

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



DRAFT

Meeting Minutes

City Council B Session

City Hall Complex
105 Main Plaza
San Antonio, Texas 78205

Wednesday, December 7, 2016

2:00 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 and noted the following Councilmembers present:

PRESENT: 10 - Mayor Taylor, Treviño, Warrick, Viagran, Gonzales, Lopez, Medina, Nirenberg, Krier, and Gallagher

ABSENT: 1 - Saldaña

City Clerk Vacek announced that Councilmember Saldaña was out of town due to a prior commitment.

1. A Briefing and discussion on the implementation of Southern Edwards Habitat Conservation Plan (SEP-HCP) and the Interlocal Agreement between the City of San Antonio and Bexar County. [Erik Walsh, Deputy City Manager; Roderick J. Sanchez, Director, Development Services]

Rod Sanchez stated that as a result of the 2005 Defense Base Re-Alignment and Closure Commission (BRAC), Fort Sam Houston became the Military’s Premier Medical Training Facility. He noted that this made the Training Missions of Camp Bullis vital to the Military’s Mission. He noted that when staff from Camp Bullis voiced concerns over

nearby development, the following initiatives were passed to protect the Mission of Camp Bullis:

- Military Notification Area – December 2008
- Military Lighting Overlay District – December 2008
- Habitat Compliance Ordinance – August 2009
- Environmentally Sensitive Area (ESA) Ordinance – October 2009
- Strengthened Tree Ordinance – May 2010
- Military Sound Attenuation Overlay District – June 2010
- Regional Habitat Conservation Plan – Implementation in discussion

He stated that City Council accepted the Camp Bullis final Joint Land Use Study in 2009. He noted that when a project begins; habitat credits could be purchased. He stated that with those credits, the project would be able to remove habitat and continue with their project. He noted that the money received from sale of credits was utilized to acquire property with habitat which would be preserved. He stated that more credits for that property would be bought and made available for the next project which must remove habitat. He reported that in November 2009, an Interlocal Agreement (ILA) was executed with Bexar County to begin the process of creating a Habitat Conservation Plan with the following goals:

- Assist with the compliance of the Endangered Species Act
- Promote Regional Conservation
- Provide support to Camp Bullis
- Streamline Endangered Species Permitting

Mr. Sanchez stated that in December 2009, the creation of the Southern Edwards Plateau-Habitat Conservation Plan (SEP-HCP) (Plan) was led by Bexar County. He stated that a Citizens Advisory Committee and a Biological Advisory Team were created to gather feedback, the goal of which to ensure that the plan met the needs of the local community and regulatory requirements. He noted that the Plan was released in 2011 and again in 2015 to seek input from the Advisory Committees, Agencies, and the General Public. He stated that in December 2015, the Plan was approved by the U.S. Fish and Wildlife Service and a Joint 30-year Incidental Take Permit was issued to the City of San Antonio and Bexar County. He noted that the Plan Area included preservation in the following counties:

- Bexar
- Kerr
- Bandera
- Medina
- Kendall

- Comal
- Blanco

He requested feedback on several policy issues.

1. Plan Management

- An organizational structure must be created to decide which projects and preserved land to be included in the Plan.

He stated that staff recommended that:

- The City and Bexar County should equally participate in the management of the Plan.
- Subject matter experts should serve as advisors to a Management Committee.

2. Plan Funding

- Funding would be needed for land management and monitoring of preserved land. (\$130,000 per year)

He reported that staff recommended that:

- City and Bexar County should participate in funding of the Plan.
- Projects utilizing the Plan should be charged a Maintenance Fee.
- Fund and hire a Third-Party for the daily management of the land preserved

3. City Property

- Proposition 1 and 3 Land and other City Property and open space were eligible to participate in the Plan as preserved land.

He stated that staff recommended that:

- Do not use existing land acquired through the Proposition 1 and 3 Processes.
- Use future land acquired through the Proposition 1 Process.

4. Credits from City Property

- City Property was eligible to be utilized to support both public and private projects.

He noted that staff recommended that:

- Only use city credits for public projects with a priority to city projects.

5. Public and private projects

- Both public and private projects were eligible to participate in the Plan.

He stated that staff recommended that:

- Plan should allow both private and public projects. The goal was to encourage compliance

with the Endangered Species Act.

- Financially, the more projects allowed would increase funding for the Plan.

6. Projects over the Recharge and Contributing Zones

- Projects over the Recharge and Contributing Zones were eligible to utilize the Plan.
- SA Tomorrow encourages land intensive development patterns to locate outside of the Recharge and Contributing Zones.

He noted that staff recommended that:

- Plan should not exclude projects over said zones. Projects in these zones should contribute at a higher rate to the Plan.
- These projects would take place regardless of the Plan and the Plan would encourage compliance with the Endangered Species Act.

Mr. Sanchez stated that Camp Bullis asked that a goal be set to preserve 30% of property around Camp Bullis. He spoke of the reasons that this goal may not be attainable all of the time. He stated that based on the direction given by the City Council today, staff would negotiate the Plan with Bexar County and bring it before the City Council in January 2017.

Mayor Taylor asked of the funding of the Plan. Mr. Sanchez stated that the initial cost would be \$130,000 but as credits were sold, the funds from those credits would help to decrease the cost to the City and Bexar County.

Erik Walsh noted that staff would have more definitive costs identified before this was brought before the City Council in January 2017. He stated that it would be decided how to split the cost with Bexar County.

Councilmember Medina asked of examples of public and private projects which may utilize the Plan. Mr. Sanchez stated that the city may utilize the Plan for projects such as those in the proposed Bond Program. He noted that the more projects which were utilizing the Plan; the more revenue would be generated to acquire additional land to protect Camp Bullis. Councilmember Medina asked of long-term funding of the Plan. Mr. Walsh stated that ideally, the Plan would be funded long-term by those buying credits from the Plan.

Councilmember Nirenberg referred to the goal of a minimum of 30% of Golden Cheeked Warbler Habitat to be preserved within Bexar County or five miles from Camp Bullis and asked of the number of acres that would encompass. Mr. Sanchez stated that it would depend on the number of projects. He noted that the recommendation of 30% should be a loose goal and not a hard and fast rule. Councilmember Nirenberg expressed support for the recommendation not to include Proposition 1 and Proposition 3 Land. He expressed

support for projects aligned with the SA Tomorrow Plan. He recommended exclusion of projects over the Recharge and Contributing Zones. He asked if the Plan would go through any citizen committees to gather input. Mr. Sanchez replied that Bexar County created two committees; the Biological Assessment Team and a Citizen Advisory Committee. Councilmember Nirenberg requested the names of the City Advisory Committee Members. Mr. Sanchez stated that he would provide the City Council with the names.

Mayor Taylor asked when staff would meet with Bexar County. Mr. Sanchez stated that staff would meet with Bexar County on December 9, 2016.

Councilmember Viagran requested an update following staff's meeting with Bexar County. Councilmember Krier expressed support for capturing 30% of the habitat near Camp Bullis.

Mayor Taylor thanked staff for the presentation.

2. A Briefing on the San Antonio area Air Quality/Non Attainment status. [Peter Zaroni, Deputy City Manager; Douglas Melnick, Chief Sustainability Officer; Jeff Coyle, Director, Government and Public Affairs]

Jeff Coyle stated that the change in the Presidential Administration could have a significant impact on the Environmental Protection Agency's (EPA's) Rules and Regulations. He noted that Congress passed the Clean Air Act but the EPA sets Ozone Air Quality Standards. He stated that in 2020, there would be a new standard which the City of San Antonio does not meet. He noted that the city has met the existing 2008 Standard which may be maintained. He stated that there could be changes to the Clean Air Act which could give authority to Congress to set the standard. He noted that the current standard has been challenged in court by Environmental Groups but was upheld. He stated that President-Elect Trump would appoint an EPA Administrator. He stated that there were a number of scenarios which could affect whether or not the City of San Antonio was in attainment of Ozone Air Quality Standards.

Doug Melnick defined ozone and stated that there was "good" ozone in the upper atmosphere. He noted that "bad" ozone was created when Nitrogen Oxides and Volatile Organic Compounds (VOCs) were combined with heat and light. He noted that the current Ozone Standard for 2014 through 2016 was 73 parts per billion (ppb). He stated that the new proposed EPA Standard was 70 ppb of which we were not in attainment. He noted that even if the proposed standard was dropped; the city should still take action to prepare for future reductions and to reduce overall health impacts. He reviewed ozone air improvement trends and noted that the trends have decreased. He stated that there were five

classifications for non-attainment; Marginal to Extreme. He noted that the city would fall into the Marginal Category. He stated that there were State Level Activities which would bring the city back into attainment: 1) Transportation Conformity; 2) Emissions Inventory and Emissions Statements; and 3) Non-Attainment News Source Review. He noted that the Metropolitan Planning Organization (MPO) coordinated Transportation Conformity which would entail obtaining clearance from the Federal Government for planned transportation projects to ensure that they do not create any other violations. He noted that the Texas Commission on Environmental Quality (TCEQ) would begin development of an Emissions Inventory for our area which would require large stationary polluters to submit an Annual Pollution Emissions Report to the State. He stated that the city did not have any requirements except to assist our partner agencies. He noted that all local governments would be required to compile a list of future transportation projects of regional significance. He stated that the MPO would run travel demand models to see what the transportation and traffic impact was. He noted that the results were submitted to the Texas Transportation Institution for additional modeling on the air quality impact. He stated that the MPO submits the results to the Federal Transportation Agency and the Federal Highway Administration for final approval.

Mr. Melnick noted that the TCEQ would require large manufacturing sites to provide detailed statements on their emissions. He stated that TCEQ was required to perform a non-attainment resource review for any new sources which would want to locate or any existing source which wishes to expand in the area. He noted that these sources would be required, as part of the permitting process, to install the lowest achievable Emission Rate Technology to reduce emissions. He stated that if this was not done, the sources could offset the increase with the purchase of offsets from a market place with Renewable Energy Projects. He noted that there would be an economic impact as sources might think twice about locating in the area.

Mr. Melnick stated that a Non-Attainment Health Study was budgeted in the Fiscal Year (FY) 2017 Budget to evaluate the Public Health cost of Non-Attainment and poor air quality. He noted that said study was estimated to be completed in April 2017. He stated that \$75,000 from this year's budget was allocated to educate residents, businesses, stakeholders and industry on Non-Attainment and the steps required to improve air quality. He stated that this campaign was set to begin next month. He noted that the SA Tomorrow Plan has air quality related strategies which have multiple benefits. He stated that next month, the Alamo Area Council of Governments (AACOG) would release its Non-Attainment Study. He noted that the Anti-Idling Ordinance would go into effect in January. He stated that in June 2017, the EPA would release their Non-Attainment Areas and in October 2017, the EPA would release its Official Non-Attainment Designations.

Mayor Taylor asked of the launch of the Education Campaign. Mr. Melnick replied that there were various components to the campaign to include disseminating the message via Social Media. He stated that Industry Round Tables would be held to learn about challenges and Community Forums would be held to discuss Air Quality and Non-Attainment. He asked that the City Council help get the message out as the Plan would rely on in-kind support and the leveraging of resources.

Councilmember Viagran asked of the number of cities which were in the Marginal Category. Mr. Melnick stated that 45 cities were in the Marginal Category. Councilmember Viagran asked of the Small Business Registry. Mr. Melnick stated that the Health Department was leading the Small Business Registry and quantifying the Small Businesses which existed, accounting for the cumulative impact.

Councilmember Warrick asked of cities which were in attainment. Mr. Melnick stated that the City of Austin was and would be in attainment with the new proposed standards. He noted that they had taken proactive measures for several years. He stated that they had a Voluntary Vehicle Inspection and Maintenance Program and have coordinated with their larger emitters to modify operations during projected high ozone events. He noted that meteorologically, where they were situated had an effect on their ozone levels. He stated that most major metropolitan areas were in non-attainment. Councilmember Warrick asked of the utilization of electric vehicles in the city. Mr. Melnick stated that staff would secure a Consultant to complete an Electric Vehicle Evaluation of the City's Fleet. He noted that the success of such a program would depend on the needs of the vehicle and how far it must travel.

Councilmember Medina asked of the status of the Cost of Illness Public Health Study. Mr. Melnick stated that staff was negotiating with a Local University on final contracts for the Study. He noted that there have been internal discussions on whether or not this should go through a Request for Proposals (RFP) Process or a Local Agreement. He stated that said Study would begin soon with a planned delivery date of April 2017.

Councilmember Gonzales asked of compliance by Small Businesses. Mr. Melnick stated that every business that emits ozone must have the appropriate State Permits. He noted that Small Businesses would not have to submit to a higher level of reporting as would a Large Industrial Business.

Councilmember Nirenberg asked of the status of the Commuter Benefits Program. Mr. Melnick stated that the program was ongoing and preliminary results would be brought before the Committee early next year. He noted that caution should be exercised because of the potential economic impacts to some businesses. Councilmember Nirenberg asked if the

City of San Antonio was forming a Task Force with Bexar County on Emission Inspections. Mr. Melnick stated that it could take years to put together such a program. He noted that the City of San Antonio could create its own Inspection and Maintenance Program but State Law required that both the County and Largest City in that County petition for the opportunity to develop a Voluntary Inspection and Maintenance Program.

Councilmember Krier spoke of pollution created in other areas which drifts into our area. Mr. Coyle stated that transport has never been accounted for outside of the United States. Councilmember Lopez suggested that cause and effect be established such as how air quality translates to respiratory cases. Councilmember Gallagher spoke of the importance of continually educating the public on the effects to Community Health.

Councilmember Treviño asked of changes which could be made to the built environment. Mr. Melnick stated that the City of San Antonio has adopted the 2015 International Energy and Conservation Code, which was the strictest energy code in existence. He stated that we could promote San Antonio's Green Certification Program which was stricter than the existing Code.

Mayor Taylor thanked staff for the presentation.

EXECUTIVE SESSION

Mayor Taylor recessed the meeting into Executive Session at 4:02 pm to discuss 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).
- C. Discuss legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Discuss legal issues related to a lawsuit styled Sharlene Lewis, et al v. City of San Antonio, et al, Cause No. 2015-CI-06555 pending in the 150th Judicial District

Court, Bexar County, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

- E. Discuss legal issues related to a lawsuit styled Isabel Escobedo v City of San Antonio, Cause No. 2014-CI-05083, pending in the 150th Judicial District Court, Bexar County, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- F. Discuss legal issues related to a lawsuit styled Rogelio Galvan, et. al. v City of San Antonio, Cause No. 2014-CI-18935 pending in the 407th Judicial District Court, Bexar County, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- G. Discuss legal issues related to the procurement of financial services pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- H. 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).

RECONVENED

Mayor Pro Tem Nirenberg reconvened the meeting at 6:00 pm and announced that no action was taken in Executive Session.

CITIZENS TO BE HEARD

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

Terry Burns representing the Alamo Sierra Club expressed concern with Annexation and Water Issues. He stated that they were opposed to the Vista Ridge Project.

Marvin Peretz stated that he was opposed to the agreement with Transportation Network Companies (TNCs) as the concerns of Taxicab Drivers had not been addressed.

Vanessa Sanchez spoke in opposition to the agreement with TNCs and noted concerns that TNC Drivers would not have to undergo a 10-Print Background Check.

Henrietta LaGrange expressed concern with the Seeling Channel Project in District 7 that

had caused a sinkhole to occur near her home. She asked for assistance due to safety concerns for the neighborhood.

Robert Gonzales stated that he had been in the Taxicab Industry for 36 years and was opposed to the agreement with TNCs. He noted safety concerns and stated that TNC Drivers should be required to undergo 10-Print Background Checks.

Carol Fisher played a video of a Rideshare Rally sponsored by TechBloc and spoke in opposition to the agreement with TNCs due to safety concerns.

Antonio Diaz requested recognition of Indigenous People's Day by the City Council. He expressed concern with the loss of business for Taxicab Drivers due to TNCs.

Kaitlyn Brenner stated that TNCs should adhere to the same regulations as Taxicab Drivers.

Barbara Leal spoke in opposition to the agreement with TNCs and spoke of her husband's negative experiences as an Uber Driver.

Linda Torres, Maria Lopez, and Henry Rodriguez addressed the City Council noting concerns with the process for selecting Riverwalk Vendors. Ms. Torres stated that she was speaking on behalf of her parents who had been Riverwalk Vendors for many years but were no longer awarded permits. She expressed concern with the loss of their livelihood. Ms. Lopez stated that they deserved the same treatment as other Riverwalk Vendors that were grandfathered and allowed to continue selling their goods. Mr. Rodriguez also noted concern with the process for selecting Riverwalk Vendors and stated that the Lottery System did not work.

Nazirite Ruben Flores Perez expressed concern with the celebration of Christmas through the decoration of Christmas Trees. He referenced various verses in The Bible regarding same.

Mark Perez expressed concern with the businesses operating throughout the city without the proper permits. He noted that it was a safety issue and referenced the AGE Refinery Building on Presa Street.

Ruben Suvalsky stated that he was a Taxi Driver opposed to the agreement with TNCs. He spoke of the great amount of business he has lost and noted concerns for public safety.

Hector Garcia stated that he was supportive of individual Taxi Drivers having their own permits. He noted that the larger Cab Companies did not do anything for their employees.

Octavio Manrisa stated that he was a Taxi Driver and supportive of opening the Industry to more permits. He noted concerns with the large amount of money that they were required to pay the larger Cab Companies.

Faris Hodge, Jr. submitted written testimony highlighting the Bexar BiblioTech, the nation's first All-Digital Public Library System. He referenced a bill that could bring \$200 Million to San Antonio Universities. He wrote that body cameras for San Antonio Police Officers would benefit everyone.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Nirenberg adjourned the meeting at 7:05 pm.

APPROVED

IVY R. TAYLOR
MAYOR

ATTEST:

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