

# GOVERNANCE COUNCIL COMMITTEE MEETING MINUTES

MARCH 22, 2017 at 1:00 PM  
CITY HALL, MEDIA BRIEFING ROOM

Committee Present:	Mayor Ivy R. Taylor, <i>Chair</i> Councilmember Rebecca Viagran, <i>District 3</i> Councilmember Ron Nirenberg, <i>District 8</i> Councilmember Joe Krier, <i>District 9</i> Councilmember Mike Gallagher, <i>District 10</i>
Staff Present:	Sheryl Sculley, <i>City Manager</i> ; Andy Segovia, <i>City Attorney</i> ; Leticia Vacek, <i>City Clerk</i> ; Rod Sanchez, <i>Assistant City Manager</i> ; Norbert Hart, <i>Deputy City Attorney</i> ; Camila Kunau, <i>Assistant City Attorney</i> ; Joseph DeCenzo, <i>Assistant City Attorney</i> ; Lina Rodriguez, <i>Executive Assistant to the City Clerk</i> ; John Peterek, <i>Assistant to the City Manager</i> ; Bridgett White, <i>Director of Planning</i> ; Michael Shannon, <i>Interim Director of Development Services</i> ; Shannon Miller, <i>Director of Historic Preservation</i> ; Jed Maebius, <i>District 1 Staff</i> ; Don Vasser, <i>District 3 Staff</i>
Others Present:	Gloria Ramirez, <i>Pre-K 4 SA Board</i> ; Elaine Mendoza, <i>Pre-K 4 SA Board</i> ; Frances Guzman, <i>Pre-K 4 SA Board</i> ; Josh Baugh, <i>San Antonio Express News</i> ; Joey Palacios, <i>Texas Public Radio</i> ; Iris Dimmick; <i>Rivard Report</i>

## CALL TO ORDER

Mayor Taylor called the meeting to order.

### **1. Approval of Minutes for City Council Governance Committee Meeting of February 8, 2017.**

Councilmember Gallagher moved to approve the Minutes of the City Council Governance Committee Meeting of February 8, 2017. Councilmember Viagran seconded the motion. The motion carried unanimously.

### **2. Report on items to be considered at future City Council meetings and items considered by City Council Committees between February 6, 2017 and March 17, 2017.**

Councilmember Viagran stated that the Criminal Justice, Public Safety and Services Council Committee might be postponed by one week pending Committee Member's schedules.

Councilmember Nirenberg invited all Councilmembers to attend the Transportation, Technology and Utilities Council Committee Meeting in which they will be given a Climate Action Plan Update and a SAWS Water Management Plan update.

### **3. Deliberation and action regarding the reappointment to the Pre-K 4 SA Board of Director Members whose terms end on May 31, 2017 for the Mayor's appointment and City Council**

**appointments for Districts 1, 3, 5, and 7. [Peter Zanoni, Deputy City Manager; Sarah Baray, Ph.D., CEO, Pre-K 4 SA]**

Deputy City Manager Peter Zanoni stated the Pre-K 4 SA Program has an operating budget of \$47 Million primarily funded through a sales tax that was approved by voters in November 2012. The program provides high quality, full-day Pre-Kindergarten services to 2,000 four year-olds. According to independent evaluators, those children that fell below the national norm were performing above the national norm in cognitive learning and mathematics after one school year in the program.

Mr. Zanoni further stated that an eleven-member board led by CEO Dr. Sarah Baray is what governs the Pre-K 4 SA Program. This agenda item addresses the reappointment of the Board Chair and those appointments made by 'odd' City Council Districts. Terms for appointments made by 'even' City Council Districts expire in March 2018. Terms for those reappointed at this meeting would begin in June 2017 and expire in May 2018.

Mr. Zanoni gave a brief overview of the background and qualifications of each appointment including: the Mayor's appointment and Board Chair Elaine Mendoza; the District 1 appointment Dr. Richard Middleton; the District 3 appointment Major General Robles; the District 5 appointment Gloria Ramirez; and the District 7 appointment Frances Guzman. He stated that the Mayor's appointment as well as the appointments made by Districts 1, 3, and 5 are all founding members of the board and have been serving on the board since its inception four years ago. He noted that the District 9 appointment, Dr. Gogi Dixon, would continue to serve in a hold-over status for the near future and the matter will be decided after the upcoming City Council election.

Mr. Zanoni recommended that the Governance Council Committee approve forwarding the reappointment of the five Pre-K 4 SA Board Members to the full City Council for consideration.

Councilmember Nirenberg moved to forward the item to reappoint the five Pre-K 4 SA Board Members to the full City Council. Councilmember Gallagher seconded the motion. The motion carried unanimously.

**4. A Council Consideration Request from Councilmember Mike Gallagher, District 10, to review best practices regarding short term rental regulation. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Interim Director, Development Services]**

Michael Shannon noted that Councilmember Gallagher's Council Consideration Request prompted a study of the City's ordinances and regulations concerning short-term rentals; specifically the safety of those using them, as well as the safety of and impact on the neighborhoods where these rentals are located.

Mr. Shannon stated that they performed research on the national, state, and city levels to determine what other communities were implementing in order to regulate short-term rentals. He mentioned registering, permitting, and inspecting these properties as a means of regulation. Moreover, he noted that there is a bill being considered by the Texas Senate that the City would use it as a model for any regulations developed. Mr. Shannon recommended that this issue be forwarded to the Planning Commission through the Technical Advisory Committee; to the Neighborhoods & Livability Council Committee; and finally, to full City Council.

Councilmember Gallagher stated that the Council Consideration Request originated out of concerns his constituents had about short-term rentals in their neighborhoods including concerns for their safety and traffic. He noted concern about residential property being used for commercial purposes without being subject to the same regulations as motels or hotels, as well as the Council's right to regulate zoning.

Councilmember Viagran stated her agreement with the issues raised and added that she is interested in further discussion on the taxes the City might be losing to the short-term rentals or those taxes they could levy against

the short-term rentals. She also echoed Gallagher's point about marrying the Council's zoning rights with local business interests. Furthermore, she noted that Mr. Shannon should include both short-term rental owners and neighborhood associations in future discussions to ensure a well-balanced point of view.

Councilmember Nirenberg stated that the short-term rentals should be considered a disruption of a traditional market and that he would like to see a staff recommendation that provides City Council with plenty of latitude to regulate these rentals and protect the neighborhoods in which they are located.

Councilmember Krier noted the delicate balance between private property rights and zoning rights that needs to be observed. He stated that when he was a student in law school, he rented a garage apartment on a monthly basis, and if the owner had been charged a hotel/motel tax to rent to him, he probably would never have been able to live there. Furthermore, he inquired from Mr. Shannon what defines "short-term" rental. Mr. Shannon responded that short-term is approximately 29 days or less than one month.

Councilmember Gallagher moved to forward this item to the Planning Commission, the Neighborhoods & Livability Council Committee, and then to the full City Council. Councilmember Viagran seconded the motion. The motion carried unanimously.

**5. A Council Consideration Request from Councilmember Cris Medina, District 7, regarding memorial designation of a portion of W. Woodlawn Ave. to Archbishop Patrick Flores Memorial Way. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Interim Director, Development Services]**

Michael Shannon explained that Councilmember Medina submitted a Council Consideration Request to give memorial designation to a portion of W. Woodlawn Ave by naming it Archbishop Patrick Flores Memorial Way in honor of his memory and service to San Antonio. Mr. Shannon recommended this item be moved forward through the memorial designation process. He clarified that memorial designation is not a street name change and there would be no cost to local businesses because they would not need to change their addresses.

He estimated a cost of \$4,400 to the City for application fees and signs to mark the memorial designation along the 1.8-mile route. Moreover, he stated the process had already begun with the Post Office and the Office of Historic Preservation reviewing the proposal. Mr. Shannon recommended that the item move forward through the memorial designation process which will begin with a community meeting coordinated by the Department of Development Services and Councilmember Medina's Office.

Councilmember Krier expressed his support and moved to have said item forwarded through the memorial designation process. Councilmember Gallagher seconded the motion. The motion carried unanimously.

**6. A Council Consideration Request from Councilmember Ron Nirenberg, District 8, to have the Council approve a Resolution to "establish the City of San Antonio as opposed to nuclear waste transportation through our city, and would reserve the option for us to intervene." [Erik Walsh, Deputy City Manager; Roderick J. Sanchez, Assistant City Manager; Charles Hood, Fire Chief; Douglas Melnick, Chief Sustainability Officer]**

Chief Sustainability Officer Douglas Melnick briefed the Committee concerning the risks of nuclear waste transportation through the city. He stated that there was a licensed nuclear waste holding facility in Andrews County Texas about 350 miles northwest of San Antonio. That site is currently licensed to hold low-level radioactive material but they have applied to hold high-level radioactive material. If said application is granted; this facility could hold up to 40,000 tons of radioactive material for 40 years. Mr. Melnick briefly described the Fire Department's responses and preparations for any accidents involving hazardous materials.

Staff recommendation is to affirmatively support the Bexar County Resolution which does not support the transportation of radioactive material through Texas, provide comments, and participate in the NRC license application process.

Councilmember Nirenberg supported his Council Consideration Request by advocating for approval of the staff recommendation and also stated the need for San Antonio to have a bypass constructed for freight trade including the transportation of hazardous materials.

Councilmember Krier inquired about how the radioactive material is shipped. Mr. Melnick responded that it is shipped in large containers by rail. City Attorney Andy Segovia clarified that before any hazardous material is shipped, they must be granted a permit from the Nuclear Regulatory Commission (NRC). He also stated that all permit applications must list their primary and secondary routes for transportation and said applications can be tracked through NRC's website.

Mayor Taylor inquired about the City's position in the NRC permit application process. City Attorney Segovia responded that the City does not have legal standing because San Antonio is not a municipality within 50 miles of the nuclear waste holding facility.

Councilmember Viagran inquired about the timeline for this process. Mr. Melnick responded that the application process takes approximately two years and if granted, they would receive their permit in April 2019.

Councilmember Krier noted his hesitation to support the Bexar County Resolution because of the broad language that condemns the transportation of nuclear waste throughout all of Texas. He recommends a friendly amendment that limits the language to read that the City Council opposes the transportation of nuclear waste through San Antonio city limits.

Councilmember Nirenberg moved to forward approval of the resolution to the full City Council as amended by Councilmember Krier. Councilmember Gallagher seconded the motion. The motion carried unanimously.

## **ADJOURNMENT**

There being no further discussion, Mayor Taylor adjourned the meeting at 2:05 pm.

## **ATTEST:**

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*Ivy R. Taylor, Mayor*

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*Leticia M. Vacek, TRMC/CMC/MMC  
City Clerk*