

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



**DRAFT
Meeting Minutes
City Council B Session**

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

Wednesday, March 4, 2015

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 with the following Councilmembers present:

PRESENT 11 - Mayor Taylor, Trevino, Warrick, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier, and Gallagher

1. A Briefing on the residential-grade/safe soil removed from the Convention Center expansion site. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

Mrs. Sheryl Sculley provided an overview of the Convention Center Safe Soils noting that relocating the soil saved taxpayers \$5.5 Million. She stated that staff was regretful that they had not informed community partners in advance of moving the soil to city-owned property at Old Highway 90 and Highway 151. Peter Zanoni stated that the soil removed from the Convention Center was residential grade and safe to use for backyards, ball fields, and gardens. He showed a photo of the site from which the soil was removed for the Convention Center Expansion Project. He noted that the soil had to be removed as it could not withstand the weight of the new Convention Center Building. He explained that during design, the Design/Build Team of Hunt Zachry had hired Geo Strata to perform soil testing prior to its removal as was customary on construction projects. He stated that the testing

was performed on three areas and that high levels of minerals were found in Areas 1 and 2, but not Area 3 which is where the soil was removed from. He noted that Raba Kistner had performed a Peer Review of the written report submitted by Geo Strata and had taken an additional 58 samples. He stated that Raba Kistner concluded that the soil was safe for re-use.

Mr. Zaroni reported that the majority of Arsenic Readings in the excavated soil were below Background Level and only a few were considered to be Background Level. He stated that the ground water was also tested and found no contamination or leaching ability. He highlighted Lead, Mercury, Barium, and Chromium Readings in the excavated soil that were below Residential Level. He stated that the San Antonio Food Bank was located across the property where the soil was relocated to. He noted that the City of San Antonio had commissioned the Southwest Research Institute to evaluate the vegetables and top soil at the Food Bank and the tests confirmed that there were no elevated levels of minerals. Additionally, they concluded that the vegetables were safe for consumption. He added that the Food Bank commissioned an Independent Study and reached the same conclusions. He stated that the City's Metro Health Department was overseeing a new Independent Environmental Test of the excavated soil being conducted by Weston Solutions. He noted that their final report would be due to the City of San Antonio on April 17, 2015.

Mr. Zaroni stated that they had met with the Texas Commission on Environmental Quality (TCEQ) who initially indicated that the issue was not within their jurisdiction. However, TCEQ will now participate in and monitor previous and new testing due to requests by Texas State Senators Uresti and Menendez. He spoke of the Hemisfair Project which was in close proximity to the Convention Center and reported that there were no issues with the Nueva and Water Street Projects. He stated that there was an area with elevated lead within the Yanaguana Garden Project and Raba Kistner performed further studies of the area. He highlighted two areas on the map that had levels of lead that were slightly higher than Residential Grade and stated that they were excavated and removed. He mentioned the City's Communication Plan that includes information distributed through the City Website, Social Media, Media Interviews, TVSA Safe Soil Facts Program, and Presentations to key stakeholders. He concluded by noting that the excavated soil did not exceed regulatory standards for Residential or Commercial Development and was safe to be used for backyards, ball fields, and gardens in any neighborhood community. He introduced Rick Klar of Raba Kistner.

Mr. Klar stated that based on their review of the soil testing performed by Geo Strata, they had concluded that there were no significant environmental issues associated with Area 3. He noted that they had further studied the excavated soil to determine if landfill disposal was warranted. He mentioned that they had performed 58 additional samples and analyzed

them for various contaminants. He reported that the results found no contaminants and that the soil was safe. He further explained the Arsenic and Lead Readings which were below Background Levels.

Councilmember Saldaña excused himself from the meeting during the presentation.

Mayor Taylor thanked everyone for the presentation and stated that she was pleased with the results of the study. She spoke of the importance of communication with the City Council and other community partners. Mrs. Sculley stated that they were changing their process so that issues with property exchanges or excavated soil will be communicated. Additionally, she noted that they met with the SAWS Board and had clarified misinformation. She mentioned that they had also met with the Food Bank and shared results of the Independent Study which found no contaminants. She stated that they would better communicate with the City Council and key stakeholders in the future. Mayor Taylor asked of the Standard Operating Procedure when swapping property that may have environmental challenges in the future. Mrs. Sculley replied that they would provide the City Council with a list of properties that have had environmental issues that have been sold and those that are currently being worked on that may have challenges. Mr. Mike Frisbie added that environmental due diligence was conducted on all projects and that contaminated soil was transferred to a landfill. He noted that they would be proposing a new policy for communicating information in the future.

Councilmember Gallagher spoke of the importance of communication and expressed concern with the misinformation provided in the community. He commended City Staff for the Communication Plan and stated that it was a good road map for the future.

Councilmember Nirenberg asked of the conclusions made by Geo Strata. Mr. Klar replied that they did not divide their report into the three Areas that were studied. He stated that the soil was removed from Area 3 and that the Geo Strata Report made general recommendations for all three areas together. Councilmember Nirenberg asked why the Geo Strata Report utilized the term "Contaminated." Mr. Klar replied that he was unsure why they had used that term and that they were looking at background as opposed to protected health and safety numbers. Councilmember Nirenberg asked of TCEQ. Mr. Frisbie stated that staff proactively met with TCEQ but they had not gotten involved since there was not a hazardous spill nor did contaminants exceed Residential Levels. Councilmember Nirenberg stated that he appreciated the data but would like to see more transparency. He noted that it was a good thing to save taxpayers \$5.5 Million and hoped that there would not be any confusion in the future.

Councilmember Treviño asked of the process to test soil within the construction phase of the project. Mr. Frisbie stated that the project was utilizing a Design-Build Methodology and during the Design Phase; it was discovered that the soil could not hold the weight of the new structure. He explained that they could not use an alternate method to removing the soil due to risks. Councilmember Treviño asked of the impact to the project timeline had the soil not been removed. Mr. Frisbie replied that it could have delayed the project from three to four months.

Councilmember Krier stated that he was pleased with the transparent communication that had occurred since the issue was brought forth. He noted that he was very familiar with the work of Raba Kistner and they were a National Firm with a great reputation. He added that all had learned from the experience and would be more transparent in the future.

Councilmember Lopez concurred with Councilmember Krier regarding the reputation and work of Raba Kistner. He stated that this was an ongoing process and asked if there were any liabilities. Mr. Frisbie replied that City Staff had provided a letter of release of liability to the Design/Build Team since the soil was safe and did not need to be moved to a landfill. Councilmember Lopez stated that he was pleased that the Food Bank was confident in the soil and the food and would continue to do great work in producing and distributing food to the community. Mrs. Sculley indicated that staff would come back to the City Council with a written policy the following week.

Mayor Taylor thanked staff for the presentation.

2. A Briefing on the La Villita Retail and Restaurant Leases Requests for Proposal. [Ed Belmares, Assistant City Manager; Felix Padron, Director, Culture and Creative Development]

Felix Padron presented information on the redevelopment of La Villita. He stated that La Villita was restored in 1939 by Mayor Maury Maverick and later became home to many events and an Art Gallery. He noted that this effort was reaffirmed in 1981 through approval of a Resolution emphasizing that lease spaces in La Villita should be used for the sole purpose of promoting, manufacturing, and/or retail sales of Art, Crafts, and related skills. He mentioned that a Retail Management Study was conducted of La Villita in 2008 and that the Department of Culture and Creative Development (DCCD) assumed management of La Villita in October 2012. He stated that tenant leases were extended for two years in order to begin implementation of the redevelopment of La Villita. He noted that they presented to the High Profile Contracts Council Committee in March and June of 2014 regarding the issuance of a Request for Proposals (RFP) and were authorized to

proceed. He added that they had performed extensive outreach to promote the RFP.

Mr. Padron spoke of the purpose of the redevelopment process which was to enhance the Visitor Experience and maintain the 1939 Vision of La Villita. He stated that they hoped to increase local Artists, Artisans, and Creative Businesses, while transforming La Villita to a place to learn, play, and shop. He noted that they had invested \$636,000 within Capital Improvements, Accessibility, and a Marketing Plan & Website. He mentioned that the RFP for Retail, Working Artist Studio, and Galleries was released on July 9, 2014 and the RFP for Restaurants was released on July 23, 2014. He reported that 22 proposals for 21 spaces were received for Retail, Working Artist Studio, and Galleries. Additionally, two proposals for two spaces were received for Restaurants but one had subsequently withdrawn their proposal. He stated that four Evaluation Panels were convened and a Retail Consultant had served as a Technical Advisor. He reported that 15 of 21 respondents within the Retail, Working Artist Studio, and Galleries Category were selected for award. Additionally, the one Breakfast/Lunch Concept was recommended for award within the Restaurant Category.

Mr. Padron stated that next steps would include the negotiation of new leases and staff would seek City Council Approval on April 2, 2015. He noted that current leases will expire on July 31, 2015 with new leases commencing on August 1, 2015. He added that they would continue redevelopment strategies, as well as identify resource strategies for vacant buildings and existing tenants.

Mayor Taylor thanked Mr. Padron for the presentation.

Councilmember Warrick asked how much revenue was generated from La Villita. Ed Belmares replied that revenue was \$200,000 while operational expenses totaled \$600,000. He stated that they were keeping the rates low to attract working Artists, Galleries, and Studios. Councilmember Warrick asked of increasing the use for local residents. Mr. Padron stated that their goal was to increase the participation of local residents and visitors. Councilmember Warrick asked if there would be any activities in the evening. Mr. Padron spoke of the special events that have been planned in the evenings to include the upcoming Maverick Music Festival and Día de los Muertos. He noted that they would encourage restaurants to stay open later in the future.

Councilmember Krier spoke of the challenges with accessing La Villita and expressed concern with the area. He asked if the City of San Antonio had considered leasing out the La Villita Complex to a retailer that had the expertise. Mrs. Sculley replied that the idea had been discussed but they had not moved forward. She noted that retail was not a core service of the City of San Antonio and would look for alternatives.

Mayor Taylor asked of the lease terms. Mr. Belmares replied that the current leases were being negotiated with a five-year term; however, they could shorten the terms at the request of the City Council. Mayor Taylor stated that she would like to have further discussion regarding same.

Councilmember Treviño stated that there were some good points to the current plan and that he was supportive of moving forward. He noted that La Villita was a Historic Site and should not be viewed from a strictly business perspective. He added that they were working with Architect Interns on the design and that it was important to move forward with care. Mr. Belmares spoke of their discussions with the tenants and their efforts to enhance the area.

Mayor Taylor requested that there be benchmarks built into the plan moving forward to determine the right approach for the area. She thanked staff for the presentation.

RECESSED

Mayor Taylor recessed the meeting into executive session at 4:07 pm.

- 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 relating to the regulation of transportation network companies and rideshare mobile apps pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E. Discuss legal issues relating to the regulation of signs pursuant to Texas Government Code Section 551.071 (consultation with attorney).

RECONVENED

Mayor Pro Tem Krier reconvened the meeting at 6:00 pm and stated that no action had been taken during Executive Session. He addressed Citizens to be Heard.

CITIZENS TO BE HEARD

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

Danny Petri presented a KENS-5 Investigative Report drawing attention to the zoning of the 2140 Babcock Planned Parenthood Facility.

Patrick Von Dohlen drew attention to the similarities and differences in zoning for the Planned Parenthood Facility located at 2140 Babcock and a new abortion facility located at 7402 John Smith Drive.

Michael Knuffke expressed concern for special interest groups and campaign contributions received from the Planned Parenthood Board. He spoke of the importance of City Council involvement to ensure that the Planned Parenthood Facility at 2140 Babcock Road was held to proper standards.

Nikki Kuhns spoke of the importance of an opt-out option for Smart Meters being installed by CPS Energy.

Jim Keller spoke of the public petitions to opt-out of the Smart Meter Program and noted the importance of protecting homeowner privacy. He mentioned Smart Meter Issues being addressed in other states.

Susan Straus spoke of the importance of having an analog alternative to Smart Meters and stressed the importance of listening to public opposition and public health concerns.

Henry Rodriguez stated that the public needed more information from Transportation Network Companies and stressed the importance of allowing school group participation in the Fiesta Parade. He further expressed concerns with fluoride in the water supply.

Barbara Mueller expressed concern for children and the elderly amidst the installation of Smart Meters and their effect on public health.

George Benavides expressed concern for the safety of citizens amid dangers to public health.

James Myart expressed his regret for previous actions taken against City Leaders and spoke of the importance of sincere protesting and citizen involvement.

Nazirite Ruben Flores Perez expressed concern for soil contamination and thanked the City Council for their management of the issue.

Arthur Valdez expressed concern for school spirit groups not being permitted to participate in the Fiesta Flambeau Parade. He read a Resolution from the San Antonio Independent School District Board of Trustees petitioning the Fiesta Commission to reconsider its position on school spirit group participation.

Faris Hodge, Jr. submitted written testimony noting that electronic cigarette use had increased in Middle and High Schools throughout the United States. He referenced the City Lawsuit filed against the San Antonio Police Officers Association. He wrote that five women had qualified for Army Ranger School which was a Historic First. He highlighted the improvements made at Freeman Coliseum. He wrote that the expansion of the Metropolitan Planning Organization would benefit the entire region.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Krier adjourned the meeting at 6:50 pm.

APPROVED

IVY R. TAYLOR
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC
CITY CLERK