

**INFRASTRUCTURE & GROWTH COUNCIL COMMITTEE
MEETING MINUTES**

WEDNESDAY, MARCH 19, 2014

11:30 AM

PLAZA ROOM B, MUNICIPAL PLAZA BUILDING

Members Present: Councilmember Rey Saldaña, Chair, *District 4*
Councilmember Rebecca Viagran, *District 3*
Councilmember Ron Nirenberg *District 8*

Members Absent: Councilmember Shirley Gonzales, *District 5*
Councilmember Cris Medina, *District 7*

Staff Present: Peter Zanonì, *Deputy City Manager*; Christopher Looney, *Policy Administrator, DSD*; Justin R. Krobot, *Assistant City Arborist, DSD*; Mike Frisbie, *Director of TCI*; Anthony Chukwudolue, *Assistant Director, TCI*; Art Reinhardt, *Assistant Director, TCI*; Susan Guinn, *Assistant City Attorney*; Gabriel Garcia, *Assistant City Attorney*; Paul Wendlund, *Assistant City Attorney*; Norbert Hart, *Deputy City Attorney*; Frank Melton, *Assistant City Attorney*; Ryan Cook, *Office of the City Clerk*

Also Present: Rob Killen, *Kaufman&Killen Lawfirm*; Jim McAden, *CPS*, Amanda Weckbacher, *City of Somerset*; Miguel Cantu, *City of Somerset*

1. Citizens To Be Heard

No citizens were present to speak.

2. Approval of minutes of the February 19, 2014 Infrastructure and Growth Council Committee Meeting

Councilmember Nirenberg moved to approve the Minutes of the February 19, 2014 Infrastructure and Growth Council Committee Meeting. Councilmember Viagran seconded the motion. Motion carried unanimously by those present.

The Committee addressed Item 9 at this time.

9. Consideration of applicants to the Building Related and Fire Codes Appeals Advisory Board to include 12 alternate members and one primary member. [Leticia M. Vacek, City Clerk]

Mrs. Leticia Vacek stated that all of the Alternate Members were Reappointments. She indicated that Interviews were not required since they were nominated by the Industry they represent. She noted that there was one New Primary Member who was nominated by their Industry.

Councilmember Nirenberg asked if the New Primary Member's Appointment had not been disputed. Mrs. Vacek confirmed that it had not.

Councilmember Viagran moved to forward the following Applicants to the Building Related and Fire Codes Appeals Advisory Board: Mark F. Bemis, Robert H. Ford, Andrew L. Holland, Victor F. Huerta ,Charles E. Kirk, David D. Munoz, Frank J. Sitterle, Lydell M. Toye, Joe Leos, Roy Lowey-

Ball, William S. Ramzel, Gilead Ziembia, and Edna Z. Geckler to the full City Council. Councilmember Nirenberg seconded the motion. Motion carried unanimously by those present.

The committee addressed Item 3 at this time.

3. Discussion and consideration of an Amendment to the City Code related to the issuance of demolition permits. [Roderick Sanchez, Director, Development Services Department]

Roderick Sanchez presented an update of the Amendment to the City Code Related to the Issuance of Demolition Permits.

- Background
- Board of Adjustments Appeals Process
- Demolition Permit Timeframe
- Recommendation

Mr. Sanchez reported that recent a Demolition Case raised questions concerning the City's Demolition and Board of Adjustments (BOA) Appeals Process. He reported that an Informational Bulletin (IB) was developed and clarified circumstances under which an appeal to the BOA is appropriate. He stated that the IB defined an Administrative Official and that their decisions may be appealed to the BOA. He further stated that the IB defined who an Aggrieved Party would be and noted that the IB provided examples of what cannot be appealed to the BOA. He stated that staff recommended an Amendment to the City Code to provide a Cooling Off Period before a Demolition Permit was issued for Properties subject to consideration by a Board or Commission. He stated that a Permit would be issued after One Full Business Day from the date of the decision or meeting.

Councilmember Nirenberg requested clarification of the term One Full Business Day. Mr. Sanchez replied that if a Permit was requested at 3 p.m. on a Friday, the Permit would not be issued until 3 p.m. the following Monday.

Councilmember Viagran moved to forward the Amendment to the City Code related to the issuance of demolition permits to the full City Council. Councilmember Nirenberg seconded the motion. Motion carried unanimously by those present.

4. Storm Water Utility Fee Comprehensive Study update. [Mike Frisbie, Director, Transportation and Capital Improvements]

Anthony Chukwudolue presented an update of the Storm Water Utility Fee Comprehensive Study to include the following:

- Storm Water Utility Fee Background
- Storm Water Utility Fee Comprehensive Study Background
- Project Scope
- Impervious Cover Definition (Working Draft)
- Project Status- Consultant
- Project Status- City Staff
- Stakeholder Involvement
- Identified Stakeholders
- Stakeholders at March Meeting
- March Stakeholder Meeting
- Project Timeline and Next Steps

Mr. Chukwudolue reported that the Storm Water Fee was established by the City Council in 1993 and was based on Lot Size and Land Use. He stated that the Fee funded Operational Services related to the Municipal Separate Storm Water Sewer System (MS4) Permit. He stated that in the FY 2013 Proposed Budget, TCI proposed an 11.8% Fee increase to fund an increase in Service Delivery. He stated that Staff was then directed to perform a Pilot Study to optimize the existing Fee Schedule. He reported that the Pilot Study determined that inequities existed in the Current Fee Schedule and recommended a change in the methodology from Parcel Size/Land Use-Based to an Impervious Cover Methodology. He defined an Impervious Surface as any area that has been compacted or covered such that it does not readily absorb water or does not allow water to percolate through to undisturbed underlying soil strata. He stated that Surface Materials considered Impervious shall include, but not be limited to: bricks, pavers, concrete, asphalt, compacted oil-dirt, compacted or decomposed shale, oyster shell, gravel, or granite, and other similar material. He stated that surface features utilizing such materials and considered Impervious shall include, but not be limited to decks: foundations, buildings, roofs, parking and driveway areas, walkways, compacted or rolled areas, paved recreation areas, swimming pools, and other features or surfaces that are built or laid on the surface of the land and have the effect of increasing, concentrating, or otherwise altering water runoff so that flows would not be readily absorbed.

Councilmember Nirenberg stated that Impact Fees should be based off the Type and Use of Materials and the amount of Storm Water generated by those materials. He noted that there should be incentives for using Low Impact Materials that would help benefit the System and Property Owner. Art Reinhardt stated that the Fee associated with the Storm Water is a Usage Fee and not an Impact Fee. Discussion ensued regarding Usage Fees and Impact Fees. Mr. Chukwudolue stated that incentives would be offered based on Volume and Water Quality.

Councilmember Viagran asked if the Study included Limited Purpose Annexation Areas. Peter Zanoni replied that it did not. Councilmember Viagran asked how much longer the Study would take. Mr. Chukwudolue replied that the Study would be concluded by the end of April.

No action was required for Item 4.

5. Discussion and consideration of the Downtown Design Guide. [Mark Brodeur, Assistant Director, Department of Planning and Community Development]

Mark Brodeur provided information on the Downtown Design Guide to include the following:

- Overview
- Background
- The Design Criteria
- Applicable Review Area
- The Vision
- Key Principle
- Process Improvements
- Approval Steps

Mr. Brodeur stated that the Vision for Downtown was to maintain a Strong, Authentic Character and to reinforce Downtown's Placemaking Efforts. He added that the Vision was to emphasize the Pedestrian Realm with specific attention on the Ground Floors of Buildings.

No action was required for Item 5.

Mr. Zanoni stated that the Items 6,7, and 8 would be presented together.

6. **Discussion and consideration of an Extraterritorial Jurisdiction agreement with the City of Elmendorf for the release of approximately 7.93 acres from the City of San Antonio to Elmendorf with certain conditions.** [John Dugan, Director, Department of Planning and Community Development; Peter Zaroni, Deputy City Manager]
7. **Discussion and consideration of an Extraterritorial Jurisdiction agreement with the City of Somerset for the release of approximately 1.8 square miles of land from the City of San Antonio to the City of Somerset.** [John Dugan, Director, Department of Planning and Community Development; Peter Zaroni, Deputy City Manager]
8. **Discussion and consideration of an Extraterritorial Jurisdiction agreement with the City of Fair Oaks Ranch for the release of approximately 135 acres from the City of San Antonio to the City of Fair Oaks Ranch with certain conditions.** [John Dugan, Department of Planning and Community; Peter Zaroni, Deputy City Manager]

John Dugan provided a briefing and presentation of Extraterritorial Jurisdiction Agreements (ETJ) to include the following:

- Annexation Policy (2013) Review
- ETJ Agreements
- Elmendorf's ETJ Agreement
- Somerset's ETJ Agreement
- Fair Oaks Ranch's ETJ Agreement
- Staff Recommendation

Mr. Dugan reported that Fair Oaks Ranch has reconsidered Revenue Sharing and proposed a Property Trade instead. Mr. Dugan stated that a Property Trade does not appear to be beneficial to the City and they have re-entered negotiations with Fair Oaks Ranch. He recommended that the ETJ Agreement with Fair Oaks Ranch not be forwarded to the full City Council at this time.

Councilmember Nirenberg asked if Fair Oaks Ranch had proposed attractive land. Mr. Dugan replied that they did; however, their proposal had no Development Potential. Councilmember Nirenberg asked if staff would have recommended moving the item to the full City Council if the original Proposal had stayed intact. Mr. Dugan confirmed that they would have recommended forwarding to the full City Council.

Councilmember Nirenberg moved to forward the Extraterritorial Jurisdiction Agreement with the City of Somerset for the release of approximately 1.8 square miles of land from the City of San Antonio to the City of Somerset and the Extraterritorial Jurisdiction Agreement with the City of Elmendorf for the release of approximately 7.93 acres from the City of San Antonio to Elmendorf with certain conditions to the full City Council. Councilmember Viagran seconded the motion. Motion carried unanimously by those present.

There being no further discussion, the meeting was adjourned at 12:30 p.m.

Respectfully Submitted,

Rey Saldaña, Chairman

Ryan J. Cook, Office of the City Clerk

I&G
2014.03.19