

NEIGHBORHOODS AND LIVABILITY COUNCIL COMMITTEE
MEETING MINUTES
MONDAY, NOVEMBER 16, 2015
3:30 P.M.
MEDIA BRIEFING ROOM, CITY HALL

Members Present: Councilmember Roberto Treviño, *Chair, District 1*
Councilmember Alan Warrick, *District 2*
Councilmember Rey Saldaña, *District 4*
Councilmember Cris Medina, *District 7*

Members Absent: Councilmember Ray Lopez, *District 6*

Staff Present: Erik Walsh, *Deputy City Manager*; Maria Villagomez, *Assistant City Manager*; Hollis Young, *Deputy City Attorney*; Ed Guzman, *Assistant City Attorney*; Steven Whitworth, *Assistant City Attorney*; Carl Wedige, *Deputy Fire Chief*; Christopher Monestier, *Assistant Fire Chief*; Rod Sanchez, *Director, Development Services Department*; Vincent Nathan, *Interim Director, Metro Health*; Xavier Urrutia, *Director, Parks and Recreation Department*; Matthew Elverson, *Assistant City Archeologist*; Melissa Ramirez, *Interim Assistant Director, Development Services Department*; Roger Pollok, *Acting Assistant Director, Metro Health*; Terry Bellamy, *Assistant Director, Transportation and Capital Improvements*; Anthony Chukwudolue, *Assistant Director, Transportation and Capital Improvements*; Art Reinhardt, *Assistant Director, Transportation and Capital Improvements*; Denice F. Trevino, *Office of the City Clerk*

Also Present: Leslie Provence, *Vice President, Food Policy Council of San Antonio*; Amanda Garcia, *Executive Director, San Antonio Restaurant Association*; Gary Johnson, *Executive Committee Member, San Antonio Restaurant Association*; Randy Stokli, *Owner, San Antonio Restaurant Association*

Call to order

Chairman Treviño called the meeting to order.

1. Approval of Minutes of the October 19, 2015 Neighborhoods and Livability Committee Meeting.

Councilmember Warrick moved to approve the minutes of the October 19, 2015 Neighborhoods and Livability Council Committee. Councilmember Medina seconded the motion. Motion carried unanimously by those present.

Citizens to be Heard

Chairman Treviño called upon the citizens registered to speak.

Thelma Franco stated that she lives in Dreamhill Estates and that ever since Planned Parenthood came into the neighborhood; there have been disruptions in the form of break-ins, parking, and traffic flow.

Lori Ross urged the Committee to vote no to the UDC Amendments. She noted that there have been numerous breaks in the water main due to construction of the Planned Parenthood Building.

Ione McGinty stated that she was repeatedly threatened by Planned Parenthood Employees when she entered the adjacent Physical Therapy Clinic and urged the Committee to vote against the amendments to Chapter 35 of the City Code.

Patrick Von Dohlen with the San Antonio Family Foundation stated that the residents of Dreamhill Estates were opposed to the Amendments to Chapter 35 and requested that the Committee vote against them.

Michael Knuffke expressed concern with the Planned Parenthood Facility at 2140 Babcock Road and requested that the Committee vote against the Amendments to Chapter 35.

Reinette King stated that she was the President of the Eldorado Homeowner's Association and urged the Committee to stand up for what is right.

INDIVIDUAL BRIEFING

2. Consideration of Applicants to the Municipal Golf Association – San Antonio (MGA-SA) (6 slots). [Leticia M. Vacek, City Clerk]

Leticia Vacek stated that there were 18 applicants for 6 slots on the MGA-SA. She distributed statements for the applicants not in attendance. She stated that the recommendations made by the Committee would be brought before the full City Council for consideration on December 3, 2015.

The Committee interviewed the following applicants:

Ted Davis Jr.
Gabriel Farias
Jeff Harvey
Samuel E. Luna, Jr.
Michelle Pair
Steven Oropez
Joseph S. Tartell
Bobby Wilkinson
Robert Wilmore, Sr.

Mrs. Vacek read the statements of the qualifications for Luis E. Alvarez, David McMillan, Rudolph F. Rodriguez, Roger Trevino, and Ross Wilhelm.

Chairman Treviño recessed the meeting into Executive Session at 4:05 p.m. to deliberate the appointment of Applicants to the MGA-SA and discuss legal issues pursuant to Texas Government Code Section 551.074

(personnel matters) and Texas Government Code Section 551.071 (consultation with attorney). He reconvened the meeting at 4:12 p.m. and announced that no action was taken during Executive Session.

Chairman Treviño thanked the applicants to the MGA-SA and noted that a program was in place, whereby those not chosen for membership on the MGA-SA would be notified of other Board and Commission Vacancies with the City.

Councilmember Saldaña moved to recommend and forward Ted E. Davis, Jr., Gabriel Farias, Jeff Harvey, Samuel E. Luna, Jr., Michelle E. Pair, and Rudolph F. Rodriguez, to the MGA-SA to the full City Council for consideration. Councilmember Warrick seconded the motion. Motion carried unanimously by those present.

3. Briefing and Possible Action on a Request to Prohibit Alcohol from Ten City Parks and to Allow Alcohol at Northern Hills Golf Course and the Northeast Golf Center. [Maria D. Villagomez, Assistant City Manager; Xavier D. Urrutia, Director, Parks and Recreation]

Xavier Urrutia stated that alcohol was permitted in 53 out of 245 City Parks and Facilities. He noted that through City Council Action; parks may be added or deleted from the exemption list. He stated that the Director of Parks and Recreation could authorize a Special Permit to allow alcohol within restricted parks for special events according to criteria established by the Texas Alcoholic Beverage Commission (TABC). He reported that on May 26, 2015, Councilmember Gonzales requested that staff consider prohibiting alcohol in the following parks located in City Council District 5:

- Amistad
- Father Albert Benavides
- Calderon Boys and Girls Club
- Elmendorf Lake
- Kelly Area
- Morrill
- Roosevelt
- Cassiano
- Vidaurri
- Escobar

He stated that staff recommended amending the City Code in order to permit alcohol sales, possession and consumption and distribution at the following:

- Northern Hills Golf Course (currently managed by the Municipal Golf Association)
- North East Golf Center (operated/leased by Northeast Golf Center, LLC)

He noted that these two locations were consistent with other Municipal Golf Facilities. He stated that Councilmember Gallagher was briefed as both locations which were located in his district and he expressed his support for this item.

Chairman Treviño asked if the benefits of allowing alcohol in parks would be tracked. Mr. Urrutia replied that they would not.

Councilmember Saldaña moved to recommend and forward removing alcohol exemptions at 10 City Parks located in City Council District 5 and adding Northern Hills Golf Course and North East Golf Center to the alcohol exemption list to the full City Council for consideration. Councilmember Warrick seconded the motion. Motion carried unanimously by those present.

4. Briefing and Possible Action on Amendments to Chapter 35, the Unified Development Code (UDC), of the City Code of San Antonio, Affecting all Articles, Appendices, and Adding a New Appendix, as Part of the 2015 UDC 5-year Update Program. [Erik Walsh, Deputy City Manager; Roderick J. Sanchez, Director, Development Services]

Rod Sanchez stated that the Unified Development Code (UDC) was adopted on May 3, 2001. He noted that the UDC allowed for a five-year update and amendments could be submitted by:

- City Staff
- Zoning Commission
- Planning Commission
- Board of Adjustment
- Historic Design Review Commission
- City Council, etc.
- Others (limited to editing, clarification and Rule Interpretation Determinations (RID))

Mr. Sanchez reported that as of May 1, 2015; 260 amendments, submitted by 30 internal/external agencies and/or private citizens were received. He stated that the internal agencies included:

- Development Services
- Transportation and Capital Improvements
- Office of Historic Preservation
- SAWS
- Bexar County
- Parks and Recreation
- City Attorney's Office

Mr. Sanchez stated that the Technical Advisory Committee (TAC) and the Planning Commission (PC) evaluated 76 external amendments. He reported that said amendments included:

- ❖ Donald Oroian – Platting
- ❖ Michael Romans – Platting
- ❖ Food Policy Council – Urban Farming
- ❖ HEB – Bicycle Parking, Vehicle Parking
- ❖ Brown and Ortiz – Zoning matrix
- ❖ King William Association – Subcategory of Commercial Districts
- ❖ Kaufman and Killen, Inc. – Zoning matrix
- ❖ Real Estate Council of San Antonio – Secondary Access
- ❖ San Antonio River Authority (SARA) – RIO site design standards
- ❖ Green Industry Alliance – Tree

❖ Robert Barry/Timothy Barker – Ambulatory Surgical Centers

Mr. Sanchez stated that 33 of the 76 external amendments were determined to meet the criteria of either clarification and/or editing, or the Planning Commission chose to sponsor the amendment. He reported that the remaining 43 amendments did not meet the UDC Criteria and were not sponsored by the PC; Therefore, they did not move forward in the UDC Process. He stated that the PC sponsored the following amendment with revisions:

Robert Barry/Timothy Barker – Zoning matrix Ambulatory Surgical Center

Mr. Sanchez stated that the PC determined that the applicant's amendment did not meet the UDC Criteria. He noted that staff was directed to create a definition of Ambulatory Surgical Centers with no impact to the Zoning matrix. He stated that since the TAC's initial meeting; they had considered and approved over 200 amendments. He noted that the majority of amendments were recommended for approval by TAC and others received extensive discussion and numerous stakeholder meetings were held. He stated that the most challenging amendments included:

1. Office of Historic Preservation (OHP) – amendment to allow placement of a lien on a property for historic violations

Mr. Sanchez stated that this amendment would allow the City to place a lien on property to recoup funds spent to correct a violation of Chapter 6.

2. Transportation and Capital Improvements (TCI) – amendment to require bicycle lane facilities on collectors and arterial streets

Mr. Sanchez stated that the TAC gave an unfavorable recommendation to the TCI amendment to add required bicycle lanes to collectors, secondary and primary arterials. He reported that said amendment was denied due to the cost.

3. Development Services Department (DSD) – amendment relating to conditional and specific use consistency with land use plan

Mr. Sanchez stated that this amendment was brought before the City Attorney's Office and the Planning and Zoning Commissions and was rescinded. However, an amendment with language regarding Plan Amendments would be added to DSD's amendment.

4. Planning Commission (PC)

He stated that an Ambulatory Surgical Center was defined as a "Clinic" and would be allowed where clinics were allowed such as in O-1, O-1.5, O-2, NC, C-1, C-2, C-3, D and ERZD.

He noted that the TAC would continue to consider remaining items that included:

❖ Low Impact Development (LID)

He stated that this amendment would be brought before the Committee in January 2016 and before the full City Council in February 2016.

❖ Conservation Subdivision

He stated that the Board of Adjustment was in agreement with the TAC on all amendments approved. He noted that the Historic and Design Review Commission (HDRC) approved the amendment to allow placement of a lien on a property for historic violations. He stated that the Zoning Commission (ZC) denied the amendment relating to conditional and specific use consistency with land use plan in its original form. He reported that the ZC made no recommendation for the amendment creating a definition of Ambulatory Surgical Centers with no impact to the Zoning matrix and on the amendment to allow placement of a lien on a property for historic violations due to the lack of the majority of votes required. He stated that the PC denied the amendment relating to conditional and specific use consistency with land use plan in its original form and the amendment to add required bicycle lanes to collectors, secondary and primary arterials. He noted that the Sidewalk and Infrastructure Amendment submitted by HEB was withdrawn. He stated that staff recommended approval of all amendments.

Councilmember Warrick asked of State Involvement for the LID Amendment. Mr. Sanchez replied that at this time; the amendment was created only for the City of San Antonio.

Councilmember Saldaña moved to recommend and forward all amendments proposed by Development Services to the full City Council on December 2, 2015 at “B” Session and on December 10, 2015 for consideration. Councilmember Warrick seconded the motion. Motion carried unanimously by those present.

Councilmember Saldaña asked of a parking solution for the residents of Dreamhill Estates. Erik Walsh stated that he would follow up on same.

5. Briefing and Possible Action on a Request to Amend Chapter 36, Smoking Ordinance, of the City Code of San Antonio, Texas to Restrict the Sale and Possession of E-cigarettes to Anyone Under the Age of 18. [Erik Walsh, Deputy City Manager; Vincent R. Nathan, PhD, MPH, Interim Director, Health]

Dr. Vincent Nathan stated that Councilmember Medina submitted a Council Consideration Request (CCR) requesting a ban on the sale of Electronic Cigarettes, nicotine cartridges, nicotine infused liquids, and their implements, to any persons under the age of 18 and to provide penalties comparable to those for the sale of traditional tobacco products to minors. He reported that on May 28, 2015, Governor Abbott signed Senate Bill 97 which prohibited the sale of E-Cigarettes to a minor, also making it an offense for a minor to be in possession of such products. He stated that in addition, the bill prohibits the possession of an E-Cigarette in a facility of a public, primary or secondary school or on an elevator, enclosed theatre or movie house, library, museum, hospital, transit system bus, [or] intrastate bus, plane, or train which is a public place with the exception of areas exclusively designated for smoking tobacco. He stated that this bill included cigars and Hookah Bars.

Councilmember Warrick asked when this item would be effective. Dr. Vincent stated that this bill should go into effect by the end of the year. He stated that staff would continue to monitor the proposed rule by the Food

and Drug Administration. Additionally, Metro Health recommended that the City continue to follow its current ordinance which was in line with Texas Senate Bill 97.

No action was required for Item 5.

6. Briefing and Possible Action on Proposed Changes to Chapter 13 on a New Food Inspection Scoring System and Adoption of New Texas Food Establishment Rules (TFER). [Erik Walsh, Deputy City Manager; Vincent R. Nathan, PhD, MPH, Interim Director, Health]

Roger Pollok stated that there were 31 Food Inspectors in FY 2014-2015. He noted the following FY 2014-2015 Food Establishment Inspections based on risk:

- Risk 3=high= 3 inspections per year – completed 76%
- Risk 2=medium= 2 inspections per year – completed 75%
- Risk 1=low= 1 inspection per year – completed 85%

He noted that the goal of the Performance Standards Goals were 95% or greater. He reported that the Food and Environmental Division of Metro Health performed inspections of over 8,000 restaurants. He stated that in FY 2014-2015, Metro Health partnered with the Office of Innovation to deliver recommendations. He noted that the project outcomes were to update the Scoring System and make it more transparent to the public. He stated that the public was more familiar with the ABC System than with the numbering system. He noted that other project outcomes included: 1) Education for Food Operators; and 2) Streamlining of the Complaint Process. He stated that in the ABC Scoring System, demerits were translated into a letter grade. He reviewed the proposed revised Scoring System and noted that it:

- Improved upon what was already in effect
- Was more intuitive and transparent to the public
- Helped to keep restaurants in compliance long-term
- Kept food safety at top-of-mind

He stated that any score lower than a “C” would require closure of the business. He reported that other counties and cities such as Santa Clara County, Los Angeles, San Diego, Maricopa County, Kerrville, Converse, The Colony, Longview and New York City utilized either an ABC or Color-Coded System. He stated that staff recommended adoption of the ABC Scoring System by January 1, 2016. He noted that inspections of high risk establishments would occur during the first three months of adoption followed by full implementation on April 1, 2016. He stated that staff recommended adoption of the 2015 Texas Food Establishment Rules (TFER) which included:

- Improve bare hand contact with ready-to-eat-foods
- Mandatory Food Handler requirements
- Major changes to Mobile Food Establishment requirements
- Changes to hand wash and glove use procedures
- Updated inspection form

He presented the following Inspection Scoring Comparison:

Current	Proposed TFER Changes
Demerit System	Demerit System
- 27 items scored	- 47 items scored
- Non-critical violations were not scored but noted	- Some non-critical violations were scored
Perfect score = 0 demerits	Perfect score = 0 demerits
Feedback received: - Most members of the public don't understand this system	Built on Centers for Disease Control (CDC) risk factors and stresses active managerial control

He reported that stakeholder presentations were made to:

- San Antonio Restaurant Association (4)
- San Antonio Food Truck Association
- Paseo del Rio Association
- San Antonio Hotel and Lodging Association (11/19/2015)

He stated that the following concerns were voiced by stakeholders:

- Color of placards not clear
- Did not like letter grades
- Inspector could make a difference between an A or B grade
- Problems with placard posting location
- Too many changes at one time
- Prefer the current systems

He noted that staff recommended continuing to meet with stakeholders to reach a compromise solution, followed by forwarding of the item to the full City Council for consideration in December 2015.

Chairman Treviño asked of an Appeal Process. Mr. Pollok stated that if a food establishment received a “C” letter grade they could appeal and move one letter grade down, provided that no demerits were received during that inspection.

Chairman Treviño called upon the citizens registered to speak.

Gary Johnson stated that he did not favor translating demerits to a letter grade and asked of details on the Appeals Process.

Randy Stokli stated that high-risk Food Establishments were not receiving 3 inspections per year. He expressed concern regarding the time between assignment of a letter grade and the next inspection.

Councilmember Warrick asked what prompted the use of letter grades. Dr. Nathan replied that the use of letter grades improved scores. Councilmember Warrick asked if the public was involved. Dr. Nathan replied that the public was involved with sample groups sizes of approximately 50 persons. He stated that this resulted in an almost unanimous vote for the use of letter grades by the public.

Councilmember Saldaña suggested that more discussions with the San Antonio Restaurant Association be held.

Chairman Treviño stated that this item would be tabled until such time as a compromise was reached between the City and the San Antonio Restaurant Association.

Maria Villagomez stated that a request for information for La Villita would be placed on the December 14, 2015 Agenda.

Adjourn

There being no further discussion, the meeting was adjourned at 5:22 p.m.

Respectfully Submitted,

Roberto Treviño, Chair

*Denice F. Treviño
Office of the City Clerk*