft noise.
- If left unaddressed; the Air Force may be forced to move flight operations at Rafb due to incompatible land use and development.

Mr. Murdock reported that Rafb have engaged two local Legislators to assist in the legislation to amend the Texas Local Government Code to ensure Rafb is notified and provided the opportunity to comment on any proposed development within the safety zones.

Mr. Murdock mentioned the other issue is the noise and proposed a Real Estate Disclosure. Seller would need to disclose to potential buyers of a property if they are within three miles of a military installation with flight operations.

Mr. Murdock reported that staff recommends approval of a Resolution of Support of the initiatives that enhance compatible development and real estate disclosure around Rafb.

Council Member Gallagher said this is an extremely important initiative. In 2019 BRAC will definitely occur so this would be a large loss of jobs if this were to happen. Council Member Viagran stated that she looks forward to seeing this item on the next Intergovernmental Relations agenda as well as on the State Legislative Agenda. She also requested a map of the areas in question. Mr. Murdock will provide the map for Visual reference.

Council Member Krier and Council Member Nirenberg thanked Council Member Gallagher for bringing this issue forward and both stated their full support. Council Member Saldaña added that it is important to support and send a strong message to the Pentagon regarding this issue. He noted there is a two hundred million dollar Capital Expenditure for a Street Project at Lackland Airforce Base to create a street for construction crews to utilize near the Base. This will assist with the traffic for the Airman stationed at the Base. Mayor Taylor thanked Council Member Gallagher and asked Mr. Murdock if he is working with other municipalities regarding the adoption of Resolutions of support for this issue.

Mr. Murdock replied yes; he has been in contact and all have adopted Resolutions of Support and are all in agreement.

Council Member Viagran moved to forward item to the Intergovernmental Relations Council Committee . Council Member Nirenberg seconded the motion. The motion prevailed.

Consideration of Items for Future Meetings

5. Next Meeting Scheduled:

Mayor Taylor announced that due to scheduling changes, the March Governance Committee meeting date will be announced at a later date.

Adjournment

There being no further discussion, Mayor Taylor adjourned the meeting at 1:35 p.m.

ATTEST:

Ivy R. Taylor
Mayor

Leticia Vacek, TRMC/MMC
City Clerk